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Floor Debate
February 26, 2014

[LB171 LB276 LB390 LB474 LB505 LB661 LB661A LB671 LB690 LB699 LB728 LB735
LB751A LB776 LB844 LB887 LB892 LB901A LB920A LB920 LB930 LB931 LB980
LB983A LB983 LB986 LB993 LB994 LB1016 LB1028A LB1050 LB1072 LB1110
LB1114 LB1114A LR441 LR442 LR443 LR445 LR451 LR452]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the thirty-third day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor John Hogue, from the Arlington Community Church, Arlington, Nebraska, Senator Brasch's district. Please rise.

PASTOR HOGUE: (Prayer offered.)

SPEAKER ADAMS: I call to order the thirty-third day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Record, Mr. Clerk.

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

SPEAKER ADAMS: Are there any corrections for the Journal?

CLERK: I have no corrections.

SPEAKER ADAMS: Messages, reports, or announcements?

CLERK: Your Committee on Banking, Commerce and Insurance reports LB993 to General File; LB735 to General File with amendments, those reports signed by Senator Gloor. Health and Human Services, chaired by Senator Campbell, reports LB276 and LB994 to General File; LB887, LB931, LB1050, LB1072 to General File with amendments. Enrollment and Review reports LB661, LB661A, LB474, LB671, LB920, LB920A, and LB983A to Select File, some of which have Enrollment and Review amendments. Senator Johnson would like to print an amendment to LB980; Senator Dubas to LB983. A new resolution, LR451, by Senator Johnson. That will be laid over at this time. And Senator Coash offers a new A bill, LB1028A. (Read by title for the first time.) That's all that I have, Mr. President. (Legislative Journal pages 657-663.) [LB993 LB735 LB276 LB994 LB887 LB931 LB1050 LB1072 LB661 LB661A LB474 LB671 LB920 LB920A LB983A LB980 LB983 LR451 LB1028A]

SPEAKER ADAMS: Thank you, Mr. Clerk. Members, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR441, LR442, LR443, and LR445. Mr. Clerk, let's move to the first item on the agenda, please.

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[LR441 LR442 LR443 LR445]

CLERK: LB690, Senator Bolz. (Read title.) It has been discussed on both Monday and Tuesday of this week, Mr. President. Committee amendments have been adopted. When the Legislature adjourned, Senator Kintner had pending FA201. (Legislative Journal page 638.) [LB690]

SPEAKER ADAMS: Senator Bolz, as the primary introducer of the bill, would you give us a very quick summary? [LB690]

SENATOR BOLZ: Certainly. Good morning, colleagues. Today we again address LB690 which provides for future planning for our aging population, doing two things: first, applying for federal funds that match existing services for home healthcare, respite care, and other programs that help senior citizens stay in their homes; and it creates an Aging Task Force. [LB690]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Bolz. And Senator Kintner, would you like to refresh us on FA201. [LB690]

SENATOR KINTNER: Yes, thank you, Mr. President. What my amendment does is it just separates it. See, we're doing two things in this bill: setting up the task force and going to the federal government and getting some money from them. So since we don't know exactly, exactly what that money is going to be used for, how it relates to the task force; and if the task force is going to be doing planning, I think the task force needs to be in place, they need to do their job first. And once they've done their job and they've charted our direction, then we can look at where we're going to go. But just to take a whole bunch of money at the same time that we're trying to chart a direction, I...you know, we're not going to chart a direction; what we're going to do is what the federal government tells us to do with their money--which is our money. It's not free money. It's our money. We pay taxes for it. And so to have a task force charting a direction at the same time the federal government is saying here's what you're going to do, here's how you can do it, and this is how long you have to do it; that doesn't make any sense to me. So I just separated the two out. What this would do, it would keep the task force in place and it would not take the federal money. And I think it's always good when we can tell the federal government to butt out of our state. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Kintner and Senator Bolz. Those wishing to be heard, Senator Gloor and Senator Bolz. Senator Gloor, you're recognized. [LB690]

SENATOR GLOOR: Thank you, Mr. President, and good morning, members. I presided yesterday, and one of the benefits of presiding is you are tuned in to the discussion

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debate, the entirety of the discussion debate, for the full three hours that we had yesterday. The frustrating aspect of it is you're not in a position to be able to ask questions. So I wanted to be up early today to give a perspective on some of the back and forth. It's a good debate in many ways, but it overlooks and has overlooked, especially as it relates to the use of federal money, what I consider to be a very commonsense issue here, and that is we already take huge amounts of federal money to care for people in nursing homes. When we talk about Medicaid in nursing homes, understand that the match of dollars includes a large, large chunk of federal...in fact, a majority of the money comes from the federal government, not state tax dollars. Now let me back up and talk about the issue of long-term care and the issues of where people should be getting their care for long-term care. We don't have many options in this state for not putting people in long-term care facilities when their resources are depleted. We know that. We're trying to get a handle on that. And if I could use a metaphor, members, here might be a similar issue: It's as if we had houses full of elderly who aren't eating, and the only option that appears to be available to us is to take them out for dinner, and not just take them out to the local cafe or a fast food restaurant or someplace for a wrap, but to take them to Misty's for prime rib every night, because we don't have any other options. And the federal government is paying a big chunk of that dinner. And what Senator Bolz's bill attempts to do is to take advantage of the federal government, which is saying to us, hey states, especially states like Nebraska, you're smart people; surely you can figure out some other way to provide food for those people who are in their homes than taking them out to Misty's for a king cut of prime rib every night with all the trimmings. And that's where we're at, again speaking metaphorically, when it comes to long-term care services. We have an incredible shortage, a dearth of services that might be somewhere between people being at home and somewhere between people being in long-term care facilities. And the federal government doesn't want to keep forking over the huge amounts of federal dollars that keep people in long-term care facilities; they'd like us to look at options and explore the options that are far less costly for the use of federal dollars as well as state tax dollars. This is an opportunity for us to do that. Now, if this bill doesn't move forward, don't go patting yourself on the back, saying we're not taking federal dollars, because we already are, far in excess of the kind of dollars that we might be talking about looking at other options. It's appropriate to ask questions, to understand how this is going to work, the expenditure of the dollars, how the advisory committee would work. But as it relates to the use of federal dollars, we're using vast amounts of federal dollars because we don't have many options to keep people who want to be at home, home; people who, metaphorically, don't want to go out to Misty's for prime rib every night from having to do that. Somewhere in between we ought to be smart enough as a state to devise a solution that is a Nebraska solution that takes less federal money to care for our elderly, less state money to care for our elderly, and put that in place in a way that works for Nebraskans. And Senator Christensen is right: It can be just as costly to care for somebody at home as it is in a long-term care facility. But part of the exploration in this bill has to do with care coordination. [LB690]

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SENATOR KRIST: One minute. [LB690]

SENATOR GLOOR: The opportunities to have a care coordinator sit down with a family and say, you know, you're trying hard to keep Dad or Mom or both of them at home, but it's in their best interests to get them into more intensive care; to get them into a long-term care facility where they'll thrive. That does happen on occasion. But many, many times that same care coordinator can line up those services that allow them to be independent and stay at home, rather than make that jump to go to Misty's for a king cut of prime rib every night, day in and day out--again, metaphorically speaking. I hope no one gets on here and we don't have a big discussion about whether I'm hyping Misty's for purposes that are beyond me to understand. But we are spending too much money providing a scope of services that's unnecessary for many Nebraskans, and we need to look into that. And the feds are willing to do so because we'll be spending less federal money if we do this right. Thank you, members. [LB690]

SENATOR KRIST: Thank you, Senator Gloor. (Doctor of the day introduced.) Returning to discussion, Senator Bolz, you're recognized. [LB690]

SENATOR BOLZ: Thank you, Mr. President. Colleagues, let me be clear, I do not support this amendment. It is a mistake to let this opportunity go by. The Balancing Incentive Payment Program provides significant federal incentives to do what we are already doing better. Nebraska should be proud of the services that we provide to our senior citizens in terms of respite care, in terms of home-based medical services, in terms of adult day care, and a variety of other services that we provide now to folks who are imminently eligible for Medicaid and on their way to more expensive institutional care. We should be very proud of our home- and community-based services, and we should jump at the chance to take more federal funds to do it even better. This is serving our aging population, which is growing by leaps and bounds, and this is establishing a forward-looking, proactive planning process for the over 400,000 individuals in our state who will turn 65 in the next ten years. Colleagues, the folks who are provided services by our home- and community-based care program are folks who face chronic medical conditions. They are folks who are medically fragile. They are folks who are eligible for services that help them address their competencies in terms of everything from toileting to making sure their nutritional needs are met. Colleagues, this is about providing our most vulnerable aging citizens with the services they need to stay where they are, to save our state money, and to age gracefully. Colleagues, this amendment is not appropriate. It is not forward thinking, and I urge your opposition to FA201. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Bolz. Senator Kintner, you're recognized. [LB690]

SENATOR KINTNER: Thank you, Mr. President. The rush to take the federal money,

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they're waving it out there. They're waving it for us and we've got to take it by September; and we're going to hire someone and pay them \$80,000 to go get that money, of course. You know, the federal government never comes without strings. It's not free money. It's federal money. We're a trillion dollars in debt each year of operation of our government, and to think that we should just go for it and just grab all the federal money we can grab and let the federal government into our state a little more and let them tell us how to run our lives and what our programs are going to look like and how we're going to do it, I personally like the Nebraska way a lot better. It's a lot better than the Washington way. It works better. We do way better in our state than they do in Washington, running our government; and to think that we have to go reach out and grab for the gusto, get federal money, I think is wrong. And then obviously, after two years, that money goes away, and then what's going to happen? Well, we know what's going to happen. The crowd behind me back here is going to say, now we've got to have some state money; we've got to keep it going. Look at all these great people we've helped; we've got to keep spending the money. The federal government always hooks you. They always give you the money for a year, maybe two years, maybe three years, and then they've got you hooked on the program. And once they have you hooked, then you've got to start spending your own money. That, my friends, is a textbook example of how to grow government. They're good at it. That's what they do for a living is grow government. They wake up every morning and say, how do we grow government? And these are the plans they give us: play by our rules, do it our way, and when you're done, you too can have a big government that rules over you and tells you how to live your life. You know, I don't...we go through this dance about...probably a majority in this body wanting to spend a whole bunch of money, and a minority here representing the taxpayers and saying no, we shouldn't do it. I've got to tell you, the minority loses. Obviously, we're the minority so we lose those votes a lot. But I want to tell the people at home, there are people down here that respect your wallet. We respect the fact that you go to work every day, that you make money and that you seek to spend your own money. And I believe you can spend your money better than we can. The arrogance sometimes down here thinks that we can spend your money better than you. I think it makes a lot of the taxpayers in this state sick. I think we should do this in the Nebraska way. I think we should study this, figure the best way to move forward, the way we can take our aging population, try to keep them in their homes, try not to put them into nursing homes until we have to. That's the goal we all have. Senator Bolz, Senator Kintner, both of us, we share that goal together. I just don't want to take \$39 million in federal money, have them tell us what to do for two years, then the money disappears and then we are clamoring, a big clamoring, to replace it with state money. And that's not supposedly free money. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR KINTNER: This is the wrong way to go. I'm surprised that there's not more people in this Chamber standing up and saying, hold it, what are we getting for \$47

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million? What's that money going to go for? How is it going to be spent and how are we going to replace it? There's just a big rush. Grab the so-called free government money. Grab it, grab it, grab it. Get your hands on it, it's going to go away, you know. And next year there will be another government program; we'll fund it for two years with that free federal money and then they'll take it away from us and it's going to go on and on and on and on until you just go to work for the government every day. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Kintner. Senator Bloomfield, you're recognized. [LB690]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, colleagues. I studied this fiscal note over some more, last night, and the bill. I'm having a hard time getting there. Senator Bolz said we're doing a pretty good job in Nebraska now, so to me what this has boiled down to is we're going to take \$8.5 million that the state of Nebraska doesn't have in hopes of getting \$40 million that the federal government certainly doesn't have to attempt to do something we're already doing well. And it just...I can't make those numbers work. I don't intend to speak on this anymore. Everybody knows about where I stand so I'm going to sit back and listen to what else takes place. I'll cast my vote when the time comes. And if Senator Kintner wants a little more time, he can have the remainder of mine. [LB690]

SENATOR KRIST: Senator Kintner, you're yielded 3:52. You've been yielded 3 minutes and 40 seconds. [LB690]

SENATOR KINTNER: Well, thank you very much. I was just having an off the mike talk with the Speaker. You know, something that we haven't done, and I don't think people do, we haven't read the fiscal note. So let's read the fiscal note. Let's see what we've got here. And I'm going to read the fiscal note that was put out by the agency, just because it's very easy to read. What LB690 directs the DHHS to apply for the Balancing Incentive Payment Program grant from CMS with the application due by September 1, 2014. So there is our rush. You've got to have that in, because, you know, the federal government, rules is rules and you're going to do it our way. You're going to do it our way. That's how the federal government does it. I'm going to continue reading here. In order to meet the September 1, 2014, application due date, the Department of Health and Human Services would need to hire a contractor to prepare the application at an estimated cost of \$80,000. Now, to get our, quote, free government money, we're going to hire a contractor to put the application in. Anyone see a tangled web yet? Okay, stay with me. We'll keep looking at this thing. Assuming the grant is approved--I'm still reading here--and the program begins January 1, 2015, the Department of Health and Human Services would need 1 FTE--that's a full-time equivalent--program coordinator and 1 FTE staff assistant to implement and monitor the program, estimated at a cost of \$159,536. That's for 2015. And then we go...assuming the grant is approved and the

