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Transcriber's Office

Floor Debate
February 24, 2014

[LB191 LB348 LB438 LB551 LB690 LB699 LB751 LB780 LB901 LB920 LB920A LB941
LB983 LB983A LB987 LB1012 LB1014 LB1028 LB1057 LB1103 LR399 LR450]

SENATOR KRIST PRESIDING

SENATOR KRIST: Good morning, ladies and gentlemen and welcome to the George W. Norris Legislative Chamber for the thirty-first day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor Glenn Wapelhorst, Christ the King Church, Norfolk, Nebraska, Senator Scheer's district. Please rise.

PASTOR WAPELHORST: (Prayer offered.)

SENATOR KRIST: Thank you, Pastor. I call to order the thirty-first day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Your Committee on Enrollment and Review reports LB191 to Select File with E&R amendments attached. Banking, Commerce and Insurance Committee reports LB751 to General File. It's offered by Senator Gloor. Revenue reports LB987 to General File. That's signed by Senator Hadley. An announcement, Mr. President. Urban Affairs will meet at 10:15 underneath the north balcony. That's all that I have. (Legislative Journal page 619.) [LB191 LB751 LB987]

SENATOR KRIST: Thank you, Mr. Clerk. Let's proceed to the first item on the agenda.

CLERK: Mr. President, confirmation report is offered by the Banking, Commerce and Insurance Committee. It involves several appointments to the Nebraska Exchange Stakeholder Commission. (Legislative Journal page 581.)

SENATOR KRIST: Thank you, Mr. Clerk. Senator Gloor, as the Chair of the committee, you are recognized.

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. And I'm pleased to start the day off with the confirmation report on behalf of the Banking, Commerce and Insurance Committee. I bring before the Legislature for its approval the

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Governor's appointments to the Nebraska Exchange Stakeholder Commission. The commission was created pursuant to the Nebraska Exchange Transparency Act as enacted last year, 2013, by LB384 sponsored by both Senators Nordquist and Campbell. The commission members were appointed last year and they now come before for our confirmation as required under LB384. Some background information would be appropriate here. The purpose of the Nebraska Exchange Transparency Act is to provide state-based recommendations and transparency regarding implementation and operation of an exchange as required by the federal Affordable Care Act by creating this stakeholder commission. The commission did issue a report in December. It is available on-line. I have a couple copies here if you have an interest in seeing them. By the way, you may be interested to note that the stakeholder commission will sunset. A sunset was built into the law: July 1, 2017. The stakeholder commission has eleven members, two are ex officio. They are the Department of Insurance Director and the Director of the Division of Medicaid and Long-Term Care for the Department of Health and Human Services. Those two, ex officio members. The rest are nine members appointed by the Governor. They're up for a vote today. Of those nine, the law requires four members represent the interest of consumers who will access health insurance in the exchange with at least one of those members to represent the interests of rural consumers who will access health insurances through that exchange. Those four members are Craig Buescher, a farmer from South Bend; Michael Groene, a businessman from North Platte; Laura Gyhra, a business owner from Raymond; and Sherry Wupper, a retired insurance agent from Blair. One member is to represent the interests of small businesses. That member is James "JJ" Green, an insurance agency owner from Grand Island. Mr. Green also serves as chairperson of the commission. Two members are to represent the interests of healthcare providers. Those members are Patrick Booth, a healthcare executive from Ames, and Dr. Britt Thedinger, a physician from Omaha. One member is to represent the interests of health insurance carriers. That member is Shari Flowers who is an employee of Blue Cross Blue Shield of Nebraska, from Omaha. And one member is to represent the interests of health insurance agents. That member is Kyle Kollmorgen, an insurance broker from here in Lincoln. All these appointments received a favorable 8-0 vote by the Banking, Commerce and Insurance Committee after a long discussion, and I think a fruitful one, to talk to the members about the insurance exchange and how it was moving. I would urge favorable vote by the Legislature on these nine gubernatorial appointments to the Nebraska Exchange Stakeholder Commission. Thank you, Mr. President.

SENATOR KRIST: Thank you, Senator Gloor. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, when I saw that some nominations would be made by the Banking Committee, I ran up here faster than I have before so I'm out of breath. But I'd like to ask Senator Gloor a question, if I may.

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SENATOR KRIST: Senator Gloor, will you yield?

SENATOR GLOOR: Certainly.

SENATOR CHAMBERS: Senator Gloor, none of the persons you mentioned will be associated with the Banking Department, is that correct?

SENATOR GLOOR: I believe that is correct. Insurance primarily, but not the Banking Department. The Director of the Department of Insurance serves, but no one specifically from banking, Senator Chambers.

SENATOR CHAMBERS: Thank you. Had there been somebody nominated for anything to do with banking, I was going to offer an amendment to substitute a name in order that there could be honesty in banking. Thus far things have not happened in Nebraska to my knowledge that have in other states where they have very large banking operations, stretching of the law, circumventing the law, and sometimes outright violating the law. So in order that you won't have to leave here in suspense, the name that I was going to substitute was Jesse James because he robbed banks, but he was an honest bank robber. Thank you, Mr. President.

SENATOR KRIST: Thank you, Senator Chambers. Seeing no one else wishing to speak, Senator Gloor, you're recognized to close. Senator Gloor waives closing. The question is the confirmation of the report. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 620.) 39 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR KRIST: The confirmation report is adopted. Next item.

CLERK: Mr. President, A bills. Senator Dubas offers LB983A. (Read title.) [LB983A]

SENATOR KRIST: Thank you. Good morning. Senator Dubas, you are recognized. [LB983A]

SENATOR DUBAS: Thank you very much, Mr. President, and good morning, colleagues. LB983A is the bill that accompanies what we advanced last week to Select File. It is the big bill that keeps us in compliance with federal regulations so it does not impact our federal highway funding. This bill isn't authorizing, necessarily, new spending or additional spending, I should say, but it's just authorizing the department to access money that is already available in that fund. There are no fee increases that are being proposed through this. More times than not, Revenue does expend...excuse me, exceed expenditures, but there are going to be additional expenses required in the

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coming years because of the requirement for more CDL examiners because of the changes in the testing. So this is just allowing the Department of Motor Vehicles to access those additional resources so they can deal with the additional requirements required under LB983. [LB983A LB983]

SENATOR KRIST: Thank you, Senator Dubas. Seeing no one wishing to speak, you're recognized to close. Senator Dubas waives closing. The question is the advancement of LB983A to E&R Initial. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB983A]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB983A. [LB983A]

SENATOR KRIST: LB983A advances. Next item. [LB983A]

CLERK: LB920A by Senator Coash. (Read title.) [LB920A]

SENATOR KRIST: Senator Coash, you're recognized. [LB920A]

SENATOR COASH: Thank you, Mr. President. Good morning, members. LB920A is the A bill that accompanies the bill that we moved off of General File as our last item of business on Friday. The majority of this bill represents the cost of the employees that will be needed to be hired in order to carry out the functions of LB920. There is a public guardian, 12 associate guardians, an education coordinator, and support staff, in addition with some capital outlays. This is a new program. Thank you, Mr. President. [LB920A LB920]

SENATOR KRIST: Thank you, Senator Coash. Seeing no one wishing to speak, Senator Coash you're recognized to close. Senator Coash waives closing. The question is the advancement of LB920A to E&R Initial. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB920A]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB920A. [LB920A]

SENATOR KRIST: LB920A advances. (Doctor of the day introduced.) Next item, Mr. Clerk. [LB920A]

CLERK: Mr. President, LB901 is a bill by Senator McGill. (Read title.) Introduced on January 14 of this year, referred to the Health and Human Services Committee. The bill was advanced to General File. I have no committee amendments. I do have an amendment from Senator McGill to the bill. [LB901]

SENATOR KRIST: Thank you, Mr. Clerk. Good morning, Senator McGill. You are recognized. [LB901]

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SENATOR MCGILL: Thank you, Mr. President, members of the body. I bring you LB901 to address Nebraska's critical shortage of mental health services. The safe haven crisis of 2008 highlighted deficiencies in Nebraska's current mental healthcare system. Though strides have been made to address this issue, we have come up short in terms of filling the work force gap when it comes to mental health services. As you know, a strong majority of mental health professionals in Nebraska practice in metropolitan counties, and even in those areas, there are underserved parts of the population. Only 28 percent of mental health work force serve the nearly 900,000 people in rural areas. And when it comes to psychologists specifically, only 18 percent serve rural areas. We've seen the impacts of this in our school systems across our state. We've all heard from our districts talking about the behavioral health problems they're seeing in their schools. When families try to get kids help, there's usually a month or more wait just to get a child in to see a mental health professional. So this burden is being placed on the schools, which means they can't be innovative in their means of educating and be as effective in their primary focus as educators. Part of this problem is that we are training young people to be psychologists but we don't have the internships here in our state to keep them here during their last year of college, last year of their doctoral program, and they're having to leave our state for those internships. Now for psychologists, every single one of them has to serve in an internship. And so if there aren't any available here in Nebraska, they have to go to Tennessee or Michigan or Montana, New York, to do these programs, and then they are very likely to stay put where they are. That's where they've made their connections and their networks and are able to find their first job as professionals. So this bill I bring you right now, LB901, creates a psychology internship program under the existing structure of UNMC's Behavioral Health Education Center, or BHECN. The program would provide funding for five doctoral-level psychology internships the first year and ten by year three. Upon completing orientation, each intern would be placed at one primary care delivery site in a rural or medically underserved community. This bill will build our mental health work force and reach thousands of patients that may not get treatment otherwise. Colleagues, it's not just that these youth leave our state for the internships and are gone for good. I mean, frankly, some of the folks we train as interns may still choose to leave. But even while they're here, they're making those relationships in those rural areas, increasing the likelihood they'll stay put in rural Nebraska. And by the way, I do have a map that's been passed around showing the underserved areas and how few mental health work force members there are out in parts of the state. But while they're in those internships, ten interns can produce 7,000 to 8,000 patient visits that would be available to Nebraska citizens that would not otherwise be there. So while they're in those internships, they're helping with that work force shortage, they're helping increase the availability of mental health services in those areas. This is critically important, colleagues, not just to our education system and getting the young people mental health services sooner, it's also critical to our prison system. In many of our counties we don't have the diversion programs and the professionals necessary to help prevent folks from getting caught up in the legal

