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Floor Debate
March 07, 2014

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SENATOR COASH PRESIDING

SENATOR COASH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-ninth day of the One Hundred Third Legislature, Second Session. Our pastor...our chaplain for today is Pastor Kenneth Miller of St. Paul Lutheran Church in Auburn, Nebraska, Senator Watermeier's district. Please rise.

PASTOR MILLER: (Prayer offered.)

SENATOR COASH: Thank you, Pastor Miller. I call to order the thirty-ninth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

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

SENATOR COASH: Thank you, Mr. Clerk. Any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR COASH: Thank you. Are there any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Appropriations, chaired by Senator Mello, reports LB905, LB906, and LB130 to General File, all having Appropriations Committee amendments. Enrollment and Review reports LB144, LB259, LB359, LB359A, and LB546 as correctly engrossed. Agency reports received by the Clerk's Office, available on the legislative Web site, available for member review. And the lobby report, as required by state law to be inserted in the Journal. That's all that I have at this time, Mr. President. (Legislative Journal pages 791-794.) [LB905 LB906 LB130 LB144 LB259 LB359 LB359A LB546]

SENATOR COASH: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Mr. Clerk.

CLERK: Mr. President, I have a series of confirmation reports. The first, Health and Human Services, it's a report regarding the appointment of Mary Beth Hanus to the Nebraska Child Abuse Prevention Fund Board. (Legislative Journal page 717.)

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SENATOR COASH: Thank you, Mr. Clerk. Senator Campbell, you're recognized to open on your confirmation report.

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. We urge your confirmation of Mary Beth Hanus from Omaha to the Child Abuse Prevention Fund. Ms. Hanus is a new appointment. She has worked in the field of mental health for over 30 years. She has her MSW and most interestingly enough she is the author of curriculum on child abuse prevention that is now used in 500 Protestant Churches and 22 Catholic Dioceses across the United States and Canada. She certainly would be an excellent addition to the Child Abuse Prevention Board, and we urge your vote yes on her confirmation. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Campbell. Members, you heard the opening to the confirmation report from the Health and Human Services Committee. The floor is now open for discussion. Seeing no members wishing to speak, Senator Campbell, you're recognized to close on your report. Senator Campbell waives closing. The question before the body is, shall the Health and Human Services Committee report be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 794-795.) 30 ayes, 0 nays, Mr. President, on the adoption of the report.

SENATOR COASH: The report is adopted. (Visitors introduced.) Mr. Clerk, next report.

CLERK: Mr. President, Health and Human Services reports on the appointment of Anthony Moravec to the State Board of Health. (Legislative Journal page 717.)

SENATOR COASH: Thank you, Mr. Clerk. Senator Campbell, you're recognized to open on the confirmation report.

SENATOR CAMPBELL: Thank you, Mr. President. Dr. Anthony Moravec is an appointee to the State Board of Health as the veterinarian representative. He currently lives in Lincoln and farms also northeast of Lincoln, has spent time and research on flea biology, and has an extensive resume in terms of serving a number of veterinary clinics. He now works for Merial corporation, which is a company that deals with pet nutrition and pharmaceutical company. And we feel that he would be and bring an interesting perspective to the State Board of Health. And we would urge your vote yes. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the opening to the Health and Human Services confirmation report. Floor is now open for discussion.

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Seeing no members wishing to speak, Senator Campbell, you're recognized to close on the report. Senator Campbell waives closing. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 795.) 32 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR COASH: The confirmation report is adopted. The next item, Mr. Clerk.

CLERK: Mr. President, a third report from Health and Human Services involves three appointments to the Board of Emergency Medical Services. (Legislative Journal page 717.)

SENATOR COASH: Senator Campbell, you are recognized to open on the committee report.

SENATOR CAMPBELL: Thank you, Mr. President. Our three candidates for the Board of Emergency Medical Services, we will start with Troy Hiemer. Mr. Hiemer is from Columbus and started his career through the EMT as a volunteer with a volunteer fire department. He is a past Marine, served in the Gulf War, and now serves as an EMT to the Midwest Medical Transport Company in Columbus. And we feel he would be an excellent candidate for that board. The next candidate is Timothy Hoffman, who is a reappointment. Mr. Hoffman is from Kearney. He serves as the chair, the current chair, of the Board of Emergency Medical Services. He has had 20 years of experience and currently is with Good Samaritan Hospital in Kearney and serves as the medical director for a number of small EMTs in the communities surrounding Kearney and brings just a wealth of experience to that position on the board. And our third candidate for the Board of Emergency Medical Services is Charles LaFollette. Mr. LaFollette is from Lincoln and we had, I would say, one of the most interesting interviews for gubernatorial appointments. Mr. LaFollette is a retired federal agent with the U.S. Marshals and chose to retire to Lincoln. He is a former member of the United States Air Force. And when he served with the federal agents as a U.S. Marshal, he was assigned at the CDC. And we thoroughly enjoyed meeting him and feel that his experience from serving a number of states and as a federal agent would bring a new viewpoint to the Board of Emergency Medical Services. And we would encourage your vote on all three appointments. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the opening to the Health and Human Services Committee confirmation report. The floor is now open for discussion. Seeing no members wishing to speak, Senator Campbell, you're recognized to close. Senator Campbell waives closing. The question before the body is, shall the Health and Human Services Committee report be adopted? All those in favor

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vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 796.) 39 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR COASH: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Fourth report from Health and Human Services Committee involves two appointments to the Rural Health Advisory Commission. (Legislative Journal page 717.)

SENATOR COASH: Senator Campbell, you're recognized to open on the confirmation report.

SENATOR CAMPBELL: Thank you, Mr. President. And before I begin on the appointments, I should let you know that Senator Lathrop asked me if I was going to be on these appointments all morning and I said, no, but that the Health Committee has 28 gubernatorial appointments so you will be seeing us again. Our last two candidates this morning for the board of Rural Health Advisory board, our first is Lisa Mlnarik, who is a nurse practitioner. She is a new appointment to the board. She is affiliated with the Norfolk Cardiovascular Institute. And what's very interesting with this appointee is that she travels around for that clinic and serves communities in Neligh, Creighton, and O'Neill, and has an extensive resume as a nursing career and would bring a very good, rural perspective of serving communities to the Rural Health Advisory committee. Our last appointment recommendation for the day is Dr. Noah Piskorski, who is a dentist and a new appointment. He is especially qualified to serve on the Rural Health Advisory Commission because, colleagues, he was a recipient of the very grants and loan repayment that we're trying to build up through the Rural Health Advisory Commission. He serves the Burwell Dental Clinic and lives in Ord, and said that he not only wanted to fulfill the requirements of his loan repayment but that he planned to stay in that area forever. And with those recommendations, Mr. President, we would urge the confirmation.

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the opening to the Health and Human Services confirmation report. Floor is now open for discussion. Seeing no members wishing to speak, Senator Campbell, you're recognized...Senator Scheer, you are recognized.

SENATOR CAMPBELL: Senator Scheer's question is what is...

SENATOR COASH: Senator Campbell,...

SENATOR CAMPBELL: Oh, I'm...

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SENATOR COASH: ...Senator Scheer, you are recognized.

SENATOR CAMPBELL: He just needed the copy of the form. He wanted to see the person from Norfolk.

SENATOR SCHEER: Thank you, Mr. President. I just wanted to speak in favor of Lisa Mlnarik from Norfolk. I'm familiar with her. She does an excellent job in the area. She would be an outstanding addition to this commission. And again, I would just draw a note that the person being recommended is from northeast Nebraska, which is the hotbed of the educational and working people of Nebraska and so, therefore, unquestionably is the outstanding choice for this position. So thank you very much, Mr. President.

SENATOR COASH: Thank you, Senator Scheer. Are there other members wishing to speak? Seeing none, Senator Campbell, you are recognized to close. Senator Campbell waives closing. The question before the body is, shall the Health and Human Services confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 796-797.) 35 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR COASH: The report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, General Affairs appoints...I'm sorry, reports on several appointments to the Nebraska Commission on Problem Gambling. (Legislative Journal page 718.)

SENATOR COASH: Senator Karpisek, you're recognized to open on the confirmation report.

SENATOR KARPISEK: Thank you, Mr. President and members of the body. The General Affairs Committee voted 8-0 to approve eight new appointees to the Nebraska Commission on Problem Gambling. Matthew Anselmo of Bellevue represents the perspective of a gambling consumer. Mr. Anselmo has suffered the devastating effects of gambling addiction. He was convicted of mail fraud as a result of his addiction, but after serving his sentence he got treatment and has been able to keep himself from gambling since. He has been honored in the past for his military service and law enforcement career, and now is employed by Edwards Auto Group in Council Bluffs. He also serves as a life coach for inmates transitioning out of the penal system. His story shows the important role of treatment services for gambling addictions, and he is passionate about getting treatment to people who need it. Marla Bruder of Denton is also a past gambling consumer. Ms. Bruder was convicted and served a sentence for

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embezzling money to fund her gambling addiction and entered treatment afterwards. She now works for Integrated Life Choices in Lincoln where she writes positive support programs to improve the lives of individuals with disabilities. She has spoken at several forums regarding problem gambling and gambling addiction, and she is an inspiring example of the success that can be achieved with the help of gambling addiction and treatment. Mark Canada of Hastings would fill the banking and finance position on the commission. He works at Five Points Bank of Hastings, where he is on the internal audit committee. Janelle Holt of Omaha would provide expertise in medical care and mental health. She works as a medical social worker at Children's Hospital in Omaha and has past experience in many areas related to social services and addictions. As a drug and alcohol counselor, a prison worker, and a gambling counselor, as a member of the former State Committee on Problem Gambling, she will also be able to bring a well-informed perspective on the current state of compulsive gambling in Nebraska. Paul Leckband of Norfolk would be the education expert on the commission. He is the principal and executive director of Lutheran High Northeast. In his work in school administration, teaching, and coaching, he has encountered compulsive gambling and its effects even among youth. He has a heart for teens and hopes to help address his issues...this issue that can get in the way of them reaching their potential. Susan Lutz of Norfolk will provide data analysis expertise to the commission. She works as an accountant at S E L Incorporated in Norfolk. Terry Scoville of North Platte will serve as one of the at-large members of the public. At the hearing, she drew attention to the great need for more compulsive gambling counselors in the western part of the state, and expressed her intention to recruit more services to her underserved area. "Teri" Teutsch of Omaha will serve as the other at-large member of the public. She is the president of MediBadge, a company in Omaha that supplies stickers and other items for hospitals to give to kids. I urge your support of these appointments. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Karpisek. Members, you heard the opening to the confirmation report from General Affairs Committee. Floor is now open for discussion. Senator Krist, you are recognized.

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. I'll say just very briefly this body last year put together a change in the way we treat problem gambling by giving the program direction and a new body and a new staff. I support each and every one of the folks that Senator Karpisek has just highlighted, and I'd also welcome Mr. David Geier, who was just hired as their executive director, and Godspeed. I know that there are people in the state who need these services and we need to get them to them. Thank you.

SENATOR COASH: Thank you, Senator Krist. Senator Scheer, you're recognized.

SENATOR SCHEER: Thank you, Mr. President. I would rise just to comment on both

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Paul Leckband and Susie Lutz. I personally know both these individuals. They are very dedicated, compassionate, strong-willed, and caring individuals. They will do an excellent job. They have the best interests of those that they're trying to help in their hearts and will have the dedication and the time to provide the necessary leadership to this commission. Thank you very much.

SENATOR COASH: Thank you, Senator Scheer. Seeing no other members wishing to speak, Senator Karpisek, you're recognized to close. Senator Karpisek waives closing. The question before the body is, shall the confirmation report from the General Affairs Committee be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 797-798.) 33 ayes, 0 nays on adoption of the confirmation report.

SENATOR COASH: The confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, the next report, General Affairs reports on two appointments to the Nebraska Arts Council. (Legislative Journal page 718.)

SENATOR COASH: Senator Karpisek, you're recognized to open on the confirmation report.

SENATOR KARPISEK: Thank you, Mr. President, members of the body. The General Affairs Committee voted 8-0 to approve two new appointments to the Nebraska Arts Council. Kim West Dinsdale lives in Grand Island and she is on the Stuhr Museum board and is a trustee for the Nebraska State Historical Society. She serves her community in several other ways, including her involvement with the Community Health Charities of Nebraska, Hall County Leadership Tomorrow, and the Central Catholic Foundation. She will bring a passion for the arts and great energy and willingness to serve. The committee also approved the appointment of Paula Pflueger. Paula lives in Norfolk and works as a financial advisor with Edward Jones. She is a member of the Nebraska Cultural Endowment Advisory Council and will be able to bring her valuable financial expertise to the Arts Council. I urge your support of these appointments. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Karpisek. Members, you heard the opening to the confirmation report from General Affairs Committee. Floor is now open for discussion. Senator Scheer, you're recognized.

SENATOR SCHEER: Thank you, Mr. President. It seems like it must be Norfolk day on appointments today, but I do rise again on the behalf of Paula Pflueger in Norfolk. She, as well, is a very dedicated individual and she comes from her interest in the arts quite

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naturally. Her mother, Marilyn, served on that commission for a number of years and retired several years ago. Paula is a very articulate, compassionate individual. She has always been involved in the arts and will do an outstanding job on a state basis, helping that commission move along as well. So I would urge you to support the two nominees and especially Paula. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Scheer. Senator Gloor, you're recognized.

SENATOR GLOOR: Thank you, Mr. President. I speak on behalf of Kim Dinsdale. Kim is a personal friend of mine and is a transplant to this state some years ago, but she has been tireless, both with her time, energy, dollars, in supporting both statewide and local initiatives in a variety of arenas. We could use dozens and dozens of more Nebraskans like Ms. Dinsdale, and I would urge her approval. Thank you.

SENATOR COASH: Thank you, Senator Gloor. Seeing no other members wishing to speak, Senator Karpisek is recognized to close. Senator Karpisek waives closing. The question before the body is, shall the confirmation report from the General Affairs Committee be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 798.) 33 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR COASH: Confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, the final report this morning is offered by Transportation and Telecommunications Committee and involves several appointments to the Information Technology Commission. (Legislative Journal page 754.)

SENATOR COASH: Senator Dubas, you are recognized to open on the confirmation report.

SENATOR DUBAS: Thank you very much, Mr. President. Good morning, colleagues. The Transportation and Telecommunications Committee unanimously approved five appointments to the Nebraska Information Technology Commission. The Nebraska Information Technology Commission, or NITC, is a nine-member commission established by the Legislature to provide advice, strategic direction, and accountability on information technology investments in the state. To achieve its mandate, the NITC relies on coordination and collaboration to influence a wide range of information technology issues. The NITC annually prepares a statewide technology plan, provides biennial recommendations on technology investments to the Governor and the Legislature, and adopts technical standards, guidelines, and architectures. The NITC is assisted by six advisory groups: the Community, Education, eHealth, GIS, and the State

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Government Council, and the Technical Panel. The committee was blown away by the vast experience these conferees bring to the NITC. The appointed individuals have excelled in their communities, nationwide, and even worldwide in the area of telecommunications and technology. We are truly lucky to have such valuable assets willing to serve on this state board. The appointees include Dan Shundoff, founder and CEO of Intelcom in Kearney. He is a reappointment. Randy Meininger is the mayor of Scottsbluff, president of the Rural Nebraska Regional Ambulance Network and the owner/operator of Valley Ambulance Services. Dorest Harvey, retired from the United States Air Force where he developed computer systems for Strategic Air Command and then entered the private sector, creating information technology databases and exchanges for American Express, First Data Corporation, First National Bank of Omaha, and was a key developer of the Peter Kiewit Institute Technology Development Corporations, and is currently a consultant supporting the U.S. STRATCOM. Walter Weir is the chief information officer for the University of Nebraska. He's formerly the principal and senior advisor to the United States Department and the kingdom of Saudi Arabia. Gary Warren is with Hamilton Communications in Aurora and has been very instrumental in local as well as statewide economic development interests, especially in the area of technology. So again, we are well served by these people who are willing to step forward and be on the NITC, and I urge your green vote on these confirmations. Thank you.

SENATOR COASH: Thank you, Senator Dubas. Members, you've heard the opening to the confirmation report from the Transportation Committee. Floor is now open for discussion. Senator Hadley, you're recognized.

SENATOR HADLEY: Mr. President, members of the body, I'll just take a quick second. I've known Dan Shundoff for many, many years in Kearney and his is truly a success story. In his business, he basically started the business with himself. They now have 35 full-time employees giving information technology services to all of western Nebraska. So this is the type of person we need on this committee to make sure that it works smoothly. Thank you, Mr. President.

SENATOR COASH: Thank you, Senator Hadley. Seeing no other members wishing to speak, Senator Dubas, recognized to close. Senator Dubas waives closing. The question before the body is, shall the confirmation report from the Transportation Committee be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 799.) 36 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR COASH: Confirmation report is adopted. You have items, Mr. Clerk?

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CLERK: I do, Mr. President. Some announcements first of all: Transportation Committee will meet underneath the north balcony now. Judiciary will meet at 9:37 in Room 2022; Judiciary at 9:37 in 2022. And Natural Resources Committee will meet in 2102 at 10:00; Natural Resources at 10:00 in 2102. That's all that I have, Mr. President. Thank you.

SENATOR COASH: Thank you, Mr. Clerk. Next item on the agenda.

CLERK: Mr. President, Select File. Senator Murante, with respect to LB1016A, I have no amendments to the bill, Senator. [LB1016A]

SENATOR COASH: Senator Murante for a motion. [LB1016A]

SENATOR MURANTE: Mr. President, I move to advance LB1016A to E&R for engrossing. [LB1016A]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB1016A does advance. Next item, Mr. Clerk. [LB1016A]

CLERK: Mr. President, resolutions. The first is offered by Senator Campbell, LR422. LR422 directs that the Health and Human Services Committee in cooperation with the Banking, Commerce and Insurance Committee be designated to develop policy recommendations for transformation of Nebraska's healthcare system. The resolution was referred to Health for public hearing purposes, reported back to General File. At this time I have no amendments to the resolution, Mr. President. [LR422]

SENATOR COASH: Thank you, Mr. Clerk. Members, the vote on this resolution will require a majority of members present. Senator Campbell, you are recognized to open on your resolution. [LR422]

SENATOR CAMPBELL: Thank you, Mr. President. LR422 is introduced to provide for legislative leadership to facilitate cooperation between healthcare stakeholders and policymakers in Nebraska's work towards healthcare system transformation. This resolution takes the long view. We're trying to take a look at what healthcare should look like in Nebraska in 15 years. As a result of the legislative resolution LR22 introduced by Senator Gloor and myself last year in the session, the committee of the Health and Human Services Committee and in conjunction with the Banking, Commerce and Insurance Committee held a conference on this very issue last fall. There was great interest in the topic and 167 stakeholders from across the state attended. The conference examined what the Nebraska healthcare system should look like and what opportunities and challenges Nebraska patients, providers, and payers will face over the next 15 years. We have introduced LR422 to continue the work that was started over last year and looking at improving the health and healthcare of Nebraskans, controlling

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healthcare costs, and improving healthcare quality. Under LR422, the Health and Human Services Committee and the Banking Insurance Committee shall continue to provide a comprehensive review of Nebraska's healthcare delivery cost and coverage demands. And, colleagues, almost weekly we hear from more people across the state who want to be put on the list, on the mailing list to be able to attend the next conferences and be a part of this conversation. I'd like to yield the rest of my time to my partner in this effort, Senator Gloor. [LR422 LR22]

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SENATOR KRIST: Senator Gloor, you're recognized. [LR422]

SENATOR GLOOR: Thank you, Mr. President. Thank you, Senator Campbell. Speaking as the Chair of the Banking, Commerce and Insurance Committee, let me add my vote to our request to the body to advance LR422 as a continuation of an effort that's already been underway. My first job in this state in healthcare was in planning, and I would tell the body when I first came down here one of the things that was a concern to me when I looked at the legislative body after term limits is our long-term focus on policymaking. Thanks to Senator Harms who has established a planning process for us legislatively, we are beginning to make inroads there. And if you take a look at the interim studies that occurred this past session, we had that very thing going on not just in healthcare through LR422 but tax policy, education, water policy. So we're beginning to develop a more long-term look towards where do we want to be 10, 15, 20 years down the road and what decisions should we be making from a policy standpoint when bills come before us to keep us on this track. This has been a good process. We've had great participation from stakeholders across the state, expect that continued positive recommendation, and the information that comes back from this I think will be helpful for our overall legislativewide plan as we take these findings and plug it into that. I would encourage adoption. Thank you. [LR422]

