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Floor Debate
March 24, 2015

[LB13 LB15 LB25 LB47 LB70 LB70A LB81A LB111 LB212 LB242 LB242A LB265 LB320A
LB320 LB347 LB356 LB405 LB413 LB415 LB419 LB422 LB482 LB500 LB538A LB538
LB546 LB591A LB641 LB663 LR7CA LR114 LR115 LR116 LR117 LR118 LR141 LR142
LR143 LR144]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR MATT BAHNFLETH, CHRIST THE SERVANT LUTHERAN CHURCH, NORFOLK, NEBRASKA. THAT'S SENATOR SCHEER'S DISTRICT. PLEASE RISE.

PASTOR BAHNFLETH: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU. I CALL TO ORDER THE FIFTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. RECORD, MR. CLERK.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

SPEAKER HADLEY: THANK YOU. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: JUDICIARY COMMITTEE CHAIRED BY SENATOR SEILER REPORTS LB422 TO GENERAL FILE; LB663 TO GENERAL FILE WITH AMENDMENTS. NEW A BILL: SENATOR BOLZ, LB591A. (READ LB591A BY TITLE FOR THE FIRST TIME.) THAT'S ALL THAT I HAVE, MR. PRESIDENT. [LB422 LB663 LB591A]

SPEAKER HADLEY: WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR114,

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Floor Debate
March 24, 2015

LR115, LR116, LR117, AND LR118. MR. CLERK, THE FIRST ITEM ON THE AGENDA.
[LR114 LR115 LR116 LR117 LR118]

CLERK: MR. PRESIDENT, SENATOR HANSEN, LB242A. I HAVE NO AMENDMENTS TO
THE BILL. [LB242A]

SPEAKER HADLEY: SENATOR HANSEN. [LB242A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB242A BE ADVANCED TO E&R
FOR ENGROSSING. [LB242A]

SPEAKER HADLEY: YOU'VE HEARD THE ANNOUNCEMENT. ALL THOSE IN FAVOR
SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL IS MOVED TO E&R FOR
ENGROSSING. MR. CLERK, THE NEXT ITEM. [LB242A]

CLERK: MR. PRESIDENT, GENERAL FILE: LB641, ORIGINALLY INTRODUCED BY
SENATOR GARRETT. (READ TITLE.) INTRODUCED JANUARY 21 OF THIS YEAR,
REFERRED TO TRANSPORTATION COMMITTEE, ADVANCED TO GENERAL FILE.
THERE ARE TRANSPORTATION COMMITTEE AMENDMENTS, MR. PRESIDENT.
[LB641]

SPEAKER HADLEY: SENATOR GARRETT, YOU'RE RECOGNIZED TO OPEN ON YOUR
BILL. [LB641]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. COLLEAGUES, THIS IS ONE OF
THOSE BILLS THAT I EUPHEMIOUSLY CAME UP WITH A NAME FOR IT, I CALL IT
THE "DOG DUMB" BILL. FORMER STATE SENATOR CHRIS ABBOD BROUGHT THIS
BILL TO US AND THIS IS ONE OF THOSE THINGS WHERE YOU LOOK AT THE LAW
AND YOU SHAKE YOUR HEAD. THE GENESIS OF THIS LAW WAS A LADY IN A
WHEELCHAIR LAST YEAR GOT HIT WHILE SHE WAS IN A CROSSWALK. SHE FILED
SUIT AND THE SUIT WAS THROWN OUT BECAUSE YOU ARE NOT COVERED IF
YOU'RE IN A WHEELCHAIR. YOU'RE NOT SUPPOSED TO BE IN A CROSSWALK,
ONLY PEDESTRIANS CAN BE IN A CROSSWALK. THAT'S PRETTY OUTRAGEOUS
AND IT GOES AGAINST THE AMERICANS WITH DISABILITIES ACT AND
EVERYTHING ELSE. AND SO WE BROUGHT A BILL BEFORE THE TRANSPORTATION
COMMITTEE. WE HAD BICYCLES COVERED IN THERE, AS WELL. THERE WAS
SOME DEBATE ON DIFFERENT ASPECTS OF HAVING BICYCLES IN THE BILL, SO WE
HAD A COMMITTEE AMENDMENT THAT STRUCK THE BICYCLE PART. SO,

Floor Debate
March 24, 2015

ESSENTIALLY, WHAT WE HAVE HERE WITH LB641 PROTECTS PEOPLE IN WHEELCHAIRS IN CROSSWALKS, GIVES THEM THE SAME RIGHTS AS PEDESTRIANS. NOW, WITH ALL OF THAT SAID, WE'RE GOING TO COME BACK WITH A SUBSEQUENT AMENDMENT THAT WILL...WE FOUND LANGUAGE THAT IS ACCEPTABLE TO THE COMMITTEE, SO WE'LL SUBSEQUENTLY AMEND THIS TO INCLUDE BICYCLES. BUT MEMBERS OF THE LEGISLATURE, THIS IS ONE OF THOSE THINGS AGAIN WHERE OBVIOUSLY IT'S A GAPING...IT'S A HOLE IN OUR CURRENT STATUTE. AND I HIGHLY ENCOURAGE YOUR SUPPORT OF LB641. THANK YOU. [LB641]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. SENATOR SMITH, AS CHAIR OF THE COMMITTEE YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB641]

SENATOR SMITH: THANK YOU, MR. PRESIDENT AND GOOD MORNING COLLEAGUES. WE HAD A HEARING DATE ON TUESDAY, FEBRUARY 10 ON THIS BILL AND IT WAS DESIGNATED AS A 2015 TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE PRIORITY BILL WITH THE COMMITTEE AMENDMENT ADOPTED. THE COMMITTEE AMENDMENT REMOVES FROM THE BILL THE LANGUAGE "OR A PERSON OPERATING A BICYCLE." THE AMENDMENT UPON ADOPTION WILL NARROW THE BILL TO PROVIDE THAT A PERSON OPERATING A MANUAL OR MOTORIZED WHEELCHAIR ON A SIDEWALK OR ACROSS A ROADWAY IN A CROSSWALK SHALL HAVE ALL THE RIGHTS AND DUTIES APPLICABLE TO A PEDESTRIAN. THERE WERE SEVERAL REASONS, HOWEVER, FOR STRIKING THE WORDING FOR BICYCLE. ONE WAS THAT THE SAFETY OF THE BICYCLE RIDER WAS THE PRIMARY CONCERN OF THE COMMITTEE. AND THERE WERE SOME CONCERNS THAT THERE COULD BE UNINTENDED...THERE COULD BE AN UNINTENDED SENSE OF SAFETY BY THE BICYCLIST ENTERING INTO THAT CROSSWALK. BICYCLISTS CAN OPERATE AT A HIGHER RATE OF SPEED--AND THIS IS ANOTHER REASON, COLLEAGUES--A BICYCLIST CAN OPERATE AT A HIGHER RATE OF SPEED THAN A WHEELCHAIR. AND THERE WAS CONCERN THAT THE DRIVER OF A CAR MAY NOT SEE AND REACT IN SUFFICIENT TIME TO A BICYCLIST RIDING ON A SIDEWALK AND THEN INTO THE CROSSWALK. AND THEN FINALLY, NIGHT CONDITIONS WOULD FURTHER RESTRICT THE ABILITY TO SEE THE BICYCLIST IN A CROSSWALK. THE PRIMARY CONCERN OF THE COMMITTEE MEMBERS IN THIS DISCUSSION WAS THE SAFETY OF THE BICYCLIST. NOW, SENATOR GARRETT DOES HAVE AN ADDITIONAL AMENDMENT PENDING FOLLOWING THE ADOPTION OF THE COMMITTEE AMENDMENT AND WE CERTAINLY CAN TAKE THAT UP AND HAVE

Floor Debate
March 24, 2015

THAT DISCUSSION. I BELIEVE THAT THE RESTRICTIONS GIVEN TO THE BICYCLIST IN THE AMENDMENT THAT SENATOR GARRETT IS CARRYING MAKES IT...TAKES AWAY SOME OF THESE CONCERNS OF THE SAFETY OF THE BICYCLIST. BUT AT THIS POINT, COLLEAGUES, I'M ASKING THAT YOU WOULD ADOPT THE TRANSPORTATION COMMITTEE AMENDMENT AM719 TO LB641. THANK YOU, MR. PRESIDENT. (AM719, LEGISLATIVE JOURNAL PAGE 766.) [LB641]

SPEAKER HADLEY: SENATOR GLOOR, YOU'RE RECOGNIZED. [LB641]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. SENATOR SMITH AND I HAVE TALKED ABOUT THIS. I'VE NOT HAD A CHANCE TO CATCH UP WITH SENATOR GARRETT ABOUT IT, ALTHOUGH CLEARLY THE ATTEMPT TO MAKE SURE THAT THERE ARE PROTECTIONS FOR PEOPLE IN MOTORIZED WHEELCHAIRS IS AN IMPORTANT AND VALID ISSUE TO TRY AND GET COVERED UNDER STATUTE. I HAVE SOME CONCERNS ABOUT BICYCLES AND BICYCLISTS. AND THOSE OF YOU WHO ARE FROM COMMUNITIES LIKE LINCOLN, OMAHA, AND EVEN MY GRAND ISLAND THAT HAVE CONSIDERABLE DOLLARS AND EFFORT TIED UP IN HIKE AND BIKE TRAILS MIGHT WANT TO TUNE INTO THIS. I THINK THE ISSUE OF TAKING OUT BICYCLISTS I UNDERSTAND BECAUSE THIS BILL, IN ITS INITIAL ATTEMPTS TO DEAL WITH A WHEELCHAIR PROBLEM, MAY HAVE CREATED SOME UNINTENDED CONSEQUENCES HERE. BUT I WONDER IF SENATOR SMITH WOULD YIELD FOR SOME QUESTIONS. [LB641]

SPEAKER HADLEY: SENATOR SMITH, WILL YOU YIELD? [LB641]

SENATOR SMITH: YES, I WILL. [LB641]

SENATOR GLOOR: SENATOR SMITH, I GOT INTERRUPTED AS I'M WORKING ON ANOTHER BILL HERE. TELL ME AGAIN YOUR COMMENTS ABOUT THE TRANSPORTATION BILL. IS THERE ANOTHER AMENDMENT THAT WE'RE GOING TO SEE RELATED TO SOME DEGREE OF COMPROMISE ON SOME OF THE BICYCLE PROBLEMS THAT YOU AND I'VE TALKED ABOUT? [LB641]

SENATOR SMITH: SENATOR GLOOR, I BELIEVE SENATOR GARRETT HAS AN AMENDMENT PENDING FOLLOWING THE ADOPTION OF THE COMMITTEE AMENDMENT TO THE BILL. AND I'M GOING TO LEAVE IT TO SENATOR GARRETT TO DESCRIBE THAT AMENDMENT A BIT MORE. IN HIS AMENDMENT I DO BELIEVE HE MAKES AN ALLOWANCE UNDER CERTAIN CONDITIONS FOR A BICYCLIST TO BE IN A CROSSWALK AND TO BE PROTECTED. [LB641]

Floor Debate
March 24, 2015

SENATOR GLOOR: THANK YOU, SENATOR SMITH. SENATOR GARRETT, WOULD YOU YIELD FOR A QUESTION? [LB641]

SENATOR GARRETT: YES, I WILL. [LB641]

SENATOR GLOOR: SENATOR GARRETT, WOULD YOU EXPLAIN TO ME THE AMENDMENT THAT YOU WISH TO PLACE ON THIS BILL AS RELATES TO, I'M ASSUMING, BICYCLISTS? [LB641]

SENATOR GARRETT: YES. WE'RE GOING TO...AFTER WE...THE COMMITTEE AMENDMENT STRUCK BICYCLES BECAUSE WE COULDN'T COME TO AN AGREEMENT ON THE LANGUAGE. BUT THE SUBSEQUENT AMENDMENT WE HAVE WILL ADD...WE CAME TO AN AGREEMENT WITHIN THE COMMITTEE ON THE LANGUAGE. AND ESSENTIALLY IT SAYS, ANY PERSON OPERATING A BICYCLE ON A SIDEWALK OR ACROSS THE ROADWAY OR SHOULDER IN A CROSSWALK SHALL HAVE ALL THE RIGHTS AND DUTIES APPLICABLE TO A PEDESTRIAN UNDER THE SAME CIRCUMSTANCES SUBJECT TO SUBSECTION (2) OF THIS SECTION. SUBSECTION (2) IS FOR THE FOLKS IN A WHEELCHAIR. AND THEN WE GO ON TO FURTHER DEFINE WHAT THE RESPONSIBILITIES OF THE BICYCLISTS ARE. THEY CAN'T BE GOING AT A SPEED GREATER THAN WHAT THE PEDESTRIAN IS MOVING, ETCETERA, ETCETERA. [LB641]

SENATOR GLOOR: OKAY. THAT STRIKES ME AS SOMETHING THAT SHOULD AT LEAST BE WORKABLE. FOR THE BODY, THE ISSUE HERE IS CLEARLY ONE OF SAFETY FOR BOTH BICYCLISTS AND PEDESTRIANS. WE DON'T WANT TO ENCOURAGE PROTECTION OF BICYCLISTS SUCH THAT THEY SWERVE INTO PEDESTRIAN WALKWAYS JUST FOR CROSSING PURPOSES. BUT THEN THE FLIP SIDE OF THAT IS, IN A LOT OF OUR COMMUNITIES ON OUR HIKE AND BIKE TRAILS, THE SIDEWALK AND THE TRAIL ARE BLENDED AND YOU CAN'T CROSS OVER THE BIKE TRAIL WITHOUT CROSSING OVER THE PEDESTRIAN WAY. AND IT WOULD SEEM TO ME THAT BICYCLISTS--AND I'M THINKING IN TERMS OF BICYCLISTS WHO MIGHT HAVE CHILD TRAILERS THAT THEY'RE TRAILING BEHIND--IT MAKES IT DIFFICULT FOR THEM TO GET OFF AND...OR DO A PROCESS OF BALANCING WITH THOSE BIKE TRAILERS WITH THE CHILDREN BEHIND. WE DON'T WANT TO MAKE...HAVE THEM BE FORCED INTO MAKING UNSAFE DECISIONS EITHER, WHEN THEY DON'T HAVE ANY CHOICE. THE BIKE TRAIL AND THE PEDESTRIAN WALKWAY ARE ONE AND THE SAME. IT SOUNDS TO ME LIKE THIS IS AN ACCOMMODATION AND IF... [LB641]

Floor Debate
March 24, 2015

SPEAKER HADLEY: ONE MINUTE. [LB641]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT...AND IF I HAVE FURTHER CONCERNS BETWEEN NOW AND SELECT I WOULD SIT DOWN AND TALK WITH SENATORS GARRETT AND SMITH ABOUT IT AND SEE IF WE CAN ACCOMPLISH IT. IF I HAVE ANY TIME LEFT I'D GIVE IT TO SENATOR SMITH. [LB641]

SPEAKER HADLEY: SENATOR SMITH, YOU HAVE 45 SECONDS. [LB641]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. I'LL BE BRIEF. SENATOR GARRETT MENTIONED THAT THE COMMITTEE HAD WORKED TOGETHER ON THE AMENDMENT THAT HE'S BRINGING. THAT IS NOT CORRECT. THE COMMITTEE WAS NOT PART OF THAT DISCUSSION. THAT'S ONLY A DISCUSSION BETWEEN MYSELF AND SENATOR GARRETT TO WHERE I POINTED HIM TOWARDS AN OREGON LAW THAT ACCOMMODATED SOME OF HIS CONCERNS WITH TRYING TO GET BICYCLES BACK INTO THE AMENDMENT. SO, AGAIN, THAT WAS JUST A DISCUSSION BETWEEN SENATOR GARRETT AND MYSELF. [LB641]

SPEAKER HADLEY: (DOCTOR OF THE DAY INTRODUCED.) SENATOR McCOY, YOU'RE RECOGNIZED. [LB641]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND GOOD MORNING, MEMBERS. I RISE IN SUPPORT OF LB641 AND THE COMMITTEE AMENDMENT AM719, WHICH AS CHAIRMAN OF OUR COMMITTEE SENATOR SMITH JUST ARTICULATED, WAS VOTED OUT UNANIMOUSLY BY THE TRANSPORTATION COMMITTEE. I'LL HAVE THE OPPORTUNITY TO SPEAK ON SENATOR GARRETT'S AM1000, I BELIEVE IT IS, HERE IN DUE COURSE THIS MORNING. BUT I DID WANT TO RISE ON AM719, BECAUSE THAT'S WHAT'S BEFORE US AT THE MOMENT, AND TALK ABOUT THE FACT THAT THE REASON THAT AM719 REMOVED THE BICYCLE COMPONENT OF THIS WAS FOR LARGELY THE SAME REASON THAT THE COMMITTEE, I BELIEVE ALSO UNANIMOUSLY UNLESS I'M MISTAKEN, INDEFINITELY POSTPONED ANOTHER PIECE OF LEGISLATION THAT DEALT WITH BICYCLES EARLIER THIS SESSION. THAT WOULD BE LB39 BROUGHT TO US BY SENATOR KOLOWSKI. AND THE REASON FOR THAT WAS BECAUSE IT IS VERY...IT WAS DETERMINED BY THE COMMITTEE, ALONG WITH LEGAL COUNSEL, THAT IT WAS A VERY PROBLEMATIC PIECE OF LEGISLATION BECAUSE WHEN YOU GET IN THE ARENA OF RULES OF THE ROAD, WHO HAS THE RIGHT OF WAY, IT GETS VERY CHALLENGING TO DETERMINE HOW BEST TO SET UP PUBLIC SAFETY. THAT, IN MY OPINION, WAS THE REASON THAT THE COMPONENT OF THIS, ASIDE FROM THE MOTORIZED

Floor Debate
March 24, 2015

WHEELCHAIR WHICH I FULLY SUPPORT, AND AGAIN WAS AMENDED. AND THEN AM719 WAS UNANIMOUSLY ADVANCED AS WAS LB641. AND THAT WAS THE WHOLE NATURE OF THE REASON WHY THIS BECAME A COMMITTEE PRIORITY BILL, AS SENATOR SMITH SAID. WE HAVE A SPOT IN STATUTE WHERE CLEARLY WE NEED TO PROTECT THOSE WHO ARE IN A WHEELCHAIR. THAT PART OF THE LEGISLATION I FULLY AND COMPLETELY SUPPORT, AND I WOULD DARE SAY PROBABLY SO WILL THE VAST MAJORITY OF THOSE ON THE FLOOR. WHEN WE GET INTO THE BICYCLE AREA OF THIS LEGISLATION, I HAVE A LOT OF CONCERNS. THAT WAS THE REASON THAT WAS REMOVED, NOT JUST BECAUSE OF ME BUT BECAUSE OF OTHER CONCERNS IN COMMITTEE. WE'LL HAVE A CHANCE TO TALK ABOUT THIS BUT I WANT TO BE VERY CLEAR AS DID SENATOR SMITH. WHAT'S ABOUT TO COME BEFORE YOU IN AM1000 WAS NOT AT ALL, AT ALL, TALKED ABOUT OR AGREED UPON BY THE COMMITTEE. SO I WANT TO BE VERY CLEAR THE BODY UNDERSTANDS THAT. THE WHEELCHAIR COMPONENT OF THIS LEGISLATION IN AM719 WAS DISCUSSED BY THE COMMITTEE. THE REST OF THIS, AND WHAT WILL BE TALKED ABOUT WITH SENATOR GARRETT, WAS NOT. THANK YOU, MR. PRESIDENT. [LB641]

SPEAKER HADLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB641]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AND I DO SUPPORT THE UNDERLYING BILL AND THE AMENDMENT. BUT I, TOO, HAVE AN INTEREST IN SENATOR GARRETT'S AMENDMENT. AND MY INTEREST...WELL, MY INTEREST IS ACTUALLY FROM A 5-YEAR-OLD GRANDSON THAT'S LEARNING TO RIDE A BICYCLE AND IS RIDING ON THE SIDEWALKS AND GOING, MOST LIKELY, ACROSS CROSSWALKS. AND I SEE CHILDREN IN MY NEIGHBORHOOD WHO ARE RIDING THEIR BIKES AND THEY'RE CROSSING IN THAT CROSSWALK OR I SEE THEM ON THE STREET GOING TO SCHOOL. AND SO I AM CONCERNED, I UNDERSTAND THOSE WHO RIDE BIKES...ADULTS WHO RIDE BIKES ALL THE TIME, I UNDERSTAND THAT. BUT I'M SOMEWHAT CONCERNED HERE AND LOOKED UPON SENATOR GARRETT'S AMENDMENT AS PERHAPS A WAY TO ADDRESS MY CONCERN ABOUT CHILDREN RIDING TO AND FROM SCHOOL OR RIDING TO A FRIEND'S HOUSE. IF SENATOR GARRETT WOULD YIELD TO A QUESTION. [LB641]

SPEAKER HADLEY: WILL SENATOR GARRETT YIELD TO A QUESTION? [LB641]

SENATOR GARRETT: CERTAINLY. [LB641]

Floor Debate
March 24, 2015

SENATOR CAMPBELL: SENATOR GARRETT, IS THAT PART OF YOUR CONCERN IN YOUR AMENDMENT, AM1000? [LB641]

SENATOR GARRETT: INDEED, IT IS. ORIGINALLY WHEN WE WERE DEBATING THIS BEFORE COMMITTEE, WE HAD OFFERED SEVERAL DIFFERENT AMENDMENTS TO...FOR BICYCLISTS AND THEN WE WERE LOOKING TO COVER THE CHILDREN. AND WE COULDN'T COME TO AN AGREEMENT ON THE BICYCLES SO THAT'S WHY IT WAS STRUCK FROM THE COMMITTEE AMENDMENT...STRUCK BICYCLES. AND SINCE THEN WE'VE COME UP WITH SOME LANGUAGE FROM...ACTUALLY, FROM AN OREGON LAW THAT SEEMED TO ADDRESS WHAT THE CONCERNS OF THE COMMITTEE WERE. SO I STAND CORRECTED ABOUT WE DIDN'T DISCUSS THIS NEW AMENDMENT IN COMMITTEE. BUT THE CONCERNS OF THE COMMITTEE WE FEEL ARE ADDRESSED IN THIS AMENDMENT. [LB641]

SENATOR CAMPBELL: THANK YOU, SENATOR GARRETT. I APPRECIATE THAT RESPONSE AND I WILL BE PAYING CLOSE ATTENTION WHEN WE GET TO THAT AMENDMENT. THANK YOU, MR. PRESIDENT. [LB641]

SPEAKER HADLEY: SENATOR GLOOR, YOU'RE RECOGNIZED. [LB641]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SMITH WOULD YIELD TO SOME QUESTIONS. [LB641]

SPEAKER HADLEY: SENATOR SMITH, WILL YOU YIELD TO A QUESTION? [LB641]

SENATOR SMITH: YES, I WILL. [LB641]

SENATOR SMITH: THANK YOU, SENATOR SMITH. JUST SOME GROUND WORK HERE FOR THE RECORD AND FOR THE BODY. CURRENTLY, MOTORIZED WHEELCHAIRS AND BICYCLISTS ARE NOT IN A PROTECTED CLASS WHEN THEY ARE CROSSING A PEDESTRIAN WALKWAY. IS THAT CORRECT? [LB641]

SENATOR SMITH: THAT IS CORRECT. [LB641]

SENATOR GLOOR: AND WHAT THE LB641 WOULD HAVE DONE WAS INCLUDE MOTORIZED WHEELCHAIRS AND BICYCLISTS IN PROTECTED CLASS, IS THAT CORRECT? [LB641]

Floor Debate
March 24, 2015

SENATOR SMITH: THAT IS CORRECT. [LB641]

SENATOR GLOOR: WHAT YOUR TRANSPORTATION COMMITTEE AMENDMENT DOES IS, TAKE BICYCLISTS OUT OF THAT PROTECTED CLASS. IS THAT CORRECT? [LB641]

SENATOR SMITH: IT WOULD NOT...IT WOULD STRIKE THEM FROM THE BILL ITSELF, YES. [LB641]

SENATOR GLOOR: YEAH. IN OTHER WORDS... [LB641]

SENATOR SMITH: THEY ARE NOT CURRENTLY A PROTECTED CLASS. [LB641]

SENATOR GLOOR: YEAH. IT WOULD MOVE BICYCLISTS BACK TO THE CLASS THEY'RE IN RIGHT NOW, WHICH IS AN UNPROTECTED CLASS. IN OTHER WORDS, WE'RE NOT IMPOSING ANY RESTRICTIONS ON BICYCLISTS THAT DON'T ALREADY EXIST UNDER STATUTE OR REGULATION. [LB641]

SENATOR SMITH: THAT IS CORRECT, SENATOR. [LB641]

SENATOR GLOOR: OKAY. AND I APPRECIATE THAT. I'VE HAD SOME CONTACT FROM CONSTITUENTS WHO WERE CONCERNED THAT WE ARE FORCING BICYCLISTS INTO A GREATER DEGREE OF RISK. AND THANK YOU, SENATOR SMITH, FOR THAT CLARIFICATION. WE'RE PUTTING BICYCLISTS UNDER SOME SORT OF ADDED REGULATION AND WE'RE NOT, AT THIS POINT IN TIME. NONETHELESS, THE ISSUE STILL EXISTS, ESPECIALLY WHEN YOU HAVE A BLENDING OF...I'VE GOT CHILDREN WHO USE BIKE PATHS--AS SENATOR CAMPBELL POINTED OUT--CHILDREN WHO USE BIKE PATHS TO TRAVEL TO AND FROM THEIR HOMES TO SCHOOLS. AND THE CONCERN HERE IS IT MIGHT BE NICE IF THERE WAS A DEGREE OF PROTECTION FOR THOSE KIDS. I DON'T THINK MOST OF US REALIZE WHEN THOSE KIDS THEN HOPPED ON THEIR BIKES, CAME TO AN APPROPRIATE STOP AT A CROSSING...MAYBE THEY WERE LUCKY ENOUGH TO BE AT A CROSSING THAT HAD A CROSSING GUARD, BUT MANY TIMES AND IN MOST CROSSINGS THERE ARE NOT CROSSING GUARDS ACROSS SOME OF THOSE STREETS. WHEN THOSE KIDS CAME TO A STOP, GOT BACK ON THEIR BIKE AND BEGAN PEDALING ACROSS THE STREET AS KIDS ARE WONT TO DO, THAT NOW ALL OF A SUDDEN THEY ARE NOT, IN FACT, PROTECTED IN ANY WAY, SHAPE, OR FORM UNDER STATUTE. NOW THAT IS THE WAY IT CURRENTLY IS, BUT WHEN THE

Floor Debate
March 24, 2015

KIDS' SUPPOSED SAFE ROUTE TO SCHOOL BLENDS PEDESTRIAN CROSSING AND BIKE PATHS, I CAN SEE THAT AS A PROBLEM THAT WILL CROP UP. AND I THINK TALKING ABOUT IT NOW AND LISTENING TO THE AMENDMENT MAKES SENSE SO THAT WE UNDERSTAND WHAT WE'RE DOING HERE. NOW THAT IT'S BEEN BROUGHT TO LIGHT, THERE MAY BE AN OPPORTUNITY FOR US TO PROVIDE SOME DEGREE OF PROTECTION. SO, THANK YOU. I WILL WAIT TO HEAR SENATOR GARRETT TALK FURTHER ABOUT HIS AMENDMENT. [LB641]

SPEAKER HADLEY: SENATOR KOLOWSKI, YOU ARE RECOGNIZED. [LB641]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT AND GOOD MORNING, COLLEAGUES. I WANT TO THANK SENATOR GARRETT FOR WHAT HE HAS WORKED ON AS FAR AS THE NEXT AMENDMENT THAT WOULD BE COMING UP WITH AM1000. AS SENATOR McCOY HAS MENTIONED, THE KILLING OF THE BILL THAT WE HAD IN LB39 WAS VERY FRUSTRATING TO A GREAT DEAL OF OUR POPULATION THAT ENJOY BIKE RIDING. AND THEY COULD NOT SEE THE RATIONALE FOR THE IPP MOTION THAT WAS PUT UPON THAT BILL AT THE TIME AND WE WERE VERY FRUSTRATED BY THE RESULTS OF THAT. AND THE HOMEWORK THAT WAS DONE BEFORE THAT WAS...BEFORE THAT TOOK PLACE, AS WELL AS AFTER, THAT HAS BEEN PASSED ON TO SENATOR GARRETT IS EXTREMELY IMPORTANT FOR BIKE SAFETY AND FOR BICYCLE USE THROUGHOUT OUR COMMUNITIES. AND I THINK IT'S A FAR REACH FROM THE...WHAT WE FELT WAS A VERY ARBITRARY AND CAPRICIOUS DECISION TO EXCLUDE BICYCLES FROM THE FIRST DECISION THAT WAS MADE AS FAR AS THE ORIGINAL BILL. WE HOPE THAT THE BODY WILL BE VERY OPEN-MINDED TO THE AMENDMENT THAT SENATOR GARRETT WILL BRING FORWARD. IT'S PROPER AND CERTAINLY GIVES THE BICYCLING COMMUNITY THE RIGHTS AND THE NEEDS THEY HAVE FOR THEIR SAFETY AND SECURITY AS THEY'RE ON THE ROAD WITH OTHER VEHICLES AND OTHER TRAFFIC TO BRING ABOUT THE SAFETY THEY NEED AND DESERVE. I THANK YOU FOR THAT TIME. THANK YOU. [LB641]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB641]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SMITH WOULD YIELD TO A QUESTION. [LB641]

SPEAKER HADLEY: SENATOR SMITH, WILL YOU YIELD? [LB641]

SENATOR SMITH: YES, I WILL. [LB641]

Floor Debate
March 24, 2015

SENATOR BLOOMFIELD: THANK YOU, SENATOR SMITH. IN THE PROCESS OF COMING TO THE COMMITTEE AMENDMENT, WAS ANY CONSIDERATION GIVEN TO PEOPLE THAT DISMOUNT AND WALK THEIR BIKES ACROSS THE CROSSWALKS? IS THAT AN OPTION WE COULD GO TO OR DO YOU HAVE ANY IDEA ON THAT? [LB641]

SENATOR SMITH: I THINK THAT IS CURRENTLY THE PREFERRED ACTION TO TAKE IN A CROSSWALK WHEN YOU HAVE A BICYCLE. [LB641]

SENATOR BLOOMFIELD: IT'S PREFERRED, BUT I ASSUME AT THAT POINT THEN THE PERSON WALKING THE BIKE ACROSS WOULD BE CONSIDERED A PEDESTRIAN AND WOULD ENJOY ALL THE RIGHTS? [LB641]

SENATOR SMITH: YES. YES. [LB641]

SENATOR BLOOMFIELD: OKAY. THANK YOU. [LB641]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED. [LB641]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND, HOPEFULLY, WE'LL MOVE ON TO A VOTE WITH THIS. AGAIN, TO CLARIFY WHAT'S TAKEN PLACE HERE IS THAT SENATOR GARRETT'S ORIGINAL BILL DID INCLUDE BOTH BICYCLES AND MOTORIZED WHEELCHAIRS. THE TRANSPORTATION COMMITTEE, FOR THE REASONS THAT I EXPRESSED EARLIER, FELT THAT IT WAS A RISK TO THE BICYCLIST TO BE IN THE CROSSWALK. AND SO WE AMENDED SENATOR GARRETT'S ORIGINAL BILL TO EXCLUDE BICYCLES AND WE PRIORITIZED THIS TO MOVE IT OUT OF COMMITTEE. SINCE THAT TIME, SENATOR GARRETT AND I HAVE HAD CONVERSATIONS AND HE HAS REFERRED ME TO CONDITIONS THAT WERE SET FORTH IN...BY OTHER STATES IN THEIR LAWS TO ADDRESS THIS SAME SITUATION. OREGON IS A GOOD EXAMPLE OF A STATE THAT HAS ATTEMPTED TO RESOLVE THIS IN A REASONABLE WAY. AND SO THE BILL THAT WILL...THE AMENDMENT THAT WILL FOLLOW THIS DISCUSSION ONCE THE TRANSPORTATION COMMITTEE AMENDMENT IS ADOPTED IS AN AMENDMENT THAT REFLECTS THE OREGON LAW AND WE WILL HAVE DISCUSSION ON THAT. BUT AT THIS POINT I'M ASKING MY COLLEAGUES TO SUPPORT THE ADOPTION OF THE TRANSPORTATION AMENDMENT TO THE UNDERLYING BILL, LB641. THANK YOU, MR. PRESIDENT. [LB641]

Floor Debate
March 24, 2015

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB641]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. THERE'S A ISSUE HERE THAT...WHEN DOES A BICYCLE BECOME A PEDESTRIAN AND WHEN DOES IT BECOME A VEHICLE OF TRANSPORTATION? I MEAN, IT'S ON THE STREETS WITH US. ON MY COMMUTE EVERY MORNING FROM SOUTH 56th AND NORMAL BOULEVARD, I HAVE THEM JAYWALKING, THEY ACT LIKE PEDESTRIANS, THEY'RE JUMPING CURBS, JUMPING ISLANDS, AND CROSSING IN FRONT OF ME. THE NEXT TIME I GOT A RESPONSIBLE ONE DRIVING BESIDE ME IN THE BICYCLE LANE. THE NEXT TIME I SEE ONE, IT'S UP ON THE SIDEWALK AND IT'S A CHILD. AT WHAT POINT DOES IT BECOME A PEDESTRIAN? I GOT A QUESTION FOR SENATOR GARRETT. [LB641]

SPEAKER HADLEY: WOULD SENATOR GARRETT YIELD? [LB641]

SENATOR GARRETT: YES, I WILL. [LB641]

SENATOR GROENE: A PEDESTRIAN TO ME IS SOMEBODY ON TWO LEGS, WITH THE EXCEPTION OF SOMEBODY WHO IS HANDICAPPED IN THE MOTORIZED VEHICLE. DID YOU CONSIDER PUTTING INTO LAW THAT THEY DISMOUNT AND THEY WALK ACROSS THE STREET WITH THEIR BIKE? [LB641]

SENATOR GARRETT: WE TALKED ABOUT A MYRIAD OF THINGS AND THE CONCERN WAS THAT BICYCLES DARTING OUT IN FRONT OF TRAFFIC, TRYING TO TAKE A SHORTCUT BY GOING THROUGH A CROSSWALK...AND WE DISCUSSED A MYRIAD OF THINGS AND IT WAS JUST...THE COMMITTEE CONSENSUS WAS THAT LET'S JUST STRIKE THE BICYCLES FROM THE BILL, BECAUSE WE COULDN'T COME TO AN AGREEMENT ON THAT. WE TALKED ABOUT MAKING AGE REQUIREMENT 16 AND UNDER TO ADDRESS THE KIDS. AND WE JUST COULDN'T COME TO AN AGREEMENT SO WE STRUCK THE BICYCLE PORTION. WE SUBSEQUENTLY FOUND THIS LANGUAGE AFTER THIS WAS PASSED OUT OF COMMITTEE, SO (INAUDIBLE.) [LB641]

SENATOR GROENE: I READ YOUR LANGUAGE, BUT DID YOU CONSIDER HAVING THEM DISMOUNT AND MANUALLY WALK THEIR BIKE ACROSS? THAT WOULD BE SAFER, THE SPEEDS WOULD BE ADEQUATE FOR... [LB641]

Floor Debate
March 24, 2015

SENATOR GARRETT: YES, WE DID. AND, IN FACT, AM1000 WHEN IT COMES UP TALKS ABOUT...IT DOESN'T SPECIFICALLY SAY THEY HAVE TO DISMOUNT BUT THEY CANNOT BE GOING AT A SPEED GREATER THAN A PEDESTRIAN. SO A KID WITH LITTLE TRAINER WHEELS ON A BIKE, WE'RE NOT GOING TO MAKE HIM DISMOUNT. HE'S NOT GOING TO BE GOING ANY FASTER THAN THE SPEED OF A PEDESTRIAN. SO IT'S KIND OF (INAUDIBLE.) [LB641]

SENATOR GROENE: BUT YOU HAVE THE ONES ON THE TEN-SPEED BIKES, THE \$1,000 ALUMINUM BIKES WITH THE FANCY CLOTHES AND NO HELMET BECAUSE THEY DON'T ARE TO HAVE A LAW TO HAVE A HELMET TO RIDE OUR STREETS. [LB641]

SENATOR GARRETT: NO, BUT THAT'S A GOOD IDEA, THOUGH. [LB641]

SENATOR GROENE: BUT ANYWAY, I JUST THOUGHT THAT WOULD BE SAFER, EVERYBODY WOULD BE AT THE SAME SPEED IN THAT CROSSWALK. IF THEY WANT TO BE A VEHICLE THEY SHOULD BE IN THE BICYCLE LANE ON THE STREET AND ACTING LIKE A VEHICLE WITH A HELMET ON. BUT ANYWAY, I JUST WONDERED, SIR, IF YOU CONSIDERED THAT. [LB641]

SENATOR GARRETT: YES, WE HAD. [LB641]

SENATOR GROENE: BUT YOU DISCARDED THAT IDEA. [LB641]

SENATOR GARRETT: WELL, I THINK WHEN WE TALK ABOUT AM1000 WE CAN CERTAINLY ADDRESS THAT AGAIN. [LB641]

SENATOR GROENE: I THINK THAT WOULD BE SAFER. I TAUGHT MY KIDS WHEN YOU CROSS A BUSY STREET YOU DISMOUNT THE BIKE AND YOU WALK IT ACROSS BECAUSE OF SAFETY REASONS AND CONSIDERATION FOR THE PEDESTRIANS IN THAT CROSSWALK. [LB641]

SENATOR GARRETT: ABSOLUTELY. WE'RE VERY SAFETY CONSCIOUS. [LB641]

SENATOR GROENE: THANK YOU. I YIELD MY TIME TO...BACK TO THE PRESIDENT. [LB641]

Floor Debate
March 24, 2015

SPEAKER HADLEY: SENATOR SMITH, THERE IS NO ONE IN THE QUEUE. YOU ARE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB641]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND AGAIN, COLLEAGUES, AS I MENTIONED BEFORE, THE TRANSPORTATION AMENDMENT STRIKES BICYCLES FROM THE UNDERLYING BILL AND FOCUSES INSTEAD ON MOTORIZED WHEELCHAIRS. AND IN A SUBSEQUENT AMENDMENT SENATOR GARRETT WILL BE ABLE TO ADDRESS HIS CONCERNS AND CONDITIONS OF BICYCLES IN A CROSSWALK. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB641]

SPEAKER HADLEY: THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB641 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB641]

CLERK: 37 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB641]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB641]

CLERK: MR. PRESIDENT, SENATOR GARRETT WOULD MOVE TO AMEND WITH AM1000. (LEGISLATIVE JOURNAL PAGE 952.) [LB641]

SPEAKER HADLEY: SENATOR GARRETT, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB641]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. AS WAS MENTIONED BEFORE, THIS WAS QUITE A TOPIC OF DEBATE IN COMMITTEE ORIGINALLY. THAT'S WHY WE STRUCK THE BICYCLES. WE SUBSEQUENTLY FOUND A LAW IN OREGON THAT WE FELT ADDRESSED THE CONCERNS OF THE COMMITTEE AND WE ADDED THAT LANGUAGE INTO THE BILL. AND ESSENTIALLY IT SAYS, ANY PERSON OPERATING A BICYCLE ON A SIDEWALK OR ACROSS THE ROADWAY OR SHOULDER IN A CROSSWALK SHALL HAVE ALL THE RIGHTS AND DUTIES APPLICABLE TO THE PEDESTRIAN UNDER THE SAME CIRCUMSTANCES. AND THEN, SPECIFICALLY, A PERSON OPERATING A BICYCLE ON A SIDEWALK SHALL OPERATE THE BICYCLE SO AS TO...SHALL NOT OPERATE THE BICYCLE SO AS TO SUDDENLY LEAVE A CURB OR OTHER PLACE OF SAFETY AND MOVE INTO THE PATH OF A VEHICLE THAT IS SO CLOSE AS TO CONSTITUTE AN IMMEDIATE HAZARD. THAT WAS ONE OF OUR BIGGEST CONCERNS IN THE COMMITTEE. ALSO THEY SHALL NOT FAIL TO GIVE AUDIBLE WARNING BEFORE OVERTAKING AND PASSING A PEDESTRIAN

Floor Debate
March 24, 2015

OR FAIL TO YIELD THE RIGHT OF WAY TO ALL PEDESTRIANS ON THE SIDEWALK, OPERATE THE BICYCLE IN A CARELESS MANNER THAT ENDANGERS OR WOULD BE LIKELY TO ENDANGER ANY PERSON OR PROPERTY, OR OPERATE A BICYCLE AT A SPEED GREATER THAN AN ORDINARY WALK WHEN APPROACHING OR ENTERING A CROSSWALK, APPROACHING OR CROSSING A DRIVEWAY, OR CROSSING A CURB CUT, OR PEDESTRIAN RAMP WHEN A MOTOR VEHICLE IS APPROACHING THE CROSSWALK, DRIVEWAY, CURB CUT, OR PEDESTRIAN RAMP. SO ESSENTIALLY WE FELT THAT THIS OREGON LAW HAD THE RIGHT LANGUAGE THAT WOULD ADDRESS THE CONCERNS THAT THE COMMITTEE HAD EXPRESSED PREVIOUSLY ABOUT BICYCLES. SO I HIGHLY ENCOURAGE MY...I KNOW WE'RE GOING TO DEBATE THIS, BUT I HIGHLY ENCOURAGE YOU PASSING AM1000 TO LB641. [LB641]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED. [LB641]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I INDICATED THIS EARLIER BECAUSE AM1000 WAS TO THE UNDERLYING BILL AND NOT AN AMENDMENT TO THE COMMITTEE AMENDMENT. WOULD SENATOR GARRETT YIELD FOR A QUESTION, PLEASE? [LB641]

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD? [LB641]

SENATOR GARRETT: YES, I WILL. [LB641]

SENATOR McCOY: THANK YOU, SENATOR. IF YOU WOULD, WOULD YOU MIND READING TO THE BODY WHAT THE FIRST TWO LINES OF YOUR AMENDMENT IS, PLEASE? [LB641]

SENATOR GARRETT: THE STRIKE THE ORIGINAL SECTIONS AND ALL AMENDMENTS HERETO AND INSERT THE FOLLOWING? [LB641]

SENATOR McCOY: CORRECT. [LB641]

SENATOR GARRETT: OKAY. [LB641]

SENATOR McCOY: THANK YOU, SENATOR. I THINK IT'S IMPORTANT, MEMBERS, TO KIND OF TALK ABOUT A LITTLE OF OUR PROCEDURE HERE. SENATOR SMITH IS THE CHAIR OF OUR COMMITTEE AND SENATOR BRASCH IS THE VICE CHAIR. BUT

Floor Debate
March 24, 2015

I AM GOING TO TALK ABOUT...SO TYPICALLY YOU WOULD HEAR PROCEDURE AND YOU MAY FROM EITHER ONE OF THEM. BUT I'M GOING TO TALK ABOUT PROCEDURE FOR JUST A LITTLE BIT HERE. AND BOTH SENATOR GARRETT AND I ARE MEMBERS OF THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. SOMETIMES WE SEE EYE TO EYE ON ISSUES AND SOMETIMES WE DON'T. THAT'S THE LEGISLATURE AND THAT'S FINE. BUT I WANT TO TALK A LITTLE BIT ABOUT PROCEDURE. I'M NOT A FAN AT ALL OF AM1000 FOR A COUPLE OF REASONS, ONE OF THEM BEING--AND PROBABLY THE CHIEF REASON--BEING WHAT I JUST MENTIONED TO YOU AND HAD SENATOR GARRETT READ. SO AS A MATTER OF PROCEDURE HERE, YOU HAVE A PIECE OF LEGISLATION THAT WAS DEEMED IMPORTANT ENOUGH--ON THE WHEELCHAIR ASPECT OF THIS BILL--TO BE MADE A COMMITTEE PRIORITY BILL, WHICH I FULLY SUPPORTED. NOW YOU HAVE THE BILL AS IT'S BEEN ADVANCED THAT I DON'T THINK HAD ANY OPPOSING VOTES UNLESS I MISSED ONE JUST NOW ON THE COMMITTEE AMENDMENT. NOW YOU HAVE AN AMENDMENT THAT COMPLETELY ANNIHILATES, GUTS THE BILL THAT WE JUST VOTED ON THAT HAD PREVIOUSLY BEEN UNANIMOUSLY SUPPORTED BY THE TRANSPORTATION COMMITTEE AND SENATOR GARRETT VOTED FOR, I MIGHT ADD. WE'RE NOW SEEKING TO COMPLETELY REWRITE THE BILL THROUGH THIS AMENDMENT. IT DIDN'T HAVE A PUBLIC HEARING. YOU'RE PROBABLY GOING TO HEAR SENATOR GARRETT TALK ABOUT...HE SAID "WE." WHAT HE MEANS BY "WE" IS AS IN HIS OFFICE, WHICH IS FINE. I JUST WANT TO BE CLEAR THAT THE "WE" DOES NOT MEAN WE, THE MEMBERS OF THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE, FOUND THIS NEW LANGUAGE SINCE WE VOTED ON THIS BILL TO THE FLOOR OF THE LEGISLATURE. I WANT TO BE VERY CLEAR WHAT WE'RE TALKING ABOUT HERE. "WE" DOES NOT MEAN WE, THE COMMITTEE. IF SENATOR GARRETT...HE MAY SEEK TO CLARIFY, MAKE THAT CLARIFICATION. IF HE DOES, THAT'S GREAT. IF NOT, I'M GOING TO DO IT RIGHT HERE. THE OREGON LAW, THE STATUTE OF WHICH HE DESCRIBES THAT WAS FOUND, DID NOT RECEIVE A PUBLIC HEARING. THIS IS LANGUAGE THAT'S NOT BEEN TALKED ABOUT IN COMMITTEE. AND I'M SURE I'LL HAVE MORE THAN ONE OPPORTUNITY ON THE MICROPHONE TO TALK ABOUT THE OTHER PROBLEMS THAT I HAVE WITH THIS AMENDMENT, NOT THE LEAST OF WHICH IS THE PROCEDURE WHICH IN MY MIND FLIES IN THE FACE OF WHAT WE DO HERE IN THE LEGISLATURE. YOU HAVE A PIECE OF LEGISLATION, IT GOES THROUGH THE COMMITTEE PROCESS, IT'S AMENDED, BROUGHT TO THE FLOOR, CERTAINLY IT'S OPEN TO AMENDMENTS. BUT I CAN'T RECALL IN SEVEN YEARS IF I'VE EVER SEEN A SITUATION IN WHICH YOU HAVE AN AMENDMENT BROUGHT BY AN INTRODUCER AFTER A COMMITTEE AMENDMENT IS ADOPTED THAT THEN GUTS THE BILL AND CHANGES IT. I DON'T RECALL THAT HAPPENING. IT COULD HAVE HAPPENED. I

Floor Debate
March 24, 2015

MIGHT HAVE MISSED IT, IT'S ENTIRELY POSSIBLE, BUT I DON'T REMEMBER IT. WELL, LET ME TALK ABOUT A FEW OF THE THINGS, THE CHALLENGES THAT I HAVE WITH THIS AMENDMENT. IF YOU LOOK AT LINE 24 ON PAGE 1, IT TALKS ABOUT...ABOVE THAT IT SAYS... [LB641]

SPEAKER HADLEY: ONE MINUTE. [LB641]

SENATOR McCOY: THANK YOU, MR. PRESIDENT...A PERSON OPERATING A BICYCLE ON A SIDEWALK SHALL NOT...AND THEN SUBSECTION (D) STARTING ON LINE 24, OPERATE THE BICYCLE AT A SPEED GREATER THAN AN ORDINARY WALK WHEN APPROACHING OR ENTERING A CROSSWALK. I'M SURE I'LL HAVE OTHER OPPORTUNITIES TO TALK ABOUT IT ON THE MICROPHONE, BUT I'LL JUST START WITH ONE. I WOULD IMAGINE SENATOR WILLIAMS IS IN GREAT CONDITION, HE'S IN GREAT SHAPE. I WOULD GUESS, THOUGH, HIS STRIDE IS NOT WHAT MY STRIDE IS. HIS HEIGHT IS DIFFERENT THAN MINE. I'M 6'4". I WOULD GUESS THAT MY SPEED AS A PEDESTRIAN IS SLIGHTLY DIFFERENT THAN SENATOR WILLIAMS'. I THINK THIS IS A PROBLEM IN THIS AMENDMENT. I'LL HAVE OTHER OPPORTUNITIES TO TALK ABOUT MY OTHER ISSUES OF THIS AMENDMENT, MR. PRESIDENT, AT FUTURE TIMES AT THE MICROPHONE. THANK YOU. [LB641]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATOR SMITH, GLOOR, FRIESEN, GARRETT, AND GROENE. SENATOR SMITH, YOU ARE RECOGNIZED. [LB641]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND, COLLEAGUES, IN LISTENING TO SENATOR McCOY I CERTAINLY UNDERSTAND HIS CONCERNS THAT HE'S EXPRESSED. IT'S MY REGRETS THAT IT'S TRANSPIRED THIS PARTICULAR WAY. BUT I ALSO BELIEVE THAT THE AMENDMENT THAT SENATOR GARRETT BROUGHT WAS STRAIGHTFORWARD, THAT IT WAS NOT SENATOR GARRETT'S INTENT TO UNDERMINE THE COMMITTEE. HE'S BEEN A VALUABLE PART OF THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. I DO BELIEVE THAT SENATOR GARRETT'S BILL THAT HE'S BROUGHT IS A REASONABLE APPROACH, BUT NONETHELESS I DO UNDERSTAND SOME OF THE CONCERNS THAT HAVE BEEN RAISED BY SENATOR McCOY. SO I'M GOING TO CONTINUE TO HAVE SOME DISCUSSIONS WITH SENATOR GARRETT, BUT I UNDERSTAND THERE'S SOME ADDITIONAL FOLKS THAT WANT TO SPEAK ON THIS THAT ARE WAITING IN THE QUEUE. SO THANK YOU, MR. PRESIDENT. [LB641]

SPEAKER HADLEY: SENATOR GLOOR, YOU'RE RECOGNIZED. [LB641]

Floor Debate
March 24, 2015

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I GUESS I WOULD MAKE TWO SPECIFIC COMMENTS AS RELATES TO SENATOR McCOY'S CONCERNS. ONE IS THAT LB641 ORIGINALLY GAVE BICYCLISTS IN PEDESTRIAN CROSSWALKS ALL THE PRIVILEGES OF A PRIVILEGED CLASS AS THE WHEELCHAIR...MOTORIZED WHEELCHAIR OCCUPANTS, TREATED THEM EXACTLY THE SAME. WHAT SENATOR GARRETT'S BILL DOES IS NOT THAT, SINCE IT WAS STRICKEN BY THE COMMITTEE AMENDMENT BUT, IN FACT, GIVES THEM SOME PRIVILEGES. SO IT ISN'T AS IF THIS IS DRAMATICALLY DIFFERENT. THIS IS A SIGNIFICANTLY TONED DOWN VERSION OF WHAT LB641 ORIGINALLY PROPOSED. THIS IS CLEARLY SOMETHING THAT HAD TO HAVE BEEN DISCUSSED AND TALKED ABOUT IN COMMITTEE. AND THE SECOND POINT THAT I WOULD MAKE IS, ALTHOUGH UNUSUAL, AS SOME OF US HAVE TALKED BACK HERE WE CAN RECALL ONE OF SENATOR NORDQUIST'S BILLS THAT HAD TO DO WITH WORKER'S COMP THAT SENATOR LAUTENBAUGH AMENDED AND STRUCK SIGNIFICANT COMPONENTS OF IT, UNDER JUST THE SAME SORT OF CIRCUMSTANCE. SO IT DOES HAPPEN, AND I'M SURE TO THE EXTENT THAT WE COULD SIT DOWN AND GO BACK, WE COULD FIND OTHER EXAMPLES. BUT THERE'S ONE THAT COMES TO MIND IN RECENT HISTORY. SO THIS ISN'T OUT OF THE ORDINARY, DOESN'T HAPPEN OFTEN, BUT I THINK IT'S AN ATTEMPT TO TAKE A GOOD BILL AND MAKE SURE THAT IT DOESN'T BECOME EXCLUSIONARY AND ADDRESSES SOME OF THOSE CONCERNS THAT AS A RESULT OF THE DISCUSSION, AS A RESULT OF THE ADVANCEMENT OF THE BILL, HAVE COME TO LIGHT. AND WE WOULD BE REMISS IF WE DIDN'T LOOK FOR OPPORTUNITIES TO ADDRESS SHORTCOMINGS IN BILLS THAT FOR ALL OF OUR EFFORTS AT THE COMMITTEE LEVEL TO TRY AND MAKE SURE ARE NEAT AND CLEAN WHEN THEY COME TO THE FLOOR, IT JUST DOESN'T HAPPEN THAT WAY IN THE REAL WORLD. AM1000 IS NOT OUT OF LINE. IT'S NOT SOMETHING THAT HAS NOT HAPPENED BEFORE. AND IF ANYTHING, HAD WE JUST GONE AHEAD AND PASSED LB641 AS IT WAS ORIGINALLY PRESENTED, WOULD BE TONING DOWN LB641 HAD IT NOT BEEN FOR THE COMMITTEE AMENDMENT; SO TONING DOWN LB641 AS RELATES TO BICYCLISTS. SO I'M SENSITIVE TO THE FACT THAT WE HAVE PROCEDURAL ISSUES OUT HERE. BUT THIS IS NOT OUT OF THE ORDINARY FROM A PROCEDURAL STANDPOINT, AT LEAST AS FAR AS I CAN RECALL HERE. AND I THINK MAKES A GOOD BILL A BETTER BILL. IF WE DO NOT ADVANCE AM1000, NOW THAT THIS HAS COME TO LIGHT, I CAN GUARANTEE YOU WE'LL BE BACK TALKING ABOUT THIS NEXT YEAR OR PERHAPS ON SELECT FILE THIS YEAR. THANK YOU, MR. PRESIDENT. [LB641]

SPEAKER HADLEY: SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB641]

