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Floor Debate
April 27, 2009

[LB98A LB98 LB160 LB198A LB198 LB285 LB322 LB342 LB420 LB476 LB476A LB489
LB489A LB495 LB545 LB603A LB603 LB671 LB679 LR89 LR90 LR91 LR99 LR100]

SENATOR ROBERT PRESIDING

SENATOR ROBERT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixty-eighth day of the One Hundred First Legislature, First Session. Our chaplain for today is Pastor Karla Cooper from Quinn Chapel in Lincoln, Nebraska, Senator Coash's district. Please rise.

PASTOR COOPER: (Prayer offered.)

SENATOR ROBERT: Thank you. I call to order the sixty-eighth day of the One Hundred First Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

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

SENATOR ROBERT: Thank you. Are there any corrections for the Journal?

CLERK: I have no corrections.

SENATOR ROBERT: Are there any messages, reports, or announcements?

CLERK: One item: Senator Pankonin offers LR99. That will be laid over. It's the only item I have, Mr. President. (Legislative Journal pages 1193-1194.) [LR99]

SENATOR ROBERT: Thank you. We'll now proceed to the first item on the agenda, legislative confirmation report.

CLERK: Mr. President, Health and Human Services reports on the appointment of Todd Reckling as Director of Children and Family Services. (Legislative Journal page 1157.)

SENATOR ROBERT: Senator Gay, you're recognized as Chair of the Health and Human Services Committee to open on the confirmation report.

SENATOR GAY: Thank you, Mr. President. The Health and Human Services Committee reports favorably on the appointment of Todd Reckling as Director of the Division of Children and Family Services in the Department of Health and Human Services. A public hearing was held on the appointment on April 9 of this year, and the appointment was approved unanimously by the committee. I would say during that appointment hearing we did have a very good conversation with all the members of the committee asking great questions. Mr. Reckling was appointed by Governor Heineman

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

Floor Debate
April 27, 2009

and began serving in this capacity on April 2. And he has had a long career with the department beginning in 1992 as a frontline child protective services worker in northeast Nebraska. In 1999 he became the supervisor responsible for child welfare, juvenile justice, adult protective services in Dakota, Dixon, and Thurston Counties. In 2001 he came to Lincoln to administer the in-home services unit of the department. In 2004, he was appointed administrator of the Office of Protection and Safety in the department. And in 2007, he was appointed by his predecessor to head the policy section of the Division of Children and Family Services. He's a graduate of Creighton University in 1989 with a bachelor's degree in psychology and received a master's degree in public administration from the University of Nebraska-Omaha in 2006. I'd ask for your approval of the appointment of Todd Reckling as Director of the Division of Children and Family Services and would answer any questions if there are any. Thank you, Mr. President.

SENATOR ROBERT: Thank you, Senator Gay. Members, you have heard the opening on the legislative confirmation report. Is there anyone wishing to speak? Seeing none, Senator Gay waives his opportunity to close. Members, the question before the body is, shall we adopt the legislative confirmation report? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal page 1194.) 36 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR ROBERT: The report is adopted. (Visitors introduced.) Mr. Clerk, next item on the agenda, General File appropriations.

CLERK: Mr. President, LB198A by Senator Stuthman. (Read title.) [LB198A]

SENATOR ROBERT: Senator Stuthman, you are recognized to open on LB198A. [LB198A]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. LB198A is the appropriations to hopefully carry out the provisions of the Cigarette Ignition Propensity Act. The Fire Marshal estimates a revenue of \$230,000 beginning in the year 2010, 2011, 2012, and this is based on the certification fee of \$1,000 times 46 cigarettes manufacturers with an average of five family brand names. The certification process is renewed every four years. Therefore, revenue will not be needed, you know, after this money comes in. I would like to ask the body that we move this forward. I know today first off this morning is not a good time to come with a request for money that listening to the projections last Friday. But I think this is something that I'm going to hopefully try to work out, you know, by Select File as to exactly how many dollars is really needed for this program. Initially it is \$59,000, which is not a large amount, but the fact is a lot of \$59,000, you know, adds up to be quite a bit of money. So hopefully I can work something out prior to that. But as of this time, that is the request that we're going

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

Floor Debate
April 27, 2009

on. And I would just ask for your support to move this from General File to Select File. And hopefully by that time we can come upon agreement as to what it really will cost because this is just startup money after these dollars come in from these cigarette manufacturers as far as their certification fees that we established in the bill. Then there will be enough money for that to take care of that portion of the program that is the duty of the State Fire Marshal. So with that, I would ask for your support of this bill at the present time. Thank you, Mr. President. [LB198A]

SENATOR ROBERT: Thank you, Senator Stuthman. Members, you have heard the opening to LB198A. Are there members wishing to speak? Seeing none, Senator Stuthman waives his opportunity to close. The question before the body is, shall LB198A advance to E&R Initial? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB198A]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB198A. [LB198A]

SENATOR ROBERT: LB198A does advance. Next item on the agenda, General File senator priority bills. [LB198A]

CLERK: Mr. President, LB160 is a bill by Senator Gay. (Read title.) The bill was introduced on January 12, discussed on the floor on April 15. At that time the committee amendments and an amendment to the committee amendments were adopted. When the Legislature left the issue, Senator Hadley had pending AM1084 as well as FA28 as an amendment to AM1084. (Legislative Journal page 1031.) [LB160]

SENATOR ROBERT: Senator Gay, you're recognized to open on LB160. [LB160]

SENATOR GAY: Thank you, Mr. President. I'll just bring us up to speed on what this does. This bill authorizes a natural resources district which encompasses a city of the metropolitan class to dedicate a portion of its existing mill levy to finance flood protection and water quality enhancement projects through the issuance of bonds. This is a result of eight years and \$2.5 million of studying this in the partnership that includes the city of Bellevue, the city of Bennington, village of Boys Town, city of Elkhorn, city of Gretna, city of La Vista, Omaha, Papillion, Ralston, Douglas County, Sarpy County, and the Papio-Missouri Natural Resources District. So far we have adopted the Natural Resources Committee amendment which combined with the green copy would require a two-thirds approval by the NRD board before bonds could be issued; a districtwide public vote for any proposed bond levy that would exceed 1 cent within the NRD's current 4.5 cent levy limit; allow bond proceeds to be used for design right-of-way acquisition; construction of multipurpose projects and practices for storm water management; flood control; water quality enhancement, including low-impact development, best management measures, and flood plain buyouts, dams, reservoirs, basins, and levees; and place restrictions on the projects that could be funded through the bonds, including

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

Floor Debate
April 27, 2009

limiting reservoirs or water quality basins having a permanent pool to no greater than 400 surface acres; prohibiting the use of eminent domain for purpose of enhancing private developers; providing public access for permanent pools over 20 surface acres; give a county board veto power over dams greater than 20 surface acres; clarify that bond proceeds can't be used for Omaha's sewer separation project; and places a sunset on the bonding authority December 31, 2019. We also adopted an amendment introduced by Senator Rogert that would ensure that cities and counties that are part of the partnership adopt storm water management plans. We are now considering a couple of amendments introduced by Senator Hadley which he will introduce that if adopted will...well, I'll wait on that portion, Mr. President. But at this point, I think there's been a lot of great negotiations going on, and we've had an excellent debate and look forward to continuing that debate this morning. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Thank you, Senator Gay. You have heard the opening to LB160. (Visitors introduced.) As was stated, there is an amendment by Senator Hadley, AM1084. Senator Hadley, you're recognized to open. [LB160]

SENATOR HADLEY: Mr. President, members of the body, my AM1084 is actually my primary reason for this amendment is that we are giving the NRDs the ability to bond for the first time. And I think that's a critical decision that we're making. AM1084 basically says that a bond issue that...as the NRDs are talking about, my amendment says that it must be taken to a vote of the people and the people in the district, the NRD district, must approve the bond issue, similar to bond issues issued by counties, cities, school boards, ESUs and such as that, that we not set up a general obligation bond by a taxing authority that does not have a vote of the people. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Hadley. You've heard the opening of AM1084 to LB160. Mr. Clerk, you have an additional amendment on your desk. [LB160]

CLERK: Mr. President, Senator Hadley, you had an amendment to AM1084, FA28, but you want to withdraw that I understand, Senator. [LB160]

SENATOR HADLEY: Correct, Mr. Clerk. [LB160]

PRESIDENT SHEEHY: FA28 is withdrawn. [LB160]

CLERK: Senator Hadley would move to amend his amendment with AM1125, Mr. President. (Legislative Journal page 1195.) [LB160]

PRESIDENT SHEEHY: Senator Hadley, you're recognized to open on AM1125. [LB160]

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

Floor Debate
April 27, 2009

SENATOR HADLEY: Yes. AM1125 is...we had some problems with the wording as to the fact that a bond issue can pass with a majority vote of the people voting in the bond issue election. And that is exactly what AM1125 does. It puts wording into AM1084 that the bond issue passes by basically having a majority of at least one in the election for the bond issue. It's strictly cleanup language that you would find in election procedures for any election procedures. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Hadley. You have heard the opening of AM1125 to AM1084. Members requesting to speak are Senator Price, followed by Senator Lautenbaugh, Senator Gay, Senator Pirsch, and Senator Rogert. Senator Price, you're recognized. [LB160]

SENATOR PRICE: Thank you, Mr. President, members of the body. Good morning on this blustery morning on the 100-acre wood. I was wondering would Senator Gay please yield to a question? [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions? [LB160]

SENATOR GAY: Yes, I would. [LB160]

SENATOR PRICE: Thank you. Senator Gay, just real quick question is, again, how much would this 1 cent increase raise? [LB160]

SENATOR GAY: Each cent is \$4.5 million. [LB160]

SENATOR PRICE: Thank you very much, Senator Gay. [LB160]

SENATOR GAY: Yup. [LB160]

SENATOR PRICE: I wondered would Senator Langemeier yield to a question? [LB160]

PRESIDENT SHEEHY: Senator Langemeier, would you yield to a question? [LB160]

SENATOR LANGEMEIER: Yes. [LB160]

SENATOR PRICE: Thank you. Senator Langemeier, a question to you is how much will the 1 cent raise? [LB160]

SENATOR LANGEMEIER: Well, if you do the Papio's NRD budget, it's about \$39 million a year and their levy is currently at about 3.5 cents, but you can't just divide that out because a lot of that is federal money that's in their budget. So it would raise you about \$5 million a year. [LB160]

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

Floor Debate
April 27, 2009

SENATOR PRICE: Okay, great because I believe last week we had a disparate number. Okay, thank you very much. Ladies and gentlemen of the body, I had a question perhaps and I did ask a member of our body who is a CPA to look into this. But I would like to ask how are we going to service bond debt on up to \$173 million or whatever the number is, \$150-plus million on \$4.5 million a year? Senator Gay, would Senator Gay yield to a question please? [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions? [LB160]

SENATOR GAY: Yes, I would. [LB160]

SENATOR PRICE: Senator Gay, can you walk me through (inaudible) but just basically how \$4.5 million is going to service the \$150-plus million, I believe it's \$150 million plus, \$170 million, how is \$4.5 million going to service that debt in 20 years? [LB160]

SENATOR GAY: Exactly. The funding, I don't know, you'd have to see what the information in the bond is. That revenue stream which they are currently already assessing would just be set aside to finance. What that would do...there's also other fees that cities and counties pitch in to help finance in the partnership act so several of these things together help go for the bond. Somebody has to underwrite a bond. When you have a partnership of that many people, someone has to be the entity to issue the bond. In this case, all those cities and counties selected the Papio NRD to be the watershed partner. They're the ones that call the meetings, do all the things so that's why under their authority they can bring everyone and have a comprehensive way to issue the bonds. But 4.5 cents, you know, I don't know exactly the specifics, but apparently this is enough because they're not asking for more. [LB160]

SENATOR PRICE: Okay. So there's actually a partnership of multiple revenue streams going in to service the debt, this bond debt, not just what we're asking for here. Correct? [LB160]

SENATOR GAY: Senator Price, I don't want to mislead... [LB160]

SENATOR PRICE: Okay. [LB160]

SENATOR GAY: ...on that specifically. There's so many different ways they could do the financing of a bond issue. It's a very technical thing,... [LB160]

SENATOR PRICE: Sure. [LB160]

SENATOR GAY: ...and I don't want to just make it up here. I'll be honest with you. I assume what they'd do, well, I know what they'd do is take that revenue. What that could generate I don't know, it depends on what rates you have, the term, the duration,

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

Floor Debate
April 27, 2009

a lot of different things. [LB160]

SENATOR PRICE: Okay. I understand it's a very complex thing. But, you know, on the face of it, ladies and gentlemen, on the face of it when you ask \$4.5 million to pay off such a huge debt, we see now that they're going to be using other revenue sources. They're going to have to use other sources. Another...would Senator Langemeier yield to a question? [LB160]

PRESIDENT SHEEHY: Senator Langemeier, would you yield to a question? [LB160]

SENATOR LANGEMEIER: Yes. [LB160]

SENATOR PRICE: Thank you, Senator Langemeier, and I'm sorry to get you running back and forth there. My question is, Senator Langemeier, if we have a catastrophic flood happen somewhere in the state, where do the funds come to help cover and recover from that event? [LB160]

SENATOR LANGEMEIER: That is always the million dollar question. In June, Schuyler flooded, which the city of Schuyler would have deemed that a catastrophic event. Most of the people donated their time--the electricians, the people that brought in the heavy equipment, the people that brought the sand in--had donated their time. They did submit bills back. They made a collective bill for the city's time, the utilities, the damage to homes and came up with a total dollar, submitted that to FEMA. FEMA came in and paid, ended up paying about 20 percent of that cost and the rest is borne by those that expensed it. So if you loaned them a big Bobcat to help move sand, you just made a nice donation. [LB160]

SENATOR PRICE: So is there no state emergency fund that helps offset some of these natural disasters? [LB160]

SENATOR LANGEMEIER: There is. We had made a request... [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR LANGEMEIER: ...but received nothing. [LB160]

SENATOR PRICE: Thank you very much. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Price. Senator Gay, you're recognized. [LB160]

SENATOR GAY: Thank you, Mr. President. I just wanted to rise on the record, again, opposing this amendment, not...friend, Senator Hadley, we've worked on a lot of issues

Floor Debate
April 27, 2009

together. This is just one that we don't agree on and that's just part of what happens. But I'm really very firmly against this amendment. The reason why, we've already adopted several great amendments, a ton of input from the Natural Resources Committee. This process has been going on literally for seven years. We're at the point now where that sounds great. I'm not against a public vote. I've sent things out for a public vote before when I was a county commissioner. Entities have opportunities to issue bonds to finance. Many times when you get a technical situation like this that maybe affects a certain area but not others, decisions have to be made. We'd listened closely earlier in the session and made several concessions, and I think they're good ones, of how to do this. We added the supermajority of the board to vote on this issue. We've added opt-out provisions, guaranteed for those minority voice and interest so they were well represented, and they were opposed to the public bonding or the public vote on the bonding as well. Both parties right now are opposed to this, and both parties have been negotiating this for years. So at this point the Legislature comes in and says, well, here's exactly what you're going to do, go do it, I think would really unravel and put us right back to where we started. And (inaudible) they're to stay in jeopardy of nothing getting done. At this point I'm opposed to it. Secondly, when we get to the point of the opt-out provision, there is an opt-out on other counties that don't necessarily love this idea but they understand where we're coming from I think. I probably shouldn't speak for them. Secondly, when we look at bonding in general, Senator Price just asked me some questions. The details of some of these issues are very complex just that alone to go get bond counsel, hold an election, education 600-some-thousand voters on a technical amendment or an issue that may not affect them is a hard sell. Let's face it. The bigger the area, the harder sell it is. But the fact is we're talking six or eight counties reaching from Dakota County, who supports this and is a part of the watershed agreement, who supports it all the way down clear to Sarpy County, so there are many entities involved in it when we deal with bonding. The portion of compromise that also we've done, because we do respect the public input and public vote, is if you go over the 1 cent, first of all they can't exceed their levy limit, which is a check. Second, they can't go over 1 cent, which is a check. If they would want to go for over 1 cent, they would then have to seek a public vote. So there has been many compromises and things have been thought through to get to this point where we're at. And I know we had many discussions. And like I say, I think we've got some great amendments drafted. But at this point when both parties who have been in those agreements are opposed to this, I would urge you to seriously think about this. And I'm more than happy to answer any questions, but I think we'd be taking a step backward, not in the interest of, like I say, I think the public...there's nothing against that. I respect the public's opinion. But that public also elected an elected board, and local boards have just as much say. I've heard a hundred times: local control, local control. This is allowing local control. Senator Stuthman stood up earlier and said, boy, this is probably not a tough...tough time to go for an A bill. Well, down the road in the future it's harder and harder for the state to...
[LB160]

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

Floor Debate
April 27, 2009

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GAY: ...help out local communities again and again and again. In this case, we've got local communities and counties willing to help themselves and asking us for the tools to help themselves. And I think we should do that. The amendments are crafted in a way that will do an excellent job of it. So I'd urge your against this amendment and for the overall bill, LB160. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR89, LR90, and LR91. Continuing floor discussion on AM1125 to AM1084, members requesting to speak: Senator Pirsch, followed by Senator Rogert, Senator Dierks, Senator Wightman, Senator Schilz, and others. Senator Pirsch, you're recognized. [LB160 LR89 LR90 LR91]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I would yield the balance of my time to Senator Hadley, should he desire to use it. [LB160]

PRESIDENT SHEEHY: Senator Hadley, you are yielded 4:50. [LB160]

SENATOR HADLEY: Again, being new to the body, maybe this happens a lot, but on my e-mails I've been getting on this issue, both sides, the opponents and the proponents to LB160, would like me to withdraw my amendment. And I find that interesting because the proponents want me to withdraw my amendment because they're afraid that they can't get a vote of the people. And so they need the votes of the boards and the supermajority and such as that. The opponents have been sending me e-mails that they're afraid that the people will vote for the issue in a general election and so they want me to pull my amendment because they're afraid it will be voted for, and they're putting their faith in the county boards. So this could be the first bill maybe that's come in here that I have both sides against me on this bill. Again, it is strictly I have no problems with the project. I have no problems with the bonding. But again, I think it's important that we're taking this first step. I pulled out my tax bill and I took a look at it. And going through it, I have Kearney city bonds, vote of the people, general obligation bonds I'm paying for. I have a Central Nebraska Tech College. They just had a bond issue. They're direly needing new buildings and refurbishing of buildings. They had a bond issue which went over numerous counties that was a general obligation bond issue. They put it to a vote. It went down. I have ESU 10. ESU 10 can basically issue bonds with a vote of the...general obligation bonds with a vote of the people to exceed their mill levy. I have Kearney Public School bonds, again, a vote of the people that are on my tax bill. I have county funds, and we're going to have a county bond issue for a new jail that was passed by a vote of the people, a general obligation bond of the county. Now counties have for jails and for county buildings they have a small amount that they can actually issue without a vote. But the largest counties in the state can only