SENATOR KRIST: Thank you, Senator Gloor. Senator Chambers, you are recognized. [LR422]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I was trying to wait for an appropriate moment to say a few words about a letter that I've handed out. I started to do it on a point of personal privilege, but I didn't think that was necessary. The cover letter is from the Ombudsman. It was sent to all the members of the Judiciary Committee. I didn't know whether other senators would get it. But it has to do with calls received by our offices from inmates. They are recorded. They are monitored. That was not to be the case while I was here. When I left the Legislature, then-superintendent Houston changed the policy and now all of your calls are monitored and they are recorded. This man Kenney who has not been confirmed by the Legislature has shown a lot of deficiencies in my opinion. This is another one where he

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wrote to the Ombudsman and apologized for not telling the Ombudsman about this change. How about those of us who are members of the Legislature who are affected by it? He decided that we would be lumped as legislators with all elected or public officials. All of those categories of persons had phone calls which were neither monitored nor recorded. On their own, the Department of Corrections I guess notifying nobody like we were not notified that now your phone calls are going to be monitored and recorded. And his rationale was the people at the Department of Corrections did not think that these people wanted to receive confidential calls. I don't know if any person who receives any call who wants that call monitored and recorded by somebody else. This is another reason in my opinion for not confirming Mr. Kenney. I am deeply offended but I will say more on it when we get to the resolution that deals with setting up an investigative committee. But since the letter is coming around, I wanted to say a few words so you would understand why I'm doing that. And, by the way, I do support the measure which is before us now. Thank you, Mr. President. [LR422]

SENATOR KRIST: Thank you, Senator Chambers. Seeing no one wishing to speak, as a reminder under Rule 4, Section 5, this requires a simple majority of the members present. So the question is, shall we adopt LR422? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LR422]

CLERK: 26 ayes, 1 nay, Mr. President, on adoption of LR422. [LR422]

SENATOR KRIST: LR422 is adopted. Next item. [LR422]

CLERK: Mr. President, LR444. It was introduced by the Performance Audit Committee. It was referred to the Executive Board for purposes of conducting a public hearing. The resolution calls for the creation of a Tax Incentive Evaluation Committee. The resolution was reported back to the floor for further consideration. Mr. President, at this time I have no amendments to the resolution. [LR444]

SENATOR KRIST: Thank you, Mr. Clerk. Senator Harms, you are recognized. [LR444]

SENATOR HARMS: Thank you, Mr. President. Colleagues, as Chairman of the Performance Audit Committee, I am pleased to open on LR444. The committee introduced this resolution to improve the evaluation of tax incentive programs, an issue we studied intensely last year. LR444 would create a Tax Incentive Evaluation Committee to develop a plan this interim for ongoing regular review of tax incentive programs. The committee would consist of the seven members of the Performance Audit Committee, the Chair and the Vice Chair of the Revenue Committee, the Chair and Vice Chair of the Appropriations Committee, and one member at large selected by the Executive Board. The plan developed by the committee would include recommendations in two important areas. First, it would suggest specific major goals for each tax incentive program; second, it would recommend a process for ongoing

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evaluation, including who should conduct them and how often they should be done. LR444 authorizes the Tax Incentive Evaluation Committee to hold public hearings, and it is our intention that the committee would actively seek input from interested individuals and stakeholders. The committee would report its recommendations to the Executive Board by December 15, 2014. The need for additional evaluation of our tax incentive programs was a theme that ran through three reports our committee released last year. The key question we asked about these programs was how would they...how were they performing and in comparison to the goals the Legislature had established for them. However, after researching this question our Audit Office told us that the existing goals were not specific enough for them to give us a good answer to our question. In our work last year, we consulted with the Pew Center on the States which has done quite a bit of research on the evaluation of state tax incentive programs. According to the Pew Center, three key program concepts are at the core of the evaluation process, and they are (1) goals which are clear measurable statements of what the program is intended to achieve, (2) metrics which are a quantifiable measure to be used to determine how well a program is achieving its goals, and (3) benchmarks which are the threshold policymakers should set that will determine the level of performance necessary on a given metric in order to consider that the related goal is being achieved or at least that progress is being made towards that goal. To give you a practical example of these concepts, a typical goal might be to decrease the unemployment in rural Nebraska. One way we could measure progress towards that goal would be to look at whether the percentage of the workers who were unemployed for 6-12 months was going up or down in the rural areas. If over time that percentage goes down, that would suggest that the incentive program was having the kind of impact we wanted, although we would also need to consider other factors that could be contributing to this decrease. Finally, we could set a benchmark giving us an idea of how much progress we expect to see, such as a drop 1 percent annually. That's just one simple example of a goal with a metric. However, we know that in reality there's not going to be one perfect measure for each goal. It's much more likely that we will want to identify several measures. In addition to identifying goals, measures, and benchmarks, the Pew Center also recommends that states conduct regular, rigorous, and comprehensive evaluations of these programs to inform policymakers of the return on the investment they are receiving from these economic development tools. The committee believes that while tax incentive program evaluations may not be able to fully answer the questions of what a business would have done had it not received the incentive, there is still value to be gained from them. Regular review of progress towards well-articulated goals and measures can help policymakers identify the relativity, the effectiveness of the different approaches, eliminate those that are not being used, and decide whether benefits provided are significant to justify both program and administrative costs. I also want to let you know that the Performance Audit Committee introduced and prioritized LB836 which adds some very basic goal language to certain tax incentive acts that have limited or no goal language. We would like to see LB836 advanced as the first step in establishing more specific goals but at the same time acknowledge that the LR444

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committee is likely to propose additional recommendations in this area. And thank you, and I'd be happy to answer any questions. [LR444 LB836]

SENATOR KRIST: Thank you, Senator Harms. The floor is now open for discussion. Senator Hadley, you are recognized. [LR444]

SENATOR HADLEY: Mr. President and members of the body, good morning. LR444. I think it's an excellent resolution. I do have one or two concerns and I will leave it up to the body to decide whether they're appropriate concerns or not, and leave it up to Senator Harms and his group. It has the Chairperson and Vice Chairperson of the Revenue Committee on the review committee. Is there a concern at all that this is also the body, the Chair and our Vice Chair of the body, that approves this kind of legislation that deals with the Advantage Act. And I just wonder, is there any potential conflict of interest there between the group that's putting together the metrics to evaluate and the committee that is basically charged with examining the bills as they come through. I can't answer that, but it just was a thought that crossed my mind and some of the Revenue Committee staff, just to be sure that we don't have an inherent conflict of interest there in doing that. The second thing would be, I hope the committee would try to make use of some outside experts, because other states are wrestling with this very same question on how these kinds of incentive acts need to be judged. With that, I would yield the rest of my time to Senator Harms if he wishes it. [LR444]

SENATOR HARMS: Thank you, Senator Hadley. [LR444]

SENATOR KRIST: Senator Harms, you're recognized. [LR444]

SENATOR HARMS: Thank you very much. Senator Hadley, I don't believe there is a conflict. And if you recall, in one of the reports, I think it was the last report, we identified the fact that we needed to have another set of eyes go in and review the tax incentive program. And if you recall, we asked and felt at that time that it belonged in the Revenue Committee, that they should be a part of that. And about that same time you were looking at increasing or getting involved in the tax issue for the great state of Nebraska with the Tax Committee and suggested that we work with your committee to review this and to be a part of this and to have the Performance Audit Committee go back in and do a much greater in-depth evaluation. We have done that and we still come back to the same thing. I don't think that it would be a conflict for you because it is in your area and it is your responsibility to be actually looking at this. You could say the same thing even with the suggestion of the Appropriations Committee. But it also talks about the revenue that's going to have an impact on what we do and then on the Appropriations Committee it will address the aspect of expenditures. So I think those two have to go hand in hand, and we need your input on the revenue side to make sure that we are moving down the line you want to go. Because colleagues, there are millions and millions and millions of dollars involved in this and we have no way to

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evaluate any of this. We have no idea whether or not these are being successful. So I think by bringing the group that we have now or the members we have now is the adequate number. But again, that's a policy change. If you feel like you would like to make a change, I don't have any problem with that, but I don't think there is a conflict. [LR444]

SENATOR KRIST: Thank you, Senator Hadley and Senator Harms. [LR444]

SENATOR HARMS: Thank you, Mr. President. [LR444]

SENATOR KRIST: Seeing no one else wishing to speak, the question before us is the adoption of LR444. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LR444]

CLERK: 34 ayes, 0 nays on adoption of LR444. [LR444]

SENATOR KRIST: LR444 is adopted. Next item. [LR444]

CLERK: Mr. President, on LR400, a resolution offered by Senator Dubas. It calls upon the Executive Board to create a special committee of the Legislature to be known as ACCESSNebraska Special Investigative Committee. The resolution was introduced earlier this year, referred to the Executive Board for a public hearing, readvanced to the floor for further consideration. I have no amendments at this time, Mr. President. [LR400]

SENATOR KRIST: Thank you, Mr. Clerk. Senator Dubas, you're recognized. [LR400]

SENATOR DUBAS: Thank you very much, Mr. President; and good morning again, colleagues. Today I present to you LR400 which will create an investigative committee to take an in-depth look at ACCESSNebraska which is an on-line application process to apply for state assistance. This program timetable goes back to May 2008 when the department began distributing information and the initial Web site was unveiled in September 2008. The department's stated purpose for ACCESS is to make the economic assistance service delivery the best it can be for people of Nebraska, increase accessibility, increase responsiveness, maintain accuracy, and increase efficiency. Unfortunately, this program has failed on all counts and has been plagued with major problems since day one. As stated in the Performance Audit Report on ACCESS, there is a high level of program dysfunction. The Health and Human Services Committee, along with myself and other senators, has spent an inordinate amount of time in hearings with the hopes that the department will get this program on track. Something that was supposed to have saved the state millions of dollars has ended up costing our citizens in lost dollars through inefficiencies and valuable time. It has created a work atmosphere among employees of fear and frustration, to the point where

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for some employees that I have visited with it is impacting their physical health. There have been six hearings on bills and interim studies, and finally, a performance audit of ACCESSNebraska. And while a great deal of attention has been paid to the amount of time clients are spending on the phone before they obtain results, the problems go so much further than that. Inability to answer questions and help with applications, lost paperwork, work tasks that put staff in very difficult positions are just a few of the more serious problems we continue to face with ACCESSNebraska. Oftentimes we can introduce legislation that will help rectify problems with programs. I introduced LB825 which had just such intentions to improve clients' access by providing caseworkers, and gave them an additional \$3 million in funding with the hopes that that would help solve some of the problems. Last year, the Performance Audit Committee directed the Legislative Audit Office to examine ACCESSNebraska and, in particular, how LB825 has been implemented. That audit indicated many deficiencies. Similar to LR37 from 2011 that dealt with correcting the direction we took with privatizing our child welfare system, and LR283, the Beatrice State Developmental Committee, this programs needs a comprehensive look to determine where we are at and what we need to do at multiple levels to take corrective actions. In the audit report, the Fiscal Office surmised that additional costs seemed likely. However, the magnitude and timing are dependent on several factors that have yet to occur. Rather than continuing to introduce random pieces of legislation with the hopes that they will rectify the problems, we would be better served to do our own independent analysis of the program and determine where the weaknesses exist and the best remedy. The audit report took a look at how programs such as ACCESS work in other states. It references a research report titled "Call Centers and Web-based Eligibility Systems," and it highlights the four characteristics of successful call management. They are: the number of tasks completed in a month per individual, per unit, and per service center; workers understanding and approving how tasks are assigned; staff working together to complete goals and strive for workload manageability; supervisors who have confidence that staff will seek out tasks rather than having to push such tasks upon them. The research report also speaks to the importance of software that will allow mass importation and assignments of tasks, along with the importance of experienced call center staff. This resolution calls for creating a committee of seven senators. They will be charged with using...with examining the adequacy of staffing and training, technology, effectiveness of the process and structures used by the system, and the need for new or additional data collection. The committee will also look at the experience of clients and their families. We have asked the department to provide reports about what is happening with ACCESS, and their focus has solely been on wait times. And I sent you a link to some of these reports. If you look at these, you will see that it's basically just a spreadsheet. It doesn't give a lot of detail or analysis. And I would like to also speak to how this committee would be staffed. And we have available to us, it would be my intention to use existing staff in the Legislature; senators who serve on the committee, using their staff; we have Legislative Research; we have available to us resources through NCSL and CSG. I don't anticipate having to bring in or

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spend additional dollars to staff this committee, because I believe we do have the resources available to us, and we've seen past experience has shown us that those resources are available. Since October of last year, there has been a change in the call center makeup. Now, two of the four call centers deal strictly with Medicaid processing. This may be helping with call wait times, but it is still not clear if it addressing the deeper issues that are plaguing the program, and we are continuing to hear about concerns about the separation of these two issues. During the time when we were dealing with the child welfare reform, the focus at those hearings was we simply needed to get our out-of-home placement numbers down. Those numbers were a symptom of far more serious problems, and the same is true about this situation. It's simply getting call wait times down is not an indication that we have solved the problems with ACCESSNebraska. They are very real, they are very complex, and they deserve intense scrutiny. Colleagues, I encourage you to read the Performance Audit Report. While the scope of that audit was relatively narrow and focused on compliance with LB825, you can see that there are more issues that are in need of in-depth study and examination. The numbers are telling. This program has been in place since 2009, and we are still trying to make it work. I don't know how much longer we can afford to wait. We can't continue to just nibble around the edges. We need a proactive, forward-looking, thorough examination of every aspect of this program. The Legislature is in charge of the purse strings when it comes to funding. It is our duty to know where those dollars are going and how they are being spent. It is time for the Legislature to take ownership of this issue and help to create a new delivery system of these programs, a system that respects the clients it serves in an accurate and efficient manner. And other states who have gone down this road ahead of us have, for the most part, come back and created a hybrid type of approach where they haven't thrown the whole system out but they've gone back to incorporating technology and to more of a user-friendly atmosphere, bringing more caseworkers in, bringing more person-to-person interaction in. I think we could really learn and benefit from the mistakes that other states have made and where they're at now, and hopefully, as I said, get this program back on track. One of the issues when I talked about lost funding, Nebraska, for many, many, many years, was nationally recognized with our performance on SNAP, and we received millions of dollars in performance bonuses. In fact, it was those bonuses that helped us put ACCESSNebraska into place. But after putting ACCESS into place, we not only lost our bonuses because of the inaccuracies and problems that we were experiencing with the program, we have dropped in the efficiencies in that area; and as I said, we've lost millions of dollars in performance bonuses, and those can be directly related to the use of ACCESS. There was a story in the Omaha World-Herald, July 2012, that... [LR400]

SENATOR KRIST: One minute. [LR400]

SENATOR DUBAS: Thank you, Mr. President...that gives a lot of detail about this. We ranked at the top for six years, and in five of those six years we had zero errors. But in

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2011, the state's negative error rate jumped to 3.15 percent. We went from making the fewest underpayments and overpayments where we had bonuses for three years, and we also did quite well at the national level. And it was two factors that attributed to that: ACCESSNebraska, and the significant worker turnover and the time needed to learn more ways. Of the 400 call center workers, about 70 percent have less than 18 months of experience. So, you know, there were many employees who just...they were at a point they didn't feel comfortable with the direction that this program was going with the new system, and we lost a great deal of institutional experience and knowledge, which again has contributed to many of the problems we're dealing with, with ACCESS. So I hope the body will see its way clear to support this legislative resolution. It's time for us to get ACCESSNebraska working the way it was intended. Thank you. [LR400]

SENATOR KRIST: Thank you, Senator Dubas. Those wishing to speak: Senator Campbell and Senator Sullivan. Senator Campbell, you're recognized. [LR400]

SENATOR CAMPBELL: Thank you, Mr. President. I would like on behalf of the Health and Human Services Committee to thank Senator Dubas and Senator Conrad for their diligent attention to ACCESSNebraska, and now also to thank the Performance Audit Committee for a report that highlights the problems that are still apparent in this system, and certainly for the countless hours that have been spent in hearings dating back to at least over four years ago. I wholeheartedly support the approach that Senator Dubas is bringing forward and taking a look at this system, but I hope that we would also be open in this study to looking at the other delivery systems that might provide service to Nebraskans. It is unconscionable that our customer service to Nebraskans is not the best it can be. Many of our seniors, many of our citizens who desperately need help have been patient really beyond belief. But everyone's patience is running out and we need to do something about this system. So please support the legislative resolution before you. Thank you, Mr. President. [LR400]

SENATOR KRIST: Thank you, Senator Campbell. Senator Sullivan, you're recognized. [LR400]

SENATOR SULLIVAN: Thank you, Mr. President, and good morning, colleagues. And actually I stand in support of all of these legislative resolutions, so my comments are really more of an observation more than anything. I visited with Senator Wightman off the mike a little bit just to see if the Executive Board looked at this process sort of in total. Because from my perspective it appears that we're starting to have more of a trend in introducing these legislative resolutions for special committees, and the staff of the Executive Board sort of reaffirmed that. You know, we had...the first one since I've been down here that really to me made a big difference was the report on the BSDC, and we saw the good and important and valuable work that came out of that. So as I said, I'm in support of these resolutions and the work that these proposed committees will do, but again, I think it appears that we are starting a trend. So to that end I think

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perhaps we should...I don't even want to label it so much as a cautionary note, but to remind ourselves of the role of these special committees and then their relationship to the standing committees. And as we've seen, there's good coordination in some of them with the Banking Committee working with Health and Human Services. There are some questions raised with one of them from the Revenue Committee. So I think it's important when these committees are formed that there is collaboration and communication between the committee and the standing committee that has jurisdiction over those topics. I appreciated Senator Gloor's comments about term limits. That's the reality that we have. It's incumbent on ourselves to establish our own institutional memory and make sure that some of these thoughtful processes that we go through carry over when there are new people that come into this body, so that they have that background as well. So again I'm not standing here in opposition to the work of the Executive Board or any of these proposed resolutions. I'm just saying, let's give this some thought and make sure that our work is collaborative, communicative, and we end up with a good result. Thank you. [LR400]

SENATOR KRIST: Thank you, Senator Sullivan. Senator Nelson, you are recognized. [LR400]

SENATOR NELSON: Thank you, Mr. President and members of the body. I'd like to follow up a little bit on Senator Sullivan. I've been here eight years now and our former Speaker, Senator Flood, I remember how he advised us in a cautionary manner to be careful of all the special investigative committees and be sure that what we were doing here was absolutely necessary. I'd like to ask Senator Dubas a question or two. [LR400]

SENATOR KRIST: Senator Dubas, will you yield? [LR400]

SENATOR NELSON: Thank you, Senator Dubas. I'm looking at the resolution and I see that on December 19, 2013, the Legislative Performance Audit Committee issued a report and recommendations related to ACCESS system, the ACCESSNebraska system. The report contained findings including...and then it tells a number of the things that you've already related to us. The report also made certain recommendations, including evaluation of program aspects such as advocacy and existing staffing, call center staff training. I guess my first question is, have we already covered the field with interim studies and the audit report? What's going to be gained at this point by appointing a special investigative committee? [LR400]

SENATOR DUBAS: Thank you, Senator Nelson. That's a great question. I'll start with the performance audit first. The scope of that performance audit was very much focused on LB825 and was the department implementing all of the aspects of LB825. They went a little past that with some other recommendations, recognizing that the problems go beyond what LB825 was trying to address. So while the Performance Audit Committee came forward with some recommendations and we are following thorough with some

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legislation to implement some of those recommendations, there is still more that needs to be done. In terms of the interim studies, yes, there have been interim studies done; and again, we just don't seem to be getting where we need to be getting through the interim studies with just random pieces of legislation, so to speak, trying to address the problems. The problems go to the technology that we're using, to the training, to the staffing. It's just so much broader than what an interim study is intended to achieve.

[LR400]

SENATOR NELSON: Well, progress has been made, I think you said; and they're trying to change things and it has improved. So is there another way that we can encourage that? Work through the current committees that we have, Health and...and communication with the department and work in that matter without going to the expense and time of convening another investigative committee coming up with further recommendations? I just question, do we need to spend the time and not the money, necessarily, but going further at this point with what we already know and what's wrong?

[LR400]

SENATOR DUBAS: I've been working very closely with the Health Committee. They've invested time in this, as well as myself. And as I said, this program has been in place since 2008, and while we have made some progress, it has been very incremental progress--and it's costing us money. It is costing the state money by the slowness of this process.

