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Floor Debate  
February 22, 2012

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[LB209 LB720 LB788 LB842 LB891 LB933 LB949 LB976 LB983 LB993 LB995 LB996  
LB1042 LB1043 LB1062 LB1063 LB1158 LR37 LR358CA LR397 LR398 LR399 LR400  
LR403 LR404 LR405 LR406 LR407]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-first day of the One Hundred Second Legislature, Second Session. Our chaplain for today is Senator Coash. Would you all please rise.

SENATOR COASH: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Coash. I now call to order the thirty-first 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: Your Committee on Health and Human Services, chaired by Senator Campbell, reports LB949 and LB1042 to General File; LB788 to General File with amendments; likewise with LB842, LB891, LB995, and LB1062, all to General File, those having committee amendments attached. New resolutions. Senator Fischer offers LR403, LR404, LR405, and LR406. Those will all be laid over at this time. Further reports: Health and Human Services, chaired by Senator Campbell, LB1063 to General File with amendments; LB1158, General File with amendments. And the Government, Military and Veterans Affairs Committee, chaired by Senator Avery, reports LB720 to General File with amendments. That's all that I have, Mr. President. (Legislative Journal pages 593-604.) [LB949 LB1042 LB788 LB842 LB891 LB995 LB1062 LR403 LR404 LR405 LR406 LB1063 LB1158 LB720]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR397, LR398, LR399, and LR400. Mr. Clerk, we'll move to the first item under legislative confirmation report from the Nebraska Retirement Systems. [LR397 LR398 LR399 LR400]

CLERK: Retirement Systems Committee reports on appointments to the Nebraska

Floor Debate  
February 22, 2012

---

Investment Council and the Public Employees Retirement Board. (Legislative Journal page 558.)

PRESIDENT SHEEHY: Senator Nordquist, you're recognized to open on your confirmation report from the Nebraska Retirement Systems Committee.

SENATOR NORDQUIST: Thank you, Mr. President and members. The Nebraska Retirement Systems Committee recently held confirmation hearings on February 15 for appointments to the Nebraska Investment Council and the Nebraska Public Employees Retirement Board. The first conferee recommended by the Retirement Committee is Mr. Richard DeFusco who has been reappointed by the Governor to the Investment Council. He has been a member of the council since 2003. He has served as a professor of finance at the University of Nebraska-Lincoln since 1982. He holds degrees in finance and management from the University of Rhode Island, as well as a Ph.D. in finance from the University of Tennessee. He was designated as a chartered financial analyst in 1999 and has numerous publications related to investments. Just as a point, members of the council they make decisions about the investments of all public funds and in addition to overseeing the investments of the state public pension dollars. Mr. DeFusco is very qualified to make decisions regarding the investments of public funds and will continue to bring a wealth of experience to the council. His appointment was unanimously approved by the committee, and I ask for your support of his confirmation to the Investment Council. The second conferee recommended by the Retirement Committee is Mr. Stuart Simpson, who has been appointed by the Governor to the school administrator position on the Public Employees Retirement Board. Mr. Simpson has been appointed to fill the remaining three years of Mark Shepard's five-year term. Mr. Shepard resigned at the end of 2011. Mr. Simpson is the school district business manager for the North Platte Public Schools, a position he's held since 2006. Prior to that, he worked for 16 years as the business manager for the Alliance Public Schools. Mr. Simpson has received a bachelor's and master's in business administration from Chadron State College. He also serves on the Nebraska Council of School Administrators and is past president of the Nebraska Association of School Business Officials. His background and experience will make him a valued member of the Public Employees Retirement Board which oversees all of the state's retirement plans. And again, this appointment was voted unanimously to move unanimously in support, and I ask for the body's support of both of these confirmations. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Nordquist. You have heard the opening of the confirmation report from the Nebraska Retirement Systems Committee. Seeing no requests to speak, Senator Nordquist, you're recognized to close. Senator Nordquist waives closing. The question before the body is on the adoption of the confirmation report. All those in favor vote yea; opposed nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 604-605.) 33 ayes, 0 nays on adoption

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

Floor Debate  
February 22, 2012

---

of the confirmation report.

PRESIDENT SHEEHY: The confirmation report is adopted. We will now move to the first item under General File 2012, senator priority bills, Carlson division, LB996. [LB996]

CLERK: LB996, Mr. President, a bill by Senator Wightman relates to schools. (Read title.) The bill was introduced on January of this year, referred to the Education Committee. Senator Wightman presented his bill yesterday, Mr. President. At this time I have no amendments to the bill. [LB996]

PRESIDENT SHEEHY: Senator Wightman, would you like to give us a short summary of LB996? [LB996]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. As I explained yesterday, LB996 has to do with the compulsory education law. We currently have a law that says that children must attend until age 18. That was amended in 2004; it went from 16 to 18. LB996 would repeal an exception to that law 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. Right now, it is required by state law that that be a notarized statement. That has not normally been enforced in the schools across the state of Nebraska. I am sure there are some exceptions. As I stated yesterday, we brought this action as a result, at least in part, or this bill at least in part, for the reason that right now the state in its evaluation of schools take into account their dropout rate and their graduation rate. And, of course, if there's no law requiring that student to attend, or at least a law that can easily be evaded as a result of an exception, then the school has no way of really increasing that dropout rate, or at least very little in the way of a method to do that. So just a few of the statistics that I stated yesterday: Statistics show that over the course of a lifetime, a high school dropout earns on average about \$260,000 less than a high school graduate. So it comes into play in the truancy laws, it comes into play in Medicare, the costs of providing health insurance for many of these people, because they are not able to get a job that would be at all likely to provide medical insurance. So again, we'll talk a lot more about it, I'm sure, today. But I do urge your support for LB996. Thank you, Mr. President. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Members requesting to speak on LB996, we have Senator Hadley, followed by Senator Harms, Senator Sullivan, Senator Adams, Senator Seiler, and others. Senator Hadley. [LB996]

SENATOR HADLEY: Mr. President and members of the body, I rise in support of LB996. I want to call a few things to your attention. The first is a couple reports that have been put out, and I think they're very interesting and I took a little time to read them. The first one is called "The Silent Epidemic: Perspectives of High School

Floor Debate  
February 22, 2012

---

Dropouts." This was commissioned by the Bill and Melinda Gates Foundation, the Case Foundation, and the MCJ Foundation. This, then, resulted in the publication of another paper, which I would recommend you reading because it goes into great detail about the problem we're facing right now. I want to read a quote from that. It says, "Since the publication of 'The Silent Epidemic: Perspectives of High School Dropouts,' governors and state legislators have requested more information about one of our policy recommendations, to consider raising the compulsory school attendance age under state law from 16 or 17 to the age of 18, coupled with support for struggling students. In recent years, more and more states have been passing or introducing legislation to raise the compulsory school age. Many states have recognized that original laws were passed 100 years ago or more when we had a very different economy. Today's globally competitive economy requires at least a high school diploma and often additional education and training to provide the knowledge and skills needed for the 21st century. Good research also supports the view that increasing the compulsory school age can help decrease the dropout rate in schools. Notwithstanding the evidence, a majority of states still permit students to drop out before the age of 18. We have published this report to provide to state and local leaders more information about the merits of raising compulsory school age, including the latest research, compelling arguments, and examples of how other states are making progress, in order to strengthen the arsenal of tools states and communities have to combat the dropout epidemic." So I would ask that you read that report. You can find it on-line, you can print it off. It is really an interesting report. Lest you think that this might be biased toward one view, conservative or liberal, the three authors of the report all served in the Bush administration, so they all were domestic advisors to President Bush, and this is the recommendation that they came up with. Bill Gates actually testified in Congress about this very problem we're talking about today. I want to also talk a little bit about one of the comments that was made yesterday about concerning the role of the family, parents, vis-a-vis the students, and schools. I think if you talk to teachers and educators, you will find that schools have been taking on more and more of those items that we expected families to do many years ago. They are taking on things like food, nutrition, supplies, teaching how to get along with each other, teaching hygiene, teaching ethical behavior, teaching numerous other things. So there has been a change in the relationship between families and schools. We expect schools to do more. So why not give them a chance to do more with those children who are 16 to 18? I think a key point in doing this is the fact that we must have alternative schooling options for students needing extra work. I also want to read you a quote from David Broder, a noted columnist. He said, "Raising the minimum age for school attendance, if accompanied by real support for the wavering students, would do a lot to end the silent epidemic," of students dropping out. A last concern I have deals with how are we going to handle the mandatory testing? [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR HADLEY: This testing is done in the 11th grade. As we have more students

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

Floor Debate  
February 22, 2012

---

involved in this, we must understand the teacher's dilemma in teaching students that might be more difficult to teach. I would like to yield the rest of my time to Senator Adams. I don't think there's much left, but if he wanted to talk about the problems of the standardized testing. [LB996]

PRESIDENT SHEEHY: Senator Adams, you're yielded 25 seconds. [LB996]

SENATOR ADAMS: Thank you, Senator Hadley. I'll respond very quickly. In the junior year, students do take the Nebraska State Assessments, and it could be argued that if you had...and let's keep the numbers small because I really truly believe they would be one, two, three kids, maybe at the most, whose parents signed a notarized statement to let them out. Those students would then not be tested, or on the same token, if they stayed in, do they pull the average down? [LB996]

PRESIDENT SHEEHY: Time, Senator. [LB996]

SENATOR ADAMS: Yes, they probably could. Thank you. [LB996]

PRESIDENT SHEEHY: Time. Thank you, Senator Hadley. Thank you, Senator Adams. (Visitors introduced.) Continuing with floor discussion on LB996, members requesting to speak: Senator Harms, followed by Senator Sullivan, Senator Adams, Senator Seiler, Senator Pahls, and others. Senator Harms. [LB996]

SENATOR HARMS: Thank you, Mr. President and colleagues. My comments this morning are going to come directly out of "The Silent Epidemic" study that was done that Senator Hadley had referred to that you ought to look at. It's a great study. It has great information about it. And I guess the areas that I'd like to focus on is that today we require people to remain in school until they're 18-year-olds, but with the option with the parents to spin out at 16. That system made sense 100 years ago when there were no calculators, let alone computers; when doctors had no x-rays, let alone genetic tests; and there was no national phone system, let alone an Internet. In those days high school graduates could expect to find a decent job. Colleagues, that day is over. Can you imagine what's going to happen to these students, young people, when they leave at the age of 16? There is no hope for them. There is absolutely no hope for them. Education is the single, most important factor in the future of prosperity for this great state. It's not the amount of money that we pour into the educational system per child but how we spend those dollars. The dropout rate in this state is way too high, and that dropout rate requires us as educators, the people that are educators, to be vigilant. Those of us that are on this floor who are policymakers, business and civic leaders, and parents and students, and the public, we cannot continue to allow these sorts of things to happen in our school system as today we address the problem of compulsory school attendance age providing alternative learning opportunities, and make other reforms, is what I believe will actually improve the graduation rates. We do very little in our public

Floor Debate  
February 22, 2012

---

school system in this great state with alternative opportunities for kids who are in trouble with the school system. Kids who want to drop out, we identify them early, but we don't yet address that issue. We've not taken a stand that we should. Nebraska should encourage every student possible to graduate. The important thing now is for us to understand that we have for the first time a true opportunity to start the reform of our public school system. This will give us the opportunity to provide appropriate supportive services that will contribute to the success of students in this our great school system in the state of Nebraska. In 2009-2010, we had 1,968 students who dropped out; 1,968 students who dropped out. That is way too high. We have to find some way through some type of supportive services and start the reform to keep these kids in school. And what I say today is I really challenge the Department of Education to begin this planning process. [LB996]

PRESIDENT SHEEHY: (Gavel) [LB996]

SENATOR HARMS: They need to take some leadership role in looking at how we can prevent our students from dropping out. We can put all the laws in a world into this structure, into this system, but it's still not going to make the difference unless our State Department of Education starts to address the issue of how are we going to prevent 1,968 students from dropping out of our system? We have to start the reform of providing the appropriate services for these kids. We have to remember that a lot of our students come from backgrounds where parents, quite frankly, don't understand how important it is to complete their educational instruction...system...to complete their education in our educational system. [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR HARMS: Thank you, Mr. President. We have to begin to change that. We have to begin to put something in place that will prevent this. If you look at this study that was done in "Silent Epidemic," there are all kinds of opportunities that other states are already experiencing. If you just go up on the Web and call for information, there's all kind of data that's available that would help us start to plan. This is a start, but by no means will resolve all of the issue. It's at least a start for us to keep them in school and address the issue. I've heard what the public schoolteachers have said. I've talked to public schoolteachers and they've said, you know what, we agree with the position you're taking; we have to have some type of supportive services if we're going to keep students in the classroom, but yet we don't have them. And that's the challenge that we have. That's the challenge that's before all of us as policymakers. We have to request and demand from our own State Department of Education, or whoever has the responsibility, to put this into place and start to address the issue. [LB996]

PRESIDENT SHEEHY: Time, Senator. [LB996]

Floor Debate  
February 22, 2012

---

SENATOR HARMS: Thank you, Mr. President. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Sullivan. [LB996]

