

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

Floor Debate
March 26, 2010

[LB78 LB317 LB510 LB571 LB594 LB701 LB712 LB727 LB763 LB779 LB780 LB800
LB820 LB864 LB880A LB880 LB888 LB888A LB901 LB918 LB919 LB924 LB935
LB943 LB945 LB970 LB975 LB999 LB1036 LB1051 LB1070 LB1071 LB1087 LB1090
LB1091 LB1106A LB1106 LR284CA LR297CA LR451 LR454 LR455 LR456 LR457
LR458 LR459 LR460 LR461 LR462 LR463 LR464 LR465 LR466 LR467]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-ninth day of the One Hundred First Legislature, Second Session. Our chaplain for today is Pastor Zach Anderson of the Conestoga Parish, United Methodist Churches in Denton, Pleasant Dale, and Raymond, Lincoln, Nebraska, a guest of Senator Campbell.

PASTOR ANDERSON: (Prayer offered.)

SPEAKER FLOOD: Thank you, Pastor. I call to order the forty-ninth day of the One Hundred First Legislature, Second Session. Senators, please record your presence. Record please, Mr. Clerk.

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

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

SPEAKER FLOOD: Thank you. Are there any messages, reports, or announcements?

CLERK: Senator Gay offers LR454, a study resolution, that will be referred to the Executive Board. A report of lobbyists this week, as required by statute. And two reports have been received in the Clerk's Office, available for member review. That's all that I had, Mr. President. (Legislative Journal pages 1085-1086.) [LR454]

SPEAKER FLOOD: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Members, please find your seats in preparation for Final Reading. Members, please find your seats in preparation for Final Reading. Thank you. We now move to Final Reading, budget and state claims bills. Mr. Clerk, the first bill is LB935E and the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB935]

CLERK: 44 ayes, 1 nay to dispense with the at-large reading. [LB935]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the

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

Floor Debate
March 26, 2010

title. [LB935]

CLERK: (Read title of LB935.) [LB935]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB935E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB935]

CLERK: (Record vote read, Legislative Journal page 1087.) 49 ayes, 0 nays, Mr. President. [LB935]

SPEAKER FLOOD: LB935 passes with the emergency clause attached. Mr. Clerk, we now proceed to LB317. [LB935 LB317]

CLERK: (Read LB317 on Final Reading.) [LB317]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB317 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB317]

CLERK: (Record vote read, Legislative Journal page 1088.) 49 ayes, 0 nays, Mr. President, on the passage of LB317. [LB317]

SPEAKER FLOOD: LB317 passes. (Doctor of the day introduced.) Continuing with today's agenda, Mr. Clerk, LB1106E. [LB317 LB1106]

CLERK: (Read LB1106 on Final Reading.) [LB1106]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1106 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1106]

CLERK: (Record vote read, Legislative Journal pages 1088-1089.) 49 ayes, 0 nays, Mr. President, on the passage of LB1106. [LB1106]

SPEAKER FLOOD: LB1106 passes with the emergency clause attached. Mr. Clerk, LB1106A. [LB1106 LB1106A]

CLERK: (Read LB1106A on Final Reading.) [LB1106A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1106A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1106A]

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

Floor Debate
March 26, 2010

CLERK: (Record vote read, Legislative Journal page 1089.) 49 ayes, 0 nays, Mr. President, on the passage of LB1106A. [LB1106A]

SPEAKER FLOOD: LB1106A passes. Mr. Clerk, LB1090E. [LB1106A LB1090]

CLERK: (Read LB1090 on Final Reading.) [LB1090]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1090 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1090]

CLERK: (Record vote read, Legislative Journal page 1090.) 49 ayes, 0 nays, Mr. President, on the passage of LB1090. [LB1090]

SPEAKER FLOOD: LB1090 passes with the emergency clause attached. Mr. Clerk, LB1091. [LB1090 LB1091]

CLERK: (Read LB1091 on Final Reading.) [LB1091]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1091 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1091]

CLERK: (Record vote read, Legislative Journal pages 1090-1091.) 49 ayes, 0 nays, Mr. President, on the passage of LB1091. [LB1091]

SPEAKER FLOOD: LB1091 passes. Mr. Clerk, we now proceed to Final Reading, the second division beginning with LB888. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1091 LB888]

CLERK: 44 ayes, 0 nays, Mr. President, on the motion to dispense with the at-large reading. [LB888]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB888]

CLERK: (Read title of LB888.) [LB888]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB888 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB888]

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

Floor Debate
March 26, 2010

CLERK: (Record vote read, Legislative Journal page 1091.) 49 ayes, 0 nays, Mr. President, on the passage of LB888. [LB888]

SPEAKER FLOOD: LB888 passes. Mr. Clerk, we now proceed to LB888A. [LB888 LB888A]

CLERK: (Read LB888A on Final Reading.) [LB888A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB888A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB888A]

CLERK: (Record vote read, Legislative Journal page 1092.) 49 ayes, 0 nays, Mr. President, on the passage. [LB888A]

SPEAKER FLOOD: LB888A passes. Mr. Clerk, we now proceed to LB571. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB888A LB571]

CLERK: 44 ayes, 0 nays to dispense with the at-large reading. [LB571]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB571]

CLERK: (Read title of LB571.) [LB571]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB571 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. We'll record in approximately 2 minutes and 45 seconds. Record please, Mr. Clerk. [LB571]

CLERK: (Record vote read, Legislative Journal page 1093.) 49 ayes, 0 nays, Mr. President, on the passage of LB571. [LB571]

SPEAKER FLOOD: LB571 passes. Mr. Clerk, we now proceed to LB943E. [LB571 LB943]

ASSISTANT CLERK: (Read LB943 on Final Reading.) [LB943]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB943E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB943]

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

Floor Debate
March 26, 2010

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1093-1094.) Vote is 49 ayes, 0 nays, Mr. President, on the passage of the bill. [LB943]

SPEAKER FLOOD: LB943 passes with the emergency clause attached. (Visitors introduced.) Continuing with discussion on Final Reading today, we now move to LR297CA. [LB943 LR297CA]

ASSISTANT CLERK: (Read LR297CA on Final Reading.) [LR297CA]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LR297CA pass? This resolution would concern the general election, so it does require 30 votes. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LR297CA]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1095.) Vote is 47 ayes, 0 nays, 2 present and not voting, Mr. President. [LR297CA]

SPEAKER FLOOD: LR297CA is adopted. Mr. Clerk, we now proceed to LB1051E. [LR297CA LB1051]

ASSISTANT CLERK: (Read LB1051 on Final Reading.) [LB1051]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1051 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1051]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1096.) Vote is 49 ayes, 0 nays, Mr. President. [LB1051]

SPEAKER FLOOD: LB1051E passes with the emergency clause attached. Mr. Clerk, we now proceed to LB727. [LB1051 LB727]

ASSISTANT CLERK: (Read LB727 on Final Reading.) [LB727]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB727 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB727]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1096-1097.) Vote is 49 ayes, 0 nays, Mr. President. [LB727]

SPEAKER FLOOD: LB727 passes. Mr. Clerk, the next bill is LB763. [LB727 LB763]

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

Floor Debate
March 26, 2010

ASSISTANT CLERK: (Read LB763 on Final Reading.) [LB763]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB763 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB763]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1097.) Vote is 47 ayes, 1 nay, 1 present and not voting, Mr. President. [LB763]

SPEAKER FLOOD: LB763 passes. Mr. Clerk, LB1087. [LB763 LB1087]

ASSISTANT CLERK: (Read LB1087 on Final Reading.) [LB1087]

SPEAKER FLOOD: All provisions of law relative to procedure, the question is, shall LB1087 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1087]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1098.) Vote is 49 ayes, 0 nays on the passage of the bill, Mr. President. [LB1087]

SPEAKER FLOOD: LB1087 passes. Mr. Clerk, we now proceed to LR284CA. [LB1087 LR284CA]

CLERK: (Read LR284CA on Final Reading.) [LR284CA]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LR284CA be adopted? This does require 30 votes to be placed on the general election ballot. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LR284CA]

CLERK: (Record vote read, Legislative Journal pages 1099-1100.) 38 ayes, 8 nays, 3 present and not voting, Mr. President. [LR284CA]

SPEAKER FLOOD: LR284CA is adopted. Mr. Clerk, we now proceed to LB1036, where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LR284CA LB1036]

CLERK: 37 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB1036]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB1036]

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

Floor Debate
March 26, 2010

CLERK: (Read title of LB1036.) [LB1036]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1036 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1036]

CLERK: (Record vote read, Legislative Journal page 1101.) 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB1036]

SPEAKER FLOOD: LB1036 passes. (Visitors introduced.) Mr. Clerk, we now proceed to LB919E. [LB1036 LB919]

CLERK: (Read LB919 on Final Reading.) [LB919]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB919E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB919]

CLERK: (Record vote read, Legislative Journal pages 1101-1102.) 49 ayes, 0 nays, Mr. President, on the final passage of LB919. [LB919]

SPEAKER FLOOD: LB919E passes with the emergency clause attached. Members, we now proceed to Select File, 2010 priority bills. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB935, LB317, LB1106, LB1106A, LB1090, LB1091, LB888, LB888A, LB571, LB943, LR297CA, LB1051, LB727, LB763, LB1087, LR284CA, LB1036, and LB919. Mr. Clerk, items for the record? [LB919 LB935 LB317 LB1106 LB1106A LB1090 LB1091 LB888 LB888A LB571 LB943 LR297CA LB1051 LB727 LB763 LB1087 LR284CA LB1036]

CLERK: I do, Mr. President, resolutions: Senator Stuthman offers LR455, LR456, LR457, and LR458; all those will be laid over. Judiciary Committee will hold an Exec Session later this morning, Mr. President, under the south balcony. That's all that I have. (Legislative Journal pages 1102-1104.) [LR455 LR456 LR457 LR458]

SPEAKER FLOOD: Thank you, Mr. Clerk. We now proceed to Select File, 2010 senator priority bills, Harms division. We begin with LB510. [LB510]

CLERK: Senator Nordquist, E&R amendments first of all on LB510, Senator. (ER8203, Legislative Journal page 971.) [LB510]

SPEAKER FLOOD: Senator Nordquist for a motion. [LB510]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB510.

