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Floor Debate
May 17, 2011

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SENATOR GLOOR PRESIDING

SENATOR GLOOR: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eightieth day of the One Hundred Second Legislature, First Session. Our chaplain for today is Senator Wallman. Please rise.

SENATOR WALLMAN: (Prayer offered.)

SENATOR GLOOR: Thank you, Senator Wallman. I call to order the eightieth day of the One Hundred Second Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

SENATOR GLOOR: Thank you, Mr. Clerk. Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR GLOOR: Are there any messages, reports, or announcements?

CLERK: Enrollment and Review reports LB151, LB589, and LB617 as correctly engrossed. Enrollment and Review also reports LB667, LB667A, LB675, LB521, LB642, LB699 to Select File, some of which have Enrollment and Review amendments. Communication from the Governor. (Read re LB176, LB404, LB575, LB575A.) That's all that I have, Mr. President. (Legislative Journal pages 1603-1609.) [LB151 LB589 LB617 LB667 LB667A LB675 LB521 LB642 LB699 LB176 LB404 LB575 LB575A]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Flood, you are recognized.

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. I don't often say this, in fact I don't think I've ever said it in my five years serving as the Speaker of this body. This is a very important week. This is probably the most important week of the session. We have a lot of work to do. Today, before I talk to you about the rest of the week, I need to let you know that we are going to be passing over Senator Ashford's

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reconsideration motion. Circumstances beyond his control make him unavailable to us this morning and so we're going to proceed immediately to the motion to override the gubernatorial veto on LB421. Again, we're going to pass over the motion to reconsider LB200 and we are going to proceed immediately this morning to LB421. Now today, as I stated last Thursday, we are going to adjourn around noon. We have important things happening obviously today in the Redistricting Committee. Redistricting is a constitutional obligation. Much like the budget, it's going to be given great priority in this Legislature in the next ten legislative days. Beyond redistricting, we have several bills that are going to take up a substantial amount of time. Senator Sullivan has a pipeline bill that has been talked about quite a bit in this state that will be scheduled. Senator...there's LB690 from Senator Brasch, relates to parental consent that is available for scheduling, in addition to a number of other bills that must be considered before we end our work on the ninetieth day. It's going to take every ounce of effort this week to make the progress needed to put us in the position next week to end this Legislature on time and get our work done. We are going to be working into the night Wednesday night and most likely Thursday night. This is going to be potentially a night (sic) of two true late nights on our way to heading home for the weekend Friday, working through lunch. We have a lot of work to do. We have a lot of things on the agenda. And I know you may wonder why are we adjourning at noon. In my opinion, the noon adjournment is necessary in hopes of putting us in a place where we can make progress. And the one issue that I didn't talk about belongs to all of us but it is brought to us by my colleague next to me, Commission on Industrial Relations, that is also going to take a significant amount of time and effort and debate, and I would just...the only reason I stand up this morning is I want you to know what's ahead of us this week. It's going to be an extremely important but an extremely tough week, and we have to work together to get through it. So we will be passing over the motion to reconsider LB200, I will be rescheduling that when Senator Ashford is here, and we will move directly to the Governor's veto override on LB421. Thank you, Mr. President.

SENATOR GLOOR: Thank you, Mr. Speaker. We'll now proceed to the first item on the agenda. Mr. Clerk.

CLERK: Mr. President, Senator Pankonin would move that LB421 become law notwithstanding the objections of the Governor. [LB421]

SENATOR GLOOR: Senator Pankonin, you're recognized to open. [LB421]

SENATOR PANKONIN: Good morning, Mr. President and members. LB421 would increase the Nebraska Game and Parks Commission's annual park entry permit fees. The proposed increases would become effective on January 1, 2012. During General File debate, I mentioned that I had three primary reasons for introducing LB421 and designating it as my priority bill this year. First, Nebraska has more than 80 state park facilities. I agree with Governor Heineman that these facilities provide Nebraskans great

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opportunities for outdoor recreation. In his veto letter to the body, the Governor said, "Nebraska's travel industry has an important economic impact on the state. It continues to be the third largest revenue producer from outside the state, behind agriculture and manufacturing, and generates more than \$3 billion a year." The Governor and I also agree about the economic benefits derived from our park system. When LB421 was on General File, I reported that 9 million visits to the state park system are recorded every year. Our state parks are an asset that many Nebraskans enjoy. I, too, said tourism is the third largest industry in Nebraska and noted that 15 of the state parks are among the top 25 tourist attractions in this state. But this is where our views differ. I contend that the park permit entry fee increase proposed by LB421 needs to be enacted, not avoided, so well-maintained parks can track citizens and visitors alike. This is the best way for a statewide resource to continue to produce economic benefits for Nebraskans. In his veto letter, Governor Heineman cited concerns about current gasoline prices and the expectation that high fuel costs may keep Nebraskans close to home this year. His message points out that increasing park entry fees will discourage Nebraskans from enjoying recreational activities close to home. Again, I agree that residents of this state may choose in-state rather than out-of-state travel to reduce fuel costs. In my opinion, this is a compelling reason to maintain our recreational facilities as well as possible with the resources currently in place. Remember, the proposed fee increase will not influence visitors' decisions to visit our parks this year because it would not take effect until January 1, 2012. Next, enactment of LB421 is important because rising costs and reduced revenue have increased deferred maintenance in our state parks to the point that some of them may have to be closed. Game and Parks currently has about \$34 million in deferred maintenance costs. The fee increases proposed in LB421 cannot eliminate this deficit, but they can slow the deficit's growth and allow park employees to address the most urgent maintenance needs. Nebraska's state parks are supported primarily by a user-based funding system. Approximately 70 percent of the operating and maintenance budget for our parks comes from fees, not taxes, fees paid by the people who use the parks. Only about 30 percent of the park system budget comes from the General Fund and this percentage has been declining for years. Governor Heineman stated that Nebraskans are cutting their personal spending and expect government to do the same. Like the rest of state government, the Game and Parks Commission has cut its budget, in part by privatizing some services and significantly reducing the park staff. I call your attention to the letter I received from southwest Nebraska that you have on your desk. In it the SOS, Save Our Swanson organization, frames issues germane to LB421. The SOS experience illustrates that there is a point where cuts stop being helpful and, instead, become harmful to our state parks. While adjusting to recent budget cuts, the commission has also faced steadily increasing costs for equipment, materials, contracts, and fuel. Operating and maintenance services have been reduced in as many ways as possible. Our state park system is an important asset that we have the responsibility to properly maintain so our citizens and visitors can continue to enjoy them. Finally, the current annual \$20 park entry permit fee per car, per calendar year has not been increased for five years. Nebraska's fee is the lowest priced

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park entry permit fee among all the states that employ a user fee based system to help fund their state parks. Even with LB421's proposed fee increase, we will only be tied with the lowest annual state fee that is currently used in Minnesota, North Dakota, Wisconsin, and Kansas. During General File debate, I appreciated the positive comments about LB421 from many senators, including Senators Langemeier, Lautenbaugh, Harms, Wallman, Hadley, Schilz, McCoy, Council, Fischer, and Ken Haar. I was also pleased by the strong support given to the bill on Final Reading where it received 41 of your votes to pass. Today I'm asking you to maintain your support of LB421 with a vote in favor of the motion to override the veto that's in this proposal. By doing so, we can help our state park system and still provide Nebraskans and visitors to our state with a very reasonably priced recreational opportunity. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Pankonin. Members, you've heard the opening on LB421, motion to override. There are senators wishing to speak. Senator Christensen, you are recognized. [LB421]

SENATOR CHRISTENSEN: Thank you, Mr. President. I want you to consider overriding this and think about several of the reasons why. The Game and Parks has been giving several of the parks back to local communities that desired to take them over as cost-saving measures, which I think is the correct approach to take for reducing their cost and overhead, where locals want to take that on. That's a positive approach because that will put a positive influence upon them communities. But for those communities that don't take that desire to take that on and we don't increase this fee and take care of these parks, we're going to have more parks that have reduced services. You're going to have areas that are now not cleaned up as well, not taken care of, and it's going to become less attractive for the state of Nebraska. And the ultimate goal here is to get people to visit our parks, get people to come forth and vacation in Nebraska if they're out of state, to stay home if they're from Nebraska, because budgets are tighter. If we don't have an attractive place for them to go, are they going to stay here? They're probably not going to go to them parks. I can tell you firsthand what's going on in parks in my district that have become reduced service. Are they abandoned? No. They're doing the best job that they can. But at the same time, it doesn't have that fine cleaning detail and mowed up and cleaned up quite as often, and that leads to a little less attractive area. I had two of those in my area out of five got reduced this last time, and there's just going to be continued more areas that have to be reduced if we don't take care of our budget opportunities. And again, think about the call that we have here is to get people to vacation locally to take advantage of what we have to offer, to encourage people from out of state to come here and spend money. And if we're not taking care of them properly, we're not going to have the place and designation for people to come. So I want you to consider this vote very carefully. I appreciated that Senator Pankonin said the support we had on Final Reading and I think everybody understands the issue. It's a user fee. It's very important that we maintain that the best that we can and we go forth, keep our parks attractive, draw

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people in, keep people home. I think this is the right approach to take. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Christensen. Senators who wish to be heard: Hansen, Bloomfield, Harms, Karpisek, Langemeier. Senator Hansen, you're recognized. [LB421]

SENATOR HANSEN: Thank you, Mr. President. Members of the Legislature, I want to first admit one thing and I...that I do need to tell Senator Pankonin that I have...I've flip-flopped on this issue like a Platte River carp. I spoke against this in the first two rounds of debate that we had. I really appreciate what our parks amount to right now. We use them, a lot of my constituents use them, and the reason I have...I've told Senator Pankonin that I'm going to vote for this override is because I try to stay in touch with the people of my district and I think I do a really pretty good job of that. I go home every weekend, spend a lot of time talking to people. And the reason why...I'm going to try to explain the reason why I have flip-flopped on this. I don't...when I go home, I don't hear about park fees. I hear about the budget. I hear about how much the budget has raised in the past because it's higher than inflation. I hear comments about Innovation Park that aren't very good for the university supporters to hear. I hear about roads. Our roads, our infrastructure, we talk a lot about that. We talk and some people, a lot of people say that we should...we're going down a wrong path on that, that we should be using user fees on that similar to what the Game and Parks does. I hear about the CIR and I hear about water problems in our district, that we have hundreds of miles even just in my district of rivers, streams, and sloughs, which helps the Game and Parks. I mean we have a lot of hunting, fishing attractions in my district. I don't hear about park fees. Even though this is a 25 percent increase, \$5 on a small amount doesn't amount to much. I think the Governor was right with his math. He said, you know, we're raising these fees 25 percent. You can't deny that. But if you look at a comparable state, a neighboring state, Missouri, they have 85 parks, Nebraska has 85 parks; they have \$39 million and Nebraska works on a \$22 million budget. There's a lot of differences between Nebraska and our surrounding states and one of the differences is that with as many parks as we have, we don't have a very high entry fee. And I think the \$5 is certainly justified. Last year we gave away two parks that Game and Parks said that they didn't have maintenance money for, and this year we've given away three parks. And I know a couple of these parks, I'm familiar with two of them, and they've gone through the Rotary Club and they've gone through the Sertoma Club and they've gone through the Boy Scouts, and would the Boy Scouts, would your troop like to go out there and kind of clean up the park once a week and keep it tidy because Game and Parks doesn't have enough money to do that. People aren't willing to do that. It's a good idea but they're not willing to do it. We're going to have to rely on user fees to maintain our parks. One thing that I would admonish the Game and Parks to do, and I know they're present outside the glass, is that with the 85 parks that we do have, the \$5 increase should be used for maintenance, not for additional land acquisition at this time. More

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and more land is going to require more and more maintenance and it just doesn't work out to have even an increase in park fees maintain more and more land that's acquired all the time. I talk to my commissioner, just like I should do. I talked to my Game and Parks commissioner while I was home this weekend and we talked about... [LB421]

SENATOR GLOOR: One minute. [LB421]

SENATOR HANSEN: ...thank you...about the budget. We talked about the maintenance, the need for maintenance, the lack of maintenance. Buffalo Bill State Park is working very, very hard with a very limited staff in trying to get done what they need to do, trying to work with the city. The city doesn't have...city of North Platte doesn't have the budget to come out and take their trash away, but they're working, they're trying to figure out ways to maintain that beautiful park. And thousands and thousands of international visitors come to that park every year. In summary, Mr. President, members of the Legislature, I think that the Governor was wrong to veto this. I know that he was consistent, he's trying to be consistent, and I was trying to be consistent, too, but I've not heard the backlash on a \$5 increase for the park fees and I suggest and I plead with others to override this veto. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Hansen. Senator Bloomfield, you are recognized. [LB421]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, colleagues. I stand in opposition to overriding the Governor's veto on this. I've argued this since we first saw the bill. I will continue until the body does its will today. I passed out two handouts. One of them is a map. If you look down to the bottom right quarter of that map is Ponca State Park, then you go to the top of the map, down an inch or so, you'll see a new purchase or a new portion of Ponca Park. That's irrigated farm ground that has come out of production, taken off of the tax rolls. We don't have the money to maintain what we have now but we can purchase irrigated farm ground and take it off the tax rolls? I see inconsistency there. I believe the Governor is absolutely right in vetoing this bill. The other handout is on the recent purchase of this Snake River Falls area. I circled two areas. I'm going to read them into the record. Although the five members voting in favor of the award didn't represent a majority, opponents fell short of the eight votes necessary to kill the controversial sale. Six members voted no and one abstained. This was not a solid yippee, we've got to do it now. This was a controversial thing we did. The other one: The Game and Parks Commission will pay \$3.5 million for 1,300-acre parcel that contains Snake River Falls and about three miles of the river upstream. The trust approved a grant of approximately \$2.4 million. The Parks Commission will fund the remaining \$1.1 million from revenue produced by the sale of hunting and fishing permits and excises taxes on goods such as guns and boat fuel. Although the commission had been forced to cut budgets in other areas, the game fund is still solvent. We've still got money to buy more land and take more of the property off

