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Floor Debate
February 07, 2011

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SENATOR CARLSON PRESIDING

SENATOR CARLSON: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-third day of the One Hundred Second Legislature, First Session. Our chaplain for today is Pastor Art Grimm from St. John's Lutheran Church in Beatrice, from Senator Wallman's district. Please stand.

PASTOR GRIMM: (Prayer offered.)

SENATOR CARLSON: Thank you, Pastor Grimm. I call to order the twenty-third day of the One Hundred Second Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

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

SENATOR CARLSON: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CARLSON: Are there any messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review reports LB46, LB68, LB111, LB163, LB163A, LB241, and LB47 all to Select File, some of which have Enrollment and Review amendments attached. Hearing notices from the Business and Labor Committee and the Transportation and Telecommunications Committee, those signed by the respective Chairs. That's all that I have, Mr. President. (Legislative Journal pages 469-470.) [LB46 LB68 LB111 LB163 LB163A LB241 LB47]

SENATOR CARLSON: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda.

CLERK: Mr. President, LR37 was a resolution originally introduced by the Health and Human Services Committee and signed by its membership. It proposes that the Health and Human Services Committee of the Legislature be designated to review, investigate and assess the effect of child welfare reform initiative within the Department of Health and Human Services. Consequently to or subsequent to its introduction, Mr. President, the resolution was referred to the Health Committee for purposes of conducting a public hearing. The committee has now reported the resolution back to the Legislature for further consideration. [LR37]

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SENATOR CARLSON: Thank you. Senator Campbell, as Chair of the Health and Human Services Committee, you are recognized to open on LR37. [LR37]

SENATOR CAMPBELL: Thank you, Mr. President, and good morning, colleagues. I want to start out today on this resolution and say, what is happening in the child welfare system today just isn't good enough. In recent weeks we have lost the emergency shelter in North Platte and in Kearney. Ten percent of the children in the Southeast Service Area are re-abused or neglected, which is up from 7 percent in 2009. A central Nebraska county had 45 foster parents and now is at 11. Providers in the Western, Northern, and Central Nebraska Service Areas--many of them have not been paid since the departure of Boys and Girls in October. These are sobering factors, my colleagues, and why this resolution was brought to you by the Health and Human Services Committee. The resolution would direct the Health and Human Services Committee to be designated to review, investigate, and assess the effect of the child welfare initiative reform implemented by the Department of Health and Human Services. And I want to talk a little bit about what the legislative resolution would do. [LR37]

SENATOR CARLSON: (Gavel) [LR37]

SENATOR CAMPBELL: The legislative resolution resolves that the Health and Human Services Committee review, investigate, and assess the effect of the child welfare reform initiative; consult with a broad array of public and private stakeholders; utilize existing and past studies, reports, and information relating to the effort to improve the child welfare system; hold public hearings on the implementation of child welfare reform, utilizing the authority provided by Section 50-406 and the rules of the Nebraska Legislature; consider issues surrounding the implementation of the child welfare reform, including but not limited to: the goals, outcomes, measures, coordination and long-term planning; the effectiveness of public and private partnerships; the number of children attaining permanency through adoption; the accountability, funding, and financial sustainability; the fulfillment of the federal Child and Family Service Review outcomes and indicators. The option of requesting the Legislative Performance Audit Committee and the Auditor of Public Accounts to conduct a joint performance and fiscal audit or separate audits of child welfare; and to include representatives from the Appropriations Committee and other senators willing to help in our study and review plan. I have been asked, why is this issue coming to the Health and Human Services Committee, why is it not just a special committee? After discussions this summer with the Speaker, the Health and Human Services Committee has been working on this issue, held interim studies through the entire summer, and has a number of bills that deal with the child welfare system. It certainly is our hope that a subcommittee of the Health and Human Services Committee will formulate and join with other senators to put together a group who will do the investigation and report their findings and recommendations through the Health and Human Services Committee. There is an absolute truth in the fact that we will need everyone's help in the body as we go forward. But it is my fervent desire that

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this be designated through the Health and Human Services Committee, as it is the committee that has to deal with the legislation and it is the committee that will be empowered to work with all stakeholders across the state to find a vision for children and the services for them. To give you some past history as to how this issue has come to this point: In July of 2009 the department selected six private agencies as lead agencies to implement the child welfare reform, now entitled Family Matters. The child welfare reform increased the responsibilities of these private agencies to provide services to children. On October 15, 2010, the department announced the remaining agencies would receive greater case management responsibilities. The result of the case management transfer is the reduction of department staff that provides critical case management services and a last safety net if private agencies stop providing services in the future. By November 1, 2010, three agencies had ended the contracts with the state, citing loss of significant funds; and only two lead agencies remain. The HHS Committee interim study hearings on LR568 revealed additional serious concerns about the long-term planning and sustainability. These included lack of documentation, failure to pay foster parents and service providers, confusion regarding work responsibilities, and a lack of training and quality of care to ensure the safety and protection of Nebraska's children. In this past year roughly, the state has allocated \$227 million in the child welfare area. All of the lead agencies this past year combined come to \$131 million. Colleagues, this is a huge program that affects abused and neglected children across the state and sets before us an important issue. It's not good enough to just have a program if one child who has been abused and neglected goes through four placements in a month, who changes case workers four times in a month. It is time, colleagues, to seriously look at this issue to know why we are at the point we are, what steps might need to be taken--from a policy standpoint, that should come to the Legislature--and how all people who care about children and their care in the state of Nebraska can envision the best future for them. Thank you, Mr. President. [LR37]

SENATOR CARLSON: Thank you, Senator Campbell. The floor is now open for discussion on LR37. There are several senators wishing to speak. Before we open that up, there are cookies being passed out as a result of Senator Dubas' turning another year older last Saturday. Thank you. Senators wishing to speak are Harms, McGill, Howard, Dubas, and others. Senator Harms, you're recognized. [LR37]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of this resolution. Quite frankly, I'm very frustrated--what I've seen happen in regard to our Health and Human Services. I spent half the summer trying to figure out for families and children why their services have been cut and, in many cases, couldn't get the answer; in many cases, no one would step up and have a discussion with me in regard to those issues. We've have providers that have gone broke; we have difficulty in the Appropriations Committee in getting figures and amounts that are appropriate. We need to fix this mess. We need to fix this process, folks. I cannot believe that we took a program like this, we implemented it all across the state of Nebraska in privatization,

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rather than taking a model to see if it even works. It wasn't, what, three or four or five months, and even those providers started going under. Records have been lost; services have been cut. And it's not appropriate. Any time a family and a child is lost in the process, we have failed, colleagues. It is critical that we pursue this. It's critical that this committee pursues this actively and we find out what the real issues are, what caused the problems, what caused the failure, and why have so many families been hurt. We have judges and cases being referred to judges and families calling judges, that they can't even give them the answer. What's wrong with this picture? What's wrong with the system? What's wrong with Health and Human Services? I don't think we can tolerate this anymore, colleagues. It needs to be fixed. I hope I never have to stand before this body again and talk about families being hurt, children being lost, records being lost. There's no excuse, colleagues. I urge you to pass this; I urge you to move it forward. And I hope that the Health and Human Services Committee can find the issues and resolve those issues for us. Thank you, Mr. President. [LR37]

SENATOR CARLSON: Thank you, Senator Harms. (Doctor of the day introduced.) Senator McGill, you're recognized. [LR37]

SENATOR MCGILL: Thank you, Mr. President. Senator Harms is absolutely right. We need to look into why exactly we're having the difficulties that we're having. I mean, I largely think it has to do with the fact that HHS made this decision without any input from anyone else. And so there's been a horrible lack of communication the whole time because they didn't solicit input at the front end and because that information about changes hasn't been trickling down to the foster parents all the way through the system. Where we stand right now--my biggest issue is that we have no fiscal analysis of the situation. There have been several times that the committees that have been looking at this, this summer and fall have said, you know, what are the projections of what it's going to take to turn this around? Where's the analysis of the numbers leading up to this point, and why some of these agencies have had to go under and have left us in the scenario that we are? How much money is it going to take to stabilize the situation, both from us and from those providers? All of a sudden, a month ago, HHS had \$25 million they wanted to throw at the problem, but how do we know that's enough? How do we know if it's too much? You know, we're expected to be responsible with taxpayer money, and yet there's no analysis telling us if we're putting too much in or too little in. How are we expected to help solve this problem when we have no fiscal analysis of the situation? Second, we have no backup plan. What if more agencies start to go under as well because they can't afford the situation that they've been put in? That's something we've asked again and again about--and still no response. Judges are still very concerned about the situation and the training necessary to be there by the employees, whether they're of the providers of the state, to be there and represent these children in court. We've spent the fall looking over--we had the town hall meeting here in Lincoln that went for hours based on this issue; we've heard many stories of foster parents who were dropping out because of the confusion over this. HHS did a presentation for us on

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Family Matters but gave us a new name change and none of the information I've already addressed here on the mike. And now they're changing the name of the supervisors and coordinators. Name changes aren't what's going to solve this problem; we need more concrete information about how we move forward, what their plans are moving forward, because we'll come in and help make the changes if we know what their plan is or we'll come and make our own changes if need be. I know many of us have bills that we've introduced this year to try to help chip away at this problem in the ways that we can. But we have a responsibility to look at the executive branch, to look at HHS, and see how effective they're being, how not effective, how the money is being spent, and it's just not happening right now. There's no transparency in this information gathering in this fiscal analysis. We have judges out there who have to oversee these cases who are confused as well, who don't like the changes, who are not being informed of these changes. And there aren't that many juvenile court judges out there, and yet HHS hasn't been communicating with them well. So this oversight committee is going to be critical for us moving forward in trying to solve the problems that have been created in this transition. Thank you, Mr. President. [LR37]