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system or to prevent them from going to jail. We'll be learning over the next few months more and more about the mental health deficiencies within our prison system, the fact that we don't have professionals in order to help prevent the issues that we're seeing. The state used to fund a lot more of these internships but over years they've been cut. Our state is one of the worst in the region in terms of mental health funding. And right now the only two state-funded internships are at BSDC and those, so those interns are only serving that particular population. This is a critical problem, one that we can continue to try to create programs and be innovative in terms of how to get mental health services to our population. But if we don't have the work force, we don't have the work force. This bill is a step in the right direction to making sure that we have the work force we need to get mental health issues treated properly within our state and in all areas of our state. With that, I ask for your support. [LB901]

SENATOR KRIST: Thank you, Senator McGill. Mr. Clerk. [LB901]

CLERK: Mr. President, Senator McGill would move to amend her bill with AM2033. (Legislative Journal page 617.) [LB901]

SENATOR KRIST: Senator McGill, you're recognized. [LB901]

SENATOR McGill: Thank you, Mr. President. This is a pretty simple amendment that would add physician assistants to the list of health professions that BHECN is required to analyze. When BHECN was created in response to safe haven and the demand for behavioral health/mental health services, a major task that the center was asked to carry out was to analyze geographic and demographic availability of Nebraska behavioral health professionals. After introducing LB901, several physician assistants from greater Nebraska asked for their profession to be included in the original language. This does not affect or in any way change the psychology internship program created under LB901. It does, however, expand the research requirements that have been established for BHECN since its inception. More data about the availability of access to healthcare professionals in different parts of Nebraska will give us a more comprehensive view of where we need improvement. I ask for your support. [LB901]

SENATOR KRIST: Thank you, Senator McGill. You heard the opening on the bill and the amendment. Those wishing to speak: Senator Dubas, Senator Lautenbaugh, and Senator Wallman. Senator Dubas, you're recognized. [LB901]

SENATOR DUBAS: Thank you very much, Mr. President. I stand in strong support of LB901 and the underlying amendment. I would encourage any of you, and especially senators who are in the more rural areas of the state, to visit with your schools, visit with your teachers and your administration, and ask them about the need for mental healthcare in their area and ask them about the types of issues that they're dealing with in the school that they are not equipped to deal with. Our teachers are not, nor should

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they really be, trained or equipped to deal with the types of mental health and behavioral health issues that they are struggling to help these children and their families with. And what does that mean to the overall ability to educate all of our children? What does that mean to their ability to maintain the order and the learning environment in their class? I mean, these teachers and administrators, many are just frustrated beyond measure in wanting to make sure that these children and their families are receiving the services that they need, at the same time recognizing their inability to deliver it. And so I would really encourage you to at least start in that area of your district and visit with these teachers and administrators and see why this type of service is so sorely needed. You know, and Senator McGill referenced the fact that we used to have more interns and over the years we have cut funding, and I think we are...I don't think, I truly believe we are seeing the outcome of those cuts in the fact that we have so many more needs than we have people with the ability to take care of those needs. And if you look at the fiscal note, and I know we're all looking at the fiscal note and we're all being very cognizant of what costs are, to me that's a very small investment and I think the return on that investment would be quite large as far as making sure that these children and families have access to the type of care that they need. And if we can reduce windshield time and other things like that, it's only going to come back and pay us dividends. Would Senator McGill yield to a question, please? [LB901]

SENATOR KRIST: Senator McGill, will you yield? [LB901]

SENATOR MCGILL: Yes. [LB901]

SENATOR DUBAS: Thank you, Senator McGill. And I know it's probably hard to quantify this, but what, you know, is it costing, as I said, in our schools, children, their inability to access this type of care? What is it costing us, versus what this internship program would cost us? Do you have any way to kind of (inaudible)? [LB901]

SENATOR MCGILL: Oh, man. I don't have specific numbers, or I know Senator Lautenbaugh wanted to know percentages, but it's remarkable. I know several of the kids who even were safe-havened a couple of years ago, they were needing one teacher's attention all day long just to deal with that super severe issue. But almost every classroom now has a child that's causing problems. As you've said, all you have to do is mention it to your superintendents and principals and they don't know what to do. Even here in LPS, where, you know, it's not as underserved as other communities, they've totally rewritten the book on their behavioral health program because it wasn't effective and it's burdening them in a way that they need better results. And so they're having to focus so much attention on that when really it's about educating, and it's just become a tremendous distraction. [LB901]

SENATOR DUBAS: Thank you, Senator McGill. And like I said, it's probably hard to really quantify those numbers, but all you have to do is go out and visit with these

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people. I know, visiting with one administrator last week and talking about how they are hiring specifically paraeducators for... [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR DUBAS: Thank you, Mr. President...you know, just for maybe one child or two children. And again, even these paraeducators aren't necessarily trained to deal with the mental and behavioral health issues that these children have. And so we're just clawing, trying to find ways that we can keep the learning environment where it needs to be and find help for these children because they can learn. You know, if children get the help for their mental and behavioral health issues, they can be...you know, find success in school, and ultimately that's a big part of their recovery and their remaining mentally healthy, as well. So again, looking at the fiscal note, this is just a very small investment and I think the returns we would see would be more than we could imagine right now, and I know we would hear that from our schools and administrators. So I strongly urge your support on LB901. Thank you. [LB901]

SENATOR KRIST: Thank you, Senator Dubas and Senator McGill. (Visitors introduced.) Returning to debate, Senator Lautenbaugh, you're recognized. [LB901]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I wonder if Senator McGill would yield to a question. [LB901]

SENATOR KRIST: Senator McGill, will you yield? [LB901]

SENATOR MCGILL: Yes. [LB901]

SENATOR LAUTENBAUGH: Thank you, Senator McGill. And we kind of touched on this a bit ago and with Senator Dubas' questioning, as well, but this is an issue of statewide concern. Is that your contention? [LB901]

SENATOR MCGILL: It absolutely is an issue of statewide concern. [LB901]

SENATOR LAUTENBAUGH: And you passed out a map showing that to be the case, is that correct? [LB901]

SENATOR MCGILL: Yes. [LB901]

SENATOR LAUTENBAUGH: Thank you, Senator McGill. I wonder if Senator Mello would yield to a few questions. [LB901]

SENATOR KRIST: Senator Mello, will you yield? [LB901]

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SENATOR MELLO: Of course. [LB901]

SENATOR LAUTENBAUGH: Thank you, Senator Mello. Last week we had a discussion that I'd like to continue a little bit. We were talking about education issues in general and I think you mentioned mental health issues as an issue facing teachers in the classroom. Do you recall that? [LB901]

SENATOR MELLO: Absolutely. [LB901]

SENATOR LAUTENBAUGH: And I think you'll agree, as Senator McGill demonstrated and asserts, and the map would attest, this is an issue of statewide concern, is it not? [LB901]

SENATOR MELLO: It is an issue of statewide concern, absolutely. [LB901]

SENATOR LAUTENBAUGH: And thank you, Senator Mello. Colleagues, we had a discussion last week and I had a little digression on a bill about school choice. And the problem...well, the bill wasn't about school choice. My digression was, however. And I agreed to stop speaking because I didn't want to chew up the whole morning on it. And after I agreed to stop speaking some things were said that I desperately wanted to respond to, but I didn't because I agreed to stop speaking. And so I stopped speaking, incredibly. Senator Mello, I wonder if you'd yield to a few more questions. [LB901]

SENATOR KRIST: Senator Mello, will you yield? [LB901]

SENATOR MELLO: Of course. [LB901]

SENATOR LAUTENBAUGH: Senator Mello, I think I...it was last Tuesday morning I'm referring to. Do you recall an occasion at the mike where you pointed out the differences between my legislative district and yours regarding the median household income, bachelor degrees, high school diplomas, GEDs, that kind of thing? [LB901]

SENATOR MELLO: Yes. [LB901]

SENATOR LAUTENBAUGH: What was your purpose in pointing out those figures? [LB901]

SENATOR MELLO: The issue more than anything else is that even within Omaha Public School Districts, which your district incorporates, which I would actually give you an updated...some of that updated census information that the Planning Committee received on Friday shows a wide discrepancy in regards to educational attainment, household income, and educational status between your northwest Omaha district and my southeast Omaha district. [LB901]

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SENATOR LAUTENBAUGH: Okay. Senator Mello, I guess my question is, since the statistics I was pointing out were statewide test scores versus national test scores, what was your point in pointing out the differences between my legislative district and your legislative district, both wholly contained within OPS? [LB901]

SENATOR MELLO: Because I think the reality, Senator Lautenbaugh, is that general demographics, both including educational demographics and income demographics, have a significant impact in regards to the quality of education children are receiving inside and outside of our public schools. As I mentioned last week on our dialogue on the floor, the fact that over 50...roughly 50 percent of the households in your district have a college degree, in comparison to the less than 12 percent in my district, has a dramatic impact in regards to the number of words that children are learning at a young age, which is proven by mountains of early childhood education research, amongst many other attributes we can tie to income and educational attainment levels. [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR LAUTENBAUGH: And is it your impression that the disparity between my legislative district and your legislative district is having a huge impact on our state's performance vis-a-vis the national average? [LB901]