SENATOR SULLIVAN: Thank you, Mr. President, and good morning, colleagues. If you've looked at the committee statement on LB996, you will notice that I was one of the two votes that voted against sending this bill out to you for your discussion. And I want you to know that I did not arrive at this vote easily. As you know by now, I put a high value on education. I insist on its quantity and quality and I truly realize that education is the way we solve some of our societal challenges. But that being said, I also look at some action that was taken by this body in the not-so-distant past. In 2005, the compulsory attendance age was raised to 18 unless that signed statement from a parent allowed the student to leave school at 16. That was a decision that we made in 2005. So when some say that this provision is outdated, it dates back to when parents removed their children from school to work on the farm, I don't think so. It reflects a decision that we made in 2005. And I've pulled up the transcripts of the committee statement, the committee action, General File debate, Select File debate. I suspect that the discussion at that time was not arrived at easily, so here we are today, and I'm just asking you to think carefully about repealing something that was put in place only in 2005. And, of course, I'm sure we all ask, why would any well-meaning parent really want their child to drop out of school at age 16? Well, I can't answer that except to say that there are probably a variety of reasons. But whatever they are, the parents should be involved in the process. And that's why I think the current law is adequate and acceptable. While we may not agree with a child dropping out at 16, it keeps parents involved in the decision making. Nebraska is actually unique among the states. There's a range in the 50 states, what they require, some at 16, some at 18, a few at 17, and some make exceptions for special circumstances. But Nebraska is nearly alone in giving that allowance for leaving school at 16 with the parent's signature. And as I said, I did not cast this vote lightly. I was trying to look for the balance of pushing and promoting education and coupling that with parental input and choice. I've also talked to educators who were ambivalent as well. They all know the value of the need for education. But they wonder, if a child drops out at 16, what, for goodness sakes, are they doing? And what will the rest of their lives look like? And yet, they also say that by 16, if a child is so disenchanted with school, and probably disengaged, and possibly disruptive, is their presence in school shortchanging the students who do want to be in the classroom? So that's been my thought process and that's why I chose to vote in the negative to bring this bill to you, not really because I want to give students more of an opportunity to drop out of school but because I did not see this change would bring about something that I think we all want: students ready and willing to learn, a quality education environment that gives the students the opportunity to learn, and for all, the student teacher and the parent to be involved in the process. I ask you, is this treating a symptom and not the underlying problem? As Senator Harms so eloquently said, we've got to provide these alternatives for students that are struggling in the environment of

Floor Debate  
February 22, 2012

---

school, the structured school. I thought it was interesting the other night--I try to just wind down by reading a novel the last 15 minutes before I go to bed,... [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR SULLIVAN: ...and the book I chose was The Immortal Life of Henrietta Lacks. And I haven't gotten into it. I just read the prologue that was written by the author. And the author said that she was in high school English class; she failed because she didn't show up, and she dropped out. Well, in the interim, somehow then she ended up in an alternative school at the age of 16, and listened to a biology instructor talk about cell division and mentioned the HeLa cells, and then this turned her into a period of research, and she eventually wrote this book. I guess the point that rose to me in that prologue was, we don't want to give up on any child. We want them all to succeed, and they're going to succeed with our help, with our direction, with our encouragement, but in a variety of different circumstances. So again, I ask you to think long and hard... [LB996]

PRESIDENT SHEEHY: Time, Senator. [LB996]

SENATOR SULLIVAN: ...about your decision on this bill. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Sullivan. Senator Adams. [LB996]

SENATOR ADAMS: Thank you, Mr. President and members of the body. I support the bill. The classroom teacher in me says, oh, there were days when I was glad when I came to school and found out that so-and-so had checked out. I'm not sure that was a very good professional attitude, but there it was. I want to take just a minute and try to simplify this for you and leave a question in your mind, a question you're going to have to resolve before you hit red or green if you've not made up your mind. In 2004, this legislative body said, you're going to go to school until age 18. That's the law, age 18, moving it from 16. Ask yourself, why? Decades and decades and decades ago, that 16 was the date. Think about our economy. Think about the availability of jobs that existed at that time and the level of education that took to fill those jobs. In 2004, we said 18. And we granted an exemption to that. At age 16, you can go if a parent or guardian signs you out. You know, in Nebraska we give our students and parents a lot of choices, I believe. What we say to them: You have to be in school until you're 18. You can be in a public school. You can option into a different public school that you were not a resident in. You can go to a private school. You can homeschool. Those are all your choices but we want you in school. But then you hit 16 and you don't have to. Here's the question I have to wrestle with and I pose it to you. Why the exception? Why the exception at age 16? Parental right? Indeed. And we're all respectful of that. Taken to its logical conclusion, then why didn't we say age 12, age 14? We've said 16. Let me ask you one other question. That kid checks out of school at age 16; think about your

Floor Debate  
February 22, 2012

---

own communities, your own districts, what are they going to do? What are they going to do? And will they come back, or have we lost them out of the education system for good? Why do we grant the exemption, and what are they going to do when they walk away from school? I really think that's what you've got to think about. Do I believe this bill solves all of our problems? No way. Do I have reservations about it the same way Senator Sullivan does? Yes. But ultimately, as I look at our track record, historically, with compulsory of ed, we've said it's important for a kid to be in school. Times have changed; it's still important for them to be in school. Thank you, Mr. President. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Adams. Senator Seiler. [LB996]

SENATOR SEILER: Mr. President and members of the Legislature, I adopted this bill as my priority bill. And I will try and answer a few of the questions that were raised ahead of time here. I believe this is the first leg of a three-legged stool. I believe this leg of cutting out this age 16 notarized release is tied to the truancy bill for this reason: If you have a truancy bill and the parents go down and appear in front of the school board or the administration, then the school board, and I believe the compromise bill of LB933 then says it can go to the county attorney. At one of those junctures, I will guarantee you, the parent is going to sign off and say, he's your problem, not mine. I think that is wrong. We have in the background the academy, career academy schools. I am surprised at how many high schools already have this program and how many schools that I've talked to that have alternative schools. We already have programs in place that will take care of this problem of if we remove the age 16. But the interesting point is I don't believe the 16-year-old exemption with a parent's notarized statement for release was made for the schools. I don't think it was made for the student. You know who it was made for? You, the Legislature. Because if you look at Article VII, Section 1 of the Nebraska Constitution, it says, "The Legislature shall" mandatory "provide for the free instruction in the common schools of the state of all," all, not anybody above 18, below 18, "of all persons between the ages of five and twenty-one." So the release is for your satisfaction, not anybody else's. It gives the state protection, nobody else. I don't think that has anything to do with parents. I think it has to do with protection of this body under its constitutional rights. Let's take the second point: What are these children going to do when they drop out at age 16? In 2004, they could go to work for a construction company. Today, they've got to be 18 years of age to be able to work for a construction company and work around heavy equipment. Are they going to be able to work in a...hamburgers? Yes, in the front. They can take orders and change. If there's a meat grinder in the back, if they walk back there, it's a violation of the OSHA laws, and I defended a company that did...a little 16-year-old did that exact thing. They had walked one step into the back room when the meat grinder was running and it just so happened that an OSHA representative was sitting, having lunch, and it cost my client \$800 plus a violation. Just recently you read where your 16-year-old children are not going to be able to drive the tractor on the agricultural farms. I guess I was a bad parent because my children started driving tractors when they were 14. I believe the alternative is the

Floor Debate  
February 22, 2012

---

worst thing that can happen if they drop out. What's available to them to work at? Well, they could turn to crime. That's a free wide-open deal. [LB996 LB933]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR SEILER: So we might want to consider building better prisons, more prisons and that, to handle these dropouts that end up in the life of crime. Go to the military? No. After Vietnam, they've really shut that down. In the Air Force, I checked the regs or, well, somebody checked the regs and handed it to me. You have to have a GED and 15 hours of college credit to get into the Air Force. The Army, right now, will take a GED on about 2 percent of their total enlistments. So I think we have a real problem here. Thank you very much, Mr. President and Senators. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Seiler. (Visitors introduced.) Continuing with floor discussion on LB996, members requesting to speak: Senator Pahls, followed by Senator Coash, Senator Howard, Senator Council, Senator Karpisek, and others. Senator Pahls. [LB996]

SENATOR PAHLS: Thank you, Mr. President and members of the body. The first thing I did, I looked at who were the proponents of this particular piece of legislation, and I saw the Lexington Public Schools. It is my understanding Lexington Public Schools are doing some unique things because this past weekend I talked to Larry Johnson who happens to be the CEO of the Nebraska Truckers Association, and he was telling me all of the things that his organization and other organizations are doing with schools to make schools perhaps more attractive to those individuals who are not, what I call like the majority of us who have gone on to college, etcetera, etcetera. They're trying to expand that and that's the model that I think that we should be looking at are the educators. And I saw the Nebraska Council of School Administrators, the State Board of Education, the Nebraska Rural Community Schools, the Nebraska Association of School Boards, and then Bright Futures. All of these groups are interested in helping children. And you know what? They're people. They're not out there trying to keep kids in school because they want to control children's lives. They're looking out for them. I almost feel at times when I hear some people stand up and say, boy, educators they want to grab these kids and take them away from Mom and Dad. As Senator Adams says, there are lots of options out there. You can go to a private school, a public school. You could be homeschooled. I'm an example of that. I went to a private and a public school system in my career. Those options are out there. I am concerned...I don't know the number of young people who are leaving the schools because of the issues of this particular bill at age 16. It would be nice to have that number so we could really see if that is a real significant problem. Of course, we can take the other outlook. Any loss of any child's education would be a significant problem for the state because of the ramifications. They're not going to be able, in most cases, to expand themselves. Now, yes, you can throw at me the Edisons, the people who have invented all kinds of

Floor Debate  
February 22, 2012

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inventions, and they had a hard time in school. I get that. But not everybody falls in that category. One thing I will say, though, in my past experiences I found those children who wanted to leave school a lot of times were not necessarily the ones with discipline. They're probably the ones who, may in some degree, may be a little bit bored. That's why we have some of the problems. So now I pass that back to the educators. We need to take a look at, see how we can't turn that child's attention on. So I lay some of that back on people who are in the area of education. But I do know that there are schools out there, I'm familiar with one district, they have a high school that you can go get your regular ed and then they also have culinary experiences, dealing with nursing, and several other...what I'm using the word occupations. So people are out there trying to make things different than when you and I or the majority of us went to school. It's out there. Now, we need to probably do a little bit more pushing because I think we will not only push the parent and the child, but we're going to push the educators and hold them more accountable. And I don't think any of even the educators are going to have a hard time with that. They do need the tools. So what we do need, those schools that are involved in this, they need to be sure that they can provide a program or a companion school can provide that for them. I know that. In the larger school systems there are alternative schools. Most of the time we do think of behavioral problems and that is an issue, and there are probably exceptions for some cases. I understand that. But what we have is there is a process that they call an IEP. In other words, that's an individual plan for that child. I'm assuming that when a child is going to leave school... [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR PAHLS: Thank you...was going to leave school, there is a plan of action so the parents are involved, the counselors are involved, psychologists are involved, teachers are involved, and administrators. I don't think the majority of the people understand that this is a complicated process. It's not the idea that you send your kids to school and that's all that happens. And in some people's minds, I think they say, well, okay, it's a baby-sitting. There are people out there. But when things hit the wall, there are plans that are made. Are they always successful? No. Those people are trying to make, in my estimation, the best deal for those children. They're not there to capture the children from Mom and Dad. At least the people I've been around in 30-plus years, I didn't see that. And then sometimes it disgusts me when I feel that people such as me, we want to take your child away from you and we want to mold them in our direction. That is irritating for those of us who have spent a lifetime... [LB996]

PRESIDENT SHEEHY: Time, Senator. [LB996]

SENATOR PAHLS: Thank you. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Senator Coash. [LB996]

Floor Debate  
February 22, 2012

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SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. I want to applaud Senator Wightman's intent here. He wants to keep kids in school. But the approach of mandating it, I don't believe is a workable solution. We didn't hear from educators on how this will go. No, what we heard was, if you make them come an extra two years, we'll deal with it. I want to speak to you as a trained worker with youth, and I will tell you that this law will not increase the retention of kids in school. You cannot force a child to go to school at 17 and 18 when they don't want to. And Senator Adams talked earlier about why did we cut the line at 16? I think that was an age that was well-thought-out for the reason that a child younger than 16, we could probably get that kid to school. But that kid who is 17 and 18, if they don't want to be there, they aren't going. So what's the conclusion if LB996 goes through? There's a cost, and I want to talk about that cost because I've spent four years on the Judiciary Committee and we've had our debates on this floor about judicial resources. We had a heated one a few weeks ago. If LB996 goes through, call your county attorneys and see what their workload is going to look like. I talked to our county attorney, and he said, look, we're already under water because of the truancy bill. You're going to ask us to go out and go after the kids who don't want to go to school but now you've mandated them? Tell me where I get that in my budget. I don't see it on the state's fiscal note, but it's there. Ask your law enforcement officers. I will tell you right here in Lincoln we had to cut resource officers in our public high schools because of lack of funds. We're going to ask our law enforcement officers to go out there and police this. There is an expense here. There's a cost to enforcing this. Let's talk about what will happen in the schools. Educators are stretched pretty thin. We hear that all the time. What pulls educators away from their mission are children who are disruptive, children who don't want to be there. And the solution, colleagues, is not to force them to be there but to find ways to incent them to go to school. Ask yourself, why aren't these kids here? Why are they dropping out? Some of these children need to work. For many of these children, school doesn't work for them. And saying to them, come into a system that's not working to meet your needs, and sit there when you don't want to be there, is going to pull resources away from the children who do. We are overloading the courts, colleagues, and we're not seeing that effect on the fiscal note. And I do want to see kids go to school until they're 18. That's not the nature of my opposition to LB996. But what I will tell you is that forcing kids to go... [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR COASH: ...is not going to keep kids there. It's going to create a whole new set of problems. And we will be back here in two years saying, how will we deal with the overloaded courts of kids who we've now forced to be there that we didn't force to be there before? How will we address that? Colleagues, think about your classrooms. We've all been to school. We know where the resources go. We need to point the resources towards where we get the biggest bang for our buck. And I would encourage my colleagues to vote no on LB996. Thank you, Mr. President. [LB996]

