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Transcriber's Office

Floor Debate
February 27, 2007

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SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good morning, ladies and gentlemen, and welcome to the George Norris Legislative Chamber for this, the thirty-sixth day of the One Hundredth Legislature, First Session. Our chaplain of the day is Reverend Ray Norris from United Methodist Church, Osceola, Nebraska, Senator Aguilar. Please rise. []

PASTOR NORRIS: (Prayer offered.) []

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

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: Thank you. Are there any messages, reports, or announcements? []

CLERK: Mr. President, your Committee on Enrollment and Review reports they have examined and reviewed LB12 and recommend that it be placed on Select File, LB12A and LB390, all on Select File. I have a corrected committee report from Judiciary with respect to LB475. And Senator Rogert has selected LB255 as his priority bill for this session. And that's all that I have, Mr. President. (Legislative Journal pages 673-674.) [LB12 LB12A LB390 LB475 LB255]

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

CLERK: Mr. President, Senator Dierks would move to withdraw LB635. [LB635]

SENATOR LANGEMEIER: Senator Dierks, you are recognized for your motion to withdraw LB635. [LB635]

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SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I am asking for your support today to withdraw LB635. LB635 was introduced on behalf of a woman who asked for assistance to take care of her adult disabled son. After the bill was introduced, I met with the Department of Health and Human Services to assist his family with some of their needs. Some of the major issues we discussed have been resolved and there's no longer a need for the bill at this time. I'd like to thank the Health Committee for holding this bill for me and ask that you allow me to withdraw LB635 today. Thank you. [LB635]

SENATOR LANGEMEIER: Thank you, Senator Dierks. You have heard the opening on the motion to withdraw LB635. The floor is now open for discussion. Is there anyone that wishes to speak to this bill? Seeing no lights on, Senator Dierks, you're recognized to close. Senator Dierks, do you wish to close? Senator Dierks waives closing. The motion before the body is, should LB635 be withdrawn? All those in favor vote yea; all those opposed vote nay. Have all those that wish to vote done so? Record, Mr. Clerk. [LB635]

CLERK: 33 ayes, 0 nays, Mr. President, on the motion to withdraw LB635. [LB635]

SENATOR LANGEMEIER: LB635 is withdrawn. Next item on the agenda, Mr. Clerk? [LB635]

CLERK: Mr. President, Select File. Senator McGill, I have LB124. I have Enrollment and Review amendments, first of all. (ER8026, Legislative Journal page 653.) [LB124]

SENATOR LANGEMEIER: Senator McGill. [LB124]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB124]

SENATOR LANGEMEIER: The question is the adoption of the E&R amendments to LB124. All those in favor say aye. All those opposed say nay. They are adopted. [LB124]

CLERK: I have nothing further on the bill. [LB124]

SENATOR LANGEMEIER: Senator McGill. [LB124]

SENATOR MCGILL: Mr. President, I move LB124 to E&R for engrossing. [LB124]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. The bill does advance. Mr. Clerk? [LB124]

CLERK: Mr. President, the next bill, LB296. Senator McGill, first of all, I have Enrollment

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and Review amendments pending. [LB296]

SENATOR LANGEMEIER: Senator McGill. [LB296]

CLERK: Mr. President, I'm sorry. Senator McGill, I'm sorry. We've adopted those. I'm mistaken. E&R amendments have been adopted, Mr. President. The amendment by Senator Chambers has been adopted on Select File. Senator Johnson, you had AM15 pending but I had a note, Senator, you wanted to withdraw AM15. [LB296]

SENATOR JOHNSON: Yes, I do wish to withdraw that amendment and substitute another amendment, sir. [LB296]

CLERK: Mr. President, Senator Johnson would move to amend the bill with AM435. (Legislative Journal page 648.) [LB296]

SENATOR LANGEMEIER: Senator Johnson, you are recognized to open on AM435. [LB296]

SENATOR JOHNSON: Thank you, Mr. President. Last, approximately two weeks ago, we had Senator Chambers' corrections to the Governor's bill or Governor's reorganization of the Health and Human Services Committee (sic). Senator Chambers, at that time, proposed changes which were adopted. What AM435 does is replaces the larger amendment--in fact, I think it was the largest amendment ever in this Chamber--that was introduced for LB296. The reason for AM15 and it had to be withdrawn was to harmonize with the adoption of Senator Chambers' amendment earlier on Select File. What AM435 does is it now becomes the large harmonizing amendment that was referred to in the green copy of LB296. Because of the Departments of HHS Regulation and Licensure and Finance and Support are being combined in LB296, all of the references to those departments in the statutes had to be changed. I will personally represent to the Legislature that the amendments makes no substantive changes in the law relating to the powers and duties of the Health and Human Services System. A great effort has been made to make only those changes necessary to harmonize language in the statutes with HHSS reorganization being proposed in the original bill, LB296. Adoption of this amendment does not mean that we don't need to make other changes in the future to further refine and improve the system to best serve our citizens. AM435 is strictly technical, drawn up by our able counsel, Jeff Santema, to harmonize the changes in the underlying bill. Mr. President, I'd ask for the adoption of this amendment. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on AM435 to LB296. The floor is now open for discussion. Those that wish to speak to the amendment? Senator Chambers. [LB296]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if I had a family member or a very dear friend who was being held hostage by a bloodthirsty fiend, I would not do anything to upset that fiend or to endanger the one that I care about. Or to make a simpler allusion, if your head is in the lion's mouth, don't pull the lion's tail. I read an article the other day where HHS sent somebody over to the Health and Human Services Committee to speak against a bill that would make it possible for some federal money to come here and feed some hungry people. Down in my office, I keep the set on so when you all start operating I can hear you, because I get caught up in things. And I heard a man talking about how great God is and he talked about the God of Abraham, Isaac, Jacob, Deborah, Sarah, Abbott, Costello, Boris Karloff, and all these other people. Then he talked about the blessings on the cattle who are flourishing, the amber waves of grain and wheat and the rivers and everything. And I'm waiting for him to talk about the halt, the lame, the blind, the homeless, the hungry, the sick, the uninsured, the fatherless, the motherless, the single parent who has to rear a family on her own--because it generally is a woman--and none of that was said. There is a very wicked spirit moving through this land and HHS has a guilty part in nurturing that wicked spirit. I'd like to ask Senator Joel Johnson a question. [LB296]

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

SENATOR JOHNSON: Yes, sir. I'll try. [LB296]

SENATOR CHAMBERS: Senator Johnson, is your committee going to kill that bill that would make some food stamps available to people where currently such assistance is not available? [LB296]

SENATOR JOHNSON: Sir, we haven't considered that. I believe we have an Executive Session tomorrow afternoon. And certainly the bill, I think it's the one by Senator Kopplin... [LB296]

SENATOR CHAMBERS: Yes. [LB296]

SENATOR JOHNSON: ...certainly has some merit. One of its merits is that for every 10 cents, you receive a dollar in benefits. So it certainly has some merits. [LB296]

SENATOR CHAMBERS: Senator Johnson, this in my hand is the bound edition of the amendment you're presenting to us and there's...people talk about these two bombs, Fat Man and Little Boy. This is Little Boy. Fat Man is sitting on my desk, the bill. (Laughter) I'm going to do what I can to hold this bill until I see what you all are going to do on that other bill. Are you willing to lay it aside for a couple of days or am I going to have to spend the morning holding it here? And this might come as a surprise to you, but I didn't realize that this was what we would be starting the morning with. And you'll have a chance to get even with me because I got a bill coming up, if we get to it. And I'll

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take my medicine. Maybe not with a smile, but that's the way the game goes. Are you willing to lay this aside for a couple of days, this bill? [LB296]

SENATOR JOHNSON: Senator Chambers, I don't believe in getting even with you for something that you might do. I have too much respect for you that I've gained over the last four years. Interestingly enough here... [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR JOHNSON: ...what we have is you have reduced the size of this amendment in half from what Fat Boy was to Little Man. I forget the name of the atomic bombs, but I presume that's your reference. [LB296]

SENATOR CHAMBERS: Well, you still didn't answer my question. But my light is on and I'll ask it again when you have time, not just to give an answer yes or no but to elaborate. And it wouldn't be fair for me to try to get you to do it in 30 seconds. Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Wishing to speak, we have White, Chambers, Johnson, Howard, and others. Senator White, you are recognized. [LB296]

SENATOR WHITE: Thank you, Mr. President. I too share Senator Chambers' concern over the Department of Health and Human Services' opposition to a bill that would take federal funds and direct it to Nebraskans who are hungry. I have spent some time with teachers over the educational issues and one of the matters that is regularly discussed are the number of children who come to school hungry who only eat to the extent that foods are provided through our school systems. And for an agency and its employees who are supposedly dedicated to the service of the least fortunate in the state to refuse to support an effort to get so much additional money to go to the poor from the federal government because they might have to add a couple of extra administrators strikes me as seriously amiss. Given that, and I don't know what's in the bill, but given that, I'm not sure reorganization is appropriate for such an agency. Or perhaps we should help them on the road to reincarnation. (Laughter) I would, if Senator Chambers would like to take it, yield the remainder of my time to him, Mr. President. [LB296]

SENATOR LANGEMEIER: Senator Chambers; 3, 40. [LB296]

SENATOR CHAMBERS: Thank you, Senator White. Thank you, Mr. President. And I would like to continue my discussion with Senator Johnson. [LB296]

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

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SENATOR JOHNSON: Certainly. [LB296]

SENATOR CHAMBERS: Senator Johnson, a motion to bracket a bill to a day certain is a priority motion so I can jump ahead of your motion to amend. But I'm asking you, are you willing to lay this bill aside for a couple of days, today is Tuesday, and take it up Thursday because you said you're going to have an Executive Session before Thursday? So are you willing to do that or must I...(Sound of metal against scabbard) (Laughter) [LB296]

SENATOR JOHNSON: Well, Senator, I don't think that I can cast the votes for my committee. That's my problem. The other thing, sir, and I've got my light on so we can use my time to continue our discussion. But when this was brought up before, I stood here and supported your amendment because it dealt with reorganization of HHS. Senator Howard's bill was defeated because...her amendment was set aside because the body did not feel that it dealt with reorganization. And so that's the question that I have with you, sir, is certainly Senator Kopplin's bill, I think it's LB171, has considerable merit. I have no question about that. That's why I remember... [LB296 LB171]

SENATOR CHAMBERS: Okay, you're taking all of Senator White's time that he yielded to me. Are you... [LB296]

SENATOR JOHNSON: I'll give it back to you in a second. Go ahead, sir. [LB296]

SENATOR CHAMBERS: Okay. Here's what I'm asking you. Not that I want to amend this bill with Senator Kopplin's proposal, I want to know what is going to happen. And it's not just your committee, I'm giving a message to HHS and the Governor. If they want to play hardball with the poor and the hungry, they're on the fighting side of me. And I don't care about the reorganization of a bureaucracy as much as I care about putting food in hungry bellies. And in addition to that, the food stamp programs are administered by the Department of Agriculture so the farm community is benefitted by the existence of that program, so it's not just city people... [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR CHAMBERS: ...but wherever people are who are hungry. You all ought to stop having those people up there pray. That's why I'm offended. Why is it that I, who do not pray, can see that those you all are supposed to be praying for, the creator of these people, and yet the hungry people around us don't make a dent in our minds, no blip on our moral radar screen? So it falls to me to do this and I shall. So my question is this. No, I won't put you on the spot. I'll make my motion at the appropriate time to bracket the bill and see where we are then. But I intend to stay on this bill and your amendment, I believe, is subject to being divided. We can divide the question. And that's what I will do. And if I'm the only one on this floor... [LB296]

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SENATOR LANGEMEIER: Time. [LB296]

SENATOR CHAMBERS: ...while I engage in this discussion, I will do it. I will fly solo. Did you say time, Mr. President? [LB296]

SENATOR LANGEMEIER: Time, Senator Chambers. [LB296]

SENATOR CHAMBERS: I'm sorry. Thank you. [LB296]

SENATOR LANGEMEIER: And thank you. Thank you, Senator White, Senator Chambers. Senator Chambers, you are the next light, so you're rerecognized on your time. [LB296]

SENATOR CHAMBERS: Thank you. Members of the Legislature, there was a person in the U.S. Senate who was trying to make a point while they were discussing a bill that related to the less fortunate. And this senator said, all of us know what poverty and deprivation mean, we've all experienced it. And a man whose last name was du Pont stood up and he said, Senator, I want to correct you, not all of us have experienced it--du Pont was from a very wealthy, super wealthy family. But there ought to be the ability to have compassion for those who are less fortunate. When I was at Creighton and I was being compelled to take theology under the guise of philosophy, they talked constantly about social justice: establishing a floor beneath or below which no member of society should be allowed to fall. Those basic essentials which are needed to sustain life are considered natural rights, or among them; the right to adequate food, shelter, and I would add medical care. So we have some hard-hearted bureaucrat coming over here telling us there are hungry people but don't feed them. What did Jesus say to that guy called Peter, or "Rocky?" I call him the sniveling coward because he betrayed his best friend. He said, Peter, do you love me? Peter said, Lord, yes, you know I love you. He said, feed my sheep. Peter, do you love me? I already told you I do, Lord. Feed my lambs. When Jesus was out there preaching and telling people how they should live and treat each other, he understood that when people's bellies are empty, their mind is going to be focused on their belly and not what somebody is trying to give them. And he knew that people had been out there a long time and he knew a lot of those people were poor. They were hungry when they came there. So you know what the legend tells us? That he took five fish and three loaves of bread and he began to break the bread and shred the fish. And somehow the loaves never disappeared. The fish never came to an end. And before it was over, if you believe the legend, several thousand people had been fed. That's the one you all worship. He is your leader, not mine. You believe he's God. Well, what did your god tell you? Why call ye me Lord, Lord, and do not the things that I say? Why is that? You care more about what the Governor thinks than what your Jesus thinks? Is Governor Heineman going to be the one sitting up there... [LB296]

