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Floor Debate
February 21, 2012

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PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirtieth day of the One Hundred Second Legislature, Second Session. Our chaplain for today is Pastor Raymond Wicks from the First Baptist Church in Plattsmouth, Nebraska, Senator Lambert's district. Would you all please rise.

PASTOR WICKS: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Pastor Wicks. I now call to order the thirtieth day of the One Hundred Second Legislature, Second Session. Senators, please record your presence. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Enrollment and Review reports LB723, LB794, LB831, LB871, LB686, and LB849 all to Select File, some having Enrollment and Review amendments. (Legislative Journal pages 579-582.) [LB723 LB794 LB831 LB871 LB686 LB849]

PRESIDENT SHEEHY: (Gavel)

CLERK: In addition, Mr. President, Enrollment and Review reports LB1118 as correctly engrossed. That's all that I have, Mr. President. (Legislative Journal page 583.) [LB1118]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll now move to the first item under General File, the 2012 senator priority bills, Carlson division, LB735. [LB735]

CLERK: LB735 a bill by Senator Schumacher. (Read title.) Bill was introduced on January 4 of this year, referred to the Government, Military and Veterans Affairs

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Committee, advanced to General File. There are committee amendments. (AM1769, Legislative Journal page 441.) [LB735]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Schumacher, you're recognized to open on LB735. [LB735]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. LB735 amends Section 84-1411. Section 84-1411 currently permits a list of entities to conduct up to half of their meetings by videoconferencing. Those entities are state agencies, state boards, state commissions, state councils, and state advisory committees, all public bodies when existing...exercising their authority as an organization under the Interlocal Cooperation Act,... [LB735]

PRESIDENT SHEEHY: (Gavel) [LB735]

SENATOR SCHUMACHER: ...Joint Public Agency Act or Municipal Cooperation Financing Act, risk management pools, educational service units, and a public power district operating in more than 50 counties. Section 84-1411 also currently permits risk management pools, educational service units, judicial resources commission, and all public bodies when exercising their authority as an organization under the Interlocal Cooperation Act, Joint Public Agency Act or Municipal Cooperation Financing Act to conduct up to half of their meetings by telephone conference, not to exceed an hour in length. The Legislature has prescribed that video or telephone meetings must adhere to all the rules of an in-person meeting such as advance notice of time, place, agenda, and special considerations for the media. In the case of a video or teleconference meeting the Legislature has added several additional rules to ensure that video or telephone conferencing is not used to circumvent the Open Meetings Act. Those additional rules require each location where the video or teleconference is to be conducted to have given advance public notice, large enough room with adequate seating and accommodations for the public, at least one copy of all documents that are under consideration, and at least one member of the public body present. Videoconferencing and telephone conferencing have become somewhat blended as some public bodies stream video of board meetings live over the Internet and board members in remote locations that have Internet but no cameras can respond back over a long distance phone call. Videoconferencing and telephone conferencing have become an integral part of our business, commerce, government, regulatory and judicial systems. They enable decision-makers to address the issues of government and commerce effectively and safely. By their very nature they lend themselves to being easily recorded and preserved, enhancing transparency and access. Instead of media having to travel long distances under hazardous weather conditions to witness and report a public meeting, there is a number of witness points and public access points. The technology is so good that our criminal justice system uses it everyday in the administration of justice and the protection of both constitutional and statutory rights. LB735 is a commonsense report or

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response to real situations where our community colleges and public power companies which serve large areas greater than one county are added to the list of the dozens of entities already given the option to conduct up to half of their meetings by video and telephone conferencing. Board members for the six community colleges serve without pay and often juggle board responsibilities with family and business responsibility. The large geographic area served means they must travel, often in ice and snow on dangerous, two-lane roads. Older board members, likely a majority of them, are susceptible also to vision problems complicated by driving early in the morning and late at night. Meetings can take far less time for them than is taken to drive to them. Districts may go unrepresented at a meeting because of obstacles of distance and climate. Reporters from the media that do not reside close to the meeting site are subject to the same issues and often elect not to attend, choosing instead to cover events closer to home. These community college districts serve large groups of counties, for example, Central Community College where Columbus is services 25 counties, 14,000 square miles, spanning from Columbus all the way west to Holdrege and Lexington. LB735 had its origins last year when a Columbus board member on the Central Community College Board found it next to impossible to get to Grand Island for a board meeting and complained to me that under the circumstances she found herself in it was so senseless to have to drive to Grand Island when Central had invested in the best of videoconferencing and a high-priced communications link between Columbus and Grand Island. A flick of a switch would have allowed her to attend the meeting. Columbus radio and print media could have found it practical to attend and report. I am told that a recent board meeting a bid costing \$35,000 more from a contractor out of the service area was accepted over a local contractor. That likely would have elicited public reaction had a local reporter attended through a videoconference a couple of miles from Columbus on the Platte Campus rather than not attending because of 70 miles of two-lane highway to Grand Island. In fact, I'm told that reporters rarely, if ever, make it to Grand Island for those meetings in person. Once news of LB735 spread to the local power companies, they, too, reported that they faced issues where there is need for a shorter, perfunctory meeting to approve a report, refinance a board, or approve some routine matter. Some board members need to drive long distances in order for there to be a quorum for these perfunctory functions. This is not only costly but unnecessarily increases the cost of an accident. It has also been pointed out that not having the ability to accommodate an injured or disabled member may give rise to a challenge under the federal American's with Disabilities Act. The video and telephone conference provision of the Open Meetings Act are in their second decade of existence. The entities that have the ability to use them have not overdone it, they've used the option wisely and without controversy. The rights of the public and media have been adequately protected and there's not been abuse. When an in-person meeting facilitates the public interest, boards have wisely used that forum. When common sense says that the business can be handled efficiently and safely through an optional video or teleconference with all the safeguards in place to protect the media and the public interest, video or teleconferencing have been possible. That is the Nebraska way. In summary, LB735 is

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a short, simple and commonsense piece of legislation that adds power companies which serve more than one county and community colleges to the list of numerous entities that can have the option of conducting some of their meetings by video and teleconference. I would appreciate your support in advancing it to Select File. Thank you, Mr. President. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Schumacher. You've heard the opening to LB735. (Visitors introduced.) As was noted, there is a Government, Military and Veterans Affairs Committee amendment, AM1769. Senator Avery, you're recognized to open. [LB735]

SENATOR AVERY: Thank you, Mr. President. In addition to community colleges, the committee amendment adds public power districts and public power and irrigation districts to the list of entities that can hold its public meetings by videoconferences and telephone conference. At the public hearing on this bill the Nebraska Power Association testified that it would be helpful to public power districts and to have videoconferencing and telephone conference ability under the Open Meetings Act. These districts can often encompass a very large geographic area. And the ability to have meetings by videoconferencing or telephone conference may be helpful to them. The committee advanced the bill on an 8-0 vote. I urge you to adopt AM1769. Thank you. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Avery. You've heard the opening of the Government, Military and Veterans Affairs Committee amendment, AM1769, to LB735. Members requesting to speak: Senator Hadley, followed by Senator McCoy. Senator Hadley. [LB735]

SENATOR HADLEY: Mr. President, members of the body, welcome back from a long, well-deserved weekend. I want to talk just a little bit about kind of the pet project, I hope, if I'm around to work on in the future, and that deals with Unicameral hearings. We pride ourselves on having one-house. We're a Unicameral. And we pride ourselves about having every bill having an open hearing. It was interesting, I looked at other states and they talked about the power of committee chairs to put bills in their pocket, no one to ever see again. We are required to have open hearings. And we ask our citizens to come in and tell us what they think about proposed legislation. We often talk about them as being the second house. I know there's a debate about whether Norris said that or not, but I don't think it's an all bad concept. I guess it's my point that I hope the Unicameral in the future starts looking at the potential of teleconferencing so that our citizens can make it easier to have input to our process. We had a citizen from Morrill, Nebraska, that came back to testify on a beet hauling bill. And he testified for about four minutes, it was great testimony, he was nervous but he did a great job. Do you know it's 416 miles from Morrill, Nebraska, to Lincoln? And this person drove down here to testify for four minutes and then drove back. Let me give you a listing of the state-owned teleconferencing sites, ones that we already own: Ainsworth Public Library, Ainsworth;

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Columbus Public Library, Columbus, Nebraska; Grand Island Public Library, Grand Island, Nebraska; Hastings Public Library, Hastings; Lincoln, Lincoln Executive Building; McCook Community College, McCook; Norfolk, Northeast Community College; North Platte Educational Service Unit; Omaha State Office Building; O'Neill, Avera St. Anthony Hospital; Scottsbluff, University of Nebraska Panhandle Ed Center; Wayne State College. Private sites: Chadron State College; University of Nebraska at Kearney; Omaha Med Center; South Sioux City, City Hall. Voc rehab locations: Columbus, Grand Island, Kearney, Lincoln, Lincoln, Norfolk, North Platte, Omaha west, Scottsbluff. My point is that there will be problems, of course. But I think it behooves this Legislature in the future to look at technology to help our citizens. I know some people have said, oh, this doesn't work. There is a company in Kearney, Nebraska, that daily teleconferences with Atlanta, Georgia, and Pune, India, daily. And I talked to the owner and he said they do not have problems making it work. I'm not giving you a solution, I'm just asking the Legislature in the future to look at ways of making it easier for our citizens to give us input in our hearing schedule. Thank you, Mr. President. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Hadley. Other members requesting to speak on AM1769, we have Senator McCoy, followed by Senator Pirsch, Senator Hansen, Senator Lautenbaugh, and Senator Council. Senator McCoy. [LB735]

SENATOR McCOY: Thank you, Mr. President and members. Would Senator Schumacher yield to a question please? [LB735]

PRESIDENT SHEEHY: Senator Schumacher, would you yield to Senator McCoy? [LB735]

SENATOR SCHUMACHER: Yes, I will. [LB735]