SENATOR MELLO: Well, I would say the number of schools in my district that, one, are...have been designated as persistently low-achieving schools does have an impact in regards to test scores in the sense of their test scores being lower than the test scores in your general legislative district. So they would have an impact statewide in the sense that they would bring down the statewide test scores lower, in theory. [LB901]

SENATOR LAUTENBAUGH: Thank you, Senator Mello. I think you have demonstrated there is certainly some sort of a cognitive issue in your district. Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Lautenbaugh and Senator Mello. Those still wishing to speak: Senator Wallman, Campbell, Howard, Mello, and Lautenbaugh. Senator Wallman, you are recognized. [LB901]

SENATOR WALLMAN: Thank you, Mr. President. Good morning, Nebraskans, fellow colleagues. I want to thank Senator McGill for bringing this forth. And I think this will save us money in the long run from prisons and all these things and actually get people out where we need them. Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Wallman. Senator Campbell, you're recognized. Good morning. [LB901]

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SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. I, too, stand in support of the amendment, as well as the underlying bill, and want to indicate that we had a very good hearing on Senator McGill's bill. And it underscored the fact that Nebraska is among all of the other states across this country who are seeing a work force that will need far more professionals to deal with the mental health problems ahead. But Nebraska is taking steps to deal with that work force issue, and Senator McGill's bill is a very good one. I want to remind my colleagues that BHECN came into being during and after the discussion of safe haven. And the task force that Senator McGill chaired brought recommendations forward and one of the main parts of LB603 that was a culmination of the efforts after safe haven, was that BHECN began its outreach across the state of Nebraska to assist with mental health issues. They provided conferences. They provided direct assistance to healthcare professionals across the state. And I particularly remember a hearing where BHECN talked about a nurse in a very small, rural area who had sought to find some assistance and help her with a client. And she reached out to BHECN and they were able to give her some education and some background materials that helped her as she worked with the patients in their clinic. BHECN is a very important aspect to what we tried to bring about for work force in the state of Nebraska and it will continue to provide assistance to mental health professionals across the state. One of the testifiers who was a postdoctoral student at Munroe-Meyer made this quote: My experience working in clinics in Omaha and growing up in Ashland have highlighted for me the need to expand services across Nebraska. This need is certainly more prevalent in rural Nebraska, and retaining psychology professionals with ties to Nebraska could be a step to meeting critical behavioral health needs across our state. Colleagues, I would certainly urge your support of the bill and this amendment. Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Campbell. Senator Howard, you're recognized. Good morning. [LB901]

SENATOR HOWARD: Thank you, Mr. Speaker...President. (Laugh) I rise in support of LB901 and the underlying amendment. I work at a federally qualified health center in south Omaha and one of the things that really excited me about this piece of legislation was that it's supporting psych internships where interns are learning about integrated primary care and behavioral healthcare, which is something that we haven't really talked about as a body before, but it is part of the changing face of mental healthcare in this country and in this state. Nebraska is poised to be a leader in integrated behavioral healthcare and this legislation is really going to move us closer to that goal. Integrated behavioral healthcare is just that. When you come for a primary care visit, your primary care provider will ask you a few questions about your mental health status, pretty easy ones, like: Have you been sad every day for the past seven days? Have you wanted to do self-harm in the past week? Things like that, and if you answer yes to them, then when your primary care provider is done addressing your physical health needs, they'll

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conduct what's called a warm hand-off, and they'll bring in a mental health provider directly into the room to talk to you about your mental health status and conduct a brief intervention. This is something that works incredibly well with patients who don't have a lot of time to take off from work, who are having challenges getting back into the doctor multiple times, and it turns healthcare into the one-stop shop that it is evolving into. As we talk about primary care medical home, as we talk about accountable care organizations, integrated behavioral healthcare and competent clinical psychologists who are able to practice in that setting are critical to the evolving role of healthcare in our state. And so I'm very excited about LB901 and I urge you to support the underlying amendment and the bill itself. Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Howard. Senator Mello, you're recognized. [LB901]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. Colleagues, if you look at the fiscal note on LB901, you'll see that there is a fiscal estimate both for the remainder of this biennium and the next two years of the next biennium ranging from \$274,000 that would impact the General Fund this year...this biennium, and then translate into \$317,000 the first year of the next biennium and \$548,000 the second year of the next biennium. I've spoke with Senator McGill. If the body moves LB901 to Select File, there will be an accompanying A bill that Senator McGill will bring to the body to move it along with LB901 since this really is an appropriations-related bill to the university. Senator McGill also expressed to me off the mike that, to ensure that this works within our bigger framework, that the Legislature needs to consider moving forward, that this is a bill that obviously has some flexibility in regards to appropriations in respects to appropriating funding to the University Medical Center to pay for these internships for the psychologists. So with that being said, it is a statewide issue of trying to beef up our mental health work force. It's something I think merits further debate, further consideration. It's something...I think it's obviously not a considerable amount of money that Senator McGill is asking to be appropriated for this particular internship program, but it is something we need to be cognizant of as we develop our final packages for the floor. In respects to Senator Lautenbaugh's, all I can say is, unfortunately, disrespectful comments at the end of our last floor dialogue, the reality is people in high-poverty areas face different challenges than people in high-income areas. If Senator Lautenbaugh feels that that's not the case, then that's fine. We can have policy disagreements. But the reality is, to say that children in my district have a cognitive problem because their household income is a third of what the household income in Senator Lautenbaugh's district is, or the fact that there's more people with a college degree in regards to Senator Lautenbaugh's district than there are people who have...or almost the same number of people in Senator Lautenbaugh's district who have a college degree as the number of people with a high school degree in my district, to try to lay blame on...saying it's a cognitive issue is...I want to be respectful here. It's disrespectful, I think, to Nebraskans and it's disrespectful to this body to make

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claims like that, Senator Lautenbaugh. I think we can agree to disagree the fact that we may be coming at public education reform differently. But the reality is demographics have a significant impact on test results. If I need to spend the next day going through district by...school-by-school test results in my district in comparison to yours, I know I can show that your high-income area of northwest Omaha has a better result than the lower-income areas of south Omaha. And the reality is research shows that has a dramatic impact on test results. I'm not saying it's the only impact on test results, as we both agree there are significant other areas we can agree on to focus on--teacher preparation, teacher evaluation, principal education, principal leadership, a variety of levels. But for you to make an unfortunate statement like that in respects to the fact that demographics and census information doesn't...it's not really debatable. That's what it is. LD 18 makes considerably more money, has a considerably higher rate of college graduates, and an extreme low rate of people who don't have a high school diploma, directly in comparison to my area in southeast Omaha. That has a dramatic impact when you're talking about working families, Senator Lautenbaugh, who are making less than the median household income, of trying to keep a roof over their kid's head, of trying to keep food on the table, of trying to take care of their obligations. For you to make a statement like that is not only unfortunate but it's troublesome. The reality is, if we want to reform public education and reform our schools,... [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR MELLO: ...there is a variety of ways to do that. But to attack low-income parents, to attack people who don't have the education for one reason or another and they're the reason that our education system has challenges or the reason that their children are not performing on standardized tests, which we could debate for years about, that's not going to solve any problems. If you really want to have a conversation, pull me off the mike and we can talk about it. Otherwise, I'd appreciate you simply acknowledging that that statement was unnecessary and it was demeaning to the kind of decorum that we should not be talking about constituents on the floor that way. Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Mello. Senator Lautenbaugh, you are recognized. [LB901]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. And I do want to clarify my comments, Senator Mello, because I don't want to be misunderstood. The cognitive difficulty here seems to be yours, not your constituents', yours, wholly localized at your microphone and nowhere else. What I said when we first started talking about this was that poverty is an issue but it's surely surmountable. And I started talking about a school out in Grand Island that routinely gets great results despite a high prevalence of poverty. And lo and behold, there was just an article on the front page of the World-Herald yesterday about that very principal and that very school. And the

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headline was: no excuses, they get great results. And by gosh, our new Education Commissioner is going to go out there and have a look and see what they're doing. Thank goodness. I can represent to this body, if we hadn't had these discussions, that article wouldn't have appeared and I don't know if that visit would be happening. And that's kind of shocking in and of itself. But leaving that aside, Senator Mello, your first comments at the mike were to say that this is some conservative talking point about how poverty isn't an excuse. Well, that principal, I don't think, is part of some right-wing conspiracy. And then, Senator Mello, you stood up there and talked about how my wealthy district compares to your not-as-wealthy district, as if that had any relevance to our statewide scores that I was talking about, because you are again obfuscating and denying the fact that our test scores are not keeping pace with the nation's. So, no, my comment was directed specifically at your comment because you will not discuss this honestly and you are trying to confuse and you are trying to obfuscate and you are trying to play the class-envy card and you were trying to talk about how somehow it is unfair to expect performance across the board, across the state, everywhere, despite the fact that the evidence was on the front page just yesterday, available for all to see. And you want to talk about outcomes in my district, versus your district, which has nothing to do with our statewide performance. And I'll not apologize for pointing out the disingenuousness of that attack last week because it was class envy. It wasn't meant to demonstrate anything else. And I will tell you one thing. You talked about the differences in high school diplomas and graduation rates. Well, my parents certainly didn't have a college degree, but I do. I actually come from your district. I actually come from your district. So when you play the class-envy card, it rankles, it really does, because I don't come from wealth. And it makes me mad when I hear people say, well, you have to take into account these differences in background. Well, that principal out in Grand Island seems to find a way, and thank goodness someone is going to go look now and see what she's doing. Someone is finally going to go look. And we heard the litany from you last week, saying, we can't talk about education reform unless we talk about Medicaid and mental health, etcetera, etcetera, etcetera, we can't talk about anything to improve education unless we talk about every problem in a child's life. That's a prescription for doing nothing, folks, nothing, because if you think we're going to reform everything this session, you're not being realistic. What we're going to do is what we usually do--tinker around the edges, call it action, and move on. And when someone stands up and says, I'm in favor of education reform,... [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR LAUTENBAUGH: ...as long as we reform healthcare and all the mental health issues and income disparity and end poverty, then that person is not serious about having a conversation. And when I throw out statewide education results and that person wants to say, hey, look, Senator Lautenbaugh comes from a wealthy legislative district, which really isn't terribly true, compared to my legislative district, you have to wonder what the motives are. You have to wonder what the motives are because that's