Floor Debate
March 24, 2015

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. BEING A MEMBER OF THE TRANSPORTATION COMMITTEE, I WANTED TO ADDRESS SOME OF THE CONCERNS THAT DO SHOW UP HERE NOW. AND I'M NOT REALLY CONCERNED WITH THE TECHNICAL ASPECTS OR THE PROCEDURES THAT WERE USED TO GET THE BILL WHERE IT'S AT TODAY. I GUESS ONE OF THE COMMENTS I WILL MAKE, THOUGH, IS THAT NOT ALL THE CONCERNS OF THE COMMITTEE WERE TAKEN INTO CONSIDERATION WITH AM1000. AND IT WOULD HAVE BEEN HOPED, I GUESS, THAT THE COMMITTEE COULD HAVE WORKED ON THIS A LITTLE BIT MORE. WHAT I HAVE AND MY BIGGEST CONCERN IS THIS ADDRESSES SIDEWALKS BUT IT DOESN'T REALLY ADDRESS TRAILS OR WHERE A TRAIL CROSSES A HIGHWAY SYSTEM. IN MY AREA WE HAVE A TRAIL CROSSING WHERE IT CROSSES HIGHWAY 14 AND IT CROSSES AT THE BOTTOM OF THE HILL. THERE'S BRUSH ON EITHER SIDE. SO WHEN YOU'RE APPROACHING THAT WITH A 80,000-POUND TRUCK GOING DOWNHILL AND SUDDENLY YOU HAVE A TRAIL CROSSING AT THE BOTTOM OF THAT HILL, YOU TAKE AND CROSS THAT AT A WALKING SPEED OR A...WHAT THAT MIGHT BE, FIVE MILES A HOUR, YOU CAN SUDDENLY BE OUT IN FRONT OF THAT VEHICLE BEFORE THAT VEHICLE WOULD HAVE TIME TO STOP. AND CURRENTLY, WHEN YOU'RE REQUIRED TO DISMOUNT THE BIKE AND WALK IT ACROSS AND TREAT IT AS A PEDESTRIAN, A PEDESTRIAN SHOULD LOOK BOTH WAYS, MAKE SURE THE PATH IS CLEAR, AND THEN CROSS THE HIGHWAY. THIS BILL DOES NOT DO THAT. AND THAT...IT CONCERNS ME FROM THE SAFETY ASPECT OF THE BICYCLIST. I DO THINK WE NEED TO ADDRESS SOMETHING WITH BICYCLES, BUT SO FAR AM1000 DOES NOT DO THAT. AND DOWN THE ROAD...I WOULD PROPOSE AMENDMENTS DOWN THE ROAD TO HELP FIX THAT, BUT IN ITS CURRENT FORM, I CANNOT SUPPORT AM1000 THE WAY IT'S WRITTEN. IT JUST HAS TOO MANY CONCERNS FROM THE SAFETY ASPECT OF THE BICYCLIST WHO'S CROSSING THOSE TRAILS, CROSSING A MAJOR HIGHWAY. THANK YOU, MR. PRESIDENT. [LB641]

SPEAKER HADLEY: SENATOR GARRETT, YOU'RE RECOGNIZED. [LB641]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. I WOULD LIKE TO ADDRESS VERY BRIEFLY THE PROCEDURAL QUESTION. IT WAS NOT MY INTENT TO BRING AN AMENDMENT TO ADD BICYCLES BACK INTO THIS BILL BECAUSE THAT CERTAINLY WOULD APPEAR TO ME TO BE DEVIOUS. THIS WAS BROUGHT TO ME JUST YESTERDAY. I HAD HEARD RUMORS THAT THERE WERE PROBABLY GOING TO BE AMENDMENTS TO THE ORIGINAL BILL TO TRY AND ADD BICYCLES BACK IN. BUT TO GIVE YOU A LITTLE IDEA ABOUT THE GENESIS OF THIS AMENDMENT, IT WAS THE COMMITTEE COUNSEL, MIKE HYBL, THAT ACTUALLY SHOWED US THE STATUTE FROM OREGON THAT SEEMED TO ADDRESS THE CONCERNS THE

Floor Debate
March 24, 2015

COMMITTEE HAD. AND THAT'S WHY WE GOT A LITTLE EXCITED. AND I WORKED WITH SENATOR SMITH, THE COMMITTEE CHAIR, ON THIS AND WE PUT THIS THING TOGETHER. WE THOUGHT THIS WOULD ADDRESS THOSE CONCERNS. CLEARLY, I THINK SENATOR FRIESEN'S CONCERNS JUST A MOMENT AGO, IN MY MIND, IT IS NOT A CROSSWALK, SO. BUT WE CAN CERTAINLY WORK ON THIS AMENDMENT AND MODIFY IT AS NECESSARY. BUT FROM A PROCEDURAL PERSPECTIVE, I'M PURE OF HEART HERE, I'M NOT TRYING TO CIRCUMVENT THE COMMITTEE OR ANYTHING ELSE. AND, AGAIN, THIS SEEMED TO BE, WE THOUGHT, A GOOD SOLUTION. THAT'S WHY WE BROUGHT THIS. WE JUST BROUGHT THIS YESTERDAY. SO ANYWAY, I LOOK FORWARD TO ADDITIONAL DEBATE AND ANSWERING ANY QUESTIONS YOU MAY HAVE. THANK YOU, MR. SPEAKER. [LB641]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB641]

SENATOR GROENE: THANK YOU, MR. SPEAKER. AGAIN, I HAVE THIS REAL PROBLEM, WHEN DOES A BICYCLE BECOME A PEDESTRIAN AND WHEN DOES IT BECOME A VEHICLE OF THE ROAD? I SEE SIGNS WHEN I'M DRIVING THAT SAYS...IN BUSY INTERSECTIONS, IT SAYS, NO LEFT TURN ON RED. SO NOW A BICYCLE IS IN THE BIKE LANE ON THE STREET AND HE'S IN A HURRY, SO HE JUMPS UP ON THE STREET, HE BECOMES A PEDESTRIAN. HE TAKES A LEFT TURN ON THE SIDEWALK AND HE JUMPS BACK ONTO THE STREET AND HEADS THE OPPOSITE...A 90-DEGREE ANGLE. DID HE BREAK THE LAW? WHEN DOES A BICYCLE BECOME A PEDESTRIAN? SENATOR SMITH, WOULD YOU YIELD FOR A QUESTION? [LB641]

SPEAKER HADLEY: SENATOR SMITH, WILL YOU YIELD? [LB641]

SENATOR SMITH: YES, I WILL. [LB641]

SENATOR GROENE: SENATOR GARRETT...WHICH I AGREE WITH LB641 ON THE MOTORIZED WHEELCHAIRS. DO YOU KNOW, IN THE HISTORY OF MOVING VEHICLES AND PEDESTRIAN CROSSWALKS, HAS A CHILD EVER BEEN HIT ON A BICYCLE CROSSING THE STREET? AND WHEN THEY WERE HIT, WAS THE VEHICLE THAT HIT THEM PROSECUTED? [LB641]

SENATOR SMITH: WELL, FIRST, SENATOR GROENE, NO SPECIFIC INCIDENT COMES TO MY MIND. BUT I CAN ONLY ASSUME THAT THOSE HAVE OCCURRED. IT

Floor Debate
March 24, 2015

WOULD SEEM REASONABLE THAT THOSE HAVE OCCURRED. IN TERMS OF WHAT THE OUTCOME OF THE LEGAL ACTION WAS ON THAT, I CANNOT SAY. [LB641]

SENATOR GROENE: THANK YOU, SENATOR SMITH. SO NOW WE'RE GOING TO PASS AN AMENDMENT. WE'RE NOT EVEN SURE IF A CHILD ON A BICYCLE IS ALREADY COVERED AS A PEDESTRIAN. SENATOR GARRETT, COULD YOU YIELD FOR A QUESTION? [LB641]

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD? [LB641]

SENATOR GARRETT: ABSOLUTELY. [LB641]

SENATOR GROENE: SENATOR GARRETT, DO YOU KNOW IF A CHILD OR SOMEBODY ON A BICYCLE HAS BEEN HIT ON A PEDESTRIAN CROSSWALK, WAS THE OFFENDER THAT HIT THEM PROSECUTED? [LB641]

SENATOR GARRETT: I'M NOT FAMILIAR WITH ANY PARTICULAR CASE LIKE THAT BUT, AGAIN, THE GENESIS OF THE BILL ORIGINALLY WAS THE PERSON IN A WHEELCHAIR BECAUSE THE WAY THE STATUTE IS CURRENTLY WRITTEN, IT SAYS PEDESTRIAN. AND THE DEFINITION OF A PEDESTRIAN IS SOMEBODY ON FOOT, SO. [LB641]

SENATOR GROENE: THANK YOU, SENATOR GARRETT. SO MY POINT IS, WE HAVE A COURT CASE WHERE AN INDIVIDUAL ON A MOTORIZED SCOOTER WAS NOT CONSIDERED A PEDESTRIAN. WE ARE GOING TO ATTEMPT TO PASS AN AMENDMENT HERE THAT CONSIDERS A BICYCLE UNDER THE SAME COURT CASE OF A MOTORIZED SCOOTER, AND WE DON'T EVEN KNOW. BUT I WILL GUARANTEE YOU THAT IT HAPPENS EVERY DAY IN AMERICA THAT SOMEBODY IS ON A BICYCLE OR A CHILD AND GETS HIT IN AN ACCIDENT WITH SOMEBODY MAKING A LEFT TURN OR SOMETHING IN A CROSSWALK. AND I WILL GUARANTEE YOU THAT THAT PERSON IS PERSECUTED. SO NOW WE'RE ATTEMPTING TO PASS AN AMENDMENT THAT WE DON'T EVEN KNOW IF WE NEED. SO I STAND IN SUPPORT OF LB641 WITH THE EARLIER PASSED AMENDMENT TO STRIKE BICYCLES. BUT I'D STAND AGAINST AM1000; IT'S NOT NECESSARY. WE DON'T EVEN KNOW IF IT'S NECESSARY, FOLKS. SO LET'S NOT PASS LAWS UNTIL WE KNOW IT'S NECESSARY. WE GOT ENOUGH OF THEM. THANK YOU, MR. PRESIDENT. [LB641]

Floor Debate
March 24, 2015

SPEAKER HADLEY: SENATOR BRASCH, YOU'RE RECOGNIZED. [LB641]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT AND GOOD MORNING, COLLEAGUES. I ALSO SERVE ON THE TRANSPORTATION COMMITTEE AS THE VICE CHAIR. AND WHEN THIS BILL WAS INTRODUCED WE HAD MANY TESTIFIERS COME TO TESTIFY, THE PROPONENTS, A WOMAN IN A WHEELCHAIR, OTHERS, AND ALSO THE BICYCLISTS CAME ON THE INTRODUCTION OF LB641. AND AT THAT TIME, DURING TESTIMONY, I LOOKED AT THE TWO PROPONENTS AND THOUGHT THAT THE PEOPLE WHO ARE IN WHEELCHAIRS, THAT IS THEIR MOBILITY. THAT IS THE ONLY WAY THAT THEY ARE ABLE TO MOVE ABOUT, BY THE MEANS OF THE WHEELCHAIR. AGAIN, THE DEFINITION WAS JUST SAID ABOUT WHAT A PEDESTRIAN IS, IS A PERSON WHO WALKS, THE FOOT. AND THIS IS...THE WHEELCHAIR ARE THEIR FEET. THAT'S THE WAY THEY GET TO ONE LOCATION TO ANOTHER, IS ONLY BY THE MEANS OF THAT CHAIR, IN MOST CASES. NOW, WHEN IT COMES TO A BICYCLIST, I ADMIRE THEIR ENTHUSIASM, WHAT THEY DO FOR RECREATION, TRANSPORTATION, THEIR SPORTS. HOWEVER, I CANNOT PUT THEM IN THE SAME SITUATION AS AN INDIVIDUAL IN A WHEELCHAIR. AND I BELIEVE AND STILL BELIEVE THAT IT IS TWO SEPARATE BILLS. THAT THE BICYCLIST THAT...ANYONE IN A VEHICLE DOES NOT WANT TO HAVE AN ACCIDENT WITH A PEDESTRIAN, A PERSON IN A WHEELCHAIR, OR A PERSON ON A BICYCLE, THAT THE OUTCOME IS BAD IN ALL CASES. BUT I SUPPORTED THE AMENDMENT TO STRIKE BICYCLES. I CANNOT SUPPORT PUTTING INDIVIDUALS WHO ARE BOUND FOR MOBILITY TO A WHEELCHAIR IN THE SAME LAW AS A PERSON ON A BICYCLE. SO THIS AMENDMENT IS ONE THAT ALTHOUGH IT IS THOUGHTFUL, I BELIEVE IT'S A SEPARATE BILL. AND I DO SUPPORT LB641 WITH THE PRIOR AMENDMENT. THANK YOU, MR. PRESIDENT, AND THANK YOU COLLEAGUES. [LB641]

SPEAKER HADLEY: SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB641]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. I WONDER IF SENATOR GARRETT WOULD YIELD TO A QUESTION. [LB641]

SPEAKER HADLEY: SENATOR GARRETT, WILL YOU YIELD? [LB641]

SENATOR GARRETT: ABSOLUTELY. [LB641]

SENATOR JOHNSON: A SCENARIO HERE: SENATOR GROENE HAS TALKED ABOUT NO LEFT TURN. BUT I'M GOING TO GO THE OTHER WAY WITH OKAY FOR A RIGHT

Floor Debate
March 24, 2015

TURN AFTER STOPPING. MY QUESTION IS, AND I'LL PUT MYSELF IN THIS SITUATION, WHEN I PULL UP AND I'M ELIGIBLE FOR A RIGHT TURN ON RED, AND IT SAYS IF THERE'S NO ONCOMING TRAFFIC--AND NORMALLY I THINK WE THINK OF THE VEHICLES--IF THERE'S A WHEELCHAIR OR A PEDESTRIAN IN THE CROSSWALK RIGHT BESIDE MY CAR, I WOULD PROBABLY NOTICE THAT AND YIELD TO THEM. MY QUESTION IS, DOES YOUR AMENDMENT SLOW DOWN THE BICYCLE RIDER THAT WOULD BE COMING TO THAT INTERSECTION AND MAYBE AT A HIGHER RATE OF SPEED AND MIGHT BE 20 FEET BACK OR 30 FEET BACK? AND I WOULD PULL OUT ON THE RED--AGAINST THE RED--AND THE BICYCLIST, OF COURSE, WOULD HAVE THE GREEN. WOULD YOUR BILL HELP THAT SITUATION? [LB641]

SENATOR GARRETT: I THINK IT WOULD. I MEAN, THE WAY STATUTE CURRENTLY IS, THERE'S A LOT OF GAPING HOLES. ONE OF THE IMPORTANT PARTS OF THIS BILL THAT WOULD BRING THIS INTO STATUTE IS THE PART THAT SAYS, BICYCLE RIDERS SHALL NOT OPERATE A BICYCLE ON A SIDEWALK IN A CARELESS MANNER THAT ENDANGERS OR WOULD BE LIKELY TO ENDANGER ANY PERSON OR PROPERTY, SO. AND, AGAIN, IN A CROSSWALK, HAS TO BE GOING THE SAME SPEED AS A PEDESTRIAN. [LB641]

SENATOR JOHNSON: OKAY, THANK YOU. AGAIN, WE'VE HEARD DISCUSSION OF WHETHER WE'VE HAD ANY INCIDENCE OF MY EXAMPLE OR OTHER EXAMPLES, WHETHER THIS NEEDS TO BE IN THIS BILL OR NOT. BUT AS I THINK A LITTLE BIT MORE ABOUT IT, I THINK THERE NEEDS TO BE A LITTLE BIT MORE PROTECTION FOR THE SAFETY OF THE BICYCLISTS AS THEY COME TO AN INTERSECTION BECAUSE MOST INTERSECTIONS ALLOW A TURN RIGHT ON RED AFTER STOPPING. SO, AGAIN, I'LL RESERVE YET AS TO WHERE I'M AT ON THIS AMENDMENT. AND I PROBABLY AGREE THAT IF WE DON'T PASS THIS ONE, THERE NEEDS TO BE MORE DISCUSSION AND MAYBE A SEPARATE BILL NEXT YEAR. THANK YOU, MR. SPEAKER. [LB641]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED. [LB641]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I'M GOING TO CONTINUE WITH SOME OF MY CONCERNS WITH AM1000. I'D LIKE TO DIRECT THE BODY'S ATTENTION TO, AGAIN, THE PAGE 1 OF AM1000 AND THEN LOOK AT WHAT IS THE GREEN COPY OF LB641, WHICH IS A VERY SHORT BILL, JUST TWO PAGES, BUT REALLY THE ACTUAL MEAT OF THE GREEN COPY OF LB641 IS ON PAGE 2, SECTION 2. AND YOU'LL SEE THAT THE ONLY PART OF AM1000 THAT WAS

Floor Debate
March 24, 2015

ACTUALLY PART OF THE GREEN COPY OF THIS BILL IS WHAT ARE SECTIONS 2 AND 3 ON PAGE 1 OF AM1000. AND IT JUST ESSENTIALLY MAKES TWO SECTIONS OUT OF SAYING THAT THOSE IN A MOTORIZED WHEELCHAIR AND THOSE ON A BICYCLE WOULD HAVE THE RIGHTS OF A PEDESTRIAN. THE REST OF AM1000 IS ALL NEW LANGUAGE. I ASSUME, SINCE SOME OREGON LAW HAS BEEN REFERRED TO, THAT THAT IS ALL LANGUAGE FROM AN OREGON LAW. I WILL TELL YOU, AS A MEMBER OF THE COMMITTEE, THIS MORNING--BECAUSE THIS AMENDMENT WAS APPARENTLY JUST FILED YESTERDAY--THIS MORNING IS THE FIRST OPPORTUNITY I'VE HAD TO SEE THIS LANGUAGE. APPARENTLY, IT'S FROM AN OREGON LAW. I DON'T KNOW WHETHER THAT'S CORRECT OR NOT, THAT'S WHAT'S BEEN SAID. SO, AGAIN, ONLY SECTIONS 2 AND 3 OF AM1000 ARE ANYTHING THAT THE COMMITTEE TALKED ABOUT, EVEN IN THE GREEN COPY THAT WAS STRICKEN OUT. SO IT'S NOT AS IF AM1000 JUST RECONSTITUTES LB641 AS IT WAS ORIGINALLY BROUGHT TO THE COMMITTEE. IT'S NOT THE CASE. EVERYTHING BELOW SECTIONS 2 AND 3 OF AM1000 IS ALL NEW LANGUAGE. SOME OF IT IS VERY SIMILAR, QUITE FRANKLY, TO PARTS OF LB39 THAT I REFERENCED EARLIER, SENATOR KOLOWSKI'S BILL, THAT WAS IPPed BY THE COMMITTEE ON A 7--I WAS INCORRECT EARLIER. I SAID I THOUGHT IT HAD BEEN IPPed UNANIMOUSLY. IT WAS ACTUALLY IPPed WITH SEVEN VOTES AND SENATOR DAVIS WAS PRESENT, NOT VOTING. SO I WANT TO CORRECT THAT FOR THE RECORD. BUT NONETHELESS WAS IPPed. THERE IS A GREAT DEAL OF SIMILARITY BETWEEN THE LANGUAGE IN LB39 THAT WAS IPPed BY THE COMMITTEE AND THE REST OF SENATOR GARRETT'S AM1000. I HAVE AN ISSUE WITH THAT. AND I HAVE AN ISSUE WITH THE FACT THAT YOU HAVE ALL SORTS OF, I BELIEVE, UNINTENDED CONSEQUENCES HAVING TO DO WITH AM1000. I STARTED EARLIER ON THE COMPARISON BETWEEN SENATOR WILLIAMS AND I AND THE DIFFERENCE IN SOMEONE'S STRIDE AND WHAT IS THE SPEED OF THE PEDESTRIAN BASED ON THE SIZE OF SOMEONE, HEIGHT OF SOMEONE, LENGTH OF STRIDE, EVERYTHING ELSE. THIS CREATES, COLLEAGUES, IN MY OPINION, A TREMENDOUS AMOUNT OF UNCERTAINTY OVER HOW WOULD LAW ENFORCEMENT EVEN HANDLE THIS. HOW DO YOU THEN DETERMINE WHO IS AT FAULT? YOU COULD HAVE...HOW DO YOU DETERMINE WHAT IS THE RATE OF A PEDESTRIAN? I MIGHT WALK AT FIVE MILES AN HOUR. SOMEONE ELSE MIGHT WALK AT TWO MILES AN HOUR. WE HAVE NO DEFINITION FOR WHAT IS THE SPEED OF A PEDESTRIAN. MY OPINION, COLLEAGUES, IS THAT THIS LEGISLATION IS JUST FINE AS IT IS, WITHOUT AM1000. THAT'S WHAT WE VOTED ON IN COMMITTEE. THAT'S WHAT HAD BROAD SUPPORT. IT'S A COMMITTEE PRIORITY BILL AND IT OUGHT TO BE ADVANCED AND HOPEFULLY BECOME LAW. IF SENATOR GARRETT REMAINS OR HAS CONTINUING CONCERNS AND SENATOR GLOOR AND SENATOR KOLOWSKI AND WHOEVER ELSE WITH THIS ISSUE, THEN

Floor Debate
March 24, 2015

WE SHOULD HAVE A DIFFERENT PIECE OF LEGISLATION NEXT YEAR AND SHOULD ADDRESS THIS IN A DIFFERENT MANNER NEXT YEAR AND HAVE ANOTHER PUBLIC HEARING AND TALK ABOUT THE OREGON LAW, THE MERITS OF IT AND WHETHER OR NOT THAT'S SOMETHING THAT WE SHOULD ADOPT IN NEBRASKA. BUT I DON'T SUPPORT AM1000. AND I CERTAINLY HOPE THAT IT DOESN'T GET ADOPTED ONTO THIS BILL OR I AM CERTAINLY GOING TO HAVE GRAVE CONCERNS ABOUT WHAT IS A COMMITTEE PRIORITY BILL THAT I FULLY SUPPORT. THANK YOU, MR. PRESIDENT. [LB641]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB641]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. LB641 LOOKS TO BE COMMONSENSE LEGISLATION WITH THE COMMITTEE AMENDMENT ADDED ONTO IT, AS IT HAS BEEN. I SHARE SENATOR McCOY'S CONCERNS ABOUT HOW THIS GOT TO WHERE IT IS, WHERE WE'RE CONSIDERING AM1000. IT LOOKS TO ME LIKE PROBABLY THAT IS A BILL THAT SHOULD HAVE ITS OWN HEARING. I WOULD HOPE GOING FORWARD THAT SENATOR GARRETT WOULD CONSIDER PULLING THAT AMENDMENT. AND IF HE LIKES THE IDEA OF THE LAW THAT HE'S SEEN IN OREGON, MAYBE BRING IT BACK NEXT YEAR AND LET'S SEE IT AS A SEPARATE BILL. AND IF SENATOR McCOY COULD USE A LITTLE MORE TIME, I'D YIELD THE REMAINDER OF MY TIME TO HIM. [LB641]

PRESIDENT FOLEY: SENATOR McCOY WAIVES THE USE OF THE TIME. THANKS, SENATOR BLOOMFIELD. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB641]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT AND GOOD MORNING, COLLEAGUES. I JUST WANTED TO CLARIFY A COUPLE OF THINGS ABOUT THE TESTIMONY ON SENATOR KOLOWSKI'S BILL. I WAS NONVOTING THAT DAY. BUT I DID HAVE ALL OF THE SAME CONCERNS THAT WE HEARD FROM ALL OF THE OTHER COMMITTEE MEMBERS HERE ABOUT THE BILL AND ABOUT SOME OF THE RAMIFICATIONS OF IT. AND I'M SURE A LOT OF YOU HAVE DEALT WITH BICYCLE RIDERS AHEAD OF YOU IN TRAFFIC. JUST THIS MORNING IT HAPPENED TO ME, WHERE ONE TURNED OFF...CAME ALONGSIDE THE CAR AND THEN TURNED IN FRONT OF ME. SO WE REALLY NEED TO BE CAUTIOUS IN TRYING TO MODIFY THIS BILL. I THINK THE ORIGINAL COMMITTEE AMENDMENT IS A GOOD

Floor Debate
March 24, 2015

AMENDMENT. BUT THIS AMENDMENT OF SENATOR GARRETT'S IS A BAD AMENDMENT AND I WOULD URGE YOU ALL TO OPPOSE IT. THANK YOU. AND WITH THAT, I'LL YIELD ANY TIME LEFT TO SENATOR SMITH, IF HE'D LIKE IT. [LB641]

PRESIDENT FOLEY: SENATOR SMITH, ABOUT 4 MINUTES. WE WAIVES THE USE OF THAT TIME. THANK YOU, SENATOR DAVIS. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB641]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I JUST WANT TO RISE AND REINFORCE THAT IF...WHAT WE'RE TALKING ABOUT HERE IS THAT IF A CHILD IS BIKING AND IS IN AN INTERSECTION AND IS HIT BY THE VEHICLE, CURRENTLY, THE CHILD IS LIABLE. AND ALSO IF A CHILD IS HIT BY A DRUNK DRIVER, YET THE CHILD OR CYCLIST IS IN THE CROSSWALK AND HAS THE LIGHT, THAT CHILD OR CYCLIST IS STILL LIABLE. I THINK THAT SITUATIONS LIKE SENATOR GROENE ARE TALKING ABOUT ARE REALLY NOT THE NORM OF CYCLISTS. AGAIN, CHILDREN RIDING THEIR BICYCLES ACROSS A SIDEWALK SHOULD BE GIVEN THE SAME PROTECTIONS, I BELIEVE, AS PEDESTRIANS. AND, CURRENTLY, THERE'S A LOT OF CONFUSION ALSO ABOUT WHETHER A CHILD RIDING IN A BIKE TRAILER OR ON A SEAT ON THE BACK OF THE BIKE ALSO HAS TO GET OUT OF THE TRAILER OR OFF OF THE SEAT CARRIER AND THEN WALK ACROSS THE STREET. SO THEN THE PARENT IS TRYING TO HOLD ONTO THE HAND AS THEY WALK ACROSS THE STREET AND HOLD THE BICYCLE. AGAIN THERE'S A GROWING TREND OF BICYCLES AS A MODE OF TRANSPORTATION. IN LINCOLN WE HAVE MANY TRAILS THAT PROVIDE ALL SORTS OF ACCESS TO HEALTHY LIVING AND TO ENJOYING OUR COMMUNITY AND BEING ABLE TO BE OUTSIDE AND WE ARE A BICYCLE-FRIENDLY COMMUNITY. BUT TO SAY THAT CHILDREN, IF THEY DON'T GET OFF OF THEIR BIKE, ARE LIABLE...AND WE HAVE A MEMBER OF THE LEGISLATURE AND SOME STAFF THAT I'VE TALKED WITH WHO ACTUALLY WERE CHARGED BECAUSE THEY WERE IN THE CROSSWALKS WALKING WITH THE LIGHT. THEY WERE HIT BY A CAR AND THEY WERE LIABLE FOR THE INJURIES. SO I THINK IT'S OUR JOB IN THE LEGISLATURE TO PROMOTE POLICIES THAT SUPPORT SAFE NEIGHBORHOODS AND HEALTHY LIVING. AND I ALSO THINK THAT IT'S JUST NOT PRACTICAL FOR PEOPLE OR SAFE FOR PEOPLE TO HAVE TO DISMOUNT THEIR BICYCLE AS THEY'RE GOING...AS THEY'RE CROSSING A STREET WITH THE LIGHT. SO ANYWAY, THANK YOU SO MUCH, MR. PRESIDENT. I GIVE THE REST OF MY TIME TO SENATOR GARRETT. [LB641]

PRESIDENT FOLEY: SENATOR GARRETT, ABOUT 2.5 MINUTES, IF YOU CARE TO USE IT. [LB641]

Floor Debate
March 24, 2015

SENATOR GARRETT: THANK YOU, LIEUTENANT GOVERNOR. I THINK I WAS NEXT UP IN THE QUEUE AS WELL. LET ME ASSURE YOU, MEMBERS, IT WAS NOT OUR ATTEMPT TO CIRCUMVENT THE COMMITTEE PROCESS HERE. LB641, THE UNDERLYING BILL ABSOLUTELY, POSITIVELY, UNEQUIVOCALLY NEEDS TO BE PASSED. WHEN THE OREGON INFORMATION WAS BROUGHT TO US YESTERDAY, WE THOUGHT HERE'S A...WE HAVE SOME VERY REAL CONCERNS ABOUT BICYCLISTS AND NEEDING TO PROTECT ALL FOLKS ON BIKES, AS SENATOR PATTY PANSING BROOKS JUST MENTIONED, CHILDREN ON BICYCLES IN CROSSWALKS. BUT WE CLEARLY NEED TO ADDRESS THIS. I HAD NO IDEA THAT AM1000 WOULD STIR UP THE DEBATE IT DID. AND CERTAINLY I'M VERY CONCERNED FROM A PROCEDURAL POINT OF VIEW BECAUSE AS THE SPONSOR OF THIS BILL, FOR ME TO SUBSEQUENTLY COME BACK AND AMEND IT...I THOUGHT THIS WASN'T GOING TO BE AN ISSUE BECAUSE I THOUGHT IT ADDRESSED ALL THE CONCERNS. IT CLEARLY IS AN ISSUE, AND BECAUSE OF THAT, I WOULD LIKE TO WITHDRAW AM1000 AND WE'LL GO TO WORK ON THAT AND SEE IF WE CAN FIX IT. SO THANK YOU, LIEUTENANT GOVERNOR. [LB641]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. AM1000 IS WITHDRAWN. SENATOR GARRETT, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCE OF LB641. [LB641]

SENATOR GARRETT: COLLEAGUES, LB641...I LAUGH BECAUSE MY FIRST SESSION IN THE LEGISLATURE I LEANED OVER TO SENATOR BLOOMFIELD IN A COMMITTEE HEARING AND SAID, THIS IS A NO-BRAINER AND HE JUST SMIRKED AT ME. AND I WILL FOREVER REMEMBER THAT BECAUSE TESTIMONY PROCEEDED TO SHOW ME THAT THERE'S ALMOST NOTHING IN HERE THAT'S A NO-BRAINER. BUT IF THERE IS ONE, LB641 HAS GOT TO BE IT. THIS PROTECTS PEOPLE IN WHEELCHAIRS IN CROSSWALKS, GIVES THEM THE SAME RIGHTS AS A PEDESTRIAN. THIS IS A HOLE IN THE LAW THAT WE JUST NEED TO COVER. SO I ENCOURAGE YOU ALL TO PLEASE VOTE FOR LB641. [LB641]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATORS, YOU'VE HEARD THE DEBATE AND CLOSING ON LB641. THE QUESTION IS, THE ADVANCE OF LB641 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB641]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB641. [LB641]

Floor Debate
March 24, 2015

PRESIDENT FOLEY: LB641 ADVANCES. ITEMS FOR THE RECORD, MR. CLERK.
[LB641]

CLERK: THANK YOU, MR. PRESIDENT. AMENDMENTS TO BE PRINTED: SENATOR KRIST TO LB15; SENATOR BURKE HARR TO LB356. NEW RESOLUTION: SENATOR KOLTERMAN, LR141; THAT WILL BE LAID OVER. AND YOUR COMMITTEE ON JUDICIARY REPORTS LB546 TO GENERAL FILE WITH AMENDMENTS. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 957-958.) [LB15 LB356 LR141 LB546]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. RETURNING NOW TO GENERAL FILE, LB413. IS THAT RIGHT, MR. CLERK? [LB413]

CLERK: LB413. LB413 BY SENATOR MELLO. (READ TITLE.) INTRODUCED ON JANUARY 16, REFERRED TO THE NATURAL RESOURCES COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM566, LEGISLATIVE JOURNAL PAGE 723.) [LB413]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MELLO, YOU'RE WELCOME TO OPEN ON LB413. [LB413]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB413 GIVES THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY THE AUTHORITY TO PERFORM REVIEWS OF THE POTENTIAL ECONOMIC IMPLICATIONS OF PROPOSED PERMITS DEVELOPED PURSUANT TO THE FEDERAL NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM'S REGULATIONS. COMMUNITIES OF ALL SIZES ACROSS NEBRASKA ARE FACING EVER-CHANGING WATER REGULATIONS FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY. AND AS WE KNOW THESE UNFUNDED FEDERAL MANDATES OFTEN COME WITH SIGNIFICANT PRICE TAGS FOR MUNICIPALITIES THAT MUST COMPLY WITH THEM. JUST LAST YEAR THE CITY OF OMAHA WAS COMPELLED TO ISSUE ANOTHER SIGNIFICANT SEWER RATE INCREASE ON RESIDENTS AND BUSINESSES TO ASSIST IN FINANCING THE \$2 BILLION UNFUNDED FEDERALLY MANDATED COMBINED SEWER OVERFLOW PROJECT. EVEN WORSE, DURING THE PROJECT'S PERMITTING PROCESS THE CITY OF OMAHA WAS NOT ALLOWED TO MAKE A CASE THAT THE PROJECT WOULD IMPOSE AN UNDUE ECONOMIC HARDSHIP ON RATEPAYERS. LB413 TAKES ADVANTAGE OF NEW RECOMMENDATIONS PUT FORTH BY THE ENVIRONMENTAL PROTECTION AGENCY WHICH NOW ALLOW FOR FINANCIAL BURDENS TO BE INCLUDED AS A FACTOR IN THE PERMITTING PROCESS. SINCE

Floor Debate
March 24, 2015

THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY HAS DELEGATED THE AUTHORITY TO PROCESS THESE PERMITS BY THE FEDERAL GOVERNMENT, THE NEW FLEXIBILITY THAT THE EPA IS ALLOWING NEEDS TO BE AUTHORIZED IN STATE STATUTE. WITH THE PROVISIONS WITHIN LB413, THE DEPARTMENT OF ENVIRONMENTAL QUALITY, AT THE REQUEST OF A MUNICIPALITY OR A POLITICAL SUBDIVISION, WOULD BE ABLE TO CONDUCT AN EVALUATION TO DETERMINE THE EXTENT TO WHICH A POLITICAL SUBDIVISION MUST COMPLY WITH THE PERMIT WHILE TAKING INTO CONSIDERATION VARIOUS ECONOMIC AND FISCAL CONSIDERATIONS. ADDITIONALLY, THE BILL WOULD AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO BE ABLE TO PROVIDE GRANTS OR ADDITIONAL INTEREST SUBSIDIES ON LOANS FOR MUNICIPALITIES FOR WASTEWATER TREATMENT PROJECTS THAT CONTAIN A SUSTAINABLE COMMUNITY FEATURE CONTAINING MEASURABLE ENERGY USE REDUCTION, INVOLVE LOW-IMPACT DEVELOPMENT, OR IF THEY NEED SPECIAL ASSISTANCE NEEDS AS DETERMINED BY AN ECONOMIC IMPACT EVALUATION. GIVING THE DEPARTMENT OF ENVIRONMENTAL QUALITY THIS NEW AUTHORITY IS A CRITICAL TOOL THAT WILL HELP MUNICIPALITIES ACROSS THE STATE, NOT JUST IN OMAHA AND LINCOLN, IN REDUCING THE FINANCIAL BURDENS THAT WILL BE IMPOSED UPON THEIR RESIDENTS AND BUSINESSES WHEN COMPLYING WITH THE EPA-REQUIRED, UNFUNDED FEDERAL MANDATES. I DID BRING AN AMENDMENT TO THE HEARING TO THE NATURAL RESOURCES COMMITTEE THAT WILL BECOME THE COMMITTEE AMENDMENT YOU SEE BEFORE YOU AND THAT SENATOR SCHILZ WILL SPEAK IN A MOMENT. AFTER CONVERSATIONS WITH THE LEGISLATIVE FISCAL OFFICE AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY, THE AMENDMENT WAS DRAFTED TO MAKE THE PROCESS CHANGES THAT WILL ELIMINATE THE BILL'S GENERAL FUND FISCAL IMPACT. LB413 HEARD NO OPPOSITION AT THE PUBLIC HEARING AND WAS ADVANCED OUT OF THE NATURAL RESOURCES COMMITTEE ON A UNANIMOUS 8-0 VOTE. I'D LIKE TO THANK SENATOR SCHILZ AND THE NATURAL RESOURCES COMMITTEE FOR DESIGNATING LB413 AS A COMMITTEE PRIORITY. I'D URGE THE BODY TO ADOPT LB413. THANK YOU, MR. PRESIDENT. [LB413]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. (VISITORS INTRODUCED.) AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE NATURAL RESOURCES COMMITTEE. SENATOR SCHILZ, AS CHAIR OF THE COMMITTEE YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB413]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD MORNING. SENATOR MELLO DID A FINE JOB OF TELLING YOU EXACTLY WHAT THE BILL DOES. BUT I'LL RUN THROUGH THE AMENDMENT HERE REALLY

Floor Debate
March 24, 2015

QUICK. THE COMMITTEE ADOPTED AM566 TO LB413 TO ADVANCE IT OUT OF COMMITTEE. THE AMENDMENT DOES TWO THINGS. FIRST, IT WOULD PROVIDE THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH MORE FLEXIBILITY TO DETERMINE THE NEEDS OF THE INDIVIDUAL COMMUNITIES RATHER THAN REQUIRING THE SAME EVALUATION FOR EACH COMMUNITY. THE BILL ALSO REQUIRES THE DEQ TO CONDUCT AN ANALYSIS ON EACH ASPECT LISTED IN THE BILL. BUT DEPENDING ON THE POLITICAL SUBDIVISION AND THEIR NEEDS, SUCH A THOROUGH ANALYSIS MAY NOT BE REQUIRED. BY CHANGING THE MANDATORY LANGUAGE ON PAGE 22 OF THE BILL FROM "SHALL" TO "MAY," THE DEQ WILL BE ALLOWED TO USE THEIR DISCRETION ON WHICH INFORMATION WOULD BE MOST HELPFUL TO THOSE COMMUNITIES. SECOND, THE AMENDMENT WOULD REQUIRE THE POLITICAL SUBDIVISIONS TO SUBMIT AN APPLICATION FEE OF NO MORE THAN \$5,000 AND CREATES A FUND INTO WHICH SUCH FEE WOULD BE PLACED. THE LANGUAGE FURTHER ALLOWS THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO CREATE A TIERED FEE SCHEDULE. POLITICAL SUBDIVISIONS REQUESTING AN EVALUATION ARE WILLING TO PAY FOR THE SERVICE, BUT IN RECOGNIZING THAT SOME POLITICAL SUBDIVISIONS ARE LESS WELL OFF THAN OTHERS, THE AMENDMENT REQUIRES THAT THE ENVIRONMENTAL QUALITY COUNCIL TO DO RULES AND REGULATIONS ON A TIERED APPLICATION FEE SCHEDULE. THINGS TAKEN INTO CONSIDERATION INCLUDE POPULATION AND FINANCIAL HARDSHIPS. THE COMMITTEE WAS PLEASED AND WE DID MAKE THIS A COMMITTEE PRIORITY TO HELP OUR POLITICAL SUBDIVISIONS WADE THROUGH THE U.S. EPA REQUIREMENTS THAT ARE THERE AND COMING DOWN. SO WITH THAT, I WOULD APPRECIATE A POSITIVE VOTE ON AM566 AND SUPPORT FOR THE UNDERLYING BILL, LB413. THANK YOU, MR. PRESIDENT. [LB413]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. DEBATE IS NOW OPEN ON THE COMMITTEE AMENDMENTS TO LB413. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE WELCOME TO CLOSE, AND HE WAIVES CLOSING. THE QUESTION IS, THE ADOPTION OF THE COMMITTEE AMENDMENTS, AM566, TO LB413. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB413]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB413]

PRESIDENT FOLEY: COMMITTEE AMENDMENTS ARE ADOPTED. THE DEBATE IS NOW OPEN ON LB413 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MELLO, YOU'RE WELCOME TO CLOSE ON LB413. [LB413]

Floor Debate
March 24, 2015

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AND THANK YOU FOR ADOPTING THE COMMITTEE AMENDMENT. ONCE AGAIN, LB413 PROVIDES AN AUTHORITY TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO BE ABLE TO GIVE MUNICIPALITIES AND POLITICAL SUBDIVISIONS MORE FLEXIBILITY IN REGARDS TO REQUESTING INFORMATION AND ANALYSIS IN RESPECTS TO RECEIVING WATER DISCHARGE PERMITS FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND TAKING INTO CONSIDERATION FINANCIAL AND ECONOMIC HARDSHIPS AS PART OF THAT PROCESS. IT'S AN ISSUE THAT WE'VE HEARD THROUGHOUT THE YEARS IN MY TIME IN THE LEGISLATURE, NOT JUST REGARDING THE CITY OF OMAHA'S \$2 BILLION UNFUNDED FEDERAL MANDATED PROJECT, BUT OTHER SMALL COMMUNITIES ACROSS THE STATE WHO ARE FACING SOMEWHAT SIMILAR PROJECTS OF THEIR SIZE AND SCALE THAT HAVE A SIGNIFICANT IMPACT ON LOCAL RATEPAYERS AND TAXPAYERS ACROSS THE STATE. GIVING THIS AUTHORITY TO THE DEQ, NOW WILL PROVIDE THESE MUNICIPALITIES AND POLITICAL SUBDIVISIONS AN ADDITIONAL TOOL IN THE TOOL BOX, SO TO SPEAK, TO BE ABLE TO MAKE THE CASE TO THE EPA IN REGARDS TO DEALING WITH FEDERALLY MANDATED WATER PERMITS. WITH THAT, I'D URGE THE BODY TO ADOPT LB413. THANK YOU, MR. PRESIDENT. [LB413]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATORS, YOU'VE HEARD THE DEBATE AND THE CLOSING ON LB413. THE QUESTION IS, THE ADVANCE OF LB413 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB413]

CLERK: 34 AYES, 0 NAYS ON THE ADVANCEMENT OF LB413, MR. PRESIDENT. [LB413]

PRESIDENT FOLEY: LB413 ADVANCES. RETURNING TO GENERAL FILE, LB538. MR. CLERK. [LB413]

CLERK: LB538 IS A BILL INTRODUCED BY THE PERFORMANCE AUDIT COMMITTEE AND SIGNED BY ITS MEMBERS. (READ BILL.) THE BILL WAS INTRODUCED ON JANUARY 21; REFERRED TO THE REVENUE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO COMMITTEE AMENDMENTS. I DO HAVE AN AMENDMENT TO THE BILL, MR. PRESIDENT. [LB538]

PRESIDENT FOLEY: SENATOR WATERMEIER, YOU'RE WELCOME TO OPEN ON LB538. [LB538]

Floor Debate
March 24, 2015

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. I RISE TODAY AS CHAIRMAN OF THE LEGISLATIVE PERFORMANCE AUDIT COMMITTEE TO PRESENT LB538, WHICH WAS INTRODUCED AND PRIORITIZED BY THE COMMITTEE. LB538 IS THE RESULT OF THREE YEARS OF WORK BY THE PERFORMANCE AUDIT COMMITTEE IN THE AREA OF TAX INCENTIVES AND IT IMPLEMENTS THE RECOMMENDATIONS OF THE LR444 TAX INCENTIVE EVALUATION COMMITTEE ON THE LAST INTERIM. THAT STUDY WAS INTRODUCED IN RESPONSE TO A 2013 PERFORMANCE AUDIT CONDUCTED BY THE COMMITTEE THAT FOUND THE GOALS OF THE NEBRASKA TAX INCENTIVE PROGRAMS WERE FAR TOO BROAD TO PERMIT MEANINGFUL PROGRAM EVALUATION. THE LR444 STUDY COMMITTEE CONSISTED OF MEMBERS OF THE AUDIT COMMITTEE, ALONG WITH THEN REVENUE COMMITTEE CHAIRMAN HADLEY, VICE CHAIRMAN SCHUMACHER, AND SENATOR DAVIS, WHO WAS APPOINTED BY THE EXECUTIVE BOARD. THE LR444 COMMITTEE SPENT THE SUMMER WORKING WITH CITIZENS, STAKEHOLDERS, AND EVALUATION EXPERTS AT THE PEW CHARITABLE TRUST TO CRAFT RECOMMENDATIONS FOR A TAX INCENTIVE PERFORMANCE AUDIT PROCESS TAILORED TO NEBRASKA'S NEEDS. THE PRIMARY GOAL OF THIS PROCESS IS IT TO PRODUCE INFORMATION THAT WILL ALLOW LAWMAKERS TO DRAW CLEAR CONCLUSIONS ABOUT HOW WELL TAX INCENTIVES ARE BENEFITTING NEBRASKA'S ECONOMY AND MEETING OTHER PROGRAM GOALS. INFORMATION FROM THESE EVALUATIONS WILL GO BEYOND THE INFORMATION AVAILABLE NOW WHICH IS GENERALLY LIMITED TO WHETHER A COMPANY HAS MET THE CONDITIONS OF ITS CONTRACT WITH THE STATE. WHILE THAT INFORMATION IS VALUABLE, IT IS ALSO IMPORTANT TO CONDUCT A BROADER REVIEW OF HOW THE ACTIVITIES OF THE PARTICIPATING COMPANIES, COMPARED TO THE STATE'S ECONOMIC NEEDS, WHICH IS WHAT THE PERFORMANCE AUDITS DO UNDER LB538. THE LR444 COMMITTEE REPORTS CONTAINS A FRAMEWORK FOR HOW THE TAX INCENTIVE PERFORMANCE AUDITS SHOULD BE CONDUCTED AND LB538 WOULD PLACE THE KEY COMPONENTS OF THAT FRAMEWORK INTO LAW. FIRST, A TAX INCENTIVE PERFORMANCE AUDITS WOULD BE CONDUCTED BY OUR LEGISLATIVE AUDIT OFFICE WORKING IN COOPERATION WITH THE FISCAL OFFICE AND OTHERS IF NEEDED. SECONDLY, EXISTING TAX INCENTIVE PROGRAMS AND THOSE CREATED IN THE FUTURE WILL BE AUDITED AT LEAST ONCE EVERY THREE YEARS. THIRD, THE PROGRAMS WILL BE EVALUATED BASED ON THE GENERAL GOALS OF THE LR444 COMMITTEE RECOMMENDED FOR TAX INCENTIVE PROGRAMS, AS WELL AS GOALS SPECIFIC TO EACH PROGRAM. THE PROCESS USED FOR THESE AUDITS WILL BE VERY SIMILAR TO THE EXISTING PROCESS FOR PERFORMANCE AUDITS. THE PERFORMANCE AUDIT COMMITTEE WILL OVERSEE THE AUDITS, BUT ANY RELEVANT POLICY ISSUES IDENTIFIED IN THE AUDITS WILL REMAIN IN THE

Floor Debate
March 24, 2015

PURVIEW OF THE REVENUE COMMITTEE. ADDITIONALLY, LB538 PROVIDES THAT FOR TAX INCENTIVE PERFORMANCE AUDITS THE PERFORMANCE AUDIT COMMITTEE MEMBERSHIP WILL INCLUDE, AS NONVOTING MEMBERS, THE CHAIR OF THE REVENUE COMMITTEE AND ANOTHER REVENUE COMMITTEE APPOINTED BY THAT COMMITTEE. ANOTHER KEY COMPONENT IS DETERMINING WHICH METRICS OR MEASURES THE AUDITORS WILL USE IN JUDGING PROGRESS TOWARDS EACH PERFORMANCE GOALS. WE DID NOT INCLUDE THESE MEASURES IN THE BILL, BUT THE LR444 COMMITTEE INTENDED THAT THE AUDITORS WOULD USE THE METRICS IDENTIFIED IN ITS FINAL REPORT IF POSSIBLE. THE COMMITTEE UNDERSTOOD THAT THE AUDITORS WILL HAVE TO DO ADDITIONAL WORK TO DETERMINE WHETHER THE UNDERLYING DATA IS AVAILABLE FOR EACH OF THE PROPOSED METRICS. BECAUSE OF THAT, THE COMMITTEE REALIZED THAT THERE MAY HAVE TO BE CHANGES. FOR EXAMPLE, IF DATA ARE NOT AVAILABLE FOR A PARTICULAR MEASURE, IT MAY HAVE TO BE ABANDONED OR THE AUDITORS MAY IDENTIFY ADDITIONAL METRICS THAT SHOULD BE USED INSTEAD. ESPECIALLY IN THE INITIAL AUDITS, THERE WILL BE A LEARNING CURVE AS WE EXPLORE THE DATA AVAILABLE FOR THE DIFFERENT METRICS. ULTIMATELY, THE PERFORMANCE AUDIT COMMITTEE, WITH INPUT FROM THE TWO REVENUE COMMITTEE REPRESENTATIVES, WILL APPROVE THE METRICS THAT WILL BE USED IN EACH AUDIT. THE TAX INCENTIVE PERFORMANCE AUDITS WILL ALSO PROVIDE AN ANALYSIS OF THE ECONOMIC AND FISCAL IMPACTS OF THE TAX INCENTIVE PROGRAM TAKING INTO ACCOUNT RELEVANT FACTORS WHICH MAY INCLUDE THE EXTENT TO WHICH THE TAX INCENTIVE CHANGES BUSINESS BEHAVIOR, THE DIRECT AND INDIRECT IMPACTS OF THE PROGRAMS GENERALLY, AS WELL AS IMPACTS ON NEBRASKA BUSINESSES; A COMPARISON TO ALTERNATIVE POLICIES, INCENTIVES, OR ECONOMIC DEVELOPMENT STRATEGIES; AND FINALLY TO INCENTIVIZE...HOW THE INCENTIVES AFFECT ON LOCAL GOVERNMENTS. AGAIN, THE AUDIT OFFICE WILL BE RESEARCHING DIFFERENT WAYS OF ASSESSING EACH OF THESE FACTORS AND THE PERFORMANCE AUDIT COMMITTEE WILL DETERMINE WHICH ONES OF THESE WILL BE INCLUDED IN EACH AUDIT. COMPLETED AUDIT REPORTS WILL BE RELEASED PUBLICLY AND THE BILL REQUIRES THAT EACH REPORT ALSO BE PRESENTED AT THE JOINT BRIEFING OF THE REVENUE AND THE APPROPRIATIONS COMMITTEE. ADDITIONALLY, ALTHOUGH THE BILL DOES NOT SPECIFICALLY REQUIRE THIS, THE LR444 COMMITTEE BELIEVED THAT RESULTS OF THE TAX INCENTIVE PERFORMANCE AUDITS SHOULD BE PRESENTED AT THE ANNUAL MEETING OF THE FULL LEGISLATIVE COUNCIL. LASTLY, THE BILL ALSO CONTAINS ONE SMALL CORRECTION TO THE UNDERLYING LEGISLATIVE PERFORMANCE AUDIT ACT, WHICH IS TO REMOVE THE REQUIREMENT THAT DRAFT AUDIT REPORTS BE SUBMITTED ELECTRONICALLY. BECAUSE DRAFT

Floor Debate
March 24, 2015

AUDIT REPORTS ARE CONFIDENTIAL, PAPER COPIES ARE PREFERRED. THE REQUIREMENT FOR ELECTRONIC SUBMISSION WAS INADVERTENTLY ADDED IN THE ACT IN 2012. AGAIN, THIS BILL IS A RESULT OF THREE YEARS OF WORK BY THE PERFORMANCE AUDIT COMMITTEE. AND I HOPE YOU WILL JOIN ME IN VOTING A GREEN LIGHT FOR THIS ON...ADVANCE TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. MR. CLERK. [LB538]

CLERK: MR. PRESIDENT, SENATOR WATERMEIER WOULD MOVE TO AMEND HIS BILL WITH AM944. (LEGISLATIVE JOURNAL PAGE 958-963.) [LB538]

PRESIDENT FOLEY: SENATOR WATERMEIER, YOU'RE WELCOME TO OPEN ON AM944. [LB538]

SENATOR WATERMEIER: THANK YOU AGAIN, MR. PRESIDENT. AM944 WOULD MAKE ONE SUBSTANTIVE CHANGE AND TWO TECHNICAL CHANGES TO THE GREEN COPY OF LB538. THE SUBSTANTIVE CHANGE IS THAT AM944 WOULD ADJUST THE SUNSET DATES FOR SEVERAL TAX INCENTIVE PROGRAMS TO CONFORM THEM TO THE REQUIREMENT OF LB538 THAT THEY BE AUDITED ONCE EVERY THREE YEARS. WITH THIS AMENDMENT, WE WOULD ESTABLISH THAT THE FIRST AUDIT WILL BE THE NEBRASKA ADVANTAGE ACT. IN ORDER FOR THAT REPORT TO BE RELEASED IN 2016, THE AMENDMENT WOULD SET A SUNSET DATE OF DECEMBER 31, 2017, FOR ALL TIERS OF THE ADVANTAGE ACT. THREE OF THE TIERS ALREADY HAVE SUNSET DATES OF THAT AND AM944 WOULD ADD IT FOR THE OTHER THREE WHICH CURRENTLY HAVE NO SUNSET DATES. FOR THE OTHER SEVEN TAX INCENTIVE PROGRAMS, AM944 SETS A SUNSET DATE OF DECEMBER 31, 2019. THE AMENDMENT WOULD THEN LEAVE IT UP TO THE AUDIT OFFICE WORKING WITH THE PERFORMANCE AUDIT COMMITTEE TO DECIDE WHICH PROGRAMS WILL BE AUDITED IN 2017 OR 2018. I BELIEVE IT MAKES SOME SENSE TO SCHEDULE THESE AUDITS AFTER WE'VE DONE SOME WORK ON THE ADVANTAGE ACT AUDIT RATHER THAN ESTABLISHING THE FULL SCHEDULE IN STATUTE. THAT IS ALSO IN KEEPING WITH THE RECOMMENDATIONS OF THE LR444 COMMITTEE WHICH BELIEVE THE AUDIT OFFICE SHOULD HAVE THE AUTHORITY TO SET THESE AUDIT SCHEDULES. I WOULD ALSO JUST NOTE FOR THE RECORD THAT IF 2017 PERFORMANCE AUDITS IDENTIFY ISSUES THAT NEED TO BE ADDRESSED BY THE LEGISLATURE, WE WOULD STILL BE ABLE TO ADDRESS THOSE IN THE 2018 LEGISLATIVE SESSION, EXTEND THE 2019 SUNSET DATES WOULD ALSO DO THAT FOR THAT TIME. REGARDING THE TWO