Floor Debate  
February 22, 2012

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PRESIDENT SHEEHY: Thank you, Senator Coash. Senator Howard. [LB996]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I rise in support of LB996 and thank Senator Wightman for bringing this bill to the Education Committee. This is an important piece of legislation, and I find myself in the interesting position of offering a counterpoint to my friend and colleague, Senator Sullivan. On any given day, about one in every ten young male high school dropouts is in jail or juvenile detention compared with one in every 35 young male high schools graduates, according to the new study of the effects of dropping out of school in America, where the demand for low-skilled workers is plunging. The picture is even bleaker for African-Americans with nearly one in four young black male dropouts incarcerated or otherwise institutionalized on an average day, this study finds. That compares with about one in 14 young male, white, Asian, or Hispanic dropouts. "We're trying to show what it means to be a dropout in the twenty-first century in the United States," said Andrew Sum, director of the Center for Labor Market Studies at Northeastern, who headed a team of researchers that prepared the report. "It's one of the country's costliest problems. The unemployment, the incarceration rates--it's scary." The dropout rate is driving the nation's increasing prison population and it's a drag on America's economic competitiveness. Every American pays a cost...let me repeat that. Every American pays a cost when a young person leaves school without a diploma. When I worked as a case manager for the Department of Health and Human Services, a child was considered a ward of the state. The state was considered the legal guardian of that child. Now many of those children were disenchanted with school. Some of them would make every effort to slip out the back door as soon as they were dropped off at the front door. But the state did not give permission for a child, a ward of the state, to drop out of school at age 16. The state recognized the importance of that child staying in school and graduating. Some of the critical facts of dropping out of school are: the military won't take you. They only allow a certain percentage of even GED holders each year, and that's only in some branches. You can't drop out of school and expect to get a factory job. You can't even go to work in McDonald's without a degree. There are college students who have accepted jobs working at fast food because in our economy right now that's what's available. The parental choice opponents of this bill are advocating what is the right of the parent to deny their child an economically viable future. These are likely the same arguments that we've used to raise the age to 16 or for compulsory education at all. What employer is going to take someone who doesn't have the fortitude to even finish high school? The report that I referred to earlier puts the collective cost to the nation over the working life of each high school dropout of over \$292,000. And that figure took into account lost tax revenues, since dropouts earn less and therefore pay less in taxes than high school graduates. [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

Floor Debate  
February 22, 2012

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SENATOR HOWARD: Thank you. It also includes the costs of providing food stamps and other aids to dropouts and of incarcerating those who turn to crime because they feel they have no other choice. Requiring youth to stay in school until age 18 is the responsibility of this state. It's also the responsibility of the school system to provide opportunities for the youth so that they are interested in school, they remain, and they graduate. Thank you. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Council. [LB996]

SENATOR COUNCIL: Thank you, Mr. Lieutenant Governor. I, too, stand in probably the unenviable position as my colleague, Senator Sullivan, as being one of the members of the Education Committee that did not vote to advance this bill to General File. And I need to put that vote in perspective. First, I need to begin by...it's interesting to hear all of the references and the endorsement of the report entitled "Silent Epidemic" and the indication that the dropout issue has been a silent epidemic. I suggest to you it hasn't been a silent epidemic. It's been an epidemic that we have chosen to ignore because the graduation rates, the low graduation rates, and the alarmingly high dropout rates among African-Americans, particularly African-American males, has gone ignored for a number of years. So with that said, you may say, well, Senator Council, why is it that you did not vote to advance LB996? I did not vote to advance LB996 because of my fear that this body would view this as some type of silver bullet, the remedy to addressing dropout rates in the state of Nebraska. When we look at LB996 and what's been stated as the reason, it says to make education compulsory to age 18. Well, ladies and gentlemen, our legislation, the current statute, makes education compulsory to age 18. And as Senator Sullivan stated, in 2005 this body recognized the importance of increasing the compulsory education requirement. And probably for the first time, Nebraska was a little ahead of the curve in terms of taking action to address the dropout problem. And some of you have referred to "The Silent Epidemic" report; some of you may have read "Compulsory School Attendance Age: The Case for Reform." But allow me to refer you to some information stated in "The Case for Reform." And it states that elements of more comprehensive legislative approaches to addressing the dropout problem include: an increase in the compulsory school age to 18, which this body did in 2005; exceptions "with teeth," namely, express permission from school authorities and parents to be exempted from the legal age requirement. We did that as well with one exception: We didn't put in enough teeth. What we did in 2005, we said, okay, we'll raise the age to 18; we'll provide an exception with a notarized statement from the parent. But we didn't add the other part of the teeth which was express permission from school authorities. That's what other states have done to comprehensively address dropout rates. And they went even further: alternative schooling options for students needing extra help. And there's been some discussion. We do have some alternative educational opportunities in many of our districts. But do we have enough to address the issue that's presented by requiring students to be in school until age 18? Sanctions or penalties for failing to attend classes. As a member of the Judiciary Committee we've

Floor Debate  
February 22, 2012

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been dealing with that since the time I was sworn into office. [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR COUNCIL: And it's interesting the kind of push-back that the Judiciary Committee receives every time we try to aggressively address school attendance. When we look at this problem, if we want to deal with the exception, if we believe that the exception is what's creating the problems...and I submit to you the next time I'm on the mike, one of the questions I raised during the hearing which was unanswered and remains unanswered is, how many parents are actually signing these statements allowing their children to drop out? We weren't provided with any such numbers. Unfortunately, what came through during that testimony was, many of our school administrators, if the child is 16, merely throw up their hands and say they're 16, and don't do anything to address keeping those youngsters in school. They told us that, yeah, you know, it gets around... [LB996]

PRESIDENT SHEEHY: Time, Senator. [LB996]

SENATOR COUNCIL: Thank you. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Council. (Visitors introduced.) Continuing with floor discussion on LB996, members requesting to speak: Senator Karpisek, followed by Senator Wightman, Senator Louden, Senator Heidemann, Senator Fulton, and others. Senator Karpisek. [LB996]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I rise in opposition to LB996. We've talked about that it's best for the kids to graduate and it's best for the kids to stay in school. Of course, it is. We all know that, but what is it about staying in school until 18 that says they're going to graduate? I don't know if we need to put in this bill that they have to stay in school until they graduate, or until they turn 21 and they have to leave. Why not age 19? I think 19 is the age of majority in Nebraska. Why not 21? Let's make everybody stay in school until they're 21. Let's increase the amount of schooling that you need to graduate and everybody has to stay until they're 21. That would certainly help. Everyone would be more mature and ready to get out on the world. Sixteen-year-olds work now. They work after school; they work before school. Some schools have work programs where they can go to work. So saying that they can't go get a job, that's not true. They go get jobs now. Obviously, they probably don't support themselves, but if a parent is willing to sign them out of school, they usually will probably stay at home with Mom and Dad or Mom or Dad anyway. We're not dropping the age here. We're keeping it at 16. If we were dropping the age to 14, then I could agree that we're going to need more jails, more everything, we're going to have more crime--but we're keeping things the same. Not every 16-year-old dropout is a criminal. I was in school with a young man that dropped out at 16, owned his own business, and

Floor Debate  
February 22, 2012

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he's retired now, and I'm working three jobs and I've been through college. Again, I don't know that this will make them graduate. It will make them stay in school two more years and make them go to school. And then the truancy law that I really don't want to even get into yet, but I think we need a big revamp on that, will come in. And so then the kids will go to court because the parents can't make them go to school, and then what happens? So then the kid goes to court and they're taken away from their family maybe, put in foster care, now what did we solve? I want every kid to stay in school too and learn it while they're there. Not every person who is in school learns. If they're there and don't want to be there, they're just going to make problems for the teacher, for the administrators, and for the other kids. My kids want to be there and learn. They don't need some other kids there causing trouble, making a ruckus and just disrupting everything. Another question I have on this, or any of how we do this is, is what about the homeschoolers? So maybe at 16 the parent will say, okay, we're going to homeschool them now. There's no test for homeschoolers, so how do we know that they're not doing that? So then, are they truant or are they not? How do we know that? I think this opens up a huge, huge question of how this all works. I agree with Senator Pahls, that anyone thinks that we're trying to...schools are trying to take their kids and try to do whatever we want, that is very maddening. [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR KARPISEK: We're all here to try to make a difference and to help kids, but I don't think that raising this age from 16 to 18 is going to make a big difference in graduation rates. I don't think it's going to make a big difference on anything other than keeping kids in school, making them go to school, to what end. I'm sure I set Senator Wightman up very well. I saw him writing. So thank you, Mr. President. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Mr. Clerk, you have messages, items for the record. [LB996]

CLERK: I just have an announcement, Mr. President. Transportation Committee in Exec Session now. Transportation Committee, Exec Session now. [LB996]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Members requesting to speak on LB996: Senator Wightman, followed by Senator Loudon, Senator Heidemann, Senator Fulton, Senator Harms, and others. Senator Wightman. [LB996]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I want to discuss some of the issues that have been brought up by those who have indicated their opposition to LB996. First of all, I'd like to talk about the immigration situation and I think that is important because I think that in many cases the culture of the immigrants that come to this country are much different than the culture of people that have lived a lifetime in United States. Many of them don't prize education. They don't understand

Floor Debate  
February 22, 2012

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probably even why education is important in their country, and I think a lot of the Latin American countries children have not been required to attend school. Actually, I was in Argentina at one time and you saw many 6-, 7-, and 8-year-old kids that were out trying to sell items in the buses, food items or whatever it might be. So I think a good reason to change the law would be because of the culture that exists and that we need to encourage those children to remain in school. I'd like to talk about the parental consent. I know that was first raised by Senator Fulton, it's been raised by several of the rest of you, that somehow we're giving up parental control if we pass LB996. Well, I agree with Senator Adams on this. He said, why is 16 the magic date that we can become concerned with parental control? The same argument can be made at age 12, even 10, 14, whatever age you want to make it, that we have decided in this country that compulsory education is good. And I'd like to address a little bit this study that's "The Silent Epidemic" that's been addressed by two or three of the speakers today. And in "The Silent Epidemic," it's discussed that there is no state that requires, that allows a student to drop out when they turn 16. And they suggest in that article that a lot of this may be the expectation that these children can get out of school at age 16, they (inaudible) have compulsory education, and the children plan toward that. I think if we took that option away, that the children could drop out at age 16 with their parental consent, I think you might see some change even in those students that are attending school at that age. So I think that the parental control issue is not a very convincing argument as far as I'm concerned, because again, the age 16 doesn't seem to trigger anything that would be any different than 14 or 12 or whatever. The discipline problem, I understand that, and I certainly can understand that this is probably true and that a lot of teachers, classroom teachers, probably would prefer to see these children drop out of school. At the same time, I would suggest to the body that certainly not every student that drops out at age 16 are discipline problems. I would say far from it. I think some of it is the expectations and the fact that their parents can come in and I would guess... [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR WIGHTMAN: ...without having any statistics, and I don't think you can get such statistics, that the parents cave in many times to the student's desire to get out of school. And so they're willing to come in and sign it just to keep peace at home, perhaps. I've also had people tell me that a lot of this time will be spent by the student, former student, age 16 or over, spending another three or four hours in bed in the morning, and I think that happens. So, on balance, it just seems to me that the state has an overriding interest in seeing that the children are educated to the extent that they can require that. I disagree with the fact that we could go to age 21. First of all, the child has control of his own situation at that age, at 19, and in many respects at age 18. [LB996]

PRESIDENT SHEEHY: Time, Senator. [LB996]