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not someone who wants to have an honest discussion about reform. That's not someone who cares about test results. That's not someone who is going to say, my own constituents can perform well. That's not someone who misunderstood what I said this morning. If there is a cognitive issue, again, it is not with the constituents. It is with someone who is standing up and apologizing for a system that isn't getting the results it could. [LB901]

SENATOR KRIST: Time, Senator. [LB901]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Lautenbaugh. (Visitors introduced.) Returning to debate, Senator Sullivan, you are recognized. [LB901]

SENATOR SULLIVAN: Thank you, Mr. President. And good morning, colleagues. First of all, I'd like to stand in strong support of the amendment and the underlying bill, LB901. Looking at the map that Senator McGill passed out, all of the nine counties in District 41 are not served currently by a psychologist. So I have great hope for what this bill might do to correct that void. To that end, I had asked Senator McGill, off the mike, in the bill, in the explanation of it, it talks about the fact that after the many rotations for the interns, they will have a primary placement in a primary care delivery site. She indicated that BHECN will be instrumental or will identify those primary care sites and I just put a shout-out in one respect that, you know, we have some great regional health centers in rural Nebraska that cover multicounty areas. And if done right and strategically placed, these interns then could, as I said, fill this void that exists with psychologists not being able to serve really critical needs in rural Nebraska. So I just say that for the record, that I hope that they will take that into consideration as they're making those placements and identifying those primary care sites. But I did have one additional question for Senator McGill if she would yield. [LB901]

SENATOR KRIST: Senator McGill, will you yield? [LB901]

SENATOR MCGILL: I will. [LB901]

SENATOR SULLIVAN: Thank you, Senator McGill. In addition, on the explanation that you gave with...about the bill, it talks about the fact that a intern will receive supervision on a regular basis, individual, but then it goes on to say that there will be supervision on a group basis at all sites via distance technology. Do you have any idea at this point how that might work? [LB901]

SENATOR MCGILL: Well, yeah. I'll clarify again that their home location, each will be a shortage area and have...but have two practicing psychologists there to personally oversee the work that they're doing. The distance learning, I mean, it's the same way

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that distance learning or telehealth is used now. This bill's fiscal note does include funding for a program doctoral coordinator, 50 percent of that person's salary, so that one person is in charge of monitoring these interns across the state. [LB901]

SENATOR SULLIVAN: All right. Thank you for that explanation. And secondly, before I close, I wanted to make a few references to comments that Senator Lautenbaugh just made. First of all, I know he's genuinely concerned about education in this state, and I certainly appreciate that. I am too. I'm passionate about that and I know that Dr. Blomstedt is too. While he may...and I haven't had the chance to read the front page article of the World-Herald. And I applaud him for going out to see what's going on in Grand Island. But I'm quite sure it's also not directly as a result of that article in the World-Herald. Dr. Blomstedt, too, shares a passion for seeing all students in this state succeed and he's committed to achieving that. And getting back to what Senator Lautenbaugh often refers to as the need for educational reform in this state, reform often gives the connotation that we have a broken system. Folks, I applaud all the hard and good and valuable work that educators are doing all across this state. We have some great things going in Nebraska schools. I've been to Lexington. I've been to Crete. I've been to OPS. There are challenges, to be sure. Are there needs out there being unmet? To be sure. But are there educators wanting to correct those things and make improvements and make a difference? Yes. And I will also ask you, colleagues, to join me in what will... [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR SULLIVAN: ...hopefully be the bill that we will discuss here on General File and ultimately to its passage is LB1103, which is my visioning bill for education in this state. That asks us to embark on a journey not necessarily to reform education in this state, but to look at it and to ask ourselves deeply and passionately, what is our vision, what is our goal, what do we want education to look like in this state, and identify priorities and goals for achieving that. And I think if we continue on the good path that we are on, we will not only succeed in that, but we will become a model for other states. So again, getting back to Dr. Blomstedt traveling out to Nebraska, to Grand Island, I know he will, and I'm quite sure I'm going to, too, because we will continue on this path to improve education in Nebraska. Thank you. [LB901 LB1103]

SENATOR KRIST: Thank you, Senator Sullivan. Senator Chambers, you are recognized. [LB901]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm not going to get into the debate between Senators Mello and Lautenbaugh. Both of them are grown and totally capable of tending to their own onions. But I have some very great concerns about excuses that have been made in OPS and, in fact, every school district in this country where nonwhite children attend. They don't want to say anymore, even though

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they treat us that way, that if you're not white you are genetically inferior, and since water cannot rise above its level, there are certain things we don't expect from you; as a result, we're not going to equip the schools because it would be foolish to put books in the hands of people who don't know how to read and cannot learn to read. It would be foolish for us to take the teachers with the better qualification and put them in a setting where, no matter how they strive, the children are so genetically inferior it's like pouring water out in the street. But the problem is they can't account for people like me. If we are genetically inferior, I share the same genetic pool of all of those black children who are considered incapable of learning. The Legislature is, in a way, a super debating society with a very critical and crucial difference: We are able to do something about the issues that we debate. If we don't do it after showing that we understand the nature of the problem and the types of things that ought to be done to properly address the problem, nothing is done for the reason that there is no will to do it. By the way, I support this bill. Mental health is something which needs to be discussed and emphasized all the time. That article I handed out is dated sometime in 2006 and it was in USA TODAY. There have been multitudes of articles written about the work that I have undertaken in the realm of education and other fields. But the main point being made in that article is that I was seeking to do what white people have always done and taken for granted, and that's to provide some local control to the people in the areas where their children live and go to school. White people insist on that. That is America. So to deny it to black people is to say that we're not a part of America. So don't talk about a black person playing the race card. You all play it by the things you do and the things you withhold from us. You would not sit back and allow the type of intellectual genocide occurring in the schools where the majority of black and other nonwhite children attend. You wouldn't allow it in white schools. You don't need to go around the country, you don't need to go around the state, you don't need to go around the city, you don't need to go around the neighborhood to ask people, what do you think the schools should do? Those in education know what the schools are supposed to do. They are to do one thing and one thing only. That is educate the children who are sent there. But with all of the articles I read in the newspapers, except the one Sunday,... [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR CHAMBERS: ...all of the editorials written, it shows me once again the white media are of, by, and for white people. They have white reporters. White reporters see things through white eyes. They work for a white newspaper. They appeal to a white audience. And they write insulting things routinely in their articles when they don't intend it, perhaps, but they are ignorant and they will not go through the steps necessary to cure that ignorance. So their paper is branded as a white racist operation, and it probably is. But some of it is based on the ignorance of the reporters who don't know the subject that they write about, but they're not required to know about it. When it comes to us who are not white, there is no expectation that we can do anything. So if a sloppy, slipshod, slapdash article is written, par for the course, because that's the way

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they view us. [LB901]

SENATOR KRIST: Time, Senator. [LB901]

SENATOR CHAMBERS: Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Chambers. Senator Mello, you are recognized. [LB901]

SENATOR MELLO: Thank you, Mr. President. Members of the Legislature, I'll do my best not to incite further debate on what I think is a good bill in front of us, LB901, trying to move that along to Select File. Senator Lautenbaugh did mention the school in Grand Island, which there was a story about in yesterday's Omaha World-Herald that walked through a little bit of what's different with this elementary school in Grand Island in comparison to other aspects of other high-poverty schools. The article pointed out a couple things that should be noteworthy in regards to a discussion of educational reform, quote, unquote, as what Senator Lautenbaugh wants this body to consider long term. Two-thirds of the teachers at this elementary school have a master's degree in comparison to half statewide. If we want to talk about teacher instruction, having two-thirds of your teachers having a master's degree has a fairly big impact in regards to that ability for that child to learn from the best and the brightest in the sense of having the most up-to-date instruction and experience as an educated, experienced teacher. The other component is they actually had 17 years' average in regards to their career experience as the educators at this Grand Island school, in comparison to 15 years statewide. One other aspect is it talks about education reform that doesn't really necessitate a bill in the Legislature and/or long floor debate, I would say, is the fact that this elementary school in Grand Island spends roughly 70-75 minutes per day on daily math instruction. That's in comparison to 60 minutes per day in Omaha Public Schools. Those, colleagues, are three concrete areas outside of charter schools, outside of independent schools, outside of acknowledging and addressing the fact that there is poverty and that that has an impact in a child's ability to learn and a child's ability to learn outside of the school. Those are three concrete things that were relayed in this Omaha World-Herald article yesterday. Teachers have more education, more experience, and spend more time in the classroom teaching math. That is how you get better test scores. That's not rocket science. That's not the need to throw the baby out with the bathwater, and I'm not saying it is. But those are concrete best practices that Senator Lautenbaugh has been asking for. What seems to be the problem? If OPS is listening, those are areas right there we can address, let alone the leadership of that principal who walked through in the article a variety of ways that she felt demonstrated a new vision for that elementary school. One thing that we haven't heard about, Senator Lautenbaugh didn't discuss today in regards to my cognitive ability to understand the difference, apparently, between poverty and nonpoverty and how that's an excuse or not an excuse is the examples that the World-Herald article laid out by not just the

