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Floor Debate
March 17, 2009

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PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-fourth day of the One Hundred First Legislature, First Session. Our chaplain for today is Reverend Dwight Ford from the Grace City Church in Omaha, Nebraska, Senator Council's district. Would you all please rise. []

PASTOR FORD: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Reverend Ford. I call to order the forty-fourth day of the One Hundred First Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk. []

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

PRESIDENT SHEEHY: Are there corrections for the Journal? []

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

PRESIDENT SHEEHY: Do you have any messages, reports, or announcement? []

CLERK: Your committee on Enrollment and Review reports LB105, LB105A as correctly engrossed. Enrollment and Review also reports LB63 and LB121 to Select File, both having Enrollment and Review amendments attached. Committee reports: Banking, Commerce and Insurance Committee chaired by Senator Pahls, LB551, General File; Business and Labor chaired by Senator Lathrop, LB627, General File with amendments; General Affairs chaired by Senator Karpisek, LB198 to General File and LB287 to General File with amendments; Government chaired by Senator Avery, LB532 to General File with amendments. I have appointment letters from the Governor. Appointments as Director of Children and Family Services Department of Health and Human Services, and a series of appointments to the State Emergency Response Commission. That's all that I have, Mr. President. (Legislative Journal pages 731-739.) [LB63 LB105 LB105A LB121 LB198 LB287 LB532 LB551 LB627]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and

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capable of transacting business, I propose to sign and do hereby sign LR43, LR44, LR45, and LR46. Mr. Clerk, we will move to the first item under legislative confirmation report. [LR43 LR44 LR45 LR46]

CLERK: Mr. President, General Affairs reports on the appointment of Judy Pearl-Lee to the Nebraska Arts Council. (Legislative Journal page 695.) []

PRESIDENT SHEEHY: Senator Karpisek, you're recognized to open on your first legislative confirmation report from General Affairs. []

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Judy Pearl-Lee was appointed to the Nebraska Arts Council by Governor Heineman on December 30, 2008. Her appointment will continue until September 2, 2011. Judy attended Omaha Central High School and graduated from the University of Nebraska with a Bachelor of Science textile design and construction and nutrition. She is affiliated with the Omaha Chamber of Commerce, Great Plains Minority Supplier Development Council, MidAmerica Minority Business Development Council, Charles Drew Health Center, foundation chairperson for 2002 through 2004, member of the Downtown Kiwanis and Delta Sigma Theta Sorority, and Women Business Enterprise National Council. In addition, she was recognized by the Omaha hall of fame in 2002, the University of Nebraska Women of Color in 2003, minority business of the year in 1987 and 1991. Judy is president and CEO of Frontier Bag Company in Omaha. With an interest in the arts, Judy Pearl-Lee will be a valuable member of the Arts Council and I would appreciate your confirmation. I was very impressed with Ms. Lee. She has a great understanding of the arts. She's excited to get started, great interest in the kids getting started with the arts. I would, again, ask for your confirmation and, Mr. President, I'd like to yield the rest of time to Senator Cook. []

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Cook. []

SENATOR COOK: Thank you, Mr. President. Thank you, Senator Karpisek. Members of the body, I rise in strong and enthusiastic support of Judy Pearl-Lee's nomination to the Nebraska Arts Council. As Senator Karpisek has said, Ms. Pearl-Lee has been extremely involved in the community, not just in Omaha and not just among youth serving agencies, but across the state. She is also a talented textile artist in her own right, an accomplished businesswoman, and she would indeed be a strong asset to the Arts Council and to public service across the state. Thank you very much. Please vote green on St. Patrick's Day for Judy Pearl-Lee for the Nebraska Arts Council. Thank you very much. []

PRESIDENT SHEEHY: Thank you, Senator Cook. (Visitors introduced.) Members, for the courtesy of those who are working on the confirmation reports, if you could take your conversations under the balcony or keep the volume to a minimum. Thank you.

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You have heard the opening to the legislative confirmation report from General Affairs Committee. Members requesting to speak, Senator Dierks. Senator Dierks, were you wishing to speak on this confirmation? []

SENATOR DIERKS: Yes, please. Thank you, Mr. President and members of the body. I, too, wanted to just offer my thanks to Judy for coming to her hearing that day. Actually, she's a very delightful lady, and I think we're very fortunate to have someone like that as a candidate and as a member of that board. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Dierks. Are there additional members requesting to speak? Seeing none, Senator Karpisek, you're recognized to close. Senator Karpisek waives closing. The question before the body is on the adoption of the General Affairs Committee legislative confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 739-740.) 38 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. Next report, Mr. Clerk. []

CLERK: Mr. President, Health and Human Services reports on four appointments to the Stem Cell Research Advisory Committee. (Legislative Journal page 695.) []

PRESIDENT SHEEHY: Senator Gay, you're recognized to open on your first Health and Human Services Committee confirmation report. []

SENATOR GAY: Thank you, Mr. President. The Health and Human Services Committee reports favorably on the appointment of four persons to the Stem Cell Research Advisory Committee. The committee was created in LB606, which was passed in 2008. The Health Committee held telephone appointments public hearings on March 4 and 5 to consider these appointments. The suggested appointments were made by Dr. Joann Schaefer, the states Chief Medical Officer. And Dr. Schaefer appeared at both the public hearings also in support of the appointments. The Health Committee believes that all the appointees are extremely well qualified, and the appointees were approved unanimously by the committee. Our first, Bradley B. Keller currently serves as professor of pediatrics and bioengineering, and director of pediatric biomedical innovative technology at the University of Pittsburgh. He received his undergraduate degree in biology at the University of Pennsylvania, his M.D. at Pennsylvania State University. And did post doctoral work at Johns Hopkins Hospital in Baltimore, Maryland and the University of Rochester in Rochester, New York. Rebecca Morris currently serves as an associate professor in the department of dermatology and pathology at Columbia University in New York. Dr. Morris received her undergraduate degree in biology from Mohlenberg College in Allentown, Pennsylvania, and her Ph.D.

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in biology from Syracuse University. Dennis R. Roop is currently director of regenerative medicine and stem cell biology program at the University of Colorado Denver health sciences center. He received his undergraduate degree in biology at Berea College in Kentucky, his masters and Ph.D. in microbiology at the University of Tennessee, and did postdoctoral work at the Baylor College of Medicine in Houston, Texas. Gerald Spangrude currently serves as professor of pathology and medicine at the University of Utah. He received his undergraduate degree in microbiology at the University of Montana; earned a Ph.D. in experimental pathology at the University of Utah School of Medicine; did his post doctoral fellowship at The Walter and Eliza Hall Institute of Medical Research in Melbourne, Australia, and at Stanford University. All these applicants, obviously, are very well qualified, and we'd appreciate your favorable vote. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Gay. You have heard the opening of the first Health and Human Services Committee legislative confirmation report. Are there members requesting to speak? Seeing none, Senator Gay, you're recognized to close. Senator Gay waives closing. The question before the body is on the adoption of the first confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 740-741.) 43 ayes, 0 nays, Mr. President, on adoption of the report. []

PRESIDENT SHEEHY: The first confirmation report is adopted. Next report, Mr. Clerk. []

CLERK: Mr. President, Health Committee reports on four appointments to the Foster Care Review Board. (Legislative Journal page 696.) []

PRESIDENT SHEEHY: Senator Gay, you're recognized to open on your second Health and Human Services Committee confirmation report. []

SENATOR GAY: Thank you, Mr. President. The Health and Human Services Committee reports favorably on an appointment of four persons to the Foster Care Review Board. The committee held the public hearing to consider the appointments and all the appointees were there and approved unanimously by the committee. Mary Jo Pankoke is a reappointment for a three-year term. She currently is a president of Nebraska Children and Families Foundation. She was a former Child Protective Services worker, CPS supervisor, and CPS administrator with the Department of Health and Human Services. She received her undergraduate and graduate training at University of Nebraska-Lincoln, and has 30 years of experience in the field of child welfare and child abuse prevention. Mario Scalora is also a reappointment for a three-year term. He is an associate professor of psychology at the University of

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Nebraska-Lincoln, a consultant to the United States Capitol Police Force Threat Assessment Section, and a consulting psychologist to the Lincoln Regional Center. He received his masters and Ph.D. degrees at the University of Nebraska. Dave Schroeder is a reappointment for a three-year term from Lexington. He is a journalist and broadcaster at KRVN radio in Lexington. He received his undergraduate degree from the University of Nebraska-Lincoln. He's an active community volunteer and former local Foster Care Review Board member. Georgie Scurfield is a reappointment for a three-year term. She is coordinator of the CASA Program in Sarpy County. She received her undergraduate degree in applied social studies and certificate of qualification in social work in England, and her masters degree in social work at the University of Nebraska-Omaha. She is the current chairperson of the Foster Care Review Board. []

