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Transcriber's Office

Floor Debate
February 13, 2013

[LB6 LB27 LB52 LB102 LB133 LB316 LB413 LB620]

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-fifth day of the One Hundred Third Legislature, First Session. Our chaplain for today is Reverend Jon Sollberger from Louisville, Senator Kintner's district. Please rise.

REVEREND SOLLBERGER: (Prayer offered.)

SENATOR CARLSON: Thank you, Reverend Sollberger. I call to order the twenty-fifth day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

SENATOR CARLSON: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: I have no corrections this morning.

SENATOR CARLSON: Thank you. Are there any messages, reports, or announcements?

ASSISTANT CLERK: Your Committee on Health and Human Services gives notice of committee hearing. Your Committee on the Executive Board places LB620 on General File. Banking reports LB133 to General File and LB316 to General File. That's all that I have. (Legislative Journal pages 437-438.) [LB620 LB133 LB316]

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

ASSISTANT CLERK: Mr. President, LB27 introduced by Senator Hadley. (Read title.) The bill was read for the first time on January 10, referred to the Banking, Commerce and Insurance Committee. That committee reports the bill to General File with no committee amendments. [LB27]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Hadley, you're recognized to open on LB27. [LB27]

SENATOR HADLEY: Mr. President, citizens of Nebraska, it's a beautiful day in February. It's a great day to be in Nebraska. I would like to open on LB27. Right now to become a CPA and actually practice as a CPA, you need to have the three E's. The

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three E's are education, the exam, and experience. Basically the education says you must have a baccalaureate degree, 150 hours of college credit of which 30 must be accounting, pass the principles of accounting. That's in order to take the exam. The exam is a nationwide exam. Every person who becomes a CPA in the United States takes the same exam. The third part is the experience requirement. Right now, the experience requirement for the state of Nebraska is two years of public accounting experience, or three years of auditing experience in the Department of Revenue or in the Office of the Auditor of Public Accounts, or three and a half years gained through employment by the federal government as a special agent or IRS agent. So my bill deals with the last E--experience. LB27 is legislation that would amend the Nebraska Accountancy Act of 1957 to allow for the expansion and updating of experience requirement for persons holding a CPA certificate and wanting to apply for a CPA permit to practice in Nebraska. Now let me stop for a second. Nebraska is called a two-tier state. That means if you pass the exam you get a CPA certificate, but this does not allow you to practice as a CPA. You must get the license in order to practice as a CPA. Currently, CPA certificate holders must have two years of accounting experience in a CPA firm to be able to apply for a permit to practice. LB27 would keep the two years of experience in a CPA firm but allow for certificate holders with three years of accounting experience in business, government, and education, under the supervision of a CPE permit holder, to also be able to apply to the Nebraska Board of Public Accountancy for a permit to practice. The Board of Accountancy would follow up passage of this legislation with additional rules and regulations regarding the application for a CPA permit to practice. The Nebraska Society of CPAs and the Nebraska Board of Public Accountancy both support this legislation. I would like to close by saying, quite often we hear of professions that try to restrict their numbers. This is actually a bill that allows people to use another avenue to get the CPA license to practice. I think it's commendable that the CPAs are willing to look at ways to expand the number of people who have the permit to practice. With that, I would ask for your vote green on LB27. Thank you, Mr. President. [LB27]

SENATOR CARLSON: Thank you, Senator Hadley. Members, you've heard the opening on LB27. Are there senators wishing to speak? Seeing none, Senator Hadley, you're recognized to close. Senator Hadley waives closing. The question is, shall LB27 be advanced to E&R Initial? All those in favor vote yea; opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB27]

ASSISTANT CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB27]

SENATOR CARLSON: LB27 does advance. Mr. Clerk, next item. [LB27]

ASSISTANT CLERK: Mr. President, LB52 introduced by Senator Christensen. (Read title.) The bill was read for the first time on January 10, referred to the Judiciary

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Committee. That committee reports the bill to General File with committee amendments attached. (AM157, Legislative Journal page 403.) [LB52]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Christensen, you're recognized to open on LB52. [LB52]