Floor Debate
April 27, 2009

issue \$2 million worth of bonds with that kind of vote. So again, I'm not saying...I'm not talking against the bill or anything. I just am trying to make a point that I believe these kinds of things when we bond something over 20 years and we make it an obligation of the people to pay that for 20 years that we should put it to a vote of the people. Thank you, Mr. President. Thank you, Senator. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Hadley. Senator Rogert, you're recognized. [LB160]

SENATOR ROBERT: Thank you, Mr. President. Good morning, members. I've been fairly involved in this process for the past couple of years. Bonding by the Papio-Missouri Valley NRD affects my district greatly. I live in Burt County and represent Washington and Thurston County as well which are included in the NRD. And we've discussed many times about Douglas and Sarpy County and their issues and the problems that they may currently be looking at in terms of eminent danger for flooding and water control, water quality. And I mentioned and said often that I can be convinced that there may be some issues we need to address in terms of flooding and water quality in the southern portions of this NRD. Continuing to come up with some ideas on how to limit the availability of these bonds and the hurdles that they are going over to make sure it's a good check and it's absolutely necessary and that the people have the right voice when it comes to issuing these bonds. I also stand in opposition to this amendment. And I don't stand in opposition because I don't believe that the people deserve a voice. I believe that they have their voice in terms of their county boards and the elections of their NRD board members. Bonding is a very difficult and technical issue, as Senator Gay mentioned. The committee amendment represents months, if not years, of negotiations between the NRD and those that have questions whether the bonding authority is necessary. The committee amendment does a lot and goes a long ways to creating a good process through which we can control the availability of these bonds and measure their effectiveness. This amendment would literally strike away all those negotiations and take it to a vote of the people. A vote of the people is fine in an area where you have equal representation across the entire voting area. The Papio Valley NRD has 90-plus percent I'm certain of its voting people living in two of the several counties that are there. And I believe that Washington, Burt, and Thurston, and Dakota Counties would be far less served by allowing this to go to a vote of the people because of the large population epicenter in the southern portion of this district. If at some point we decide we want to build 30 dams and in order to control flooding in Douglas and Sarpy County, I think a great portion of Douglas and Sarpy County would say, well, let's put it in Washington County because that's where there aren't any people. Washington County says, we don't want it, let's take it to a vote of the people whether we want to issue the bonds, well, we know who wins that--Douglas County. So I have said many times if this amendment goes then you're going to hear from me for the next two hours, and I'm going to be up here barking around and saying we got to do some other stuff. So I will oppose this amendment. And if this amendment fails, you

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

Floor Debate
April 27, 2009

won't have to hear that much from me this morning I promise you. So thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Rogert. Senator Dierks, you're recognized. [LB160]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. It's kind of like were damned if we do and damned if we don't, isn't it? They say the two parties opposing and supporting disagree with this. In my estimation, if we don't do this, then I won't support the bill. I think we'd be better off with nothing than with the vote that's...with the votes just based in the natural resources district itself. I think it's a step in the wrong direction. I think we're starting down the road of a tax policy that we're going to wish we hadn't. With that, I will stop, close my presentation. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Dierks. (Visitors introduced.) Continuing floor discussion on the Hadley amendment, AM1125, to AM1084. Senator Wightman, followed by Senator Schilz, Senator Lautenbaugh, Senator Hadley, and Senator Utter, and others. Senator Wightman, you're recognized. [LB160]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. First of all, I do intend to support LB160 and am opposed to AM1125 and AM1084. I think sometimes we get too tied up in the fact that the registered voters, not the registered, the residents of the community have got to have a vote on these issues and for several reasons. First of all, I would suggest to you that probably...what we're trying to do is protect the property owners obviously. But I'd like to point out that the people that are voting are certainly not exactly the same people that are property owners within the district. For example, I don't know the figure, but I would dare say that 30 to 35 percent of the people that vote on any issue that's submitted to the voters probably are not property owners. I think that's true on school bond elections. I think it's true on almost every kind of election we have in which we're voting in a bond issue. So we take the position that the people who are being affected by this should be the voters, but many times there are many people voting that aren't voters. I think you would also be able to show that many of the property owners do not go to the polls at all. And then I would also point out that we have numerous absentee owners, whether they're farmland owners, whether they own houses within the district, maybe apartment houses, commercial buildings, that are very much affected by the bond issue that aren't even allowed to vote. They're disenfranchised by the very fact that they are not residents within the district. So I think that we're talking about when we're talking about flood control it's something that may be a real emergency. It may take a rather considerable length of time to get to a vote. It seems to me that when we have a two-thirds vote or supermajority of the elected board that that certainly is representative of the residents within the district as well. With that, I would like to ask a few questions of Senator

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

Floor Debate
April 27, 2009

Hadley if he would yield to some questions. [LB160]

PRESIDENT SHEEHY: Senator Hadley, would you yield to questions? [LB160]

SENATOR HADLEY: Yes, I certainly would, sir. [LB160]

SENATOR WIGHTMAN: Senator Hadley, I respect the amendment from the standpoint that I, too, am always concerned when we disenfranchise those people who have a vested interest, as property owners do, on any kind of a bond issue because we're talking about committing their resources to pay for this bond issue over a period of time. But let me give you a few examples and you tell me what their voting situation would be. Say somebody does not own any property within the district and you voted on the bond issue and residents within the district are entitled to vote. Say one person had a million dollars worth of property within the district and another one owned zero property within the district and he's paying no property taxes. Would their votes count the same? [LB160]

SENATOR HADLEY: Yes, sir, they certainly would, Senator Wightman. [LB160]

SENATOR WIGHTMAN: Do you have any idea, Senator Hadley, how many people voting on a normal bond issue would not be property owners within the district? [LB160]

SENATOR HADLEY: No, I do not. [LB160]

SENATOR WIGHTMAN: And it would vary from types of issues I assume. [LB160]

SENATOR HADLEY: Right. [LB160]

SENATOR WIGHTMAN: Would you think that it's possible that as many as 30 percent of those who voted would not own property within the district? [LB160]

SENATOR HADLEY: That's very possible. But, Senator Wightman, to vote you have to be a resident of that district... [LB160]

SENATOR WIGHTMAN: Right. [LB160]

SENATOR HADLEY: ...so you're living in that district. So if you're renting, you're effectively paying property taxes through your...what you pay for your rent indirectly you're paying property taxes... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR HADLEY: ...because the owner uses your rent to pay the property taxes. If

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

Floor Debate
April 27, 2009

we didn't have property taxes, you would pay less rent. [LB160]

SENATOR WIGHTMAN: Well, I think that argument can be made. I don't think all landowners or landlords automatically raise their rent just because of an increase in a bond issue. You would concede that, wouldn't you? [LB160]

SENATOR HADLEY: I would concede that, yes. [LB160]

SENATOR WIGHTMAN: And if I owned a million dollars worth of land outside the district and I lived in Council Bluffs, would I be entitled to vote? [LB160]

SENATOR HADLEY: No, you would not. It would be your residence, yes. [LB160]

SENATOR WIGHTMAN: Thank you, Senator Hadley. These are my points that I fail to see where we get a better vote necessarily by letting everyone within the district vote, whether they're a property owner or not as long as they're residents. We disenfranchise absentee property owners who are probably far more affected by it than many people within the district. So with that again, I do plan to support LB160 and will oppose AM1125. [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR WIGHTMAN: Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Schilz, you're recognized. [LB160]

SENATOR SCHILZ: Good morning, Mr. President and the body. Thank you. I'm standing here having dealt with this for the first time this year having heard that it's been in front of the Legislature for I don't know, five, six years, whatever the time frame has been. I would like to ask Senator Gay a question if he would yield. [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions? [LB160]

SENATOR GAY: Yes, I would. [LB160]

SENATOR SCHILZ: Thank you. Senator Gay, as far as you know on this issue since you've been dealing with it for quite a while, as we talk about the Papio-Missouri NRD and where a lot of these structures and development of these flood abatement facilities will be, is there a place where most of those are located, are they spread throughout, or how does that work? [LB160]

SENATOR GAY: There's...well, they're spread throughout the district on that portion of

Floor Debate
April 27, 2009

it. This also contains low-impact development and other measures that they could take. The main body where reservoirs would be a couple down and one in western Sarpy, one in north central Douglas, another one south further in Sarpy. There's seven total and they're in Douglas and Sarpy County because the water is coming from the north, coming from north down through into the Missouri River. So to hold the retention ponds partly because where they need to go who will allow them to go there. That's why we had the opt-out in Washington, you know. So there's...but the seven are in Sarpy and Douglas County and they're different varying sizes and exactly where they are is in the (inaudible) plan. [LB160]

SENATOR SCHILZ: And, Senator Gay, you talk about opt-out in Washington County. We put that into the bill. Is that correct? [LB160]

SENATOR GAY: Yes, the Natural Resources Committee did. [LB160]

SENATOR SCHILZ: Right. Okay. Thank you very much. Senator Hadley, would you yield to a question? [LB160]

PRESIDENT SHEEHY: Senator Hadley, would you yield to questions? [LB160]

SENATOR HADLEY: Yes, I would, sir. [LB160]

SENATOR SCHILZ: Yes, Senator Hadley, you know, as I look at this here, and a vote of the people which I am all for in certain instances and almost all the time, who all would vote on this? If Washington County would opt out, still being a part of the Papio-Missouri NRD, would they still get to vote on this issue? [LB160]

SENATOR HADLEY: Well, I'm going to liken this to a community college. We just had a bond issue that they tried in Central Community College. Every person within the community college district got to vote on it because the tax is going to be levied throughout the district and the same in the NRD here. The Papio NRD, this tax is levied throughout the district so I would say that everyone...if you're going to levy the tax in Dakota County or Sarpy County, if you pay the tax, to me you ought to have a right to vote on it. [LB160]

SENATOR SCHILZ: Okay. Thank you. And even, you know, I appreciate that. Thank you very much. And with that, I'd yield the rest of my time to Senator Nelson. [LB160]

PRESIDENT SHEEHY: Senator Nelson, you're yielded 1:50. [LB160]

SENATOR NELSON: Thank you, Senator Hadley, Mr. President, members of the body. I simply want to address some practical issues here that we will face if we do have to have an election by the electorate under the amendment from Senator Hadley. Senator

Floor Debate
April 27, 2009

Gay has handed out a map that shows the dimensions of the district, the length which comprises six counties. If you take a look at that, look at Douglas and Sarpy County, you've got 308,800 people in Douglas; Sarpy County has 83,900; Washington close to 14,000; Dakota close to 11,000; Burt 5,600; Thurston 4,600. Who is going to control that election? Do you think if the people in... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR NELSON: ...Washington and Dakota County are all in favor of this and Douglas County and Sarpy County don't feel that way, it's not going to get done? The other thing is that if we have to have an election on these bonds, it's going to take quite a while before you can get that up for a vote of the people. You might be able to get on a primary or a general election, but they come along every two years. If you have a special election, the cost in Douglas County alone would be around \$450,000 for a special election, probably \$30,000 in Sarpy; you're talking about a half a million dollars to have a special election on this issue. We have protections built in to LB160 which I am supporting. Those protections are a two-thirds majority and a vote of the county boards. I think that's all the protection that we need in this instance... [LB160]

PRESIDENT SHEEHY: Time, Senator. [LB160]

SENATOR NELSON: ...in light of the fact that they're limited. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Senator Lautenbaugh, you're recognized. [LB160]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I'm rising as a larger and louder version of Senator Rogert today I guess is the best way to put it. A vote of the people--it's an important thing. I believe we had a bill earlier this session from Senator McGill that allowed the issuance of some bonds in Lincoln without the vote of the people for some worthy cause, launching a satellite into space or something. I don't remember, but whatever it was, it was something Lincoln wanted to do. And I did not support that because it didn't have a vote of the people in the provision. There was an amendment to do that that I believe was defeated. NRDs are different, and I realize I'm reiterating some things that Senator Rogert said, some things that Senator Nelson just said. But these are multicounty entities and there's a substantial group of people in Washington County that have made it very clear that they want to be able...they don't want these things forced upon them if we're talking about dams and that kind of construction. And if we go to a vote of the entire NRD, Douglas and Sarpy are going to control the vote. And you may say that's where the people are, that's fine, but it's obvious where we're going to be locating the flood control measures if the majority controls and the majority is in Douglas and Sarpy. Last year we had a very

Floor Debate
April 27, 2009

similar bill. Last year we killed a very similar bill. And Senator Hadley brings this amendment in good faith. There's no doubt in my mind that he is doing what he thinks is the best from a public policy standpoint. But the committee, Senator Gay, and Senator Nelson, and the Papio Preservation Society, and the NRDs have all worked very hard on the committee amendment. And it's not perfect yet, but it's very good. And I'm not one who stands here and says because the committee does something we shouldn't tinker with it on the floor in all circumstances. But in this circumstance, this is a very hard-fought series of negotiations. And the committee amendment was structured for a certain way for certain reasons to get all the parties on board. And I'm in the same spot as Senator Rogert. If these amendments that are pending are passed, other than the committee amendment, and this now becomes a districtwide vote of the people with no protections for the smaller counties to the north of Douglas, I can't support this. And it's worse than not being able to support it. I have to actively work to keep this bill from advancing. I've started drafting amendments. I've never said that before, but it's the truth. I have started drafting amendments to this bill. I cannot let it go if it is just a districtwide vote of the people. Now there may be enough votes for cloture at some point. I don't know. But this bill, because of the interest of the parties involved, because of what I'm hearing, cannot be allowed to pass with these amendments. At least I'll do what I can to stop it. So I would urge you to please vote no on AM1125 and AM1084, pass the committee amendment, and we'll see where this goes. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Senator Hadley, you are recognized. [LB160]

SENATOR HADLEY: Thank you, Mr. President, members of the body. Again, I want to reiterate this is not a decision that I'm saying that LB160 is wrong. So far every argument I have heard, I believe, can be used on every general obligation bond. The only argument that I think has some credence is the fact that we're dealing with four or five or six or eight or ten counties. But those are what NRDs are. They contain a great number of counties. So do you say because they have a number of counties that we'll not put it up to a vote of the people? That unless a bond issue, a general obligation bond issue is a city, a county, or a school district, yes, we want those to be a vote of the people because they're a nice little self-contained area. But we created NRDs. This body created NRDs. Are we going to say that just because they happen to have eight or nine counties every one of those people, registered voters in there and property owners in there, are going to pay for the bond issue? This isn't a deal where you can say I live in Dakota County and we're going to do something in Sarpy so I'm not going to pay for it. You're going to pay for it. Secondly, I just feel passionately that my notes show that 1 cent cap would allow this NRD to raise \$130 million in bonds because they have approximately \$50 billion in valuation in the Papio NRD. That's a lot of money. So when it gets down to making the decision, I can understand if you vote against my amendments because if you truly believe that an NRD is a different character because of the fact that it has eight or nine counties in it, then fine. But if you think it is a taxing

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

Floor Debate
April 27, 2009

unit, a governmental unit that can issue general obligation bonds that obligate the people who live in that district for 20 years without a vote of the people, then you should vote for my amendments. Lastly, and I think this is very important, this is the first time we're having an NRD allowed to issue bonds. Now some people are going to argue that this doesn't set a precedent. I'm going to argue that it does. What do you do when the next NRD comes in and says, oh, we can't go to a vote of the people. Let's say it's an NRD that only has two counties. Oh, we can't go to a vote of the people because it's two counties, and one county will vote for it and the other one won't. Or they're different sizes in a two-county NRD. So again I urge you to support these amendments, but I understand if you feel that an NRD is a different creature that a vote of the people is not appropriate in issuing general obligation bonds. I certainly would understand that also. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Hadley. Senator Utter, you're recognized. [LB160]

SENATOR UTTER: Thank you very much, Mr. President. Good morning, members of the body. I rise in support of Senator Hadley's amendment to this bill. It does seem to me like we're setting a precedent and maybe a dangerous precedent to start issuing general obligation bonds of the taxpayers without a vote. As many of you may remember, early in the session I opposed the urban growth district bill and opposed the issuing of bonds there even though they weren't general obligation bonds at the time they were issued. They had the potential to turn into general obligation bonds. I opposed that on the same basis, that we're actually creating an indebtedness that is a general obligation of all of the people. And so I support Senator Hadley's amendment. I actually would admit that there has to be a question as to whether or not the bill should even...the NRD should even have the right to have bonded indebtedness. So I thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Utter. Mr. Clerk, you have items for the record. [LB160]

CLERK: Mr. President, just an announcement. The Executive Board will meet now at 11:00 in Room 2102, Executive Board in 2102 immediately. Thank you. [LB160]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Continuing with floor discussion on AM1125 to AM1084. Members requesting to speak: Senator Hansen, followed by Senator Price, Senator Campbell, Senator Wallman, Senator Gay, and others. Senator Hansen, you're recognized. [LB160]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I also rise in favor of a vote of the people. If we take this right away when people are getting taxed and people have the potential for raising their taxes don't have a vote or don't

Floor Debate
April 27, 2009

have that contact with the NRD in this case, I think we're in a lot of trouble. I think we do need to go to the people as Senator Hadley's amendment calls for and a majority of those voting. And he changed that from his other amendment so that he's taken care of that. Now to the point where this center of population will outvote the others. Well, that's going to happen in every NRD, especially the NRDs. The NRDs are large. They're based on watersheds. In my area, the Twin Platte NRD will be controlled by North Platte and Ogallala. That's just the way it is, the way it always has been. The board makeup is that way because it's based not only on the watersheds, but it's also based on population. You know the Central Platte NRD is the same way. Kearney and Grand Island will vote and they pay taxes and they will control where the projects are going to be. I don't think we need to take that vote of the people away and give it entirely to the board for when you increase taxes. The purpose of increasing taxes need to be voted. Those directors, the hired staff of the NRDs need to get out and explain the project, promote its worthiness, and have to promote it. In Senator Rogert's case if they're going to do that in Washington County, they need to make that point to the people in Omaha, in Douglas and Sarpy County, that that program is a good program and it's in the best interest of the NRD. I think NRDs get some programs every once in a while that are just a little bit, oh, I don't know for sure how to say this, but they get a little bit ivory towered and they think that they should be the ones that make all the solutions to all the problems. And that's not necessarily the way it should be. The people need an input. The input that they need and deserve is a vote of the people. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Hansen. Senator Price, you're recognized. [LB160]

SENATOR PRICE: Thank you, Mr. President, members of the body. So little time, so much to say. First thing I'd like to say on the Papio NRD board and the map here provided for us, I'd like to call out, and if I misrepresent this, please correct me soonest, but if you're talking about the NRD board, Dakota County all the way down to Washington County, they have one representative on the Papio NRD board, one. The rest fall into the Douglas and Sarpy County. So if you talk about an inability to be represented, there you go right there. That's even more egregious or more obvious and apparent than you would when you have a vote of the people I would submit. The other thing, when we talk about local control, local control when we had to deal with Senator McGill's bill here for Lincoln, see a Lincoln board, Lincoln people, it was a direct correlation and direct connection. Local control when you talk from Dakota to Sarpy, there are people probably who live in Sarpy County who don't know who the Washington County board members are. That's not local control, ladies and gentlemen. Local control is when you can have a direct line of sight and you can reach out and touch that person with your vote. That's local control, at least in my book. And also I'd like to talk about it was a...when we did that, that was creating a potential for indebtedness. I'd also like to bring up the event this past summer or this past year when

