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Floor Debate
March 10, 2009

[LB63 LB105A LB121 LB136 LB235 LB276 LB277 LB327 LB340 LB346A LB346 LB356
LB356A LB396 LB477 LB545 LB601 LB603 LR47]

SENATOR ROBERT PRESIDING []

SENATOR ROBERT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Chamber for the forty-first day of the One Hundred First Legislature, First Session. Our chaplain for the day is Reverend L. Bill Woods from People's Mission Missionary Baptist Church in Omaha, Senator Council's district. Please rise. []

REVEREND WOODS: (Prayer offered.) []

SENATOR ROBERT: Thank you. I call to order the forty-first day of the One Hundred First Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record. []

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

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

CLERK: I have no corrections, Mr. President. []

SENATOR ROBERT: Are there any messages, reports, and announcements? []

CLERK: Mr. President, priority bill designation: Senator Gloor has selected LB396. And a new resolution. Senator Coash, LR47, that will be laid over. That's all that I have, Mr. President. (Legislative Journal pages 679-680.) [LB396 LR47]

SENATOR ROBERT: Thank you. We will now proceed to the first item on the agenda, General File. []

CLERK: Mr. President, LB346A is a bill by Senator Gay. (Read title.) [LB346A]

SENATOR ROBERT: Senator Gay, you're recognized to open on LB346A. [LB346A]

SENATOR GAY: Thank you, Mr. President. This bill is the, obviously, the fiscal note to LB346 which included the hot line, family navigator, and the peer to peer support groups. The...we had heard concerns, of course, during General File of where the costs would come from. We don't want to take from one program and hurt those programs. This is a direct fund from General Funds, \$2.9 million in 2009-2010, and \$4.9 million 2010-2011. I had discussed earlier about trying to find opportunities for savings to offset cost, which we are still working on. And I will still continue to work on, over the summer

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

Floor Debate
March 10, 2009

and even into next year on 661. I had talked to several providers, doctors, people. And, I think, what we're going to do is have an interim resolution on that, see if we can find some compromise. There are also some activities going on at the federal level on rebates that, I think, would be very positive if that happens. But at this point, I guess, the idea is do no harm. This would obviously...I don't want to put money in, more than anyone else, that would...or take money away from that's going to hurt somebody. But we're trying to put money in the system as well. I know we have differences on how that can be done. But I think this is pretty straightforward. This will, of course, be dealt with later, as I discussed earlier, as everything narrows down. So I would seek my colleagues support on this, continue to move forward, and at the end of the day we'll get through all of this. And I think everybody's goals of finding solutions and putting money where it will do the most impact will certainly be done when we start getting towards the end of our session. So this fiscal note catches up with the bill. And, like I said, it makes a change. It's directly from General Funds. Thank you, Mr. President. [LB346A LB346]

SENATOR ROBERT: Thank you, Senator Gay. Members, you have heard the opening to LB346A. Are there any wishing to speak? Seeing none, Senator Gay, you're recognized to close on LB346A. Senator Gay waives closing. The question for the body is, shall LB346A advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB346A]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB346A. [LB346A]

SENATOR ROBERT: LB346A does advance. Next item on the agenda, Mr. Clerk. [LB346A]

CLERK: Mr. President, Select File. Senator Nordquist, LB105A. Senator, I have no amendments to the bill. [LB105A]

SENATOR ROBERT: Senator Nordquist. [LB105A]

SENATOR NORDQUIST: Mr. President, I move LB105A to E&R for engrossing. [LB105A]

SENATOR ROBERT: Members, you have heard the motion to move LB105A to E&R for engrossing. All those in favor signify by saying aye. Opposed, nay. LB105A does advance. Returning to General File, Mr. Clerk. [LB105A]

CLERK: Mr. President, LB356, a bill by Senator Dubas. (Read title.) The bill was discussed yesterday, Mr. President. Committee amendments, as offered by the Judiciary Committee, were presented. The committee amendments are still pending. (AM529, Legislative Journal page 615.) [LB356]

Floor Debate
March 10, 2009

SENATOR ROBERT: Senator Dubas, you are recognized to bring us up to speed on LB356. [LB356]

SENATOR DUBAS: Thank you, Mr. President, colleagues. Yesterday we had a really good start of a very important debate. This is probably one of the most important policy discussions that we are going to have. This LB356 came from the safe haven special session last year and consequently the Children in Crisis Task Force that followed and what we learned from that task force. And that task force was very clear in their points about that we need a single point of entry for families to go to when they're seeking help and looking for a direction, and then after they enter that door that they actually get sent someplace that will provide help for their families. LB346 gives that door, opens that door. LB356 provides those services that are so desperately needed for children. I can't emphasize enough the importance of the lack of services and funding for services for children. LB1083 has done a relatively good job in laying out a process and resources for services for adults. But there is not access for children here. And all too often parents are forced to make their child a ward of the state in order to access services. There's Medicaid dollars available for services but, unless your child is a ward of the state, you aren't going to access those resources, those services. So it's just very important that we are able to put a system in place that is going to prevent these kids from becoming a ward of the state and get them the services that they need, especially up-front services. Rather than spending dollars at the end of the line that are extremely costly, we're talking \$26,000 a year just to incarcerate someone, let's spend those dollars up front and make those dollars work for us in a better fashion and get the help for the kids that we really need to do. There was a lot of confusion yesterday, talking about different dollar figures were being floated around, and the regions, and I'd like to take the opportunity to maybe to address some of those confusions, especially in the area of the fiscal note. As I said, there are a lot of numbers floating around. And, you know, we've heard talk of \$120 million, we've heard just all kinds of millions of dollars being floated around. [LB356 LB346]

SENATOR ROBERT: (Gavel) [LB356]

SENATOR DUBAS: Right now we are spending \$2.7 million on the Professional Partner Program. That's the program that's available in all of the regions across the state, \$2.7 million. That's a long way from \$120 million. And that is divided between the six behavioral health regions. And then that money is allocated on a formula based on population and poverty. That's a formula that's already in place. We are spending \$5.3 million just generally on behavioral health services for children throughout all the regions. Again, that's divided among the six regions, \$5.3 million on behavioral health services for children. I think we just need to keep repeating that fact over and over and over again. And there are members of the Fiscal Office up here today that, should you have any questions about the dollars, let's go to the people who really know where these dollars are and where they're being spent. So \$5.3 million throughout the regions

Floor Debate
March 10, 2009

just on behavioral health services for children, and \$2.7 million that's going to the Professional Partners Program. The Behavioral Health Reform Act of 2004 did not define "children" nor did it define behavioral health services for children. Again, these are adult focused services. So I'd encourage you to take a look, to get the session book out from 2004 and read LB1083. It does not mention children; we've overlooked children for far too long. We need to talk about where this funding...where these funding sources come from. And as Senator Gay pointed out, you know, we need to be looking at how these dollars...how our dollars are being spent. And if we can put them into places that are going to give us a better return on our money, then we need to look at that. But we're going to have \$227 million in federal stimulus money coming to our General Fund from Medicaid back payment. I recognize as well as I think everybody else in the body recognizes these are one-time dollars. So where we put those dollars we have to be sure that we don't put ourselves in a bind down the road trying to come up with dollars to sustain that money. But these are dollars that are coming into the General Fund, and we're going to have to be able to put them to the best use possible. I think it's just imperative that we do not lose sight of this. The \$160 million fiscal note on my original bill ought to be evidence enough that we recognize that there's a problem out there. The department pointed out if we are going to adequately serve the kids of our state, this is how much money it's really going to take. I recognize that as well as the committee recognized that \$160 million was not a doable figure and we were going to have to look at another way to get funding to children. You know, there was talk yesterday about, well, all we're doing is focusing on the money. Well, yeah, we are focusing on money because it takes money to provide services for kids. And we've got to get those resources available that go to direct services for kids, up front, that helps us save dollars down the road. So through the committee amendment we pared it back to the \$30 million. That's one-half of 1 percent of our entire state budget. There are a lot of other proposals that we're talking about, they're very valid proposals, and they actually...I mean, we're looking at a puzzle here. And all of these pieces are very important parts of that puzzle. So whether it's the hot line so parents have a place to go to find out where they can access help, whether it's LB356 so there's actually help at the end of that hot line and helps parents access that help, whether it's SCHIP so that more children are able to access those monies, whether it's provider rates, all of the bills that we're talking about are extremely, extremely important and they work together. And I think through the stimulus money, through really sitting down and looking at what's going on through the Healthcare Cash Fund and a lot of other places, we aren't going to take money from existing services, but we're going to find money that will help us. Let's look at capturing the \$15 million, the projected savings from reducing the number of state wards. You know, that's a dollar figure that's been out there, \$15 million in savings, let's put that savings to constructive use to build on that savings. So there are a lot of things that we can do as a legislative body. It's our duty to set the debate. It's our duty to define the policy. It's our duty to determine the budget and be responsible with that determination. And we can do that and it is our number one responsibility to go to Appropriations, to make our case for what we need to do, and to be responsible in that

Floor Debate
March 10, 2009

approach. And I think yesterday's debate has definitely started us down that road. Again, I want to emphasize this is a policy debate, it's a policy discussion that was promised to us during the special session last year. We weren't able to deal with this specifically during the special session. We were promised the ability to, in my mind, not only debate it this session but actually come up with solid, concrete solutions and resolutions. And I think we are well on our way to defining that policy, defining this debate, and actually coming up with solutions that are going to address resources for our children. I just...I'm just going to continue to reiterate the fact that we have to have funding... [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR DUBAS: ...for children. This bill addresses that specific issue. The amount of dollars that are being put into these programs now are divided among six regions across the state; \$2.7 million goes to Professional Partners; \$5.3 million just in general services to the six regions. The regions are doing really incredible work with those limited amount of dollars. And if we can expand the dollars that the regions have access to, they will be able to multiply significantly the children that they are able to reach. And we are going to see the positive results of those dollars being spent. Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Dubas. Members, you have heard the reopening of LB356. Senator Ashford, you are recognized for a couple minutes to reopen on the committee amendments. [LB356]

SENATOR ASHFORD: Thank you, Mr. President and members. I think it's important to just revisit a bit why we are here, why we are here with Judiciary Committee amendments, why this matter was not in the Health Committee, and why our committee felt unanimously that there needed to be...we needed to address the issue of the gap, the gap that exists in services in our state that makes Nebraska one of the lowest states for providing services for children with behavioral, mental health problems. And I don't think there's any debate about that, that we under any real...any indicia that we apply, Nebraska does not have the services available for children. I think we're addressing that in the Health Committee issues...bills certainly are addressing aspects. Senator Avery has come up with a prudent solution on SCHIP. And Senator Gay and his committee have come up with some prudent suggestions dealing with the hot line and other gatekeeper types of proposals. The reason this issue is before you from the Judiciary Committee is because the effect of not having, members, not having a behavioral mental health delivery system in Nebraska that is adequate, the effect of that is overloading of the court system throughout our state. Whether it's the juvenile court in Lincoln, the juvenile court in Sarpy County, or the juvenile court in Douglas County, for years and years and years and years and years those courts have been required to deal with behavioral mental health issues primarily because there were not the services

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

Floor Debate
March 10, 2009

available in the community. And for years and years and years we...after years of this, we became a state with a high number of wards of the court if not the highest. We are attempting, in all these bills, to address that issue. The Judiciary Committee has an obligation to this body to put out bills that will make our court system more efficient, clearly, more efficient, that will deliver justice fairly and equitably, and that will bring to our citizens and our constituents a system that works for them every single day. It does not work for them every single day in the area of children's mental health. The Von Maur case is a horrendous example of what can happen when you have a failed policy. What we are proposing here and what the Judiciary Committee has...is asking you to please consider is to address the crisis, the crisis that exists every single day in every community of our state, in every juvenile court, in every county court that deals with juvenile matters in our state. This is not a gotcha bill, this is not a suggestion that the Department of Health and Human Services is bad or evil or wrong, that's not what this is all about. What this is all about is our...this Legislature developing a policy that will meet the needs that one cannot debate do not exist, the needs of our citizens every single day exhibited in our court system, in our behavioral mental health system. [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR ASHFORD: The committee amendments simply say if your family is in need and you do not have insurance or if you do you're able to pay, but if you do not have sufficient money you can pay a portion of the fee to get services today, not next week, not two months from now, not six months from now, but today in your particular mental health region. That is what this is about. This is a crisis of monumental proportions in our state. It is a humongous crisis that we must and are obligated to address. Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Ashford. You've heard the opening to LB356 and the committee amendments, AM529. (Visitors introduced.) Returning to discussion. Members wishing to speak are Senators Friend, Ashford, Gay, Nordquist, Schilz, and others. Members, will you please keep your conversations to a minimum. Senator Friend, you are recognized. [LB356]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I listened closely and intently yesterday. Very interesting. And it's pretty clear to me that we have 49 people, at least this is what I believe, we have 49 people out here that really want to do something right and we want to do something effective. I don't think there's any doubt in my mind. The rap that there are people out here that care more about children than other people is laughable. So I won't even address that, we'll move on. I'm going to be the first actually, from what I understand, remember, listening intently yesterday. I'm going to be the first to say that I'm actually opposed to this legislation. Others might have said it yesterday. I missed it. I thought I listened intently enough. We tramped around in circles, but there's a practical reality and a philosophical reality right

Floor Debate
March 10, 2009

now with this language that we're dealing with. The bill originally, LB356, provided very specific service directives for wraparound services on behavioral health services for a child who is subject to a voluntary service agreement, the cost to be paid by the Department of Health and Human Services. Assessments were ordered in the bill, court orders were out there in the bill, etcetera, etcetera. It was very specific. There were guidelines wrapped around it. Now, now in AM529 we have \$30 million dumped into the regions which operate on HHS directives, by the way. People can say that they don't, but that's not true. The bill has changed significantly with this amendment, no question about it. And I'm glad Senator Ashford brought up these points. I think there is a perfect right for us to be dealing with this out here. However, it needs to be addressed. And Senator Ashford addressed it. Let me continue addressing it. As the Chair of the Urban Affairs Committee if I took a bill dealing with an occupational tax for trucking firms, our committee gutted it, okay? That's not a bad term. We've gutted other bills, we do it all the time. We do it on the floor, we do it in committees. Our committee gutted it and made a wholesale change to the gas tax system. What do you think the Revenue Committee...do you think they might not try to recommit the bill. What do you think they'd say? What do you think Senator Fischer's committee would say? They might have something to say about that. And I can say, well look, I mean, this is a huge problem, funding roads. We need to do it. And the trucking firms, yeah, this original bill dealt with the trucking firms and an occupational tax. But we have to deal with this, the real big, macro problem. So I took it upon myself, as Urban Affairs Chair, to talk to my committee and take control of this issue because Revenue and Transportation didn't do it appropriately. Is that the implication? Because if it is, AM529 is appropriate discussion. However, I don't think that is appropriate because I think the Health and Human Services Committee is dealing with this in a certain way. If we don't like it, we can tramp on those bills. Look, the philosophical piece, the philosophical problem I have with this bill is we're talking about \$30 million in a biennium with virtually no parameters wrapped around it. Let me say that again, \$30 million with virtually no parameters wrapped around it. We are going to dump a bunch of money that the proponents of this bill yesterday... [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR FRIEND: ...said that they do not trust HHS, they don't like HHS, they think for years HHS has done a horrible job, and now we're going to dump it out to the behavioral...or the regions, which operate with HHS directives, we're going to give them all 30 million bucks and say, good luck, we think you can help us solve this problem. We can't have it every way, folks. It's not just both ways, we can't have it every way. I'm going to vote against this amendment, I'm going to vote against the bill in a respectful manner, because quite frankly, as I just brought up, as the point I just made is a reality, this bill could be recommitted. But it might not be recommitted if we adopt this amendment. I would recommit it over to the Health Committee. Now I don't want to do that. I think we can have this discussion in a calm and rational way. But it's a bad idea.

