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Judiciary Committee
March 20, 2009

[LB507 LB513 LB598 LB625]

The Committee on Judiciary met at 1:30 p.m. on Friday, March 20, 2009, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB625, LB507, LB513, and LB598. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Mark Christensen; Colby Coash; Brenda Council; Scott Lautenbaugh; Amanda McGill; and Kent Rogert. Senators absent: None.

SENATOR ASHFORD: Good afternoon, everyone. I want to apologize for the lateness of our starting time. This is unusual, we're usually right on time. But we had some unfinished business to attend to in Executive Session. So it took a little longer than what I had thought. So let's begin today. My name is Brad Ashford, I am from Omaha, and I want to introduce my colleagues. From Lincoln, Senator Coash; Senator Christensen from Imperial; Senator Lautenbaugh from Blair and other places; Senator Rogert from Tekamah; and Senator Lathrop from Ralston; LaMont Rainey is our committee legal counsel; and Christina Case is committee clerk. Why don't we get started. Senator Pirsch is introducing LB625. [LB625]

SENATOR PIRSCH: Members of the Judiciary Committee, I am State Senator Pete Pirsch, representing the Legislative 4th District. My name is spelled P-e-t-e P-i-r-s-c-h, for the record. LB625 amends the Nebraska Criminal Code by prohibiting the intentional exposure of another to a life-threatening communicable disease. Under LB625, if the individual knows that they are infected with a life-threatening communicable disease, they are prohibited from intentionally or knowingly engaging in the following activity with the intent to expose another person--sexual intercourse or sodomy, selling or donating their organs, tissue or blood, blood products, semen or other bodily fluids, sharing hypodermic needles, syringes or both for the introduction of drugs or any other substance into the other individual's body. This includes the withdrawal of blood or other body fluids. LB625 classifies a violation of this section as a Class IB felony. And the...just kind of as a little bit of background, the language from LB625 is patterned off our neighbor state of Kansas. And so this is...this bill is intentioned...intended, rather, to be a conversation starter with respect to the issue that's raised here within the bill. Certainly be interested in answering any questions, if there are any, and would be interested in working with any individuals who can, you know, have...with respect to the bill or the committee with respect to the bill addressing any aspects within it. So thank you. [LB625]

SENATOR ASHFORD: Thanks, Senator Pirsch. Any questions? Senator Coash, then Senator Lautenbaugh. [LB625]

SENATOR COASH: Thank you, Senator Ashford. Senator Pirsch, I guess, there's one part in this bill that is, I guess, a little bit...I understand what you're trying to do. But there is one part that's a little troubling to me. On page 2, line 6, the term "life-threatening."

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You know, I'm not a doctor but there's lots of diseases out there that aren't immediately life-threatening but they cause other problems and could eventually be life-threatening. And... [LB625]

SENATOR PIRSCH: You can die of a common cold. [LB625]

SENATOR COASH: You can die of a common cold and that threatens your life. I would be concerned that somebody might take that term and expand it to a point where somebody could get in a real trouble for dying of a common cold. [LB625]

SENATOR PIRSCH: Right. [LB625]

SENATOR COASH: Did you think about that? Has that been addressed in this? [LB625]

SENATOR PIRSCH: Well, I have. And I appreciate that. And again, I'm more than open in working with, you know, in terms of definitions or concepts with the committee or others. What happens in the absence of definitional statutes that...pertaining to statutes, then judges interpret that within the plain meaning of the ordinary usage of that. And so ultimately prosecutors, when they look at that, will...and judges when they interpret that would probably infuse that with the common sense that you would infuse it here today, that that is...I can state that that is not my legislative intent. And, you know, so much of what our criminal statutes are based on now are, you know, by its very nature you...so many words are used in the statutes that it would be hard to throw a definition onto each. But I'm willing to do that. And again, this is kind of put forward as a conversation starter. And so any concerns or in the concepts, I'd be happy to work on. [LB625]

SENATOR COASH: Okay, thank you. [LB625]

SENATOR LATHROP: Senator Lautenbaugh. [LB625]

SENATOR LAUTENBAUGH: Thank you, Senator Lathrop. So, Senator Pirsch, what you're saying is this is just the start of a discussion. This isn't going to be a priority bill of any kind this year. [LB625]

SENATOR PIRSCH: I did not designate that as a priority bill nor, you know, the time for priority bill designation has passed. [LB625]

SENATOR LAUTENBAUGH: Sure. [LB625]

SENATOR PIRSCH: And so there is, I would say in my estimation, no likelihood that it would reach the floor this year. And so I don't think we're in a time crunch here by any means. I think it's more important that we get this right, if the committee proceeds on some sort of underlying concept here as opposed to on an expedited basis, so. [LB625]

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SENATOR LAUTENBAUGH: Have you heard from anyone opposed to this or proponents for it? [LB625]

SENATOR PIRSCH: Well, I think, you know, and the...there's, you know, obviously there's been...and I think it's two out of three states have some sort of similar type of laws in one respect on not dealing with intentional spreading of communicable diseases, obviously Kansas that we borrowed this from does, Iowa next door does. And we looked at that language. And there might be some compelling elements of the Iowa statute that the committee may prefer instead of the Kansas model. And there has been some concerns with respect to just the way the Kansas language reads and, you know, just tweaking here and there that's been expressed to me, there may be more. I think, you know, there may be some testimony here today by NATA who may have...kind of give voice to some concerns that would need to be looked at. And I'm prepared to do that. I think that they are...all comments are welcome and, you know, hopefully at the end of the day if something can be fashioned that does have a reason for existing statutewise, that can fill a void, then I think that's what the intent here today is. [LB625]

SENATOR LAUTENBAUGH: Thank you. [LB625]

SENATOR LATHROP: Thank you, Senator Pirsch. Any other questions? Do you want to stick around to close? [LB625]

SENATOR PIRSCH: I'm going to be introducing the next bill, so I suppose I might as well. [LB625]

SENATOR LATHROP: Might as well then. All right, we'll take it from there. [LB625]

SENATOR PIRSCH: Yep. [LB625]

SENATOR LATHROP: Are there any persons here which are proponents or who are proponents of LB625 and wish to testify? Proponents. Any opponents to LB625? All right, come on up. One at a time. Well, there is an opponent behind you, I think. If you wish to come up and testify. I don't know if Senator Ashford explained it, but we have you fill out a sheet. Okay, good, perfect. Have a seat and...yeah, if you give copies to the page, she will see that they're distributed. [LB625]

