

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

Executive Board Committee
February 07, 2013

[LB18 LR1CA LR31]

The Executive Board of the Legislative Council met at 12:00 p.m. on Thursday, February 7, 2013, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB18, LR1CA and LR31. Senators present: John Wightman, Chairperson; Bob Krist, Vice Chairperson; Greg Adams; Bill Avery; Kathy Campbell; Ernie Chambers; Mark Christensen; Russ Karpisek; Steve Lathrop; and Heath Mello. Senators absent: None.

SENATOR WIGHTMAN: I think we'll go ahead and get started and so we'll open our committee hearing. Welcome to the Executive Board committee hearing. My name is John Wightman. I'm from Lexington and represent the 26th Legislative District and serve as Chair of the Executive Board. We will take up the bills in the order posted. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the proposed legislation before us today. To better facilitate today's proceedings, I ask that you abide by the following procedures. Please turn off cell phones or silence them. The order of testimony will be the introducer first, then other proponents, opponents, those in a neutral capacity, and then a closing. Testifiers sign in, hand your sign-in sheet to the committee page when you come up to testify. Spell your name for the record before you testify. Be concise. Written materials may be distributed to committee members as exhibits only while testimony is being offered. If you wish to have exhibits, hand it to the page for distribution to the committee and staff. We will need 13 copies. If you have written testimony but do not have 13 copies, please raise your hand so the page can make copies for you. If you do not wish to testify but would like your position to be part of the record, you can sign the form found at the testifier's table by the testifier's sign-in sheet. By way of introduction, to my immediate right is committee counsel, Janice Satra. To my left is committee clerk, Natalie Schunk. The Executive Board members with us today, I'll let them introduce themselves and we'll start with Senator Avery to my far left.

SENATOR AVERY: Far left. (Laughter)

SENATOR WIGHTMAN: Senator Avery.

SENATOR CHRISTENSEN: Introduce yourself.

SENATOR AVERY: Oh, you want me to start.

SENATOR WIGHTMAN: (Laugh) Yeah. Well, I was trying to figure out...

SENATOR AVERY: I am Bill Avery from District 28 here in south-central Lincoln.

SENATOR WIGHTMAN: Thank you.

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SENATOR CHRISTENSEN: Mark Christensen, District 44, Imperial.

SENATOR LATHROP: Steve Lathrop from District 12.

SENATOR KARPSEK: Russ Karpisek, District 32, Wilber.

SENATOR WIGHTMAN: We will start to the far right.

SENATOR MELLO: Wow. Ah, that's interesting. (Laughter) Heath Mello, District 5.

SENATOR WIGHTMAN: This is only his location, not his status.

SENATOR CAMPBELL: Kathy Campbell, District 25.

SENATOR ADAMS: Greg Adams, District 24.

SENATOR CHAMBERS: Modest person that I am, I need no introduction.

SENATOR KRIST: Thank you, Senator Chambers. Bob Krist, District 10.

SENATOR WIGHTMAN: Thank you. I would like to introduce our page today, Tess. With that, we will take up the bills today in the following order. We...first will be LB18 by Senator Nordquist.

SENATOR NORDQUIST: Very happy noonhour, everyone. Mr. Chairman, I think it's very appropriate that they put you right in the center then compared to these two so (laugh). [LB18]

SENATOR WIGHTMAN: Good point. [LB18]

SENATOR NORDQUIST: Well, LB18 is an attempt to put policymakers on a level playing field with our constituents when it comes to purchasing insurance coverage. LB18 clarifies that participation in the program of group health and life insurance which has been created in statute for permanent employees of the state shall not extend to constitutional officers elected to statewide office or members of the Legislature. The public policy goal of this bill is rather simple. If the insurance marketplace that we shape and regulate through legislation is good enough for our constituents, it should be good enough for policymakers and elected officials. The policy proposal at the state level is similar to a provision in the federal Patient Protection and Affordable Care Act which requires members of Congress to purchase their health insurance through health insurance exchanges, which will be created January 1, 2014. With the passage of this bill, policymakers will better understand the dynamics of the current insurance market