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task force is created, additional staff will be needed in the State Unit on Aging on the following proportion: 2 full-time equivalent program specialists to oversee the statewide strategic plan for long-term care, contract procurement, and management of the budget evaluation for a national entity; 1 staff person to prepare reports and coordinate meetings estimated at \$321,806 for 2015, and that's \$321,000 for 2016; to comply with the required single point entry system... [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR KINTNER: ...remember I talked to Senator Bolz about the single point entry system. I'll tell you what, we'll continue reading later. But let me tell you, does this sound like we're growing government? Does this sound like maybe we're going to make a bigger government to do this? Of course, it does. Because if you're going to participate and play ball with the federal government, you've got to grow. This is called making government bigger. We just looked at four different employees that we're going to have to hire here to do this. This is a textbook example of bigger government. Thank you, Mr. President. [LB690]

SENATOR KRIST: Senator Christensen, you are recognized. [LB690]

SENATOR CHRISTENSEN: Thank you, Mr. President. I'm not sure even which direction to go here this morning. I think about this and I have to agree with Senator Kintner, I don't think this is the direction that we want to go. The opportunities of having government run our lives, take care of another phase of it instead of taking a personal responsibility of taking care of our loved ones. And when I think about the dollar figures on this, I don't care if it's federal money, if it's state money, it's still our tax dollars. And it would be easier to appreciate spending, maybe, if you can appreciate spending money, if the federal government had a balanced budget. The federal budget is the most negative, the last few years, it has ever been in history. We are a severe debtor nation. We are going to lose our ability to do anything at the rate we're going. We can't just keep spending money, increasing our debt, and shoving it down the road. Where is accountability? So if we're willing, as a body here, to take up all this money all the time, just because it's on a fishhook hanging in front of us, then we're the problem. Would you run your own budget that way? You know you wouldn't because you couldn't afford to. Sooner or later you'd run out. You can't borrow forever. We don't have printing presses as individuals. Shouldn't we look at it from the sense of what is best for the nation? There's not a program that we spend money on that shouldn't be looked at and asked if it is important enough to continue spending money on. And I know there's some things that I'd like to see done in this Legislature, things I tried to do last year that took dollars. But we need to look at them. Is that what we need to be doing? Is that the money, the way we want to spend money? If our federal government would zero-base budget, look at everything every year, maybe they'd wake up. What I can't believe is the average citizen doesn't wake up and realize the federal government cannot continue going in the

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direction it's going, in debt at a rapid pace. Think about what that does to our children. We're not only indebted to our children, we're on our grandkids. And a number of them aren't born yet. And we're "indebting" them to pay off our selfishness. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR CHRISTENSEN: Thank you, Mr. President. So when do we want to wake up and start evaluating what is important policy for us to do and what is important to do as a nation instead of just spend the money and worry about it later. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Christensen. Senator Schumacher, you are recognized. [LB690]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I think I'm for LB690 but I really don't know why, and that bothers me. If I had to say why, it would be because of the glittering generality that it's probably smarter to have people in their homes with some support that's paid for by the state than in a nursing home that's paid for by the state. But I'm still missing the link between this bill and \$45 million and how that is facilitated. I'm not really buying in very much to the argument that somehow we're saving the federal government's budget by what we do here. If we take our entire state budget and throw it toward the federal budget, we'd probably run the federal government for somewhat less than half a day. So those were inconsequential in respect to that. What is the \$45 million going to buy us? Is it going to open some offices? Is it going to...so that people have a place to go to connect with the system? Is it going to buy little cars for nurses to drive around to the various houses? Is it going to set up a call center? Is it going to put some type of infrastructure in place that two years from now we will have that we wouldn't have otherwise? How actually does this money interface with the notion of keeping people in their homes longer, which we're going to have to do eventually as the baby-boomers come along, or we're going to go broke. So I'm a little dense on this, Senator Bolz. Will you consent to answer a question? [LB690]

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

SENATOR BOLZ: I'd love to. [LB690]

SENATOR SCHUMACHER: Thank you, Senator Bolz. Would you explain to me: We have two worlds; one world, we pass LB690. Let's forget about the task force business because that's not where the money is involved here. The other world, we don't pass LB690. Two years from now, out, in both worlds, looking forward, how are those two worlds different? [LB690]

SENATOR BOLZ: Very good, Senator Schumacher. In the world in which we pass

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LB690, more of our imminently Medicaid-eligible seniors, folks who are going to enter costly nursing home care and be eligible for Medicaid funding, will have, instead, be accessing services in their homes to keep them home. Some of those services will be respite care, home-based medical care, case management, transportation, medical transportation, emergency services. So in the future, Senator Schumacher, we will have kept a huge population of individuals who would have otherwise entered costly nursing home care and kept them in less costly home- and community-based care. Their needs will still be met because we will have assessed their needs and understood exactly what they need in order to safely stay in their homes, but we will be spending less money on that population of individuals who are imminently ready to enter costly Medicaid nursing home care. Does that answer your question, Senator Schumacher? [LB690]

SENATOR SCHUMACHER: No. I'm sorry but it doesn't. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR SCHUMACHER: Now how is the \$45 million going to make that happen? Are we going to have more of these...is it going to buy facilities, is it going to buy people, is it going to buy systems? How...I'm still missing that link. [LB690]

SENATOR BOLZ: (Laugh) Okay. So the money will go to several things. First, it will go to making our system better so that we are, in fact, tracking those aging seniors into home- and community-based care so that people with the right skill sets to move them into home- and community-based care rather than institutional care, they'll get the right advice, the right assessments, the right setup of services. And the matching dollars will go preeminently to our existing Medicaid programs. So we will have even more capacity within our respite care services, within our home-based medical care services, within our case management services, to provide those services. So we're making sure that we're spending the dollars, those incentive dollars, on home- and community-based care rather than institutional care. [LB690]

SENATOR KRIST: Time, Senators. Thank you, Senator Schumacher and Senator Bolz. Senator Lathrop, you are recognized. [LB690]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I am in support of LB690 and opposed to FA201. And I have, as I've done on a few occasions this year, listened to the debate. I thought this bill would take about 25 minutes. I appreciate Senator Schumacher's questions because they go to the bill, they go to the subject whether this is a good bill or not; and instead, we're being sidetracked by the discussion on bigger government. And sometimes I can't help myself, but I've got to respond to this. I've got to respond to this. I want to ask this question and you don't have to stand up and answer it, but you know what? We talk every time we're going to do something for a poor person, for an elderly person, do something that has something to do with

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Medicaid, all of a sudden a group in this body stands up and talks about the federal budget. Now, no one was talking about lowering taxes and whether that was a good idea when we were in the middle of two wars. No one. No one thought we needed to worry about spending money when we were starting two wars and now we're in a hole. We cut taxes while we were at war and now...now, we have a group that stands up and talks about the evils of bigger government, and it becomes the battle cry every time we want to spend money on a poor person or a sick person or an elderly person. Do you know what? I have heard no one complain about the money we get and spend from the federal government on roads. It's a lot. We couldn't do it ourselves, but we take the money from the federal government and we do what they ask. Do you know that Dubas bill the other day? If you read that thing, you probably wouldn't like what's in it, but we're going to do it so we can keep the roads money coming. And not one of you stood up to complain about taking the federal roads money. We have people in here, all across this state, I don't know what would happen to our farm economy if the farm subsidies went away. But no one rails against those and no one declines them either. That's good money because that's not about bigger government; that's good policy. And we get into the policy when we get away from the poor people and the sick people and the people that need Medicaid. The crop insurance subsidy, that program you couldn't buy crop insurance in this country if the federal government wasn't helping you out. I went to a Water Task Force meeting this year. You should have been there, because they're talking about how do we get federal money to help pay for our water projects. And it's a lot of the same people that are standing up and railing on federal government spending, big government. And I can only conclude that it happens. It is a problem for you when we're talking about the poor and when we're talking about the sick and when we're talking about the elderly and how they are going to live and how they're going to access healthcare. Then we've got an issue. Let me tell you what our own experience has been, following the ideology of railing on big government. There's really two tenets to this. One is fewer government employees and less money. Right? Some of you weren't here when BSDC blew up, but it was a perfect example of that philosophy being implemented down at the Beatrice State Developmental Center. We didn't have the staff. We wanted to save money on those people because it's not a farm program and it's not roads and it's not education and it's not a water project. So we started to starve the beast down at BSDC. You should read the report from the Department of Justice that said we were violating people's civil rights. It was the most difficult thing I've ever read as a state senator. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR LATHROP: That's what you get when you try to starve the beast without thinking it through. But that's not the only example. We were going to reduce the number of state employees by privatizing child welfare. That blew up. It melted down in about six months. It has cost us \$75 million so far, and the federal government wants another \$22 million back. So I'm going to suggest something, that in the end it's not

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about standing up and just saying this is more big government we've got to stop. In the end, maybe there's a good reason for the farm program. Maybe there's good policy behind what they're doing in the federal government. And this talk about big government, it is a campaign strategy and not a policy approach to government. And in the end, we are called to govern, this body, to make good policy and to govern. And if you want to stand up and use campaign rhetoric on the floor, understand that I'll stand up and tell you why it doesn't make sense. [LB690]

SENATOR KRIST: Time, Senator. [LB690]

SENATOR LATHROP: Thank you. [LB690]

SENATOR KRIST: Thank you, Senator Lathrop. Those still wishing to speak: Senators Mello, Chambers, Kintner, Brasch, Wallman, and Garrett. Senator Mello, you are recognized. [LB690]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. And thank you, Senator Lathrop, for your floor comments. You addressed some of the issues I would have liked to address, so I will kind of maybe take a different tack. I mentioned this yesterday or the other...or maybe the first day of debate on LB690, which I will reiterate every chance I get, particularly in light of, unfortunately, I think Senator Kintner's comments this morning, which is, first off, every member of this Legislature is doing their best to look out for taxpayers and looking out for what they think government should be doing and should not be doing. For any insinuation from any member of this body to think that there are not members of the floor who think day in and day out of looking out for what they think is best for Nebraska and what they think is best for taxpayers, is offensive. Senator Carlson thinks what's best for the taxpayers is that we need to invest money in water infrastructure. Senator Lathrop, Senator Larson, Senator Kintner, and Senator Watermeier think it's best to make investments in our Game and Parks Commission. Senator Conrad and Senator Cook felt it was best to make investments in job training to help grow our economy. I don't think any of the senators I've mentioned, with the bills they've brought forward this year, are not looking out for taxpayers, are not trying to make a good balanced decision in regards to what government should or should not be doing. And when a member steps up on the floor and uses inflammatory remarks that there are only a few of us looking out for taxpayers when we discuss spending and revenue and tax issues, that is offensive. That's offensive to me, not simply because of the role I serve on the Appropriations Committee, but I've spoken with all the senators I just mentioned on the floor with bills they've brought forward of wanting to make investments in key aspects of state government, from water, to Game and Parks, to job training, amongst many other issues. So we need to be careful, colleagues, when we choose to use rhetoric to make an argument of why we oppose a particular piece of public policy. I can agree and respect Senator Kintner not wanting to spend more money on Medicaid. This particular

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program tries to curb the cost, long-term, of our aged and disabled Nebraskans on Medicaid. It's entitlement reform. Him and I and Senator Bolz can have an honest disagreement of whether or not he wants to reform Medicaid or doesn't want to reform it, and whether or not LB690 is the appropriate path to do so. We do that on a daily basis and I respect that, and there can be honest disagreements. But we need to be careful, very careful, when we try to lump the entire Legislature as a whole of saying there's only a few select people who really care about what's happening in regards to government spending, government fiscal policy, and government taxes...and tax policy, I should say, compared to the rest of the body. Because I know I could probably go through the list of priority bills and Speaker priority bills and committee priority bills and find a senator's name on almost every one of those bills that either wants to reduce a certain tax for a certain segment of the population, that wants to spend money on a certain segment or certain investment that they think is critical. And what we try to do as a Legislature every year is try to balance those out, because I think senators bring proposals forward that are meaningful and they're trying to change the direction one way or another in regards to governing the state for the better. We need to be very careful, colleagues, when we stand on this floor and use that kind of rhetoric, because it hurts all of us. It has an impact on all of us, because all of us have our own priorities and all of us see what the state's priorities should be, and we need to take that into consideration before we use inflammatory rhetoric on a proposal, good or bad, in respects to trying to deal with a long-term issue for growing Medicaid costs... [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR MELLO: ...and looking at entitlement reform. Thank you, Mr. President. [LB690]

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

SENATOR CHAMBERS: Thank you, Mr. President. I would like to ask Senator Kintner a question or two if he will yield? And I see he is in the Chamber. [LB690]

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

SENATOR KINTNER: Yes, I'd be happy to yield. Thank you. [LB690]

SENATOR CHAMBERS: Senator Kintner, have you heard this statement: Some people know the cost of everything and the value of nothing. Have you ever heard that statement? [LB690]

SENATOR KINTNER: You know, I don't think I have actually. [LB690]

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SENATOR CHAMBERS: Well, you've heard it now though, correct? [LB690]

SENATOR KINTNER: I've heard it now. [LB690]

SENATOR CHAMBERS: Senator Kintner, are you opposed to all farm subsidies? That's federal money given free to farmers. Are you against all those subsidies, yes or no? [LB690]

SENATOR KINTNER: You know, I always hear farm subsidies. I don't understand them. I don't know who gets them. [LB690]

SENATOR CHAMBERS: Are you against them? [LB690]

SENATOR KINTNER: It doesn't sound like sound policy but I really don't understand the program. [LB690]

SENATOR CHAMBERS: Are you against them? Based on your principles, which you claim to believe, of giving...reaching out and taking federal government money. That's federal money entirely, going to Nebraska farmers. Are you against them taking this federal money? [LB690]

SENATOR KINTNER: You know, I'm not going to...I don't know. [LB690]

SENATOR CHAMBERS: Uh-huh. Okay. [LB690]

SENATOR KINTNER: I don't know the program well enough. I don't know what it does. [LB690]

SENATOR CHAMBERS: You've just demonstrated your courage on that one. Are you against the federal underwriting of crop insurance for farmers? Are you against that money from the federal government? [LB690]

SENATOR KINTNER: I don't believe so, but I don't know the program. [LB690]