SENATOR McCOY: Thank you, Senator. In looking through AM1769, which of course replaces the green copy of the underlying bill, in some language that your bill and the underlying amendment doesn't change but nonetheless is part of the overall narrative, it talks in a number of different places about reasonable advance, reasonable arrangements, reasonable opportunity. Do you know, what is that, what is the definition of "reasonable advance" in this area of statute? Do you know? [LB735]

SENATOR SCHUMACHER: The definition, there is a statutory definition requiring...that refers to 24 and 48 hours notice, refers to having an agenda either published or available for inspection at the clerk's office or whoever is functioning as the clerk. Often those times are also published on the Internet. There's requirements that if a media outlet registers with the secretary or the clerk of the various organizations, that they receive the same notice that is sent to the members of the body so that they know that something is happening. When the word "reasonable" is used in the statute it generally means reasonable. And this thing has been around for two decades now. And

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apparently, there's been very little or any misunderstanding of what "reasonable" means. [LB735]

SENATOR McCOY: Do you think, Senator, that in light of the fact that we're opening, if this bill were to advance with this amendment, we're opening this up quite a bit as far as different organizations that would be and entities that would be eligible under this bill to conduct meetings this way. Do you think possibly that reasonable, do you think that's an appropriate length of time for the general public? I guess the nature of my concern, I don't know that it necessarily rises to the level of opposition of the bill. But the nature of my concern is with that short of a time frame is that enough for the general public when with public meetings the idea is to have Nebraskans across the state take part in these meetings. And I fear the general public, with that short of a time period, may not be aware or as aware as they should be potentially of what's going on with an electronic meeting and meetings conducted this way. Do you feel there's any way that this ought to be expanded, maybe more clearly defined, maybe we ought to have a better definition of reasonable advance, maybe three or four days to give the general public a little bit more time to prepare for such a meeting? [LB735]

SENATOR SCHUMACHER: First of all, this does not change the rules in place already for reasonable notice for the ordinary meeting that is not a teleconference meeting. To the extent there is additional notice notifying people of additional locations and additional places for participation, it's just that much more of a plus and perhaps even reduces the need for longer notice, even though that is not done in the bill, because people will not have to plan to drive as far. Whatever we have for notice now, which seems to be adequate and also functional so that board members can add things to an agenda as things approach a meeting, we will have after this bill. This bill only adds two very limited classes of public bodies that have the unique characteristics of being a long way from the meeting site or at least having members. And there's certainly no less notice now than there has been in the past. In fact, in the age of Internet, anybody who's interested, most all of these entities already for even their single sites... [LB735]

PRESIDENT SHEEHY: One minute. [LB735]

SENATOR SCHUMACHER: ...notices have Web pages and have the ability for people who want notice, particularly media people, to get them. This does not lessen any notice, it enhances it. [LB735]

SENATOR McCOY: Well, thank you, Senator. Thank you, Mr. President. [LB735]

PRESIDENT SHEEHY: Thank you, Senator McCoy. Senator Pirsch. [LB735]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I rise in support of LB735 with the committee amendment. Not to gilt the lily, but utilizing technology to

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improve government efficiency and lower unnecessary costs, I find that very appealing. And we've done that over the last few years in a number of different ways, but we have a lot further way to go. I think that there are adequate protections. I think Senator Schumacher spoke of the fact that we're not definitionally changing the concept of reasonable notice, we're just giving greater opportunities here for government to utilize these new technologies. With that, I would, if Senator Schumacher wants to accept the balance of my time, I would yield it to him. [LB735]

PRESIDENT SHEEHY: Senator Schumacher, you're yielded 4 minutes. [LB735]

SENATOR SCHUMACHER: Thank you, Mr. President. Just want to follow up a little bit on Senator Hadley's comments. This is an evolving area of government and the world is changing very much. Senator Hadley is also right that it is very difficult, even from as near as Columbus, which is 84 minutes away, I know that for a fact, to drive down to Lincoln for a hearing. This bill doesn't address that. But maybe as our skills get better we will want to look at that. For folks from Scottsbluff and Kimball and Lodgepole to drive in it's really tough to take basically two days to testify for less than five minutes. And maybe that's a reason that some of our rural interests are not articulated as well. When a businessperson or a person from along the Interstate within, you know, 50 miles or so can get down here in 45 minutes on a four-lane highway and get back, that interest is better represented than those that have got to resort to an e-mail or a letter in order to express their interest. So I think that Senator Hadley makes a good point that this is an area that deserves considering...considerable consideration in the future. And in this regard, this particular bill just addresses one small facet of that issue with two specific bodies, public-types of bodies that could use it in a very commonsense manner, much as it's already been used in a commonsense manner to take care of situations where public representation and public access is currently thwarted by physical or climatic conditions or competing personal situations that may develop, particularly in the case of unpaid boards. Thank you, Mr. President. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Schumacher. Thank you, Senator Pirsch. Senator Hansen. [LB735]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. Could I ask a question of Senator Pirsch please? Would he yield? [LB735]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to Senator Hansen? [LB735]

SENATOR PIRSCH: Yes, I would. [LB735]

SENATOR HANSEN: Senator Pirsch, it's approximately, no it's not approximately, it's exactly 290 miles from my home, north of North Platte to 120th and L in Omaha. Do you have any idea how far it is from 120th and L to North Platte? [LB735]

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SENATOR PIRSCH: (Laugh) Well, now are you talking in terms of miles or in terms of... [LB735]

SENATOR HANSEN: Yes, miles, meters, whatever you want to use. [LB735]

SENATOR PIRSCH: Now did you just say that it was 290 miles? [LB735]

SENATOR HANSEN: Yes. [LB735]

SENATOR PIRSCH: Okay. Well, from... [LB735]

SENATOR HANSEN: It is the same distance, it is the same distance. But my point being that folks that seem like they live in that area, if they drive to North Platte it's a lot further than the 290 miles that it actually is. What I think...thank you, Senator Pirsch. [LB735]

SENATOR PIRSCH: Sure. [LB735]

SENATOR HANSEN: I think what Senator Schumacher is getting at this morning is very important. That the people who do the traveling, who do the actual 290 miles or 240 miles to Lincoln from even the center of North Platte, that's a lot of miles in this day and age of technology that we should take advantage of it. I do have the concerns that Senator McCoy raised though, that what is actually a...if you're going to have a teleconference, how do you get that word out? How do you make sure that the people really know that that meeting is going to take place? How are they going to...there's not a place where they can go and ask questions. So if they're on the teleconference, if they're viewing the teleconference how do they get input on it? I think this is some of the questions that people out in the country really want to know, not only in rural Nebraska but in the towns of...the bigger towns in the eastern part too. It doesn't matter where you're at. The access to those teleconferences is going to be limited to some people by their expertise in the telecommunications world. It's a great idea, it's a great thing. I'm going to go ahead and vote for it, but then I know there's going to be questions about how do I get input to, say, NPPD or Central or whoever the...or the community college board. How are they going to get their input in there if they don't have a meeting to go to? Thank you, Mr. President. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Hansen. Senator Lautenbaugh. [LB735]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I don't know if this has officially become a lovefest yet. And I don't usually join in when they are, it's not my nature. But I do think this is a good bill and an important bill. And as you know from other discussions we've had this year, I believe we all need to be very

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cognizant of what technology can do for us and what we can do to make our citizen's lives easier, our lives easier, and increase the amount of citizen input we have. And I appreciated Senator Hadley's comments, too, about the difficulty for some because of the distances involved, the burden that we put upon them to come down here and testify live. We did have Redistricting Committee hearings that we did via videoconferencing from various sites around the state, and those worked remarkably well. I don't remember there being any particular hitch from a technological standpoint. I think we got to hear from a lot of people across the state that we would not have otherwise heard from or they would have had to drive for hours to come here and tell us what they thought. And I think we need to be more cognizant of this as time marches on. And as we're going to see this year, as gas prices creep higher and higher, we're going to have to do things like this. It's not practical anymore to take a committee on the road perhaps and go across the state on occasion and see what we can, you know, glean out in the Panhandle. And it's asking a lot of our citizens to drive clear across the state, bearing that expense themselves, to come here and interact with us. This would be a remarkably effective tool I believe. We all talk about how we see population moving away from the rural areas and what can we do to address it, what can we do to address it. Well, this could be something that would actually eliminate some of the remoteness that some might feel and the disconnectedness that maybe creates an, you know, impulse to move east. I think this is a great tool that we are availing ourselves of. I applaud Senator Schumacher for bringing this bill. I applaud Senator Hadley's forward-looking comments as well. And I would give the rest of my time to Senator Schumacher if he'd have it. [LB735]

PRESIDENT SHEEHY: Senator Schumacher, you're yielded 2:30. [LB735]

SENATOR SCHUMACHER: Thank you, Mr. President. I'm enjoying the debate. I think it's an area that we need to continue to look at and evolve. And this is one small step for mankind. Thank you. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Schumacher. Thank you, Senator Lautenbaugh. Members requesting to speak on AM1769 to LB735, we have Senator Council, followed by Senator Loudon, and Senator Dubas. Senator Council. [LB735]

SENATOR COUNCIL: Thank you, Mr. Lieutenant Governor. I certainly understand and appreciate the intent of LB735. But I do have some questions. And if Senator Schumacher would yield. [LB735]

PRESIDENT SHEEHY: Senator Schumacher, would you yield to Senator Council? [LB735]

SENATOR SCHUMACHER: Yes, I will. [LB735]

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SENATOR COUNCIL: As the current law stands in terms of regular meetings that aren't permitted by teleconference or videoconference, it speaks to the notice setting forth the place and time. And under the amendment expanding it beyond community colleges to public power districts, is it...do you envision that the members could be located anywhere across the state and there wouldn't be a requirement of at least the headquarters of the power district or the community college itself? Because the way the language is written in the bill we could...all the members could be at their...at a public building in their home locals and no one could be at the community college or no one would be at the public power district. Is that your intent? [LB735]