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

Floor Debate
March 10, 2009

We don't have the money. We are not a big government state. We got 1.7 million people, and we cannot afford this. We have to start... [LB356]

SENATOR ROBERT: Time. [LB356]

SENATOR FRIEND: ...making decisions with parameters wrapped around it. Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Friend. Senator Ashford, you are next and recognized. [LB356]

SENATOR ASHFORD: Well, thank you, Mr. President. And I'm glad to have Senator Friend engaged in this debate because he is effective and he makes a good point. In fact he makes the best point not to vote for this bill. And that is that this bill should have gone to the Health Committee. I would have loved for the safe haven issue to have gone to the Health Committee. (Laugh) We wouldn't have spent all fall and...all summer and all fall working on the safe haven issue if the safe haven issue had not come before this body in the way that it did. The safe haven bill came to our committee. We have spent weeks analyzing where the gaps are in the system in the Judiciary Committee. Clearly, it's the Health Committee's role to talk about what can the health community, the HHS, what can they bring to this problem. And I invite that debate. Let's start talking about how do we deal...I'd like to hear from some member of the Health Committee to tell me how...and this is not an accusation, I really want to know. How are we going to deal with these gap kids, the kids that are the safe haven kids, the kids where the insurance has run out, the kids that are not on Medicaid. How do we deal with them? If there is a way to deal with them with existing law, with existing funding, with existing appropriations, great. I can tell you, as I've told my good friend, Speaker Flood, the Judiciary Committee does not have to have every issue in this body. We'd be happy to have someone else, Senator Friend, my good friend, Senator Friend, have somebody else deal with these issues. But this issue is in front of us. It is here because the Judiciary Committee handled the safe haven issue. It is here because we have a gap in the system. Let's have a...what I challenge us to do today is let's get off all these other issues about what other bills are out there. Let's not...I have no personal stake in this bill. You know, this has nothing to do with me as Chairman of the committee. But what...it has to do with all of us in determining whether or not the children that the 1,200 families that the regions tell us are in need of services today are being served. If they are being served, that's fine, this bill doesn't need to advance. If they are not being served in an adequate way, in a quick way, in an expeditious way, in an efficient way, this bill needs to advance to Select File. The money can be adjusted. The language in the bill, Senator Friend, makes a good point, because he talks about the need for a plan. Great, let's debate the plan. And let's amend this bill to have the plan in there. And let's have suggestions from the Health Committee. And they are good at what they do. But let's get the debate on the issue. Let's get off who said what to whom and who's at

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

Floor Debate
March 10, 2009

fault because it's not important. What is important are the families that are not being served in Nebraska. It is our job to see that they're being served, no matter what committee this came from. It doesn't matter what committee it came from. It matters that it's here today and we have everybody here ready to talk about it. And I think we can solve it. I think we do have the answers here, collectively. I think we have the answers to solve this problem. But to...I don't want to...this bill should not be recommitted. Let's get off the issue of how it got here. It got here because safe haven came to the Judiciary Committee and this committee and Senator Dubas spent the fall and a lot of time working on the issue. Let's talk about the issue, how do we serve these families. [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR ASHFORD: And if we can serve these families adequately in this state with current law, fine. I'm not an expert, Senator Howard, you are. I'm not an expert in this field, but I know why this bill is here. And I want to have a debate. I do know, I can...I do know when families are being served and when they're not. And they are not being served now. That's the issue before this body. That's the issue we must decide on this bill and the other bills that Senator Gay has brought to us in a very prudent way. Let's discuss the families. Get it down to the families now, right now. Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Ashford. Senator Gay, you are next and recognized. [LB356]

SENATOR GAY: Thank you, Mr. President. Senator Ashford says let's talk about the families and the numbers. On average, right now I just handed out something to all of you showing where some of this money is going for youth that you could take a look at. But 132,743 Medicaid eligible children are served each month, 25,083 receive behavioral health services at this point. So if we want to discuss how things work, why don't we dig into that first and say maybe they aren't receiving the services that you all want, I agree. Let's...we're trying to do something about it. We had Senator Pankonin, Stuthman, myself, Senator Howard all were involved in this Children in Crisis Family Coalition over the summer, bringing the bills to you, looking at other issues. I do think it's important how bills be brought to the floor and how they're looked at. This bill originally, if what we wanted to do was a relinquishment of legal or physical custody of a child shall not be required while the child is receiving services from a behavioral health region under a voluntary placement agreement. That was the original bill. That was the original bill that was sent to Judiciary. And Senator Ashford, I do commend him because he addressed a question I had, why would this be in Judiciary? But I do understand that, about how they're overburdened, the juvenile court system, fully understand that. But this original bill price tag, and I don't want to always talk about money either. But let's face it, all things at some point have to be funded. I think we should look at what we're

Floor Debate
March 10, 2009

doing currently, make sure that works, which we're committed to doing under other bills. At least we know the programs these are going to. This is \$15 million just going to the regions. I was on a regional governing board for six years, I kind of know what they do too. But that original bill price tag was \$117 million to \$167 million a year. That's what we're talking about if we want to do all the things that were being mentioned. So, I guess, we could go back and do that. But that's not what we're looking at today. We're looking at an amendment that was brought out of this which I think the amendment is a little bit, you know, I understand where it's going. And I appreciate Senator Dubas, what she wants to do. I still have questions and I will be speaking several times today. But I have questions on where this money does go because the Professional Partners Program is a good program. But is that the whole answer? I don't know, I don't think so. But I know that one thing, there's a lot of people committed to this issue and I commend that. The safe haven issue is, we found out, the problem. Now we're trying to fix it and correct it and that requires money. You just voted on \$6 million worth of General Funding 15 minutes ago. And I told you right now we have, like I say, four other bills. One, I'm just going to talk about one bill alone. LB136, it's SCHIP, which I think everyone understands the concept behind SCHIP. That right now is being worked on with Senator Avery, with amendments. And we would spend...if we spend \$5 million we'd leverage up to \$14 million federal funds. That's \$20 million in new funding that would be coming to the state of Nebraska. So to say we're not putting money into this problem, I, hey, I don't want to go and just throw money at problems either, but that Kids Connection is a program that we know works and we know needs some help. I think, and anyone from the Appropriations Committee can answer this, but I think we have, is it 2 percent is what I'm hearing. And I haven't seen the whole thing; 2 percent provider rates, that has to be addressed. The cost of that alone, I have no idea what that is, I think it's...I'd heard ballpark \$25 million. So before we continue just to say, well, let's put this towards this problem, I think we better understand exactly where the money is going to go. So I'd heard yesterday about concerns with LB346 and, you know, that...that has got a navigator system in. What we found out during safe haven,... [LB356 LB136 LB346]

SENATOR ROBERT: One minute. [LB356]

SENATOR GAY: ...if someone wants to address this, was many times when we place a child with a guardian or foster family we try reunification with a family member, doesn't always work. Well, this...but that's the first choice you have and that's where you're supposed to go legally is that direction. Well, now we're saying, hey, can we help you out? And we're putting money into that, \$2.9 million annually. This is annual money. This isn't put it in and take it away next year. So I'm just saying be cautious. I don't want to talk about money all the time either and I'm more than happy to talk about some of the...where this money is going to go. So I would like to hear exactly where this money goes in this amendment, where \$15 million a year is going to go, how it's going to be utilized because we were not part of that conversation. And I think many of us who

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

Floor Debate
March 10, 2009

would like to be a part of that and thought we were a part of that conversation weren't. So I don't want to...I'm not holding any grudges. I don't really care either. I'd like to... [LB356]

SENATOR ROBERT: Time. [LB356]

SENATOR GAY: ...see what's best. Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Gay. Senator Nordquist, you are next and recognized. [LB356]

SENATOR NORDQUIST: Thank you, Mr. President and members. Last fall we saw the debate, we saw the public outcry. Just last night I was at home going through...pouring through the articles about the challenge we faced in Nebraska. Over 1,000 articles nationally and locally written about the safe haven challenges we faced. That's not counting the hundreds of news stories on TV, not counting Senator Stuthman on NBC, or Senator White on CNN. There was public outcry. And our answer so far has been LB346, a hot line, a hot line for folks to call to try to navigate this system. It's not enough, folks, it's not enough. When they've asked families before what their problems with the system is, they say it's confusing. And this has been done in studies, in '94 there was study. The system services are conflicting and uncoordinated. People don't know where to get services. And that is what the wraparound Professional Partner System is all about. It gives you one person, your contact to coordinate services for your family, coordinate everything that's going on in their life from school to health services. And the reason we don't necessarily know, you know, people say we don't know where the money is going, these services have been in place in the regions since the mid-nineties. They're on a smaller scale now serving hundreds of families. We know where the money is going there. These are services for families that are in the middle that are working hard, they're doing things the right way, making, you know, \$44,000 to \$60,000, doing things the right way and don't have access to these services. They're families that their insurance has ran out, that's what happened in the Von Maur situation. They had to turn the kid over as a state ward because the father's military insurance ran out. The hot line is not enough at this point. The Professional Partner System, it's what we've been doing. And for those of you that want more information, that don't have questions...or have questions about it, I have a nice three-page brief document here to give you the background, the history of how this program has been in place since the mid-nineties in all of our regions. It's been effective for families, gives families a single point of access to coordinate all the services that are out there. The funding, we have people say, we don't know where the funding is going, it's flexible because it's not tied to one specific service. It's used for a wide variety of services, creative services, coordinating services. That is what these families in crisis need. I think after the public outcry of last fall we need to do more than LB346. I encourage you to support LB356. Thank you. [LB356 LB346]

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

Floor Debate
March 10, 2009

SENATOR ROBERT: Thank you, Senator Nordquist. Those wishing to speak, Senators Schilz, Hadley, Gloor, Dubas, Harms, and others. Senator Schilz, you are recognized. [LB356]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. Would Senator Ashford yield to a question? Is he around? [LB356]

SENATOR ROBERT: Senator Ashford, will you yield to a question from Senator Schilz? [LB356]

SENATOR ASHFORD: Sorry, yes. [LB356]

SENATOR SCHILZ: Okay, thank you, Senator Ashford. Hey, could you kind of in laymen's terms explain how the funding mechanism works in the amendment, so that we can all understand that a little better. [LB356]

SENATOR ASHFORD: There...the funding is...comes through HHS to the regions, through Health and Human Services to the regions. It is distributed on a per capita basis to the regions. So Douglas County, or Region VI, would get the majority...or not the majority, would get most of the funding, and then Region V and so forth, based on the number of families and people in their region. But it comes through the HHS budget. [LB356]

SENATOR SCHILZ: Okay. And as I was trying to read through this, and maybe I'm misunderstanding it, is there some monies there that will also come from the counties, new money from counties? [LB356]

SENATOR ASHFORD: No. [LB356]

SENATOR SCHILZ: Okay, thank you very much. [LB356]

SENATOR ROBERT: Thank you, Senator Schilz and Senator Ashford. Senator Hadley, you are next and recognized. [LB356]

SENATOR HADLEY: Mr. President and members of the body. First of all, I want to say that I do believe the regions do a great job. They're underfunded, they're overworked but they do try hard. And as Senator Ashford says, we have to ask ourselves how do we serve these families. My concern is that we have to do it right. We have to do the correct thing. As a new person in the body, I'm concerned that, as Senator Gay said, we have four bills to look at. And I want to make sure that we do the right thing by taking the best of all four bills. There's bills from the Judiciary Committee, there's bills from Health and Human Services and from Government. And I have a concern, that we start

Floor Debate
March 10, 2009

down the path on one bill, that the other bills don't stand a chance. So I would ask that there...hopefully, that there is a mechanism that we could get the best of all of these bills and put them in one bill so that we could try and solve the problem. Having four separate bills and maybe having one bill killed because we adopted another bill is not the way to do it. Whatever time I have remaining, I would yield to Senator Avery, if he wishes it. [LB356]

SENATOR ROBERT: Senator Avery, 3:40. [LB356]

SENATOR AVERY: Thank you, Senator Hadley. Thank you, Mr. President. Senator Hadley made a good point. I think it's imperative that we approach this problem in a comprehensive manner and I made that point yesterday. We can't really achieve our overall goal of helping the most people by attacking this problem in a piecemeal manner. We need to step back, get the interested parties together and put together a whole package of the various bills that are before us or will be, those that seek to provide more services to more people. And I believe that the four bills that have been discussed, LB346, LB136, LB601, and LB603, can do this and do it with less fiscal impact than LB356. I think we all recognize the need to act. I've been very much encouraged by the debate on this bill because it does show that this body cares. That this body is intent on doing what we said we would do in the special session when we had the crisis revealed by the safe haven law. But as I said yesterday, the issue is not whether we act but how do we act and what do we do. I think we serve no useful purpose to continue to discuss how and why this bill was referenced to which committee. I probably have an opinion on that, but I don't think it's pertinent to continue to do that. Senator Ashford is absolutely right, let's get off the debate about which committee ought to have received this bill and let's talk about what we ought to be doing and how best we can. Let's talk about the merits of LB356. We cannot, as I have emphasized, we cannot discuss any of these bills in a vacuum. It must be, this bill and others must be discussed in the context of other ideas, other bills and approaches, all of which have as their ultimate objective to do the most that can be done to help the most families. I am told by a number of people that if we advance this bill to Select File that then all the parties interested in this issue can get together and fashion the best approach,... [LB356 LB346 LB136 LB601 LB603]

SENATOR ROBERT: One minute. [LB356]

SENATOR AVERY: ...including bundling all of the other proposals into a comprehensive package. This would be a rational and a logical approach. And if that is possible, if that is possible, I'm prepared to vote to advance this bill. I want to talk to other people about that, however, before I make a final decision. But I think that we are engaged in important debate on an important issue. I just want to see us do it in a rational, logical way without having one bill crowd out some of the other bills that are important as well. Thank you, Mr. President. [LB356]

Floor Debate
March 10, 2009

SENATOR ROBERT: Thank you, Senator Avery and Senator Hadley. (Visitors introduced.) Returning to discussion, those wishing to speak, Senators Gloor, Dubas, Harms, McGill, Wallman, Council, and others. Senator Gloor, you are recognized. [LB356]

