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Judiciary Committee  
January 29, 2010

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[LB792 LB809 LB817 LB864]

The Committee on Judiciary met at 1:30 p.m. on Friday, January 29, 2010, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB864; LB792; LB809; and LB817. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Mark Christensen; Brenda Council; Scott Lautenbaugh; Amanda McGill; and Kent Rogert. Senators absent: Colby Coash. []

SENATOR ASHFORD: Good afternoon. Welcome to the Judiciary Committee hearing. We have four bills, LB864, LB792, LB809, and LB817. The first bill is LB864. Senator Pirsch, would you like to introduce that for us? []

SENATOR PIRSCH: (Exhibits 1, 2) Thank you, Chairman Ashford and members of the Judiciary Committee. For the record, my name is Pete Pirsch. That's P-i-r-s-c-h, representing the 4th Legislative District, but here today as the chairman of the LR171 task force. LB864 would continue current efforts to lower correctional capacity rates by diverting nonviolent, low-risk criminals from placement in correctional facilities by creating a plan for the placement of reporting centers in judicial districts currently lacking such a facility as well as to identify judicial districts that need additional reporting centers based on inability to meet current need. Reporting centers are community-based facilities which provide a number of on-site services to offenders who would otherwise be prison-bound. Reporting centers serve probationers, parolees, specialized substance abuse supervision participants, and drug and specialty court participants. LB864 would authorize a collaborative approach between the Community Corrections Council, the probation administration, the Department of Parole, and the Department of Corrections to identify placement of reporting centers based on unmet need as well as to study possible funding mechanisms that might be available to help implement these centers in a more timely fashion. Services available to offenders at reporting centers include substance abuse treatment, behavioral health services, vocational training, life skills training, and other rehabilitation oriented programming. Reporting centers are one-stop shops to help people that we are mad at get their life in order while we reserve room in our correctional facilities for people that we are afraid of. We are trying to identify the most effective use of our resources and where these resources are most needed. Currently, there are five reporting centers spread among seven counties with four counties sharing two reporting centers. These centers are currently located in Douglas County, Lancaster County, and Dakota County with Sarpy and Otoe Counties and Buffalo and Dawson County sharing facilities. So reporting centers are located in...with the sharing going on in 6 out of the 12 judicial districts. Reporting center funding is currently divided among three sources--county funds for the facilities; state funds for salaries of probation and parole officers and personnel; plus a portion of services offered as well, and then finally, offender fees which pays for a portion of services offered. The intent is to provide statewide availability of community corrections programming so that judges in all areas of the state have a range of

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sentencing and treatment options and won't have to rely on only the most expensive option, which is incarceration, for low-risk nonviolent offenders when a less costly but more effective community-based program should be available. I've provided the pages with an amendment that the Community Corrections Council has recommended to me, and that I believe the committee should include in LB864. The amendment would place a couple of additional reporting and data collection requirements on the Community Corrections Council which they should be able to complete under existing revenue streams and should provide the Legislature with useful data regarding the effectiveness of existing Community Corrections Council programs intended to reduce recidivism. A member from the Community Corrections Council will follow me in testifying and will be able to further speak on the amendment. In addition to the amendment...so you should have also in front of you not just the Amendment 1679 to LB864, but also a summary of what that amendment does...proposes the following five changes to the Community Corrections Act. It should (1) require the Community Corrections Council to report annually to the Legislature on the development and performance of Community Corrections facilities and programs. The report shall include a description of existing facilities and programs, recidivism and outcome data, the progress made in expanding Community Corrections programs statewide and an analysis of the impact Community Corrections programs are having on prison populations. Secondly, it would require the council to research and evaluate existing Community Corrections programs. The council has already established an evaluation steering committee, and this change will formalize the evaluation role for the council. Third, require the council to develop standardized definitions of outcome measures for Community Corrections programs and facilities. Establishing uniform definitions of recidivism and other outcome measures is necessary to evaluate the success of Community Corrections programs and will allow the comparison of programs across agencies and populations. Number four, it would expand the council's existing duty to educate the courts and parole board to include criminal justice stakeholders and the public and last, it would clean up the Community Corrections Act to remove duplicative language in Section 47-624. I thank you for your time, and I'd be willing to entertain any questions or if you would like to reserve those for those who testify after me, I do understand that there will be other testifiers. [LB864]

SENATOR ASHFORD: Pete, are there...the amendments...aren't those things the Community Council would do anyway, Community Corrections Council would do just in its normal course? [LB864]

SENATOR PIRSCH: I think what...there is an importance in formalizing, so that all are on the same page. What may transpire that the decisions of Community Corrections... [LB864]

SENATOR ASHFORD: I mean, I don't have any problem with it. It just seems... [LB864]

SENATOR PIRSCH: Sure. [LB864]

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SENATOR ASHFORD: ...it seems like this would be, what else do they do? You know. [LB864]

SENATOR PIRSCH: Sure, um-hum. And it may well be that there's an expectation in the body by some members of some of the roles that they play. I thought, because there's so many key stakeholders involved in this that having things formally and expressly written and...so that we're all on the same page and understand the duties would probably be preferable. [LB864]

SENATOR ASHFORD: Okay. Any other questions of Pete? Okay, thanks, Pete. [LB864]

SENATOR PIRSCH: Yep, you bet. [LB864]

SENATOR ASHFORD: Proponents? [LB864]

LINDA KRUTZ: Ready? [LB864]

SENATOR ASHFORD: I'm ready. [LB864]

LINDA KRUTZ: (Exhibit 3) Good afternoon, Chairman Ashford and members of the Judiciary Committee. My name is Linda Krutz spelled K-r-u-t-z, and I am the executive director of the Community Corrections Council. I appreciate the opportunity to testify before you today in support of LB864. As mentioned by Senator Pirsch, LB864 contains the initial recommendation of the Sentencing and Recidivism Task Force. The bill creates a new duty for the council to develop and prioritize a plan for expansion of day and evening reporting centers to all judicial districts of the state. The plan is also to include an analysis of the need for expansion in those areas currently served by reporting centers. Reporting centers are initially developed as a collaborative effort between the Office of Probation Administration and the council and represent one of the key components of Nebraska's Community Corrections strategy, along with problem-solving courts and the Fee for Service Voucher program. Reporting centers provide a one-stop shop where offenders can access a wide array of services and programming in the community to assist them in their rehabilitation. There are currently seven reporting centers across the state located in Lincoln, Omaha, Nebraska City, Kearney, Lexington, Bellevue, and South Sioux City. And Senator Pirsch referred to those by the counties where they're located. The first of these centers opened in 2006, but no new centers have been opened since due to budgetary constraints. Reporting centers are funded through a combination of general fund appropriation to the council and offender fees paid by probation officers, parolees, and problem-solving court participants, while the facility itself is provided by the county. The council appreciates this opportunity to work closely with the task force and the Legislature to develop a plan