Floor Debate  
February 22, 2012

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SENATOR WIGHTMAN: Thank you, Mr. President. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Wightman. (Doctor of the day introduced.)  
Senator Louden. [LB996]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As we've had the discussion on this bill and as I've looked it over, I can't support it mostly because the part that we are striking, the language we are striking out of this bill, says that a parent or a guardian has signed a notarized release discontinuing the enrollment of the child on a form provided by the school. In other words, before, they could sign a release if it was notarized and they could get their child out of school, and that's the language you're deleting out of this bill. And in other words, now, you delete that language in order to set it up so they have to go to school until age 18, there's no way of getting them out. So we've heard of all these high-minded ideas why kids should stay in school and I agree. That's important for kids to have an education, for kids to graduate out of college, and the whole bit. But here's one thing you've got to remember: You can't legislate ambition--and this is part of what it is--and the wish to succeed. If a child doesn't have that by the time they're 16 or so, some ambition and some wish to succeed, then probably another two years of school probably won't make much difference. They're probably going to be in there, spend their time, and they will be in about the same spot they were afterwards. As Senator Karpisek just mentioned, someone he knew dropped out of school when they were 16 and now they're retired. That's ambition. That's what that is. I've seen it. How many of you seen kids go through to four years of college and they're still out there probably doing the same kind of work they could have done when they graduated out of the 8th grade. So education is fine. They have to have it, but on the other hand you can't legislate to have ambition or success. The next question is, if this legislation is passed, what does that leave those parents any alternative if they don't want a child to go to school or disrupting the school and they think they can find something better? Their only alternative is, is to homeschool them or take them out and take them to a private school someplace, a military-type school or whatever private school is sometimes in the area, sometimes clear down in Missouri and other places. I've known of kids that went to school at those places like that. So I don't see where we're going to gain anything. As far as money involved, state apportionment is paid on children in a district from 5 to 21. TEEOSA funding won't make any difference because some districts don't get TEEOSA funding. So I guess I'm wondering what the reason for this is other than some high-minded ideals that somebody thinks might work. This is actually a grand experiment is what you're trying to do. You have no idea that this is going to be of any success whatsoever. All you know is, if they're in school until they're 18, there's going to be a bunch of 17- and 18-year-olds in there that probably perhaps wouldn't be. Some of them would probably be out of it or wherever. But, first of all, I'm surprised nowadays, a lot of these kids are 18 years old or nearly 19 at the time they're graduating out of high school. When I went to school most everybody at the time they got to be 17 was graduated out

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Floor Debate  
February 22, 2012

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of high school, so I don't know what the problem is nowadays where we're holding them in school so long, so. I don't see where this bill is of any value to helping people. It looks like to me it puts more hindrance on the family and on people that are trying to, if they have a problem with their children and they want to go to someplace else or... [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR LOUDEN: ...get them some kind of jobs, that they could. So with that, I can't support LB996. And with that, thank you, Mr. President. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Louden. (Visitors introduced.) Continuing with floor discussion on LB996, members requesting to speak: Senator Heidemann, followed by Senator Fulton, Senator Harms, Senator Dubas, Senator Ashford, Senator Gloor, and others. Senator Heidemann. [LB996]

SENATOR HEIDEMANN: Thank you, Mr. President and fellow members of the body. I rise in opposition to LB996. I do it cautiously. I appreciate everything that Senator Wightman does in this body, but this is the one time that I do disagree with the proposal that he has. I look at this bill, and a lot of times in government we deal in perception. And perception tells us that this should be a good thing, that we're going to keep these kids in school longer and that will be a good outcome. But as I get past that and I start thinking about reality, we're telling these parents and these kids that they have to stay in school until they're the age of 18. But those kids probably don't want to be there and those kids are probably going to have a behavior problem. If you're telling a kid between the age of 16 and 18 that they got to do something, they probably are not going to like it. They're going to have an attitude problem, they're going to have a behavior problem. And reality tells you that this bill, in my mind anyway, and that's my opinion, might do more harm than good. I think about that child that's going to be in this class that doesn't want to be there, that will have those behavior problems, in my mind, and will have that attitude problem. What will that do to the rest of those kids in that classroom? Those kids that want to learn, that want that education to give them that opportunity down the road, where will the teacher's time and focus be? Whether they want to be or not, it will be on that child that has that attitude and that behavior problem, and not with the kids that want to learn and want to do good. I wonder if Senator Adams would have a conversation with me? [LB996]

PRESIDENT SHEEHY: Senator Adams, would you yield to Senator Heidemann? [LB996]

SENATOR ADAMS: I would. [LB996]

SENATOR HEIDEMANN: I woke up early this morning and this bill was on my mind, and I don't stand in opposition to this bill easily, I will say. And I had a conversation with

Floor Debate  
February 22, 2012

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my wife this morning and I talked to her about this and she backed up my fears that this might actually do more harm than good. And you...as my wife is a teacher, and so have you, what do you say to this that I have in my mind that this might do more harm than good? That you have kids that do not want to be in the classroom. That if they don't want to be there, they're probably going to have some behavior problems; they're going to have attitude problems. And you'll spend more time with them, especially at least that you would want to, than the kids that want to learn. [LB996]

SENATOR ADAMS: Thank you, Senator, for the opportunity to respond to that. And let me put one leg back in the classroom that I spent 31 years in, and then one leg right here in the policymaking area. I absolutely can empathize with what your wife said. And how early this morning, did you get her up? [LB996]

SENATOR HEIDEMANN: Five. (Laugh) [LB996]

SENATOR ADAMS: Wow. But you know what, she teaches third grade, right? [LB996]

SENATOR HEIDEMANN: She teaches third grade. [LB996]

SENATOR ADAMS: There's going to be third-graders that don't want to be there, there's going to be fifth-graders that don't want to be there, and we're not dumping them out. And there's going to be 16-year-olds that don't want to be there. At what point do we say, we're going to charge on because we're going to try to convince you today that this is more important rather than age 23 when you're in a dead-end job and you're uneducated? Now if you'll allow me, many a day, Senator...no, not many a day. There were days when I would find out that a particular student wasn't going to be there anymore, for whatever reason, whether they dropped out, moved, different school district, whatever, or just sick, that I wiped my brow and said, this is going to be a better day for the other 24 kids in class, no question about it. [LB996]

SENATOR HEIDEMANN: So, I understand where you're coming from, but I want to make sure that we're not going to pass something because we perceive that it's going to help, but in reality we might hurt the kids that really want to learn. And that's where I'm coming from. There's got to be additional time and effort spent with those kids that are being forced to. And I understand my wife teaches third grade. They still have a chance; they still have some parents that are trying to. But when they get to be the age of 16, they get a little bit more independent and they're going to cause a little bit more trouble. Would you agree with that? [LB996]

SENATOR ADAMS: Generally, yes. [LB996]

PRESIDENT SHEEHY: Time, Senator. [LB996]

Floor Debate  
February 22, 2012

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SENATOR HEIDEMANN: Thank you, Mr. President. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. Senator Fulton. [LB996]

SENATOR FULTON: Thank you, Mr. President and members of the body. This has been a great debate, instructive and conducted at a high level, and thank you, colleagues, for that. I do rise in opposition to LB996. I read a media article on this yesterday and concluded that it's...this is very easily presented in a wrong light, this issue. And early on in the debate, I heard my colleagues talk about how important it is for children to stay in school until they're 18. And it seems to me that we're missing the point, at least the point of opposition being raised by myself and others now, here in the Legislature also. Kids should stay in school until they're 18. I happen to think kids should stay in school until they're not kids anymore. They ought to go to college too. This bill is not going to solve this problem. In fact, there's a part...when thinking through this bill, I actually thought, well, perhaps, I could vote for the bill because it actually isn't going to do anything. And I don't mean that as a slight to Senator Wightman. I have great respect for Senator Wightman, and typically we are on the same page on things. Let's read the language of the bill. Subsection (2) of this section does not apply in the case of any child who 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. We are striking the language, "has reached," etcetera. That's all we're doing here. And so I pose this question to you. And think about this: If there are 2,000 children who have dropped out of school, ask yourself how many of those children have received a notarized release from their parent discontinuing the enrollment of that child on a form provided by the school? Of those 2,000, how many do you think have a note from Mom and Dad saying it's okay for them to drop out of school? Now I asked the question yesterday, and we don't have that data because it's not collected evidently, but I'm going to hazard a guess and I don't think I'm going out on a limb too far here when I say that most of those kids who have dropped out of school don't have a note from their parents. Therefore, they are abridging the law. They're acting against the law. What should happen is those kids who don't have a note should be reported to probably the county attorney, by school officials, because they have broken the law. Read what exists in law now and recognize what we are going to strike. And when you juxtapose that against the reality, which I think we can all agree most of those kids don't have notes from their parents, and you'll recognize that this doesn't actually solve the problem. It will give the impression that we've solved the problem, which could be a pill far worse than the cure. So that's the reason for my opposition here. Another reason is the fact that we are taking away some volition on the part of parents. I don't want to overemphasize that because I also recognize that that's not the most egregious problem with this bill. But it is this perception that we create that if we pass this law, then kids are going to stay in school until they're 18. That's not going to happen. Nothing is going to change. We're simply getting rid of the part about the note from the parent. There are...I think I'll stop there and I'll yield the remainder of my time

Floor Debate  
February 22, 2012

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to Senator Council. [LB996]

PRESIDENT SHEEHY: Senator Council, you're yielded 1 minute. [LB996]

SENATOR COUNCIL: Thank you very much, Senator Fulton. And I want to use the time that Senator Fulton has granted me to again read from one of the reports on the proposal to increase the compulsory attendance age, and that's the top five reasons dropouts identify as major issues for leaving school. Forty-seven percent say they leave school early because classes were not interesting; 43 percent say they leave school because they missed too many days and could not catch up; 42 percent said they spent time with people who were not interested in school; 38 percent had too much freedom and not enough rules in their life; and 35 percent said they left school because they were failing in school. Again, if you look at the reasons why students are dropping out, according to this data, and look at what LB996, and don't...and please, I support... [LB996]

PRESIDENT SHEEHY: Time, Senator. [LB996]

SENATOR COUNCIL: Thank you. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Council. Thank you, Senator Fulton. Senator Harms. [LB996]

SENATOR HARMS: Thank you, Mr. President and colleagues. I wanted to weigh in on this just for one more time. Do we realize that as we now begin to look at what our job market is like and where the world is going, that a high school diploma is not the minimum requirement that we have for the future? Think about these kids that are dropping out of school. They have no hope, they will have no opportunity to get into the job market. In order to be successful today, you're going to have to have advanced training; you're going to have to have either a diploma or a special certification or an associate's degree or a bachelor's degree. You will not be able to compete in this world. And what we're saying to our kids, that we really don't care about where you are here, you can go ahead and drop out, I don't think that's right at all. A study that was done, a survey, and it may be the same thing that Senator Council was quoting from, did a study in regard to why students dropped out. And one of the points that they brought forth was that no one has any high expectations for them. Their parents didn't; the schools didn't. They had too much free time; they hung out with all the kids that were ready to drop out of school. That kind of apathy created the opportunity for them to actually not care. I happen to believe very strongly that this is an opportunity for us as senators to say we have better expectations of the kids that live in this great state; that we're going to make an effort to keep them in our school system and provide them the option. You see what they're saying to us today is, when you talk with some of these kids, if somebody would have sat down and had some conversation with me, or a certain kind of support

Floor Debate  
February 22, 2012

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services to have me better understand where I was headed and where I was going; we're not doing that today. We just write these kids off. And I don't think that's right. I think we ought to do everything we can to keep them in school because the very thing that Senator Ashford over there has been talking to us about is where these kids end up. They end up in jail; they end up in prison; they're in crime. You'll find very few young high school students who drop out of school today that will go on and be very successful in the world of work without that advanced education. It's humanly going to be impossible for us. And so I hope that you'll look at this, colleagues, as this is just a beginning. I think we ought to come back next year or future legislation and start to address the issue in our school systems to look at the kinds of things we need to do to keep kids in school. What kind of supportive services do we need to have? How early do you start to intervene with kids? We see the signs in grade school. And you know what? A lot of it is based on parents. The family circle has broken down, colleagues. And many times parents both have to work. They don't know for sure what is happening with their family and their children. So what I'm saying to you, I hope that you'll give this thought. I think this is a good start. I think Senator Wightman has designed a good bill. But I don't think it's where we want to finish in the future. I think we come back and address the issue of why kids are dropping out and how we can prevent that dropout. I see too many students, young people in rural Nebraska dropping out. And do you know where they end up later, colleagues? They end up about two years later, or three years later, after they get bumped around in the job market, and come back and get into the GED program. In fact, Western Nebraska Community College, last year, told me they were the highest graduating high school in western Nebraska because all these kids who had dropped out came back and decided they had to get their GED. They had to have some other type of education. We're not providing any creativity here for them or giving them a direction or a pathway to follow. [LB996]

PRESIDENT SHEEHY: One minute. [LB996]

SENATOR HARMS: Thank you, Mr. President. I would urge you to give this great thought. I think this is just the beginning. And I come back to the same statement I made earlier is that I think we have to ask our State Department of Education to weigh into this. Way too many kids are leaving school. Way too many students are dropping out and they don't have any opportunity and they're not going to have any future. So what are our options? Are we going to deal with them as juveniles, put them in the court system? Or are we going to try and make every attempt to give them opportunities, look at alternative schools, look at other ways that we can give these kids some type of help? Because there's no hope for them, and long term there's no hope for Nebraska if we allow this to happen. Thank you, Mr. President. [LB996]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Dubas. [LB996]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. I