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Parent Teacher Association but other aspects of how this school is doing better: focusing on each child's needs; hiring experienced, highly educated teachers; teaching a solid math curriculum with extra emphasis on memorizing math facts; assigning homework and holding kids accountable for getting it done; analyzing test data to target instruction; impressing on kids that tests matter; using a team approach that enlists everyone, including the janitor and the lunch lady, in helping kids learn; building an effective Parent Teacher Association; guarding against interruptions to math and reading periods. Colleagues, right there are some best practices that we know schools across the state are utilizing. The reality is you have a very good example of a high-poverty school that has utilized all of them in respects to leadership from the principal, experienced and more tenured faculty and instructors, as well as looking at curriculum and instruction in a different way. That's not an independent school. That's not a charter school. The reality is they've able to show different ways of going...the Parent Teacher Association president interviewed said at their school carnival, instead of auctioning away prizes, they auctioned off a bed for a child because that's what the parents said they needed to get their kids a better night's sleep to learn in the classroom. [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR MELLO: This is a more difficult issue than simply standing on this floor saying our schools are failing and we need education reform. And those who simply acknowledge, really acknowledge the impetus of poverty and generational poverty as part of the challenge, they just don't want to do anything. No. I'd like to see all...these examples in best practices should happen in every school in our state so let's do it. Let's hear what the schools are going to say will be the impediment for them to do this. I'm willing to bet, colleagues, part of it is going to be money. But that's something that some people don't want to acknowledge, that we're going to have to pay master's teachers less than we would a teacher with simply a bachelor's degree. I look forward to this ongoing dialogue with Senator Lautenbaugh, Senator Sullivan, and others. We have a lot of improvement we can do. But, colleagues, there are good, proven best examples and best practices that schools are using. We simply need to find a way to get more schools to utilize those best practices, like you see in the article in Grand Island. Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Mello. Those still wishing to speak: Senator Kolowski, Kintner, Chambers, McGill, and Lautenbaugh. Senator Kolowski, you're recognized. [LB901]

SENATOR KOLOWSKI: Thank you, Mr. President. I stand in support of LB901 and the amendment, AM2033. I also reflect back on a 41-year career in public education where in the Omaha metro area we saw resource after resource in psychological services dry up and blow away over my career. The pressure upon the public schools, the challenge

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we have with certain students, and the difficulties they are having in their personal lives had to be addressed in depth by the districts with very little resources or very little support services coming from the outside as those disappeared from the Omaha community. So I totally support what we're doing here. And it's not just the blank spaces on this map that you see but also the dark spaces that need more help where the population is and where these problems are so prevalent. My second point is very simple. When we're talking about this kind of support for the schools and trying to make the change in the schools, I hope we'll continue to think in terms of whole child and whole family. The charge from the learning community is to look in that direction as they're working with the youngest members of our school communities, and they are touching on and putting into place programs that will deal with the whole child and the whole family, and psychological services when needed is certainly a part of that. The third point has been talked about this morning by both Senator Lautenbaugh and Senator Mello as they address the issue of leadership. I've said it before and I'll keep on saying it as long as I'm here: The principals and the teacher leaders in those buildings are making a difference in Grand Island, in Omaha, in Millard. Any district that you can name out of our 249 districts in the state are being led by good leadership in certain places that are truly making that difference. We know what needs to be done. We know those best practices. Again I say, do we have the will to make it happen? Do we have the will? And it's all about improved student performance. We take our eyes off that target and forget those best practices and let the leadership slide, you'll get mediocre results. Thank you, Mr. President. I'd give the rest of my time to Senator Chambers if he'd like it. [LB901]

SENATOR KRIST: Senator Chambers, you're yielded 2 minutes. [LB901]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Kolowski. Members of the Legislature, I was touching on the fact that there's one thing the schools are to do, and that's to educate. Let's say that we have a very rich person, like "Professor" Schumacher, and we have a (singing) man of means, by no means, such as myself. Senator "Professor" Schumacher runs into a telephone pole in his Lamborghini and he suffers a cut to his head. I run into a pothole in my Honda and I suffer a hurt knee. So we both go to the hospital. Hospitals are a place of healing. And if they cannot heal, they treat to the extent that they can. They are not to look at "Professor" Schumacher and say, he was injured in a Lamborghini and old Chambers there was injured when his car hit a pothole. Their job is to apply that healing art which they are masters of, or should be, and treat both of us based on the injuries that we bring, not the social status, the income, or anything else. [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR CHAMBERS: Teachers are to teach children. And if it were not for the fact that there are so many child abusers in the schools and a tendency to sexualize even

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children, let them all come to school naked and no signs or outward appearances of what their parents make, the social group to which they belong, or anything else; and to protect black children they are all naked, except for the sheet that covers them from head to toe, except for eyeholes. Then I bet you'll see a difference in the way those children are taught because the teacher is going to be told: You have an obligation to teach every child in this room; and we can tell you this much, every child given to you has the capacity to learn what it is your duty to teach at this level. [LB901]

SENATOR KRIST: Time, Senator. [LB901]

SENATOR CHAMBERS: Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Chambers. Senator Kintner, you are recognized. [LB901]

SENATOR KINTNER: Thank you, Mr. President. I really just have a few questions of Senator McGill if she will yield. [LB901]

SENATOR KRIST: Senator McGill, will you yield? [LB901]

SENATOR MCGILL: I'd be happy to. [LB901]

SENATOR KINTNER: And these are questions that I could have asked you off the mike, but I figured, well, maybe if I'm not exactly sure, there may be a few other people. These interns are already in an established Psy.D. program. Is that correct? [LB901]

SENATOR MCGILL: Yes. [LB901]

SENATOR KINTNER: And they will intern in our state, is that correct? [LB901]

SENATOR MCGILL: Yes. [LB901]

SENATOR KINTNER: If we did not do this program, where would they intern? [LB901]

SENATOR MCGILL: They would intern...it's almost guaranteed they'd be interning in other states because they're required to do an internship but our state just doesn't offer very many. [LB901]

SENATOR KINTNER: So if we weren't doing it...are you saying that our state does not have enough interns? [LB901]

SENATOR MCGILL: Yes. [LB901]

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SENATOR KINTNER: Or internships? [LB901]

SENATOR MCGILL: Internships. [LB901]

SENATOR KINTNER: Internships. [LB901]

SENATOR MCGILL: I mean there are students here who then go...during testimony, during the hearing, one young woman talked about one of her friends who went to Tennessee for her internship and stayed put there and never came back to Nebraska. [LB901]

SENATOR KINTNER: So we're going to create these internships. What kind of...tell me about, when we create them, what will they look like? I mean, how...would they be at hospitals or how would we create these? [LB901]

SENATOR MCGILL: They'll be in integrated mental health...integrated health centers. So I passed around a map that shows where underserved areas are and on the backside there's a pretty decent description of the program. But as Senator Howard spoke on earlier, what's really unique about this isn't just creating internships but making sure they're in locations that are integrated with physical health so they're learning the most modern, best delivery form for mental health services, and that's in physicians' offices. They'll be going to medically underserved and rural areas. So there's all kinds of data that are used by BHECN to determine what those areas are and they'll be placed in a center where there are at least two psychologists that can supervise them personally. But then say that's in North Platte. They will also then have the ability to use telehealth to help with other cities in the North Platte region, you know, so...or in any...some of these other underserved areas. I had a bill last year that helped increase the ability to use telehealth. And so while they may even be located in a population hub within rural areas, they'll be able to use telehealth to reach more, a greater population. [LB901]

SENATOR KINTNER: So it seems to me the two big benefits are that we keep these professionals that are going to be Psy.D.'s or have a Psy.D. degree in our state, and we help with some of the mental health programs as their interns. Is there...are there any more? [LB901]

SENATOR MCGILL: Exactly, yeah, those are the two big benefits--getting them in rural Nebraska or underserved areas, creating that bond and relationship so hopefully they won't leave when their internship is over or at least be much more likely to stay. And then they'll be able to serve...well, they'll be able to provide 7,000 to 8,000 visits from Nebraskans that otherwise wouldn't happen. [LB901]

SENATOR KINTNER: Thank you, Senator McGill. I appreciate that. I was coming in and

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out while she...there was...she was talking about that and I thought I had heard little bits and pieces. I'd like to yield the remainder of my time to Senator Chambers. [LB901]

SENATOR KRIST: Senator Chambers, 1 minute and 20 seconds. [LB901]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Kintner. This is one of those times where every second that I get I will use it. Since we've embarked on this journey, I think it's worthwhile for me to say some of the things that I think need to be presented. Much of what I've done before I got to the Legislature, since I've been to the Legislature, when we're in the interim period... [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR CHAMBERS: ...of our terms, I'm doing things other than what would be considered strictly legislative work. The problems of the people I am concerned about do not begin when this session starts and end when the session ends. It is an ongoing thing and my efforts are interrupted by having to do what I do in the Legislature. But since I voluntarily came here, that is the obligation that I have to discharge, and I do it the best that I can. But in the process I'm not going to overlook or let go by, uncommented on, other issues that would, but for what is said on this floor by some of us, would never be seriously considered or considered in depth. Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, you are recognized. [LB901]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I was giving a talk out in Norfolk. I used to go out there on a somewhat regular basis and there were many times...not many. There were several times people--always the audiences were all white--would holler something very insulting. And one guy got very upset with some things I was saying and he said, why don't you go back where you came from? I said, well, I was born in America, as you probably were, but if we would go back where both of us came from, we would link arms and go back to Africa because that is where the human race originated, and they discovered that by tracing mitochondrial DNA. This is the...well, I don't want to get off and take too much time. But it is found in females and they can trace Eve's, if there was an Eve, back to Africa. Now what does that have to do with anything? For somebody of my complexion it has everything to do with everything. When we are talking about immigration, those who support it will talk about how...the way certain Europeans came here, stole the land from the Native Americans, sent smallpox-infested blankets among them--in fact, I think the general's name was Amherst; I don't know if Amherst University was named after him--but all the horrible things these Europeans did and how down through the ages there were other whites from Europe who came here. Some were not welcome, like the