SENATOR CARLSON: Thank you, Senator McGill. Senator Howard, you're recognized. [LR37]

SENATOR HOWARD: Thank you, Mr. President. I stand in support of this resolution, obviously; I've signed on to it. This in an area that I worked in for decades, and I'm very familiar with it. I'm very familiar with the problems. I appreciate everyone on this floor who's taken their time to look into this. This affects all of us. You know, since it's winter I'm going to use the analogy "thin ice." And, quite frankly, that's what I see us on right now. The Department of Health and Human Services has never had an excess of foster parents, never had an excess of resources. We have had a high number of children in the system. When you put those two together, it makes a very bad equation. I remember when I worked in Health and Human Services as a case manager--that's what we were called then--we'd be in situations where we'd have to do overfills in foster homes. That means putting more children in that foster home than they're licensed for, which is, again, just asking for trouble. Every child, even a child that comes into the Health and Human Services system, deserves to be treated fairly, deserves to have case management services that address their needs. The parents deserve to have a chance to work toward reunification with their child, and if that is not possible, then the move toward permanency for that child or those children needs to be done in a fairly reasonable period of time. No child should grow up in foster care. One of the biggest concerns to me is the diminishing number of resources in this state to work with children. And I'm just going to share a few of these with you. See if you identify with some of these in your area. Closing of south-central services in Kearney; the closing of the I Believe in Me Ranch out in Kearney; Girls and Boys Home, South Sioux City, Iowa, which also served areas in Nebraska; Boys Ranch in Alliance--they consider this to be a temporary suspension, but this has happened in July of 2009, and I would say

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that's probably becoming more permanent than temporary; the Richard Young in Kearney closed a 19-bed unit; CEDARS Youth Services--Broken Bow, Lincoln; Wilcox House out in North Platte; Behavioral Health Specialists in Norfolk; CenterPointe in Lincoln. This goes on and on and on. We're all familiar with CEDARS in Lincoln closing--well, they're not closing but not being a part of this program; Visinet declaring bankruptcy. This is a situation that is fast headed for an impasse. I think all of us have a responsibility to be involved in this. It's not just the Health and Human Services Committee. It's all of us. These children are state wards. These children are the responsibility of everyone in this body. When I started down here, I remember having a conversation regarding what it would take to shore up our Health and Human Services System to allow for case managers to have reasonable case loads, to be able to meet with every child every month, to be able to work with families. And I was told, throwing money into the mess isn't going to solve it. But what are we doing now? We're throwing money into it. And it's certainly not solving it. When the time comes for the federal review, we are going to be, frankly, in a world of hurt. [LR37]

SENATOR CARLSON: One minute. [LR37]

SENATOR HOWARD: Thank you. Thirty percent of our reviews don't have the adequate documentation in the files. We're down on complete case report plans. Forty seven percent of the records reviewed don't have complete case report plans. That's mandatory. That has to be in there. And one of the things that's most compelling to me, and I'll do this in my last remaining second, is that in 2008 572 adoptions were completed. As of November 22, 2010--that would have been adoption day--366 adoptions were completed. That's a very telling number when you consider that up to that time every year we'd had an increase in adoptions, which means permanence for a child. And now we're going in the wrong direction. Thank you. [LR37]

SENATOR CARLSON: Thank you, Senator Howard. Senator Dubas, you're recognized to speak on LR37. [LR37]

SENATOR DUBAS: Thank you, Mr. President. Good morning, colleagues. I would like to take a moment to especially thank Senator Campbell for her leadership. I also signed on to this resolution, couldn't agree with it more, and so anything that I can do in any way, shape or form to support the work that this resolution is proposing to do I will certainly be there. My district has...and areas outside of my district out in rural Nebraska have been especially impacted by what has happened with the loss of Boys and Girls, and I just, I could use every one of my times on the mike this morning and not even begin to touch on the issues that have been brought to my attention by constituents and providers out in my area of the state. We are the gatekeepers; the Legislature is the people's branch of the government. We are the gatekeepers of what goes on with the different agencies and programs in the state. We write the checks; we balance the checkbook. And if you're trying to balance a checkbook not knowing where these

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checks are going or the amount that these checks have been written for makes it pretty darn hard. And when we contact the different agencies asking for specific information and only get generalities back, that makes it extremely difficult for us to do our work. I do appreciate the efforts that the department has made as far as improving their communication with senators. They have made an attempt, but still, many times, it's just kind of only on the surface; it doesn't really go down to the information that we really need to make our decisions. What we're going through in reform are not just bumps in the road. These are children. These are children, very vulnerable children. And they are right now caught in one of the biggest quagmires of bureaucratic wrangling that I've ever experienced or seen. I just hear story after story after story from foster parents and caseworkers. I mean, we need to talk about what the caseworkers are being asked to do under these circumstances. These are people who care very deeply about the work that they do. And their confusion and not understanding of what they're supposed to do or who do they talk to or how do they provide the help. We need to bring them into this discussion too. And again, I just want to go back and emphasize the importance of our responsibilities as legislators. We represent these people; we take their concerns to the agencies and try to work through them. On multiple occasions I've had people contact me with concerns, can't get questions answered. I've gone to the agencies. I appreciate the agencies' attention and help that they provided for the families. But why does it have to come--it shouldn't have to come to me or any of the rest of us in the body. We should be able to have a degree of faith in the ability of these agencies to do their work. And right now that, for me anyway, that faith isn't there. There were ample warning signals given about this reform before we even moved into it. I had some providers out in my area who were considering submitting, you know, to be a part of the reform and quickly realized with the dollars that was going to be provided, and the amount of work that they were asked to do, they knew it wasn't going to work. And not too very far into the reform, there were other agencies who were a part of it who said: This isn't going to work; we don't have the private dollars to infuse into it, and we can't do what you're asking us to do with the dollars that you're giving. So down to two lead agencies. I think that's a pretty strong signal that something is seriously, seriously wrong with this reform and the direction that it's going to. And the remaining lead agencies have even testified in hearings about: We are putting a lot of private dollars into providing these services, and we don't know how much longer we're going to be able to provide those private dollars. I'm not saying that those private dollars shouldn't be a part of it... [LR37]

SENATOR CARLSON: One minute. [LR37]

SENATOR DUBAS: ...but if we're putting more and more of our expectations onto those private dollars, we're leaving a pretty big hole there. I especially want to talk about the way our foster parents have been treated. I'm appalled at the disdain and the disrespect that these people are being shown. These are the families who are doing the work. They are opening their homes and their hearts to these kids, not for the money but because they know it's the right thing to do. And they are being disregarded; their phone

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calls aren't being returned; they're being treated like they're a bother, at times. This resolution of Senator Campbell's will help us as a legislative body do the work that we need to do, get the questions answered that we need to have answered in order for this to go forward. We are not micromanaging; we are taking responsibility for the work that we have to do as legislators. And I just can't emphasize that enough. We have a duty; it's our sworn oath that we take care of the financial responsibilities of the state, and we can't do it if we aren't given the information that we need. So, again, I wholeheartedly support this... [LR37]

SENATOR CARLSON: Time. [LR37]

SENATOR DUBAS: ...resolution. Thank you. [LR37]

SENATOR CARLSON: Thank you, Senator Dubas. Those still wishing to speak: Senators Gloor, Krist, Wallman, Lautenbaugh, and others. Senator Gloor, you're recognized. [LR37]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. I'm a cosigner of this resolution. I, like many others, have spent a considerable amount of time during the interim dealing with concerns about this issue, complaints from constituents, visiting with everyone from foster families to providers of health services with the lead agencies; a lot of us have done that. But under the old axiom, "A squeaky wheel gets the grease," I think it's safe to say there's a lot of squeaking going on. And I would say this legislative resolution is part of that squeaking. We'll get this dealt with. I have confidence that there are a lot of people who are concerned enough. This has risen high enough on the horizon to be well on anybody's radar screen that's paying attention to major issues in this state. And so we'll get it dealt with. But I would tell you, this resolution and having the Legislature involved in a committee that's focused specifically on this makes sense. And I think the Health and Human Services Committee is the best approach towards doing this. The scope of bills that come to us, the number of senators who serve on it who have been involved in this doesn't mean, as Senator Campbell has said, there can't be others involved--and should be--because of their interest and their involvement. But I think it rests where it needs to rest. I have a couple of observations I will make very quickly and very concisely, based upon what I've heard so far. I tell you this because there is information or biases that I carry into this debate. The first is that reform was necessary. Reform was necessary because, among other things, Nebraska has one of the highest out-of-home placements for its adolescents of all the states. It's not acceptable. I don't think privatization is a four-letter word. I think privatization has its place, and it may be appropriate in this instance but should be looked at. I think the department has to do a better job of vetting contractors, especially given the fact that we have changed from a traditional fee-for-service payment system to a risk-based system under privatization. I think the lead agencies or the contractors themselves have to do a better job understanding their own...I use the term "business." In other words, they have

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to understand contracts that they sign and the expenses behind providing services and what they're agreeing to with the department. I think transparency has been lacking, and I think transparency will be helped by LR37. But we have to develop a process that lets the right hand know what the left hand is doing, both within the department, outside the department, with lead agencies. Transparency has been badly lacking, and I think it needs to be in place. Thank you, Mr. President and members. [LR37]

SENATOR CARLSON: Thank you, Senator Gloor. Senator Krist, you are recognized. [LR37]