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SENATOR LANGEMEIER: One minute. [LB296]

SENATOR CHAMBERS: ...when time comes for you to be judged and tell you, you go with the wheat, you go with the tares? You're a sheep, you're a goat. You're among the blessed, you're among the wretched. Is that what Governor Heineman is going to be doing? You know what Jesus told you all but you don't believe it. Don't fear him who can destroy your body, who can kill you and take your life. Don't worry about that. Fear him who can destroy both body and soul in H-e-double-l. You don't believe that though, do you? So why do you have somebody up there talking about in the name of the Father, Son, and the Holy Ghost? He ought to stand up there and pray to Walt Disney and say in the name of Mickey Mouse, Donald Duck, and Goofy. You can go to Disneyland and see them. And they do what they are set up to do. But you all don't. You all don't. Hungry people mean nothing to you. I sneer when I hear somebody up there praying to this Jesus. [LB296]

SENATOR LANGEMEIER: Time. [LB296]

SENATOR CHAMBERS: Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Howard, you are recognized. [LB296]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I rise to thank Senator Chambers for bringing this issue to the attention of the body. I am on the Health Committee and I was present when the bill that Senator Kopplin brought in was discussed. One of the things that concerned me most was the negativity that was expressed by the department in terms of putting this into practice. They used figures of 80 workers that they would have to hire in order to implement this additional food stamp program. This is based on a study that the department did itself in 1993. However, however, common practice is that caseloads far exceed this number. If you would look at the number of cases that case managers in the food stamp program are now handling, you would easily figure out that far fewer than 80 workers would be needed to put this into practice. Again and again and again, the department comes in with a "we can't do this because" attitude rather than let's work together, let's see what we can do, let's see what we can put into practice. When we have people in this state who are in need of food and we can say we're not going to do this because the Department of Health and Human Services comes in negative on this issue, we are shirking our responsibility as a body to hold them accountable. I look at this reorganization and I say I hope this reorganization serves a purpose. However, at the same time, I hope no one assumes that this reorganization itself is going to change the operation of the department. This reorganization is a framework, it's a structure. Anyone that's building a building knows full well they have no responsibility for the actions and the work within that building itself. That's a different matter. The department has to be held accountable

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the same way that the department holds every other agency that they contract with accountable, hence the reason I brought in the floor amendment regarding accreditation. I pulled my floor amendment after the department's amendment they had requested I put in did not receive the votes that it needed to pass. I was interested in working with the department on this issue. However, I have heard nothing back from them. Unfortunately, the impression that leaves me with is that the department doesn't have an interest in accreditation that I do. If you sense my frustration in this matter, you're absolutely right. I thank Senator Chambers for bringing this up and I offer the remainder of my time to him. Thank you. [LB296]

SENATOR LANGEMEIER: Senator Chambers, two minutes. [LB296]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I want the members of the Health Committee to know that what I'm doing has nothing to do with being dissatisfied with them at this point. They have not done anything against the bill. My message is to HHS. They have a choice to make. Feed the hungry and get their bill or say let the hungry remain hungry and take a chance on seeing whether or not I can kill this bill for this session. And I have a lot that I can deal with in this bill. To show that I'm aware of all the options that HHS has, they can come in here and try to get 33 of you to invoke cloture and shut me up on Select File and then get a vote to pass it on to Final Reading. Then you know what I have to do, in the same way HHS is taking hostages? [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR CHAMBERS: I have to take some hostages. And the only hostages I will have are you all's bills. I will have to do what I can to see that we don't get to Final Reading to deal with this bill, and that means tying up other things. When I dig my heels in, it's on an issue that is very important. And feeding hungry people in a land of plenty is very important in my scale of values. And my scale of values has nothing to do with religion of any kind. In fact, if I had religion, I could know that everybody is hungry and my head would rest very peacefully on my pillow because I haven't heard of religious people losing sleep because there are hungry people. So if I wanted peace of mind in the presence of those that have no health, who have been marginalized, who have been cast... [LB296]

SENATOR LANGEMEIER: Time. [LB296]

SENATOR CHAMBERS: ...aside, who are treated like the lepers were in Jesus' day. If I were religious, then... [LB296]

SENATOR LANGEMEIER: Time. [LB296]

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SENATOR CHAMBERS: ...it wouldn't bother me to see those things. Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Howard. (Visitors introduced.) Others wishing to speak; Lathrop, Chambers, and Nantkes. Senator Lathrop, you are recognized. [LB296]

SENATOR LATHROP: Thank you, Mr. President, colleagues. I am joining Senator Chambers in his expression of concern for the Department of Health and Human Services. And before doing so, before commenting any further, I want to make clear, as Senator Chambers has, that the comments are not directed at the committee. I'm confident the committee is doing their work. They have an awful lot of very difficult issues. That having been said, it occurs to me that the function of the Department of Health and Human Services should be to take care of the needs of the people and that seems pretty fundamental. And something is amiss over at the Department of Health and Human Services when they can come in and testify against a bill that would bring \$10 million worth of food stamps to the poor and the needy of the state of Nebraska. We're talking today about a bill to reorganize Health and Human Services and we ought to be talking about the Department of Health and Human Services mission statement. The Department of Health and Human Services should not be worried about maintaining its own bureaucracy. We should be worried about the poor, the foster children, the autistic children, the hungry children, and the families that are going without medication because they can't afford it. Senator Chambers talked about Gail Kopplin's bill, Senator Kopplin's bill, which would have brought \$10 million worth of food stamps into the state of Nebraska. All we have to do is say yes. And they testified against it. That's the agency of the state of Nebraska charged with the care of people and the citizens of the state of Nebraska and they are testifying against a bill to provide \$10 million worth of food stamps to the poor. It is unconscionable. I presented a bill to the same committee that would have required that the state develop a preferred drug list, would have saved the state the bill--I'll give you the shorthand version--would have saved, I estimate, between \$2 million, perhaps as much as \$5 million a year to Medicaid. And then it would have provided for a card that would allow low-income uninsured people to purchase prescription medication at the rate Medicaid pays. It would have saved the poor and the middle-income uninsured people a lot of money at the pharmacy. And the Department of Health and Human Services came in and testified against that. And when they came in and testified against it, they sent a pharmacist down. And this fellow, this is now 14 months after the Medicaid reform report was out which suggested they study this issue, he told us that they had not yet signed a contract with somebody to study whether we'd save money on developing a preferred drug list. Forty-four states have it, everybody is saving money, and they want to do a study and in 14 months they couldn't get a contract signed to do it. And that is shameful. If you can't get the contract signed to study the issue, stand out of the way and let the bill pass so that the state can start saving money and the uninsured poor can get prescription

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medication at the rate Medicaid is paying for it. But that's not where it ends. The Chairman of the committee, Senator Johnson, offered a bill last week, or two weeks ago perhaps, to help autistic children. I read this in the paper. I'm going to tell you, what I understand the purpose of the bill, it would have...Gail Werner... [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR LATHROP: ...Gail Werner offered to raise \$1 million private money, match it with \$1 million from the Tobacco Fund, and the federal government would have given us \$3.5 million more to help with autistic children. And the Department of Health and Human Services--the agency responsible for the health of our children--testified against that bill and that is shameful. It is shameful that the department is behaving that way. We need to talk about their mission statement, what we want them to do for the people of the state of Nebraska other than maintain their own existence. Thank you. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. Wishing to speak; Chambers, Nantkes, Harms, and others. Senator Chambers, you are recognized. [LB296]

SENATOR CHAMBERS: Mr. President, you all might wonder why I quote the "Bible" so much. When I was a small lad, I lived in the "Bible." And when I was in high school, I read it from cover to cover at least eight times. I mean, all the begets, everything. I read every word. And I saw a lot of things in there where people lied on the "Bible." They said things were in the "Bible" but they were not and some things they misquoted. So I'm familiar with it and I try to use the language of the people I'm talking to so they can understand what I'm talking about. When Jesus gave his examples, didn't he use examples that the people he was addressing would understand? So I want to go to one of these little...another part of the legend. Peter was big and strong. I call him "Rocky" because they say that's what Peter means, the rock. But he's more like a pebble in the clench and he should have been called Peter Rabbit because he ran like a scared rabbit. But Jesus told him, Peter, you're going to deny me before the cock crows. Peter said no, you see these broad shoulders, you see these big arms, didn't you just have to fix a man's ear because I cut it off with my sword when they tried to lay hands on you? I deny you? No, Heaven and Earth will fall first. Jesus said, okay. So after Jesus went through his ordeal and Peter is sitting around this campfire trying to keep a low profile and somebody said, you know that guy, don't you? And all of a sudden, reality...Peter said, before he thought, no, I don't know him. Then somebody else said, wait a minute, I saw you with him. And Peter said, you got me mixed up with somebody else. Look at all these men around here with a big beard like mine. There are other big men around here. No, it wasn't me you saw with him. Then a third person said, the speech, the way you speak gives you away, that's what tells me that you were with him. And then Peter, with a curse, with an oath, said heavens no, I was not with him. And then what happened? (Rooster crowing noise.) And Peter was convicted in his heart because he had done the very thing that Jesus said he would do. So what did he do

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then? He slunk off like the cowardly weasel he had shown him to be. When his best friend needed him, he folded and he wept bitterly. But what good was that? So how many times is this body going to deny their Christ? Do I need to crow like a rooster when you do it the third time or are those things you say you believe going to mean something to you? I'm not asking you for money for me or for my district. I'm talking about something for those that Jesus said you'll have with you always. He said the poor are the ones you'll have with you always. But he didn't say that you should ignore them. That's how you show the value of your principles. When everything is sunshiny and nice, anybody can go along and be in a good frame of mind. You need to have it like that song that the Temptations sang. I've got sunshine on a cloudy day. [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR CHAMBERS: When it's cold outside, I've got the month of May. In other words, in adversity that's when what he believed came to his aid. So I want the HHS people to know that they need to get busy and get over here and let people know that this bill is more important to them than preventing the hungry from having food. And if they decide that it's more important to them that the hungry remain hungry when food is available, then I will do what I can to kill this bill. But I'm going to give them a chance. And I'm not going to try to kill it today. And maybe what they need to do is pray that whoever they believe in will take me away from here before that moment comes when I drop the hammer on this bill. Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Mr. Clerk. [LB296]

CLERK: Mr. President, some items, thank you. Amendments to be printed: Senator Christensen to LB701; Senator Schimek to LB34; Senator Kruse to LB182. Urban Affairs Committee, chaired by Senator Friend, reports LB160 to General File with amendments, LB405 to General File with amendments; LB591, LB592 indefinitely postponed. Natural Resources Committee, chaired by Senator Loudon, reports LB530 to General File, LB664 to General File, LB202 to General File with amendments, LB418 indefinitely postponed, likewise with LB503. [LB701 LB34 LB182 LB160 LB405 LB591 LB592 LB530 LB664 LB202 LB418 LB503]

New A bill, Senator Hudkins would offer LB663A. (Read LB663A by title for the first time.) Reference report referring LR39 to Health and Human Services for public hearing. Proposed rules change, offered by Senator Hudkins. That will be referred to Rules Committee for purposes of conducting a hearing. And that's all that I had, Mr. President. (Legislative Journal pages 675-678.) [LB663A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Back to discussion on FA435. Wishing to speak, we have Nantkes, Harms, Erdman, Wallman, and others. Senator Nantkes, you are recognized. [LB296]

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SENATOR NANTKES: Mr. President, colleagues, I rise to join in the discussion on this important reorganization bill and wanted to point out a couple of additional facts to help guide our discussion this morning. I think Senator Lathrop and Senator Chambers, overall their view is well-received in my mind. Reorganization does have the potential to provide more accountability, access, and transparency within our Department of Health and Human Services. But I think the greater problem that those kinds of reorganizations do not address are the overarching culture within this department and how it goes about administering the many important duties charged to it in protecting and serving our most vulnerable citizens within our state. There's been many references made this morning to a bill that Senator Kopplin has introduced, which isn't the first time this piece of legislation has been before this body in relation to trying to ensure that our department aggressively pursues all federal waivers and options available to it in the federal food stamp program. We've seen countless times since this piece of legislation has been brought before the Unicameral a huge fiscal note provided by the department. And to me, I see that as exhibit A of how the department is doing a poor job in administering the important work it is charged to do and turning its backs on literally millions of dollars in federal funds that in turn have great economic impacts in our local economy. This overall culture of frustration and bureaucracy has even drawn some national attention. For example, in a December 2006 Newsweek article, columnist Anna Quindlen is talking about food and poverty issues in the United States. She notes specifically that in Nebraska, the application for food stamps runs 25 pages long. And she notes that looking at the regulations made her head spin. And the fact that offices which are meant to administer this application are only open during work hours when the working poor have to be at work. Again, there's been countless attempts by people in the nonprofit world and human services organizations trying to work with the department to streamline this application. And after years and years of work, we still have this overburdensome application for people trying to ensure that they can meet their family's most basic needs. A couple other facts I wanted to point out; in addition, the low income home energy assistance program. I think it might be news to many senators in this body, particularly my new colleagues surrounding us, that Nebraska is ranked as the fourth lowest in eligibility for this critical, critical program that helps many families ensure that they have access to basic heating resources during our most cold months. And people again within the human services organizations and the nonprofit world have worked year after year with the department, trying to change this eligibility which, mind you, changing the eligibility would have no additional financial impact to the state. But again, a refusal, a reluctance to work together and try and provide more resources for our most struggling citizens. Overall, the reorganization, I said I'm hopeful that it does provide some more accountability. But I think instead of focusing our time on, again, reorganizing box and lines on a chart, we need to focus on missions that address the fact that recent poverty statistics from the census shows us that each year more Nebraskans are falling into poverty. The most recent statistics from the census show us that now over 14.8 percent of children in Nebraska--that's almost 63,000 children in