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and the strengths and the deficiencies of broader healthcare reform. Elected officials enjoy significant advantages as part of one of the largest group health insurance plans in the state. For one, we have access to group coverage while more than 260,000 Nebraskans at both large and small businesses do not have access to that employer-sponsored coverage. The constitutional officials also enjoy significant state contribution with the state contributing 79 percent of the total cost of the plan chosen by the employee. Second, large group plans exercise a significant degree of leverage and purchasing power not available to individual purchasers or even small businesses. As a result, groups pay significantly less per capita...large groups pay significantly less per capita than similar benefits for individuals. Nationally, since 2002 the average premium for a family has increased by about 100 percent. During that same time period, our state health premiums have been held to less than 70 percent. With the opportunity to participate in the state plan, we are sheltered from dramatic cost increases experienced by many other Nebraskans. Finally, the Nebraska state plan is significantly more generous and requires less cost sharing than most plans available to Nebraskans. Nationally, we see the rising costs of insurance increases being shift to employees in the forms of higher deductibles and copayments. The average deductible for employee-only coverage in Nebraska is about \$1,400 or \$1,500 for a small firm and almost \$3,000 for a large firm. For our state health plan, the highest--and that is the high deductible plan--the deductible on that plan is only \$1,000. The Wellness plan has a \$400 deductible; the Choice plan, \$800; and regular plan, \$500. That's significantly different than the private firms out there with a nearly \$3,000 deductible. By being able to participate in the state plans, we have access to significantly lower cost sharing and deductibles than the average Nebraska family. In Nebraska, personal healthcare spending has almost doubled from around \$3,500 a year in 1998 to over \$7,000 a year in 2009. Hundreds of thousands of Nebraska families live each day with the fear that if someone they love gets sick they will have no way to pay for the necessary care to make them better. Tens of thousands of Nebraskans working for small businesses...work for small businesses whose risk pools are so small that providing health insurance to employees at an affordable rate is not an affordable proposition. Employer health insurance premiums are rising faster and faster every year, and employees are being asked to shoulder, as I said, a growing percentage of cost of coverage. With this bill, we, as elected officials, can make a statement that we will stand side by side with our constituents; and we will focus on creating an insurance system that works for everyone. Thank you, Mr. Chairman. [LB18]

SENATOR WIGHTMAN: Thank you, Senator Nordquist. Any questions of Senator Nordquist? I guess I have some. Now you're including members of the Legislature that currently don't receive any financial help for their insurance, whether they're getting it cheaper I don't know because I've never been under it. Can you tell us a little more about that? [LB18]

SENATOR NORDQUIST: Yeah. I do think, you know, the philosophy behind it is that as

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policymakers we are setting and regulating and legislating and creating an insurance marketplace with the decisions we're making. And while we don't get a cost share, we are still isolated from some of the challenges that working families go through. I myself, I do...I'm a fairly healthy young person. I'm able to go out into the private market and get an affordable plan. But if I were to come down with a preexisting, some condition, chronic condition or cancer or anything like that, I would have the state plan to fall back on. Now granted, I'd have to wait for open enrollment, but that option would be there for me. We're protected in that way where the average Nebraskan who is out in the individual market they would likely file bankruptcy if they were not able to get other coverage. [LB18]

SENATOR WIGHTMAN: I guess one other question I would have with regard to say the Governor and some of the others that have been under this insurance and ran for the office based upon the fact that they would have the insurance, your suggested cutoff date of July 1, 2014, is that correct? [LB18]

SENATOR NORDQUIST: Yeah. That's what we put in the bill and we did that for a couple of reasons. One, with all the insurance reforms taking place in 2013, I thought it would be appropriate to have those individuals in the plan and that move to the plan in that year. That's also the end of the plan year is in the summer of 2014 so I thought that made sense. But the case certainly could be made that we should do this at the end of a term, and I certainly would have no objection if this committee wanted to say the next Governor and everyone else this applied to them. I would have no objection to that. [LB18]

SENATOR WIGHTMAN: Without changing it to that, wouldn't we be, in effect, cutting their...what they're really receiving from what they thought it was going to be when they ran for office? [LB18]

SENATOR NORDQUIST: True and, you know, I guess that's right. And there is a...I will say there is a constitutional provision that says no increases or decreases in compensation. There's never been a Supreme Court rule on that. The AG in 2001 said that health insurance didn't fall under that definition of compensation so there is some questions about changing benefits during a term of office. So you could rectify that by changing the date to the end of the term. I just thought from the plans being renewed on that date ending June 30, starting a new insurance plan year on July 1 that made sense. But we're not throwing them out into the wilderness here by mid 2014...by the beginning of 2014, we will have a federal health insurance exchange in our state that will accept all comers. [LB18]

SENATOR WIGHTMAN: Thank you, Senator Nordquist. Any other questions? Yes. [LB18]

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SENATOR CHAMBERS: Just to comment on the salary for these people are set in the constitution so I think the argument could be made that when they run they expect as compensation the amount that's set in the...I meant for them in statute. [LB18]

