

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

Floor Debate
February 15, 2007

[LB25 LB35 LB43 LB54 LB63 LB64 LB67 LB74 LB79 LB80 LB80A LB99 LB108 LB110 LB111 LB114 LB117 LB122 LB124 LB125 LB126 LB127 LB128 LB129 LB130 LB148 LB149 LB150 LB156 LB161 LB166 LB185 LB186 LB189 LB190 LB191 LB206 LB207 LB211 LB213 LB219 LB232 LB237 LB263 LB283 LB283A LB290 LB291 LB294 LB295 LB296 LB298 LB307 LB311 LB313 LB315 LB328 LB332 LB333 LB346 LB347 LB370 LB404 LB411 LB422 LB434 LB451 LB472 LB484 LB519 LB527 LB549 LB549A LB580 LB665 LB675 LB699 LR32]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good morning, ladies and gentlemen. Welcome to the George Norris Legislative Chamber for this, the thirtieth day of the One Hundredth Legislature, First Session. Our chaplain for the day is Dr. Dan Flanagan with St. Paul's Methodist Church, Papillion, Nebraska; Senator Tim Gay's district. Please rise. []

DAN FLANAGAN: (Prayer offered.) []

SENATOR LANGEMEIER: Thank you, Dr. Flanagan. I call to order the thirtieth day of the One Hundredth Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record. []

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

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there any corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

SENATOR LANGEMEIER: Are there any messages, reports, or announcements? []

CLERK: Your Committee on Banking, Commerce and Insurance, chaired by Senator Pahls, reports LB114, LB125, LB126, LB149 to General File and LB122, LB127, LB128, LB129, LB130, LB156, LB189, LB346 to General File with amendments attached, all signed by Senator Pahls. [LB114 LB125 LB126 LB149 LB122 LB127 LB128 LB129 LB130 LB156 LB189 LB346]

Communication from the Governor to the Clerk, engrossed LB35, LB43, LB63, LB64, LB74, LB79, LB80, LB80A, LB110, LB111, LB148, LB150, LB161, LB186, LB206, LB207, and LB315 were received in my office on February 12, I signed these bills and delivered them to the Secretary of State on February 14. [LB35 LB43 LB63 LB64 LB74 LB79 LB80 LB80A LB110 LB111 LB148 LB150 LB161 LB186 LB206 LB207 LB315]

Lobby report for this week, Mr. President, to be inserted. A series of reports to be

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inserted. Notice of hearing from the Government, Military and Veterans Affairs Committee, offered by Senator Aguilar. And I have amendments, Mr. President, to LB166 by Senator Janssen; Senator Preister to LB580; and Senator Louden to LB295. That's all that I have at this time, Mr. President. (Legislative Journal pages 583-590.) [LB166 LB580 LB295]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Mr. Clerk, we will move to Final Reading. Members should return to their seats and prepare for Final Reading. Mr. Clerk, the first bill is LB283. [LB283]

CLERK: (Read LB283 on Final Reading.) [LB283]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. All provisions of law relating to the procedure having been complied with, the question is, shall LB283 pass? All those in favor vote yea; all those opposed vote nay. Have you all voted that wish to vote on LB283? Record, Mr. Clerk. [LB283]

CLERK: (Record vote read, Legislative Journal page 591.) 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President. [LB283]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. LB283 passes. We will now proceed to LB283A. [LB283 LB283A]

CLERK: (Read LB283A on Final Reading.) [LB283A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. All provisions of law relating to procedure having been complied with, the question is, shall LB283A pass? All those in favor vote yea; all those opposed vote nay. Have all those that wish to vote done so? Record, Mr. Clerk. [LB283A]

CLERK: (Record vote read, Legislative Journal pages 591-592.) 41 ayes, 0 nays, 4 present and not voting, 4 excused and not voting, Mr. President. [LB283A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. LB283A passes. We'll now move to Select File. Mr. Clerk. [LB283A]

CLERK: Mr. President, first bill on Select File, Senator McGill, LB333. I have Enrollment and Review amendments pending. (ER8014, Legislative Journal page 435.) [LB333]

SENATOR LANGEMEIER: Senator McGill, you are recognized. [LB333]

SENATOR MCGILL: I move the E&R amendments. [LB333]

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SENATOR LANGEMEIER: Thank you. The motion before us is, do the Enrollment and Review amendments pass to LB333? All those in favor say aye. All those opposed same sign. Motion carries. [LB333]

CLERK: I have nothing further on the bill, Senator. [LB333]

SENATOR LANGEMEIER: Senator McGill. [LB333]

SENATOR MCGILL: Mr. President, I move the advancement of LB333 to Enrollment and Review for engrossing. [LB333]

SENATOR LANGEMEIER: The motion is, should LB333 advance to E&R? All those in favor say aye. All those opposed same sign. Next bill? [LB333]

CLERK: Mr. President, LB213. Senator McGill, I have no amendments to the bill. [LB213]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB213]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB213]

SENATOR LANGEMEIER: The motion is to advance LB213. All those in favor say aye. All those opposed same sign. LB213 advances. Mr. Clerk. [LB213]

CLERK: Mr. President, LB237. Senator McGill, I have Enrollment and Review amendments pending. (ER8016, Legislative Journal page 445.) [LB237]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB237]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB237]

SENATOR LANGEMEIER: The motion is to advance the E&R amendments to LB237. All those in favor say aye. All those opposed same sign. They are adopted. Mr. Clerk. [LB237]

CLERK: I have nothing further on that bill, Senator. [LB237]

SENATOR LANGEMEIER: Senator McGill. [LB237]

SENATOR MCGILL: Mr. President, I move LB237 to E&R for engrossing. [LB237]

SENATOR LANGEMEIER: The motion before you is to move LB237 to E&R for engrossing. All those in favor say aye. All those opposed same sign. LB237 advances.

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Mr. Clerk. [LB237]

CLERK: Mr. President, LB263 is the next bill. Senator McGill, I have no amendments to the bill. [LB263]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB263]

SENATOR MCGILL: Mr. President, I move LB263 to E&R for engrossing. [LB263]

SENATOR LANGEMEIER: You've heard the motion to move LB263 to E&R for engrossing. All those in favor say aye. All those opposed. It does advance. Mr. Clerk. [LB263]

CLERK: Mr. President, LB313. Senator McGill, I have no amendments to the bill. [LB313]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB313]

SENATOR MCGILL: Mr. President, I move LB313 to E&R for engrossing. [LB313]

SENATOR LANGEMEIER: The motion is, should LB313 advance to E&R for engrossing? All those in favor say aye. All those opposed same sign. It does advance. [LB313]

CLERK: LB311. Senator, I have no amendments to the bill. [LB311]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB311]

SENATOR MCGILL: Mr. President, I move LB311 to E&R for engrossing. [LB311]

SENATOR LANGEMEIER: The question before the body is LB311 advance to E&R for engrossing? All those in favor say aye. All those opposed same sign. It does advance. Mr. Clerk. [LB311]

CLERK: Mr. President, LB99. Senator McGill, I have no amendments to the bill. [LB99]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB99]

SENATOR MCGILL: Mr. President, I move LB99 to E&R for engrossing. [LB99]

SENATOR LANGEMEIER: The motion before the body is, should LB99 move to E&R for engrossing? All those in favor say aye. All those opposed same sign. LB99 does advance. Mr. Clerk. [LB99]

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CLERK: Mr. President, LB298. Senator McGill, no amendments to the bill. [LB298]

SENATOR LANGEMEIER: Senator McGill, you are recognized. [LB298]

SENATOR MCGILL: Mr. President, I move LB298 to E&R for engrossing. [LB298]

SENATOR LANGEMEIER: The motion before the body is, should LB298 be advanced to E&R for initial? All those in favor say aye. All those opposed same sign. LB298 does advance. Mr. Clerk. [LB298]

CLERK: Mr. President, LB191. Senator McGill, I have no amendments pending. [LB191]

SENATOR LANGEMEIER: Senator McGill, you are recognized. [LB191]

SENATOR MCGILL: Mr. President, I move LB191 to E&R for engrossing. [LB191]

SENATOR LANGEMEIER: The motion before the body is, should LB191 be advanced to E&R for engrossing? All those in favor say aye. All those opposed same sign. LB191 does advance. Mr. Clerk. [LB191]

CLERK: Mr. President, LB117. There are Enrollment and Review amendments pending. (ER8020, Legislative Journal page 472.) [LB117]

SENATOR LANGEMEIER: Senator McGill, you are recognized. [LB117]

SENATOR MCGILL: I move the E&R amendments. [LB117]

SENATOR LANGEMEIER: The question before the body is adoption of the E&R amendments to LB117. All those in favor say aye. All those opposed same sign. They do advance. Mr. Clerk. [LB117]

CLERK: I have nothing further on the bill, Mr. President. [LB117]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB117]

SENATOR MCGILL: Mr. President, I move LB117 to E&R for engrossing. [LB117]

SENATOR LANGEMEIER: The motion before us is, should LB117 move to E&R for engrossing? All those in favor say aye. All those opposed same sign. It does advance. Mr. Clerk. [LB117]

CLERK: Mr. President, LB67. Senator McGill, I have no amendments to the bill. [LB67]

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SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB67]

SENATOR MCGILL: Mr. President, I move LB67 to E&R for engrossing. [LB67]

SENATOR LANGEMEIER: The question is, should LB67 be advanced to E&R for engrossing? All those in favor say aye. All those opposed same sign. It does advance. Mr. Clerk. [LB67]

CLERK: LB290, Mr. President. Senator McGill, I have no amendments pending. [LB290]

SENATOR LANGEMEIER: Senator McGill, you are recognized. [LB290]

SENATOR MCGILL: Mr. President, I move LB290 to E&R for engrossing. [LB290]

SENATOR LANGEMEIER: The motion is, should LB290 advance to E&R for engrossing? All those in favor say aye. All those opposed same sign. LB290 does advance. Mr. Clerk. [LB290]

CLERK: LB422, Mr. President. Senator McGill, there are Enrollment and Review amendments. (ER8018, Legislative Journal page 473.) [LB422]

SENATOR LANGEMEIER: Senator McGill. [LB422]

SENATOR MCGILL: There are Enrollment... [LB422]

CLERK: Yes, there are. [LB422]

SENATOR MCGILL: I move the E&R amendments, Mr. President. [LB422]

SENATOR LANGEMEIER: The motion before us, should the E&R amendments be adopted to LB422? All those in favor say aye. All those opposed same sign. LB422 advances. Mr. Clerk. Those were E&R. Mr. Clerk, for LB422. [LB422]

CLERK: I have nothing further on the bill, Mr. President. [LB422]

SENATOR LANGEMEIER: Senator McGill. [LB422]

SENATOR MCGILL: Mr. President, I move LB422 to E&R for engrossing. [LB422]

SENATOR LANGEMEIER: The motion is, should LB422 advance to E&R for engrossing? All those in favor say aye. All those opposed same sign. LB422 does advance. Mr. Clerk. [LB422]

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CLERK: Mr. President, LB472. Senator McGill, I have no amendments. [LB472]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB472]

SENATOR MCGILL: Mr. President, I move LB472 to E&R for engrossing. [LB472]

SENATOR LANGEMEIER: The motion is, should LB472 advance to E&R for engrossing? All those in favor say aye. All those opposed same sign. LB472 does advance. Mr. Clerk. [LB472]

CLERK: Mr. President, LB108. Senator McGill, there are Enrollment and Review amendments. (ER8022, Legislative Journal page 487.) [LB108]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB108]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB108]

SENATOR LANGEMEIER: The question is the adoption of the E&R amendments to LB108. All those in favor say aye. All those opposed same sign. They are adopted. Mr. Clerk. [LB108]

CLERK: Mr. President, I have nothing further on the bill. [LB108]

SENATOR LANGEMEIER: Senator McGill. [LB108]

SENATOR MCGILL: Mr. President, I move LB108 to E&R for engrossing. [LB108]

SENATOR LANGEMEIER: The motion is, should LB108 be advanced to E&R for engrossing? All those in favor say aye. All those opposed same sign. LB108 does advance. Mr. Clerk. [LB108]

CLERK: Mr. President, LB549. Senator McGill, I do have Enrollment and Review amendments. (ER8024, Legislative Journal page 496.) [LB549]

SENATOR LANGEMEIER: Senator McGill, you are recognized. [LB549]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB549]

SENATOR LANGEMEIER: The question is the adoption of the E&R amendments to LB549. All those in favor say aye. All those opposed same sign. They are adopted. Mr. Clerk. [LB549]

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CLERK: I have nothing further on the bill, Senator. [LB549]

SENATOR LANGEMEIER: Senator McGill. [LB549]

SENATOR MCGILL: Mr. President, I move LB549 to E&R for engrossing. [LB549]

SENATOR LANGEMEIER: The motion is, should LB549 advance to E&R for engrossing? All those in favor say aye. All those opposed same sign. LB549 does advance. Mr. Clerk. [LB549]

CLERK: Mr. President, LB549A. I have no amendments, Senator. [LB549A]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB549A]

SENATOR MCGILL: Mr. President, I move LB549A to E&R for engrossing. [LB549A]

SENATOR LANGEMEIER: The motion is, should LB549A be advanced to E&R for engrossing? All those in favor say aye. All those opposed same sign. LB549A does advance. Mr. Clerk. [LB549A]

CLERK: Mr. President, LB434. Senator McGill, I have no amendments. [LB434]

SENATOR LANGEMEIER: Senator McGill. [LB434]

SENATOR MCGILL: I move LB434 to E&R for engrossing. [LB434]

SENATOR LANGEMEIER: The motion is, should LB434 advance to E&R for engrossing? All those in favor say aye. All those opposed same sign. LB434 does advance. Mr. Clerk. [LB434]

CLERK: Mr. President, the next bill, LB296. Senator, first of all, I have Enrollment and Review amendments. (ER8012, Legislative Journal page 425.) [LB296]

SENATOR LANGEMEIER: Senator McGill, you're recognized. [LB296]

SENATOR MCGILL: I move the E&R amendments. [LB296]

SENATOR LANGEMEIER: The question is the adoption of the E&R amendments to LB296. All those in favor say aye. All those opposed same sign. They are adopted. [LB296]

CLERK: Mr. President, the first amendment I have to the bill after the Enrollment and Review, Senator Johnson, AM15. [LB296]