SENATOR SCHUMACHER: What this basic, no, that's not the intent. But what this bill does do is the regular meeting site, and those sometimes rotate in a power district. They aren't always in the same location. The regular or in the community college case they sometimes rotate locations. That doesn't change. They will still have the regular meeting site. Every meeting site must have a member of the board at the site in order for the...to qualify under this provision. There can also be additional, and this is not restricted, there can also be, for example, a simulcast of the meeting over the Internet or over a local cable station. So there's many ways that it can be viewed in addition to this ability to view it and then for the board member to vote from a remote location. The notice as to...that we have now applies equally well to any of these remote locations that may have. [LB735]

SENATOR COUNCIL: Okay. Well, but my concern is about regular meeting sites. And the people get...and the public becoming accustomed to a regular meeting site. And my concern is the way the language is drafted, under the videoconference and telephone conference option, that which has become known as the regular meeting site could not...it could be anywhere where the board members happen to be that's a public location that has access to videoconferencing and teleconferencing. Correct? [LB735]

SENATOR SCHUMACHER: Well, in the case of most public power districts and community colleges they...the regular meeting...there's no definite regular meeting site is my understanding, that they do rotate. Sometimes Central Community College meets in Columbus, for example, and not in Grand Island. And they also broadcast their things right over the Internet, their meetings, even though the board member cannot particularly vote. So I don't think you have a situation where there's any less notice of where a meeting site is going to be than you have already. [LB735]

SENATOR COUNCIL: Okay. And I guess that's not my point. I can appreciate that the community college may alternate between having it on the campus and some set location. But those are regular meeting locations. And my question is, under the bill, you could have a videoconference or teleconference and never utilize the regular meeting site. The board members could be at places other than what's commonly known to be the regular meeting site. And I'm just concerned about the ability of people who

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traditionally attend the conference at the regular, I mean, a meeting at the regular meeting place and for whatever reason... [LB735]

PRESIDENT SHEEHY: One minute. [LB735]

SENATOR COUNCIL: ...the teleconference or the videoconferences are conducted from various sites other than the regular meeting place. It ends up making those members of the public have to travel some place other than the regular meeting place to access that public meeting. Do you follow what I'm saying? [LB735]

SENATOR SCHUMACHER: I follow what you're saying. And but... [LB735]

SENATOR COUNCIL: Okay. [LB735]

SENATOR SCHUMACHER: ...right now, the regular meeting site is it may be a more...it's not like the regular meeting site is always a community college at Grand Island. It can shift around. The public gets the same notice as they would in a normal situation. This has not been an issue or a problem or a source of controversy in the dozens of meetings that are already conducted under this particular thing. [LB735]

SENATOR COUNCIL: Okay, but I understand. But I would suspect that in those situations they still operate from a regular meeting site, even when they utilize... [LB735]

PRESIDENT SHEEHY: Time, Senator. [LB735]

SENATOR COUNCIL: Thank you. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Council. (Visitors introduced.) Continuing with floor discussion on the amendment, AM1769, to LB735. Members requesting to speak: Senator Louden, followed by Senator Dubas, Senator Pahls, and Senator Council. Senator Louden. [LB735]

SENATOR LOUDEN: Thank you, Mr. President and members. As I look the bill over and I notice that the amendment includes public power districts and other...and I think irrigation districts, yeah, also are included in here besides just the community college that was originally started. And I agree that time is changing and some of this has worked out pretty good. But I don't know if this bill is as clear as it should be. First of all, when you have these videoconferences with these boards and stuff should there be outlined what kind of business they can do over this videoconferencing, such as should they be working on budget, should they approve budgets and some of those things like that that are kind of important to their taxes and the amount of money that they will be spending and what they will be spending it for. And should that be something in the statutes also on what can be done over these districts? The other thing I have a

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problem with is I've been involved in videoconferencing with hearings and that sort of thing over the state ever since I've been down here, and it works great and it's a very good idea. It saves people a lot of time to drive miles, especially somebody from the western end of Nebraska has got 400 miles out there to come down for five minutes of testimony. And so it is something that can be an improvement. And I've had bills introduced that we would have videoconferencing. The problem is as I look at the...there isn't any fiscal note on the thing. And usually the problem was the quality of reception that you got doing this videoconferencing. I've seen the time when that got to where you couldn't hear one side or the other. And somebody would have to relay the messages through. Somebody would have to take control on the other end of the videoconferencing. And some of that should be probably done into this amendment. And so I think there are some areas that really need to be worked on, on this, before we go all forward with it. Would Senator Schumacher yield for questioning? [LB735]

PRESIDENT SHEEHY: Senator Schumacher, would you yield to Senator Louden? [LB735]

SENATOR SCHUMACHER: Yes, I will. [LB735]

SENATOR LOUDEN: Senator, do you think perhaps that we need to have a little more clarification on what kind of business they can transact over this videoconferencing? And also, should there be some kind of a fiscal note or something that who's going to pay for upgrading this equipment? There has to be someplace in here that we have some state-of-the-art equipment to work with if we're going to do this, because it's kind of important if you have a videoconference and you're voting on measures and like this is set up right now, you can vote on budget and everything else. If you want to push the button and shut somebody else's vote off, it could be. What's your opinion on that? Do you think this should have some improvement done to it? [LB735]

SENATOR SCHUMACHER: Senator, you've raised two particular issues, one, whether or not the Legislature should restrict the kind of business that can be done at a meeting of this particular nature. My response to that would be this thing has been around over a decade now without restrictions and the boards can decide when they call one of these and not. And they only can call it in up to half of their meetings. I think you need to leave local control in position to decide when this is appropriate to apply and when it is not. They have been applied in all types of interlocal arrangements where large sums of money have been spent, where boards have had the option. And local control can determine whether or not they set an agenda that involves a videoconference. [LB735]

PRESIDENT SHEEHY: One minute. [LB735]

SENATOR SCHUMACHER: As far as the cost is concerned, that's one of the beauties of this thing, particularly when you come to power companies and you come to

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community colleges. We've spent a great deal of money as a state on establishing great distance learning and telecommunications capabilities between our community college locations. We've paid for expensive cameras, expensive audio feeds, fiberoptic connections, lots and lots of money that's served our state well. This is just using what we've already bought in the community college setting. Likewise, many of the power companies have access to good videoconferencing things, if it's no more than over the Internet, but they do have, for example, NPPD has really good fiberoptic things between its locations. [LB735]

SENATOR LOUDEN: Yeah, as I would...want to interrupt here before we run out of time, Senator. But I have been on these videoconferences to Chadron when half of it didn't come through. I mean this... [LB735]

PRESIDENT SHEEHY: Time, Senator. [LB735]

SENATOR LOUDEN: ...this happens out here. [LB735]

PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Louden. Senator Dubas. [LB735]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor. I'm in support of this bill and I think it's a good conversation that we're having because we do have many opportunities afforded us to use technology. And I've often said that out in the more rural areas of our state this is the way we keep ourselves viable and connected, if that's the word you want to use, to what's really going on across the state. So I think this affords us many, many really good opportunities. My line of questioning will probably follow along the same line of what Senator Council was doing as far as, and I'm sorry, Senator Schumacher may have stated this already, but I've come into this discussion a little bit late. So if he would yield to a question I would appreciate it. [LB735]

PRESIDENT SHEEHY: Senator Schumacher, would you yield to Senator Dubas? [LB735]

SENATOR SCHUMACHER: Yes, I will. [LB735]

SENATOR DUBAS: Thank you, Senator Schumacher. And I think you've already talked about the publication notices that will have to be out. And that's going to state very clearly where this meeting will be at. So as far as helping the general public understand the potential changes that will come with going this route, they're still going to be very informed as to how the process will unfold, is that correct? [LB735]

SENATOR SCHUMACHER: The notice of meeting provisions do not change. This is simply an addition of these two classes of entities to the ability. [LB735]

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SENATOR DUBAS: And so in that notice it will refer if the location, you know, we're used to typical, like, school board rooms or community board rooms, that's where the meetings usually go on. If they don't have the capacity to conduct a videoconference in that room, they may move it someplace else. But that will be in the notice, is that correct? [LB735]

SENATOR SCHUMACHER: Right. The statute requires a notice of time and place and the agenda. In a case of a community college, let's say the main meeting is at Grand Island, I would envision a public notice that says that and also a videoconferencing site will be available at the videoconferencing room at Central Community College in Columbus at such and such a time and place. [LB735]

SENATOR DUBAS: So it's just encouraging our citizens to really pay attention to those notices so they know what's going on. [LB735]

SENATOR SCHUMACHER: They probably still won't (laugh) pay attention to them. Nevertheless, it's available if they want it. [LB735]

SENATOR DUBAS: Right. And I think that's very important. Then as far as just how this change will impact the open meetings laws, there won't be any change or anything different with the way the meetings are conducted? [LB735]

SENATOR SCHUMACHER: No, this is just the insertion basically of those two classes into the existing statute, none of the substance of the existing statutes--notice, other requirements changes at all. It just adds them to a list. [LB735]

SENATOR DUBAS: So nothing new. We're just broadening the use of it by other entities. [LB735]

SENATOR SCHUMACHER: Right. Two limited-scope entities that have the characteristic of having large service areas and spread out board members and probably have got to drive on two-lane roads to get to the site. [LB735]

SENATOR DUBAS: Well, thank you very much, Mr. Schumacher, Senator Schumacher, excuse me. And I appreciate that clarification, I think it's very important. As Senator Lautenbaugh pointed out, during the redistricting process we provided this opportunity across the state. And I think our citizens were very appreciative of it. They wanted to be involved in the process and we gave them an avenue to use that required a little less windshield time on their part but still giving them ample opportunity to participate in the process. So I just wanted that reassurance that our general public, if they read the public notice, will know where these meetings are taking place. Nothing else changes as far as opening meeting laws or the way the meetings are conducted. I think this is

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going to be...it's already being used, as Senator Schumacher pointed out. We're just broadening the entities that are able to take advantage of this. So I appreciate the bill and will be supporting it. Thank you. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Pahls. [LB735]

SENATOR PAHLS: Thank you, Mr. President, members of the body. My thinking may be adjacent to this bill, but it does support the underlying concept. I'd like to, if I may, ask a question to Senator Adams. [LB735]