SENATOR WIGHTMAN: Thank you, Senator Chambers. Anyone else? [LB18]

SENATOR AVERY: Does the fact that these are elected officials with mostly fixed terms, except I believe for the Auditor, does that affect this in any way that you could argue they're not permanent employees? [LB18]

SENATOR NORDQUIST: That's why we drafted this bill in the way we did and that's why, you know, it also affects life because we have health and life grouped together. And the simplest way of drafting and I think the clearest message is I don't see us as permanent...should be defined as permanent state employees...permanent, full-time state employees. And that's essentially all we're doing here is just saying constitutional officers and legislators are not permanent, full-time employees. That's the essence of the legislation. [LB18]

SENATOR WIGHTMAN: Thank you, Senator Avery. Any other questions? Thank you. [LB18]

SENATOR NORDQUIST: Thank you. [LB18]

SENATOR WIGHTMAN: Do we have anyone else here who would testify in favor of LB18? Seeing none, do we have anyone who would want to testify opposed to LB18? Seeing none, do we have anyone who would wish to testify in a neutral capacity? Again seeing none, we'll close our hearing on... [LB18]

SENATOR NORDQUIST: I'll waive my closing if that's... [LB18]

SENATOR WIGHTMAN: Well, that's fine. You don't have much to respond to I guess. Thank you. [LB18]

SENATOR NORDQUIST: Thank you, guys. [LB18]

SENATOR WIGHTMAN: At this time we'll take up the second item, LR1CA, Senator Larson. [LR1CA]

SENATOR LARSON: Thank you, members of the Executive Board. I am Senator Tyson Larson, T-y-s-o-n L-a-r-s-o-n. I represent Legislative District 40 from O'Neill, and today I am here to introduce LR1CA. LR1CA would change the age to run for the Legislature to the federal voting age. Right now the age to run for the Legislature is set at 21 years of age. LR1CA would lower the minimum age to run to 18 under the current federal voting

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age. This amendment would be placed on the November 2014 general election ballot. This is a straightforward constitutional amendment but is an important one. I would like to offer you some history on why the age is currently 21 years old. When George Norris envisioned the Unicameral in 1934, the standard voting age across America was 21 years old. The fact that George Norris realized that it would be a disenfranchisement of an individual's rights not to let them serve in the new Nebraska Legislature I believe is very telling. However, when the Twenty-sixth Amendment was ratified in 1971, the minimum federal voting age dropped to the age of 18, leaving the Nebraska Constitution behind the intent of its makers. This is an attempt to return the balance to the Nebraska Constitution that George Norris envisioned nearly 80 years ago. If 18-year-olds are old enough to exercise their right to vote, they should have the opportunity to serve as an elected member of the Legislature. Limiting an individual's ability to run until they are 21 restricts the person's right to represent the issues and ideas that are important to them and their potential constituents. It also limits a voter's right to elect the person they consider to be the best candidate for the job. If voters feel an 18-year-old would be the best person to represent them, those voters should have the opportunity to choose that person. Seventeen other states allow individuals who are at least 18 years old to run for a position in their state legislatures. The same chance should be extended to those who are at least 18 years old in Nebraska as well. Individuals who already hold the right to vote and feel qualified and motivated to serve as Nebraska state senators should have the opportunity to make their case to Nebraska voters. Any individual that believes that just because one is too young means they are unfit to serve I believe is discounting the people in Nebraska. Nebraskans should be able to have the ability to choose whom they will best represent them in the Nebraska Legislature. I believe this issue is a core First Amendment issue. We are currently infringing not only on the First Amendment rights of those individuals who are not able to run for the Legislature, but also the First Amendment rights of those that are not able to possibly elect the best suited person to represent them in the Nebraska Legislature. Giving those who are eligible to vote the ability to run for office ensures that our residents have the ability to fully participate in the democratic process. Thank you and I will attempt to answer any questions. [LR1CA]

SENATOR WIGHTMAN: Thank you. Thank you, Senator Larson. Senator Chambers. [LR1CA]

SENATOR CHAMBERS: I'm not going to engage you, Senator Larson, in a lengthy back and forth; but this doesn't say that a person 18 years of age can run for the Legislature. [LR1CA]

SENATOR LARSON: No, it says federal minimum voting age, and the Twenty-Sixth Amendment sets that at 18. [LR1CA]

SENATOR CHAMBERS: So if the federal Constitution were amended to change the voting age, then would that automatically change the voting age for somebody who can