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for expansion of reporting centers. A review of admissions data to DCS and the unmet need for community corrections programming and services across the state will be conducted in order to identify potential sites for expansion. Bob Houston, Director of Department of Corrections, also asked me to convey his support for LB864 and the proposed amendment as he is not able to attend today's hearing. With my remaining time, I will briefly summarize the proposed committee amendment offered by Senator Pirsch. The amendment contains five recommendations developed by the council's planning subcommittee which are summarized in the provided handout. These recommendations relate to the council's duty to coordinate statewide community corrections efforts and its role in providing research and information on Community Corrections programs to the Legislature, criminal justice stakeholders, and the public. And I think they are listed in my testimony, and Senator Pirsch just did do a more... [LB864]

SENATOR ASHFORD: I think we just went over them so... [LB864]

LINDA KRUTZ: ...yeah, and so I'll just...I'll make a closing remark here. These exchanges will...these changes will allow the council to better fulfill its role in overseeing and coordinating Community Corrections efforts in Nebraska without requiring additional resources. I would encourage the committee to advance LB864 with the proposed amendment and look forward to continuing to work with...and look forward to continuing to work with the task force and this committee in the future. Thank you for the opportunity to testify this afternoon, and I would be glad to answer any questions. [LB864]

SENATOR ASHFORD: Any questions? Just very briefly, how many individuals...they were talking about adult offenders. How many are in the system now? [LB864]

LINDA KRUTZ: How many adult offenders are in the probation system alone? [LB864]

SENATOR ASHFORD: Well, in this system, in the Community reporting system where they... [LB864]

LINDA KRUTZ: In the reporting centers? You know, I don't have that information. I don't have those numbers with me. Probation is here and will also testify, and I think they can give you those numbers. [LB864]

SENATOR ASHFORD: Okay. Thank you. [LB864]

LINDA KRUTZ: Um-hum. [LB864]

SENATOR ASHFORD: Thanks. Next... [LB864]

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SENATOR LATHROP: Can I ask just a question? [LB864]

LINDA KRUTZ: Sure. [LB864]

SENATOR LATHROP: It sounds like we're giving some direction to the Community Corrections Council, right? [LB864]

LINDA KRUTZ: Right. [LB864]

SENATOR LATHROP: Asking them to look to see what we need to do to put reporting centers in other...in judicial districts where they're not already found. [LB864]

LINDA KRUTZ: Right. And come up with a comprehensive plan for that. [LB864]

SENATOR LATHROP: And come up with a comprehensive plan. You're the executive director? [LB864]

LINDA KRUTZ: Um-hum. [LB864]

SENATOR LATHROP: Do you feel like you need legislation to tell you to do that? [LB864]

LINDA KRUTZ: Well, you know, I think, again, if it's formalized I think that that is always helpful. We have 20 people on the council, and our stakeholders at the council table have all worked very closely together. But as everybody here knows, people change in those circumstances. So I think when you formalize it, it's helpful for people to understand exactly what the duty is. So I would say to formalize it would be good. [LB864]

SENATOR LATHROP: Okay. [LB864]

SENATOR ASHFORD: Thank you, Senator. Thank you. All right, next proponent. Next opponent. Neutral. I knew it would be one of the three. [LB864]

DEB MINARDI: (Exhibit 4) Good afternoon, Senators. I am Deb Minardi. I am the Deputy Administrator for the Probation Office Administration. And, first of all, I'd like to send my apologies for Ellen Brokofsky, our probation administrator, who could not be here today to testify because of a family emergency. In light of the fact that one of the major focuses of LB864 is to consider the expansion of reporting centers to encompass all judicial districts, it's the intent...my intent today to share Probation's experience with implementing reporting centers throughout the state thus far. To understand the value of reporting centers is to understand the purpose, the funding structure, and the role of reporting centers in the community. In 2005, faced with an underresourced probation

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system and an overcrowded prison system, and the momentum brought by the Legislature to make sense of community corrections in Nebraska, the Office of Probation Administration recognized that we had to rethink the way that we were doing business with offender management. Imminent areas of concerns included ensuring that officers had skills and abilities and corresponding caseloads to effectively supervise offenders in the community. To connect the needed treatment and supervision resources that could focus on intervening and law-breaking activity, and turn offenders' lives around into law-abiding citizens. And, last but not least, to ensure public confidence in Probation's ability to hold offenders accountable, safely supervised in the community, and to change criminal behavior. It was vital that we in Probation first transformed ourselves. If we were going to be a viable alternative to prison, we had to rethink how we were handling business. We started by shifting all of our resources toward the high-risk end offender, and we had to improve the skills of our officers. We created a new blueprint that we entitled "Nebraska's Adult Community Safety Impact Model." This model would show officers how to carry out their new priorities. New evidence-based practices were introduced at every level of probation services, and this proved to be a very monumental task to changing an internal culture, so that we were going to more effectively supervise our offenders and to rethink our approach. It's important to realize that the magnitude of this Probation transformation, what kind of impact that it had. Because of this transformation and our own rethinking of our business, it would set the stage for the creation of reporting centers. In 2005, the Office of Probation Administration was asked by the Community Corrections Council to develop and implement a plan to establish statewide operation and use of a continuum of community corrections facilities and programs. Our plan was presented to the council, and it offered Nebraska a new approach that would involve supervising offenders through reporting centers. Reporting centers themselves were created and implemented incrementally. They were developed on the premise that each county had a role and a stake in the reporting center. [LB864]

SENATOR ASHFORD: Deb, we've got your comments so I'm going to ask you to just give us a summary. [LB864]

DEB MINARDI: I'll just skip to the end because I think this, by and large, is the most important part that you need to know. Collectively, over 60 programs are currently being offered in the 70 programs...over the seven centers. That includes 103 times through 2006 that offenders accessed services. The Office of Probation Administration's transformation has helped to neutralize the prison growing population over the last four years. Prison population is reduced by 2 percent and jail population by 7 percent as it applies to probation revocations. In addition to that, these supervision and services are likewise offered to parole and to the problem-solving courts. Finally, we've entered into contracts with federal probation to access these services, and all of the funds that are collected from federal probation goes into our general fund. [LB864]

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SENATOR ASHFORD: Okay. I think we're going to ask...there may be some questions... [LB864]

DEB MINARDI: Okay. [LB864]