EJAY JACK: (Exhibit 1) All right. Well, Senator Ashford, members of the Judiciary Committee, I speak to you today as a concerned citizen of the state of Nebraska. I have taken away...taken time away from work in order to be here to express my concerns in opposition to LB625. This bill as written today, it must be defeated. Historically speaking, Nebraska has seen many, and I quote from LB625, "life-threatening and communicable diseases," yet we have not criminalized those who transmit polio, small

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pox, measles, and the list can go on and on. Likewise other diseases for which we have not vaccinated against are also classified as life-threatening and communicable. For instance, tuberculosis, influenza, and the recent outbreak of meningitis. Where does this bill draw the line? Let me speculate. Section 2 indicates the transmission will be determined unlawful and later indicated as a felony charge if the life-threatening communicable disease in question is intentionally, knowingly, or recklessly passed through Section 2 (1)(a), lines 8 and 9, "Engage in sexual intercourse or sodomy with another individual." Lines 11 and 12, "Sell or donate one's own organs, tissue, or blood, blood products, semen, or other bodily fluids." Lines 15 and 16, "Share with another individual a hypodermic needle, syringe, or both for the introduction of drugs." Now according to the CDC, all of the aforementioned diseases--TB, influenza, meningitis, and whatnot, are life-threatening communicable diseases--can be transmitted through this broadly outlined processes. Let me speak first...let me ask a second question here. Are we the citizens of Nebraska ready to prosecute anyone who recklessly or unknowingly infects others with these similar diseases? Let me also point out the problematic language and I quote "intent." Who will determine intent? How will intent be differentially determined from an accident? After reading this bill several times, my concern is that it adversely targets those living with HIV and AIDS, an already stigmatized disease. I can understand the concerned point of view in which this legislative bill was written; however, I question the intention of criminalization instead of education and prevention of HIV and AIDS. But I hope that this committee will take the right course of action and this concern over HIV will harness to put forth legislation that seeks to support your constituents and fellow Nebraskans without discriminating against specific health concerns. My second point of concern on LB625's language outlined exposure criteria is the specific definition of sexual intercourse regulated specifically by penetration of the male sex organ, line 21 through 24. Although it is true that HIV can be contracted through semen, there are three other body fluids that transmit HIV--vaginal fluid, blood, breast milk. If this bill is truly trying to prevent the spread of HIV and other life-threatening communicable diseases then should it not be inclusive of all transmission routes for which those diseases can be transmitted? To conclude, I am encouraged as I look around us today and see others in this room who are obviously concerned about HIV and AIDS because otherwise they would not be here today. Whatever the position and views of my fellow Nebraskans,... [LB625]

SENATOR LATHROP: We didn't get your name, I don't think. So before we take questions, we'll have you... [LB625]

EJAY JACK: Sure. My name is Ejay Jack, District 8 in Omaha. [LB625]

SENATOR LATHROP: And it's J-a-c-k? [LB625]

EJAY JACK: Correct. [LB625]

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SENATOR LATHROP: Okay. Thank you, sir. [LB625]

EJAY JACK: Sure. [LB625]

SENATOR LATHROP: Are there any questions? Senator Christensen. [LB625]

SENATOR CHRISTENSEN: Thank you, Chairman Pirsch (sic). As I read...oh, sorry, Chairman Lathrop. (Laugh) [LB625]

SENATOR LATHROP: I didn't hear what you called me, so. [LB625]

SENATOR CHRISTENSEN: That's good. We'll go on. [LB625]

SENATOR LATHROP: You got by with it. (Laughter) [LB625]

SENATOR CHRISTENSEN: This bill deals with knowingly infecting. And I think that applies evenly, whether it's tuberculosis or AIDS or any of these other things. So, I guess, I'm wondering what the objection is. Because when you read the language it says "knowingly," and so doing it intentionally, knowingly, or recklessly. So if we're going at this that you knew you had it, because you'd had a test and you know you have a disease, then why shouldn't this be law? I guess I'm not understanding. All these apply the same, whether it's tuberculosis or anything else. I guess I don't understand if it's knowingly, recklessly, anything this way, I don't understand your objection. I guess I'm not equating that. [LB625]

EJAY JACK: Well, that's what I want to make certain and clarify that it is going to be any one of these diseases. Because the way that it is written it is specifically looking at sexual intercourse, sodomy, use of syringes and whatnot. And I just want to make sure that this is not adversely affecting HIV and AIDS...people living with HIV and AIDS, that it is going to be applied across the board to all life-threatening communicable diseases. [LB625]

SENATOR CHRISTENSEN: I guess we come from two different angles on this, because what I took was life-threatening communicable diseases, intentionally, knowingly, recklessly. I guess that's the direction I went. Going, I don't care what it is, if somebody is knowingly and recklessly doing this, then you're harming someone else. I think, you know, we might be on the right track. So I just wanted to clarify. Thank you. [LB625]

SENATOR LATHROP: Any other questions? Seeing none, thank you, Mr. Jack. [LB625]

EJAY JACK: Thank you. [LB625]

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SENATOR LATHROP: You're on opponents. [LB625]

SENATOR ASHFORD: Opponents? Opponents. [LB625]

SENATOR LATHROP: And we have somebody here in the neutral capacity. [LB625]

SENATOR ASHFORD: Okay. Are you in the neutral? Oh, go ahead. [LB625]

BOB CREAGER: Chairman Ashford, members of the committee, my name is Bob Creager, C-r-e-a-g-e-r, president of the Nebraska Criminal Defense Attorneys Association. Given that this bill is out for discussion purposes, I want to make a couple of points. I suppose to the extent that somebody can knowingly do this with the intent of transferring a potential deadly disease to somebody else, the extent it's not covered by existing law probably makes sense that we have something that does that. So I don't have any problem with that. But due process requires that this concept of communicable disease be defined. It's not enough to say the courts will figure it out as you go. And we have a problem with that. And in the discussion, because medical science changes, diseases that were incurable become curable, there is a reason that the Legislature should look carefully at what diseases, what communicable diseases, what definition applies, because it may be unconstitutional if you don't. Secondly, I read it and I'm not sure, it doesn't...it seems to be weighted more in favor of prosecuting males who cause females to become infected, and I'm not sure that's intended. But the previous speaker indicated there are numbers of ways in which communicable diseases can be intentionally communicated that have nothing to do with sexual activity or promiscuity. You could put it in somebody's drink for all you know. So you don't...I'd be more concerned that you look at a generic approach to the topic rather than some specific, through sexual intercourse or whatever the case may be. Finally, I'm sort of troubled because it seems to me that there are so many different variations of this offense. You can actually do it knowing that you have it but not necessarily intending that the person gets it. Maybe the act of sex is just for the act of sex. You could have somebody that wants to commit murder by semen, why would that not be first-degree murder? I mean if you really want to play out all the different levels in which this offense can work its way through the criminal justice system, you ought to look at the whole thing collectively, not just one particular part of it. And this is penalized as second-degree murder, this Class IB felony is second-degree murder. And what if the person doesn't get any communicable disease, and the questions of proof seem dramatic? So I would be more than willing, on behalf of our organization, to sit down, and actually we have a bill that looks at the homicide application, the homicide issues and these kinds of things. And it might be perfectly sensible to look at, I think it's LB518 that we put up, Senator McGill is sponsoring to look at conduct and decide where conduct fits in the continuum from misdemeanors to capital murder. And this may very well be an offense that, as a policy statement, the Legislature needs to define and then plug it in where it needs to be. And then consider all of the ramifications rather than just