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Irish, because they were Catholic--strike one--they were ignorant--strike two--they were poor--strike three. And that's why in the windows of establishments you saw the letters N-I-N-A--no Irish need apply. And ready made for the racists in this country was to set up a conflict. Black people who, even during slavery, were free in certain places were seen by the Irish to be competitors. So the Irish were some of the most virulently racist people in this country, and they came here not wanted. My ancestors are the only ones who came here against our will. We were dragged here. We didn't come on the Mayflower. We were dragged here in chains. That would give the impression that people must really love us, huh, to force them to come here. You all came here running from someplace else, and we get treated worse than anybody. What our history comprises is absolutely essential to us and to our children, but it is not taught in the public school system and it will never be taught in the public school system. Some of us are smart enough to observe a situation when we enter it and it involves white people. When I went to Creighton, there were white people everywhere--here a white person, there a white person, everywhere a white person, white person. The nuns were all white; the priests were all white; the teachers were all white. When I took...I wound up in an honors English class. Can you imagine that? I graduated from Tech High, which was not considered an academic high school. They thought that I was given a wrench, a screwdriver, a pair of pliers, and put under the hood of the car and told to go tinker. Well, see, when I went to Tech,... [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR CHAMBERS: ...black people couldn't even get jobs as auto mechanics. You all take a lot for granted. That's within my lifetime. So when I took that entrance exam at Creighton, people were shocked at the grades that I got. They were so high I wound up in their honors English class because I read a lot. I didn't trust my teachers. I had a very bad experience with a teacher in grade school, so I didn't trust what white people told me. But every class I ever went to there was a textbook and I read the textbook. So when I was in English, honors English, I didn't attend the classes. I attended some at the beginning to get an idea of what the professor was. His name was Paul Smith. He was a Jesuit. And he didn't care whether I came to school or not. You know how I studied? I knew that the teachers taught down to the students. So with all of the reading, I spent time in the library... [LB901]

SENATOR KRIST: Time, Senator. [LB901]

SENATOR CHAMBERS: Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Chambers. Senator Lautenbaugh, you are recognized. [LB901]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body.

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[LB901]

SENATOR KRIST: And excuse me, Senator Lautenbaugh. This is your third time.

[LB901]

SENATOR LAUTENBAUGH: Okay. Thank you, Mr. President. And this is the last time. Senator Mello and I keep doing that. We both keep telling each other when we're going to quit so we can let the person, the introducer of the bill that we're speaking on, know that we're done when we're done. But this is an important disagreement. Senator Mello did stand up and read all the things from that article, all the things that are happening in that school. And that article is not exhaustive, but those are the things that the author of the article pointed out. That's what that unique school is doing. There are other things. But the teachers have master's. But it matters what kind of master's. Are they master's in the areas in which they're teaching, or did they go back and get their master's in administration so they can advance into administration? And does that do any good in the classroom? I believe the answer is probably no if that's the kind of master's you go get. Experience is great, but it depends on the kind of teacher that has the experience, too, because sometimes you burn out. We all get letters. Let me read a letter I got. Senator Lautenbaugh, I've been an elementary educator in the Omaha Public Schools for at least 30 years now. We do many great things in our OPS schools in trying to meet the needs of so many students and parents. Having said this, I want to tell you I support your efforts in creating charter schools, primarily because I believe that our district is too large and complex to truly meet the needs of all our individual students. Among our many professional and caring educators we have even more ineffective teachers and administrators that hide within our complex system without having to become truly engaged in the lives of our students. If our system were smaller and more manageable, I think all administrators and teachers would have to more fully commit themselves to the families they serve or leave the profession. Thank you for your efforts in creating charter schools and feel free to contact me if I can be of assistance. I did contact her. I said, thank you for your letter; the best thing you can do would be to come down and testify but I wouldn't recommend it unless you're near retirement. And she said, I only have...I have three years left, I can't do that, but I wish I could. I wish she could, too, because many of the things that Senator Mello discussed that's making that school success...and again you'll hear he didn't mention poverty. That's the whole point. That's why I'm hammering on this, because my disagreement with Senator Mello was that he seemed to be saying that I wasn't acknowledging that poverty is a problem in education. It certainly is, but it can't excuse failing to educate these kids. And this school puts the lie to that. This school demonstrates you can succeed. And he listed a bunch of things and said, OPS could do these things, any school could do these things. Then why aren't they doing these things? Because we all know how large institutions work; and we all know what happens in large institutions; and we all know that they don't all have good principals; and we all know that it isn't easy to make changes; and we all know that it isn't easy to remove people who sometimes need to be removed and to keep the eye on

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the ball; and sometimes the focus wanders. And you can say we should dedicate this much time to math and reading, but, gee, maybe we should start dedicating it to other things too. And all of a sudden we're talking about things that have nothing to do with actual education. And all of a sudden we have people involved who may not be as good at it as others, but, gee, we just have to keep them around a little while longer. And sometimes they're not doing so well at this school, well, gee, we're going to transfer them to another school. We all know how it works, and it does no good to say the public schools could do this if we know they aren't doing it. He's 100 percent correct. There's nothing magic going on at that school except that they're doing it, and that's what makes them unique. And if any of you believe that the public schools are all going to suddenly start emulating that school because we wish it, you're wrong. [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR LAUTENBAUGH: They won't do it because we wish it. They'll either do it because we, on the one hand, mandate it, or, on the other hand, provide examples of independent public schools that are doing it, and we shame them into doing it. We shame them into doing it with success elsewhere. Wishing isn't a policy. Hoping isn't a policy. We can't tolerate failure any longer. We shouldn't tolerate failure any longer. We shouldn't count on people to emulate that successful school when they haven't to date. It isn't magic. They need a shove. They need an example. Sometimes they need to be shamed into doing it by having an example right there in the community showing the excuse isn't an excuse. That's the point of reform. Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Lautenbaugh. Senator Gloor, you're recognized. [LB901]

SENATOR GLOOR: Thank you, Mr. President. And as much as I enjoy listening to Grand Island once again being innovate in ways--in this case, that have to do with education--I'm going to speak to LB901 and the amendment, AM2033. Here's the issue, members. As we talk about healthcare, as we talk about healthcare reform, and we're certainly going to do an awful lot of that in the days that remain, we have some underlying issues that continue to be chronic and problematic for it, and that has to do with work force issues in healthcare. Regardless of whether the Affordable Care Act exists or existed, we've had these problems for years in the past. And one of the problems is we're a small state and there is a limit in the places that students, after they finish their undergraduate degrees, can go on to get the appropriate internships, residencies, or fellowships in healthcare careers. There just is. We don't have enough healthcare entities, organizations to do so. And we know this inherently because we've either had children or friends of children who perhaps finished medical school and went off for residencies or fellowships and had to leave the state. And when they leave the state, they experience other states--clearly, not states as wonderful as the state of Nebraska--but they meet someone, fall in love, get engaged--nice ring, Senator Bolz

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(laughter)--get married, and they stay there. And the extent to which we can keep people in this state of Nebraska for training programs is in direct relationship to our ability to address some of our own homegrown and home-educated, up to a point, Nebraskans who would like to stay here. But things happen and when they leave the state we lose connection with them. There's a program that some of you may know about, a rural health education program where several healthcare programs, through the University of Nebraska, send their students out to rural communities because, to the extent we're worried about losing students to other states, rural Nebraska is worried about those students staying in the Omaha and Lincoln area to complete their residencies and not leaving Omaha and Lincoln to practice in rural Nebraska. It's the same concept, and we've been trying to address that for two decades. Two decades we've worked on some of these programs. This is just one more step, not a huge one, but a step down a path we've already set for ourselves, legislatively. We have supported bills like this in the past. We have tried to make sure that students from Nebraska, kids from Nebraska who would like to stay in Nebraska have every opportunity to do so. This moves in that specific direction and I would ask for your support of it because of that. I would also...and how much time do I have left, Mr. President? [LB901]

SENATOR KRIST: Two minutes. [LB901]

SENATOR GLOOR: I would like to know if Senator McGill would yield to a question. [LB901]

SENATOR KRIST: Senator McGill, will you yield? [LB901]

SENATOR MCGILL: Yes. [LB901]

SENATOR GLOOR: Senator McGill, would you explain to me how the physician assistants would fit into this because I don't understand quite exactly. I certainly understand the behavioral health piece. [LB901]

SENATOR MCGILL: Um-hum. [LB901]

SENATOR GLOOR: But for PAs, I'm not sure how the system currently addresses their need for intern training. [LB901]

SENATOR MCGILL: It actually has...this amendment doesn't have anything to do with the internship program. It just changes some current language in existing statute that you can find in the green copy, on page 3, that instructs BHECN on how to develop their numbers on what is an underserved area. And so they list the different types of professions that they should be looking at, the green copy, or the current statute is psychiatrists, social workers, community rehabilitation workers, psychologists... [LB901]

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SENATOR KRIST: One minute. [LB901]

SENATOR MCGILL: It lists a bunch of professions and for whatever reason, physician assistants and how many there are across our state was not included in that originally. [LB901]