[LR400]

SENATOR NELSON: In your mind, is it possible that the investigative committee might recommend that we abandon this altogether and start doing something else? [LR400]

SENATOR DUBAS: Based on what I've seen happen in other states, I would anticipate recommendations coming back saying we can take the existing structure and create somewhat of a hybrid method of...you know, keeping the technology in place, making sure we have the right software and computer programs in place to handle this. So I would...and in the performance audit, the Fiscal Analyst said it's likely to take more money to get this program on track.

[LR400]

SENATOR KRIST: One minute. [LR400]

SENATOR NELSON: Well, but is it the intent and actually what an investigative committee should be doing to formulate a new plan, you know, a new way of doing things; or should be leave that up to the department? [LR400]

SENATOR DUBAS: I think in working with the department, working with the Health Committee, working with other interested senators, we will be able to come up with a report by the end of the year that will make recommendations to the future Legislature about what it will take to get this program working in an efficient and cost-effective

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manner. [LR400]

SENATOR NELSON: All right. You said that you would use our own staff, and I'm supportive of that. What about consultants? Is there going to be cost there? Do you think that consultants would be hired? [LR400]

SENATOR DUBAS: Again, past experience on other committees that we've had such as this, you know, we've been able to use NCSL, we've been able to use CSG. There are other resources that won't cost us necessarily but will get us the information that we need. [LR400]

SENATOR KRIST: Time, Senators. [LR400]

SENATOR NELSON: Thank you very much. [LR400]

SENATOR KRIST: Thank you, Senator Nelson and Senator Dubas. Senator Wightman, you're recognized. [LR400]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. The question was asked, and probably rightfully so by Senator Sullivan, if this was the most that we have ever put out as far as committee resolutions. I think it is probably the highest in the six years that I've been there. On the other hand, all of them were presented; two of them received an 9-0 vote; one received an 8-0 vote, and that was because Senator Lathrop was missing, I think, on that day; he wasn't present. So I'm not saying that we shouldn't look at this a little more in future years to see whether the number of resolutions that we're putting out is high and whether some of them could be avoided. But it was the feeling of the committee that all of them merited approval and came out with a unanimous vote of those present. Thank you, Mr. President. [LR400]

SENATOR KRIST: Thank you, Senator Wightman. Those still wishing to speak: Senator Bolz and Senator Harms. Senator Bolz, you are recognized. [LR400]

SENATOR BOLZ: Thank you, Mr. President. I just wanted to rise in brief support of this particular legislative resolution. My career prior to entering the legislative body was working with children and families. And when I returned home to Nebraska in 2007, I started following the changes in this system. In 2008, reports were released providing recommendations based on national best practices regarding making sure that there was stakeholder input and long-term strategies in moving our system from more of a case manager system to a call center-based system. Those advocates came together and continued to work; and nonetheless, the system moved forward. The system didn't work as intended; and in 2009 and 2010, half a dozen community member organizations came together to provide townhall meetings and provide a voice to the individuals who were impacted by these changes. People had long wait times; they

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weren't getting the assistance they needed; they ended up in the emergency room because they couldn't get their medication. The process for advocating for making sure that we have high quality systems within the Department of Health and Human Services to provide the services that we have promised to our constituents continues. And I think that due diligence has been put forward not only on behalf of community members but on behalf of this body who's held several briefings, several interim studies, put together several reports. The Appropriations Committee requests data every year. It is time to take the next step, and I appreciate Senator Dubas and the Performance Audit Committee in recognizing that oversight is necessary, it's essential now, and we can't stop working to make this system better. Thank you, Mr. President. [LR400]

SENATOR KRIST: Thank you, Senator Bolz. Senator Harms, you're recognized. [LR400]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of this resolution, LR400. Let me talk just a little bit about the Performance Audit Committee and its review, first of all, of ACCESSNebraska. What we found with ACCESSNebraska was it was in a terrible mess. And, quite frankly, there had not been enough planning and they should have developed a pilot project rather than extending it across the entire state of Nebraska. What we found is that many people waited, you know, anywhere from 45 minutes to sometimes 2 or 3 hours a day, or hours just to try to get in and get help. And I can tell you from past experience in working with Health and Human Services and trying to come to grips with the issues, that unless we continue to ask the questions and continue to have a committee looking into this particular issue, it will not get better. It just simply will not get better. And that's been the history and that's been kind of the culture of Health and Human Services. I'm not being critical or mean-spirited, but I can tell you that unless you have a committee like this reviewing it, I just don't think we'll see the progress. Not only that, I will tell you the argument is that they have moved part of the responsibilities from ACCESSNebraska. They have moved the welfare portion to separate areas to, I think, two other office areas, and leaving the ACCESSNebraska dealing just with ACCESSNebraska. But the problem with it is, the computer system that we have there is not adequate, colleagues. It will not make the transfer, and that's where the whole problem came. Rather than doing it right and putting the money up the front end, we would not have to do this. We always seem to want to go the more conservative and, I hate to use this word, the cheap route, but that's what happened to us. We didn't have the system to make the transfer. We don't have the system today to make that transfer. And I can tell you that when you're on the welfare side at ACCESSNebraska, they're not going to be separate; they're going to have to be integrated because those people are going to cross over. So you're going to need a committee like this to stay on top of this. It's no different than what Senator Lathrop and I and other people found when we went into Beatrice; and we have that committee appointed every year because what we have found is they have a tendency to slide back. And if someone is not there, not looking, not watching and holding people

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accountable, it will not happen. And ACCESSNebraska is so critical for us. You know, the people that were elderly couldn't get through. The Aging Office has had to step up and took the burden to try to get them through that whole communication link. It's a long ways from where it's at. I may improve, but I'm telling you, we have a long ways to go. And this committee is critical of getting to that final point and getting across the finish line. So I'd urge you to support this. Thank you, Mr. President. [LR400]

SENATOR KRIST: Thank you, Senator Harms. Seeing no one else wishing to speak, Senator Dubas, you are recognized to close. [LR400]

SENATOR DUBAS: Thank you very much, Mr. President; and colleagues, thank you for your support. You know, I had my light on to say exactly what Senator Harms said. There are so many issues and problems with ACCESSNebraska that it is going to take more than just an interim study approach. We've done the interim studies. We keep...every time we do an interim study, we find out just a little bit more or this needs fixed or we need to go this direction. It is so comprehensive. And it will very likely require a request for additional finances, whether it's the technology, the software we are using, whatever. We haven't invested the resources that needed to be invested up front to make sure that this program works. So for future Legislatures, when and if that request comes in to make this program work, they need to understand where is the best place to put those dollars and how do they need to be spent; and how do we get this program, not over the course of another five years, but soon, on the right path so that people are getting the services that they deserve, employees are in a place where they feel like they're able to do their jobs effectively, and that it's not costing the state more money but that we're actually...you know, we're not losing performance bonuses that we've relied on in the past to help support these types of efforts. There are so many things. I'm just going to close with just a...I've got...I have stacks of stories in my office from employees, from consumers, from family members, just nightmare-ish things. But I'll share just the latest story that came to my office from a professional woman, a woman who has worked in and around government most of her adult life, I believe; so she knows...she knows how technology works; she certainly knows how government works. Her elderly mother was in need of assistance, I believe nursing home; I don't know all of the details of the assistance. But this woman began the process and said she has never encountered such a nightmare in her whole life, being able to navigate the system, trying to find people who knew the answers to her questions, being passed from one person to another to another, being treated rudely by people who when they couldn't answer her question again treated her very rudely. Just kept going over and over and over. Lost documentation. I mean, the list goes on and on and on. Her mother passed away. Several months after her mother passed away she was finally approved for the benefits that should have come to her. I...there is...these are not freeloaders, these are not people who are trying to game the system. These are elderly, these are disabled, these are people who should have access to these programs, should have access to these financial resources and not have to go through the nightmare of

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submitting documentation over and over and over and over again, or getting passed...another person said, well, the person I just talked to said, well, just keep calling back until you find a person who can answer your question. That's not an efficient way to run government. So I really encourage the body. I think this legislative resolution and the makeup of this committee will allow us to access that information, look at every aspect of this program. Working with the department, working with the Health Committee, working with all of those stakeholders, we'll come out with a program that actually will work, will be efficient, hopefully will save dollars in the long run, and get us where we need to be with this program for services. Thank you very much, Mr. President. [LR400]

SENATOR KRIST: Thank you, Senator Dubas. You've heard the closing. The question is the adoption of LR400. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Mr. Clerk. [LR400]

CLERK: 23 ayes, 0 nays, Mr. President, on adoption of the resolution. [LR400]

SENATOR KRIST: The resolution is adopted. Next item. [LR400]

CLERK: Mr. President, with your permission, just two items before that. Amendments to be printed: Senator Bolz to LB690; Senator Avery to LB814A. (Legislative Journal page 800.) [LB690 LB814A]

Mr. President, LR424 is a resolution originally introduced by Senator Lathrop. It calls for the Legislature and the Executive Board to appoint a special committee of the Legislature to be known as the Department of Correctional Services Special Investigative Committee. Resolution was introduced earlier this session, referred to the Executive Board for public hearing. It was advanced to General...advanced back to the floor for further consideration. There are Executive Board Committee amendments pending, Mr. President. (AM1890, Legislative Journal page 514.) [LR424]

SENATOR KRIST: Thank you, Mr. Clerk. And before I recognize you, Senator Lathrop, just a reminder, colleagues: These votes only require a majority rule for Section 5, a majority of the members present, so no worries. Senator Lathrop, you're recognized. [LR424]

SENATOR LATHROP: Thank you, Mr. President and colleagues. Today I introduce LR424 and I begin this introduction by making an observation about our responsibilities as members of the legislative branch. And maybe it works well that there was some question about these committees in the last...before the last vote. It is not...we do not enter into oversight by intruding into the executive branch. Colleagues, it is our duty to provide oversight. In a constitutional form of government with three branches of government, it is the duty of the Legislature to make policy and it is the duty of the

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Legislature to provide oversight, and we should not be bashful about that responsibility. Historically these committees have been set up, they have worked in a thoughtful way, they have worked consistent with our nonpartisan traditions, and they have led to important reforms. The advantage to these legislative special committees is they include members of various committees across the spectrum so that we have members of different committees, like Appropriations, who are in a position to help initiate and pass the reforms necessary to bring about the change these committees ultimately determine must be made. This particular committee is not put together to politicize Nikko Jenkins or the tragic death of four people. It is put together for two reasons: one, I believe the public deserves to know how Nikko Jenkins was permitted to walk the streets of the city of Omaha and ultimately be responsible or allegedly responsible for the death of four people; and we need to know more about the administration of the Department of Corrections. I have on a number of occasions, and earlier, suggested and encouraged you to read the Ombudsman's report on Nikko Jenkins. I have told you before that the BSDC report from the Department of Justice was the most difficult thing I've ever read. This has to be a close second. Nikko Jenkins is an awful person by anybody's standards, and this committee and my remarks are not intended to suggest that the killing of four people in Omaha was somehow the result or the fault of the Department of Corrections. But we should know more about this, the circumstances of his incarceration and his release. And I will tell you, if you look through the report of the Ombudsman, you will find this, in summary: You will find that Nikko Jenkins was put into the Department of Corrections and repeatedly, repeatedly said he wanted to get out and kill people, told every mental health professional that came into contact with him that he was listening to the Egyptian god of war and that when he was going to get out he wanted to kill, and the Department of Corrections and the help professionals that saw him began to quibble. They quibbled about whether he had a psychiatric disorder or a personality and a behavioral issue. Before he left, when he knew that his release date was approaching, he asked to be committed. And I'm going to...at the risk of reading something that you've already read, I want to read two paragraphs from the report of the Ombudsman so you get an appreciation for the problem that we hope to address with LR424. It begins on page 21: It's notable that Mr. Jenkins sent an informal grievance to TSCI Warden Fred Britten on February 17, 2013, just a few months before Jenkins was scheduled to be released from custody. In the case of that grievance, Mr. Jenkins stated that he was requesting emergency protective custody and removal from segregation. Jenkins also said he was "requesting psychiatric hospitalization for severe psychosis, conditions of derangement (sic) episodes of my schizophrenic disease." Jenkins also claimed that he was suffering psychological and emotional trauma in his current confinement and specifically referred to the Nebraska Mental Health Commitment Act in connection with his appeal. The response to this rather extraordinary grievance in which an inmate who was soon to be released from custody was, in effect, asking to be sent to the Lincoln Regional Center, was disappointing. In place of a response from the warden, the grievance was answered by a sergeant who replied: The grievance does not meet the criteria which governs emergency grievances as you are in no immediate

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danger of being subject to substantial risk of personal injury or serious or irreparable harm. In other words, instead of being given the substantive answer, Jenkins' grievance was simply dismissed on technical and procedural grounds. He sent another one to TSCI Warden Britten February 18, 2013. In that grievance he was complaining that his mother had been told that her visiting privileges at TSCI were being suspended for 30 days. In this February 18 grievance, Mr. Jenkins explained his mother was writing down a petition of notification under the Nebraska State Law Mental Health Act to be submitted to the county attorney of Johnson County for direct forwarding to the Mental Health Board. In other words, he's trying to get himself committed a couple of months before he leaves and, once again, Jenkins' grievance to the warden was answered by a sergeant who replied: The grievance does not meet the criteria which governs emergency grievances. It is wrong to call it a comedy of errors. But what was going on with this inmate, every time they put him in solitary confinement for half the time he was there and every time he talked to a mental health professional he told them that he was going to get out and hurt people, he wasn't going to just hurt his own people, he was going out to west Omaha to go door to door and kill some people in west Omaha, and they would not commit him to the Regional Center. Instead, they released him, and we need to know why and the public needs to know why. And I'll tell you, in a bigger-picture way, why this committee is more than just about Nikko Jenkins. We have in the Department of Corrections a perfect storm. It is a perfect storm because we are at and over 160 percent of capacity in the men's correctional system, which puts us in the sweet spot of lawsuits from inmates. And we're going to get one. I...we know we're going to be the subject of a lawsuit and they'll win if we don't do something with corrections. Judiciary Committee is attempting to make reforms and answers to our questions are hard to come by. They are equivocal, they're nonanswers. We can't tell what programming is there. We can't tell what programming is needed and what we can do to make people safe in Nebraska. We have a study undertaken by the Governor to determine what our facility needs are, what would it cost us to build a new prison. That's one track. Shall we respond to being at 160 percent of capacity by building another prison? And the Legislature, the Governor, and the Chief Justice have signed a letter to bring CSG in to do a study to reform corrections. We don't need both. It's going to be one or the other. But we need information and this Legislature is going to have, this year, a significant undertaking with the beginning of those reforms. But next year, this Legislature is going to have to proceed with the full knowledge of what's going on in corrections, a full knowledge of their capacity to provide services to get men ready to return to the public, and we will not know it having hearings in the Judiciary Committee where we get nonanswers. This committee is necessary so that the people of the state understand what happened with Nikko Jenkins, to determine whether he is one example--is he the canary in the coal mine?--and this is going to happen if we don't...more of this will happen if we don't make reforms and changes. [LR424]

SENATOR KRIST: One minute. [LR424]

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SENATOR LATHROP: And is he a symptom? Is he a symptom of the problems that exist in corrections besides or in addition to the overcrowding? I believe this is one of the most substantial responsibilities of this legislative body, to get to the bottom of the corrections, which is in...clearly, clearly needs the attention of the Legislature and the oversight we can provide. And for that reason, I would encourage your support of LR424. Thank you. [LR424]

SENATOR KRIST: Thank you, Senator Lathrop. Senator Chambers, you are recognized. [LR424]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I intend to speak more than once on this resolution because of the time it may take me to get into the record what I want. But first of all, I want to indicate that there is an overuse of administrative segregation--solitary confinement--by the Department of Corrections, whereas all over the country and the world there are attempts made to do away with it altogether but at least it's being diminished. What did the Governor, the Attorney General, and the Director of Corrections do here after the Nikko Jenkins case, and he had spent hours in solitary? Double the amount of time that a person can be kept in solitary confinement. What I want to do is read--and I'm not going to read rapidly enough to maybe get it done in five minutes--because I'm not just trying to get the words out. I want them to be available so that when the transcribers put this record together they can get it. This appeared on the op-ed page of The New York Times on February 20, 2014. It was headlined "My Night in Solitary." It was written by Rick Raemisch, R-a-e-m-i-s-c-h. He is the director. He's the executive director of the Colorado Department of Corrections. Colorado Springs--At 6:45 p.m. on January 23, I was delivered to a Colorado state penitentiary, where I was issued an inmate uniform and a mesh bag with my toiletries and bedding. My arms were handcuffed behind my back, my legs were shackled, and I was deposited in Administrative Segregation--solitary confinement. I hadn't committed a crime. Instead, as the new head of the state's corrections department, I wanted to learn more about what we call Ad, that's A-d, no period, Seg, S-e-g. Most states now agree that solitary confinement is overused, and many--like New York, which just agreed to a powerful set of reforms this week--are beginning to act. When I was appointed, Governor John Hickenlooper charged me with three goals: limiting or eliminating the use of solitary confinement for mentally ill inmates; addressing the needs of those who have been in solitary for long periods; and reducing the number of offenders released directly from solitary back into their communities. That was Nikko Jenkins. If I was going to accomplish these, I needed a better sense of what solitary confinement was like, and what it did to the prisoners who were housed there, sometimes for years. My cell, number 22, was on the second floor, at the end of what seemed like a very long walk. At the cell, the officers removed my shackles. The door closed and the feed tray door opened. I was told to put my hands through it so the cuffs could be removed. And then I was alone, classified as an R.F.P.--period after each one--or "Removed From Population." In regular Ad Seg,

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inmates can have books or TVs. But in R.F.P. Ad Seg, no personal property is allowed. The room is about 7 by 13 feet. What little there is inside--bed, toilet, sink--is steel and screwed to the floor. First thing you notice is that it's anything but quiet. You're immersed in a drone of garbled noise--other inmates' blaring TVs, distant conversations, shouted arguments. I couldn't make sense of any of it, and was left feeling twitchy and paranoid. I kept waiting for the lights to turn off, to signal the end of the day. But the lights did not shut off. I began to count the small holes carved in the walls, tiny grooves made by inmates who'd chipped away at the cell as the cell chipped away at them. For a sound mind, these are daunting circumstances. But every prison in America has become a dumping ground for the mentally ill, and often the "worst of the worst"--some of society's most unsound minds--are dumped in Ad Seg. If an inmate acts up, we slam a steel door on him. Ad Seg allows a prison to run more efficiently for a period of time, but by placing a difficult offender in isolation you have not solved the problem--only delayed or more likely exacerbated it, not only for the prison, but ultimately for the public. Our job in corrections is to protect the community, not to release people who are worse than they were when they came in. [LR424]

SENATOR KRIST: Time, Senator. [LR424]

SENATOR CHAMBERS: Thank you, Mr. President. [LR424]

SENATOR KRIST: Thank you, Senator Chambers. And I apologize, Senator Wightman. I should have recognized you for the committee amendment, and then we'll continue with debate. Senator Wightman, you're recognized. [LR424]

SENATOR WIGHTMAN: Thank you, Mr. President. The committee amendment to LR424 is a very simple amendment. It increases the membership on the Department of Correctional Services Special Investigative Committee from five senators to seven senators. Seven allows for more senators to participate in the committee's work but more importantly is a number used for past legislative investigative committees, such as last year's Developmental Disabilities Special Investigative Committee. I ask for your support of the committee amendments and for the resolution. Thank you. [LR424]

SENATOR KRIST: Thank you, Senator Wightman. And for the record, Senator Chambers, that does not count as one of your times. It was my error, but I'm sure you won't take three more. Senator Burke Harr, you're recognized. [LR424]

SENATOR HARR: Thank you, Mr. President, members of the body. I think this is a rather timely issue. Obviously, what happened over the summer was an atrocity. It was awful and it was horrible and yet it was predictable. He constantly, time over time, Nikko Jenkins, said he had issues, he had problems. And we refused to help him. Senator Chambers hit on an important issue about solitary confinement. The rest of the world is going away from that. In today's New York Times there's an article by David Brooks,