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try to fix what appears to be one hole in our statute. So we just appear neutrally.
[LB625]

SENATOR ASHFORD: Okay, Bob, thanks. Next neutral testifier. [LB625]

LUCAS PETERSON: My name is Lucas Peterson, L-u-c-a-s P-e-t-e-r-s-o-n, but you can call me Luke. I hail from the great city of Lincoln and live in Senator Coash's district. I come today to testify in a neutral position because I have misgivings about the bill myself, but I support the concept of prosecuting those who maliciously, and I would categorize it as maliciously, infect other people with HIV or AIDS or other communicable diseases. My problem with how the bill is drafted right now has been said before. It's not...it doesn't give the scope of what they are targeting. If you're going to label something, then give it a concise label. And that's my disagreement with communicable diseases. If this bill is going to target people who knowingly infect other people with HIV, then why not say that in state statute? Should have wrote my words down. I was...I'm ill-prepared for this. [LB625]

SENATOR ASHFORD: You're okay, just... [LB625]

LUCAS PETERSON: I'm trying to think. I'm sorry. [LB625]

SENATOR ASHFORD: You want us to ask you some questions? Maybe we have some questions. [LB625]

LUCAS PETERSON: Yeah, you can go ahead and ask me your question. [LB625]

SENATOR ASHFORD: Does anybody have a question for Luke? Yes, Senator Coash.
[LB625]

SENATOR COASH: Thank you, Chairman. Thanks for coming down again, Luke. Good to see constituents down here, I appreciate that. You know, HIV has been thrown around quite a bit as maybe the target of this legislation. But it isn't...HIV isn't the actual...I mean it's not mentioned as a disease. Are you suggesting that if that's what the intent is, we should just put in HIV? Is that kind of where you were going? [LB625]

LUCAS PETERSON: Yeah. I believe what Iowa did with their law is they specifically included that. I could be wrong. But from my understanding I believe Senator Pirsch brought this up because he had a constituent from his district who was an unfortunate victim of this circumstance. And while I support his measure of trying to create a prosecutorial statute, I question how it's going to be applied. And the reason why is because I think if you generically put something into law then you're going to create a witch hunt for people who might be malicious carriers of a communicable disease when in fact that's not probably what the law is intended for. I believe it's a good and noble

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idea. I question how it's going to be practiced, especially with prosecutors who might be...who might have a vendetta towards a certain group of people. I don't know if that's going to be the case or not, but it leaves the possibility there. [LB625]

SENATOR COASH: Thank you. [LB625]

SENATOR ASHFORD: Thanks, Luke. [LB625]

LUCAS PETERSON: Thank you. [LB625]

SENATOR ASHFORD: Senator Pirsch. [LB625]

SENATOR PIRSCH: Well, I'd first like to just say I appreciate the testimony here today, Mr. Jack, Mr. Creager, and Mr. Peterson and their statements here today. And I can just tell you, you know, the language that was used in this proposed bill was purposeful to not...to treat everything on an equal level. The purpose is not just one particular life-threatening communicable disease. There's, as was pointed out, a whole range of life-threatening communicable diseases. And that's why...and as Mr. Creager pointed out, it's hard to, once you go down the path of saying this and that and the other but not this, you know, there's just perhaps one that you leave off. And the intent of the bill is not to target one specific life-threatening communicable disease, it is the whole gamut. And so that's why that particular...those words were used, life-threatening communicable diseases rather than utilize specific diseases which may be subject to change. Perhaps tomorrow something pops up that has never existed before. And so I can assure you that this is not...this is designed to be applied across the board. That's the intent. And as we go forward, you know, would hope that, you know, if there is concerns about language that we bring that out to make sure that that is what it actually covers. With respect to...again, there is no intent to...there was no intent to bring this bill out to make it apply to one gender or the other, it should be uniform. And so, you know, in looking at...we were looking at hepatitis C and TB and there may be others that are commonly referred to as life-threatening communicable diseases. For instance, there was an incident back some years ago in which a carrier of TB knowingly got on a plane and exposed others to it. And so, I mean, that may or may not fit within the criteria of this bill, but I guess I'm kind of illustrating that it is not, you know, people being put in jeopardy, their lives are not just...and confined to one specific disease. So I tell you, I appreciate the testimony, look forward to working with others going forward and looking at language that hopefully we can...I think everybody who's testified liked the concept, if it's utilized in the correct fashion. And that's my intent as well. So going forward, hopefully, we can achieve that. [LB625]

SENATOR ASHFORD: Senator Council. [LB625]

SENATOR COUNCIL: Yes, thank you, Senator Pirsch. As I've expressed with a number

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of bills that have been heard by the committee, any specter of a constitutionality challenge disturbs me. And Mr. Creager raised the specter of a constitutional challenge if LB625 is enacted without some more definitive statement as to the types of diseases that this legislation would encompass. To your knowledge, is there any universally accepted definition of life-threatening communicable disease? [LB625]

SENATOR PIRSCH: Well, I can, you know, I probably have not...I can look into that a little bit further. But my, you know, just drawing on what my remembrance is, is they generally...some statutes, as was pointed out by Mr. Peterson is correct, that some states do utilize the term...specific diseases, like HIV or I suppose TB or hepatitis C or use those specific type of diseases. But again, other states use the generic. And I understand the concern because there is a penalty then to be paid. And you're saying something that is...with such a great penalty that you want to, to the extent that you can be specific about what that means, the life-threatening communicable disease. And, you know, I certainly understand that. And so, you know, going forward hopefully I can get you some information about different approaches on this through the different states. But, you know, as far as whether or not other states have had that specific issue tried in the courts, has there been, I'm not aware that there has, so. [LB625]