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

Floor Debate
March 26, 2010

[LB510]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The amendments are adopted. [LB510]

CLERK: Mr. President, Senator Council would move to amend, AM2229. (Legislative Journal page 1053.) [LB510]

SPEAKER FLOOD: Senator Council, you're recognized to open with AM2229. [LB510]

SENATOR COUNCIL: Yes, thank you, Mr. President. As my colleagues would remember, when LB510 was introduced on General File there was a Judiciary Committee amendment. Just to briefly provide some background, LB510 was introduced by Senator Pirsch as a means of providing appropriate level of resources to the Crime Victim's Reparations Fund. As many of you know, unfortunately, there has been a dramatic increase in violent crime across the state in fact, but with regard to my district there has been a dramatic increase in crime. And a number of the victims of these crimes have no resources to assist them with any medically related issues resulting from the crime or, for that matter, the costs of burying a loved one who has been a victim of crime. So in the development of LB510, Senator Pirsch looked for sources of revenue to fund...to provide additional funds to the Crime Victim's Reparations Fund. And LB510 provided that there would be a surcharge on any criminal prosecution and that the funds generated from that surcharge would go into a cash fund to be distributed to the Victim's Reparations Fund. LB510 also provides that up to 5 percent of the wages earned by individuals on work release programs across the state would go into the fund from which... [LB510]

SPEAKER FLOOD: (Gavel) [LB510]

SENATOR COUNCIL: ...funds would be distributed to the Crime Victim's Reparations Fund. Well, there was a concern that I expressed from the outset with regard to this bill and thought that I had worked out an arrangement with Senator Pirsch that the fund that would be generated by the surcharge, as well as the funds from withholding from work release inmates' wages, 75 percent of which would go to the Crime Victim's Reparations Fund, the remaining 25 percent would go to the Office of Violence Prevention. My reasoning behind that is that the best way to protect and prevent residents of this state from incurring the costs associated particularly with violent crimes is to prevent them from being crime victims in the first instance and that, in terms of developing a statewide policy with regard to victims and preventing individuals from becoming crime victims, that the Office of Violence Prevention would be carrying out that state policy since the Office of Violence Prevention does distribute funds to communities throughout the state of Nebraska to assist them in their effort to prevent violent crimes in the first instance, which would then naturally have an impact on the

Floor Debate
March 26, 2010

number of individuals who would have to turn to the Crime Victim's Reparations Fund. In an Executive Session of the Judiciary Committee, the amendment was introduced which changed the distribution of the 25 percent from the Office of Violence Prevention to the Work Ethic Camp in McCook, and I need to make this point perfectly clear. I appreciate and respect Senator Christensen's support for the Work Ethic Camp in Nebraska. I have shared with him, I, too, support the Work Ethic Camp concept and believe it needs to be spread throughout the correctional system, and that Work Ethic Camp opportunities should be provided correctional system wide, but that is not the case. And what we're looking at in terms of trying to stem the tide of violent crime and reduce our citizens' reliance on the Crime Victim's Reparations Fund, that the more appropriate distribution to carry out a statewide policy of preventing violent crimes and preventing our citizens from being the victims of violent crime would be to have the 25 percent go to the Office of Violence Prevention. It needs to be understood that this amendment does not take any money from the Work Ethic Camp. You know, the Work Ethic Camp will continue to be funded at the levels that the Department of Correctional Services' budget can fund that program. I am prepared to work with Senator Christensen and anyone else to seek additional funds for the expansion of the Work Ethic Camp, but at this point in time, you know, we're looking at the increase in violence at crisis proportions throughout the state. I have discussed this issue with individuals who are concerned in Grand Island, Columbus. When the Office of Violence Prevention distributed grants last year, those grants were distributed statewide because the issue of violence is a matter of statewide concern. And it's for that reason that I offer AM2229, to just have the 25 percent of these funds...and it must be noted that a portion of these funds does come from the withholding from the wages of work release inmates. And it should be noted that more often than not the majority of individuals who are on work release programs are individuals who have committed nonviolent crimes. They generally do not have victims associated with the crimes that they have been incarcerated for. So in terms of fairness and equity and having the funds that are withheld go towards a policy that everyone in the state... [LB510]

SPEAKER FLOOD: (Gavel) [LB510]

SENATOR COUNCIL: ...has an interest in, and everyone in the state should have an interest in preventing violent crime from occurring in the first instance. And with that, colleagues, I would urge your adoption of AM2229. [LB510]

SPEAKER FLOOD: Thank you, Senator Council. Continuing with discussion, you've heard the opening, we begin with Senator Christensen, followed by Senators Gloor, Pirsch, Stuthman, and Gay. Senator Christensen, you are recognized. [LB510]

SENATOR CHRISTENSEN: Thank you, Mr. President. You know, I stand in opposition to this bill, not because I don't believe that violence protection fund is important but because we have funding for that in LB800, when it's passed, to take care of it this year.

Floor Debate
March 26, 2010

We don't have funding for the Work Ethic Camp no more. Corrections has pulled the funding down to where we'll have three people go through the training. If you look at the sheets I handed out, there's 19 have went through and 13 of them 19 are working. That's 68 percent of the people that went through are currently working, 3 are not working, and 3 have been reincarcerated. And think about with the tough economic times we're having right now, employers have stepped up across this state and hired these people that it would be very easy to turn their backs on. They have a record. We could turn around, say forget them, we don't need them, they could just go on to another welfare program, not be trained. This is a crisis right now. This is only a one-year-old program. A year ago all of you were invited to come out to a fund-raiser where we put on this camp to tour for the senators and there's a few made it. Senator Ashford is one. And unfortunately, not a lot of you made it, but I understand the schedules. But if you think about a brand new program, it's maybe a year to a year and a half old now, has 68 percent of the people currently working that's coming out of our jail system. They're coming out of the Work Ethic Camp that have taken this training and have jobs. I just don't think we want to pull the funding away from this. If we do, you very likely could have the situation where these people are going back on to the crime rolls and back in jail, or they're going to have a much harder time finding work. I don't think anybody can disagree with the fact that it's going to be harder for them to find work because they're not trained. I want you to look at this, the letter from Barbara Lewien that is warden at the Work Ethic Camp. We currently have graduates from Omaha, working in Omaha, Lincoln, McCook, Hastings, Elwood, Fairbury, Brainard. What an awesome deal. I've been told by a couple people that they thought it only benefited McCook. This doesn't. It benefits the whole state and it's returned workers across this whole state. Most of the offenders come from eastern Nebraska that go to the camp. It's a voluntary program to go to that camp. It's a program where people that want to make a difference in their life have the opportunity to step up through this program, get trained, get a job, become beneficial citizens in this state. I'll take it from another angle. Think about the businesses that are stepping up and saying, in these tough economic times, I'm going to hire someone that's a graduate from the Work Ethic Camp that's coming out of our judicial system... [LB510 LB800]

SENATOR COOK PRESIDING

SENATOR COOK: One minute. [LB510]

SENATOR CHRISTENSEN: ...thank you...and step up and hire them when they could be hiring people that have never been in jail. Think about what that says about the people of Nebraska and how they're willing to give people a second chance. And if we don't have this funding here, we're going to kill the program. I don't know how you can think it won't kill it, because I guess I come down, if they're going to put three people through it's going to be uneconomical to maintain that building, maintain the program, and to work here. I'm very concerned if we don't have funding for this we're in trouble

Floor Debate
March 26, 2010

and we do have one-year funding for Senator Council's deal in LB800 to meet this for a year. We don't have the funding for this program if this leaves us. Thank you. [LB510 LB800]

SENATOR COOK: Time, Senator. Senator Gloor, you're recognized. [LB510]

SENATOR GLOOR: Thank you, Madam President. Good morning, members. It's been a long week. We've covered a lot of ground, and I knew if we talked long enough we'd eventually find an area where Senator Council and I agree. Eureka! I rise in strong support of AM2229 and LB510. I remember Senator Council, during General File, talking about her plans and hopes in introducing an amendment, and I've had a chance to talk with others since that period of time, including former Senator Mike Flood (sic), who, as we know, deals with violence prevention now. My fellow central Nebraska senators...excuse me, former Senator Mike Friend. I'm sure Senator Flood would say that he also deals with violence prevention in terms of his role over this august body. My fellow central Nebraska senators--Dubas and Sullivan, Utter, Hadley, Carlson, Wightman--will recall meetings that we go to with the SCALES group, the South Central Area Law Enforcement Services organization made up of sheriffs' departments, local police departments, State Patrol, where we talk about issues important to law enforcement in central Nebraska, and violence prevention was one of the things that they put on the plate in front of us to take a look at over the years. I believe AM2229 will, in fact, help provide some funds to address that. I also recognize Senator Christensen is concerned about the Work Ethic Camp, but it's my understanding that this is new money, that this is not money that currently goes to the Work Camp and that it's also not money that is budgeted within the Work Camp at this point in time. Would Senator Christensen yield to a question, please? [LB510]

SENATOR COOK: Senator, will you yield? [LB510]

SENATOR CHRISTENSEN: Yes. [LB510]

SENATOR GLOOR: Senator Christensen, am I correct, this is new money, this isn't money that currently goes to the Work Ethic Camp in McCook? Isn't that correct? [LB510]

SENATOR CHRISTENSEN: That's correct. This is new money all the way around. [LB510]

SENATOR GLOOR: So why is it that a diversion of a small percentage of this money is going to destroy the Work Camp, in your mind? [LB510]

SENATOR CHRISTENSEN: Well, the Department of Corrections, through budget cuts, has pulled the funding from the program. And last year, where you can see 19 people

Floor Debate
March 26, 2010

went through, they said they have enough funds to put 3 through. [LB510]

SENATOR GLOOR: And is there a reason to think that the percentage of money that will continue to go there, because not all the money is being diverted for violence prevention, do we have information that tells us that this remaining amount of money that's going is not enough? [LB510]

SENATOR CHRISTENSEN: Well, they're \$60,000 short of funding the program and that's exactly what this raises. And so if we don't have this, they will put three students through the program. But I ask you to think about something. Can you afford to keep a program open to put three students through? They're right now in the process of trying to develop another program to train people beyond welding in another technology field. So if we don't have this, maybe I'm wrong, but I fear it just dies. You can't have a program, a separate building, for three. [LB510]

SENATOR GLOOR: Thank you, Senator Christensen. Would Senator Council yield to a question? [LB510]

SENATOR COOK: Senator, will you yield? [LB510]

SENATOR COUNCIL: Yes, Madam Chairman. [LB510]

SENATOR GLOOR: Senator Council, you've heard my question to Senator Christensen. Is it your understanding that this is, in fact, new money and that the amount we're talking about diverting into violence prevention isn't of an amount that will dramatically undermine the McCook Ethic Camp? [LB510]

SENATOR COUNCIL: Well, let me answer your first question and that is, yes, the monies that LB510 would generate and appropriate are monies that... [LB510]

SENATOR COOK: One minute. [LB510]