SENATOR ASHFORD: And we all have your comments, and I appreciate you giving us the comments, so any questions of Deb? [LB864]

DEB MINARDI: I'll be happy to answer any questions. [LB864]

SENATOR ASHFORD: And I hope Ellen is okay. Is she doing okay? [LB864]

DEB MINARDI: It's her mom, but yes. [LB864]

SENATOR ASHFORD: Two percent is about...if we have a prison population of 4,500...4,400 or somewhere in there, and that may not be exactly right, but 2 percent is 80 or 90 people? [LB864]

DEB MINARDI: Well, it was 2 percent of the offenders that we previously sent to prison as a result of probation violations... [LB864]

SENATOR ASHFORD: Oh, these are violations of probation. [LB864]

DEB MINARDI: Yes. [LB864]

SENATOR ASHFORD: So this is within your area. [LB864]

DEB MINARDI: Yes. We reduced by 2 percent. [LB864]

SENATOR ASHFORD: It isn't reducing the prison population by... [LB864]

DEB MINARDI: Correct. [LB864]

SENATOR ASHFORD: Okay, okay. Any other questions of Deb? Thank you, Deb. And give our best to Ellen. Any other...neutral...I guess we're on neutral. Pete, do you wish to close? [LB864]

SENATOR PIRSCH: Just briefly. Thank you again. I just would like to say as I sat here with my closing remarks, thank you to Chairman Ashford and Senator Council for introducing LR171 for the purpose of addressing issues pertaining to sentencing and recidivism and Senator Council serves on the Community Corrections Council with me. And, you know, we face a lot of challenges with the ever-growing inmate population, and last April it was that it exceeded 140 percent which triggered an automatic

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notification of the Governor. At this point in time, we're 136 percent but still a very high rate. And so we are at a stage where we can either do things...well, we need to do things in a planned and proactive manner as opposed to managing out of crisis, and this is...this bill and this amendment are designed to go about that manner. So thank you. (See also Exhibit 11) [LB864]

SENATOR ASHFORD: Thanks, Pete. Okay, thank you. That concludes the hearing, LB792, is that next? Senator, LB792. Senator Coash. Oh, oops, okay. [LB864]

SHEILA PAGE: Good afternoon, Chairman Ashford and members of the Judiciary Committee. My name is Sheila Page, S-h-e-i-l-a P-a-g-e, legislative aide to Senator Colby Coash, District 27, who cannot be here today. LB792 updates Nebraska's Controlled Substances Schedule to harmonize it with that of the federal government. I'm happy to attempt answering any questions, but I defer the details of this bill to the testifiers following me. [LB792]

SENATOR LATHROP: In that case, it doesn't look like there's going to be any questions (laughter). All right, thanks. [LB792]

JONI COVER: (Exhibit 5) Good afternoon, Senators. My name is Joni Cover. It's J-o-n-i C-o-v-e-r. And I'm the executive vice president of the Nebraska Pharmacists Association, and I'm here today in support of LB792. I'd like to thank Senator Coash for bringing this bill forward. Every so many years the Pharmacists Association puts a bill together that updates our federal...or our state Controlled Substances Act to mirror what's going on in the federal Controlled Substances Act, and that's what this bill does. And I've...on my testimony, I'm not going to read you all of this, but there's a chart on the second page, and it explains why we're making each one of the changes when they became scheduled on a federal level, and so you can see that really what we're trying to do is just make them so that they're the same. A couple of the things that I do want to point out...if you look at the chart, the very first...and please excuse me that I'm not going to try to pronounce all of these because it would be painful to your ears, but the first substance is already in our Schedule I. But when we did the updating of this, we helped bill drafters last year do some spelling corrections and this word got missed, so we need to fix the very first substance. Benzylpiperazine...did I...I don't know if I pronounced that one right, but that one is something that... [LB792]

SENATOR LATHROP: We don't either. [LB792]

JONI COVER: ...okay, so then yes, I did. That one is something that the State Patrol had asked us to include. It was something that we have actually missed in the past because this became a scheduled drug in 2004, so we're adding it this year. And then propoxyphene...in our wisdom last year when we were updating the spelling, we inadvertently put in dextropropoxyphene instead of propoxyphene, and so we need to

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make that change. And again in my testimony, it's explained by...explained why we need to do that. If the dextropropoxyphene word continues to stay in the Controlled Substances Act, then it requires the Crime Lab to do additional testing which really isn't necessary, but they have to do it, and they really can't afford it. So if there's any questions, I can try to explain the answers (laugh). Otherwise, just trust me, this is a good bill, and you should advance it from committee (laughter). [LB792]

SENATOR LATHROP: Senator Rogert, you have a question? [LB792]

SENATOR ROBERT: No. You know better than that. [LB792]

JONI COVER: Okay, what's your question? Yes. [LB792]

SENATOR ROBERT: Ms. Cover, we visited about these before. [LB792]

JONI COVER: Yeah. [LB792]

SENATOR ROBERT: I'm just going through the chart here. [LB792]

JONI COVER: Okay. [LB792]

SENATOR ROBERT: So I don't have to...just the third one, fourth one down here...third one down, the Tapentadol. [LB792]

JONI COVER: Yes. [LB792]

SENATOR ROBERT: Can you tell me what that is on the laymen's terms, the brand name? [LB792]

JONI COVER: I don't know what the brand name is. It is a opiate narcotic pain medication. If you remember last year, LB244 was introduced and is still in committee, and I can't give you a lot of background, so I would encourage you, if you have any questions to ask the gentleman who's going to testify behind me. But this substance is similar to Tramadol which was included in LB244. [LB792]

SENATOR ROBERT: Which is currently not scheduled, by the way. [LB792]

JONI COVER: Which is currently not scheduled. So when Johnson and Johnson introduced this drug to the market, the feds went ahead and scheduled it right away. [LB792]

SENATOR ROBERT: No, it was scheduled...this particular drug was scheduled in June of last year, is that...? [LB792]

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JONI COVER: Yes. [LB792]

SENATOR ROBERT: Okay. Moving on down to the final one on the list. [LB792]

JONI COVER: Yes. [LB792]

SENATOR ROBERT: What is that? [LB792]

JONI COVER: Propoxyphene. I had mentioned to you that the State Crime Lab was having... [LB792]

SENATOR ROBERT: That's the one? Okay. [LB792]

JONI COVER: Yes, that's one. It appears twice on here. [LB792]

SENATOR ROBERT: Yeah. [LB792]

JONI COVER: The first one is its powder form, so the form that you would use in compounding medication and the...so that one is a CII, and then the one that's on the bottom of the form, that was...it's already in its manufactured form, so that's already in a tablet or capsule or something, so. [LB792]