SENATOR COUNCIL: Okay, thank you. [LB625]

SENATOR ASHFORD: (See also Exhibit 8) Senator Pirsch, you're next up with LB507. [LB625 LB507]

SENATOR PIRSCH: Thank you. I'll proceed. Members of the Judiciary Committee, again my name is State Senator Pete Pirsch, representing the Legislative 4th District. For the record, Pete Pirsch is spelled P-e-t-e P-i-r-s-c-h. I'm also the sponsor of LB507. Having recognized the serious impact of domestic violence, Nebraska law has defined domestic assault as a specific crime. The criminal elements of domestic assault, however, are not in parity with the current elements of nonaggravated assault, which is just kind of the normal assault that doesn't involve an intimate partner. LB507 proposes a change in our law that would permit the arrest and prosecution of a suspect who intentionally, knowingly, or recklessly causes bodily injury to an intimate partner or threatens an intimate partner in a menacing manner. This language is already in use, as I said, in the normal assault statute, the nonaggravated assault statute. The risk of more serious injury and death has historically been associated with those exhibiting a pattern of relationship violence. LB507 addresses this issue and allows for two important changes in the way repeat offenders are charged. First, LB507 removes the 12-year limitation or look-back period on the use of a prior domestic assault conviction for enhancement. Second and perhaps most important of all, LB507 allows a prosecutor to use a prior conviction to enhance the penalty for violating this offense, even when the prior case involved a different intimate partner. Currently, any prior conviction used to enhance the penalty must involve the same intimate partner. And kind of by analogy,

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you know, I kind of always like kind of analogizing this to a DUI type of case where there are prior enhancements that make the penalties greater should...and I guess the analogy I put, should a DUI prior not be able to be considered because the last time the drunk driver was driving a Ford and this time he was driving a Chevy. You know the fact, that particular fact of the type of car doesn't really bear in any meaningful way or relevant way to the bad behavior that we're really getting at here through the statutes. So that's just the sum and substance of LB507. So I'll answer any questions, if anybody has any. [LB507]

SENATOR ASHFORD: Thanks, Senator Pirsch. Any proponents on LB507? Do you have a home, Marty? (Laughter) [LB507]

MARTY CONBOY: No, actually I have my RV parked outside, I just come back. [LB507]

SENATOR ASHFORD: Just out of curiosity, do you have a van or how do you deal with all this? [LB507]

MARTY CONBOY: I live in a van out by the highway. (Laughter) Once again, Marty Conboy, C-o-n-b-o-y. From...today I'm wearing a lot of hats. And it will be a little different testimony today. First of all, I'm not only here in my capacity, but also representing the Douglas County Domestic Violence Coordinating Council, the Douglas County Attorneys Office, the Nebraska County Attorney's Association, and I've also been empowered by the Nebraska Family Violence Center to speak on their support of this bill as well. And I have coordinated as the chairman of the legislative committee, the Domestic Violence Coordinating Council, to speak on behalf of a lot of organizations. Rather than have five people come up and tell you that we're all in support of it, it would be appropriate just to truncate that. We have met over several months. We had about seven proposals for legislative consideration. We narrowed it down to the one that everybody agreed was probably the most pressing and useful. It was drafted with the assistance of the Douglas County Attorney's Office. What this bill does is takes a very successful domestic violence assault bill that this committee forwarded and it was passed about five years ago. And I will tell you that in Douglas County we average between six and seven domestic violence homicides a year. The year that this passed there were no domestic violence homicides and over the next few years very few. This year there have been...and the last year there were three. However, we have had over 10,000 calls to the YWCA's hotline and over 12,000 9-1-1 calls in Douglas County for reports of domestic violence. It is a much more readily prosecuted crime and there are more people convicted. Senator Pirsch pointed out our language in our statute is a little bit different than the third-degree assault or second-degree assault. In the paper today there was a case that is on trial right now where reckless assault is the charge that they're trying to prove. Had that been a domestic violence case we would not be able to use that statute because we don't have that word in our statute. It was omitted, I couldn't tell you why exactly that oversight occurred. But if you look at our third-degree

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and second-degree assault statutes they both permit that you can, in a fit of rage, injure someone through a reckless act and that could constitute assault. We cannot do that under our current statute. The other thing it does is changes the enhancement prospects. There is no real logic in looking back over 12 years. People who are batterers, unlike someone like a drunk driver who may have a change in their life, those people traditionally have a problem with violence in their relationships. In addition, they may have more than one relationship in that period which would involve a different victim. And that's very common. I can tell you that if you look at those homicides and the serious cases we've seen, it's almost invariable there is going to be a domestic violence assault in their past. It is a characteristic of people that has developed at an early age and it is very difficult to, if they are truly dangerous, to get rid of. And the fact that they've had a prior conviction it shouldn't matter who their first victim was if they reoffend, that they should start over again with a different victim. These changes are logical and, as you'll hear from other testifiers, have a very practical application in the courtrooms today. I'd be happy to answer any questions in these capacities I've appeared today. [LB507]

SENATOR ASHFORD: Thanks, Marty. Do we have some proponents here? How many proponents do we...a couple. Okay, great. [LB507]

STEPHANIE HANSEN: (Exhibit 2) Good afternoon. My name is Stephanie Hansen, S-t-e-p-h-a-n-i-e, Hansen, H-a-n-s-e-n. And I'm speaking in support of LB507 on behalf of the Sarpy County Attorneys Office. I, personally, have been a criminal prosecutor for about eight and a half years and have done many domestic violence cases during that time. We speak in support of LB507 for the following reasons, many of which Marty illustrated. But also the addition of the "reckless" language in the third-degree assault DV certainly mirrors the elements of the original third-degree assault statute, but also it allows us to prosecute some real world situations where maybe something wouldn't rise to the level of a felony terroristic threat or there are some other threats where, you know, a hand has been held up or certain menacing things, what we would maybe call button-pushing is done. But at least it gives us a way of holding someone accountable, maybe getting them in a teaching nonviolence class, doing some other things that maybe will help people be safe as well as hold people accountable. In addition, I guess that would be threatening in a menacing manner. The reckless would allow us to look at other things that happen. Certainly we see things where someone...two people are engaged in a heated argument. Someone pushes someone, and maybe the push was not intended to hurt them, but the consequence of that push is that they then hurt themselves more by losing their balance, maybe falling down the stairs, falling onto something sharp, things like that. Again, I mirror Marty Conboy's comments regarding the same partner. We certainly have a lot of people we like to call frequent flyers that come back. And they'll come back with the same victim, they'll come back with other victims, but they continue to come and come and come. It does also mirror the federal law, which I have attached it with the comments that I've handed out. The federal law