SENATOR COUNCIL: ...are currently not directed or allocated to the Department of Corrections. And in terms of the funding for the McCook Work Ethic Camp, it has been coming out of the Department of Corrections' budget and the issue is whether the Department of Corrections can modify their spending to provide the kinds of funds for the Work Ethic Camp to continue. [LB510]

SENATOR GLOOR: Thank you, Senator Council. While it would appear that the ball is still in the Department of Corrections' court, that there will be monies coming in and it will be up to the Department of Corrections to decide how to use some of their existing monies as well as some of their new monies as relates to the ethic camp, I still remain in support of the amendment and the underlying bill, LB510. Thank you, Madam

Floor Debate
March 26, 2010

President. [LB510]

SENATOR COOK: Thank you, Senators Gloor, Council, and Christensen. Next in line to speak are Senators Pirsch, Stuthman, Gay, Council, Schilz, Christensen. Senator Pirsch, you are recognized. [LB510]

SENATOR PIRSCH: Thank you, Madam President, members of the body. I find myself in a very odd and unusual and uncomfortable position right now. I'm going to attempt to describe the background by which this bill and amendment have come to us here today and my position. I introduced this bill, LB510, to help crime victims pay for funeral expenses, hospital bills, and therapy, period. That was my intent in introducing this bill. That was all of my intent. It has taken me two years, two sessions now to get to the...to get this bill to this stage. We, in Nebraska, are dead last among the states in providing assistance to crime victims. In working this bill through the committee, it became clear that there were two members of the committee who had an interest in utilizing my bill, the funds that are created through my bills, for different uses other than the original purpose. One, for the Office of Violence Prevention, another for the Work Ethic Camp in McCook. I, of course, introduced this bill for my purpose which was to assist crime victims, and I didn't intend at the time that I dropped it to be used for any other purpose. Apparently, neither of the other uses...there was no bill offered this session for either of the other two uses. In speaking with Senator Council, it became my understanding and other members of the committee that to have the bill brought to the floor, that the shape of a bill would be such that there would be 25 percent of the funds that were generated would go to the Office of Violence Prevention. Obviously, my interest is getting the bill onto the floor. I don't have any...I obviously didn't introduce a bill with respect to the Office of Violence Prevention. When the bill came to the floor, it was...I noticed the...by amendment, rather 25 percent of the funds that were created by my bill were sent to the Work Ethic Camp in McCook. I guess the long and the short of it is this: So the state of the bill right now as it passed through General is that \$1 out of every \$4 that are created in my bill through the funds would currently go to the Work Ethic Camp in McCook. Senator Council has introduced this amendment, AM2229, that would redirect that \$1 out of every \$4 that are going...currently slated in the bill to go to the McCook Work Ethic Camp to go to the Office of Violence Prevention. My purview is that...and the reason why I dropped the bill is because I want to assist crime victims for funeral expenses, hospital bills, and therapy. So I do not support either one of these alternative uses and I will be bringing an amendment, a floor amendment, to ensure that the funds generated by my bill are used for the purpose intended and not for a different purpose. I appreciate... [LB510]

SENATOR COOK: One minute. [LB510]

SENATOR PIRSCH: I appreciate the...you know, your attention to these issues as we go forward and I, you know, certainly do appreciate with respect to the...well, I just

Floor Debate
March 26, 2010

reemphasize the fact that even with...well, the committee scaled down the reach of the bill, I think that that was through their amendment, the committee did, and I'm not arguing with that here today. But we're talking about a fraction of the funds that I asked for to begin with for the crime victims. And so the reach, the number of funds in total were scaled back to begin with. And so I think that even with the full passage of this measure, we are still going to be in the cellar or near the cellar in terms of helping crime victims here in Nebraska. I might also add that either of these alternative uses or neither of these... [LB510]

SENATOR COOK: Time, Senator. [LB510]

SENATOR PIRSCH: Thank you. [LB510]

SENATOR COOK: Senator Stuthman, you're recognized. [LB510]

SENATOR STUTHMAN: Thank you, Madam Chair and members of the body. I want to talk a little bit about, you know, the effects of this crime prevention administrative...the program and how it works in my local community, and it is very successful in our community. I want to give you a little bit of history of what is happening. We have quite a number of kids that were in trouble, but we got them turned around. They were headed for, you know, big, heavy gang activity, and we got them turned around and got them involved in community activities such as soccer, which is a very, very popular activity in my community. And I want to give you a little bit of information as far as what the administrator of our Platte Valley Diversion Program has sent to me. She says that 94 percent of the youth in the program have successfully completed the program, you know. And this accounted for an estimated cost savings of \$987,000 to Platte County since 2001. So I think that means a lot to me. And the thing that I have always been very, very involved in and I've really tried to promote is, you know, when some of these youth, you know, get into trouble...and in my opinion, the reason they get into trouble is because they don't have an activity, they don't have family involvement. But kids want to be active, they want to do something and most generally that activity is wrong, what they do, but they want to have an activity. So I think, you know, if we can, with this diversion program that we have in our community--and it's very, very successful, as I have stated--is the fact that we can get these kids having a positive activity. And that makes a lot of difference because, you know, kids want an activity and most generally when they want an activity, it's in the wrong direction, it's in the negative. And we need to get these kids turned around. I think family involvement with kids is very, very important, but there are a number of kids that don't have family to be involved with. So I think, you know, I'm very supportive of these programs and if we can get these kids turned around when they got into problems with law at a young age and we can get the kids turned around, get them involved in an activity, those individuals will be assets to the state of Nebraska instead of liabilities. Thank you, Madam Chair. [LB510]

Floor Debate
March 26, 2010

SENATOR COOK: Thank you, Senator Stuthman. Senator Gay, you are recognized. [LB510]

SENATOR GAY: Thank you, Madam President. I just wanted to rise in support of LB510, and I'm listening into the debate. I have an interest in this. I introduced a bill in Judiciary, LB78, along with Senator Pirsch dealing with Crime Victim's Reparations funding. And Senator Pirsch and I had been discussing and he has been putting a lot of effort into this, and so I'm fully supportive of what he's doing and quit pursuing my own bill. They're all very good causes here, but I do think when I was studying the bill, we are very low in funding here. To divert more funding to other worthwhile programs may make sense, but I think at this stage, I'm going to wait and vote on Senator Pirsch's upcoming amendment and fully fund Crime Victim's Reparations funding. Like I say, they're all good causes, but I think the way we're starting to divert money, I don't like that idea. And I support Senator Pirsch, and I'd yield the balance of my time to Senator Pirsch. [LB510 LB78]

SENATOR COOK: Senator Pirsch, you have 4 minutes. [LB510]

SENATOR PIRSCH: Thank you, Madam President, members of the body. Again, I'll pick up where I left off. We are dead last in the nation in terms of helping our crime victims, wasn't always that way. In 2002, we had down economic times. At that point in time, the funds that were used, and these were General Funds, were cut off, and that plummeted us to dead last in the nation, and we have never done anything towards helping them, the crime victims, since that time, restore their funding. And that has resulted in very dire consequences with respect to families who have had family members murdered who are trying to scrape together money to pay even for the most basic of funeral expenses, just very Spartan funeral expenses. And they at a point in time in their life when they should be focused on mourning their family member who has been lost are instead focusing their attention in organizing pancake fund-raisers and other type of activities so that they can raise \$3 here and \$5 there to bury their family member, and that's just not right. The approach I took in LB510 internalized the cost of crime that results to the crime victim on the people who break the laws to begin with, the criminals. And so I do appreciate your passage through General File of LB510. It was...what we're talking about here is that when the committee...I'm sorry, when the bill came out of committee, the committee had changed the form of my bill, and that was to take one out of every...well, first of all, scaled back the reach of the funds that I was requested...that the bill would take from criminals to pay for the victims of crime. In a large way, it scaled back the reach. And so we're only talking about an increment of those dollars that I was talking about to begin with. But secondly, the committee amendment then added...took \$1 out of every \$4 that would be created for a purpose really that isn't germane to the bill, which would be the McCook Work Ethic Camp, which not to say that isn't necessarily a good idea, that Work Ethic Camp, but certainly there was no independent bill that was addressed through that. And so the committee

Floor Debate
March 26, 2010

format, it came...I'm sorry, the form of the bill as it came out of committee had \$1 out...
[LB510]

SENATOR COOK: One minute. [LB510]

SENATOR PIRSCH: ...\$1 out of every \$4 going for that unintended purpose, unintended from my standpoint. And I understand that there's now this amendment, Senator Council's amendment, currently underway. She'd like to use that \$1 out of \$4 for yet a different unintended purpose. I have...you know, I don't support either usage because I introduced this bill to achieve a goal to help crime victims. And so I'm asking for...I'm introducing a floor amendment and it will come later, and what it will do is redirect the current state which goes to the McCook...the funds currently go to the...\$1 out of every \$4 go to the McCook Work Ethic Camp, and it will redirect those back to the original intent of my bill, which is to be used for crime victims for their funeral expenses, therapy. And so that floor amendment will be...has been dropped, it will be coming.
[LB510]

SENATOR COOK: Time, Senator. [LB510]

SENATOR PIRSCH: Thank you. [LB510]

SENATOR COOK: (Visitors introduced.) Next to speak is Senator Council. [LB510]

SENATOR COUNCIL: Thank you, Madam President. I regret that we're at this point, and I would have hoped that Senator Pirsch would have been thorough, open, and forthcoming about all of the discussions around LB510. If those who attended the Judiciary Committee hearing, all of these issues were raised with Senator Pirsch when he introduced the bill to the Judiciary Committee. The question that was posed at that time to him had to do with the fact that the proposal was that 5 percent...up to 5 percent of the wages from work release employees...work release inmates--my apologies--was going to be diverted to Crime Victim's Reparations. I expressed the concern that, you know, we need to do something that's universal. The individuals who are on work release ordinarily are not the people who have committed crimes that have victims in the traditional sense of victims, in the range of the types of crimes that the Crime Victim's Reparations Fund was meant to address. There are other issues with regard to the funding source. Senator Pirsch talked about scaling back the amounts that would be generated. Well, they were scaled back because we worked not only with Senator Pirsch but we worked with the courts who presented problems and concerns about actually collecting the surcharge. So the committee worked hard to put the surcharge in a form that it was collectible, that it wouldn't result in any adverse impact on counties where there were indigent defendants who couldn't pay. So we worked to make the bill achieve the result that Senator Pirsch was seeking. Senator Pirsch says he never agreed that 25 percent would be diverted to the Office of Violence Prevention. I regret