SENATOR ROBERT: Prescription. And can you just...what do they use that for? It says it's a narcotic. Is it for...? [LB792]

JONI COVER: Pain. [LB792]

SENATOR ROBERT: Pain. Thank you. [LB792]

JONI COVER: Darvocet? [LB792]

SENATOR ROBERT: It said that in there. Okay, got it. Nothing further. [LB792]

SENATOR LATHROP: Anyone else? Okay. All the things...I'm sorry, Senator Christensen. [LB792]

SENATOR CHRISTENSEN: What is the status of the substances mentioned in the bill last year on the federal level? [LB792]

JONI COVER: I'm going to defer to the gentleman who's coming behind me. He's actually a pharmacist and would be very...more adept at answering that question than I would (laugh) so I'll refer to him. Okay. [LB792]

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SENATOR CHRISTENSEN: I'll wait. [LB792]

SENATOR LATHROP: Essentially what you're suggesting we do with this bill is to add to the state's list the very things that are on the federal list. [LB792]

JONI COVER: Right, right. [LB792]

SENATOR LATHROP: If we don't put them on the state list, doesn't the fed list still control? [LB792]

JONI COVER: Yes. Yes, but I'm not exactly sure from a prosecutorial standpoint how difficult it is for our state law enforcement to be able to prosecute. I don't know if then it has to go into federal court or how it works, so... [LB792]

SENATOR LATHROP: Okay. [LB792]

JONI COVER: ...this is just something, like I said, we do every so many years and it's...we figured with the short session it would be something that would be very noncontroversial, and we could just take care of it and not deal with it for a few more years. [LB792]

SENATOR LATHROP: Are any of these drugs that are on this list on the attachment that you've given us as a handout, are any of them available over-the-counter right now? [LB792]

JONI COVER: No, none of them are. [LB792]

SENATOR LATHROP: Okay. All right, thanks. That's all I have, and I don't see any other questions. Thanks, Joni. [LB792]

JONI COVER: Thank you. [LB792]

KEVIN BORCHER: (Exhibit 6) Good afternoon, Senators. My name is Kevin Borchers, B-o-r-c-h-e-r. I appreciate the opportunity to speak to you today. I am a pharmacist, and I am representing the Nebraska Board of Pharmacy. I am vice chairman of that committee. The board is in support of this bill. The bill is intended to bring the Nebraska Uniform Controlled Substances Act in line pretty much with federal statutes as you've already heard. The board does respectfully encourage the Judiciary Committee to advance LB792. The Board of Pharmacy also continues to support LB244 from last year which was introduced, and that would place tramadol and carisoprodol into the Nebraska Uniform Controlled Substances Act. Thank you for my brief testimony, and I would be very pleased to answer any questions. [LB792]

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SENATOR LATHROP: Thank you. Senator Christensen has one for you. [LB792]

SENATOR CHRISTENSEN: Thank you. I think I'll get it out (coughing). What's...are the two substances from last year restricted in the federal level? Where are they? [LB792]

KEVIN BORCHER: Neither substance today is restricted. Carisoprodol, which was one of the drugs in LB244, has had comment by the FDA. The DEA is proposing to make carisoprodol, or one of the brand names is Soma, a schedule IV controlled substance on a federal level. They've accepted public comment which was closed December 17, 2009, and so now they're waiting to receive all the comment and respond back to that. [LB792]

SENATOR CHRISTENSEN: So they're in the process of putting it there then. [LB792]

KEVIN BORCHER: They are in the process. The DEA has also submitted information to the Department of Health and Human Services on a federal level regarding tramadol too. That's just sort of in a holding pattern from my understanding. Last year, though, Tapentadol, which has been scheduled as a schedule II and is in this bill, it is schedule II federally today, is a type of a "me too" drug of tramadol. It's, according to the scientific affairs liaison from Johnson & Johnson, it's a more potent, stronger tramadol with fewer side effects, so it has the same actions as morphine or Tapentadol, but just not as strong. And if they're scheduling Tapentadol as a schedule II which is the second highest abuse level, then it only makes sense to have tramadol as a schedule II since there is proven addiction and abuse potential. [LB792]

SENATOR CHRISTENSEN: Thank you. [LB792]

SENATOR LATHROP: I don't see any other questions. Thank you very much for your testimony. [LB792]

KEVIN BORCHER: Thank you. [LB792]

SENATOR LATHROP: Any other proponents? Anyone here in opposition to the bill? How about in a neutral capacity? Seeing none, do you wish to close? I guess no, we'll leave...you're fine? Okay. Senator Coash waives closing. And that will take care of our hearing on LB792, and that brings us to LB809. Senator Rogert. [LB792]

SENATOR ROGERT: Good afternoon, Vice Chairman Lathrop. My name is Senator Kent Rogert. I represent the 16th Legislative District, here today to introduce LB809 at the request of the Office of the Attorney General. Very simple, this legislation lengthens the statute of limitations and felony Medicaid fraud cases from three to five years. The change does not affect the statute of limitations applicable to civil actions. Similar to

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securities fraud and identity theft cases, Medicaid fraud cases are complex fraud schemes that are often not learned about until they are well under way or completed. This is also the statute of limitations used by the federal government in criminal healthcare fraud cases. I'll close my openings and defer any specific questions to the folks coming behind me. [LB809]

SENATOR LATHROP: Okay. Then there won't be any questions. [LB809]

SENATOR COUNCIL: I have a quick question. [LB809]

SENATOR LATHROP: There will be. [LB809]

SENATOR COUNCIL: And I apologize, Senator Rogert, and I should have checked this in advance. In looking at the summary of LB809, it indicates that the intent is to extend the statute of limitations when it involves a person being charged with a violation under 68-1017, and that's when someone must have illegally obtained or attempted to obtain state assistance valued at \$500. What is, if you know, the corresponding statute of limitations for a medical provider who seeks to obtain benefits in...? [LB809]

SENATOR ROBERT: I would assume it's the same, and I don't know. Maybe the guy behind me can... [LB809]

SENATOR COUNCIL: Okay because if...you know, I don't...and my concern is, I don't think the recipient of the assistance should be subject to prosecution for a longer period of time than someone who also commits Medicaid fraud, but that's by overcharging or whatever. So if those statutes...if those limitation periods are the same, I don't have as much of a problem with the bill, and that's my fault because I should have checked it out before. [LB809]

SENATOR ROBERT: And it's my understanding...no, it's okay. It's my understanding there..that we're looking at both of those, and we're going after both of those types of folks. [LB809]