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does not require that the enhanced offense be against the same victim either. And also we support removing the look-back period for subsequent DV assaults. By removing the period of time, we also catch those people who come into our state who have had convictions in other jurisdictions. And again, that also mirrors the federal law as well. So in conclusion, I just think that this is a wonderful thing for us to be able to add to our prosecution toolbox. Thank you. [LB507]

SENATOR ASHFORD: Thank you. Any questions? Good job, no questions, that's good. Good job. Other proponents. [LB507]

ROBERT SANFORD: (Exhibit 3) Good afternoon, Senator Ashford and committee members. My name is Robert Sanford. R-o-b-e-r-t S-a-n-f-o-r-d, and I'm the legal director for the Nebraska Domestic Violence Sexual Assault Coalition. The coalition is a membership organization consisting of 22 local programs across the state providing services to victims of domestic violence, sexual assault, and stalking. I'm here today to express the coalition's support for LB507 because we believe that it will help to hold batterers accountable for their actions. Due to the nature of the crime, shame, embarrassment and many other factors, the actual incidence rate of domestic assault is virtually impossible to track. Applying the results of a 2003 Center for Disease Control and Prevention report, the most recent report available from the CDC, which primarily focused on intimate partner violence against women, to Nebraska's 2000 census data, statistically more than 8,000 Nebraska women over 18 years of age experienced more than 27,000 separate acts of violence by an intimate partner in the last 12 months. Again, that is more than 27,000 separate incidences of domestic violence. Between July 2007 and June 2008, the 22 local programs in Nebraska responded to more than 51,000 crisis line calls and provided assistance to more than 8,200 men, women, and children. More than 39,000 of these calls and over 6,300 of those receiving assistance were victims of domestic violence. Many of these incidences go unreported and society often asks why. I hear a common scenario from victim advocates which helps to understand this. The advocate is working with the victim of domestic violence. This is not the first time the victim's partner has committed domestic violence. And yet the charges against the batterer are being reduced to something other than third-degree domestic assault. The advocate or the victim asks why this is and the only explanation that I can give them is that third-degree assault or other related crimes are often easier to prove than third-degree domestic assault. By mirroring the language found in Nebraska Revised Statute 28-310, the third-degree assault statute, it will be easier to convict those committing an act of third-degree domestic assault and prosecutors will be more likely to charge the crime instead of relying on third-degree assault. This increases the possibility of using enhanced penalties against the perpetrator of domestic assault, enhancing victim safety, and resulting in increased trust in the criminal justice system. The coalition asks that this committee approve LB507 and advance it to the floor of the Legislature. Thank you. [LB507]

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SENATOR ASHFORD: Thanks, Robert. Any questions of Robert? Seeing none, thank you. Other proponents? Opponents. Neutral. After neutral, that's Senator Pirsch. [LB507]

SENATOR PIRSCH: I'll close briefly. Succinctly stated, the numbers are compelling here. You've heard testimony that DV, domestic violence, affects...negatively affects thousands and thousands of Nebraskans' lives every year. I think the potential harm is compelling, we're talking about as a result of this deaths are occurring. So with that, I'd urge you to vote this LB out onto the floor. Thank you. [LB507]

SENATOR ASHFORD: (See also Exhibit 9) Thank you, Senator Pirsch. And that concludes the hearing. We now go to LB513. Senator Lautenbaugh. There he is. I was about ready to swap with you. I wouldn't do that to Gary back there. [LB507 LB513]

SENATOR LAUTENBAUGH: Thank you, Chairman Ashford, members of the committee. This is a very straightforward bill brought in response to a court case, Malcolm v. Nebraska, a Lancaster County case. It would simply allow the state to avoid having to pay subrogation to an insurance company for property damage. Currently, state statute prohibits subrogation from the state for everything but property damage. LB513 would simply close the property damage loophole. Laura Peterson is here to further testify on the details. I'll stay and close and answer questions now rather than... [LB513]

SENATOR LATHROP: Did you just run in from the parking lot? (Laughter) [LB513]

SENATOR LAUTENBAUGH: I was a good distance away, yes. [LB513]

SENATOR LATHROP: Okay. [LB513]

SENATOR ASHFORD: Senator Council has a comment. [LB513]

SENATOR COUNCIL: Thank you, Senator Ashford. Senator Lautenbaugh, I think you alluded to it. This was a situation I think I received an e-mail or a letter, if I'm correct. This is the situation where there is a high-speed pursuit, an innocent third party injured, filed a claim against the municipality. The municipality pays for all of the damages suffered by the innocent third party including property damage. And then the insurance company seeks to be subrogated to the individual claim for the property damage. Where the bill speaks to subrogation for loss of...compensatory damages, for lack of a better...is that what you're...am I correct in my understanding of what you're trying to correct here? [LB513]

SENATOR LAUTENBAUGH: It wouldn't always be that particular fact scenario, but yes, for some reason property damage seems to be the only thing that's missing

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inexplicably. And there may be an explanation for it, but I don't know what it is. [LB513]

SENATOR COUNCIL: Okay. Thank you. [LB513]

SENATOR ASHFORD: Thank you, Scott. Proponents. [LB513]

