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February 29, 2012

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SENATOR ADAMS PRESIDING

SENATOR ADAMS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-sixth day of the One Hundred Second Legislature, Second Session. Our chaplain for today is Pastor Carl Ratcliff with the United Faith Community Church in Valley, Nebraska, Senator McCoy's district. Please rise.

PASTOR RATCLIFF: (Prayer offered.)

SENATOR ADAMS: Thank you. I call to order the thirty-sixth 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.

SENATOR ADAMS: Thank you, Mr. Clerk. Are there any corrections to the Journal?

CLERK: I have no corrections.

SENATOR ADAMS: Thank you. Are there any messages, reports, or announcements to be made?

CLERK: Mr. President, I do. I have three confirmation reports from the Health and Human Services Committee, all signed by Senator Campbell as Chair. That's all that I have, Mr. President. (Legislative Journal pages 691-692.)

SENATOR ADAMS: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda, Mr. Clerk.

CLERK: Mr. President, LB961, a bill offered by Health and Human Services relates to public health and welfare. (Read title.) Senator Campbell presented her bill yesterday, Mr. President. Committee amendments were presented as well. Those committee amendments are now pending. (AM2159, Legislative Journal page 644.) [LB961]

SENATOR ADAMS: Thank you, Mr. Clerk. Senator Campbell, as Chair of the committee, would you like to summarize what's in the amendment? [LB961]

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SENATOR CAMPBELL: I certainly can do that. Mr. President, thank you very much. In the proposal of LB961...I'm going to cover just some points real briefly that kind of encapsulates the bill. It requires an annual reduction of 25 percent in the average caseload in the case management. It requires the department to include in its annual caseload report the status of LB961's requirements. It lays out some definitions as how children are to be counted. It prohibits the department from extending past July 2014 the contracts with lead agencies in existence, through this. And it provides that case managers are DHHS employees by September 1, and provides that as of the effective date DHHS shall not reinstate a lead agency in the central, western, or northern service area, and realigns the western, central, and northern service areas along district court lines. And, Mr. President, I would respectfully request a gavel. [LB961]

SENATOR ADAMS: (Gavel) [LB961]

SENATOR CAMPBELL: And I would respectfully request a little extra time. Yesterday afternoon as we started our debate on LB961, we heard a suggestion from the Speaker with regard to whether we would look at some other options that we might not have looked at, or seen, in LB961. And after we concluded our business yesterday afternoon, several members of the Health and Human Services Committee and I sat down and discussed what options might be available to us and how we, as a committee that has spent a considerable amount of time looking at LR37, might advise you, our colleagues. I met with the members of the Health Committee this morning. And I want to hasten to add that we did not take a vote on this. My colleagues are still going to need to have time to think about it. But I think that the consensus among a number of the committee members was that we should bring forth this proposal. I would ask the members of the body to move LB961 forward with the understanding that the Health and Human Services Committee will work on an amendment to do what we have sought to do through the LR37 process--to build a sustainable foundation and bridge for child welfare reform for the state. The committee will work towards an amendment to validate that the state's core responsibility for children who are state wards is maintaining the responsibilities for case management. However, in response to the current state of affairs regarding the sudden loss of KVC and the consideration for the appropriate role of NFC as the remaining lead agency, we would propose that in this amendment we look at and determine the appropriate conditions and performance outcomes for a pilot project for a lead agency case management model in the eastern service area. In other words, we would allow NFC to continue and put a structure together for that case management model, which means that they would continue to do case management in the eastern service area. And we would add that, in that amendment, we would try to outline some parameters to how that model might work. It would determine and we would put into place the appropriate time line in order to assess this pilot project. Number two, to mitigate future financial liabilities by the state and financial risk to subcontractors should the pilot project terminate prior to the time frames identified. And this is where we would like to have the advice and counsel of Senator Heidemann and

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the Appropriations Committee, in terms of how would we set in place that parameter so we do not get ourselves into a situation in which we are again having to pay a large settlement. Third, to ensure financial accountability and reporting by that lead agency. Number four, to allow the pilot to be considered in relation to the strategic plan recommended by the commission. And lastly, to include the pilot project in the review by the evaluator as described in LB1160. Colleagues, I think we have to recognize that in the last ten days the picture of what is happening in child welfare has greatly changed. And the Health Committee is willing to work on an amendment to make sure that we are protecting the children and the families and setting forth the course that we have outlined in LB961; it is our core responsibility. But we do understand that perhaps this pilot and framing this pilot might give us much needed information. And let's just suppose that the pilot were to bring forth some substantial evidence in how that is working and what we might be able to do across the state. Then we certainly would expect to come back to the Legislature and explain that. But the time is now to put into place a pilot and allow the system to go forward. And so we would ask your questions this morning and we certainly would ask your support on the amendment and LB961 to go forward until we can work out this amendment. Thank you, Mr. President, for your indulgence and the time. [LB961 LR37 LB1160]

SENATOR ADAMS: Thank you, Senator Campbell. We now open debate on the committee amendment. Senator Gloor, you're recognized. [LB961]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. I want to try to put an exclamation point on the fact that, as Senator Campbell described it, what we're trying to do is recognize the fact that we have a contract with an entity to provide services. We have given them, as a state, this case management that we talk so much about. We've given them very much control of the process. But we talked about a series of bills yesterday that I think puts us in a better position as a legislative body, on behalf of the people of this state and the children who are under our care, to monitor, to evaluate, to assess, to control expense, an important thing. And now we are brought up to LB961 and the amendment. And in this case we run afoul of a contract that's in existence with an entity that, frankly, most of us trust, to the extent we know the various service providers, but we still have a challenge with this issue of case management and control. This is a policy decision. This is what this body should do, is make decisions about taking that responsibility we have for citizens and giving that responsibility to somebody else. And unfortunately, it didn't start off that way. We're trying to get back to that point. What we're talking about here, what we're talking about, an opportunity to come back with as an amendment before Select File, is a system that honors the contract, honors what may well be an opportunity for a current contract that we would now call a pilot to prove to us that under better oversight, better control, that elite agency system may well work in that part of the state and perhaps in others, but not without legislative oversight and not without legislative authority to eventually step in and say, yes, it's working and we should continue; yes, it's working, we ought to expand

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it; or, no, it's not working and we should give up on this particular quest of lead agencies. It's far less disruptive but at the same time, I think, maintains the integrity of what we were trying to accomplish with the LR37 process. I'm excited about this opportunity. I think it will provide for some good dialogue and appropriate dialogue, so that by the time we come back on Select File I expect what we will have is something that will honor our commitment to the children of this state, to the people who have an interest in this, and also honor our responsibility to be a policy setter for something this important. And I would ask for your consideration of what we're working on by advancing AM2159 and LB961. Thank you. [LB961 LR37]

SENATOR ADAMS: Thank you, Senator Gloor. Senator Christensen. Senator Christensen is recognized. We'll move on to Senator McGill. [LB961]

SENATOR MCGILL: Wonderful. Thank you, Mr. President, members of the body. I rise in support of everything Senator Campbell and her committee are doing to try to work out concerns dealing with the existence of NFC still as a state contractor. And the only two cents I would put into that is that I did bring a bill that included case management to the committee because I feel there are ways to efficiently do a privatized area. And I brought one possible idea based on the ICCU structure that we used to have in Nebraska. And it was a very effective program, one that I think we're feeling the hurt for not having anymore. And so while we look at other states and how they're operating forms of privatization or private-public partnerships in dealing with these issues, that we can go ahead and look at some models that we had here that weren't working very...or that were working very effectively. Second, I just want to...I feel like I wasn't very articulate yesterday talking about caseload sizes and what we're trying to do with this bill in moving from about 16 or 17 families to 16 or 17 children. When it comes to, you know, the best practices, it is 16 children. And 16 families is actually 30 to 45 kids, so that's a drastic difference for caseworkers and their ability to keep up with the really unique and individual problems or challenges associated with each child. And finally, I just want to rise in support of what Senator Coash was saying yesterday about how critical it is that we get the front-end problem under control. I know I've talked to folks here in Lincoln who work with families who have children as state wards, who, arguably, shouldn't have had their children taken away. For instance, we have a number of children in our child welfare system who are the children of immigrant families, who are here legally, who are from Sudan or whatnot, and they come from a different culture. And so there are times where something looks like it could be abuse or neglect, but really that family just needs parental training to adjust to life here in America and what's acceptable here, what our human rights values are. And instead, a child maybe is being taken out of the home, maybe for Dad raising his voice too much and being too angry, and then they can't get that kid back for over a year. Once you're in that system, it is really hard to get back, especially when there's a language barrier. And so that's just one of many examples of children that we're doing more harm to than good by taking them out of the family and not treating them as a family unit. Now, of course, we also

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need to make sure that the resources are there to wrap around a family. But as Senator Coash said, there are times, a lot of times, that we end up doing more damage to a child psychologically by taking them away from their parent than otherwise. And so I think that's really sad if the state is committing such a crime on some children that actually end up making their mental state worse, when there's a way to treat a parent's substance abuse problem or anger management problem as a unit instead. So I know I'm dedicated in the next year to continuing to look at that front end issue. So that...I mean, and it's not just the state or caseworkers, it's judges, it's law enforcement. They're often the first ones at a house, who, you know, if in doubt, pull the child out. We need to make sure we're following best practices. And as I asked questions of the privatized entities and of the state in the last year about this issue, from what I understand, the state wasn't using a best practice in terms of when a child should be out of the home or not, that we kind of had our own random system. And so no wonder Nebraska has the most kids in child welfare, if they're not using a standardized practice that's approved and seen as a model... [LB961]

SENATOR ADAMS: One minute, Senator. [LB961]

SENATOR MCGILL: ...across the country. From what I understand, around December or January 1 we did move to more of a best practice. So I'm curious to see if indeed that really did go into effect and, two, if we see any results from that. It's something that I still have questions about and want to see how that works and hope that we can start to make progress and otherwise work with the body to, if need be, for us to get more involved in that process. Thank you, Mr. President. [LB961]

SENATOR ADAMS: Thank you, Senator McGill. Next in the queue, Senator Coash. [LB961]

SENATOR COASH: Thank you, Mr. President. I want to voice my support for what is coming, based on Senator Campbell and Senator Gloor's comments. This is the right direction. Colleagues, this is not about who does case management, because at the end of the day it is still a person who has to take responsibility for the management of a child and its family as they navigate through a very difficult system. It is not about who signs the paycheck of that person; it is about the quality of the work that that person does. Whether it's the state of Nebraska or a private company, if the person in front of that family is not doing their job in a quality way, the child loses. So I appreciate what we've talked about today, but let's not lose sight of the fact that these are kids who cannot wait for the stability in the system that we owe to them. This is not bricks and mortar where we can put off construction for a while and then say, well, when we figure it out, we'll come back to you. Every day that goes by that a child is out of the home, it lessens their chance of ever being back. It is about the quality of the case management. And let me tell you what a big factor in the quality of case management is, and it's the turnover of that position. And I have worked in both systems. And I will tell you that the

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turnover at the state level is high. And I will tell you that the turnover within lead agencies is just as high. So I appreciate what Senator Gloor and Senator Campbell are doing, because what they're saying is, we're going to make the best decision in this body for the kids. And if the quality is there, we're going to continue down that road, and if it's not, we're going to make a change. I want to remember, however, that fixing who provides case management does not solve all of our problems. I do not want this body to walk away saying, if we figure out who's best to provide case management, we've done our job. That will not suffice. The kids deserve better. I mentioned this yesterday, we have got to figure out why it is that when a child has problems there is a decision that that child is best served outside of their home at twice the national rate. That's the problem we need to focus on because we continue to have a mentality of "when in doubt, pull that kid out." And I will tell you that is more damaging. And we have gone down this road for quite a while. And we've got to start thinking about our role as policymakers, our role as providers, our role in our communities a little bit differently. If we do not, we will be back here talking about not only do we need the state to provide case management but we need to get a bunch of more private contractors to do it because we got so many more kids to handle that the state can't keep up so we've got to tap into the private sector. This will not solve the underlying problem. This is a great step in the right direction and I do not want to diminish... [LB961]

SENATOR ADAMS: One minute, Senator. [LB961]

SENATOR COASH: Thank you, Mr. President. I do not want to diminish the solutions that have been presented over the last two days, that we need this data, we need the leadership. But something has got to change, and it's not right here in this body, colleagues. It's got to change at that point where a decision is made that this child is better off in the state's hands than in Mom and Dad's hands. And that means we've got to continue to look at that. And I would ask and offer my support to the HHS Committee to continue to look at that particular issue and to work towards a solution on that. Thank you, Mr. President. [LB961]

SENATOR ADAMS: Thank you, Senator Coash. Senator Nelson, the Chair recognizes you. [LB961]

SENATOR NELSON: Thank you, Mr. President, members of the body. I appreciate the comments by Senator Coash. I also appreciate the offer by Health and Human Services to work on this amendment here toward Select. We have been invited to ask some questions. Perhaps I could ask Senator Gloor to yield and... [LB961]

SENATOR ADAMS: Senator Gloor, would you yield for a question? [LB961]

SENATOR NELSON: ...give Senator Campbell a little bit of a break here. [LB961]

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SENATOR GLOOR: Yes. [LB961]

SENATOR NELSON: Will you yield? [LB961]

SENATOR GLOOR: Yes. [LB961]

SENATOR NELSON: All right, thank you, Senator Gloor. I guess I'd like to, for my benefit and the benefit of others, kind of get down to some of the basics here. And my understanding is that NFC presently has case management, that they're doing it right now. Is that correct? [LB961]

SENATOR GLOOR: They do not. Well, they do case management but...yeah, yes, they do. (Laughter) [LB961]

SENATOR NELSON: All right, okay. So what...and they're under...perhaps, Senator Campbell, do you want to answer these questions if...would you feel comfortable doing that or between the two of you? [LB961]

SENATOR ADAMS: Senator Campbell, would you yield to a question? [LB961]

SENATOR CAMPBELL: Thank you, Mr. President. And we can do a tandem. Yes, at this point NFC does case management. But we also have, from the state, we have a position that is in the court that follows it. And one of the things that I think that the Children's Commission will have to look at is how does this model work in relation to what our responsibility is in the court. [LB961]

SENATOR NELSON: Well, are you...do they have a model now that they're following, or are we going to reconfigure what they're doing now into a pilot project? [LB961]

SENATOR CAMPBELL: I think what we're going to do is let them pretty much continue to do what they're doing, Senator Nelson. However, we're probably going to put some parameters around that. And I just had an opportunity to speak with the director of NFC, and they seem more than willing to sit down and look at what those parameters might be. [LB961]

SENATOR NELSON: And so this pilot project, as we term it now, will be developed over the period of the next few weeks or months, if we go along with this concept? All right. And then you want Appropriations to get involved to figure out how to make this a lasting thing, at least for the duration of the contract that we have right now with NFC, is that my understanding? [LB961]

SENATOR CAMPBELL: Yes. I think we need some help from Appropriations because what we're trying to do is put some financial parameters in here and make sure that

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there is not a risk to subcontractors who have lost money when it terminates. [LB961]

SENATOR NELSON: Well, by financial parameters, are we going to place a limit on what NFC can receive in the way of reimbursement, or are we going to abide by the contract terms that we have now under their case management? [LB961]

SENATOR CAMPBELL: Well, I think, given what may transpire here, Senator Nelson, I think that there would have been an amendment to that contract anyway. So, hopefully, as we work on that amendment or a new contract, we can put into place...we're just very concerned about the money. [LB961]

SENATOR NELSON: But the fear is, as I gather, that if there were an amendment that was not satisfactory to the NFC, then they might give us 90 days' notice or something of that sort. And we'd be in the same situation that we have tried to avoid with KVC. Would that be correct? [LB961]

SENATOR CAMPBELL: Senator Nelson, I think we're going to try very hard in this amendment to come up with... [LB961]

SENATOR ADAMS: One minute, Senators. [LB961]

SENATOR CAMPBELL: ...to come up with a model in which people do not walk away. [LB961]

SENATOR NELSON: All right, fine. Thank you very much for that. And I'll continue to listen. And on the basis of that, I am supportive of moving on in the way that you have described. Thank you, Senator Campbell. Thank you, Mr. President. [LB961]

SENATOR ADAMS: Thank you, Senator Campbell, Senator Nelson. Senator Krist, you're recognized. [LB961]

SENATOR KRIST: Good morning, Nebraska and colleagues. Thank you, Mr. President. I'd like to just define for you what currently is in place a little bit further than what the dialogue between Senator Nelson and Senator Campbell. Please understand that NFC is an existing contract in place that has been...is being negotiated to take over the one-third of the service area in the eastern service area that did belong to KVC and that the department, the executive branch, the department has assured NFC that they will continue with case management. So the issue today is, if LB961 says all case management should come back to the state...and that is a concept that we are all comfortable with, yet we're rewinding back to 2008 when the department decided it wanted to see if the privatized portion of this could do the service better. We should have started with one area, you've heard me say this before, one service area as a pilot program. So what we're working towards in the amendment in LB961 is, case

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management should indeed fall back to the state, yet we are going to allow the pilot program to continue under a given contract rather than causing more disruption. So the Appropriations Committee is already in discussion with the department about the financial constraints, if you will, on that contract that will be part of the evaluated process to see if the privatization process works. Again, back to 2008, before we started this mess. I think it's a smart thing to do. I think it's the compromise that we need. I think our Health Committee, under the supervision and leadership of Senator Campbell, will bring to you quality amendments or amendment to LB961 to make that concept work. But one of the most disturbing things yesterday for me was a conversation on the mike that had to do with overreaching and doing the executive branch's business. And I'd like to talk to that for just a minute. The Health and Human Services' authority to act, the Health and Human Services' authority to act is granted by the Legislature. If this appears to be Civics 101, it is. No agency is created by the executive branch. We do that. The Legislature's responsibility is to legislate to the executive branch the parameters of its actions to set policy, to appropriate funds, and to provide legislative oversight on whether the policies set by the Legislature for the executive branch are being implemented according to its intent. We are not micromanaging the executive branch. As I said yesterday, we are setting a bar, a bar that includes financial and management oversight for those agencies, that department. By making the policy we are fulfilling the responsibilities set out in our constitution as separate, equal branches of government. The department has indicated that because the Legislature has not acted in the past to provide guidance in certain areas, then they must take the authority. And my assessment of their actions in taking authority is that they have failed in this effort. [LB961]

SENATOR ADAMS: One minute, Senator. [LB961]

SENATOR KRIST: The Legislature is speaking today saying that when the department determined to privatize case management, to let out hundreds of millions of dollars' worth of contracts without bids, without following the DAS process, leaving hundreds of subcontractors to suffer the consequence of their action, when the courts have to step forward to ensure the safety of children because lead agencies have declared bankruptcy, left without notice, threatened to breach contracts, it's time to give the agency the direction that they are lacking. Not to do so would be...not to do so would be disastrous. We are not micromanaging, we are legislating policy. To that end, give us a chance to come back on LB961 with a quality amendment that will make this work. We will not let you down. [LB961]

SENATOR ADAMS: Thank you, Senator Krist. Senator Campbell, you are recognized. [LB961]

SENATOR CAMPBELL: Thank you, Mr. President. I just want to cover a couple of things in LB961 and the amendment with regard to some questions that were posed

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yesterday. And Senator Sullivan posed one of those questions, and that was, please explain the difference in the money. How can the Health and Human Services proposal be less money than what we're seeing coming to the Appropriations Committee? And I want to draw you to LB961, and in that amendment we propose that you would gradually work at lowering the caseloads. We had initially looked at, in LB961, moving over a ten-year period. And after the testimony, it was clear to us that that was too long. So we went to a 25 percent reduction, and we also put in the bill some definitions. And this is what Senator McGill was talking about. We put in what does it mean in terms of a caseload for a child that's out of the home and so forth. The reason the money is different: because we went at it more slowly. The proposal that is before the Appropriations Committee is that the department would move to the CWLA standards within this next year. And, colleagues, what I'm saying to you is I would like to retain what is in that amendment, in AM2159, until the Appropriations Committee has a chance to take a look at that, because it would give them an option. And they will probably want to discuss with the department. That, Senator Sullivan, is what caused the difference between what our proposal might have cost and what you are seeing in front of the Appropriations Committee. The second point that I want to make is that truly the system has had a lot of change in the last ten days. Senator Dubas did an eloquent job yesterday of describing some of the ramifications of that in the southeast service area. We need to be very prudent in moving forward. And I repeat that the philosophy of LR37 and LB961, we retain that philosophy, that it is the responsibility of the state for the case management. However, we're willing to give a chance to collect the data, to set some parameters to a pilot project. And if that pilot project should fail for any reason, then the total responsibility for case management would go back to the state. We want to be very clear about that. We do not see jumping into another lead agency, unless we've had the Children's Commission review it, the evaluator's report, and we the Legislature have a chance to look at that. So I want to be very clear for the record here as to what the intention is. Thank you, Mr. President. [LB961 LR37]

SENATOR ADAMS: Thank you, Senator Campbell. Senator Wallman, you're recognized. [LB961]

SENATOR WALLMAN: Good morning, Mr. President, members of the body. I want to thank Senator Campbell for doing this. And would she be open to a question? [LB961]

SENATOR ADAMS: Senator Campbell, would you yield to a question? [LB961]

SENATOR CAMPBELL: Certainly, Mr. President. [LB961]

SENATOR WALLMAN: Thank you, Senator Campbell. I really do appreciate what you've done on this. And I know the hard work you've done. Now this transition period, is that starting today with various meetings? [LB961]

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SENATOR CAMPBELL: Well, I think the transition, Senator Wallman, we're referring to is the loss of KVC in the last ten days and the department assuming that responsibility and moving in and the transition in an eight-day period. I think that certainly has been traumatic, and we're moving...we're watching that unfold before us. [LB961]

SENATOR WALLMAN: Thank you. You know, this is pretty important stuff, folks. It's watching out for our kids. How do we evaluate? I think we should look at that. And so we hammer on KVC here, but they had a lot of good employees. And so did they make some mistakes? Sure. Did we make mistakes on this bid letting? I'm sure we did. But that happens, we're human. So I would hope we could all vote for this bill. And I trust the Health and Human Services Committee can work out an amendment we could all support. Thank you, Mr. President. [LB961]

SENATOR ADAMS: Thank you, Senator Wallman. Senator Howard, you're recognized. [LB961]

SENATOR HOWARD: Thank you, Mr. President, members of the body. Senator Campbell called me yesterday evening and we discussed this possible amendment. And I had told her one of my major concerns is that there has to be financial parameters on this; we can't allow ourselves to be put in the same position that we've been previously regarding these contracts, which is that there's an agreement in place and then it's continually a demand for more money. Now maybe that's reasonable. I know for a fact that the system was underfunded for decades. And there really was no recourse for that. But everyone agreed to the contract in November of '09 and said they could do it, they could do it and they could do it for the same amount of money that it was done internally. They couldn't; they couldn't do it for that amount of money. At the risk of sounding like Senator Heidemann on the Appropriations Committee, I think we have to be very careful about what's written into this amendment regarding what we are willing to spend and what we are committing ourselves to. I am encouraged that this will...that we're going to be working...the Health Committee is going to be working with the Appropriations Committee; that's certainly how this all should be done. But I still have very serious concerns. And I don't want you to get the wrong idea. I supported Boys Town in regard to the hot line on the safe haven issue. They were the right people to take that over, they were the right people to do it and they've done a good job. This morning I got an e-mail from a constituent who is very familiar with this contracting issue. And they wrote, the contract that Health and Human Services signed with NFC yesterday includes a 40 percent increase in funds over what KVC had in their contract. Health and Human Services gives Boys Town a \$5.4 million increase each month for the inclusion of the one-third of the children, and this represents the 40 percent increase. Now in charge of a substantial amount of public money, this is taxpayer dollars, and they are the only entity available, to pay themselves for the services they provide. This is risky business. They're going to be telling us how much it costs to provide the services, what services are needed and for how long. There has to be a

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gatekeeper, there has to be a method of riding herd on this, for want of a better term, I think I've been hanging around Senator Louden a long time now. But we have to be able to control the costs and know what we are getting for the dollars and to be able to account for this. That's what we've been entrusted to do. I take that very seriously, as I know all of you do. We can't get in the same situation that we were in before. Weigh this out and know what you're voting on, because you're all on the record. I'm going to ask for a record vote on this. We're all responsible for what happens from here on out. Thank you. [LB961]

SENATOR ADAMS: Thank you, Senator Howard. Senator Christensen, you're recognized. [LB961]

SENATOR CHRISTENSEN: Thank you, Mr. President. Would Senator Campbell yield to some questions, please? [LB961]

SENATOR ADAMS: Senator Campbell, will you yield to a question from Senator Christensen? [LB961]

SENATOR CAMPBELL: Yes, Mr. President. Yes, Mr. President. [LB961]

SENATOR CHRISTENSEN: Senator, I like your list down here. I'm referring to your statement of intent, I guess, down here where it talks about issues related to case management, caseloads, placements, turnovers, communications, stability relates to negative outcomes. And I want...you know, I guess one of the things I want to make on this is, attitude plays a big thing in here, on the caseworker. And part of that is generated from the work environment, but part of it comes down to personalities. And I wondered if you have give any look to a process where you could...a foster parent could ask for a review of a caseworker? Because in many cases there's personality conflicts, and it might go very smoothly with a different caseworker, where you just happen to have two bulls hitting heads, you know. And it's just a personality thing. Are we looking at ways that we maybe can make it more friendly for foster parents so that we'll be able to draw more foster parents back into the system that we have chased away? [LB961]

SENATOR CAMPBELL: I think Senator Christensen has touched on a very important topic, and that is the culture of how you work with families, both the biological family and the foster family. And, Senator Christensen, I would have to say that in that particular case I'm sure that the foster parent would first try to talk to the department. But you always have the Ombudsman's Office, and we also will have, if all of this passes, the Inspector General. And, hopefully, there would be, through that chain and those people working, a remedy for the problem you've described. [LB961]

SENATOR CHRISTENSEN: Well, I guess history would say we haven't, because I guess I would say I've lived through that. I talked to the department, and all they did was

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turn the pressure on and make it worse. And that was because they would bring it up to the caseworker, the caseworker's attitude would get worse and apply more pressure and...to the point where I even had supervisors say, if you talk to the heads again, we'll make sure you lose your kids. That's how nasty part of this system has been. And I know that's probably a minor, small, few accounts. But when you run into that, it's kind of like yeast in dough, it spreads, makes the whole loaf rise and it makes the whole system look bad. And that's why I think maybe we need to look at a review process. Do you have a response to that? [LB961]

SENATOR CAMPBELL: A review process of the case...of each caseworker? [LB961]

SENATOR CHRISTENSEN: Yeah, that you could request a review, because we do know there's personality conflicts; we hit that here on the floor, as well as you're going to hit it in the workplace. And whenever you just have a caseworker assigned and they're in charge, you can realize it could get to be almost dictatorship style if there's not an ability to ask for a review, because my experience with the department was very negative, very ugly... [LB961]

SENATOR ADAMS: One minute. [LB961]

SENATOR CHRISTENSEN: ...and was handled very poorly. That's why I'm asking, can we get a review in here, Senator? [LB961]

SENATOR CAMPBELL: I would propose and say that I think the review is through the Ombudsman's Office and the Inspector General. [LB961]

SENATOR CHRISTENSEN: Do they have enough authority, because I guess I felt like in one particular case as soon as they started looking at it, they talked to the guardian ad litem, they got the children pulled, then there was no recourse, and it was nasty. [LB961]

SENATOR CAMPBELL: In what quick remaining time, I think we've tried to build in, Senator, and you and I talked about the importance of the Inspector General, I think we've built in the authority for them to do that. I mean, they will have a subpoena power, they will have the ability to generate a report, to take...certainly to talk to the department, they could ask for a review. I think there's any number of avenues; that's why that position is important. [LB961]

SENATOR ADAMS: Time, Senators. [LB961]

SENATOR CHRISTENSEN: Thank you. [LB961]

SENATOR ADAMS: Thank you, Senator Christensen, Senator Campbell. Senator

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Hadley, you're recognized. [LB961]

SENATOR HADLEY: Mr. President, members of the body, first time to speak on this issue. I just want to thank the Health and Human Services Committee and Senator Campbell for chairing it. I think they've done an excellent job. I will say I did speak with the former Chair of the Health and Human Services Committee, who is now out of the body, that lives in Kearney. And this is exactly the tact he recommended many months ago to me, the idea of using a test program to see if it does work, having the safeguards put in, having the things that we need to make it work. I would ask first, Senator Howard, would you yield to a question? [LB961]

SENATOR ADAMS: Senator Howard, would you yield? [LB961]

SENATOR HOWARD: Yes. [LB961]

SENATOR HADLEY: Just a quick question. Senator Howard, I've had a discussion with DHHS. When we have a...I think we rank 48th or something like that or some number like that in the percentage of or the number of children that are in the system. And I asked, is that a good number or a bad number? I thought it might be a good number because we're getting kids out of bad situations and putting them in good situations. Or is it a bad number because we're taking them out of their homes and putting them into bad situations? Does that question make sense? [LB961]

SENATOR HOWARD: Well, let me try to give you a concise answer on this. Children are coming out of dangerous situations. Safety is the key in that. Can a child remain safely in their home? If services are provided, will that child be safe? If the answer is no, for example, if the abuser remains in the home, if the pedophile remains in the home, the answer is no. Now there's another part to that, and that's why do children remain in the system. And that's...a big part of that is the turnover in case management, because with the continual turnover, a new person coming in and taking a look at the case every, let's just say, every few months, the case doesn't progress forward. For me, the way to address the high number of children in the system was to begin at the beginning. The first bill I got passed was LB264, early intervention, keep kids from being hurt and coming into the system. I hope that's helpful. [LB961]

SENATOR HADLEY: Thank you. Yes, that is helpful, Senator Howard. Thank you. Mr. President, I will yield the remainder of my time to Senator Christensen. [LB961]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Senator Christensen, you have 2:40. [LB961]

SENATOR CHRISTENSEN: Thank you, Mr. President. Would Senator Campbell yield

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to another question, please? [LB961]

SENATOR LANGEMEIER: Senator Campbell, would you yield? [LB961]

SENATOR CAMPBELL: Yes, Mr. President. [LB961]

SENATOR CHRISTENSEN: Senator Campbell, can you show me the process for review of a caseworker, or should I just go over to the Ombudsman's Office to see how this is going to be handled, because the question I hit on right at the end when I quit talking was the fact that as soon as I got started into the review processes, the department worked with the GAL and got the kids pulled immediately. And how are we going to stop this process of power-hungry people going to have their own way within the department, from just being able to assert power and use a different avenue to avoid this process? [LB961]

SENATOR CAMPBELL: Senator Christensen, did the party consult and talk with the Ombudsman's Office at that point? [LB961]