SENATOR KRIST: Thank you, Mr. President, colleagues. Senator Dubas, you have not gotten a year older, you've gotten a year wiser. I couldn't have said it better. I applaud Senator Campbell and the fellow members of our HHS Committee for bringing the resolution forward. But I have just a few comments to make about the process and something called strategic planning. This is not an easily fixed system. The system is broken, it's broken. When you look at the models that are starting to work, it took the state of Florida years to work through their issues and they're still not perfect. It took Kansas several years to put the system in recovery and it's still not fixed. But let me tell you something that needs to happen in relationship to this resolution and to many other issues in this Chamber that involve decisions and legislation that are in front of us. It can be capsulized in one sentence. When a senator asks a question, a senator needs an answer. If we don't have good information, we don't make good decisions either singularly, as a committee, or the 49 of us out here. We have to have the information that's available. When I asked a question the other day in committee, how much money, give me a dollar amount that's been spent on this program, the answer wasn't available. Well, Senator Howard said we're throwing money at a situation and throwing money is not going to make it better. She is absolutely correct. How do we make decisions if we don't know how much money a program is costing? Does that make sense to you? It doesn't make sense to me in my personal life, in my business life, and it particularly doesn't make sense to me here. Those answers are available and that's the first step in solving this problem, getting the answers to the questions, both financially and in the process itself. I had the privilege of attending a teen townhall meeting where they separated people around the metropolitan area in Omaha, all the teens into separate groups. They asked them to come up with their five overriding topics, the things that are most disturbing or most important to them. Now you would think that kids from Millard and kids from Westside, District 66, and kids from Senator Council's district in north Omaha and you would think they'd all have a different set of priorities and a different set of problems. One of the five things that was on every groups list was the foster care program and child welfare. What does that tell you? I had a young lady who was going to turn 18 in three months and she had tears in her eyes telling us, I can't wait to get out of the foster care program; I've been to X number of foster parents in the last X number of years. I've been abused in the system. I've not been able to be helped in the system. What does that tell you about the system? Okay, away from the bleeding heart side. I

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will tell you this. The process can be fixed. LR37 is a great first step, demanding answers to questions has got to be consistent across all 49...questions that are answered by all 49 of us need to answered. We need the information. [LR37]

SENATOR CARLSON: One minute. [LR37]

SENATOR KRIST: Thank you, Mr. President. I will say one thing in summary. We are capable of solving this problem. It is a long-term fix, it is a strategic plan issue. If we look back in 2013 and 2014 and don't see quality changes to this program, we will be doing a disservice to our young people and to the entire system. Thank you, Mr. President. [LR37]

SENATOR CARLSON: Thank you, Senator Krist. Senator Wallman, you're recognized. [LR37]

SENATOR WALLMAN: Thank you, Mr. President. And I, too, would like to thank the committee Chair, Senator Campbell. And the rest of you who spoke on this issue, what's our number one resource in this state? Our children. Hey, they got to take care of us someday. And we should be taking care of them. And it goes through the public education system wherever we want to go with this, our foster kids are at risk. And you're putting your schools at risk. So we need counseling, you know, or mental health professionals. We don't seem to want to pay them or hire them or keep some agency aboard. And we as a state, how can we know how to run an agency such as this if we don't have a small model ourselves? Pick Hastings, Holdrege, Beatrice or some city, we should have had something like this going, I think, because if I was running a big agency like this, it's a huge ship and if it's listing to one side, it's going to be hard to get it straight. And so I appreciate again HHS. I think we can do the job, Senator. And we have a lot of good employees in HHS I want to say that too. But the number one job is accountability, respectability, and also transparency, those things we need. Thank you, Mr. President. [LR37]

SENATOR CARLSON: Thank you, Senator Wallman. Senator Lautenbaugh, you're recognized to speak. [LR37]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And let me say at the outset that this is a reasonable approach, this resolution makes sense and it should go forward. We should monitor what's going on. We should investigate what's going on and we should get answers and be able to evaluate what's going on. I hope we proceed, though, mindful of the incredible complexity of this area and the incredible difficulty in what the department has been undertaking in recent months and years. And rest assured, colleagues, I can guarantee you of one thing, as sure as the sun will come up tomorrow, that we will continue to have bad outcomes, there will always be bad outcomes, this is unavoidable in this area. Think about what we are

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trying to do here. We are trying to step in where parents are at best failing and at worst actively hurting their children if not outright abandoning them entirely. The state is particularly ill-suited to do this. We struggle with mail delivery on some level. We're trying to step into the role of parenting here in a lot of ways. We can't do this with what I would call perfection or even close. Now I'm not saying that we are close with what we have now. I am saying that what I'm hearing from the people who do this kind of work is that there hasn't been a diminution of services while this change is being implemented. Things seem to be going forward largely as they have. But this is a tough area to make policy in because we're dealing with children. And it's almost like the third rail in here to oppose anything that is billed as doing something for children because we all have children, we all love children. Senator Wallman just pointed out they're our most precious asset. I thought it was oil, but Norm says it's children, so I'll go with children. He's never lead me astray before. But keep in mind this is a tough area. And the toughest thing in this area is to get good information. And we can talk about how the department doesn't give good information. I would suggest to you when you get outside of government and try to get information in this area you encounter so many people with so many agendas, and I can sum up the agenda in three words: more, more, more. And we're presented with anecdotal stories and anonymous reports. There was a survey, you may remember a report, a study that we paid for, I think three years ago. We got it a year or two ago and I spent a lot of time at the mike one day trashing that last year. And there was a good reason why, because it was trash, so I trashed it. And that was a study by outside third parties that we brought into Nebraska at the cost of a quarter of a million dollars to study some aspects of our juvenile system. I think we have 6,000 kids in the system, give or take. They interviewed, I think, 13 in the entire state that were part of a group that was disaffected with the juvenile system. And they discovered (inaudible) disaffection with the juvenile system. Quarter of a million dollars down the drain for that. I'm not saying that we shouldn't do exactly what Senator Campbell is asking us to do. We certainly should, we need to know what's going on. But we need to go into this with our eyes open, we need to be skeptical, we need to be cautious, and we need to ask ourselves what are we being told, who is telling it to us, and what... [LR37]

SENATOR CARLSON: One minute. [LR37]

SENATOR LAUTENBAUGH: ...agenda may they have? Thank you, Mr. President. Was that one minute? What agenda they may have, now there are people in foster care, foster parents who I would argue don't seem to have any sort of agenda other than taking care of children. That's admirable. I'm glad they do that. But we need to know our limits. We need to know the limits of what government can do. And again, we need to be very skeptical of the information we are getting regardless of the source. I do applaud Senator Campbell for this. I'd like to help if I can. I'll be the skeptic on the commission or task force if that's what it takes, but I'd be happy to do it. Thank you, Mr. President. And I'll yield my time to Senator Campbell. [LR37]

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SENATOR CARLSON: Thank you, Senator Lautenbaugh. Senator Campbell 10 seconds. She waives her 10 seconds. Senators still wishing to speak include Nordquist, Hansen, Ken Haar, Sullivan, and Howard. Senator Nordquist, you're recognized. [LR37]

SENATOR NORDQUIST: Thank you, Mr. President and members. First I want to thank Senator Campbell for her leadership in this area, and the passion of many other members who have engaged in trying to get the answers that we need to make sure we're making the right decisions here. Over the interim, participating in LB603, Children's Behavioral Health Task Force, certainly heard a number of presentations from the department about the need for this. And I don't...certainly don't disagree with that. As Senator Gloor said earlier, the pyramid needs to be flipped. We have too high of a percentage of children in out of home placement and privatization may ultimately be the answer for that. But there certainly are a lot of concerns, first, why the department did not start with a pilot program to look at this as an option before diving in headfirst. But there are also, as we go forward here, a lot of questions about where we came from and where we're going that we still need concrete answers for. I know in the Appropriations Committee as we've been finalizing our preliminary budget we've been struggling, and certainly not because of the staffing of the Fiscal Office, which has been diligently working on this, struggling to get the information we need to make appropriate budget decisions in this area. And a lot of questions remain. First, you know, we've seen the withdrawal of the four of the six lead agencies. We have questions about what adjustments to the reform model have been made to make sure that we're sustainable going forward. We have not heard really concrete answers about why the four fell out, what were all the problems surrounding that and what the contingency plan is. One of the documents we've received from HHS recently said that the \$19 million in one-time funding would be recaptured if there was an early termination of a contract. Well, that certainly leads you to believe that they think that the potential is there. I think we certainly need more details as we look at staffing changes in HHS, about what the contingencies are, not just about that \$19 million in one-time funding, but what the contingencies are for those families that are affected by this, certainly, what are the affects of the families by staffing changes in HHS. And I know Senator Hansen is following me and he certainly can talk about the unpaid debts to the subcontractors and what effect that has had. And finally, we need to understand...a better understanding of what role Magellan is playing as they approve and deny Medicaid funded services to children. And some of those ultimately then get passed on to the agencies, and that is creating a bind. So those are all questions that are out there looming that LR37, under the direction of Senator Campbell, it's my hope that we can get to those. And it's my hope that we can involve members also of other committees, including the Appropriations Committee because we are setting down there in that room, working on our preliminary budget, trying to ultimately make the best funding decisions when it comes to this too. So we need to make sure that it is a collaborative effort. I appreciate again the leadership of Senator Campbell. Thank you. [LR37]