SENATOR CHRISTENSEN: Good morning, colleagues. LB52 amends Section 83-183 to allow the Director of the Department of Correctional Services to enter into arrangements with any charitable, fraternal, or nonprofit corporation for labor services that have a public benefit by persons committed into the incarceration work camp. Currently, Section 83-183 allows the director of Department of Correctional Services to enter into arrangements with any other board or agency of this state, any natural resources district, or any other political subdivision of the labor services. LB52 seeks to provide the ability for labor services to again be arranged with nonprofit organizations which previously had entered into such arrangements in the past for laborers at the Work Ethic Camp. From 2002 to 2008, the department entered into the arrangements with nonprofit groups for labor from the Work Ethic Camp. In 2008, Corrections stopped entering into these arrangements after reevaluating whether the Work Ethic Camp was included under the restrictions of Section 83-183 since the passage of LB83 in 2007. LB83, introduced by Senator Synowiecki, allows inmates, not just probationers, into the Work Ethic Camp. The department felt it was unclear at the time whether they could continue to enter into arrangements with nonprofit organizations, so they quit the practice. Community leaders from McCook, Nebraska, and surrounding areas came to me this fall, expressed their desire to again allow nonprofits to enter into arrangements for labor services from offenders at the Work Ethic Camp facility located in their community. Several community members and organizations feel that the previous arrangement were successful and were beneficial for both the community and the offenders who participated. In my discussion with Director Houston of the Department of Correctional Services, I was concerned if there was an objection by an offender to participate in labor for a nonprofit group would they be forced to work on that assignment. He assured me that they have plenty of work opportunities that any work assignments with nonprofits would be voluntary. In addition, the current language narrows the application of this bill to offenders from the incarceration work camp seen on page 3, line 1. During the hearing, I had offered the committee the option to amend the language to open it up to allow department to enter into arrangements with nonprofit entities throughout the correctional system work camps as it was not my intention to limit it just to the Work Ethic Camp. A pending committee amendment, AM157, will address the language on page 3, line 1, which I fully support. In closing, I believe LB52 is an appropriate bill to continue and to expand the successful partnerships between the Department of Corrections and local communities. I want to thank you for your consideration of LB52 and urge its advancement to Select File. Thank you. [LB52]

SENATOR CARLSON: Thank you, Senator Christensen. As the Clerk mentioned, there

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are committee amendments. And, Senator Lathrop, as Vice Chair of the Judiciary Committee, you're recognized to open on AM157. [LB52]

SENATOR LATHROP: Good morning, colleagues, and thank you, Mr. President. LB52 with AM157 advanced from the Judiciary Committee by a 7-0 vote with 1 member absent. AM157 is an amendment that simply clarifies the following: The director of Corrections may contract for labor services with charitable, fraternal, and nonprofit organizations utilizing the labor of any applicable committed person under the supervision of the department and not just those committed to the Work Ethic Camp. This was done to avoid creating special legislation in a closed class. The amendment also clarifies that the labor to be provided by a committed person under this provision must be voluntary. And with that, I would encourage your support of AM157 and LB52. Thank you, Mr. President and colleagues. [LB52]

SENATOR CARLSON: Thank you, Senator Lathrop. Members, you've heard the opening on LB52 and the underlying amendment, AM157. The floor is now open for debate. Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, when this bill came before the committee, I have concerns about these types of bills, but it was limited to the Work Ethic Camp. When the committee had an Executive Session, I was absent through nobody's fault other than my own. At that time, the Judiciary Committee offered an amendment which is now before the body, and this amendment is more substantive than the bill itself. Anybody who would have observed what was to be heard the day this bill was on the agenda would have seen that it was restricted to the Work Ethic Camp. I think the committee, trying to be very circumspect, probably avoided a problem by expanding its reach to any person committed to the Department of Corrections anywhere in the state. Any of these types of groups could come to the Department of Corrections' director to try to get what reminds me a lot of convict labor or chain gangs. There might be people feeling as I do that if you're going to have something like this operating throughout the state and involving every institution under the jurisdiction of the Department of Corrections, there could have been some substantial opposition. But whether that be the case or not, if this amendment is adopted and if you accept Senator Lathrop's contention that it would be special legislation if it were limited to the work camp, you must adopt it. But if you adopt it, you alter the bill so substantively that I've prepared a motion to recommit it to the Judiciary Committee so that there can be a hearing on this, what I consider, drastic and radical change in the way that people committed to the department are going to be utilized. You can put the word "voluntary" if you please, but if there is a strong, so-called charitable, supposedly nonprofit operation which needs cheap labor, pressure will be brought to bear, I assure you, on inmates to agree to do that free labor. These institutions are not designed to provide free labor. If you listen to what was said by Senator Christensen, in his area people all over--he didn't use this term about free labor--but all over that area,