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the tax rolls, but we don't have the money to maintain our parks? This seems to be a bit of an oxymoron to me. I cannot support this 25 percent increase in user fees or tax to the people who want to use this. This is, in large part, not the wealthiest people in the state of Nebraska that go to these things. If we proposed a 25 percent increase in any other tax in the state, everybody in here would be up in arms. I believe we need to uphold this veto and keep the fees to where people can afford to go to the parks. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Bloomfield. Chair recognizes Senator Harms. Senator Harms. [LB421]

SENATOR HARMS: Thank you, Mr. President, colleagues. I rise in support of this override that Senator Pankonin is requesting. When I look at where we are today with our Game and Parks, I think it's so important that we make sure that we not cut them short in the funding that's needed. And as I look at my own area and my own district, in talking to many of the citizens, because of the fuel situation many people are going to stay at home. They're going to stay close to home and they're going to travel at home. They're going to use the lakes that we have in our area. They're going to use the recreational areas that we're going to have. And as long as this continues with the situation with gas, you're going to find more and more of our own citizens staying here and enjoying the recreational areas we have. That's why it's so important for us not to let those deteriorate, not to let those be destroyed. We're going to have to place the dollars in it now because for each year that we wait we know that it's just going to get more expensive. And I would urge you to support this override. I don't think this is a time for us to cut back. I don't think that increasing these fees, quite honestly, is a big factor that would hinder people from purchasing those, the fees, or purchasing the different permits that they need to have to use our lakes. So I would urge you to support this. I think it's extremely important. I know several years ago Senator Langemeier brought forward a whole increase in the changing of fees and I fought that. I thought it was the wrong thing to do. And I think I said, the last time we had this particular discussion, that was an error on my part. I now realize, after going around and traveling and seeing some of our recreational areas, how important they really are, and we should have made those...all of those changes several years ago. We have fallen behind in regard to the upkeep of some of our recreational areas, and I don't believe we can afford to do that in the future. And I think it's time to make sure that we have made the changes that we need and the change we need is to make sure we override this so we can keep abreast with what needs to be done in our parks and recreational areas. So thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Harms. Senators in the speaking queue: Karpisek, Wightman, Brasch, Wallman, Schilz, Langemeier, and Ken Haar. Senator Karpisek, you are recognized. [LB421]

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SENATOR KARPISEK: Thank you, Mr. President, members of the body. I do stand in support of the override. I've done some camping, have a fifth-wheel trailer, been to quite a few of the parks. And to tell you the truth, there's been years that I have not bought a Nebraska park permit to go to Kansas or South Dakota. I know there are a lot of other people that do the same thing. Part of that reason for a lot of people was the alcohol in the parks, and we've dealt with that. But a lot of the other part is some of these states have very much nicer parks than we do. We've got some wonderful ones, but some of them, especially South Dakota, right over at Yankton, have a beautiful park and for the same amount of money, to go over and actually have better facilities, nicer facilities, it's just not worth it for many people. They'd rather go across over there. We're having to cut back all the time on these services. I guess for me, I would rather pay a little bit more and have these parks kept up, have people out there, make them the way that they should be. I would like to see us do a lot more rather than cut back. I do agree with Senator Bloomfield that maybe we need to look at where we're spending our money in the park division, but that's, to me, for another time and place. I think we do a great job with the parks. What we have is nice, but it needs more, not less. And again, I agree it is a user fee. It's not going up that much. It's not state money. And it is expensive to go, I realize that. Sometimes I think a night in a hotel would be a lot cheaper than having a camper, the gas to get there, everything you do. But that's the choice of the people that go. We have to look at a lot of different things, like the way that we can prebook a site. I've had some trouble with that and I've talked to the department and they've looked into it, the Game and Parks. But I think they really need this extra money to try to stay even where they're at and maybe even go backwards. It is an issue. I applaud Senator Pankonin for bringing it forward. Our state parks are a great asset. We need to keep them where they are and make them better, not cut. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Karpisek. Senator Wightman, you are recognized. [LB421]

SENATOR WIGHTMAN: Thank you, Mr. President. I, too, am in support of the override motion for LB421. It seems to me that we aren't necessarily doing ourself proud to be the absolute lowest of those who are supporting their state parks by a user fee, which we are. I also applaud Senator Pankonin for bringing the bill and, in addition, for moving for the override. I think it's important that we do this. I think if we look at tourism overall, we are going to be better served by having nicer state parks than we are by having the lowest fee among all of the states for state parks. And I think we can have nicer parks. I, too, have noticed that we've sold off or turned over, for management to various other organizations, five state parks, as Senator Hansen mentioned, in the last two years. It seems to me this is a shame. I assume some of these probably, as Senator Hansen suggested, will not be maintained, some of them may but on the long-term basis I think they're more likely to be maintained well by the Game and Parks Commission than they are by local organizations. Again, we may look at those been supported by civic groups within the community, but I've been involved in those as well. Sometimes the civic

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groups no longer exist. Sometimes people just get tired and no longer provide the maintenance that's needed. So I think it is very important. If we're going to continue to maintain state parks, we're going to do it by user fees. I think \$25 will be a very reasonable amount. And so much has already been said that I'd be just repeating but I do urge your support of the override motion. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Wightman. Senator Brasch, you're recognized. [LB421]

SENATOR BRASCH: Thank you, Mr. President, and good morning, colleagues. I stand still opposed to raising the park fees and object to the override of the Governor. I wonder, are raised park fees the only way that we can truly care for our parks, really? This not only concerns me but it also disappoints me. When I was marketing director for the Nebraska State Fair, we formed a foundation and found so many people loved and cared for their State Fair that there were philanthropists and angels among us who would invest in a foundation for the State Fair Park at that point. I wonder if there are angel investors for our parks that can also help us. Last year, I spent a lot of time door to door. I also spent time bagging and sacking groceries to talk to people. I saw young families with children in line, and elderly citizens, coupons, coupons, coupons, coupons. They would pull out a stack and, pretty soon, before you know it, you have that 5 bucks, that 5 bucks to knock off your grocery bill so you can eat. Five bucks, that can fill up a gas tank...or not fill up a gas tank (laugh), buy a gallon of gas, excuse me. Five dollars to a lot of families is big money. Every penny counts. We are, you know, in demands everywhere for that money and I'm very concerned. I was at one of our hearings where we heard about taking gangs off the street to work for a cause, that, you know, these young men and women went door to door, they campaigned for a candidate. I'm wondering, you know, aren't there people out there still willing to roll up their sleeves, to pitch in, to help our parks at a time when we are economically stressed and challenged, because I don't think we've used ourselves as our greatest resource. It's not all about money; it's about how much we care and how much we can work. Five dollars is a long ways for many people and our parks are filled with children. That's a great place for kids to be. And young families, grandparents, you know, that \$5 is important. I am hoping that we look at another way to help grow our parks, to beautify our parks, that everyone, one on one, can help with this solution and not raise fees. I also had a group come into my office from our district that were special, challenged individuals, one gentleman in a wheelchair, multiple disabilities. They also came to the debate that day on it and they said, oh, we can't afford to go fishing and we don't go to the park. They go to the park in the city but they wouldn't dream of having the money to go to a state park. I hope that can change. I hope there's ways to make it affordable for everyone and not raise fees. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Brasch. Senator Wallman, you are recognized. [LB421]

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SENATOR WALLMAN: Thank you, Mr. President, members of the body. I want to thank Senator Pankonin for bringing this bill back. Our parks, the jewels of Nebraska, \$25, you can't fill your car up for \$25. And I find it ironic that he mentions gas prices, in this bill for override, for cost when that costs a lot more than park fees. So the gas price is hurting our economy and it will hurt our economy if we don't get on top of that, and that is strictly the pre-Bush task policies, when we decided, I don't know why, to take off the limits on the board of trade on oil. I had an oil person call me up the other night and really let us have it here, and I said we can't do anything here; we're not federal legislators. But we took the limits off of trading on oil futures. You can trade how much you want, so it used to be so many contracts. It was a limit on the contracts. So we're talking about oil prices here. We're talking about gas prices here. Also, it costs us more as a state, our state vehicles, Department of Roads' trucks and pickups, and the Parks' trucks and pickups. Are they wasting some money? I don't know. But I do know when you leave something for year after year after year the same, it costs me more to plant seed, it costs me more to buy gas and diesel fuel and also it does our state, so this \$5 is a miniscule amount. Probably to some it may mean a lot, I don't know, but we have to do something to help them out, I feel. And thank you, Senator Pankonin. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Wallman. Chair recognizes Senator Schilz. [LB421]

SENATOR SCHILZ: Good morning, Mr. President, members of the body. Thank you. As I look at this, any time I get an opportunity to stand up and talk about tourism, the third largest industry in the state, I think it's important that as we look at what the Game and Parks needs, what our natural areas of the state need from us to be able to maintain and pay for those, we need to be cognizant and, I don't disagree with Senator Brasch, that we need to look at different ways of funding some of this stuff. You know, could we have benefactors that could go out and create foundations for individual parks? That's a possibility. And I'm hoping that LB684, that's been introduced and is moving through, will be able to address some of those issues and be able to address some of those funding questions so that we don't have to come back here in another ten years and give some more leeway to Game and Parks for park stickers. I know this: If we're going to have the parks, we have to make the commitment to pay for them. And I think there are many opportunities out there that we're not taking advantage of in our parks and I want to work, continue to work to find those opportunities and to bring that revenue to the state, as well as the local communities where those parks and recreation areas are located. So I do support our parks. I support the ability of the state to be able to pay for them and, right now today, park fees are the most reasonable and practical way to take care of that. Thank you, Mr. President. [LB421 LB684]

SENATOR GLOOR: Thank you, Senator Schilz. Senator Langemeier, you're

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recognized. [LB421]

SENATOR LANGEMEIER: Mr. President, members of the body, I rise in support of the override of the Governor's veto on LB421 for a number of reasons. Number one, I want to clarify, if you watch Channel 10 news, they get the story right but when they put it up on the screen they said the increase was from \$5 to \$25. But if you listen, they said it's a \$5 increase. They got that right, but the screen wasn't right. So just a clarification: It's \$20 going to \$25. And as we, as citizens of Nebraska, take the opportunity not to go to Florida this year or they can't go to Colorado this year because of gas prices, they're going to come look at our state parks. And if we have good state parks, in the next coming years they're going to come back and they're going to experience that. Now it was said earlier why don't we create a foundation. Well, let me give you a little information. In Senator Bloomfield's district, if it weren't for the foundation he wouldn't have a Ponca State Park. The Nebraska Parks Foundation, a group of individuals that love the park system that put a lot of money in, they put \$1.5 million from the foundation into the Ponca State Park recreation facility to upgrade their cabins. The Kiewit Foundation put \$1 million in to update those facilities. Your park fees would have to be \$100 or more if you want to keep those kind of facilities up, and currently in the Legislature we have not seen the people want to put the money in from General Fund to keep up our parks. I think Senator McCoy had a bill or talked about it earlier about maybe taking the parks away from Game and Parks making that a state obligation, not because he doesn't like what Game and Parks was doing but to bring attention to the importance of the state park system in Nebraska and the money it takes to keep up a park. Look at your yard, how much money you put in keeping up your yard around your house for your enjoyment. It is not cheap. Five dollars, as someone that just went to Mahoney two weeks ago...two weekends ago, I talked to the campers in my area, \$5, they don't have a problem with it. And I have said it in the committee hearing. As I started camping with my family this year, \$5, and \$25 for my park permit is the least expensive thing we do. Every day we need just a little more something, whether it's new skewers to make more s'mores for the boys or something that got damaged. Five dollars is nothing to have those facilities available, to be booked on-line ahead of time. And, Senator Karpisek, I'm sorry you had a problem. We haven't experienced a problem booking on time. We've got five weekends planned throughout the summer. We booked them on-line and the system worked well. Matter of fact, there's even pictures so we can look at the campsite ahead of time and say, man, that one is kind of hilly or that one is a little flatter, we'd like that one. So I think we have a treasure with our state park system. I rise in some of the same concerns that Senator Bloomfield has about some of those other projects that are funded other ways, but I think our parks are worth saving. I think we can improve them. And as Nebraskans come to them, they're going to tell their friends. We bought a camper, now we got three friends who bought a camper because they went and experienced it with us. I think the potential is unlimited and I don't think \$5 is something that is going to change their minds of what they're going to do for one minute. And with that, I would ask for your support of the override of the Governor's veto

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to LB421. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Langemeier. Senators wishing to be heard: Ken Haar, Bloomfield, and Schumacher. Senator Haar, you're recognized. [LB421]