PRESIDENT SHEEHY: Thank you, Senator Gay. You have heard the opening on the Health and Human Services Committee second confirmation report. Are there members requesting to speak? Seeing none, Senator Gay, you're recognized to close. Senator Gay waives closing. The question before the body is on the adoption of the Health and Human Services Committee second confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 741.) 38 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The second confirmation report is adopted. Next item, Mr. Clerk. []

CLERK: Mr. President, third report by Health and Human Services reports on four appointments to the Commission for the Deaf and Hard of Hearing. (Legislative Journal page 696.) []

PRESIDENT SHEEHY: Senator Gay, you're recognized to open on your third confirmation report from Health and Human Services Committee. []

SENATOR GAY: Thank you, Mr. President. The Commission for the Deaf and Hard of Hearing: The committee held a public hearing on February 27 to consider the appointments. Again, all appointees were approved unanimously by the committee. Clifford Carlson is a reappointment to the commission for a three-year term from Lincoln. He is employed at a local software and human resources firm. He is a hard of hearing member in the commission. He and his wife have a two-year old son who was born profoundly deaf has also had a cochlear implant for the last nine months. Luana Duennerman is a reappointment for a three-year term from Lincoln. She serves as program analysis assistant with the U.S. Citizenship and Immigration Services. She was unable to personally attend her confirmation hearing. However, Senator Coash

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appeared in support of her nomination and spoke on her behalf. Steve Manning is a new appointment for a three-year term. He is a programmer analyst with West Corporation in Omaha. He currently serves as treasurer of the Nebraska Association of the Deaf, and is a member of the National Association of the Deaf. He was born in Morristown, Tennessee, did his undergraduate study at Texas Temple University, and graduate studies in business at the University of Nebraska-Omaha. Jan Moore is a new appointment for a three-year term. She currently serves as associate professor in the department of communication disorders at the University of Nebraska at Kearney. She received here undergraduate degree at the University of Central Arkansas, and her masters degree in speech pathology and audiology at Purdue University, and has a doctorate in audiology from the University of Illinois. []

PRESIDENT SHEEHY: Thank you, Senator Gay. You have heard the opening of the third Health and Human Services Committee confirmation report. Are there members requesting to speak? Seeing none, Senator Gay, you're recognized to close. Senator Gay waives closing. The questions before the body is on the adoption of the third confirmation report from the Health and Human Services Committee. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 741-742.) 44 ayes, 0 nays, Mr. President, on adoption of the report. []

PRESIDENT SHEEHY: The third confirmation report is adopted. Next confirmation report. []

CLERK: Mr. President, fourth and final report is an appointment to the Commission for the Blind and Visually Impaired. (Legislative Journal page 696.) []

PRESIDENT SHEEHY: Senator Gay, you're recognized to open on your fourth Health and Human Services Committee confirmation report. []

SENATOR GAY: Thank you, Mr. President. This committee held a public hearing on February 27, as well, to consider the appointment of Ms. Jenkins appointment, and she was approved unanimously by the committee. Carol Jenkins is a new appointment for a three-year term. She is blind and serves as a teaching assistant with Family Services in Lincoln. She received here Bachelor of Science degree in elementary education and early childhood development from Peru State College in 2007. I would just say this is a young woman that is very inspirational, and I think all the members were just extremely proud to have her keep continuing here service, especially as a young person. And I would ask for your support on her nomination. []

PRESIDENT SHEEHY: Thank you, Senator Gay. You've heard the opening of the fourth confirmation report from Health and Human Services Committee. Are there

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members requesting to speak? Seeing none, Senator Gay, you're recognized to close. Senator Gay waives closing. The question before the body is on the adoption of the fourth confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 742.) 41 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The fourth confirmation report is adopted. Mr. Clerk, we'll move to next item under General File. []

CLERK: LB63A by Senator Ashford. (Read title.) [LB63A]

PRESIDENT SHEEHY: Senator Ashford, you're recognized to open on LB63A. [LB63A]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. This is the appropriations bill that follows LB63. We had a very thorough discussion, I think, good discussion, last week on LB63, and discussion about the Office of Violence Prevention. As this appropriations bill moves across, I know Senator Friend may wish to talk about this, we are continuing to talk to the Appropriations Committee and others on funding sources and how to ultimately fund the office. I assume we'll continue to have those conversations. Let me just for the record reemphasize that what we want to on the prevention side, very critical element to the violence prevention package, is be ready in June to have this grant program available to access in June. So, for example, if there are groups in Omaha that are ready to move to do some violence prevention work, then they need funding that...and they do need funding. This money, this grant money would be available on day one to try and stop the shooting this summer. And I think we discussed...or I know we discussed last week that there has already been significant success, for example, with the north Omaha and Empowerment Network and other groups. So I'm very optimistic that by next session we'll be able to show to this body that this is money well spent. And it is a small amount of money compared to the potential loss to the state of lives and certainly the cost of incarceration and other healthcare costs and other things that result from violent crime. And as we discussed last week, obviously this is a statewide issue. I've had conversations with Senator Harms and others about the need to develop violence prevention plans across the state. And certainly as we move forward with the Office of Violence Prevention, those are very, very real possibilities and will evolve as this office evolves. With that, Mr. Lieutenant Governor, I would...actually, I would give my time to Senator Friend, if he would like it. [LB63A LB63]

PRESIDENT SHEEHY: Senator Friend, you're yielded just over seven minutes. [LB63A]

SENATOR FRIEND: Thank you, Mr. President, and thank you, Senator Ashford.

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members of the Legislature, one thing runs into another out here and it gets a little bit still for me, and I think for others to this day a little bit confusing as to what...on a given occasion, what we're trying to accomplish, especially with an A bill and you have no sense of proportion because the other bill isn't...especially when you're trying to move an A bill to catch up with another bill. Remember, LB63 is a violence restriction act, a gang restriction act. But as Senator Ashford just did an excellent job of explaining, the Office of Violence Prevention and Advisory Counsel are designed to seek and distribute funds for existing and future programs that will proactively address violent crime in our streets. And the office is also tasked with developing and fostering and assessing and promoting violence prevention programs. As Senator Ashford also mentioned, I think, if I heard him right, the assumption should be out there and it's my understanding that the discussions are ongoing relating to this A bill and the amount between Senator Ashford's office and the Office of Attorney General. I think he made that clear. I wanted to make it clear again. But the basis of the discussions, and I don't know if I'll be involved in those or not, I would be happy to be involved in those if necessary or if they deem it appropriate, I don't think it's simply a matter of what the right amount needs to be to operate an office of violence prevention because that's an important piece of this. But it's also how much are we going to have to have to operate it in an effective manner? There are parameters wrapped around this Office of Violence Prevention. It's in the statute or it's in the potential statute, and I would only say we could quibble over numbers, but this goes to specifics and how the money is going to be allocated out of the General File, but also how the place is going to be created and operated, and where they're going to be able to generate future funding. It's going to be important from a proactive standpoint for the office to be allowed to do that. I don't know if I can add much more. There may be...I guess my only point is there may be confusion about the amounts. Well, it's my understanding also that there's been confusion for a long time, and the forecast is going to play a roll in that. I mean, these are moving parts here. And I'm even worried about an A bill, just like all of us are, that approaches \$500,000. I'm worried about that, because (a) I don't know if we can afford it, and (b) I don't know if that's the right amount. So I mean these discussion are going to be ongoing. I guess that's all I have to say about it. I think we need to remain open-minded. That is my point to this whole discussion, but I did want to make a point that I think that those discussions between myself, Senator Ashford, and his office, the Judiciary Committee if necessary, and also the Attorney General's Office. I think, you know, I think we'd be naive to think that this isn't a moving target. Mr. President, that's all I have. Thank you. [LB63 LB63A]

PRESIDENT SHEEHY: Thank you, Senator Friend. (Visitors introduced.) You have heard the opening to LB63A. Members requesting to speak are Senator Price, followed by Senator Lathrop, Senator Hansen, and Senator Pirsch. Senator Price, you're recognized. [LB63A]

SENATOR PRICE: Thank you, Mr. President, members of the body. I was wondering if

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Senator Friend would yield to a question, please. [LB63A]

PRESIDENT SHEEHY: Senator Friend, would you yield, please? [LB63A]

SENATOR FRIEND: Yes I will. [LB63A]

SENATOR PRICE: Thank you very much, Senator Friend. I got a question on this effort here. Are these monies, are any of these monies going to be the potentially utilized in programs like CeaseFire? [LB63A]

SENATOR FRIEND: I would think that that would be a...there would be potential there for that, yes. [LB63A]

SENATOR PRICE: Could you refresh my memory and/or correct me here? The CeaseFire program uses current and/or former gang members who are then paid to infiltrate or talk to current gang members. Which part...can you characterize that for me or correct me on that, please? [LB63A]