Floor Debate
March 26, 2010

that he made that statement because that's not what he represented to me. And one of the things that I thought that the members of this body took pride in was being people of their word. In fact, it was I who brought to Senator Pirsch's attention the fact that a new Judiciary Committee amendment was being brought forth, and that was to change from the Office of Violence Prevention to the Reentry Cash Fund for the Work Ethic Camp. Senator Pirsch's quote to me was: Well, it really doesn't matter about the 25 percent to me. I'm concerned about the portion that goes to the Crime Victim's Reparations Fund. I asked him for his vote against the Judiciary Committee amendment that would divert 25 percent to the McCook Work Ethic Camp, and he chose not to. So when he says he didn't support the diversion to the reentry program and the Work Ethic Camp, that's not quite true because he voted in support of the Judiciary Committee amendment that provides just for that purpose. Again, the intent of my amendment is that this is an issue of statewide public policy. How do we deal with violence? How do we prevent violence? How do we address the needs of those who unfortunately have been victims of violent crime? And from the outset the effort was to make it as fair and as equitable and to make those individuals...you're taking up to 5 percent from individuals, inmates who are on work release. [LB510]

SENATOR COOK: One minute. [LB510]

SENATOR COUNCIL: The practical effect of the bill as it currently stands is that inmates on work release would be bearing the cost of inmates at the Work Ethic Camp. And the issue should be these inmates should be contributing to a reduction in violent crime and compensation for victims of crime. That's what AM2229 is intended and designed to do. It's specifically designed to get back to the agreement that I thought I had reached with Senator Pirsch when I voted originally on the bill to advance and I voted against the amendment. I urge your favorable consideration of AM2229. And a final comment, you know, Senator Gloor says he's found... [LB510]

SENATOR COOK: Time, Senator. [LB510]

SENATOR COUNCIL: ...something that he can agree with me on. I appreciate that. [LB510]

SENATOR COOK: Time. [LB510]

SENATOR COUNCIL: I've found something I can agree with former Senator... [LB510]

SENATOR COOK: Time, Senator. [LB510]

SENATOR COUNCIL: ...Friend on. Thank you. [LB510]

SENATOR COOK: Thank you, Senator Council. Next to speak are Senators Schilz,

Floor Debate
March 26, 2010

Christensen, Pirsch, Hadley, Carlson, and others. Senator Schilz, you are recognized. [LB510]

SENATOR SCHILZ: Thank you, Madam President and members of the body. Good morning, Friday morning. I think it's a good thing. I stand today to just give a little bit of my experience from what I saw when I was invited by Senator Christensen to the Work Ethic Camp and the kind of good that those folks do down there. I don't know the inner workings of what happened within the Judiciary Committee and how we got to here, but I can tell you that what I saw down there at the Work Ethic Camp and the results that those folks get down there are real, true results. And, you know, we talk about helping victims and I think that's great, but I think in a situation like this what we find is a way to prevent victims by putting forth programs such as the Work Ethic Camp. And I think it's crucial that people understand what the kind of money that we're talking about here, \$60,000, could do for that Work Ethic Camp and for the program that they have there. It really is a lot of money for those folks that need it in the Work Ethic Camp. And I would hope, I would hope that as far as we've come on this and where we're at, that we don't allow this to derail what's been done and the good work done so far. With that, I would just say that, guys, if you haven't had a chance, take the opportunity to go see that Work Ethic Camp, take the opportunity to go see what good they do, and then let's support the things that do work. Thank you very much, Madam President. [LB510]

SENATOR COOK: Thank you, Senator Schilz. Senator Christensen, you are recognized. [LB510]

SENATOR CHRISTENSEN: Thank you, Ms...can't even speak, Madam President. This is a difficult fight to be having on the floor. All three are very worthwhile causes, all three need to be funded, and we're setting in economic times where it's tough. This is exactly the type of debate we need to have because we've got such an important issue here to take care of. We need to prevent violence and crime. We need to rehabilitate those that's been gone through the program and make them successful citizens. We need to take care of the victims. And so I hope everybody steps up and shares their opinions on this issue because this is very important, and this is just one of those that there's no way to totally win unless we find more revenue, more money here. And it comes down to we're going to have to look at priorities, we're going to have to look to see what we can do to take care of the situation we have in front of us the best way that we can. But I'm going to plead my case a little bit further. If you take that \$60,000 I'm asking for, 19 people went through the program. That's a little over \$3,000 to train them people to make them successful. There are not many business owners spend less than \$3,000 training somebody. We're getting a very good bang for our buck here. If you take the \$60,000 over the 13 that still have jobs...and it probably would be 16 if 3 of them hadn't got incarcerated but I'm just assuming that the 3 that ended up back in jail went onto the rolls of not working, it costs us \$5,000, just over \$5,000, and we have citizens that are now productive. They're in the work force. We have job needs that have been met by

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

Floor Debate
March 26, 2010

employers. It's not that the employer can't find other people right now but I think, again, you need to think about how these business owners need to be thanked, encouraged. I wish we had money to reward them for stepping up and being willing to take on somebody that's been incarcerated, that's been trained through the Work Ethic Camp, that's willing to step up and say, you know what? I'm going to take a chance on what some of society look down on. So I encourage you to send LB510 forward. And it's even hard for me to say, you know, I want to see AM2229 die because I know it's important. But I do remind you that we do have money to take care of Senator Council's needs in LB800. It's only a one-year gap until we can come back next year. I sat in the unfortunate position or I didn't learn of this need in time to drop a bill. And so in visiting with Senator Ashford, this is the way the committee took this on. [LB510 LB800]

SENATOR COOK: One minute. [LB510]

SENATOR CHRISTENSEN: And I'm very thankful that the committee looked favorable upon the Work Ethic Camp and the needs there that we didn't learn about in time to have a way to fund them or to even attempt to fund them through the normal bill introduction process. I felt a little handicapped because I wasn't able to address it that way. I've been very appreciative of the work the Judiciary Committee has done and how they've stepped up to try to meet this need. And I'm asking you to help me work with Senator Council to get additional funding for her next year and go ahead and defeat AM2229 and pass not only LB510 but LB800 so we can meet her need for one more year. Then we can have the best of both worlds and be able to go forward. Thank you. [LB510 LB800]

SENATOR COOK: Thank you, Senator Christensen. (Visitors introduce.) Senator Hadley, you are recognized. [LB510]

SENATOR HADLEY: Madam President, members of the body, would Senator Council yield to a question? [LB510]

SENATOR COOK: Would you yield, Senator Council? [LB510]

SENATOR COUNCIL: Yes, Madam President. [LB510]

SENATOR HADLEY: Senator Council, I probably misheard, but did you say that you supported LB510, you were going to vote for LB510? You said you had a deal with Senator Pirsch. [LB510]

SENATOR COUNCIL: As the bill was originally developed, Senator Hadley, and the bill as originally developed, and the agreement that I had with Senator Pirsch was that 75 percent of the funds would go to the Crime Victim's Reparations Fund, 25 percent would go to the Office of Violence Prevention. [LB510]

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

Floor Debate
March 26, 2010

SENATOR HADLEY: Okay. [LB510]

SENATOR COUNCIL: And that was the understanding that was reached. [LB510]

SENATOR HADLEY: Was that the way LB510 was originally put in then? [LB510]

SENATOR COUNCIL: No. LB510 as originally introduced by Senator Pirsch, he was correct, was all the funds would go to Crime Victim's Reparations. [LB510]

SENATOR HADLEY: Right. [LB510]

SENATOR COUNCIL: And allow me to, again, repeat because there's this impression that I looked to LB510 as a means of finding funding for the Office of Violence Prevention. That is not what occurred. The question that I posed, the issue that I related to Senator Pirsch from the outset was that the funding stream was 5 percent withheld from the wages of inmates for work... [LB510]

SENATOR HADLEY: All right. I have some other questions that I need to ask before...will Senator Ashford yield to a question? [LB510]

SENATOR COOK: Senator Ashford? Senator Ashford, would you yield to a question? [LB510]

SENATOR ASHFORD: Yes. [LB510]

SENATOR HADLEY: Senator Ashford, I notice that the committee voted out 7 to 1 that included the 25 percent going to the work camp, is that correct? [LB510]

SENATOR ASHFORD: Yes. [LB510]

SENATOR HADLEY: Did you consider the amendment, AM2229, in your committee at any time? [LB510]

SENATOR ASHFORD: Yes. [LB510]

SENATOR HADLEY: And that was not voted out by the committee then, is that correct? [LB510]

SENATOR ASHFORD: That's correct. [LB510]

SENATOR HADLEY: And is there a reason that you supported the work camp over AM2229, the committee? [LB510]

Floor Debate
March 26, 2010

SENATOR ASHFORD: Yeah. I can only speak for myself, Senator Hadley, and thank you because it gives us an opportunity to talk about what happened in the committee. Certainly Senator Council is bringing to the floor an idea that was discussed in the committee. It's not new territory. We were looking for...the grant program that the Office of Violence Prevention initiated last year has been extremely successful. There have been grants awarded to various communities, entities within communities, and it works. Former Senator Friend is out there doing a good job. And so we wanted to find...we wanted Senator Friend to have the ability to have a grant program going forward. And so this, Senator Pirsch's victims bill was one of the options. However, I was informed two or three weeks ago that, by Mid-Plains Community College, that the program for the work camp in McCook, which is a great program, was going to lose its funding for the welding. It's not just welding, but it was a program that was started in partnership with Valmont Industries and I had had the opportunity to see that program when I visited Senator Christensen out there. And so the idea the committee had was to make sure that program continues. [LB510]

SENATOR HADLEY: Okay. Thank you, thank you. I guess my concern is, is that we had an amendment voted out of the committee on a 7 to 1 vote, and now we're being asked to support the one, the amendment now is basically the proposal for the person that was on the one side. So I guess I would like to hear maybe more from the committee members of why they felt it was important enough on a 7 to 1 vote to support the 25 percent to the work camp. [LB510]

SENATOR COOK: One minute. [LB510]

SENATOR HADLEY: And so I think that's basically what we're talking about here, and I don't understand the deal with Senator Pirsch earlier about...because that, I don't see anything in there that Senator Pirsch had for the original bill or anything doing this. So unless somebody says a lot more to change my mind, I'm going to go with the committee's decision. They heard the testimony, they met in Executive Session, and they made the determination to where the funding should go. Thank you, Madam President. [LB510]

SENATOR COOK: Thank you, Senators Hadley, Ashford, and Council. Next to speak, Senator Carlson. [LB510]

SENATOR CARLSON: Thank you, Madam President and members of the Legislature. These kinds of discussions and debates are a result of where we are financially in this state. And I don't have anything in opposition to AM2229 other than the fact that it looks like it's taking money away from another worthy cause. As I look at what is happening in the Work Ethic Camp, thus far it's got a 16 percent recidivism rate. I'd say something is working. It appears that 84 percent of those involved in the Work Ethic Camp are on the