SENATOR CHAMBERS: Senator Kintner, when you talk about big government, precisely what are you referring to? [LB690]

SENATOR KINTNER: A government that tells us what to do, how to do it, requires us to spend money in a certain way, forces us to hire more employees. Bigger government means more employees. Bigger government means more rules and regulations. [LB690]

SENATOR CHAMBERS: Well, let me see if I can rein you in. Are you talking about the

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government size in terms of the number of employees that the government has? Are you referring to that when you say big government? [LB690]

SENATOR KINTNER: Well, that; and I'm also...the employees that we're required to hire at the state level to do the federal programs that they... [LB690]

SENATOR CHAMBERS: Thank you. [LB690]

SENATOR KINTNER: ...have us do. [LB690]

SENATOR CHAMBERS: That's all I...Senator Kintner reminds me of what Shakespeare wrote, and I mean it: full of sound and fury signifying nothing. I'm quoting Shakespeare now. I'm giving a description. If somebody self applies it, it's on that individual. "As a tale told by an idiot, full of sound of fury, signifying nothing." When people stand on this floor and make all of these nonsensical statements about big government and they don't even know what they mean. They read it and hear it in the teapot party publications. And I believe that every one of those teapots is cracked. It's a cracked pot. And that's what we hear on this floor. Senator Kintner has not said one specific thing about this bill. He talks about big federal government. He says that all the time. I studied English literature. And when you study literature there are circumstances that will force things that you've read to come to the forefront of your mind. Chaucer wrote a couplet: He like the parrot was really quite dense; he remembered the words but he didn't get the sense. And when people stand on this floor and they attack the vulnerable, they attack the weak, they attack the voiceless, then they're on the fighting side of me. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR CHAMBERS: You know what's keeping me somewhat calm this morning? This cute little replica of a mountain lion. But with all the criticisms of the mountain lion, the mountain lion shows more compassion than the people on this floor. And people on this floor would do well to learn from the so-called lower orders. And I'm not going to go over my time at this point but I'm going to put my light on again and I'm not through with what Senator Kintner has dropped into the hopper this morning. He started it. Let him finish it. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Chambers. And just a reminder, colleagues, we're not allowed to have props on the floor; although it is a cute mountain lion, I have to admit. Senator Kintner, you're recognized. [LB690]

SENATOR KINTNER: Thank you, Mr. President. You know, Senator Lathrop brought up a few good points, and I enjoy sparring and debating with Senator Lathrop because he's very good at bringing things out and making very good points and responding quickly on his feet; and I have a lot of respect for that. He talked about interstate highways...or he

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talked about federal money for highways. Well, come on, if we're talking about interstate highways, it goes from one state to another state to another state. That's a federal program because you need a federal government to coordinate the highways, because it goes interstate. The roads in our state that just go in our state, you know, wind around our state, are either state or county roads; and we generally pay for those, although we do sometimes, I believe there's, in the past, been some federal money for that. But generally, those are our responsibility. So yes, there is certainly a time when the federal government needs to do something. Do we only question when it's old people and poor people? No, not really. We question anything. I mean, on the federal side, I don't think the government ought to be regulating toilets and light bulbs and...just like I don't think the state should be regulating helmets for motorcycles. So no, I don't just question it when it's a program for old people. And we're not debating here if the aging population is the problem. I don't think anyone...we've got 49 senators and I think that we all agree that this is going to be a problem. And, you know, we're talking about setting up a task force to look at it. You know, I haven't opposed that, although I think some people have because they're task-forced out, and I understand that. So it's not that we're saying, jeez, because it's old people we don't care. No one is saying that. We're saying that the rush to hire somebody, pay them \$80,000, tell them to write up a grant and get it done by September 12...no, September 1, and then take this \$47 million, spend it for two years, although we have a task force that's going to set up the direction and what we need to do. And then the money is going to disappear and we're going to somehow say, okay, we don't need any more money or that was nice. No, we're not. We're going to want a lot more state money after that, you know; and maybe it's warranted, maybe it's not. I don't know, because we haven't...our task force is supposed to look at it and try to figure it out. That's the way it's supposed to work. Nothing wrong with that. So to think that anybody here thinks that this isn't going to be a problem someday I think is absolutely wrong. I haven't heard anyone in here say it isn't going to be a problem. The problem is getting \$39 million in federal money and thinking that we've got something. All we've got is a bunch of regulations that say you can spend it for this, you can't spend it for this, you can do it for this, you can't do it for that. And once you do it, I know how this goes, once we've, I guess, helped some people with it, you know, there's going to be a compelling case to keep spending money to help them. And that tends to be a problem. Once we start a program, it's rare...it's rare that we ever get rid of it. So this \$47 million is going to get us rolling, and it's going to roll, roll, roll from there. And I think that is a problem. Mr. President, how much time do I have left? [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR KINTNER: One minute. Okay. Well, what I'm going to do is I'm going to...we're going to read the fiscal note a little bit more because I think that's important. And we started...I left off at the point where it says to comply with the required single point entry system, DHHS will need to provide services for screening clients, determining service eligibility, enrolling clients and services. It is further required to

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provide conflict-free case management--and Senator Bolz explained what that was yesterday. DHHS would need to contract out these services with new or existing local entities. It is estimated that to provide ongoing conflict-free case management for clients not currently receiving the service but who would be eligible for it under BIPP requirements--everyone got all that, right, and you're all following it; it's easy to follow, right?--it would cost approximately 11...holy cow, that's going to be the \$11 million to do that. And that's from a...jeez... [LB690]

SENATOR KRIST: Time, Senator. [LB690]

SENATOR KINTNER: All right. Thank you (inaudible). [LB690]

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

SENATOR BRASCH: Thank you, Mr. President. Good morning, colleagues. I truly believe that I am rising in defense of our older Nebraskans. However, I am not convinced that LB690 is in defense of our older Nebraskans. Tom Brokaw wrote a book about The Greatest Generation. And I'm just going to tell you a few of the highlights in his book. Number one, the lesson he said that we learn is that every generation is, most likely, like their grandparents; and that the greatest values of our grandparents guide us, and guide us as a nation, as an individuals. Lesson number one is: take personal responsibility for your life. Number two is to be frugal. And he continues, another lesson is to work hard. Another lesson is to embrace challenge. And I wonder today, whose voices are we hearing? Are we hearing...are we echoing the lessons that we learned from the greatest generation or are we leaning more towards government? And there are consequences. There can be advantages with government but there can also be consequences, and there is danger in spending. Many of the older Nebraskans I have visited with, they're extremely concerned not for themselves but for the next generation, be it their grandchildren, their great-grandchildren, or their great-great-grandchildren. We do accept funding from the federal government when it comes to our state roads. We are 55 percent funded from the state; 45 percent by the government. We have to weigh those options. And Senator Chambers, not every farmer chooses to take federal funding. I know several who do not. The farmer I married does not. The funding that is taken is in an effort to hold costs down of the commodities so it is affordable for others. When there's no need for it, it is not an option. The reason we take federal funding is for the greater advantage of what we can do for our roads and our safety of the roads. But there are consequences to taking that money. It's not free money because the government expects us to do certain things with the money. If we do that then they'll give us this. If we do the other, then they'll give you more. That's how the federal government requires states to take or buy into their actions is we have to buy in, whether it's education, whether it's roads, the farmers also, it's not free money. They have to follow certain federal requirements. And so what I'm concerned about in LB690 is staying home for an older person can be a good thing; but who's going to make that

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decision, the federal government? Is the federal government going to endanger individuals who perhaps suffer from dementia, other ailments, who are falling, who are subject to being very vulnerable to rising propane prices? Where is that personal responsibility that Tom Brokaw wrote in his book about the greatest generation? Are they taking power away from our loved ones making decisions? We have to be very, very careful before we accept the federal money. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR BRASCH: Truly it is our money. It's the money that belongs to the next generation. We have to weigh the advantages and the disadvantageous, and many of the older individuals that I highly respect and truly love because of their sweat equity, because of the longtime taxes they paid longer than many of us here, we need to respect their voice, their decision, and make sure that we aren't agreeing to take money that will take power away from them. So in defense of older Nebraskans, you can run circles around many of us, but there's others who are truly in need of assistance and help. And as a country and as citizens and neighbors, we owe that to come to their defense. But I'm not assured that LB690, by paying for more staffing at the Department of Health and Human Services, by paying for another layer of a task force when... [LB690]

SENATOR KRIST: Time, Senator. Thank you, Senator Brasch. Senator Wallman, you're recognized. [LB690]

SENATOR WALLMAN: Good morning, Mr. President and members of the body. This is a tough issue for us here. We should be paying attention to what's being said. We have huge government payments going out to people that don't need them, absolutely don't need them. They are some of my friends and neighbors. I wasn't going to talk on this but when I see people who get government payments, whether it be for water--these big dams were built with government money. All this stuff was built with government money--air force base, all those things. Well, it used to be the Lincoln Air Force Base. All government money. Jobs for Nebraskans. And there's really three laws we should all obey--three, just three. One is a general law; it's about nature. The sun goes up, the sun goes down and we go around and around. Number two, spiritual law: why does this happen? It's a mystery, folks; it's a mystery. You know, new births and all this; it's a miracle. And number three, what is our purpose on earth? To care for one another, that's our purpose. It's not to amass wealth; it's not to amass property; it's not to amass all different kinds of things. The best thing we can have is family and friends. And folks, everybody in here, I'm a senior citizens so I suppose I'm speaking out of turn here maybe, a little bit, for benefits. But I've dealt with parents in nursing homes. It's expensive. We had private care, health insurance, and it paid. And one of them we had to pay ourself out of the estate. So I know how expensive that is and my family is also involved in home healthcare in Des Moines; and so they employ quite a few people and

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it saves millions of dollars because the state of Iowa figured this was a good way to go--the state of Iowa, our neighbor. Do I hear them holler about taxes like Nebraskans? No. Is their land value higher than Nebraskans? Yes. Do they fund public education better than Nebraska? Yes. They do not do everything better than we do, but a whole lot of stuff is better. So we should emulate ourselves to successful states that do the right thing. And why don't we? Well, we're hung up on taxes. Rome used to be one of the greatest nations on earth. Why do you think their infrastructure fell down? People didn't want to pay their blankety-blank taxes. And it's about taxes, taxes, taxes. Folks, if you don't want to pay your taxes, maybe you ought to move somewhere else. If you don't like America or Nebraska, go somewhere else. Go to the Ukraine, see how that's working. Go to Russia. And then go to Ireland or England. I don't hear those people complaining because I've got family over there. Do they complain like this? Absolutely not. It really bothers me about in here, how we try to help the poor. Nope. Costs too much money. I've had a conversation with the Governor on this. I said, money...you hire people to take care of people. That's a big circle. The money comes back. And it makes the country feel good, it makes the state feel good, and we're doing the right thing according to the Good Book. So is that hard to do? It seems like it. Seems like it's awfully hard to do. And the federal deficit, I appreciated Senator Lathrop's...how many people complained about the two wars we had and how we pay for our soldiers, our airmen. I visited a SEAL who is sick, Agent Orange; a wonderful young man. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR WALLMAN: And I appreciate people like that. They have worked for the government. We are the government, folks. We are the government. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Wallman. Those still wishing to speak: Senator Garrett, Chambers, Carlson, Dubas, and Hansen. Senator Garrett, you're recognized. [LB690]

SENATOR GARRETT: Thank you, Mr. President, members of the body. I love this spirited debate. A number of sound bites keep coming to mind. I'm reminded of an old Wendy's commercial, a lot of us old people, older people, will remember that, where the older lady lifts up the bun and says, where's the beef? That's kind of what I'm thinking about, about this bill. I'm seeing a lot of money going forward for this bill, and where's the beef? How is this really specifically going to help elderly people stay in their homes? We're creating a task force. You know, I'm an intelligence officer by trade for many years. An old slogan comes to mind: paralysis through analysis. You know, we study things to death. If we want to really give elderly people a break, let's give them a tax break. Let's eliminate the state income tax on Social Security benefits. Let's really help older people stay in their homes. I heard earlier that we've got a program currently in place, and it appears to be working fine. So why are we going to spend \$40 million on

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this program, for a program that's already running fine? You know, I'm reminded, you know, if Uncle Sugar...I mean, Uncle Sam, wants to dangle, you know, money in front of us but we've got to pony up money as well...well, if Uncle Sam wants to help us out, let him help us out. We shouldn't have to pony up more state money for this, and then after two years we've got this entitlement program that who's going to be left with the tab for that? Who's going to carry on paying for that? We really want to...we want to help the elderly but I don't know how this particular bill is going to help us to do that. We need to...I heard some comments earlier about how we quickly accept federal money for roads, you know, for farm aid, these kinds of things. I think every policy, every time the federal government offers us funds, we take a good, hard look at it; we do an analysis; we make a determination of what's right for the people of Nebraska. And so what we're having here is we're having a spirited debate about this piece of legislation and whether or not it's going to provide the most bang for the buck for Nebraska taxpayers. And, quite frankly, I'm not seeing it. I appreciate the debate but I'm still not seeing the beef. And we ought not be...26 years in government service, I was always a good steward of taxpayers' resources. When I was in leadership positions, I had a budget every year. Towards the end of the year there's always this rush on the part of many people to spend all of your money, because if you didn't, you wouldn't get it the next year. I never did that. I was always a good steward of taxpayers' resources. And we kind of...I heard somebody mention, you know, kind of a cavalier response that it's only \$40 million and a comment about our state budget wouldn't fund the federal government for half a day. It doesn't matter. If all 50 states thought that way, I mean, where would we be? We've got a huge federal deficit and every little bit counts, and we ought not just be hogs feeding at the trough. We need to take a good, hard look at every policy, every opportunity that comes up, and make a decision. And I'm not seeing the beef here with LB690 and I'm opposed to it. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Garrett. (Visitors introduced.) Returning to debate, Senator Chambers, you're recognized. [LB690]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I appreciate what Senator Garrett said. I call him "General." He was a colonel, I understand that. But I'm sure if he was in charge of any group of people, he didn't do all of what he talked about himself. He had specialists. He had individuals who were assigned certain duties, and he gets the credit for it because he sat at the top of the heap. But I'd venture to say he's getting a pension and it's money that he didn't pay in, and don't tell me that just because somebody stayed in the service a long time they earned a pension. Those pensions go to the good, the bad, and the ugly. The government, through Mr. Hagel, is talking about cutting the number of people in the National Guard. Well, those governors don't want that done. They want that federal money that goes to those people in the National Guard in their state. Always wanting the federal government to give them money. Senator Brasch said she's for the elderly. Senator Kintner said he's for the elderly. Everybody is for the elderly. But here's the