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

Floor Debate
April 27, 2009

we had the Supreme Court shoot down an NRD idea of having one NRD pay a state bill. I was trying to draw the analogy or corollary, if you would, that if we have a disaster in Nebraska, that's a state issue. Cleaning up dams and protecting the state is a state issue I submit, not a Papio NRD, it's not a Sarpy County or a Burt County or a Thurston County alone. That's a statewide debt. And if we start having one NRD pay the debt for a statewide debt, we could be back in Supreme Court again and have this all thrown out. I'm not sure. I'm not a constitutional lawyer, but I would wonder about that. Now I would like to ask if Senator Gay would yield to a question, please. [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions? [LB160]

SENATOR GAY: Yes, I would. [LB160]

SENATOR PRICE: Thank you, Senator Gay. A quick question for you. In one area where we were talking about a vote of the county board to go or no go on a project. [LB160]

SENATOR GAY: Um-hum. [LB160]

SENATOR PRICE: All right. Is that only one county or is that going to include all the counties? [LB160]

SENATOR GAY: Any county can do that. [LB160]

SENATOR PRICE: So, no, not...so every... [LB160]

SENATOR GAY: They could do it without a public vote as well. [LB160]

SENATOR PRICE: So am I to understand that every county would have to give approval? [LB160]

SENATOR GAY: Give me an example. I'm sorry, Senator Price. [LB160]

SENATOR PRICE: Okay. We're going to build a dam that's going to cost, I don't know, a project of \$15 million in Douglas County. Who is going to be...which county is going to have the authority to say yes or no? [LB160]

SENATOR GAY: Douglas County. [LB160]

SENATOR PRICE: Okay. So it's not really representing...and Dakota County, Thurston, Burt, Washington, and Sarpy, though, will be paying the bill. [LB160]

SENATOR GAY: If, well, if they decide not to build...if they build a reservoir in a different

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

Floor Debate
April 27, 2009

county, yeah, in any county everyone is pooling on the levy. [LB160]

SENATOR PRICE: So all the counties pay, but only one county gets the ability...one county board will make the decision to allow it to go forward or not. [LB160]

SENATOR GAY: They could opt out, yes. That county could opt out. Right now that's... [LB160]

SENATOR PRICE: Will they opt out of paying? [LB160]

SENATOR GAY: No. [LB160]

SENATOR PRICE: Okay. So everybody is on the hook to pay but only one county makes the decision. [LB160]

SENATOR GAY: For regional flood prevention, yup, everyone is on the hook to pay and one county, to protect the minority, could opt out. Douglas County could opt out if they would wish to if a dam were in the county. If it's in the city, then not necessarily. [LB160]

SENATOR PRICE: Okay. I apologize. I just got confused by my question let alone the answer. If we're going to put a dam in Douglas County, if we put a dam in Douglas County, which board under the committee amendment would be the one to make the decision to go or no go? [LB160]

SENATOR GAY: If it's over 20 acres, Douglas County. [LB160]

SENATOR PRICE: Okay. So if Douglas... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR PRICE: Thank you, Mr. President. So Douglas County could say, yes, put this 400-acre lake and dam here between Douglas...in Douglas County and Washington, Burt, Thurston, Dakota, and Sarpy County boards would not weigh into that. Yet the people they represent would be paying the bill. Correct? [LB160]

SENATOR GAY: Yes. [LB160]

SENATOR PRICE: Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Price. Senator Campbell, you're recognized. [LB160]

SENATOR CAMPBELL: Thank you, Mr. President. I rise in opposition to AM1125 to

Floor Debate
April 27, 2009

AM1084 and primarily because I think the question that was posed earlier is are we setting a precedent? I would say that the precedent that we're setting here is that any project of this magnitude that covers eight counties and 422,400 citizens is a project that comes to the Legislature and says, over seven years we have worked feverishly to bring this together. This is a complex, unusual project that is now before the Legislature. And in this case, I do think that the people's voice is heard through the community discussions and certainly through the county boards and NRDs meetings. It is important that we, the Legislature, recognize that a unique project comes along and oftentimes it requires a unique approach. I am usually 99 percent jump down on the side of a public vote. But in this situation with eight counties and the magnitude of the project, I do think we need to keep that in mind because the bond issues will be a series of them I am sure. And at what point do 422,000 people vote on which bond? The complexity of the project it seems to me is what says we need to do this in order to protect this basin. And after seven years of work, this is what we've brought forward. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Campbell. Senator Wallman, you're recognized. [LB160]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I appreciate what Senator Price had to say. You look at the NRD membership, whether it be irrigators, dryland farmers, urban dwellers, farmers. If this passes, I would be scared to be a farmer if you have land where they want to build a dam. They will condemn your farm. And if you have land adjacent to that and water backs up on that and if you get an easement on that, you will not get paid fairly, trust me. Why is this? It's economics. So if they want to buy Senator, just say Senator Schilz's farm, why don't they pay him like eight or ten years' income off that farm instead of just today's price? And then he has to pay appreciation tax on that land or buy some more property. In today's environment, that's almost impossible. So we're getting...if you have land in this area and if they're going to build a structure, you're going to get penalized. So...and a voice of the people I can see where Senator Rogert's...it's a little scary when urban versus rural. Farmers are the minority. And we will pay the bill, the majority that you look on your tax statements. I think Senator Stuthman will probably tell you. I didn't bring mine, but, you know, I'm in the Three Rivers Basin--the Lower Platte, Nemaha, Big Blue. And there's different rates on every basin. The Big Blue decided to take a proactive approach in Beatrice. They used to always flood. Every time it flooded, they bought some more houses, a beautiful park along the river. That's how they chose to do it. We can fix this without building dams. It's going to cost either way. And then regarding one river basin, we decided we have to kill vegetation because we have dams the river doesn't scour the streambed clean. That's the way our Maker designed the earth. Floods will clean the streambed. But if we put dams in there, that's gone. We have affected the ecology of the earth permanently. So do we want to build more structures? I like water. I'm an Aquarian. I just love more dams. But I look at the ecology of our earth and what we're doing and

Floor Debate
April 27, 2009

storm water runoff through major highways, streets, and byways, we're going to affect storm water runoff. Can we deal with that different ways? Different countries do. Major river valleys like the Swan River, they've cleaned it up. Have we cleaned ours up? No. We kill vegetation to clean up the river beds. That is a good cleaner upper. So how do we solve this? Give another government entity bonding authority? I think we see what our sister state Kansas has done with the bonding authority. Now they got trouble paying it back. Will NRDs have trouble paying it back also? I don't know. It depends on the economy. And so I don't know how to vote on Senator Hadley's amendment, but I definitely think it should be a vote of the people. So I'm just waiting to see how this turns out. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Gay, followed by Senator Gloor, Senator Stuthman, and Senator Schilz. Senator Gay, you're recognized. [LB160]

SENATOR GAY: Thank you, Mr. President. Just want to clarify a few things. Senator Wallman brings up about eminent domain. Under the Natural Resources amendment, that cannot be used for these projects so...and I don't know what other NRDs are doing throughout the state. I listened to colleagues and I know they have different issues and they face different issues. This issue happens to be flood control and potential massive flooding. I did hear one thing. I just need to correct this. Many times when we're talking about these bonds that I keep hearing, and I don't know this and if somebody...those are exceeding their levy limit. These cannot. Under the law, there's no way that they can exceed the levy limit. And even to raise taxes, right now they're already issuing a penny. They couldn't do that either without a public vote because they only get 1 cent and they're already issuing...they're already collecting that 1 cent to go into a reserve fund as I mentioned earlier in the bill. So it would be impossible for them to raise taxes without a public vote or to even to that cent. Actually, next week they could have a meeting and go up to their complete levy limit, and we'd have nothing to say about that because we don't control local property taxes. We're allowing a financing mechanism here to be used. And just like any tool, you know, of course, you've got to be careful how you're using bonding authority. We allow schools right now, schools can go 5.5 cents without a vote of the people right now to exceed their levy limit authority. This bill they cannot exceed their levy limit authority. So I need to get that across again and again and again. It's a different concept than what you're used to. You're thinking about bonding going over a levy limit. This cannot happen. So that's very important that we do that. Just a few other issues. Somebody said, well, what are the reasons? I just want to go over a few reasons. This...sometimes when you have this districtwide elections, that's fine. They're expensive, they're thought out. If you're having a project being done--Senator Schilz discussed where the sites--smaller projects, the larger ones that have been pointed out have been down on the end where most the population would be. Now smaller projects could happen up north--Thurston County, Burt, whatever--if they have a need for that. We keep talking about these reservoirs as well. This has

Floor Debate
April 27, 2009

low-impact development so the opportunity to do that is in the plan. Low-impact development much like Senator Christensen talked about where you have basins that control smaller runoff, it then goes...runs off and you move on. So there's a lot of different things going on here, not just these dam sites. Sometimes...oh, another thing. Interesting to me, we talked about different...the different bonding and public vote or not public vote. Just in the school debate, in that bill there's plenty of bonding allowed in that bill, and I didn't hear one word about it. But under the federal programs and everything else, schools can go issue these bonds and they're actually receiving more bonds without a public vote. So that happens...that can happen right now. Senator Campbell and I have talked about counties. Sometimes you find out what would happen here is this would be a massive undertaking. You might miss financing windows. You might miss smaller projects. Would you go out for the larger? You might as well go for it then if you're going for a public vote. I think that would do a disservice to the taxpayers because you'd be asking for more. They don't want that. One cent will cover it. I don't know all the details as I'm being...trying to get an answer out of me on the details I do not know because interest rates, duration of the bonds, whatever the situation may be. [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GAY: There could be large...it could be large projects or it could be small projects. There could be set asides, there could be purchases. It's in the bill. That has been discussed for the last seven years and here we are today. The committee heard this bill, one of their first bills they heard this year, put a lot of time and effort into it. And I know I question committees, too, and we're doing a good job of that. But at some point when we have this debate going on, you can only imagine what's going on in a voter's head who doesn't have near the information what we have. So I think we need to trust local elected officials sometimes. You're right. I can't vote directly for that person. And Senator Price and I know about a local board that's been created that we didn't get to vote for it either. And you know what I'm talking about. I don't want to go there. But sometimes you don't get to vote directly for that person. You're all making decisions for people throughout this state who didn't vote for you. So that's just representative government. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Gloor, you're recognized. [LB160]

SENATOR GLOOR: Thank you, Mr. President and members of the body. I rise in support of LB160 but in opposition of AM1084 and AM1125, as much as it pains me to be in opposition to my good friend Senator Hadley on any issues. I wonder if Senator Gay would yield to a question. [LB160]

PRESIDENT SHEEHY: Senator Gay, would you yield to questions? [LB160]

Floor Debate
April 27, 2009

SENATOR GAY: Yes, I would. [LB160]

SENATOR GLOOR: Senator Gay, I want to go back before I start my comments by emphasizing or having you reemphasize a comment that you made that this is about flooding, flood control, and limiting flood damage. Am I correct that this is the basic underlying issue behind this bill? [LB160]

SENATOR GAY: Yes, and for the Papio NRD. They do other things, of course. But their main mission there is flood control because of the urban nature of most of the district, although they have to deal, as you saw, Senator Gloor, it goes clear up to Sioux City with other issues as well. But flood control is what NRDs were created for I assume. [LB160]

SENATOR GLOOR: Thank you, Senator Gay. I just want to emphasize that again because there's been an awful lot of good discussion. But it's certainly hard for any of us not to feel comfortable with the importance of a vote of the people. But as it has been said time and time again, there is the opportunity for the electorate to vote for representatives on the NRD. Those NRDs know that. Those multiple boards have come together. A lot of the issues that we continue to beat at here have been addressed by those NRD boards. They've been addressed by the committee. We are asking a lot of the same questions that have been gone over time and time again by these individuals, all of whom serve in elected positions. And I think we're just a little too caught up on the vote of the support of the people. The NRDs are different. They have elected boards. The committee has analyzed this bill and has worked hard to come up with something that we should find palatable. We're elected. But the final issue here has to do with flooding. And I spoke previously on this bill about the fact that our NRD, along with a number of other entities, involving only two counties, and even then the complexity was pretty significant, but we were able to come up with a flood control plan, a significant construction of water drainage, not unlike what's being talked about here, that saved us from some of the flooding that, as Senator Langemeier talked about, last year hit Schuyler. And yet other than wet basements and some generalized flooding, a major disastrous flood was averted in Grand Island last spring and early summer because of a similar project like this. Nobody wants to, as an electorate, make difficult decisions like this, but I think we have to. Part of our challenge is making this decision now because inevitably, and maybe it will be next week, maybe it will be next year, maybe it will be 20 years from now, but inevitably there is going to be a flood in this area. And the same people we're concerned about having a vote will turn and ask why didn't somebody do something about this? There will be destruction. Hopefully there are no deaths. But this area will flood. And working now to make sure that we have a plan in place and begin to implement it is important. Time is wasting. There will be a flood. And that same electorate that worried about will turn and ask, as I've just said, why didn't somebody do something? Forgotten will be our discussion about wanting them to have a vote. They

Floor Debate
April 27, 2009

will want to know why something wasn't done and who's going to do something about this. And we'll sit there and say, we were just watching out for your abilities to vote. If you don't think that's going to happen, you weren't paying attention to the finger pointing that went on after Katrina where in their own areas of New Orleans, their own water districts, their own pump and levee districts they didn't... [LB160]

PRESIDENT SHEEHY: One minute. [LB160]

SENATOR GLOOR: ...take the action they needed to. Thank you, Mr. President. And so the finger pointing afterwards was higher up at state and federal government authorities for not coming in and recognizing the problem and doing something. I appreciate Senator Lautenbaugh's comments about the NRD. I appreciate his fastidious approach towards making sure that we keep this bill headed in the right direction. With all of that, I would call for the question, Mr. President. [LB160]

PRESIDENT SHEEHY: Senator Gloor, the call for the question is ruled out of order. It has to be in the line of speaking. Thank you. Thank you, Senator Gloor. Senator Stuthman, you're recognized. [LB160]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. I've been listening to the debate this morning, and I have some real concerns about the fact, you know, of what the NRDs are really focusing on at the present time. Yes, they were initially started with creation of flood control. And in my opinion, you know, I truly support that. But in order to have flood control, you have to start up on the top of the stream and continually put dams in so that there isn't a big flood down on the bottom of the end of the stream. I think that is needed. But another issue that I have and in my area I don't know, you know, what the NRD has got for any projects or anything like that. I know in my area we are thinking about and they have started the construction on the Leigh Dam. But my NRD taxes does not go to that Leigh Dam. But my NRD taxes just this year went up 10 percent. The dollars going from the same property is the bill this year is 10 percent higher than before. And I don't know, maybe a lot of you haven't looked at that, but the dollars for the NRD which, in my opinion, you know, as far as my property is concerned, you know, they paid...that property has paid taxes for many, many years to the NRD. But the NRD taxes there, which I haven't seen any benefit yet, unless they could put dams upstream further so that the bottom ground that we farm, you know, wouldn't get flooded. That would be flood control. As Senator Gloor talked about, you know, visiting with Senator Langemeier the fact that Schuyler did flood out and it was bad. But the issue is there's no need to put a dam down there at Schuyler to control the flooding there. We have to start with dams up there by Lindsay, Platte Center, Tarnov, all those areas is where we have to put the dams in. Then there would be no flooding around the Schuyler area. We have to put dams in there north of Richland. I think that's...and I would be very supportive of utilizing my tax dollars for that. But I think an increase of 10 percent of my tax dollars and I don't see any benefit and I

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

Floor Debate
April 27, 2009

don't see anything in the plan, you know, what is that 10 percent increase doing? The 10 percent, the dollars generated from one of my properties is almost equal to the township taxation. Township taxation that takes care of the township roads, the township form of government. They take care of the graveling of the roads. I see an impact with those tax dollars. But I think this is an issue. You know, and I don't mind paying the NRD tax. It's just the fact that they have increased it 10 percent, and next year it's going to be a lot more than 10 percent I'll tell you because of valuations of property are really going to escalate, especially in my area and I'm sure throughout the whole state of Nebraska. So with that, you know, I'm going to listen to the debate. I don't support any of the amendments at the present time, and I am very cautious about the bill. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Additional members requesting to speak on AM1125 to AM1084 we have Senator Schilz, followed by Senator Dierks, Senator Price, Senator Hadley, Senator Nelson, and others. Senator Schilz, you're recognized. [LB160]

SENATOR SCHILZ: Mr. President, thank you. At this time I'd like to call the question. [LB160]

PRESIDENT SHEEHY: There has been a call for the question. Do I see five hands? I do. The question before the body is, shall debate cease? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB160]

CLERK: 24 ayes, 4 nays... [LB160]

PRESIDENT SHEEHY: Oops, Senator Langemeier. Please record, Mr. Clerk. [LB160]

CLERK: 24 ayes, 4 nays, Mr. President, to cease debate. [LB160]

PRESIDENT SHEEHY: The motion to cease debate is not successful. Returning to floor discussion on AM1125, we have Senator Dierks, followed by Senator Price and Senator Hadley. Senator Dierks. [LB160]

SENATOR DIERKS: Thank you, Mr. President. Hopefully the voice will hold up this time. Again I want to intercede here a little bit. I just called my county treasurer's office this morning to find out what my property taxes are for this year. And the payment is due this month. And if I don't pay this month, then I start getting assessed an interest rate of I believe 14 percent. It's a little bit stiffer than it is at the friendly family bank so I'm going to have to pay and let them charge me the interest. The thing that is bothersome, of course, is that it's higher again this year than it was last year, and it's been higher every year. When I go to sell the cattle that I have, I can't stand up at the end of the sale and say, look, folks. I need a surcharge here because it costs me more

Floor Debate
April 27, 2009

for my fuel, it costs me more for my labor, it costs me more for my taxes, it costs me more for my interest. I'm at the bottom of the totem pole. So I have to do everything I can to suppress some of those prices that I have to pay, some of those expenses that I have. And one of them is a tax on property. And if we let this kind of bill go through that gives these agencies the opportunity to do that taxing, I think it's a step in the very wrong direction, and I just cannot support that. And I hope you'll understand what I'm talking about. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Dierks. (Visitors introduced.) Continuing with floor discussion on AM1125 to AM1084 we have Senator Price, followed by Senator Hadley, Senator Christensen, and Senator Lautenbaugh. Senator Price, you're recognized. This is your third time. [LB160]

SENATOR PRICE: Thank you, Mr. President, members of the body, and fellow Nebraskans. The question I have to raise is, who is responsible for flood control measures? We heard from Senator Gay and I don't doubt that he is accurate in his depiction that the NRD chartered to be responsible for flood control. But the question is to whom or to what agency does the NRD exist? And I would submit that that is a state agency. Therefore, it falls to the state and that the state is responsible for taking the appropriate measures for flood control. It is in my opinion, again, that should there be a catastrophic flood that it won't be the people of Sarpy County who are looked at, say why didn't you build a dam for yourselves? It will be the state that's looked at. So again the question, who is responsible? Also I'd like to ask the question. We know the federal mandates I guess they come down with storm water management and water quality issues. How much of this effort here that we're seeing will be satiating that mandate of water quality and storm water management? And again, for all the body, we notice that we had a call of the question here a couple of minutes ago and that call failed and we had a lot of people out of the Chamber. So now we have everybody back in the Chamber so I want to revisit one more time. If you have a dam project in Douglas County, only the Douglas County Board would have a vote to veto that project over 4 acres. Let me say that again. A 400-acre lake being put up in Douglas County or in Washington County and only one or perhaps even those two counties would have a vote. You would not have a vote from Thurston, Dakota, Sarpy, Burt County at all. Only one of them could say no, yet the bill will go to every homeowner in Dakota, Thurston, Burt, Washington, Douglas, and Sarpy Counties. If you put this 400-acre lake in Sarpy County, there's no local control. The local voters then get to tell them, no, don't do that. Don't build that dam. Don't make my property taxes go higher. You don't have that choice here. Only one county has that choice, ladies and gentlemen. So obviously I stand in opposition to what we have going on here today, and I will be voting that it has to go to a vote of the people because there's only one person on the NRD board for those counties up north, only one person. And I'd rather take a chance on the good people of Sarpy County saying, no, we don't want our property taxes higher and even more important the premise is this is a state obligation. This is not a county obligation.