Floor Debate
March 24, 2015

TECHNICAL CHANGES, AM944 WOULD ELIMINATE SECTION 11 IN THE GREEN COPY WHICH WOULD SET AN OPERATIVE DATE OF JANUARY 1, 2016. THAT PROVISION IS NOT NEEDED AND THE BILL SHOULD GO INTO EFFECT SEPTEMBER 1, 2015, AS IS USUAL PRACTICE. AM944 WOULD ALSO SIMPLY REMOVE POTENTIAL CONFUSING LANGUAGE REGARDING POSITIVE AND NEGATIVE IMPACTS ON ONE SENTENCE ABOUT THE TYPES OF ECONOMIC AND FISCAL IMPACTS THE AUDITS COULD BE LOOKING FOR. THIS CHANGE RESPONSE TO A QUESTION RAISED BY THE STATE CHAMBER OF COMMERCE AT THE HEARING AND IS SIMPLY CLARIFYING IN NATURE. THANK YOU, AND I'D BE HAPPY TO ANSWER ANY QUESTIONS IN REGARD TO THIS AMENDMENT. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. DEBATE IS NOW OPEN ON AM944 TO LB538. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB538]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING AGAIN, MEMBERS. I RISE IN SUPPORT OF AM944 AND LB538. A COUPLE OF ISSUES THAT NEED TO BE ADDRESSED IN MY ROLE AS CHAIR OF THE REVENUE COMMITTEE: LB538 CAME TO THE COMMITTEE, AND AS SENATOR WATERMEIER POINTED OUT, THERE WERE NO AMENDMENTS, THERE WAS NO COMMITTEE AMENDMENT, NOR WAS IT SEEN THERE WAS A NEED FOR ONE. AM944 HAS THEREFORE BEEN SOMETHING THAT'S COME UP SINCE WE HAD OUR HEARING. AND I GUESS I SHOULD OBJECT TO THAT, EXCEPT I DON'T. I THINK AM944 IS THE SORT OF APPROPRIATE AMENDMENT THAT AFTER THE HEARING AND UPON REFLECTION GETS BROUGHT FORWARD BY THE INTRODUCER, OR AT LEAST THE COMMITTEE THAT HE CHAIRS. AND SO I'M IN SUPPORT OF AM944, AND AS I SAID, THE UNDERLYING BILL. THESE ARE APPROPRIATE EVALUATIONS. WE HAD SOME ORIGINAL CONCERNS ABOUT TIME FRAMES, I THINK, FOR THE SUNSETS, BUT IN REALITY IF YOU TAKE A LOOK AT THE BILL, WHAT WE'RE TALKING ABOUT HERE ARE SUNSET DATES FOR NEBRASKA ADVANTAGE, THE LARGEST CHUNK OF MONEY THAT WE PUT INTO THESE PROGRAMS IS IN NEBRASKA ADVANTAGE, AS OPPOSED TO THE RURAL DEVELOPMENT ACT OR THE BEGINNING FARMER TAX CREDIT ACT. MUCH SMALLER AMOUNTS OF MONEY AND IT'S APPROPRIATE TO HAVE FURTHER EVALUATION AND THAT BE EXTENDED OUT A LITTLE BIT. SO I APPRECIATE THE WORK OF THE PERFORMANCE AUDIT COMMITTEE. SENATOR WATERMEIER SAID THIS WAS A COMMITTEE PRIORITY. IT'S NOT A REVENUE COMMITTEE PRIORITY, I WANT TO MAKE IT CLEAR. IT IS THE PERFORMANCE AUDIT COMMITTEE PRIORITY. BUT IT'S AN APPROPRIATE BILL TO HAVE. I DO WANT TO MAKE ONE EDITORIAL COMMENT ALSO AS RELATES TO THESE PROGRAMS. THESE ARE APPROPRIATE EVALUATIONS. WE SPEND A LOT OF TAX MONEY OR...I SHOULDN'T SAY WE SPEND, WE WAVE GOODBYE TO A LOT OF

Floor Debate
March 24, 2015

STATE REVENUE AS A RESULT OF THESE PROGRAMS BECAUSE WE THINK THEY'RE APPROPRIATE FOR BUSINESS DEVELOPMENT. BUT IN THE GRANDER SCHEME OF ISSUES AROUND TAX AND TAX POLICY, UNDERSTAND THAT AS WE HAVE DISCUSSIONS ABOUT TAX LEVELS IN THIS STATE, YOU SHOULD THINK TO YOURSELF, AND YOU SHOULD QUESTION, ESPECIALLY THOSE BUSINESSES WHO COME TO YOU AND COMPLAIN ABOUT CORPORATE TAX RATE, ARE YOU TALKING ABOUT THE MARGINAL RATE, OR ARE YOU TALKING ABOUT THE EFFECTIVE RATE? BECAUSE PROGRAMS THAT GET NEBRASKA ADVANTAGE, AS AN EXAMPLE, DO VERY WELL BY US IN THIS STATE. AND ONE OF THE CHALLENGES THAT WE HAVE IS THIS WHOLE ISSUE OF MARGINAL VERSUS EFFECTIVE. OKAY, WE KNOW WHAT THE TAX RATE IS SUPPOSED TO BE, BUT WHAT IS IT ACTUALLY? AFTER YOU, AS AN NEBRASKAN FOR YOUR OWN INCOME TAX PURPOSES, FIGURE IN HOMESTEAD EXEMPTIONS, AS AN EXAMPLE, WHAT'S YOUR ACTUAL TAX RATE? AS A CORPORATION, IF YOU GET THE NEBRASKA ADVANTAGE YOUR WAY, WHAT'S YOUR ACTUAL CORPORATE RATE? THIS IS AN IMPORTANT, NOT NUANCED, DISCUSSION. BECAUSE WE GET HIT OVER THE HEAD ABOUT HOW POORLY WE MEASURE AGAINST OTHER STATES. OKAY? IS THAT A MEASURE OF MARGINAL RATE OR IS IT A MEASURE OF EFFECTIVE RATE? AND THAT IS AN APPROPRIATE QUESTION. IT MAY BE, AS WE FURTHER THESE DISCUSSIONS IN COMING YEARS ABOUT TAX RATES, WE DECIDE TO GET RID OF ALL OF THESE PROGRAMS AND EXEMPTIONS AND FOCUS ON JUST THE MARGINAL RATE... [LB538]

PRESIDENT FOLEY: ONE MINUTE. [LB538]

SENATOR GLOOR: ...BECAUSE IT'S EASIER FOR PEOPLE TO UNDERSTAND. I'M NOT ADVOCATING FOR IT NECESSARILY, BUT I AM POINTING OUT THAT WHEN WE HAVE ISSUES AROUND TAX POLICY, WHEN PEOPLE CLAIM THAT WE ARE ONE OF THE WORST IN THE NATION OR TOWARDS THE BACK OF THE PACK OR THE MIDDLE OF THE PACK, THAT'S NOT NECESSARILY TRUE FOR SPECIFIC BUSINESSES AND INDUSTRIES BECAUSE OF PROGRAMS LIKE THE ONES THAT ARE COVERED UNDER LB538. AGAIN, NOT TO STRAY TOO FAR FROM MY STAND ON THIS, AM944 IS A GOOD AMENDMENT TO A GOOD BILL, LB538, AND I'M SUPPORTIVE. THANK YOU. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SENATOR MELLO, YOU'RE RECOGNIZED. [LB538]

Floor Debate
March 24, 2015

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I STAND TOO AND RISE IN SUPPORT OF AM944 AND LB538 AND WOULD LIKE TO THANK SENATOR WATERMEIER, THE CHAIRMAN OF THE PERFORMANCE AUDIT COMMITTEE FOR HIS LEADERSHIP IN WORKING ON THIS ISSUE, AS THE VICE CHAIRMAN OF THE COMMITTEE THE PREVIOUS TWO YEARS AND NOW AS THE CHAIR. THIS ISSUE STARTED BACK IN 2012 WITH THE PERFORMANCE AUDIT COMMITTEE AND HAS TAKEN A VERY LONG, AND I THINK, VERY THOROUGH TURN, SO TO SPEAK, IN REGARDS TO REALLY WHAT DO WE DO AS A STATE IN RESPECT TO EVALUATING TAX POLICY THE SAME WAY, TO SOME EXTENT, WE EVALUATE APPROPRIATIONS POLICY. AS YOU WILL PROBABLY HEAR ME LATER ON THE FLOOR, PROBABLY IN, GIVE OR TAKE ANOTHER 25 DAYS OR SO, WE GO THROUGH A PROCESS EVERY YEAR IN REGARDS TO EVALUATING APPROPRIATIONS THAT WE AS A LEGISLATURE CHOOSE TO MAKE. WHETHER OR NOT WE THINK APPROPRIATIONS IS VALUABLE; WHETHER OR NOT IT'S MEETING ITS INTENDED OUTCOMES. AND IF IT'S NOT MEETING ITS INTENDED OUTCOMES AND GOALS, WE HAVE A TENDENCY TO CHANGE THAT. WHAT YOU HAVE IN FRONT OF YOU UNDER LB538 IS A SOMEWHAT SIMILAR PROCESS AS IT RELATES TO TAX INCENTIVES AND TAX CREDITS. AS SENATOR WATERMEIER MENTIONED, THIS WAS NOT SOMETHING THAT WAS SIMPLY THOUGHT UP OF, THIS HAS BECOME, ARGUABLY NOW, A BEST PRACTICE IN THE COUNTRY, LED BY THE PEW CHARITABLE TRUST TO ASSIST STATES IN TAKING EVALUATIONS AND USING EVIDENCE-BASED EVALUATIONS TO MAKE THE DETERMINATION OF WHETHER OR NOT TAX INCENTIVE PROGRAMS ARE MEETING THEIR INTENDED GOALS AND OUTCOMES. WE DON'T HAVE THAT REALLY RIGHT NOW IN NEBRASKA AND I THINK A LOT OF THE WORK THAT WAS DONE UNDER THE LR444 COMMITTEE OVER THE INTERIM WITH THE ASSISTANCE, OBVIOUSLY, OF PERFORMANCE AUDIT STAFF, AS WELL AS THE PEW CHARITABLE TRUST, AND THE LEGISLATIVE FISCAL OFFICE, WE'VE GOT A BILL IN FRONT OF US NOW. IT'S NOT MAKING A PREDETERMINED OUTCOME, COLLEAGUES, THAT TAX INCENTIVES ARE BAD. AND I WANT TO REMIND YOU AND SAY THAT ON THE MIKE TO EASE ANY CONCERNS THAT ANY MEMBERS MAY HAVE, THAT'S NOT WHAT THIS BILL IS ABOUT. THE REALITY THOUGH IS THAT WE HAVE TO HAVE EVALUATIONS AND MAKE THE DETERMINATION IF WE'RE MEETING THE INTENDED OUTCOMES AND THE INTENDED GOALS OF ANY PUBLIC POLICY WE MAKE, WHETHER IT'S AN APPROPRIATION, WHETHER IT'S A TAX INCENTIVE, OR IF IT IS SOME OTHER MAJOR POLICY SHIFT THAT THIS BODY IS CONSIDERING. THAT WILL BE ABLE TO BE DONE UNDER LB538. REAL QUICK, JUST TO DRAW TO YOUR ATTENTION, THIS BILL DOES HAVE A SMALL FISCAL NOTE. AND THE FISCAL NOTE, ESSENTIALLY, IS ATTACHED TO THE REQUIREMENT THAT WE WILL HAVE TO HIRE A SEPARATE PERFORMANCE AUDITOR TO BE ABLE TO COVER THE...TO BE ABLE TO DO THESE

Floor Debate
March 24, 2015

EVALUATIONS ON EVERY...ESSENTIALLY EVERY YEAR. AND AS SENATOR WATERMEIER MENTIONED, WE'RE GOING TO BE UNDER THIS BILL DOING A THREE-YEAR ROTATING CYCLE OF TAX INCENTIVE AND TAX CREDIT PROGRAMS. HAVING ONE SPECIFIC PERFORMANCE AUDITOR DESIGNATED TO BECOME THE EXPERT, TO BE ABLE TO DO THIS WORK, IS CRITICAL, BECAUSE YOU'LL HEAR US TALK AT A LATER POINT IN TIME, THE PERFORMANCE AUDIT STAFF, WHICH IS, ESSENTIALLY, OUR WATCHDOGS AS THIS BODY HAS BEEN CUT OVER A NUMBER OF YEARS IN STAFFING. AND THEY JUST DON'T HAVE THE STAFF RIGHT NOW TO BE ABLE TO DEDICATE ONE FULL-TIME PERFORMANCE AUDITOR WITH THE EXISTING STAFF TO BE ABLE TO DO THIS MONUMENTAL WORK. I THINK THIS IS A SMALL INVESTMENT, COLLEAGUES, IN THE HUNDREDS OF MILLIONS OF DOLLARS THAT WE SPEND THROUGH THE TAX CODE EVERY YEAR WHEN IT COMES TO TAX INCENTIVES AND TAX CREDITS. THIS IS SIMPLY BEING ABLE TO PROVIDE NOT JUST US THE LEGISLATURE, BUT THE BUSINESS COMMUNITY, ECONOMIC DEVELOPERS, AND NEBRASKANS ACROSS THE STATE, THE EVIDENCE AND THE OUTCOMES THAT WE ALL BELIEVE ARE THERE, BUT IT'S ABLE TO PROVIDE ALL OF US THAT INFORMATION IN A REAL TIME, ANNUAL FORMAT TO BE ABLE TO MAKE THE DETERMINATION, IF CHANGES OR TWEAKS NEED TO BE MADE TO A PROGRAM, IF WE NEED TO RECONSIDER THE INTENDED OUTCOME OF A SPECIFIC TAX-RELATED PROGRAM, OR IF WE WANT TO MAKE A CHANGE, AND I'LL JUST USE ONE EXAMPLE, COLLEAGUES. DURING THE LR444 INTERIM STUDY PROCESS, WE HEARD... [LB538]

PRESIDENT FOLEY: ONE MINUTE. [LB538]

SENATOR MELLO: ...INTERIM HEARINGS THAT RURAL NEBRASKA HAS NOT SEEN THE FRUITS OF SOME OF THESE TAX INCENTIVE PROGRAMS. THAT WAS AN INTENDED OUTCOME, AN INTENDED GOAL OF NEBRASKA ADVANTAGE, AND PARTICULARLY NEBRASKA RURAL ADVANTAGE, IT WAS AN INTENDED GOAL. SO THAT WAS JUST ONE ANECDOTAL STORY THAT THE MEMBERS OF THE INTERIM STUDY COMMITTEE HEARD WHEN WE TRAVELED OUT TO KEARNEY, WHEN WE HAD OUR CONVERSATIONS IN LINCOLN AND OUR HEARINGS IN LINCOLN, FROM MEMBERS ACROSS THE STATE SAYING THAT WE NEED TO HAVE A RENEWED FOCUS AND MAYBE A DIFFERENT OUTCOME AND DIFFERENT GOAL AS IT RELATES TO CERTAIN ECONOMIC DEVELOPMENT RELATED TAX INCENTIVE PROGRAMS TO RURAL NEBRASKA. WE'LL BE ABLE TO FIND THAT INFORMATION OUT IN A MORE CLEAR, CONCISE MANNER TO THE EVALUATION PROCESS THAT'S BEFORE YOU UNDER LB538. WITH THAT I ONCE AGAIN TO THANK SENATOR WATERMEIER AS THE VICE CHAIR, NOW THE CHAIR OF THE PERFORMANCE AUDIT COMMITTEE, WHO HELPED SHEPHERD THIS THROUGH OVER THE LAST

Floor Debate
March 24, 2015

COUPLE YEARS. I WOULD BE REMISS NOT TO ALSO THANK THAT OUR FORMER SENATOR COLLEAGUE, SENATOR JOHN HARMS, WHO WAS CHAIR OF THE PERFORMANCE AUDIT COMMITTEE FOR THE LAST SIX YEARS... [LB538]

PRESIDENT FOLEY: TIME, SENATOR. [LB538]

SENATOR MELLO: ...WHO MOVED THIS ALONG. THANK YOU, MR. PRESIDENT. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB538]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I WANT TO ECHO WHAT SENATOR MELLO SAID AS A MEMBER OF THE LR444 COMMITTEE. IN MY FIRST EXPERIENCE IN LOOKING INTO SOME OF THESE TYPES OF PROGRAMS, I WAS REALLY ASTONISHED AT THE AMOUNT OF REVENUE THAT'S EXEMPT OR CREDITS OR WHAT'S OUT THERE WITH ADVANTAGE AND WITH LB775 AND SOME OF THE OTHER PROGRAMS. IT JUST MAKES REAL SENSE FOR US, AS A BODY, TO HAVE A PROCESS IN PLACE WHERE WE CAN EVALUATE THOSE PROGRAMS AND SEE WHETHER THEY'RE WORKING OR NOT. BECAUSE AS YOU ALL KNOW, WE HAVE A PROPERTY TAX PROBLEM IN THIS STATE AND SOME PEOPLE SAY WE HAVE AN INCOME TAX PROBLEM, AND SOME PEOPLE SAY WE HAVE A SALES TAX PROBLEM. I'VE OFTEN THOUGHT, YOU KNOW, MAYBE IF WE HAD NONE OF THESE EXEMPTIONS, ALL OUR RATES WOULD BE LOWER AND WE'D ALL BE HAPPY. AND THOSE ARE THE THINGS THAT WE'RE GOING TO FIND OUT FROM THE STUDY OF THESE PROGRAMS. SO THE FISCAL NOTE IS REALLY INSIGNIFICANT IN TERMS OF WHAT WE'RE GOING TO GAIN IN KNOWLEDGE OVER THE COURSE OF THE NEXT FEW YEARS. I STRONGLY SUPPORT SENATOR WATERMEIER ON THIS BILL. AND I'LL YIELD THE REST OF MY TIME TO SENATOR WATERMEIER IF HE'D LIKE IT. THANK YOU. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. ABOUT FOUR MINUTES, SENATOR WATERMEIER... WAIVES THE USE OF THAT TIME. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB538]

SENATOR SCHNOOR: THANK YOU, SIR. I'D LIKE TO KNOW IF SENATOR WATERMEIER WOULD YIELD TO A QUESTION. [LB538]

Floor Debate
March 24, 2015

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD? [LB538]

SENATOR WATERMEIER: YES, I WOULD. [LB538]

SENATOR SCHNOOR: WE'RE THREE FEET AWAY, BUT...SO MAYBE TO GET THIS ON THE MIKE, I GUESS. I THINK THIS IS IMPORTANT TO ECONOMIC DEVELOPMENT. I ALSO FEEL THERE'S PROBABLY A LOT OF INDIVIDUALS THAT FALL WITHIN THIS ACT THAT ARE ABUSING THE SYSTEM, AND PROBABLY SHOULD BE PAYING TAXES THAT ARE NOT. DOES AN AUDIT LIKE THIS GETS DOWN TO THE NUTS AND BOLTS WHERE THAT...LIKE HERE THERE'S BEGINNING FARMER OR ANOTHER ENTERPRISE TAX CREDIT, DOES IT GET DOWN TO WHERE THE NUTS AND BOLTS TO WHERE THAT INDIVIDUAL MAY BE ABUSING THE SYSTEM OR THAT BUSINESS IS ABUSING THE SYSTEM AND THEY SHOULD, IN FACT, BE PAYING TAXES? [LB538]

SENATOR WATERMEIER: LB538 IS NOT GOING TO PROBABLY DIRECTLY ANSWER THAT QUESTION. BUT THAT'S WHERE THE STATE AUDITOR WILL COME IN AND DO THE BLACK AND WHITE, THE DOLLARS AND CENTS OF WHETHER THEY'RE ACTUALLY GETTING THE MONEY FROM WHAT THEY'VE DONE. HIS JOB IS, BASICALLY, TO CATCH PROBLEMS AFTER THEY HAPPEN. OUR JOB, IN THIS PERFORMANCE EVALUATION, IS IS THE LEGISLATION THAT WE'VE INTRODUCED DOING WHAT WE'VE INTENDED? BUT THE STATE AUDITOR IS GOING TO CATCH THE ABUSE AND THE MANAGEMENT OF IT, I WOULD SAY IN THAT REGARD. BECAUSE WE WON'T ACTUALLY AUDIT AN INDIVIDUAL MICROENTERPRISE, WE WILL AUDIT THE OVERALL USE OF IT. [LB538]

SENATOR SCHNOOR: OKAY. THAT ANSWERS MY QUESTIONS. I AM IN SUPPORT OF THIS. AND YES, I AM STANDING SO THAT'S ALL I NEEDED, THANKS. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR AND SENATOR WATERMEIER. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB538]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE BODY. THIS BILL DEALS WITH A HIGHLY PROBLEMATIC AREA OF TAX INCENTIVES. IN THE BEGINNING, THINGS WERE SIMPLE. YOU HAD A TAX CODE AND YOU PAID A CERTAIN PERCENTAGE WHEN YOU WERE AT THIS LEVEL OF INCOME AND A CERTAIN HIGHER PERCENTAGE WHEN YOU HAD A HIGHER LEVEL OF INCOME AND LIFE WAS SIMPLE. BUT LIFE NEVER REMAINS SIMPLE. AND YOU HAD STATES, BASICALLY, SAYING LET'S BEGIN TO TARGET PROSPECTIVE BUSINESSES WHO MIGHT INVEST IN NEW JOBS AND ECONOMIC

Floor Debate
March 24, 2015

GROWTH AND LET'S CUT THEM A SPECIAL DEAL. AND OTHER STATES BEGAN CUTTING SPECIAL DEALS. AND AS LIFE IS WHEN THAT STARTS HAPPENING, EVERYBODY STARTS JUMPING ONTO THE BANDWAGON AND MAKING SPECIAL DEALS. AND WE HERE IN NEBRASKA NOW HAVE GOT A LITANY OF PROGRAMS OF SPECIAL DEALS WHICH EVEN THOUGH OUR TAX BRACKET SAYS THIS IS WHAT YOU SHOULD BE PAYING IF YOU MAKE SO MUCH MONEY RESULTS IN YOU PAYING A LOT LESS IF YOU'RE IN ON THE SPECIAL DEAL. AND THOSE SPECIAL DEALS HAVE BECOME TO BE CALLED "INCENTIVES." DO THEY CONTRIBUTE TO THE OVERALL GOOD OF THE STATE OR NOT? AND THE HONEST ANSWER IS--WE PROBABLY DON'T KNOW WITH ANY CERTAINTY. CERTAINLY, THEY'RE ARE STRONG ARGUMENTS THAT CAN BE MADE THAT THEY'RE GODSENDS FOR ECONOMIC DEVELOPMENT AND WE ARE ABLE TO BRING BUSINESS HERE AS A RESULT OF THE MARKET ABERRATIONS THEY CREATE THAT OTHERWISE WOULD HAVE GONE TO OTHER STATES. THERE ARE THOSE THAT SAY YES, BUT WE LOSE BUSINESS HERE BECAUSE OF THE ABERRATION CREATED IN OTHER STATES ATTRACTING THEM THERE. AND IT IS...AND THEY WOULD ARGUE THAT THIS IS A FRANTIC RACE TO THE BOTTOM WITH SPECIAL DEALS FOR SPECIAL PEOPLE. AND THERE ARE BUSINESSES THAT SAY--LOOK IT, WE'RE PAYING WHAT THE BOOK SAYS IS A TOP RATE BECAUSE WE HAVEN'T GOT A SPECIAL DEAL. WE ALREADY EMPLOY 30 PEOPLE, THAT'S ALL WE NEED AND IF WE WERE A NEW BUSINESS COMING IN TO THE STATE TO OFFER 30 PEOPLE A JOB THAT MET THE QUALIFICATIONS, WE WOULD GET A SPECIAL DEAL. SO THIS PARTICULAR EFFORT, IT'S A REAL STRUGGLE IN A TERM-LIMITED SITUATION WHERE NONE OF US REALLY HAVE A GOOD HANDLE ON THE SITUATION. AND IT'S AN EFFORT TO GET SOME INSTRUMENTS ON THE AIRCRAFT INSTEAD OF JUST FLYING IN THE FOG AND NOT KNOWING WHETHER WE'RE GOING UP OR DOWN OR WHETHER WE'RE HEADING FOR TROUBLE OR NOT. WE DO KNOW THAT ON THE BIG PROGRAM, THE ONE THAT WILL BE AUDITED FIRST, THE NEBRASKA ADVANTAGE ACT, THERE IS A BILLION DOLLARS, GIVE OR TAKE, OF CREDITS BEEN LINED UP. NOW SOME WILL SAY DON'T WORRY ABOUT THAT BECAUSE SOME OF THOSE BUSINESSES ARE GOING TO FAIL; THEY'RE NOT GOING TO MEET THE GOAL, THEY'RE GOING TO FIZZLE OUT, SO IT'S NOWHERE NEAR A BILLION DOLLARS THAT WILL ACTUALLY BE CASHED IN. BUT HOW MANY? HOW EFFECTIVE? WE DON'T KNOW. THE OTHER PROGRAMS, THE SMALLER ONES, THEY CERTAINLY SOUND NICE, NOBODY IS AGAINST ANGELS. BUT HAD IT BEEN CALLED THE DEVIL PROGRAM, IT MAYBE HAVE LESS OF AN APPEAL. AND SMALL FARMERS OR BEGINNING FARMERS PROGRAMS, THOSE ALL SOUND GOOD. MICROENTERPRISE DEVELOPMENT, WHATEVER THOSE ARE, BUT GIVE THEM A LITTLE MONEY. WE DON'T KNOW HOW EFFECTIVE THEY ARE EITHER, BUT THEY'RE CERTAINLY MINOR, MINOR, MINOR PROGRAMS IN COMPARISON TO THE BILLION-DOLLAR

Floor Debate
March 24, 2015

PROGRAM OF THE NEBRASKA ADVANTAGE ACT. THIS IS AN EFFORT TO AT LEAST GIVE US SOME FOGGY IDEA WHETHER OR NOT THESE THINGS ARE WORKING OR NOT WORKING, AND WHETHER OR NOT THEY'RE FAIR OR NOT FAIR. AND IT'S CERTAINLY WORTHY OF SUPPORT AND THE EFFORT. WHETHER IN THE END THEY WILL MAKE A DIFFERENCE OR NOT; I'M SOMEWHAT SKEPTICAL, BECAUSE IN THE END, THE QUESTION WILL BE--DO WE CUT OFF A PROGRAM OR RESTRICT IT AND HOW DOES THAT LEAVE US COMPETITIVELY WITH OTHER STATES? AND WE PROBABLY GET BACK TO WHERE WE STARTED TO, THAT WE PROBABLY WILL NEED TO MAKE SPECIAL DEALS BECAUSE THAT'S THE WAY LIFE IS. BUT THIS IS A GOOD AMENDMENT THAT SETS THE TIMETABLE UP, COORDINATE SOME OF THE EXPOSED...EXPIRATION DATES. AND IT'S A GOOD EFFORT TO TRY TO GIVE...WILL AMOUNT, BASICALLY, TO BE THE LEGISLATURES AFTER 2017 OR SO, SOME FOGGY IDEA OF WHETHER OR NOT THEY'RE DOING THE RIGHT THING OR WRONG THING WITH GOING DOWN THE ROADS OF INCENTIVES. ONE FINAL COMMENT HERE IS I THINK WE'RE ABOUT TO BEGIN TO LISTEN TO ARGUMENTS OF MORE SPECIAL DEALS. NOT ONLY SPECIAL DEALS... [LB538]

PRESIDENT FOLEY: TIME, SENATOR. [LB538]

SENATOR SCHUMACHER: IS IT TIME? [LB538]

PRESIDENT FOLEY: YES, IT IS. [LB538]

SENATOR SCHUMACHER: THANK YOU. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. (VISITORS INTRODUCED.) SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB538]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, AS YOU PROBABLY KNOW, I SPENT SIX YEARS ON THE REVENUE COMMITTEE, TWO OF WHICH WERE CHAIR. I SERVED ON THIS COMMITTEE AND I WANT TO THANK SENATOR WATERMEIER FOR DOING A GREAT JOB OF CHAIRING THE COMMITTEE AND THE MEMBERS OF THE COMMITTEE TO LOOK AT IT. I WANT TO CLEAR UP A FEW THINGS THAT WERE SAID TODAY, JUST TO GIVE YOU MY PERSPECTIVE. ONE, IS THAT OUR PROGRAMS ARE PERFORMANCE BASED, WHICH MEANS THAT THE COMPANIES MUST PERFORM TO THE LEVEL THAT THE CONTRACT WAS WRITTEN FOR IN ORDER TO GET THE TAX REFUNDS. SO WHEN SENATOR SCHNOOR TALKED ABOUT THE AUDITS AND SUCH AS THAT, ACTUALLY WE DO AUDIT THE PROGRAMS, THE INDIVIDUAL COMPANIES WE AUDIT TO SEE THAT THEY DO

Floor Debate
March 24, 2015

WHAT THEY SAID THEY WERE GOING TO DO. OTHER STATES DO NOT USE PERFORMANCE BASED. THEY GIVE THE MONEY UP-FRONT AND THEN TRY AND COLLECT IT BACK IF THE COMPANY DOESN'T MAKE IT. SO OURS IS BETTER OFF THAT WAY. WE HEARD SOMETHING ABOUT THE DIFFERENCE BETWEEN EFFECTIVE AND MARGINAL TAX RATES. IF YOU'LL LOOK AT THE DIFFERENCE BETWEEN THE EFFECTIVE TAX RATE AND THE MARGINAL RATE FOR INDIVIDUALS, PART OF THE REASON THAT THAT DIFFERENCE IS THERE IS THAT WE HAVE A LOT OF FLOW-THROUGH INCOME. THIS IS MONEY THAT FLOWS TO...FROM A COMPANY TO AN INDIVIDUAL, FOR EXAMPLE, A SUBCHAPTER S CORPORATION. SO A LOT OF THE TAX INCENTIVES SHOW UP ON THE INDIVIDUAL TAX RETURNS, NOT JUST THE CORPORATE TAX RETURNS. LASTLY, THE BIG QUESTION WE HAVE WHEN WE TALK ABOUT INCENTIVES IS THE "BUT FOR" TEST. WOULD THE COMPANY DO THIS "BUT FOR" THE INCENTIVES? AND THIS IS NOT ONLY COMPANIES FROM OUTSIDE THE STATE, BUT COMPANIES WITHIN THE STATE THAT WANT TO CONTINUE TO GROW AND EXPAND. WOULD THEY DO IT? THIS IS A DIFFICULT QUESTION TO ANSWER. YOU CAN'T GET COMPANIES TO SIT DOWN...IF YOU SAY--WOULD YOU HAVE DONE THIS WITHOUT THE INCENTIVES? THEY'RE CERTAINLY GOING TO ANSWER--NO, THEY WANT THE INCENTIVES. SO WHAT WE HAVE IN DEVELOPING AN AUDIT HERE IS TO TRY AND USE OTHER METRICS AND OTHER TOOLS TO TRY TO BE A SURROGATE FOR THE "BUT FOR" TEST...LOOKING AT GROWTH IN EMPLOYMENT, LOOKING AT CAPITAL EXPENDITURES, LOOKING AT THINGS THAT WILL HELP US DECIDE WHETHER OR NOT THESE PROGRAMS ARE WORKING. IT WAS TALKED ABOUT THE BILLION DOLLARS, OR SO, THAT ARE ON THE BOOKS RIGHT NOW. A LOT OF THAT WILL NOT BE USED. BUT, YOU KNOW, A LOT OF COMPANIES GET HALFWAY TOWARD THE GOAL AND DON'T MAKE IT ALL THE WAY. THEY DON'T GET THE CREDIT. BUT THEY HAVE THE JOBS THAT ARE HIRED. I'M NOT 100 PERCENT SURE, BUT I THINK THAT BILLION DOLLARS ALSO...IF ALL OF THOSE COMPANIES FULFILLED THEIR GOALS, IT WOULD BE 180,000 MORE JOBS IN THE STATE OF NEBRASKA...180,000 MORE JOBS. COULD WE USE THAT IN THE TERMS OF OUR ECONOMY? OF COURSE WE WOULD. I THINK THIS IS A GREAT START. WE WILL BE FINE-TUNING THIS AS WE GO ALONG. BUT AT LEAST IT WILL GIVE US SOME IDEA OF HOW THE PROGRAMS ARE DOING. THANK YOU, MR. PRESIDENT. [LB538]

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB538]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I ALSO WANT TO COMMEND SENATOR WATERMEIER AND THE PERFORMANCE AUDIT COMMITTEE. I THINK THIS IS ESSENTIAL TO BEING ABLE TO UNDERSTAND THE

Floor Debate
March 24, 2015

EFFICACY OF THESE PROGRAMS AND WHETHER THEY'RE DOING WHAT THEY'RE SUPPOSED TO DO. AND GENERALLY OVERALL, WHEN WE TALK ABOUT ECONOMIC DEVELOPMENT HERE IN THE STATE OF NEBRASKA AND WE TALK ABOUT THE PROGRAMS THAT WE HAVE, I THINK IT'S ALWAYS RIGHT THAT WE BE EXAMINING THOSE PROGRAMS, UNDERSTANDING HOW THEY WORK, IF THEY WORK, THIS WILL GO A LONG WAY TO GETTING THAT DONE. AND THEN LOOKING AROUND TO MAKE SURE THAT WE ARE, FOR LACK OF A BETTER TERM, COMPETITIVE WITH THE OTHER STATES THAT WE COMPETE WITH ON BRINGING BUSINESS TO NEBRASKA. AND I DON'T THINK IT'S ANYMORE IMPORTANT THAN IT IS NOW, TODAY, TO ENTICE AND RECRUIT NEW BUSINESSES, EXPANDING BUSINESSES HERE IN THE STATE. WE TALK ABOUT PROPERTY TAX RELIEF, WE TALK ABOUT INCOME TAX RELIEF, AND WE TALK ABOUT SALES TAX RELIEF. THERE'S ONLY ONE SURE WAY TO MAKE SURE WE HAVE THAT OPPORTUNITY TO DO SOME OF THOSE RELIEF PACKAGES AND GET SOME OF THAT DONE AND THAT'S THROUGH GROWTH. AND GROWTH IN RURAL NEBRASKA IS ESSENTIAL. THAT'S WHY I'M LOOKING FORWARD TO THE NEXT COUPLE OF YEARS TAKING A LOOK AT ALL OF THESE PROGRAMS, AND THEN IN MY DISCUSSIONS WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT, I'M GLAD TO HEAR THAT THEY ARE LOOKING TO EVALUATE EVERYTHING THAT'S GOING ON AND MAYBE TWEAK THINGS A LITTLE BIT; MAYBE COME UP WITH A COUPLE OF NEW PROGRAMS THAT CAN REALLY SET NEBRASKA APART AND PUT US INTO CONTENTION FOR A LOT OF THESE JOBS, A LOT OF THESE BUSINESSES THAT ARE LOOKING TO MOVE SOMEWHERE. AND ESPECIALLY IN AGRICULTURE, I MEAN WE HAVE OPPORTUNITIES TODAY THAT WE HAVEN'T HAD IN A LONG TIME. IF YOU LOOK AT CALIFORNIA AND THEIR WATER ISSUES, REGULATION ISSUES; LOOK AT WISCONSIN AND THEIR REGULATION ISSUES. LOOK AT A NUMBER OF OTHER STATES AND NEBRASKA LOOKS PRETTY GOOD FOR AGRICULTURAL DEVELOPMENT. INCREASING THE NUMBER OF AG BUSINESSES THAT ARE OUT THERE CAN HELP AND MOVE TOWARD SOME OF THAT PROPERTY TAX RELIEF THAT WE TALK ABOUT. IT'S ESSENTIAL THAT WE TAKE ADVANTAGE OF WHAT WE ARE IN NEBRASKA AND THAT'S AN AG STATE. WE HAVE THE WATER, WE HAVE THE LAND, WE HAVE THE EXPERTISE. WE HAVE EVERYTHING YOU NEED TO GROW THE DIFFERENT SEGMENTS OF THOSE INDUSTRIES WHETHER IT'S THE SWINE INDUSTRY, CATTLE INDUSTRY, DAIRY INDUSTRY, ALL THOSE ARE IMPORTANT AND WE NEED TO TAKE A LOOK AND MAKE SURE THAT OUR ECONOMIC DEVELOPMENT TOOLS ARE CREATED AND FASHIONED IN SUCH A WAY TO GIVE THOSE FOLKS THE OPPORTUNITY TO GET HERE AS EASILY AS POSSIBLE. OUR INCENTIVE PROGRAMS THAT WE HAVE IN PLACE NOW HAVE DONE GOOD WORK, WE BELIEVE. THIS BILL WILL HELP US TO UNDERSTAND THAT COMPLETELY AND KNOW FOR SURE WHETHER WE'RE THERE OR NOT. AND

Floor Debate
March 24, 2015

THEN WE SHOULDN'T BE AFRAID TO CHANGE IF WE'RE NOT BECAUSE THAT IS WHAT WILL KEEP US HEALTHY, THAT'S WHAT WILL KEEP US VIBRANT, AND THAT'S THE KIND OF THINGS THAT THIS LEGISLATURE SHOULD ALWAYS BE WORKING ON. THANK YOU, MR. PRESIDENT. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR KRIST, YOU'RE RECOGNIZED. [LB538]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I'VE BEEN PROUD TO SERVE ON THE PERFORMANCE AUDIT COMMITTEE UNDER SENATOR HARMS AND NOW SENATOR WATERMEIER FOR FOUR YEARS. THAT COMMITTEE, TOGETHER WITH THE LR444 STUDY COMMITTEE THIS YEAR, AND THE MEMBERSHIP HAS BEEN DESCRIBED SEVERAL TIMES--DID YEOMAN'S WORK THROUGHOUT THE SUMMER, THROUGHOUT THE INTERIM PERIOD BRINGING THE RIGHT PEOPLE TOGETHER--THE PEW FOUNDATION, AND OUR OWN STAFF IN DESIGNING THE FUTURE AND LB538 AND AM944 FURTHER DEFINE WHAT WE SHOULD BE LOOKING AT IN TERMS OF THE APPLICABILITY AND THE ECONOMIC VALUE OF THESE PROGRAMS. AND LET ME EMPHASIZE AGAIN THAT ALMOST EVERY ONE OF THESE, ALONG WITH TAX INCREMENT FINANCING, THE TIF PROGRAM, THERE'S ALWAYS A "BUT FOR" CLAUSE THAT NEEDS TO BE ANALYZED IN ALL OF THESE INVESTMENT PROFILES. I BELIEVE THAT THERE ARE SEVERAL OF THESE TO ANSWER, I THINK, A QUESTION THAT WAS BROUGHT UP BY SENATOR SCHNOOR, SEVERAL OF THESE NEED TO BE PUT UNDER A MICROSCOPE. WE NEED TO MAKE SURE THAT THEY'RE DOING WHAT WE THINK THEY SHOULD BE DOING, AND THAT IS OUR JOB--TO LEGISLATE, TO APPROPRIATE, AND THEN TO APPLY THAT OVERSIGHT...THE OVERSIGHT IS CRITICAL TO MAKING SURE THAT THESE PROGRAMS ARE WORKING THE WAY THEY SHOULD. AND I AGREE WITH SENATOR SCHILZ A HUNDRED PERCENT, NOT BE AFRAID TO MAKE THE CHANGES THAT WE NEED TO MAKE AFTER WE STUDY AND GET THE DATA, THE METRICS THAT WE NEED TO MAKE THOSE DECISIONS. I WANT TO THANK SENATOR WATERMEIER FOR HIS LEADERSHIP. HE WORKED UNDER THE TUTELAGE OF SENATOR HARMS AND I THINK IT RUBBED OFF AND I THANK YOU AGAIN FOR ALL YOU'VE DONE. THIS WAS A VALIANT EFFORT AND LB538 TAKES IT FORWARD. I'D YIELD THE REST OF MY TIME TO SENATOR SCHUMACHER IF HE WOULD LIKE IT. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR SCHUMACHER, ABOUT THREE MINUTES, IF YOU CARE TO USE IT. [LB538]

Floor Debate
March 24, 2015

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR. WE JUST AS WELL USE THIS OPPORTUNITY TO FOLLOW UP ON SOMETHING SENATOR GLOOR SAID AND KIND OF A LITTLE EDUCATIONAL BACKGROUND OF WHAT WE'RE PROBABLY, IN ONE FLAVOR OR ANOTHER, GOING TO HEAR A LOT MORE ABOUT IN THE NEXT FEW MONTHS, OR CERTAINLY IN THE NEXT COUPLE OF YEARS, AND THAT IS AN EXPLANATION OF THE MARGINAL TAX RATE VERSUS THE EFFECTIVE TAX RATE. SOUNDS LIKE EXCITING STUFF. OUR BASIC TOP TAX RATE FOR PERSONAL IS 6.84 PERCENT ONCE YOU GET ABOVE THE LOWER BRACKETS; AND FOR CORPORATE, IS 7.81 PERCENT. SO YOU FIGURE THAT'S FAIRLY EASY TO FIGURE ONCE YOU GET ABOVE SOME OF THE LOWER BRACKETING, AND THERE ISN'T MANY OF THOSE. IT DOESN'T TAKE MUCH TO GET ABOVE THE LOWER BRACKET. YOU'RE GOING TO PAY 6.84 PERCENT ON THE PERSONAL SIDE AND 7.81 PERCENT ON THE CORPORATE SIDE. THEN THAT'S PRETTY CLEAR. BUT HOW CAN IT BE THEN THAT THE EFFECTIVE RATE OF TAXATION, IF YOU LOOK AT, SAY, THE UPPER 10 PERCENT OF THE WAGE EARNERS IN THE STATE MAY BE IN THE NEIGHBORHOOD OF 4 OR 5 PERCENT. SOME OF THAT IS DUE BECAUSE THEY HAVE THE INCOME, BUT THEY MAKE LARGE CHARITABLE CONTRIBUTIONS; THEY HAVE LARGE MORTGAGE INTEREST RATE DEDUCTIONS; THEY HAVE LARGE PROPERTY TAX DEDUCTIONS; AND AFTER...AND SOME OF THEM HAVE THESE ECONOMIC INCENTIVE CREDITS. SO AFTER IT'S ALL SAID AND DONE, WHEN YOU TAKE WHAT TAX THEY PAY AND COMPARE IT TO THEIR INCOME, IT'S NOWHERE NEAR THE 6.84 PERCENT. NEVERTHELESS, A WHOLE LOT OF PEOPLE THAT DON'T HAVE THOSE DEDUCTIONS OR CREDITS ARE REALLY... [LB538]

PRESIDENT FOLEY: ONE MINUTE, SENATOR. [LB538]

SENATOR SCHUMACHER: ...PAYING THE 6.84 PERCENT OR THE 7.81 PERCENT IF THEY'RE JUST ORDINARY PEOPLE WHO ARE REASONABLY WELL-EDUCATED AND WELL-ALONG IN THEIR CAREER. SO, FOR EXAMPLE, IF YOU HAVE YOUR TAXES AS AN INDIVIDUAL BECAUSE YOU HAVE A SUBCHAPTER S CORPORATION, WHICH IS ONE THAT'S SIMPLY IS ELECTED TO BE TAXED AS AN INDIVIDUAL AND IS A SMALLER OPERATION, OR WHAT THEY CALL AN LLC, AND YOU HAVE EMPLOYEES, YOU'RE ALLOWED TO GRAB TO DEDUCT FROM YOUR EMPLOYEES, NATURALLY, THE TAXES THAT ARE DUE TO THE STATE ON THEIR W-2 CARDS WHEN THEY SAY THEY PAID SO MUCH STATE TAX. BUT INSTEAD OF HAVING TO SEND IT IN TO THE STATE, YOU GET TO KEEP IT. WELL EFFECTIVELY, AFTER YOU ENTER THAT INTO THE CALCULATION, YOUR TAX RATE GOES WAY DOWN BECAUSE YOU'RE KEEPING YOUR EMPLOYEES' WITHHOLDING. [LB538]

PRESIDENT FOLEY: TIME, SENATOR. [LB538]

Floor Debate
March 24, 2015

SENATOR SCHUMACHER: THANK YOU. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR McCOY, YOU'RE RECOGNIZED. [LB538]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I CERTAINLY WANT TO JOIN THE LONG LINE OF FOLKS THIS MORNING WHO HAVE GIVEN SENATOR WATERMEIER HIS DUE...THE DUE CREDIT FOR LEADERSHIP ON THIS ISSUE. I SUPPORT LB538 AND THINK THAT OUR SYSTEM IN NEBRASKA OF GIVING INCENTIVES TO COMPANIES THAT PROVE UP FIRST AND BRING THE JOBS, OR GROW THE JOBS IN NEBRASKA, IS THE WAY TO DO IT. I THINK THAT'S KEPT OUR, I BELIEVE, OUR PROGRAMS ON SOLID FOOTING. AND I HOPE WE DON'T GO AWAY FROM THAT IN THE FUTURE WHERE... WHICH IS WHAT MOST STATES DO, AND THAT IS THEY'LL PAY THE INCENTIVES UP-FRONT. SOMETIMES THE JOBS NEVER SHOW UP, BUT GUESS WHO'S STILL ON THE HOOK? THE TAXPAYERS OF THOSE STATES. IN THIS CASE, I'M GLAD THAT THAT'S NOT THE WAY WE DO IT. BUT I WANT TO TAKE A COUPLE OF MINUTES HERE, THE REST OF MY TIME ON THE MICROPHONE, TO TALK ABOUT A DIFFERENT ISSUE THAT'S GOING ON ACROSS IN ANOTHER STATE IN THE MIDWEST THAT I THINK RESOUNDS ALL THE WAY HERE TO NEBRASKA. AND SINCE THE CHAIRMAN OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, SENATOR MURANTE, IS NOT WITH US TODAY, AND I'M NOT SURE IF SENATOR LARSON...I KNOW HE'S NOT ON THE FLOOR; I ASSUME HE'S IN THE BUILDING. BUT AS A MEMBER OF THE...AND I SHOULD SAY--THE SENIOR MEMBER OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, I WANT TO STAND UP AND TALK ABOUT A DECISION THE U.S. SUPREME COURT MADE YESTERDAY. SURPRISED NO ONE HAS MENTIONED IT YET THIS MORNING. I MAY BE THE FIRST. THE SUPREME COURT YESTERDAY LEFT THE STATE OF WISCONSIN'S VOTER ID LAW IN PLACE, MEMBERS. YOU MAY RECALL GOVERNOR SCOTT WALKER SIGNED THIS BILL IN 2011. IT WAS USED FOR A VERY LOW TURNOUT PRIMARY IN 2012, AND IT'S BEEN HELD UP IN COURT EVER SINCE. THE SUPREME COURT HAD BRIEFLY PUT A STAY ON IT JUST BECAUSE ABSENTEE BALLOTS HAD BEEN SENT OUT IN A PREVIOUS ELECTION AND NOW HAS LEFT THE BILL, THE LAW, IN PLACE. NOW I KNOW THERE ARE MANY ON THIS FLOOR WHO OPPOSED LB111. I WAS ONE WHO VOTED IT OUT OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE EARLIER THIS YEAR AND I FULLY SUPPORT IT, CATEGORICALLY, COULD NOT OFFER MY SUPPORT OF IT ANY MORE EMPHATICALLY THAN THAT. I WANT TO REPEAT WHAT I SAID, BECAUSE I THINK IT'S VERY IMPORTANT AND I THINK SPEAKS VOLUMES FOR VOTER ID LAWS ACROSS THE COUNTRY. KEEP IN MIND, MEMBERS, THAT ONE OF THE CHIEF ARGUMENTS YOU HEARD ON THIS FLOOR IN

Floor Debate
March 24, 2015

THE FILIBUSTER OF LB111 IS--WELL, BUT THERE'S NEVER BEEN ANY...THERE'S NO EVIDENCE OF ANY VOTER FRAUD IN NEBRASKA. WELL GUESS WHAT? THERE WAS ONLY ONE CASE OF VOTER FRAUD IN THE STATE OF WISCONSIN AND STILL ALL THE WAY TO THE U.S. SUPREME COURT IT WAS UPHELD. MEMBERS, THAT ISSUE MAY BE DEAD FOR THIS SESSION, BUT I WILL ASSURE YOU, IT IS NOT DEAD IN FUTURE SESSIONS. IT WILL BE BACK. I'M SURE IT WILL BE A FIGHT. BUT I WANTED TO RISE THIS MORNING AND SAY THAT THE HIGHEST LAW IN THE LAND UPHELD THE LAW THAT WAS VERY SIMILAR TO WHAT WAS FILIBUSTERED ON THIS FLOOR AND BLEW OUT OF THE WATER... [LB538 LB111]

PRESIDENT FOLEY: ONE MINUTE. [LB538]

SENATOR McCOY: ...THE IDEAS THAT WERE USED TO DEFEAT LB111. I HOPE WE ALL TAKE NOTE OF THAT AND CONSIDER THE RAMIFICATIONS OF THE U.S. SUPREME COURT'S DECISION YESTERDAY WHEN WE TAKE UP VOTER ID IN A FUTURE SESSION. AND I HOPE THAT THIS ISSUE GETS RESOLVED YET IN MY TIME HERE IN THE LEGISLATURE WHICH IS DWINDLING. THANK YOU, MR. PRESIDENT. [LB538 LB111]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB538]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR. I WANTED TO RISE ONE FINAL TIME HERE BECAUSE I HAVE YET TO THANK SENATOR HARMS, WHO WORKED REALLY HARD TO TRY TO BEGIN TO GRAPPLE WITH THIS, AND NOW SENATOR WATERMEIER FOR CONTINUING ON WITH THIS EFFORT TO TRY TO GET A HANDLE ON WHETHER WE'RE DOING THE RIGHT OR THE WRONG THING WITH INCENTIVES OR IF THERE'S BETTER WAYS TO DO IT. ONE OF THE INTERESTING WRINKLES WE'RE GOING TO SEE, I THINK, NOW IS THE NEXT STAGE OF THE INCENTIVE BATTLE AND WE'RE GOING TO HAVE TO THINK ABOUT IT AND WE JUST AS WELL START THINKING ABOUT IT A LITTLE BIT HERE. WHAT HAPPENS, YOU KNOW, WE GO TO ANOTHER BUSINESS...OR TO A BUSINESS AND SAY, LOOK IT, IF YOU INCREASE THE NUMBER OF JOBS OR YOU DO AN INVESTMENT HERE TO CREATE JOBS AND GOOD PAYING JOBS, WE WILL GIVE YOU A SPECIAL DEAL. WHAT HAPPENS WHEN ANOTHER STATE GOES TO A BUSINESS THAT IS ALREADY ESTABLISHED HERE WITH JOBS AND SAYS TO THEM, LOOK, BRING YOUR JOBS TO OUR STATE AND WE'LL CUT YOU A SPECIAL DEAL OVER HERE. WHAT'S OUR PHILOSOPHY GOING TO BE WHEN THAT BUSINESS COMES TO US AND SAYS, HEY, WE GOT AN OFFER FROM ANOTHER STATE, WILL

Floor Debate
March 24, 2015

YOU CUT US A DEAL HERE TO STAY HERE? BECAUSE THAT'S THE NEXT STEP OF THIS BATTLE. AND IT'S ONE THAT WE PROBABLY SHOULD BEGIN TO START THINKING ABOUT...WHAT OUR RESPONSE WILL BE. BECAUSE, AS WE TALKED ABOUT A MINUTE AGO WITH THE EFFECTIVE AND MARGINAL RATES, THERE ARE A LOT OF PEOPLE THAT AREN'T PAYING MUCH FOR TAXES BECAUSE THEY ARE IN ONE PROGRAM OR ANOTHER. WHAT IF OUR EXISTING PEOPLE AND BUSINESSES START MAKING SIMILAR DEMANDS ON THE SYSTEM? AND IF WE GIVE IN TO THOSE DEMANDS, HOW DO WE FINANCE OUR GOVERNMENT? THESE ARE SOME OF THE INTERESTING ISSUES THAT I THINK WE'RE GOING TO END UP DEALING WITH IN THE NEXT FEW YEARS AS WE STRUGGLE WITH PROMISES TO DELIVER TAX RELIEF, AND AT THE SAME TIME FACE HUGE EXPENSE ISSUES WITH BABY-BOOMERS, WITH PRISONS, WITH PRESCHOOL EDUCATION, AND WITH A LOT OF OTHER THINGS THAT ARE GOING TO BE VERY SOBERING AND VERY DIFFICULT FOR THIS BODY TO JUGGLE. AGAIN, I WANT TO THANK SENATOR WATERMEIER AND HARMS. AND I THINK ONE THING, DESPITE ALL THE TANGENTIAL STUFF THAT'S COME IN THIS MORNING, IT'S PRETTY CLEAR THAT AM944 AND LB538 ARE GOOD PIECES OF LEGISLATION AND I ENCOURAGE YOUR SUPPORT. THANK YOU. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB538]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. IT'S BEEN SAID THAT NEBRASKA IS A HIGH TAX STATE. AND, INDEED, IT IS. THE TAX FOUNDATION INDICATES THAT WE HAVE THE 14th HIGHEST PROPERTY TAXES, 15th HIGHEST MARGINAL INCOME TAXES. WHAT EXACTLY IS OUR INCOME TAX RATE? FOR INDIVIDUALS IT'S 6.8, AND FOR CORPORATIONS, IT'S 7.8, 7.8, AND IF YOU COMPARE THAT RATE WITH OUR NEIGHBORING STATES, WE ARE, IN FACT, HIGH. OF ALL THE RESPONSIBILITIES WE HAVE IN THIS BODY, SETTING TAX POLICY RANKS AT THE TOP OF THE LIST. SO IT'S IMPORTANT FOR US TO GET A GOOD HANDLE ON WHAT THESE DISCOUNTS AMOUNT TO SO WE CAN TREAT OUR TAXPAYERS AND OUR BUSINESSES FAIRLY, BECAUSE I SOMETIMES QUESTION WHETHER WE ARE. SO I SUPPORT LB538 AND AM944. THANK YOU, MR. PRESIDENT. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB538]