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hardly a liberal, who talks about the dangers of solitary confinement, the psychological effect. It is as harmful or more harmful than physical abuse. So I ask you to look that up. Last night on public radio, Fresh Air, there was two interviews by Terry Gross. One was by a man named Benjamin Wallace-Wells. "The Plot"...he wrote an article for New York Magazine called "The Plot From Solitary." And he talks about the dangers of solitary confinement and he talks about the, again, the...a term Senator Lathrop used is "perfect storm," and there is a perfect storm there insofar as solitary confinement is now being used not merely as a form of punishment, but it's also being used as a way to protect prisoners from one another when there is a perceived threat. Whether it is actual or not, it is...there is oftentimes lacking administrative oversight to determine what this harm is and whether the placement in solitary confinement is proper. What is undeniable though is that this does have a psychological effect. The second guest on there was a Professor Haney who says...who talks about the common psychological effects of solitary confinement, and he studied this for 30 years. And he says, and I'm going to quote him directly: I think the most common psychological effects or reaction that prisoners report is perhaps not surprisingly depression, sadness, or a sense of hopelessness. Prisoners don't necessarily always experience this immediately but after a while the reality of the situation that they are set in...they are in sets in and the magnitude of the isolation and the magnitude of the deprivation and distance from other human beings begins to register on them. The other thing that prisoners oftentimes report is anxiety. Sometimes it's anxiety that they experience or feel immediately. There is a term, "isolation panic." It is a frightening thing to have the door closed behind you, look around your cell, and realize you are going to be there, and you're going to be there day in and day out, without any other activities that you can engage in with few, if any, opportunities to work your way out of the environment. And some prisoners were overcome with this full-blown anxiety reaction. The panic in their face...they panic in the face of this. Anger is another common reaction. Prisoners get frustrated over things. There are very few outlets, very few opportunities for prisoners to not only lose...release steam but to release the stress that they are under. And so they report that these feelings begin to build up in them and sometimes that frustration, irritation results in a kind of explosive outburst--not necessarily against anyone else, not necessarily against staff, sometimes against themselves. Sometimes they find themselves banging on the door, banging on the walls, or hitting their heads against something just as a way to release the tension or the pressure or the stress. There are many other reactions, but one final character reaction that prisoners have is they begin to...paradoxically, many of them begin to withdraw from whatever little contact... [LR424]

SENATOR KRIST: One minute. [LR424]

SENATOR HARR: Thank you...with the world they've been permitted. Some of them find that that deprivation of social contact becomes too great and so they find themselves distancing themselves from it. And in fact, some prisoners will tell you that they're extremely anxious in the presence of other people so they will tell you

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sometimes, again, it's not everybody, but they will tell you, you know, I got cut off from contact with my family, I've told my family not to visit me, not to write me. Some prisoners don't go out in the yard. The little bit of outside-their-cell activity they've given they forgo because it's too problematic and it's too troublesome. I could go on and on. Isolation is a huge problem. There is a time and a place for it, perhaps, but we have to realize the danger both psychological and to our society when we abuse this use of solitary confinement. I'll have more to talk about later. Thank you. [LR424]

SENATOR KRIST: Thank you, Senator Harr. Senator Chambers, you're recognized. [LR424]

SENATOR CHAMBERS: Thank you. And, Mr. President, members of the Legislature, since I started reading this piece, I'm going to complete it for the record, even though there are numerous things that I want to say, and I'll say some of them. Continuing with the article: Terry, T-e-r-r-y, Kupers, I guess, K-u-p-e-r-s, a psychiatrist and expert on confinement, described in a paper published last year the many psychological effects of solitary. Inmates reported nightmares, heart palpitations, and "fear of impending nervous breakdowns." He pointed to research from the 1980s that found that a third of those studied had experienced "paranoia, aggressive fantasies, and impulse control problems...In almost all instances the prisoners had not previously experienced any of these psychiatric reactions." Too often, these prisoners are "maxed out," meaning they are released from solitary directly into society. Departing for a second, that's what's happened with Nikko Jenkins. He was not paroled. He served all of the time that he had to serve, and they let him right out. I had spoken against this happening to the then-Director of Corrections, Bob Houston. The Ombudsman's Office spoke against its happening. Nikko Jenkins himself spoke against its happening. And Senator Lathrop is correct in saying that we cannot make the Department of Corrections culpable for the specific acts of Nikko Jenkins. But they created the monster that was put out among us. They created a monster as sure as Victor Frankenstein created a monster when he built Adam. And what Adam wound up saying to the doctor who created him: You are my creator, but I am your master. You know who your master is--the one who can take your life, who can determine whether you live or die. And if there was anything such as red flags waving, it happened in the case of Nikko Jenkins. He had self-mutilated. He cut his own face so deeply it took a multitude of stitches to close it. And you know what this doctor, called Scott Moore, said? He is a behavioral problem; it is not psychiatric. And that would save the state money; it would make it possible for them to leave him in solitary confinement for years. But let me go on with this statement written by the director of the Colorado Department of Corrections who spent one night in solitary: Too often, these prisoners are "maxed out," meaning they are released from solitary directly into society. In Colorado, in 2012, 140 people were released into the public from Ad Seg; last year, 70; so far in 2014, two. The main light in my cell block eventually turned off, and I fell into a fitful sleep, awakening every time a toilet flushed or an officer yanked on the doors to determine they were secure. Then there were the counts. According to

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the Ad Seg rules, within every 24-hour period there are five scheduled counts and at least two random ones. They are announced over the intercom and prisoners must stand with their feet visible to the officer as he looks through the door's small window. As executive director,... [LR424]

SENATOR KRIST: One minute. [LR424]

SENATOR CHAMBERS: ...I praise the dedication, but as someone trying to sleep and rest my mind--forget it. I learned later that a number of inmates make earplugs out of toilet paper. When 6:15 a.m. and breakfast finally came, I brushed my teeth, washed my face, did two sets of pushups, and made my bed. I looked out my small window, saw that it was still dark outside, and thought, now what? I will stop at this point. Thank you, Mr. President. [LR424]

SENATOR KRIST: Thank you, Senator Chambers. (Visitors introduced.) Senator Bloomfield, you're recognized. [LR424]

SENATOR BLOOMFIELD: Thank you, Mr. President. I'd yield my time to Senator Chambers. [LR424]

SENATOR KRIST: Senator Chambers, 4:55. [LR424]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Bloomfield. Continuing: I would spend a total of 20 hours in that cell, which, compared with the typical stay, is practically a blink. On average, inmates who are sent to solitary in Colorado spend an average of 23 months there. Some spend 20 years. Eventually, I broke a promise to myself and asked an officer what time it was--11:10 a.m. I felt as if I'd been there for days. I sat with my mind. How long would it take before Ad Seg chipped that away? I don't know, but I'm confident that it would be a battle I would lose. Inmates in Ad Seg have, of course, committed serious crimes. But I do not believe that justifies the use of solitary confinement. My predecessor, Tom Clements, C-l-e-m-e-n-t-s, who are as courageous...who was as courageous a reformer as they come, felt the same way. Mr. Clements had already gone a long way to reining in the overuse of solitary confinement in Colorado. In little more than two years, he and his staff cut it more than half: from 1,505 inmates, among the highest rates in the country, to 726. As of January, the number was down to 593. We have also gotten the number of severely mentally ill inmates in Ad Seg down to the single digits. But Mr. Clements had barely begun his work when he was assassinated last March. In a tragic irony, he was murdered in his home by a gang member who had been recently released directly from Ad Seg. This former inmate murdered a pizza delivery person, allegedly for the purpose of wearing his uniform to lure Mr. Clements to open his front door. A few days later, the man was killed in a shootout with the Texas police after he had shot an officer during a traffic stop. Whatever solitary confinement did to that former inmate and murderer, it

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was not for the better. When I finally left my cell at 3:00 p.m., I felt even more urgency for reform. If we cannot eliminate solitary confinement, at least we can strive to greatly reduce its use. Knowing that 97 percent of inmates are ultimately returned to their communities, doing anything less would be both counterproductive and inhumane. I'm telling you all, governors have dumped that prison system onto the people who operate it. When time come for budget cuts, the prison cuts and the directors are afraid to countermand or oppose anything the Governor who appointed him will say. So the cuts come, the cuts come, and programs are the first things cut in the prison. When you run into a situation of having too many people in a small space, tempers get frayed, as they do in here sometimes, and people react in a certain way. And segregation is an easy way to handle them. But the conditions in prisons have been found by people who study and research these things, the conditions and circumstances, the prison mentality, the prison culture produced violence. So however many...and they've described these people as bad seeds. [LR424]

SENATOR KRIST: One minute. [LR424]

SENATOR CHAMBERS: However many bad seeds you may remove from the general population and lock away in solitary confinement, you still have not diminished the amount of violence because it's not those bad seeds. The conditions...and when I told you by reading what this man wrote that that cell is 7 feet by 13 feet, if we had a mortician in here, if we had a gravedigger in here, he could tell you that that's a little more than twice the size of a grave, a little more than twice the size of a grave. But graves hold dead people. These cells kill people--not physically. Many of them do that themselves through suicide. But it kills what in that person constitutes being human. And this...I will stop at this point, Mr. President, because my time is probably up. Thank you. [LR424]

SENATOR KRIST: Thank you, Senator Chambers and Senator Bloomfield. Senator Wallman, you're recognized. [LR424]

SENATOR WALLMAN: Thank you, Mr. President. It is probably a perfect storm. You talk to people that work for the prison systems, overtime, lots of hours, there's definitely a reason to worry about what could happen. And when I was a kid, the penitentiary had a riot here in Lincoln and they sent the National Guard in. You just don't forget that. So I'd yield the rest of my time to Senator Chambers. [LR424]

SENATOR KRIST: Senator Chambers, 4:30. [LR424]

SENATOR CHAMBERS: Thank you, Senator Wallman. Thank you, Mr. President. The point I'm trying to get across is that if we--I'm talking about those of us on the outside, the location that prisoners refer to as the "free world"--if we are the good people, if we are the law-abiding citizens, if we are civilized, then we do not punish by inflicting

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torture. When the Nebraska Supreme Court struck down electrocution as the sole means of execution in this state, it was written in the Opinion that while inflicting punishment on somebody who may have tortured a victim, we ourselves cannot resort to torture. So when you hear people say, well, this person did such and such and that to a victim, you should not reflect the worst conduct by those called the "worst people" in your policies which are to be enlightened, which are to be humane. And I'm going to refer once again to a man whom you all feel was innocent, and that's Jesus, which shows that an innocent person can suffer execution. But when he was being executed slowly and painfully between two malefactors who also had received the death penalty, he didn't say, you got what you deserved, look what you did, you belong here. He told one of them that: This day shall you be with me in paradise. He didn't say that just to a convicted murderer, he said it to a convicted murderer who was in the process of being executed for his crime. And they say, I even heard Senator McCoy say it, that this country is built on Christian principles, which is not strictly true but accepted. This idea of punishing somebody as harshly as possible is certainly not Christlike. He never spent time talking about harming people who did wrongful things. You know the people he condemned the most? People like us who are in positions of authority, who are in positions of power, who are in positions to set policy and maybe eradicate some of the conditions that lead other people to do the things that are called antisocial. What a committee of this kind can do that is being created by way of this resolution is to get the kind of specific information that we need in order to formulate the policies that we have a responsibility to formulate. And we need to inject humaneness into a very inhumane system. It would be difficult for a person who is not totally insensitive and perverted to watch even the worst person be tortured,... [LR424]

SENATOR KRIST: One minute. [LR424]

SENATOR CHAMBERS: ...to watch it. Don't stop your ears, don't turn your face away because those are the circumstances which have reminded some people of their humanity. And it often happened when people were being hanged in England and when others were being burned at the stake during the Spanish Inquisition, overseen and facilitated by the Catholic church. There would be a change from people screaming for the blood of that person; then when they saw the fire, heard the wood crackling, and then heard the screams, suddenly it wasn't the same thing anymore. It was not academic. It was not theoretical--that was my brother, that was my sister, that could be me. And what may have been buried so deep, so deeply that the person observing may have thought he or she had no human sensibilities left, it took that kind of death of another fellow creature to bring it out and we shouldn't require that. We can use our brains. We can use our minds. What separates you all from the so-called lower orders is that you are an animal when it comes to your physical being, but you are a rational animal. You can think. [LR424]

SENATOR KRIST: Senator Chambers,... [LR424]

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SENATOR CHAMBERS: Thank you, Mr. President. [LR424]

SENATOR KRIST: ...you are now on your own time. [LR424]

SENATOR CHAMBERS: Thank you, Mr. President. And what can be done when we have the right information is to formulate rational policies. We can forget that notion of retribution and making somebody suffer as they made others suffer because we are to transcend that. That's what we are. That's why we're here. We're not run of the mill, at least theoretically. We are the ones who stand between that little barbarian in every person carefully hidden, dressed in an animal skin with a club over the shoulder. We hold that one at bay and we say, that might have been the way it was in the former days, but those days are gone, we live in a different time, we think differently, we understand more, and our policies are going to reflect our new knowledge, our new understanding and, above all, keep in the forefront of our minds that nobody ceases to be a human being. And if it's hard for us to respect that fundamental human dignity that that person has, the one we say is worst of the worst, we should have that human dignity alive and functioning. And if we think nothing of that person, what we think of ourselves should stay our hand from those torturous-type punishments. Even the U.S. Constitution said there cannot be cruel and unusual punishments. And the U.S. Supreme Court interpreted those words to mean, initially, torturous. Then they expanded it. Things like flogging, which were allowed at the time the constitution was written, the Supreme Court said, no more, even though it was allowed then. You are a member of a maturing society, one that is growing better. And things that were allowed then will not be allowed now. And one of the punishments for one of the first criminal...one of the first federal crimes was 39 lashes. So if somebody says that the only punishments that are prohibited are those which were bad at the time that the constitution was written, you couldn't do away with flogging. But the court did away with that. You couldn't do away with clipping ears. You couldn't do away with mutilation. The constitution recognizes mutilation. That's why we need to read history. The constitution says in the Fifth Amendment: No person shall be twice put in jeopardy of life or limb. You know what the word "limb" applied to? They could mutilate you. They could mutilate your body, and that was allowed under the Fifth Amendment because it said you could not be twice mutilated for the same offense, but you could be mutilated for another offense. Now you cannot be mutilated at all. So what kind of people are we? How will those of you be judged who think that after you leave here there is a judgment to be pronounced on you? And you know why I bring these things up? We can talk all we want to in the cold, bloodless, sterile terminology of laws, statutes, rules, and regulations. [LR424]

SENATOR KRIST: One minute. [LR424]

SENATOR CHAMBERS: But with all of that discussion, the ones doing the discussing

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are living, breathing, flesh-and-blood creatures with a brain, with emotions, with feelings, with understanding, and those are the traits that are to infuse all of these laws that we put on the books. And we have strayed massively from that path of intelligence and humanity by the way we allow the prisons in this state to be run. This committee is like our being granted another opportunity to focus very precisely on this work that needs to be done. Thank you, Mr. President. [LR424]

SENATOR KRIST: Thank you, Senator Chambers. Senator Lathrop, you are recognized. [LR424]

SENATOR LATHROP: Thank you, Mr. President. I just want to comment on the amendment. When the...when I put the resolution together I had a committee of five down. The amendment takes it to seven. That is to permit more people, of course, to participate, and I think it's probably an appropriate amendment--in fact, I support it. The one advantage to these...I think...I spoke earlier about the importance of the Legislature providing oversight on the executive branch, and that's sort of the idea of the balance of powers that we find in our form of government. When it comes to these special investigative committees, one of the advantages to them that we certainly appreciated in the BSDC committee was having members from different committees. Moving the number up to seven permits us to bring in people, not just folks that have an understanding from the Judiciary Committee point of view, and certainly some of those folks should serve, but having someone like Senator Harms on the BSDC committee, who understood...by the way, brought great background in management and those sorts of things with him, but then could take what he learned on that...in that process to the Appropriations Committee and help bring the resources to address the problem. And so moving this number from five to seven, which we do with AM1890, is altogether appropriate. I support it and encourage your support of AM1890. Thank you. [LR424]

SENATOR KRIST: Thank you, Senator Lathrop. Senator Bloomfield, you're recognized. [LR424]

SENATOR BLOOMFIELD: Thank you, Mr. President. I'd yield to Senator Chambers. [LR424]

SENATOR KRIST: Senator Chambers. [LR424]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Bloomfield. And, Mr. President, this is my second time speaking on the amendment, because that's what's before us now? [LR424]

SENATOR KRIST: Yes, sir. You have Senator Bloomfield's time and you are next in the queue, and that will be your last time. [LR424]

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SENATOR CHAMBERS: On the amendment? The amendment just came up. You said that's my last. [LR424]

SENATOR KRIST: No. [LR424]

SENATOR CHAMBERS: Oh, okay. [LR424]

SENATOR KRIST: The next time...you're on Bloomfield's time now. When I call your name, you can continue. Then you're on your third and last time. [LR424]

SENATOR CHAMBERS: Thank you. Members of the Legislature, there are others who are giving you all of the sound reasons for this committee. Senator Lathrop just explained why the number of members should be raised from five to seven, and I don't think any discussion needs to be given there. And I want to continue along the path that I'm going. Now I will say on occasion that I've got to get it said because I may croak before tomorrow and will not have another chance. But let me tell you this: When I talk about croaking, I'm just joking. I plan to be around here a long time. That's my plan but sometimes the best-laid schemes of mice and men oft go a-gley--oft go awry. Anyway, going to Nikko Jenkins, he had written a number of letters to me before I got back in the Legislature, and he would write...the words were like a four-sided diamond and if you could read and follow them, there was a message. And people might say that shows that he's not crazy. There are people who are obsessive and they feel a compulsion to do things and they certainly have a diagnosable problem. This man deteriorated profoundly while in solitary confinement. People think that he went to prison because he was a bad actor and a grown man. He went to prison in his teens and he was sent there as an adult, ultimately, and most of his time was spent in solitary confinement. His mind deteriorated, as can be expected. When American prisoners of war are captured and they are put in a room where the lights are never turned out, where there is constant noise, and they are kept in solitary, that is deemed torture--torture. And these are men and women who were trying to kill your people. But the laws of war say you cannot do that. These are combatants. You cannot do that. The UN has formally stated that solitary confinement as a punishment is torture. I read what this director of the Colorado Department of Corrections said about his attempt to do away, at least at this point to rein in, the use or misuse of solitary confinement. There are too many times when newspaper stories are written and they sensationalize a bad problem because their job is to sell newspapers. So they give one side that will be inflammatory, and that's done to sell the newspapers. And they heat up the public and when the public gets heated up, politicians react in a way to mollify the public. [LR424]

SENATOR KRIST: One minute. [LR424]

SENATOR CHAMBERS: And that's why the first thing that the Director of Corrections and the Governor said is that we have to do away with good time. And then the director

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changed the policy, since he couldn't just do away with that altogether, relative to how much good time can be taken for each infraction, no relationship whatsoever to anything except telling the public, we're making the punishment harsher than it was and, to the extent we can, that's where we're going, then, as I pointed out, doubling the amount of time that a person can be kept in solitary. That system needs oversight. It is behind, probably, every state in this country. Thank you, Mr. President. [LR424]

SENATOR KRIST: Thank you, Senator Chambers, and you are next in the queue. You're on your own time now, your last time. [LR424]

SENATOR CHAMBERS: Thank you, Mr. President. I'm about through with what I have to say. I don't know if I'll wind up on that committee; I don't know if I want to be on that committee. You've got to have somebody outside of every formally constituted body because they have to behave with decorum, they have to be objective. But there has to be somebody who can cut through all of that and say what needs to be said and do what needs to be done without apology and to let those people know whom the committee members are going to try to deal with in a rational, reasonable manner, know that there is another force out there that you're going to have to deal with that is not going to deal with you like that at all. And I'm able to do that. I'm up to the job. And that's not to say I don't have any feelings, which I don't but I'm not going to admit it; I'll just say that I'm able to rise above all of that and do what needs to be done. When I came into this Legislature, my job was to see that the constitution is upheld, that the laws are fairly enforced, and on and on and on. But there is a point, as one of the commercials said, where the rubber meets the road, and that's where I operate. As large as a tire might be on a vehicle, a very small percentage of that tire is in contact with the road at any given time. At some point through rolling, every bit of that tire, that tread, will be in contact with the road, and I need to make that road as rough as possible for those who have the authority to make the proper changes, the duty and the responsibility to do so, but they will not behave as they should. I don't just see problems in the Department of Corrections. I see them in the court system, the schools, and other places. But it's only in the Department of Corrections where people bodily, and as far as their minds go, are delivered into the hands of people who have no particular training, some of whom are sadistic and they feel accountable to nobody. There are rapes that occur in prisons, and there are women who are raped and they're afraid to say anything because nobody is going to believe them. Then they're left in the clutches of those who did the wrong in the first place and those people will tell them: If you say anything, you're going to still be here and I'm going to be here too. These are not things that are unknown. This committee, I'm expecting to do all of those things that need to be done. And I'll be watching them, just like I watch the prisons. And I don't think anybody should agree to take a seat on that group, with that group, who isn't ready to get his or her hands in the muck and the mire and get at the root causes of these problems, be willing to state forcefully and clearly what those problems are, and recommend changes that are designed to eradicate the problems that we see. Thank you, Mr. President. [LR424]