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SENATOR LANGEMEIER: Senator Johnson, you're recognized to open on AM15 to LB296. [LB296]

SENATOR JOHNSON: I'd ask that this be withdrawn at this time and refiled after Senator Howard's amendment is taken up. [LB296]

SENATOR LANGEMEIER: It is withdrawn. Mr. Clerk. [LB296]

CLERK: The next amendment to the bill, Mr. President, Senator Chambers, AM251. (Legislative Journal page 569.) [LB296]

SENATOR LANGEMEIER: Senator Chambers, you are recognized to open on AM251 to LB296. [LB296]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, my amendment does not affect any of the powers, duties, restructuring, or anything that this gigantic bill, LB296, is doing. It merely makes a change in wording. First of all, instead of referring to this gigantic...I call it a monstrosity. When they were, several years ago, combining all these various departments into the Health and Human Services System, I opposed it. I fought against it strenuously and I lost. But often when I take a position and am trampled into the ground, eventually they have to come back and acknowledge that what they did was not the appropriate thing. That was a political move and because then-Governor Nelson wanted to run for Senate, this was a move to try to show that he was doing something about making government more efficient. If you want to get a copy of the transcript, you will see where I did chide my colleagues, who happened to be Democrats, that if there had been a Republican governor doing this, they would oppose it. It makes no sense but they were going to support it to help their man be in a position to make an argument on an issue when he ran for U.S. Senate. The Legislature did it anyway and I took my lumps. Now they are calling this new concoction a system. It is not a system. It is a department. The first thing I would do is scrap that term, Health and Human Services System, and make it the Department of Health and Human Services. Instead of referring to what really are divisions by the inaccurate title which is in the bill now, departments, that terminology would be stricken and these divisions would be called departments. If you look at what a department is in other parts of the statute and you'll see that there are a lot of references in my amendment, and it's several pages long. But the only thing it's doing is changing the word "department" to "division." These departments that exist now are in fact agencies. They carry out various activities and that designation, agency or department, carries certain legal consequences and powers with it. These that we're talking about are divisions. There used to be a Department of Personnel. When it was put under the Department of Administrative Services, it was then called the Division of Personnel. So what I would like to do with this amendment is to take away the notion that we're talking about departments with department heads, as

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those terms are understood now, and make it clear that we in fact have one department. We have divisions. If you are going to in fact make each one of these divisions a department, then you're going to have to change some of what's in that existing reorganization or restructuring bill because they are not in fact departments. They are not conducted as departments. And that is why I want to make this change. I had done it earlier this session by changing the designation of the members of the commission for...what was that? Oh, Industrial Relations, referred to them as commissioners, not judges. These are, in fact and law, divisions no matter what we call them and that's what we ought to label them. Now if you want to convert them into departments so that they are like every other department in the state, they become agencies and then they are once again out there, independent, freestanding entities. Other than the Governor, who is above the director of the Department of Roads? The director of the Department of Roads doesn't have a boss other than the Governor, who appoints and can remove for cause or whatever happens. Yet you're going to have all these divisions but they have a boss. Not only do they have a boss, they are a part of an overarching organization. I'm going to stop now because I feel myself growing redundant. But if you have questions, I will respond to them. Before I sit down, however, let me try to capsulize what I'm saying. These are divisions which are part of what really is a department, the Department of Health and Human Services. These are divisions of that department. The division heads are not freestanding department directors. That's all that my amendment would do, is change the word "department" to "division," wherever it occurs. When it's plural, "departments," it would be "divisions." Instead of "Health and Human Services System," it would be changed to "Department of Health and Human Services." Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Chambers. The floor is now open for discussion on AM251. Does anyone care to speak on AM251? Senator Johnson, you are recognized to speak to AM251. [LB296]

SENATOR JOHNSON: Mr. President, members of the body, had a discussion this morning with the representatives of the Governor in the Health and Human Services System. Their main concern with what Senator Chambers is suggesting is what we talked about here when this bill was brought up before. And I think Senator Howard and many other people made the point that what...we can talk about the systems all we want but it's the recruitment to these systems of the best possible people that we can get to fill these positions. It really comes down to, yes, the organization is fine but what can we do to get the best possible directors that we can get. Their point, as we suggested when we talked about this before, is that they would be appointed by the Governor. A title of director reflects the level of professionalism and scope of the responsibility that these positions will hold, greater accountability because the director is held accountable for the program areas in their department, and improved accessibility for constituency. It elevates the core functions in departments and it provides for, a word that we are starting to use around here, greater transparency. Changing the title to departments

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would cause a trickle-down effect on titles of sections or titles that current state employees have. It would create confusion since there are currently divisions within the departments. Public perception of the authority is vested in a department director versus a division director. Although the CEO is vested with the overall coordination of these departments, the department director will be in charge of implementing the direction. So I think the counterargument, shall we say, to what Senator Chambers is proposing is one of the effect that would occur on our Health and Human Services System. It doesn't seem like much but does it make a difference in the quality of the individual that we would be able to get to accept these positions? So that is the counterargument as seen by the Department of HHS and the Governor's Office itself. So with that, I would return the rest of my time to the Chair. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Senator Chambers, you're recognized. [LB296]

SENATOR CHAMBERS: Mr. President, members of the Legislature, understand this, and I'm going to ask Senator Johnson some questions so you'll know I'm not giving you a fast shuffle. My amendment changes nothing else about the bill. I would like to ask Senator Johnson to answer a question or two, if he will. [LB296]

SENATOR LANGEMEIER: Senator Johnson, would you yield to a question from Senator Chambers? [LB296]

SENATOR JOHNSON: Certainly, Senator Chambers. [LB296]

SENATOR CHAMBERS: Senator Johnson, regardless of what these divisions or separate parts would be called, are there duties and powers that whoever heads each one of these divisions will have? [LB296]

SENATOR JOHNSON: I would think so, sir. [LB296]

SENATOR CHAMBERS: By changing the name from department to division, does that alter any of the powers, duties, or the authority of whoever is the head of this division? [LB296]

SENATOR JOHNSON: I don't believe so. [LB296]

SENATOR CHAMBERS: Does it do anything about doing away with the accountability that would exist in connection with this person to make sure he or she does the job properly? [LB296]

SENATOR JOHNSON: I don't believe so, Senator. The only question, again, is the status symbol, should we say. And so I guess I would have to say I don't believe so.

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[LB296]

SENATOR CHAMBERS: Right. So Senator Johnson, your argument deals with form and mine deals with substance. Would you agree with that? [LB296]

SENATOR JOHNSON: Certainly mine deals with form. [LB296]

SENATOR CHAMBERS: Thank you. And members of the Legislature, we should not elevate...that's all I'll ask you. Thank you, Senator Johnson. [LB296]

SENATOR JOHNSON: Thank you. [LB296]

SENATOR CHAMBERS: I will have a few more words. Members of the Legislature, I can understand the prestige or status that might go with a title. But I'd like to ask Senator Carlson a question if I may. I saw him about to take a sip from his coffee cup, so he knows me now. [LB296]

SENATOR LANGEMEIER: Senator Carlson, would you yield to a question from Senator Chambers? [LB296]

SENATOR CARLSON: Yes, I will. [LB296]

SENATOR CHAMBERS: Senator Carlson, each one of us in here has the title "senator." Do you agree? [LB296]

SENATOR CARLSON: Yes. [LB296]

SENATOR CHAMBERS: If we're referred to in the media, then our title should be "senator." Would you agree? [LB296]

SENATOR CARLSON: Yes. [LB296]

SENATOR CHAMBERS: Many years ago, because I'm sensitive to things, female senators, including young Senator Pirsch's mother, were referred to in the newspaper as "Mrs." while the men were referred to as "senators," and I would object on the floor and say they're here not because of their marital status, but because of the job. And eventually the newspaper started referring to the female members as "senator" rather than "Mrs." Do you think that's appropriate? [LB296]

SENATOR CARLSON: I do, very much so. [LB296]

SENATOR CHAMBERS: And even though they were referred to as "Mrs." they still exercised all the prerogatives of "senator." Do you agree with that? [LB296]

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SENATOR CARLSON: Yes. [LB296]

SENATOR CHAMBERS: But in the interest of accuracy and the fact that everybody else who was a senator who was male had that designation of "senator," it was appropriate to refer to them in the media as "senator" also. [LB296]

SENATOR CARLSON: I agree. [LB296]

SENATOR CHAMBERS: So my approach in that instance was reasonable, in your opinion? [LB296]

SENATOR CARLSON: Yes. [LB296]

SENATOR CHAMBERS: Thank you, Senator Carlson. That's all I will ask you. And members of the Legislature, I'm analogizing. All I'm doing is saying that we're going to put the proper name to these separate entities which are a part of this overarching Health and Human Services. By calling these entities or these separations divisions rather than departments, we're not changing anything that they do, just as none of the powers and prerogatives of our female colleagues were affected in any way by the newspapers referring to them as... [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR CHAMBERS: ..."Mrs." rather than "senator." But the fact is, we should strive for truth in labelling. And if we have people who are seeking these jobs whose psyches and egos are so fragile that they will not accept the job and properly do it unless you give them a specific title, they are not the ones who ought to have these jobs. The description of the job will make it clear how much responsibility is involved. So having said those things, I hope my point has been made. Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Is there any others that wish to talk about AM251? Seeing none, Senator Chambers, you are recognized to close on AM251. [LB296]

SENATOR CHAMBERS: Mr. President, in order to reduce the amount of time I have to take on this, I'd like to ask Senator Johnson a question. [LB296]

SENATOR LANGEMEIER: Senator Johnson, would you yield to a question? [LB296]

SENATOR JOHNSON: Yes, sir. The mike wasn't on. [LB296]

SENATOR CHAMBERS: (Laugh) Senator Johnson, do you support this amendment?

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[LB296]

SENATOR JOHNSON: I have no problem with the amendment, sir. [LB296]

SENATOR CHAMBERS: Thank you, Senator Johnson. That's all that I have by way of closing. I will ask that we adopt it. Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Chambers. You have heard the closing on AM251. The question is, shall the amendment to LB296 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those that wish to vote done so? Record, Mr. Clerk. [LB296]

CLERK: 41 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment. [LB296]

SENATOR LANGEMEIER: The amendment does pass. (Doctor of the day and visitors introduced.) Speaker Flood, you are recognized. [LB296]

SPEAKER FLOOD: Thank you, Mr. President, members. We're going to stand at ease for the next five minutes to allow Senator Howard a little extra time to have a discussion about her amendment on Select File to LB296. At the end of five minutes, we will make the decision as to proceed on LB296 as we intend to pass over the bill following the resolution one way or the other on Senator Howard's amendment. Senator Johnson has an amendment after Senator Howard's amendment that will need to remain on Select File until next week so that we can make progress at this stage of debate. Senator Hansen's bill will be up momentarily in the event that we are unable to reach a compromise in the next five minutes. We will stand at ease until 9:54. [LB296]

SENATOR LANGEMEIER: Thank you, Speaker Flood. As you've heard, we are going to stand at ease until 9:54. Thank you. []

EASE []

SENATOR LANGEMEIER: It is 9:54. Senator Howard, I recognize you to open on your amendment, AM202, to LB296. (Legislative Journal page 593.) [LB296]

SENATOR HOWARD: Thank you, Mr. Chairman and members of the body. I rise to introduce AM202 to LB296. And I'm going to take a few moments just to give you a little background of where I come from. And those of you who have been here, you are free to (laugh) to excuse yourselves because I don't want to go through this again for you. I spent 34 years in the system, in Health and Human Services. And I was one of those people that were in the trenches. I did case management. I worked foster care. I worked initial investigations. I worked adoptions. I even worked in the aging system at one

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point. And I worked in permanency plan review, when we had an internal review system. So what I tell you and what I bring forth regarding foster care is based on experience, it's based on a desire to make our system the best system it can be. It's based on a commitment to those children that come into our system, to those people who devotedly work in our system, and to everyone that has contact with our system. This amendment would require the newly created Department of Children and Family Services to undertake the process to become accredited with the goal of completing the accreditation process on or before July 2011. The Department of Children and Family Services would further be required to report to the appropriate legislative committee its progress toward achieving accreditation on an annual basis beginning in December of 2007. As I mentioned in my testimony supporting LB296 on General File, changing the structure of this organization will not change the operation of the organization. Compare this to my moving from the front of the chamber, where I was for two years, to the back of the floor and I'm still the same senator standing here today asking you to help me improve the quality of services that we deliver to children. It's no secret that I feel strongly that we need to set clear standards to improve the way we deliver services to children and families. Many of the bills I have introduced this session are aimed at improving the quality of services provided by the Nebraska Health and Human Services System. And make no mistake about it, I'm very supportive of our system and I'm extremely supportive of the case managers, the line staff out there each and every day working for children. In recent Health and Human Services Committee hearings, I've heard comments from my colleagues that have challenged me to think differently about how we strengthen the system. Senator Erdman, for example, responded to my caseload cap bill by asking, there are lots of issues within the system, isn't there something we could do to eliminate more than just this one problem? Senator Johnson asked, is adding social workers going to fix the problem or don't you think we really need to fix the bureaucracy? Senator Gay said, we need to stop the leak in the bucket before we add more water. I took to heart what the other senators on the Health and Human Services Committee and many of you on the floor have said and I agree that we need to address the way the entire system functions in order to do the best we can for families. Year after year, this body has brought forth bills to regulate or study our Health and Human Services System with the hopes of repairing some portion of it. The challenge is that we have not done a good job on being accountable to ourselves or to the findings of those studies. Senator Stuthman argued recently in Health and Human Services Committee that this body has a history of paying for studies and then not implementing the recommendations. That is a valid point. We have frequently attempted to address concerns within Health and Human Services through studies and task forces. If we have spent an average of half a million dollars per study, which is the amount the Governor suggested we appropriate to study the foster care system last year, then we will have spent \$6 million to study Health and Human Services based upon the 12 studies done over the last eight years that I referred to on the floor last year. And sadly, from the look of things, we haven't done much to show results from our money. I believe that a part of this problem is that these studies and their findings are