SENATOR FRIEND: I actually am not...I probably can't do a very good job of characterizing that for you because I'm not that familiar with the program, Senator Price. But just, again, just so we're clear, I think that there's potential for that, but I also think that that's highly unlikely that that would occur. [LB63A]

SENATOR PRICE: All right. Thank you very much. I was wondering if Senator Ashford would yield to a question? [LB63A]

PRESIDENT SHEEHY: Senator Ashford, would you yield to questions? [LB63A]

SENATOR ASHFORD: Yes, sir. [LB63A]

SENATOR PRICE: Senator Ashford, I didn't know...did you hear my last question to Senator Friend? [LB63A]

SENATOR ASHFORD: I did, I did. [LB63A]

SENATOR PRICE: Could you elaborate a little bit, please? [LB63A]

SENATOR ASHFORD: Yes. The CeaseFire program is a program in Chicago and in other cities throughout Illinois, Rockford, other cities. It is an extremely successful program where there has been data evaluated by Northwestern University. What happens in the CeaseFire program, it's administered by the University of Illinois-Chicago. It is headquartered at the University of Illinois-Chicago. They do use ex-offenders to intervene or interrupt violence. It is one of many programs that in almost

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all cases...well, certainly in the CeaseFire Chicago program, any person involved in interrupting violence is screened by local law enforcement, so it's a partnership between local law enforcement. But it's up to the Crime Commission to decide where the money goes and what programs would be the best suited to interrupt violence or stop violence. [LB63A]

SENATOR PRICE: All right. Thank you. And just a question, or I'll just address the body. It's my understanding, and I'll gladly be corrected, up to \$80,000 can be paid to some of these members of the CeaseFire program. And just so you know, your tax dollars would be spent that way for the members and those watching. I want to applaud the opportunity to end the violence and whatever we can do, but I'm very concerned with a program like this that uses that amount of dollars when we have extremely professional and fine police forces and gang units who are working and who are having some success. As far as getting community groups together to help, that's great and we could help with that and I want to support that. But I am very cautious and not as optimistic about a program such as CeaseFire using tax dollars when we could use the \$80,000 and maybe better equip our police forces rather than bring other people into a situation. Thank you, Mr. President. [LB63A]

PRESIDENT SHEEHY: Thank you, Senator Price. Senator Lathrop, you're recognized. [LB63A]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I put my light on. Normally these bills don't get this much debate, but I think it's important and perhaps fortuitous that I follow with these comments. During the course of the summer, we had hearings, Senator Ashford initiated these and we looked at violence prevention. And the usual model, the law enforcement model is raise the penalties, put more cops on the streets, and we'll stop violence, we'll stop youth violence, we'll get ahead of this. I'm going to tell you that I've sat on Judiciary Committee now for three years, listened to committee hearings on crime and punishment. I've gone to the hearings this summer on violence prevention, and I disagree with Senator Price. This isn't...we don't have a choice here. Let's put some more people in prison, let's get some more cops because that's going to be more effective and a better approach to this than violence prevention. We underestimate the efficiency and effectiveness of violence prevention. And I can tell you, I can tell you after actually going to the hearings and giving some thought to this and that Senator Ashford has a thoughtful approach. And more importantly...and the difficult thing is we can look at a budget...this is really the difficulty with prevention, we can look at a budget and whether you're talking about a health issue or you're talking about an issue like violence prevention, we can look at a budget and say something is costing us this much money. But it's hard to tell when we do prevention how much money we're saving. We don't get a fiscal note that says, you'll save millions of dollars a year by intercepting some young person or several young people that are on their way to a life crime, but that's what this does. And it is effective. We had hearings on

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CeaseFire and we had hearings on youth violence prevention and saw some remarkable people that came to testify. Groups that are intercepting these young people, helping them with activities, helping so that they're not out on the streets after school and during the summers, helping them find jobs, helping them do constructive activities to be further educated. And this is a modest investment, and maybe that's my comment. This is a modest investment and it will pay dividends that we won't find on a fiscal note, but what we will find is that it is one of those rare occasions when government can make an investment in the future. And it's in the future of people who would otherwise end up incarcerated, and instead we help people intercept these young folks and to get them jobs and put them on the right path and fill the void, fill the void that is otherwise filled with gangs and places these kids go to, to be accepted and to feel secure in a difficult environment. So I want you to know, this is an occasion where we can feel good about an appropriation bill that we're passing. It is a good investment. And believe me, there are people, particularly in northeast Omaha, who will put this money to good use and you won't know the kids that are save, you will never meet perhaps the people that won't end up in jail but will have productive jobs and families and pay taxes. And frankly if it was up to me, we would have ten times this appropriation and see a dramatic reduction in the amount of incarcerations. So I believe Senator Ashford's proposal and this appropriation bill is modest... [LB63A]

PRESIDENT SHEEHY: One minute. [LB63A]

SENATOR LATHROP: ...and deserves our support. Thank you. [LB63A]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Senator Hansen, you're recognized. [LB63A]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. If Senator Ashford would yield, I have a couple of questions for him. [LB63A]

PRESIDENT SHEEHY: Senator Ashford, would you yield to questions? [LB63A]

SENATOR ASHFORD: Only from Senator Hansen. Is that who's asking? [LB63A]

SENATOR HANSEN: I appreciate that, Senator Ashford. [LB63A]

SENATOR ASHFORD: Yes, I will then. [LB63A]

SENATOR HANSEN: I reread the committee statement and looked at the list of testifiers. There was one testifier with the Nebraska County Attorneys and the Hall County Attorney. Other than that, they're pretty much within Douglas County and Omaha. Is any of this \$455,000 going to be spread around the state for other areas that might have similar instances? [LB63A]

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SENATOR ASHFORD: Let me be as candid as I can and precise to answer your question. In the first year, it would be...and my thought that there would be an application made to the Crime Commission for dollars to help with the violence reduction programs that are already in place in Omaha. That would not utilize the entire \$455,000 however. And it would be...there would be a grant...I'm certain and I would certainly encourage Omaha to do that. However, the idea here, Senator Hansen, is that other communities, Scottsbluff, Grand Island, North Platte, wherever it is, if they wish to make an application to this commission, to the Crime Commission to help them put together a violence reduction plan that that grant money would be available for that. In addition to that, the Attorney General is...well, there is going to be an executive director job on this office. Their job is to apply for grants for this effort. And as the grant money comes in over time, additional...or to help cities make grant applications for violence prevention. And obviously the stimulus money that the President has advocated, much of that is focused on violence prevention. So my idea here is we put this in place so that we can access stimulus money where appropriate, it can be spread around the state, it will be spread around the state. And as you can see by the makeup of the Office Advisory Commission, that is spread throughout the three congressional districts, so. [LB63A]

SENATOR HANSEN: Would there be any city match, county match, matching dollars so we do have some buy-in for the different communities you have... [LB63A]

SENATOR ASHFORD: You know, I think that's a great question. I certainly support the idea of matching money and that's something we can talk about between now and Select, Senator Hansen. I know in the Omaha...in my city there are a number of groups willing to put money into these efforts, and so matching funds is not a bad idea. [LB63A]

SENATOR HANSEN: Okay. Thank you, Senator Ashford. Members of the Legislature, Senator Lathrop labeled this as a modest investment for the state and for state funds, and I think this is a...if it's that modest of an investment, I think if it's going to benefit Omaha and Omaha only, Douglas County only, I think that they should be at least included in that modest investment, if it is a modest investment. It's beginning to look like a stimulus package from the Legislature to Douglas County. Thank you, Mr. President. [LB63A]

PRESIDENT SHEEHY: Thank you, Senator Hansen. Additional members requesting to speak on LB63A are Senator Pirsch, followed by Senator Ashford, Senator Council, and Senator Friend. Senator Pirsch, you're recognized. [LB63A]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. LB63, the bill that preceded this appropriation bill was a bill that had many different parts to it. And a large part of that bill and the part that attracted me to LB63, the underlying bill, is the part that

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toughened gun violence penalties. There was 17, I think, originally with the bill, and then 3 added by amendment. And to me that's the heart and substance of the underlying LB63. To the extent that it did add this Office of Violence Prevention, I guess I have some concerns. We are...I wonder if Senator Ashford could help clarify some things with regard to operation CeaseFire. [LB63A LB63]

PRESIDENT SHEEHY: Senator Ashford, would you yield to questions? [LB63A]

SENATOR ASHFORD: Yes. [LB63A]

SENATOR PIRSCH: Could you explain...with regards to operation CeaseFire you said that that would be a component of the Office of Violence Prevention. [LB63A]

SENATOR ASHFORD: No that's not what I said. [LB63A]

SENATOR PIRSCH: Okay. We have been talking about operation CeaseFire, so how does that interplay with Office of Violence Prevention? [LB63A]