SENATOR GLOOR: Thank you, Mr. President, members of the body. I rise as a cosigner of LB356, also as a member of the Health and Human Services Committee. I supported LB346, and there will be other bills that come out of Health and Human Services that I will support also, all which have to do with adolescent behavioral healthcare. [LB356 LB346]

SENATOR ROBERT: (Gavel) [LB356]

SENATOR GLOOR: The debate yesterday left me scratching my head. And I ultimately reverted to what I know. And I speak to what I know based upon having served as the chairman of the board of the Mental Health Center in Grand Island for a number of years, operating under the purview of Region III. I remember going through issues around healthcare reform. And it was all geared towards adult services, the institutionalization of adult behavioral health services. Although parts of that are controversial, there has been a transition and a focusing of money on that specific area to the extent that I am told right now there is about a 90-10 split between dollars we spend on adults versus the dollars we spend on adolescents. And that 10 percent is towards adolescents. It seems to me that clearly that has been weighted too much in one particular direction and we're trying to rectify that. Operating under Region III, I have to tell you that I trust the regions implicitly. They have done a great job, at least in our area, of focusing on the needs and the special demographics for behavioral health services for the residents of our region. And so when I hear comments about dumping dollars and not knowing where they go, that assumes we're dumping it into a vacuum. There are established programs, there are boards of directors that oversee both the regions as well as the mental health centers that focus on the needs of those programs, of those individuals within those communities. This is not a dump of dollars. Those dollars will be directed towards where those regions see programs. And in some cases, as in Region III, and I know this because my hospital helped to get this up and running, there are programs like hot lines already in place. So those dollars, when allocated, will go to, in that particular region, not just establishment of a hot line so one is already there, but other programs for which they deem that there is a need. I understand that the trust that I have in Region III is not a shared trust in other parts of the state with other regions. And because of that, obviously, there needs to be compromise. Many of you trust programs and know very little about the regions. I am hopeful that there is enough similarity here on both the scope of the problem we have as well as programs that exist or we would like to build, that there can be some compromise reached between General and Select File. I am hopeful that I have an opportunity to put my 2

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

Floor Debate
March 10, 2009

cents worth in during those discussions. But I think it is important now to advance LB356 again because the regions can and in many cases do an excellent job of distributing those monies where they're best needed for both adults and adolescents. Thank you. [LB356]

SENATOR ROBERT: Thank you, Senator Gloor. Senator Dubas, you are next and recognized. [LB356]

SENATOR DUBAS: Thank you, Mr. President, members of the body. Would Senator Gay yield to some questions, please. [LB356]

SENATOR ROBERT: Senator Gay, would you yield to a question? [LB356]

SENATOR GAY: Yes. [LB356]

SENATOR DUBAS: Thank you, Senator Gay. Again, we've been talking about a lot of money out here. And I think from my perspective and maybe the members of the body, just try to get some clarification or a better understanding about those dollars. So do you know how much money the department specifically gives to behavioral health services for children? [LB356]

SENATOR GAY: For children, I asked that question yesterday and this is...what I handed out today was the answer I've got. So specifically programs geared towards children, each program, no. Where...each division, we asked each division where that money goes, instead of this, that what we handed out. And this is what I've got back. So that's the best I've got. [LB356]

SENATOR DUBAS: Okay. So there's a handout on my desk with those figures? [LB356]

SENATOR GAY: Yes. [LB356]

SENATOR DUBAS: Does that include Medicaid spending? [LB356]

SENATOR GAY: Yes. [LB356]

SENATOR DUBAS: Okay. I guess, again for my benefit as well as other members of the body, how is Medicaid managed in our state? [LB356]

SENATOR GAY: Through the Division of Medicaid and Long-Term Care. And she actually...the department works with every division. If you're receiving Medicaid it goes through the Division of Long-Term Care and Medicaid. They work with Children and Family Services, they work with behavioral health, anything that has to do with Medicaid goes through one department. So they're involved, they're intermingled in about

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

Floor Debate
March 10, 2009

everything. So when you receive Medicaid dollars, the way I understand it, and I grant you I am no expert, but the way I understand it they're all mixed together. Vivianne Chaumont, who runs that division, and her staff all work on trying to manage all of these programs together. So it's a very, very complex issue. [LB356]

SENATOR DUBAS: Is there any outside management of Medicaid dollars determining how the dollars are spent? [LB356]

SENATOR GAY: Well, Magellan, of course, yeah. Of course, we have Magellan, who helps manage some of those contracts and others. [LB356]

SENATOR DUBAS: Okay. So do you know how much Magellan gets for... [LB356]

SENATOR GAY: No. [LB356]

SENATOR DUBAS: They help manage the Medicaid funding, correct? [LB356]

SENATOR GAY: Yes. [LB356]

SENATOR DUBAS: Do you know how much we're paying them for that? [LB356]

SENATOR GAY: No. Nope, I do not. [LB356]

SENATOR DUBAS: Okay. [LB356]

SENATOR GAY: That's a contract, I'm sure I don't...the Legislature doesn't approve it. [LB356]

SENATOR DUBAS: Yeah, we can look. I mean, I've done a little bit of research on that. But I was wondering if you had any understanding of exactly...I know that Magellan made a pretty good profit last year, in the range of \$65 million. I'm not sure how much we actually paid them for their contracts. But they're a pretty integral part of the Medicaid process in our state. Would you agree with that? [LB356]

SENATOR GAY: Oh, absolutely. [LB356]

SENATOR DUBAS: Okay. Thank you. I believe you should have had some...another piece of paper landing on your desk this morning, and it's information to clarify the difference between the Division of Children and Family Services and the Division of Behavioral Health Services. This information was given to us during the safe haven task force by the department. And I think it's especially helpful when you're trying to identify exactly where this money is being spent. The department, as Senator Gay just briefly explained, has different divisions within it. It has the Children and Family Services

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

Floor Debate
March 10, 2009

Division, the Veterans Affairs Division, Developmental Disabilities, Medicaid, Magellan, and Behavioral Health. And again, yesterday there were numbers regarding the budgets of these programs. I just want to be very, very clear, my legislation is aiming at lowering the cost of Medicaid. Medicaid costs rise when parents have to make their child a ward of the state. And all too often... [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR DUBAS: ...parents, that's the last option that parents have in order to access Medicaid dollars. They have to make their child a ward of the state. And that ends up costing us many, many more dollars. So there's just a disconnect here. And we have to recognize that if we put these dollars up front, if we keep these families from having to go to Medicaid, those dollars are going to be better spent, those families are going to be better served, it's going to save the state money down the road. So by not having to access Medicaid dollars it's a good thing. It saves our state money. Children and Family Services is the division that provides services to children whose parents have neglected or abused them. So again, if you've been neglected or abused, or if you've gotten in trouble with the law you can access services. If you're a family who have exhausted all of their personal resources, who have exhausted all of their private insurance, their only hope is that... [LB356]

SENATOR ROBERT: Time. [LB356]

SENATOR DUBAS: ...their child gets in trouble and they can access these services. Thank you. [LB356]

SENATOR ROBERT: Thank you, Senator Dubas. Senator Harms, you are next and recognized. [LB356]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Ashford, would you yield for a couple of questions, please? [LB356]

SENATOR ROBERT: Senator Ashford, will you yield to a question from Senator Harms? [LB356]

SENATOR ASHFORD: Yes. [LB356]

SENATOR HARMS: Senator Ashford, I noticed on the committee statement that Scot Adams from the Department of Health and Human Services came in and was an opponent. Could you tell me what his concerns were. [LB356]

SENATOR ASHFORD: Senator Harms, and Scot does a great job. And he, basically, felt...essentially, what you have here in your handouts from Senator Gay and from

Floor Debate
March 10, 2009

Senator Dubas, essentially, is what he talked about is that if you...that if your child is Medicaid eligible there are services available through these programs, the Division of Medicaid and Long-Term Care for Children. If...and he indicated that he felt that was adequate or that was an appropriate process to undertake. It was certainly helpful testimony. I mean, he gave us information about the programs that did exist. And they're somewhat outlined in that sheet that Senator Gay has sent out to us. [LB356]

SENATOR HARMS: The fact, Senator Ashford, that he was an opponent says that he was really against this bill. Am I correct? [LB356]

SENATOR ASHFORD: Well, I think his view is that the money should go directly...should be a state-administered program rather than administered through the regions and that in fact they're cutting back on programs that...in the regions and they're going to private contracts, or sole-source contracts for various providers. That's the best I can come up with. I'm not...but I know Scot and I know he's not opposed to providing services for children in need. He's one of the best in the state on that issue. And I'm convinced that if we get together and get this...get everybody working on this we can come up with a solution by Select File. I think he's motivated to get there. I think there is just, you know, I think he's defending the department's position and it's not an unreasonable position, it's just that it doesn't meet the gap needs. That is why we put the bill out. [LB356]

SENATOR HARMS: Well, thank you very much, Senator Ashford. I guess, I've listened for about a day and a half here of the debate and the discussion. And I am quite concerned and alarmed about what I see happening on this floor. We're divided among ourselves, we're arguing about whether it should come out of this committee or that committee, we're arguing about the amount of money that should come about. We've got some egos that have been crushed in this process. You know, I think we've got to set this all aside. What we have lost focus of are children. This is what this is about, it's about children, it's about families in crisis, it's about us saying that we've had enough of this. You know, when we went through the debate on this floor on safe haven everybody was after fixing this issue. Now you've got a chance to do it, and where are we? Why are we not willing to stand up and start to address this issue? Everyone seems to be posturing about what they want. And I don't hear a great deal about kids, I don't hear a great deal about families in crisis. Can you imagine what it must be like for a family who gets caught in this dark hole of Health and Human Services trying to find their way through this system. Have you talked with families? I have and I can tell you that when you leave from that discussion if your heart is not dragging on the floor, there's something wrong. They want help. They don't care about where...what committee it came out of. They don't care what the costs are. They want services. They want to have an opportunity to look at their child and to honestly know that someone cares,... [LB356]

SENATOR ROBERT: One minute. [LB356]

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

Floor Debate
March 10, 2009

SENATOR HARMS: ...that someone is going to help, that's what they are concerned about. And so what I would ask for us, it's really difficult when you have three or four bills all coming down and trying to get a handle on this. And I think what Senator Ashford has said, I hope that we can get these onto Select and then we can go through and somehow put together a package that will serve families, that will meet the issues that we have before us. When you look at what we went through with safe haven and this special hearing, folks, Nebraska was at a crisis and they're still at a crisis with families and the services and how to get through those services. I don't think a hot line is the answer. I think a hot line will help but at the end you've got to have the services, you've got to have somebody else who's willing to step up and say, we can help this family, we can address the issues of this family,... [LB356]

SENATOR ROBERT: Time. [LB356]

SENATOR HARMS: Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Harms. (Visitors introduced.) Returning to discussion, those members wishing to speak, Senators McGill, Wallman, Council, Stuthman, Ashford, and others. Senator McGill, you are recognized. [LB356]

SENATOR MCGILL: Mr. President, members of the body, that was actually a very wonderful opening for the comments that I want to make. So I thank Senator Harms for everything he said in bringing it back to the families. I know during the safe haven crisis, when we started our task force here I was in the press a lot and therefore a lot of families were contacting me with their situations and hundreds of families reaching out, showing...telling me about their individual problems that maybe hadn't gotten to the level of safe haven but showing compassion and understanding for why families were using safe haven in the first place. Clearly, the services are not there in the status quo right now in Nebraska. And we haven't done anything yet to change that which is why we need to be working together on all of these bills. And actually, I'm in a really great mood right now because I've been working the floor this morning and seeing the various sponsors, the different bills and different interests coming together and talking about how they're willing to go to the table on Select File and work something out. I mean, we have an opportunity to do something tremendous here. Safe haven truly is an opportunity for us. And we have a chance for, I think, the first time since I've been in the body to show real leadership on an issue and take hold of it and take ownership of it and say, we are going to fix this problem, we're willing to do what we can. And I think our constituents will be behind us on this because everybody in Nebraska had the chance to be educated about mental illness in children during the last year, really since the Von Maur incident people have begun to learn about mental illness. And instead of being afraid of it or ashamed of it in their families, they're now willing to talk...come out and talk to each other and talk to their senators about it. I had so many families come to

Floor Debate
March 10, 2009

me and say, I've never spoken to anybody outside of my immediate family about this problem we're facing in my family. I'm proud of them for coming forward at this point in time. And now it's our job to follow through with what we promised during the safe haven special session and to really find a comprehensive way to attack this problem and show leadership for our state. This is our chance to truly do something monumental. And I hope that the rest of the body will support moving Senator Dubas' bill forward, as well as the SCHIP bill, as well as...I'm happy we advanced the hot line bill already. So we can really work through these bills and come up with a great balanced package that we can truly be proud of at the end of session. And with that, I yield the rest of my time to Senator Nantkes. [LB356]

SENATOR ROBERT: Senator Nantkes, 2:30. [LB356]

SENATOR NANTKES: Thank you, Mr. President. Thank you, Senator McGill for your comments and for your hard work in regards to these issues and for a little bit of time this morning. I've been reluctant to enter this debate but just wanted to point out a few reasons why I'm voting to advance LB356 as amended by the Judiciary Committee and why I voted to advance the hot line bill from last week as well. I'm hopeful that the parties will come together in between this point in time and Select File to achieve a mutually agreeable situation. There's been a lot of discussion about the money. Please know, members, that from an Appropriations perspective there's a lot of information to be worked out. The state of Nebraska is going to receive over \$227 million in enhanced Medicaid dollars, which free up some of our obligations from a General Fund perspective, which is good news. Again, thank you, Senator Ben Nelson, thank you, President Obama. In regards to the process piece outside of the money piece, there's a trust factor here. And I think that we have to be crystal clear in regards to the vacuum, the void of true leadership, true compassion, and true attention to our most vulnerable Nebraskans. We have yet to see the Department of Health and Human Services be a good steward of Nebraska's most vulnerable citizens. [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR NANTKES: Look at Beatrice, look at the child welfare situation, look at the safe haven situation. And with that record, I cannot trust them to do a good job as we move forward. That's why we have to, as Senator Gloor said, look to established programs within the regions that are on the front lines in communities, doing a good job. There's also been discussion that criticizing HHS, criticizes the front-line workers of HHS. That couldn't be farther from the truth. Those front-line workers are doing a fantastic job but their hands are tied by politics and no support from up the chain of command. We support them. That's why these type of efforts help them in their work, help them in their dedicated mission to help Nebraska's families. They are crying out for our leadership. We must rise to the occasion and help them in their quest to do a good job. We all support the good work that they are doing, make no mistake about that.