SENATOR ASHFORD: Proponents, are we on LB809? Okay. Proponents of 809? Good afternoon. [LB809]

MARK COLLINS: Good afternoon. Chairman Ashford, members of the committee, my name is Mark Collins, C-o-l-l-i-n-s. I'm the director of the Medicaid Fraud and Patient Abuse Unit in the Nebraska Attorney General's Office. One of my unit's primary responsibilities is the investigation and prosecution of fraud cases that are committed by service providers against the state Medicaid program. Our unit has been in existence since 2004, when Attorney General Bruning asked your predecessors to partially fund the Medicaid Fraud and Patient Abuse Unit in our office, and at the time of his request,

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the Attorney General promised this body that the unit would be self-funding within three years, and it was, and it still is today. Our unit has recovered over \$3 million in 2007 alone with an investment from the state of \$152,714. Since its creation in 2004, the state of Nebraska has spent just shy of \$775,000 to fund this unit, and we have recovered since that time over \$32 million that were improperly paid to Medicaid providers. And we have successfully prosecuted providers when they have violated Nebraska's Public Assistance Fraud statute which is found at Nebraska Revised Statute 68-1017. That statute, among other things, states that providers of medical assistance commit a crime when by means of a false statement they obtain or attempt to obtain a payment from the state on behalf of a recipient of medical services such as Medicaid, and the punishment depends on the amount taken. It can be a misdemeanor, or it can be a class IV felony under 68-1017. The statute of limitations that applies to this crime is the general statute of limitation found at 29-110(1) which limits felony criminal actions to three years. LB809 amends Section 29-110 to provide that felony violations of the Criminal Public Assistance Fraud statute would be subject to a five-year statute of limitations which is the same statute that applies to security fraud, identity theft, cases of that nature. It's also the same statute of limitations used by the federal government in criminal healthcare fraud cases. These cases are complex...Medicaid fraud cases are. They require the investigative expertise of the auditors and special investigators that are employed in my unit. We get our cases from the Medicaid division, the program integrity unit over at HHS. They're responsible for referring cases to us, and many times they don't find out about these cases...about these frauds committed against the Medicaid program until months or years have passed, and they are discovered only after a provider has been subject to some sort of a post payment review or that data analysis shows a bill significantly higher than as charged by their peers, or that there's been some other sort of a payment anomaly, or when the program integrity unit has received a referral from an outside source. And it is at that point then that these cases are referred to our unit. Once we get the case, then it's up to us to investigate these complex crimes, and that can take months and sometimes even more than a year because they often require the examinations of thousands of documents including claims for payments that are submitted to the program, patient records, calendars, banking documents, all sorts of documentation to support the validity or to find an invalidity in providers' claims. And we have to interview a variety of witnesses, many witnesses, after these documents have been reviewed, and they also require that we apply and analyze the myriad of Medicaid rules and regulations that are found in our administrative code. [LB809]

SENATOR ASHFORD: Mark, I'm going to ask you to sum up, if you would. Thanks.  
[LB809]

MARK COLLINS: Yep. When we work against a three-year statute of limitations, we find that there are claims we can't pursue, and we want to be able to pursue them because if there's a recently discovered fraud that we found, and we only have a three-year statute

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of limitation to work against, then it limits our ability to seek restitution criminally, and it also has an adverse effect on our flexibility in investigating these matters. And restitution money that we could otherwise collect if we could prosecute and convict these people is money that we can return back to the state and which can come back into the Medicaid program. And with that, thank you, Mr. Chairman. Any... [LB809]

SENATOR ASHFORD: Any questions? Senator Council. Thanks, Mark. [LB809]

SENATOR COUNCIL: Yes. Thank you, Mark. I have one...well, you've answered the one question. I want to make it...it applies equally to the goose and the gander and the monetary amount is the same triggering amount for a provider as well as an applicant, you know, correct? [LB809]

MARK COLLINS: That's correct, Senator. [LB809]

SENATOR COUNCIL: And the bill also provides that for retroactive application of the change in the statute of limitations,... [LB809]

MARK COLLINS: That's correct, Senator. [LB809]

SENATOR COUNCIL: ...and I need to know what, you know, is it the intent of that...if you found a case of fraud last year that the five-year statute begins to run as of the date you found it last year, not as of the date of the...effective date of this act...? [LB809]

MARK COLLINS: That's my understanding. That's correct. [LB809]

SENATOR COUNCIL: ...because that...it shouldn't be...if you discovered the fraud two years ago, you shouldn't get a five-year windfall to... [LB809]

SENATOR ASHFORD: Or a seven-year statute. [LB809]

SENATOR COUNCIL: ...or they end up being a seven-year statute. So as long... [LB809]

MARK COLLINS: I think that...that would be... [LB809]

SENATOR COUNCIL: ...I'll take a look at that as long as that's clear. [LB809]

MARK COLLINS: I had the same concern when the bill was being drafted, Senator, and I was convinced that it was appropriate to do that. It's not like we're extending past that because I think that would be a bill of attainder. [LB809]

SENATOR COUNCIL: Attainder, right. [LB809]

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MARK COLLINS: And that's what popped into my head from constitutional law class way back when. And... [LB809]

SENATOR ASHFORD: I haven't heard that term for awhile. Have you, Senator Lathrop? [LB809]

SENATOR LATHROP: Nope (laughter). Bill of attainder? [LB809]

SENATOR ASHFORD: Bill of attainder. [LB809]

SENATOR LATHROP: I think it's in the Constitution (laugh) (inaudible)... [LB809]

MARK COLLINS: It's there somewhere, yeah. [LB809]

SENATOR COUNCIL: It's there. [LB809]

SENATOR LATHROP: I haven't studied that in thirty years. [LB809]

SENATOR COUNCIL: Okay, thank... [LB809]

SENATOR ASHFORD: Thanks, Mark. Any other questions? [LB809]

MARK COLLINS: Thank you. [LB809]

SENATOR LATHROP: I should say that provision of (inaudible) (laughter)... [LB809]

SENATOR ASHFORD: Others are more important. No, not important. Thanks, Mark. [LB809]

MARK COLLINS: I understand. Thank you very much, Senators. [LB809]

SENATOR ASHFORD: Any other proponents? Any opponents? Neutral? Okay. [LB809]

SENATOR ROBERT: I've got a couple of comments. [LB809]

SENATOR ASHFORD: Kent. And then you have the next bill as well so. [LB809]

SENATOR ROBERT: (Exhibit 7) And then I'll just sit right down. You did get a letter today; it's sitting on your desk, from the Department of Health and Human Services in support of this bill. I should have mentioned that earlier but...and I'll just reiterate that the office has spent \$700,000 and recouped about \$32 million in the last five, six years, so that's it. [LB809]