SENATOR HAAR: Mr. President, members of the body, I want to thank Senator Pankonin for his bill and I will certainly vote to override the veto. It's not a secret, Nebraska's parks are about the cheapest entertainment for a family or whomever in this state. If you take your kids, your grandkids, like I did, to a movie, costs more to take them to a movie, just two of them to a movie and get the tickets and the popcorn and the pop and so on than it does to buy my pass for a whole year for Game and Parks. You can hardly go anywhere these days without spending \$20, \$25 on a meal for two, especially for three. So I think again this is...I agree with the other speakers saying Nebraska's parks are a jewel. I think that we have decided in the past that these should be paid for by user fees and I think it's very reasonable to raise that fee to \$25. Thank you very much. [LB421]

SENATOR GLOOR: Thank you, Senator Haar. Senator Bloomfield, you're recognized. [LB421]

SENATOR BLOOMFIELD: Thank you, Mr. President. A long while ago, probably 55 years ago, I started going to Ponca Park as a child. Ponca Park at that time didn't have paved roads. It was gravel if there was gravel. A lot of it was dirt roads. A lot of it you couldn't drive to. I'm not suggesting we go back there but it didn't cost us anything to go to Ponca Park at that time. And what I am suggesting is that when my mother put together hamburgers and we'd take them up and cook them on a grill at Ponca Park, we probably had as much fun and togetherness as a family there as you do after you go in and pay \$25. Maybe you can't buy the hamburger after you paid the \$25 to get into the park. But I don't think increasing fees increases necessarily the enjoyment and the closeness that you're going to get out of that park. If the maintenance can't be done, I go back to what I said, they seem to have money to buy up more land. Let them use that for some of the maintenance. It's just...I don't see this increase. I don't see how it enhances the park experience for the children. That's a family thing. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Bloomfield. Senator Schumacher, you are recognized. [LB421]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Our park system basically is a recreation and entertainment business that is run by the state of Nebraska. As anyone in business knows, when your costs go up over time, if you do not increase your rates commensurate with your cost, you're going to come up short and either go broke or have a less-quality service. For a business to be viable, you have to match your cost with your revenues. I think we all know that all the advertising in the

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world in pretty magazines, in ads placed, in radio ads, and handouts in tourism bureaus, and this, that, and the everything will not do a nickel's worth of good if when the customer comes to the product the product is not the quality advertised. And so we have to keep the quality of these particular entertainment facilities up to par. I like to think of this particular proposal not as a fee increase, because it really isn't. It's a currency adjustment. If we look at some numbers, in 1978 the fee was \$7.50. That has the same buying power today as \$25.33, so this adjustment to \$25 is right on the money. Looked at some other figures just in state government and I have no idea whether the Director of Administrative Services does the same thing now as they did in 1983 but supposing that they do, in 1983 that was a \$40,210 item. That has the same buying power today of \$89,345, but the Director of Administrative Services gets \$96,067 for that area. That's 7.5 percent over a currency adjustment. And the director of Policy Research, in 1983, \$35,900 has the buying power of \$79,769 in 2011. Today the number is \$106,517, or a 33 percent adjustment over a currency adjustment. Bottom line is our currency is worth less over time. We have to adjust just to hold even. We want a quality product. You can't get something for nothing. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Schumacher. There are no senators remaining in the queue. Senator Pankonin, you're recognized to close on your motion. [LB421]

SENATOR PANKONIN: Thank you, Mr. President. First of all, I want to thank everyone for their comments today. I think they were appropriate and good discussion and brought up some pros and cons and valid discussion. I want to especially thank Senator Hansen. I think he had voted against this proposal on the first round of debate, and then after considering it, and I thought his comment about going home and asking people about it and had interaction with constituents, that he found out that this wasn't a big problem for them. And as the introducer of this bill, we had some folks that had questions and a couple that had concerns, but otherwise we've had a lot of comments in our office about this is a needed proposal because we want to maintain the parks, we don't want them to slip further from the deferred maintenance issues that we have. And so I really appreciate Senator Hansen rethinking his first round vote and changing. We also heard about that there is volunteers in some of these areas that help and I know in my area, at Arbor Lodge in Nebraska City, they have Friends of Arbor Lodge that do great, great work. The letter from the Swanson Park area also talked about this. So I think we're at the point where people have made a decision on this issue and I think the most important thing is I'm going to ask for a call of the house. I know there's a lot going on with meetings in the building and it will be important to get everyone here, everyone that is available here, and then also ask for a roll call in regular order. Mr. President, thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Pankonin. Members, there's been a request to place the house under call. The question is, shall the house go under call? All those in

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favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB421]

CLERK: 39 ayes, 1 nay, Mr. President, on the motion to place the house under call. [LB421]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Lathrop, Flood, Heidemann, and Utter, please return to the Chamber and record your presence. Senator Heidemann, please record your presence. Members, this motion, as a reminder, requires 30 votes. The question is, shall LB421 become law notwithstanding the objections of the Governor? Mr. Clerk, roll call vote, regular order. [LB421]

CLERK: (Roll call vote taken, Legislative Journal page 1609.) 42 ayes, 5 nays, Mr. President, on the motion that LB421 become law notwithstanding the objections of the Governor. [LB421]

SENATOR GLOOR: The motion is adopted. [LB421]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: I do raise the call. Mr. Clerk.

CLERK: Mr. President, I have some items. I have a hearing notice from the Transportation and Telecommunications Committee, confirmation hearing notice. Natural Resources Committee, chaired by Senator Langemeier, reports LB629 to General File with amendments. Redistricting Committee, chaired by Senator Langemeier, reports LB700, LB701, and LB702 to General File. I have a report on a motion from the Executive Board regarding the appointment of Marshall Lux, the State Ombudsman; that will be laid over at this time. Senator Cornett has an amendment to LB642 to be printed. And, Mr. President, a series of resolutions: LR258, Senator Price, interim study; Senator Dubas, LR259, that will be laid over; and then LR260 through LR282, all interim studies introduced by various members. Those will be all referred to the Executive Board. That's all that I had, Mr. President. (Legislative Journal pages 1610-1625.) [LB629 LB700 LB701 LB702 LB642 LR258 LR259 LR260 LR261 LR262 LR263 LR264 LR265 LR266 LR267 LR268 LR269 LR270 LR271 LR272 LR273 LR274 LR275 LR276 LR277 LR278 LR279 LR280 LR281 LR282]

SPEAKER FLOOD: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR199, LR201. I also hereby sign the certificate that reads LB421, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by

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the constitutional majority, has become law on the 16th day of May, 2011,...17th day of May 2001, 2011, correction. (Laughter) Mr. Clerk, we now proceed to the next item on the agenda, LB490. [LR199 LR201 LB421 LB490]

CLERK: Senator Larson, LB490, I have Enrollment and Review amendments, Senator. (ER129, Legislative Journal page 1494.) [LB490]

SPEAKER FLOOD: Senator Larson, you're recognized for a motion. [LB490]

SENATOR LARSON: Mr. President, I move that the E&R amendments to LB490 be adopted. [LB490]

SPEAKER FLOOD: Senator Larson, thank you. Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB490]

CLERK: I have nothing further on that bill, Mr. Speaker. [LB490]

SPEAKER FLOOD: Senator Larson for a motion. [LB490]

SENATOR LARSON: Mr. President, I move that LB490 be advanced to E&R for engrossing. [LB490]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB490 advances to E&R for engrossing. Mr. Clerk. [LB490]

CLERK: LB142, Senator Larson, I have Enrollment and Review amendments. (ER130, Legislative Journal page 1546.) [LB142]

SENATOR SULLIVAN PRESIDING

SENATOR SULLIVAN: Senator Larson for a motion. [LB142]

SENATOR LARSON: Madam President, I move that the E&R amendments to LB142 be adopted. [LB142]

SENATOR SULLIVAN: You've heard the motion. All in favor say aye. Opposed, nay. Motion carried. [LB142]

CLERK: I have nothing further on LB142, Senator. [LB142]

SENATOR SULLIVAN: Senator Larson for a motion. [LB142]

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SENATOR LARSON: Madam President, I move that LB142 be advanced to E&R for engrossing. [LB142]

SENATOR SULLIVAN: You've heard the motion. All in favor say aye. Opposed? Motion carried. [LB142]

CLERK: Madam President, LB675. First of all, Senator Larson, I have Enrollment and Review amendments. (ER133, Legislative Journal page 1605.) [LB675]

SENATOR SULLIVAN: Senator Larson for a motion. [LB675]

SENATOR LARSON: Madam President, I move that the E&R amendments to LB675 be adopted. [LB675]

SENATOR SULLIVAN: You've heard the motion. All in favor say aye. Opposed? Motion carried. [LB675]

CLERK: Senator Pirsch would move to amend, AM1459. (Legislative Journal page 1601.) [LB675]

SENATOR SULLIVAN: Senator Pirsch, you're recognized to open on your amendment. [LB675]

SENATOR PIRSCH: Thank you, Mr. President. Members of the body, this would be a simple clarifying technical amendment with respect to harmonizing this bill in accord with Speaker Flood's bill also dealing with the same topic, driving under the influence. And on that basis it would give them an operative date that would harmonize with Speaker Flood. So it is not a technical...I'm sorry, it is a technical matter and is not substantive. I would urge your support of this amendment. [LB675]

SENATOR SULLIVAN: Thank you, Senator Pirsch. Seeing no members in the queue, Senator Pirsch, you're recognized to close. [LB675]

SENATOR PIRSCH: I would waive. [LB675]

SENATOR SULLIVAN: Senator Pirsch waives closing. The question is, shall the amendment to LB675 be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Record, Mr. Clerk. [LB675]

CLERK: 30 ayes, 0 nays, Madam President, on adoption of Senator Pirsch's amendment. [LB675]

SENATOR SULLIVAN: The amendment is adopted. [LB675]

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CLERK: I have nothing further on the bill. [LB675]

SENATOR SULLIVAN: Senator Larson. [LB675]

SENATOR LARSON: Madam President, I move that LB675 be advanced to E&R for engrossing. [LB675]

SENATOR SULLIVAN: You've heard the motion. All those in favor say aye. All those opposed, nay. LB675 is advanced. (Visitors introduced.) Mr. Clerk. [LB675]

CLERK: Madam President, with respect to LB699, I have no E&Rs. Senator Flood would move to amend with AM1482. (Legislative Journal page 1626.) [LB699]

SENATOR SULLIVAN: Senator Flood, you're recognized to open on your amendment. [LB699]

SPEAKER FLOOD: Thank you, Madam President. Madam President, I'm still waiting for a series of maps to be delivered from the redistricting office of the Legislature. Senator Langemeier is aiding me in my effort and he should be here shortly. But let me talk to you a little bit about where I'm going with this amendment. As you know, I live in Madison County. I practice law in the Norfolk area and much has been made of the changes proposed to the judicial districts as it relates to specifically District 3, which is northeast Nebraska, and for the first time in the history of the state that Supreme Court district inching into Douglas County. That's a reality that we're having to confront as rural Nebraskans that the population shift has been so dramatic that what was once entirely thought of as a rural district is now really also metro as it relates to the city of Omaha and Douglas County. To be quite honest, I helped draw the first map that the committee advanced, and I appreciate their support of that effort. I'm not familiar with Douglas County enough to know what one street means over another, just like many of you are not familiar with Pasewalk or Braasch Avenue in the city of Norfolk. So after General File, I did sit down and I met with a large group of constituents of mine, who also happen to be officers of the court yesterday, and we had a lengthy discussion. And I did work with Senator Langemeier, to some extent, and other members, and Senator Langemeier is handing out the map as it is proposed under AM1482. Essentially, what we're doing here is we're taking Senator Mello's effort. There were a couple of different options put forward. I think the Bar Association had one idea which was rejected. I do not agree with it. Its deviations were up towards 5 percent. It was not a good map, in my opinion. We're taking what Senator Mello did and it takes District 3 into western Douglas and western Sarpy County, largely rural areas of those two very urban counties, and picks up enough people by going western Douglas and western Sarpy that I think you can look at District 3 and say that, by and large, the true character of the district is rural in nature where under the proposal in LB699 you have very urban parts of Omaha. Now

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my interest in providing the Legislature an opportunity to vote on AM1482 is not to pervert the process or to somehow throw a wrench in the works. It's an honest attempt at saying I think that Senator Mello's effort had value and, while I didn't agree 100 percent with it, I used his effort, with the help of others, and drew a district into Douglas and Sarpy County that I think makes sense. And you'll see, as the handout gets to you, the yellow area on the second sheet is District 3. District 2, where before I think it was kind of a choppy line from 168th to Military, is now more blocked off on Highway 31 as it runs north/south through Douglas County. And then as it relates to Sarpy County, where the proposal from Senator Mello went deeper into southern Sarpy County, southern and eastern Sarpy County, this really does cut off at the midpoint of Sarpy County. I think you'll find members of the bar and the general public will look at this map as reflected in AM1482 and it is a compromise of sorts that acknowledges that deviations are important. The biggest deviation I have here is 1.33 percent; the lowest is .11 or .09 percent. The deviations I think are respectable, while at the same time I think the map as drawn does the best job of accommodating District 3 as a rural district. And in ten years I don't think there's any surprise in saying that as Douglas and Sarpy and Washington and Lancaster and Cass and Otoe Counties grow there's going to be a larger piece of the pie drawn for the judicial districts in those areas as well. This works for me. I'm going to vote for AM1482 and I would appreciate your support. Thank you, Mr. President...Madam President. [LB699]

SENATOR SULLIVAN: Thank you, Senator Flood. We'll now begin discussion on AM1482. The Chair recognizes Senator Mello. [LB699]