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

Floor Debate
March 10, 2009

[LB356]

SENATOR ROBERT: Time. [LB356]

SENATOR NANTKES: Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Nantkes and Senator McGill. Senator Wallman, you are next and recognized. [LB356]

SENATOR WALLMAN: Thank you, Mr. President. A former senator used to say, friends all. Are we friends of the children? I think...I'm a member of HHS Committee, a proud member. We listened to all these problems. Children...a young father was in my office this morning about problems about how much things cost. Cost and here we're talking about cost. It's not fun to talk about costs. Everything does cost and we listen to all kinds of people, all kinds of testimony and we try to figure out something to get started. It never gets fixed overnight. We have to be very careful how we spend our monies because we need to be responsible citizens to those who can't take care of themselves, those that are financial or mentally unable to take care of themselves. We have a big responsibility, that's what governments do, they take care of their people. If they don't, if they don't, where are we going? And no matter how this is, we can hopefully work together here and not fight about turf war, this committee, that committee, that doesn't bother me at all. I commend Senator Ashford for doing what he's doing. Judiciary has a lot of issues. Health and Human Services has a lot of issues. Government has a lot of issues to deal with. So we each try to hammer out a fair way to do business. Our committees don't always agree with one another, and that's fine, that's the way it should be. We should be independent thinkers. But when the day is done, the sun goes down, let us think about the children. Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Wallman. Senator Council, you are next and recognized. I don't see Senator Council, so we'll move to Senator Stuthman, you're next. [LB356]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I haven't been involved in much of the debate at the present time. And I've been listening very, very seriously as to things that have been discussed. And as the majority of you do realize, you know, the safe haven law and the issues that did arise from that, and it was my intent at that time to look at the reasons, you know, why were these children left off at the safe haven hospitals. And we found that it was the people could not get services for their children or were not able to access these services. I had felt all the time that, you know, that is the area where we should be looking at. You know, why were these people not being able to get services for their children. I think that's one of the most important things. If there are services out there for these individuals, you know, why aren't they being able to access these services? Are there too many children? Is there

Floor Debate
March 10, 2009

not enough money? Or are the services that are provided not being able to be utilized for the needs of these people? I think a real issue has surfaced at that time. I did receive a letter from a family, mother and father and sons, daughters and grandchildren. And like all of you parents do realize, you know, all of your children are not exactly the same. Some are, you know, very quiet, some are very humorous, others, you know, possibly get into trouble a little bit more often than other ones. And I'll just give you some of the highlights of this one family that had written me. And they had one of their children, you know, they were having some behavioral problems with this child. So they were seeking some help. And they were seeing a therapist, but they felt that it wasn't...they were not getting enough results from that. So HHS, you know, fired her therapist and put neglect charges on the parents. I think that's a very serious issue. You know, they spent two years fighting these charges, winning in appellate court. Then after two months they returned the individual back home. After five days they removed her again, reversing their argument saying, oh no, you're not the problem, this individual is the problem. They fought for another year and won in appellate court. You know, three years of that child's life was taken, you know, from this family. And then as she graduated from high school, you know, she was returned home as an 18-year-old. But in their opinion, and I will tell you I think the parents, the mother and the father know how things affect their children, how they grow up, how they mature. I think that's very important because they see how kids develop and they're with them day and night. They said that this child returned home, you know, in worse shape than she was when she left, you know, at the age of 14. She did have health issues also. She was placed into homes and she did get picked up for MIP in her senior year in high school. But I don't think she was the only one in the state of Nebraska that ever got picked up for minor in possession; I think there were others that also got charges like that. And she was placed into a foster home for the first time. But they did not realize that in that foster home there was a sex offender living in there also. These are issues that we're dealing with. I think because of that... [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR STUTHMAN: ...these are things that we need to look at is what is currently happening to these children with the system that we have in place. You know, I had always felt that these individuals, these parents or guardians that were leaving their children off at the safe haven, searching for help, they were trying to help their child be a better child. But yet the families wanted to be a part of the bringing up of the children. That is why I wanted to look at the issues of why do they have to give their child up as a ward of the state in order to get some services. That is the issue that I wanted to bring up. And that's the issue that I will continue to work on that we can provide services because services are provided if they give up their child. We don't want to have them give up their child. [LB356]

SENATOR ROBERT: Time. [LB356]

Floor Debate
March 10, 2009

SENATOR STUTHMAN: Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Stuthman. Those wishing to speak, Senators Ashford, Campbell, Nantkes, Loudon, Janssen, and others. Senator Ashford, you are recognized. [LB356]

SENATOR ASHFORD: Thank you, Mr. President. And what we're hearing now is why I love this place so much and why this is my 11th year here. (Laugh) Wonderful comments across the board. And, you know, you just got to love Senator Avery, you know. He yesterday had some deep concerns about the...he's not even here so I take that back. (Laughter) Some deep concerns about the allocation of resources. And then today stood up in an incredibly statesmanlike way and said, we need to bring these bills together. And we do need to do that. And Senator Harms, of course, and Senator Gloor, and Arnie, and everybody is really engaging in the discussion that needs to be had, which is, you know, how are these kids being served. That's our responsibility. At the end of the day, we make the policy. If there's a gap in services it's our job to make that gap go away. And we're a long ways towards doing that now because of this discussion. This is our deal now. This isn't the lobby's deal, this isn't anybody else's deal, this is our deal that we're going to do amongst ourselves in this body. That's why we're great. That's why we're the best form of government in the country. We do this well. We're on the road to getting it done. I'm going to give the rest of my time...Senator Council was not in the room when you called on her. So I'm going to ask Senator Council, if she'd like the rest of my time. [LB356]

SENATOR ROBERT: Senator Council, 3:38. [LB356]

SENATOR COUNCIL: Yes, thank you, Mr. President. And thank you, Senator Ashford. I want to begin by commending Senator Harms for the comments that he made on the bill, Senator Stuthman, but particularly Senator Dubas because there's been a lot of discussion about the costs associated with the amendment. And I believe it needs to be placed into context. Senator Dubas needs to be commended for introducing LB356 with the expressed intent of addressing the concerns that have been raised across the state of Nebraska about how we provide services to youngsters with behavioral mental health problems. All of us heard, after the safe haven issue, the concerns expressed by parents in terms of their inability to access services for their youngsters. And we're here now talking about providing the cost of services. Originally LB356 had a price tag of in excess of \$120 million. Recognizing the possibility, the distinct probability that that kind of funding would not be made available to address this issue, Senator Dubas came back with AM529 to try to provide the level of services that the citizens of the state of Nebraska have been asking this body to provide for behavioral mental health problems. And the point that I want to make is we talk about how much it costs to provide these services, I think we need to look at the cost of not providing these services. First and

Floor Debate
March 10, 2009

foremost, there have been a number of my colleagues who have testified about the fact that in order for certain parents in this state to receive behavioral mental health services for their children they have to make them wards of the state. And we talk about just the cost of being a ward under the Health and Human Services System, but we don't discuss the cost of the juvenile court involvement in that process when a parent relinquishes the custody of their children to the state of Nebraska. I've had the opportunity on a number of occasions to be appointed as defense counsel in juvenile court for youngsters whose parents were forced to make them wards of the court in order to receive services for them. In addition to the state paying for the appointment of legal counsel for the ward, the juvenile court often appoints a guardian ad litem for the ward. And these... [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR COUNCIL: ...processes generally take anywhere from 12 months to 24 months. The costs associated with that placement of a child in the custody and care of the state can be astronomical. In addition, after this bill we'll be discussing and debating a bill to address youth and juvenile crime issues. And much of that bill provides for increasing sentences. That is a cost associated with increasing those sentences. The average cost to incarcerate is \$26,000 a year. Now if we're going to talk about cost then we need to talk about the costs that this state would incur and be obligated to pay if we don't provide the kinds of services that prevent youngsters from being caught up in the juvenile justice system, whether as a ward of the state or as an inmate in either the Youth Correction Facility, where the cost is almost twice what it is in the... [LB356]

SENATOR ROBERT: Time. [LB356]

SENATOR COUNCIL: ...correctional facility. [LB356]

SENATOR ROBERT: Thank you, Senator Council and Senator Ashford. Senator Nantkes, you are next and recognized. [LB356]

SENATOR NANTKES: Thank you, Mr. President. I was hoping that Senator Howard would yield for a question. [LB356]

SENATOR ROBERT: Senator Howard, will you yield to a question from Senator Nantkes? [LB356]

SENATOR HOWARD: (Laugh) I will, thank you. [LB356]

SENATOR NANTKES: Thank you, Senator Howard. I wanted to talk a little bit about solutions that we are aware of that make a true difference in terms of helping front-line workers at HHS, which you know very well, you've dedicated your entire professional

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

Floor Debate
March 10, 2009

career to doing such, that we can really implement to help them do their jobs. I know that in the past you've introduced bills in regards to caseload caps for HHS to adopt, to help protect front-line workers. And I was hoping that maybe you could tell the body about those a little bit. [LB356]

SENATOR HOWARD: Well, Senator Nantkes, I really appreciate your kind words of support. Thank you. I think an important piece of LB346 that's going to be of great assistance to the case manager is the adoption and guardianship...the post adoption, post guardianship services, because one thing that as case managers we never want to see is a child returning to the system. It's heartbreaking all around. And if services are there, in place and effective to help these families parent these kids, and make no mistake about it, these kids have a lot of issues, there's a lot of tough things that they have to deal with. And people need support in order to be able to help them. [LB356 LB346]

SENATOR NANTKES: Thank you, Senator Howard. I appreciate that, because that was one point that I did want to make in my earlier comments and I just, unfortunately, ran out of time, is the fact that from a national standard groups like the Child Welfare League of America has put forth a very carefully considered and studied solutions to help troubled child protective services and HHS departments like ours in Nebraska. And one of their key components of their solutions is instituting caseload caps to help the front-line worker be successful in their job which ultimately helps the vulnerable children and vulnerable families achieve a certain quality of life which we would all...we would want all citizens to enjoy. So my point is in bringing that out is from a national perspective, from a state perspective, those who have expertise on the front line of the behavioral health and the child welfare system are giving us solutions, have given us solutions. But yet have we seen the political will or the leadership to devote the resources to that kind of real change that these families need, that those front-line workers need and that all are crying out for. So thus, we must relish this opportunity to come together to find a way to utilize the congruence found amongst the public policy objectives within these different legislative approaches can be found, so that we can ensure we have no gaps in services. Because while I normally agree with my good friend, Senator Ashford, where there are existing gaps in services that does not solely fall upon the head of the Nebraska Legislature. We don't run HHS. We can only provide them directives in the absence of strong leadership from the chain of command which they operate under. I am willing to do that. I know members of this body are willing to do that. And, unfortunately, we have to because no one else will. Thank you. [LB356]

SENATOR ROBERT: Thank you, Senator Nantkes. Those wishing to speak, Senators Loudon, Janssen, Price, Howard, Utter, and others. Senator Loudon, you are recognized. [LB356]

SENATOR LOUDON: Thank you, Mr. President and members of the body. I haven't...I

Floor Debate
March 10, 2009

haven't weighed in on this yet for the last day or so as we've been working on this LB356. There are some things that I've been trying to understand and some things that I've been trying to find out about, and I think as your Professional Partners Program is the idea is that you can serve these kids for a little over \$12,000 whereas, according to the handout that Senator Annette sent around, it costs about \$44,000 to put them into the Division of Children and Family Services. Therein probably lies the problem of what I found out about it so far. We have Boys Ranch out in western Nebraska that's closed down two units because the state won't send them kids anymore. These were kids that took this \$44,000 piece of money to be taken care of. In fact, it wasn't quite that high because I think the Boys Ranch told me it was around \$38,000, is what they...what they were getting for that. In the meantime, the state has found out that if they can use this Partners Program they can probably do it for a lot less, somewhere around a \$12,000 figure. Consequently, they aren't using all these facilities we have all around the state of Nebraska. What I wonder is should some of those kids been sent to those places like that? Those are very good facilities. They've done a lot of good over the years for different kids. I've known kids myself that come out of there and they literally considered that their family and their home. So I'm wondering why that isn't utilized. Is this a matter of saving money or what? Now if we push this bill on forwards, this \$15 million for the next two years, \$30 million, will that change anything or will we be right back to trying to do this on a cut-rate process, trying to get by as cheap as we can? This is a concern I've had...have about doing this. It isn't a question of the money but it's a question of what kind of care are we putting out for our money. The safe haven bill, to me it identified a problem and I don't know as that really need to be fixed like we fixed it last fall when we had that special session. We went ahead and did away with all of those mostly young teenagers that...where the problems were. That was where most of the people were dropped off from, was in the 12 to 14 age bracket. So there was a problem and I'm wondering how this, this bill and what we're doing now, is going to address that problem. It isn't a matter of counseling the family and all, which works in many cases, but there are always those situations when that doesn't work, and why aren't we addressing those problems? Does anywhere in this bill say that that's going to change with Health and Human Services, on their directives? As Senator Nantkes says, we don't micromanage them but we can give directives, and I'm wondering if...where we will go with this money when the time comes. I would like to see something in there that probably would revamp how some of these directives are done and what we're going to do with the money, rather than just put it out there and just spend more money on what we've been doing. No doubt the hot lines needed to be improved. They were evidently very wrong before because when we had that problem last summer my staff would call the hot line and you had to know... [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR STUTHMAN: ...your way around in order to negotiate whatever they were doing. This isn't something that's user friendly. When these people call that hot line,

Floor Debate
March 10, 2009

they have a problem. They don't need to be directed to different numbers to call and different numbers to punch. So I think there's a lot of things that need to be overhauled on this and I'm hoping that if we invest this much money in there that that will be taken care of rather than pushing it under the rug. Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Louden. Senator Janssen, you are next and recognized. [LB356]

SENATOR JANSSEN: Thank you, Mr. President and members of the body. I want to give my perspective on this issue. I also, like Senator Louden, have been kind of sitting here, taking it all in. This is obviously a very, very real issue that needs to be addressed and it's one that affects more people than maybe we all understand. As an employer of people in Fremont, I have literally sat down with two middle-class parents in my office that have fought with the idea of giving their kids up as wards of the state to get the proper care for behavioral health that they needed. And those are very tough decisions for me, sitting there as an employer, trying to guide them through this and having no experience, obviously, in that realm. So this is something that's not...I think it just affects more people than maybe we are aware of and not the type of person that you necessarily think that it would affect. On the campaign trail, one of the things that I kept talking about and actually came up even in Dodge County was gun violence in Omaha, of all things, and gun violence in general came up. And I kept saying to people that said, well, let's restrict guns, this and that, I'm vehemently against that. I said what...and they kept bringing up the mall shootings. I said the mall shootings was not a gun issue, it was a mental health issue and that's what needs to be addressed. Say that again: The mall shootings was not a gun issue, it was a mental health issue and that's what we need to address. And I think this bill is aimed at doing that. I do have...I have some questions. I have one question for Senator Ashford. I see him over there and if I could get him to yield for a question. [LB356]

SENATOR ROBERT: Senator Ashford, will you yield to a question? [LB356]