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

Floor Debate
April 27, 2009

Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Price. Senator Hadley, you are recognized. This is your third time. [LB160]

SENATOR HADLEY: Mr. President, members of the body, a couple of things that have come up that I would like to respond to. The talk about the difference between the 1 cent that's put in the reserve fund now versus tax payments, 1 cent that's put into a reserve fund, if the NRD decides one year they don't want to do it they don't have to do it. You issue 20-year bonds, you have to make payments every year. There is a difference between making obligatory bond payments and putting money into a reserve fund. There's been a question about that NRDs, that we should trust their board and the supermajority because they're somehow different. We elect school boards. We elect city councils. We elect county boards. We elect ESU boards. We elect community college boards. How are they different? Why don't we allow each of them, by a supermajority, to issue general obligation bonds? So you have to ask yourself, is there a difference? Senator Gloor, would you yield to a question? [LB160]

PRESIDENT SHEEHY: Senator Gloor, would you yield to questions? [LB160]

SENATOR GLOOR: Yes, I would. [LB160]

SENATOR HADLEY: Senator Gloor, you mentioned that your NRD worked on flood projects. How were they able to fund this since they were not able to issue bonds? [LB160]

SENATOR GLOOR: It was a long-term approach that allowed them to use, as I understand, about...it was a \$15 million project. All I can tell you for certain is about three-quarters of the money came from the federal government and it was a result of a lot of grant writing and work with the federal government to come up with those monies. The remainder of those monies came from a combination of the NRD, counties, and I believe some city money was also mixed in, but I can't tell you whether any bonding was involved in that. I'm sorry. [LB160]

SENATOR HADLEY: Thank you, Senator Gloor. Senator Langemeier, would you yield to a question? [LB160]

PRESIDENT SHEEHY: Senator Langemeier, would you yield to questions? [LB160]

SENATOR LANGEMEIER: Yes. [LB160]

SENATOR HADLEY: Senator Langemeier, NRDs, are they organized via the constitution? Are they constitutionally mandated? [LB160]

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

Floor Debate
April 27, 2009

SENATOR LANGEMEIER: No, I believe they were set in statute back in 1974 or '75. [LB160]

SENATOR HADLEY: So they're set in statute which means that the Legislature could do away with the NRDs if that...possibly. [LB160]

SENATOR LANGEMEIER: It just takes 25 votes and... [LB160]

SENATOR HADLEY: Would take 25 votes. Has there at least been conversation at times of combining the Department of Natural Resources, NRDs, at least conversation? [LB160]

SENATOR LANGEMEIER: Yes. I've been in meetings where that discussion has come up. I don't know how much enthusiasm anybody would have for that,... [LB160]

SENATOR HADLEY: I understand. [LB160]

SENATOR LANGEMEIER: ...but the discussion has come up. [LB160]

SENATOR HADLEY: Thank you, Senator Langemeier. The question I have is, if an NRD is going to issue 20-year bonds and this body, five years from now, decides to combine, do away with NRDs and combine them with the Department of Natural Resources, who's on the hook for 20-year bonds? Who's going to pay the 20-year bonds off if the NRDs no longer are political entities that can issue...that can tax? I think that's an interesting question. With that, I will sit down. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Hadley. Senator Christensen, you're recognized. [LB160]

SENATOR CHRISTENSEN: Yeah, question, with call of the house. [LB160]

PRESIDENT SHEEHY: There has been a call of the question. Do I see five hands? I do. There also has been a call of the house. The question before the body is, shall the...the question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB160]

CLERK: 32 ayes, 0 nays to place the house under call, Mr. President. [LB160]

PRESIDENT SHEEHY: The house is under call. All unexcused senators please report to the Legislative Chamber. All unauthorized personnel please step from the floor. The house is under call. Senators, please record your presence. Senator Haar, Senator

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

Floor Debate
April 27, 2009

Friend, Senator Council, the house is under call. Senator Christensen, as we proceed, will you want just a board vote on... [LB160]

SENATOR CHRISTENSEN: That's fine. [LB160]

PRESIDENT SHEEHY: ...the question of debate to cease? Senator Christensen has indicated we may proceed with the absence of Senator Friend. The question before the body is, shall debate cease on AM1125? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB160]

CLERK: 34 ayes, 2 nays to cease debate, Mr. President. [LB160]

PRESIDENT SHEEHY: The motion to cease debate is successful. Senator Hadley, you're recognized to close on AM1125. [LB160]

SENATOR HADLEY: Thank you, Mr. President, members of the body. AM1125 is...we're voting...we're not voting on the amendment that would put it to a vote of the people. This is an amendment that just makes AM1084, if it were to pass, it makes it workable. AM1125 basically says that if you do put it to a vote of the people that it's a majority of the people that vote on that issue decide whether or not the bond issue would pass. With that, I would vote...I would ask you for a vote of green on AM1125. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Hadley. You have heard the closing. The question before the body is on the adoption of AM1125 to AM1084. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB160]

CLERK: 25 ayes, 13 nays on the adoption of the amendment. [LB160]

PRESIDENT SHEEHY: AM1125 is adopted. The call is raised. We will now return to floor discussion on AM1084. Members requesting to speak, Senator Lautenbaugh, you're recognized. [LB160]

SENATOR LAUTENBAUGH: Thank you, Mr. President. I'd like to call the question, if I may. [LB160]

PRESIDENT SHEEHY: There has been a call for the question. Do I see five hands? I do. The question before the body is, shall debate cease? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB160]

CLERK: 27 ayes, 4 nays to cease debate, Mr. President. [LB160]

PRESIDENT SHEEHY: Debate does cease. Senator Hadley, you're recognized to close

Floor Debate
April 27, 2009

on AM1084. [LB160]

SENATOR HADLEY: Mr. President, members of the body, this is a relatively simple vote on a far-reaching consequence. This is a vote on whether or not we're going to basically, to my understanding, (1) we're going to issue bonds by NRDs; (2) we're going to do it without a vote of the people. I realize there's safeguards put in, majority votes of supermajorities of boards and such as that, but if you're going to use that argument, you can use that argument on school districts, cities, counties, ESUs, every elected body. I understand the opposition. I understand people who think this is complicated and that we ought to not allow people to have a vote on the issue, but just remember that eventually the people are the ones that have to pay the tab and they're the ones that are going to pay for the 20-year bonds that are going to be issued. And if you vote red on AM1084, you're basically saying you think this is too complicated for the people to handle, that they don't have the understanding, and that county boards and that NRD boards have the understanding to do the people's wishes. I do not believe that. I'm trying to be consistent. I voted for a vote of the people on an earlier issue we had and I will tell you that if another one comes up this session I will do the same thing. If you come with a bill that issues general obligation bonds and you don't want to have a vote of the people, I will again rise in opposition to it. When we're sitting here and I hear constantly in the body people's concerns about property taxes, people's concern about taxation and, to me, we lose some faith with people when we say we're going to give you a tax. And I realize this can be within their levy limit. But remember, this goes on for 20 years or more, depending on what the bond issue is. Again, I understand the opposition and if you feel that this is an issue that is complicated by the fact it's eight or nine counties, that one county has more people, one county has less people, we should allow a supermajority of the board, the board understands the issue more than the people understand, then you vote red. If you believe that general obligation bonds, especially the potential to issue \$130 million to \$260 million of bonds, doesn't require a vote of the people...or should require a vote of the people, I would urge you to vote green on AM1084. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator... [LB160]

SENATOR HADLEY: I'd like (microphone malfunction). [LB160]

PRESIDENT SHEEHY: There has been a request for the call of the house. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB160]

CLERK: 43 ayes, 0 nays, Mr. President, to place the house under call. [LB160]

PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please report to the Legislative Chamber. All unauthorized personnel please step from the floor. The house is under call. Senators, please record your presence. Senator Hadley,

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

Floor Debate
April 27, 2009

all members are present and accounted for. How would you like to proceed? [LB160]

SENATOR HADLEY: I would like a record vote in normal order. [LB160]

PRESIDENT SHEEHY: Thank you. Members, you have heard the closing on the adoption of AM1084. Mr. Clerk, we'll proceed. Roll call? [LB160]

SENATOR HADLEY: Roll call, yes. I'm sorry. [LB160]

CLERK: (Roll call vote taken, Legislative Journal page 1196.) 18 ayes, 18 nays, Mr. President, on the amendment. [LB160]

PRESIDENT SHEEHY: AM1084 is not adopted. We'll now return to floor discussion on LB160. Seeing no requests to speak, Senator Hadley, you're recognized to...or, Senator Gay, you're recognized to close. [LB160]

SENATOR GAY: Thank you, Mr. President. This bill, I understand both sides of that last vote. Most definitely, I understand it. It's a difficult, difficult situation. This whole bill has been a difficult situation that we've worked through. I just wanted to commend Senator Rogert for his help and Senator Nelson prioritizing this. This is a big issue. It's a big issue for our area. And I didn't come in here this year saying, boy, gee, I think this is a great bill I want to go do. But it needs to be done. It's necessary and it's going to, long term, be a beneficial thing for the residents of the Papio NRD. Anyway, we've discussed the different amendments that have been placed on there with much thought and input from both sides. Both sides have had input and continue even today. They're out there wanting more input, and you've all heard it and I appreciate you working through that. I know that's been a lot at times. But anyway, Mr. President, I do think this is a great body of work done by the Legislature with some give and take on both sides, and I do know, to me, that's what public policy is about and I think we've achieved it here. This is only General File, I know that, and any questions you have or concerns between now and Select File, talk to me. But I do think, like I say, this has been coming before the Legislature for the last six or seven years. I was included in the first time we met as a watershed group, so this issue has been around a long time. And I think we're doing the right thing if we move this on today and pass this for the long-term good of the district. With that, I'll close. Thank you, Mr. President. [LB160]

PRESIDENT SHEEHY: Thank you, Senator Gay. You have heard the closing. The question before the body is on the advancement of LB160. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB160]

CLERK: 23... [LB160]

SENATOR GAY: Hold on. [LB160]

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

Floor Debate
April 27, 2009

CLERK: ...24 ayes, 12 nays, Mr. President, on the advancement of the bill. [LB160]

PRESIDENT SHEEHY: LB160 does not advance. The call is raised. Mr. Clerk, do you have items for the record? [LB160]

CLERK: I do, Mr. President. Amendments to be printed: Senator Gay to LB603 and to LB603A. A communication from the Executive Board regarding the designation of LB545 as a Speaker's major proposal. Mr. President, the Natural Resources Committee will meet in Executive Session at 1:15 today in Room 2022; that's Natural Resources at 1:15 today in Room 2022. (Legislative Journal pages 1197-1198.) [LB603 LB603A LB545]

And I do have a priority motion. Senator Mello would move to recess the body until 1:30 p.m.

PRESIDENT SHEEHY: You have heard the motion to recess until 1:30 p.m. All those in favor say aye. Opposed, nay. We stand in recess.

RECESS

SENATOR HOWARD PRESIDING

SENATOR HOWARD: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: I have a quorum present, Madam President.

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

CLERK: I do, Madam President, a new resolution, LR100, by Senator Howard; that will be laid over. Senator Friend would like to print an amendment to LB495. That's all that I have. (Legislative Journal pages 1199-1200.) [LR100 LB495]

SENATOR HOWARD: Thank you, Mr. Clerk. We will proceed to the first item on this afternoon's agenda. Mr. Clerk. I recognize the Speaker, Speaker Flood, for a Speaker's announcement.

SPEAKER FLOOD: Thank you, Madam President. Good afternoon, members. Prior to lunch today, we had an obvious miscommunication on LB160. In my seat, I clearly heard Senator Gay attempt to get the attention of the presiding officer. There was miscommunication between the Chair and Senator Gay. Obviously, a roll call vote

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

Floor Debate
April 27, 2009

would have answered the question this morning. It was not ordered because the Chair did not receive the message from Senator Gay. It's important to note that once the presiding officer calls for a vote to be recorded, the vote is officially ended with no option for further action on the vote. The Clerk was correct to record the vote after being ordered by the presiding officer. An important note here today is that when you find yourself in this situation, you need to do everything in your power, including raising your voice, waving your hands, being as loud as possible to get the attention of the presiding officer. Senator Gay was standing. He was saying, Mr. President, on two or three different occasions, and the presiding officer didn't receive that message. No one is at fault here; there was a miscommunication. For that reason, because of this unintentional miscommunication, I will be rescheduling LB160 tomorrow at 3:00 p.m. LB160 will appear on the agenda tomorrow at 3:00 p.m. It will be rescheduled for General File because of the situation. I do hope that during the rest of this year and as we proceed into next this doesn't happen again. I think we can avoid that by clearly communicating the intention that you have or someone else in here has to get the presiding officer's attention. With that, I thank you. [LB160]

SENATOR HOWARD: Thank you, Speaker Flood. Mr. Clerk, we will proceed to General File, LB630. Mr. Clerk, we'll proceed with LB671, thank you. [LB671]

CLERK: LB671, Madam President, a bill by Senator Pirsch. (Read title.) Bill was introduced on January 21 of this year, at that time referred to the Judiciary Committee, advanced to General File. There are Judiciary Committee amendments, Madam President. (AM1009, Legislative Journal page 1039.) [LB671]

SENATOR HOWARD: Senator Pirsch, you are recognized to open. [LB671]

SENATOR PIRSCH: Thank you, Madam President and members of the body. First, kind of a side note with respect to the Speaker Flood's message on LB160. I would just like to say thank you for that. I think it is absolutely the right thing to do and to, you know, one of the...his duties as Speaker to take that action. I think it's appropriately...appropriate action and I think what has occurred here, all actors operate in good faith and it's just one of those things that kind of happens. And so I think it is appropriate, the outcome. On to LB671, my priority bill, this bill quite directly and quite starkly involves matters of life and death. In a nutshell, this bill is intended to ensure that death investigations in Nebraska are of a uniform high quality in every area of the state and at all times. Quite frankly, this bill is a long time coming. The system we currently use for death investigations in Nebraska originated way back in 1917, back when the Kaiser was in charge over there in Germany, and so it's been a long time coming. In 1917, the law placed the responsibility on county attorneys throughout the state of Nebraska who are, of course, lawyers and who have no medical training to determine what killed a person and whether an autopsy should be conducted. The law mandated that county attorneys perform this extra duty as county coroners without any additional

Floor Debate
April 27, 2009

resources. Over the years, county attorneys, who in many cases are overloaded with their other duties, which are numerous, have...but the county attorneys have, by and large, performed in an admirable way on taking over such a large task with no additional resources and in many cases little or no training provided by the state. But this 1917 structure, in combination with the lack of resources, the expansive area of the state and other factors, makes it extremely challenging on certain occasions over the course of time to ensure that death investigations are consistently of the highest integrity possible. So that is the...that's what this bill is intended to address. In the past, there has been this recognition really since the early...soon after this 1917 bill was passed that this structure wasn't exactly the best and that changes had to been made. For whatever reason, it just hasn't gotten done and so I think it is imperative that we do so this year. Just kind of as an outset, I would like to thank the county attorneys, various individual county attorneys, sheriffs, other law enforcement, the County Attorneys Association, medical personnel, very helpful Brenda, Senator Council on the Judiciary Committee. I appreciate your counsel, if you pardon the pun. And I thank my legislative aide who, in helping to come up with a structured response to the problems that existed, helped compile, especially over the interim session, a interim study report on standards and oversight in death investigations in Nebraska, a very exhaustive report, and so I thank Ms. Hayes for her job there. It did address many levels of questions regarding present-day autopsy rates in Nebraska, existing levels of coroner training, apparent quality of death investigations, state standards and oversights, rates of solved and unsolved death cases, current variance in effectiveness of death investigations, and a whole lot more. So it was a very exhaustive study. There are going to be committee amendments to LB671. After the committee amendments, it should be noted there is no cost to the state. There's no General Fund appropriation, no A bill as it were, and I think that in the times that we find ourselves that is very important and that was one of my considerations going in--what is actually achievable in this climate. And I think we all must admit that it is an unusual year, that resources, especially in light of last Thursday's projected \$100 million, approximately, revenue shortfall addition, is going to be very tight. So I think that's one of the positive things about it. It is doable in this climate. To discuss what the bill actually does in substance, LB671 modifies an existing Nebraska County Attorney Standards Advisory Council there and it does so by modifying it so that there are 11 members of that council now. Six shall be a county attorney or a deputy county attorney; one a professor of law or professor of forensic science; two shall be county commissioners or supervisors; one shall be a county sheriff or chief of police; and one shall be a certified forensic pathologist. Under the amendment, and not to steal the thunder of the Judiciary Committee who will be talking about the amendment, we will be...the purpose of the council is to...they shall determine the initial training and continuing education training by county and deputy county coroners in death investigations. And this is I think historic, a giant step forward. For the first time this council will be designating initial training and then annual training thereafter for this important task the county coroners play in death investigations. Secondly, it will create and distribute...the council shall create and distribute uniform

Floor Debate
April 27, 2009

checklists of best practices to promote uniform and quality death investigations for county coroners. Such checklists may include guidance to the county coroner in determining the need for autopsies. It shall...this council shall also create standardized procedures for death investigations, including death scene procedures. The council shall also make recommendations as to best practices for county coroners. In addition, the council shall help establish a voluntary network of regional officials, including but not limited to law enforcement, county coroners and medical personnel, to provide death investigation support services for any location in Nebraska. That's particularly important to many rural areas. Finally...I'm sorry, not finally, but the council shall also help determine the membership of such networks and develop, design, and provide standardized forms in both hardcopy and electronic copy for use in death investigations. Again, I would point out this bill, as amended by the Judiciary Committee amendments, will have no General Fund cost. There will be no A bill. It will go a long way to ensure uniform and quality death investigation processes in the state, and when you look at some concerns that have been expressed over the years since 1917, I think that this should be a priority for this body. Thank you. [LB671 LB160]