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essentially holding Health and Human Services accountable to the legislative body, a body of dedicated people who have relatively limited experience in dealing with the challenge of a Health and Human Services System. Accreditation puts the money we would have spent on studies into the hands of a body that focuses specifically on the task of improving Health and Human Services System and helping them to be better providers of services to children and families. We would be placing that responsibility of accountability into the hands of a neutral objective body that will base their suggestions for improving the system on best practices in the field that have been researched and proven successful. I've done some research and it would seem that seeking accreditation is a mechanism for ensuring systemwide quality that would allow the new Department of Children and Family Services to collaborate with an accrediting body to develop its own system for improving goals. There are three national accreditation organizations that provide this type of support to public agencies. The most appropriate for a children and family services agency is COA, also known as the Council on Accreditation. I have been doing some research and I've collected information about COA and the accreditation process in general. I've learned that the accreditation is designed to serve as a catalyst for change that builds on an organization's strength and helps it to achieve better results in all areas; administration and management, financial stewardship, and service delivery. Organizations that seek accreditation are evaluated against best practices standards, which are developed using a census model with input from a wide range of service providers, funders, experts, policymakers, and consumers. The accreditation process is really a partnership between the accrediting agency and the organization that is seeking accreditation. It is not a punitive or a judgmental process, it is a strength-based strategy that assists an agency in achieving its mission and measuring and validating its achievements. The accreditation process is designed to be collegial, client-centered, and supportive of the unique cultural needs and goals of each and of the people they serve. Once an agency applies to become accredited, they receive a packet of information that details the accreditation process and they are asked to complete a self-evaluation to determine improvement goals based upon what they need to accomplish in order to meet the accreditation standards. Then representatives from the accrediting organization work with the agency or department to develop a plan for addressing their deficiencies. The partners from the accrediting body make site visits to familiarize themselves with key staff, any logistical challenges, and to help tailor the plan to the specific needs of the agency seeking accreditation. I've provided you with material detailing the general process and time lines for accreditation, as well as the estimated cost for this process. The accreditation costs outlined would be spread across time as the average time line from application to completion of accreditation is generally 18 to 24 months. You will notice, however, in the amendment that I've allowed up to 48 months to achieve accreditation to allow for this to be integrated into the structural changes within the system. [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

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SENATOR HOWARD: Thank you. In my research, I learned that accreditation is not a new idea for Nebraska's Health and Human Services System. HHS Regulations and Licensure currently requires accreditation of agencies it contracts with in order for them to be eligible for Medicaid reimbursement. There are two reasons for this; the first being federal regulations that require accreditation to participate in some of the federal funding programs, and the second is to ensure level of quality. It would be reasonable to expect that Health and Human Services would want to ensure the same quality of service delivery for itself that it requires of its contractors that provide the same services. Thank you. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Howard. Senator Howard, you are recognized to open on the portion we stood at ease for, FA24 to AM202. (Legislative Journal page 593.) [LB296]

SENATOR HOWARD: Thank you, Mr. President. This amendment, FA24, is very simple and this was reached in agreement with Health and Human Services Systems representatives. And I thank them for their time and consideration in working with me on this. It simply says Health and Human Services shall report on whether additional appropriations will be required to achieve this accreditation. That is certainly a fair consideration. The department will need to look at the issue of what it will take to be an accredited agency and be realistic about the cost of that. I have no concern about this amendment. I think it's needed, frankly. Thank you. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Howard. You have heard the opening on the floor amendment, FA24, to the amendment, AM202. The floor is now open for discussion. Senator Johnson, followed by Senator Synowiecki. Senator Johnson, you are recognized to address FA24. [LB296]

SENATOR JOHNSON: I would pass at this time and I will turn my light back on. Thank you. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Senator Synowiecki, you are recognized. [LB296]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier, members of the Legislature. Senator Howard, would you yield? [LB296]

SENATOR LANGEMEIER: Senator Howard, would you yield to a question? [LB296]

SENATOR HOWARD: Yes. [LB296]

SENATOR SYNOWIECKI: Senator Howard, I'm sorry, I was kind of disengaged and I was out of the floor here when you started your opening. Was this a bill that was

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introduced into the Legislature this session that's represented in your amendment?
[LB296]

SENATOR HOWARD: It's the Health and Human Services reorganization bill. [LB296]

SENATOR SYNOWIECKI: Yes, I understand that. But your amendment to the bill, was your amendment originally brought to the Legislature in the form of a bill? [LB296]

SENATOR HOWARD: That was submitted in bill form? No, it wasn't. [LB296]

SENATOR SYNOWIECKI: So...okay. AM202 is an amendment you're bringing forward. And what does that amendment do? [LB296]

SENATOR HOWARD: Senator Synowiecki, this amendment would require the Department of Health and Human Services Division of Child and Family Services to begin the process for accreditation of that division. [LB296]

SENATOR SYNOWIECKI: Okay. And again, was that brought to the committee and did it have a committee hearing? Were individuals there to provide testimony? Is there a committee statement on this move towards accreditation? [LB296]

SENATOR HOWARD: Is that a question? (Laugh) Senator Synowiecki, this is a floor amendment that I brought in. This was not a bill. This is a result of many people in this body coming to me and asking if I felt, if I believed that reorganization alone would change the operation and the service delivery of the Department of Health and Human Services. And in talking to them, I couldn't answer that it would. Changing the structure is not a guarantee that the organization itself is going to provide better services to children or families. I'm sorry you missed the opening to this amendment because that was clearly explained. [LB296]

SENATOR SYNOWIECKI: Yeah, and I apologize myself, Senator Howard. I just wanted to make sure relative to process that...you know, typically and normally when we have this sort of an amendment to the bill--not always, I'll admit that, not always but a lot of times--it was embodied in another piece of legislation. Is there, like, will this add to the fiscal responsibility under the bill in terms of appropriation matters? [LB296]

SENATOR HOWARD: I have no request in for additional appropriations. I will add to your first question. As I reflected on my opening, I had brought a number of bills into my committee regarding caseload caps, regarding training, case manager training, and I was able to reflect on those here on the floor and how that process brought me to this point of formulating this floor amendment and introducing it. And I will add, I have worked with the Department of Health and Human Services representatives and we have discussed this and reached a compromise on the wording for it. [LB296]

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SENATOR SYNOWIECKI: So Senator Howard, you didn't introduce a bill relative to COA accreditation processes and standards? [LB296]

SENATOR HOWARD: I didn't... [LB296]

SENATOR SYNOWIECKI: And I'm not necessarily against this, I just...I don't know exactly what we're doing here and I'm not at all saying I'd be against this. But I want to be clear on the ramifications relative to appropriations. [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR SYNOWIECKI: I want to be clear on its impact, potential impact to the private provider community, if there is any; I don't know. Did individuals that might be impacted by this, both in government and out of government, you know, did they have an opportunity to provide a certain level of input relative to the ramifications of this? I don't know and I don't know if I'm for it or against it. I may end up voting for the amendment if I can be convinced through debate. I just don't know what exactly happens when we have an amendment brought to a major bill like this that perhaps, perhaps--and my lack of knowledge is, I don't know--perhaps have substantive public policy ramifications across the board, for both the department and those working in the industry outside of the department... [LB296]

SENATOR LANGEMEIER: Time. [LB296]

SENATOR SYNOWIECKI: ...and we don't have opportunity to become aware of that. Thank you, Senator. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Senator Fulton, then Gay and then Harms. Senator Fulton, you are recognized. [LB296]

SENATOR FULTON: Thank you, Mr. President. If Senator Howard, I ask if she would yield to a question. [LB296]

SENATOR LANGEMEIER: Senator Howard, would you yield to a question from Senator Fulton? [LB296]

SENATOR HOWARD: Yes. [LB296]

SENATOR FULTON: Senator Howard, I just need to confess, I don't fully understand the accreditation process and whether it's necessary. And so that's, the fact that there are dollars attached to this, I just need to ask some questions about the accreditation process. In your estimation, this accreditation is going to be necessary for this new

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division within Health and Human Services. [LB296]

SENATOR HOWARD: The accreditation is necessary to provide not only accountability but quality in the delivery of services. And this is specifically on the Division of Children and Family Services. [LB296]

SENATOR FULTON: Okay. I understand that the Division of Children and Family Services doesn't exist presently as a distinct division of Health and Human Services. But the division under which it would be categorized now, does this accreditation exist presently? [LB296]

SENATOR HOWARD: It does not. [LB296]

SENATOR FULTON: Okay. So then...just in a nutshell, your reason for introducing this amendment is that you believe that it is necessary for this new division and so you're asking the body to...and it costs \$406,375, correct? Am I understanding correctly? [LB296]

SENATOR HOWARD: That's to undertake the accreditation process. [LB296]

SENATOR FULTON: Okay. So in a nutshell, you're saying that it is a necessity. It wasn't a necessity before but now that we have a more distinct Division for Children and Family Services, you believe that it is a requirement now or a necessity now? [LB296]

SENATOR HOWARD: I wouldn't say that I would say had not been a necessity in the past. I would say we have the opportunity at this moment to address this, to improve the quality of service delivery. To not only improve the structure and the way that people are able to access the system, but also to improve our services to children and families. [LB296]

SENATOR FULTON: Okay. That helps me. I yield the remainder of my time to the Chair. Thank you. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Senator Gay, you're recognized. [LB296]

SENATOR GAY: Thank you, Mr. President. I would like to ask Senator Howard a few questions if I could. [LB296]

SENATOR LANGEMEIER: Senator Howard, would you yield to a question? [LB296]

SENATOR HOWARD: Yes. [LB296]

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SENATOR GAY: Senator Howard, these amendments you're bringing today, I have a little difficulty with or I don't quite understand. And I was on the committee as well. There were two other bills you had and LB54 and LB411 that discussed some of these issues, I think, in committee; correct? [LB296 LB54 LB411]

SENATOR HOWARD: They did. [LB296]

SENATOR GAY: Those presently were in committee, we discussed them, we had the public hearing. And as of now, they're still in committee. But why today would we come up and put this amendment on a large bill, and I understand your prerogative that you can do that. But I guess, why is the urgency that we have to do this on this bill? [LB296]

SENATOR HOWARD: Senator Gay, I would say this is an opportunity to improve service delivery to children, to families, to all people that come into contact with Health and Human Services and specifically, the Division of Child and Family Services. And I will refresh your memory by going back to some information I provided earlier in my presentation. And you did mention the hearings in Health and Human Services and I will reflect on that. In recent Health and Human Services Committee hearings, I've heard comments from my colleagues that have challenged me to think differently about how we strengthen the system. Would you like me to continue with those? [LB296]

SENATOR GAY: Well, I guess that's correct. I agree. Thinking differently and coming back through a committee and a public process, Senator Synowiecki said he's not clear on the ramifications of this bill. I can't speak for the entire committee, but I'm not either and I was on the committee discussing some of these things. Here's a question. When did you speak to the Department of Health and Human Services about this amendment? [LB296]

SENATOR HOWARD: I spoke to them this morning. [LB296]

SENATOR GAY: This morning. I guess the point is, is I encourage...I think those comments made in committee that you threw out were to encourage a in-depth view. And I don't claim to be an expert in the department or have your experience. But being a new member, I think the idea was let's look into some of these things. And I don't expect you to hold up everything for me. But I would agree that most of the body at that point wanted more information. I think by rushing into this, we aren't getting any of that information. We have a \$406,000 price tag on this. But do you know, if we do get accredited, what will that mean on other ancillary expenses that we may incur? [LB296]

SENATOR HOWARD: Actually, in working with Health and Human Services, we put this amendment on that addresses that. If there is a cost in terms of employees, in terms of social workers, then the department will come back in and address that. [LB296]

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SENATOR GAY: So did they draft that amendment this morning? [LB296]

SENATOR HOWARD: I accepted that amendment from Health and Human Services this morning. [LB296]

SENATOR GAY: This morning, okay; which I agree with FA24. If we are going to pursue this, which I don't think we should, but if we do at least we have something to watch us. And then you allowed 18 to 24 months to allow 48 months. To me, I think if we're going to allow 48 months, why would we not come back and do this the proper, what I think is a more proper way to address these issues? The question is, why would we not address this in a different way rather than with an amendment? [LB296]

SENATOR HOWARD: Senator Gay, I will go back to a point that I often make. I worked in the Department of Health and Human Services for 34 years. We are at a point now, looking at a reorganization structure, that I say is a good structure and I think will serve a purpose. However, structure alone is not going to ensure quality delivery of services. Bottom line. I have come into our committee, I'm on Health and Human Services Committee as you know, have come in... [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR HOWARD: ...continually with bills that I feel would make an improvement in the system. And to quote you, actually, we need to stop the leak in the bucket before we add more water. And I respect that comment. And in doing my research, going back and looking at the issue from a broader perspective and saying what can we do to stop the leak in the bucket, we need to ensure quality service delivery. We owe that to the people in the state of Nebraska. And I thank you for asking that question and I think that together we can make some very definite changes in Health and Human Services. [LB296]

SENATOR GAY: And I would agree. And I thank you, and I appreciate your comments. The point I made with that comment was we need to find out how to do this. But I meant... [LB296]

SENATOR LANGEMEIER: Time. [LB296]

SENATOR GAY: ...that we need to do it in a way that we all discussed it. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Harms, then Pahls, and then Synowiecki and back to Gay. Senator Harms, you're recognized. [LB296]

SENATOR HARMS: Mr. President and colleagues, Senator Howard, I would like to say thank you for putting this amendment in. You know, I've had the fortunate opportunity in

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another world to go through and be involved in the accreditation process and share teams that went into colleges and universities. I will tell you that any time you go through national accreditation, you come out a better organization, you come out streamlined, you can change the culture of it. And at the end, you will have a standard to measure the quality of the services. You will have benchmarks that are put in that you can measure. And I would urge you to approve this because I think it's extremely important. I've seen the process, I understand the process, and I appreciate Senator Howard coming forth with this because I believe it is an opportunity for us to get a handle on that portion of Health and Human Services. It will establish the benchmarks that we need for quality and for services. And you'll be able to then make the kinds of changes, if necessary, to make because you have other people who have expertise that are coming in nationally to look at that portion of the program, that will make it better and make it better for our children and for our families. And that's what this is about. Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Harms. Senator Pahls, you are recognized. [LB296]

SENATOR PAHLS: Mr. President, members of the body; Senator, may I ask you a question or two? [LB296]

SENATOR LANGEMEIER: Senator Howard, would you yield to a question? [LB296]