SENATOR MELLO: Thank you, Madam President. Members of the Legislature, I, too, rise in support of AM1482. As Speaker Flood mentioned, the underlying premise of the maps that you are reviewing is a proposal that I put forward in the Redistricting Committee with some very simple premises--to try to incorporate the city of Omaha as much as possible into two Supreme Court, Court of Appeals districts. As Speaker Flood mentioned, the original proposal that was put forward to the committee incorporated a significant portion of west Omaha into northeast Nebraska's predominantly rural Supreme Court district. With a few tweaks here and there, understanding that there is a community of interest in western Douglas County and western Sarpy County, both predominantly rural areas, with the rural northeast Nebraska, it seemed logical to combine those two communities of interest together while trying to keep the city of Omaha, an urban metropolitan Omaha, combined in two districts. That essentially is what you're seeing in AM1482. The Speaker made a tweak, incorporated a little bit...another little bit larger sliver of northwest Omaha into District 2, I believe. And also there is one component that the body should be aware of by adopting AM1482 and it was a proposal that was part of my original proposal that incorporated Seward County with Lancaster County, I believe in District 1. Instead of taking...instead of cutting Cass County in a kind of a zigzag shape, as you can see, it keeps two counties whole and compact and contiguous by attaching Seward and Lancaster County together in District

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1 and putting all of Cass County in District 5. That is the other key component of what you see in AM1482. By all means, I encourage you to look over the map. If you have questions, I'd be more than willing to answer any that I'm able to provide you information. But the rationale and the premise, which I think is very critical as we continue to discuss redistricting proposals, is what was the underlying premise and rationale and logic behind the maps that we discuss. My map and with the Speaker's modifications keeps the city of Omaha essentially within District 2 and District 4 and puts the outlying rural components of Douglas and Sarpy County into a rural northeast Nebraska district. With that, I urge you to adopt AM1482. Thank you, Mr. President...Madam President. [LB699]

SENATOR SULLIVAN: Thank you, Senator Mello. (Visitors introduced.) The Chair now recognizes Senator Langemeier. [LB699]

SENATOR LANGEMEIER: Madam President, members of the body, I rise to say I'm not going to vote for AM1482. As the committee Chair, I'm going to stick with the committee's decision. However, I want to thank Senator Flood for bringing this to me and I welcome each and every one of you, and many of you have. As you see this is a pretty easy amendment to offer, as these bills get thicker and there's more pages it becomes tougher and tougher and tougher. So I encourage you, if you are going to offer amendments to these, to come talk to me and the sooner the better. And I want to thank the redistricting staff for coming in and getting all these new maps designed, because every time we make a little tweak, they've got to make a whole new stack of maps, and they've work hard to get to this. Matter of fact, we didn't quite think we'd get it done to actually put it on LB699 this morning. But I want to thank the redistricting staff for their diligence and the GIS people as they make these, because it is time-consuming and it's a process. And so the information that's been presented is correct and we wanted to make sure that was available for each of you to consider as you consider voting for or against AM1482. And we have taken this out and it has been looked at and, for the most part, the support is out there. So anyway, with that, thank you, Madam President. [LB699]

SENATOR SULLIVAN: Thank you, Senator Langemeier. (Visitors introduced.) The Chair now recognizes Senator Council. [LB699]

SENATOR COUNCIL: Thank you, Madam President. I rise in support of AM1482 and want to take this opportunity to thank Senator Flood for listening to and taking into serious consideration some of the concerns that were expressed relative to the deviations in the committee proposal on the Supreme Court districts and, in particular, the issue of the community of interest with the attorneys residing in Douglas County and those who are residing in the more rural parts of Douglas and Sarpy County, and to acknowledge the greater community of interest between the western Douglas and Sarpy County attorneys with those in northeast Nebraska. I think it represents not only a

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reasonable compromise but an appropriate drawing of the Supreme Court districts, recognizing the purpose and intent of the districts, how Supreme Court justices are selected and where those selections come from, and how the community of interest is so important in terms of those issues. So again, I want to thank Senator Flood for taking into consideration the legitimate concerns that were expressed relative to the committee proposal and going to the effort to develop the map represented by AM1482 and providing us with an opportunity to address these concerns and to adopt a Supreme Court judicial redistricting map that basically carries out all of the principles set forth in our resolution. And I would urge the body to support AM1482. [LB699]

SENATOR SULLIVAN: Thank you, Senator Council. Those senators wishing to speak are Lautenbaugh, Nelson, and Schumacher. Senator Lautenbaugh, you're recognized. [LB699]

SENATOR LAUTENBAUGH: Thank you, Madam President and members of the body. I am not going to support the amendment as presented here and I'm just kind of at sea on this whole thing. This process has been difficult and often obscure for something that we thought would be as noncontentious as the Supreme Court judicial districts, and we've gotten a lot of input. We heard testimony in the committee hearing about how different the rural practice of law was and the urban practice of law was, and I kind of sat there maintaining a stony silence while one of my colleagues asked the testifier, so when you got that J.D. of yours, was it one of those rural J.D.s or one of those urban J.D.s? And of course there's no distinction. There's one J.D. that you get when you successfully complete law school. I don't know how much of a difference this makes in reality. There are parts of Omaha that are still in the 3rd District. On the existing map, not this amendment but on the existing map, there is more of what would be the city of Omaha in the 3rd Judicial District. So which way does that cut and why is this important and to whom? We don't know. I did receive one e-mail saying, I don't like the other map because I'm not in the 2nd Judicial District. Well, now with the proposed amendment, this gentleman is in the 2nd Judicial District, so he's happy. Is that why we're doing this though? I don't know. I did not have a feel, when we were having the committee hearing on this, that we were getting a clear, rational, complete explanation of the bar's fervor in its opposition to the map that we advanced last week. I don't know that we have gotten a compelling reason to go with this amendment either. And so I think I'm stuck with what the committee advanced because that's what the committee advanced. And we had some discussions, I believe, where we said, look, it's very difficult to adopt any modified map at this point because we don't know who is suggesting the modifications in reality and why. And I don't know that this map was drawn to accommodate anyone. It could have been drawn just for the purpose of making rural Douglas and Sarpy County more part of District 3 and taking out the allegedly urban parts of Omaha and putting them in District 2. I don't know that it's a distinction that makes a difference. I mean half of the city formerly known as Elkhorn is in District 2, half of it is in District 3 now. In the prior map all of it, I think, was in District 3. Why does this matter? Well, because we're talking

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about where attorneys live and who can apply for this and who can apply for that, and attorneys live throughout Douglas County. And if they happen to live in Bennington, which would be in District 3, they aren't any more rural than I am, I can tell you that. They just happen to live in Bennington, which is a few miles down the road from where I live but still in Douglas County, a growing suburban community outside of Omaha. The fact that they're from there or happen to live there currently, there is a huge man-made lake that was a public-private partnership with the NRD with huge houses that I could only hope to live in one of them someday, and that would probably be some of those good rural attorneys we're picking up to dump in with District 3 under this amendment. I don't know that it makes a difference what we're doing here. We might be addressing more of a perception... [LB699]

SENATOR SULLIVAN: One minute. [LB699]

SENATOR LAUTENBAUGH: ...thank you, Madam President...addressing more of a perception than anything meaningful with this amendment, and I think that's the best case scenario, is that we're doing something to accommodate perception rather than doing something that makes a difference. The worst-case scenario is worse, obviously, or I wouldn't call it that. So I can't support this amendment, I can't support this map, and I would prefer to stick with the map that we advanced last week. Thank you, Mr. President...Madam President. [LB699]

SENATOR SULLIVAN: Thank you, Senator Lautenbaugh. The Chair now recognizes Senator Nelson. [LB699]

SENATOR NELSON: Thank you, Madam President, members of the body. I would like to address a question or two to Speaker Flood, if he will yield. [LB699]

SENATOR SULLIVAN: Senator Flood, would you yield? [LB699]

SPEAKER FLOOD: Yes, Madam President. [LB699]

SENATOR NELSON: Thank you, Speaker Flood. I just want to discuss a little bit about your comments. You met yesterday with a group with regard to revising the map and bringing forth your amendment? [LB699]

SPEAKER FLOOD: I did. [LB699]

SENATOR NELSON: Who were the parties to that, if you can give us an idea? Were there attorneys from District 3? [LB699]

SPEAKER FLOOD: Norfolk attorneys; Norfolk, Pierce, Neligh, Madison lawyers. [LB699]

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SENATOR NELSON: Were there attorneys from Sarpy and Douglas County present... [LB699]

SPEAKER FLOOD: No. [LB699]

SENATOR NELSON: ...or from...these were strictly your constituents. [LB699]

SPEAKER FLOOD: Yes. [LB699]

SENATOR NELSON: Okay. If you will, what were their concerns about the map that the committee put forth? [LB699]

SPEAKER FLOOD: I appreciate that question. You know what their concerns are, Senator Nelson? They are scared to death that some day the Supreme Court is going to shut down a district court in Thurston County or they're going to shut down a district court in Antelope County. They want to make sure we have judicial resources so there's access to justice. They want to make sure that the county court clerk in Pierce County has the resources necessary to do the e-filing so that we have the same opportunities as urban areas, and they're concerned with access to justice. They're concerned with reducing windshield driving time so that you can get a judge, so that if you have an arraignment for somebody or you need a bond setting on a Saturday you can find a judge somewhere. They're concerned that you can have a protection order heard in Pierce County. When you live in Omaha, you know that you can go to that courthouse almost any day of the week and you can get a protection order, but when someone is beating down your door in Pierce, Nebraska, and they're an ex-spouse or something like that and there's violence and there's threats, you need a protection order and you don't have anywhere to go the next day, so you need to go find a courthouse that has a judge that can hear your case ex parte to get a protection order entered for the protection of your life and safety and your children, and that's the difference between urban Nebraska and rural Nebraska. We don't have judges sitting in chambers ready to receive the pleadings from the lawyers, the community, the pro se litigants. We have to track one down. We have to find one. We have to get it heard on the record on the merits and get a decision made, and there's a difference. And I guess the senators in Madison County...or the lawyers in Madison County want to know that they're still going to be a rural district enough, given the population changes, that we can preserve some of that on the Supreme Court. [LB699]

SENATOR NELSON: Well, thank you, Speaker. I agree with all of that, but what does that have to do with changing the areas in Sarpy County and Douglas County and making District 3 more rural down in that area? [LB699]

SPEAKER FLOOD: I think it stays in character with the rest of the district. I think folks

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that live in rural areas will easily identify with the rest of us in District 3. [LB699]

SENATOR NELSON: Well,... [LB699]

SPEAKER FLOOD: I mean I don't have any idea what a road means in Omaha and, quite frankly, I drew the first map that had 168th Street. I didn't have any true appreciation for the fact that that's in the heart of urban Omaha. I just was trying to get us out of Omaha's business so that we could preserve the rural nature of our district. [LB699]

SENATOR NELSON: Well, thank you very much, Senator. I appreciate that. We don't have the benefit of the committee's map here but, just to refresh your memories, that map did not take District 3 down into Sarpy County at all and it encompassed a larger portion of the northern part of Douglas County. So what's happened here, if you look at the red and blue... [LB699]

SENATOR SULLIVAN: One minute. [LB699]

SENATOR NELSON: ...in the amendment, is just pushed Omaha farther west. We held hearings and we had a good presentation from the Bar Association. Perhaps they're not involved with this. It would seem to me like the only concern of District 3 might be that...in the committee's map is that they're going to be in higher competition or more ardent competition with attorneys located in western county, and I don't think that's a valid factor, if it is a factor kind of underneath here. Really, the fact of rural or urban shouldn't make that much difference. We're looking at population figures. We're not looking at where attorneys are located. If I were in western county...Douglas County, I don't think it would make any matter to me in what district I would. It might have improved my chances if I ever was a candidate for the Supreme Court, which I am not, or for the Court of Appeals. [LB699]

SENATOR SULLIVAN: Time, Senator. [LB699]

SENATOR NELSON: Thank you. [LB699]

SENATOR SULLIVAN: The Chair now recognizes Senator Schumacher. [LB699]

SENATOR SCHUMACHER: Thank you, Madam Chairperson, members of the body. I rise in support of AM1482. It is an amendment that does keep the rural character of the 3rd Judicial District, the rural, small community character. Senator Flood indicated there are issues there and understandings among the way things operate that are different from the urban Omaha area. There are the concerns about being able to find a judge, being able to minimize the cost of your attorney driving to a particular location on an emergency basis to try to locate a judge. I received a fair amount of input on this

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particular bill, much more than on many others. And this input, of course, came from attorneys because most people don't probably even realize we have such a thing as judicial districts. But the attorneys were pretty emphatic that it was important to them to retain the character that this particular amendment retains in District 3. And, I think, that this amendment satisfies their unease and from what I can gather it enjoys the support of the bar from my area. So I would urge its approval. Thank you. [LB699]