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Nebraska--are living at or below the federal poverty line. Reports from the nonprofit world also shows us that over 75,000 children each and every day... [LB296]

SENATOR LANGEMEIER: One minute. [LB296]

SENATOR NANTKES: ...in Nebraska are food insecure. Folks, that's enough hungry kids every single day in Nebraska to fill Memorial Stadium. Where's the mission, where is the strategy involved in this legislation to address those critical problems? I hope that this information has provided some thought to other members as we continue in this critical debate. And with that, I yield the balance of my time. Thank you. [LB296]

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

SENATOR HARMS: Thank you, Mr. Chairman and colleagues. First, my comments have nothing to do with the committee. I support their work and I know that they're working hard. But I will tell you that I am really not pleased with, and I am basically offended by this reorganization. I'm here to tell you that this reorganization is going to make no difference in the amount of services and what takes place in Health and Human Services. Because I'll tell you, unless the culture changes, the same thing is going to continue. The biggest amount of complaints that I get when I go home is the fact that they can't get services. Nobody cares, nobody understands. Listen, colleagues, we have a chance and an opportunity to correct this. We now have the responsibility to make sure that the Health and Human Services has benchmarks in it, that it can be evaluated. I have had the fortunate opportunity to look at their budget, to study their budget with all my other colleagues in the Appropriations Committee. And I'm here to tell you that we're spending millions of dollars without even understanding or knowing where the efficiencies are. This reorganization will not give that to us. And I think it's time that we make them accountable. I think it's time that we tell them we're through. And if they don't like this, let's just third party this out. We can be more cost-effective by actually bringing and providing a contract, services with someone else. It's time to correct this. I'm sorry that Senator Chambers is not here because I want him to understand that when he says that we don't care about whether children's tummies are full, I'm here to argue with him. Because quite frankly, I spent the majority of my career working with children, working with the underprivileged, working with the poor, volunteering my time with the poor, making sure that they were getting treated appropriately in the school systems, making sure when they came to this Guadalupe Center where I volunteered my time, that we took care of them and we cared about them. So when he lumps everybody together, I'm disappointed in that because I know that the majority of this body does not believe in that, that we want to do what's right. We want to do what is appropriate for children and the poor. And this is the time for us to make the corrections. This is the time for us to go after Health and Human Services because, quite frankly, it's an embarrassment. Quite frankly, the services are poor.

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Quite frankly, I don't think they care. And it's time that we address that issue. Mr. Chairman, thank you. [LB296]

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

SENATOR ERDMAN: Mr. President and members of the Legislature, I find the discussion to be worthwhile. What I find ironic or interesting, I guess, is that the, as has been pointed out, the committee has yet to exec on Senator Lathrop's bill. We've yet to even discuss Senator Kopplin's bill. But I think it's appropriate for you to share with us, as members of the committee, whether you want to do it publicly on the floor of the Legislature or whether you want to do it directly with us, your desire for us to see the legislation advance or have changes or whatever that would be. I think that's a healthy part of this process. Just because a bill has been referenced to one committee doesn't mean they have the ultimate say. We had that debate yesterday with Senator Hudkins' motion. You have just as much right to have a say in what happens in these committees as the members of those committees. There may be time lines and processes, but let us know. Senator Kopplin's bill did come before the Health Committee. It isn't as easy as Senator White pointed out, and I think we have to have those discussions in the committee. The way the bill is written, it potentially would require state funds to accomplish the way the bill is written. And so Senator Kopplin has offered us some language from the department, or at least maybe the department has. We as a committee have to analyze that. This isn't about evaluating. This is about adopting the most broad guidelines possible, expanding the program beyond what the federal government may even provide. Because under some of the things going on at a national level, there are funds that are projected to be cut under the program. So we are going to have these discussions and it has to be waded through and it's not just simply about trying to say we need the most federal funds, let's go do it. If that was the case, Senator Hansen had a bill, LB292, using state funds to match federal funds that we're missing out on right now, I think the committee will advance that--Senator Hansen, maybe you can correct me if I'm wrong--if we haven't already, unanimously. The opportunity for the state to maximize on those programs that we're missing out on right now makes sense. So don't get lost in the idea that, well, it's as easy as is portrayed on the floor. That's why we also have committee hearings. I can go down through the list of the testimony. I don't always agree with the department. Senator Howard, I think it's disrespectful to you that the department isn't working with you. If Senator Howard made a good faith effort to work with the department on her amendment and the department hasn't come to the table, that's a problem. It doesn't take a rocket scientist to figure that out. So from the standpoint of how this body works, we have a responsibility to control the policy that we set. We cast the votes on behalf of our citizenry, not the folks standing behind the glass, whether they're from a department or not. But understand that there are always more issues addressed or a part of those discussions than it can be easily portrayed in a 30-second sound bite. So Senator Lathrop, Senator Kopplin,

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the committee has met maybe twice in Executive Session, the Health Committee. We're going to meet Wednesday and we're going to meet probably thereafter to continue to have discussions. I've shared with Senator Lathrop some of the problems with his bill. I've shared with Senator Lathrop's supporters how the people don't even know what the process was under Medicaid reform because they opposed it. And so here they stand on the floor of the Legislature or here they stand before the committee of the Legislature saying, well, we should have done this. We are doing it. The problem is that they don't want to follow the process because it wasn't their idea. Let's get past that. Senator Lathrop's bill has a provision that's already being done. Has the contract been signed? It has. Have the final details been worked out? No, they haven't. Will it be completed before his bill would be effective? It will. On the second part of his bill, it's based on a program in Maine. The program in Maine was ruled to be illegal or not approved by the courts based on federal law and we need to look into that. And I've shared that with Senator Lathrop. But let's have those discussions, especially if you're the principal introducer of a bill. Come to the committee personally, or if you have this opportunity take advantage of it. We're doing it with education, every other bill. But let's have those discussions. And Senator Harms is partially right, there has to be accountability. But reorganization is never intended and never will be intended to expand the services that are currently being provided by the department. That's not its purpose. There are 20 bills in the Health Committee designed to do that. Again, we haven't discussed any of those. And finally, let me close with this. If we're going to adopt policy without knowing or understanding where the efficiencies are, as Senator Harms has pointed out, then adopting policy specifically based on what you hear is before the committee would prohibit that. Because as I have pointed out, there are technical issues that need to be addressed with these bills that I think the committee is capable of dealing with and understanding what the public policy needs to be to accomplish the desired goal, not the perceived goal. [LB296 LB292]

SENATOR LANGEMEIER: Time. [LB296]

SENATOR ERDMAN: Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator Pahls is the next...Senator Pahls, you are recognized. [LB296]

SENATOR PAHLS: I will yield my time to Senator Johnson. [LB296]

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

SENATOR JOHNSON: Mr. President, I ask unanimous consent to pass over this bill at this time. [LB296]

SENATOR LANGEMEIER: Motion is unanimous consent to pass over this bill at this

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time. Are there any objections? So moved. Mr. Clerk, next bill on Select File. [LB296]

CLERK: Senator McGill, the next bill, LB248. I have no amendments to that bill, Senator. [LB248]

SENATOR LANGEMEIER: Senator McGill. [LB248]

SENATOR MCGILL: Mr. President, I move LB248 to E&R for engrossing. [LB248]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed same sign. The bill does advance. Mr. Clerk. [LB248]

CLERK: Senator McGill, the next bill I have, LB347. No E&Rs. I do have other amendments. [LB347]

SENATOR LANGEMEIER: Senator McGill...disregard. [LB347]

CLERK: Mr. President, the first amendment to the bill. Senator Friend, I have AM395 but I have a note you want to withdraw that particular amendment, Senator. Mr. President, the next amendment I have to the bill, Senator Friend, AM477, Senator. (Legislative Journal page 669.) [LB347]

SENATOR LANGEMEIER: Senator Friend, you are recognized to open on AM477. [LB347]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. This...on February 14, shouldn't be too complicated, but the longer I talk the more it could be. On February 14, the Governor signed LB206 into law. If you remember LB206--probably not by the number--but that bill changed the treasurer for the city of Omaha, came out of the Urban Affairs Committee, changed the treasurer for the city of Omaha from the county treasurer to one of its own employees from its finance department. In LB347, which also came out of the Urban Affairs Committee, we're changing the bonding requirements for municipal officials, authorizing for cities the use of blanket bonds and insurance. Both bills, like I had mentioned, moved out of Urban Affairs at different times. Now this amendment is here in order to have LB347 reflect the changes that we put into law with LB206, changes which could not be made until after LB206 became law. Essentially we're deleting Section 3 of LB347, which dealt with the bonding of the county treasurer in his or her capacity as the ex officio treasurer for the city of Omaha since that position no longer exists. Then we are replacing that section with a new provision that amends Section 1 of LB206 to provide for the use of the new bonding authority for the Omaha city employee that will be assuming the responsibility of the Omaha city treasurer. The amendment does not substantively change what we're trying to do with LB347, nor what we did with LB206. It just conforms the bills to each

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other. Real simple. We passed the bill, we passed LB206. LB347 needs to reflect what LB206 did for us. I would be happy to answer any questions if there are any questions. I would respectfully ask for the adoption of AM477 to LB347 and the advancement of the bill. Thank you, Mr. President. [LB347 LB206]

SENATOR LANGEMEIER: Thank you, Senator Friend. You've heard the opening on AM477. The floor is now open for discussion. Is there anyone that wishes to speak to the amendment? Seeing no lights on, Senator Friend, you're recognized to close. Senator Friend waives closing. The question before the body is, should AM477 be adopted to LB347? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to vote? Record, Mr. Clerk. [LB347]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Friend's amendment. [LB347]

SENATOR LANGEMEIER: The amendment is adopted. [LB347]

CLERK: I have nothing further on the bill, Mr. President. [LB347]

SENATOR LANGEMEIER: Senator McGill. [LB347]

SENATOR MCGILL: Mr. President, I move LB347 to E&R for engrossing. [LB347]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed same sign. LB347 does advance. Mr. Clerk. [LB347]

CLERK: Mr. President, an announcement. The Health Committee will have an Executive Session immediately in Room 2022; Health Committee, Executive Session, Room 2022 now. Senator McGill, LB231. Senator, I have no amendments to the bill. [LB231]

SENATOR LANGEMEIER: Senator McGill. [LB231]

SENATOR MCGILL: Mr. President, I move LB231 to E&R for engrossing. [LB231]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed same sign. LB231 does advance. Mr. Clerk. [LB231]

CLERK: LB145, Senator. I do have Enrollment and Review amendments. (ER8025, Legislative Journal page 654.) [LB145]

SENATOR LANGEMEIER: Senator McGill. [LB145]

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SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB145]

SENATOR LANGEMEIER: You have heard the motion, the adoption of the E&R amendments to LB145. All those in favor say aye. All those opposed same sign. The amendments are adopted. Mr. Clerk. [LB145]

CLERK: LB83, Mr. President, is the next...I'm sorry. I have no further amendments, Senator, to LB145. [LB145]

SENATOR LANGEMEIER: Senator McGill. [LB145]

SENATOR MCGILL: Mr. President, I move LB145 to E&R for engrossing. [LB145]

SENATOR LANGEMEIER: You have heard the motion. All those in favor of moving LB145 say aye. All those opposed same sign. The bill does advance. Mr. Clerk. [LB145]

CLERK: LB83. I do have Enrollment and Review amendments, Senator. (ER8027, Legislative Journal page 654.) [LB83]

SENATOR LANGEMEIER: Senator McGill. [LB83]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB83]

SENATOR LANGEMEIER: The question is the adoption of the E&R amendments to LB83. All those in favor say aye. All those opposed same sign. The amendments are adopted. Mr. Clerk. [LB83]

CLERK: Senator Synowiecki would move to amend with AM501. (Legislative Journal page 679.) [LB83]

SENATOR LANGEMEIER: Senator Synowiecki, you are recognized to open on your amendment to the bill. [LB83]

SENATOR SYNOWIECKI: Senator Langemeier, members of the Legislature, this is the bill that has to do with our state's Work Ethic Camp. If you recall from the General File debate, there was much discussion about the chronic underutilization of the camp. And unfortunately, I have to report to you today that it is continuing dramatically. The day I introduced this bill, which was in January--I don't have the date right here--there was 61 offenders at the Work Ethic Camp. On February 14, there was 59 offenders at the Work Ethic Camp. And today, there are 54. So we're kind of going in the opposite direction relative to the population of the Work Ethic Camp. What AM501 is, is simply an emergency clause so that the bill can take effect immediately. And let me tell you why I bring this. It just so happens that yesterday during an Appropriations Committee

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hearing, the chairperson of the Parole Board was before the committee. I explicitly asked her if she was satisfied with the drafting of the bill and if the Parole Board is appropriately ramped up so that they could immediately engage and begin to send offenders to the Work Ethic Camp. She gave me a very straightforward answer and said yes. A one word answer, that they are prepared, they are ready, they're cognizant of the problems at the Work Ethic Camp and that they're prepared to rectify these problems. What this amendment is, simply, is an emergency clause so that the provisions within LB83 can take effect immediately upon the Governor's signature. The provisions of the underlying bill are that the Parole Board would expand the scope of participation of the Work Ethic Camp to include parolees from our penal system. Right now it's restricted to those sentenced to intensive supervision probation. And we have failed miserably, we have failed miserably at getting folks out there. This is an attempt to sustain the Work Ethic Camp. And I think, given the numbers that I've reported to you and the continuing decrease of offenders at the camp, I think the emergency clause is quite justified. Thank you. [LB83]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. You've heard the opening on AM501. The floor is now open for discussion. Is there anyone that wishes to speak to the bill, the amendment? Seeing no lights on, Senator Synowiecki, you're recognized to close. He waives closing. The motion before the body is, should AM501 be adopted to LB83? All those in favor vote yea; those opposed vote nay. Have all those wish to vote done so? Record, Mr. Clerk. [LB83]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Synowiecki's amendment. [LB83]