SENATOR HOWARD: Yes. [LB296]

SENATOR PAHLS: Please, just let me read this sentence here. COA views accreditation as a strategy for an organization to achieve its mission and measure and validates its achievements. Is that the purpose? Is that one of the purposes of this? [LB296]

SENATOR HOWARD: The purpose of this, and I wouldn't misquote what the organization is saying, but the purpose of it is simply to provide quality services. [LB296]

SENATOR PAHLS: Okay. If you can recall a week or so ago when I was in the Education Committee, I proposed something like this to take a look at some of the issues of the Omaha Public Schools. I believe that we need to have adequate information, not emotional information, but adequate information to define what a good school, school system is. And I'm just going to read just the part that I was talking about. An outside, independent, professionally trained team, they would audit each school using standardized instruments to assess performance. This is very similar to what I was proposing and I'm hoping, as a member of the Education Committee, that you would take a look at that when you are trying to bring out a bill on the floor. Because I believe that we need accurate information to make sure that a system, whatever system

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it is, is performing at its best ability. So when I read what you're saying here or what you are proposing, I like the idea of accreditation. Just to give you an example, in the state of Kentucky, they do have accreditation teams who come into schools. McREL, which is a professional organization now in Colorado, will come into schools. Some like, say, Learning Points is a private agency that does this. I'm just saying, I want you to have the same concept when you're dealing with education as you are dealing with this organization that you're trying to improve. I do see some benefits. The cost is much less in what I am proposing. Yes, please. [LB296]

SENATOR HOWARD: I appreciate your concern and I certainly have every respect for you. I consider you to have come from the education background equal to my background in Health and Human Services and I thank you for your comments. [LB296]

SENATOR PAHLS: Okay, thank you. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Pahls and Senator Howard. Senator Synowiecki, you're recognized. [LB296]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier, members. And again, it's not that I'm necessarily opposed to this at all. Senator Harms speaks to some of the advantages of going in this direction. My...I don't know enough about it to say it takes us in the right direction. We didn't have a public hearing on this, from what I understand, so that individuals who are experts in the field and those that provide both private-based work and child protective service workers and whoever it might be did not have an opportunity to provide the Legislature with any input or any testimony relative to this undertaking. I know that an accreditation process can be lengthy for the private provider in our communities. And I know it takes an enormous amount of staff time and enormous amount of staff attention to the accreditation process itself. And when you divert that degree, when you divert that degree of staff time towards that accreditation process and you're not delivering services, it costs money. I just wish that we would have had an opportunity for the public to address what we're doing here because I don't know exactly what we're doing. And I wish the Health and Human Services Committee and its members would kind of, as they normally do on these kind of matters, serve as a gatekeeper for us so that they can delve into the questions for people that come to testify on a matter. They can have substantive and targeted questions and that we can deliberate in a committee environment on the potential ramifications, both in the appropriations area and on staff time and on the department's time relative to accreditation. I don't think anyone is going to sit up, get up and say we don't want our department accredited. But the work of a committee is to determine, through its deliberations, whether a public policy statement has value and is in the best interest of the state of Nebraska. We didn't have that opportunity with this amendment. And I just, again I'll say, I'm not necessarily against it. I just wish that we would have had an opportunity to have a public hearing for this matter. The price tag, almost in excess of

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\$400,000, is a concern, particularly as a member of the Appropriations Committee. And I would be curious to know the ongoing cost and how much staff time would be devoted to the accreditation process. And in terms of personnel cost, a way from delivering services for the department, what that would cost. Senator Howard, would you yield for a quick question or two? [LB296]

SENATOR LANGEMEIER: Senator Howard, would you yield to a question from Senator Synowiecki? [LB296]

SENATOR SYNOWIECKI: Actually, Senator Johnson, I see, as Chair of the Health and Human Services Committee, is one the floor. [LB296]

SENATOR LANGEMEIER: Okay. We'll move to Senator Johnson. Would you yield to a question? [LB296]

SENATOR JOHNSON: Yes, sir. [LB296]

SENATOR SYNOWIECKI: Senator Johnson, did the committee have a chance to examine this issue on accreditation? Did the committee have a chance to deliberate relative to all the potential ramifications, whether that be cost, whether that be staff time away from their service job in time dealt with accreditation? Did the committee have a chance to look at... [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR SYNOWIECKI: ...because I know this is very, this is a lot of heavy lifting for agencies to become accredited. It's an enormous amount of heavy lifting. And my question to you would be, did you, as the Chairman of the committee, and did the committee members have an opportunity to listen to testimony, to debate the issue, and to deliberate on this? [LB296]

SENATOR JOHNSON: Senator Synowiecki, I'd be glad to answer that specific question. Senator Howard has returned here, perhaps she would like to additionally comment. But bills similar to this were held in committee and are being held in committee at this point in time. [LB296]

SENATOR SYNOWIECKI: Senator Johnson, so those bills that were similar to this in nature were not advanced by the committee? [LB296]

SENATOR JOHNSON: Not at this time. [LB296]

SENATOR LANGEMEIER: Time. Thank you, Senator Synowiecki. Senator Gay, you are recognized. Excuse me, one moment. Mr. Clerk. [LB296]

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CLERK: Senator, excuse me. Quick announcement, the Legislative Performance Audit Committee will meet in Room 2022 now; Room 2022, Legislative Performance Audit Committee. []

SENATOR LANGEMEIER: (Visitors introduced.) Senator Gay, you are recognized. [LB296]

SENATOR GAY: Thank you, Mr. President. I'd just like to speak a little more on the process of how this is moving along. We have a price tag here, \$406,000 estimated cost of accreditation. These were discussed in committee, other related measures. And now all of a sudden we're adding it to, just throwing it onto a bill, and I don't appreciate that. This amendment, when I read the amendment that was provided by Health and Human Services, it says, "and shall report on whether additional appropriations will be required to achieve accreditation." So they have no idea. This is pretty much, they have no idea what this is going to cost. So I don't agree with the process but I have a question for Senator Howard if she would yield. [LB296]

SENATOR LANGEMEIER: Senator Howard, would you yield to a question. [LB296]

SENATOR HOWARD: Yes. [LB296]

SENATOR GAY: On this estimated cost that you handed out, it says \$406,000. Where did you come up with those? [LB296]

SENATOR HOWARD: This is the information we were given by the accrediting agency. [LB296]

SENATOR GAY: Which accrediting agency? [LB296]

SENATOR HOWARD: The one that's referred to on your paper. It's the, let me get the title for you. It's the Council of Accreditation, does accrediting for state public agencies, also private agencies, primarily concerned with child welfare. [LB296]

SENATOR GAY: Is that who would be the agency we use to do this accreditation? [LB296]

SENATOR HOWARD: This is the agency I'm referring to. [LB296]

SENATOR GAY: But the question was, would that be the agency that we would use to do this or would the department get to choose that agency? [LB296]

SENATOR HOWARD: There are other agencies available and the department could

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select the agency they felt best met their needs. [LB296]

SENATOR GAY: So accuracy of this \$406,000 is probably not too correct then, because we wouldn't know we're going to use this agency. But another question, you have a note on the end of your fiscal estimate. It says, the estimated costs do not include expenses related to systems changes that may be necessary in order to comply with accreditation standards. To me, that says if we go ahead and do the accreditation--which I don't know if I'm for or against either, I agree with Senator Synowiecki. I don't think we've discussed this enough and I don't think this is the format to do it. But if this is done, that leaves, to me, everything wide open because we don't know what these costs would be. It don't include costs related to systems changes that may be necessary in order to comply with accreditation standards. That is one open-ended statement right there. And that to me would be very scary because these will be very expensive. Well, I don't know that, because we haven't discussed it. But I think that would be very expensive and I think we should be a little more diligent. I commend you, again, and I want to say this publicly. I commend you for your passion and your concern. It's just the way we're getting there, I have a little concern. I would want to help. We're new, you have several members of that committee that are new, there's members of this body that are new. I think this just takes some time. You need to sit back, take a look at this thing and do it right if we're going to do something. When I said that we've got to fix what's wrong, I'd like to find out. Maybe we do have money to do this from another agency. But I think the department needs to come with some kind of recommendation or input on how to do that. So I commend you for wanting to fix this. There's no question of your passion. It's just the way this is being done, I don't think we should support this. And I won't support this and I can't support this. [LB296]

SENATOR HOWARD: Senator Gay, if I could respond to one of your questions. [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR HOWARD: This amendment that we're discussing now is, in fact, the department's amendment. They have looked at this issue. They have requested that this amendment be added. [LB296]

SENATOR GAY: A question to you. When did they give you this amendment then and was this an amendment they brought to you? Or when was this amendment drafted? [LB296]

SENATOR HOWARD: This was an amendment that was given to me this morning. [LB296]

SENATOR GAY: This morning. What time this morning? Was it when we had the short break? [LB296]

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SENATOR HOWARD: Yes, it was. [LB296]

SENATOR GAY: I don't think policy should be written on a five-minute break. Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Gay and Senator Howard. Senator Kopplin, you are next. I recognize you. [LB296]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. I rise to support both the floor amendment and Senator Howard's amendment. I do want to comment on just a couple of things that are being discussed. First of all, the process of accreditation is really the most important thing. Yes, it takes time for the members of the organization going through accreditation to sit down and analyze things. That's what we're about. That's where we're going on things. We're trying to make a huge organization in this state better. They can't do it if they don't sit down and talk about these issues among themselves and they can't do it among themselves without somebody guiding them through the process. And that's what this amendment is all about. Yes, there's a price tag on it. It's estimated at this time. This is not the first time that we have dealt with an amendment on this floor without it ever going through committee at all. We did it last year. And whether you agree with LB1024 or you don't, I don't care. It's the law. The process we went was the same way. It came as a floor amendment, it was discussed, and it was passed. This is not something that just is brand new out of the woodworks that Senator Howard has come up with. It happens all the time. Maybe you have sticker shock because it says it's going to take this much money. Well, what's the budget for Health and Human Services? How much money does this really represent if we're going to improve services? Sometimes you spend a little money now, you save a whole lot of money later because you've figured out a better way to do things. I'm going to support Senator Howard and her amendment. I would love that it would have come up and a hearing had been held and everybody got to sit around and talk about it. I wish that happened on every bill but that's not the way it works down here. I mean, we debate lots of bills and you wonder, why are we talking about this, it didn't have anything to do with the bill to begin with. But we do it. We all accept it. And we all do it. So I'm not concerned that this didn't go to committee. It came up because it needed to come up and we can talk about it and we can vote on it. If you're opposed to it, you vote no. If you think it's a good idea, you vote yes. And then whatever happens, we go on. If it passes, we accept that. If it doesn't, we accept that. But the issue is, it's okay that it didn't come through committee. It's okay that we deal with it here because we've done it before. Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Senator Johnson, you are recognized, followed by Synowiecki and Gay. [LB296]

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SENATOR JOHNSON: Mr. President, thank you. I don't think that there's any doubt in anyone's mind that Senator Howard's motives are absolutely good and pure. She is trying to make this part of the Health and Human Services System better and more effective. However, I don't believe that what this amendment that is being proposed is what we are talking about this morning. What we have been talking about on the floor here this morning is reorganization. Reorganization. The amendment brought by Senator Chambers was about reorganization. We attended to that amendment and acquiesced to Senator Chambers' amendment. This amendment is not about reorganization. I was unaware of this amendment until it was brought up on the floor this morning. There are bills in committee like this that are still being held in committee. They might be good bills. But this is the type of bill that is not about reorganization and therefore I think that this is the type of thing that should go through the normal process. Not a question at all of whether the intent is good, it may well be. But this is not about reorganization and should go through the normal process. Therefore, I would suggest that this be voted down at this time and go through the normal process. Thank you. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Johnson. (Visitors introduced.) Senator Synowiecki, you are next, followed by Gay and Erdman. Senator Synowiecki, and this is your third time. [LB296]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier, members of the Legislature. If...Senator Howard seems occupied. I'll ask the Chairman of the committee if he would yield for a question or two relative to the process here. [LB296]

SENATOR LANGEMEIER: Senator Johnson, would you yield to a question? [LB296]

SENATOR JOHNSON: Yes, sir. [LB296]

SENATOR SYNOWIECKI: Senator Johnson, I appreciate your remarks that you just made and agree with them, and I notice here that you got a couple of bills in committee that are, as I understand it, still being held by committee. One is, provide qualifications for certain child protection safety workers, and you have another bill, and this one-liner seems applicable to what we're talking about here, require standards for training for certain new Health and Human Services employees. Now am I correct in my understanding that these two bills are currently in your committee? [LB296]

SENATOR JOHNSON: I believe so, sir. [LB296]

SENATOR SYNOWIECKI: Do you... [LB296]

SENATOR JOHNSON: Yeah, we've got about 70 so... [LB296]

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SENATOR SYNOWIECKI: Yeah. The information I have is these are two bills that are either going to your committee or you have them currently in committee. [LB296]

SENATOR JOHNSON: Yes, sir. [LB296]

SENATOR SYNOWIECKI: As Chairman of the committee, do you think that this amendment that Senator Howard is offering might be more appropriately suited to them two bills that are currently in your committee, that would give a chance for all the members of your committee to contribute and deliberate on it? [LB296]

SENATOR JOHNSON: Yes, I would agree with that statement. I think that the...those bills and this bill should be discussed more in committee rather than advanced...in a sense, advanced to the floor without discussion in the committee. [LB296]

SENATOR SYNOWIECKI: Thank you, Senator Johnson. I appreciate that. And again, I want to emphasize again, I'm not necessarily against this at all. I am a little concerned about the price tag and so forth, but I'm, in particular, concerned about process, particularly when we have two bills that are in the committee or about to be introduced in the committee that seem very, very related to the subject matter on this amendment. The underlying bill here is a reorganization bill. It's not an accreditation bill. The two bills that are with the committee now have to do with standards; standards of employees and standards of the system. I think, my opinion is, is that the amendment that's offered by Senator Howard would be more appropriately placed with the two bills that are in committee and therefore would allow each and every member of the Health and Human Services Committee to deliberate and to serve, as all of our committee processes are, to inform us through the committee process of whether or not this amendment has merit. And I would highly recommend that we go that route rather than a floor amendment to a reorganization bill. As Senator Johnson eloquently stated, there seems to be a bit of a disconnect between these two, and I would...say that the two bills being held by Senator Johnson in committee and the committee members is a more appropriate venue and a more appropriate vehicle for the amendment that Senator Howard brought on the floor. Thank you, Senator Langemeier. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Senator Gay, you're recognized and this is your third time. [LB296]