SENATOR GLOOR: Thank you, Senator McGill. Now I understand and clearly that's a small amendment, but an important one, because physician assistants are important for us as it relates to primary care. And to the extent that we're better able to track where they are or where they aren't is a plus for us as we continue to try and address our healthcare work force issues within the state. Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Gloor and Senator McGill. Senator Chambers, you're recognized, and this is your third time. [LB901]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, at first I wasn't going to say anything on this bill. I support it. I'll vote for it. I'll vote for the amendment. But I could die before tomorrow. Let's not hear the applause. I didn't say I was going to. I could, and that might be hopeful applause. But we have to do what we can do when the opportunity presents itself, strike while the iron is hot. And in case I should shuffle off this mortal coil, I want you to keep something in mind if you can. When Africans were brought to this country, obviously, we didn't speak English. And when I consider the way some of my colleagues talk, and other white people I've gone to school with, they don't speak English either when by "speak English" you mean to speak it what is called correctly. And that can be idiomatic English, not necessarily the stilted kind that nobody speaks except when they're writing a book. But they taught us how to speak their language, then they mocked and scoffed at the way we spoke it. They taught us their language and laughed at the way we spoke it. And they cannot speak African at all. And there is no language called "African," but people use that term. Africa is not a state. Africa is a continent. There are states within it. But nevertheless, they like to write in what they call dialect. Instead of the word "this," they would have the purported black person saying "dis." Instead of "that," it was "dat." Instead of "them" it was "dem." Instead of "those," it was "dose." "Dis," "dat," "dem," and "dose." And before I saw Henry Kissinger, I thought he was black because when I heard him, Henry Kissinger said, "dis," "dat," "dem," "dose." I said, let me hear that again. I saw him on television. He had big old owl eyeglasses. They were talking about how smart he was. And he said, "dis," "dat," "dem," "dose," "deese." But you know what? When they would quote Henry Kissinger in the newspaper, they would not spell his pronunciation of "dis," d-i-s. They put t-h-i-s, t-h-e-m. We notice these things. We have to analyze and evaluate. That's why we excel over a lot of you all. Even though I'm from the shallow end of the gene pool, I just make better use of the poor equipment that I have than you do with the better and superior equipment that you have. I doubt that any one of you could be placed in a hostile environment which comprises black people and be treated

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the way we were treated. [LB901]

SENATOR KRIST: One minute. [LB901]

SENATOR CHAMBERS: I wonder how you would feel if one of your five-year-old little girls was going to school and grown black people threw eggs, tomatoes, and brickbats at that little white girl, called her obscene, vicious names, and threatened her. It would squeeze the last drop of indignation out of you that you have. But when our little girl had to do that, it was just par for the course in America. What do you expect? This is America, the land of the free, the home of the brave, one nation, under God, with liberty and justice for all. But we're not included in that "all." Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Chambers. (Visitors introduced.) Senator Nelson, you're recognized. [LB901]

SENATOR NELSON: Thank you, Mr. President, members of the body. I stand in support of the amendment and LB901, but I do have a question or two of Senator McGill if she will respond. [LB901]

SENATOR KRIST: Senator McGill, will you yield? [LB901]

SENATOR MCGILL: Yes. [LB901]

SENATOR NELSON: Thank you, Senator McGill. I've looked at the chart showing where services are now provided and where we lack them. In the bill you're talking about a one-year, doctoral-level psychology internship. And maybe I missed it, but I...primarily, are most of the psychologists or all of the psychologists working...out there working now, are they at the doctorate level or a master's? Or could you elaborate on that a little bit? [LB901]

SENATOR MCGILL: I believe most of them have completed their doctorate degree; and all of them, in order to do so, had to serve a one-year internship somewhere. [LB901]

SENATOR NELSON: All right. Is there such a thing as working under a master's? Where do you go to become a psychologist? [LB901]

SENATOR MCGILL: I don't believe so. [LB901]

SENATOR NELSON: Now I know psychiatrists, I think, probably have more extensive training maybe than psychologists, but I'm just wondering about psychology. [LB901]

SENATOR MCGILL: I don't believe so. I think it's the doctorate level. [LB901]

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SENATOR NELSON: Okay. [LB901]

SENATOR MCGILL: Yeah. [LB901]

SENATOR NELSON: So that's why this is attached to a doctorate program... [LB901]

SENATOR MCGILL: Um-hum. [LB901]

SENATOR NELSON: ...and internship. And they're going to work under supervision then during this internship and go out in the field, so to speak, as part of their requirements for their doctorate? [LB901]

SENATOR MCGILL: Yes. [LB901]

SENATOR NELSON: Okay. All right. Thank you very much. Thank you, Mr. President. [LB901]

SENATOR KRIST: Thank you, Senator Nelson and Senator McGill. Seeing no one else wishing to speak, Senator McGill, you're recognized to close on your amendment. [LB901]

SENATOR MCGILL: Thank you. Phew. Senator Gloor allowed me to really recap this amendment well. This has to do with adding physician assistants to the list of behavioral health professionals that are included in any research that BHECN does about behavioral health work force shortages across our state. So I ask for your support. [LB901]

SENATOR KRIST: Thank you, Senator McGill. You've heard the closing on AM2033. The question is the advancement...the amendment to LB901 be adopted. All those in favor vote aye; all those opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB901]

CLERK: 30 ayes, 0 nays on adoption of the amendment, Mr. President. [LB901]

SENATOR KRIST: The amendment is adopted. [LB901]

CLERK: I have nothing further on the bill, Mr. President. [LB901]

SENATOR KRIST: Seeing no one else wishing to speak, Senator McGill, you're recognized to close on your bill. [LB901]

SENATOR MCGILL: Thank you, Mr. President. Members of the body, thank you for your patience, and I'm just glad we got to go to a vote before lunch here. I don't mind having

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some of this other, very productive discussion on my bill. While that was happening, I did look at how much my own school district pays or has to pay in order to cover some of the mental health problems in their schools, and Lincoln Public Schools spends a million dollars a year on behavioral therapists and other supports to kids with mental health problems. That's a million dollars that could be spent in other ways. And imagine all the school districts out there that don't have the budget to be able to afford the higher levels of care within their system. And frankly, LPS could be spending a lot more because the need is a lot higher than the \$1 million. And so while this program doesn't directly and only affect mental health services in our schools, it's about having the capacity around the state for people who need help to be able to get it and, as Senator Howard talked about, in that integrated health setting. And so it's while you're going to see your physical doctor that you can also get the help right there in that office with the other needs. And frankly, many of the behavioral problems that kids are facing need to be treated in a family environment. There are family impacts that need to be addressed so that that entire family can live in a mentally well status for all of them to move forward well and productively. And so with that, I ask for your support on this bill. It's very critical and Nebraska could really up its game and...that's linked to this integrated health will make it a leader in the country, actually, because most internships aren't in this integrated setting in other places across the country. So thank you, and I'd appreciate your green vote. [LB901]

SENATOR KRIST: Thank you, Senator McGill. The question is the advancement of LB901 to E&R Initial. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB901]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB901]

SENATOR KRIST: The bill advances. Mr. Clerk. [LB901]

CLERK: Mr. President, next bill, LB690, a bill by Senator Bolz. (Read title.) Introduced on January 8 of this year, referred to Health and Human Services for public hearing. The bill was advanced to General File. I do have committee amendments. (AM1681, Legislative Journal page 502.) [LB690]

SENATOR KRIST: Thank you, Mr. Clerk. Senator Bolz, you're recognized to open on your bill. [LB690]

SENATOR BOLZ: Thank you, Mr. President. Nebraska's population is aging, there's no doubt about it. In the next 20 years, our percentage of individuals over the age of 65 will increase by 74 percent. LB690 helps to address this inevitability by doing two things. First, it connects Nebraska to a federal incentive program for implementing best practices in the area of home and community-based care. And second, it creates an Aging Nebraskans Task Force. First, the incentive program. The Balancing Incentive

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Payments Program provides technical assistance and a four-to-one funding incentive to states who implement best practices in home and community-based care. Nebraska is well on its way to implementing these practices already. They include conflict-free case management, standardized needs assessments, and streamlined eligibility and enrollment; in other words, colleagues, an approach that ensures that seniors seeking help can get it more quickly and easily. These funds are noncompetitive meaning they are available to our state if we choose to use them. Importantly, colleagues, we must take action now because this short-term incentive program will end this year. Related to the fiscal note, I want to recognize that this fiscal note both includes incentive funds and matching funds resulting in a four-to-one return on our investment. Second, I want to address the Aging Nebraskans Task Force. Our own long-term planning committee identified senior services as a priority issue for this legislative body. Those priority issues include assistance for caregivers, developing personalized case management, and work force development as has been discussed on the floor already today. The task force is a time-limited initiative that will provide specific recommendations for action in these and other areas. I'll note now that there is a committee amendment that clarifies the division and separation of powers within the task force and it has been noted to my office that we should further clarify to identify who is nonvoting and who are voting members. We'll do that on Select File. I want to share one related story with you in closing my introduction. I received an e-mail from a long-term care facility the other day. They had a resident that had experienced a health problem and ended up in this institution in order to recover. He wants to continue to live independently and he does have family and friend support to do so. However, he has a medical problem that needs specialized attention. The staff believes that with the right help he would be able to retain his independence, but he has been unable to find it. So he will stay in this higher level of care with greater cost to the state because of a lack of this type of home and community-based care support. My point is this. Home and community-based care is about more than just what friends and family can support. It's about specialized medical and geriatric support services. And these services can help people stay in their homes, which is our constituents' preference, and prevents higher cost nursing home care. Previous efforts to promote home and community-based care management have slowed the cost of the aging portion of our Medicaid program. In other words, this has been done in the past successfully and should be done again. I must reinforce to you that our aging population is an inevitability, so we need to take advantage of opportunities today to save money and to serve our senior citizens. I appreciate your green vote in support of LB690. [LB690]

SENATOR KRIST: Thank you, Senator Bolz. As the Clerk stated, there are amendments from the Health and Human Services Committee. Senator Campbell, as the Chair, you're recognized to open. [LB690]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. The committee amendment makes changes in the Aging Nebraskans Task Force to address