SENATOR SULLIVAN: Thank you, Senator Schumacher. Those senators wishing to speak are Mello, Flood, Price, and Nelson. Senator Mello, you're recognized. [LB699]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. For some points of clarification I should say, Senator Lautenbaugh described that he didn't see any logical rationale in regards to why this proposal came forward as is. And since I drafted a chunk of this in the committee, I'll reiterate to the body as a whole of what was the underlying guidepost or underlying rationale and logic behind what you see here with the changes in District 2, 4 and 3. I think most all of us here remember the Legislature passing unanimously LR102. LR102 serves as the guidelines and essentially the legislative law for us to follow the redistricting process. If you read LR102, Section 4 states, insofar as possible and within the context of principles set forth by the United States Supreme Court, district boundaries shall define districts that are easily identifiable and understandable to voters and that preserve the core prior districts. When feasible, district boundary lines should coincide with the boundary of cities and villages. If a county, city and village must be divided, the division shall be made along clearly recognizable boundaries as ascribed by census geography. Colleagues, that section, Section 4, essentially, was the rationale and logic behind what I proposed in trying to combine District 2 and 4, moving them further west to incorporate almost all of the city of Omaha's geographic boundaries. Now, granted, even if you look at the map there is a small section of the city of Omaha, in the northeast part of Douglas County, that is still not in District 2. But, I think, with what we saw with the original proposal that currently lies within LB699, I think, AM1482 takes a significant amount of that city of Omaha, the western part of the city of Omaha and puts it within District 2 and District 4. So for clarification purposes Senator Lautenbaugh asked, he didn't see any rational reason of why this proposal came up as is. That is the logic, rationale and reason is Section 4 of LR102, of trying to put the city of Omaha more in District 2 and District 4, knowing that we are going to have to make small changes and cuts of not being able to keep all of the city within those boundaries. And that, essentially, is what you see in AM1482 with the underlying maps in District 2 and District 4. With that, I urge the body to adopt AM1482. Thank you, Madam President. [LB699 LR102]

SENATOR SULLIVAN: Thank you, Senator Mello. The Chair now recognizes Senator Flood. [LB699]

SPEAKER FLOOD: Thank you, Madam President. You know, I want to be very clear to

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everybody in here. I don't know up from down when it comes to the roads or the communities or where people live in the city of Omaha. That is not what is driving me here. My sense is they want as little to do with the character of our district as we want to do with theirs. We respect each other. We work together as citizens. But my interest here is as a rural senator, sitting up in the northeast corner of the state, confronting the reality that, hey, somebody is going to have to go into Omaha. And you know what people around the table yesterday said? Well, why can't District 5, the district that has Hastings in it, why can't they come up into Sarpy County? You know, why does it have to be us? And the reality is we're closer to Omaha and they tried that, the Bar Association did. This is not the Bar Association's map, ladies and gentlemen. And I don't want anybody to impugn my intent as to why I put this together. I want to be very clear on that. I put this together because I believe that the character of our district is different, it's rural. And when you live there, you'll figure it out. But when you sit in Omaha and you go to the courthouse every day you go to one building to practice most of your law. We go to 22, 22 courthouses. There's a difference. And so I don't want anybody on this floor to suggest to me in any way that I had some reason for putting this together. I put this together because I felt this is the right thing for a rural district. And when I put this together I put it together because I'm responding to people that are my constituents. All right? The other thing I want to say and I want to make it very clear, you know, everybody hates lawyers until they need one. (Laughter) Everybody hates a lawyer until they need one. But like it or not in our three-branch system of government lawyers are officers of the court. They are a part of a branch of government. They aren't paid by the government in most cases, they can be if they're a county attorney. But they are the ones with laypeople that sit on these commissions that present a list of candidates to the Governor to determine the judicial competence of a candidate for a judgeship. And so when somebody stands up on this floor and says, I don't care what the lawyers think, well, I agree, we have to do this for the citizens. But I'm not going to stand here and take it as a proud Nebraska lawyer, to suggest that we don't have a say in this process, because we do. We took an oath as lawyers, just like we all took as state senators, as part of our office. And I'm not going to sit here and allow this discussion to dissolve into some tirade against a couple of lawyers. I'll tell you what, the ones I met with yesterday in Norfolk are in it for the right reasons, they had sound arguments. And if it were up to them they'd just have a rural district and be fine. But we can't, that's the reality of the situation. So I'm for this map and I'm for it for the right reasons. Thank you, Mr. President, Madam President. [LB699]

SENATOR SULLIVAN: Thank you, Senator Flood. The Chair now recognizes Senator Price. [LB699]

SENATOR PRICE: Thank you, Madam President, members of the body. I haven't heard much conversation yet about the change we're going to have for Sarpy County. You know, in the committee map we were whole and we had part of Douglas County. And while I share an understanding with Senator Flood and the good Nebraskans who live in

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rural Nebraska, in Sarpy County we have access to a court and we would have access to a court either way on this one because we're fortunate that way. But I don't see where reaching all the way down into Sarpy County is anything more than we needed more bodies to make the numbers work. It wasn't really that the thought is Sarpy County is served better, because there's no change, so to speak. It's just that Sarpy County provides bodies, provides numbers. And I find that somewhat troubling. They say try to keep it whole. We heard Senator Mello say you try to keep it whole. But we understand in denser population areas you can't do that. We were whole, but now we won't, we'll be torn asunder, I guess. There will be two. And then I'll have people wondering what court do they go to and who they have to get. So while I can concede that there's an argument that is being made for access in through the Douglas County courts we didn't have that problem. But what I do have a problem with or what I will have to know now is where we were whole we're now going to be torn differently. And it just doesn't make a lot of sense if you're asking...if you're saying it benefits the people. Well, maybe other people, but not the people of Sarpy County because what we're being told and what we're being used for is purely numbers. These are the numbers that will make the map work. And I understand in redistricting that's how it is. It reminds me kind of like a Slinky, when we were doing the maps, you know, you draw things, you try to do things, but you have to pull some moreover. And if you pull too much over, all of a sudden there's a radical change somewhere else. And, I guess, that's what the radical change is, we need to do something in Douglas County, but we can't get it done unless we suck in a bunch of Sarpy County. I would probably say that's probably land mass near half of Sarpy County. I don't know whether that makes it better. So I'm very conflicted with the proposed map here. And would ask that you consider that when you're thinking about voting. Are we making it better for everybody that we're trying to make it better for or are we just using some to advance another's desires? Thank you, Madam President.
[LB699]

SENATOR SULLIVAN: Thank you, Senator Price. Those senators wishing to speak are Nelson, Avery, Dubas, Hadley, and others. The Chair recognizes Senator Nelson.
[LB699]

SENATOR NELSON: Thank you, Madam President, members of the body. I'm back again because I didn't have an opportunity really to finish. And I'd asked the Speaker some questions and he spoke very well on the rationale behind the amendment. I just want to have you take a look at the map here under AM1482. If you look at the red and blue areas there you'll see Douglas printed there above. If you draw a line directly north and south, below...between G and L and go south, that's what is being added in this amendment. So you're...basically, that line would reflect about 168th Street in Omaha, which, of course, goes all the way down to Harrison Street, the division between Sarpy County and Douglas. So when Speaker Flood says he's not familiar with the streets in Omaha, there are a lot of us that are familiar. And the map that the committee has put forth for the judicial districts, basically, the division line between the yellow, which would

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be District 3, and 2 and 4, is 168th Street. Now this amendment moves it out to 204th Street, which if you continued that line down into Sarpy County would get down in Gretna. In order to accommodate that increase there from 168th to the west, you have to go all the way down into Sarpy County to get the population figures to make it work. And you also lose a little bit of rural northern Douglas County. Now what is beyond me is what do judicial district lines have to do with access to courts? I mean, at the present time all of Douglas County is in District 2. All of the lawyers in Douglas County still go into Omaha to court. They don't have to go up to Norfolk or Pierce or anywhere else. We're still going to the same place as far as access to our judicial courts. The people in Sarpy County, the lawyers and people who go to court go up into Omaha or they go to Papillion, depending on which courthouse they need to go to. What we're doing here is taking District 3 down into Sarpy County, which I would argue is not necessarily rural. It's expanding all the time. If you take a look at Douglas County where we've added on there, that area is basically still rural there. Yes, there are housing developments and everything west of 168th Street and we go out to 240th Street. But it's not compact like the rest of Omaha or northern Sarpy County is. So the argument that courts are going to be closed and it's going to limit access to courts, really, as far as I'm concerned, and I would argue has no bearing whatsoever on this map. It's a matter of where the lines should be drawn. And with due respect to the attorneys up in Norfolk and Pierce, I don't think that it's mandatory that we redraw this map in accordance with the amendment to go down to Sarpy County. It also affects, well, it doesn't affect, but on this amendment we see a difference in District 1. Perhaps some members of our body here will address that as to whether that's good or bad. At any rate, I just want to make this clear what were doing here. We're moving Omaha west, basically, and some areas of... [LB699]

SENATOR SULLIVAN: One minute. [LB699]

SENATOR NELSON: ...southern Douglas County there that we'll add to District 4 to accommodate District 3 for reasons that I simply don't think have much basis. And with that, I want to make it quite clear that I stand in opposition to AM1482, with all due respect to our Speaker. And I would ask the body to stay with us on the map that the Redistricting Committee has considered, heard testimony on and feels is the best way to arrange these districts as we have to change the boundaries. Thank you, Madam President. [LB699]

SENATOR SULLIVAN: Thank you, Senator Nelson. The Chair recognizes Senator Avery. [LB699]

SENATOR AVERY: Thank you, Madam President. I rise in support of AM1482. We discussed a similar map to this in committee. And I recall at that time that the statement was made that the Supreme Court had looked at that map and found it acceptable, as well as the one that we finally adopted. They had a slight preference for the one we adopted. But I asked the question, did they explain why? And the answer was, no, they

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did not explain why they preferred the committee version. And I found that a little bit odd because the courts always go to a great deal of trouble to explain why they issue opinions, but in this case they did not. So in my mind the courts really don't have a preference between the committee version and the one that's presented here under AM1482. So I'm satisfied that this meets the court's approval. I also find the deviations acceptable, and that's an important standard that we adopted. And I see the argument that the Speaker made and others have made about retaining the essential rural makeup of Judicial District 3. I think that's a valid argument to make. And I do believe that this map does a better job than the one that we adopted in committee. So I find it superior on that grounds. And if I may express a bit of a parochial opinion, I find District 1 makes much more sense under AM1482. If you look at District 1 under AM1482 you see that two counties are kept whole: Seward and Lancaster. Under the previous version, that is the one in LB699, the one the committee adopted, you see that Cass County is chopped up like hamburger meat. Under AM1482 it is not, it is held whole. And, of course, one of our standards adopted under LR102 is to keep counties whole to the extent practicable. This plan does that. Obviously, Sarpy and Douglas are not held whole. There is a good reason for that. The reality is that Sarpy and Douglas Counties are where the population density exists. So this is where we have to go to find populations in order to achieve acceptable deviations. I will vote for this amendment and I urge you to do the same. Thank you, Mr. President. [LB699 LR102]

SENATOR SULLIVAN: Thank you, Senator Avery. Those senators wishing to speak are Dubas, Hadley, Lautenbaugh, and Pirsch. Senator Dubas, you're recognized. [LB699]

SENATOR DUBAS: Thank you very much, Madam President. Good morning, colleagues. I rise in support of AM1482 to LB699. I hear from my rural court constituency on a very regular basis. And they outline many of the fears that Senator Flood stood up and articulated. There is such a concern for the potential consolidation and elimination of courts and court services out in rural Nebraska. And while this map may not have a direct impact on that issue, it does have an impact. And our challenges to carry out judicial services in rural Nebraska are many. I don't think I can adequately convey to my more urban colleagues what windshield time means to those who serve and need to be served by judicial...by the courts in rural Nebraska. It's just incredible the amount of time that people need to spend in their vehicles to get to where they need to go to do what they need to do. And so, I think, I supported this map when we had the discussion in committee for many of the reasons that Senator Avery just outlined. I think Senator Flood has done a good job of trying to convey what his constituency has said to him, and that's what it's about. We need to, if we're able to, in the guidelines that we have laid out for us on the Redistricting Committee in putting these districts together, if we're able to achieve those while acknowledging our constituents, I think, that's a good thing. And again, I just want to reemphasize what this map means, this proposed amendment, excuse me, what it means to our rural constituency. It's important. I think we need to recognize that. I don't see that this map is "disruptful" by any means. As

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Senator Avery said, it was presented to the Supreme Court. And while they had preference on the first one, they didn't have any objections with the second one. They're the ones that deal with these issues on a very regular basis. And so I take their thoughts and their comments into strong consideration also. So I do rise in support of AM1482 and would encourage my colleagues to do the same. Thank you. [LB699]

SENATOR SULLIVAN: Thank you, Senator Dubas. The Chair recognizes Senator Hadley. [LB699]

SENATOR HADLEY: Madam President, members of the body, living out in really outstate Nebraska, it's kind of interesting to listen to this because we do come from some vast districts. Just out of curiosity, in District 6, if you go from Franklin, Nebraska, down in Franklin County, up to Crawford, up in Sioux County, it's 394.97 miles by road, just to let you know how far distances are out there. Would Senator Mello yield to a question? [LB699]

SENATOR SULLIVAN: Senator Mello, would you yield? [LB699]

SENATOR MELLO: Yes. [LB699]

SENATOR HADLEY: Senator Mello, I guess, I just am interested in the thinking behind District 1 in taking Cass County away from the proposal and moving Seward County into District 1. [LB699]