SENATOR GAY: Thank you, Mr. President. I'd like to say that, on accreditation, we...I heard people saying, well, accreditation is a good thing. I'm not saying it isn't. I'm just saying the process we're creating to get to this point is probably what I don't...I don't agree with how we're getting to that point. Accreditation, I understand schools go through this, other entities go through this, but usually there's a process thought out. A board looks at it and they decide, yeah, let's go; we're going to choose whoever does the accreditation. That's the way I understand it, and I'm not expert in that, by any

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means, so...but I think there's some thought that goes into that by a larger committee. Senator Synowiecki brings up a point, and Senator Johnson reinforced it, that didn't take place here. I think it may have merits, I'm not saying that, but the way it's being done...Senator Kopplin, I understand what you're saying, this does happen and I think you mentioned LB1024. Well, you know, agree with that or not agree with that, but I'm not so sure that was the correct thing to do. We will hear more about that in lengthy debate. But I just would like to say FA24 was...you're regarding as a Health and Human Services amendment, it was, but I think that was to salvage, you know, just to give them some kind of leeway in this thing. I don't think they support...I know they don't support this, the general amendment. So if you vote for FA24 you're making it a little better, but I intend to vote against AM202 just because of the...or lack of process that this went through to get to this point. So think it through. The main thing I would say on this note, on the fiscal note, at the end, the estimated costs do not include expenses related to systems changes that may be necessary in order to comply with accreditation standards. That is the most open-ended statement and we are talking a lot of money when it comes to these things, and I don't have the figures because we didn't discuss this. So I will leave it with that and thank you for...thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Erdman, you are recognized. [LB296]

SENATOR ERDMAN: Mr. President, members of the Legislature, I am late coming to the party, I guess. To be honest with you, I don't want to talk about whether the process is right or wrong. I think that's been covered. Let's talk about the process for LB296 just for a minute, as I understand it. Now that we've adopted the Chambers amendment, we'll have to go back through the 1,800 pages of the bill and make sure that those changes are reflected elsewhere in the bill, which will give us some time--the bill won't advance today--which will give us some time to work through that issue. And my hope would be that if it's going to be a policy decision that we look at accreditation, that that language be worked through in this intervening time as opposed to, as I understand this process, of actually committing us to doing it without a public hearing and without that process that's already been outlined. So my understanding, from visiting with the introducer of the bill and others, is that this bill isn't going to advance today because of the fact that we have other technical things that need to be corrected in those 1,800 pages of the bill, where the references are made to different departments will now have to be made to divisions, and it will give us some time to work through some of these issues. I think Senator Synowiecki is right, there are other bills that may be a prime vehicle for this discussion if the body feels that this is appropriate and we should proceed with it. But just practically speaking today, I don't know that there's a rush or there needs to be a rush to try to adopt these things when we know that this bill is going to come back. And I would imagine, from the conversations I've had with members, that there is an agreement to work together to try to find a solution. There obviously would be a value to Senator Howard to have her amendment in the bill today before we have that

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opportunity to go back and make those other technical changes, but I'm hearing a lot of push back and I'm hoping that we can focus the discussion on the bill and possibly try to alleviate some of those issues or concerns in the underlying policy that Senator Howard recommends between now and I'm assuming the beginning of next week when we resume debate whenever the Speaker would schedule it. Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Erdman. There are no other lights on. Senator Howard, you are recognized to close, and I believe she's outside the doors there. We'll wait a minute for her to come back in. I would ask, Sergeant at Arms, if you could remind her outside that...Senator Howard, you are recognized to close on FA24 to the amendment, AM202. [LB296]

SENATOR HOWARD: I would say, sir, that right now I'm working with the Department of Health and Human Services who is in agreement with me that they would like to work toward this goal of accreditation. They are willing to provide a letter to me in writing that they are willing to do this and to look at all aspects; cost included, of course. And at this time I would like a few moments to finish our conversation. [LB296]

SENATOR LANGEMEIER: At this time, your request...ruling of the Chair is that that would be your closing on FA24 and it would be subject to voting. [LB296]

SENATOR HOWARD: If...I'm sorry? [LB296]

SENATOR LANGEMEIER: I would recognize you to finish your close. [LB296]

SENATOR HOWARD: I'll finish my closing on this amendment once we get organized here to do this. Other states--Illinois and Kentucky, for example--have reported the accreditation process has helped to achieve quality services for children and families, including helping them to move to...move foster children to permanent placement sooner. Seeking and maintaining accreditation is a way to strengthen the services we deliver and ensure that we continue to provide quality services. In fact, Illinois has transitioned from being one of the worst-ranked providers of public child and family services to being a national model for what works, and they attribute their transition to the change in the overall culture of their system that occurred through the accreditation process. I don't believe this body wants to just change what Nebraska human services looks like. I believe the Legislature's intent is to change the way we do business. Accreditation will facilitate change within the system without placing the responsibility of evaluating that change in the hands of a policymaking body with limited experience about what works best for children and families. Seeking accreditation in concert with separating the children and family services into a department will significantly improve the services we deliver to children and families, and I ask your support on this important amendment. And I will add that the department has...in speaking with the department,

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they recognize the importance of accreditation and are willing to look at what it will take, all the aspects that are necessary to put this in place. Thank you. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Howard. You have heard the closing on the amendment. The question is, shall the amendment, FA24, to the amendment, AM202, to LB296 be adopted? All those in favor vote yea; all those opposed vote nay. Senator Howard, for what purpose do you rise? [LB296]

SENATOR HOWARD: Ask for a call of the house. [LB296]

SENATOR LANGEMEIER: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB296]

CLERK: 28 ayes, 3 nays, Mr. President, to place the house under call. [LB296]

SENATOR LANGEMEIER: The house is under call. Senators, please record your presence. All those senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Cornett, Senator Howard, Senator Heidemann, the house is under call. Seeing all senators are present or accounted for, Senator Howard, how do you wish to proceed? [LB296]

SENATOR HOWARD: I would like a recorded vote in alphabetical order, please. [LB296]

SENATOR LANGEMEIER: There's been a request for a... [LB296]

SENATOR HOWARD: Roll call. Roll call. [LB296]

SENATOR LANGEMEIER: ...roll call vote in regular order. Mr. Clerk. [LB296]

CLERK: In regular order did you say, Senator? Regular order? Thank you. (Roll call vote taken, Legislative Journal pages 593-594.) 19 ayes, 13 nays, Mr. President, on the amendment to the amendment. [LB296]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The amendment does not pass. Now we return to AM202. Discussion? There is no one wishing to talk on that. Senator Howard, you'd be recognized. For what purpose do you rise? [LB296]

SENATOR HOWARD: Thank you, Mr. President. The amendment that we just voted on was to give the department the opportunity to look at the issue of funding, and I'd like to withdraw the amendment, AM202, in order to have more of an opportunity to work with

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the department on this issue. [LB296]

SENATOR LANGEMEIER: Okay. AM202 is withdrawn. With that, I raise the call. Mr. Clerk, next item on the agenda. [LB296]

CLERK: Senator Johnson, I now have AM15. [LB296]

SENATOR LANGEMEIER: Speaker Flood, you're recognized. [LB296]

SPEAKER FLOOD: Thank you, Mr. President, members. We're going to pass over LB296. The next amendment in the queue is a significant technical amendment that has been filed and needs to be reworked following the passage of Senator Chambers' amendment earlier this morning. We will also be passing over LB291 at the request of the introducer and Senator Preister, who had filed an amendment to the same. Mr. Clerk and Mr. President, we shall go to LB307. Thank you. [LB296 LB307]

SENATOR LANGEMEIER: Thank you, Speaker Flood. Mr. Clerk, LB307. [LB307]

CLERK: Mr. President, LB307. Senator McGill, I have Enrollment and Review amendments first of all. (ER8021, Legislative Journal page 473.) [LB307]

SENATOR LANGEMEIER: Senator McGill. [LB307]

SENATOR MCGILL: I move the E&R amendments. [LB307]

SENATOR LANGEMEIER: You've heard the motion to advance E&R amendments to LB307. All those in favor say aye. All those opposed, same sign. They are adopted. Mr. Clerk. [LB307]

CLERK: The first amendment, Mr. President, to the bill, Senator Stuthman, AM314. (Legislative Journal page 580.) [LB307]

SENATOR LANGEMEIER: Senator Stuthman, you are recognized to open on AM314. [LB307]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. AM314 amends the amended committee amendment, and I'm going to just give you what it realistically does. It defines the fact, the issue of the controlled access highway and allowing ATVs to travel along that, you know, for the exempted people that can travel on them for farm use. What it does is it allows them to go down a two-lane, two marked traffic lanes highways, and it does not allow ATVs, snowmobiles, or realistically what we're talking about is the ATVs, it does not allow those to go have access on a four-lane highway. That is what the real parts of the amendment are. You can read that part, as

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far as striking out some of the language and putting in that it's only allowed on the two marked traffic lane highways and not on a four-lane highway. That is what it realistically does. Thank you. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. The floor is now open for discussion on AM314. Senator Chambers, you are recognized. [LB307]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this is a bill which I have no understanding of at this point. I just have a vague notion. So I would like to ask Senator Stuthman, without his amendment first, what does this bill allow which currently is not allowed? [LB307]

SENATOR LANGEMEIER: Senator Stuthman, would you yield to a question? [LB307]

SENATOR STUTHMAN: Yes. [LB307]

SENATOR CHAMBERS: Without...if nothing is done with your bill, there's a certain situation that exists. What will your bill, if adopted, allow which is not currently allowed without your bill? [LB307]

SENATOR STUTHMAN: Senator Chambers, the difference in what is currently allowed right now is all-terrain vehicles are allowed access to the public roads if they're used for the ag purposes, driving from one farm to another farm. And what the change is now is what we're doing in the bill that we have, the amendment that we have adopted, is that in a community where there is jurisdiction--let's...I'll give you the example of, like Columbus, where they have jurisdiction in that community, they want to have jurisdiction over the control of these all-terrain vehicles under their jurisdiction. [LB307]

SENATOR CHAMBERS: So they would be empowered to allow these vehicles to be used on all roads regardless of where the vehicle was to be driven, if they chose to do that. [LB307]

SENATOR STUTHMAN: These vehicles can only be driven, at the present time, for agricultural purposes from farm to farm. [LB307]

SENATOR CHAMBERS: And with yours, they could be driven for nonagricultural purposes anywhere within the jurisdiction of that locality. Is that what you're saying? [LB307]

SENATOR STUTHMAN: No. They still can be only utilized in the operation of going from farm to farm. We're not allowing all-terrain vehicles...to be able to go everywhere any time by any licensed driver. [LB307]

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SENATOR CHAMBERS: And, Senator, that's why I don't understand what's happening. If your bill is adopted and you allow these local jurisdictions to govern the use of these vehicles but that jurisdiction cannot allow them to be used differently from the way they're used now, the only thing I can see is that they can restrict the use even further. Is that true or untrue? [LB307]

SENATOR STUTHMAN: This is not true because a local jurisdiction can allow four-wheelers. I think it is already in the bill, in the statute, four-wheelers can be used for parades...and I don't have that with me right now, but they can be used for certain things. Some of the smaller communities that are villages, they use a lot of four-wheelers as far as spraying, spraying their parks, and if their local jurisdiction, you know, allows that, they can still...they could do that. It's under their jurisdiction. What we're trying to define is who has the jurisdiction over those four-wheelers. [LB307]

SENATOR CHAMBERS: Okay, who has the jurisdiction, but who...is the state law going to determine what use can be made of them? And if so, what are the local jurisdictions going to be allowed to permit these things to do which they cannot do under present state law? [LB307]

SENATOR LANGEMEIER: One minute. [LB307]

SENATOR CHAMBERS: In other words, I don't see what the purpose of the bill is. I'm lost. [LB307]

SENATOR STUTHMAN: Okay, Senator Chambers, what the purpose of the bill is, is...and I'll give you the example, the problem that we're having, is that the community has four-wheelers going through a community, going from farm to farm, one from one farm on one side of town to the same property owner's farm on the other side of the town. The community maybe doesn't want to allow those four-wheelers to go through the town. [LB307]

SENATOR CHAMBERS: Okay. I understand now. Thank you, Mr. President. Thank you, Senator Stuthman. [LB307]

SENATOR LANGEMEIER: Thank you. Thank you, Senator Chambers. Senator Dubas, you are recognized. [LB307]

SENATOR DUBAS: Thank you, Mr. Speaker. I would ask if Senator Stuthman would yield to a question, please. [LB307]

SENATOR LANGEMEIER: Senator Stuthman, would you yield to a question from Senator Dubas? [LB307]

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SENATOR STUTHMAN: Senator Dubas, excuse me, but I did not hear that. I was visiting with my LA. [LB307]

SENATOR DUBAS: Would you yield to a question? [LB307]

SENATOR STUTHMAN: Yes, I would. [LB307]

SENATOR DUBAS: Thank you. I've been contacted by some of my local law enforcement and I guess they had kind of some of the same questions that Senator Chambers just asked you. And their concerns are...they aren't having problems right now with four-wheelers. You know, they know farmers are using them. They're wondering if this is opening it up to other nonagricultural uses. They're wondering how are they going to enforce, since these aren't licensed vehicles and you aren't required to have a license necessarily to drive them, and four-wheelers aren't necessarily equipped with all the safety things that are needed on public roadways. So could you clarify that for me, please? [LB307]

SENATOR STUTHMAN: Yes. What the realistic thing that we're trying to do is the community, those law enforcement officers don't feel they have the jurisdiction over those four-wheelers in their community, four-wheelers traveling through town. Yes, they say they're going from farm to farm. And what the initial intent of my bill was to allow them to have the jurisdiction over those four-wheelers in that community. [LB307]

SENATOR DUBAS: So you're seeing this as giving them more control than they have now. [LB307]

SENATOR STUTHMAN: That law enforcement would have more control now... [LB307]

SENATOR DUBAS: Okay. [LB307]