SENATOR ASHFORD: All right. I think that's the better question. And the answer...operation CeaseFire is a very, very successful program in Illinois. It is funded by the Illinois legislature. It is endorsed by Cardinal George from Chicago, the mayor, the police. It's very, very successful. The program utilizes individuals who have been incarcerated for gang activity because they know the street. [LB63A]

SENATOR PIRSCH: But how does that... [LB63A]

SENATOR ASHFORD: There is nothing in the bill, Senator Pirsch, that would mandate that at all. It would be up to each individual community to assess which program would best suit the city. [LB63A]

SENATOR PIRSCH: Very good. [LB63A]

SENATOR ASHFORD: And in Omaha, the police division would decide to a great degree how to do it. And utilizing exoffenders, I have no idea whether the city of Omaha would advocate that. [LB63A]

SENATOR PIRSCH: Okay. Then the Office of Violence Prevention, what would this do, this appropriation do for establishing this new Office of Violence Prevention? [LB63A]

SENATOR ASHFORD: Okay. The \$255,000, I believe is the number, would be a grant program that would be available. It would fund the grant program, and these grants would be available to cities across the state. And hopefully some of that money...I mean, I'm not going to sit here and not say it, that some of that money would help the

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programs already on the ground in Omaha that are working with the Omaha Police division. There would be additional funds that would be available to other cities that would also like to work on plan for violence prevention. They could work with UNO's department of criminal justice. They could work with the policy institute at the University of Nebraska-Lincoln or Kearney to develop programs that would help prevent violence. [LB63A]

SENATOR PIRSCH: I'm sorry, is there anything in the bill that deals with those universities or... [LB63A]

SENATOR ASHFORD: No. [LB63A]

SENATOR PIRSCH: Okay. [LB63A]

SENATOR ASHFORD: Well, there is. There's the Advisory Counsel would have an educator on it. [LB63A]

SENATOR PIRSCH: How many people are on the Advisory Counsel? [LB63A]

SENATOR ASHFORD: I believe six. [LB63A]

SENATOR PIRSCH: Six members. Okay. Well, thanks for answering those questions with regards to Office of Violence Prevention. I guess with respect to the environment that we find ourselves in today where our core central requirements in terms of our pension shortfall this year, our education according to our funding formula, we're not going to be able to provide that. And the safe haven necessity that we act in some manner, which is going to be in the tune of the millions it looks like from the proposals, I think we have to be careful about adding new additional programs, governmental programs. And so I am concerned about that. [LB63A]

PRESIDENT SHEEHY: Time, Senator. [LB63A]

SENATOR PIRSCH: I'm sorry? [LB63A]

PRESIDENT SHEEHY: Time, Senator. [LB63A]

SENATOR PIRSCH: Time. [LB63A]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Senator Ashford. [LB63A]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. How many lights are on at this point? [LB63A]

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PRESIDENT SHEEHY: Four. [LB63A]

SENATOR ASHFORD: Very briefly, just to reiterate again, I think that...and some members have suggested that this is an issue involving the expenditure of new money and we need to be cautious, and obviously we do. And as I've suggested to the body, we have...this is an A bill that follows the underlying bill. This is General File. We have Select File and Final Reading. And we will continue to look at ways to fund this program that does not adversely impact the budget. But let me say that we cannot, Senator Pirsch or members, we can no longer simply rely on the police and the Department of Corrections to solve crime, the kinds of violent crime that we're dealing with in Omaha. It hasn't worked in the past, it is not going to work in the future. It is no fault of the police division or the Department of Corrections that violent crime is up. They need help. They need best practices. There are cities across the country that are utilizing violence prevention programs. Chief Tom Warren sent us a letter to the committee saying we very much need these programs in Omaha. If we need the programs in Omaha, we also need them in Scottsbluff and Grand Island and other cities throughout the state. This is a small amount of money to focus on this issue. But what it is more importantly, members, is it is a holistic approach to preventing violence and crime. We are looking at prevention. The Department of Corrections already looks at rehabilitation and spends a tremendous amount of money on rehabilitation in the corrections system. Enforcement is obviously an ingredient, you know, as is punishment. And there are cases and we will continue to debate the issue of punishment, and LB63 does enhance penalties significantly. But simply enhancing penalties, I'll say this again, simply enhancing penalties does not prevent crime. If it did, we've been enhancing penalties in this body for as long as I've been associated with it, and crime goes up, violent crime goes up. Violent crime goes up in Omaha. It goes up in Norfolk and it goes up in Grand Island and other cities across the state. We must have a new approach on this issue. This is not a large sum of money to invest in this issue. It is one of...in my view, violent crime and its impact on our state and on our city is one of the critical issue of our time. We may disagree with that. There may be others that don't list it as high as I do. But certainly I believe it is, and I think a small amount of money here invested in violence prevention will reduce crime, will reduce the cost of incarceration, the cost of rehabilitation, and get us on the right track again in our state in dealing with violence. But let me just say this one more time, this is not a...and I've heard over the weekend, well, you know, you're saying the police department in Omaha, for example, is not doing its job. That has nothing to do with this. The police division in Omaha, Nebraska, is set up to do what it does. It cannot be on every street corner. There are not enough police officers. We don't want a police force that is on every...may I have a gavel, Mr. Lieutenant Governor, please? [LB63A LB63]

PRESIDENT SHEEHY: (Gavel) [LB63A]

SENATOR ASHFORD: We are not--thank you--we are not set up in this society to have,

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as some countries in the world, where we have... [LB63A]

PRESIDENT SHEEHY: One minute. [LB63A]

SENATOR ASHFORD: ...police officers with, you know, semiautomatic weapons on every street corner. That's not our tradition. That's not how we operate. And even though we will have additional police officers on the street next year, those additional police officers are not going to solve the problem in and of themselves. That is not their role. We need to help them. We need to help the gang units. We need build up violence prevention programs that are not social service programs, by the way, but that are tough programs, in-your-face programs that pull these kids off the street and get them help. It's working in Omaha. We need the state to get behind it, and that's my pitch, Mr. Lieutenant Governor. Thank you. [LB63A]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Members requesting to speak on LB63A are Senator Council, followed by Senator Friend, and Senator Pirsch. Senator Council, you're recognized. [LB63A]

SENATOR COUNCIL: Thank you, Mr. President. I find myself in a very conflicting situation. I rise in support of the LB63A, the appropriations portion of this bill, although I have serious reservations regarding the underlying bill itself. And as my colleagues should note I voted against LB63 on General File. I believe LB63A supports the one portion of the bill that I can support, and that is the creation and funding of the Office of Violence Prevention. We can no longer afford to believe that the only way that we reduce crime in this state, and I'd speak to this state although there are constant references to this being an Omaha only bill or a Douglas County only bill. We're talking about the state of Nebraska that the only way we reduce or eliminate crime in this state is to increase the penalties for committing crimes. I think Senator Ashford appropriately noted that if that were the case we wouldn't be here again looking at enhancing penalties because this body has done it repeatedly without success. Clearly all of the data, all of the research shows that what has an effect on reducing crime is prevention and intervention coupled with enhancement of penalties. You can't do one without the other and believe that it's going to have a significant effect on reducing crime in this state. It's curious to me that we're prepared to obviously move forward with the underlying bill despite the cost associated with increasing these penalties. I haven't heard one person rise and say what about the millions and millions of dollars it will add to the state's budget to incarcerate people for additional years under LB63. We don't hear that debate. The debate is over the \$455,000 to try and seek to reduce and prevent crime from occurring in the first instance. These are prevention and intervention programs, many of which have demonstrated their ability to be successful. I initially hit my light to respond to a statement and/or question posed by my colleague Senator Price with regard to his concern about using taxpayer dollars to pay the salaries or to pay any amount to exoffenders who are being utilized as a part of these prevention and

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intervention programs. My statement to you, Senator Price, is if you have a concern about that, then you need to have a concern about LB63 in its entirety because one of the things that LB63 does is repeal current legislation 29-2262.01; 29-2262.01 currently prohibits the state of Nebraska from paying former parolees, probationers or inmates to serve as undercover officers in the state of Nebraska. If you believe in the repeal of that legislation, I find it quite contradictory to not support a program that has proven successful in terms of providing compensation for exoffenders who are willing to come back and be of service to the community to prevent retaliation. I can tell you, police officers cannot go into the homes of the victims of some of these gang-related shootings and convince... [LB63A LB63]

PRESIDENT SHEEHY: One minute. [LB63A]

SENATOR COUNCIL: ...the members who are associated with the victim from engaging in retaliatory activity. There have been occasions during this last summer where that did occur and members of the New World Community Development went into those homes and prevented that retaliatory activity. So if it's unwise to use taxpayer dollars to prevent crime and violence by paying exoffenders who are willing to stop people who they know who have been associated with gangs that they've been involved in, then it's equally unwise to spend taxpayer dollars to pay undercover agents who work for police officers. [LB63A]