SENATOR LANGEMEIER: The amendment is adopted. Mr. Clerk. [LB83]

CLERK: I have nothing further on the bill, Mr. President. [LB83]

SENATOR LANGEMEIER: Senator McGill. [LB83]

SENATOR MCGILL: Mr. President, I move LB83 to E&R for engrossing. [LB83]

SENATOR LANGEMEIER: You have heard the motion. All those in favor vote yea. All those opposed vote nay. The bill does advance. Mr. Clerk. [LB83]

CLERK: Mr. President, General File, LB464. It's a bill by Senator Chambers. (Read title.) The bill was introduced on January 17, referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I have no amendments at this time, Mr. President. [LB464]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Chambers, you are

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recognized to open on LB464. [LB464]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this is a bill which is going to clear up a couple of problems that developed during the Hergert matter. The commission, under the current law, has the power to enforce its orders or to enforce the election laws by initiating criminal action. Since the commission is an administrative agency, it should not have that authority. So what this bill does, among other things which I'll touch on as we go along, is to take that prosecutorial responsibility away from the commission and places it primarily in the office of the Attorney General. But there is a concurrent power placed in the hands of the county attorney in the county where an election case violation would occur. So we will strike from the law the power of this commission to initiate criminal action. When a complaint comes before the commission and a preliminary investigation is undertaken, if it develops that criminal prosecution may be necessary because of the nature of the violation, the commission will refer the matter to the Attorney General. The Attorney General will make a determination as to whether or not prosecution is warranted. If the Attorney General for any reason cannot handle that particular issue because it took place in a county where he or she may have a conflict, then the county attorney will look at it and make the determination. When complaints are filed with that commission, their actions are confidential. This bill will specifically say that a referral made by the commission to the prosecutor is not confidential. The response of the prosecutor, whether it's the Attorney General or the county attorney, is not confidential. That's one thing. There is, existing in statute currently, two different penalties for making false statements in official proceedings or documents. In the criminal code which is found in Chapter 28, the highest level of offense is a Class I misdemeanor. But under the existing election laws, intentionally and knowingly filing a false affidavit is punishable as a Class IV felony. The higher level of punishment is because the nature of the offense could undermine the election laws which Nebraska has declared in its public policy to be very, very crucial and critical to the effective functioning of a democracy. So instead of changing either one of these penalties, in Chapter 28 where it talks about making false statements, this bill will put in a proviso that that Class I misdemeanor offense and charge will not apply when violations of the election law are implicated. So in the ordinary course when a false statement is made, that would be punishable as a Class I misdemeanor. When the election laws are knowingly and intentionally violated, when we're dealing with sworn statements and affidavits, that will continue to be punishable as a Class IV felony. We're not talking about inadvertence, mistake, or any of those things. If I make an affidavit and sign it, I know what it is that I'm signing. And if I sign that false affidavit and file it, then I can be charged with an offense, making that false statement, which could be punishable as a Class IV felony. Since the power to initiate criminal action is taken from the commission, what remains for the commission as a stick? The fines can still be levied but every action by the commission is civil, nothing criminal. These affidavits apply primarily to the portions of the law that relate to an individual saying he or she will not abide by the spending limits that may be attached to that office. I'm not going to try to

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give you these percentages because they, I don't remember them all. I'm getting a little old, Senator Carlson. But if you say you're not going to abide by that limit, you have to make a good faith estimate of what you're going to spend. Then when you reach a certain percentage of that, you have to make that known within a specified time frame in a filing with the commission. That will then trigger the release of public funds if the opponent has said he or she will abide by the spending limits. So this is a crucial area in the operation of this law. Mr. Hergert filed a number of false documents and it was for the purpose of preventing his opponent from having that public funding released. Contrary to what people outside the Legislature and some in the Legislature said, the Nebraska Supreme Court, after we impeached Hergert, conducted a trial and convicted him. The purpose of this law is to harmonize the law when it comes to these two different possibilities of charging a false statement, to take away also the criminal jurisdiction of the commission. I'm trying to think of everything that I need to say, but if I've missed anything or if you're unsure about anything I've said, I'm prepared to answer whatever questions you ask me, if I can. And if I cannot, I have somebody waiting in the wings who certainly can. Thank you, Mr. President. [LB464]

SENATOR LANGEMEIER: Thank you, Senator Chambers. (Visitors introduced.) You have heard the opening on LB464. The floor is now open for discussion. We have a number of lights. Senator Schimek, Aguilar, White, Fulton, and others. Senator Schimek, you are recognized. [LB464]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I will be brief. And Senator Chambers, I don't think you left out anything. I think you did an excellent job of explaining this from a legalistic point of view. Senator Chambers and I actually talked about this over the interim and I felt very strongly that we needed to bring some clarity to this issue. And I think this bill does it. It sets limits, it sets responsibilities. And if you will notice from the committee statement, the Accountability and Disclosure Commission also came in and testified in favor of this bill. I know that Senator Chambers worked with the Attorney General's Office as well. So I'm just strongly in support of this bill and hope that it won't be controversial. I can't imagine that it would be. So recommend advancement to E&R Initial. Senator Chambers, do you have a need for any more of my time? With that, thank you, Mr. President. [LB464]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Senator Aguilar, you're recognized. [LB464]

SENATOR AGUILAR: Thank you, Mr. President. I just wanted to report that we did hear this in Government Committee, that there were no opponents testifying on the bill. There were no opposing votes on the bill. It was advanced by all the committee that was present on that day. And we felt strong enough about this bill to name it one of the committee's priority bills. I would encourage everyone to support it as well. Thank you, Mr. President. [LB464]

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SENATOR LANGEMEIER: Thank you, Senator Aguilar. Senator White, you are recognized. [LB464]

SENATOR WHITE: Thank you, Mr. President. Will Senator Chambers yield to a question? [LB464]

SENATOR LANGEMEIER: Senator Chambers, would you yield to a question? [LB464]

SENATOR CHAMBERS: As many as he chooses to ask, I will attempt to answer. [LB464]

SENATOR WHITE: Thank you, Senator Chambers, Mr. President. Senator Chambers, I do have a concern on the level of proof necessary to prove a violation with regard to an affidavit that contains errors in it. Is this bill make that an intent crime? In other words, the error had to be put there to mislead, to frustrate, for example, the disbursement of public monies to your opponent, some level of intent rather than...because with my bookkeeping skills, sir, I may be a guest of the state out of an innocent error and I want to make sure, if it is that, we're not charging people with crimes. [LB464]

SENATOR CHAMBERS: Yes. Oh, let me not just say yes. Senator White, since this...if there is a falsehood in an affidavit, the commission is not going to make a determination that a crime has been committed. It will refer the matter to either the Attorney General or a county attorney and they know that before a matter can be charged as a crime, there must be a knowing intentional falsification and it must be proved, if it's taken to court, beyond a reasonable doubt. So it's just like any other crime. This does not lower any threshold or any standard. And one reason I wanted to take it from the commission and put it in the hands of a prosecutor, there is where the experience, the knowledge, and the understanding is. There might be a question as to whether or not it is really intentional or an inadvertence. And I think in most cases or in some cases, a prosecutor might say this is so borderline that I will not file this as a crime. [LB464]

SENATOR WHITE: Thank you. That was very helpful. In one of the earlier drafts, there had been a provision in one of the laws and I don't know if it still exists. But you may or may not know, Senator. But if I might ask you a further question, there was a provision in, I think, Senator Beutler's proposed bill that said if you're off by 5 percent then that's a misdemeanor. Do you endorse that kind of a crime? I mean, we have determined you intended to deceive because you're off by 5 percent. And I think it was in your disclosure of expenses, amounts expended. [LB464]

SENATOR CHAMBERS: Senator White, there is so much in these campaign laws that I am totally unfamiliar with. I would have to read them specifically. But when it comes to those percentages, I don't know what they are. And Senator Beutler's bills would have

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been for Senator Beutler to explain and justify. The reason I brought this one is because it doesn't go into any of those matters, but it is designed to clarify what is already there. So I'm just unable to answer the other parts that you asked. [LB464]

SENATOR WHITE: Thank you, Senator Chambers. Actually, referring this to people experienced in criminal prosecutions and experienced in the constitutional standards for what can be a constitutionally written statute to create a crime gives me comfort. And so moving it from people who are unfamiliar with what the standards are to someone who is more familiar seems to me to reduce the possibility of abuse. So I thank you for the bill. Thank you, Mr. President. [LB464]

SENATOR LANGEMEIER: Thank you, Senator White. Senator Fulton, you are recognized. [LB464]

SENATOR FULTON: Thank you, Mr. President. Would Senator Chambers yield to a question? [LB464]

SENATOR LANGEMEIER: Senator Chambers, would you yield to a question? [LB464]

SENATOR CHAMBERS: Um, I've got to think. Um, I guess I shall. Yes, I will. [LB464]

SENATOR FULTON: I'm appreciative, thank you. I just want to say that I will probably be voting to send this, voting green on this. But there's...the nonlawyers in here may find it instructive because this seems to me that there is a level of gravity that's attached to this bill. When I hear that this is moving from the class of misdemeanor to felony, could you clarify the difference between the criminal code, which had as its remedial punishment a Class I misdemeanor, and the election laws, which now has as its punishment a Class IV felony? Could you clarify that a little bit for me and maybe for others? [LB464]

SENATOR CHAMBERS: I will do the best I can, Senator Fulton. It's a fair question. First of all, the existing law makes a violation of the election laws when it comes to a false statement a Class IV felony. That is the law right now. The general law dealing with false statements is in the criminal code and that makes the highest level of punishment a Class I misdemeanor. So rather than try to raise the level of offense in the criminal code to a Class IV felony or to reduce the Class IV felony in the election laws to a misdemeanor, the bill will say that the general law in the criminal code will remain untouched but it does not apply to violations of the election law. Now even if this that I'm doing were not done, the court might say that since the election law is a discrete, freestanding area of the law, the punishment set for violation of it will prevail. The criminal code deals with the general run of false statements. But here's what could be done. And if anybody were accused of a crime and there were two sections of statute dealing with that particular offense and one would punish less severely, the lawyer

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would argue that he or she wants his or her client to be charged under the less severe penalty. Even if a court threw it out, that would be a step in litigating a matter which can be removed. We're not changing the two punishments. We're simply saying now that it's clear. If a person violates the election law, that person will be charged with a violation of the election law and punished in accord with the provisions there. So then nobody can say, well, there is another section of law someplace else and I'd rather be charged under that because it's less severe. So what this is doing is showing that you will be dealing with the election law punishment if you violate the election law and not the general statement of the law found in the criminal code. [LB464]

SENATOR FULTON: Along the lines of the Class IV felony, it's my understanding--again, I'm not a lawyer but I do recognize just the basic premise of crime and punishment. The Class IV felony, what is the highest level of punishment? This is five years' imprisonment, is that correct? [LB464]

SENATOR CHAMBERS: It could be, but I think there might be no minimum for a Class IV. [LB464]

SENATOR FULTON: Okay. This is worth having some clarity on as... [LB464]

SENATOR LANGEMEIER: One minute. [LB464]

SENATOR FULTON: ...the election laws, as you have mentioned, Senator Chambers, are confusing. And there are, you know, 20 new senators in here. It's very important we recognize that what we are doing has grave implication. When we fill out something, we have to understand what we're filling out. I'm through with questioning. Sorry, Senator Chambers. We have to understand what it is that we're filling out, why it is we're filling it out, and recognize that if down the road it can be shown or proven, our intention, which was Senator White's rationale or line of questioning, it is our intention that can lead to the Class IV felony here, as I understand it. So this is a big step and this is basically saying that we're willing to abide by a set of rules that have grave consequences or grave punishments attached to any crime that can be committed. So thank you, Senator Chambers. [LB464]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Senator Harms, you're recognized. [LB464]

SENATOR HARMS: Senator Chambers, would you yield for a question, please? [LB464]

SENATOR LANGEMEIER: Senator Chambers, will you yield to a question? [LB464]

SENATOR CHAMBERS: Yes, I will. [LB464]

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SENATOR HARMS: I apologize, maybe you might have already mentioned this and I just... [LB464]

SENATOR CHAMBERS: That's all right. [LB464]

SENATOR HARMS: ...I might have missed that. But does your bill empower the county attorney in his or her county to file charges in case it can't be filed by the Attorney General for... [LB464]

SENATOR CHAMBERS: Yes. [LB464]

SENATOR HARMS: ...a conflict of interest or maybe even how do we handle if he's the culprit? [LB464]

SENATOR CHAMBERS: There's concurrent jurisdiction. The Attorney General has the primary prosecutorial responsibility but the county attorney in the county where the offense occurs has concurrent jurisdiction. So if there's a conflict or if the Attorney General just wants to buck it to that county attorney, that can be done. And the law provides for that. [LB464]

SENATOR HARMS: What happens if it would be the, you know, above the county attorney's office and would be the Attorney General? [LB464]

SENATOR CHAMBERS: You mean if neither one can prosecute? Then a court... [LB464]

SENATOR HARMS: Right, if the Attorney General would be the culprit that actually broke... [LB464]

SENATOR CHAMBERS: The court can appoint a special prosecutor. [LB464]

SENATOR HARMS: Okay. [LB464]

SENATOR CHAMBERS: And if you don't mind, I'd like to correct one thing. [LB464]

SENATOR HARMS: Okay. [LB464]

SENATOR CHAMBERS: The Class I misdemeanor is the offense that has no minimum. A Class IV felony has a one-year minimum, five-year maximum. [LB464]

SENATOR HARMS: Okay. Thank you very much. [LB464]

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SENATOR CHAMBERS: Uh-huh, thank you. [LB464]