SENATOR STUTHMAN: ...over those. Because a local law enforcement agency could have a ruling where they do not allow four-wheelers through the community, but now they can because they're going from farm to farm. And then the ag exemption on that would be that they would have to go around the community to get from farm to farm, if that's what the local jurisdiction wants to do. [LB307]

SENATOR DUBAS: Okay. Thank you. I hope I can pass that on to my concerned citizens. Thank you. [LB307]

SENATOR STUTHMAN: Okay. Thank you. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Senator White, you're recognized. [LB307]

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SENATOR WHITE: Thank you, Mr. President. Will Senator Stuthman yield to a question, please? [LB307]

SENATOR LANGEMEIER: Senator Stuthman, would you yield to a question? [LB307]

SENATOR STUTHMAN: Yes. [LB307]

SENATOR WHITE: Senator Stuthman, at this time we allow ATVs on the highways of the state of Nebraska, is that correct, if they're being used for ag purposes? [LB307]

SENATOR STUTHMAN: This is true. [LB307]

SENATOR WHITE: Otherwise, they are prohibited from occupying the highways of the state of Nebraska. Is that correct? [LB307]

SENATOR STUTHMAN: This is true. [LB307]

SENATOR WHITE: There is no requirement at this time that such vehicles we are permitting on our highways be insured. Is that true? [LB307]

SENATOR STUTHMAN: That is true. [LB307]

SENATOR WHITE: Senator Stuthman, do you think it is advisable that we allow vehicles that are capable of speeds up to 70 miles or better to occupy and be driven on the highways and streets of the state of Nebraska if they do not carry liability insurance? [LB307]

SENATOR STUTHMAN: Senator White, first I would like to clarify the part of the statement allowing them to go 70 miles an hour. We can only go 30 miles an hour. [LB307]

SENATOR WHITE: No, that they...we allow them, but they are capable of speeds up to 70 miles or better. Are they not? [LB307]

SENATOR STUTHMAN: Yes. Yes, they are. [LB307]

SENATOR WHITE: Now on that issue, do you think it is sound public policy for the state of Nebraska to allow such vehicles on highways even though they may not carry liability insurance? [LB307]

SENATOR STUTHMAN: The part that does...if they do not carry liability insurance, I feel there is no method of policing this, of carrying the liability insurance. They should be

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having liability insurance mainly because they could lose the farm or lose their property. You know, we're discussing...this thing also has to do with people that have ATVs in a community also. It...they're personal. [LB307]

SENATOR WHITE: Well, but people who have ATVs in a community are not permitted, under the law, to operate them on the highways of the state of Nebraska. Isn't that true? [LB307]

SENATOR STUTHMAN: That is true. [LB307]

SENATOR WHITE: Okay. So now we are talking only about those ATVs that are operated on the state of Nebraska. Isn't that correct? [LB307]

SENATOR STUTHMAN: We're...we're...our... [LB307]

SENATOR WHITE: In this bill. [LB307]

SENATOR STUTHMAN: Our discussion point identifies the ATVs that are allowed on the highways, that is true. [LB307]

SENATOR WHITE: Senator Stuthman, do you not agree that we could pass a law requiring anyone operating an ATV on the highways of the state of Nebraska to carry with them proof of liability insurance? [LB307]

SENATOR STUTHMAN: I think there's a possibility that we could pass a law that they would have...carry proof of liability. But I think before we would get to that point of proof of liability, I think we'd have to take that one step at a time, Senator White, because I think, you know, the fact of that, you know, they should carry liability insurance. And at a later date I will, at a later time, I will probably discuss the information that I have as far as how you can get liability and what can be identified as that portion of it. [LB307]

SENATOR WHITE: Well, Senator Stuthman, don't you think really we should first require they have liability insurance and then allow them on the streets? Isn't that something that should occur first? [LB307]

SENATOR STUTHMAN: I am not so sure that if we pass that, you know, if that would be the law of carrying insurance, that you would have the liability on the insurance, that you would carry liability insurance on that. You know, and I can see that maybe we...maybe we should have a law that says that we should have liability insurance, but it is possibly the same situation that we have with the licensed vehicles. You know, you should have liability insurance on your vehicle with your driver's license. Some people cancel it. They don't have insurance. [LB307]

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SENATOR LANGEMEIER: One minute. [LB307]

SENATOR STUTHMAN: That is a concern of mine, is how are we going to police this? [LB307]

SENATOR WHITE: Well, Senator Stuthman, are you indicating because some people do not carry and obey the law that their cars must have automobile insurance that we should just get rid of that law, too? [LB307]

SENATOR STUTHMAN: No. No, I'm not. I'm not implying that whatsoever. I'm not implying that, because I think we're dealing with...we're dealing with two different subjects. We're dealing with a licensed identified motor vehicle that travels anywhere on any street, but what we're doing here is we're talking about the situation of an all-terrain vehicle being able to travel from the farm to the farm. [LB307]

SENATOR WHITE: Thank you, Mr. President. [LB307]

SENATOR LANGEMEIER: Thank you, Senator White. Senator Chambers, you are recognized. Waives his time. Senator Fischer, you're recognized. [LB307]

SENATOR FISCHER: Thank you, Mr. President and members. Perhaps for some clarification here on what the Transportation Committee was doing with this legislation that we have brought before you today, LB307 would allow a city to determine what they would permit or not permit in regard to ag use of an ATV within their corporate limits. Currently the state determines the use of ATVs and in current law the ATV use for ag use on the ATVs--did I confuse everybody the way I worded that--the use of ATVs for ag use is that they can be used on any controlled access highway. There was an enforcement question that we heard earlier in this debate. Depending on what the city does in determining how they want ATVs to be controlled within their city, they then determine the enforcement. There was a question on highways. The definition of a highway is basically any street, road, avenue, boulevard in the state of Nebraska that's publicly maintained. That's a highway in this state. If that street or avenue or boulevard that's publicly maintained and is used by the public, that's a highway. Senator White brought up the question of liability, and we have been discussing that earlier, some of us back here, on the liability and should it be required for ATVs. We currently, as a state, do not require liability coverage and under current law those ATVs can be used for ag use on highways and it's not currently required that they have liability. ATVs are classified the same as golf carts, snowmobiles. Are we...I believe so. Perhaps Senator Carlson, if he'd like to later address this as an insurance agent, but they're...I believe they're all classified the same. Are we going to say now that snowmobiles need to...owners have to have liability and carry that with them? I know in some places we see people traveling in golf carts around neighborhoods and those are public streets. And are we going to require those individuals who happen to travel by golf carts,

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perhaps in a gated community, to carry liability insurance? Are we going to require people that ride bikes, bicycle riders? And although I live in an area with the Cowboy Trail, I don't ever see bike riders on that Cowboy Trail riding their bikes. They're on the highways. We have the BRAN ride across Nebraska. Perhaps they already are required to carry liability insurance. I don't know. But I do know that the individuals I see riding their bikes on the highways probably are not carrying liability insurance. So when we get into that area of liability insurance and that perhaps now people who are using their ATVs for ag use, which is allowed under current statute, are we going to change that now and have them carry liability insurance? [LB307]

SENATOR LANGEMEIER: One minute. [LB307]

SENATOR FISCHER: That's a point that we could probably go on and on about and open up other areas, too, on what the state is going to require individuals to have, whether they're on an ATV, a snowmobile, a golf cart, or a bicycle. There again, how the enforcement works under this legislation that Senator Stuthman has, it is up to the city. It is up to the city to determine the use of an ATV within their corporate limits, or the nonuse of an ATV for ag purposes within their corporate limits. Also in this bill it allows villages that are unincorporated, which I have some, I spoke to that on General File, if those villages, since they're unincorporated, they can't make that decision, so in this bill we have... [LB307]

SENATOR LANGEMEIER: Time. [LB307]

SENATOR FISCHER: ...that the county will make that decision then. Thank you, Mr. President. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Senator White, you are recognized. [LB307]

SENATOR WHITE: Thank you, Mr. President. I would ask if Senator Fischer would yield to a question. [LB307]

SENATOR LANGEMEIER: Senator Fischer, would you yield to a question? [LB307]

SENATOR FISCHER: Certainly. [LB307]

SENATOR WHITE: Senator Fischer, at the current time, do you know whether or not a homeowner's insurance policy, for example, will cover liability for a person operating a bicycle on a street? [LB307]

SENATOR FISCHER: I would assume it would. [LB307]

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SENATOR WHITE: But... [LB307]

SENATOR FISCHER: I am not an insurance agent, so I don't know. [LB307]

SENATOR WHITE: And I would agree with you, and it's an assumption, but I would agree with you. Are you aware, however, that many of the farm policies issued in this state exclude liability coverage for an ATV once it is taken off the premises of the farm? [LB307]

SENATOR FISCHER: I don't know if that's a true statement or not, Senator White. [LB307]

SENATOR WHITE: I talked to several agents out in the lobby over the last week or more and they indicate that many policies, in fact, require that if you're going to have coverage for a farm, off premises, or a ranch off premises, a special rider must be purchased and the ATV must be specifically listed. Were you aware of that? [LB307]

SENATOR FISCHER: No, I am not. [LB307]

SENATOR WHITE: Senator Stuthman, would you yield to a...Mr. President, would Senator Stuthman yield to a question? [LB307]

SENATOR LANGEMEIER: Senator Stuthman, would you yield to a question? [LB307]

SENATOR STUTHMAN: Yes. [LB307]

SENATOR WHITE: Senator Stuthman, have I accurately described the status of many of the policies in force in this state regarding farms? [LB307]

SENATOR STUTHMAN: Yes, you have accurately described that. If it's not separately listed or itemized on your policy, it's for their premise only. Then it is covered under your liability. If you go off of the premise, like you said, if you have it identified on there as another part of the policy--make, model, year, serial number, and there's a separate premium for that part of it--you can get liability, comprehensive and collision also. [LB307]

SENATOR WHITE: Thank you, Senator Stuthman. Mr. President, will Senator Lathrop yield for a question? [LB307]

SENATOR LANGEMEIER: Senator Lathrop, would you yield to a question? [LB307]

SENATOR LATHROP: Certainly. [LB307]

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SENATOR WHITE: Senator Lathrop, can you describe any personal experiences with ATV incidents where injuries and liability were associated with their operation? [LB307]

SENATOR LATHROP: Yes. I've probably had three separate occasions to review people that have been hurt out on a highway in ATVs in collisions with automobiles. [LB307]

SENATOR WHITE: And Senator Lathrop, can you please advise the body as to whether an operator of an ATV could be sued for causing an accident if they were on a highway? [LB307]

SENATOR LATHROP: Oh, absolutely. They're, once they take an ATV on the highway, they're subject to the rules of the road and they're responsible for their negligent conduct. [LB307]

SENATOR WHITE: Is it unusual to see medical bills for an automobile accident exceed \$100,000 or more? [LB307]

SENATOR LATHROP: Well, with a collision with an ATV, it's much like a motorcycle. They're not protected very well and so when they have a collision on a highway there are very, very significant injuries. One of the cases that I looked at involved paraplegia from a young man up in northwest...northeast Nebraska. [LB307]

SENATOR WHITE: Senator, can you please explain to the body whether or not the public policy of the state would be well-served by requiring ATVs being lawfully operated on the highways of the state to carry insurance? [LB307]

SENATOR LATHROP: I think it's imperative that ATVs be required to carry liability insurance. They can run stop signs. They can speed. They can have a truck come up on them. If they're going 30 miles an hour and a truck is going 60 miles an hour, they can get hit. They can cause all kinds of problems, the same as a motorcyclist, a small vehicle, or even a large truck. And so,... [LB307]

SENATOR LANGEMEIER: One minute. [LB307]

SENATOR LATHROP: ...in my judgment, it's very important that these vehicles be treated as vehicles if they're going to use the highway like a vehicle, and be insured like a vehicle if they're going to use the highway like a vehicle. [LB307]

SENATOR WHITE: Thank you, Mr. Lathrop. Thank you, Mr. President. [LB307]

SENATOR LANGEMEIER: Thank you, Senator White. We have up to speak Senator Janssen, Stuthman, Loudon, and others. Senator Janssen. [LB307]

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SENATOR JANSSEN: Thank you, Senator Langemeier, members of the Legislature. I know that these particular machines or vehicles are becoming very popular throughout the state, not only on farms but in some of the smaller communities I've seen quite a few also. I'd like to carry on a little conversation with Senator Stuthman, if he would agree to that. [LB307]

SENATOR LANGEMEIER: Senator Stuthman, would you yield to a question? [LB307]

SENATOR STUTHMAN: Yes. [LB307]

SENATOR JANSSEN: Senator Stuthman, now I've never ridden one of these or even been around them. I've seen them. But how...what is the top speed, say, of a...what do you call them, all-terrain vehicles... [LB307]

SENATOR STUTHMAN: Yes. [LB307]

SENATOR JANSSEN: ...or ATVs? Okay. [LB307]

SENATOR STUTHMAN: It varies, depending upon the size of the vehicle that you have. Some of them go 30 miles an hour. There are some that can go 70 miles an hour. They have the capability of going that fast. There are some that are very big. [LB307]

SENATOR JANSSEN: Uh-huh. Now do you have to have an operator's license to run one of these? [LB307]

SENATOR STUTHMAN: Yes, you do. You have to have an operator's license... [LB307]

SENATOR JANSSEN: All right. So... [LB307]

SENATOR STUTHMAN: ...like a license with your car, yes. [LB307]

SENATOR JANSSEN: Okay. And...but it seems to me I've seen some pretty young kids operating these. Now could they do that on their own property? [LB307]

SENATOR STUTHMAN: Yes, they can do that on their property. [LB307]

SENATOR JANSSEN: The only time you'd need the driver's license is if you are on a public street or highway. Is that correct? [LB307]

SENATOR STUTHMAN: Yes, that is true,... [LB307]

SENATOR JANSSEN: Now... [LB307]

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SENATOR STUTHMAN: ...just like you would need a license for a car. [LB307]

SENATOR JANSSEN: Okay. And they have a tail light and a headlight? All right. You're shaking your head in the affirmative. Thank you. [LB307]

SENATOR STUTHMAN: And a flag. [LB307]

SENATOR JANSSEN: And a what? [LB307]

SENATOR STUTHMAN: And a flag. [LB307]

SENATOR JANSSEN: Oh, all right. [LB307]