PRESIDENT SHEEHY: Thank you, Senator Council. Senator Friend, you're recognized. [LB63A]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. If I could be so bold, and usually I don't ask that because I just go ahead and try to be so bold, but if I could be so bold as to point out a couple of things here and help the body understand that remaining patient and understanding what I had brought up earlier that this whole thing is a moving target or it is now. Whether it was before or not I don't know, but it is now. And to overreact would be premature. And I say that because this is a precursor to the appropriations and budget discussion. I've had a couple of conversations with some folks who haven't been through that on the floor out here. That is a circus, that is a three-ring circus and it's coming, members of the Legislature. It's coming like a freight train because there's X amount of money in the Cash Reserve. President Obama is going to save the world with the stimulus package, right? These discussions are coming and the discussion is one big, huge freight train and it's about a half a month away or a month away. We're going to have X amount of money to spend on programs that the Legislature deems appropriate. If we try to spend Y or Z, then this office on this particular program, then this office will exist in name only because Y and Z are not on the table. We will have X amount to spend. We have to balance the budget. But there are two discussion going on out here right now. I'm not frustrated by them. I knew they would happen and they should happen and they're going to continue to

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happen. One, is the effectiveness of a program like this. How effective will it be? Is there any historical data? Do we have empirical data that shows that programs like this work? There are parameters in this legislation and there is historical data that shows that things like this work, by the way, but there are parameters in this legislation that will force that. And if it wasn't effective it would go away because the money would never be appropriated again, and they're not going to be able to drum up any funding on the private side. If it's not effective it will go away. The fear is when you create a government program it never goes away, correct? Wrong. Not in this case because if you can't get federal funding grant money and if you can't get private funding this will dry up and blow away. It's as simple as that. By the people who understand these issue, the first piece I think is a slam dunk. I think that there can be made a very good argument for the effectiveness of things like this, and I think it goes well with LB63. The second piece of this discussion is whether or not the money will be there. I alluded to that earlier. The point I made earlier is that it's a moving target, we can accept that. And if you think that I'm blowing hot air here, go back a week and a half and look at the Health and Human Services argument we had. Millions, \$30 million, \$35 million, let's save the children. What are we doing here for \$455,000? It amazes me that we...it doesn't amaze me. [LB63A LB63]

PRESIDENT SHEEHY: One minute. [LB63A]

SENATOR FRIEND: It's interesting to me that we've stopped the discussion for no better reason than from what I understand for political reasons. We've got parameters wrapped around this. We've got ideas about how to work nationwide, but last week we're talking about dumping \$30 million into behavioral health regions that take their directives from Health and Human Services which a day before we were bashing. These discussion will continue. This discussion will continue. If you don't like the A bill, vote against it, but I'm telling you this will continue because I know where Senator Ashford's thought process and mind is on this. I know where the AG's mind is. I think I know where the Governor's Office's mind is, and I know where mine is. And they're probably all in slightly different places. I think we'll get there. I think we just need to be patient. Thank you, Mr. President. [LB63A]

PRESIDENT SHEEHY: Thank you, Senator Friend. Senator Pirsch, you're recognized. [LB63A]

SENATOR PIRSCH: Mr. President, members of the body, I appreciate the conversation that's gone on yet today. I think that it is a unique time that we find ourselves in, in terms of the economy. I think the dollars are going to dictate what we can do and they're going to make themselves more well-known, the figures here, as Senator Friend said, over the course of the next month or so. I guess I appreciate at the same time that we're toughening penalties that we...as I attempted to do with an amendment that was not successful, to educate the purpose again about the toughening of the penalties is not to

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incarcerate more individuals, but rather to deter individuals from committing crime. And that's where I find value in the preventative aspect of it and the educational aspect, letting those who may otherwise commit those crimes know that it's a new day and age and that they are to be exiled if they commit these type of violent crimes anymore. And so I believe in preventative approaches to crime, and I think that is important. And I appreciate that this is one proposal towards a preventative piece. And when I say "it," I mean operation CeaseFire. But I don't think that it's fair to say that if you don't agree with that particular approach that you are against a preventative approach to crime. I, and with respect to that specific program, do not have confidence in the program. And I think that...and I'm talking about operation CeaseFire. That does not mean that preventative-type of approaches to gun violence or weapon violence is not what we seek. I think that that is an important component. So I think at this point in time not enough is known about the finance. I think when things shake loose with the new projections as far as revenues that we're going to...it is going to be, you know, problematic to even sustain, I think, that which we have. And perhaps even look at adding some of these core needs, funding some of these core needs that we talked about--addressing mental health issues for youth that the safe haven issue brought to education funding, you know, having our pension face a devastating shortfall this year. So I do appreciate the conversation as it's taking place today, and I think that it will probably continue into the next few months. And so with that, I'll yield the balance of my time. [LB63A]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. (Visitors introduced.) Resuming floor discussion on LB63A. Members requesting to speak are Senator Harms, you're recognized. [LB63A]

SENATOR HARMS: Thank you, Mr. President, colleagues. LB63A, there's no question that I can understand that people are concerned about the financial side of this. Being on the Appropriations Committee I understand what these issues are all about. But I'm here to tell you that it's extremely important for us to look at every alternative source of funds to get this funded. It doesn't mean it has to be new dollars. There may potentially be other sources of dollars that we need to explore. And if we don't do that, the problem with this is going to be is it's going to cost us twice as much money at the other end of the scale. We either catch these young people at the front end, address the issue now at that point rather than when they're in jail and when they're in prison because that's when the costs go up. I think it's extremely important that we don't lose sight of what the purpose of this bill is. And I know that the financing side is a concern, and rightfully so, but I think we ought to give it an opportunity to explore other ways to fund this. I think that Senator Hansen had a great idea and there are other ideas that we need to put on the table to make sure that this is appropriate and that we can fund this. When you got 130-some different gangs in Omaha, it should get people's attention. I don't know how many gangs we have all across the state of Nebraska. It's time to address the issue. It's costing the state twice the amount, so let's try to find some other alternatives, some

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other sources of funding before we let this bill bog down and actually die in the process because I don't think we can afford to do that. We have to find some other source of this, of funding. Senator Ashford, would you yield for just a moment? [LB63A]

PRESIDENT SHEEHY: Senator Ashford, would you yield to questions? [LB63A]

SENATOR ASHFORD: Yes. [LB63A]

SENATOR HARMS: Senator Ashford, I'm sure that you are willing to start looking for and negotiating and looking for different sources of funding because of the seriousness of this issue. Is that correct? [LB63A]

SENATOR ASHFORD: Absolutely, Senator Harms, and we will continue to work on that between now and Select File, so. [LB63A]

SENATOR HARMS: Colleagues, I'd like for us to give this some thought, I'd like for us to think through this carefully. I understand the fiscal issues and the fiscal concerns. I see them everyday and my colleagues see them everyday in the Appropriations Committee, but this bill is too important to let it slide away from us. We're trying to prevent people from killing each other. We're trying to prevent these gangs of destroying Nebraska, the city of Omaha, Lincoln, across the state of Nebraska, so please keep an open mind of this and let's look at other sources of funding. Give it a chance. If we can't find it, then that's another issue, but I'm sure we can. So thank you, Mr. President. [LB63A]

PRESIDENT SHEEHY: Thank you, Senator Harms. Are there additional members requesting to speak on the advancement of LB63A? Seeing none, Senator Ashford, you're recognized to close. [LB63A]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. And I won't belabor the point, but Senator Harms asked me the critical question, and that is, is this important enough to be creative and find funds that can fund this program? And certainly it is in my view, Senator Harms, and thanks for the question. The numbers are compelling. To house a young offender in the youth facility in Kearney is around \$64,000 a year. The \$250,000 or so in grant money that would go onto the street to stop the shooting, help stop the shooting is the cost of five offenders at the juvenile correctional facility. That, to me, is not a lot of money to risk for the return that I believe every other city that has really gotten into this has shown. The second point is this, and it was made on the floor. And that is if we let this slide with no funding, it won't happen. There's no point in having LB63. There's no point in doing the bill at all because you can't continue to enhance penalties without dealing with prevention. In the eighties and nineties when I was here, I know several of us tried to enhance prevention options in those days, and it was not successful to do that. We were unable to broaden the idea of crime prevention or

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violence prevention into statute. And we tried. We had a crime forum with the mayor of Omaha and mayors from outside the Omaha area, and the Governor at that time, and the Attorney General. We were unable to expand the scope of stopping crime to include prevention. We now have the opportunity to do that and I would urge the body to advance this A bill and give Senator Friend and I...and again, I appreciate immensely Senator Friend's willingness to work together and he has. We've worked together hand in glove on this and the Attorney General. And another point, the Attorney General is certainly not someone who is viewed as soft on crime. He has said that this kind of prevention idea is worthy of being part of this kind of package. I appreciate the support we've gotten so far. I appreciate the body's willingness to advance LB63. LB63A in my view and I think in Senator Friend's view is a critical element and an essential element to LB63. With that, Mr. Lieutenant Governor, I'd urge the advancement of LB63A. [LB63 LB63A]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You have heard the closing. The questions before the body is on the advancement of LB63A. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB63A]