SENATOR CHRISTENSEN: I'm not sure they were ever involved in this. I think they were informed of it, but I don't know if they truly went there for a...questions in the process. But, for one, I didn't even know to direct them there until very late, when it was said, you know, you need to come over here. But at that point in time the department used the GAL and just got the kids pulled. And that's my fear, is we still have a loophole here of the department wanting to make statements of: we're just going to use another avenue and pull the kids so you can't investigate our corruption. [LB961]

SENATOR LANGEMEIER: One minute. [LB961]

SENATOR CAMPBELL: Senator Christensen, I would have to say that over the course of the last year in working with the Ombudsman's Office, they have handled a great number of complaints, individual complaints. They feel very comfortable that they can have a good...look at patterns here that the Inspector General...I have so much faith and confidence in the Ombudsman's, I'm sorry that wasn't utilized for you. [LB961]

SENATOR CHRISTENSEN: Thank you, Senator. Thank you, Mr. President. [LB961]

SENATOR LANGEMEIER: Thank you, Senator Christensen and Senator Hadley. Senator Bloomfield, you're recognized. [LB961]

SENATOR BLOOMFIELD: Thank you, Mr. President. You know, when I first arrived here as an appointed senator, the first call I took was from a foster care parent who had not received reimbursement for three months. This was a hardworking, taxpaying Nebraskan, who we all love to talk about, who was near the end of his financial rope. He

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and his wife were going to quit being foster parents. That would have been another foster family chased away. Why were they going to quit? Because the lead agency in his area, my area, outstate Nebraska, was not meeting their obligations. The lead agency soon left or was removed, however you want to call it, they were gone; the healthcare giver...foster family fell back under HHS. They were paid. As far as I know they're still foster "familying" today. But we came close to losing another one. We have lost over 20 percent of our foster families since we started down this road. We can't continue down the path that we've headed down. This happened over and over again in outstate Nebraska. To see lead agencies return to our part of the state is not something we're excited to see. Until we know that what they're doing will work, we're not willing to see our kids be used as guinea pigs any longer. LB961, with what has been described this morning, allows us a chance to find the right way to move forward, be it under the Department of HHS or be it under the care of a private agency. We don't care, we just want it done right. Let us move forward, let us not chase any more providers away, let us be sure what we are going to do works. Vote green on LB961 and we can and will get this done. If Senator Krist would like some time, I would yield the remainder of my time to him. [LB961]

SENATOR LANGEMEIER: Senator Krist waives the opportunity. Thank you, Senator Bloomfield. Senator Avery, you're recognized. [LB961]

SENATOR AVERY: Thank you, Mr. President, colleagues. I like the approach that...to case management that we're discussing this morning. I think the discussions that Senator Campbell and others had last night are pointing us in the right direction. It appears to me that we are addressing many of the questions raised by Speaker Flood yesterday, and those were questions that I thought needed to be answered. I have not previously spoken on any of these bills until now, but I am prompted to do so after observing yesterday that the Rotunda was nearly empty. And I thought about that. And it struck me that we could fire a cannon through the Rotunda and probably strike nobody. So the question came to mind, why do you suppose that was so? Why do you think the Rotunda was empty or nearly so? And I suspect that the support for vulnerable kids is not very strong. There are no highly paid lobbyists out there working on behalf of kids. Those people who are out there represent nonprofits operating on shoestring budgets. They don't get paid very much. What this tells me is that we in this Legislature must continue to do what we started doing yesterday. It is our responsibility. I'm extremely proud of the Health and Human Services Committee for the work that they have been doing. And I am proud of this institution for caring about the welfare of the vulnerable and the largely unrepresented. I didn't see a single red vote on any of those bills yesterday, not one. I read the paper this morning and they made mention of the fact that there were no negative votes. The kids need to be represented, and we must do it. They don't have a highly paid lobbyist to advocate for them, they depend on us. That's our responsibility, we must not let them down, and I don't believe we will. And I'm proud to be a part of making sure that that happens. Thank you. [LB961]

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SENATOR LANGEMEIER: Thank you, Senator Avery. Senator Burke Harr, you're recognized. [LB961]

SENATOR HARR: Thank you, Mr. President. And thank you again, members of the Health and Human Services Committee, for all your hard work. Senator Gloor made a comment earlier, we set the policy in the Legislature. That's 100 percent correct. As a matter of fact, the Supreme Court recently, in Sarpy County Farm Bureau v. Nebraska, or, excuse me, v. The Learning Community, stated, broad policy decisions are the Legislature's prerogative. We set policy. We have abdicated on this issue for too long, and we're taking control back, and I think that's a good thing. But, members, we're still abdicating too much power to the executive branch. We have something very important coming up, and that's called the insurance exchange. A decision needs to be made on that. And zero, zilch, nunca, nada has been done on that. Nothing has come out of committee. We have to have a decision made by December 31. Well, now what's going to happen? We're either going to have to come back in special session or we, the legislative body, will not be setting policy. We will be abdicating that policy to the executive branch. And that's wrong. And if there's a problem with the insurance exchange, guess who our constituents are going to be upset with? Not the Governor. They're going to be upset with us because we sat there and did nothing while Rome burned. So while I appreciate what we're doing here, guys, keep your eye on the ball and that is setting policy. So thank you very much. With that, I would yield the rest of my time to Senator Gloor, if he'd like it. [LB961]

SENATOR LANGEMEIER: Senator Gloor waives the opportunity. Thank you, Senator Burke Harr. Senator Lathrop, you're recognized. [LB961]

SENATOR LATHROP: Thank you, Mr. President and colleagues. You might have noticed that I've moved to the right microphone. (Laughter) I was told this morning that my mike doesn't work, and I blamed the Speaker for that. And so now I'm going to be sharing a mike with Senator Cornett, and I don't know exactly how I feel about that. (Laughter) That said, I did want to...when we ended the day yesterday, Senator Fulton asked, I think, a rhetorical question, which was, are we now, with our reforms and with our legislation, getting into what is a function of the executive branch? And I thought about that all night because it is a good question to ask. It's a very good question to ask. And I'll tell you what my answer would be, Senator Fulton. Yeah, we kind of are, we kind of are, as we must. I will tell you, notwithstanding all the good work of the Health Committee and the bills that we've looked at, that we have enough laws in place that this should have worked just fine. We really don't need to change anything if it was being managed well, but it's not. Nobody asked us for our help, this branch of government, when we went into privatization. No, as a matter of fact, we went into...the Governor went into privatization without any input from this body, a 180-degree shift in policy with no input from the legislative branch. And it's a mess. And then when

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Appropriations was trying to nail down where they were getting money to amend these contracts, they were getting jacked around by the administration. They couldn't get straight answers. And it is an unmitigated failure, an unmitigated failure. We have all the laws in place that taking care of the kids should have happened with good management. And there wasn't any. The administration has failed in child welfare, they have failed in the attempt to privatize, and it has cost tens of millions of dollars. And so we are here today, as we were once here on BSDC, cleaning up the mess. We should not have to. The only reason we are is that the executive branch has created a mess and now we're going to legislate parameters, narrow what they can do so that we go in the direction the policy people think we ought to go in. Is it an unconstitutional intrusion into the executive branch? I don't think so. We still control the money, we still control the policy. Our only answer when the Governor makes the mess he has created is to legislate our way out of it, because we can't stand by and do nothing. That's why we're here. That's what we're doing, and I embrace the legislation and support LB961. Thank you. [LB961]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. Senator Coash, you're recognized. [LB961]

SENATOR COASH: Thank you, Mr. President. I want to focus my comments on the bill in front of us here and the amendment and the pending Select File amendment with regard to who does case management. Senator Bloomfield mentioned this, Senator Howard mentioned this. We used to have five lead agencies, actually there were six, one of them never even got off the ground and provided a day of service. But we used to have five who were providing services. As of a week or so ago, we're down to one. And as we go forward about making decisions about the use of a lead agency, whether it's to provide case management or not, I think it's important for us to remember why it is we went from five to one, because Senator Bloomfield is right, his district suffered because of the fallout, greater Nebraska suffered, Lincoln suffered. And here's what happened, colleagues. The department made a decision to go to a model of lead agencies. And I'm not going to speak about the merits of that concept or not. The HHS Committee has made the decision that that's a function of state government and we're going to make that policy decision and I'm going to be supportive of that when it comes. But when we decided as a state that the lead agency model was something we're going to follow, this is how it went, because I was part of the information sharing about how we came about with this. And the state put out RFPs and they said: We want to have lead agencies across the state, we want to centralize some of these functions of services, and we want to see who the best providers are that can do that. Six providers stepped up. At the end of the day, five providers, including a collaboration of providers that's still standing in Omaha, said: We'll do this, we think this is good for Nebraska and good for kids. So then there was the negotiation. And the agencies and the department, they signed a contract. And both entities are on that, the state and the private company, and had to negotiate an amount. And in the contract it said, we're going to negotiate an

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amount, and with that amount you're going to take any kid that comes into the system. You can imagine the first question the lead agencies asked, which was: Well, how many kids do you think that's going to be? If we're going to put our name on it and you're going to pay us a certain amount, whether it's that many kids, less or more, we'd like to know about where we are so we can build our business model around that. And the department said: Well, look, we've got some data that would show about how many kids come into the system and about how many kids leave the system, and we ought to base the amount of money based on that, and then you can agree or not to sign that contract. So five of them did. March down the road, one year goes by. A Lincoln agency said, you know what? There's a lot more kids coming into the system than we thought there was going to be; this is not sustainable for our business, we're out. Six months later another Lincoln provider said, you know what? There's a lot more kids coming into the system than we're getting paid for; we're out. We had one provider who started to step up and take other cases to pick up the pieces. And, yeah, they came and they asked the department for more money because there were more kids. [LB961]

SENATOR LANGEMEIER: One minute. [LB961]

SENATOR COASH: And I'm not saying that that was a bad thing, and I'm not saying it's a good thing, but they were trying to stay afloat and provide the service that they were asked to do. And at the end of the day, both parties signed on the dotted line and said, this is what we agree to do. And here we are with the HHS Committee saying, we got to pick up the pieces. And it goes back to my comments the last two times at the mike: the problem is more kids are coming in. That's what made these lead agency models fail. We didn't stop the front door. And it's always been the state's prerogative to say, we'll make the decision whether or not a kid becomes a state ward. They do that in conjunction with the judiciary. So if we don't get ahead of this, we will still be talking about this. Thank you, Mr. President. [LB961]

SENATOR LANGEMEIER: Thank you, Senator Coash. Those senators still wishing to speak: We have Senator Christensen, Ashford, Council, and Price. Senator Christensen, you're recognized. [LB961]

SENATOR CHRISTENSEN: Thank you, Mr. President. Again, I stand and going to follow up with what Senator Coash said about the number of kids coming into the system. I give an example yesterday about how the department is handling some of these situations. They wasted three days on a case that could have been handled with a phone call. That's poor management. That particular kid did not go into the system and should not have. But I think part of the problem we're seeing is there are federal rules and regulations to get funds on goals that must be hit on reunification. And when you have goals you got to hit to get money, you make bad decisions. We have problems where we're trying to hit reunification goals to hit federal money instead of looking at what's in the best interest of the kids. And we need to do what's best. We need a

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structure that evaluates, as I talked yesterday, that if you've got to call in on a child, if it's a schoolage kid, we can call the school and find out if this is an ongoing problem, isolated deal, what's really going on. There are a number of ways we can evaluate this besides just a caseworker coming in and investigating and trying to decide. Has there been problems with the local police officials? Two phone calls could have been in the example yesterday I give, and they both would have told you there's been no problems. I talked to both. That's why I say I'm not sure we're solving the problem here, folks. The interest is not on the children; the focus has been on qualifying for federal dollars, in my opinion. And that will always force bad decisions. We have to start looking what's in the best interest of the children, what's in the best interest of the family, instead of trying to see what's in the best interest to get more dollars for the state. And I really believe that's a key issue right now. That comes back to management. And I think we've had a lot of turnover in management, and we've had a lot of management that has had...been told what to do instead of focusing on the children. Would Senator Campbell yield to a question, please? [LB961]

SENATOR ADAMS PRESIDING

SENATOR ADAMS: Senator Campbell, will you yield? [LB961]

SENATOR CAMPBELL: Yes, Mr. President. [LB961]

SENATOR CHRISTENSEN: Senator Campbell, I think there's some statistic on CASA workers that's out there that has proven that cases that have CASA workers are settled faster and ends up saving money. Would that be a correct statement? [LB961]

SENATOR CAMPBELL: Oh, I think definitely. [LB961]

SENATOR CHRISTENSEN: Are we looking at the potential of savings if we had more CASA workers on these cases and handling them better, rather than just a program change? [LB961]

SENATOR CAMPBELL: Senator Christensen, I would have to agree with you. I would like to think we covered every possible topic in child welfare. But you are raising a question that... [LB961]

SENATOR ADAMS: One minute, Senators. [LB961]

SENATOR CAMPBELL: ...probably needs more study and we need to come back to, because I think it's a valid concern. [LB961]

SENATOR CHRISTENSEN: Because I guess my concern comes in on the problem of...I've seen studies that say CASA workers end cases a third faster. If that's the case,

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then why don't we have a CASA worker on every one? It could cut the time in a third. The thing is, that comes back, to me, to a check on the cost to the caseworker, where I feel a lot of the problems are. And so that's why I bring this up, and I'll continue dialogue on another time. You did say one minute, earlier, correct? Thank you, Mr. President. [LB961]

SENATOR ADAMS: Thank you, Senator Christensen. Senator Ashford, you're recognized. [LB961]

SENATOR ASHFORD: Thank you, Mr. President. I have not spoken on this issue. And I will not speak a lot on it. But I do want to, first of all, to Senator Christensen's point about CASA, this body last year put \$250,000 into the CASA program. And I think, to Senator Christensen's point, I think it's making a difference, because we're able to train more CASA workers. And that's important. I want to make a couple of points. One about my friend Senator Campbell. I was...we had...we have in Omaha a group of community leaders that get together every month and talk about social issues affecting our city. And, of course, last year there was a great deal of consternation and concern about the direction HHS was going. And I invited Senator Campbell to come to that meeting, a meeting. And she outlined very meticulously the...her plan in the LR37 effort. And I just...I want to thank her publicly for her ability to get the thinking of that group, an important group in our city, focused on solutions. The other point I'd like to make, and I think it is so incredibly critical, in the many years I've been here I have never seen the collaboration between HHS, the Health Committee, and the judiciary and the Judiciary Committee that I have seen over the last couple of years. Every state in the United States is faced with these issues. Every state that has a hot line has a number of cases that have...the number of cases having exploded. The more we bring the schools into the process, the more we're going to identify children who are in need of services. The more we bring the judiciary into partnership with HHS, the more children we're going to be servicing and the more solutions, collaborative solutions, we're going to need. I think what we've done is radically revolutionary. I think what we've done is absolutely revolutionary. It puts us in the vanguard of states in this country who are dealing collaboratively with the judiciary, education, and health and human services to come together in a collaborative. And if it took safe haven, and if it took the privatization issues to get us there, to get us to that collaboration, then it's unfortunate that there have been issues that we have had to deal with to get there. But if the result is this kind of statewide collaboration, throughout the entire state...Senator Howard talked the other day about the LB933 initiative and the Child Advocacy Centers and the idea that we now have in this state already set up--it's been there for 25 years, 22 years--a system with seven Child Advocacy Centers to review every case, all 16,000 cases in advocacy centers that are promoted and paid for by the private sector, for the most part, by the donor community. I'm thrilled, because I can now say after all these years of being in public life that we have the kind of collaboration between the key agencies, education, health, and the judiciary, that will address the needs of the 16,000 children, the

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crossover kids that are both delinquent and in the child welfare system, those children who are excessively absent from school and not doing well in school because of it. We are making a revolutionary change... [LB961 LR37]

SENATOR ADAMS: One minute, Senator. [LB961]

SENATOR ASHFORD: ...in our approach to children and to juveniles, because our goal should be that every child has value, every child in this state has value. No matter what their color is, no matter where they came from, no matter what their socioeconomic background is, we must not give up on any single child. And if we bring together, as we are now doing, the judiciary, the schools, and Health and Human Services, it's a new day and it is a thrilling day for Nebraska. And I applaud Senator Campbell and the entire Committee of HHS and my Judiciary Committee, not mine, the Judiciary Committee and Senator Adams and the Education Committee for this incredible collaboration. So I thank you all, and I think we must be very, very proud of where we're going and, of course, be watchful. But it's going to serve our children much better. Thank you, Mr. President. [LB961]

SENATOR ADAMS: Thank you, Senator Ashford. Senator Council, you're recognized. [LB961]

SENATOR COUNCIL: Yes, thank you, Mr. President. You know, I have been listening intently and I've been reading documents and e-mails that have been floating back and forth this morning. And it just further gives cause to concern and illuminates the need for us to move aggressively in addressing and in correcting the issues surrounding privatization of our child welfare reform system. I want to begin by again noting, and Senator McGill referenced it earlier in her comments, I have such concern when the remaining lead agency makes a representation that they are consistently maintaining caseloads of no more than 16 children, when it's actually 16 families, and knowing in making that representation that they're misleading the public and giving the impression that they're meeting standards set by the Child Welfare League of America, which is 17 children--not families. I'm also concerned, when I look at the amendment--and if Senator Campbell would yield to a question so I can gain some clarification--at one point we're talking about meeting standards established by the Child Welfare League of America in terms of caseload, and then we define caseload size. My question: Are we dealing with apples and apples or potentially apples and oranges? If the Child Welfare League of America defines caseload size differently than what's in the amendment, don't we set up the system for, actually, failure, in terms of trying to determine whether or not these standards are being met? Senator Campbell, where did the language in subsection (2) in the amendment come from, in terms of caseload size? [LB961]

SENATOR ADAMS: Senator Campbell, will you yield? [LB961]

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SENATOR CAMPBELL: Yes. Thank you, Mr. President. We basically took that language from the bill that Senator McGill had introduced. And what you are seeing there is the specifics how children are to be counted. In other words, if the children are out of the home, all children are one case. If the children are placed out of the home, the child is one case. In other words it sets forth in statute. Those would have come from CWLA, those standards. And I do want you to know that the department prints an annual report, and they also say in that annual report how their benchmark is against those standards. So they are already benchmarking against them. [LB961]

SENATOR COUNCIL: Okay. And in that regard, doesn't the amendment actually kind of delegate to CWLA whether or not the department is meeting these reduction standards? Because it says, you know, it shall be reduced 25 percent until the department attains...and this is another question I have. If you look in the amendment, it says, "a report on the attainment of the increase according to caseload standards." Shouldn't that be "decrease"? [LB961]

SENATOR CAMPBELL: That's correct. [LB961]

SENATOR COUNCIL: Okay. So... [LB961]

SENATOR CAMPBELL: It's a miss. We'll have to correct it between General and Select File. You have found an error. [LB961]

SENATOR ADAMS: One minute, Senators. [LB961]

SENATOR COUNCIL: Okay. And that was one of the concerns. I was getting confused on that. And I also want us to be cognizant of, you know, delegation to entities outside of the legislative branch or the executive branch. But I also want to make this final point. I'm looking at the contract that was signed yesterday. And, colleagues, you need to be aware of the fact that this contract provides for NFC to take over what KVC had, at twice the amount of money. Twice the amount. They're going to get what KVC was receiving plus more money. Someone needs to be questioning that, particularly when the contract says: Contractor agrees to cooperate to the extent necessary to accomplish the intent of these transitional services for children and families currently served by KVC. What is the plan? [LB961]

SENATOR ADAMS: Time, Senator. Thank you, Senator Council. The Chair recognizes Senator Price. [LB961]

SENATOR PRICE: Thank you, Mr. President and members. Good morning. In looking at the fiscal note on this bill, what I've noticed was a lot of discussion about full-time equivalents, transferring them over; a lot of assumptions are being made in the FTEs. And that brought up to me an opportunity to talk about the organizational structure that

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is currently in place. And I don't question it, and I'm going to support what we're doing here, but I want to focus...and maybe between now and Select I'll talk with the committee members. But I find it perplexing when we look at the organizational structure, and thankfully I had a conversation with Senator Howard. But again, looking at the child protective services in the Omaha area, where there were...where I was told, well, I would say approximately two years ago that there were about 2,600 children/clients in the system and there were roughly a little more than 500 employees in that organization. And so immediately my mind leapt to the mathematical conclusion that it would go 5:1, that we had 5 people...5 children for each person working in the agency. Of course, it doesn't translate directly to that, because you have your caseworkers have a tremendous caseload, and if someone is in transition they could get a...they would have to share some of those cases. But there are these financial people that support the case. There is a supervisor. And I'm looking at, again, this fiscal note, and it focuses on the caseworkers...or if I'm using...case managers. I don't want to have the wrong nomenclature there. Pardon me if I did. I didn't mean to offend. But when you look at that, there's a support element that goes there, and I don't know that we resolved that, that we have the granularity there to how many more support people do we need for each person who's on the ground, who's making contact with the children. So we need to look at that a little more carefully so we understand the scope of what we're doing here. It does boggle my mind that we have spent as much money as we have for the period of time we have and gotten the results that we did. It doesn't seem like it's working very well, and that's why I'm championing and working with this process here, because, again, if we do the same things and expect different results, it's not going to work. We all know that. And I...but I want us to focus on the full-time equivalents and the number and the caseload. Because, again, we've heard from Senator Christensen and we've heard from other people, and I've had constituents talk to me about their issues with the system. Of course, if you don't always get all the information exactly right from one side, you have to take a step back and look at things. But I am concerned and I hope that this IG and I hope that the Ombudsman can look at things, because I've heard of what could be construed as abuses by people within the system. But again, I do believe that that's far and few between, and hopefully we do have a mechanism to address this. But, again, colleagues, when you look at the fiscal note and you see that there are maybe 25 FTEs, maybe we don't know how many, we don't know the caseload structure, but we definitely don't have any eyes on the support staff that's going to be needed for those caseworkers. Thank you, Mr. President.
[LB961]

SENATOR ADAMS: Thank you, Senator Price. Senator Christensen, you are recognized, and this is your third time. [LB961]

SENATOR CHRISTENSEN: Thank you, Mr. President. You know, I really think we've got to look at the leadership of what's going on here, because great plans fail for lack of good leadership. And that's why I brought up yesterday if we don't appoint this

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commission and we don't take control of this, there's no way there's going to be a positive change. The commission cannot do the best job for the interests of the state of Nebraska if we don't structure it with the right people to get the right information and accomplish the goals of this legislation. And so again I reiterate what I said yesterday: We must take this in-house and set up the commission and look at it. Without it, we will not have the best results for Nebraska. Would Senator Campbell yield to a question, please? [LB961]

SENATOR ADAMS: Senator Campbell, will you yield? [LB961]

SENATOR CAMPBELL: Yes, Mr. President. [LB961]

SENATOR CHRISTENSEN: Senator Campbell, first I want to thank you for taking so many questions from me and your hard work on this issue. I appreciate it very much. I guess I want to ask, are we going to look at guardians ad litem in this thing? Is there anything here that's going to look at this? There's been several bills proposed. Nothing has ever come out of this committee since I've been down here. Are we going to look at this? [LB961]

SENATOR CAMPBELL: Senator Christensen, a very good question. The Chief Justice has the state Supreme Court Commission on Children, and that is an advisory body that advises the Supreme Court on issues regarding children. And they have a subcommittee working on guardians ad litem and the standards and what should be in place. And I would guess if you have suggestions of what is needed, that subcommittee--mostly made up of judges, I might add--would be glad to visit with you, because they are working on that issue. [LB961]

SENATOR CHRISTENSEN: Again I'm going to state, like I did on caseworkers, I think there needs to be a way to ask for a different one and a review process, because I can document where a guardian ad litem said: Because you are of a different race, you will not have these kids. That's where some of them are at, and that is a travesty, and that's why I say if we don't get the right leadership and we don't really work on this very hard...and I again am going to say this commission needs to come in-house. If we do not go through this and do it ourselves, we're going to not get the changes that are needed. This will be looked at again in two or three years down the road, five years down the road, and it's going to be the same issue again. Going to be, well, maybe we better try privatization again or maybe we better have it all in-house. We keep flipping back and forth, because, again I say, the leadership has been the issue. If you have the right leadership, you'll eliminate 90 percent of the problems. And we've not had that leader step up, and it's very frustrating to me, and I feel for foster parents, because any of them that are willing to take these on are fantastic people. [LB961]

SENATOR ADAMS: One minute, Senator. [LB961]

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SENATOR CHRISTENSEN: Thank you. And they need to be encouraged, talked to. How do we make it better? How do we get the people back that have left because they've been mistreated? You know, we have...this is more than just a small issue. This is more than just a small problem, and I think we're just touching the beginning of this issue. And I'm not sure we can accomplish this if we don't get this in-house and be able to control it. Thank you, Mr. President. [LB961]

SENATOR ADAMS: Thank you, Senator Christensen. Senator Brasch, you're recognized. [LB961]

SENATOR BRASCH: Thank you, Mr. President, and good morning, colleagues. I rise in support of LB961 with AM2159 following much debate and discussion of caseworkers, foster care families, and kids. Our Health and Human Services Committee and now this legislative body is charged with the review and initiating of what we believe to be the best possible path to provide safe, loving, and caring shelters for our children when their parents and families are unable to do so. Indeed there is great concern and urgency, because in the life of a child every minute of uncertainty, in their eyes, is equivalent to a lifetime. Surely our work here is to help provide a sound foundation from which these children, our children, can someday become healthy, happy, and caring adults for their families and perhaps an advocate to help others in distress of similar situations. This may not be the one answer, if there is one answer, or a perfect answer, on how to completely meet every single need, but it does move forward addressing steps and measures to do so. I want to thank the Health and Human Services Committee for their work, because it is work that is heartfelt on LB961 and AM2159. Thank you, colleagues. [LB961]

SENATOR ADAMS: Thank you, Senator Brasch. Senator Nordquist, you're recognized. [LB961]

SENATOR NORDQUIST: Thank you, Mr. President and members. This entire process the last few days has been a great discussion on the floor. But I think a piece we haven't hit on enough as we look at the transition in our child welfare system and getting our system straight: keeping kids in-home as much as possible is prevention. It is about what can we do to prevent kids from coming into the system to begin with and what are the most cost-effective methods to do that. Senator Christensen talked about on the back and the CASA volunteers and the cost-effectiveness of that. That's absolutely true, and I think as we go forward and we look at the work that Senator McGill did and the pilot money we have and for CASA, we're going to want to expand that program in the future so every county can have a CASA organization to help kids and be advocates for kids in the system and help them move through the system faster. But I think we really need to look at what can we do on the front end to prevent children from being abused and neglected. And you may say that's an impossible task; there's always going to be

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abused and neglected children. You're probably right on that. But there certainly are programs and models and evidence-based best practices out there that we should be putting our dollars in. It starts from a general, populationwide programming to make sure families know that there are support services out there for them, that they know how to access the services that are available. But then it gets down to targeting high-risk, high-needs families or situations where there are high risks for children to be abused and neglected. Obviously, we know that often families where there is substance abuse and young parents, there's a higher risk, and in poverty there's a higher risk. And we know there are great programs that work that we should be investing in, programs at high schools with teen parents, to help them adjust and make sure that we don't have their children become abused and neglected. Another one that the state has worked on, Senator Howard has been an absolute leader on, is home visitation programs. She started the pilot program, and I'll probably ask her a question here, or two. She started the pilot program. She...we added some additional funding a couple years ago. We talked about it in the Appropriations Committee this year. We haven't finalized our budget, but I think we're going to make a little bit more of an investment in that program again, to increase the reach of that program, because we know that works, that getting parents in targeted areas the support they need early on prevents child abuse and neglect. So as we move forward in the coming years, as we talk about fixing the system on the back end, we can't take our eye off of the ball. We can't take our eye off of making sure we're doing everything to prevent child abuse and neglect. And if Senator Howard would yield to a question? [LB961]

SENATOR ADAMS: Senator Howard, would you yield? [LB961]

SENATOR HOWARD: Yes. [LB961]

SENATOR NORDQUIST: Senator, as I said, you've been a leader on the issue of establishing our home visitation program and targeting that and making sure that young parents and high-needs parents, at-risk parents, get what they need and are visited by a nurse. Can you kind of elaborate on that? And maybe if you know of any...of the research that's been done on what we've done to date and how effective that's been? [LB961]

SENATOR HOWARD: Well, thank you for the opportunity. I really appreciate that, Senator Nordquist. And as I said when I presented the bill on the floor way back in 2005, after working on the back end of the program for 34 years... [LB961]

SENATOR ADAMS: One minute, Senator. [LB961]

SENATOR HOWARD: ...it was time to start at the beginning. Thank you. And this program enables the visiting nurses and health providers to go into the homes of those young moms who are at risk, who have no support system and yet have an infant that

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they've never experienced parenting before, and to bond the mother and the child together, to tell them of the wonderful things that baby is doing every single day, and to promote that love and relationship. That is our best preventive measure. Too often these moms feel they're out there with no money, no support, no one caring about them and their infant, and a crying, crying baby and not knowing where to turn. This has prevented many cases...and I gave Senator Nordquist some information on the statistics from the VNA here in our state of the children who have not been harmed, the prevention work we've done. It's a wonderful, wonderful thing. And I thank the Appropriations Committee for being with me again this year. [LB961]

SENATOR ADAMS: Time, Senator. [LB961]

SENATOR HOWARD: Thank you. [LB961]

SENATOR NORDQUIST: Thank you. [LB961]

SENATOR ADAMS: Colleagues, the cookies that are being distributed are in celebration of Senator Nelson's birthday, and they were baked just this morning by his wife, Judy. Senator Nelson's birthday actually falls on December 29, but he's observing it today for two reasons: first of all we're in session, and he won't have another birthday until February 29, 2016. We return to debate. Senator Lautenbaugh, you're recognized. [LB961]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I have pretty much listened on this. I have not spoken on any of this, and I do like the direction we seem to be going with the amendment, and I'll continue to watch this and continue to listen and see where we go between General and Select. I do have a concern about case counts and how we do this, and I want to be very clear that I'm not sitting here saying the number that we are bandying about now is wrong. I am saying that if we start counting children rather than cases, we create an administrative nightmare, because kids come in and out of the cases, if you will, and we do kind of know an average: if you have this many cases, it involves this many kids overall. So this is all, you know, knowable or reasonably estimable. But the case count issue is important to me because it doesn't necessarily do what we want it to do. And I'm speaking mostly because of experiences in other areas not actually involving caseworker case counts. We had a bill, I think last year in Judiciary, that would have provided case counts, saying that no attorney could take a certain number more than 50 of a certain type of case. And I asked the proponent of this an obvious question: Well, don't you have to then limit all of their other work? Because if you're saying this attorney can have 50 cases but he or she also has 90 of another kind of cases, that's different than if this attorney has 50 cases and nothing else. So we have to look at what else they're doing, which...nobody wanted to talk about that, and it wasn't...not in this case but it was another deal. But that's the rub. That's the problem. Are we also going to