Floor Debate  
February 22, 2012

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struggle mightily with this discussion that we're having this morning because I think it's one of those very rare instances where everything that's been said is right. Each point that has been made is valid. And I do firmly believe that everybody on this floor this morning wants our kids to stay in school, wants them to be successful, wants them to move on to bigger and better and a bright future. But as always, the devil is in the details and how do we make that happen. And I've had some good conversations with teachers and administrators over the last couple of days, and I am very touched and very encouraged by the conversations that I've had with these people, and they've told me how hard they work to keep these kids in school and to provide opportunities for them so that they'll feel successful and they'll feel like there's a reason why they are there and what a diploma...even at the high school level, that diploma doesn't open a whole lot of doors, but it does take them down a path to more opportunities to have that bright future. And I have been touched again by these teachers and administrators who have shared the real sense of loss and sadness that they feel when a student leaves their school. They didn't say this, but I felt like they feel a personal responsibility, a sense that somehow they just didn't do quite enough, even though I know these people and I know they've gone above and beyond the call of duty to try to keep these kids in school. I think a part of the discussion that's been touched on a little bit this morning and that I would like to explore a little bit more is the parental involvement in this decision. And if Senator Council would yield to a question I would have a couple for her. Senator Council. [LB996]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Senator Mello, would you yield to a question? [LB996]

SENATOR DUBAS: Senator Council. [LB996]

SENATOR LANGEMEIER: Senator Council, would you yield? Thank you. [LB996]

SENATOR COUNCIL: I apologize. [LB996]

SENATOR DUBAS: That's fine, I see you're involved in a serious conversation, I'm sure. But you talked about during the hearing you asked the question of are these letters actually being signed and notarized and what is happening with them, and you didn't feel like you got much of a response. How far did you go in probing that question and really what was the reaction? [LB996]

SENATOR COUNCIL: Well, I specifically asked whether the Department of Education kept data on the number of students who dropped out with a signed statement from their parents. And that data is not kept, so they could provide no response to that. I asked one of the administrators, I believe it was the administrator from Lexington, whether he had data on the number of students in Lexington who left school at 16 with a

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Floor Debate  
February 22, 2012

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statement from their parent. And he couldn't provide it. And, in fact, the general response to that was, well, they're 16 and they know they don't have to be in school. But I think that that's because they were relying on the old compulsory education law which was 16, and you reached age 16 and you could leave. And I think many of our administrators still operate on that basis that, you know, the kid is 16, there's nothing we can do about it, and they don't make an effort, you know, an aggressive effort to keep those kids in school. [LB996]

SENATOR DUBAS: So, are you feeling then like maybe they don't understand that there's this requirement in law that they have this letter? Or they're just feeling like this is what is happening, there's not anything else we can do about it, so we'll let it go? [LB996]

SENATOR COUNCIL: Yeah, I think it's probably more of the latter with... [LB996]

SENATOR LANGEMEIER: One minute. [LB996]

SENATOR COUNCIL: ...these are kids who have decided that they don't want to be in school; they've reached age 16; you know, we're not going to put forth a lot of effort to try to keep them in school. I didn't hear anybody say, well, we go out and try to get a notarized statement from the parents. [LB996]

SENATOR DUBAS: All right, thank you, Senator Council, very much. I think Senator Sullivan talked about the importance of this being a family decision and I couldn't agree with that more. So I am a little bit distressed by hearing that maybe we aren't following the law, as Senator Fulton said, to the degree, because I think that was put in there for that very reason: to make sure that those families come into the school and they have to understand the decision that they're making. And maybe they don't fully understand all of the alternatives that might be available. I know our schools are putting alternative schools in place and working with these students to help them. I think the university has some programs, ways to get their GED. And so if we aren't following the law to the letter it was intended... [LB996]

SENATOR LANGEMEIER: Time. [LB996]

SENATOR DUBAS: ...we're missing some opportunities. Thank you. [LB996]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Those still wishing to speak, we have Senator Ashford, Gloor, Pahls, Krist, Price, Council, Karpisek, Wallman, and many others. Senator Ashford, you're recognized. [LB996]

SENATOR ASHFORD: Thank you, Mr. President. I stand in firm support of LB996, and I appreciate Senator Wightman bringing this bill. This is a time, members, it seems to me

Floor Debate  
February 22, 2012

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for big ideas. We're talking about things that aren't working. We're talking about little things that education doesn't do very well, and that therefore parents ought to have the total discretion when it comes to keeping kids in school after age 16, or even to some degree prior to 16, when it comes to the truancy issue. It seems to me, and I've listened to the debates in the presidential campaign as well, and it seems to me that what we're getting is education is really kind of bad. It's not doing its job; it's not preparing young people for the global community, and that Senator Harms is absolutely right in talking about that. But I think this issue, I think, should center on big ideas, not myopic sort of obstacles, but big ideas. And the big idea is to find alternative pathways for young people so they will stay in school and get a job. And I think Senator Gloor is going to talk about the Grand Island example, both in the area of truancy and the area of career academies, so I'm going to leave it to him to talk about that. But as usual, Grand Island is ahead of the curve on these issues. It's time for big ideas and choices. It's not time to think about, gosh, you know, parents ought to have full discretion when it comes to education because education really isn't doing that great a job. My goodness, folks, we have given parents a multitude of options: private school, homeschooling, public schools. All we're asking is that you encourage your children to go to school. And we provide in our state college system, in our universities, some of the best teacher colleges in the United States. We need to think about big ideas. In Omaha, this Legislature, years ago, put money into the renovation of the Omaha Civic Auditorium. The Omaha Civic Auditorium is sort of on the bubble and it looks as if it might get torn down. No. The Omaha Civic Auditorium needs to be a career academy for a thousand young people to attend so that they could learn jobs that will get them \$83,000 or \$85,000 a year at Union Pacific Railroad in welding or mechanical contracting or engineering, or other fields, carpentry, automotive. We can do this, members. But if we don't vote for this bill, we are, in my view, we are drawing a line and saying we can't do it. That's wrong. That's not good thinking. That's not the Nebraska way. The Nebraska way is to find a pathway for these children; not to give up. Parents do need choices and we need to involve them in the decision-making process. We give them choices, but we need to give them more choices. And as Senator Gloor I think will talk about, Grand Island has found a pathway. I think Senator Pahls and Senator Seiler are absolutely correct in their analysis of this, and Senator Adams as well. This is the kind of bill that sets the course for our state. We must not say no to Senator Wightman's bill. We must say yes and we must strive to provide pathways for our children, whether it's the Civic Auditorium in Omaha or the property in Grand Island or some of the innovative things that are going on in Wahoo or wherever it is in this state. And in Senator Harms...and the community colleges. We've worked so hard on the community colleges... [LB996]

SENATOR LANGEMEIER: One minute. [LB996]

SENATOR ASHFORD: Thank you...on the community colleges, and we need to connect them, even though they are connected today, beyond just GEDs. We need to connect them with 15-year-olds and 16-year-olds and 17-year-olds with the community

Floor Debate  
February 22, 2012

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colleges so that the jobs that are coming...we vote for tax incentives every day, and that's fine; that's fine, members. But if we're going to vote for tax incentives, let's employ our Nebraska children and young adults in those jobs. Voting no is saying no to the future. Voting no is saying no to the future in my view. Thank you, Mr. President.  
[LB996]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Gloor, you're recognized. [LB996]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. Serendipitous that I should be following Senator Ashford and I had asked if I could ask him some questions. I don't need to. But I do want you folks to understand why I am strongly in support of LB996 and it has to do with those things that I've experienced that tell me this is the right thing to do, and to echo Senator Ashford, to not say this is going to be the case is to give up and say we don't know what to do with these kids when they hit age 16 but we're not going to force them to stay in school. And that's wrong and that's giving up. We have another law, and by the way, this will speak to an appropriate point that's been brought up by Senator Heidemann and others, and that is that there's going to be a perceived, or built into this is a perceived thought that this is going to make a difference. And maybe it speaks to Senator Fulton's comments about not having the documentation, the notarized documentation. But we have another law in the state and this law says the children must have their immunizations up-to-date, have health screenings or a physical, for them to be able to be enrolled in school, and they can't be enrolled in school until we have that degree of assurance. So what happens with those kids? Our law would say they're sent away from school, and then pressure is exerted on them, as a result of truancy, to get those kids back in school until they hit the age of 16. And at age 16, if one of those kids moves into this state, tries to enroll in school, can't get their immunizations, don't have their immunizations, are sent away, they don't have to come back. And, in fact, a lot of them do not come back, to the extent that in Grand Island my former institution was approached and asked to put together a school-based clinic. And one of the focuses of that school-based clinic was to make sure that as those kids are enrolling, if they don't have that screening, if they don't have that immunization, they can then go down to that clinic and get up-to-date, be enrolled, and stay in school. And I thought that made a lot of sense, but I asked the question of school administration and teachers and law enforcement and the county attorney's office: Will this really make a difference? And the response was, what do you think happens to those 16-year-olds when they don't have their shots and don't have to go back to school? They don't come back. And then we pick them up on the streets, or they get involved in the gangs that are out there--we know that and that's a concern of ours--for want of simple health checkups or simple immunizations. But getting those kids back in school improves those chances for success. And I trust the judgment of the system that tells me it's important to keep those 16-, 17-, 18-year-olds in school. It's one of the reasons that that's in existence in the Grand Island education community. And the truancy courts that

Floor Debate  
February 22, 2012

---

has been talked about, and hopefully is being replicated more and more across the state, also put together in that same initiative, and the Career Academy which addresses the issue of...well, I don't find any of the course work interesting. Well, the transition from being a school child to being a young adult with career focus is part and parcel of that. With a collaboration with local employers, with a collaboration with the community college, you can get these kids interested and engaged, but you have to push the envelope a little bit. You can't sit back and say if we're going to force them to stay in school at age 16 and they're not going to be happy campers, well, then there are other things that have to happen. There are other things that have to happen, and schools should be moving in that direction. And community colleges and communities and county attorney offices and other community organizations ought to take an interest in this. Don't give up. Don't give up. This is one piece of the puzzle and I think it's an important piece of the puzzle, and my experiences show me that it can be done. [LB996]

SENATOR LANGEMEIER: One minute. [LB996]

SENATOR GLOOR: Thank you, Mr. President. It can be done with a little extra effort. This is part of that puzzle, and I urge your advancement of LB996. Thank you. [LB996]

SENATOR LANGEMEIER: Thank you, Senator Gloor. Senator Pahls, you're recognized. [LB996]

SENATOR PAHLS: Thank you, Mr. President, members of the body. Again what you said really drove home a point. It seems like I'm really sort of tailing in on some of the information you've been giving us. See, apparently there are schools who are doing things out there that we don't know. So I'm going to get on the administrators and the teacher organizations, if you have some good models out there, you should be talking about it, because by listening to the senators on the floor, we apparently don't know all the good things that are happening out there. Now if you're going to keep a 16-, 17-, 18-year-old in school, and you're going to do the traditional way, probably not going to be very successful. So we're looking at different types of programs. And I've been told, the example by Senator Gloor, they are doing something in Grand Island. I wonder if this is not happening throughout the state and we don't know it. Because I've talked to...like I say, Larry Johnson, and he's very involved in this and he's telling me what the Trucking Association is doing in the area of logistics throughout the state, in the Omaha school system, and I just found out even in the Millard school system, because earlier I made a comment there's a school called the Horizon School, which is a secondary school, and they deal with logistics, a nursing area, and also culinary arts. They're approaching it a little bit differently. And I'm wondering if that's not happening throughout the state and we don't know that. And for those schools that it is not happening, then tie into a business or your business partners in the town or city you're from, and I don't mean to buy doughnuts and things like that; I mean to really get

Floor Debate  
February 22, 2012

---

involved in the schools. And the community colleges, we have those top-rated in the state. I think, as Senator Ashford said, I think we have to think a little bigger than what we have been doing, or it's happening and we do not know that. I just...this morning I found out something from the school system that I was associated with eight years ago, because I said, okay, tell me something you're doing differently. And I didn't realize this, they say...and I have a thumbnail sketch of this program, so I can't go into too much detail, but they say now they have what they call in that district, which is a large district, they have an ombudsman program, and what they do is they take and they track down the dropouts and they work with them. Those students who have high loss of school days, they deal with those, and those students who are expelled. They saw the need and they went to find the solution to it. I'm wondering if that's not happening in other districts. I will admit that I was a little disappointed earlier when Senator Council said that she asked a superintendent a question and they could not give the answer. And the only thing I would say, sometimes we need to dig down a little deeper to the people who are actually touching base on some of those areas; they may have more knowledge of that than the actual superintendent because of the roles that they play. So I think we have...it's out there. We just have to make all the connections. And one thing, getting back to parents rights, I don't think that unless you've worked in the school system, you realize the majority of parents know their rights and they talk to us and we have meetings on a regular basis. You just do not dismiss things by I don't like this kid or I'm having trouble with this kid. There are procedures set in place in all districts, how they approach issues, and it's not just the administrator... [LB996]

SENATOR LANGEMEIER: One minute. [LB996]

SENATOR PAHLS: ...or the teacher who makes the decision. There is a group of educators who are involved in that. So again, I support the underlying concept of the bill is to actually make this a better place for children in the area of education. Thank you. [LB996]

SENATOR LANGEMEIER: Thank you, Senator Pahls. Senator Krist, you're recognized. [LB996]

SENATOR KRIST: Good morning, Nebraska and colleagues. I wanted to speak just very clearly and definitively on LB996, and then I have another issue I'd like to bring up. I am in support of LB996 because I think it is one of the legs of the stool that we need, as it's been described to me by Senator Seiler who prioritized this bill. It moves this along in a direction. I was appalled as a young man to know that Technical High School was being closed in the Omaha Public Schools system and that we were trying to press all of our students towards college educations, because not all kids are destined to be lawyers and doctors and state senators. Some of them are wonderful in the trade industry. And that technical education or that other option needs to be there, and I think this helps in that effort. But I have a moment this morning to talk to you about something