SENATOR STUTHMAN: That like a five...I think it's five foot in the air, there needs to be a flag on your ATV. [LB307]

SENATOR JANSSEN: Okay. Now I was also looking through the committee amendments and it comes at crossings, there is a section in there that alludes to crossing of highways. I think it's on page 3 of the committee amendment. It says the crossing of a highway or other...other than a controlled access highway shall be permitted by an all-terrain vehicle without complying with subsection (3) of this session, only if the crossing is made at an angle approximately 90 degrees. Well, that's very understandable. Shortest point between two distances is a straight line. But now it also says in there that they cannot cross...oh, I don't see it right now, a controlled access highway, I believe it was. Now is that a four-lane? Is that...would that be a divided highway? Can they...all right, say, can they go across a divided highway, like Highway 77 north of town here, which is a four-lane highway? [LB307]

SENATOR STUTHMAN: No. No, they can't, and that was in my amendment. They can cross the two-lane highway but they can't cross a four-lane highway. They cannot be...they cannot be used on a four-lane highway. [LB307]

SENATOR JANSSEN: What would the difference be? [LB307]

SENATOR STUTHMAN: I think it's because of the amount of traffic on them, is the real...the...what it realistically is, the amount of traffic. Two lanes coming one way and two lanes coming the other way, I think that is the real reason why. [LB307]

SENATOR JANSSEN: Well, that was probably a very good amendment... [LB307]

SENATOR STUTHMAN: Yes. Yes. [LB307]

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SENATOR JANSSEN: ...because I can see where that certainly could be a problem. Thank you, Senator Stuthman. I don't...I think I see what you're getting to here and I would like to support it because I know that some of my rural constituents use these machines. So I'll listen to the arguments. Thank you. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Janssen. Senator Stuthman, you're recognized on your time. [LB307]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I guess I was going to explain the fact about the insurance part of it and I did do part of that already because, you know, they can be...they have to be a separate item on your insurance policy to be covered as far as off of your premise. But we have, you know, other equipment, farm equipment, and I'm not positive of how that is insured. And we've got some tractors that do go up to close to 30 miles an hour down the road. You know, when you're going from farm to farm or anywhere, you know, yes, there probably is some liability there also, but I'm sure they'd be covered. The thing about the liability insurance and the fact that, you know, yes, they should have coverage, but I look at insurance as an issue. You know, yes, a responsible person with a policy and four-wheelers would have those identified on his policy for a liability. Collision and comprehensive, that's up to the individual. But the way society is right now as far as the liability, I would, you know, I would advise, you know, that the people have liability and just to protect their assets. But, you know, if they don't carry it and have assets to cover the liability, like Senator Fulton, no, Senator Lathrop had talked about, you know, hundreds of thousands of dollars, which can very easily add up to be that. But if the individual has that amount of assets and is willing to, you know, compromise that and take the chance of losing his assets, I guess that would be up to him, if he's willing to do that. You know, I don't do that. I have mine listed. I want to protect my assets. And I think, you know, it's the responsibility of the individual that owns them, doing his business, that he has coverage on that. I think this bill, realistically, what we wanted to do was to allow the communities to have the jurisdiction over their four-wheelers, and I'm sure that those communities may have jurisdiction over what they want those four-wheelers to have, as far as insurance, and I would say also, you know, not just the four-wheelers. You know, they've got jurisdiction over other things, like snowmobiles. I think a small community that has that jurisdiction would maybe, you know, advise the people to have liability insurance, but I think that would be up to that community to do. But this is what we're trying to accomplish in this bill, is to allow the jurisdiction over all-terrain vehicles to be, like we said, in the larger communities that law enforcement, that jurisdiction, is in control over them. If there's a community that doesn't...is unincorporated and does not have a village board or anything like that, you know, then it's up to the county to make those regulations. That's what we're trying to accomplish with this bill. Thank you. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Loudon, you're

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recognized. [LB307]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I thought I would probably make some comments on this thing. What this bill started out to do was actually allow a couple, or some of the smaller towns to operate their all-terrain vehicles, as they're called, on some public highways, mostly because that's the only thing they have for maintenance vehicles were those, and towns like Stapleton and Tryon, the only street through town was a public highway, and the sheriffs in some of those areas weren't allowing city or the village employees to operate those all-terrain vehicles on the city...on the highway. And that's what they used to do the maintenance work, that's what they use to spray the weeds, probably plow the snow and a few other things. So that's how this bill came forwards. I think we're kind of losing the sight of on what the idea is on what is all-terrain vehicles and also what are highways. After listening to the prosecution and witness here talk about what happens with wrecks and accidents on there, I think you should point out or it should be pointed out that a highway in the state of Nebraska, other than your controlled access highways which include your four-laners and your interstates, but a highway in Nebraska is just exactly what that says. That's a highway that you can get from one point to the other without crossing public property. Now you can trail cattle down those highways. You can ride horses down them. You can drive machinery down them. You can use anything that you can get on that highway that doesn't tear up the surface can be put on that highway. So consequently, your ATVs have been allowed to be on...used on those highways if they were for agriculture-related purposes, and therein lies some of the problems. There was some of the police and officials, usually not the State Patrol but a lot of the county officials at times, sheriffs and so forth, wouldn't allow those on the highways because they claimed they weren't licensed and, in fact, they could be used on the highways. In the town that...city of Alliance up there in Box Butte County, there was a fellow that had an all-terrain vehicle, and this isn't a little thing, this is huge, huge tractor-type deal that probably you about had to have a ladder to get into it. Nonetheless, it's classified as an all-terrain vehicle, and they wouldn't allow him to drive it on the highway. He could have drove his tractor on the highway, it looked a little different, but that one had a cab on it and consequently it wasn't allowed. So this is what this bill was brought forwards for, was to clarify the statutes a little bit, to allow these small towns to use their...these ATVs, which they are beginning to get more popular all the time. They're getting, many of them are larger. They can be used for various other works. They have different implements that you can put on them now, and they're quite safe to operate if you use them sensibly. I probably drove on as far as anybody else in here, unless it's Senator Raikes that uses his on farming, but we use them on the ranch all the time and drive them around quite like that. It's no different than anything else. If you want to live dangerously, why, you can. If I want to take my saddle horse and put him on a dead run against a bunch of badger holes, why, I can do that. It isn't safe. And the same way with an ATV, if you want to go 40 mile an hour across the prairie, why, you're probably going to break your neck. All of that has to be taken into consideration. Now, when they're

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used on the highways, it says right in the statute that you have to have a farm permit or a type O operator's license. So it isn't something that someone can get on there and a ten-year-old kid should be driving it down the highway. [LB307]

SENATOR LANGEMEIER: One minute. [LB307]

SENATOR LOUDEN: It's illegal if you do it. So this is something that I think needs to be brought forwards to clarify it so some of these smaller villages around can get by with cheaper equipment to do their maintenance work, and they are becoming more popular all the time. They're becoming larger. There's many of these nowadays that I know are as large or larger than a '47 Jeep that I started ranching with. So I think this is something that losing sight on what we're talking about and we're trying to classify them as some type of a car to run around in, and I think that is the wrong way to go. They...it'd be like any other vehicle you have. You have to have some liability insurance. If you get in a wreck, somebody is going to sue you and take everything you have. That's the reason you have liability insurance. I don't think you actually have to have liability insurance to drive your car on the highway if you've got...if you can show that you have enough wherewithal to cover your liability up to a certain amount. Anyway, the last years ago that's the way it was, because I knew of very rich people... [LB307]

SENATOR LANGEMEIER: Time. [LB307]

SENATOR LOUDEN: ...that didn't bother with insurance. They had their...had their own...they did it themselves. So I think we're losing sight of what we are. Thank you, Mr. President. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Louden. There are no other lights on. Senator Stuthman, you are recognized to close on AM314. [LB307]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. What this amendment does is like I spoke when...in the opening, is it just states in there that two-lane highways can be used but not the four-lane highways. It's taking out the four-lane highways for ATVs to run on. Thank you, and I'd ask for your support of this amendment. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. You have heard the closing on AM314 to LB307. The question is, shall the amendment be adopted? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB307]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Stuthman's amendment. [LB307]

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SENATOR LANGEMEIER: AM314 is adopted. [LB307]

CLERK: Mr. President, Senator White would move to amend with AM267. (Legislative Journal page 594.) [LB307]

SENATOR LANGEMEIER: Senator White, you are recognized to open on AM267. [LB307]

SENATOR WHITE: Thank you, Mr. President. This amendment would require that an ATV being operated on the highways of the state of Nebraska, and only ATVs that are allowed...are being used for agricultural purposes can lawfully be on the highways, must carry proof of insurance. Now I am not married to the idea that it must have proof of insurance in the ATV. What I am concerned is that the law provide that only ATVs that are insured be allowed to take place on our highways. This is not just for the protection of those citizens who travel our highways with the expectation that the laws are there to take care of them and that they will be protected in the event another vehicle causes an accident. It is also aimed at protecting the farmers who, in good faith, many of whom believe that they are protected with the use of an ATV like they are a tractor. The problem, of course, is that ATVs are classified differently than tractors for the purposes, as I understand it, of many farm policies. Many policies provide that an ATV is covered as long as it is being operated on the premises of the ranch or the farm. Once it leaves those premises, however, it is not covered. This law would simply require that if you're going to take your ATV off of the premises and operate it on the highways of this state, that it, like every other motor vehicle, carry liability insurance. That will protect the farmer. Now perhaps Senator Louden is correct, there are people who have the wherewithal that they needn't carry insurance, but it's not prudent. It is not prudent to do so, nor is it reasonable for the rights of the citizens who help pay for those highways. They have an expectation and a right that if a vehicle is being operated on the highway, the State Legislature has been careful enough to insist that it carry a minimum amount of liability insurance. This amendment would provide for that, though it does require proof be carried on the vehicle. Like I said, we could probably work around that, though that would be the easiest way to enforce it because that's the same requirement we have for our automobiles. Now in terms of availability of insurance, insurance for this purpose is readily available. You can buy riders from auto...from farm policies or ranch policies that will cover these vehicles off-premises. Such riders should be obtained by anybody who does it, and it would not be hard for them to be sealed in plastic and put in the carry compartment of one of these vehicles. That is the purpose of the amendment, Mr. President. I return the rest of my time to the Chair. Thank you. [LB307]

SENATOR LANGEMEIER: Thank you, Senator White. The floor is now open for discussion on AM267. Senator Fischer, you are recognized. [LB307]

SENATOR FISCHER: Thank you, Mr. President and members of the body. While I

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certainly appreciate Senator White's amendment and his concern with liability, I don't know if this is the appropriate time to be discussing this on this bill, on Select File. When you open up this issue, in one case I believe it's one more step that we might be taking in a direction of registering...requiring that ATVs register as a motor vehicle. That's not the purpose of this bill. This bill is to allow cities to regulate the use of ATVs within their corporate limits. Therefore, I am opposing this amendment because I believe it is a separate issue and it needs to be addressed by the Banking, Commerce and Insurance Committee at a hearing before we do this on Select File. Thank you, Mr. President. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Senator Stuthman, you're recognized to talk to AM267. [LB307]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I also share the concerns that Senator Fischer brought up and those are some of the issues that I was going to talk about. Realistically, what we're trying to do is, you know, allow smaller communities to have the jurisdiction over their vehicles, and which unincorporated communities would be under the jurisdiction of the county. Now I'm sure that if a county, like Senator Louden had talked about, where there are no incorporated villages in the town, they're unincorporated, and they utilize these four-wheelers for spraying, pushing snow, cleaning sidewalks, things like that, and I'm sure those communities would have those all-terrain vehicles listed in their insurance policy. But what we're trying to do here with this amendment is that we're making them have that insurance, which I'm sure those counties and stuff would have insurance on all of their equipment, but the way I understand it, and maybe I would like to get into just a little conversation, if I could ask Senator White a question. [LB307]

SENATOR LANGEMEIER: Senator White, would you yield to a question from Senator Stuthman? [LB307]

SENATOR WHITE: I'd be delighted, Mr. President. [LB307]

SENATOR STUTHMAN: Senator White, in your amendment, you would have that that proof of insurance would be carried on that four-wheeler all-terrain vehicle. Is that correct? [LB307]

SENATOR WHITE: The one as it is now. I've just worked with Senator Christensen and Senator Lathrop and we've agreed that either carry it or, upon request of a law enforcement officer, give you a couple of days to provide proof. That way the farm owner could, you know, if the law enforcement said, gee, do you have insurance for this, he'd have a couple of days to say, yeah, let me get the policy and show it to you, whatever is practical. The point on carrying proof of insurance or providing it isn't so much to enforce it but to help the ranch or farm owner come to grips with the question of

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whether in fact there is insurance for this vehicle. [LB307]

SENATOR STUTHMAN: Yes, I see that. And it would also be the fact, you know, if there's a community that owns these all-terrain vehicles for snow removal, they would have to have proof of insurance also then. [LB307]

SENATOR WHITE: I think any ATV being operated on the highways of the state of Nebraska should be insured, is my view, and I don't care whether it's owned by a municipality, and I don't care if it's a golf cart, for that matter. If you're putting a vehicle, motorized vehicle, on the highways of this state, there should be insurance. [LB307]

SENATOR STUTHMAN: Would you say there should also be insurance then for snowmobiles that travel down the highway? [LB307]

SENATOR WHITE: I don't think they should be on the highway. [LB307]

SENATOR STUTHMAN: Yes, I will totally agree, but, you know, there are some that are probably traveling down the highway, and I've seen it many times. [LB307]

SENATOR WHITE: And it's illegal. I mean, I don't think they're lawfully on the highway in the first place so I don't care if they're insured or not. [LB307]

SENATOR STUTHMAN: Okay. Thank you. Those are some of the concerns that I have, but I realistically think that we're trying to...we're trying to put an amendment on here that hasn't gone through the committee, as Senator Fischer had stated. It's just the next step to having all of these all-terrain vehicles registered, licensed, and it's just another step, and I think that should be dealt with in another committee. So those are my comments. Thank you. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Next speaker is Senator Lathrop. I recognize Senator Lathrop. [LB307]