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problem, it's like saying I'm for the hungry; I'm just against feeding them. I'm for them having food but I don't think we ought to give it to them. So they have it both ways. Senator Schumacher, the one whom I refer to as "Professor," said that he's for this bill but he doesn't know exactly why. I do know why. I'm a spiritual man, "Professor" Schumacher. You're for this bill because the higher angels of your nature are guiding you to the right conclusion, and it's not for yours...it's not for you to reason why. Just follow the higher angels of your nature. Others will see your good works, replicate them, and you'll do your part to bringing peace and tranquility throughout the universe. Senator Kintner said that federal money for roads goes to the interstate. He said some senator told him that. That senator was mistaken. There are even city streets and road projects that get federal money, and no city has turned it down. They're always reaching for more. I'd like to ask Senator Christensen a question, if he's here. [LB690]

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

SENATOR CHRISTENSEN: Yes. [LB690]

SENATOR CHAMBERS: Senator Christensen, are you opposed to all programs funded by the federal government that benefit farmers? Crop insurance subsidies? Are you against all of those programs? [LB690]

SENATOR CHRISTENSEN: No, I haven't been. [LB690]

SENATOR CHAMBERS: Senator, you're a farmer, is that correct? [LB690]

SENATOR CHRISTENSEN: Correct. [LB690]

SENATOR CHAMBERS: You know that there's such a thing as a target price. Is there such a thing called a target price? [LB690]

SENATOR CHRISTENSEN: There is. [LB690]

SENATOR CHAMBERS: Is there such a thing called a market price? [LB690]

SENATOR CHRISTENSEN: Yes. [LB690]

SENATOR CHAMBERS: Now...I didn't hear you. [LB690]

SENATOR CHRISTENSEN: Yes. [LB690]

SENATOR CHAMBERS: All right. Now, if there's a difference between the target price and the market price, because the market price doesn't pay that target price, what happens? [LB690]

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SENATOR CHRISTENSEN: Well, currently, nothing happens with it anymore, because that program is not being used. They've taken ag subsidies out. They still have the insurance one. But it used to be there was a target price with a market price, and there was some payment in between. [LB690]

SENATOR CHAMBERS: Right. And that was never rejected, was it? Now you said the direct subsidy has been eliminated. [LB690]

SENATOR CHRISTENSEN: Yes. [LB690]

SENATOR CHAMBERS: But there are other things that make up for it in that farm bill. Would you agree or do you disagree? [LB690]

SENATOR CHRISTENSEN: Well, I disagree that anything makes up for that. There's still the insurance program subsidies and things that you can enroll in and... [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR CHRISTENSEN: ...or an EQIP program or something that way, yeah. [LB690]

SENATOR CHAMBERS: And does the federal government underwrite that insurance program? [LB690]

SENATOR CHRISTENSEN: Yes. [LB690]

SENATOR CHAMBERS: And you wouldn't reject that, would you? [LB690]

SENATOR CHRISTENSEN: I use it, yes. [LB690]

SENATOR CHAMBERS: All right. Thank you. And Senator Christensen is rich. He's rich enough to pay out of his pocket for the care of his father, but he won't stop to think about those people who don't have that money. And as rich as he is, he will accept the government underwriting crop insurance. He's taking tax money out of my pocket for him. And I disagree with him on a lot of things. Why should I pay his way? And look at Senator Kintner sitting there. There are federal benefits that he gets. I'd like to ask Senator Kintner a question. [LB690]

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

SENATOR KINTNER: I would be thrilled. [LB690]

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SENATOR CHAMBERS: Senator Kintner, when you reach the age of 65, are you going to accept Social Security? [LB690]

SENATOR KINTNER: Yes. It will probably be 67 when I get there. Yes. [LB690]

SENATOR CHAMBERS: Will you have paid as much into Social Security as you're going to get out? [LB690]

SENATOR KINTNER: I would think more probably. [LB690]

SENATOR CHAMBERS: You paid more? [LB690]

SENATOR KINTNER: I would think I'm probably going to pay more and then I'm going to get out. [LB690]

SENATOR KRIST: Time, Senators. [LB690]

SENATOR CHAMBERS: Saved by the bell, Senator Kintner is. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Chambers and Senator Kintner. Senator Carlson, you're recognized. [LB690]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. This is a very interesting process this morning. We're in the process of governing. We're in the process of debate. We're in the process of deciding. We're in the process of representing. And when we get to this point in the session, this process is uncomfortable and it's tense. We can bring out anger in our debate. Anger can be good. We shouldn't condemn someone who becomes angry. Senator Chambers isn't listening right now, except he knows that the Good Book says, be angry and sin not. We're in the process of determining priorities. What's important? Everything now is a priority bill. Each one is important to someone and important to some group. And let's suppose we've got 50 bills, 50 priority bills left to debate, and we may have 50 requests for money. And let's suppose we've got \$50 to distribute. Well, one of our conclusions could be that each request gets \$1. We don't take all 50 bills and rate all in the order of importance or priority before we fund any of them. Maybe we should. That's not our process though. We each present our case and then the body votes. Now what happens sometimes, and it shouldn't, is you vote for mine and I'll vote for yours. What's even worse and when the attitude comes out, if you don't vote for mine, I'll do everything I can to kill yours. Now shame on us for any of these ways of thinking. Honest debate is good and proper. We should engage. We may agree, we may disagree. We have a choice. We can accept differences and respect one another or we cannot accept or we may even take the stance we're going to get even. We need to

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stand up for what we believe and when we differ with others we need to respect that difference. And I'm going to close with Senator Chambers' little publication that he put out yesterday. "Here lies Jesus. Tell me why did this man die before his worth was recognized?" Senator Chambers knows that he died. He didn't stay dead. And the fact that he didn't take care of a sin problem for us, and all we have to do is accept that he took care of that problem. And Senator Chambers, I really hope that you accept what he did and then I'll look forward to the day that you and I can go mountain lion viewing in heaven. Thank you. [LB690]

SENATOR KRIST: Thank you, Senator Carlson. Senator Dubas, you're recognized. It's the ruling of the Chair that we've had sufficient debate, and along with the concurrence of the introducer. So do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB690]

CLERK: 26 ayes, 8 nays, Mr. President, to cease debate. [LB690]

SENATOR KRIST: The debate ceases. The question is, shall the amendment to...stand by. Sorry. Senator Kintner, would you like to close on your amendment? [LB690]

SENATOR KINTNER: Yes, I will. Thank you, Mr. President. And we've had good debate which if we're going to spend \$47 million, we better darn well debate it. So I feel pretty good about that. I think we've established that this is a textbook case of big government. If you can define big government by spending lots of money, hiring lots of people, and having lots of regulations, and this is what this does, I think this is a textbook case of big government. And I think if you want to give an example to anyone, this is it. Another thing I would like to say is that, you know, we all...I want to make sure that I'm clear that there's 49 individuals in here; every person is doing their best with their vision of what our state should do. And every person in here, I believe, cares about the taxpayers. Now how that manifests itself is where we have some differences. And that's why I said, you know, in my opinion when it comes to holding down spending, the taxpayers, in my opinion, don't have a lot of friends down here. But that's not because someone dislikes you, it's just because people have a different vision. To be quite frankly, they think they can spend your money better than you sometimes, and I think that's a problem. And I hear that quite a bit from my constituents. But I think the key is that we've had a good debate on this and we need to talk about these things. You can't rush this through. I think the expectation was we're going to push this through, have a vote and we're going to move on to the other things that we have to do. And that's not how I think we should operate. Mr. President, I'd like to withdraw this amendment and let's move on to the bill at hand. [LB690]

SENATOR KRIST: Amendment is withdrawn. Thank you, Senator Kintner. Turning to debate on LB690, those still wishing to speak: Senator Hansen, Karpisek, Kintner, and

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Chambers. Senator Hansen, you're recognized. [LB690]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I've been on the phone a little this morning about a good friend of mine that had a brain tumor and now they found out it was cancerous, so it put things in perspective. And I was a little bit...took awhile to get back into this debate. But to answer Senator Chambers' question about farm subsidies and 72 percent of farms in the United States don't receive any subsidies. And farmer aid, as we call it, is a function of cheap food policy. We've had a cheap food policy in this country for years and years and years, going back, I don't know, before the Eisenhower Administration, I'm sure. But the subsidies go to corn, cotton, soybean, wheat, tobacco, dairy, rice, peanuts, those are the main ones; I'm sure there are some others, but it all goes back to a cheap food policy. Ethanol gets a subsidy of \$5.5 billion to \$7.3 billion a year. And the 51 cents per gallon blender credit did go off in 2011. So they lost some subsidy or some aid right there. Now back to the underlying bill, which we're talking about now, it reminds me, somebody keeps asking me, what are you going to do when you get out of the Legislature? And I tell them, well I used to fish, I could take up fishing again. I used to golf, and I might take that up again. But when I think about fishing, I think about some of the things we're doing with this bill and we're dangling...the federal government is dangling the bait in front of us to get into another program. I don't like subsidies. I don't like grants that are given to states. And this is, certainly, a grant that is given to Nebraska and then two years out the grant is gone so we pick up the price. And that's the reason I...I still don't favor the bill, the underlying bill. And I think it's a government program, \$47 million program, that we just...we don't need to pick up right now. We've got a lot of other issues coming before us that might even be more expensive than this. I'm one of those you're talking about, the elderly, and how we're going to take care of them. We took care of my dad in his house until he had to go into a nursing home. My mother was in a nursing home for less than 24 hours and passed away in 1997. So I think we do do a fair share of taking care of our elders in the house. My son's father-in-law, who is a farmer/rancher north and east of North Platte, died in his home last week, funeral was Saturday morning. And he...that was his wishes, he was in a nursing home for awhile after a stroke and he recovered enough that the family, especially, said dad needs to go home. And this is out in the country, so they had to drive to get to his home healthcare. There were neighbors checking in on him. It was a neighbor that found him laying on the floor and he passed away in his home. That was what he wanted, that was his wishes, and that's what happened. The elderly have a lot of needs and a lot of wishes also. A lot of them don't want to go to a nursing home. We got a good friend in a nursing home in North Platte that said he wanted to die in a duck blind. Well, he passed out in a duck blind. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR HANSEN: And had heart surgery and through the technology of medicine he is still alive and living out, hopefully not the rest of his life, but he is certainly

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recuperating in a nursing home. Senator Wightman did the same thing with his knees. He's out and we're glad to see him out and about. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Hansen. Senator Karpisek, you are recognized. [LB690]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I worked in a nursing home for three years, about four years ago. And a lot of people do go back home. I think that is a common misconception that I had. Close to half of the people that came in got better and went home. We all think of it as a place to go to die, but it really is not. Now did those people come back? Of course they did, but not all of them. They would go there, get better, go home. So it's for some people, not for everybody. And this isn't a bill saying that everybody has to do it. I really have to give Senator Carlson some kudos about what he said about the way we need to conduct business here. Senator Carlson and I often don't agree on issues on this floor, but I respect that man very, very much because he says what he does and does what he says. And if there is any way to compromise, he'll always try to find that compromise. This is a lot of money. But when Senator Chambers talks about all these other federal programs, he's absolutely right and everybody wants to just dodge the question. Well, that's not what we're talking about. Well, it is what we're talking about. We always want that federal money, but then we don't want it. And again, if we don't want federal money, then let's not be hypocrites about it and send it all back. Tell our farmers you're not going to get any subsidies; you're not going to get any crop insurance help, because we are the moral bash in here. We're going to stand up; we're going to show them we don't need them. I haven't seen a bill turned in for that. It's too late. But I bet we could gut something if we really want to talk big about it. I think that this is a good idea. Senator Bolz is trying to help our citizens. We don't want to spend more money. But sometimes it's for the better of our citizens. With that I would give the remainder of my time to Senator Chambers. Thank you. If he'd like it. [LB690]

SENATOR KRIST: Senator Chambers, 2 minutes. [LB690]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Karpisek. And for "Parson" Carlson, he is correct in the way he described certain people in this body in terms of how business is conducted. And I believe every one of his descriptions would apply to me at some time or other. I am not dealing with children in a sandbox with myself being an adult and they being children. Although some of my colleagues, on occasion, behave like children in a sandbox and I remind them that we are adults. This is a rough and tumble place and when these "Repelicans" have the majority, they do what they can to tromp on the ones who are not members of their party. We know that. I have seen things rammed through this Legislature. I've seen things hindered in this Legislature based on partisan considerations. When you know that you're in the majority, you can sit back and just be cool, calm, and collected. But on the other hand,

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when you're in a position such as mine where practically every step is uphill, you learn how to fight. And if the ones you're dealing with don't want you to fight... [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR CHAMBERS: ...then let them not provoke you. But if they provoke me, I tell them--choose your weapons; you decided you wanted to fight, we're going to fight now until the cows come home. And it's going to take me a little while longer to finish what I've got to say on this. And I'm going to take all responsibility for the way I behave on this floor. And mine is never a result of temporary insanity. I know what I'm saying when I say it, and I mean it when I say it. And you all at least know that if you don't know anything else about me. Thank you, Mr. President. [LB690]