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SENATOR KRIST: Thank you, Senator Chambers. Seeing no one else wishing to speak, Senator Wightman, you are recognized to close on the amendment. And this is a reminder, colleagues: The amendment takes 25 votes. Senator Wightman. [LR424]

SENATOR WIGHTMAN: Thank you, Mr. President. The amendment, as I said, only increases the number of the board from...the committee from five to seven members to make it in line with the other committees that we've appointed. Thank you. [LR424]

SENATOR KRIST: You've heard the closing. The question is the adoption of AM1890 to LR424. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LR424]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of the committee amendment. [LR424]

SENATOR KRIST: The amendment is adopted. Returning to debate, Senator Coash, you are recognized. You're recognized. [LR424]

SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. I have not had an opportunity to weigh in on this debate yet because we've been in Exec Session, but I have been listening. And I hope what I have to say isn't repetitive but I...this will be my sixth year on the Judiciary Committee and every year we deal with prison issues. And we have a responsibility to justice, we have a responsibility to safety. And I've said this many times: Every decision that we make when we talk about prison reform has got to be filtered through the lens of what will make for a safe institution for the men and women who work there. I've taken a unique, extended interest in the safety of corrections officers for a very simple reason. In my district I have five correctional facilities, and because I have five correctional facilities in my district I have several thousand constituents who happen to work in those correctional facilities and I want to tell you what I'm hearing from them. I'm hearing that safety is becoming more and more difficult to make a reality. Every day the men and women who go there are navigating through more inmates than they were navigating through the week before. They are not, in my opinion...this is my opinion: There are some situations, and I've been on these yards and I've been in the facilities, and there are some situations where you look around and you have to ask yourself, jeez, if I was a corrections officer, would I feel safe given what I'm observing now? And let me try to paint that picture. You can be on a yard, 100 inmates, and the closest colleague to you is 200 yards away. It is not a...doesn't make me comfortable, but these corrections officers are well-trained and it's what they deal with every day so they don't give it a second thought. But it made me think twice about jaywalking because if I ever ended up there, I'd be real scared. These men and women who work there, they go there and they are vastly outnumbered. They have support from towers on the corners. They have no means of protecting themselves

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via weaponry, and they have to manage inmates who outnumber them. And keep in mind, they're not there for singing too loud in church, right? Some of them would just as soon punch you in the face than look at you. And they do their best and we've put them in a situation, colleagues, where despite their effort, they're unsafe. And I will tell you--I want this on the record--the corrections facility that I'm the most concerned about is the D&E Center right here in Lincoln. This is the center where everybody starts and it is busting at the seams and it is providing for, in my estimation, a powder keg. And what the Judiciary Committee is trying to do, outside of this resolution that we're debating today, is trying to figure out a way to relieve that pressure. [LR424]

SENATOR KRIST: One minute. [LR424]

SENATOR COASH: We've got about...we may have a lawsuit. That could occur and that will be expensive. But what I'm most concerned about is what's going to happen when somebody is severely injured, or worse, in the D&E Center. And it won't be because people are trying their best to keep safe. It'll be a result of a combination of factors that we could prevent today if we move forward with some smart reform. I know Senator Lathrop talked about a lawsuit that's...that could be coming. I'm concerned about that, but more than that, colleagues, I'm concerned about the safety of the people who work in those institutions. And so I appreciate the entire body's attention to this issue because those of us who will be here in the next couple of years will have to continue to deal with that. Thank you, Mr. President. [LR424]

SENATOR KRIST: Thank you, Senator Coash. Senator Chambers, you're recognized. [LR424]

SENATOR CHAMBERS: Excuse me. Thank you, Mr. President, members of the Legislature. Senator Lathrop is smiling. He can see my age showing. I had to run down the stairs, search through some documents, run back through the hall, up the stairs, and here I am. I think what Senator Coash was saying, because you can hear the conversation when you're outside the Chamber, makes it possible through this committee to set out these different, discreet areas that are involved in corrections and in the system. There are those who are imprisoned as a result of being sentenced, and there are those who are in prison as guards and other caretakers and, in a sense, they are in prison, too, but not to the same extent or in exactly the same way. And I call those people in prison the watchers, but I always add: Who will watch the watchers? And that's us. I have here a rhyme that I wrote. And I may have shared it with you all, but I'm going to read it for the record. In case I do happen to croak, this will be something that was left. It was inspired by a picture that I saw in the World-Herald November 26, 2000. It shows two men on horses driving a herd of horses toward the camera and it shows an inmate in another picture off to the side with...he's caressing the head of this horse and the headline says: No problem with these prison breaks. An inmate--it's just one paragraph long--an inmate, far left, and a prison guard move wild

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horses from one pen to another recently at the Four Mile Correctional Facility (sic--Center) in Canon City, C-a-n-o-n, Colorado. Inmates, like Paul Malone, above, break the privately owned horses, making them safe for their owners to ride as part of a program. They are finding out that when inmates are allowed to interact with animals, it has a calming effect on the inmates. They are extremely gentle, very patient with these animals, and it's felt that they identify to some extent with the animal. And the animals trained by these people are often trained better than occurs when there are professional trainers doing it, maybe because this animal become's the inmate's life and there is an identification. A lady who works for the Legislature just got a standard poodle who had been trained by inmates. She said they did a wonderful job. And for those who don't know, a standard poodle is not like the toy poodle that Cindy had that I used to bring down here or the miniature that she had which I brought down here. These standard poodles have been trimmed in such a way for certain shows and other purposes and they look like miniature lions. So they were not originally the cute little animals that wear ribbons in their hair and everybody cuddles. They were able to take care of themselves and others. How much time do I have, Mr. President? [LR424]

SENATOR KRIST: One minute. [LR424]

SENATOR CHAMBERS: Am I next in the line? [LR424]

SENATOR KRIST: Yes, sir. [LR424]

SENATOR CHAMBERS: Then I'm going to start reading this. [LR424]

SENATOR KRIST: And I'll just let you go. [LR424]

SENATOR CHAMBERS: Thank you. It's called "Links in a Chain." Running vast plains with your billowing manes / Whipped by the winds behind you / I who am caught seek freedom that's bought / By efforts of mine to find you / Brick and bard sell my freedomless hell / Makes misery seep from my pores / You who are free were captured by me / For freedom I find taking yours--these inmates helped round up these horses--if there be god that rules sky and sod / I plead that he show me the cause / Why we who languish in prisoners' anguish have to enforce unjust laws / Pleadings like these from prisoners on knees no higher do soar than their cell's ceilings / Great is the fear no heavenly ear will heed any prayer or crushed feelings / Prisoners pretend the horse at the end of the rope or under the spur / Lacking a mind, contentment will find as men break the spirit in her / Yet as they creep to bed seeking sleep when taking and breaking are done / Prisoners weep, they sowed what they reap / They and the penned horse are one / Unfettered and free were both meant to be / For nature did not forge a chain / Nor prison nor fold which men and horse hold inflicting such cold, bitter pain / Tortured the soul when locked in a role which given free choice 'twould not fill / Cruelly coerced by forces accursed that torment then shackle the will / Sad is the one who

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knows he has done a thing which forgiven can't be / A thing so abhorrent that tears in a torrent cannot set a shackled soul free / Caught in a cage of frustrating rage these prisoners dare make no demand / For they are forsaken, their freedom was taken, in some cases by their own hand / Now they must do a thing they must rue, a thing that contorts every feature / They are complicit in actions illicit to shackle an innocent creature / Both wear a chain, enslaved must remain / No person or prayer their chains lighten / Doing their best they dare not protest or masters those heavy chains tighten / Eyes drooped in sadness, minds anguished to madness, the prisoners rope and then take them into a pen / Most wretched of men must first gain their trust and then break them / In both their eyes something dead lies / No word about it is spoken / Prisoner and horse do plod the same course in sadness, the breaker and broken. Members of the Legislature, there are times when I will say again: We can transcend that notion of inflicting pain and suffering on people even who may have done wrong. And I had used the term when referring to why "Professor" Schumacher was supporting a good bill without knowing why--he was responding to the angels of his higher nature. All of us have those. We seldom listen but sometimes we do. And when we do we're at our best and we do things that people may not have expected from us. So when this committee is formed, I think we have the right to not just expect but to demand that they do the job which we are being told today needs to be done and that they will be done. And whoever chairs that committee has the responsibility to not be timid, but to move forth forcefully and with a purpose and let everybody on that committee know that we're dealing with one of the most serious problems facing this society. If that which would inspire people is only the possibility of an expensive lawsuit, let that be their inspiration. If some are tenderhearted, let that be theirs. [LR424]

SENATOR KRIST: One minute. [LR424]

SENATOR CHAMBERS: It doesn't matter why or what the motivation is for somebody to undertake this difficult work, and it is going to be difficult, we just want them to all come together and do it. We want them to do it thoroughly and we want them to do it well. Some of them who might be on this committee will not be with us next session because term limits will have cruelly taken them and their expertise away from us, but those of us who are left will carry on the work. And Senator Lathrop has done a good job with that Beatrice committee, has set a very high tone of competency and thoroughness, and I think there is a guide now for this committee which that one did not have. Thank you, Mr. President. [LR424]

SENATOR KRIST: Thank you, Senator Chambers. (Visitors introduced.) Seeing no one else in the queue, Senator Lathrop, you are recognized to close on your LR. [LR424]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I think we've had a thorough and a good discussion. Let me close by making this observation. This committee is being put together for two reasons. First, to get to the bottom of the

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circumstances of the confinement and the release of Mr. Nikko Jenkins. I believe that's necessary. The only person, the only entity that's had, other than Corrections themselves, a peek inside that institution and understands the circumstances to some extent is the Ombudsman. The Ombudsman detailed a report that would be frightening if you take the time to read it. This guy told people he was going to get out and kill. He wanted to be committed instead of released and we released him instead of committing him, and he did exactly what he said he was going to do. And when the report from the only entity that's been able to conduct any kind of an examination at all looked at it, issued a report, presented it to Corrections, they dismissed it by challenging the factual findings and the executive branch accused the author of being soft on crime. We should get to the bottom of what happened because there should be accountability in state government. Equally as important is the second reason. We are in a perfect storm with the overcrowding. This case illustrates problems with corrections that we are beginning to work on in Judiciary Committee. This committee will be a vehicle for gathering information to facilitate necessary reforms in the Department of Corrections that will be undertaken not just in this session but in the next session with the benefit of the study by CSG. We need to set a direction for the next administration and a Legislature that will have at least 17 new members. And with that, I would encourage your support of LR424. [LR424]

SENATOR KRIST: Thank you, Senator Lathrop. You've heard the closing on LR424. The question before you is the adoption of LR424. All those in favor vote aye; opposed, nay. Have all those voted that wish to? LR424 is adopted. Please record, Mr. Clerk. [LR424]

CLERK: 31 ayes, 0 nays, Mr. President, on the resolution. [LR424]

SENATOR KRIST: The resolution is adopted. Items for the record? [LR424]

CLERK: Your Transportation Committee reports LB756 to General File, LB954 to General File with amendments. Judiciary reports LB784, LB963, LB964, and LB1089 to General File. Senator Coash would offer LR475, a new resolution; that will be laid over. Senator Wallman, a new A bill, LB1001A. (Read by title for first time.) That's all that I have, Mr. President. (Legislative Journal pages 801-802.) [LB756 LB954 LB784 LB963 LB964 LB1089 LR475 LB1001A]

SENATOR COASH PRESIDING

SENATOR COASH: Thank you, Mr. Clerk. We will proceed to the next item on the agenda.

CLERK: LB1076 is by Senator Campbell. (Read title.) The bill was introduced on January 22, referred to Health and Human Services Committee, advanced to General

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File. There are Health Committee amendments pending, Mr. President. (AM1903, Legislative Journal page 556.) [LB1076]

SENATOR COASH: Thank you, Mr. Clerk. Senator Campbell, you're recognized to open on LB1076. [LB1076]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. This is a bill that really doesn't deal with thousands of people but it probably deals with a couple of hundred of people, Nebraskans in the state who are asking you to listen to the story of why they need this bill. LB1076 is intended to keep in place Medicaid home health rules and regulations as they existed on January 1, 2014, until a federal program, Balancing Incentive Payments, is concluded in 2015 and the Centers for Medicaid and Medicare Services have made the results available to all states. Colleagues, we have spent some time talking about Balancing Incentive Payments Program, because that is Senator Bolz's bill. Her emphasis in that act is primarily on the elderly. The emphasis of LB1076 and why we would like to wait until we have the results has to do with the disabled. Seventeen states are participating in the program which aims to rebalance funds spent on institutional care and home- and community-based healthcare. The program's purpose is to help states use Medicaid funds to keep the disabled and the elderly in their homes when they want to and can do safely. The Department of Health and Human Services, the Division of Medicaid and Long-Term Care, is in the process of promulgating rules and regulations that would, in effect, reduce reimbursement for some Medicaid home health skilled nursing services. The people who would be affected by the proposed changes require multiple visits a day. They need help with such activities as transferring from bed to wheelchair, from chair to bed, and toileting. Skilled nursing is required for such things as flushing out catheters, monitoring for potential bed sores, and adjusting care plans as appropriate to avoid problems. The Nebraska Association of Home and Community Health Agencies estimates that approximately 125 people would be affected by the proposed rules and regulations, because providers cannot continue to operate for these Medicaid patients at the lower reimbursed rates that would be in effect if the rules and regulations were changed. The issue is one that I have been aware of since 2010, and was first brought to my attention by constituents who require multiple visits a day. Over the years, providers and clients have offered to work with the division to address their concerns. According to providers and, particularly, the clients, the division has been unresponsive to find a final solution. I have met with officials from the Department of Health and Human Services and have been told that if providers stop serving clients, other providers will step in. However, based on conversations with the association and, particularly, with the constituents and clients who have researched other providers, only a handful of providers serve all of the clients that need multiple visits a day. I asked the division to send letters to clients assuring them that their authorization for home healthcare would not be changed and that they would still have care at home, but the division has declined to do so. I believe that the future of healthcare will include emphasis on home- and community-based care as alternatives

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to institutionalization, and that Nebraska should not be reducing access to these alternatives at a time when federal Medicaid pilot programs are underway to help states maintain and expand access to home care. I see LB1076 as a way to postpone changes for perhaps only a year or two. We know those changes are coming. And while we await the outcomes of those programs, we need LB1076. Without the bill, I believe the state will travel further along an old path that moves people into an institution rather than going in the direction of expanded access to alternatives. If other states can develop strategies for keeping people in their homes, it seems to me that we should learn from them, and LB1076 will give us the chance to do so. Colleagues, I want you to imagine yourself in a wheelchair, and I want you to imagine that you need help in the morning to get up, to go to the bathroom, to get ready for the day; and then you can go off to class perhaps or a part-time job or you'll be in your home; and then you need someone who could come in and help you at noon; and then someone who could come and help you at night. It is these Nebraskans who are asking for our help, and I hope that you listen carefully all the way through the amendment, because that has a significant change for us. And with that, Mr. President, I'll conclude the opening. [LB1076]

SENATOR COASH: Thank you, Senator Campbell. As the Clerk has stated, there is an amendment from the Health and Human Services Committee. Senator Campbell, you're recognized to open on the committee amendment. [LB1076]

SENATOR CAMPBELL: Thank you, Mr. President. Members, as introduced, LB1076 contained a major flaw which would have removed all limitations on Medicaid home health services, which the fiscal note reflects. As originally drafted, LB1076 stated that there, and I quote, shall be no reduction in reimbursement rates and no limitation on services. And that is exactly what the department responded to. As the fiscal note points out, this language would violate federal Medicaid rules and would jeopardize federal funding. AM1903 corrects this. The language now will read in the amendment, and I quote, shall be no reduction in reimbursement rates and no changes in limitation on services. I apologize because I should have caught it. My staff keeps apologizing because we should have caught this. We didn't. With this amendment the Fiscal Office notified me yesterday that there would be no fiscal impact. So I repeat, when you look at the fiscal note and you see a \$9 million figure, the amendment takes that away and there would be no fiscal impact with the passage of LB1076 as amended. So it's critical that we pass the amendment because it takes the fiscal impact away, and it was clearly a drafting error and I apologize for that. And with that, Mr. President, I conclude the opening to AM1903. [LB1076]

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the opening to LB1076 and the committee amendment. The floor is now open for discussion. Senator Kintner, you are recognized. [LB1076]

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SENATOR KINTNER: Well, thank you, Mr. President. I've got to tell you, when I saw this the other night I think I almost had a heart attack when I looked at that fiscal note on it, or at least the divided fiscal note that didn't match up with the legislative office versus the agency fiscal note. I'm starting to feel a little better as I've talked to Senator Campbell off the mike, and over the side we talked about it and we talked about it on the phone, and she has explained it to me better. Senator Campbell, will you yield to a question or two? [LB1076]

SENATOR COASH: Senator Campbell. [LB1076]

SENATOR CAMPBELL: Certainly. [LB1076]

SENATOR KINTNER: What's the desired outcome of this? When this goes and we study...I guess we're going to study some other states. What's the desired outcome that we're looking for here? [LB1076]

SENATOR CAMPBELL: Senator Kintner, and I really do appreciate your contacting me and talking and we've had several opportunities. What the Health and Human Services Committee I think is looking for and what we would want to see in the other states, and among many things but I'm going to tell you the three most important would be there, is in the other states have they found more cost-effective payment structure that not only meets the need of someone who needs multiple visits a day, but how do they structure that and can we learn from that? Because that's critical. That's what really the question, Senator Kintner, has been about. The second one is, have other states put into play standards for home healthcare and criteria for who can do it and what training is necessary. And then also in the bill it talks about PAS, P-A-S; that's personal assistance service; and I'd like to know from other states exactly how they structure that and how it can be put into the cost structure. [LB1076]

SENATOR KINTNER: Will we have enough information in a year to make those determinations? [LB1076]

SENATOR CAMPBELL: Senator Kintner, we think it's probably going to be a year and a little bit more, but we have already started reviewing reports. For instance, Iowa has one of these demonstration grants and they have published a plan and they're going to publish more; so we'll begin following those as they come out. [LB1076]

SENATOR KINTNER: I know it was dealing with BIPP funds. Explain that to me, because we talked about that with LB690. [LB1076 LB690]

SENATOR CAMPBELL: Yes. Those funds...Senator Bolz's bill is proposing to apply to the federal government to be one of those sites. Her bill primarily deals with the elderly, keeping the elderly in their home. What we're looking for from other states is how are

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they keeping the disabled, and I would have to say severely disabled folks, in their home and make it a good cost structure. [LB1076]

SENATOR KINTNER: And you can apply to the federal government for these BIPP funds for both of those areas? [LB1076]

SENATOR CAMPBELL: At this point, Senator Kintner, we are not applying for another BIPP plan. We just want to use the other states, because we feel that the other states are probably going to cover the disabled, whereas Senator Bolz's bill primarily covers the elderly. [LB1076]

SENATOR KINTNER: So they have already applied and they're using those funds, is that correct? [LB1076]

SENATOR CAMPBELL: The other states, Senator? [LB1076]

SENATOR KINTNER: Yeah, the ones we're going to look at. [LB1076]

SENATOR CAMPBELL: Absolutely. And they are beginning...we can get plans from all their states and what they're looking at. [LB1076]

SENATOR KINTNER: If we got those funds, my guess is if we find something that are working--my guess is some are going to work, some aren't going to work, and we're going to try to find the good ones and stay away from the bad ones--would we apply for some BIPP funds? I guess, I don't know...do we call it BIPP or B-I-P-P? [LB1076]

SENATOR CAMPBELL: I think you can call it either, Senator. [LB1076]

SENATOR COASH: One minute. [LB1076]

SENATOR CAMPBELL: Senator Kintner, I would not see us applying for just the disabled BIPP funds. I think we would probably try to use whatever Senator Bolz finds, but we wouldn't separately apply. [LB1076]