SENATOR ASHFORD: Sure. You're right, by the way, on that last statement. [LB356]

SENATOR JANSSEN: Thank you, Senator Ashford. [LB356]

SENATOR ASHFORD: It is a mental health issue. [LB356]

SENATOR JANSSEN: Along those lines, the concern I have, I guess, with the bill, and maybe it has been addressed, there's been a lot of debate here, we're talking \$15 million in next year. What is the gatekeeper for people accessing these services? What I would be concerned with is that this would basically be a repeat of safe haven and all of a sudden everybody is coming, even their kids that have mild disorders are coming in and all of a sudden we blow through \$15 million and we haven't really addressed the

Floor Debate
March 10, 2009

hard-core problems that we need to address. [LB356]

SENATOR ASHFORD: I think that's a great question, Senator Janssen, and the gatekeeper really in the end is HHS because they audit the regions every year. And so in all of these distributions or allocations of funds, it's the state department that's the gatekeeper at the back end. On the front end it's the regions. And again, we have to put our faith in the regions that they're going to allocate these resources in an appropriate manner but the trade-off is that you have people on the ground working quickly on these issues. The back end is HHS. [LB356]

SENATOR JANSSEN: Thank you, Senator Ashford. And I also shared Senator Loudon's concern about the money. And for me it wasn't so much about the money. It was the result that we'll get. I'm not...if we're making an investment, I want it to be a sound investment. I'm going to throw a lot of this, I guess, at my colleagues here on the floor that have more experience in the mental health or behavioral health arena, hopefully to iron out some of these so the right people are getting these services, and watch this bill carefully. With that, I will yield the balance of my time to Senator Howard. [LB356]

SENATOR ROBERT: Senator Howard, 1:28. [LB356]

SENATOR HOWARD: Thank you. Thank you, Senator Janssen. I appreciate your support as well. I was surprised and yet grateful to be asked the question regarding support services for case managers. It's always a good issue when health issues, social services issues and the Appropriations Committee can work together and look at what really needs to be done. That was a very timely and apt inquiry. Right now, the Omaha office is looking at dissolving the adoption unit and not putting a priority on that, that issue any longer, which greatly concerns me. Because one of the...one of the primary parts of LB346 is to provide postadoption/postguardianship services. We need to continue a support and a focus on that issue so that children do reach permanency and remain in homes with families who are willing to make that commitment to them. I think one of the worst things that we could do at this time would be to remove that emphasis from having a separate adoption unit and remove that support for those workers that work so hard to get those children with families and to secure that permanency for them. So I think we have a commitment to look at that as well. Earlier in this debate someone mentioned services are hard to access. There's no question about it. When you contact Health and Human Services, you may leave more confused than when you started out. A big part of... [LB356 LB346]

SENATOR ROBERT: Time, Senator. [LB356]

SENATOR HOWARD: ...this bill, a major issue is the hot line, the single access point of entry for families in crisis. That's... [LB356]

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

Floor Debate
March 10, 2009

SENATOR ROBERT: Time. [LB356]

SENATOR HOWARD: ...that's vital, that's fundamental. And again I advocate for that to be with an already established... [LB356]

SENATOR ROBERT: Time, Senator Howard. [LB356]

SENATOR HOWARD: Thank you. [LB356]

SENATOR ROBERT: Yeah. Thank you, Senator Howard and Senator Janssen. Members, I'd like to remind you to please keep your conversations down to a minimum. Returning to discussion, Senator Price, you are next and recognized. [LB356]

SENATOR PRICE: Mr. President and members of the body, thank you very much, and to all those who are listening and watching out there on the Internet and on television. I'm speaking to the body, of course, and to all those who are watching. It is good to hear that we're going to deal with the situation and I'm glad. We're chartered with having to take care of the people and to do things in the public interest, and so to that end I'm glad. But I want to bring about the other aspects that we're going to deal with here. Whether it's \$15 million, \$120 million, whatever it is, we need to do what we have to do, but the other side of the coin is how are we going to deal with this in our budget? So I took a moment to push some numbers around and this is what I understand now, right now. Currently, agency operations take \$1.2 billion, or 35 percent of our budget. State aid to individuals is 29 percent of our budget, coming in for \$1.015 billion. State aid to local government, \$1.2 billion. Capital construction is \$8 million. Now why...and that gives us a total of about \$3.4 billion for budget. Now if we look at these various proposals and the costs, I want to remind people that right now I have in front of me the projections. We're \$373 million short right now. With what Senator Pankonin said, retirement system, we're \$400 million short. Next year we're \$752 million short. That puts us over \$1 billion short. Now we're \$1 billion short and what are we left with, folks? We got to balance the budget. So we're either going to do the rob Peter to pay Paul, so I want you...state agencies hopefully are listening, if we're going to pay for things and we're already \$1 billion short, that's a 30 percent reduction in your budgets. So agency operation could look at a \$366 million shortfall. State aid to individuals is going to be short \$304 million. State aid to local government is going to be short \$370 million. And of course capital construction, they're good. They're only going to be \$2.4 million short. That's with the \$1 billion-plus at the biennium. And we're going to add more on to that. That's okay, but hopefully we peanut butter spread that over all the various agencies. Now if we're talking \$15 million and we say \$5 million between the three major players there, I guess we could take some from the university or State Patrol or...we can't take it from retirement, I guess because we're going to add more money to that. But we could take some from...I don't know, can we take it from state aid to individuals? I don't think

Floor Debate
March 10, 2009

we're going to be able to do that one. State aid to local government, there's one. How about TEEOSA or aid to ESUs or county jail cost reimbursement? And we got to come up with the money somewhere. We're doing the right thing. We got to come up with the money somewhere and we're already short \$1 billion so we're already telling people we're going to cut you by \$1 billion. Or there's another thing we can do--this is for everybody out there in TV land--or we can tell the people we need more money from them to keep us where we are now. That's what we're left with. We can make up the billion we're short and we can also add on the extra because you know what's, I don't mind, \$15 million, \$20 million here or there a year. [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR PRICE: So again, ladies and gentlemen, this is the uncomfortable part of our job. This is where the rubber meets the road. We all want to do the right thing and I just want everybody out there understanding that when we talk that we're in a \$1 billion shortfall in the biennium and we're going to add to it, painful decisions are going to be made. And I'd be very happy if some of the e-mails that came into my office would say, take it from my office, we don't need it, because that sure would be good. And everybody else out there in TV land, feel free to write in and tell us that you'll send a check. All right. I appreciate that and thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Price. Senator Howard, you are next and recognized. [LB356]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I'm just going to continue with what I had begun here a few minutes ago. People in crisis want to be directed to what will work for them. This doesn't mean that the services aren't there. It means that people want a single contact point, they want a single hot line system across the state. The second piece of LB346 is a Family Navigator, which is an in-person support to assist those families who request help to get in contact with counseling. The third piece of this legislation, again LB346, is for postadoption and postguardianship services, a long overdue need. The intent, again, is to keep children in placement in their forever home. A high number of the children who were placed in safe haven had been wards of the department. Supportive services could and would have helped these families to keep their children in their adoptive and guardianship homes. I go through this information again because too often I've heard on this floor LB346 is simply a hot line. That's not true. These are the pieces in LB346. I offer the remainder of my time to Speaker Flood. [LB356 LB346]

SENATOR ROBERT: Senator Flood, 3:45. [LB356]

SPEAKER FLOOD: Thank you, Mr. President and members. We have been meeting with a number of senators. And I want to list their names for you: Senator McCoy,

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

Floor Debate
March 10, 2009

Campbell, Mello, Avery, McGill, Dubas, Nordquist, Gay, Heidemann, and Wallman. Those senators and I just recently met here in the Capitol to discuss how to proceed. And what we are hearing from a lot of people in here is that there are a number of bills that people want to see implemented to address the safe haven situation. But there's not consensus as to which one should go first. And they feel like, to a certain extent, we're piecemealing this together. Well, that's part of the legislative process. And I think, in fact, that's been one of our struggles on this so far. But this is what has been agreed to by all of the senators I just mentioned--and I'm going to list these bills out--LB346, Senator Gay's safe haven hot line and an extension of services that was passed on General...that was advanced on General File last week; LB356, which is Senator Dubas' bill; LB136, which is the SCHIP proposal brought forward by Senator Avery; Senator Nordquist has LB601, which is the behavioral health services expansion of Medicaid; and then there's LB603, which is the behavioral health work force bill brought forward by the Health and Human Services Committee. Everyone I just met with, and I will list those names again for you in a second, committed to moving these bills on General File, acknowledging that there will have to be work done in a compromise fashion between now and Select. To up the ante, what I said I would do was I would schedule these bills in a block, merged together in some cases, others standing alone, on Select File after April 1 but before the budget if there's an agreement between all the people I just mentioned. If there's no agreement, I will hold all the bills and I will run them on Select File after the budget is fully considered by the Legislature in late May. It's an all-or-nothing approach. There is significant risk to those that have agreed to this, and they have done so willingly. But they have done so with the understanding that parties are going to work in good faith to compromise. And Senator Tim Gay will put this coalition together between now and Select, assuming we advance those bills. Each one of those senators has committed to moving the bills I have identified. I will be sending a letter to those senators involved, recapping my understanding of the situation, but again those bills are LB346, LB356, LB136, LB601, and I believe it's LB603. The senators that were involved were Senators McCoy, Campbell, Mello, Avery, McGill, Dubas, Nordquist, Gay, Heidemann, Wallman, and myself. With that, I would like to ask that Senator Gay have the balance of Senator Howard's time, if permissible, Mr. President. [LB356 LB346 LB136 LB601 LB603]

SENATOR GAY: How much time is left, Mr. President? [LB356]

SENATOR ROBERT: Fifty-six seconds, Senator Gay. [LB356]

SENATOR GAY: Okay, very quickly, Senator Flood did a good job explaining that. Many of you have asked, why can't you pull all these together? I had that question asked five or six times. We're trying to explain that they are being pulled together. This will pull them together. Most of those bills were things in process anyway. Senator Dubas and I had a conversation as well and there's opportunities probably to come together. I think that's probably what everyone wants anyway, at the end of the day. Did

Floor Debate
March 10, 2009

we think it through? Are we going to get a comprehensive package that fits children, behavioral health? All this needs to work together. I'm confident that we can send you the best bills to consider on Select File. Now as budgets change you'll get to make decisions, but I do think at least these groups, those senators mentioned, will do their best to try to bring you a comprehensive package that sets us up for the long term and makes fiscal sense and makes practical delivery sense into the system that it works together. [LB356]

SENATOR ROBERT: Time. [LB356]

SENATOR GAY: Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Gay, Senator Flood, and Senator Howard. Returning to discussion, those wishing to speak: Senators Utter, Council, Flood, Campbell, Gay, Dierks, and others. Senator Utter, you are recognized. [LB356]

SENATOR UTTER: Mr. President and members of the body, I guess yesterday I had the feeling that I was kind of caught in the middle of a stampede, not knowing which way to go, and I...now that Senator Flood has worked his magic and that the...that we're kind of starting to put together something that makes sense of these...of all of these bills so that we can look at them and prioritize them and do the things that need to be done, I think that can only happen in the Unicameral and that's one of the things I guess that makes me proud to be a member of the Unicameral, that we can work these things out. I would just say that I, too, am concerned about children and I know that children and families in crisis need help. And I'm also concerned about money, particularly this year and in Nebraska and in this country. So I will now feel much more comfortable about voting to advance LB356, hoping that in the interim time between now and Select File that we will begin to put together a group of bills that will make sense, that are fiscally responsible, that are bills that will withstand not only the test of common sense but the test that the budget constraints are going to put on them. It seems to me like the appropriate way to go. With that, I would also add that I think that whatever bills survive and how they survive on Select File, there needs to be some measure of accountability incorporated in the bills that they are all reported back to this Legislature, some type of a performance report that will show the Legislature, in a concise fashion, the successes and the failures of these programs and the needs of the programs after they have actually been put into practice for awhile. So I would urge that as this process continues that the accountability factors that were in LB346 be applied to all of these bills and that there will be a report back to the Legislature that...a performance report, if you please. With that, thanks for the time and I'll yield back the balance of my time. [LB356 LB346]

SENATOR ROBERT: Thank you, Senator Utter. Senator Council, you're next and recognized. [LB356]

Floor Debate
March 10, 2009

SENATOR COUNCIL: Thank you, Mr. President. Is Senator Flood in the Chamber? I'd like to yield my time to Senator Flood. [LB356]

SENATOR ROBERT: Senator Flood, 4 minutes, 50 seconds. [LB356]

SPEAKER FLOOD: Thank you, Senator Council and members. I would be happy to answer any questions people have regarding the effort that we're undertaking here. I'd also like to point out that Senator Ashford, as Chair of the Judiciary Committee, was present at the meeting that we just had and that, on behalf of the Judiciary Committee and all of its members, they are comfortable allowing Senator Gay to manage this process between now and Select. I think that all of the bill introducers and supporters of the bills that were identified believe very strongly that there is a sense that they want to find common ground on all the bills and they have agreed, at least on General File, to support them. And so it's my hope that after April 1, after we see the budget forecast again, we can sit down together, that group can sit down with the Appropriations Committee and make a decision as to what is possible and agreeable to both sides. And then sit all of these bills, should we have a compromise on Final Reading prior to the introduction of the budget, so that Appropriations is fully aware and bought into what the group is doing as it relates to funding for this, the aftermath of this safe haven issue. So I just want to commend the senators involved. I think all of them did their very best and they were willing to do this and they all recognize there is significant risk. If compromise is not found, all of the bills that I identified will be brought up for Select File debate, assuming they all move to that level and they should, after the budget is fully considered or at least through Select File in May. Thank you, Senator Council. I think Senator Ashford was still looking for time. [LB356]

SENATOR ROBERT: Senator Ashford, 3...oh, Senator Council, 3 minutes. [LB356]

SENATOR COUNCIL: (Microphone malfunction)...Ashford. [LB356]

SENATOR ROBERT: Okay. Senator Ashford, 3 minutes. [LB356]

SENATOR ASHFORD: Thank you, Senator. I'll be very brief. I want to...I appreciate Speaker Flood's initiative in this matter and I, just on behalf of the Judiciary Committee, I would like to thank him for his efforts. I am very comfortable with Senator Gay's leadership on this issue. He has the expertise to bring this to a positive conclusion and I'm absolutely sure that we will do that. I thought Senator Utter made a great point about accountability and transparency and that. Those are points that need to be addressed. But lastly, I just want to thank my committee, the Judiciary Committee, because they worked hard on this issue and they worked hard on the issue last fall. So thank you to the committee who continues to take on these issues that are difficult, but this one is going to be resolved, I'm confident of that. So thank you, Mr. President. [LB356]

Floor Debate
March 10, 2009

SENATOR ROBERT: Thank you, Senator Ashford, Council, and Senator Flood. Senator Flood, your light is on next. [LB356]

SPEAKER FLOOD: Thank you, Mr. President. I'd like to give my time to Senator Gay. [LB356]