SENATOR LATHROP: Thank you, Mr. President and members of the Legislature. I am rising in support of Senator White's amendment, and I support it for two reasons. One is that I think it helps our friends in rural Nebraska. I believe that the exception to coverage, which is that once you leave your property you don't have coverage on one of these ATVs, is something most farmers and ranchers don't appreciate or don't realize is the case, and so they're going out onto the roads believing that they're covered and finding out that there is no coverage until they have been involved in an incident, some kind of a crash. And that's a bad time to learn that you don't have coverage, particularly, particularly if you've caused the accident and you have a lot of equity in your farm or your ranch. I think that what we're doing with this amendment is protecting our friends on the farm and the ranch. By requiring that they have coverage, it will increase their

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awareness. They'll appreciate the need for...they will appreciate the need for that coverage, a rider, on their policy. The agents that sell in rural areas will begin to talk to farmers and ranchers about the importance of this rider and we'll start to see the coverage and our friends from rural Nebraska will be covered. I also think it's very important because ATVs out on a highway is a risky deal. They can pop out of the ditches. They can run red lights, they can come off...or stop signs. They can come off of the end of a lane and out into traffic and cause an accident and some...and people can get badly, badly hurt. And those folks that cause accidents, because of their carelessness, are accountable for those accidents and they should have the coverage there to take care of their responsibility and so that they'll be answer in damages. So for those reasons, I support Senator White's amendment to LB307. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. Senator Chambers, you are recognized. [LB307]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I am in agreement with Senator White's amendment. I'm in agreement with Senator Lathrop's comments. And Senator Carlson, the only reason this will not be the Bermuda Triangle is because you have two lawyers and one layperson. I'm not licensed to practice, so I'm not a lawyer. When Senator Heidemann brought us a bill that will allow haying along the roads for certain purposes, I raised the issue of liability, and Senator Heidemann immediately looked at that and found a way to address it so that if harm is done by people who are haying, they will have liability coverage so that the state is not going to be left with a problem along those lines. This is a situation where it would not be the state; it would be the individual. I have done a lot of things during my time in this Legislature to support what might be called the rural, farming, ranching, outstate Nebraska community, but they're not going to get carte blanche from me on everything. If they're going to be allowed to use these public highways, they are going to have to have the insurance that they should have. If one of them runs into me then am I supposed to go after that person's farm--you know that I would--or ranch, or anything else that person might have to make me whole from the damage he or she caused? What Senator Fischer is talking about boggles my mind. I don't even understand what she's getting at, I genuinely don't. You don't have to drive 20 miles in order to have an accident. I'm going to tell you all something that's a joke. I'm telling you in front that's what it's supposed to be. A fellow was watching television and they were talking about safety on this program, and the comment was made that most accidents happen within a half mile of where a person lives. So he just started laughing in his living room, with his wife who was sitting on the sofa next to him. She asked, what are you laughing at? He said, I'm going to take care of that so we will never have to worry about it. She said, what are you going to do? He said, we're going to move. He missed the point--wherever you live, not just where you live now. So Senator Fischer might be thinking, if I can give any rationality to what she said, that maybe the distance traveled is not that long. Maybe that's what it is. But it doesn't take a great amount of distance for an accident to

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take place. It does not have to be one of those that appears catastrophic when you look at it. Maybe vehicles have not been smashed to smithereens. There may not be blood spread all over the highway, glass strewn hither, dither, and yonder, but somebody nevertheless can sustain a serious injury. Prevention is better than cure. Senator Fischer wants to talk about not opening up something on Select File. That's done all the time. But now that I'm looking at this bill and looking at the nature of the vehicles, this bill, if there is no insurance component, doesn't need to pass, and then we can start the whole thing with a committee hearing on a bill next session where you talk about what Senator Stuthman has brought and include the requirement of insurance. But either Senator Fischer is being a bit disingenuous this morning or she hasn't paid attention to the way this Legislature... [LB307]

SENATOR LANGEMEIER: One minute. [LB307]

SENATOR CHAMBERS: ...operates during all the years that she has been here. There are proposals that are brought forth on a bill which is on Final Reading. We will pull that bill back from Final Reading to Select File to add an amendment and the amendment will be a subject which was not the subject of a public hearing. Don't you new people who are here sit here and listen to those who are inexperienced in terms of watching how the process works, who understands the dynamics of legislating. I realize she's a Chairperson now. I haven't been a Chairperson 34, 35 years. But I have watched and mastered this process. And what is being offered by Senator White is not a strange idea and it's not unusual that it would be offered on Select File. But if we can't get coverage on those vehicles, either you're going to say they cannot be on public roadways or the bill is going to have some trouble making it. And I will have to see if I can stop this bill from going anywhere, even though it's on Select File. But it's Senator Stuthman's bill,... [LB307]

SENATOR LANGEMEIER: Time. [LB307]

SENATOR CHAMBERS: ...not Senator Fischer's. Thank you, Mr. President. [LB307]

SENATOR LANGEMEIER: Senator Ashford, you are recognized. [LB307]

SENATOR ASHFORD: Thank you. I was going to call the question, but I...I would just, rather that do that, since there's only one other light up...is that...on, is that correct? Just very briefly, I would oppose the amendment at this time. I think the bill, as written, is carefully drafted. Obviously, we would like to have liability insurance for all activities connected to all businesses, and in this case I'm convinced, by reading the bill, that there are protections, sufficient protections, in the bill. And the issue of liability insurance for equipment that is utilized from time to time on public roads in conjunction with farm operations I think is a separate issue that needs to be addressed in a hearing. I don't see any reason to not pass this bill in order to get there, and I appreciate Senator

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White's point. I think you, yes, ideally it would be great if everybody had liability insurance, but I think...in this case, I think we're going slightly overboard. I would oppose the amendment. I support the bill. I think it's an honest effort to address and to control access for these vehicles and I just, at some point I think we just got to stop and not require something else. I think they've done a relatively good job of dealing with the issue. Think we should go ahead and, in all deference to my colleague Senator White, and oppose the amendment and just vote the bill across today so we can...on Select File so we can get on with it. Thanks. [LB307]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Chambers, you are recognized. [LB307]

SENATOR CHAMBERS: Thank you. Mr. President, this bill is not going to just float across the bill (sic) today. I want to ask Senator Ashford a question. [LB307]

SENATOR LANGEMEIER: Senator Ashford, would you yield to a question? [LB307]

SENATOR ASHFORD: Short one. [LB307]

SENATOR CHAMBERS: Senator Ashford, did you hear discussion about some of the damage that can result from accidents involving these vehicles? [LB307]

SENATOR ASHFORD: Yes. [LB307]

SENATOR CHAMBERS: Suppose there is a car being driven by a young mother who has a young child and the child is severely injured in an accident caused by one of the people using it for the purposes and in the manner specified in this bill. [LB307]

SENATOR ASHFORD: Yes. [LB307]

SENATOR CHAMBERS: Who's going to pay for the medical treatment needed for that young child? [LB307]

SENATOR ASHFORD: The farmer will. [LB307]

SENATOR CHAMBERS: Now how's a farmer going to do it? [LB307]

SENATOR ASHFORD: Well, I assume if the farm is in operation the farmer is going to have liability insurance and is going to pay the bill. [LB307]

SENATOR CHAMBERS: Could the farmer have an employee who's driving the vehicle? [LB307]

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SENATOR ASHFORD: Then workman's comp would...well, if this is another person that's injured...I think the risk is small, Senator Chambers. [LB307]

SENATOR CHAMBERS: If, Senator, when there's an accident only one person is hurt, they always say, well, if some such and such saves one person, fine. Well, I want to do it differently, but think about the one person who is hurt. There is no insurance on this vehicle. The person driving it has no farm, no assets. What becomes of that child and the medical care needed? [LB307]

SENATOR ASHFORD: Senator, the direct answer is if there's no insurance then that person would have to look to other sources, like the state, for payment. I acknowledge that. [LB307]

SENATOR CHAMBERS: Could you speak in your mike so I could hear you? [LB307]

SENATOR ASHFORD: I said that they would look to the state for payment. That's understand...I understand the point. I'm trying to understand what case your...these are farm vehicles that are driven in conjunction with their farm operations. [LB307]

SENATOR CHAMBERS: They're being driven on public roads, and they can cause serious damage in an accident. [LB307]

SENATOR ASHFORD: Granted. [LB307]

SENATOR CHAMBERS: But you're saying they should be given a pass and not required to carry insurance to make a person whole who is harmed as a result of their negligence. You're saying, in other words, the state should be the underwriter and anybody who is hurt should be taken care of by the state. That's what you're saying? [LB307]

SENATOR ASHFORD: No. What I'm saying is I think the liability issue is an issue that we could address in the Judiciary Committee, for example. But what I'm saying is I think this bill, as it is, though it raises that issue, should go forward without that provision, because I don't think the risk is that great because I think you're dealing with farmers who are going to have liability insurance that would cover the particular accident. That's what I'm (inaudible). [LB307]

SENATOR CHAMBERS: Then are you willing to have an amendment that says the farmer shall have sufficient liability insurance to respond in damages in any action...in any accident that occurs while one of these vehicles is being driven on the public road? [LB307]

SENATOR ASHFORD: What I'm saying is I'm not...I don't think it's necessary to amend

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this bill to do that. [LB307]

SENATOR CHAMBERS: Let me ask you, are you willing to see that done--require liability coverage somewhere that will cover damage caused by these accidents? [LB307]

SENATOR ASHFORD: I think it's a good issue and I'm willing to look at it. I don't...I think this bill is fine the way it is to go forward now, and I think we can look at a liability insurance issue as we do every day or most every day in the Judiciary Committee. [LB307]

SENATOR CHAMBERS: So then you don't really care how many people may be harmed or the extent of the harm for the purpose of just...maybe you want to accommodate the farmers, because you keep mentioning them. Is that what you make... [LB307]

SENATOR ASHFORD: Well, that's what it's about. [LB307]

SENATOR CHAMBERS: ...more important than anything else? [LB307]

SENATOR ASHFORD: The way I read it, it's a bill to help farmers who need access to the roadways, to cross the roadways for their farm business. That's how I read it. [LB307]

SENATOR CHAMBERS: No, they don't just cross a roadway. They drive on the road. [LB307]

SENATOR ASHFORD: I understand. [LB307]

SENATOR CHAMBERS: Well, now that you understand that they're not just crossing the roadway like a chicken... [LB307]

SENATOR ASHFORD: All right. [LB307]

SENATOR CHAMBERS: ...because they want to get to the other side,... [LB307]

SENATOR ASHFORD: (Laugh) That's right. [LB307]

SENATOR CHAMBERS: ...do you have a different... [LB307]

SPEAKER FLOOD PRESIDING [LB307]

SPEAKER FLOOD: One minute. [LB307]

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SENATOR CHAMBERS: ...view now about why there should be liability coverage? Or you just don't care? [LB307]

SENATOR ASHFORD: No, of course I care, Senator Chambers. [LB307]

SENATOR CHAMBERS: Well, are you going to... [LB307]

SENATOR ASHFORD: What I'm trying...what I'm trying to say is...what I'm trying to tell you is I think, for the purposes of this bill, that there's sufficient protections in it as it is because of the use and... [LB307]

SENATOR CHAMBERS: Tell me the protection. [LB307]

SENATOR ASHFORD: ...(inaudible) the protections are the limited use that is in the bill. [LB307]

SENATOR CHAMBERS: Limited use doesn't protect somebody if they're harmed while it's being used in that limited way. [LB307]

SENATOR ASHFORD: It's... [LB307]

SENATOR CHAMBERS: Let me back up. [LB307]

SENATOR ASHFORD: Okay. [LB307]

SENATOR CHAMBERS: Are you saying to me that nobody can be harmed during what you call the limited use of this vehicle? Is that what you're convinced of? [LB307]

SENATOR ASHFORD: I am convinced that the risk is slight and that it's not necessary in this bill to burden this bill with that type of amendment when it can be addressed at a later time. That's what (inaudible). [LB307]

SENATOR CHAMBERS: But it's okay to burden the state and everybody else. [LB307]

SENATOR ASHFORD: Well, the state could be burdened. [LB307]

SPEAKER FLOOD: Time. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB283A and LB283. Prior to the noon hour this afternoon, I would offer the following as far as a foreshadowing of our next week's agenda. We will begin on Tuesday morning at 10:00 a.m., resuming debate and beginning debate on Select File on LB291, a measure by Senator Hansen, followed in order our Select File process from that point. We will also begin, after that Select File

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discussion, to have a General File debate on the first committee priority bill, LB124, from the Banking, Insurance and Commerce Committee. Mr. Clerk, any messages, reports, or announcements? [LB307 LB283A LB283]

CLERK: Yes, Mr. President, I do. Thank you. Your Committee on General Affairs, chaired by Senator McDonald, reports LB404 to General File with amendments. Education Committee, chaired by Senator Raikes, reports LB219 to General File with amendments. Revenue Committee, chaired by Senator Janssen, reports LB484, LB519 to General File; and LB294 and LB332 indefinitely postponed. Retirement Systems reports LB665 to General File; LB328, General File with amendments; LB370, General File with amendments; those signed by Senator Synowiecki. []

Amendments to be printed: Senator Preister to LB291; Senator Friend, LB347; Senator Langemeier to LB25; Senator Cornett to LB211; Senator Erdman to LB527; Senator Erdman, LB185. Mr. President, a new resolution, LR32, offered by Senator Ashford; that will be laid over. A series of hearing notices from the Judiciary Committee; those are offered by Senator Ashford, as Chair of the committee. [LB404 LB219 LB484 LB519 LB294 LB332 LB665 LB328 LB370 LB291 LB347 LB25 LB211 LB527 LB185 LR32]

And finally, Mr. President, excuse me, not finally, I have a priority bill designation by Senator Pahls, LB124, as one of the two Banking Committee priority bills. Senator Gay would like to add his name to LB190; Senator McDonald to LB232; Senator Karpisek to LB451; Senator Karpisek to LB675; Senator Karpisek to LB699. (Legislative Journal pages 595-600.) [LB124 LB190 LB232 LB451 LB675 LB699]

Priority bill (sic): Senator Aguilar would move to adjourn until Tuesday morning, February 20, at 10:00 a.m., Mr. President. []

SPEAKER FLOOD: The question before the body is, should the Legislature adjourn until February 20, 2007, at 10:00 a.m.? All those in favor say aye. All those opposed? The ayes have it. We stand adjourned. []