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mandate that these workers work an 8-hour day? Because if we are counting the cases, I assume the point is we want them to spend X amount of time on cases. Do they have to be full-time employees? Do they have to be part-time employees? Are there things they should be doing on a certain day? Are there things they should do twice? Are there things some people are just doing once and they should be doing them five times? We don't know all of that. At least I don't know all of that as I stand here. And maybe there's an answer. Maybe this has already been thought through, but I have yet to hear it, and I think we sometimes overestimate our ability to limit things or impose our will when we say, well, you should only have 16 kids or 16 cases or 20 cases or whatever. We have to think that through, what else are they doing. And there's a point at which, I guess this is what I'm getting at, we can't always think that through because we don't know what else is going on in the person's life. Are they a hard worker? Do they work 8 to 5? Do they work noon to 4? I mean, we don't know. We don't know if they're diligent or not, if they're hardworking or not, if they're getting things done quicker, if they're in an urban area so it's easier to do more things as opposed to where it might be miles between kids you're supposed to be going and visiting. These are all things that we have to be cognizant of when we start looking at case counts and imposing case counts or kid counts on these workers. And I'm not up here today to tell you what the right number is, and, again, I do generally like the direction we're going with this, but I think we have to be cautious when we look at that and when we try to impose a number. I'll continue to listen. I'd yield the rest of my time to Senator Campbell, but I'm sure she's tired of having time yielded to her. Oh, apparently she's not. She's up, so I'll yield the rest of my time to Senator Campbell. [LB961]

SENATOR ADAMS: Thank you, Senator Lautenbaugh. Senator Campbell, you are yielded 1 minute 7 seconds. [LB961]

SENATOR CAMPBELL: I think I can answer his question. Senator Lautenbaugh, you're asking a very good question; and right now, in the annual report on caseload, the department already benchmarks itself against the numbers, and they take into account whether this is an intake, whether it's a nonchild-abuse and -neglect case, whether it's an initial safety, whether it's in-home. They actually present all that information to us as the Legislature. So I really do have to say that I think the department has always started to bench itself against the CWLA standards. And the importance about that is it's a goal, what you're trying to reach. So, Senator Lautenbaugh, the department is already tracking exactly what you are asking. And you can find that in the report, and I'll be glad to share it. Thank you. [LB961]

SENATOR ADAMS: Thank you, Senator Campbell and Senator Lautenbaugh. Senator Howard, you are recognized. [LB961]

SENATOR HOWARD: Thank you, Mr. President and members of the body. Senator Nordquist gave me a great opportunity to talk briefly--one minute--about early

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intervention. And I believe it deserves a little bit more time because it's such an important program. And when we look at the big picture of child protection services, this is such a positive. This is one that we can all feel good about. A good friend of mine came in and presented her information to the Appropriations Committee when I presented my bill, and this is Judy Halstead, who is in charge of the early intervention program. She works with CEDARS Youth Services down here in Lincoln. And they started their program in 2008. My bill was passed in 2005, and there was a very limited amount of funding at that time, and that was given to the visiting nurses program in Omaha. And when I went in in 2007, I was able, with the help of the Appropriations Committee, to procure an additional \$600,000, and that's when the Lincoln program came on line. Just some numbers for you: 35 percent of participants indicated an improved relationship with the baby's father; 35 percent of participants indicated an increased ability to control their temper; 48 percent of participants indicated an increased patience with a child's behavior; 48 percent of the participants indicated an increased ability to cope with stress; 48 percent of participants indicated an increased understanding of the warning signs--the warning signs--of abuse and neglect since enrolling in the parent participation program; 61 percent of the participants indicated an increased understanding of the child's development and what it meant to be a parent. Now I could go on with this; there are some additional numbers. Well, here's another one I'm going to give you, because this is great: 83 percent of the participants indicated an increase in their social support systems since participating in the program; 83 percent of the participants indicated an increased ability to problem-solve; 90 percent met or exceeded their developmental milestones; and 100 percent--100 percent--of the young moms involved in the early intervention indicated that they are better able to take care of their baby since they began participating in the program; 100 percent of these children got their well-child checks or medical visits and their immunizations; and 100 percent--this is so important--100 percent of these families did not have substantiated reports of abuse and neglect. That's the number you need. Early intervention works. Early intervention keeps kids from being hurt and coming into our system. We want an answer? This is the answer. We're dealing right now with how to best address the needs of the children already in the system, and I think we're making a great deal of headway. Senator Ashford, with Judiciary; Senator Campbell, head of our Health and Human Services Committee; and the Appropriations Committee, working hand in hand, and all of us joining together with our concern about this. I...this is my last session here, and I leave this session with a sense of hope that things will go on and things will get better. I came in with a sense of I can make a real big difference down here. [LB961]

SENATOR ADAMS: One minute, Senator. [LB961]

SENATOR HOWARD: I got...thank you. I got my first bill passed in six weeks and was elated and thought my work was done. (Laugh) And eight years later...eight years later, I say that we're reaching a point where, personally, I feel a lot of my work is done, and I feel good about leaving you. So thank you for all you've done. Thank you for supporting

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the early intervention program. Thank you for being so diligent on this issue as we continue to make it better--better for those kids that come into our system. Thank you. [LB961]

SENATOR ADAMS: Thank you, Senator Howard. The Chair recognizes Senator Pirsch. [LB961]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. And, first of all, again I'd like to acknowledge the role of the committee members and Chairman Kathy Campbell in this process. I really do admire your leadership. Just some comments to follow up on the question that was posed by Senator Christensen with respect to guardians ad litem. And I, since leaving the criminal prosecutor's office to accept this position here in the state, have worked as...we do a significant number of cases as a guardian ad litem. But it is worthy to note that this, as Senator Campbell had referenced, the Supreme Court Commission on Children in the Courts has submitted to the Supreme Court proposed amendments to the Supreme Court Guidelines for Guardians Ad Litem for Juveniles in Juvenile Court Proceedings. Amongst those...and so the comment period runs through June 1 of this year. And just amongst those changes, the number of juveniles who can be represented by a guardian ad litem in all juvenile court proceedings at any one time would be limited to 60. That's one of the proposals here...and, as well, deals with the pay structure. All guardians ad litem for juveniles shall be compensated for services on an hourly fee and not a flat-fee scale. That's the proposal, as well as a proposal that all guardians ad litem for juveniles shall prepare and submit for approval by the court a detailed billing statement for hours expended and services rendered. So that's the nature of the changes that Senator Campbell alluded to. Just to comment a little bit about, you know, the differences. You know, we're talking about privatized...well, they call them FPS, family permanency specialists, which is the case...another name used for the case managers nowadays. But really, when you get down to it, it comes down to the individual, the quality of the individual, the dedication of the individual who's playing that essential function, that role. And, really, they are the quarterback of the team, there's no doubt about it, if...you need a good individual in that position. And, really, you know, my observation has been that there's both good and bad, you know, no matter what the organization, whether it's, you know, under...run directly by the department or whether it's under privatized. And so that's been my observation, both...had the opportunity to work both before and after. And so that's why it's key to make sure that we have the right person in for that job. And by and large, I have been, you know, I want to say that these people are...want...you know, are there for the right reason--I mean, it obviously isn't the money--that they are interested in doing a good job for the youth that they're working with. So with that, I'll yield the balance of my time. Thank you. [LB961]

SENATOR ADAMS: Thank you, Senator Pirsch. (Visitors introduced.) Senator Pahls, you're recognized. [LB961]

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SENATOR PAHLS: Thank you, Mr. President and members of the body. Would Senator Howard yield to a question? [LB961]

SENATOR ADAMS: Senator Howard, would you yield? [LB961]

SENATOR HOWARD: Yes, I will. [LB961]

SENATOR PAHLS: Senator, I know, with your background, you may have a rough idea of the number of children that are involved, but could you give me a rough estimate of the number of children who are in the school system that you have dealt with or are dealing with in this particular issue? [LB961]

SENATOR HOWARD: Well, and you asked me this earlier, and I was putting some thought into it. If you round up the number, approximately, that we have in the system as state wards, either in-home or out-of-home, and I would say the vast majority of those are in school, grade-school-age children, and then there are the children that are, as Senator Ashford calls them, the crossover children that we would like to think would be in school because they are school age: I would say approximately three-fourths of the children that we have in the system would be school age, in that range. There are many fewer children that are infants or very young children. And, hopefully, with early intervention, there are even fewer. But I hope that's helpful. Approximately three-quarters, I would just estimate. [LB961]

SENATOR PAHLS: Yeah, three-fourths. And that would be three-fourths of what number, though, would be...? [LB961]

SENATOR HOWARD: Well, of the 7,000, that's rounded up to 7,000; and, again, these are ballpark, as you say, numbers. [LB961]

SENATOR PAHLS: Okay, right. And I thank you. And that's what the issues are I'm speaking to right now. Let's say we have 3,000 or 4,000 of these students are in all of our public and private schools. That is a significant number, because the school system is trying to make things work. And just to give you an idea, when a student would come to the particular school that I was involved with and we knew that this child had certain issues, foster care and all this, we as a team would get together and try to make a plan of action for that child and for that family. It's not something you knock on the door, you place a child there, and everything is copacetic. We actually made...tried to make things happen, because those children, we knew, right now, at that moment, they had issues in life that probably many of us in this body have never felt. So this...we need to find a solution not only for the children but to help the educators who are working with these young people. It is a significant drain on everyone. So that's why I am particularly interested in what we are trying to promote here, because I see it as affecting not only

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the families, affecting schools. Because I don't know if you realize...most...oh, I know you realize this, but if you're an educator and you know that there's an abuse or a neglect situation, you're required by law to report that. And that is not always an easy thing. Again that...we get together and say, okay, let's look at all the facts, because we know we are actually dealing with people's lives, not only the child but also the adults that are involved. So we take this very seriously, as...in that field, as I am hoping that we do. And I can hear by all the testimony today that we do think in that direction, and I appreciate that. Thank you. [LB961]

SENATOR ADAMS: Thank you, Senator Pahls. Colleagues, there are no other senators in the queue. Senator Campbell, as Chair of the committee, you are recognized to close on the committee amendment. [LB961]

SENATOR CAMPBELL: Thank you, Mr. President. Colleagues, I thought we have had a great discussion not only this morning but on the totality of the five bills. I much appreciate all of your questions, all of your concerns as we move forward. I was asked the question off the mike: Who will be monitoring and paying attention to this pilot project? I would refer you back to the action we took in LB821 and LB1160. Both of those have requirements for reports by a lead agency. I would also expect that as we set into motion the inspector general, one of the projects that he or she could undertake would be to continue to monitor what's happening in this pilot project. I want to return to a question that Senator Christensen asked, and that is, are we watching this in-house? And I would refer you back to LB1160, because one of the recommendations in the section of AM2003 requires the Health and Human Services Committee to report on December 15, for 2012, 2013, and 2014, to the Governor, the Legislature, and the Chief Justice on the progress made by the Department of Health and Human Services toward recommendations contained within the report and certainly within these five bills. So the work of our committee is not done. It will continue, and we will be responsible to you. All in all, it always comes down to the people, those people every day who make a difference. And in LB960 (sic--LB961) we talk about the difference that the case manager can make. The Speaker was very eloquent yesterday, I thought, in thanking those people who every day make a difference for kids. You know, in the fund-raising world we often talk about people envision children in the child welfare system as the little boy in the plaid coat carrying a sled, when in reality that is not the picture we see today. Oftentimes, our case managers, our people in the front lines, have to deal with very difficult situations. This is a tough job. And I am...I want to go back to the testimony that the Health Committee heard of a foster parent who went to pick up two children who were covered in their own feces and urine. These are tough situations, folks. You've all done a great job and I think we've set into motion a great first step, but that's what this is on these five bills, is a great first step, and the journey will be long. Thank you, Mr. President. [LB961 LB821 LB1160]

SENATOR ADAMS: Thank you, Senator Campbell. Senators, you have heard the

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closing to the committee amendment to LB961. The question is, shall the committee amendments to LB961 be adopted? All those in favor vote aye; all those opposed vote nay. [LB961]

SENATOR HOWARD: (Inaudible). [LB961]

SENATOR ADAMS: Senator Howard. [LB961]

SENATOR HOWARD: Record vote, please. [LB961]

SENATOR ADAMS: Thank you, Senator Howard. Are there any other senators wishing to vote? Record, Mr. Clerk. [LB961]

CLERK: (Record vote read, Legislative Journal pages 692-693.) 40 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB961]

SENATOR ADAMS: Thank you, Mr. Clerk. We now move to debate on the underlying bill, LB961. Senator Campbell, there are no senators wishing to speak. You may close on the bill. Senator Campbell waives closing. The question before the body is for the advancement of LB961 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Senator Howard, you are requesting a record vote? [LB961]

SENATOR HOWARD: Yes. Thank you. [LB961]

SENATOR ADAMS: Have all voted? Record, Mr. Clerk. [LB961]

CLERK: (Record vote read, Legislative Journal page 693.) 42 ayes, 0 nays, Mr. President, on the advancement of LB961. [LB961]

SENATOR ADAMS: Thank you, Mr. Clerk. The bill advances. Are there announcements, Mr. Clerk? [LB961]

CLERK: I do, Mr. President. Thank you. New A bills. (Read LB950A and LB806A by title for the first time.) Amendments: Senator Sullivan to LB473; Senator Hadley to LB830. New resolution: Senator Gloor offers LR431 and LR432. Both of those will be laid over. And the Retirement Systems Committee, chaired by Senator Nordquist, reports LB1082 to General File with committee amendments attached. (Legislative Journal pages 693-695.) [LB950A LB806A LB473 LB830 LR431 LR432 LB1082]

SENATOR ADAMS: Thank you, Mr. Clerk. We will now proceed back to General File. Mr. Clerk, we'll proceed to LB916. [LB916]

CLERK: LB916 is a bill offered by the Retirement Systems Committee and signed by its

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members. (Read title.) The bill was introduced on January 10 of this year, referred to Retirement Systems, advanced to General File. There are Retirement Systems Committee amendments, Mr. President. (AM1739, Legislative Journal page 522.) [LB916]

SENATOR ADAMS: Thank you, Mr. Clerk. Senator Nordquist, you are recognized to open on LB916. [LB916]

SENATOR NORDQUIST: Thank you, Mr. President and members. LB916, as the Clerk stated, was introduced by the Retirement Committee at the request of the Public Employees Retirement System. It contains several plan clarifications and IRS or Internal Revenue Code compliance updates to the County, Judges, State Patrol, School, Omaha school, and State Employees Retirement Acts. The bill was advanced unanimously with committee amendments. Specifically, the changes are, and I'll read through these: Employers are required to notify the Public Employees Retirement Board upon the termination of an employee member; allows plan members following termination or retirement to roll over their pension accounts into a Roth IRA; allows a nonspousal beneficiary to make a direct transfer or roll over the member's death benefit into a qualified retirement plan; allows a lump-sum direct transfer of death benefit into a qualified retirement plan; implements provisions of the Heroes Earnings Assistance and Relief, or HEART, Act requiring a member's beneficiary to be entitled to an additional death benefit that he or she would be entitled to had the member been employed during the period of qualified military service when death occurred; and it says per diems are removed as compensation for purposes of retirement. And on this piece I just want to clarify that per diems refer only to the allowance for daily expenses and payment to persons for daily...actually engaged in the discharge of duties serving on public boards and commissions. It does not include additional duty pay or payments to employees for extra days worked on top of their employment contract. Specifically in the school retirement plan, membership in the plan is limited to employees who have attained the age of 18. This issue came up a little bit that there potentially were people who were considered employees under the age of 18 on a temporary or seasonal basis. We just want to clarify that plan members have to be the age of 18. And voluntary service provided during the 180 days following termination must be bona fide, an unpaid voluntary service. The bill also authorizes the Public Employees Retirement Board to set materiality and de minimus amounts for agency transactions, adjustments, and inactive account closures. That is ultimately the summary of the underlying bill as it was introduced and was brought on behalf of the Public Employees Retirement Board at their request to get into compliance with, as I said, IRS Code changes and a few other issues. There is a committee amendment which includes LB1036 and LB973, and a few technical and clarifying amendments to this underlying bill. First, the technical and clarifying amendments clarifies a death benefit provision in the school plan. It deletes obsolete language regarding a school district's obligation to inform the Public Employees Public Retirement Board about salary increases above 7 percent. It changes

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notification requirements to plan members if an adjustment is made to a plan member's account balance by the Public Employees Retirement Board. It clarifies that Patrol members who entered the Deferred Retirement Option, or DROP, Plan are considered retired but they're not considered...their employment is not considered terminated. And it adds severability clauses and emergency clauses. The two bills that were amended in: first was LB1036, which I...I believe it was my bill with a few cosponsors of the committee. LB1036, as amended, provides additional opportunity for active county and state deferred retirement option...or, sorry, county and state defined contribution plan members to opt in to the state cash balance plan in a time period between September 1 and October 31. Employees are limited to a one-time opt-in opportunity during this time period. The assets of the employees who opt in will be transferred, then, beginning January 2, 2013, when membership in the cash balance plan begins. Just a little background on this: You may remember, in 2003, county and state employees up to that time had participated in a defined contribution plan. In '03, the new state and county employees cash balance plans were created, and new employees would then go into the plan. At that time, there was an option for people in the old plan to transfer to the new cash balance plan, and there was an additional option period opened in '07. Currently, two-thirds of all state and county employees are members of the new cash balance plan. The original intent to the creation of the plan was to ultimately include all...eventually all county and state employees, and this bill will move us closer to that goal. As I said, right now two-thirds of members are. New employees automatically go into the cash balance plan, and this would give current employees who did not take the two previous options an option to move over. There is a provision regarding the forfeiture funds change. The other portion of this bill deals with the treatment of state and county forfeiture funds. When a county or state employee terminates their employment prior to three years of vesting, their funds, their employee forfeiture funds...they forfeit the employer contribution. So if they're not vested, the employer contribution is then forfeited. We used to...the defined contribution plan, which closed in 2002, at that point there were no more forfeitures...well, after 2005, after a three-year period, there were no more new employees going into that plan, so therefore there were no new forfeiture funds after '05. Up until...since that time, we have been using the forfeiture funds in the cash balance plan to help offset the costs in the DC plan, but that is not the way we're supposed to be doing it. So we are moving to say that only cash balance forfeiture funds, they have to be used only to offset the expenses in the cash balance plan, and the defined contribution plan will have their own...will have to increase fees, probably, on their members to cover the administrative components of that. Finally--and Senator Coash could probably speak to this--we included LB973, which was introduced by Senator Coash. And again, all of these bills came out together unanimously. Under statute, no public pension benefit may be attached or garnished for any purpose. LB973 includes an exception to the prohibition on the attachment of public pension benefits, which includes the following public retirement plans: MUD; first-class city police and fire; counties; judges; county, municipal, or other political subdivision; deferred compensation plans; school plans, including the Class V Omaha plan; State

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Patrol; state employees; and deferred compensation administered by the Public Employees Retirement Board. As amended under this bill, once the member's pension fund or annuity or deferred compensation are distributed to the member, then a claim for civil damages may be attached only if that member has been convicted or pled no contest to assault, sexual assault, kidnapping, child abuse, false imprisonment, or theft by embezzlement and, as I said, a civil judgment had been entered on that. Senator Coash can, if he would like, could speak to a specific case that this bill would address, and we felt as members of the committee that was something we needed to do. Under the provisions of this component to the amendment, the court may exempt amounts necessary for the support of the member or beneficiary in order for payment of benefits not to stay on appeal of the conviction. If the conviction is reversed, all benefits are forfeited to the member. The provisions of LB973 operate retroactively and apply to public pension plan members convicted of or who pled no contest to one of the specific felonies I mentioned and were found liable for civil damages prior to, on, or after the effective date of this act. [LB916 LB1036 LB973]

SENATOR ADAMS: One minute, Senator. [LB916]

SENATOR NORDQUIST: Those are the provisions of the committee amendment, and that's all I have, Mr. President. [LB916]

SENATOR ADAMS: Thank you, Senator Nordquist. As the Clerk stated, there are amendments from the Retirement Committee, and, Senator Nordquist, as Chair of the committee, you are recognized more time for opening. [LB916]

SENATOR NORDQUIST: I think I covered those in my previous opening. Thank you. [LB916]

SENATOR ADAMS: With that, we open for debate. And Senator Carlson, you are recognized on the committee amendment. [LB916]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. If Senator Nordquist would yield to a question, I'd appreciate it. [LB916]

SENATOR ADAMS: Senator Nordquist, do you yield? [LB916]

SENATOR NORDQUIST: Yes. [LB916]

SENATOR CARLSON: Senator Nordquist, what was the...in your opening, you talked about the date that we had a change going over to a cash balance fund. What was that date? [LB916]

SENATOR NORDQUIST: The...for this current election or initially, when it was...

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[LB916]

SENATOR CARLSON: Well, initially. [LB916]

SENATOR NORDQUIST: It was created in 2002 and began in 2003. I don't know if it started on the fiscal year in 2003. I can ask my...I don't think I have that here but... [LB916]

SENATOR CARLSON: Well, that's okay. Now, what the cash balance allows is an option to, at retirement, transfer that amount out probably to some kind of qualified plan without penalty. That would be part of the benefit, wouldn't it? [LB916]

SENATOR NORDQUIST: That would be...that would be...yeah, you can take a distribution upon termination or retirement, and there's annuity options as well, that you could annuitize the amount in your cash balance account. [LB916]

SENATOR CARLSON: Now, prior to that date, it was the early 2000s, was there a cash benefit option at that time? [LB916]

SENATOR NORDQUIST: There wasn't any...there wasn't a cash balance option. No, that was brand new in 2003. Before, it was the defined contribution plan, which is like any other defined contribution plan that you know of. So. [LB916]

SENATOR CARLSON: Well, and on a defined contribution, versus defined benefit, they would have all the options...would have had all the options but the cash benefit. And I understand what's good about a cash benefit option to someone. So prior to that time, they simply had to choose one of the payouts. Correct? [LB916]

SENATOR NORDQUIST: Um-hum. That's right. [LB916]

SENATOR CARLSON: Now, having that been changed, as it looks like on the fiscal note, then this still has no fiscal impact on the state. Correct? [LB916]

SENATOR NORDQUIST: Well, yeah. All they're doing, essentially, if they're in the defined contribution plan right now, is their assets would be transferring over to the cash balance plan. And as I'm sure many of you know, just I'll hit on it just so people are aware, the cash balance plan is a hybrid plan. It's actually been looked at around the country as a good model, where the state guarantees a rate of return but you still have your own individual accounts. The state invests it all. You don't make...unlike the DC plan, where you make your own investment decisions, under the cash balance plan the state invests it, guarantees a rate of return. Sometimes, if investments do well, there's additional dividends. But...so all they're doing is employees that opt in now will just be moving their balance out of the DC over to the cash balance. [LB916]

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SENATOR CARLSON: Okay. And then the fact that we have the cash balance as a possibility now, where that money can be transferred out, it did not create any additional liability for the state. [LB916]

SENATOR NORDQUIST: The only potential liability that would arise with this is with our new employees moving over. As I said, we have a guaranteed 5 percent rate of return. For some reason should we not hit that on an annual basis, that would be the only potential liability. It's not likely. Our Investment Council projects us to be well above 7.5 percent, between 7.5 and 8 percent, for, you know, as far as the eye can see. So that would be the only potential liability. But that is a...it's a very small concern. [LB916]

SENATOR CARLSON: Okay. Just philosophically, if you in the past did not have a cash option as a possibility and now you do, you have the probability of money being moved out of the system. And as I say, the fiscal note says, "no effect." And I think that if your staff... [LB916]

SENATOR ADAMS: One minute. [LB916]

SENATOR CARLSON: ...could just help me understand that, in fact, that's to be the case, I support the bill. But I thought that that was a decent question to ask. [LB916]

SENATOR NORDQUIST: Sure. Sure, I can certainly have the legal counsel visit with you about that. But I...the...I mean, individuals have their own accounts, so it would be...I mean, we anticipate that they'll leave the system at retirement age anyway, so it would have no actuarial impact on the system. [LB916]

SENATOR CARLSON: Okay. All right. Thank you, Senator Nordquist. [LB916]

SENATOR ADAMS: Thank you, Senator Carlson. The Chair recognizes Senator Coash. [LB916]

SENATOR COASH: Thank you, Mr. President. I wanted to briefly speak about the provisions in the committee amendment that Senator Nordquist referred to, which was originally an amended version of a bill I introduced, LB973. And I did want to thank the Retirement Committee for looking at this bill and finding it worthy to include in their committee priority bill. And just to give my colleagues a little bit of background on where this bill came from, in the Judiciary we're used to...or I've become accustomed to reading Supreme Court decisions, and it's kind of like reading an academic novel. You always skip to the back to see what the end recommendations are. And I happened to read one that the Supreme Court said, well, this is an issue that needs to be addressed; if it needs to be addressed, it needs to be addressed at the legislative level. And I saw it as an opportunity to correct something that didn't seem right. Just didn't pass the sniff

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test. And what the amended version of LB973 does is very simple. It says that if a state employee is convicted or pleads guilty to the following felonies: assault, sexual assault, kidnapping, child abuse, false imprisonment, or theft by embezzlement, and is ordered to pay civil damages as a result of that, a judge may order the payment of pension benefits or annuities, as Senator Nordquist stated, once the benefits have been paid out to the beneficiary. In addition, a judge may exempt...or must exempt a portion of this pension that would be reasonably necessary for the employee and his or her beneficiaries. And this came, colleagues, out of a Supreme Court decision, as I mentioned, where...there's a strong wall in our state built around these pensions, and it is difficult to access those pensions, for good reason, even in a completed civil case. And what my LB973, as amended by the committee, does is say that if you go through the criminal process and you've got a conviction there on these very specific crimes, and you go through the civil process and there is a judgment issued there, that once the money has been distributed to the beneficiary the judge can order that money to go to the person who is awarded under those civil damages. It corrects a small problem but a problem that the Supreme Court gave us direction to examine, and I appreciate the Retirement Committee including it in their committee priority bill and urge your passing of the amendment and the underlying bill. Thank you, Mr. President. [LB916 LB973]

SENATOR ADAMS: Thank you, Senator Coash. Senator Nordquist, there are no other lights on. You are recognized to close on the committee amendment. [LB916]

SENATOR NORDQUIST: Thank you, Mr. President and members. And I appreciate Senator Carlson's question and Senator Coash's working on the issue that he brought forward. Just on the cash balance plan, obviously we had a very significant market downturn in 2008 affecting years '09, '10, and '11. And even after, you know, a negative 27 percent investment loss in one of those years...I think it was in '08, or I can't remember, maybe it was fiscal year '08-09. But the funding ratio of the cash balance plan is still very strong. It's still above 93 percent. Before the market downturn, it was 107 percent. And as we smooth this out going forward, that funding ratio will stay very strong. That's a very good number to have. So I don't think...the Retirement Committee had no concern about the impact of the cash balance option on future funding ratio of the cash balance plan. Thank you, Mr. President. [LB916]

SENATOR ADAMS: Thank you, Senator Nordquist. The question before the body is the passage of the committee amendments to LB916. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB916]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB916]

SENATOR ADAMS: The amendment is adopted. We now move to the underlying bill. Senator Nordquist. Senator Nordquist waives. The question before the body is the

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advancement of LB916 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Any other senators wishing to vote? Record, Mr. Clerk. [LB916]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB916. [LB916]

SENATOR ADAMS: The bill advances. Mr. Clerk, we'll proceed on with General File. [LB916]

CLERK: Mr. President, LB751. (Read title.) The bill was introduced on January 4 of this year, referred to the Transportation and Telecommunications Committee, advanced to General File. There are committee amendments, Mr. President. (AM1939, Legislative Journal page 558.) [LB751]

SENATOR ADAMS: Thank you, Mr. Clerk. Senator Fischer, you are recognized to open on LB751. [LB751]

SENATOR FISCHER: Thank you, Mr. President and members of the body. LB751 is an annual bill that updates several references to federal law in the Nebraska motor vehicle statutes. These updates are necessary for Nebraska to remain in compliance with the federal law. Failure to do so could result in the loss of federal highway funds. Sections updated include references to handicapped permits, the International Registration Plan, commercial driver's licenses, motor carrier safety and hazardous materials transportation, and the Unified Carrier Registration Act. The bill also makes a change to the use of ignition interlock permits for repeat offenders. That was amended and passed through LB667 last year. The federal law requires strict compliance to preserve federal highway funding. Failure to make this correction has the potential to penalize Nebraska with a loss of 5 percent of highway funding the first year of noncompliance and 10 percent of highway funding for each subsequent year. LB751 changes the relevant statutes to mirror federal language. Federal law does allow a permit's use for driving to an ignition interlock service facility, and that provision is added to the list of limited driving privileges. Finally, the bill corrects the language concern that a federal audit addressed in 2009 with regard to the State Patrol assuming the authority of Federal Motor Carrier Safety Administration special agents when enforcing federal rules and regulations. The bill strikes the concerning language and replaces it with more specificity but does not change the State Patrol's authority to enforce Chapter 75 in this process. Thank you, Mr. President. [LB751 LB667]

SENATOR ADAMS: Thank you, Senator Fischer. As stated by the Clerk, there are amendments from the Transportation Committee. Senator Fischer, as Chair of the committee, you're recognized to open on those amendments. [LB751]

SENATOR FISCHER: Thank you, Mr. President and members. If you follow along on your computers, you can check out the committee statement, and that will list the

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various bills that we have amended into this committee priority bill, LB751. I will go over those at this point. The committee amendment, AM1939, includes five bills that were before the Transportation and Telecommunications Committee. LB718 is a cleanup bill with regards to several errors found in the motor vehicle title and registration statutes. First, the bill corrects a distribution of title fees that has been in error since 2005. When the Motor Vehicle Certificate of Title Act was recodified in 2005, two statutes regarding title fees were combined into one. Somewhere in that process critical language was dropped from the prior statute governing the fees collected by the DMV. This led to an inadvertent change in how titling fees were distributed, with the entire fee being sent to the Motor Carrier Services Division Cash Fund. LB718 restores the distribution of title fees that existed prior to that 2005 recodification. The bill also clarifies the statute that defines the date of assessment for prorated registration fees under the International Registration Plan when a vehicle's previous registration lapsed. The current language makes it difficult to understand when fees accrue for a vehicle that was not transferred from another state. The bill makes it clear that prorated fees begin to accrue for an added vehicle whenever the prior registration expires, regardless of whether the vehicle transfer is from within Nebraska or from another state. The bill also removes language which restricted issuance of duplicate title. All of the data relating to Nebraska titles rests within the same system and is available to both the DMV titling clerks and to county treasurers. The goal is to remove the artificially imposed barriers to customer service and allow Nebraska citizens to receive title services at the nearest servicing facility, regardless of where the original title was issued. Finally, LB718 modifies the surrender of a title for a mobile or manufactured home that was previously titled and is subsequently affixed to real estate. The goal is removal of multiple mailings and reduction of processing time, thereby streamlining the process for the county staff and the customer. Next, LB724 adopts new federal CDL regulations prohibiting texting by CDL holders operating commercial motor vehicles. The state is required to impose sanctions, including infractions, civil penalties, and disqualification, for texting violations. This is a federal compliance requirement to retain federal highway funding and must be implemented no later than October 27, 2013. In addition, the bill makes minor corrections with regard to the new CDL medical fitness certification requirements passed last year by the Legislature. The bill harmonizes the law and specifies the medical standards for two types of CDL holders: 1) those who operate solely intrastate and 2) those who operate vehicles that are exempted from compliance with the federal medical requirements found in 49 CFR Part 391. Such exempted drivers have to meet medical standards specified in state law and regulations. Next, LB726 eliminates the requirement for the DMV to send out notices by registered or certified mail in certain instances. Out of the 48,000 notices sent by certified mail each year, at a cost of \$3.29 per notice, approximately 31,000 are returned to the DMV as unclaimed or undeliverable. This translates into \$102,000 spent for undelivered mail. Under the bill, the DMV would be authorized to send these notices by regular United States mail. DMV will continue to maintain records of the mailing of every notice to every individual but not by certified number. Next, LB748 is an attempt to adapt the Nebraska statutes to

