

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
March 07, 2008

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SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for this, the thirty-seventh day of the One Hundredth Legislature, Second Session. Our chaplain for today is Pastor John Nelson from Christ Lutheran Church, Columbus, Nebraska, Senator Stuthman's district. Please rise.

PASTOR NELSON: (Prayer offered.)

SENATOR LANGEMEIER: Thank you. I call to order the thirty-seventh day of the One Hundredth Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

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

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

CLERK: I have no corrections, Mr. President.

SENATOR LANGEMEIER: Thank you. Are there any messages, reports, or announcements?

CLERK: Your Committee on Health and Human Services, chaired by Senator Johnson, reports LB883 to General File; LB759 and LB954 to General File with amendments; and LB1163 indefinitely postponed. I have a Report of Registered Lobbyists for this week to be inserted in the Legislative Journal, and a series of state reports received on file in the Clerk's Office available for member review. That's all that I have, Mr. President. (Legislative Journal pages 839-842.) [LB883 LB759 LB954 LB1163]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda, Select File 2008 Speaker priority bills.

CLERK: Mr. President, Senator McGill, LB962. I have no amendments to the bill, Senator. [LB962]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB962]

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SENATOR MCGILL: Mr. President, I move LB962 to E&R for engrossing. [LB962]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk. [LB962]

CLERK: LB914, Senator. There are E&R amendments pending. (ER8174, Legislative Journal page 745.) [LB914]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB914]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB914]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB914]

CLERK: I have nothing further on the bill, Senator. [LB914]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB914]

SENATOR MCGILL: Mr. President, I move LB914 to E&R for engrossing. [LB914]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB914 does advance. Mr. Clerk. [LB914]

CLERK: Senator, LB768. There are E&R amendments pending. (ER8176, Legislative Journal page 797.) [LB768]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB768]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB768]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. The ayes have it. They are adopted. [LB768]

CLERK: I have nothing further on LB768, Senator. [LB768]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB768]

SENATOR MCGILL: Mr. President, I move LB768 to E&R for engrossing. [LB768]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All

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those opposed say nay. LB768 does advance. Mr. Clerk. [LB768]

CLERK: LB939, Senator. I have no amendments to the bill. [LB939]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB939]

SENATOR MCGILL: Mr. President, I move LB939 to E&R for engrossing. [LB939]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB939 does advance. Mr. Clerk. [LB939]

CLERK: LB1056, Senator. There are Enrollment and Review amendments. (ER8177, Legislative Journal page 803.) [LB1056]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB1056]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB1056]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB1056]

CLERK: I have nothing further on that bill, Senator. [LB1056]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB1056]

SENATOR MCGILL: Mr. President, I move LB1056 to E&R for engrossing. [LB1056]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB1056 does advance. Select File 2008 committee priority bills. Mr. Clerk. [LB1056]

CLERK: LB851, Senator. There are Enrollment and Review amendments. (ER8165, Legislative Journal page 670.) [LB851]

SENATOR LANGEMEIER: Senator McGill. [LB851]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB851]

SENATOR LANGEMEIER: You've heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. The ayes have it. They are adopted. [LB851]

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CLERK: I have nothing further on LB851, Senator. [LB851]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB851]

SENATOR MCGILL: Mr. President, I move LB851 to E&R for engrossing. [LB851]

SENATOR LANGEMEIER: You have heard the motion on LB851. All those in favor say aye. All those opposed say nay. LB851 does advance. Mr. Clerk. [LB851]

CLERK: LB755, Senator. I have Enrollment and Review amendments, first of all. (ER8164, Legislative Journal page 671.) [LB755]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB755]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB755]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB755]

CLERK: Senator Fischer would move to amend with AM2172. (Legislative Journal page 801.) [LB755]

SENATOR LANGEMEIER: Senator Fischer, you are recognized to open on your amendment. [LB755]

SENATOR FISCHER: Thank you, Mr. President and members. The committee amendment, AM1974, replaces the green copy of LB1092. Several significant changes are made in...excuse me. Mr. President and members, this amendment deals with the emergency clause. We're asking for the emergency clause because the Public Service Commission has requested it. Thank you. [LB755]

SENATOR LANGEMEIER: You have heard the opening on AM2172 offered to LB755. The floor is now open for discussion. Senator Chambers, you are recognized. [LB755]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I would like to ask Senator Fischer a question. [LB755]

SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB755]

SENATOR FISCHER: Yes. [LB755]

SENATOR CHAMBERS: Senator Fischer, did they say why they need the emergency clause?--not that I'm opposed to it. [LB755]

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SENATOR FISCHER: Senator Chambers, in order to get the Nebraska Internet fund moving, they need the emergency clause to do that. Thank you. [LB755]

SENATOR CHAMBERS: Thank you. That's all I had, Mr. President. [LB755]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Is there anyone else wishing to speak? Seeing no other lights on, Senator Fischer, you are recognized to close. Senator Fischer waives closing. The question before the body is, shall AM2172 be adopted to LB755? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB755]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Fischer's amendment. [LB755]

SENATOR LANGEMEIER: AM2172 is adopted. Mr. Clerk. [LB755]

CLERK: I have nothing further on the bill, Senator. [LB755]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB755]

SENATOR MCGILL: Mr. President, I move LB755 to E&R for engrossing. [LB755]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB755 does advance. Mr. Clerk. [LB755]

CLERK: LB855, Senator. I have E&R amendments on the bill. (ER8167, Legislative Journal page 708.) [LB855]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB855]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB855]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB855]

CLERK: I have nothing further on LB855, Senator. [LB855]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB855]

SENATOR MCGILL: Mr. President, I move LB855 to E&R for engrossing. [LB855]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All

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those opposed say nay. LB855 does advance. Mr. Clerk. [LB855]

CLERK: LB756, Senator. There are Enrollment and Review amendments. (ER8168, Legislative Journal page 709.) [LB756]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB756]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB756]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. The ayes have it. They are adopted. Mr. Clerk. [LB756]

CLERK: I have nothing further on LB756, Senator. [LB756]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB756]

SENATOR MCGILL: Mr. President, I move LB756 to E&R for engrossing. [LB756]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB756 does advance. Mr. Clerk. [LB756]

CLERK: Senator McGill, LB797, I have Enrollment and Review amendments first of all. (ER8169, Legislative Journal page 738.) [LB797]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB797]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB797]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB797]

CLERK: Senator Johnson would move to amend with AM2133, Mr. President. (Legislative Journal page 788.) [LB797]

SENATOR LANGEMEIER: Senator Johnson, you are open...recognized to open on AM2133. [LB797]

SENATOR JOHNSON: Thank you, Mr. President, members of the Legislature. AM2133 contains the provisions of two bills heard before the Health and Human Services Committee earlier this session that have to do with mobile homes and manufactured housing. These kinds of bills fall within the jurisdiction of the Health Committee because of the implications for public health and safety. The first bill, LB749, was introduced by

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Senator Stuthman, and Senator Stuthman will follow me and explain more about this bill and ask...answer, excuse me, any questions that you may have. The bill was brought by the Department of Health and Human Services. There was one proponent testifier and no opponents. It was advanced unanimously by the committee. LB749 relates to mobile home parks. This bill provides applications for licensure to operate a mobile home park that could be submitted electronically. The bill also permits the department to impose a civil penalty of up to \$2,000 per day for violations, in addition to other existing disciplinary actions that may be taken against a licensee. The second bill, LB892, was introduced by Senator Dwite Pedersen, and Senator Pedersen will be happy to answer any questions regarding this bill. The bill was brought at the request of the Public Service Commission. There again were no opponents and advanced unanimously. The bill changes the various provisions of the Nebraska Uniform Standards of mobile...or correction, Modular Housing Units Act and the Uniform Standard Code for Manufactured Homes and Recreational Vehicles. I'll go through a few of the things that we're talking about. Seal fees: The bill increases the range of seal fees and this is the stamp of approval that the modular home is safe; that these seal fees be changed...or charged by the Public Service Commission under the Modular Housing Act. Seal fees are raised from a range from \$80 to \$400, up to \$100 to a maximum \$1,000 per modular housing unit. Under the manufactured home and RV act, the bill increases the range of fees from \$10 to \$50, to a range of \$10 to \$75. There are also administrative fees. The bill permits the commission to assess administrative fines pursuant to Section 75-156 to any person who violates the Modular Housing Act or the manufactured home and RV act or rules or regulations adopted and promulgated by those acts. Inspection fees: The bill increases the inspection fee charged by the commission for each inspection of the new recreational vehicle from \$75 up to \$250. Plan reviews: The bill increases the range of fees that may be charged by the commission for the review of proposed plans, specifications, etcetera, for modular housing units and manufactured homes. For the review of plans and specifications for these modular housing units, the fee range is increased from \$15 to \$30 per hour, to a range of \$15 to \$60 per hour, based on 60 hours of review time, as determined by the commission annually upon the published notice and public hearing. For manufactured homes, the fee range goes from a \$15 to \$30...or correction, \$15- to \$50-an-hour range, up to a \$15- to \$75-per-hour range. And lastly, the technical changes: The bill makes various other technical changes in the Modular Housing Act and the manufactured home and RV act, including date references, where the commission seal must be placed on the modular housing unit and reference to a violation of a commission order. Thank you, Mr. President, and I believe that both Senator Stuthman and Senator Pedersen are available to help us answer any questions about this basically technical bill. Thank you. [LB797 LB749 LB892]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Senator Pedersen, you're recognized. [LB797]

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SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. First of all, I want to thank Senator Johnson and the Health and Human Services Committee for putting LB892 into LB797. As Senator Johnson has already said, this affects the modular housing industry. It changes the fees in many different areas. If you want to look at it on the gadget, it would be the...under the introducer's statement of intent on LB892. I want to emphasize that none of these fees have been changed for 20 years. The last time they were changed was 1985. The fees are paid by the industry itself. It's not the end user, it's not the fees that are going on the individuals, the purchasers, but it's on the manufacturers and the industry itself. And again as Senator Johnson mentioned, there was no opposition to this. The industry came in and testified in favor of the bill. If there's any questions, I would try and answer them for you. Thank you.
[LB797 LB892]

SENATOR LANGEMEIER: Thank you, Senator Pedersen. Senator Stuthman, you're recognized. [LB797]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I would like to talk just a little bit about one of the bills that Senator Joel Johnson from Health and Human Services, and that is LB749 that's into this amendment of AM2133, and I'll explain to you a little bit about what this does as far as mobile home parks are concerned. As was stated prior by Senator Johnson, this bill had no opponents and only one proponent testifier, and it was passed out of the committee with a unanimous vote. What this bill does, it relates to mobile home parks, and this bill permits applications for licensure to operate a mobile home park to be submitted electronically. This will eliminate the forms that have to be sent out to a mobile home park for an application to continue service as a mobile home park. This bill also permits the department to impose a penalty of up to \$2,000 a day for the violation, and I will try to illustrate what I feel would be some of the violations according to the operation of a mobile home park. Let's say that a mobile home park does not have the proper type of sewage disposal, does not have the proper type of water. Maybe the water isn't quite as good as it should be. But they are all regulations for operation of a mobile home park, and these mobile home parks are inspected by the Health and Human Services Department at the present time. What we're trying to do is to make sure that the people that are occupying these mobile homes in a mobile home park are safe and are being taken care of under the supervision of that mobile home park and under the direction of the Health and Human Services. So as I have stated before, there were no opponents to this bill and there was only one testifier as a proponent. With that, I would try to answer any questions if there are any. Thank you, Mr. President. [LB797 LB749]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Pirsch, you're recognized. [LB797]

SENATOR PIRSCH: Thank you very much, Mr. President, members of the body. I

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wonder if Senator Stuthman might yield to a question or two. [LB797]

SENATOR LANGEMEIER: Senator Stuthman, would you yield? [LB797]

SENATOR STUTHMAN: Yes. [LB797]

SENATOR PIRSCH: Thank you very much, Senator. I had received an e-mail from a constituent who made an inquiry as to a part of...apparently it's something that was, at one point in time, a separate bill, and I must confess I don't have the details of that, but it's apparently LB809, which was amended into this LB797. I think this particular constituent was concerned about this amendment. And I don't know if that's an accurate statement or not, but apparently that's what this constituent related, that LB809 was amended into LB797. Is that correct? Is that your understanding? [LB797 LB809]

SENATOR STUTHMAN: Senator Pirsch, I am not aware of that being amended into this bill and I would...I would ask that you refer the question to Senator Johnson. [LB797]

SENATOR PIRSCH: Okay. [LB797]

SENATOR STUTHMAN: He could probably give you a better answer. But I am not aware of that being amended into it. [LB797]

SENATOR PIRSCH: Okay. I'd just pose that same question then to Senator Johnson. [LB797]

SENATOR LANGEMEIER: Senator Johnson, would you yield? [LB797]

SENATOR JOHNSON: Certainly. The answer to the question is, no, there is such an amendment out there but it is not to this bill. It has not been attempted to be amended into this bill. Just what I've given you from these two gentlemen earlier is all that's in it. [LB797]

SENATOR PIRSCH: Is on the...okay. Very good. I have been apparently sent some information that isn't correct with respect to the numbers, and so I appreciate that. That's all. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Are there any others wishing to speak? Seeing no other lights on, Senator Johnson is recognized to close. Senator Johnson waives closing. The question before the body is, shall AM2133 be adopted to LB797? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB797]

CLERK: 35 ayes, 0 nays on adoption of Senator Johnson's amendment. [LB797]

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SENATOR LANGEMEIER: AM2133 is adopted. Mr. Clerk. [LB797]

CLERK: Senator Johnson, AM2143. (Legislative Journal page 788.) [LB797]

SENATOR LANGEMEIER: Senator Johnson, you're recognized to open on AM2143. [LB797]

SENATOR JOHNSON: Mr. President, members of the Legislature, AM2143 to LB797 is basically a technical amendment that clarifies breast and cervical cancer provisions of the bill and adds a new technical element to the bill. I want to disclose for the Legislature that the change in this amendment related to critical access hospitals was not included as a separate bill. This issue came to my attention after the tenth day of the session and I believe it is purely a technical matter in nature, but nonetheless it is very important to the state of Nebraska. The amendment clarifies that a critical access hospital in Nebraska must be located in a rural area, and the amendment defines rural area, and you may find this somewhat humorous, that a rural area as a county with a population of less than 100,000. This provision was previously found in the Managed Care Act, which was repealed by the Legislature in 2006. This clarification is very important so that the critical access hospitals in Nebraska can continue to receive federal funding. Nebraska is second only to the state of Kansas in the number of critical access hospitals. We have 65 of these hospitals. A critical access hospital is a hospital that is certified to receive cost-based reimbursement from Medicare which is intended to improve their financial performance and reduce hospital closures. Critical access hospitals are certified under Medicare conditions of participation that are more flexible than those for acute care hospitals. I might say that these critical access hospitals are a key component of the viability of our smaller communities around the state of Nebraska. These are the hub that keeps many of these communities strong and viable. With that, Mr. President, I would ask for adoption of this amendment. Thank you. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on AM2143. The floor is now open for discussion. Seeing no lights on, Senator Johnson, you're recognized to close. Senator Johnson waives closing. The question before the body is, shall AM2143 be adopted to LB797? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB797]

CLERK: 36 ayes, 0 nays, Mr. President, on adoption of Senator Johnson's amendment. [LB797]

SENATOR LANGEMEIER: AM2143 is adopted. (Visitors and doctor of the day introduced.) And the brownies that were handed out were made by Senator Pankonin's wife Lori, for no special reason. Mr. Clerk, for a motion. [LB797]

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CLERK: Mr. President, Senator Synowiecki would move to amend the bill with AM2203. (Legislative Journal page 823.) [LB797]

SENATOR LANGEMEIER: Senator Synowiecki, you are recognized to open on AM2203. [LB797]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. Members, AM2203 is essentially the committee amendment version of a bill I introduced, LB809. LB809 is in reference to our metabolic testing and screening program here in the state of Nebraska, and what LB809 sought to do was to provide a religious exemption for deeply held religious beliefs for individuals relative to this metabolic screening procedure. We are one of only two states...three states that do not allow for some form of religious exemption. LB809 was...the public hearing for LB809 was held in the department for...excuse me, on January 25 with the Health and Human Services Committee. The committee, with an amendment, a committee amendment, which is reflected in AM2203, advanced the bill 6-0 with 1 present, not voting. Members, I brought this bill about every year I've been down here. Before I brought it, Speaker Bromm had brought similar legislation. And let me kind of premise my remarks that...and say that, on a personal level, I profoundly disagree with my constituents on this. I think the kids ought to be tested for metabolic screening. I disagree with them. But the question is, the question is, does my belief, my position or that of the state supersede or overrule a deeply held religious belief and does it overrule parental rights? That's the question. In 46 other states, there's some recognition of this for a deeply held religious belief relative to this form of testing. And again, personally, I disagree with my constituents on this matter. But this situation really took a profound turn when in October of 2007 deputy sheriffs with the state Child Protective Services physically removed Joel Anaya from the safety, care and comfort of his parents, and the motivation for the state and the deputy sheriffs to do this was to subject Joel to this testing in which his parents fundamentally, based upon a very fundamental and sincerely held religious belief, did not want Joel tested for. The Anayas have very held...they're very principled individuals. They live in my community and they have very deeply held religious beliefs. The state took a government action with law enforcement with this newborn child, while the child, incidentally, was being breast fed and so forth, took that child from the safety, care and comfort of his family and subjected that child to this testing based upon this law. I contacted the Department of Health and Human Services and that has never been done before, from what I understand, under this provision of the law. Number one, I wonder why it was done in this particular case. I have my suspicions of why it was done for this particular case. But I don't know why, because there are parents that withhold their children from this testing, but in this particular case, with my constituents, government action was taken. As I said before, we would be the 48th state, if this amendment is adopted, we'd be the 48th state to have some level of recognition or some level of waiver for this kind of testing. Members, it goes beyond this, though. Not only are we a minority, not only are we a minority of states that don't allow for religious exemption to

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this metabolic testing, we simultaneously provide for, and I have a copy of it, you can get it off the Department of Health and Human Services' web site, we have a religious exemption for immunizations. So these parents that have these fundamental, deeply held religious beliefs, and the Anayas, my constituents, take advantage of this religious waiver. For communicable diseases, for immunizations, we allow, we allow for a religious exemption. We don't allow for religious exemption for what could arguably be, if you do the calculations, a much more far-removed part or aspect of coming down with one of these metabolic diseases. Members, this has nothing to do with medical treatment, it's nothing to do with removing medical treatment. I think, I strongly believe that when there is immediate and substantial risk to a child the government should take action. But the question is, is immediate and substantial risk beholding to a newborn child when those parents have a deeply held religious belief that that child should not be subject to a screening, essentially a screening? Again, members, this is a very difficult and awkward kind of situation for me because I disagree with my constituents. I fundamentally disagree. I profoundly disagree. But at the same time, I think in due process of law, with constitutional provisions that surround this issue, that we ought to have and afford some level of a religious exemption for this...for when this occurs. Members, what the committee did with the committee amendment is essentially put the entire onus on the parents that have these deeply held religious beliefs. So a parent of a child that has these beliefs, they would have to navigate the forms. They would have to instigate, if you will, the exemption, unlike that which we do for immunizations, where it's on the Department of Health and Human Services' web site and individuals can download the waiver and sign it. And there's actually a clause in the waiver. I'll read it to you. Immunization...this is the waiver for immunizations in our state: Immunizations conflicts with the religious tenets and practice of a recognized religious denomination of which the student is an adherent or member or immunization conflicts with a student's personal and sincerely followed, religious beliefs. The parent and the student then signs this form and they are granted a waiver from the immunizations. I'm sure there might be some questions relative to this issue. I think Senator Pirsch's questions actually were on this amendment, from what I understand. And I would ask for the advancement of this amendment. Thank you. [LB797 LB809]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. You have heard the opening on AM2203. The floor is now open for discussion. Those wishing to speak, we have Senator Chambers, Harms, Preister, Howard, Pirsch, Lathrop, and others. Senator Chambers, you're recognized. [LB797]

SENATOR CHAMBERS: Mr. President, members of the Legislature, my opposition to these types of amendments always has been and remains ferocious. Whatever adults want to do with themselves, with their own health based on a religious belief or any other reason is fine, but there are times when the state has to look out for the interests of children. I will resist this amendment to the maximum, and if this amendment is adopted, and I've told Senator Johnson this, I will fight this entire bill. Although it's on

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Select File, I probably can't get a full eight hours. But I will fight this bill. And I will start by trying to remove amendments that have already been adopted to make my job easy for me. They used to bring what was called the Christian Science amendment, and I fought it off down through the years. There were senators who felt a need to support it, and they would come to me and tell me that they were glad that I opposed it because they couldn't. Well, on this one, I have always opposed it and similar type things. I will continue to do so. Whenever medical science has reached a point where protection, even of a preventative nature, can be afforded children, that is what I am in favor of seeing put in place and acted upon. What Senator Synowiecki told us about the way a judge, a sheriff and others handled the situation is certainly worthy of condemnation, that kind of conduct. There is no necessity for these law enforcement and judicial persons to behave in the way that they did, but because they acted in a way which I think was reprehensible does not even touch the underlying issue, which is whether or not these children should be afforded the protection which this type of testing makes possible. The number and types of ailments which are detectable are substantive and worrisome. If the drawing of...I've heard that the maximum amount of blood would be four drops of blood, can make possible the conducting of this test, I don't see that as being unduly intrusive or harmful to the infant. This test has been performed on all infants in Nebraska, unless somehow one or another slipped through the net. I am not even interested in what religion these people may be, on what they ground their belief. That is between them and whatever/whomever they believe in. When a court, a federal court, was presented with the question of whether or not a marriage was legal because the person performing it had gotten authorization to conduct marriages from a religion that nobody recognized, the judge, being paraphrased by me at this time, said it is not this court or any other court's duty to examine the flaws, fallacies or merits of any religious belief. [LB797]

SENATOR LANGEMEIER: One minute. [LB797]

SENATOR CHAMBERS: So I'm not even going into what these people may believe and why. I'm looking at what I believe is in the best interest of the child, and that is what I have a concern about. So I will resist Senator Synowiecki's amendment and I will fight this bill tooth and nail if the amendment should be adopted. And the first thing I'm going to do is get some amendments drafted to establish the seriousness of my intent. Thank you, Mr. President. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Harms, you're recognized. [LB797]

SENATOR HARMS: Thank you, Mr. President and colleagues. I do support this amendment that Senator Synowiecki has introduced. I don't agree with it. In fact, would not do it with my own family and I would not encourage them to do it. But I believe that a parent has the right to, quite frankly, choose what type of testing they want their child to

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have. I don't think that...and when it's a religious belief, I believe we need to honor that. I look at it as the same kind of argument we have with homeschooling. There's always a lot of debate that comes up about having the choice, about having the right to whether to educate my child. I do believe that because of their beliefs that we should give them that opportunity to do what they need with their own children. What we're seeing in the case that Senator Synowiecki brought forward is that they went to Iowa to have their child and they come back from Iowa, then they're arrested. I think there's something wrong with this picture, something wrong with that aspect, and so I believe for the parent, and there's not very many of them, but for the parents who want to do that, I don't think we ought to be in there mixing it up and telling them they can't do it. So I would urge you to support this even though in my own heart I wouldn't do it, don't agree with it, but I think that the people who have that kind of faith and belief should have the right to choose. Thank you, Mr. President. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Harms. Senator Howard, you're recognized. Senator Howard, you're recognized. [LB797]

SENATOR HOWARD: Thank you, Mr. President and members of the body. If I may ask Senator Synowiecki a question or two. [LB797]

SENATOR LANGEMEIER: Senator Synowiecki, would you yield to a question from Senator Howard? [LB797]

SENATOR SYNOWIECKI: Yes, I would. [LB797]

SENATOR HOWARD: Thank you, Senator Synowiecki. I served on the Health and Human Services Committee for the past four years, since I was elected and came into this body. And as I recall, this issue was before the committee on at least one other occasion. I believe that's correct, isn't it? [LB797]

SENATOR SYNOWIECKI: Senator Howard, I have brought this bill I think three times. I know Speaker Bromm had brought the bill before my...before I was bringing it. [LB797]

SENATOR HOWARD: Previous to you. [LB797]

SENATOR SYNOWIECKI: Yeah. [LB797]

SENATOR HOWARD: All right. Thank you. And I recall that this woman had had a child prior to this child...she has a total, I believe, of 11 children, and she had had a child prior to this child, a little girl, and she made the statement at that time two years ago that she had had the little girl over in Iowa because Iowa didn't require the testing and she vowed she would never have another child born in Nebraska because we did require the testing. And yet, this youngest child was born here and I really questioned whether that

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was to prove a point, to press the issue. I had serious concerns about that, and it's difficult for me to put that into the context of the religious issue here. I think if you have a truly held religious belief, that's one thing, but when it comes to the safety and welfare of a child, then that enters into another realm. The damage that's done to a child, to an infant and then as the infant becomes older, is irreversible if this condition isn't detected early on. It's a form of mental retardation, and it will never change once the damage is done. If the condition is detected early on, it can be treated. It can be treated through diet and medication and the damage won't occur. I have a great deal of trouble sanctioning this as purely a religious concept when a child...when that child's entire life will be affected and will be damaged, and that child will never be able to be a contributing adult due to the lack of the simple testing. I just...I really struggle with this issue. And I did not vote to pass this out of committee. I couldn't, in good conscience, do that when the infant, the one who's affected by this, has absolutely no say in it. I'd like to offer the remainder of my time to Senator Chambers. [LB797]

SENATOR LANGEMEIER: Senator Chambers, 2 minutes. [LB797]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Lady" Howard. Members of the Legislature, I cannot put into words the concern that I have about children. And, Senator Harms, I will quote what George Bernard Shaw said, and you may have read where he said it: The very...parents are the very ones who ought not to have children. George Bernard Shaw had one of those biting senses of humor but which would also carry a profound message. I want to emphasize again that the people's religion means nothing to me as far as the position that I'm taking. I wouldn't favor one over the other or consider one worse than the other. But when it comes to these children, that is something that I will not yield on. The incident that took place should not have taken place. [LB797]

SENATOR LANGEMEIER: One minute. [LB797]

SENATOR CHAMBERS: HHS, the courts, the county attorney's office should have it clearly brought to them that the storm trooper type tactics which were employed are reprehensible. They are to be condemned. They should never be engaged in again. And if this should be defeated, as I hope it will be, I will undertake a study to see precisely where the responsibility to see that these tests are taken out will be taken...will be placed. Then I'm going to deal with those people and the other entities that I've mentioned to see that we don't have a repetition of what Senator Synowiecki mentioned pursuant to trying to administer one of these tests. Thank you, Mr. President. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Mr. Clerk, for an announcement. [LB797]

ASSISTANT CLERK: Mr. President, the Judiciary Committee will hold an Executive

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Session in Room 2022 at 10:00. [LB797]

SENATOR LANGEMEIER: Thank you. Senator Pirsch, you are recognized. [LB797]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I was wondering if Senator Synowiecki might yield for just a couple of questions. [LB797]

SENATOR LANGEMEIER: Senator Synowiecki, would you yield? [LB797]

SENATOR SYNOWIECKI: Yes, I will. [LB797]

SENATOR PIRSCH: Thank you, Senator Synowiecki. This apparently was the bill that I was contacted about by a constituent, a doctor who had some concerns. Well, I think he was concerned about the bill. Could you repeat again, and I'm sorry, I think you had touched upon, but I'm not sure that that registered with me, is this type of an exception, does it exist in other states and, if so, do you know how many other states? [LB797]

SENATOR SYNOWIECKI: Senator Pirsch, I'm reliably informed that we'd be the 48th state to enact some level of exemption. Thirty-one states, as I understand it, have a specific religious exemption; however, forty-seven states right now offer some level of exemption, whether that be religious or not. And I might, you know, I'll turn my light on and give you time, I don't want to take your time, Pete, but... [LB797]

SENATOR PIRSCH: Oh no, no, go right ahead. [LB797]

SENATOR SYNOWIECKI: ...almost unanimously physicians are against this, as you can probably guess. After all, their mission is the protection, safety and well-being of children. And, Senator Pirsch, I agree, I'm all for protecting children. I'm all for screening children appropriately. But we have a very, very small minority, an extraordinarily small minority of Nebraska citizens that have these deeply held religious beliefs. And like Senator Chambers, I never even asked my constituents what these religious beliefs are. I don't get into that. That's their beliefs and I respect those beliefs. And so I think we're talking about, you know, very few Nebraska citizens that would seek out this exemption. [LB797]

SENATOR PIRSCH: Sure. And I appreciate that. I guess this wasn't really on my radar screen and so I don't have any or a lot of substantive knowledge of the bill. And so with respect to, in looking at the e-mail that was sent me by a constituent, he was...I think this doctor was concerned about cost. Could you comment on any possible costs that may come about with an exception? [LB797]

SENATOR SYNOWIECKI: You know, I don't think there would be any cost, Senator Pirsch. [LB797]

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SENATOR PIRSCH: And I can't remember... [LB797]

SENATOR SYNOWIECKI: You know, I don't think the department would have any substantive cost. You know, we do it now, like I said with the immunizations. There is a religious...there is a religious exemption for immunizations, which in many instances are communicable diseases. That's why I can't understand...we're a little bit inconsistent in our state when it comes to this, but I'm not aware of any costs that would be borne. [LB797]

SENATOR PIRSCH: Okay. Well, I do appreciate that and I think that, if my memory serves me correctly, and I don't have that particular piece of correspondence in front of me, but the overarching thing that I think he was talking about, this constituent, was his concern about cost. So I do appreciate your addressing that and I'd yield back the balance of my time. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. (Visitors introduced.) Continuing with floor discussion on AM2203, those wishing to speak, we have Senators Lathrop, Erdman, Howard, Chambers, and Synowiecki. Senator Lathrop, you're recognized. [LB797]

SENATOR LATHROP: I have a few questions for Senator Synowiecki, if I may. [LB797]

SENATOR LANGEMEIER: Senator Synowiecki, would you yield? [LB797]

SENATOR SYNOWIECKI: Yes. [LB797]

SENATOR LATHROP: Senator Synowiecki, I'm looking at the amendment. There is a list of conditions that are required to be screened, and this would be an exception. Is that the case? [LB797]

SENATOR SYNOWIECKI: I don't have a copy. Here it is. [LB797]

SENATOR LATHROP: Well, there...maybe that means we're going to have trouble with the next couple of questions that I had. Because what I was driving at is, are these disorders that are identified with a simple blood test? Is that the case? [LB797]

SENATOR SYNOWIECKI: They are identified, they are screened with a simple blood test, a prick I think they do in the bottom of the foot, and that's where the objection comes in with the extraction of the blood. [LB797]

SENATOR LATHROP: Okay. And the next question I have is, if we fail to identify a child with one of these enumerated conditions with a simple blood test, are they the kind of a

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condition that can progress to the point where they can't be cured if they're not treated following the screening? [LB797]

SENATOR SYNOWIECKI: There's a...I have a list here of what would be tested for or the defect, the health defect. And, yeah, the proponents...or, excuse me, the opponents to this will tell you that if they're detected early there might be some preventative medical care that can intervene and potentially maybe not entirely mitigate the physical condition but mitigate it to a degree. Yeah, I really don't know the dynamics and the particulars of it but, yeah, there are some interventions that could take place if one of these diseases is identified in a child in this early screening. [LB797]

SENATOR LATHROP: And the interventions are not effective after the condition has blossomed into being symptomatic and problematic. [LB797]

SENATOR SYNOWIECKI: I think the opponent testimony would tell you they're not as effective. The longer you wait the least effective they are. [LB797]

SENATOR LATHROP: Okay. And then I guess the one thing I don't understand because I'm familiar with my own faith and not with the variety of other faiths which I...I think we need to respect, but the issue is drawing blood from a child. That violates someone's deeply held religious convictions? [LB797]

SENATOR SYNOWIECKI: As I understand it. Again, Senator Lathrop, I, too, didn't delve into the religious beliefs... [LB797]

SENATOR LATHROP: Okay. [LB797]

SENATOR SYNOWIECKI: ...of my constituents. I want to also say this is not isolated to the constituents that I have. As I said before, Speaker Bromm brought similar legislation. There is a family in Wahoo, Nebraska, that's been impacted with these...with this lack of having an exemption. [LB797]

SENATOR LATHROP: Okay. Thank you, Senator Synowiecki. I...this one is a difficult issue, obviously, and I appreciate Senator Synowiecki bringing it to us with his amendment. I think we can go through our statutes and find countless examples where we have the state act on behalf of a minor child because the minor child isn't capable of making those judgments himself, and it's very, very possible, as is...I mean the number of young people who leave the Catholic faith, just as an example, when they become adults I think suggests that these very children that might not have the blood workup done may not agree with the faith that kept them from getting the screening when they become adults. And I guess I'm going to...I guess I come down on the side of this with Senator Chambers, that these children, when they're adults, if they...as they become adults, if they have religious convictions that bring them to the place that they don't want

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blood drawn from themselves, that's one thing. But when we're talking about children who may not even...may not even follow the tenets of that faith when they become adults, I think the state has a legitimate interest in having those screenings done. And so I guess I would oppose the amendment. Thank you. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. Senator Erdman, you're recognized. [LB797]

SENATOR ERDMAN: Mr. President and members of the Legislature, there definitely is a lot of discussion here and, in fact, as a member of the Health Committee for the past seven years, going on eight, we've heard these bills a number of times. This is obviously a question of where you draw the line. Some history on this is that we heard testimony at our hearing on LB809 that we haven't missed a diagnosis for any of these diseases or these things that we're screening for since 1978. It didn't become mandatory until 1988. It was never enforced until 2003. The other things that we've heard in the hearing is that if you read the language of 71-519, it says all infants born in the state of Nebraska. Some of the testifiers that came before the committee said they just go have their kids in Iowa to get the exemption, because in Iowa you don't even have to give a reason. There's no religious reason. You simply say, I don't want my child screened, and they're not screened. So we're not necessarily, as a state, able to prohibit or protect the children that we think we're protecting, if that's what we're trying to do. There is a chance that, based on some individual's financial ability or their lack of conviction or location, that they may be forced to comply with this law that otherwise they wouldn't. So we heard at the hearing that there are individuals that will go over to Iowa to have their children, just to avoid this exemption. The other thing that I think also needs to be pointed out is the conversation at the hearing wasn't simply about providing an exemption but rather how the testing is being done. Previously, you could have done testing through urine or other non, shall we call it, invasive or without the blood draw to still arrive at these. Those tests are no longer utilized because of other technologies and other efficiencies that have been found in doing this through the blood test screening. But the other thing that we heard wasn't that there were people that wanted an outright exemption, but because the rules and regs of the Department of Health and Human Services require that they be done within 48 hours, that they couldn't comply with that based on their religious beliefs, which allow them or they believe that the child should be left for one week or seven days without being harmed, in their opinion, for these types of screenings. So there are two fundamental questions that were at the hearing. It wasn't just people that wanted an exemption. It was also people that wanted some flexibility to be able to comply with the law and still fulfill what they would like to do, which is have the screening done but at a time that's appropriate to them, but still do what the law would ask. And right now, there is no flexibility to that. In the case that Senator Synowiecki brings up, as I understand it, those individuals got their day in court but it was long after the state had acted. Their due process and those things were not afforded to them until after the fact. And even at that point, there was still some

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disagreement about whether or not the court's ruling is an appropriate interpretation of the law, and they're pursuing an appeal as well to determine whether or not they should have this fundamental freedom that's inherently guaranteed under the state or federal constitutions as free exercise of their religion. The state does have an interest. We do have the opportunity to define that in these areas, especially for minor individuals. But again, if this law hasn't been enforced until this situation that Senator Synowiecki brought up, you have to ask yourself, is the law actually effective or not? Do we know what's going on? And those are the types of things that we discussed in the committee and we've discussed in the committee for the last eight years. There's a number of ways to solve this problem in the eyes of those that feel that they were wronged. One is a fair process to them to ensure that they have... [LB797 LB809]

SENATOR LANGEMEIER: One minute. [LB797]

SENATOR ERDMAN: ...some due process as opposed to no due process. And I think Senator Chambers is right. The way that it was handled probably causes as much problems for those that were affected as those on the other side of this that don't want this exemption granted at all. But there's a fundamental responsibility that we as a state have to weigh. And Senator Harms and others I think have pointed out that there are going to be things that people will do that we may not agree with but they are free to do them. The rub comes when it affects other people, and we're going to make continual decisions on those all day long. But there's more to this conversation than just simply giving an exemption, and there's more to this conversation than simply saying there's one case and, therefore, it came out here on the floor. That's not it at all. And that's not why I would have voted to advance that bill to the floor of the Legislature for our discussion. I do think that there are some fundamental reforms that are needed to respect people's rights and their opportunities, and fundamentally their religious freedoms have always been recognized since the founding of our country and even prior. So there's a lot more information here. Fundamentally, whether you agree with this or not, recognize that there are loopholes that people can still get around this and you may not be actually requiring people to do something that you think, in theory, you are. But I wanted to provide some additional information. I recognize the limitations if this amendment gets adopted with the underlying bill, but I do think that there needs to be some areas looked at or some practices looked at within this area... [LB797]

SENATOR LANGEMEIER: Time. [LB797]

SENATOR ERDMAN: ...that do a better job of recognizing the rights of citizens of Nebraska. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator Howard, you're recognized. [LB797]

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SENATOR HOWARD: Thank you, Mr. President and members of the body. I have thought long and hard about this issue because I not only have heard it once, I've heard it twice when it's come into our committee. And this individual, the mother of the 11 children, said in committee that her objection to the testing was that her infant's blood is sacred and she doesn't want a drop of blood taken. Now keep in mind the test is done on the infant's heel, simply a prick, a drop of blood. That will tell you whether this baby has this condition that will have devastating and permanent, lifelong effects, and those...that condition leads directly to mental retardation. If Senator Johnson would yield to a question. [LB797]

SENATOR LANGEMEIER: Senator Johnson, would you yield? [LB797]

SENATOR JOHNSON: Certainly. [LB797]

SENATOR HOWARD: Thank you, Senator Johnson. With your medical background and extensive knowledge, could you describe this condition and give us more information about it? I think that would be very helpful. [LB797]

SENATOR JOHNSON: Well, this is somewhat out of my field, but I do know this much about it. There are, I think, in the neighborhood of 20 different metabolic conditions. One of them is called PKU, which is phenylketonuria, as I recall. But here's what you need to know; that these are problems with the metabolism of this newborn that begin immediately and that they progress quite rapidly to a devastating state where basically these people need to be taken care of for the rest of their life. And so that's where the expense comes in. The testing is not a very significant amount, but taking care of a person in an institution such as Beatrice, etcetera, for a lifetime certainly would be probably in the millions of dollars. So there is the component of the finances as well as the devastation to the child. One more thing along that line is that the...certainly we need to protect the rights of the parents. I think everyone agrees with that. But here the religious beliefs of the parents could have devastating results on the next person and who knows what religion that child may end up with making his own decisions as he goes to adult life. So with that, thanks for the question. [LB797]

SENATOR HOWARD: Thank you. Thank you so much for that medical information that I wouldn't have known the...I wouldn't actually be able to pronounce the correct name of that illness. But it's certainly devastating. It's lifelong. It comes on rapidly. And if I may ask Senator Johnson one more question. [LB797]

SENATOR LANGEMEIER: Senator Johnson, would you yield? [LB797]

SENATOR JOHNSON: Yes. [LB797]

SENATOR HOWARD: Senator Johnson, I understand this test is...or this condition can

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be detected quite simply through a heel prick and a drop of blood. [LB797]

SENATOR JOHNSON: I think someone mentioned in the neighborhood of four drops of blood, and that's my understanding as well. [LB797]

SENATOR HOWARD: And if this infant would have this condition, they detect it and it's correctable. Am I correct in that? [LB797]

SENATOR JOHNSON: Yes. [LB797]

SENATOR HOWARD: All right. Thank you. And I offer the remainder of my time to Senator Chambers. [LB797]

SENATOR LANGEMEIER: Senator Chambers, 1:10. [LB797]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. Just for the record, if people want to go to a web page and read the stories of parents whose children wound up with these metabolic disorders because they were not tested and detected in time, it would be www.savebabies.org. A family gave an incident to the Health and Human Services Committee about a child who wound up being put at Beatrice because a condition was missed. And by the time it was detected that he had this disorder, it was too late. His brain had been damaged. He'll be in Beatrice for the rest of his life. He is unaware of any kind of danger--hot water, automobiles, getting lost. He needs to be tended to in every aspect of his life and it will be that way forever. I often hear people on this floor say if something will help one child, it's sufficient. Senator Stuthman argued that way for that safe haven bill. I wound up removing my opposition from that bill. Others, even Senator Flood, the Speaker, would make the same argument because he observed a baby that had been abandoned. [LB797]

SENATOR LANGEMEIER: Time. [LB797]

SENATOR CHAMBERS: If it will save one...you said time? [LB797]

SENATOR LANGEMEIER: Time. [LB797]

SENATOR CHAMBERS: Thank you, Mr. President. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Howard. Senator Chambers, your light is next. You're recognized. [LB797]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, these are some devastating ailments. I cannot accept the argument that the state does not have a primary responsibility to protect children. All those who talk about the parent's

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right to this or that when it comes to rearing a child will draw a line. If a parent said that I believe my little girl ought to be subjected to genital mutilation, that is not allowed in this country but it's practiced in other countries. It would not be allowed here, and there are criminal prosecutions that have attended it. If a parent said, I believe that I have to cut my child's left ear off so that that child will not be influenced by whisperings from the devil, because the devil whispers into the last ear...the left ear, that wouldn't be allowed. That is a very sincerely held religious belief; if you had to cut off a finger. So these people who talk about the rights of parents will only go so far, but they don't believe absolutely in the right of a parent to do toward a child what his or her deeply held religious belief requires. They will not go all the way. Senator Erdman made some interesting comments, but I think they're totally irrelevant. The question here is that we have before us, in the form of an amendment to be added to a bill, whether or not a metabolic test is going to be administered to a newborn. That's what we have before us. You can weigh one parent, one family's tragedy against another's. There will be some families in states where this kind of test is not required and their children do come down with some of these disorders that would have been detectable as being potentially there through this test. So their children are afflicted by something that they could have been spared. I don't care what an adult says he or she believes. If it's going to hurt that child, that belief has to be laid aside by the state, and the state must step in and do what is best for that child. There have been documented cases of people who said they believe in the Christian Science faith, yet some of the adults had slipped out and gotten medical care for conditions of their own. And these cases have been documented. So I'm not sympathetic at all to the arguments in opposition to requiring this test. And if there are other things that can be done that will help children but they're not being done, that is not an excuse to do away with what is being done that can help the children. A society, and especially a political body like a Legislature, moves in a sputtering fashion, starts, stops, backtracking, missteps, and we have to do the best that we can under the circumstances we find ourselves faced with. To use the old cliché, we have to play the hand that we were dealt. And as long as I've been in this Legislature, I have fought against these types of so-called exemptions that place the burden and danger on the child, the innocent child, the helpless child who, in my opinion,... [LB797]

SENATOR LANGEMEIER: One minute. [LB797]

SENATOR CHAMBERS: ...if there was an all-knowing, all-loving God, would not have wound up in the hands of fools for parents. Children don't choose their parents. They are victimized by fools. Just because somebody is a parent doesn't mean he or she is not a fool or that that person automatically knows what's best for a child. What are you always hearing people say, very young girls having children--babies having babies, they don't automatically know how to parent; they must be taught. I'm just saying the same thing in a blunter way because I'm trying to make people understand who I think don't understand when you use very nuanced language. You try to avoid stepping on toes. You try to avoid offending people. I'm offended whenever something is allowed to be

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done to a child which hurts the child, and when that thing can be prevented by the state. I'm a part of the state and I'm going to wield that power that I have... [LB797]

SENATOR LANGEMEIER: Time. [LB797]

SENATOR CHAMBERS: ...to stop this amendment that Senator Synowiecki is offering us, Mr. President. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Speaker Flood, for an announcement. [LB797]

SPEAKER FLOOD: Thank you, Mr. President, members. Reminder, we will work through lunch today, this being the final day of our work week. We announced that last week. I wanted to remind any members that weren't aware of that. Today we will be working through lunch, and I plan to work until 3:30 today unless we get done with Select File. We can, you know, if we were to get done with Select File today, I would consider adjournment. In the event that we don't get done with Select File and we're hung up on a couple of bills, please note on page 2 of the agenda it does say that prior to adjournment we will vote on, for advancement, any bills remaining on Select File which are listed above and that have no amendments other than E&R amendments. So if we can get through Select File today, I would consider adjourning so that we could get back to our districts and resume our work next Monday at 10:00 a.m. Thank you, Mr. President. []

SENATOR LANGEMEIER: Thank you, Speaker Flood. Continuing now with discussion on AM2203 to LB797, those wishing to speak, we have Senator Synowiecki, Howard, Erdman, Chambers. Senator Synowiecki, you are recognized. [LB797]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. Members, I just want to affirm a couple things Senator Erdman spoke to, in particular my constituents that kind of are driving this matter legislatively. They have had some of their children born in the state of Iowa, as I would suspect other individuals that have these deeply held religious beliefs because of the lack of exemption in Nebraska. I would suspect that other individuals have done that as well, and I would probably affirm that, that it's a relatively easy way to get around our statutes relative to this. The Anaya case, where the deputy sheriffs and the state came in and removed the child from the custody and care of the parents, that's the only time that that happened, but yet I suspect that these tests have been not done...I would suspect that the tests have not been performed a number of times pursuant to religious beliefs. But yet, for some reason, the state and the law enforcement personnel decided to act in this particular case. I don't know why that is. Now another thing Senator Erdman talked about is some of these individuals simply have a concern relative to the time involved when the blood is drawn for the purposes of this testing, in particular the Ray Spiering case. It's a case that has been in the courts

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and so forth. The Spiering family lives in Wahoo, Nebraska. And that was their argument, that they wanted the test conducted in the privacy of their doctor's office. This is what their claim was, this simple, but our statutes, from what I understand, don't allow this; that they wanted the PKU test done in the privacy of their doctor's office where they can control the amount of sensory input for their child, and that it be done at least seven days after birth. That's all they wanted, was the test to be conducted in the privacy of their personal physician's office and that it be done at least seven days after birth to comport with their religious beliefs. And the way that our statutes are stringently written, I guess that wasn't allowed. Senator Chambers talks eloquently about these defects that we're speaking about here, and please excuse my pronunciation of some of these that we have metabolic testing for: congenital primary hypothyroidism, a risk of a child receiving that in the state of Nebraska is 1 in 2,963; hemoglobinopathies, there's a 1 in 11,697 chance of a child being diagnosed with this disease; PKU, and Senator Johnson pronounced that earlier, there's a 1 in 11,434 chance of a child...detecting that disease; and there's MCAD, there's 1 in 51,582; and a couple others that are relatively high with...the risk associated with the disease. Now let me compare...if you compare that to the lifetime risk of dying from these causes, in general, our population, you have a 1 in 1,126 chance of dying from accidental drowning, 1 in 1,126 chance of dying from accidental drowning. That is a higher percentage than each and every one of these metabolic disease defects. An individual in our state or I think these are United States figures has a 1 in 1,222 chance of dying from complications from medical or surgical care. [LB797]

SENATOR LANGEMEIER: One minute. [LB797]

SENATOR SYNOWIECKI: There is a 1 in 2,526 chance of dying from falling...oh, excuse me, from falling up or down stairs. So to put this...to put the chances with this metabolic testing into some type of perspective, it gives you an idea of what we're talking about here. And then...and then, to compound that, when you look and you evaluate the number of children we're talking about here or the number of parents that have these deeply held religious beliefs, you're talking about an extravagant minority, very, very low number of kids that have these risks, that would have these risks associated with them. Then when you compare them to some kind of typical causes of death and drownings, complications from medical and surgical care, falling down steps, they're even more removed or greater chances than these types of risk involved in everyday life. Thank you. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Senator Howard, you're recognized. [LB797]

SENATOR HOWARD: Thank you, Mr. President, members of the body. As one who can come to you after years, decades in fact, of working in child protection service, foster care and adoption, I really am here to attest that not all parents make good

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judgment. I thought I'd heard it all until a couple weeks ago when I saw in the paper that a mom had put her four-year-old in a situation where she was learning to smoke marijuana. I was astonished. And then this morning, when I heard on the morning program that a mother had driven up to the car wash and taken her two-year-old daughter out of the car and had sprayed her down with a pressure washer at the car wash, no, not all parents make good judgments. Even those who consider ourselves conscientious parents make errors. This is a very serious, critical, lifelong decision not to have your infant tested at birth for this condition. And granted, granted you may have higher odds of drowning than having this condition, but are you willing to risk it? Are you willing to say that's okay? I couldn't do it. I couldn't vote to pass this bill out of committee. I couldn't sanction the possibility that this one infant who hadn't been tested would have this condition. If Senator Chambers is available and would like my time, I will offer that to him. [LB797]

SENATOR LANGEMEIER: Senator Chambers, 3:20. [LB797]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Lady" Howard. Members of the Legislature, what code or what body of rules and regulations is more terror inducing than the IRS Code? But it is easy to get around IRS Code requirements by simply not complying. You don't have to file your tax return if you don't want to. You don't have to pay your taxes if you don't want to. But don't get caught. Let's say 1 person out of 1,000 who doesn't comply with the IRS Code is caught. Would anybody say, since so many people are getting away with it, we'll scrap the code? No. If we have a multitude of children who will never come down with anything so much as a runny nose but we know that among that multitude are other children who may come down with ailments that will destroy their brain, destroy the ability to have self-awareness, then we ought to be concerned about doing whatever we can to ensure that such a condition does not befall a child when it's in our power to prevent it. There was an expression that a king of France said, *l'etat c'est moi*--I am the state. And this morning, I am the state. The state can pass laws which are considered laws only because the entity known as the state possesses the coercive power to command obedience to the law. And if that law is violated, the state has the power to impose a punishment, a sanction, and carry it out. What sanction will I perform if this amendment should happen to be adopted? I will quote a couple of lines from Rudyard Kipling's poem "If": If you can keep your head when all about you are losing theirs and blaming it on you--Kipling didn't say... [LB797]

SENATOR LANGEMEIER: One minute. [LB797]

SENATOR CHAMBERS: ...this next line--you are the executioner. When everybody around you is losing their head and blaming it on you, you're the ax man. You chop their heads off. That won't be necessary to be done to this bill, but I do think the discussion was of value. And as long as I'm in the Legislature, I will continue in the posture that I've

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taken today on issues such as this. Thank you, Mr. President. And, Senator Synowiecki, I even thank you for bringing the amendment because you're a wise man. You brought it in wisdom, but he's going to show even more wisdom in seeing that it's handled in the proper way. Thank you, Mr. President. [LB797]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Howard. Senator Erdman, you're recognized. [LB797]

SENATOR ERDMAN: Thank you, Mr. President. It's good to know that the facts are irrelevant, the facts of how the testing is done, the facts about when the law became effective in 1988, the facts that the Department of Health and Human Services sets the hours and rules and regulations about when a child needs to be tested. Evidently, those things are all irrelevant. They're not. They may not be on point with whether you should vote yes or no on this amendment, but as those of us know, you have to have an understanding of where you're coming from, and we're coming from two different points of view, that is Senator Chambers and I. However, if you're a religious organization, you're exempted from the IRS, assuming you're following those guidelines. I fail to see the connection there. There is a healthy discussion about this underlying amendment--whether or not we as a state should afford a parent the right to not subject their children to a test. And in fact, the committee narrowly drew the exemption to be only for firmly held religious beliefs or those that have strongly held religious convictions. That's what we're talking about. We can fundamentally disagree on it. My understanding is we're not even going to get to vote on it. Fair enough. But I think what has been pointed out is there's two ways to carry out the law. You can carry it out the way that it's been done, or you can do it in such a way that ensures compliance. And I got to believe that if the department and those that were responsible for administering this law had been more sensitive to try and accommodate people within the letter of the law, we wouldn't even be having this conversation. But what other states do is relevant. How we administer the law in the state of Nebraska is relevant. But I know what's irrelevant is the arguments made on this bill will not carry over to other bills. Fair enough. But to say on the floor or to stand up here assuming that everything is fine as it is, is not. I don't think anyone is saying that. And I look forward to seeing the efforts being made by Senator Chambers and others, and the conversations as well that I've had with entities, finding out why this was handled this way, so much differently than in any other cases. But it's not unusual, in my humble opinion. Thank you, Mr. President...Madam President. [LB797]

SENATOR FISCHER PRESIDING [LB797]

SENATOR FISCHER: Thank you, Senator Erdman. Senator Synowiecki. [LB797]

SENATOR SYNOWIECKI: Thank you, Senator Fischer. Yeah, there's no doubt that what really is the driving force behind this, and I think what drove it out of the Health and

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Human Services Committee, which, by the way, for the first time--I brought this bill several times, Speaker Bromm has brought this bill, to my knowledge, unless Senator Chambers could correct me, it's never made it to the floor--I think what drove it out of the committee, Senator Erdman, like a truck, was with the way this thing was handled--sending law enforcement in, sending the department in, sending the state in, taking Joel from the custody and care of his parents. There was...obviously, there's no neglect. They are loving parents. They're exemplary citizens of my district, and there's no question in my mind that what's driving this and what's driving the discussion here on the floor for the most part and what got it here on the floor is precisely the handling of this situation by the department, by law enforcement, and that's why we're here on the floor. And I acknowledge that that's probably a key element to how it got here. Senator Johnson, as Chair of the committee, me and him had a gentlemen's agreement on this that, because it is his committee's bill, it's essentially a clean-up bill for that matter, I did have a gentlemen's agreement with Senator Johnson that I would not go forward if this placed...if this amendment, AM2203, placed the committee bill in any type of jeopardy. Living...even though I think it would be a close vote relative to this amendment, living up to that agreement that I made, a gentlemen's agreement with Senator Johnson, I will withdraw the amendment. But again, I think this issue will not go away. This issue will come back. This issue has been in front of the Legislature every year that I've been down here and preceding my service here in the Legislature. It's been on the docket, if you will, and I know it's going to come back, and I know this will be handled by the Legislature. I'm confident it will be handled perhaps as early as next session, when I'm not here. And with that then, Senator Langemeier, I would like to withdraw the amendment, AM2203. [LB797]

SENATOR LANGEMEIER PRESIDING [LB797]

SENATOR LANGEMEIER: AM2203 is withdrawn. Mr. Clerk. [LB797]

CLERK: I have nothing further on the bill, Mr. President. [LB797]

SENATOR LANGEMEIER: Returning to...there were lights on and they have been taken off. Senator McGill for a motion. [LB797]

SENATOR MCGILL: Mr. President, I move LB797 to E&R for engrossing. [LB797]

SENATOR LANGEMEIER: You have heard the motion on the advancement of LB797. All those in favor say aye. All those opposed say nay. LB797 does advance. Mr. Clerk, items for the record. [LB797]

CLERK: Thank you, Mr. President. The Committee on Judiciary, chaired by Senator Ashford, reports LB963 as indefinitely postponed. I have amendments to be printed: Senator Chambers to LB878, Senator McDonald to LB1058, Senator Carlson to

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LB1094. Enrollment and Review reports LB844 to Select File with E&R amendments attached. That's all that I have, Mr. President. (Legislative Journal pages 843-854.) [LB963 LB878 LB1058 LB1094 LB844]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. (Visitor introduced.) Returning to Select File, Mr. Clerk.

CLERK: Senator McGill, LB1014. I have Enrollment and Review amendments, first of all. (ER8172, Legislative Journal page 738.) [LB1014]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB1014]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB1014]

SENATOR LANGEMEIER: You've heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB1014]

CLERK: Mr. President, Senator Erdman would move to bracket the bill until April 1, 2008. [LB1014]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on your motion to bracket. [LB1014]

SENATOR ERDMAN: Mr. President, based on the courtesy of the Chair of the Judiciary Committee and the upcoming amendment, I would ask that that bracket motion be withdrawn. [LB1014]

SENATOR LANGEMEIER: The motion to bracket is withdrawn. Mr. Clerk. [LB1014]

CLERK: Mr. President, the first amendment: Senator Ashford, AM2196. (Legislative Journal page 812.) [LB1014]

SENATOR LANGEMEIER: Senator Ashford, you are recognized to open on AM2196. [LB1014]

SENATOR ASHFORD: Thank you, Mr. President. First of all, I would like to apologize for the IPP of LB1063, but as I just mentioned to Senator Lathrop, I didn't get him on the issue early enough to resolve it, so I've learned...(laugh)...I know this is not a laughing matter, but let's...LB1014 is the bill that we heard on General File dealing with, essentially, the juvenile court system and the district court system to alleviate some of the inefficiencies, really, in the juvenile court system. To me, one of the primary improvements on the juvenile court side is the idea of what we call front-loading juvenile court cases so that individuals can get into the juvenile court system earlier, young

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people who have violated the law in some way, and so the services can be obtained at an earlier point in the process. LB1014, as we discussed, amended some of the issues raised on Speaker Flood's LB554 last year. And improvements that needed to be made were made in LB1014. And thirdly, probably the most significant addition to this, to the court system, would be the beginning to discuss county court jurisdiction over felony IVs and domestic relations matters, to encourage the judiciary to really reorganize itself. And I think to some extent that's what we're doing in LB1014, is this is not a heavy hammer to the judiciary in any way, but is really an effort to say, from the Legislature, we think there are inefficiencies; we think you can improve on how you reallocate cases amongst yourselves, amongst the judges both in the county court and the district court. So that's really LB1014. AM2196, I thought I had in front of me, but I buried...oh, there it is, all right. And by the way, and I appreciate Senator Erdman's gesture in his removing his bracket motion. Some of the discussion on LB1014 had to do with how we allocate judgeships upon a retirement of a judge or replacement of a judge. And essentially by remove...by...with one of the amendments that's coming up here, we took all that language out. We're basically back to where we are now. The commission, Judicial Resources Commission will continue to make recommendations regarding where judgeships should be in the state, and the Legislature would make the final decision on that issue. Appreciate Senator Fischer and Senator Erdman bringing to my attention some concerns of some of our judges and lawyers in the western part of the state. The points were validly made and so that language in LB1014 is deleted by a subsequent amendment here. AM21...in fact, it is LB...I'm sorry, after we...I lost my order here. AM2196 does, in fact, do what Senator Erdman and Senator Fischer requested we do, look at doing, and we are doing, and that is to maintain the current process for reallocating or allocating judgeships throughout the state. With that I would urge the adoption of AM2196. [LB1014 LB1063 LB554]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on AM2196. The floor is now open for discussion. Senator Fischer, you are recognized. [LB1014]

SENATOR FISCHER: Thank you, Mr. President and members. I would like to thank Senator Ashford for offering this amendment. It does address a number of the concerns that I had on this bill and I believe some of the same concerns that Senator Erdman had on the bill, so I would urge support of the amendment. Thank you. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Seeing no other lights on, Senator Ashford, you are recognized to close on AM2196. [LB1014]

SENATOR ASHFORD: Thank you, Mr. President. I would just urge the adoption of AM2196. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the closing on

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AM2196. The question before the body is, shall AM2196 be adopted to LB1014? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1014]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Ashford's amendment. [LB1014]

SENATOR LANGEMEIER: AM2196 is adopted. Mr. Clerk for a motion. [LB1014]

CLERK: Senator Ashford, AM2154. [LB1014]

SENATOR LANGEMEIER: Senator Ashford, you are recognized to open on AM2154. [LB1014]

SENATOR ASHFORD: I would ask that that be withdrawn, Mr. Clerk. [LB1014]

SENATOR LANGEMEIER: It is withdrawn. Mr. Clerk for a motion. [LB1014]

CLERK: Senator Ashford, AM2175. (Legislative Journal page 814.) [LB1014]

SENATOR LANGEMEIER: Senator Ashford, you are recognized to open on AM2175. [LB1014]

SENATOR ASHFORD: Thank you, Mr. President. And AM2175 is actually a bill brought to us by Senator Wightman, LB774, and it's a clean-up provision to work we did last year. Last year, the Legislature passed a law that makes incarceration an involuntary reduction in net monthly income for purposes of modifying child support obligations if the person is incarcerated for more than one year in a correctional facility in the state. AM2175 amends 43-512.15 to provide that HHS, the county attorney, or an authorized attorney shall not be responsible for reviewing or filing applications to modify child support obligations for an inmate. And there was some lack of clarity on that issue, and Senator Wightman found it, brought it to our attention, and I would certainly urge that we adopt the amendment. Thank you. [LB1014 LB774]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on AM2175 offered to LB1014. The floor is now open for discussion. Senator Wightman, you are recognized. [LB1014]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. AM2175, as Senator Ashford told you, actually was an amendment to include a separate bill that I had introduced before the Judiciary Committee, which was LB774. It does exactly what Senator Ashford has said that it will do: clarifies that the county attorney has no obligation to go forward with any kind of an application for the reduction of support as a

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result of the person being incarcerated, the defendant being incarcerated for more than a year. I think it was pretty clear that there was not an obligation to go forward on the part of the county attorneys. They did want that clarified, and we were certainly willing to do that, because it was not ever the intent that it be a part of this bill. But if the county attorney had an obligation to go forward, it puts them, many times, in an obvious position of conflict because they have the obligation to support the child support laws, and for them to go forward with an application that would result in a reduction of that child support would certainly be, in my opinion, a conflict situation. So I think the amendment is certainly in order to clarify last year's legislation. Thank you, Mr. President. [LB1014 LB774]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Synowiecki, you are recognized. [LB1014]

SENATOR SYNOWIECKI: Senator Langemeier, I have a request of Senator Wightman. Would he take a question or two? [LB1014]

SENATOR LANGEMEIER: Senator Wightman, would you yield? [LB1014]

SENATOR WIGHTMAN: Yes, I will. [LB1014]

SENATOR SYNOWIECKI: Senator Wightman, thanks for bringing this. I think I'm going to support your amendment. But I remember this bill last year, and I know we put some stipulations on this, one being that if the individual was jailed for criminal nonsupport, and if there was a documented history of willfully or neglecting a child support order prior to the incarceration that they would not get this exemption. That stays in, doesn't it, Senator? [LB1014]

SENATOR WIGHTMAN: That stays in. As a matter of fact, you're going to hear an amendment, I think, in just a few minutes from Senator Pirsch. Apparently it's been filed. It will be AM1679 that will broaden that somewhat, in that it will say if it is...incarceration is a result of a conviction for a crime in which the child is the subject of the child support order was victimized. So it will actually be a little broader than it had been before, Senator Synowiecki. [LB1014]

SENATOR SYNOWIECKI: Okay, thank you, Senator Wightman. I'm going to support your amendment. Thank you for bringing it. I just wanted to make sure that those stipulations we put in last year are still in. Thank you. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Seeing no other lights on, Senator Ashford, you are recognized to close. [LB1014]

SENATOR ASHFORD: Thank you, Mr. President. I would just urge that we adopt

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AM2175. Senator Wightman has adequately, ably explained it, so with that I would urge the adoption. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the closing on AM2175 to AM1014 (sic--LB1014.) All those in favor vote aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1014]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Ashford's amendment. [LB1014]

SENATOR LANGEMEIER: AM2175 is adopted. (Visitors introduced.) Returning to Select File on LB1014, Mr. Clerk for a motion. [LB1014]

CLERK: Senator Ashford would move to amend with AM2107. (Legislative Journal page 815.) [LB1014]

SENATOR LANGEMEIER: Senator Ashford, you are recognized to open on AM2107. [LB1014]

SENATOR ASHFORD: Thank you, Mr. President. This amendment adopts the Legal Education for Public Service Loan Repayment Act, a bill that was heard by the Judiciary Committee. It does not have a fiscal impact because what it does is creates a fund for private investment in legal education opportunities for individual law students who elect to go into public law. The public legal services are defined by the act as providing legal services to indigent persons while employed by a tax-exempt charitable organization. The loan forgiveness program is governed by a board consisting of the deans of the law schools at Creighton and UNL, the director of Legal Aid, a UNL and Creighton law student, a representative of the bar association, and chief counsel of the Public Advocacy Commission. The bar association has endorsed this plan. It is a plan that the bar is going to promote within it to other lawyers in the state to encourage...to continue to encourage, and as we strive for an equal playing field in the administration of criminal justice, that experienced lawyers who are involved in the field, many times after just a couple years, go off to private practice and we lose their experience. My view philosophically on this is that the more competent lawyers are that deal with some of the public advocacy issues that we have out there, the more competent they are, the quicker, the more expeditiously, the more appropriately matters are going to be resolved. And the whole concept of administration of justice in our society is based on competency of counsel, and I appreciate the bar's bringing this to us and supporting this, and I would urge its adoption. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on AM2107 offered to LB1014. The floor is now open for discussion. Seeing no lights on, Senator Ashford, you are recognized to close on AM2107. Senator Ashford waives

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closing. The question before the body is, shall AM2107 be adopted to LB1014? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1014]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Ashford's amendment. [LB1014]

SENATOR LANGEMEIER: AM2107 is adopted. Mr. Clerk for a motion. [LB1014]

CLERK: Mr. President, the next amendment, Senator McGill. Senator, I have AM2218 in front of me, but I understand you would like to withdraw and substitute AM2231. [LB1014]

SENATOR MCGILL: That is correct. [LB1014]

SENATOR LANGEMEIER: So ordered. [LB1014]

CLERK: Senator McGill, AM2231. (Legislative Journal pages 855-856.) [LB1014]

SENATOR LANGEMEIER: Senator McGill, you are recognized to open on AM2231. [LB1014]

SENATOR MCGILL: Mr. President and members of the body, AM2231 is essentially LB1025, which had a late hearing in the Judiciary Committee last week and was passed out with a unanimous vote. This amendment will protect over \$1 million in federal funding that we currently receive from the federal government for domestic violence programs. I passed around a sheet that shows the current allotment that we get from these grants from the federal government, so you can see some of the organizations. They do reach across the state and help with programs for women everywhere. In order to continue to receive this grant money, Nebraska must certify compliance with new federal grant requirements. The certification requirement calls for conformity with the Brady Handgun Violence Protection Act which prohibits individuals subject to protection orders from purchasing or otherwise being provided firearms and requires that alleged offenders of all domestic violence-related misdemeanors receive firearms notification. The Brady Act also requires that alleged offenders have sufficient notice and an opportunity to challenge an order through a scheduled hearing. AM2231 will bring Nebraska into compliance with the grant certification requirements by requiring that firearms notification be given to alleged offenders of all domestic violence-related misdemeanors, firearms notification be given on protection order forms, and hearings be set up for all protection orders to provide respondents with the opportunity to challenge those orders. The current protection order process in Nebraska does not require that judges schedule hearings. Currently, respondents may request hearings or judges may set them up at their discretion. The proposed changes in this amendment

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will protect over \$1 million that comes to Nebraska for coordinated response to victims of domestic violence. These dollars have been used to make significant improvements in the system response for victims across the state to support specialized positions and have been used to integrate the work of law enforcement, victim advocacy, prosecution, courts, probation, and the batterers' intervention programs. Loss of these funds would have an immediate noticeable impact on local response for victims, compromising victim safety, and offender accountability across our state. I urge you to pass LB2231 (sic--AM2231.) Thank you, Mr. President. [LB1014 LB1025]

SENATOR LANGEMEIER: Thank you, Senator McGill. You have heard the opening on AM2231 offered to LB1014. The floor is now open for discussion. Senator Ashford, you're recognized. [LB1014]

SENATOR ASHFORD: Thank you, Mr. President. First of all, I'd like to just comment on the source of funds for domestic violence. In some ways, these domestic violence funds...and when we heard this bill, this...there are pieces to this legislation which deal with an aspect of domestic violence, and that's the approval of a protection order, obviously a process that we have in our state that we've adopted and we utilize in protecting a spouse from domestic violence. And for many...for several years, the state has been receiving domestic violence funds from the federal government. There were changes in federal law which require that in all cases involving a protection order, that there be a hearing set, at least, for the individuals involved, the litigants, to a protective order case. And so this bill clarifies that. The money is not state money. It does not increase the budget. The money comes from this domestic violence fund. It's a federal program. It's money we have received. It's a pass-through to a variety of agencies like the YWCA, the domestic violence agencies around. It's a very critical program in our state, and the funding is critical. So that's why we're doing this, and I appreciate Senator McGill bringing this to our attention. This is an issue that I was not aware of. Senator McGill did the work on it, did the research, and it's important that we do it. Secondly, one of the other issues raised is the issue about the notification, about carrying a firearm, and again that's a federal regulation. I don't believe the National Rifle Association or any sporting groups have any opposition to this language. It just simply notifies individuals against whom a protective order has been entered, that they may not carry a firearm. That's a federal requirement. And the notice that is given to the individual is a requirement for these funds. It's required, as well, that there be a hearing, and also that they be notified that the federal law prohibits them from carrying a firearm. Thirdly, as Senator McGill suggests, that in the bill there is reference to referees being able to take these set up...set these protection order hearings and hear the cases. That was put in there to alleviate any issue of burdening the district court bench with these issues, or the county court bench, again, so it's an option that we can use. If in any way the utilizing the referee system would jeopardize these funds, we would continue to use the district court and county court system. So again, Senator McGill was...this is really a big deal in my view. These monies are very well-spent to protect victims in our state,

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and I commend her for bringing this bill and urge the adoption of the amendment. Thank you. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Fulton, you are recognized. [LB1014]

SENATOR FULTON: Thank you, Mr. President. Would Senator McGill yield to a question? [LB1014]

SENATOR LANGEMEIER: Senator McGill, would you yield? [LB1014]

SENATOR MCGILL: Yes, I will. [LB1014]

SENATOR FULTON: Okay. A couple of concerns, and I think that they may be unwarranted but I want to make sure that we get this on the record. The handout that you provided is indicative of monies that would be at the federal level, is that correct? [LB1014]

SENATOR MCGILL: Yes. Yes, this is money that comes from us from the grant program. [LB1014]

SENATOR FULTON: Okay. And what was the fiscal note that was attached to the bill that you brought forward? [LB1014]

SENATOR MCGILL: The bill is LB1025 if you want to take a look at it, and there was no fiscal note. [LB1014 LB1025]

SENATOR FULTON: Okay. So no fiscal note. We're not talking about state funds here. [LB1014]

SENATOR MCGILL: No. [LB1014]

SENATOR FULTON: We're going to have to implement something that is required at the federal level in order to access federal funds, that which we will need to implement from the federal level here in the state, you mentioned something about the Brady bill or the Brady Act? [LB1014]

SENATOR MCGILL: Yes. [LB1014]

SENATOR FULTON: Can you explain a little bit more. That would be my second concern, is what...? I've not been in favor of everything that was in that act, but this may be legitimate. Could you explain a little bit more? [LB1014]

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SENATOR MCGILL: Well, it's already federal law that if you have one of these protection orders that you can't go out and buy a handgun or have one on you. And this just requires the state to then tell people that as they're getting... [LB1014]

SENATOR FULTON: Okay. [LB1014]

SENATOR MCGILL: ...as they're in court and in these proceedings here. [LB1014]

SENATOR FULTON: And the federal prohibition is one who has been convicted of misdemeanor that has to do with domestic violence? Is that correct? [LB1014]

SENATOR MCGILL: Yes; yes. [LB1014]

SENATOR FULTON: Okay. Okay, thanks for that clarification. That's all. Thank you, Mr. President. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Senator Gay, you're recognized. [LB1014]

SENATOR GAY: Thank you, Mr. President. And I was looking through this bill, and it sounds like a very good concept and I'm leaning towards voting for it. One thing, though, that I did want to bring up is I think Senator Fulton is getting to this point, we get a federal grant...we're getting a federal grant--it's a good federal grant--and it sounds like this won't be a burden on judges now. They put an amendment in there that it won't clog up the court system. But as we go...I assume the process is, let's keep these guns out of the hands so somebody obviously in that situation, volatile situation, is not going to make it worse for the woman that's, or whoever it is that's being protected under the protection order. The one thing, though, that I'm getting a little...I'm not worried about it, but I think I just wanted to stand up and bring this up...a federal grant that we're going to get, if this thing expires though and the grant is not there a year or two from now, I just think--and I've always thought this about federal grants, they're great when you're getting them, but when they take the money away and we've got a good program, who's going to fund the money? And it will...they will come back to the Legislature. I'm not saying that's right or wrong. I'm just saying a point here, that I think on all these things we need to look at, just because the federal government thinks it's a good idea, it may not work in this state. I do think this is a good idea, and I just wanted to be on record saying that, you know, sometimes when these grants run out and people are going to come back and say we'll fund this program, it's a great program, we've been doing it for the last five years or however long this runs, I think we need to just keep that in the back of our mind. So I wanted to bring that up. Another concern, and I guess I just, watching these bills be attached to a Judiciary bill that now I have no idea how many bills now are on this Judiciary bill, but we've all done it, in that committee, we're adding bills on, but if we keep adding...this bill, when it's done, you know, it's mighty...we're changing an

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awful lot here. And I don't mind that if that's where we're going to go, but I think if we're just keep adding things on, adding things on, you know, we're going to come back and say, jeez, is that really what I wanted? Can you go to constituents, and not on all bills do you understand...you know, let's face it, there's things that are in these bills that we rely on the committees. But I'm just hoping and I'm trying to keep up with everything we're adding onto these bills, but I think that's a concern, too, that I don't want to have happen. We just saw this morning, Senator Chambers brought up some legitimate points on an amendment that was brought to the floor. There was a reason it was brought separate, so we could discuss it, and if there was no traction it's not going to be added to our committee bill in the Health Committee. And I don't mind that, but I guess I'm just standing up...I'm going to vote for this amendment and I don't know how I'm voting on this overall bill, and this is nothing against Senator McGill. I'm just bringing the point at this point, so I do commend her. I would have loved to see this bill come out possibly independently, so we could discuss it and discuss the merits of it. Now we have a good bill...or a good amendment that maybe in a huge bill that, oh, gosh, am I going to pass it because you love this amendment of it or you love another piece of it? I just don't think...I'm worried about in the future us keep adding to these bills and all this said, and you get 30 great ideas in one bill, and, of course, it's going to pass. So I just wanted to stand up, put that on the record, and, like I say, on the main thing is the grants and the adding the more and more bills onto a huge monster bill, is this starting to get...wear may thin a little bit? And like I say, this is no offense to Senator McGill. I think this is a great...this is a very good amendment and I'd encourage you to vote for it. So thank you, Mr. President. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Gay. (Visitors introduced.) Returning to floor discussion on AM2231 offered to LB1014, those wishing to speak, we have Senator Ashford, Erdman, and Heidemann. Senator Ashford, you are recognized. [LB1014]

SENATOR ASHFORD: Mr. President, thank you. I'm going to give my time to Senator Erdman because I believe he has a question regarding the bill, and rather than talk about the bill, I'd just ask...give my time to Senator Erdman if he wants, to ask me a question. [LB1014]

SENATOR LANGEMEIER: Senator Erdman, you're yielded 4:40. [LB1014]

SENATOR ERDMAN: Thank you, Senator Ashford. I had my light next and so I'll return the favor if we need to. The only question that I have, and somewhat jokingly on Senator Gay's comments, this is no longer a legislative bill. This is more like the Judiciary Committee's juggernaut that they're trying to get across the finish line. We're referencing 18 U.S.C. 921(a)(33) in defining a misdemeanor crime of domestic violence. Typically when we do that, for example in the area of Medicaid or other federal codes, we will reference when that act was in effect, because if we don't do that, and I don't

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know if we need to, if this impacts our ability to get the grant funds. But I'm wondering...and Senator Ashford, since it is your time, I'd be happy to ask this question directly to you so that it's clear what I'm saying, should we not state that definition as it existed on such and such day, March 7, 2008, so that it's clear what we're referencing in state law? Because technically we're adopting, by reference, a federal definition of a crime. [LB1014]

SENATOR LANGEMEIER: Senator Ashford, would you yield? [LB1014]

SENATOR ERDMAN: And they can change that federal definition without us being aware of it, and I believe what we're trying to do is to be simplistic and adopt it by reference, but I would probably be more comfortable if we specifically said the act that we now know, and by doing that, by adding a specific date when that act was in effect. Is that amenable? [LB1014]

SENATOR ASHFORD: That's correct. That's a good amendment, Senator Erdman. [LB1014]

SENATOR ERDMAN: And you're open to that? [LB1014]

SENATOR ASHFORD: Sure. [LB1014]

SENATOR ERDMAN: Okay. Would you like the time back? [LB1014]

SENATOR ASHFORD: No. [LB1014]

SENATOR ERDMAN: Okay. Would you like my time when it comes up? [LB1014]

SENATOR ASHFORD: No. [LB1014]

SENATOR ERDMAN: I can get Senator (inaudible)... [LB1014]

SENATOR ASHFORD: Well, I was going to respond to the juggernaut and I was going to say...(laugh)... [LB1014]

SENATOR ERDMAN: Well, go ahead. It's your time. [LB1014]

SENATOR ASHFORD: Well, we haven't even started. I mean, we're...it's not only going to be a juggernaut, it's going to be a Star Wars deal. (Laughter) Thank you, Senator Erdman. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Erdman, Senator Ashford. Senator Heidemann, you are recognized. [LB1014]

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SENATOR HEIDEMANN: Thank you, Mr. President and fellow members of the body. I just wanted to touch base real quickly here. I've had a lot of people come up to me and they are showing me this piece of paper with all these figures on, and I did want to touch base and alleviate any fears that you might have that this is going to cost money. I talked to Doug Nichols from the Fiscal Office, and he confirms that this will not cost any money right now. There is no fiscal impact right now nor will there be in the future, dealing with Senator McGill's amendment. So I thought I should get on the mike and put it into record, and hopefully that will make everybody a little bit more comfortable. Thank you. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Heidemann. Seeing no other lights on, Senator McGill, you are recognized to close on AM2231. [LB1014]

SENATOR MCGILL: Thank you, Mr. President and members of the body. I urge you to advance...or support LB...or AM2231. And this is over a million dollars that we are already receiving in federal grants. If we lose it, programs across the state are going to suffer because of it. We're not asking for changing the rules to apply for a brand new grant that we might not...or know might not be around much longer. I do wish that this bill wouldn't have had such a late hearing because I think we didn't realize the urgency of this funding and how this is a decision that needs to be made this year in order to make sure that we're eligible for this money next year. Otherwise, I probably would have put it in for a Speaker priority or otherwise and wouldn't have bogged down this particular bill. But I think it is urgent that we get this in here now to protect these services across the state. I urge your support of AM2231. Thank you. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator McGill. You have heard the closing on AM2231. The question before the body is, shall AM2231 be adopted to LB1014? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1014]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator McGill's amendment. [LB1014]

SENATOR LANGEMEIER: AM2231 is adopted. Mr. Clerk for a motion. [LB1014]

CLERK: Senator Synowiecki would move to amend, AM2212. (Legislative Journal pages 856-857.) [LB1014]

SENATOR LANGEMEIER: Senator Synowiecki, you are recognized to open on AM2212. [LB1014]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier, members. LB1014

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contains a bill that I put in relative to problem-solving courts, and Bill Drafting actually brought this to me and indicated that there's probably another section of law that we should reconcile this language with. What my original bill did was simply recognize problem-solving courts in statute. Senator Aguilar had a bill--what, Ray, about four years ago?--that recognized drug courts, and with the drug courts evolving in our state, a lot of them then brought on this new terminology of problem-solving courts, and I had some of those problem-solving courts approach me about having some recognition in statute for those. And I ran it up the flagpole with the Supreme Court, and then introduced the bill to the Judiciary Committee. That bill got adopted, and then Bill Drafting has recommended that we reconcile this language in another section of law, and so that's what this amendment does. And actually I'll give the balance, if he wants it, to Senator Aguilar, who he is really the one instrumental in precipitating these drug court situations throughout the state. I know Hall County has got a viable drug court situation there in large part because of Senator Aguilar's efforts, and I'll give Senator Aguilar the balance of my time. [LB1014]

SENATOR LANGEMEIER: Senator Aguilar, 8 minutes, 30 seconds. [LB1014]

SENATOR AGUILAR: Thank you, Senator Synowiecki. I do rise in strong favor of this proposal by Senator Synowiecki. I think it's obviously the next step. A couple years ago I was fortunate enough to attend a conference in Milwaukee, Wisconsin, that was put on by the drug courts. And the strong recommendation that came from that conference was, now we need to expand it; we need to get into the problem-solving courts. And I was very pleased to see that our Nebraska Supreme Court picked up on that and wanted to go forward with it. And I especially want to thank Senator Synowiecki for bringing this forward and getting this accomplished, and encourage the body to be supportive of this, as well. Thank you, Mr. President. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. The floor is now open for discussion. Senator Ashford. [LB1014]

SENATOR ASHFORD: Very briefly, I agree with Senator Aguilar on this issue. It really is a small change but an important change, and I would urge its adoption. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Gay, you are recognized. [LB1014]

SENATOR GAY: Thank you, Mr. President. I'd like to...would Senator Synowiecki yield to a few questions? [LB1014]

SENATOR LANGEMEIER: Senator Synowiecki, would you yield? [LB1014]

SENATOR SYNOWIECKI: Yes. [LB1014]

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SENATOR GAY: Thank you, Senator. Senator Synowiecki, what was the original bill? [LB1014]

SENATOR SYNOWIECKI: Oh, the original bill that got adopted in the committee package, right off the top of my head, Senator Gay, I can't think of the number off it. I'm sorry. [LB1014]

SENATOR GAY: Okay, I guess on that, I was just reading the amendments. The county courts, district courts, and all this...you had proponents. Were there any opponents to that bill? [LB1014]

SENATOR SYNOWIECKI: There...if...I believe there was one proponent and that was the Court Administrator's Office. [LB1014]

SENATOR GAY: And no opponents? [LB1014]

SENATOR SYNOWIECKI: And no opponents. No. [LB1014]

SENATOR GAY: Okay. And I'm just...and I don't mean...I'm asking you just to find out. [LB1014]

SENATOR SYNOWIECKI: Sure. [LB1014]

SENATOR GAY: And then also, I am a big advocate of the drug courts. I think they're doing a great job and I have followed those. They're a good court. How does this example...? What would those problems they would be looking into different...that would be different than the drug courts? What would these courts pursue? [LB1014]

SENATOR SYNOWIECKI: I'll give you an example, Senator. By the way, incidentally it was LB1107 I've been reliably informed. LB1107 was my underlying bill. An example of a problem-solving court might be one...for example, we have one in Douglas County called the young adult court, where we divert...you know, I think it's like 17-, 18-, 19-year-olds that are facing a felony, and they've diverted from the court system. They go through a program. It might include substance abuse, mental health treatment. It might include some community service, some case management, and that sort of thing. And we keep them out of the system. We keep those individuals, those offenders out of the system. Hopefully if they successfully complete the program and then it saves them from having that felony conviction on their record, which would follow them, as you know, will follow them for a lifetime, and that brings up a lot of barriers for individuals when they enter the job market and that sort of thing. We have a young adult drug court in Douglas County, and there's a few other problem-solving courts in the state. And what they wanted...I'm sorry, Senator Gay, what they wanted is a statutory recognition

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of that. [LB1014 LB1107]

SENATOR GAY: Okay. So, Senator, when I was in the county we had a shoplifting. We would go get grants. You get a grant...there was a grant for shoplifters to try to say, hey, what's going on? The youth courts, the youth courts are starting. Are those not officially...those aren't recognized? Are those just grant programs now? So they aren't officially recognized by the courts, because the county attorney's office ran those courts in our county. [LB1014]

SENATOR SYNOWIECKI: Yeah, I think you're...you know, I know...you know, Senator Gay, that's a great question and I wish I could be...maybe Senator Aguilar can...but I know in your county, Sarpy County, has a DWI diversion program, for example. They have a drug court. Sarpy County has a drug court. I don't know if you have what they call in terms of terminology, I don't know if you have a problem-solving court. But Sarpy County is involved in this wholeheartedly, arguably more so than Douglas County, particularly when it comes to the misdemeanor offenses. [LB1014]

SENATOR GAY: So, I guess, you're right, and some of those, I've been supporting this. When you say it's officially recognized now though, does that mean...by the courts...does that mean now that...? Because right now it's optional, so if a county wants to get into this it's an optional deal. Would this still remain optional for a smaller county that wants to do this? And do you only have to...? Well, optional is optional. [LB1014]

SENATOR SYNOWIECKI: Yeah, let me... [LB1014]

SENATOR GAY: They don't...they're not forced to do this, right? [LB1014]

SENATOR SYNOWIECKI: No, no, no. Let me explicitly state, the intent is not for these to be mandatory at all. They won't work if they're mandatory, quite frankly. If you don't have a judge that's motivated to do this and the probation staff and the case management elements of it, it won't work if it's mandatory. Some of the best, Hall County's program and so forth, those were all started by local court officials, if you will. [LB1014]

SENATOR LANGEMEIER: One minute. [LB1014]

SENATOR GAY: Thank you. Actually...well, I'd just say our drug court was patterned after, I think, Hall County's, the Sarpy County court was, and it's an excellent program. The judge that's primarily running that court just really takes a lot of time to go do a great job and help, and I've been very impressed with that. Now, on a teen court situation, they created a teen court a few years ago, and I doubt this is a, you know, going on everywhere, but basically teens or peer...they're the actual jury and the court for other teens, and as long as the county attorney diverts them from that process, the

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county attorney has to follow it through and make sure that they're not just, you know, letting them off with no problem. Many times those penalties they were giving were more severe than probably what they would have got in a regular court, so they're going back. So, like I say, I'm in favor of these programs. [LB1014]

SENATOR LANGEMEIER: Time. [LB1014]

SENATOR GAY: Thank you. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Gay. (Visitors introduced.) Returning to discussion on AM2212, those wishing to speak, we have Senator Ashford, Synowiecki, and Gay. Senator Ashford, you are recognized. [LB1014]

SENATOR ASHFORD: Thank you, Mr. President. I'd like to follow up on, just very briefly, and we can move on, because this really is a technical amendment that puts into statute these courts. But Sarpy County is in the vanguard, has been in the vanguard with their judges in dealing with these specialty-type courts. Before that they, Sarpy County, was also before its time in dealing with juvenile justice issues, and I would further suggest that in talking to the Chief Justice that there is going to be, I think, in the next few years, a push towards dealing with juveniles, children in the courts, in a more aggressive way to try to stem the tide of recidivism as these children get into adulthood. And I appreciate Senator Synowiecki's work and Senator Aguilar's work in this area, but Sarpy County is in the vanguard, has been in the vanguard, and has been very forward-looking on the issues of juvenile justice, children in the courts. And...but again this is a technical amendment that leaves the option up to the county or the judges involved, but puts it into statute, and I think it's appropriate that these courts be in statute, at least, to...so that we know what we're dealing with and we have some orderliness about it as we move forward and build on some of the good work that's been done to a great extent in Hall County and in Sarpy County. Thank you. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Synowiecki, you are recognized. [LB1014]

SENATOR SYNOWIECKI: Senator Langemeier, I'll be very brief and then I'll give the balance of my time to Senator Gay. Here's the genesis of my underlying bill, Senator Gay, was brought to me from the Douglas County youth court...Douglas County young adult problem-solving court. And the county attorney had a certain degree of reluctance to refer offenders to the program precisely because it was not mentioned in statute. So the Douglas County Attorney's Office had a degree of reluctance in terms of referring offenders to the program precisely because there was no reference to problem-solving courts in statute. Nothing in my underlying bill would mandate problem-solving courts or mandate that they occur, and that was one of the, in my discussions with the Chief Justice and the Court Administrator's Office is, they want to control the onslaught of

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these courts as much as possible, and have some degree of control over their existence and that sort of thing. But that's the genesis of my particular bill, was to get them mentioned and codified in statute so that it would remove this barrier or this reluctance from county attorneys to make referrals to the program. Senator Langemeier, with that I'd give the balance of my time to Senator Gay. [LB1014]

SENATOR LANGEMEIER: Senator Gay, 3 minutes, 40 seconds. [LB1014]

SENATOR GAY: Thank you, Mr. President. Thank you, Senator Synowiecki. Senator Synowiecki, so now you're getting more to the point that why I am asking these questions. [LB1014]

SENATOR LANGEMEIER: Senator Synowiecki, would you yield? [LB1014]

SENATOR SYNOWIECKI: Yes. [LB1014]

SENATOR GAY: Thank you, Mister...you're getting to the point now where I'm saying, why are we doing this, and that's why I'm asking the questions. So they want a consistent program across the state, is what you're saying here, so is it the Supreme Court saying to other counties, you want a consistent program throughout the state? I don't want Deuel County doing something different than Sarpy County? [LB1014]

SENATOR SYNOWIECKI: Not necessarily that it be created throughout the state. There is some equity issues in that individuals arrested in different parts of the state, that they have access to these programs and they're working on that. The immediate concern with my underlying bill, the immediate concern was simply to get them codified in statute so that that particular court can receive those offenders without any degree of reluctance from the county attorney. [LB1014]

SENATOR GAY: So it...and I'm no lawyer, so I am asking, probably, questions that are ridiculous to a lawyer. So that just means that it's...you're legitimizing it then, is what you're saying, is what's happening here? [LB1014]

SENATOR SYNOWIECKI: I'm sorry. I didn't hear that. [LB1014]

SENATOR GAY: You're legitimizing...the Supreme Court is legitimizing this. [LB1014]

SENATOR SYNOWIECKI: I think that's a...yeah, it's giving them a platform. Legitimizing that, I think is precisely what my intent is with my underlying bill, yes. [LB1014]

SENATOR GAY: Okay. And then I'm looking at the fiscal note on that original bill, LB1107, and it states that this is the intent of the Legislature that the funds be appropriated separately to the Supreme Court for the drug court programs and the

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problem-solving court programs, but no amount is specified. It appears that this bill will have...will not have a fiscal impact. The Nebraska Supreme Court and the Crime Commission both estimate no fiscal impact. The reason I say this, is what I just said before, is if the local county wants to go get local grants and do this, that's fine, and I think this is a great program. And again this is probably a good program on its own merit. If now, though, the state is funding these programs and now you go to the counties and they say, oh, we've got these great programs going, it's just...I'm just worried that we keep picking up the bills. This is...you know, where does the local counties, will they come in and pay for these programs or is the Supreme Court going to pay for the programs? And that's the thing I think we should decide. Each county gets to decide what's happening. And there is a great program in Hall County, a good one in Sarpy County, it sounds like Douglas County wants to do this, but as county officials they should be responsible for paying for the cost of these courts. [LB1014 LB1107]

SENATOR LANGEMEIER: One minute. [LB1014]

SENATOR SYNOWIECKI: You know, I agree with that, and I might...Senator, you may want to ask, Senator...Senator Aguilar brought the original bill that gave the Supreme Court administrative oversight of these courts. That was his bill, about what, three years ago. And now my bill is to simply codify problem-solving courts in the statute. [LB1014]

SENATOR GAY: Thank you, Senator Synowiecki. Would Senator Aguilar yield to a question? [LB1014]

SENATOR LANGEMEIER: Senator Aguilar, would you yield? [LB1014]

SENATOR AGUILAR: Yes, I will. [LB1014]

SENATOR GAY: Senator, that's the question I wonder. Do you think we're protecting ourselves as a state, we want to create a good program and it is a good program...how do...are we going to protect ourselves as a state, though, that we're not then taking complete financial control of this situation, and the counties will get...and I have my light hit, too, if we need to continue on. But the counties won't always be dependent on the state for this, because I think a good program in Hall County should be, hey, we really like this here, or Sarpy County or anywhere else, we'll pay for it. Otherwise they're going to come back to the Legislature and want money. [LB1014]

SENATOR LANGEMEIER: Time. Senator Gay, you are now on your time. [LB1014]

SENATOR GAY: Okay, thank you. Senator Aguilar, so I guess the question is, and take your time, but do you think...do you feel we're protected? Or maybe we shouldn't be. But when it comes to paying these bills later, as these courts grow and the financial...because it will grow. They'll add staff, they'll do other things. I just don't want it

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always to be that they're so dependent on the state. Do you think we could create a mechanism down the road, who pays? [LB1014]

SENATOR AGUILAR: You know, it's hard to speculate but I will say that in most cases counties get on board willingly, you know, and their financial participation is there. It has to be. It would have to be a total cooperative effort between the county attorney, local law enforcement, the court system, everybody...probation very much involved...everybody has to be on board. And for the most part, counties haven't had a problem funding...I mean, sure it's difficult for them, but they don't have a problem funding because they look at the long-term effect on how much they're going to save down the road by preventing recidivism and getting these kids off drugs in that situation, you know. The bottom line is, these things have proven to work and everybody sees it as a win-win situation and not something that...you know, there's many times that we end up paying for things that we don't want to pay for, but by the same token if you can show a savings down the road in the future, you know, it's well worth it in every effort. [LB1014]

SENATOR GAY: Yeah, and I agree with you on that. But there's a certain point, though, here's the dilemma we're in here, and that's why we're discussing this and hopefully the dilemma is then these, most of these, I think, have been done with grant money--either federal grant money or State Crime Commission grant money. And when it's that, it's money flowing down, and any money you're taking that's not ours is free money that ultimately somebody's paying. So what I'm worried about, though, is we go create these great programs and then there's no funding, or we were talking about funding this year, and we're talking about, oh, we can't spend money and this and that. And I'm just bringing the awareness issue here, Senator. And like I say, I think they are very good programs but they've been funded in the past by grants. The fiscal note says that the Supreme Court will be...intent of the Legislature that funds be appropriated separately to the Supreme Court. And that means our budget. So like I say, I just want to bring this to an awareness, and I appreciate Senator Aguilar and Senator Synowiecki having a conversation with me. Like I say, I just...I think we need to, on a lot of these programs that are very good, but both of these that we're talking about have been federal grants or state grant-funded. And sooner or later that means that somebody is paying for them. So I just bring that for the body's awareness, and I'll close with that. Thank you, Mr. President. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Gay. Seeing no other lights on, Senator Synowiecki, you are recognized to close. [LB1014]

SENATOR SYNOWIECKI: You know, I'll just...thank you, Senator Langemeier...I'll just reiterate...and appreciate the questions from Senator Gay. He's exact...I agree with him. I don't want this thing to be exploding on the state expenditures. The court agrees with that. The Supreme Court wants some kind of control over these courts. I don't want the

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state flipping the bill for the entire cost. We do have mechanisms whereby the Community Corrections Council serves as a pass-through for some of these grant funds. We also have in statute...but I don't have that stuff with me right now, unfortunately, but I'd be willing to share it with you, Senator Gay. We have in statute already where they, counties, have to have matching funds towards the services of a probation officer if they're used for problem-solving courts or drug courts. All that stuff is in statute. Unfortunately I don't have that with me, readily available, but my office will be more than happy to share that with you. What my bill did that was attached to LB1014 was simply codify probably the words, the terminology, problem-solving courts. And this amendment was brought to me by Bill Drafting that said that they couldn't do it within the E&R section, and they simply want it added in this section of the law as well, that drug court programs and problem-solving court programs be utilized in the system. With that I would hope that we can get the amendment adopted. Thank you. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. You have heard the closing on AM2212 offered to LB1014. The question is, shall AM2212 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1014]

CLERK: 28 ayes, 0 nays on adoption of Senator Synowiecki's amendment. [LB1014]

SENATOR LANGEMEIER: AM2212 is adopted. Mr. Clerk for a motion. [LB1014]

CLERK: Senator Pirsch would move to amend with FA196. (Legislative Journal page 858.) [LB1014]

SENATOR LANGEMEIER: Senator Pirsch, you are recognized to open on FA196. [LB1014]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. This floor amendment that I offer here today, FA196, I don't think will be controversial. I don't expect any opposition. It relates to the bill that Senator Wightman passed last year through the Legislature and was modified by an amendment earlier today by Senator Wightman. Senator Wightman's bill that was passed last year allows for individuals who are incarcerated for a certain length of time to petition a court to have their child support payments modified downward because of as a result of their incarceration and lack of income therefore. My floor amendment here eliminates what I consider to be an unintended consequence of the passage of the bill. I think Senator Wightman has no opposition to this and would...I'll let him comment to that if he'd like. The unintended consequences to which I reference is a situation where an individual goes to jail because they victimize a child who is the subject of a child support order that the individual is subject to. Senator...well, let me give you a concrete example. Offender A either, for example, sexually assaults or physically abuses child B, a child to whom

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offender A has previously been ordered to pay child support payments to. As a result of either the sexual or physical abuse, offender A is sentenced to jail by a court. Under that scenario and under the current language of the law, the offender would be rewarded for perpetrating the abuse by having his or her child support payments to the same exact victim, lowered. So this amendment fixes that potential problem by excluding the offender from having his child support payments lowered in such a case. And the language is relatively short, and so the bill...I'm sorry, the law currently states...gives a couple of exceptions where the courts are...or where child support need not be modified downward, and this would add then a third category, and the language simply states that the reduction...that the incarceration shall be considered to have an involuntary reduction of income unless, and then in my amendment, "the incarceration is a result of a conviction for a crime in which the child who is the subject of the child support order was victimized." And so with that, I would urge you to support this floor amendment and I'll yield back the balance of my time. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. You have heard the opening on FA196. The question...the floor is now open for discussion, excuse me. Senator Burling, you are recognized. [LB1014]

SENATOR BURLING: Thank you, Mr. President. I'd like to ask Senator Pirsch a question. [LB1014]

SENATOR LANGEMEIER: Senator Pirsch, would you yield? [LB1014]

SENATOR PIRSCH: I would. [LB1014]

SENATOR BURLING: Thank you, Senator Pirsch. I think I can support the intent of the amendment. Not being an attorney myself, I just have a question about the fact that child support issues usually arise out of divorce. Would you agree? [LB1014]

SENATOR PIRSCH: Usually arise out of divorce; correct. [LB1014]

SENATOR BURLING: Yes. And children become victims of divorce, and you in your opening talked about the...you're probably talking about being victimized physically. But children are also victimized emotionally just because their parents are divorced. Can you help me understand, as a layperson in this arena, if this is put into statute how the courts would interpret the meaning of "victimized" in this case? [LB1014]

SENATOR PIRSCH: Well, I thank you for the question. I think it's important that we...and the question is important to help us establish legislative intent. I can tell you that, because you're quite right, victimization has the potential for a broad interpretation if that is the only word employed. And what...you know, a broad reading of the term "victimization" is not what I had in mind, and I think it's important to look at the

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amendment language, because it does...it includes more specifying language than just using the word "was victimized." It says the incarceration is a result of a conviction for a crime, so...in which the child who is the subject of the child support order was victimized. So it's very specific language in here that would not allow for someone to interpret...courts would be hard-pressed to come up with a feasible explanation where this just meant that victimized by a divorce, and that that would apply. It has to be as a result of a conviction, which means a criminal act, and then it specifically says, for a crime. So divorce is not a criminal act. It's not a crime. There is no conviction that's registered with a divorce. And so I think that the language is pretty tight in here to make sure that we're not allowing for a broad reading, a vague meaning of victimization such that we're only capturing those instances in which serious harm has...criminal harm has befallen a child by the perpetrator, who is the person who has been ordered to pay the child support payments. [LB1014]

SENATOR BURLING: Thank you, Senator Pirsch. That's what I assumed but I just wanted to make sure I was correct on that, and we're not criminalizing divorce here. I knew that wasn't the intent, and so thank you for your answer, and... [LB1014]

SENATOR PIRSCH: An excellent question. Thank you. [LB1014]

SENATOR BURLING: Thank you, Mr. Chair. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Burling. Senator Synowiecki, you are recognized. [LB1014]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. I actually...I would have a question with the Chairman of the committee, Senator Ashford, if he would yield to a... [LB1014]

SENATOR LANGEMEIER: Senator Ashford, would you yield? [LB1014]

SENATOR ASHFORD: If I can get there. Yes. I should have started before now. Yes. Yes, Senator. [LB1014]

SENATOR SYNOWIECKI: This is in your capacity as Chair of the committee. We have LB1014, and I think I understand the intent of this amendment that Senator Pirsch brings us, but the underlying...the bill, LB1014, everything that's in it has had a public hearing, isn't that...? [LB1014]

SENATOR ASHFORD: Correct. [LB1014]

SENATOR SYNOWIECKI: Everything in it was introduced by a member of the Legislature and it was subject to a public hearing. [LB1014]

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SENATOR ASHFORD: Correct. [LB1014]

SENATOR SYNOWIECKI: This...was this...did the committee have any substantive input from the public on this issue? [LB1014]

SENATOR ASHFORD: I don't recall, Senator Synowiecki, to be honest with you. [LB1014]

SENATOR SYNOWIECKI: So... [LB1014]

SENATOR ASHFORD: I don't (inaudible)...it was not a major issue during the committee. I do under...I understand the point but it was not necessarily a big issue. [LB1014]

SENATOR SYNOWIECKI: Senator, I just...I think the amendment is well-intentioned. I think I...Senator Pirsch brings us something here. My concern, and it's not an overwhelming concern, my concern is on process, that everything within LB1014 has been subject to a public hearing. Citizens have had a chance to provide input on each and every element of LB1014, and this is something that was not subject to a public hearing. Maybe some unintended consequences involved with this, or may not. I don't know. But I'm a bit reluctant to support it, not necessarily going to vote against the amendment, but procedurally I just got some concerns relative to this subject not being part of all the other elements of LB1014, having a public hearing, having bills introduced, and going through the committee process. I just have some concern with that. Thank you. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Senator Pirsch, you are the last light. You can use your time or you could close. [LB1014]

SENATOR PIRSCH: I'll just simply close,... [LB1014]

SENATOR LANGEMEIER: You are recognized to close. [LB1014]

SENATOR PIRSCH: I do appreciate the comments that my colleague, Senator Synowiecki, brings forward about a good process, and I think that that is important. I would say the nature of this amendment is a one-sentence amendment. The discussions have been going on with Senator Chambers and Senator Wightman. With Senator Wightman I've talked about this for over a year. With Senator Chambers, was quite awhile ago, as well, and other members of the body. And so...but with respect to the comments, I certainly appreciate that. I think in light of the danger, though, that exists to children in society and the I think it's a pretty clear matter, one that doesn't have, I think, complexities to it that may require some input. And given that, the fact that

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it is a relatively simple concept, the fact that the potential harm that will, I think, or may well befall children is so grave that, and I really think that this is something that we need to address here today. Obviously, the...you know, when we can do these things through a bill process, I think that that is best in cases like this, when it is not feasible. That's why this procedure does exist and is utilized. And so I do appreciate the comments and I would just urge the body to pass it. [LB1014]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. You have heard the closing on FA196 offered to LB1014. The question before the body is, shall FA196 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Senator Pirsch, for what purpose do you rise? [LB1014]

SENATOR PIRSCH: Thank you, Mr. President. I would ask for a call of the house. [LB1014]

SENATOR LANGEMEIER: There has been a request for the call of the house. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1014]

CLERK: 24 ayes, 0 nays to place the house under call, Mr. President. [LB1014]

SENATOR LANGEMEIER: The house is under call. Senators, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Pirsch, as we wait for the arrival of the other members, how do you wish to proceed upon their arrival? [LB1014]

SENATOR PIRSCH: I'm sorry, Mr. President? [LB1014]

SENATOR LANGEMEIER: When all senators are present and accounted for, how do you wish to proceed? Call-ins or roll call vote? [LB1014]

SENATOR PIRSCH: I'm going to request a roll call, Senator...Mr. President. [LB1014]

SENATOR LANGEMEIER: Thank you. The house is under call. Senator Dierks, please return to the Chamber. The house is under call. Senator Pirsch, for what purpose do you rise? [LB1014]

SENATOR PIRSCH: Mr. President, I'm prepared to take a vote at this point in time, so. [LB1014]

SENATOR LANGEMEIER: Senator Pirsch wishes to proceed. The question before the body is, shall FA196 be adopted to LB1014? He has a requested a roll call vote. Mr. Clerk, please call the roll. [LB1014]

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CLERK: (Roll call vote taken, Legislative Journal page 858.) 24 ayes, 3 nays, Mr. President, on the amendment. [LB1014]

SENATOR LANGEMEIER: FA196 is not adopted to LB1014. With that I raise the call. Mr. Clerk for a motion. [LB1014]

CLERK: Mr. President, Senator Ashford would move to amend with FA197. (Legislative Journal page 858.) [LB1014]

SENATOR LANGEMEIER: Senator Ashford, you are recognized to open on FA197. [LB1014]

SENATOR ASHFORD: Thank you, Mr. President. I believe this is the last amendment. Am I correct? This amendment reflects the concern raised by Senator Erdman. The amendment would put a date certain on the federal requirements for the program involving the domestic violence funding. And what that means in practical terms is that if the federal requirements should change, that the state law would have to change. So the state law that we're...if we pass LB1014 on and pass it into law, the federal requirements, the federal law as of the date of the passage of the act on the state side, state level, would be controlling, and if we need to...if there was a change in federal law, we would have to change the state law as well. It's a good precaution and I appreciate Senator Erdman bringing the idea to us. With that I would urge the adoption of the amendment. [LB1014]

SENATOR LANGEMEIER: You have heard the opening on FA197. The floor is now open for discussion. Seeing no lights on, Senator Ashford, you are recognized to close. Senator Ashford waives closing. The question before the body is, shall FA197 be adopted to LB1014? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1014]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of Senator Ashford's amendment. [LB1014]

SENATOR LANGEMEIER: FA197 is adopted. Mr. Clerk. [LB1014]

CLERK: Senator McGill, I have nothing further on the bill. [LB1014]

SENATOR LANGEMEIER: Senator McGill for a motion. [LB1014]

SENATOR MCGILL: Mr. President, I move LB1014 to E&R for engrossing. [LB1014]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All

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those opposed say nay. The ayes have it. LB1014 does advance. Mr. Clerk. [LB1014]

CLERK: LB1096, Senator McGill. I have Enrollment and Review amendments, first of all. (ER8171, Legislative Journal page 740.) [LB1096]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB1096]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB1096]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB1096]

CLERK: Senator Friend would move to amend with AM2147. (Legislative Journal page 791.) [LB1096]

SENATOR LANGEMEIER: Senator Friend, you are recognized to open on AM2147. [LB1096]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. The ongoing saga continues. And if you don't know what saga I'm talking about, then I guess you haven't been paying attention. That happens; I've done it myself. AM2147 is what I would consider a technical change, but it does have somewhat of a significant impact on cities around this state that actually have a city manager plan of government. If you would like to look at your beloved gadget and realize that the E&R amendment is out there. In Section 2, let me read it real quick so we can dispose of this one way or the other fairly quickly. Section 2: "Not later than January 5, 2009, each city of the first class with a population in excess of 37,500 inhabitants shall employ a full-time fire chief with appropriate training, credentials, and experience and for whom firefighting or emergency medical first response is a full-time career. The fire chief shall be appointed by the mayor with the approval of the city council." Period. After the term "city council" there, we would like to insert "or by the city manager in cities that have adopted the city manager plan of government." This was strictly an oversight. Senator Johnson, as a representative of Kearney, the general vicinity, communicated with some of the officials in his area, said hey, we got a city manager form of government and we would like to deal with that in this legislation. This is accommodating that idea. Also, there are other cities and villages that may have that type of or do have that type of city manager plan that would be affected by this. We want to make sure we cover it, as far as express statutory authority is concerned. So that's all this does. If you have any questions, I'd be happy to answer them if I can. With that, I would ask for the adoption of AM2147 and the advancement of LB1096 when the time is right. Thank you, Mr. President. [LB1096]

SENATOR LANGEMEIER: Thank you, Senator Friend. You have heard the opening to

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AM2147 offered to LB1096. The floor is now open for discussion. Senator Johnson, you are recognized. [LB1096]

SENATOR JOHNSON: Mr. President, thank you, and members of the body. Just wanted to rise to thank Senator Friend for his consideration. When you have a volunteer fire department and a city manager, the city manager in effect becomes the fire chief, as he is directly over that and controls the fire chief. So to us it just made sense. The other problem is one of a fiscal nature, that if you go from a volunteer fire department in our city, for instance, to a paid department such as Omaha might have, we were...the estimate for our city's change was about \$2 million per year, which obviously was significant. So just again rise to thank Senator Friend for consideration and working our way through this problem. Thank you. [LB1096]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Senator Louden, you are recognized. [LB1096]

SENATOR LOUDEN: Thank you, Mr. President and members. As I was looking at this amendment, I would like to ask Senator Friend a question. [LB1096]

SENATOR LANGEMEIER: Senator Friend, would you yield? [LB1096]

SENATOR FRIEND: Yes, I will. [LB1096]

SENATOR LOUDEN: Am I looking on the right thing here? That's the committee amendment, I guess, and then page 2 where you add language, is that right at the top of page 2 where the fire chief shall be appointed by the mayor with... [LB1096]

SENATOR FRIEND: Senator Louden, we insert the language on line 2 right after the term "city council." [LB1096]

SENATOR LOUDEN: Yeah. But read that then. Then the fire chief shall be appointed by the mayor with the approval of the city council or by the city manager. Now as I would read that, that should have been inserted up there, should be appointed by the mayor or city manager with the approval of the city council. That was my question, if this is actually the way you wanted that worded or if it's inserted in the wrong place. [LB1096]

SENATOR FRIEND: Oh, I don't know. I mean, that's an interesting point. I don't know if there's a reason that it was separated from that particular sentence. Maybe because they didn't want to disturb...maybe they wanted...I could ask Bill. I mean, I don't know why it was addressed that way. My guess would be... [LB1096]

SENATOR LOUDEN: My question would be, does this...the way that reads then, that the city manager can't appoint the fire chief without the approval of the city council.

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[LB1096]

SENATOR FRIEND: Yes. [LB1096]

SENATOR LOUDEN: He can? [LB1096]

SENATOR FRIEND: Well, absolutely. But the city council hires the city manager, so I would imagine if they didn't like what he did, what are the ramifications? [LB1096]

SENATOR LOUDEN: Okay. If this is what you want and you think it's clear enough, then I'm... [LB1096]

SENATOR FRIEND: Yeah. [LB1096]

SENATOR LOUDEN: ...satisfied, too. [LB1096]

SENATOR FRIEND: I do, I see your point. And I think, my guess would be and I could ask...we could both ask Bill specifically, if you'd like. But my guess is because we wanted a separation in those sentences between a city manager form of government and what the mayor would do in a mayor-heavy, you know, form of government, I guess. There's a better way to describe that, but... [LB1096]

SENATOR LOUDEN: Okay. Thank you, Senator Friend. Thank you, Mr. President. [LB1096]

SENATOR ERDMAN PRESIDING [LB1096]

SENATOR ERDMAN: Thank you, Senator Louden and Senator Friend. Senator Friend, you're recognized to close on your amendment. [LB1096]

SENATOR FRIEND: Just to say...just to let the body know that I think that this does make a significant change for a city manager form of government. But as Senator Louden and I pointed out, city council still does have authority over that type of city manager. And I don't think we're losing checks and balances here. So I would ask for the adoption of AM2147 and the eventual advancement of the bill. Thank you. [LB1096]

SENATOR ERDMAN: Members, you've heard the closing on AM2147. The question is, shall the amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB1096]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of Senator Friend's amendment. [LB1096]

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SENATOR ERDMAN: The amendment is adopted. Mr. Clerk, next motion? [LB1096]

CLERK: Senator Karpisek would move to amend, AM2236. (Legislative Journal pages 859-860.) [LB1096]

SENATOR ERDMAN: Senator Karpisek, you're recognized to open on AM2236. [LB1096]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. AM2236 was heard in committee as LB948 and has been amended by committee amendments to LB1096. This amendment would be known as the Volunteer Emergency Responders Job Protection Act by adding provisions to the law that outline protective measures for an employee serving as a volunteer emergency responder who is absent from or reports late to his or her place of employment in order to respond to an emergency prior to the time such employee is to report to his or her place of employment. The bill authorizes wage substitution...subtraction by the employer for time not worked by the employee or volunteer. The bill further addresses absence notification and emergency response verification on the part of the employee volunteer. Finally, the bill provides the employee volunteer with reinstatement of wages and benefits if he or she is wrongfully terminated or loses benefits and provides a cause of action by the employee volunteer to enforce the rights provided in the act. The committee amendments take out "during work." "During work" was in the bill inadvertently. This amendment would only pertain to a volunteer firefighter that is absent from work or is there late because they were out on a fire call or a rescue call. It is not meant for them to leave during work. The other amendment was that the employer would have to have ten or more employees. Under that would not fit into this category. And the third amendment would be that a professional law enforcement officer or a professional firefighter would not be covered under this act. The reasoning for that is if they're out on a volunteer call and they are employed by the Omaha Fire Department or any other professional fire department, they can't be out on a volunteer call and leaving their professional call go unnoticed. Those are the committee amendments, which I am fine with. There was no opposition to the bill in committee, and NACO did support the bill. With that, I would ask for the passage of AM2236. Thank you, Mr. President. [LB1096 LB948]

SENATOR ERDMAN: Thank you, Senator Karpisek. Members, you've heard the opening on AM2236. Those senators wishing to speak: Senator Lathrop, followed by Senator Friend, Senator Chambers, and Senator Fulton. Senator Lathrop. [LB1096]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I fully support Senator Karpisek's amendment. This was heard in Business and Labor where we had an opportunity to hear from several volunteer fire department members about the difficulty presented when they take a call at, say, 6:00 or 7:00 in the morning and they are serving their communities for free. They are volunteers and they are doing important

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work in small communities. I have in my district, even though I live in an urban area, Ralston has a volunteer fire department which does a fabulous job for the people of Ralston. And they are having, as many volunteer fire departments are, a difficulty with recruiting. And it's important that we support volunteer fire departments, support the efforts of those who volunteer and serve in those departments. And the amendment that makes this applicable only to employers with ten or more employees, I think, puts us in a position where we're not leaving employers in a lurch, so that these people can serve their communities. I fully support the amendment, AM2236, and encourage your support as well. Thank you. [LB1096]

SENATOR ERDMAN: Thank you, Senator Lathrop. Senator Friend, followed by Senator Chambers. [LB1096]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Got a chance to talk to Senator Karpisek about this last night, looked at the...well, I looked at the bill and then looked at the amendment. I had some reservations. I told him I would stay as open-minded as somebody like me could be about any issue. And I don't think it's a bad idea. I think that what I wanted to try to come up with is whether in some of these communities we actually had a problem. Sometimes we as legislators, and I've been guilty of it, will say boy, this sounds like a great idea; we've got a problem. But the problem is a figment of our own imagination. I guess I wanted to make sure that that wasn't the case. Senator Karpisek convinced me that it wasn't the case, that there could be circumstances where this would be an issue in different areas and pockets of our state. Could be. Most of it's anecdotal information for me right now, but I see it as a decent change and a somewhat innocuous one. With that, I would let Senator Karpisek and the rest of the body know that I have no problem with AM2236 and look forward to its adoption. Thank you, Mr. President. [LB1096]

SENATOR ERDMAN: Thank you, Senator Friend. Senator Chambers, you're recognized to speak, followed by Senator Fulton. [LB1096]

SENATOR CHAMBERS: Mr. President, members of the Legislature, my young colleague and I had an interesting set-to the other day. Having been thoroughly thrashed by him on one occasion, I chose not to receive a second thrashing so close to the first one. Therefore, I have no opposition to his amendment, even though when the bill was presented to the committee, of which I'm a member, I had considerable problem with it. But when it comes to a second thrashing in front of everybody from a person half my age, hasn't been in the Legislature one-tenth of the time that I've been here, my choice was very simple--fold my tent and steal away into the desert as unscathed as possible. So I'm going to support his amendment. [LB1096]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Fulton. [LB1096]

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SENATOR FULTON: Thank you, Mr. President. Tough act to follow. Just a couple of questions for Senator Karpisek, if I may. [LB1096]

SENATOR ERDMAN: Senator Karpisek, would you yield to questions from Senator Fulton? [LB1096]

SENATOR KARPISEK: Yes, I will. [LB1096]

SENATOR FULTON: There was...I noticed something on the fiscal note, which I don't know if it's possible to answer, but I'd like...you probably have more information than me. The state...some state entities indicated that this could affect some of their personnel. I don't know if that would be the case or not, but have you investigated that? Is that a potential or... [LB1096]

SENATOR KARPISEK: I have not investigated that, Senator. I guess that that could be a potential because if they don't fall under the police officer or fire department, or paid fire department, that they could possibly be late if they're a volunteer fire member. [LB1096]

SENATOR FULTON: It would...it seems to me that that possibility is going to be pretty remote, and if there are instances where this is the case, they're going to be pretty rare. Is that...am I...it's going to be rare that these are going to be state employees? [LB1096]

SENATOR KARPISEK: Well, I think it would be rare. But even if not, I think...the main reason behind this bill was that we have a lot of small communities having problems recruiting volunteer responders the way it is. So if this alleviates a little bit of their problem, I think that it'll help gain members. And I just think if they do have to be late or gone from a little bit of a state job is probably the best way for the state to say we understand and we don't mind our people to be gone to be good members of their community. [LB1096]

SENATOR FULTON: Okay. Yeah, that's...and I wouldn't disagree with that. And thank you, Senator Karpisek. [LB1096]

SENATOR KARPISEK: Thank you. [LB1096]

SENATOR FULTON: I'll just wrap up. I think that I will...well, I will. I'm going to support the amendment. There is a little question that was in the fiscal note and I thought I'd bring it up, at least for discussion. Even if there is some impact to the state, my thought is it's probably going to be--I won't say insignificant, but I think it's going to be minimal. And even if there is minimal fiscal impact to the state, I think that the priority of affording volunteer public servants this bill would weigh in favor or would weigh over those concerns. So if anyone else was looking at that fiscal note, hopefully that addressed it.

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Thank you, Mr. President. [LB1096]

SENATOR ERDMAN: Thank you, Senator Fulton. Senator Carlson, you're recognized to speak. [LB1096]

SENATOR CARLSON: Mr. President and members of the Legislature, I too rise in support of AM2236. And I think it's good for all of us to keep in mind the tremendous contribution that these volunteer people make to the state. And in a time when training requirements are increasing and we're asking these people to spend more and more time without compensation, that whatever we can do to help them out is important. And if we lost our volunteer system, we've got a tremendous financial bill to be confronted with. And so these kinds of things really help the system and help encourage those that are volunteers to stay that way. And I support it. Thank you. [LB1096]

SENATOR ERDMAN: Thank you, Senator Carlson. Senator Cornett. [LB1096]

SENATOR CORNETT: I also rise in support of the bill. Senator Karpisek and I worked out a compromise on the number of employees and also the provision to exclude paid firefighters. And I wanted to thank him for his cooperation and thank Senator Friend for allowing us to amend this bill onto his. Thank you. [LB1096]

SENATOR ERDMAN: Thank you, Senator Cornett. Senator Karpisek, you're recognized to close on AM2236. [LB1096]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Again, the main reason for this bill was to try to help, especially bedroom communities across the state that are having trouble to have enough volunteer fire department people. This is just one more hurdle I think they don't have to cross to try to get people to join up. In many of these towns, there's no way that we could afford a paid department. These people are trained, they give up their time, they're just as professional as the paid people, and I appreciate their help on everything they do. We're all impacted by volunteer fire and rescue people across the state anytime we drive. So again, I just think that this would be a way to help recruit a few more, and I would appreciate your vote on AM2236. Thank you, Mr. President. [LB1096]

SENATOR ERDMAN: Members, you've heard the closing on AM2236. The question before the body is, shall the amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have all members voted that choose to? Record please, Mr. Clerk. [LB1096]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Karpisek's amendment. [LB1096]

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SENATOR ERDMAN: The amendment is adopted. [LB1096]

CLERK: I have nothing further on the bill, Mr. President. [LB1096]

SENATOR ERDMAN: Senator McGill, for a motion. [LB1096]

SENATOR MCGILL: Mr. President, I move LB1096 to E&R for engrossing. [LB1096]

SENATOR ERDMAN: The question is, shall LB1096 be advanced to E&R for engrossing? All those in favor say aye. All those opposed, nay. The bill is advanced. Mr. Clerk, next item. [LB1096]

CLERK: LB822, Mr. President. Senator McGill, I have no amendments to the bill. [LB822]

SENATOR ERDMAN: Senator McGill for a motion. [LB822]

SENATOR MCGILL: Mr. President, I move LB822 to E&R for engrossing. [LB822]

SENATOR ERDMAN: The question is, shall LB822 be advanced to E&R for engrossing? All those in favor say aye. All those opposed, nay. The bill is advanced. Mr. Clerk, next item on the agenda. [LB822]

CLERK: LB766, Mr. President, on Select File. I do have Enrollment and Review amendments, Senator. (ER8166, Legislative Journal page 708.) [LB766]

SENATOR ERDMAN: Senator McGill for a motion. [LB766]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB766]

SENATOR ERDMAN: Members, shall the amendments be adopted? All those in favor say aye. All those opposed, nay. The amendments are adopted. Mr. Clerk, next motion. [LB766]

CLERK: Mr. President, Senator Stuthman, I understand you want to pass over AM2167 at this time. [LB766]

SENATOR STUTHMAN: Yes. [LB766]

CLERK: Senator Cornett, AM2009. (Legislative Journal pages 860-861.) [LB766]

SENATOR ERDMAN: Senator Cornett, you're recognized to open on AM2009. [LB766]

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SENATOR CORNETT: Yes. AM2009 is technical amendments that were suggested by Bill Drafting, and I had asked Senator Stuthman to address those issues first. They need to be adopted to the bill before we discuss other issues. I urge the body to support the technical amendments, and thank you very much. [LB766]

SENATOR ERDMAN: Members, you've heard the opening on AM2009. Senator Cornett, there are no lights on. You're recognized to close. Senator Cornett waives closing. The question is, shall the amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB766]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Cornett's amendment. [LB766]

SENATOR ERDMAN: The amendment is adopted. Mr. Clerk, next motion. [LB766]

CLERK: Mr. President, Senator Stuthman, I now have, in order, Senator, I have...the first one I have now is AM2243...I'm sorry, by Senator Cornett. Excuse me. Senator Cornett, AM2243. (Legislative Journal page 861.) [LB766]

SENATOR ERDMAN: Senator Cornett, you're recognized to open on AM2243. [LB766]

SENATOR CORNETT: Yes. This is a change in the operative date. In the bill it would have been into effect 90 days after the last day of session. The scrap metal dealers asked me to give them until September. We have changed the enacting date till September 1 of 2008. It also includes language that...in the bill it has date and time stamped video, but didn't include date and time stamped for photographs, so it includes date and time stamped for photographs also, which cameras are equipped to do. It's not a change that anyone objected to. There is one thing that I would like to clarify on the record. The scrap dealers that have the video equipment want to be able to take a photo from that video, and we could not find a way to word that necessarily in language, but we think that it is permissible under this bill and the current language that they could use a still frame from the video that they have. Thank you very much. [LB766]

SENATOR ERDMAN: Thank you, Senator Cornett. Members, you've heard the opening on AM2243. Senator Cornett, there are no lights on. You're recognized to close. Senator Cornett waives closing. Members, the question is, shall AM2243 be adopted? All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB766]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Cornett's amendment. [LB766]

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SENATOR ERDMAN: The amendment is adopted. Mr. Clerk, next motion. [LB766]

CLERK: Senator Stuthman would move to amend. Senator, I have AM2245 in front of me. (Legislative Journal page 861.) [LB766]

SENATOR ERDMAN: Senator Stuthman, you're recognized to open on AM2245. [LB766]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. My amendment, if you have the committee amendment, the amendment to LB766, on page 1, line 9, after "means" insert "catalytic converters," and strike the last comma. And then on page 3, strike beginning with "delivering" in line 5 through "property" in line 6 and insert ", but only if a person is delivering copper or catalytic converters." And then on page 4, line 5, after the period insert "Payment for copper and catalytic converters shall be by check and shall be mailed to the seller to the address provided by the seller." What this...the intent of this bill is...this amendment, is that we had enacted the fingerprinting. Now the fingerprinting is just to be taken when people are bringing in...delivering copper or catalytic converters. These are the metals that are in concern because of the possibilities of theft and delivering to the scrap metal dealer. We also have put into place the payment for the copper and catalytic converters to be made by check, which is already in place by the majority of the dealers. It is that if an amount is less than \$25 or \$20, it is made by cash, and over that is made by check currently. So this would mean that it would be by check and then mailed to the individual. What Lincoln has in their ordinance is that it is withheld for 72 hours before the check is mailed out or check is given for this product. We do not have a 72-hour portion in this, but as I had stated, that Lincoln has a 72-hour, unless they get a permit, a number that states, you know, that they can receive the check immediately. The only difference now is that we are having these checks mailed out to the individuals. So those are the things that I had a concern with. I had a concern with the fingerprinting of everyone that comes to the scrap metal dealer, and I just felt that our main concern were a couple of the items that I had mentioned in my amendment and those I have addressed. So the fingerprinting will take place, and it will happen for those delivering those types of metals. So with that, if anyone has any concerns, I'd be willing to try to answer those questions. If not, I would ask that you support this amendment. Thank you, Madam President. [LB766]

SENATOR SCHIMEK PRESIDING

SENATOR SCHIMEK: Thank you, Senator Stuthman. Senator Adams is the next in line to speak. Senator Adams. [LB766]

SENATOR ADAMS: Thank you, Madam President. On General File, body, when this bill came up, I listened very closely, and I listened particularly to Senator Stuthman as he

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was raising questions related to our smaller scrap dealers. And he raised some very valid questions at that time, and in the interim, between General File and now, I've had conversations with the smaller scrap dealers that I have in my district. And though they understand the problem, the issue is just as Senator Stuthman painted it during General File. One gentleman that I talked to has been in business for decades, and he said that under the existing bill, without this amendment, what you're asking me to do is to fingerprint folks that I have known for 40 years--the farmer down the road that's cleaning up a little bit and brings some equipment in, and I've known him, I have coffee with him, our kids grew up together. You're going to ask me to fingerprint this fellow. And he went on and on about the fact that what we may be doing may be well intended, but have we thought about the consequences, particularly to the smaller guy? The issue, I think most of us know, has to do with copper, the REAs, NPPD and the concerns they have, and I think their concerns are very legitimate. And I believe that this amendment, though I suspect it's not going to calm all the fears and concerns of the smaller scrap dealer who every day deals with people generally that they know, this goes a ways, I believe, in helping that situation. Given the votes on General File, I suspect that this bill is going to move forward. I would ask you to move it with this amendment, so that we are taking into consideration those smaller scrap dealers and what they have to deal with every day. Thank you, Mr. President (sic). Madam... [LB766]

SENATOR SCHIMEK: Thank you, Senator Adams. (Laugh) Senator Cornett, you are recognized to speak. [LB766]

SENATOR CORNETT: Yes. In the period between General File and Select, Senator Stuthman and Senator Loudon and I have had discussions, and I rise in support of Senator Stuthman's amendment. We came to a compromise to allow fingerprinting to remain in for the most serious points of the bill, and I just have worked out with everyone involved that pretty much we're all on the same page, and I urge the body to support the amendment and the bill. Thank you. [LB766]

SENATOR SCHIMEK: Thank you, Senator. Senator Rogert is next in line to speak. Senator Rogert. [LB766]

SENATOR ROBERT: Thank you, Madam President. I rise in support of AM2245, and I also have been working with some folks between General File and today, mostly in Omaha. They have concerns that there is definitely a problem. They have concerns that if we go overboard, that we're going to send people to Iowa and we don't really solve the problem. Carter Lake is five miles down the road from Alter's. And it's pretty easy to move right down the road with your load of scrap and take it in there, because they have a few different restrictions than we do. I do think that the holding of the check is a good addition. The waiting period isn't necessarily that big of a deal, but the holding of the check, having to mail it out, will slow down the instant cash guys, the guys who are going to cut off a catalytic converter, they're going to go rob some copper off a building.

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They need to go pay some bills, they need to go buy some drugs, and they need the money today. So I rise in support of this amendment. I think it's a step in the right direction. I know there are concerns from folks around the industry, and we're probably going to have to readdress this sometime down the road again. But we'll work with what we have. But with that, Madam President, I'll yield the rest of my time to Senator Chambers. [LB766]

SENATOR SCHIMEK: Thank you. Senator Chambers, you have 3 minutes and 24 seconds. [LB766]

SENATOR CHAMBERS: Thank you, Madam President. Thank you, Senator Rogert. And my comments will be short, brief. I'd like to ask Senator Adams a question or two, if I may. [LB766]

SENATOR SCHIMEK: Senator Adams, would you yield? [LB766]

SENATOR ADAMS: Yes, I would. [LB766]

SENATOR CHAMBERS: Senator Adams, look at your stature, look at my stature, look at Senator Stuthman's stature. When you were speaking, did you use the term "smaller scrap dealers"? (Laughter) [LB766]

SENATOR ADAMS: Yes, I did. [LB766]

SENATOR CHAMBERS: Did you use the term "smaller guys"? [LB766]

SENATOR ADAMS: I suspect I probably did. [LB766]

SENATOR CHAMBERS: When you used the term "smaller," does that mean the same as "short"? [LB766]

SENATOR ADAMS: Not necessarily. [LB766]

SENATOR CHAMBERS: Thank you. Senator Stuthman and I are somewhat sensitive. (Laughter) Thank you, Madam President. [LB766]

SENATOR SCHIMEK: Thank you, Senators Chambers and Adams. Senator Carlson, you are recognized to speak. [LB766]

SENATOR CARLSON: Madam President and members of the Legislature, I too rise in support of AM2245, and I want to commend Senator Stuthman for not giving up, and staying with a concern and seeing it through. And I think that this amendment relieves some of the frustration and some of the nuisance of fingerprinting and holding up

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checks that would have been a part of the bill. Appreciate Senator Cornett agreeing with it. And Senator Stuthman took a page of tenacity from Senator Chambers' book and stuck with it, and so, Senator Stuthman, when I bring my scrap to you, I don't want you to fingerprint me after this. With that, thank you, Madam President. [LB766]

SENATOR SCHIMEK: Thank you, Senator Carlson. The Chair recognizes Senator Chambers. Senator Chambers waives. Senator Louden, you are recognized to speak. [LB766]

SENATOR LOUDEN: Thank you, Madam President and members of the body. As Senator Cornett mentioned, we worked on these amendments, and the amendments that we finally got drafted all around were those that satisfied my questions, so I certainly support the amendments now. In the way that they came from General File, I felt that it was probably too much work for some of, as Senator Adams said, some of the smaller scrap dealers. So I think by doing this the way it has, why, it's helped those people, especially out in the western end of the state that so far doesn't have that problem with the stolen copper that comes through their scrap facilities. So with that, I certainly support this amendment and the bill, and it's a shame that we have to have legislation like this because someone is stealing copper from electrical companies and ripping it out of houses and that sort of thing. But I guess that's part of civilization, so I'm sure this bill will serve some of the purposes it's meant to be. Thank you, Madam President. [LB766]

SENATOR SCHIMEK: Thank you, Senator Louden. We are on debate on AM2245. Seeing no further lights, Senator Stuthman, you're recognized to close on your amendment. [LB766]

SENATOR STUTHMAN: Thank you, Madam President. I would just like to make a statement that with my amendment, they're not holding the check for any length of time. The only time that they're holding the check is that they hold it from the time they have it and put it in the envelope and mail it out. I'm sure they're going to mail it out that day for that day's transaction of business. It will be that the individual probably won't get it for maybe a day or two--will not receive the check. That is the concern of a lot of people, you know, that the 72 hours, what Lincoln has, you can get a permit for that. We're taking care of that. It's just that the check gets mailed. The check isn't held; it gets mailed to the individual hopefully almost immediately. I think this bill, this amendment is very workable and doable, and as one of the senators stated, that it's maybe not the perfect bill at this time, but I think, you know, we can work on that and see how this works. Hopefully we can curb a lot of this theft of some of these precious metals, this copper, catalytic converters and everything like that. But I think the main issue is, the reason the theft is there is because those are high-value items, and that's why that occurs. So if we can curb that, I'd be very happy with that. So with that, I'd ask for your support on this amendment. Thank you, Madam President. [LB766]

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SENATOR SCHIMEK: Thank you, Senator Stuthman. You have heard the debate on AM2245. The question is the adoption of that to LB766. All in favor vote aye; all opposed vote nay. Record, Mr. Clerk. [LB766]

CLERK: 33 ayes, 0 nays, Madam President, on adoption of Senator Stuthman's amendment. [LB766]

SENATOR SCHIMEK: The amendment is adopted. [LB766]

CLERK: I have nothing further on the bill, Madam President. [LB766]

SENATOR SCHIMEK: Thank you, Mr. Clerk. Senator McGill. [LB766]

SENATOR MCGILL: Madam President, I move LB766 to E&R for engrossing. [LB766]

SENATOR SCHIMEK: You have heard the motion. All in favor say aye. All opposed, nay. The bill does advance. Mr. Clerk. [LB766]

CLERK: LB912. Senator, I have no E&R. Senator Avery would move to amend with AM2059. (Legislative Journal page 734.) [LB912]

SENATOR SCHIMEK: Thank you. Senator Avery, you are recognized to open on your amendment. Senator Avery. [LB912]

SENATOR AVERY: Thank you, Mr. President. Sorry to be a little slow. [LB912]

SENATOR SCHIMEK: It's okay, Madam Senator. (Laughter) [LB912]

SENATOR AVERY: Oh! (Laughter) Pardon me, Madam President. Touche'. [LB912]

SENATOR SCHIMEK: Thank you. [LB912]

SENATOR AVERY: AM2059 addresses the current fiscal note and clarifies some related issues. First, let me tell you that if this amendment is adopted, the fiscal note will be reduced to zero. Let me explain why. LB912 was intended from the start to provide Lincoln with sales tax turnback to help finance an arena. The state sales tax would be turned back from a new arena, a hotel, and convention center, and the existing Holiday Inn in the Haymarket. It was never the intent to do anything more than that. However, the fiscal note includes calculations of turnback from additional hotels and motels in the area around the Qwest Center, other than the Hilton. This calculation came about because of a misreading, or at least a misdrafting on our part of LB912 about how the yardage would be measured from the arena to the Holiday Inn in the Haymarket. This

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amendment makes it unequivocally clear what the original intent was for LB912. It removes doubt and firmly establishes how the distance is to be measured. The fiscal note before you, dated February 27, projects a fiscal impact of about \$1.3 million for '08-09, and \$2.2 million for '09-10. This projection assumed that the 450-yard radius in which hotels will be included in the turnback also applied to Omaha. AM2059 specifies that the 450-yard zone only applies to new applicants. You'll see in the amendment the date is applications received on or after February 1, '08. So it would apply only to new applicants and would not be retroactive, therefore with this amendment Omaha would not be affected by this bill in any way. And the unintended fiscal impact would be eliminated from the fiscal note. And again, this reduces the fiscal impact over the near term to zero. The second issue that is contained in this amendment deals with the method of measuring the yardage from the arena. The Department of Revenue was measuring from outlying parking lots, that is lot line to lot line. And what was...when they did that, this meant inclusion of an additional Lincoln hotel, the Embassy Suites. Again the intent of this bill was never to include the Embassy Suites. And great effort was expended to make sure that this did not happen. So to clear up all confusion, this amendment clarifies the measurement standard from the actual qualifying buildings to brick and mortar to brick and mortar. That is building to building, not lot line to lot line. This standard will allow only the inclusion of the new anchor hotel in the Haymarket and the Holiday Inn as originally intended. I have been assured in discussions with the Fiscal Office and the Department of Revenue that if we pass this amendment a new fiscal note will be issued that will show no fiscal impact until sometime around 2012, when the new arena is expected to be operational. I would remind you, however, that none of this will happen until the citizens of Lincoln have approved a project in a citywide referendum. I would also add that this funding is only going to comprise about 5 percent of the funding that is needed. The city is patching together dribs and drabs of funding wherever they can find it. They have about 11 different sources. This is only one of them. I hope this information is helpful and sufficiently explains why this amendment is needed. I'd be happy to answer any questions you might have. Thank you, Madam President. [LB912]

SENATOR SCHIMEK: Thank you, Senator Avery. The discussion is on AM2059. Senator Heidemann is next in line. Senator Heidemann. [LB912]

SENATOR HEIDEMANN: Thank you, Madam President, fellow members of the body. I just wanted to clear up...I think he did clear up a little bit later on that...about the fiscal impact. It started out, Senator Avery, it started out that there was no fiscal impact. I do want the members of the body to be aware there is a fiscal impact. It does not occur the first couple of years, but by the year 2011-2012, the fiscal note that I have now, but probably which would not be accurate after the amendment, does show \$840,000 loss of revenue to the state of Nebraska. I would say the amendment will take it down. The Fiscal Office, at this time, does not have that probably new number. I think Senator Avery might share that with us a little bit later on. But I do want you to be aware that

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there is a fiscal impact to the state. This is going to cost us some money down the road. Would Senator Avery yield to a question or two? [LB912]

SENATOR SCHIMEK: Senator Avery, would you yield? [LB912]

SENATOR AVERY: I will. [LB912]

SENATOR HEIDEMANN: Do you have numbers that tell us in 2011-2012? According to the fiscal note it was \$840,000. You, evidently, have been working with somebody that got you new numbers? [LB912]

SENATOR AVERY: I have some numbers that are slightly lower than what you have there. And that might be because the city of Lincoln is only able to estimate the amount of turnback from the existing Holiday Inn, based upon the number of rooms. We do not have access to the Holiday Inn's tax returns, the Revenue Department does, so we cannot know how much sales they have beyond room rental. And so their numbers are probably closer to accurate than what we have here on the Holiday Inn. And that might account for another \$100,000 or so in the total impact. [LB912]

SENATOR HEIDEMANN: Is there any indication in the year 2012-2013 exactly, once this thing gets to rolling, what the total impact to the state of Nebraska is going to be? [LB912]

SENATOR AVERY: Well, my...the estimate that we have from the budget office in the city of Lincoln is \$660,000 annually. [LB912]

SENATOR HEIDEMANN: And... [LB912]

SENATOR AVERY: Now that would be new turnback. LB551, that was passed last year, does allow Lincoln's arena to qualify. What we're doing with LB912 is changing the language so that privately built facilities can also qualify, because our convention center is likely not to be publicly built and the hotel is likely to be privately built as well. [LB912 LB551]

SENATOR HEIDEMANN: I understand that there had to be some different language put in to accommodate that, and that's fine with me, I don't have a problem with that. I'm just trying to get a better picture of what the fiscal impact will be for the state of Nebraska not only in the beginning years, but total. How long will the turnback be for? [LB912]

SENATOR AVERY: The life of the bonds, I'm not...yeah, I don't know yet how long those bonds will be, but typically they're 15 to 20 years. [LB912]

SENATOR HEIDEMANN: This, to me, as we look at this is going to make a difference

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because if we're committing ourselves to 15 years at six hundred and some thousand dollars, or are we committing ourselves to 20 years or 25 years for this amount of money? [LB912]

SENATOR AVERY: That's unclear. I think typically for projects like this you're not going to 25, you may not be doing 15, but you might be closer to 20. I think that's what the Qwest Center bonds are. [LB912]

SENATOR HEIDEMANN: You understand my concern though. Because even from 15 to 20, which is another 5 years, is another \$3 million or \$4 million. [LB912]

SENATOR SCHIMEK: One minute. [LB912]

SENATOR AVERY: I do understand that. [LB912]

SENATOR SCHIMEK: One minute, Senator. [LB912]

SENATOR HEIDEMANN: Thank you. You understand my concern? [LB912]

SENATOR AVERY: I do. But I would answer by indicating that economic stimulus is never completely cost-free. And, you know, we brought this down as far as we could with the current language that's in the bill in this amendment. And I think you would admit that if you're going to stimulate an economy, if you're going to have economic development, sometimes it does take some investment. [LB912]

SENATOR HEIDEMANN: Thank you. I think I'll talk a little bit later on with this. Thank you, Madam President. [LB912]

SENATOR SCHIMEK: Thank you, Senators Heidemann and Avery. Senator Ashford, you are next in line to speak. [LB912]

SENATOR ASHFORD: Thank you, Madam President, and thank you, Senator Avery, for bringing this bill. I just, very briefly, and I know it's getting late on Friday. But I do want to acknowledge the contribution of not only Senator Avery last year in helping develop a compromise around the Qwest funding issue, but also my former colleagues, Senator Beutler and Senator Landis, who really, if history were accurately written (laugh), which it sometimes is and sometimes isn't, would show that without Senator Beutler and certainly maybe most particularly Senator Landis' support for the original idea of the turnback that was brought to the Legislature in the nineties, we wouldn't have a Qwest Center, and we would have had the ASARCO plant smelt with, you know, the smoke continuing to emit and contaminating north Omaha, and we would have had a battery fluid infested UP yards. And now we have a beautiful river front with a significant facility that has brought to the state endless people that never would have

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been here. And I'm not going to argue the numbers, Senator Heidemann, that the state may have to invest in this facility in Lincoln. They are what they are. But I would suggest to you that the return on that investment to the state of Nebraska will be immense, and it will be immensely larger than the \$800,000 investment. Lincoln is a critical city not only in Nebraska, but throughout the Midwest. I am convinced, having been involved in the Qwest Center for a number of years, that the Lincoln facility will enhance the ability of the Qwest Center to draw, attract...continue to draw attractions to Omaha because it will allow other events to come to Lincoln. And people will come to Nebraska from Iowa and South Dakota, and they'll be able to go to both facilities, and they'll be able to attend concerts two nights in a row, for example. These are the kinds of things that are going to happen in actuality. They will happen. I think the Qwest...the idea of using turnback money, which was very novel at the time, and Senator Landis was Chairman of the Revenue Committee at that time. And we sat down in front of the whiteboard in his office, with all the clutter and books and things, and pipe tobacco and drew this up on a whiteboard as to how we were going to in effect somehow build a convention center arena that Nebraska had not had in the past, somehow do it without state General Fund money, and somehow attract \$75 million in local money to do it. And that was quite a chore. And Senator Landis spent, with me, because it took me a number of sessions with Senator Landis to understand what he was talking about, because the lines always intersected in various different places. The magic marker had different colors, and it was just kind of hard to follow at times. (Laugh) But I finally got it, and it's been a...it's a tool in our toolbox in Nebraska. And my good friend, Senator Aguilar, from Grand Island has had one of...Grand Island was one of the earliest recipients of turnback money that was distributed out to the state of Nebraska. Nebraska has always been sort of in the lower tier of states in the area of tourism. We are schizophrenic about our state. [LB912]

SENATOR SCHIMEK: One minute. [LB912]

SENATOR ASHFORD: We love it, but sometimes somehow we don't want to promote the fact that we love it. And the more promotion that we do, the more people that will come here. And they'll have a good time. This is a great place to be. A convention center arena in Lincoln is a big deal. It's a big deal for the state of Nebraska. I'm very proud, as I told Senator Landis one day, if you ever do this in Lincoln I want the opportunity to be in the Legislature and stand up and tell everybody that for all the plaques on the wall in Omaha there needs to be one special plaque with Senator Landis and his pipe for the guy that really got this thing going, that's Senator Dave Landis from Lincoln. So with that, I certainly urge the adoption of this amendment, thank Senator Avery for his support last year, and urge the adoption...movement of the bill. Thank you. [LB912]

SENATOR SCHIMEK: Thank you, Senator Ashford. Next speaker is Senator Loudon, followed by Senators White, Heidemann, Raikes, and Wallman. Senator Loudon. [LB912]

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SENATOR LOUDEN: Thank you, Madam President and members. I would ask if Senator Avery would yield for a question, if he would please. [LB912]

SENATOR SCHIMEK: Senator Avery, would you yield? [LB912]

SENATOR AVERY: I will. [LB912]

SENATOR LOUDEN: Senator Avery, as I look at your amendment, and then you have 450 yards and that sort of thing. And that's...you're the one that passed this picture around of... [LB912]

SENATOR AVERY: I am. [LB912]

SENATOR LOUDEN: ...around the floor? When you go that 450 yards, does that go clear over on the other side of 10th Street, 450 yards? [LB912]

SENATOR AVERY: If it does, I think it cuts through the middle of the Journal-Star physical plant, it does not go to the Embassy Suites. So there are no hotels within that radius, other than the Holiday Inn. [LB912]

SENATOR LOUDEN: Not at the present time. But when you have that in there then if there were any of them build over there, or there are some of those buildings that they're building into condos now, and I'm wondering if that will affect them, because if they have a football team maybe again, why, they'll be...some of those condos will be rented out during the football season for people to stay in. Because, I mean, you go to Chicago now, you can do the same thing downtown there, you can rent somebody's condo out if you want to stay there for two or three days. And I'm wondering, will that affect that then? Will that sales tax be used on that? And then when you're going 450 yards, you know, that's a little over a quarter of a mile. How big of a scope of territory did you plan on taking in with this thing? [LB912]

SENATOR AVERY: Well, the 450 yards was designed to capture the sales tax turnback for only the Holiday Inn. I cannot imagine a fourth hotel going in, in that area. [LB912]

SENATOR LOUDEN: I'm not talking about a fourth hotel. I'm talking about some of those older buildings down there that they're converting to condos now, some of those larger buildings because... [LB912]

SENATOR AVERY They would not qualify under the language in LB912. [LB912]

SENATOR LOUDEN: Why wouldn't they? Because it says wherever they're going to...what, hire sleeping facilities or something like that, and that's what they do with

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them. I mean, you can rent them out like that for people to stay in. [LB912]

SENATOR AVERY: Well, if you rent out your home for a few nights, that would not qualify as a hotel. [LB912]

SENATOR LOUDEN: Okay. You're sure that would disqualify all of those. Now my next question is, what happens if they decide not to do this arena in this area and they decide to do it in another area? Does this bill still apply? [LB912]

SENATOR AVERY: They will not...they've already made the decision as to where these facilities will go. If the voters decide they don't want this to happen, then whatever we do here becomes null and void. [LB912]

SENATOR LOUDEN: Okay. Then this is...somewhere in this legislation you've got in there that it is null and void if it doesn't happen in this particular spot? [LB912]

SENATOR AVERY: Well, it wouldn't go into effect because there would be no facility, no qualifying facility. [LB912]

SENATOR LOUDEN: Okay. And one other question then. Is the city of Lincoln then, are they going to give their 1.5 percent sales tax to...directly to this building? Have they directed that in that area? [LB912]

SENATOR AVERY: The only turnback is the 5.5 percent state sales tax. [LB912]

SENATOR LOUDEN: Okay. But the city isn't involved then in a turnback? [LB912]

SENATOR AVERY: No, that's the same as LB551 that we passed last year. [LB912 LB551]

SENATOR LOUDEN: Okay. Thank you, Senator Avery. [LB912]

SENATOR AVERY: I'm not amending that portion. [LB912]

SENATOR LOUDEN: Okay. Thank you, Senator Avery. With that, I would...it's always great to have something like this bill. I guess everybody likes to see new facilities built. But as Senator Ashford said, we need to promote tourism, and I agree with that. But on the other hand, if we don't have transportation in some of your tourist attracting areas in western Nebraska, we don't have tourism. So whether we put up... [LB912]

SENATOR SCHIMEK: One minute. [LB912]

SENATOR LOUDEN: ...a few million dollars out of there for...to build this and to help

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them build it for tourism before they would use that money in western Nebraska someplace to promote tourism, I don't see much difference in it. I would like to see this thing stand on its own. The Qwest Center was supposed to have been built to stand on its own, and it had to be bailed out. So I probably foresee something like this in the few years we'll be back here again trying to bail the thing out. Thank you, Madam President. [LB912]

SENATOR SCHIMEK: Thank you, Senator Louden and Senator Avery. The next speaker is Senator White. [LB912]

SENATOR WHITE: Thank you, Madam President. I yield my time to Senator Avery. [LB912]

SENATOR SCHIMEK: Senator Avery, Senator White yielded his time to you. You have 4:50. [LB912]

SENATOR AVERY: Thank you, Madam President and thank you, Senator White. I would like to comment just briefly on the discussion about the financing. I think we need to remember that there is going to be no actual loss to the state in these new facilities. This is new tax money that we now do not have. So it's not a direct loss in that sense. The only direct loss will be the turnback from the Holiday Inn, and that is minimal. And then, too, I think Senator Ashford did a good job of summarizing the economic development impact. There will be new jobs in these new facilities. You have to remember that new economic activity will be generated there. Also, the Haymarket is going to realize a tremendous economic boom and much of downtown Lincoln will as well. We're likely to see people coming from the region, from out of state. Senator Ashford and I have even had a conversation about perhaps some sort of joint commission that would help Lincoln and Omaha coordinate bookings, so that people would come to town to do something in Lincoln on Friday night at the arena, then go to Omaha and spend the night, spend money, and then attend an event at the Qwest Center on Saturday. It could be regionally significant as well. In fact, John Q. Hammons, who built and owns the Embassy Suites Hotel very near the Haymarket, has submitted a proposal to build a new hotel and conference center complex near the arena. He anticipates that this is going to be very big, and he's not at all worried about competition with his own hotel just a few blocks away. You can anticipate new construction of residential condos and apartments, and you can expect that there will be an increase in jobs, you can expect that there will be an increase in property taxes...not property taxes, but property values that will bring additional income, new restaurants, cafes, coffeehouses, bars are very likely. The increased valuation on existing properties will be significant. There will be a diffusion of economic activity, I believe, that will spill over into the entire Haymarket area and much of downtown Lincoln. I think this new activity would benefit both the city and the state and parts beyond. So I think that what we're talking about here is an economic development issue. If you go to one of the things that I

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handed out, an editorial recently from the Omaha World-Herald, they state in the last couple of paragraphs: As Nebraskans, Omaha can welcome how the proposed arena would give an economic jolt to Nebraska's second largest city, the seat of state government, and the state's largest university. Economic development leaders across the state have said that for Nebraska to reach its potential, both Omaha and Lincoln have to grow at a faster rate than the state as a whole. The proposed arena is a step toward such growth. LB912 should be adopted in the spirit of advancing economic development statewide. Thank you, Madam President. [LB912]

SENATOR SCHIMEK: Thank you, Senator Avery and Senator White. Senator Heidemann, you are recognized. [LB912]

SENATOR HEIDEMANN: Thank you, Madam President, fellow members. Senator Avery for a quick question, if he would yield. [LB912]

SENATOR SCHIMEK: Senator Avery, for a question? [LB912]

SENATOR AVERY: I will. [LB912]

SENATOR HEIDEMANN: I'm just trying to clear up, you had stated that there would be no loss because this is all new money coming in. Is that what you had stated on the mike? [LB912]

SENATOR AVERY: Not quite. I said there would...that the new facilities--the arena, hotel and convention center--would be generating new sales. So that's not a loss of what we are now receiving. The Holiday Inn, however, is existing sales. [LB912]

SENATOR HEIDEMANN: The way I understand it, though, some of the events held at the new arena, there's events now being held at Pershing and held at Devaney would probably be moved to the arena. Isn't that correct? [LB912]

SENATOR AVERY: The...I'm glad you brought that up. The...Pershing is really on its deathbed. I mean they aren't really getting much business. A lot of what would happen would be generation of new business that is not going now to Pershing because it's going to other facilities that are better built, newer, and larger. With respect to the university, negotiations are underway right now to move Husker basketball to the arena. I distributed to you a...some quotes from Steve Sipple's column in the Journal-Star the other day in which Coach Osborne talks about the possibility of moving it. [LB912]

SENATOR HEIDEMANN: But my question was there are events that are held at Devaney and Pershing that will move to the new arena. And isn't it true that right now the events that are held at Devaney and Pershing are collecting sales tax. And if you move them to the arena, that would be a loss. I just...I'm not trying to be too negative,

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but I want to point out that there will be a loss to the state. And actually when you look at that, that is not in the fiscal note. They did not...they did not... [LB912]

SENATOR AVERY: We don't...I don't know if anybody... [LB912]

SENATOR HEIDEMANN: ...project that in the fiscal note. [LB912]

SENATOR AVERY: I don't know if anybody could calculate that. But I would say that you're probably going to see the generation of enough new economic activity to offset that, certainly in the downtown and the Haymarket. [LB912]

SENATOR HEIDEMANN: Okay. [LB912]

SENATOR AVERY: There would be a lot more sales tax receipts. [LB912]

SENATOR HEIDEMANN: Thank you. I also wanted to point out that there was some discussion about...on the fiscal note, the \$840,000. We believe that those numbers probably are true. The difference between, I think, some numbers that Senator Avery had been quoting, the \$660,000, those actually are the numbers that would go to Lincoln to help build their arena. There was another \$180,000 that go out, the other 30 percent to the state. You add those two figures up and you come up to the \$840,000. It is a total loss to the state right now the way we understand it at \$840,000. For right now, I think that will be it. I might comment...have some comments later on. Thank you, Madam President. [LB912]

SENATOR SCHIMEK: Thank you, Senators Heidemann and Avery. Senator Raikes, you are recognized to speak. [LB912]

SENATOR RAIKES: Thank you, Madam President and members. I supported this bill in committee. It perhaps has not been my habit over the years to support this kind of a bill. Originally, Senator Ashford mentioned the turnback provisions. Originally, I did not support that idea, but I lost. And after I lost, we discovered as a Legislature that what we had passed was not working. So then the question came, given that we had committed to a turnback process, do we fix it or don't we? And my decision at that point was that we do. And so I helped with that. I supported the Omaha bill last session because it was fixing something, a decision that I lost on, but nonetheless it was a decision that the Legislature had made. So my feeling was that we needed to go forward and make it work. It is in a sense similar for me that if we vote for...if I vote against a main or a bill and it fails but it has an A bill, I will often vote for the A bill because I have lost on the decision, I'm assuming the mainline bill passed. If the mainline bill passed, even if I voted against it, I will vote for the A bill because we need to make it work, it has been a decision of the Legislature. Even though I am supportive of efforts to make this work, I am not supportive of the concept. I am not supportive of the turnback idea. To me it

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raids the state's tax base. I don't like to do that. Another reason I don't like it is that part of the money that is turned back actually is turned over to a fund which I think can be accessed by smaller communities that want to do certain kinds of projects. And I fully understand the reason that was done. I think there were maybe some votes that came because of that, but I don't like that idea either. That is basically taking state revenue and putting it outside the appropriations process. We have an appropriations process, it should be used. And I think that is a violation of that. So I'm in the mode here that there are...this idea for at least a couple of important reasons is one I don't support. But I do think the Legislature has taken the decision to go this route, so I'm going to help try to fix it and make it work. And for that reason I'm going to support this bill. Thank you.
[LB912]

SENATOR SCHIMEK: Thank you, Senator Raikes. Senator Wallman, you're recognized to speak. [LB912]

SENATOR WALLMAN: Thank you, Madam President. Thank you, Senator Raikes. I appreciate your comments. It, too, leaves in a farmer, maybe leaves a little bad taste in their mouth how to do these turnback issues. But we look on the other side of the coin, we flip the coin. When you have construction business, you bring more income into the city, into the state, and the tax base and licensings on various issues, whether it be selling soft drinks or something. But I think it's important economic development. You look at some of the big cities, like Chicago, Cicero area, if you don't take care of your inner cities and have constant something going on, it seems like they die. And I think this is an economic development tool. I think it's a good bill. I urge everyone support it. And I thank you, Senator Avery, for bringing this forth. Thank you, Madam President.
[LB912]

SENATOR SCHIMEK: Thank you, Senator Wallman. Senator Erdman, you're recognized to speak. [LB912]

SENATOR ERDMAN: Madam President, members of the Legislature, Senator Raikes, I think you said you don't like it but you're going to vote for it. I think that's the short of it. I'm actually not that concerned about it directly. What I am concerned about, as I look and for whatever reason I get myself caught in these discussions that seem to all come back to the same issue. In the event that the city of Lincoln is successful with their new arena, which again if they believe this is in their best interest, fire away. And the sheet that Senator Avery handed out about the Huskers playing basketball at the new arena, that potentially impacts the cash flow to the Devaney Center, which is a facility that is owned by the state of Nebraska, which has a lease with the University of Nebraska-Lincoln, in which the university has facilities that they use for their operations, whether it's basketball or administrative staff or Athletic Departments, other situations, and they maintain somewhat of the internal components of the Devaney through that revenue. We as a state maintain the ground around it, which happens to be State Fair

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Park, in case anybody didn't know that. But it does somewhat tie into another conversation that likely we'll have this session. It has nothing to do with whether or not you should support LB912 or not, it's just a part of this whole conversation. If the city of Lincoln is successful in building a new arena, the entertainment venues in the city of Lincoln will be focused at that location on that map. They're not going to be held at Lancaster County Event Center. They're not going to be held at the Bob Devaney Sports Center, especially if the State Fair is still there, or some other location. It will definitely change a lot of other things within the community than just what it's proposing. These things are connected. So I look at this in a global sense. I think it's probably a responsible approach for the city of Lincoln to pursue. Pershing probably needs to be replaced. I think that argument has been made. People generally accept that. I'm not from Lincoln, but I can generally see the logic behind that. I can see the interest in wanting to have a new facility, whether the one you have is broken or not. It's the newness of it, it's the excitement, the anticipation. So I'm interested in that, not from the standpoint that maybe Senator Heidemann is interested in as far as the impact to the state's budget or tax base, but in the reality that we own that facility that they're currently using. And if Senator Avery would have left that sleeping dog lie, we probably wouldn't be talking about it, because he sent out the sheet saying that they're probably going to play basketball there. When you reduce the income to the Devaney Center, you potentially create an obligation to the state for the maintenance of that facility or the obligation of the university should they get their way with the innovation campus. So there's more going on here. Senator Avery is giving the people of Lincoln the best opportunity that they can to be able to provide some additional revenue to an arena. I think that's fair. We did that in Omaha. We've done that in other communities. But the reality is that if they do that, not with this bill, because the people of Lincoln still have to vote on the ballot whether they're going to build the \$200 million-plus arena, but likely it will impact either state operations or some of the other decisions that we are going to be making during this legislative session. It doesn't mean that we will be able to control any of those, and it doesn't mean that we shouldn't do this because of those, it just has to be part of the conversation. I'm not smart enough to know what the answer is of all of those at this point. But the reality is that they're all connected and they all have an impact. I think Senator Avery is asking for fairness based on what we've done for Omaha. And I think that's responsible if you're looking at the potential that this generates new revenue that would not ordinarily be there. That's one thing. If it's taking existing revenue away from the state and redirecting it, that's a completely different discussion, but it's all of that. And I'm not just simply looking at Haymarket Park or Haymarket area as this conversation, because the conversations that I'm in elsewhere have far-reaching implications as well. But that was just a point of information. I can't sum it up... [LB912]

SENATOR SCHIMEK: One minute. [LB912]

SENATOR ERDMAN: ...as succinctly as Senator Raikes did that he doesn't like it, but he's going to vote for it because I don't know that you can sum up what I've said. But go

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for it. It's a reality that they're all connected. There will be an impact somehow. We don't know what that impact will be because we haven't made those other decisions yet this session. Thank you, Madam President. [LB912]

SENATOR SCHIMEK: Thank you, Senator Erdman. And, Senator Gay, you're recognized to speak. [LB912]

SENATOR GAY: Thank you, Madam President. Thank you, Senator Erdman, for bringing that up. That's an interesting twist we need to look at in this situation. I support Senator Avery and his bill. What he brought up is we keep comparing this to the Qwest Center. And I was listening to Senator Ashford earlier when he talked about the senators involved, and Mayor Daub wanted to go ahead, and it was a partnership between Omaha and the Legislature. And now we see the benefits of it that are going throughout the state. So why should Lincoln not have some of the same benefits? I do believe that we're looking at the fiscal impact, of course. But the new jobs, the income generated what it could do for Lincoln. Lincoln voters will get to decide that. But it is one of the...second largest community in this state. The State Capitol, there's a lot of events, you know, going on here. And some of the facilities are aging. State basketball is going on, and we all come down here. When you look at some of the facilities here, they're aging. And I think Lincoln needs the opportunity to move forward. I think we can help them with that. And just if you look at downtown Omaha, what's happening there. There's just a lot of excitement that was generated from one project that continues to culminate into a bigger project. And there's some real energy going on there. But I think the money that gets turned back then goes to the outstate opportunities as well. So I'm going to support this. And I appreciate, like I say, we've heard a good discussion on how this would work, and I think that's great. Senator Erdman brings up a point. But in that point, though, we shouldn't hinder...we should not hinder what Lincoln wants to do at this point just because it may affect us in another way. We need to be cognizant of that fact, but I don't want to hold that over their head because that is a tough situation that the committee is working on, and something will happen there. And whatever happens on that issue when we get to it...but I do think this is an opportunity that Lincoln should have. They shouldn't be held to any other...less standard than what's going on in Omaha. So I'd encourage you to support this measure. Thank you, Madam President. [LB912]

SENATOR SCHIMEK: Thank you, Senator Gay. Senator Heidemann, you are next to speak. [LB912]

SENATOR HEIDEMANN: Thank you, Madam President, fellow members. I'm going to just touch briefly. I have been...I had spoke twice before and I tried to just get everybody informed of what this was going to do. I maybe came across just a little bit negative, hopefully, not too negative. I was trying to be informational more than anything else. I appreciate that we're having good debate here. This thing went through General File

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and we needed to talk about this. And we are having good debate today and I think that's good. Senator Ashford had talked about the economic part of this, and I do believe that part. I go to the Qwest Center or I have on numerous occasions. And then it always goes further than that because my wife goes with me and we have to go to the Old Market and we have to eat and we spend money. Does that make a difference? Yes, if it happens in Lincoln it will make a difference here. Does Lincoln need a new arena, as Senator Erdman had stated before? I look at Pershing and I can agree with you, they do. I am reluctant, though, to support this. The question I have that if this is such a good thing, and I agree with Senator Raikes on this. The reason that I don't like this is because it's the sales tax throwback. If this is such a good thing, why don't we just appropriate money? Say that we agree that the city of Lincoln, you know, needs a new arena, we as a state want to help out because it's important that we do this. And if this is a good thing, why don't we in the year 2011 just say that from this point on, for the next 15 years, we will appropriate six hundred and some thousand dollars, whatever it would be? And you know what? I might vote for that. But I have trouble with the tax throwback, and because of that I probably can't support this. It looks like this has a lot of momentum and it will probably go. But I am a little bit reluctant to go there, so at this time I probably will be voting no. Thank you. [LB912]

SENATOR SCHIMEK: Thank you, Senator Heidemann. Senator Langemeier, you are recognized to speak. [LB912]

SENATOR LANGEMEIER: Madam President, members of the body, in reading Senator Avery's amendment, I think that it derived a question that I asked on this bill in committee was...is, how do you measure the distance from this facility? And I do appreciate him putting that in his new language, measured from eligibility facility but not from the parking lot of the facility or other structure. I think we had some questions to how far this yardage went and how far that got into Embassy Suites or even to Memorial Stadium and the proximity of that distance. So I want to thank him for clarifying what we had discussed in committee and come up with what we deemed was that answer. And so I do thank him for clarifying that. Thank you, Madam President. [LB912]

SENATOR SCHIMEK: Thank you, Senator Langemeier. We are on debate on AM2059. Seeing no further lights, Senator Avery, you are recognized to close. [LB912]

SENATOR AVERY: Thank you, Madam President. This amendment simply clarifies language in LB912 and brings the original intent into clearer focus. And as I said before, it results in a short-term reduction of the fiscal note to zero. Any fiscal impact will not actually occur until at least 2012. This makes it indisputably clear what the original intent was. And I urge you to advance this amendment. Thank you. [LB912]

SENATOR SCHIMEK: Thank you, Senator Avery. You have heard the closing on AM2059. The question is, shall we adopt AM2059? All in favor vote aye; all opposed

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vote nay. Have you all voted who wish to vote? Record, Mr. Clerk. [LB912]

CLERK: 33 ayes, 0 nays, Madam President, on the adoption of Senator Avery's amendment. [LB912]

SENATOR SCHIMEK: The amendment is adopted. [LB912]

CLERK: I have nothing further on the bill, Madam President. [LB912]

SENATOR SCHIMEK: Thank you, Mr. Clerk. Senator McGill for a motion. [LB912]

SENATOR MCGILL: Madam President, I move LB912 to E&R for engrossing. [LB912]

SENATOR SCHIMEK: The motion is to move LB912 to E&R for engrossing. All in favor say aye. All opposed say no. The bill does advance. Mr. Clerk. [LB912]

CLERK: LB606, Senator, I have Enrollment and Review amendments. (ER8170, Legislative Journal page 740.) [LB606]

SENATOR SCHIMEK: Senator McGill. [LB606]

SENATOR MCGILL: Madam President, I move the E&R amendments. [LB606]

SENATOR SCHIMEK: The question is the adoption of the E&R amendments to LB606. All in favor say aye. All opposed say nay. The amendments are adopted. [LB606]

CLERK: I have nothing further on the bill, Senator. [LB606]

SENATOR SCHIMEK: Thank you. Senator McGill for a motion. [LB606]

SENATOR MCGILL: Madam President, I move LB606 to E&R for engrossing. [LB606]

SENATOR SCHIMEK: The motion is to move LB606 to E&R for engrossing. All in favor say aye. All opposed. The motion is...the motion succeeds and LB606 is advanced. Mr. Clerk. [LB606]

CLERK: LB606A, Senator, I have no amendments to the bill. [LB606A]

SENATOR SCHIMEK: Senator McGill for a motion. [LB606A]

SENATOR MCGILL: Madam President, I move LB606A to E&R for engrossing. [LB606A]

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SENATOR SCHIMEK: The motion is to move to E&R Engrossing, LB606A. All in favor say aye. All opposed say nay. The motion is...the bill does advance. Mr. Clerk. [LB606A]

CLERK: Madam President, items, if I may. Revenue Committee will meet upon adjournment in Room 1524. Revenue Committee, upon adjournment in Room 1524. New A bill, LB689A, by Senator Karpisek. (Read LB689A by title for the first time.) Amendments to be printed: Senator Janssen, LB916; Senator Ashford, to LB958; Senator White, to LB1001. New resolution, LR266 by Senator Flood. That will be laid over. (Legislative Journal pages 862-868.) [LB689A LB916 LB958 LB1001 LR266]

Madam President, priority motion. Senator Dubas would move to adjourn until Monday morning, March 10, at 10:00 a.m. []

SENATOR SCHIMEK: You've heard the motion to adjourn. All in favor say aye. All opposed. We are adjourned. Thank you. []