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SENATOR ASHFORD: It's a pretty good return. [LB809]

SENATOR ROBERT: Pretty good return on the investment. All right, moving on. [LB809]

SENATOR ASHFORD: I guess just...on the Medicaid fraud, do we get all...do you have to disburse...how does that work with the feds? Is it...do we...if there's a...when you receive...collect the money back, then you redisburse it back out as it's brought in? Is that what happens? [LB809]

SENATOR ROBERT: Yeah, yep. [LB809]

SENATOR ASHFORD: So the feds get part of it back? [LB809]

MARK COLLINS: Afraid so. [LB809]

SENATOR ASHFORD: Yeah, and we...okay. Interesting. [LB809]

SENATOR ROBERT: Can't keep it all. Well, we could. They'd probably want it back eventually. [LB809]

SENATOR ASHFORD: All right. Thanks. [LB809]

SENATOR ROBERT: Okay. [LB809]

SENATOR ASHFORD: All right, next bill is LB817. Senator Robert. Last bill actually. [LB809]

SENATOR ROBERT: All right. Good afternoon, Chairman Ashford, members of the Judiciary Committee. Again, my name is Senator Kent Robert. I represent the Legislative District 16, and I'm here to introduce LB817, also a fairly simple bill. Today, in order to purchase a handgun in Nebraska, a citizen must first have applied for and received from the county sheriff in their county of residence a firearm purchase certificate. This certificate costs five bucks and is valid for a period of three years from the date of issuance. While the issuance is preceded by a background check conducted by the cognizant county sheriff, the applicant is not fingerprinted. To be issued today, a concealed handgun permit in Nebraska, an individual must successfully complete an approved course of training, pay an application fee of \$100 and undergo a comprehensive background check including being fingerprinted with...and those fingerprints being submitted to the FBI as part of a background investigation. This concealed handgun permit is valid for five years from the date of issuance. This bill, LB817, would allow firearms dealers in Nebraska to accept a valid state of Nebraska

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concealed handgun permit in lieu of a firearm purchase certificate for purchase of a handgun. The background check for the concealed handgun permit is certainly more extensive than that for the firearms purchase certificate which does not include any FBI checks and would free holders of the concealed handgun permit of the current requirement and burden of having to apply for and pay for the cost of what essentially is a duplicative permit, the firearm purchase permit. You will hear after me as well, but if you look, there's a fiscal savings, a small fiscal savings outlined in your bill summary. The Lancaster County Sheriff is here, but they will save some significant number of man-hours and a little bit of money by doing it, so every county will probably realize some savings. There's some other folks coming behind me, but I'll answer any questions you have. [LB817]

SENATOR ASHFORD: Yes, Senator Council and then Senator Lathrop. [LB817]

SENATOR COUNCIL: Yes, thank you, Senator Ashford. Senator Rogert, what happens to the certificate to purchase a handgun? If I go get a certificate to purchase a handgun and I go to a firearms dealer, and I want to purchase a handgun, what happens to the certificate to purchase a handgun? [LB817]

SENATOR ROGERT: I believe you'd retain it. You just have to show it to purchase. [LB817]

SENATOR COUNCIL: And that's what I'd need to know for sure because it's my understanding that that has to be presented to the firearms dealer, and that that is retained or submitted somehow. I'm concerned about the ability of law enforcement to trace gun purchases back, particularly when those guns are used in crimes or alleged to have been stolen or lost or otherwise. It was my understanding that the certificate to purchase a handgun is one of the means utilized to trace those handguns... [LB817]

SENATOR ROGERT: Yeah. [LB817]

SENATOR COUNCIL: ...and if I'm incorrect, someone can correct me, but that's... [LB817]

SENATOR ROGERT: Sheriff Wagner can probably answer that question. [LB817]

SENATOR COUNCIL: ...but that's what I have a problem with because just showing the permit, then we don't have a record of the purchase of that handgun. [LB817]

SENATOR ASHFORD: I might be able to...since this was my bill 12 years...15, 20 years ago (laugh), I...the permit is what you keep with you. The registration process is a different process, and that's local option, I believe. And so in Omaha, they register the gun, but that...but the permit...is this right...? [LB817]

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SENATOR ROBERT: Permit never goes with the gun that's in the registration. You put the permit number down in the registration next to the ID number for the gun. [LB817]

SENATOR COUNCIL: Okay, but that...but we're talking about two...we're talking about a certificate to purchase... [LB817]

SENATOR ROBERT: Right. [LB817]

SENATOR COUNCIL: ...as opposed to a registration of the gun after it's... [LB817]

SENATOR ROBERT: Yeah, this bill isn't dealing with that. [LB817]

SENATOR COUNCIL: Yeah, that's what I'm saying and a lot of people purchase weapons and don't register them. [LB817]

SENATOR ASHFORD: True. [LB817]

SENATOR COUNCIL: So I'm asking, what happens to the certificate to purchase? Because there's a difference between having to give the dealer a certificate to purchase which that dealer may or may not have something to do with it regulatorily like, you know, send it in to the county sheriff's department and says, this certificate was...to purchase was used to purchase XYZ weapon by Joe Blow, and there's a record of it. Under what's proposed under the LB817, I'll just show you that I have a carry-conceal permit, but there's no record following that purchase because up... [LB817]

SENATOR ROBERT: I follow you now. [LB817]

SENATOR COUNCIL: ...we're assuming that the person then goes and registers the weapon. I don't... [LB817]

SENATOR ASHFORD: I don't think the permit. I mean, the permit that we're replacing with the certificate here, I don't think that permit goes with the gun. It's simply something to show that you've been checked within three years. That's the permit to purchase deal that the Legislature passed in the early nineties. It's not...so there's nothing in that permit law...that I believe I'm right...there's nothing... [LB817]

SENATOR COUNCIL: I respectfully beg to differ, Senator Ashford, that that...the language says, except as provided in this section, a person shall not purchase, lease, rent, or receive, transfer until he or she has obtained a certificate. A person shall not sell these to a person who has not attained a certificate. [LB817]

SENATOR ASHFORD: Well, maybe somebody else can...I'm sure I'm not saying it very

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well, but I think it's separate. But anyway. [LB817]

SENATOR LATHROP: I do have one simple question. [LB817]

SENATOR ASHFORD: Yes, Senator Lathrop. [LB817]

SENATOR LATHROP: Can...is there anything about the process of getting a permit to buy one of these guns that is not also included in getting your permit to carry a concealed weapon? [LB817]

SENATOR ROBERT: No. [LB817]