SENATOR KINTNER: Senator Campbell, thank you very much for answering my questions, and I certainly feel a lot better than I felt about it two nights ago. Thank you. [LB1076]

SENATOR COASH: Thank you, Senator Kintner and Senator Campbell. Senator Ken Haar, you are recognized. [LB1076]

SENATOR HAAR: Mr. President and members of the body, I want to thank Senator Campbell for taking on this bill. I'm not sure this started it, but I have a constituent who

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called me back in the summer. His name is Joe, and Joe is confined to his wheelchair every day and he needs these services, and he was scared because it looked like he was going to be moved to a nursing home. And right now, he lives in an apartment and, you know, very successfully operates his life with the home healthcare. And since I don't know much about these issues because of the committees I'm on and the time I spend on those, I asked Senator Campbell if she would work on this, and she did and I am a very strong opponent (sic--proponent) of AM1903 and LB1076. And again, all I could think of when we first heard from Joe is somebody living independently with help, thinking of the possibility of having to go to a nursing home because of changes in what the state was doing. So once again I want to thank Senator Campbell. I would urge the body to vote for AM1903 and LB1076. Thank you very much. [LB1076]

SENATOR COASH: Thank you, Senator Haar. Senator Krist, you are recognized.
[LB1076]

SENATOR KRIST: Thank you, Mr. President. Good morning, members of the Legislature, and good morning, Nebraska. I'm not...I am in favor of LB1076 and the amendment to it, AM1903, but I'm not going to speak specifically to this but in a macro sense what we are doing to people of need around the state. When I say we, I'm saying the Department of Health and Human Services. On Monday--on Monday--you can have the services that are provided, a nurse come into your home for 8 hours a day, you can go to work, you can get the help you need with your medically fragile child, and on Tuesday they can tell you, you know what, you don't get 8 hours, you only get 7 hours. Do you know what that does to a family? The mother who has to drive an hour in both directions to get there; who has to leave at 6:00 in the morning and is not back until 6:00 or 7:00 at night? The translation of that is, for no apparent reason we're cutting your services. Do you know what that means? It means that mother has to quit her job, and the ripple effect goes on and on and on. I honestly believe that in a capacity of oversight this Legislature owes it to the citizens of this state to make it apparent to the Department of Health and Human Services that if you're going to make a change in assistance to an individual, you have got to provide an appropriate amount of time to make that change, I don't care if it's a person who's bound in a wheelchair who needs help to get up in the morning and that's really the only help that he or she needs, or if it's a medically fragile child who has been fed through the button and has a trach. For no apparent reason, on Monday you're getting services and on Tuesday, I'm sorry, you only get 5 hours; oh, and the nurse, she can't go with you to accompany your child to another medical care appointment because that would be redundancy. We find every reason in the world to do the kinds of things that we want to do, and every reason in the world to cut, cut, cut, for no apparent reason. Now, I know that sounds like big government, right? It isn't. It is an obligation--it is our obligation--and it is the government's obligation to assist those who cannot assist themselves. It is one of our inherent duties to make sure that the children are educated and that the people who need help get the appropriate amount of help. I'm not talking about a handout. I'm

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talking about a contract with an individual, a contract with a family. Senator Bloomfield brought a repeat performance to me of a lady who works for a living and is going to have to again sacrifice her job because on Monday she was getting her services and on Tuesday it's done. We hear this over and over again in Health and Human Services, and I'm sure all of you have had those phone calls. LB1076 goes a long way to assisting people who want to be at home, who only need a marginal amount of help to do what they need to do. Obviously, the amendment does exactly what we want to do. But there are so many of those situations out there where for no reason at all we seem to be interrupting services. Here's a warning: Whether you like it or not, I'm going to be back here for four more years and I'm watching. I am going to watch those services. I'm going to make sure that every child who needs something, gets the full amount of services that they need... [LB1076]

SENATOR COASH: One minute. [LB1076]

SENATOR KRIST: ...and deserve. That's our job. We legislate, we appropriate, and most importantly, in some of the resolutions we heard earlier today, we apply the oversight that's required. Thank you, Mr. President. [LB1076]

SENATOR COASH: Thank you, Senator Krist. Senator Scheer, you are recognized. [LB1076]

SENATOR SCHEER: Thank you, Mr. President. I just have a quick question of Senator Campbell if she would yield for a second. [LB1076]

SENATOR COASH: Senator Campbell, will you yield? [LB1076]

SENATOR CAMPBELL: Yes. [LB1076]

SENATOR SCHEER: Thank you, Senator Campbell. And mine may be misdirected because I'm not sure that I understood what we were talking about, but you were talking about is this also freezing the reimbursement for the services that people are providing? [LB1076]

SENATOR CAMPBELL: Yes. [LB1076]

SENATOR SCHEER: And I guess from that vantage point then I do have a concern to the extent that at this point in time, and in talking to some of the providers in my area, it's very hard to attract and maintain the service providers that they're hiring at the rates that they're able to pay them at this present time. And I'll let you have the mike because perhaps the response wasn't totally accurate, so I'll let you respond again. [LB1076]

SENATOR CAMPBELL: Thank you, Senator Scheer. And yes, my able staff person

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said they cannot be lowered but they could be raised... [LB1076]

SENATOR SCHEER: And that... [LB1076]

SENATOR CAMPBELL: ...by... [LB1076]

SENATOR SCHEER: Okay. [LB1076]

SENATOR CAMPBELL: I'm sorry. [LB1076]

SENATOR SCHEER: No, that's fine. And that's really all I wanted to make sure. Because I...you know, I think too often when we start providing the services and we lull ourselves into believing that we're doing the work that we're supposed to, but in many cases where it's difficult to find staff in more isolated areas and once they're trained to do those services and they find somebody that's willing to pay just a little bit more and we aren't able to make those adjustments, we lose high quality, competent, caring staff. And I just would hate to see that happen under this bill. So thank you, Senator Campbell. And I would yield whatever time is left to Senator Campbell, if she would like (inaudible). [LB1076]

SENATOR COASH: Senator Campbell, you have 3 minutes. Senator Campbell waives. Returning to discussion, Senator Bloomfield, you are recognized. [LB1076]

SENATOR BLOOMFIELD: Are we there? Colleagues, Senator Krist mentioned the family that we dealt with a couple years ago. We thought we had this squared away, and all of sudden, here last week, the family got a call that services are being reduced; it's only 7 percent. Well, that 7 percent is going to keep this mother from getting up and going to her job because she can't be home again in time to pick up where the nurse that comes in has to leave. This is hard for me. I don't like spending money. I see a \$4 million state fiscal note on here; I'm going to talk to Senator Campbell about that off camera. But we cannot have these children that are in desperate need of assistance being kicked to the curb. I firmly believe had the HHS Department been able to do what they attempted to do a couple years ago, that we passed legislation to stop, that those two young people would now be dead. We spend a hideous amount of money in Health and Human Services. The ultimately vulnerable children or young people or anyone that is in that position are not the place to save a few bucks. And I'd yield the remainder of my time to Senator Krist if he'd like it. [LB1076]

SENATOR COASH: Senator Krist, you've been yielded 3 minutes 10 seconds. Senator Lathrop, you are recognized. [LB1076]

SENATOR LATHROP: Who me? I'm sorry. I was distracted there for a minute. Thank you, Mr. President and colleagues. I support the bill and the amendment, and I want to

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maybe share my experience serving on the BSDC Committee for a moment, and I'll preface my remarks by this comment. It is important that the administration, whoever is in charge of running state government--it happens to be Dave Heineman right now--it is important that the executive branch be good stewards of Medicaid money and that program--very important; and to have...look for waste and abuse and needless programming. What we have found...this is responsive to a complaint that we hear a lot. As you might expect, because of my involvement in that committee, I hear from a number of people who complain about the services being cut, diminished, and the way it's done--the way it's done. And let me start by making this observation about families who have a member who is developmentally disabled. Of course, there's a spectrum. They are from the mild to the profound, they come with and without behavioral difficulties, these individuals do. Some of them are really high needs. Some of them are getting along fine in the family and they don't need much; they need some supplementation. Those at the extreme end of the spectrum who have profound disabilities and who have behavioral issues, any one or both, there's no way one person can raise these kids. There's no way one family can take care of them. It will wear them out. And as a consequence, we have a program that's really a social compact and it basically says, I'll help pay for it even though I'll never use it, my family will never use it, but if I ever needed it, it would be there. And for the families who need it, they need it really, really desperately, this assistance. And as I've listened to the complaints from these families over the last few years, part of it is that they're getting cut back; part of it is the way they're being cut back. They get a letter, sometimes the letter is dated two weeks previously. It's like somebody sat on it for two weeks and then mailed it out, and it's like, you're getting cut off in a week. We shouldn't be treating these people this way. We shouldn't be treating these people this way. They need our help. That's kind of what we do as a society, what government can do well are the things we can't do by ourselves. I support this bill. I appreciate that Senator Krist will be here in the years to come, as will Senator Campbell and others, to provide the oversight to make sure that these families are taken care of, not because we're sprinkling money around or spending money we don't have, but because we've already made this commitment, we've already made this commitment and it is an extension of pro-life values. You know, it's one thing to stand up and talk about abortion clinics and the right to life, but this is where the rubber meets the road. Will you take care of these children and their families when they are in need? [LB1076]

SENATOR COASH: One minute. [LB1076]

SENATOR LATHROP: They need our help. It's a commitment to the dignity of every individual, these individuals, and I encourage your support of the bill and the amendment. [LB1076]

SENATOR COASH: Thank you, Senator Lathrop. Senator Kintner, you are recognized. [LB1076]

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SENATOR KINTNER: Thank you, Mr. President. You know, I had one more question if Senator Campbell would yield. [LB1076]

SENATOR COASH: Senator Campbell, will you yield? [LB1076]

SENATOR CAMPBELL: Certainly. [LB1076]

SENATOR KINTNER: I guess my one question was, originally the two fiscal notes, the one from our Legislative Fiscal Office and the one from the agency, were pretty far apart. Why were they so far apart? Did you look into that and find out why that was? [LB1076]

SENATOR CAMPBELL: Senator Kintner, that was because of my error. It was a drafting error. So the department read the original bill, literally; and I have to say if I were the department I would have read it that way too. When it said "no limitations," they responded by saying that's what it's going to cost you. It was a drafting error. It meant to say there should be "no changes" in the limitations. And so that's why there is such a great disparity and that's why the Fiscal Office relooked at the whole issue, given the amendment, and it just takes that fiscal note away. [LB1076]

SENATOR KINTNER: Thank you very much, Senator Campbell. I'll sleep a lot better tonight and I think this is pretty sound legislation, and I think my previous concerns were not correct and I would encourage my fellow senators to support this and the amendment. Thank you, Mr. President. [LB1076]

SENATOR COASH: Thank you, Senator Kintner. Senator Cook, you're recognized. [LB1076]

SENATOR COOK: Thank you, Mr. President, and good afternoon, colleagues. I rise in support of LB1076 and our AM1903 from the Health and Human Services Committee. I have heard the testimony of my colleagues about how this program is used right now in Nebraska, and wanted to reemphasize the idea that not everyone who uses this program is, for example, a homebound child. We heard testimony from a young man who uses this service to get ready to go out to the workaday world, to pay taxes, to be part of society; but he needs that help getting up and out of bed and dressed and on his way in the morning. I was particularly impressed because this young man is a substance abuse counselor, and as you know, that's an area, the area of behavioral health, in general, is an area where we need as many hands on deck as possible. So I wanted to rise in support of the measure and to emphasize that this program and these funds are used to help Nebraskans pay taxes. Thank you, Mr. President. [LB1076]

SENATOR COASH: Thank you, Senator Cook. Seeing no other lights on, Senator

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Campbell, you're recognized to close on the committee amendment. [LB1076]

SENATOR CAMPBELL: Colleagues, we really do need the amendment because it takes the fiscal note to zero and that there's no effect on additional dollars. So I urge your support on the amendment. Thank you, Mr. President. [LB1076]

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the closing to the committee amendment. The question is, shall the committee amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB1076]

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of the committee amendments. [LB1076]

SENATOR COASH: The committee amendments are adopted. We return to debate on LB1076. Seeing no members wishing to speak, Senator Campbell, you are recognized to close on the advancement of LB1076. [LB1076]

SENATOR CAMPBELL: I would like to thank the comments from all of my colleagues that have spoken in support of this bill, and I think it sends a very strong message to the Nebraskans who need this care and need this help, that we are not going to try to shortchange them for a very small amount of money. This is a need and I much appreciate that you have recognized that need. And as Senator Cook said, many of these people are going to school, are taking a part-time job. They are very worthy of our help and our support, and I'd appreciate your strong vote for LB1076. Thank you, Mr. President. [LB1076]

SENATOR COASH: Thank you, Senator Campbell. Members you've heard the closing to LB1076. The question before the body is, shall LB1076 advance? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB1076]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB1076]

SENATOR COASH: LB1076 does advance. Next item, Mr. Clerk. [LB1076]

ASSISTANT CLERK: LB692 is legislation offered by Senator Sullivan. (Read title.) The bill was referred to the Education Committee. That committee placed the bill on General File with no committee amendments. [LB692]

SENATOR COASH: Thank you, Mr. Clerk. Senator Sullivan, you're recognized to open on LB692. [LB692]

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SENATOR SULLIVAN: Thank you, Mr. President and members of the Legislature. LB692 is a bill that advanced from the Education Committee by a 7-0 vote. LB692 was brought to me by the Nebraska Educational Telecommunications Commission to make changes to statutes that govern the power and duties of the commission. LB692 changes technical and programmatic references which are either inaccurate or obsolete. LB692 updates technology references to recognize Federal Communications Commission mandates regarding digital broadcasts; it acknowledges the emergence of distribution venues involving streaming government and educational content over the Internet; and it updates terminology regarding technology in educational telecommunications services, for example, "digital archive" instead of using the term "film library." LB692 also eliminates language regarding programs and facilities that have been eliminated. This includes: a reference to the NET distance learning system which no longer exists under Section 79-1317; also, satellite and transponder references under 79-1319; and the requirement that educational telecommunications services be limited to in-class instruction also under 79-1319. And finally, under LB692, four statutes are proposed to be eliminated entirely: 79-1321, which pertains to the now defunct NEB*SAT Cash Fund; and 79-1323 through 79-1325, which supported educational initiatives within the Department of Education and contractual services at NET that were eliminated in budget cuts over a decade ago. With the passage of LB692, we will essentially clean up our statutory references as they pertain to NET, as well as provide a more accurate reflection of what NET does for and within the state of Nebraska. I ask for your support in passing LB692. Thank you. [LB692]

SENATOR COASH: Thank you, Senator Sullivan. Members, you've heard the opening to LB692. The floor is now open for debate. Seeing no members wishing to speak, Senator Sullivan, you're recognized to close. Senator Sullivan waives closing. The question before the body is, shall LB692 advance? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB692]

ASSISTANT CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB692]

SENATOR COASH: LB692 does advance. Next item, Mr. Clerk. [LB692]

ASSISTANT CLERK: LB851. It was introduced by Senator Hadley. (Read title.) The bill was read for the first time on January 13 of this year; referred to the Revenue Committee; placed on General File with no committee amendments. [LB851]

SENATOR COASH: Thank you, Mr. Clerk. Senator Hadley, you're recognized to open on LB851. [LB851]

SENATOR HADLEY: Mr. President and members of the body, this is the Department of

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Revenue's annual cleanup bill. It covers several topics, some of which are purely technical in nature, some of which are substantive changes relative to enforcement. The Sections 1, 2, and 5 give a rebuttable presumption of taxability is created with regards to certain motor homes that are registered in the state of Montana and owned by an LLC or other form of pass-through entity. If the entity meets the criteria established in this bill, the Department of Motor Vehicles or the Department of Revenue may make the determination that it is a shell company and that the motor home is owned by a Nebraska resident and is subject to tax in this state. The taxpayer may protest the determination within 30 days of a final determination by the director of the DMV and within 60 days of a deficiency determination by the Tax Commissioner. Section 3 removes an obsolete reference to the Nebraska Ethanol Production Incentives Program, the EPIC Program. Section 4, the Nebraska Advantage Transformational Tourism and Redevelopment Act, LB1018 in 2012, allows a city or a village to turn back local sales tax for approved redevelopment or tourism projects. Beginning July 1, 2015, the department is required to contract with an independent auditor to evaluate all local projects under the act, with the cost of the audit paid for by the developer. However, the department is not involved in approving these projects and it is not required to be notified by a city that a project exists. This section requires a city to notify the department of any certified project on or before January 1, 2015. Section 6: This provision creates greater parity between the department's enforcement authority for income taxes and sales and use taxes. For income taxes, the department may assess at any time for nonfilers or fraudulent returns. The assessment statute for significant underreporting is 6 years. For sales and use tax, the department may assess nonfilers for only 5 years from the date the tax is due. The department may only go back 3 years if the sales or use tax return is fraudulent or significantly underreported. The bill would extend the sales and use tax assessment authority to 6 years for failure to file fraudulent returns or significant underreporting. Section 7: In the OEI, Inc. v. Department of Revenue, the Lancaster County Court held that the tax refundable credit under the Research and Development Act is not considered an overpayment of tax, and therefore, the statute of limitations for overpayment does not apply. This effectively allows a taxpayer to file a refund claim at any time. This bill would establish the statute of limitations 3 years from the date due of the return for purposes of filing these types of refund claims. Section 8: This provision allows the department to exchange information with the Department of Insurance subject to all confidentiality provisions for the purpose of administering the New Markets Job Growth Investment Act, LB1128 in 2011. Sections 9-14 repeals the relevant sections, clarifies the applicability of the changes, and includes an emergency clause. This was voted out of the Revenue Committee by an unanimous vote and I would ask for your green vote on this. Thank you, Mr. President. [LB851]

SENATOR COASH: Thank you, Senator Hadley. Members, you've heard the opening to LB851. The floor is now open for discussion. Senator Gloor, you are recognized. [LB851]

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SENATOR GLOOR: I wonder if Senator Hadley would yield for a question. [LB851]

SENATOR COASH: Senator Hadley, will you yield? [LB851]

SENATOR HADLEY: Yes, I would. [LB851]

SENATOR GLOOR: Senator Hadley, as I'm reading through this, especially the fiscal note, there is a reference under Section 77-27,119. This has to do with the Department of Revenue sharing information with the Department of Insurance regarding the authorization or use of tax credits under the New Markets Job Growth Investment Act. Since my committee has a lot of interaction with the Department of Insurance, could you clarify what that amendment is intended to do as relates to the Department of Insurance? And we may be getting way into the weeds on this, I understand, Senator Hadley. [LB851]

SENATOR HADLEY: You know, I really do not know, Senator Gloor, so I will have to find out for you and I will get you that information. [LB851]

SENATOR GLOOR: It works for me. Thank you, Senator Hadley. [LB851]

SENATOR COASH: Thank you, Senator Gloor and Senator Hadley. Seeing no other members wishing to speak, Senator Hadley, you're recognized to close on LB851. Senator Hadley waives closing. The question before the body is, shall LB851 advance? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB851]

ASSISTANT CLERK: 30 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB851]

SENATOR COASH: LB851 does advance. Next item, Mr. Clerk. [LB851]

ASSISTANT CLERK: LB744 was introduced by Senator Avery and others. (Read title.) The bill was read for the first time on January 9; referred to the Government, Military and Veterans Affairs Committee; placed on General File with committee amendments attached. (AM1757, Legislative Journal page 427.) [LB744]

SENATOR COASH: Senator Avery, you're recognized to open on LB744. [LB744]

SENATOR AVERY: Thank you, Mr. President. This bill has its origins in a meeting that I had with a very enthusiastic group of people working toward the goal of celebrating Nebraska's 150th anniversary of statehood. And in the course of those conversations they asked if I would be willing to help them, and I offered to carry this bill. The group is named Friends of the Nebraska 150 Sesquicentennial. We're all going to learn how to