Floor Debate  
February 22, 2012

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that I think you should be just a little upset with. If you saw the news, you see that KVC is no longer a contractor, beginning the first of March. You see once again something that many of you have heard me say over and over and over again, that we get ourselves into these contractual arrangements with no financial oversight and no management oversight. The bills that came out of HHS in response to LR37, I believe we need to have more resolve, not less, to make sure that every one of those bills is passed and discusses the areas where we need to have more management and financial oversight. And if anything should cause you pause this morning, it would be this: Once again, without consulting with the Health and Human Services Committee, without actually consulting with the Appropriations Committee, the department has decided to do something unilaterally and move money out of the Medicaid fund to put it in 347 and fund the program. Well, guess what? We appropriate, they execute. Before they even asked the question, before they even went to Appropriations and wanted to move the money, before we even had a tracking system to make sure that that money was going to be spent in the right way, before we even looked at the unintended consequences of, once again, foster kids being dealt with in another system by another person, whether it's state or not, they have moved forward in that direction without consulting this body. You know, that would be one thing to say if this were August and we were at home, but this is not. We're in session, and they're moving money around, or proposing to move money around, to solve a problem without consulting with us. If this body, if this 49 does not take resolve from that action and follow through with the things that need to be done in the foster care family service area, shame on us. Shame on us. I made a commitment to myself on the mike this year that I would realize I was talking to all Nebraska and say, good morning, Nebraska, because Senator Carlson told me of a situation that he encountered early in his career, and not to stand up here and rant and rave and lecture--but I'm mad. I am upset that once again we do not know the direction, we have not been consulted, and appropriations are being moved as though this is just going to be something we're going to do. There is, right now, an unfunded requirement on the books for somewhere between \$9 million and \$12 million, and they can't specifically say where that money is coming from or where it is going to go to. In all my time on Health and Human Services, I have asked, what is the cost? And every time, they said, stand by, we're fixing it; we're getting better; we're going to fund this; we're going to get it. Listen to me and listen to me now. [LB996 LR37]

SENATOR LANGEMEIER: One minute. [LB996]

SENATOR KRIST: This has to stop. The bleeding has to stop and we need to have more financial and management oversight. Once again, I've taken my point and I've made it, I hope. LB996 is good. Thank you for bringing it forward. But take resolve from the fact that what's happening in family services and child welfare should cause us to take pause and make sure our oversight responsibilities are back in place. Thank you, Mr. President. [LB996]

Floor Debate  
February 22, 2012

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SENATOR LANGEMEIER: Thank you, Senator Krist. Senator Price, you're recognized. [LB996]

SENATOR PRICE: Thank you, Mr. President and members. Good morning, yet. So yesterday I got up and I spoke on LB996, and I shared with you my concerns. And the rest of yesterday and this morning we've heard a lot of impassioned conversation on both sides. We've heard that all the senators are trying to do and want what is best for the children of Nebraska. That's without a doubt. I don't think anybody could argue that. But I have a question. I'd like to take the conversation back to the bill directly. And now I've got before me the fiscal note and I'm somewhat perplexed that we have a fiscal note that says there will be zero cost--zero cost. Thousands of students are out of the system and we're funding the system the same way? I thought we funded the system with the number of participants being part of the formula, the state aid formula. We have an admission that there are thousands of students who aren't in the system and if we add them back to the system they won't cost anything. Do we continue to fund a system for people who aren't there? If you did that in your private business you would not do it for very long. So the question is, are we funding for children who aren't in school and that is why, if they stay in school, there is zero cost? I see on the fiscal note it says it only represents .006 percent. And I'm mindful of the story of the gentleman walking down the beach throwing starfish into the ocean, and someone said, what are you trying to do? And he said, I'm trying to save the starfish. And he said, you'll never save the starfish; there are millions of them and it doesn't matter. And he said, it did to that one. It matters to the .006 what we do. But I, again, I'm concerned that it says zero dollars. And then it says in the last line, "However, increases in student membership may result in changes in state aid for school districts." So let's expound upon that "may." What is a "may" that will be a driver in the cost of education? Is it because now if there is a different formulary, a different multiplier for children to go to alternative schools? If we had vocational schools, and as Senator Krist knows and has said, that would be awesome; we would actually have a place where people could go to school. The concern is there is no way on God's green earth that this costs nothing. And I hesitate, but honestly, we only see...Senator Council and others have talked about we only see a small number of individuals who have actually applied, who have dropped out; the Department of Education thinks they have an understanding on the magnitude of this. But if we have listened to what we have said, and we think to all of our districts, and we think of all the schools and the challenges, I'm believing the numbers are going to be more than 1,900 students that are going to be affected by this. Does every school district have an alternative school? Are they sized appropriately to deal with the growth that you'll have here? That's a question. And if they do, the question that comes to mind is...I don't see it reflected here well, and again I am concerned about that we're saying there is no cost. And how can there be no cost? [LB996]

SPEAKER FLOOD PRESIDING

Floor Debate  
February 22, 2012

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SPEAKER FLOOD: One minute. [LB996]

SENATOR PRICE: Thank you. I'd also like to bring up...everybody is touting things that they're doing in their districts. Senator Pahls brought up about things in Millard; Senator Gloor has talked about Grand Island. I know down in Papillion at the Midlands Hospital they have a program for students who want to excel and get in the medical program. That's great. But we're not necessarily talking about those students. Those are driven students who want to do things. We're talking about students who don't want to or are in a home that have a culture that doesn't support it. So again, I'm concerned about that. And I'm concerned that we always say, in education it seems, the only choice you have from the moment you enter kindergarten, it's college, yet 80 percent of the people don't work in their degreed fields. We have people who get degrees in programs and then they're unemployed because no one hires people who have degrees in dead language poetry. So again, I'd like to hear some conversation on how we're paying for thousands of students that doesn't cost us anything. [LB996]

SPEAKER FLOOD: Time, Senator. [LB996]

SENATOR PRICE: Thank you. [LB996]

SPEAKER FLOOD: Thank you, Senator Price. (Visitors introduced.) Continuing discussion on LB996, Senator Council, you are recognized. [LB996]

SENATOR COUNCIL: Thank you again, Mr. President. Again, I first want to make it clear, I firmly believe that children should be in school and they should stay in school until they graduate. I don't want any doubt about that. I also don't want my vote against advancement of this bill to be construed as support of unfettered parental control to remove their children from school. That's not the reason I didn't vote to advance the bill. The reason I didn't vote to advance the bill is because the bill does not get to the root issue that was clearly identified to me during the hearing on this matter, and that is that people generally are operating under the old compulsory education law. And prior to 2005, children could leave school at age 16 without any parental involvement at all. In 2005, we raised the compulsory education age. It is 18. But it provided an exception. And that exception, I think in all honesty, was designed to go along with what best practices were suggesting to the state, but it didn't go far enough. Again, allow me to read to you what model legislation and best practice model legislation suggests: The elements of a more comprehensive legislative approach to reducing and eliminating dropouts is (1) increase the compulsory age to 18, which we have done; (2) exceptions with teeth, and this is where we failed, colleagues. Because the only exception we put into the law was that the parent needed to sign a notarized statement to allow a child to withdraw--that was it. But if you look at what other states did and their model legislation, an exception with teeth includes express permission from the parent and express permission from school authorities; and, in fact, dictates that before a child can withdraw

Floor Debate  
February 22, 2012

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from school at age 16, both of those forces must be combined. So what does it require? It requires school officials to sit down with these children and their parents to discuss what the issues are that are keeping those children from attending school or believing that they should continue in school, and does not allow the child to withdraw from school unless both the school administrator and the parent sign a consent and that the consent can only be signed if there are express conditions that affect that child's desire or ability to remain in school. Unless all of those forces converge, that child is required to stay in school until age 18. That's where our bill fell short, the bill that is now the underlying statute. I have discussed with Senator Wightman and I have provided him a copy of a provision taken from Indiana law which doesn't remove the parental consent to withdraw provision, but it provides the kind of teeth that the experts have said need to be included in such exceptions. Remember, it's not a three-legged stool, it's a four-legged stool. It is: compulsory school age 18; exception with teeth, and those teeth must be the involvement of school authorities and the parent; alternative schooling options for students needing extra help; and addressing those 49 percent of students who say we drop out because school isn't interesting to us,... [LB996]

SPEAKER FLOOD: One minute. [LB996]

SENATOR COUNCIL: ...so we need to be prepared to support Senator Ashford's bill for career academy schools; and number four, sanctions or penalties for failing to attend class. So the only part of this four-legged stool that we're missing right now is the involvement of school authorities in a parental decision to withdraw their child from school after reaching age 16. And again, I commit to you, read the transcript of the hearing on this bill. These kids aren't dropping out at 16 because their parents are signing consent forms; they're dropping out at 16 because the schools have allowed them to leave at age 16. The amendment that I'm discussing with Senator Wightman says: No, schools; you have to be actively involved with the parent and the student before any opportunity to withdraw from school before reaching age 18. I am hopeful... [LB996]

SPEAKER FLOOD: Time, Senator. [LB996]

SENATOR COUNCIL: Thank you. [LB996]

SPEAKER FLOOD: Thank you, Senator Council. Senator Karpisek, you are recognized. [LB996]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I just quickly rise again to talk a little bit about why I oppose this bill. I've thought about a student that has been bumped ahead a grade or two, and if they graduate at 16--now I realize that's not what we're talking about in the bill--but if they graduate at 16, or even 15, or whenever some of these brilliant kids graduate and go off to college or do

Floor Debate  
February 22, 2012

---

whatever they do, well, all right, what's the difference there? They're smart enough so they can leave school then? My other point is still the homeschooling. If everyone just says they're homeschooling their children, there's no tests. I don't know and maybe I'm wrong, if the state checks on any of that to make sure that that's really happening. I don't know. But during this debate I got an e-mail from a young lady that was being bullied in school. She had good grades, didn't like school, was being bullied. And we've talked about bullying I don't know how many times on this floor. Her parents let her drop out of school. She enrolled in community college, and then went on to Wesleyan and graduated, and is now going to try to go to Kansas to get her master's degree. There are certain situations that kids should be able to leave school. Again, I don't think that anyone should be able to, just on a whim, but there are situations. What is happening if you're being bullied? You have good grades but you absolutely can't stand it there; you're scared; you don't want to go to school--and you can get your GED. Could I have Senator Howard yield to a question, please? [LB996]

SPEAKER FLOOD: Senator Howard, would you yield to a question from Senator Karpisek? [LB996]

SENATOR HOWARD: Yes. So coincidentally I just had turned on my light. [LB996]

SPEAKER FLOOD: The answer is yes, you may proceed. [LB996]

SENATOR KARPISEK: Senator Howard, I saw you hit your light and you're a big bullying opponent. [LB996]

SENATOR HOWARD: Oh. Oh, I thought you were going to say a big bully out here. No. [LB996]

SENATOR KARPISEK: No, no. [LB996]

SENATOR HOWARD: Opponent, correct. [LB996]

SENATOR KARPISEK: Correct. So I just saw that what I was saying was aggravating you, so you could tell me why? [LB996]

SENATOR HOWARD: Oh, Senator. Senator Karpisek, as much as I appreciate you and all the work you do on your particular committee, I will have to remind you of the bill that I got passed, let me see what year was that, regarding antibullying in schools. And the very purpose of that is to make schools safe for all children so that they are comfortable, and again I use the word safe, in going to school. And there's a...in that bill there are programs, there's training, there's mechanisms for teachers to have resources to deal with this particular problem. There should be no excuse for a child not going to school. If this is happening, everyone in that school system, everyone in that school, everyone in

Floor Debate  
February 22, 2012

---

that classroom, and everyone in that child's family has the responsibility to help that child deal with that problem, not to help that child drop out of school. [LB996]

SENATOR KARPISEK: Okay. Thank you, Senator Howard. And I let her get her time in there. But I'm not as naive to think as no one is being bullied because of your law. I think it's a great law, but obviously that still happens. But my point is, there are still certain circumstances where kids that are 16 don't... [LB996]

SPEAKER FLOOD: One minute. [LB996]

SENATOR KARPISEK: ...shouldn't be forced to go to school. I don't think it's good for them. We're still not saying that they have to graduate. It disrupts the other students, it causes more problems. I think they should stay in, but mandating them to stay until they're 18, to me, just not...it doesn't work. Thank you, Mr. President. [LB996]

SPEAKER FLOOD: Thank you, Senator Karpisek. (Visitors introduced.) Continuing with discussion on LB996, Senator Wallman, you are recognized. [LB996]

SENATOR WALLMAN: Good morning, colleagues, members. I've listened to a lot of debate here. I was going to call the question, but I thought I'd plug in here. I actually had the school board a long time. There's a couple boys that dropped out, a sophomore in high school. Part of it I always felt was the counselor's fault. And I think we need more counselors in our school to watch out what curriculum is there, to advise young boys and girls what they should be taking. So that's an administrative issue. The 16 to 18 issue, that's...are we going to put that in law? Do we want to...we already have something...somewhat of that. So is this necessary? I don't know. Not for me. So I would urge more debate on this, I guess, and I hope it would wrap up pretty soon. Thank you, Mr. President. [LB996]