SENATOR HOWARD: Thank you, Senator Pirsch. There are committee amendments. Senator Ashford, you are recognized to proceed on AM1009. [LB671]

SENATOR ASHFORD: Thank you, Madam President. LB671 is an important piece of legislation and I want to commend Senator Pirsch and his staff, especially Tanya Hayes for all the work she put into getting this bill ready and working with our committee counsel, with LaMont. This bill at first had some significant opposition really from the counties and some county attorneys and others across the state. Change is difficult and there certainly are numbers of officials across the state that at first blush felt that really how the work was being carried on in each county was appropriate and that further standardization was not required. But again, the...what has been carved out here in LB671 with the committee amendments, which passed the committee 7 votes for and 1 not voting, I think has...is a significant improvement over the existing course of business. I'll just...I'll go through some of the amendments with you. Section 2 amends the makeup of the Nebraska County Attorney Standard Advisory Council by increasing the size of the council from 7 to 11 members. It changes from four to six the number of county or deputy county attorneys on the council. It allows for the choice of either a professor of law or a professor of forensic science amongst its membership instead of the current requirement of a professor of law. It provides that one member of the council be either a county sheriff or a chief of police, and it provides that one member shall be a certified forensic pathologist. And we had some very compelling testimony in the committee by a forensic pathologist. Obviously, there are not a lot of them in the state, there are very few of them, but...I believe it's three is the number, but the...and some in the western part of the state and some in the eastern part of the state, but very few, if any, in the central part of the state. I think I'm right. And but there was a great willingness on these...on the part of the forensic pathologists to be more involved in the

Floor Debate
April 27, 2009

process. Section 3 provides that the council shall create and distribute checklists of best practices to promote uniform and quality death investigations for county coroners. Such checklists may include guidance to county coroners in determining the need for autopsies in the instances listed in Section 3. Again, this is very important stuff. I think the...when we're all doing our jobs every day, we sometimes, all of us and no matter what our roles are in our jobs, don't...aren't up to speed on the best practices in these areas. This is a changing field and the idea of providing best practices to the county coroners on a systematic basis is very, very important and I think it's a significantly positive change. Section 3 also provides that the council, again, the Nebraska County Attorney Standards Advisory Council we're talking about, shall create standardized procedures for death investigations, including death scene procedures. The council shall also make recommendations regarding best practices for the county attorneys in the circumstances listed in the amendment. Section 4 provides that the council shall establish a voluntary network of regional officials to provide death investigation support services in Nebraska and to provide standardized forms both in writing and electronic format for use in such investigations. And finally, Section 5 provides that every person who is elected or appointed as a coroner or deputy coroner in Nebraska must complete initial death investigation training within one year after the date that... [LB671]

SENATOR HOWARD: You have 1 minute. [LB671]

SENATOR ASHFORD: ...they are elected or appointed and must annually complete continuing education as determined by the advisory council. The use of the council or the utilization of the council as the fulcrum for this...these progressive measures I think was an excellent way of keeping the county attorneys and others in the process and caused the other changes in the bill, gave them the comfort level to support the other changes in the bill. This is good legislation. This is hard work. It's well done. I know that there may still be some reservations and some need to discuss this on the floor, which is important. This is important work. But with that, I would commend the amendment, AM1009, the Judiciary Committee amendments to you and urge their adoption. Thank you. [LB671]

SENATOR HOWARD: Thank you, Senator Ashford. Senator Wallman, you're recognized. [LB671]

SENATOR WALLMAN: Thank you, Madam President, members of the body. Would Senator Pirsch yield to a question? [LB671]

SENATOR PIRSCH: I would. [LB671]

SENATOR WALLMAN: Thank you, Senator Pirsch. Senator Pirsch, in regards to this commission of people, of various officials, do you foresee that they will have some kind of a grading system that you would have to be of knowledge of, you know, like crime

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

Floor Debate
April 27, 2009

scene investigations? [LB671]

SENATOR PIRSCH: Well, I appreciate the question. With regards to the Nebraska County Attorney Standards Advisory Council, correct, that's what you're referring to? [LB671]

SENATOR WALLMAN: Yes. [LB671]

SENATOR PIRSCH: Yeah. The members will be selected and my understanding is have to be appointed there by the Governor and, like other councils, would be appointed because of their specific and unique expertise in the area. Again, six are going to be county attorneys or deputy county attorneys who, again, play that role as county coroner, one shall be a professor of law or professor of forensic science, two shall be county commissioners or supervisors, one a county sheriff or chief of police, and one a certified forensic pathologist. From the initial e-mails I've gotten, you know, obviously, we haven't...this is just the first round of debate but I have already received e-mails from a lot of qualified individuals who have expressed a deep interest in serving in this council. And so I think we're going to have a very well-expertised council at the end of this. [LB671]

SENATOR WALLMAN: Thank you, Senator Pirsch. I think that, too, that's important to have some kind of uniformity across the state. Some county attorneys are very knowledgeable, some aren't, so any help we can give the legal profession in today's climate, I think we should probably support this. Thank you, Senator Pirsch. Thank you, Madam President. [LB671]

SENATOR PIRSCH: Thank you. [LB671]

SENATOR HOWARD: Thank you, Senator Wallman and Senator Pirsch. (Visitors introduced.) Senator Sullivan, you're recognized. [LB671]

SENATOR SULLIVAN: Thank you very much, Madam President and members of the body. I wonder if Senator Pirsch would yield for a question. [LB671]

SENATOR PIRSCH: I would. [LB671]

SENATOR SULLIVAN: Thank you very much. On first... [LB671]

SENATOR HOWARD: Senator Pirsch, you are recognized. [LB671]

SENATOR SULLIVAN: Oh, excuse me. I'm sorry. At first blush, this looks like very good, sound legislation. I'm glad that there'll be some support for our county attorneys out in rural Nebraska. I've not heard from any of them but I have heard from some

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

Floor Debate
April 27, 2009

sheriffs that are welcoming some attention to this matter. But with respect to my question, there's a statement in there that says we're going to have a voluntary network of regional officials to provide death investigation support services. Now that's going to be separate from the council, is that right, Senator? [LB671]

SENATOR PIRSCH: Well, it's going to be something that the council, I think, can help promote and help facilitate. It is pegged after, modeled after our currently existing interagency drug task forces. The concern is in certain rural areas, and we have some counties that are very expansive that have just a few hundred people, inhabitants of the county. In those areas, it might...and there's several counties, I think in the teens, where there is no...the county attorney does not reside within that county. And so in certain areas of the state that tend to be less populous, there is a need for...there occasionally can occur deaths and when that happens there is a need to make sure that even in those areas at any time that there is the certainty of a uniform quality death investigation process. And so the way...the most feasible way that can happen is when you draw upon the expertise of the region. Now in that particular town or village, there may not be a law enforcement officer who's well seasoned or a county coroner or medical personnel who has a vast amount of experience, but within regions of that county or of the state there are; expertise does exist. And so what we want to do is to help weave a seamless web of expertise in a given region such that when the need develops that this web of expertise can be called upon with a near proximity to, if necessary even respond to the scene and provide on-site type of advice. And so that's the nature of what this council will help facilitate. [LB671]

SENATOR SULLIVAN: So then it will be up to the council to also define what comprises each region and how many there will be? [LB671]

SENATOR PIRSCH: Well, it certainly can help promote it. Now I don't want to say that this doesn't already exist in certain areas of the state. I should be very careful that...to state that in many areas of the state law enforcement, county attorneys, and medical personnel have already worked out this regional type of sharing of resources when it comes to death investigations. What we want to do is just make sure that there isn't an area of the state that does...that kind of falls in the void, that doesn't have that, and we want to have those plans resting on the shelf so everyone understands, if and when that day comes, these are who we kind of feel are going to be playing that primary support role. And it works both ways, you know? And it's by necessity, by the way. Certain rural areas just don't have the financial resources to be able to afford one full-time designated death investigation type of expert, but they can, the region as a whole probably is going to have that ability. [LB671]

SENATOR HOWARD: You have 1 minute. [LB671]

SENATOR PIRSCH: And I'm sorry to take your time. [LB671]

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

Floor Debate
April 27, 2009

SENATOR SULLIVAN: No, that's fine. That's why I'm standing up is to ask you the questions, so you're providing all the answers. Along with that then the network is voluntary, made up of paid individuals in their respective positions. [LB671]

SENATOR PIRSCH: Right. [LB671]

SENATOR SULLIVAN: Now again do I understand that there will be a certified forensic pathologist available to each of these regional networks that will be on a fee service? [LB671]

SENATOR PIRSCH: Well, under the current amendment there will not necessarily be a certified forensic pathologist on call at all times of day and night, but it is...it is the grounding of this council, which does include a certified forensic pathologist as one of its members, to begin to design all these things that were spoken of when I went through the...kind of my introduction there... [LB671]

SENATOR SULLIVAN: Uh-huh. [LB671]

SENATOR PIRSCH: ...that will lay the groundwork to make sure that there are quality...and if it is determined that... [LB671]

SENATOR HOWARD: Time. [LB671]

SENATOR PIRSCH: Thank you. [LB671]

SENATOR SULLIVAN: Thank you very much. [LB671]

SENATOR HOWARD: Thank you, Senator Sullivan and Senator Pirsch. Seeing no additional lights on, Senator Ashford, you are recognized to close on the committee amendments. [LB671]

SENATOR ASHFORD: Thank you, Madam President. And I would urge the adoption of AM1009. And one of the concerns that we had in the committee and that was certainly...many of the witnesses talked about obviously were the death of young children and infants and especially where there is very little external evidence of the cause of death. These are heart-wrenching cases and they happen more than they should, obviously. And having this ability to find closure and find a cause of death, or a very elderly person, is...I think will be very significant and certainly put Nebraska in line with most other states around us that are working in this area more, in a more progressive way. Again, I commend the work of the committee and of Senator Pirsch and his group putting this together, the county attorneys, the sheriffs and everyone involved. Thank you, Madam President. [LB671]

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

Floor Debate
April 27, 2009

SENATOR HOWARD: Thank you, Senator Ashford. You have heard the closing on the committee amendments. The question is, shall the committee amendment be adopted? All those in favor vote aye; all those opposed, nay. Please record, Mr. Clerk. [LB671]

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of committee amendments, Madam President. [LB671]

SENATOR HOWARD: Thank you. Committee amendments are adopted. [LB671]

ASSISTANT CLERK: Madam President, I have nothing further on the bill. [LB671]

SENATOR HOWARD: We will return to discussion on the bill. Senator Pirsch, you are recognized to close. [LB671]

SENATOR PIRSCH: Thank you, Madam President, members of the body. I'll be brief here. I do appreciate all the comments and questions that have gone on here today and, again, I think it is an important matter for the state. There are approximately 15,000 deaths in the state of Nebraska that occur every year and of those 15,000, the deaths referred to coroners, 3,123. That was in 2004 figures I'm using; probably higher now. And so it is a matter of great importance to the state. Again, it came out the committee with a...I don't think any no votes, and it does not have any General Fund implications, no A bill attached. I think it is a giant step forward for the state to ensure quality and uniform death investigations through the state. Thank you. [LB671]

SENATOR HOWARD: You've heard the closing. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB671]

ASSISTANT CLERK: 41 ayes, 0 nays on the motion to advance the bill, Madam President. [LB671]

SENATOR HOWARD: The bill does advance. Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk. [LB671]

ASSISTANT CLERK: LB476 was introduced by Senator Stuthman. (Read title.) The bill was read for the first time on January 20 of this year, referred to the Education Committee. That committee reports the bill to General File with committee amendments attached. (AM961, Legislative Journal page 1009.) [LB476]

SENATOR HOWARD: Thank you, Mr. Clerk. Senator Stuthman, you are recognized to open on LB476. [LB476]

SENATOR STUTHMAN: Thank you, Madam President and members of the body.

Floor Debate
April 27, 2009

LB476 creates the Center for Student Leadership and Extended Learning within the Department of Education. This center of operations will ensure that funds from this act are used to support the state administration of student leadership organizations and not other activities and initiatives in the department. The organizations supported by this center include FFA, FBLA, FCCLA, DECA, Skills U.S.A., and HOSA. Currently the student...the state career education student organization advisors and some other...some operations of the association are funded through the federal Perkins IV Act. The federal Perkins Act provides fiscal resources for state administration of this act. The state is required to provide funding as a match for the federal dollars in the Perkins Act. Federal and state dollars have not increased for the past 17 years or since 1992. As costs have increased, including annual salary increases, transportation, technology expenses, and so forth, this lack of increased funding has resulted in the loss of 14 career and technical education staff and reduced services to schools and community colleges. Student organization expenses are allowable uses of Perkins funds, but are not required by federal law. Because of the required activities in the federal Perkins Act, such as grant monitoring, accountability, technical assistance, support for corrections, and support for nontraditional programs, the Nebraska Department of Education will no longer have the fiscal resources from the state and federal levels to support the ongoing administration of the career education student organizations at the state level. Career education student organization members pay dues to support the operation of the state association. These dues range from \$4 to \$14 per student. This only represents a small part of the total operations of the state association, approximately 8 to 10 percent. Students also pay registration fee to participate in district and state conferences and activities, again, this usually covers facility rentals, meals, and materials. However, these funding sources do not support the salaries of professional staff and assistants or the general operation expenses of the administration. There is a chance that should funding from the state not increase the Department of Education will no longer be able to fund career education student organizations beyond July 1, 2010. That means the state advisors and professional assistant positions, office space, and all support and resources will cease to exist. The reality is, without the passage of LB476, there will be the possibility after 2010 that there will be no state conferences, no chapter awards on the state level, recognition events, no state awards or degrees on individuals, no coordination with the national associations for awards and competitions or recognitions, no state officers or leadership groups and conferences. This is...this bill and, in my opinion, I did attend a lot of the organizations' meetings this winter, the state competition, and what this...this creates an opportunity for these students that they can attend courses and organizations of their interest. And the reason I say of their interest, you know, it is...this bill has kind of come out as an FFA bill or it's just for those individuals, but it involves all of those organizations. And when I attended those conferences this winter, several months ago, I spoke at many of them, I was surprised to see how many students attended these conferences. I attended the DECA here in Lincoln. I think there was between 900 and 1,050 or something like that students attending that conference. I attended the FCCLA, the FBLA, the FFA, Skills U.S.A., and

Floor Debate
April 27, 2009

those groups were all with an attendance of 900 to thousands that were attending those conferences. And it just...it just...it put a warm feeling in my heart that there were students taking advantages of opportunities of their interest to excel in and gain leadership ability. That was very, very important. And I just feel that we have to have these organizations because students that are involved in these organizations are generally involved as a student but they have their parents involved also. Their parents are there encouraging them to participate in those organizations because they know the value of these organizations in leadership skills that are developed in years to come. I remember when I was in FFA and those things still are in my mind, the creed, the public speaking, the parliamentary procedure. And I think the parliamentary procedure is the thing that's had an effect on me, you know, for years and years because how to conduct a meeting so it's very controlled, controlled environment. I want to talk a little bit about some of the organizations that I did attend. One of them was the Skills U.S.A. I had never attended a Skills U.S.A. organization, their state conference, and I just felt that I needed to go and see what it was all about, and I want to read some of the...and I think there was...it was in Columbus and I think there was over 1,000 kids that attended this conference. Now maybe...could you tell me how much time I have left? [LB476]

SENATOR HOWARD: Senator Stuthman, you have 3 minutes and 38 seconds. [LB476]

SENATOR STUTHMAN: I maybe won't have time to complete, but I want to tell you of all of the...all of the opportunities in Skills U.S.A. that it involves. It was, you know, action skills, advertising design, architectural blueprint reading, architectural drafting, automated manufacturing technology, automotive parts, automotive refinishing, automotive service tech, aviation maintenance, basic healthcare skills, milling and turning on the wood lathe, cabinetmaking, carpentry, collision repair, commercial baking, computer maintenance, cosmetology, crime scene investigation, criminal justice, culinary arts, consumer service, diesel equipment technology, electronic applications, electronic technology, firefighting, first aid, CPR, food and beverage service, industrial motor control, Internet working, job skill demos, masonry, medical assisting, metric 500, motorcycle service technology, nurse assisting, photography, plumbing, power equipment technology, precision machining, preschool teaching, related technical math, residential wiring, sheet metal, structural sheet design, team works, technical computer applications, technical drafting, television, welding and welding secondary and welding fabrications. These were all of the contests that were taking place, you know, at this convention and it just really made me feel good that they were doing all of these demonstrations, I mean building a small house, looking at a blueprint, doing masonry work, doing all types of these. It filled up the ag park, it filled up the college. Some was held at the New World Inn and I think there was one other place that these students all went to, and it just gives those students an opportunity to excel in leadership of their interest, and I think that's very, very important. Because this bill, you know, will continue, will continue to have the state conferences and I feel that if we do not have the state conferences, these organizations will... [LB476]

Floor Debate
April 27, 2009

SENATOR HOWARD: One minute. [LB476]

SENATOR STUTHMAN: ...slowly cease to exist, mainly because they won't get the sponsors, they won't get the advisors to help. Because a lot of times these individuals, you know, want to compete, want to have the best chapter, and it's just an opportunity for all the students in the state of Nebraska. With that, I would ask for your support on this bill. Thank you, Madam President. [LB476]

SENATOR HOWARD: Thank you, Senator Stuthman. As the Clerk stated, there are amendments from the Education Committee. Senator Adams, as Chair of the Education Committee, you are recognized to open on the amendment. [LB476]

SENATOR ADAMS: Thank you, Madam President, members of the body. Let me introduce this amendment by simply saying this was a bill that was of tremendous interest. When the committee heard it, we filled two hearing rooms full of audience on this particular bill and I'm sure all of you have gotten plenty of e-mails and letters regarding it as well. And the committee was anxious to try to do something with this bill but there were some things that we needed to get worked out and the committee amendment, in three parts here, tries to do exactly that. The first two portions of the amendment simply...they don't do a great deal but there is one other portion that gets at the fiscal note that was attached and tries to resolve some of that. The amendment, first of all, strikes Section 5 of the bill. Section 5, in effect, demands that the Appropriations Committee appropriate the \$450,000. That's unnecessary. The Appropriations Committee will do what it chooses to do. The language there is unnecessary. Another portion of it, what it really intends to do on page 3 is to elaborate a little bit further what the intention of the bill is and to expand the fact and to clarify language in the intent portion of the bill that describes the expansion of curriculum and career education. Maybe the more critical part to many of you is another portion of the amendment that the committee brought forward, and that is in Section 6. In Section 6 of the amendment, what we in effect do if this amendment is passed is to repeal several sections of law, but let me capsulize that for you. In essence, what the body would be doing in this amendment is to repeal the Career Education Partnership Act, which is already in effect and that act is intended to go for two more years, and in that act \$450,000 a year in grant funding is available through the Department of Ed to schools that partner with other schools on developing curriculum for career education. Senator Stuthman, I know, has worked hard with my committee staff to try to find the funding and this is a location for it. So in effect, what we would be doing is to eliminate or to repeal the Career Education Partnership Act and the \$450,000 a year that is currently available in that act would then be moved to this act and would fund it at a level of \$450,000 a year for two years, because that's when it sunsets, and then we would be back to the Appropriations Committee, the Department of Ed would be, to see what they would want to do in terms of appropriating for this particular act. Thank you, Madam President. [LB476]