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McCook and elsewhere, want to get in on this gravy train. They can't get people to do what they want done free, so go get these people who are under the jurisdiction and in the custody of the state and put them to work. They don't have to say if you don't do this, we're going to take good time. They can say if you don't do this, then you might find your cell under increasing scrutiny. We may hear anonymous tips that contraband has been placed in your cell so it's necessary for us to conduct... [LB52]

SENATOR CARLSON: One minute. [LB52]

SENATOR CHAMBERS: ...a total search of your cell. And I do not trust police officers. I do not trust those who run prisons, jails, or facilities of any kind where people are sent there through the authority of the state and placed under the control of people in such institutions. Thank you, Mr. President. [LB52]

SENATOR CARLSON: Thank you, Senator Chambers. Senator Lathrop, you're recognized. [LB52]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I want to maybe respond to Senator Chambers' concerns. And the amendment, as I indicated, does two things. One is to make the participation voluntary. So if we struck the amendment, then it wouldn't be voluntary. And why would we want participation in a program that involves the incarcerated working for a charitable organization? Well, there's probably good reason for that. We don't want someone who may have one religious belief or no religious belief sent over to work and wait tables or whatever work they might be agreeable to or sent to do in a religious organization they don't agree with. So the idea that we're asking them to...or requiring that it be voluntary on the part of the incarcerated I think is a good idea. And it really goes a long ways towards the very concern Senator Chambers just expressed, which is what if people force them to do it; what if people lean on them to do it or make them feel like they have to by exerting some influence or changing their privileges or whatever might be done. This just reaffirms that it's a voluntary thing and no one can make you do it. I think that makes perfect sense. The other piece was that we were going to try, apparently, to avoid some constitutional concerns by making it broader than just the work camp. I'm not so sure that was ever a constitutional concern, but that's exactly why it's in there. We can make it the Work Ethic Camp and limit it to the Work Ethic Camp and then indicate that their participation, leave that in the amendment, should be voluntary. And I'm not sure...it sounds like Senator Chambers has a concern with both aspects of this. And it seems to me that common sense would suggest that the voluntary participation is appropriate and in keeping with the very concern that he's expressed. And the part about including more than just the work camp I think is something that we could probably change if we...if that would satisfy the concerns that Senator Chambers has expressed. Having spoken to Senator Christensen, I think that that's where he's at. And as the standing...as standing in for the Chair, I think I could make that representation. So with that, I'll look forward to

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Senator Chambers' response and his further comments on my...the amendment that I'm trying to shepherd through this place this morning. Thank you. [LB52]

SENATOR CARLSON: Thank you, Senator Lathrop. Those wishing to speak include Senators Chambers and Bolz. Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: Mr. President, members of the Legislature and friends all, how can a person be as aggressive in presenting his argument as he chooses to be when he's confronting such a gracious, reasonable antagonist? He's almost the protagonist, meaning he's the good guy. But since he's opposed to my position, he's my antagonist. The "voluntary" is a good inclusion if you're going to do this. But I don't like the idea of farming out this kind of labor to these groups. A lot of the groups I don't agree with. Churches: You had a man preach a sermon this morning and it sounded like Mass to me. I listen in my office so if somebody gets up here talking politics, I will come right up here and say disconnect the microphone and have him sit down. So he's going to preach from his doctrine. He's going to preach from his dogma up here. The court has said that since everybody is grown, then legislatures can have preachers. I don't think they ought to be here. I went to court and I lost. So I don't have to come up here. But when you're in prison, you do not have but one choice: Do it or else. And you can hear people stand on this floor all they want to and say that people locked up will voluntarily do this labor. Why don't we as a Legislature make sure that programs are in these institutions that will engage a person's mind and equip him or her to reenter society and be a productive member? When there's federal money that might deal with antidrug programs in prison, you have that program in operation. When the federal money runs out, the program is gone. Then if somebody goes for parole, the Parole Board members, ignoring reality, will say: Well, did you go to this class? Well, the class is not there. That's not what I asked you. Did you go to that class? Well, no. And they don't get parole. There are cruel people--not every one--cruel people involved in the so-called criminal justice system. And when I use that term "criminal justice system," it is an adjective to describe the system rather than the individuals upon whom that system will be imposed. Somebody has to look out for the prisoners. You all who are Christians...I'm looking at Senator Kolowski, and I'm not going to burden him by labeling him any religion or a nonreligion. But he looks so cherubic and angelic there that he caused me to think of this. There's somebody that "Parson" Carlson knows very well who said: Be concerned about the widows, the orphans, and the prisoners. When does anybody ever show any concern for prisoners on this floor other than to say punish them more harshly? It doesn't happen. With all of the preachers and prayers that you have coming in there every morning, the things they talk about are disregarded when we go into our deliberations. So why do you even have them up there? That's why I say it's blasphemous if you believe in religion. But in this instance, Senator Lathrop I think had a consultation with Senator Christensen whose bill it is, and they're going to narrow the scope of it... [LB52]