Floor Debate
March 26, 2010

right track, and 63 percent of them are working. That's a pretty good figure. And so as tight as dollars are, I don't like to see funds taken away from an effort that's working. And maybe we're going to have an amendment come up that would provide funds for both concerns here. If so, I can support that. But at this point as I look at it, I am not in support of AM2229 and I am in support of LB510 simply as it advanced out of General File and to Select File. I'll listen to the debate. I'll see what comes forward on other amendments, but at this point, that's my thought on this discussion. Thank you, Madam President. [LB510]

SENATOR COOK: Thank you, Senator Carlson. (Visitors introduced.) Next to speak, Senators Howard, Haar, Ashford, Lautenbaugh, Council, and others. Senator Howard, you are recognized. [LB510]

SENATOR HOWARD: Thank you, Madam President. I really appreciate Senator Hadley's remarks, he was dead on the money. And I want to say there's an important lesson here to be learned. You don't go after someone else's appropriations. You don't go after someone else's funding. I was fortunate to start down here in 2006 and I learned from some very seasoned state senators. And the issue of respect and not doing an end run around someone else's funding was really critical because I remember going over to Senator Byars and talking to him about the tobacco funding because I thought I could use that, that would be wonderful for my child welfare issues. And he sat me down and he carefully explained to me how when things are appropriated out for other causes, you don't come in and undermine that and take that money, and that was a good lesson and I appreciated that he took the time to teach me to do that. And I remember, too, Senator Stuthman who came into Health Committee with a very important bill regarding funding for his community healthcare center, only \$40,000. But what Senator Stuthman did was look for it from other sources, not look for taking it, removing it from someone else's funding. I've said to the Governor myself: If we had all the money in the world down here, I'd want it all for child welfare, but that's not possible. I really appreciate that Senator Pirsch has worked so hard on this issue and has been such a trouper to get money for this funding for victims because there really is no money in that funding. It's a sham. People think they're going to be able to get some relief, some small amount of relief to, as Senator Pirsch mentioned, bury a loved one who's been a victim, and it's just not there. And he has gone to bat for that. I really, really appreciate that. I can't emphasize enough that we need to have some...we need to respect one another, and when someone has worked hard on an issue and gotten the funding that they deserve, then we work with them on that. We don't try to come in...and I'm going to quote Senator Pirsch. He may not appreciate this, but this morning he said to me: I feel like a zebra being fought over by two lions. None of us should feel that way out here. I respectfully...and I have to say I'm not having any issue with the issues that these other two senators have brought in. I'm sure they're very worthwhile and on their own merits I'm sure I would stand in support of them, but under these circumstances I cannot vote for AM2229. Thank you. [LB510]

Floor Debate
March 26, 2010

SENATOR COOK: Thank you, Senator Howard. Senator Haar, you are recognized. [LB510]

SENATOR HAAR: Madam Chair, members of the body, I sort of am echoing the sentiment Senator Howard just expressed. The two uses that Senator Council and Senator Christensen are talking about are certainly, certainly good things, but this feels a little bit like hijacking Senator Pirsch's bill. And I intend to follow Senator Pirsch's lead on this one. Thank you very much. [LB510]

SENATOR COOK: Thank you, Senator Haar. Next to speak are Senators Ashford, Lautenbaugh, Council, Pirsch, Hansen, and Wallman. Senator Ashford, you are recognized. [LB510]

SENATOR ASHFORD: Thank you, and I do admit to the body I did leave early last night and I know this is the penalty for that, I accept it. So (laugh) thank you. I won't do it again. In all seriousness, what really happened here--and Senator Pirsch knows this--was a process of going back and forth and coming up with a bill. We worked hard in the committee as well. We had this bill before us in Exec Session many, many times. It was changed many times. When we deal with issues involving a crime and punishment and victims in the committee, we're really acting like the Appropriations Committee. We go through the process and decide how these court fees, which essentially is what we're talking about, court fees for criminal cases and prisoner or offender fees that go into this fund. We don't do an awful lot of appropriating in the Judiciary Committee, but we do in this case when we're dealing with these kinds of funds. So I don't believe it is even remotely...I understand Senator Howard's point, but I don't think that it is appropriate at this stage to undo the division of the fund. The 25 percent has always been in our committee, in the minds of the committee allocatable to another program, whether it's the Work Camp Program or Senator Council's idea, they were before us. When the bill came out, we made the call to go with the...and Senator Council, I respect her for her decision, voted no because she felt and feels today that the money ought to go somewhere else. I understand all that, but this is not...Senator Pirsch fully understood what we were doing and I believe...I thought he agreed with us. So maybe he didn't now, but whatever it is, I think we made a responsible decision in the committee on dividing it 75/25. Remember, this is a significant increase in the Crime Reparations Fund. Senator Pirsch has worked hard. His mother worked hard before him in creating the fund in the first place. He should be absolutely commended for his work and I do so. But in truth, in truth, this took us all year to get to this point. We went back and forth many times. We divided the pie many times, and we came up with this which I think is a responsible way to spend the money. With that, I just would say that I'm going to support the committee amendments with Senator Christensen's amendment, with all due deference to my colleague Senator Council, who is right. The Office of Violence Prevention is critical to our state as violence increases in every one of our communities.

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

Floor Debate
March 26, 2010

So with that, thank you, Madam Chair. [LB510]

SENATOR COOK: Thank you, Senator Ashford. Senator Lautenbaugh, you are recognized. [LB510]

SENATOR LAUTENBAUGH: Thank you, Madam President and members of the body. I also rise as a member of the Judiciary Committee. And I'm looking forward to getting my T-shirt that will prove that. But I also rise in opposition to this amendment and the next amendment because as Senator Ashford just indicated, Senator Pirsch did bring this bill. This is his priority. He worked hard on this. The committee worked hard with him, and we came up with something that we voted out 7 to 1, and that something advanced on General File. And I rise in support of that compromise, if you will, because that's what it was in my mind. And all of these things are worth supporting. If...the Office of Violence Prevention, certainly worthwhile, certainly doing great work across the state, not just in Omaha but across the state. And as far as funding for them goes, if you're passionate about that, I've got a bill for you coming up next week that will help with that. But at this point I cannot say we should take these funds from the project in McCook and move them over to the Office of Violence Prevention. We voted out this compromise as it is. We voted it forward on General File, attached it to the bill, and moved it forward. And I would urge the body to vote no on both this amendment and the next amendment and just advance the bill one more time as it currently stands. Thank you, Madam President. [LB510]

SENATOR COOK: Thank you, Senator Lautenbaugh. (Visitors introduced.) Senator Council, you are recognized. [LB510]

SENATOR COUNCIL: Thank you, Madam President. First, I'm going to say it as strongly as I can. I absolutely resent the accusation that I hijacked someone's bill, hijacked someone's appropriation, that I ambushed Senator Pirsch because that is absolutely untrue. And if he were a statesman, Senator Pirsch would get up and admit to that. We talk about the committee process. Well, I respect my fellow committee members and I'm not here to demean the process at all, but the fact of the matter is we discussed LB510 at least four times in Executive Session, and every time we discussed LB510, it was where the money was coming from and how the money was going to be distributed. The last Executive Session that I left that we discussed LB510, and if people on the committee would be forthright, I don't think anyone left that Executive Session believing anything other than the belief that I was operating under, horribly mistaken now I find, that the agreement was 75 percent to the Victim's Reparations Fund, 25 percent to the Office of Violence Prevention. And I want to make it clear, absolutely clear to those who are obviously incapable of understanding the issue around this had nothing to do with me trying to find funds for the Office of Violence Prevention. And, again, if Senator Pirsch is honest and forthright, I told him from the outset, you're taking money from inmates who for the most part have not committed crimes against victims.

Floor Debate
March 26, 2010

It's not fair to have their money go to Victim's Reparations when for the most part they've committed victimless crimes. If you want to take money from the inmates, let's divide it in a way that it covers a statewide public policy--Victim's Reparations and violence prevention--and Senator Pirsch agreed with that. He claimed surprise when I came to him shortly before the Judiciary Committee Exec, the last Exec on LB510. He claimed surprise. I arrive at the Exec Session and I'm given an amendment that shows 25 percent going to the Reentry Cash Fund for McCook. It had never been discussed in Executive Committee (sic) and it received little discussion during that Executive Committee (sic). I was the only one that raised the point, where did this come from? In four previous Exec Sessions, we had never discussed that issue. And it was Senator Pirsch's words to me, well, you know, if that's the way they want to go, it doesn't matter to me, and now he's given the impression to you all that I hijacked his bill, that I undercut him, that I came around his back, and that's absolutely untrue. The point here is if we're talking about reducing the reliance on a Victim's Reparations Fund, what better way to do that than to prevent violence in the first instance? That's what I have maintained from the beginning. It had nothing to do with me searching for funds for the Office of Violence Prevention. And it upsets me that Senator Howard would come to that conclusion... [LB510]

SENATOR COOK: One minute. [LB510]

SENATOR COUNCIL: ...Senator Pirsch would endorse it when Senator Pirsch knows it's not true. You know, if this goes to the Work Ethic Camp, fine. I have supported the Work Ethic Camp, Senator Christensen knows it. I met this summer with Bob Houston, the Director of the Correctional Center industries, and members of the philanthropic community in Omaha, Senator Christensen, trying to find more funds for the Work Ethic Camp because Department of Corrections said the major employer due to the economy is not going to be able to put these people to work any longer. So I met with philanthropic leaders in Omaha trying to find money for the Work Ethic Camp. The Department of Corrections is the only agency that didn't experience an additional 2 percent cut in what we just passed as a budget. They're the only agency that didn't experience an additional 2 percent cut. And they're telling you that they can't... [LB510]

SENATOR COOK: Time, Senator. [LB510]

SENATOR COUNCIL: ...find money in their budget for this. [LB510]

SENATOR COOK: Senator Pirsch, you are recognized. Following Senator Pirsch: Senators Hansen, Wallman, Christensen, Ashford, Price, and Senator Council. Senator Pirsch. [LB510]

SENATOR PIRSCH: Thank you, Madam President and members of the body. And I appreciate the passion in the words of Senator Council and I don't...let me clarify first