SENATOR LATHROP: So everything you need to get a permit to carry a concealed weapon is included in the permit to get...to buy one. [LB817]

SENATOR ROBERT: And then some. [LB817]

SENATOR LATHROP: And then some. Okay. [LB817]

SENATOR ASHFORD: And more actually. [LB817]

SENATOR LATHROP: Okay. Then it seems common sense. [LB817]

SENATOR COUNCIL: Okay, that... [LB817]

SENATOR ASHFORD: It's...yeah, Senator Council. [LB817]

SENATOR COUNCIL: Following up on Senator Lathrop's question, then it becomes the issue of registration. I can have a permit to carry a concealed weapon, and I can get that permit without owning a gun. [LB817]

SENATOR ASHFORD: Correct. [LB817]

SENATOR COUNCIL: Okay? Then I decide I'm going to go buy a gun. I have a carry-conceal permit. How do you trace the sale or exchange of that gun if you don't have a certificate to purchase? [LB817]

SENATOR ROBERT: I...I think they can answer behind you, but I also think that this...if you look on line 6 of the second page, I'm not sure but I think 69-2404, this is more or less dealing with what a dealer will accept for sale. [LB817]

SENATOR COUNCIL: And that's what I'm saying. [LB817]

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SENATOR ROBERT: Yeah. [LB817]

SENATOR COUNCIL: The dealer accepts it for sale, and my question...my first question is, and then the dealer is expected to do something with that...retain it and...they're not required to retain it in their records? [LB817]

SENATOR ASHFORD: No, they don't have to retain it. This is just an...it's like an identification deal that shows they've been checked within three years. That... [LB817]

SENATOR COUNCIL: Okay. That's...well, that was my first question. [LB817]

SENATOR ASHFORD: Yeah. [LB817]

LEGAL COUNSEL: The registration is something separate that's in the city of Omaha, so from...it's on the purchaser of that firearm in Omaha to go and...and register that firearm. [LB817]

SENATOR COUNCIL: Okay. Okay. [LB817]

SENATOR ASHFORD: Thanks, Kent. Any other...no one really needs to testify now, do they? (Laugh) [LB817]

SENATOR LATHROP: I was going to say, I think we've got it figured out. [LB817]

SENATOR ASHFORD: I think we pretty well covered it. [LB817]

SENATOR ROBERT: Well, he came all this way, we'll let him come talk for a second. [LB817]

SENATOR ASHFORD: Any proponents? [LB817]

CHRIS ZEEB: (Exhibits 8, 9) Good afternoon, Senators. My name is Chris Zeeb, Z-e-e-b, representing the Nebraska Firearms Owners Association. I have a couple of things there I'll give to you, and I'll answer your question, Senator Council. The handgun purchase permit is an identification card proving that you have a background check, and that's all it is. When an individual goes to buy a handgun, they're required to fill out an ATF form 4473 which is a paper trail documenting the sale of that gun, so there's nothing...it's just a background check. And basically, what this bill does is it creates an exemption so a concealed handgun permit holder does not have to get a handgun purchase permit as well. I made several phone calls this week to a few sheriffs offices as well as the Nebraska State Patrol CID Office. They are who run the background checks for the concealed handgun permits. I spoke with the Lancaster County Sheriffs Office, Douglas, Sarpy, and Otoe. And basically, the sheriffs departments all run the

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same background checks...NCIS, NCIC, the Nebraska CJIS, and whatever other letters you want to put together, they all threw me a bunch of different ones. They all run the same background check, so it's a duplication of work here that's not necessary. Very similar, a person who has a federal firearms license, by Nebraska state law is not required to have a handgun purchase permit because they've already gone through all the background checks, and that's the same thing here with the concealed handgun permit. One added benefit or difference between the concealed handgun permit and the handgun purchase permit...when you go into the sheriffs office and get a handgun purchase permit, they run the background check, they issue you the card. You walk out the door; you're not fingerprinted; there's no follow-up or anything. Hypothetically, if someone went out and committed a crime, they could still have that handgun purchase permit. If someone who has a conceal-carry permit went out and committed a crime, their fingerprints would be flagged with the Nebraska State Patrol and their permit. Number one, an officer has the authority to confiscate it right there, and their permit would be revoked, so it's actually an extra check there. I'd be happy to answer any questions if you have any. [LB817]

SENATOR ASHFORD: Nothing other than I...I think you're absolutely right, and I...and when we did this...not to...we don't need to go further than than...with this, but at the time, I think when we did the permit law, I think there was even discussion about wouldn't it be great if we could have some of these added protections in the permit law? But now it's coming full circle back to the certificate so. [LB817]

CHRIS ZEEB: Uh-hum, okay, great, thank you. [LB817]

SENATOR ASHFORD: Okay. Thanks. Next...sheriff. [LB817]

TERRY WAGNER: (Exhibit 10) Good afternoon, Senator Ashford, members of the committee, my name is Terry Wagner, W-a-g-n-e-r. I'm the sheriff of Lancaster County. I'm here today to represent not only my office but the Nebraska Sheriffs Association. Senator Council, I brought my handgun certificate if you'd like to take a look at it, I can show it to you later. But I'm passing out a copy of my testimony, and I won't read this verbatim, but I want you to understand a little bit of the process, and it's kind of, as Senator Ashford said, you sort of need to get your head around the handgun certificate permit and really what that does, and then the carry-concealed permit and what that does. And this really is a good common-sense bill. It eliminates the duplication of effort on the part of two different agencies. It eliminates citizens from having to do the same thing: pay fees twice, go through a background check twice, and really all for naught. The additional safeguards in place with the carry-concealed weapon permit process was mentioned. Fingerprint submission was a 180-day residency requirement; that's not required under the handgun purchase permit requirements. And then there are vision requirements, and believe it or not, we have had a blind person apply for a handgun purchase permit in our office. So those are some of the additional requirements on the

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carry concealed permit. Just to give you an idea, our fiscal note last year...or that I submitted with this bill is a little off because I assumed that everybody in Lancaster County that had a carry concealed weapons permit also had a handgun purchase permit, and that's not true. About 777 of the 1,047 carry concealed permit holders currently have an additional permit like this, the handgun purchase permit. When I randomly checked those folks who have carry concealed permits, the ones most likely not to have a handgun purchase permit were family members in the same household as another permit holder. And that's allowable under this law that I could purchase a weapon under my permit and give to my wife or my son or daughter. So that's allowable and it's understandable then why the numbers don't exactly jive... [LB817]

SENATOR ASHFORD: Well, under the permit to purchase, you can give the gun to somebody else without...without a background check? [LB817]