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SENATOR CARLSON: One minute. [LB52]

SENATOR CHAMBERS: ...to apply to only those in the Work Ethic Camp. So by virtue of the fact that you reduce the pool of potential victims of state oppression and misuse, it will be an improving amendment. I'm going to see what does develop before I speak again. Thank you, Mr. President. [LB52]

SENATOR CARLSON: Thank you, Senator Chambers. Senator Bolz, you're recognized. [LB52]

SENATOR BOLZ: Thank you, Mr. President. Will Senator Christensen rise for a question? [LB52]

SENATOR CARLSON: Senator Christensen, will you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR BOLZ: Thank you, Senator. I have questions regarding two words in this piece of legislation, the words "arrangements" and "charitable." I think that there's a big distinction between a nonprofit organization and a charitable organization. A nonprofit organization is likely to have liability insurance, rules around confidentiality, etcetera, whereas a charitable organization, in my mind, is an organization that is simply doing good. They might, for example, be distributing food through a food pantry in the basement of a church. I'm concerned that the people receiving these charitable services, say the example of folks seeking food at a food distribution, if the individuals from the Department of Corrections are unloading boxes, for example, and something goes wrong, God forbid, how will their rights be protected and what will these organizations do? Who will be liable if something doesn't work out? [LB52]

SENATOR CHRISTENSEN: The Work Ethic Camp has their policies protecting that and they also take a supervisor out to supervise, so it still falls back on the Work Ethic Camp. [LB52]

SENATOR BOLZ: And is that the case if it were any Department of Corrections' organization? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR BOLZ: And what arrangements specifically would be made between the charitable organization and the Department of Corrections? [LB52]

SENATOR CHRISTENSEN: What they do is they just sign a agreement that they're going to come work so many hours or do a certain task. It's just a written arrangement,

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a written agreement, however you'd like to word that, of what's going to be accomplished in this work outing. [LB52]

SENATOR BOLZ: Senator Christensen, I would be more comfortable if arrangements were more well-defined in the language so that the rights of both the individuals receiving the charitable services and the charitable organizations themselves were protected should anything go wrong. Thank you. [LB52]

SENATOR CARLSON: Thank you, Senator Bolz and Senator Christensen. Senator Lathrop, you're recognized. This is your second time to speak on the amendment. [LB52]

SENATOR LATHROP: Thank you, Mr. President, colleagues. I want to just, while I think we have a floor amendment kind of working its way into the system and the process, I want to take a second to talk about what we learn every day sitting in or what we learn sitting every day in Judiciary Committee about the incarcerated. And it goes to there was a dustup earlier this year about good time and furloughs and what purpose do they serve and what is it about these work camps and having the incarcerated do things. What we learn in Judiciary Committee about the incarcerated is this. If we put people in prison for their offenses and they sit in prison without any type of vocational training, without learning a skill, without having some period of transition into the community, the chances of them coming back are much greater. The goal...and this is Bob Houston and I'm not trying to put words in his mouth, but I can tell you what the theory is behind corrections, which is, as an inmate gets towards the end or for those who will have shorter terms, allowing them to develop a skill so that they can transition into their life on the outside is very important. This is serving that purpose. It is one tool that helps serve the purpose of allowing prisoners who have committed some offense to transition more successfully into life outside of prison. Now do they get pressured to participate in these programs? I don't know that. I don't know that. And I'm not getting the letters that Senator Chambers is. Maybe he's getting letters that...from people that say they felt pressured to do something. That's not the point though. To me the point is that we need to provide opportunities for the incarcerated to transition into community life again, to develop the relationships with their families and to develop a skill or to work and have a sense of self-worth and to create a little extra money so they can go and buy toothpaste and some of the things that they have to buy at the store for themselves. So this is what we're trying to advance with the Work Ethic Camp. That's what...and we'll have this conversation perhaps on furloughs and good time. But it's about making a transition and then we know when it's done well with a motivated prisoner that their chances of coming back to the system are diminished, and that's what we want after all. We want them to learn a lesson with their incarceration but we want them to not come back after they are released, and this is just one of those tools, like furloughs, that help them accomplish that. Thank you. [LB52]