SENATOR ROBERT: Senator Gay, 5 minutes. [LB356]

SENATOR GAY: Thank you, Mr. President. Thank you, Senator Flood. Just to talk a little bit more, then I'm going to shut my light off actually on this bill. But I was going to talk on this anyway and now we have something worked out that I think will be amicable, at least to move us forward because we all have bills, not that...we have plenty of time, it's still fairly early in this whole process, but budgetwise we need to consider that. And I know you have bills and we're prioritizing our bills and so moving on is probably a good thing on this. I do believe, though, that most of these bills coming together, there are several things, we talked a lot about kids and safe haven and all that, the system though is a behavioral health system. There's...you know, you need the providers and the psychiatrists and the work force to take in these kids that we're talking about. We have a lot in the system, but we need to make sure that those people are taken care of. Some of these bills that Senator Flood had discussed, I just want to go over that again because I discussed it and I know people get busy and don't hear. But several of those deal with behavioral health providers, provider rates, and how we handle those. So how they work together, you're going to get to kind of focus that as we go to full days. I think that will be better, too, because we will have the full day to discuss and we can kind of get in a rhythm and explain this a little better. But I think as we look at that, most of us, I think, are on the same page. Fiscal reality, we all understand that as well. Several of those members were on the Appropriations Committee that Senator Flood had mentioned, so I think that's very important as well. So I think just in the efficiency of how the Legislature operates, this will be a good choice and a good agreement. I would say though, too, one thing when we looked, two bills I want to discuss and one would be LB601, which is dealing with behavioral health rates to providers. If we don't have the providers, as I said, it doesn't do us much good no matter what we do with funds. Second, LB603, is behavioral health work force issues which again, you know, without any psychiatrist or psychologist or workers, we're in trouble. But those two bills just there I think set the framework to allow the services to be delivered, so those are important pieces of this puzzle as well. We had talked about the funding. I think there's substantial funding that's going in to make this whole system operate. Now how much money is enough, at some point, and that's where you're all going to have to decide when, and I've said this earlier and now you're going to get it after April 1, I guess. But as this fiscal budget starts coming together, how that works, it all comes down to tough decisions at the end and I think those are just things you're going to have to see if it makes sense to you and as other members decide if you want to support these. But the package I think that is put together is reasonable. Looking

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

Floor Debate
March 10, 2009

forward to working with everybody on this and see if we can find some...we'll all learn a lot, too, in the process and I think that's a very important thing. Because as we get members of Health, Judiciary, and Appropriations together, I think that's really going to be very productive as well, that people can understand the system because we can all do a better job of understanding the system. So I'm looking forward to it. I appreciate those that are involved in this and if...along the way try to keep everyone best informed that we can. If you have questions, feel free to contact our office or others on the Health Committee, Senator Campbell, Howard, Pankonin,... [LB356 LB601 LB603]

SENATOR ROBERT: One minute. [LB356]

SENATOR GAY: ...Stuthman, Wallman. We'll all be closely involved in this because I know they're all very concerned about most of these bills as well. So looking forward to it. Again, if you have any concerns, please contact our office or any of those members and we'll try to keep you posted best we can on the progress of this. So thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Gay. (Visitors introduced.) Returning to discussion, wishing to speak: Senators Campbell, Dierks, Pirsch, Haar, Dubas, Price, and Nordquist. Senator Campbell, you are next and recognized. [LB356]

SENATOR CAMPBELL: Thank you, Mr. President and colleagues. I just have a couple of remarks because my remarks, too, have changed since the proposal came to the floor and I heartily want to thank the experienced members in the body who came forward to try to put a program together that we could address all these issues. I'd like to make just a couple of comments to clarify, because I've had a lot of people stop by and ask me a couple of questions. The first one is, do I support Professional Partners? And the answer to that would be, yes, I do. But for my colleagues on the floor, you need to understand that Professional Partners works the very best as a case management system, and how I explain this is Dick and Kathy Campbell walk in with Andy Campbell and Andy is having problems, and the professional partner begins to put together a plan to help Andy and our family in a mental health situation. It is one component of an array of services that we need to have for children and youth who need mental health services. Yesterday on the floor the question is, what do we need for all of those families? What has happened to the safe haven families? Twenty-nine of those youth remain in foster care. As we look at the system, we need a number of programs. And my only word of caution to my colleagues is that we'll all do our best to bring this package together for you to look at but you have to keep in mind this may only be step one. The depth of the system that we need to build for behavioral health for children will not be answered in this single combination that you will see at the end of the session. Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Campbell. I don't see Senator...yeah,

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

Floor Debate
March 10, 2009

Senator Dierks, you're next and recognized. [LB356]

SENATOR DIERKS: Thank you, Mr. President. I'm sorry about that. I forgot that I had the light on. It's only been about an hour. (Laugh) Why, I just wanted to take the opportunity this morning to indicate my support for the bill we're talking about. I know that these things cost money. I can remember 16-17 years ago we had a waiting list for the developmentally disabled and we decided at that time we were going to get rid of that waiting list, and we got down to just about zero on it but then it came back. And it's just a difficult thing to take care of all those needs, so we just have to keep putting the grease where the squeak is and we're going to come out with a little bit of good here. And I would urge your support of this legislation. Thank you. [LB356]

SENATOR ROBERT: Thank you, Senator Dierks. Senator Pirsch, you are next and recognized. [LB356]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I, first of all, want to say thank you to Senator Dubas for bringing this measure forward. I appreciate all the hard work she's spent in bringing a solution to the body to some of the issues that we addressed last year and so thank you for that. Just a couple of things to touch on before I ask Senator Dubas a couple of questions about her measure. The first is a concern and it's a larger view issue of some of the things that go on in this body year after year after year, and unfortunately limitations that we have just due to the nature of our committee systems and real-world practicalities, and that is, unfortunately, taking measures or a lot of these are remedial pieces of legislation and by their very nature they are introduced singly and to address a problem. And there are in any given session, perhaps, other proposals to address problems and so I think we need to work on ways, and I do appreciate Speaker Flood's approach in this particular case of not approaching issues on a piecemeal basis, one proposal by one proposal, but having a more comprehensive perspective of that. And so, you know, this is just one example and I didn't mean to single this out but there are others as well that we need to always be vigilant about, that, I guess, tendency to approach issues in the body piecemeal. So the other concern really I guess raised by Senator Utter, and I just wanted to say amen to his statements with respect to accountability and transparency. We absolutely I think need to do, you know, I'm not sure that we always do a good job in reviewing past spending decisions and making sure that we're getting...maximizing the bang for the buck that we're expending. The taxpayers, the citizens of Nebraska have a finite amount of money that they can devote towards having their needs addressed and so we need to make sure that we're spending that wisely. And so I do appreciate the comments here about incorporating reviews of however we decide to make our...in terms of our spending to address this issue so that as the rubber hits the road in years afterwards we go back and assess was that the best way we could do it, going forward in the future should we try it in a different manner. Having said those two, I would wonder if Senator Dubas might yield to a quick question. [LB356]

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

Floor Debate
March 10, 2009

SENATOR ROBERT: Senator Dubas, would you yield to a question? [LB356]

SENATOR DUBAS: Yes, I will. [LB356]

SENATOR PIRSCH: Thank you, Senator Dubas. And I've not had a chance to look at the intricacies of the green copy, but are there...is there a, I guess, a threshold, and I'm talking about the parents of these children who may utilize the services that your bill is designed to give, is there a parental financial threshold that must first be met before going to these services or, for instance, must parents exhaust their own personal mental health insurance for their children before they turn to the state or would they be able to turn to these services as a primary source first? [LB356]

SENATOR DUBAS: Well, they, of course, would go to their private insurance first. But these services have a sliding-fee scale built into them so, you know, depending on where the parents fall in with their income, their fees would be based on what they could afford to pay. [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR PIRSCH: Okay. Thank you. I'd yield the balance of my...thank you for answering. I'd yield the balance of my time to Senator Dubas, if she has any comments. [LB356]

SENATOR ROBERT: Senator Dubas, 50 seconds. [LB356]

SENATOR DUBAS: Thank you very much, Senator Pirsch. And to the members of the body, I, too, am very appreciative of Speaker Flood's efforts to bring everybody together. I think we have an incredible opportunity here to do a great service to the children of our state. I'm looking forward to working with all of the concerned players and I think we have some real incentive here to make things happen and look forward to being a part of that. Thank you. [LB356]

SENATOR ROBERT: Thank you, Senator Dubas and Senator Pirsch. Senator Haar, you are next and recognized. [LB356]

SENATOR HAAR: Mr. President and members of the body, I rise to support the advance of LB356. I want to thank Senator Dubas and the other senators who have come up with the various bills to address a problem. And I just wanted to read a quote here from one of my political heroes, Hubert Humphrey, who said it was once said that the moral test of government is how that government treats those who are in the dawn of life--the children, those who are in the twilight of life--the elderly, and those who are in the shadows of life--the sick, the needy and the handicapped. And one of the things

Floor Debate
March 10, 2009

that's impressed me so much about being in this legislative body is that the genius of this body is the way members come together to solve problems. And so I want to thank all the committees that are working on this. I've listened to much of the debate and I think we have to find a comprehensive package. We must be committed to finding the funding to address these issues and I'm confident we'll succeed. And I want to just thank the members of this body for all the work they've put into this issue. Thanks. [LB356]

SENATOR ROBERT: Thank you, Senator Haar. Senator Dubas, you are next and recognized. [LB356]

SENATOR DUBAS: Thank you, Mr. President and members of the body. Again, I would just like to extend my thanks to Speaker Flood and Senator Heidemann and Ashford and Gay and all of the other senators who are willing to come together and talk about this issue in a comprehensive fashion. I'm at the table because it's too important not to be there. At the end of the day, this is about our kids and how do we put services and resources in place to take care of our kids. As a member of the task force and through the course of the safe haven debate, we heard the most heart-wrenching stories that anybody could ever put out there. As a parent and as a grandparent, you know, it was just...it was just so hard to sit there and listen to the pain and anguish that these parents were feeling and the helplessness that they were feeling because their child was in desperate need of some help and they were not able to provide that help. So again, I think we are going down the right path here to put together some very constructive resources to make available to these families and to their children. I appreciate the senators who have been on board with me since the very beginning on this bill. It's taken a lot of work and collaborative effort to come up with the bill and the work...and to get to where we are today. I also appreciate the concerns of the senators who said, you know, I really support your bill but I have some grave concerns about the costs that are involved with it. I understand that. I had the same concerns myself. Again, that's why I'm at the table, because we need to be looking at this in a very comprehensive yet realistic approach to what can we put out there and how can we best use the dollars that are already in our state or may be coming into our state to fully capitalize on providing the resources and helping our children. And yesterday that debate really was focused on funding and I understand that's where the debate and the questions needed to be. But the heart of this debate, the heart of this discussion today is about prevention. It's the dollars that we spend up front. We have to talk about prevention. Do we build a fence or do we pay for ambulances? You know that if you go to the dentist and take care of your teeth you're not going to have to spend excess dollars down the road buying dentures. I mean it's just a logical thought process. You take care of the things up front. We know, we know, we know that prevention saves money. It's less costly up front than it is down the road. According to the World Health Organization, about 40 million people are impacted by mental health illness. That's one in every five people. About one-half of Americans still meet criterion at least one time in their life to be diagnosed with a mental

Floor Debate
March 10, 2009

health disorder. According to the U.S. Surgeon General, mental health, otherwise known in Nebraska as behavioral health, is defined as the successful performance and mental functioning resulting in productive activities, fulfilling relationships with other people, and the ability to adapt to change and cope with adversity. Mental health is currently the leading cause of admissions to hospitals, a very costly process. Many studies show that injury used to be the most leading cause but now it is psychiatric or behavioral health problems that are the leading cause of admission. The U.S. spends \$81 billion covering costs directly related or indirectly related to mental healthcare coverage, including medication and the loss of productivity. Four of ten disabilities in the United States are mental health issues, including major depressive disorders, obsessive compulsive disorder, schizophrenia, and bipolar disorder. There is more of a trend now that people are getting treatment because it's more acceptable... [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR DUBAS: ...and there is more awareness. There are also more screenings done by family physicians and more availability for treatment. However, here in Nebraska there are not services to offer when it comes to dealing with these mental health issues, especially for children. We have individuals, who have exhausted their opportunity with private health insurance not paying. Forty-seven million Americans, 16 percent, are without health insurance. Eighty percent of people without insurance are the working poor. Twelve percent are children in the United States. We have a problem and we have an opportunity with bringing this group of senators together and this group of bills together to actually take a step forward in addressing this problem. We have to get to these children before they become violent or become nonproductive members of our society. Again, the World Health Organization's preventive care is less likely to... [LB356]

SENATOR ROBERT: Time. [LB356]

SENATOR DUBAS: ...use up time...and insurance money. And thank you very much. [LB356]

SENATOR ROBERT: Thank you, Senator Dubas. Those wishing to speak: Senators Price, Howard, Pirsch, and Nordquist. Senator Price, you are recognized. [LB356]

SENATOR PRICE: Mr. President and members of the body, thank you. I just wanted to stand up to make a point of clarification on my last remark that that was a biennium projection over a four-year period, two bienniums. And with that, I'd yield the balance of my time to Senator Howard, if she would like it. [LB356]

SENATOR ROBERT: Senator Howard, 4 minutes, 37 seconds. [LB356]

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

Floor Debate
March 10, 2009

SENATOR HOWARD: Thank you, Senator Price. I want to thank Senator Campbell for her very accurate comments. Under LB356, AM529, a youth can receive services for a 90-day period and then will be reevaluated. In my experience, few critical family issues are resolved within 90 days. It's just a reality. Problems that have taken a lifetime to develop aren't resolved easily. Usually you're talking about a long-term commitment by a family working together in counseling. My question is, do these children then become wards of Health and Human Services for continued service and continued payment of service? This could have an unintended consequence of increasing the number of children under the wardship of the state and the supervision of the court. I also commend Speaker Flood for his practical solution and believe that it is entirely possible to find a common ground with which to help families and youth. Thank you. [LB356]

SENATOR ROBERT: Thank you, Senator Howard. Senator Howard, your light is next. She waives. Okay. Senator Pirsch, you are next and recognized. [LB356]

SENATOR PIRSCH: I'm going to waive. Thank you. [LB356]

SENATOR ROBERT: Senator Nordquist, you are next and recognized. [LB356]

SENATOR NORDQUIST: Thank you, Mr. President and members. First, I'd like to thank Speaker Flood, Senator Gay, and Senator Ashford for working on this compromise and bringing people together in the spirit of collaboration. We realize with the fiscal situation our state faces we can't do everything, but this compromise, bringing people together, will allow us to look at services not in silos but rather across the array of services, saying this is how much we have to devote to these services, what is the best bang for our buck. And that's what hopefully we can come out of this with, is a compromise that does the best for the taxpayers of this state. And in the wake of the safe haven debate over the last year, I think that the citizens of Nebraska deserve nothing less. Thank you, Mr. President. [LB356]