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SENATOR CARLSON: Thank you, Senator Nordquist. Senator Hansen, you're recognized. [LR37]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I would like to thank Senator Campbell for bringing this resolution. I cosigned the resolution. And we do have some problems. And I would like to continue on what Senator Howard did and talk about some of the providers that we've lost in the western part of the state. Boys and Girls Home has pulled out of not only the western service area but the northern and the central service area in late 2010. Boys and Girls Home also in Sioux City, Iowa has closed their doors. Boys and Girls Home of Kearney and North Platte, where they had group homes, those have both closed. And I think the Wilcox House, also in North Platte, which was run by the Salvation Army could not keep their doors open by the amount of money that was given to them by the state plus their private donations. Private donations in time of recession are certainly hurting some of these providers. And I understand that. When Boys and Girls Home left North Platte, in their group home they had about 20 juveniles in that facility. Now if we need a group home coming out of the court system, coming out of HHS, they either have to be transported to Gering or Columbus. What does that do? Well, it tears the families apart, number one, and I think that's a big part of it. And it also raises safety issues in the transportation area. I agree with Senator Lautenbaugh that nothing is perfect. This is not a perfect system. We do have to have some outcomes in this system that are good. There's some adoptions that turn out great. These are great families, they adopt these children into a loving family and that outcome has to be positive. I can't believe that it's not. In Senator Campbell's opening she mentioned some figures, and I'm not sure I got them right, but she said that there has been appropriated about \$224 million for this part of HHS and that we had 131 providers. I don't know if those are the surviving providers or if that was the number we started out with. But we do have a lot of providers. And what these providers are, just to remind everybody, these are hospitals, these are small businesses, these are small businesses that hire people that have a college education. We're talking about a brain drain in other times on the floor. This is a brain drain. If we continue losing providers this is going to be a brain drain to our state. It's certainly not a perfect system, but I think LR37 will help. And I encourage Senator Campbell to have some input, continued input from the Appropriations Committee since we do deal with the finances of the state and where some of that money goes. I want to close by reminding everyone that when we talk about education or we talk about HHS and we talk about juvenile services that we keep the children in mind. That should be the first question you ask yourself before you stand up in here and say we need to change this, we need to change this, what will it benefit the children? And I think most of us are aware of that. When these children go out of the home they become a ward of the state. They become a ward of the state when they enter that system. Hopefully, permanency will come sooner rather than later. But they are wards of the state. They are not wards of Boys and Girls Homes. They are not wards of the Nebraska collaborative effort. They

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are not a ward... [LR37]

SENATOR CARLSON: One minute. [LR37]

SENATOR HANSEN: ...of KVC. These are wards of the state. It's our responsibility to find out what's going on and make a good product much better. Thank you, Mr. President. [LR37]

SENATOR CARLSON: Thank you, Senator Hansen. Senator Ken Haar, you're recognized. [LR37]

SENATOR HAAR: Mr. Chairman and members of the body, I rise in support of LR37 and I'd like to thank Senator Campbell and her committee for taking on this task. As I see it right now a train wreck is going on with our childcare system in this state. We've heard a number of times, I've been at a number of those hearings where we hear that the children are safe. Well, I'm not quite sure of that and it's not enough. Just being safe is not enough. Our children are the victims of this. Those of us who have our own children, those of us who have grandchildren and we know how important these are to us, we should have that same...we have to know that those children going into the state system are absolutely as valuable. Now I don't know about...I haven't gotten deep enough into this with all the statistics and everything, but we're getting lots of e-mails, a lot of anecdotal information. And frankly, I'm not skeptical of what I hear. I think that these people are in some cases actually taking a risk by contacting us, they feel they are. We had a townhall meeting in late summer or early fall in Lancaster County and we heard from people who aren't being paid. We heard from providers or foster parents who are shuffled from worker to worker. I've talked to workers in the system who are dealing with a family, they call a family to make the next appointment and they are told that, oh, we've been switched to somebody else or you're no longer on the case. Foster parents don't even, in many cases, know who to call. And in many cases they're not getting a response. So what are they to do? And some are dropping out, we've heard that. And then you look at the staff. And the system will not be perfect and it was not perfect, but we have many seasoned, experienced staff people who are going to be losing their jobs. And then you look at, at least some of the staff people in the new agencies that are taking over, the service providers, they're underpaid and they're undertrained. And this keeps coming back again and again. People don't know what the laws of Nebraska are. They don't know who to call. When they call people they are getting run around the bush. We've got to stop that. These are our children, our grandchildren we're talking about. And it's probably one of our most important jobs in this Legislature to take care of the children of this state. Thank you very much. [LR37]

SENATOR CARLSON: Thank you, Senator Haar. Senator Sullivan, you're recognized. [LR37]

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SENATOR SULLIVAN: Thank you, Mr. President. Good morning, colleagues. I certainly stand in support of this resolution and thank the Health and Human Services Committee and Senator Campbell for bringing it forward. But I also stand here certainly with not any degree of authority and knowledge in this field, in this area of concern. So with that being said, I do have a couple questions, if Senator Campbell would yield. [LR37]

SENATOR CARLSON: Senator Campbell, would you yield? [LR37]

SENATOR CAMPBELL: Yes, of course. [LR37]

SENATOR SULLIVAN: Thank you, Senator Campbell. Through the years I've used occasionally a decisionmaking model for a variety of different things. And in that model it always asked the question, what is the weak link? I don't mean to put you on the spot and this is perhaps an unfair question in so broad a subject. But really, you know, because it is so multifaceted, but because we have such critical concerns, is there a weak link that we need to first and foremost focus on? [LR37]

SENATOR CAMPBELL: Well, I think we could go back to Senator Lautenbaugh's comments in terms of gathering good information, making sure that that information is crosschecked and that we are always very skeptical of what we are reading being thorough. Right now, there is so much information out there and yet there is very little information. And I don't mean to confuse you. But to know the accuracy of that information and how do we build a record of what has gone on, how do we build a record of what is existing now, and where do we think we should be going. That's number one. Number two is, while the department has put forward a plan, I think even they would realize that we need a long-term plan. Where do we want to be in two years, and three years, and five years in child welfare. And right now that path is not clear at all. [LR37]

SENATOR SULLIVAN: Thank you, Senator Campbell. Along those lines, that kind of leads me to my next question. You mention in the committee statement that you'll have public hearings. And maybe this is premature. You haven't fleshed out exactly how you're going to proceed. But that those committee hearings would involve stakeholders. My question is, how involved in this whole process will the other two branches be, i.e., the department and its staff and also the judicial branch? [LR37]

SENATOR CAMPBELL: That is an excellent question. And it will just save a little time on my closing. We fully intend to include the other two branches. Without a doubt, we all have the same goal, the safety and protection of children and finding a permanency for them, whether that's the department or the judicial branch or the legislative branch. We will need their assistance to build that plan for the future. The Legislature is only one component of this issue, not...to not include the others we would be sadly mistaken. [LR37]

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SENATOR SULLIVAN: Thank you very much, Senator Campbell. It's good to hear that I think this road map that you've outlined is going to be...is going to well serve us. Occasionally, I've heard some comments made about the Nebraska way. And, you know, I think one of the features of what I call the Nebraska way is that we care about our kids. And certainly I think this resolution and the activity that will emanate from it is really needed. You know, oftentimes I speak from the perspective of rural Nebraska. And the caseworkers of HHS are out in the field right now. And they, as well as others, have recognized in this move toward privatization the geographic challenges of rural Nebraska are real. If we've had problems dealing with the privatization in the urban areas, they're just going to be compounded when we've got population that is spread over a wide geographic area. [LR37]

SENATOR CARLSON: One minute. [LR37]

SENATOR SULLIVAN: But still at the end of the day, which seems to be the operative phrase in so many situations lately, at the end of the day I think and truly believe that Nebraska does care about its kids. But it will take a multifaceted approach. And perhaps it does take money, obviously it takes money. But money is not the only answer. And I think that if we focus on the weak link and once you solve that then there will always be another weak link. And if we stay with the course, we're going to end up with some good outcomes for kids in Nebraska. Thank you. [LR37]

SENATOR CARLSON: Thank you, Senator Sullivan and Senator Campbell. (Visitors introduced.) Senator Howard, you're recognized to speak. [LR37]

SENATOR HOWARD: Thank you, Mr. President, members of the body. I really appreciate the comments that have been made here today. I think for too long this was regarded as somebody else's problem, somebody who was more knowledgeable about how child welfare works. Well, it's all of our problems. And bringing this forth from the committee really gives everyone the opportunity to express their concerns. Everybody here has gotten the calls, I know you have because a lot of them you forward on to me. But we all have an investment in these children. We all have a commitment to these children. I really appreciate that Senator Krist made the comment regarding what he has seen and the problems in this major reform. And many of them really mirror what I've seen too. I remember contacting the Speaker in the summer and saying I'm so concerned that this is being done outside of the legislative process. We really have not had a voice in this. It has been done, it's been over, it's been finished before we have gotten back into session. And you have to ask yourself why? If this is such a good thing, why aren't we working together? Why aren't we partners like the department always likes to say? We're partners with our community resources and our services and our foster parents and our agencies. Why are we not partners with the legislative process? I agree they've been making more of an effort. Senator Dubas made knowledge of or

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expressed that, acknowledged that. I've been contacted more by Todd Reckling asking to come over to my office. But then when he gets to my office, he asks what I'd like to see him about, which (laugh) when someone makes an appointment with me usually they've got something they'd like to talk with me about. I'm glad to have the opportunity, that we can sit down face-to-face and talk about this. But stop and think about it. It's kind of a situation of the horse being out of the barn. What do you do at that point? I have issued the cautions, I've said beware. I have gone to Senator Heidemann's office any number of times when these things have come down. I said, mark my words, this is going to cost us a lot of money, there's no two ways about it, it's going to cost us a lot of money. And that's what it's doing. I am concerned as we look at issues that we're going to be cutting, necessary services we're going to be cutting. Does this give the opportunity for whatever happens outside this legislative body for there to be found money, more found money. And at the same time, we're eliminating services that people have come to depend on. Look at this very, very carefully because I hate to be suspicious, I hate not to feel that games are played. But I'm seeing it happen and I'm very, very concerned. We can't be doing this at the expense of children who have come into the system. Sure, they're minors. Sure, they're children. Sure, they don't vote, but we have the obligation. We as a body have the obligation. I appreciate you standing on this and I encourage you to do whatever is necessary to be with us to work on this problem. Don't let it slip past you. Don't get busy on something else that you may see as a bigger issue, a bigger consuming issue in your area. This affects every area of the state of Nebraska. Thank you. [LR37]