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

Floor Debate
April 27, 2009

SENATOR HOWARD: Thank you, Senator Adams. We do have senators wishing to speak. Senator Wallman, you are recognized. [LB476]

SENATOR WALLMAN: Thank you, Madam President, members of the body. I at one time was an FFA sponsor or whatever you want to call them and I think it's a good organization. They teach leadership skills and young children in my area, one of them in the Pentagon and various places of high standing in our country, and because of the leadership skills they developed in school. And so I appreciate Senator Stuthman and Senator Adams' amendment, and I'd yield the rest of my time to Senator Lautenbaugh. [LB476]

SENATOR HOWARD: Senator Lautenbaugh, you are recognized. [LB476]

SENATOR LAUTENBAUGH: Thank you, Mr. President (sic). I wonder if Senator Stuthman would yield to a question or two. [LB476]

SENATOR STUTHMAN: Yes. [LB476]

SENATOR HOWARD: Senator Stuthman, would you yield? [LB476]

SENATOR STUTHMAN: Yes. [LB476]

SENATOR LAUTENBAUGH: Thank you, Senator Stuthman. Now did I understand that you're a former FFA participant? [LB476]

SENATOR STUTHMAN: Yes. [LB476]

SENATOR LAUTENBAUGH: And you learned a lot through that program? [LB476]

SENATOR STUTHMAN: Yes, I did. [LB476]

SENATOR LAUTENBAUGH: And you credit them with making you the senator you are today, as a matter of fact, don't you? [LB476]

SENATOR STUTHMAN: That was probably the beginning of gaining the intelligence that I have at this time. [LB476]

SENATOR LAUTENBAUGH: So is it safe to say that without their tutelage we may not have enjoyed our time together this session as we otherwise have? [LB476]

SENATOR STUTHMAN: Well, I don't...I don't think, but it was a beginning. I just remember the days of being in FFA because being in rural Nebraska and being a

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

Floor Debate
April 27, 2009

farmer and cattle producer, it just gave me an opportunity to gain knowledge in a field of my interest, and by getting that knowledge, you know, there was being an officer, being...learning parliamentary procedure and the creed, I mean those, in my opinion, was just the beginning. [LB476]

SENATOR LAUTENBAUGH: But I'm sure they do good work, too, don't they? [LB476]

SENATOR STUTHMAN: Yes. [LB476]

SENATOR LAUTENBAUGH: (Laughter) Well, with that said, I urge you to support this bill. I thank Senator Stuthman for bringing this. It is important. We're not talking new money here really and I would urge you to support this bill. Thank you, Senator Stuthman. [LB476]

SENATOR HOWARD: Thank you, Senators, Wallman, Lautenbaugh, and Stuthman. Senator Mello, you are recognized. [LB476]

SENATOR MELLO: Thank you, Madam President, members of the Legislature. I would like to thank Senator Stuthman for introducing LB476. LB476 is what I think the Department of Education should be doing and it's something the state of Nebraska should be looking to fund. Ultimately, what LB476 does, it provides...it's a revenue-neutral bill, taking funds from an existing program and putting it towards the Center for Student Leadership to help prepare our students for career education and help provide the funds necessary for school districts to develop this career education and to get students through the process. It's something that, while I wasn't a member of FBLA in high school, it was something that I had a lot of friends involved with and knowing that in my higher education days as well. These career education entities and organizations can only further help our students, help further develop their...not only their vocational education but their life skills and help prepare them for the work force in a way that sometimes traditional classroom education can't do. So I think it's a wonderful bill. I'm a strong supporter of it. I'd like to thank the Education Committee for helping, help find that funding that's so critical right now in these unique economic times to make it a revenue-neutral bill. And with that, I'd like to yield the remainder of my time to Senator Stuthman. [LB476]

SENATOR HOWARD: Senator Stuthman, you have 3 minutes and 33 seconds. [LB476]

SENATOR STUTHMAN: Thank you, Madam President, and thank you, Senator Mello. One thing I wanted to talk a little bit about is the opportunity, you know, for all the students in the state of Nebraska. You know, as the perception was that this was an FFA bill, was what it came out first, first of all, but the fact is it has got just as much importance to all of these other organizations. And I think there are over 20,000 students that belong to these state organizations throughout the state of Nebraska and I

Floor Debate
April 27, 2009

think that's very good. You know, in my opinion, I wish more students would belong to these organizations because when these students get involved with their friends or with their family and it's an extra activity in the school, that just does one thing. That allows them to excel in leadership. And no matter...no matter which organization it is, it allows them an opportunity to get more education in a field of their interest and I think that's very important. You know, I had got some information as to, you know, organizations in different areas, in where the population is, you know, in Omaha and Lincoln and stuff like that, and there are a lot of students that belong especially to those organizations as of DECA, FBLA, FCCLA, Skills U.S.A., but there are not quite as many, you know, in the FFA Program. It's probably one of the smaller areas that have chapters in especially Douglas and Cass County and Sarpy County and Lancaster County and Washington County, because there are not as many that are really involved and come from the background of the agriculture. But there is no problem with that. There's opportunities in other areas for these students. And if they can gain some skills and some leadership ability and compete on the state level, I think that's very important. Because we need people to replace us in years to come. We need leaders down the road. We need to have them have leadership abilities, you know, to conduct themselves in an honest and true fashion. I think that's very important. I think if we spent more emphasis on developing these kids in this area, we wouldn't have some of the problems that we have... [LB476]

SENATOR HOWARD: One minute. [LB476]

SENATOR STUTHMAN: ...in other areas. We spend a lot of money on corrections and I think if we could just have gotten to these kids early on and they could have got with somebody and got together with them and got with an organization of their interest, you know, they could have developed into real leaders of the community. I just think it's so important that we pass this bill. I just think it sets an example of what we can tell those students in the state of Nebraska, all of those students, all of those 20,000 kids and all of the other kids that we are concerned about leadership quality in the state of Nebraska. Thank you, Madam President. [LB476]

SENATOR HOWARD: Thank you, Senator Mello and Senator Stuthman. Senator Haar, you are recognized. [LB476]

SENATOR HAAR: Madam President and members of the body, I'd like to thank Senator Stuthman for this bill. As we know, giving kids of this age constructive things to do is so important. In doing research on another bill, you know, I'm finding how much the mind is changing when a person is an adolescent and these kind of good pressures from these kinds of activities are really important. I'd like to take just a minute to tell you about another really neat activity that's going on in high schools around the state. It's called Power Drive. And I don't know how many of you have seen this or participated, but NPPD gives a school a motor and then they have to use two batteries of a certain kind,

Floor Debate
April 27, 2009

and then the kids in the shop class actually design cars that they can drive, electric cars. And the race, I've gone to two of these races now. One was in Hastings when, I think, Senator Hadley saw me on the television, didn't recognize me because I had so many clothes on. That was a cold, windy day. And then there was another one in Lincoln. And the race is this, that these kids build these cars and everything, electric cars, and then it's how many laps you can finish in one hour's time that wins the trophy. In the one in Lincoln, one of the high schools in my area, Raymond Central, had two cars that took first in a race...first in one race and second in another, and Senator Pankonin had a car from Louisville High School that took first place in one of the races. So some of these kids, you know, come in at 3:30 every day after school and work till after supper on these electric cars to be able to race them. They actually sit in them. They take turns racing them and so on. And so that's another example of these great programs for adolescents that can make such a difference in their life. Again, I'd rise in support of this bill and thank Senator Stuthman. [LB476]

SENATOR HOWARD: Thank you, Senator Haar. Senator Sullivan, you are recognized. [LB476]

SENATOR SULLIVAN: Thank you very much, Madam President and members of the body. And I stand in strong support of AM961 and the underlying bill. I think...I like this legislation for a lot of reasons but I think specifically the reason I like it the most is that because it gives specific attention to one thing that we're very concerned about in the state and that's the brain drain and the fact that our young people receive an education and then end up leaving the state for what they perceive to be better situations and greener pastures. Well, these organizations that we're talking about, whether it be FFA, FCCLA, DECA, Skills U.S.A., give these young people a reason for hope to not only start to develop ideas for a career here in the state but reasons to stay in the state. I'm on the Education Committee and heard all the spirited testimony and saw the packed hearing rooms when we heard LB476. But I was truly amazed at some of the examples that the young people gave of ideas that they had developed as a result of being members of some of these organizations. I forget exactly the specific school district but I think it was a young man from Bennington and he had developed a business plan and turned this business into a for-profit enterprise. He was a junior or a senior in high school, and it was clear to me that he was going to take this idea and develop it more fully even as he planned to go on to college. So these are wonderful examples that get their start as ideas in these organizations. In the town of Cedar Rapids, we have two young women who are in colleges right now here in the state, but when they were in Cedar Rapids High School and members of one of the organizations that we're talking about developed an idea called Main Street Meats. Well, that will ultimately end up as a business on the main street of Cedar Rapids and I can't begin to tell you how important, in a little tiny town of 450 people, when we not only see a new business open but particularly if it has young people involved. So I think attention to the brain drain and two features which I think are so important in this state and also the world we live in, and

Floor Debate
April 27, 2009

that's building entrepreneurship and leadership skills among young people, and it's exactly what happens in these organizations that we're talking about funding. And, granted, the heavy lifting and the day-to-day development of these organizations takes place in the respective school districts; however, we're talking about funding the network, so to speak, all across the state that can provide...I liken it to what we probably all have as membership in professional organizations and that extra bit of networking and expertise that that structure provides, and that's what we're asking for in creating the Center for Student Leadership and Extended Learning. And also, in addition, I think it's also an example of how we not only leverage dollars that we're expending, but we get the private participation. Because I know in all of these organizations there is active support and involvement from the business community and, again, that shows young people and models for them people who are in the business world, in careers that they're learning about in these student organizations. So I think, bottom line, we're getting good bang for our buck by investing dollars in this legislation. Thank you. [LB476]

SENATOR HOWARD: Thank you, Senator Sullivan. Senator Harms, you are recognized. [LB476]

SENATOR HARMS: Thank you, Madam President, colleagues. I rise in support of AM961 and the underlying bill, LB476. I had the fortunate opportunity, I had a bill that followed LB476 and I went into the hearing a little early and I was taken back by how packed that room was with teenagers, kids from high schools, and they were intent listening to the debate and the understanding of what was taking place and how important this was. And then after a lot of those students left, they went and isolated their senator and had a conversation with them. You talk about the learning process and the leadership development, that was great. I was really excited when I walked in. I wasn't sure what bill was being heard before mine and then, when I heard what it as, I understood why they were there. And of all the correspondence I've gotten this year, I've probably gotten the most from teenagers and I've tried to answer almost every one of those. I think they deserve a letter. If they're going to take a part in government, I think then we have a responsibility to answer them back and tell them that you're supporting it or not going to support it and give your reasons. I will tell you from my experience in working with young men and women, I found that teenagers who come from these programs and go on into higher education become leaders in higher ed. They have leadership skills they develop, they're in the student government, they're in other kinds of programs, and it's really clear that they stand apart from a lot of other students. So I would ask you to support this amendment and the underlying bill, LB476. I think it's a great program. I think it will be important for the teenagers. And the most important thing is to develop their skills and that's what we're after, their leadership skills. I would yield the rest of my time to Senator Stuthman. Thank you, Madam President. [LB476]

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

Floor Debate
April 27, 2009

SENATOR HOWARD: Thank you, Senator Harms. Senator Stuthman, you have 3 minutes and 6 seconds. [LB476]

SENATOR STUTHMAN: Thank you. Thank you, Senator Harms, for the time. I want to talk a little bit about some of these organizations and what they really mean. You know, the Nebraska Distributive Education Clubs of America, that is the DECA. That is the marketing students. The FFA, it used to be called Future Farmers of America but they have dropped that part out of it and it is just now known as the FFA and that is the association that deals with agriculture, food, and natural resource students. The Nebraska Family Career and Community Leaders of America, FCCLA, this used to be the FFA-FHA when I was in school we had the FFA and the FHA, Future Homemakers of America, and that's what it was. Nebraska, the FBLA, those are business students. That is the Future Business Leaders of America. And HOSA, HOSA is a very small organization at the present time and that's the Nebraska Health Occupation Students of America. I think this organization will expand in years to come. I think there is definitely going to be a need for these health occupation students to get involved with healthcare and I have seen that in the last year or two. There's more students that are getting involved in the healthcare because there is a real opportunity for these students because of the age of the people, the baby boomers, and there is definitely going to be a need for those students. Skills U.S.A., that is the one that I had just talked about of all of those organizations that belong, all of those interests that have...that excelled in that competition that day. It was just unbelievable what was all taking place. And these students were very serious. They were taking it very serious, and they will take those skills and utilize those skills in years to come. But I also want to talk a little bit about the hearing that day and I want to thank all those people that came to that hearing. [LB476]

SENATOR HOWARD: One minute. [LB476]

SENATOR STUTHMAN: There was a lot of students that came there. In my opinion, it was very well-organized. I think we had maybe 13 testifiers that day and it was very organized. Those people came here. They were sincere and they were leaders in their organizations, and I really thank them for that because they did make an impression here on the Capitol. I just...I think we could have had 150 testifiers that day, but it was very well-organized and I respect the fact that we did take a little bit more time than we had anticipated, but every one of those 13 needed to be heard and I really respect that. So I want to thank you and thank you for giving me this time. Thank you, Madam President. [LB476]

SENATOR HOWARD: Thank you, Senator Harms and Senator Stuthman. Senator Dubas, you are recognized. [LB476]

SENATOR DUBAS: Thank you, Madam President, members of the body. I, too, would like to stand in support of LB476 and the amendment so attached. You know, quite

Floor Debate
April 27, 2009

often we are asked for money, as the state representatives, and asked to funnel money into different programs and agencies and departments, and recently I have heard that, well, we really need to see proof of how that money is spent; we really need to make sure that if we're putting that money out there we're getting what we expect back from those dollars. And in my estimation, these programs that we are talking about today offer substantial proof to the investment that we're making in these children and what it provides for our state in the future. It's a great return on our investment. Our schools and parents, too, we're continually trying to teach our kids about being lifelong learners and the importance of being a lifelong learner as you advance in your career. I think programs such as FFA, FBLA, all of the ones that we're talking about today are incredible programs that teach our kids to be lifelong learners, teach them skills that they will take into their adult lives with them. My children all participated in FFA and today they will still tell you in their adult lives and in their careers that the skills that they learned through FFA are the ones that serve them the best in their jobs and in the different groups that they participate outside of their jobs. They've just...they were just invaluable lessons. One of my children, in particular, wasn't what you would consider a traditional learner in school and if it weren't for the FFA Program and the Vocational Agriculture Program in our school, I would have been hard-pressed to keep him in school. But because of what VOAG and FFA offer to him, it kept him engaged in school. He was able to take some of those things from that particular class and carry it over into his other classes. And so I think these kinds of programs really reach out to those nontraditional learners and keeping them interested and engaged in school. Economic development, I mean these kids, as Senator Sullivan mentioned, work on real hands-on projects, but they can actually turn into jobs or into businesses that will either carry them through college or give them opportunities to come back home and put into place. Kids who are on the farm, gets them off and running with their livestock, with their crop production, with all different kinds of things in ag that, you know, once they're out of school and once they're out of their secondary education, they're ready to come back home and hit the ground running, and that's so critical to the rural economy especially--keeps our kids here, gives them hands-on experience. The projects that these kids work on for contests involve their whole family. Many, many times I was out with my kids taking pictures and helping them get their projects together, helping them get their project notebooks together, ready for local and state competition. So it really does get the family engaged. It's not just something that the kids are out there working on themselves. I, too, would like to comment on the kids who came down and participated in this hearing. I had the opportunity to visit with two communities from my district and was so impressed with the way the students presented themselves, the things that they talked about. It was very clear that this was important to them and it was a great exercise for us to impress upon them the importance of their involvement in their government and having their voice there... [LB476]

SENATOR HOWARD: One minute. [LB476]

Floor Debate
April 27, 2009

SENATOR DUBAS: ...for things that they believe in. So I thought, you know, the weather was bad that day so there were a lot of schools that weren't able to come down, but by the schools that were able to come down it just showed how important these programs are to the students, to the schools, and to the communities and their families. So I'm sorry that we weren't able to find new funding, additional funding for this program, for these programs, because I think it's critical, but the fact that we were able to find the ongoing funding is important and encourage my colleagues to please support LB476. [LB476]

SENATOR ROBERT PRESIDING

SENATOR ROBERT: Thank you, Senator Dubas. Senator Gloor, you are next and recognized. [LB476]

SENATOR GLOOR: Thank you, Mr. President, members of the body. I, too, join in the general flag waving for all these very appropriate, deserving organizations and the youth that participate. I have a special affinity for the HOSA Program and its effort towards getting our youth interested in health careers, but I would like to talk a little bit about the funding component of this rather than dwell on what we all know are worthwhile programs. I'm going to assume that several years ago there was an equal amount of enthusiasm and testimony provided as relates to the Career Education Partnership Act, and yet here we are several years later pulling the money away from that program to fund these programs. And so to make me comfortable, I wonder if Senator Adams would yield to a question. [LB476]

SENATOR ROBERT: Senator Adams, will you yield to a question? [LB476]

SENATOR ADAMS: Yes, I will. [LB476]

SENATOR GLOOR: Senator Adams, what can you tell me about the Career Education Partnership Act and why we feel we can pull the money from that program or those programs? I want to make sure we're not robbing from Peter to pay Paul. [LB476]

SENATOR ADAMS: Thank you, Senator Gloor, and I'll move through this as quickly as I can so you may want to yield some time to Senator Stuthman as well. The essence of it is this: When the bill was brought forward, the fiscal note on it, looking at it we all came to the realization very quickly that in the revenue environment we live we weren't going to be able to do this and we needed to find a source, and the source that we found was the Career Partnership Act and that particular act was passed by the Legislature. My predecessor, Senator Elaine Stuhr from the 24th District, worked hard to get that passed and primarily what it came down to was this. That particular program, which was a program where grants were being offered to school districts that would partner with each other or with ESUs in developing career education program instruction curriculum,

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

Floor Debate
April 27, 2009

it was either that or this. I mean it literally came down to that. And Senator Stuthman can better speak to it, but we contacted former Senator Stuhr and asked her about it and basically what happened is we set a priority and said this one has more direct contact with students and, therefore, may have a greater priority than the act that we are repealing. [LB476]