SENATOR LANGEMEIER: Thank you, Senator Harms. Is there anyone else wish to speak to LB464? Seeing no lights on, Senator Chambers, you are recognized to close. Senator Chambers does waive closing. The motion before us is, should LB464 advance? All those in favor vote aye; all those opposed vote nay. Have all those that wish to vote done so? Record, Mr. Clerk. [LB464]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB464. [LB464]

SENATOR LANGEMEIER: LB464 does advance. Mr. Clerk, items for the record? [LB464]

CLERK: Mr. President, new resolution. Senator Nelson offers LR40 and LR41. Both of those will be laid over. Business and Labor Committee reports LB57 to General File, LB462 indefinitely postponed, those reports signed by Senator Cornett as Chair. General Affairs reports LB345 indefinitely postponed, that's signed by Senator McDonald. I also have a confirmation hearing report from General Affairs and a hearing notice from Transportation Committee, signed by Senator Fischer. That's all that I had, Mr. President. (Legislative Journal pages 680-681.) [LR40 LR41 LB57 LB462 LB345]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk, next item on the agenda. []

CLERK: Mr. President, LB568 on General File, originally introduced by Natural Resources. It relates to extending a scrap tire grant program. The bill has been discussed, Mr. President. As of yesterday when the Legislature left the issue, Senator Preister had pending FA31 and Senator Chambers an amendment to the Preister amendment, FA32. (Legislative Journal page 667.) [LB568]

SENATOR LANGEMEIER: Senator Louden will start there. Will you give us a brief reopening on LB568? [LB568]

SENATOR LOUDEN: Yes, thank you, Mr. President and members of the body. As we stated before, this is a simple bill just to extend the funding from the Waste Reduction, Recycling Incentive Fund for the scrap tire program for another...to June 30 of 2012. One of the examples of this program is, it benefits the tire amnesty program, and this is the amnesty program that our communities have that collect tires in the areas, and they have them...grant...they leverage grant money to haul the tires to a disposal site and clean them up in the communities there. It's a very successful program. It's been going on for several years and it's been very successful. Especially since about 2002, there's been over \$1 million, and sometimes nearly over \$2 million used in these tire programs. The amnesty program is...sets aside \$1 million just for the...for recycling or to dispose of

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scrap tires that are in the area. This is something that has been set up, I think, in 2002, so that public entities could leverage that money. And it's mostly on a volunteer basis that these public entities, and which is your clubs and your...sort of like your chamber of commerces in your towns and across the state of Nebraska use this money to have their amnesty program, be able to collect the tires, get them cleaned up so we don't have health problems with them, the sight...the unsightliness, the mosquitoes, and anything else that goes with having old tires laying around. It's been very successful. The DEQ has been quite satisfied with it. And I would ask that, with some discussion, that we advance this bill to Select File. Thank you, Mr. President. [LB568]

SENATOR LANGEMEIER: Thank you, Senator Louden. Senator Preister, would you give us a brief update on what your FA31 would do? [LB568]

SENATOR PREISTER: Yes. Thank you, Honorable President, friends all. I have the amendment on LB568 to reduce the amount of time that we're extending the fund from five years, reduce it down to two years. So we have a reduction of the extension of a \$1 million set-aside for grants that Senator Louden just explained. My amendment simply reduces from five years to two years. [LB568]

SENATOR LANGEMEIER: Thank you, Senator Preister. And Senator Chambers, would you give us a brief reminder of what your FA31 does...or FA32, excuse me. [LB568]

SENATOR CHAMBERS: Yes, I will. Mr. President, members of the Legislature, my amendment to Senator Preister's amendment would reduce the two years that he proposes to one year. But I would like to ask Senator Preister a question before I proceed. [LB568]

SENATOR LANGEMEIER: Senator Preister, would you yield to a question? [LB568]

SENATOR PREISTER: Yes, I will. [LB568]

SENATOR CHAMBERS: Senator Preister, have you and Senator Louden reached an accord on how long this extension should be? [LB568]

SENATOR PREISTER: Yes, Senator Chambers. And Senator Louden you might ask, as well. But Senator Louden and I agreed that the two years would be acceptable if you were to pull your one-year amendment to my two-year amendment. [LB568]

SENATOR CHAMBERS: Now, Mr. President, I'd like to ask Senator Louden a question, if he would respond. [LB568]

SENATOR LANGEMEIER: Senator Louden, would you yield to a question? [LB568]

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SENATOR LOUDEN: Yes, I would. [LB568]

SENATOR CHAMBERS: Senator Louden, as is my custom when I deal with you, I'd like your answer to be "Louden clear." Have you and Senator Preister reached the agreement that he mentioned? [LB568]

SENATOR LOUDEN: Yes, Senator Preister and I talked it over, and this was the understanding we had. If you pull your amendment, then we'll go with Senator Preister's and move on with this thing so we have a very good program continue for a short time, anyway. [LB568]

SENATOR CHAMBERS: Thank you, Senator Louden. Mr. President, I withdraw my amendment. [LB568]

SENATOR LANGEMEIER: Thank you, Senator Chambers. FA32 is withdrawn. We're back to discussion on FA31, offered by Senator Preister. Those wishing to speak? Senator Preister, you're recognized. [LB568]

SENATOR PREISTER: Thank you, Honorable President, friends all. Can you tell me, are there any other lights on? [LB568]

SENATOR LANGEMEIER: Yes, one. [LB568]

SENATOR PREISTER: Okay. I could have even used this as closing. To the members who are able to hear me, we have reached an agreement. We have compromised, and I appreciate that. My concern was not to prevent money from going to tires all along. My concern is so that we have additional accountability, that we revisit the fund, that we get information through the Natural Resources Committee from NDEQ on the status, the progress. I have seen some of these monies used. I have seen some people abuse them, as well. And when we're talking \$1 million a year, I just want some good oversight, some fiscal accountability. And if we have a longer moratorium, a longer time frame before we have to visit this issue, we're not as likely to have as much oversight, as much accountability, and as much adjustment as we might otherwise need. So that's why I introduced the amendment. And I appreciate Senator Louden's work on it. I appreciate his willingness to reduce this down, even though he really doesn't want to go from five to two years. And I understand that. I do appreciate his cooperation. I appreciate Senator Chambers' work on the issue, as well, and interest, and I thank all the members for their attention to it. Thank you, Mr. President. [LB568]

SENATOR LANGEMEIER: Thank you, Senator Preister. Senator Wallman, you're recognized. [LB568]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I would urge

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you to support Senator Preister's amendment, and also Senator Louden's bill, LB568. There's used tires still in the countryside, and there always will be. And I like the original bill, but if this, Senator Preister's amendment, works for us, it works for me. So we compromise, and I urge that you support this. Thank you, Mr. President. [LB568]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Is there anyone else that wished to speak to FA31? Seeing no other lights on, Senator Preister, you're recognized to close on FA31. [LB568]

SENATOR PREISTER: Thank you, Honorable President, friends all. I mentioned abuse. Let me just tell you a short story, and then I will conclude. There was a tire seller in my district. He had a gas station on either side of him, a school right across the street, a cemetery next to that, and he accumulated close to 400,000 tires. He was being paid \$2.50 by the people who came in and bought tires from him, and the disposal fee was going into his pocket. He just kept accumulating and accumulating. We had two fires there, either one of which could have caught those tanks of gasoline on either side of him on fire. Fortunately, that didn't happen. Fortunately, the children in the school only had to contend with the smoke and the problems of that. But we have some unscrupulous people out there like that particular owner. It took us almost ten years to get rid of him and the tires, and it took this state fund money to do it. So unfortunately, we had no mechanism to go back after him and to cause him to pay for what he had already received money to do. We did get the problem resolved. There are other problems. But I think it's real important that we monitor these funds, and that's why I have some of these concerns. With that, I would ask everyone to please support the amendment and then we move on. Thank you. [LB568]

SENATOR LANGEMEIER: Thank you, Senator Preister. You have heard the closing on FA31. The question before the body is, shall FA31 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those that wish to vote have done so? Record, Mr. Clerk. [LB568]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Preister's amendment. [LB568]

SENATOR LANGEMEIER: The amendment is adopted. [LB568]

CLERK: I have nothing further on the bill, Mr. President. [LB568]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We are back to discussion on LB568. Is there anyone that wishes to discuss LB568? Seeing no lights on, Senator Louden, you're recognized to close on LB568. [LB568]

SENATOR LOUDEN: Thank you, Mr. President, members of the body. As we've

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discussed this for several days, I don't think there's any more discussion needed. This is a very, very important bill for many communities across the state of Nebraska. This is something the entire state does quite well. In Nebraska, we do quite well disposing of our tires from the communities that go ahead and get these funds. So with that, I would ask that you would vote yes to advance this bill to Select File. Thank you, Mr. President. [LB568]

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the closing on the advancement of LB568 to E&R Initial. All those in favor vote yea; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk. [LB568]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of... [LB568]

SENATOR LANGEMEIER: The bill does advance. (Visitors introduced.) Mr. Clerk, next item on General File. [LB568]

CLERK: Mr. President, LB299 is a bill introduced by Senator Hudkins. (Read title.) The bill was introduced on January 11 of this year, referred to the Natural Resources Committee. The bill was advanced to General File. I do have committee amendments, Mr. President. (AM189, Legislative Journal page 460.) [LB299]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Hudkins, you're recognized to open on LB299. [LB299]

SENATOR HUDKINS: Thank you, Mr. President, members of the body. LB299 was introduced on behalf of the Nebraska Game and Parks Commission, and it's their cleanup, in quotes, bill for the year. There are some changes. It changes provisions relating to licenses, permits, stamps, and fees. And I could go through the list and explain those just a little bit more. Section 1 allows the Game and Parks Commission to designate itself as an agent and collect the fees to issue the permits and stamps. This is because Nebraska was a test state in a contract to operate the electronic permitting system. Well, that permitting system is now expiring, and beginning in 2008, Nebraska will be doing this on their own. So it cost \$1 to get the permits before; now it is going to be \$2. But you can't drive anyplace across town for less than \$2. Section 2 allows the commission to sell multiple-year permits or combination permits. This is to allow the Game and Parks to do some marketing, and to try to sell, for example, a five-year fishing permit rather than a single-year permit. But right now, there is a lower end. You have to charge so much per year. And if we eliminate those lower ends, then they would be allowed to do that marketing. Section 3 eliminates wild turkeys from the requirement to have bow and arrow hunter education, like is required for big game. It's felt that turkey are more like pheasant and grouse than they are deer and antelope. Section 4 establishes a lifetime migratory water fowl stamp. This should have been done last year, but it wasn't. The next section would be to add the migratory water fowl stamp to the list

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of stamps and when they're valid. Number 6 dedicates the water fowl stamp funds to the Nebraska Habitat Fund. Section 10 eliminates wild turkeys from the big game list. I explained that earlier. Section 12 establishes a paddlefish permit. Right now, you have a current application fee with a drawing, and they're going to change that. They're just going to change it to \$35 for the permit, and the fishermen would be allowed to get the permit if they're willing to pay the \$35. There would be an exemption for the Nebraska Game and Parks Commission to exempt certain hunter orange requirements. And the final sections would change the name of the Nongame and Endangered Species Conservation Fund to the Wildlife Conservation Fund. The existing name is confusing to the public, and "Nongame" is not understood, and "Endangered Species" often has a negative connotation. So that, in a nutshell, Mr. President, is what the bill does. Thank you for... [LB299]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. As the Clerk has stated, there are amendments from the Natural Resources Committee. Senator Loudon, you're recognized, as Chair of the committee, and you are recognized to open on your amendments. [LB299]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. The committee amendment would require the Game and Parks Commission to develop rules and regulations for trapping in the county road right-of-way. The rules and regulations would include requirements, notification, identification, and trapping methods. The committee amendment defines "county road right-of-way," for purposes of this section, as the area which has been designated a part of the county road system and hasn't been vacated. I would ask for the adoption of the committee amendment, which was adopted by the committee unanimously. Thank you, Mr. President. [LB299]

SENATOR LANGEMEIER: Thank you, Senator Loudon. Mr. Clerk. [LB299]

ASSISTANT CLERK: Mr. President, Senator Stuthman would move to amend the committee amendments with AM342. [LB299]

SENATOR LANGEMEIER: Senator Stuthman, you're recognized to open on AM342. [LB299]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I would respectfully ask that I would pull this amendment at this time and it be refiled on Select File. [LB299]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. It will be pulled. The floor is open for discussion on the committee amendments to LB299. Is there anyone that wished to speak on the committee amendments? Seeing no lights on, Senator Loudon, you're recognized to close on the committee amendments to LB299. [LB299]

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SENATOR LOUDEN: I waive closing. [LB299]

SENATOR LANGEMEIER: Senator Louden waives closing. The motion before the body is, should the committee amendments be adopted to LB299? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB299]

ASSISTANT CLERK: 40 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB299]

SENATOR LANGEMEIER: The committee amendments are adopted. Mr. Clerk. [LB299]

ASSISTANT CLERK: Senator Hudkins would move to amend with AM245. (Legislative Journal page 496.) [LB299]

SENATOR LANGEMEIER: Senator Hudkins, you're recognized to open on AM245. [LB299]

SENATOR HUDKINS: Thank you, Mr. President. This is really a quite simple amendment. If you have your green copies or your computer printouts, whatever, on page 3, beginning on line 20, this amendment has to do with nonresident special two-day hunting permits. You've got...you're going to grandma's house for Thanksgiving, and it's...they're coming here, actually, and you want to do some hunting, but you have to get a permit, of course, for hunting. And we really haven't changed the intent; we've just changed the wording. The original wording was that nonresident special two-day hunting permits could be issued for periods of two consecutive days--and here's the change--between the fourth Wednesday in November and December 31 of the same calendar year. All we have done is show that language from the "fourth Thursday" through "November," get rid of that, and insert "Wednesday immediately preceding Thanksgiving Day." So it just clears it up a little bit. Now we all know that Thanksgiving is always the fourth Thursday, but there might be some people that won't. So this just clears that up as to when you can get these special two-day hunting permits, from the Wednesday immediately preceding Thanksgiving Day through December 31. So that would take in the holidays. Thank you, Mr. President. [LB299]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. The floor is now open for discussion on AM245. Is there anyone that wishes to speak to AM245? Seeing no lights on, Senator Hudkins, you're recognized to close. Senator Hudkins waives closing. You have heard the closing on the amendment. The question is, shall the amendment be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB299]