CLERK: 27 ayes, 1 nay, Mr. President, on the advancement of LB63A. [LB63A]

PRESIDENT SHEEHY: LB63A advances. Mr. Clerk, do you have items for the record? [LB63A]

CLERK: I do, Mr. President. Senator Dierks offers LR51. That will be laid over. I have Speaker's priority bills for this session (Re LB9, LB56, LB92, LB97, LB112, LB155, LB162, LB218, LB232, LB237, LB246, LB263, LB358, LB402, LB413, LB414, LB440, LB464, LB494, LB503, LB511, LB542, LB548, LB579, and LB626). Committee reports: Retirement Systems chaired by Senator Pankonin reports LB205, LB449 to General File with amendments; Revenue chaired by Senator Cornett reports LB218 to General File, LB357 to General File with amendments, LB405 General File with amendments, likewise with LB587; Education chaired by Senator Adams reports LB235, LB340, LB440 to General File with amendments, and LB283, LB400, LB655, and LB673 indefinitely postponed; Agriculture Committee chaired by Senator Carlson reports LB263, and LB588 to General File with amendments; Health and Human Services chaired by Senator Gay, LB542 to General File, LB173, LB396 to General File with amendments, and LB407, LB408, LB586 as indefinitely postponed. I also have a confirmation report from Health and Human Services Committee. Hearing notices from Judiciary; and motions to be printed, one, with respect to LB160 and, second, to LB483. That's all that I have, Mr. President. (Legislative Journal pages 743-755.) [LR51 LB9 LB56 LB92 LB97 LB112 LB155 LB162 LB218 LB232 LB237 LB246 LB263 LB358 LB402 LB413 LB414 LB440 LB464 LB494 LB503 LB511 LB542 LB548 LB579 LB626 LB205 LB449 LB357 LB405 LB587 LB235 LB340 LB283 LB400 LB655 LB673 LB588 LB173 LB396 LB407 LB408 LB586 LB160 LB483]

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PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to the first item under Fischer division. []

CLERK: LB111 by Senator Fischer. (Read title.) Introduced on January 9 of this year. The bill was presented to the Legislature on March 12, Senator Fischer presented her bill. I do have an amendment to the bill, Mr. President. [LB111]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Fischer, you're recognized to open on LB111. [LB111]

SENATOR FISCHER: Thank you, Mr. President and members. We began discussion on LB111 last week. And so I will just give a brief synopsis of what the bill is. LB111 does require that construction workers be present in a construction zone in order for the speeding fine to be doubled. This isn't a new concept. As you remember from our discussion last week, 24 states require construction workers to be present in order for the fine to be doubled. I want to make it clear that this bill does not change anything with the speed limits. The speed limits are set by the Department of Roads. The speed limits in construction zones are determined by the condition of the pavement and the condition of the work zone itself. That does not change under this bill. What does change is that a construction worker must be present if you are caught speeding for that fine to be doubled, and that determination is made by the law enforcement officer. Thank you, Mr. President. [LB111]

PRESIDENT SHEEHY: Thank you, Senator Fischer. Mr. Clerk, we have an amendment filed. [LB111]

CLERK: Senator Janssen would move to amend AM726. (Legislative Journal page 756.) [LB111]

PRESIDENT SHEEHY: Senator Janssen, you're recognized to open on AM726 to LB111. [LB111]

SENATOR JANSSEN: Thank you, Mr. President and members of the body. AM726 would add an emergency clause to LB111. It's one that I refer to commonly as "Dusty's law." LB111 would go into effect immediately after the Legislature passes the bill and the Governor signs it into law with the adoption of AM726. I believe this constitutes a commonsense emergency, and that's what I added the emergency clause and would appreciate your support to that. Thank you. [LB111]

PRESIDENT SHEEHY: Thank you, Senator Janssen. You have heard the opening of AM726 to LB111. Are there members requesting to speak? Seeing none, Senator Janssen, you're recognized to close. Senator Janssen waives closing. The question

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before the body is on the adoption of AM726 to LB111. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB111]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Janssen's amendment. [LB111]

PRESIDENT SHEEHY: AM726 is adopted. We will now return to floor debate on the advancement of LB111. Seeing no requests to speak, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is on the advancement of LB111. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB111]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB111]

PRESIDENT SHEEHY: LB111 advances. Next item under General File. [LB111]

CLERK: LB300 introduced by Senator Heidemann. (Read title.) The bill was introduced on January 15, referred to Natural Resources, advanced to General File. At this time I have not amendments to the bill, Mr. President. [LB300]

PRESIDENT SHEEHY: Senator Heidemann, you're recognized to open on LB300. [LB300]

SENATOR HEIDEMANN: Thank you, Lieutenant Governor and fellow members of the body. Nebraska law requires that public power districts obtain sealed bids for the procurement of certain materials, equipment, and service for construction, reconstruction, remodeling, building, alteration, maintenance to repair, extension or improvement of any power plant or system. Currently, the sealed bid threshold for public power district is \$100,000. The sealed bid threshold was increased from \$50,000 to the current threshold of \$100,000 in 1999, ten years ago. The cost of escalation of materials, equipment, and services utilized in the electric utility industry has rendered the \$100,000 bid threshold out of date and inadequate. LB300 raises the sealed bid threshold for public power districts from the current \$100,000 to a two-tier approach. The first tier is a \$250,000 level for public power districts with annual revenue under \$500 million. The second tier is a \$500,000 level for the public power districts with annual revenue of \$500 million or more. Only two public power districts are on the top tier, Nebraska Public Power District, and Omaha Public District. The sealed bid requirements can discourage participation by smaller Nebraska-based businesses due to the former process. Therefore, the sealed bid process can actually limit rather than enhance competition. Furthermore, public power districts that own generation and transmission facilities must obtain components and some services from a small group of national and international vendors. These vendors customers are comprised mostly of private companies which are not required to use the sealed bid process. Oftentimes

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these vendors are not interested in expending dollars and time to submit sealed bids unless a project or services needed are significant dollar amounts. The entire sealed bid process on average takes 90 days. Since the last time that the bid threshold was increased, the cost for copper, carbon steel, and petroleum have all increased by more than 300 percent. Contract costs have also increased over the last several years. The contract cost for a 115 kilowatt power transformers increased from \$460,000 in 2000 to well over \$1 million in 2008. The contract cost for four-foot water heaters increased from over \$2 million in 2005, just four years ago, to over almost \$5 million in 2008, more than doubled in three years. Therefore, considering the increased cost of contracts over the last several years, I feel it is time to increase the bid threshold which hasn't been increased in ten years. I believe that the two-tiered approach contained in LB300 is a sensible way to bring the bid thresholds up-to-date. LB300 was advanced in the Natural Resources Committee on an 8 to 0 vote with no amendments. No one testified against this at public hearing. I urge you to vote favorably on advancement of LB300, and I would try to answer any questions that you might have. Thank you. [LB300]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. You have heard the opening to LB300. Members requesting to speak are Senator Langemeier. Senator Langemeier, you're recognized. [LB300]

SENATOR LANGEMEIER: Mr. President, members of the body, I'd like to just reiterate what Senator Heidemann said. This did come out of the committee 8-0 with no committee amendments. The IBEW electrical contractors did raise some questions, so we held the bill in committee for a couple of weeks as they worked out their issues. And then they came and sent us a letter that they were in support of the bill as it stood. So at that point we put it up for advancement and it did come out 8-0, so I would ask that your support of LB300. Thank you. [LB300]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Carlson, you're recognized. [LB300]

SENATOR CARLSON: Mr. President and members of the Legislature, I rise in support of LB300. If Senator Heidemann would yield to a question, I'd like to ask him something. [LB300]

PRESIDENT SHEEHY: Senator Heidemann, would you yield to questions? [LB300]

SENATOR HEIDEMANN: I will try. [LB300]

SENATOR CARLSON: Senator Heidemann, just for the benefit of some members of the Legislature, it came out that how this actually can be a savings because normally the thought of putting things out on bids in a free society makes sense, but this is actually a step of reducing cost. Is that not right? [LB300]

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SENATOR HEIDEMANN: It should make the process more efficient for them, you know, up to that certain threshold. And we understand that it needs to be an open, you know, the different bid process, but it should make business easier for the public power districts, yes. And that's my interest in this. [LB300]

SENATOR CARLSON: Okay. Thank you. I appreciate your answer and I am in support of LB300. Thank you. [LB300]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Are there additional members requesting to speak on LB300? Seeing none, Senator Heidemann, you're recognized to close. [LB300]