PRESIDENT SHEEHY: Senator Adams, would you yield to Senator Pahls? [LB735]

SENATOR ADAMS: Yes, I will. [LB735]

SENATOR PAHLS: Good morning, Senator. You are the Chair of the Education Committee. Am I correct? [LB735]

SENATOR ADAMS: (Laugh) Yes, you are. [LB735]

SENATOR PAHLS: Good days and bad days, I understand. [LB735]

SENATOR ADAMS: (Laugh) You're right. [LB735]

SENATOR PAHLS: As I do, as Chair of Banking, I know at times you must make appointments and you have hearings dealing with appointments. Is that true? [LB735]

SENATOR ADAMS: That's correct. [LB735]

SENATOR PAHLS: Let me ask you this, all your hearings are in front of your committee and every individual is sitting at the desk in front of you at that hearing? [LB735]

SENATOR ADAMS: No. [LB735]

SENATOR PAHLS: I don't get that. You say no, why do you say that? [LB735]

SENATOR ADAMS: You know, the...two of the areas that we probably do our most appointing in--Board of Educational Lands and Funds and the Postsecondary Commission--and some of those folks are from...they are required by statute to be folks from out west. And we regularly permit them to call in to the committee. [LB735]

SENATOR PAHLS: Okay. You have them call in because of convenience. [LB735]

SENATOR ADAMS: Yes. [LB735]

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SENATOR PAHLS: And you trust their judgment or you trust their answers? [LB735]

SENATOR ADAMS: Yes, we do. We quiz them pretty good over the phone. [LB735]

SENATOR PAHLS: Okay, thank you. That's what I'm saying. This concept may be adjacent to this particular bill, but I do think that it supports the underlying concept. Part of this is for convenience. And if the guidelines are set up appropriately, to me, this bill does have merit. Thank you. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Senator Council. [LB735]

SENATOR COUNCIL: Thank you very much, Mr. Lieutenant Governor. And I guess that's the point, following up on Senator Pahls's. You know, what I've been hearing is that the primary purpose of LB735 is to make it convenient for the members of the board and not for the public. And that's what my concern is. And I can appreciate that members of certain boards live tremendous distances away from the headquarters of those boards or the regular meeting places of those boards. But my concern is about the convenience of members of the public. And that's why I was asking the question if the public knows that the regular meeting place for a particular commission or board is at X location, then that may be very convenient for the members of the public in that area. But under this legislation we would be requiring the public to make the...to travel to find out where the local videoconference setup is. And it may not be where the meeting was customarily held. And that's my question is perhaps the law should require in those instances where we're using videoconference or teleconference that there be some regular point, regular meeting place so that people, the public who are used to going to those locations aren't the one we're forcing to travel to participate in a videoconference or a teleconference. And the way the bill is written right now if there is a videoconference or a teleconference it can be any place that's published. And it appears to be for the benefit and convenience of the board members. As long as it's in a public place and the board member is present, then it's up to the public to get to those locations. And that is disconcerting to me. The other point, and I have a question, if Senator Schumacher would yield. [LB735]

PRESIDENT SHEEHY: Senator Schumacher, would you yield to Senator Council?
Senator Schumacher, would you yield to Senator Council? [LB735]

SENATOR SCHUMACHER: Yes, I would, Mr. President. [LB735]

SENATOR COUNCIL: During your opening you made reference to the fact that LB735 would also benefit the media. And correct me if I'm wrong in that statement. Did I understand that to be your statement? [LB735]

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SENATOR SCHUMACHER: I think it makes it more transparent, yes. [LB735]

SENATOR COUNCIL: Okay. Well, help me understand, the only opposition to this bill was Media of Nebraska. Can you tell me what their opposition was? [LB735]

SENATOR SCHUMACHER: I think that I can. I think it's stated fairly clearly in the transcript. And this is what their major concern was, there's a saying, this is their lobbyist speaking. There's a saying I've heard since I've been around the Capitol that you should never write what you can say, never say what you can whisper, never whisper what you can wink, and never wink what you can say with a nod. Those types of things are missed when people aren't in person at meetings and I think all of us can attest to that. And that's the main concern of Media of Nebraska. There are things that take place in meetings when people are together that don't take place when you're either on a telephone call or doing a videoconference. Now isn't that an unusual statement for media that these meetings would be more transparent, it's good to have less transparent meetings? [LB735]

SENATOR COUNCIL: Well, and that's really interesting because I'm wondering, videoconferencing, that's a different story, you can see people in videoconference. On telephone conferences, you know, that's a little different, and particularly when you're providing opportunities for members of the public to be heard and not have... [LB735]

PRESIDENT SHEEHY: One minute. [LB735]

SENATOR COUNCIL: ...the opportunity to actually interact with, you know, the person on the other end of the line. But again, you know, my concern is convenience to the public. And videoconferencing and telephone conferencing can be an added convenience to the public. But I don't want it to be an inconvenience to the public where there are regularly known places that these public entities meet and yet under the bill and its amendment those meetings could be wherever a member of the board is. So it appears that the people that we are trying to provide convenience for are the members of the board and not the public. And I would hope that maybe we can give some thought to looking at a requirement that if they have a videoconference or a telephone conference that there be... [LB735]

PRESIDENT SHEEHY: Time, Senator. [LB735]

SENATOR COUNCIL: Thank you. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Council. Senator Ken Haar. [LB735]

SENATOR HAAR: Mr. President, members of the body, I rise in support of LB735 and want to thank Senator for bringing this bill. I just believe it's a wise use of our resources

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and also a use of technology that everybody else is using. Senator Hadley and I were chatting a little bit about the broader concept of committee hearings, and the devil is in the details, but so is the opportunity. And as we think about this something came to mind just to ponder and to work through. When I was on the Lincoln City Council we had a controversial issue and the budget meeting starting at 1:30 in the afternoon, ran till 2:30 the next morning because both sides were bringing in busloads of people. And they'd come up to the mike and then the chamber would clear and then the next group would come. So again, one of the challenges but also the opportunity is to give people across the state the ability to participate, but finding some practical way so that our hearings, our committee hearings don't just run days on end. So again, I rise in support of LB735 and the use of technology in what we do. Thank you. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Haar. Additional members requesting to speak on AM1769 to LB735, we have Senator Council, followed by Senator Nelson. Senator Council, this is your third time. [LB735]

SENATOR COUNCIL: Thank you. Thank you again, Mr. Lieutenant Governor. Would Senator Schumacher yield to a question? [LB735]

PRESIDENT SHEEHY: Senator Schumacher, would you yield to Senator Council? [LB735]

SENATOR SCHUMACHER: Yes, I will. [LB735]

SENATOR COUNCIL: Yeah. And again, maybe I'm not articulating this clearly enough. Southwest Community College, their regular meeting place is the community college. I'm just assuming that. I don't know if that's...that's their regular meeting place. And under the bill as it's written the videoconference could be established and no one would have to be at the community college. They could be at public buildings throughout the state, as long as one member of that board is present. What I'm trying to get to is in those scenarios where videoconferencing or telephone conferencing is permitted, and I'm not opposed to that, but that at least one of those locations be the place where that board or commission regularly meets. And I would assume that that would be the case anyhow because that would probably be where the videoconference would generate from. Do you have any objection to requiring that when they have them that one of the locations be their regular meeting place? [LB735]

SENATOR SCHUMACHER: I think, Senator, that that assumes that the statutes now require a regular meeting place. Under our existing law I think these community college boards or the public power boards could decide they were going to meet at an irregular place for their one, single site meeting that they currently have. So, you know, whether we want to further amend at some point the open meetings law to say that all bodies must at least have one location where there is a...where they always will meet, that's a

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completely, you know, that really doesn't deal with videoconferencing because they don't have to meet at that location now without videoconferencing. [LB735]

SENATOR COUNCIL: Well, but we're expanding it to bodies that haven't had that experience...that opportunity before. And, you know, looking at the groups that haven't had that opportunity before, most of them are not boards or commissions that meet regularly, with the exception of ESUs and the state board. But a lot of the entities listed in the current statute are entities that don't, you know, meet on a regularly scheduled basis, where community colleges and public power district boards meet on a regular basis. And they may move their meetings and have half of them at one location and half of them at another or however they divide them, but that the videoconference originate from the place where the public is customarily used to attending those meetings. [LB735]

SENATOR SCHUMACHER: I think I understand what you're saying. But they don't have to do that now. I mean the Central Community College Board a good measure of the time meets in Grand Island. But they may decide that their next meeting is going to be at their center in Holdrege. So if people show up in Grand Island, there's going to be nobody at all there. With videoconferencing, which is only half of their meetings or no more than half of their meetings, increases the probability there will be somebody at their regular site if they decide they're going to meet in Holdrege. We don't require these...now they can have their own bylaws require a particular thing. They can have their own bylaws say, gosh, we're going to have a central facility where if there's a videoconference we'll always make sure one of the people there. But I think if we amend the open meetings law to say you must declare, because we're interested in people always having a home base to go to, then even the existing meetings will be restricted. I mean, why would we say... [LB735]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: One minute. [LB735]

SENATOR SCHUMACHER: ...this is important that you be at home base for a videoconferencing meeting when we don't say it for regular meetings? [LB735]

SENATOR COUNCIL: Well, what I...just like you said, they may meet in Holdrege or they may meet in Grand Island and people are used to them meeting either at Holdrege or Grand Island. And all I'm saying is that at a minimum that Holdrege or Grand Island be a site for the videoconference so that we're not, you know, the public isn't the party that is being inconvenienced to move around and find the site to attend the meeting? [LB735]

SENATOR SCHUMACHER: Well, Senator, we don't do that now. They could meet in

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Holdrege, Columbus, Grand Island, Lexington, any number of cities under the present rules and the public be equally...I mean, this is a different area from videoconferencing. If we want to restrict them that they must have a home base, then that's... [LB735]

SENATOR GLOOR: Time, Senators. [LB735]

SENATOR SCHUMACHER: ...another bill for another time. [LB735]

SENATOR COUNCIL: Thank you. [LB735]