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ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of the Senator Hudkins' amendment. [LB299]

SENATOR LANGEMEIER: The amendment is adopted. We're back to discussion on the bill itself, LB299. Senator Hudkins, you're recognized to speak. You are the last light on, if you'd like to close. [LB299]

SENATOR HUDKINS: I will correct something I said and then close. Thank you, Mr. President. It was brought to my attention that sometimes there can be five Thursdays in November, and that's why the wording on this amendment was changed, to indicate that it is the Wednesday preceding Thanksgiving, and not necessarily the fourth, because sometimes Thanksgiving could be at a different time. And with that, thank you for passing the amendment. I would ask you also to advance this bill on to Select File. Thank you. [LB299]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. You have heard the closing to LB299. The question is the advancement of LB299 to E&R for initial. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB299]

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to advance the bill. [LB299]

SENATOR LANGEMEIER: LB299 does advance. Mr. Clerk. [LB299]

ASSISTANT CLERK: Mr. President, next bill, LB374, which is offered by Senator Johnson and Erdman. (Read title.) The bill was read for the first time on January 12, referred to the Health and Human Services Committee. That committee reports the bill to General File. There are no committee amendments. [LB374]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Johnson, you're recognized to open on LB374. [LB374]

SENATOR JOHNSON: Mr. President, members of the body, LB374 was advanced from the Health and Human Services Committee with a unanimous vote. The Nebraska Student Loan Program for medical, dental, physician assistant, and graduate-level mental health workers provides for forgivable student loans if the recipient practices in a state-designated shortage area for his or her specialty, with forgiveness of the loan on a one-year-to-one-year basis that the loan was received. This bill was brought to us by the Rural Health Advisory Commission, because it is found that it is no longer operable. This was put in place under a different set of circumstances than what now exist. What has happened is that now no one uses the program, or at least virtually no one, because of the provisions that were put in the original bill. It scares people off, and you

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will see why as I tell you more about it. Medical students are not applying because of this, because the penalties are so harsh that they fear that if they default on this loan, that the numbers just become insurmountable. Currently, if a health professional does not fulfill his practice obligation after completing his training, the repayment is 24 percent simple interest from when the loan was incurred, 24 percent from the time the loan was granted. LB374 will reduce the buyout incentive by requiring this, these are the changes, and these were suggested by the Rural Health Advisory Commission: that we...they repay the loan at 150 percent of the outstanding loan with a simple interest of 6 percent from the date of default. So there is...the penalty is increased to 150 percent of the outstanding loan, but the percentage of interest goes from 24 percent down to 6 percent. Now I would ask that we correct these problems to modern-day interest rates and so on. Senator Wightman has an amendment that he's going to offer, and I think this is a friendly amendment, and it is done in the best spirit of this bill. So with that, I would thank the group. Thank you. [LB374]

SPEAKER FLOOD PRESIDING [LB374]

SPEAKER FLOOD: Thank you, Senator Johnson. Mr. Clerk. [LB374]

ASSISTANT CLERK: Mr. President, Senator Wightman would offer AM443. (Legislative Journal page 644.) [LB374]

SPEAKER FLOOD: Senator Wightman, you're recognized to open on AM443. [LB374]

SENATOR WIGHTMAN: Thank you, Mr. Speaker, members of the body. AM443 is a very straightforward amendment, and all it seeks to do is to increase the interest rate once the penalty takes effect that is provided in Senator Johnson's bill. And I applaud him for the bill that he has. But all it would do would be to increase the interest rate. It's not in any...there's no thought here of creating a greater penalty by making it 8 percent. They have up to five years, under Senator Johnson's bill, to pay off the loan that they've decided that they're not going to go back to the community that provided the loan, or the rural area. And he has a 6 percent interest in there, and that could continue for five years. My thought is that that doesn't create any incentive to pay off that loan. Quite frankly, I wouldn't even be objecting if the penalty rate was lower than the 50 percent that he provides. But I do think that it's in the best interest of the entire system that that loan be paid back as quickly as possible. And at 6 percent, I don't think we've given them much incentive to do that; at 8 percent, it seems to me they might well look for other financing, pay off the balance of the loan, and get the money back into circulation, to continue the purpose that the loan program was started. With that, I release the remainder of my time. Thank you, Mr. President. [LB374]

SPEAKER FLOOD: Thank you, Senator Wightman. Senator Johnson, you're recognized. [LB374]

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SENATOR JOHNSON: Mr. Speaker, just to confirm that I am in agreement with this. Certainly, if we make the lowest interest rate on this loan, there will be no incentive to recirculate the money back into the program. And so by making it 8 percent, this won't be the last loan that the student pays back, which will certainly be the temptation if we make the interest rate too low. So that's why I'm in agreement with increasing the percentage from 6 to 8 percent, so that we keep a viable program. With that, I'll return my time. [LB374]

SPEAKER FLOOD: Thank you, Senator Johnson. Senator Pahls. [LB374]

SENATOR PAHLS: Mr. President, members of the body, I'd like to have a question for Senator Johnson. [LB374]

SPEAKER FLOOD: Senator Johnson, will you yield to a question from Senator Pahls? [LB374]

SENATOR JOHNSON: Yes, sir. [LB374]

SENATOR PAHLS: I would just like to have a little history. Why were these penalties so harsh initially? [LB374]

SENATOR JOHNSON: Well, I think that the reason is that at the time,...and I think this program was put into effect, you know, 15 to 20 years or so ago. Somebody else might have a better memory of it than I. But you'll recall, at that time, standard loans at the bank had gone as high as...it seems to me it was 18 or 19 percent. I can remember some friends getting in trouble at the time getting loans, and these were, you know, nonmedical loans, and so on, at the time. [LB374]

SENATOR PAHLS: Okay, sure. [LB374]

SENATOR JOHNSON: With...so I think it was put in just because it was consistent with the times at that time. [LB374]

SENATOR PAHLS: Okay, so you're saying it was consistent with the times; not really to make people feel so obligated to stay in those areas of need? [LB374]

SENATOR JOHNSON: Well, I think the...that was the intent, was to get them to stay there. But now, in today's market, the penalties are so harsh that, frankly, nobody uses, or virtually nobody now uses these loans, and therefore nobody goes back to the underserved areas. [LB374]

SENATOR PAHLS: Okay. I'm just going to ask you, do you have any number to throw

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out? I'm just curious. This is not a... [LB374]

SENATOR JOHNSON: I think the last numbers that I had seen, it had dropped from 17 people to 3. [LB374]

SENATOR PAHLS: Okay. Thank you. Thank you. [LB374]

SPEAKER FLOOD: Thank you, Senator Pahls. The Chair recognizes Senator Carlson. [LB374]

SENATOR CARLSON: Mr. President and members of the body, I would like to address a question to Senator Wightman. [LB374]

SPEAKER FLOOD: Senator Wightman, will you yield to a question from Senator Carlson? [LB374]

SENATOR WIGHTMAN: Yes, I will. [LB374]

SENATOR CARLSON: Is this...on the 8 percent on your amendment, and the five years, clarify that for me. They have five years to pay it off? Or they can pay interest alone for five years? [LB374]

SENATOR WIGHTMAN: They have five years to pay it off, but they would pay 8 percent interest instead of the 6 provided in the original bill. [LB374]

SENATOR CARLSON: Okay, they don't have the option of just paying interest for five years? [LB374]

SENATOR WIGHTMAN: Well, they can continue the loan for five years. They could under the original bill. It would have been at 6 percent; now it would be 8 percent. But they can certainly pay it off. [LB374]

SENATOR CARLSON: But will it be paid off? Is that...is there an option there? Or is it on a five-year payment schedule? It's not a...there's not an interest-only option? [LB374]

SENATOR WIGHTMAN: Right now, no. [LB374]

SENATOR CARLSON: Okay. [LB374]

SENATOR WIGHTMAN: I think that they could just pay interest at 8 percent, and probably continue the loan for five years. I'd let Senator Johnson address that, I guess. [LB374]

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SENATOR CARLSON: Okay. And I'm bringing this up on the spot, rather than discussing it with you or Dr. Johnson, but the incentive should be to get that money back so it's in circulation. Would an additional option make any sense to lower the interest rate to four years if it's paid off in three? [LB374]

SENATOR WIGHTMAN: My purpose in the 8 percent, of course, was to try to create that incentive. I originally had it at 10 percent, and then when I visited with Senator Johnson about the original intent of the bill, they were trying to lower the penalty instead of increasing the penalty, and so I thought that the 8 percent might make sense. But you know, I think it's something that the Legislature could monitor, and if interest rates were to start to rise, perhaps that rate could be increased in a future year. [LB374]

SENATOR CARLSON: Okay, I just believe that if there's a provision that it's a markedly lower interest rate from 8 to 4, and pay it off in three years, the end result of that would be getting the money back in a position so that it could recirculate. And if that was felt to be a decent option, I would propose that in an amendment. But I'll just leave it up to you and Dr. Johnson. Thank you. [LB374]

SPEAKER FLOOD: Thank you, Senator Carlson. The Chair recognizes Senator Nantkes. [LB374]

SENATOR NANTKES: Mr. President, members, I rise in support of this public policy issue. But for the body, just also wanted to take a brief moment to point out that in previous years, Senator Matt Connealy, Senator Flood, and Senator Brashear have also tried to institute a program to provide loan repayment assistance for public interest lawyers across the state of Nebraska who were serving underserved and underrepresented populations. The Nebraska Supreme Court committee on pro se litigation shows us that in Nebraska currently, only about 15 percent of low- and moderate-income Nebraskans' legal needs are being met, and that's a travesty when you consider such lofty ideals like access to justice as being important to our democratic system. Overall, again, I don't mean to take up a lot of time on this issue, and rise in support, but wanted to kind of prime the pump, so to speak, for a dialogue on expanding important programs like this into other professional areas, to ensure that our citizens' needs are being met, whether it's in the healthcare arena or in the courtroom. Thank you. [LB374]

SPEAKER FLOOD: Thank you, Senator Nantkes. There are no other lights on. Senator Wightman, you're recognized to close on AM443. [LB374]

SENATOR WIGHTMAN: I'll waive closing. [LB374]

SPEAKER FLOOD: Senator Wightman waives closing. The question before the body is, should AM443 be adopted? Record your vote. Mr. Clerk, please record. [LB374]

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ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of the amendment, Mr. President. [LB374]

SPEAKER FLOOD: AM443 is adopted. There are no other lights on at this time. Seeing no other senators wishing to debate LB374, Senator Johnson, you are recognized to close. [LB374]

SENATOR JOHNSON: Mr. Speaker, I won't take a great deal of time. What this is, is this was brought to us by the Rural Health Advisory Commission to reestablish a well-intended and beneficial program to the underserved areas, as far as their health needs are concerned. So thank you for your attention, and I would ask that you advance this bill. [LB374]

SPEAKER FLOOD: Thank you, Senator Johnson. You've heard the closing on LB374. The question before the body is, should LB374 advance to E&R Initial? Record your vote. Mr. Clerk, please record. [LB374]

ASSISTANT CLERK: 35 ayes, 0 nays, Mr. President. [LB374]

SPEAKER FLOOD: LB374 advances to E&R Initial. Next bill, Mr. Clerk. [LB374]

ASSISTANT CLERK: Mr. President, next bill is LB203, offered by Senator Gay. (Read title.) The bill was read for the first time on January 9, referred to the Health and Human Services Committee. That committee reports the bill to General File with committee amendments attached. (AM171, Legislative Journal page 474.) [LB203]

SPEAKER FLOOD: Thank you, Mr. Clerk. Senator Gay, you're recognized to open on LB203. [LB203]

SENATOR GAY: Thank you, Mr. President. LB203 I bring today, I want to give a brief history. This was introduced on behalf of the Nebraska Health Care Association. We did have a public hearing in Health and Human Services Committee in early January. It was voted out of committee unanimously. There was no opposition at that hearing. And if you look on your committee statement on your gadgets there, you'll see who's for this. But I want to give you a summary what this will do. This would improve a process that we currently have in place that healthcare facilities must go through to challenge any inspection violations that they may receive. What we want to do with LB203 is create another mechanism to challenge these deficiencies or the inspections and the surveys that are conducted by the Health and Human Services Committee. This would allow licensed facilities the option of utilizing a peer review organization, and...which is physician-directed organization. And that's important as we look at these things, and I will get to that. But this would require the facilities that choose this option--and it is just