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

SENATOR KINTNER: Well, thank you, Mr. President. You know, Senator Chambers just said something interesting. He said there is a GOP majority. Well, yeah, but you know what, we don't have a conservative majority and that's why we can't control spending in this place, in my opinion. And there's a big difference between a GOP majority and a conservative majority. There's a big difference and we don't have the conservative majority. You know, I came down here and I said, when I ran and was elected, I said, I am going to fight for limited government; I'm going to fight for individual liberty, and I've done that. I've lost a lot more fights than I've won. If you look at the spending, you could say I've been an utter failure to stop spending. I've slowed it down, like we've done today, but I haven't stopped much. Maybe I've trimmed a little bit in Appropriations. But you know what, the alternative to fighting all this spending and all this government is just to join in and help them do it. Let's just vote for it. And I don't like the alternative. I'm going to fight...if I lose these votes 48 to 1, I'm going to fight and I'm going to fight and I'm going to fight and I'm going fight, because the alternative is to join in and help them spend and make our government bigger so it rules over us a little bit more and I can't do that. So, I know I get my brains beat out here on a regular basis, and that's okay, because the alternative is a lot worse. Joining the spending spree and making government bigger is just a lot worse and I'm not going to have any part of that. I do want to just say that...remember this bill is going to do two things. It's going to apply to get \$39 million in federal money over two years; we're going to match it with \$8 million of our own money, or vice versa. And the second thing it does, is it creates a task force that's going to kind of chart the future of our state as to what we're going to do with this aging population. And I think that's a good thing. However, we're going to take...we're going to have \$47 million we're spending all over the place at the same time as we're trying to come up with a policy. So the policy we're going to use to the federal government is that you're going to spend it on this, you're going do this, you're going to do this, you're going do this, you're going to jump on this...through this hoop and you're

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going to stand over here and you're going to stop when we say stop and go when we say go. That's what we're looking at doing. We're hiring a bunch of new people to do it. We're going to have a bunch of new regulations and we're going to spend more money. If that's not the definition of big government, I don't know what is. So we're going to have a vote. And you know if the road to Hell was paved with good intentions, because I don't think Senator Bolz or anyone that supports this bill has anything but the best intentions. But you know, good intentions don't solve problems. They just don't. If they did, you know, the war on poverty lost during the great society we would have no poverty. But, obviously, we've got plenty of poverty. Every war we fought on this with big government, we've lost. But we're going to keep trying. We're going to keep taking that government money. We're going to keep making government bigger, because maybe we'll get it right this time. We've never gotten it right before; but, maybe, just maybe we're going to be smarter than all the people before us and all the people in the other states and we're going to get it right. And I'm going to go to the moon next week. You know, I'm going to sing like Frank Sinatra. I mean...(inaudible) we don't have any proof that all these government programs from the federal level work. There are things we do at the state level, we do it the Nebraska way, we do have some results and we do help people and I think it works pretty well when we doing something designed for our state that's not a one-size-fits-all. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR KINTNER: Thank you. Senator Chambers said: Until the cows come home. Well, we've talked about this for four and a half hours. I think the cows have come home and I think it's time for a vote. I would encourage my fellow senators to vote "no" on this. But either way I think it's time for a vote. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Kintner. (Visitors introduced.) Senator Chambers, you're recognized. [LB690]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I wasn't going to speak on this bill except that Senator Kintner got up and somebody pulled that string and the usual words came out about big government spending and all the rest of it. So when he does that, he provokes me and I'm going to sting him. But here's what I want to say about what "Parson" Carlson said with reference to the way we operate. I told you all that I have Teflon brain cells, Senator. See, I can't even call Senator Bloomfield's name, but if I could remember Senator Bloomfield's name, I'd call it. But the senator sitting there in the corner who sounds like Johnny Cash, my Teflon brain cells sometimes have things that slip off. But I think Shakespeare wrote a play called The Merchant of Venice. And I think there was person in it named Shylock. I'm getting nods of agreement. And I think there was a guy named Antonio. There is a famous exchange that dealt with a person making a comment relative to getting back a pound of flesh. But somebody who was clever said, well, all you can take then is the

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flesh, no blood and so forth. That's a piker. I'm one of those who will say if there is something that means a great deal to me, if I don't get mine, you're not going to get yours. Or if you get it, it's going to be after a very hard struggle. Unlike Shylock, I will take skin; I will take flesh; I will take muscle; I will take gristle; I will take bone; I will take marrow; I will take blood; I will take whatever comes when I bite that chunk, not bite, rip that chunk out of your hide. That's what I will do. And I do not bluff; and I do not shoot blanks. I am here to achieve what I think is right. And people would run over me if I would let them. And when I am out numbered, all it does is inflame me and I fight harder. Here's how Senator Kintner thinks his money is going to come to him from Social Security. He thinks they've got a desk, a big desk with a lot of drawers in Washington, D.C. One drawer with...each one has the name of an American citizen on it. And in one of the drawers labeled Kintner is an envelope. Every time Senator Kintner gets a pay check and that Social Security contribution is taken out, he thinks it goes to Washington. They open the Kintner drawer, open that envelope and put Senator Kintner's money in that envelop that he sends in. But that's not the way it worked. But if it did, he would run out of money in that envelope before he ran out of years during which he would accept those payments from Social Security that he's going to receive. Senator Kintner had suggested that the war on poverty programs did not work because there is still poverty. One day Senator Kintner was discussing things with me and made the fallacious statement, not intentionally, that America is founded on Christian principles. I'll let it go just the way he said it. And he's a Christian. I think he is. He comes up here when they pray. The one he prays to told him Lyndon Johnson cannot get rid poverty; John F. Kennedy cannot get rid of poverty; Ernie Chambers cannot get rid of poverty because the poor you will have with you always. That's what the one he worships told him. Senator Kintner there. But you also were told by that one... [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR CHAMBERS: ...to be mindful of the widows, the orphans, the halt, the sick, the blind, the maim, the hungry, the imprisoned. Those were things he was instructed about. But will those who pray here every morning take those words seriously? Certainly not. And we're dealing with a bill where there can be legitimate differences of opinion. And as Senator Garrett said, there should be vigorous, robust debate. But when somebody stands up, as Senator Kintner invariably does and starts yakety-yakking about big government, too much spending, and the rest of it, I'm going to take the bait. I take it as a challenge. He wants somebody to engage him and I shall. And when he does that, I feel he slapped me with a glove and he chose his weapons. And I'm going to show him that I will contest with him until the cows come home. Thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Chambers. Senator Davis, you are recognized. [LB690]

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SENATOR DAVIS: Thank you, Mr. President, members of the body. I spoke on this bill yesterday and I said I supported it because I knew what my constituents were like; that we had a lot of people in homes within their little communities that probably were going to end up in nursing homes earlier than they needed to. And I think it becomes a cost savings. But I'd like to suggest to the members of the body that you're elected by 38,000 people within your district. And part of your folks might be conservative, and part might be rich, and part might be poor, and part might be liberal, but your job is to represent everybody and not just to listen to a one-tone note all the time. This bill makes a lot of sense. There's a lot of logic to what we're going to do. I think we're going to save money down the road here. So, this whole argument about big government is, you know, government is government. You may not like it, but we get a lot of benefits out of it. And I think that's one of the things people ignore constantly when they talk about government. We're sitting in a building that is government. University of Nebraska is government. Our local schools are government. Our NRDs are government. And at the federal level we get military protection; we get tremendous protection for our corporate structure, private property rights, all those are great things in this country. I'm just really tired of people saying that there's only one note here. Listen to all your constituents. That's what you're elected to do, not just to one faction. I'd like to yield the rest of my time to Senator Chambers, if he would like it. [LB690]

SENATOR KRIST: Senator Chambers, you're yielded 3:25 and you're next in the queue. [LB690]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Davis. And I've often said on this floor that I am elected by people in the 11th Legislative District. But my title is not 11th District Senator, my title is State Senator. That means I am to be concerned about issues throughout the state, and all the people in this state are a part of my constituency. That's why if you come down to my office and look at the stacks of mail that I have, all over the floors, all over the desks, on the shelves of bookcases, the vast majority are from white people. And invariably they will say you are my last hope. And I invite people to check it if they think I'm not telling the truth. People go where they think they can get help. If you were drowning, and I offer you a sword that has two edges, each as sharp as a razor blade and you're drowning, it is certain that you're going to drown, but you might survive if you grab that blade. And a drowning person will grab that blade. So people who think of me as the devil, as the one whose name they will not pronounce, whom they wish would die immediately, will come when they've got no place else to turn. And they invariably begin by telling me how they don't agree with what I say, what they used to think about me, but then they found out that I fight for people who have a problem. When people are hurting they will go to the devil himself. And they see me as worse than the devil. But the way other people view me is of no consequence whatsoever to me. The way I view myself and my responsibility is what is important. And that's why I will deal with a lot of issues that have nothing to do directly with what goes on in my district. That one statement that people often quote: no person

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is an island, each is a part of the main. Each is a part of the whole. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR CHAMBERS: And that whole comprises humanity. Many times there's so much talk about the economy and nothing about humanity. I'm next in line, so should I just continue, Mr. President? I'm next in line, should I just continue? [LB690]

SENATOR KRIST: There's 42...2 seconds left, and you can just continue into your time. [LB690]

SENATOR CHAMBERS: Thank you. [LB690]

SENATOR KRIST: Thank you, sir. [LB690]

SENATOR CHAMBERS: I have indicated, based on the fact that you all pray here every morning, that I should use the language that you understand. If you only speak French, then I will say "mais, oui," not "but, yes." If you come in here with that religion every day and tell somebody like me that those are the principles according to which you're going to conduct your business, then I will study up on this manual which Senator, whom I refer to as "Parson" Carlson, calls the "good book," but I call the "Holly Bible" I read it to see what the thing you say you believe in says you...tells you how you ought to act. Two questions were propounded in that book: one in the Old Testament, one in the New Testament. And in both cases, neither question was answered. The profound question was when Pilot asked Jesus, what is truth? and walked out. And Jesus did not answer. The question was left hanging in the air. And all of you who came after him, you're supposed to seek and find the truth. Then act on it, because the truth will set you free. The other question was asked by a person who had killed his brother. And that question was asked by the one who, based on the book you all say you believe in, the one you say you worship, came to this murderer and said, not that you killed so you will die, a mark was put on the murderer so that nobody would kill him. But these Christians say that the "Bible" requires them to have capital punishment. But the first murderer was marked so that nobody would harm him. But that's not the question. That's not even the issue. One question was asked that elicited that profound question. The question put to the murderer was: Where is your brother? And knew the answer but wanted to see what this murderer would say. And the murderer asked a question that was left hanging: Am I my brother's keeper? And that's a question that each one of us can answer. And my answer to it is that I am my brother's keeper, I am my sister's keeper. And that means that there are certain obligations and responsibilities we have toward our brothers and sisters. And another thing you all who follow this book or talk about it, the strong should bear the infirmities of the weak. What is weaker, what is frailer than somebody older even than I am, which is hard to grasp? But even some who have not reached my advanced age yet; whose mind has left. It could be a situation where that person talks

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to you today, understands everything you ask, answers every question you put, will talk back and forth with you, then when you see that person tomorrow, there's no recognition. The glimmer that was in the eye has been snuffed out. And it might reignite and it might not. But for those of us who do have our faculties about us, we can still formulate judgments. We can still determine those who need help and cannot fend for themselves. And we can still undergo self-evaluation and arrive at the appropriate conclusion that we are our brother's and our sister's keeper. And our brothers and sisters are not only those who came from the same set of parents that we did. Every one who helps comprise that main of which we are a part. And this bill is talking about an identifiable, recognizable group which all of us would hope to enter, not with infirmities, but the only alternative to not getting old is to die. And very few people are willing, as Shakespeare said, to shuffle off this mortal coil. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR CHAMBERS: Or Senator Bloomfield in the words or parlance of the mob, they don't want to croak, they want to be here as long as possible. But it's not enough just to breathe, just to eat, just to sleep and wake up. There's something that people refer to as a quality of life. What is it that you get out of living that enriches you? That makes you glad that you are here? That can lift you out of yourself and make you see things that are bigger than just those that concern you or those in your immediate circle? Thank you, Mr. President. [LB690]

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

SENATOR CHAMBERS: And this is my third time. [LB690]

SENATOR KRIST: Yes, sir, it is. [LB690]

SENATOR CHAMBERS: I want to make it clear that I support this bill. Don't ask me, and nobody has and nobody will, to explain everything in the fiscal note. We have to first make sure that the structure which we're going to call a house is in place, that it has a firm foundation, that the walls, the corners fit well; the wind doesn't blow against the house and come into the house. Then we start talking about how to try to make it into a home. And there is a difference between a house and a home. Once we get this bill moved off General File, there is time for much discussion off the floor. But who wants to engage in a lot of discussion expending that emotional capital if the bill is not going anywhere? Once it moves off the first stage, we have something that we are forced to face because it's in a position now to become law. And if there are parts of it that we disagree with, that we don't understand, that's when we become that debating society which behaves in the way that the "Parson" would like to see us all behave. Where we smile, we nod, we acknowledge each other, and we act like very good little children in

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grade school who get...when you get to that little slot--works and plays well with others. You get a check, that means that indeed you do. But we've got to have something that inspires us to engage in that kind of discussion. Do I expect Senator Kintner to change the way he does? Do I expect the leopard to change his spots? Certainly not. Would I know Senator Kintner if Senator Kintner did not behave in the way that he does? I would not know Senator Kintner. Half the time I don't even look at him when he starts talking, and if I cannot distinguish his voice from others, then the words that are used will tell me--this is Senator Kintner talking. Pay attention if you want to be set off; ignore him if you have intelligence. But Senator Kintner can push my button too. And he knows it. And he also knows when he pushes that button, that's the stimulus. And the stimulus invites the response. And if his words are merely in disagreement with what the bill says, I will not even engage him. Anybody who disagrees with this bill, the underlying thrust of the bill, did not reason himself or herself into that position, so I'd be foolish to try to reason that person out of that position. Some will just disagree and that's all there is to it. But if there are words of disagreement which might be overcome by an appropriate explanation or logical argument, than I will offer that even to my good friend, Senator Kintner. You might wonder how I can refer to Senator Kintner as "my good friend?" Actually I can't. I don't know if Senator Kintner is my good friend, but Senator Kintner can refer to Ernie Chambers as his good friend because Senator Kintner lives in Nebraska. I have designated myself, Senator Kintner, the defender of the downtrodden. [LB690]