SENATOR MELLO: That's a good question, Senator Hadley. And I'll try to be as brief as possible. Under the current district boundaries that were adopted by the Legislature in 2001, all of Cass County was attached to Lancaster County to form the 1st District. Because of population shifts and changes, that population was over the deviation, thus Cass County, under our current proposal, was split in half. To try to follow part of our kind of, I think, part of our underlying principles of LR102, is try not to cut, slice or split counties when we do not need to do so, particularly when we're able to put it in a deviation that looks acceptable to the current map. By keeping...essentially, our current map has two split counties, it has Douglas County that is split and Cass County that is split. To keep in accordance with the two counties or the number two of the counties that are currently split in half, instead of...under the current map, instead of splitting Cass County and Douglas County, the current map splits Douglas and Sarpy and thus adds Seward to Lancaster, so that we do not have three split counties under our new proposal. And that was kind of the rationale of why we looked at adding Seward. It also kept the deviations within, I think, a very small, reasonable amount as well. So we kept the similar number of counties that are currently split, as well as the deviation by removing a split Cass County and adding a whole Seward County. [LB699 LR102]

SENATOR HADLEY: Thank you, Senator Mello. Just another question. Am I correct in

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the committee one, as far as I can tell over there, Sarpy County was whole before Douglas was split and Cass. So there were two counties split. And under the proposed one Douglas and Sarpy are split. So there's still two counties. Is it two and two? [LB699]

SENATOR MELLO: That is correct. Under the current proposal, under current LB699 there are two counties that are split: Cass and Douglas. Under AM1482 there are still only two counties split, which is now Douglas and Sarpy instead of Douglas and Cass. [LB699]

SENATOR HADLEY: Thank you, Senator Mello. I will continue to listen on this. I think it's a...sometimes when you're from outstate Nebraska, as Senator Flood says, sometimes it's hard to even know where the streets are in Omaha and Douglas County. So I will continue to listen on this. But I do have a concern with the committee process. And, I think, there should be valid reasons to overturn what came out of the committee. And I will continue to listen. Thank you, Mr. President. [LB699]

SENATOR SULLIVAN: Thank you, Senator Hadley. (Visitors introduced.) The Chair now recognizes Senator Lautenbaugh. [LB699]

SENATOR LAUTENBAUGH: Thank you, Madam President and members of the body. And this will be the last time that I speak on this issue. And I'm amazed that we've spoken on it as many times as we have and in the great numbers that we have. The thing we have to understand is that we did pass a resolution about redistricting principles, if you will. And I would compare it to a Rorschach test almost. You can look at it and see what you want to see and not see what you don't want to see. And anytime you advance one principle, you violate another principle. We were told the reason for moving the line from 168th to 204th in Douglas County was to keep as much of the city of Omaha whole as possible. Well, but we didn't keep the whole thing whole. And if we're supposed to follow readily identifiable lines, but it's 168th or 204th or whatever, they're both readily identifiable. And understand when the Speaker stands up and says that he doesn't know anything about the streets in Omaha and who lives where, that's all true. I'm sure he knows where he's from, North Platte, I guess, it is, like the back of his hand, or Norfolk, okay, like the back of his hand. But he isn't drawing this or proposing this to advantage anyone or disadvantage anyone in Douglas County or Omaha or anything like that. That's not what this is about. But again, as Senator Hadley pointed out, we have just as many split counties under the amendment as we do under the proposal, under the underlying proposal, if you will, excuse me. But look what we did. Cass was in a district with Lancaster, in the amendment now Seward is in a district with Lancaster. And one of our other principles is that we're supposed to maintain the core of prior districts as much as possible. And we've had fascinating discussions about what the core of a district is on the Redistricting Committee. Everything you like about the district is your core. Everything you don't like is something else. Or if you like your district as is, the whole district is the core. And core means the same thing as the whole

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district, depending on who you are. This is another instance where, okay, fine, we did this so we're not dividing Cass County anymore. But if Cass County was arguably a core of the prior District 1, it is no more, it's gone. Now Seward is part of District 1. We divide as many counties, we don't keep a core together, if that is in fact a core. But again, that's how this works. And we're going to hear this on every map, depending on whether or not you like the map. Well, this one violates this principle. And then on the next map, well, I don't like this one because it violates a completely different principle, but it upholds the prior principle that I was all concerned about on the other map, depending on what we're talking about. I, again, cannot rise in support of this amendment. I don't think that we gain anything. And, honestly, whether you live in District 2 in Omaha, or District 4 in Omaha and Sarpy, or District 3 in the western parts of Douglas and Sarpy, you have about as much chance of being struck by lightning as you do being put on the Supreme Court or Court of Appeals. There is a lot of attorneys in that area. So we're doing this. Now there are going to be fewer attorneys shunted off to District 3 that live in Douglas County, and presumably fewer that live in Sarpy County shunted off to District 3, presumably, although I don't even know if that's true. And I don't know that any Governor will ever appoint any of them to represent District 3 being from Douglas and Sarpy. Similarly, we've now put more lawyers, under this amendment arguably, in District 2. That decreases the chances of all the lawyers who live there of being appointed. This is the kind of thing, and if you're asking, why does this make a difference, why are you talking about it? Well, it doesn't... [LB699]

SENATOR SULLIVAN: One minute. [LB699]

SENATOR LAUTENBAUGH: ...thank you, Madam President, it doesn't make a difference. And I don't know that this amendment makes a difference, at least not one worth pursuing. I don't believe the Speaker was trying to, like I said, advantage anyone or disadvantage anyone in Douglas County with this map. That's not what this is about. He heard concerns from people up in Norfolk about being lumped in with a bunch of Omaha lawyers. I think those concerns are overblown. I don't think there will ever be someone appointed from this part of Douglas or Sarpy. But I understand the argument, I understand the discussion. This does not have to proceed with any anger or ill-will, it's just a disagreement or difference of opinion. And I don't support the amendment. Thank you, Madam President. [LB699]

SENATOR SULLIVAN: Thank you, Senator Lautenbaugh. Those senators wishing to speak are Pirsch, Price, and Conrad. Senator Pirsch, you're recognized. [LB699]

SENATOR PIRSCH: Thank you, Madam President, members of the body. I have just some questions, I guess. I wonder if Senator Lautenbaugh might yield since I'm sure he has the knowledge. [LB699]

SENATOR SULLIVAN: Senator Lautenbaugh, would you yield? [LB699]

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SENATOR LAUTENBAUGH: Yes, I will. [LB699]

SENATOR PIRSCH: Great, thank you, Senator. Obviously, this Legislature has passed a resolution, LR102, that offers criteria to be used by the Legislature during the redistricting process. Are those criteria, are those guidelines merely, or are they...do they carry the rule of the force of law in guiding us? [LB699 LR102]

SENATOR LAUTENBAUGH: Well, I would say that we're bound by them, but they are often contradictory. [LB699]

SENATOR PIRSCH: Sure. [LB699]

SENATOR LAUTENBAUGH: So they don't provide a lot of guidance because you can find authority to go either way on any given map. [LB699]

SENATOR PIRSCH: Yes. Well, and I appreciate that. Are there, outside of LR102 what other...are there, I guess, other constitutional type of considerations that the courts have weighed in that we must be cognizant of here in this body and consider as we debate these lines here today? [LB699 LR102]

SENATOR LAUTENBAUGH: None come to mind regarding this particular type of a map and the issues we're confronted with this particular type of map. I just don't know the answer to that. [LB699]

SENATOR PIRSCH: Okay. So I appreciate your...and I agree with you insofar as your assessment where you say oftentimes these principles expressed in LR102 can come...there's a tension there oftentimes and needs to interplay. But it does seem then that we have a broad discretion here in this body then of whether we choose A or B in this particular case. We're not...we're talking about just using our judgment as opposed to violating some sort of a rule or law, right? [LB699 LR102]

SENATOR LAUTENBAUGH: I believe the answer would be yes. [LB699]

SENATOR PIRSCH: Okay. With respect to that, I guess, you know, I do see a little truth in your argument. You're saying that there's a number of attorneys then, that the proportion of attorneys in this area would be very large as opposed to the other, I guess, it's District 3. Is that correct? Is that what your argument is primarily based on? [LB699]

SENATOR LAUTENBAUGH: Well, I believe that's the belief. I just don't how true it is. [LB699]

SENATOR PIRSCH: Okay. Well, and I do appreciate that. I think when you look at, in

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my mind the governing determinant is going to be the nature of the communities that are caught within this. And with respect to this District 2, as redrawn by Senator Flood's amendment, AM1482, he does, in my mind, have a point with respect to saying, you know, that 168th Street seems to be a pretty arbitrary line that does...cuts kind of in the middle of the community. And that is my neck of the woods. And so, I guess, with respect to that point, and I'll yield the balance of my time, you know, and obviously it's no magical, 100 percent cure-all going out to 204th Street or Elkhorn. But doesn't that tend to, under the amendment, encapsulate the community of Omaha, the city of Omaha even, in a more holistic way? [LB699]

SENATOR SULLIVAN: Senator Lautenbaugh, you have 1 minute and 14 seconds. [LB699]

SENATOR LAUTENBAUGH: Thank you, Madam President. Well, yes and no. You go out to 204th, by definition then, I think, the district has to become a little skinner. And, I think, it's District 4... [LB699]

SENATOR SULLIVAN: One minute. [LB699]

SENATOR LAUTENBAUGH: ...that's below, thank you Madam President, will come a little farther north. So if we're focusing on what we're drawing in District 2 and whether or not that's more or less of the city of Omaha, I think, it's pretty much the same. It's just a squished together, longer, narrower district as opposed to a more evenly shaped, if you will, district that was farther east, by the difference between 168th and 204th. So I don't know that either of those streets...well, both of them are arbitrary. I mean, anytime you pick a street or pick a line there's a certain amount of arbitrariness and line drawing involved, obviously. But I don't know that it includes more of Omaha or just different parts of Omaha in the 2nd District. My guess would be just different parts but not more, and that District 4 picks up the slack to the south. Thank you, Madam President. [LB699]

SENATOR SULLIVAN: Thank you, Senators Pirsch and Lautenbaugh. (Visitors introduced.) The Chair now recognizes Senator Price. [LB699]

SENATOR PRICE: Thank you, Madam President and members. Would Senator Lautenbaugh yield to a question? [LB699]

SENATOR SULLIVAN: Senator Lautenbaugh, would you yield for a question? [LB699]

SENATOR LAUTENBAUGH: Yes, I will. [LB699]

SENATOR PRICE: Thank you, Senator Lautenbaugh. My ear perked up when I heard you discussing about being appointed to a seat or something like that. So, I guess, the

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question is, is this a discussion about access to the courts by attorneys or is this a discussion about the ability to be appointed to a seat? [LB699]

SENATOR LAUTENBAUGH: Well, I think, it depends on who's doing the discussing, Senator Price. [LB699]

SENATOR PRICE: Okay. Let me ask this other question. Someone told me that, you know, earlier when I was on the mike discussing things and how Sarpy County, under the proposed map, we'd be within two districts, it really didn't make a difference to a Sarpy County attorney because they would still go to the same courthouse. It doesn't matter what Supreme Court district you're in. Your access to the court is still the same court you would go to. Is that kind of a clear statement? [LB699]

SENATOR LAUTENBAUGH: That is a correct statement, yes. [LB699]

SENATOR PRICE: Well, I appreciate it. Thank you very much, Senator Lautenbaugh, for your time. Now I get to the bottom of this and I start to see what we're seemingly talking about. It doesn't seem that necessarily all about access to a court, which it can be. And I understand when we talk about windshield time and access for needs. But this is Supreme Court judicial districts. And it sounds like it's a question about who will be able to apply for a job. I guess, much like us, when we have our districts in the Legislature redistricted, who's going to be able to apply for the job or be appointed or whatever we're going to have done at that point in time. It's not so much about the access to the court, it's the access to be appointed to the court. And I just found that to be interesting. And seeing how Sarpy County only had a chance to really be in one before, now we have members that can be at least two. By gosh, I think, that's a darn good deal for us, we get the opportunity to have two members to the Supreme Court. So I still am conflicted with the amendment. But just want to get that out. Thank you very much, Madam President. [LB699]

SENATOR SULLIVAN: Thank you, Senator Price. The Chair recognizes Senator Conrad. [LB699]

SENATOR CONRAD: Thank you, Madam President. And good morning, colleagues. I rise in support of AM1482 and want to thank Speaker Flood for introducing this and working very diligently to bring together sometimes very divergent and very different perspectives on this important redistricting proposal. And, I think, rather than just an accommodation of different viewpoints and different perspectives, indeed AM1482 represents a much more acceptable map in terms of not only our redistricting principles but also the other legal authorities that surround this process. And not to get too law school 101 on the body, but, I think, it is important if we're talking about these in a good precursor as we prepare for the other maps that are coming forward, different legal authorities are held to different weight and a different type of consideration. For

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example, the constitution carries the greatest weight and must take priority and precedence over any statute, resolution, rule, and regulation, other legal authority. Then you go down to statutes, of course, then to rules and regulations, then to resolutions, etcetera, etcetera. And to be clear just to correct the record in terms of a point, I think, maybe Senator Lautenbaugh was not very clear about, when you look at the primary authority for redistricting, according to the Supreme Court districts, it's governed by Article IV, Section 5 of the Nebraska Constitution. Get out your constitutions, take a look at it. And quoting the first principle to utilize in redistricting for Supreme Court judicial district purposes is that county lines shall be followed whenever practicable. But other established lines may be followed at the discretion of the Legislature. So the county lines issue takes precedent over the core of existing districts issue, which would be considered part of legislative resolution and, I think, that's in Section 4 of LR102. So, yes, they may be competing at times. And if they are in competition with each other the Nebraska Constitution dictates and parameters must trump the legislative resolution in regards to that separate and distinct and specific issue. And I believe that AM1482 does a better job of keeping more counties whole where it is practicable. I've had a lot of senators ask off the mike about the change in regards to the district encompassing Lancaster County and how it would shift from Cass to Seward County. Well, under the current proposal, if you go back and look and compare the maps, Cass County would be split right down the middle. So we'd have another split county on the map there. By taking Seward into the district, you're able to keep both Lancaster and Seward County whole, which keeps more counties whole, which is in accordance with the Nebraska Constitution's parameters on judicial redistricting. Additionally, it also mirrors the practice between those different communities. As you may or may not know, there is a very well established practice between judges in Seward and Lancaster County that we have judges from Seward coming into Lincoln to help address workload issues. And the attorneys who practice in both Lancaster and Seward practice in the county and district courts in each respective county very frequently and have a very familial practice with each other and interaction with... [LB699 LR102]