SENATOR GLOOR: Mr. President, I would direct the same question towards Senator Stuthman, if he'd be willing to address. [LB476]

SENATOR ROBERT: Senator Stuthman, will you yield to a question? [LB476]

SENATOR STUTHMAN: Yes. [LB476]

SENATOR GLOOR: Would you mind elaborating what knowledge you have upon the trade-off we have here for these dollars? [LB476]

SENATOR STUTHMAN: Yes. Yes, I would like to speak a little bit about that. The fact is, I visited with Senator Stuhr also and she was very instrumental in getting this program started. It was...initially it was for seed money to get these grant programs going. I really hated to, you know, stop that program from going, but in the research that I have done is the majority of these programs will continue to exist, mainly because the ESUs have seen the need and the interest and there are private partners also involved and contributing money so that these programs can exist. And I think...and I think that is a most important part because, you know, the majority of these programs, you know, of entrepreneurship and business plans and things like this will continue to be in place. But it will be under the direction I think of the ESUs and they're going to be funding part of that. [LB476]

SENATOR GLOOR: So would it be safe to say that if our financial picture as a state improves we wouldn't be starting from scratch with these programs that we talked about under the Career Development Act; we have something to build on should the dollars be available for that as well as the programs we're talking about under your bill? [LB476]

SENATOR ROBERT: One minute. [LB476]

SENATOR STUTHMAN: Yes. Yes, I feel very confident about that because, you know, initially that Senator Stuhr wanted to have seed money to get these programs started and now that they have seen that these programs are very beneficial, there's local support, there's ESU support. And I'm sure that the majority of these programs will continue to exist and if we get into better times, you know, hopefully we can come back and help support those organizations also. [LB476]

SENATOR GLOOR: Thank you, Mr. President. [LB476]

Floor Debate
April 27, 2009

SENATOR ROBERT: Thank you, Senator Gloor. Senator Hansen, you are next and recognized. [LB476]

SENATOR HANSEN: Thank you, Mr. Chairman, members of the Legislature. I got quite a few e-mails on this, too, and I would like to read just part of one from a young man that came from Maxwell and he said: I'm from the Maxwell chapter of Family Career and Community Leaders of America, otherwise known as FCCLA. In the body of his letter, after he introduced himself and told me a little bit about himself, he said: For me personally, I started out as an eighth grader, zero confidence, literally no friends and in the worst situation of my life. In FCCLA I found friends, I learned to present and talk to other people, which gave me the confidence and showed me how to lead within myself before I led others. And it's signed, State Officer, Maxwell FCCLA. This young man went from an eighth grader to a junior this year, will be a senior next year and a leader in his community and a leader in the state. And that's what we're talking about. And thanks to Senator Stuthman, he's brought this bill and he found a way, at least temporarily, to get the funding for it for another two years. I was in FFA, too, quite awhile after Senator Stuthman, but I was in FFA too. By the time my two sons got to high school, there was not an FFA Program and it was quite a void to fill, but the Vocational Industrial Clubs of America filled that void, filled that void for leadership, and that's what my kids needed. They needed...they were in 4-H but they also needed something on a day-to-day basis that helped them build their leadership skills, and VICA did that. Our one son went on to be state president of VICA and our other son was a national winner in one of the skills contests. They both continue on now and they're leaders in their community and continue to do that. And this story goes on and on and on in every small town in western Nebraska. And I thank Senator Stuthman for bringing this and I really appreciate him that he found funding for it, at least for two years, and hopefully by then we can continue this, because this is something I believe in and I think the state needs. Thank you, Mr. President. [LB476]

SENATOR ROBERT: Thank you, Senator Hansen. Senator Howard, you are recognized. [LB476]

SENATOR HOWARD: Thank you, Mr. President. At the risk of getting the horse before the cart, I would like to take another look at the funding mechanism and the cost of this bill. I support this bill in principle. I voted for this bill to come out of committee. I think the intent of this bill is certainly worthwhile. If you look at the fiscal note on this, the amount is \$550,000. It's a considerable amount of money. I realize that we're taking this from another pot of money, if you will, an allotment that was given over to a bill that Senator Stuthman had I believe the first year that I was down here. Still, this is a lot of money and this is taxpayer money. Now the reason I'm concerned about this is that we're struggling to find funding for schools. It comes down to that basic principle for me. I remember being told, when I was campaigning the first time, you go to the store, you'd

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

Floor Debate
April 27, 2009

like to buy a steak but you only have money for hamburger. So what do you do? Obviously, you buy what you have the money for. I'm concerned about the cost of this bill in terms of what we are going to be doing regarding the educational funding and I ask you to keep that in mind when you look at the appropriations, which will be up next. Thank you. [LB476]

SENATOR ROBERT: Thank you, Senator Howard. Seeing no other lights on, Senator Adams, you're recognized to close on AM961. [LB476]

SENATOR ADAMS: Thank you, Mr. President, members of the body. I'll make it very quick. What the committee amendment does is three different things: (A) it deletes Section 5, it's unnecessary language; (B) it, on page 3 what it does is to expand language in the intent portion of the bill to better clarify the intention of the bill; and then finally what we do is to repeal the previous act that created the partnership career education so that the money can move from that over to this particular bill. Thank you, Mr. President. [LB476]

SENATOR ROBERT: Thank you, Senator Adams. Members, you have heard the closing to AM961, the committee amendments, to LB476. All those in favor of adopting AM961 vote yea; opposed, nay. Have all those voted who wish? Mr. Clerk, please record. [LB476]

CLERK: 40 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB476]

SENATOR ROBERT: AM961 is adopted. Returning to discussion on the bill. Seeing no one wishing to speak, Senator Stuthman, you're recognized to close on LB476. [LB476]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I think we've had very good discussion on this bill this afternoon. I just feel that these state organizations, you know, just creates another level of activity for these students that have an interest, you know, in trying to develop something for years to come. I want to give you a little bit of an example of my granddaughter, which is a senior in high school in my area. Right now she decided, as her senior year, she wanted to raise broilers and sell them as a business. So they did that. I think they raised like three sets of 100 broilers, maybe one set was a little bit larger. But she did the marketing of them. She did the majority of the work with them. And I think that gave her an opportunity as to, you know, estimate your feed cost, estimate, you know, how much of a survival rate you're going to have, and the price that you're going to ask for these birds when you market them. And she marketed those actually the day or the week before she decided to get the chicks in. And that gave her an opportunity of a responsibility, you know. You have to sell them for enough so that you cover your cost and a little bit of profit. And I think that gives those youth of today an experience in what's going to happen in years to

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

Floor Debate
April 27, 2009

come. I just feel that this is such an opportunity for these children, for these youth. And we need to continue these programs on the state level. With that, I ask for your support of LB476. Thank you, Mr. President. [LB476]

SENATOR ROBERT: Thank you, Senator Stuthman. Members, you have heard the closing to LB476. The question before the body is, shall LB476 advance to E&R Initial? All those in favor vote yea; opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB476]

CLERK: 44 ayes, 0 nays, Mr. President, on the advancement of LB476. [LB476]

SENATOR ROBERT: LB476 does advance. Next item on the agenda. [LB476]

CLERK: LB476A, by Senator Stuthman. (Read title.) [LB476A]

SENATOR ROBERT: Senator Stuthman, you're recognized to open on LB476A. [LB476A]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I think the amendment that was to LB476 was pretty well explained as to where we were getting the funding in this. I had...in this LB476A I have an amendment to it, to adjust the figure in it. And I will address that when I open on the amendment. Thank you, Mr. President. [LB476A]

SENATOR ROBERT: Thank you, Senator Stuthman. Members, you've heard the opening to LB476A. Mr. Clerk. [LB476A]

CLERK: Mr. President, Senator Stuthman would move to amend with AM1219. (Legislative Journal page 1200.) [LB476A]

SENATOR ROBERT: Senator Stuthman, you're recognized to open on AM1219. [LB476A]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. Originally, it was...it came to my attention, and this came to my attention when we had the hearing on the bill that there possibly wasn't the need this next coming year for the total \$450,000. And it was addressed that maybe, you know, from \$70,000 to \$100,000, \$125,000 was the need. But in the research that we have done at this time was the fact that there was...it created the possibility of an audit, a possibility of using money from two funds to hopefully fund this. And there could be a maintenance of effort issue and that could cause a federal audit. We felt that these required uses of this Perkins IV Grant money, you know, if we could get this \$450,000 this first year instead of the \$100,000, a lot of those required uses could be engaged at the present time. And it

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

Floor Debate
April 27, 2009

would create the center and then that would be taken care of. One thing I would like to also mention also is the fact that with this Perkins Grant money this involves \$8 million of federal grant money, which 85 percent of that \$8 million goes to schools and community colleges that have these programs, it assists them. So I think that's very important because if we would run into a situation where the audit would show that there could be a maintenance effort issue, there could be a possibility that we could lose it all. So I thought this would be a lot cleaner. It's an A bill that just transfers from one program to another. And I think with the situation that we have right now, you know, this is an A bill that doesn't cost the Appropriations Committee any money. So with that, I'd ask for your support. Thank you, Mr. President. [LB476A]

SENATOR ROBERT: Thank you, Senator Stuthman. Members, you have heard the opening to AM1219 to LB476A. Members wishing to speak, Senator Nelson, you're recognized. [LB476A]

SENATOR NELSON: Thank you, Mr. President, members of the body. I'd like to address a question to Senator Stuthman, if he will yield. [LB476A]

SENATOR ROBERT: Senator Stuthman, will you yield to a question? [LB476A]

SENATOR STUTHMAN: Yes. [LB476A]

SENATOR NELSON: Thank you, Senator Stuthman. I'm looking at the fiscal note. You keep...you're talking about \$450,000 for 2009-10, is that correct? Are we only concerned with the first year here or are we going to have the same amount for the second year of the biennium? [LB476A]

SENATOR STUTHMAN: In my amendment I had...initially, the A bill was \$100,000 in '09 and '10, and \$450,000 in '10-11. What my amendment is, is it puts \$450,000 for both of the two years, which was the amount of dollars designated to Senator Stuhr's bill. [LB476A]

SENATOR NELSON: And this is going to be achieved by eliminating the program, 315 or whatever it was, and using that money then in both years. [LB476A]

SENATOR STUTHMAN: Yeah. [LB476A]

SENATOR NELSON: So the cost for the biennium is going to be \$900,000. [LB476A]

SENATOR STUTHMAN: Yes, that is the same amount that was in that program of the...in the CEPA group that was funded through that. We're just transferring the money from that program and transferring that to this Student Leadership Career Center. [LB476A]

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

Floor Debate
April 27, 2009

SENATOR NELSON: All right. That answers my question. Thank you, Senator. Thank you, Mr. President. [LB476A]

SENATOR ROBERT: Thank you, Senator Nelson, Senator Stuthman. (Visitors introduced.) Returning to discussion on AM1219. There's no one wishing to speak. Senator Stuthman, you're recognized to close. [LB476A]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I think we have worked out the details on this. It was quite a task to do that. But I want to thank Senator Stuhr for allowing us to utilize this money because I think these dollars will really affect a lot more students, although her program was very, very beneficial. But I think, as I stated before, you know, those programs will continue to exist. And I feel that with this program and get this, we should have state conferences, you know, in years to come. So I'd ask for your support. Thank you, Mr. President. [LB476A]

SENATOR ROBERT: Thank you, Senator Stuthman. Members, you've heard the closing to AM1219. The question before the body is, shall AM1219 be adopted? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB476A]

CLERK: 40 ayes, 0 nays on adoption of Senator Stuthman's amendment. [LB476A]

SENATOR ROBERT: AM1219 is adopted. [LB476A]

CLERK: I have nothing further, Mr. President. [LB476A]

SENATOR ROBERT: Returning to discussion on LB476A, any members wishing to speak? Seeing none, Senator Stuthman, you're recognized to close. Senator Stuthman waives his opportunity. The question before the body is, shall LB476A advance to E&R Initial? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB476A]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB476A]

SENATOR ROBERT: LB476A does advance. Next item on the agenda. [LB476A]

CLERK: LB285, Mr. President, is a bill by Senator Pirsch. (Read title.) Introduced on January 14, referred to the Judiciary Committee. The bill was advanced to General File. There are committee amendments pending. (AM774, Legislative Journal page 978.) [LB285]

SENATOR ROBERT: Senator Pirsch, you're recognized to open on LB285. [LB285]

Floor Debate
April 27, 2009

SENATOR PIRSCH: Thank you, Mr. President, members of the body. This bill as well deals with uniformity as a reason for bringing it forward. And this is LB285. A little bit of background. On July 27, 2006, the Adam Walsh Child Protection and Safety Act was enacted. The purpose...this was federal legislation. The purpose of that act was to protect the public, in particular children, from violent sex offenders via a more comprehensive nationalized system for registration of sex offenders. Title 1 of the act establishes the Sex Offender Registration Notification Act, also known as SORNA, which outlines a comprehensive set of minimum registration and notification standards for sex offenders. This bill, LB285, is being introduced to bring Nebraska...the Nebraska Sex Offender Registration Act into compliance with that federal act, the Adam Walsh Act. And so the Adam Walsh Act calls for state conformity to various aspects of sex offender registration, including information that must be collected, duration of registration requirements for classifications of offenders, verification of registry information, access to and sharing of information, and penalties for failure to register as required. Now legislation is required by the state of Nebraska for compliance with the Adam Walsh Act according...well, by July 27 of 2009, so this summer. Jurisdictions who do not substantially implement are subject to a mandatory 10 percent reduction in federal Byrne Justice Assistance Grant funding. So what that essentially means in terms of hard dollars for the state, what we would lose from the federal...from the "federals" is approximately each year \$170,000 to \$190,000 per year minimum, maybe retroactive. But that's not all. There may be additional costs to the state from the "federals." We may not be eligible for other federal sex offender grants, grants that we have used in the past to maintain our current Sex Offender Registry system in Nebraska. So very high financial cost for the state if we do not comply with this federal, essentially a federal mandate. The Adam Walsh Act establishes a national, electronic sex offender registration program which outlines minimum registration and notification standards. The National Sex Offender Registry will be maintained at the FBI by the U.S. Attorney General. The length of registration is, with this bill is based solely on the convicted offense. A 15-year registration for offenses not punishable by imprisonment for more than 1 year; a convicted individual is eligible to apply to the State Patrol for a clean, what's called a clean record consideration after ten years, if that individual has no conviction of sex offense or offense punishable by more than one year imprisonment, successfully completed probation, parole, or supervised release, and successfully completing an appropriate sex offender treatment program. There is a 25-year registration for offenses that are punishable by imprisonment greater than 1 year; and there's a lifetime registration requirement for prior sex offense convictions...for those who have prior sex offense convictions, aggravated offenses, or lifetime registration from a different jurisdiction, another state. The bill expands registry offenses, including incest, unlawful intrusion, sexually related child abuse offenses, enticement by electronic device, sexual assault of an inmate or protected adult. It also expands in that it adds sexually motivated offenses and retroactive for sex offense convictions on or after January 1, 1997, as written. With the committee amendment it wouldn't apply

Floor Debate
April 27, 2009

unless you would have had to have registered for the crime back on that date. It also, the bill increases the amount of information collected upon registration. All residency, employment, and vehicle information, travel, immigration, professional licenses information, computer Internet identifiers and addresses, cell phone information, digital fingerprints and palm prints, digital photograph, and DNA sample. Doesn't mean that this is going to be accessible by the general public but it certainly is accessible by law enforcement to help keep track of the sex offender in their jurisdiction. So it's very helpful, especially when they disappear off the radar screen. In addition, the act...this bill would provide for verification of...it would require verification of registry information that's done in person and more frequently. So for those 10- to 15-year registrants, that would take place annually; for a 25-year registrant, every six months; and for a lifetime registrant that would occur every three months. The verification and status changes reported to county sheriff would have to fall, under this act, within three working days...they would maintain updated information within the county a registrant resides, has a temporary domicile, has habitual living location, works or attends school. And the sheriff submits information to the State Patrol in a manner prescribed by the State Patrol the same day. Public...there will be public notification on all registrants. And a violation of registry requirements and registration, I'm sorry, and registrant who cannot be located is then reported to the U.S. Marshal Service and an arrest warrant is sought. Some important things to note. The bill came out of committee as amended with an 8 to 0 vote. There is no fiscal cost to the...no A bill to this. It will...the State Patrol will make do with the current funding levels. And I think that's very important, as I talked about in the other bill. Three reasons the bill is necessary now, and I think this really requires stressing. In addition to what I mentioned as far as the federal funding for our Byrne JAG grants are going to be cut off by the feds if we do not pass this on a very meaningful, significant dollar level. And by the way, those are extremely important, I can tell you, having served on the Crime Commission as a prosecutor, to fund our Interagency Drug Task Forces, which really do make a dent in the war against drugs in Nebraska. That aside, this bill, as I mentioned, as the underlying purpose...Mr. President, could I have a gavel? [LB285]

SENATOR ROBERT: (Gavel) [LB285]

SENATOR PIRSCH: The second reason as I talked about in the prior bill, is one of uniformity. All the 50 states have, to my knowledge, some version of the sex offender registry but they're not speaking the same language. There's "disuniformity" among them. And currently, our system, this is the third reason, our system in Nebraska, I believe, is broke. It is not the best system to go forward with. And so for those reasons we need to change with this LB285. And let me just illustrate what I just mentioned, that the system is broke. And I'll pull your attention to the article that I handed out. It was printed in the World-Herald, illustrates the case that took place not too long ago, a number of months ago. And individual from Illinois convicted of raping a 5-year-old girl in 1999 in Illinois, in a very brutal manner, three months after he gets out of jail, makes

Floor Debate
April 27, 2009

a beeline to Nebraska. Right? He is identified as the highest level of concern in terms of sex offenders in the state of Illinois, the highest level available. He comes to Nebraska. Where do we rank him? We employ a unique, strange system currently that takes this high risk offender, as Illinois designates, who raped a 5-year-old girl, and classified him as a low level of risk. And so he stepped forward in the community because he's deemed a low level risk he doesn't have to register... [LB285]

SENATOR ROBERT: One minute. [LB285]

SENATOR PIRSCH: ...he doesn't have to have his information displayed. As a result of that, he comes to the community of Blair and rapes two more young girls in Nebraska. And so it's that lack of communication, our faulty system that is premised in Nebraska that we can predict what somebody is capable of doing, a sex offender is capable of doing in the future. This is more uniform. We don't go try to jump into his brain and say, could he do it again? We say rather, this is what he's been convicted beyond a reasonable doubt of doing in the past, and we inform people of that rather than what we subjectively assume that he may or may not be capable of doing. For all these reasons I would ask for your support for LB285. And there are committee amendments. Thank you. [LB285]

SENATOR ROBERT: Thank you, Senator Pirsch. Members, you have heard the opening to LB285. As the Clerk stated, there are committee amendments. Senator Ashford, you're recognized to open, as Chair of Judiciary Committee, on AM774. [LB285]