SENATOR KRIST: One minute. [LB690]

SENATOR CHAMBERS: And sometimes you're going to find yourself in that position. He said he fights a lot of times and loses a lot of times. He loses a lot because he picks the wrong fights. That's why he loses a lot. But he'll say like that poem: out of the dark that...anyway it's called Invictus. But it says my head is bloody, but unbowed. That's Senator Kintner. You can punch him like a punching bag, he doesn't even feel it. He likes it. But there are times when if you listen very carefully, you see a glimmer which you hope will become a gleam of light when Senator Kintner speaks. And I would invite him sometimes to get a different scrip, not just this big government, let's talk about good government as opposed to bad government. And if it takes employees, if it takes rules and regulations to create a government that does the good things government is supposed to do, we support that. If the government... [LB690]

SENATOR KRIST: Time, Senator. [LB690]

SENATOR CHAMBERS: ...comprises...thank you, Mr. President. [LB690]

SENATOR KRIST: Thank you, Senator Chambers. Seeing no one wishing to speak, Senator Bolz, you're recognized to close on your bill. [LB690]

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SENATOR BOLZ: Thank you, Mr. President. Colleagues, this is about providing the capacity in our current systems and services to serve our aging population in their homes and their communities which is where they prefer to be. It is also a bill about planning for the future and looking forward towards figuring out how to save money in the long run. I urge your green vote and I ask for a call of the house. [LB690]

SENATOR KRIST: There's been a request to place the house under call. The question is, shall the house be placed under call? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB690]

CLERK: 30 ayes, 0 nays, Mr. President, to place the house under call. [LB690]

SENATOR KRIST: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator Burke Harr, Senator Dubas, Senator Janssen, please return to the Chamber, the house is under call. Senator Bolz, everyone is accounted for. How would you like to proceed? Would you say that again, please. [LB690]

SENATOR BOLZ: Roll call, regular order. [LB690]

SENATOR KRIST: Thank you, Senator. Clerk, there's been a request for a roll call, regular order. [LB690]

CLERK: (Roll call vote taken, Legislative Journal page 664.) 31 ayes, 11 nays, Mr. President, on the advancement. [LB690]

SENATOR KRIST: LB690 advances to E&R Initial. Raise the call, please. (Visitors introduced.) Items for the record. [LB690]

CLERK: Thank you, Mr. President. (Read LB1114A, LB751A, and LB901A, by title for the first time.) Amendments to be printed: Senator Mello, LB1114; Senator Watermeier to LB986. I have confirmation report from the Government Committee. And a new resolution, LR452 by Senator Janssen that will be laid over, Mr. President, at this time. (Legislative Journal pages 664-667.) [LB1114A LB751A LB901A LB1114 LB986 LR452]

SENATOR COASH PRESIDING

SENATOR COASH: Thank you, Mr. Clerk. We'll proceed to the next item on the agenda.

CLERK: LB776, a bill by Senator Hadley. (Read title.) Introduced on January 10, referred to the Transportation Committee, advanced to General File. I have no

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amendments to the bill at this time, Mr. President. [LB776]

SENATOR COASH: Thank you, Mr. Clerk. Senator Hadley, you're recognized to open on LB776. [LB776]

SENATOR HADLEY: Mr. President and members of the body, this is a referenced state update bill that is introduced each year to keep the DMV consistent with federal laws and regulations which govern state laws administered by the agency. LB776 amends the referenced states for several DMV programs that are governed by federal laws. LB776 adopts the most recent version of the International Registration Plan or IRP. This bill allows Nebraska to follow the IRP change...agreement changes to January 1, 2014. LB776 also updates the references to federal regulations governing commercial motor vehicles and the issuance of commercial driver's licenses. The change allows the DMV to follow the federal regulations as they existed on January 1, 2014. LB776 updates Nebraska statutes which adopt the Federal Unified Carrier Registration Plan, an agreement covering interstate motor carriers, and a reference to a federal security standards for background checks for persons involved in driver's license issuance. Those references to the federal code will be updated to January 1, 2014. LB776 also updates the references to federal regulations governing handicapped parking tags as they existed on January 1, 2014. Lastly, LB776 contains a section which updates references to federal regulations in statute 60-479.01 that provides requirements for security training and background checks for persons involved in the issuance of driver's licenses and state identification cards and is necessary to keep Nebraska in compliance with the provisions of the federal REAL ID Act. The other new section is an update to the federal rules in the definition of low-speed vehicles which were added to the statutes a few years ago. Both of these new updates will change the dates so that the state will have adopted the applicable federal regulations as in effect on January 1, 2014. I would ask your green vote on this and it does have the emergency clause so that we can get these in effect right away when passed. Thank you, Mr. President. [LB776]

SENATOR COASH: Thank you, Senator Hadley. Members, you've heard the opening to LB776. The floor is now open for discussion. Senator Chambers, you're recognized. [LB776]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature. I would like to ask Senator Hadley a question or two. [LB776]

SENATOR COASH: Senator Hadley, will you yield? [LB776]

SENATOR HADLEY: Yes. [LB776]

SENATOR CHAMBERS: Senator Hadley, is there a mandate that this be done, or is the state doing it voluntarily? [LB776]

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SENATOR HADLEY: I believe there's a mandate, Senator Chambers. [LB776]

SENATOR CHAMBERS: And if this is not done by the state, is there a consequence? [LB776]

SENATOR HADLEY: Yes, we would...could potentially lose federal highway funds. [LB776]

SENATOR CHAMBERS: And if it is done, what is the benefit to be derived? [LB776]

SENATOR HADLEY: We will continue to receive those such funds. [LB776]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Garrett a question or two. [LB776]

SENATOR COASH: Senator Garrett, will you yield? [LB776]

SENATOR GARRETT: Certainly. [LB776]

SENATOR CHAMBERS: Mr. President, when I asked that he yield, I address him appropriately to please "Parson" Carlson. I called him Senator Garrett, now I will go to what I call him when he and I are just talking. "General," I'd like to ask you a question. Did you hear what Senator Hadley just said about the bill that it is a mandate, that if it is complied with, federal funds will flow? If it's not, then federal funds will not flow. My question to you is, are you going to support this bill? [LB776]

SENATOR GARRETT: Absolutely. [LB776]

SENATOR CHAMBERS: So you're not opposed to federal money being accepted however it's offered, whether it's dangling, whether it's in a hand or however? [LB776]

SENATOR GARRETT: On a case-by-case basis, I think we examine the policy. I looked at this bill and saw there wasn't anything objectionable, that I felt was objectionable. So, of course, I'd want to support it. [LB776]

SENATOR CHAMBERS: And "General" if I may, when a person is dealing with a broad issue and realize that it's complicated and says I want to deal with it on a case-by-case basis, could that be described as nuanced thinking? [LB776]

SENATOR GARRETT: I would agree with that. [LB776]

SENATOR CHAMBERS: And I agree. Thank you. I would like to ask "Kitty Cat",

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Senator Kintner a question, if I may. [LB776]

SENATOR COASH: Senator Kintner, will you yield? [LB776]

SENATOR KINTNER: Sure, but you cannot associate me with a cat any way, shape or form. [LB776]

SENATOR CHAMBERS: Senator Kintner, I had held up this little delightful replica of a mountain lion, but I was told by the person in the Chair that that might constitute a demonstration which would not be allowed, so I will return it to my desk at what I consider to be a position of honor. If I were going to name that delightful little cat, you know what I would give that delightful little cat as a name? "Kitty Cat" Kintner. You might be blustering, you're big physically, but inside I've seen you. I'm like former President Bush said when he looked in the eyes of Vladimir Putin, I looked into his eyes and I saw a good man. And that's what I see. I see a good man. I see a man who means well, who is a lot younger than I am, and from time to time from my advanced stage in terms of age, and hopefully I might have a bit of wisdom that goes along with it, I will try to straighten out the path he's on that, in my mind, is not as straight as it ought to be, and give him some guidance. Now I want to ask him a question. Senator Kintner, did you hear the exchange between me and Senator Hadley about the nature of this bill and what is involved in it? [LB776]

SENATOR KINTNER: No, I did not. [LB776]

SENATOR CHAMBERS: Here is the gist of our discussion. There are certain requirements in this bill that are based on a federal mandate. If the state complies with those requirements... [LB776]

SENATOR COASH: One minute. [LB776]

SENATOR CHAMBERS: ...federal funds will flow. If the state does not, then federal funds will not flow. Are you going to support this bill or oppose it? [LB776]

SENATOR KINTNER: I will support it. [LB776]

SENATOR CHAMBERS: Thank you. I believe that my pounding has yielded some benefits already. Thank you, Mr. President. Thank you, "K-K," that's for "Kitty Kat." [LB776]

SENATOR COASH: Thank you, Senator Chambers. Seeing no other lights, Senator Hadley, you're recognized to close on the advancement of LB776. [LB776]

SENATOR HADLEY: Mr. President, I will keep it very quick. I would appreciate your

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green vote to advance this to Select File. Thank you, Mr. President. [LB776]

SENATOR COASH: Thank you, Senator Hadley. Members, you've heard the closing to LB776. The question for the body is, shall LB776 be adopted? All those in favor vote aye. All those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB776]

CLERK: 30 ayes, 0 nays on the advancement of LB776. [LB776]

SENATOR COASH: LB776 does advance. Next item, Mr. Clerk. [LB776]

CLERK: LB844 is a bill by Senator Schilz. (Read title.) Introduced on January 13 of this year, referred to Natural Resources. The bill was advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB844]

SENATOR COASH: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB844. [LB844]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. Good morning, colleagues. I introduced LB844 for the Natural Resources Committee and the bill has had overwhelming support and no opposition. And I'd like to thank Senator Carlson and the members of that committee for making LB844 a committee priority. It's a very simple bill. LB844 would extend the termination date of the Nebraska Litter Reduction and Recycling Act from 2015 to 2020. The Litter Reduction and Recycling Act was created in 1979 by LB120 to develop a comprehensive program to promote the protection of public health, safety and well-being and to maintain the economic productivity and the environmental quality of the state and to conserve the state's natural resources. The Department of Environmental Quality managed the fund by a grant program. Funding for that program is generated by an annual litter fee of \$175 per \$1 million of gross proceeds assessed on manufacturers, wholesalers, and retailers. Funds are applied for and awarded to programs that reduce litter and provide education and promote recycling in Nebraska. Grants may be awarded to both public and private entities and according to the Department of Environmental Quality, approximately \$1.5 million is available annually. The sunset provision of this program was last extended in 2010. The groups who support this program and those that receive grants provided an update at the hearing on how the program is working and how funds are being used to reduce litter and increase recycling in our state. And with that, I ask for your support for LB844. Thank you, Mr. President. [LB844]

SENATOR COASH: Thank you, Senator Schilz. (Visitors introduced.) Members, you've heard the opening to LB844. The floor is now open for debate. Senator Chambers, you're recognized. [LB844]

SENATOR CHAMBERS: Thank you. Mr. President, I would like to ask a question of

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Senator Schilz. [LB844]

SENATOR COASH: Senator Schilz, will you yield? [LB844]

SENATOR SCHILZ: Yes. [LB844]

SENATOR CHAMBERS: Senator Schilz, this is strictly for information. Is this program funded by that amount that people pay every time they buy new tires? [LB844]

SENATOR SCHILZ: No, this would be a separate program. This program is paid for by the folks that actually sell the soda pop and things like that. It's a liquid recycling bill. So it's all taken care of by that \$175 per million dollars of assessed sales. [LB844]

SENATOR CHAMBERS: Thank you. That's all that I had. [LB844]

SENATOR COASH: Thank you, Senator Chambers and Senator Schilz. Seeing no other members wishing to speak, Senator Schilz, you're recognized to close. Senator Schilz waives closing. The question for the body is, shall LB844 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB844]

CLERK: 28 ayes, 0 nays on the advancement of LB844. [LB844]

SENATOR COASH: LB844 does advance. Next item, Mr. Clerk. [LB844]

CLERK: LB1016 originally introduced by Senator Krist. (Read title.) The bill was introduced on January 22, referred to the Executive Board for a public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM1884, Legislative Journal page 512.) [LB1016]

SENATOR COASH: Thank you, Mr. Clerk. Senator Krist, you're recognized to open on LB1016. [LB1016]

SENATOR KRIST: Thank you, Mr. President and good morning, colleagues, and good morning, Nebraska. I'm...I think it's fortuitous that we're starting this debate at 11:21 because I think we'll probably break for lunch today at normal time, and that will give you an opportunity to absorb the information that I have given you. My caution is this: I don't intend to kill another tree and hand this out again tomorrow. So as we continue the debate, I would hope that you would keep this information available. Just to bring everyone up to speed, and Senator Garrett, I think, is the only one who wasn't here for that late night debate last year, we decided that it was not a good idea to buy a used airplane and we did not allow for the funding of buying that used airplane. The specifics of which, I don't think, are particularly necessary to review other than the fact that the