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run for the Legislature? [LR1CA]

SENATOR LARSON: It would. [LR1CA]

SENATOR CHAMBERS: Would that be an unconstitutional delegation of legislative authority? [LR1CA]

SENATOR LARSON: The reason I set it at the federal minimum voting age is so the Nebraska Constitution would no longer be stuck behind the times if something of this nature happened. [LR1CA]

SENATOR CHAMBERS: Well, here's what I'm asking you. When you allow some entity other than the Legislature to legislate for the state, that is an unconstitutional delegation of that authority. Now if you tie this to what the federal government does, then it's the federal Constitution determining the age of a person running for the Nebraska Legislature. So I don't think this is constitutional. Did you run it by anybody who has a nodding acquaintance with the Constitution? [LR1CA]

SENATOR LARSON: No, and I'd be happy to put it at 18 if that eases your concern, Senator Chambers. [LR1CA]

SENATOR CHAMBERS: I'm not talking about that part of it at all. But...and now the other point. To say that because somebody is allowed to vote means that person has the maturity to hold an office or that other states have made that determination is not persuasive to me because I live in the real world. I look at the inducements, the influences on people 18 and some older than 18 and how impressionable they are, how uninformed they are because we're talking about a class of persons, not maybe an outstanding or extraordinary individual. If you look at the social media, which is where they express themselves, if you look at the kinds of things that young people are prone to do, the drinking binges at the universities, the other fads to which they give their time, we know that young people are going to be young people. I'm not persuaded that somebody 18 is mature enough to make laws. These people might be living at home with their parents and there would be a type of circumstance where that person is not really truly on his or her own. But here's what I'm really looking at. To say that because a person is allowed to do one thing under the law entitles a person to do another thing under the law doesn't follow because I think it's far more critical in a society to let somebody drive a vehicle than to hold an office because a vehicle is an instrumentality that not only can kill but kills and maims a lot of people. So if we entrust people...what is the age at which a person can obtain a driver's license? [LR1CA]

SENATOR LARSON: Sixteen. [LR1CA]

SENATOR CHAMBERS: So if they are responsible enough to drive this vehicle on any

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public way in the state, then shouldn't we trust them if we let them sit behind the wheel of this dangerous vehicle, sit in the Legislature? Shouldn't we? [LR1CA]

SENATOR LARSON: I think it follows and you can say that it doesn't follow the fact that the age to vote is your argument, just because they're old enough to vote doesn't mean they're old enough to run for the Legislature. And I would disagree with that point. And I think if we are trusting the people to elect who they believe is best for them to represent them here in Lincoln, they themselves should have the ability. You know, a 16-year-old doesn't have that ability to elect their representative. [LR1CA]

SENATOR CHAMBERS: But they are allowed to drive the car. Can somebody... [LR1CA]

SENATOR LARSON: I think...I would argue that you're outside of the scope in terms... [LR1CA]

SENATOR CHAMBERS: Okay, okay, I understand your point. I don't want to take it too long. [LR1CA]

SENATOR LARSON: Yeah. [LR1CA]

SENATOR CHAMBERS: Can somebody 18 years old buy liquor? [LR1CA]

SENATOR LARSON: No. [LR1CA]

SENATOR CHAMBERS: Can somebody 18 years old gamble in a casino? [LR1CA]

SENATOR LARSON: Not in Nebraska. [LR1CA]

SENATOR CHAMBERS: Isn't that unfair? [LR1CA]

SENATOR LARSON: Nobody can gamble in a casino in Nebraska (laugh). [LR1CA]

SENATOR CHAMBERS: Well, okay, can they gamble at a keno operation, wherever they allow gambling? Can they gamble at a casino, I meant at a casino establishment? [LR1CA]

SENATOR LARSON: Again, the only casino establishment would be in Santee in my... [LR1CA]

SENATOR CHAMBERS: Keno, keno. There are keno outlets. [LR1CA]

SENATOR LARSON: There are keno operations. [LR1CA]

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SENATOR CHAMBERS: Can they gamble at these keno places? [LR1CA]

SENATOR LARSON: I would believe right now our age of majority is 19 in the state of Nebraska. I have a bill that will be in front of the Judiciary to lower the age of majority to 18 though I would argue. [LR1CA]

SENATOR CHAMBERS: But currently there are a lot of things that people 18 years old cannot do. Can they own a gun legally if they're 18? [LR1CA]

SENATOR LARSON: I'm not sure. I do not know that answer. [LR1CA]