SENATOR HEIDEMANN: Thank you, Lieutenant Governor, fellow members of the body. I've worked on this over the last couple of years, and there was some concern at first. We tried to work with everybody and alleviate everybody's concerns. I think we have done that. We've got everybody on the same page. I appreciate all the work that everybody has put on this. I would appreciate your vote to move LB300 to Select File. Thank you. [LB300]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. You have heard the closing. The question before the body is on the advancement of LB300. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB300]

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB300. [LB300]

PRESIDENT SHEEHY: LB300 advances. Next item under General File, Fischer division. [LB300]

CLERK: LB54 by Senator Fischer. (Read title.) The bill was introduced on January 8 of this year, referred to Natural Resources. The bill was advanced to General File. There are committee amendments, Mr. President. (AM348, Legislative Journal page 637.) [LB54]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Fischer, you're recognized to open on LB54. [LB54]

SENATOR FISCHER: Thank you, Mr. President and members of the body. LB54 is the result of frequent and comprehensive meetings between a number of water stakeholders, including surface water irrigators and groundwater irrigators. Last session I introduced LB924 that was a compilation of several water-related issues. This concept of water offsets focused on in LB54 was just one of those issues. There was a great deal of disagreement on accurately accounting for water offsets. So these stakeholders

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came together during the interim to work on an agreeable concept for offsets in our river basins. LB54 is the outcome of those meetings which began in June of this past year. While current statute requires that any new use be offset in fully and overappropriated basins, there isn't any existing method to retire an existing use to allow for a new use. This raises many questions and concerns regarding management efforts to offset the impact of new uses, the accounting procedures, and the methodologies used in order to conclude that existing water users are not negatively impacted. The Nebraska Department of Natural Resources, natural resources districts, and other water users have struggled with ways to authorize new economic development and avoid harm to existing surface water appropriators. LB54 is an extension of the bill LB962 that established our current system of fully and overappropriated designations and the resulting integrated management plan where the offset procedures are taken up. When LB962 passed in 2004, it imposed a duty on the Department of Natural Resources to complete an evaluation of the expected long-term availability of hydrologically connected water supplies for both existing and new surface water users and existing and new groundwater uses in each of the state's river basins and issue a report. Based on the evaluation process, the department was to arrive at a preliminary conclusion for each river basin as to whether such basin is fully appropriated or overappropriated. LB54 incorporates procedures to track depletions and gains to streamflows into a natural resource district's integrated management plan. This calls for clear and transparent procedures with several specific requirements that the procedures must consist of. This includes using generally accepted methodologies to estimate depletions and gains to streamflows based on the best available science, and identifying the course of actions to be taken so as not to harm existing surface water and groundwater users. LB54 also requires that the NRD and Department of Natural Resources identifies reporting and consulting procedures to make information available regarding new uses in the basin. The bill further requires that the potential water available to mitigate new uses be identified, and that a plan is developed in consultation with water stakeholders to make water available for offsets in order to encourage economic development and sustainability in the basin. Lastly, as part of the procedures in the integrated management plan, LB54 requires that procedures be identified for applicants seeking approval of a new water use. The procedures to be used on development of integrated management plans are not intended to modify or replace other water resource laws already set out in statutory or constitutional provisions currently in force. Any planning efforts instituted in accordance with LB54 procedures must conform to current legal principals and must protect the rights and privileges of water users without exception. Likewise, LB54 does not require any integrated management plans already in force to be redone following the new procedures added by LB54. However, we should encourage sound future water policy planning adopting these LB54 procedures whenever an existing integrated management plan is updated. There is a committee amendment, which is AM348. I support this amendment because it is an agreement between the water users impacted by the offset procedures, and I do believe that this amendment will improve the process for offsets and how they are

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managed as established in LB54. Thank you, Mr. President. [LB54]

PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the opening of LB54. As was noted, we do have a Natural Resources Committee amendment, AM348. Senator Langemeier, you're recognized to open on your committee amendment. [LB54]

SENATOR LANGEMEIER: Mr. President, members of the body, Senator Fischer has done a great job of explaining and opening on the bill. The committee amendments are to harmonize some of the players in this world of water. In subsection (c) it changes from: not significantly adversely affect, to: not have more than de minimus effect. Big change. It also requires that any of the people on this panel that has been created, they would not only have conversation, but they would have the opportunity to put input into the panel as a stakeholder. That is the committee amendment. They're not big changes, but it brought everybody fully on board that had testified on board at the start. So with that, we'd ask that you adopt the committee amendments, AM348. Thank you. [LB54]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. (Visitors introduced.) You have heard the opening of the Natural Resources Committee amendment AM348 to LB54. Members requesting to speak, Senator Harms, you're recognized. [LB54]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Fischer, would you yield? [LB54]

PRESIDENT SHEEHY: Senator Fischer, would you yield to questions? [LB54]

SENATOR FISCHER: Yes. [LB54]

SENATOR HARMS: Senator Fischer, on the green copy, page 13, where we talk about making this transparent and we're talking about making sure that we have a way to measure this basically, are you talking about a water model here that they're going to use to determine this? Because as I understand the water models, that's usually where it comes unglued because a lot of the scientists don't agree about water models. And so I don't know if that's it or not, and I'd like to have a little bit of a discussion about that if you're able to do that. Could you help me better understand that, please. [LB54]

SENATOR FISCHER: Which lines specifically are you looking at on page 13 because the amendment does strike some? [LB54]

SENATOR HARMS: Well, I'm looking at on page 13, item 3, and it talks about...the area that's underlined, you talk about this being, for example, 11 and 12, it's overappropriated. [LB54]

SENATOR FISCHER: Right. [LB54]

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SENATOR HARMS: And then we talk about it being a transparent procedure, that you're going to track this depletion. Well, that indicates if you're going to track it, and we're going to look at it, we're talking about a model here that you're going to track that with. And from my experience and my understanding about water issues, which I've been involved for a long time in western Nebraska, that is an issue. The models are difficult and people don't agree. Even the best scientists don't agree on the models. And so what I'm really asking you, is what model are we going to be using or how are we going to make this transparent and how is this going to work? Because that's part of the issue here, will become an issue for us. [LB54]

SENATOR FISCHER: I agree with you that that will be an issue, Senator Harms, but I don't believe that we should be putting in statute which model is going to be used in making any determination. You have proponents and opponents to any model that's available today. And science with the changes that we see in that, I just don't believe it would be appropriate to name a model in this legislation. [LB54]

SENATOR HARMS: I'm not asking to be measure...I'm not asking for a model to be named. What I'm asking for is to identify that you're going to track this through a water model of some sort, because we don't say how we're going to track this. And I think that's really important because when it gets down to that argument with water, things get pretty tough. We've seen plenty of litigation or at least litigation coming. There will be future litigation because I think when you look at the North Platte River and all these other rivers that are being discussed today, it always boils down to how you measure this. It boils down to how do you track it. How can we document it? And somewhere along this line being transparent doesn't tell me enough. That's really what I'm after. I'm not after the bill itself. I think it's a good idea. I'm just wanting to have clarification here because I think it's really important for us. You go back in further into rural Nebraska, it's not going to mean much to people. [LB54]

SENATOR FISCHER: I think if you look on page 13, Senator Harms, you will see that it does provide an outline on what's being used for the integrated management plan. Lines 11 and 12 if you begin there, that in those fully and overappropriated basins the integrated management plan shall include, as you said, the clear and transparent procedures. It goes on to say that the procedures shall utilize the generally accepted methodologies based on the best available information, data and science. And it goes through that. The groups that I worked with on this bill, as I said since June, involved surface water users, ground water users. Farm Bureau was involved. [LB54]

PRESIDENT SHEEHY: One minute. [LB54]

SENATOR FISCHER: We had well drillers involved. And believe me, those groups went over each and every word in this bill and we have reached agreement with the

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amendment then finally. So every word has been analyzed in this bill and you know, as well as I do, anytime you can get people to agree on a water issue, that's a good start. [LB54]

SENATOR HARMS: Senator, do you have any information at all in regard to the kind of data that's available and the kind of science that they're going to use. I mean, those are all nice but what does it mean? I mean, what is the data, what is the science, and how are they going to apply this? [LB54]

SENATOR FISCHER: I would have to get back to you on the specifics on that, Senator Harms, but I would assume it's much of what the Department of Natural Resources has used in basins in my legislative district including the fully appropriated Niobrara Basin. [LB54]

PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Harms. Thank you, Senator Fischer. Speaker Flood, you're recognized for an announcement. [LB54]

SPEAKER FLOOD: Thank you, Mr. President and members. Just a reminder as you look at your agenda, at 11:50 a.m. this morning, we're going to proceed to Select File. Any Select File bill listed above without an amendment other than the E&R amendments will be voted upon for advancement. Again, that's at 11:50 a.m. this morning. Thank you, Mr. President. [LB54]