Floor Debate
March 24, 2015

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE BODY. I'LL KILL THIS BILL WITH KINDNESS AS WELL. I WANT TO THANK SENATOR WATERMEIER FOR HIS HARD WORK AND THE WHOLE TAX AUDIT COMMITTEE. I SUPPORT LB538. I HAVE A LITTLE HEARTBURN WITH AM944 BECAUSE WE'RE EXPANDING THE DATE FOR ALL OF THEM. AND IF THESE PROGRAMS AREN'T WORKING, I'M NOT SURE, I THOUGHT WE WERE DOING A STAIR-STEP APPROACH AND NOW WE'RE NOT DOING THAT. BUT I WILL SUPPORT THE AMENDMENT BECAUSE OF THE GREATER GOOD. AND MAYBE WE CAN CHANGE THAT IF WE LOOK AT THE NEBRASKA ADVANTAGE ACT AND DECIDE THESE CHANGES AHEAD OF TIME BEFORE THE STATUTORY END. AND THEN I WOULD ASK FOR A POINT OF PERSONAL PRIVILEGE TO CLARIFY THE RECORD ON WHAT OUR UNITED STATES SUPREME COURT ACTUALLY DID AND DID NOT DO YESTERDAY. THEY DID NOT MAKE PRECEDENCE. THEY DID NOT MAKE A RULING. THEY DID NOT BLOW ANY ARGUMENT OUT OF THE WATER OR IN THE WATER. ALL THEY DID WAS THEY SAID--WE WILL NOT TAKE THIS ARGUMENT UP AND THEY LET STAND A LOWER COURT RULING, A LOWER COURT OUTSIDE OF OUR AREA WHICH MEANS IT DOESN'T HAVE PRESIDENTIAL VALUE FOR NEBRASKA. SUPREME COURT RULES SET PRECEDENCE FOR THE WHOLE COUNTRY. YOU HAVE DISTRICTS, JUDICIAL DISTRICTS. WE'RE NOT IN THE SAME JUDICIAL DISTRICT AS WISCONSIN. SO THE ARGUMENT MADE EARLIER DOES NOT APPLY TO NEBRASKA. THERE WERE SEVEN...OR THREE JUSTICES WHO OVERTURNED THE LOWER COURT RULING. THAT'S WHAT HAPPENED. IT WAS NOT A SUPREME COURT RULING. IT WAS A COURT OF APPEALS RULING IN A SEPARATE DISTRICT. SO I JUST WANTED TO CLARIFY THE RECORD. I HOPE WE GET BACK TO WHAT WE ARE HERE TO DEBATE ABOUT AND NOT RANDOM THOUGHTS BY OTHER SENATORS. THANK YOU VERY MUCH. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB538]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, SENATOR HARR DID CLARIFY, BUT LET US SAY THAT THE U.S. SUPREME COURT HAD RENDERED A DECISION OF THE KIND INDICATED BY SENATOR McCOY. IT WOULDN'T MEAN ANYTHING TO ME IN TERMS OF MY ARGUMENTS AGAINST NEBRASKA DOING WHAT SENATOR McCOY AND THE REPUBLICAN PARTY WOULD DESIRE TO HAVE DONE. WITH A JUDGE LIKE ROBERTS, CHIEF JUSTICE ROBERTS, WHO IS A ROMAN CATHOLIC, YOU HAVE THE REINCARNATION OF ROGER B. TANEY, A ROMAN CATHOLIC CHIEF JUSTICE OF THE U.S. SUPREME COURT WHO SAID--A BLACK MAN HAS NO RIGHTS THAT A WHITE MAN IS BOUND TO RESPECT. AND IT WAS THE SAME CHIEF JUSTICE

Floor Debate
March 24, 2015

ROBERTS WHO LED THE EFFORT IN STRIKING DOWN CERTAIN VERY CRITICAL PORTIONS OF THE VOTING RIGHTS BILL. SO I WOULDN'T BE SURPRISED AT ANYTHING THAT COMES OUT OF THAT RACIST-DRIVEN U.S. SUPREME COURT, AND I REFER TO CHIEF JUSTICE ROBERTS SPECIFICALLY. HE IS VERY DISINGENUOUS. WHEN HE WAS TRYING TO BE CONFIRMED, AND I PAY ATTENTION TO THINGS LIKE THAT, HE SAID WHEN HE WAS ASKED HOW HE WOULD LOOK AT LEGISLATION ENACTED BY CONGRESS, HE SAID, WELL, I LOOK AT A MEMBER OF THE SUPREME COURT, AND ESPECIALLY OF THE CHIEF JUSTICE LIKE AN UMPIRE. YOU CALL THE BALLS AND THE STRIKES, BUT YOU DON'T GET INVOLVED IN THE GAME. AND THAT'S ALL HE HAS BEEN DOING. HE HAS TWISTED THE RULES; HE HAS CORRUPTED THE GAME. HE HAS DONE ALL HE CAN TO GO BACK TO THE HALCION DAYS OF OVERT RACISM WHICH IS SANCTIFIED, ENDORSED, AND ACKNOWLEDGED BY THE LAW. PEOPLE NEED TO READ THE DECISIONS OF THESE KIND OF PEOPLE AND HEAR WHAT IT IS OR READ WHAT IT IS THAT THEY HAVE SAID. LOOK AT THE POSITIONS THEY HAVE TAKEN. EVEN IF THE U.S. SUPREME COURT UNDER PRESENT CHIEF JUSTICE ROGER B. TANNEY, A.K.A. JOHN ROBERTS, HAD RULED AS SENATOR McCOY WISHED THE COURT HAD RULED, THAT WOULD NOT AUTOMATICALLY PUT IN NEBRASKA'S LAW A RACIST VOTE SUPPRESSION TYPE PROPOSITION THAT YOU FOUND IN THE WISCONSIN LAW. SENATOR McCOY WILL NOT BE HERE AS LONG AS I WILL BE. I WISH THAT HE WOULD DO ME A FAVOR AND GO ON AND TAKE THAT HIGH-PAYING JOB THAT HE GOT. THE LEGISLATURE HAS BEEN A GOOD STEPPING STONE TO MY GOOD FRIEND, SENATOR McCOY. I DIDN'T REALIZE THAT THAT MAN HAD PUT UP \$2,700,000 FOR THE CAMPAIGN. BUT HERE'S WHAT HE KNEW. THAT SENATOR McCOY WOULD NOT WIN THE GOVERNORSHIP, AS I KNEW AND IT SAID, BUT HE OBSERVED HOW SENATOR McCOY COMPORTED HIMSELF AND FELT THAT HE WOULD BE A GOOD ADDITION TO HIS COMPANY. SO HE REACHED OUT AND HIRED HIM. HOWEVER, HE DID NOT HIRE HIM AWAY FROM THE LEGISLATURE. SO WE WILL BE IN SENATOR McCOY'S COMPANY FOR THE REMAINDER OF HIS TERM. I DON'T DOUBT THAT HE WILL... [LB538]

PRESIDENT FOLEY: ONE MINUTE. [LB538]

SENATOR CHAMBERS: ...CONTINUE TO TRY TO PERSUADE THE LEGISLATURE TO DO THE THINGS THAT HE HAS TRIED TO GET THE LEGISLATURE TO DO IN THE PAST. BUT I WOULD ASSURE HIM AND THOSE IN THE "REPELICAN" PARTY THAT I WILL DO ALL THAT I CAN TO PREVENT SUCH THINGS AS THAT FROM HAPPENING. AND WITH ALL THIS PRAISE OF SENATOR WATERMEIER, I KNOW THAT WHAT SENATOR WATERMEIER IS OFFERING IS WRONG. AND I BASE IT ON THE "BIBBLE." SENATOR WATERMEIER, THE "BIBBLE" SAID--WOE UNTO YOU WHEN ALL MEN

Floor Debate
March 24, 2015

SPEAK WELL OF YOU. JUST THOUGHT I'D THROW THAT IN FOR THE RECORD.
THANK YOU. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.)
SENATOR LINDSTROM, YOU'RE RECOGNIZED. [LB538]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT; THANK YOU, COLLEAGUES.
I JUST WANT TO GET BACK TO LB538 AND AM944. JUST WANT TO GIVE YOU A
QUICK CASE STUDY ON WHY THESE PROGRAMS WORK, PARTICULARLY THE
NEBRASKA ADVANTAGE ACT. ONE OF MY BEST FRIENDS THAT I GREW UP WITH
STARTED A COMPANY IN 2007 IN THE BASEMENT OF HIS HOUSE AND I LIVED
WITH HIM AT A TIME, AND HIM AND HIS BROTHER. THEY TOOK THAT BUSINESS,
STARTED OUT WITH SIX EMPLOYEES. AS OF TODAY, 98-PLUS PERCENT OF THEIR
REVENUE COMES FROM OUTSIDE THE BORDERS OF NEBRASKA WHICH ARE
BUSINESSES THAT WE WANT TO INCENTIVIZE BY BEING HERE IN NEBRASKA.
RECENTLY, THEY'VE TAKEN ADVANTAGE OF THE NEBRASKA ADVANTAGE ACT
AND ARE LOOKING TO EXPAND ON THEIR BUSINESS TO GROW THEIR NUMBERS
BY DOZENS OF NEW EMPLOYEES. SO THIS IS A BUSINESS IN OMAHA THAT HAS
GROWN FASTER THAN JUST ABOUT EVERY OTHER BUSINESS UP THERE. SO I
THINK THAT IT'S IMPORTANT TO PAY CLOSE ATTENTION TO WHAT'S GOING ON.
AND I APPRECIATE WHAT SENATOR WATERMEIER IS DOING. BUT JUST WANT TO
GIVE YOU A LITTLE BACKGROUND ON WHY THESE PROGRAMS WORK, AND IN
PARTICULAR, ONE IN OMAHA THAT IS...I'M CLOSELY TIED TO. SO, THANK YOU,
MR. PRESIDENT. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR LINDSTROM. SEEING NO OTHER
SENATORS WISHING TO SPEAK, SENATOR WATERMEIER, YOU'RE WELCOME TO
CLOSE ON AM944. [LB538]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I JUST WANT TO CLARIFY
A LITTLE BIT WHAT SENATOR HARR HAD SAID. AND I APOLOGIZE I DIDN'T HAVE
A CHANCE TO TALK TO HIM, HE HAD TO STEP OUT OF THE ROOM AND VISIT. WE
ARE NOT ACROSS THE BOARD EXTENDING THE SUNSET DATES ON ALL OF THE
ADVANTAGE ACTS OR ANY OF THE INCENTIVE PROGRAMS. WE ACTUALLY
ADDED TWO SUNSET DATES TO THE ADVANTAGE ACT TIERS THAT DID NOT HAVE
SUNSET DATES WHEN THEY ORIGINALLY WERE WRITTEN. WE DID EXTEND TWO
OF THE SMALLER INCENTIVE PROGRAMS IN ORDER FOR US TO MATCH UP DATES
THAT WOULD BE ABLE TO DO THE EVALUATIONS ON. SO I JUST KIND OF WANTED
TO SET THAT RECORD CLEAR. TWO TECHNICAL AMENDMENTS AND CHANGES

Floor Debate
March 24, 2015

TO THE BILL AS WELL AS FAR AS AM944. AND I'D APPRECIATE YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATORS, YOU'VE HEARD THE DEBATE ON AM944. ALL THOSE IN FAVOR OF THE ADOPTION OF THE AMENDMENT VOTE AYE; THOSE OPPOSED, VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK? [LB538]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, TO ADOPT SENATOR WATERMEIER'S AMENDMENT. [LB538]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. AM944 IS ADOPTED. DEBATE IS NOW OPEN ON LB538 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR WATERMEIER, YOU'RE WELCOME TO CLOSE ON LB538. [LB538]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I APPRECIATE THE GOOD DISCUSSION THIS MORNING HERE AND ALSO FROM SENATOR LINDSTROM EXPLAINING HIS PERSONAL EXPERIENCE WITH IT. JUST TO REITERATE THREE POINTS HERE: AS RECOMMENDED BY THE LR444 INTERIM STUDY, LB538 CREATES A PROCESS FOR ONGOING PERFORMANCE AUDITS OF TAXES AND PROGRAMS TO PRODUCE INFORMATION ABOUT HOW WELL THESE PROGRAMS ARE MEETING THEIR GOALS. SECONDLY, THE AUDITS WILL BE CONDUCTED BY THE LEGISLATIVE OFFICE WITH THE ASSISTANCE OF THE LEGISLATIVE FISCAL OFFICE AND OTHERS AS NEEDED, AND THE AUDIT PROCESS WILL BE VERY SIMILAR TO THE EXISTING PERFORMANCE AUDIT PROCESS. THIRDLY, FOR THE TAX INCENTIVE PERFORMANCE AUDITS, TWO MEMBERS OF THE REVENUE COMMITTEE WILL PARTICIPATE IN THE AUDIT COMMITTEE'S DISCUSSIONS OF WHAT EXACTLY EACH AUDIT WILL LOOK AT. WE HAVE NOT INCLUDED SPECIFIC METRICS IN LB538 SO THAT THE AUDIT COMMITTEE AND THE REVENUE COMMITTEE REPRESENTATIVES CAN DECIDE WHAT IS BEST FOR EACH AUDIT. I'D APPRECIATE YOUR GREEN LIGHT ON LB538. [LB538]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATORS, YOU'VE HEARD THE DEBATE AND CLOSING ON LB538. THE QUESTION IS THE ADVANCE OF LB538 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED, VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB538]

Floor Debate
March 24, 2015

CLERK: 37 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT.
[LB538]

PRESIDENT FOLEY: LB538 ADVANCES. MOVING ON TO LB538A. MR. CLERK. [LB538
LB538A]

CLERK: LB538A, A BILL BY SENATOR WATERMEIER APPROPRIATES FUNDS TO
CARRY OUT THE PROVISIONS OF LB538. [LB538 LB538A]

PRESIDENT FOLEY: SENATOR WATERMEIER, YOU'RE WELCOME TO OPEN ON
LB538A. [LB538A]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. LB538A CONTAINS THE
APPROPRIATIONS NEEDED TO IMPLEMENT LB538 WHICH REQUIRES ONGOING
PERFORMANCE AUDITS OF TAX INCENTIVE PROGRAMS. LB538A WOULD
APPROPRIATE \$127,833 IN FISCAL YEAR '15-'16 AND \$91,748 IN FISCAL '16-'17 TO
ADD ONE PERFORMANCE AUDIT POSITION TO SPECIALIZE IN THIS AREA AND TO
PURCHASE OF ECONOMIC MODELING SOFTWARE. THE LR444 COMMITTEE
RECOGNIZED THAT THE AUDIT OFFICE WILL NEED AN ADDITIONAL AUDITOR
DEDICATED TO THE TAX INCENTIVE PERFORMANCE AUDITS. THESE AUDITS WILL
BE COMPLEX AND THEY WILL OCCUR EVERY YEAR. NO OTHER STATE PROGRAM
IS REQUIRED TO HAVE A PERFORMANCE AUDIT EVERY YEAR. THIS WORK
CANNOT BE ABSORBED BY THE EXISTING STAFF WITHOUT SIGNIFICANTLY
REDUCING THE WORK THE OFFICE CAN DO ON OTHER TOPICS OF INTEREST TO
THE PERFORMANCE AUDIT COMMITTEE. THE COMMITTEE ALSO RECOMMENDED
THAT WE DEVELOP THE CAPACITY TO CONDUCT ECONOMIC MODELING WITHIN
THE LEGISLATURE SO THAT THE AUDIT OFFICE WILL NOT HAVE TO RELY ON THE
OUTSIDE SOURCE SUCH AS THE DEPARTMENT OF REVENUE WHEN SUCH
MODELING COULD BE VALUABLE FOR THE PERFORMANCE AUDIT PROCESS.
ACCORDING TO THE LEGISLATIVE FISCAL ANALYSTS, THE INITIAL PURCHASE
PRICE OF THE BASIC MODELING SOFTWARE WILL BE APPROXIMATELY \$49,000
AND THERE WOULD BE AN ONGOING COST OF \$12,000 PER YEAR. THESE COSTS
WOULD COVER PURCHASE OF THE SOFTWARE, AS WELL AS ONGOING TRAINING
OF OUR STAFF AND THE TECHNICAL SUPPORT. IF A LEGISLATURE WOULD
DETERMINE THAT ADDITIONAL MODELING FUNCTIONS WERE NEEDED, THERE
ARE OPTIONS FOR UPGRADING THE SOFTWARE WITH AN ADDITIONAL COST. I
HOPE YOU'LL JOIN ME IN VOTING GREEN ON LB538A. THANK YOU, MR.
PRESIDENT. [LB538A]

Floor Debate
March 24, 2015

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. DEBATE IS NOW OPEN ON LB538A. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB538A]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR. I RISE IN SUPPORT OF THIS EXPENDITURE. IF ANYTHING, IT'S CONSERVATIVE. WHEN YOU TRY TO FIGURE OUT AN ANSWER TO THE "BUT FOR" TEST, WOULD THEY BE HERE OR WOULD THEY NOT BE HERE? MODELS OF WHAT MIGHT HAPPEN IF YOU MADE A CHANGE ARE EXTREMELY IMPORTANT. FOR EXAMPLE, ONE THING WE LEARNED THAT WAS RATHER INTERESTING IN THE EXISTING MODEL THAT IS SOMETIMES USED BY THE STATE GOVERNMENT IS THAT ONE OF ITS BASIC ASSUMPTIONS IS THAT THERE'S AN UNLIMITED LABOR FORCE. WELL OBVIOUSLY, WE KNOW THAT IN NEBRASKA THAT'S NOT THE CASE AND IT'S HIGHLY UNLIKELY WE'RE GOING TO HAVE A FLOOD OF PEOPLE INTO THE STATE TO CHANGE THAT FROM BEING THE CASE. BUT TO DOCTOR THE EXISTING PROGRAM TO ACCOUNT FOR LABOR REALITIES INSTEAD OF THE UTOPIA OF AN UNLIMITED TRAINED LABOR FORCE, IS APPARENTLY NOT PRACTICAL AND OTHER MODELS NEED TO BE LOOKED AT. AS MENTIONED EARLIER BY, I THINK, SENATOR HADLEY, THAT IF ALL THE ADVANTAGE ACT PROMISES CAME ABOUT, WE WOULD HAVE 180,000 NEW JOBS. THAT'S A GOOD PROJECTION, EXCEPT FOR THE FACT WE DON'T HAVE 180,000 PEOPLE TO FILL THOSE JOBS, NOR WILL WE LIKELY HAVE 180,000 PEOPLE TO FILL THOSE JOBS IN THE ECONOMY ALREADY AT FULL AND STRUCTURAL UNEMPLOYMENT. FULL EMPLOYMENT, AND WHAT THEY CALL STRUCTURAL UNEMPLOYMENT, YOU CAN'T GET MUCH LOWER THAN WHAT WE HAVE NOW. SO I SUPPORT THE NOTION THAT WE NEED TO HAVE AN ATTEMPT AT SOME ECONOMIC MODELING THAT HELPS US ANSWER THE "BUT FOR" QUESTION. AND I THINK THIS IS A RATHER CONSERVATIVE A BILL. THANK YOU. [LB538A]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR WATERMEIER YOU'RE WELCOME TO CLOSE. HE WAVES CLOSING. THE QUESTION IS THE ADVANCE OF LB538A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED, VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB538A]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE LB538A. [LB538A]

PRESIDENT FOLEY: LB538A ADVANCES. RETURNING TO GENERAL FILE, LB320, MR. CLERK. [LB538A LB320]

Floor Debate
March 24, 2015

CLERK: MR. PRESIDENT, LB320 IS A BILL BY SENATOR BOLZ. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 15 OF THIS YEAR, AT THAT TIME REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM767, LEGISLATIVE JOURNAL PAGE 858.) [LB320]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BOLZ, YOU'RE WELCOME TO OPEN ON LB320. [LB320]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. LB320 IS ONE OUTCOME OF THE AGING NEBRASKANS TASK FORCE WHICH WAS ESTABLISHED BY THIS BODY AND WHICH I CHAIRED OVER THE SUMMER. THIS TASK FORCE INCLUDED COMMUNITY STAKEHOLDERS, AGING EXPERTS, MEMBERS OF THE ADMINISTRATION, MEMBERS OF THE JUDICIAL BRANCH. AND I WOULD ESPECIALLY LIKE TO THANK MY COLLEAGUES IN THIS BODY WHO ALSO PARTICIPATED IN THE TASK FORCE: SENATORS CAMPBELL, COOK, DAVIS, AND MELLO. LB320 IS A BETTER BUSINESS MODEL FOR SERVING THE NEEDS OF OUR AGING AND DISABLED FRIENDS AND NEIGHBORS. IT WILL CREATE GOVERNMENT EFFICIENCY, BETTER SERVICE, AND COST SAVINGS BY DEVELOPING A MODEL WHERE EACH LOCAL REGION HAS A CENTRAL HUB FOR INFORMATION, REFERRAL, AND OPTION COUNSELING. THIS COORDINATION AND COLLABORATION WILL LEAD TO MORE STRATEGIC USE OF BOTH PERSONAL AND PUBLIC RESOURCES AND WILL CREATE COST SAVINGS. THIS PLAN AND COLLABORATION WILL BE ESTABLISHED ON THE LOCAL LEVEL THROUGH PARTNERSHIPS WITH THE AREA AGENCIES ON AGING, CENTERS FOR INDEPENDENT LIVING, AND OTHER AGING AND DISABILITY ADVOCATES AND STAKEHOLDERS. LET ME WALK YOU THROUGH THE LOGIC HERE. FIRST, IF WE PROVIDE INFORMATION ABOUT HOW TO BETTER USE PERSONAL RESOURCES, WE CAN STRETCH PERSONAL RETIREMENT AND SAVINGS DOLLARS. IF WE SLOW THE GROWTH OF OUR MEDICAID UTILIZATION BY LESS THAN 1 PERCENT, WE'LL SAVE THE COST OF THE BILL OVER TIME. NEBRASKA RANKS 35th IN THE NATION IN OUR PROVISION OF HOME AND COMMUNITY-BASED SERVICES PRIOR TO INDIVIDUALS ACCESSING A NURSING FACILITY LEVEL OF CARE. WHAT THIS TELLS ME IS THAT WE'RE MISSING OUT ON OPPORTUNITIES TO SERVE INDIVIDUALS WHO ARE MEDICAID ELIGIBLE IN A LOWER LEVEL OF LESS COSTLY SERVICE PRIOR TO THEIR NECESSITY FOR ENTERING NURSING HOME FACILITY LEVEL OF CARE. IF WE PREVENT JUST A FEW FOLKS FROM ENTERING NURSING FACILITY LEVEL OF CARE, WE'LL SAVE ENOUGH MONEY TO PAY FOR THE BILL AND WE'LL SAVE SIGNIFICANT DOLLARS OVER TIME. SECOND, NEBRASKA'S POPULATION OF SENIORS IS GROWING. IT WILL GROW BY 36

Floor Debate
March 24, 2015

PERCENT OVER...BY THE YEAR 2020. AS THE BABY BOOMER POPULATION AGES, THEY WILL INCREASINGLY LOOK FOR ANSWERS FOR HOW TO NAVIGATE THEIR RETIREMENT SYSTEMS, HOW TO NAVIGATE THEIR DOLLARS, HOW TO CHOOSE DIFFERENT OPTIONS AMONG THE SERVICE PROVIDED ON A COMMUNITY AND STATE LEVEL. AND THEY WILL NEED OUR ASSISTANCE. THE ADRC WILL OFFER COUNSELING TO HELP FAMILIES USE THEIR RESOURCES AND MAKE THEIR BEST CHOICES. THE ADRC WILL ALSO OFFER LIAISON ASSISTANCE WITH THE ACCESSNEBRASKA SYSTEM, BETTER SERVING OUR SENIORS AND HELPING TO RESPOND TO A CHALLENGING SYSTEM THAT OUR STATE HAS BEEN WORKING TO IMPROVE OVER TIME. THIRD, THE BILL BREAKS DOWN SILOS. IT BREAKS DOWN SILOS BETWEEN AGING SERVICES AND DISABILITY SERVICES. IT BRIDGES GAPS BETWEEN COMMUNITY SERVICES AND THE STATE LEVEL OF SERVICE. IF YOU ASK A PROFESSIONAL IN THE FIELD ABOUT HOW TO BETTER SERVE SENIORS OR INDIVIDUALS WITH DISABILITIES, THEY SAY COORDINATION. AND, IN FACT, THE ADRC IDEA WAS FIRST INTRODUCED IN THE STATE UNIT ON AGING'S FIVE-YEAR STATE PLAN. SO THIS IS A BILL THAT IS NOT ONLY IN RESPONSE TO EXPERTS IN THE FIELD, BUT ALSO IN RESPONSE TO THE NEEDS THAT WE HEARD VOICED BY CONSTITUENTS THROUGH THE PUBLIC HEARINGS AND OTHER ACTIVITIES OF THE AGING NEBRASKANS TASK FORCE. AND THE WAY THE BILL HAS COME TOGETHER THAT SENATOR CAMPBELL WILL INTRODUCE IN THE AMENDMENT IS THAT WE HAVE DEVELOPED THIS AS A DEMONSTRATION PROJECT SO THAT WE CAN DEVELOP THE INITIATIVE IN THREE COMMUNITIES AND THEN EVALUATE THE PROGRESS AND MAKE SURE WE'RE USING BEST PRACTICES. BOTTOM LINE, LB320 DOESN'T EXPAND ELIGIBILITY FOR SERVICES. IT DOESN'T EXPAND THE NUMBER OF PROGRAMS OR SERVICES. RATHER, IT HELPS OUR FRIENDS, NEIGHBORS, AND LOVED ONES BETTER NAVIGATE, ACCESS, AND CHOOSE THE SERVICES THAT ARE AVAILABLE. IT WILL HELP ANSWER QUESTIONS OF PEOPLE WHO ARE TRYING TO MAKE DECISIONS FOR THEIR LOVED ONES. IT WILL HELP MAKE SURE THAT PEOPLE ARE MAKING THE BEST USE OF THE DOLLARS THAT THEY HAVE AVAILABLE. AND IT WILL PROVIDE THE HUMAN IN HUMAN SERVICES AS INDIVIDUALS MAKE SPECIFIC CHOICES ABOUT HEALTH, MENTAL ABILITY, AND THE BEST SERVICE AVAILABLE TO THEIR FRIENDS AND FAMILY. SO I ENCOURAGE YOUR SUPPORT FOR LB320. THANK YOU, MR. PRESIDENT. [LB320]

PRESIDENT FOLEY: THANK YOU, SENATOR BOLZ. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. SENATOR CAMPBELL. [LB320]

Floor Debate
March 24, 2015

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, AM767 TO LB320 CHANGES THE SCOPE OF THE AGING AND DISABILITY RESOURCE CENTERS FROM A STATEWIDE IMPLEMENTATION TO A MORE COMPETITIVE DEMONSTRATION PROJECT IN AT LEAST THREE AREAS TO OPERATE THROUGH JUNE 30 OF 2018. AND I WANT TO THANK SENATOR BOLZ AND HER STAFF FOR WORKING WITH THE COMMITTEE TO COME UP WITH THE AMENDMENT, WHICH NOW BECOMES THE BILL. UNDER THE DEMONSTRATION PROJECTS, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WOULD AWARD ADRC GRANTS TO THE AREA AGENCIES ON AGING AFTER A REQUEST FOR PROPOSAL PROCESS. THE AMENDMENT REQUIRES THE DEPARTMENT TO CONTRACT FOR AN EVALUATION OF THE ADRC DEMONSTRATION PROJECTS, WHICH WOULD BE PRESENTED TO THE LEGISLATURE HALFWAY THROUGH THE PROJECT IN 2016 AND AGAIN AFTER THE PROJECT IS COMPLETE IN SEPTEMBER OF 2018. THE AMENDMENT ALSO REQUIRES THE DEPARTMENT TO REIMBURSE THE AREA AGENCIES ON AGING PARTICIPATING IN THE DEMONSTRATION PROJECT. THIS AMENDMENT IS AN ATTEMPT TO REDUCE THE COST OF THE PROGRAM AND AVOID STRANDED COSTS OF ROLLING OUT A PROGRAM STATEWIDE WITHOUT A GOOD PERIOD OF REVIEW TO DETERMINE BEST PRACTICES AND THE MOST EFFECTIVE USE OF RESOURCES. LB320 WAS CHOSEN AS A COMMITTEE PRIORITY BECAUSE IT IS A PRACTICAL SOLUTION TO A GROWING PROBLEM IN NEBRASKA WITH THE POTENTIAL TO SUPPORT VULNERABLE NEBRASKANS, CONNECT PEOPLE TO INFORMATION, AND PROVIDE COST-EFFECTIVE SOLUTIONS. THE COMMITTEE AMENDMENT ALLOWS THE STATE TO TEST NEW AREAS AND SERVICE DELIVERY, PROVIDING INFORMATION TO CONSUMERS AND THEIR CAREGIVERS ABOUT SERVICES AVAILABLE TO THEM WHICH WILL FACILITATE INDEPENDENT LIVING THAT EXTENDS A PERSON'S DIGNITY AND QUALITY OF LIFE. COLLEAGUES, AS A PERSONAL NOTE, WITH MY OWN PARENTS WHO LIVED IN NORFOLK, WHEN ONE OF THEM BECAME ILL AND ANOTHER HAD A SEVERE AUTOMOBILE ACCIDENT, THE NUMBER ONE QUESTION IS, WHERE DO WE BEGIN TO GET SERVICES? AND WHEN WE BRING THEM HOME, HOW CAN WE MAKE SURE THAT THEY'RE SAFE IN THEIR HOME AND WHAT EQUIPMENT MIGHT WE NEED? IT IS CRITICAL, I THINK, TO AN AGING POPULATION. AND I FIND IT SO INTERESTING THAT WHEN THIS FINAL REPORT IS GIVEN IN 2018, THE TOP OF THE AGING BABY BOOMERS WILL BE IN FULL SWING, OF WHICH I AM A PART OF THAT POPULATION. THIS IS AN EXTREMELY PRACTICAL SOLUTION TO MAKING SURE THAT OUR AGING NEBRASKANS ACROSS THE STATE GET THE INFORMATION THAT THEY NEED AND IF AT ALL POSSIBLE, TO KEEP THEM IN THEIR HOMES SAFE AND HEALTHY. THANK YOU, MR. PRESIDENT. [LB320]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MR. CLERK. [LB320]

Floor Debate
March 24, 2015

CLERK: MR. PRESIDENT, SENATOR DAVIS WOULD MOVE TO AMEND WITH AM969.
(LEGISLATIVE JOURNAL PAGES 963-966.) [LB320]

PRESIDENT FOLEY: SENATOR DAVIS, YOU ARE WELCOME TO OPEN ON AM969.
[LB320]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. AM969 PROVIDES FOR THE DEVELOPMENT OF A STATE PLAN REGARDING THE CARE OF PATIENTS WITH ALZHEIMER'S AND RELATED DISORDERS. THIS CAME ON A RECOMMENDATION MADE BY THE AGING NEBRASKANS TASK FORCE OVER THE INTERIM. I INTRODUCED THE CONCEPT THIS YEAR AS LB405 WHICH WAS ADVANCED BY THE HEALTH AND HUMAN SERVICES COMMITTEE UNANIMOUSLY. THE AGING NEBRASKANS TASK FORCE WAS CREATED IN 2014 TO DEVELOP AND FACILITATE A STATEWIDE STRATEGIC PLAN FOR ADDRESSING THE NEEDS OF THE STATE'S AGING POPULATION. SENATOR BOLZ SERVES AS THE CHAIR AND I SERVE AS VICE CHAIR OF THE TASK FORCE. OVER THE INTERIM, WE MET SEVERAL TIMES ALONGSIDE THE OTHER STAKEHOLDERS ON THE TASK FORCE TO IDENTIFY THE MOST SIGNIFICANT ISSUES WE WILL FACE AS A STATE REGARDING AGING. ONE OF THOSE ISSUES WAS THE LACK OF COORDINATED SERVICES AND INFORMATION FOR PATIENTS WITH ALZHEIMER'S, DEMENTIA, AND RELATED DISORDERS, SPECIFICALLY THE NEED FOR A STATE PLAN IN LIGHT OF THE ESCALATING NEEDS. NEBRASKA IS ONE OF FIVE STATES THAT CURRENTLY DO NOT HAVE A STATE PLAN FOR ALZHEIMER'S, AND THE ENTITIES THAT WORK TO PROVIDE SERVICES AND INFORMATION SUCH AS THE ALZHEIMER'S ASSOCIATION HAVE BEEN VERY INVOLVED AND VERY SUPPORTIVE OF THIS BILL. THEY ARE ALREADY INVESTED AND WILL BE A HUGE COMPONENT OF THE SUCCESS OF THE PLAN GOING FORWARD. AM969 ADDS THE DEVELOPMENT OF A STATE PLAN REGARDING PATIENTS WITH ALZHEIMER'S AND RELATED DISORDERS TO THE DUTIES OF THE AGING NEBRASKANS TASK FORCE. THIS AMENDMENT GIVES SPECIFIC DIRECTION ABOUT THE ISSUES TO BE EXAMINED AND THE ENTITIES TO BE INTRODUCED AND INCLUDED IN THE DEVELOPMENT OF THE STATE PLAN AND REQUIRES THE TASK FORCE TO DELIVER THE STATE PLAN TO THE GOVERNOR AND THE LEGISLATURE AND PRESENT IT TO THE HEALTH AND HUMAN SERVICES COMMITTEE BY DECEMBER 15, 2016. THE AGING NEBRASKANS TASK FORCE IS SCHEDULED TO SUNSET IN JUNE OF 2016 UNLESS EXTENDED BY THE LEGISLATURE. SO AM969 EXTENDS THE TASK FORCE THROUGH JANUARY 1, 2017. I AM OFFERING THIS BILL AS AN AMENDMENT TO LB320 BECAUSE IT DID NOT RECEIVE PRIORITY DESIGNATION AND IT REALLY DOES NEED TO HAPPEN AS SOON AS POSSIBLE. LB405 AS DRAFTED CREATED A WORKING GROUP TO

Floor Debate
March 24, 2015

UNDERTAKE THE DEVELOPMENT OF THE STATE PLAN SO IT INCLUDED A FISCAL NOTE FOR EXPENSE REIMBURSEMENT AND ADMINISTRATIVE SUPPORT, ALTHOUGH A COUPLE OF PRIVATE ORGANIZATIONS HAVE VOLUNTEERED ADMINISTRATIVE HELP TO KEEP THE COSTS LOW. THE COMMITTEE AMENDMENT ADVANCED BY THE HEALTH AND HUMAN SERVICES COMMITTEE SOUGHT TO ELIMINATE THE FISCAL NOTE BY TRANSFERRING THE DUTY TO THE ALREADY EXISTING AGING NEBRASKANS TASK FORCE WHICH CAN CERTAINLY TAKE ON THIS ADDITIONAL DUTY. HOWEVER, SINCE THE GREEN COPY HAD A FISCAL IMPACT, LB405 IS NOT ELIGIBLE FOR CONSENT CALENDAR. ACCORDING TO THE ALZHEIMER'S ASSOCIATION, 33,000 NEBRASKANS ARE CURRENTLY AFFECTED BY ALZHEIMER'S, AND THE NUMBER IS ESTIMATED TO REACH 40,000 BY THE YEAR 2025. I'M SURE I DON'T NEED TO EDUCATE YOU ON THE HEARTBREAKING TOLL THAT THIS DISEASE TAKES ON PEOPLE AND FAMILIES AS I WOULD...THAT MOST OF YOU HAVE A LOVED ONE OR SOMEONE YOU KNOW WHO IS SIGNIFICANTLY AFFECTED BY ALZHEIMER'S OR OTHER TYPES OF DEMENTIA. MANY OF THE NEBRASKANS THAT ARE MOST AT RISK FOR THESE DEVASTATING DISORDERS LIVE IN SMALL RURAL COMMUNITIES WITH A RAPIDLY AGING AVERAGE POPULATION AND LIMITED ACCESS TO LOCAL SERVICES. AND MANY OF THEM WILL BECOME DUAL ELIGIBLE AS THEY RUN OUT OF RESOURCES. WE ALSO KNOW, HOWEVER, THAT MANY OF THESE FAMILIES LACK EASY ACCESS TO INFORMATION ABOUT THE SERVICES THAT ARE ALREADY AVAILABLE AND HAVE A MORE COORDINATED DELIVERY OF INFORMATION COULD BE INSTRUMENTAL IN GETTING THEM SERVICES SOONER AND WOULD SIGNIFICANTLY REDUCE THE FAMILIES' ADDED STRESS OF TRYING TO FIND RESOURCES FOR THEIR LOVED ONE FACING ALZHEIMER'S. AS PART OF THE WORK OF THE NEBRASKANS AGING TASK FORCE, THE STAKEHOLDER IDENTIFIED NUMEROUS EXISTING PUBLIC AND PRIVATE RESOURCES THAT ARE FOR THE MOST PART FREE TO THE PUBLIC. MANY OF THEM ARE WEB-BASED AND VERY LITTLE OVERHEAD COST TO MAINTAIN AND WITH MATERIALS THAT CAN BE EASILY UPDATED AND ACCESSED IN RURAL AREAS. THE AREA AGENCIES ON AGING ALSO HAVE RESOURCES IN PLACE THAT JUST NEED TO BE COORDINATED WITH OTHER EXISTING RESOURCES FOR A WIDER DISTRIBUTION TO THE AUDIENCE THAT NEEDS THEM. ALL OF THESE STAKEHOLDER ORGANIZATIONS HAVE EXPRESSED SUPPORT FOR LB405 AND THIS AMENDMENT TO LB320. I URGE YOUR SUPPORT OF THE AMENDMENT AND THE SIGNIFICANT NEED THAT IT REPRESENTS. THIS WON'T COST US ANYTHING. IT WILL OVERRIDE DIRECTION AND RECOMMENDATIONS FOR HOW WE CAN FOCUS OUR CURRENT SERVICES AND RESOURCES TO FILL GAPS AND PREPARE FOR THE FUTURE NEEDS AS THE NEEDS FOR THESE SERVICES INCREASE. INDEED, ADOPTING AM969 TO LB320 COULD POTENTIALLY SAVE THE STATE MILLIONS OF DOLLARS AS WE DEVELOP A PLAN

Floor Debate
March 24, 2015

FOR DEALING WITH THE GRAYING OF THE BABY BOOMER GENERATION AND THE TREMENDOUS COST ASSOCIATED WITH DEMENTIA, THE MOST FEARED DIAGNOSIS ANY INDIVIDUAL COULD EVER HAVE. THANK YOU, MEMBERS, AND I URGE YOUR SUPPORT OF THE AMENDMENT AND THE UNDERLYING BILL. [LB320 LB405]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. DEBATE IS NOW OPEN ON LB320 AND THE PENDING AMENDMENT. SENATOR STINNER, YOU ARE RECOGNIZED. [LB320]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I RISE IN SUPPORT OF LB320 AND THE ACCOMPANYING AMENDMENTS. DURING MY CAMPAIGN, I HAD THE OPPORTUNITY TO VISIT WITH CHERYL BRUNZ WHO IS IN CHARGE OF THE AGING OFFICE IN SCOTTSBLUFF AND HER STAFF. AND THEY TOOK ME THROUGH THE BUDGET. THEY TOOK ME THROUGH THE MENU OF SERVICES. BUT THEY ALSO EXPRESSED SOME FRUSTRATION THAT THEY HAD WITH THEIR CLIENTELE BECAUSE THEY COULDN'T PROVIDE ALL THE SERVICES THAT THEIR CLIENTELE NEEDED. THEY HAD TO SEND THEM TO ACCESSNEBRASKA, AND WE ALL KNOW ABOUT THE FRUSTRATION THERE, AND DIFFERENT HEALTH AND HUMAN SERVICES DIVISIONS. THEY ALSO ARRANGED FOR ME TO TAKE A VISIT, A HOME VISIT, WITH IN THIS CASE A LADY WHO WAS 93 YEARS OLD, HAD JUST LOST HER HUSBAND ABOUT THREE YEARS AGO. AND I TRAVELED TO MORRILL, NEBRASKA, VISITED WITH HER, AND THE FIRST THINGS WERE, SHE WAS VERY, VERY THANKFUL THAT SHE COULD STAY IN HER OWN HOME. THE SECOND THING WAS AS SHE COMMENTED ON THE GREAT SERVICE THE AGING OFFICE HAD PROVIDED THEM. AND THERE HAPPENED TO BE A CASEWORKER THERE ALSO, SO I KIND OF WENT THROUGH A BUDGET WITH THEM AND IT CAME OUT TO ABOUT \$1,700 TO \$2,000 TO KEEP THIS WOMAN IN HER HOME. AS YOU START TO COMPARE AND CONTRAST THAT NUMBER WITH THE NUMBER IF SHE HAD TO GO TO A REST HOME, YOU ARE TALKING \$4,500, \$5,500. SO THIS LOOKED LIKE FOR ME THE BEST SITUATION THAT WE COULD PROVIDE FOR THAT PERSON AT THE LEAST COST. AND THIS IS, I THINK, THE WAY TO GO. AND I THINK SENATOR BOLZ TALKED ABOUT, YOU KNOW, THAT TOUCH POINT, THAT PLACE WHERE EVERYBODY CAN GO. AND THIS IS WHAT THIS BILL IS ABOUT. IT'S ABOUT CHANGING THE CULTURE OF HHS. IT'S ABOUT BEING CUSTOMER ORIENTED. I THINK WE TALK ABOUT CUSTOMER CENTRIC, I THINK I HEARD THE GOVERNOR TALK ABOUT. AND I COME FROM AN INDUSTRY THAT REALLY IS A CUSTOMER CENTRIC TYPE OF INDUSTRY, BUT IT'S THAT OUTWARD FOCUS. AND THIS BILL PROVIDES THAT SINGLE TOUCH POINT WHERE EVERYBODY CAN GO, WHETHER

Floor Debate
March 24, 2015

IT BE THE INDIVIDUAL FOR THE SERVICE OR THE FAMILY OR A GROUP TO COME IN AND GET THE APPROPRIATE SERVICES. I THINK THAT OVER A PERIOD OF TIME THROUGH BEING CUSTOMER CENTRIC, NUMBER ONE, YOU'RE GOING TO MAKE A HAPPIER CUSTOMER, HAPPIER TAXPAYER. BUT NUMBER TWO IS YOU'RE GOING TO DEVELOP EFFICIENCIES. AND MAYBE IT'S NOT REFLECTED IN THE FISCAL NOTE, BUT I THINK THAT OVER A PERIOD OF TIME WE'RE GOING TO REALIZE THE EFFICIENCIES THAT WE NEED TO HAVE. AND I DO LIKE THE FACT THAT IT'S IN A PILOT PROJECT. THAT GIVES US THE OPPORTUNITY TO TAKE A LOOK AT IT OVER A SHORT PERIOD OF TIME, MAKE THE APPROPRIATE ADJUSTMENTS THAT ARE NEEDED. SO IN CONCLUSION, I THINK THIS IS DEFINITELY IN THE RIGHT DIRECTION. I THINK IT PROVIDES THAT TOUCH POINT THAT EVERYBODY NEEDS TO HAVE AND A COMBINATION OF ALL THOSE SERVICES THAT BETTER SERVES THE INDIVIDUALS USING IT, OUR SENIOR CITIZENS. SO I WOULD ENCOURAGE THE BODY TO VOTE YES ON LB320 AND THE ACCOMPANYING AMENDMENTS. THANK YOU. [LB320]

PRESIDENT FOLEY: THANK YOU, SENATOR STINNER. SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB320]

SENATOR KOLTERMAN: THANK YOU, MR. LIEUTENANT GOVERNOR. COLLEAGUES, AS YOU KNOW, I SIT ON HEALTH AND HUMAN SERVICES; AND WHEN WE FIRST HEARD THIS BILL, I HAD SOME CONCERNS ABOUT THE FISCAL ASPECT OF IT. BUT AS I'VE HAD A CHANCE TO WORK WITH SENATOR BOLZ, AND BY THE WAY, I WOULD LIKE TO THANK SENATOR BOLZ FOR BRINGING THIS TO HHS, BECAUSE RIGHT AWAY I LIKED THE IDEA OF PASSING THIS SERVICE OUT TO THE EIGHT AREA AGENCIES ON AGING. IF YOU HAVE EVER HAD AN OPPORTUNITY TO WORK WITH THEM, OURS HAPPENS TO BE HERE IN LINCOLN, THEY JUST DO A WONDERFUL JOB. AND IF THEY HAD THE RESOURCES THAT ARE NEEDED, THEY COULD DO A LOT MORE, AND THAT'S WHY I'M SUPPORTIVE OF THIS BILL. MY WIFE AND I BOTH WORK WITH MEDICARE AND MEDICAID RECIPIENTS ON AN ONGOING BASIS IN OUR BUSINESS. AND TIME AND TIME AGAIN WE FIND THAT THERE'S A LOT OF QUESTIONS THAT THEY ASK. AND SO WE DON'T HAVE ALL THE ANSWERS TO THOSE QUESTIONS AS IT PERTAINS TO WHAT WILL MEDICAID COVER; HOW DO I COVER SOME OF THESE OUT-OF-POCKET COSTS THAT I DON'T HAVE MONEY FOR, FOR PRESCRIPTION DRUGS; WHO CAN HELP ME WITH THINGS LIKE THAT? SO WE USE THE LINCOLN AREA AGENCY ON AGING. OR THE OTHER ASPECT OF THIS THAT SENATOR STINNER JUST ALLUDED TO WAS THE FACT THAT IF WE CAN KEEP PEOPLE IN THEIR HOMES BY ADVISING THEM PROPERLY--AND THESE PEOPLE HAVE THE EXPERTISE ON DOING THAT--THERE ARE SERVICES AVAILABLE TO KEEP THEM IN

Floor Debate
March 24, 2015

THEIR HOMES WHERE YOU CAN CUT DOWN THE COST SUBSTANTIALLY FROM WHAT IT WOULD BE IF WE SENT THEM TO A NURSING HOME AND END UP ON THE TAXPAYERS' ACCOUNT WITH HHS. IT'S A NO WRONG DOOR APPROACH. I LIKE THE FACT THAT SENATOR BOLZ KNEW RIGHT UP-FRONT THAT IT WAS GOING TO BE VERY DIFFICULT TO PASS THE FIRST BILL WITH ALL EIGHT OF THEM. ON THE OTHER HAND, SHE CAME BACK WITH A COMPROMISE THAT SAID LET'S JUST TRY A PILOT PROJECT. I THINK IT'S GOING TO WORK. WE'LL BE ABLE TO JUDGE THAT SEVERAL YEARS FROM NOW. AND SO I WOULD LIKE TO ASK THAT YOU SUPPORT THIS BILL. I THINK IN THE LONG TERM IT'S TAKEN IT OUT OF THE HANDS OF HHS AND PUT IT IN THE HANDS OF OUR LOCAL AREA AGENCIES ON AGING. AND I JUST DON'T SEE ANY DOWNSIDE TO THIS. SO APPRECIATE YOUR VOTE ON THIS AND ASK THAT YOU SUPPORT IT. THANK YOU. [LB320]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB320]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I CERTAINLY STAND IN FAVOR OF AM969 AND AM767 AND LB320. I JUST WANTED TO SAY THAT IT HAD BEEN SAID EARLIER ABOUT CONSENT CALENDAR, AND I JUST WANT TO REEMPHASIZE SOME OF THE RULES. I DID LOOK AT THIS BILL FOR CONSENT CALENDAR, AND ANY BILL THAT HAS A FISCAL NOTE TO THE GENERAL FUND, TO THE GREEN COPY, IS NOT ELIGIBLE FOR CONSENT CALENDAR. AND THE REASON BEING EVEN THOUGH THIS BILL THAT WE...THE AMENDMENT IS TO, WAS AMENDED TO TAKE AWAY THE FISCAL NOTE, WE CAN'T MAKE THE ASSUMPTION THAT THE FISCAL NOTE WILL GO AWAY. SO WE WERE ABLE TO WORK TO GET THE BILL TAKEN CARE OF. SO I REALLY WANT TO THANK SENATOR BOLZ FOR WILLING TO TAKE THIS AMENDMENT ON BECAUSE ALZHEIMER'S IS A TERRIBLE DISEASE. AND TO SET UP A COMMITTEE SUCH AS THIS I THINK IS VERY APPROPRIATE. WE HAVE PEOPLE STEPPING UP TO THE PLATE TO HELP OUT TO HELP US DO THIS. SO I WOULD CERTAINLY ENCOURAGE THE GREEN VOTE ON BOTH AMENDMENTS AND THE BILL. THANK YOU, MR. PRESIDENT. [LB320]

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. (VISITORS INTRODUCED.) SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB320]

SENATOR CRAWFORD: THANK YOU, MR. LIEUTENANT GOVERNOR. I RISE IN SUPPORT OF AM969, AM767, AND LB320. AND MY COLLEAGUES, SENATOR STINNER AND SENATOR KOLTERMAN, HAVE DONE AN EXCELLENT JOB OF

Floor Debate
March 24, 2015

MAKING MANY OF THE POINTS THAT I WAS GOING TO MAKE, SO I WON'T REPEAT THOSE. BUT AGAIN, I APPRECIATE THEIR THOUGHTFUL COMMENTS ON THE FLOOR ABOUT WHAT AN IMPORTANT INVESTMENT THIS IS IN OUR STATE AND, AGAIN, TO REMIND PEOPLE, AS SENATOR KOLTERMAN DID, THAT THE COMMITTEE AMENDMENTS TURN THE IDEA IN LB320 INTO A PILOT PROJECT. AND I SECOND THEIR THANKS TO SENATOR BOLZ FOR HER LEADERSHIP AND SENATOR DAVIS FOR HIS LEADERSHIP IN TERMS OF BRINGING THIS IDEA FORWARD AND WORKING ON...BEING WILLING TO AMEND LB320 WITH THE ALZHEIMER'S STUDY, WHICH IS A VERY IMPORTANT INVESTMENT IN OUR STATE. I ALSO WANT TO JUST ON THE RECORD THANK THOSE MEMBERS OF THIS BODY WHO WERE PART OF THE AGING TASK FORCE. THIS IS AN EXCELLENT IDEA, EXAMPLE OF WHAT HAPPENS WHEN WE HAVE MEMBERS OF THIS BODY WORKING HARD OVER THE INTERIM TO REALLY TALK TO THE STAKEHOLDERS, TALK TO PEOPLE IN THE COMMUNITY, AND COME UP WITH CREATIVE SOLUTIONS TO SHORTCOMINGS WE HAVE IN OUR STATE. AND I, AS A MEMBER OF THE ACCESSNEBRASKA TASK FORCE THAT WAS ALSO WORKING DURING THE INTERIM, I WANT TO SECOND THE ARGUMENT THAT SENATOR STINNER MADE THAT WE REALLY NEED HELP IN TERMS OF HELPING PEOPLE ACCESS SERVICES TO ALLOW THEM TO STAY IN THEIR HOMES. AND SO WE STILL ARE STRUGGLING TO MAKE ACCESSNEBRASKA WORK FOR OUR CITIZENS. AND SO LB320, THIS PILOT PROJECT IS A VERY IMPORTANT PIECE OF PROVIDING SOME PERSON-TO-PERSON HELP FOR PEOPLE IN TERMS OF MAKING SURE WE CAN GET THEM THE SERVICES THAT THEY NEED TO STAY IN THEIR HOME. NOW MOST OF THE DISCUSSIONS SO FAR HAVE EMPHASIZED THE AGING POPULATION. BUT I ALSO MAKE SURE THAT MEMBERS OF THE BODY KNOW THAT LB320 IS ALSO AN IMPORTANT PILOT STUDY IN TERMS OF MAKING SURE THAT OUR NEBRASKANS WITH DISABILITIES ARE ALSO ABLE TO STAY IN THEIR HOME AND HAVE THE SERVICES THAT ALLOW THEM TO BE ACTIVE, ENGAGED MEMBERS OF THE COMMUNITY AND CONTRIBUTORS TO OUR WORK FORCE. SO LB320 NOT ONLY HELPS OUR ELDERLY STAY IN THE HOME, BUT IT ALSO IS AN IMPORTANT TOOL TO HELP US MAKE SURE THAT OUR NEBRASKA CITIZENS WITH DISABILITIES ARE ALSO ABLE TO STAY IN THEIR HOME AND ABLE TO PARTICIPATE IN OUR WORK FORCE AND PARTICIPATE IN OUR CIVIC PROCESSES AND OUR COMMUNITIES. AND SO I THANK ALL THE MEMBERS FOR THEIR WORK ON THESE BILLS...ON THE BILLS AND AMENDMENTS, AND I URGE YOUR GREEN VOTE ON ALL OF THEM. THANK YOU. [LB320]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATOR COOK, YOU'RE RECOGNIZED. [LB320]

Floor Debate
March 24, 2015

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I WANTED TO BRIEFLY RISE IN SUPPORT OF THE UNDERLYING BILL AND THE AMENDMENT. I DO HAVE THE OPPORTUNITY TO SERVE ON THE AGING TASK FORCE IN NEBRASKA AS A MEMBER OF THE...REPRESENTATIVE MEMBER OF THE HEALTH AND HUMAN SERVICES COMMITTEE. I ALSO WANTED TO TAKE THIS OPPORTUNITY TO OFFER A PUBLIC SERVICE ANNOUNCEMENT THAT A LOT OF THE INFORMATION USED IN THE DEVELOPMENT OF THE TASK FORCE OF POLICIES AROUND AGING AND SUPPORTING PEOPLE WITH DISABILITIES CAME OUT OF RESEARCH THAT CAME THROUGH THE PLANNING COMMITTEE. THAT IS THE COMMITTEE THAT I AM HONORED TO SERVE AS CHAIR OF. SO THIS IS JUST, AS I SAID, ANOTHER PUBLIC SERVICE ANNOUNCEMENT THAT THERE ARE LOTS AND LOTS OF GOOD INFORMATION FROM WHICH GOOD POLICY CAN BE DEVELOPED AND PUT FORTH IN THIS BODY AVAILABLE THROUGH THE WORK OF THE COMMITTEE AND THE STATISTICS THAT WE ARE ABLE TO GET THROUGH THAT. SO WITH THAT, I WILL YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU, MR. PRESIDENT. [LB320]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB320]

SENATOR KOLTERMAN: THANK YOU AGAIN. I RISE TO ALSO...I DIDN'T TALK ABOUT AM969 TO AM767. I JUST WANTED YOU TO KNOW THAT I AM SUPPORTIVE OF THAT AMENDMENT. I'VE BEEN FORTUNATE TO HAVE HAD A FAMILY MEMBER THAT HAD ALZHEIMER'S FOR ABOUT SEVEN YEARS. I UNDERSTAND THE CHALLENGES THAT THAT POSSESSES FOR A FAMILY AND PRESENTS FOR A FAMILY. AND I WOULD JUST ENCOURAGE YOU...I VOTED TO BRING THAT OUT OF COMMITTEE AS WELL TO THE FLOOR ORIGINALLY. I WOULD ENCOURAGE YOU, WE NEED A STATE PLAN FOR THE ALZHEIMER'S, AND IT IS IMPORTANT LEGISLATION SO I WOULD ENCOURAGE YOU TO SUPPORT THAT AS WELL. THANK YOU, MR. PRESIDENT. [LB320]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR DAVIS, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR DAVIS WAIVES. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM969. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTING NAY. RECORD, MR. CLERK. [LB320]