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SENATOR CARLSON: Thank you, Senator Lathrop. Senator Chambers, you're recognized. This is your third time. [LB52]

SENATOR CHAMBERS: Yes, thank you. Mr. President, I would like to ask Senator Lathrop a question, the answer to which he may not have. Senator Lathrop, are these inmates... [LB52]

SENATOR CARLSON: Senator Lathrop, will you yield? [LB52]

SENATOR LATHROP: Yes, I will. [LB52]

SENATOR CHAMBERS: Senator Lathrop, are these inmates going to be compensated by these charitable and other organizations for the work they do? [LB52]

SENATOR LATHROP: I believe...I believe that they receive some compensation... [LB52]

SENATOR CHAMBERS: But we don't know that, do we? [LB52]

SENATOR LATHROP: ...or they're paid something. But does the charity, if it's the food bank, pay them? I don't know the answer to that. [LB52]

SENATOR CHAMBERS: Where do you see anything in what we're doing or anywhere else where you've read that if inmates enter upon this work that is being made possible by this bill they will be compensated and, if so, by whom? [LB52]

SENATOR LATHROP: I thought, Senator Chambers, and maybe incorrectly, and I see Senator Christensen over here is probably going to have a better idea of what those guys get and who pays them. Is it the state Department of Corrections that pays them \$1 a day or \$2 a day to work or is it the charitable organization? I don't know the answer to that. But I do believe that they earn some credit or some compensation, as small as it might be. [LB52]

SENATOR CHAMBERS: As we proceed I will be able to ask Senator Christensen, but not right now because he's trying to get some things done and we are going to have further discussion on the bill. But, Mr. President and members, as Senator Bolz pointed out, the word "arrangements" is very vague. We don't have any idea what that means. And the director is the one who can do that. And the word "any" precedes "charitable, fraternal, or nonprofit corporation." I'd like to ask Senator Ashford a question because he knows more about these things than I do. Senator Ashford, is the Woodmen of the World organization... [LB52]

SENATOR CARLSON: Senator Ashford, do you yield? [LB52]

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SENATOR ASHFORD: Yes. [LB52]

SENATOR CHAMBERS: Senator Carlson, anybody that I ask to yield, they will yield, otherwise I wouldn't ask them. But I understand. So if I break in I'm not being rude, it's just that I jump the gun. Senator Ashford, is the Woodmen of the World organization a charitable organization? Well, let me ask you this. Is it a fraternal organization? [LB52]

SENATOR ASHFORD: Yes. It's not a nonprofit; it's a fraternal organization. [LB52]

SENATOR CHAMBERS: Now, this doesn't say that it has to be all of these things: "charitable, fraternal, or nonprofit." So the "charitable" and the "fraternal"...is every charitable organization nonprofit before it can be considered charitable, if you know? [LB52]

SENATOR ASHFORD: Yes. [LB52]

SENATOR CHAMBERS: Okay. So then we're left with the fraternal. [LB52]

SENATOR ASHFORD: And I think to your point, Senator Chambers, if I might, and where the problem is here. Woodmen of the World is a fraternal organization. So theoretically under this...under what you're...the issue you're raising I think is that could these--and I think they get...these people would be paid \$1 an hour or \$2 an hour, so it's below the minimum wage, it's substantially below--is would a fraternal organization be able to hire these people at that rate. And the answer is, yes, they would. [LB52]

SENATOR CHAMBERS: So they could get janitorial work at \$1 a day. [LB52]

SENATOR ASHFORD: Correct. [LB52]

SENATOR CHAMBERS: Whereas if they hired janitors, they'd have to pay much more than that per hour. [LB52]