SENATOR GLOOR: Thank you, Senator Schumacher and Senator Council. And that was your third time, Senator Council. Mr. Clerk. [LB735]

CLERK: Mr. President, I have an amendment to the committee amendments. But if I may, some items for the record. Mr. President, your Committee on Government, Military and Veterans Affairs, chaired by Senator Avery, reports LB1053, and LB1101 to General File; LB14 and LB971 to General File with amendments; and LB1157 indefinitely postponed. In addition, I have a designation of Speaker priority bills submitted by Speaker Flood (re LB14, LB731, LB756, LB782, LB793, LB810, LB817, LB888, LB908, LB924, LB928, LB979, LB990, LB995, LB1020, LB1033, LB1039, LB1082, LB1091, LB1113, LB1115, LB1125, LB1132, LB1155, and LB1158). Amendments to be printed: Senator Smith to LB975 and to LB773. And a new A bill, LB793A by Senator Lautenbaugh. (Read by title for the first time. Legislative Journal pages 583-586.) [LB1053 LB1101 LB14 LB971 LB1157 LB731 LB756 LB782 LB793 LB810 LB817 LB888 LB908 LB924 LB928 LB979 LB990 LB995 LB1020 LB1033 LB1039 LB1082 LB1091 LB1113 LB1115 LB1125 LB1132 LB1155 LB1158 LB975 LB773 LB793A]

Mr. President, Senator Loudon would move to amend the committee amendments with FA35. (Legislative Journal page 586.) [LB735]

SENATOR GLOOR: Senator Loudon, you're recognized to open on your floor amendment to the committee amendment. [LB735]

SENATOR LOUDEN: Thank you, Mr. President and members. As I mentioned before on...when we were discussing this and I was talking earlier there, I have some concerns about what can be discussed and what can't be done over these teleconferencing things. And I support the idea of it. I think it's a great way this can be done. We've had the videoconferencing with bills over the past. There's some glitches that need to be worked out in there and I would hope that they would be. So I did, as I looked through there and on page 3 of the AM1769, on...starting on line 5, which is the second paragraph there, "Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government

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purposes established in the Open Meetings Act." And right there then I inserted, "nor shall these methods of communication be used for approval of budget." I think that's very important because you had some of these if there was a budget that was somewhat problematic or there was going to be a lot of discussion on it or there was some push back on a thing, you could actually have a videoconference-type deal, approve the budget and you might not have that many people there to be opposed to it. So I think this is just a light amendment here, small one to kind of cinch things up, tune it up a little bit, clean the whole business up so that we don't put something out there that somebody is going to abuse, because there will be issues somewhere along the line that somebody can work their way around, as I've never seen legislation drawn yet that somebody couldn't figure out something that would be on the opposite side of it. But nonetheless, we need to clean up as much as we can as we think about it as we go along. And I think this amendment here would help it along, something that we need to look at when we do legislation so you don't come up with some unintended consequences. As far as the rest of the bill I approved of it. I think the bill was all right in its green copy form when it just had the colleges in there. But it's been expanded to include your irrigation districts and your public power districts and other entities such as listed in there. And so I think as we start making a larger circle or get into some peripheral areas we need to tighten this up a little bit. With that, I would ask that you approve and vote for the approval of FA35 to AM1769. Thank you, Mr. President. [LB735]

SENATOR GLOOR: Thank you, Senator Louden. Members, you've heard the opening on FA35. There are senators wishing to be recognized. Senator Nelson, you are recognized. [LB735]

SENATOR NELSON: Thank you, Mr. President, members of the body. I was in queue before the floor amendment was put up. And I am generally supportive of that. And I also support LB735. But I do have a question or two of Senator Schumacher if he would yield. [LB735]

SENATOR GLOOR: Senator Schumacher, would you yield? [LB735]

SENATOR SCHUMACHER: Yes, I will. [LB735]

SENATOR NELSON: Thank you, Senator. As a member of the Redistricting Committee, I'm familiar with the videoconferencing and how that worked. We got a number of people in from areas around the state. I think maybe you were involved in the one in Columbus, if I recall correctly. My question is about the teleconferencing. I'm familiar, having served on a board or two, where you have people at a distance and you sit around and you use the phone among the board members. How are we going to get a large number of the public involved in a telephone conference? How does that work? If they want to speak, you know, how are they brought in? Could you explain just briefly

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how it works with telephone conferencing? [LB735]

SENATOR SCHUMACHER: I think I can. I've been involved in some telephone conference meetings with various public bodies. And normally not many of the public shows up, as most public meetings. But usually it's in a...and it's in fact required to be in a public facility. There's usually a room and usually a speakerphone that people sit around and if they're too far away from the speakerphone they can get up closer to it so that their microphone picks them up better. The teleconferencing spin on this addresses part of a problem that Senator Louden raised in that in some parts of the state maybe the videoconferencing signal is not the best and it frays out off and on. If you blend this bill together like it is, you can have a secondary telephone on conference or audio phone, speakerphone available to augment it in the event there's a fritz in the signal. But the video signals are getting better and better. But there are some locations where video signal may not be available, particularly in a small town with inadequate broadband connections. At that particular time if you had a station there with a board member in the city hall of that place you could have a speakerphone around a table and the public...the law requires it be adequate to take care of the number of public that would be attending. [LB735]

SENATOR NELSON: Well, thank you. But we're not getting to my question. Let's talk about OPPD. You've got a number of board members seated there. How do people check in? How do they get in on the conference call? And how do they notify anybody there when they want to speak? These are members of the public or if they want to ask questions how does that work? [LB735]

SENATOR SCHUMACHER: The existing law requires that there be opportunity for the public to engage in a discussion from a conference center or on a speakerphone or videophone. And the chairman conducting the meeting would ask, is there anybody at site X who has a comment? And they would be able to come up to the speakerphone or the camera and make their comment. [LB735]

SENATOR NELSON: So it would be handled sort of the way with the videoconference. But are you, as a member of the public, are you able to participate from the comfort of your own home on your own telephone? [LB735]

SENATOR SCHUMACHER: This particular law requires you to be at a public facility and it requires one board member to be present. So the public cannot call in...watch it on the Internet, for example, and call in. Maybe that's something we could dabble with in...once we have more experience. But no, you couldn't call from your own home and...as a member of the public and say what you want. You can't do that now either. [LB735]

SENATOR NELSON: So the member of the public has to go to a specific site to

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participate? [LB735]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: One minute. [LB735]

SENATOR SCHUMACHER: Very much like you have to go to a specific site for an in-person meeting. [LB735]

SENATOR NELSON: All right, all right. Thank you, that answers my questions about that. I can see that being a little more feasible. Thank you, Senator Schumacher. Thank you, Mr. President. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Senator Harms. [LB735]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of the FA35 to AM1769. I can only speak I think from past experiences about what impact this has with the community colleges. There's two important decisions that a college makes--one is hire the college president, and to set the budget. And I think that it's extremely important that we don't do that electronically in regard to at least the budget. If the public is really not real happy about the increasing of their taxes, I think as board members you have a responsibility to be there. You need to hear the discussion. You need to feel the pressure that's there. I've watched that happen over the years and I've watched my board actually change their views because the public was there. That would not have happened if electronically we were doing that because they wouldn't have that same atmosphere they were in. So I think that's really very important. I can't speak about the other boards, I have no idea how their reaction would be. But I do know along the line of the community colleges that that's really important. I'll also tell you that where I live in western Nebraska it's...sometimes where you have board members that live clear back up in the ranch country, it's like a two- to a two-and-a-half-hour drive to be able to get to that board. And when you have really bad weather it's...sometimes it's a real battle for a quorum. And I know on numerous occasions knowing these board members were going to try to come to this, we would call and say, hey, we have a quorum, don't put yourself at risk to try to come down, we'll be okay. If they could have a central location or where they could get to easier or if they could do it by telephone it would be much better. We really do many times in rural Nebraska put people at risk to be able to get there. I really support FA35 to AM1769. I support the amendment, AM1769, to LB735. I think it's a move in the right direction. My only concern that I would have as I think through this process is that even though they can only do half of these, I hope that they don't make this a way to do business. I think it's extremely important for like the community colleges for all of the board members to be there. It builds a relationship, it builds a much better atmosphere and attitude when they're there, they're looking at each other, they're working with each other. But I can understand as we look

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at Nebraska and the size of it that it's time to address this. And there are so many things we can do electronically today that's so much better. And in the next decade it will even be much better. So I would urge you to support this. And I thank you, Mr. President. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Langemeier. [LB735]

SENATOR LANGEMEIER: Mr. President, members of the body, you know, I don't know what to think of FA35. As you read it, it talks about the approval of the budget. But does that...from what I'm hearing from constituents on these type of teleconferences and the reason you need them is because you're facing some kind of a deadline and you can't move your board meeting another week, you can't move it a month because you're at that deadline. And I would say the one biggest thing out there that you have that's a deadline that you can't move because you can't get past is budgets. So you're singling out one activity within a board. What happens on the board meeting where you have to make a big transfer of money or you have a big claim that you need to pay that you're dealing with your budget? Would that not be a big expenditure? I guess at this point I'm going to oppose FA35. I don't think we need to single out this one activity. I got a feeling that this is the main reason this bill came forward is to have that for budgetary times to meet those deadlines. And so this isn't your day-to-day meeting that could have been put off a week or could have been put off enough time to do notice or give notice. So I rise in opposition to FA35, unless I hear something different. But I don't see the point in excluding out this one vote. Thank you, Mr. President. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Avery. [LB735]

SENATOR AVERY: Thank you, Mr. President. I want to clarify an issue here. When we heard this bill in committee, the community colleges testified that they are required to have a three-fourth vote to approve the 1 percent budget carryover, that is carrying over 1 percent of their budget to another year. That was the reason why they brought this bill. And I'm afraid that FA35 would actually nullify the reason why the bill was brought in the first place. And I would want Senator Schumacher to verify that. But that's my recollection. We verified it just now with Mr. Baack in the Rotunda. I don't want to gum up the process by bringing that up, but I think that it's important that we remember why the bill was brought, and that is the...it was a budgetary issue. So with that, I would urge you not to support this floor amendment and to support the committee amendment, AM1769. Thank you. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Louden. [LB735]