Floor Debate
March 24, 2015

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR DAVIS' AMENDMENT. [LB320]

SPEAKER HADLEY: WE WILL NOW GO TO THE HEALTH AND HUMAN SERVICES AMENDMENT. SENATOR MELLO, YOU ARE RECOGNIZED. [LB320]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I COULD HAVE GOT UP ON SENATOR DAVIS' AMENDMENT, BUT IT SEEMED THAT IT WAS DISCUSSED DURING BOTH SENATOR HADLEY'S TESTIMONY AS WELL AS SENATOR DAVIS' THAT SENATOR DAVIS MADE A CHANGE TO HIS UNDERLYING BILL THAT WE JUST ADOPTED THAT ELIMINATED THE FISCAL NOTE THAT WAS ATTACHED TO HIS BILL AS I WAS TALKING WITH SENATOR McCOY OFF THE MIKE. THE REASON WHY IS BECAUSE THE AMENDMENT WE JUST ADOPTED GAVE MORE DUTIES TO THE AGING NEBRASKANS TASK FORCE WHICH IS A NONREIMBURSED, LEGISLATIVE-DRIVEN TASK FORCE. THE SENATORS ARE REIMBURSED, SO TO SPEAK, FOR MILEAGE; BUT THAT'S ONLY IF WE COME TO THE CAPITOL. THAT'S WHY IT HAD NO FISCAL IMPACT. AND WITH SENATOR DAVIS' AMENDMENT WE JUST ADOPTED, THAT ALSO NOW GETS RID OF THE FISCAL NOTE THAT WAS PART OF HIS UNDERLYING BILL. THERE IS A FISCAL NOTE ATTACHED TO LB320, AS YOU CAN SEE, ROUGHLY \$2.4 MILLION OVER THE BIENNIUM. IN TALKING WITH THE FISCAL OFFICE, THOSE...WITH THE ADOPTION OF THE COMMITTEE AMENDMENT, THAT WILL CHANGE THE FISCAL NOTE DRAMATICALLY IN THE SENSE OF IT'S REDUCING THE NUMBER OF PILOT PROJECTS AROUND THE STATE IN HALF. I CAN'T SAY ON THE MIKE TODAY YOU WILL SEE THE FISCAL NOTE DIRECTLY CUT IN HALF, BUT YOU WILL SEE IT CUT PRETTY DRAMATICALLY IN COMPARISON TO WHERE IT'S AT RIGHT NOW AT THAT \$2.4 MILLION. SO WITH THE ADOPTION OF THE COMMITTEE AMENDMENT, THAT WILL CHANGE THE FISCAL NOTE AS YOU WILL SEE IF THE BODY MOVES FORWARD WITH AM767 AND LB320. I WAS PART OF THE AGING NEBRASKANS TASK FORCE OVER THE INTERIM WITH SENATOR COOK, SENATOR CAMPBELL, SENATOR BOLZ, AND SENATOR DAVIS. AND I CAN TELL YOU, COLLEAGUES, IT WAS AN EYE-OPENING EXPERIENCE AS THE LEGISLATIVE TASK FORCE IN THE SENSE OF THE CHALLENGES THAT WE'LL FACE PRIMARILY IN LOOKING AT THE 18 NEW MEMBERS IN THIS BODY, THE CHALLENGES THAT WILL FACE YOU IN YOUR EIGHT YEARS HERE ARE SIGNIFICANT WHEN IT COMES TO NEBRASKA'S AGING POPULATION. SENATOR SCHUMACHER MENTIONED IT EARLIER IN RESPECTS TO THE CHALLENGES WE WILL SEE WITH THE SILVER TSUNAMI THAT WILL BE COMING WITH THE BABY BOOMER GENERATION. AND WHAT YOU SEE IN THE POLICY IN LB320 IS A PILOT PROJECT THAT SENATOR BOLZ DID AN EXTENSIVE AMOUNT OF WORK OF EDUCATING THE TASK FORCE AND BRINGING

Floor Debate
March 24, 2015

IN EXPERTS TO WALK US THROUGH THE CHALLENGES WE SEE ACROSS THE STATE WITH A MYRIAD OF SERVICES THAT SERVE OUR GRAYING POPULATION. AND THE REALITY IS THESE MYRIAD OF SERVICES ARE NOT WELL-CONNECTED, ARE DISJOINTED. AND THE REALITY IS WHAT YOU SEE IN LB320 CREATES A NEW STREAMLINED PROCESS IN MOVING FORWARD TO BE ABLE TO PROVIDE THESE SERVICES TO AGING NEBRASKANS THAT THE HOPE IS WILL ALLOW THEM TO STAY IN THEIR HOME LONGER, WILL ALLOW THEM TO REMAIN HEALTHIER AND OFF MEDICAID AND OFF OTHER PUBLIC ASSISTANCE-RELATED PROGRAMS, WHICH AT THE END OF THE DAY PROVIDES GOOD QUALITY OF LIFE TO THOSE AGING NEBRASKANS BUT ALSO HAS A FINANCIAL IMPACT ON THE STATE BUDGET IN THE LONG-TERM AS WELL OF REDUCING THOSE LONG-TERM MEDICAID COSTS. I KNOW, COLLEAGUES, AS I HAVE TALKED TO ALL OF YOU BEFORE, OFF AND ON THE MIKE, WE WILL BE PUT IN SITUATIONS THROUGHOUT THE SESSION TO MAKE A DETERMINATION OF WHAT ARE OUR PRIORITIES WHEN IT COMES TO GENERAL FUND SPENDING. I THINK LB320 MERITS OBVIOUSLY MOVING FORWARD TO SELECT FILE. AND OBVIOUSLY, SENATOR BOLZ KNOWS THAT WE WILL HAVE TO CULL THROUGH THOSE PRIORITIES AS WE WORK OUR WAY THROUGH THE SESSION AS THE APPROPRIATIONS COMMITTEE PROVIDES A BUDGET FOR THIS BODY TO CONSIDER, PASS, AND MAKE A DETERMINATION OF WHAT BILLS THAT HAVE GENERAL FUND IMPACTS WILL ULTIMATELY BE SENT TO FINAL READING TO BE VOTED ON BY THE BODY. I THINK LB320 MERITS A CONSIDERABLE AMOUNT OF THAT CONSIDERATION, COLLEAGUES, BECAUSE IT'S A VISIONARY PROCESS THAT I THINK THE AGING NEBRASKANS TASK FORCE WENT THROUGH. IT'S TACKLING A VERY DIFFICULT ISSUE OF WHAT THE STATE'S GOING TO DO MOVING FORWARD. IT'S PART OF ENTITLEMENT REFORM OF ADDRESSING LONG-TERM NEEDS WHEN IT COMES TO OUR AGING POPULATION. AND WITH WHAT SENATOR BOLZ AND THE HEALTH AND HUMAN SERVICES COMMITTEE DID WITH THIS AMENDMENT BRINGS THAT FISCAL NOTE DOWN SIZABLY WHICH IS WHAT I AM GRATEFUL THAT SENATOR BOLZ AND THE COMMITTEE DID WITHOUT ME EVEN ASKING THEM TO DO THAT UP-FRONT. THAT'S A PROCESS THAT I'LL BE TALKING TO MOST MEMBERS... [LB320]

SPEAKER HADLEY: ONE MINUTE. [LB320]

SENATOR MELLO: ...ON THOSE COMMITTEES ABOUT AS WE GO ALONG THE PROCESS. SO I WOULD URGE YOU TO ADOPT AM767. THANK YOU, MR. PRESIDENT. [LB320]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB320]

Floor Debate
March 24, 2015

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER. SILVER TSUNAMI, SENATOR MELLO, WOULD HAVE BEEN MUCH TOO SOPHISTICATED LANGUAGE FOR ME TO USE. I PROBABLY WOULD HAVE SAID SOMETHING LIKE A WHOLE BUNCH OF BABY BOOMERS. BUT NEVERTHELESS, THIS BILL AND THESE EFFORTS ARE THE BEGINNING OF A RECOGNITION OF A BIG PROBLEM TO COME AND A VERY EXPENSIVE PROBLEM TO COME AS THAT WHOLE BIG BUNCH OF BABY BOOMERS BECOMES MORE AND MORE RELIANT ON STATE SERVICES TO COMPENSATE FOR THE FACT THEY PROBABLY, SOMETIMES THROUGH NO FAULT OF THEIR OWN, DID NOT SAVE ENOUGH FOR THEIR OLD AGE. AND IT IS SOMETHING TO KEEP IN MIND AS WE GET NOW INTO THE FINAL DAYS OF THIS SESSION AND TAX CUT FRENZY BEGINS TO LOCK US IN. WE ONLY HAVE THREE SOURCES OF BASIC REVENUE. EVERYONE IS SEEKING SOME RELIEF. BUT REALITY HAS IT THAT WE ARE GOING TO HAVE SIGNIFICANT NEEDS IN THIS PARTICULAR AREA AND OTHER AREAS OF EDUCATION, PRESCHOOL, AND WHO KNOWS WHAT ELSE, THAT WE BETTER BE PREPARED FOR. AND WE BETTER NOT LOCK OURSELVES INTO A SITUATION OF DIMINISHING OUR TAX BASE AND OUR ABILITY TO DO WHAT OUR PEOPLE ARE GOING TO REQUIRE US TO DO. SO I USE THAT AS A CAUTIONARY REMARK BECAUSE WE ARE GETTING TO A POINT WHERE ALL THESE ISSUES ARE GOING TO BECOME TOGETHER AND HAVE TO BE BALANCED AGAINST EACH OTHER. THANK YOU. [LB320]

SPEAKER HADLEY: SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB320]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. YOU KNOW, I THINK ALL OF US HERE HAVE PROBABLY DEALT WITH AGING PARENTS AND SOME OF THE, I GUESS, FRUSTRATIONS WITH DEALING WITH SERVICES THAT ARE AVAILABLE. IF SENATOR BOLZ WOULD YIELD TO A QUESTION. [LB320]

SPEAKER HADLEY: PARDON ME, SENATOR? [LB320]

SENATOR FRIESEN: I WAS ASKING SENATOR BOLZ TO YIELD TO A QUESTION. [LB320]

SPEAKER HADLEY: SENATOR BOLZ, WILL YOU YIELD? [LB320]

SENATOR BOLZ: CERTAINLY. [LB320]

Floor Debate
March 24, 2015

SENATOR FRIESEN: THANK YOU, SENATOR BOLZ. IT'S BEEN MENTIONED THAT THERE ARE A MYRIAD OF AGENCIES THAT SERVE THE AGING. DO YOU HAVE ANY NUMBER OF DIFFERENT AGENCIES, THE NUMBER THAT PROVIDE SERVICES FOR THE AGING? [LB320]

SENATOR BOLZ: SURE. THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, INCLUDING THE STATE UNIT ON AGING AND THE DIVISION OF LONG-TERM CARE ARE PROBABLY THE TWO PRIMARY PLACES WHERE WE SERVE THE AGING POPULATION. THE OFFICE OF THE PUBLIC GUARDIAN, WHICH WE RECENTLY ESTABLISHED THROUGH THE JUDICIARY, HAS A SPECIAL EYE TOWARDS SENIORS. YOU KNOW, CERTAINLY THERE ARE OTHER DIVISIONS AND AGENCIES THAT HAVE SERVICES THAT HAVE CATERED TO THE SPECIAL NEEDS OF SENIORS, BUT THE MAJORITY ARE IN HEALTH AND HUMAN SERVICES. [LB320]

SENATOR FRIESEN: SO WHEN YOU'RE TALKING NUMBER OF AGENCIES, THE NUMBER ISN'T THAT GREAT. I THOUGHT IT WOULD PROBABLY BE MORE. BUT MY CONCERN I GUESS IS WITH CREATING ANOTHER LAYER. I KNOW THEY'RE TRYING TO CONSOLIDATE, BUT HAS ANY STUDIES BEEN DONE ON TRYING TO CONSOLIDATE THE SERVICES THAT ARE OFFERED INSTEAD OF JUST CREATING AN AGENCY THAT HELPS DIRECT THEM TO THE RIGHT SPOT? [LB320]

SENATOR BOLZ: IT'S A FAIR QUESTION. AND TO THE FIRST POINT ABOUT CREATING ANOTHER LAYER, THAT'S NOT THE WAY IN WHICH THIS BILL WOULD WORK. THIS BILL WOULD BE A HUB. IT WOULD BE A CENTRALIZED WAY OF CONNECTING ALL OF THE EXISTING SERVICES AND WOULDN'T CREATE ANY ADDITIONAL DOORS OR BARRIERS. I THINK YOU ARE RIGHT THAT THERE IS PROBABLY SOME OPPORTUNITIES TO BETTER CONSOLIDATE AND BETTER STREAMLINE AND STRATEGIZE WITH THESE PROGRAMS AND INITIATIVES. I THINK THIS BILL IS ONE STEP IN THAT DIRECTION BECAUSE WHEN WE'RE BRINGING THOSE SERVICES AND INITIATIVES TOGETHER, WE CAN BETTER UNDERSTAND WHAT'S OUT THERE IN EVERY COMMUNITY AND BETTER ENSURE THAT WE'RE NOT DUPLICATING EFFORTS. [LB320]

SENATOR FRIESEN: I APPRECIATE THAT. I THINK, TOO, AS WE GO FORWARD WE NEED TO LOOK AT COMBINING THOSE DIFFERENT AGENCIES INTO ONE THAT PROVIDE THOSE SERVICES BECAUSE I THINK THE NEED DOWN THE ROAD IS GOING TO BE GREAT. AND I THINK WE ALSO NEED TO ENCOURAGE THESE...DO A LITTLE BIT MORE COMMUNICATION WITH THE GENERATION THAT IS COMING UP IN RETIREMENT, WHICH WOULD BE ME, IN THAT GROUP, THE LAST OF THE BABY

Floor Debate
March 24, 2015

BOOMERS. BUT THERE IS ALSO THAT PERSONAL RESPONSIBILITY OF PROVIDING FOR LONG-TERM CARE INSURANCE AND THOSE TYPES OF THINGS. AND I THINK WE NEED TO WORK A LOT MORE ON THAT IN MAKING SURE THAT EACH OF US IS FISCALLY RESPONSIBLE IN PROVIDING THOSE SERVICES TO OURSELVES. THANK YOU, MR. PRESIDENT. [LB320]

SPEAKER HADLEY: SEEING NO OTHER LIGHTS, SENATOR CAMPBELL, YOU ARE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. [LB320]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I APPRECIATE THE COMMENTS AND QUESTIONS TODAY. I WOULD JUST REMIND US ALL THAT NEBRASKA'S POPULATION OF INDIVIDUALS 65 YEARS OR OLDER IS PROJECTED TO GROW FROM 246,277 IN 2010 TO 324,697 BY 2020. AND ONE OF THE OTHER FACTORS THAT THIS LEGISLATURE IN THE YEARS TO COME WILL HAVE TO DEAL WITH IS THAT WE DO NOT HAVE A YOUNG ENOUGH POPULATION IN THIS STATE THAT IS GOING TO BE NEEDED FOR THE WORK FORCE TO CARE FOR THOSE AGING BABY BOOMERS. THIS IS A PROBLEM THAT NEEDS A GREAT AMOUNT OF ATTENTION AND CARE. SO I WOULD APPRECIATE YOUR GREEN VOTE ON THE COMMITTEE'S AMENDMENT. THANK YOU, MR. PRESIDENT. [LB320]

SPEAKER HADLEY: THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB320 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB320]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, TO ADOPT THE COMMITTEE AMENDMENTS. [LB320]

SPEAKER HADLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR BOLZ, YOU ARE RECOGNIZED TO CLOSE ON LB320. [LB320]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AND I DO APPRECIATE THE THOUGHTFUL COMMENTS TODAY. I THINK THAT THIS KIND OF APPROACH WILL HELP US TO BEST UTILIZE BOTH PRIVATE AND PUBLIC RESOURCES. I APPRECIATE THE WORK OF EVERYONE WHO HAS CONTRIBUTED TO COMING TO A CONCEPT THAT IS EFFICIENT AND COST EFFECTIVE, AND I JUST APPRECIATE YOUR GREEN VOTE ON LB320. THANK YOU, MR. PRESIDENT. [LB320]

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Floor Debate
March 24, 2015

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB320 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB320]

CLERK: 27 AYES, 1 NAY ON THE ADVANCEMENT OF LB320, MR. PRESIDENT. [LB320]

SPEAKER HADLEY: LB320 IS ADVANCED TO E&R INITIAL. MR. CLERK. [LB320]

CLERK: LB320A. (READ TITLE.) [LB320A]

SPEAKER HADLEY: SENATOR BOLZ, YOU ARE RECOGNIZED. [LB320A]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. THIS IS THE TRAILING A BILL ON LB320. AS WE SAID PREVIOUSLY, THE AMENDMENT WILL REDUCE THE FISCAL NOTE ON SELECT FILE. I APPRECIATE YOUR SUPPORT OF THE TRAILING A BILL. THANK YOU, MR. PRESIDENT. [LB320A]

SPEAKER HADLEY: ANYONE WISHING TO SPEAK ON THE TRAILING A BILL, LB320A? SEEING NONE, SENATOR BOLZ, YOU ARE RECOGNIZED TO CLOSE. SENATOR BOLZ WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB320A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB320A]

CLERK: 25 AYES, 2 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB320A. [LB320A]

SPEAKER HADLEY: LB320A ADVANCES. MR. CLERK. [LB320A]

CLERK: MR. PRESIDENT, NEW A BILL. (READ LB70A AND LB81A BY TITLE FOR THE FIRST TIME.) I HAVE A REFERENCE REPORT FROM THE REFERENCE COMMITTEE. (LEGISLATIVE JOURNAL PAGE 967.) [LB70A LB81A]

AND SENATOR GROENE WOULD MOVE TO RECESS THE BODY UNTIL 1:30, MR. PRESIDENT.

SPEAKER HADLEY: YOU HAVE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. WE ARE RECESSED UNTIL 1:30.

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

Floor Debate
March 24, 2015

SENATOR COASH PRESIDING

SENATOR COASH: GOOD AFTERNOON, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER. THE AFTERNOON SESSION IS ABOUT TO RECONVENE. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM, MR. PRESIDENT.

SENATOR COASH: THANK YOU, MR. CLERK. DO YOU HAVE ANY ITEMS FOR THE RECORD?

CLERK: I DO. ENROLLMENT AND REVIEW REPORTS LB70, LB242, LB242A AS CORRECTLY ENGROSSED. SENATOR STINNER WOULD OFFER, LR142. THAT WILL BE LAID OVER. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 968-969.) [LB70 LB242 LB242A LR142]

SENATOR COASH: THANK YOU, MR. CLERK. WE'LL PROCEED TO THE FIRST ITEM ON THE AFTERNOON'S AGENDA.

CLERK: LB500 BY SENATOR HOWARD. (READ TITLE.) INTRODUCED ON JANUARY 21, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM650, LEGISLATIVE JOURNAL PAGE 805.) [LB500]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR HOWARD, YOU ARE RECOGNIZED TO OPEN ON LB500. [LB500]

SENATOR HOWARD: GOOD AFTERNOON, COLLEAGUES. THANK YOU, MR. PRESIDENT. LB500 IS A BILL CLARIFYING NEBRASKA'S OBLIGATION TO PROVIDE MULTISYSTEMIC THERAPY OR MST AND FUNCTIONAL FAMILY THERAPIES, FFT, IN THE TREATMENT OF CHILDREN AND FAMILIES IN OUR STATE HEALTH INSURANCE PROGRAMS. THERE WERE NO OPPONENTS WHO SPOKE AT THE HEARING ON THIS BILL, AND THE BILL WAS ADVANCED FROM THE HEALTH AND HUMAN SERVICES COMMITTEE WITH A MAJORITY. I ASK FOR THIS LEGISLATION TO BE DESIGNATED AS A SPEAKER PRIORITY BILL BECAUSE OF THE IMPORTANCE OF MAKING THESE SERVICES AVAILABLE TO NEBRASKA'S CHILDREN AND FAMILIES IN NEED. MULTISYSTEMIC THERAPY OR MST IS INTENSIVE FAMILY

Floor Debate
March 24, 2015

THERAPY FOR TROUBLED AND DELINQUENT TEENS. IT EMPOWERS YOUTH TO COPE WITH THE FAMILY, PEER, SCHOOL, AND NEIGHBORHOOD PROBLEMS THAT THEY ENCOUNTER IN ORDER TO PREVENT RECIDIVISM. FUNCTIONAL FAMILY THERAPY OR FFT IS A FAMILY-FOCUSED INTERVENTION THAT INVOLVES ALL FAMILY MEMBERS AND INVOLVES THERAPISTS WHO ARE THERE TO WORK WITH ALL THE FAMILY MEMBERS TO CREATE BETTER OUTCOMES. THESE THERAPISTS CREATE INTERVENTIONS THAT ARE SPECIFIC AND INDIVIDUALIZED FOR THE UNIQUE CHALLENGES, DIVERSE QUALITIES, AND STRENGTHS OF ALL TYPES OF FAMILIES AND FAMILY MEMBERS. BOTH OF THESE PROGRAMS ARE INTENSIVE MODELS FOR THE WHOLE FAMILY. THEY ARE UTILIZED IN THE HOPES TO REDUCE OUT-OF-HOME PLACEMENTS FOR OUR CHILD WELFARE SYSTEM AND PREVENT RECIDIVISM IN OUR JUVENILE JUSTICE SYSTEM. EXTENSIVE STUDIES HAVE BEEN DONE TO SHOW THAT THERE ARE MEASURABLE IMPROVEMENTS IN OUTCOMES IN STATES WHERE MST AND FFT HAVE BEEN UTILIZED. SOME OF THOSE INCLUDE A 25 PERCENT TO 60 PERCENT REDUCTION IN RECIDIVISM; POSITIVE EFFECTS ON PARENT-ADULT MENTAL HEALTH; AND IN CASES WHERE CHILD WELFARE IS INVOLVED, A 39 PERCENT REDUCTION IN OUT-OF-HOME PLACEMENT. ONE NOTABLE COST BENEFIT IS THAT FOR EVERY DOLLAR WE SPEND ON MST OR FFT, THE STATE CAN SAVE ANYWHERE FROM \$12.40 TO \$28.33 IN THE COST OF A JUVENILE GOING BACK INTO AN OUT-OF-HOME PLACEMENT. CURRENTLY THE STATE OF NEBRASKA ALREADY HAS AN OBLIGATION TO PROVIDE THESE SERVICES TO YOUTH UNDER EPSDT--EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT--WHERE IF YOU CAN ACCESS THE SERVICE, YOU MUST PROVIDE THE SERVICE UNDER OUR MEDICAID RULES. THE STATE OF NEBRASKA CONTRACTS WITH MAGELLAN MANAGED CARE TO OVERSEE ALL PUBLICLY FUNDED MENTAL HEALTH TREATMENT IN OUR STATE. THEREFORE, PROVIDERS MUST BE ENROLLED IN MEDICAID AND CONTRACT WITH MAGELLAN AND THE TREATMENTS THEY BILL FOR MUST BE DEEMED MEDICALLY NECESSARY. IN OTHER WORDS, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES MUST TELL MAGELLAN THAT THE SERVICE MUST BE COVERED. THIS LEGISLATION IS AN ATTEMPT TO CLARIFY SOMETHING FOR WHICH WE ARE ALREADY SUPPOSED TO COVER IN OUR MEDICAID AND CHIP PROGRAM. IN 2013 THROUGH JUVENILE JUSTICE REFORM LEGISLATION, PROBATION BECAME RESPONSIBLE FOR PROVIDING SERVICES, SUPERVISION, AND PREADJUDICATION FOR JUVENILES WHERE IT DEEMED NECESSARY. THE DEPARTMENT OF PROBATION ADMINISTRATION RECOGNIZED THE SUCCESS OF MST AND FFT IN PREVENTING RECIDIVISM AND BEGAN A PUBLIC-PRIVATE PARTNERSHIP WITH THE SHERWOOD FOUNDATION IN 2014 TO STUDY FURTHER WHETHER OR NOT THESE PROGRAMS WOULD BE SUCCESSFUL AND BENEFICIAL IN OUR STATE. WITH A SMALL GRANT PROVIDED BY THE SHERWOOD

Floor Debate
March 24, 2015

FOUNDATION, MEMBERS OF PROBATION AND PROFESSIONALS WITH EXPERIENCE IN MST AND FFT BEGAN A TOUR THROUGHOUT THE STATE TO DETERMINE THE NEED AND IF THE PROBATION COMMUNITY WOULD BE AMENABLE TO BEING TRAINED ON MST AND FFT TO UTILIZE THESE TREATMENTS. AFTER THE RESEARCH WAS COMPLETED WITH FAVORABLE RESULTS, THE DEPARTMENT SUBMITTED A FULL PROPOSAL TO THE SHERWOOD FOUNDATION AND WAS AWARDED A GRANT THAT COULD BE USED FOR TRAINING FOR PROFESSIONALS...FOR PROFESSIONALS TO BE TRAINED ON MST AND FFT. ONCE THERE IS A TRAINED WORK FORCE, IN ORDER TO SEE THE FULL BENEFITS OF THE THERAPIES, THE STATE OF NEBRASKA MUST LIVE UP TO ITS OBLIGATION. THIS IS A LONG-TERM INVESTMENT IN THE FUTURE OF OUR YOUNG NEBRASKANS. THESE SERVICES CONTRIBUTE TO TRUE JUVENILE JUSTICE REFORM BY TEACHING PARENTS HOW TO MANAGE THEIR CHILDREN'S BEHAVIORS AT HOME RATHER THAN REMOVING CHILDREN FROM THEIR HOMES. MST AND FFT FOCUS ON FAMILIES AS THE SOLUTION. THE FAMILIES ARE FULL COLLABORATORS IN DEVELOPING THE TREATMENT PLAN. THESE SERVICES HELP THE FAMILIES LEARN TO BECOME THEIR OWN AGENTS OF CHANGE. AND WHEN WE CONSIDER THE HORNBY ZELLER REPORT WHERE THEY LOOKED AT HOW FAMILY MEETINGS ARE NOT FAMILY MEETINGS ANYMORE, FAMILY MEETINGS IN CHILD WELFARE HAVE TURNED INTO MEETINGS OF PROVIDERS AND PROFESSIONALS WITH ONE FAMILY MEMBER. THAT'S NOT A FAMILY MEETING ANYMORE. MST AND FFT ARE THE VERY ANTITHESIS OF WHAT WE'RE SEEING RIGHT NOW IN OUR CHILD WELFARE SYSTEM. CURRENTLY THERE IS ONE PROVIDER IN THE STATE WHO PROVIDES MST. SHE IS IN GRAND ISLAND AND SHE TELLS ME ABOUT HER INCREASING FRUSTRATIONS IN WORKING WITH OUR MANAGED CARE PROVIDER IN ORDER TO BE EFFECTIVELY REIMBURSED. SHE ASKED THE PROVIDER SEVERAL TIMES A WEEK TO REVIEW THE CURRENT FINANCING STRATEGY WITH NO CHANGE. LB500 WOULD DIRECT THE STATE TO SUBMIT AN APPLICATION FOR A STATE PLAN AMENDMENT FOR MEDICAID AND THE CHILDREN'S HEALTH INSURANCE PROGRAM TO CLARIFY THE STATE'S ROLE FOR A SERVICE THEY ARE ALREADY OBLIGATED TO OFFER UNDER EPSDT. THERE ARE OTHER STATES THAT OFFER MST THROUGH THEIR MEDICAID PROGRAM VIA A STATE PLAN AMENDMENT INCLUDING NORTH CAROLINA, LOUISIANA, NEW MEXICO, AND ARIZONA. THERE WAS A DRAFTING OVERSIGHT, AND SO THE BILL WAS ADVANCED WITH AN AMENDMENT THAT SENATOR CAMPBELL WILL INTRODUCE. I AM VERY SUPPORTIVE OF THIS LANGUAGE CHANGE. I THANK YOU FOR YOUR CONSIDERATION OF THIS MATTER AND URGE YOU TO ADVANCE LB500 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB500]

Floor Debate
March 24, 2015

SENATOR COASH: THANK YOU, SENATOR HOWARD. MEMBERS, YOU'VE HEARD THE OPENING TO LB500. AS THE CLERK HAS STATED, THERE IS AN AMENDMENT FROM THE COMMITTEE. SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB500]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR HOWARD. COLLEAGUES, I WANT YOU TO LISTEN VERY CAREFULLY TO THE REPORT OF THE COMMITTEE BECAUSE THIS IS PROBABLY THE SHORTEST EXPLANATION OF AN AMENDMENT YOU'RE GOING TO FIND. AM650 AS IT IS LISTED TO LB500 REMOVES REFERENCE TO THE WORD "PROBATION YOUTH" TO MEET FEDERAL REQUIREMENTS. THAT IS THE SUM AND SUBSTANCE OF THE AMENDMENT. IT REMOVES ONE WORD, BUT IT'S A KEY WORD BECAUSE YOU CANNOT JUST SAY THAT PROBATION YOUTH ARE THE ONLY PEOPLE THAT COULD ACCESS THESE SERVICES BECAUSE THEY NEED TO BE...IT NEEDS TO BE MEDICALLY NECESSARY AND IT NEEDS TO FIT UNDER THE CURRENT MEDICAID REQUIREMENTS FOR THAT. SO WHEN WE REMOVED THE WORD "PROBATION," AND YOU WILL NOTE THAT WAS THE SUM AND SUBSTANCE OF THE DEPARTMENT'S OBJECTION IN THE FISCAL NOTE, THEIR FISCAL NOTE, THEN WE CAN MOVE FORWARD TO HAVE THIS BILL SERVE YOUTH WHO AGAIN, ARE MEDICAID ELIGIBLE AND IN SOME MEDICAL NECESSITY. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING TO LB500 AND THE COMMITTEE AMENDMENT. THE FLOOR IS NOW OPEN FOR DISCUSSION. SENATOR RIEPE, YOU ARE RECOGNIZED. [LB500]

SENATOR RIEPE: MR. PRESIDENT, MEMBERS OF THE CHAMBER, NEBRASKANS, THANK YOU VERY MUCH. I DO HAVE A QUESTION FOR SENATOR HOWARD IF SHE WILL YIELD. [LB500]

SENATOR COASH: SENATOR HOWARD, WILL YOU YIELD? [LB500]

SENATOR HOWARD: I WILL. [LB500]

SENATOR RIEPE: THANK YOU, SENATOR HOWARD. THE QUESTION THAT I HAVE IS IN LB500, IS THIS AN OPTIONAL SERVICE OR A MANDATORY SERVICE? [LB500]

SENATOR HOWARD: EPSDT SERVICES ARE MANDATORY SERVICES. [LB500]

Floor Debate
March 24, 2015

SENATOR RIEPE: DO WE HAVE THE SPEAKERS ON? OKAY. THE SECOND QUESTION I HAVE IS, THE SOURCE OF THESE FUNDS, ARE THEY 100 PERCENT FROM THE SHERWOOD FOUNDATION, OR ARE THEY A MATCH WITH STATE FUNDS? [LB500]

SENATOR HOWARD: ONE HUNDRED PERCENT OF THE FUNDS FOR THE TRAINING ARE FROM SHERWOOD FOUNDATION. [LB500]

SENATOR RIEPE: ARE 100 PERCENT OF THE PROGRAM, NOT JUST THE TRAINING? [LB500]

SENATOR HOWARD: THE PROGRAM COME FROM MEDICAID DOLLARS. [LB500]

SENATOR RIEPE: OKAY. SO FUNDAMENTALLY IT'S AN EXPANSION OF MEDICAID. THE OTHER QUESTION THAT I HAVE IS, WHAT IS THE PROBABILITY IN YOUR OPINION THAT THE FEDERAL CMS, BEING MEDICARE AND MEDICARE, WILL IN FACT APPROVE THE AMENDMENT AS PRESENTED, LB650? I BELIEVE THAT'S BEING PROPOSED AND HAS NOT FORMALLY BEEN ACCEPTED. [LB500]

SENATOR HOWARD: I'M SORRY. I DIDN'T HEAR YOUR QUESTION. [LB500]

SENATOR RIEPE: NO, THAT'S FINE. MY QUESTION WAS, IS THE PROBABILITY OF CMS ACCEPTING THE PROPOSED AMENDMENT THAT WE'RE ASKING. WE'RE HAVING TO GET CHANGES, SO WE'RE GOING TO HAVE TO GET THE APPROVAL OF CMS TO BE ABLE TO MOVE FORWARD WITH THIS PROGRAM. I'M JUST TRYING TO FIGURE OUT WHAT THE PROBABILITY OF THAT IS? [LB500]

SENATOR HOWARD: WELL, CMS HAS ALREADY APPROVED STATE PLAN AMENDMENTS IN FOUR OTHER STATES FOR THESE SERVICES. BUT THERE ARE SEVERAL OTHER STATES THAT HAVE ACTUALLY JUST IMPLEMENTED THEM ON THEIR OWN BECAUSE OF EPSDT MANDATES. [LB500]

SENATOR RIEPE: OKAY. THANK YOU. I'D LIKE TO CONTINUE ON WITH MY TIME, PLEASE. AND THAT WOULD BE IS...MY REASON FOR NOT VOTING AS IT CAME OUT OF COMMITTEE IS BECAUSE I AM CONCERNED. I BELIEVE THAT THERE IS A NEED, FROM A STANDPOINT OF HAVING A BACKGROUND AND PARTICULARLY A BACKGROUND IN HEALTH ADMINISTRATION, IS THAT BECAUSE DHHS IS A BROKEN SYSTEM. I THINK WE ALL SAW A CARTOON THAT CAME OUT OF THE OMAHA WORLD-HERALD, SHOWED A BIG PIGGY BANK AND IT HAD BAND-AIDS

Floor Debate
March 24, 2015

AND CRACKS AND EVERYTHING ELSE IN IT. I THINK THE NEED EXISTS FOR A MORATORIUM ON SPENDING IN DHHS BECAUSE WE NEED TO PUT UP A SIGN OUTSIDE OF DHHS THAT SAYS, UNDER NEW MANAGEMENT. AND THAT NEW MANAGEMENT IS A NEW GOVERNOR, A NEW LIEUTENANT GOVERNOR, A NEW CEO OF THE HEALTH AND HUMAN SERVICES AS WELL AS A NEW DIRECTOR OF MEDICAID AND LONG-TERM CARE. WE ARE NOT IN A POSITION TO SIMPLY THROW MORE AND MORE MONEY TO CREATE WHAT IS ALREADY A CHALLENGE AND A PROBLEM. I THINK WE NEED TAKE A TIME-OUT AND TAKE A LOOK AT THIS AND SAY, WHAT CAN WE AFFORD? WHAT MAKES SENSE? HOW DO WE REORGANIZE? HOW DO WE LOOK AT THESE THINGS TO MAKE SURE THAT FORM IS FOLLOWING FUNCTION, THAT WE TAKE A REAL HARD LOOK? AND I DON'T THINK THAT THERE'S A NEED TO TEAR THE DEPARTMENT OF HHS UP. I'M VERY ENCOURAGING AND VERY ENTHUSED ABOUT THE NEW LEADERSHIP COMING IN, AND I CLEARLY WANT THEM TO BE SUCCESSFUL, AND I WANT TO BE PART OF HELPING THEM BE SUCCESSFUL. I WOULD YIELD ANY TIME THAT I MAY HAVE REMAINING, MR. PRESIDENT, TO SENATOR McCOY IF HE WOULD LIKE. [LB500]

SENATOR COASH: SENATOR McCOY, HAS NOT CHECKED IN. [LB500]

SENATOR RIEPE: I DIDN'T HAVE MY REAR-VIEW MIRROR ON. [LB500]

SENATOR COASH: SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB500]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD AFTERNOON. I JUST WANTED TO STAND ON THIS BILL TO DISCUSS A FEW THINGS. AND I WAS LISTENING TO SENATOR RIEPE THERE. AND I THINK IT'S IMPORTANT FOR EVERYBODY TO UNDERSTAND THE PATH THAT WE'VE COME DOWN AND HOW WE GOT TO THIS POINT TODAY AND WHAT THE UTILITY IS OF LB500 AND HOW THAT CAN MOVE FORWARD. TO SENATOR RIEPE'S QUESTION TALKING ABOUT HHS, QUITE HONESTLY, THAT'S WHY WE'RE HERE IS BECAUSE WE MOVED PROBATION...JUVENILE JUSTICE FROM HHS TO PROBATION. AND WE DID THAT SO THAT WE COULD UTILIZE THESE PROGRAMS WHILE THESE CHILDREN, WHILE THESE YOUNGSTERS ARE STILL WITHIN THEIR HOUSEHOLDS SO WE COULD TREAT MORE AS A FAMILY RATHER THAN MAKE THEM WARDS OF THE STATE AND COST MORE MONEY. SO IN THAT SENSE, WE'VE DONE SOME OF THESE THINGS. ON THE OTHER SIDE OF THAT, WITH THAT MOVE IT BECAME OBVIOUS TO EVERYONE THAT THE COUNTIES ARE ON THE HOOK FOR A LOT OF THESE...COULD BE ON THE HOOK FOR A LOT OF THESE COSTS AND A LOT OF WHAT GOES ON. SO WHEN YOU LOOK AT WHAT GOES ON HERE WITH LB500 AND

Floor Debate
March 24, 2015

WHAT THEY'RE TRYING TO DO AND WHAT SENATOR HOWARD IS TRYING TO DO, IT MAKES A LOT OF SENSE. I DON'T SEE THIS AS AN EXPANSION OF MEDICAID NECESSARILY. YOU KNOW, 50 PERCENT OF THE CHILDREN THAT WOULD FALL UNDER THIS THAT WOULD BE IN JUVENILE JUSTICE WOULD QUALIFY FOR MEDICAID ANYWAY. SO I SEE THIS AS A REAL-WORLD SOLUTION TO TAKE CARE OF A LOT OF MONEY THAT WE'RE GOING TO HAVE TO FIND ANYWAY. AND ACCORDING TO THE FOLKS THAT ARE DOING THIS SORT OF WORK, MEDICAID ISN'T EXACTLY THE BEST PLACE TO GO FOR THE MONEY, BUT IT'S A PLACE THAT WE SHOULD GIVE A TRY TO. I DO KNOW THIS, THAT ONCE YOU GET OUT AND ABOUT IN THE STATE, ESPECIALLY IN WESTERN NEBRASKA, THESE TWO PROGRAMS THAT WE TALK ABOUT RUN INTO A LITTLE BIT OF DIFFICULTY. AND I'VE BEEN WORKING WITH SOME FOLKS AND SENATOR HOWARD AND MYSELF AND SENATOR KRIST HAVE HAD SOME DISCUSSIONS THAT WE'RE TRYING TO FIGURE OUT EXACTLY HOW TO ADDRESS THAT. AND WE MAY HAVE, IF IT WORKS OUT, AN AMENDMENT ON SELECT FILE TO LOOK TO TAKE CARE OF THAT IN SOME OF THOSE LESS-POPULATED AREAS WHERE THEY NEED SOME OF THESE PROGRAMS AS WELL. SO WITH THAT, I WILL BE HAPPY TO SAY THAT I'M GOING TO SUPPORT AM650 AND LB500. THANK YOU. [LB500]

SENATOR COASH: THANK YOU, SENATOR SCHILZ. SENATOR HOWARD, YOU'RE RECOGNIZED. [LB500]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I WANTED TO MAKE A CLARIFICATION AROUND THE PHRASE "EXPANSION OF MEDICAID" MOSTLY BECAUSE THAT PHRASE MAKES ME REALLY NERVOUS BECAUSE THIS BILL IS ABOUT A SERVICE THAT WE ALREADY COVER. WE ARE TRYING TO CLARIFY THE MEDICAID STATE PLAN SO THAT OUR MANAGED CARE PROVIDER FEELS COMFORTABLE BILLING IT. THAT'S REALLY THE ONLY THING THAT WE'RE DOING. MOST STATES HAVE DONE IT JUST THROUGH THEIR DEPARTMENT, BUT OUR DEPARTMENT HAS CHOSEN NOT TO. AND SO WE'RE GOING TO TRY TO MAKE SURE THAT IT'S VERY CLEAR FOR ALL PARTIES INVOLVED THAT WE CAN BILL FOR THESE SPECIFIC TYPES OF SERVICES: MULTISYSTEMIC THERAPY AND FUNCTIONAL FAMILY THERAPY. THEY'RE ALREADY ALLOWED AND THEY'RE ALREADY MEDICALLY NECESSARY, SO THERE'S NO EXPANSION. THERE'S NO NEW POPULATION. THERE'S NO NEW MONEY BECAUSE WE DON'T HAVE A LARGE PROVIDER BASE. THE PRIVATE PARTNERSHIP IS THAT THE SHERWOOD FOUNDATION IS WILLING TO PAY FOR OUR PROVIDERS TO BE TRAINED TO PROVIDE THIS SERVICE, AND THAT'S ENORMOUS. RIGHT NOW WE ONLY HAVE A HANDFUL OF PROVIDERS WHO CAN PROVIDE MST, FFT IN THE STATE OF NEBRASKA. AND HAVING A THIRD-PARTY PAYER HELP OUR PROBATION SYSTEM

Floor Debate
March 24, 2015

IN THIS WAY IS WONDERFUL AND CAN REALLY MAKE A DIFFERENCE. AND I WORRY ABOUT THE COST OF HEALTHCARE EVERY DAY, AND I WORRY ABOUT ACCESS TO HEALTHCARE EVERY DAY. BUT FOR SERVICES THAT WE'RE ALREADY OBLIGATED TO PROVIDE, I THINK WE SHOULD STEP UP TO THE PLATE AND DO SO. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR HOWARD. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB500]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AND I WOULD HAVE TO CONCUR WITH SENATOR HOWARD, THAT YOU ALL WILL REALLY HAVE A CHANCE TO DEAL WITH AND TALK ABOUT AND CONSIDER THE REAL EXPANSION DOLLARS TO MEDICAID. I CAN ASSURE YOU. I WANT TO MAKE A COUPLE OF COMMENTS. AND JUST AS A REVIEW WHAT YOU CAN USE MEDICAID DOLLARS FOR IS LIKE A HEALTH INSURANCE. IT'S NOT A HUMAN SERVICE FUND. IT IS A HEALTH POLICY. MEDICAID IS A HEALTH POLICY. IT'S LIKE BLUE CROSS BLUE SHIELD OR MEDICARE, IT'S A HEALTH POLICY, OKAY? YOU HAVE TO BE A CERTAIN INCOME ELIGIBILITY, OKAY? BUT YOU ALSO HAVE TO FIT IN A CATEGORY. YOU HAVE TO EITHER BE PREGNANT, REMEMBER, AND LOW INCOME; A CHILD, CHILDREN, WE COVER CHILDREN; WE COVER BLIND AND DISABLED; AND WE COVER AGED. IF YOU ARE NOT IN ONE OF THOSE CATEGORIES, DOESN'T MAKE ANY DIFFERENCE HOW LOW INCOME YOU ARE, YOU DON'T QUALIFY, PERIOD. WHAT YOU DO IN A STATE PLAN AMENDMENT GOES TO MEDICAID. IF I SAID TO YOU, HOW MANY MEDICAID PLANS ARE THERE IN THE UNITED STATES? THE CORRECT ANSWER IS 50. EVERY STATE HAS THEIR OWN MEDICAID PLAN, AND SO WHAT MAY BE COVERED IN VERMONT MAY NOT NECESSARILY BE COVERED IN THE STATE OF NEBRASKA. YOU PUT FORWARD STATE PLAN AMENDMENTS IN TWO WAYS: THE LEGISLATIVE BODY CAN DO THAT, THEY CAN DIRECT THAT A STATE PLAN AMENDMENT GO FORWARD; OR THE GOVERNOR CAN PUT FORWARD A STATE PLAN AMENDMENT. AND BASICALLY WHAT YOU'RE DOING THEN IS YOU'RE NOTIFYING THE CENTERS FOR MEDICAID AND MEDICARE THAT YOU WISH TO MAKE A STATE PLAN AMENDMENT, AND YOU WISH TO CLARIFY IN YOUR STATE PLAN A PARTICULAR ITEM. AND WHAT CMS, THE CENTERS FOR MEDICAID AND MEDICARE DO IS THEY LOOK AT WHAT YOU'RE ASKING AND THEY JUST MAKE SURE THAT IT IS NOT IN CONFLICT WITH ANY FEDERAL LAW THAT WOULD PROHIBIT A STATE FROM DOING SOMETHING. AND THEN THEY WILL SEND BACK A LETTER AND SAY, FINE, YOU GO RIGHT AHEAD. THIS LEGISLATURE OVER THE COURSE OF THE YEARS, SINCE 1965 WHEN WE ADOPTED MEDICAID, HAVE PUT FORWARD A NUMBER OF STATE PLAN AMENDMENTS. WE HAVE DIRECTED. ONE OF THEM THAT WE WORKED ON

Floor Debate
March 24, 2015

EXTENSIVELY WITH SENATOR GAY HAD TO DO WITH A FEEDING DISORDER, AND THE PAYMENT FOR COVERING THAT DISORDER WE FELT SHOULD COME FROM MEDICAID. IT WAS PASSED BY THE LEGISLATURE. WE DIRECTED. THE GOVERNOR AND DHHS AT THAT POINT CARRIED OUT WHAT WE HAD DIRECTED IN A STATE PLAN AMENDMENT. RIGHT NOW, PROBATION THAT IS WANTING PRIMARILY TO USE THIS, ALTHOUGH IT CAN BE USED PROBABLY IN CHILD WELFARE, BUT THEY ARE PAYING FOR THIS AT 100 PERCENT... [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR CAMPBELL: ...COMING FROM GENERAL FUNDS. WHAT SENATOR HOWARD IS DOING HERE IS THROUGH A STATE PLAN AMENDMENT SAYING, INSTEAD OF USING ALL OF OUR STATE DOLLARS, LET US SAY THIS IS IMPORTANT, IT SHOULD BE COVERED, AND WE THINK THAT IT COULD DRAW DOWN MEDICAID DOLLARS. AND THAT IS REALLY WHAT A STATE PLAN AMENDMENT DOES. IT CLARIFIES AND MAKES VERY SURE EVERYONE UNDERSTANDS WHAT IT CAN BE USED FOR. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. SENATOR RIEPE, YOU ARE RECOGNIZED. [LB500]

SENATOR RIEPE: MR. PRESIDENT, THANK YOU. I WOULD ASK SENATOR HOWARD TO YIELD TO ANOTHER QUESTION, PLEASE. [LB500]

SENATOR COASH: SENATOR HOWARD, WILL YOU YIELD? [LB500]

SENATOR HOWARD: CERTAINLY. [LB500]

SENATOR RIEPE: MY QUESTION IS THIS, I THINK YOU TALKED ABOUT THIS AS BEING, YOU MAY HAVE USED THE TERM BUDGET NEUTRAL. YOU TALKED ABOUT THAT THESE MEDICAID FUNDS, BUT WE DIDN'T TALK ABOUT AGGREGATE AMOUNTS. AND SO MY QUESTION IS IF IT...IS IT BUDGET NEUTRAL? [LB500]

SENATOR HOWARD: I DIDN'T...I DON'T RECALL MENTIONING BUDGET NEUTRALITY, I APOLOGIZE. [LB500]

SENATOR RIEPE: NO. [LB500]

Floor Debate
March 24, 2015

SENATOR HOWARD: FOR THE STATE PLAN AMENDMENT? [LB500]

SENATOR RIEPE: YOU DID NOT USE THE WORD NEUTRAL, BUDGET NEUTRAL. THAT'S MY TERMINOLOGY, BUT I THINK YOU SAID THESE FUNDS ARE THERE, MEDICAID FUNDS. AND I DON'T KNOW WHETHER THAT'S MEDICAID FUNDS IN CONCEPT OR MEDICAID FUNDS ACTUAL DOLLARS. AND QUITE FRANKLY, I'M SUPPORTIVE OF THE CONCEPT. IT'S JUST THAT IT'S THE FACT THAT IT BECOMES MORE AND MORE DOLLARS. AND IN MY CAMPAIGNING, A LOT OF THE PEOPLE THAT TALKED TO ME, THEY TALKED ABOUT CONCERNS ABOUT, FIRST OF ALL, PRISON REFORM. AND THEY ALSO TALKED ABOUT THE BROKENNESS OF DHHS AND THE FACT THAT IT'S 36 PERCENT TO 40 PERCENT OF THE BUDGET. I'M SIMPLY LOOKING AT IDEAS AND SITUATIONS WHERE WE KEEP THROWING MORE AND MORE AND MORE DOLLARS AT ANY KIND OF MEDICAID, WHETHER IT'S THROUGH PRIMARY HEALTHCARE OR WHETHER IT'S THROUGH PROGRAMS. IT COMES BACK TO MORE... WHETHER YOU CALL IT EXPANDED MEDICAID OR GROWTH IN MEDICAID THAT'S MY CONCERN. I JUST...I WANTED TO KNOW WHETHER IT WAS BUDGET NEUTRAL. I MEAN, ARE WE GOING TO SPEND THE SAME AMOUNT OF DOLLARS? [LB500]

SENATOR HOWARD: YOU KNOW, IT'S AN INTERESTING QUESTION SIMPLY BECAUSE THIS TYPE OF SERVICE HAS SUCH A BROAD EVIDENCE BASE TO SHOW SUCH A CONSIDERABLE SAVINGS ON THE JUVENILE JUSTICE SIDE BECAUSE...IT'S SORT OF AN OUNCE OF PREVENTION. SO IF YOU OFFER THIS SERVICE TO A FAMILY FOR THREE MONTHS AND THAT'S THE COST OF THE SERVICE, IT IS SIGNIFICANTLY CHEAPER THAN HAVING THAT JUVENILE IN AN OUT-OF-HOME PLACEMENT FOR A YEAR OR TWO YEARS OR THREE YEARS. AND SO THAT'S USUALLY HOW, OR AT LEAST THAT'S HOW I'VE BEEN LOOKING AT THIS SERVICE. [LB500]

SENATOR RIEPE: AND I DON'T DOUBT THE MERITS OF THE PROGRAM. I'M JUST CURIOUS IF THE JUVENILE JUSTICE DIVISION WILL DOLLAR FOR DOLLAR MAKE A TRANSFER OF THOSE FUNDS OVER TO DHHS FOR ITS MEDICAID BUDGET. [LB500]

SENATOR HOWARD: WELL, CURRENTLY THIS SERVICE IS ALREADY COVERED IN MEDICAID. [LB500]

SENATOR RIEPE: AT THE SAME AMOUNT THAT WE'RE GOING TO SPEND, BUDGET NEUTRAL, AGAIN? [LB500]

Floor Debate
March 24, 2015

SENATOR HOWARD: WE'RE JUST HELPING OUR MANAGED CARE PROVIDER UNDERSTAND THE BILLING FOR THIS SERVICE. [LB500]

SENATOR RIEPE: LET ME REPHRASE THIS. DO YOU THINK WE WILL SPEND MORE MEDICAID MONEY IN THIS PROCESS UNDER THIS NEW BILL? [LB500]

SENATOR HOWARD: WILL WE SPEND MORE MONEY IN MEDICAID OR...? [LB500]

SENATOR RIEPE: MORE MEDICAID DOLLARS, YES, PLEASE. [LB500]

SENATOR HOWARD: THERE COULD BE THE POTENTIAL THAT WE COULD SPEND MORE MONEY IN MEDICAID. [LB500]

SENATOR RIEPE: THANK YOU. [LB500]

SENATOR COASH: THANK YOU, SENATORS RIEPE AND HOWARD. SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB500]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND WELCOME, COLLEAGUES. I WONDER IF SENATOR HOWARD WOULD YIELD TO A FEW QUESTIONS. [LB500]

SENATOR COASH: SENATOR HOWARD, WILL YOU YIELD? [LB500]

SENATOR WILLIAMS: THANK YOU. I'M JUST TRYING TO UNDERSTAND SOME OF THIS, SO IF YOU CAN HELP ME WITH THAT. DO YOU HAVE ANY IDEA APPROXIMATELY HOW MANY YOUTH WOULD BE INVOLVED WITH THIS PROGRAM? [LB500]

SENATOR HOWARD: I DO, NOT OFFHAND. [LB500]

SENATOR WILLIAMS: OKAY. BUT YOU MENTIONED, I THINK, THAT THE RECIDIVISM WOULD BE REDUCED 25 PERCENT TO 50 PERCENT, SOMEWHERE IN THAT, AND THAT OUT-OF-HOME PLACEMENTS WOULD BE REDUCED BY LIKE 39 PERCENT, I THINK. AM I READING SOMETHING RIGHT THERE OR WRONG THERE THAT THAT WOULD REDUCE OUR COSTS TO OUR STATE WITH THOSE FACTS HAPPENING? [LB500]

Floor Debate
March 24, 2015

SENATOR HOWARD: YES. SO MY MOTHER WAS A SOCIAL WORKER FOR 34 YEARS. SO THE MOST EXPENSIVE TYPE OF PLACEMENT YOU HAVE IS AN OUT-OF-HOME PLACEMENT... [LB500]

SENATOR WILLIAMS: RIGHT. [LB500]

SENATOR HOWARD: ...WHEN YOU'RE NOT WITH KIN, WHEN YOU'RE NOT WITH YOUR FAMILY. AND IT'S THE MOST EXPENSIVE TYPE OF PLACEMENT AND THE MOST DANGEROUS TYPE OF PLACEMENT FOR CHILDREN IN OUR STATE. [LB500]

SENATOR WILLIAMS: AND I'M ALSO UNDERSTANDING THIS--AND THANKS TO SENATOR CAMPBELL WITH HER HELPFUL INFORMATION ALSO--THAT THIS SERVICE THAT WOULD BE PROVIDED IS REQUIRED AT THIS POINT IN TIME, BUT WE SIMPLY DON'T HAVE THE PROVIDERS. AM I ALSO UNDERSTANDING THAT THE SHERWOOD GROUP WOULD DO AND COVER THE COST OF THE TRAINING FOR THOSE PROVIDERS? HOW MANY PROVIDERS WOULD THEY BE ABLE TO TRAIN? [LB500]

SENATOR HOWARD: YOU KNOW, I'M NOT CERTAIN BUT I CAN FIND OUT BETWEEN NOW AND SELECT. [LB500]

SENATOR WILLIAMS: OKAY. I NOTICED THE FISCAL NOTE IS A ZERO AT THIS POINT. DO YOU HAVE AN IDEA WHAT THAT FISCAL NOTE WILL LOOK LIKE? I'M ASSUMING WE'LL SEE AN UPDATED FISCAL NOTE FOR SELECT. [LB500]