Floor Debate
March 26, 2010

off, I don't mean to suggest that in any way, shape, or form she's done anything dishonorable, and specifically she did not ambush, she did not hijack in any manner my bill. I think that as we're working on these bills, the problem just involves one of miscommunication. Senator Council did very...we did have talks about LB510 as a committee member and the sponsor of the bill quite a bit, and she did communicate to me that she was concerned about the fact that LB510 would...takes money from work release and that she felt that there were work release individuals who had committed victimless crimes, and so she didn't think that that was a good fit. And I understand...and so I don't mean to suggest here today that there was any...you know, what there was, was good, honest, hard work and advocacy quite frankly by all three, Senator Christensen, Senator Council for I think programming what the senators feel is going to take the state forward and is fair and is helpful. And so I just wanted to make sure that we clear that up. As I approached the committee, I obviously as the sponsor of the bill am hoping to...because the original format of my bill and my intent was to help crime victims, but I do understand and I don't think that it's unethical or somehow extraordinary that other senators have other goals that they want to have achieved. And so I think the miscommunication resulted from the fact that, you know, what my understanding was is that the committee...and this was my understanding at the time, I see it's not true now, that the committee would only advance the bill, my bill out if there was an amendment that allowed for the Office of Violence Prevention to take the \$1 out of \$4. And that was...my goal was to advance...if I could get 100 percent of my bill out, I certainly...the way it was originally written, I'd do that. But if the best that I could do--as we all know and we work hard for our bills--75 percent, then that was what I would take. Now things didn't work out the way either one of us intended was my belief because when it came to the committee vote, the committee acted in a different manner and supported a different version than either of us had...either one of us had intended. And at the time, then, Senator Council, not expecting that, voted actually no to advance LB510. So I thought that, you know, my goal in approaching her was to get the bill out of committee and with the best that I could, understanding that I...you know, I had my angle and she had hers, but, and other members had theirs. But so I don't think that...there wasn't anything...you know, I think what has happened here is some miscommunication, certainly when it came out of committee and didn't include...which was my goal, didn't include any of the language that we had talked about. It was...and that the current bill as the language would read, that the funds would go to the McCook Work Ethic Camp as between that...and, obviously, I didn't talk to committee members with regards to negotiating and agreeing that. I had... [LB510]

SENATOR COOK: One minute. [LB510]

SENATOR PIRSCH: ...I had been told that that...just before the vote that that was going to occur. But with respect to that, as between that possible usage and the way that my bill was intentional...was originally intended to function to aid crime victims, you know, I felt strongly that...here on the floor that the body should be presented with both

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

Floor Debate
March 26, 2010

compelling cases and the body should decide. I do think that we...the use of the funds as originally intended would be furthered by...best help the citizens of Nebraska so far as these funds would be leveraged to the tune of 60 percent by federal victim's funds, and there are other funds that are flowing to the Office of Violence Prevention. But I think that this is an honorable debate that we can have and I don't mean to cast dispersions on anybody who's fighting for very valid programs. [LB510]

SENATOR COOK Time, Senator. [LB510]

SENATOR PIRSCH So, thank you. [LB510]

SENATOR COOK: Senator Hansen, you are recognized. [LB510]

SENATOR HANSEN: Thank you, Madam Chairman and members of the Legislature. I would just like to briefly thank Senator Council and thank Senator Christensen especially. The two of them are working in the same arena--crime prevention. The Work Ethic Camp that I visited once and it was a great visit. You understand what's happening down there. Those young people down there, both men and women, are learning a trade, are getting rehabilitated in the work force, and that's a great way to provide crime prevention. Senator Ashford was not present last night. I think part of his punishment, and the prevention for him doing that again is I'm yielding the rest of my time to Senator Ashford. [LB510]

SENATOR COOK: Senator Ashford. [LB510]

SENATOR ASHFORD: Thank you, Senator Hansen, and thank you for your comments. Let me just give a little more background and then we can hopefully get to this. And hopefully Senator Pirsch will remove his amendment. We all are sitting committees and we all know how they work. We work together and we try to come up with compromise bills and put them out here. The money that's in this fund, that's in this bill is a significant increase from prior law. We are asking work release offenders to pay up to 5 percent into this fund. That's a new source of funds. We're asking in the criminal cases in the court system contribute \$1 of court fees, so there's a fund here. Victim's Reparations got 75 percent of that and, at least at this point, and I have supported Senator Christensen's project in McCook, gets 25 percent. I see nothing different or weird about that. We had an increase in the fund. We put the increase in the funds into LB510 to meet the request of Senator Pirsch to increase his fund, which we are doing, doubling. We're in effect doubling the Crime Reparations Fund which does get a federal match which is important. So, you know, those are the facts. The violence reduction, Senator Council is absolutely right. She has fought hard for this violence program. It is a great program. There's some one-time money in the grant program in LB800. It would be great to have a sustainable funding source. What I...I have been assured by the administration, and they've worked with us throughout this process, that the money at

Floor Debate
March 26, 2010

the work camp will and may and probably will be replenished by Department of Labor federal funds. And when that happens, we can move the money from the Work Ethic Camp over to the...or if this body so desires, over to the Office of Violence Prevention. Senator Hansen is absolutely correct. What we're trying to do in the Judiciary Committee as a matter of mission really, it is our mission to try to stop crime from happening, whether it's through juvenile diversion, whether it's through community corrections types of projects, whether it's the Office of Violence Prevention, the McCook Work Camp. We started out four years ago with the idea that the prison population was too high, that the better way to deal with the issues of crime in this state was to find out early in the process what other options are available to an individual, and certainly with juveniles, many of whom are in McCook, try to find them alternatives so that they won't go out and commit a crime again. Senator Council is absolutely correct. The Office of Violence Prevention is... [LB510 LB800]

SENATOR COOK: You have one minute, Senator Ashford. [LB510]

SENATOR ASHFORD: ...is clearly, clearly a program that belongs in this fund. There is no question. This is not a Crime Victim's Reparations Fund only. It's a fund that the Judiciary Committee identified for Crime Victim's Reparations for Senator Pirsch's project, and the original funding source was in his bill. But we as a committee, consistent with our...what we've been doing since we started four years ago, is to find ways to prevent crime through intervention strategies, through reentry programs, through all the things that you've heard all of us on the committee talk about over and over again. So with that, Madam Chair, I would urge that we work with the administration and find a way to replace the McCook funding with federal funds and that we can thereby divert funds into the Office of Violence Prevention when that happens. [LB510]

SENATOR COOK: Time, Senator. [LB510]

SENATOR ASHFORD: Thank you, Madam President. [LB510]

SENATOR COOK: Mr. Speaker, you're recognized. [LB510]

SPEAKER FLOOD: Thank you, Madam President. Good morning, members. First of all, I want to say thank you for the hard work this week. This has been a long week, it's been a late-night week, and I think we have dealt with a number of very tough issues. And I think we've done a lot...in my opinion, we've done a lot of work and we had the week we needed to have, in my opinion, at this point in the session to set us up for a slow descent as we look forward to sine die adjournment. We still have a lot of work to do, but today we passed the budget. And, again, I want to say thank you to the Chairman of the Appropriations Committee, the Appropriations Committee members, the Fiscal staff and Bill Drafters, and all of you for working together. And might I remind

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

Floor Debate
March 26, 2010

you, in every other state in the nation what we did today takes weeks, 24 hours of work, bitter fights, constant disagreement. People in other states can't believe what we accomplish when we work together, so thank you. With that, I want to say this as regards today: My goal at the end of today is to be through LB1070, and then adjourn for the week, start our weekend, finish up work in your office, and come back refreshed on Monday at 10:00. So today, I'd like to get through...I plan to get through, hopefully, LB1070, which I believe is Senator Adams' bill, and then adjourn for the week. But, again, thank you.

SENATOR COOK: Thank you, Mr. Speaker. Mr. Clerk. [LB510]

CLERK: Some items, Madam President, thank you. Enrollment and Review reports LB780 to Select File. Enrollment and Review also reports the following bills correctly engrossed: LB701, LB820, LB864, LB880, LB880A, LB901, LB918, LB924, LB970, and LB975. Confirmation report from the Natural Resources Committee. Resolutions: LR459 through LR464, all study resolutions, all will be referred to the Executive Board. Bills read on Final Reading this morning were presented to the Governor at 10:20 a.m. (re LB935, LB317, LB1106, LB1106A, LB1090, LB1091, LB888, LB888A, LB571, LB943, LB1051, LB727, LB763, LB1087, LB1036, and LB919.) The two constitutional amendments were presented to the Secretary of State as of 10:23 a.m. (re LR297CA and LR284CA.) Senator Stuthman, an explanation of vote (re LB594 and LB780). And amendments to be printed: Senator Utter to LB779; Campbell to LB999; Cornett, LB999; Rogert, LB945; Senator Hansen, LB999. Thank you, Madam President. (Legislative Journal pages 1104-1111.) [LB317 LB571 LB594 LB701 LB727 LB763 LB779 LB780 LB820 LB864 LB880 LB880A LB888 LB888A LB901 LB918 LB919 LB924 LB943 LB945 LB935 LB970 LB975 LB999 LB1036 LB1051 LB1087 LB1090 LB1091 LB1106 LB1106A LR284CA LR297CA LR459 LR460 LR461 LR462 LR463 LR464]

SENATOR COOK: Thank you, Mr. Clerk. Senator Wallman, you are recognized. You'll be followed by Senators Christensen, Ashford, Price, Council, and others. Sorry. Thank you very much. Senator Wallman. [LB510]

SENATOR WALLMAN: Question. [LB510]

SENATOR COOK: Do I see five hands? Oh, I do. The question before the body is, shall debate cease? All those in favor please vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB510]

CLERK: 27 ayes, 0 nays, Madam President, to cease debate. [LB510]

SENATOR COOK: Debate has ceased. Senator Council, you are recognized to close on your amendment, AM2229. [LB510]

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

Floor Debate
March 26, 2010

SENATOR COUNCIL: Thank you. Thank you, Madam President. And I first will apologize to my colleagues. I had no idea that this issue would command this much time and I'll be brief with my closing. I'll just ask your support of AM2229. I believe that I have the authority, for lack of a better term, to represent an off-the-mike conversation that I had with Senator Pirsch regarding his intentions on AM2229. So I would like to ask for a roll call vote in reverse order. [LB510]

SENATOR COOK: You have heard the closing on the amendment, AM2229, to LB510. The question is, shall the amendment be adopted? All in favor please vote aye; all those opposed vote nay. Senator Council, you did request a roll call vote on this in reverse order? [LB510]

SENATOR COUNCIL: In reverse order, yes. [LB510]

SENATOR COOK: Okay. Thank you. Mr. Clerk, please call the roll. [LB510]

CLERK: (Roll call vote taken.) 22 ayes, 13 nays, Madam President. [LB510]

SENATOR COOK: Thank you, Mr. Clerk. The amendment does not advance...is not adopted. [LB510]

CLERK: Madam President, the next amendment I have, Senator Pirsch, AM2372. (Legislative Journal page 1111.) [LB510]