SENATOR LOUDEN: Thank you, Mr. President. There seems to be some controversy over it. If you'll notice in there, there are no more than half of the state's entities or boards like this, no more than half of their meetings can be held by videoconference. So

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it...if there's important business, I'm sure they can get it worked out some way or another. I still have a concern, especially when you took the amendment and broadened it out to many of these other entities that are allowed to do this type of electronic conferencing. I think we open ourselves up to some huge areas. I think when the green copy came out it was mostly for the colleges, community colleges, that was one thing. But as you've opened it up for other areas then I think you're probably having a huge problem developing here. But nonetheless, just so that we don't stop the process, I will pull FA35, Mr. Speaker. [LB735]

PRESIDENT SHEEHY: FA35 is withdrawn. We'll now return back to floor discussion on the Government, Military and Veterans Affairs Committee amendment, AM1769, to LB735. Seeing no requests to speak, Senator Avery, you're recognized to close. [LB735]

SENATOR AVERY: Thank you, Mr. President. AM1769 is a pretty simple amendment. It just adds a couple of other entities to the bill, allowing them to use the same authority to teleconference by video and by telephone. And I would urge that you vote in favor of AM1769. Thank you. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Avery. You have heard the closing. The question before the body is on the adoption of AM1769 to LB735. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB735]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB735]

PRESIDENT SHEEHY: AM1769 is adopted. [LB735]

CLERK: I have nothing further to the bill, Mr. President. [LB735]

PRESIDENT SHEEHY: We will now return to floor discussion on the advancement of LB735. Seeing no requests to speak, Senator Schumacher, you're recognized to close. [LB735]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. This has been a good discussion today. We've touched on the important issues of how we begin to apply the new age of telecommunications and broadband to government. These are two good classes of body to add to the list, to build our experience as we develop this technology and this form of governance. I think that we're in a position to allow, by the various bylaws and by the various customs of the body's here, to set their own mechanisms of exactly how they implement this particular technology. But it is an opening of the door for access by the public at more than one location, hopefully, we get more attention to the public affairs of both these classes of bodies by this particular

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legislation and make democracy work a little better for all of us. Thank you. [LB735]

PRESIDENT SHEEHY: Thank you, Senator Schumacher. You have heard the closing. The question before the body is on the advancement of LB735. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB735]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB735. [LB735]

PRESIDENT SHEEHY: LB735 advances. We'll now proceed to LB209. [LB735 LB209]

CLERK: LB209 by Senator Cornett. (Read title.) Bill was introduced on January 10 of last year, at that time referred to the Revenue Committee, advanced to General File. There are Revenue Committee amendments, Mr. President. (AM1949, Legislative Journal page 514.) [LB209]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Cornett, you're recognized to open on LB209. [LB209]

SENATOR CORNETT: Thank, Lieutenant Governor and members of the body. LB209 is a very simple bill that addresses concerns of our smaller cities and municipalities in regards to the refund of sales tax. This bill is designed to address a concern about cash flow problems caused to the smaller cities who have local sales tax withheld by the Department of Revenue to refund credits to taxpayers who have claimed these credits under the Nebraska tax incentive laws. In a number of circumstances, these refunds leave our smaller municipalities with little or no sales tax revenue for months, causing undue hardship and budgeting issue. This bill mitigates the fiscal impact of these refunds on a city's budget in part by giving the a one-year notice of local sales tax incentive refund due, also by allowing the refund payments to be withheld in installments over subsequent year if certain conditions are met. This bill, since I was elected in the body, we have heard from our smaller municipalities that have projects, Advantage, and Super Advantage, and even LB775 projects in their communities, and they love the projects and they love having the companies there. But a lot of the smaller communities are hit when those companies retain their credits with sales tax being withheld, sometimes leaving them for months on end without any sales tax receipts. So what this bill does basically is gives them a one-year notification and then also allows them, if they hit a certain percentage, to set up a payment plan. Thank you very much. [LB209]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the opening to LB209. As was stated, there is a Revenue Committee amendment, AM1949. Senator Cornett, you're recognized to open. [LB209]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body. The

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committee amendment to LB209 provides that installment payment plans will be evoked only when a total amount of sales tax refunds exceeds 25 percent of the city's prior year sales tax receipts. [LB209]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the opening of the Revenue Committee amendment, AM1949, to LB209. Members requesting to speak: Senator Schilz, followed by Senator Janssen, Senator Fulton, and Senator Wightman. Senator Schilz. [LB209]

SENATOR SCHILZ: Good morning, Mr. President and members of the body. Well, thank you. I just want to thank Senator Cornett and the Revenue Committee and Senator Janssen for his priority on this bill. I've been working on this issue for a couple of communities in my district since I've gotten to the Legislature. And I think it's huge and important. This isn't a bill that solves the issues for these communities necessarily, but what it will do is it will give these communities that are affected by this an opportunity to take a breath and then an opportunity to spread these refunds out over time, to help with their cash flow issues. It really is that simple and that easy. And with that, I would just hope that you would support LB209. Thank you very much. [LB209]

PRESIDENT SHEEHY: Thank you, Senator Schilz. Senator Janssen. [LB209]

SENATOR JANSSEN: Thank you, Mr. President, members. I chose this for a priority for my own district, being more proactive, as we have several small communities and I can see that have been out there seeking businesses to come to their community and to create jobs in their community. And we've had some activity with that. I think in the near future, hopefully, we'll land some of those. And I looked at the situation with Sidney and the other cities that Senator Cornett mentioned. And this has been an issue with them for a long time. When I looked at all the bills for priority, Senator Cornett has had a very busy session, has a lot of great bills. And I didn't think this one was going to be prioritized by her or the committee, so I chose it so it could get passed this session. It's a good bill and I would appreciate your support. Thank you, Mr. President. [LB209]

PRESIDENT SHEEHY: Thank you, Senator Janssen. Senator Fulton. [LB209]

SENATOR FULTON: Thank you, Mr. President, members of the body. Good morning. The...this is something that just needs to be said. I do support this bill. And I understand what's going on in these communities. In fact, I heard from a number of them when I was traveling, back during campaign days. And I think this is an important bill. But we're going to run into this recurring theme. And I talked with the Chairman of our Appropriations Committee this morning and he's not here on the floor at this point, he's got a meeting I think. But this has to be said. The bills that come before us we're going to debate and contemplate and decide whether indeed they are meritorious because of the policy which they engender or militate against or fulfill or what have you. We also

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need to bear in mind the cost. As I'm looking through all of the bills that are out there, indeed bills that I'm probably going to support, some of which I may be against, when put into the context of the overall budget it all has to balance out at the end. So I just stand to speak, yes, to express that I am going to support this, yes, to get into the record publicly where there may be some apprehension for support, but really as a mechanism to get people here, our colleagues, to pay attention to these fiscal notes and recognize that we probably are not going to be able to do all of the bills envisioned. If Senator Cornett is available, I'd like to ask Senator Cornett a question in the event she's available. [LB209]

PRESIDENT SHEEHY: Senator Cornett, would you yield to Senator Fulton? [LB209]

SENATOR FULTON: In the meantime, while Senator Cornett is perhaps making herself available, I want to point to the fiscal note, recognizing that we will...we are going to forego some revenue. We're also going to... [LB209]

PRESIDENT SHEEHY: Senator Cornett, would you yield to Senator Fulton? [LB209]

SENATOR CORNETT: I would be happy to. [LB209]

SENATOR FULTON: Thank you, Senator. Thank you, Mr. President. The committee amendment, AM1949, is there an updated fiscal note associated with the committee amendment or would you expect there to be? [LB209]

SENATOR CORNETT: In the end it will be the same amount because the community has to repay that amount. It just depends on how many communities hit that 25 percent threshold. So they still have to pay all of the refunds back, it just depends on the time period that it's paid back in. So the state is not overall losing money, we are just giving them time to budget. [LB209]

SENATOR FULTON: Is it possible though, Senator, that the...chronologically when the state will experience, so the fiscal note right now there will be a decrease in revenue in the existing fiscal year, 2011-2012. Would any....it sounds to me like there would be some cities would not meet this threshold, and therefore some of this money will not be recognized to the state in this existing fiscal year. So will there not be some chronological impact on the fiscal note? [LB209]

SENATOR CORNETT: Yes, there will be. [LB209]

SENATOR FULTON: Okay. So we...and I expect...thank you, Senator. I expect that it will actually make our fiscal note look a little better from a budgeting standpoint. But just bear this in mind. And I bring this up and I go through this, I suppose it's a type of exercise to remind ourselves that indeed this all has to balance out at the end. And

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while there may be bills that we want to pass, we are not going to be able to pass all of them. And we're going to have to start choosing our priorities. That should start now for each of us individually as representatives of our respective districts. With that, I'll yield or I will stop. Thank you, Mr. President. [LB209]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Wightman. [LB209]

SENATOR WIGHTMAN: Thank you, Mr. President. Colleagues, I find myself in the same position as Senator Fulton in that obviously the fiscal note does concern me, probably should concern everybody, but at the same time I can see the necessity of the bill. And I know I have communities within my district that are facing some large payouts and may not receive any money for, and I think Senator Cornett has indicated, for as much as five years, that it will take that long to recoup a big ethanol plant in a relatively small town of Ravenna. I'm sure I have other communities within the district that also are faced with probably not quite as drastic a payback but will be facing some. But obviously, as I say, it should concern everybody that there is a decrease in revenue in that first year of \$1,683,000, if I have the most recent fiscal note, and then the second year we'll have a small fiscal impact, negative impact, and then I think it will start to pay back. If Senator Cornett would do so, I'd like to ask her some questions. [LB209]

PRESIDENT SHEEHY: Senator Cornett, would you yield to Senator Wightman? [LB209]

SENATOR CORNETT: I would. [LB209]

SENATOR WIGHTMAN: Thank you. Now you and I have talked off the mike and I think you told me that the city of Ravenna would take as much as five years to pay back the grant money that they promised under an incentive to an ethanol plant. Is that correct? [LB209]

SENATOR CORNETT: I believe that was the number that they told us last year, but what has happened is they have a very large ethanol plant that located and they have achieved credits. So they will be receiving no sales tax because of the refunds on that for quite a while. [LB209]

SENATOR WIGHTMAN: Now do different communities handle this differently? Do some set back money to pay this when they get the request from the Internal Revenue Service to refund it? [LB209]

SENATOR CORNETT: They don't get the request from the Internal Revenue Service. [LB209]

SENATOR WIGHTMAN: Or not Internal Revenue, I mean Department of Revenue.