LAURA PETERSON: (Exhibit 4) Good afternoon, Senator Ashford, members of the Judiciary Committee. My name is Laura Peterson, P-e-t-e-r-s-o-n. And I'm the state risk manager here to testify in support of LB513. The bill is intended to clarify the state's and other parties' obligations to compensate innocent third parties who sustain property damage as a result of vehicular pursuit. The intent of the pursuit statute was to ensure that the innocent third party was made whole and that, unless there is negligence by the state, the state was to be the last or stopgap funding source to make the person whole. The most common scenario when subrogation of the state occurs is when a driver who's being pursued crashes into an innocent third party who is driving near the pursuit and the innocent party is injured and receives damage to his or her vehicle. The driver being pursued usually does not have insurance or has inadequate insurance limits. And the innocent person often has uninsured motorist and collision insurance coverage, and may be covered by workers compensation or may have other personal insurance. The pursuit statutes make it clear that insurers remain obligated to pay benefits for disability or loss of earned income and medical expenses in pursuit cases and that they do not have rights of contribution or subrogation against the state. What the statute does not say and what we are asking you to clarify is that these insurers also remain obligated to pay benefits for property damage and do not have rights to contribution or subrogation from the state for such payments. I have distributed for your information a copy of the district court order in the case Malcom v. State. In this case, Malcom's car was damaged in an accident with a driver who was being pursued by the Nebraska State Patrol. Malcom's insurance company paid her for vehicle damage and sought subrogation against the state. The court found that the pursuit statute prohibits subrogation from the state for only the payments specifically listed in the statute, and all other payment, in this case property damage payments, remained subject to subrogation. We're asking you to advance LB513 to clarify that while the state is required to contribute to make innocent persons whole where no other coverage exists, we are not required to do so in the place of those who would otherwise be obligated. That concludes my testimony. I'd answer any questions, if you have any. [LB513]

SENATOR ASHFORD: Any questions of this witness? Thanks. Next proponent. [LB513]

MARTIN CONBOY: (Exhibit 5) I'm just going to distribute this on behalf of the city. [LB513]

SENATOR ASHFORD: What are you going to do? [LB513]

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MARTY CONBOY: I have a letter, I'm not even going to take the chair. [LB513]

SENATOR ASHFORD: Okay, but we enjoy it when you're in here. You're always very good at explaining things to us. But thank you. [LB513]

MARTY CONBOY: Thank you. [LB513]

SENATOR ASHFORD: Next proponent. Opponent? Neutral? Done. Thanks, Senator Lautenbaugh. [LB513]

SENATOR LAUTENBAUGH: You want me to close? [LB513]

SENATOR ASHFORD: Do you want to close? [LB513]

SENATOR LAUTENBAUGH: We hope you'll look favorably upon this bill. (Laughter) I'd be happy to answer any questions and go back up there if you want me to. [LB513]

SENATOR ASHFORD: We want the members of the public to realize that this is just a Friday thing when we act like this. (Laugh) Normally, we're much more serious, and we know these matters are serious. [LB513]

SENATOR LAUTENBAUGH: (See also Exhibit 10) I have caught my wind now and we could talk for quite some time as I did this morning, so. [LB513]

SENATOR ASHFORD: I have notes for my bill somewhere, LB598. [LB598]

SENATOR LATHROP: Oh, I guess that Senator Ashford is up. Looking dapper in his little zipped-up shirt today. (Laugh) [LB598]

SENATOR ASHFORD: I thought it had buttons when I...it's the first time I've worn it. I'm sorry for the... [LB598]

SENATOR LATHROP: It needs a little pocket protector for you. (Laugh) All right. Senator Ashford, welcome to Judiciary Committee. [LB598]

SENATOR ASHFORD: You know the whole state is watching this, Senator Lathrop. (Laugh) [LB598]

SENATOR LATHROP: Yes, I do. Tens of people as we like to say. (Laughter) Tens of viewers out there. All right. [LB598]

SENATOR ASHFORD: Well, maybe I'll wear a regular shirt next Friday. [LB598]

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SENATOR MCGILL: I like it. [LB598]

SENATOR ASHFORD: Members, this is LB598. My name is Brad Ashford. I represent Legislative District 20. And I'm not going to discuss it at any great length, except to tell you that this bill involves what I think, when I was approached by Mike McLarney, who's here, from United Way to talk about this, a very interesting issue stemming from the Von Maur case and that is how do we accumulate and then disperse the very generous contributions that are given to people, victims of significant events involving violence, like Von Maur. And, you know, Michael and his team are certainly experts at this. But there were some issues that arose and some of it was in the press about some frustration by recipients or potential recipients or victims of gifts that were made to them. And I was also impressed by Michael coming to me because this really has no direct benefit to United Way in anyway, in fact it's really kind of taking on more of an obligation. So with that, I'm going to not get into it any further and defer to my witnesses who are here. [LB598]

SENATOR LATHROP: Any questions for Senator Ashford? Thank you. Proponents. [LB598]

MIKE McLARNEY: (Exhibit 6) My name is Mike McLarney, that's M-c-L-a-r-n-e-y. I'm president of the United Way of the Midlands, Omaha, Nebraska. Several days after the Von Maur shooting, December 5, 2007, United Way was contacted by the Von Maur organization to ask if we would assist in establishing and disbursing a fund to benefit the victims and their families of this tragedy. I consulted with the chairman of my board about this, got the go ahead, and we said, yes, we'll help in anyway we can. The Von Maur incident in many ways is similar to the Columbine tragedy, Virginia Tech massacre. Unlike natural disasters, such as floods and tornados, there's really no current organization that has the explicit mandate to assist with this type of a situation. And as with many natural disasters, however, there is...there tends to be a spontaneous outpouring of public financial support to assist the victims and their families that are affected by these tragedies. United Way of the Midlands agreed to administer the fund. And we recruited a committee of volunteers, chaired by John Ewing, Douglas County Treasurer, to basically oversee the process. Our first task was to set up a...we also had volunteered legal and public relations assistance with the committee. Our first task was to set up a special bank account at First Westroads Bank. These funds were not commingled with any other funds of United Way or any other entity. And the purpose would be that all the funds contributed and all the interest earned on those funds would be distributed to the victims and their families. And any costs associated, and there were costs associated with this process, would be paid for by United Way of the Midlands. We next contacted the Internal Revenue Service, basically, to find out what are the guidelines for administering a fund like this and what are the tax implications for donors who want to contribute to the fund and for individuals who will be receiving these funds. I soon discovered that this was a lot more complicated than I had anticipated.