SENATOR CARLSON: Thank you, Senator Howard. There are no other senators wishing to speak. Senator Campbell, you're recognized to close on LR37. [LR37]

SENATOR CAMPBELL: Thank you, Mr. President. And I really do sincerely thank all my colleagues that stood today in support of the resolution. And I particularly want to thank Senator Conrad whose writing skills and encouragement helped to put forward the basic outline for the resolution. What I hope the committee will seek in working with not only the Appropriations Committee, the Performance and Audit Committee, but most importantly to also include the Judiciary and the department is that we find clarity of purpose, that we find clarity for a long-term plan, and we find clarity for the vision of how to protect children in the coming years. Thank you, Mr. President. [LR37]

SENATOR CARLSON: Thank you, Senator Campbell. Members, you've heard the closing on LR37. The question is, shall LR37 be advanced? All those in favor vote aye; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LR37]

CLERK: 43 ayes, 0 nays, Mr. President, on the adoption of LR37. [LR37]

SENATOR CARLSON: LR37 does advance. Items for the record, Mr. Clerk? [LR37]

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CLERK: Mr. President, two new resolutions, LR68 and LR69, offered by Senator Wightman. Both will be laid over at this time. Hearing notices from the General Affairs Committee and the Natural Resources Committee, signed by their respective Chairs. And Senator Karpisek would like to withdraw LB638. That will be laid over, Mr. President. That's all that I have. (Legislative Journal pages 471-473.) [LR68 LR69 LB638]

SENATOR CARLSON: Thank you, Mr. Clerk. Next item.

CLERK: Mr. President, LB264 is the first bill on General File, offered by Senator Heidemann. (Read title.) Introduced on January 11, referred to the Executive Board for purposes of conducting a public hearing, advanced to General File. I have no amendments to the bill, Mr. President. [LB264]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Heidemann, you're recognized to open on LB264. [LB264]

SENATOR HEIDEMANN: Thank you, Mr. President. Fellow members of the body, I bring to you LB264. Currently, any gift, bequest or devise of real property, structure or improvement proposed to be made available to any state agency, board or commission shall be reviewed by the State Building Division and the Task Force for Building Renewal. Such review should include any potential matching of state funds, any plan, specifications or other construction or repair documents and any potential maintenance requirements as a condition of acceptance. After such review, the State Building Division and task force are to submit a report to the Governor, Committee on Building Maintenance and to the Legislative Fiscal Analyst with their recommendation. If such gift, bequest, devise of real property, structure or improvement is in excess of \$10,000, it is to be approved by the Governor and the Legislature prior to acceptance. LB264 would add any acquisition of real property, structure or improvement that is acquired with the proceeds of a donation, gift, bequest, devise or grant from any individual, an organization, a corporation, a foundation or a similar entity or from a nonfederal governmental agency to the review and approve process. Just as the Legislature hesitates to take over funding for positions previously financed with federal dollars or grants, we must be concerned about ongoing operating and maintenance costs for land acquisitions that ultimately become the responsibility of the state. Senator Sullivan, Senator Utter and I have all introduced bills this year that would transfer land containing a state recreation area to a county or village in our legislative districts because the state can no longer afford its upkeep. In these tough times we must consider the ongoing costs of property that is acquired through cash gifts or grants. We can't afford to take care of what we currently have, therefore we must consider whether to accept more. LB264 would place land acquisitions that acquire the proceeds of cash, gifts or grants under the same review and approval process as other gifts and donations of land that we currently have. I am not suggesting that all land acquisitions be denied. I just believe

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that we must wisely decide whether we can afford the associated costs that come with the land. LB264 was advanced by the Executive Board on a 9 to 0 vote, with no committee amendments. No one spoke against this bill at the public hearing nor did anyone speak in a neutral capacity. I urge your vote to advance LB264 to the second stage of debate. If you have any questions, I would try to answer them. [LB264]

SENATOR CARLSON: Thank you, Senator Heidemann. You've heard the opening on LB264. Are there senators wishing to speak? Seeing none, Senator Heidemann, you're recognized to close. Senator Heidemann waives closing. The question is, shall LB264 advance to E&R Initial? All those in favor vote aye; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB264]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB264. [LB264]

SENATOR CARLSON: LB264 does advance. Next item, Mr. Clerk. [LB264]

CLERK: LB326, Mr. President, is a bill by Senator Janssen. (Read title.) The bill was introduced on January 12 of this year, at that time referred to the Executive Board for public hearing. The bill was advanced to General File. There are Executive Board Committee amendments pending, Mr. President. (AM139, Legislative Journal page 384.) [LB326]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Thank you, Mr. Clerk. Senator Janssen, you're recognized to open on LB326. [LB326]

SENATOR JANSSEN: Thank you, Mr. President and members of the Legislature. I actually almost missed this, we went so fast through the agenda item before this. But you can rest assured I was not presiding over a meeting of the Intergovernmental Cooperation Committee during that time. LB326 would eliminate the legislative Committee on Intergovernmental Cooperation and the Governor's Committee on Intergovernmental Cooperation. The Governor and the Executive Board support passage of LB326. The Executive Board so much, though, so that they slapped an E clause on it right after the hearing. The Legislature's ICC has one specific statutory duty, it shall constitute for the State of Legislative Council and the American Legislators Association. According to an NCSL on-line publication I came upon last summer, the American Legislators Association was disbanded and merged into the Council of State Governments in the 1960s. The statutory references to both the ICCs appear to predate our organization as a Unicameral Legislature. I have chaired the Legislature's committee for the past two years. Former Senator Kruse chaired the committee from '07 to '09. In those four years, the ICC committee has met in person as a whole exactly zero times. It appears that the Intergovernmental Cooperation is not a pressing issue in the

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Legislature or the Governor's special committee. The three times I've actually spoken in this capacity is twice to gain the chairmanship to the ICC and then today to disband the ICC. As we pursue ways to reduce the state budget and consolidate government agencies, passage of LB326 could be a small, yet symbolic effort by us to reduce committees and unnecessary pages in the statutes. Thank you and I'd appreciate your support in advancing LB326. [LB326]

SPEAKER FLOOD: Thank you, Senator Janssen. There are amendments to LB326 from the Executive Board. Senator Wightman, you are recognized to open on AM139. [LB326]

SENATOR WIGHTMAN: Thank you, Mr. President. Good morning, colleagues. The amendment is a very simple amendment. It adds the emergency clause. It's unlikely that this will save any money since that committee hasn't met for I don't know how many years, but a number of years. And the Governor's similar committee in the administration, I think, has met the same number of times recently. So it is probably unlikely that it would save money, but the possibility exists that it might save money. If it hasn't met for four or five years, it seems sensible that we pass it with the emergency clause so if there is some little savings out there, we can capitalize on that savings instead of waiting for the bill to come...to become effective under the normal provisions. So I ask that you support the amendment, AM139, and that you support the underlying bill. Thank you. [LB326]

SPEAKER FLOOD: Thank you, Senator Wightman. Members, you heard the opening on AM139 to LB326. There are members wishing to discuss the same. We begin with Senator Hadley, you are recognized. [LB326]

SENATOR HADLEY: Mr. President, members of the body, I stand in support of AM139 and LB326. I served diligently on this committee for two years, even though it never met, and then they kicked me off the committee. Thank you, Mr. President. [LB326]

SPEAKER FLOOD: Thank you, Senator Hadley. Senator Mello, you are recognized. [LB326]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. Would Senator Janssen yield to a question? [LB326]

SPEAKER FLOOD: Senator Janssen, will you yield to a question from Senator Mello? [LB326]

SENATOR JANSSEN: Yes. [LB326]

SENATOR MELLO: Senator Janssen, over the two years or roughly two years and one

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month or so of your chairmanship, has your committee or anyone brought any concerns about the need to reevaluate any intergovernmental cooperation from the state level in regards to dealing with cities, counties or NRDs? [LB326]

SENATOR JANSSEN: I can say nobody has brought any concerns since we've not met at all. So that would be a no. And I could talk to the various committee members, see if any concerns were brought to them. However, I really don't know who all of them are. [LB326]

SENATOR MELLO: Hypothetical, as a Legislature we're debating some very serious policy decisions this year in regards to budgetary issues, primarily the possibility of eliminating all of state aid to municipalities, counties, NRDs. Do you see any need at all in regards as we debate these policy issues that it might be worthwhile for the Legislature to explore maybe more innovative ways that we could try to communicate or look for more intergovernmental cooperation with our local governments around Nebraska? [LB326]

SENATOR JANSSEN: Sure. [LB326]

SENATOR MELLO: Thank you, Senator Janssen. Members of the Legislature, I understand the reason for Senator Janssen's bill. In statute, it specifically relates this committee to a nonexistent national organization. But I find it odd that in a time of budget crunch not only at the state level but at the city and county level across Nebraska that we are making a symbolic gesture. In no way, shape or form does this eliminate government. It doesn't eliminate any cost, it doesn't make government any smaller whatsoever. That we would, as a symbolic gesture, eliminate a committee that's focus is on intergovernmental cooperation. Now it's one thing to make, I think, a policy decision as a body that we want to eliminate state aid to cities, counties, NRDs and local governments. But I think it goes a step further that we are eliminating a vehicle that, while I respect the fact that it hasn't met because once again in statute right now it's to meet regarding a federal organization where, I think, instead of eliminating this committee there could have been the conversation maybe of changing its focus. That the Legislature itself could instead have committee members that would meet with local governmental organizations, such as the League of Municipalities or the Nebraska Association of County Officials but instead we're choosing to eliminate it. It's a philosophical perspective I have that right now our state government, in the budget times that we're in, we need to be innovative. We need to, quote unquote, reinvent government as myself and others have said multiple times. But in that same vein, Nebraskans want local government services, they want local government representation. And the last thing that we should do is to thumb our nose to that. I think instead we should look instead to try to build a better relationship with our local county governments, our local municipal governments and look for ways that the Legislature itself can provide a little bit more of, quote unquote, intergovernmental cooperation. With