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technology upgrades in the real world process. The bill outright repeals two sections of statute that prohibit a person from registering a motor vehicle or obtaining a license when the person has an outstanding warrant for arrest when the violation involved the use of a motor vehicle. Under current law, courts are required to send the DMV an alphabetized list of warrants by the 5th of each month. These statutes were first adopted in 1969 and have undergone no substantive review or changes since then. In the interim, Nebraska's court system and the DMV have automated the communication between the two entities via the JUSTICE system. One function of JUSTICE allows any court to notify the DMV electronically when an individual has failed to comply with a motor vehicle-related violation. Upon receipt of such notice, the DMV has the authority to notify the person that his or her driving privileges will be suspended if they fail to comply with their ticket within 20 days. This system has largely replaced the issuance of warrants for motor vehicle violations, making the two repealed statutes in LB748 virtually obsolete. Next, LB769 eliminates the issuance of duplicate and replacement driver's licenses and state identification cards by the county treasurers. The responsibility for processing all the applications for duplicates and replacement documents will rest solely with the DMV. The remaining duties of the county treasurers will be the collection of license fees and issuance of the 30-day temporary document. Compliance with federal law in the near future will require all individuals who can affect information on driver's licenses to undergo background checks and fraudulent document recognition training. By moving the replacement document duties from the county treasurer to the DMV, the need for treasurers and their staff to receive and maintain that Level 1 and 2 fraudulent document recognition training and to conduct and pay for the rigorous background checks is eliminated. In addition, with the passage of LB215 last session, all documents that individuals bring in to prove their identity will be required to be scanned and stored in the DMV system. LB769 will ensure the counties are not required to deploy a document imaging system and will lessen the cost, complexity, and training needs associated with this requirement. In addition to the five bills discussed, two new sections are added to AM1939. Section 10 amends Section 60-365 to make it clear that a person who purchases a motor vehicle in a private transaction must have the bill of sale as proof of ownership. In discussions with committee staff, the State Patrol felt the current language was confusing and therefore requested this change. Section 40 amends Section 70-4603 (sic--71-4603) to expand the definition of a fifth-wheel trailer to be manufactured with an area of 430 square feet. Current law has a maximum of 400 square feet. Technological advances in the RV industry have led to stronger, lighter-weight materials for use in the design and manufacturing of these vehicles. This has allowed RVs to increase in size, including the use of automatic slide-out sections which temporarily result in overall dimensions up to 430 square feet in the "setup" mode. No other state currently limits the size of RVs to 400 square feet, putting Nebraska RV dealers at a competitive disadvantage to its surrounding states. The amendment updates current statutory language to reflect the 430-foot standard. Thank you for your indulgence in listening to this amendment, but I think it's very important that we have this all included in the record. And, again, you can find all of this

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information on your committee statement. Thank you, Mr. President. [LB751 LB718 LB724 LB726 LB748 LB769 LB215]

SENATOR ADAMS: Thank you, Senator Fischer. Mr. Clerk, there is an amendment to the committee amendment. [LB751]

CLERK: I do, Mr. President. I have several. First of all, Senator Fischer would move to amend the committee amendments with AM2032. (Legislative Journal page 573.) [LB751]

SENATOR ADAMS: Senator Fischer, you are recognized to open on the amendment to the committee amendments. [LB751]

SENATOR FISCHER: Thank you, Mr. President and members. This is much shorter. AM2032 clarifies the language pertaining to the required background checks for employees who have the ability to affect information on a driver's license or identification card. That was passed last year through LB215. The DMV was contacted by the State Patrol because the FBI has very specific requirements about the statutory authorization necessary for the Patrol to do criminal history background checks. The Patrol was concerned that the current language would not pass FBI requirements. These requirements require statutory language that requires fingerprinting for purposes of a national criminal history background check. It must be expressly required...excuse me. These requirements require statutory language that requires fingerprinting for purposes of a national criminal history background check. It must expressly require submittal to the FBI. It must identify the types or categories of persons falling within its purview. It must not be against public policy, and it may not authorize receipt of the criminal history by a private entity. All of these requirements are reflected in the amendment changes and will ensure that our federally required background checks will remain compliant. Thank you, Mr. President. [LB751 LB215]

SENATOR ADAMS: Thank you, Senator Fischer. There are senators who wish to speak to AM2032. Senator Bloomfield, you're recognized. [LB751]

SENATOR BLOOMFIELD: Thank you, Mr. President. I realize that LB751 is an attempt to meet federal guidelines so that we may continue to receive federal funds, and I understand that my opposition will go nowhere, but I cannot vote for a bill that continues to force CDL drivers to work under laws different than the rest of Nebraska drivers. We're beginning to see some push-back from states to overreach by the federal government. At some point we're going to need to tell the feds: No, we are a separate, individual state. For me, that point starts today with this bill. And again, I realize my opposition will go unnoticed, but it will be there. Thank you. [LB751]

SENATOR ADAMS: Thank you, Senator Bloomfield. Senator Wallman, you're

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recognized. [LB751]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. Would Senator Fischer yield to a question? [LB751]

SENATOR ADAMS: Senator Fischer, will you yield? [LB751]

SENATOR FISCHER: Yes, I will. [LB751]

SENATOR WALLMAN: Thank you, Senator. There's a lot of stuff in this bill. And in regard to the DMV taking over some of these duties from the county clerks, does that pertain to federal law, or is that just the state decided to do this? It would be LB769. [LB751 LB769]

SENATOR FISCHER: Correct, Senator Wallman. These are duties that are taken over by...that were held by county treasurers, not county clerks, and it's just for more efficiency that the Department of Motor Vehicles feels they can handle better, especially with the background checks that are going to be required and the added cost to counties that they would incur if that process becomes effective. [LB751]

SENATOR WALLMAN: So the counties are okay with this? [LB751]

SENATOR FISCHER: We heard no opposition to this bill from the counties. [LB751]

SENATOR WALLMAN: Thank you, Senator Fischer. Thank you, Mr. President. [LB751]

SENATOR ADAMS: Thank you, Senator Wallman. Senator Fischer, there are no other senators in the queue. You are recognized to close on this amendment. Senator Fischer waives her closing. The question is, shall the amendment to the committee amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB751]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB751]

SENATOR ADAMS: The amendment is adopted. [LB751]

CLERK: I'm sorry. Senator Fischer's amendment to the committee amendment, excuse me. [LB751]

SENATOR ADAMS: The amendment is adopted. [LB751]

CLERK: Thank you, Mr. President. [LB751]

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SENATOR ADAMS: Mr. Clerk, is there another amendment? [LB751]

CLERK: There is. Senator Flood would move to amend with AM2078. (Legislative Journal page 631.) [LB751]

SENATOR ADAMS: Senator Flood, you are recognized to open on your amendment. [LB751]

SPEAKER FLOOD: (Inaudible.) Somebody does not want me to be here today. (Laughter) Good morning, Mr. President and members. I'm on a different microphone due to technical difficulties, but I wanted to introduce this amendment. This is a straightforward amendment. Last year we passed the changes to the drunken driving laws, and under the law we passed last year it would allow somebody with a provisional operator's permit, you know, the 16-, 17-year-old variety, to get an ignition interlock. And, really, a provisional operator's permit is a privilege that has with it certain restrictions. A couple years ago Senator Harms passed a bill that says you can't use your cell phone while you're driving under a POP permit, or, you know, certainly no texting. We've talked about that. If they get infractions, they could easily lose their license. This basically says if you have a provisional operator's permit or one of those specialized permits, like a learner's permit, you're not eligible for an ignition interlock device, 16-, 17-year-olds, that variety, up to under the age of 18. So this just basically conforms it to what we did last year. Corrects an oversight and says no ignition interlock if you're under the age of 18. Thank you. [LB751]

SENATOR ADAMS: Thank you, Senator Flood. Are there any senators wishing to speak to this amendment? Senator Flood, you're recognized to close on the amendment. Senator Fischer--I'm sorry. [LB751]

SENATOR FISCHER: Thank you, Mr. President and members. I support Senator Flood's amendment and I urge you to vote for it. Thank you. [LB751]

SENATOR ADAMS: Thank you, Senator Fischer. Are there any other senators wishing to speak? Seeing none, Senator Flood, you're recognized to close on your amendment. Senator Flood waives closing. The question before the body is, shall the amendment to the committee amendment be adopted? All those in favor vote aye; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB751]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of Senator Flood's amendment to the committee amendments. [LB751]

SENATOR ADAMS: The amendment is adopted. [LB751]

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CLERK: Mr. President, Senator Fischer would move to amend the committee amendments with AM2190. (Legislative Journal page 687.) [LB751]

SENATOR ADAMS: Senator Fischer, you are recognized to open on your amendment. [LB751]

SENATOR FISCHER: Thank you, Mr. President and members. AM2190 makes a change to definition of the word "body" in the Motor Vehicle Certificate of Title Act so that the box or bed of a truck is not included. It has recently been brought to the attention of the automobile industry that an unintended consequence of the current definition of "body" is causing purchasers of trucks who wish to change from a box to a flatbed, or vice versa, to obtain an inspection, surrender the VIN number of the truck, and obtain a new Nebraska-issued VIN number. This in turn causes a great deal of unnecessary concern and paperwork for any lienholder, owner, and the state. These types of changes don't alter the character of the vehicle, taxation, or its purpose in any way. The current requirement further creates the misconception that the vehicle is an assembled vehicle, which is a term normally reserved for vehicles that are manufactured from component parts of other vehicles. The amendment will eliminate the confusion and expense created when the only change to a truck is to convert from a standard box to a flatbed or vice versa. Thank you, Mr. President. [LB751]

SENATOR ADAMS: Thank you, Senator Fischer. (Visitor introduced.) Senator Langemeier, you are recognized to speak on the amendment. [LB751]

SENATOR LANGEMEIER: Mr. President and members of the body, would Senator Fischer yield to a question? [LB751]

SENATOR ADAMS: Senator Fischer, will you yield? [LB751]

SENATOR FISCHER: Of course. [LB751]

SENATOR LANGEMEIER: Senator Fischer, I'm taking the easy way out so I don't have to quite read all your amendment. But when you talk about a pickup...or a truck, are you referring to a straight truck which would be classified as a tractor, or are you talking about a pickup truck that would take their box off and put a flatbed on, or are they all-encompassing? [LB751]

SENATOR FISCHER: It's a pickup truck, Senator Langemeier. And you understand what we're talking about there with the flatbed and the box, right? [LB751]

SENATOR LANGEMEIER: Yes. [LB751]

SENATOR FISCHER: Okay. [LB751]

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SENATOR LANGEMEIER: Thank you. [LB751]

SENATOR ADAMS: Thank you, Senator Langemeier. Senator Fischer, there are no other senators wishing to speak. You can close on your amendment. Senator Fischer waives closing. The question before the body is, shall the amendment to the committee amendment be adopted? All those in favor say aye...or indicate aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB751]

CLERK: 29 ayes, 0 nays on adoption of the amendment to the committee amendments. [LB751]

SENATOR ADAMS: The amendment is adopted. Are there other amendments, Mr. Clerk? [LB751]

CLERK: Senator Fischer would move to amend the committee amendments with AM2090, Mr. President. (Legislative Journal page 687.) [LB751]

SENATOR ADAMS: Senator Fischer, you're recognized to open. [LB751]

SENATOR FISCHER: Thank you, Mr. President and members. AM2090 corrects an oversight in the committee amendment so that the different categories of recreational vehicles are afforded the extra 30 square feet that we had talked about earlier. The definitions that are amended include a "park trailer" and a "travel trailer." Thank you, Mr. President. [LB751]

SENATOR ADAMS: Thank you, Senator Fischer. There are no senators wishing to speak. Senator Fischer, you may close. Senator Fischer waives closing. Members, the question is, shall the amendment to the committee amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB751]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of Senator Fischer's...(recorder malfunction). [LB751]

SENATOR ADAMS: (Recorder malfunction.) [LB751]

SENATOR FISCHER: (Recorder malfunction)...for your indulgence on the time and the complexity of all the bills that were amended into this. As I said, it's all available on the committee statement on your gadget and you will be able to review that there, but it is important that we make sure that this is included in the record. I ask you to vote for the amendment and to advance the bill. Thank you, Mr. President. [LB751]

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SENATOR ADAMS: Thank you, Senator Fischer. The question before the body is, shall the committee amendments be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB751]

CLERK: 32 ayes, 0 nays on adoption of committee amendments, Mr. President. [LB751]

SENATOR ADAMS: We now proceed to the underlying bill. Are there senators that wish to speak? Seeing none, Senator Fischer has an opportunity to close. She waives her closing. The question before the body is the advancement of LB751 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB751]

CLERK: 30 ayes, 1 nay, Mr. President, on the advancement of LB751. [LB751]

SENATOR ADAMS The bill advances. Are there items for the record, Mr. Clerk? [LB751]

CLERK: There are, Mr. President. Thank you. Senator Schilz would like to print an amendment to LB799. The Revenue Committee will have an Executive Session at 2:00 today in Room 2022. Senator Pirsch would like to add his name to LB750 as coinroducer. [LB799 LB750]

And Senator Christensen would move to recess the body until 1:30 p.m.

SENATOR ADAMS: There is a motion to recess until 1:30 p.m. All in favor indicate by saying aye. Opposed. We are adjourned.

RECESS

SENATOR LANGEMEIER PRESIDING

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

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Mr. Clerk, please record.

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

SENATOR GLOOR: Thank you, Mr. Clerk. Do you have any items for the record?

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CLERK: I have one. Senator Seiler would like to print an amendment to LB536. That's all that I have, Mr. President. (AM2232, Legislative Journal page 697.) [LB536]

SENATOR GLOOR: Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda, Mr. Clerk.

CLERK: Mr. President, LB950 is a bill by Senator Christensen. (Read title.) Bill was introduced on January 11 of this year, referred to the Natural Resources Committee, advanced to General File. I do have committee amendments pending, Mr. President. (AM2158, Legislative Journal page 638.) [LB950]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Christensen, you're recognized to open on LB950. [LB950]

SENATOR CHRISTENSEN: Thank you, Mr. President and colleagues. LB950 is a bill that would redirect remaining payments from the Republican River natural resources districts that were given assistance in 2008 pursuant to LB1094 from the Water Contingency Cash Fund to the Water Resources Cash Fund. The Legislature has made it clear over the last several years that wisely managing, protecting Nebraska's significant water resources is a priority that needs to be funded. Recently, the Legislature passed LB229 in 2011 to provide funding for water resource management. The Natural Resources Committee is also in the middle of a thorough study, LR314, examining current and future water state needs and funding sources to develop recommendations for the necessary funding of management of Nebraska water resources into the future. LB950 follows the intent of the Legislature to adequately fund water resource management by redirecting repayments to the Water Resources Cash Fund for use throughout the state. I've handed out a repayment schedule for the three Republican NRDs that received assistance in 2008. This shows the amounts and timing of repayments that are currently going back to the Water Contingency Cash Fund. If you look at the fiscal note, you will see that...the amount that would be redirected to the Water Resources Cash Fund. LB1094 in 2008 was a bill to use \$8.5 million of state funds to get Nebraska back into compliance with the 1943 compact with Kansas and Colorado. After LB701 was passed in 2007 giving tools to the NRDs, it was challenged in court, causing an inability for the local Republican NRDs to be able to raise funds to pay for water and start projects for compliance. If you remember, in 2008, after the court challenge, we brought a bill forth asking for this \$8.5 million to be used to purchase water out of Harlan County Reservoir, also out of Medicine Creek Reservoir at Cambridge--Harlan County is at Alma. And we bought that water, sent it down the river so that we could be in compliance with the '43 compact and remove the liability or additional liability to the state of Nebraska that we would have been facing if we had used that water in the state and been out of compliance with Kansas. Many of the people, including senators here, believed that the Republicans would never pay back this money to the state. I'm here to proudly say that the Republican NRDs have paid

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back a million dollars already and \$7.2 million is scheduled to be paid back by 2013. Now I'm asking you to transfer \$7.2 million, to which many believe was a grant to the Republican NRDs, to the Water Resources Cash Fund that the NRDs are paying back. In addition, we recently discussed with the Legislative Fiscal Office that an emergency clause...if an emergency clause was attached to LB950, the committee...the total amount of repayments redirected to the Water Resources Cash Fund would be \$7.2 million, to go to addressing the state's many water needs. I want to remind you, by putting the water in the Water Resources Cash Fund, the NRDs must match 40 percent of the dollars. So it is another way of leveraging the amount of money that is going to be used for water projects. You know, we've heard this is the issue of the decade, but we've never really financed this if that is the real issue. And why...well, we know why. We have been sitting here taking cuts the last number of years, it's been difficult to do, and every Legislature has found it difficult to find the resources or ability to put water into this fund. I'll go over some of the projects that are needed--whether it be in the Republican, where Senator Carlson and I work on a lot, or it be in the Platte Region, where a number of senators are touched--that, first of all, some of what they're looking at is land retirement. That's the least favorite of mine, because every time you retire lands or convert it from irrigation to dryland there is less tax dollars coming in, and it has the ability to affect school aid, which is just an additional problem that we have. So other projects that could be done: the Republicans are looking for a pumping station that would take water out of the Frenchman Creek and pump it back into a reservoir on the Republican, which is Swanson Reservoir at Trenton. And that's one that since we have water running through the river into Kansas right now and we're in a surplus, we could be storing that water for additional uses. And that's why I say having this money here and leveraging it against NRD funds would be a great situation for keeping Nebraska in compliance in the three-state compact created in 1943, to make sure that the state doesn't end up liable if we fall out of compliance. Another area that Republicans are looking at is three dams, smaller dams, but below Harlan County, to hold water for nine months a year that could be used to release into the Kansas-Bostwick system for irrigation that now runs through the river and into Kansas and counts in the total numbers. But it would be a timing change to allow it to be used for the Kansas-Bostwick irrigation system so the water doesn't have to be drawn out of Harlan County. And why that is important is the fact that if we don't keep the water level at a certain level in Harlan County, it's called a water-short year, which triggers more responses in the Republican but also is a sign that we must be in a drought time and we may fall out of compliance. We don't want that, so that's why these projects are important. Another place we're looking at is permits, to change the permits that we have with the Bureau of Reclamation so that we could fill canal projects in other times of the year that would allow us to have recharge going on in the districts where we need the water and do this in early spring when we're not licensed to deliver water and do this so that we have the ability to better manage the resources, so when we release water from the dams to irrigate, the canals are soaked up and the groundwater is recharged and we're keeping ourselves in compliance. Building additional storage on the Platte for recharge. There

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are several places that are looking at building projects so they can retime the water, so water that is going down through the river won't pass through before it needs to be used and counted at the times that we have to for the cooperative agreement. There's different places, from sites around Elm Creek and further down the...that area on the Platte. Also another one would be near the Elwood Reservoir, where it could be done and jointly help two basins. It's one that...Elwood Reservoir is one that when they fill that reservoir, any of the seepage that comes down goes into two different NRDs, the Republican as well as the Platte. And that's been a joint project with them. That's another place they could do some that benefits both. But what is some of the risk if we don't pass this bill? Well, if they don't have the money to do these other projects, they're going to have to get acres that are irrigated-reduced or cut the allocations to a point where there's less acres watered. Either one could lead to less property tax and the ability to not be able to fund the schools in western Nebraska... [LB950 LB229 LR314]

SENATOR GLOOR: One minute, Senator. [LB950]

SENATOR CHRISTENSEN: ...like we do now, all off property tax, very little state dollars going out there, and be a reshift in that. One of the worst situations we could have... [LB950]

SENATOR GLOOR: 50 seconds, Senator. [LB950]

SENATOR CHRISTENSEN: ...is to have the Republicans fall out of compliance with the 1943 compact, which...the state is liable. And if we fall short, then it goes to court, and a judge would award an amount there; and that's why it is critical that we step up now, put this money into that fund so it can be used not only on the cooperative agreement in the Platte that is very crucial and needs money now but also for the Republicans and the Republican River that needs to make sure we continue to stay in compliance and continue more projects they've started. And, you know, if we do fall out of compliance, there's litigation expense. [LB950]

SENATOR GLOOR: Time, Senator. [LB950]

SENATOR CHRISTENSEN: That is just something we step up and pay for. That is something we need to avoid. [LB950]

SENATOR GLOOR: Time, Senator. [LB950]

SENATOR CHRISTENSEN: Thank you. [LB950]

SENATOR GLOOR: Thank you, Senator Christensen. Members, you've heard the opening on LB950. As the Clerk stated, there is an amendment from the Natural Resources Committee. Senator Langemeier, as Chairman of that committee, you're

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recognized to open on the committee amendment. [LB950]

SENATOR LANGEMEIER: Mr. President, members of the body, I rise in strong support of LB950 as well as the committee amendment. Senator Christensen summed up the committee amendment really well; it's an emergency clause, pretty simple. So after that we will talk a little bit about LB950. Back in 2008 when this all started and we wanted to hold up our end of the state's purchase of water through the NRD system, we made this loan. We put it to water. Many of my colleagues told me...Senator White, who used to sit where Senator Nelson does, behind me, I don't know how many times he told me, he said, Chris, you'll never get that money back, you'll never that money back, you'll never get the money back. Well, we passed LB701 and we've had some court cases and now we get the opportunity to bring that money back. We loaned out \$8.5 million. Our NRDs stepped up to the plate and were responsible and paid back over a million dollars, so there's \$7.2 million still to come in. As we worked on legislation last year, we had a bill, LB229, which you all are very familiar with. Those of you that aren't following water on a day-to-day basis, you got drug in through the ability to take...or the desire to take money away from the Environmental Trust and put it to solve water issues. The Governor gave us a speech talking about water being the issue of the decade. And I could stand here today and as we talk about needs for water I could hold you a whole book we learned through LR314 projects that are out there that will keep us in compliance with the Republican River Basin Compact, the Platte River Agreement; and the projects are out there. The need for funding water, which is one of our biggest economic drivers in the state of Nebraska, whether you're using it in Omaha to drink and we're worried about quantity or you're using it in the Republican or other parts of the state to enhance agricultural production, it is the biggest issue for us. This is an opportunity where we don't have to...and I hope that with LB950 we relieve the pressure that we seem to find ourselves as we look for water. Funding, it's always a challenge. We look to the Environmental Trust, which puts a lot of money into water. I hope with the passage of LB950 that we can relieve that pressure on the Environmental Trust, at least from this body looking to their funds to help water issues. And so this is an opportunity to take this money as it comes in over the next three years and move it, not back into the Cash Reserve, but to put it right into the Water Cash Fund. Something important for you to know about that is that when DNR starts to dole that money out for projects, it takes a 40 percent match. So we're going to take that money and we're going to compound it by using NRDs' local authorities to deal with projects within their districts. I got a letter that we got earlier this year that was sent to us by Brian Dunnigan, the director of the Department of Natural Resources, starts talking about the needs over the next few years. And it talks about staying in compliance with the Platte River recovery project, taking a Thirty Mile Canal conjunctive management plan, to the tune of \$3.1 million, to retune the flows of water within the Platte to meet the request for the endangered species as well as agricultural needs and communities. So with that, this is an opportunity for us to take some money, and I don't want to sugarcoat this in any way: this affects our budget. Our budget shows that we're going to get this money in; it's

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going to be in our Cash Reserve, and there's a number out there that shows our Cash Reserve with the potential of this money coming in. I don't want to have anybody believing that this money isn't accounted for in some way and it's just a new golden...as Senator Stuthman always used to say, buckets and buckets of money. This isn't just a bucket of money we found lying around somewhere. It's accounted for in our budget. But this is an opportunity to take money that was being used for water, it's coming back in through the very, very hard work and dedication of not only our NRDs but our citizens within the Republican River Basin that have started to pay this \$10 occupation tax. Through their commitment they are paying it back, just as they said they would. Yes, we're a little delayed; and yes, it was a little frustrating to get to this point, at times, but they've stepped up to the plate and they're doing their job. And so what we're asking for you to do today is first put on the emergency clause and then advance LB950. I think this is a responsible way to take state dollars back to the issue of the decade and continue to make improvements in our water management and our integrated management plans. With that I'd ask for the adoption of the committee amendment and LB950. Thank you, Mr. President. [LB950 LB229 LR314]

SENATOR GLOOR: Thank you, Senator Langemeier. Members, you've heard the opening on the committee amendment and the underlying bill, LB950. We now move to floor debate. Senator Carlson, you're recognized. [LB950]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I think, to reiterate something that's already been said, if this \$7.2 million ends up back in the Water Resources Cash Fund, it does not come out for future projects as an outright grant. It creates a need for matching money. So the NRDs that would be interested in applying, or anyone else, would have to provide a 40 percent match, which means that \$7.2 million would be able to complete over \$10 million worth of projects because of the matching requirement. I think that's important. I think matching grant formulas are good. In my opinion, we have too many outright grants without participation on the part of the receiving group. I don't know how much we appreciate those kinds of grants when there's no input on our part. This requires input on the part of the NRDs or the irrigation districts. Little bit about the history of the Republican Basin and what's happened there. In 2007, I was fortunate enough to have the Legislature believe that an attempt to clear the vegetation out of the streambeds of the Republican and part of the Platte was a worthwhile effort and was allocated \$4 million over a two-year period to do that. That's been a tremendous success, and I'm just most fortunate that my first year in the Legislature we did have some money that we could entertain ideas like that. And that project has been carried on by NRCS and by the Environmental Trust and the grants that they have given, and these are matching-type grants as well. So the money has been multiplied markedly for use in the Republican Basin as well as the Platte. And in 2008, LB1094 was a bill that I had, to allow this loan to take place to pay those farmers who had given up their water in 2007 for irrigation. And as has been stated, there was a lot of talk that, well, we do this, that money is never coming back. And certainly it is

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coming back, and I am, like Senator Christensen, Senator Langemeier, grateful for those NRDs that have taken responsibility to pay that money back. At the same time, the state of Nebraska has provided \$2.7 million for several years to go into water issues, and that has been meaningful as well. But it's not only money that the state has allocated; over that same period of time, we approved a bill that allowed for the occupation tax to be used on irrigated land. And there was questions about, do we really want to do that? Do we want to allow that? Well, nobody likes paying that occupation tax, but where farmers see that that's the main way that they can solve problems related to water. At the current time, almost \$10 million a year is being paid in the Republican Basin through the occupation tax, to be used to fund these projects that help keep us in compliance with Kansas and work toward a level of water sustainability so that we are using no more than we have available and we'll guarantee that we have water for future generations in the Republican Basin and elsewhere in the state. So I think this bill is worthy of your support. It's being...the water issues are being handled in a good fashion by the basin right now, and for not only the Republican, but these dollars could be used for other basins as well, to help them with some water projects that are so important in the years ahead. And, again, we all know that agriculture is our number one industry, and yet water is the lifeblood of agriculture. So we have to do what we can to be good stewards to guarantee that that water is going to be there for generations to come. Thank you, Mr. President. [LB950]

SENATOR GLOOR: Thank you, Senator Carlson. Chair recognizes Senator Hansen. [LB950]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I would rise in support of LB950 and the emergency clause, both. I too remember that in 2008 we had naysayers in here that said, well, that's \$8 million gone, we'll never see that again. It took awhile. The occupation tax was certainly not a popular thing, to convince people that, you know, if you irrigate, you owe another responsibility other than property tax. So it's just an addition to the property tax, but it's not a property tax of all the people down there; it's just the property tax of those who are using the water of the state. The state...you have to remember back in the 1940s that the...it was the state of Nebraska that signed that compact. It wasn't the Republican River Valley Association or the Middle or the Upper or any of the Republican groups that we have now. It was the state of Nebraska. And the state has the responsibility to fulfill that compact one way or another. Time of drought, they bought water, \$8 million worth of water. That was a high price to pay for that compact. And now we're at the Supreme Court level and still defending Nebraska's right to use water rather than run it down a river and send it all to Kansas. I think that the...I had a questionnaire somewhere, I guess I don't...I was going to ask Senator Christensen to yield, but I...I will yield him my time instead, if you have any comments, Senator Christensen. Thank you, Mr. President. [LB950]

SENATOR GLOOR: Senator Christensen, 3 minutes 17 seconds. [LB950]

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SENATOR CHRISTENSEN: Thank you, Senator Hansen. You know, right now we just have a...I could list a bunch of additional projects, if people would like to know projects that can be done, from groundwater recharge to the Elm Creek regulating reservoirs I talked about. There's another one at Elwood. There's just all kinds of leasing incentives and management that can be done with this. And if you'd like to know more on that, I'd gladly touch on it with you. But not to drag it on, I will pass at the present time. Thank you. [LB950]

SENATOR GLOOR: Thank you, Senator Hansen and Senator Christensen. Senator Avery, you're recognized. [LB950]

SENATOR AVERY: Thank you, Mr. President. I wonder if I could have Senator Christensen yield to a couple of questions. [LB950]

SENATOR GLOOR: Senator Christensen, would you yield? [LB950]

SENATOR CHRISTENSEN: Yes. [LB950]

SENATOR AVERY: Thank you, Senator Christensen. I'm looking at the fiscal note here; I want to make sure I understand what we are being asked to do. The \$4.4 million is repayment money from the Water Contingency Cash Fund that has not yet been paid into it, right; \$1.2 million has? [LB950]

SENATOR CHRISTENSEN: Correct. [LB950]

SENATOR AVERY: All right. The \$1.2 million that's been paid in came from the Upper Republican NRD? [LB950]

SENATOR CHRISTENSEN: I'm grabbing that sheet, here we go. Okay, the Upper Republican... [LB950]

SENATOR AVERY: (Inaudible) due September 30...no, that wouldn't have been it. [LB950]

SENATOR CHRISTENSEN: No. On December 30, 2011, the Middle Republican paid \$265,300 and the Lower paid \$741,086, for a total of \$1,006,386. [LB950]

SENATOR AVERY: Okay. And according to the fiscal note, there is another \$300,000 due from the Middle Republican NRD by the 15th of this month, right? [LB950]

SENATOR CHRISTENSEN: Yes, that would be correct. [LB950]

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SENATOR AVERY: Has that been paid? [LB950]

SENATOR CHRISTENSEN: No, not that I'm aware of. I think it's due on the 29th, according to my sheet here, and as far as I know, that's not paid yet, haven't been told, but it's possible it is. [LB950]

SENATOR AVERY: Do you have any concern about the repayment of this \$4.4 million? [LB950]

SENATOR CHRISTENSEN: Not at all, Senator, because the occupation tax we put on is more than sufficient to take care of paying back the loans, and that's why it was so important to get that passed in 2007 and get through the court challenges, and that's why they can now start paying it back and couldn't before, was they've had...once the courts got done, then they started applying the occupation tax and accumulating the dollars to pay the state back. [LB950]

SENATOR AVERY: So right now there's not much money in the fund, right, in the contingency fund? [LB950]

SENATOR CHRISTENSEN: Yeah, I don't know if there is anything in the fund right now. [LB950]

SENATOR AVERY: Okay. So we're really talking about sometime down the road, couple of years or three? [LB950]

SENATOR CHRISTENSEN: Correct. As you see on the sheet, there's additional payments due in June which total about \$2.995 million; then you go down to September 30, 2012, there's another \$1.25 million; and then the last million comes in January...another million January 30, 2013, with the final \$1.995 million on June 30, 2013. [LB950]

SENATOR AVERY: So within two years we'll know. [LB950]

SENATOR CHRISTENSEN: Correct, but I have no doubt that we'll be paid. [LB950]

SENATOR AVERY: And please explain to me one more time what the advantage would be to move the money from the Contingency Cash Fund to the Resources Cash Fund. Is it that you can do more with the money? [LB950]

SENATOR CHRISTENSEN: Well, the reason I'm using the Water Resources Fund is the fact that there's a 40 percent match to it, which means that the NRDs are going to leverage their own money into it. Otherwise, it really goes back to the state treasury. [LB950]

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SENATOR AVERY: The General Fund. [LB950]

SENATOR CHRISTENSEN: General Fund. [LB950]

SENATOR AVERY: Okay, thank you. Thank you, Mr. President. [LB950]

SENATOR GLOOR: Thank you, Senator Avery and Senator Christensen. Are there other senators wishing to be recognized? Seeing none, Senator Langemeier, you're recognized to close on the committee amendment. [LB950]

SENATOR LANGEMEIER: Mr. President, members of the body, for the first vote here, the committee amendment adds the emergency clause that allows us to take advantage of the transfer of these two payments that are still yet to come in 2012. So with that we'd ask for the adoption of the emergency clause. Thank you. [LB950]

SENATOR GLOOR: Thank you, Senator Langemeier. The question is: shall the committee amendments to LB950 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB950]

CLERK: 30 ayes, 0 nays on adoption of committee amendments. [LB950]

SENATOR GLOOR: The committee amendment is adopted. We return to discussion on LB950. Seeing no senators in the queue, Senator Christensen, you're recognized to close on the advancement of LB950. [LB950]

SENATOR CHRISTENSEN: Thank you, Mr. President. Again, just to clarify that this money we're asking for that would be paid back to the Water Contingency Cash Fund but from there it goes back to the General Fund, we're just asking that this money be put into the Water Resources Cash Fund so that the NRDs can put a match to it to leverage the dollars to the projects that DNR chooses, the NRDs would apply for; and it is just a way to take care of very important water needs in this state. Thank you. [LB950]

SENATOR GLOOR: Thank you, Senator Christensen. You've heard the closing on LB950. The question is the advancement of LB950 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB950]

CLERK: 29 ayes, 0 nays on the advancement of LB950. [LB950]

SENATOR GLOOR: The bill advances. We continue with General File. [LB950]

CLERK: Mr. President, may I read a couple of items, please?