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pronounce that word before this is all over, I hope. Not the easiest word in the English language. This group is a statewide volunteer initiative working to improve and promote the state of Nebraska during its centennial year, which will, of course, be 2017. They formed a 501(c)(3) charitable foundation in 2013 to raise funds over the next several years through gifts, corporate sponsorships, and merchandising promotions. Although the friends have done a great deal of work laying the groundwork and foundation for this celebration, they recognized that a statewide commission needs to be created to develop and to coordinate the celebration. The Nebraska Sesquicentennial Commission would be created by LB744, and this is seen as critical to the planning and development stages of this celebration. Here are the specifics of the bill. LB744 establishes the Nebraska Sesquicentennial Commission consisting of 17 members appointed by the Governor. The commission will develop programs and plans for the observance of the 150th anniversary of Nebraska's statehood in 2017. The commission will terminate the next year, 2018. The commission will include members from all regions of the state representing all major interests and industries. No more than eight of the members will be affiliated with the same political party. The commission will work with the various state agencies, including the Department of Education, the Department of Roads, the Nebraska State Historical Society, the State Fair Board, Game and Parks Commission, Tourism Commission, and various other state agencies in the process of executing commemorative events and implementing educational activities. The commission may employ personnel, contract for services, and receive and expend gifts and donations to aid in the performance of these duties. There is an A bill that will follow the vote on LB744 that will pay for the commission's expenses, administrative support, and some travel. With that I would ask your approval of this. I do...I have a committee amendment, though, to introduce. Thank you, Mr. President. [LB744]

SENATOR COASH: Thank you, Senator Avery. As the Clerk stated, there is an amendment from the Government, Military and Veterans Affairs Committee. Senator Avery, you're recognized to open on the committee amendment. [LB744]

SENATOR AVERY: AM1757 is the committee amendment. It makes two changes to the bill. The first change actually places the Sesquicentennial Commission within the Nebraska State Historical Society for administrative and budgetary purposes only. This provision was added because it enables the commission to hit the ground running instead of setting up its own administrative system. They can use the Historical Society as a way of meeting payroll or other expenses. They can be processed through the Historical Society without setting up a new administrative unit. The society has enthusiastically endorsed their cooperation with this commission, and they have written letters of support to the committee on behalf of this commission. Secondly, the amendment empowers the commission to expend any appropriations authorized by the Legislature to carry out purposes of this act. This amendment was advanced to the floor on a vote of 7-0 and there were 7 proponents at the hearing, 0 opponents; we had 1 member absent for that vote. With that I would ask your favorable consideration of

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AM1757 as an amendment to LB744. Thank you, Mr. President. [LB744]

SENATOR COASH: Thank you, Senator Avery. Members, you've heard the opening to LB744 and the committee amendment. The floor is now open for discussion. Senator Nelson, you are recognized. [LB744]

SENATOR NELSON: Thank you, Mr. President and members. Am I on? Thank you, Mr. President and members of the Legislature. I have a question for Senator Avery if he will yield. [LB744]

SENATOR COASH: Senator Avery, will you yield? [LB744]

SENATOR AVERY: Yes, I will. [LB744]

SENATOR NELSON: Thank you, Senator Avery. I stand in support of this bill. But I am interested, was a commission set up, and I don't know what the 125th anniversary is called, the quadri-something. Do you know what that was? [LB744]

SENATOR AVERY: I do but I can't remember it. (Laugh) [LB744]

SENATOR NELSON: All right. [LB744]

SENATOR AVERY: It was the 125th. (Laugh) [LB744]

SENATOR NELSON: The 125th. And now we've got the sesquicentennial. Is that correct? [LB744]

SENATOR AVERY: Yes. [LB744]

SENATOR NELSON: All right. But to...if you know, was there a commission formed for the 125th to do the same thing that you're proposing here? [LB744]

SENATOR AVERY: Yes. And we took the bill that was passed for the centennial and for the 125th, and we pretty much lifted language word for word from those bills in order to form LB744. [LB744]

SENATOR NELSON: So I gather, and this is pretty much standard operating procedure when we celebrate every 25 years, because a lot of work has to be done if you're going to bring in all portions of the state and the minorities and other interested parties or stakeholders, I guess, for want of a better word? [LB744]

SENATOR AVERY: Yes, absolutely. And they've already done quite a bit of work. You probably have seen the logo that's been already produced and approved. They have

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150 Sesquicentennial pins that are available. They have a Web site. It's moving along and they've invested some money already. [LB744]

SENATOR NELSON: So these are volunteers up to this point, and I suppose they would continue to be of assistance to the members that are appointed to the commission by the Governor. [LB744]

SENATOR AVERY: Yes. [LB744]

SENATOR NELSON: All right. Thank you, Senator Avery. Colleagues, I think, as I said, this...I'm supportive of this. I will also support the A bill as being an amount necessary just to support the staff and administration of this. I think it's wise that we get started on this, three years ahead of time. There's a lot of work to be done. And 150th is very noteworthy for our state. It ties in with a lot of things and I would strongly urge your vote and support of LB744 and also the amendment AM1757. Thank you, Mr. President. [LB744]

SENATOR COASH: Thank you, Senator Nelson and Senator Avery. Seeing no other members wishing to speak, Senator Avery, you're recognized to close on the committee amendment. [LB744]

SENATOR AVERY: Thank you, Mr. President. I just want to say that I've had a lot of conversations with the people who are involved in this early effort. They are dedicated citizens and they have a great deal of enthusiasm for the work they're doing. They are distinguished Nebraskans themselves and they are committed to making this one of the premier events of the last 25-50 years in this state; and I am very happy to be a part of this and I hope that you feel the same way and will vote yes on this amendment. Thank you. [LB744]

SENATOR COASH: Thank you, Senator Avery. Members, you've heard the closing to the committee amendment. The question before the body is, shall AM1757 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB744]

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB744]

SENATOR COASH: The committee amendment is adopted. We return to discussion on LB744. Seeing no members wishing to speak, Senator Avery, you're recognized to close on LB744. Senator Avery waives closing. Members, the question before the body is, shall LB744 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB744]

ASSISTANT CLERK: 27 ayes, 0 nays on the motion to advance the bill, Mr. President.

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[LB744]

SENATOR COASH: LB744 does advance. Next item, Mr. Clerk. [LB744]

ASSISTANT CLERK: Mr. President, LB744A, introduced by Senator Avery. (Read title.) [LB744A]

SENATOR COASH: Senator Avery, you're recognized to open on LB744A. [LB744A]

SENATOR AVERY: Thank you again, Mr. President. This is the A bill that will make it possible for the commission to carry out its assigned duties. It appropriates \$94,000 from the General Fund for the next two years. That would be two appropriations of \$94,000. It will go to the Nebraska State Historical Society to help fund the Sesquicentennial Commission. It is the intent that this money will be spent on expenses for the commission's meetings, including travel for commission members to attend, and administrative support for the commission. I would urge you to support this to further this effort towards celebrating our 150th anniversary. Thank you, Mr. President. [LB744A]

SENATOR COASH: Thank you, Senator Avery. Members, you've heard the opening to LB744A. Seeing no members wishing to speak, Senator Avery, you're recognized to close. Senator Avery waives closing. The question before the body is, shall LB744A advance? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB744A]

ASSISTANT CLERK: 27 ayes, 0 nays on the advancement of the A bill, Mr. President. [LB744A]

SENATOR COASH: LB744A does advance. Next item, Mr. Clerk. [LB744A]

ASSISTANT CLERK: LB853 introduced by Senator McGill. (Read title.) The bill was read for the first time on January 13 of this year; referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments. (AM1937, Legislative Journal page 755.) [LB853]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Thank you, Mr. Clerk. Senator McGill, you're recognized to open on LB853. [LB853]

SENATOR MCGILL: Thank you, Mr. President, and good afternoon, colleagues. LB853 improves and amends the Young Adult Voluntary Services and Support Act. Last session, the body passed LB216, giving youth 18-21 in our state the option to take

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advantage of critical services and supports. Over the interim an advisory committee has worked diligently to present detailed recommendations for this program for youth aging out of the foster care system. LB853 includes a number of those recommendations to strengthen and clarify provisions so that the program will work best for the young people it is meant to serve. This bill does a couple of main things. The first is that it renames the act to the Young Adult Bridge to Independence Act. This was something that the youth felt was very important and would help to encourage other youth to participate in the program. It would provide guidance on how to implement the requirements of the program. It clarifies juvenile court jurisdiction and process and makes a few other technical changes. I'd like to thank Senator Campbell and the Health and Human Services Committee for introducing a committee amendment to resolve a few concerns with the green copy that were raised by DHHS. I'd also like to thank the many members of the advisory committee that dedicated their time and expertise to making sure that we do this the right way. The advisory committee included subcommittees examining case management, case oversight, fiscal monitoring, communications and marketing, leadership evaluation, and regulations and policies. We are currently waiting for the federal government to approve DHHS's state plan amendment authorizing federal matching funds for this program. The approval could literally come any day now, and the program would then begin within 60 days. LB853 needs to move forward so the program will be ready for a smooth implementation. We need to make these technical revisions to ensure the Bridge to Independence Program is ready to go for the young people that benefit from it. Thank you, Mr. President. [LB853 LB216]

SENATOR GLOOR: Thank you, Senator McGill. As the Clerk stated, there are amendments from the Health and Human Services Committee. Senator Campbell, as the Chair of that committee, you're recognized to open on the committee amendments. [LB853]

SENATOR CAMPBELL: Thank you, Mr. President. And I'd first like to thank Senator McGill. Throughout her legislative career she has been focused on what can be done to help our youth in foster care, and this is but a continuation of the work that she has certainly commenced through her entire career. The committee amendment addresses some technical concerns raised by the Department of Health and Human Services in the hearing on LB853. The amendment adds language to strengthen and clarify the purpose of extended guardianship and adoption subsidies to clarify that guardians and adoptive parents receiving assistance fund shall use these subsidies for the benefit of the young adult. It clarifies the creation of a healthcare power of attorney for young adults, and optional and not mandatory for all young adults in the program. It removes the requirement that DHHS conduct a redetermination of income eligibility on young adults because this might result in the disqualification of individuals who otherwise would have remained eligible for Title IV-E funds. It clarifies that independence coordinators must, quote, make an effort to meet with young adults who are being terminated from the program rather than saying "shall" meet, because the young adult

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may be unwilling to meet with the independence coordinator. If they're choosing not to be involved in the program, that makes sense. It strikes the requirement in LB853 that independence coordinators, quote, help the young adult prepare for issues of concern that may arise in the review, end quote. This amendment addresses concerns by the department that the language might result in independence coordinators acting beyond their professional training and inappropriately providing legal advice. So we've clarified that. And finally, the amendment changes the title, and Senator McGill indicated this, that it would be now known as the Bridge to Independence bill and support, because it's so important for young people who are aging out of the foster care system to feel that there is a transitional program to help them. And with that, Mr. President, that concludes the changes. [LB853]

SENATOR GLOOR: Thank you, Senator Campbell. Mr. Clerk for an amendment. My apologies. Members, you've heard the opening on LB853 and the committee amendment. We now move to discussion. Senator Krist, you're recognized. Are there other senators who wish to be recognized? Seeing none, Senator Campbell, you're recognized to close. Senator Campbell waives. The question is, shall the committee amendment to LB853 be adopted? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Senator Campbell, for what reason do you rise? [LB853]

SENATOR CAMPBELL: Mr. President, I would like to ask for a call of the house and I will take phone-in votes. [LB853]

SENATOR GLOOR: Thank you, Senator Campbell. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB853]

ASSISTANT CLERK: 25 ayes, 0 nays to go under call, Mr. President. [LB853]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Schilz, Garrett, Chambers, Pirsch, Lathrop, Wightman, and Burke Harr, please return to the Chamber and record your presence. Senator Campbell, all members are here except Senator Pirsch. May we proceed? [LB853]

SENATOR CAMPBELL: Thank you, Mr. President. You may proceed. [LB853]

SENATOR GLOOR: And you had allowed for call-ins, is that correct? [LB853]

SENATOR CAMPBELL: That is correct, Mr. President. Thank you. [LB853]

SENATOR GLOOR: Members, the question is, shall the amendment to the committee

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amendment to LB853 be adopted? [LB853]

ASSISTANT CLERK: Senator Lathrop voting yes. Senator Conrad voting yes. Senator Howard voting yes. [LB853]

SENATOR GLOOR: Record, Mr. Clerk. [LB853]

ASSISTANT CLERK: 26 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB853]

SENATOR GLOOR: The amendment is adopted. Raise the call. [LB853]

ASSISTANT CLERK: Mr. President, Senator Coash would move to amend with AM2266. (Legislative Journal page 803.) [LB853]

SENATOR GLOOR: Senator Coash, you're recognized to open on your amendment. [LB853]

SENATOR COASH: Thank you, Mr. President. Good afternoon, colleagues. I bring you AM2266, which is a pretty important bill and it changes the way that we think about the way we treat children and families in our state. And I'm asking for your support of AM2266, which is an amendment that requires a plan for the implementation of alternative response in the child welfare system in Nebraska. AM2266 was originally LB503, with after some minor amendments has advanced from the Judiciary Committee. Alternative response is an approach for the Division of Child and Family Services to keep children safe through an additional way of responding to allegations of child abuse and neglect. This approach recognizes the unique safety and risk concerns related to each allegation for abuse and neglect, and the value of responding differently to the variety of needs and situations that face families. While serious cases of child maltreatment will continue to have a traditional response, other cases may be assigned to an alternative response, especially those involving poverty-related neglect. Alternative response is a family engagement approach designed to help protect children that promotes safety and well-being by providing needed services to strengthen and support families, such as food and clothing assistance, housing assistance, and transportation services. Alternative response focuses on concerns and solutions but does not include labels of perpetrators and victims. The names of family members or others involved are not automatically put on the Nebraska central registry. Alternative response addresses cases that at this time HHS would close and walk away from. These are the types of families that stay in the system or return to the system years down the road. With just a little additional help, like providing transportation for a parent to seek substance abuse assistance, that parent can stay off the central register and be able to provide for their families. Sometimes it's the little things that can make a world of difference in providing for a child and family's well-being. Last year the Judiciary

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Committee heard testimony on LB503 to implement this response. At my request I asked that this not move out of committee so appropriate time and effort could be given to create a model for alternative response. Additionally, AM1351 was passed with LB561 last year that highlighted 18 specific areas to be addressed in the alternative response model. Since that introduction, a tremendous amount of work has been put forth into creating a satisfactory alternative response model. The study of alternative response has been a collaborative effort between the Legislature, the Children's Commission, Child and Family Services, the University of Nebraska, Child Advocacy Centers, county attorneys, and other interested stakeholders. Child and Family Services has worked countless hours on this project and been in contact with several of the 23 other states that currently utilize this response. Key participants and CFS staff have traveled to Ohio, Colorado, Illinois, and Minnesota to study how other states implement this response. The Nebraska Children's Commission on which I serve, and the Statewide Alternative Response Advisory Steering Committee, have been briefed monthly on the progress on the model and provided valuable feedback that has been incorporated into the plan. The process has been open and transparent where people have been able to contact me and the department with their concerns, and efforts have been made to rectify those concerns. By no means was it an easy task, colleagues, to get over 30 interested parties to agree on the model that's presented in this amendment; but the Children's Commission and the Alternative Response Advisory Board has given this amendment a stamp of approval. Early this year when I was deciding whether to hold a hearing on an amendment or simply proceed with LB503, I wanted the Judiciary Committee to have the opportunity to hear from the department and interested stakeholders about all the hard work that had been put forth by so many people to ensure that this response is done correctly. I can tell you that close to all of the major concerns have been addressed and ironed out. I've been asking people to come to me for the last year to share any concerns that they still had because I want this to be successful. The Judiciary Committee has held two committee hearings on this approach in order for people to come forth and express their concerns. It is also important to note that the alternative response is one of the strategies that is identified in Nebraska's IV-E waiver demonstration project which was awarded to the department in September of last year. The application of the IV-E waiver dollars was mandated by our Legislature and the alternative response is one of two programs chosen by the department to implement. This IV-E waiver demonstration project allows Nebraska more flexible use of federal funds in order to test new approaches to service delivery and financing structures. In order to implement the proposed AR pilot, a statute authorizing a noninvestigatory track would need to be enacted during this session. It must be implemented this session. While we may not have the answers for every aspect of AR, interested stakeholders, including the Children's Commission and the steering committee, will continue to monitor the program and offer suggestions for improvement. I know that alternative response is a complicated program. However, I do want to let you know that safeguards have been put in place to ensure the success of this program. I want to highlight a couple of those safeguards for you, colleagues. First of all, this is a

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pilot program. Let me repeat that: This is a pilot program. It ends unless reauthorized by the Legislature. Alternative response will start out being implemented in only five sites, not statewide. It ends after two years unless we as a Legislature determine to lift it beyond those two years. I will still be here to do that or to not do that as many...or not to do too many stakeholders if they express concerns. Since this is a voluntary program, at any time between now and at the end of the two years if there are a lot of concerns about the viability of this program, this program can be pulled and we can walk away with no financial obligation to the federal government. Children and Family Services has to provide updates to the commission and to the steering commission. There is also an evaluation component mandated by the feds, both of which...both of these commissions, to back up, meet on a monthly basis and report to the Legislature. There is adequate oversight for this approach on alternative response. With that, I will close my remarks on this amendment and urge the body to advance AM2266. Thank you, Mr. President. [LB853 LB503 LB561]

SENATOR GLOOR: Thank you, Senator Coash. We now move to floor debate. Senator Krist, you are recognized. [LB853]

SENATOR KRIST: Thank you, Mr. President. And again, good afternoon, colleagues, and good afternoon, Nebraska. I had my button pushed before to say to have a comment on the other amendment, and I happened to be out in the lobby talking to some folks about this issue, and I apologize for missing my chance; but this is really the subject matter that I wanted to discuss. Senator Coash has really outlined the most important parts of this in the fact that it is a pilot program. It is not a permanent program. It can be changed. We need to monitor its success or the tweaks that need to be done. The five places that were chosen, I agree with the choices. I think they are representative of areas around the state. I think one of the hardest hit areas would have been some place in Douglas County, but with the eastern service area being the only contract run that is a privatized outsourced service area, it would have been impossible to run that pilot program concurrently. So let me be clear, this is very, very important, because the federal government has its own requirements on IV-E money. And I know you've heard people talk about IV-E before; but that IV-E drawdown in terms of the money that we can use is an offset to General Funds, it's an offset to state funds when the program qualifies. Without these pilot projects, programs, in place, we will be restricted from pulling down the maximum benefit from IV-E funds across the state. So not only is it a proof of concept being a pilot project--projects--that can continue or not continue, but it also helps in terms of the bottom line budget. I know that there are some concerns. I've heard them. We've heard them. Senator Coash and I have talked about them. I think the interested parties came to Senator Coash and he's not exaggerating the fact that getting 30-plus different concerns to sit down at the table and agree on anything in this state, as you know, is near impossible. But he did yeoman's work and here we are. We need to watch the programs, there's no question about it. But this is the right move in the right direction, and without it we lose a valuable part of the IV-E

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drawdown money. And if you'd like to talk about that program, I'm sure Senator Campbell, Senator Gloor, or any member of the Health and Human Services Committee can expound upon the reasons why this is so important. Please support AM2263 and the underlying LB853. Thank you. [LB853]

SENATOR GLOOR: Thank you, Senator Krist. Senator Scheer, you're recognized. [LB853]

SENATOR SCHEER: Thank you, Mr. President. I have just a short question for Senator Coash if he would yield, please. [LB853]

SENATOR GLOOR: Senator Coash, would you yield? [LB853]

SENATOR COASH: Yes, I will. [LB853]

SENATOR SCHEER: I just want to make sure that I do understand the fiscal note because the fiscal note for LB503 showed around 600 and some change, \$600,000, that is, in change, as a fiscal impact. But it also talks about the IV-E funds. And so I'm assuming that those funds that are shown in the fiscal impact would be essentially reimbursed then by the federal grant. Is that the correct assuming, or will it be IV...the \$600,000 of our dollars plus the IV-E funds? [LB853 LB503]

SENATOR COASH: Thank you, Senator Scheer. Here's how I would characterize the \$600,000. We need to ramp up and get ready for this approach, okay? This is not business as usual in the way that Children and Family Services deals with families, and we're talking about a culture change of how we approach families. And in order to do that, we've got to train workers on doing something a little bit differently than they've been doing for years. And if it's okay, I'll explain what that is. Here's what they've been doing for years: You get a family--I'm going to give you an example of two families, right? And one family comes to the department's attention because their child goes to school and reports that she's hungry. Right? And she says, I don't have enough to eat. Well, the way that the system is today, there will be an investigation on that and there will be finding, right; and that parent may be put on the registry to be neglectful. With alternative response, we have a different way of dealing with that family, and the way we can deal with that family is to say, let's hook this family into resources that will help feed their family. That's a poverty-related report that we can avoid a finding of neglect by addressing the issue, underlying issue, of poverty. And that's what I'm trying to do with this amendment. So back to the fiscal note, Senator Scheer. That's kind of the ramp-up money. That is the training money the department is going to need to train their workers on how to do this, and we should see savings down the road. Okay? We should. And I don't want to mislead any of you, the states that have done this what they have found is that it treats families better. It keeps families out of the system. It may or may not save money, but it's better for families. And so that's the approach that we're