SENATOR HOWARD: I DO NOT HAVE AN IDEA WHAT IT WOULD LIKE ON SELECT. [LB500]

SENATOR WILLIAMS: OKAY. SO THE POINT IS RIGHT NOW WE...WHETHER THIS IS AN EXPANSION OF MEDICAID OR WHATEVER DEFINITION WE WOULD WANT TO USE, IT'S DIFFICULT TO KNOW BECAUSE WE DON'T HAVE A FISCAL NOTE TO LOOK AT, OKAY? THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR WILLIAMS AND SENATOR HOWARD. SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB500]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB500 AND AM650. I HEARD ALL THE TESTIMONY IN THE HEARINGS. AND AS MANY OF

Floor Debate
March 24, 2015

YOU KNOW, I'M NOT GOING TO BE A SUPPORTER OF MEDICAID EXPANSION. BUT I DIDN'T LOOK AT THIS AS A MEDICAID EXPANSION AS I APPROACHED THE ISSUE. WHAT TURNED MY MIND AND MY IDEA AROUND ON THIS WAS SEVERAL YEARS AGO, I THINK IT WAS THREE YEARS AGO THE COURTS TOOK OVER SOME OF THE JUVENILE JUSTICE SYSTEM. AND I'M GOING TO READ PART OF THE HEARING NOTES FROM COREY STEEL WHO'S THE COURT ADMINISTRATOR FOR THE NEBRASKA JUDICIAL BRANCH. AND HE TESTIFIED IN SUPPORT OF THIS BILL. I'M QUOTING NOW: "CURRENTLY IN NEBRASKA, WHEN A JUDGE HAS A HIGH-RISK JUVENILE IN THEIR COURT, THEY LACK SERVICE OPTIONS, SPECIFICALLY IN-HOME SERVICE OPTIONS. JUDGES ARE HAVING TO SEND THESE JUVENILES TO OUT-OF-HOME CARE IN ORDER TO GET THEIR SERVICE NEEDS MET." THIS OPTION MAY ADDRESS THE ISSUES WITH THE JUVENILE BUT DOES NOT ADDRESS THE ISSUES IN THE ENVIRONMENT WHERE THE JUVENILE WILL RETURN HOME TO. JUDGES ARE HAVING TO BYPASS SERVICES WITHIN THE CONTINUUM OF CARE BECAUSE THE IN-HOME SERVICE OPTIONS DO NOT EXIST. OVER THE PAST THREE YEARS, THEY'VE BEEN WORKING ON TRANSFORMING THE NEBRASKA JUVENILE JUSTICE SYSTEM. "THIS PIECE OF LEGISLATION CONTINUES THAT TRANSFORMATION." AND SO THEY CAME AND SUPPORTED IT. AND THEN ALONG WITH THAT I THINK, SENATOR WILLIAMS, YOU BROUGHT UP A VERY GOOD POINT. I DON'T THINK ANYBODY HERE OR THE FISCAL OFFICE IS GOING TO HAVE ANY IDEA WHAT KIND OF IMPACT THIS MIGHT HAVE. BUT AS SENATOR HOWARD HAS INDICATED, THE MONEY RIGHT NOW FOR THESE TYPES OF SERVICES ARE COMING OUT OF THE GENERAL FUND. AND WHAT THIS DOES, THIS BILL CLEANS UP THE LANGUAGE AND WE ASK FOR A WAIVER TO BE ABLE TO PAY IT OUT OF MEDICAID FUNDS WHICH...I MEAN DOLLARS ARE DOLLARS, BUT AT THE SAME TIME, THEY'D BE COMING FROM THE APPROPRIATE PLACE. AS I UNDERSTAND IT, IF WE CAN KEEP YOUTH OUT OF INCARCERATION AND KEEP THEM IN THEIR OWN HOMES, THAT MEANS WE'RE NOT PUTTING THEM IN FOSTER CARE, GROUP HOMES, RESIDENTIAL CARE, CORRECTIONAL FACILITIES, OR HOSPITALIZATION. THESE TYPES OF SAVINGS HAVE SAVED STATES SIGNIFICANT AMOUNTS OF MONEY OVER THE YEARS. SO WHAT THIS PROGRAM DOES, IT HELPS EDUCATE THE PARENTS AND THE STUDENTS, THE JUVENILES, AND IT GIVES THEM AN OPPORTUNITY TO BUILD FAMILY INSTEAD OF TEARING FAMILY APART IN MY OPINION. SO I WOULD ENCOURAGE YOU TO SUPPORT THIS BILL. WE DON'T KNOW WHAT THE COSTS ARE GOING TO BE, PRO OR CON. BUT I'D LIKE TO LOOK AT THIS AS AN OPPORTUNITY FOR THE COURTS TO HAVE ANOTHER SERVICE AVAILABLE TO THEM TO HELP KEEP OUR FAMILIES TOGETHER AND NOT THROW THEM INTO DISARRAY AND NOT THROW THEM INTO THE DIFFERENT FACILITIES THAT ARE AVAILABLE. BOYS TOWN, I ATTENDED A BOYS TOWN RECEPTION ABOUT 30 DAYS AGO, AND I HAD A CHANCE TO VISIT WITH THE DIRECTOR OF BOYS TOWN. AND

Floor Debate
March 24, 2015

HE TOLD ME THAT THEY'RE DOING TREMENDOUS WORK AT KEEPING YOUTH IN THEIR HOME. THEY'RE ONE OF THE PROVIDERS THAT'S BEEN IDENTIFIED AND ONE OF THE EXPERTS. [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR KOLTERMAN: THANK YOU. FUNCTIONAL FAMILY THERAPY AND MULTISYSTEMIC THERAPY ARE A COUPLE OF THE OTHER ORGANIZATIONS THAT HAVE AN OPPORTUNITY TO BE TRAINED AND HELP US AS A STATE. AGAIN, I WOULD JUST ENCOURAGE YOU TO GET BEHIND THIS. DON'T LOOK AT IT AS AN EXPANSION OF MEDICAID, LOOK AT IT AS A WAY TO MAYBE START TO REFORM MEDICAID AND LET THE COURTS WORK THEIR MAGIC. THEY SEEM TO BE DOING A PRETTY GOOD JOB. THANK YOU. [LB500]

SENATOR COASH: THANK YOU, SENATOR KOLTERMAN. (VISITORS INTRODUCED.) RETURNING TO DISCUSSION, THOSE WISHING TO SPEAK: SENATORS BLOOMFIELD, McCOY, CAMPBELL, AND OTHERS. SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB500]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I HAD THE OPPORTUNITY TO SERVE IN THE HEALTH AND HUMAN SERVICES COMMITTEE MY FIRST TWO YEARS DOWN HERE. THAT COMMITTEE IS A REAL CHALLENGE. THERE ARE MANY STORIES THAT COME THROUGH THERE THAT WILL RIP YOUR HEART OUT. WE CAN'T FUND ALL OF THEM. I DON'T KNOW WHERE I'M GOING TO GO ON LB500 YET, BUT I WANT TO THANK SENATOR RIEPE FOR WATCHING WHAT WE'RE DOING THERE AND FOR WATCHING OUT FOR THE TAXPAYER DOLLAR. I SEE HE WASN'T A NO VOTE, BUT HE WAS PRESENT NOT VOTING, WHICH IS AS WE ALL KNOW WAY A POLITE WAY TO SAY NO. AND I APPRECIATE THE FACT THAT IN THAT COMMITTEE IT'S HARD SOMETIMES TO DISAGREE WITH THE COMMITTEE AS A WHOLE. WITH THAT BEING SAID, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR RIEPE IF HE COULD USE IT. [LB500]

SENATOR COASH: SENATOR RIEPE, YOU'VE BEEN YIELDED 4 MINUTES IF YOU CARE TO USE IT. [LB500]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. I THINK I WOULD REITERATE THAT NONE OF US IS OPPOSED TO CORRECTIONS TO THE JUVENILE SYSTEM IF THE CHILDREN CAN BE SERVED OR THE YOUTH CAN BE SERVED BETTER THERE, THEN I THINK THAT THAT MAKES

Floor Debate
March 24, 2015

SENSE. HOWEVER, WE HAVE TO...AT SOME POINT IN TIME, YOU KNOW, THE BAKER COMES HOME. WE HAVE TO ADDRESS THE COST ISSUES. WE HAVE TO SOME WAY OR ANOTHER IF WE'RE EVER GOING TO HAVE ANY TAX RELIEF. AND I WON'T GO INTO THE FACT THAT WE ARE ONE OF THE HIGHER TAXED STATES. I WILL ALSO POINT OUT THAT WE'RE PROBABLY ONE WITH A LOWER COST OF LIVING. AND NEBRASKA IS STILL A GREAT PLACE TO LIVE. BUT WITH THE LOOMING MEDICAID CRISIS THAT'S COMING BECAUSE OF BABY BOOMERS, WE'RE GOING TO HAVE MAJOR ISSUES ACROSS THE COUNTRY BUT ALSO HERE IN NEBRASKA WHERE MANY OF OUR SENIORS RETIRE IN ARIZONA OR RETIRE IN FLORIDA AND TAKING, OBVIOUSLY, MUCH OF THEIR WEALTH WITH THEM. I JUST WANT TO BE VIGILANT. I ASK MY FELLOW SENATORS TO BE VIGILANT AS WE LOOK OVER THE FUNDS. LIKE YOU, I LIKE TO SAY YES. BUT AT SOME POINT IN TIME, LIKE MAYBE THE FATHER IN A HOUSEHOLD, SOMETIMES YOU'RE IN THE POSITION OF BEING THE ONE THAT HAS TO SAY NOT NOW, OR WE JUST CANNOT AFFORD THIS OR WE CANNOT AFFORD THAT. I DON'T THINK IT'S TOO EARLY TO BE CONCERNED. I'M NOT ALARMED, BUT WE DO HAVE TO BE CONCERNED ABOUT WHAT'S GOING ON WITH DHHS. I KNOW THERE'S BEEN DISCUSSION ABOUT BREAKING IT UP INTO ADDITIONAL DIVISIONS AND DEPARTMENTS. I PERSONALLY THINK THAT'S A MISTAKE. CONAGRA IN OMAHA IS A PERFECT EXAMPLE OF...WHEN IT WAS CREATED, IT WAS WITH THE CONCEPT THAT THE ONLY WAY TO GET BIGGER IS TO GET SMALLER. AND SO YOU CAN BREAK UP LARGE ORGANIZATIONS. CORPORATIONS DO IT ALL THE TIME IN TERMS OF RUNNING 5,500 EMPLOYEES. I DON'T WANT TO CREATE FIVE AGENCIES THAT END UP WITH THEN FIVE DIRECTORS, THEN WE END UP WITH TEN ASSOCIATE DIRECTORS AND WE END UP WITH 20 ASSISTANT DIRECTORS, AND YOU END UP WITH MORE BUREAUCRACY. I JUST ASK MY FELLOW SENATORS TO BE ATTUNED TO THE LOOMING PROBLEMS THAT WE HAVE WITH FUNDING EVERYTHING THAT WE WANT TO FUND AND SENATOR BLOOMFIELD IS RIGHT. IT'S A TOUGH COMMITTEE. IT'S A WELL-LED COMMITTEE. I APPLAUD SENATOR CAMPBELL. SHE DOES A GREAT JOB, AND SHE'S VERY OPEN AND RECEPTIVE TO DIFFERENCES... [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR RIEPE: ...OF OPINIONS. THANK YOU, MR. PRESIDENT. SHE'S BEEN VERY KIND TO ME PERSONALLY, AND I HOLD NO GRUDGE. I'M KNOWN WITHIN THE COMMITTEE AS BEING "CURIOUS GEORGE." AND OBVIOUSLY I HAVE A LOT OF QUESTIONS, SOME GOOD, MAYBE NOT SO GOOD. BUT PLEASE BE VIGILANT ON TERMS OF THE MONEY THAT WE SPEND. WE'RE GOING TO FACE THIS IN THE LATE HOURS OF THIS SESSION, AND I DON'T BELIEVE THERE'S ANYTHING...THAT WE

Floor Debate
March 24, 2015

DON'T NEED TO START NOW TO BE CONCERNED. THANK YOU VERY MUCH.
[LB500]

SENATOR COASH: THANK YOU, SENATOR RIEPE. SENATOR McCOY, YOU'RE
RECOGNIZED. [LB500]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR HOWARD
YIELD, PLEASE? [LB500]

SENATOR COASH: SENATOR HOWARD, WILL YOU YIELD? [LB500]

SENATOR HOWARD: YES, SIR, I WILL. [LB500]

SENATOR McCOY: THANK YOU, SENATOR. I WANTED TO TRY TO GET A LITTLE
CLARIFICATION. I WAS IN MY OFFICE OVER THE NOON HOUR. AND THEN I HEARD
YOU MENTION AS I WAS LOOKING AT THIS BILL AGAIN, THE TRAINING
COMPONENT OF THIS THAT WOULD BE FUNDED BY THE SHERWOOD
FOUNDATION. IF YOU WOULD, HELP ME UNDERSTAND A LITTLE MORE. YOU SAY
THE SHERWOOD FOUNDATION WOULD COVER THIS. IS THIS A PROGRAM, A
CAPITAL GRANT, OR IS THIS AN OPERATING GRANT WITH THE SHERWOOD
FOUNDATION? WHAT TYPE OF A GRANT WOULD THIS BE? [LB500]

SENATOR HOWARD: YOU KNOW, I'M NOT SURE WHICH TYPE OF GRANT IT IS.
THAT'S A GOOD QUESTION. IT WOULDN'T BE A CAPITAL GRANT BECAUSE
THEY'RE NOT PURCHASING AN ITEM OF PROPERTY. SO PRESUMABLY, IT WOULD
JUST BE A GRANT OF FUNDS FOR A SPECIFIC PURPOSE. [LB500]

SENATOR McCOY: WELL, PROGRAM AND CAPITAL GRANTS, NEAR AS I CAN TELL
FROM THEIR WEB SITE, ARE HANDLED IDENTICALLY. AND THEN YOU HAVE
OPERATING GRANTS. THE REASON I ASK THIS QUESTION, SENATOR HOWARD, IS
BECAUSE I LOOK AT THE TIME LINE FOR THIS LEGISLATION. THEN I LOOK AT THE
TIME LINE FOR THEIR APPLICATION PROCESS FOR THE SHERWOOD FOUNDATION.
AND DEPENDING ON WHICH TYPE OF A GRANT THAT THIS IS TO BE, I DON'T
KNOW HOW THIS WOULD EVEN APPLY FOR US IN THE FIRST FISCAL YEAR THAT
THIS WOULD BE IMPLEMENTED. SO I'M NOT EVEN SURE QUITE HOW THE
SHERWOOD FOUNDATION, IF THEY ARE TO PAY FOR THE TRAINING, THEY'RE
GOING TO BE ABLE TO DO THAT UNTIL THE NEXT FISCAL YEAR. SO THAT'S THE

Floor Debate
March 24, 2015

REASON I WAS TRYING TO ASK SOME CLARIFYING QUESTIONS BECAUSE I DON'T SEE HOW THIS ACTUALLY, PRACTICALLY SPEAKING, WOULD WORK. [LB500]

SENATOR HOWARD: THE GRANT WAS APPLIED FOR AND AWARDED IN THE FALL OF 2014. AND THEY'RE HOLDING THE FUNDS PENDING THE CLARIFICATION OF THE STATE PLAN AMENDMENT ON OUR MEDICAID PLAN. [LB500]

SENATOR McCOY: HAVE THE AMOUNT OF THOSE FUNDS CHANGED SINCE THEN? IS THAT... [LB500]

SENATOR HOWARD: NO. [LB500]

SENATOR McCOY: SO THAT'S A STATIC, DOESN'T-CHANGE, TYPE OF AN AMOUNT? SO THEY'RE HOLDING THAT IN ESSENTIALLY IN ESCROW, FOR LACK OF A BETTER TERM, PENDING US TO PASS LEGISLATION? [LB500]

SENATOR HOWARD: YES, SIR. [LB500]

SENATOR McCOY: OKAY. OKAY, THAT'S HELPFUL TO KNOW, SENATOR, AND I APPRECIATE THAT. I STILL HAVE A GREAT DEAL OF QUESTIONS ON THIS. I SAID EARLIER THIS SESSION ON ANOTHER PIECE OF LEGISLATION THAT YOU HAVE TO ADMIRE THE ABILITY OF THOSE WHO SEE MEDICAID EXPANSION DIFFERENTLY THAN I DO AND OTHERS OF US DO. YOU HAVE TO ADMIRE THE TENACITY AT WHICH TO SPLIT UP DIFFERENT PIECES OF LEGISLATION AND ADVANCE THEM PIECEMEAL RATHER THAN ALL IN ONE. I JUST...I DON'T SUPPORT THIS LEGISLATION BECAUSE I THINK NO MATTER HOW YOU LOOK AT IT, IT'S EXPANSION OF MEDICAID IN SOME PIECE. YOU CAN SAY IT MAY BE A STRETCH, AND I DON'T SEE IT THAT WAY. BUT I CERTAINLY RESPECT ANYONE'S OPINION WHO SEES IT THAT WAY. AND I THINK WE WOULD DO WELL TO HEED SENATOR RIEPE'S WARNINGS AS ONE WHO SITS THROUGH THESE HEARINGS ON THESE PIECES OF LEGISLATION THAT COME THROUGH HEALTH AND HUMAN SERVICES. I HAVE RESERVATIONS ABOUT THEM. CLEARLY WE'RE GOING TO TALK ABOUT MEDICAID EXPANSION IN THE MACRO PERSPECTIVE LATER ON THIS SESSION AT SOME POINT, AND WE'LL HAVE THOSE CONVERSATIONS AGAIN. BUT IN THE MEANTIME, I HAVE...EVEN THOUGH THERE ARE, AS SENATOR BLOOMFIELD SAID, STORIES THAT WOULD TEAR YOUR HEART OUT, AT SOME POINT IN TIME WE HAVE TO SAY... [LB500]

Floor Debate
March 24, 2015

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR McCOY: THANK YOU, MR. PRESIDENT...WE HAVE TO SAY AND WE DON'T ALWAYS DO IT, BUT IN MY VIEW WE HAVE TO SAY THIS FAR...THIS, WE WILL NOT GO PAST THIS POINT. WE'RE DEALING WITH THE DOLLARS FROM TAXPAYERS OF NEBRASKA. WHILE THERE MAY BE SOME SORT OF A FEDERAL MATCH, AT THE END OF THE DAY THAT MONEY DIDN'T GROW ON TREES. IT'S STILL OUR TAX DOLLARS. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR McCOY. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB500]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. A COUPLE OF POINTS THAT I WANTED TO CLARIFY AS I'M LISTENING TO QUESTIONS OR COMMENTS ON THE FLOOR, AND ONE OF THEM REALLY IS THE QUESTION OF THE SHERWOOD FOUNDATION. THE SHERWOOD FOUNDATION HAS BEEN ACTIVELY INVOLVED IN CHILDREN'S ISSUES IN A NUMBER OF AREAS IN THE STATE, AND PARTICULARLY IN THE OMAHA AND DOUGLAS COUNTY AREA. THIS IS A TOPIC THAT THEY BEGAN DISCUSSING WITH SOME PEOPLE WHO ARE INVOLVED WITH THE STATE PROBATION PROJECT. AND HERE IS WHERE I HOPED YOU REALLY PAID ATTENTION TO WHAT SENATOR SCHILZ WAS EXPLAINING, IS WHEN WE MOVED THE OFFICE OF JUVENILE SERVICES OVER TO PROBATION, WE KNEW THAT WE WERE TAKING ON DIFFERENT SYSTEMS. AND, IN FACT, YOU'RE GOING TO HEAR ABOUT THAT A LITTLE LATER IN THE AFTERNOON WITH A BILL THAT SENATOR KRIST HAS AND THAT I HAVE. BUT WHAT'S IMPORTANT HERE IS THIS ISN'T JUST THE TYPICAL. THIS IS THE COURT SYSTEM WHO WORKS WITH PROBATION. IT'S PROBATION THAT CAME FORWARD WITH USING THE MST AND FFT. THEY SEE THAT WORKING WITH JUVENILES, THESE ARE PROBABLY YOUTH THAT HAVE BEEN IN THE SYSTEM FOR A TIME AND A TIME AND A TIME, AND THEY FEEL THAT THIS IS THEIR BEST APPROACH TO IT. AND THE FACT THAT WE HAVE A PRIVATE FOUNDATION IN THE STATE OF NEBRASKA WHO'S WILLING TO STEP UP AND HELP US WITH THIS SHOULD NOT BE JUST EASILY DISMISSED BECAUSE I'VE NOT SEEN THIS KIND OF COMMITMENT FROM A PRIVATE FOUNDATION ON A PROGRAM BEFORE THE LEGISLATURE. I'D ALSO LIKE TO GET A LITTLE BIT AT THE COST AND THE NUMBERS. I THINK SENATOR WILLIAMS STARTED ASKING THOSE. AND IN THE TESTIMONY OF MID-PLAINS CENTER BEFORE THE COMMITTEE ON THIS, "MST IS A CRISIS SERVICE THAT IS LABOR INTENSIVE AND AVAILABLE TO FAMILIES 24 HOURS A DAY, SEVEN DAYS A WEEK FOR THE DURATION OF THE PROGRAM. MST'S PRIMARY OUTCOME IS TO REDUCE THE RATES OF OUT-OF-HOME PLACEMENTS" INCLUDING INCARCERATION, FOSTER

Floor Debate
March 24, 2015

CARE, GROUP HOMES, RESIDENTIAL CARE, OR HOSPITALIZATION. TO ILLUSTRATE A POINT, A 180-DAY STAY AT A PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY CAN COST AROUND \$58,000. TO PROVIDE MST SERVICES FOR 120 DAYS, IT COSTS AROUND \$6,500. WHEN WE GET THE UPDATED...AND FOR THE NEW PEOPLE, JUST A REMINDER, IF A BILL GOES FROM GENERAL FILE TO SELECT, THEN THAT'S WHEN THE FISCAL NOTE IS UPDATED. AND I THINK THERE WILL BE A FISCAL NOTE TO THIS BECAUSE NOW WE'RE COVERING THIS MONEY IN STATE GENERAL FUND MONEY THROUGH THE PROBATION OFFICE. WHAT WE'RE TRYING TO DO HERE IS SAY, THIS IS MEDICALLY NECESSARY, FOLKS. WE WANT TO PARTNER AND BRING IN THOSE FEDERAL DOLLARS ON MEDICAID. THAT'S WHAT WE DO ON MEDICAID. WE HAVE A PARTNERSHIP WITH THE FEDERAL GOVERNMENT--50 STATES HAVE A PARTNERSHIP. BUT WHAT YOU'RE NOT GOING TO SEE ON THE FISCAL NOTE IS THE SAVINGS BECAUSE THAT'S NOT WHAT THE FISCAL OFFICE DOES. IT SAYS, THIS IS THE EXPENDITURE. THIS IS WHAT IT'S GOING TO COST YOU. BUT WHAT IS MOST DIFFICULT FOR SENATORS...AND YOU'RE GOING TO BE IN THAT SPOT WHERE YOU HAVE A FISCAL NOTE AND YOU'RE GOING TO SAY IT COSTS \$800,000. I REALIZE THAT'S WHAT YOU'RE READING HERE, BUT LET ME TELL YOU WHAT THE BENEFITS ARE AND HOW MUCH WE'RE GOING TO SAVE... [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT...AND HOW MUCH WE'RE GOING TO SAVE. I'LL WANT YOU TO REMEMBER THIS ILLUSTRATION. DO WE WANT TO PAY \$58,000, OR DO WE WANT TO PUT SOMETHING INTO EFFECT THAT COSTS US \$6,500? I THINK WE NEED THINK ABOUT THAT. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB500]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. JUST A FEW COMMENTS ABOUT THE BILL, LB500. FIRST OFF, THE SHERWOOD FOUNDATION DOES INCREDIBLY GOOD WORK. THEY DO GOOD WORK AND ARE A CREDIT TO WHAT THEY DO IN OMAHA. SOME OF THEIR EDUCATIONAL REFORM PROJECTS ARE VERY NOTEWORTHY. SECONDLY, THERE IS ABSOLUTELY NO DOUBT THAT THE NEBRASKA HEALTH AND HUMAN SERVICES AGENCY HAS HAD ITS PROBLEMS AND CONTINUES TO HAVE PROBLEMS. IT'S CERTAINLY BEEN A BUDGET BUSTER, AND THAT'S A SITUATION

Floor Debate
March 24, 2015

THAT WE NEED TO CHANGE. SENATOR RIEPE, THIS LEGISLATURE AND THE GOVERNOR, I KNOW, ARE COMMITTED TO MAKE HEALTH AND HUMAN SERVICES WORK, AND WE NEED TO WORK HARD TO THAT END. AND FINALLY, JUST BECAUSE IT HAS THE...IT'S A MEDICAID EXPANSION BILL OR IT HAS HEALTH AND HUMAN SERVICES ON, DOESN'T NECESSARILY MEAN IT'S A BAD BILL. WE SHOULDN'T THROW OUT THE BABY WITH THE BATH WATER. SO LET'S VOTE GREEN ON LB500 AND MOVE FORWARD WITH MEDICAID REFORM. [LB500]

SENATOR COASH: THANK YOU, SENATOR McCOLLISTER. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB500]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. I RISE WITH QUESTIONS. I WANT TO BE CLEAR THAT I AM IN FULL SUPPORT FOR THE WORK THAT IS BEING DONE IN THE JUVENILE PROBATION OFFICE, THAT OF COREY STEEL AND OTHERS. IN FACT, THEY HAVE BROUGHT ME LEGISLATION IN THE PAST. I AM AWARE OF THEIR HIGHLY DEDICATED AND SUCCESSFUL RECORD THAT THEY HAVE TO HELPING FAMILIES THROUGH MEDIATION TO AVOID OUR JUVENILES GOING INTO ADULT INCARCERATION. THAT IS A GOOD THING. BUT I'M A LITTLE CONFUSED. I'M TRYING TO FOLLOW THE MONEY HERE. AND WITH THAT SAID, I KNOW THAT WHEN I INTRODUCED LB1093 WHICH BECAME A PART OF LB464, WAS TO BRING FUNDS DIRECTLY FROM HHS INTO THEIR DEPARTMENT WITHOUT THE WAITING TIME SO THEY COULD DO A CONTINUATION OF SERVICES RENDERED, WONDERFUL SERVICES. AND I MET WITH THE DIRECTOR AT THAT TIME, CHIEF JUSTICE AS WELL. WE TALKED AT THE TABLE. IT WAS A VERY GOOD THING. I ALSO SUPPORTED THE JUVENILE JUSTICE SYSTEM OVERHAUL, AS THE MEDIA CALLED IT, IN 2013 THAT SENATOR BRAD ASHFORD AT THAT TIME INTRODUCED, AND WHEN SENATOR KRIST CARRIED THE LB464. BUT I'M LOOKING AT THE DOLLARS THAT WERE DEDICATED ALREADY, AND I DON'T QUITE UNDERSTAND THAT IN 2013, \$10 MILLION A YEAR WAS ESTABLISHED FOR COMMUNITY-BASED TREATMENT OPTIONS. AND THEN THEREAFTER, \$21 MILLION WERE TO BE SPENT EACH YEAR. WE'RE LOOKING AT MILLIONS OF DOLLARS HERE. AND THEN I'M LOOKING AT THE FINAL FISCAL NOTE OF LB464 THAT SHOWS THERE'S \$17,239,544, BIG NUMBERS HERE. AND MY QUESTION IS, WHEN WE TALK ABOUT, YOU KNOW, FEDERAL MONEY, WHERE DOES FEDERAL MONEY COME FROM? APRIL 15 IS AROUND THE CORNER, AND MANY OF US KNOW WHERE THAT BUCK STARTS AND WHERE IT STOPS. I HAVE LEARNED THAT WE HAVE NOT HAD A FULL AUDIT OF THE HEALTH AND HUMAN SERVICES DIVISION SINCE THE YEAR 2004. I KNOW WE NEED MONEY TO HELP OUR YOUNG, TO HELP FAMILIES MOVING FORWARD. BUT IT SHOULDN'T BE MONEY THAT WE DON'T KNOW WHERE IT'S GOING DIRECTLY. I KNOW IT'S... YOU

Floor Debate
March 24, 2015

KNOW, WE HAVE DEDICATED DOLLARS HERE. I'M TRYING TO FOLLOW THE DOLLARS. AND NOW I'M WONDERING WHY WE'RE LEANING INTO THE FEDERAL DIRECTION SAYING, WELL, IT'S FEDERAL MONEY. MY POINT IS APRIL 15, LET'S TALK ABOUT WHERE THAT FEDERAL MONEY COMES FROM. THE PROGRAMS ARE GOOD, BUT WE HAVE SPENT MILLIONS AND MILLIONS DEDICATED HERE. I EVEN INTRODUCED A BILL THIS YEAR TO HELP WITH MEDIATION FOR CHILDREN DURING DIVORCE CASES. WE NEED TO THINK CAREFULLY. I WOULD LIKE TO SEE WHAT A NEW DIRECTOR OF HEALTH AND HUMAN SERVICES HAS. I WOULD LIKE TO SEE AN AUDIT OF THE HEALTH AND HUMAN SERVICES DIVISION BEFORE WE SPEND MORE MONEY IN THAT DIRECTION. IT IS...AGAIN, COREY STEEL AND HIS STAFF ARE EXEMPLARY AND TRUE HEROES. BUT MONEY DOES NOT SOLVE EVERYTHING. WE NEED TO KNOW HOW EFFECTIVE THESE DOLLARS WILL BE... [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR BRASCH: ...AND HOW MUCH OF OUR \$17-PLUS MILLION IS ACTUALLY CURRENTLY BEING USED. THANK YOU, SPEAKER, AND THANK YOU, COLLEAGUES. [LB500]

SENATOR COASH: THANK YOU, SENATOR BRASCH. SENATOR KRIST, YOU ARE RECOGNIZED. [LB500]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. AND SENATOR MELLO AND I ARE GOING TO SWITCH PLACES IN THE QUEUE. SO I YIELD THE REST OF MY TIME TO SENATOR MELLO. [LB500]

SENATOR COASH: SENATOR MELLO, YOU'RE RECOGNIZED. [LB500]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. INTERESTING DEBATE THIS AFTERNOON. I'LL DO MY BEST TO TRY TO GIVE EVERYONE ENOUGH INFORMATION TO OPERATE FROM THE SAME PLANE, PARTICULARLY AFTER LISTENING TO SENATOR BRASCH'S CONCERNS THAT SHE RAISED. IF YOU HAVEN'T PROBABLY FOLLOWED SOME OF THE PRESS, THERE IS AN ONGOING DISPUTE RIGHT NOW BETWEEN THE SUPREME COURT AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES REGARDING A PROJECTED ROUGHLY \$35 MILLION SHORTFALL IN OUR JUVENILE JUSTICE SYSTEM FROM WHEN IT WAS TRANSFERRED FROM HHS TO NOW THE SUPREME

Floor Debate
March 24, 2015

COURT. THE APPROPRIATIONS COMMITTEE HAS RECENTLY BEEN WEIGHING INTO THIS ISSUE AND IT'S NOT AN EASY SOLUTION THAT LIES AHEAD OF US, COLLEAGUES. AND THE REALITY IS WHAT YOU HAVE IN FRONT OF YOU WITH LB500, TO SOME EXTENT, STARTS TO ADDRESS THE UNDERLYING ISSUE THAT AT LEAST OUR COMMITTEE HAS BEEN WRESTLING WITH, WHICH IS WHAT IS HAPPENING IN REGARD TO THE INTERSECTION BETWEEN WHAT MEDICAID USED TO COVER UNDER JUVENILE JUSTICE REFORM WHEN IT WAS UNDER HHS AND A COMPARISON TO NOW WHAT IT'S COVERED UNDER, UNDER THE OFFICE OF PROBATION. PUTTING IT VERY PLAIN AND SIMPLE, WITH THE ADOPTION OF AM650 WHAT YOU WILL SEE IS YOU WILL SEE A GENERAL FUND INCREASE IN MEDICAID. BUT YOU WILL ALSO SEE A REDUCTION IN GENERAL FUNDS THAT WE'RE SPENDING RIGHT NOW IN THE OFFICE OF PROBATION. AND WE DON'T KNOW YET, AFTER TALKING WITH THE FISCAL OFFICE, WHAT THOSE EXACT DOLLAR AMOUNTS WILL BE. WHAT WE DO KNOW IS THAT BY THE SHIFT TO MEDICAID YOU WILL ALSO DRAW DOWN FEDERAL FUNDS. SO THE REALITY IS FOR EVERY \$2 WE'RE SPENDING RIGHT NOW IN PROBATION FOR THESE JUVENILE SERVICES, WE MAY END UP SPENDING A \$1.50 IN GENERAL FUNDS IN MEDICAID AND BE ABLE TO DRAW DOWN ANOTHER \$1.50 IN FEDERAL FUNDS. NOW YOU MAY HAVE AN IDEOLOGICAL PERSPECTIVE THAT YOU JUST DON'T BELIEVE IN USING FEDERAL FUNDS AND YOU'RE NOT GOING TO VOTE FOR THE BILL REGARDLESS BECAUSE YOU DON'T WANT TO ACCEPT THOSE FEDERAL FUNDS, THAT'S A DECISION THAT YOU AS AN INDIVIDUAL MEMBER HAVE TO MAKE. BUT THE REALITY IS, IS WE'RE TRYING TO GET OUR HANDS WRAPPED AROUND THIS MUCH BIGGER ISSUE. AND ALL I CAN TELL YOU TODAY IS WE NEED TO ADOPT THIS AMENDMENT FOR US TO BE ABLE TO GET OUR HANDS WRAPPED AROUND WHAT THIS IMPACT MAY BE BECAUSE IT MAY, FOR ALL PURPOSES, HAVE A BIGGER SAVINGS THAN WE REALIZE BECAUSE RIGHT NOW WE'RE NOT USING FEDERAL FUNDS FOR THESE JUVENILES IN THE OFFICE OF PROBATION, WE'RE USING ONLY GENERAL FUND DOLLARS. AND THE CONCERN WE'VE GOT MOVING FORWARD IS HOW DO WE PROVIDE THE SERVICES UNDER THE NEW JUVENILE JUSTICE REFORM THAT IS BEING ASKED OF US WHEN MEDICAID IS NOT COVERING SOME OF THOSE SERVICES THE WAY THEY USED TO WHEN IT WAS DISCOVERED THAT THE STATE WAS ESSENTIALLY VIOLATING FEDERAL LAW BY COVERING SOME SERVICES THAT WE WEREN'T SUPPOSED TO COVER. SO THAT HOPEFULLY DOESN'T MAKE IT ANY MORE DIFFICULT IN REGARD TO THE CONVERSATIONS WE'VE HAD. SENATOR BRASCH'S POINT WAS, SHE WANTS TO KNOW WHERE THE MONEY IS GOING AND WANTS TO UNDERSTAND THE FISCAL IMPACT OF IT. COLLEAGUES, I THINK ALL OF US WANT TO KNOW THAT. BUT SENATOR CAMPBELL PROVED, I THINK, A VERY VALID POINT FOR A LOT OF THE NEW MEMBERS WHICH IS, WHEN YOU ADOPT A COMMITTEE AMENDMENT, THAT

Floor Debate
March 24, 2015

CHANGES YOUR ENTIRE BILL AND ULTIMATELY IT CHANGES YOUR FISCAL NOTE. SO THE FISCAL NOTE YOU HAVE RIGHT NOW ON YOUR COMPUTER, THROW THAT OUT THE WINDOW BECAUSE WE'VE GOT TO ESSENTIALLY COME UP WITH A NEW ONE AFTER AM650 GETS ADOPTED. AND THERE WILL BE SAVINGS ASSOCIATED WITH THAT. THERE WILL BE A GENERAL FUND IMPACT, OBVIOUSLY ON THAT, WITH THE EXPANSION OF GENERAL FUNDS FROM MEDICAID TO COVER THESE SERVICES. BUT THE QUESTION THAT WE NEED TO ASK OURSELVES IS WHETHER OR NOT WE WANT TO SPEND \$2 IN GENERAL FUNDS IN THIS DIVISION VERSUS \$1.50 IN GENERAL FUNDS IN THIS DIVISION WHERE WE DRAW DOWN FEDERAL FUNDS. THAT, COLLEAGUES, I THINK IS THE POLICY AT HAND IS, WHETHER OR NOT WE WANT TO USE MORE FEDERAL FUNDS TO OFFSET SOME GENERAL FUND EXPENDITURES. IF IT COMES BACK DIFFERENT THAN THAT, I'LL BE ON THE FLOOR TO REMIND EVERYONE, AFTER WE SEE THE NEW FISCAL NOTE, IF THIS BILL MOVES TO SELECT FILE. HOPEFULLY, THAT CLARIFIES. [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR MELLO: I KNOW, SOME OF THE CONFUSION AND THE LACK OF DETAIL, SO TO SPEAK, THAT WE'VE HAD IN REGARD TO THIS FISCAL IMPACT ON LB500 AND THE UNDERLYING AMENDMENT, AM650. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU SENATOR MELLO, AND YOU ARE NEXT IN THE QUEUE. [LB500]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I YIELD MY TIME TO SENATOR KRIST. [LB500]

SENATOR COASH: SENATOR KRIST. [LB500]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND THANK YOU SENATOR MELLO. THE PROGRAMS FOR JUVENILE JUSTICE, IF YOU WANT TO FOLLOW THE MONEY--AND I'M ADDRESSING SENATOR BRASCH'S CONCERNS AND ALSO SENATOR RIEPE'S CONCERNS--IF YOU WANT TO FOLLOW THE MONEY, I'D INVITE YOU TO GO BACK SIX YEARS, FIVE YEARS AND SEE WHAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TOLD US ABOUT THOSE PROGRAMS THAT WERE UNDER THEIR CONTROL WHEN OJS OWNED AND BASICALLY RAN THE JUVENILE JUSTICE PROGRAMS. YOU COULDN'T FIND THEM. YOU COULDN'T TRACK THE MONEY. THOSE PROGRAMS IN THE DEPARTMENT OF HEALTH AND HUMAN

Floor Debate
March 24, 2015

SERVICES ARE SO BIG THEY'RE ABOUT THE SIZE OF A SOUTH AMERICAN COUNTRY'S BUDGET. AND THEY WERE MOVING THE MONEY AROUND WILLY-NILLY--THAT'S A TECHNICAL TERM--WILLY-NILLY, FROM ONE PLACE TO ANOTHER. THEY FOUND COUCH CHANGE TO PAY FOR THE FEDERAL FINES. I HATE TO KEEP SAYING IT FOLKS, BUT THE EFFICIENCY THAT MOVED WHEN JUVENILE JUSTICE MOVED INTO PROBATION AND UNDERNEATH THE JUDICIARY, I CAN FOLLOW EVERY DIME, EVERY PLACE IT GOES. HERE'S THE PROBLEM. WHEN IT BELONGED TO THE DEPARTMENT THERE WERE DIFFERENT POTS OF MONEY THAT WERE BEING USED. THERE WAS WAIVER MONEY, THERE WAS MEDICAID MONEY, AND THEN THE SIGN CAME UP IN THE MEDICAID DEPARTMENT IN THE HEINEMAN ADMINISTRATION THAT SAID, FIND EVERY WAY YOU CAN TO CUT MEDICAID. THAT'S FINE, EXCEPT THE PROGRAMS ARE STILL THERE, THE KIDS ARE STILL THERE, THE FAMILY SERVICES ARE STILL THERE. SO WHERE DO YOU THINK THE MONEY'S COMING FROM? IF YOU DON'T USE THE FEDERAL MATCHING DOLLARS IN SOME CASES, IT'S COMING FROM YOUR POCKET. IT'S COMING FROM THE GENERAL FUNDS. I DON'T WANT TO GET ANIMATED ABOUT THIS BUT THE REALITY IS, IF THE BUDGET DOESN'T GO DOWN...AND SENATOR KINTNER MAKES A POINT EVERY TIME WE TALK ABOUT THE BUDGET GOING UP 2 PERCENT, 3 PERCENT, 4 PERCENT, 5 PERCENT A YEAR. IF THE MONEY DOESN'T GO DOWN, IF THE SERVICES AREN'T CUT, WHERE DO YOU THINK IT'S COMING FROM? WE HAVE TO JUDICIALLY BALANCE...THAT'S THE WRONG WORD. WE HAVE TO EFFICIENTLY BALANCE THE MONEY WE'RE USING FOR MEDICAID FROM OUR FEDERAL MATCHING DOLLARS, WHICH BY THE WAY ARE YOUR TAXES THAT WENT TO THE UNITED STATES GOVERNMENT THAT ARE SITTING THERE IN THE CMS TO BE DIVVIED OUT IN MEDICAID AND MEDICARE. YOU HAVE TO BALANCE THAT. IF YOU DON'T, YOU'RE NOT BEING CONSERVATIVE. YOU'RE NOT BEING A PERSON WHO SAYS, EITHER CUT THE SERVICES OR CUT THE MONEY. I WANT TO GO TO SENATOR SCHILZ'S POINT. IN HIS PART OF NEBRASKA THE MST PROGRAM IS WORKING GREAT. THOSE PROGRAMS THAT ARE OUT THERE THAT ARE BRINGING FAMILIES AND KIDS TOGETHER, ALTHOUGH THEY'RE BEING ADMINISTERED BY A DIFFERENT PROGRAM...BY A DIFFERENT NAME PROGRAM, THAT'S THE ONLY WAY WE'RE GETTING FAMILIES AND KIDS THE TREATMENT THAT WE NEED IN CENTRAL NEBRASKA. LET ME ADDRESS A QUESTION THAT SENATOR McCOY HAD. WHAT KIND OF GRANT MONEY? I'M NOT SURE...SENATOR McCOY'S NOT HERE, SO I'M NOT SURE EXACTLY WHAT THAT MEANS BUT THE SHERWOOD FOUNDATION CAME TO US, CAME TO SENATOR HOWARD AND I OVER THREE YEARS, TWO YEARS AGO, TWO AND A HALF YEARS AGO, AND SAID, YOU KNOW, WE BELIEVE IN MST. WE BELIEVE IN FFT. WE BELIEVE IN THAT SO MUCH THAT WE'RE GOING TO GIVE YOU THE GRANT MONEY, WE'RE GOING TO PUT THE MONEY UP FRONT. TOGETHER WITH COREY STEEL--I LEFT COREY OUT OF THAT

Floor Debate
March 24, 2015

EQUATION--BUT BETWEEN COREY STEEL, SENATOR HOWARD AND I, WE LOOKED AT THAT. THAT MONEY HASN'T CHANGED. THEY'VE STUCK WITH US THROUGH THAT WHOLE PROGRAM AND SAID, HERE IS THE MONEY THAT WE WILL GIVE YOU TO SET UP YOUR TRAINING PROGRAMS, WHICH IS A VERY EXPENSIVE PART OF THIS WHOLE PROCESS. WITH THE CONVERSATIONS WITH MS. BUFFET AND WITH THE SHERWOOD FOUNDATION AND WITH KERRI PETERSON, I AM ABSOLUTELY SURE THAT WE HAVE A PUBLIC-PRIVATE PARTNERSHIP THAT WE CAN MOVE FORWARD WITH. AND THAT PARTNERSHIP IS SOLID; THAT MONEY IS THERE. [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR KRIST: THANK YOU. THAT PARTNERSHIP IS SOLID AND THAT MONEY IS THERE. WE COULD TAKE THIS APPROACH, WE COULD JUST PUT IT ALL ON HOLD AND WAIT UNTIL COURTNEY PHILLIPS GETS HERE AND SAY, COURTNEY, THE NEXT LEGISLATIVE SESSION IS ALL YOURS, MA'AM. YOU TELL US WHAT YOU WANT TO DO. OR WE CAN MOVE FORWARD AND LOOK AT THESE PROGRAMS ONE AT A TIME. AND, AGAIN, IT'S BEEN SAID MANY WAYS, WE'RE NOT GOING TO TAKE ANYTHING OUT OF GENERAL FUNDS UNTIL WE PASS A BUDGET, SO NONE OF THIS IS GOING TO GO TO FINAL READING WITH A PRICE TAG ON IT. LET'S TALK ABOUT THE ISSUE AT HAND. LET'S HAVE A DEBATE ABOUT LB500. LET'S HAVE A DEBATE ABOUT AM650. LET'S TALK ABOUT THE KIDS THAT NEED THE SERVICES. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR KRIST. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB500]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I USUALLY DON'T GET TOO INVOLVED IN THESE BECAUSE IT'S VERY COMPLICATED AND I'VE STRUGGLED WITH IT FOR TWO YEARS. I CAME AWFUL CLOSE IN THE PAST SUPPORTING SOME OF THE PROGRAMS THROUGH MEDICAID EXPANSION JUST BECAUSE FISCALLY, I'M A CONSERVATIVE. BUT WHEN I TALK ABOUT SOCIAL ISSUES I MOVE A LITTLE BIT CLOSER TO THE MIDDLE. I WOULD HAVE A QUESTION FOR SENATOR HOWARD IF SHE WOULD YIELD. [LB500]

SENATOR COASH: SENATOR HOWARD, WILL YOU YIELD? [LB500]

SENATOR HOWARD: YES, I WILL. [LB500]

Floor Debate
March 24, 2015

SENATOR JOHNSON: I BELIEVE WITH YOUR CONVERSATION WITH SENATOR McCOY YOU TALKED ABOUT THE SHERWOOD FOUNDATION, THAT THERE IS MONEY SET ASIDE IN ESCROW, AS HE USED THE TERM? [LB500]

SENATOR HOWARD: I AM NOT PRIVY TO ALL OF THEIR FINANCIAL MECHANISMS BUT, YES, THEY HAVE MONEY SET ASIDE SPECIFICALLY FOR TRAINING FOR MST FOR PROBATION. [LB500]

SENATOR JOHNSON: SO THAT WOULD BE AVAILABLE TO US UNDER THAT SCENARIO THAT, AS FAR AS YOU KNOW, IT'S THERE. IF WE DO NOT PASS LB500 OR AM650, WILL WE LOSE THAT POSSIBLY OR WE'LL HAVE TO REAPPLY AT LEAST? [LB500]

SENATOR HOWARD: THAT IS A VERY TOUGH QUESTION, SENATOR JOHNSON. [LB500]

SENATOR JOHNSON: OKAY. WELL, LET ME PROCEED A LITTLE BIT. WHAT I'VE HEARD IN THE PAST IS, IF WE DON'T USE THIS WE'RE GOING TO LOSE IT. AND LET'S SAY WE MIGHT LOSE THE MONEY. IT'S NOT FEDERAL MONEY, IT'S FOUNDATION MONEY SO IT'S NOT QUITE THE...I THINK PROBABLY THERE'S AS GOOD A CHANCE OF GETTING FOUNDATION MONEY AS THERE MIGHT BE FEDERAL MONEY. SO I BELIEVE THE MONEY IS THERE, FROM WHAT I'VE HEARD. I BELIEVE IT WOULD GO TO GOOD USE HERE. AND THEN NEXT I'M GOING TO ASK FOR A CLARIFICATION, I GUESS, OF MY OWN. AND I WON'T ASK SENATOR MELLO TO REPEAT HIS STATEMENT, BUT I DO KNOW THAT WHEN WE GET TO FISCAL NOTES IT IS VERY CONFUSING BECAUSE I'VE HAD A COUPLE TIMES SOMETHING THAT HAD A FISCAL NOTE THAT COSTS THE GENERAL FUND, BUT THEY DO NOT RECOGNIZE THE SAVINGS. AND I THINK WE'RE UP WITH THAT AGAIN IN THIS SITUATION, AT LEAST WHAT SENATOR CAMPBELL REFERRED TO. SO FOLLOWING UP ON SENATOR MELLO'S COMMENTS NOW, I BELIEVE AT THIS POINT WE SHOULD ADVANCE AM650, VOTE THAT INTO LB500, AND MOVE LB500 TO SELECT, AND HAVE A NEW FISCAL NOTE, AND PROBABLY TAKE A FAIR AMOUNT OF TIME AT THAT POINT THAT WE CAN ANALYZE MORE OF THE FACTS, MAYBE GET SOME OF THE QUESTIONS ANSWERED THAT HAVE BEEN ASKED TODAY THAT ARE IN A LITTLE BIT OF A LIMBO POSITION. SO AT THIS POINT, ALTHOUGH I'M NOT SURE I'M THERE IN TOTAL, I AM THERE TODAY IN SUPPORTING AM650 AND LB500. THANK YOU. [LB500]

Floor Debate
March 24, 2015

SENATOR COASH: THANK YOU, SENATOR JOHNSON. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB500]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB500 AND AM650, THE HEALTH AND HUMAN SERVICES AMENDMENTS. I'D LIKE TO TRY AN ANALOGY AND THEN I'LL YIELD THE REST OF MY TIME TO SENATOR HOWARD IN CASE I'VE MESSED UP THE ANALOGY. SO HERE'S HOW I SEE THIS BILL: BASICALLY, WE HAVE A SET NUMBER OF KIDS FOR WHICH WE ARE RESPONSIBLE. NOTHING IN LB500 OR AM650 CHANGES THE NUMBER OF KIDS FOR WHOM WE ARE RESPONSIBLE, IT'S THE SAME SET OF KIDS. SO RIGHT NOW WE HAVE A SITUATION WHERE IT'S THE EQUIVALENT OF HAVING...IF YOU HAVE TO FEED THIS SET OF KIDS, YOU'RE GOING TO TAKE THEM TO A HIGH-END RESTAURANT THAT SERVES FATTY FOOD, NOT SO NUTRITIOUS BUT VERY EXPENSIVE FOOD. AND I WON'T GIVE ANY NAME OF A RESTAURANT THAT WOULD BE LIKE THAT. BUT THAT'S WHAT WE'RE DOING RIGHT NOW, VERY EXPENSIVE COST OF TAKING CARE OF THESE KIDS IN OUT-OF-HOME PLACEMENTS. WHAT WE HAVE THE OPPORTUNITY TO DO WITH AM650 AND LB500 IS WE HAVE A CHANCE TO LET THESE KIDS, SAME NUMBER OF KIDS, EAT AT HOME. WE HAVE SOMEBODY WHO HAS VOLUNTEERED TO COME IN AND GIVE FREE COOKING LESSONS TO HELP MAKE SURE WE KNOW HOW TO PREPARE NUTRITIOUS MEALS AT HOME, AND WE HAVE MUCH LESS COST TO THOSE MEALS THAT WILL BE PREPARED FOR THAT SAME NUMBER OF KIDS AT HOME. AND SO THIS IS AN OPPORTUNITY, REALLY IT'S A COMMONSENSE OPPORTUNITY TO MAKE SURE THAT WE'RE TAKING ADVANTAGE OF AN OPPORTUNITY TO PROVIDE MORE EFFECTIVE SERVICES TO THE SAME NUMBER OF KIDS, MORE EFFECTIVE SERVICES AND LOWER COST SERVICES, AND TAKE ADVANTAGE OF THE FACT WE HAVE A PRIVATE FOUNDATION WILLING TO HELP US LEARN HOW TO DO THIS WELL IN OUR STATE. THERE HAVE BEEN SOME DISCUSSIONS ABOUT WHETHER TO WAIT UNTIL DIRECTOR PHILLIPS GETS HERE, COURTNEY PHILLIPS GETS HERE. IT IS THE CASE THAT LOUISIANA ALREADY DOES THIS AND SO SHE IS FAMILIAR WITH THIS. THIS IS A PROGRAM THAT HAS BEEN USED IN LOUISIANA WHERE SHE IS COMING FROM. SO I THINK THAT WOULD ALLEVIATE A CONCERN ABOUT WHETHER OR NOT SHE WOULD BE INTERESTED IN THIS OR IT IS A PROGRAM THAT SHE'S VERY FAMILIAR WITH AND APPEARS TO BE A PROGRAM THAT SHE HAS OPERATED IN THE STATE OF LOUISIANA. I'LL YIELD THE REST OF MY TIME TO SENATOR HOWARD. [LB500]

SENATOR COASH: SENATOR HOWARD, YOU'VE BEEN YIELDED 2 MINUTES, 20 SECONDS. [LB500]

Floor Debate
March 24, 2015

SENATOR HOWARD: WELL, THANK YOU. I WILL JUST DO MY CLOSING THEN. NO, I'M KIDDING. THANK YOU, SENATOR CRAWFORD. I WAS GOING TO ALSO POINT OUT, LOUISIANA WAS ONE OF THE FIRST STATES TO HAVE A STATE-PLANNED AMENDMENT FOR MST, FFT, AS WELL AS NORTH CAROLINA. BUT I WANTED TO TALK A LITTLE BIT ABOUT SENATOR JOHNSON'S QUESTION. ARE THE TRAINING FUNDS OFF THE TABLE IF THERE'S NO LONG-TERM SUSTAINABILITY FOR THIS SERVICE? RIGHT NOW, THE WAY THAT THE SERVICE IS BEING BILLED THROUGH MAGELLAN IS THROUGH AN UNBUNDLED SYSTEM, WHICH IS A REALLY INEFFICIENT SYSTEM FOR PROVIDERS. AND IT'S BURDENSOME, SO THEY DON'T WANT TO BILL THROUGH IT. SO THERE'S REALLY NO INCENTIVE FOR THEM TO PROVIDE THIS SERVICE BECAUSE IT SOMETIMES CAN COST THEM MORE TO BILL IT THAN IT DOES FOR THE MONEY THAT THEY GET FOR IT. WITH THE STATE PLAN AMENDMENT THAT LB500 CALLS FOR, IT CLARIFIES THE LANGUAGE OF THE SERVICE AND THE SCOPE OF THE SERVICE SO THAT MAGELLAN AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES CAN BOTH BE ON THE SAME PAGE AS TO WHAT THE SERVICE IS. THIS WILL HELP PROVIDERS BE ABLE TO BILL AND THIS WILL BE ABLE TO HELP SHERWOOD SEE THAT THERE WILL BE A LONG-TERM, SUSTAINABLE FUTURE... [LB500]

SENATOR COASH: ONE MINUTE. [LB500]

SENATOR HOWARD: ...FOR THE TRAINING THAT THEY ARE INVESTING IN WITH THE DEPARTMENT OF PROBATION FOR MST AND FFT. THE OTHER REASON WHY IT'S IMPORTANT THAT WE'RE TALKING ABOUT MEDICAID TODAY IS BECAUSE WHEN I THINK ABOUT MEDICAID I THINK ABOUT INSURANCE AND MEDICAID IS OUR STATE HEALTH INSURANCE PROGRAM. AND ONE OF THE WAYS THAT YOU IMPROVE CONTINUITY OF CARE IS BY ENSURING THAT ALL OF YOUR MEDICAL HISTORY GOES INTO ONE PLACE. AND THAT USUALLY ENDS UP BEING WITH YOUR INSURANCE COMPANY. AND SO WE CAN SEE SOME IMPROVED CONTINUITY OF CARE BY ENSURING THAT THE TREATMENT FOR MST AND FFT IS BILLED APPROPRIATELY THROUGH MEDICAID. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR HOWARD. SEEING NO OTHER LIGHTS ON, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB500]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I CERTAINLY WOULD URGE YOUR GREEN VOTE ON THE AMENDMENT. AND REMEMBER THAT

Floor Debate
March 24, 2015

THE AMENDMENT DOES ONE THING. IT TAKES OUT THE WORD "PROBATION" SO THAT IT WOULD MEET THE REQUIREMENTS. ONE OF THE THINGS I WOULD LIKE TO SAY IS WE'VE SPENT A LOT OF TIME TALKING ABOUT THE MONEY. AND I KNOW, I TRULY AGREE WITH SENATOR BRASCH WHEN SHE SAID FEDERAL DOLLARS AREN'T FREE. THEY AREN'T. BUT EVERY YEAR WHEN I WRITE THAT CHECK TO THE FEDERAL GOVERNMENT AND PAY MY FEDERAL TAXES, I'M GLAD THAT SOME OF THOSE TAXES COME BACK TO THE STATE OF NEBRASKA AND HELP NEBRASKANS. IN THIS BILL, THE EMPHASIS HERE SHOULDN'T BE ON THE MONEY. I AGREE WITH SENATOR KRIST. THE EMPHASIS HERE IS, WE HAVE A GREAT OPPORTUNITY TO HELP YOUTH KEEP AND STAY IN THEIR HOME INSTEAD OF BEING IN AN OUT-OF-HOME PLACEMENT AND WE HAVE A CHANCE TO REBUILD FAMILIES. GREAT OPPORTUNITY HERE. THANK YOU, MR. PRESIDENT.
[LB500]

SENATOR COASH: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE CLOSING TO THE COMMITTEE AMENDMENT, AM650. THE QUESTION FOR THE BODY IS, SHALL AM650 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK.
[LB500]

CLERK: 26 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB500]

SENATOR COASH: THE COMMITTEE AMENDMENT IS ADOPTED. WE RETURN TO DISCUSSION ON LB500. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR HOWARD, YOU'RE RECOGNIZED TO CLOSE ON LB500. [LB500]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I WOULD URGE THE BODY TO ADVANCE LB500 NOTING THAT THIS IS JUST A CLARIFICATION OF AN OBLIGATION THAT WE ALREADY HAVE UNDER OUR CURRENT MEDICAID PROGRAM, AND THAT WE BELIEVE IT WILL REALLY, TRULY HELP KIDS WHO ARE LIVING...WHO...THE YOUTH ON PROBATION IN NEBRASKA. THANK YOU, MR. PRESIDENT. [LB500]

SENATOR COASH: THANK YOU, SENATOR HOWARD. MEMBERS YOU'VE HEARD THE CLOSING TO LB500. THE QUESTION BEFORE THE BODY IS, SHALL LB500 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB500]

CLERK: 28 AYES, 1 NAY ON THE ADVANCEMENT OF LB500. [LB500]

Floor Debate
March 24, 2015

SENATOR COASH: LB500 DOES ADVANCE. ITEMS, MR. CLERK? [LB500]

CLERK: MR. PRESIDENT, NEW RESOLUTIONS: LR143, SENATOR CRAIGHEAD; LR144, SENATOR BRASCH. BOTH WILL BE LAID OVER. AN AMENDMENT TO BE PRINTED TO LR7CA BY SENATOR SCHUMACHER. THAT'S ALL THAT I HAVE, MR. PRESIDENT. [LR143 LR144 LR7CA]

SENATOR COASH: THANK YOU, MR. CLERK. WE'LL PROCEED TO THE NEXT ITEM ON THE AGENDA.