SENATOR ASHFORD: Thank you, Mr. President. There are committee amendments, AM774. And, I believe, Senator Pirsch has filed today's General Fund...general...well, an additional series of amendments or one amendment with two parts to it on General File to deal with some mistakes that were made in the...with the redrafting of some of these provisions. So we'll get to those in a moment. The discussion in the committee did not revolve around the idea of the bill, basically to register convicted sex offenders. That had certainly unanimous, I think pretty much, unanimity theoretically that this is the thing to do. The concern was the retroactivity of the registration law as it applies to the new offenses. And Senator Pirsch has listed the new offenses that are required under the Adam Walsh Act to have...where a registration is necessary. And I believe Senator Pirsch has correctly listed those offenses. Our...the committee amendments, basically, provide that those new offenses, there must registration of a conviction of those offenses going forward. But in the...but for a past conviction the registration would not apply. The...you may ask, does this comply with federal law? And that is really the issue. A number of states have adopted our approach, the committee's approach to retroactivity for new offense, new registerable offenses. In fact, no one has...no state has been turned down for making a filing with these kinds of retroactivity provisions that we're talking about here in place. There is a grace period that would allow us to come

Floor Debate
April 27, 2009

back next year if we have to amend it further to comply with the Adam Walsh requirements. But at this point, I think the committee feels comfortable that applying retroactivity to offenses that were not offenses under current law is the appropriate response...appropriate policy. And that as long as we are registering these offenses currently moving forward that we are in substantial compliance. And that seems to be the view of a number of other states. Again, the federal government has not acted upon any of the applications so we're not certain what they will do. And I don't need to go into long division about why we would do this. I'm sure we all are aware of situations where people, individuals have pled either no contest or even guilty to offenses which were not registerable under prior law and now would be registered under this law. And that there's a basic unfairness and inequity in doing that, realizing, however, that all these offenses must, going forward, be registered in the future. And Senator Pirsch is correct that we're dealing with the conviction as the triggering event for these offenses. The subjectivity that Senator Pirsch talked about is a rationale that is plausible, and the committee agreed with that. With that, I believe that covers, unless I'm missing my...Stacey, always have to ask Stacey. But I believe that completes the committee amendment in its essence. And I would urge the adoption of AM774, understanding that there are some additional General File amendments coming. [LB285]

SENATOR ROBERT: Thank you, Senator Ashford. Members, you have heard the opening to AM774. Okay, Mr. Clerk. [LB285]

ASSISTANT CLERK: Mr. President, I do have an amendment to the committee amendment from Senator Flood, AM1076. But I have a note he wishes to withdraw. [LB285]

SPEAKER FLOOD: Yes, I do, your honor or Mr. President. (Laughter) [LB285]

SENATOR ROBERT: AM1076 is withdrawn. Returning to discussion of the committee amendments, those wishing to speak, Senators Friend, Pirsch, and Harms. Senator Friend, you're recognized. [LB285]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Senator Pirsch and Senator Ashford did a good job of describing what the Adam Walsh Child Protection and Safety Act of 2006 and what we're trying to do with this particular bill, the federal compliance idea and the ramifications associated with not complying. Just to keep in mind again the list of registry offenses are going to be expanded with a bill like this, things like incest, unlawful intrusion, sexually related child abuse offenses, sexual assault of an inmate or a protected adult, and sexually motivated offenses. It also is...there's a different information structure or collection associated with this upon registration. It would be expanded to include residency, all residency, employment and vehicle information, travel and immigration documents, professional license information, computer Internet identifiers, cell phone numbers, etcetera, etcetera. Also it would

Floor Debate
April 27, 2009

actually change information related to in-person verification, the frequency. I prioritized this bill. I made this bill my legislative priority on March 12. And all of those things that have been pointed out are important, but the importance to me really revolves around the reason the Adam Walsh Act was created to begin with. The last three years since passing...in the last three years, it's for continuity, in the last three years since the passing of Adam Walsh or the Adam Walsh Act, the Sex Offender Registry Division has doubled the amount of inquiries by registered sex offenders from states asking about Nebraska registry laws. In 2005, and before the registry took approximately 10 to 15 calls per month in this area. In the last three years the calls have increased to 15 to 20 per month. Now these calls are more or less defined as state shopping calls. They usually involve two main questions by the offenders, and those are: are all registered offenders posted on the public Web site in Nebraska; and two, is there a statewide registry restriction on sex offenders in Nebraska? States surrounding Nebraska that post all offenders on their public Web sites--Iowa, South Dakota, Kansas all offenders after April 14, and that was back in '94. Colorado, it doesn't...they don't happen to have a centralized registry, and also Wyoming and Missouri. All states in the United States post all registered offenders on their public sites with the exception of these states--Arizona, Delaware, Minnesota, Nebraska, Nevada, New Jersey, New York, Oregon, and Rhode Island. So the answer is continuity, the answer is compliance, the answer is consistency. Mr. President, that's all that I'd have. I'd ask for the adoption of the committee amendments, the advancement...the eventual advancement of LB285. Thank you. [LB285]

SENATOR ROBERT: Thank you, Senator Friend. Senator Pirsch, you're next and recognized. [LB285]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I just wanted to say how much I appreciate Senator Friend prioritizing this as his priority bill and as well as the help of many who helped push this bill through the process this year, including the Governor, the Judiciary Committee, members of the State Patrol. And so I think Senator Friend spoke...the points he made were very good points that we're kind of the odd duck out here in terms of what other states are doing. And it's...you know, that would be fine if it was working for the state of Nebraska. But cases, such as the one I just illustrated, pretty pointedly show that it's not working for the state of Nebraska. There's no good reason to be different. That aside, Congress has kind of stepped into the matter and has now mandated, seen the value in having a uniformity there. They are mandating that. So it's kind of the convergence of many factors that makes this a good idea at this point in time. Again, just in terms of explanatory, I think I touched upon it pretty quickly there in my opening just out of necessity, time running down. But we currently have a system where not all sex offenders are...the information is available to the public, unlike many other states. Certain sex offenders who are deemed to be low-risk are, and we call those Category I. We have a three tiered ranking--Category I, II, and III. It's arbitrary, kind of a homegrown, made-up paradigm. Well, what is it

Floor Debate
April 27, 2009

that...what type of factors help determine whether an individual, a convicted sex offender goes to Category I, II or III? And I just want to be clear, it is based upon kind of a psychological profile, that is only used in Nebraska, that you ask a series of questions, and based upon that a determination is made that, well, we don't care what this guy did or girl did as far as their sex offense conviction, but we don't really look just to that in terms of it being dispositive. We actually try to jump into their brain and predict, 5 years, 10 years, 15 years from now, could this individual reoffend again. A very subjective analysis that I can tell you as a prosecutor you just can't do that. You can never tell, you know, and it doesn't matter what type of crime you're looking at. If we knew which drunk driver was going to take it seriously and reform his ways or her ways and not, you know, drink and drive again, that would eliminate a whole lot of problems as far as having to put people on probation or not. So, too, can we not tell when it comes to sex offenses who will continue down the path of reoffending. And so I think it's sheer folly to leave this unique method in place in Nebraska that has proven to be wrong and not go towards a more unified standard that is implemented otherwise and which Congress is pushing us towards, to say, look, don't subjectively guess, you know, kind of the...I forget what that Tom Cruise movie was where it's a precrime and you... [LB285]

SENATOR ROBERT: One minute. [LB285]

SENATOR PIRSCH: ...kind of guess before the fact what he's capable of doing. Use an objective standard, and what it says is this person has been convicted of this crime beyond a reasonable doubt, the highest level of proof that's required in the law. You infer from that what you want. But it's an objective standard. And I think it is less...it is more fair to both the offender and to society. You're not, you know, for those offenders who have been, you know, committed minor transgressions, but who have been adjudicated through this unique process to be high risks, I think that's unfair to the offender. So, too, is it unfair to society by calling these really dangerous individuals a low-risk offender. So thank you very much. [LB285]

SENATOR ROBERT: Thank you, Senator Pirsch. Senator Harms, you are next and recognized. [LB285]

SENATOR HARMS: Thank you, Mr. President, colleagues. I rise in support of LB285 and its amendments. I struggle a little bit with this on the basis that I have no tolerance for it, absolutely none. And if it was up to me, people who commit these kinds of crimes, I'd take the key and throw it away. But I know society doesn't work that way. But what people need to understand is that, and I'm sure you do, that what the child goes through, whether it's a boy or girl, the emotional issues they go through are horrible, long-term damage. And in many cases they never get the opportunity to live a normal life. They have this fear forever. Sometimes they're emotionally unstable forever. And so far as I am concerned that this should be as strict as possible so that everyone knows that you're a sex offender. I don't care if you're a I, II or III level or however you want to

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

Floor Debate
April 27, 2009

classify it because, quite frankly, we deserve to have that opportunity. We deserve to understand who's in my neighborhood or who's five blocks away from me. Senator Pirsch could...would you yield for just a couple questions please? [LB285]

SENATOR ROBERT: Senator Pirsch, will you yield to a question? [LB285]

SENATOR PIRSCH: I would. [LB285]

SENATOR HARMS: Thank you, Senator Pirsch. Thank you, Mr. President. Senator Pirsch, when we look at the levels I, II and III, what type of actual assessment...I know you referred to a psychological assessment, but what kind of assessment do we actually use with people like this? [LB285]

SENATOR PIRSCH: Are you talking about under the current system here in Nebraska? [LB285]

SENATOR HARMS: That's correct. And how does it compare then both nationally or in surrounding states? [LB285]

SENATOR PIRSCH: Oh, and how does it compare out of state? Well, that's what, I guess, out of state and what I'd like to lead us to is more of a uniformity in terms of reporting solely that this person was convicted of this crime. All right? [LB285]

SENATOR HARMS: I can understand that, Senator. What I'm really curious about, what kind of psychological evaluation do they do? Do you know for sure or... [LB285]

SENATOR PIRSCH: Well, I can...I certainly can get that information for you. There's a battery of questions, I believe. And I'm not sure who formulated this type of psychological/psychiatric type of evaluation. And there are other factors. It's a complex number of factors based upon, I believe, and I'm going by memory here, you know, certain historical type of occurrences with respect to the individual, do you have any prior convictions? But as well as, I think, some subjective type of judgments that the individual who is doing the assessment makes. And so you can't get rid of the subjectivity in doing those assessments. And so... [LB285]

SENATOR HARMS: Thank you. Once we go through that assessment we're not assured that this person is going to commit another crime, are we? We really don't know whether or not they are or they aren't. And the other part of my question is, how many of these people that have gone through that are ranked I, II and III levels go out and commit the crime again? Or...or... [LB285]

SENATOR PIRSCH: Um-hum. Yeah. I wish I had the statistics for you. But I can tell you, you know, it does happen. And you can, you know, just anecdotally pointing out to

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

Floor Debate
April 27, 2009

the case that just happened recently, I believe that was within the...certainly within the last year, I believe, that that occurred up in Blair. I don't think that that is a... [LB285]

SENATOR ROBERT: One minute. [LB285]

SENATOR PIRSCH: ...too rare of an occurrence. [LB285]

SENATOR HARMS: And, Senator Pirsch, do you think that as we look at this legislation, do you really feel like it's strong enough and that we're going to accomplish what we're after here? Again as I said, I have no tolerance for it, so it's hard for me to deal with the issue because I've seen children, and I've seen the results of this thing which really bother me. So I'm just curious, what are your thoughts? [LB285]

SENATOR PIRSCH: I think it's a good step forward. What it's going to do is give law enforcement more tools. I can tell you as a prosecutor who has, you know, been involved in crimes that involved sexual offenses and also in the registry offenses that a hard part of this is keeping track of the individual offenders. And they learn the differences between the states, some do, and play on those differences. Is that what compelled this gentleman to move three months after Illinois to Nebraska, where he was classified as the lowest level? Only...you know, that would be conjecture. But I do tell you that that...with these extra bits of information... [LB285]

SENATOR ROBERT: Time. [LB285]

SENATOR PIRSCH: ...it will be helpful. Thank you. [LB285]

SENATOR HARMS: Thank you, Senator Pirsch and thank you, Mr. Chairman. [LB285]

SENATOR ROBERT: Thank you, Senator Harms and Senator Pirsch. Senator Howard, you are recognized. [LB285]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I want to thank Senator Pirsch for bringing this bill. I want to thank Senator Harms also. He did an excellent job in describing the damage that is done to a child through the act of child sexual abuse. Children have little recourse. They make poor witnesses and in these cases they're never any match for the defendant's attorney on the witness stand. Senator Pirsch is right, we can't get into the head of the perpetrator, but we can look at what this individual has done in the past. And we can protect our children by being honest with ourselves. If an individual has a track record such as this person that Senator Pirsch brought us the information on, it's reasonable to assume he will repeat his behaviors. [LB285]

SENATOR ROBERT: (Gavel) [LB285]

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

Floor Debate
April 27, 2009

SENATOR HOWARD: I thank Senator Pirsch for being concerned about children, being willing to stand up for them. I know he has an excellent reputation in his job as a child advocate and worker for children in the court system. And, again, I thank him for bringing this bill forward. [LB285]

SENATOR ROBERT: Thank you, Senator Howard. Seeing no other lights on, Senator Ashford, you're recognized to close on AM774. [LB285]

SENATOR ASHFORD: Thank you, Mr. President and members. And I would urge the adoption of this amendment. This is a complex and difficult issue. It is not as straightforward as it may appear. The committee spent a great deal of time working on it. Obviously, Level I sex offenders...Senator Harms again asks great questions and is thoughtful in his approach. We have the same concerns in the committee as we thought about, for example, how does this law apply to juveniles who would commit a level...what is a Level I sex offense, for example, the lowest classification as far as, you know, severity of the act. And we struggled with that. Under federal law we're not required to register juveniles if they're not convicted in adult court at this point. And the federal law is taking a look at how to deal with juveniles. This is exceedingly complex. We had a great deal of discussion about it. It is not as black and white as it may seem. We all have an aversion, obviously, to having sex offenders, certainly the most severe ones, you know, close to our children or close to anyone in our community in a way that they could commit further acts. I think we've got the right approach, the right balance and certainly with the retroactivity issue being resolved in the committee amendments it's a solid bill and I urge its advancement. Thank you, Mr. President. [LB285]

SENATOR ROBERT: Thank you, Senator Ashford. Members, you have heard the closing to AM774, the committee amendments to LB285. The question before the body is, shall AM774 be adopted? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB285]

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of the committee amendments. [LB285]

SENATOR ROBERT: AM774 is adopted. [LB285]

CLERK: Mr. President, Senator Pirsch would move to amend with AM1147. (Legislative Journal pages 1201-1203.) [LB285]

SENATOR ROBERT: Senator Pirsch, you're recognized to open on AM1147. [LB285]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. Not a whole lot of substance to this. It just cleans up the language here. Act...I, apparently, was...language

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

Floor Debate
April 27, 2009

was accidentally struck from the original bill because we have redrafted, based upon the concept of that...the retroactivity concept. So we need this language to help make sure that it essentially flows the way that it is intended to. But there's nothing...it's kind of a technical cleanup and doesn't substantively change the amendment...the committee amendment that was just passed. So I'd ask for your consideration on this amendment, AM1147. Thank you. [LB285]

SENATOR ROBERT: Thank you, Senator Pirsch. Members, you've heard the opening to AM1147. Are there members wishing to speak? Seeing none, Senator Pirsch, you're recognized to close on AM1147. [LB285]

SENATOR PIRSCH: Thank you. And I'll just briefly use this opportunity to address the question Senator...I think it was Senator Harms brought up regarding what factors are used currently in the Nebraska paradigm to determine which of the three groups an offender should be classified in. Apparently, there's a 14-point screening, and I'll just give some general overviews and then I can provide some more details to the other Senator a little later. But there's a 14-point screening, takes into account the offenders mental health history and treatment, criminal background, relationship to the victim, and the ages of the victim and offender. So just in general categorical terms, that's a little bit of what's looked at currently. And again, the thought is that, you know, no matter which categories you're looking into, 14 points, it is darn near impossible to predict what someone is capable of doing in the future. So with that said, I would just ask for the passage of this amendment, AM1147. Again, there's nothing substantive about it, it's just cleanup language, technical in nature that is necessary because the original...we accidentally struck language from the original bill based on the retroactivity issue. So thank you. [LB285]

SENATOR ROBERT: Thank you, Senator Pirsch. Members, you have heard the closing to AM1147. The question before the body is, shall AM1147 be adopted? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB285]

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of Senator Pirsch's amendment. [LB285]

SENATOR ROBERT: AM1147 is adopted. [LB285]

CLERK: I have nothing further on the bill, Mr. President. [LB285]

SENATOR ROBERT: Returning to discussion of LB285, are there members wishing to speak? Seeing none, Senator Pirsch, you're recognized to close on LB285. [LB285]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. The ghost of Phil

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

Floor Debate
April 27, 2009

Erdman still haunts these Chambers. I see that he is...he...I couldn't think of the name of the movie which I just quoted from. He tells me that that was Minority Report with Tom Cruise and the precrime trial. So it's good to see that he's still tuning in. My colleagues, I would ask you simply for the reasons stated before that you pass LB285 onto Select File. Again, it is necessary because again we're looking at about a little shy of \$200,000 every year that we don't comply with the federal mandate that we're going to be cutting our Byrne JAG funds, which again are used for Interagency Drug Task Force, a very important function here for the state. And even some additional funds might make...federal funding might make us ineligible for them. In addition to that, I think a more compelling argument is that we want to strive for uniformity, talk the same language with other states so that we don't have any miscommunication, such as the one that occurred in the individual I pointed out, between Illinois and Nebraska, which resulted in Nebraska children being raped. And so we want to make sure that the community is aware of those who pose an actual grave harm to the children of the community. And so for that uniform...reason of uniformity, I'd ask you to vote it through as well. Our current structure just is not up to the task. So thank you. [LB285]

SENATOR ROBERT: Thank you, Senator Pirsch. Members, you have heard the closing to LB285. The question before the body is, shall LB285 advance to E&R Initial? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB285]

CLERK: 44 ayes, 0 nays, Mr. President, on the advancement of LB285. [LB285]

SENATOR ROBERT: LB285 does advance. Items for the record, Mr. Clerk. [LB285]

CLERK: Mr. President, Enrollment and Review reports LB98, LB98A, LB198, LB322, LB420, LB489, LB489A, and LB679 as correctly engrossed. Senator Campbell has an amendment to LB342 to be printed. Senator Dubas would like to add her name to LB476. (Legislative Journal pages 1204-1205.) [LB98 LB98A LB198 LB322 LB420 LB489 LB489A LB679 LB342 LB476]

And a priority motion. Speaker Flood would move to adjourn the body until Tuesday morning, April 28, at 9:00 a.m.

SENATOR ROBERT: Members, you have heard the motion. The question before the body is, shall we adjourn until Tuesday morning, April 28, at 9:00 a.m.? All those in favor signify by saying aye. Opposed, nay. We are adjourned. (Gavel)