SENATOR ASHFORD: That's absolutely what would happen, Senator Chambers. [LB52]

SENATOR CHAMBERS: Thank you, Senator Ashford. I'm trying to raise in the minds of my colleagues what can be done under this kind of legislation. Those who present it had good intentions. But the fact is when we formulate a policy, we have to consider what is allowable under that policy and not convince ourselves that only those people... [LB52]

SENATOR CARLSON: One minute. [LB52]

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SENATOR CHAMBERS: ...who are going to act in accord with the higher...the angels of their higher nature or the higher angels of their nature are the ones who will take advantage of this. I have to look at those vulnerable people from the standpoint of how they can be exploited by what we do. I don't see anybody rushing to establish programs of the kind that would help facilitate the reentry of these people into society. But whenever something comes that can exploit or use them and take advantage of their vulnerability, it is given attention, as is happening with this bill. Thank you, Mr. President. [LB52]

SENATOR CARLSON: Thank you, Senator Chambers. Mr. Clerk for an amendment. [LB52]

ASSISTANT CLERK: Mr. President, Senator Christensen would offer FA6 to the committee amendments. (Legislative Journal page 438.) [LB52]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Christensen, you're recognized to open on FA6. [LB52]

SENATOR CHRISTENSEN: Thank you, Mr. President. FA6 just strikes the committee amendment. And then on page 3, behind "the incarceration work camp," we insert the language, "except that the department shall only use voluntary participation by committed persons for any labor services arranged with a charitable, fraternal, or nonprofit corporation." And that will remove the expansion to the other correction facilities that has been the concern. And I think that leaves in the part of the protections that we thought was good as a committee, and the bill will be ready to advance. Thank you. [LB52]

SENATOR CARLSON: Thank you, Senator Christensen. Members, you've heard the opening on FA6. The floor is now open for debate. Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I will support this amendment. It makes a bad bill less bad. Doesn't make it good, doesn't make it better, because the point from which I start the comparison is bad. It's a bad bill, therefore, this amendment makes it less bad. But there are still issues that need to be raised, in my opinion. Senator Christensen, if he will yield, I would like to ask a question or two, Mr. President. [LB52]

SENATOR CARLSON: Senator Christensen, will you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR CHAMBERS: Senator Christensen, was there an organization or a

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representative of an organization who asked you to bring this legislation to the Legislature? [LB52]

SENATOR CHRISTENSEN: Well, actually the people that brought this to me...I have letters from them, it's like Terri Shipshock from the community hospital, the economic development director, Rex Nelson, and that is the people that had got ahold of me about this. But them organizations are...I guess the hospital would be a nonprofit, that would be one. I would assume the chamber would have qualified anyway. I guess it would not have because it wouldn't be a state organization. So probably both of them would benefit out of this now and was the reason it was brought forward. [LB52]

SENATOR CHAMBERS: Thank you, Senator Christensen. Members of the Legislature, I'm not persuaded. I have brought legislation down through the years to try to improve what happens and what confronts inmates. I was the one, along with Terry Carpenter, who no longer is here. And if what people say is true, then you can say that his soul is resting in peace and he'll get a reward when he gets to wherever the final destination is. I don't know about that. But he was what I considered to be a good man. We collaborated to tear down, have torn down, an ancient prison that could have rivaled the Bastille in France. A modern prison was constructed. And that ancient prison, before it was torn down, I agitated publicly so much that they broke down the racial segregation that existed in that prison. The black and nonwhite inmates were in a ramshackled part of the prison, drafty, mice, all those kind of things. The white inmates were in the better part of the prison. I went out there and saw it for myself because too many white people, especially those in office, say there's no such thing. So I went out and I saw it. I was in that prison so much people might have thought that I was an inmate, and I made it clear that I was going to be there every day until something was done. And other senators were not going out there. They did not see. They did not experience. They did not witness. But when Terry Carpenter got on board, then we were able to get some things done. A former director of Corrections was Harold Clarke. There were guards and other people in the system having sex with inmates. And their rationale was these are adults and the sex is consensual. I talked to the director and we agreed that I would offer legislation which would state that an inmate cannot give legal consent, and it created the crime of sexual abuse of an inmate. And even after the passage of that legislation, some of these people continued and they were prosecuted. Vulnerable people can be made to utter the word "yes," but it doesn't mean yes in the sense of an uncoerced acquiescence or agreement to something. It's a word forced, as when some religions will tell you if you don't swear... [LB52]