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another option; the existing option will still be there--they would pay the costs associated with this informal review. So it is budget-neutral. The peer review organization that...when they challenge these citations, they may still use the informal conference currently provided under the law for maybe smaller infractions they may receive. You know, if it's not a big problem in nature, they can still go to the regular process. The regular process is this, right now. You go, you get inspected, they find a deficiency, and you go to one of the, quote, already...person that's on contract with HHS to review your deficiencies. The problem here is, when you go to do that, that this person is in the Department of Health of Human Services, reviews these things continually, and the frustration has been that no one feels they're getting a fair hearing. This would create an option that somebody could choose and pay for to get a fair hearing on this thing. So the current law does not ensure impartiality, is what we believe. The department contracts with this representative, and then they go on. Some citations involve a physician's plan of care, and many people, when they get that, they will go to the representative and say, here's the plan of care that was initiated, we followed it to the letter, and it just seems to be dismissed. You had heard earlier today--and I'm not sure I want to bring this up--but you had heard some of the frustrations with the department. I'm not going to get into all of that, but I think this is a measure that can correct one of those problems. So I think the serious violations or citations, the reason we want a different format and a better format, we believe, is these can become very costly to an organization and your reputation. Some of these can go upwards to \$250,000. You get restrictions. You get increased insurance cost. There's a whole host of measures that these problems create. There are two amendments that you're going to be hearing, and when we get to those. The reason why...we went back and forth with the department, and corrected some of these...some of their concerns. We made every effort we could to go correct those concerns, and I think these amendments will do it. The committee had an amendment. They came back again with another amendment or change. We did go and do that. And I will explain those as we get to those amendments, but those are, what I think, small technical amendments. So with that, I did want to say just one example of why this is needed. A skilled nursing home in Columbus, Nebraska (inaudible) is...was basically giving a standard quality of care to somebody who had rashes. Forty-four...there was...they came up with 44 different physician diagnoses on this skin condition, including that the resident was prone to flare-ups, substantiation, on and on and on. During their review, they went, brought all this documentation out. The reviewer didn't mention any of it in their review. They had no way to recover and to ask why that they were still written up. Basically, it gets to that point, their next...where it's just, they run into a brick wall right now. The next option is to go directly to the department director, chief medical officer, and appeal this. When you go to that point, you're incurring cost, you're incurring all sorts of problems, and the frustration level has just been incredible. So this is a remedy and an alternative to that current situation. With that, that's my opening. Thank you, Mr. Speaker. [LB203]

SPEAKER FLOOD: Thank you, Senator Gay. Mr. Clerk. [LB203]

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ASSISTANT CLERK: Mr. President, I do have committee amendments from Health and Human Services. [LB203]

SPEAKER FLOOD: Senator Johnson, Chair of the Health and Human Services Committee, you're recognized to open on AM171. [LB203]

SENATOR JOHNSON: Thank you, Mr. Speaker, members of the body. The committee amendment, AM171, replaces the bill as introduced. But it doesn't change the substance of the bill. With this amendment, the bill was advanced from the Health and Human Services Committee unanimously. What we have is this. The amendment continues to provide for an informal dispute resolution, as Senator Gay has been talking about, this process permitted by a licensed facility to request an informal conference with a, quote, representative peer review organization, unquote, as the term is defined in the federal Social Security Act. This is what we're trying to harmonize. The amendment deletes the term "independent peer review organization." The amendment still requires the requesting facility to pay the costs of the conference. The amendment is primarily a clarification of the informal dispute resolution process, and seeks to maintain the statutory responsibility of the department with respect to these disciplinary matters. Therefore, I'd ask that the body adopt this amendment and advance the bill. [LB203]

SPEAKER FLOOD: Thank you, Senator Johnson. You've heard the opening on AM171. Mr. Clerk. [LB203]

ASSISTANT CLERK: Mr. President, Senator Gay would move to amend the committee amendments with AM499. (Legislative Journal pages 682-684.) [LB203]

SPEAKER FLOOD: Senator Gay, you're recognized to open on AM499 to AM171. [LB203]

SENATOR GAY: Thank you, Mr. President. Again, as I discussed earlier, along the way we ran into different options in working with the department, that there were two things that we wanted to include. AM499 strikes Section 5 and 6 of the committee amendment and replaces those sections with new language. It adds additional language to further clarify that the ultimate decision with respect to the deficiency challenges is with Health and Human Services. The reason why, legally, that is the way it has to be. You can't subcontract these things out. Ultimately, the decision rests with the state and the department. So this creates that language. Also, it requires the department, within ten days, to affirm, modify, or dismiss the deficiency notice based on the representative or the peer review organization's report. And it also requires the department to state the specific reasons for its ultimate decision, including, if applicable, the reasons it did not agree with the recommendation. So again, further clarification as we work through this,

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just a few things to tighten it up, make sure it all fits within the law. But these changes were brought, and they ensure a streamlined process that is more transparent to both parties here, actually, because when you do have to write them down and there's a time line to get back with people, as well, so it doesn't just linger out there, because these are very...again, I can't stress this enough, when you're written up, it is...it's a thing you want to deal with. You want to deal with it promptly and move on. So thank you, Mr. President. [LB203]

SPEAKER FLOOD: Thank you, Senator Gay. You've heard the opening on AM499 to AM171. We now begin debate on LB203. Senator Louden, you are recognized to speak. [LB203]

SENATOR LOUDEN: Thank you, Mr. President and members. I would like to ask Senator Johnson a question, if I may. [LB203]

SPEAKER FLOOD: Senator Johnson, will you yield to a question from Senator Louden? [LB203]

SENATOR JOHNSON: Yes, sir. [LB203]

SENATOR LOUDEN: As I read these amendments and this bill, does this have...is this mostly for inspection or reviews by...between some of these healthcare facilities? Or does that have any effect on people that are in those facilities, when they go to the, what, Ombudsman, or someplace like that, or where you have that phone number where you can call if you have a problem? Does that have anything to do with that? [LB203]

SENATOR JOHNSON: Well, not directly, sir. Indirectly, you know, there's no question what the goal of both sides are, is to provide quality care. What the...as I think I would understand the bill, is the intent here is that different people might do an inspection process in different ways--looking at bedsores, for instance--and that then come to one conclusion. Well, when the...on further reviewing this, they then find that the physician has seen the person, has good reason to have the bedsores; they were not the responsibility of the facility where the patient was housed, and so on. So this is to try and develop a good means of resolving this dispute, without going into...perhaps even as far as going into court, and so on, to deal. So it's to streamline the manner, give good appeal mechanism to these facilities. [LB203]

SENATOR LOUDEN: Now if this bill goes into effect, then will there be some type of notice posted in some of these healthcare facilities on the process that these people can do, such as there is now? [LB203]

SENATOR JOHNSON: Sir, I don't know the answer to that question. I can find out for

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you, but the technicalities to that, I don't know. [LB203]

SENATOR LOUDEN: Okay, thank you, Senator Johnson. I was concerned, because in some of these healthcare facilities, it's posted on...if people have problems, it is posted there what they can do, and it seems to work quite well. So that was my question, whether or not that has any effect to that. Thank you, Mr. President. [LB203]

SPEAKER FLOOD: Thank you, Senator Louden. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR32. (Visitors introduced.) Senator Johnson, you're recognized. [LB203 LR32]

SENATOR JOHNSON: Mr. Speaker, or Mr. President, as the case may be, the question here, Senator Louden, is that I've been able to talk to our counsel, and the difference here is that this is not about specific complaints of an individual. We're basically talking about organizational inspections of these different facilities. So there is a difference there. I don't want to take a lot of time on this, other than to say that this was brought out of committee with unanimous votes after these amendments were discussed. And so I would move the...or, suggest that we go ahead and approve this bill with the amendments. Thank you. [LB203]

SENATOR LANGEMEIER PRESIDING [LB203]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Seeing no other lights on, Senator Gay, you're recognized to close on AM499. [LB203]

SENATOR GAY: Thank you, Mr. President. Very quickly, what this does is restore faith in a process that currently exists, in a budget-neutral manner. And by passing this today, I think what we can do is create a better vehicle that's more representative to the people that it serves. So thank you, Mr. President. [LB203]

SENATOR LANGEMEIER: Thank you, Senator Gay. You have heard the closing on the amendment. The question is, shall the amendment to the committee amendments be adopted to LB203? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB203]

ASSISTANT CLERK: 33 ayes, 0 nays on the adoption of AM499 to the committee amendments, Mr. President. [LB203]

SENATOR LANGEMEIER: The amendment is adopted. We are back to discussion on the committee amendments, AM171. Senator Pahls, you are recognized. [LB203]

SENATOR PAHLS: Mr. Chairman, I would like to have a question with Senator Johnson. [LB203]

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SENATOR LANGEMEIER: Senator Johnson, would you yield to a question? [LB203]

SENATOR JOHNSON: Yes, sir. [LB203]

SENATOR PAHLS: Just to make sure that I understand this, if there's an issue, there would be a peer review? Would that be very simplistic? [LB203]

SENATOR JOHNSON: Yes. [LB203]

SENATOR PAHLS: Okay. [LB203]

SENATOR JOHNSON: And with a...and the finances for this review would be from the person requesting it. In other words, if the agency decides this way and then this provides the mechanism to resolve that dispute, but at the expense of the facility contesting the... [LB203]

SENATOR PAHLS: Okay. What I'm trying to do now is do some what I call parallel thinking. I have an agenda dealing with education, so I'm thinking we could use the same concept that is being proposed here. Let's say there is a school or a school system that says it is having problems, it cannot meet the needs of the students. Maybe we need a...something as a mechanism such as a peer review board to come in. That's what I was saying earlier in the session. We need to have schools audited. I'm just trying to say that there are parallels that would fit in one area, that would also fit in education when we start talking about that process in the future. Just want us to think in terms of parallel. Thank you. [LB203]

SENATOR LANGEMEIER: Thank you, Senator Pahls. Is there anyone else wishing to speak on the committee amendment, AM171? Seeing no lights on, Senator Johnson, you're recognized to close. Senator Johnson waives closing. The question before the body is, shall the committee amendments, AM171, be adopted? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB203]

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of committee amendments. [LB203]

SENATOR LANGEMEIER: The committee amendments are adopted. The floor is now open again to...for discussion on LB203, the bill itself. Is there anyone wishing to speak to the bill? There are no lights on. Senator Gay, you are recognized to close on LB203. Senator Gay waives closing. You've heard the closing on LB203. The question before the body is, should LB203 be advanced to E&R Initial? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk.

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[LB203]

ASSISTANT CLERK: 30 ayes, 0 nays on the advancement of the bill, Mr. President.

[LB203]

SENATOR LANGEMEIER: LB203 does advance. Mr. Clerk, next item on General File.

[LB203]

ASSISTANT CLERK: Next bill, Mr. President, is LB286, introduced by the Transportation and Telecommunications Committee. (Read title.) The bill was read for the first time on January 10, referred to the Transportation and Telecommunications Committee. That committee reports the bill to General File with committee amendments attached. (AM178, Legislative Journal page 476.) [LB286]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you are recognized, as Chair of Transportation Committee, to open on LB286. [LB286]

SENATOR FISCHER: Thank you, Mr. President and members of the body. LB286 is a cleanup bill that corrects a few errors and omissions that occurred with the recodification of Nebraska's motor vehicle title and registration statutes in 2005. The goal of the original recodification was to rewrite and reorganize the title and registration statutes to make them more user-friendly. The result of this process was LB274 and LB276 in 2005, which were adopted into law. Those two bills accomplished the much needed organization of the title and registration language, but did not make substantive changes in the title or registration process. Combined, the two bills amounted to over 300 pages of legislation. The people who worked on these bills tried hard to make sure the language was accurate, but a few errors were discovered after the passage of the bills. LB286 is a cleanup bill that is intended to correct the errors that have been discovered. In keeping with the original recodification project goal, LB286 is not intended to make substantive changes in the motor vehicle title and registration laws. Many of the changes in this bill complete the primary focus of the recodification project, which was to use defined terms consistently throughout the motor vehicle title and registration statutes. In LB286 you will see changes in the bill's language from "truck" to "truck-tractor"; "commercial truck" replaced with "commercial motor vehicle"; and the use of agricultural products. These changes incorporate terms that were defined in the recodification project but were missed in the original bills. LB286 also corrects plain errors that occurred in the original recodification bills. The recodification bills that were adopted renumbered and rearranged every section of statute in the entire motor vehicle title and registration acts. In a few places, internal references to the statutes were not done correctly. LB286 makes the corrections that are necessary to retain the substance of the original laws. In the course of recodification, the definition of "apportionable vehicle" was unintentionally changed. Section 2 of LB286 corrects the language, so the definition correctly describes the types of motor vehicles and vehicles in combination

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that are eligible for apportioned registration pursuant to the International Registration Plan. This bill also amends awkward and obsolete language that existed in the old law, without changing the substantive impact of the law. An example is found in Section 6 of the bill. This section governs the use of transporter plates, which are plates that are issued to motor vehicles that transport other vehicles. In this section, the change simply...will simplify the language, put in the correct defined terms, and eliminate a reference to keeping duplicate certificates, which is an obsolete requirement. Thank you, Mr. President. [LB286]

SENATOR LANGEMEIER: Thank you, Senator Fischer. As the Clerk has stated, there are amendments from the Transportation and Telecommunications Committee. Senator Fischer, you are recognized to open on the committee amendments. [LB286]

SENATOR FISCHER: Thank you, Mr. President and members of the body. AM178, which is the original LB287 in its entire form, also grew out of the recodification project, but it differs from LB286 in that some of the changes to the statutes are substantive in nature. In 2004, in a process that ran parallel to the recodification project, a work group at the DMV identified substantive areas in the motor vehicle titling and registration acts in which revisions would be proposed. The core goals of the DMV working group were to, number one, eliminate language binding the DMV to a paper process or county-specific location requirements that are unnecessary since the development and implementation of the Vehicle Titling and Registration computer system, or VTR for short; number two, to identify changes in the statutes that would provide for better customer service and ease of use for the public; number three, to modify language that was confusing or contradictory, to bring clarity to the processes; and finally, to add those changes that would update the laws to define vehicles that did not exist when the laws were first written. I will try to explain the bill by highlighting the requested changes and how those changes support the previously articulated goals. One goal was to add definitions to the act to account for vehicles that exist today. One such motor vehicle is the sport utility vehicle or SUV. Although SUVs have been around now for many years, we have not had a working definition of SUVs in our statutes. As a result, SUVs are not registered consistently across our state. Different counties issue different plate types for SUVs. It is not that any one county is issuing the wrong plate type to the SUV owner; it is simply that the statute is not clear as to which category applies to an SUV. LB287 proposes to define an SUV. It describes the vehicle and provides that the vehicle is a sport utility vehicle if the manufacturer identifies it as a sport utility vehicle. The bill also amends the definition of "truck" to say that a motor vehicle is a truck if the manufacturer defines it as a truck. I realize that those definitions are somewhat circular, so I'll try to explain why they are appropriate. When Nebraska developed the vehicle titling and registration system, it incorporated a product called V-I-N-A, VINA, into the system. VINA is software that reads that manufacturer's vehicle identification number, the VIN number, on each vehicle, and then tells the VTR the make, model, and year of the vehicle. It is the manufacturer's VIN that decides what a vehicle is, not the titling clerk.