SENATOR SULLIVAN: One minute. [LB699]

SENATOR CONRAD: ...thank you, Madam President, and interaction with the justices. So taking into account then the purpose behind judicial redistricting, when it comes to nominations for the Supreme Court or the Court of Appeals, putting those different counties and different attorneys from Seward and Lancaster in competition with each other should not disenfranchise or otherwise hinder or help any specific practicing group of attorneys from Seward or Lancaster. This proposal matches the Nebraska Constitution and it is an appropriate way to move forward. Thank you, Madam President. [LB699]

SENATOR SULLIVAN: Thank you, Senator Conrad. The Chair recognizes Senator Larson. [LB699]

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SENATOR LARSON: Thank you, Madam President and members of the body. As someone who represents much of the affected area of northeast Nebraska and almost the geographical majority of District 3, not quite, I do have some concerns about Senator Flood's amendment. And I understand his concerns about the closing of courts and the windshield time. And as the only member of the Judiciary Committee not from Lincoln or Omaha, it's something that I hear a lot about from rural Nebraska. And the reason I'm concerned is I understand the concern about moving into Douglas County. I had that concern as well looking at it. But I'm almost even more concerned about going into Sarpy County and moving farther south. My district, obviously, I live on the far northwest edge of District 3 now. And I don't know if I wanted to even go farther south, especially into an expanding and growing part of Sarpy County. With Gretna growing as it is and Springfield it might be even...not as...even as advantageous as the committee map. And in terms of speaking to District 1 going to Seward County instead of part of Cass, it doesn't...I think the committee map splits just as many counties. It does split Cass County, but it doesn't split Sarpy County. So it splits the same amount of counties, not any more, just different counties. So I don't think that's an issue. But growing up in Cass County, because I did grow up in Weeping Water, it would be part of District 5, still in the committees map as it is in Senator Flood's. But, I think, moving part of Cass County into more urban judicial district, such as Lincoln or Omaha, does make sense because I know a lot of people in Cass County are commuting. I know my mother commutes to work in Omaha every day. So as does Seward County, but, I think, Seward works better with similar communities, like York and Hastings and Grand Island, those communities that, I think, it sees itself as part of and as equals to. And, I think, that would be advantageous. So I probably won't support Senator Flood's AM1482 and support what the committee put out. I think they did a good job and they worked hard. And they looked at all of it together. And I appreciate the opposition to AM1482. Thank you. [LB699]

SENATOR SULLIVAN: Thank you, Senator Larson. Seeing no other senators wishing to speak, Senator Flood, you're recognized to close on your amendment. [LB699]

SPEAKER FLOOD: Thank you, Mr. President. And thank you for the discussion. Regardless of where you come down on AM1482, I think, reasonable people can differ here. At the end of the day, I drew this because I do believe that the rural character of District 3 for the Supreme Court has value. And I was willing to let it ride on General but, you know, as we all have to do, we listen to those that we represent. And some of my interest here is drawn by the fact that quite honestly we have been very well served by our representative on the Nebraska Supreme Court, Justice John Gerrard. He's done so well that they want to promote him over to the federal bench. He grew up in Schuyler and he practiced law in Norfolk. And having had that experience as a lawyer in rural Nebraska, when lawyers have a concern about a decision or a vacancy on the Supreme Court, we know that there's somebody that understands that a judge doesn't just work

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at one courthouse. And I can see where people are saying, well, this only has to do with who gets appointed. Well, it's bigger than that. Supreme Court justices, yes, they rule on cases and they have to come to the table with different experiences, but they also sit on committees that declare judicial vacancies, they sit on committees that determine how the court system is going to be operated across the state. And, I guess, what is the most important to us is that the district be rural enough so that whoever sits in that seat on the Nebraska Supreme Court, from wherever they're from, recognizes that the courthouse in Wayne has county court on the first Monday of every month. They don't have it every week, they don't have it every day, they don't have a jury trial very often, but it's important that you maintain that regular contact. And quite frankly, with electronic e-mail and electronic technology, I'm starting to see judges say, okay, well, Knox County District Court divorce, let's just do that over here in Madison County. The judge will be here, and I understand why that happens. And I know it's convenient sometimes. But the people of Knox County deserve to have a judge behind the bench in Knox County. And when the parties agree it's okay to do it in a different courthouse, but if somebody wants to have justice at their courthouse, that's something that they should be afforded. So that's why, I think, this is important. I didn't intend to hurt anybody else's district. I want to preserve the rural character. And Senator Larson points out, well, look at us going into Sarpy County, and that's because to get out of Omaha proper you go into the more rural areas of Sarpy County. And, yes, it picks up Gretna. Trust me, when I first saw a map that has Sarpy County, I about blew my top. I thought this is getting worse, not better. But when you look at the number of people that live in those parts of western Sarpy County, it makes sense for the map, especially for those lawyers from Pierce that are as interested in this map and AM1482. So thank you, Madam President. I urge your adoption. [LB699]

SENATOR SULLIVAN: Thank you, Senator Flood. The question is, shall the amendment to LB699 be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk. [LB699]

CLERK: 37 ayes, 4 nays on the adoption of the amendment. [LB699]

SENATOR SULLIVAN: The amendment is adopted. [LB699]

CLERK: I have nothing further on the bill, Madam President. [LB699]

SENATOR SULLIVAN: Senator Larson for a motion. [LB699]

SENATOR LARSON: Madam President, I move that LB699 be advanced to E&R for engrossing. [LB699]

SENATOR SULLIVAN: You have heard the motion. All those in favor say aye. Opposed, nay. LB699 is advanced. Items for the record? [LB699]

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CLERK: I do, Madam President. A communication from the Clerk to the Secretary of State regarding the transferal of LB421 indicating the Legislature passing the motion to override this morning. In addition, I'm transferring LB283 to the Secretary of State's Office wherein the veto was sustained. I have amendments, Senator Ashford and Fulton, to LB669 to be printed. A confirmation report from the Government Committee. And, Madam President, study resolutions: LR283 through LR317, all calling for an interim study introduced by various members. All will be referred to the Executive Board. That's all that I have. (Legislative Journal page 1626-1647.) [LB421 LB283 LB669 LR283 LR284 LR285 LR286 LR287 LR288 LR289 LR290 LR291 LR292 LR293 LR294 LR295 LR296 LR297 LR298 LR299 LR300 LR301 LR302 LR303 LR304 LR305 LR306 LR307 LR308 LR309 LR310 LR311 LR312 LR313 LR314 LR315 LR316 LR317]

SENATOR SULLIVAN: Thank you, Mr. Clerk. We'll now proceed to General File, LB152. [LB152]

CLERK: LB152 is a bill originally introduced by Senator Lathrop. (Read title.) Introduced on January 7, at that time referred to the Business and Labor Committee. The bill was advanced to General File. There are Business and Labor Committee amendments pending. (AM1449, Legislative Journal page 1558.) [LB152]

SENATOR SULLIVAN: Senator Lathrop, you're recognized to open on LB152. [LB152]

SENATOR LATHROP: Thank you, Madam President. Colleagues, good morning. LB152 would exempt claims for inpatient trauma services from the DRG, or diagnostic-related group, inpatient hospital fee schedule. The diagnostic-related group, I'll call that DRG, inpatient hospital fee schedule was established by the Legislature through LB588 in 2007. This schedule is largely based on Medicare's payment method. Concerns were raised from the hospitals providing trauma care that the schedule would not cover their trauma care costs. Since 2007, the Legislature has extended the operative date for inpatient trauma services. There is a committee amendment that replaces the bill and the amendment represents an agreement from the Hospital Association, Nebraskans for Work Comp Equity, and the Property Casualty Insurance Industry. Let me try to put that in plain English. Years ago, we developed a doctor fee schedule or a physician fee schedule so that if you treat someone who is a work comp claimant, that we have a schedule for what those doctors are going to receive. It is a discounted amount, not unlike what health insurance does. In 2006 or '07, pardon me, my first year down here, when I was on the Business and Labor Committee and Senator Cornett was the Chair, we passed LB588. And when we passed LB588 we established a hospital fee schedule, how much are the hospitals going to get if we...if they provide care and treatment of someone with a work comp injury. We left open during that...in that bill the question of how they would be compensated for treatment of expensive types of trauma. And the reason we did that was because the trauma codes, the

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hospitals were losing money to start with. And it was going to be the subject of further study. Now what we've done with LB152 is we've tried to address a fair way for the hospitals to be compensated for treating work comp claimants so that they're not losing money or at least not losing a lot of money when they get into the care and treatment of heavy trauma cases involving a work comp claimant. And with that, I'll move to the committee amendment at the pleasure of the Chair. [LB152]

SENATOR SULLIVAN: Thank you, Senator Lathrop. (Visitor introduced.) As the Clerk stated, there are amendments from the Business and Labor Committee. Senator Lathrop, as Chairman of the committee, you're recognized to open on the amendments. [LB152]

SENATOR LATHROP: Thank you. AM1449 replaces the bill. The amendment creates a similar fee schedule that the Legislature adopted in 2006 pertaining to nontrauma inpatient hospital services. Hospitals providing inpatient trauma care will be reimbursed 160 percent of its Medicare rate. For those outlier cases that require unusual expense to treat, the bill provides additional compensation. For outlier cases, which are the larger, more significant traumas, there is a stop-loss threshold. That stop-loss threshold is a dollar amount which is 1.25 times the reimbursement. When billed charges are greater than the stop-loss threshold amount hospitals will be reimbursed the basic reimbursement plus 65 percent of the amount above the stop-loss threshold. Again, the amendment represents an agreement among the interested parties. Between General and Select File the parties will address a concern raised by the administrator of the Work Comp Court. I ask for your support of AM1449 and LB152. Thank you. [LB152]

SENATOR SULLIVAN: Thank you, Senator Lathrop. The Chair now recognizes Senator Cook. [LB152]

SENATOR COOK: Thank you, Madam President. And good morning, colleagues. I wanted to rise in support of AM1449 and the underlying bill, LB152. Earlier in the session I named it my priority bill. And the amendments and the ongoing negotiations to which Senator Lathrop made reference are very important. And it was exciting to be a part of a truly collaborative effort on the part of dispirit parties with different interests. What I wanted to mention, and we all know this after having spent this many days together, but it's important to adopt the measure to advance the legislation in light of the fact that in this year, in our tough economic times, we have passed several pieces of legislation that will negatively affect our states hospitals and care to people who are injured on the job and people who are unable to pay bills, hospital bills with or without insurance. First of all, we passed a law that disallows legally present refugees from Medicaid for the first five years of their Nebraska residency. These Nebraskans will still require medical care. And the emergency rooms in our state will provide that care. We passed a balanced budget that relies in part on cuts to provider reimbursements for Medicaid. Costs of providing care are increasing and we've reduced state support of

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healthcare providers. Certainly, these are tough times and especially hard times for hospitals that provide the most critical care to our constituents. Again, please join me in adopting AM1449 and LB152. Thank you, Madam President. [LB152]

SENATOR SULLIVAN: Thank you, Senator Cook. Those senators wishing to speak are Gloor and Hadley. Senator Gloor, you are recognized. [LB152]

SENATOR GLOOR: Thank you, Madam President. Good morning, members. I rise in support of both the amendment and LB152. I want to thank Senator Cook for prioritizing this bill. This bill goes, at least some of the origins of this bill goes back to the days when I was involved on the hospital side. And it's important that we pass this bill, I think, so we don't kick the can down the road any further. We need to come to grips with this issue. And, I think, the compromise that's been reached by the parties that represent both workers' comp, business and the hospitals, kudos to them. Don't think that this doesn't come, though, with a price attached to it for hospitals. That compromise came with, I believe, estimates that this will still affect hospitals to the amount of \$3 million to \$4 million estimated, based upon what past utilization of trauma services has been. Trauma services are very expensive. When you see a helicopter fly off the roof of Bryan West, you may be talking about thousands, it's not a maybe issue, it's a "gonna" be issue of thousands and thousands and thousands of dollars, but it's a lifesaving flight. Workers' comp, road vehicle accident, otherwise, these are expensive services to provide and they come at an expense. Somebody has to pay these bills. I mean, already this year we have reduced what we're going to be paying the hospitals 2.5 percent for Medicaid. I think this accommodation speaks well of hospitals willingness to take a look at it. But somebody pays the bills. And that somebody usually shifts over to the private pay side, the insurers. There's no other place for it to go. So there is a price to be paid and it's paid by somebody. This compromise, I think, again is an effort of the folks involved understanding the dollars and cents of it, the folks at the hospitals looking at ways that they can also realize some efficiencies and some savings, and at the same time provide these services, lifesaving services, since we're talking about trauma. Members, this is an important thing to approve so that again we don't kick the can down the road. Understand it comes at a price. People are willing to pay that price, the folks involved, and have some up with this compromise. So please support AM1449 and the underlying legislation, LB152. Thank you. [LB152]