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SENATOR GLOOR: Please.

CLERK: Thank you. New resolutions: Senator Ashford offers LR433 and LR434; and Senator Fulton, LR435; all of those will be laid over at this time. (Legislative Journal pages 698-699.) [LR433 LR434 LR435]

Mr. President, the next bill for consideration: LB727, it's a bill by Senator Cornett. (Read title.) Introduced on January 4 of this year, referred to the Revenue Committee for public hearing, advanced to General File. There are committee amendments. (AM1902, Legislative Journal page 515.) [LB727]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Cornett, you're recognized to open on LB727. [LB727]

SENATOR CORNETT: Thank you, Mr. President. I introduced LB727 on behalf of the Nebraska Department of Revenue. LB727 is the department's annual omnibus tax administration and enforcement bill. Many of the bill's provision are technical in nature, and a representative of the Department of Revenue is here today in the lobby to answer any questions about the technical issues, if you have them. I will tell you a little bit about the bill's main provisions. As a cost-savings measure, it eliminates the requirement of the Department of Revenue use certified mail and registered mail for many types of mailings, including mailings a notice of proposed deficiency assessment. The department can use first class mail instead. Senator Fischer and the Transportation Committee had a similar bill removing these provisions from her area of jurisdiction this morning we voted on. Additionally, the bill changes the due date for filing motor fuel tax returns and motor fuel transportation information returns from the 25th to the 20th of the month following the prior reporting period. It also changes the due date for paying the Petroleum Release Remedial Action fee from the 25th to the 20th of the calendar month following the monthly period to which it relates. This harmonizes with what we did last year in regards to sales tax. LB727 eliminates certain motor fuel tax collection commissions if a notice of proposed deficiency assessment has become a final assessment. LB727 changes the source of data required to be used to update the department's calculation of the wholesale price of gasoline. Specifically, it requires the average wholesale price of gasoline to be determined using the data available from the Nebraska State Energy Office. Under current law the department is required to use data available from the Energy Information Administration of the U.S. Department of Energy. LB727 changes the due date for the department to update its biennial tax burden study to December 1, 2013, and every two years thereafter. LB727 clarifies the sales tax exemption for sales of prepared food by parent or student organizations at elementary or secondary schools. Specifically, the bill adds new language stating, "This exemption does not apply to sales by an institution of higher education at any facility or function which is open to the public," and strikes current statutory language stating the

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"exemption shall not apply to sales at any facility or function which is open to the general public, except that concession sales by elementary and secondary schools, public or private, shall be exempt." LB727 outright repeals Nebraska Revenue Statute Section 66-737, which currently requires the Department of Revenue to appoint a committee to oversee the operation of the Motor Fuel Transfer Fund created by Nebraska Revenue Statute Section 66-733. The provisions of LB727 have various operative dates, as set forth in Section 48 of the bill, and it does contain an E clause. There is a Revenue Committee amendment, AM1902, to the bill, which we will discuss next. Thank you. [LB727]

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SENATOR CARLSON: Thank you, Senator Cornett. As the Clerk indicated, there are committee amendments, and, Senator Cornett, you're recognized to open on those amendments. [LB727]

SENATOR CORNETT: Thank you, Mr. President and members of the body. The Revenue Committee amendment, AM1902, to LB727 would add the provisions of LB903 to the bill, with modifications to exempt from sales and use tax gross receipts from amounts charged to participate in youth competitive educational activities. As I'm sure many of you are aware and contacted towards the beginning of session, there was a draft ruling from the Department of Revenue in regards to taxability of youth nonprofit sports. This is a clarification of law which exempts youth nonprofit sports. As introduced, LB903 would have exempted from sales and use tax amounts charged to participate in youth sports events or youth sports leagues. Thus the committee amendment would exempt from sales and use tax gross receipts from sales, use, or other consumption of amounts charged to the participation in youth sports events, youth sports leagues, or youth competitive educational activities by political subdivisions or qualified Internal Revenue Code IRC Section 501(c)(3) organizations. Section 501(c)(3) organizations include educational, charitable, and religious organizations. The committee amendment also defines a number of key terms and phrases, including the term "admission." For the purpose of definition of "admission," the committee amendment also defines the phrase "access to a place or location," "entertainment," and "recreation." The committee amendment also provides that "admission does not include the lease or rental of a location, facility, or part of a location or facility if the lessor cedes the right to determine who is granted access to the location or facility to the lessee for the period of the lease or rental." Thus, changes proposed by the committee amendment would make it clear that rental fees for facilities used or accessed by persons not under the control of the owner are not subject to sales and use tax. Additionally, the committee amendment defines...definition of "admission" continues to reflect a provision in current law that exempts from sales and use tax membership fees paid to organizations in which such memberships include the right to hold office, vote, or change policies of an organization. Therefore, a membership which includes such rights continues to be exempt from sales

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and use tax. Furthermore, for purposes of the committee amendment, sales and use tax exemption amendment AM1902 defines the following terms: "competitive educational activity," example would be a tournament or a single competition that occurs over a limited period of time annually or intermittently where the participant engages in competitive educational activity; "sports events," a tournament or a single competition that occurs over a limited period of time annually or intermittently where the participant engages in a sports activity; "sports league," an organization...organized series of sports competitions taking place over several weeks or months between teams or individuals that are members of a league; and "youth sports events, youth sports leagues, or youth competitive educational activities," an event, league, or activity that is restricted to participants who are less than 19 years of age. The provision of the committee amendment would be operative July 1, 2012. I urge the body to adopt AM1902 to LB727 for clarification of the sales tax exemption on youth sports. I believe Senator Fulton will be offering an amendment to this. Thank you. [LB903 LB727]

SENATOR CARLSON: Thank you, Senator Cornett. Members, you've heard the opening on LB727 as well as AM1902. Mr. Clerk, for an amendment. [LB727]

CLERK: Mr. President, Senator Fulton would move to amend the committee amendments with AM2132. (Legislative Journal page 618.) [LB727]

SENATOR CARLSON: Senator Fulton, you're recognized to open on your amendment to the committee amendments. [LB727]

SENATOR FULTON: Thank you, Mr. President. Members of the body, good afternoon. AM2132 is a relatively short amendment representing a great deal of work and time expended by many to ensure an accurate and narrowly drawn amendment was offered. Senator Cornett touched on previously...you may recall that there was a revenue ruling late last year calling into question whether youth sports activities should be tax exempt...calling into question whether youth sports activities should be tax exempt. Up until that time, the state had not collected this tax and these activities were indeed considered tax exempt. This amendment simply maintains the status quo with respect to these sporting activities and clarifies our statute to allow the Department of Revenue to proceed thusly. I consulted with Senator Cornett on the bill, who has also consulted with the department on this amendment. And as this wasn't a tax previously collected, there will be only minimal fiscal impact, if any. And I therefore ask for your approval of AM2132 to AM1902. Thank you, Mr. President. [LB727]

SENATOR CARLSON: Thank you, Senator Fulton. You've heard the opening on AM2132. The floor is now open for debate. Senator Pahls, you're recognized. [LB727]

SENATOR PAHLS: Thank you, Mr. President, members of the body. Again, this is one of those exemptions that you got to love because it deals with children. And just to give

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you a point of reference, this summer the Millard Athletic Association, which deals with a number of young adults, the leader of that called me up and said, what are you going to do about this? And I said, call Senator Cornett. And which he did, and they worked through this. Again, I'm not arguing against the exemption, I'm just trying to keep us all aware of the potential. Here's an example, it should not be a loss to us, because they don't have the information to say how much it would...that would be typical if you were a broadcaster. They're exempted, and they can't tell you how much they would lose because...because there are some exemptions that...which they do not actually go after because it's, basically, minimal. I'm not arguing against the bill at all. I'm just saying that we eventually, somewhere down the line, we're going to have to take a look at these exemptions. A prime example, right now I need a drink of water, if I would drink the water out of the fountain, somebody would have to pay a tax, but if I would be drinking it out of something I purchased from the grocery store, a bottle of water, I wouldn't have to. Water is water. And I must commend the Department of Revenue because they are going and they are attacking all these, because sometimes when we write these statutes they're pretty loosely written, thanks to how we present them. So they're doing their job. Here is one example that they did their job, is two years ago, and it went all the way to the Supreme Court. A cement company in the state of Nebraska was arguing that they should pay sales tax on a machine or machinery because they bought the parts and put it together. Now I think Senator Dubas has a bill dealing with ag, so I'm going to tell you guys: Get smart, buy the parts and put them together. That would be exempt. Just to be honest with you, I mean, there are ways. This company was so adamant about...they thought they were being mistreated, they went to the Supreme Court and they won, they won. So I think that's why we have laws, is to make adjustments when needed. And if they are being mistreated, apparently such as this athletic association or these youth groups, it probably...they probably should not be held accountable to paying sales tax. Thank you. [LB727]

SENATOR CARLSON: Thank you, Senator Pahls. Are there other senators wishing to speak? Seeing none, Senator Fulton, you're recognized to close on AM2132. Senator Fulton waives closing. The question is: shall AM2132 be adopted? All those in favor vote yea; opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB727]

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Fulton's amendment. [LB727]

SENATOR CARLSON: The amendment is adopted. We return to discussion of LB727, the underlying amendment, AM1902. Are there senators wishing to speak? Seeing none, Senator Cornett, you're recognized to close on AM1902. [LB727]

SENATOR CORNETT: Thank you, Mr. President and members of the body. Before I close on the amendment, I want to give support to Senator Pahls's comments. The

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Department of Revenue has been doing their job very diligently. This was a...something that was found out due to a court case and then a request for a ruling that these were not being taxed when they should be under the sales tax code that was enacted in 1967. The department put out a draft ruling, for people to give their input into it, before they actually made a ruling on the youth sports and came, basically, then to the Legislature asking for clarification in regards to this issue. I want to thank the Department of Revenue and all of their help on this issue, and I urge the body to support AM1902, which is the youth sports exemption, and then the underlying bill, which is the annual department omnibus bill. Thank you very much. [LB727]

SENATOR CARLSON: Thank you, Senator Cornett. Members, you've heard the closing on AM1902. The question is: shall the amendment be adopted to LB727? All those in favor vote aye; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB727]

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB727]

SENATOR CARLSON: The committee amendments are adopted. We return to discussion of LB727. Are there senators wishing to speak? Seeing none, Senator Cornett, you're recognized to close. Oh, excuse me, Senator Nelson, you're recognized to speak. [LB727]

SENATOR NELSON: Thank you, Mr. President, members of the body. I do have kind of a point of information that I'd like to inquire of Senator Cornett, if she will yield. [LB727]

SENATOR CARLSON: Senator Cornett, would you yield? [LB727]

SENATOR CORNETT: I'd be happy to. [LB727]

SENATOR NELSON: Thank you. If you have LB727 there in front of you, if you would turn to page 66, Senator Cornett, and on line 18 there are stricken several lines there with regard to what you referred to here as...changes the due date for the department to update its biennial tax burden study. First of all my question is, in looking at the information beforehand, I didn't see any reference to that. Could you just tell me what...you referred to it as a tax burden study. Can you tell me a little about...it involves the University of Nebraska and other persons...as to what that's all about? [LB727]

SENATOR CORNETT: One moment, let me find where you're looking at. No, but I would be happy to get back to you. [LB727]

SENATOR NELSON: All right. [LB727]

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SENATOR CORNETT: I remember that as one of the technical provisions in regards to the Department of Revenue. [LB727]

SENATOR NELSON: Okay. [LB727]

SENATOR CORNETT: I'd be happy to discuss that between now and final...or Select File. [LB727]

SENATOR NELSON: Well, I can probably inquire of someone out in the lobby about that, so I will. I just thought maybe it was a generic term that you were using. Then this all started, apparently, back in...if I can find the date, back in 1992 or '94, I guess, so you're updating now. And it said there "every four years," so now you're changing it to...updating it to December 1 of 2013 and every two years thereafter. I just assume, as a matter of practice, now the department has been doing it every two years, is that it, rather than every four? [LB727]

SENATOR CORNETT: That's what I believe, sir. [LB727]

SENATOR NELSON: And you're just codifying this now? [LB727]

SENATOR CORNETT: Yes, sir. [LB727]

SENATOR NELSON: So that it's going to be required every two years. [LB727]

SENATOR CORNETT: Yes, that's what I believe. But I...I don't want to swear to that until I can double-check on that. [LB727]

SENATOR NELSON: All right, all right. [LB727]

SENATOR CORNETT: But I believe that has been the practice. [LB727]

SENATOR NELSON: Well, thank you. I'll wait for that information. Thank you, Senator Cornett. Thank you, Mr. President. [LB727]

SENATOR CARLSON: Thank you, Senator Nelson and Senator Cornett. Senator Wallman, you're recognized. [LB727]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. Would Senator Cornett yield to a question, please? [LB727]

SENATOR CARLSON: Senator Cornett, would you yield? [LB727]

SENATOR CORNETT: I would. [LB727]

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SENATOR WALLMAN: Thank you, Senator. In regards to delinquent payments, I noticed you would turn it over to a collection agency. Is that quite prevalent for delinquent payments of taxes on motor fuels? [LB727]

SENATOR CORNETT: On motor fuels, that has, I believe, been the practice. But other tax collection is not, it is by the Department of Revenue. [LB727]

SENATOR WALLMAN: Okay, thank you. Thank you, Senator. Thank you, Mr. President. [LB727]

SENATOR CARLSON: Thank you, Senator Wallman and Senator Cornett. Seeing no other senators wishing to speak, Senator Cornett, you're recognized to close on LB727. [LB727]

SENATOR CORNETT: Thank you, Mr. President, members of the body. For the members that are just joining us, this is the department's annual omnibus bill that includes a lot of provisions, cost-saving measures and updating measures. We have also amended it to include the youth sports exemption. I urge the body to support LB727, and if you have any questions in regards to the bill, I'd be happy to help you. Thank you. [LB727]

SENATOR CARLSON: Thank you, Senator Cornett. Members, the question is the advancement of LB727 to E&R Initial. All those in favor vote aye; all opposed vote nay. Record, Mr. Clerk. [LB727]

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of the motion to advance the bill. [LB727]

SENATOR CARLSON: The bill does advance. Mr. Clerk, next item. [LB727]

CLERK: LB834, Mr. President, a bill by Senator Gloor, relates to the Nebraska Regulation of Health Professions Act. (Read title.) Introduced on January 5 of this year, referred to Health and Human Services for public hearing. The bill was advanced to General File. There are committee amendments, Mr. President. (AM1866, Legislative Journal page 500.) [LB834]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Gloor, you're recognized to open on LB834. [LB834]

SENATOR GLOOR: Thank you, Mr. President. Good afternoon, members. LB834 relates to changes in the process that we know as the 407 Act, which is a credentialing process for groups of professionals who are applying for licensure, credentialing, or

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want to change their scope of practice that their license provides for. And that's what we most commonly recognize as a challenge for this body. And it is the reason that I was willing to start this process last year and continue it into this year. Let me give some background. Currently, if you're asking for licensure, or if you're asking to expand upon the scope of what you do, you go to the department. The department then analyzes that, refers it on to the Board of Health. The Board of Health then sets up a technical committee that contains some people who are experts, including at least someone from that particular profession making this request. They then make recommendations. So does the director of the division, Dr. Schaefer, who we all know. Final approval or denial of that--and they do make a recommendation--then finds its way to the Legislature, to the Health and Human Services Committee and eventually to this body. So we have a huge stake in how this decision is made. It's a complicated process. LB834 is an attempt and, in fact, the first significant attempt to do this since this bill originally came into effect 25 years ago or so. That's a little history. I introduced a bill last year, LB222, that was going to change a small component of the law that we felt to be antiquated; found out that the department and the Board of Health had been gathering information for the past six years, holding meetings, getting feedback from individuals, including, as it turns out, Senator Campbell, both while she has been here and, I believe, in a previous life, and they've been working on amending the process. So instead of pushing forward with the bill last year, we held...and passed a legislative resolution and held meetings during the interim to sit down and visit with a variety of health professional groups. The study resolution, I think, was a great process. My way of assurance to people who have talked to me about this in the past week is I went into this process--and I want to emphasize this--I went into this process so that the report that we get as legislators can be as thorough, as exacting as we think we need to be able to make good decisions. We did not start down this path to tilt the playing field in any direction to help any specific profession or association that is out there. So I want to thank the Board of Health and all those associations who worked with us on this for what we bring forward to you now as LB834. The bill makes six major changes. And from here on out it gets a little dry, but bear with me. Changes the scope of practice criteria: for scope of practice criteria the requirement that the applicant group must show that the current situation creates a risk of harm is removed, but an applicant group must still show that the change does not create new harm or danger to the general public. The harm factor, we feel, is more appropriate for new applications than it is for scope for practice changes. Current criteria are retained for applications for new credentials. And several of the definitional changes clearly state that the application will be granted if it does no harm to public health. So we still address the issue of harm. The scope of practice criteria also require consideration of the benefit the change in scope of practice would bring to the public. So rather than just an emphasis on the negative, we're also talking about the positive. What benefit to the public will there be? What education and discipline are in place to ensure proficiency? Again, it does not change any of the current scope of practice that are in existence. In other words, if we pass this, it doesn't automatically mean some profession is going to see an automatic change in their scope

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of practice. This is just taking a look at the process itself. It simplifies the application requirements. Current language regarding what an application must include is removed and replaced with language that focuses on three key issues: states the problem, states how the application to do this will correct the problem that is out there, and it provides evidence and documentation that validate that position that is spoken to in the application. There are also two new pieces of information. These were important to me; I think they're important to the body: an explanation of third-party reimbursement, whether this is something that will actually get paid for or there is an expectation that it will be paid for; and the experience of other states. This is something that has not been able to be looked at in the past but always comes out on the floor, and yet that information can't come to us because it's not part of the criteria, so we have the leeway now for the review bodies before us to take a look at what is happening with other states, what are the surrounding states doing with this. It changes the role of the technical committee. Currently, the technical committee feels that the statutes limit them to working only with documentation provided by the applicant. LB834 makes it clear the committee, technical committee, can do whatever investigation it deems necessary. This may include asking the applicant group for further information and, to me, one of the most important aspects, seeking scientific evidence from sources other than the applicant group. What's happening within the industry? What's happening in science? What studies out there that show that there is or isn't a challenge associated with expanding the scope of practice? LB834 also allows the technical committee to comment on any benefit they anticipate to the health, safety, and welfare of the public. It retains the requirement that the committee evaluate the proposal based upon criteria and the law. It eliminates the requirement that the committee recommend denial if only one of the statutory criteria are not met. So we've had in place a "one strike and you're out" rule. Instead, the committee will be able to weigh the evidence in total in order to make their recommendations. The committee will also be able to recommend amendments to the proposal, comment on other solutions to problems identified during the review. Currently, amendments may only be done with the approval of the applicant group. This allows us to get all the information and all the thoughts going on in the discussion from the technical committee and the evaluation by the technical committee in our hands so we have a better idea of how these issues have been evaluated and weighed before the recommendation comes to us. Technical committee membership changes: there will be one member from the applicant group, not two. It was felt that two perhaps overweights the recommendation that comes from the technical committee. Expands coverage: currently limited...it's limited...this process is limited to professions directly related to healthcare--at the request of the department. LB834 expands the range of groups and individuals eligible for review through the 407 process to occupations such as nail technicians and cosmetologists, funeral directors, and veterinarians. The department has had requests to do this in the past, that is, to take a look at expanding scope from these bodies in the past but currently doesn't have the statutory authority to do so. This bill will give them that authority. And, even though there is no fiscal note to this, there is a bit of a change in the funding mechanism.

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Currently there are two funds. A percentage of the credentialing fees that go in is separated out to pay for 407 reviews and it is in a separate fund. We plan to, in fact, close out that fund and it will move to the Professional and Occupational Credentialing Cash Fund; that's the large fund, that's where fees paid for licensure and credentialing currently go. And rather than have two checkbooks, the request has been, let's just have one fund that we can use for this. It changes the time frames of applications. Starting point will be when the application is received by the division and deemed complete, instead of simply the submission date that it came in. The division will now have 12 months to make the final recommendation instead of the currently 9 months, to allow the technical committee more time. How will these changes improve the process for us as senators? I've laid that out, but I'll finish with this: this, I think, takes full advantage of the information that is out there within an industry. It provides some flexibility of the technical committee to bring in that information. [LB834 LB222]

SENATOR CARLSON: One minute. [LB834]

SENATOR GLOOR: Thank you, Mr. President. Also allows for something other than a "one strike, you're out" process. We're afraid that may skew some of the recommendations that come back to us because review members know that that's the case. I think the changes are good ones. I know this is complicated in some ways. But overall I think it's simplified and will help us. I would say again, we did not embark on this journey to give any profession an advantage. It does not change any scope of practice. It's not intended to change scope of practice for anybody nor give advantage to any group. I think this will be a benefit for the legislative body and our important deliberations on issues of credentialing and change in scope of practice. Thank you, Mr. President. [LB834]

SENATOR CARLSON: Thank you, Senator Gloor. As the Clerk indicated, there are committee amendments. Senator Campbell, as Chair of the Health and Human Services Committee, you're recognized to open on the committee amendments. [LB834]

SENATOR CAMPBELL: Thank you, Mr. President, and good afternoon, colleagues. The committee amendment does, really, three things. It clarifies that the clergy are not considered a health professional under the act. Number two, it adds a criteria to the scope of practice criteria that "the health, safety, and welfare of the public is inadequately addressed" by the present scope of practice. And number three, it clarifies that the report from the technical committee will include written findings on all criteria. The committee's amendment addresses concerns voiced during the public hearing on the bill regarding these items. As a result of the concerns, Senator Gloor met with stakeholders and lobbyists to work through the issues and came to the consensus on the amendment offered today as the committee amendment. The first paragraph of the amendment states that the clergy are not considered a health professional when they are acting in their ministerial capacity. This exclusion is already in statute regarding

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credentialing for mental health professionals, but it is restated here for the sake of clarity. The second and third paragraph of the amendment adds another criteria to the requirements. And I think Senator Gloor pretty much covered that issue in his opening, in terms of what may be necessary on an initial credentialing where there has not been any licensing in effect and where the criteria may be looked at differently if you are coming back to expand on your own scope of practice. The last part of this amendment provides that the technical committee of the Board of Health, when reviewing an application for credentialing or a change in the scope of practice, will address each individual criteria with written findings. I think that's particularly important, because what we're trying to do here is that you don't have to meet them all, but the technical committee can take into account all the information and provide findings on it and then give us their final recommendation. The 407 process is used extensively by the Health and Human Services Committee in its review of bills dealing with scope of practice. And anyone who has ever served on that committee will chuckle when you start talking about scope of practice, because most likely that is some of the most contentious bills that we deal with. And for that reason we feel this update that Senator Gloor is bringing you is particularly important and needed. For the past two years we have worked on this issue and are very grateful for Senator Gloor's leadership, because he stepped in and took over the issue and has brought the bill today. And certainly we would be remiss if we did not add our thanks for the staff work of Dave Montgomery with the department, whose longtime service to the 407 process was invaluable, as he had done the research for the basis of many of the changes that are in the bill ahead. So we would certainly encourage your support of the amendment and the underlying bill. Thank you. [LB834]

SENATOR CARLSON: Thank you, Senator Campbell. Members, you've heard the opening on LB834 and the underlying committee amendment, AM1866. The floor is now open for debate. Senators wishing to speak include Hadley, Sullivan, Langemeier, and Dubas. Senator Hadley, you're recognized. [LB834]

SENATOR HADLEY: Mr. President, members of the committee. Would Senator Gloor yield to a question or two? [LB834]

SENATOR CARLSON: Senator Gloor, would you yield? [LB834]

SENATOR GLOOR: Yes, certainly. [LB834]

SENATOR HADLEY: Senator Gloor, since we weren't privy to the committee hearing, could you expand a little on...I guess I'm kind of surprised, I see the Nebraska Medical Association as a proponent and the Nebraska Academy of Eye Physicians and Surgeons as an opponent and the Nebraska Dental Association as an opponent. Could you kind of summarize the opponents, proponents, and neutral, kind of where that gist of that testimony went, if you could? [LB834]

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SENATOR GLOOR: I'd be happy to, to the extent that I can. You'll note, if you think back on my opening introduction, that not once, not twice, not three times, but about four times I said we're not doing anything here except getting the appropriate information to this body that we think helps us make a decision, but there...and we're definitely not trying to tilt the playing field. And there was some concern that some of the changes in the criteria...I think two that were concerns were this issue of harm and how we spoke to the issue of harm, number one, was a concern. And the "one strike and you're out" rule was another concern that, you know, we ought to meet every one of these criteria; if you don't meet any of the criteria, then there should be a "no" recommendation coming from the committee, from the Board of Health to this body. We talked through that and worked through that and we added some additional criteria, changed some of the language, all of which is spoken to in the bill or the amendment, and eventually got all those groups comfortable that, in fact, we weren't tilting the playing field, as they thought perhaps might be the case with the original bill before the amendment. [LB834]

SENATOR HADLEY: So basically what you're saying, that if the bill in front of us with the amendments and such as that, there probably would not have been the opponents, is that a fair statement, or am I...? I don't mean to put words in your mouth. [LB834]

SENATOR GLOOR: Well, if I had my guess, my guess is that there would at least have been neutral testimony. [LB834]

SENATOR HADLEY: Okay. [LB834]

SENATOR GLOOR: That's my best-guess scenario. What I can tell you is, based upon conversations we've had and changes we've made even since the hearing, what we brought to the floor has gotten the thumbs-up or a comfort level expressed to us from all the bodies who were concerned about it, the associations and the specific interest groups. [LB834]

SENATOR HADLEY: Thank you, Senator Gloor. I think this is a contentious issue. I do hear about it quite often from different people, and I'm glad that this bill is coming forward and I hope this helps us in this process. It is difficult and I fully understand that we're dealing with people's health and who should make those decisions and who should be accorded the privileges. And I think it is a good bill and I appreciate the answers from Senator Gloor. Thank you, Mr. President. [LB834]

SENATOR CARLSON: Thank you, Senator Hadley and Senator Gloor. Senator Sullivan, you're recognized. [LB834]

SENATOR SULLIVAN: Thank you, Mr. President, and good afternoon, colleagues. And

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just to further the discussion on this issue, I wonder if Senator Gloor would yield for a few questions? [LB834]

SENATOR CARLSON: Senator Gloor, would you yield? [LB834]

SENATOR GLOOR: Certainly. [LB834]

SENATOR SULLIVAN: Thank you. Senator, with the exception of identifying the clergy in the amendment, and you referred in your opening remarks to the fact that now more professions will be included, but they aren't delineated in the legislation, so can you expound on that a little bit more in terms of how it was decided which professions would now be included? [LB834]

SENATOR GLOOR: The department came to us with that information. Let me grab that sheet, which, of course, was right in front of me two seconds ago and disappeared. But the department came to us and said, here's a list of folks who we speak to in regulation but aren't spoken to in terms of the process for expansion of scope, and it puts the department in an uncomfortable position of not being able to use the technical review process. And so I would be glad to read you the list of professions that would now be eligible for that review process, if you'd like. [LB834]

SENATOR SULLIVAN: Would you mind, please? [LB834]