SPEAKER FLOOD: Thank you, Senator Wallman. Senator Christensen. [LB996]

SENATOR CHRISTENSEN: Thank you, Mr. President. I'd like people to think here a minute about is this really about handling the truancy or is it really about keeping kids in school? Think about how you're going to keep kids in school. We've got to be able to teach to the interest. These kids are leaving because they're uninterested; they're not engaged because they don't think it matters; it's not down their interest level. That's why we have alternative schools; that's why the program has got to be what the draw or how to draw these kids' interest. They will stay voluntarily. We can eliminate the truancy if we draw the kids' interest. But remember what we've done on this floor and from the federal government with all the mandates that schools have to do. We have boxed everybody in to a narrow thinking and a narrow direction they have to go. We are to blame, right here and Washington, because these kids are absent on truancy and kids are leaving school early because we've mandated it to such a narrow area and focus that the kids that

Floor Debate  
February 22, 2012

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don't want to be the intellects are being pushed out. We've got to get to their interest level. If we were teaching to their interest level, and there's certain teachers do a great job. I can think of a kid in a neighboring school, when I was in school in the '70s, that was going to drop out, but a teacher come beside him, started having him do book reports and different things on areas of his interest, and turned him around. He farmed for a few years, then he went back to school, got a pilot's license and he was a pilot. Why this kid didn't drop out is because a teacher wrapped her arms around this young man, taught to his interest level, and forgot the forced curriculum that the schools do that we mandate, that the federal government mandates. If we really want to deal with this issue, kids dropping out and the truancy deal, we would do it by interest level and their areas that they want to learn in. You've heard the old adage, you can lead a horse to water but you can't make him drink. The same thing applies to education. You can force the kid to stay in school but you can't make him learn. So are we going to continue down the roads of mandating what we want kids to form into so we have kids that don't want to go to school, they want to drop out early, or are we going to turn it around and start going to teach the kids that have interest levels in other areas. Reach out to them and educate them and we won't be talking about this issue. We won't be talking about the truancy bill that's coming if we change our approach on what we're doing. Mr. President, can I yield my time to Senator Hadley? [LB996]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Senator Hadley, 1 minute. [LB996]

SENATOR HADLEY: Thank you, Mr. President and members of the body. I'll just stand up real quickly. What does the research show? Lifetime earnings by education level: male white, male black, male Hispanic, male other, female white, female black, female Hispanic, female other--almost double the income level by finishing high school. One of the studies showed a 12 percent increase in average earnings in a lifetime by attending one more year of high school. Why don't we look at what the research is showing. Are some of our problems now in the state caused by dropouts? What is the economic impact of these dropouts? Medicaid, welfare, those kinds of things. Look at what the research shows about requiring students to stay in school. If you look at the research, you'll vote for LB996. Thank you, Mr. President. [LB996]

SENATOR LANGEMEIER: Thank you, Senator Hadley and Senator Christensen. Senator Mello, you're recognized. [LB996]

SENATOR MELLO: Question. [LB996]

SENATOR LANGEMEIER: The question has been called. Do I see five hands? I do see five hands. The question before the body is, shall debate cease on LB996? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record,

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

Floor Debate  
February 22, 2012

---

Mr. Clerk. [LB996]

CLERK: 32 ayes, 2 nays to cease debate, Mr. President. [LB996]

SENATOR LANGEMEIER: Debate does cease. Senator Wightman, you are recognized to close on LB996. [LB996]

SENATOR WIGHTMAN: Thank you, Mr. President. Members of the body, we've had a long and I think a good debate here today. Before I get too far into my final closing I do want to allow Senator Council part of my time. She has brought to us a proposal, an amendment, a proposed amendment I might say, to the bill as we have it now. We are willing to sit down with Senator Council and work toward something that will approximate this amendment. I think it needs some fine-tuning and I certainly want to include some of those people who have been here with their support, so, but at the same time we're realistic. And certainly there have been great arguments made on both sides of the issue. I don't think...I'm not suggesting there is anybody here that isn't wanting to see children educated to the furthest degree that they can be educated while they remain in high school, and I think that is what our whole discussion has been about here. So I want to make just one statement that I had that I want to suggest to you, and that is that we have in our law office someone who came here, a minority, and was ready to drop out of school. Whether he would have or not I don't know, but he had a meeting with the principal who served as a counselor in that case, and the counselor told him he had great promise; that he thought he could go much further and he was selling himself short. And, in short, this associate that we have in our law office went to undergraduate, went to law school and is now a practicing member, and a good lawyer I might add. So, I think there are many instances where if these students between 16 and 18 would all of a sudden realize that perhaps their interests are best served by continuing their education. But I know that...and there are very relative points that have been brought up here. And so we are willing to work with Senator Council between now and Select. I agree with a lot of what she says in here and see if we can't come up with a bill that would maybe leave the exception but with a lot of modifications on it. And with that I would yield the rest of my time to Senator Council. [LB996]

SENATOR LANGEMEIER: Senator Council, 2 minutes. [LB996]

SENATOR COUNCIL: Yes, thank you, Mr. President. Thank you, Senator Wightman. And Senator Wightman, I appreciate your openness and your willingness to consider the proposal that is reflected in the amendment and a recognition that we all are seeking the same objective and that is to keep these young people in school. And the scenario you just described with the young person in your office is what I believe the amendment will take us light years towards seeing occur in all cases where we've got 16- and 17-year-olds who are thinking about discontinuing their education before receiving their high school diploma; that there's an opportunity for that conversation to

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

Floor Debate  
February 22, 2012

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occur with a parent present, with the principal present, and a counselor, or whoever is engaged in the dropout prevention programs in the school to... [LB996]

SENATOR LANGEMEIER: One minute. [LB996]

SENATOR COUNCIL: ...get those young people to see that there are expectations for them and there are alternative educational opportunities for them. And I know that is your concern. And so with the understanding that Senator Wightman and I have reached, I would urge my colleagues to vote to advance LB996 with the understanding that there will be an amendment on Select File that will address tightening up the exception to the point that it really benefits the young people we all want to serve. Thank you. [LB996]

SENATOR LANGEMEIER: Thank you, Senator Council and Senator Wightman. You have heard the closing on LB996. The question before the body is, shall LB996 advance? Senator Wightman, for what purpose do you rise? [LB996]

SENATOR WIGHTMAN: I would ask for a call of the house. [LB996]

SENATOR LANGEMEIER: There's been a request to put the house under call. [LB996]

SENATOR WIGHTMAN: And a roll call vote. [LB996]

SENATOR LANGEMEIER: Thank you, Senator Wightman. There's been a request to put the house under call. All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB996]

CLERK: 42 ayes, 0 nays, Mr. President, to place the house under call. [LB996]

SENATOR LANGEMEIER: The house is under call. Senators, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Lautenbaugh, would you please check in? Senator Avery, Senator Cornett, would you please check in? All members are present and accounted for. There has been a request for a roll call vote. The question is, shall LB996 advance to E&R Initial? Mr. Clerk, please call the roll. [LB996]

CLERK: (Roll call vote taken, Legislative Journal pages 605-606.) 29 ayes, 17 nays, Mr. President, on the advancement. [LB996]

SENATOR LANGEMEIER: LB996 does advance. With that we raise the call. Mr. Clerk, next item on the agenda, LR358CA. [LB996]

CLERK: Mr. President, LR358CA is a resolution originally introduced by Senator

Floor Debate  
February 22, 2012

---

Carlson and other members. It proposes an amendment to Article III, Section 12 of the Nebraska Constitution. The resolution was introduced on January 4 of this year, at that time referred to the Executive Board. The resolution was advanced to General File. I do have amendments pending, Mr. President. [LR358CA]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Carlson, you are recognized to open on LR358CA. [LR358CA]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I'm introducing my priority legislation for this session, LR358CA. This resolution would increase our present term limits from two four-year terms to three four-year terms. I want to thank the Executive Committee for advancing the bill for floor debate. Now our present term limits came about by a ballot initiative in the election of the year 2000. 2005 was really the first time that we were affected in this body by term limits. And my figures may not be entirely correct, but I'm going to give you those because it creates an example. Nine people came in, in 2005, the session of 2005; 23 came in, in the session of 2007; 17 in 2009; and 7 in 2011. Now you add all those up and it's 56, so that's more than 49, but it's simply showing the turnover of term limits plus other turnover in that period of time. Now previous resolutions were brought to the Executive Board in 2003, 2004, 2005, and 2009 to change term limits before they even took effect. And I think the three bills that were brought in 2003, 2004, and 2005 were unfortunate, because nothing of term limits had been observed. I would say they jumped the gun. But I don't think that we're jumping the gun now. Let me be very clear: I support term limits. I think the concept is good for Nebraska. The critical question is whether two terms or three terms better serves the citizens of our state. I want to talk a little bit about my challenges that I found in the first term, and I think many of you can relate to this. I found out very quickly that there is a very steep learning curve serving in the Legislature. We need to understand and learn something about the process. And when I talk about process, I'm talking about civil conduct of the Legislature and how to work with other senators. We need to learn the rules. We need to understand and learn the Constitution of the state of Nebraska. I needed to learn how to conduct myself on a committee and in a committee hearing. I try to understand the issues. I could better understand issues if I had the opportunity to serve on several committees. Two four-year terms really doesn't allow that. If we could serve on more committees, we would have a better grasp of the issues. I needed to learn how and when to speak on the floor. I needed to learn how to construct a bill, how to present and carry a bill, how to attempt to gather support and generate support for a bill, and learn the appropriate time and way to show an interest in leadership positions. These are all parts of the learning curve serving in the Legislature. Now let's talk about what's good about term limits. Term limits bring new energy, bring new ideas, bring new enthusiasm, and it prevents a career in the Legislature. LR358CA doesn't change that. It doesn't lose the values or the benefits of term limits. What are the negatives of term limits of two four-year terms? These are my opinions. I've shared them for three years as I've spoken to groups around the district and around the state

Floor Debate  
February 22, 2012

---

and talked about the need to make this change. I think with our term limits, the executive branch is more powerful and more influential. I respect the Governor. I agree with the Governor most of the time, but I believe that the executive branch has more power under our present circumstances. I think that lobbyists have more power and influence. I like lobbyists. Lobbyists are a good source of information. I'm not against what lobbyists do. But when you come in and have really no knowledge of the issues and very limited knowledge and knowledge of how the Legislature works, and you need information, lobbyists are a good source of information. They have a lot of influence. I think our legislative staffs have more influence with term limits. I was elected to the Legislature, as you were. One of my first responsibilities was to hire two staff members, and I didn't even know what they did but I hired them, and I got good ones. I think political parties have more influence, particularly if they gave anybody money in the campaign. If they gave you money, they want you to listen. And it takes awhile to get to a point where you can sort out how much you should listen and how much you shouldn't. I think present term limits give our senators a little opportunity to take leadership positions in regional or national legislative organizations. Now that's not a big item, but it does lessen the influence that Nebraska has. We don't have enough time to take some of those responsibilities. Term limits cause the loss of experience and the loss of expertise. I don't think this is good for the citizens of the state. Experience is not a bad thing. Expertise gained by experience is not a bad thing. I think also it's appropriate to revisit issues. We don't consider something one time and call that a forever permanent decision. We've had the effects of term limits now for six sessions, and I think we see what's coming in terms of mandatory--mandatory--turnover. I'm convinced the people of Nebraska will be better served by the possibility of three consecutive four-year terms rather than two four-year terms. What will be gained by the possibility of three terms? I think there will be more contested races. Contested races are good. Last election, eight of us ran unopposed. I was happy that I was unopposed. But I think in the whole system we're all better off if we have competition. It's a little easier to make a decision that I'm not going to run this time because he or she only has four more years. But if he or she has eight more years, I had better not wait, I'd better jump in. I think we'll have more contested races. And if we go back to the challenges of the learning curve on term limits, these challenges can be handled and we have more time to really be productive in what we like to do here in the Legislature. I believe very strongly that people should have the opportunity to decide this issue in the 2012 election. Does voting green better serve the people of Nebraska? [LR358CA]

SENATOR LANGEMEIER: One minute. [LR358CA]

SENATOR CARLSON: I believe, yes, it does. I hope we have a good discussion on LR358CA. I'll be happy to enter the discussion and I'm interested in what the rest of you think. Thank you. [LR358CA]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Mr. Clerk, for a motion.

Floor Debate  
February 22, 2012

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[LR358CA]

CLERK: Mr. President, I do have an amendment. Senator Council would move to amend with AM2101 (sic--AM2100). (AM2100, Legislative Journal page 606.)

[LR358CA]

SENATOR LANGEMEIER: Senator Council, you're recognized to open on AM2101 (sic--AM2100). [LR358CA]

SENATOR COUNCIL: Thank you, Mr. President. And AM2101 (sic) is a very simple amendment, and the amendment just repeals the current constitutional amendment imposing term limits. If you listened carefully to Senator Carlson's opening on LR358CA, he actually made the case for AM2101 (sic), and that's because term limits is a bad idea. And every state legislature that has introduced and adopted term limits have realized the error in moving in that direction and are taking steps to either repeal term limits or extend term limits. LR358CA does the latter which is to extend term limits. But if we firmly believe in the principles that were stated in Senator Carlson's opening, we should consider advancing AM2101 (sic). When you look back at some of the states that enacted term limits, it's rather interesting to see some parallels. The state of California was quick to move for term limits in a constitutional amendment imposing term limits and, in the case of the state of California, their term limit legislation was directed at removal of one individual, Senator Willie Brown, an African-American senator who had risen to prominence in the California legislature and had mastered the rules of that Legislature and was considered to be someone who needed to be removed by term limits rather than allowing the constituents in his district to determine who represented them. Sound familiar? There are many who believe that the motivation for term limits in Nebraska was the removal of former Senator Ernie Chambers for precisely the same reasons as Willie Brown. Now, interestingly enough, we adopted, when we adopted the term limit in Nebraska, utilized the same limitations that many of the other states who had enacted term limits, which was two four-year terms. But we did that, apparently ignoring the fact that we are a Unicameral and all of the other legislatures that enacted two four-year terms had two four-year consecutive terms in each of their houses. So in those states a person could serve up to 16 consecutive years before they were term-limited because they could do two consecutive terms in the house and then proceed to two consecutive terms in the senate. But here, we were limited to just two consecutive terms because we are a Unicameral. And when we look at, again, the reasons, or at least the professed reasons for term limits, we talked about incumbent advantage. Interestingly enough...I'm reading to you from an article written by a former member of the California legislature, a conservative member of that body, who has since sent out a directive why conservatives should be against term limits, and he states, and I quote, "I used to argue that elections are never really competitive because incumbents raise lots of money, have big name identification advantage, typically have safe districts whether gerrymandered or not, and get a handsome salary while they are

Floor Debate  
February 22, 2012

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campaigning. Challengers never have a chance. But what has happened under term limits? Because the stakes are so high the existing incumbent or the local political party establishment recruits the successor and forces competition to drop out." So the result is that there are actually fewer competitive primaries than there were before term limits. He also notes that term limits have not produced many senate citizen legislators. "They have made our politics even more polarized. In place of people who are secure and long-serving enough to say no to their 'anchor tenant' backers when the good of the state demands it, we now have people who are worried about their next primary election when they try to move up after one or more terms." And that's the situation when you can go from the house to the senate. But the bottom-line point that has been made by all of those who have recognized, and I commit to you to go and do a Google search of state legislators that are reconsidering their positions they took on term limits. There's a really good article from a Nevada legislator who discusses at great length the error of supporting term limits in that state and what it has done. We don't have to have term limits to have term limits. We can have term limits at any time. All people have to do is vote out the incumbent if they believe that to be in their best interest. But what we have done by term limits is we have dictated to voters who their choice for representative can be. That's not fair. I don't believe it's American to dictate who a voter's choice for representative can be or should be. If a district decides that they want to send the same person back to represent them, the fact that you don't agree with that decision does not warrant your interference by limiting their choices through term limits. I actually and firmly believe that term limits increases voter apathy. If there is a concern about how the incumbent is performing, under term limits you don't have to worry about going out and engaging and campaigning for an opponent; you don't have to worry about going out and casting your vote; all you have to do is wait it out and things will change. I submit to you that rather than extending the current term limits to three consecutive terms, because, believe me, there will be a rationale next year or the year after that to extend it to four consecutive terms or five consecutive terms, that the better course of action to be taken by this body is to repeal and place before the voters of this state a constitutional amendment to repeal term limits. Thank you. [LR358CA]

SENATOR LANGEMEIER: Thank you, Senator Council. Mr. Clerk. [LR358CA]

CLERK: Senator Council, I may have misunderstood, Senator, so...because the amendment I have in front of me is one that modifies the date, but you want your amendment that completely eliminates. [LR358CA]

SENATOR COUNCIL: Yes. (Inaudible.) [LR358CA]

CLERK: AM2100, right. All right, Mr. President, I'm sorry. Then the amendment Senator Council has offered and she has opened on is AM2100. [LR358CA]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. So now you have heard the opening

Floor Debate  
February 22, 2012

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to actually AM2100 offered to LR358CA. The floor is now open for discussion. Those wishing to speak, we have Senator Gloor and Senator Dubas. Senator Gloor, you are recognized. [LR358CA]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. Four years ago, when I was campaigning, I was pretty straightforward in telling individuals who asked me my position on term limits that I was opposed to term limits, and if they didn't ask I voluntarily, during debates, would make that comment and run through my rationales, all of which have already been spoken to by either Senator Council or Senator Carlson. But I've changed my mind since I've been down here. I've become a supporter of term limits, but not unlimited. Or I should say my support for term limits now is, I do think having a time limit in there does make sense. Twelve years for me is a period of time that I'm very comfortable with and I am also very comfortable with 16 years. But the bill we have before us is for 12 and I'm happy with that. The reason that I can't support the amendment, AM2100, which would take away term limits, is because it has also become obvious to me since I've been down here that people can get a little too comfortable being a state legislator. Can get too close to, too tight to different departments, heads of departments, associations, lobby, and relationships can become so entrenched that you no longer have somebody as a legislator who is as receptive to what is happening within their district and within the constituency. That's why I think elimination of it completely does not make sense. The 12 years for me makes a lot of sense. Most community boards that I served on in the past in my community allowed terms of office longer than we allow a state senator. I mean it takes awhile to learn, not just procedurally what's going on, but to unlearn, perhaps, a way of operating in the past. As the head of an organization, I was used to and ingrained in the buck stops here; I had to ultimately make a decision. Now I recognize and have had to learn to work within committees, building consensus, because the buck stops with 25 people, or in some cases 30 people, or in some cases 33 people, or in some cases whoever is in this Chamber when a vote comes due. That's where the buck stops. And it's a combination of procedural learnings as well as building coalitions and working your way through issues. That takes time to unlearn old habits and learn new habits in terms of how you operate. I love this job. I enjoy it a lot. I think I would like to do it for 12 years, but I'm not sure. And so my support for LR358CA is not based upon the fact that I want to be here for 12 years; it's the fact that I think it's the right thing to do for the state of Nebraska. I think it makes the legislative body stronger for reasons that have already been laid out, all of which I agree with. And I have yet to run into a constituent who has a problem with that when I bring it up. I think our challenge as legislators is going to be the fact that although within our districts people may want us to be there for 12 years, they may not want the rest of you to be there for 12 years. That will be our challenge, and to the extent that we can present a united front I think it will be helpful to make sure that we send the right message forward and get the vote necessary, assuming this constitutional amendment, this LR passes. [LR358CA]

Floor Debate  
February 22, 2012

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SENATOR LANGEMEIER: One minute. [LR358CA]

SENATOR GLOOR: There will certainly...thank you, Mr. President. There will certainly be parties out there who see it to their benefit to keep us short-termers, and short-termers will help nobody. So I urge my colleagues to think long and hard about this and, if they are supportive, to talk it up within their district and to point out the fact that if they like their legislator, they will like us as a group together being around for a full 12 years. Thank you. [LR358CA]

SENATOR LANGEMEIER: Thank you, Senator Gloor. Senator Dubas, you're recognized. [LR358CA]

SENATOR DUBAS: Thank you very much, Mr. President. I think the longer you're around the Legislature, and particularly the Unicameral, the more you come to appreciate what a great form of government it is, warts and all. I mean, there is no perfect government, but I think the Unicameral form of government serves our citizens better than any other form. It is open; it is inclusive of citizen involvement. We rely heavily on citizen involvement through our public hearing process and in many other ways. So the Unicameral is a very unique and special form of government and one that we should work to preserve and protect at all costs. And I see this legislative resolution as that attempt to help us support the Unicameral form of government. We are the people's branch of government. We have to ensure that this branch retains its separate but equal status. It's been no secret, I've never supported term limits, even before I even contemplated being in this position. I feel very strongly that term limits...we had term limits in the voting booth, and we need our citizens to be engaged and understand who is running and what they stand for, and make their decisions accordingly. But I will admit that my position has softened a little bit through my experience here, and I see what new people bring in, the ideas, the energy, many of the things that Senator Carlson and Senator Gloor have already referred to. So while I still am not a staunch supporter of term limits, I do realize the benefits that come along with it. I think all of us in here respect the voice of the people and what they've said, and they put term limits in place. But I think as with any good business, when you make a decision you want to go back and review that decision. Is it working the way you wanted it to? Are there some changes that need to be made? What can we do to make it better? And for me we have had the opportunity to see how term limits have played out over the course of several election cycles now. I don't see anything wrong with going back to our bosses, with going back to the citizens of this state and asking them to either reaffirm their original decision and say we think it's working just the way we wanted it to, we don't want to make any changes, or give them the opportunity to look at how it has worked and do we need to maybe consider bumping this up to another term. How will it serve us? How will it serve the institution of the Unicameral and the Legislature? I think those are very legitimate questions that we not only need to have discussion about inside this Chamber, but, more importantly, outside of this Chamber with our citizens who I

Floor Debate  
February 22, 2012

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consider our bosses. Our citizens will ultimately make this decision and that's the way it should be. Again, that's what is so important about this form of government is that we have the referendum process and we allow our citizens to be engaged in these very important types of decisions that we're making. So I don't think this is necessarily about do I support term limits or don't I support term limits. It's let's take this back out to the citizens, let's let them reexamine the decision they made previously. If they still think it's serving them, then they will say so. If not, then we've given them an opportunity to make a change and we'll go from there. So I appreciate Senator Carlson bringing this to the Legislature, and hopefully we'll be able to take it to our citizens across the state. Thank you. [LR358CA]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Senator Harms, you're recognized. [LR358CA]

SENATOR HARMS: Thank you, Mr. President, colleagues. I rise in support of the LR358CA that Senator Carlson has introduced. I've given this a lot of thought over the years that I've been here, and I'm in my sixth year. Two more years, I'll term out. For me personally it will make no difference. I will not rerun...would not rerun. My age gets in my way, and so I really don't have anything personally involved in this aspect of it. But I will tell you from what experiences I have had, after six years of being on the Appropriations Committee, I'm just beginning to truly understand how that functions, how it works, and I feel comfortable with the decisions we make. It's taken this long for me to understand that. It's a huge issue when you deal with the budget. If you get one dollar, it comes through that committee. On the floor I can remember the first time I was here, the very first day I was here. I didn't understand the rules; I didn't understand the regulations; I didn't understand how any of this thing works, and the fear that was in me was there. And I had Senator Chambers over there on the left-hand side who loved to take you new senators and just twist you around. I used to perspire every time I came in here when I had a bill coming up. I don't have that anymore. I don't worry about that because I feel now I have a full understanding. And beyond this point I would imagine for all of us who are getting ready to term out in two more years, if we had another four years we'd be that much better on the floor. We would not allow...the thing that I'm concerned about is with term limits, the separation of powers lines are being blurred, and I don't think we can allow that to happen. There has to be a separate between the executive branch and between us. We should never allow those lines to be blurred. And I think term limits will continue to allow that to happen and I don't think that is something that we can tolerate. I'm not speaking against the Governor; there are many things I support him on. But this is one issue that I see that's coming forward, and as we continue with just two terms, those lines will become even more blurred and I'm afraid that we will lose some of the power that we have here, and I don't want to see that happen. I've learned to respect that; I've learned to respect how important it is to know what our role is and what the executive branch's role is. But as you think about this, I would just ask that you remember that we have a way to get rid of people and that's by the vote of the public. If

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Floor Debate  
February 22, 2012

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you're doing a poor job, then the public should remove you. And I think we've always had term limits and that's the vote of the people. So I would be in hopes that as you consider this, you'd be supportive of this. I think it's important. I think it's for the welfare of this body that you have that extra term, because, quite honestly, when I look at our class leaving, when Senator Flood and his class goes out, I think there's 9, and our class being 21, 22 people who leave, that's a big turnover, colleagues. I can't imagine what that's going to be like on the Appropriations Committee when all these new faces come on deck that have no idea. And if you look around at our fiscal staff and all those that we have, some of our staff members are at a point where they may be thinking about retirement in the future. It makes it even more difficult for us to get where we want to be. You have to take all those things into consideration, whether it be on the Appropriations Committee, whether it be in Transportation and Telecommunications, Judiciary, all of those issues are there. And so I hope you'll think about it carefully. I think we have to stand up for what we think is right. And I think what's right for Nebraska and the citizens of Nebraska is exactly what Senator Carlson has introduced. Thank you, Mr. President. [LR358CA]

SENATOR LANGEMEIER: Thank you, Senator Harms. Mr. Clerk, items for the record.

CLERK: Mr. President, I do, thank you. New resolution, Senator Avery offers LR407. That resolution will be laid over. Your Committee on Revenue, chaired by Senator Cornett, reports LB983 to General File with committee amendments attached. Amendments to be printed: Senator Council to LB993; Senator Langemeier to LB1043; Senator Council to LR358CA. Name adds: Senator Ken Haar would like to add his name to LB976; Senator Janssen to LB209. (Legislative Journal pages 607-609.) [LR407 LB983 LB993 LB1043 LR358CA LB976 LB209]

And, Mr. President, I do have a priority motion. Senator Hansen would move to adjourn the body until Thursday morning, February 23, at 9:00 a.m.

SENATOR LANGEMEIER: You have heard the motion to adjourn. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned. (Gavel)