SENATOR CHAMBERS: Okay. But anyway, I disagree with the notion that a person 18 because he or she is allowed to vote, and I agree to do that, should be allowed to hold the office. A person has to be 35 to be President. If they can be in the Legislature younger than that, if they can vote for President at 18, why should they not be allowed to be President at 18? [LR1CA]

SENATOR LARSON: They should. [LR1CA]

SENATOR CHAMBERS: They should? Okay, I don't have any other questions. [LR1CA]

SENATOR LARSON: There shouldn't be age limits. [LR1CA]

SENATOR CHAMBERS: I'm through. Thank you. [LR1CA]

SENATOR WIGHTMAN: Thank you, Senator Chambers. Yes, Senator Avery. [LR1CA]

SENATOR AVERY: I actually have a son who was recently 18. And the idea that he might run for office at 18 and be elected is alarming (laugh). [LR1CA]

SENATOR LARSON: Some of us are different at the age of 18. We all are individuals and I think any 18-year-old that would be able to gain the trust of 40,000 constituents would be an exceptional individual because in the end we all knock on doors, we all go and meet our constituents. And if our constituents believe that that person is the best person to represent them in Lincoln, why should they not have that opportunity? That's how...I mean, that's my personal feelings. You infringe on every...not only do you infringe on the 18-year-old's ability to run, but you infringe on their possible constituents who cannot vote for them. Now would it take, you know, there's only been five ever elected under the age of 25 in the Nebraska Legislature. To think what it would take for an 18-year-old...and I know what it took to be elected under the age of 25. I had to prove beyond a doubt that I had a good grasp of the issues and an understanding of what would happen. And for an 18... [LR1CA]

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SENATOR CHAMBERS: You're under 25? [LR1CA]

SENATOR LARSON: (Laugh) Yeah, I was elected... [LR1CA]

SENATOR CHAMBERS: (Laugh) (Inaudible). I was going by your appearance. [LR1CA]

SENATOR LARSON: Thanks. [LR1CA]

SENATOR CHAMBERS: Okay. [LR1CA]

SENATOR LARSON: I announced when I was 23, was elected at the age of 24. [LR1CA]

SENATOR CHAMBERS: Okay. [LR1CA]

SENATOR LARSON: I knew what I had to go through. And for an 18-year-old, I can only imagine how much more difficult it would be for them coming, you know, straight out of high school. And I've met exceptional 18-year-olds that I would say are ready; and I've met, obviously, Senator Chambers expressed his concerns and Senator Avery, there are 18-year-olds that aren't ready. And a majority I would say aren't. But who is that to judge? Is it those 49 of us here or is it the 40,000 constituents that they're asking to vote for them? And I'd say you leave it up to the people, not us. [LR1CA]

SENATOR WIGHTMAN: Thank you. Senator Krist. [LR1CA]

SENATOR KRIST: This is not a question and I don't want to engage in a debate, but I would recommend that the members of the committee go back and look at data that can be provided from the Health and Human Services Committee on the maturity of the brain in a person up until the age of 24. And I think you'll see that there's scientific data that elaborates on the fact that the brain is still evolving to 24 and even beyond and that the maturity of the brain, in my estimation, and the cognitive skills would be critical to serving in this august body. Thank you. [LR1CA]

SENATOR WIGHTMAN: Thank you, Senator Krist. [LR1CA]

SENATOR CHAMBERS: I just have one other. [LR1CA]

SENATOR WIGHTMAN: Yes, Senator Chambers. [LR1CA]

SENATOR CHAMBERS: Do you think in some of the kind of knock-down, drag-out debates we have on the floor of the Legislature an 18-year-old could be expected to stand up to that? [LR1CA]

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SENATOR LARSON: I think the type of 18-year-old that could convince 40,000 constituents to vote them as the best person to represent them would. [LR1CA]