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cost, the asking cost for the airplane turned out to be not necessarily what the airplane sold for, so I think we made a good decision. We did, in fact, make a decision to have a study done. We paid \$3,800 for that study from a reputable firm that the federal government and other corporate structures use in terms of making decisions of whether or not, first of all, you need an airplane; secondly, what kind of airplane it should be, how many people you're actually flying in the airplane, and all those necessary items to decide precisely what your needs are and how to fund your air travel. It is my opinion that the state of Nebraska does need air travel. The debate today, because of the way that the bill is written, and when we finally...before we finish and take this off of General and send it to Select, there will have to be another amendment because the way the bill is written right now it allows us the option to say, we are going to buy, we are going to lease, or we are going to charter. And I think this is what this debate needs to be about. Whether or not we need air travel and air support, I think, is a foregone conclusion and I would hope that you would agree with that as a premise. So I've given you some things to think about and talk about and read about. The first one I would bring your attention to is an e-mail from Patrick O'Connell. He is the sales director for the airplane that was suggested by Conklin and de Decker study. He has identified that right now without any further negotiation, that airplane would cost us \$3.6 million. And he's also identified the fact that leasing an airplane is extremely difficult and expensive. The reason for that is when you lease, it is an exclusive use of the aircraft for your purposes. So it's like buying one, but you're leasing it from another company who obviously is not in business to lose money. The second document I'd like to have you look at along with the cost comparison...and thank you, Senator Nelson, for allowing me to hand out the handout that you sent around last year. Senator Nelson, which has the initials at the top of it, J.N., number 6, gives you cost comparisons for aircraft for the Silverhawk, UltraAir, Duncan. And here we were talking about again leasing and chartering. I would also refer you to then the other document which is entitled "Aircraft Leasing Cost and Additional Data." This was a solicited proposal and I might...with a disclaimer out there. I work for a company by the name of Dyna-Tech Aviation who does not have a Part 135 certificate so could never, ever compete for this contract. So fair disclosure, I asked our company president to go out and solicit these inputs from SkyWerx, Silver Hawk and UltraAir and you can read for yourself what their caveats were and what their pricing is. That in conjunction with the handout from Senator Nelson will give you background information on leasing costs. I would also refer you...you can go on-line and look at the document that we paid for, which is on-line on the Exec Board's Web site, that reviews the options from Conklin and de Decker and tells us what kind of airplane we should buy. That would be interesting reading, and bedroom reading tonight, before we continue the debate tomorrow. The average cost, however, a document you also have is called "Hourly cost for the C90GTx over 20 years average operating costs." That one will show you directly from an extract, from an appendix, in that study what the costs would be. And then finally the document that is entitled "Estimated operating costs, C90GTx", from Mike Lovelace, legislative fiscal analyst, and this came from the Department of Aeronautics. A lot of data, a lot of analysis, and I think the debate will go

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on again today and hopefully tomorrow morning for a while. It will give you an opportunity to take a look at the data and absorb the data. I'm available for questions, and Mike Lovelace is underneath the balcony. He can also be quizzed, I'm sure. And as the Clerk said, there was a committee amendment and that committee amendment is what I refer to as giving us option to buy, lease, or charter. So with that, I'll stop there, Mr. President. [LB1016]

SENATOR COASH: Thank you, Senator Krist. As the Clerk has stated, there is an amendment from the Executive Board. Senator Wightman, you're recognized to open on AM1884. [LB1016]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. The committee amendment, AM1884 to LB1016, strikes the original sections and provides the following: The amendment authorized the Department of Aeronautics to acquire an aircraft for the use of state government and to sell the state's 1982 Piper Cheyenne aircraft and any aircraft that has not been needed for state business. The amendment also strikes the language in the original bill requiring the Nebraska Emergency Management Agency to operate, maintain, and provide hangar for the state aircraft. In addition, the amendment clarifies that if the aircraft is leased, the lease payments would be included in the calculation of the hourly rate for use which is to be established by the Department of Aeronautics. Finally, the committee amendment adds language in Section 3 giving the department the authority to charter aircraft. I would appreciate your support of the committee amendment and the bill and I'm happy to answer any questions about it. Thank you. [LB1016]

SENATOR COASH: Thank you, Senator Wightman. Members, you've heard the opening to LB1016 and the committee amendment. The floor is now open for discussion. Senator Bloomfield, you're recognized. [LB1016]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, as Senator Krist said, most of you remember this debate from last year where we did not support buying the used airplane. I think that was the right decision. I do believe we need a state airplane. I am leaning toward a state-owned airplane, but the idea of the one that we had the opportunity to purchase last year versus this new one is black and white. We are more fuel efficient, we're safer. We don't have to spend the \$500,000 right up-front to fix it. We're spending a little more money to get the new one. No better than I like spending state money, I believe this is a good investment and we should proceed with it. Thank you. [LB1016]

SENATOR COASH: Mr. Clerk, you have an amendment to the committee amendment. [LB1016]

CLERK: I do, Mr. President. Senator Nordquist would move to amend the committee

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amendments with AM2082. (Legislative Journal page 668.) [LB1016]

SENATOR COASH: Senator Nordquist, you're recognized to open on your amendment. [LB1016]

SENATOR NORDQUIST: Thank you, Mr. President and members. AM2082 to the committee amendment would reinstate language that we had in the budget bill last year, which was on page 19 of the slip law of LB195 which says that it's the intent of the Legislature that the use of state owned, chartered, or rented aircraft by the department shall be for the sole purpose of state business, the department shall file...electronically file with the Clerk's Office quarterly report on the department's use of state owned, chartered, or rented aircraft and that that includes the following for each trip: The name of the agency or entity traveling; the name of each individual passenger; all the purposes of the trip, the destination, intermediate stops, and the miles flown. This was language we included in the Appropriations Committee last year when we were talking about the plane issue. I certainly wasn't in support last year of purchasing the used aircraft from the University Foundation, but I did want to make sure that this language was again incorporated into the debate this year. I think everyone of us, when we had the discussion last year, and the Appropriations Committee thought it would be very inappropriate for a Governor to have a state function, whatever that is, across the state and then make multiple stops at, you know, nonstate functions, nonstate business-related functions, political functions or whatever they may be on the way back. So that's why we have this language. I think the taxpayers would approve of this language in the overall discussion of the plane. Just in general, I probably would lean more towards the side of setting a flat appropriation for annual travel for the budget for the Governor and any other agencies. You know, we could give the Governor a budget of \$100,000 a year to charter as need be and I think that would certainly meet his needs, but that is a discussion that can continue on LB1016, but I do think that this language is important to ensure that the plane is used for...whether it's leased, chartered, or owned, used for the appropriate purpose. Thank you. [LB1016]

SENATOR COASH: Thank you, Senator Nordquist. Members, you've heard the opening to the amendment to the committee amendment. The floor is now open for discussion. Senator Wallman, you are recognized. [LB1016]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. Would Senator Krist yield to a question? [LB1016]

SENATOR COASH: Senator Krist, will you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR WALLMAN: Is the personnel to operate this airplane in this? I couldn't seem

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to find it on the literature. Is it in there? [LB1016]

SENATOR KRIST: The sales agreement from Beechcraft includes the training slots for two pilots and one mechanic from Flight Safety International, which is the best training school, in my opinion, available. [LB1016]

SENATOR WALLMAN: And they'd be on staff for the state of Nebraska all year round? [LB1016]

SENATOR KRIST: Yes, sir. They belong to the Department of Aeronautics right now. They're the people who are flying the state airplanes and were flying the King Air. [LB1016]

SENATOR WALLMAN: Okay. Thank you. [LB1016]

SENATOR KRIST: Thank you, Senator Wallman. [LB1016]

SENATOR WALLMAN: I'm going to listen to this debate very carefully. You know, we're talking about privatization of healthcare and all these things, and we've got a private aircraft...a private charter place in Lincoln in place. And I'd be interested to see what all this shakes down as far as costs because depreciation and all these things are figured in there, I noticed. It's going to cost more money than we think. Thank you, Mr. President. [LB1016]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Thank you, Senator Wallman. Senator Chambers, you're recognized. [LB1016]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I have a question of Senator Nordquist on his amendment. [LB1016]

SENATOR GLOOR: Senator Nordquist, would you yield? [LB1016]

SENATOR NORDQUIST: Yes. [LB1016]

SENATOR CHAMBERS: Senator Nordquist, before I can ask other questions of Senator Krist, there's nothing in there about the duration of the trip, like if they're going to stay overnight or more than a day. So do you think anything about the duration should be included in that report, or would it not be at this point in our discussion, essential or relevant? [LB1016]

SENATOR NORDQUIST: I think it's information that we certainly could include. We

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have the purpose and the destination in stops, but you're right, there is nothing that says specifically the duration of the trip and I'd be amenable to making that change. [LB1016]

SENATOR CHAMBERS: Thank you and that's all for now. I would like to now ask Senator Krist a question. [LB1016]

SENATOR GLOOR: Senator Krist, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR CHAMBERS: Senator Krist, let's say that this plane is leased or rented instead of purchased. If the trip is going to take somebody from Lincoln to Scottsbluff, and whoever that somebody or that entity is would stay there overnight and part of the next day, would that plane return to wherever it originated or would it remain there for the duration of time that those who rented or leased it would be there? [LB1016]

SENATOR KRIST: Under the charter agreement, it would stay with the individual if they choose...the party that's traveling, if they choose to pay the extra expense to keep it overnight. That extra expense would include the cost of the pilot, his per diem, their per diem because there will be two of them, hangaring the airplane if necessary, so there's extra cost involved. There's an hourly rate to take it from here to Scottsbluff, which would be approximately two hours out, two hours back, and then any additional costs would be overnight costs, etcetera. [LB1016]

SENATOR CHAMBERS: Now if the plane were not going to stay there overnight and it returned to wherever it came from, would there be a charge for that plane's leaving that point, returning to its point of origin, then flying back to Scottsbluff to pick these people up? [LB1016]

SENATOR KRIST: Those costs are referred to as repositioning fees. And if the charter company, for example, found someone that needed to go from Scottsbluff back to someplace else, they could take them there, but repositioning it back for the pick up at Scottsbluff, we would pay for. So the worst case scenario would be, it would come home for a few days and then go back to pick them up at Scottsbluff, and yes, sir, we would pay for, basically, two round trips in order to facilitate that trip. [LB1016]

SENATOR CHAMBERS: And I don't know if you'd be speculating or if you know, would it be more expensive to let the plane remain in Scottsbluff or go back where it came from, then return when the party wants to come back to Lincoln or wherever they came from? [LB1016]

SENATOR KRIST: In my business we use approximately a three-day rule. If it's less than three days on the return, then we would stay with the individual, but you have to

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understand that ours is exclusive use on our contract. So I would think...I know it would be more expensive to go back and forth for the round trips. [LB1016]

SENATOR CHAMBERS: Thank you. That's what I was asking. Members of the Legislature, this amendment that Senator Nordquist is presenting is what I consider to be a good amendment, but in view of what Senator Krist had explained about should duration or the repositioning, I would like to ask Senator Nordquist a question. [LB1016]

SENATOR GLOOR: Senator Nordquist, would you yield? [LB1016]

SENATOR NORDQUIST: Yes. [LB1016]

SENATOR CHAMBERS: Senator Nordquist, it doesn't matter to me when such an amendment might be offered, but would you... [LB1016]

SENATOR GLOOR: One minute. [LB1016]

SENATOR CHAMBERS: ...object to the word "duration" being included in the information that would be given? [LB1016]

SENATOR NORDQUIST: No, and I think after the discussion, I think that would make sense to include that. [LB1016]

SENATOR CHAMBERS: Thank you. And I'm not going to offer that amendment right now, because I haven't made up my mind as to whether I think a plane ought to be purchased or leased or whether anybody is allowed to fly anywhere at state expense. Let them get out on the road and drive and see what the ordinary citizen encounters, the conditions of the road, the condition of driving. Look at the countryside. Enjoy Nebraska, "General." See what's going on. [LB1016]

SENATOR GLOOR: Time, Senator. Thank you, Senator Chambers. Senator Harms, you are recognized. [LB1016]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Krist, would you yield just to a couple of questions for me? [LB1016]

SENATOR GLOOR: Senator Krist, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR HARMS: Are we looking at the Air King plane to purchase? What are we actually looking at to purchase, and then can you give me a little bit of background about the safety of this airplane and all the components it might that separates it out

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from all the other airplanes we have available? [LB1016]

SENATOR KRIST: Yes, sir. The recommendation from the study was to go ahead with the purchase of a King Air, C90GTx, C90GTx,... [LB1016]

SENATOR HARMS: Correct. [LB1016]

SENATOR KRIST: ...which is a smaller version of the King Air 200, more efficient, almost the same speed, five passenger airplane, two pilots, two sets of instruments, two engines. [LB1016]

SENATOR HARMS: Does it have the boots and everything else it has to kind of go above... [LB1016]

SENATOR KRIST: Any icing, yes, sir. [LB1016]

SENATOR HARMS: ...can it go high enough to get above some of the storms we have out in western Nebraska? [LB1016]

SENATOR KRIST: Yes, sir. [LB1016]

SENATOR HARMS: Okay. Are there any other...is there any other airplane that you would give consideration to or do you think this is the one that you would...you're recommending to us, that might be better for our Governor and other people, such as our senators that might use? [LB1016]

SENATOR KRIST: Starting last year, Senator Harms, this was my pick. If I would look at buying a new airplane, the C90 was the airplane, best use airplane, most efficient airplane. And I might add buying new, the safest because of the terrain warning and the air to air warning and radar systems, this is the best airplane. [LB1016]

SENATOR HARMS Thank you. And I really do appreciate all the work you've done on this. It was nice to have someone who truly understands the airline business and it has helped us a lot, I think, in the Appropriations Committee when we were debating all this a year ago and even on this floor. I will tell you, I do support the purchase of this airplane and the amendments that are up on the board. I think it's extremely important that we do not allow our Governor, or any executive member, or any of our colleagues on our side of the house, at risk. You see, we have the right to use that airplane also. We can use the airplane to get around if you so desire if you've got places you need to go and meetings you might need to attend as a group. So we do have that opportunity to do that. I don't think we probably use it very much, but I think it is important to make sure that we have our people safe. I have had the unfortunate opportunity on more than one occasion to fly on a couple of those airplanes and I'm here to tell you, it didn't make