CLERK: LB347 IS A BILL BY SENATOR KRIST. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 15 OF THIS YEAR, REFERRED TO THE JUDICIARY COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING. (AM598, LEGISLATIVE JOURNAL PAGE 842.) [LB347]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON LB347. [LB347]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. BEFORE I BEGIN ON LB347, A LITTLE EDITORIAL COMMENT. YOU WERE PASSED AROUND A PIECE OF PAPER THAT I SENT AROUND FROM VERA INSTITUTE OF JUSTICE. AND THE JUDICIARY COMMITTEE RECEIVED THESE GOOD WORDS FROM DIRECTOR FRAKES FOR THE DEPARTMENT OF CORRECTIONS. AND IF YOU LOOK AT THE SECOND PAGE, THERE'S A QUOTE BY MR. FRAKES, SCOTT FRAKES. NEBRASKA'S SELECTION AS ONE OF THE FIVE STATES THAT THE VERA INSTITUTE SEGREGATION REDUCTION PROJECT WILL ENSURE THAT THE STATE'S DEPARTMENT OF CORRECTIONAL SERVICES' RESTRICTIVE HOUSING REFORMS ARE FOCUSED, EFFECTIVE, AND RESEARCH BASED. I APPLAUD MR. FRAKES FOR APPLYING FOR AND GETTING THAT VERY SPECIAL PROGRAM FROM VERA BECAUSE IT'S GOING TO MEAN A LOT TO US. AND THAT IS OUR ADULT CORRECTION SYSTEM AND THE ISSUE THERE WAS ADMINISTRATIVE SEGREGATION SOLITARY CONFINEMENT. SO ONE OF THE THINGS WE WANT TO DO IS KEEP PEOPLE OUT OF OUR CORRECTIONS FACILITIES. AND BY DOING THAT, THIS IS ANOTHER, YET ANOTHER, AREA OF FOCUS FOR OUR JUVENILE JUSTICE SYSTEM. I WANT TO THANK SPEAKER HADLEY FOR SELECTING LB347 AS ONE OF HIS SPEAKER PRIORITY BILLS. LB347 ADVANCED FROM THE JUDICIARY COMMITTEE IN A UNANIMOUS 8-0 VOTE. AT THE COMMITTEE HEARING FOR LB347, NO ONE TESTIFIED IN OPPOSITION TO THE

Floor Debate
March 24, 2015

BILL OR IN THE NEUTRAL CAPACITY. I WANT TO THANK CHAIRMAN SEILER AND MY FELLOW MEMBERS OF THE JUDICIARY COMMITTEE FOR ADVANCING THIS BILL. IT ADDS JUVENILE JUSTICE ACCOUNTABILITY...TO THE JUVENILE JUSTICE ACCOUNTABILITY PROGRAM PROVIDING FOR THE...THROUGH THE OFFICE OF THE INSPECTOR GENERAL OF NEBRASKA CHILD WELFARE. THE OFFICE OF INSPECTOR GENERAL OR OIG WAS CREATED DURING THE 2012 LEGISLATION BY LB821 PURSUANT TO THE HEALTH AND HUMAN SERVICES COMMITTEE'S LR37 REPORT, WHICH RECOMMENDED CREATING THE OFFICE TO LOOK INTO STATE AND PRIVATE AGENCIES THAT SERVE CHILDREN, THEREBY ENHANCING ACCOUNTABILITY AND FACILITATING REFORM OF THE CHILD WELFARE SYSTEM. THE OFFICE OF THE INSPECTOR GENERAL OF NEBRASKA CHILD WELFARE IS TO PROVIDE INCREASED ACCOUNTABILITY AND LEGISLATIVE OVERSIGHT OF THE NEBRASKA CHILD WELFARE SYSTEM. A SYSTEM IMPROVING OPERATIONS OF THE SYSTEM OFFER AN INDEPENDENT FORM OF INQUIRY FOR CONCERNS, SPECIFICALLY REGARDING ACTIONS RESPONSIBLE FOR THE CARE AND PROTECTION OF CHILDREN IN THE NEBRASKA WELFARE SYSTEM TO PROVIDE A PROCESS FOR INVESTIGATION AND REVIEW TO DETERMINE WHETHER INDIVIDUAL COMPLAINTS AND ISSUES REQUIRES REVEAL A SYSTEM PROBLEM WHICH THEN NECESSITATES LEGISLATIVE ACTION, AND FINALLY, TO CONDUCT INVESTIGATIONS, AUDITS, AND INSPECTIONS, AND OTHER REVIEWS OF THE SYSTEM. THE OIG INVESTIGATES COMPLAINTS OF CHILD DEATHS AND CRITICAL INCIDENTS INVOLVING NEBRASKA'S SYSTEM-INVOLVED YOUTH, AND IN EVERY INSTANCE, LOOKS FOR SYSTEMWIDE IMPLICATIONS. SINCE 2012, NEBRASKA HAS UNDERGONE SIGNIFICANT JUVENILE JUSTICE REFORM; WE'VE TALKED ABOUT IT SIGNIFICANTLY TODAY. IT HAS BEEN A PARTICULAR INTEREST TO ME THROUGH COCHAIRING THE JUVENILE DETENTION ALTERNATIVE INITIATIVES STATEWIDE AND MY KNOWLEDGE OF THE MODELS FOR CHANGE FROM THE McCARTHER FOUNDATION IN STRENGTHENING OUR JUVENILE JUSTICE SYSTEM AROUND THE COUNTRY. ONE ARTICLE, "THROUGH THE MODELS OF CHANGE" BY ROBERT SCHWARTZ, EXECUTIVE DIRECTOR OF THE JUVENILE LAW CENTER POINTS OUT THAT, AND I QUOTE, STRONG MANDATES ALONE ARE INSUFFICIENT TO ENSURE THAT YOUTH ARE TREATED FAIRLY AND THAT THE LAW IS FOLLOWED. REFORMS MUST, OF COURSE, BEGIN WITH THE RIGHT MANDATES, BUT THEY MUST ALSO BE ACCOMPANIED BY ACCOUNTABILITY AND TRANSPARENCY AND THAT IS THE JOB OF THE OIG. LB347 HELPS TO PROVIDE THAT ACCOUNTABILITY AND TRANSPARENCY FOR ALL OF NEBRASKA'S SYSTEM-INVOLVED CHILDREN AND THEIR FAMILIES BY DEFINING THE CHILD WELFARE SYSTEM AS BOTH THE ABUSE AND NEGLECT SYSTEM AND THE JUVENILE JUSTICE SYSTEM. THE BILL ADDS JUVENILE PROBATION, JUVENILE DETENTION, JUVENILE JUSTICE-TYPE PROGRAMS, AND THE INVOLVEMENT BY AND THROUGH THE NEBRASKA CRIME

Floor Debate
March 24, 2015

COMMISSION, LIKE JUVENILE DIVERSION AND THE COMMUNITY-BASED JUVENILE SERVICES AID PROGRAM TO THE SUBJECT AREA OF THE OIG INVESTIGATIONS. THAT PROGRAM THAT WE TALKED ABOUT IN TERMS OF THE AMOUNT OF MONEY THAT WAS PUT INTO THE COMMUNITY-BASED JUVENILE SERVICES IS HANDLED THROUGH THE CRIME COMMISSION, SO IT'S VERY IMPORTANT THAT WE LOOK AT HOW THOSE MONIES ARE SPENT THROUGHOUT THE PROCESS AND THAT THERE'S ACCOUNTABILITY FOR THOSE MONIES. WITH THE OIG AND SENATOR CAMPBELL, WE'VE BEEN WORKING WITH THE COURT ON SOME AMENDMENTS BECAUSE OF CONCERNS REGARDING JUVENILE PROBATION OPERATING UNDER THE SUPREME COURT, AND TO CLARIFY IN NO WAY THAT THE OIG IS SUPERVISING ANY PROBATION EMPLOYEE. IT WOULD BE INAPPROPRIATE FOR THE OIG, AS A LEGISLATIVE OFFICE, TO SUPERVISE ANY EMPLOYEE OF ANOTHER BRANCH OF GOVERNMENT. AND YOU MAY SEE AN AMENDMENT BETWEEN NOW AND SELECT THAT CLARIFIES THAT EVEN FURTHER. THE AMENDMENTS ADDRESS THIS ISSUE AS WELL AS THE ISSUES SURROUNDING COURT ORDERS, SUCH AS AMENDMENTS BEING WORKED THROUGH AND WILL BE FORTHCOMING. THANK YOU FOR THE ADVANCEMENT OF THE BILL FROM THE COMMITTEE AMENDMENTS AND YOU'LL BE HEARING THE JUDICIARY AMENDMENT FOLLOWING, THANK YOU. [LB347]

SENATOR COASH: THANK YOU, SENATOR KRIST. AS THE CLERK HAS STATED, THERE IS AN AMENDMENT FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB347]

SENATOR SEILER: MR. PRESIDENT, MEMBERS OF THE UNICAMERAL, THE COMMITTEE IS A VERY SIMPLE ONE, BUT IT'S A VERY IMPORTANT ONE. IT AUTHORIZES THE COURT AND THE PROBATION OFFICER IN A JUVENILE COURT PROCEEDING TO DISSEMINATE CONFIDENTIAL, RECORDED INFORMATION, INCLUDING VIDEO TAPES TO THE OFFICE OF INSPECTOR GENERAL FOR CHILD WELFARE AND THE FOSTER CARE REVIEW. WHY IS THAT IMPORTANT? WELL, IF WE DON'T KNOW WHERE WE'VE BEEN, HOW DO WE KNOW WHERE WE'RE GOING? SO IN A COUPLE OF YEARS WE'LL GET THE REPORTS FROM THESE TWO ORGANIZATIONS. WE'LL BE ABLE TO SEE IF WE'RE MAKING PROGRESS DOWN THE ROAD TOWARD SOLVING A LOT OF THE PROBLEMS IN THE JUVENILE AREA. WE'VE HAD A SEVERE WAR GOING ON FOR YEARS ABOUT WHAT'S CONFIDENTIAL AND WHAT ISN'T. THIS CLARIFIES THAT AND ALLOWS THE CONFIDENTIALITY TO THE CHILD, BUT YET THE DATA TO BE USED FOR BOTH THE INSPECTOR GENERAL AND THE FOSTER REVIEW CARE. THIS AMENDMENT

Floor Debate
March 24, 2015

PASSED FROM THE JUDICIARY COMMITTEE ON AN 8-0 VOTE. THANK YOU, MR. PRESIDENT. [LB347]

SENATOR COASH: THANK YOU, SENATOR SEILER. MEMBERS, YOU'VE HEARD THE OPENING TO LB347 AND THE COMMITTEE AMENDMENT. THE FLOOR IS NOW OPEN. SENATOR KRIST, YOU'RE RECOGNIZED. [LB347]

SENATOR KRIST: ARE THERE ANY LIGHTS ON, MR. PRESIDENT? OKAY. I JUST WANT TO EMPHASIS THAT WHAT WE HAVE DONE HERE IN WORKING WITH SENATOR CAMPBELL--AND I'D BE REMISS IN NOT CALLING HER OUT BY NAME-- JULIE ROGERS, WHO OUR OFFICE OF INSPECTOR GENERAL...OUR INSPECTOR GENERAL HAS DONE A WONDERFUL JOB SINCE SHE'S COME TO WORK FOR THE LEGISLATURE IN THE OMBUDSMAN'S OFFICE. BUT WHAT WE'VE DONE IS TAKEN SOME THINGS THAT WERE ORIGINALLY INTRODUCED IN LB265, WHICH YOU'LL HEAR IN A MINUTE, AND PUT THEM IN HERE BECAUSE IT MADE MORE SENSE TO HAVE A CONTINUITY OF THOUGHT PATTERN HERE. AND I'LL REMIND THE BODY THAT BOTH LB265, AS IT EXISTED, AND LB347, AS IT EXISTED, HAD PUBLIC HEARINGS. AND SO THE INFORMATION HAS BEEN HEARD IN THE HEARING, IT'S JUST BEEN REINTRODUCED IN TWO DIFFERENT BILLS. THE MOST IMPORTANT PART FOR ME IN THIS, THE COMMITTEE AMENDMENT OBVIOUSLY--AND SENATOR SEILER TOUCHED ON IT--IS THAT OUR OIG HAS BEEN ADDED THROUGHOUT; AND ON PAGE 1, LINES 15, 16, AND 17, A VIDEOTAPE; AND THEN AGAIN IN...OUT OF LB265, ON PAGE 8, ON LINES 16 AND 17, THE OFFICE OF INSPECTOR GENERAL HAS BEEN ADDED AS WELL AS THE SUPERVISION OF THE COURT FROM LB265 ON PAGE 8, LINE 23. IT'S AN EFFICIENT USE OF THE BILL PROCESS IN MANEUVERING SOME CRITICAL ITEMS FOR CLARITY OF THOUGHT INTO THE TWO BILLS, LB347 AND LB265. THANK YOU, MR. PRESIDENT. [LB347 LB265]

SENATOR COASH: THANK YOU, SENATOR KRIST. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB347]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT. AND TO NEBRASKA AND TO MY FELLOW COLLEAGUES. LEST PEOPLE THINK THAT I AM AGAINST SPENDING ANY AMOUNT OF MONEY AT ANY TIME, I DO WANT TO STAND IN SUPPORT OF LB347 AND AM598. AND I WANT TO THANK SENATOR KRIST AND ALSO SENATOR SEILER FOR BRINGING THIS PARTICULAR PIECE OF LEGISLATION FORWARD. I THINK THAT THIS IS A PIECE OF LEGISLATION, WHILE IT DOES HAVE A FISCAL NOTE, I THINK IT'S WORTHY OF THE TAXPAYERS OF NEBRASKA'S INVESTMENT, SO THANK YOU VERY MUCH. [LB347]

Floor Debate
March 24, 2015

SENATOR COASH: THANK YOU, SENATOR RIEPE. SEEING NO OTHER LIGHTS ON, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SENATOR SEILER WAIVES CLOSING. THE QUESTION FOR THE BODY IS, SHALL AM598 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB347]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB347]

SENATOR COASH: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE ON LB347. SENATOR KRIST WAIVES CLOSING. THE QUESTION FOR THE BODY IS, SHALL LB347 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE, ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB347]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT ON THE ADVANCEMENT OF LB347. [LB347]

SENATOR COASH: LB347 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB347]

CLERK: LB265 IS A BILL BY SENATOR CAMPBELL. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 14 OF THIS YEAR, MR. PRESIDENT, AT THAT TIME REFERRED TO THE JUDICIARY COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS. (AM878, LEGISLATIVE JOURNAL PAGE 917.) [LB265]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR CAMPBELL, YOU ARE RECOGNIZED TO OPEN ON LB265. [LB265]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AND I WANT TO PARTICULARLY THANK THE JUDICIARY COMMITTEE AND SENATOR SEILER FOR THE PRIORITY DESIGNATION OF LB265 AND TO MY LONGTIME PARTNER IN CHILD WELFARE, SENATOR KRIST, AS HE EXPLAINED WHAT WE TRIED TO DO. WE BOTH HAD BILLS THAT CONTAINED INFORMATION ON THE INSPECTOR GENERAL AND THE FOSTER CARE REVIEW OFFICE. AND SO WE DECIDED THAT IT IS EASIER FOR THE BODY TO UNDERSTAND IF WE DEALT WITH ONE TOPIC. TO UNDERSTAND LB265 A BIT OF HISTORY MIGHT BE HELPFUL. AND I'VE TALKED ABOUT THIS BEFORE, BUT THIS IS A COPY OF LR37, A STUDY OF THE HHS COMMITTEE THAT

Floor Debate
March 24, 2015

REVIEWED THE FAILED PRIVATIZATION OF CHILD WELFARE, MAKING 18 RECOMMENDATIONS FOR THE LEGISLATURE'S ACTION. IN 2012, FIVE MAJOR BILLS PASSED BY THE LEGISLATURE SET INTO MOTION MAJOR OVERSIGHT OF THE CHILD WELFARE SYSTEM AS IT EXISTED IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AS WELL AS OTHER CHANGES INCLUDING ESTABLISHMENT OF THE OFFICE OF INSPECTOR GENERAL AND CHILD WELFARE. ALSO THAT YEAR, THE LEGISLATURE REVAMPED THE FOSTER CARE REVIEW BOARD AND RENAMED IT TO THE FOSTER CARE REVIEW OFFICE. AND, AGAIN, I WOULD LIKE TO RECOGNIZE ITS DIRECTOR, KIM HAWEKOTTE, WHO HAS DONE AN EXEMPLARY JOB IN THE FOSTER CARE REVIEW OFFICE. THIS ORGANIZATION CAME INTO BEING FROM THE WORK OF SENATOR DAVE LANDIS. AND I WOULD GUESS THAT THIS WAS IN THE '70s OR '80s THAT SENATOR LANDIS BROUGHT BEFORE THE LEGISLATURE THE ESTABLISHMENT OF THE FOSTER CARE REVIEW BOARD. AND IT WAS BROUGHT FORWARD WHEN THE LEGISLATURE COULD NOT FIGURE OUT WHERE THE KIDS WERE. KIDS WERE IN OUT-OF-HOME PLACEMENT. WHERE? WHERE ARE THEY? WHERE ARE THE KIDS? AND THE LEGISLATURE SAID, NO, WE NEED TO KNOW THAT. SO, THEY ESTABLISHED THE INDEPENDENT AGENCY, INDEPENDENT OF THE DEPARTMENT, AND AN AGENCY THAT REPORTED DIRECTLY TO THE LEGISLATURE. COLLEAGUES, A LOT OF US SPEND TIME KNOWING THAT THE RESPONSIBILITY OF A STATE SENATOR IS IN MAKING LAWS AND WE ADOPT A BUDGET AND SET APPROPRIATIONS. BUT ONE OF OUR MOST IMPORTANT RESPONSIBILITIES IS OVERSIGHT. IN 2013 AND 2014, THE LEGISLATURE SEPARATED OUT OF DHHS THE OFFICE OF JUVENILE SERVICES AND PLACED IT WITH THE PROBATION OFFICE OF THE COURTS. SENATOR KRIST AND THE JUDICIARY COMMITTEE HAVE WORKED EXTENSIVELY WITH THE JUVENILE SERVICES SIDE AND THE HHS COMMITTEE AND I HAVE WORKED EXTENSIVELY ON THE CHILD WELFARE SIDE. AS WITH MOST MAJOR LEGISLATION, WE FIND THAT REFINEMENTS CONTINUALLY NEED TO BE MADE. SO SENATOR KRIST WAS HERE WITH THE BILL PRIOR TO THIS. WE ARE MAKING REFINEMENTS TO WHAT WE PUT INTO MOTION WITH THOSE TWO SEPARATION OF YOUTH FOR OUR STATE. WE NEED THESE REFINEMENTS IN ORDER TO ENSURE THAT THE SYSTEMS ARE WORKABLE AND ACCOUNTABLE. WE SHOULD NOT ONLY KNOW WHERE THE KIDS ARE BUT WE MUST ALSO LOOK AT OTHER FACTORS NOW THAT TELL US, ARE THE KIDS SAFE? WHAT IS THE STATUS OF THEIR WELL-BEING? AND WHAT IS THE PLAN FOR PERMANENCY? LB265 IS INTENDED TO PROVIDE INFORMATION ON CHILDREN AND JUVENILES IN OUT-OF-HOME CARE TO THE FOSTER CARE REVIEW OFFICE WHICH IS CHARGED WITH KEEPING TRACK OF CHILDREN AND JUVENILES IN OUT-OF-HOME CARE. IT MAKES A NUMBER OF CHANGES TO THE PROCEDURES FOR OBTAINING INFORMATION AND THE REVIEW OF CASES BY LOCAL FOSTER CARE REVIEW

Floor Debate
March 24, 2015

BOARDS. THE BILL IS ALSO INTENDED TO ESTABLISH A PILOT PROJECT TO DEMONSTRATE HOW A DATA WAREHOUSE COULD BE CREATED AND USED BY STATE OFFICES CHARGED WITH ACCOUNTING FOR THE STATUS OF CHILDREN AND JUVENILES IN OUT-OF-HOME CARE. AM876 BECOMES THE BILL AND REMOVES A NUMBER OF PROVISIONS FROM LB265 THAT WERE AMENDED INTO OTHER BILLS AND INCORPORATES LANGUAGE FROM LB13 AND LB25 RELATED TO JUVENILES AND CHILD WELFARE. I WILL LEAVE IT TO SENATOR SEILER TO PROVIDE TO YOU AN EXPLANATION OF THE CHANGES THAT WERE MADE BY THE JUDICIARY COMMITTEE IN THEIR AMENDMENT. THANK YOU, MR. PRESIDENT. [LB265 LB13 LB25]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: AS THE CLERK MENTIONED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SEILER, AS CHAIRMAN OF THE JUDICIARY COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB265]

SENATOR SEILER: THANK YOU, MR. PRESIDENT AND SPEAKER. I'M INTRODUCING AM878 TO LB265. THIS WAS MOVED FROM JUDICIARY ON A 7-0 VOTE WITH ONE MEMBER NOT PRESENT. IT'S A CLEANUP BILL TO A CERTAIN EXTENT WHEN IT STARTS OUT, BUT THEN GETS INTO SOME REALLY IMPORTANT FACTORS. SECTION 1 CLARIFIES THE JUVENILE JURISDICTION OVER 17-YEAR-OLDS AND ALLOWS COURT JURISDICTION OVER YOUNG ADULTS TO BE EXTENDED TO AGE 21 UPON CONSENT OF ALL THE PARTIES. THE REASON 17 IS IN THERE IN THE FIRST BILL THAT THIS MODIFIES, 17 WAS OMITTED AND WE'VE INCLUDED IT. SECTIONS 6 TO 14 MAKE CHANGES IN THE FOSTER REVIEW OFFICE AND WOULD ALLOW THE OFFICE TO PARTICIPATE IN ADDITIONAL JUVENILE COURT HEARINGS. AND THE REPORTS AND RECOMMENDATIONS THAT THAT OFFICE MAKES WOULD BE NOW ADMISSIBLE IN THE COURT IN THE SECOND HEARING. THESE SECTIONS PROVIDE A PROCEDURE FOR OBTAINING INFORMATION FROM THE OFFICE OF PROBATION ADMINISTRATION AND WOULD INCREASE THE FREQUENCY AND THE AMOUNT OF INFORMATION REPORTED TO THE REGISTRY OF FOSTER CARE PLACEMENTS. SECTION 15 WOULD CREATE THE OUT-OF-HOME DATA PILOT PROJECT TO PROVIDE ADDITIONAL OVERSIGHT AND ACCOUNTING FOR CHILDREN AND JUVENILES IN OUT-OF-HOME PLACEMENT. SECTION 17 WOULD SET ASIDE 10 PERCENT OF THE GENERAL FUND APPROPRIATION, EXCLUDING ADMINISTRATIVE COSTS, TO THE COMMUNITY-BASED JUVENILE SERVICES AID PROGRAM, DEVELOP A COMMON DATA SYSTEM TO ASSESS THE EFFECTIVENESS OF THE PROGRAM. DATA COLLECTION AND REPORTING

Floor Debate
March 24, 2015

PRACTICES AND ANALYSIS OF THE DATA WILL BE CONDUCTED BY THE UNIVERSITY OF NEBRASKA AT OMAHA, JUVENILE JUSTICE INSTITUTE. [LB265]

SPEAKER HADLEY: MR. CLERK, THERE'S AN AMENDMENT TO THE COMMITTEE AMENDMENT. [LB265]

CLERK: SENATOR KRIST WOULD MOVE TO AMEND THE COMMITTEE AMENDMENT AM1014. (LEGISLATIVE JOURNAL PAGE 972.) [LB265]

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENT. [LB265]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON AGAIN, COLLEAGUES AND NEBRASKA. THE MOST SIGNIFICANT PART OF THIS AMENDMENT IS CLARIFYING LANGUAGE UNDER THE JUVENILE CODE. ON PAGE 7, LINE 2, STRIKE "18 YEARS OF AGE OR YOUNGER" AND INSERT "UNDER THE AGE OF 18." IT IS A CLARIFYING STATEMENT THAT NEEDS TO BE MADE IN ORDER TO ESTABLISH IN THE JUVENILE CODE WOULD BE...HARMONIZE WITHIN THE JUVENILE CODE WHAT THE INTENT OF THAT SECTION OF THIS STATUTE WOULD DO. BESIDES THAT, THE REST OF THIS AMENDMENT IS ACTUALLY E&R IN NATURE AND WILL ASSIST US IN MOVING FORWARD. AND I ASK FOR YOUR GREEN LIGHT ON AM1014, AM878 AND THE UNDERLYING LB265. THANK YOU. [LB265]

SPEAKER HADLEY: IS THERE ANYONE WISHING TO SPEAK ON THE AMENDMENT TO THE COMMITTEE AMENDMENT? SEEING NONE, SENATOR KRIST. SENATOR KRIST WAIVES CLOSING. THE QUESTION IS, SHALL THE AMENDMENT TO THE COMMITTEE AMENDMENT TO LB265 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB265]

CLERK: 28 AYES, 0 NAYS ON ADOPTION OF THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB265]

SPEAKER HADLEY: THE AMENDMENT TO THE COMMITTEE AMENDMENT IS ADOPTED. IS THERE ANYONE WISHING TO SPEAK ON THE COMMITTEE AMENDMENT? SEEING NONE, SENATOR SEILER, YOU ARE RECOGNIZED TO CLOSE. SENATOR SEILER WAIVES CLOSING. THE QUESTION IS, SHALL THE

Floor Debate
March 24, 2015

COMMITTEE AMENDMENT TO LB265 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB265]

CLERK: 29 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB265]

SPEAKER HADLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. WE'LL NOW RETURN TO LB265 AS AMENDED. SEEING NO ONE IN THE QUEUE, SENATOR CAMPBELL, YOU ARE RECOGNIZED TO CLOSE. SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION IS, SHALL LB265 BE ADOPTED AND SENT TO E&R FOR INITIAL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB265]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB265. [LB265]

SPEAKER HADLEY: LB265 IS ADVANCED. MR. CLERK, LB482. [LB265 LB482]

CLERK: LB482 IS A BILL BY SENATOR KRIST. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 20 OF THIS YEAR, REFERRED TO THE JUDICIARY COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM691, LEGISLATIVE JOURNAL PAGE 847.) [LB482]

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED TO OPEN ON LB482. [LB482]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, AGAIN, COLLEAGUES AND NEBRASKA. I WANT TO THANK SENATOR SEILER AND THE JUDICIARY COMMITTEE FOR SELECTING LB482 AS ONE OF OUR JUDICIARY COMMITTEE PRIORITY BILLS. LB482 ADVANCED FROM JUDICIARY COMMITTEE ON AN 8-0 VOTE. I WANT TO THANK THE CHAIRMAN, CHAIRMAN SEILER, AND MY FELLOW COMMITTEE MEMBERS FOR ADVANCING THE BILL. AS YOU KNOW, ONE OF MY MOST PRESSING INTERESTS IN SERVING IN THE JUDICIARY COMMITTEE WAS TO ENSURE THAT THE ISSUES IN THE JUVENILE JUSTICE ARENA CONTINUE TO BE ADDRESSED. TO THAT END, I HAVE HELD JUVENILE JUSTICE ROUND TABLES AND TALKED WITH STAKEHOLDERS ABOUT CONTINUING TO IMPROVE HOW OUR STATE SERVES THE NEEDS OF THIS IMPORTANT GROUP. OVER THE PAST FEW YEARS THE LEGISLATIVE JUDICIARY COMMITTEE HAS PASSED LANDMARK

Floor Debate
March 24, 2015

LEGISLATION THAT GREATLY CHANGED THE WAY WE DEAL WITH JUVENILES IN OUR STATE. LB482 IS ANOTHER IMPORTANT PIECE OF THIS PUZZLE. AS A STATE, WE ARE TAKING STEPS TOWARDS TREATING KIDS AND THEIR SPECIFIC BEHAVIORS WITH MORE APPROPRIATE AGE-SENSITIVE, TAILORED APPROACHES. LB800, LB561 AND LB464 FROM THE PAST THREE SESSIONS HAVE ALL GIVEN PRIORITY TO TREATING KIDS IN THEIR HOMES AND THEIR COMMUNITIES WHEN APPROPRIATE AND AVAILABLE. LAST YEAR SPECIFICALLY, THIS LEGISLATURE PASSED AN IMPORTANT PIECE OF LEGISLATION THAT PREVENTED COURT INVOLVEMENT FOR KIDS WHO ARE MISSING SCHOOL UNTIL THERE WAS A SHOWING THAT ALL OTHER SCHOOL AND COMMUNITY-BASED PROGRAMS WERE MADE AVAILABLE TO THAT CHILD. WE KNOW FROM OUR WORK ON THAT BILL THAT FROM THE MANY HEARTBREAKING STORIES THAT YOU HEAR FROM YOUR CONSTITUENTS THAT COURT INVOLVEMENT, DETENTION, AND REMOVAL FROM THE FAMILY CAN HAVE SIGNIFICANT CONSEQUENCES IN HOW AN ADOLESCENT IN THE PROCESS OF SOCIAL AND EMOTIONAL DEVELOPMENT BEGINS TO SELF-IDENTIFY. IT IS A CONTINUATION OF THAT IMPORTANT CONCEPT THAT IS CONTAINED IN LB482 FOR THE YOUTH COMMITTING WHAT ARE KNOWN AS, "STATUS OFFENSES", A RANGE OF BEHAVIOR PROHIBITED BY LAW FOR CHILDREN BUT NOT ADULTS. WHILE PROBLEMATIC, ACTIONS LIKE RUNNING AWAY, SKIPPING SCHOOL, AND DEFYING AUTHORITY ARE NOT CRIMINAL IN NATURE. THEY OFTEN STEM FROM UNDERLYING ISSUES IN THE FAMILY RELATIONSHIPS AT HOME AND UNIDENTIFIED MENTAL HEALTH NEEDS. PRIMARILY, STATUS OFFENDERS ARE THOSE JUVENILES WHO HAVE SKIPPED SCHOOL, THEY DON'T OBEY THE RULES AT HOME, AND THEY LEAVE HOME WITHOUT PERMISSION. FOR THESE YOUTH WHO POSE NO RISK TO PUBLIC SAFETY, DRASTIC RESPONSES AND COURT INVOLVEMENT CAN ACTUALLY EXACERBATE PROBLEMS AND INCREASE THE RISK THAT THESE YOUTH WILL GO ON TO COMMIT DELINQUENT OFFENSES IN THE FUTURE. INSTEAD, THE BEST RESPONSE TO STATUS BEHAVIOR IS IMMEDIATE COMMUNITY-BASED AND TAILORED TO THE INDIVIDUAL CHILD. LB482, LIKE THE BILLS THIS COMMITTEE HAS CHAMPIONED BEFORE, IS INTENDED TO ENCOURAGE OR SET A MORE DIRECT WAY...REQUIRE CERTAIN STEPS TO BE TAKEN BEFORE A YOUTH CAN BE PLACED OUT OF THEIR HOME. THIS MIMICS THE CHANGES MADE LAST LEGISLATIVE SESSION, AS I SAID IN LB464, WHICH REQUIRES SCHOOLS TO MAKE AN EFFORT TO WORK WITH FAMILIES PRIOR TO REFERRING TO TRUANCY FOR FILING. BEFORE A STATUS OFFENDER COULD BE PLACED IN- OR OUT-OF-HOME PLACEMENT, THE COURT WOULD HAVE TO MAKE A FINDING THAT ALL AVAILABLE COMMUNITY RESOURCES HAVE BEEN EXHAUSTED AND MAINTAINING THE JUVENILE IN THE HOME PRESENTS A SIGNIFICANT RISK OF HARM TO THE JUVENILE OR COMMUNITY. ADDING THIS REQUIREMENT BRINGS

Floor Debate
March 24, 2015

THE TREATMENT OF STATUS OFFENDERS IN LINE WITH THE CHANGES THAT HAVE OCCURRED TO JUVENILES ADJUDICATED AS DELINQUENTS OR LAW VIOLATORS PER LB561 FROM TWO YEARS AGO AND LB464 FROM LAST YEAR. THE FOCUS IS TO WORK WITH JUVENILES IN THE HOME AND IN THE COMMUNITY. THE BILL WOULD ALSO PROHIBIT PLACING A STATUS OFFENDER IN JUVENILE DETENTION FACILITIES WHICH WOULD INCLUDE A STAFF SECURE FACILITY UNLESS IT STRICTLY MEETS THE DEFINITION OF STAFF SECURE, INCLUDING THAT ACCESS TO AND FROM THE FACILITY IS THROUGH STAFF SUPERVISION ONLY, RATHER THAN THROUGH ANY LOCKED ACCESS POINTS. ALREADY UNDER OUR STATE LAW, YOUTH WHO COME BEFORE THE COURT SOLELY ON STATUS OFFENSES MAY NOT BE DETAINED IN SECURE YOUTH FACILITIES OR COMMITTED TO THE YOUTH REHABILITATION OR TREATMENT CENTERS. HOWEVER, NEBRASKA LAW DOES ALLOW THE STATUS OFFENDERS TO BE CONFINED AT A STAFF SECURE LEVEL. AND BY STATUTE, A STAFF SECURE FACILITY MAY NOT INCLUDE ANY CONSTRUCTION DESIGNED TO PHYSICALLY RESTRICT THE MOVEMENT AND ACTIVITIES OF OUR YOUTH. BOTH DOUGLAS AND LANCASTER COUNTY HAVE CREATED STAFF SECURE WINGS IN THEIR OTHERWISE SECURE DETENTION FACILITIES WHERE THESE YOUTH ARE OFTEN HOUSED. LIKE LB482-- AND SENATOR CHAMBERS INTRODUCED LB212--WE SEEK TO END INDISCRIMINATE SHACKLING IN THE COURTROOM. IT DEALS ONLY WITH THE COURTROOM, COLLEAGUES, BUT WE SEEK TO END INDISCRIMINATE SHACKLING OF OUR YOUTH. WE ARE TALKING ABOUT KIDS. WE'RE TALKING ABOUT THEIR FUTURES. WE ARE HERE ABOUT WAYS...WE ARE TALKING ABOUT WAYS TO KEEP OUR KIDS IN ENVIRONMENTS AND COMMUNITIES WHERE THEIR FUTURES ARE NOT PREDETERMINED TO BE A PART OF AN ADULT PRISON CROWDING WE SPENT OUR ENTIRE LAST WEEK REVIEWING...ENTIRE LAST YEAR REVIEWING, I'M SORRY. WE HAVE A CHANCE HERE WITH AN EARLY SOLUTION. LET'S TREAT OUR CHILDREN RIGHT. GET THEM THE APPROPRIATE SOLUTIONS AND PERHAPS WE'LL SAVE ONE MORE PERSON FROM REOFFENDING AND REDUCE RECIDIVISM. THANK YOU FOR YOUR CONSIDERATION. [LB482 LB212]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB482]

SENATOR SEILER: MR. SPEAKER, MEMBERS OF THE UNICAMERAL, IT'S A PLEASURE TO REPORT TO YOU THAT THIS BILL LEFT THE JUDICIARY COMMITTEE WITH AN 8-0 AFFIRMATIVE VOTE. IT IS AN INTERESTING ONE AND I--OUR AMENDMENT IS--AND AM691 BASICALLY HAS TO DO WITH RESTRAINTS OF JUVENILES WHILE IN THE COURTROOM. BASICALLY, THE COURT HAS TO SHOW

Floor Debate
March 24, 2015

OR HAS TO BE SHOWN BY PROBABLE CAUSE THAT THE USE OF RESTRAINTS IS NECESSARY. UNDER THE CURRENT LAW, THEY BRING THEM IN IN RESTRAINTS WHETHER IT'S NECESSARY OR NOT. AND THEY MUST FIND BY PROBABLE CAUSE THAT IT PREVENTS INJURY, PHYSICAL HARM TO THE JUVENILE OR ANOTHER PERSON. BECAUSE HE'S A JUVENILE, HE HAS A HISTORY OF DISRUPTIVE COURT BEHAVIOR, HE PRESENTS A SUBSTANTIAL RISK OF INFLICTING PHYSICAL HARM TO HIMSELF OR OTHERS, AND BECAUSE THE JUVENILE PRESENTS A SUBSTANTIAL RISK OF FLIGHT FROM THE COURTROOM--I WILL COME BACK TO THAT IN A MINUTE--THAT THERE IS NO LESS RESTRICTIVE ALTERNATIVE TO RESTRAINTS THAT WILL PREVENT FLIGHT OR PHYSICAL HARM. THE COURT MUST ALLOW THE JUVENILE'S ATTORNEY AN OPPORTUNITY TO BE HEARD AND TESTIMONY GIVEN. AT THAT TIME, THEN THE JUDGE ENTERS AN ORDER EITHER ALLOWING OR DISALLOWING THE SHACKLING. THE ONE I WANTED TO COME BACK TO IS THE RESULT OF FLIGHT. THERE'S NOT MANY THINGS THAT GO ON IN A COURTROOM THAT IS FUN, BUT IT WAS ALWAYS FUN TO BE IN THE HALLWAY WHEN A JUVENILE DECIDES TO TAKE OFF BECAUSE THE DEPUTY SHERIFF USUALLY ACCOMPANYING HIM IS A LITTLE GUY THAT'S WAY OVERWEIGHT AND CAN'T RUN VERY FAST. AND THE JUVENILE WOULD COME SHOOTING DOWN THE HALLWAY WIDE OPEN, AND THIS LITTLE SHERIFF IS CHASING HIM. AND THE CHASE WOULD LAST TILL IT ABOUT GOT TO THE STEPS OF THE COURTHOUSE. BY THAT TIME, THE JUVENILE HAD LEFT THE AREA AND THE SHERIFF WAS LEANING AGAINST THE WALL. WITH THIS, THAT WILL TAKE CARE OF THAT PROBLEM. WITH THAT, I CLOSE. [LB482]

SPEAKER HADLEY: IS THERE ANYONE WISHING TO SPEAK ON THE COMMITTEE AMENDMENTS? SEEING NONE, SENATOR SEILER YOU'RE RECOGNIZED TO CLOSE. SENATOR SEILER WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB482 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB482]

CLERK: 28 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB482]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. WE RETURN TO DEBATE ON LB482 AS AMENDED. SEEING NO ONE IN THE QUEUE, SENATOR KRIST. SENATOR KRIST WAIVES CLOSING. THE QUESTION IS, SHALL LB482 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB482]

Floor Debate
March 24, 2015

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB482.
[LB482]

SPEAKER HADLEY: LB482 IS ADVANCED TO E&R INITIAL. MR. CLERK, LB415.
[LB482 LB415]

CLERK: LB415, IS A BILL BY SENATOR PANSING BROOKS. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 16, REFERRED TO THE JUDICIARY COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM200, LEGISLATIVE JOURNAL PAGE 600.) [LB415]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU ARE RECOGNIZED TO OPEN ON LB415. [LB415]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. LB415 IS A BILL THAT RELATES TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT, UIFSA. IT PROVIDES UNIVERSAL AND UNIFORM RULES FOR THE RECIPROCAL ENFORCEMENT OF FAMILY SUPPORT ORDERS INTERNATIONALLY. UIFSA REPRESENTS A COLLABORATIVE EFFORT AMONG THE UNIFORM LAW COMMISSION, FEDERAL AND STATE CHILD SUPPORT OFFICIALS, AND REPRESENTATIVES OF NATIONAL CHILD SUPPORT ORGANIZATIONS. THE UNIFORM INTERSTATE FAMILY SUPPORT ACT WAS FIRST DRAFTED IN 1992 BY THE UNIFORM LAW COMMISSION. THE ACT WAS REVISED IN '96 AND AGAIN IN 2001 WITH ADDITIONAL AMENDMENTS IN 2008. WHILE THERE WAS A REQUIREMENT FOR STATES TO ADOPT THE '96 VERSION OF THE ACT, THERE WAS NO SUCH REQUIREMENT TO ADOPT THE 2001 OR 2008 VERSIONS OF THE ACT. NEBRASKA DID, HOWEVER, PASS LB148 IN 2003, ADOPTING THE 2001 VERSION. THE 2001 VERSION IS THE LAW THAT I AM SEEKING TO AMEND TODAY TO UPDATE IT TO THE 2008 VERSION, INCLUDING NEW LANGUAGE REGARDING THE REQUIREMENT THAT STATES ENACT INTERNATIONAL RECIPROCITY OF CUSTODY ORDERS. THE 2008 VERSION APPROVED BY THE UNIFORM LAW COMMISSION TO AMEND THE UIFSA TO INCORPORATE THE PROVISIONS OF THE 2007 HAGUE CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT OF FAMILY MAINTENANCE INTO STATE LAW. THE HAGUE CONVENTION...THE 2007 HAGUE CONVENTION CONTAINS NUMEROUS PROVISIONS THAT ESTABLISH UNIFORM PROCEDURES AS WELL AS RECIPROCITY ON THE PROCESSING OF INTERNATIONAL CHILD SUPPORT CASES. AT THE TIME ALL U.S. JURISDICTIONS, INCLUDING NEBRASKA, HAD IN PLACE A VERSION OF UIFSA. THE 2014 PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT SERVES AS

Floor Debate
March 24, 2015

THE FEDERAL IMPLEMENTING LEGISLATION FOR THE HAGUE CONVENTION. THE 2014 FEDERAL LAW REQUIRES THAT ALL STATES ENACT THE 2008 UIFSA AMENDMENTS BY THE END OF THEIR 2015 LEGISLATIVE SESSION AS A CONDITION FOR CONTINUED RECEIPT OF FEDERAL FUNDS SUPPORTING THE CHILD SUPPORT ENFORCEMENT AND PATERNITY ESTABLISHMENT PROGRAM. IT WAS ENACTED IN 1975 AS A JOINT FEDERAL AND STATE PROGRAM. ITS PURPOSE WAS TO SECURE FINANCIAL SUPPORT FOR CHILDREN FROM THEIR NONCUSTODIAL PARENTS, RATHER THAN HAVING TO DEPEND SOLELY ON PUBLIC ASSISTANCE. ALL 50 STATES OPERATE THEIR OWN CHILD SUPPORT ENHANCEMENT PROGRAMS AND ARE REIMBURSED BY THE FEDERAL GOVERNMENT FOR 66 PERCENT OF THE COST OF OPERATING THESE PROGRAMS. IN NEBRASKA, THE FEDERAL SHARE IS APPROXIMATELY \$23 MILLION ANNUALLY, WITH AN ADDITIONAL \$4 MILLION IN INCENTIVE PAYMENTS. ALL OF THAT FUNDING WILL BE LOST IF WE FAIL TO ADOPT THE LEGISLATION THIS YEAR, LEAVING NEBRASKA WITH DIMINISHED RESOURCES TO ESTABLISH AND ENFORCE CHILD SUPPORT ORDERS. ALSO AT RISK ARE TANF, THE TEMPORARY ASSISTANCE TO NEEDY FAMILY FUNDS. WITHOUT THE FEDERAL FUNDING IT IS LIKELY WE WOULD ALSO SEE A RISE IN THE NUMBER OF SINGLE MOTHERS WHO WOULD QUALIFY FOR PUBLIC BENEFITS SUCH AS THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM OR SNAP. AND IN FISCAL YEAR 2012, NEBRASKA RECEIVED \$57,513...NO, SORRY, \$57,513,601 IN AT-RISK TANF FUNDS FOR A POTENTIAL TOTAL LOSS OF OVER \$80 MILLION ANNUALLY, STARTING THIS YEAR. THE AMENDMENTS TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT WILL NOT AFFECT CHILD SUPPORT CASES RENDERED WITHIN THE U.S. IT WILL APPLY ONLY TO CASES WHERE THE CUSTODIAL PARENT AND THE CHILD LIVE IN A DIFFERENT COUNTRY THAN THE NONCUSTODIAL PARENT. NOR DOES UIFSA AFFECT SUBSTANTIVE CHILD SUPPORT LAW WHICH IS GENERALLY LEFT TO THE INDIVIDUAL STATES. THE PRIMARY FOCUS OF THE 2007 HAGUE CONVENTION AND UIFSA CONCERNS UNIFORM PROCEDURES FOR RECIPROCAL ENFORCEMENT OF CHILD SUPPORT DECISIONS AND FOR COOPERATION AMONG PARTICIPATING COUNTRIES. WITH THAT, I WILL ASK FOR YOUR SUPPORT FOR THIS LEGISLATION AND FOR THE COMMITTEE AMENDMENT WHICH CHAIRMAN, SENATOR SEILER WILL INTRODUCE NEXT. [LB415]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB415]

SENATOR SEILER: THANK YOU, MR. SPEAKER. MEMBERS OF THE UNICAMERAL, THIS IS PROBABLY THE MOST IMPORTANT AMENDMENT THAT I HAVE EVER

Floor Debate
March 24, 2015

INTRODUCED. IT'S AM200 TO LB415 AND IT READS: SINCE AN EMERGENCY EXISTS, THIS ACT TAKES EFFECT WHEN PASSED AND APPROVED ACCORDING TO LAW. END OF AMENDMENT. IT'S JUST ADDING THE EMERGENCY CLAUSE. [LB415]

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED. [LB415]

SENATOR KRIST: I JUST WANTED TO PUT ON THE RECORD, IN TERMS OF OUR LEGISLATIVE INTENT, A THANK YOU TO SENATOR PANSING BROOKS AND TO HER STAFF FOR BRINGING THIS FORWARD. THIS IS A VERY IMPORTANT PIECE OF LEGISLATION FOR US IN THE STATE OF NEBRASKA AND ALSO FOR OUR MILITARY MEMBERS WHO HAVE TO DEAL WITH THESE KINDS OF ISSUES IN TERMS OF BEING IN OTHER COUNTRIES AND HAVING ISSUES WITH FAMILY AND CHILDREN. AND, AGAIN, I WANT TO THANK SENATOR PANSING BROOKS FOR BRINGING THIS ONE FORWARD. THANK YOU. [LB415]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR SEILER, YOU ARE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR SEILER WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB415 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB415]

CLERK: 28 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB415]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB415 TO E&R INITIAL. SEEING NO ONE, SENATOR PANSING BROOKS, YOU ARE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF THE BILL. [LB415]

SENATOR PANSING BROOKS: THANK YOU. I JUST HOPE THAT YOU WILL PASS LB415 AND WITH THE PLAN OF SAVING \$88 MILLION THIS YEAR. THANK YOU, MR. PRESIDENT. [LB415]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB415 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. [LB415]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB415. [LB415]

Floor Debate
March 24, 2015

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, LB47. [LB415 LB47]

CLERK: LB47, A BILL ORIGINALLY INTRODUCED BY SENATOR WATERMEIER. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 8, REFERRED TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS AS WELL AS AMENDMENTS TO THE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM635, LEGISLATIVE JOURNAL PAGE 775; FA33, LEGISLATIVE JOURNAL PAGE 974.) [LB47]

SPEAKER HADLEY: SENATOR WATERMEIER, YOU ARE RECOGNIZED TO OPEN ON YOUR LB47. [LB47]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB47 REQUIRES APPLICANTS FOR DRIVER'S LICENSES OR IDENTIFICATION CARDS TO ANSWER THE QUESTION REGARDING WHETHER TO PLACE THEIR NAME ON THE DONOR REGISTRY. CURRENTLY, THIS QUESTION ON THE APPLICATION IS OPTIONAL. CURRENT LAW PROVIDES THAT A DONOR'S STATUS IS NOT CHANGED BY THE SUSPENSION, CANCELLATION, REVOCATION OR IMPOUNDMENT OF A LICENSE OR CARD. THIS LEGISLATION CLARIFIES THAT THE EXPIRATION OF A DRIVER'S LICENSE OR ID CARD SHALL ALSO NOT CHANGE THE DONOR'S STATUS, MAKING IT CONSISTENT WITH STATUTES IN THE UNIFORM ANATOMICAL GIFT ACT. IF A PERSON WAS PREVIOUSLY A DONOR BUT DECIDED TO NO LONGER PARTICIPATE AND MARKED "NO" TO THE QUESTION, THE DEPARTMENT OF MOTOR VEHICLES UPLOADS A LIST OF CHANGES TO THE DONOR REGISTRY, WHO THEN TAKES THE NAME OFF OF THE REGISTRY. THESE LISTS ARE SENT WEEKLY TO THE DEPARTMENT TO THE DONOR REGISTRY. A PERSON CAN ALSO CHANGE THEIR STATUS AT ANY TIME BY ACCESSING THE DONOR REGISTRY ON THE INTERNET. FURTHERMORE, IF A PERSON DECIDES THAT THEY DON'T WANT THE HEART DESIGNATION ON THEIR LICENSE, THEY CAN OBTAIN A REPLACEMENT LICENSE AT ANY TIME. HOWEVER, EVEN IF THE HEART DESIGNATION REMAINS ON THE LICENSE AFTER A PERSON HAS REMOVED HIS NAME FROM THE REGISTRY IT IS NOT THE FINAL DETERMINATION. THE REGISTRY IS ALWAYS CHECKED BEFORE A DONATION IS MADE. THE PURPOSE OF LB47 IS TO INCREASE THE NUMBER OF DONORS IN NEBRASKA. ORGAN DONORS SAVE LIVES, INCREASE LIFE EXPECTANCIES, AND IMPROVE THE QUALITY OF LIFE FOR NEBRASKANS. ORGAN DONATION PROVIDES BRIGHTER FUTURES FOR PATIENTS REQUIRING DIFFICULT TREATMENT SUCH AS DIALYSIS. TISSUE DONATION FACILITATES LIFE-ENHANCING IMPLANTS, BONE TISSUE TRANSPLANTS FOR SPINAL FUSIONS, AND JOINT AND BONE REPLACEMENT PROCEDURES. CURRENTLY, JUST OVER 750,000 NEBRASKANS ARE REGISTERED