SENATOR CHAMBERS: No connection whatsoever. See, with the arguments you're giving, somebody 25 is not qualified. See, if two things happen side by side, that doesn't mean one causes the other. So there are nuances in thinking that are required. I believe that there are people far older than 18 in the Legislature who if you gave some kind of intelligence test wouldn't be here. And that's why the Constitution doesn't require an intelligence test. The Constitution doesn't say you have to be sane. It doesn't say you have to understand how to read and write. It doesn't say any of those things because generally speaking people have a right to elect whom they please. But in an order, order, orderly society, lines are drawn all the time. And wherever the line is drawn, somebody could say if you...and we're talking about age, if you made it one year on either side of the line, what difference would it make? Maybe none. And you could argue that all day. But the fact is, some line is going to have to be drawn someplace. And Senator Krist raised some issues about the scientific data which might bear on the development of the brain. But I didn't even want to go that deeply into it. I'm going by what I observe. You're a very young person. And by the way, you don't look your age. I was trying to see how you would respond to that to see how younger people are able to deal with something that's thrown to them out of the clear blue sky. But some of my colleagues on the floor don't either. Senator Larson, I think you're very serious in what you're saying. I don't think you're jesting. I think you genuinely believe that people 18 should be able to hold the office. But it doesn't follow that people should be able to vote for whomever they want to. Because if that were the case, there are some people convicted of felonies who really could do a very good job in the Legislature because not every felony implicates moral turpitude, not a crime of violence but it's a felony. And if you're a felon, you can't hold office. Now do you think we ought to allow felons to hold office if they could persuade the number of people it takes to give them one vote more than who they're running against? Should felons be able to hold public office if the test is to get people to vote for you? You don't have to answer right now. [LR1CA]

SENATOR LARSON: No, no, that's a very interesting concept. [LR1CA]

SENATOR CHAMBERS: Let it be a rhetorical question. [LR1CA]

SENATOR LARSON: No, no, it's a very interesting concept. And the question is... [LR1CA]

SENATOR CHAMBERS: Well, see, I'm older than you and I think of more things and I should. [LR1CA]

SENATOR LARSON: No, no, no, no. I'm not going to say that that isn't a very

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interesting question. And you know, as you do, you follow the logic. Should they at least have the ability to speak to the people and represent those people? And that's a discussion that's obviously could be had. But I think it follows along the concept that... [LR1CA]

SENATOR CHAMBERS: My following question might be easier. Why shouldn't a person be able to hold more than one office if he or she can show that he or she has the ability to do it? [LR1CA]

SENATOR LARSON: Well, in the Legislature we obviously make laws about more than one office. We make laws that dictate what's happening on the school board level or the county level... [LR1CA]

SENATOR CHAMBERS: Why shouldn't a person be able to hold more than one office? [LR1CA]

SENATOR LARSON: ...and therefore they'll have dual and competing interests. I think that's the main reason that we're not allowed to hold more than one office because we'll... [LR1CA]

SENATOR CHAMBERS: Well, there are constitutional provisions addressing certain offices may hold no position of profit or whatever it is under the U.S. government or any other office. So why shouldn't they be able to hold a state office and a U.S. government office, forgetting the Constitution. We're dealing with principle now. [LR1CA]

SENATOR LARSON: Again, obviously the U.S. government...if you hold a U.S. government office, it flows down. Obviously you can show preference to that office that you're holding at the state level, the same if you say more than one office you serve in the Legislature, obviously you shouldn't be able to serve as Governor because there's a separation of powers. [LR1CA]

SENATOR CHAMBERS: Well, wait a minute. Don't say obviously because there could be some exceptional people as you say there are exceptional 18-year-olds who could, in fact, ride two horses at the same time and it can be done. Because in the circus, if you've ever gone there, a person would have one foot on this horse, one foot on the other and have reins that controlled both horses and rides both of them equally. [LR1CA]

SENATOR LARSON: You obviously have a conflict of interest when you're holding a federal office and a state office, especially dealing...if you consider things such as the budget when we're getting federal funds, when we're getting...when we as a state are giving counties funds. To hold an office at, you know, multiple levels... [LR1CA]

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SENATOR CHAMBERS: Just declare the possible potential conflict as you can do in the Legislature and you can even vote. All you have to do is declare it. [LR1CA]

SENATOR LARSON: I would disagree with that. I think you have...with the level of government, one office. Everybody should be able to have the ability to serve in that office. But you have too much in terms of you can influence policy too much if you serve in a federal office and a state office. [LR1CA]

SENATOR CHAMBERS: I think you're too narrow. You put too many restrictions on people. Don't put your limitations on everybody. There are exceptional people. You're talking to one of them now (laugh). That's all that I have. [LR1CA]

SENATOR LARSON: There are exceptional people and some of those are 18. [LR1CA]

SENATOR CHAMBERS: That's all that I have. [LR1CA]

SENATOR WIGHTMAN: Thank you, Senator Chambers. Anybody else? Thank you, Senator Larson, for being here. Do we have anybody else who wants to speak in an affirmative position? [LR1CA]

SENATOR CHAMBERS: Eighteen-year-olds don't think it's a good idea. Oh, they might be in school. [LR1CA]