PRESIDENT SHEEHY: Thank you, Speaker Flood. Senator Schilz, you're recognized. [LB54]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. I just thought that as we talk about models and we talk about transparency and we talk about how this process will work going forward, I think it...I think everybody should keep in mind that under LB962 as it was passed, the local NRDs will work in cooperation with the Department of Natural Resources to make sure that we have, that we have these things in place that Senator Harms was talking about. And I think it's extremely important to remember that this bill, this bill and what it does is important to the process. And this bill and what it does gives some guidelines to those persons out there that are having to make these decisions as stakeholders on these integrated management plans. So I think, I think that, I think that we're making good progress here on what exactly we're supposed to do in a fully or overappropriated basin, and I think we should keep in mind at all times that this kind of folds in with the process, as I see it, of what LB962 brought to the table in the first place. So as we talk about models and how those models will be designated and figured out, I think that we need to remember that DNR will be working together and has that ability to make sure that it...that all of that fits together not only in the NRD that the stakeholders are in and are making those plans in, but also on the basinwide agreement as well as overall throughout the state with DNR. So I just think

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that we need to be careful, like Senator Fischer said, about what we name and what we do because as we go on, we will find out new processes and new science that will help us better track what's going on. But I think it's important to have the language get enacted as it is right there, so thank you very much. [LB54]

PRESIDENT SHEEHY: Thank you, Senator Schilz. Are there additional members requesting to speak on Natural Resources Committee amendment, AM348? Senator Carlson. [LB54]

SENATOR CARLSON: Mr. President and members of the Legislature in listening to this discussion, I want to respond a little bit to questions that Senator Harms has asked and he's got a level of frustration with terms, generally accepted methodology. Not in this bill is the term scientific. I have a frustration when scientific is in there because I get frustrated with the generally accepted scientific methods of estimates when it comes to water. And so I think there's a problem here in how much we get into statute and as soon as we get something into statute that's a little bit precise and zeros in on a method, we'll have another method that we think is better but we can't use it because the prior one's in statute. So I guess, Senator Harms, I share your frustration here but I'm not sure what the real answer should be. Some of you in this body will not agree with this next statement that I'm going to make but I think it's true. We've got a lot of serious issues that we're discussing. We're trying to find dollars to fund various things. I'm going to say that water is our state's biggest issue, most important issue. Water is life. Clean water is essential. And so when we get into designating most of the state now in a fully appropriated position, that means a basin that's fully appropriated is using all the water that it has available and any additional use is going to upset the balance. And any additional use in a fully appropriated basin requires an offset so that it remains fully appropriated and not overappropriated. When we have a basin that becomes overappropriated, we're using more water in that basin than we have available, and we've got to take steps to pull back the amount of water that's being consumed so that we can at least reach a fully appropriated balance. Fully appropriated is not bad but it requires careful observation and work so that we don't get into an overappropriated situation. We've got to be good stewards of the water that we have available and take measures to make sure that we stay that way. We must pursue efforts to prevent water being wasted. And I'm biased in this statement because I have a bill coming up that addresses that area and I'd ask all of you to listen carefully when that bill does come up. I stand in support of LB54 and AM348 and would encourage your support as well. Thank you, Mr. President. [LB54]

PRESIDENT SHEEHY: Thank you, Senator Harms. (Visitors introduced.) Returning to floor discussion on Natural Resources Committee amendment, AM348, are there additional members requesting to speak? Seeing none, Senator Langemeier, you are recognized to close. [LB54]

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SENATOR LANGEMEIER: Mr. President and members of the body, I thank you all for the great discussion. And with that at this point I'd ask you to support AM348, it's a technical change to LB54. Thank you. [LB54]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the closing. The question before the body is the adoption of the Natural Resources Committee amendment, AM348, to LB54. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB54]

CLERK: 36 ayes, 0 nays, on adoption of committee amendments. [LB54]

PRESIDENT SHEEHY: AM348 is adopted. We will now return to floor discussion on the advancement of LB54. Are there members requesting to speak? Seeing none, Senator Fischer, you're recognized to close. [LB54]

SENATOR FISCHER: Thank you, Mr. President and members of the body. I do thank you for your vote on the amendment. It did tighten up the bill. As I said earlier, this bill was worked on for a number of months and months and months by interested parties on this issue. We now have a plan, if this bill passes, we have a plan in place that allows the Natural Resource Districts to move forward in determining how offsets are accomplished, how economic growth can continue in fully and overappropriated basins. The bill did advance from committee on an 8-0 vote. There was no opposition at the hearing, and I would appreciate your support to advance LB54. Thank you. [LB54]

PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the closing. The question before the body is on the advancement of LB54. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB54]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB54. [LB54]

PRESIDENT SHEEHY: LB54 advances. Mr. Clerk, we'll move to items under Select File. [LB54]

CLERK: Mr. President, the first bill. Mr. Speaker, LB165. I do...Senator Nordquist, I do have Enrollment and Review amendments pending. (ER8019, Legislative Journal page 533.) [LB165]

PRESIDENT SHEEHY: Senator Nordquist. [LB165]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB165. [LB165]

PRESIDENT SHEEHY: You have heard the motion on the adoption of E&R

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amendments. All those in favor say aye; opposed, nay. They are adopted. [LB165]

CLERK: I have nothing further on LB165, Senator. [LB165]

PRESIDENT SHEEHY: Senator Nordquist. [LB165]

SENATOR NORDQUIST: Mr. President, I move LB165 to E&R for engrossing. [LB165]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye; opposed, nay. LB165 advances. [LB165]

CLERK: LB168, Senator, I have no amendments to the bill. [LB168]

PRESIDENT SHEEHY: Senator Nordquist. [LB168]

SENATOR NORDQUIST: Mr. President, I move LB168 to E&R for engrossing. [LB168]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye; opposed, nay. LB168 advances. [LB168]

CLERK: LB207, Senator, I have no amendments to the bill. [LB207]

PRESIDENT SHEEHY: Senator Nordquist. [LB207]

SENATOR NORDQUIST: Mr. President, I move LB207 to E&R for engrossing. [LB207]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye; opposed, nay. LB207 advances. [LB207]

CLERK: LB177, Senator, I have no amendments to the bill. [LB177]

PRESIDENT SHEEHY: Senator Nordquist. [LB177]

SENATOR NORDQUIST: Mr. President, I move LB177 to E&R for engrossing. [LB177]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye; opposed, nay. LB177 advances. [LB177]

CLERK: Mr. President, Senator Nordquist, LB377. I have no amendments to the bill. [LB377]

PRESIDENT SHEEHY: Senator Nordquist. [LB377]

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SENATOR NORDQUIST: Mr. President, I move LB377 to E&R for engrossing. [LB377]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye; opposed, nay. LB377 advances. [LB377]

CLERK: LB110, Senator, I do have Enrollment and Review amendments. (ER8025, Legislative Journal page 609.) [LB110]

PRESIDENT SHEEHY: Senator Nordquist. [LB110]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB110. [LB110]

PRESIDENT SHEEHY: You have heard the motion on the adoption of E&R amendments. All those in favor say aye; opposed, nay. Motion is adopted. [LB110]

CLERK: I have nothing further on LB110. [LB110]

PRESIDENT SHEEHY: Senator Nordquist. [LB110]

SENATOR NORDQUIST: Mr. President, I move LB110 to E&R for engrossing. [LB110]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye; opposed, nay. LB110 advances. [LB110]

CLERK: Mr. President, LB110A. Senator Nordquist, I have no amendments to the bill. [LB110A]

PRESIDENT SHEEHY: Senator Nordquist. [LB110A]

SENATOR NORDQUIST: Mr. President, I move LB110A to E&R for engrossing. [LB110A]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye; opposed, nay. LB110A advances. [LB110A]

CLERK: That's all that I have, Mr. President. []

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Mr. Clerk, do you have items for the record? []

CLERK: I do, Mr. President, thank you. Enrollment...I'm sorry, new A bills. Senator Carlson, LB98A. (Read LB98A by title for the first time.) Revenue Committee reports

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LB420 to General File with committee amendments attached, that's signed by Senator Cornett. Senator Pirsch and Senator Nantkes have amendments to LB327 to be printed. Announcements, Mr. President. Judiciary Committee will meet tomorrow morning at 10:00 a.m. in Room 2022; Judiciary Committee tomorrow morning at 10:00 at 2022. And the Agriculture Committee will meet this afternoon in Room 2102, their normal hearing room, this afternoon, in 2102. That's the Agriculture Committee at 1:30. I have a name add: Senator Giese would like to add his name to LB608. (Legislative Journal pages 757-761.) [LB98A LB420 LB327 LB608]

And a priority motion. Senator Harms would move to adjourn the body until Wednesday morning, March 18, at 9:00 a.m. []

PRESIDENT SHEEHY: You have heard the motion to adjourn until Wednesday, March 18, at 9:00 a.m. All those in favor say aye; opposed, nay. We are adjourned. []