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The IRS severely restricts the uses of its tax-free dollars to be directed. And in virtually every case we had to document a need that would not be met in any other fashion from the victims and their families. We were not able to distribute this based on a simple formula to divide the money up so many ways. This complexity is generally not well understood by the public, and tends to lead to unrealistic expectations regarding the timing and the manner of the distribution of donated funds. As the saying goes, grief turns to anger. The demands and expectations of certain members of the families affected by this tragedy simply could not be met. Unfortunately, some local news media tended to make matters worse by inaccurate and sometimes inflammatory coverage of the effort. A nonprofit organization that takes on this type of responsibility, however well intended, runs a very real risk of damage to your hard earned reputation and public support. Current nonprofit organizations are simply not designed to deal with the challenges and the workload that events like this require. From beginning to end this process took six months and was a major undertaking for our limited staff. In addition to managing this process, of course, we had to continue to meet our obligations to our community and our partner agencies. In summary, this tragedy points out that we currently have no mechanism to deal with situations of this type that may occur anywhere in the state of Nebraska at any time. The Community Trust concept that's proposed in LB598 would create an entity overseen by the state of Nebraska which could be dormant until needed and then could be activated and structured as needed, depending on the type and location of any future event. State oversight would provide the level of accountability and transparency necessary to ensure public confidence and therefore public support that can make a real difference to victims of this type of tragedy. Thanks for the opportunity to share my thoughts. I'd be happy to answer questions from any member of the committee. [LB598]

SENATOR ASHFORD: Senator Council. [LB598]

SENATOR COUNCIL: Just a quick question, Senator Ashford, thank you. Mr. McLarney, good to see you. I did not quite understand the statement you made that as a result of IRS regulations when the funds were funneled through United Way, you just couldn't develop a formula. What was it about the IRS regulations that prohibit... [LB598]

MIKE McLARNEY: Basically, that these funds could only be...since we're a 501(c)(3) and we're limited to dispersing funds for charitable purposes only. And so that's a very strict definition. Also, any individual that would receive funds that was not for a documented need, by the way which we verified on a case-by-case basis with the IRS, it would be considered income and therefore taxable to the individual. [LB598]

SENATOR COUNCIL: Okay. But if this legislation provides for the trust to be a 501(c)(3) qualified organization, wouldn't it run into the same problems? [LB598]

MIKE McLARNEY: They may well I would think. I think the state may have more weight

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than United Way would on a matter like this. [LB598]

SENATOR COUNCIL: In terms of the need... [LB598]

MIKE McLARNEY: Right. [LB598]

SENATOR COUNCIL: ...versus just the formula. [LB598]

MIKE McLARNEY: Right. [LB598]

SENATOR COUNCIL: I mean, that's why I'm concerned, because they would both be 501(c)(3)s and I was wondering how would the state trust board get around just doing a simple distribution based upon a percentage amount of the funds available or something? [LB598]

MIKE McLARNEY: I understand there was actually legislation in Virginia with regard to the Virginia Tech tragedy that allowed them, if you will, to circumvent what would be normal rules. Some of that was done with the Columbine fund as well. Actually, this really stemmed from a recommendation by the IRS because this is just a headache for them as well. When these things happen they run into the same set of situations where the way the law is written currently you really have to thread the needle to be able to get these funds to where they need to go. And by the way, I've attached to my comments an outline and time line of what we had to do to make this thing work. And I think if there's such a thing as doing it right, we did it right. But I must tell you in all candor, if this were to happen again, knowing what I know now, I would not recommend that United Way manage this fund. We took some hits, we took some hits on this. [LB598]

SENATOR COUNCIL: In terms of the resources you had to... [LB598]

MIKE McLARNEY: We lost donors over this who believed what they saw on television which was nonsense. But trying to contain that was just a...this really puts any organization like United Way at risk because, as I said earlier, grief turns to anger. And you have inserted yourself in the middle of this tragedy. And however well-intended we were, this was a...I thought this might have been the biggest mistake I ever made in my job as president of the United Way to insert the United Way into this tragedy. I just didn't anticipate or realize the nature of what we were getting into, and I would not recommend we do it again. [LB598]

SENATOR COUNCIL: Okay. And what was being paid out were essentially reparations to the family of the victims. So if we have a victims reparations committee at the state level, it fits squarely within that preexisting... [LB598]

MIKE McLARNEY: I think you'd find the same challenges. But I think that the...you

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know, I do think that there's state benefit here. I do believe that the families that receive these funds have benefited by them. You have a synopsis on how that was done, college scholarships for the minor children, housing assistance for those who had lost one of the wage earner spouses, any unpaid medical and legal things. But we had to document each and every one of those. We were able to get this done with, I will tell you, some forbearance from the IRS. But it seems to me this could happen anywhere. d United Way is a fairly substantial organization. It was a real handful for us. If this were to happen in Scottsbluff, as an example, you're not going to have the same kind of enterprise there to do this work. To me it seems that if we had something statewide, an organ of the state that, when something like this could happen, could design the process based on the event itself and recruit folks like me to sit on a committee, that would be fine, but the state handle the money. [LB598]

SENATOR COUNCIL: Okay. [LB598]

MIKE McLARNEY: And what it gets down to is holding the money is a liability in this kind of situation. [LB598]

SENATOR COUNCIL: Thank you. [LB598]

SENATOR ASHFORD: Senator Lathrop. [LB598]

SENATOR LATHROP: Do you think while we're at it we need to set criteria? And I was at...we had a breakfast one time where you kind of explained some of the challenges. But you might have, in the case of Von Maur you had some people that were killed and some people that were injured. And some of the injuries may have been covered by health insurance. So do you compensate them for that or not? And do you think this needs to have criteria or a set of...for the benefit of the next guy that comes along that has to deal with a fund, the first priority is going to be, you know, uninsured funeral expenses and medical expense is the second priority, something on that order? [LB598]

MIKE McLARNEY: Senator, I think that that could be helpful. I would say that one of the complications, there were essentially 14 families involved here, and every one of those families had a unique circumstance. So while I do think there's some merit in trying to lay out some criteria...and by the way, the Columbine fund in fact did that. And so there's some learning from other experiences that could help draft that. But I would also suggest that even with that you'll find that you're going to have unique circumstances within each victim's group or family that complicate the process. [LB598]

SENATOR LATHROP: How about this as a complication and maybe also a consideration as we consider what to do with this or whether it needs anything else, and that is if one victim works at the AT&T plant, and I'm making that up, but they go around the plant and gather up \$1 million and then send it to the fund thinking that it's going to

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get to their coworker. [LB598]

MIKE McLARNEY: That's a problem. [LB598]

SENATOR LATHROP: That's part of the problem...what are the other issues that you have? [LB598]

MIKE McLARNEY: Well, actually there were folks who said, well, there were eight people who were killed. You should divide that money up eight ways. There were folks who said, there were 14 families involved, you should divide it up 14 different ways. IRS strictly prohibits us doing that, by the way. They told us outright, you can't do that. That's another frustration here is that the expectations of the public at large and the people donating this money are easily frustrated because their expectations are really not in alignment with what you're really going to have to deal with in distributing these dollars, so. [LB598]