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separation of powers between the legislative, judicial, and executive branches of government by creating voting and nonvoting members. The legislative members of the task force executive committee, including members from the Health and Human Services Committee, the Appropriations Committee, and the member assigned by the Executive Board of the Legislative Council, shall be voting members. The Chief Executive of the Department of Health and Human Services and the Chief Justice of the Supreme Court, or their designees, shall be nonvoting ex officio members of the Executive Committee of the task force. Finally, the committee amendment provides that the Aging Nebraskans Task Force terminates on June 30 of 2016 unless extended by the Legislature. Thank you, Mr. President. That is the amendment from the Health Committee. [LB690]

SENATOR KRIST: Thank you, Senator Campbell. Senator Chambers, you're recognized. [LB690]

SENATOR CHAMBERS: Mr. President and members of the Legislature. Congratulations, Senator Bolz, based on what I heard. I had something I was going to hand out today, but there's not enough time but I might hand it out tomorrow. Memo to Senator Kate Bolz from Ernie Chambers. Date, February 24, 2014. Subject, surprise, LB690, create the Aging Nebraskans Task Force and require a grant application. Senator Bolz, do not heap coals of fire upon my head. You have a bill, a need it does fill, what else is left to be said. If now the aging, your bill is paging, wanting them all to line up, just tell me where, and I shall be there, ready and willing to sign up. If as a sample, or as an example, I may perhaps be the key to unlock by leading, the door to succeeding, for none is more aged than me. (Laughter) And I support her bill. [LB690]

SENATOR KRIST: Thank you, Senator Chambers. Senator Harms, you're recognized. [LB690]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of this. One of the things I would bring to your attention that in the long-range planning committee, this came into our target view sometime ago, and based on what we watch, we're watching the numbers and the projections to continue to increase in the elderly, so we did a policy brief. And what a policy brief is, is where we focus down into the actual numbers to determine what the real problem is and what's going to happen to us in the future with this. And I will tell you that what we discovered is pretty alarming to me, and it's a major issue that's confronting Nebraska and it's coming. And this is a great opportunity for what Senator Bolz is trying to do to get ahead of that issue and start to put together a model program that will work for the people who are growing older. And my point here is that when you look at the numbers and the projections, for example, clear up to 2050, there's over 470,000 people in Nebraska that will be at that level, they'll be 65 years and over. And those numbers are staggering for me. It complicates the issues and the problems because not only does it deal with the issue of

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creating a program, but the key to keeping the elderly out of the nursing homes is important. I'm not being critical of nursing homes, but we know if they can stay in their own environment, they'll get along better, they'll feel more comfortable, and we need to have better home and community-based services for the elderly to keep them in their homes. And so, Senator Bolz, as you put this together, I hope that when we put that model together we keep in mind what all the issues are going to be. The issues are going to be to try to keep them in their homes, keep them out of the nursing homes as long as we can, to provide ways for transportation, and for those medical services that so many elderly need to have. And what we find in rural Nebraska, particularly where the problems lie, is the simple fact is that so many of the young children of the elderly have moved out, and so the only time...from where they live in that area and they're more into the urban areas. And so when they come home the only thing they see at that time is the mom and dad is probably doing okay, but they're not around to see the fact that they shouldn't be driving their car. They have trouble going to the doctor's office. Too, they have trouble actually paying their bills in some cases. I hope as we put forth the effort here, that we develop this model in the right manner. And the right manner is that we already have aging offices throughout Nebraska. Those have to be incorporated into this particular project and I don't think we want to run parallel to them. We have to encompass them into this whole program. But colleagues, look at those numbers, look at the policy brief we've done. It is a problem coming and we need to get ahead of that now because you can't do it in a time of crisis. And when the crisis hit, you're not going to have the dollars. If we start this process now, get whatever grants you can get, and start the process of putting it together long term, long term here, it will be so much better for the elderly. And I thank you, Senator Bolz, and thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Harms. Speaker Adams, you are recognized. [LB690]

SPEAKER ADAMS: Thank you, Mr. President. Senator Bolz, first of all, I appreciate your efforts and the committee's efforts to recognize our separation of powers issue in that committee amendment and that goes a long way to satisfying that. You also have in your task force some laypeople, is that correct? Would you yield to a question, please? [LB690]

SENATOR KRIST: Senator Bolz, will you yield? [LB690]

SENATOR BOLZ: Certainly, and yes, that is correct. [LB690]

SPEAKER ADAMS: In your interpretation of the way the task force language is drafted, are they to be voting members? [LB690]

SENATOR BOLZ: The way the legislation is drafted, it does indicate that they are voting members. It seems to me that on Select File we should clarify that those individuals are

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nonvoting members just to keep the task force in the hands of the legislative body.
[LB690]

SPEAKER ADAMS: Thank you, Senator Bolz. Members, I think that is important. If it's a legislative task force, we can call to bear the resources that we need to speak before these task forces and having them available is one thing, having them voting is something else. And Senator Bolz, I appreciate you doing that, and I also on behalf of the body want to congratulate you. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Speaker Adams and Senator Bolz. Senator Schumacher, you are recognized. [LB690]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Would Senator Bolz yield to a couple of questions? [LB690]

SENATOR KRIST: Senator Bolz, will you yield? [LB690]

SENATOR BOLZ: Certainly. [LB690]

SENATOR SCHUMACHER: I notice in the fiscal report that it says that this grant ends after September 30, 2015, and when it ends, the estimated \$5.8 million of federal funds would need to come out of the General Fund here. Three, four years out, what's going to be the bill on this particular measure? [LB690]

SENATOR BOLZ: It's a good question, Senator Schumacher and if you can hang with me, the facts that in the future we will be expending our dollars and the bill...the fiscal note references \$5.8 million on home and community-based care is a good thing, because for every 100 people that we keep out of nursing home care, we save \$2 million. So over the course of this incentive program, if we can keep merely 300 people out of higher cost nursing home care, will cover the cost that we will be expending. So I guess the way I would think about it is rather than additional costs, it's costs in the category of home and community-based care rather than cost in the category of nursing home-based care. Does that answer your question, Senator Schumacher? [LB690]

SENATOR SCHUMACHER: Not quite. What is going to be the bill for this side? Let's keep it apart from savings and deal with these separately. Do you know what this is going to cost us three, four years down the road? [LB690]

SENATOR BOLZ: Three or four years down the road? [LB690]

SENATOR SCHUMACHER: After this grant expires and we...the burden is all on the state, what's the bill for this? [LB690]

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SENATOR BOLZ: Sure. I guess the only thing I can say for certain is that the fiscal note estimates that the year following the Balancing Incentive Payments Program is \$5.8 million in home and community-based care. If I may, the important thing to think about is that this is dynamic. Right now we spend 42 percent of our long-term care budget on home and community-based care and 58 percent on nursing home care. The intent of this bill and the expenditures in the out years will be greater expenditures in home and community-based care and lesser expenditures in nursing home care. [LB690]

SENATOR SCHUMACHER: But we still don't know the bill for this particular thing. This is separated off from any savings that might be out there. Do we know what this is going to cost us? [LB690]

SENATOR BOLZ: This year it will cost us between \$2.8 million and \$3 million. Next year it will cost us about \$5 million, but we'll get a return on our investment of \$12 million the first year and \$24 million the second year. Projected out further than that, our fiscal notes don't project that, so I'm... [LB690]

SENATOR SCHUMACHER: The return on investment is that the savings part of this? [LB690]

SENATOR BOLZ: I'm sorry? [LB690]

SENATOR SCHUMACHER: When you say we've got a \$24 million return on investment, is that from projected savings? [LB690]

SENATOR BOLZ: No, that is from three sources. That is from additional matching dollars that we'll receive through matching dollars of case management. That's through the incentive program which is a 2 percent basically return on FMAP on the matching dollars for Medicaid. And then that's an additional \$5 million that will allow us to match the dollars we used to be using that will be offset from the incentive program and plow those back into matching dollars. If you look at the fiscal note, it's somewhat complicated but the point is that we get matching dollars once, matching dollars through the incentives, and then matching dollars for money that is freed up to draw down the FMAP percentage that we get from the feds. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR SCHUMACHER: Thank you, Senator Bolz. I'm still rather confused as to whether or not...what the bill on this particular side will be. But, nevertheless, this bill does, as Senator Harms indicates, try to address a very difficult issue and that is that it's very, very, very and will be more and more and more expensive to deal with the aging population. And it is that staggering cost as this baby boomer generation ages that really, really has to be put in context as we get to our work later on in this session to see

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whether or not we should count on being able to reduce the state's obligations and spending or whether or not we should prepare, batten down the hatches for some really tough times with pressures on increasing those expenses. And we're maybe holding the line on taxes, we'd be doing really good, let alone trying to reduce them. Thank you.
[LB690]

SENATOR KRIST: Thank you, Senator Schumacher and Senator Bolz. Mr. Clerk.
[LB690]

CLERK: Mr. President, reports. Agriculture Committee reports LB941 to General File with amendments. Judiciary reports LB780, LB1028 to General File. LR399 back to the floor for further consideration, and LB551 indefinitely postponed. Urban Affairs reports LB1012 and LB1014 to General File. All those reports signed by their respective Chairs. Senator Hadley offers LR450. That will be laid over. Senator Burke Harr would like to print an amendment to LB348. Senator Adams to LB438, Senator Coash to LB699. I have a confirmation report from the Agriculture Committee. Announcement, Mr. President. Health Committee will have an Executive Session today at 12:45; Health Committee 12:45 in Room 2022. Senator Schilz would like to add his name to LB1057 as cointroducer. (Legislative Journal pages 621-628.) [LB941 LB780 LB1028 LR399 LB551 LB1012 LB1014 LR450 LB348 LB438 LB699 LB1057]

And Mr. President, Senator Avery would move to adjourn the body until Tuesday morning, February 25, at 9:00 a.m.

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. Congratulations, Senator Bolz. We are adjourned until tomorrow morning at 9:00 a.m.