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me feel very well when the ceiling tile was falling out of one of the airplanes and whether or not I was going to get back to Lincoln, Nebraska. I think we have to make sure that we have a good airplane, it's a safe airplane, and that we spend the money to make sure that our people are safe and that you, on this floor, are safe, because you can use it too. So I'd urge you to give this consideration, to vote for it, because I think it's important for us. Unfortunately, I have the opportunity to drive across the state all the time and I'm here to say to you, it's a long ways from Lincoln, Nebraska, to Scottsbluff, Nebraska. It's like six and a half to seven hours and if the weather is bad, it's a miserable trip. It's a lot longer. I don't think you can have someone from the executive branch, or the Governor side, who has important business to do on a daily basis, driving up and down the highway. You're at a greater risk doing that on the Interstate than you are flying. And so I hope that you will just think about these components. Senator Krist is a great resource person. He walked us through this in our Appropriations Committee. He's knowledgeable. You got questions, ask him the questions. If he doesn't know, he will find out real quick for you. He's a good resource for us and we're fortunate he's here because he has that background. So I'd urge you to support the amendments as well as the bill itself. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Harms. Are there other senators wishing to be recognized? Seeing none, Senator Nordquist, you're recognized to close on your amendment. [LB1016]

SENATOR NORDQUIST: Thank you, Mr. President. So, I guess, we'll proceed. I was hoping we would talk out the rest of the day and substitute Senator Chambers' correction, but I guess we'll come, if it's okay with...would Senator Chambers yield to a question? Maybe I'll start with that. Would Senator Chambers yield to a question? [LB1016]

SENATOR GLOOR: Senator Chambers, would you yield? [LB1016]

SENATOR CHAMBERS: Yes, I will. [LB1016]

SENATOR NORDQUIST: Senator Chambers, because we're moving on this amendment today, would it be okay with you if we came with an amendment to add "duration" to this on Select File? [LB1016]

SENATOR CHAMBERS: Oh, whenever you want to do it, that's fine with me. [LB1016]

SENATOR NORDQUIST: Okay. Thank you. So just to recap this amendment, would incorporate my language that we had in the budget bill last year which said planes only used for state purpose. There will be a report which lays out the agency using it, the people on the plane, the destinations, and the miles flown. So that's the purpose of this just to ensure we have...and that report will come electronically to the Clerk's Office to

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ensure we have a great level of transparency in the utilization of whether...no matter whether it's a state owned, leased, or chartered plane. Thank you. [LB1016]

SENATOR GLOOR: Thank you, Senator Nordquist. The question is, shall the amendment to the committee amendment to LB1016 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB1016]

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the amendment to the committee amendments. [LB1016]

SENATOR GLOOR: The amendment is adopted. We return to discussion on the committee amendments. Senator Scheer, you're recognized. [LB1016]

SENATOR SCHEER: Thank you, Mr. President. And I guess I just didn't want to get through first round, and it was going much faster than I thought, but I would ask Senator Krist to yield only so that he has the opportunity to go on the record in relationship going back to some of the questions regarding the purchase or a lease. He provided us the information as far as the dollar amount, but I think it's always nice to have it in the record, the cost difference between purchasing something as well as the flexibility, but there seem to be substantial costs to lease...not necessarily lease, but to rent on a per diem basis on the paperwork. And I just wondered if Senator Krist would yield and provide us that information. [LB1016]

SENATOR GLOOR: Senator Krist, would you yield? [LB1016]

SENATOR KRIST: Yes. Thank you, Senator Scheer. The cost...if you run through the numbers and these were actual local companies, again, on the...I'll reference you to the aircraft leasing costs and additional data. The actual cost to lease comes very, very close to what it would cost us to operate the airplane on an annual basis. The difference...the big difference is if you look at the factors below, this is not...there's no guarantee. This is a first-come, first serve basis for the lease process. Additionally, these would be not our pilots. They would be pilots that would be, not on call, but belong to the company and I trust that the company would properly train them, but there's a difference in the mentality of flying with your own pilots and your own security as opposed to someone else. The biggest...I think the biggest difference in terms of leasing or buying, in my mind, particularly with the state mission, is that we're at the end of this time frame, we're going to spend about the same amount of money flying an airplane on a twenty-year basis, but at the end of twenty years, we're going to have a residual value in the airplane of \$1.5 million to \$2 million, which, again, we could reinvest in another airplane or move forward. There won't be that if we charter an airplane. Leasing an airplane means that it is your exclusive use, but again, it is much more expensive and comes very close to actually owning. And I'm sure that there will be people that would

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debate primarily the fact that we have local businesses and we would be returning that business to a local area. I would remind anyone that we buy fuel from local vendors. We are going to buy services to maintain the airplane from local vendors. We're going to buy training for our pilots from local vendors. We're going to own an airplane so there's an investment there, obviously, but there will be money that will be distributed in the local area in hangaring, maintaining, and fueling the airplane, and maintaining the airplane in general. The other part of it, I think, is that the airplane will be wherever it needs to be. In answer to Senator Chambers' question earlier, the airplane is there. It's at our disposal. It doesn't have to go someplace else. And one of the things that was a selling point, if you remember from aeronautics on the King Air 200 that the Foundation owned, was that they knew the airplane. They knew the history. They knew the maintenance and the safety record of that aircraft. Well, we've just come light years with this airplane in terms of safety and maintenance. This new airplane is a much better airplane, so the same argument could be made there and knowing the airplane and knowing how it's maintained is also a comfort factor. [LB1016]

SENATOR GLOOR: One minute. [LB1016]

SENATOR KRIST: I hope that hit most of the highlight points, Senator Scheer. Is there anything else that you would like me to speak to? [LB1016]

SENATOR SCHEER: No. Thank you very much, Senator Krist. I stand in support of LB1016 and the underlying amendment. I just thought it would be beneficial to have that information on the record as we move forward. Thank you. [LB1016]

SENATOR GLOOR: Thank you, Senator Scheer and Senator Krist. Senator Chambers, you're recognized. [LB1016]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I would like to ask Senator Krist a couple of questions. [LB1016]

SENATOR GLOOR: Senator Krist, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR CHAMBERS: Senator Krist, I still haven't determined which direction I'm going, but these questions might be pertinent. How much would it cost to insure this plane, if you have any idea, and what would the insurance cover? [LB1016]

SENATOR KRIST: Yes, sir, I do. It is in the budget that is...that the department has given us; and I believe the correct figure per year is \$15,000 to insure. That has a thirty-five million, I believe, on individuals on the airplane, hull coverage which replaces the airplane. So if the airplane would be lost for any reason, it would be replaced. It's a

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replacement cost package. [LB1016]

SENATOR CHAMBERS: When you say thirty-five million for the people on the plane, is that each one or all...the total amount no matter how many are on the plane? [LB1016]

SENATOR KRIST: I believe that's a liability on a total claim package for the individuals on board, but I can find that out for you for sure. I don't want to take that as fact, but I'm pretty sure that that's the actual numbers. In fact, I'm looking at Mike Lovelace. I can get you a copy of the actual e-mail that was sent to us by the Department of Aeronautics and it answers all of the insurance requirements that we purchase. [LB1016]

SENATOR CHAMBERS: Okay. Now once...how long would the warranty be good, for how many years, or months, or whatever? [LB1016]

SENATOR KRIST: Some warranties can be negotiated for a longer period of time, but the standard from the factory is five years. [LB1016]

SENATOR CHAMBERS: And after that, how many miles would be flown...let me start that a different way. Are there certain maintenance requirements that an airplane must be put through? [LB1016]

SENATOR KRIST: Yes, sir. There's both the time inspections. In other words, every six months something needs to be inspected, or every year something needs to be replaced or inspected. There's also the number of hours that are on the airplane. For example, the engines are due for a periodic maintenance and major maintenance at different times and for these engines, 3,500 hours is a magic number. So within the first year...five-year process, it is conceivable that some of that work would be done...all of that work would be done under warranty. Once the airplane is out of warranty, there is usually a phaseout time where parts are covered, but maintenance may not be covered. [LB1016]

SENATOR CHAMBERS: The Speaker gave me a sheet that might answer my questions. I'll look at it in more detail, but while I have you I'm going to take the lazy person's way out. When major engine work has to be done, what is...is that called an overhaul or what do they call it, if there's a term for it? [LB1016]

SENATOR KRIST: Yes, sir. There's two different inspections. When an engine needs to have a hot section inspected, that's a tear down and they inspect parts of the...moving parts of the engine and the hot section itself. And then there's a major maintenance that they call an overhaul, which is actually taking the engine completely apart and replacing all the pieces that are timed out and all those that are worn out and put back together. But these engines are brand new so we'd be starting at baseline. [LB1016]

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SENATOR CHAMBERS: How many miles flying...how many miles must be flown before an overhaul would be mandated? [LB1016]

SENATOR KRIST: Most of those inspections are time or hours, so not necessarily miles. So at 3,500 hours, for example, those engines would have to be overhauled. If we fly the airplane...the airplane that I fly for a living... [LB1016]

SENATOR GLOOR: One minute. [LB1016]

SENATOR KRIST: ...flies at about 450 hours per year. We're talking here about 150 hours a year. So 150 into 3,500, that will tell you the duration of major maintenance on the engines. [LB1016]

SENATOR CHAMBERS: And roughly, how much would that overhaul cost? [LB1016]

SENATOR KRIST: About a half a million dollars per engine in today's numbers. [LB1016]

SENATOR CHAMBERS: And how many overhauls would be expected during the lifetime of this plane, meaning the amount of time that the state would continue to own it? And if you can't answer it in the short time I have, I'll put my light on again. [LB1016]

SENATOR KRIST: Twenty years of flying is what the recommended time frame is to keep an airplane like this before you would trade it in, because maintenance gets more expensive on a turboprop at the twenty-year point. So between now and twenty years out, the periodic maintenance that would be done on the airplane, I would imagine that there would be at least four hot sections or major overhauls to the engine. [LB1016]

SENATOR GLOOR: Time, Senators. Thank you, Senator Chambers and Senator Krist. Senator Wallman, you're recognized. [LB1016]

SENATOR WALLMAN: Thank you, Mr. President. Would Senator Krist yield to a question? [LB1016]

SENATOR GLOOR: Senator Krist, would you yield? [LB1016]

SENATOR KRIST: Yes. [LB1016]

SENATOR WALLMAN: I noticed here in total fixed costs that jumps some per year, here. You know, the total per year, two twenty-four, three twenty-three, four twenty-one. Why is that jumped that much? [LB1016]

SENATOR KRIST: Which sheet are you referring to, sir? [LB1016]

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SENATOR WALLMAN: On the average operating cost per hour. I think it's sheet ten. [LB1016]

SENATOR KRIST: I actually gave my copies away to the press, so I'm a little... [LB1016]

SENATOR WALLMAN: Okay. [LB1016]

SENATOR KRIST: But I would say that your operating...one second, please. [LB1016]

SENATOR WALLMAN: But the rest of the stuff is...and why do we spend almost \$5,000 a year in training? I could see the first year, that's okay. [LB1016]

SENATOR KRIST: Okay. This...are you referring to hourly cost for the C90GTx 20 year and then on the right-hand column it says average operating costs per hour? [LB1016]

SENATOR WALLMAN: Yes. [LB1016]

SENATOR KRIST: Yes, okay. That I included in your package because it is part of the study that was sent out by Conklin and de Decker. These are industry standards for nationwide, worst-case scenario. So they're costing things out which are much higher than what the department, on their average, has cost out. But I will give you a reasonable explanation. Let's just talk about training for a second. The first year we're given training for free...not for free, it's part of the cost of the airplane, we get the two pilots trained. When they go back for training, if they choose to go back to Flight Safety International, those annual training requirements for those pilots can run as high as \$10,000 to \$13,000 dollars per year per training session. If you do it in a lesser school or private instruction, it can run less than that. So when they say training here, they're factoring in high-cost training throughout the years, so it goes exponential as years go on. And also if you look, for example, on fuel cost on this, they're calling it 724 per hour. That really is...that's an east coast fuel rate. What we're paying here for jet fuel in the Midwest is probably two to three dollars less per gallon than the east coast. I've paid as much as \$9 a gallon for jet fuel in Newark and it's \$5 here in the local area. So that will give you an idea of how that is. These are worst-case scenarios and I wanted you to see this, because if you go back on-line and look at the report, that's how they factored it in and that's really why I wanted the department to give you the Department of Aeronautics number so you can see where we really are. And not to take too much more of your time, but making a point here, we're talking about an average cost per flying hour of less than \$1,000 an hour which is really very inexpensive. And that was part of my goal was to keep that cost down so that we can use the airplane and the agencies can use the airplane, agency head, as well. Four of us can get on the airplane and go to Scottsbluff and pay three or four hundred dollars for a round trip, get our

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business done in one day, and come right back. Well, if we were using the Foundation airplane and the way they had cost it out, it was \$500 per hour more expensive, up to \$1,500 an hour. [LB1016]

SENATOR WALLMAN: Thank you. Now it sounds...it's kind of on the gray area for me, but I'm definitely going to listen and a friend of mine said the happiest day when he bought his airplane, second happiest day was when he sold it. Thank you, Mr. President. [LB1016]

SENATOR GLOOR: Thank you, Senator Wallman. Mr. Clerk, for the record. [LB1016]

CLERK: Mr. President, thank you. Senator Harms, an amendment to LB728 to be printed; Senator Larson, LB699. Confirmation report from Transportation. Your Committee on Transportation reports LB892 and LB930 to General File. I have name adds: Senator Garrett to LB505; Senator Pirsch to LB171, LB390 and LB1110. (Legislative Journal pages 668-672.) [LB728 LB699 LB892 LB930 LB505 LB171 LB390 LB1110]

Senator Campbell would move to adjourn the body until Thursday morning at 9:00 a.m.

SENATOR GLOOR: Members, you've heard the motion to adjourn until tomorrow morning at 9:00 a.m. Those in favor say aye. Those opposed, nay. We stand adjourned.