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[LB209]

SENATOR CORNETT: Correct. They do not get...currently, they may be expecting their refund, their sales tax refund and it just doesn't come because it has been withheld, and this way this will give them notification to allow them to budget over the course of a year so they know how much they have to hold back every month out of their sales tax receipts. The biggest complaint from the municipalities, the small municipalities was, you know, we just get hit with these refunds, we don't know they're coming, we don't know that we were going to owe this money and we haven't had time to budget for it. And that's what this is, is a budgeting mechanism for them. [LB209]

SENATOR WIGHTMAN: And after the second year, starting in 2013 and '14, you show a positive impact. Is that correct? [LB209]

SENATOR CORNETT: Yes. Because the people that would get the year notification now, by then will be paying those refunds back. [LB209]

SENATOR WIGHTMAN: Will you have subsequent notifications that may result in the same thing though in future years? [LB209]

SENATOR CORNETT: Yes. What it is, it's set up that they will be notified one year prior. And so once they have that year notification and then they have the time to pay, then everything will just go on a regular cycle like it is now. [LB209]

SENATOR WIGHTMAN: Okay. Thank you, Senator Cornett. I do intend to support the bill, in spite of my concerns with regard to the fiscal note. [LB209]

PRESIDENT SHEEHY: One minute. [LB209]

SENATOR WIGHTMAN: So with that, thank you, Mr. President. [LB209]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Members requesting to speak on AM1949 to LB209, we have Senator Sullivan, followed by Senator Lambert and Senator Heidemann. Senator Sullivan. [LB209]

SENATOR SULLIVAN: Thank you, Mr. President. Good morning, colleagues. I think this legislation is good and I think it's good for communities in my district. In fact over the...I guess it was the latter part of last week we were informed by the...or at least notified and given notice that, the Department of Revenue, that a community in my district was going to be faced with this of about \$200,000 worth. And this represents about a third of what they receive in sales tax in a month's time. So I wanted to ask Senator Cornett a couple of questions, if I may. [LB209]

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PRESIDENT SHEEHY: Senator Cornett, would you yield to Senator Sullivan? [LB209]

SENATOR CORNETT: Yes. [LB209]

SENATOR SULLIVAN: Thank you, Senator Cornett. First of all regarding the notification process, for example, as I said, I was notified by the department. I presume the community was notified as well. But how much time ahead are they notified currently? [LB209]

SENATOR CORNETT: They are not notified with enough time to allow budgeting. I don't know the exact number of days. But the cities usually set their budget on a yearly basis and they budget an average of monthly receipts they expect from sales tax, and what is happening now is they receive the notice that they won't be getting any sales tax for that period. So they've already set their budget for the year and it leaves them in a significant bind. [LB209]

SENATOR SULLIVAN: So with this legislation, they will be notified a year in advance? [LB209]

SENATOR CORNETT: Yes. [LB209]

SENATOR SULLIVAN: And you were talking with Senator Wightman about current situations, like for example in Ravenna. Now under this current legislation, how would a community like Ravenna be impacted, if at all, with this passage of this bill? [LB209]

SENATOR CORNETT: Well, a city that's not going to receive any sales tax for a long period of time will at least have the one-year notification that they're not, and then when they hit that 25 percent threshold they're allowed to make payments. [LB209]

SENATOR SULLIVAN: Thank you, Senator Cornett. I know there's concern about the impact on the General Fund, but I think this truly strikes a balance and certainly helps the local municipalities manage their budgets a lot more effectively. So I stand in support of this legislation. [LB209]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Thank you, Senator Sullivan. Senator Lambert, you are recognized. [LB209]

SENATOR LAMBERT: Thank you, Mr. President. Colleagues, this is a very important bill to the citizens of Nebraska. I think you've seen some perfect examples from my colleagues of how a city can be in the middle of a budget, not get any warning and a very important part of their funding is no longer there. This bill would give them some

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time to plan for this. Would it be any easier? It would still be a tough thing to plan through a budget, but at least they would have time to work at it. It's very important and this is hitting a number of our communities. And, yes, as Senator Fulton said, may be a concern to the state, but they're going to get their money. It may just come a little slower, rather than totally cutting off the money to the cities. All the money is going to come back to the state coffers. This just totally destroys small-town budgets of some of these communities. Yes, they get the advantages of the improvements that come, the companies that come, but by the same token you don't know when this is going to hit. And it's just right that we let the cities know so that the leaders can plan a budget for the next year and make whatever cuts are necessary or make whatever changes. And I rise in support of the amendment and the bill. Thank you. [LB209]

SENATOR GLOOR: Thank you, Senator Lambert. Senators wishing to be recognized: Heidemann and Krist. Senator Heidemann, you are recognized. [LB209]

SENATOR HEIDEMANN: Thank you, Mr. President and fellow members of the body. I thought I would just rise up. There's been a little bit of discussion about the impact to our General Fund here in the state of Nebraska. This is more of a cash flow issue for these small towns. Some of these small towns get hit with this loss of sales tax and it's a huge hit for some of them with a very small budget. I think we've heard this before. Where the state of Nebraska comes into play is that we're just going to minimize that hit over...and spread it over years. It's more of a cash flow issue. It doesn't have a huge...if you're worrying about what's this going to cost the state of Nebraska, it has a very small impact to what we do here as far as our money side. This issue has been before us for a number of years. We've struggled about how we want to address it. I believe that what we see before us in LB209 is a good process that doesn't cost the state but helps the local municipalities in a way that I believe we need to pass LB209. If you got any questions as far as the impact to the General Fund, I'd be willing to answer them if I could. Thank you. [LB209]

SENATOR GLOOR: Thank you, Senator Heidemann. Chair recognizes Senator Krist. [LB209]

SENATOR KRIST: Thank you, Mr. President. Good morning, Nebraska and colleagues. I felt I needed to say something on behalf of the metropolitan area and Lincoln, both Lincoln and Omaha, plain language. We have been dealing with this for years in the city of Omaha by setting aside the amount of money that this may impact the city in the budget to begin with. Isn't that smart? We took \$12 million, as an average, over the period of time just in case this might happen to us, and that's the way we've been dealing with it. I think that the bill probably should have included Omaha and Lincoln but that fiscal note would have been maybe too huge and push things down the road. So I applaud Omaha for taking...having the forethought to do that, set the money aside so that if there was that kind of an impact they could buffer the impact along the way. I

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think this is a reasonable approach. We've been hearing about this for several years, how the unexpected reduction in these funds is a serious impact to the small towns and the city of the metropolitan class in the state. I stand here in support of AM1949 and the underlying LB209. Thank you. [LB209]

SENATOR GLOOR: Thank you, Senator Krist. There are no senators remaining in the queue. Senator Cornett, you're recognized to close on the committee amendment. [LB209]

SENATOR CORNETT: Thank you. I urge the body to vote in favor of the committee amendment. It sets a percentage for when a community reaches that threshold, that they have a time period to pay back the refund. With that, again, I urge the body to support AM1949 and the underlying bill. [LB209]

SENATOR GLOOR: Thank you, Senator Cornett. Question is, shall the committee amendment to LB209 be adopted? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB209]

CLERK: 40 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB209]

SENATOR GLOOR: The amendment is adopted. Discussion continues on the advancement of LB209. There are no senators wishing to speak. Senator Cornett, you're recognized to close on LB209. [LB209]

SENATOR CORNETT: Thank you, Mr. President. Members of the body, first of all I'd like to thank Senator Schilz for all of his hard work and tenacity on this concept. When he was first elected and brought his original idea into my office, I think that I looked at him like he was crazy. And we came a long way over the last few years to I think what is an equitable compromise and gives our small communities the ability to budget and pay back their sales tax receipts and it gives them some certainty. With that, I urge the body to support LB209. Thank you. [LB209]

SENATOR GLOOR: Thank you, Senator Cornett. The question is the advancement of LB209 to E&R Initial. Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB209]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB209. [LB209]

SENATOR GLOOR: The bill advances. We continue with General File. Mr. Clerk. [LB209]

CLERK: LB996, introduced by Senator Wightman. (Read title.) Bill was introduced on