SENATOR COOK: Thank you, Mr. Clerk. Senator Pirsch, you are recognized to open on your amendment. [LB510]

SENATOR PIRSCH: Thank you, Madam President and members of the body. And I won't belabor the point. I'll be brief. This amendment...again, I'll just talk about what has transpired because it seems a little complicated. The underlying bill as it now stands amended by the committee amendment would take \$1 out of every \$4 that LB510 creates and send it to the McCook Work Ethic Camp. The original green copy of my bill, obviously, did not have that diversion to the Work Ethic Camp; 100 percent of the funds would have flowed to the benefit of crime victims. Through the Crime Commission, crime victims would have applied for direct grants. What this amendment would do, AM2372, would be to restore to that sense the original green copy of my bill, LB510, so that no longer would \$1 out of \$4 flow to the McCook Work Ethic Camp, but rather 100 percent of the funds would flow to the benefit of crime victims. And so that's the sum and substance of the amendment and I would urge your support. Thank you. [LB510]

SENATOR COOK: Thank you, Senator Pirsch. In line to speak are Senators Ashford, Price, Council, Coash, Haar, Pirsch, and Hadley. Senator Ashford, you are recognized

Floor Debate
March 26, 2010

to speak. [LB510]

SENATOR ASHFORD: Thank you. Just so the body understands where we're going here if this amendment is adopted, I have an amendment which I have now filed which will distribute the fund 50 percent to the Crime Victim's Reparations Fund, 25 percent to Senator Council's idea for the Office of Violence Prevention, and 25 percent to the Work Ethic Camp. You know, if we're going to play this game on the floor, that's fine. And I wish this were not so. We worked...my aide, LaMont, who's done a great job on this bill, showed me the stack of e-mails back and forth with Senator Pirsch's office on how we arrived at the 75/25 number. So I think the game is off and we're on to a new debate here on policy and the kind of policy that this committee has been working on for four years. If we're going to address the problem of crime in this state, we're going to address it in all of its aspects, we're going to address it at the point of prevention, and we're going to address it at the point of intervention. I want to go home too. I want to go home too. We had a bill that was brought to you...and I apologize to Senator Council in this regard if she felt that her amendment was accepted by the committee and so forth. I understand all that and that's a legitimate point, but we had a bill that came out here that was 75/25 that we discussed with Senator Pirsch for months, for literally months. And if we're going to start dividing the pie in a myriad of different ways, then that's fine. We can sit here and we can put in amendments to divide it 75/25, 50/50, 40/60. I remember these kinds of debates, quite frankly, members, in the eighties and nineties, and they were commonplace. They were commonplace, and we would sit here for...Senator Stuthman probably remembers some of them, we would sit here for hours and days, and we can do that on this bill. So with that, Madam President, thank you for the time. [LB510]

SENATOR COOK: Thank you, Senator Ashford. Senator Council, you are next to speak. [LB510]

SENATOR COUNCIL: Thank you, Madam President. How do I get people to understand that this is not Senator Council's attempt to get money to the Crime...to the Office of Violence Prevention? It was the principle of taking money from work release inmates for the Victim's Reparations Fund when they, in large measure, were not responsible for the types of crimes that are eligible for compensation. So with that in mind, the suggestion to Senator Pirsch was, well, we want to protect people from crime, we want to protect them from the effects of violent crime. Why not take a portion of the money since it's coming from work release inmates and apply it to crime prevention? Because whether they committed a crime with a victim or a crime without a victim, violence prevention is something that they all should bear some responsibility for, all of us. So with that said, I appreciate Senator Ashford's attempt with regard to the amendment he dropped, but I would prefer to vote for the amendment that's been introduced by Senator Pirsch. And let me share with you one of the reasons why. After the vote on General File when I voted against the amendment that directed 25 percent

Floor Debate
March 26, 2010

to the Reentry Cash Fund for the Work Ethic Camp, I received a couple of e-mails from constituents in my district, a district that has faced a dramatic and tragic increase in violent crimes, homicides that rate...that place us number three in the nation. And the question that was posed to me was: Senator, how could you vote against Crime Victim's Reparations? And I wrote back to those constituents and I explained my vote and I said: No, I support Crime Victim's Reparations, but since part of the money is coming from work release inmates, I think in fairness that money should be applied to something that affects everyone across the board, and that's violence prevention. Those constituents wrote back to me and said: Oh, okay. I see what it is that you're attempting to do, I support that. Nobody disputes that the Work Ethic Camp and any of the programs of the Department of Corrections that tries to position individuals who have been incarcerated to effectively reenter our communities. No one disagrees with that. The Victim's Reparations issue, Senator Pirsch and I had the opportunity of discussing that while we were both in attendance at a sentencing and recidivism conference. Senator Ashford alluded to it. I just looked at the Judiciary Committee file. There are seven versions of LB510 that were considered by the committee during this session; six of those seven versions says nothing about the Work Ethic Camp, it's the seventh version. All of the prior versions related in all of the prior discussions were about the 75/25 split that was reflected in the amendment that just failed. It would be my preference, because residents in my district are the ones who are suffering the effects of these violent crimes, I will support AM2372. [LB510]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Thank you, Senator Council. Senator Ashford, Senator Pirsch, Senator Council, will you please approach the Chair? As Speaker, I'm modifying the agenda. We're going to go ahead and pass over LB510 this morning. It will remain on General File. It will be brought back to the floor. This is being done by the Chair in my role as Speaker. So we will now proceed to, Mr. Clerk, LB1070. And might I add, after resolution of LB1070, we will be done for the week. Mr. Clerk. [LB510 LB1070]

CLERK: Senator Nordquist, with respect to LB1070, I have Enrollment and Review amendments first of all. (ER8204, Legislative Journal page 974.) [LB1070]

SPEAKER FLOOD: Senator Nordquist for a motion. [LB1070]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB1070. [LB1070]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB1070]

CLERK: Mr. President, Senator Adams, I now have AM2305 with a note, Senator, you

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

Floor Debate
March 26, 2010

want to withdraw. [LB1070]

SENATOR ADAMS: That's correct. [LB1070]

SPEAKER FLOOD: It is so withdrawn. [LB1070]

CLERK: Mr. President, Senator Adams would move to amend with AM2347. (Legislative Journal page 1112.) [LB1070]

SPEAKER FLOOD: Senator Adams, you're recognized to open on AM2347. [LB1070]

SENATOR ADAMS: Thank you, Mr. President. Members, let me give you just a quick overview of what happened on General File. In its simplest form, what we did was to take 5 cents' worth of learning community levy and we lowered it to 3 cents. And we also said that 1 penny of that 3 cents can be used for programming for the elementary learning centers. All right. That's one of the things that we did. The other thing that we did was to say that core service dollars that go to ESU 3 that had been going to ESU 3 and were going to the learning community, 50 percent of the core service dollars are going to the learning community, other 50 percent to ESU 3. On General File, what we said was, we're going to have 90 percent of the core service dollars going back to ESU 3 and 10 percent would be retained by the learning community. Since General File, my office and the committee have been working with the learning community and their budget. Now their budget, the bill that we had that reduced the per diem and the following reduction in appropriation, and then a 2 percent across-the-board cut that occurred as part of the budget, reduce that. Then we came in and we reduced on General File their core service dollars down from 50 percent. And what we discovered in talking with the learning community is that they have a cash flow problem, a six-month cash flow problem to try to fix. What the Select File amendment does primarily, but not exclusively, is this: We're going to take the 3 cents...we're going to try to help them out here, the 3 cents of levy authority that they now have or would have if this bill passes, 2 of which is for focus schools, 2 cents of which. We're going to allow them to use some of that 2 cents for the leases that they have or were going to enter into for their two elementary learning centers. The 1 cent, going to try to give them just a little more elbow room within that 1 cent. On General File, the 1 cent was to be used exclusively for programming provided by third-party providers. What we have discovered is that there are things that they may want to do that there is no third-party provider. We think that is very, very, very few in number. But we're trying to give them a little flexibility within that penny to do that on the core service dollars. What I'm asking you to do is to phase out the core service dollars. So in other words, rather than say 90 percent of it's going to go back to ESU 3 right now and 10 percent of it held by the learning community, in order to help them through this six-month cash flow issue, what we'd like to do is to get them...give to ESU 3 70 percent of the core service dollars this year, and then next year the 90 percent that we passed on General File. So we're just...we're

Floor Debate
March 26, 2010

giving the learning community...they've already built their budget, set levy, giving them the cash flow that they need to get through to that point. In addition to that, if you'll also notice we're also making some other adjustments, some things have come up. One of them is merely a correction on...in LB1071, the educational technical bill, we make some changes in ESU funding; we're also making it here so that we don't have codification problems and duplication. What we'd like to do is to make those changes right here. The technical bill has already passed on General File, so this is the same language. And then when the technical bill comes back up, we will have an amendment to remove that duplicative language. The other thing we're doing, in lieu of taxes, we found out just this week that as the county...as the respective county treasurers in Douglas and Sarpy County have been preparing to return in lieu of taxes to the school districts, they need a mechanism so that the money doesn't go to the learning community, instead it goes to the school districts. This language would direct that it goes to the school districts, not to the learning community, those in lieu of taxes. There is also language here that is corrective in that if a taxpayer files a protest, it were to go to TERC, budgets get set, the protest is successful, money has to go back, then we've created the mechanism for doing that, and each school district would give back to that successful protest that portion of the property tax that is theirs. So if a school district had...if 10 percent of the common levy went to school district A, then school district A would have to give up 10 percent of what that protest amount is back to the taxpayer. And in addition to that, we have harmonizing language with LB800, which is Senator Ashford's bill on reporting on his juvenile justice bill. That's the essence of the amendment, Mr. President. [LB1070 LB1071 LB800]

SPEAKER FLOOD: Thank you, Senator Adams. Members, you've heard the opening on AM2347. Senator Haar, you are recognized. [LB1070]

SENATOR HAAR: Mr. President, members of the body, I rise in support of LB1070 and AM2347, but I want to go back a step. I'm tired and Senator Langemeier, who I've learned a lot from, told me that Senator Flood's speech should really be interpreted like this. You can have lunch when you decide (laugh) that you gave earlier, get the bill done. So I appreciate that too. I'm learning, but. And I also agree with somebody, I think Senator Ashford said earlier that he should be punished, I agree, should be punished for leaving last night. Then I wanted to clarify, what I really meant to say about this bill is it sounds to me like somebody's bill had been used for a purpose other than what they had intended, and I just used the word "hijacked" bill. I didn't mean to imply that those amendments that had been applied were done by a hijacker. I feel both Senator Council, who's a close friend of mine, is an honorable person, and I certainly do not think she's a hijacker. Senator Christensen, who is a good friend of mine, except for when it comes to traps, trapping in ditches, he's an honorable man as well. And so I just want to clarify that. I did not mean to imply that anybody's intent was not honorable in that case, but I realize that legislation sometimes gets messed with. So going back to where I sort of started with that, since it was Senator Pirsch's original bill, I am just going