SENATOR CARLSON: One minute. [LB52]

SENATOR CHAMBERS: ...loyalty to the church, then you're going to die. So you do it. You all are too trusting because it doesn't happen to you all. I have friends who are in prison, and I know people who are not my friends who are in prison. I have enemies

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who are in prison. But when they go to prison, they are not to be dehumanized and their basic human dignity stripped away and disrespected. Thank you, Mr. President. [LB52]

SENATOR CARLSON: Thank you, Senator Chambers. Those still wishing to speak include Senators Price, Christensen, and Chambers. (Doctor of the day introduced.) Senator Price, you're recognized. [LB52]

SENATOR PRICE: Thank you, Mr. President, members of the body. As I sit here and I listen to the debate, I reflect on some of the other bills we've heard in committee, in the Government Committee. And I was hoping I could get Senator Christensen to yield to question. [LB52]

SENATOR CARLSON: Senator Christensen, would you yield? [LB52]

SENATOR CHRISTENSEN: Yes. [LB52]

SENATOR PRICE: Thank you, Senator Christensen. Senator Christensen, is it possible that any of these entities, as outlined or prescribed by the bill or the amendments therein that we're debating, that these entities would be involved contracts with the state? [LB52]

SENATOR CHRISTENSEN: I don't think so, but do you have an example in mind? I guess I'm not thinking of one, but I can't say that there... [LB52]

SENATOR PRICE: Well, if there's some...if some nonprofit organization would bid for certain services for the state or get involved in that and they were in competition with another company that did not have access to a labor pool at that rate, it would seem to me that would set up an unfair competition, because when we talk about the profit margin, labor costs are a significant element there. So we...I wanted to know, if we have this opened up to such a large compendium or possible range of companies and entities, that those entities would bid for work on the government...for government work and have an advantage or we would have set up a class for certain companies. [LB52]

SENATOR CHRISTENSEN: Senator, I guess I don't think there would be a nonprofit that would be outbid for services that this conflict would come in. This bill opens this back up like it was in 2002 to 2008. They've been working in these arrangements previously. There was never that conflict, and I guess I can't think of an example where a nonprofit would be bidding against a private business on a contract that would come into this scenario that you've brought forth. [LB52]

SENATOR PRICE: Thank you, Senator Christensen, and I appreciate you for opening up the conversation to include past actions. Ladies and gentlemen, the idea that because we've done it before and we weren't in trouble doesn't mean...or doing

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something that would be contrary to the desires of this body and the state doesn't mean that it wasn't so. The next thing is if I have organizations who bid on statewide contracts, let's say for mental health services, let's say for medical services, let's say for Medicaid-delivered services in senior residences, etcetera. I mean, I don't know how wide the scope is here, but we are hearing bills that were asking for preferences to be established for Nebraska businesses. And we were told that we didn't want to have, or that having preferences was bad when you went into competition in larger areas. Let's say between the state of Iowa and Nebraska there would be a penalty if that other state had a preference, like a ten-point preference for veteran-owned businesses or disabled-owned businesses or woman-owned businesses. So we don't have those because we were trying to keep a level playing field. But now we could have other nonprofits bidding against a nonprofit who has access to a labor pool for a service. Let's say it's a telecommunication service. Let's say it's a help desk and you're calling in. So if some company has a help desk... [LB52]

SENATOR CARLSON: One minute. [LB52]

SENATOR PRICE: Thank you, Mr. President,...that is supplied by labor, that's supplied by those who are incarcerated, and they're able to bid a substantially lower price against another company, because, as you know, we can move data around pretty quickly. You don't have to be collocated to the manufacturer of the service. That service can of course be data. So we would have an unfair playing field. Now I'm not against having folks have the opportunity to earn an income and learn a skill set. That is not the point here. The point is we could be creating an imbalance in the economic landscape to the advantage of a few and we would be picking winners and losers. Thank you, Mr. President. [LB52]

SENATOR CARLSON: Thank you, Senator Price and Senator Christensen. Senator Chambers, you're recognized. [LB52]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I would like to ask Senator Ashford a question or two if he will yield. [LB52]

SENATOR CARLSON: Senator Ashford, will you yield? [LB52]