SENATOR GLOOR: Certainly, asbestos abatement inspection, project design, and training; body art; cosmetology; electrology; aesthetics, and I can only imagine what aesthetics are, that it probably has something to do with the way we look; funeral directing and embalming, also has something to do with the way we look; hearing instrument dispensing and fitting; lead-based paint abatement, inspection, project design, and training; nail technology, and I'm sure we're talking about cosmetology as opposed to True Value there; nursing home administration; radon detection, measurement, and mitigation; veterinary medicine and surgery; public water system operation; constructing or decommissioning water wells and installing water well pumps and pumping equipment; and registered environmental health specialists. [LB834]

SENATOR SULLIVAN: So with that expanded list, is it fair to say that down the road the Legislature will be dealing with even more scope of practice issues? [LB834]

SENATOR GLOOR: I asked that question. And the answer I got was, not a lot more. It apparently comes up just often enough that the department would like to have some help in this and turn to the technical committee to do it, but it appears to be not that sort of thing that comes up often enough so that we're likely to find ourselves, my concern, overwhelmed. [LB834]

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SENATOR SULLIVAN: And maybe this is too difficult a question, but can you give us an example of, under this proposed legislation, what would have changed with the discussions we've had in this body with respect to scope of practice, or what might change going forward? [LB834]

SENATOR GLOOR: Well, some of the best examples I can use...and as I've said, and I think the body understands, I looked at it from a standpoint of what would help me in my role as a senator, or sitting on the Health and Human Services Committee, make a decision. I think what helps here is that the amount of information that comes our way isn't necessarily more, it is that it's more quality, that we can be assured that the technical committee did take a look at some of the science that is out there, that if there is a specific technology that now comes into play in this state and a group is being asked to use it...that the information right now that is provided to the technical committee comes from the applicant group, and the technical committee isn't in a position to say, well, I wonder what the Harvard Medical Review says about this. And that information isn't part of what they look at that comes to us. I used an example that really is a frustration of mine, and that is, well, what are other states around us doing, if they're rural states with similar challenges, when it comes to providing healthcare as it's defined in the regs? What are the surrounding states doing? And the technical committee...we may look at it here... [LB834]

SENATOR CARLSON: One minute. [LB834]

SENATOR GLOOR: ...and ask for it...thank you, Mr. President. We may look at it here, but the technical committee doesn't have access to that information when they make their recommendation to us. So that's two quick examples of ways that I think it will be helpful to us, that when we get it we can have a comfort level that they've been more thorough. [LB834]

SENATOR SULLIVAN: In addition to that, and with respect to the technical review committee, you're making one slight change in that, but who makes up that...that membership of the committee changes depending upon the profession you're dealing with, is that correct? [LB834]

SENATOR GLOOR: Yes, it does, although the biggest change is, there is always a member from the applicant group. [LB834]

SENATOR SULLIVAN: Um-hum. [LB834]

SENATOR GLOOR: And so if the...I'll use audiologists now, if the audiologists were asking for expansion of scope of practice, they would have one audiologist rather than two audiologists. [LB834]

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SENATOR SULLIVAN: Thank you. Your information has been most helpful to me. Thank you. [LB834]

SENATOR CARLSON: Thank you, Senator Sullivan and Senator Gloor. Senator Langemeier, you're recognized. [LB834]

SENATOR LANGEMEIER: Mr. President, members of the body, I thank you, and colleagues, I thank you. I've got to admit, in my eight years in the Legislature you start to read bills and you read bills and some just give you a queasy feeling in your stomach of why you're doing that. And I got to say this is one of those. I'm not sure I'm for it; I'm not sure I'm against it. I'm just trying to weigh that in, but I'm trying to figure out the need. As...would Senator Gloor yield to questions? [LB834]

SENATOR CARLSON: Senator Gloor, would you yield? [LB834]

SENATOR GLOOR: Certainly. [LB834]

SENATOR LANGEMEIER: You know, through this 407 process, in my eight years here this has always been a contentious issue; people try and go through this process and they try and get things done, and if it doesn't work they talk somebody into introducing a bill to kind of go around it. Right now there's a pretty clear-cut criteria of four items you have to do to get your plan or your change and your scope approved. And with the bill and the committee amendment, that goes to...it takes that clear-cut four steps out...or four criteria out and goes to a balancing system, as we call it, or in my sense it might be...in my mind it might be common sense. I think that makes it difficult for groups to know what the target is to try and achieve it, in trying to change their scope of practice through the 407 permit. Can you help me get more comfortable with that? [LB834]

SENATOR GLOOR: You know, I think so. If you take a look at pages 10 and 11, where it spells out...and there are a lot of cross-outs and a lot of line-unders and I'd be glad, assuming this advances, between now and Select File, to come up with just a plain piece of paper that spells out what was, what is, for you to take a look at. I think the criteria we're talking about are still pretty clear cut. Current education and training for the health profession adequately prepares the practitioner; there is appropriate post-professional programs and competence assessment in place; there are adequate measures to assess whether the practitioners are competently performing the new skill. And I...some of that language is repeat language; some of it is new language that they feel has got a degree of specificity. [LB834]

SENATOR LANGEMEIER: I'm not arguing that the criteria is still there, but the mandatory requirement for all four is not there anymore. [LB834]

SENATOR GLOOR: Correct. [LB834]

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SENATOR LANGEMEIER: And so you still make it a moving target. I mean, if I can bring in a big enough sales pitch on one criteria, I could get my scope, potentially, changed. I doubt that would happen, but it could. Then we're going to move on to my next talk about...you talk about bringing other professionals in; were these professionals...I mean, did they come to you and say, I want to be added to this, or how did you decide you were going to add them? Like for radon detection professionals, I mean, were they breaking down the door to be added to this process, because I doubt it. [LB834]

SENATOR GLOOR: No, no. If there is a group that represents radon professionals, we'll find out if all of a sudden we start talking about changing their scope of practice. But, no, the bigger list with those sort of small groups was brought to us by the department. The larger list was a pretty easy one for us to discern based upon interactions on issues of credentialing and scope of practice in the past. And then because of...this started with LB222 last year; we had a host of folks who had expressed interest that related to healthcare professions; we went back to that list. And then as the word got around, people came to us and we sat down and met with them, either had them on the committee or met with them individually or in smaller groups. [LB834]

SENATOR LANGEMEIER: Okay. Well, thank you, Senator Gloor. That's all the questions I have for this moment. I still am leaning not inclined to support this. I'm still not sold on the need to make this any more convoluted than it already is. So at this time I would have to refrain from supporting LB834. Thank you. [LB834]

SENATOR CARLSON: Thank you, Senator Langemeier and Senator Gloor. Senator Dubas, you're recognized. [LB834]

SENATOR DUBAS: Thank you very much, Mr. President. I guess I'm going to kind of pick up where Senator Langemeier left off, and it's probably just being a little bit gun-shy when you start talking about scope of practice. Everybody gets their body armor on and they're ready to go to battle. And so as I read through the bill and as I read through the committee statement, I probably confused myself more than I helped myself in understanding exactly what is it that we're trying to achieve here. And I think the flag that immediately went up that I'd like to ask Senator Gloor a question about, if he would yield. [LB834]

SENATOR CARLSON: Senator Gloor, would you yield? [LB834]

SENATOR GLOOR: Yes, I would. [LB834]

SENATOR DUBAS: Thank you, Senator Gloor. When you talk about removing the risk of harm requirement, I mean, we just read that first off, it's like, why in the world would

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we want to remove a risk of harm requirement? I mean, I read the bill and further read the explanation, but I'm still a little fuzzy on what exactly are we trying to clear up here through this language. [LB834]

SENATOR GLOOR: Certainly. Actually, this is...this and this alone was what I attempted to do last year with LB222 that generated this further change. What it's in the past is that the applicant must demonstrate a limitation on the scope of practice that creates a situation of harm to the public. In other words, you had to explain why what you were asking to do was going to harm the public. And that meant we had applicants that were trying to concoct some kind of harm that their scope of practice was now going to cause the public, because it was one of the criteria. Well, common sense tells you, people aren't proposing to do something because they think it's going to harm people. What we're concerned about and what we worked for, for language change, is, are there things that could happen as a result of this that might harm somebody? But to ask an applicant to concoct some sort of scenario whereby what they're doing is going to harm was seen to be very convoluted. If you look, as an example, in the amendment, the health, safety, and welfare of the public are adequately addressed by the present scope of practice or limitations on the scope of practice. That's being...that's one of the issues they have to address. Is it adequately being addressed? Is it not being addressed? There are others; if you look on the bottom of page 8, on the green copy, line 25: Unregulated practice can clearly cause harm or endanger the health, safety, or the welfare of the public. That speaks to having to speak to harm; it requires the committee to take a look at, is there going to be any harm? What I'm telling you is, we've taken out the convoluted language that requires the applicant to concoct some sort of harm. We've left evaluation of potential harm in there and put it in different verbiage. [LB834 LB222]

SENATOR DUBAS: Okay. I guess I'm still a little fuzzy here, because just by nature of whatever anybody is applying for a license for, we have licensure to prevent that, to a degree, to help prevent harm, to make sure that there's proper regulations in place and everybody is playing by the same rules. So no matter what it is, whether it's body art, or radon, or a dentist, or what have you, there is always that certain element that there could be harm done. So if I'm following you correctly, you're still going to...it's still being addressed in the bill but you aren't asking them to specifically come in and say, this is what I could do to harm someone. Would that...am I going in the right direction? [LB834]

SENATOR GLOOR: Exactly. Exactly. [LB834]

SENATOR DUBAS: Okay. So it's not that we're removing them...their...it's not that we're taking the risk of harm component out of the process, that still is being taken into consideration. [LB834]

SENATOR GLOOR: Yes. In a number of ways, it's still addressed in specific criteria

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they have to meet that the technical committee and the board will be looking at, but you're exactly right. What it doesn't require is...one of those requirements is no longer for them... [LB834]

SENATOR CARLSON: One minute. [LB834]

SENATOR GLOOR: ...to come in and say, this is how this is going to harm the public. We'll still do that evaluation. We're just not asking them to concoct something that...it was one of those things we felt was commonsensical. [LB834]

SENATOR DUBAS: Okay. I think I'm getting there. I think it's becoming clearer in my mind, and I don't think I have enough time to ask you another question, but there are some other things that if I don't get a chance on the mike, I will visit with you off the mike to get a clarification. Thank you. [LB834]

SENATOR CARLSON: Thank you, Senator Dubas and Senator Gloor. Are there other senators wishing to speak on AM1866? Seeing none, Senator Campbell, you're recognized to close on the committee amendments. [LB834]

SENATOR CAMPBELL: I don't have a lot to add to this. I appreciate the discussion. I think an important point to make in Senator Langemeier's questions was there used to be four, and you had to meet all four, and what we found out in talking to some of the technical committees was that they would kind of contrive their findings because they knew that somebody had to meet all four. And sometimes those four didn't always match the group that was coming in to be credentialed because there's very...you know, a lot of different groups. And so the feeling was to have...go to the six criteria and really have them count as a whole rather than to have, well, you miss on one, it's a knockout punch, you're gone. And I think that's a very critical change here that we're trying to make, because every scope of practice is very different, each one of them. And so to just say, well, you know, you have to meet all four for every single group that ever shows up here, that became unrealistic and unworkable, I think, for that technical committee, who really did try to get down to the bottom of what the findings were, the scientific review, and the studies. So I hope that you would consider that explanation as you take a look at...vote, and would certainly appreciate your green on the amendment. Thank you, Mr. President. [LB834]

SENATOR CARLSON: Thank you, Senator Campbell. The question is, shall the committee amendments to LB834 be adopted? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB834]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB834]

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SENATOR CARLSON: AM1866 is adopted. We return to discussion of the underlying bill, LB834. Are there senators wishing to speak? Seeing none, Senator Gloor, you're recognized to close. [LB834]

SENATOR GLOOR: Thank you, Mr. President, and thank you, members, for your questions. My worst-case scenario on this was actually that nobody would pay attention and we'd find ourselves on Select File with people wanting to ask a few questions. And so the ones you brought forward are the ones that I would have anticipated would come up. Senator Campbell did a good job of addressing Senator Langemeier's concerns, and they were my concerns and one of the things that I wanted to see in the bill, and that is, I don't want to put people in a "one strike and you're out" scenario whereby they hedge their recommendations to us because they know overall this application is a good application. It meets three of the four of the criteria and the fourth wasn't that important to them but they just didn't feel comfortable giving it a thumbs-up. On the other hand, they're going to give it a thumbs-up because they don't want to give it a thumbs-down. We have provided in this change in legislation an opportunity for them to attach negative comments and positive comments, narrative, to each one of these findings so that we can look at the findings; and there may be a number of negatives, there may be a number of positives, but we can read into that--that's something we couldn't do in the past--what their thought process and what their deliberation was as they went through this. Huge help for those of us, at least on the committee, who have the time and the responsibility to sit down and analyze those more. I think Senator Dubas' concern about harm, obviously, would be all ours. I would be glad to sit down with individual senators and point out where there are a number of criteria that speak very directly to that even though we have now taken out what I consider to be convoluted language as relates to harm. It didn't really help the process and confused applicants, who got the application and said: What do you expect me to do? I'm not asking to do this because I'm going to hurt people; I wouldn't be asking to do it if I could hurt people. Now we've given them something that, I think, they can reasonably sit down, evaluate, and give a response to as they ask to be credentialed for their specific area. It's a very technical piece of legislation. I can understand if people have some further questions or concerns. Glad to sit down and ask for that, but I would ask that you advance this from General to Select File. This is important, I think, to this body, to the Board of Health, and to the department overall and what's an important process in protecting Nebraskans. Thank you. [LB834]

SENATOR CARLSON: Thank you, Senator Gloor. The question is the advancement of LB834 to E&R Initial. All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB834]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB834. [LB834]

SENATOR CARLSON: LB834 does advance. Mr. Clerk, do we have items for the

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record? [LB834]

CLERK: I do. Thank you, Mr. President. Senator Lautenbaugh has amendments to LB807 to be printed, and I have a confirmation report from the Agriculture Committee signed by Senator Carlson as Chair. That's all that I have, Mr. President. (AM2030 and AM2089, Legislative Journal pages 700-702.) [LB807]

SENATOR CARLSON: Thank you, Mr. Clerk. Next item.

CLERK: LB933 is a bill by Senator Ashford. (Read title.) The bill was introduced on January 10 of this year, at that time referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM2001, Legislative Journal page 573.) [LB933]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Ashford, you're recognized to open on LB933. [LB933]

SENATOR ASHFORD: Thank you, Mr. President. And this issue has been before us, obviously, before. I have handed out to the body a...some data that will show that...a couple of things regarding school attendance. And I'd like to just start this conversation and I will try to get to the amendments right away so we don't have to rehash history here. But the two concepts that I think are worth going over and...are, one, that with the passage of LB800 we have in the state of Nebraska substantially reduced excessive absenteeism. And you'll notice the comparison on the overall attendance numbers from 2009-2010 to 2010-2011, the first year after the passage of LB800. There's been a reduction from around 22,000 to 18,000, 4,000 pupil reduction in excessive absenteeism, that is, absenteeism over 20 days. In addition to that, the upper portion of the handout goes through the impacts of not being...not attending school. And I think this body has gone over this before, but...I'm not going to go over it again, but I think you can see, for the reading scores and the math scores in grade 4, 8, and 11, that there is a significant correlation between attendance in school and scores. Since the passage of LB800 and LB463 last year, the Judiciary Committee has gone into this matter further. Obviously, I know that the members of this Legislature have received numerous e-mails from concerned parents. We have...we had a session during the summer, an interim study on this issue. We brought the parties in and we listened to their concerns, both on the school side, the county attorney's side, and on the concerned parents' side, and then LB933 was a response to that interim study and other discussions that we'd had with various parties. Since that time, since the introduction of LB933, our office has worked with Senator Fulton's office, Senator McCoy's office, and Senator Langemeier to come up with a responsible solution to balance the...what I think we all would agree is important, and that's having children be in school on a regular basis, and also balance that against...or with the concern of parents who, since the passage of LB800, have felt that they were brought into the county attorney system too

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quickly, and that the better place to work out problems with the schools is in the schools and not with the county attorney. I think these are all legitimate interests and ones that I believe we have reflected in LB933 and with the committee amendments and then Senator Langemeier's amendment. The amendments to LB933 really are the crux of the bill, and then Senator Langemeier has some amendments that refine the committee amendments. The...Senator Langemeier's amendment is the reflection of the work that was done by Senator Fulton and Senator Langemeier and myself. So that's where we are now. I appreciate Senator Langemeier prioritizing LB933 so that we could come to a responsible resolution of these matters. Across the state what we've seen, just generally, is we've seen a reduction, as I've mentioned, in excessive absenteeism. And Lincoln Public Schools alone has had a 15 percent reduction in absenteeism. I had a...received some information from, actually, the Omaha Housing Authority, and the Omaha Housing Authority has initiated a--a public housing agency in Omaha--initiated a truancy or absenteeism reduction program with Indian Hills Grade School over the last year, and they've experienced a...passed...4th grade state writing scores have gone from 60 percent to 90 percent passing. Throughout the state there have been programs initiated by various counties, various county attorneys, Douglas County, Lancaster County, Hall County, to address the issue of absenteeism not at 20 days, but at 5 days, 10 days, and 15 days with those young people who don't have excuses, who should be in school. Let me tell you what the committee amendments do. The committee amendments provide, one, that prior to...well, at 20 days, the county attorney in each county is informed by the school district of three things, three separate incidents or criteria relating to absenteeism. The first one, is the student excused because of illness or some other excused absence? Two, does the school wish to continue to work with the parents and the student and that no action by the county attorney is required or necessitated? And three, that the school has done as much as it can with the student and asks that the county attorney intervene. The committee amendment also provides that if at the end of 20 days, if the school feels there's nothing more that can be done with the student and asks the county attorney to intervene with the parents or the juvenile or the student, that any meeting that occurs with the parents occur...and the student occur at the school. This is in response to some concerns raised by parents that they were unnecessarily dragged down to the courthouse or to the county attorney's office to address these concerns. And that is what...those are the committee amendments. What Senator Langemeier is proposing is, I think, an important amendment, and it gets at the first instance, and that is when a child, a student, reaches 20 days of absence but those absences are excused because of illness or because of some other school-related excuse. At that point the school, with Senator Langemeier's amendment, the school is not...the district or the school is not required to report to the county attorney, as was the case...as is the case with LB933 with the committee amendments, but the school may provide information about the student and the family to the county attorney. It's discretionary with the school. It is not a mandatory requirement. And that is certainly a change from LB800. But we believe a couple of principles are retained in the committee amendments and Senator Langemeier's

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amendment. Number one, attendance is an important matter in our state. Two, we need to have a check at 20 days, because 20 days is a month of school gone. And we know from the data that there is a relationship with being in school and good grades and test scores. But we also want to make absolutely clear with this bill and these amendments that the primary...the number one defense against excessive absenteeism is the parent. The second defense is the school, and then, if necessary, if we have a child who is at risk who is not in school, the school has worked with the parents and the child, or the guardian, whomever, and they simply can't get the child into school, that there does need to be an intervention by some third party. The county attorney...why the county attorney? The county attorney is assigned under state law, under our compulsory education laws, which we do have, which say that children have to be in school unless they're excused, that the... [LB933 LB463]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: One minute. [LB933]

SENATOR ASHFORD: ...it's the county attorney's responsibility to ensure that that child goes back to school and stays in school. So I think...and I've gone beyond the introduction of the bill and gone on to the committee amendments, but just to get right to it, I think we've got the balance here we need. It brings the schools directly into the process. It does not activate county attorney participation too early in the process, in my view, and it brings the parents back into the process in a real way at those initial stages of absenteeism. So I certainly urge the adoption of LB933. [LB933]

SENATOR GLOOR: Thank you, Senator Ashford. As the Clerk and Senator Ashford stated, there are amendments from the Judiciary Committee. Senator Ashford, did you wish to elaborate on the amendments from the Judiciary Committee? [LB933]

SENATOR ASHFORD: Just briefly. Again, just to say that the committee amendments are amended by Senator Langemeier's amendment, which comes next. The committee amendments provides that the school district indicates to the county attorney after 20 days whether the...number one, the student is excused; number two, that the school wishes to continue to work with the student; and that...and three, that there is no further action that the school can take productively and that they ask for intervention by the county attorney. Even at that third stage, there would be a meeting at the school and not in the courthouse to try to, again, mediate through or to identify the issues that are causing that child not to be in school. With the Langemeier amendment, we are making that first stage where there is an excused...the 20 days of absence are excused for illness or some other reason, that only if the school...it's discretionary with the school to make any kind of referral to the county attorney at that one month or 20 days of class. With that, I will leave it at that and we can go to the committee amendment to the committee amendments. I guess we have to adopt the amendment first. [LB933]

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SENATOR GLOOR: Thank you, Senator Ashford. Mr. Clerk, there's an amendment to the committee amendment. [LB933]

CLERK: Senator Langemeier would move to amend the committee amendments, Mr. President, with AM2245. (Legislative Journal page 702.) [LB933]

SENATOR GLOOR: Senator Langemeier, you're recognized to open on your amendment. [LB933]

SENATOR LANGEMEIER: Mr. President and members of the body, I did prioritize LB933. Over the last two years dealing with truancy, it is a problem. And, however, with what we passed two years ago, I think we went a little over the top. And so it made my priority pretty simple to make this a priority bill to try and fix our legislative history on truancy. However, when we started this, Senator Ashford, as I sit next to him every day, I kind of said, you know, I want to fix this, but I'm not real comfortable with what you're doing. And so Senator Fulton was in that same realm, so Senator Fulton and Ashford have been working on this, and I've been kind of on the side, kind of prodding along, saying we've got to put some discretion back into this to some degree. And so if you look at the committee amendment, it does that. And I'm going to kind of read it to you just because I think it's important. But it talks about an absence as "documented illness that makes attendance impossible or impracticable" or any other excused absence by the school and their authorities. So what are those? If you have an individual that's out in...and I'll use an example that came into my office. If you have a daughter that's trying out for the U.S. Olympic Team and, in some event, and you work it out with the school to make up that...those days gone and you keep your grades up and they work with you and they excuse it, those days would count towards your 20. However, because they are excused, it goes back to the "may" portion that's in the second half of this amendment. It gives the school and the attendance officer that authority to say, hey, these are excused, so we're not required to turn them over to the county attorney for further...I want to say prosecution, but processing of that absence to deal with compulsory attendance. And so I think that "may" is a very big component of this. It gives us the opportunity as a school to put some common sense into it. They have the ability to excuse students for whatever they deem is excusable and you've made arrangements to meet the coursework. I think at the end of the day that's what we're all here to do, is make sure our students are making the grade and doing their work. And so as they make those arrangements and get those excused absences, again, this just gives them the ability to allow the school to say, yeah, they've been gone 21 days, but we know what they're for and we've excused them for those particular activities, and so we're not going to turn this over to the county attorney. And I think that puts some common-sense judgment in this whole process. And I want to thank Senator Fulton and Senator Ashford. As many of you may have gotten e-mails that said support Senator Fulton's idea and where he's going, well, this is part of that. So that's how we came to

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this. So with that, we'd ask for your adoption of AM2245 and all the way up to LB933. Thank you, Mr. President. [LB933]

SENATOR GLOOR: Thank you, Senator Langemeier. Members, you've heard the opening on the amendment to the committee amendments, the committee amendment, and LB933. There are senators wishing to be recognized. Senator Price, you're recognized. [LB933]

SENATOR PRICE: Thank you, Mr. President and members. I want to express my great appreciation to the team of senators who's worked on this. Again, we have been working for years on this issue and this matter because it's of great importance. But the lines were crossed. Families' rights were abused. That's the only way you can say it. And we've all gotten the letters. We all have constituents. And I know that when we talked on the floor, I'd been under the understanding that all the parties involved in this effort were going to do their part. And then we ended up hamstringing them because the top section of the bill was saying you could have 5 days off but you get 5 days in a quarter, and the policy was to be excused or unexcused. And then we went to a lower part, which said, but throw out the top part, we're going to just use the bottom part; in 20 days it triggered and nothing you can do about it. I know we'd been on the floor and we talked about in the case of military families, and, sure enough, I had military families come up to me and tell me, with reunification of the deployed parent, down in Disney World in Florida, got a phone call, where's your child? With his father, and, no, I don't want to talk to you, because we're here right now trying to get back together as a family. So I'm in strong support of what we're doing here. And the only question I had, would Senator Ashford yield to a question? [LB933]

SENATOR GLOOR: Senator Ashford, would you yield? [LB933]

SENATOR ASHFORD: Yes, sir. [LB933]

SENATOR PRICE: Thank you so much. I know this is tough and everything, but my one question, I want to go back a little bit in time and ask you this one question. What was the process for the intervention by the law enforcement, if you would--I'm not sure if that's the county attorney--prior to all these statutes we've done in the past couple of years? I mean, we've always had truancy. [LB933]

SENATOR ASHFORD: Right. [LB933]

SENATOR PRICE: Did we always have the...was it always the case that, at some point in time, the law enforcement was going to get involved? [LB933]

SENATOR ASHFORD: Yes. I mean, it was sporadic, Senator Price, and then it depended on what county you were in. It was very sporadic in Douglas County. Sarpy

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County, quite frankly, in your county, had a much more systematic way of dealing with it, but other counties didn't. The county attorneys...a case would get, at least in Douglas County, and I think in some other counties, where someone would be excused, excused, and then unexcused, and excused, and unexcused, and by the time people woke up to the fact that this child wasn't in school, they were 40 or 50 days absent. And I think that's what we saw with the passage of LB800, was numbers of juveniles, numbers of students, who were out of school for long periods of time. [LB933]

SENATOR PRICE: Well, thank you very much. And I appreciate that, because sometimes it was a misnomer, as if we never had anything before. The only other thing I wish we could have addressed in here, and I understand it may be too much of a Gordian knot to do and address, is, you know, predicated, again, on the aptitude and the abilities and the performance of the student, we still have drawn a line. We've made a threshold, and there seems to be an inability to say, but the student has done well, the student is doing well in school. When I look at the obverse of what we've actually done here, what we've said is we're taking this approach because of performance. So when I want to look at the other side of performance, are we saying...we haven't also allowed that if you are performing, you don't have to be in school. I have a lot of students in the area who do quite well in school, and then they do other things. We have them involved in school activities that go to...we actually have, I know people may not know this, we have... [LB933]

SENATOR GLOOR: One minute. [LB933]

SENATOR PRICE: ...a very vibrant Latin Club in the Bellevue schools and people go to national events, and we have the Key Club and all these other clubs and the students go to these events. They're going to school-sponsored events and then it's being held against them. So I really appreciate what Senator Langemeier has done with his amendment to give the schools latitude, to not tie their hands, but I implore the school administrators to please use good rational sense here and don't...don't let it become a situation where you choose your "mays" without a uniform policy. If you're going to let...if you're going to pick a policy on this, be uniform about it, because the last thing I want to hear is more e-mails coming back where some child has incurred the wrath... [LB933]

SENATOR GLOOR: Time, Senator. [LB933]

SENATOR PRICE: Thank you. [LB933]

SENATOR GLOOR: Thank you, Senator Price. Senators in the queue: Karpisek, Fulton, Ken Haar, Pahls, Christensen, and others. Senator Karpisek, you're recognized. [LB933]

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SENATOR KARPISEK: Thank you, Mr. President and members of the Legislature. I, too, would like to thank everyone who worked on this bill, because I know there were many unintended consequences in this bill. And I asked some questions last year on the bill about attendance and those sort of things, excused and unexcused, and it seems like that still slipped through, so I'm going to try to make sure that we're all on the same page this year. If Senator Langemeier could please yield for some questions? [LB933]

SENATOR GLOOR: Senator Langemeier...would you yield, Senator Langemeier? [LB933]

SENATOR LANGEMEIER: I would. [LB933]

SENATOR KARPISEK: Thank you, Senator Langemeier. When we talk about excused absences, who...I know you said the school will decide if they're excused, correct? [LB933]

SENATOR LANGEMEIER: The school would determine in their policy...like Millard has done, they've come up with a list of excused absences. Or if you come with a circumstance, let's say your child is going to visit a loved one that is serving in Afghanistan. I know that's kind of far-fetched, but if you go into the school and talk to the authorities and make arrangements on how you're going to do your work, they would have the ability to excuse that absence and then... [LB933]

SENATOR KARPISEK: Okay. I understand that, so then let's say it's a family vacation, will that...? [LB933]

SENATOR LANGEMEIER: They would have to go in, back to the school system, and make arrangements to get the school...it would be up to the school to call that an excused absence. [LB933]

SENATOR KARPISEK: Are you at all concerned that we might kind of have a hodgepodge here of different school districts worried about different...or excusing different things, vacations, etcetera? [LB933]

SENATOR LANGEMEIER: You know, I think you will have a hodgepodge, but I think the whole issue with truancy in our schools, and I may be a little misguided on this, but to me it's all about communication. And what you have is, you have in truancy...and I'm taking your time and I'll turn my light on and give you some if you need it, but you have kids that are not showing up for school and nobody either did catches that they're there...not there, or there's no communication with the family why they're not there. This would allow those children that want to go on that vacation to have communication with the school to tell them why I'm not going to be here. I don't know if the school will

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approve it or not approve it, but they're going to have that communication. And you keep the child and the family engaged in the school system. [LB933]

SENATOR KARPISEK: And I agree, Senator Langemeier, that we do want to make sure that kids are in school, and Senator Ashford has shared statistics with us that being in school, obviously, does make a difference in grade points, not for everyone, but on the average. And we can discuss this. We've got other times to hit our lights. But I am concerned about where they're going to draw that line and where different county attorneys, if we do get to that point, are going to be involved. Because it seems like that's been part of this process this year, is that some county attorneys are very vigorous about letting...working with the parents, and some that are not. And that is still a concern for me. And you may... [LB933]

SENATOR LANGEMEIER: Was that a question? [LB933]

SENATOR KARPISEK: You can respond, sure. [LB933]

SENATOR LANGEMEIER: Well, my response to county attorneys is, is you just take example what has happened on a county attorney that just got recalled. Across the state of Nebraska, our county attorneys take every issue to different levels of enforcement and not just on truancy. And I think that's a bigger issue I don't know that we can tackle within this bill or in this body, as they're elected officials to do a job that they feel they want to push issues. So on that side of it, yes. But what this amendment does is it gives that school the ability to evaluate and excuse absences and then make a decision whether those... [LB933]

SENATOR GLOOR: Forty seconds. [LB933]

SENATOR LANGEMEIER: ...are driven to a level they have to turn it over to the county attorney. [LB933]

SENATOR KARPISEK: Thank you, Senator Langemeier. And I do support the amendment. I will ask some more questions as we go, to make sure...I don't know that it goes far enough to make sure that we're not catching kids here that are just sick or out for the day to do some other educational...something or another. Thank you, Mr. President. [LB933]

SENATOR GLOOR: Thank you, Senator Karpisek. Senator Fulton, you're recognized. [LB933]