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that, I probably will vote for the amendment. I haven't quite decided yet if I'll vote for bill. But I applaud Senator Janssen, at least I remember him in his floor speech, he emphasized that he didn't see the need for this committee because of the way it was currently written in statute. And I don't disagree with that general philosophy. But I think right now as a Legislature we should be prioritizing and focusing more on intergovernmental cooperation instead of making symbolic gestures of eliminating it. Thank you, Mr. President. [LB326]

SPEAKER FLOOD: Thank you, Senator Mello. Senator Lautenbaugh, you are recognized. [LB326]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I do rise in support of this bill and the amendment too. I don't think this is a way of shutting off communication between various levels of government and various branches of government. I don't think we've been wanting for communication these last few years, and this committee has yet to meet. I applaud Senator Janssen. He said in his comments campaigning for the chairmanship of this committee that he would move to abolish it. And in a very unsteeler like fashion, he took care of the ball, brought the bill forward and we need to move this forward as well. Thank you very much. [LB326]

SPEAKER FLOOD: Thank you, Senator Lautenbaugh. Senator Schumacher, you are recognized. [LB326]

SENATOR SCHUMACHER: Thank you, Mr. Speaker. I rise kind of in harmony with the sentiments raised by Senator Mello. Whether or not this particular committee or committees served any function, the concept of interlocal government and interlocal cooperation on the radar screen of many of the avant-garde thinkers of our society is something of utmost importance in an era when we have to realign government, reinvent governmental structures and confine our spending into more efficient systems. We are at an age when we may need to look at cooperation with neighboring states on such projects as university education, when we may need to consolidate our counties but we don't want to hear the word consolidate, but they will embrace the word cooperate. We are in an age when there may be a need for the development of city/state organizations to facilitate metropolitan development. We have in this state something many of you probably have never heard about. It is in some respects Nebraska's third largest city. It has a population of 150,000. It is self-organized by 100 cities, counties and villages. It is governed by a board of seven commissioners and they have broad ranging authority within their organization and to expand their organization. It holds potential as do many other permutations of that organization. Now to the extent we eliminate these committees as a symbolic gesture, it's one thing. But in the process of doing so let's not close our minds and certainly our avenues to the necessity that we're going to have to redesign government, and interlocal cooperation is one of the major vehicles that we have to do that. In fact, it is so major it's part of our constitution.

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So I think the sentiment that Senator Mello raised is indeed a good one. This is an avenue that if we close down these committees we at least should recognize is a proper avenue and a proper place at least within the Government Committee because interlocal cooperation is an avenue of the future and government agencies structured to facilitate that are absolutely necessary to come out of some of these financial problems. Thank you, Mr. Speaker. [LB326]

SPEAKER FLOOD: Thank you, Senator Schumacher. Senator Pahls, you are recognized. [LB326]

SENATOR PAHLS: Thank you, Mr. Speaker and members of the body. I think we have a new leader of this committee and that would be Senator Schumacher. I do agree with some of this thinking that we do have to be more proactive and maybe more innovative. And that did give me pause to think and then when we did applaud Senator Mello for bringing this up, almost thought we were on Broadway because we were doing so much applauding lately. But there is...perhaps there is a need for this. And maybe in our Government Committee we could discuss this in another direction. But apparently, this committee has not been focused the last several years, not because of the leadership but because apparently there have been no ideas brought forth. But again, by simply removing it Senator Schumacher has brought up the idea maybe we haven't been wise enough in the past to utilize something such as this. So I probably will do what the present Chair is suggesting, maybe eliminate it. But then again maybe those of us on the Government Committee ought to take a look at it and say, hey, we may need something like this. And with the enthusiasm or with the thinking of that committee maybe we would bring this back again in the future. Maybe not this particular committee but something that would help promote interlocal agreements, which we do have that in our system right now. Thank you. [LB326]

SPEAKER FLOOD: Thank you, Senator Pahls. There are no other lights on. Senator Wightman, you're recognized to close on AM139. Senator Wightman waives his opportunity. The question before the body is, shall AM139 be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB326]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB326]

SPEAKER FLOOD: Committee amendments are adopted. We return to discussion on LB326. Senator Langemeier, you are recognized. [LB326]

SENATOR LANGEMEIER: Mr. President, members of the body, I rise in support of LB326. And as I look on my letterhead I've been in, this is my seventh year in the Legislature. And I have been on Intergovernmental Cooperation Committee since I

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started. And to go to some of the comments that have been made when we made the...as this body made the decision to move the State Fair to Grand Island, I brought up the idea, Intergovernmental Cooperation, this is the best committee to deal with working with the city of Grand Island, the chamber of commerce, the Fair Board, the university and the state of Nebraska, this is something this committee could do. And I was told that that subject matter fell under Ag Committee and it wasn't your bailiwick to get involved in. So as we deal with, as Senator Mello said, we deal with city, county and NRD aid as that's a tax policy, that's going to fall under Revenue. As the moving of the State Fair I thought fit into this committee that we did nothing in my six, at that time five years of serving on it, I thought that was a good use for it. So I rise in strong support of getting rid of it. If we can see a need that Senator Schumacher brought up and Senator Mello has brought up then we need to look at committees into the future. At that time I think we ought to look at it. But right now prior to today, it's always been just the travel office, which is now in the Executive Board, and so the need for it, I think, has diminished, whatever need that was ever there for it. And I'd ask for your support of LB326. Thank you. [LB326]

SPEAKER FLOOD: Thank you, Senator Langemeier. There are no other lights on. Senator Janssen, you're recognized to close on LB326. Senator Janssen waives his opportunity. The question before the body is, shall LB326 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB326]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB326. [LB326]

SPEAKER FLOOD: LB326 advances to E&R Initial. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR61, LR62, LR63, LR64, and LR65. Mr. Clerk, we now move on to LB12. [LR61 LR62 LR63 LR64 LR65 LB12]

CLERK: LB12, a bill by Senator Wightman. (Read title.) The bill was introduced on January 6 of this year, Mr. President, referred to the Judiciary Committee. The bill was advanced to General File. I have no amendments to the bill. [LB12]

SPEAKER FLOOD: Senator Wightman, you're recognized to open on LB12. [LB12]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. LB12 is identical to LB853 that I introduced last year at the request of Joanne Pepperl, our revisor of statutes. LB853 did not become law. It was not advanced by the Judiciary Committee. LB12 addresses an issue that should be resolved. I wish to thank Chairman Ashford and members of the Judiciary Committee for unanimously advancing LB12. The intent of LB12 is simply to remove language found unconstitutional by the Nebraska Supreme Court in 2005. In 2002, the Legislature held a special session to address Nebraska's capital sentencing scheme in light of a U.S. Supreme Court case, Ring v.

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Arizona. During the special session, language was adopted to clarify that the current penalty for Class 1A felonies when the death penalty is not utilized is life imprisonment without parole. Class 1A felonies are murder, kidnapping, and murder of an unborn child. Six sections of law were amended during the special session to add the two words, "without parole." However, in 2005, the Nebraska Supreme Court in the case of State v. Conover struck down the "without parole" language in two of the six sections where it had been added by the Legislature, holding that it was unconstitutional because it was outside the scope of the Governor's call, which related only to the Ring v. Arizona decision. Presumably the reason that they didn't also do the other four is that it would not have been necessary under the holding of that case, and if that issue was raised, those would have been struck down as well. The 2002 amendments to Sections 28-105(1) and 29-2520(1) which insert the phrase "without parole" after "life imprisonment" contravene the constitutional directive that the Legislature shall not enter...or shall enter upon no business except that for which they were called together in a special session. This is a quote now from the Conover case. "We therefore conclude that whatever its intent, the Legislature lacked constitutional authority to amend the language of the statutory penalty for a Class IA felony during the 2002 special session." LB12 simply strikes the phrase "without parole" in all the sections where it was inserted during the 2002 special session, thereby, bringing the statutes into compliance with the Nebraska Supreme Court decisions. Incidentally, the Nebraska Supreme Court has admonished the Legislature in two subsequent cases that the Legislature should fix the sentencing law, the last case being State v. Thorpe decided in June of 2010. Mr. President, I would urge the advancement of LB12 to correct Nebraska's life without parole sentencing law. Thank you, Mr. President. [LB12]

SENATOR COASH PRESIDING

SENATOR COASH: You have heard the opening to LB12. Members wishing to speak: Senators Fulton, Lautenbaugh, and Ashford. Senator Fulton, you are recognized. [LB12]

SENATOR FULTON: Thank you, Mr. President, members of the body. I'll ask if Senator Wightman could yield to a question first. [LB12]

SENATOR COASH: Senator Wightman, will you yield? [LB12]

SENATOR WIGHTMAN: I will. [LB12]

SENATOR FULTON: Senator, I do understand and have followed what the courts have said with respect to our sentence of life without parole, but at the same time recognizing we probably do need to do this, it's not an insignificant thing we're about to do here. What is...can you share with us where there is...what the plan is going forward? Are we just...is the remedy here that the Legislature needs to act and act within its authority,

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and when it comes to adding the words "without parole," it was...that was conducted outside the call of a Governor. And is there a plan then to reintroduce a bill that then says that we will reinsert "without parole" into the statute? [LB12]

SENATOR WIGHTMAN: As a matter of fact, I did introduce the bill myself that would pass the same language that was adopted in the 2002 special session. That has not advanced from the committee yet. I think it's LB13. But, at any rate, that was done but, as I say, the committee has not seen fit to advance it to this point. [LB12 LB13]

SENATOR FULTON: Okay. Thank you, Senator Wightman. Would Senator Ashford yield to a question, Mr. President. [LB12]