SENATOR LATHROP: Well, my only point, I guess, is having been through it we can create the fund, and we can run it through the Crime Victim's Board. But if we needed...if you think having criteria would be useful, then maybe this is the time to put it in place... [LB598]

MIKE McLARNEY: Yeah and I... [LB598]

SENATOR LATHROP: ...until...rather than wait until the next disaster. [LB598]

MIKE McLARNEY: Right. I do think that would be helpful. And I think probably, you know, certainly we can share what we've learned here. But the Columbine fund, basically, came out with, you know, and these were...there were so many injuries in that in addition to deaths, they basically said for a death it's this much, you know, for a loss of mobility it's this much. I mean, they literally went right down to describing, if you will, the injuries in some kind of a tiered system and utilized that. So there is some experience with that, I think, that, you know, crafting those criteria you could benefit from what other people have done to approach this. [LB598]

SENATOR LATHROP: Okay, thank you. [LB598]

SENATOR ASHFORD: Thanks, Mike. And I...just to follow up, what struck me about this is that...and I agree with Senator Lathrop, we may very well want to put some general criteria. In addition to that, though, maybe by giving this to the state, by giving this to the organization that deals with this issue, generally they have some experience generally in dealing with crime victims reparations, though they don't have a lot of money. But this would expand their role, heaven forbid if something like this happens again. It will, I suppose. But it does...with general criteria they should be able to

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disseminate that money without getting too detailed. I think what you're saying is general criteria, if it's a death, if it's an injury are fairly general. But what the IRS will not allow you to do is to funnel the money through the organization to a specific recipient. [LB598]

MIKE McLARNEY: Right. That was prohibited. [LB598]

SENATOR ASHFORD: That you can't do. [LB598]

MIKE McLARNEY: Yeah. [LB598]

SENATOR ASHFORD: So if someone gives money, there's an outpouring of sympathy for the Von Maur as there was in Omaha, Von Maur victims, they would clearly be...know that if they gave to this fund it would be disseminated to all the victims. As long as everybody knows it, that's probably okay. [LB598]

MIKE McLARNEY: We actually advised several donors that we were not able to meet their wishes and that they should direct those directly to the person they wanted to give it to. Now there's an income tax... [LB598]

SENATOR ASHFORD: Right. [LB598]

MIKE McLARNEY: ...issue related to that. But we were...in several cases we told them, you know, we can't do what you want us to do, so we suggest you do it...and in several cases that was done. [LB598]

SENATOR ASHFORD: Yeah. Well, I mean I think you did a marvelous job in handling what you had to handle. And I was just struck when you brought this to me that this just seems like something that...unfortunately with gun violence the way it is, and we had this discussion with Chris Rodgers that day, that gun violence is going to be...is out there every day and so it may very well happen again or other forms of violence. So thanks. [LB598]

MIKE McLARNEY: Yes. [LB598]

SENATOR ASHFORD: Do we have any other proponent testifiers? Opponents? Neutral. (Laugh) We almost had a neutral proponent for a second. [LB598]

TINA PRICE: (Exhibit 7) Good afternoon. My name is Tina Price, T-i-n-a P-r-i-c-e. Thank you for the opportunity to testify before the committee on LB598. I am the CEO of the Heartland Chapter of the American Red Cross located in Omaha and just one of ten chapters of the American Red Cross in the state of Nebraska. Just recently, on March 11, Governor Heineman signed a proclamation honoring March as Red Cross Month.

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For more than 90 years, the American Red Cross in Nebraska has helped our citizens prevent, prepare for, and respond to disasters. Last year in Nebraska, volunteers responded to over 400 disasters ranging from residential house fires to ice storms, tornadoes and floods. Over the past year, nearly 100,000 Nebraskans were enrolled in lifesaving American Red Cross courses. Without the help of the 6,000 volunteers in Nebraska the Red Cross would not be able to fulfill this humanitarian mission. I know in your own communities you see our work every day as trained volunteers respond to that most common disaster, the fire that destroys a family's home. We are proud to partner with local, state, and federal governments to provide that emergency shelter, food, and health and mental health services as well as short-term assistance to address basic human needs. What we witnessed on December 5, 2007, is a very rare mass casualty event, a true tragedy for which it is so difficult to prepare. It's a sign of the confidence that law enforcement and first responders have in the American Red Cross that our first team of trained mental health and spiritual care volunteers were called to the scene by incident command within the hour, even before the shooter was located. Although the food, shelter, and clothing for which we are so well known was not what the victims and their families needed, incident command did realize that the comfort, care, and hope that the public associates with the American Red Cross would be required. I've had personal experience with this as a survivor of the June 3, 1980, F5 tornadoes that devastated Grand Island. And I've been a paid staff member of the Red Cross for a dozen years. But I've never been prouder of the work that was done on the night of December 5 as I watched our volunteers assist. I wanted to take this opportunity to thank Mike McLarney and the folks from United Way, our partners in Salvation Army, and all levels of government in how we worked together to help the community return to normal in those weeks following this disaster. Like United Way, I wanted to point out that we were asked to play a role in collecting of funds to be distributed to specific victims of this tragedy. Our role is to provide that assistance to disaster victims. It's a role, I think, we played well. And we were very proud to work with United Way along this path. So I know that LB598 is born of a desire to have a mechanism in place should another unspeakable tragedy of this magnitude befall the citizens of Nebraska. And this legislation isn't designed to replace the work of disaster relief partners, it's meant to fill a unique need, a really legitimate gap. I thank you for the opportunity to speak on this issue on behalf of the Red Cross. [LB598]

SENATOR ASHFORD: Thank you. And I certainly appreciate the partnership we had with the Katrina victims when I was at OHA, when we had all those Katrina victims come in, in one day or two days. [LB598]

TINA PRICE: Yeah, um-hum. [LB598]

SENATOR ASHFORD: And that was a great partnership and you took care of a lot of people, so I certainly appreciate that work. [LB598]

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TINA PRICE: Thank you. [LB598]

SENATOR ASHFORD: Thank you very much. Any other neutral testifiers? You know, I'll waive closing, except to say that this is, as I said, a unique idea. Unfortunately it's going to happen again. And hopefully we can find a vehicle to move this out and get it going for you and deal with the problems as they come up. Thank you very much. And that concludes the hearings today. [LB598]

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Disposition of Bills:

LB625 - Held in committee.
LB507 - Held in committee.
LB513 - Held in committee.
LB598 - Placed on General File.

Chairperson

Committee Clerk