SENATOR WIGHTMAN: Do we have anybody that wants to speak to our committee that is in opposition to the bill? Do we have anyone...I see none. Do we have anybody that wants to speak to us in a neutral position? If not, we'll close the hearing. So we'll now take up LR31 by Senator Campbell. [LR1CA]

SENATOR CAMPBELL: Thank you, Senator Wightman and colleagues. As you may recall, the Legislature had quite an issue in dealing with safe haven. And as a result of that situation, the next legislative session in 2009 a number of bills were introduced to try to address some of the problems that surfaced during the discussion on safe haven. It was decided to put a number of those bills together under one bill, a package of bills to speak, and that package was LB603. As part of LB603, a committee of senators in the Legislature was selected in order to have oversight over those package of bills, the programs that were supposed to be introduced, and the finances of them. We completed that first phase of that assignment in December of 2012. I brought forth a resolution to continue the special committee for one additional year in the sense that that would allow us time to transition some of the work that has been done in the LB603 Committee to the Children's Commission, which was newly created under the child welfare bills last year. The Children's Commission's scope, while primarily in child welfare, their discussions are also centered around how do we break down silos and then make sure that in serving children and families we are looking at the behavioral

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health as well as their physical health as well as the child welfare system. And so it seems very logical that the Children's Commission would eventually take this over. They have just completed their first work, and I have a copy of their strategic plan and they will this year begin to get into the more meatier issues that the Legislature asked them to address. So I am seeing this special committee continue for one year, and we will work with them to transition. As I explained to Senator Mello when I sat down today, I am very gratified by the fact that all of the programs that the Legislature asked to be instituted are working. In our estimation of the committee, they're working successfully. They have been incorporated from a budget perspective in the prospective departments where they are supposed to be. And all of the departments' heads have taken them into the budgets and included them. So this year should be a year to transition and also to begin planning for what phase two should be, and that is how do we build upon the programs that we instituted in LB603? What more programs are needed for children's behavioral health? And just as a quick reminder, a major program that came out of that was the helpline in which a parent could call if they were having a crisis in their home in terms of a behavioral health issue. Then the parent could be given a peer support through a navigator, and that person had to have had an experience of a child who had gone through the behavioral health system so that they could help advise. And then it was passed off to the professional partners in the regions, and the regions have stepped up and done a very great job with that. And then we had the program instituted called Right Turn. And Right Turn helps if you are adopting a child that was a state ward, you can call and say, I have some questions. I need some support. Because we found that a lot of times parents adopt the children but then they run into questions or they run into problems, and Right Turn has done a great job in terms of linking those families with the services that they need. The other component was an effort to increase the work force in behavioral health for children. And the University of Nebraska's Med Center stepped up and created the BHECN, what is called the BHECN center, and it has provided in-service training for healthcare professionals across the state. It has also had interns and some of their residents go out and actually work in communities in behavioral health to try to get them to maybe locate in the rural part of the state. So all components that we set into place actually did work. And I would have to say that the BSDC Special Committee and the LB603 Committee are model examples of what can be done if we have a targeted problem, and we bring a group of senators together to have the oversight and to have that monitoring. It brings a continuous light on it and I believe helps to ensure that what we want to see in a policy decisions are actually realized. And with that, Mr. Chairman, I would entertain any questions. [LR31]

SENATOR WIGHTMAN: Thank you, Senator Campbell. Do you see one more year as being...you've asked for one year extension. [LR31]

SENATOR CAMPBELL: Yes. [LR31]

SENATOR WIGHTMAN: Do you see that as probably being the end of this? [LR31]

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SENATOR CAMPBELL: Yes, I do, Senator. I think that Senator Lathrop and I have worked together on the BSDC, and they're continuing because the justice is not quite complete. We're seeing that if we had this year we could then hand off where we think more study, more development of programs to the Children's Commission, which is looking at the broad spectrum. We don't want to stay in a silo. We want to give it to a group that's looking at the total child welfare and behavioral health system for children. [LR31]

SENATOR WIGHTMAN: So you think very likely at the end of December of 2013 that probably could be terminated. [LR31]

SENATOR CAMPBELL: Yes, I do, Senator. [LR31]

SENATOR WIGHTMAN: Thank you. Other questions? [LR31]

SENATOR LATHROP: I just want to comment on the work that you guys did last year. You know, I know Senator Krist was involved in it too. I read the blue book which was sort of your work, and I encouraged my colleagues to read it, too, when we were taking up your bills because it was so thorough, so well done. And I know the reputation of the committee was you were asking the difficult questions without respect to whose toes were getting stepped on. And that made it...that accounts for as much of its success as anything else. But thank you for what you did. [LR31]