SENATOR SULLIVAN: Thank you, Senator Gloor. (Visitors introduced.) The Chair now recognizes Senator Hadley. [LB152]

SENATOR HADLEY: Madam President, members of the body, I stand in favor of both the amendment and the underlying bill. I just wanted to stand and talk about more in general terms of what's happening in healthcare, especially in hospitals. The year of cost-shifting is getting harder and harder to do. And the idea of cost-shifting is the idea that the people that cannot pay or that are underpaying their total costs are being

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shifted to those people that do have the right insurance and such as that. That is becoming harder to do and we must be very cognizant of that. I remember a comment Senator Lathrop made last year on another bill that Creighton University Medical Center, 40 percent of their trauma patients came in and they...40 percent of them either were not insured or they were underinsured. And as time goes on, we've got to be understanding of what is happening. Senator Gloor mentioned that insurance companies were picking up a large part of that cost. Well, you know who insurance companies are? That's us, that's the people that are working, that are paying premiums for coverage. And so when we say insurance companies are paying higher costs that's us. So I just would like the body to understand that cost-shifting is going on, it is something that is harder and harder for hospitals to do. I applaud these two bills because we need to help the hospitals as much as we can as time goes along. So I applaud Senator Lathrop for bringing these and I stand in support of both of them. Thank you, Madam President. [LB152]

SENATOR SULLIVAN: Thank you, Senator Hadley. Seeing no other senators wishing to speak, Senator Lathrop, you're recognized to close on the committee amendment. [LB152]

SENATOR LATHROP: I will take this opportunity, thank you, to thank, first of all, Senator Cook for making this her priority. I greatly appreciate that and you all can understand why I would. To have a bill of this consequence get to the floor it needs someone who is thoughtful enough to make it a priority. And I appreciate Senator Cook's willingness to make this a priority. I also want to thank Senators Gloor and Hadley for their comments. We do have a significant issue for some of these hospitals that are trauma centers, like Creighton, the Med Center, BryanLGH here in Lincoln, and there are others across the state who are taking in heavy, heavy trauma cases. And a lot of times, colleagues, those people walk out the door after spending time in the ICU and they don't pay anything. And in some respects that's what precipitated the accommodation to trauma centers was the money they're losing in other parts of their care, and their mission. And certainly Creighton University, and the Med Center, and BryanLGH are involved in treating heavy trauma and a great number of the poor, just by virtue of geography and where they find themselves. And we're grateful to those hospitals. I appreciate your support of AM1449. And I will just give you a preview, I'm going to waive on LB152. Thank you. [LB152]

SENATOR SULLIVAN: Thank you, Senator Lathrop. The question is, shall the committee amendment to LB152 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB152]

CLERK: 42 ayes, 0 nays, Madam President, on the adoption of committee amendments. [LB152]

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SENATOR SULLIVAN: The amendment is adopted. Senator Lathrop has waived closing on the bill. The question is the advancement of LB152 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB152]

CLERK: 41 ayes, 0 nays, Madam President, on the advancement of LB152. [LB152]

SENATOR SULLIVAN: The bill advances. Mr. Clerk. [LB152]

CLERK: Next bill, Madam President, LB670 offered by Senator Flood. (Read title.) The bill was introduced on January 19, referred to the Judiciary Committee, advanced to General File. There are Judiciary Committee amendments. (AM1447, Legislative Journal page 1563.) [LB670]

SENATOR SULLIVAN: Senator Flood, you're recognized to open on LB670. [LB670]

SPEAKER FLOOD: Thank you, Madam President. And good morning, folks, members. This is a bill that I've been talking about for a couple of years. And I've been working with the Judiciary Committee. It gives the juvenile court specific statutory authority to fashion a more meaningful probation order. It would allow the juvenile court to place a juvenile on probation under the conditions necessary to ensure that the juvenile will lead a law-abiding life, and place a juvenile on probation under conditions reasonably related to the juvenile's rehabilitation. Senator Coash has spent some time with the committee and worked on this some. This was brought to my attention following an '08 Supreme Court case, In re Dustin S. 276 Nebraska 635, 2008. In the case, the court found that the juvenile court lacked the statutory authority to order a juvenile to spend time in detention. I got to this bill because, for several years, in Madison County when a juvenile was in the court system, in the juvenile court system and under an order of probation they'd say to Junior, all right, go to school, follow the rules, pay attention, get an education. Junior, sometimes, would step off the path and get in trouble, maybe he'd get into a fight or she'd get into a disciplinary rule violation. Well, the judge in the Madison county court would sit there behind the bench and say, okay, Junior, you're on probation, you know you're in trouble, and you're still causing trouble for the teachers and the students at school. You can spend the weekend in the juvenile detention center until you come to appreciate the need to follow the rules. That was the main reason for the bill. It was also the one thing that the Judiciary Committee hated the most about my bill. (Laugh) So they have taken my bill and they have carved out the one thing I absolutely had to have and they give me the rest of it. And that's as succinctly and to the point as I can put it. And to their credit, their concern is that we shouldn't be allowing judges to use the detention center as an attention-getter. It is, it works in my county, but it's different in Douglas County. We have a staff secure detention center. We have what you would think of as a true children's jail with the heavy doors and you're in your cell. And then we have what looks like a school, only you don't go home at the end of the day, you go to your apartment which is with other kids that's right off the main area. This

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has been working for us in Madison County. The committee amendment strikes the one thing that I wanted. And I do (laugh) appreciate the concerns of the Judiciary Committee. And I don't want to be flippant about it, but that's where we're at. I also know that we have an understanding that the judges and caring caseworkers in our juvenile system want to help juveniles. And they do have the best interests of a juvenile in mind. Let's not...and while I make light of the fact that they have remodeled my bill, I don't want to depreciate the seriousness of the issue and specifically what the Judiciary Committee's concerned about. So here's what I'm going to ask you to do. I'm going to ask you to vote for the committee amendment, amend my bill, and I am going to keep it on Select File until I can continue to make my case with the Judiciary Committee and the courts of this state. And maybe that's next year, maybe that's in a week, it's probably next year. But I'm not going to fight it right now because I don't have enough information about how it works in Omaha and Lincoln and other parts of the state. So what I would ask you to do is vote for the committee amendment. Respect the Judiciary Committee's position and then let me hold the bill and work with folks across the state to see what I'm not understanding from my vantage point. And there's a very good chance this bill won't go anywhere this year, that's fine. It's one step closer to being passed with some other valuable information or provision. So that's where we're at. I am going to vote for the committee amendment. And I'm going to vote for the bill. And then I'm going to let it sit there and I'm going to continue to work with the very capable Judiciary Committee until I can find some more common ground. Thank you, Mr. President. [LB670]

SENATOR SULLIVAN: Thank you, Senator Flood. As the Clerk stated, there are amendments from the Judiciary Committee. Senator Ashford, as Chair of the committee, you're recognized to open on the amendment. [LB670]

SENATOR ASHFORD: Thank you, Madam President. And (laugh) somewhat faint praise. But I appreciate the Speaker's comments. And, I think, it's a good idea to leave the bill on Select File for a while. We, you know, (laughter) I just wanted to restate the obvious, Mr. Speaker. I didn't want to...but the...we do have...they're different, as the Speaker suggestions, there are different juvenile facilities across the state. Madison County has done a good job in developing their staff secure facility. We have not done as good a job in Douglas County in developing ours. And we are hopeful that something can happen for the young people of Douglas County. But in any event, I appreciate Senator Coash's work on this amendment. We are working with the Chief Justice on some approaches that can address the Madison County issue. And whether or not we can get that done in the next couple of weeks depends on all these other bills we have to clear off the agenda. But I appreciate Senator...and seriously, this is an important issue. Juvenile probation is a key element in dealing with so many of the issues we deal with here in the Legislature. And we are very mindful of the need for a robust probation for many young people certainly. And with that, I might give Senator Coash, if he would like, a few minutes of my time, if he wants to comment on the bill. [LB670]

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SENATOR SULLIVAN: Thank you, Senator Ashford. Senator Coash, you have 8 minutes and 15 seconds. [LB670]

SENATOR COASH: Thank you, Madam Chair, and thank you, Senator Ashford. I certainly won't need the full 8 minutes. I do appreciate the time. I did work on this bill with Speaker Flood and with the Judiciary Committee. I don't want to minimize what's left in LB670. As I talked with the juvenile court judges here in my county, in Lancaster County, about all these provisions, the things that are left in LB670 are still important and they still are valuable. In fact, some of the judges said they've been doing some of these things already and wondering whether or not it was within their authority to do so. And so now, I think, with the clarification in LB670, they do have that ability. So I appreciate the comments. And I would hope that we could get at least what remains in LB670 through because I do think there is some value to this. In the Judiciary Committee we talked about the idea of detention. And that...and as I went back and looked at the testimony at the hearing, there were a couple of missing folks that we didn't get much input from. And it's on them, they didn't show up. But once we started to talk about advancing LB670 I did start to reach out to those folks. And I want to share with you what we did...what I did discover and what we did discuss. First of all, if a judge orders some kind of detention, that's a court order. Somebody has to make sure that that happens or you're in violation of a court order. When that happens somebody has to pay for that. In the case of LB670 the entity that's going to pay for that is going to be the county. And guess who didn't show up at the hearing? The counties didn't show up. But they did express to me some concerns that this could be an additional cost that they haven't had a chance to clearly vet out yet. The part in LB670 that we're talking about with detention here is kind of a regional thing. Lancaster County has the ability to do this. If a judge in Lancaster County decided that this was in the best interest of a kid on probation, that kid goes across town. If a judge in Omaha decides the same thing, that kid could end up in Lincoln. And I did have a concern and this is what it is, because, as Speaker Flood has said, this might work and it might work really well, you might find judges in the Omaha area saying, hey, this works pretty good. And for all the kids that we need to send a message to, we're going to have them take a little vacation in Lincoln for the weekend. And they're going to sit in the detention center here in our county. Douglas County will be paying that bill. But that leaves less room for kids in Lancaster County who may need that service. And they don't get to turn them away, this is a court order. If it's order they go. And so, I think, I appreciate what Speaker Flood is going to do. He's going to allow us to start to reach out and talk with some of the judges in those counties that would be potentially using this as a way to shape up Junior. And we need to try to figure out how frequently it would be used and what the fiscal impact of that would be. I'm proud of Lancaster County, I'm proud of Lincoln. And I want people to come visit, but I'm just not sure if the outcome of LB670 and a court ordered vacation by some kids who may need it is the right way to go before we have a chance to look at that. And that's why I assisted in crafting the Judiciary Committee amendment, but was still hoping to see the remaining parts of LB670 move forward, because those are

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important pieces. And I want to share with the body what those are. They include restitution. You break something of somebody else's, you violate somebody else's property, judge can order you to pay for that, including medical expenses if you hurt them. That's meaningful and, I think, that's a good part of this bill. Electronic monitoring is another part of LB670 that can be very helpful for judges in sending a message to kids. They're going to say, I know where you are, I know what you're doing. Day reporting centers, and this was something I talked with some judges in my county about. You have a kid who gets expelled from school, going to school might be a condition of his probation. And the judge says, well, if you're not going to go to school because you got expelled, you're going to have someplace to go. You're going to go to a day reporting center and you're going to fill your day with productive things and not be out running the streets, violating the law again which is what got you in trouble in the first place. That's an important piece of this bill. Drug counseling is part of LB670, drug court, drug court. That's an important piece that, I think, judges would appreciate having the ability to take advantage of. So I appreciate Speaker Flood's willingness to work with the committee, get a little bit more information on how this might play out because I do think it's a regional issue given the fact that not every county has a detention that they get to take advantage of. I would hope that we could find a way to advance LB670 yet this year. I pledge my support to do that. And I appreciate the body's willingness to listen to this issue. Thank you, Madam President. [LB670]

SENATOR SULLIVAN: Thank you, Senator Coash. Your light was on. Did you want to continue? Seeing no other senators wishing to speak, Senator Ashford, you're recognized to close on the committee amendment. Senator Ashford waives closing. The question is, shall the committee amendment to LB670 be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted? Record, Mr. Clerk. [LB670]

CLERK: 36 ayes, 0 nays, Madam President, on the adoption of committee amendments. [LB670]

SENATOR SULLIVAN: The amendment is adopted. Seeing no senators wishing to speak, Senator Flood waives closing, so the question is the advancement of LB670 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB670]

CLERK: 37 ayes, 0 nays on the advancement of LB670. [LB670]

SENATOR SULLIVAN: The bill advances. Items for the record? [LB670]

CLERK: I do, Madam President. A series of study resolutions: LR318 through LR324. Those will all be referred to the Executive Board. I have an amendment to be printed, Senator Conrad to LB541. Redistricting Committee will meet at 1:30; Redistricting at 1:30 in Room 2102. (Legislative Journal pages 1647-1651.) [LR318 LR319 LR320]

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

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LR321 LR322 LR323 LR324 LB541]

And a priority motion. Senator Flood would move to adjourn the body until Wednesday morning, May 18, at 9:00 a.m.

SENATOR SULLIVAN: You've heard the motion. All those in favor say aye. Opposed. We are adjourned until 9:00 on Wednesday morning, May 18.