Floor Debate
March 24, 2015

WITH THE DONOR REGISTRY OF NEBRASKA AS AN ORGAN AND TISSUE DONOR. APPROXIMATELY 90 PERCENT OF THESE NEBRASKANS REGISTERED AS DONORS BECAME REGISTERED THROUGH THE APPLICATION PROCESS FOR A DRIVER'S LICENSE OR A STATE IDENTIFICATION CARD. HOWEVER, APPROXIMATELY 10 PERCENT OR MORE OF THE 50,000 PEOPLE OF THE APPLICANTS THAT APPLIED FOR A LICENSE IN 2014 DID NOT RESPOND TO THE QUESTION ASKING WHETHER THEY WANTED TO BE REGISTERED AS A DONOR. WITH THE QUESTION OPTIONAL, ONLY 55 PERCENT OF NEBRASKA'S DRIVER'S LICENSE AND STATE IDENTIFICATION CARDHOLDERS ARE REGISTERED AS DONORS. NEARBY STATES WHERE THE QUESTION IS MANDATORY HAVE EXPERIENCED HIGHER PARTICIPATION RATES THAN IN NEBRASKA. I BELIEVE THAT THIS LEGISLATION WILL BOOST THE NUMBER OF NEBRASKANS REGISTERED AS DONORS, WHICH IN TURN WILL ALLOW US TO HELP MANY MORE PEOPLE. EACH ORGAN DONATION MAY DIRECTLY BENEFIT AS MANY AS EIGHT PEOPLE, WHILE UP TO 50 PEOPLE MAY DIRECTLY BENEFIT FROM A SINGLE TISSUE DONOR. THE LEGISLATURE HAS MADE GREAT STRIDES OVER THE YEARS IN ENCOURAGING NEBRASKANS TO DONATE THE GIFT OF LIFE TO THOSE SUFFERING AND FACING THE PROSPECT OF DEATH DUE TO THE FAILURE OF AN ORGAN. HOWEVER, AT ANY GIVEN TIME, THERE ARE 500 NEBRASKANS WAITING FOR AN ORGAN OR TISSUE TRANSPLANT. SOME MUST ENDURE YEARS OF DIALYSIS OR OTHER PROCEDURES UNTIL A DONATED ORGAN OR TISSUE IS FOUND. UNFORTUNATELY, SOME DIE WHILE ON THIS WAITING LIST. LB47 WAS ADVANCED IN THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE ON AN 8-0 VOTE WITH COMMITTEE AMENDMENTS. AT THE PUBLIC HEARING A YOUNG MAN TESTIFIED IN SUPPORT OF LB47. HE WAS A DOUBLE LUNG TRANSPLANT RECIPIENT. HE HAD WAITED TWO AND A HALF YEARS FOR THE CALL AND HE WAS RUNNING OUT OF HOPE. AFTER THE TRANSPLANT LAST YEAR, HE WAS OUT OF THE HOSPITAL IN JUST TEN DAYS. HE STRESSED THAT IF THE DONOR HAD NOT REGISTERED, HE HAD GLANCED OVER HIS QUESTION, HE WOULD NOT BE HERE TODAY. HE STATED THAT IF A PERSON DOESN'T WISH TO BECOME A DONOR HE CAN ACCEPT THAT, BUT APATHY IS A LITTLE HARD TO ACCEPT. IN A LETTER TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE IN SUPPORT OF LB47, THE NEBRASKA HOSPITAL ASSOCIATION NOTED THE NEED FOR DONORS FROM ALL RACES AND ETHNIC GROUPS. TRANSPLANT SUCCESS RATES INCREASE WHEN ORGANS ARE MATCHED BETWEEN MEMBERS OF THE SAME ETHNIC BACKGROUND. THEY ALSO STATED THAT AFTER A TRANSPLANT OF A VITAL ORGAN THE AVERAGE SURVIVAL RATE IS NOW OVER 80 PERCENT. HOWEVER THE ASSOCIATION WANTED TO POINT OUT THAT IF A PERSON IS HOSPITALIZED, THE MEDICAL STAFF PROVIDES THE BEST POSSIBLE CARE REGARDLESS OF ORGAN DONOR STATUS. AGAIN, I WANT TO STRESS THAT THIS

Floor Debate
March 24, 2015

LEGISLATION DOES NOT REQUIRE AN APPLICANT TO BECOME A DONOR. IT JUST REQUIRES APPLICANTS TO ANSWER THE QUESTION EITHER BY MARKING "YES" OR "NO" ON THE APPLICATION. I URGE YOU TO LOOK FAVORABLY ON LB47 WHICH IS INTRODUCED IN AN EFFORT TO INCREASE THE NUMBER OF DONORS IN NEBRASKA. UNDER LB47, OUR STATE WOULD JOIN APPROXIMATELY 24 OTHER STATES AND THE DISTRICT OF COLUMBIA WHO ALREADY HAVE A MANDATORY QUESTION ON THEIR LICENSE APPLICATION. ORGAN DONATION IS AN ACT OF CHARITY AND GENEROSITY AND IT SHOULD BE ENCOURAGED AND FACILITATED. BY PASSING LB47 WE COULD GIVE MORE DESERVING NEBRASKANS THE GREATEST GIFT OF ALL, THE GIFT OF LIFE. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. SENATOR SMITH, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB47]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. COLLEAGUES, THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE AMENDMENT SUBSTITUTES FOR THE BILL. THE AMENDMENT RETAINS THE PROVISIONS OF THE BILL AS INTRODUCED BY SENATOR WATERMEIER WITH THE FOLLOWING CHANGES: FIRST, THAT ANY PERSON UNDER THE AGE OF 16 IS NOT OBLIGATED TO ANSWER ANY MANDATORY QUESTIONS REGARDING ORGAN OR TISSUE DONATION. SECOND, THE BILL IS CLARIFIED THAT A DONOR MAY LIMIT WHAT ORGANS AND/OR TISSUES THEY WISH TO DONATE. ANYONE DESIRING TO LIMIT THEIR DONATION TO SPECIFIC ORGANS OR TISSUES MUST DO THAT BY CONTACTING THE DONOR REGISTRY OF NEBRASKA VIA THE INTERNET, TELEPHONE, OR THROUGH A WILL. AND, FINALLY, THE COMMITTEE AMENDMENT REINSTATES CURRENT LANGUAGE IN THE LAW THAT ALLOWS INDIVIDUALS TO CONTACT THE DONOR REGISTRY OF NEBRASKA AND REVISE THEIR DONATION DECISION BY WAY OF A TELEPHONE CALL. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB47]

SPEAKER HADLEY: MR. CLERK. [LB47]

CLERK: MR. PRESIDENT, I DO HAVE AMENDMENTS TO THE COMMITTEE AMENDMENTS. I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO BRACKET THE BILL UNTIL JUNE 5 OF 2015. [LB47]

Floor Debate
March 24, 2015

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED ON YOUR BRACKET MOTION. [LB47]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I TALKED TO SENATOR WATERMEIER ABOUT THIS. I AM VERY SERIOUS ABOUT WHAT I AM UNDERTAKING. I THINK WHAT IS IMPLICATED IN THIS BILL ARE SUBSTANTIVE ISSUES SUCH AS FREEDOM OF RELIGION, FREEDOM TO REMAIN SILENT, FREEDOM TO BE EXEMPT FROM COERCION BY THE GOVERNMENT TO COMPEL YOU TO SPEAK. THE GOVERNMENT CANNOT COMPEL, UNDER THE CONSTITUTION, A PERSON TO SPEAK. YOU HAVE THE RIGHT UNDER THE CONSTITUTION TO SPEAK. AND WHEN YOU HAVE THE RIGHT TO SPEAK, YOU ALSO HAVE THE RIGHT NOT TO SPEAK. FOR THOSE WHO ARE NOT PAYING ATTENTION, THIS IS AN ATTEMPT BY THE PEOPLE WHO RETRIEVE ORGANS TO USE THE COERCIVE POWER OF THE STATE TO COMPEL PEOPLE TO LET THE GOVERNMENT INTO THEIR BUSINESS, INTO AN AREA WHICH TO SOME PEOPLE IS VERY INTIMATE, VERY PRIVATE, AND IT SHOULD BE CONSIDERED THAT BY THE STATE. WHEN YOU FILL OUT AN APPLICATION FOR A DRIVER'S LICENSE, WHAT YOU ARE DOING IS GOING THROUGH THE STEPS NECESSARY TO ESTABLISH THAT YOU HAVE A RIGHT AS A CITIZEN OR RESIDENT OF THIS STATE TO USE THE STREETS, ROADS, AND HIGHWAYS WHICH YOUR TAX MONEY HAS BEEN UTILIZED TO MAKE AVAILABLE. SO THESE CANNY, WILY, SNEAKY, TREACHEROUS PEOPLE, TRYING TO PLAY ON THE EMOTIONS OF PEOPLE IN THIS LEGISLATURE ARE SAYING, IF YOU DO NOT CONSENT TO HAVE YOUR SPEECH COMPELLED BY THE STATE, YOU WILL BE DENIED THE RIGHT TO FILL OUT AN APPLICATION WHICH ENTITLES YOU TO THE PRIVILEGE OF DRIVING LEGALLY ON THESE STREETS. IF YOU REFUSE TO ANSWER A MANDATORY QUESTION ON THAT APPLICATION, YOU WILL BE DENIED THE RIGHT TO HAVE A DRIVER'S LICENSE. CURRENTLY, THE MANDATORY QUESTIONS ARE IN TWO CATEGORIES. ONE, THOSE THINGS MANDATED BY THE FEDERAL GOVERNMENT. AND THE WAY THE FEDERAL GOVERNMENT GETS ITS WAY IS NOT TO SAY YOU CANNOT GET A DRIVER'S LICENSE. THERE ARE CERTAIN FUNDS THAT RELATE TO HIGHWAY CONSTRUCTION AND SO FORTH WHICH WILL REPRESENT BOTH THE CARROT AND THE STICK. DO WHAT THE FEDERAL GOVERNMENT REQUIRES AND GET THE MONEY OR CHOOSE NOT TO DO IT AND GO YOUR OWN WAY. THERE ARE CERTAIN REQUIREMENTS RELATIVE TO THE IDENTIFICATION OF A PERSON BEING WHOM YOU SAY YOU ARE AND YOUR STATUS. ON THE OTHER SIDE, THE QUESTIONS THAT YOU MUST ANSWER RELATE TO YOUR HEALTH, YOUR VISION, WHETHER OR NOT YOU HAVE AILMENTS THAT COULD INTERFERE WITH YOU WHILE YOU'RE DRIVING A CAR, OR TO MAKE A GENERAL STATEMENT RELATE TO YOUR HEALTH AND WHETHER OR NOT YOUR ABILITY TO DRIVE THE CAR MAY BE

Floor Debate
March 24, 2015

IMPAIRED DUE TO A PHYSICAL CONDITION. YOU MUST ANSWER THOSE QUESTIONS OR YOU CANNOT FILL OUT THE APPLICATION. YOU CANNOT GET A DRIVER'S LICENSE. THIS WILL BE THE FIRST TIME THAT THE COERCIVE POWER OF THE STATE WAS USED TO ADVOCATE FOR A SPECIFIC PRIVATE OUTFIT TO GET WHAT IT WANTS. CHARITY IS WONDERFUL. GOD LOVES A CHEERFUL GIVER. BUT THAT WHICH IS COERCED AND COMPELLED IS NOT CHARITY. AND, THIS IS COERCION OF THE WORST VARIETY. I HEAR SO MUCH TALK BY SO-CALLED CONSERVATIVES ABOUT NOT ALLOWING GOVERNMENTAL INTRUSION, AND SOME OF THE THINGS THEY CALL GOVERNMENTAL INTRUSION, I DON'T. BUT I DO CALL THIS THE WORST KIND. THERE'S ANOTHER GROUP CALLED "DONATE LIFE." THEY DIDN'T TESTIFY FOR THIS BILL. WHY IS IT? BECAUSE THESE TWO OPERATIONS ARE IN COMPETITION FOR ORGANS. YOU'VE GOT A BUZZARD SITTING ON THE RIGHT HAND, A VULTURE SITTING ON THE LEFT HAND. THEY CAN'T GET TOGETHER BECAUSE THERE'S ONLY SO MUCH CARRION AND THERE'S NOT ENOUGH FOR ONE OF THEM, SO THERE CERTAINLY ISN'T ENOUGH TO GO AROUND. SO ONE IS GOING TO TRY TO GET THE ADVANTAGE OVER THE OTHER ONE. AND YOU KNOW WHY I USE THOSE LESS THAN COMPLIMENTARY TERMS? BECAUSE THE BEHAVIOR IS LESS THAN ETHICAL IN MY OPINION. AND FOR A COMMITTEE TO HAVE ADVANCED SOMETHING LIKE THIS INDICATES TO ME THAT THEY HAD NOT THOUGHT THROUGH WHAT THE RAMIFICATIONS ARE, AND IT FALLS TO ME TO BE THE BAD GUY AND I WILL BE THE GRINCH. NO, NO, I APOLOGIZE TO THE GRINCH. COMPARED TO ME THE GRINCH WOULD BE THE SOUL OF RECTITUDE AND GENEROSITY BECAUSE I'VE TOLD SENATOR WATERMEIER, I'VE TOLD THE SPEAKER, THIS IS WHERE I AM GOING TO TAKE US EIGHT HOURS. AND IT WILL BE SO EASY. I KNOW A LOT TO SAY ABOUT RELIGION, RELIGIOUS LIBERTY, RELIGIOUS FREEDOM, THE WRONGS COMMITTED IN THE NAME OF RELIGION. I WON'T BE A DRY BEAN TALKING ABOUT DRY BEANS. I'M TALKING ABOUT A SERIOUS SUBJECT AND PEOPLE ARE CHUCKLING. NOW THEY'RE LAUGHING. BUT THEY CAUGHT ONTO WHAT I WAS SAYING. I WOULDN'T MIND AS I UNDERTAKE THIS EFFORT IF NOBODY WERE IN THE CHAMBER BUT MYSELF. I WOULDN'T MIND IF THE STAFF WERE ALLOWED TO TAKE A HOLIDAY AND GO ABOUT OTHER BUSINESS AND OTHER AFFAIRS. JUST LEAVE THE MICROPHONE ON AND I WILL SHOW YOU THAT I CAN FIND A WAY TO TALK EIGHT HOURS WITHOUT INTERRUPTION, WITHOUT HELP. THIS IS ONE OF THE WORST BILLS THAT I HAVE SEEN WHEN IT COMES TO USING THE COERCIVE POWER OF THE STATE TO COMPEL A PERSON TO SAY SOMETHING. IT WOULD BE LIKE ME BEING TOLD, ERNIE, DO YOU HAVE ANYTHING ILLEGAL IN YOUR POCKETS? I SAY, NO, I DON'T. SO A COP SAYS, WELL, LET ME PUT MY HANDS IN YOUR POCKET AND SEE. I SAY, MAN, ARE YOU CRAZY? HE SAYS, WELL, IF YOU HAVE NOTHING TO HIDE, LET ME PUT MY HAND IN YOUR POCKET. AND I SEE A

Floor Debate
March 24, 2015

REPORTER OVER THERE, SISTER STODDARD, I BELIEVE, AND SHE CARRIES A PURSE ON OCCASION. SO THEY STOP SISTER STODDARD AND SAY, IF YOU DON'T HAVE ANYTHING ILLEGAL IN YOUR PURSE, GIVE IT HERE. I WANT TO RIFLE THROUGH IT AND RUMMAGE AROUND AND SEE. THERE IS SUCH A THING IN THIS COUNTRY KNOWN AS PRIVACY. THE RIGHT TO BE LEFT ALONE. THIS PROFILING PEOPLE WHO ARE SUPPOSEDLY IN THE WRONG NEIGHBORHOOD, THE SUPREME COURT HAS SAID PEOPLE HAVE THE RIGHT TO AMBLE, TO MOSEY, TO SAUNTER, AS LONG AS THEY'RE NOT VIOLATING THE LAW, AND THEY HAVE THE RIGHT TO BE LEFT ALONE. THIS GOES BEYOND THAT. YOU'RE GOING TO TAKE SOMEBODY WHO HAS LEGITIMATE RELIGIOUS BELIEFS AND MAKE THAT PERSON TELL THE STATE WHAT HIS OR HER VIEW IS ON ORGAN DONATIONS, AND THAT IS WRONG. I DON'T HAVE ANY RELIGION, BUT THOSE WHO DO HAVE IT SHOULD HAVE IT RESPECTED. AND EVEN THOUGH I DON'T HAVE IT, I WILL DO WHAT I CAN TO MAKE SURE THAT THE ONE WHO MIGHT BE A RELIGION OF ONE WOULD HAVE AS MUCH PROTECTION UNDER THE LAW AND THE CONSTITUTION AS A CHURCH THAT MAY HAVE THE LARGEST MEMBERSHIP GLOBALLY. IF THOSE THINGS MEAN ANYTHING... [LB47]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB47]

SENATOR CHAMBERS: ...WHY ARE WE GOING TO ENACT LEGISLATION THAT TURNS THIS CONCEPT OF RELIGIOUS FREEDOM, FREEDOM FROM GOVERNMENTAL COERCION TO SPEAK, ON ITS HEAD? OH, I'M READY THIS AFTERNOON. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB47]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS, I HATE TO DISAPPOINT YOU, BUT YOU ARE NOT GOING TO BE ALONE ON THIS. I KNOW THAT HURTS YOU DEEP DOWN IN WHERE YOUR HEART WOULD BE IF YOU HAD ONE, BUT I AM ALSO OPPOSED TO THIS BILL. I SEE NOT ONLY THE COERCION THAT SENATOR CHAMBERS TALKED ABOUT, BUT I SEE IF YOU HAPPEN TO BE STOPPED BY A PATROLMAN OR POLICE OFFICER, HE LOOKS AT YOUR LICENSE. WELL, I SEE YOU REFUSE TO GIVE DONATIONS OF YOUR ORGANS IF YOU'RE KILLED. HOW COME IS THAT? COLLEAGUES, WE CAN'T FORCE PEOPLE TO PUT SOMETHING ON THEIR LICENSE THAT TELLS OTHER PEOPLE WHAT THEY DO AND DON'T FAVOR. ALSO, UNDER THIS BILL AS IT IS WRITTEN, YOU KNOW, IS...I HATE TO BRING UP A SORE SUBJECT, BUT WE WON'T ALLOW PEOPLE OVER 21 TO DECIDE WHETHER OR NOT THEY WEAR A HELMET, BUT WE'RE ASKING KIDS 16,

Floor Debate
March 24, 2015

17, 18, 19 TO DECIDE WHETHER OR NOT THEY'RE GOING TO DONATE THEIR ORGANS. AND WE'RE ASKING THEM TO DO IT AT THE MOMENT THEY APPLY FOR THEIR DRIVER'S LICENSE. IF THEY GET THEIR LICENSE, IT'S A VERY IMPORTANT THING TO THEM. I THINK YOU'RE ASKING WAY TOO MUCH OF THEM TO MAKE THAT DECISION AT THAT TIME. IT'S ON THERE AS A VOLUNTARY DECISION, IT SHOULD STAY THAT WAY. AND MUCH TO YOUR DISAPPOINTMENT, SENATOR CHAMBERS, I'M GOING TO YIELD YOU THE REST OF MY TIME. [LB47]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 3 MINUTES AND 2 SECONDS. [LB47]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. MEMBERS OF THE LEGISLATURE, IF YOU ARE AN EMPLOYEE AND YOU EVEN HAVE DISCOMFORT ABOUT BEING PART OF A SYSTEM WHERE THE GOVERNMENT IS GOING TO COMPEL A PERSON TO EXPRESS AN OPINION ONE WAY OR THE OTHER, YOU ARE CAUGHT BETWEEN WHAT YOU HAVE TO DO AS AN EMPLOYEE AND THE INDIVIDUAL HERE WHO IS DECLARING A RIGHT THAT YOU KNOW UNDER THE CONSTITUTION THAT PERSON HAS NOT TO ANSWER. BUT NEVERTHELESS, YOU ARE COMPELLED TO BE A PART OF THAT ACTION. YOU ARE COMPELLED TO BE THE AGENT OF PUTTING THIS PROPOSITION BEFORE A PERSON WHO HAS A RIGHT TO FILL OUT THAT APPLICATION WITHOUT EXPRESSING HOW HE OR SHE FEELS ABOUT ANY OF THESE OTHER SIDE ISSUES. THEY DON'T HAVE TO SAY WHAT RELIGION THEY ARE. THEY DON'T HAVE TO SAY: IN CASE I'M IN AN ACCIDENT AND IT APPEARS THAT I MAY DIE, INSTEAD OF CALLING THE FIRST RESPONDERS, CALL THE PRIEST. CAN YOU PUT THAT ON YOUR LICENSE AND REQUIRE IT? THIS IS SOMETHING WHICH TO ME IS SO PREPOSTEROUS THAT IT'S LIKE TELLING ME TO GO TO AN OPEN DOOR. THE DOOR IS OPEN AND THEN I BREAK DOWN THE DOOR. I CAN'T. IT'S SO SELF-EVIDENT THAT THERE IS NOTHING THERE TO BE BROKEN DOWN THAT FOR SOMEBODY TO TELL ME TO BREAK DOWN AN OPEN DOOR IS UNINTELLIGIBLE, AS THE PHILOSOPHERS SAY, BECAUSE IT IS TOTALLY IRRATIONAL, MEANING IT IS NONEXISTENT. SOME THINGS ARE SELF-EVIDENT. THEY ARE SO CLEAR THAT YOU CANNOT FIND A WAY TO EXPRESS IT MORE CLEARLY. THE WAY IT IS EXPRESSED IS THE CLEAREST ARTICULATION OF IT. [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR CHAMBERS: WHEN IT COMES TO SOME OF THESE RIGHTS, IT IS A SELF-EVIDENT PRINCIPLE THAT WHEN YOUR RIGHT TO SPEAK IS GUARANTEED BY

Floor Debate
March 24, 2015

THE CONSTITUTION, YOUR RIGHT NOT TO SPEAK IS ALSO GUARANTEED. YOU ARE BEING COERCED. AND IF YOU HAVE THE COURAGE OF YOUR CONVICTIONS, IF YOU BELIEVE IN YOUR RELIGION, THEN YOU SAY, I WILL EITHER HAVE TO GO EVERYPLACE IN A TAXI CAB, I WILL DRIVE WITHOUT A LICENSE, OR I WILL WALK. AND THAT'S IN A STATE LIKE NEBRASKA, WHICH IS SUPPOSED TO BE CONSERVATIVE. THE GOVERNOR IS GOING TO ISSUE A PROCLAMATION ON APRIL 13 ABOUT FREEDOM OF RELIGION IN THE MARKETPLACE AND THEN HIS AGENCY IS GOING TO HAVE TO DEMAND THAT A PERSON VIOLATE HIS OR HER RELIGIOUS SCRUPLES PURSUANT TO A REQUIREMENT IN THE LAW PUT THERE BY THE LEGISLATURE WHICH PRAYS EVERY MORNING. DID YOU SAY... [LB47]

SPEAKER HADLEY: TIME, SENATOR. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB47]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I SEE WE'RE GETTING LOW ON TIME HERE AND I WANTED TO AT LEAST SPEND A MINUTE ON AN AMENDMENT THAT I DO HAVE IN THE QUEUE, READY TO BRING UP AS SOON AS WE GET PAST THE BRACKET MOTION. I HAVE AN AMENDMENT, AM938, WHICH IS A THIRD OPTION WHICH WILL PUT IN THE STATUTE "ELECT NOT TO ANSWER." SO ON THIS MANDATORY QUESTION THAT I'M PROPOSING, YOU'LL HAVE THREE OPTIONS, "YES," "NO," OR "CHOOSE NOT TO ANSWER." BUT WE FEEL LIKE BEHIND THE SCENES IT'S ENOUGH TO ENCOURAGE PEOPLE TO ACTUALLY STILL MAYBE THINK ABOUT THE DECISION TO DONATE. AND I BELIEVE THAT SENATOR BRASCH ACTUALLY BROUGHT THE SUGGESTION UP DURING THE PUBLIC HEARING IN RESPONSE TO THE DEPARTMENT'S CONCERNS, WHICH IS NOT BEING ABLE TO ISSUE A LICENSE TO SOMEONE WHO REFUSES TO ANSWER THE QUESTION. WE DID HAVE QUITE A BIT OF DEBATE WITH THE DEPARTMENT AS FAR AS WHAT THEY WERE REALLY GOING TO BE CHARGED TO DO IF WE ASKED THEM TO DENY THE APPLICATION. I'M NOT REALLY HERE TO DEBATE WITH SENATOR CHAMBERS RIGHTS, PRIVILEGES, AND HE CAN CERTAINLY SNOW ME IN WITH WHATEVER HE WANTS TO DO, BUT HE DID MENTIONED A COUPLE OF TIMES THAT IT'S A RIGHT YOU HAVE TO COME GET A DRIVER'S LICENSE. I GUESS I QUESTION THAT JUST A LITTLE BIT. I STILL BELIEVE THAT'S MORE OF A PRIVILEGE. THE RIGHTS ARE HELD IN THE CONSTITUTION BUT THIS IS MORE OF A PRIVILEGE THAT SOMEONE HAS THE CHANCE TO COME IN AND MAKE AN APPLICATION FOR A DRIVER'S LICENSE OR AN I.D. AND AT THAT POINT IN TIME WE'RE ASKING THEM, WOULD THEY CONSIDER DOING THIS. THERE ARE OTHER QUESTIONS ON HERE THAT ARE NOT MANDATORY. AND IF YOU WANT TO READ THE BILL, THE BILL JUST KIND OF BASICALLY SPLITS IT IN HALF. THE FIRST HALF IS FOR THE INDIVIDUALS THAT HAVE A REGULAR DRIVER'S LICENSE. THE

Floor Debate
March 24, 2015

SECOND BILL IS DIRECTED STRICTLY TO CDLs OR COMMERCIAL DRIVER'S LICENSE APPLICATIONS. IT'S JUST ENOUGH DIFFERENCE, THAT'S WHAT IT NEEDS TO BE. BUT I REALIZE THAT SOME MAY HAVE PROBLEMS THAT THE QUESTION ISN'T RELATED TO GETTING A DRIVER'S LICENSE. SOME MAY HAVE PROBLEMS WITH THE MANDATORY NATURE OF THE QUESTION. SOME MAY HAVE PROBLEMS WITH RELIGIOUS FACTORS SURROUNDING ORGAN DONATION. IN COMPARISON, THESE CONCERNS MIGHT SEEM MINOR TO A PARENT WITH A CHILD THAT NEEDS A NEW HEART OR TO A WIFE WHOSE HUSBAND NEEDS A KIDNEY. IF WE DON'T PASS THIS BILL WE WILL NOT BE ABLE TO DECREASE THE NUMBER OF NEBRASKANS THAT WILL DIE AS A RESULT OF THAT. WE WILL NOT BE ABLE TO SAVE MORE LIVES. AND I'M URGING YOU TO FOCUS ON THE OVERALL OBJECTIVE OF THIS BILL. I APPRECIATE THAT. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE RECOGNIZED. [LB47]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I'VE LISTENED VERY CAREFULLY TO MY GOOD FRIEND, SENATOR WATERMEIER. I LISTENED TO SENATOR CHAMBERS, SENATOR BLOOMFIELD AND I GOT TO TELL YOU, I HAVE PROBLEMS WITH THIS ALSO. I DON'T THINK YOU CAN COMPEL SOMEONE TO GIVE AN ANSWER LIKE THIS. I DON'T THINK GIVING AN ANSWER IS IN ANY WAY RELATED TO GETTING A DRIVER'S LICENSE. THEY'RE TWO SEPARATE THINGS. AND EVEN IF YOU SAID YOU CAN SAY "YES," "NO," OR "NOT GOING TO ANSWER," WELL, NOT GOING TO ANSWER IS THE SAME AS BEING FORCED...YOU'RE SAYING "NO" IN A DIFFERENT WAY. WE'RE GOOD AT DOING THAT IN THIS BODY. I HAVE STRONG RESERVATIONS ABOUT DOING THIS. I THINK WHERE WE HAVE IT NOW IS SUFFICIENT. I THINK PEOPLE SHOULD HAVE THE CHOICE. AND I AM VERY SKEPTICAL THAT THIS IS THE RIGHT WAY TO GO. AT THIS POINT IF I HAD TO VOTE, I WOULD NOT VOTE FOR IT. I INTEND TO SPEAK WITH MY FRIEND, SENATOR WATERMEIER, OFF MIKE AND I WANT TO HEAR A LITTLE MORE REASONING. BUT AT THIS POINT, I JUST THINK THAT THIS IS NOT THE RIGHT USE OF STATE POWER, THE POWER OF GOVERNMENT. I JUST THINK THAT THIS IS GOING BEYOND WHAT WE OUGHT TO DO. AND I CERTAINLY DIDN'T COME DOWN HERE TO PASS LAWS THAT COMPEL PEOPLE TO DO THINGS. THAT'S NOT REALLY WHAT I WANT TO DO. YES, THAT'S WHAT WE'RE IN THE BUSINESS OF DOING, BUT LET'S DO IT AS FEW TIMES AS POSSIBLE. AND I WILL YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB47]

SPEAKER HADLEY: SENATOR FRIESEN. OH. SENATOR CHAMBERS, YOU'RE YIELDED 3 MINUTES AND 17 SECONDS. [LB47]

Floor Debate
March 24, 2015

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KINTNER. MEMBERS OF THE LEGISLATURE, I OFTEN SAY THAT WORDS HAVE MEANING, AND I KNOW WHAT I SAY BUT SENATOR WATERMEIER DOES NOT LISTEN. I KNOW DRIVING IS A PRIVILEGE. YOU KNOW HOW I STATED IT? I SAID, YOU HAVE THE RIGHT TO FILL OUT THIS APPLICATION IN ORDER TO OBTAIN THE PRIVILEGE OF DRIVING. THAT'S WHAT I SAID. AND THAT RIGHT SHOULD NOT BE INTERFERED WITH BY THE GOVERNMENT COMPELLING YOU TO EXPRESS AN OPINION. I CAN UNDERSTAND, SENATOR WATERMEIER'S VERY EMOTIONAL. HE DOESN'T KNOW WHETHER MORE PEOPLE ARE GOING TO SAY, I'LL GIVE MY ORGANS. BUT THAT'S NOT EVEN THE ISSUE. I DON'T KNOW WHETHER SENATOR WATERMEIER WOULD BE IN FAVOR OF MEDICAL MARIJUANA. AND I LISTENED TO TESTIMONY AND WATCHED PEOPLE WHO AT THE TIME WERE NOT HAVING SEIZURES, BUT WHO DESCRIBED THEM AND THEIR CHILDREN HAVE MULTIPLE SEIZURES. BUT HIS IDEOLOGY MIGHT CAUSE HIM TO SAY, NO, NO MARIJUANA. I DON'T CARE WHAT YOU CALL IT. SO PEOPLE HAVE DIFFERENT WAYS OF APPROACHING ISSUES LIKE THIS. AND I TOLD YOU, I'M WILLING TO BE THE BAD PERSON IF THAT'S WHAT IT MAKES ME. AND BAD PEOPLE ARE THE ONES WHO BRING ABOUT CHANGES IN A SOCIETY, BECAUSE AT THE TIME THEY OFFER IT, THEN IT IS NOT IN STEP WITH WHAT PEOPLE ARE DOING BECAUSE IF IT WERE YOU WOULDN'T NEED THAT BAD, DISCORDANT VOICE SAYING, DON'T DO IT THIS WAY, DO IT THAT WAY. THEN AFTER MUCH TIME PASSES, WHAT THAT PERSON HAD TO FIGHT FOR AND MAY IN THE OLD DAYS HAVE BEEN BURNED AT THE STAKE FOR SAYING, IT BECOMES SO PASSE THAT EVERYBODY BELIEVES THAT THIS IS THE WAY IT HAS ALWAYS BEEN. AND WHEN YOU SAY THERE WAS A TIME WHEN SOMEBODY DIED JUST TO SAY IT, YOU SAY THAT COULDN'T BE. SO WE DO HAVE TO HAVE THOSE PEOPLE WHO WILL SAY, NO. AND I'LL BE THE ONE WHO SAYS NO.... [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR CHAMBERS: ...AND YOU ALL OUGHT TO BE GLAD. MAYBE ON THIS ISSUE IT MEANS NOTHING TO YOU, BUT THERE'S GOING TO COME SOME ISSUE WHERE IT WILL. AND YOU OUGHT TO ASK YOURSELF, WHY WOULD SOMEBODY WHO HAS NO RELIGION AND NO USE FOR RELIGION SEE THE NEED TO DEFEND VOCIFEROUSLY AND FEROCIOUSLY THE RIGHT OF PEOPLE WHO DO HAVE A RELIGION NOT TO HAVE IT INFRINGED BY THE STATE? THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB47]

Floor Debate
March 24, 2015

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. BEING ON THE TRANSPORTATION COMMITTEE AND DEALING WITH THIS BILL, I GUESS FROM MY STANDPOINT I DIDN'T RECOGNIZE THE PROBLEMS THAT IT WOULD HAVE. AND I'D JUST MENTIONED EARLIER THAT I THOUGHT WE'D GET OUT BY 4:00. IT SHOULD BE A PIECE OF CAKE. AND WE COULD HAVE TIED THIS INTO LB31 YET. THERE COULD HAVE BEEN A WHOLE LOT OF GOOD THINGS COME OUT OF THIS. BUT IN THE END WHEN I LOOKED AT IT, I GUESS, I, IN THE PAST, HAVE BEEN MARKED AS AN ORGAN DONOR, AND SO I DIDN'T SEE A PROBLEM WITH HAVING TO ANSWER THE QUESTION BECAUSE THERE'S NO CONSEQUENCE TO ANSWERING THE QUESTION "YES" OR "NO." YOU CAN MARK THE QUESTION EITHER WAY YOU LIKE. AND IF YOU DON'T LIKE THE WAY YOU DID IT, A WEEK LATER YOU CAN CONTACT THE ORGAN DONOR REGISTRY PLACE AND CHANGE YOUR DESIGNATION TO WHATEVER YOU WANT AND YOUR LICENSE WILL STILL READ THE SAME AND NO ONE WILL KNOW THE DIFFERENCE. SO IN THE END, ALL THE LICENSE DOES IS KIND OF NOTIFY EMTs THAT YOU COULD POSSIBLY BE A DONOR BECAUSE THEY STILL HAVE TO CHECK WITH THE REGISTRY TO BE SURE THAT YOU'RE A DONOR. AND THEN THE NEXT QUESTION THAT CAME UP I THINK IT WAS 16 AND OLDER. WHEN YOU REGISTER FOR YOUR LICENSE, YOU MAY HAVE TO ANSWER THE QUESTION BUT THAT WILL NOT BE REGISTERED AT THE DONOR REGISTRY UNLESS YOU'RE AT LEAST 18 YEARS OF AGE, I BELIEVE. YOU CAN'T...THEY WILL NOT ACCEPT THAT ANSWER, IT JUST KICKS IT OUT. ONE OF THE OTHER THINGS THAT WAS BROUGHT UP ABOUT ASKING QUESTIONS...I MEAN, WE ASK LOTS OF QUESTIONS WHEN WE GET A DRIVER'S LICENSE. WE GET ASKED IF WE WANT TO REGISTER TO VOTE. WE ANSWER LOTS OF DIFFERENT QUESTIONS. WE DON'T HAVE TO ANSWER, I GUESS. IT'S NOT REQUIRED. I GUESS ALL I WAS LOOKING FOR HERE IS PEOPLE TO MAYBE TAKE NOTICE OF THAT OPTION A LITTLE MORE AND MAKE A DECISION. AND I DON'T CARE IF SOMEBODY WANTS TO ANSWER NO. IT DOESN'T BOTHER ME AT ALL. THAT'S YOUR PERSONAL CHOICE. I WOULDN'T EVEN THINK TWICE OVER SOMEBODY WHO CHOSE NOT TO DONATE THEIR ORGANS. SO WITH THAT, I DIDN'T LOOK AT IT AS BEING QUITE AS INTRUSIVE AS SENATOR CHAMBERS DID, BUT THAT'S EACH TO OUR OWN, SO. THANK YOU, MR. PRESIDENT. [LB47]

PRESIDENT HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB47]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, THE QUESTIONS SUCH AS: DO YOU WANT TO REGISTER TO VOTE? DO YOU WANT THE WORD VETERAN PUT ON YOUR LICENSE? THE LANGUAGE SAYS "OPTIONAL, YOU NEED NOT ANSWER." WHAT SENATOR FRIESEN WANTS TO PUT ON HERE IS TO SAY YOU MUST ANSWER. AND IF YOU DON'T YOU'RE NOT GOING TO DRIVE A CAR LEGALLY IN THIS STATE.

Floor Debate
March 24, 2015

THAT'S WHAT HE WANTS. AND HE'S ENTITLED TO THAT, BUT IT'S NOT WHAT I THINK SHOULD BE. AND IF YOU ALL WANT TO TEST TO SEE IF I CAN STAY EIGHT HOURS, WE HAVE UNTIL MIDNIGHT BEFORE THIS LEGISLATIVE DAY IS OVER. SO WE CAN GO, YOU CAN PUT ME TO THE TEST TODAY. BUT WE CAN HAVE A TEST VOTE ON THIS MOTION. WE'RE NOT GOING TO GET TO IT TODAY BECAUSE I HAVE A LOT THAT I INTEND TO SAY AND I WILL SAY IT. WE'RE NOT TALKING ABOUT THIS COMPELLING SOMEBODY TO BE A DONOR. I DON'T KNOW HOW TO SAY MORE CLEARLY WHAT I'VE TRIED TO SAY. MAYBE I CAN GIVE AN EXAMPLE THAT SENATOR FRIESEN MIGHT GRASP IN TERMS OF UNDERSTANDING WHAT I'M SAYING. IF I WAS CAUGHT BY AN OFFICER WHO SAW ME SHOOT 30 PEOPLE AND KILL THEM ALL AND HE'D PLACE ME UNDER ARREST, YOU KNOW ONE OF THE FIRST THINGS HE TELLS ME? YOU HAVE THE RIGHT TO REMAIN SILENT. I HAVE THE RIGHT TO REMAIN SILENT BUT NOT IN NEBRASKA. IF YOU ARE A PERSON WHO COMMITTED A MURDER IN BROAD DAYLIGHT IN DOWNTOWN OMAHA OR LINCOLN, YOU HAVE THE RIGHT TO REMAIN SILENT. BUT IF YOU'RE A LAW-ABIDING, TAXPAYING CITIZEN, YOU DON'T HAVE THE RIGHT TO REMAIN SILENT. IF I GO ON TRIAL, I NEED NOT UTTER A WORD IN MY DEFENSE. I CAN SIT WITHOUT UTTERING A WORD. AND IF BEFORE TRIAL STARTS I STAND BEFORE THE JUDGE AND THE JUDGE SAYS HOW DO YOU PLEAD? AND IF I...WHAT THEY CALL, IF I STAND MUTE, YOU KNOW WHAT THE JUDGE DOES? HE DOESN'T SAY, CHAMBERS DIDN'T SPEAK, THEREFORE HE'S GUILTY. THE JUDGE ENTERS A NOT GUILTY PLEA. THE JUDGE DOES IT. I DON'T HAVE TO SPEAK WHEN I'M ARRESTED. I DON'T HAVE TO SPEAK WHEN I'M IN COURT. BUT YOU HAVE TO SPEAK, ALBEIT BY WRITING, IN THE STATE OF NEBRASKA. WE TALK AND SAY A LOT OF FINE-SOUNDING WORDS. WE HAVE PEOPLE WHO EITHER BELONG TO OR ASSOCIATE WITH SOMETHING CALLED THE PLATTE INSTITUTE AND THEY CALL THEMSELVES A THINK TANK. THEY'RE ALL KINDS OF THOSE OPERATIONS THROUGHOUT THE COUNTRY, BUT A LOT OF THEM ARE LOCATED IN WASHINGTON, D.C. THEY WILL TAKE THE NAME OF SOME FAMOUS PERSON IN HISTORY WHO STOOD FOR THE RIGHTS OF THE PEOPLE TO DO ONE THING OR THE OTHER, OR REFRAIN FROM DOING ONE THING OR THE OTHER, AND GIVE THE IMPRESSION THAT THEY PATTERN THEIR ACTIVITIES AFTER THE PRINCIPLES LAID DOWN BY THAT INDIVIDUAL. AND WE, IN THIS LEGISLATURE, ARE ASKED TO COMPEL PEOPLE TO GIVE AN OPINION AS TO HOW THEY FEEL ON AN ISSUE THAT HAS NOTHING TO DO WITH THEIR ABILITY TO DRIVE. AND I SAY AGAIN... [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

Floor Debate
March 24, 2015

SENATOR CHAMBERS: ...THEY HAVE A RIGHT TO TAKE THAT EXAMINATION, FILL OUT THAT APPLICATION, AND THEY HAVE THE RIGHT TO BE EXEMPT FROM BEING COMPELLED TO EXPRESS AN OPINION IN THE WAY THAT IS CONTEMPLATED HERE. IT SHOULDN'T BE NECESSARY TO GO THROUGH THIS. SENATOR WATERMEIER MAY NOT HAVE THOUGHT IT THROUGH. THE COMMITTEE MAY NOT HAVE THOUGHT IT THROUGH, BUT EVEN IF THEY DID OR WHETHER THEY DID NOT, I HAVE AN OBLIGATION THAT I'M GOING TO DISCHARGE. AND I WILL DO IT, AND I'LL BE LIKE POOR "JOHNNY ONE NOTE" BUT I WILL USE DIFFERENT LYRICS. EVERY MORNING...OH, MY TIME IS UP, JUST ABOUT. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR CHAMBERS, YOU'RE RECOGNIZED, THIS IS YOUR THIRD TIME. THIS IS YOUR CLOSE ON YOUR BRACKET MOTION. [LB47]

SENATOR CHAMBERS: MEMBERS OF THE LEGISLATURE, I'M GOING TO SEE HOW THIS VOTE GOES. I SAY AGAIN, YOU ALL PRAY IN HERE EVERY MORNING. I DON'T COME UP HERE. I COULD COME UP HERE AND SHOW MY CONTEMPT BY EVERY TIME THE PERSON UP THERE SAYS LET'S STAND UP, I'D SIT DOWN. BUT IT MEANS SOMETHING TO YOU ALL, SO I LET YOU HAVE IT YOUR WAY. DOES RELIGION MEAN SOMETHING TO YOU OR IS IT ONLY YOUR BRAND OF RELIGION? AND MAYBE SOME OF YOU DON'T REALIZE THAT PEOPLE HAVE RELIGIOUS ATTITUDES TOWARD, NOT ONLY ORGAN DONATIONS BUT BLOOD TRANSFUSIONS, MANY THINGS THAT TO THOSE WHO DON'T BELIEVE THAT WAY MAY SEEM UNREASONABLE. BUT RELIGION, IN AND OF ITSELF, IS UNREASONABLE. EVEN WHEN THE "BIBBLE" DEFINES FAITH, SENATOR FRIESEN, IT SAYS, FAITH IS THE SUBSTANCE OF THINGS HOPED FOR, THE EVIDENCE OF THINGS NOT SEEN. YOU SEE NO EVIDENCE OF IT BUT YOU HOLD ON TO IT AS THOUGH IT'S TRUE ANYWAY. THAT'S IRRATIONAL... [LB47]

SPEAKER HADLEY: SENATOR CHAMBERS. [LB47]

SENATOR CHAMBERS: ...WHEN YOU HOLD A BELIEF WITHOUT EVIDENCE. DID YOU SAY TIME? [LB47]

SPEAKER HADLEY: NO, SENATOR CHAMBERS. I SAID THIS WAS YOUR LAST TIME. I MISSPOKE. YOU WILL HAVE ONE MORE TIME AFTER THIS TO CLOSE. [LB47]

Floor Debate
March 24, 2015

SENATOR CHAMBERS: OH, THANK YOU. I GUESS IT IS TRUE, ASK AND IT SHALL BE GIVEN YOU BECAUSE I KNOW A LOT OF YOU ALL WERE ASKING FOR MORE. MEMBERS OF THE LEGISLATURE, WHY SHOULD SOMEBODY'S RELIGION MEAN MORE TO ME THAN YOU ALL? AND YOU ALL MIGHT BE OVER THERE WHEN THE GOVERNOR GOES THROUGH THIS ROUTINE, THIS SHAM OF ISSUING THIS PROCLAMATION ABOUT FREEDOM OF RELIGION IN THE TOWN SQUARE. THAT'S WHAT MAKES ME USE THE WORD HYPOCRISY SO OFTEN. THIS SHOULD NOT EVEN BE A DIFFICULT THING TO GET RID OF. OR MAYBE YOU DON'T BELIEVE THAT SOME PEOPLE HAVE RELIGIOUS CONVICTIONS WHEN IT COMES NOT ONLY TO THE ORGAN DONATING BUT EVEN EXPRESSING THEIR OPINION ABOUT IT TO THE GOVERNMENT. AND THAT'S WHAT YOU WOULD BE REQUIRING BY ENACTING SOMETHING LIKE THIS. WE'RE NOT EVEN TALKING ABOUT THE LITTLE CHILDREN THAT SENATOR WATERMEIER TALKED ABOUT. AND YOU KNOW WHY HE INVOKES THAT IMAGERY AND SAID HE WOULD NOT DEBATE ME ON THE ISSUE? BECAUSE HE KNOWS IT'S NOT AN ISSUE WHERE THERE IS ANYTHING LOGICAL THAT CAN BE SAID ON THE OTHER SIDE. AND HE DOESN'T WANT TO SOUND FOOLISH BY STANDING UP HERE AND SAYING THE STATE HAS THE RIGHT TO COMPEL THIS SPEECH. AND IT IS COMPELLED. AND IN ORDER TO LET YOU KNOW THERE ARE NUANCES WHEN IT COMES TO COMPULSION, THE WORD COERCION COMES INTO PLAY. AND COERCION CAN BE VERY SUBTLE. IT CAN BE UNSPOKEN. IT CAN BE TRANSMITTED WITH THE LOOK ON A FACE, A CUT OF THE EYE, A NOD OF THE HEAD, BECAUSE BEHIND THAT COERCIVE GESTURE IS SOMETHING WORSE THAN THAT GESTURE THAT YOU MIGHT FACE IF YOU DON'T DO WHATEVER THE ONE COERCING YOU WANTS YOU TO DO. AND YOU KNOW THE ONE WHO IS SUGGESTING THAT COERCION WILL BE FORTHCOMING IS ABLE TO DELIVER ON WHAT IS BEING THREATENED. AND THE STATE HAS THE COERCIVE POWER TO MAKE YOU DO WHAT IT TELLS YOU YOU MUST DO OR PUNISH YOU FOR NOT DOING IT. [LB47]

PRESIDENT HADLEY: ONE MINUTE. [LB47]

SENATOR CHAMBERS: AND TO DENY SOMEBODY THE RIGHT TO FILL OUT AN APPLICATION DEVOID OF COERCED SPEECH, IS THE WORST KIND OF COERCION THE STATE CAN IMPOSE. THE STATE CANNOT MAKE YOU ACCEPT A RELIGION. THE STATE CANNOT MAKE YOU SAY YOU ARE RELIGIOUS. BUT THE STATE CAN TAKE YOUR LIFE IF IT CHOOSES TO, AS WAS DONE IN THE PAST, IF YOU DON'T LET THE WORDS COME OUT OF YOUR MOUTH THAT THEY WANT TO HEAR. ALL GALILEO HAD TO DO WAS STATE SOME WORDS AND HE STATED THEM, KNOWING THEY WERE FALSE, KNOWING THAT IT WAS FALSE, AND HE WAS COERCED BY

Floor Debate
March 24, 2015

RELIGIOUS PEOPLE. BUT AS SOON AS THE COERCION RELAXED, GALILEO, IN EFFECT, SAID IT'S NOT TRUE WHAT I'VE SAID, THE EARTH DOES MOVE. [LB47]

SPEAKER HADLEY: TIME, SENATOR. [LB47]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: AND THERE IS NO ONE ELSE IN THE QUEUE AND THIS WILL BE YOUR CLOSE. [LB47]

SENATOR CHAMBERS: THANK YOU. AND I WILL NOT OFFER A MOTION TO RECONSIDER THIS VOTE, BECAUSE I HAVE A MOTION UP THERE, AN AMENDMENT, AND THERE WILL BE AN OPPORTUNITY TO DISCUSS WHAT SENATOR WATERMEIER REFERRED TO AS AN AMENDMENT THAT OFFERS WHAT HE CALLS AN ALTERNATIVE, I GUESS. SO THE ALTERNATIVE, IF YOU'RE A CHICKEN IS WHETHER YOU WOULD RATHER BE FRIED OR ROASTED. THAT'S WHAT HE'S TALKING ABOUT. AND IF THE CHICKEN SAYS, I CHOOSE NOT TO BE "OTHER," THEY SAY THEN WE'LL JUST CUT YOUR HEAD OFF. IF THE STATE COMPELS YOU TO SAY ANYTHING--AND SENATOR KINTNER POINTED IT OUT--IT DOESN'T MATTER WHETHER THE WORD IS NEITHER, IF IT'S COMPELLED OR COERCED, THAT IS WHERE THE PROBLEM LIES. WE ARE SUPPOSEDLY REPRESENTATIVES IN A DEMOCRATIC SYSTEM. AND I HAVE TO STAND UP HERE AND ARGUE THINGS LIKE THIS? THEY SAY THAT IN THE FIRST AMENDMENT TO THE U.S. CONSTITUTION YOU FIND THE BASIC OR THE FUNDAMENTAL OR THE BEDROCK RIGHTS THAT THE GOVERNMENT CANNOT INFRINGE: FREEDOM OF SPEECH, WHICH MEANS FREEDOM NOT TO SPEAK; FREEDOM OF RELIGION, WHICH MEANS YOU CANNOT BE PUT TO A RELIGIOUS TEST TO HOLD ANY POLITICAL OFFICE OR PUBLIC POSITION IN THIS COUNTRY. SO THOSE ARE TWO THINGS THAT SUPPOSED...AND THEN FREEDOM OF THE PRESS; AND FREEDOM OF ASSEMBLY. SOMETIMES I WONDER ABOUT THAT FREEDOM OF THE PRESS THING, BUT WE NEED IT. WE DON'T ALWAYS LIKE IT, BUT WE NEED IT. YOU DON'T LIKE CASTOR OIL BUT IF YOU NEED IT, YOU NEED IT. SO IF THESE RIGHTS MEAN ANYTHING, THE ONLY WAY THAT I SEE SOMEBODY ABLE TO VOTE FOR THIS PROPOSITION THAT'S BEFORE US IS TO FEEL THAT THE GOVERNMENT DOES HAVE THE RIGHT TO WITHHOLD FROM YOU A PRIVILEGE THAT SHOULD BE YOURS IF YOU DON'T DO WHAT IT ORDERS YOU TO DO. JUST KEEP IN MIND AS YOU VOTE, IF I WAS WITNESSED BY A THOUSAND PEOPLE SHOOTING THE PRESIDENT--A PRESIDENT YOU ALL MAY HAVE LIKED, RONALD REAGAN--WHEN THEY CLAMPED THE HANDCUFFS ON ME, THEY TELL ME I HAVE THE RIGHT TO

Floor Debate
March 24, 2015

REMAIN SILENT. THAT'S WHAT YOU NEED TO THINK ABOUT. RIGHT NOW, YOU CAN CHOOSE TO ANSWER WHETHER OR NOT YOU WANT TO BE AN ORGAN DONOR. BUT THAT'S NOT GOOD ENOUGH FOR THE PEOPLE WHO WANT THESE ORGANS. THEY WANT TO COMPEL YOU. AND MAYBE THEY THINK LIKE SOME OF THESE SO-CALLED CHARITIES, IF THEY PUT THE BEGGING CUP WHERE EVERYBODY WILL SEE YOU IF YOU DON'T GIVE SOMETHING, THAT'S A SUBTLE TYPE OF COERCION TO MAKE YOU DO SOMETHING SO YOU WON'T BE EMBARRASSED. SO SENATOR WATERMEIER IS SAYING IF WE MAKE IT DIFFICULT ENOUGH AND COERCE THE PEOPLE THEN MAYBE THEY'LL ANSWER THE QUESTION. BUT WHAT YOU MIGHT DO IS TURN THEM OFF SO THEY WOULDN'T THINK OF DOING WHAT YOU MAKE THEM ANSWER THE QUESTION ABOUT. I DON'T REMEMBER THE NAME OF THE INDIVIDUAL, I DON'T REMEMBER IF IT WAS BEDFORD OR WHOEVER, BUT SOMEBODY SAID I HAVE NOT YET BEGUN TO FIGHT... [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR CHAMBERS: ...I DON'T KNOW IF THAT WAS JOHN PAUL JONES. I JUST GUESSED IT BECAUSE THERE WAS A DISCIPLE NAMED JOHN AND ONE NAMED PAUL, AND THE INNKEEPER'S NAME WAS JONES; YE OLD JONES INN. SO JOHN PAUL JONES...SEE HOW THINGS COME TO YOU WHEN YOU DO THE RIGHT THING? MR. PRESIDENT, I'M GOING TO ASK FOR A CALL OF THE HOUSE. THEN I WOULD LIKE A ROLL CALL VOTE. HOW MUCH TIME DO I HAVE? [LB47]

SPEAKER HADLEY: 22 SECONDS. [LB47]

SENATOR CHAMBERS: THIS IS THE ROLL BEING CALLED, NOT UP YONDER, BUT HERE WHERE WE ARE TO BE THE UPHOLDERS OF THE CONSTITUTION. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB47]

CLERK: 25 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB47]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER

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Floor Debate
March 24, 2015

PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS CRAIGHEAD, NORDQUIST, RIEPE, BURKE HARR, BOLZ, KUEHN, GARRETT, AND GROENE, THE HOUSE IS UNDER CALL. SENATOR GARRETT, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, HOW DID YOU WISH TO PROCEED? [LB47]

SENATOR CHAMBERS: ROLL CALL VOTE. [LB47]

SPEAKER HADLEY: REGULAR ORDER? [LB47]

SENATOR CHAMBERS: YES. [LB47]

SPEAKER HADLEY: MR. CLERK, ROLL CALL VOTE, REGULAR ORDER. [LB47]

CLERK: (ROLL CALL VOTE TAKEN. LEGISLATIVE JOURNAL PAGES 973-974.) 14 AYES, 19 NAYS, MR. PRESIDENT, ON THE MOTION TO BRACKET. [LB47]

SPEAKER HADLEY: THE MOTION TO BRACKET FAILS. MR. CLERK. RAISE THE CALL. [LB47]

CLERK: MR. PRESIDENT, SOME ITEMS. I HAVE AN AMENDMENT TO BE PRINTED: SENATOR MELLO TO LB419; SENATOR WATERMEIER TO LB47; SENATOR CHAMBERS TO LB47. (LEGISLATIVE JOURNAL PAGE 974.) [LB419 LB47]

MR. PRESIDENT, SENATOR PANSING BROOKS WOULD MOVE TO ADJOURN UNTIL WEDNESDAY, MARCH 25, AT 9:00 A.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES.