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Floor Debate  
April 02, 2008

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[LB151 LB316 LB587 LB593 LB650 LB708A LB710 LB724 LB726A LB726 LB727  
LB728 LB754 LB764 LB775 LB789 LB798 LB805 LB821 LB838 LB845 LB846 LB846A  
LB847A LB848 LB850 LB865 LB888 LB893 LB895 LB902 LB904 LB928 LB947 LB956  
LB959 LB960 LB961 LB972 LB988 LB988A LB990 LB993 LB1004 LB1011 LB1019  
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SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-second day of the One Hundredth Legislature, Second Session. Our chaplain for today is Senator McDonald. Please rise.

SENATOR McDONALD: (Prayer offered.)

SPEAKER FLOOD: Thank you, Senator McDonald. I call to order the fifty-second 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.

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER FLOOD: Are there any messages, reports, or announcements?

CLERK: One new A bill, Mr. President. (Read LB1027A by title for the first time.) That's all that I have. (Legislative Journal page 1273.) [LB1027A]

SPEAKER FLOOD: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. That is Final Reading. Members, please take your seats as we proceed to Final Reading. Members, please find your seats as we are on Final Reading. Mr. Clerk, the first bill on Final Reading is LB988E. [LB988]

CLERK: Mr. President, Senator Ashford would move to return the bill for a specific amendment. (FA263, Legislative Journal page 1273.) [LB988]

SPEAKER FLOOD: Senator Ashford, you are recognized on your motion to return LB988E to Select File for a specific amendment. [LB988]

SENATOR ASHFORD: Thank you, Mr. Speaker, and I'm going to withdraw this motion. But, however, if anyone else would like to speak on it, I can leave it open for a brief

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while. I know we need to get on to the business of our Legislature, but before we do, I just want to comment briefly on the incidents of yesterday regarding my colleague, Steve Lathrop. I'm not going to talk about the issue--there are many issues--the issue of the flier that was sent around by the Republican Party. I'm not going to talk about the issue of immigration. I'm going to talk about what I believe to be the essence of why we're here. We're here to do the business of the people of the state of Nebraska. Each one of us gets here in different ways. We're members of groups, we're members of organizations that we care about. We're members of political parties, all of us, except a couple are not. They're Independents. But we rely upon those parties in many ways to help us get elected and to serve. But once that process is over, it is not appropriate for political parties to unduly influence what we do in this body, but they can do whatever they wish. It's a free country and the First Amendment applies across the board. So it's incumbent upon us, it seems to me, to draw the boundaries, to draw the lines and to make them clear that the business of this state will be conducted by us, by the Nebraska Legislature, by all of us who represent the coequal branch of government in this state. And I am alarmed about what happened to my friend and colleague Steve Lathrop, but it's not an isolated case. Political parties are much too involved in the process of governing here, both parties. It's not appropriate, but they can do what they wish. But what is necessary then if that's going to be the call of the day, if that's going to be how political parties act in relationship to this nonpartisan body during the course of its deliberations, then we must be overly cautious and watchful to make sure that we, wherever the opportunity...whenever the opportunity arises, to draw those boundaries, to call those people out and to let them know that we are not their representatives. We are the representatives of the people in Omaha, North Platte, Holdrege, Gretna. It's a wonderful, wonderful state, made up of lots of people who we care deeply about. And I can tell you, as a ten-year veteran with a large gap in service, that I do care deeply about the people of the state of Nebraska. I wouldn't be here and neither would any of you be here if you didn't care deeply about the people of the state of Nebraska. And that's the message we need to send as we, it seems to me, as we deliberate for the next few days on very tough issues of education and the budget, the issues that affect every single solitary Nebraskan in a different way, but they affect them. And it is our duty and obligation to keep them foremost in our minds and not any political party or any group or any lobbyist, for that matter. And this is not an opportunity to rile against the lobbyists, but this to me is...when I found out about what happened to Senator Lathrop yesterday, I was sickened. I was viscerally sickened. I love, maybe too much, I love this place and the people that serve here and the people that have served before me here, and when someone attacks the process by attacking individual senators in an inappropriate way, I get a visceral reaction from that. And I think all of us felt the same way, certainly the people I talked to, the individuals I talked to. My colleagues I talked to about what happened to Senator Lathrop had the same reaction as I did and I think it's because we all feel the same way that I do, and that is our caring is so deep or we wouldn't be here. We wouldn't be sitting here ten hours a day as my colleague, the Speaker, who has done an absolutely fabulous job, in my view, in making certain that all

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the issues that are important to this state get heard in an appropriate manner. I just hope that as we proceed along this year and next year, as new senators come and we lose incredible institutional knowledge from this body, that we send the message to them that once you join this club, once you join this body, you're in a unique environment. No place else in the United States is there a nonpartisan Unicameral Legislature. That's special. That is incredibly special. We are incredibly unique and we must always remember that. We're not better than anybody else. We're not better than the citizens we represent. We're not better than any other institution, but we are special. We are unique. We are given an opportunity to do great things each and every day. And all of us make mistakes and all of us make miscalculations and all of us may say or do something that may anger some group outside of this place, but that doesn't matter. It doesn't matter. What matters is that we all recognize if we want to keep Nebraska the way it is, if we want to keep our Unicameral Legislature, if we want to keep it as a nonpartisan special place, we have to defend it. We have to defend it every time something like what happened to Senator Lathrop happens. I don't care what party it is. I don't care if it's the Communist Party, the Green Party, the Democrat Party, the Republican Party. They have a role in the process of electing us, albeit, in my view, it should be much less of a role than in the case of partisan elections, but that's the way it is. One of the great tests of term limits, in my view, is our ability and desire and caring about this body as a nonpartisan Legislature, because the tendency is going to be for political parties and splinter groups and lobbyists and others to take control of this body. There are only 49 of us. There are only 49 of us. The tendency is going to be, boy, these guys don't know what they're doing, they don't know what they're doing, they're a bunch of dummies; anybody that would come down here \$1,000--well, \$800 when you take taxes out--a month has got to be nuts. Senator Lathrop has got to be nuts, the amount of money he could make as a trial lawyer. Why is he here? Why would he say, I'm not going to, I don't want to make that, that's too much money, I don't need to make that money, I'm going to come down and make \$1,000 a month? These guys are nuts. They're easily manipulated. They'll do what we tell them to do. But you know what? We don't do what they tell us to do and we can't do what they tell us to do because we represent the people of this state, the people in Dundee, the people in Scottsbluff, the people in Gretna, and I don't care where. We represent those people and we're state senators first. We're represented by...we represent a group of 35,000 people from where we...from where we live and we care about them, because they're our friends and our neighbors and we go to church with them, and we have coffee with them on Saturday morning and we listen to them as they rile on us for all the things we do and don't do. But we're state senators and we are part of an institution that is unique to the world. I guess, in summary, Mr. Speaker, I want to thank you for your willingness yesterday to stand up for this body, as you've done over and over again, and to stand up for the process. And I'm sorry for Senator Lathrop and I'm sorry for every other person in this body. The horrendous stories that I have heard from senators who were just elected about how the political parties intervened in their races is abhorrent. It is abhorrent. It's not Nebraskan. It's not the way we are. [LB988]

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SPEAKER FLOOD: One minute. [LB988]

SENATOR ASHFORD: A campaign for the Nebraska Legislature should be about issues. It should be about how we are going to deal with the tough issues of our time. I guess, in summary then, Mr. Speaker, I thank you for this time and I hope from here on out we send the message across the state that we're your representatives. No matter what party you are, no matter what you think about guns, no matter what you think about water, we're your representatives and we're going to listen to you. Thank you, Mr. Speaker. [LB988]

SPEAKER FLOOD: Senator Carlson, you are recognized. [LB988]

SENATOR CARLSON: Mr. President and members of the Legislature, I appreciate the words from Senator Ashford, and certainly I've learned in my time here that the Unicameral is a unique body. I'm convinced the working environment that we have in the Unicameral is unlike any other place in the United States. We work together for the good of the people of Nebraska and good things can't happen unless we do work together. What was done to Senator Lathrop is a step in the direction of the destruction of this great process, and I am embarrassed, I'm sickened, and I'm incensed by this kind of thing. I apologize. And I'd like to call for all good Republicans to contact the headquarters of the Nebraska Republican Party and let it be known that this must stop; no more. And if it doesn't stop there need to be some heads that roll. Thank you, Mr. President. [LB988]

SPEAKER FLOOD: Senator Kruse, you're recognized. [LB988]

SENATOR KRUSE: Thank you, Mr. President and colleagues. I join others in outrage at what is taking place. I appreciate Senator Carlson, concerned about his party, but I would join in saying I'm concerned about my party, any party that gets into this, and we have lots of examples of it. The other thing I would point out in this or the specific is that here again we have an illustration of a party that doesn't understand the bill. We're here. We understand the bill, and those of us who gathered around that bill saw that it was very weak soup. We weren't going to give it support. It had all kinds of defects, not get into that, but we knew that. How come our political leaders don't know that? It wouldn't take much to understand that. Again, our job is to do the work of the bills; their job is to be better informed on what they're talking about. Thank you. [LB988]

SPEAKER FLOOD: Thank you, Senator Kruse. Senator Chambers, you're recognized. [LB988]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, as the oldest settler here, I respect the Legislature. I didn't when I first came here. I respect the

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processes of the Legislature and I comply with them. In order that I might carry on a function that I would like to be able to serve but which I probably have not successfully done is to call attention to our rule, Rule 2, Section 11, to indicate that a person need not make a motion to do what's being done this morning. It deals with personal privilege. "Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn." This that is being done this morning, I believe, is very important. During my 38 years here, I think I've been attacked, excoriated, cursed, maligned more than anybody in the history of Nebraska, and for that I feel honored. Because they say you can take the measure of the person by who that person's enemies are, not the consequence or intelligence of those enemies. When I saw that piece of paper that had been circulated against Senator Lathrop, my first impression was that it's going to help him build that thickness of skin that is necessary. But there is that more important, overarching issue of the dishonesty, the lack of truth which was used in this attack. It was not merely a comment written in the newspaper which could be counteracted by a response to the newspaper. These things were taken to people's homes. They were put on doors. And to do something like that by a party, any party, and I'm a member of no party, is reprehensible and inexcusable. But this is America. This is politics. We know what's going to happen. But what I would like to remind those Troglodytes and on some issues where my colleagues here are wrong, this is 1848. When are we going to become modern? When are we going to realize that in 1848 we ought not be carrying on in this backward, uncivilized manner? Perhaps by the time we reach 1900 there will be more civility, more honesty, more in the nature of serving as an example to the citizens of what this society should be about, demonstrating that despite the arguments we have on this floor, the contentions that develop, we realize that we have to live together here, we work together, and issues are going to separate us, and on other occasions they're going to unite us, and we have to function in that manner. What I could do, because there is no limit on how long you can speak, is take the rest of the day, because there are some things I don't like, but I'm not going to do that. I had no idea when I got in the Legislature I would be here this long. Had I been told when I first started I would be here 38 years, I would have said no. Now that my tenure is ending, people ask me will I... [LB988]

SPEAKER FLOOD: One minute. [LB988]

SENATOR CHAMBERS: ...accept some of the offerings I've had. I'm not speaking on the motion. I'm speaking on a point of personal privilege. I have the opportunity to go other places, but I stay in Nebraska because Nebraska is where my family lives. Nebraska is where my friends, both of them, live. (Laughter) What I would like to see the Legislature do as I leave here is understand that you all are the government as far as this branch. There's tremendous power, responsibility and duty here. You cannot allow yourself to be walked on, disrespected and dismissed. There's a job only you can

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do and I hope you will do it. Thank you, Mr. President. [LB988]

SPEAKER FLOOD: Thank you, Senator Chambers. Senator Adams. [LB988]

SENATOR ADAMS: Thank you, Mr. President. Thank you, Mr. Speaker and members of the body. I certainly, when I arrived here this morning, had no intention of coming to the mike on this issue, but as I listen to those of you who have spoke it drew me here. And I promise not to take much of your time. Last week, and it wasn't the first time, at a town hall meeting a citizen asked me to speculate for a few moments as to the value, if there is any, to term limits, and I speculated. And what I said was that I was concerned about the loss of institutional history, I was concerned about the potential power of the bureaucracy, the power of the executive branch, the power of our staffs. But you know what? It goes far beyond that. My greatest fear with turnover is that we may lose a clear understanding of the culture of this body. And all of us who were new last year, you remember those orientations we went through, and I will tell you personally the thing that impressed me most was the culture that we're now part of. And when people say to me, well, what is that culture, it's a culture of respect, it is a culture of civility, it is a culture of transparency. When asked about political parties I said, well, on any given issue there are political parties. It may be Republican and Democrat; it may be urban and rural. All kinds of coalitions form at any given moment. We recognize that. It's part of our system. But we also understand that nonpartisan environment. You know, as I think about my role as a state senator, I feel like I have these two very compelling responsibilities, one of which I understood coming in here, and that is to represent the people of Nebraska but to keep a very, a very clear sight on what's good for my district. The other responsibility that I have grown to believe is equally as compelling is the responsibility to maintain the integrity of the culture of this Legislature. I'm as worried, frankly, when I leave this place that I will have in some way damaged that, as much as I am worried that I will in some way have not truly represented my constituency. Thank you, Mr. President. [LB988]

SPEAKER FLOOD: Thank you, Senator Adams. Senator Dierks. [LB988]

SENATOR DIERKS: Thank you, Mr. President. I wanted to echo the thoughts of Senator Brad Ashford this morning. Senator Ashford and I share a couple things that you may not know about, but one of them is we came here together 22 years ago, both of us Democrats. We came back later, after some time out, both Republicans. And it's been my philosophy over the years that this body is so different from other legislative bodies in that we don't have to work under the auspices of a party system. When we introduce a bill in this Legislature, it's going to be heard. Other states who have the party system, and senators are elected based on their standing in the party, they can have a bill introduced that may never see the light of day. I think we are one of the best representative governments of citizens in the nation. We are the best. I have the same many thoughts that Senator Adams expressed. I think that if you look at what we've

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done in the last several days, the democratic process works very well here. We do the thing based on what we believe is right. And, sure, we get pressures from outside, but we still follow the democratic process. It works well. I just want you to know that I'm very proud of this system and I have absolutely no regrets in suggesting that maybe the partisanship that tries to raise its head in this state should leave us alone. Thank you very much. [LB988]

SPEAKER FLOOD: Thank you, Senator Dierks. Senator Dubas. [LB988]

SENATOR DUBAS: Thank you very much, Mr. Speaker, members of the body. I simply say amen to everything that's been said so far on the floor this morning. I am a proud and humble public servant. It is my honor to serve my district, as well as the state of Nebraska. I know there's no way you can make a decision that makes everybody happy, but I know the members of this body work very hard to understand the issues, to make their decisions based on their understanding of those issues and how they will impact their citizens of their district, as well as the state, and we move forward from there. So again, I just say amen to the comments that were made. I would also like to take an opportunity to just address the bill that we are actually talking about on Final Reading, as my last plea or my last hurrah on this bill. We're told many, many times that we can't be all things to all people, and I do know that and I do understand that. And yesterday we talked about the difference between needs and wants, and those are the decisions that we make in this body--what are the priorities of the state that are needs and what are the things that really would do good things in the state but they're things that we could probably live without? But there's no doubt in my mind that a K-12 education is a priority issue for this state. There's no want in that issue. It's a need and it's a very vital need to the state. I've learned on the farm very many times it's pay me now or pay me later, and when we try to take shortcuts or money is tight and we say, okay, we'll skip that repair or we won't do that right now, we end up paying in the long run. So sometimes it's just better to invest that money up front and save yourself a lot of headache and heartache down the road. I do believe a well-educated populace serves this state well and it allows us to save a lot of dollars down the road. Many issues that we deal with on this floor, issues that involve crime and unemployment and low-paying jobs and struggling communities, all can have their root of being solved through a well-educated populace. We've made changes to the state aid formula midstream. Districts were certified already. They were moving forward with their budget process and now things have been changed. We've placed schools, especially those schools who are in sparse and very sparse regions of the state, in a position of compromising their very important duty of educating the children of our state, and I just feel very strongly that some things just aren't up for compromise. Thank you. [LB988]

SPEAKER FLOOD: Thank you, Senator Dubas. Senator Heidemann. [LB988]

SENATOR HEIDEMANN: Thank you, Mr. President and fellow members of the body. I,

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too, like Senator Dubas, would like to take this opportunity to speak a little bit about LB988, and I do agree with her that K-12 education is not a want but a need all across the state. But I worry about the sustainability part of it, not only this year, because we had to do some things to K-12 education this year that I particularly wasn't real comfortable with but something that I thought we needed to do to get to where we needed to go. But I'm also worried about the upcoming years, the out biennium. And I was wondering if Senator Raikes would yield to a couple questions. [LB988]

SPEAKER FLOOD: Senator Raikes, will you yield to a question from Senator Heidemann? [LB988]

SENATOR RAIKES: Yes. [LB988]

SENATOR HEIDEMANN: Do you ever think about the sustainability of TEEOSA to K-12 education state aid down the road? And as you was formulating LB988, did that come into the thought process? [LB988]

SENATOR RAIKES: I do, Senator, and not only have we thought about it during LB988 but that has been on our mind and in our practice for at least the past ten years since I've been around here. [LB988]

SENATOR HEIDEMANN: And the percentage increase on TEEOSA this year, on the '08-09 year, under LB988, as we are about to vote on it, is what? [LB988]

SENATOR RAIKES: There's \$70 million, is the total increase. That amounts to a 9 percent increase. To my point, \$30 million plus of that is a temporary aid adjustment, so the net increase is something less than \$40 million, which is about a 4 percent increase. [LB988]

SENATOR HEIDEMANN: I was told this morning that the '09 year coming up will be a 14.6 percent increase. We will certify, under LB988 in the '08-09 year, \$839 million. With a 14.6 percent increase next year, which is projected, it will go to \$961 million state aid in the '09-10 year. In '10-11, they're projecting an 11.3 percent increase, which will take our state aid, for the first time, over \$1 billion. Do you think that as we're looking into maybe some tougher economic times--revenue to the state of Nebraska will not come in at historical average, 5.2-5.4 percent, it might be running 3 to 4 percent, I think right now they're looking at maybe around 4 percent--would this be something that we would be able to accomplish? [LB988]

SENATOR RAIKES: Let me answer that this way, Senator. For '09-10, which you mentioned, we agreed that the additional \$11 million cut that we took this year would be a one-year cut. We also agreed that some new provisions would be added next year. Among those are an elementary site allowance, which is I think of importance

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particularly to schools in sparsely populated areas, and in addition there is money there for rapidly growing districts, simply making sure that the money is there at the time the students are there. So those are the reasons for that increase. I don't think it should surprise anybody. I think that was part of the negotiation. I don't think even you would suggest in this year that education somehow shirked its duty as far as balancing, bringing into balance, the state's budget, nor do I think you would argue that over the past ten years that's been the case. Because if you look at school spending, it's been about 4.5 percent. [LB988]

SPEAKER FLOOD: One minute. [LB988]

SENATOR RAIKES: The other thing I would mention to you, as you go beyond, I have no reason to believe that things would change in terms of sustainability from what they've been in the past, and you point to me a time in the past ten years when K-12 education, the Education Committee and the Legislature has not been responsible fiscally to the overall needs of the state. [LB988]

SENATOR HEIDEMANN: And yesterday I stood on the floor and I complimented the Education Committee and I'm not for sure that you was listening at that time. And I believe everybody did step up to the plate this year to make things work and I think that's the way it needs to be. But just looking at the times that we have coming up, I mean, do you believe that 14.6 percent is sustainable? [LB988]

SENATOR RAIKES: I believe the Education Committee and the Legislature will respond to the needs... [LB988]

SPEAKER FLOOD: One...time. [LB988]

SENATOR RAIKES: ...of the state, as they've always done. Thank you. [LB988]

SENATOR HEIDEMANN: Thank you. [LB988]

SPEAKER FLOOD: Senator Pedersen, you are recognized. [LB988]

SENATOR PEDERSEN: Thank you, Mr. Speaker and members of the Legislature. I want to bring the topic back to the reason that Senator Ashford put up this return to Select File. I want to say ditto to what Senator Ashford, Senator Adams, Senator Chambers, Senator Carlson have said about this issue. Being a current Republican, I apologize for the Republican Party as an institution. As a member and an individual, I regret what has happened to our colleague. It is wrong to continue to tell our youth that we want them to grow up and do what is right and we can't be a better role model than what we are. We need to take responsibility for what is happening with our young people today, and a big part of that responsibility is that we are not being good role

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models, and this is a very good sign of that. Thank you. [LB988]

SPEAKER FLOOD: Senator Engel, you're recognized. [LB988]

SENATOR ENGEL: I think this has been, Mr. President, Mr. Speaker, I, too, agree with what senator...the other senators said here on the floor, especially this morning, about this situation of this letter. When I first came here, I was appointed and I came in to what I call the second semester, and after I was here about a month or so somebody gave me a litmus test of who's a Democrat and who's a Republican. I flunked miserably, except in a few rare cases, because the way people were operating here you could not tell because we were operating as one body. We weren't working on a partisan, you know, as far as the aisle. People in, like, Congress and so forth and different legislatures, see, well, we went across the aisle, we're working across. We don't have any aisle here as far as partisan politics is concerned. And that's what I bragged about clear across the country, wherever I go, of how well this...our Legislature works because we don't...we don't have to give into party politics. You're 1 of 49. Once you gain some knowledge down here and some experience, you are 1 of 49. You have just as much clout as anybody else has, according to your abilities. It has nothing to do with party politics. If it was so and you didn't agree with them, you'd be sitting in the corner getting nothing done. And I was...I came in as a Democrat also and now I happen to be a Republican, but that's never made...that doesn't make any difference to me down here because we've always worked across the aisle, as far as the way people talk about...talking about across the aisle. And far as attacking Senator Lathrop, I think one of our leading new senators and all the good he's done down there, and one of the best negotiators I've ever seen in, you know, bringing that cloning bill together and everything like that and helping with that and actually spearheading it, I think he's such an asset, I think it's an insult to him, not only an insult to him but an insult to our whole body, and especially coming from a former legislator who should understand our process. And I think it's not only an insult and I think an apology from him and the party is warranted and I think they should be...come with that forthwith. Thank you. [LB988]

SPEAKER FLOOD: Senator Aguilar, you're recognized. [LB988]

SENATOR AGUILAR: Thank you, Mr. President, members. I want to start off thanking Senator Ashford and yourself, Mr. Speaker, for bringing this issue to light. I also echo their apologies on behalf of my party. I'm ashamed of what's transpired here. I'm very proud of the fact that I'm a member of this unique body, and one of the things that I enjoy most and am most proud of is when I do have the ability to travel around the country and educate other senators and representatives from all across our nation on the uniqueness and the greatness of our nonpartisan body, the Legislature here in Nebraska. And people, frankly, are in awe of it. They want to know how to go about that, how to get that started in their areas because it works. I, for one, could probably never serve in a bipartisan Legislature. I've just come to love this system so much. Not very

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many people out there, and obviously the leaders in our party, aren't aware of the fact that Senator Lathrop and Senator Ashford are planning on working on issues in the immigration arena this summer, something that I think takes a lot of nerve because that's such a hot button issue in our state. It really is. But they have the nerve to take it on and try to find solutions. I applaud them for that. One other issue I'd like to talk about too. This is the time of year that term-limited senators, senators like myself, start getting phone calls and letters from their parties. They want to talk about whatever is left in our campaign accounts and encourage us to write checks to the party. Well, I, for one, would never write a check to support the garbage that's going on here. My apologies to Senator Lathrop. [LB988]

SPEAKER FLOOD: Senator Harms, you're recognized. [LB988]

SENATOR HARMS: Thank you, Mr. President, colleagues. I would have to tell you, Senator Lathrop, that when I got that flier yesterday it was very discouraging for me. In fact, I was extremely embarrassed that I belong to the Republican Party, and that's a tough thing for me to say. You know, we came in as freshmen senators together and I watched you from a distance, and it was very clear to me that you're a man of ethics, values, principles; you're a man who wants to do what's right. And I think that's what all of us are here for. And, you know, on top of this, I didn't come here because I was a Republican. I came here because I wanted to do what was right, I wanted to represent the people that elected me, and that's what my goal is. But I would have to tell you that what I saw happen to you yesterday is discouraging. I don't think it's the thing that we can tolerate in here. I don't think we can allow this to happen to any of our other colleagues and I think that we need to stand up for what we believe. I think it's wrong, and I appreciate Senator Ashford bringing this forward. This kind of an attack can happen to any one of us in here. And just because we might not agree with whatever party we might represent, we shouldn't take this. We shouldn't tolerate it. This is a floor and this is a group of people that, quite frankly, should not care whether you're a Republican or whether you're a Democrat. We should not let either of those parties influence us. And I think we are here to do the right things. And I admire and respect what I've seen you do from, again, from a distance and you're going to be a great senator and, as I think Senator Chambers said, it's going to make your skin a lot thicker. And I tell you, I'm sorry this has happened to you. I apologize in regard to the Republican Party. But I will say to all of you that we could all be next because we're going to take positions that are not popular. But I'm not here to be popular. And I've taken positions on things that I know that there will be a majority of people in my district that wouldn't agree with that, but I know that I'm doing what I think is the right thing to do and I think it's important to stand up for what you believe. And so, on behalf of my party and behalf of myself, I apologize for this. Thank you, Mr. President. [LB988]

SPEAKER FLOOD: Senator Johnson, you're recognized. [LB988]

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SENATOR JOHNSON: Thank you, Mr. Speaker. I think there's been two things that have happened here this morning that we should all note. One is the sincerity to Senator Lathrop. He has been an excellent senator and will be a leader here for years to come. One of the things that we have seen is the body come together, as we usually do. We must protect this institution. What makes it work, I am absolutely convinced, is that it is nonpartisan. The other thing that happened here this morning just a couple minutes ago was the exchange between three of our best senators about school funding. It was the classic example of what happens in this institution so that we all work together, sometimes against each other, but for the common good of the people of Nebraska. This institution must stay nonpartisan. Thank you. [LB988]

SPEAKER FLOOD: Senator Lathrop, you're recognized. [LB988]

SENATOR LATHROP: Mr. President and colleagues, I want to stand up and express my appreciation for your kind remarks, also to recognize that it's not about Steve Lathrop or necessarily what happened to me in particular, but to recognize that the kind words today, the words of the senators who have spoken on this issue that was brought to us by Senator Ashford's motion, really is a defense of the institution and we could just as easily be saying this about Senator Fulton or any other senator here. And I expect that if this were to have happened to anyone else in this body, we would have gone through a similar exercise this morning. Nevertheless, it did happen to me and I want to express my appreciation for your remarks, both those that have been made on the floor and those that have been made in private. I made a decision a couple years ago to run for the Legislature, and like many of you, it is a sacrifice to serve. I appreciate that and I came here very excited to serve the state in the capacity as a senator, and it has been my privilege to serve with each of you. I haven't always agreed with you, but I have been privileged to serve with you. I think it is an important day today that we recognize the importance of each of us standing for the integrity of this body, and that is clear from the remarks. We have expressed today a certain measure of outrage for an attack on a senator, a partisan attack on a senator. Again, today it was me, but it might just as well be someone else the next time. The focus of most of our remarks has been upon the institution, but I think it's important that we also recognize that this just wasn't just an attack on a state senator, was something that is truthful or something that is spin, but it was something that was a lie. We are, most of us, members of political parties. We are among those who influence the Democratic and the Republican Parties, and we should be equally outraged that a partisan attack has been reduced to...or a tool of a partisan attack has been an untruth. The contents of the door hanger, the contents of the "robocalls" was just not true. And I would encourage each of us, as we have our influence in our respective parties, to be equally adamant against partisan attacks that involve lies. There's no place for it. It doesn't advance the cause of the democratic process one bit. And again, let me express my appreciation. I am proud to serve with each one of you and look forward to the next few days of debate and the interim. Thank you. [LB988]

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SPEAKER FLOOD: Senator Preister, you're recognized. [LB988]

SENATOR PREISTER: Thank you, Honorable President, friends all. As I was growing up, I was the oldest of seven and I had five younger brothers. We, like a lot of brothers, spent a lot of time fighting. We were a family but we didn't always get along, and sometimes not getting along led even to some serious fighting. But let somebody else come after one of us and we stuck together and we defended each other because we were family. This morning I see it as a similar experience, and I think this is one of our better times in the way that we're responding. And Senator Ashford, I thank you for leading that effort, for your response in the paper, for your calling a press conference, for your taking a stand. I think that's the proud part. We are family. We do fight. We do disagree on issues. It's never personality, it's issue. And just as Senator Adams stated, we have our own constituency that each of us champions the causes for. We're up here to do our best to do what we think is right. That goes against party sometimes. It goes against our own personal self-interest. It goes against a lot of things. We're all trying to do the right things and sometimes that's not easy to accept, but it goes beyond personality. It goes to the institution, I do believe. What we are doing in this response and what I respect and appreciate is that so many people are standing up in defense of the institution of the Nebraska Unicameral, and Senator Lathrop, it's to your credit that you just said this is more than about what happened to me; this is about the process; this is about the institution. And what is so important here is that we are standing up to defend the institution of the Unicameral, which is unique. And there have been times when I have sat in my chair and I have not pressed my button and I have not gotten up to make comments or to say things or sometimes in defense of something that I thought was important. Senator Chambers has once again set the example and given us permission, even though we don't need it, sometimes we need the reminder--it's up to each of us to not just sit back and let things happen. It's up to each of us to do just as Senator Ashford did, just as the Speaker did. Even though it may have gone against some self-interest and their own political party, they saw an injustice, they saw something was wrong and they were willing to stand up and to make a statement against it--not against people, against what was wrong. That's each of our responsibilities. The example has been given over and over again. I am glad that Senator Chambers pointed out another section of the rules, because next year there are going to be a whole lot more new people here and a number fewer of people with experience. Those of you that have only two years are the senior members and are the leadership. You will be choosing committee chairs, you'll be making leadership responsibility decisions. You will be the ones pointing the way for others. I think you've got tremendous skill, you've got tremendous ability, you've got tremendous talent. I think you are up to the challenge. The thing you have not had much of is the experience inside the body, but I think you will use it well and I think this is a wonderful example for you to remember: when something happens, you don't have to apologize to anybody for taking up time on the microphone. That's the reason each of us is here, to do what we

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believe is right and to speak up and make that statement. [LB988]

SPEAKER FLOOD: One minute. [LB988]

SENATOR PREISTER: Yes, we want to be collegial. Yes, we want to get along. Yes, we are a part of a family. That family does fight. But when that family is attacked, as it was in this display that is not true and is an attack on the institution, we have come together, and I am especially proud of all of my colleagues who have stood up and made that statement. I think it's important. This didn't as much anger me; it can make us stronger, and I think it will. What it did was hurt me. It hurt because this was authorized or at least approved by a fellow state senator, a former state senator who knows what it's like to be in the body, who knows how we're up against attacks all the time. That hurt. But we can go beyond the hurt. We can go beyond the attack. We can use this as a lesson and as an example,... [LB988]

SPEAKER FLOOD: Time. [LB988]

SENATOR PREISTER: ...and I think we will. Thank you for listening. [LB988]

SPEAKER FLOOD: Senator Schimek, you're recognized. [LB988]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I turned my light on late because after hearing Senator Ashford and Senator Chambers and some others, I didn't know if I could say it any differently or any better, perhaps I should say, than they did. I didn't know if I had anything to contribute beyond what they've already said so eloquently. But as I listened, I decided that there were a couple of points that I would like to make that perhaps others haven't made. First of all, Senator Ashford, thank you very much. You just did an outstanding job in framing the issue for all of us. And Senator Lathrop, you're the best and it's not fair to have these kinds of unwarranted attacks for something that you are honestly trying to do to the best of your ability. But I have to tell you that I am heartened by the remarks that were made here today by some of our newest senators, including Senators Ashford and Lathrop. But there have been others who have spoken as well, and I think that that is very encouraging for the future of this institution. I would ask that you all keep this morning in mind. The other thing that I would like to say is that I would like the public, I would like to invite the public to take some responsibility as well. When these kinds of attacks are made, I think the public should go on alert and say, you know, what is going on here with our process? I've been so concerned and discouraged over the last six, eight years by the tremendous growth of independent committees, and to me that somewhat spoils the process that we set up for ourselves and other elected officials in Nebraska to abide by certain campaign expenditure limitations. And you all know that for the most part those limitations have worked very, very well over the years in keeping expenditures in legislative races to a reasonable amount. But what's also happened during that time and what's very difficult

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to deal with is the growth of independent committees who can also be formed to send out fliers like the one that was placed in the neighborhoods in Senator Lathrop's district the other night. And they're not as accountable even as the parties are. We know who the parties are, but the parties sometimes form these other groups to do their dirty work for them. It is all a freedom of speech issue, but it is one of our most pressing problems in the political process. I would sincerely like to thank all of you who have spoken this morning and who may be about to speak--I don't know. I think it is one of the most important discussions that we can have on the floor of this Legislature. And thank you, Mr. President. [LB988]

SPEAKER FLOOD: Senator Lautenbaugh, you're recognized. [LB988]

SENATOR LAUTENBAUGH: Thank you, Mr. Speaker and members of the body. Briefly on LB988, I can't support it as it is in its final form. It provides for a huge decrease in aid that would have been forthcoming under the prior bill, to the detriment of some school districts; some of them I represent, some I don't. And I just can't support it as it came out finally. Regarding Senator Lathrop, Senator Lathrop is a friend of mine. We were friends before we came here. I was appointed. The day I was appointed, I called Senator Lathrop and said, I can't believe you worked so hard to get in the Legislature; I filled out a form on line and voila. (Laughter) So I don't know if he thought that was as funny as I did at the time, but I got a kick out of it. I've long been opposed to what I would call unfair political attacks. I even litigated this issue in Omaha not too long ago in a city council race, another nonpartisan race where a flier was sent out. After a little investigation...well, we knew it was false right away. After a little investigation, it was turned out it came with blessing and actually I think from the chairman of one of the local parties. He denied it to the media, then admitted he did it, and then sent out an apology to about the 10,000 people that he sent the original mailing to, and that was the resolution of that. I have been the target of such attacks when I was appointed. There's a web site out there put out by a gentleman who's affiliated with one of the political parties who accused me of disregarding...well, I won't go into what he accused me of. It's out there on the Internet. I didn't know all 48 of you then and so, you know, I wasn't part of the group really then I guess. But it was unfair. I thought that was very unfair. And I can remember, I was election commission in Douglas County and there were attacks and some of them were very partisan. I struggled with those at the time and sometimes they cut very deep. I'm not going to go into too much history here with anyone in particular, but you know, I guess what I'm trying to say is this kind of thing, or I should say unfair attacks, do go on, untruthful mailings do go out, and without losing sight of what we're talking about here, I would encourage maybe all of us to talk to our respective political parties. And if you see something wrong, don't wait for an occasion like this when it involves just the Legislature. Call them on it and ask them not to do it and tell them how you feel. Thank you. [LB988]

SPEAKER FLOOD: Senator McDonald, you are recognized. [LB988]

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SENATOR McDONALD: Mr. President, members of the body, I put my light on, and then I turned it off, and then I put it on, then I turned it off, and now I have it on so here I am. When I came into this body, the Governor had appointed me at the wishes of my husband before he passed away, so I really didn't know much about politics. I didn't know the difference between a Democrat and a Republican, and I refuse to know yet at this date what the difference is because I don't care. I just want to do right. I want to do what's in the best interests of my district. And I think at this point in time, some people ask me, if I go on into politics, if I would want to be in elected office, and I said, well, neither party would have me because I don't bow to the party line. I said, so no, I probably won't have a future in politics. But I certainly do want to continue to serve the district in some way. And I think for many of us, we are not interested in moving up in politics so what we're concerned about is our districts and the state of Nebraska as a whole. And as I look to the upcoming races and have seen the primary ballots that have come out, there is a reason there is no party affiliation behind the Unicameral's legislative races. There is no party affiliation. And why is that? Because we are a Unicameral. We are not voted on by our party. Takes the top two vote-getters and they could be both of the same party. And as I have worked here in the Legislature, I would have loved to see our mayors and our sheriffs be nonpartisan because I think they serve the best interests of the people that they are working with--should not be partisan. I truly believe that we have allowed that to come inside our body and people ask me in my district, what do you think about party politics? And I said, you know what, should stay out of our branch of government. We are unique, as other fellow senators have said. We are nonpartisan. We need to stay that. And so I think you need to be cognizant of races that are coming forward to see how each party affiliation is trying to influence those races, not for the betterment of the district, not for our constituents, but for the party. So please, stay tuned to what's happening in those races and make sure that you allow the nonpartisan legislation to move forward. Thank you. [LB988]

SPEAKER FLOOD: Thank you, Senator McDonald. (Visitors introduced.) Senator Ashford, you are recognized to close on your motion to return LB988E to Select File for specific amendment. [LB988]

SENATOR ASHFORD: Thank you, Mr. Speaker. I just would thank the people who spoke, especially those who are leaving us. The challenges facing us with the Internet, with all the, as Senator Schimek rightly talks about, the independent expenditures, our inability really as individuals to defend ourselves from these attacks, we have to be wary of those. But I guess for me it's very personal, as it is for all of us. When I first came here, my first memory of coming to the Legislature when I was ten years old with my mother, I remember when my mother was dying of cancer in 1991 and Senator Chambers went over to her, right over there, and he knew that she was quite ill at that time and he said to her that your son is a good man. I just don't know how much better it gets than that. This is a great place and we need to stand up for it. Thank you, Mr.

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Speaker. I withdraw the...whatever I filed. [LB988]

SPEAKER FLOOD: It is withdrawn. We now move to Final Reading. Members, please find your seats. Mr. Clerk, the first bill on Final Reading is LB988E. The first vote will be to suspend the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB988]

CLERK: 39 ayes, 4 nays, Mr. President, to dispense with the at-large reading. [LB988]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB988]

CLERK: (Read title of LB988.) [LB988]

SPEAKER FLOOD: Before we move on, I'd like to ask all members to check in, to make sure that we have all members present. Would you please check in. Senator Burling, Senator Wallman, would you check in? Thank you, members. All provisions of law relative to procedure having been complied with, the question is, shall LB988E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB988]

CLERK: (Record vote read, Legislative Journal pages 1274-1275.) 33 ayes, 14 nays, 2 excused and not voting, Mr. President. [LB988]

SPEAKER FLOOD: LB988E passes with the emergency clause attached. Mr. Clerk, we now move to LB988AE. The first... [LB988 LB988A]

ASSISTANT CLERK: (Read LB988A on Final Reading.) [LB988A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB988AE pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB988A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1275.) Vote is 38 ayes, 8 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB988A]

SPEAKER FLOOD: LB988AE passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB988E and LB988AE. We now move to Select File, consent calendar bills for the 2008 Session. Items for the record, Mr. Clerk? [LB988A LB988]

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CLERK: Just one, Mr. President, thank you. Senator Erdman has an amendment to LB928 to be printed. That's all that I have. (Legislative Journal page 1276.) [LB928]

SPEAKER FLOOD: Thank you, Mr. Clerk. Moving now to Select File, consent calendar bills.

CLERK: Mr. President, LB151. Senator McGill, I have Enrollment and Review amendments first of all. (ER8190, Legislative Journal page 966.) [LB151]

SPEAKER FLOOD: Senator McGill, you're recognized. [LB151]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB151]

SPEAKER FLOOD: You've heard the motion. Should the E&R amendments be adopted? All those in favor say aye. All those opposed say nay. The ayes have it. The amendments are adopted. [LB151]

CLERK: I have nothing further on the bill, Senator. [LB151]

SPEAKER FLOOD: Senator McGill for a motion. [LB151]

SENATOR MCGILL: Mr. President, I move LB151 to E&R for engrossing. [LB151]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB151 advances to E&R for engrossing. [LB151]

CLERK: LB724, Mr. President. Senator McGill, I have no amendments to the bill. [LB724]

SPEAKER FLOOD: Senator McGill for a motion. [LB724]

SENATOR MCGILL: Mr. President, I move LB724 to E&R for engrossing. [LB724]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The E&R amendments are adopted...or the bill is advanced to E&R for engrossing. Mr. Clerk. [LB724]

CLERK: LB726, Mr. President. Senator McGill, E&R amendments first of all. (ER8194, Legislative Journal page 966.) [LB726]

SPEAKER FLOOD: Senator McGill for a motion. [LB726]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB726]

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SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. They are adopted. [LB726]

CLERK: I have nothing further, Senator. [LB726]

SPEAKER FLOOD: Senator McGill for a motion. [LB726]

SENATOR MCGILL: Mr. President, I move LB726 to E&R for engrossing. [LB726]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. LB726 is advanced to E&R for engrossing. [LB726]

CLERK: LB726A, Senator, I have no amendments to the bill. [LB726A]

SPEAKER FLOOD: Senator McGill for a motion. [LB726A]

SENATOR MCGILL: Mr. President, I move LB726A to E&R for engrossing. [LB726A]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB726A is advanced to E&R for engrossing. [LB726A]

CLERK: LB947, Senator, I have no amendments to the bill. [LB947]

SPEAKER FLOOD: Senator McGill for a motion. [LB947]

SENATOR MCGILL: Mr. President, I move LB947 to E&R for engrossing. [LB947]

SPEAKER FLOOD: All those...you've heard the motion. All those in favor say aye. All those opposed say nay. LB947 advances to E&R for engrossing. [LB947]

CLERK: LB850, Senator, I do have Enrollment and Review amendments. (ER8193, Legislative Journal page 966.) [LB850]

SPEAKER FLOOD: Senator McGill for a motion. [LB850]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB850]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. The E&R amendments are adopted. [LB850]

CLERK: I have nothing further on LB850, Senator. [LB850]

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SPEAKER FLOOD: Senator McGill for a motion. [LB850]

SENATOR MCGILL: Mr. President, I move LB850 to E&R for engrossing. [LB850]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB850 advances to E&R for engrossing. [LB850]

CLERK: LB805, Senator, I have no amendments to the bill. [LB805]

SPEAKER FLOOD: Senator McGill for a motion. [LB805]

SENATOR MCGILL: Mr. President, I move LB805 to E&R for engrossing. [LB805]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. LB805 advances to E&R for engrossing. [LB805]

CLERK: LB1004, Senator, I have no amendments to the bill. [LB1004]

SPEAKER FLOOD: Senator McGill for a motion. [LB1004]

SENATOR MCGILL: Mr. President, I move LB1004 to E&R for engrossing. [LB1004]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB1004 is advanced to E&R for engrossing. LB754. [LB1004 LB754]

CLERK: LB754, I do have Enrollment and Review amendments, Senator. (ER8195, Legislative Journal page 966.) [LB754]

SPEAKER FLOOD: Senator McGill for a motion. [LB754]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB754]

SPEAKER FLOOD: All those in favor say aye. All those opposed say nay. The E&R amendments are adopted. [LB754]

CLERK: Senator Ashford would move to amend with AM2648. [LB754]

SPEAKER FLOOD: Senator Ashford, you're recognized to open on AM2648. [LB754]

SENATOR ASHFORD: I'll withdraw the amendment. [LB754]

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SPEAKER FLOOD: Senator Ashford withdraws the amendment. So ordered. Mr. Clerk. [LB754]

CLERK: I have nothing further on the bill, Senator. [LB754]

SPEAKER FLOOD: Senator McGill, you're recognized for a motion. [LB754]

SENATOR MCGILL: Mr. President, I move LB754 to E&R for engrossing. [LB754]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. It is ordered. [LB754]

CLERK: LB893, Mr. President. Senator McGill, I have no amendments to the bill. [LB893]

SPEAKER FLOOD: Senator McGill for a motion. [LB893]

SENATOR MCGILL: Mr. President, I move LB893 to E&R for engrossing. [LB893]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. LB893 advances to E&R for engrossing. Mr. Clerk. [LB893]

CLERK: LB865, Senator, I have no amendments to the bill. [LB865]

SPEAKER FLOOD: Senator McGill for a motion. [LB865]

SENATOR MCGILL: Mr. President, I move LB865 to E&R for engrossing. [LB865]

SPEAKER FLOOD: All those in favor say aye. All those opposed say nay. LB865 is advanced to E&R for engrossing. [LB865]

CLERK: LB728, Senator, I have no amendments to the bill. [LB728]

SPEAKER FLOOD: Senator McGill for a motion. [LB728]

SENATOR MCGILL: Mr. President, I move LB728 to E&R for engrossing. [LB728]

SPEAKER FLOOD: All those in favor say aye. All those opposed say nay. LB728 is advanced to E&R for engrossing. [LB728]

CLERK: LB775, Senator, I have no amendments to the bill. [LB775]

SPEAKER FLOOD: Senator McGill for a motion. [LB775]

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SENATOR MCGILL: Mr. President, I move LB775 to E&R for engrossing. [LB775]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. LB775 advances to E&R for engrossing. [LB775]

CLERK: Mr. President, with respect to LB848, Senator, I have E&R amendments first of all. (ER8198, Legislative Journal page 966.) [LB848]

SPEAKER FLOOD: Senator McGill for a motion. [LB848]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB848]

SPEAKER FLOOD: All those in favor say aye. All those opposed say nay. They are adopted. [LB848]

CLERK: Mr. President, Senator Erdman, AM1598. I have a note you want to withdraw AM1598, Senator. [LB848]

SENATOR ERDMAN: That is correct. [LB848]

SPEAKER FLOOD: AM1598 is withdrawn. [LB848]

CLERK: Mr. President, Senator Erdman would move to amend with AM2421. (Legislative Journal page 1158.) [LB848]

SPEAKER FLOOD: Senator Erdman, you're recognized to open on AM2421. [LB848]

SENATOR ERDMAN: Mr. President, members of the Legislature, this is a technical amendment. It adds generally two words, "or consolidation," into the existing statutes regarding limited cooperative associations. The amendment, however, is a white copy of the bill and the reason that's been done is that it provide...that we had the time to allow the Bill Drafters to write the bill in the final version form for consideration. That is why the amendment before you is not simply a line and page. I've got an amendment here that I can give you the line and page. But this simply clarifies and rewrites the sections and also adds the words "or consolidation" to the underlying bill. I would ask for your adoption of AM2421. [LB848]

SPEAKER FLOOD: Thank you, Senator Erdman. There are no lights on. Senator Erdman, you're recognized to close. Senator Erdman waives closing. The question before the body is, should AM2421 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB848]

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CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Erdman's amendment. [LB848]

SPEAKER FLOOD: AM2421 is adopted. [LB848]

CLERK: I have nothing further on the bill. [LB848]

SPEAKER FLOOD: Senator McGill for a motion. [LB848]

SENATOR MCGILL: Mr. President, I move LB848 to E&R for engrossing. [LB848]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB848 is advanced to E&R for engrossing. Mr. Clerk. [LB848]

CLERK: LB1011, Senator, I do have Enrollment and Review amendments. (ER8192, Legislative Journal page 967.) [LB1011]

SPEAKER FLOOD: Senator McGill for a motion. [LB1011]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB1011]

SPEAKER FLOOD: All those in favor say aye. All those opposed say nay. The E&R amendments are adopted. [LB1011]

CLERK: I have nothing further on the bill, Senator. [LB1011]

SPEAKER FLOOD: Senator McGill for a motion. [LB1011]

SENATOR MCGILL: Mr. President, I move LB1011 to E&R for engrossing. [LB1011]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. LB1011 moves to E&R for engrossing. [LB1011]

CLERK: LB821, Senator, I have Enrollment and Review amendments first of all. (ER8201, Legislative Journal page 967.) [LB821]

SPEAKER FLOOD: Senator McGill for a motion. [LB821]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB821]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB821]

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CLERK: I have nothing further to LB821, Senator. [LB821]

SPEAKER FLOOD: Senator McGill for a motion. [LB821]

SENATOR MCGILL: Mr. President, I move LB821 to E&R for engrossing. [LB821]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. LB821 is advanced to E&R for engrossing. [LB821]

CLERK: LB845, Senator, I have E&R amendments first of all. (ER8196, Legislative Journal page 967.) [LB845]

SPEAKER FLOOD: Senator McGill for a motion. [LB845]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB845]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB845]

CLERK: I have nothing further on LB845, Senator. [LB845]

SPEAKER FLOOD: Senator McGill for a motion. [LB845]

SENATOR MCGILL: Mr. President, I move LB845 to E&R for engrossing. [LB845]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. LB845 is advanced to E&R for engrossing. [LB845]

CLERK: LB904, Senator, I have no amendments to the bill. [LB904]

SPEAKER FLOOD: Senator McGill for a motion. [LB904]

SENATOR MCGILL: Mr. President, I move LB904 to E&R for engrossing. [LB904]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB904 is advanced to E&R for engrossing. [LB904]

CLERK: LB798, Senator, I do have Enrollment and Review amendments. (ER8200, Legislative Journal page 967.) [LB798]

SPEAKER FLOOD: Senator McGill for a motion. [LB798]

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SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB798]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. The E&R amendments are adopted. [LB798]

CLERK: I have nothing further on LB798, Senator. [LB798]

SPEAKER FLOOD: Senator McGill for a motion. [LB798]

SENATOR MCGILL: Mr. President, I move LB798 to E&R for engrossing. [LB798]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. LB798 is advanced to E&R for engrossing. [LB798]

CLERK: LB764, Senator, I have Enrollment and Review amendments. (ER8202, Legislative Journal page 967.) [LB764]

SPEAKER FLOOD: Senator McGill for a motion. [LB764]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB764]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. The E&R amendments are adopted. [LB764]

CLERK: I have nothing further on LB764, Senator. [LB764]

SPEAKER FLOOD: Senator McGill for a motion. [LB764]

SENATOR MCGILL: Mr. President, I move LB764 to E&R for engrossing. [LB764]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. LB764 advances to E&R for engrossing. [LB764]

CLERK: LB789, I have Enrollment and Review amendments. (ER8197, Legislative Journal page 967.) [LB789]

SPEAKER FLOOD: Senator McGill for a motion. [LB789]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB789]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. The E&R amendments are adopted. [LB789]

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CLERK: LB902, Senator. I'm sorry, excuse me. I have nothing further pending on LB789, Senator. [LB789]

SPEAKER FLOOD: Senator McGill for a motion. [LB789]

SENATOR MCGILL: Mr. President, I move LB789 to E&R for engrossing. [LB789]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. LB789 is advanced to E&R for engrossing. [LB789]

CLERK: With respect to LB902, Senator, I do have E&R amendments. (ER8199, Legislative Journal page 967.) [LB902]

SPEAKER FLOOD: Senator McGill for a motion. [LB902]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB902]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. The E&R amendments are adopted. [LB902]

CLERK: Senator Pankonin would move to amend. AM2505. (Legislative Journal page 1080.) [LB902]

SPEAKER FLOOD: Senator Pankonin, you're recognized to open on AM2505. [LB902]

SENATOR PANKONIN: Thank you, Mr. President. LB902 proposed to add Tramadol, a narcotic analgesic used for treating moderate to severe pain, to the list of Schedule IV controlled substances in Nebraska. AM2505 would eliminate the scheduling of Tramadol at this time. Tramadol is not scheduled as a controlled substance at the federal level, so its classification at the state level is strictly optional. A decision has been made by Nebraska pharmacists to postpone the scheduling of this drug until a later date. I request the adoption of AM2505 to LB902. [LB902]

SPEAKER FLOOD: You've heard the opening on AM2505. There are no other senators wishing to speak. Senator Pankonin, you're recognized to close on your amendment. Senator Pankonin waives closing. The question for the body is, should AM2505 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB902]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of Senator Pankonin's amendment. [LB902]

SPEAKER FLOOD: AM2505 is adopted. Mr. Clerk. [LB902]

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CLERK: Nothing further on LB902, Mr. President. [LB902]

SPEAKER FLOOD: Senator McGill for a motion. [LB902]

SENATOR MCGILL: Mr. President, I move LB902 to E&R for engrossing. [LB902]

SPEAKER FLOOD: You've heard the motion. The question is, should LB902 advance to E&R for engrossing? All those in favor say aye. Those opposed say nay. The ayes have it. LB902 does advance. Mr. Clerk. [LB902]

CLERK: LB1067, Senator, I have no amendments to the bill. [LB1067]

SPEAKER FLOOD: Senator McGill for a motion. [LB1067]

SENATOR MCGILL: Mr. President, I move LB1067 to E&R for engrossing. [LB1067]

SPEAKER FLOOD: You've heard the motion. All those in favor vote aye...or say aye. All those opposed say nay. The ayes have it. LB1067 advanced to E&R for engrossing. [LB1067]

CLERK: Mr. President, LB838. Senator, I have E&R amendments. (ER206, Legislative Journal page 968.) [LB838]

SPEAKER FLOOD: Senator McGill for a motion. [LB838]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB838]

SPEAKER FLOOD: You've heard the motion. All those in favor vote aye. All those opposed vote nay, say nay. The ayes have it. The E&R amendments are adopted. [LB838]

CLERK: I have nothing further on LB838. [LB838]

SPEAKER FLOOD: Senator Schimek, you're recognized. [LB838]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I apologize for not doing my homework on this bill between General File and Select File. And so what I want to do this morning is just once again raise the question in your mind about what we're doing here and have the opportunity to speak with the Secretary of State's Office between now and Final Reading, to have them reassure me that what we're doing here is okay. If you recall, this bill removes the secrecy envelope from mail-in voting procedures. And I think that it's something that we really need to think about because

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this year, for the first time, we've got 22 precincts in the state of Nebraska that are being switched to all mail balloting, which means we're not just talking bond issues here; we're actually talking about casting votes for candidates, and our system has traditionally been based on the secret ballot. I have been notified that absentee ballots are handled the same way in Nebraska, and it dates back to a time when I was even Chair of the Government Committee and the secrecy ballot was done away with in that instance too. I'm not thrilled about the fact that I was part of that decision-making process. And I would like us to reexamine what we are doing. Now the Secretary of State's Office apparently feels it's a little bit more expensive to conduct elections with that secret or second envelope. But I need to get more facts and figures for you. And so all I'm going this morning is not trying to stop this bill at this point, but just alerting you to the fact that it is a question that we ought to deliberately and consciously deal with. And I might be back with an amendment on Final Reading. With that, Mr. President, thank you very much for the time. [LB838]

SPEAKER FLOOD: Thank you, Senator Schimek. Senator Karpisek, you're recognized. [LB838]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. And Senator Schimek did have questions on General File. I also apologize for not checking with her sooner. I thought that her questions had been answered. I should have checked with her sooner. The only reason I did put my light on was to say that this only takes the secrecy envelopes away from mail-in elections, which Senator Schimek is right, that this is the only thing that secrecy envelopes are now used for. Absentee ballots were...did not have to have the secrecy envelopes since 1999, and I didn't want to point out, when she was Chair of the Government Committee. This would just make it easier for our election commissioners and our election workers to make all elections the same way when it is a mail-in ballot, to do away with the secrecy envelopes for all of them. Thank you, Mr. President. [LB838]

SPEAKER FLOOD: Thank you, Senator Karpisek. Mr. Clerk. [LB838]

CLERK: Mr. President, I have nothing further pending to LB838. [LB838]

SPEAKER FLOOD: Senator McGill for a motion. [LB838]

SENATOR MCGILL: Mr. President, I move LB838 to E&R for engrossing. [LB838]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. LB838 is advanced to E&R for engrossing. [LB838]

CLERK: LB1045, Mr. President, no E&R. Senator Pankonin would move to amend with AM2406. (Legislative Journal page 998.) [LB1045]

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SPEAKER FLOOD: Senator Pankonin, you're recognized to open on AM2406. [LB1045]

SENATOR PANKONIN: Thank you again, Mr. President. As I stated in my opening earlier on LB1045, it was introduced to improve consumer protection for insurance policyholders at the time of renewal. After General File debate, Senator Lathrop proposed two changes to the bill--one to clarify procedure, and one to enhance consumer protection. AM2406 would address Senator Lathrop's proposals. The change in line 10 would clarify the need for both the named insured and the insurer to agree, in advance, if a change notice is sent in an electronic form. In line 13, the new language would give the named insured an opportunity, if needed, to refute the assumption that he or she received the change notice. I sincerely appreciate Senator Lathrop's interest in improving LB1045 and I request the adoption of AM2406. Thank you, Mr. President. [LB1045]

SPEAKER FLOOD: You've heard the opening on AM2406. There are no lights on. Senator Pankonin, you're recognized to close. Senator Pankonin waives closing. The question for the body is, should AM2406 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1045]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Pankonin's amendment. [LB1045]

SPEAKER FLOOD: AM2406 is adopted. Mr. Clerk. [LB1045]

CLERK: Nothing further on the bill, Mr. President. [LB1045]

SPEAKER FLOOD: Senator McGill for a motion. [LB1045]

SENATOR MCGILL: Mr. President, I move LB1045 to E&R for engrossing. [LB1045]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB1045 is advanced to E&R for engrossing. Mr. Clerk. [LB1045]

CLERK: Mr. President, I have a unanimous consent request from Senator Loudon to bracket LB17...I'm sorry, LB593, until April 17, 2008. [LB593]

SPEAKER FLOOD: Are there any objections? Seeing none, so ordered. Mr. Clerk. [LB593]

CLERK: Mr. President, LB727. Senator, I have no amendments to the bill. [LB727]

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SPEAKER FLOOD: Senator McGill for a motion. [LB727]

SENATOR MCGILL: Mr. President, I move LB727 to E&R for engrossing. [LB727]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB727 is advanced to E&R for engrossing. [LB727]

CLERK: LB1145, Senator, I have no amendments to the bill. [LB1145]

SPEAKER FLOOD: Senator McGill for a motion. [LB1145]

SENATOR MCGILL: Mr. President, I move LB1145 to E&R for engrossing. [LB1145]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. LB1145 is advanced to E&R for engrossing. [LB1145]

CLERK: LB1162, Senator, I have no amendments to the bill. [LB1162]

SPEAKER FLOOD: Senator McGill for a motion. [LB1162]

SENATOR MCGILL: Mr. President, I move LB1162 to E&R for engrossing. [LB1162]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. LB1162 is advanced to E&R for engrossing. [LB1162]

CLERK: LB972, Senator, I have no amendments to the bill. [LB972]

SPEAKER FLOOD: Senator McGill for a motion. [LB972]

SENATOR MCGILL: Mr. President, I move LB972 to E&R for engrossing. [LB972]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. LB972 advances to E&R for engrossing. [LB972]

CLERK: LB993, Senator, again I have no amendments to the bill. [LB993]

SPEAKER FLOOD: Senator McGill for a motion. [LB993]

SENATOR MCGILL: Mr. President, I move LB993 to E&R for engrossing. [LB993]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. LB993 is advanced to E&R for engrossing. [LB993]

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CLERK: LB1103, Senator, I have no amendments to the bill. [LB1103]

SPEAKER FLOOD: Senator McGill for a motion. [LB1103]

SENATOR MCGILL: Mr. President, I move LB1103 to E&R for engrossing. [LB1103]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. LB1103 is advanced to E&R for engrossing. [LB1103]

CLERK: LB710, Senator. I do have Enrollment and Review amendments. (ER8205, Legislative Journal page 968.) [LB710]

SPEAKER FLOOD: Senator McGill for a motion. [LB710]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB710]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The E&R amendments are adopted. [LB710]

CLERK: I have nothing further on LB710. [LB710]

SPEAKER FLOOD: Senator McGill for a motion. [LB710]

SENATOR MCGILL: Mr. President, I move LB710 to E&R for engrossing. [LB710]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB710 advances to E&R for engrossing. [LB710]

CLERK: LB1048, Senator, I do have Enrollment and Review amendments. (ER8203, Legislative Journal page 968.) [LB1048]

SPEAKER FLOOD: Senator McGill for a motion. [LB1048]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB1048]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The E&R amendments are adopted. [LB1048]

CLERK: I have nothing further on LB1048. [LB1048]

SPEAKER FLOOD: Senator McGill for a motion. [LB1048]

SENATOR MCGILL: Mr. President, I move LB1048 to E&R for engrossing. [LB1048]

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SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. LB1048 is advanced to E&R for engrossing. [LB1048]

CLERK: LB1048A, Senator, I have no amendments to the bill. [LB1048A]

SPEAKER FLOOD: Senator McGill for a motion. [LB1048A]

SENATOR MCGILL: Mr. President, I move LB1048A to E&R for engrossing. [LB1048A]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. LB1048A is advanced to E&R for engrossing. [LB1048A]

CLERK: LB1108, E&R amendments first of all, Senator. (ER8204, Legislative Journal page 968.) [LB1108]

SPEAKER FLOOD: Senator McGill for a motion. [LB1108]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB1108]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The E&R amendments are adopted. [LB1108]

CLERK: I have nothing further on LB1108. [LB1108]

SPEAKER FLOOD: Senator McGill for a motion. [LB1108]

SENATOR MCGILL: Mr. President, I move LB1108 to E&R for engrossing. [LB1108]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. LB1108 is advanced to E&R for engrossing. Mr. Clerk, any items for the record? [LB1108]

CLERK: None at this time, Mr. President.

SPEAKER FLOOD: We now proceed to General File. LB587, Mr. Clerk. [LB587]

CLERK: LB587 by Senator Cornett. (Read title.) Introduced on January 17 of last year, referred to the Appropriations Committee. The bill was reported to General File. [LB587]

SPEAKER FLOOD: Senator Cornett, you're recognized to open on LB587. [LB587]

SENATOR CORNETT: Thank you, Mr. President, members of the body. LB587 would

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remove the statutory cap enacted by the Legislature as part of LB11, passed during the 2002 Second Special Session, which prohibits appropriations to county jail reimbursement program in excess of \$3.9 million. I offer this legislation for two reasons: first, in order to remove the provision which prohibits the Legislature from funding county jail reimbursement at a level in excess of \$3.9 million; and second, to provide direct property tax relief to all Nebraskans. Each year counties across the state of Nebraska seek reimbursement from the Department of Corrections for the prisoners held in county correctional facilities at a rate of \$35 per day. This amount is less than half the amount it actually costs counties. According to a study completed of Nebraska jails, the cost of housing prisoners, the actual cost to counties of housing prisoners is in the range of \$78 per day. I am providing the body with a handout from the Sarpy County Sheriff's Office which details the history of my counties being reimbursed by the Department of Corrections. You will note that it shows the entire history of the program which came online only a few years ago. I would draw attention of the body to the second page of the handout. Please note that in 2005, Sarpy County was denied payments exceeding \$80,000, which was more than half the amount sought for reimbursement. I am also providing the body a handout which details the reimbursement to counties throughout the state for fiscal year 2007. In my opinion, reimbursing counties for prisoners held at the county level is real county property tax relief. While counties agreed in 2002 to be part of the solution while solving the state's budget woes, we as a state are now in a better position to make good on the promises we made to counties throughout the state of Nebraska. Thank you, Mr. President and members of the body, for your time. I would especially like to thank Senator Aguilar for prioritizing LB587. And I would yield the rest of my time to him, but...with that, I will conclude my opening remarks. [LB587]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the opening on LB587. The floor is now open for discussion. Those wishing to speak, we have Senator White and Senator Chambers. Senator White, you're recognized. [LB587]

SENATOR WHITE: Thank you, Mr. President. I rise in support of this. Over the years I've represented a number of prisoners incarcerated in counties. I have witnessed some truly horrifying treatment. Sometimes that treatment is because of prejudice, sometimes that treatment is because of ignorance, and sometimes that treatment is because they don't have enough money to do the right thing. The last case is particularly apparent with prisoners who have medical conditions, either because of mental disease or physical disease. I have recounted in the past on this floor instances where people had serious infections arising out of the placement of a pacemaker to the point where the wires of the pacemaker were being extruded from the body and yet denied medical care. I've seen profound dental problems and yet no treatment. I've seen hypertension, asthma, Graves' disease, and other diseases go untreated, and underneath it is

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because the sheriff who ran the county jail was under pressure to keep down the cost of providing medical care to prisoners. An enormous number of these prisoners are actually held by the state. Often, if you've ever noticed as we go through a session, certain phrases become popular on the floor, and you hear them repeated; I use them, others use them, we repeat them over and over again. One of them I noted this session is unfunded mandate. We have condemned roundly unfunded mandates. And if you want to know what, in the opinion of a lot of the county commissioners that I've spoke to, is the most onerous, expensive, grating unfunded mandate in the host of those that we have, it is the lack of proper payment for housing state prisoners at the county expense. Not only do we require the counties to house them, we also set the standards under which they must be housed. And then knowing those standards and knowing the cost we deliberately and consciously refuse to pay them. There's no question that there is no free lunch. In this case the tab lands on the homeowners in the counties which house the prisoners. I support this bill and ask all of you, if you have questions about it, to contact the county commissioners in your own district and see what their opinions are. I think you will find that they also strongly support the bill and ask that this cap be lifted. I also suggest to you we will save money, again, by preventing and hopefully moving towards eliminating the misuse and abuse of prisoners, the failure to provide them the health obligations that we are required to do under the constitution. Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator White. Senator Chambers, you are recognized. [LB587]

SENATOR CHAMBERS: Mr. President, members of the Legislature, here we go again. This is a bill that I do not like now, I have never liked it, and I will never like it. I notice, in looking at the committee statement, that Senator Heidemann voted no, Senator Harms voted no, Senator Fulton voted no, Senator Engel voted no. Usually when you get four intelligent people in a small area they carry the day. But it didn't happen this time because we had five people who went to sleep at the switch. I'd like to ask Senator Heidemann a question. Is he here? [LB587]

SENATOR LANGEMEIER: Senator Heidemann, would you yield? [LB587]

SENATOR HEIDMANN: Yes. [LB587]

SENATOR CHAMBERS: Senator Heidemann, would you mind stating your reason for opposing the advancement of this bill? [LB587]

SENATOR HEIDEMANN: I think there's a lot of confusion on jail reimbursement and the obligation to the state. And sometimes I get frustrated with people coming in and making demands on us, not knowing what the true obligation to the state is with jail reimbursement. And it would probably be my reluctance then to take the cap off to

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almost expand what I would call confusion. [LB587]

SENATOR CHAMBERS: And the way the bill is drafted there would be no limit whatsoever on reimbursement, would there? [LB587]

SENATOR HEIDEMANN: No, we're estimating, I think, it's close to \$4 million that will...the state would be obligated to if this cap would be off. It's still...the law states up to the amount appropriated, so it would be up to the Appropriations Committee to set the amount appropriated. [LB587]

SENATOR CHAMBERS: But the argument could be made, if this language is removed, that any and every expenditure that a county wanted to say ought to be reimbursed could at least be argued. And if enough clout were available, a virtually unlimited amount could be reimbursed to these counties. [LB587]

SENATOR HEIDEMANN: I think there also, if I remember right, there's a \$35 a day cap on it, so that would somewhat limit it. But it would probably be the next thing that they would want to come in and remove the \$35 cap also. [LB587]

SENATOR CHAMBERS: Senator Heidemann, was this before the Appropriations Committee? [LB587]

SENATOR HEIDEMANN: Yes. [LB587]

SENATOR CHAMBERS: And you're the Chairperson? [LB587]

SENATOR HEIDEMANN: Yes. [LB587]

SENATOR CHAMBERS: Thank you. Here's a little rhyme that I put together. Two things I thought I'd never witness--first, a wild horse ride a man, the second even more remarkable, mutiny on the Heidemann. (Laughter) This is worse than Mutiny on the Bounty. Members of the Legislature, to some extent these counties have some control over how long a person remains in their jail. They control completely charges that are brought, the convictions that occur, and how long they hold a person in their jail. There are some county sheriffs who hold people in jail beyond the time necessary to get them down to the Penitentiary because it's a moneymaker. But I think it is not a wise policy to undertake to do what this bill again is trying to do. And as long as I'm here, I'm going to fight against this being done. Because I dislike this bill so much, I'm going to offer amendments to reduce the amount that currently is available. I'm going to start with that \$35 a day and attempt to reduce it to \$30 a day, but leave the requirement on the counties that they meet all of the necessities of the inmates. The only thing that will change is that the state is not going to reimburse them. They've got to meet the needs of those prisoners. And if the county wants to keep bringing this bill back, they need to

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know that they run the risk of getting the opposite of what it is they're trying to procure. I'd like to ask Senator Aguilar a question, if he would answer. [LB587]

SENATOR LANGEMEIER: Senator Aguilar, and 30 seconds. [LB587]

SENATOR AGUILAR: Yes, I would. [LB587]

SENATOR CHAMBERS: And, Senator, I think this could be answered in less time than that. Did you attend the hearing on this bill? [LB587]

SENATOR AGUILAR: No, I didn't. [LB587]

SENATOR CHAMBERS: Thank you. That's all I have at this point, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Those wishing to speak we have Senator Louden, Aguilar, Stuthman, Fulton, Cornett, Carlson, and Chambers. Senator Louden, you're recognized. [LB587]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. Some of the discussion between Senator Chambers and Senator Heidemann probably answered some of the questions, but I do have another question or two. I wondered if Senator Cornett would be willing to answer a question for me. [LB587]

SENATOR LANGEMEIER: Senator Cornett, would you yield to a question from Senator Louden? [LB587]

SENATOR CORNETT: Yes. [LB587]

SENATOR LOUDEN: Do you recall when this cap was put on this jail fee? Was that part of that 2003 situation, when the state didn't have much money but that cap hasn't always been there. Do you know? [LB587]

SENATOR CORNETT: This was originally enacted in 1998. The cap was put on in 2002 as part of a budget deficit. It was when the state was in trouble for money. And when it was put on, it was with the agreement, and I have copies of the transcript, that when the state was financially able that they would remove the statutory cap or change it back to what it originally was or remove it. [LB587]

SENATOR LOUDEN: Very good. That was the answer that I thought it was, and I'm glad you have that answer like that for the record. This is something that we were supposed to put back on, I remember in the 2003, back in those days like that, and they put the cap on there. And ever since then the counties usually run out of money along in

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about September or so. And they've always been told to go ahead and keep track of how much they would have had if it was in service. I think Senator Stuthman and myself have brought this forward from time to time to get some of our counties reimbursed for that. One other question that perhaps Senator Cornett could answer for me, if she would. Right now it's at \$35 a day, is that correct? [LB587]

SENATOR CORNETT: Yes. [LB587]

SENATOR LOUDEN: And what does it cost the state? I guess what I'm getting to, the state will be willing to leave those people in the county jails for \$35 a day because it costs them more than that, doesn't it, into the...when they go into the state institutions? [LB587]

SENATOR CORNETT: Considerably more. The \$35 a day rate is less than half of what it actually costs to house a prisoner in a county facility. [LB587]

SENATOR LOUDEN: Right. And that's part of the problem there's always been. There's times the state isn't in a real big hurry to go and pick those prisoners up or bring them down to state institutions, because when they do, the cost of jail will go up. So I think it's something that needs to be done, the cap is taken off of there. Sure, it's going to cost more money. The agreement was back in 2002 and 2003 that we would adjust that. And with that, I would...I guess I don't have any more questions with it. But I will support the bill. And if Senator Cornett wants the remainder of my time, she may have it, if she so desires. [LB587]

SENATOR LANGEMEIER: A minute, fifty. [LB587]

SENATOR CORNETT: Thank you very much, Senator Louden. There is one thing that I do want to clarify. There is some confusion. It is the county that is responsible for transporting the prisoner to a state facility upon...when they are convicted. But it's the...with the way the bill...or the current law it is...it goes back to the date of incarceration, upon conviction. So that is where we're running into the real deficit. Thank you. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Cornett and Senator Louden. Senator Aguilar, you're recognized. [LB587]

SENATOR AGUILAR: Thank you, Mr. President, members. Before I give you a little bit of history on this, I want to speak directly to one of the comments Senator Chambers made. And I completely understand where he is on this and respect his hatred for the bill. But quite frankly, he made a comment about the fact that four of the Appropriations Committee voted no on this bill. Ironically, I think that's kind of unique that we actually got the Appropriations Committee to split a vote on anything. They've been in lockstep

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on anything...on everything. So that should tell you that five members of this appreciate the need and understands why we need to put this...get this cap removed. The original legislation was created...the jail reimbursement statute was LB695 by Senator Cudaback, back in 1998. The original bill called for \$5.5 million. But by the time it was implemented in the first year, 2001-2002, the appropriation was \$6.8 million. In 2002, when declining revenues forced massive budget cuts, it was one of the many programs cut. In the First Special Session, the appropriation was cut to \$4 million. In the Second Special Session, the appropriation was reduced to \$3.9 million and capped, and that's where it remains today. And the thank you for the state helping out, they left that cap in place. And that's what is wrong. There's a responsibility to pay that, it's the responsibility of the state. I don't agree with what Senator Heidemann is saying. This was put in place for one specific reason, to help counties reduce property tax. And if you look at the handout that I passed around, on the back side it shows each one of you senators how much money your county is losing because of these payments not being made. In Hall County alone \$291,404, over a quarter of a million dollars. I said that wrong. It's over a quarter of a million dollars. And to put it in more tangible terms, and you can extrapolate this to your own counties, that's \$7.20 in property taxes for \$100,000 valuation on a home. I reiterate, this is something that I feel strongly that we owe, we need to pay it. We can't go back to our district and say we've done everything that we possibly can do to reduce property tax and not get rid of this cap. I remind you, there's no fiscal impact. This only removes the cap of the appropriation. There's no new appropriation at this time. And it does not open the door for future increases when the Appropriations Committee and the Legislature feel it can fulfill that 1998 promise. I remind you, the Appropriations Committee has the right to recommend to us the amount that they pay. This only removes the caps and takes away their argument that it's in statute, and therefore they cannot pay anymore than \$3.9 million. That's all for now. Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. Senator Stuthman, you're recognized, followed by Senator Fulton. [LB587]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I will agree with a lot of the comments that Senator Aguilar had. I was on the county board at the time that this reimbursement from the state was enacted in 1998. And there was a cap that was put on it, and that was a cap to say that the state would only fund it up to that amount. Well, up until the present time right now it has never been funded up to that amount. The cap...they never reached that point. But...and in the statute it is that the county was supposed to get reimbursed \$35 a day, and at the present time it costs about \$78 a day to house a prisoner of the state. And when the Appropriations Committee allocated so many dollars to the program, which was always under that cap, it came to the amount of about half of the cost to the county. And I'll explain that. They would pay \$35 a day for the first quarter, and maybe the second quarter. The third and fourth quarter they wouldn't get anything. So half of the year they would not be

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reimbursed. So when it comes really down to it, what the state was paying on these inmates of the state at the county level for housing them came to about half of that \$35, which the \$35 is only half of the real cost of the inmate because of the fact that they would only paying up to that cap part, which they never did even get up to that cap figure. So the cap, in my opinion, is something that they never, never utilized. They never came up to that amount, they didn't use that as a dollar figure that that's all they were going to pay. So I think the cap is immaterial. The real cost to the counties is that \$78 a day for the state inmates. But in statute it states that they're only being paid \$35 a day. But reality is they're only paying half of that \$35, when you take into consideration the amount of inmates that they have throughout the year. So the county, with a cost of \$78, at the present time is being reimbursed about \$17 a day. So the county, the property owners of the county, is assessed \$60 a day to house those inmates, and that is property tax. That is genuine property tax that is assessed to the property owners of the county that is housing the inmates of the state of Nebraska. The...to me the cap is immaterial. They've never come up to that cap part, too, so we might just as well remove that cap because I think the real intent of the bill in 1998 was to fund the counties \$35 a day for the inmates. And that was supposed to be property tax relief. But it has never been attained at that goal. It's been about half of that part. So I do support this bill and I think we need to pass that. Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Fulton, you're recognized. [LB587]

SENATOR FULTON: Thank you, Mr. President. If you read the committee statement, indeed one can see who voted for and against. And I was one of those who voted no on the bill, and I have some responsibility to explain why. I'm learning a little bit more about how LB695 was passed and the reasons why in 1998, so we'll...it seems to me that we're going to be spending a little bit of time going over elements of 1998. So we're talking about losing institutional memory. Well, here's an example where we have to spend time and expend time to learn. I guess I look at this by way of a continuation. At some point in the past it was decided that this is a proper mechanism by which the state could provide relief to the counties. If the intention of LB695 in 1998 was to express that the state has full responsibility for those prisoners that are incarcerated at the county level, then it seems to me that's what the statute would have said. That wasn't the case. I'm going to...I have...I do have a copy of that old...of that bill and it has become law, LB695 from 1998. But logically looking back into history it seems that if the state was to have the entirety of financial responsibility, it would have been expressed such. That there is a cap expresses there was a cap for a reason. My understanding of LB695 in 1998 was that it was a means to provide some property tax relief, which I think we should all agree with. It was not an expression that the state has responsibility for prisoners from the time of arrest all the way through conviction. Perhaps I'm wrong about that. Again, I wasn't here, and frankly, I wasn't paying attention to this in 1998. But it seems to me that the cap exists for a reason. So I...my friend is here, Senator

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Aguilar; we're on opposing sides of this bill. As a courtesy I'll yield some time, my time to Senator Aguilar, but that's the question that I pose. [LB587]

SENATOR LANGEMEIER: Senator Aguilar, 2:40. [LB587]

SENATOR AGUILAR: Thank you, Mr. President. Thank you, Senator Fulton, I appreciate that. Because the one thing I do want to say in regard to what you just said was when they put that appropriation in place to help counties reduce property tax, it was for \$6.8 million. And then the financial crunch hit, the recession hit. And then they went back and said, this is a way we can reduce some of the pressure of that. We can lower that. Now I don't know how you feel, but I feel the state has an obligation when times are better to put that back where it started off, to where it was intended to be, at least at the \$6.8 million. By removing the cap that would allow that to happen. One comment I want to make to Senator Chambers. I know he has an amendment coming up to reduce it to \$30, the daily thing. We're not asking for an increase in the daily allotment. Quite frankly, counties are losing money at \$35 a day; they are losing money. So we're not going to try to keep prisoners any longer than we have to at that rate. It would be business foolish. We want to get them back to the state where they are supposed to be in the first place, as state prisoners, as quickly as possible. We for no reason would ever try to keep a prisoner longer than necessary. It would just be financially foolish. Secondly on that same point, I would tell you at \$35 a day, if you read in the paper this year at the beginning of session, there was an article where Governor Heineman went to the federal government and said, we need to be charging you \$75 a day... [LB587]

SENATOR LANGEMEIER: One minute. [LB587]

SENATOR AGUILAR: ...for housing prisoners at the state level. So he sees the need, he sees the importance and the cost of housing these prisoners; it's \$75 a day. The counties only get \$35. I think it's only right they get that much, and I think it's only right that we get rid of this cap, put the appropriation back where it is. Appropriation Committee still has every opportunity to say yea or nay. If we're in a bad year, they can recommend a lesser amount; if we're in a good year, then I think it should be a full appropriation. It's as simple as that. The body has final say so on everything. This is not a mandate. Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Aguilar and Senator Fulton. Senator Cornett, you're recognized. Senator Cornett, you are recognized. [LB587]

SENATOR CORNETT: Thank you very much. There are a few points that I want to make, but first Senator Heidemann and I have had a discussion and he said that even if we remove the cap, the Appropriations Committee has the ability to appropriate how much money they feel is necessary in any given year. The cap is set at \$3.9 million

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now. They have not met that cap. And I believe it was \$3.4 million that was actually reimbursed to the counties last year. But on a humorous note, Senator Heidemann pointed out if we actually remove the cap we're going to make his life as Appropriations Chair hell, is I believe what he said. So if that sways any no votes in here...(laugh). In regards to Senator Fulton's remarks, when...in '89 when this was enacted, it was felt that the state was responsible for these prisoners from the time of incarceration. And then in 2002, with the crunch, the state brought the counties in and said, we need to do something. And the counties agreed to take a reduction and set that cap at \$3.9 million with the guarantee that that would be removed when the state was in better times financially. I have done quite a bit of research on this and have all the transcripts from all of the floor debates and committee hearings over the period of time since the debate originally began in '89, and for Senator Fulton's benefit, in the Special Session, August 7, 2002, when this bill...when the cap was being discussed, legislative intent on this floor was very clear as to what...that that cap should be removed. I'm going to read you one sentence--this was Senator Cudaback speaking on the mike. The cap, whatever, down the road when the dollars are there they need to be there. Everybody understands what they do and it is an obligation of the state to provide for the circumstances as laid out in LB695 and LB11. So I do support LB11 and I hope and pray it works out the way it was intended to work. Legislative intent as to what was to occur when we were out of a recession was very clearly stated on this floor. We have an Attorney General's Opinion, it's a request for an opinion and an answer, that I would be happy to provide to Senator Fulton. I don't really see any point in reading it into the record, but if anyone would like to read that, I do have a copy of that and would be happy to provide it in regards to the intent of LB695. Thank you very much. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Cornett. Mr. Clerk, for a motion. [LB587]

CLERK: Mr. President, Senator Chambers would move to amend with FA265.  
(Legislative Journal page 1280.) [LB587]

SENATOR LANGEMEIER: Senator Chambers, you're recognized to open on FA265.  
[LB587]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, in the interest of trying to show how accommodating I am, I'm offering an amendment. In the green copy of the bill, if you turn to page 4, you will see where some existing language will be stricken. What I'm going to do is...in effect, this is my amendment. It will reinstate that stricken language with the exception of \$10,000. In other words, I'm reducing that amount by \$10,000. I will reinstate the cap by declaring the amount shall not exceed \$3,900,000. I will strike \$10,000 from that amount. I'm reducing it by \$10,000 to show you what I think of this bill. As for what Senator Cornett read, she was reading the comments of Senator Cudaback, who had worked to try to do what the counties wanted. So all he's doing is stating what's being stated now as an argument to get more money

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for the counties. He was not expressing the understanding of members of the Legislature. He said he was hoping, he was praying that a certain event or occurrence would take place. It is clear, as Senator Fulton pointed out, that this was designed to offer some property tax relief to the counties. I'd like to ask Senator Aguilar a question. [LB587]

SENATOR LANGEMEIER: Senator Aguilar, would you yield? [LB587]

SENATOR AGUILAR: Yes, I will. [LB587]

SENATOR CHAMBERS: Senator Aguilar, would you be in favor of the counties no longer being in charge of their jails and all county jails come under the jurisdiction of the state, and the counties have no responsibility whatsoever for those county jails? No county employees would work there. The sheriff would have nothing to do with running it, and it would be completely under the jurisdiction of the State Department of Correctional Services. Would you be in favor of that? [LB587]

SENATOR AGUILAR: Let me ask you a question. Are the state paying all the bills? [LB587]

SENATOR CHAMBERS: The state would take care of everything. It would be totally within the jurisdiction of the state. And those prisoners would not be moved from that jail, they would stay right there because they are state prisoners and that's a state facility. Would you be in favor of that? And the county is out of it. [LB587]

SENATOR AGUILAR: Well, I'd certainly have to think about that. But it does sound intriguing to me from that perspective. And let me add to that, if I may, and point out that you talked about our sheriff having nothing to do with it. Our county sheriff doesn't oversee our jail anymore. [LB587]

SENATOR CHAMBERS: Well, in some counties they do. And there would be no county director of corrections. The county would have nothing to say. I'd like to ask Senator Cornett, if she's available, a question or two. [LB587]

SENATOR LANGEMEIER: Senator Cornett, would you yield? [LB587]

SENATOR CORNETT: Yes. [LB587]

SENATOR CHAMBERS: Senator Cornett, do you agree, because you had touched on it, when we look at the language of the existing law, this reimbursement kicks in after sentencing. And you can see on page 2, in line 10, after sentencing, if a prisoner is a state prisoner, the state shall reimburse the county where the state prisoner was or is maintained in that facility at the rate of \$35 per day for each day the prisoner was

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maintained. So that reimbursement is to start after sentencing, not after arrest, not during the trial, not after conviction, but after sentencing. Do you agree that's what the language says? [LB587]

SENATOR CORNETT: The language states that here in this, we have an AG...and I know this is going to open a can of worms when I say the AG, but under LB695 it says the obligation starts from the time of incarceration but upon conviction. When they're convicted it goes back to the time of incarceration. [LB587]

SENATOR CHAMBERS: But what does the language in this provision, this statute that we're dealing with, say? It says, after sentencing that the reimbursement at \$35 per day will occur. That's what the language of the statute says. And what you're reading is an Attorney General's Opinion relative to the meaning of that language. Is that correct? [LB587]

SENATOR CORNETT: That is correct. But the interpretation of that was upon conviction it would go back to the time of incarceration. [LB587]

SENATOR CHAMBERS: But this doesn't even talk about conviction. This talks about sentencing. [LB587]

SENATOR CORNETT: Sentencing, yes. [LB587]

SENATOR CHAMBERS: Oh, okay. So it did say after sentencing, in his opinion? [LB587]

SENATOR CORNETT: I'd have to look, let me double check, I've got it right here for you. Would you like me to provide you with a copy of that? [LB587]

SENATOR CHAMBERS: No, that's all right, because I have something I want to continue with Senator Aguilar. Well, let me not inject you at this point, because that might require a separate discussion on that opinion. But here's the question I would like to ask Senator Aguilar, if he's willing to answer. [LB587]

SENATOR LANGEMEIER: Senator Aguilar, would you yield? [LB587]

SENATOR AGUILAR: I will. [LB587]

SENATOR CHAMBERS: Senator Aguilar, let's assume that what I'm saying is correct and the reimbursement starts after sentencing. What is there to prevent the sheriff from immediately transporting that prisoner to the state facilities? [LB587]

SENATOR AGUILAR: There has to be an opening for him to transport him to. There

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has to be somebody willing to receive him. [LB587]

SENATOR CHAMBERS: Have there been instances when the State Department of Corrections said, we cannot receive this prisoner and you've got to keep holding him or her? [LB587]

SENATOR AGUILAR: I'm sure there has, Senator. [LB587]

SENATOR CHAMBERS: But do you know of any? [LB587]

SENATOR AGUILAR: I can't list you a specific example. But I can get that information. [LB587]

SENATOR CHAMBERS: Suppose we said that this reimbursement would occur starting with sentencing, provided that the prisoner is not retained in that facility due to lack of space in a state facility. Suppose something like that were written; would you like that? Here's what I'm saying,... [LB587]

SENATOR AGUILAR: I would have to ask you what the options would be, Senator. [LB587]

SENATOR CHAMBERS: Well, as soon as the state would declare to a county that a prisoner you are prepared to transport here, we don't have space to receive that prisoner right now, so you have to keep the prisoner there. As soon as that declaration is made by the state, that's when the reimbursement starts, because that's when the person becomes a state prisoner. So if the state says we can't receive that person, the reimbursement starts from that point. If the county is just shilly-shallying, dilly dallying and not taking the person...the prisoner, that prisoner's upkeep is on the county. [LB587]

SENATOR AGUILAR: I think I would be somewhat comfortable with that. I would like to see some limitations on how long the state waits to prosecute that specific case. In other words, I wouldn't want that person held in jail for six months waiting for a court date. [LB587]

SENATOR CHAMBERS: Well, that's up to the county. The county, although they prosecute in the name of the state, the county attorney is the one who's going to prosecute the person. So it's either the county attorney, or if the county attorney asked the city attorney or somebody else to do it, it's still under control of the county. [LB587]

SENATOR AGUILAR: I would answer that by saying I am a lot more comfortable with that than what's in place now. [LB587]

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SENATOR LANGEMEIER: One minute. [LB587]

SENATOR AGUILAR: You know the problem, of course, is I cannot speak for my county, but... [LB587]

SENATOR CHAMBERS: Well, let me ask you this,... [LB587]

SENATOR AGUILAR: ...at first blush it doesn't sound all that bad, Senator. [LB587]

SENATOR CHAMBERS: ...if the amount of \$35 is a sticking point, no matter what the ultimate cap is, why don't the counties ask to increase that \$35 per day? Because they know the state is not going to do that, don't they? [LB587]

SENATOR AGUILAR: Because they'd have to go through Senator Heidemann. [LB587]

SENATOR CHAMBERS: And they know...or whoever was Chair of the Appropriations Committee. And that's not going to happen, is it? [LB587]

SENATOR AGUILAR: That's been the history. [LB587]

SENATOR CHAMBERS: So we're going to still have them whining and complaining because they don't like what's happening, huh? Isn't that what we're going to have? Our time is up. [LB587]

SENATOR AGUILAR: They're very good whiners. [LB587]

SENATOR CHAMBERS: (Laugh) Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Chambers. You have heard the opening on FA265 offered to LB587. The floor is now open for discussion. Those wishing to speak we have Senator Chambers, Aguilar, Heidemann, Stuthman, Fulton, and others. Senator Chambers, you're recognized. [LB587]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to talk now with Senator Stuthman, if he'll answer a question or two. [LB587]

SENATOR LANGEMEIER: Senator Stuthman, would you yield? [LB587]

SENATOR STUTHMAN: Yes. [LB587]

SENATOR CHAMBERS: Senator Stuthman, you have talked about this \$35 per day not being adequate to cover the actual cost of maintaining the prisoner, correct? [LB587]

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SENATOR STUTHMAN: Yes, that is very true. [LB587]

SENATOR CHAMBERS: I will now ask you, why have not those counties which you are advocating for so vociferously, so ferociously, so zealously trying to increase that amount from \$35 to whatever they think is the amount? [LB587]

SENATOR CHAMBERS: Because the counties feel that it is not the duty of the property owners to pay for the inmates of the state of Nebraska, which is a cost at the present time of \$78 to house those inmates. [LB587]

SENATOR CHAMBERS: So why...here's what I'm asking you, why are the counties not asking that that \$35 per day limit be raised to \$78 per day? Why are not the counties in here asking for that? [LB587]

SENATOR STUTHMAN: I think the counties are taking the approach at the present time to eliminate that cap. And then hopefully, hopefully, to increase the amount per day. But we're only...in the statute it's \$35 a day, but we're only receiving actually about \$17 a day when you figure the whole year. We only get paid half the year, because then the money runs out. [LB587]

SENATOR CHAMBERS: And they prorate, but here's what I'm asking you, and you don't want to answer the question. Why are not...I'll ask Senator Aguilar. He said he'll respond. [LB587]

SENATOR STUTHMAN: Okay, thank you. [LB587]

SENATOR LANGEMEIER: Senator Aguilar. [LB587]

SENATOR CHAMBERS: Senator Aguilar is going to bite the bullet and respond. Senator Aguilar, why are not the counties asking to raise this \$35 per day limit to \$78? [LB587]

SENATOR AGUILAR: This is only my own personal opinion, but all that would mean is from that \$3.9 million cap it would run out that much quicker. [LB587]

SENATOR CHAMBERS: But that's not the point really. If the complaint is that \$35 a day is not enough, then they should ask for the amount that they say should really be here. And here's another question I will ask you. Doesn't the amount of money that a county receive depend, to some extent, on when the county files for that money? [LB587]

SENATOR AGUILAR: That's exactly right. And the sooner they file for that money, the more apt they are to get reimbursed. It's more or less based on a first come, first served. And I can assure you that our county is one of the first ones to apply because

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we have such a large amount of reimbursements. [LB587]

SENATOR CHAMBERS: But you don't know what these other counties are doing, do you? [LB587]

SENATOR AGUILAR: Actually, I do, because they've complained about not getting paid before. They've come through my office. And so when we did the research, at one point in time a couple of years ago the state said, well, Hall County could get a little more money if they applied for it a little sooner. That has since been corrected, and now at the first opportunity they have to apply they do so. [LB587]

SENATOR CHAMBERS: Every county does that. Is that what you're saying? [LB587]

SENATOR AGUILAR: Hall County does that, yes, sir. [LB587]

SENATOR CHAMBERS: And so they're really competing against each other for this money. They're scrapping for this money. [LB587]

SENATOR AGUILAR: Correct, as they do for every dollar, no matter what the reimbursement is for. [LB587]

SENATOR CHAMBERS: So even if we remove the cap, and we leave the \$35 per day there, there's no assurance that they're going to get any more or even as much as they're getting now, is there? [LB587]

SENATOR AGUILAR: Of course there is not. But like I said, in good years it's very likely that the Appropriations Committee, in their benevolence, would see clear to say, this was originally meant to be \$6.9 million, maybe we could at least go to that figure. [LB587]

SENATOR CHAMBERS: But, Senator Aguilar, in order for people who may not understand how this works, I'm going to state some things so it's clear what we're talking about. [LB587]

SENATOR LANGEMEIER: One minute. [LB587]

SENATOR CHAMBERS: No matter what the amount is per day, no matter what the total amount is that can be reclaimed or reimbursed in this set of circumstances, the Appropriations Committee can ignore that and appropriate nothing and the counties would get zero reimbursement. Isn't that true? [LB587]

SENATOR AGUILAR: That's exactly right. [LB587]

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SENATOR CHAMBERS: So this really is designed to give property tax relief to the counties when the counties can persuade the Appropriations Committee to do that; isn't that what it amounts to? [LB587]

SENATOR AGUILAR: That's exactly the opportunity they're requesting. [LB587]

SENATOR CHAMBERS: And property taxes are levied locally, spent locally, and so forth. It's completely local, isn't that true? [LB587]

SENATOR AGUILAR: That part is, yes. [LB587]

SENATOR CHAMBERS: And they want the state to assume some of that local property tax revenue responsibility through this bill, isn't that correct? [LB587]

SENATOR AGUILAR: They want the state to do exactly what they intended to do back when the original legislation was introduced. [LB587]

SENATOR CHAMBERS: They want to shift some local property tax liability onto the state, isn't that what they're really asking for? [LB587]

SENATOR LANGEMEIER: Time. [LB587]

SENATOR CHAMBERS: Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Chambers. And Senator Aguilar, you are recognized. [LB587]

SENATOR AGUILAR: I'll waive my... [LB587]

SENATOR LANGEMEIER: Senator Aguilar waives. Senator Heidemann, you are recognized, followed by Senator Stuthman. [LB587]

SENATOR HEIDEMANN: Thank you, Mr. President, fellow members. I would like, if Senator Cornett would yield to a couple questions. [LB587]

SENATOR LANGEMEIER: Senator Cornett, would you yield? [LB587]

SENATOR CORNETT: Yes, I will. [LB587]

SENATOR HEIDEMANN: One of the things, when this was enacted back in 1998, LB695, there was two parts of that bill, wasn't there, Senator Cornett? [LB587]

SENATOR CORNETT: Yes, there were. [LB587]

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SENATOR HEIDEMANN: And what was the other part? [LB587]

SENATOR CORNETT: It was for property tax relief to counties that didn't have jails. It was...it was a multifaceted bill. One part was the jail reimbursement. The other one was property tax relief for the counties because of the levy limits. [LB587]

SENATOR HEIDEMANN: And your concern, bringing this jail reimbursement, is that you want to get these counties the money that was, as Senator Aguilar said, it was promised to them. Is that correct? [LB587]

SENATOR CORNETT: My concern is that a lot of our counties are up against their levy limits, and they don't have the money to reimburse the prisoners. They're having to override...you know, you'll see levy overrides. This was an obligation that the state felt that it had in '89 to the counties, to help them in a form of direct property tax relief to the counties. [LB587]

SENATOR HEIDEMANN: If your concern is property tax relief then why wasn't the other side of this, when this bill was passed, LB695 with the county property tax relief, wouldn't it be proper then to talk about county property tax relief along with jail reimbursement? Why just do part of it? [LB587]

SENATOR CORNETT: I am...I just chose this part to work on because it was something that was directly addressed in the 2002 Special Session. That was why we focused on this. But property tax relief and relief to counties is something that we do, as a Legislature, need to look at as a whole. [LB587]

SENATOR HEIDEMANN: Would it be in your opinion, Senator, that maybe we ought to back away from...there's state aid to counties, there's jail reimbursement, there's county property tax relief. Would it be your thought maybe we ought to back away and look about how we help counties out dealing with the levy lids and property tax relief? Would there be a better way maybe to do it all? [LB587]

SENATOR CORNETT: I'm not arguing that there might not be a better way to do it all. I know that Senator Dubas has a study to look at how we fund our counties from the state level, as an interim study over the summer. What this bill is about is reversing what we did in 2002. And with that study that is...we're going to look at this summer, then I would be more than happy to bring back the issue of tax relief to counties or relief to counties in the way of property tax with the results of that study. [LB587]

SENATOR HEIDEMANN: You know, the other...well, I appreciate that thought that maybe we could step back this summer and to look at the whole way we help counties out. But also I want to point out in 2002 we totally cut out county property tax relief

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program. And it was said at that time that it would be fully funded, I think, in 2004 or 2005. And it was still zero at 2005 and 2006. And I believe in 2006-2007 we actually came back in and started funding it at a limited portion. Does that concern you at all? Because there was a promise in 2002 to bring that thing back up to where it needed to be. But it never was for four years at all. [LB587]

SENATOR CORNETT: What...what...my point here is... [LB587]

SENATOR LANGEMEIER: One minute. [LB587]

SENATOR CORNETT: ...that what you're talking about and it not being funded, there is no cap. There is a cap on jail reimbursement. If you want...this bill is to remove the cap of \$3.9 million, and then it would be up to the Appropriations Committee to fund jail reimbursement and to fund what you are talking about. [LB587]

SENATOR HEIDEMANN: Thank you, Senator Cornett. I think my time is about running out. We'll talk again later. Thank you. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Heidemann. Senator Stuthman, you're recognized, followed by Senator Fulton. [LB587]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I think I want to get a couple of things clear on the record. Counties, you know, are responsible for their prisoners, the county inmates that are residents of the county. They're...the taxpayers are paying for the incarceration of the county inmates. We have no problem with that. The thing that we have a problem with on the county level is the fact that the state inmates, the ones that are the state prisoners and that the county is housing those state inmates. And the reason the counties are housing those state inmates is because the state, you know, maybe don't have enough room for them. In the information I had just received lately was the fact that most of the state facilities are at 150 percent of capacity at the present time. And some of these are left, you know, in the county until there is room, you know, on the state level. So the county, they're supportive of theirs. But the county property taxpayers are paying for over half of the cost. Well, it's actually three-fourths of the cost of the state responsibility inmates that are housed in the county facilities. But I want to talk a little bit about now the idea that Senator Chambers did bring up the fact that...he had asked the question, you know, would you be willing to have the state, you know, take care of everything, the facilities? I think that's a very good idea. I think the counties would be glad to release...to lease out their facilities to the state of Nebraska; the state of Nebraska would maintain the facilities, would have all of the employees, all of the workers in the facilities. And then the county would have an intent to reimburse the state at \$35 a day to house the county inmates. That would really be property tax relief. I mean it's the same in the other set of figures. And then maybe the county would decide they'd only pay for half of the year of their county

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inmates, and the state would be responsible for the cost of the balance of the year, just as it is in reverse right now. I think that's something that we should take a look at. But I think if you really looked at what the real cost to the Appropriations Committee would be, it would be huge for leasing these facilities from the county, manning them, staffing them, and then paying that \$78 a day what it costs for their own prisoners, and then half of the county prisoners, too, because the county would only be able to give them the \$35 a day, because that would be the budgetary process of the county. They feel they would only reimburse them for that amount. I think this is something...this bill needs to be passed because it eliminates the cap. And the cap is something that is an imaginary line as to we will only fund it up to that amount of dollars, which is not in responsibility to what is in statute, the \$35 a day. If we went up to the \$35 a day, it...I think the cost is \$6.9 million or \$7 million would be the reimbursement to the counties. And we've only...then the cap is about half of that, and we've never come close to the cap yet. So I see no problem with removing the cap because it's immaterial where the cap is at. The Appropriations Committee doesn't allocate that many dollars anyway. I will...do want to talk a little about the amount of dollars that are... [LB587]

SENATOR LANGEMEIER: One minute. [LB587]

SENATOR STUTHMAN: ...reimbursed to the counties, and counties do make sure that they put their reimbursement, their billing into the state on a timely manner. But there are some counties that in the second, and the third, and fourth quarter house more inmates than they do in the first and second quarter. And the money is gone by the third quarter, and there is nothing left. So those counties, those taxpayers of that county are paying a large percent of the bill for those state inmates. I think we worked on it a couple of years ago as to hopefully try to get it that each quarter would be allocated so many dollars. But according to the information that I have, the majority of the money is gone about the middle of the second quarter already for reimbursement. But counties are very aware of the time that they have to get this information into the state so they get reimbursed, because it is a real penalty to the... [LB587]

SENATOR LANGEMEIER: Time. Time. [LB587]

SENATOR STUTHMAN: Thank you. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Fulton, you're recognized. [LB587]

SENATOR FULTON: Thank you, Mr. President. We should take a step back. We are proximate to this debate. We are in the midst of this debate. Let's take a step back and pay attention to what it is that drives this debate. We are here debating about property taxes, which is a local responsibility, something that's controlled most proximately locally. We're here debating about property taxes and the state's ability to impact

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property taxes. That's what's driving this discussion. So this is actually a very...it's a deep discussion--the difference between a property tax that's levied or income and sales tax levied from different...levied under different purviews of government. That's what this discussion is about, property tax relief. That being said, the policy by which we are enacting that property tax relief under this bill asks this question, does the state have responsibility for all prisoners at all times? That's what we are taking up under this bill. My thought is if we're going to provide property tax relief, which I support, which I want to do, shouldn't it be done in such a way that it's measured, it's intelligent, we're able to identify that property tax relief? My concern is that over the years this mechanism has been...we have obfuscated the original intent of this mechanism, such that now we're talking about obligatory financial responsibility on the part of the state, whereas I don't believe that's what was originally enacted. That is in a nutshell my explanation of my opposition to LB587. Mr. President, I'd like to yield the remainder of my time to Senator Chambers, if he'd take it. [LB587]

SENATOR LANGEMEIER: Senator Chambers, 3 minutes. [LB587]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Fulton. And again, Senator Fulton is right on the target. I'd like to ask Senator Stuthman a question or two. [LB587]

SENATOR LANGEMEIER: Senator Stuthman, would you yield? [LB587]

SENATOR STUTHMAN: Yes. [LB587]

SENATOR CHAMBERS: Senator Stuthman, whether or not you'll get additional questions will depend on your answer to this first critical question. If this bill were enacted into law it would do nothing, isn't that true? [LB587]

SENATOR STUTHMAN: Yes, that is true. [LB587]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Carlson a question. [LB587]

SENATOR LANGEMEIER: Senator Carlson, would you yield? [LB587]

SENATOR CARLSON: Yes, I would. [LB587]

SENATOR CHAMBERS: Senator Carlson, you can be referred to as a new senator without you taking offense, correct? [LB587]

SENATOR CARLSON: Yes, I appreciate that. [LB587]

SENATOR CHAMBERS: Senator Carlson, how long are you going to have to be in the

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Legislature before you realize that a bill which does nothing should not be enacted into law? [LB587]

SENATOR CARLSON: Depends on the definition of nothing. [LB587]

SENATOR CHAMBERS: Zero, zilch, nothing, the absence of any and every thing. [LB587]

SENATOR CARLSON: I simply don't think I agree that this bill does nothing. [LB587]

SENATOR CHAMBERS: Then I'd like to know from you what it does. [LB587]

SENATOR CARLSON: I think it sets the parameter and the framework for being able to appropriate money and reimburse the counties on a better basis than they're currently being reimbursed. [LB587]

SENATOR CHAMBERS: Now if the limit currently in place has never been reached in terms of that reimbursement, what will this bill do with reference to obtaining more money from the Appropriations Committee? Nothing, isn't that true? If this bill passes it changes nothing, isn't that true? (Singing) Nothing from nothing leaves nothing. [LB587]

SENATOR CARLSON: At the present time it may change nothing, but I still believe it allows the framework. I have some questions on this and I'd like to use your time, if you'd let me. [LB587]

SENATOR CHAMBERS: Oh, you can use all the time that I have left that you please. How much time do we have left, Mr. President? [LB587]

SENATOR LANGEMEIER: One minute. [LB587]

SENATOR CHAMBERS: Take it, Senator Carlson. [LB587]

SENATOR CARLSON: All right. Senator Chambers, we have city and county, and we're talking about county law enforcement right now. The purpose of county law enforcement is to help us ensure safe communities. Would you agree that's a basic premise? [LB587]

SENATOR CHAMBERS: That's irrelevant to this bill. This bill has nothing to do with county law enforcement. [LB587]

SENATOR CARLSON: No, it's not. You gave me this last minute. [LB587]

SENATOR CHAMBERS: Well, you asked me a question. (Laugh) You don't want me to

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answer? (Laughter) Okay, then let me know you're going to ask me a question to which you don't want an answer. (Laughter) [LB587]

SENATOR CARLSON: What's the purpose of county law enforcement? [LB587]

SENATOR CHAMBERS: Do you want an answer to that? [LB587]

SENATOR CARLSON: Yes. [LB587]

SENATOR CHAMBERS: To try to prevent crime and catch criminals. [LB587]

SENATOR CARLSON: That's right, and enable a safer community. [LB587]

SENATOR CHAMBERS: Well, not necessarily. You're aiming for that, but okay, I'll let you have that so we can move on. [LB587]

SENATOR CARLSON: Okay. Now generally speaking,... [LB587]

SENATOR LANGEMEIER: Time. (Laughter) Thank you, Senator Carlson, and thank you, Senator Chambers. (Visitors introduced.) Returning to discussion on FA265 offered to LB587. Those wishing to speak we have Senator Dubas, Aguilar, Chambers, Carlson, Raikes, and others. Senator Dubas, you're recognized. [LB587]

SENATOR DUBAS: Thank you, Mr. President, members of the body. I spent some time during the last interim meeting with county and locally elected officials, just to help me understand the whole process and the connection between the state and the local officials and the property tax issue, and where their frustrations lie and is the state entirely responsible for all of those frustrations. And it was a very eye-opening time spent for me in helping me understand the process and procedures that we're involved with. And this was one of the issues that was raised in one of my meetings, and so my underlying...my support for the underlying bill is pretty simplistic. And maybe that's a dangerous method to base your decisions on. But I just felt that if the local governments were providing a support or providing a service for the state government, the state government should pay the bill, should pay their way. And I do understand that there's a lot of intent language involved with this and past history. And again, I think that goes to speak for the institutional memory, and those are things that we have to take into consideration. But again, my underlying support for this bill was just basically a service is delivered, a service should be paid for. And so I, you know, I'll continue to listen to the debate and appreciate the opportunity to learn. But I do stand in support of the bill, and I would yield the rest of my time to Senator Aguilar. [LB587]

SENATOR LANGEMEIER: Senator Aguilar, 3:20. [LB587]

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SENATOR AGUILAR: Thank you, Mr. President. Thank you, Senator Dubas. I appreciate your words as well as the time. I'd like to ask Senator Chambers a question, if I could? [LB587]

SENATOR LANGEMEIER: Senator Chambers, would you yield? [LB587]

SENATOR CHAMBERS: Yes. [LB587]

SENATOR AGUILAR: Senator Chambers, since I've been in the Legislature--and of course you have been there much, much longer than that, I've only been here nine years--you and I have worked on many issues where our main interest was the best interest of prisoners in the state of Nebraska not only at the county jail level, but in the state correction centers as well, with interest being concerned with their healthcare, in their treatment, solitary confinement, issues like that. Have we not? [LB587]

SENATOR CHAMBERS: That's true. [LB587]

SENATOR AGUILAR: And along those same lines, and keeping in mind you know where my best interest is, and that is my thoughts are as far as the best interests of the prisoners, does it concern you at all that if things like this aren't funded properly that county jails could run out of money and possibly the prisoners wouldn't get the care that they should have? [LB587]

SENATOR CHAMBERS: Well, there are remedies. They are required, under the statute in the very section of law we're dealing with, to meet the needs and maintenance needs of those prisoners. And if they don't, a lawsuit could be filed. And if it's won, the county can be compelled to come up with the money to respond, according to what the court said they should do for those prisoners. So there is recourse without doing this. [LB587]

SENATOR AGUILAR: And then wouldn't they have the right to sue the state back, because the state didn't fund it like they should have? [LB587]

SENATOR CHAMBERS: Well, no, the state has no obligation to fund anything here. The state has created a statutory scheme where they will do a certain amount, but beyond that you can't make the state do anything because if no money is appropriated, a court cannot mandate that they appropriate anything under the language of the existing law. [LB587]

SENATOR AGUILAR: Whose responsibility are state prisoners? [LB587]

SENATOR CHAMBERS: They are the responsibility of whomever the state says. And right now, they are the responsibility of the county while they're imprisoned in a county facility, but under certain circumstances the state said they will relieve the county of

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some of that responsibility, that liability, only to the extent of the amount of money actually appropriated for that purpose. I'm not trying to be evasive. [LB587]

SENATOR LANGEMEIER: One minute. [LB587]

SENATOR AGUILAR: I understand. You know, and I just want to go on record and say that in Hall County, you know, we go above and beyond to try to provide care for our prisoners. We have our own medical director on staff that looks after and cares for the needs of the prisoners. And I reiterate and make this point as clear as I can, we do not want to keep prisoners incarcerated in our facility any longer than absolutely necessary. We lose money while they're there, taxpayers pay more than they should, and that is a huge concern for my county. If I have a little bit of time left, I'd give it to Senator Carlson. Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: 19 seconds. [LB587]

SENATOR CARLSON: Thank you, Senator Aguilar, for the thought. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Carlson, and thank you, Senator Aguilar. Aguilar, your light is next, you're recognized. [LB587]

SENATOR AGUILAR: I would gladly yield that to Senator Carlson. [LB587]

SENATOR LANGEMEIER: Senator Carlson, you have 5 minutes. [LB587]

SENATOR CARLSON: Okay. Mr. President and members of the Legislature, I would like to continue my discussion with Senator Chambers, if he would yield. [LB587]

SENATOR LANGEMEIER: Senator Chambers, would you yield? [LB587]

SENATOR CHAMBERS: Yes, but I may not answer. (Laughter) [LB587]

SENATOR CARLSON: Okay. Senator Chambers, we've kind of agreed that the purpose of local law enforcement is to make our communities a safer place in which to live, and that's the way it should be. [LB587]

SENATOR CHAMBERS: Well, you changed already. You and I discussed county law enforcement, not local. So are you going to switch on me now? Is this old bait and switch? [LB587]

SENATOR CARLSON: No, it isn't. And we're on my time, Senator. [LB587]

SENATOR CHAMBERS: All right. [LB587]

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SENATOR CARLSON: Please listen and address my questions. [LB587]

SENATOR CHAMBERS: I'm listening. But you did not accurately reflect what we had talked about. [LB587]

SENATOR CARLSON: I'm sorry. I'll try and watch myself a little bit better. [LB587]

SENATOR CHAMBERS: Okay. [LB587]

SENATOR CARLSON: Now this is a serious matter. [LB587]

SENATOR CHAMBERS: Yes. [LB587]

SENATOR CARLSON: And the laws that county officers enforce could be county law, it could be city law, it could be state law, and it could be federal law. I think I'm correct on that, would you agree? [LB587]

SENATOR CHAMBERS: Well, not...it...the county wouldn't enforce federal law as such, and the counties don't pass criminal statutes. But I understand what you're getting at. Yes, they enforce the laws that are to be enforced in the state. [LB587]

SENATOR CARLSON: What I'm getting at is that they could go out and arrest somebody and it may be a law of one of those four origins. [LB587]

SENATOR CHAMBERS: Well, if there's a law that's only a federal offense, then the county is not going to enforce that. It would have to violate a state law, because in Nebraska the only thing that can be a crime is one that the state makes a crime. And only in that circumstance can the county arrest somebody. Now if the federal government deputized or made marshals out of certain local or county officials, then they would be carrying out a federal function, but not a county or a state or a local. [LB587]

SENATOR CARLSON: Okay. I don't want...I really don't want to focus on federal... [LB587]

SENATOR CHAMBERS: Okay. [LB587]

SENATOR CARLSON: ...federal law. I think that that's a possibility there and there are arrests that could be made. Now I think, and would you agree with me, that most of the laws that local enforcement people contend themselves with would be state law? [LB587]

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SENATOR CHAMBERS: Yeah, I'll concede that. [LB587]

SENATOR CARLSON: Thank you. So, and this is...I'm just...this is law enforcement 101, and I'm not teaching, I'm asking. When an arrest is made at the local level on a state law, and that person is incarcerated immediately and it's necessary because an arrest is made, it's a state law, when does that individual become a state prisoner? [LB587]

SENATOR CHAMBERS: Based on this, after sentencing. Everything prior to that is in the bailiwick of the county. [LB587]

SENATOR CARLSON: All right. And at sentencing the conviction is made and there is guilt. [LB587]

SENATOR CHAMBERS: Okay, that's a conviction. And then after the conviction there will come a sentencing. It can occur right then or the judge could say, we want a presentence investigation, so there could be a gap between the conviction and the sentencing. [LB587]

SENATOR CARLSON: All right. And sentencing involved incarceration for a period of time. [LB587]

SENATOR CHAMBERS: Or probation. [LB587]

SENATOR CARLSON: All right. But there's been incarceration because it's been there from the time of the arrest, let's assume. It's been there from the time of the arrest to the sentencing. [LB587]

SENATOR CHAMBERS: But that was not as a part of the punishment, because the person hadn't been convicted or sentenced. After conviction, the person's sentence does not start until the court imposes it. And the court could actually, and this has happened, impose a sentence of a shorter duration than the time the person had been locked up. [LB587]

SENATOR LANGEMEIER: One minute. [LB587]

SENATOR CHAMBERS: And that person then is immediately released. [LB587]

SENATOR CARLSON: I recognize that. Now let me use my last minute here... [LB587]

SENATOR CHAMBERS: Okay. [LB587]

SENATOR CARLSON: ...and try and get a question answered. So the penalty and the

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incarceration, the period of time in sentencing may include everything back to the date of the arrest. But somebody has got to be responsible from the time that individual is a prisoner, from the date of the arrest until the date of the sentencing. And I think... [LB587]

SENATOR CHAMBERS: That's the county. [LB587]

SENATOR CARLSON: ...it ought to be the state. [LB587]

SENATOR CHAMBERS: And we disagree on that. And the statute says from sentencing; after sentencing then the reimbursement starts. [LB587]

SENATOR CARLSON: Okay. And I think that needs to be addressed because county enforcement officers, they need to know that they're carrying out state law, and they need help on that from the time somebody is arrested and incarcerated until the sentencing. That's not a...that's not a dead spot in there that nobody takes care of. And I don't believe it should be the county's responsibility, and that's all a part of what we're trying to deal with here. Counties are not reimbursed for what they think they have coming to them. And yet we want to have law that enables them to carry out and enforce the law... [LB587]

SENATOR LANGEMEIER: Time. [LB587]

SENATOR CARLSON: ...for the protection of all citizens. Thank you. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Items for the record? [LB587]

CLERK: Mr. President, bills read on Final Reading this morning were presented to the Governor at 10:30 a.m. (Re: LB988 and LB988A). New A bill, LB1147A, Senator Synowiecki. (Read title.) [LB587 LB988 LB988A LB1147A]

And I have a priority motion. Senator Pedersen would move to recess until 1:30 p.m.

SENATOR LANGEMEIER: You have heard the motion to recess until 1:30. All those in favor say aye. All those opposed say aye. The ayes have it. We stand at recess.

RECESS

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber, for the afternoon session is about to reconvene. Senators, please return to the Chamber and record your presence. Mr. Clerk, please

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record.

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

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there any items for the record?

CLERK: Mr. President, Enrollment and Review reports LB846, LB846A, and LB888 as correctly engrossed. That's all that I have. (Legislative Journal page 1281.) [LB846 LB846A LB888]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now proceed to the afternoon's agenda and we'll continue where we left off with LB587, and we're on FA265, offered from Senator Chambers. The floor is now open for discussion. Those wishing to speak, we had Senator Carlson, Stuthman, Lautenbaugh, and Howard. Senator Carlson, you're recognized to speak to FA265. [LB587]

SENATOR CARLSON: Mr. President and members of the Legislature, I did want to address some questions to Senator Heidemann. I see that he is not here and... [LB587]

SENATOR LANGEMEIER: Senator Heidemann, would you yield? [LB587]

SENATOR HEIDEMANN: Yes. [LB587]

SENATOR CARLSON: Senator Heidemann, on this bill, the hearing, I noticed that there were eight proponents and no opponents. And then with the outcome of the vote by the committee, I assume it's because of just the reluctance to remove a barrier as far as a limitation on reimbursement. Is this the case? [LB587]

SENATOR HEIDEMANN: The first thing I'd like to point out, if you've ever been to an Appropriations hearing, that you usually get 90 percent in favor and 10 percent wondering what you're doing. Probably the other part of your question is that there might be some reluctance, and I said it before, but we don't...I think we have reluctance, but we feel this is the best way to help counties. [LB587]

SENATOR CARLSON: Okay. [LB587]

SENATOR HEIDEMANN: And if... [LB587]

SENATOR CARLSON: Excuse me. Go ahead. [LB587]

SENATOR HEIDEMANN: ...if...it would be tough for me to try to justify to expand something that we question if it's the best avenue to help somebody with. [LB587]

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SENATOR CARLSON: Well, I'm really taking this time to go on record just to indicate that I think there's a real concern here. I understand that certainly, as a state, we can't have an open checkbook, but because of the fact that counties have to handle prisoners for a certain period of time and then bill after that, not knowing whether there's any money left to pay it, it puts them in a difficult position. So I think doing nothing is not a good option. I can understand opening the checkbook with no limits is not a good option. But there must be some way that we could be of greater help to these counties and just not expect them to eat these losses year after year, and I don't have the answer. I don't know if you have the answer, but it's something we need to work at and hopefully we can through this discussion. Now having heard that little dialogue, do you have any response to that, Senator Heidemann? [LB587]

SENATOR HEIDEMANN: I think there can be work...a little bit work done today and I think there can be work done between the sessions, in the interim, about how best we can do this. [LB587]

SENATOR CARLSON: Thank you. And I think maybe...you had a conversation with me and I've looked at the wording in the bill, that it's so easy to misunderstand what a bill says; that you see the word "shall" pay, maybe you don't read any further, but it's shall pay until the appropriation is gone. [LB587]

SENATOR HEIDEMANN: To the amount appropriated. [LB587]

SENATOR CARLSON: To the amount appropriated, and that's many times probably missed and forgotten and it becomes...it becomes, though, a real problem. So I appreciate your response to this and we just need to work for a solution that benefits everyone. Thank you. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Howard, you're recognized. Senator Stuthman is not with us at this time. Senator Howard, you're recognized. [LB587]

SENATOR HOWARD: Thank you. Thank you, Mr. President and members of the body. I would like to thank Senator Dubas for her commitment to working this summer to looking at this issue, because clearly there's more information that we can obtain that will give us a more accurate picture. And I actually had intended to ask Senator Stuthman some questions. Would Senator Stuthman be available? [LB587]

SENATOR LANGEMEIER: Senator Stuthman is not checked in at this time. [LB587]

SENATOR HOWARD: Thank you, Mr. President. As he is not here, I'm just going to make a general statement. I looked at the claims for Platte County, which is Senator Stuthman's district, and these look very...to me, in looking through the other figures,

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these look quite high. And I would certainly challenge Senator Stuthman to work with Senator Dubas this summer and to become involved in the study that she's going to be taking on. I think he is very concerned about this and he certainly has...seems to have quite a few observations that he'd like to share with people. I am wondering if his county, Platte County, utilizes more modern, shall we say, devices, rather than incarceration, on occasion, such as the monitoring device that, for individuals who are not at risk to others or themselves, can be a wonderful tool for keeping people from being imprisoned and yet monitoring their behaviors. So I would say I would like to have that conversation with Senator Stuthman. Maybe he'll be able to come over and speak with me when he's available again. I'm going to yield the remainder of my time to Senator Cornett, if she'd like it. [LB587]

SENATOR LANGEMEIER: Senator Cornett, 2:50. [LB587]

SENATOR HOWARD: Oh, I thought you said Cornett. Senator Chambers, would you like the remainder of my time? [LB587]

SENATOR LANGEMEIER: Yield to Senator Chambers, 2:50. [LB587]

SENATOR CHAMBERS: Thank you. And Mr. President, members of the Legislature, I want to withdraw that pending amendment. [LB587]

SENATOR LANGEMEIER: Thank you. FA265 is withdrawn. Mr. Clerk, for a motion. [LB587]

CLERK: Mr. President, Senator Aguilar would move to amend, AM2666. (Legislative Journal page 1281.) [LB587]

SENATOR LANGEMEIER: Senator Aguilar, you are recognized to open on AM2666. [LB587]

SENATOR AGUILAR: Thank you, Mr. President, members. This is really a simple amendment and I have to admit it's not an original idea, but what it does, by the year 2011, would make the responsibility of all county jails in the state of Nebraska the responsibility of the state of Nebraska. They would take over complete charge of running them, financing them, hiring people to run them, and the Judiciary Committee would, of course, be responsible for working out the details. That's the extent of the amendment, as simple as it is, and I'll be happy to try to answer any questions. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. (Doctor of the day introduced.) You have heard the opening on AM2666. The floor is now open for discussion. Those wishing to speak, we have Senator Engel and Senator Chambers. Senator Engel, you're recognized. [LB587]

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SENATOR ENGEL: Mr. President, members of the body, I'm not speaking to the amendment; just want to speak to what's happening up to this point. Like Senator Carlson has mentioned, he said it'd take...we need to work at this, as nobody really knows the answer. But I don't think that we can do it during this session. I think it's going to take a study between now and perhaps next session before you can get a comprehensive study done, how to equitably reimburse the counties for state prisoners. But I do want to make one comment. I think in a lot of these counties, I think, a lot of our judges are a little over zealous as far as who they're putting in jail. You know, like in Dakota County, where I live, they just built a new jail and it's full, it's full again. And the thing is everybody...it's just a matter, everybody doesn't need to go to jail. I think they can put on electric monitoring and so forth and keep them out, and that does serve two purposes. First of all, it saves the cost of incarceration and they can continue on their jobs and they're still monitored and they still have to appear in court and they still will...and they will still be sentenced accordingly. But until they're finally sentenced, then...or charged or discharged, whatever the situation is, they are not sitting in a jail and they're not at the expense of the county. And another big item in the prisoners in our jails, our county jails, if they get ill, have a heart attack or anything like that, all that expense goes back to the county itself. And I had that experience when I was on the county board. Someone had a heart attack in there, had heart surgery, and I think it cost the county \$80,000, \$90,000 at that time. And so for that reason, I think unless it's something that we need to protect the citizens from, I think we should maybe encourage--you can't tell a judge what to do, I know that--encourage the judges to keep those out of jail that don't need to be in jail until it's time to come to their sentencing or their court hearing. Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Engel. Senator Chambers, you're recognized. [LB587]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I will begin by trying to analyze, to some extent, what this amendment does. It says in its entirety: "The state of Nebraska shall assume responsibility for county jails by January 1, 2011. The Judiciary Committee of the Legislature shall develop legislation to carry out such assumption of responsibility." Now, practically speaking, I don't think this will work and I don't think it can work. We don't know who will be on the Judiciary Committee, but the members of that committee are not required to introduce legislation requested by a senator, even if voted on by the Legislature. The Governor can introduce a bill whenever he or she chooses, but we are not in a position as a Legislature, in my view, to dictate to a committee the type of legislation which it ought to introduce. Once legislation is introduced, the Legislature can refer it to any committee that it chooses, any committee. But this is very impractical and I think it's designed to make a point, and the point is just an enshrouding of the real issue underlying this bill--the counties don't want to assume their responsibility. Counties are the handmaidens and the valets of the

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state, just as are the cities. Children who live in the home of their parents cannot set the rules. Even if a child has been granted a room by the parents, that child is not in a position to tell the parents, get out of my room. First thing that one of the parents says, show me your lease. They say, well, what do you mean? Well, I own this house; I've got the deed. Show me the lease that entitles you to run that room the way you want to. Well, I don't have a lease. Then you don't have any ownership in this house. You live according to the rules of the administration. You're talking to the administration, and the rule of the administration is that I'm coming in your room. Now, unless you have sufficient military strength or other strength to keep me out of the room, stand aside, child. And the child stands aside. The counties do not run the state. The counties are not on a par with the states. The county will do what the state orders it to do, period. There is no appeal unless the state decides to allow it. What Senator Stuthman and these county people have never come to understand, and the same can be said for these cities and municipalities, they think they have certain rights and there are demands that they can make. The king will allow certain petitions to be presented, but only those that the king allows can be presented. Now the state is not going to dominate as completely and absolutely as a king will dominate his subjects, or a queen her subjects. I'm giving an analogy. For too many years there's been an unwillingness at the state level to put these counties in their place, so they will come here trying to make demands and dictate and say the people in my county want this and that and you better do it. Then you tell them, no. You're going to have to explain things to the people in your county, and if you don't understand those things so that you can explain them, let me take a few minutes and lay it out for you as clearly as I can. Then you explain the role of the counties. They can raise property taxes. [LB587]

SENATOR LANGEMEIER: One minute. [LB587]

SENATOR CHAMBERS: They are not going to be able to create an obligation on the part of the state to take over their property tax responsibilities. They cannot put the state in a position where it is obliged to enact laws that will reduce property taxes. That is a political question and it is not for the counties to dictate to the state. They can try to. And if those who speak for the state in the Legislature roll over and allow it, then we have bills enacted into law that produce situations of the kind we're discussing today that should never have been here. This whole complex of reimbursements and things associated with that reimbursement should be repealed, and the counties should do... [LB587]

SENATOR LANGEMEIER: Time. [LB587]

SENATOR CHAMBERS: ...what they are required to do. Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Speaker Flood, you're

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recognized for an announcement. [LB587]

SPEAKER FLOOD: Thank you, Mr. President, members. In regard to the schedule today, you'll see at 4:00 we move to LB895. Given all of the work that we've done this week and the time away from families in the last two weeks and an interest in getting people home at a reasonable time and some sleep tonight, we are going to adjourn following LB895. I have cancelled dinner accordingly. So we will adjourn following the resolution of LB895 and we're going to go home early tonight and we'll be back at it tomorrow morning, but we have a lot of work to do before then. Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Speaker Flood. We return now to...Mr. Clerk, for information. [LB587]

CLERK: Mr. President, I have items. First of all, a communication from the Governor to the Clerk. (Read re LB960, LB961, LB1019, LB988, LB988A.) A second message, Mr. President. (Read re LB959, Legislative Journal pages 1282-1283.) [LB960 LB961 LB1019 LB988 LB988A LB959 LB587]

SENATOR LANGEMEIER: Mr. Clerk, for a motion. [LB587]

CLERK: Mr. President, I have a priority motion with respect to LB587. Senator Cornett would move to bracket the bill until April 17, 2008. [LB587]

SENATOR LANGEMEIER: Senator Cornett, you are recognized to open on your motion to bracket. [LB587]

SENATOR CORNETT: Thank you very much, Mr. President. The reason that there is a motion to bracket is we do not have time to argue this bill this year. Senator Chambers has made it very clear that this would be 24 hours of debate total, 8 hours on each, and that is fine. What the introduction of this bill has done and the discussion is we have got an agreement with Senator Heidemann and the Appropriations Committee to sit down and work on the issue over the summer, based on a combination of two things: the results of Senator Dubas' study in regards to city and county funding, and Senator Heidemann's acknowledgement that we do need to do something about relief to counties, property tax relief to counties. And Senator Heidemann brought up very good points in that the jail reimbursement only addresses the one issue in regards to the state obligations to counties under the law that was passed in 1998, and we will be looking at what those obligations are statutorily and what we can do to even out the reimbursement to the counties for property tax relief. With that said, I want to thank everyone involved in the agreement and thank Senator Aguilar for allowing me to bracket this with the knowledge that we will be working on this issue with Appropriations directly. And I would yield my remainder of my time to Senator Heidemann. [LB587]

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SENATOR LANGEMEIER: Senator Heidemann, 8:10. [LB587]

SENATOR HEIDEMANN: Thank you, Senator Cornett. Mr. President and fellow members of the body, I think we had good discussion today and there is concern. There's people that are adamant on both sides. This has been an interest of mine probably since I've been here, almost four years ago, about how we help counties with property tax relief, and I have come to the conclusion that there is a better way. What that is, you know, I might have ideas myself right now, but what we would come upon maybe as we look into this I'm not for sure. But I am committing myself right now and we will introduce an interim study, and I am committing myself and people in the Fiscal Office that I've talked to already and also in the Revenue. There's some very good people both in Revenue and Fiscal that will be able to help us with this. And just as I committed myself to Senator Fischer last year to help with the...try to find a different way to fund building our roads, I am committing myself right now and the Appropriations and the Fiscal Office how to better fund counties. So thank you. [LB587]

SENATOR LANGEMEIER: You have heard the motion to bracket until 4-17-2008. The floor is now open for discussion. Senator Stuthman, you're recognized. [LB587]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I'm not going to take very much time. I just think this is a very good idea to study this situation because I think the main thing, the main object of this, is property tax relief, and that's what it was initially set up for, of county jail reimbursement. That was the state's obligation at that time, you know, to hopefully subsidize the county for property tax relief. I think this is a very good idea to study this, get a few of them to the table and study it. Hopefully, we can come up with a method where we can give the counties some property tax relief, because as all of...or the majority of the people that came in here a year ago mentioned the main item on their campaign was I need property tax relief, and this is just one method, you know, that hopefully we can help with them. So I do support the bracket motion. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Chambers, you're recognized. [LB587]

SENATOR CHAMBERS: Mr. President, the "King Cobra" would like to "ssserenade Sssenator" Cornett. I'm going to dub her Lola for this purpose: (singing) Whatever Lola wants Lola gets. And right now, Lola wants us to bracket this bill and I'm complying. Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Aguilar, you're recognized. [LB587]

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SENATOR AGUILAR: Thank you, Mr. President. I'll be very brief as well. Want to thank Senator Cornett for all her work, for bringing the bill originally and allowing me to prioritize it. The best we could have hoped for was to, when we started way back at the first of the year, was to get this bill out of Appropriations Committee. That was the first challenge and I got real brave and crazy and prioritized it in order to get that done, and it happened. I was pleased with that because I knew this was a conversation we had to have on the floor. We've had that conversation. I'm fairly satisfied at the results. I have confidence in the fact Senator Cornett is coming back, Senator Heidemann is coming back. We have his word that he's going to work on this issue and provide tax relief that the counties so well need. I am appreciative of all that and everybody that contributed to the conversation today, and I especially want to thank Senator Chambers, the "cobra," for his wonderful idea for my amendment. Thank you, Mr. President. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. Senator Kruse, you're recognized. [LB587]

SENATOR KRUSE: Mr. President and colleagues, thank you. I also support this motion, but I thank the two senators for bringing this before us. This is an important discussion. I learned a lot today. What I learned was, if I'm confused, I don't have to pay my bills. I have a vehicle in the shop and every day they call and raise the bill \$100, and I didn't realize until today that if I'm confused about the bill I only have to pay half of it. That's the ridiculous situation that we are in and I think this debate is an important part of it, and I join others on the committee to say we'll talk about that. But one of the things we need to do is let those who are confused about who's in there take care of that, and let somebody decide who's supposed to go pick up these prisoners that should be delivered. It's not the county, certainly, unless we direct it; but then also to determine whether we pay our bills when we are confused. It's clearly an item that needs to be talked about. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Kruse. Seeing no other lights, Senator Cornett, you're recognized to close on your motion to bracket. [LB587]

SENATOR CORNETT: Thank you, Mr. President and members of the body. When the bill came up and with its date coming out of committee, I knew that we were not going to have time to bring it to its conclusion. But we have had an excellent debate on the issue and we have come to an agreement with the interested parties and a commitment to sit down over the interim and work on this issue and how we, as the state, can help our counties. And I appreciate everyone's support today and their support on the bracket motion. Thank you very much. [LB587]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the closing on the motion to bracket. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB587]

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CLERK: 27 ayes, 0 nays, Mr. President, on the motion to bracket the bill. [LB587]

SENATOR LANGEMEIER: LB587 is bracketed. Mr. Clerk, next item. [LB587]

CLERK: LB1153, a bill by Senator Raikes. (Read title.) Introduced on January 23 of this year, referred to Education, advanced to General File. There are committee amendments by the Education Committee, Mr. President. (AM2510, Legislative Journal page 1134.) [LB1153]

SENATOR LANGEMEIER: Thank you. Senator Raikes, you are recognized to open on LB1153. [LB1153]

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. You may remember last year LB316, introduced by Senator Friend, called for the establishment of a task force to deal...to make a study of several issues around special education. The task force was assembled according to that statute, met once a month, completed its report in December. And LB1153, the green copy, was based on the recommendations of that task force. I'm going to very quickly tell you what topics were covered, because actually LB1153 has been amended to exclude that and put in an entirely different issue. But I do want to just quickly mention it because the task force was diligent about its effort. We had good discussions on a number of issues, several--as I say, once a month--pretty much full-day meetings. Members of the Legislature involved in that were Senator Friend and Senator Adams, in addition to myself. So we had a task force. We dealt with...there are issues around school districts contracting with private providers or providers for special education students outside the school district, trying to make that relationship, that contracting relationship a little bit simpler, easier to accommodate. We also addressed the issue of the shortage of special education teachers and how we might address that. And one of the suggestions that was brought forward was a recruitment camp for those teachers. There also were some changes proposed to the Attracting Excellence to Teaching Program, and that is a program, as you may remember, which is a loan forgiveness program for people entering the teaching profession. So those are three of the main areas we dealt with. It is my hope that because we didn't include them in this bill this year for your consideration, that maybe they'll come back in a later year. The report will be available and I think there's some ideas there that I hope the committee in a future year will consider. So that was the green copy. There was a committee amendment, as the Clerk mentioned, which substantially revises that. I'll stop here on the green copy and start on the committee amendment. [LB1153 LB316]

SENATOR FISCHER PRESIDING

SENATOR FISCHER: Thank you, Senator Raikes. There are committee amendments,

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and Senator Raikes, as Chair of the Education Committee, would you like to introduce that, please? You are recognized. [LB1153]

SENATOR RAIKES: I would. Thank you, Madam President and members of the Legislature. The committee amendment replaces the original green copy contents of LB1153 with the provisions of LB990, a bill introduced by Senator Christensen. And quickly, I'll run through the provisions of that and actually offer him a little bit of time when I'm finished so he can comment on it as well. Parents and guardians could request that a special education student who is at least 17 and who has not completed his or her individualized education plan, IEP, be issued a certificate of attendance by the school district. The district would be required then to allow the student to participate in the high school graduation ceremony. A student would be only allowed to receive one certificate and participate in one ceremony based on the certificate. Receipt of the certificate would not affect a school district's obligation to continue providing special education students until the completion of the IEP or the student turns 21. A student would not be precluded from receiving a high school diploma by meeting graduation requirements established by the district or in the student's IEP. The district could, but would not be required to, allow a student to participate in an additional ceremony when the student receives a high school diploma. And finally, students receiving certificates of attendance could also earn a diploma of high school equivalency. So that's a quick summary of the provisions and you have a copy which details those just a little bit more. With that, I will yield the remainder of my time to Senator Christensen. [LB1153 LB990]

SENATOR FISCHER: Senator Christensen, would you like the remaining time? [LB1153]

SENATOR CHRISTENSEN: Yes. And thank you, Madam President. And thank you, Senator Raikes. This was a bill that I brought forth to address a couple issues in my district and others across the state, where kids were not allowed to graduate with their peers. They were required to either not come or sit in the audience and watch their class graduate, or they would have to give up their funding till they're age 21 to go onto the state assistance for handicapped people. And we had several people testify that this had happened to. And the sad thing about this is it hurts the whole class, as well as the child that is getting denied to graduate. And even though this is not widespread, I will clearly say 95 percent to 99 percent of the schools allow this to take place now. There's still some isolated cases where children haven't been allowed to graduate. So what this bill does is strictly allow them to participate in the ceremony, get a certificate of participation, and then the following day go back to school, go on to the normal program. But they have now had the opportunity to graduate with their peers and appear in the ceremony. This bill does not require that they get to go through another ceremony following, even if they complete their education. But it does allow the school if they want to, to allow a second graduation. And so I just felt like this was something very important. It was brought to my attention by a set of parents in my district. And

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basically if it wasn't written in the individual education plan, kids were denied the opportunity. And I just feel like they should have the opportunity to graduate with their peers and be able to participate. At this time...is there any time left? [LB1153]

SENATOR FISCHER: Yes, Senator. You have 5:30. [LB1153]

SENATOR CHRISTENSEN: I'm going to yield time to Senator Pahls right now and then take it back at the end. [LB1153]

SENATOR FISCHER: Senator Pahls, would you yield? [LB1153]

SENATOR PAHLS: Yes, I would. Thank you, Madam President, members of the body. You know, it truly disappoints me that we need legislation like this. When we have families out there who are struggling to help their children, then we are forced...I know, by the comments from Senator Christensen, we do not have a lot of school systems that do not fulfill this requirement. But this disappoints me that we have school districts out there who have tremendous dropout rates that we ought to be taking a look at, that we ought to really be concerned about. I'll just throw a couple of them at you: like the Omaha Public Schools, 70 percent children who remain in school; Lincoln Public School System, 80 percent remain in school. So that should tell you that some of our larger school districts do need some help. Yet we are concerned about giving a certificate to children who really are trying to make it happen. This is another reason why you keep hearing me, and you're going to hear me in the future. We need to start auditing the schools. We need to be more...not just concerned about the financing of the schools, but we ought to be concerned about attendance, we ought to be concerned about parent input. Every school, you ought to be able to click up and find the information about every school in every school district. We ought to set up the number of things that we truly believe what a good school has to offer. And then we could put those in so then a parent could click on that school and find out. But again, I praise the senator for hopefully fulfilling the desires of some of his constituents. This is good legislation. Thank you. [LB1153]

SENATOR FISCHER: Thank you, Senator Pahls, Senator Christensen, and Senator Raikes. Mr. Clerk. [LB1153]

CLERK: Madam President, Senator Adams would move to amend the committee amendments with AM2610. (Legislative Journal page 1217.) [LB1153]

SENATOR FISCHER: Senator Adams, you are recognized to open on the amendment. [LB1153]

SENATOR ADAMS: Thank you, Madam President, members of the body. This particular amendment in effect was a bill that I had introduced in the Education

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Committee earlier this year. The bill was heard. There was no opposition to it. We were hoping to get it on the consent calendar and frankly our time ran out. It has to do with early childhood education. In 2006, the Legislature created the Early Childhood Education Endowment. It is a partnership of both public monies and private monies. There is a board of trustees that administers that money and hands it out in the form of grant programs for early childhood. And that group came to me early on and asked me for some technical changes, some language changes, and I can quickly run through them. There are two different places in the bill where this amendment would change the language to be more compliant with what investment people typically use. In other words, rather than interest and earnings and proceeds, it would be earnings deposited, would be the edited change. Reporting, rather than quarterly it would go to annually. Educational service units, in the language of the existing statute, this amendment would amend out educational service units as applicants for grants for early childhood education. Rather, it would stay at schools, public schools and public school partnerships rather than ESUs as applicants. Presently there is a 5 percent of the money that can be used for technical assistance for schools and communities that want to put together grant proposals. What this would do, what this language would do would say that the board of trustees could go up to 10 percent rather than 5 percent, and it's not for salaries. This is to assist communities all across the state in putting together partnerships, filling out the grant applications, and doing the things that are necessary so that they can tap in to some of this endowment money. There is a growing demand for this. And finally, there is a six-member board of trustees. Two of those members on the board of trustees, one of them comes from an at-risk rural area, one is to come from an at-risk metropolitan area. What this language would do in this amendment is simply...presently the member from the at-risk metropolitan area is selected by the Governor but only after a county commissioner, a city council member, and a legislator say this is the person we'd like to see. What this will simply do, this language in this amendment would just simply allow the Governor to select someone from that area rather than have these three other persons on a committee who will do the selection. So in essence, what the amendment does, it clears up some financial language, it takes the ESUs out of the applicant process, it takes the monies used for technical assistance from 5 percent up to 10 percent, and it changes the way in which the high-risk metro area member to the board of trustees would be selected. Thank you, Mr. President. [LB1153]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Senator Adams. You have heard the opening on AM2610. The floor is now open for discussion. Those wishing to speak, we have Senator Kopplin, Christensen, Dierks, and Raikes. Senator Kopplin, you're recognized. [LB1153]

SENATOR KOPPLIN: Thank you, Mr. President, colleagues. I'm going to vote for this

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bill. I'm going to support it; I'm going to urge that you support it. My remarks may seem otherwise, however. A bill like this should not have to be passed. The school districts that I know can and do take care of this issue already. Apparently all do not. Children come to school with a wide range of personalities and interests and skills. And as they proceed through, some do need a learning plan that is different than the rest. Sometimes that learning plan might be that they can receive better services somewhere else. And then those children form friendships and bonds with another group of people. But many children do not leave their school district. They interact with their classmates daily. They may go to different programs, they may have different skills they're working on, but they interact with their classmates. Some very deep bonds sometimes develop between these students and their classmates, and it's good to see. They take part in all kinds of activities. They do all kinds of things. And when graduation day finally comes, all these young men and women are excited about the day. Well, why wouldn't you expect the child who had a learning plan a little bit different isn't just as excited? Everybody else is excited, they're ready to go. So is that youngster, even though there may be three years left to complete that program that they've started. It doesn't matter. Their class is graduating. I think it's completely unthinking, uncaring of school administrators who would look at that child and say, well, you're really not graduating so you can sit in the office or the audience. What a terrible thing. Because it doesn't cost the school district anything to allow that child to have a cap and gown, to walk across the stage, pick up his empty diploma cover--and I say empty because they're all empty, I don't know whether you know that or not. A lot of schools hold the diploma in the office until the kids turn back in their cap and gown and they get to put it in their folder. But every child goes across; every young man and woman goes across the stage and picks that up. And they hold it high and they whoop it up a little bit, you know. It's a class activity. Why not? [LB1153]

SENATOR LANGEMEIER: One minute. [LB1153]

SENATOR KOPPLIN: I wouldn't hesitate a moment to send children across that, and I wouldn't give them a certificate of attendance. If they have completed a program set by the school, they deserve a diploma. I don't care whether they have the credits everybody else does. They finished what the school said they should do, they have a right to walk across that stage, they have a right to receive a diploma. Thank you. [LB1153]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Senator Christensen, you're recognized. [LB1153]

SENATOR CHRISTENSEN: Thank you, Mr. President. I'm talking more about the committee amendment here, but give you an example of...many of you know I have a son, Isaiah, that has Down syndrome. As Senator Kopplin said, he requires a different type of schooling. The goal with him is to try to make him self-sufficient so that he can

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participate or have an active life, be able to work, feed himself, take care of himself, more than it is to see how much he can achieve scholastically. And that's why these education plans are important. But at the same time, what breaks my heart in listening to the testifiers at the meeting were listening to the parents and the kids that were hurt because they didn't get to go through. To me, that hurts the whole class because they are used to being a class, working together, encouraging one another. So that's the reason for this bill. And when you think about it, I don't think there's probably anybody in here that would want to see a handicapped child have to sit in the audience and watch their peers graduate or to be totally missing. So that's why I ask for your support on the amendment, AM2510. And again, I support Senator Adams' amendment also. Thank you. [LB1153]

SENATOR LANGEMEIER: Thank you, Senator Christensen. Senator Dierks, you're recognized, followed by Senator Raikes. [LB1153]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I served on the school board in Ewing, Nebraska, for 17 years and I've had a lot of these experiences. And I can recall one time that it wasn't the student that was concerned, it was his parents. They wanted him to be able to put on a cap and gown and receive a blank diploma or a blank folder for the diploma. Their only child, and fact is when it came time to order the cap and gown, he told the superintendent he didn't want one because he knew he wasn't going to get a diploma. So we had to intercede on behalf of the mom and dad to get this thing done. But it's just...it just makes good sense. I mean, we treat these...we want to treat these people like they're not second-class citizens; we want to treat them like they're just as important as the next guy. So I too feel badly that this legislation has to be here. But if it does, well, I think I'm sure going to support it. Thank you very much. [LB1153]

SENATOR LANGEMEIER: Thank you, Senator Dierks. Senator Raikes, you're recognized. [LB1153]

SENATOR RAIKES: Thank you, Mr. President, members. I support the amendment introduced by Senator Adams. I think he's explained it well. Thank you. [LB1153]

SENATOR LANGEMEIER: Thank you, Senator Raikes. Seeing no other lights on, Senator Adams, you're recognized to close on AM2610. [LB1153]

SENATOR ADAMS: Thank you, Mr. President, members of the body. The technical changes, they're fairly simple, but in a broader sense what we are discovering day after day after day in research is that early childhood education, intervention at that age, is going to make a difference in the outcome down the road. And we're seeing success with that. The program is working. And frankly, some of what this amendment is doing is helping get that program out into rural Nebraska even more and assist schools in

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making applications for the monies. With that, I'll close. [LB1153]

SENATOR LANGEMEIER: Thank you, Senator Adams. You have heard the closing on AM2610, offered to the committee amendments. The question is, shall AM2610 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1153]

CLERK: 27 ayes, 1 nay, Mr. President, on adoption of Senator Adams' amendment. [LB1153]

SENATOR LANGEMEIER: AM2610 is adopted. Mr. Clerk. [LB1153]

CLERK: Senator Raikes would offer AM2663. (Legislative Journal pages 1283-1287.) [LB1153]

SENATOR LANGEMEIER: Senator Raikes, you're recognized to open on AM2663. [LB1153]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. This amendment is a technical one that deals with harmonization of the early childhood grant program that we have had in the state for a number of years, harmonization of that program with provisions of LB988. So it is...brings us up to date in terms of the language and the structure that we need there. If you have questions, I'd be happy to try to address them, but it is technical. I urge your support. Thank you. [LB1153 LB988]

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the opening of AM2663. The floor is now open for discussion. Seeing no lights on, Senator Raikes, you're recognized to close. Senator Raikes waives closing. The question before the body is, shall AM2663 be adopted to AM2510? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1153]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of Senator Raikes's amendment. [LB1153]

SENATOR LANGEMEIER: AM2663 is adopted. Mr. Clerk, for a motion. [LB1153]

CLERK: Senator Rogert would move to amend, AM2672. (Legislative Journal page 1287.) [LB1153]

SENATOR LANGEMEIER: Senator Rogert, you are recognized to open on AM2672. [LB1153]

SENATOR ROGERT: Thank you, Mr. President, members of the body. I don't know if

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this is showing up on your gadget. Looks like we're having some troubles on the floor. This amendment has to do with early childhood kids getting enrolled into programs. I've been getting a lot of calls and I've sent out a letter--you can graze over it quickly--I'm getting a lot of calls the past few months about parents of students that are age five that aren't able to go to preschool. And the statutes have been written so that if you're not five before October, you can go to preschool; if you're five before October, you have to go to kindergarten. And the intention of this is to stop what's called red shirting, and that is the purpose of holding your kids back for possibly sports in the future or those types of things. And what I'm looking to do is allow a little bit more time for us to get that implemented. It hasn't been communicated well enough to parents by the school districts that this is occurring. Folks are taking their kids in for preschool round up and they're finding out that it's...they're going to have to go to kindergarten and what they may have done is, in the year before, they held their kid out of preschool in thinking that they had another year. And so at that point, they're missing out on an all-day or a half-day preschool that's at a school, and then they have to send them to kindergarten in what they term as too young of an age. So this basically gives us a little more time, gives us a bigger window to get this red shirting rule implemented so that everybody knows and they're on the same page. And oddly enough, I'm getting not one or two calls from my district but more like seven or eight calls from every school district within my district, which means there's probably about...could be about 50 kids in District 16 alone that have, quote, fallen through the cracks on this issue, and I want to try and get these young ones into preschool instead of either keeping me at home or having to send them to another town where they've got a private preschool or send them to kindergarten too early, which is not necessarily good for the student or for the rest of the kids in the class. So that's what this amendment does. I'm going to yield some time to Senator Raikes, if he wants to make some comments on this. [LB1153]

SENATOR LANGEMEIER: Senator Raikes, 7 minutes, 30 seconds. [LB1153]

SENATOR RAIKES: Thank you, Senator Rogert, and thank you, Mr. President and members. This is an issue that Senator Roger raised a few weeks ago. I will tell you that there was not a bill introduced, nor was there a hearing on this issue; but I think he has explained fairly clearly what the problem is, and it has to do with the transition of our early childhood program into the aid formula, basically. The provisions now, as you may know, if the school district participates in the Early Childhood Grant Program, once they've been there three years, four-year-olds are eligible to be included in the aid formula. We have a situation where there are some children, because of the age requirement for kindergarten, as Senator Rogert has explained, cannot...are not allowed...are not being allowed to participate in the early childhood program before they attend kindergarten. I think this is to be regarded as an issue that is a transition issue into the new program and should be ironed out. We have not...we didn't receive this amendment--no fault of Senator Rogert's--until just a few minutes ago, so we haven't carefully examined it. I would urge you to include this amendment on the bill, knowing

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that we will have some time between now and Select File to analyze it and make sure this is the appropriate approach. So with that, I do support the amendment. Thank you. [LB1153]

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the opening on AM2672, offered to AM2510. The floor is now open for discussion. Senator Burling, you're recognized. [LB1153]

SENATOR BURLING: Thank you, Mr. President, members of the body. I'd like to ask Senator Raikes a question. [LB1153]

SENATOR LANGEMEIER: Senator Raikes, would you yield? [LB1153]

SENATOR RAIKES: Yes. [LB1153]

SENATOR BURLING: Senator Raikes, do you know, is this our call with the Head Start program? Can we set this...can we draw this line in the sand? [LB1153]

SENATOR RAIKES: Senator, it's a good point. I don't think we can with the early...with the Head Start program, because that's a federal program. [LB1153]

SENATOR BURLING: Yeah. [LB1153]

SENATOR RAIKES: But we have the state Early Childhood Grant Program which may be in collaboration with the Head Start program. And so we issue or we have the grant program with state money to support that, and also we have jurisdiction over the age, the kindergarten age. So from that standpoint, I do believe this is something that we can examine and see if we can address. But as I say, I'm not sure that the wording here is the way it should be done, and we'll have to...we will have an opportunity between now and Select File to examine that more carefully. [LB1153]

SENATOR BURLING: Okay. Thank you. I'll just say that I think we need some more information on this and maybe Senator Rogert has some more information on it. But any time we try to move a date or an age group, you're still moving the line and there's still going to be people that get caught, I would think. But I don't know enough about this to comment any more, so thank you. [LB1153]

SENATOR LANGEMEIER: Thank you, Senator Burling. And members of the body, the amendment is viewable on your Chamber Viewer at this time. Continuing with discussion on AM2672, Senator Kopplin, you are recognized. [LB1153]

SENATOR KOPPLIN: Thank you, Mr. President, colleagues. Just finishing reading the amendment, I guess I'm not sure that we should put this into this bill. I'm sure Senator

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Raikes will do a lot of time or spend some time on it before Select File. But the information we got from the person who has having the problem, this isn't happening just there. It's happening in many places where school districts have had dual enrollments. In other words, a child turned five but, for some reason or another, they wanted another year of preschool. Now that's kind of a problem in itself, but the funding gets really mixed up at that point. And I'm not sure we...I think we should deal with this in a little longer range rather than trying to figure this out really quickly, because it's not necessarily an isolated incident. And while I do feel concern for the parents that got caught up in this, I don't think we should take hasty action on this because it involves state funds and federal funds and age requirements for this and age requirements for that. It's kind of extensive to do in a hurry, so I'm going to be very cautious about it and see how things work out by Select File, but that's only...that's a very short time away. I think this might be a bigger problem or a bigger issue, I don't know as it's a problem, but bigger issue than just dealing in a few days. Thank you. [LB1153]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Senator Rogert, you are recognized on your time or, you are the last light; you could close if you so choose. [LB1153]

SENATOR ROGERT: I'll close, Mr. President. [LB1153]

SENATOR LANGEMEIER: Senator Rogert, you are recognized to close on AM2672. [LB1153]

SENATOR ROGERT: Thank you, Mr. President, members of the body. Senator Kopplin and Senator Burling, I appreciate your comments, your questions, and I agree. Okay. As we...the letter I sent out, it does reference a Head Start program. It's just one that I had quickly available as this came about. I have several communications from several kids that are attending the preschools that are in the schools, and that is where we are able to at least look at it and make some changes. I don't want to be hasty and I will work with Senator Raikes and the committee staff between now and Select File. But what I want to do is I don't want kids to fall through the crack just because we've missed out on an opportunity to let these kids go to school. And I don't want to force a child and a parent of a child to put...to go to kindergarten if they're having troubles carrying on a conversation with other kids their age or kids a year older. It's not good for the student and it's not good for the class, as a teacher may have to spend an inappropriate amount of time with that student and the others would suffer at that point. That's what I'm trying to protect against, and then help make sure that these kids are at least in some sort of educational program, whether it be preschool or whatever it is, and get allowed to. Mr. President, can I yield some time in my closing to Senator Raikes? [LB1153]

SENATOR LANGEMEIER: Senator Raikes, 3:20. [LB1153]

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SENATOR RAIKES: Thank you, Mr. President, members. Thank you, Senator Rogert. I was mistaken in saying that this had not been a part of a bill and had a public hearing. Actually, it was included in LB650, heard last year. It's not the exact same language but it deals with the same issue. It's not very long. I'll just read it quickly: "Any early childhood education program as defined in Section 79-1101 established by a school board or educational service unit after August 1, 2007, may, only during the first two years of the program's operation, enroll children who meet the age requirements to be enrolled in kindergarten but who are not then enrolled in kindergarten." So that is the issue that Senator Rogert is dealing with here. I urge your support. Thank you. [LB1153 LB650]

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the closing on AM2672, offered to AM2510. The question before the body is, shall AM2672 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1153]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Rogert's amendment. [LB1153]

SENATOR LANGEMEIER: AM2672 is adopted. (Visitors introduced.) Returning to discussion on AM2510, the committee amendments. The floor is now open for discussion. Seeing no lights on, Senator Raikes, you're recognized to close on committee amendments, AM2510. [LB1153]

SENATOR RAIKES: Thank you, Mr. President. This then includes the topics that we've talked about. I urge your support. Thank you. [LB1153]

SENATOR LANGEMEIER: You have heard the closing on AM2510. The question before the body is, shall AM2510 be adopted to LB1153? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1153]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB1153]

SENATOR LANGEMEIER: AM2510 is adopted. We return now to discussion on LB1153, the bill itself. Senator Fulton, you're recognized. [LB1153]

SENATOR FULTON: Thank you, Mr. President, members of the body. Would Senator Raikes yield to a quick question? [LB1153]

SENATOR LANGEMEIER: Senator Raikes, would you yield? [LB1153]

SENATOR RAIKES: Yes. [LB1153]

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SENATOR FULTON: Senator, we adopted Senator Rogert's amendment and I have...I should have been more astute to its passage and reading. But can you tell us what we just did with that amendment? [LB1153]

SENATOR RAIKES: Senator, in a quick capsule, we are in the process now over the last year or two of incorporating provisions such that four-year-olds that have been in an early childhood program, a state grant program which has been in existence for three years, are then included in the aid formula, counted as a part of the student body for the school district, in other words. We have a transition issue in that there are some students who at the time they learn of the Early Childhood Grant Program are old enough, according to our statute, to become kindergartners. But the parents are concerned about that. These children have not been in the early childhood program. Their wish is to have them attend the early childhood program for one year before they go into kindergarten. This provides a transition for two years to allow that to happen. So that's the essence of what the Rogert amendment does. [LB1153]

SENATOR FULTON: Then is it...would it be accurate to say this is permissive in nature? [LB1153]

SENATOR RAIKES: Yes, yes. [LB1153]

SENATOR FULTON: Okay. Would Senator Rogert yield to a question? [LB1153]

SENATOR LANGEMEIER: Senator Rogert, would you yield? [LB1153]

SENATOR ROGERT: You bet. [LB1153]

SENATOR FULTON: Again, this would be permissive in nature. Then how does this fit into the funding formula? [LB1153]

SENATOR ROGERT: Well, there is a possibility that that's why we're trying to do this. This is why schools are hesitant to allow kids in their preschool program that could possibly be too old because of the funding, the way it's written, that it has to be age...the age requirements have to be correct to get the funding to pay for the preschool. This here would allow them to do that without...outstanding of the funding. So it would still allow, up until 2010-11, if everything else is good for their preschool program other than if they have some kids that are a little too old for it, according to the way the statutes are now, that they're still going to be able to get the funding. Once again, we're going to work on that and get the language clarified, make sure we're okay between now and Select. But it...because we're letting them take these kids out of the calculations for state aid for the Equity and Educational Opportunities Support Act because it would allow them to do it even if they had these kids in there. [LB1153]

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SENATOR FULTON: Okay. I will...I won't take much more time here. I will be interested, and I'll contact both Senator Raikes and Rogert to get an idea of how this is going to affect this overall bill. But I just, I want us to be careful that when we put something into the law which is permissive in nature, a lot of times it shows up and the schools end up bearing the burden of what we have allowed by way of permission, and when it goes to the schools it comes back to the state also. So...well, it's a concern anyway. I'll support the bill going forward but I want to work on it, too, on Select File. So thank you, Mr. President. [LB1153]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Seeing no other lights on, Senator Raikes, you're recognized to close on LB1153. Senator Raikes waives closing. The question before the body is, shall LB1153 advance? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1153]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB1153. [LB1153]

SENATOR LANGEMEIER: LB1153 does advance. Mr. Clerk, LB956. [LB1153 LB956]

CLERK: LB956, by Senator Schimek. (Read title.) Introduced on January 14, referred to the Appropriations Committee. The bill was advanced to General File, Mr. President. [LB956]

SENATOR LANGEMEIER: Senator Schimek, you are recognized to open on LB956. [LB956]

SENATOR SCHIMEK: Thank you, Mr. President and members. As you just heard, this bill was advanced from the Appropriations Committee actually on a nine to nothing vote. But they told me at the time they advanced it that they did not want this bill to go on consent calendar, that they wanted there to be a discussion on the floor. So I didn't try to put it on consent. The bill originated because of some past discussions that we've had on the floor. Let me tell you a bit about the bill. It establishes criteria for the disbursement of job training grants and directs the Department of Economic Development to give priority consideration to training services offered by community colleges. In addition, the bill also requires that the department report annually to the Legislature about the status of the Job Training Cash Fund and provide additional details about projects awarded grants through the program. As some of you may remember, last year during the budget debate I raised questions about the Job Training Cash Fund and how the money is used that the Legislature appropriates to it. And to take it back even a step further, late in the 2005 legislative session, an amendment was added to the budget bill, LB425, kind of at the last minute. It was a \$15 million grant for job training funds and it was done very late in the session. It was somewhat, to put it mildly, a controversial decision, as there were members who questioned the need from

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the appropriation and the manner and timing in which the move was made. Others questioned the amount. However, it was approved. Since that year, the issue keeps reoccurring; and one issue that surfaced during last year's debate was the question of whether the funds were actually being spent. The Department of Economic Development indicated that the funds are committed to different projects or businesses; they just haven't been spent yet. And it was felt by me and some others who helped sponsor this bill that the Legislature needs a better reporting process to understand more clearly how these funds are being used. Such accountability will greatly (inaudible) the legislative budget process. The second thing that LB956 does is to encourage the Department of Economic Development to give priority consideration to training services offered by community college areas. This is an extremely important aspect of the bill as it relates back to the legislative intent regarding creation of the program. The third thing that LB956 does is it establishes a subaccount within the program to provide job training grants targeted to employers that either employ 25 or fewer employees or are located in rural areas of the state. Now during the committee hearing, the community colleges, the Omaha Chamber, and the Lincoln Chamber all came in to support the bill. And they indicated...the business community indicated to me that they would like to see an amendment on the bill, and I presented that to the committee at the time. It did not come out with the bill, so I have filed an amendment to this bill that incorporates their request. In addition, since that time, Senator Synowiecki came to me and wanted his area of Omaha included, too. So basically the upshot is that we incorporated that into the amendment, too. This bill has no fiscal note attached to it. One of the most important parts of the bill, in my estimation, is on page 4 where it talks about what's supposed to be included in the report to the Legislature. It has to have information on each active grant, including specific information regarding the number of positions to be trained, the length of time that the project has been active, the amount of funding committed to the project, the amount of funding paid out to date, and the projected completion date. It also is required to provide information on grants closed during the reporting year, including the total number of employees trained, whether new or existing employees were trained, total project expenditures, and the duration time of the project. The department also shall provide information summarizing the use of community college areas to provide training services and list specific projects where a community college area is providing all of a component of the training service...or a component of the training services. If private or in-house training services are used, the department shall provide information regarding the name of the private or in-house training service and the qualifications of the training service. And I guess I'd like to say that the bill we started with was a little bit more rigorous than this. And during discussions with the Department of Economic Development, we came to believe that they wanted to work on this in terms of maybe getting the community colleges more involved in this training program. And indeed, they surveyed the community colleges at one point and reported some of those results back to us. And the community colleges were feeling as if they were being included more in the process of trying to determine whether these grants would be done through their auspices or not, and I felt pretty good about that. But we

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still want to know how it's all going and how it is working. So I think the department has been making some progress in the issue of using community colleges, and I think they're more attuned to what we want in terms of reporting. One of the reports, I got to tell you, that we got originally--this was back in late 2007, I believe, or mid-2007--it showed that of that \$15 million transfer from the Cash Reserve Fund to the budget to use for training funds, they could only show us that \$1.9 million had been used to date. And that was over a period of almost two years. I think that they weren't able to show us in a good enough fashion how they were using these training funds. I think the report required here should be doable and possible for them, and I think it would help us evaluate whether indeed those millions of dollars that we're putting into training funds are being used successfully. With that, Mr. President, I think I will stop and then explain the amendment when that comes up next. Thank you. [LB956]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Mr. Clerk, for a motion. [LB956]

ASSISTANT CLERK: Mr. President, the first amendment I have from Senator Schimek is AM1730, but I have a note, Senator, to withdraw this one. [LB956]

SENATOR SCHIMEK: That's correct. [LB956]

SENATOR LANGEMEIER: It is withdrawn. Mr. Clerk. [LB956]

ASSISTANT CLERK: Senator Schimek would offer AM2641. (Legislative Journal page 1272.) [LB956]

SENATOR LANGEMEIER: Senator Schimek, you are recognized to open on AM2641. [LB956]

SENATOR SCHIMEK: Thank you, Mr. President. I don't think this amendment will take long to explain. It simply adds into the provision for rural areas and the use of the interest from the training funds to be targeted as grants to small employers in rural areas. It adds in a provision that says that also high concentration of poverty within the corporate limits of a city or a village, as determined by the most recent federal census, can also be available...can also receive these funds. And the provision is that it has to be families below the poverty line of greater than 30 percent. That was the amendment that the Omaha Chamber brought to me and it was particularly targeted to north Omaha and training funds for businesses wanting to employ people in that area. After that, Senator Synowiecki came to me with the provision that instead of saying families--or have I got this backwards, Senator Synowiecki--that instead of saying "persons" we would say "families." And that would take in the south Omaha area. And Senator Synowiecki, I'll give you a moment here to explain that if you would like. But I had no problem with that and neither did the Omaha Chamber if we put that in. So with that, I

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think it just allows us a little bit more flexibility in distribution of those grants. And I would like to give any time to Senator Synowiecki, if he would like it, Mr. President. [LB956]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Senator Synowiecki, you're yielded 8 minutes. [LB956]

SENATOR SYNOWIECKI: Thank you, Mr. Lieutenant Governor. Thank you, Senator Schimek. I most certainly will not take eight minutes. This is the same amendment I ran on Senator Raikes's amendment from a bill from yesterday. It's the same amendment I did for the Qwest Center turn-back money. If it is the intent of these bills to include southeast Omaha--which, again, is kind of widely recognized as an economically challenged section of the city of Omaha--if it's your intent to include these, under census track language you have to do this one-word change. So I brought this to Senator Schimek and neither Senator Schimek or the Omaha Chamber of Commerce had any particular problem with changing this language in this bill as well. So thank you so much. [LB956]

PRESIDENT SHEEHY: Thank you, Senator Synowiecki. Thank you, Senator Schimek. You have heard the opening of AM2641 to LB956. The floor is open for discussion. Members requesting to speak: Senator Dubas, followed by Senator Ashford and Senator Harms. Senator Dubas. [LB956]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor, members of the body. As a cosponsor of this bill, I rise in wholehearted support of the bill and I see the amendment as only making the bill that much better. So I support the amendment also. I was one of those senators who raised some of the questions when we were talking about the job training money. And I'm not opposed to job training; I understand that's a very important part of what we need to do to grow our state. My concerns were the accountability and knowing and fully understanding where that money was going to. It's taxpayers' money and we should be able to give them an answer to their questions to some degree of satisfaction. So you know, my concerns came from the accountability and just exactly where those taxpayer dollars are going. I was also concerned about, you know, when we talk about job training quite often we're thinking about large numbers of employees. Well, we have a lot of businesses--probably both rural and urban, but especially in rural areas--that don't employ large numbers of people but yet still have the same needs for job training, whether it's just computer skills or literacy skills or public relations skills, those types of things. And our community colleges are doing an outstanding job and they serve our population well. And they even take a few thousand dollars and go an awful long way with job training skills for employers with not as many employees. And they were having a difficult time accessing job training money because they were looking at needing that money in a short time frame and having to go through all the paperwork, etcetera. It just wasn't working out for them. So with this type of a program,

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it's going to be able to allow them to access not large amount of dollars, but it's going to be able to allow them to access money that they can use in a quick fashion that's going to provide good job training skills for our smaller employers. And the return, I just see it paying huge, huge dividends. I was so happy to hear that there was no opposition to this bill and everybody was pretty much on board with it. I think it only goes to serve our state and serve a larger number of people in our state and spread those dollars out across the state rather than having them concentrated in maybe more larger population areas or with jobs that involve a larger number of employees. So I was very, very happy to be able to work with Senator Schimek and be a part of some of the discussions last summer we had on this and was happy to a cosponsor on this bill. And I hope the body will support it. Thank you very much. [LB956]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Ashford. [LB956]

SENATOR ASHFORD: Thank you, Mr. President, and thank you, Senator Schimek, for bringing this bill. There is a companion bill, I guess pretty much you could say, in the learning community bill that's going across right now, that deals with increasing grants to businesses that hire young people from high poverty areas, and I think this is a very consistent bill and to that measure. But I just want to thank Senator Chambers who brought the grant bill that's in our education bill to me and asked that we try to move it into the education bill, which is now done. And now that I read Senator Schimek's bill again, I think this is a great companion effort. First of all, we do need to get a better handle on how these grant funds are being expended, and Senator Schimek's bill does that. We need to better coordinate jobs for young people in high poverty areas, because as we all know, the unemployment, at least amongst African-Americans in Nebraska and Omaha, is I believe fifth highest in the country, or maybe it's even worse than that. So anything we can do to identify young people in high school, move them into employment, really incent the employers that will hire people in high poverty areas, receive training from the community college system, and then we, I think, we have a shot at significantly reducing black unemployment in our city, and I'm sure with Senator Schimek's focus on rural Nebraska, those problems are...also exist in the rural part of our state. So it's a great effort on Senator Schimek's part to identify a real source of opportunity to address poverty, to address employment, and to access and focus the funds from the Department of Economic Development. And I know in talking to the department, they're very motivated to help in this area, so I think it's just a very positive piece of legislation. It's going to make a big difference, and...certainly in my community, and I'm sure it will in other parts of the state. Thank you, Mr. President. [LB956]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Senator Harms. [LB956]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of this amendment, as well as the bill, LB956. I've had the fortunate opportunity to have the experience in regard to these kinds of training programs, and I know that in the

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community college system when this fund was first established there was some question in their minds whether or not they were really being given an opportunity to participate in the training programs for business and industry. As you know, in the role and mission of the community colleges, one of its main targets is training for business and industry. And today, companies will not relocate anywhere in any state unless they have world-class training, unless they have someone who will help them provide the training, lay out the training programs. This is what community colleges do. This is what they're about. This particular program or bill that Senator Schimek has introduced is excellent. It clears up all the issues that we've had, that they've had in the community college system. This also makes it very clear for the Legislature what kind of reporting we're going to get in regard to the Department of Economic Development. This will at least give us the opportunity to track our funds, give us the opportunity to see who's doing the training, give us the opportunity to understand what type of training is being done. I also want to make it very clear that the community colleges have a high interest in this. But let me tell you how this actually works. If a company comes to a community college and says, we would like to have you do the training, and let's just say it's out in the western part, in rural America, and that college says, you know what, we cannot do this training. They will call their colleagues, whether it be Omaha, Southeast, Central, and ask if they could come on board and help. If the training is so sophisticated that the community colleges in Nebraska do not feel comfortable doing this, they will serve as a brokerage agent. They will find a third party to come in and do the training. Not only that, they will help the company evaluate the training, they will make sure that the third party is reaching the objectives that the company and the business, the industry, has asked in regard to what they want their employees to have. This bill does this. This bill opens up the door. This bill gives the community colleges an opportunity to be a part of this. I also am very excited about the fact that we're targeting low-income areas. That's really important in Nebraska. That's really important in this great state to be able to pocket some of those funds in those areas to help people find an opportunity to go to work and be an active part in a job training program. For the businesses that are out in rural America, they need to have the opportunity, whether they're just four or five employees to do the training. That might make the difference whether that company is successful or not. So I hope that (inaudible) you will give support to Senator Schimek and this bill and this amendment, because I think it's needed and it's important for the overall growth and development of Nebraska. Thank you, Mr. President. [LB956]

PRESIDENT SHEEHY: Thank you, Senator Harms. Are there additional members requesting to speak? Seeing none, Senator Schimek, you're recognized to close on AM2641. [LB956]

SENATOR SCHIMEK: Thank you, Mr. President. Just briefly, this is the amendment that adds the areas of north Omaha and south Omaha into the part of the bill that allows rural areas and employers with fewer than 25 employees to access some of these grant funds, and I think that will be very positive. Those grant funds are only granted from the

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interest on these training funds. So with that, Mr. President, I would just ask for the adoption of the amendment. [LB956]

PRESIDENT SHEEHY: Thank you, Senator Schimek. You have heard the closing. The question before the body is on the adoption of AM2641 to LB956. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB956]

ASSISTANT CLERK: 26 ayes, 0 nays, on the adoption of Senator Schimek's amendment. [LB956]

PRESIDENT SHEEHY: AM2641 is adopted. [LB956]

ASSISTANT CLERK: Mr. President, I have nothing further on the bill. [LB956]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Are there members requesting to speak on the advancement of LB956? Seeing none, Senator Schimek, you are recognized to close. [LB956]

SENATOR SCHIMEK: Thank you, Mr. President and members. I'd simply like to thank the cosponsors of the bill and the Appropriations Committee and the Fiscal Office for working with me on this, and also like to thank the Department of Economic Development for providing my office with information and for making strides to do what this bill would ask. So with that, Mr. President, I urge the advancement of LB956. [LB956]

PRESIDENT SHEEHY: Thank you, Senator Schimek. You have heard the closing. The question before the body is on the advancement of LB956. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB956]

ASSISTANT CLERK: 30 ayes, 0 nays, on the advancement of the bill, Mr. President. [LB956]

PRESIDENT SHEEHY: LB956 advances. The next item, Mr. Clerk. [LB956]

ASSISTANT CLERK: Mr. President, the next bill is LB1082, introduced by Senator Cornett. (Read title.) The bill was read for the first time on January 22 of this year. It was referred to the Business and Labor Committee, which reported to the bill to General File with committee amendments. Those committee amendments were considered on March 27. At that time, AM2550 was adopted. The committee amendments are now pending, Mr. President. (AM2252, Legislative Journal page 886.) [LB1082]

PRESIDENT SHEEHY: Continuing discussion on LB1082, Senator Cornett, would you like to give us a summary of this legislation? Senator Cornett, would you like to give us

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a summary on this legislation? [LB1082]

SENATOR CORNETT: Thank you, Lieutenant Governor. LB1082, with the committee amendments, would allow for the payment of workers' compensation benefits for mental injuries. The committee amendment would limit recovery to employees who can show, by a preponderance of evidence, the employment conditions causing the mental injury are extraordinary and unusual in comparison to the normal conditions of the particular employment. Secondly, that the injured employee must show by a preponderance of the evidence the medical causation between the injury and the employment conditions, through medical evidence. These two standards that I have just discussed both apply to the first responders and to any other type of employee suffering from mental trauma related to physical injury. For other employees who are not first responders, there is an additional hurdle. The mental injuries must arise from a violent criminal act. Finally, we provided a clear definition of first responder and made sure that stress or mental injuries resulting from personnel actions such as disciplinary actions and dismissal are not compensable. I know there was a lot of discussion when we heard this bill before in regards to concerns over the fiscal note. We have a new fiscal note, and I would like to address...or be open for any questions from the body on that fiscal note. It is considerably, considerably lower. We also have data from other states showing that the average percentage of mental work comp claims are 2 percent. With that, I would close on the reopening and be happy to answer any questions. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Mr. Clerk, you have an amendment to committee amendment. [LB1082]

ASSISTANT CLERK: Mr. President, Senator Lautenbaugh would offer FA239 to the committee amendments. (Legislative Journal page 1117.) [LB1082]

PRESIDENT SHEEHY: Senator Lautenbaugh, you are recognized to open on amendment to committee amendment, FA239. [LB1082]

SENATOR LAUTENBAUGH: Thank you, Mr. Lieutenant Governor and members of the body. I did discuss this amendment briefly last time that we discussed this bill. Basically, it is designed to limit the scope of the bill. As it now stands, the bill would apply to basically everyone in the course and scope of his or her employment who witnessed a violent criminal act, I believe is the phrase. This would limit it to just first responders on the scene who limit...or who witness the violent criminal act. I think it's a good amendment in that it at least narrows the scope of this, what could otherwise be a substantial expansion in the area of workers' compensation. Thank you very much. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You have heard the opening of the amendment to committee amendment, FA239. The floor is open for discussion.

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Members requesting to speak, Senator Lathrop, followed by Senator Chambers, Senator Cornett, and Senator White. Senator Lathrop. [LB1082]

SENATOR LATHROP: Thank you very much, Mr. President and colleagues. I stand in opposition to this amendment for a variety of reasons, but let me maybe start with where are we and what's this do, because we've covered a lot of ground since we were last on this bill. Recall that work comp will cover a mental injury if a person has depression, if they have posttraumatic stress disorder, as long as the beginning impetus for their injury or the initial insult to the person is physical. So you've got to hurt your back, and then the mental injuries are covered. What this bill does is take a small, small group of people--a small group of people--and allow them to recover if, for a mental injury, where the stimulus was mental in the first place. It is custom-made, it is custom-narrowed down to first responders and people as we saw in the Van Maur situation, people who are security guards, people who work at the Qwik Shop at night and might--or the bank--and might have a gun put to their head. It is in keeping with the traditions of the work comp system, which is to treat, rehabilitate physically, emotionally, and vocationally, and return to the workplace those people who have been hurt on the job. There has been a good deal of discussion. Senator Lautenbaugh puts an amendment up to narrow it, and maybe I can start there on this first occasion to talk. I oppose this because what we are doing is taking a group of people we know will suffer these injuries. That is...a perfect example is the clerk at Von Maur; it can be the security guard at the bank, but somebody who is standing right next to somebody who is shot. Now, those people have not been trained, they have no background, they've developed no thick skin. They see someone shot or someone puts a gun to their head, and now they can't function. And I'm not exaggerating when I say they can't function. They can't go to work, they can't leave the house, they can't function. And what we say to them is, we know you were hurt at work; you can't sue your employer of negligence because of the exclusivity provision that we talked about last time; and you have no remedy; and by the way, if you don't come in to work after a week we're going to cut you loose. It is just wrong to exclude, artificially exclude from coverage of work comp those people who have seen the worst thing you can see, which is to see another person killed. I think we are excluding the very people who probably most need our help because they're the ones who have been through no training. They happened to be at the wrong place at the wrong time. And I know what the lobby is saying. I know what they're saying: We're going to expand work comp to a place where we can't afford it. That's not true. You're not being told the truth if someone is telling you that, because it is a very, very small percent of claims that will come up. This doesn't happen very often, but the people who need it, need our help, and they need our help today. And we should, to advance that purpose, vote against Senator Lautenbaugh's floor amendment. Thank you. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Senator Chambers. [LB1082]

SENATOR CHAMBERS: Mr. President, members of the Legislature, without talking

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about the merits or demerits of the bill if there are any at this point, I also have to oppose Senator Lautenbaugh's amendment. There are people other than these first responders who can be exposed to the same types of traumatic experiences. And as Senator...what's that senator's name now that nobody likes?--Senator Lathrop--those outside the Chamber. Everybody knew him this morning. I just didn't want him to get the big head. I wanted to return him to earth. But, look, there...and you all know that I'm not a bleeding heart when it comes to certain professions, but suppose a teacher or even a principal happened to be in a school, and somebody came in and began shooting students and anybody else who is within range or in sight. Are these people less worthy of consideration, when they are performing a service for everybody and everybody's children? And if we're going to include teachers and principals, should we say that by virtue of the type of job that a person has, he or she will be granted this kind of consideration, when it is established that this mental condition exists? Somebody can't just come there and say, my feelings were hurt, or I didn't like what I saw. You have to establish that this condition exists. If it comes into being as a direct result of you being at your post performing your job, you should not have to assume the risk without any assistance or compensation, the possibility of experiencing a traumatic experience, just to hold this job. And I think it would be inappropriate to limit it to those people who are trained, who can expect to encounter certain things; and it would be wrong for us to say that they are the only ones who can respond or who will suffer as a consequence, a mental disorder, a mental injury, a mental whatever you want to call it. There was a book written, and the title was something like The Heart is a Lonely Hunter . Hearts don't hurt. Hearts do not love. Hearts do not feel. But in order to find imagery that can express in words the depth of feeling that a person may have, the heart was selected because it pumps the blood which carries oxygen, and brings life and maintains life throughout and in all parts of the body. So perhaps the injuries that are most grievous are the ones that are invisible to the naked eye. But we have senses other than our eyes. We can hear things that we cannot see. We can see things that we cannot hear. We can feel things that we neither see nor hear. But all of these senses, and then those whatever you want to call them that connect the senses...and some people talk about human beings being spiritual beings. We do know... [LB1082]

PRESIDENT SHEEHY: One minute. [LB1082]

SENATOR CHAMBERS: ...that there is a part of the human being which is not visible to the eye, which cannot be touched with the hands, but which is very essential to being a human being. And if that essential part is injured, and it is established that that has happened, there ought to be compensation available just as if I lost a finger. My finger loss may not affect me as much as that mental injury. So I'm speaking at this time only against Senator Lautenbaugh's amendment. Thank you, Mr. President. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Cornett. [LB1082]

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SENATOR CORNETT: Thank you very much, Lieutenant Governor and members of the body. We've had...I've had a number of bills up over the past couple of days, and they were important to me but none of them were personal. This bill is personal. Having been a police officer and having seen what can occur, I know that occasionally people do need to seek counseling. And while I support the fact that...the first responders' part of this bill wholeheartedly, I believe that we also need to include people that are subject to traumatic events, violent traumatic criminal events, that are not used to that. When you are going through the police department, you receive months and months of training, films. You know what your expectations are. Before you are hired, you go through an extensive psychological screening as to your ability to perform as a police officer. Everyday citizens that go to work at jobs that are not involved in law enforcement or as a first responder, do not have those same expectations. They do not have that same training. They have not had the same testing. They need help too, particularly since a lot of the people that we're talking about might not have health insurance. If you are a full-time employee you will have health insurance, or might have health insurance. It all depends this day of age in the business that you work for. And a lot of that health insurance includes psychiatric help or counseling. But if you are a part-time worker or you are a very low-income worker, you do not have that benefit of health insurance. I would also like to remind the body of what the primary goal of workers' compensation is, and that is to return the worker to the workplace, to work environment where they can continue being a productive member of society. When people talk about the cost of this bill, (1) they need to look at the new fiscal note. They need to look at the statistics in the states that we are comparing Nebraska to that have already enacted this in some form. Again, I will repeat, 30 states have enacted this in some form. When we are reminded of what the purpose of work comp is, we also need to think about the cost to society if we do not help people. If help is not offered to a person that has suffered this type of trauma, what are the costs to society when they can't return to work? What are the costs to our Social Security, our Medicaid, our work lost from that person? What if they're specifically trained in a certain area? If they don't receive help, you've lost all of that investment in that training when that person can't return to work. I urge the body to look favorably on the bill but to please vote no on this amendment. Thank you. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Senator White. [LB1082]

SENATOR WHITE: Thank you, Mr. President. Imagine you're in a Kwik Shop. A thug comes in to hold up the Kwik Shop, pulls out a gun, sticks it in your mouth and says, if you move I will kill you. Wanders across the counter, opens the till, empties the drawer. If that person chips your tooth, you get compensation, including counseling and treatment. If that person, instead of just chipping your tooth, breaks your mind, you get nothing at all. The law has an obligation to both be humane and make sense. The law in this area in Nebraska does neither. We can treat posttraumatic stress. We can treat it and we can cure it, or at least make it a livable chronic condition where a person can return to productivity. We understand it now in a way we did not in Vietnam, we did not

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in Korea, we did not in World War II, or World War I, where it was called shell shock. Posttraumatic stress disorder is a real condition with real, recognizable symptoms that can be verified and which will respond to treatment. The failure to treat it, especially the failure to treat it promptly, is devastating, not just to the person who suffers it, but to the families around them. The incidence of drug abuse, alcoholism, spousal abuse, child abuse, criminal behavior, secondary to posttraumatic stress disorder is well-documented and staggering. Unfortunately, we are likely to run into an epidemic of posttraumatic stress disorder following the closure of the war in Iraq and Afghanistan. We have done that and society has endured that after every significant struggle. We need to understand what violent encounters of the type we're talking do to human beings' minds, and as a result to the society, especially the people who live around them. The failure to do that and to treat it, is overwhelmingly expensive. You will see it in the court systems, you will see it in the ERs, you will see it in the workplace, you will see it in the schools from children who cannot function because their parents no longer function. The first step is to recognize that the person who had a gun barrel in their mouth actually could have been seriously injured. Until we acknowledge that that is real and meaningful and devastating, we will not even begin to come to grips with what our troops have undergone overseas. We will repeat mistakes of the past, not understanding veterans, not understanding firefighters, not understanding police officers, and not understanding victims of crime which unfortunately, increasingly seem to occur in our schools and public places and pull in, out of the blue, people who just got up that morning with no more thought than getting their kids breakfast and themselves to work. [LB1082]

PRESIDENT SHEEHY: One minute. [LB1082]

SENATOR WHITE: The law has an obligation to be humane and make sense. This is a good bill. The amendment is a terrible amendment. Those who put on a badge deserve our protection, but no more and no less than those who sweep the floors in our schools, sell us the clothes that we wear, or do the work in our stores for groceries and our factories. I ask you all to support this, return rationality to the law. It costs so little. Take a look at the fiscal note. It is staggeringly cheap, and failure to act is devastatingly expensive. Thank you. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Fulton, followed by Senator Burling and Senator Schimek. Senator Fulton. [LB1082]

SENATOR FULTON: Thank you, Mr. President. I have had some time to reflect on LB1082. Initially, when it was brought forward, I had some reservations, but I've had time to think and reflect on it, and I do stand opposed to the bill. The amendment, I think, is an improvement on the bill, but I'm going to try to explain a little bit of my rationale here. Senator White does a very good job of explaining and making known the devastating realities that result from criminal behavior--tragedies--and I won't deny that.

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To recognize the upshot of criminal behavior is not the same as saying we should have employers pay for that. So I guess I was...while I was listening I wrote this down. We have...should all devastating, tragic realities, the realities that are the result of criminal behavior, should they all be paid for by employers? Should employers be responsible for the tragedies perpetrated upon society by criminals? I think that's the essence of this bill. The result of a criminal act, and we'll have employers pay for the workers' compensation part of that act. That's where I have a problem. I look at this from many vantages, but let's take, for instance, firstly, the vantage of the employer. I have employees at my company, and we pay workers' compensation premiums for the workers' compensation insurance that we provide for members of my company, for employees of my company. We will take steps to try to mitigate the amount of risk that our employees are exposed to. We'll try to train how to deal with the realities of Alzheimer's disease, because that can be shocking in a mental and emotional way, about how to properly lift things or to properly clean things, little things that one ostensibly would believe are common sense, but we actually take the time to prepare our employees. So we can actually do something about the workers' compensation claims that might get filed. We can work to mitigate our exposure. If this bill were to move forward, how does an employer mitigate his exposure? The employer is placed at the volition of criminals. A criminal chooses, or one chooses to come in and commit a criminal act, the results certainly, and I agree, catastrophic and real, then would be shouldered by the employer? That doesn't seem right. And with regard to workers' compensation, how does one enact a workers' compensation plan to limit the liability of workers' compensation insurance when one has to make provision for all the potentialities perpetrated on society by a criminal? So that's one point that...at least one point that should be reflected upon. There is something else that I don't quite understand, and even if I could understand it, I think by explicating this, this will make a point. What's the difference between a psychological trauma experienced by one who has witnessed a criminal act versus the psychological trauma that one might experience by witnessing a natural act? There were first responders at Hurricane Katrina who saw...I know...I know some of these people. They saw the results of violence... [LB1082]

PRESIDENT SHEEHY: One minute. [LB1082]

SENATOR FULTON: ...violence that wasn't perpetrated by a criminal; rather, by nature. What's the difference between a psychological trauma experienced by person X and person Y? It's the trauma itself that causes us...in reflection, that's what causes us to have, legitimately, an emotive reaction. There is something inside of us that says there's an injustice and I would like to correct that injustice. But who we are acting to correct the injustice, I believe is wrong-minded here. We're asking employers to fix it through workers' compensation. So those are a couple thoughts to reflect upon. I will be in favor of the amendment. I'm opposed to the bill. Thank you, Mr. President. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Burling. [LB1082]

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SENATOR BURLING: Thank you, Mr. President and members of the body. I want to say that I do not belittle the seriousness of mental trauma. I do not question the passion of the supporters of this bill. But I agree with what Senator Fulton has said and I support the amendment because I think it does narrow down a vast gray area in this bill, and I also agree that this can make employers victims, really, of circumstances beyond their control if it's tied to a criminal act. And I have heard people talk about employees being victims. Veterans were mentioned, the mental trauma that veterans experienced after they've been in combat; costs to society of these folks that experience this terrible mental anguish. There is one group of our society that I haven't heard mentioned. They do not qualify for workers' comp: the thousands of children in this state that experience mental trauma in their home. They're trapped there. Maybe we should spend some more money helping those children, because that's a vast cost to society when they grow up and get out into the workforce and so on and so forth, the mental trauma that they had to endure in their home at the hand of domestic disputes, etcetera, etcetera. These are all things that we're all concerned about, we all care about. And I think the discussion is, how do we best address that? Thank you, sir. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Burling. We'll have Senator Schimek, followed by Senator Lathrop, Senator Friend, Senator Howard, and Senator White. Senator Schimek. [LB1082]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I rise in opposition to FA239. In fact, maybe it should even go just the opposite direction. I don't know the answer to that question, and that's one of the reasons I'm rising, because I would like to talk to Senator Cornett just a little bit about the bill. [LB1082]

PRESIDENT SHEEHY: Senator Cornett, would you yield? [LB1082]

SENATOR CORNETT: Yes, I would. [LB1082]

SENATOR SCHIMEK: Thank you, Senator Cornett. Thank you, Mr. President. Senator Cornett, I just had a discussion with somebody out in the lobby who said that they did not see any reason for this to apply to first responders because...not because it's not a valid issue, but because first responders are covered by labor negotiations and are automatically allowed this kind of coverage. And I see that when people came in to testify, there were some, like the city of Omaha and others, who came in, in opposition, and what I didn't see on my gadget was anybody from the different unions. However, I found some letters in my folder that have arrived that were from the unions and are supportive of this bill. So could you clarify for me and others exactly what first responders are entitled to, and does it vary from place to place? [LB1082]

SENATOR CORNETT: It completely varies from place to place. I'll answer that first. You

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hit on the key part: union contracts. Not all first responders fall under a union contract. Matter of fact, the minority in this state do. The second question that you bring to bear is what is offered to those first responders that fall under a union contract. There is something called critical incident stress debriefings. I have data...and EAP, which is emergency assistance...employee assistance. The first part I'm going to address is critical incident stress debriefings. I have a letter from the police psychologist, John Wineman, clinical and police psychologist, Woodhaven Counseling Associates. I'm going to read one, just one of his comments at this point. Our statutory statewide critical incident stress management program provides stress management sessions to first responders if necessary or requested by the department. It is not designed to be or to replace medical, psychological treatment. Again, what is in place for first responders in this state is not designed to replace medical and psychological treatment. It is not an ongoing, as the interventions are typically a one-meeting session. It is manned essentially by volunteers. I will tell you also that on the police department, and I'm not saying that every police officer conforms to this, but there is the attitude that I have to be tougher than my coworker or I have to be as tough as my coworker. Frequently, when these critical incident stress debriefings are offered, people don't go. They don't go because they're done in a group setting. They don't want to show how they feel in front of their coworkers. Now, I'm not saying this is true for everyone. I'm not saying it's true for other industries that offer... [LB1082]

PRESIDENT SHEEHY: One minute. [LB1082]

SENATOR CORNETT: ...critical incident stress debriefing, but I know for a fact that it is true on police departments, and I know it is true for me personally. I was offered to go to one of these sessions regarding a homicide, and I chose not to go because I did not want my coworkers to know how I felt about the incident. [LB1082]

SENATOR SCHIMEK: Senator... [LB1082]

SENATOR CORNETT: I would have been more than happy to do that on a one-on-one basis. [LB1082]

SENATOR SCHIMEK: Senator, I think our time is about up so I've turned my light on again and we'll try to continue with another question or two when I have that opportunity, but thank you for your response. I appreciate that. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Thank you, Senator Cornett. Senator Lathrop. [LB1082]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I would like to take a few minutes and respond to some of the questions, some of the remarks that I've heard since we've again taken up this subject matter. And maybe I can preface that by saying

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that Senator Karpisek shared an e-mail with me, and this might explain some people's interest in this. And the e-mail was from some care home, and it basically said--I'm sure, regurgitating something somebody behind the glass told them--that please oppose LB1082; this bill, if passed, would further burden long-term care nursing facilities in Nebraska. Now, if I picked one place that's probably never going to see a violent criminal act, it would be a nursing home. Right? So what we have is, we have somebody lighting up e-mails and telling people to call their senator and, you know, their hair is on fire, and we've got a big problem, and they're going to do something crazy down in the Legislature. Let me suggest something to you. First of all, this is foolishness. This is one group that they won't see a change in their premium at all. But it goes to the point Senator Fulton made, which is, as he does, he used his logic, such as it is, and I don't agree with all of it or even much of it some days, but he used it. And his logic is this: An employer can't mitigate against the risk of somebody coming in with a gun and threatening one of his employees, and so why should we make the employer pay? Well, there's a couple of answers to that. The first answer to that is that the employer can mitigate against it, all right? We're talking about crime, and there are expert witnesses in criminal justice, in crime, all over the country, that testify about the ability to mitigate against criminal activity. Let me give you an example. Let's say that I own a package liquor store, and I sell package liquor and cigarettes in the worst part of town, in the worst part of a large metropolitan area; that's what I do. Now, I can put a lock on the door and let people in one at a time, or if I don't have to be responsible for the guy that gets scared or shot, I can just leave that lock off. Now, does that make good sense? And incidentally, I'm going to insure my inventory, so we're all okay with the idea that the guy ought to insure his liquor and he ought to insure his cigarettes and his cash register and his building, but not the guy who works the cash register. I will tell you that this is the very type of risk that an employer can mitigate against. You use good judgment, you use good practices, you put locks on the doors, you keep the windows open so people on the street can see in, and you are going to mitigate against these risks. But the second point is this: Does he have a whole lot of control over the guy that's driving the delivery truck? No, he doesn't, but he's responsible to that guy in work comp when he gets hurt. So when you send the fellow over to make a delivery, and he hits a tree on his way and hurts his back, he's covered by work comp. The fact that you don't have total control over the risk doesn't mean that it shouldn't be covered by work comp. That's the very nature of work comp. If someone can pick up something off the floor and hurt their back, you didn't do anything to make that more or less likely to happen, but the pact and the social contract that management and labor entered into when we started down the path of work comp is this: We'll cover if you get hurt in the scope and course of your employment, and you, in turn, can't sue me in tort. Now, that last part you may not understand, but it's kind of an important piece in this. If you can't sue--and you can't in work comp--your exclusive remedy in work comp... [LB1082]

PRESIDENT SHEEHY: One minute. [LB1082]

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SENATOR LATHROP: ...if you're hurt at work, is...your exclusive remedy is in work comp. So for those people who are not covered for an injury, mental and mental, as we're taking up today, they have no remedy. They have no remedy. The boss could have been careless. He could have let you down in the worst part of town with no locks on the door and invited criminal activity, and you can't do anything about it. No cause of action. That is unfair. This amendment...this amendment is an attempt to cut out the people who are the most vulnerable, the most vulnerable, those who have not been trained to experience this kind of a trauma. And to see another person shot, to have someone put a gun to your head, does serious injury to the psyche, and these people ought to be covered and not thrown to the curb and hired and replaced by another \$8-an-hour employee. [LB1082]

PRESIDENT SHEEHY: Time, Senator. [LB1082]

SENATOR LATHROP: Thank you. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. (Visitors introduced.) Senator Friend. [LB1082]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. This is...I'm glad I've been actually in tune to the degree that I have with this debate for the amount of time, you know, that we've been involved in it. And I've also gotten an opportunity to talk to what Senator Lathrop is pointing out. There is a lobby out there...well, there's a lobby on both sides. I, as probably well-documented, as you've heard me say, understand how the cops feel about a bill like this. I know how the firefighters feel. But I've also heard the other side from the lobby. So Senator Lathrop is right. We're getting bombarded. I don't think that was the terminology he used but I'll use it. I'm struggling with this bill, and I'll be honest, I can't...it's not one of those things where I stand up right away when I start talking, and say--and I don't do that, that often--but say, I rise in support of LB1082 and all the amendments therein. I don't know. And here's why I don't know yet, and here's why I'm struggling. Senator Lathrop laid out a decent argument after Senator Fulton laid out a really decent argument. We're talking about scope here. I'm struggling with this bill and the idea, and it all relates to scope. Let me give you a quick example, and you could come up with an analogy or you could come up with hypotheticals all day long, and I'm sure that they've gone through all your minds to a certain degree. What I'm wrestling with is the idea that...I remember my sister was hurt in a car accident, it was 20-some years ago now, and I can only imagine...when I walked into the hospital room and I saw her, that was traumatic. She was going through trauma and our family went through the same thing. LifeFlight had to come in. They backed up Center Street, you know, for miles. I mean, this was rush hour. There is a point to this. She was going to work. She was driving to work. You see my hypothetical here? Her whole life and all of our lives were changed, and there was no workers' comp to support and to help her or any of our family members through this

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issue. Had she been at work there would have been. Now, we've drawn the line, right? Senator Lathrop threw another line. What about that guy who is out there, and part of his job is to drive that truck? He's killed en route to some particular...a job that he was working on. What I'm saying is, is the scope creep could never end. It can continue on and on. And what we're asking for right now, and correct me if I'm wrong, is we're looking to increase the scope right here, if I'm not mistaken, are we not? I mean, that's why I wanted to be involved in this debate. We're asking for more. We're asking for more information for these workers. I can't say that the cops that I've known that have been on the job for 25 years were injured mentally after the first three kids they saw got beat up by their dad. But maybe it happened 10 years after that or maybe 15 years that, when the cop showed up and said, I can't take it any more. What are we doing and where does this scope come to an end for those employees? Maybe it never does. I guess that's why I'm struggling, folks. Am I the only one out here that doesn't know what to do with this bill? Because I either don't understand enough about workers' comp, or I don't know where that scope or where we need to do...or what we need to do to draw that line. And I'm being as honest as I can. We've had discussions, oh, what about LB1082? [LB1082]

PRESIDENT SHEEHY: One minute. [LB1082]

SENATOR FRIEND: It's difficult. What do we do with it? Should we let it go? Should we stop it? Should we...? Do we need to amend it? Do we need Lautenbaugh's amendment? You know, I'm sick of it. I'm sick of it to this degree: I don't know if I'll ever have an answer. I mean, Senator Lathrop is doing the best that he can, but again, somebody help me with a line. And by the way, can we change the line next year? I think that's a fair question, folks. Honestly, I don't know what to do with this, and maybe we're out of time today, and that was...that also wasn't necessarily my intent, but I am nowhere near voting for this bill, and I don't really want to vote against it either. You see my predicament? Mr. President, at this point that's all I'd have. Thanks. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Friend. Senator Howard. [LB1082]

SENATOR HOWARD: Thank you, Mr. President and members of the body. Senator Friend is always a hard act to follow but I'll give it a try. I stand in opposition to this amendment, and let me give you a scenario. From a life like my former life, my life before I came down here to work, my mother...or just picture a mother, a mother. And I certainly was a mother and I was a mother in this position. A mother gets up every day at 5:30 in the morning to get her two children up, dressed, fed, and strapped into car seats, and on the way to the day care and the school. And after that she stops for gas, and sees the price has gone up again since last night, and hurries to get to her job at a department store in the mall. She has to hurry because she punches a time clock and she can't be late. She focuses her thoughts on helping people with purchases, and sometimes she thinks about what she's going to fix for the family for dinner and with

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helping the kids to do their homework. She does not expect to see her coworker assassinated before her eyes. She's not trained for this and she's not mentally prepared. How can we, as policymakers, tell this woman that she should get on with her life, that she should find her own ways to cope, that the laws were intended for first responders--which I support that section of this bill, as well--but that she's not included? I can't accept that. I don't think that's what we're here to do, is to select out individuals that we will protect and those that we're not going to. So again I say, I stand in opposition to this amendment and I support the bill. Thank you. [LB1082]

PRESIDENT SHEEHY: Thank you, Senator Howard. Mr. Clerk, do you have items for the record? [LB1082]

ASSISTANT CLERK: Mr. President, new bills. LB708A, by Senator Pahls, and LB847A by Senator Erdman. (Read titles.) That's all I have. (Legislative Journal page 1288.) [LB708A LB847A]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Members, as noted, we will change, move forward on the agenda to items under the 4 p.m. Select File. Mr. Clerk. [LB895]

ASSISTANT CLERK: Mr. President, with respect to LB895, I do have E&R amendments. (ER8219, Legislative Journal page 1139.) [LB895]

PRESIDENT SHEEHY: Senator McGill. [LB895]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB895]

PRESIDENT SHEEHY: You have heard the motion on the adoption of E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB895]

ASSISTANT CLERK: Senator Janssen would offer AM2590. (Legislative Journal page 1240.) [LB895]

PRESIDENT SHEEHY: Senator Janssen, you are recognized to open on AM2590 to LB895. [LB895]

SENATOR JANSSEN: Thank you, Mr. President and members of the body. AM2590 would delete unnecessary language. AM2344, which was adopted on General File, "unifies" the definition of wages that is current in the Nebraska Advantage Act, with that in the proposed Tier 6 under LB895. Specifically, this amendment defines the wages for all tiers as compensation, including overtime and bonuses, and excludes qualified fringe benefit deductions like the employees' share of the health insurance or retirement. When we did so, the definition for average annual compensation in Tier 6 weekly required compensation were no longer necessary since the calculations were

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the same for all tiers. AM2590 merely removes these definitions from the bill, and I ask for your support. Thank you. [LB895]

PRESIDENT SHEEHY: Thank you, Senator Janssen. You have heard the opening of AM2590 to LB895. Are there members requesting to speak? Senator White, you're recognized. [LB895]

SENATOR WHITE: I rise in support of this bill. I think it's an excellent bill. Senator Janssen has worked extremely hard on it. It offers great incentives to the state and it a perfect example of what can be done when people across all parties, conservative, liberal, Republican, Democrat, Independent, as the Revenue Committee is comprised of, work together to advance the state. It's exactly what makes this Legislature so very valuable when we function as we are intended to do. Thank you, Mr. President. [LB895]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Janssen, no additional lights are on. You're recognized to close. Senator Janssen waives closing. The question before the body is on the adoption of AM2590 to LB895. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB895]

ASSISTANT CLERK: 26 ayes, 0 nays, on the adoption of Senator Janssen's amendment. [LB895]

SENATOR JANSSEN: AM2590 is adopted. Next amendment, Mr. Clerk. [LB895]

ASSISTANT CLERK: Mr. President, Senator Cornett would offer AM2601. (Legislative Journal page 1240.) [LB895]

PRESIDENT SHEEHY: Senator Cornett, you are recognized to open on AM2601. [LB895]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body. AM2601 amends LB895 to include a personal property exemption for \$30 million investment or more for computers for Web portal companies only. In the process of working through the bill, we found that there were industries interested...computer industries interested in relocating...or locating to the state of Nebraska. This amendment improves LB895 for those companies. I'm going to explain a little bit of what type of company we're talking about. Data center projects are the fastest growing field in corporate site selection. A recent study by the firm Boyd Company, who specializes in corporate site selection, found that Omaha ranked sixth for best cities for data centers. According to the Boyd study, it costs 40 percent less to run a data center in Nebraska than in New York. We would like to attract these businesses, and I have offered this amendment with the approval of the majority of the Revenue Committee members. Senator Janssen supports this amendment. And I urge the body to pass the

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amendment and support the overall bill. Thank you very much. [LB895]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the opening to AM2601. Members requesting to speak, Senator Carlson. [LB895]

SENATOR CARLSON: Mr. President and members of the Legislature, I'd like to address a question to Senator Cornett. [LB895]

PRESIDENT SHEEHY: Senator Cornett, would you yield? [LB895]

SENATOR CORNETT: I'd be happy to. [LB895]

SENATOR CARLSON: Senator Cornett, I really don't understand the type of business that you're talking about here. Is that one that would come to the state and the employees are at a central location, because we're talking about Internet here, or would these employees be in other areas other than where the central office might be? [LB895]

SENATOR CORNETT: No, they would be in a central location. It would be for Nebraska employees. It fits in very well with the overall purpose of LB895, which is to attract high-paying jobs. [LB895]

SENATOR CARLSON: Okay. Now...and that's the answer I want. Now, if the center is in Nebraska and it's in Omaha or it's in Lincoln, could they have employees in more rural positions? [LB895]

SENATOR CORNETT: And I was going to say...I had to double-check with George on that. They would not be counted as part of the 75 employee minimum for this bill. They could have 75 employees at that location or job site, have the \$30 million investment in computers, but then also employ people across the rest of the state. [LB895]

SENATOR CARLSON: Okay. So you're saying that the 75 employees could be across the state. [LB895]

SENATOR CORNETT: No. They would have to be at the one job location. [LB895]

SENATOR CARLSON: Well, I think they ought to be. Why not? Why not allow rural Nebraska employees to be a part of the number? Because that encourages them to allow some people to be their employees for more rural or remote positions, and we're looking for opportunities to bring people and keep people in rural Nebraska where we have the infrastructure already for them. I don't...I think that strengthens it rather than weakens it. [LB895]

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SENATOR CORNETT: You know, Senator Carlson, I would be more than willing to think that over and possibly offer another amendment to that effect, but from what I understand, the employees need to be at the actual data center where all of the computers are at for this. I'm not saying that they couldn't work in other parts of the state for the same company, but we're talking about a business locating in one area, and it's...we're not talking about just Omaha. That was just a statistic. These businesses could locate anywhere throughout the state. [LB895]

SENATOR CARLSON: I understand that, and believe me, I'm voting for this. But let's say that a company comes into Hastings, and out of their 75 employees they need some people from Grand Island and they need some people from Trumbull and they need some people from Clay Center and they need some people from Sutton, and if they can't count them, they might not come, and it's all employment of people that's helping rural Nebraska. That ought to be accommodated in here, I think. [LB895]

SENATOR CORNETT: I will look at that and discuss it with Senator Janssen. [LB895]

SENATOR CARLSON: Okay. Thank you. [LB895]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Thank you, Senator Cornett. Senator Cornett, no additional lights are on. You are recognized to close. Senator Cornett waives closing. The question before the body is on the adoption of AM2601 to LB895. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB895]

ASSISTANT CLERK: 28 ayes, 0 nays, on the adoption of Senator Cornett's amendment. [LB895]

PRESIDENT SHEEHY: AM2601 is adopted. Next amendment, Mr. Clerk. [LB895]

ASSISTANT CLERK: Mr. President, Senator McDonald offers AM2617. (Legislative Journal page 1240.) [LB895]

PRESIDENT SHEEHY: Senator McDonald, you are recognized to open on AM2617. [LB895]

SENATOR McDONALD: Mr. President and members of the body, AM2617 is a simple amendment. It eliminates the requirement that a separate bank account be set up and maintained for every loan made from a city's economic development loan fund. This requirement was created in 1991 by the passage of LB840, the Local Option Municipal Economic Development Act. With the widespread use of computers, funds can be placed in one account and easily tracked using readily available software programs. The separate bank account requirements for each loan is cumbersome to manage and unnecessary in today's modern financial environment. I urge you to support this

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amendment. Thank you. [LB895]

PRESIDENT SHEEHY: Thank you, Senator McDonald. You've heard the opening to AM2617. The floor is open for discussion. Are there members requesting to speak? Seeing none, Senator McDonald, you're recognized to close. Senator McDonald waives closing. The question before the body is on the adoption of AM2617 to LB895. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB895]

ASSISTANT CLERK: 26 ayes, 0 nays, on the adoption of Senator McDonald's amendment. [LB895]

PRESIDENT SHEEHY: AM2617 is adopted. Anything further, Mr. Clerk? [LB895]

ASSISTANT CLERK: Nothing further, Mr. President. [LB895]

PRESIDENT SHEEHY: Senator McGill, you are recognized for a motion. [LB895]

SENATOR MCGILL: Mr. President, I move LB895 to E&R for engrossing. [LB895]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB895 advances. Items for the record, Mr. Clerk. [LB895]

ASSISTANT CLERK: Mr. President, Senator Kopplin would offer three amendments to LB1116. (Legislative Journal pages 1288-1289.) That's all that I have other than a priority motion. [LB1116]

Speaker Flood would move to adjourn until Thursday, April 3, 2008, at 9:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Thursday, April 3, 2008, at 9:00 a.m. All those in favor say aye. Opposed, nay. We stand adjourned.