TERRY WAGNER: Correct. [LB817]

SENATOR ASHFORD: Under the old law or the current law? [LB817]

TERRY WAGNER: Under the current handgun purchase permit, I can purchase a weapon and give it to my son, and there is no permit process required there... [LB817]

SENATOR ASHFORD: Right. [LB817]

TERRY WAGNER: ...so immediate family members only, so that's kind of the difference there. But just... [LB817]

SENATOR ASHFORD: But if it's a concealed weapon permit, obviously, they have to...everybody has to have one. [LB817]

TERRY WAGNER: Exactly. [LB817]

SENATOR ASHFORD: Okay. [LB817]

TERRY WAGNER: So two members of the same family could have carry concealed weapons permits, but only one may have a purchase permit, so that's kind of the difference there. Last year we issued 2,650 handgun...we processed 2,650 handgun purchase permits, and that generated about \$13,000 in revenue. That's five bucks each, and then we calculated it out at about half an hour per permit. Some of them take a couple of days, depending upon the issues there; some don't require much time at all. So we figured about a half an hour per permit, so that's about two-thirds of an FTE. The handgun permits have increased 71 percent since 2006, and I don't see that diminishing any. So the bottom line is, we would lose about \$3,800 in revenue, but we would also reduce about oh, almost 400 man-hours or employee hours per year, resulting in a

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saving of about \$6,400. Obviously, we wouldn't be able to reduce our employee numbers with that, but I think it might stave off some additional employees in the future. So with that, the rest of my notes kind of speak for themselves. I'll answer any questions that the committee might have. [LB817]

SENATOR ASHFORD: Any questions of Terry? [LB817]

SENATOR COUNCIL: I just have a comment. [LB817]

SENATOR ASHFORD: Yes. [LB817]

SENATOR COUNCIL: Terry, I want to thank you for going into the detail. I mean, if it wasn't patently obvious, I don't know anything about gun registration; I don't want to know anything about gun registration (laughter). I don't want carry concealed weapons. I've already, you know, discussed that, and all I wanted to know was what the purpose? Because if I have a certificate to purchase, I think I...me, I think it's something I have to hand over to someone to effect the purchase. And that was my initial question is, is that what you do? And if that's not what you do, then it makes sense that if someone gets a carry concealed permit and has that, and then decides they want to purchase a firearm, it doesn't make any sense for them to go back and go through a process that requires less background information than their carry concealed permit. [LB817]

TERRY WAGNER: As an aside, our permit process is...it was designed very good by whoever wrote that (laughter). But as a... [LB817]

SENATOR COUNCIL: He'll take credit even if he didn't do it, so go ahead (laughter). [LB817]

TERRY WAGNER: As a result of the thoroughness of our process,... [LB817]

SENATOR ASHFORD: It was my old life. [LB817]

TERRY WAGNER: ...there's a thing called NIX checks, so if you go into Scheels to buy a shotgun, if you don't have this then they're going to run a NIX check on you. Although this was designed for handguns, it is accepted statewide for any firearms because it's thorough enough--it meets those federal standards for thoroughness. So it's a good process. I don't want to eliminate this, but it certainly is a duplication of effort for those other permit holders so. [LB817]

SENATOR ASHFORD: Thanks, Terry. [LB817]

TERRY WAGNER: Thank you. [LB817]

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SENATOR ASHFORD: Next proponent? Jordan? [LB817]

JORDAN AUSTIN: Good afternoon, Mr. Chairman and members of the committee. My name is Jordan Austin, and I'm here on behalf of the National Rifle Association. I'll be very brief. Everyone before me has given very detailed and clear explanations as of what LB817 is going to do and the background checks that a right-to-carry permit holder has to go through as well. I would just like to say that, you know, the NRA supports this legislation, and we think it's just very simply good policy. It's removing an additional level of repetitive background checks when, you know, these permit holders already go through a substantial amount of training. So we think we'll encourage this committee to support this legislation and, you know, I'll wrap it up there since everything had already been said. [LB817]

SENATOR ASHFORD: Thanks, Jordan. Any questions of Jordan? Seeing none, thanks. [LB817]

JORDAN AUSTIN: Thank you, sir. [LB817]

SENATOR ASHFORD: Next proponent? Opponent? [LB817]

DAVID BAKER: Good afternoon, Senator Ashford, members of the committee. I'll be brief as well. My name is David Baker. I'm an executive officer for the Omaha Police Department. The Omaha Police Department opposes LB817, primarily with a concern over the term of both of the different kinds of permits--currently, a purchase permit is valid for three years. As we covered earlier, a concealed carry permit is valid for five. A concealed carry permit is much more in-depth. We also recognize that there's a fair amount of redundancy between the two permits. But we're concerned about the disparity between the terms whereas a purchase permit, you need to be checked once every three years. This will extend it to five years for concealed carry. So that is one of the concerns of the Omaha Police Department. I would also say, and I would like to point out that some disqualifying acts as we live on a border state with Iowa may or may not be reported back within that five-year period to Nebraska State Patrol which would not cause an automatic revocation of the concealed carry permit as stated, and would occur if it were inside the borders of Nebraska. And finally, we do realize that there's a lot more training and a lot more background going into the concealed carry permit. We support as much of that background check as we can. We understand that there's a cost so that the sheriffs have to calculate that in with the kind of checks that they're willing to do. I would point out that even police officers have to still have the purchase permit and even if LB817 did pass, a police officer would still have to have a purchase permit unless they were purchasing on behalf of the agency. But for private firearms, we would not enjoy the same privileges, if you will, as a regular concealed carry permit holder, and I think I could stack up our training against theirs. [LB817]

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SENATOR ASHFORD: Well, that's not a bad point actually, that third point. I never thought about that, but you do have a lot of training that would not otherwise happen. Yeah, any other questions? I do have one comment, and that is that I absolutely get your point, but on the certificate, I think it's much more regulated as far as if there is a law violation by a holder of a certificate, I'd have to check this, but it's my understanding that the courts are much more aggressive in getting those certificates turned in or questions asked regarding the certificate. I may be wrong, but I... [LB817]

DAVID BAKER: I believe that to be the case as well. [LB817]

SENATOR ASHFORD: ...so...but your last point is a good one. [LB817]

DAVID BAKER: But our main concern in this is the disparity between the five years and the three years. If the concealed carry permit were three years, I don't think we would have the objection. [LB817]

SENATOR ASHFORD: Okay. Thank you very much. [LB817]

DAVID BAKER: Thank you. [LB817]

SENATOR ASHFORD: Any other opponents? Neutral? Okay, Kent. That ends the hearing. Thank you. [LB817]