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

Floor Debate
March 26, 2010

to look to his light to vote the rest of the way through on the bill we were just considering. Thank you very much and thank you, Speaker Flood. [LB1070]

SPEAKER FLOOD: Thank you, Senator Haar. Senator Pahls, you are recognized. [LB1070]

SENATOR PAHLS: Thank you, Mr. Speaker. I just would like to make a couple of comments because I did miss the General when we discussed this bill in the...when it was on General File. I think it's quite interesting and, again, I support what Senator Adams is doing, I know he's trying to make this work. And I'm not against the learning community. But what I think is relatively unique and I wanted to say this on General File, right now we have three school districts--Elkhorn, Omaha, and Westside. Before we had the learning community, they did what the learning community is doing to some extent by interlocal agreement. There is a focus school that there's a waiting list in Underwood, which is in Westside, to have students from all 11 districts if they so chose or they would choose to go there, that was before we had the learning community. And I just received a letter from the administrator today from that school and this is what I think is quite interesting. We have shown that it does not cost more to provide a focus school with a longer calendar and longer school days that include extended learning through enrichment courses other than the transportation. And I talked to Senator Adams about that and he said, well, it depends on how you look at the money, if it's per hour or per student. But I just want us to caution, although we do need to do what the good Senator is saying that we need to do in this bill, that sometimes I believe we have made some decisions because if an interlocal agreement can get three school districts who were at one time at odds with each other, are running a very successful focus school right now where anybody can go, there's a waiting list, that tells me that may have been a cheaper way to go. And I will also admit, some of the ideas that we came up with during that discussion is what the school districts are looking at now like...things like... [LB1070]

SPEAKER FLOOD: (Gavel) [LB1070]

SENATOR PAHLS: ...things like attendance and a variety of other things, having somebody come in and taking a look at schools. But, again, I just wanted to bring that up because I do think we need to take some of these expenditures seriously. And I appreciate what Senator Adams is trying to make this thing work. Thank you. [LB1070]

SPEAKER FLOOD: Thank you, Senator Pahls. Senator Price, you are recognized. [LB1070]

SENATOR PRICE: Thank you, Mr. President, members of the body. Would Senator Adams yield to a question? [LB1070]

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

Floor Debate
March 26, 2010

SPEAKER FLOOD: Senator Adams, will you yield to a question from Senator Price?
[LB1070]

SENATOR ADAMS: Yes, I will. [LB1070]

SENATOR PRICE: Thank you, Senator Adams. My question, you talked about the need for the 1 cent to be stretched for the allowance for what it's used for because you believe that there may be a reason or purpose to enter into contracts for services that cannot be provided by either the school, the learning community. So then they all need some third party or fourth party entity? [LB1070]

SENATOR ADAMS: Possibly. [LB1070]

SENATOR PRICE: Can you tell me what type of services that we would be offering in a schoolroom setting that won't be covered by the primary, secondary, and even tertiary manners afforded them now? [LB1070]

SENATOR ADAMS: I have no idea, Senator. [LB1070]

SENATOR PRICE: Then why are we doing it? [LB1070]

SENATOR ADAMS: To give them the flexibility to do what we have outlined in statute for them to do and the laundry list is a long one. [LB1070]

SENATOR PRICE: Senator Adams, I think you would agree with me, particularly in fiscally constrained times, dollars for education are going to be more and more difficult to come by and that if we are expending monies outside of the classroom, outside of the school, that it's going to be very hard to defend that in the coming budget cycle.
[LB1070]

SENATOR ADAMS: If that's a question to me, I don't know that it's that hard to defend if it's for a reason and there's good results. [LB1070]

SENATOR PRICE: So the converse of that is, the ends justifies the means? [LB1070]

SENATOR ADAMS: Senator, we have educational challenges and we have tried to create the latitude for folks to try to meet those challenges, and if we wanted to frame it that way, we could. [LB1070]

SENATOR PRICE: Senator Adams, thank you, I appreciate it. Let me ask you this question: Has there ever been an argument proposed to you that we've expanded the scope of teachers' role beyond teaching and that at times we heap upon schools and school districts additional roles and responsibilities that sometimes may at times impede

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

Floor Debate
March 26, 2010

on the amount of time they have to do their primary role? [LB1070]

SENATOR ADAMS: Senator, I taught for 31 years and I would tell you that I probably echoed that more than any teacher in the building I taught in, all 31 years. [LB1070]

SENATOR PRICE: And I have heard you say as much. So that's what drives me to this question. There are primary responsibilities for educators, teachers, and administrators, and we have that primary, secondary, and tertiary, and now we may be even be going to quaternary areas where they want the dollar for. And I was just hoping that we could get just a little bit of understanding of what it is that they can't do within the first three tiers. [LB1070]

SENATOR ADAMS: There are things, Senator. These are designed to be support services because schools are busy, teachers are loaded with things to do. These are meant to be support services to help families, help children in these areas of poverty be more successful when they get to the classroom. And there's a laundry list in statute of all kinds of things that we've asked them to look into that are wraparound services. And the learning community has every intention, they are doing so right now, they are going out into the community to find organizations that can already provide those services and work with them. We're giving them the latitude if there are things that they can't find, we're giving them the latitude to provide that. [LB1070]

SENATOR PRICE: Thank you, Senator Adams. I'll yield back my time to the Chair. [LB1070]

SPEAKER FLOOD: Thank you, Senator Price. Senator Cook, you're recognized. [LB1070]

SENATOR COOK: Thank you, Mr. President and members of the body. I would like to rise in strong support of AM2347 and LB1070, and thank you for the opportunity to speak in support of it. Senator Adams, would you yield to two brief questions? [LB1070]

SPEAKER FLOOD: Senator Adams, will you yield to two questions from Senator Cook? [LB1070]

SENATOR ADAMS: I will. [LB1070]

SENATOR COOK: Thank you, Senator. Could you take this opportunity to remind the body of the primary role of the learning community? [LB1070]

SENATOR ADAMS: The primary role, particularly when we're talking about the elementary learning centers, is to provide support services so that schools can get about the business of educating but helping make that...it isn't just what happens in the

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

Floor Debate
March 26, 2010

classroom. It's what happens at 6:00 a.m. in the morning, it's what happens at noon, at night to bring that child in and make them ready, and that's a big part of what this is about. [LB1070]

SENATOR COOK: Wonderful. Thank you very much, Senator. And one more question, could you tell us and remind us all where we are in terms of the time frame, the learning community deliverables, if you will, in fulfillment of that role? [LB1070]

SENATOR ADAMS: You raise a good question. We're barely one year into this, barely one year into it. And a diversity plan has been developed, an open enrollment has begun for this...for its first time. They have prepared for two elementary learning centers, one in the northeast quadrant and one in the south area. They're scrambling to do what we've asked them to in statute. [LB1070]

SENATOR COOK: Great. Thank you very much, Senator Adams. Ladies and gentlemen of the body, the learning community has a very specific and unique and challenging role, they're just getting started in fulfilling that role. I know of many anecdotal success stories which I will not share as we are hungry and tired after this week, but I believe that it should be afforded the opportunity under the existing framework to execute their duty on behalf of the students and the community. Thank you very much, Mr. President. [LB1070]

SPEAKER FLOOD: Thank you, Senator Cook. Senator Nelson, you are recognized. [LB1070]

SENATOR NELSON: Thank you, Mr. President, members of the body. I, too, rise in strong... [LB1070]

SPEAKER FLOOD: (Gavel) [LB1070]

SENATOR NELSON: ...rise in strong support of AM2347 to LB1070. I just want to move ahead a little bit. Senator Pahls referred to a letter that he got this morning. All of those letters came through me, through my office for distribution, and I initialled them all and got them all out to you. And I did so because the Underwood Hills Focus School is in my district and I thought it was a very good letter and it showed what they are doing and what they could accomplish. So I wanted you all to know that. It was not my intention nor the intention of the letter to diminish any way what the learning community is doing and what they're expected to do. There are a lot more things involved here with the learning community and what's expected of them over the long time period here than just focus schools. Focus schools work very well, and it will be wonderful through the learning community that we can expand that. But I totally support the learning community. They're working very hard. It's taking time. It will take more time. We just can't expect things to change overnight in our area involving the 11 school districts. So I

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

Floor Debate
March 26, 2010

support Senator Adams on this. And with that, I will return the remainder of my time to the Chair. Thank you, Mr. President. [LB1070]

SPEAKER FLOOD: Thank you, Senator Nelson. There are no lights on. Senator Adams, you're recognized to close on AM2347. [LB1070]

SENATOR ADAMS: Thank you, Mr. President and members. I'll make my summary very, very brief. What we are doing is phasing the core service dollars out over a two-year period rather than just cutting it off. That helps their cash flow problem. We're giving them a little extra wiggle room within that 1 penny, but remember, we have lowered the levy from 5 down to 3 cents. And the same time, we are creating within statute a means for the distribution of in lieu of tax and a means for the distribution of taxes when there has been a tax protest. And we're also harmonizing some language on ESUs. Thank you, Mr. President. [LB1070]

SPEAKER FLOOD: Thank you, Senator Adams. Members, you've heard the closing on AM2347. The question before the body is, shall AM2347 be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB1070]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Adams' amendment. [LB1070]

SPEAKER FLOOD: Senator Adams' amendment is adopted. Mr. Clerk. [LB1070]

CLERK: Nothing further on the bill, Mr. President. [LB1070]

SPEAKER FLOOD: Senator Nordquist for a motion. [LB1070]

SENATOR NORDQUIST: Mr. President, I move LB1070 to E&R for engrossing. [LB1070]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB1070 advances to E&R for engrossing. Mr. Clerk, items for the record. [LB1070]

CLERK: Mr. President, new resolutions: Senator Rogert offers LR465; Senator Campbell, LR466; Senator Gay, LR467. Those are all study resolutions, all will be referred to the Executive Board. A series of amendments to LB999; Senator Ashford to LB510. A motion with respect to LB510. Senator Karpisek, an amendment to LB712. Another amendment to LB999. Name adds: Senator Giese would like to add his name to LR451. (Legislative Journal pages 1112-1119.) [LR465 LR466 LR467 LB999 LB510 LB712 LR451]

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

Floor Debate
March 26, 2010

And, Mr. President, I have a priority motion. Senator Dierks would move to adjourn until Monday morning, March 29, at 10:00.

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. We are adjourned. (Gavel)