SENATOR ASHFORD: Yes. Thank you. [LB52]

SENATOR CHAMBERS: Senator Ashford, when an inmate is allowed to enter the work release program, that means the person is going to be allowed to leave the facility where he or she is locked up and go work on a job. Is that correct? [LB52]

SENATOR ASHFORD: Correct. [LB52]

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SENATOR CHAMBERS: Does that inmate get compensated while working on that job? [LB52]

SENATOR ASHFORD: Yes. [LB52]

SENATOR CHAMBERS: And is it more than \$1 a day? [LB52]

SENATOR ASHFORD: Yes. [LB52]

SENATOR CHAMBERS: In this situation that we have here, is there a guarantee that an inmate who volunteers--and let's say it is voluntary--gets anything from anybody in return? [LB52]

SENATOR ASHFORD: No. There is no guarantee. My understanding, Senator Chambers, is this \$1 a day would come from the department and not from the employer. [LB52]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I'm going to discuss these kind of issues when a bill like this comes up. It's just the tip of the tip of the iceberg, and it has to do with how this society is going to deal with those people who have been convicted of an offense, whether properly or improperly, and locked up. The punishment for a person who is locked up is the deprivation of freedom or liberty. It does not include mistreatment, degradation, or insults. There are no significant qualifications to be a guard at a prison. There are some very cruel vicious people who wind up as guards. They're dealing with a group of people considered throwaway persons if they're considered to be human beings at all. Fortunately for them, I have no religion. I'm not going to heaven, and as a guy said in a song, and I pray there is no hell. But there's nobody for me to pray to. But I read that book that I refer to as the "Holly Bible," and one of the stars of the New Testament said: I was in prison and you didn't come to visit me. He could say that about the people in the Legislature, by and large, and other public officials who delight in sending people to prison for long periods of time. He didn't say I was in prison for a crime I didn't commit. I was in prison. So then these hypocrites running around with Him, like these hypocrites on this floor talk about having prayer every morning, and their works on the floor deny the validity of what they say has validity, He said, I was in prison and you didn't visit me. And they said, Lord, when were you in prison and we didn't visit you, indicating that if it were you in prison we'd have been there. And what was His response, and "Parson" could give it? You did it not unto the least of these my brethren, so you didn't do it to me. And who are His brothers? Of one blood, God made all nations of mankind on the earth, so anything born of a man or a woman. If it's male, it's His brother; a female, it's His sister. That's your leader. And He said something else in the way of a condemnation. Why call you me Lord, Lord, and you don't do the things I say? That's why I say all this religion is poppycock. It's piffle. And the ones who protest it the loudest... [LB52]

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SENATOR CHAMBERS: One minute. [LB52]

SENATOR CHAMBERS: ...don't believe it. The opportunity is here. We have the power and we have an obligation that doesn't even rise to the level of some kind of religious sanctification. As elected politicians, we swore an oath--I took an affirmation, and for people like me, we don't need an affirmation or an oath because if we say we're going to do something, we're going to do it--to uphold the laws and, although all these things are not written, do that which is in the best interest of our brothers and sisters. The strong will bear the infirmity of the weak. The voiceless will have a voice as long as we're here. The weak have nothing to fear in terms of oppression by the strong because we will be the ones to help. [LB52]

SENATOR CARLSON: Time. Thank you, Senator Chambers. Mr. Clerk, are there any messages, reports, or announcements? [LB52]

ASSISTANT CLERK: Thank you, Mr. President. The Appropriations Committee offers notice of committee hearing. (Government, Military and Veterans Affairs Committee offers notice of hearing.) Committee on General Affairs reports LB413 as indefinitely postponed (and LB6 placed on General File). An announcement from the Executive Board regarding appointments to the LR20 Developmental Disabilities Special Investigative Committee. Senator Schilz would like to announce that the Agriculture Committee will meet at 11:00 in Room 1524. Name add: Senator Pirsch to LB102. (Legislative Journal pages 438-440.) [LB413 LB6 LB102]

And a priority motion: Senator Bloomfield would move to adjourn until Thursday, February 14, 2013, at 9:00 a.m.

SENATOR CARLSON: Thank you, Mr. Clerk. Members, you've heard the motion. All in favor say aye. All in favor say aye. Opposed, nay. We are adjourned until Thursday morning at 9:00.