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Unfortunately, manufacturers don't seem to follow the same standards. For example, a Ford Explorer Sport Trac and a Chevy Avalanche both appear to be pickup trucks, but the manufacturers identify them differently. Ford calls its vehicle an SUV, while Chevy calls its vehicle a truck. The definition is intended to make it clear that if the manufacturer thinks the vehicle is a truck, it is a truck, and truck registration requirements will apply to that vehicle. On the other hand, an SUV owner will be able to select the type of plate that best fits the owner's intended use. A definition is also added for "vehicle identification number," or VIN. A number allows for tracking of parts, and helps to identify vehicles for purposes of titling and for use by law enforcement. Our statutes do not include a definition of vehicle identification number, although it is the key piece of identification of a vehicle. The bill also adds a definition for "low-speed vehicle." This is intended to capture vehicle types meeting the new definition that cannot be titled or registered for operation on the highways. This definition follows federal law and will clarify that these low-speed vehicles are not considered motor vehicles. LB287 contains several provisions that are intended to provide better customer service. For example, one of the proposed changes expands the issuance of personalized message plates to county-plated trucks over ten tons, trailers, and plated semitrailers. Vehicle inspection statutes are also amended. In order to be inspected, the vehicle must be in one piece. In the past, inspectors have been asked to inspect individual parts, in anticipation that those parts will be put on a vehicle. However, there is no assurance that the individually inspected parts will become part of a vehicle. This change requires the inspection to be done after the reconstruction of a vehicle is complete. The other inspection change is requested because of the diversity of vehicles that are now on the market. Examples of such vehicles are pocket bikes, Japanese mini-trucks, some minibikes, and motor scooters. None of these vehicles meet the Nebraska definition of a motor vehicle, but it is almost impossible to tell that from the paperwork presented for title insurance. This change in statute will allow the titling clerk to request an inspection to determine the correct registration status of a vehicle. The bill deletes language that requires titles to be issued in a specific county. The VTR system allows for motor vehicle title information availability in all counties. The requirement that a person return to the county where the title was issued to have it transferred to a new owner when ownership transfers by inheritance or other action of law is no longer necessary. Several sections of the bill are proposed to bring consistency or clarification to the statutes. For example, the bill clarifies that a historical vehicle is a motor vehicle or trailer that is 30 or more years old. This change harmonizes the historical vehicle definition in the law consistent with the provisions of current statute that requires a vehicle to be 30 years old to be eligible for an historical vehicle registration. Section 17 resolves the difference between the salvage laws governing motor vehicles, as opposed to all-terrain vehicles, ATVs, or minibikes. Currently, the law requires the owner of an ATV or minibike to obtain a salvage title in 10 days, but a motor vehicle owner has 30 days. The proposed language gives all owners 30 days to obtain that salvage title, regardless of the type of vehicle involved. Section 26 joins two statutory sections pertaining to refunds for taxes and fees into one. The language provides for refunds of unused motor vehicle taxes and

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registration fees upon transfer of ownership. Additionally, it removes a slight difference between the two refund procedures that should simplify the refund process for county officials and for the public at large. Section 16 clarifies that the department may recall a title for correction when there has been a failure to note a brand or lien when the title was issued. If the holder of that title does not return it for correction within 15 days, the department has the authority to cancel the title. Finally, Section 47 outright repeals a section of law requiring refiling of certificate of titles, as this process has been unnecessary since the implementation of the VTR system. I would like the body to know that on the bill and the amendment, that passed out of committee by unanimous vote, and I would hope that you would support the amendment. Thank you. [LB286 LB287]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Mr. Clerk. [LB286]

ASSISTANT CLERK: Mr. President, Senator Fischer would offer AM290 to the committee amendments. (Legislative Journal page 644.) [LB286]

SENATOR LANGEMEIER: Senator Fischer, you are recognized to open on AM290. [LB286]

SENATOR FISCHER: Thank you, Mr. President and members of the body. This is a short amendment. This amendment deals with obtaining a motor vehicle certificate of title when a title has been lost. Occasionally, when a motor vehicle title has been signed over to a licensed dealer, that title may be lost, either through clerical error or in the mail. This amendment will allow the dealer who has lost the title to obtain a replacement duplicate title in the dealer's name. In order to obtain the replacement title, the dealer will be required to deliver a front and back copy of the original signed title to the Department of Motor Vehicles. Under current law, the dealer must find the previous owner and obtain a signature on an application for a duplicate title. Many times, the previous owner is unavailable or does not understand the necessity of this procedure. This change will allow the DMV to examine the document and, when satisfied that the procedures have been followed, to issue the duplicate title to the dealer without any intervention from the previous owner. This was inadvertently left out of the bill by the DMV when they brought it. It was included in their previous measure, but this year they left it out, so this amendment just amends into the bill what was previously included. Thank you, Mr. President. [LB286]

SENATOR LANGEMEIER: Thank you, Senator Fischer. The floor is now open for discussion on AM290. Is there anyone that wishes to speak to the amendment? Seeing no lights on, Senator Fischer, you're recognized to close on AM290. Senator Fischer waives closing. You have heard the closing on the amendment. The question is, shall the amendment to the committee amendments to LB286 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that have wished to? Record, Mr. Clerk. [LB286]

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ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of the amendment to the committee amendments, Mr. President. [LB286]

SENATOR LANGEMEIER: The amendment is adopted. We return now to discussion on the committee amendments, AM178. Is there anyone that wishes to speak to the committee amendments? Seeing no lights on, Senator Fischer, you're recognized to close on the committee amendments. Senator Fischer waives closing. The question before the body is, should committee amendments AM178 be adopted to LB286? All those in favor vote yea; all those opposed vote nay. Has everyone that wished to vote done so? Record, Mr. Clerk. [LB286]

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB286]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to LB286, is open for discussion on the floor. Is there anyone that wishes to speak to the bill? Seeing no lights on, Senator Fischer, you are recognized to close on LB286. Senator Fischer waives closing on LB286. The motion before the body is, should LB286 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB286]

ASSISTANT CLERK: 35 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB286]

SENATOR LANGEMEIER: The bill does advance. Next bill on the agenda, Mr. Clerk. [LB286]

ASSISTANT CLERK: Mr. President, LB34 was introduced by Senator Schimek. (Read title.) The bill was read for the first time on January 4, referred to the Executive Board. That committee reports the bill to General File with no committee amendments. [LB34]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Schimek, you are recognized to open on LB34. [LB34]

SENATOR SCHIMEK: Thank you, Mr. President and members. LB34 is the statutory reference needed to create a State-Tribal Relations Committee in our own legislative body. And what the bill does is it establishes a seven-member special committee, and it says that that committee can meet as necessary to consider, study, monitor, and review legislation that impacts state-tribal relations issues, and to present draft legislation and policy and recommendations to the appropriate standing committee. And you will hear shortly, when Senator Erdman presents his amendment, that we might want to change that, but that is the original intent of the bill. This seven-member committee would be

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appointed by the Executive Board, and the Executive Board would appoint the Chair and the Vice Chair of the committee. Now, I have to tell you, this is virtually the same bill that I introduced last session as LB180, and in 2004 as LB897. Both were heard by the Executive Board and advanced to General File. The bill never got beyond General File because we just ran out of time, even though LB180 was a Speaker priority bill last session. So this bill has been in the works for quite a while. It is one that, if we passed it, then we would amend our rules accordingly, I believe, next session or next year. The tribes have all supported this bill. Although they didn't come in on it this year, they are totally in support of the bill. They would like to see increased communication between the state Legislature and their tribal governments. And the reason that I brought this in the first place and started thinking about this in the first place...actually, the reasons are twofold. At the time, I was working on the Indian gaming issue, and I realized that not many of us were very conversant in the issues that affect our Native American tribes in the state, including sovereignty and retrocession and taxing issues and so forth. And I thought that possibly we could do a better job of getting up to speed. I also happened to visit the Northeast part of the United States at about the same time and got to tour the Maine Legislature and Capitol Building and was surprised to learn that in Maine, they actually have two members of their tribes who are elected to sit in the Legislature, they have all the privileges of being a member of the Legislature, except voting, and it brings their voice to the floor of the Legislature. And many of the issues that tribes deal with are complicated. And frankly, having worked with the tribes for a number of years, I know that they are constantly bombarded with new issues, and I think we need to understand some of those. This committee would be a special committee. And I want to tell you just a little bit about what a special committee is, according to our rules. It is a committee that, it has no jurisdiction over other legislative bills, but it may be actually subject to the same procedural rules. It...the committee would not meet regularly, it would not have a designated time. It would be like Building Maintenance, Education Commission of the States, Exec Board, Intergovernmental Cooperation, Legislative Performance Audit. Those are our special committees. And I think that the way I envision this, anyway, is that this committee would work during the interim to work on issues of special interest. We wouldn't necessarily...or we couldn't, actually, introduce legislation. But we could have hearings, we could call in members of the tribes to talk about issues that are of importance to them. We can actually do just about anything we needed to do to further our own knowledge and to further their issues. If you looked at the green handout, you'll notice that there are a number of states that have special committees. Some have tribal members who actually serve on the committee. This does not call for that. Some...in some states, the committees can introduce legislation, and in some states, as I mentioned, tribal members are allowed to sit on the floor with the legislative body. There are 17, I think, states in that regard. With that, Mr. President, I think that concludes my explanation of LB34, and I would be glad to answer any questions that people might have. [LB34]

SENATOR LANGEMEIER: Thank you, Senator Schimek. You've heard the opening on

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LB34. Mr. Clerk. [LB34]

CLERK: Mr. President, Senator Erdman would move to amend with AM205. (Legislative Journal page 482.) [LB34]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on AM205. [LB34]

SENATOR ERDMAN: Mr. President, members of the Legislature, AM205 is a similar provision that I offered to Senator Schimek, I think probably the last two times she brought the bill. Her legislation, as drafted, narrows the eligible appointees to the task...or, to the special committee. AM205 would simply clarify that it would be seven members of the Legislature. It wouldn't specify that they have to come from any specific committees. And Senator Schimek has good rationale as to why she chose those committees, but I gave her a couple examples of senators that, based on their appointments or seating on different committees, they would be ineligible to serve even if they were willing or interested. And the intent of AM205 is to clarify. And if you go and look at the...what we would call the 309 Committee, the Building and Maintenance Committee, that is appointed by the Executive Board, it's generally a broad representation of the Legislature, and the limitation is their interest. And I think Senator Schimek's amendment further clarifies that. The other thing that my amendment would do is it takes out the laundry list of responsibilities and simply leaves a broad guidance to the issues that the commission...or, excuse me, the Tribal Relations Committee could look into. So it doesn't provide the specificity that Senator Schimek's green copy does, and I believe it better reflects the ability of this body to make sure that if we're going to create a task...excuse me, I keep calling it a task force, Senator Schimek, if we're going to create a special committee, that it be broad enough to reflect the potential opportunities that members may want to pursue, regardless of which committees they would get appointed to. I would yield any remaining time to Senator Schimek if she would choose to use it. And understand that she has a further clarifying amendment, as well. Thank you, Mr. President. [LB34]

SENATOR LANGEMEIER: Senator Schimek, you have 8 minutes. [LB34]

SENATOR SCHIMEK: Thank you, Mr. President and members. I'm...Senator Erdman and I have had some very good discussions off the floor about this bill, and he has convinced me that this amendment is a good amendment. I would, however, like to insert into the record the kinds of committees that I was thinking about could be committees from which these members come, and these are all committees that deal with issues that do impact our tribes: Education Committee; General Affairs Committee; Government, Military and Veterans Affairs; Health and Human Services; Judiciary; and Revenue. Those are all committees that definitely handle tribal kinds of issues. So I'm very supportive of making this a little bit broader, but I would still hope that the Exec

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Board would take into consideration these issues when appointing. And the amendment to the Erdman amendment that will be up shortly is one that would specify that people should be appointed who have an interest and knowledge in subject areas. I'm hoping we can get this done before adjournment, incidentally, because I don't think there's disagreement, at least among Senator Erdman and myself. Thank you. [LB34]

SENATOR LANGEMEIER: Thank you, Senator Schimek and Senator Erdman. Mr. Clerk. [LB34]

CLERK: Senator Schimek would move to amend with AM509. (Legislative Journal page 675.) [LB34]

SENATOR LANGEMEIER: Senator Schimek, you are recognized to open with AM509. [LB34]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. As I said, this would simply amend the Erdman amendment to say that the Exec Board would take into consideration interest and knowledge when appointing these members. Thank you. [LB34]

SENATOR LANGEMEIER: Thank you, Senator Schimek. We have a number of lights on at this time. Mr. Clerk, would you...items for the record. [LB34]

CLERK: Mr. President, thank you. Your Committee on Judiciary, chaired by Senator Ashford, reports LB227 to General File with amendments; LB639, General File with amendments. Senator Loudon, an amendment to be printed to LB568. An announcement, Mr. President, that Senator...Education Committee will meet in Room 1126 upon adjournment. A series of name adds: Senator Pirsch to LB93 and to LB132 and to LB160; Senator Aguilar to LB587; Senator Mines to LB661; and Senator Carlson to withdraw his name from LB701. (Legislative Journal pages 685-687.) [LB227 LB639 LB568 LB93 LB132 LB160 LB587 LB661 LB701]

Mr. President, a priority motion. Senator Rogert would move to adjourn until Wednesday morning, February 28, at 9:00 a.m. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The motion is to adjourn until Wednesday, February 28, at 9:00 a.m. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned. []