SENATOR ROBERT: Thank you, Senator Nordquist. Senator Nelson, you are next and recognized. [LB356]

SENATOR NELSON: Mr. President, I call the question. [LB356]

SENATOR ROBERT: There are no other lights on, Senator Nelson. So, Senator Ashford, you are recognized to close on AM529, the Judiciary Committee amendments. [LB356]

SENATOR ASHFORD: Thank you. Wow! What a...I didn't know we'd be here but we are here and, again, I just want to congratulate everybody. This is why we are who we are. I am confident this matter is going to be resolved in a creative way. I appreciate all the comments. There's so much expertise in this body: Senator Gloor from the

Floor Debate
March 10, 2009

healthcare field, Senator Campbell, Senator Howard. You know, it's just an array of qualified individuals who have come together and we do this from time to time and the result of it is that we get good legislation, we help people. That's our goal here. I'm so very pleased with the comments today. The debate has been very constructive, the discussion has been. It really hasn't been a debate. It's been a discussion about the needs of our state and our young people. So with that, I would certainly urge that we adopt AM529 and advance LB356 to Select File in the spirit of the compromise that Senator Flood has given all of us. Thank you. [LB356]

SENATOR ROBERT: Thank you, Senator Ashford. Members, you have heard the closing to AM529, the committee amendments to LB356. The question for the body is, shall AM529 be adopted? All those in favor say aye; or all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB356]

CLERK: 39 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB356]

SENATOR ROBERT: AM529 is adopted. Returning to discussion on LB356. Seeing no lights on, Senator Dubas, you're recognized to close on LB356. [LB356]

SENATOR DUBAS: Thank you very much, Mr. President. Thank you. Thank you so much to the members of the body who have participated in this debate, who have expressed genuine concern for the issue that really came to a head during the safe haven debate. It's not an issue that just appeared during the safe haven debate. It's been an ongoing issue for many, many, many years and for whatever reason we have not been able to move forward services and help for children and families in crisis. From the bottom of my heart, I just can't express the gratitude that I feel right now for what we have been...for the huge step that we've been able to take with this bill, and Senator Gay's bill, and the other bills that will be coming before us in the course of the next few weeks. We have a statewide policy question before us today--should the state make behavioral health services for children a priority? And I think we've made that statement. Now we have to put action with our words. Despite the budget, despite the economic fears that we're facing, when do we address this problem? And we're in a tough place right now but when is the right time to address the problem? And I think today is that time. During the special session of 2008, I, along with many of my colleagues, were promised a policy debate on this issue and we've had it. Again I ask, do we build a fence or do we pay for ambulances? Which is more expensive? The Department of Health and Human Services spent \$250,000 on Robert Hawkins for his treatment and yet the social costs that were experienced by the community and the families, those responding to the crime, the taxpayers, police, the public hearings, the value of eight lives lost, where is the cost in all of that? Again I quote Judith Warner who says, in Nebraska, where access to children mental health services is particularly poor, child advocates had hoped that last year's headline making child abandonment would shock

Floor Debate
March 10, 2009

lawmakers into spending more money to develop better child mental health services but that isn't happening. But it is. Today is the start, it is happening. She goes on to describe the legislation proposed to deal with this issue. We have a navigator in place. Now we're talking about services, and the other bills coming up before us are all a part of a much bigger picture that needs to be there for us to actually be able to take steps in the right direction. My proposal, along with the others, builds a fence around the cliff. It attempts to catch these children before they fall. Please, I please ask you to advance this legislation to...for us to be able to come together as a coalition of senators all with the ultimate goal of how do we best serve children. Senator Campbell is right, this isn't a one-stop fix. This is an ongoing process. We're just beginning to peel back the layers but at least we're moving. We have been sitting in idle for way too long. Our children are our future and they deserve to be respected. They depend on us for their lives. They depend on us to protect them, to help them find their way. I've received so many e-mails from parents, parents who safe haven their children, parents who have been frustrated where their only option left was to make their child a ward of the state. [LB356]

SENATOR ROBERT: One minute. [LB356]

SENATOR DUBAS: One of the parents who used safe haven was so excited about this bill and what this bill could have done for her had it been in place before she used safe haven. She was a single parent. She had health insurance and a steady income, but yet made a little bit too much money to qualify for Kids Connect. Her only option after her private insurance ran out was to make her child a ward of the state. She used safe haven. It was the most heart-wrenching, heartbreaking decision that this very caring and compassionate mother ever had to make in her life. Put yourself in her place. She packed her kid up, put him in a car, drove to a hospital, and had to leave him. But she was a mother who was desperate to save her child. [LB356]

SENATOR ROBERT: Time, Senator. [LB356]

SENATOR DUBAS: I appreciate your support for this bill and advance it to Select File. Thank you. [LB356]

SENATOR ROBERT: Thank you, Senator Dubas. Members, you have heard the closing to LB356. The question for the body is, shall LB356 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB356]

CLERK: 44 ayes, 0 nays, Mr. President, on the advancement of LB356. [LB356]

SENATOR ROBERT: LB356 does advance. Next item on the agenda. [LB356]

CLERK: Mr. President, Senator Dubas offers LB356A. (Read title.) [LB356A]

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

Floor Debate
March 10, 2009

SENATOR ROBERT: Senator Dubas, you are recognized to open on LB356A.
[LB356A]

SENATOR DUBAS: Thank you, Mr. President and members of the body. Thank you again for your vote to advance LB356. As has been stated previously, we are going to be continuing to work on this bill, as well as the others, to address the fiscal impact to the state. I recognize the \$15 million yearly for this is something that is...is something that people struggle with and weren't quite certain they could support, but please recognize that I'm coming to the table in good faith, recognizing the concerns that this body has and will be negotiating in good faith, taking those considerations into effect and understanding the economic realities that our state is facing. I don't want to be deemed as fiscally irresponsible, as I'm sure none of the rest of the body does either. So when we're able to come to the table with good faith effort and move some things forward, we can make things happen that hopefully the body can be comfortable with. So I'd appreciate your advancement of the A bill. Thank you. [LB356A LB356]

SENATOR ROBERT: Thank you, Senator Dubas. You've heard the opening to LB356A. Those wishing to speak: Senator Gay. [LB356A]

SENATOR GAY: Thank you, Mr. President. I'm going to vote for this A bill with the understanding that, of course, we're working together and it would...it will be changing, I assume. No guarantees on anything, but I am going to support this A bill in the form it is, because that's what we're voting on right now, with the intention of working with Senator Dubas to try to find out exactly where spending would go, what it would be used for, and working with others, as we just discussed earlier. But I do want to be on record that...voting for this with the full understanding, working in cooperation with others in trying to find something that we can all work with down the road. I am concerned. We need to make sure, because things will change after April 1, I'm sure, the Appropriations Committee has a huge challenge ahead of it and so will all of us, quite honestly, because those decisions only get tougher as we go further down and discuss the budget. But I am going to vote for this with...and looking forward to work with Senator Dubas and others to try to find the best solution that we can, that I think the taxpayers can live with as well. So thank you, Mr. President. [LB356A]

SENATOR ROBERT: Thank you, Senator Gay. Seeing no others wishing to speak, Senator Dubas, you're recognized to close. Senator Dubas waives closing. The question for the body is, shall LB356A advance to E&R Initial? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record.
[LB356A]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB356A. [LB356A]

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

Floor Debate
March 10, 2009

SENATOR ROBERT: LB356A does advance. Items for the record, Mr. Clerk? [LB356A]

CLERK: Thank you, Mr. President. Enrollment and Review reports LB327 to Select File, and LB346A to Select File. Priority bill designations: Senator Cook selected LB340; Senator Adams, LB545. I have notice of hearing from the Education Committee. Amendment by Senator Giese to be printed to LB121. That's all that I have, Mr. President. (Legislative Journal pages 681-683.) [LB327 LB346A LB340 LB545 LB121]

SENATOR ROBERT: Thank you, Mr. Clerk. Next item on the agenda. [LB356A]

CLERK: Mr. President, LB63 is a bill originally introduced by Senator Friend. (Read title.) Bill was introduced on January 8, referred to the Judiciary Committee. The bill was advanced to General File. There are Judiciary Committee amendments, Mr. President. (AM212, Legislative Journal page 629.) [LB63]

SENATOR ROBERT: Thank you, Mr. Clerk. Senator Friend, you're recognized to open on LB63. [LB63]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Little bit of a precursor here, I wanted to thank Senator Ashford for making this LB63 a priority bill. There's a very good reason that he did that. I'll let him explain that. I should have some time here to yield to him. I wanted to thank the Judiciary Committee for working on this issue, taking a hold of it, getting it out to the floor. I introduced LB63 at the request of the Attorney General, Jon Bruning, and it advanced from the Judiciary Committee on a 7 to 1 vote. LB63 now with AM212, which is what's the Judiciary Committee amendment which is what Senator Ashford will speak to here in a moment, is a comprehensive violence prevention bill that was drafted in consultation and collaboration with the Police Officers' Association of Nebraska, the Sheriffs Association, the Midwest Gang Investigators Association, Nebraska County Attorneys Association, and the Nebraska Attorney General's Office, among many other organizations. LB63 enhances penalties for numerous existing firearm violations and violent crimes committed with weapons. It also creates several new offenses aimed at illegal gang activities which are exceptionally violent or are known to promote violent retaliation by rivals. Also, it creates an Office of Violence Prevention and an advisory council. The office and council are designed to seek and distribute funds for much needed programs to address gang violence. In addition, the office is tasked with developing, fostering, promoting, and assessing violence prevention programs. Senator Ashford will also talk about that in a little bit. AM212, LB63, it's not a knee-jerk reaction to last year's escalation in violence in north Omaha. None of us are running for mayor. It's not a reaction to the political environment that's out there. Instead, it's a bill that the Attorney General's Office, Corey O'Brien in particular, has been working on for almost two and a half years. And in that time this bill has been through countless drafts. It was put together by close consultation with the law enforcement community, prosecutors and a

Floor Debate
March 10, 2009

variety of senators. At one time or another, representatives from the Attorney General's Office solicited input from a host of police officers and prosecutors in the state. In seeking their input, their foremost interest was in assembling a comprehensive legislative package that was more than cosmetic and would make a real and meaningful difference on Nebraska streets and in its courtrooms. AM212 is a culmination of those efforts. The message in AM212 is...and LB63 is specific and proactive deterrence. That's the message I'd like to push forward. In sending this message on AM212, it contains a number of provisions, including increases in the potential criminal penalties for the most violent and serious weapons offenses contained in our criminal code. In fact, many of these crimes will now carry mandatory minimum jail sentences that will deny many convicted violent offenders from any opportunity to avoid incarceration. To better illustrate the increased penalties proposed in AM212, I'm having the pages distribute a chart which compares the current sentencing parameters for the offenses modified by the bill with the sentencing parameters proposed in LB63 and AM212. As the chart depicts, if you'll look at it, the possible sentencing range is increased at least one classification level higher for crimes of a first-degree assault, second-degree assault, unlawful possession of a handgun by a juvenile, unlawful transfer of a firearm to a juvenile, possession of a firearm on school grounds, second-degree assault of an officer, and use of a deadly weapon to commit a felony. Additionally, as the chart indicates, mandatory jail sentences will now be imposed against those offenders convicted of a first-degree assault on an officer, possession of a firearm by a prohibited person, use of a firearm to commit a felony, and shooting at an occupied structure. Frankly, members of the Legislature, these sentence increases have been warranted for a long time now and our sentences have been out of line and they've been a little bit skewed. For instance, the current possible punishment for shooting and seriously injuring someone, traditionally a first-degree assault, or for the crime of committing when a previously convicted felon is found to be in possession of an AK-47, that penalty is currently the same possible sentence, it's the same possible sentence available for someone who shoplifts a \$1,500 watch. In addition to these proposed penalty increases, AM212 gives law enforcement, prosecutors, and communities several new tools. I don't have time to discuss them all obviously here, but a few of them are these. The creation of several new offenses that we had talked about, some of them we had talked about, some we haven't, like a drive-by shooting statute, a statute making it illegal to recruit members into a criminal enterprise, and the state's first statute prohibiting the unauthorized use of application of graffiti. Senator Nordquist and Senator Mello had items out there this year that the...excuse me, talking too fast, the Judiciary Committee grabbed ahold of and worked with those guys to get this thing moved forward. Also, the creation and enforcement of these statutes are vitally important because we...because many in the law enforcement community know that these three activities directly contribute to the escalation of violence and it will provide us with avenues to hopefully prevent the all too frequent tit-for-tat items that we see out there on the streets. Of additional importance, AM212 will make our laws consistent with existing federal firearm laws in regard to who may legally possess them, and it will allow

Floor Debate
March 10, 2009

our judges to consider the dangerousness of offenders when setting bail and the participation of offender in gang activities when determining if their cases should be heard in juvenile or adult courtrooms. I wanted to thank the AG's Office again, also Senator Ashford. Members, I wanted to leave you with this and I'll give the rest of the time to Senator Ashford. Violent offenders are going in front of our county courts and at times they're glad they are, because if they go in front...into a federal court and they're being charged with firearms crimes, they're worried about that. That concerns them. You drop them into a federal...or, excuse me, you drop them into a county court, not quite as concerned. We're trying to provide, I think, what we would consider some common sense. I think Senator Ashford will talk more about that. I would ask for the advancement, the eventual advancement of LB63 and the eventual adoption before that of AM212. Mr. President, how much time do I have left? [LB63]

SENATOR ROBERT: Two minutes. [LB63]

SENATOR FRIEND: I'd like to give that to Senator Ashford. [LB63]

SENATOR ROBERT: Senator Ashford, two minutes. [LB63]

SENATOR ASHFORD: Thank you, Mr. President. Five hands if you don't want to hear from me anymore today. (Laugh) No, I'm required to speak. Thank you, Senator Friend. And I want to echo Senator Friend's comments. The Attorney General's Office, his team, have worked diligently with our office and I appreciate their input on this issue. I also would like to thank Senator Pirsch, Senator Nordquist, and Senator Mello for their input. I believe Senator Pirsch, maybe on Select File or maybe on General File, have some amendments which we've reviewed this morning, but he has taken an interest in this issue as well. Let me try to lay the groundwork a little bit as to how we the Judiciary Committee got involved and why we're taking the approach we are here. This...and I want to thank the members of the committee for their efforts over the summer and fall on the... [LB63]

SENATOR ROBERT: One minute. [LB63]

SENATOR ASHFORD: ...violence issues. We had a very good hearing in Omaha and where a number of the law enforcement people that Senator Friend talks about, plus community groups came and talked about a comprehensive approach. The key to this issue, in my view, is prevention, apprehension, incarceration, and rehabilitation. We need to focus on all four of those measures, those incredibly important pieces to solving the problem, the epidemic, I would say, of violent crime that has occurred over several years. We spent some time this summer in the Judiciary Committee visiting and talking about crime prevention initiatives across the country. We took a trip to Chicago and we had a good day looking into their program, the CeaseFire Program. And by the way, there are rather voluminous study...there's a rather voluminous study that we've handed