SENATOR FULTON: Thank you, Mr. President and members of the body. Thanks to Senator Langemeier for bringing the amendment. Indeed, as Senator Langemeier stated, this is something that Senator Ashford and I sat down and worked on this

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morning and so, to that end, I thank Senator Ashford for his willingness and openness and reasonableness in working together on this amendment. There is that...as I am contemplating what we are accomplishing here in AM2245, I remember what's inscribed on the side of our Capitol: The salvation of the state is the watchfulness of the citizen. Now a couple of years ago we put forward a statute, well-intentioned, to deal with truancy, to get kids back into school. It was a creative and collaborative effort that ultimately put forward the change in law that we had a couple of years ago. It didn't...it was successful in reducing truancy, yes, but it also had unintended consequences. What was happening was good parents were being rounded up with parents who weren't doing their parental responsibilities and they were being treated poorly. And we have heard from those parents. They have contacted us, all the way up to the time of our bills introduced this year. And I, of course, I was listening to that because I wasn't in support of the bill in the beginning a couple of years ago. But ultimately these citizens, largely mothers, had their voices heard. And this morning as Senator Ashford and I sat down and talked, we were on different sides of this, Senator Ashford and myself. Friends, yes, but on different sides of this issue. And there was a reasonableness there that Senator Ashford displayed because he had heard the concerns of so many parents. Now, Senator Karpisek, I think he and I are probably...we're precisely on the same position on this. And Senator Karpisek indicated that this may not go far enough, and I'm probably in that boat too. I'm a little uncomfortable with having activity of the county attorney...having the activities of parents being scrutinized so closely by county attorneys. But at the same time, if we're going to have compulsory education...attendance for education in the state, then we have to recognize that these are the trade-offs that we're going to have. And so this amendment, ultimately, puts the volition of the school districts in play, as I contend and contended that they should be, not at the exclusion of parents but with the cooperation of parents. And so if indeed these are absences that are excused, as any reasonable person would say, those absences should not be reported to law enforcement. And so we have changed the statute such that there is no mandate that they be reported to law enforcement. Still, there is some judgment to be employed by school district officials. And so, should we adopt this amendment and the bill going forward, and assuming that the Governor will sign it, these issues of what is excused and what is not excused, what is acceptable as an excuse and not acceptable, these will still play out. There will undoubtedly still be disagreements between parents and school officials, but they will play out in the place I contend they should have played out...where they should have played out in the beginning. That is at the district level, school district level. The county attorney still has the ability to become involved in cases where the county attorney believes he or she should become involved. [LB933]

SENATOR GLOOR: One minute. [LB933]

SENATOR FULTON: And if there is an issue with that by parents, it can be contended with at the county level. So this is an expression where these types of decisions should

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not be mandated by the state, but rather there should be an element of judgment employed, or able to be employed by the school districts. This is what we accomplish with AM2245. Yes, perhaps not to the liking...the absolute liking of myself or Senator Karpisek, but in my judgment AM2245 returns these decisions to the district level and allows parents to not have to live in fear of their children being absent from school and thus getting...being required to be reported to the county attorney. That no longer exists. So I do stand in support of AM2245, with thanks to Senator Ashford and Senator Langemeier. I ask you to support it also. Thank you, Mr. President. [LB933]

SENATOR GLOOR: Thank you, Senator Fulton. Senator Ken Haar. [LB933]

SENATOR HAAR: Mr. President and members of the body, I suspect I will support these amendments, but I've heard a lot...I've heard from a lot of parents, and this kind of goes to what Senator Fulton was saying, and Senator Karpisek. And it's such things as kids are late to class or kids are excused for some kind of band-related activity or whatever, and then the school, you know, calls them and says, where have your...where has your child been, and so on. It almost seems to me, to kind of capsulize it, that this policy is leading to guilty unless proven innocent. And I don't think the burden for that should be on the parents. I think it has to be on the school district. And again, I've heard a lot of anecdotal information. In one case that I was told, that a student was sick and had to be out of school, and that finally the parent had to get involved in such a way that it cost them money to employ a lawyer. And I would almost think that if this sort of thing happens and it turns out that everything was the way it should have been with the student and the parent, that the school ought to pay for that lawyer. Again, that's just anecdotal information. But...so, Senator Ashford, I'd like to ask you a few questions about how we can make parents more comfortable with this policy. I wonder if you would be willing to answer some questions. [LB933]

SENATOR GLOOR: Senator Ashford, would you yield? [LB933]

SENATOR ASHFORD: Yes, sir. [LB933]

SENATOR HAAR: Okay, well, first of all, I want to thank you very much for getting at this issue, and I think the results are showing. So we have to say, you know, good work on that part. But what do we do with this...and again, I'm going to say that it comes across as guilty unless proven innocent. How do we deal with that? [LB933]

SENATOR ASHFORD: I think we...thank you, Senator Haar. And I heard many of the same concerns. I think that, first of all, with the Langemeier amendment, I think the burden has really shifted to the schools, away from the parents to a certain degree, because what we're asking the schools to do and have asked them to do, and here I think are even asking them in a more...in a clearer fashion, is to say, it's your determination at the school level. It's your determination to say what is the policy on

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excused or unexcused absence. If that policy is X, make that policy clear to the parents. The only...what I would foresee, the only place where you're going to see a county attorney intervention, or should there be a county attorney intervention at all in the first instance where there's an excused absence, is if the school, not the county attorney, but the school believes that there are other underlying problems that exist there that have caused a pattern of absenteeism over the years--and I've seen examples of that--or there are other things going on in that child's life unrelated to absenteeism that would necessitate bringing in a third party. I think the burden shifts with the Langemeier amendment. I think it puts the parents and the school together to resolve the issues. That's what I think it does. [LB933]

SENATOR HAAR: Okay. And I appreciate that part, so...but many parents are intimidated by the schools and so, you know, if a...so I'm actually...I appreciate the level between the, you know, the separation, the uncoupling, in a way, of the school district... [LB933]

SENATOR GLOOR: One minute. [LB933]

SENATOR HAAR: ...and the county attorney, but I want to talk to you some more the next time I'm at the mike about how do we make this less intimidating for the parent. Thank you. [LB933]

SENATOR GLOOR: Thank you, Senator Haar. Senator Pahls, you're recognized. [LB933]

SENATOR PAHLS: Thank you, Mr. President and members of the body. Sometimes I'm amazed, and this is why. I've always been around school districts and schools, from small to large. This is Monday, your child doesn't show up, we call you. We call on Tuesday and Wednesday. And when you're in high school, if you miss the fourth and fifth period, you're called, wanting to know where. So this lack of communication surprises me a little bit. And another thing, too, one reason why we come back year after year is to take a look at some of the laws that we pass and say, hey, maybe we need to tweak these a little bit. We all know that being in school is a plus. Now, of course, we know there are exceptions. Some children will do anything just because what's inside them. So our goal is to make sure that child or young man or woman goes to school. And I think it is the responsibility of the schools to make it work. Another thing that amazes me, after a child has been gone from school so many days, a letter is sent out, several letters. It's school policy. And then after a while, you as the administrator are expected to sit down with the parents. If this isn't happening, then I think the school districts should be taking a look at some of their policies. I just am still amazed at the number of days that children are missing, 20 days or more. And I know there are many legitimate reasons. So I'm not arguing that. As I said when we were dealing with this bill in the past, I grew up in a small town. If I made a basket or I made a touchdown, I made

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the paper. Nobody ever said anything about how many days I attended school. I'm hoping that you, over this past year or so when you looked at your local newspapers, you have seen in our school system we have had so many kids miss so many school days, just to make people aware of it. The thing that I was also amazed, when I looked in the past, I don't know if it is right now, but Ewing had almost a perfect attendance. I wanted to know what they were doing in Ewing, Nebraska, especially when I received e-mails from other superintendents from different schools in the state and they said, well, what's wrong with us? We're average. I'd like to say, with that attitude, I mean, it's nice to be average, but your goal should be...have a better average than the state average on attendance. Here is a question that still seems to me about who is going to make what decision, when, where, and why, so I'd like to ask Senator Adams if he would yield to me. [LB933]

SENATOR GLOOR: Would you yield? [LB933]

SENATOR ADAMS: Yes, I would. [LB933]

SENATOR PAHLS: Senator, in your experiences on the Education Committee, have you guys ever dialogued about excused and unexcused? If not, what is your personal opinion, or whatever the law states? [LB933]

SENATOR ADAMS: My opinion as to what is excused and what isn't? [LB933]

SENATOR PAHLS: Yes. [LB933]

SENATOR ADAMS: (Laugh) I don't know if you want to know that. You know, in my experience as a classroom teacher, as you might imagine, it wasn't my determination. It was school district policy. And depending on the school district and the administrator and the relationship with the doctors in the community and the parents, typically those things were resolved and it was out of my hands. [LB933]

SENATOR GLOOR: One minute. [LB933]

SENATOR PAHLS: Okay. Thank you. So as a teacher it was out of your hands and it was a school policy. Okay. After taking a look at the bills, what is your concept of the direction we're going? [LB933]

SENATOR ADAMS: I think it's a good direction, and the way I understand it, what it very simply is saying is, look, kids have to be in school--we have compulsory attendance laws--and if they're not, the school district, in collaboration with the county attorney, is to develop an excessive-absence policy and absences need to be documented. That's the language in the bill. Now documentation is up to the school. [LB933]

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SENATOR PAHLS: Okay. You're saying now, it's your perception, it's up to the school?
[LB933]

SENATOR ADAMS: That's how I would interpret it. It just says, documented. That's what the language is. [LB933]

SENATOR PAHLS: Okay. So apparently this...the ball is back in the court of the school district, not dealing with the administrator or the teacher, it's school board policy.
[LB933]

SENATOR GLOOR: Time, Senator. [LB933]

SENATOR PAHLS: Thank you. [LB933]

SENATOR GLOOR: Thank you, Senator Pahls and Senator Adams. The Chair recognizes Senator Christensen. [LB933]

SENATOR CHRISTENSEN: Thank you, Mr. President. Again I'm going to say what I did last week when we, basically we talked about a very similar subject. Talking about truancy now, we was talking about kids dropping out before. I feel like we're trying to put a Band-Aid over an issue instead of deal with the issue. Think about why these kids are going truant and why they're missing school...or dropping out, I meant to say. We have put so many regulations on the schools, so much testing, whether it be federal or state. We're trying to shove everybody into a box instead of allowing the teachers to teach our kids. There are certain students that only learn with hands-on or with subjects of interest, and these particular kids, when tried to be forced into a box of we're going to concentrate on reading programs, certain math because that's where we're testing, they don't fit. They have a very effective place in society if we don't chase them out of school. We're to blame here, folks. This amendment and bill improves a problem I voted for several years ago. We created this problem we have now because we're not dealing with the issue, we're dealing with the symptoms. I'm serious about this. Think about why kids drop out of school, why kids are absent. There's times you can make kids worry themselves until they're sick. I've got seven kids. I think I've went through a majority of what kids think about. And every one of them is different. I've had straight-A students, I've had kids that struggled to keep Ds. I don't understand it. Same genetics, but vastly different. So instead of trying to Band-Aid a solution, which we did with our first truancy bill, now we're working to correct it, and we're still not getting it corrected far enough. But we're still not dealing with the issue. We've got to get rid of so many school mandates, be it federal, be it state, and open it up, because the teachers get to know these kids. They know what their interests are. The best teachers do, for sure. I give you an example last week of one. It was a classic example of exceptionally smart, bright individual, but if he had to do the box case scenario, he was going to skip school. He was going to be absent and he was not going to engage. But due to a great teacher,

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knew his interest was in rodeoing, was in farming, started having him do his reports in areas of interest. Turned... [LB933]

SENATOR GLOOR: One minute. [LB933]

SENATOR CHRISTENSEN: ...that individual around. Instead of being absent, instead of being an F student, become a B student. It is very possible, and that's the direction we need to be going. When we start teaching to meet the test, this is the result we get. We start forcing kids out of school, into truancy, instead of dealing with the situation. We've got to quit boxing them into something to meet testing. And that's what we're doing. Thank you, Mr. President. [LB933]

SENATOR GLOOR: Thank you, Senator Christensen. Senators in the queue: Hansen, Brasch, Harms, Karpisek, Burke Harr, Adams, and others. Senator Hansen, you're recognized. [LB933]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I would like to rise in support of especially the amendment AM2245. But I do also want to thank Senator Ashford for doing the interim study last year and listening to the folks in the state, the parents in the state, with their concerns. And I know the original bill on truancy was pretty tough on some families. I've read some of those e-mails from families that were...ended up in court in, like, maybe 40 families at one time were called into the courtroom, and that's pretty traumatic for the family, let alone just the parents too. But I do thank Senator Langemeier for bringing this amendment too. Would Senator Langemeier be available for some questions? [LB933]

SENATOR GLOOR: Senator Langemeier, would you be willing to yield for a question? [LB933]

SENATOR LANGEMEIER: Yes. [LB933]

SENATOR HANSEN: Thank you. Senator Langemeier, in your amendment it said "documented" illnesses. So if a parent or a grandparent that's taking care of some kids and they, in the middle of the night or early in the morning, they show up with a fever and they're vomiting and they have diarrhea and all of the good stuff that kids do, and the grandparents or the parents know that it's just something that's going around, some other siblings may have had it, does that have to be documented, and would you give me an example of a "documented illness"? I know it's up to the schools, but still a "documented illness" sounds like something that a doctor has to be involved in. [LB933]

SENATOR LANGEMEIER: The way that typically works is if you have that kind of an illness, you would call the school, notify them that the child is not going to be there, tell them why they're not going to be there; the school treats that as kind of a...as an

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absence, excused absence, and they'll take that for a couple of days. And then after, typically after two, three days, then the school will require you to go to the doctor to get the doctor to excuse those days, documented. [LB933]

SENATOR HANSEN: So a 24-hour flu, you wouldn't have to see a doctor... [LB933]

SENATOR LANGEMEIER: No. [LB933]

SENATOR HANSEN: ...but if it hangs on... [LB933]

SENATOR LANGEMEIER: No. [LB933]

SENATOR HANSEN: ...then rightfully so, it may turn into something more serious after a couple of days, so... [LB933]

SENATOR LANGEMEIER: Yeah, if it turns into something more serious, then you have to go to the doctor and get the doctor to sign off on that absence. [LB933]

SENATOR HANSEN: Okay. It sounds like a common-sense solution. Just so the school districts continue to see it in a light like that. Thank you, Senator Langemeier. I know there's a lot of absences that can be asked for. I've got three granddaughters that live in the North Platte School District and they're all in school now. And they get out of school for a lot of things, and these are school absences. It may be the choir. It may be FFA. It may be sports. Could be volleyball, basketball, soccer, track, it doesn't...I mean, there's a lot of absences that are excused and those kids aren't in school learning. Some of the events are after school, some of them are on the road. North Platte is still a Class A school, so they travel as far as Omaha to compete. So it takes a lot of hours out of the classroom, I know that. There...another example would be the mayor's leadership class. It take two days out of a school year. The county government day and things like that. Senator Adams, I saw him stand up. Could I ask Senator Adams to yield for just a moment. [LB933]

SENATOR GLOOR: Senator Adams, would you yield to a question? [LB933]

SENATOR ADAMS: Yes, I will. [LB933]

SENATOR HANSEN: Thank you, Senator Adams. This is a follow-up with Senator Pahls's line of questioning too. What keeps kids in school? What keeps them engaged? There's a huge difference between the school systems in the state, and you're well aware of the differences way more than I am because you've talked to a lot of them. [LB933]

SENATOR GLOOR: One minute. [LB933]

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SENATOR HANSEN: Thank you. There's some schools with 95 percent graduation rates, there's some with less than 60. What keeps those kids in school? What keeps them going? What keeps them interested? What's the difference? [LB933]

SENATOR ADAMS: Senator, the list is a mile long. It's the teacher in the classroom. It's the parents at home. It may be the grandparents at home. It may be a coach. It may be an administrator. It may be a stroke of luck. It may be a community. There are just a host of things that may keep them in school, and, honestly, I can't be any more definitive than that. [LB933]

SENATOR HANSEN: Okay. Just one last question, I guess. Can these schools with a low graduation rate and low attendance rate, high truancy rate, learn anything from a nonequalized school district? [LB933]

SENATOR ADAMS: Well, I don't think it has anything to do whether you're equalized or nonequalized. It's about your program in your school. [LB933]

SENATOR HANSEN: But a lot of the...most of the nonequalized school districts have pretty high attendance. [LB933]

SENATOR ADAMS: They do have pretty high attendance, but I would tell you that when LB800 was first passed, one of the things that we discovered, and the state Department of Ed will tell you that, we had greater absenteeism in rural Nebraska than we did in urban. [LB933]

SENATOR GLOOR: Time, Senators. [LB933]

SENATOR HANSEN: I remember that comment a couple of years ago. Thank you, Mr. President. [LB933]

SENATOR GLOOR: Thank you Senator Adams and Senator Hansen. Senator Brasch, you're recognized. [LB933]

SENATOR BRASCH: Thank you, Mr. President, and good afternoon, colleagues. I rise today in support of education and our great, great teachers and faculty and administrators. But I do rise being truly troubled that, for our schools today, that we've come to a place and time where students and their parents must be required to have mandates and laws, harsh mandates with the looming threat of legal action to compel students to attend school. I'm not certain if it's lack of tools, resources, if it's economic hardships, challenging families, and challenging the students. And this morning earlier, I shared with some of my colleagues, having had an opportunity to attend an education meeting and personally meet with Ron Clark, Jr.; some of you have heard of him or saw

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the movie. He was an American teacher who worked with disadvantaged students in north rural Carolina and in Harlem in New York City. And he is known for many creative, challenging, nontextbook-type of activities with kids. He would leap on desks. He would jump rope with the kids. And I'm reading a little bit from his Web site right now, is that, in his academy, it says, "We have fostered an environment that inspires academic excellence, leadership, collaboration, and a world-class education for our students. Our school is a magical place where children experience the true joy that comes with learning. We teach in innovative, creative, and inspiring ways...we empower youth to take charge of their own destinies, reach their goals, and fulfill their dreams with compassion, integrity, and honor. We fill our students' days with knowledge and wonder, all while demanding academic rigor and achieving incredible results." I do believe our teachers have that capacity. I'm not certain of what is taking our kids away from the classroom. Senator Hansen, you know, had some very good points, as did Senator Christensen. Is it the testing? You know, where is the magic in education that children wake up star struck with the thought and joy and excitement of going to school? What is bringing it to such a sad place and time today? I am reading these amendments with great interest but would like to continue encouraging our teachers and our educators to keep working with these students and have them bring themselves to school, not the laws. Thank you. [LB933]

SENATOR GLOOR: Thank you, Senator Brasch. Senator Harms, you're recognized. [LB933]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Ashford, could you yield just for a couple of questions, please? [LB933]

SENATOR GLOOR: Senator Ashford, would you yield? [LB933]

SENATOR ASHFORD: Yes. [LB933]

SENATOR HARMS: First of all, thank you for bringing this legislation back, Senator. We both know that it's pretty important, because all the information you've shared with us in regard to the problems we have with our teenagers, a lot of it starts right here... [LB933]

SENATOR ASHFORD: Yes. [LB933]

SENATOR HARMS: ...when they start dropping out of school. One of the things that caught my attention, looking at the committee statement, that the state Department of Education didn't support this piece of legislation. Could you share maybe what's...? [LB933]

SENATOR ASHFORD: Yes, the department has been opposed to the bill primarily because they think it was working the way it was. And I believe, without putting words in

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Roger Breed's mouth, I think what...I believe what he was saying was that what the law, on the school side, what it did was invigorate school districts to develop policies for excessive absenteeism that they had not had before, so that at 5 days, 10 days, 15 days, not 20 days, but it sort of put a cap on the patience for absenteeism at 20 days, but it encouraged school districts to develop plans and projects, which they have done across the state, to bring children into school that are gone in those early years, and he felt...in those early days. I think he felt if we changed the law, that would somehow do away with some of those efforts. I don't think that's going to happen. But I respect...and Roger Breed has done a magnificent job in collecting data for us and helping us through this issue, but I have faith that the schools and the parents will make this work, so... [LB933]

SENATOR HARMS: Thank you, Senator Ashford. Senator Adams, would you yield? [LB933]

SENATOR GLOOR: Senator Adams, would you yield? [LB933]

SENATOR ADAMS: Yes. [LB933]

SENATOR HARMS: Senator Adams, you've been in education, you know, a long time. As you look at our school system and we look at the issue of so many of our teenagers just dropping out of school or cutting classes, not going to school, what do you think really, truly is the answer to this? I guess, as I look at this, I don't think you can legislate being good parents. I think it's a parent's responsibility to get that child to school, and then we push it off on the public schools, then we push it off on county attorneys and laws like we're putting together now, which are important. What can we do in our school system to make this more relevant for a teenager? [LB933]

SENATOR ADAMS: Well, I think that's a question, frankly, that is asked every day in every school district in the state of Nebraska and by every teacher. What do we do to make this more relevant? And I...you know, I don't have an immediate answer to you. I know I struggled with it in my own classroom. I could see it from decade to decade as I taught. I had to do things differently in order to capture the attention of students, and I could speculate for a long time what I think might be going on, and it would only be anecdotal. I have no data to prove it. [LB933]

SENATOR HARMS: Thank you, Senator Adams. You know, I've looked at a number of studies, and one of the things that I have to...I noted that caught my attention a little bit was, on one of the studies they were talking about students not doing well in school, dropping out, and when they actually started talking to the student, the one thing that the teenager shared with the people who were doing the study is that once they got into this pathway, they were automatically, in their school system, kind of put into a box, and all of a sudden no one had any high expectations of them, not only the teachers, but

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also the administrators... [LB933]

SENATOR GLOOR: One minute. [LB933]

SENATOR HARMS: Thank you, Mr. President...and their parents. And then the other side of it was, they said because of that, then they hung out a lot with other teenagers that were dropping out of school, or teenagers that weren't attending school. And at the end, they surveyed the kids who...they tracked them down, those who dropped out. Almost per student, they indicated they were very sorry that they actually withdrew from school and they dropped out, because it's very difficult once you leave and get out of school system, the job market just is not going to be there for them. There's no hope for them. There's no opportunities for them. And so I come back to the same question that I asked Senator Adams. We have to find a solution to making the public school system, particularly our high schools, more relevant. I happen to believe that when you get to be a senior in high school... [LB933]

SENATOR GLOOR: Time, Senator. [LB933]

SENATOR HARMS: Thank you, Mr. President. [LB933]

SENATOR GLOOR: Thank you, Senator Harms. Senator Karpisek, you are recognized. [LB933]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I appreciate the discussion on this, and I think we all agree that truancy is not what we want the kids to be. We don't want them just missing school to run around on their own and get in trouble, but I think there's a huge difference from being absent and being truant. And that's where I'm trying to get at today, and where are we drawing that line, and who has that authority, and what do we do when one school sees the world very different from another school? And what do we still do when that one superintendent decides that going on a family vacation doesn't count? He doesn't think, or she, that that counts for excused, or maybe coming here to the Legislature to watch what goes on here. That's my concern, just the same as some county attorneys weren't as harsh on this as others. Some actually looked into it very deeply and saw where the kids were, why they were gone, and the kids got some help or the families got some help, where other ones it seems like they were thrown under the bus and made to feel that they were bad parents and made life very difficult for them. I think that these amendments help greatly, but I'm still concerned if we're going far enough. Would Senator Ashford yield, please? [LB933]

SENATOR GLOOR: Senator Ashford, would you yield? [LB933]

SENATOR ASHFORD: Yes, sir. [LB933]

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SENATOR KARPISEK: Thank you, Senator Ashford. And again, thank you for bringing this and working with everyone, but can you help me along with where I'm at here and how...what are we going to do if there's the one...I don't want to call them a bad actor, but someone who isn't on the same page? [LB933]

SENATOR ASHFORD: You're hitting the issue exactly, Senator Karpisek, and it's what I wrestle with as well. We've had a compulsory education law since 1901, and essentially what we have said as a state is that if you're in school, fine. If you're not in school and you don't have an excused absence for illness, weather, or school-excused, that effectively you've violated the compulsory education law. What was happening for years, I think, and why we saw the numbers spike up to 24,000 in 2009 is because it was not a high priority in the schools to check to see, you know, where are these kids in their lives and why aren't they in school. What happened, to your point, is when the law passed there was some...some county attorneys already had policies in place with schools, others didn't, and there was some overzealous activity that resulted and, as you say, parents coming into the system that didn't need to be there. We concluded, Senator Fulton, I, and others concluded that what we need to do is we need to bring this back into the schools, for better or worse, because it's there that that policy will be established. And I've got written down here, "uniform policy." No question that a more uniform policy would be better than sporadic policies. It's hard to write that. I mean, it's hard to write all of the policy considerations you could come up with that a school could utilize. I think we're getting so much closer now, with especially the Langemeier amendment, to bring the schools and the parents together that at the very least it's worth a try to get this sorted out that way, rather than to try to laundry-list. [LB933]

SENATOR KARPISEK: Thank you, Senator Ashford. And I'm glad to hear you think... [LB933]

SENATOR CARLSON PRESIDING

SENATOR CARLSON: One minute. [LB933]

SENATOR KARPISEK: ...we're getting closer and I agree, and Senator Carlson and I talked about this a little bit, and now he's in the penalty box, but we'll talk about it later as we go. I don't think we can make a one-size-fits-all laundry list here. However, I'm still worried about what's going to happen when we get an overzealous superintendent, school board, whoever it is. I still think that the parent can decide if the kids can be taken out of school for a vacation or for whatever reason. However, the superintendent may not agree. I'll be back. Thank you, Mr. President. [LB933]

SENATOR CARLSON: Thank you, Senator Karpisek and Senator Ashford. Those wishing to speak include Senator Burke Harr, Adams, Ken Haar, Council, and others.

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Senator Burke Harr, you're recognized. [LB933]

SENATOR HARR: Thank you, Mr. President. I think we all agree excessive absenteeism is a problem. Everyone thinks the kids should be in school. The question is, how do we determine when that kid is or is not in school? To me the issue isn't why they're gone. The issue is, they are gone. There's data, a lot of data, that shows the more you're in school, the better you score on your grades, on tests, on standardized tests, and the better your grades are. And that's what's important. We have one year, and only one year, worth of data, but that data we have is pretty phenomenal and it shows what we put into law is working. Yes, there were some hiccups. There are hiccups anytime you do a new law, especially one so transformational as this bill. So I guess I would ask if Senator Langemeier would yield to some questions. [LB933]

SENATOR CARLSON: Senator Langemeier, would you yield? [LB933]

SENATOR LANGEMEIER: I will. [LB933]

SENATOR HARR: Thank you, Senator Langemeier. I'm looking at your amendment, AM2001 to LB933. Line 2, it states, "documented illness." What is a "documented illness"? [LB933]

SENATOR LANGEMEIER: Documented illness is when a student would go to a health provider and get some sort of a written document from them explaining why they shouldn't be in school or why their illness is preventing them from being in school. [LB933]

SENATOR HARR: So a note from a parent wouldn't count as a documented illness? [LB933]

SENATOR LANGEMEIER: No. [LB933]

SENATOR HARR: No? [LB933]

SENATOR LANGEMEIER: Maybe on that first day, that they sent the note to school without the kid that said, had a fever last night so we're not bringing him to school today, as we had in earlier discussion. But after day two, day three, then you get a documented illness, which would be something from a health provider. [LB933]

SENATOR HARR: Okay. So we still have some arbitrariness in this bill. [LB933]

SENATOR LANGEMEIER: Yes. [LB933]

SENATOR HARR: Okay. And I assume if the kid puked in his class, that would count as

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a documented illness. [LB933]

SENATOR LANGEMEIER: I would hope so. [LB933]

SENATOR HARR: Yeah, okay. Thank you. Now my next question is, on line 3, it starts on line 2, but it says, "attendance impossible or impracticable or...otherwise excused by school authorities." What...I guess, what are the definitions of what is "impossible," what is "impracticable"? Let's start with that. [LB933]

SENATOR LANGEMEIER: Well, in statute there isn't a definition. That was put into law back when we passed compulsory attendance some 100-some years ago. In statute 79-201, they use that terminology: making "attendance impossible or impracticable." That is, as an individual or a parent comes to talk about why their kid is not going to be in school and explains and asks for the school to excuse them, they're going to have to demonstrate to the school and it's going to be the school's interpretation that that is impossible for them to attend: they're bedridden and they can't get out of a bed, or they're trying out for the U.S. Olympic Team and it happens not to be in Nebraska and it happens to be in Florida, makes them impossible. So it's the school's interpretation of the physical ability to be there. [LB933]

SENATOR HARR: Okay, and I appreciate your answer and your candidness. Ladies and gentlemen, that's the problem with this amendment, right there. It's what Senator Karpisek talked about and it's what history shows has happened. We have a definition in the statute...in this amendment that is so vague and so arbitrary, there's no way to enforce it. So what happens? [LB933]

SENATOR CARLSON: One minute. [LB933]

SENATOR HARR: It's what happened already. Administrators get frustrated and they just throw their hands up and say, we don't know. Fine. Impracticable, impossible, it's what you say it is. And that's how we ended up in the spot we were a couple of years ago where we had 24,000 people missing. Truant. Not absent, truant. Now, was the other bill perfect? No. Does it need some refinement? Sure. Does it require statutory change to refine that? I don't know. I don't think so. I think it's working with the county attorneys and the schools communicating, which...and within Omaha and the Learning Community, and they're all doing that and they're doing a fine job at it. And we're working the kinks out of the system. Amendment...Senator Ashford's bill and his amendment I don't necessarily have a problem with. I don't know if they're necessary, but I do have a problem in that... [LB933]

SENATOR CARLSON: Time. [LB933]

SENATOR HARR: Thank you. [LB933]

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SENATOR CARLSON: Time, Senator. Thank you, Senator Harr and Senator Langemeier. Senator Adams, you're recognized. [LB933]