SENATOR COASH: Senator Ashford, will you yield? [LB12]

SENATOR ASHFORD: Yes. [LB12]

SENATOR FULTON: Senator, did you follow my questioning with Senator Wightman? Why don't I just pose a question this way, Senator. [LB12]

SENATOR ASHFORD: I should have been, Senator Fulton. [LB12]

SENATOR FULTON: That's all right. Many in my household, too, now when I start to talk to you. That's all right. (Laugh) When we advance LB12, we strike from the statute "without parole." The reason why there is a necessity here is because of what has been found by the Supreme Court, and so in order to be appropriate and proper with respect to the authority of this body, we will strike this. But my question is, is there then a bill and an intention on the part of this body, perhaps more particularly on the part of the Judiciary Committee, to reinsert these words under the proper authority of this Legislature? [LB12]

SENATOR ASHFORD: Senator Fulton, thanks for the question. It's not necessary to do that. The sentencing for a 1A felony will remain the same, and so by deleting "without parole" for a 1A felony, we are at life imprisonment. There is no difference between life imprisonment without parole and life imprisonment under our 1A sentencing statute, so there is no need to do anything more than what Senator Wightman has rightly decided to do. There is another bill that deals with that, but it is, in my view and I think the view of most people that look at this, not necessary for the Legislature to do that. [LB12]

SENATOR FULTON: Okay. Thank you, Senator. I will...this is a matter that's taken up largely by our attorneys and lawyers and, therefore, it's appropriate to the Judiciary Committee. I do have that question. I'm going to continue listening, but folks should recognize that I don't believe it's an insignificant thing we're about to do here. Thank you, Mr. President. [LB12]

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SENATOR COASH: Thank you, Senator Fulton. Senator Lautenbaugh, you are recognized. [LB12]

SENATOR LAUTENBAUGH: Thank you, Mr. President. I wonder if Senator Burke Harr would yield to a question. [LB12]

SENATOR COASH: Senator Harr, will you yield? [LB12]

SENATOR HARR: Yes. [LB12]

SENATOR LAUTENBAUGH: Senator, you used to be a prosecutor did you not? [LB12]

SENATOR HARR: Yes, deputy county attorney. [LB12]

SENATOR LAUTENBAUGH: And we did have discussions about this bill in committee, did we not? [LB12]

SENATOR HARR: Yes, we did. [LB12]

SENATOR LAUTENBAUGH: And LB12 removes the language that says without possibility of parole, is that your understanding? [LB12]

SENATOR HARR: That is correct. [LB12]

SENATOR LAUTENBAUGH: Do you have any understanding that we lose anything by taking those words out? [LB12]

SENATOR HARR: The answer is, we do not. [LB12]

SENATOR LAUTENBAUGH: And why is that? [LB12]

SENATOR HARR: And I understand... [LB12]

SENATOR LAUTENBAUGH: I'm sorry. Why is that? [LB12]

SENATOR HARR: And I spoke to Bob Houston and I spoke to Don Kleine who's Douglas County Attorney about this issue and a couple of other attorneys, and under the statute the difference between life under 1A and life without parole is merely semantics, there is no actual difference. [LB12]

SENATOR LAUTENBAUGH: Because life under 1A is life without possibility of parole. [LB12]

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SENATOR HARR: Unless commuted, that's correct, which would be the same under both situations. [LB12]

SENATOR LAUTENBAUGH: It could only be commuted by the Pardons Board, is that correct? [LB12]

SENATOR HARR: That is correct, Senator. [LB12]

SENATOR LAUTENBAUGH: But that's true whether we had the words in there or not, is that correct? [LB12]

SENATOR HARR: That is correct. [LB12]

SENATOR LAUTENBAUGH: Thank you, Senator Harr. [LB12]

SENATOR HARR: Thank you. [LB12]

SENATOR LAUTENBAUGH: This is one of those circumstances where it seems like we might be doing something terribly significant but in reality we are not. The words that we're removing were impermissibly placed in law and held so by the Supreme Court as beyond the call of a special session we had years ago. But as I also verified with our county attorneys who are the experts in this area, my county attorney particularly, Don Kleine, we do not lose anything by taking these words out because the 1A sentence for murder is already without possibility of parole which is where these words would apply. There was a bill that would...it was LB13, that would then add these words back in, without possibility of parole, and I, myself, moved to IPP that bill in committee because it is just not necessary. I've verified with people whose opinions I trust and who are knowledgeable in this area. I think on another bill I even spoke to the Lancaster County Attorney, Joe Kelly, and asked him his opinion and received the same answer. All we are doing here is cleaning up something that was impermissibly placed in statute and gains us nothing. So while I realize on the surface this looks like it might be something significant, I would urge you to support this bill. It is simply cleaning up language that we can't have in there, but it doesn't cost us anything as far as possible penalties we have. Thank you. [LB12 LB13]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Ashford, you are recognized. [LB12]

SENATOR ASHFORD: I don't have much to add. Thank you, Mr. President. I just want to thank Senator Wightman for his tenacity and persistence on this matter and tell him that we have what's called the two admonishment rule in the (laugh) Judiciary Committee. One admonishment means we'll take a look at it, but two admonishments

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by the Supreme Court and then we have to take even a harder look at it. And if you add to that Senator Wightman's persistence and tenacity on these matters, that makes it very important that we get a bill out. So I thank Senator Wightman and the committee. This does not change substantive law in sentencing, and I would urge the advancement of LB12. [LB12]

SENATOR COASH: Thank you, Senator Ashford. Senator Wightman, you are recognized. [LB12]

SENATOR WIGHTMAN: I'll just take a minute, Mr. President. I said that the bill did not advance; it was a little stronger than that. I think it was IPPed, as Senator Lautenbaugh said he made the motion, but I think that action was taken on that. So LB13 will not be coming forward to the Legislature, so I did want to correct the record on that. But I do urge you to pass LB12. Thank you. [LB12 LB13]

SENATOR COASH: Thank you, Senator Wightman. Senator Fulton, you are recognized. [LB12]

SENATOR FULTON: Thank you, Mr. President. Would Senator Ashford yield to a kind question? [LB12]

SENATOR COASH: Senator Ashford, will you yield? [LB12]

SENATOR ASHFORD: Yes. [LB12]

SENATOR FULTON: Thank you, Senator. I did have the opportunity...I want the record to reflect this because I think that this is the type of thing that can be looked at by our posterior--is that the right word--people in the... [LB12]

SENATOR ASHFORD: Well, that's an odd way to look at it, but... (laughter) [LB12]

SENATOR FULTON: I wish I could strike that, but we'll just... [LB12]

SENATOR ASHFORD: Posterity? [LB12]

SENATOR FULTON: Posterity, that's better, that's a better word. Okay. Well, (laughter) Senator, would...on page 2 of the green copy of the bill, I'll just read to you that, "Class 1A felony life imprisonment," and we are moving to strike, "without parole." [LB12]

SENATOR ASHFORD: Correct. [LB12]

SENATOR FULTON: Class 1B felony, the maximum is life imprisonment, the minimum is 20 years imprisonment. [LB12]

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SENATOR ASHFORD: Yeah. [LB12]

SENATOR FULTON: Am I correct in understanding that as our sentencing statutes exist now, life imprisonment being the only potentiality for a Class 1A felony, there is no way to calculate what parole ought to be? [LB12]

SENATOR ASHFORD: Life...well, the only way that anyone can be paroled under a 1A violation or, you know, if they've been convicted of a 1A felony, if a person has been convicted of a 1A felony, the only way of being paroled or exiting the prison would be a commutation of the sentence by the Pardons Board. So that wouldn't change. [LB12]

SENATOR FULTON: And that authority already exists regardless what we do? [LB12]

SENATOR ASHFORD: Correct, correct. [LB12]

SENATOR FULTON: So life imprisonment means life imprisonment. It's not necessary, it's a redundancy to say "without parole," and the fact that we have been admonished twice by the judicial branch of the government is the rationale as to why we need to strike this from our language now. [LB12]

SENATOR ASHFORD: Correct, and Senator Wightman's admonishment as well. [LB12]

SENATOR FULTON: By the volition and movement of good Senator Wightman. Thank you, Senator Ashford. I raise the question here. I've watched this from afar, as have most...as have other citizens. Not being a part of the Judiciary Committee, I've read this through media accounts, and having an explanation does make me feel a little bit more secure in saying that we do need this bill as a matter of doing right by what our authority is and that, indeed, it is not a significant change. And so I thought that important for the record to know particularly those of our posterity who will read in future years. Thank you, Mr. President. [LB12]

SENATOR COASH: Thank you, Senator Fulton. Seeing no other lights on, Senator Wightman, you are recognized to close on the advancement of LB12. Senator Wightman waives. The question is the advancement of LB12 to E&R Initial. All those in favor vote aye; and those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB12]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB12. [LB12]

SENATOR COASH: The bill advances. We will now proceed to LB146. [LB12]

CLERK: LB146, Mr. President, a bill by Senator McGill. (Read title.) The bill was

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introduced on January 7, referred to the Urban Affairs Committee, advanced to General File. I have an amendment pending to the bill by Senator McGill, Mr. President. (AM224, Legislative Journal page 431.) [LB146]

SENATOR COASH: Senator McGill, you are recognized to open on LB146. [LB146]