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taking. The IV-E waiver...and members of the Health Committee can explain a little bit more on how that drawdown is going to work. But that will be money that is used to provide the services, where the fiscal note I believe indicates money that will be used to ramp up and train workers on this approach. [LB853]

SENATOR SCHEER: Thank you, Mr. President. And if Senator Coash has any other comments, I'll be glad to yield whatever time we have left. I just...that was my only specific question. [LB853]

SENATOR COASH: Okay, thank you, Senator Scheer, and I will... [LB853]

SENATOR GLOOR: One minute 40 seconds. [LB853]

SENATOR COASH: I believe Senator Campbell may be able to get up and talk a little bit more about that, and I think she may be next, so I will waive that opportunity and let Senator Campbell proceed. Thank you, Mr. President. [LB853]

SENATOR GLOOR: Thank you, Senator Coash and Senator Scheer. Senator Bloomfield, you are recognized. [LB853]

SENATOR BLOOMFIELD: Thank you, Mr. President. I had some questions, too, on the fiscal note and whether or not that followed along and stayed with the state or just how that was handled. But I'd like to ask Senator Coash if he would yield to a question. [LB853]

SENATOR GLOOR: Senator Coash, would you yield? [LB853]

SENATOR COASH: Yes, I will. [LB853]

SENATOR BLOOMFIELD: Senator Coash, thank you. And do you know how much IV-E money we're talking about here? [LB853]

SENATOR COASH: Sorry, Senator Bloomfield. [LB853]

SENATOR BLOOMFIELD: That's fine. If you would be kind enough just to mention it later. [LB853]

SENATOR COASH: We will. And I think Senator Campbell can also address that question for you. [LB853]

SENATOR BLOOMFIELD: Okay. Thank you, Senator Coash. And Mr. President, I'd yield the remainder of my time to Senator Campbell. [LB853]

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SENATOR GLOOR: Senator Campbell, you have 4 minutes 15 seconds. You are next in the queue and I will tell you when you're on your time, Senator. [LB853]

SENATOR CAMPBELL: Thank you, Mr. President. We are just trying to locate the exact amount. Legal counsel and I believe that the entirety of IV-E which would cover all kids who are in out-of-home placement is probably around \$54 million. We think that that's the total figure, but we will get it, Senator Bloomfield, for you exactly. Colleagues, what you need to look at here is that the state has gotten IV-E dollars in the past. Every state gets IV-E dollars to utilize, but the primary utilization of those dollars has been for out-of-home foster care placement. And what the waiver does, the Title IV-E waiver does, is it allows us to use some of those dollars to keep people, to keep children in their home, if they can be safe there. And that's what the AR pilot is supposed to do is take those families that probably now would be not even taken into the system or maybe on a voluntary; but this is sort of a way to look at it from a preventative standpoint. Can we redirect those dollars...instead of out-of-home placement, can we redirect some of those dollars to keep children in their homes? What I had intended to talk about, I'm going to go back to my comments and we'll come around to that. When I first heard about this program I have to admit I was very skeptical. I worried that the child welfare system has gone through so much change and so much upheaval that should we really proceed with yet another change? But after spending months of conversation, Senator Coash and I both sit on the Children's Commission, listening to them; I've been to one of the advisory committees. Senator Coash has been kind enough to have me sit in on several sessions that he's had, and then I had a separate session with some of the folks who had concerns. After those months of taking and looking at this, I am fully in support of Senator Coash's amendment and think that we should proceed with looking at the pilots. If you remember, colleagues, and I have to say for all of the people who have just come into the Legislature, no, you wouldn't remember, but in the child welfare legislation two things that we said to the department very clearly is we don't want you to ripple out changes to the child welfare system and just go statewide, or border to border we're going to change all this; we want you to look at any change in a system to be done through pilots. Let's take a look at it, what is happening? Those of you who followed Senator Dubas' bills on foster care know that's what she's doing and looking at some of the rate payments. So the department has done here what we asked them to do. If you're going to change, we want to pilot it; we want to see if it will work. We also told the department, very clearly, we want you to apply for this waiver; we want you to apply for a Title IV-E waiver, a demonstration waiver that we could utilize to pay for the pilots to see how they work and evaluate them. And that is what Senator Coash in his amendment and his original bill intended to do, is to take a very close look at it and to start with families that just are kind of on that edge. [LB853]

SENATOR GLOOR: You are on your time now, Senator Campbell. [LB853]

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SENATOR CAMPBELL: Thank you, Mr. President. They are just kind of on the edge. The may not really be accepted into the system but there is definitely some red flags there that say this family needs help; this family needs us to say to them, how can we help you be a better parent, deal with some of the issues, poverty issues perhaps, that could alleviate the kind of stress that families have that often can lead to neglectful situations or even abuse situations. So the whole effort in AR as an alternative response is not necessarily to put that family in the traditional system, an investigation and the whole process; but to take those families and sort of take them out, set them apart in a pilot, and see what we can do by utilizing the funds. And colleagues, I realize that it sounds complicated and there's lots of moving parts to Senator Coash's amendment here, but it is another step forward for the child welfare system. And I would encourage your support of this, and we will look more thoroughly to find the exact figure for Senator Bloomfield. Thank you, Mr. President. [LB853]

SENATOR GLOOR: Thank you, Senator Campbell. Senator Howard, you're recognized. [LB853]

SENATOR HOWARD: Thank you, Mr. President. I rise in support of AM2266, although I have to admit when I started the process of learning about alternative response I was, like Senator Campbell, very skeptical. Alternative response has been used in 23 other states but never in a uniform way so that we would be able to evaluate it in a uniform way. And so every state has done it differently. So it's hard to know...it's hard to consider its efficacy in that sense. But what I was concerned about more is that with our current system we have an investigation, there is a perpetrator found, and they're put on the Central Registry. What I didn't want to have happen was that the second pathway through alternative response would become a method of bypassing the investigation when there was a serious allegation of abuse. And so what calmed my fears was that the department had...has worked with the Children's Commission and the Alternative Response Statewide Advisory Committee and come up with 21 exclusionary criteria items that, if they're in the allegation, they would never be able to go into alternative response, there would always be an investigation, things like an allegation of physical abuse or sexual abuse, sex trafficking, if the parent has an addiction, if the parent is found selling or manufacturing controlled substances. One of the controlled substances is highlighted in the 21 exclusionary criteria, which the agreement I believe is that they will be put into rules and regs. Would Senator Coash yield to a question? [LB853]

SENATOR GLOOR: Senator Coash, would you yield? [LB853]

SENATOR COASH: Yes, I will. [LB853]

SENATOR HOWARD: The agreement, per my understanding about the exclusionary criteria, is that these would be put into rules and regulations. [LB853]

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SENATOR COASH: That is correct, Senator Howard. The Children's Commission and the stakeholders, they...there was a lot of discussion about where these exclusionary criteria ought to be placed. The idea here is you want them to be solid but you want to have some flexibility, and for that reason we have got confirmation from the department that they will put to rules and regs these 27 criteria, and they will do it. And I will go on record saying right now, if they don't submit those criteria to rules and regs, I'll come back and I'll pull this bill if I have to. But I have every confidence that they will because this was a process to get these exclusionary criteria in the form that it is in, took a lot of work and I think everybody wants to see it through, as is, and they will go through rules and regs. [LB853]

SENATOR HOWARD: Thank you, Senator Coash. And I also had another question. The...if the report alleges the manufacture and/or use of methamphetamines specifically, then it would go through a traditional response. I was just curious as to why methamphetamines are singled out in controlled substances. [LB853]

SENATOR COASH: Well, there's a few reasons, and I'm trying to recall some of the discussions we had around this. Methamphetamine, for one, is a substance that is dangerous for the user, right? But it's also dangerous just to have around, right, which may be different than some illicit drugs. Because of the manufacturing process, that puts people at risk even if they're never partaking the drug, and so I think that's part of the reason. There are statutory references just to methamphetamine. We treat meth a little bit differently across the law, and so this mirrors that to an extent, as well. [LB853]

SENATOR HOWARD: And then when we're talking about controlled substances, does that include the potential if somebody has an addiction to a prescription pain medication and is in possession of prescription pain medication that is not their own? [LB853]

SENATOR COASH: I would tell you that we do have provisions in here about addiction to drugs broadly. Okay? [LB853]

SENATOR HOWARD: Um-hum. [LB853]

SENATOR COASH: We did not...the exclusionary criteria does not address... [LB853]

SENATOR GLOOR: One minute. [LB853]

SENATOR COASH: ...what a parent may be addicted to, but addiction is an exclusionary criteria. [LB853]

SENATOR HOWARD: And then just one more thing for the record. This is part of a IV-E waiver, which is a drawdown of federal funds. However, if we didn't receive the waiver, if this bill didn't go forward, we would still be able to draw down our funds for our children

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that are currently in the child welfare system, we would still have funds that follow the child. Is that correct? [LB853]

SENATOR COASH: I believe that to be correct. [LB853]

SENATOR HOWARD: Okay. Thank you, Senator Coash. Thank you, Mr. President. [LB853]

SENATOR GLOOR: Thank you, Senator Howard and Senator Coash. Chair recognizes Senator Nelson. [LB853]

SENATOR NELSON: Thank you, Mr. President, members of the body. Senator Coash, if...would you respond to questions? [LB853]

SENATOR GLOOR: Senator Coash, would you yield? [LB853]

SENATOR COASH: Yes, I will. [LB853]

SENATOR NELSON: Senator Coash, I'll have to admit it's pretty difficult to read through amendments this size and go back to LB503. I'm trying to figure out what's going on so I'm confining myself for the time being to the fiscal note for LB503. Would there be many changes? You know, there...you said some small corrections in LB853 or the amendment, I guess, AM2266. I... [LB853 LB503]

SENATOR COASH: I can respond to that if... [LB853]

SENATOR NELSON: I'm sorry? [LB853]

SENATOR COASH: I can respond to that if you like. [LB853]

SENATOR NELSON: All right. Yes, please. [LB853]

SENATOR COASH: Okay. The amendment to LB503 which was advanced from the Judiciary Committee is slightly different than the amendment that AM2266 represents. And the differences come from some work that I've been doing with Senator Mello, adding some additional clarifications and requirements. The short answer to your question is, the additions that I've worked with, with Senator Mello, do not change the fiscal note. They are technical additions. So the fiscal note from LB503 will be the exact same fiscal note that is identified...that will be identified should we adopt AM2266. [LB853 LB503]

SENATOR NELSON: Okay. So is this for the fiscal note...the money is for the development of how the assessment is going to work? Or is it for the five demonstration

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pilot projects or whatever they're called? [LB853]

SENATOR COASH: There are...there will be five demonstration projects. The fiscal note represents a training cost over the period of two years to ramp this up. It also represents some ramp-up money for services that may be needed in order to provide for the alternative response. So it's about half and half, half training and half for services. [LB853]

SENATOR NELSON: Okay. How do you select a...there are five areas of... [LB853]

SENATOR COASH: I... [LB853]

SENATOR NELSON: Just explain to me who you set up the pilot project with, yeah. [LB853]

SENATOR COASH: How did we get to the five areas? Yeah. I'm glad you asked that question, Senator Nelson, because these five pilot areas were not just drawn out of a hat of 93 counties and we decided, you know, which five we want to do the...the department has done, through a contract with the university, I believe, done a readiness analysis across the state. And what they tried to do was they went into different communities, some on a city basis, mostly on a county basis, and they assessed a variety of different things, services that are available, community resources, tenure of folks working in the department, and they did this assessment and they were able to identify communities that were ready because of things that they had been working on and they were able to identify communities that would not foundationally be as ready as others. And so the five pilot sites were chosen based on their readiness, and that's how we ended up with the five that we did. [LB853]

SENATOR NELSON: Okay. How...there's supposed to be no designation of abuse. What's happening now? I mean the way it is now and then how you want to change it with the AR. [LB853]

SENATOR COASH: Okay. The way it happens now is there is a...there has to be a finding of abuse or neglect. It doesn't mean there is a finding, but there has to be a finding that either a child was abused or not. And what happens is, is that process, obviously, if you go into a family and you say, hey, we want to talk to you about something that your child said at school... [LB853]

SENATOR GLOOR: One minute. [LB853]

SENATOR COASH: ...and at the end of this process you're going to maybe be found on the registry, well, that doesn't give much incentive for the family to work with you, right? But if this approach was taken, you could go in and say, hey, look, we're really worried

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about your daughter, how can we help you--and at the end of this you can take it or leave it, it's voluntary, okay?--how can we help you, and then it opens up a door for the department to do what Child and Family Services should do, which is help families. [LB853]

SENATOR NELSON: So there's, depending on the seriousness of the situation, there's no removal of the child at that time just on the basis of what was heard at school, for instance? [LB853]

SENATOR COASH: I would tell you and with all confidence that if at any time a family or a child moving through this process that child is in danger, that child moves right over to the traditional response. We are not replacing a response; we are adding a different one. And the number one criteria as this moves forward... [LB853]

SENATOR GLOOR: Time, Senators. [LB853]

SENATOR COASH: Thank you. [LB853]

SENATOR GLOOR: Thank you, Senator Coash and Senator Nelson. Are there other senators wishing to be recognized? Senator Nelson, you're recognized. [LB853]

SENATOR NELSON: Thank you, Mr. President. Let's pursue this a little more because I think it's interesting first to find out how it works now and what the proposal...just so we get the overall idea a little better--if Senator Coash will continue to respond, please. [LB853]

SENATOR COASH: I will. [LB853]

SENATOR GLOOR: Go ahead, Senator Coash. [LB853]

SENATOR COASH: Thank you, Mr. President. Thank you. Here's...this is the most important piece of this. As a family or a child moves through this alternative response process, at many points there is assessments of safety of a child. And if the safety of the child is at any point compromised, then the process, it takes a different path and it goes right to the traditional response. Okay? And if you look at, and I can share with you, the exclusionary criteria, I want to paint a picture of the kind of children who might find themselves in this path, okay? First of all, these are children who, if they came to the department of the...came to the attention of the department, would be screened out. And these are families who wouldn't have any intervention by law enforcement, okay? But then later on they may come and have some intersection with the department. So these are children who have been screened out, and so if there's...and if there's ever a safety issue, they don't get screened out. So we...the type of child is a child who is probably in that predicament for reasons of, frankly, poverty, okay? And this gives the

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department an opportunity to say, hey, we want to help you move out, help you through this situation so that we don't get another call down the road of your child. But again, if the safety is compromised, then we just go to a traditional response and we try to figure out who harmed the child, under what circumstances the child was harmed, if there was a law violation that...if there was a law that was broken. And at the end of that process, that parent or the guardian could end up on the Central Registry. [LB853]

SENATOR NELSON: Okay. So the training, the money for the training is to train people to make this assessment. And I guess my question is, suppose it is poverty, suppose there's a lack of food or things, how do you provide that? I mean, what measures are taken? [LB853]

SENATOR COASH: Well, there...part...what I would anticipate, and that's a perfectly balanced scenario, where the worker would go in and say, there's an issue of poverty here because of lack of food, that's how we got involved, let me give you the name and number and the resources in your community to the Food Bank, for example. And then the parent may say, well, you know, I can't...I'm not working right now and I can't even get to the Food Bank. So part of the service may be, here's some transportation assistance to get to the Food Bank so that you can feed your child. Point being is that if you have a child who is hungry because their parent is withholding food, they think that's a good idea, a way to discipline their child, well, that's an abusive parent and that parent should be treated through the traditional response and found to be guilty of neglect. But if you have the same parent who is unable to feed their child because they're in a domestic violence situation, down on their luck with employment, then you ought to be able to treat that family differently, and that's what this response would give us. [LB853]

SENATOR NELSON: All right. Thank you, Senator Coash, for that clarification on these things, and I'll keep listening and take a look. Thank you very much. Thank you, Mr. President. [LB853]

SENATOR GLOOR: Thank you, Senator Nelson. There are no senators remaining in the queue. Senator Coash, you're recognized to close on your amendment. [LB853]

SENATOR COASH: Thank you, Mr. President, and thank you for the words of support from Senator Krist, Senator Howard, Senator Campbell, questions from Senator Nelson. Let me take my opportunity to close here to say a few things. First of all, Senator Howard mentioned this, this is the Nebraska version. Okay. We didn't just copy what Michigan is doing; we didn't just copy what Minnesota is doing. We sat down with many, many people and said, how will this work in Nebraska? Okay. And what you have in front of you is the Nebraska approach to alternative response. Our...briefly, what I talked to Senator Nelson about: Who are these children? These are children who would be screened out anyway, okay? For those who have had concern, and I've talked with

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many of them, that we are going to screen out or use this response for a child who is in serious danger, that's not the case. The exclusionary criteria that will be part of this process will assure that if that child is in danger we do not use this approach with that child. And if we use this approach with this child and at any point in the process that child is in danger, it turns right back, okay? I want to talk briefly about the oversight. We've got an independent evaluation that's required by the federal government on this. They're going to be looking at it. We are requiring reports to the HHS Committee and the full Legislature. We're going to be looking at it. We are requiring reports to the Children's Commission. They are looking at this. In fact, many members of the Children's Commission have their fingers all over this bill because they are the experts out there in the field; they are the ones that we know have to figure out how...have to take care of the implementation of this. Finally, I will tell you that this is part of a bigger plan. Okay. This is one component of a sea change that must happen with Children and Family Services. We have to change the way we think about serving children and keeping children safe. Alternative response is part of that plan. It is the right approach. This is the way that we can do what we should do when we have a child who is in danger. We should protect that child and remove those things that would make that child in danger. And if that means hammering somebody and getting to the root of it, then we use the traditional response. And that doesn't change under anything that we would do with alternative response. But if there is an approach that we can use that keeps families together and lets Child and Family Services work with families instead of look for the bad guy in certain circumstances, then that's the approach that we ought to take. And for that reason I would urge the body's adoption of AM2266. Thank you, Mr. President. [LB853]

SENATOR GLOOR: Thank you, Senator Coash. Members, you've heard the closing on the amendment to LB853. The question is, shall that amendment to LB853 be adopted? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB853]

ASSISTANT CLERK: 33 ayes, 0 nays on the adoption of Senator Coash's amendment. [LB853]

SENATOR GLOOR: The amendment is adopted. We continue discussion with LB853. Seeing no one wishing to speak, Senator McGill, you're recognized to close on its advancement. [LB853]

SENATOR MCGILL: Thank you, Mr. President. Members of the body, just a reminder, since we debated the amendment for quite a while, the mainline bill is just a cleanup bill to the extended services and support system that we put in place for kids aging out of foster care last year. It changes the name to Young Adult Bridge to Independence Act, as well as a few other cleanups to make sure that when this program gets implemented this year that it goes smoothly. I ask for your support. Thank you, Mr. President. [LB853]

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SENATOR GLOOR: Thank you, Senator McGill. The question is the advancement of LB853 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB853]

ASSISTANT CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB853]

SENATOR GLOOR: The bill advances. Mr. Clerk, items for the record? [LB853]

ASSISTANT CLERK: Thank you, Mr. President. Your Committee on Revenue, whose Chairperson is Senator Hadley, reports LB558, LB723, and LB885 to General File. Judiciary reports LB962, LB1044, and LB1093 all to General File, some with committee amendments. Natural Resources reports LB686, LB710, and LB896 to General File with committee amendments. Revenue reports LB761 to General File with amendments. New bill: LB790A by Senator Howard appropriates funds to carry out the provisions of LB790. Amendments to be printed: Senator Dubas to LB946; Senator Hadley to LB905. Your Committee on Enrollment and Review reports LR424 as correctly enrolled. (Legislative Journal pages 803-812.) [LB558 LB723 LB885 LB962 LB1044 LB1093 LB686 LB710 LB896 LB761 LB790A LB790 LB946 LB905 LR424]

And finally, a priority motion. Senator Murante would move to adjourn until Monday, March 10, 2014, at 10:00 a.m.

SENATOR GLOOR: Members, you have heard the motion to adjourn until 10:00 a.m. Monday morning. Those in favor say aye. Those opposed say nay. We stand adjourned.