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January 17 of this year, referred to the Education Committee for public hearing. The bill was advanced to General File. At this time I have no amendments to the bill, Mr. President. [LB996]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Wightman, you're recognized to open on LB996. [LB996]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. I'd like to begin by thanking Senator Seiler for designating LB996 as his senator priority bill. LB996 would change certain provisions relating to compulsory education. Nebraska law establishing a maximum age for compulsory education was changed from 16 to 18 in 2004. LB996 simply repeals an exception to that provision that allows children who have reached the age of 16 to drop out of school if the child has the written consent of their guardian or parent. Perhaps allowing a 16-year-old, with their guardian or parent's consent, to drop out of school was acceptable 50 years ago, but the era in which a high school dropout can learn a living wage has ended in the United States. Dropouts significantly diminish their chances to secure a good job and a promising future. The U.S. census in 2010, in the American Community Survey, reports that among Nebraskans age 25 or older the poverty rate is one in four persons for those who have less than a high school degree. It is clearly in the best interests of the child to stay in school and earn that high school diploma. Our current law does the opposite. It allows a 16-year-old to walk away from school to a lifetime of lower earnings. The parent may stand to gain in the short term from the child's earnings by granting consent, or many times a cultural difference, and particularly of some immigrant families, they may not value an education. I would suggest that the parent is not acting in the long-term best interests of the child and the child's future, where education is such a key to success. The Nebraska Department of Education does not keep data on the number of children that drop out of school at the age of 16. The information available does show for three consecutive years, 2007 through 2010, nearly nine times as many 16-year-olds dropped out as 15-year-olds. Not only does the dropout suffer, but each class of dropouts is responsible for a substantial financial drain on the community, the state of Nebraska and other states, and the United States. Over the course of a lifetime, a high school dropout earns on average about \$260,000 less than a high school graduate. Lower-paying jobs typically do not provide health insurance. If dropouts from the class of 2006 had graduated, it was estimated that our nation could have saved over \$17 billion in Medicaid and expenditures for uninsured healthcare over the course of the dropouts' lifetimes. Research shows a relationship between high school graduation rates, crime rates, and the likelihood of incarceration. A 2006 study by the Alliance for Excellence in Education reported that a 5 percent increase in male graduation rates in Nebraska would result in an estimated crime-related savings of \$16.5 million, and an additional \$16.5 million in additional earnings being created by these same persons who would now have a high school diploma. It is fair to conclude that all Nebraskans have a vital interest in keeping 16-year-old children in school to earn that high school diploma. And finally, if we were to

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use graduation rates as a fundamental indicator of how schools are ultimately performing at a state and national level, Nebraska law should support keeping a child in school. I submit that the best public policy is to keep the child in school and send the message that the state believes the children should be in school, working toward graduation, at least until the age of 18. Roger Breed, Commissioner of Education, testified that the P-16 goal for each school is to reach a 90 percent graduation rate. LB996 will assist the state's K-12 educational system to achieve its strategic and P-16 Initiative goals. Struggling students should get the support they need to achieve this educational goal for themselves and for our Nebraska schools. Although it may be argued that disciplinary problems may increase, the educational environment can be protected. The Student Discipline Act is in place for the school to expel students and to preserve the rights of other students to preserve an education. The compulsory education law does not apply to students who are expelled from high school for disciplinary problems or to students in programs that are an alternative program. In conclusion, allowing a 16-year-old to drop out of school, even with a parent's consent, should not be permissible because: one, it is not in the best interests of the child; second, it is not in the best interest of the citizens of Nebraska; three, Nebraska law should send a clear message that children should stay in school and get a high school diploma, at least until they reach the age of 18. I happen to be in a community, Lexington, Nebraska, where we probably have one of the highest immigrant attendance as far as our school system in the state of Nebraska. Most of our lower elementary grades, the class is made up of 85 to 90 percent immigrants. Now largely that was Hispanic over the past several years, but recently we've had many Somalians move to town. We've also had a lot of Sudanese move to town. And it's I think increasingly difficult to keep many of these children in school and many of the parents probably gladly have them withdraw from school, at least they can't stand the pressure of their children when they want to get out of school. So with this, I would ask you to vote for...advance LB996. I will be happy to try to answer any questions that you may have. With that, thank you, Mr. President. [LB996]

SENATOR GLOOR: Thank you, Senator Wightman. Members, you've heard the opening on LB996. Senators wishing to speak: Price, Fulton, Sullivan, Seiler, Hadley, and others. Senator Price, you're recognized. [LB996]

SENATOR PRICE: Thank you, Mr. President. Good afternoon, members. On the face of this I think I can support LB996, but I do have some questions. One of the questions that I will ask--and, Senator Wightman, I won't ask you to get up and answer now, we can talk about them afterwards--but if we have a...right now a 17-year-old can enlist in the military with the consent of their parents. If they have a GED, they actually might even get picked up by the military. So the question is, are we going to deny them the ability to join the service with this? That's one question I have. Another question I have that's kind of a corollary to this, if you would, and that is to allow...I find out that students right now who meet the requirements for graduation may not be allowed to graduate by

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their districts. It's a local control issue. So if you have a student who's actually met all the requirements for graduation and they want to graduate when they're 17, will they be able to graduate if the law says they have to stay in till they're 18? So, I mean, that's a question I have. And thirdly, I would submit that most of you have gotten a lot of e-mails lately about the truancy bills and that we, as a Legislature, have attempted to work with the construct of truancy because there's the family, there's the schools, there's the student, and the umbrella of our society. And I think what Senator Wightman has talked about is that society believes that it would be in the best interests of students to stay in the school system until they're at least 18, regardless of graduating or meeting the requirements. And we have been told that we have meddled in the business of families with the truancy law. And so I caution that we look at this and we understand what we are telling family members when we tell them you will not have the choice of what happens with your children because the state will make that choice. I'm not saying that it's inherently wrong or it's all out of place, but the Nebraska public is very aware of what we did under the truancy law, the truancy laws that have existed for a long time, the truancy laws that were put there under the same guise, for the same reason. And we went in and we try to fix it, we're going to have more bills this year to continue to work on that, but what really happened was we had a breakdown in the construct. I don't doubt that there have been students from the beginning of public education or any education who have desired to not go to school, so that hasn't changed. Senator Wightman has brought up about how some parents wilt under the pressure of their children's demands to not go to school. And we've also heard where sometimes the school systems in certain cases, I can speak to it even personally, have not met up to the obligations they have for the reporting of students who have decided not to come. So what we have now is we have society still wants something, students still rebel some, still rebel, and families aren't taking...and can't and choose not to take the initiative to ensure those children stay in school, and schools don't necessarily report it. And we brought in the county attorneys and we now have a lot of e-mails in our in-boxes, so we have something to address here. And now we have another bill that's going to further ask and say and demand that a family cannot have the say of what they do with their children. This is not going to go over easily and we have to be extraordinarily diligent and take the prudent measure to understand what we are telling Nebraskans, what we are saying to parents when we say, you no longer have any choice. [LB996]

SENATOR GLOOR: One minute. [LB996]

SENATOR PRICE: Thank you, Mr. President. We say you have no more choice and then it begins to look like...almost like an unfunded mandate. Now we're telling families what they have to do. We're not equipping them unnecessarily. We're making...we're taking another step yet of saying education is the place that our youth belong, regardless of anything else, because education knows what's best for your children and you don't. So with all that in mind, I'll be sitting here and listening to the debate to see

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how we go forward. Thank you. [LB996]

SENATOR GLOOR: Thank you, Senator Price. Senator Fulton, you are recognized. [LB996]

SENATOR FULTON: Thank you, Mr. President and members of the body. Senator Price touched on some of what I planned on saying on this bill. Whether...well, let me ask if Senator Wightman would yield to a question. [LB996]

SENATOR GLOOR: Senator Wightman, would you yield? [LB996]

SENATOR WIGHTMAN: Certainly. [LB996]

SENATOR FULTON: Thank you, Senator. Thank you, Mr. President. Is there...what need does the bill fulfill? Is there a need? And here's...and let me put some flesh on the bones for that question. What we are proposing to strike is, "has reached the age of 16 years and such child's parent or guardian has signed a notarized release discontinuing the enrollment of the child on a form provided by the school." Do we have a number in Nebraska of parents who have signed a notarized release discontinuing the enrollment of the child? Do we have that number? [LB996]

SENATOR WIGHTMAN: Not that I am aware of. I have not been told any number. As a matter of fact, I have been told that frequently, if the student comes in and the parent comes in, they haven't required anything in writing, if that's what your question is. [LB996]

SENATOR FULTON: Yeah, it is, Senator. That's...thank you. Thank you, Senator. The point I'm making here is, whether we know this or not, there are a lot of parents out there who are concerned, and I'm going to use what may sound like a rhetorical cliché but it is true nonetheless: the extent and overreach of government. We have this truancy law which we passed a couple or maybe it was last year and it addresses a need and it's well-intentioned. But what has occurred without intention, what has unintentionally occurred is that parents have had to bow to the power of state government. Now whether you think that's the case or not, whether you think those are overly strong words, the fact of the matter remains there are a lot of parents out there who were floored by the fact that their rights to decide how their child attends their local school, what times they attend, when a child can be absent from school for good reason on the part of the parent doesn't matter. The state has passed a law and you parents need to get in line. Now this isn't such an egregious bill. This isn't an egregious example of that overreach of which I speak, but it is an erosion. Right now, according to law, a school district would have to apprehend the intention of a parent through a notarized release. Now if in deed there aren't a number of notarized releases occurring, such that kids who ought to be in school are not being in school, are not in school because a

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parent has decided that that student shouldn't be in school, if that is a prolific problem then, yes, perhaps we need to address this. I don't know that that's a prolific problem and so we are going to address a problem for which there doesn't seem to be an egregious need and, in the process, we will erode some more authority of a parent at the hands of the state. Now again, I come at this with a certain philosophy and that philosophy is that the parents are the primary educators of their children and the way they choose to do that is the right of the parent. The public schools are a great tool, in fact I highly encourage it. We have some of the best public schools on the planet right here in Nebraska. But it should be at the volition of the parent. I understand that that is not specifically the issue that is in question here on LB996, but it is at least in part and so at least I want to give voice to that concern. Thank you, Mr. President. [LB996]

SENATOR GLOOR: Thank you, Senator Fulton. Mr. Clerk. [LB996]

CLERK: Mr. President, the Agriculture Committee will have an Executive Session at 1:30 this afternoon; the Agriculture Committee in Executive Session at 1:30. General Affairs Committee, chaired by Senator Karpisek, reports LB1139 to General File, and LB824 to General File with amendments. Senator Christensen, an amendment to be printed to LB653. Senator Campbell offers LR402; that will be laid over. New A bill. (Read LB1090A by title for the first time.) Senator Larson would like to add his name to LB209. (Legislative Journal pages 587-591.) [LB1139 LB824 LB653 LR402 LB1090A LB209]

And a priority motion: Senator Schumacher would move to adjourn the body until Wednesday morning, February 22, at 9:00 a.m.

SENATOR GLOOR: Members, you have heard the motion to adjourn until Wednesday morning, February 22, at 9:00 a.m. All in favor say aye. All opposed say nay. We stand adjourned.