SENATOR ADAMS: Thank you, Mr. President and members. I really can't add very much to this discussion, so I'm going to make it very quick. Every fall I try to travel the state as best I can and talk to as many superintendents as I can. And this last fall as I was doing that...the standard agenda is, at the top of the list, school finance, and then we go from there. And, curiously enough, at every meeting, LB800 was the topic of discussion. And I'll tell you, Senator Ashford, every time I would grit my teeth and thought, oh, oh, look at the trouble Ashford's caused for me and I got to deal with all these superintendents in front of me. The reverse happened. The reserve happened. And I have told that to Senator Ashford and to his legal counsel and to others. What I heard were superintendents all across this state saying, thank you, Legislature. We now have an opportunity to look at the county attorney and put some of this back where it belongs, not necessarily on the county attorney but there too, but on parents. We can't solve every problem in the school. We need some help, and that's what LB800 did. Now I understand all of the amendments we've seen today and I'm okay with that. Maybe we did go a little too far, but I don't accept the purist parent argument that we can do what we want to do. I mean, we have compulsory attendance laws, right, Senator Wightman? So if we're going to have a compulsory attendance, there has to be something that happens when you don't attend. And as I said the other day during the discussion on LB996, if we were going to take that to its extreme, we would just say, you know, you don't have to go to school if you don't want. You can pick the day, pick the age that you leave. We don't do that. We strike a balance. I think this bill with these amendments strikes a balance. I'm going to conclude with this. I don't know how many times in the course of my teaching career I had students that were out of class a month, two months, oftentimes because of drug rehabilitation. And they were off in Lincoln or Omaha in a hospital setting. Still required to provide them with curriculum and give them a grade. And this was one very frustrated teacher, because on the one hand I knew what they and their parents were going through and it was important that they needed help, and I needed to provide curriculum. But you know what, I had to give them a grade. So you give them a C, give them a B, and the parent could say, well, I guess we really didn't need to go to school after all, did we Adams? They got a C or a B on your material. Yeah, but I'm going to tell you right now, they missed something. Not because it was me, they missed something from not being in class, and that's what we're saying here. If you want to homeschool your kids, you can do that under Nebraska state law. If not, you got to be in school as much as you can because that's where the teaching is going to take place. It isn't always just at home. And this is working, Senator Ashford. It is working. Thank you, Mr. President. [LB933 LB996]

SENATOR CARLSON: Thank you, Senator Adams. Senator Ken Haar, you're recognized. [LB933]

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SENATOR HAAR: Mr. President and members of the body, I was trying to get in right behind Burke Harr so it would be Harr-Haar, but that didn't work, so...I agree totally with Senator Adams that you've got to be in school as much as possible. I think we all agree on that. Of course, it puts an extra burden on the schools to make sure that kids aren't just in school but that they're getting the proper kind of education that they need. But I'd like to go back and ask Senator Ashford a question or two. [LB933]

SENATOR CARLSON: Senator Ashford, would you yield? [LB933]

SENATOR ASHFORD: Yes. [LB933]

SENATOR HAAR: Okay. Again I want to thank you for your work on truancy, because if kids aren't in school they can't learn and we're seeing the results of that. How do you suggest, because at least I get quite a few calls from parents in my office, and that's fine because I offer constituent services just the way the rest of us do, but cases that are obviously...I mean, parents are...don't feel comfortable, always, working with the schools, even if they're right. So how do we make this parent-friendly? I'm not saying that parents are always right, and they can't just keep them out of school, but how do we make this process parent-friendly, do you think? [LB933]

SENATOR ASHFORD: That...in order to make it...we could take it outside the school altogether and put it into some other place; and, in fact, when we did the Learning Community bill, we created the elementary learning centers outside of the schools because of the concern that you raise. Some parents weren't comfortable with the schools, and that's why their children weren't going to school and that's why we did that, why we wrote that into the Learning Community bill. I...what we're trying to do here is...you're right. But what we're trying to do here is to bring the process much more back into the schools and out of the courthouse. That's kind of a trite thing to say, but what we're trying to say is, work with these children in the schools as best you can. And only when you cannot find a solution for them do you bring in...in this case the county attorney, and even at that time you have a meeting with the parents at the schools. What really is happening, I think, Senator Haar, clearly in Lincoln, is--where they have a couple of diversion programs involving excessive absenteeism--is they're bringing the social workers into the process. So you have the social worker, you have the teacher, you have the administrators, and whatever. I don't know where else you go. This...I think this addresses the concerns of many parents, hopefully, that were being summoned down to the county attorney's office with sick children. I do believe it does that, and I hope...I've maybe gone beyond your question. [LB933]

SENATOR HAAR: No, that's fine. But again, I want to challenge the schools to make this a process that works with the parents, so that you don't have cases where a child is excused for, let's say, band, a marching band concert or something like that, and then

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the school calls home and says, where is your kid? That's the kind of thing that I hope won't happen. And I guess I would just go out on a limb and say that, you know, if you're my constituent, Legislative District 21, and if you're not being treated in a way that you should by the schools, you know, give our office a call and we'll look into it. And again, I don't...I won't make excuses for parents just keeping their kids out for reasons that don't make sense. [LB933]

SENATOR CARLSON: One minute. [LB933]

SENATOR HAAR: But I also...thank you. I also want them to feel that it's a process where they're not assumed to be guilty, unless the school is sure, for example, that a kid is absent for a good reason. So thank you very much. [LB933]

SENATOR CARLSON: Thank you, Senator Haar. Senator Council, you're recognized to speak. [LB933]

SENATOR COUNCIL: Thank you very much, Mr. President. I rise in support of LB933 and particularly in support of AM2001. And that is because AM2001 was crafted after the Judiciary Committee heard from all of the individuals who appeared to testify on LB933 and to raise their concerns with regard to how the absenteeism was being handled under LB800. And what I heard, as a member of the Judiciary Committee, was, number one, a concern that children whose absences were excused by school authorities or were the subject of documented illnesses and they exceeded the 20 days were being called in to the county attorney's office. But I want you to know that those situations were rare, because we heard from the Hall County Attorney, we heard from representatives of the Douglas County Attorney and Sarpy County Attorney. And they said, we're not calling people...parents in when, upon receipt of the report from the schools, it shows that a significant number of the absences were due to documented illnesses or were absences that were otherwise excused by school authorities. In fact, we were provided with a copy of the form that is being used by a number of county attorneys...by school districts to report to the county attorneys. And the county attorneys confirmed that if box number one was checked, which meant...which says the absences were due to documented illnesses or were otherwise excused by school authorities, that those county attorneys weren't taking any action. And even if there was some mixture of those and the school officials indicated to the county attorneys that they continued to want to work with that student and their family, they checked box number two and the county attorneys weren't taking any... [LB933]

SENATOR CARLSON: (Gavel) [LB933]

SENATOR COUNCIL: ...further action. So as a result of what we heard during the hearing, AM2001 was crafted, which requires that all of the school districts communicate to all of the county attorneys in the same manner, with the expectation of

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the same results. Now I must say I cannot at this point in time see a reason to support AM2245. And I'm going to tell you why. If you look at it, it says, and I understand that this is an attempt to be responsive to parents, but all it says is that if a child misses 21 days and all 21 days were due to documented illnesses, the school may report. It doesn't say they won't report, it says they may report. But what's problematic...and this is a question I have for Senator Langemeier, if he would yield. [LB933]

SENATOR CARLSON: Senator Langemeier, would you yield? [LB933]

SENATOR LANGEMEIER: I would. [LB933]

SENATOR COUNCIL: What is your expectation of what would happen if the school authority exercised the discretion to report? What would you expect would happen under AM2245? [LB933]

SENATOR LANGEMEIER: That is the discretion of the school. [LB933]

SENATOR COUNCIL: Okay, but if they do report, what would you expect would be the next step? What would the...your expectation of what the county attorneys would do? [LB933]

SENATOR LANGEMEIER: The county attorney would then start the process, just like they would if you didn't have the amendment at all. As you report those to the county attorney, they're going to start to proceed that process of legal action. [LB933]

SENATOR COUNCIL: Okay. And that's what's problem...thank you, Senator Langemeier. That's what's problematic about AM2245 as compared to... [LB933]

SENATOR CARLSON: One minute. [LB933]

SENATOR COUNCIL: ...AM2001. Under AM2001, if that child's absences consisted mostly of documented illnesses or absences that were otherwise excused by the school and those absences were reported, under AM2001 the county attorney is not going to take any action because box number one will be checked. Inherent in AM2245, even in the case where all of the absences were excused, all of them were due to documented illnesses, the only action that could be taken under AM2245 in that case is for the county attorney to start judicial proceedings. That's not what they wanted, that's not what parents were complaining about. [LB933]

SENATOR CARLSON: Time. Thank you, Senator Council and Senator Langemeier. Those still wishing to speak include: Pahls, Schumacher, Karpisek, Lautenbaugh, and others. Senator Pahls, you're recognized. [LB933]

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SENATOR PAHLS: Thank you, Mr. President, members of the body. One thing that I did pick up from Senator Council's discussion, she said that there were not that many cases that made it to the county attorney. I'm assuming I am correct on that, Senator Council? Would you yield? [LB933]

SENATOR COUNCIL: Yes. [LB933]

SENATOR CARLSON: Senator Council, would you yield? [LB933]

SENATOR COUNCIL: My response, Senator Pahls, was not that there weren't that many that went to the county attorney. My response was if the school advised the county attorney that the absences were due to documented illnesses or absences that were otherwise excused, the county attorneys weren't taking any action. [LB933]

SENATOR PAHLS: Okay, okay. Thank you, that really...that did clear that up for me. So the schools still have a large hand in the process currently. One thing about this conversation that I have enjoyed is that we are talking about education and it has brought senators speaking on their various points of view, but also the superintendents have told us they like this, apparently they're seeking help. I've also picked up what we're trying to do now is give the school boards more authority in this area. So it seems like we are moving in that direction. One thing I need to correct, earlier I had made a comment about the local newspapers need to be reporting attendance, because I made a comment about if you make a basket or you catch the ball, you make the local newspaper. No way was I implying that we would report individual students' attendance and that. I was saying what's happening at the school, that was my idea behind that. I would like to yield some time to Senator Ashford. [LB933]

SENATOR CARLSON: Thank you, Senator Pahls. Senator Ashford. [LB933]

SENATOR ASHFORD: Thank you. And I'd like...thank you, Senator Pahls. Let me just try to respond to Senator Council's good questions. Number one, under LB800 and with the AM2001 the school was required to check box one at 20 days that said, well, one of the three boxes. The first box was the student has been...absences are excused, you know, for illness or other reasons. But that report went to the county attorney. And with the Langemeier amendment, it's discretionary. I don't think we can take the discretion totally out of the school district, to say that under no circumstances can you report this to the county attorney, because there may be situations where, number one, there could be other things going on in that student's life that...where a student...where an administrator would, yes, or a school would bring in a county attorney because, not necessarily to file charges, but to have a conference with that family over other matters. But also what happens a lot is that there are children who are absent year after year. I've seen the cases where they're absent two, three, four, five years, 20, 25, 30 days and it continues to happen. And even though technically there may be an excuse or

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excused absence, meaning the parent called in and they were excused, there is concern by the school district that this pattern is getting to be too significant and there needs to be a review of this. Doesn't mean the case is going to be prosecuted. But I don't think we can take the county attorney, who's responsible for the compulsory education law, totally out of the process. Thanks. [LB933]

SENATOR CARLSON: Thank you, Senator Ashford. Had you yielded the balance of your time? [LB933]

SENATOR PAHLS: No. [LB933]

SENATOR CARLSON: You hadn't, okay. Excuse me. One minute. [LB933]

SENATOR PAHLS: Okay. Thank you. I just want to point out in...and I'm using information from the state department, in 2009-2010, and I know this has been brought up, 20 days, around 23,000 students missed 20 days; 2010-2011, that's down to 18,000. We are making progress and I think with what we're trying to do today to clarify some of the issues more progress will be made. Thank you. [LB933]

SENATOR CARLSON: Thank you, Senator Pahls and Senator Ashford. Senator Schumacher, you're recognized. [LB933]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I rise in response a little bit to Senator Brasch's comments about why do we have this problem to begin with. And we hear, you know, that something the school is doing, something the parents are doing, something the county attorney is not doing. But maybe when we point our fingers at others, we should remember that usually there are three fingers pointed back at us. A few years ago I had an occasion to observe Indian and Chinese students living in Harlem, in upper Manhattan. And they were going to one of the better universities in the United States. And you could feel the intensity. They were going somewhere. And that intensity, I think, arose out of two things. They had goals. Their societies have imagination of how they might become. They were what we were and they're becoming what we were. Where is the reason to want to move forward? What is the thing that would strike the imagination of these kids? They also had something else. They had fear, because if they didn't excel, they were going back to the rice paddies. Where is the fear in a society whose safety nets may be too good? Where is the concern that drives all of humanity of wanting to avoid a hungry tummy or a cold, wet place to sleep? We need to solve some of this problem by rekindling our imagination and also letting people know that if we don't do that, we will go hungry, we will be colder, we will be outbid on the world oil market for gasoline and other luxuries, in fact, maybe even for beef. When I was driving back between Omaha the other morning and Lincoln, you know, I drove past the Platte River. And I thought of Senator Lautenbaugh and the idea that maybe we should create a great lake there for which our new

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metropolitan area can surround. And I realize all the practical applications...or impracticalities of such an idea. But maybe it's ideas like those that begin to say and give motivation for us to organize the billions of dollars in capital which are now sitting idly by, our engineers who are out of work, our college graduates who are looking for work and find that they spent a lot of money on an education and now can do very little with it. Where is the imagination for building a high-speed rail across this state, that would make our young people say, you know, that state, we're going somewhere, we want to be part of that. Chinese can do it. We can't even build one in the Northeast. Where is the idea of completing the triangle of the Front Range out west, that tremendous area of potential that runs from Denver to Fort Morgan and Cheyenne over toward Ogallala, Big Springs and back to Denver along I-76? [LB933]

SENATOR CARLSON: One minute. [LB933]

SENATOR SCHUMACHER: Folks, I think part of the problem is that those of us in this room, while we debate a very fine idea of trying to shore up the truancy issue, we have not done our job in mobilizing capital, in selecting a design and a plan for the state, in working with our other state legislatures in getting the folks in Washington off their rear ends to give this country some imagination and also let ourselves know that if we don't have imagination, if we don't grab for the future, we're going to get hungry. Thank you, Mr. President. [LB933]

SENATOR CARLSON: Thank you, Senator Schumacher. Those still wishing to speak include: Karpisek, Council, Lautenbaugh. Senator Karpisek, you're recognized. This is your third time. [LB933]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I do think that all three of these...or two amendments and the bill go a long way to help where we were. And I agree that some of this needed to be shifted back to the parent to make sure that the kids are in school. My concern is, now we have the parents being responsible, taking the kids to school, or being responsible and keeping them at home because the kids are sick or being responsible and taking them somewhere, maybe here for a day, to learn, but the person at the school who decides whether that's excused or not says, no, that's not good enough. Is two days good enough to stay home without a doctor's note? I don't know. Sometimes all of us as parents know that our kids maybe need one more day at home, they're getting better, they don't need to go to the doctor on the third day, they're getting better. We're going to leave them home one more day. Is that going to count? Is that not? I can't stress enough how much I think it is right that the kids need to be in school. However, if the parents keep the kid at home for the right reasons, and I think that's the main thing, for the right reasons, but the superintendent or the school board or whoever is in charge going to do this doesn't think that that's a good enough excuse, we're going to be in this same spot again next year. And I would almost bet that we will be back tweaking this a little bit next year, which is

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fine with me, except for the kids that are caught in the middle for a year and the families that go through it again for a year. I'm very concerned about that. And I don't think that we can make a one-size-fits-all on this. And I do think that at the end of the day, when nothing else will work, that we do have to have the county attorneys to have the hammer. My concern is how they get there and how long it takes and what sorts of absences we count and what we don't. Many kids, good kids are involved in many different sports, FFA, FBLA, the list goes on and on and on and on, especially, in my opinion, in small schools. Those kids are, many times, involved in everything. Are they going to fall under this somehow? I think that we have it. I shouldn't say "we," I think everyone who's worked on it has it very good. And I am very thankful for that. But I'm still a little bit worried that some of these parents and students are going to get caught in a net where we have an overzealous superintendent and maybe an overzealous county attorney and they're going to suffer because of it. I think it's great that we've gotten our attendance rates up. That will help the grades, I know that, I think we all know that. And I also know that there are some parents that will just write a note for their kid because they don't want to go to school. And those are the parents exactly that...and the kids that LB800 was... [LB933]

SENATOR CARLSON: One minute. [LB933]

SENATOR KARPISEK: ...written to in the beginning. There's always unintended circumstances that happen, consequences, excuse me, unintended consequences that happen. I think quite a few have happened in LB800. And I just sure hope that there aren't a lot more, going forward. Thank you, Mr. President. [LB933]

SENATOR CARLSON: Thank you, Senator Karpisek. Senator Council, you're recognized. [LB933]

SENATOR COUNCIL: Thank you again, Mr. President and colleagues. Again, I think the point is being missed on the distinction I'm trying to focus on under AM2245. As I understand the amendment, and I understand it based upon the expressed language of the amendment, that it says that if all of the 20 or more absences, all, are documented illness or otherwise excused, the attendance officer may report. And if the attendance officer exercises his or her discretion to report, then the provisions under LB933 kick in, which means that the school and the attorney, the county attorney, has to review the case and then make a determination as to whether to go take any action or anything else. But compare that to the balance of AM2245, which says if the child is absent more than 20 days per year, or the hourly equivalent, and any of such absences are not excused, then you got to check one of the two boxes. And box number one is that the school representative requests additional time to work with the student prior to intervention by the county attorney, so I assume that supersedes this review process, or they have to check box number two that says the school representative believes that the school has used all reasonable efforts to resolve this. So let's talk about how it

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would apply. Under part...the first part of AM2245, all of the absences could be excused, i.e., documented illnesses that make it impossible or impractical or otherwise excused by the school authorities. And if the attendance officer exercises his or her discretion, sends them over to the county attorney's office, they don't even have the benefit under that circumstance to the second part, which is the school representative requests additional time, because it doesn't apply there. But the other part of it is, if the child is absent more than 20 days per year, or the hourly equivalent, and any of such absences are not excused, then you're kicked into the "fill out the form and mark box one or two." So you have a case where you have a kid who's missed 21 days: 20 of them are documented illnesses that make it impossible or impracticable or otherwise excused by the school authorities, and 1 them is not excused. Under AM2245, school authorities are mandated to refer that case to the county attorney, they are mandated to either advise the county attorney that they don't...they need more time or they've done all they can. What is to be gained from that distinction? What makes AM2245 any different than just allowing AM2001 to operate as it was intended, which is for the school authorities to let the county attorney know, yes, here is a kid that has missed 21 days, but we've marked box number one to let you know that the bulk of this child's absences are due to documented illnesses or we've excused them, so you don't need to do anything; or they may not be due to documented illnesses... [LB933]

SENATOR CARLSON: One minute. [LB933]

SENATOR COUNCIL: ...or otherwise excused, but we're working with this family, and just give us a little more time to intervene; or, number three, we're throwing our hands up, we've done all we can, you're going to have to pursue prosecution or whatever judicial intervention needs to occur. AM2245 doesn't improve that. In fact, AM2245 forces the parent whose child misses 1 of the 21 days that's unexcused, they're mandated to go to the county attorney. So what do we gain by AM2245? It doesn't respond to the concerns I heard expressed during the Judiciary Committee hearing. But just with AM2001 you have the discretion of the schools being applied, because they'll check either box one or box two, which is a signal to the county attorneys to... [LB933]

SENATOR CARLSON: Time. [LB933]

SENATOR COUNCIL: Thank you. [LB933]

SENATOR CARLSON: Thank you, Senator Council. Senator Lautenbaugh, you're recognized. [LB933]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I'm still trying to get my head around this and what we're doing here specifically. And I had to leave the Chamber for a minute, so I apologize if we're plowing some of the same ground, but I'm happy to bring us around full circle again. I came back in the room when

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we were talking about the rice paddies and whatnot, and I felt like I'd missed at least an offshoot of the bill. Senator Fulton, I wonder if you'd yield to a question? [LB933]

SENATOR CARLSON: Senator Fulton, would you yield? [LB933]

SENATOR FULTON: I will. [LB933]

SENATOR LAUTENBAUGH: Senator Fulton, we're still talking about AM2245. Is that correct, Senator Langemeier's amendment? [LB933]

SENATOR FULTON: That's what I understand we are, yes. [LB933]

SENATOR LAUTENBAUGH: And you indicated that that amendment addressed some of the concerns that were meant to be addressed by your bill that you also introduced this year. [LB933]

SENATOR FULTON: To an extent, yeah, I think that's a true statement. [LB933]

SENATOR LAUTENBAUGH: Well, and that brings my next question about, which was where I was going with this. In what way do you feel that your concerns, other concerns in the bill were not addressed by this amendment? [LB933]

SENATOR FULTON: Well, I'm coming at this from an attitude that the parents are the primary educators of the child. And so while I'm supportive of compulsory education laws, I also think they ought to carve out a place where parents legitimately and for the reason of the volition of the parents should be able to control the activity of their kids. So recognizing that we're not going to change compulsory education laws, nor should we, this is a mechanism by which at least a parent can access the school district directly if he or she disagrees with a decision of the school district and the school districts are not able to hide behind a state law that says, ah, but we have to report them. And so I...there's...I just come at this from a different philosophy. And AM2245, I think, it recognizes a little bit of both sides of this...of the debate, I think. [LB933]

SENATOR LAUTENBAUGH: Does giving the school districts that discretion, if you will, give you any pause? [LB933]

SENATOR FULTON: It does, it does, because at the volition of a school district one could foresee that a school district would make a decision that usurps that of the parent. If there is an absence that the parent deems excusable and the school district says, no, it's not, for, you know, for instance, if we go to a family vacation and the parent wants to bring the child on the family vacation, the school district says that's not excusable, then technically the school district has sway because of our compulsory education law. But I'm content with putting this forward, this amendment forward, because at least it's at

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the local level, it's a school district level where that disagreement would take place. And it's not a mandate of the state. [LB933]

SENATOR LAUTENBAUGH: And the aspect of it that keeps law enforcement out of it at least at the very onset, as amended, when the school is making that determination, is that more palatable to you than existing law? [LB933]

SENATOR FULTON: It is, more...yes, it is more palatable. [LB933]

SENATOR LAUTENBAUGH: So is it fair to say that we may have addressed most of your concerns? [LB933]

SENATOR FULTON: Yes. [LB933]

SENATOR LAUTENBAUGH: The concerns that were raised by the bill you brought? [LB933]

SENATOR FULTON: Yes, that's a fair statement. [LB933]

SENATOR LAUTENBAUGH: Thank you, Senator Fulton. This is a very difficult area for a lot of us. And I think we've had a good discussion on this. And I understand why we do have to do something to address truancy. And we have. And we again now have to tweak it a little bit, to step back from what we did. And there has to be a point at which you ultimately trust someone. I mean, if we are trying to enforce a compulsory attendance law--and we have those because we can't trust some parents, not many, but some, to do what they should be doing--at some point we have to rely on some third party, as much as it pains me. And I'm not an unabashed...let's just say the school districts and administrations don't always have my utmost faith and my 100 percent vote of confidence on all things. [LB933]

SENATOR CARLSON: One minute. [LB933]

SENATOR LAUTENBAUGH: And I don't know who does, if I put it at that extreme. But, I mean, there are issues there. We're relying on them to use discretion and use it appropriately and not work to game the system. And so I'm hoping we're not creating something where there is an incentive for the school districts to not do something. I don't think we are. And at some point we have to trust them to be responsible about this issue. I keep hearing from parents in my district who didn't like the committee amendment. I think Senator Langemeier's amendment does go a good ways to address their concerns. I'll see what my e-mail says this morning after saying that or tomorrow morning after saying this. But the concerns are legitimate, but the bill is legitimate too. And I understand why we're doing it. And I'll continue to listen to the debate. Thank you, Mr. President. [LB933]

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SENATOR CARLSON: Thank you, Senator Lautenbaugh. Senator Burke Harr, you're recognized. [LB933]

SENATOR HARR: Thank you, Mr. President. We didn't get here by accident, ladies and gentlemen. We got here because we had 24,000 students truant or missing from school 20 days or more. That is an epidemic. That is a problem. So we passed a bill. We've had it in for one year. In that year have there been problems? Yes. Have there been mistakes? Probably. Could it have been done better? Sure. Are we learning? Yes. It's not as though when you miss 20 days the school says, take the last train to Clarksville and get out of here. What happens is, it's not by surprise. After 5 days, school sends a letter; 10 days--and generally there's a teacher who follows up that phone call--there's still another procedure that occurs: there's a letter and there's a meeting to determine why your kid is missing school; 15, still another letter and still more interaction with the school to find out, is there a problem, what can we do to help your child go to school? At 20, we still don't give up on the kid. There's a form because there are reasons valid for kids to miss school. Some may agree or disagree 20 is too many. I think that might be excessive. But, nevertheless, there's a form. There are safeguards all along in this system. No parent is caught off guard. As a matter of fact, some parents complain that those letters are too mean and they don't like them. Well, guess what? Those letters are meant to get their attention, and it sounds like they are, because some parents feel as though they're too mean, maybe they're being persecuted. But even at 20 days we don't prosecute. As a matter of fact, we have a form. It says, kid missed 20 days but we're okay. Fine. Twenty days, check, or more investigation needs to be done. We have safeguards. What this bill does...AM2245 does is it goes back to how we did things before, and it becomes arbitrary. And it becomes arbitrary, parents are going to fight and say, no, no, no, that's...nope, that's excused. And who makes that decision? And how do we make that? We provided zero guidance here today other than to say this is how it was written in 1902. Well, guess what? That law failed. That's why we changed it. Why do we want to go back to a failed system? And the answer is quite evident, maybe that's the way to destroy this bill, is through this amendment, maybe not intentionally by the introducer, but maybe that's the effect. So we need to be careful. I understand there's a problem out there, but we're only in year two. And the data from year one, we should be jumping in the aisles because those kids who went to school are performing so much better. And those, ladies and gentlemen, are future taxpayers. And instead of being a drain on the system, they add to the system. So it's okay if a couple people get hurt, it's okay, we got safeguards. I know I'm going to get e-mails for that last comment, but we do have safeguards. I have yet to receive an e-mail... [LB933]

SENATOR CARLSON: One minute. [LB933]

SENATOR HARR: ...from a parent that said, my kid was sick and missed, got these letters and missed, and we were prosecuted. It doesn't happen. I haven't seen it if it

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has. Now they may have gotten nasty letters and they're working on it, but if you're sick, that teacher knows it. It's 20 days, you missed one month of school. That's a whole heck of a lot of time. It's not as though you've been flying under the radar. So again, I'm okay with the underlying amendments, AM2001 and the bill, but I do have a problem with AM2245. Thank you. [LB933]

SENATOR CARLSON: Thank you, Senator Harr. Senator Cornett, you're recognized. [LB933]

SENATOR CORNETT: Yes, I rise in support of AM2245. And just to respond to a couple of comments made by Senator Harr, it's not okay if we hurt people, a couple people even unintentionally, with something. In my district we have a military base. Directly affecting your security clearance is if you get turned over to the county attorney, even if he chooses not to prosecute. During the time period of the investigation people in the military can lose their security clearances because they have a sick child, while they're trying to determine whether there is a problem, whether they need to be prosecuted or not. That hurts families. I've seen a mother break down and cry hysterically in a parking lot because her daughter has cancer and she received the 20-day notice. She knew she wasn't going to be prosecuted, the school assured her she wasn't going to be prosecuted. But the emotional toll on a parent of a sick child when they receive one of these letters is important, it is as important as the underlying issue. We are punishing good people along with this bill, not only the original bill, not only the people that are violating the law. I commend Senator Ashford for his willingness to work with us on this. I've been very quiet on this. I turned in my own truancy bill because of what I witnessed in the parking lot of my school, because of the letters I've received from the military families that have sick children or children that have hit that 20 days, and because this state entered into a military compact last year, and we all voted on it, that says military absences are excused for deployment purposes. The underlying bill originally said there are no excused absences. Senator Ashford and I talked about this quite a bit, as I have with Senator Fulton. There are times when a child should be excused for missing school, and that's between the school district and the parent to determine. The bill that Senator Ashford has will still address the parents that are just not sending their kids to school. With that, I rise in support of the amendment. And I thank Senator Ashford for all of his work on this bill. Thank you. [LB933]

SENATOR CARLSON: Thank you, Senator Cornett. There are no other senators wishing to speak. Senator Langemeier, you're recognized to close on AM2245. [LB933]

SENATOR LANGEMEIER: Mr. President, members of the body, Senator Council and I have had some good discussions here for the last few minutes. And if we need to continue to address this to clarify that one unexcused day puts you in trouble, if we need to do that, I'm more than happy to work on that between Select File. But I think this option of giving the discretion to the schools is important. And I think it aids us in turning

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every single piece of truancy to our county attorneys for prosecution. So with that, I'd ask for your adoption of AM2245. Thank you, Mr. President. [LB933]

SENATOR CARLSON: Thank you, Senator Langemeier. You've heard the closing on AM2245. The question is, shall the amendment to the committee amendment to LB933 be adopted? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB933]

CLERK: 27 ayes, 3 nays on adoption of the amendment to the committee amendments. [LB933]

SENATOR CARLSON: The amendment is adopted. We return to discussion of AM2001 on LB933. Are there senators wishing to speak? Seeing none, Senator Ashford, you're recognized, as Chair of the Judiciary Committee, to close on AM2001. [LB933]

SENATOR ASHFORD: I would waive my closing on AM2001 and then go to the bill, hopefully. [LB933]

SENATOR CARLSON: All right. The question is, shall AM2001 be adopted to LB933? All those in favor vote yea; all opposed vote nay. Have all those voted who wish to vote? Record, Mr. Clerk. [LB933]

CLERK: 35 ayes, 1 nay, Mr. President, on adoption of committee amendments. [LB933]

SENATOR CARLSON: The committee amendments are adopted. We return to discussion of the underlying bill, LB933. Seeing no senators wishing to speak, Senator Ashford, you're recognized to close. [LB933]

SENATOR ASHFORD: Just thanking everyone for...this is a great discussion. I appreciated Senator Schumacher's discussion about how do we keep children in school, and that's the \$24,000 or \$10,000, \$1 million question. But I would...I appreciate the comments and the debate and would urge the advancement. We'll work on some of the language Senator Council is talking about. Thank you. [LB933]

SENATOR CARLSON: Thank you, Senator Ashford. You've heard the closing on LB933. The question is, shall LB933 be advanced to E&R Initial? All those in favor vote yea; opposed vote nay. Has everyone voted who wishes to vote? Record, Mr. Clerk. [LB933]

CLERK: 35 ayes, 3 nays, Mr. President, on the advancement of the bill. [LB933]

SENATOR CARLSON: The bill does advance. Speaker Flood, you're recognized for an announcement. [LB933]

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SPEAKER FLOOD: Thank you, Mr. President. Good evening, members. Quick note on scheduling. Given the fact that we just moved through LB933, I do anticipate a noon adjournment tomorrow. I thought that would help you. I know earlier this week I talked about moving through the lunch hour. I think the Legislature has done a good job, in my opinion, of working through some of the bills on this week's agenda. Tomorrow we're going to start with anywhere from one and a half to two hours of Final Reading. And we'll continue on with some General File after that, anticipating a noon adjournment, provided that we move through the Final Reading. Thank you, Mr. President.

SENATOR CARLSON: Thank you, Speaker Flood. Mr. Clerk, are there items for the record?

CLERK: I have no items, Mr. President. I do have a priority motion. Senator Hadley would move to adjourn the body until Thursday morning, March 1, at 9:00 a.m.

SENATOR CARLSON: Members, you've heard the motion to adjourn. All those in favor say aye. Opposed, nay. We are adjourned until tomorrow morning at 9:00 a.m.