SENATOR CAMPBELL: Thank you, Senator Lathrop. Senator Avery has served also on the LB603 Committee, and I've asked him if he had any comments that he might like to make. [LR31]

SENATOR AVERY: I've been trying to get the Chair's attention. (Laughter) [LR31]

SENATOR WIGHTMAN: Thank you, Senator Lathrop. Senator Avery. [LR31]

SENATOR AVERY: Thank you, Chairman Wightman. I have been a member of this committee from the beginning. I was active in the passage of LB603. I think it was LB136 that extended the SCHIP program to almost 6,000 Nebraska children. Let me give you an example of why this committee is important. When we hold meetings and the agencies responsible for carrying out the intent of LB603 and making sure the programs are working, they come before us, they know when that meeting is going to be and they're going to have to report and they're going to have to tell us what they've been doing and how it's working. And I'm telling you, there's no substitute for that kind of activity and that kind of oversight. I'll give you an example of where we didn't do it and what happened. There is a program or there used to be a program over at the regional center called the Community Transition Program, very successful program in helping

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patients transition from inpatient care to the community and it was working. The department decided they were going to close that. The law said in clear, plain English if this program is going to be closed or in any way substantially changed the executive, that is the Governor, must be notified and the Legislature must be notified. They completely ignored that, closed the program, and we're standing here with our hands empty, nothing we can do to hold them accountable. And it's committees like this that give the Legislature the power to actually exercise that oversight responsibilities. And I think BSDC is a good example of how it works and this is another good example. [LR31]

SENATOR WIGHTMAN: Thank you, Senator Avery. [LR31]

SENATOR AVERY: Did you want more? [LR31]

SENATOR CAMPBELL: No, thank you. [LR31]

SENATOR WIGHTMAN: Anyone else? [LR31]

SENATOR CHAMBERS: I just think that if that had happened then somebody should have initiated some legal action to compel obedience to the law. And if that wasn't feasible at that time, if there are any such provisions in the law, there should be a penalty attached should that law not be... [LR31]

SENATOR AVERY: And we didn't have any penalties. [LR31]

SENATOR CHAMBERS: Right. I'm saying with that lesson if this approach is taken again, it will be necessary to attach a penalty and you have a concrete reason for showing why it's necessary. [LR31]

SENATOR AVERY: We did call the responsible parties to a hearing and they had to admit that they had not followed the law. [LR31]

SENATOR CHAMBERS: Did they... [LR31]

SENATOR AVERY: It was kind of oops. [LR31]

SENATOR CHAMBERS: Did they restart the program? [LR31]

SENATOR AVERY: No. [LR31]

SENATOR CHAMBERS: Oh, then if I got...if we robbed a bank and they caught us, then all we had to say...I'd say, Steve, we shouldn't have done that. And he'd say, we sure shouldn't have but we keep the money and don't go to jail. I say, I'll see you in Tahiti. [LR31]

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SENATOR AVERY: That was a valuable lesson for me. I was in my first year. [LR31]

SENATOR WIGHTMAN: Thank you. Anyone else? Well, do you have anything further? [LR31]

SENATOR CAMPBELL: No, I do not, Senator Wightman. Thank you. [LR31]

SENATOR WIGHTMAN: (Exhibits 1, 2, 3) Okay. Thank you. Do we have other people here that are in support of LR31? We do have before us three letters, one from Appleseed by Sarah Helvey as director of child welfare program; we have one from the Arc--all of these are in favor--The Arc of Nebraska; and a third by Voices for Children of Nebraska, all stating their approval and in favor of LR31. [LR31]

SENATOR CHAMBERS: Do you want to go into Exec Session? [LR31]

SENATOR WIGHTMAN: Well, we have to ask for the negative, anybody that's opposed. [LR31]

SENATOR CHAMBERS: Oh, I'm sorry. [LR31]

SENATOR WIGHTMAN: That's fine. Is there anybody here that wants to speak in opposition to LR31? Seeing none, is there anyone that would want to address us on a neutral capacity? I don't know as I said it, but we will accept these three support letters that we have. If not, we'll close our public hearing, well, subject to...I guess Senator Campbell left so I guess she...oh, no, she's right here. Do you wish to close? [LR31]

SENATOR CAMPBELL: I don't really have anything. I would only add to the committee that obviously these topics come under the jurisdiction of the Health and Human Services Committee so it's not like we're not going to continue looking at them. So just so that... [LR31]

SENATOR WIGHTMAN: Thank you. [LR31]