SENATOR MCGILL: Thank you, Mr. President, members of the body. LB146 provides for the use of planned unit developments in all cities and villages in Nebraska regardless of their size. Currently, state law only allows metropolitan, primary, and first class cities to utilize this development tool. Planned unit development zoning provisions permit large lots to be developed in a more flexible manner than would be allowed by the underlying zoning classification for the property. PUD ordinance provisions allow cities to permit developers to mix land uses, such as residential and commercial, on a large parcel of land to develop the parcel at greater densities and with more design flexibility than otherwise would be allowed the underlying zoning district. This is done typically with the intention of allowing and encouraging more creative design of land development than is possible under district zoning regulations. One very good example of planned unit developments is the Iron Horse Development in Ashland. It is a beautiful community with a lake, golf course, and because of the planned unit development concept, the developer was able to design the community to work with the nuances of the land, develop the golf course around the residential areas, and achieve the desired population density for that subdivision. This would not have been accomplished with the use of only traditional zoning regulations. Unfortunately, what the city of Ashland didn't know at the time was that they didn't have the statutory approval to do this since they're a city of the second class, so they weren't aware of the limitations of planned unit developments. So this bill would allow for cities like Ashland to continue to develop in a way like Iron Horse was. I think it's a good thing. We haven't been able to figure out exactly why this wasn't applied to all sizes of cities and villages. So I'd ask for your support. Thank you, Mr. President. [LB146]

SENATOR COASH: Thank you, Senator McGill. Mr. Clerk, we have amendments. [LB146]

CLERK: Mr. President, Senator McGill would move to amend with AM224. [LB146]

SENATOR COASH: Senator McGill, you are to open on AM224. [LB146]

SENATOR MCGILL: Thank you, Mr. President. This is a simple amendment dealing...it's on page 4 of the green copy, it just takes out the county board approval and leaves just the planning commission. This is something that was asked for by the League of Municipalities in working on this bill. Thank you, Mr. President. [LB146]

SENATOR COASH: Thank you, Senator McGill. Are there any wishing to speak on

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AM224? Seeing none, Senator McGill, you are recognized to close on AM224. Senator McGill waives closing. The question is on the advancement of AM224. Have all voted who wish? Record, Mr. Clerk. [LB146]

CLERK: 32 ayes, 0 nays on the adoption of Senator McGill's amendment. [LB146]

SENATOR COASH: The amendment is adopted. [LB146]

CLERK: I have nothing further, Mr. President. [LB146]

SENATOR COASH: Returning to discussion on LB146. Seeing no lights on, Senator McGill, you are recognized to close on LB146. Senator McGill waives closing. The question is on the advancement of LB146 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB146]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB146. [LB146]

SENATOR COASH: The bill does advance. We will now go to LB331. [LB146 LB331]

CLERK: LB331, a bill by the Education Committee and signed by its members. (Read title.) The bill was introduced on January 12, referred to the Education Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB331]

SENATOR COASH: Senator Adams, as Chair of the Education Committee, you are recognized to open on LB331. [LB331]

SENATOR ADAMS: Thank you, Mr. President. Members of the body, this bill and three others are a bundle of the LR542 recommendations from the Education Committee. And this one in particular deals with only one provision which also has to do with Nebraska Educational Telecommunications. NET is under the Education Committee's jurisdiction. And what the bill does very simply, it removes from law a requirement that says that NET must maintain two broadcast origination places, one must be in Omaha. This simply removes that requirement. There doesn't have to be two anymore; there doesn't have to be one in Omaha, and that's simply all that the bill does. There was very little else in statute that the committee could look at for NET. That's the essence of the bill. Thank you, Mr. President. [LB331]

SENATOR COASH: Thank you, Senator Adams. Seeing no one wishing to speak on LB331, Senator Adams, you are recognized to close. Senator Adams waives closing. The question before the body is the advancement of LB331 to E&R Initial. All those in favor vote aye; those opposed vote nay. Have all voted? Record, Mr. Clerk. [LB331]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB331. [LB331]

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SENATOR COASH: The bill does advance. Mr. Clerk, we will proceed to General File, LB332. [LB331 LB332]

CLERK: LB332, a bill by the Education Committee and signed by its members. (Read title.) Introduced on January 12 of this year, referred to the Education Committee. The bill was advanced to General File. I have no amendments at this time, Mr. President. [LB332]

SENATOR COASH: Senator Adams, you are recognized to open on LB332. [LB332]

SENATOR ADAMS: Thank you, Mr. President. This is the second of those four bills dealing with LR542 recommendations coming from the Education Committee. This one in particular deals with the Board of Educational Lands and Funds. Most of that is cash funded, but what the committee has decided to do is to recommend to the body that we eliminate the \$40 per meeting per diem that the Board of Educational Lands and Funds currently gets. It does not eliminate their travelling expenses that they incur to travel here into Lincoln for their meetings. It simply eliminates the per diem. Thank you, Mr. President. [LB332]

SENATOR COASH: Thank you, Senator Adams. Are there those wishing to speak on LB332? Seeing none, Senator Adams, you are recognized to close. Senator Adams waives closing. The question is the advancement of LB332 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who wish to? Record, Mr. Clerk. [LB332]

CLERK: 33 ayes, 1 nay on the advancement of LB332. [LB332]

SENATOR COASH: The bill is advanced. Next bill, Mr. Clerk. [LB332]

CLERK: LB334, Mr. President, a bill by the Education Committee. (Read title.) The bill was introduced on January 12, at that time referred to the Education Committee, advanced to General File. There are Education Committee amendments pending, Mr. President. (AM102, Legislative Journal page 399.) [LB334]

SENATOR COASH: Senator Adams, you are recognized to open on LB334. [LB334]

SENATOR ADAMS: Thank you, Mr. President. LB334, again, from the Education Committee with our LR542 recommendations. This one deals with higher education. And, quite frankly, as we peruse the statutes on higher ed, there isn't much there; it's primarily role and mission. And so what you will see here is the creation of permissive language rather than mandated language, and there are some cost savings. One of those would be to repeal the requirement that there be a poultry pathologist. That

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position is currently not filled anyway. A portion of this would repeal the requirement of having an aquaculturalist, again, a position that currently is not filled. We would repeal the requirement to have an ag lab in Box Butte County. That land has already been returned to the county. The university's request for General Fund support to the Nebraska Safety Center would become permissive rather than mandatory. There is also here in this particular bill a phase out of an optometry scholarship program. Currently in Nebraska law, we appropriate money for students that go out of state to an optometry school. There is no requirement for them to return to the state of Nebraska and practice. What the language here would do is to phase out the program altogether. It wouldn't terminate contracts the students have right now with the state, but it would terminate it in time, it would phase it out. The optometrists, I want to applaud them. They could have put probably more pressure on the committee. I think that they understood, though that this was important to them, we also are facing a unique situation in the state that we have to deal with, and there hasn't been a lot of wrangling over this. In addition, there is language for the participation of the state and the university system in the business network that would be made permissive. Thank you, Mr. President. [LB334]

SENATOR COASH: Thank you, Senator Adams. Mr. Clerk, we have amendments. [LB334]

CLERK: There are Education Committee amendments, Mr. President. [LB334]

SENATOR COASH: Senator Adams, you are recognized to open on AM102. [LB334]

SENATOR ADAMS: Thank you. All this amendment does is add the E clause to the bill. [LB334]

SENATOR COASH: There are members wishing to speak on AM102. Senator Louden, you are recognized. [LB334]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I guess my concern would be on the aquaculture part. If there isn't anyone employed there, why is it costing anything anyway? And here a few years ago we did away with the apiarians in Nebraska, which is your beekeeping issues. And now while you're having hearings in the Agriculture Committee, and I haven't delved into them that far, but considering what we do about honey and that sort of thing. So I'm wondering if we've got too much of a shotgun approach here with aquaculture and also on the poultry division. There are issues that perhaps Nebraska could come forward with some poultry production in the future, and we do have people that are engaged in poultry production and egg production. And if those jobs aren't filled, I'm wondering if we need to worry about them. Would Senator Adams wish to yield to questions? [LB334]

SENATOR COASH: Senator Adams, will you yield? [LB334]

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SENATOR ADAMS: Yes, I will. [LB334]

SENATOR LOUDEN: Is there any problem, is there any way we can work around this to...or I guess I should say, what happens then if we need somebody in aquaculture here in a few years because at the present time, why, there's an operation that sells fish and stuff down there around Lisco and they have been for a few years and some of the other places that are commercially selling fish? What do we do then if we have an issue with a disease in those and also with the poultry such as what's happened in the bee industry? Is there any way we can get back into that without having some legislation again? [LB334]

SENATOR ADAMS: Well, one option would be to come back and create these...recreate these positions. And though I don't represent the College of Natural Resources, but I would think that within their research environment right now they can probably answer most questions relating to this without having these specific positions. [LB334]

SENATOR LOUDEN: Okay. Then all your...with your...in your poultry as I read it, then you would be just not hiring...doing away with the person that's involved with poultry production and also in aquaculture, someone that's familiar with aquaculture? How do you get those people back without waiting two years to go through the Legislature and stuff if we needed those people? I mean, when something like this happens, it's going to happen in a hurry, it isn't going to take two years to develop. So I guess that was my concern. Are we saving that much money by getting rid of those two positions when they're not filled anyway? [LB334]

SENATOR ADAMS: Well, the one thing I would point out to you, Senator, is that we are not necessarily eliminating a position, we're eliminating a requirement that the position be filled. [LB334]

SENATOR LOUDEN: Okay. Thank you, Senator Adams. Thank you, Mr. President. [LB334]

SENATOR COASH: Thank you, Senator Louden. Mr. Clerk for announcements. [LB334]

CLERK: Mr. President, some items. Your Committee on Government, Military and Veterans Affairs gives notice of hearing, signed by Senator Avery. I have name adds: Senator Dubas would like to add her name to LB94, Senator Nordquist to LB507. (Legislative Journal pages 474-475.) [LB94 LB507]

And a priority motion: Senator Langemeier would move to adjourn the body until

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Tuesday morning, February 8, at 9:00 a.m.

SENATOR COASH: You have heard the motion to adjourn until Tuesday, February 8. All those in favor say aye. Those opposed say nay. We are adjourned.