Floor Debate
March 10, 2009

out last week, not very good timing but last week to you. We have other... [LB63]

SENATOR ROBERT: Time, Senator. [LB63]

SENATOR ASHFORD: Thank you. [LB63]

SENATOR ROBERT: We do have committee amendments, AM212. Senator Ashford, you're recognized to open on those. [LB63]

SENATOR ASHFORD: We do have a number of copies of that study available at the desk if you would like to get another copy of it. As Senator Friend suggests, the committee amendments do go through a variety of enhancements of criminal penalties related to violent activity, graffiti, gang activity, gun-related crimes, and also the issue of jail informants. And there is an amendment that you can look at that deals with jail informants that is part of AM212. The idea, though, of prevention, the idea of stopping the shooting is a very compelling idea to me. If we stop the shooting, if we prevent the crime from occurring, we aren't going to spend the \$64,000 for that juvenile to go to Kearney, we aren't going to spend the \$26,000 a year at the State Penitentiary, and we're not going to have to pay the costs that come with the damage to the families, the victims that occur when there's a shooting. And obviously, Omaha has seen its fair share of indiscriminate shooting. And tough enforcement is necessary. One of the lessons we learned in looking at the various initiatives across the country, whether it be Boston, Cincinnati, Chicago, Kansas City, Baltimore, Oakland, across the country is the message has to be given to these potential shooters and that message is, if you do this, if you shoot somebody, you're going to pay for it. The key, in my view, the change, and what's changed I think in this bill and the spirit of it is that the message needs to be gotten to these kids by the right people and I want to commend Senator Council's brother, Tom Warren, who as police chief really advanced the ball in this area, and Chief Buske now in the city of Omaha, the police chief of Omaha, realizing that we need to do intervention and prevention initiatives and we need to get the message on the street to these kids. They're not stupid. They will act on the message if the message is gotten to them. And there's been an effort in north Omaha, and I know Senator Council will probably want to talk about it and knows a lot more about it than I, where there are community leaders who are going on to the street in Omaha and they are stopping people from shooting. There are community people who go to the hospitals after there has been a shooting to try to talk down the victim's family so that they will not retaliate. So many of these shootings, whether they're gang-related or not, are retaliatory. They're needless. They're useless. We need both, members. We need a strong enforcement. The message has to be gotten across to these potential shooters that if they do what they are intending to do, they will not like the consequences. There has been too much inconsistency in sentencing. And there will be some discussion in this debate about cost and there is a cost involved in incarcerating somebody and that cost is big and it comes out of the General Fund, and it's a big cost. But I think if we approach this issue, if we

Floor Debate
March 10, 2009

approach this issue in a comprehensive way by creating a state involvement in violence prevention, through this Office of Violence Prevention, we can do it and we can do it this summer. We can stop the shooting. We can reduce the shootings by half. I am absolutely convinced that we can get from 44 to 22 and then get below that, but it needs a comprehensive approach involving the state. It needs to be an initiative that the state supports wholeheartedly, and that's why we have included the Office of Violence Prevention in this bill. I'm going to give some of my time to Senator Nordquist and if there's still time after Senator Nordquist is completed, I think Senator Mello wanted to speak as well, but he's not here right now. [LB63]

SENATOR ROBERT: Senator Nordquist, 5:45. [LB63]

SENATOR NORDQUIST: Thank you, Mr. President. Thank you, Senator Ashford, for your leadership on this issue. I rise today in support of LB63 and the committee amendment, large...which includes portions of LB276, a bill that I introduced along with Senator Mello. It's an antigraffiti measure to get tough on graffiti in our communities throughout this state. Earlier in January on the hearing, LB276, the Judiciary Committee heard from concerned citizens, the Omaha gang unit, Omaha city prosecutor about the challenges that Omaha faces as a metro area, and the committee learned that graffiti is more than a minor eyesore. Graffiti lowers property values, it's often evidence of gang activity, and it threatens to chase businesses and jobs from our affected neighborhoods. The committee members learned that Omaha takes the problem seriously and spends more than \$100,000 a year addressing the problem. And they need the state to step up and be a partner in this as well, and we can do that by addressing the penalties for graffiti, especially for repeat offenders. After speaking with members of the committee, as well as the Attorney General, it became clear to me that the best vehicle for antigraffiti legislation this session is LB63. It's a comprehensive package that is well suited to fight violent crimes, property crimes, and gang crimes in our communities. Because the bill already contains enhanced punishment for graffiti offenders, the committee amendment focuses on adding alternative sentencing provisions. Specifically, the court may order restitution. They may order the suspension of a defendant's...or a perpetrator's driver's license, and order the perpetrator to counseling. Aggressive antigraffiti programs have led to positive results across the country, reducing overall crime rates and violent crime rates. This provision of the amendment is the result of years of experience by those successfully fighting graffiti in our communities. This came out...a lot of the provisions of this amendment came out of an interim study hearing which was introduced by my predecessor, John Synowiecki. They had a...we had a great interim study hearing last fall in south Omaha and also I'm here in strong support of the...a big part of LB63, the Office of Violence Prevention. I was at the hearing over the summer on that. This is the direction we need to go to address these serious crimes that are plaguing our communities throughout the state. So I encourage you to support LB63 and the committee amendments. Thank you. I yield my time back to Senator Ashford. [LB63 LB276]

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

Floor Debate
March 10, 2009

SENATOR ROBERT: Senator Ashford, 3 minutes. [LB63]

SENATOR ASHFORD: Senator Mello, if he would have...wish to speak on this issue. [LB63]

SENATOR ROBERT: Senator Mello, 3 minutes. [LB63]

SENATOR MELLO: Okay. Thank you, Senator Ashford and Senator Nordquist. I rise today in support of LB63 and the importance of taking these steps to address the growing problem of violence in our communities. In my district, south Omaha, violence, especially gang violence, is on the rise and LB63 takes a comprehensive approach to addressing some of these issues. As Senator Nordquist mentioned, one aspect of the bill that's incredibly important to my district but also important to many other districts around the state is making the application of graffiti an offense in state law. As the Judiciary Committee heard testimony on my bill, LB277, as well as Senator Nordquist's bill, LB276, graffiti is often a steppingstone to harder crimes and can be linked, strongly linked, to gang activity. It's used by gangs to mark territory, sending warnings to rival gangs and sending signals for other criminal activities. Graffiti creates the perception that targeted neighborhoods are unsafe and depresses our community morale. It's got an economic impact, depreciating the value of both the targeted property as well as the value of adjacent and surrounding properties. When neighborhoods are viewed as unsafe due to large amounts of graffiti, it's detrimental to businesses as customers begin to avoid the general area. I also rise in strong support in the creation of the Office of Violence Prevention. It's also a very important step the state can take to help alleviate violent crime in our community. As a state, we need to encourage the development of violence prevention and programs that will interrupt the cycle of violence and help alleviate violence in all of our communities and neighborhoods. Creating this office will be charged with developing and promoting violence prevention programs and is an important step that we can take to crackdown on violence in our state. And with that, I'd like to commend Senator Ashford and Senator Friend, as well as Attorney General Jon Bruning... [LB63 LB277 LB276]

SENATOR ROBERT: One minute. [LB63]

SENATOR MELLO: ...in bringing together all of the interested parties to help find a solution to obviously a very difficult issue that's plaguing not just the Omaha area but as well as the state in general, particularly with the gang-related problems that we're seeing and gang-related shootings. So with that, I'd like to thank Senator Ashford and the Judiciary Committee, and yield my time back to the Chair. [LB63]

SENATOR ROBERT: Thank you, Senator Mello, Nordquist, and Ashford. Members, you have heard the opening to AM212 to LB63. Those wishing to speak: Senators

Floor Debate
March 10, 2009

Gloor, Louden, Lathrop, Pirsch, and others. Senator Gloor, you're recognized. [LB63]

SENATOR GLOOR: Thank you, Mr. President, members of the body. I usually stand to speak on issues that relate to healthcare, but I stand in this case because I took an interest in this bill after a conversation with my county attorney and did some research. I find out that this bill is in many ways like healthcare, that the key to it is prevention. The key on this is prevention. The key to good healthcare is also prevention. And that's a lot of what, as Senator Ashford says, this bill does. What my county attorney told me--and I would urge all of you, if you haven't heard from your county attorneys so far, to sit down and visit with them--is that this bill was written as if someone spent two years sitting in the back of a courtroom, listening what went on and what we tried to prosecute, and built a law to help us. That said volumes to me. And again, I would urge you to talk to your county attorneys about this bill. Some of what I have heard visiting with Senator Friend about it, as an example, is that we have criminals who, in their own way, are smart and sharp on things, who make decisions on what crime to commit based upon what the penalties may be. And instead of going to a bank, where robbing a bank is a federal offense, with a gun, they go to our convenience stores and grocery stores where it is not and the penalties are not nearly as severe. We need to correct that. I would urge you to read the handout. It covers some of the things that are changing as a result or would change as a result of LB63, which of course I rise in support of, and I'd like to read a few of those just to drive home the point. It increases the penalty for assault on an officer. It increases the penalty for the unlawful transfer of a firearm to a juvenile. It would increase the penalty provided for the unlawful possession of a firearm on school grounds; as relates to domestic violence, prohibit a person who has been convicted of a misdemeanor crime of domestic violence within the past seven years or is subject to a current and validly issued domestic violence protection order from possessing a firearm, knife, brass or iron knuckles; creates new crime for knowingly and intentionally discharging a firearm from inside or nearby a motor vehicle towards another person, house, vehicle, or building. This, as we know, is drive-by shootings. Creates the unlawful or the offense of unlawful membership recruitment into a criminal gang or organization. This is an increasing problem all across the state, not limited to Omaha, not limited to Lincoln, but now is raising its ugly head in communities like Grand Island; would allow a judge to now take into consideration when deciding issues pertaining to the granting and setting of bail whether the release on bail could jeopardize the safety of evidence, victims, or other people in the community. That's just a small listing of the things that can make a difference. Please read these handouts to get an understanding of how significant this bill might be in helping with the issue of prevention when it comes to crime in our state. Thank you, Mr. President. [LB63]

SENATOR ROBERT: Thank you, Senator Gloor. Senator Louden, you are next and recognized. [LB63]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I've looked

Floor Debate
March 10, 2009

over this amendment somewhat, I haven't read it completely, but there are some questions I would have about that. One of them is in Section 5, when it specifies in there that a person will have to cleanup graffiti for one year as part of the sentencing and I'm wondering how that will be enforced, if that's possible to enforce that. This is something usually that a county attorney delegates to a bunch of high school kids when they get in trouble in some of the areas, which I've known about over the years, and usually the county attorney told them go out there and clean the place up and then they'll drop the charges or something. And I'm wondering if we have to have that in statutes. Another thing I'm concerned about is paragraph (5) in Section 5, and if they're convicted of these offenses that are in there, they would lose their operator's license for up to one year. Now usually an operator's license is taken away because of something they've done while driving. It isn't necessarily be a privilege that it's taken away for walking down the wrong side of the street or whatever else these offenses might be. So I question whether those are really something that needs to be in there. This gets to be quite serious and this is mostly for younger people, I think juveniles. Another thing I have a consideration about, in...I think it's in Section 10 and they're talking about any person under the age of 18 will...commits a felony if they have unlawful possession of a handgun. Why is it that we have to pass a law that you can't have a handgun under the age of 18? I didn't realize that was any place in any of the laws of the land, so I'm wondering where we're going with that. I understand what the committee has tried to do. They have problems in Omaha and that place, but you want to remember there is other areas in the state of Nebraska we don't have those problems, and there are youngsters around that are probably 15-16 years old that do possess handguns and I would question whether it would...you'd make it a state law for them to not have any handguns until they're 18 years old. So there are some questions that I would have of this and perhaps Senator Ashford could answer them for me, if he would please, if he would yield. [LB63]

SENATOR ROBERT: Senator Ashford, will you yield to a question? [LB63]

SENATOR ASHFORD: I will. [LB63]

SENATOR LOUDEN: Senator Ashford, can you give me any explanation I think on the amendment on page 3, about how they're going to enforce this where if...to keep the community free of graffiti and who's going to enforce it and how you go about doing that? [LB63]

SENATOR ASHFORD: It's enforced by the, at least in my community, it's enforced by the gang unit, Senator. I think one of the...and what their focus is on are these violators that violate the graffiti laws on a continuous basis. There's one offender that had over 120 violations. So it's the gang unit in Omaha. Now I'm not...other communities may have a different enforcement mechanism, the county sheriff, but in Omaha it's the gang unit. [LB63]

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

Floor Debate
March 10, 2009

SENATOR LOUDEN: Okay. But I'm...and then on where you're conviction of that offense, they would take their operator's license away for up to one year. [LB63]

SENATOR ASHFORD: Correct. [LB63]

SENATOR LOUDEN: Is that really like it should be, to take a driver's license away? There's other areas that kids could be spray painting something or something like that and then they would lose their driver's license. [LB63]

SENATOR ROBERT: One minute. [LB63]

SENATOR LOUDEN: Now if they're driving a car or something to get there to do that, that's one thing. But just to be on foot, I question about that. [LB63]

SENATOR ASHFORD: Senator, that was purposeful, Senator Louden, that we felt that that was the appropriate penalty, that loss of a driver's license had more impact than other types of penalties and that we strongly support that provision. Yeah, I think it will have a deterrent effect on a young person. [LB63]

SENATOR LOUDEN: Okay. And then on page 7 in there, where any person under the age of 18 who possesses a handgun commits the offense of unlawful possession of a handgun, is that...where does that come from? I mean, I understand what you're trying to do, get guns out of the hands of some of these youngsters. But when you take that statewide, is that something that's... [LB63]

SENATOR ROBERT: Time. [LB63]

SENATOR LOUDEN: ...that would work and put undue hardship on other people in different parts of the state? [LB63]

SENATOR ROBERT: Time, Senator. [LB63]

SENATOR LOUDEN: Thank you. [LB63]

SENATOR ROBERT: Mr. Clerk, items for the record. [LB63]

CLERK: Mr. President, a priority bill designation: Senator Utter, LB477. Senator Pirsch, amendments to be printed to LB63. The Executive Board will meet in Exec Session tomorrow morning at 8:30 in Room 2102. Senator Howard would like to add her name to LB235. (Legislative Journal pages 683-685.) [LB477 LB63 LB235]

And I have a priority motion. Senator Cook would move to adjourn until Wednesday

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

Floor Debate
March 10, 2009

morning, March 11, at 9:00 a.m. []

SENATOR ROBERT: Members, you have heard the motion. The question for the body is, shall we adjourn until Wednesday, March 11, at 9:00 a.m.? All those in favor signify by saying aye. Opposed, nay. We are adjourned. []