

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

Floor Debate  
March 24, 2016

---

[LB83 LB447A LB447 LB677 LB678 LB682 LB694 LB698A LB698 LB704 LB710 LB712  
LB730 LB741 LB750 LB772 LB774A LB774 LB783A LB783 LB787 LB794 LB816 LB817  
LB824 LB842 LB857 LB874 LB877 LB879 LB895 LB897 LB899 LB902 LB906 LB908  
LB908A LB913 LB914 LB935 LB938A LB938 LB952 LB956 LB957 LB973 LB977A LB977  
LB978 LB981 LB993 LB1004 LB1009 LB1010 LB1011 LB1038A LB1038 LB1039 LB1050  
LB1059 LB1064 LB1065 LB1066 LB1075 LB1080 LB1081 LB1082 LB1082A LB1083A  
LB1084 LB1092 LB1093 LB1093A LB1099 LB1101 LB1105A LB1105 LB1109 LB1110A  
LR378CA LR381 LR492 LR494 LR509 LR519 LR520 LR521 LR522 LR523 LR524 LR525  
LR526 LR527 LR528]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FORTY-NINTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR MARCO MORALES, IGLASIA EL BUEN SAMARITANO LATINO CHURCH IN KEARNEY, NEBRASKA, IN SENATOR HADLEY'S DISTRICT. PLEASE RISE.

PASTOR MORALES: (PRAYER OFFERED.)

SENATOR SCHEER: THANK YOU, CHAPLAIN MORALES. I CALL TO ORDER THE FORTY-NINTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE.

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: RECORD, MR. CLERK.

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

SPEAKER HADLEY: CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS, MR. PRESIDENT.

SPEAKER HADLEY: MESSAGES, REPORTS, OR ANNOUNCEMENTS?

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

Floor Debate  
March 24, 2016

---

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB977, LB977A, LB1105, AND LB1105A AS CORRECTLY ENGROSSED. NEW RESOLUTION: SENATOR SMITH, LR519, AN INTERIM STUDY RESOLUTION. THAT WILL BE REFERRED TO THE EXECUTIVE BOARD. MR. PRESIDENT, I HAVE THE REPORT OF THE REGISTERED LOBBYISTS THIS WEEK TO BE INSERTED IN THE JOURNAL AND ACKNOWLEDGMENT OF AGENCY REPORTS RECEIVED IN THE CLERK'S OFFICE AND AVAILABLE FOR THE MEMBERS ON THE LEGISLATIVE WEB SITE. (LEGISLATIVE JOURNAL PAGES 1205-1207.) [LB977 LB977A LB1105 LB1105A LR519]

SPEAKER HADLEY: SENATOR KRIST, FOR AN ANNOUNCEMENT.

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. THIS ANNOUNCEMENT IS FOR OUR OWN SAFETY AND SECURITY. WE'VE BEEN ADVISED THAT IN THE NEBRASKA STATE OFFICE BUILDING AND IN 1526, WHICH IS THE OLD WOODMEN BUILDING, THERE WILL BE TORNADO ALERTS AND SIRENS AND ALARMS GOING OFF. WE'VE BEEN ADVISED THAT NONE OF THAT WILL AFFECT US OR OUR STAFFS. IF AN ALARM SHOULD AFFECT US OR OUR STAFFS DURING THAT TIME FRAME, WE'LL TAKE THE LEAD FROM THE RED COATS AND THE STATE PATROL THAT WATCH OVER US DILIGENTLY. SO, I DON'T WANT TO SAY DISREGARD THE HORNS AND THE SIRENS, BUT IN THIS CASE DISREGARD THE HORNS AND THE SIRENS. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR492 AND LR494. MR. CLERK. [LR492 LR494]

CLERK: MR. PRESIDENT, THE FIRST ITEM ON THE AGENDA THIS MORNING IS CONSIDERATION OF GENERAL FILE A BILLS. SENATOR SCHEER PRESENTS LB774A. (READ TITLE.) [LB774A]

SPEAKER HADLEY: SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON YOUR LB774. [LB774A]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. THIS IS JUST THE A BILL ACCOMPANYING LB774 THAT WE WORKED ON THE OTHER EVENING. IT'S INCLUSIVE OF WHAT WE TALKED ABOUT AND WAS PASSED THE OTHER EVENING. SO WITHOUT ANY OTHER QUESTIONS, TRYING TO CONSOLIDATE TIME,

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

Floor Debate  
March 24, 2016

---

I'D ASK FOR YOUR SUPPORT ON LB774A. THANK YOU, MR. SPEAKER. [LB774 LB774A]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE. SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB774. ALL IN FAVOR SIGNIFY BY SAYING AYE...I'M SORRY, I'M SORRY, VOTE. RECORD, MR. CLERK. [LB774A]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT ON THE ADVANCEMENT OF LB774A. [LB774A]

SPEAKER HADLEY: LB774A ADVANCES. MR. CLERK. [LB774A]

CLERK: MR. PRESIDENT, LB1093A BY SENATOR MELLO. (READ TITLE.) [LB1093A]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN. [LB1093A]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB1093A IS THE ACCOMPANIED CASH-FUNDED A BILL TO APPROPRIATE \$30,000-PLUS OUT OF THE LEGISLATIVE COUNCIL FROM THE BIO STEERING COMMITTEE CASH FUND TO BE ABLE TO BE USED FOR THE BIO STEERING COMMITTEE THAT IS NOW PART OF LB1093. WITH THAT, I'D URGE THE BODY TO ADVANCE LB1093A. [LB1093A LB1093]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB1093. SEEING NO ONE IN THE QUEUE. SENATOR MELLO WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB1093. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1093A]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB1093A. [LB1093A]

SPEAKER HADLEY: LB1093A ADVANCES. MR. CLERK. [LB1093A]

CLERK: MR. PRESIDENT, LB1110A. (READ TITLE.) [LB1110A]

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

Floor Debate  
March 24, 2016

---

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB1110.  
[LB1110A]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB1110A IS THE ACCOMPANYING A BILL FOR THE NEBRASKA INNOVATION AND OPPORTUNITY...A WORK FORCE INNOVATION AND OPPORTUNITY ACT, I'M SORRY, THAT WE PASSED YESTERDAY ON GENERAL FILE. THERE'S A \$500,000 CASH FUND A BILL WITHIN THE DEPARTMENT OF LABOR FOR THEM TO CARRY OUT THE IMPLEMENTATION OF THE SECTOR PARTNERSHIP PROGRAM. WITH THAT, I'D URGE THE BODY TO ADVANCE LB1110A. THANK YOU, MR. PRESIDENT. [LB1110A]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON LB1110A. SEEING NO ONE IN THE QUEUE. SENATOR MELLO WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB1110A. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1110A]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB1110A.  
[LB1110A]

SPEAKER HADLEY: LB1110A ADVANCES. (DOCTOR OF THE DAY AND VISITORS INTRODUCED.) MR. CLERK, WE'LL MOVE TO FINAL READING. MEMBERS SHOULD RETURN TO THEIR SEATS IN PREPARATION FOR FINAL READING. MR. CLERK. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1110A]

CLERK: 42 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING.

SPEAKER HADLEY: THE AT-LARGE READING FOR LB956 IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB956]

CLERK: (READ TITLE OF LB956.) [LB956]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB956E PASS WITH THE

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

Floor Debate  
March 24, 2016

---

EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB956]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1208.) 46 AYES, 1 NAY, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB956]

SPEAKER HADLEY: LB956 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. MR. CLERK, THE NEXT ONE IS LB957. THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB956 LB957]

CLERK: 43 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB957]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB957]

CLERK: (READ TITLE OF LB957.) [LB957]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB957 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB957]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1209.) 47 AYES, 0 NAYS, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB957]

SPEAKER HADLEY: LB957 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. MR. CLERK, WE'LL NOW GO TO LB981. [LB957 LB981]

CLERK: (READ LB981 ON FINAL READING.) [LB981]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB981 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB981]

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

Floor Debate  
March 24, 2016

---

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1210.) 46 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB981]

SPEAKER HADLEY: LB981 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LB956E, LB957E, AND LB981E. MR. CLERK. [LB956 LB957 LB981]

CLERK: MR. PRESIDENT, LB1109. I HAVE A MOTION ON THE DESK. SENATOR CHAMBERS WOULD MOVE TO RETURN THE BILL FOR A SPECIFIC AMENDMENT, THAT AMENDMENT BEING TO STRIKE THE ENACTING CLAUSE. (FA107, LEGISLATIVE JOURNAL PAGE 1211.) [LB1109]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB1109]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THE ONLY REASON FOR THIS MOTION IS SO THAT I CAN PUT INTO THE RECORD WHY I'M FOLDING MY TENT ON THIS BILL. AND SINCE I TOOK SOME TIME LAST NIGHT AFTER SPENDING AN EVENTFUL AND GLORIOUS DAY DOWN HERE, I'M GOING READ INTO THE RECORD WHAT I PUT TOGETHER. THIS IS A RHYME. IT'S ENTITLED, LEGISLATIVE REALITY CHECK, THEN IN PARENTHESIS BENEATH IT, TIME IS OF THE ESSENCE TODAY. THEN THERE IS A CUTOUT OF THE ONE-LINER FROM THE AGENDA, WHICH STATES, FINAL READING, LB1109, TELLS WHAT IT'S FOR. THEN VERSES LR378CA. THEN COMES THE RHYME. BUT THERE'S WHAT YOU MIGHT CALL A SIDEBAR WHICH SAYS, YOU GOT TO KNOW WHEN TO HOLD THEM, KNOW WHEN TO FOLD THEM. SOMETIMES, THOUGH A CAUSE BE LOST, ONE FIGHTS ON, DESPITE THE COST, RISKING ALL, THOUGH IT BE CLEAR, ULTIMATE DEFEAT IS NEAR. ERE THE DUNBAR BATTLE WAS FOUGHT, CROMWELL WARNED THE SCOTS: YOU OUGHT SERIOUS CONSIDERATION, TO GIVE: IF YOU WANT YOUR TROOPS TO LIVE--IN THIS CAUSE YOU MAY BE WRONG. CROMWELL'S WARNING WENT UNHEEDED: SCOTS WERE CRUSHINGLY DEFEATED. THOUGH THIS CAUSE...IN THIS CAUSE, I'M NOT WRONG. I'LL NOT SING THE DUNBAR SONG. RATHER, I ACKNOWLEDGE THE FACT: I'VE A BIGGER NUT TO CRACK. THAT BIGGER NUT IS THIS RIGHT TO HARM BILL, AND IT WAS CALLED THE BATTLE OF DUNBAR, NOT THE DUNBAR BATTLE. BUT SEE, THOSE WHO WRITE RHYMES ARE ALLOWED TO TAKE LIBERTIES WITH THE LANGUAGE, AND IT WAS REALLY IN A LETTER THAT CROMWELL HAD WRITTEN TO THE HEAD OF

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

Floor Debate  
March 24, 2016

---

THE CHURCH IN SCOTLAND AND TOLD THEM, I BESIEGE YOU IN THE BOWELS OF CHRIST, CONSIDER THAT YOU MAY BE WRONG. AND THE SCOTS DISREGARDED THAT. THEY WENT INTO BATTLE. THEY WERE RESOUNDINGLY DEFEATED AT A GREAT, UNNECESSARY LOSS OF LIFE. THANK YOU, MR. PRESIDENT. AND I WITHDRAW THAT MOTION. [LB1109 LR378CA]

SPEAKER HADLEY: WITHOUT OBJECTIONS, SO ORDERED. MR. CLERK, WE'LL RETURN TO FINAL READING ON LB1109. [LB1109]

CLERK: (READ LB1109 ON FINAL READING.) [LB1109]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1109 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1109]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1211.) 38 AYES, 8 NAYS, 2 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1109]

SPEAKER HADLEY: LB1109 PASSES. WE'LL NOW PROCEED TO LB83. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE...MR. CLERK. [LB1109 LB83]

CLERK: MR. PRESIDENT, SENATOR LARSON HAD AN AMENDMENT, AM2672, BUT I HAVE A NOTE SAYING YOU WISH TO WITHDRAW. LB83 IS BY SENATORS COOK, PANSING BROOKS, AND MELLO. (READ LB83 ON FINAL READING.) [LB83]

SPEAKER HADLEY: ALL PROVISIONS OF LAW BEING COMPLIED WITH, THE QUESTION IS, SHALL LB83 PASS? ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB83]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1212.) 32 AYES, 11 NAYS, 5 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB83]

SPEAKER HADLEY: LB83 PASSES. MR. CLERK, LB447. [LB83 LB447]

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

Floor Debate  
March 24, 2016

---

CLERK: MR. PRESIDENT, IF I MAY, I HAVE...SENATOR KOLTERMAN, I HAVE AN AMENDMENT, AM2546 WITH A NOTE YOU WISH TO WITHDRAW. [LB447]

SPEAKER HADLEY: MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB447]

CLERK: 40 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB447]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB447]

CLERK: (READ TITLE OF LB447.) [LB447]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB447 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. RECORD, MR. CLERK. [LB447]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1213-1214.) 46 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB447]

SPEAKER HADLEY: LB447 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. LB447A. [LB447 LB447A]

ASSISTANT CLERK: (READ LB447A ON FINAL READING.) [LB447A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB447 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB447A]



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

Floor Debate  
March 24, 2016

---

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1214-1215.) THE VOTE IS 48 AYES, 0 NAYS, 1 EXCUSED AND NOT VOTING ON THE FINAL PASSAGE OF THE BILL, MR. PRESIDENT. [LB447A]

SPEAKER HADLEY: LB447A PASSES WITH THE EMERGENCY CLAUSE ATTACHED. NEXT, WE WILL GO TO LB698. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB447A LB698]

ASSISTANT CLERK: 42 AYES, 1 NAY, TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB698]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB698]

ASSISTANT CLERK: (READ TITLE OF LB698.) [LB698]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB698 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB698]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1215-1216.) VOTE IS 47 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB698]

SPEAKER HADLEY: LB698 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. MR. CLERK, WE WILL PROCEED TO LB698A. [LB698 LB698A]

ASSISTANT CLERK: (READ LB698A ON FINAL READING.) [LB698A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB698A PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB698A]

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

Floor Debate  
March 24, 2016

---

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1216-1217.) VOTE IS 47 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB698A]

SPEAKER HADLEY: LB698A PASSES WITH THE EMERGENCY CLAUSE ATTACHED. MR. CLERK, LB704. THE FIRST VOTE IS THE VOTE TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB698A LB704]

ASSISTANT CLERK: 41 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB704]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB704]

ASSISTANT CLERK: (READ TITLE OF LB704.) [LB704]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB704 PASS? ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB704]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1218.) VOTE IS 46 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB704]

SPEAKER HADLEY: LB704 PASSES. MR. CLERK, LB710. [LB704 LB710]

ASSISTANT CLERK: MR. PRESIDENT, ON LB710, SENATOR KRIST HAD A MOTION, BUT I HAVE A NOTE HE WANTS TO WITHDRAW THAT. [LB710]

SPEAKER HADLEY: SO ORDERED WITHOUT OBJECTION. [LB710]

ASSISTANT CLERK: (READ LB710 ON FINAL READING.) [LB710]

SPEAKER HADLEY: ALL PROVISIONS OF LAW HAVING BEEN COMPLIED WITH, THE QUESTION FOR THE BODY IS, THE ADOPTION OF LB...PASSING OF LB710. ALL IN

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

Floor Debate  
March 24, 2016

---

FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB710]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1219.) VOTE IS 47 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB710]

SPEAKER HADLEY: LB710 PASSES. WE WILL NOW PROCEED TO LB730. [LB710 LB730]

ASSISTANT CLERK: (READ LB730 ON FINAL READING.) [LB730]

SPEAKER HADLEY: ALL PROVISIONS OF LAW HAVING BEEN COMPLIED WITH, THE QUESTION IS THE PASSING OF LB730. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB730]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1219-1220.) VOTE IS 48 AYES, 0 NAYS, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB730]

SPEAKER HADLEY: LB730 PASSES. MR. CLERK, LB772. THE FIRST VOTE IS DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB730 LB772]

ASSISTANT CLERK: 41 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB772]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB772]

ASSISTANT CLERK: (READ TITLE OF LB772.) [LB772]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB772 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB772]

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

Floor Debate  
March 24, 2016

---

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1220-1221.) VOTE IS 46 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB772]

SPEAKER HADLEY: LB772 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. NEXT, WE WILL GO TO LB794. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB772 LB794]

ASSISTANT CLERK: 41 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING. [LB794]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB794]

ASSISTANT CLERK: (READ TITLE OF LB794.) [LB794]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB794 PASS? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB794]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1221-1222.) VOTE IS 47 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB794]

SPEAKER HADLEY: LB794 PASSES. THE NEXT BILL IS LB817, MR. CLERK. [LB794 LB817]

ASSISTANT CLERK: (READ LB817 ON FINAL READING.) [LB817]

SPEAKER HADLEY: ALL PROVISIONS OF LAW HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB817 PASS? ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB817]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1222-1223.) VOTE IS 48 AYES, 0 NAYS, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB817]

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

Floor Debate  
March 24, 2016

---

SPEAKER HADLEY: LB817 PASSES. MR. CLERK, LB857. [LB817 LB857]

ASSISTANT CLERK: (READ LB857 ON FINAL READING.) [LB857]

SPEAKER HADLEY: ALL PROVISIONS OF LAW HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB857 PASS? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB857]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1223.) VOTE IS 46 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB857]

SPEAKER HADLEY: LB857 PASSES. MR. CLERK, LB897. [LB857 LB897]

ASSISTANT CLERK: (READ LB897 ON FINAL READING.) [LB897]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB897 PASS? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB897]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1224.) 48 AYES, 0 NAYS, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB897]

SPEAKER HADLEY: LB897 PASSES. MR. CLERK, LB906. [LB897 LB906]

CLERK: (READ LB906 ON FINAL READING.) [LB906]

SPEAKER HADLEY: ALL PROVISIONS OF LAW ACCORDING TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB906 PASS? ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB906]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1224-1225.) 46 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB906]

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

Floor Debate  
March 24, 2016

---

SPEAKER HADLEY: LB906 PASSES. (VISITORS INTRODUCED.) MR. CLERK, WE WILL NOW PROCEED TO LB1009. THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB906 LB1009]

CLERK: 38 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING. [LB1009]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB1009]

CLERK: (READ TITLE OF LB1009.) [LB1009]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1009 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1009]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1226.) 47 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1009]

SPEAKER HADLEY: LB1009 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. MR. CLERK, LB1059. [LB1009 LB1059]

CLERK: (READ LB1059 ON FINAL READING.) [LB1059]

SPEAKER HADLEY: ALL PROVISIONS OF LAW HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1059 PASS? ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1059]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1226-1227.) 44 AYES, 1 NAY, 3 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1059]

SPEAKER HADLEY: LB1059 PASSES. MR. CLERK, LB1081. THE FIRST VOTE IS DISPENSED WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1059 LB1081]

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

Floor Debate  
March 24, 2016

---

CLERK: 41 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB1081]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB1081]

CLERK: (READ TITLE OF LB1081.) [LB1081]

SPEAKER HADLEY: ALL PROVISIONS OF LAW HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1081 PASS? ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1081]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1227-1228.) 47 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1081]

SPEAKER HADLEY: LB1081 PASSES. MR. CLERK, LB1082. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1081 LB1082]

CLERK: 40 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB1082]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB1082]

CLERK: (READ TITLE OF LB1082.) [LB1082]

SPEAKER HADLEY: ALL PROVISIONS OF LAW HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1082 PASS? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1082]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1228-1229.) 48 AYES, 0 NAYS, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT, ON THE FINAL PASSAGE OF LB1082. [LB1082]

SPEAKER HADLEY: LB1082 PASSES. MR. CLERK, LB1082A. [LB1082 LB1082A]

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

Floor Debate  
March 24, 2016

---

CLERK: (READ LB1082A ON FINAL READING.) [LB1082A]

SPEAKER HADLEY: ALL PROVISIONS OF LAW HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1082A PASS? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1082A]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1229-1230.) 46 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1082A]

SPEAKER HADLEY: LB1082A PASSES. MR. CLERK, LB1092. THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1082A LB1092]

CLERK: 43 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB1092]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB1092]

CLERK: (READ TITLE OF LB1092.) [LB1092]

SPEAKER HADLEY: ALL PROVISIONS OF LAW HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB1092 PASS? ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1092]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 1230.) 48 AYES, 0 NAYS, 1 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB1092]

SPEAKER HADLEY: LB1092 PASSES. I WOULD ASK THE MEMBERS TO PLEASE STAY IN YOUR SEATS FOR AN ANNOUNCEMENT FROM THE SPEAKER. BUT FIRST, I WILL SAY THAT WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF CONDUCTING BUSINESS, I PROPOSE TO SIGN AND HEREBY DO SIGN LB1109, LB83, LB447, LB447A, LB698, LB698A, LB704, LB710, LB730, LB772, LB794, LB817, LB857, LB897, LB906, LB1009, LB1059, LB1081, LB1082, LB1082A, AND LB1092. [LB1109 LB83 LB447 LB447A LB698 LB698A LB704 LB710 LB730 LB772 LB794 LB817 LB857 LB897 LB906 LB1009 LB1059 LB1081 LB1082 LB1082A LB1092]



Floor Debate  
March 24, 2016

---

SENATOR KRIST PRESIDING

SENATOR KRIST: SPEAKER HADLEY, YOU'RE RECOGNIZED.

SPEAKER HADLEY: THANK YOU, MR. PRESIDENT. I DO HAVE SOME ANNOUNCEMENTS, I'D LIKE TO SHARE WITH YOU. FIRST, THESE ALL DEAL WITH THE REMAINDER OF THE SESSION, SO I HOPE YOU WILL LISTEN CLOSELY. FIRST, WHEN YOU RECEIVE TUESDAY'S AGENDA, YOU WILL HAVE IN YOUR HANDS A THREE-PAGE LIST OF ALL PRIORITY BILLS AVAILABLE TO US TO ADDRESS DURING THE REMAINING DAYS OF THE SESSION. CURRENTLY, THERE ARE 33 BILLS ON GENERAL FILE AND 15 PRIORITY BILLS ON SELECT FILE AVAILABLE FOR DEBATE. WHILE THREE PAGES OF BILLS MAY NOT LOOK LIKE A LOT, THERE ARE A FAIR NUMBER OF BILLS THAT WILL ENTAIL EXTENDED DEBATE. ADDITIONALLY, EACH OF THE BILLS WILL NEED TO BE TAKEN UP AT EITHER ONE OR TWO STAGES OF DEBATE, DEPENDING ON WHETHER IT IS ON GENERAL FILE OR SELECT FILE AT THIS POINT IN TIME. AND ON TOP OF THAT, WE HAVE ALL THE FINAL READING OF CONSENT CALENDAR BILLS AND ANOTHER 49 BILLS SITTING ON FINAL READING, SOME OF WHICH WERE READ TODAY. WHILE TUESDAY'S AGENDA LISTS ALL THE AVAILABLE PRIORITY BILLS, IT DOES NOT INDICATE THE ORDER OF DIVISIONS THAT I WILL FOLLOW EACH DAY. PLEASE NOTE THAT I INTEND TO REORGANIZE THE DIVISIONS FOR EACH DAY'S AGENDA BASED UPON MY ANTICIPATED GOALS FOR EACH DAY. IN OTHER WORDS, JUST BECAUSE ONE DIVISION FOLLOWS ANOTHER ON TUESDAY'S AGENDA, THAT ORDER MAY AND LIKELY WILL CHANGE AT MY DISCRETION. NEXT WEEK I INTEND TO CONCENTRATE ON COMPLETING AS MUCH GENERAL FILE AS POSSIBLE. WE WILL BEGIN EACH DAY WITH SOME OF THE MAJOR PUBLIC POLICY ISSUES WE HAVE TO YET TO ADDRESS. TUESDAY MORNING WE WILL TAKE UP LB1032, SENATOR McCOLLISTER'S BILL TO ADOPT THE TRANSITIONAL HEALTH CARE INSURANCE PROGRAM. WEDNESDAY, WE WILL TAKE UP LB959, THE GOVERNOR'S EDUCATION AND PROPERTY TAX BILL, AND LB1067, THE LEARNING COMMUNITY BILL. ON THURSDAY, I PLAN TO TAKE UP LB958, THE GOVERNOR'S REVENUE PROPERTY TAX BILL IF THE COMMITTEE ADOPTS A PLAN AND REPORTS THE BILL TO GENERAL FILE AT THE BEGINNING OF NEXT WEEK. WITH THE PASSAGE OF THE BUDGET BILLS AND STATE CLAIMS BILL THIS MORNING, THE GOVERNOR BY CONSTITUTION, HAS UNTIL MIDNIGHT NEXT WEDNESDAY TO RETURN THE LEGISLATURE ANY BUDGET VETOES HE WILL MAKE. IF THERE ARE ANY VETOES, WE WILL TAKE UP THE OVERRIDES, WILL DEPEND ON WHEN WE RECEIVE THE BILLS BACK FROM THE GOVERNOR AND THE NUMBER OF VETOES. THE APPROPRIATIONS COMMITTEE WILL NEED TIME TO REVIEW THE VETOES AND DETERMINE WHICH ACTION THEY PLAN TO TAKE. BEGINNING NEXT TUESDAY, I

Floor Debate  
March 24, 2016

---

INTEND TO EXTEND THE ADJOURNMENT TIME UP TO--AND I STRESS--UP TO AN ADDITIONAL HOUR, IF ON A DAILY BASIS I DETERMINE GOING BEYOND 7:00 WOULD BE PRODUCTIVE. THUS, WE WILL ADJOURN SOMEWHERE BETWEEN 7:00 AND 8:00 EACH DAY DEPENDING ON WHERE WE ARE IN DEBATE AT 7:00. I WOULD ASK FOR YOUR FLEXIBILITY IN ARRANGING YOUR SCHEDULES TO ACCOMMODATE AN 8:00 P.M. ADJOURNMENT IF NECESSARY. SEVERAL MEMBERS HAVE ASKED ME TO CONSIDER EXTENDING OUR EVENING DEBATE AND THE DECISION IS IN RESPONSE TO THEIR REQUEST. FINALLY, I WOULD LIKE TO MAKE SURE EVERYBODY UNDERSTANDS THAT IT'S MY PLAN TO HAVE ALL BILLS READ BY DAY 59. THIS WILL ENSURE THAT THIS BODY HAS THE FINAL DAY, DAY 60, FOR ALL LEGISLATION WE CHOOSE TO PASS PREVENTING ANY POCKET VETOES. WE WILL HAVE A DAY 60, NO EARLY ADJOURNMENT THIS YEAR. DAY 60 WILL CONSIST OF OVERRIDES IF THERE ARE ANY, AND OUR FAREWELL CEREMONIES. BECAUSE THE CONSTITUTIONALITY REQUIRE A LAYOVER DAY, WE NEED TO COMPLETE SELECT FILE ON DAY 57 IN ORDER TO READ ALL THE BILLS BY DAY 59. DAY 57 IS THURSDAY, APRIL 7, THE FINAL DAY OF THE WORKWEEK. DEPENDING ON THE NUMBER OF BILLS ON SELECT FILE THAT DAY, WE MAY NEED TO HAVE A FULL DAY WITH A 20-MINUTE LUNCH BREAK AND THE PROVISION OF LUNCH. ADJOURNMENT WOULD OCCUR WHEN WE HAVE FINISHED THAT DAY'S AGENDA OR WHEN THE BODY CHOOSES TO ADJOURN. FINALLY, TECHNICALLY, THE FINAL DAY FOR GENERAL FILE IS WEDNESDAY, APRIL 6, DAY 56. HOWEVER, WHEN I ACTUALLY END THE SCHEDULING OF GENERAL FILE DEBATE, MAYBE SOONER, DEPENDING UPON THE WORKLOAD ON SELECT FILE AND FINAL READING. MY GOAL IS TO ENSURE THAT ALL BILLS ADVANCED FROM GENERAL FILE ARE ABLE TO BE COMPLETED BY THE BODY THIS YEAR. WE HAVE A LOT TO ACCOMPLISH IN THE NEXT TWO WEEKS. I WOULD NOW LIKE TO CHANGE AND TALK ABOUT A DIFFERENT SUBJECT, IF I COULD, FOR JUST A MOMENT. WORDS MATTER. WE OFTEN HEAR ON THE FLOOR OF THE LEGISLATURE THAT WHAT WE SAY MATTERS. YESTERDAY, WORDS THAT MATTER WERE USED ON THIS FLOOR. A STATEMENT WAS MADE, IF I WERE A WHITE MAN, I WOULD HAVE BROUGHT A SEMIAUTOMATIC WEAPON TO MOW EVERYBODY DOWN. I FIND THOSE WORDS APPALLING USED IN ANY CONTEXT. WE LIVE IN A SOCIETY WHERE MEN, WOMEN, CHILDREN OF ALL RACES, GENDERS, AGES, RELIGIONS ARE BEING MOWED DOWN AROUND THE WORLD. IT HAS TO STOP. WE CAN NO LONGER USE WORDS TO INCITE ACTIONS BY OTHERS. WE CANNOT HAVE ANY ADDITIONAL INSTANCES SUCH AS BOMBING OF INNOCENT PEOPLE IN AIRPORTS SUCH AS BRUSSELS; BOMBING AND KILLING BY AUTOMATIC WEAPONS OF INNOCENT PEOPLE IN PARIS, FRANCE; BOMBINGS IN ANKARA, TURKEY, OF INNOCENT PEOPLE; MASS SHOOTINGS OF INNOCENT PEOPLE IN SAN BERNARDINO; MASS SHOOTINGS OF INNOCENT CHILDREN AND ADULTS IN A

Floor Debate  
March 24, 2016

---

CONNECTICUT SCHOOL; MASS SHOOTINGS OF INNOCENT MEN, WOMEN AND CHILDREN IN A DENVER MOVIE THEATER; MASS SHOOTINGS OF STUDENTS AND ADULTS IN A DENVER SCHOOL; MASS SHOOTINGS IN COLORADO SPRINGS; MASS SHOOTINGS IN AN OREGON COMMUNITY COLLEGE; MASS SHOOTINGS IN CHATTANOOGA, TENNESSEE; MASS SHOOTINGS IN A CHARLESTON, SOUTH CAROLINA CHURCH; MASS SHOOTINGS IN ISLA VISTA, CALIFORNIA. DO I HAVE TO LIST ANY MORE? IN EACH AND EVERY ONE OF THESE MASS KILLINGS, BOMBS AND SEMIAUTOMATIC WEAPONS WERE USED TO KILL PEOPLE OF ALL DIFFERENT RACES, PEOPLE OF ALL DIFFERENT AGES, PEOPLE OF ALL DIFFERENT GENDERS, PEOPLE OF ALL DIFFERENT RELIGIONS, PEOPLE OF ALL DIFFERENT OCCUPATIONS. THE ONLY THING ALL OF THESE PEOPLE HAD IN COMMON WAS THAT THEY WERE IN THE WRONG PLACE AT THE WRONG TIME. AND THEY PAID FOR THAT COMMONALITY WITH THEIR LIVES. IT'S TIME TO STOP THE KILLING AND START THE HEALING. WE CAN START BY EVERYONE USING HIS OR HER WORDS CAREFULLY. THANK YOU, MR. PRESIDENT.

SENATOR KRIST: THANK YOU, SPEAKER HADLEY. WE'LL NOW MOVE TO THE FIRST ITEM ON THE AGENDA. SENATOR CHAMBERS, WOULD YOU APPROACH THE CHAIR, PLEASE? SENATOR CHAMBERS, YOU'RE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I THINK IT WAS WALT WHITMAN WHO ALLEGORICALLY REFERRED TO CHICAGO AS THE CITY OF BIG SHOULDERS. CHICAGO HAS NO SHOULDERS AND AN ALLEGORY EXISTS WHEN YOU MAKE ONE THING REPRESENT ANOTHER. I DO NOT HAVE BIG SHOULDERS LITERALLY, ALLEGORICALLY SPEAKING THOUGH, I HAVE BIG SHOULDERS. I CAN HANDLE THE SLINGS AND ARROWS OF AN UNKIND FATE FROM WHATEVER SOURCE. IT IS INTERESTING TO ME THAT THERE IS SUCH OUTRAGE AMONG WHITE PEOPLE-- AND THAT'S WHERE IT STEMMED FROM--BASED ON MY COMMENT IN A LEGISLATURE WHERE I SIT ON A COMMITTEE AND WE HAVE MULTIPLE BILLS PUSHING FOR MORE GUNS EVERYWHERE. THE TALK OF GUNS IS IN THE AIR. GUNS, GUNS EVERYWHERE. THE NRA HAS MADE ITS PRESENCE FELT IN THIS CHAMBER EMPHASIZING THE NEED FOR MORE GUNS. EVERY TIME THERE HAS BEEN A MASS SHOOTING, THE NRA HAS SPOKEN WORDS THAT SUGGESTED THAT THAT'S JUST THE PRICE YOU PAY FOR HAVING GUNS AND YOU NEED MORE GUNS. SO, I WILL CONTINUE TO USE THE METAPHORS, THE SIMILES, THE ALLEGORIES THAT I FIND APPROPRIATE. IN THAT ENTIRE LISTING, PRACTICALLY EVERY MASS SHOOTER WAS WHITE. THE MASS SHOOTERS WERE UPSET ABOUT SOMETHING. I DID NOT ACCUSE ANYBODY ON THIS FLOOR OF ANYTHING. I SAID IF I WERE A WHITE MAN, I WOULD GET MY AUTOMATIC, SEMIAUTOMATIC WEAPON, COME

Floor Debate  
March 24, 2016

---

HERE AND MOW EVERYBODY DOWN. WHO IN HERE THOUGHT THAT THAT WAS TO BE TAKEN LITERALLY? WHO TOOK LITERALLY, SENATOR KINTNER'S SUGGESTION THAT GAY AND LESBIAN PEOPLE WHO FEEL DISCRIMINATED AGAINST IN NEBRASKA OUGHT TO GO TO ANOTHER STATE? NOTHING WAS SAID ABOUT THAT. WHO ON THIS FLOOR TOOK UMBRAGE WHEN A CANDIDATE, A WHITE CANDIDATE, REPUBLICAN, FOR THE PRESIDENCY OF THIS UNITED STATES, SAID AND REPEATED IT, I COULD SHOOT SOMEBODY, I COULD STAND IN THE CENTER OF FIFTH AVENUE IN NEW YORK AND SHOOT SOMEBODY AND I WOULD NOT LOSE ANY SUPPORT. I HAVE NOT OBJECTED TO ANYTHING ANYBODY SAID IN THE FORM OF PUTTING THE SPEAKER IN A POSITION OF HAVING TO GET INVOLVED. PEOPLE CAN SAY WHAT THEY WANT ON THIS FLOOR AND I'M ONE OF THOSE WHO WILL TAKE ISSUE WITH IT IF I DISAGREE. I DON'T WHINE. I DON'T HIDE BEHIND THE SPEAKER. I DON'T TRY TO TELL THE SPEAKER WHAT HE OUGHT TO DO OR ANYBODY ELSE. SO YOU WILL SEE THAT WHAT I PREDICTED YESTERDAY IN FACT HAPPENED AND I TOLD YOU IT WOULD. WITH ALL THAT WAS DISCUSSED, WITH THE CONTEXT IN WHICH MY COMMENT WAS MADE, THE ONLY WORDS THAT WOULD BE SEIZED ON BY THE MEDIA WAS THE COMMENT ABOUT THE GUN. AND THEY EVEN GOT THAT CONTEXT WRONG. BUT HERE WAS THE NOTION THAT WE HAVE PEOPLE ON THIS FLOOR WHO SAY THAT THOSE WHO ARE DISCRIMINATED AGAINST SHOULD NOT BE OFFENDED. THEY SHOULD NOT BE OFFENDED. THEY SHOULD NOT PROTEST VOCIFEROUSLY WHEN THEY ARE THE VICTIMS OF VERY HARSH, HURTFUL ACTIONS. AND THEN I SAID, BUT MY MERE WORDS, MY MERE WORDS OUTRAGE PEOPLE ON THIS FLOOR MORE THAN THOSE HURTFUL ACTIONS THAT OTHERS SHALL SUFFER.

SENATOR KRIST: ONE MINUTE.

SENATOR CHAMBERS: SO I SHALL CONTINUE TO EXPRESS MYSELF IN THE WAY I SEE FIT AND IF PEOPLE'S EARS ARE TOO TENDER, THEY ARE FREE TO WALK OUT LIKE THEY OFTEN DO WHEN I'M SPEAKING. BUT I WANT TO MAKE ONE THING CRYSTAL CLEAR, I FEEL NO ANIMOSITY TOWARD THE SPEAKER FOR WHAT HE SAID. I DO NOT TAKE IT PERSONALLY IN THE SENSE OF FEELING THAT HE SINGLED ME OUT. BUT PRESSURE IS BROUGHT TO BEAR BY WHITE PEOPLE IN THIS SOCIETY WHEN SOMETHING IS SAID THAT OFFENDS WHITE PEOPLE. BUT WHEN THINGS ARE SAID THAT OFFEND OTHERS AND OTHER GROUPS THAT HAVE NO VOICE ON THIS FLOOR, THERE IS NO OUTRAGE OTHER THAN WHAT I WILL EXPRESS. SO WITH MY COMMENTS HERE, I WANT ONE THING CRYSTAL CLEAR, I SHALL CONTINUE TO EXPRESS MYSELF IN THE WAY THAT I THINK IS MOST EFFECTIVE FOR THE POINT I AM TRYING TO MAKE.

Floor Debate  
March 24, 2016

---

SENATOR KRIST: TIME SENATOR.

SENATOR CHAMBERS: AND WITH THAT, I END MY RESPONSE. THANK YOU, MR. PRESIDENT.

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. MR. CLERK, ON TO THE BUSINESS AT HAND.

CLERK: MR. PRESIDENT, WITH RESPECT TO LR378CA, IT WAS DISCUSSED YESTERDAY. COMMITTEE AMENDMENTS ARE PENDING. I DO HAVE A PRIORITY MOTION. SENATOR SCHEER WOULD MOVE TO RECOMMIT LR378CA TO THE AGRICULTURE COMMITTEE. [LR378CA]

SENATOR KRIST: SENATOR KUEHN, WOULD YOU LIKE TO VERY BRIEFLY BRING US TO THIS POINT AND THEN I'LL RECOGNIZE SENATOR SCHEER WITH HIS MOTION. [LR378CA]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. JUST GETTING YOU UP TO SPEED ON LR378CA, THE CONSTITUTIONAL RIGHT TO FARM AMENDMENT, THE AMENDMENT IS AN AMENDMENT WHICH IS INTENDED TO PROTECT NEBRASKA AGRICULTURE BY RESTRICTING THE ABILITY OF THE NEBRASKA LEGISLATURE TO MAKE LAWS AND REGULATIONS REGARDING FARMING AND RANCHING PRACTICES AND THE EMPLOYMENT OF AGRICULTURAL TECHNOLOGY WITHOUT A COMPELLING STATE INTEREST. THE LR IS SUPPORTED WITH GREAT SUPPORT FROM THE COMMODITY AND AGRICULTURAL GROUPS ACROSS THE STATE OF NEBRASKA, INCLUDING: CATTLEMEN, PORK PRODUCERS, CORN GROWERS, SOYBEAN PRODUCERS, AGRIBUSINESS, NEBRASKA COOPERATIVE COUNCIL, NREA, NEBRASKA WHEAT GROWERS, NEBRASKA GRAIN AND FEED DEALERS, NEBRASKA STATE DAIRY ASSOCIATION, THE NEBRASKA DRY BEAN GROWERS ASSOCIATION, THE NEBRASKA NURSERY AND LANDSCAPE ASSOCIATION, AS WELL AS THE GOVERNOR'S AGRICULTURE ADVISORY COMMITTEE. [LR378CA]

SENATOR KRIST: THANK YOU, SENATOR KUEHN. [LR378CA]

SENATOR KUEHN: (RECORDER MALFUNCTION)...MR. PRESIDENT. WOULD ALSO LIKE TO POINT OUT THAT THIS IS LANGUAGE WITH SIMILAR LANGUAGE THAT HAS BEEN PASSED AND IS IN THE CONSTITUTIONS OF NORTH DAKOTA, MISSOURI, AS WELL AS ON THE BALLOT IN OKLAHOMA THAT IS VERY SIMILAR. I REALIZE

Floor Debate  
March 24, 2016

---

AND RECOGNIZE THAT WE HAVE A SIGNIFICANT AMOUNT OF INTEREST IN THE AGRICULTURAL COMMUNITY, THE SUPPORTER OF THE PRODUCERS WITHIN THE BODY HERE TODAY. WE HAVE TALKED A LOT LAST NIGHT IN THE INITIAL THREE HOURS OF DEBATE ABOUT THE IMPORTANCE OF AGRICULTURAL AND AGRICULTURAL TECHNOLOGY. WE'VE TALKED ABOUT THE SIGNIFICANCE OF AGRICULTURE IN THE STATE OF NEBRASKA AND I THINK WE'VE HAD A GOOD PERIOD OF TIME IN WHICH WE HAVE LAID THAT OUT FOR THE PUBLIC. GIVEN, WITH REGARD THAT SPEAKER HADLEY'S RECENT ANNOUNCEMENT ABOUT ALL THAT IS MOVING FORWARD WITH REGARD TO GENERAL FILE, WITH ALL OF THE ISSUES THAT ARE APPARENT BEFORE THIS BODY AND CERTAINLY WITH THE UNDERSTANDING THAT THERE ARE INDIVIDUALS AND SENATORS WHO HAVE QUESTIONS ABOUT THE CONSTITUTIONAL LANGUAGE AND THE NATURE OF THE CONSTITUTIONAL AMENDMENT, I WANT TO MAKE SURE THAT WE CONTINUE TO DELIBERATE THIS IN THE MOST DELIBERATIVE AND DISPASSIONATE MANNER POSSIBLE. SO TO THAT END, MR. PRESIDENT, I DO BELIEVE I HAVE BEFORE THE CLERK A REQUEST FOR A UNANIMOUS CONSENT BRACKET MOTION UNTIL APRIL 20 AND ASK THAT THAT BE ADOPTED. [LR378CA]

SENATOR KRIST: THE CHAIR RECOGNIZES THAT IS A HIGHER PRIORITY. MR. CLERK, COULD YOU READ IT, PLEASE? [LR378CA]

CLERK: MR. PRESIDENT, SENATOR KUEHN WOULD ASK UNANIMOUS CONSENT TO BRACKET LR378CA UNTIL APRIL 20, 2016. [LR378CA]

SENATOR KRIST: WITHOUT OBJECTION, SO ORDERED. NEXT ITEM, MR. CLERK. [LR378CA]

CLERK: MR. PRESIDENT, THE NEXT ITEM. GENERAL FILE, LB935, A BILL ORIGINALLY INTRODUCED BY SENATOR SCHILZ. (READ TITLE.) INTRODUCED JANUARY 12 OF THIS YEAR, REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM2386, LEGISLATIVE JOURNAL PAGE 951.) [LB935]

SENATOR KRIST: THANK YOU, MR. CLERK. IN HIS ABSENCE, SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN. [LB935]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. NEBRASKA STATE STATUTE 13-513 DIRECTS THE SPECIFIED GOVERNING BODY TO PROVIDE THE AUDITOR OF PUBLIC ACCOUNTS ANNUALLY ON A FORM PROVIDED BY THE AUDITOR TO

Floor Debate  
March 24, 2016

---

REPORT REQUESTED INFORMATION REGARDING TRADE NAMES, CORPORATE NAMES AND OTHER BUSINESS NAMES UNDER WHICH THE GOVERNING BODY OPERATES. THEY ALSO NEED TO REPORT AGREEMENTS TO WHICH THE GOVERNING BODY IS PARTY UNDER THE INTERLOCAL COOPERATION ACT AND JOINT PUBLIC AGENCY ACT. ALTHOUGH THE STATUTE REQUIRES THE GOVERNING BODY TO MAKE SUCH INFORMATION AVAILABLE TO THE AUDITOR BEFORE DECEMBER 31, THERE IS NO PENALTY FOR FAILURE TO COMPLY. LB935 AS AMENDED WOULD CHANGE THE DATES WHEN THE AUDITOR WILL REQUEST THE INFORMATION FROM DECEMBER TO AUGUST 1 AND CHANGE THE DATE OF THE INFORMATION BEING PROVIDED TO THE AUDITOR FROM DECEMBER 31 TO SEPTEMBER 20 TO COINCIDE WITH THE BUDGETS THAT NEED TO BE SENT TO THE APA. THE BILL AMENDED WOULD ALSO MAKE THE INFORMATION BE CONSIDERED DELINQUENT IF IT IS NOT RECEIVED BY THE AUDITOR BEFORE SEPTEMBER 20. THE AUDITOR SHALL NOTIFY THE POLITICAL SUBDIVISION BY FACSIMILE TRANSMISSION, E-MAIL, OR FIRST-CLASS MAIL OF SUCH DELINQUENCY. BEGINNING ON THE DAY THAT NOTIFICATION IS SENT, THE AUDITOR MAY ASSESS THE PUBLIC SUBDIVISION A LATE FEE OF \$20 PER DAY FOR EACH CALENDAR DAY THAT THE REQUESTED INFORMATION REMAINS DELINQUENT. THE TOTAL LATE FEE ASSESSED UNDER THIS SECTION SHALL NOT EXCEED \$2,000 PER DELINQUENCY. THE AUDITOR WOULD DEPOSIT TO THE AUDITOR OF PUBLIC ACCOUNTS CASH FUND FOR REMEDIAL FEE NOT TO EXCEED \$100 FOR ANY LATE FEE RECEIVED. THE AUDITOR WOULD REMIT ANY LATE FEE AMOUNT IN EXCESS OF \$100 RECEIVED TO THE STATE TREASURER PURSUANT TO SECTION 84-710 TO BE DISPOSED IN ACCORDANCE WITH ARTICLE VII, SECTION 5 OF THE CONSTITUTION OF NEBRASKA. ALSO IF A POLITICAL SUBDIVISION FAILS TO PROVIDE INFORMATION REQUESTED UNDER THIS SECTION ON OR BEFORE SEPTEMBER 20, THE AUDITOR MAY AT HIS OR HER DISCRETION AUDIT THE POLITICAL SUBDIVISION AT THE EXPENSE OF THE POLITICAL SUBDIVISION. ADDITIONALLY, UNLESS SPECIFICALLY PROVIDED, LB935 WOULD ASSESS A 14 PERCENT PER ANNUM INTEREST RATE FROM THE DATE OF BILLING ON DELINQUENT PAYMENTS OF ANY FEES, AUDITS, AND SERVICES OWING TO THE APA UNLESS PAID WITHIN 30 DAYS OF BILLING. FOR AN ENTITY CREATED PURSUANT TO THE INTERLOCAL COOPERATION ACT OR JOINT PUBLIC AGENCY ACT, THIS BILL WOULD ALSO MAKE THE PARTICIPATING PUBLIC AGENCY JOINTLY AND SEVERALLY LIABLE FOR ANY FEES AND INTEREST OWED TO THE APA IF SUCH ENTITY WOULD BE DEFUNCT AND UNABLE TO PAY. FINALLY, CURRENTLY, THE APA IS AUTHORIZED TO APPOINT TWO ASSISTANT DEPUTIES. LB935 WOULD ALLOW FOR THE APPOINTMENT OF TWO OR MORE ASSISTANT DEPUTY AUDITORS. I KNOW SENATOR MURANTE, AS CHAIRMAN OF THE

Floor Debate  
March 24, 2016

---

GOVERNMENT COMMITTEE, WILL BE FOLLOWING WITH THE INTRODUCTION OF THE COMMITTEE AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB935]

SENATOR KRIST: THANK YOU, SENATOR LARSON. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR MURANTE, AS THE CHAIR OF THE GOVERNMENT AFFAIRS COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON YOUR COMMITTEE AMENDMENT. [LB935]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. BEFORE I BEGIN MY REMARKS, I'D LIKE TO ISSUE A COUPLE OF NOTES OF CONGRATULATIONS AND THANKS. FIRST, TO THE STATE AUDITOR, CHARLIE JANSSEN, WHO HAS WORKED VERY HARD ON THESE PROPOSALS TO STRENGTHEN OUR PUBLIC AUDITOR'S OFFICE AND THIS, WHAT I CONSIDER TO BE A COMPILATION OF GOOD GOVERNMENT BILLS. I WANT TO THANK THE MEMBERS WHO HAVE BILLS AND I WILL OUTLINE THOSE SHORTLY. BUT I ALSO WANT TO THANK THE MEMBERS OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE FOR WORKING VERY, VERY HARD TO PUT TOGETHER A PACKAGE THAT I THINK MAKES GOVERNMENT IN THE STATE OF NEBRASKA WORK MUCH BETTER. AM2386 BEFORE YOU REPRESENTS THE GOVERNMENT COMMITTEE AMENDMENT AND MAKES THREE SUBSTANTIVE CHANGES TO SECTION 1 OF LB935. FIRST, IT CHANGES THE DATE ON WHICH THE AUDITOR MUST REQUEST INFORMATION FROM EACH APPLICABLE GOVERNING BODY FROM DECEMBER 1 TO AUGUST 1 OF EACH YEAR AND CHANGES THE DATE BY WHICH THE GOVERNING BODIES MUST COMPLY FROM DECEMBER 31 TO SEPTEMBER 20 OF EACH YEAR. SECOND, IT CHANGES THE PENALTY FOR NONCOMPLIANCE BY A STATE AGENCY. THE ORIGINAL BILL CONTAINED A PENALTY OF \$500 FOR EACH 30 DAYS A STATE AGENCY IS NOT IN COMPLIANCE. THE AMENDMENT CHANGES THIS TO \$20 DAILY, NOT TO EXCEED \$2,000 PER DELINQUENCY. CURRENT LAW DOES NOT CONTAIN SUCH A PENALTY. FINALLY, THE AMENDMENT GIVES THE RESPONSIBILITY FOR A REMEDIAL FEE TO THE STATE AUDITOR. THE ORIGINAL BILL GAVE THAT RESPONSIBILITY TO THE STATE TREASURER. THE AMENDMENT ALSO AMENDS THE BILL TO INCLUDE THE FOLLOWING NEW BILLS WHICH WERE ALSO INTRODUCED IN THE GOVERNMENT COMMITTEE AND SUPPORTED UNANIMOUSLY BY THE COMMITTEE. FIRST, LB993 WAS INTRODUCED BY SENATOR COASH AND HAS TWO PROVISIONS. FIRST, IT AMENDS STATE LAW BY CHANGING THE REQUIREMENT THAT THE AUDITOR OF PUBLIC ACCOUNTS SERVE ON THE SUGGESTION AWARD BOARD. THE BILL WOULD REQUIRE THE AUDITOR OR HIS OR HER DESIGNEE TO SERVE ON THE BOARD RATHER THAN THE AUDITOR SPECIFICALLY. SECOND, IT AMENDS STATE LAW TO ALLOW THE AUDITOR OF PUBLIC ACCOUNTS TO SHARE WORKING



Floor Debate  
March 24, 2016

---

PAPERS WITH THE IRS, TAX COMMISSIONER, FBI, NADC, AND LAW ENFORCEMENT AGENCY, AS DEFINED IN SECTION 28-359 AT THE AUDITOR'S DISCRETION. THIS DISCRETION COULD ONLY BE EXERCISED DURING AN ONGOING AUDIT OR AFTER A FINAL AUDIT REPORT IS ISSUED. THE AUDITOR MAY SHARE THE SAME INFORMATION OTHER THAN PERSONAL INFORMATION AND TELEPHONE RECORDS WITH THE LEGISLATIVE COUNCIL SUBJECT TO THE SAME TIMING RESTRICTIONS. LB1084 WAS INTRODUCED BY SENATOR STINNER AND IS ALSO CONTAINED IN THIS COMMITTEE AMENDMENT. IT AMENDS TWO SECTIONS OF STATUTE TO PREVENT STATE AGENCIES AND THE STATE PURCHASING BUREAU FROM EXTENDING CONTRACTS FOR MORE THAN 50 PERCENT OF THE INITIAL CONTRACT TERM. IT ALSO PREVENTS A CONTRACT FROM BEING EXTENDED MORE THAN ONCE. IT DOES NOT PROHIBIT THE EXERCISE OF A RENEWAL OPTION EXPRESSLY PROVIDED FOR IN THE ORIGINAL CONTRACT. LB1099 WAS INTRODUCED BY SENATOR KRIST. IT AMENDS CURRENT LAW TO CHANGE REIMBURSEMENTS FOR STATE EMPLOYEES TO A PER DIEM BASIS; IT ACCOMPLISHES THIS BY DOING THREE THINGS. FIRST, IT AMENDS STATE LAW TO LIMIT THE ITEMIZATION REQUIREMENT FOR REIMBURSEMENT REQUESTS TO MEAL, TRAVEL, AND LODGING. IT ALSO REMOVES THE REQUIREMENTS THAT THE LICENSE PLATE NUMBER AND RATE BY MILE BE INCLUDED IN REQUESTS FOR MILEAGE REIMBURSEMENT. THE BILL REMOVES THE REQUIREMENT THAT REIMBURSEMENT REQUESTS BE SUPPORTED BY A RECEIPT FOR ALL ITEMS. SECOND, IT LIMITS THE APPLICABILITY OF SECTIONS 81-1175 TO REQUESTS FOR PAYMENT OR REIMBURSEMENT SUBJECT TO THE BILL'S SECTION 1 REQUIREMENTS. AND FINALLY, IT REMOVES THE ABILITY OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO ESTABLISH ITS OWN RATE FOR REIMBURSEMENT PER MILE AND INSTEAD ADOPTS THE RATE ESTABLISHED BY THE FEDERAL GOVERNMENT. ALL OF THESE BILLS WERE REQUESTED OF US BY AUDITOR JANSSEN AND WERE SUPPORTED OVERWHELMINGLY IN THE GOVERNMENT COMMITTEE. I THANK THE MEMBERS OF THE GOVERNMENT COMMITTEE AND THE MEMBERS WHO INTRODUCED THESE BILLS THAT ARE BEFORE YOU TODAY. I ENCOURAGE YOUR SUPPORT OF AM2386 AND OF LB935. THANK YOU, MR. PRESIDENT. [LB935 LB993 LB1084 LB1099]

SENATOR KRIST: THANK YOU, SENATOR MURANTE. SEEING NO ONE WISHING TO SPEAK, SENATOR LARSON, YOU ARE...SENATOR MURANTE, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS, THE ADOPTION OF AM2386. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB935]

Floor Debate  
March 24, 2016

---

CLERK: 27 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS.  
[LB935]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SENATOR GROENE,  
YOU ARE RECOGNIZED. [LB935]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. JUST WANTED TO LET EVERYBODY KNOW WHAT HAPPENED IN COMMITTEE, AS ORIGINALLY LB993 WAS A BILL FROM THE AUDITOR AND WANTED SOME ACCOUNTABILITY. THEY WERE HAVING A HARD TIME GETTING PAYROLL DOCUMENTS FROM CERTAIN GOVERNMENT ENTITIES IN THE STATE. FOR EXAMPLE, WE ALL SIGN OFF ON OUR AIDES' TIMECARDS. AND WHAT HAPPENED WAS, THE UNIVERSITY OF NEBRASKA CAME IN WITH A FISCAL NOTE THAT SAID IT WOULD COST THEM \$3 MILLION, \$3 MILLION TO SIGN A...TO HAVE THEIR EMPLOYEES SIGN A TIMECARD SHEET--LIKE ALL OF OUR EMPLOYEES DO, EVERY OTHER STATE OF NEBRASKA EMPLOYEE DOES--BECAUSE IF THEY TOOK ONE AND A HALF MINUTES, THEY ASSUMED, AND THEY MULTIPLIED IT BY HOURLY WAGES AND DECIDED IT WOULD COST \$3 MILLION. WELL, THERE WERE SOME UPSET LEGISLATORS IN THE COMMITTEE BECAUSE OF THE ARROGANCE OF THAT REMARK, AS IF THEIR TIME IS MORE VALUABLE THAN EVERYBODY ELSE'S AND THEIR TIME SHOULDN'T BE ACCOUNTED FOR. BUT THE POWER OF THE FOURTH BRANCH OF GOVERNMENT, THE UNIVERSITY OF NEBRASKA,...WE REMOVED THAT. SO NOW THERE'S ONE PRIVILEGED GOOSE--BESIDES FIVE INDIVIDUALS--THAT DON'T HAVE TO HAVE PUBLIC ACCOUNTABILITY WHEN THEY'RE HIRED, WE ALSO HAVE A WHOLE PASSEL OF THEM WITH PH.Ds AND STUFF THAT ARE BETTER THAN THE REST OF THE GOVERNMENT EMPLOYEES AND THEY DON'T HAVE TO HAVE A TIME SHEET. AND I THOUGHT MAYBE YOU FOLKS OUGHT TO KNOW HOW POWERFUL THAT FOURTH BRANCH OF GOVERNMENT IS AROUND HERE. THANK YOU. [LB935 LB993]

SENATOR KRIST: THANK YOU, SENATOR GROENE. SEEING NO ONE ELSE WISHING TO...SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB935]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'LL BE VERY, VERY BRIEF. TO SENATOR GROENE, I WOULD SAY, AMEN. THANK YOU. [LB935]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD. SEEING NO ONE WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS, THE ADVANCEMENT OF LB935 TO E&R

Floor Debate  
March 24, 2016

---

INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED NAY. HAVE ALL THOSE VOTED WHO WISH TO? PLEASE RECORD, MR. CLERK. [LB935]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB935. [LB935]

SENATOR KRIST: LB935 ADVANCES. (VISITORS INTRODUCED.) NEXT ITEM, MR. CLERK. [LB935]

CLERK: MR. PRESIDENT, LB1066 IS A BILL BY SENATOR SULLIVAN. (READ TITLE.) INTRODUCED ON JANUARY 20, REFERRED TO THE EDUCATION COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS. (AM2640, LEGISLATIVE JOURNAL PAGE 1095.) [LB1066]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON LB1066. [LB1066]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. LB1066 IS WHAT WE CONSIDER TO BE THE ANNUAL TECHNICAL BILL FOR PRE-K-12 EDUCATION IN NEBRASKA. MOST OF THE DETAILS--AND THERE ARE A LOT OF THEM--HAVE COME TO US FROM THE DEPARTMENT OF EDUCATION, BUT ALSO THE COMMITTEE USES IT AS A VEHICLE FOR OTHER EDUCATION BILLS YOU WILL HEAR ABOUT SHORTLY. SO, AS SUCH, THE COMMITTEE WORKED REALLY HARD ON THIS BILL, HAS AMENDED IT AND ADVANCED ON AN 8-0 VOTE FROM THE COMMITTEE. WHAT I'D LIKE TO DO IN MY OPENING ON LB1066 IS EXPLAIN TO YOU WHAT HAS BEEN RETAINED IN THE BILL AS IT HAS BEEN INTRODUCED. AND THEN IN THE AMENDMENT I WILL EXPLAIN NOT ONLY WHAT WE'VE CHANGED FROM THE ORIGINAL BILL, BUT ALSO THE ADDITIONAL BILLS THAT WE HAVE INCORPORATED INTO...OR THE ITEMS FROM OTHER BILLS THAT WE HAVE INCORPORATED INTO LB1066. AND TO HELP YOU SORT OF NAVIGATE THROUGH THE DETAILS OF THIS BILL, THE PAGES ARE HANDING OUT TWO BULLET SHEETS, ONE FOR LB1066--AND I WILL LITERALLY BE GOING THROUGH ALL OF THOSE--AND ALSO THE ACCOMPANYING AMENDMENT. SO FIRST OF ALL, WHAT WE ARE RETAINING IN LB1066 AS INTRODUCED: THE FIRST ITEM CAME TO US FROM COMMUNICATION WITH SENATOR CAMPBELL AND IT PERTAINS TO TERMS IN THE STEP UP TO QUALITY CHILD CARE ACT. IT REMOVES THE TERM CORRECTIVE ACTION STATUS FROM THE LIST OF CRITERIA THAT MAY LOWER A PROGRAM'S QUALITY SCALE RATING. SECONDLY, THERE'S AN ITEM THAT PERTAINS TO OPTION ENROLLMENT AND

Floor Debate  
March 24, 2016

---

MODIFIES EXCEPTIONS TO THE GENERAL RULE THAT A STUDENT MAY ONLY EXERCISE ONE OPTION UNDER THE OPTION ENROLLMENT PROGRAM. TODAY'S REALITY IS THAT STUDENTS AND THEIR FAMILIES MOVE A LOT. THEY ARE MUCH MORE MOBILE TODAY. THIS PROVISION THAT IS IN LB1066 MODIFIES AND PROVIDES FOR AN ADDITIONAL EXCEPTION TO THE ONE OPTION TO ALLOW FOR THAT MOBILITY AND GIVES THE STUDENT THE BEST CHANCE FOR THE CONTINUITY OF EDUCATION. ANOTHER DIMENSION ALLOWS SCHOOL BOARDS TO APPOINT CLERKS WHEN THE SECRETARY IS ABSENT. UNDER STATUTE RIGHT NOW, IF THE SECRETARY IS ABSENT IT'S THE LEGAL VOTERS THAT HAVE TO MAKE THE DECISION WHO THE SECRETARY IS. WE KNOW THAT THIS IS NOT REALLY BEING DONE NOW, SO PUTTING THIS ABILITY FOR SCHOOL BOARDS TO APPOINT CLERKS IN THE ABSENCE OF THE SECRETARY WILL PUT INTO STATUTE WHAT IS CURRENTLY BEING PRACTICED. ALSO ANOTHER DIMENSION IS INCLUDING IN THE ACCOUNTABILITY SYSTEM THAT WE'VE OFTEN HEARD REFERRED TO AS AQueSTT. IT WILL BE PART OF THE REVIEW OF THE STATEWIDE ASSESSMENT PLAN AND STATEWIDE ASSESSMENT INSTRUMENTS BY THE TECHNICAL ADVISORY COMMITTEE. IT EXPANDS THE AUTHORITY OF THE STATE BOARD OF EDUCATION TO SELECT ASSESSMENT INSTRUMENTS FOR STATEWIDE ASSESSMENT THAT ARE CONSISTENT WITH FEDERAL REQUIREMENTS. ANOTHER DIMENSION OF THE BILL, LB1066, IS SIMPLY A NAME CHANGE FROM THE CENTER FOR STUDENT LEADERSHIP AND EXTENDED LEARNING ACT TO THE CENTER FOR STUDENT LEADERSHIP AND EXPANDED LEARNING ACT. ALSO INCLUDES A DEFINITION OF EXPANDED LEARNING, WHICH WOULD REQUIRE ACTIVITIES AND PROGRAMS WITHIN THE ORGANIZATIONS RECOGNIZED WITHIN THE CENTER TO BE SCHOOL BASED OR SCHOOL LINKED AND TO UTILIZE SCHOOL-COMMUNITY PARTNERSHIPS. THERE'S ALSO A PROVISION THAT PERTAINS TO THE ENHANCING EXCELLENCE IN TEACHING PROGRAM. IT MAKES NO SUBSTANTIVE CHANGES. RATHER, IT REARRANGED DEFINITIONS WITHIN THE PROGRAM AND HARMONIZES CHANGES FROM THE LAST SESSION WITH EACH OTHER. ALSO, THIS LB1066 WOULD AUTHORIZE LUMP SUM PAYMENTS OF STATE AID PAYMENTS BASED ON PRIOR YEAR CORRECTIONS, IF THE PAYMENT IS LESS THAN \$1,000. AND LASTLY, LB1066 REMOVES OBSOLETE PROVISIONS FROM WITHIN STATUTES AND PROVIDES FOR THE OUTRIGHT REPEAL OF OBSOLETE STATUTES. THESE ARE THE PROVISIONS RETAINED IN LB1066 AS INTRODUCED AND I WOULD URGE THEIR ADOPTION. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SULLIVAN, AS THE CHAIR OF THE EDUCATION COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THAT AMENDMENT. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AM2640 REPRESENTS, AS I SAID EARLIER, THE CHANGES THAT THE COMMITTEE MADE TO SOME OF THE ORIGINAL PROVISIONS OF LB1066 AND ADDS SOME PROVISIONS RELATED TO THREE OTHER BILLS. AND AS I INDICATED EARLY ON, THERE IS A HANDOUT THAT GIVES YOU BULLET POINTS TO ALL OF THESE SECTIONS OF THE AMENDMENT. AS ORIGINALLY INTRODUCED, LB1066 PROPOSED TO CHANGE THE DEADLINE DATE FOR ISSUING THE TEEOSA ESTIMATE. THIS AMENDMENT MERELY LEAVES THE DATE AS IS, WHICH IS NOVEMBER 15. THE AMENDMENT ALSO INCLUDES A PROVISION THAT RELATES TO LB1064 THAT PERTAINS TO THE HANDLING OF THE COST OF SPECIAL EDUCATION STUDENTS WHO OPTION INTO A DISTRICT. I WANT TO BE CLEAR. THIS DOESN'T CHANGE THE CURRENT PROCEDURES FOR DISTRICTS TO EITHER APPROVE OR DENY THE REQUEST OF A SPECIAL EDUCATION STUDENT TO OPTION INTO A DISTRICT, NOR DOES IT CHANGE ARRANGEMENTS BETWEEN DISTRICTS FOR CONTRACTING OF SPECIAL EDUCATION SERVICES. WHAT IT DOES SAY IS THAT IF A DISTRICT APPROVES AN OPTION STUDENT INTO ITS DISTRICT, AND WITH DUE NOTICE TO THE RESIDENT DISTRICT, THAT RESIDENT DISTRICT MUST REIMBURSE THE OPTION SCHOOL DISTRICT FOR THE SPECIAL EDUCATION COST ABOVE WHAT IS RECEIVED AS REIMBURSEMENT FROM THE STATE FOR THOSE COSTS. NOW I KNOW, AND I WILL ELABORATE ON THIS FURTHER AT THE END OF MY OPENING, THAT WE'VE RECEIVED SOME E-MAILS, SOME CONCERNS FROM SUPERINTENDENTS ABOUT THIS COMPONENT. AND I WANTED TO MAKE YOU AWARE THAT I'M AWARE OF IT, BUT ALSO OFFER A LITTLE BIT MORE OF MY RATIONALE FOR WHY I INCLUDED THAT. BUT TO FINISH ON THE REMAINING ELEMENTS OF AM2640, THE AMENDMENT BRINGS IN PROVISIONS FROM SENATOR COOK'S BILL, LB1004, AND MY BILL, LB1065, THAT BOTH HAVE TO DO WITH THE COMMUNITY ELIGIBILITY PROGRAM, CEP, A FEDERAL PROGRAM THAT ENABLES ELIGIBLE SCHOOLS TO PROVIDE FREE MEALS TO ALL STUDENTS WITHOUT COLLECTING APPLICATIONS. AMONG OTHER THINGS, THIS AMENDMENT OFFERS FURTHER CLARIFICATION ON THE NUMBER OF CALCULATED STUDENTS FOR CEP SCHOOLS FOR WHAT BENEFITS PARENTS CAN VOLUNTARILY PROVIDE FINANCIAL INFORMATION IN ORDER TO RECEIVE THOSE BENEFITS, AND A REQUIREMENT FOR THE DEPARTMENT OF EDUCATION TO PROMOTE CEP TO SCHOOLS AND SCHOOL DISTRICTS ELIGIBLE TO PARTICIPATE. AM2640 ALSO CHANGES ONE OF THE ORIGINAL PROVISIONS OF LB1066 PERTAINING TO BUS DRIVERS WHO HAVE TRAFFIC VIOLATIONS. THIS AMENDMENT GIVES MORE FLEXIBILITY TO A DISTRICT SHORT OF CANCELING THE CONTRACT OF A BUS DRIVER WHEN THAT DRIVER IS GUILTY OF A TRAFFIC VIOLATION. ANOTHER PROVISION THAT WAS IN THE ORIGINAL BILL PERTAINS TO THE TEXTBOOK LOAN PROGRAM. ORIGINALLY, LB1066 PROPOSED TO PROVIDE A DEFINITION OF A TEXTBOOK FOR PURPOSES OF

Floor Debate  
March 24, 2016

---

THIS PROGRAM. UNDER THIS AMENDMENT THAT PROVISION IS REMOVED AND INSTEAD THERE IS LEGISLATIVE INTENT FOR THE STATE BOARD OF EDUCATION TO PROVIDE RECOMMENDATIONS TO US OF WHAT SHOULD BE INCLUDED IN THAT PROGRAM TO REFLECT ADVANCES IN TECHNOLOGY AND EDUCATION CONTENT FOR STUDENTS AND TO PROVIDE THOSE RECOMMENDATIONS IN A REPORT TO THE EDUCATION COMMITTEE ON OR BEFORE OCTOBER 1. ANOTHER ITEM IS THIS AMENDMENT REMOVES THE SPECIFIC NAMES OF CAREER EDUCATION STUDENT ORGANIZATIONS FROM THE STATUTE. THE AMENDMENT WOULD PUT IN STATUTE NOT ONLY THE REFERENCE TO THE CAPPED DOLLAR AMOUNT OF THE SCHOOL DISTRICT INCOME TAX TAX FUND, KNOWN AS ALLOCATED INCOME TAX, OF \$102,289,817, BUT ALSO INCLUDES THE DATE CERTAIN 1992-1993 WHEN THAT AMOUNT WAS APPROPRIATED. AND LASTLY, THE AMENDMENT WOULD ADD A BUDGET EXCLUSION FOR FEDERAL IMPACT AID BASED ON BOTH INDIAN LANDS WITHIN THE DISTRICT AND STUDENTS WHO RESIDE ON INDIAN LANDS. ADMITTEDLY, COLLEAGUES, THERE ARE A LOT OF DETAILS IN THIS TECHNICAL BILL AND THE AMENDMENT AND I WOULD BE HAPPY TO OFFER FURTHER EXPLANATION AND ANSWER ANY QUESTIONS. BUT TO CLOSE OUT AND TO HARKEN BACK TO WHAT I HAD MADE MENTION OF ON THE CONCERN THAT'S BEING EXPRESSED ABOUT THE SPECIAL EDUCATION OPTION, MY CONCERN HAS ALWAYS BEEN THAT WE TRY TO PROVIDE OPPORTUNITIES SO THAT EVERY STUDENT HAS THE BEST CHANCE OF BEING SUCCESSFUL IN THEIR EDUCATIONAL EXPERIENCE. THE REALITY IS, WHEN IT COMES TO SPECIAL NEEDS CHILDREN, THERE ARE ADDITIONAL COSTS ASSOCIATED WITH EDUCATING THOSE STUDENTS. NOW, WITH RESPECT TO A SPECIAL EDUCATION STUDENT WANTING TO OPT TO A CONTIGUOUS DISTRICT, WELL, THERE'S LOTS OF DIFFERENT REASONS WHY A STUDENT WITH SPECIAL NEEDS WOULD WANT TO DO THAT. I WANT TO BE CLEAR AGAIN, THE AMENDMENT DOESN'T CHANGE THE ABILITY OF A DISTRICT TO EITHER DENY OR APPROVE A REQUEST FROM A SPECIAL NEEDS STUDENT WANTING TO OPT INTO A DISTRICT. IN MY MIND, THOUGH, WHAT THIS AMENDMENT DOES, IT REQUIRES SORT OF A SHARING OF THE COSTS INVOLVED. ADMITTEDLY, UNDER THIS AMENDMENT THE RESIDENT DISTRICT WOULD NOT HAVE A SAY IN THE SERVICES TO BE PROVIDED FOR THAT SPECIAL NEEDS STUDENT OPTIONING INTO A DISTRICT. I WILL SAY, THERE ARE A LOT OF THINGS THAT WE DON'T HAVE A SAY ON. FOR EXAMPLE, WHEN WE BUY GAS WE DON'T HAVE A SAY IN WHAT THE COST OF THAT GAS IS GOING TO BE. AND IF THAT SPECIAL NEEDS STUDENT HAD STAYED IN THAT DISTRICT, THAT RESIDENT DISTRICT, THAT RESIDENT DISTRICT WOULD STILL HAVE HAD TO HAVE PAID FOR THE SERVICE OF THAT STUDENT. I DON'T THINK UNDER THIS AMENDMENT THAT ANY OPTION SCHOOL DISTRICT WOULD TRY TO, QUOTE, MAKE MONEY ON THIS APPROACH. I THINK IT WOULD

Floor Debate  
March 24, 2016

---

FORCE SOME COMMUNICATION BETWEEN THE OPTION DISTRICT AND THE RESIDENT DISTRICT. AND MY CLEAR REASONING AND RATIONAL IN INCLUDING THIS COMPONENT IN THE AMENDMENT WAS SIMPLY BECAUSE I THINK THAT SPECIAL NEEDS STUDENTS NEED EVERY OPPORTUNITY THAT EVERY OTHER STUDENT HAS IN RECOGNIZING THAT THERE ARE SOME ADDITIONAL DETAILS THAT GO WITH THEM. AND I THINK WE WANT TO GIVE THEM EVERY OPPORTUNITY TO HAVE SUCCESS IN THEIR EDUCATIONAL EXPERIENCE. SO THOSE ARE THE COMPONENTS OF AM2640. I URGE THEIR ADOPTION AS INTRODUCED. THANK YOU, MR. PRESIDENT. [LB1066 LB1064 LB1004 LB1065]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN. (VISITORS INTRODUCED.) MR. CLERK FOR AN AMENDMENT. [LB1066]

CLERK: MR. PRESIDENT, SENATOR SCHEER WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM2742. (LEGISLATIVE JOURNAL PAGE 1231.) [LB1066]

SENATOR KRIST: SENATOR SCHEER, YOU'RE RECOGNIZED. [LB1066]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. AM2742, COLLEAGUES, DEALS ONLY WITH THE SPECIAL EDUCATION PORTION OF THE AMENDMENT, SECTION 5. I THINK SENATOR SULLIVAN'S DESCRIPTION WAS ACCURATE TO A POINT. WHAT WE HAVE TO REMEMBER IS WHEN THAT STUDENT GOES FROM DISTRICT A TO DISTRICT B IT BECOMES A NET OPTION FUNDING STUDENT. IN OTHER WORDS, THE RECEIVING DISTRICT RECEIVES APPROXIMATELY \$9,000 ADDITIONAL FROM THE STATE FOR THAT STUDENT. AND ONCE THAT STUDENT GOES TO THAT DISTRICT AND IF IT HAS SOME TYPE OF SPECIAL NEED, REGARDLESS OF WHAT THAT IS, MINIMAL OR NOT ARE VERY SEVERE, THE DISTRICT THAT THE STUDENT CAME FROM HAS ABSOLUTELY NO SAY IN HOW THAT STUDENT WILL BE TREATED AND WHAT TREATMENTS OR PROGRAMS IT WILL BE PROVIDED. AND BECAUSE THEY ARE THE SENDING DISTRICT THEY ARE NOW GOING TO BE RESPONSIBLE FOR 50 PERCENT OF THAT COST. AND THEY DON'T EVEN GET ANY INPUT ON THE NEEDED RESPONSE TO THAT CHILD. THEY'RE OUT OF IT COMPLETELY. I THINK IT'S A LITTLE ONE-SIDED. YOU HAVE A DISTRICT ACCEPTING THEM, KNOWINGLY ACCEPTING THE SPECIAL NEEDS STUDENT, WHATEVER THAT NEED MIGHT BE, RECEIVING ADDITIONAL \$9,000 AND THEN EXPECTING THE DISTRICT THAT THEY TOOK THE STUDENT FROM IS EXPECTED TO PAY FOR THE ADDITIONAL SERVICES. SENATOR SULLIVAN IS ABSOLUTELY CORRECT. THEY WOULD BE RESPONSIBLE FOR THAT IF THEY WERE IN THEIR

Floor Debate  
March 24, 2016

---

OWN DISTRICT, BUT IF THAT STUDENT STAYED IN ITS DISTRICT THEY WOULD BE IN CHARGE AND THEY WOULD BE ABLE TO SELECT THE SERVICES AND THE TREATMENTS THAT WOULD BE PROVIDED TO THAT STUDENT. THERE IS A BIG DIFFERENCE. NET OPTION FUNDING HAS INCREASED DRAMATICALLY IN THE STATE OF NEBRASKA. I DON'T THINK THIS IS FAIR TO THE DISTRICT THAT IS THE DISTRICT THAT THE STUDENT IS GOING AWAY FROM. THERE COULD BE A MULTITUDE OF REASONS THAT THE PARENT MAY WANT THIS CHILD TO GO TO ANOTHER DISTRICT, BUT LET'S REMEMBER THE DISTRICT THAT RECEIVES THIS STUDENT IS NOT FORCED TO ACCEPT THAT STUDENT. EVERY DISTRICT MAKES THEIR OWN DETERMINATION ON THE SPACE THAT'S AVAILABLE IN ANY OF THEIR PROGRAMS, REGARDLESS OF IF IT'S A SECOND GRADER. IF DISTRICT A SAYS, WE HAVE THREE SPOTS LEFT IN SECOND GRADE, THEN THEY HAVE TO ACCEPT THE FIRST THREE OR HOWEVER THEY MAY DO IT, THE SECOND GRADERS THAT COME INTO THAT DISTRICT. IF THEY SAY THEY HAVE NO SPACE IN SECOND GRADE, EVEN IF THEY ONLY HAVE ONE PERSON THAT ASKS FOR THEIR CHILD TO GO INTO THAT SCHOOL DISTRICT, THEY DON'T HAVE TO ACCEPT IT. THEY SET THE LIMITATIONS. SO WHEN A DISTRICT KNOWINGLY OPENS ITS DOORS TO SPECIAL NEEDS CHILDREN THEY KNOW THERE IS AN ADDITIONAL COST TO THOSE CHILDREN. IF THEY WANT TO OPEN THEM SO THAT THEY CAN RECEIVE THE ADDITIONAL DOLLARS FOR A NET OPTION STUDENT, THEN ALONG WITH THAT SHOULD BE THE RESPONSIBILITY TO PROVIDE FOR AND PAY FOR THOSE SERVICES. THE MONEY ALREADY FOLLOWED THE STUDENT. THE RECEIVING DISTRICT SHOULD BE RESPONSIBLE FOR PAYING THOSE SERVICES, ESPECIALLY SINCE THAT RECEIVING DISTRICT DETERMINES WHAT SERVICES, WHO PERFORMS THE SERVICES, AND WHAT OTHER TREATMENTS MIGHT BE PROVIDED TO THAT STUDENT. IT'S THAT SIMPLE. THE DISTRICT THAT RECEIVES THE STUDENT IS GETTING AN ADDITIONAL \$9,000 A YEAR. THE DISTRICT THAT LOSES THE STUDENT IS STILL GOING TO BE RESPONSIBLE FOR PAYING FOR THOSE NEEDS, EVEN THOUGH, EVEN THOUGH THE RECEIVING DISTRICT KNEW IT WAS A SPECIAL NEEDS CHILDREN AND THEY HAVE SPACE AVAILABLE. IF THEY'VE GOT SPACE AVAILABLE, IT PROBABLY IS NOT COSTING THEM A DIME MORE. IF THEY HAVE STAFF ALREADY THERE PROVIDING THOSE SERVICES, IT MAY NOT COST THAT DISTRICT EVEN A DIME MORE, BUT THEY COULD STILL CHARGE THE DISTRICT FOR THOSE SERVICES. WE HAVE TO KEEP IT FAIR FOR SCHOOL DISTRICTS. WE CAN'T MAKE IT OPEN SEASON. IT'S A FAIRNESS ISSUE. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. YOU'VE HEARD THE OPENING ON AM2742, AM2640, AND THE UNDERLYING BILL, LB1066. THOSE WISHING TO



Floor Debate  
March 24, 2016

---

SPEAK, SENATOR BAKER, LARSON, SULLIVAN, SCHNOOR AND OTHERS. SENATOR BAKER, YOU'RE RECOGNIZED. [LB1066]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. SPEAKING TO MY COLLEAGUES AND ALSO TO SCHOOL OFFICIALS WHO MAY BE OUT THERE WATCHING ON THIS IMPORTANT BILL, ORIGINALLY THERE WAS A PROVISION IN LB1064 THAT REQUIRED A DISTRICT TO RECEIVE AN OPTION STUDENT, SPECIAL ED STUDENT, REGARDLESS WHETHER OR NOT THEY HAD CAPACITY, UNLESS THEY COULD PROVE THAT IT WASN'T GOING TO COST THEM MORE THAN 15 PERCENT OF EXCESS COSTS. I DIDN'T LIKE THAT PROVISION. WHAT GOT PUT INTO LB1066 IS DIFFERENT. JUST TO BACK UP A LITTLE BIT, WITH THE OPTION ENROLLMENT PROCESS EVERY YEAR A DISTRICT HAS TO ADOPT STANDARDS FOR ACCEPTANCE OR REJECTION OF OPTION ENROLLMENT STUDENTS. AND YOU DO THAT GRADE LEVEL BY GRADE LEVEL, KINDERGARTEN THROUGH 12TH GRADE. YOU ALSO SET THE CAPACITY AND PROJECTED ENROLLMENT FOR EACH OF YOUR SPECIAL ED PROGRAMS. THINGS LIKE SPEECH THERAPY, THOSE TYPES OF THINGS, THOSE ARE GENERALLY NOT VERY LIMITING. OTHER SPECIAL ED PROGRAMS ARE SOMEWHAT LIMITING WHEN YOU GET INTO THE MORE SEVERELY HANDICAPPED OR LEARNING DISABLED STUDENTS. AND SO DISTRICTS RARELY HAVE EXCESS CAPACITY WITHOUT ADDING MORE STAFF. MANY OF THE MORE SEVERELY HANDICAPPED STUDENTS REQUIRE A ONE-ON-ONE PARA OR SOMETHING LIKE THAT, SO IT WOULD BE RARE IF A DISTRICT HAD EXCESS CAPACITY. WHAT THIS SAYS IS THAT IF A DISTRICT DID ACCEPT A SPECIAL ED OPTION REQUEST, THEY SAID THEY HAD CAPACITY, ACCEPTED THEM, THEN THEY WOULD NOT BE LOSING MONEY ON THE DEAL. BUT IT'S ALSO CLEAR TO POINT OUT, NO ONE CAN POSSIBLY MAKE MONEY BY ACCEPTING SPECIAL ED OPTION STUDENTS. YOU KNOW, BY DEFINITION OF HOW THE REIMBURSEMENT WOULD WORK, NOBODY IS GOING TO DO IT TO MAKE MONEY. THERE IS A CONCERN THAT WAS EXPRESSED AND SENATOR SULLIVAN ALLUDED TO THAT, THE WHAT IF TYPES OF QUESTIONS. YOU KNOW, WHAT IF A DISTRICT DID ACCEPT A REQUEST FOR OPTION INTO THEIR DISTRICT FOR A HANDICAPPED STUDENT? THEN, AS SENATOR SCHEER POINTS OUT, THAT DISTRICT HAS SOLE CONTROL OVER WHAT HAPPENS. THEY COULD TURN AROUND AND CONTRACT THAT STUDENT OUT FOR A HIGH COST AND THE RESIDENT DISTRICT WOULD NOT BE ABLE TO HAVE ANY INPUT ON WHAT IS INDEED THE LEAST RESTRICTIVE ENVIRONMENT. SO THE FEAR AMONG SCHOOL DISTRICTS IS THAT TYPE OF THING COULD HAPPEN. I PERSONALLY THINK IT'S VERY UNLIKELY THAT THAT'S GOING TO HAPPEN, BUT IT COULD HAPPEN THAT THE RECEIVING DISTRICT WOULD PRESCRIBE A CADILLAC PROGRAM, MAYBE ABOVE AND BEYOND WHAT LEAST RESTRICTED ENVIRONMENT WOULD REQUIRE OR SUGGEST. SO WHAT I WOULD SAY IS THAT

Floor Debate  
March 24, 2016

---

WE'LL SEE WHAT HAPPENS WITH SENATOR SCHEER'S AMENDMENT. IF THAT DOESN'T PASS AND IT'S LEFT AS IS, NUMBER ONE, I DON'T THINK IT'S GOING TO BE SOMETHING THAT YOU'RE GOING TO SEE HAPPENING. BUT IF IT DOES, I WOULD ASSURE THOSE SCHOOL OFFICIALS OUT THERE, AND YOU, MY COLLEAGUES, THAT WE WOULD COME BACK AND TAKE CARE OF IT. SO I THINK I'LL LEAVE IT AT THAT. AND THANK YOU, MR. PRESIDENT. [LB1066 LB1064]

SENATOR KRIST: THANK YOU, SENATOR BAKER. SENATOR LARSON, YOU'RE RECOGNIZED. [LB1066]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. WOULD SENATOR SULLIVAN YIELD TO A QUESTION? [LB1066]

SENATOR KRIST: SENATOR SULLIVAN, WILL YOU YIELD? [LB1066]

SENATOR SULLIVAN: YES, I WILL. [LB1066]

SENATOR LARSON: THANK YOU, SENATOR SULLIVAN. QUICK QUESTION. I KIND OF WAS LISTENING TO SENATOR SCHEER. DOES THE DISTRICT...I UNDERSTAND THE CONCEPT THAT THE DISTRICT THAT WOULD BE RECEIVING A STUDENT HAS TO HAVE THE SPACE. BUT WHEN A PARENT OR THE PARENTS NOTIFY A SCHOOL DISTRICT THAT THEY WOULD LIKE TO OPTION INTO THEIR SCHOOL DISTRICT, DO THEY HAVE TO NOTIFY THE DISTRICT THAT THEIR KID IS SPECIAL NEEDS? [LB1066]

SENATOR SULLIVAN: I DON'T THINK SO. THEY DO? OKAY. SENATOR BAKER IS SAYING, YES. [LB1066]

SENATOR LARSON: SO HOW OFTEN...I MEAN, IS THERE THE POSSIBILITY THAT SINCE IT'S A SPECIAL NEEDS KID THAT THEY DON'T HAVE ROOM ANY LONGER BEFORE, BUT IF IT'S NOT A SPECIAL NEEDS KID THEY DO HAVE ROOM? IS THAT AN ISSUE? IS THAT A POSSIBLE ISSUE? I SEE YOUR LEGAL COUNSEL NODDING, YES. [LB1066]

SENATOR SULLIVAN: POSSIBLE, YES. YES. [LB1066]

SENATOR LARSON: SO A SCHOOL DISTRICT COULD ESSENTIALLY DISCRIMINATE AGAINST A KID WITH SPECIAL NEEDS BY SAYING WE JUST DON'T HAVE ROOM

Floor Debate  
March 24, 2016

---

FOR THAT KID, BUT WE HAVE ROOM FOR HIS LITTLE...HIS TWIN BROTHER THAT DOESN'T HAVE SPECIAL NEEDS? [LB1066]

SENATOR SULLIVAN: POSSIBLY. [LB1066]

SENATOR LARSON: OKAY, THANK YOU. COLLEAGUES, THAT'S NOT RIGHT. I CAN UNDERSTAND SENATOR SCHEER'S CONCERN, BUT FOR A SCHOOL DISTRICT TO SAY THAT I HAVE ROOM FOR KID A BUT NOT KID B BECAUSE KID B HAS AUTISM OR NEEDS A FULL-TIME PARA, I HAVE A PROBLEM WITH THAT. WOULD SENATOR SCHEER YIELD TO A QUESTION? [LB1066]

SENATOR KRIST: SENATOR SCHEER, WILL YOU YIELD? [LB1066]

SENATOR SCHEER: YES, I WILL. [LB1066]

SENATOR LARSON: SENATOR SCHEER, I CAN UNDERSTAND YOUR CONCERNS, ESPECIALLY WHEN YOU MAKE THE ARGUMENT THAT THE RECEIVING SCHOOL DISTRICT IS ACCEPTING THEM AND WHAT NOT AND THAT THEY SHOULDN'T HAVE TO...THE ONE THAT'S SENDING SHOULDN'T HAVE TO PAY AND HOW THAT'S UNFAIR. DO YOU THINK THAT THERE'S LIKE SOME POSSIBLE FLEXIBILITY? I KNOW HAVING HAD A KID WITH...HAVING HELPED RAISE A KID WITH SPECIAL NEEDS, IS THERE SOME LEEWAY IN TERMS OF...I KNOW THESE KIDS HAVE IEPs THAT ARE DETAILING WHAT THEY HAVE OR WHAT TYPE OF PROGRAMMING THEY GET AND WHAT THEY'RE LOOKING FOR. IF THE RECEIVING SCHOOL DISTRICT KEEPS THE SAME IEP AS THE ONE THAT'S SENDING THEM THERE, I THINK OBVIOUSLY I SUPPORT CHOICE VERY MUCH. WE ALL KNOW ON THIS FLOOR HOW MUCH I SUPPORT CHOICE. I HAVEN'T HAD A CHANCE TO TALK ABOUT MY SUPPORT OF CHOICE YET THIS YEAR; THAT TIME MAY BE COMING. BUT FOR THAT SPECIAL NEEDS KID THE IEPs DON'T CHANGE. DO YOU NOT THINK THAT LIKE...BECAUSE I UNDERSTAND YOUR CONCERN IS THAT RECEIVING SCHOOL DISTRICT COULD JUST JACK UP THE COST AND SAY THAT THEY NEED ALL THESE THINGS. BUT WHEN WE'RE TALKING ABOUT SPECIAL NEEDS KIDS, THEY HAVE VERY SPECIFIC PLANS THAT THEY FOLLOW. [LB1066]

SENATOR SCHEER: ABSOLUTELY, SENATOR. AND MORE TIMES THAN NOT--I WOULD SAY ALL TIMES--THOSE DISTRICTS WILL LOOK AT THE IEP, IF THERE IS ONE, OF A STUDENT. A LOT OF TIMES THOSE TYPE OF STUDENTS... [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR KRIST: ONE MINUTE. [LB1066]

SENATOR SCHEER: ...THANK YOU...ARE ALREADY INCLUDED IN SCHOOL IN A STANDARD CLASSROOM. THOSE ARE NOT THE ONES THAT I'M NECESSARILY CONCERNED WITH. I WILL GIVE YOU AN EXAMPLE. WHEN I WAS ON THE SCHOOL BOARD IN NORFOLK, ONE TIME A PARENT, PARENTS, HAD A CHILD THAT WAS SEVERELY AND PROFOUNDLY IN NEED OF HELP. WE WERE PROVIDING THE SERVICE, WE HAVE A BD PROGRAM THERE AND WE WERE DOING A GOOD SYSTEM. THE STATE APPROVED IT. EVERYONE APPROVED IT. BUT THEY WANTED THAT CHILD TO GO TO MINNESOTA, AS I RECALL, TO A PRIVATE FACILITY THAT THAT'S WHERE THEY WANTED THEIR CHILD. SO THEY OPTIONED INTO ANOTHER DISTRICT. WE HAD NO SAY ABOUT IT AND THEN THAT STUDENT WOULD GO THERE AND WE WOULD BE CAUGHT WITH THE COST. [LB1066]

SENATOR LARSON: I CAN APPRECIATE IT. I JUST THINK THAT THERE HAS TO BE SOME CONCEPT OF MIDDLE GROUND, ESPECIALLY WHEN WE'RE TALKING ABOUT OPTIONING INTO SCHOOL DISTRICTS. I LOOKED AT THIS IN TERMS OF EWING AND O'NEILL. O'NEILL HAS SIGNIFICANTLY MORE SERVICES AVAILABLE THAN EWING AND I CAN... [LB1066]

SENATOR KRIST: TIME, SENATORS. [LB1066]

SENATOR LARSON: THANK YOU. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR LARSON AND SENATOR SCHEER. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB1066]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. WELL, OBVIOUSLY, I'M NOT REAL EXCITED ABOUT AM2742. ADMITTEDLY, AS I INDICATED WHEN I OPENED ON THE AMENDMENT, I RECOGNIZE THERE ARE CONCERNS BEING EXPRESSED. AND, QUITE FRANKLY, IF WE WERE TO GO FORWARD WITH THIS COMPONENT OF THE AMENDMENT AS INTRODUCED, I THINK THERE WOULD PROBABLY BE DETAILS OVER TIME THAT WOULD HAVE TO BE WORKED OUT. AS I SAID, I'M CONCERNED ABOUT THE SUCCESS OF EVERY CHILD IN THEIR EDUCATIONAL EXPERIENCE. AND WHY WOULDN'T WE WANT A CHILD TO BE IN A DISTRICT WHERE THEY WANT TO BE? AND I BELIEVE IN MY HEART AND MIND THAT WE HAVE SITUATIONS WHERE DISTRICTS ARE DENYING A SPECIAL ED STUDENT, QUITE FRANKLY BASED SOLELY ON COST. AND IF THIS AMENDMENT MAKES IT A LITTLE EASIER FOR THOSE COSTS TO BE BORNE THEN I THINK IT'S SOMETHING

Floor Debate  
March 24, 2016

---

THAT NEEDS TO BE LOOKED AT. AND TO SAY THAT THE RECEIVING DISTRICT WOULD HAVE NO SAY OR THE RESIDENT DISTRICT WOULD HAVE NO SAY IS A LITTLE BIT INACCURATE, GRANTED, AS INTRODUCED. THE AMENDMENT SAYS THE RESIDENT DISTRICT HAS TO PICK UP THOSE COSTS THAT ARE 50 PERCENT...WELL, LET ME BACK UP AND SAY, THE BASIC ALLOWABLE...THE ALLOWABLE EXCESS COST THAT A DISTRICT INCURS WITH A SPECIAL NEEDS STUDENT, ABOUT 50 PERCENT OF THOSE ARE REIMBURSED BY THE STATE. SO THE REMAINING 50 PERCENT IN THIS SCENARIO WOULD HAVE TO BE BORNE BY THE RESIDENT DISTRICT. YES, THEY SEEM TO, ON ITS FACE, NOT HAVE A SAY IN WHAT THE SERVICES ARE THAT THEY WOULD BE PAYING FOR. BUT I WOULD VENTURE TO GUESS THAT THERE WOULD HOPEFULLY BE SOME COMMUNICATION THAT WOULD TAKE PLACE BETWEEN THE RESIDENT DISTRICT AND THE CONTIGUOUS OPTION DISTRICT, BECAUSE IT HAS TO BE UNDER THIS AMENDMENT, A CONTIGUOUS DISTRICT. THEY CAN'T HOP OVER AND GO SOME PLACE TO THE OTHER PART OF THE STATE. SO, YES, THIS IS DIFFERENT. IT'S UNCOMFORTABLE. IT REPRESENTS A CHANGE. BUT THESE ARE DIFFICULT SITUATIONS AND CONVERSATIONS THAT ARE TAKING PLACE WITH SPECIAL NEEDS CHILDREN AND THEIR FAMILIES. AND THIS AMENDMENT OFFERS THEM A LITTLE BIT MORE OF A LEG UP TO GO TO A DISTRICT WHERE THEY WOULD LIKE TO RECEIVE THEIR EDUCATION, WOULD LIKE TO RECEIVE THEIR SERVICES, AND PERHAPS HAVE A BETTER CHANCE OF THAT HAPPENING. THANK YOU. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB1066]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I VOTED...NOW, WE'RE DEBATING SCHEER'S AMENDMENT, AM2742...EXCUSE ME, SENATOR SCHEER. AND NOW, I VOTED FOR THIS AMENDMENT OF THE...FROM THE EDUCATION COMMITTEE. I DID VOTE FOR THAT, BUT I QUESTIONED THIS PARTICULAR SUBJECT. AND SINCE THEN I HAVE BEEN RECEIVING A LOT OF FEEDBACK FROM MY DISTRICT AS WELL AS OTHER DISTRICTS ABOUT THIS. SO I WOULD...MOST OF THE STUFF SENATOR SCHEER HAS ALREADY SAID. I JUST WANT TO REITERATE THAT. IT'S THE FAMILY'S CHOICE WHETHER THEY WANT TO OPT OUT. IT'S THE RECEIVING DISTRICT'S CHOICE WHETHER THEY WANT TO LET THEM IN. THE RESIDENT SCHOOL DISTRICT HAS NO SAY. SO IF BOTH THE FAMILY AND THE RECEIVING SCHOOL DISTRICT ARE CHOOSING THAT OPTION, THEN THEY ALSO NEED TO ACCEPT THE RESPONSIBILITY OF PAYING FOR THE SPECIAL EDUCATION FUNDING FOR THOSE SPED SERVICES. AND AS SENATOR SCHEER ALSO POINTED OUT, EVERY SCHOOL GETS NET OPTION FUNDING FOR EVERY CHILD THEY RECEIVE. NOW, THAT NET OPTION FUNDING DOESN'T NECESSARILY COVER ANY

Floor Debate  
March 24, 2016

---

SPED FUNDING, BUT THE POINT IS THEY ARE ALREADY RECEIVING DOLLARS FROM THE STATE. SENATOR BAKER, WILL YOU YIELD TO A QUESTION? [LB1066]

SENATOR KRIST: SENATOR BAKER, WILL YOU YIELD? [LB1066]

SENATOR BAKER: YES. [LB1066]

SENATOR SCHNOOR: NOW, I'D ALSO LIKE...I'D JUST LIKE TO POINT OUT TO ALL THOSE LISTENING, SENATOR BAKER IS A RETIRED SUPERINTENDENT. HE'S ON THE EDUCATION COMMITTEE AS WHICH I AM ON AS WELL, AND WE ASK HIM A LOT OF QUESTIONS. WHY? BECAUSE HE HAS THE EXPERIENCE. SO WITH THAT, SENATOR BAKER, MY QUESTION...AND I NEED TO JUST REITERATE EVERYTHING YOU SAID AND CONFIRM THIS. THE RESIDENT DISTRICT, THE FAMILY CAN MAKE THE CHOICE TO OPTION OUT, CORRECT? [LB1066]

SENATOR BAKER: CORRECT. [LB1066]

SENATOR SCHNOOR: THE RECEIVING DISTRICT, WHEREVER THAT MAY BE, THEY HAVE TO ACCEPT THAT OPTION IN. IS THAT CORRECT? [LB1066]

SENATOR BAKER: ONLY IF THEY HAVE CAPACITY, AND IF I MAY, YOU... [LB1066]

SENATOR SCHNOOR: YES. [LB1066]

SENATOR BAKER: BACK TO SENATOR LARSON'S POINT ABOUT, IT'S DISCRIMINATION IF YOU TAKE ONE AND DON'T TAKE THE OTHER. IT'S ALL ABOUT CAPACITY. IT'S STRICTLY NUMBERS. YOU'RE REQUIRED TO ESTABLISH YOUR STANDARD FOR ACCEPTANCE, REJECTION, THAT IS IN ONE COLUMN YOU PUT THE CAPACITY, IN THE OTHER COLUMN PROJECTED ENROLLMENT. IF THERE'S NO SPACE LEFT, THERE'S NO SPACE LEFT. IN REAL-LIFE EXAMPLES, IT'S NUMBERS. AND IT'S NOT LIKE, IS THIS PERSON ASKING TO OPTION IN, IS THAT A FRIEND OF MINE? IS THAT A NEIGHBOR OF MINE? DOESN'T MATTER, IT'S BY THE NUMBERS. AND THERE HAVE BEEN CASES WHERE WE HAD RECEIVED A STUDENT THROUGH OPTION ENROLLMENT. A COUPLE OF YEARS LATER A SIBLING ENTERS KINDERGARTEN AGE. NO CAPACITY. IT DOESN'T MATTER. IF YOU DON'T HAVE CAPACITY, YOU DON'T HAVE CAPACITY. THE HUMANE THING WOULD BE TO SAY, WELL, GOSH, SINCE YOUR SIBLINGS GO AND YOU SHOULD BE ABLE TO GO TOO, THAT'S NOT THE WAY THE OPTION LAW READS. SO IT'S

Floor Debate  
March 24, 2016

---

STRICTLY BY THE NUMBERS. IF YOU HAVE CAPACITY, YOU MUST TAKE THEM. IF YOU DON'T HAVE CAPACITY, YOU SHOULD TURN THEM DOWN. [LB1066]

SENATOR SCHNOOR: OKAY, SO WE'RE REALLY NOT TALKING ABOUT SERVICES. WE'RE STRICTLY TALKING ABOUT, IN THIS AMENDMENT, WHO'S PAYING FOR IT. IS THAT CORRECT? [LB1066]

SENATOR KRIST: ONE MINUTE. [LB1066]

SENATOR BAKER: THAT WOULD BE CORRECT. [LB1066]

SENATOR SCHNOOR: OKAY. SO YOU HAD MENTIONED, WHICH I NEVER TOOK INTO ACCOUNT, IF THE OPTION DISTRICT NOW CONTRACTS OUT THIS STUDENT TO SOME ORGANIZATION--AND I CAN'T EVEN THINK OF WHO THAT WOULD BE--THE RESIDENT SCHOOL DISTRICT STILL HAS TO PAY FOR IT NO MATTER WHAT THAT COST IS. IS THAT CORRECT? [LB1066]

SENATOR BAKER: THEY WOULD HAVE TO PAY THE COST ABOVE AND BEYOND WHAT THE RECEIVING DISTRICT WOULD BE RECEIVING THROUGH SPECIAL ED REIMBURSEMENTS THROUGH THE NET OPTION FUNDING. ANY COST ABOVE THAT THEY WOULD HAVE TO PAY. [LB1066]

SENATOR SCHNOOR: OKAY, SO I GO BACK TO, REAL QUICKLY, THE FAMILY MADE THE CHOICE, THE OPTION SCHOOL MADE THE CHOICE TO RECEIVE IT, BUT YET THE RESIDENT SCHOOL DISTRICT HAS TO PAY FOR IT. SO I WILL SUPPORT SENATOR SCHEER'S AMENDMENT, WHICH ONLY PULLS THAT PORTION OUT OF THE EDUCATION COMMITTEE'S AMENDMENT. THANK YOU. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR SCHNOOR AND SENATOR BAKER. SENATOR COOK, YOU ARE RECOGNIZED. [LB1066]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I RISE FOR, I GUESS, A TRIPLE PURPOSE. FIRST OF ALL, TO THANK THE COMMITTEE FOR THEIR WORK IN INCLUDING MY BILL PROPOSAL OR SOME OF THE ELEMENTS OF MY BILL PROPOSAL RELATED TO COMMUNITY ELIGIBILITY AND ALSO TO RAISE SOME QUESTIONS AS AN ALUMNA OF THE EDUCATION COMMITTEE RELATED TO THE SPECIAL EDUCATION FUNDING THAT WE'VE BEEN TALKING ABOUT AND THE PROPOSED AMENDMENT, AM2743.

Floor Debate  
March 24, 2016

---

THANK YOU TO THE COMMITTEE MEMBERS WHO'VE HELPED TO REFRESH MY MEMORY ON HOW THE FUNDING FOLLOWS THE STUDENT. AS YOU ALL WELL KNOW, MOST OF THE STUDENTS IN MY DISTRICT WOULD BE RESIDENTS IN TERMS OF THEIR HOME SCHOOL DISTRICT OF THE GREAT AND POWERFUL OMAHA PUBLIC SCHOOL DISTRICT. SO THE NUMBER WOULD BE THE KIND OF BALLPARK FIGURE POTENTIAL IMPACT ON THAT DISTRICT WOULD NUMBER FROM POTENTIALLY \$5 MILLION TO \$10 MILLION, FROM WHAT PEOPLE TELL ME. I WANT TO GET ONE MORE THING CLARIFIED, IF I COULD. AND SENATOR BAKER, I'M GOING TO PICK ON YOU BECAUSE YOU'RE THE ONE THAT DID SUCH A GREAT JOB OF ANSWERING SENATOR SCHNOOR'S QUESTION. [LB1066]

SENATOR KRIST: SENATOR BAKER, WILL YOU YIELD? [LB1066]

SENATOR BAKER: YES. [LB1066]

SENATOR COOK: THANK YOU, SENATOR BAKER. AM I CORRECT IN RECALLING THAT AN OPTION STUDENT, LET'S SAY SHE CHOOSES, HER FAMILY CHOOSES TO SEND HER TO A SMALLER SCHOOL DISTRICT NEAR, IN THE CASE OF MY DISTRICT, THE FORT CALHOUN SCHOOL DISTRICT, THAT IS ELIGIBLE FOR REIMBURSEMENT FROM THE STATE OF NEBRASKA FOR PART OF HER SPECIAL EDUCATION COSTS THAT SHE WOULD...THE SERVICES SHE WOULD RECEIVE IN, SAY, THE FORT CALHOUN SCHOOL DISTRICT? [LB1066]

SENATOR BAKER: ARE YOU REFERRING TO THE PROVISIONS OF LB1060 (SIC)...OF THE BILL? [LB1066]

SENATOR COOK: OF THE PROPOSAL THAT WE SEE REFLECTED IN SECTION 5 OF THE AMENDMENT, AM2640. [LB1066]

SENATOR BAKER: THAT IS CORRECT. [LB1066]

SENATOR COOK: OKAY. [LB1066]

SENATOR BAKER: BUT FIRST OF ALL, FORT CALHOUN WOULD HAVE TO HAVE THE CAPACITY... [LB1066]

SENATOR COOK: YES. [LB1066]



Floor Debate  
March 24, 2016

---

SENATOR BAKER: ...AND ACCEPT THE OPTION STUDENT. AND IF THEY DID, THEN THEY WOULDN'T LOSE MONEY. UNDER THIS NEW PROVISION, THEY WOULD BE PAID BY OMAHA PUBLIC SCHOOLS FOR THE AMOUNT ON TOP OF WHAT THEY GET THROUGH THAT OPTION FUNDING AND THROUGH SPECIAL ED REIMBURSEMENT. [LB1066]

SENATOR COOK: OKAY. EACH OF THOSE TOWARD HER SERVICES IN EDUCATION AND LET'S SAY THE FORT CALHOUN SCHOOL DISTRICT. THANK YOU, SENATOR BAKER. [LB1066]

SENATOR BAKER: YES. [LB1066]

SENATOR COOK: AGAIN, I HAVE SOME CONCERNS, BECAUSE THE LAST THING THAT A SCHOOL DISTRICT LIKE THE OMAHA PUBLIC SCHOOL DISTRICT NEEDS WITH 51,000, 52,000 STUDENTS, 2,000 OR 3,000 MORE COMING IN THE DOOR. SOME EXPECTED, SOME UNEXPECTEDLY EVERY SINGLE YEAR IS, EVEN FOR THE SIZE OF THE SCHOOL DISTRICT BUDGET IN OPS IS A \$10 MILLION SURPRISE RELATED TO THIS KIND OF FUNDING. SO I WILL KEEP LISTENING AND YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR COOK AND SENATOR BAKER. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB1066]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. WOULD SENATOR SULLIVAN YIELD TO A QUESTION? [LB1066]

SENATOR KRIST: SENATOR SULLIVAN, WILL YOU YIELD? [LB1066]

SENATOR SULLIVAN: CERTAINLY. [LB1066]

SENATOR BOLZ: THANK YOU, SENATOR SULLIVAN. I'VE BEEN LISTENING AND TRYING TO GET MY HEAD AROUND MECHANICS OF THE TWO OPTIONS THAT WE'RE DISCUSSING TODAY. AND IT SOUNDS LIKE DIFFERENT PEOPLE HAVE DIFFERENT PERSPECTIVES ABOUT WHAT THE FISCAL IMPACT MAY OR MAY NOT BE. AND I WONDERED IF YOU HAD ANY MORE SPECIFIC INFORMATION, IF YOU'D DONE ANY RESEARCH OR MODELING ON THE POTENTIAL IMPACT SO WE COULD MAKE A DATA-BASED DECISION. AND I'LL YIELD YOU THE REMAINDER OF MY TIME IF YOU HAVE AN ANSWER TO THAT QUESTION. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR SULLIVAN: WILL THERE BE ADDITIONAL COSTS? WELL, IT'S HARD TO SAY. OBVIOUSLY, THAT AS I INDICATED, THERE ARE ADDITIONAL COSTS THAT GO WITH A SPECIAL NEEDS STUDENT. HOW MUCH UNDER THIS SCENARIO THAT WAS PROPOSED IN AM2640 WOULD A RESIDENT DISTRICT HAVE TO BEAR? WELL, IT SAYS, OKAY, YOU HAVE TO PAY AS THE RESIDENT DISTRICT WHATEVER IS LEFT... 50 PERCENT OF WHATEVER IS LEFT AFTER THOSE ALLOWABLE EXCESS COSTS ARE DETERMINED. THE STATE REIMBURSES ABOUT 50 PERCENT OF THAT AND THEN THE RESIDENT DISTRICT WOULD HAVE TO STAND THE REMAINING 50 PERCENT. NO, WE DON'T REALLY HAVE INFORMATION OR A DATABASE THAT...BECAUSE THERE ARE SO MANY DIFFERENT CIRCUMSTANCES WITH THE SPECIAL EDUCATION STUDENTS THAT I DON'T REALLY THINK THAT WE'VE GOT INFORMATION THAT EXISTS. AND, CLEARLY, IT EVOLVES FROM AN INDIVIDUAL EDUCATION PLAN FOR THAT STUDENT. AND THEN IN THAT PLAN IT'S DETERMINED WHAT KIND OF SERVICES THAT STUDENT NEEDS AND IT'S CLEARLY A VERY INDIVIDUAL CIRCUMSTANCE. SO TO SAY THAT THERE WOULD BE MORE COSTS INVOLVED WITH THIS SITUATION UNDER AM2640, FIRST OF ALL I DON'T REALLY THINK THERE WOULD BE BECAUSE AS SENATOR BAKER AND I BOTH SAID, I DON'T THINK THAT THE DISTRICTS WOULD BE IN THE POSITION OF TRYING TO MAKE MONEY ON THIS THING. YOU ARE SIMPLY JUST TRYING TO PROVIDE THE BEST EDUCATIONAL EXPERIENCE YOU CAN AND KNOWING FULL WELL WITH A SPECIAL NEEDS CHILD THERE ARE SPECIAL AND ADDITIONAL COSTS THAT GO WITH THEM. AND A DISTRICT...A CHILD SHOULD NOT BE DENIED...A SPECIAL NEEDS CHILD SHOULD NOT BE DENIED THE OPTION...THE ABILITY TO OPTION INTO A DISTRICT SIMPLY ON THE BASIS OF COST. THANK YOU. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR BOLZ AND SENATOR SULLIVAN. STILL WISHING TO SPEAK: SENATOR DAVIS, STINNER, BURKE HARR, LARSON, BLOOMFIELD, AND OTHERS. SENATOR DAVIS, YOU ARE RECOGNIZED. [LB1066]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SULLIVAN WOULD YIELD TO A FEW QUESTIONS. [LB1066]

SENATOR KRIST: SENATOR SULLIVAN, WILL YOU YIELD? [LB1066]

SENATOR SULLIVAN: YES, I WILL. [LB1066]

SENATOR DAVIS: SO, SENATOR SULLIVAN, I'VE BEEN FOLLOWING THE DEBATE BUT I'VE BEEN VISITING OFF THE FLOOR A LITTLE BIT. SO AS I UNDERSTAND IT

Floor Debate  
March 24, 2016

---

THEN, SOME RECEIVING DISTRICTS REFUSE TO TAKE SPED CHILDREN SIMPLY BECAUSE OF THE COST? [LB1066]

SENATOR SULLIVAN: THAT'S BEEN...YES. [LB1066]

SENATOR DAVIS: AND HOW DO THEY JUSTIFY DOING THAT IN A STATE THAT HAS ENCOURAGED AND PROMOTED OPTION STUDENTS? [LB1066]

SENATOR SULLIVAN: THAT'S WHY I'M BRINGING THIS AMENDMENT. SENATOR BAKER ALLUDED EARLIER TO HOW THIS CONVERSATION FIRST STARTED OUT WHEN I INTRODUCED THE BILL IN THE EDUCATION COMMITTEE. AND IT WOULD HAVE HAD TO DO MORE WITH THE LIMITATION AND ON COST THAT A DISTRICT COULD DETERMINE AS TO WHETHER OR NOT TO ACCEPT A SPECIAL NEEDS CHILD. THAT WAS GETTING A LITTLE COMPLICATED, SO THIS IS WHERE I CHANGED IT TO THEN SIMPLY SAY, OKAY, THE RESIDENT DISTRICT HAS TO HELP PAY FOR SOME OF THESE COSTS TO MAKE IT A LITTLE MORE DESIRABLE, IF YOU WILL, FOR THAT OPTION DISTRICT TO RECEIVE THAT SPECIAL NEEDS CHILD. [LB1066]

SENATOR DAVIS: THANK YOU, SENATOR SULLIVAN. SO JUST SO I WANT TO GET THIS CLEAR AND I THINK IT'S IMPORTANT THAT IT BE SAID ON THE RECORD. SO IF FIVE CHILDREN WANT TO OPT INTO A SPECIFIC DISTRICT AND ONE OF THOSE IS A SPED CHILD, THE DISTRICT SCREENS THROUGH THAT AND WILL REJECT THAT PARTICULAR CHILD BY SAYING THEY'RE AT CAPACITY? IS THAT THE WAY THAT WOULD WORK? [LB1066]

SENATOR SULLIVAN: QUITE POSSIBLY. [LB1066]

SENATOR DAVIS: AND, COLLEAGUES, IF YOU DON'T SEE WHY SENATOR SULLIVAN'S BILL IS APPROPRIATE, I HOPE YOU'LL LOOK AT IT CLOSELY. DISTRICTS ARE STRAPPED. THEY DON'T HAVE THE RESOURCES AND THEY CAN'T AFFORD TO EDUCATE THESE OPTION STUDENTS WHO ARE SPED STUDENTS, SO THEY'RE STUCK IN THEIR SCHOOL. WE'VE HEARD IN HERE ALL ALONG THAT OPTION STUDENTS AND OPTIONING ABILITY WAS OUR ANSWER TO CHARTER SCHOOLS. WELL, I GUESS I'M NOT SEEING THAT IF DISTRICTS ARE REJECTING THESE STUDENTS. AND I'M GOING TO GO BACK TO A BILL THAT I INTRODUCED EARLIER IN THE YEAR, WHICH TRIED TO REDIRECT STATE FUNDING TOWARD SPECIAL EDUCATION AND TO TAKE IT BACK TO THE LEVELS WHERE IT WAS IN THE 1990s. SO TODAY ABOUT 50 PERCENT OF THE COST OF SPECIAL EDUCATION

Floor Debate  
March 24, 2016

---

IS REIMBURSED. IN THE '90s IT WAS 80 PERCENT. AND I JUST WENT BACK AND LOOKED AT THE FISCAL NOTE ON THAT AND IT WAS \$124 MILLION. AND THAT'S COSTS THAT HAVE SHIFTED BACK FROM THE STATE TO THE RESIDENT DISTRICTS BASED ON SPECIAL EDUCATION FUNDING. WE NEED TO DO SOMETHING ABOUT SPECIAL EDUCATION FUNDING, BUT IT'S TOTALLY INAPPROPRIATE FOR DISTRICTS TO BE SORTING STUDENTS BASED ON WHETHER OR NOT THEY'RE A SPED STUDENT OR NOT. I THINK IT'S DISCRIMINATORY. I THINK IT'S OUTRAGEOUS, AND HERE'S WHY. ESPECIALLY IN SPARSELY POPULATED PARTS OF THE STATE, YOU CAN HAVE FAMILIES WHO HAVE SPECIAL NEEDS STUDENTS WHO LIVE MAYBE...AND I'M GOING TO USE A HYPOTHETICAL TOWN OF 200 PEOPLE. THEY DON'T HAVE THE ABILITY TO HAVE A FULL-TIME SPED TEACHER AND A INTERVENTIONIST THERE TO HELP THAT STUDENT. SO THE PARENTS ARE GOING TO WANT THAT CHILD TO GO TO A SCHOOL THAT HAS THOSE OPPORTUNITIES AND HAS THOSE ABILITIES. SO I'M GOING TO SAY, WE'LL HAVE A STUDENT OPTIONING INTO THE ALLIANCE PUBLIC SCHOOLS, FOR EXAMPLE. SO ALLIANCE NOW IS GOING TO BE LOSING ABOUT A MILLION AND A HALF DOLLARS IN FUNDING. THEY'RE NOT GOING TO WANT TO TAKE THAT STUDENT FOR ANY REASON IF IT'S GOING TO COST THEM MORE MONEY, BECAUSE THEY HAVE TO RIF A BUNCH OF PEOPLE. THIS AMENDMENT OF SENATOR SULLIVAN'S MAKES JUST A LOT OF SENSE WITH REGARD TO THE SPECIAL EDUCATION. I'M FULLY BEHIND YOU ON THAT, SENATOR SULLIVAN. THANK YOU. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR DAVIS AND SENATOR SULLIVAN. SENATOR STINNER, YOU'RE RECOGNIZED. [LB1066]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I STAND IN SUPPORT OF AM2742, SENATOR SCHEER'S AMENDMENT. I'M STILL PROCESSING A LOT OF THE DISCUSSION BACK AND FORTH AND TRYING TO GET MY BEARINGS ON THIS, BUT I DID WANT TO SHARE SEVERAL E-MAILS OR TWO E-MAILS FROM MY DISTRICT. SUPERINTENDENT MYLES INDICATED THAT THIS AMENDMENT WOULD BE VERY DIFFICULT FOR DISTRICTS TO BUDGET FOR AND THE STATE TO MONITOR. NUMBER TWO, IT COULD UNFAIRLY INFLATE SERVICES AND THEIR COSTS. NUMBER THREE, WOULD PENALIZE DISTRICTS THAT ARE FULL AND CAN'T ACCEPT ANY OPTION STUDENTS. NUMBER FOUR, COULD UNDERMINE THE EFFORTS OF SCHOOL DISTRICTS TO PROVIDE SERVICES IN A NONCATEGORICAL MANNER BY ENCOURAGING SPECIAL EDUCATION IDENTIFICATION. HE GOES ON TO STATE: IRONICALLY, THE SCOTTSBLUFF SCHOOL DISTRICT'S SIZE AND REPUTATION FOR VARIED AND QUALITY SPECIAL EDUCATION SERVICES, WE WOULD LIKELY BE A MAJOR BENEFICIARY OF THIS AMENDMENT. WE ALREADY HAVE A

Floor Debate  
March 24, 2016

---

DISPROPORTIONATELY LARGE NUMBER OF OPTIONAL ENROLLMENT STUDENTS WITH DISABILITIES. HOWEVER, TAKING A BIG PICTURE PERSPECTIVE, WE CAN'T SEE THIS INITIATIVE AS RIGHT FOR THE PUBLIC SCHOOLS. I ALSO GOT A LIKE-KIND LETTER FROM THE MITCHELL SCHOOL DISTRICT WHICH IS MUCH SMALLER, BUT THE SUPERINTENDENT OF BAYARD ALSO E-MAILED ME ABOUT HIS CONCERN. AND BASICALLY HE SAYS, I'M CONCERNED THAT THIS LEGISLATION WILL LEAD TO INCREASING NUMBERS OF SPECIAL EDUCATION STUDENTS ENGAGING IN OPTIONAL ENROLLMENT. MY UNDERSTANDING OF THIS AMENDMENT IS THAT SCHOOL DISTRICTS WHICH RECEIVE THESE OPTION STUDENTS HAVE LITTLE INCENTIVE TO ENSURE THAT EDUCATIONAL PROGRAMMING COSTS FOR THESE STUDENTS ARE FISCALLY REASONABLE. THE NEEDS OF STUDENTS WITH DISABILITIES SHOULD DRIVE THE PROGRAMMING. IF THIS BILL BECOMES LAW I'M CONCERNED THAT IT WILL CREATE AN INCENTIVE FOR OPTION DISTRICTS TO ENGAGE IN ADDITIONAL SPENDING BEYOND WHAT STUDENT NEEDS REQUIRED. THOSE ARE JUST SOME OF THE COMMENTS. THE MITCHELL SCHOOL SUPERINTENDENT ALSO HAD SOME COMMENTS ABOUT THIS. NOW, I UNDERSTAND WE'VE THROWN A LITTLE MORE MONEY AT SPECIAL EDUCATION IN THIS LAST OR THIS BIENNIUM. I ALSO UNDERSTAND THAT IT'S HIGHLY REGULATED. SPECIAL EDUCATION IS HIGHLY REGULATED, BOTH FROM THE STATE AND FED SIDE OF THINGS. I JUST WOULD LIKE TO GET A LITTLE BIT MORE INFORMATION AND BALANCE, SO I'LL BE LISTENING TO THE DISCUSSIONS. BUT I DO BELIEVE THAT AM2742 SOLVES SOME OF THE PROBLEMS LISTED HERE BY OUR SUPERINTENDENTS. THANK YOU. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR STINNER. MR. CLERK. [LB1066]

CLERK: MR. PRESIDENT, THANK YOU. LET ME BE VERY QUICK HERE. ENROLLMENT AND REVIEW REPORTS LB938, LB938A, LB774, LB1038, LB1038A, LB1083A ALL TO SELECT FILE, SOME HAVING ENROLLMENT AND REVIEW AMENDMENTS. BILLS READ ON FINAL READING THIS MORNING WERE PRESENTED TO THE GOVERNOR AT 9:25 AND THEN AGAIN AT 11:13 (RE LB956, LB957, LB981, LB1109, LB83, LB447, LB447A, LB698, LB698A, LB704, LB710, LB730, LB772, LB794, LB817, LB857, LB897, LB906, LB1009, LB1059, LB1081, LB1082, LB1082A, LB1092). I HAVE A SERIES OF RESOLUTIONS: LR520 BY SENATOR BURKE HARR; LR521 BY SENATOR FOX, STUDY RESOLUTION; LR522, LR523 BY SENATOR HOWARD, BOTH STUDY RESOLUTIONS; LR524, SENATOR SCHNOOR, THAT WILL BE LAID OVER. SENATOR SEILER OFFERS LR525, THAT WILL BE A STUDY RESOLUTION. ENROLLMENT AND REVIEW REPORTS THE FOLLOWING BILLS AS CORRECTLY ENGROSSED: LB677, LB694, LB712, LB783, LB783A, LB877, LB895, LB899, LB902, LB908, LB908A, LB913, LB973, LB978, LB1010, LB1011, LB1039, LB1050,

Floor Debate  
March 24, 2016

---

LB1075, LB1080, LB1101, LR381. AND I HAVE A NOTICE OF HEARING FROM THE GOVERNMENT COMMITTEE, CONFIRMATION HEARING. AND FINALLY, A CONFLICT OF INTEREST STATEMENT ACKNOWLEDGED BY SENATOR PANSING BROOKS. THAT WILL BE ON FILE, MR. PRESIDENT. THAT'S ALL THAT I HAVE, MR. PRESIDENT. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1231-1237.) [LB938 LB938A LB774 LB1038 LB1038A LB1083A LB956 LB957 LB981 LB1109 LB83 LB447 LB447A LB698 LB698A LB704 LB710 LB730 LB772 LB794 LB817 LB857 LB897 LB906 LB1009 LB1059 LB1081 LB1082 LB1082A LB1092 LR520 LR521 LR522 LR523 LR524 LR525 LB677 LB694 LB712 LB783 LB783A LB877 LB895 LB899 LB902 LB908 LB908A LB913 LB973 LB978 LB1010 LB1011 LB1039 LB1050 LB1075 LB1080 LB1101 LR381]

SENATOR KRIST: THANK YOU, MR. CLERK. THOSE WISHING TO SPEAK: SENATOR BURKE HARR, SENATOR LARSON, BLOOMFIELD, GROENE, KOLTERMAN, AND OTHERS. SENATOR BURKE HARR, YOU ARE RECOGNIZED. [LB1066]

SENATOR HARR: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. THIS IS A TOUGH ONE FOR ME. BECAUSE OF THE POINTS BROUGHT UP BY SENATOR DAVIS, WE WANT TO MAKE SURE THAT OUR KIDS GET THE PROPER EDUCATION. AND WHETHER YOU ARE A SPECIAL NEEDS CHILD OR NOT, YOU DESERVE A PROPER EDUCATION. AND IT'S ONE OF THOSE TIMES WHERE COST BENEFIT ANALYSIS DON'T ALWAYS PAY OFF, BECAUSE YOU HAVE A CONSTITUTIONAL RIGHT AND YOU SHOULD RECEIVE AN EDUCATION. AND I UNDERSTAND HIS CONCERNS AND I UNDERSTAND THE CONCERNS OF SENATOR LARSON WHO HAD A SPECIAL NEEDS. BUT THE PROBLEM IS, THIS CREATES MORE UNCERTAINTY THAN IT DOES CERTAINTY. A CLEANUP BILL FROM THE DEPARTMENT IS MEANT TO CLEAN UP, LIKE IT SAYS. THE PROBLEM HERE IS THAT THIS CREATES MORE UNCERTAINTY. I GUESS I SUPPORT SENATOR SCHEER'S MOTION FOR THE FEAR THAT WE DON'T KNOW THE COSTS, WE DON'T KNOW HOW THIS IS AFFECTED. THERE IS SOMEWHAT OF A LACK OF OVERSIGHT IF ONE SCHOOL DISTRICT TO THE NEXT, YOU'RE ON THE HOOK BUT YOU DON'T HAVE ANY SAY ANYMORE. OR MAYBE YOU DO, I DON'T KNOW. THERE NEEDS TO BE SOME RULES AND REGS PROMULGATED TO HELP WITH THAT. AND SO I APPRECIATE WHAT SENATOR SULLIVAN IS TRYING TO DO. I'VE BEEN INVOLVED IN LITIGATION WITH A COUPLE OF THESE TYPE OF CASES AND I UNDERSTAND THE GREAT COST THAT GOES ALONG WITH THIS AND THE DIFFICULTIES THAT GO ALONG WITH IT. AND SO I GUESS, IF I COULD, COULD I ASK SENATOR SULLIVAN A COUPLE OF QUESTIONS? [LB1066]

SENATOR KRIST: SENATOR SULLIVAN, WILL YOU YIELD? [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR SULLIVAN: YES, I WILL. [LB1066]

SENATOR HARR: THANK YOU. FIRST QUESTION I GUESS I WOULD ASK IS, HOW MUCH MONEY DO OPTION STUDENTS GENERATE FOR OPTION DISTRICTS? [LB1066]

SENATOR SULLIVAN: WELL, THEY GET...IT ALL DEPENDS. IF YOU'VE GOT MORE STUDENTS OPTIONING IN THAN YOU HAVE OUT, THEN YOU GET THE NET OPTION FUNDING, WHICH AS SENATOR SCHEER SAID IS ABOUT \$9,000 PER STUDENT. [LB1066]

SENATOR HARR: OKAY. AND I GUESS THIS ORIGINALLY CAME FROM LB1064, IS THAT CORRECT? [LB1066 LB1064]

SENATOR SULLIVAN: YES. [LB1066]

SENATOR HARR: AND IN LB1064, THE FISCAL NOTE STATES THERE'S NO DEFINITE FISCAL IMPACT FOR SCHOOL DISTRICTS. AND I KNOW NO SCHOOL DISTRICTS WERE CONTACTED AS FAR AS WHAT THEY THOUGHT THEIR FISCAL IMPACT WOULD BE. CAN YOU EXPLAIN WHY OR HOW...WHAT THAT FISCAL NOTE MEANS? [LB1066 LB1064]

SENATOR SULLIVAN: WELL, AS I INDICATED TO SENATOR BOLZ, AN IEP IS AN IEP, AN INDIVIDUAL EDUCATION PLAN, AND THE SERVICES SURROUNDING IT. SO IT'S REALLY HARD TO ANTICIPATE WHAT THE COST WOULD BE FOR A DISTRICT, ALMOST IMPOSSIBLE BECAUSE YOU CAN'T MAKE ANY BLANKET STATEMENT ABOUT WHAT THOSE WOULD BE. [LB1066]

SENATOR HARR: RIGHT. OKAY, AND THAT KIND OF LEADS TO MY NEXT QUESTION. IF A STUDENT OPTIONS IN TO...FROM A TO B AND THEN IS FOUND TO HAVE...TO BE A SPECIAL NEEDS CHILD, DOES SCHOOL DISTRICT A--THE ORIGINATING SCHOOL DISTRICT--HAVE ANY SAY OR HOW DOES THAT WORK? [LB1066]

SENATOR SULLIVAN: NO. AND I'VE SAID THAT TOTALLY UP FRONT. THAT'S ONE OF THE, WHAT SOME WOULD VIEW AS ONE OF THE WEAKNESSES OF THIS PROPOSAL IS THAT THE STUDENT FROM THE RESIDENT DISTRICT OPTIONS IN TO THE OPTION DISTRICT, HAS SPECIAL NEEDS, AND NOW UNDER THIS SCENARIO

Floor Debate  
March 24, 2016

---

THE RESIDENT DISTRICT WOULD HAVE TO PAY 50 PERCENT OF THE AMOUNT THAT...ABOVE THE ALLOWABLE EXCESS COSTS THAT HAVE BEEN REIMBURSED BY THE STATE. THE RESIDENT DISTRICT WOULD HAVE TO PAY 50 PERCENT OF THOSE WITHOUT HAVING A SAY IN WHAT THOSE SERVICES WERE. I GET THAT. [LB1066]

SENATOR HARR: OKAY. THANK YOU. AND I GUESS MY FINAL QUESTION IS, BECAUSE I DO HEAR WHAT SENATOR DAVIS IS SAYING. THE WAY OPTION WORKS, AND CORRECT ME IF I'M WRONG, IS KID OPTIONS...A SCHOOL HAS AVAILABILITY AND THAT IS BASED ON NUMBER OF KIDS IN EACH CLASS AND THEN THERE'S A SEPARATE FOR SPECIAL NEEDS. SO TO FOLLOW UP ON SENATOR DAVIS', A SCHOOL DISTRICT ISN'T DENYING THEM BECAUSE THEY DON'T HAVE ROOM IN THEIR SECOND GRADE CLASS, THEY MAY BE DENYING BECAUSE THERE ISN'T ROOM WITHIN THEIR SPECIAL ED. IS THAT CORRECT? [LB1066]

SENATOR SULLIVAN: YES. [LB1066]

SENATOR HARR: OKAY. I GUESS MY...IS THIS A REAL PROBLEM? [LB1066]

SENATOR KRIST: ONE MINUTE. [LB1066]

SENATOR HARR: THANK YOU. IS THIS A REAL PROBLEM? DO WE HAVE SCHOOL DISTRICTS CURRENTLY REJECTING STUDENTS BASED ON THAT COST? [LB1066]

SENATOR SULLIVAN: I WOULDN'T HAVE BROUGHT THIS IF I DIDN'T THINK IT WAS AN ISSUE THAT SHOULD BE ADDRESSED. [LB1066]

SENATOR HARR: OKAY. OKAY. THANK YOU. THERE IS A PROBLEM. I WOULD CONCEDE THAT. MY QUESTION IS, IS IT THE PROPER WAY? I SUPPORT SENATOR SCHEER'S MOTION. I UNDERSTAND WHAT SENATOR SULLIVAN IS TRYING TO DO. I'D LOVE TO WORK WITH HER. UNFORTUNATELY, THANKS TO TERM LIMITS, I CAN'T OR SHE WON'T BE BACK NEXT YEAR. BUT I WOULD LIKE TO FIND A SOLUTION FOR THIS TO MAKE SURE THAT IT IS EQUITABLE TO BOTH SCHOOL DISTRICT A AND SCHOOL DISTRICT B. THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SULLIVAN. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR HARR AND SENATOR SULLIVAN. SENATOR LARSON, YOU ARE RECOGNIZED. [LB1066]



Floor Debate  
March 24, 2016

---

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AS I SAID MY FIRST TIME ON THE MIKE, I CAN UNDERSTAND WHAT SENATOR SCHEER IS ATTEMPTING TO DO IN HIS ATTEMPT TO LIMIT A RECEIVING SCHOOL DISTRICT FROM JACKING UP COSTS IN ORDER TO MAKE MONEY OFF OF SPECIAL EDUCATION STUDENTS. AND I CAN UNDERSTAND THE WORRIES OF CREATING AN ISSUE IN TERMS OF WHERE WE VALUE IEPs BECAUSE ONE SCHOOL DISTRICT MAY CREATE REALLY POOR IEPs THAT ARE VERY LOW COST, AND THEN WHEN PARENTS WANT TO SEND THEM OUT OF THAT SCHOOL DISTRICT BECAUSE THE IEP IS NO GOOD AND GO TO ANOTHER...OPTION INTO ANOTHER SCHOOL DISTRICT THAT THEY...YOU CAN VALUE THAT IEP AND THE RECEIVING SCHOOL DISTRICT WOULDN'T GET VERY MUCH. I THINK THIS IS A VERY DIFFICULT ISSUE. I DO HAVE, AS I SAID MY FIRST TIME ON THE MIKE, CONCERNS ABOUT THE DISCRIMINATION. IN TALKING WITH SENATOR SCHEER ABOUT SCHOOL DISTRICT A MIGHT NOT JUST BE ABLE TO OFFER THE SERVICES THAT B DOES, AND A KID GOING FROM WE'LL SAY O'NEIL TO EWING--IF WE'RE GOING TO USE MY SCHOOLS--EWING JUST MIGHT NOT BE ABLE TO OFFER THE SERVICES THAT THE KID OPTIONING IN NEEDS. THEREFORE, THEY TURN THEM DOWN. BUT THEY MIGHT BE ABLE TO OFFER, IF THEY DON'T NEED THE SPECIAL EDUCATION SERVICES, THEY WOULD BE HAPPY TO ACCEPT THAT KID. I THINK THERE IS AN ISSUE IN THAT THEY WOULD TURN THAT INDIVIDUAL DOWN AND NOT JUST ACCEPT THAT INDIVIDUAL AND PROVIDE THOSE SERVICES, BUT I UNDERSTAND THE FINANCIAL BURDEN THAT THAT WOULD PUT ON THEM. I HAVE A HARD TIME, AGAIN, HAVING HELPED RAISED A SPECIAL NEEDS KID, KNOWINGLY MOVE ANY CHILD FROM A DISTRICT THAT HAS MORE SERVICES TO A DISTRICT THAT HAS LESS OR NOT ONLY MOVING THEM BUT OPTIONING THEM IN, MEANING YOU'RE LIVING IN A SCHOOL DISTRICT THAT CAN PROVIDE MORE SERVICES AND YOU OPTION THEM INTO A SCHOOL DISTRICT THAT KNOWINGLY HAS LESS, OR HAS LESS, IS SOMETHING THAT DOESN'T QUITE MAKE LOGICAL SENSE TO ME. THE BIGGER FEAR FOR ME IS, WE HAVE SCHOOL DISTRICTS THAT DO HAVE THE ABILITY TO TAKE THESE KIDS AND DO HAVE THE ABILITY TO OFFER BETTER SERVICES, BUT DON'T BECAUSE THEY ARE SPECIAL NEEDS. WE HAVE TO ENSURE THAT DOESN'T HAPPEN, AND I CAN UNDERSTAND WHERE COSTS CAN BE AN ISSUE WITH THAT. SO ARE WE REALLY SHORTING THE KID? A SCHOOL DISTRICT TURNS THEM DOWN THAT DOES HAVE THE ABILITY TO OFFER THOSE SERVICES BECAUSE OF A COST? AND I KNOW I DON'T NECESSARILY HAVE ALL THE ANSWERS ON THE MIKE, BUT THERE'S JUST SIGNIFICANT CONCERNS, I THINK FOR ME, WITH AM2742. [LB1066]

SENATOR KRIST: ONE MINUTE. [LB1066]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR KRIST: THANK YOU, SENATOR LARSON. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1066]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'M GOING TO ASK SENATOR SULLIVAN A QUESTION HERE IN A MINUTE, BUT FIRST I WANT TO POINT OUT, AS WE TALK ABOUT SPECIAL NEEDS KIDS WE'RE NOT TALKING ABOUT SOMEBODY THAT MAYBE STUTTERS A LITTLE, NEEDS A LITTLE TUTORING WHEN THEY READ. WE'RE TALKING ABOUT KIDS WITH REAL NEEDS. SOME OF THEM ARE ON LIFE SUPPORT. YOU'RE TALKING ABOUT 17-, 18-YEAR-OLD KIDS THAT HAVE TO HAVE DIAPERS CHANGED. THEY REQUIRE SPECIAL APPARATUS AND FULL-TIME CARE WHILE BEING EDUCATED. MY WIFE WORKED WITH THESE KIDS FOR A GREAT NUMBER OF YEARS. IF, AT ONE OF THESE SPECIAL ED SCHOOLS, YOU CAN POTTY TRAIN A 14-YEAR-OLD, YOU HAVE MADE TREMENDOUS STRIDES. IF YOU CAN ENABLE AN 18-YEAR-OLD TO TIE HIS OR HER OWN SHOES, YOU HAVE MADE TREMENDOUS STRIDES. SO WE'RE NOT TALKING ABOUT NICKEL AND DIME STUFF HERE, THIS IS IMPORTANT STUFF. AND IF SENATOR SULLIVAN WOULD YIELD TO A QUESTION, I'D LIKE TO... [LB1066]

SENATOR KRIST: SENATOR SULLIVAN, WILL YOU YIELD? [LB1066]

SENATOR SULLIVAN: YES, I WILL. [LB1066]

SENATOR BLOOMFIELD: THANK YOU, SENATOR SULLIVAN. THE CONVERSATION SEEMS TO HAVE EVOLVED AROUND SPECIAL NEEDS KIDS AND I WOULD ASK YOU TO EXPLAIN TO THE BODY A LITTLE BIT ABOUT SPECIAL SCHOOLS LIKE ESU TOWER SCHOOL UP IN WAYNE AND HOW THAT WORKS, AND WHERE FEDERAL FUNDING, WHICH WE WERE PROMISED--OBVIOUSLY ANOTHER FALSE PROMISE BY THE FEDERAL GOVERNMENT THAT THEY WOULD HELP US WITH A GREAT DEAL--WHERE AND HOW DOES THAT WORK, IF YOU WOULD EXPLAIN THAT? AND FEEL FREE TO USE AS MUCH OF MY TIME AS YOU LIKE. [LB1066]

SENATOR SULLIVAN: WELL, FIRST OF ALL, WITH RESPECT TO FEDERAL DOLLARS, AS I UNDERSTAND IT, WE CONTINUE TO RECEIVE FEDERAL DOLLARS FOR SPECIAL EDUCATION AND SPECIAL NEEDS. HERE IN NEBRASKA, WE DEVOTE MOST OF THOSE DOLLARS TO BIRTH TO FIVE BECAUSE, REMEMBER, ONCE A CHILD IS IDENTIFIED WITH SPECIAL NEEDS WE HAVE RESPONSIBILITY FOR THAT CHILD FROM BIRTH TO AGE 21. SO THAT'S WHERE WE ELECT TO DEVOTE OUR DOLLARS. NOW, WE, AS A STATE, AND I'VE WORKED VERY HARD IN MY TIME DOWN HERE TO INCREASE THE AMOUNT OF STATE SUPPORT THAT WE GIVE TO

Floor Debate  
March 24, 2016

---

SCHOOLS. WE FALL WOEFULLY SHORT ON THAT. WE RIGHT NOW ARE REIMBURSING THOSE ALLOWABLE EXCESS COSTS TO THE TUNE OF ABOUT 50 PERCENT. SO, CLEARLY, SCHOOL DISTRICTS BEAR A HUGE BURDEN AND I THINK SENATOR DAVIS MAY HAVE ALLUDED TO IT WHEN HE CAME BEFORE THE EDUCATION COMMITTEE TO BUILD A CASE FOR INCREASING THE AMOUNT OF REIMBURSEMENT SCHOOL DISTRICTS RECEIVE. I THINK THE COMMITTEE WAS AWESTRUCK REALLY IN TERMS OF THE TESTIFIERS THAT WE HEARD FROM AND THE CHALLENGES THAT ARE BROUGHT TO THE TABLE BY SOME OF THESE CHILDREN AND THESE FAMILIES. THEY REALLY DO HAVE DIRE SPECIAL NEEDS. HOWEVER, GETTING BACK TO YOUR ORIGINAL COMMENT, ONCE THAT IEP BOX IS CHECKED THAT CAN BE A WHOLE RANGE OF THINGS, VERY LIMITED OR NOT. BUT SOMETIMES... [LB1066]

SENATOR KRIST: ONE MINUTE. [LB1066]

SENATOR SULLIVAN: ...WHEN THAT BOX IS CHECKED, THAT'S A RED FLAG TO A DISTRICT WITHOUT EVEN GOING ANY FURTHER TO EXAMINE WHAT THOSE ADDITIONAL COSTS MIGHT BE. I CAN'T TELL YOU A LOT ABOUT THE TOWER SCHOOL, ALTHOUGH I WAS TALKING WITH SOMEBODY WHO...JUST THE OTHER DAY, A YOUNG EDUCATOR WHO IS TEACHING THERE RIGHT NOW. BUT THAT IS ONE OF THOSE SPECIAL SCHOOLS THAT SOME DISTRICTS HAVE. NOW, I WILL SAY, IN THIS PARTICULAR SITUATION, WE'RE NOT TALKING ABOUT ALLOWING THIS OPTION SITUATION FOR ANY DISTRICT THAT A STUDENT...SPECIAL NEEDS STUDENT MIGHT WANT TO GO TO. ITS GOT TO BE A CONTIGUOUS DISTRICT, SO THAT'S ONE OF THE LIMITATIONS. AND I KNOW THERE'S BEEN COMMENTS...HOW MUCH TIME DO I HAVE? [LB1066]

SENATOR KRIST: 0:10. [LB1066]

SENATOR SULLIVAN: OH, OKAY, I'LL END THERE. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN AND SENATOR BLOOMFIELD. (VISITORS INTRODUCED.) THOSE STILL WISHING TO SPEAK: SENATOR GROENE, KOLTERMAN, SCHNOOR, AND SCHEER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB1066]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I AM ON THE EDUCATION COMMITTEE AND I VOTED THIS AMENDMENT OUT AS IT WAS A GROUP

Floor Debate  
March 24, 2016

---

AMENDMENT AND CHANGES WERE MADE TO THIS PART OF AM2640 THAT WAS BEARABLE. BUT AS SENATOR SCHNOOR SAID, I'VE HAD CONCERNS ABOUT IT, TOO, LISTENING TO SENATOR BAKER WHO HAD THE EXPERIENCE AND HE'S ON OUR COMMITTEE. THERE ISN'T ANY ASPECT OF DISCRIMINATION HERE. SEEMS THAT WE BRING UP, CERTAIN INDIVIDUALS, OR...THAT RIGHT AWAY PEOPLE START LOOKING FOR DISCRIMINATION. THE SCHOOL DISTRICTS ARE NOT DISCRIMINATING. THEY HAVE OPTION ENROLLMENT, WHICH I AGREE WITH. IN A NORMAL OPTION ENROLLMENT IF YOU HAVE A SECOND GRADE CLASSROOM WITH 20 STUDENTS AND YOU HAVE ROOM FOR THREE MORE, YOU SAY, I CAN TAKE THREE MORE STUDENTS. THE 24TH STUDENT THEY SAY, NO, WE CANNOT TAKE YOU BECAUSE NOW WE HAVE TO HIRE ANOTHER TEACHER, PREP ANOTHER CLASSROOM. THAT'S NOT DISCRIMINATION. IT'S THE SAME WITH THE SPECIAL EDUCATION. IN AN OPTION ENROLLMENT, NOBODY'S HARMED. THE STATE DEPARTMENT OF EDUCATION...I MEAN, WE'RE NOT HARMED AS A STATE. THE SAME COST IS "BORE" FOR THAT STUDENT NO MATTER IF THAT STUDENT IS IN ONE DISTRICT OR ANOTHER; IT'S JUST THE STATE AID TRANSFERS. BUT THIS IS GOING TO BE THE FIRST INSTANT WHERE AN EXTRA COST IS GOING TO BE GENERATED IN OPTION SCHOOLING TO ANOTHER DISTRICT. IMAGINE YOU HAD A DISTRICT THAT HAD AN AUTISM PROGRAM. I'LL JUST PICK THAT OUT. THEY'VE GOT FIVE STUDENTS. THEY'VE GOT SPED MONEY, THEY'VE GOT SPECIAL MONEY, THEY'VE GOT STATE AID TO EDUCATION MONEY FOR THOSE FIVE STUDENTS. THEY'VE GOT THE COST OF THE INSTRUCTORS. NOW, ONE OF THOSE STUDENTS DECIDES TO GO ANOTHER DISTRICT. THAT'S FINE. IT'S CALLED OPTION ENROLLMENT. NOW THEY ONLY HAVE FOUR STUDENTS. ONLY FOUR SPED MONEY FOR THOSE FOUR STUDENTS. THEY GOT THE SAME COST OF THOSE INSTRUCTORS. THIS IS THE FIRST TIME WE ARE GOING TO TELL THIS DISTRICT THAT LOST THAT MONEY THAT THEY HAVE AN EXTRA COST. NOW, THEY'RE GOING TO HAVE TO ALSO PAY EXTRA COSTS TO THE OTHER SCHOOL DISTRICT TO HELP WITH THAT SPECIAL EDUCATION STUDENT. WE'VE NEVER DONE THAT BEFORE. THAT STUDENT WAS SERVED WELL IN THE DISTRICT THEY WERE AT. FINE. PRESENTLY, IF THAT STUDENT WANTS TO OPTION IN THE OTHER DISTRICT, NO DISCRIMINATION, YOU'RE TREATED LIKE EVERY OTHER STUDENT. IF THAT DISTRICT WANTS THEM, FINE. NO EXTRA COST TO THE RESIDENT DISTRICT. WE ARE ADDING COST TO RESIDENT DISTRICTS WITH THIS. THAT'S NOT DISCRIMINATION. THAT IS EXTRA COST TO THAT SCHOOL DISTRICT. THEY HAVE NO VETO POWER. THEY HAVE NO PART IN THE NEGOTIATION OF THE COST. THAT IS WRONG. THAT'S WHAT THIS AMENDMENT DOES. I'M LEARNING FACTS, I'M GETTING E-MAILS FROM MY SUPERINTENDENTS. SENATOR BAKER SAID, WE WORK TOGETHER. HE SAID, HE'S HAD STUDENTS WHERE, AS A RESIDENT DISTRICT, HE COULDN'T HANDLE THEM. HE TALKED TO THE LINCOLN SCHOOL

Floor Debate  
March 24, 2016

---

DISTRICT AND THEY WROTE UP AN INDIVIDUAL CONTRACT AND HIS DISTRICT SAID, WE'LL PAY YOU SO MUCH TO TAKE THIS STUDENT. THOSE OPTIONS ARE ALREADY THERE. WE HAVE A VERY FEW INSTANCES WHERE SOMEBODY WORKS IN ONE DISTRICT AND THEY WANT TO TAKE THEIR CHILD WITH THEM AND THAT DISTRICT SAID, NO, WE DON'T HAVE ROOM FOR THAT SPECIAL NEED. AND THE PERSON SAYS, WELL, I'M DRIVING TO THAT DISTRICT ANYWAY BECAUSE I WORK THERE. WELL, THAT ISN'T...HEY, LIFE'S TOUGH. THAT'S WHAT THIS IS ABOUT. OUR SPECIAL NEEDS STUDENTS IN THE STATE OF NEBRASKA ARE TAKEN CARE OF. THERE'S NOT BAD DISTRICTS OR GOOD DISTRICTS. THIS WILL BE THE FIRST TIME, IF WE DON'T ADOPT AM2742, THAT WE HAVE ADDED EXTRA COST TO THE RESIDENT DISTRICT IN OPTION ENROLLMENT. [LB1066]

SENATOR KRIST: ONE MINUTE. [LB1066]

SENATOR GROENE: IF I AM WRONG, I WOULD ASK SENATOR BAKER TO STRAIGHTEN ME OUT. AM I WRONG, SENATOR BAKER? [LB1066]

SENATOR KRIST: SENATOR BAKER, WILL YOU YIELD? [LB1066]

SENATOR BAKER: ON THIS MATTER YOU'RE RIGHT, SENATOR GROENE. [LB1066]

SENATOR GROENE: ONCE IN A WHILE WE AGREE. THANK YOU. [LB1066]

SENATOR KRIST: THANK YOU, SENATOR GROENE AND SENATOR BAKER. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB1066]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I ALSO RISE IN SUPPORT OF AM2742 PRESENTED BY SENATOR SCHEER. I DON'T THINK THE REAL ISSUE HERE IS WHETHER OR NOT WE HAVE THESE OPTION STUDENTS AND WHETHER THAT HAPPENS, BECAUSE MOST OF THE DISTRICTS WORK CLOSELY TOGETHER. THE CONCERNS THAT MY SUPERINTENDENTS HAVE IS IT'S VERY SELDOM DO THEY HAVE A SITUATION WHERE THEY LOSE A STUDENT AND YET THEY'RE REQUIRED TO PAY ALL THE COSTS ASSOCIATED WITH...OR MOST OF THE COSTS ASSOCIATED WITH THAT WITHOUT HAVING ANY INPUT. THAT'S REALLY THE ISSUE HERE. AND THE WAY IT WAS, THEY HAD THE INPUT, AS IT SOUNDS. I'D LIKE TO SEE SENATOR SCHEER'S AMENDMENT ADVANCED AND THEN WE CAN VOTE ON THE BILL AS A WHOLE. BUT I AGREE WITH SENATOR SCHEER, THIS IS NOT THE WAY TO DO IT. WE NEED TO ADOPT HIS AMENDMENT. THANK YOU. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB1066]

SENATOR SCHNOOR: THANK YOU, AND I APOLOGIZE. A COUPLE FOLKS HAVE TALKED, AND I'D JUST LIKE TO, I GUESS, REBUT SOME OF THEIR COMMENTS. SENATOR DAVIS TALKED ABOUT THE COST TO THE RECEIVING DISTRICT. EVERYBODY NEEDS TO UNDERSTAND THAT THE RECEIVING DISTRICT IS AWARE THAT WHEN THEY RECEIVE AN OPTION STUDENT THAT THEY HAVE AN IEP. THEY DON'T ALWAYS KNOW WHAT THE IEP IS. AN IEP, FOR YOU FOLKS IN HERE, IS AN INDIVIDUAL EDUCATION PLAN. THAT IS GIVEN TO A STUDENT AND IT COULD BE FOR A VARIETY OF REASONS. SO WHAT SENATOR BLOOMFIELD SAID IS TRUE ABOUT HOW A SPED STUDENT COULD HAVE SEVERE DISABILITIES, VERY TRUE. IN MOST CASES, IN MY EXPERIENCE, THAT SPED STUDENT THAT HAS AN IEP MAY HAVE SIMPLY A LEARNING DISABILITY. SO THE RECEIVING SCHOOL DISTRICT KNOWS THEY ARE RECEIVING A CHILD WITH AN IEP, AND THEN THEY HAVE THE OPTION TO COME TO THE RESIDENT DISTRICT AND ASK WHAT THE IEP IS OR HOW THAT RESIDENT DISTRICT IS SERVING THAT IEP. THE POINT IS THEY KNOW WHEN A STUDENT COMES IN THAT THERE'S AN ADDITIONAL REQUIREMENT TO EDUCATE THIS CHILD AND THEY CAN ACCEPT THAT, IF THEY HAVE THE CAPACITY, OR NOT ACCEPT THAT. NOW, IF THEY HAVE THE CAPACITY TO ACCEPT THAT STUDENT, THEY ALREADY HAVE THE MANNING AND THE STAFF REQUIRED TO CONDUCT THAT IEP. SO LET ME GIVE YOU SOME EXAMPLES. IF A STUDENT-- AND THIS WAS IN MY DISTRICT--STUDENT OPTIONED OUT TO ANOTHER DISTRICT. THE RECEIVING DISTRICT CHARGED \$4,500 PER STUDENT FOR LIFE SKILLS TRAINING. WE HAVE A VERY UNFORTUNATE INCIDENT. A YOUNG GIRL WAS HURT BADLY IN A SKIING ACCIDENT, BECAME A QUADRIPLÉGIC. SHE HAD TO RECEIVE SERVICES FROM ANOTHER DISTRICT IN OMAHA. THEY WERE WELL AWARE OF THE REQUIREMENTS, BUT IT COST OUR DISTRICT \$8,000 A MONTH. SO THIS IS, FOR A SMALL SCHOOL DISTRICT, THESE COSTS ARE HUGE. FOR A LARGE SCHOOL DISTRICT, FOR ONE STUDENT THAT THEY HAVE TO PAY FOR SERVICES IT'S MORE BEARABLE. BUT THE POINT IS WE'RE NOT TALKING ABOUT THE SERVICES AVAILABLE. WE'RE TALKING ABOUT WHO'S PAYING FOR IT. SO THAT IS WHAT SENATOR SCHEER'S BILL IS ABOUT--WHO IS PAYING FOR THAT? AND I JUST WANT TO POINT OUT THE RECEIVING SCHOOL DISTRICT IS WELL AWARE OF THE REQUIREMENTS OF WHAT IT'S GOING TO COST THEM AND THEY HAVE THE OPTION TO TAKE THEM OR NOT TAKE THEM BASED ON THE CAPACITY THAT THEY HAVE ALREADY FUNDED IN THEIR DISTRICT. [LB1066]

SENATOR COASH PRESIDING

Floor Debate  
March 24, 2016

---

SENATOR COASH: ONE MINUTE. [LB1066]

SENATOR SCHNOOR: SO IN THESE CASES THAT I HAVE GIVEN YOU, ONE STUDENT GETS APPROXIMATELY \$9,000 FOR NET OPTION FUNDING, AND THEN THEY GET ANOTHER \$4,500 FROM THE SCHOOL DISTRICT TO TAKE CARE OF THEIR IEP. OR NOT...I GUESS I HAVE TO REPHRASE THAT. THEY RECEIVE ANOTHER \$4,500, HALF FROM THE STATE, I THINK, AND HALF FROM THE RECEIVING SCHOOL DISTRICT. BUT THE POINT IS, THEY ARE WELL AWARE OF THE IEP AND HAVE THE CAPABILITY TO GET THAT IEP TO KNOW WHAT THEY ARE GETTING BEFORE THAT CHILD COMES THERE. SO LET'S JUST REMEMBER, THIS ISN'T ABOUT THE SERVICES ITSELF. IT'S ABOUT WHO'S PAYING FOR IT. THANK YOU. [LB1066]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. (VISITORS INTRODUCED.)  
SENATOR SCHEER, YOU'RE RECOGNIZED. [LB1066]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. THERE SEEMS TO BE SOME CONFUSION IN RELATIONSHIP TO DISCRIMINATION. I'VE HEARD THAT SEVERAL TIMES, BOTH FROM SENATOR DAVIS AND SENATOR LARSON. SO I WANT TO CLEAR THAT UP BECAUSE THERE'S SOME ERRONEOUS ASSUMPTIONS OUT THERE. SENATOR BAKER, WOULD YOU YIELD FOR SOME INFORMATION? [LB1066]

SENATOR COASH: SENATOR BAKER, WILL YOU YIELD? [LB1066]

SENATOR BAKER: YES, I WILL. [LB1066]

SENATOR SCHEER: SENATOR BAKER, I'M PUTTING THIS IN LAYMAN'S LANGUAGE. AND I MAY HAVE THE DATES PERHAPS OFF, BUT SCHOOL DISTRICTS, AT SOME POINT IN TIME IN THE SPRING, WILL DETERMINE THE CAPACITY FOR EACH GRADE LEVEL, AS WELL AS EACH LEVEL OF SPECIAL NEEDS STUDENT THAT IT HAS SPACE...IT WILL HAVE SPACE AVAILABLE FOR OPTION STUDENTS THE NEXT YEAR. WOULD THAT BE CORRECT? [LB1066]

SENATOR BAKER: THAT IS CORRECT. IT'S CALLED SETTING THE STANDARDS FOR ACCEPTANCE OR REJECTION OF OPTION ENROLLMENT REQUESTS. SO THERE'S THE REGULAR ED PROGRAMS AND THE SPECIAL ED PROGRAMS. YOU SET...YOU KNOW YOUR CAPACITY AND YOU SET YOUR PROJECTED ENROLLMENT, AND THAT REVEALS WHETHER OR NOT YOU HAVE CAPACITY AT ANY GIVEN GRADE LEVEL OR ANY GIVEN SPECIAL EDUCATION PROGRAM. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR SCHEER: OKAY. YOU DO THAT AND SO YOU WOULD SET THOSE NUMBERS, AND I MAY BE WRONG BUT WE'LL SAY YOU HAVE THOSE EFFECTIVE MARCH 1. YOU'VE TURNED THOSE IN... [LB1066]

SENATOR BAKER: RIGHT. [LB1066]

SENATOR SCHEER: ...MARCH 1. YOU START ACCEPTING OPTION STUDENT APPLICATIONS, WE'LL SAY MARCH 15 OR APRIL 1. SO FROM...THE FACT OF THE MATTER IS WHEN STUDENTS APPLY TO A DISTRICT, IT HAS NOTHING TO DO IF A CHILD HAS A SPECIAL NEED OR NOT IF YOU ACCEPT OR REJECT THEM; IT ONLY HAS TO DO WITH SPACE AVAILABILITY IN ANY OF THOSE PROGRAMS, REGARDLESS IF IT IS A STANDARD 2ND GRADER OR SOMEONE WITH PROFOUND HANDICAPS. IT IS BASED ON SPACE AVAILABLE WITHIN THE DISTRICT, NOT IF THE STUDENT HAPPENS TO BE HANDICAPPED. IS THAT A CORRECT STATEMENT? [LB1066]

SENATOR BAKER: THAT IS ABSOLUTELY CORRECT, SENATOR SCHEER. APPLICATIONS CAN COME IN, OFTENTIMES APPLICATIONS START COMING IN DECEMBER, JANUARY, FEBRUARY. YOU DON'T ACT UPON THEM UNTIL YOU HAVE SET YOUR STANDARDS FOR ACCEPTANCE, REJECTION, AND THEN YOU PROCESS THE REQUESTS. [LB1066]

SENATOR SCHEER: SO...AND JUST FOR CLARIFICATION, BECAUSE IT WAS STATED THE PARENT THAT HAS FOUR KIDS AND DECIDES THAT THEY WANT TO ENROLL THEIR STUDENT, THEIR FAMILY FROM DISTRICT A TO DISTRICT B, JUST CALLS UP AND SAYS I WANT MY KIDS TO COME, IT'S NOT AS THOUGH THE SUPERINTENDENT SAID, WELL, ARE ANY OF THEM SPECIAL NEEDS? THE APPLICATION PROCESS IS THERE, AND BEFORE YOU EVER LOOK AT THEIR APPLICATION YOU'VE DETERMINED HOW MANY STUDENTS OF WHATEVER TYPE YOUR DISTRICT HAS THE AVAILABILITY TO ACCEPT. CORRECT STATEMENT? [LB1066]

SENATOR BAKER: THAT IS CORRECT. AND IT'S NOT DISCRIMINATION. IN REAL EXAMPLES,... [LB1066]

SENATOR SCHEER: IT'S SPACE AVAILABILITY. [LB1066]



Floor Debate  
March 24, 2016

---

SENATOR BAKER: ...BEFORE WE ADDED ADDITIONAL SPACE, WE MIGHT TELL PARENTS, ALL RIGHT, WE CAN TAKE YOUR 1ST GRADER AND YOUR 3RD GRADER, BUT YOUR 5TH GRADER, WE DON'T HAVE ANY SPACE. WE'RE NOT DISCRIMINATING AGAINST 5TH GRADERS. WE DON'T HAVE ANY SPACE. [LB1066]

SENATOR SCHEER: THANK YOU, SENATOR. COLLEAGUES, THIS HAS NOTHING TO DO WITH THE STUDENT BEING DISCRIMINATED AGAINST, THE FACT THAT A STUDENT IS A SPECIAL NEEDS STUDENT. THAT IS ALREADY PREDETERMINED. A SCHOOL DISTRICT EITHER HAS SPACE FOR A STUDENT, REGARDLESS IF IT GOES INTO A STANDARD CLASSROOM OR A SPECIAL NEEDS FACILITY. THAT'S DETERMINED BEFORE ANYONE IS ALLOWED TO MAKE APPLICATION FOR AN OPTION STUDENT BASIS. WHAT WE'RE TALKING ABOUT IS THE FUNDING AND HOW IT IS GOING TO BE APPLIED TO THE DISTRICT THAT LOSES THE DISTRICT...THE STUDENT AND HAS NO AVAILABILITY TO BE ABLE TO WORK WITH THAT DISTRICT TO TRY TO MINIMIZE ITS COSTS IN RELATIONSHIP TO THIS. SENATOR SULLIVAN SAID, WELL, SHE HOPED THAT THEY... [LB1066]

SENATOR COASH: ONE MINUTE. [LB1066]

SENATOR SCHEER: THANK YOU. SENATOR SULLIVAN SAID THAT SHE WOULD HOPE THAT THEY WOULD GET TOGETHER. NOWHERE IN THERE DOES IT SAY THERE'S ANY TYPE OF MEDIATION OR REQUIRED CONVERSATION. IT'S HER HOPE. I'VE HOPED A LOT OF THINGS WOULD HAPPEN ON THIS FLOOR; VERY LITTLE OF IT HAPPENS, BUT THAT DOESN'T STOP ME FROM HOPING. WORDS MATTER. WE HAD THAT THIS MORNING. THIS IS A SYSTEM THAT WAS NOT PART OF THE BILL ITSELF. THIS WAS SOMETHING THAT WAS THOUGHT OF AFTER THE HEARING, AFTER THE BILL WAS HEARD. THIS WAS NOT...THE EDUCATIONAL COMMUNITY DID NOT HAVE TIME TO RESPOND TO THIS WHATSOEVER. THIS IS A MAJOR CHANGE IN FUNDAMENTAL PROCESS OF PAYMENTS. PLEASE DON'T BE DISSUADED BY THE THOUGHTS OF DISCRIMINATION OR ANYTHING ELSE. THIS IS A FAIRLY SIMPLE PROCESS. THE FACT THAT WE PASSED THIS DOESN'T EXPAND ANY... [LB1066]

SENATOR COASH: TIME, SENATOR. [LB1066]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: THANK YOU, SENATOR SCHEER. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I'VE BEEN LISTENING TO THIS DISCUSSION AND I REALLY HAVEN'T CHANGED MY POSITION. I DID HAVE AN E-MAIL THAT CAME FROM A DEVELOPMENTALLY DISABILITIES ADMINISTRATOR IN OUTSTATE NEBRASKA WHO SAYS, YES, THERE'S DISCRIMINATION THAT TAKES PLACE EVERY DAY IN EVERY SCHOOL DISTRICT AGAINST STUDENTS WHO HAVE SPECIAL NEEDS, EVEN THOUGH FEDERAL LAW SAYS THEY'RE SUPPOSED TO BE...THEIR SERVICES ARE SUPPOSED TO BE MET. SO I THINK THIS IS A PROBLEM THAT NEEDS TO BE LOOKED AT. AND I UNDERSTAND HOW THE IEP PROCESS WORKS AND I GET THE WHOLE THING. I'VE BEEN ON A SCHOOL BOARD AND PARTICIPATED IN MANY IEPs AND I UNDERSTAND HOW THAT WORKS. I ALSO KNOW THAT THE INTENT, OR WHAT I PERCEIVE TO BE ONE OF THE INTENTS OF THIS, OR ONE OF THE RESULTS THAT WILL COME OUT OF THIS, WILL BE SCHOOL DISTRICTS WHO WILL BE RELUCTANT TO ENTER INTO OPTION AGREEMENTS OR TAKE OPTION STUDENTS IF THEY CAN'T BE COMPENSATED FOR SOME OF THE CARE THAT GOES ALONG WITH THE NEEDS FOR SPECIAL ED STUDENTS. I VISITED WITH SENATOR BAKER EARLIER AND HE TALKED ABOUT THE WAY IT IS DONE IN MANY PLACES, WHERE A SPECIAL NEEDS STUDENT WILL GO TO ANOTHER DISTRICT AND A CONTRACT IS ENTERED BETWEEN THE TWO DISTRICTS, WHERE THE RESIDENT DISTRICT PAYS THE COST OF THAT SPECIAL NEEDS STUDENT TO THE RECEIVING DISTRICTS. THAT MAKES SENSE. IT PROVIDES THE STUDENT WITH THE KIND OF EDUCATIONAL FACILITIES AND NEEDS THAT THEY REALLY REQUIRE. IT'S A WHOLE DIFFERENT THING FOR A SCHOOL DISTRICT LIKE NORRIS, NORFOLK, THAN IT IS FOR RURAL SCHOOLS IN WESTERN NEBRASKA WHO DON'T HAVE STAFF AROUND OR WHO ARE VERY REMOTE. AND I THINK THAT...I JUST THINK THIS...I THINK THAT SENATOR SULLIVAN'S AMENDMENT IS A GOOD AMENDMENT, AND I WOULD URGE YOU TO VOTE DOWN SENATOR SCHEER'S AMENDMENT. THANK YOU. [LB1066]

SENATOR COASH: THANK YOU, SENATOR DAVIS. SENATOR LARSON, YOU'RE RECOGNIZED. [LB1066]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. WILL SENATOR BAKER YIELD TO A QUESTION? [LB1066]

SENATOR COASH: SENATOR BAKER, WILL YOU YIELD? [LB1066]

SENATOR BAKER: YES. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR LARSON: ALL RIGHT. I WAS TRYING TO FOLLOW THE DISCUSSION THAT YOU AND SENATOR SCHEER WERE HAVING IN TERMS OF...THE UNDERSTANDING IS A SCHOOL DISTRICT, WE'LL TAKE NORRIS FOR EXAMPLE, AT THE...IN MARCH, IS IT, YOU DECIDE HOW MANY SPOTS AVAILABLE YOU HAVE FOR OPTIONING, KIDS OPTIONING IN FOR THE NEXT SCHOOL YEAR AT THAT TIME PER GRADE, CORRECT? [LB1066]

SENATOR BAKER: THAT'S RIGHT. AND I THINK WE TYPICALLY DID THAT AT OUR FEBRUARY BOARD MEETING WHERE WE WOULD SET THE STANDARDS FOR ACCEPTANCE AND REJECTION OF OPTION ENROLLMENT REQUESTS. [LB1066]

SENATOR LARSON: SO IT'S A, YOU KNOW, THREE 5TH GRADERS OR FIVE 8TH GRADERS, LIKE THAT IS THE METHOD IN WHICH YOU SET THAT STANDARD, CORRECT? [LB1066]

SENATOR BAKER: THAT'S RIGHT. FOR EVERY REGULAR EDUCATION, IN THE REGULAR EDUCATION PROGRAM FOR EACH GRADE LEVEL, AND THEN FOR EACH SPECIAL ED PROGRAM, SAME THING. [LB1066]

SENATOR LARSON: OKAY. DO YOU SET HOW MANY SPECIAL NEEDS KIDS AT THAT BOARD MEETING YOU ARE WILLING TO ACCEPT AS WELL? [LB1066]

SENATOR BAKER: EXACTLY RIGHT. FOR EACH SPECIAL ED PROGRAM, YOU HAVE THE CAPACITY AND YOU PROJECT YOUR ENROLLMENT IN EACH PROGRAM, AND THAT DETERMINES WHETHER OR NOT YOU HAVE ANY SPOTS AVAILABLE. [LB1066]

SENATOR LARSON: SO AT THAT POINT, DOES IT MATTER...DO YOU SAY YOU JUST HAVE SO MANY FOR EACH SPECIAL NEEDS PROGRAM? WHAT ARE WE TALK...WHICH PROGRAMS ARE WE TALKING ABOUT? LIKE FOR A PARAPROFESSIONAL, IS THAT A SPECIFIC PROGRAM? OR WHAT KIND OF... [LB1066]

SENATOR BAKER: NO. WE'RE TALKING ABOUT, YOU KNOW, SPEECH PATHOLOGY WOULD BE A PROGRAM,... [LB1066]

SENATOR LARSON: OKAY. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR BAKER: ...YOU KNOW, OTHER PROGRAMS FOR... [LB1066]

SENATOR LARSON: OKAY. SO DOES IT MATTER WHAT GRADE THEY'RE COMING IN ON, OR DO YOU SAY THAT WE HAVE ROOM FOR ONE 5TH GRADER THAT NEEDS SPEECH PATHOLOGY? [LB1066]

SENATOR BAKER: IT'S BY LEVEL, YOU KNOW,... [LB1066]

SENATOR LARSON: IT'S BY LEVEL. OKAY. [LB1066]

SENATOR BAKER: ...IF YOU'RE ELEMENTARY, MIDDLE SCHOOL, HIGH SCHOOL. IT'S BY LEVEL. [LB1066]

SENATOR LARSON: HOW OFTEN DO SCHOOLS, I MEAN, I GUESS I WOULD BE INTERESTED IN SEEING HOW MANY OF THE SCHOOLS STATEWIDE SAY WE HAVE ROOM FOR THIS MANY SPECIAL EDUCATION KIDS, KNOWING THE SIGNIFICANT INCREASE IN COSTS THAT OFTEN ASSOCIATE WITH THEM. DO YOU HAVE ANY IDEA AT HOW OFTEN SCHOOLS SAY THEY HAVE AVAILABILITY FOR SPECIAL NEEDS KIDS? [LB1066]

SENATOR BAKER: WOULD YOU REPEAT THAT AGAIN, SENATOR LARSON? [LB1066]

SENATOR LARSON: DO YOU HAVE AN IDEA ON LIKE--AND YOU MIGHT NOT--HOW OFTEN SCHOOL DISTRICTS ACROSS THE STATE OUTLINE LIKE HOW MUCH ROOM THEY DO HAVE FOR SPECIAL NEEDS KIDS? OR ARE MOST OF THE SPOTS THAT ARE OPEN GEARED TOWARDS MORE TRADITIONAL LEARNING? [LB1066]

SENATOR BAKER: I WOULD SAY PROBABLY THAT YOU'LL FIND MORE OPENINGS IN CERTAIN REGULAR EDUCATION GRADE LEVELS THAN YOU WOULD IN SPECIAL ED PROGRAMS BECAUSE THOSE PROGRAMS ARE SO EXPENSIVE. YOU KNOW, I WOULD ALSO TELL YOU THAT YOU DON'T PICK AND CHOOSE. OKAY? WE'VE GOT THREE SPOTS AVAILABLE IN THIS HANDICAPPED PROGRAM, SPECIAL ED PROGRAM. WHAT WE DID, YOU KNOW OUR CRITERIA WAS WE STAMPED THE DATE THE APPLICATIONS ARE RECEIVED, AND JANUARY 1 WOULD BE THE FIRST DATE, SO IT'S IN ORDER RECEIVED HOW WE FILL ANY AVAILABLE SLOTS. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR LARSON: OKAY. AT THAT POINT, IF YOU HAVE ONE SLOT AVAILABLE, IS IT FIRST COME, FIRST SERVE? [LB1066]

SENATOR BAKER: EXACTLY RIGHT. [LB1066]

SENATOR LARSON: OKAY. ALL RIGHT. DOES A SCHOOL DISTRICT LIKE NORRIS-- OBVIOUSLY, I THINK YOU'D BE CLASSIFIED AS LIKE A CLASS B SCHOOL DISTRICT--DO YOU FEEL THAT YOU GUYS USUALLY HAD MORE OF THIS, BECAUSE YOU'RE A BIGGER SCHOOL DISTRICT,... []

SENATOR COASH: ONE MINUTE. [LB1066]

SENATOR LARSON: ...THAT YOU HAD MORE SPOTS AVAILABLE OFTENTIMES FOR THOSE SPECIAL NEEDS PROGRAMS VERSUS OTHER SCHOOL DISTRICTS? [LB1066]

SENATOR BAKER: WE DID NOT. YOU KNOW, WE GENERALLY WOULD HAVE SPOTS AVAILABLE FOR SPEECH PATHOLOGY, IF THAT WERE THE ONLY HANDICAPPING CONDITIONS. BUT THE NATURE OF SPECIAL ED PROGRAMS ARE SO SPECIALIZED AND SO EXPENSIVE, YOU RARELY FIND YOURSELF WITH EXCESS CAPACITY IN THOSE PROGRAMS. [LB1066]

SENATOR LARSON: OKAY. SO IT'S DIFFICULT EITHER WAY FOR A KID TO OPTION IN, MORE THAN LIKELY, THAT HAS SPECIAL NEEDS BECAUSE... [LB1066]

SENATOR BAKER: WELL, WHAT WE FOUND, AND WE AT NORRIS AS WELL AS MANY OF THE OTHER SCHOOL DISTRICTS OF THE STATE HAVE REALLY GREAT SPECIAL ED PROGRAMS. WE FOUND WE HAD PEOPLE MOVING INTO THE DISTRICT... [LB1066]

SENATOR LARSON: UH-HUH. [LB1066]

SENATOR BAKER: ...SO THEIR CHILD COULD BENEFIT FROM OUR SPECIAL ED PROGRAM. AND OFTENTIMES WE WOULD TELL PEOPLE THAT IF YOU REALLY WANT TO ACCESS OUR PROGRAM, WE DON'T HAVE CAPACITY; YOU'RE GOING TO HAVE TO MOVE INTO THE DISTRICT AND THEN, OF COURSE, YOU WOULD BE SERVED. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR COASH: TIME, SENATORS. SENATOR KRIST, YOU'RE RECOGNIZED.  
[LB1066]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. A LOT OF HYPOTHETICALS, A LOT OF SITUATIONS THAT PEOPLE WOULD SAY WHO'S GOING TO GET PAID, HOW MUCH ARE THEY GOING TO GET PAID. LET ME TELL YOU WHAT HAPPENS IN THE STATE OF TEXAS WITH SPECIAL NEEDS FOLKS. THE STATE PICKS UP THE TAB AND IT MOVES FROM SCHOOL TO SCHOOL. AND THERE ARE CERTAIN SCHOOLS THAT ARE BETTER AT DOING THINGS THAN OTHERS, BUT THE BOUNDARIES DON'T EXIST IN SPECIAL NEEDS IN THE STATE OF TEXAS. I KNOW, BECAUSE THAT'S WHERE...ONE OF THE STATES THAT MY DAUGHTER ATTENDED DURING HER EDUCATION. WHEN WE WERE IN THE METROPOLITAN AREA, WHEN WE FIRST MOVED BACK, IN THE AIR FORCE, WE PUT HER IN A SCHOOL DISTRICT. THAT SCHOOL DISTRICT WAS NOT DOING WHAT MY WIFE AND I THOUGHT IT SHOULD DO. THE IEPs WERE REGRESSING INSTEAD OF PROGRESSING. WE TRIED TO MOVE HER INTO ANOTHER SCHOOL DISTRICT. THAT SCHOOL DISTRICT SAID NO. THEN WE TRIED TO MOVE HER IN ANOTHER SCHOOL DISTRICT AND THAT SCHOOL DISTRICT SAID NO. NOW, GRANTED, SHE HAD SOME INTERESTING, IF NOT CHALLENGING, ISSUES BECAUSE THE SCHOOL DISTRICT THAT WAS ACCEPTING HER WAS LOOKING AT HER DIAGNOSIS, 13Q MINUS, MISSING THE 22ND BAND OFF OF THE 13TH...OFF THE Q "TAIL" OF THE 13TH CHROMOSOME, AND WHAT TO EXPECT AND HOW TO TREAT HER BECAME A WHOLE DIFFERENT ISSUE. SO WHAT THE KRIST FAMILY WAS CAPABLE OF DOING BECAUSE OF WHERE WE WERE FINANCIALLY AND MY PARENTS HELPING OUT, WE PUT HER IN MADONNA SCHOOL. I ENDED UP ON THE MADONNA SCHOOL BOARD FOR YEARS. AND I HAVE TO TELL YOU THAT I WAS REALLY ENTHUSED AND HAPPY TO SEE THE SCHOOL DISTRICTS AROUND THE METROPOLITAN AREA, THAT COULDN'T DO THE SAME THING THAT WE COULDN'T DO, WERE GETTING A CONTRACT FROM THEIR SCHOOL DISTRICTS AND COMING TO MADONNA. WE'RE A 501, SO WE HAVE TO...WE HAD TO FUND-RAISE IN ORDER TO MAKE THE DELTA UP BETWEEN WHAT WE WERE GETTING FROM THE STATE. AND WE ONLY TOOK WHAT CAME FROM THE STATE. LET ME EMPHASIZE THAT AGAIN. WE ONLY TOOK WHAT CAME FROM THE STATE OR WHAT CAME FROM THE SCHOOL DISTRICT. WE FUND-RAISED THE DELTA. YOU SEE, IN TEXAS THE DELTA DOESN'T EXIST BECAUSE THE IEP DICTATES HOW THE CHILD IS GOING TO BE TREATED. NOW I DON'T KNOW IF THE AMENDMENT...IF LB1066 IS, IN ITS PRESENT FORM, ACCEPTABLE TO YOU. I DON'T KNOW IF SENATOR SCHEER'S AMENDMENT--AND I'M HOPING THAT HE'S LISTENING TO THIS BECAUSE IT'S IMPORTANT TO ME--I DON'T KNOW IF HIS AMENDMENT SOLVES THE PROBLEM. BUT HERE IS THE PROBLEM: IT DOES EXIST.

Floor Debate  
March 24, 2016

---

YOU HAVE A CHILD, A FAMILY THAT LIVES IN DISTRICT A AND THEY CHOOSE TO MOVE THREE MILES DOWN THE ROAD INTO DISTRICT B, THAT SCHOOL'S... THAT FAMILY'S FATHER IS A TEACHER IN DISTRICT A AND THAT CHILD WAS PART OF THE PROGRAM IN DISTRICT A. WHEN THEY MOVED TO DISTRICT B, DISTRICT A SAID, DISTRICT B, BASICALLY, THE PARENTS SAID WE WANT TO OPT BACK INTO THE DISTRICT. NO. NO. NOW, SHE JUST LEFT THE CLASSROOM, FOLKS. SO WE KNOW THAT THE CAPABILITY MIGHT HAVE EXISTED. NOW WHETHER THAT'S A HYPOTHETICAL SITUATION OR WHETHER IT'S A REAL SITUATION, I'M NOT GOING TO TELL YOU. ALL OF THE FACTS THAT I'M GIVING YOU ARE ABSOLUTELY THIS REAL SITUATION. BUT HOW THEN DO WE JUSTIFY DISTRICT B HAVING TO SETUP A WHOLE NEW CLASSROOM, HIRE TEACHERS, DOING PARAS? DON'T YOU THINK THAT COSTS THE STATE MORE MONEY TO DO THAT ON A ONE-TO-ONE BASIS? WHAT THIS IS SUPPOSED TO DO IS ENERGIZE A CONVERSATION WHEREBY WE'LL REALIZE THAT NOT EVERYBODY CAN HAVE SUPER CLASSROOMS. AND I THINK SENATOR BAKER ALLUDED TO IT. IT'S A POINT AT WHICH NOT EVERYBODY CAN TAKE CARE OF EVERYONE THAT IS IN THEIR DISTRICT. IT'S TEACHERS, IT'S PARAS, IT'S EQUIPMENT, IT'S A NUMBER OF THINGS. AND IF YOU'RE LUCKY ENOUGH TO LIVE IN THE METROPOLITAN AREA... [LB1066]

SENATOR COASH: ONE MINUTE. [LB1066]

SENATOR KRIST: ...AND YOU'RE LUCKY ENOUGH TO HAVE SOME OPTIONS LIKE BROWNELL-TALBOT, MADONNA, AND A FEW OTHER OF OUR DISTRICTS WHO ARE VERY CAPABLE, THAT'S FINE. BUT HERE'S ONE OF THOSE SITUATIONS, I'M CONCERNED ABOUT MY RURAL PARTNERS HERE. WHAT DO YOU DO? WE'RE TRYING TO ABSOLUTELY FORCE A DISCUSSION BETWEEN TWO DISTRICTS AND TWO SUPERINTENDENTS. AND I THINK IF ROY BAKER WAS THAT SUPERINTENDENT, HE WOULD BE DOING THE RIGHT THING. AND I THINK MOST OF OUR SUPERINTENDENTS WOULD BE DOING THE RIGHT THING. SO IF LB1066, IN ITS PRESENT FORM, DOES NOT FIT THE BILL, IF SENATOR SCHEER'S DOES NOT FIT THE BILL, WHAT THEN FORCES THAT DISCUSSION AND THAT ECONOMY... THE ECONOMY OF FORCE TO TREAT OUR KIDS LIKE THEY NEED TO BE TREATED? THAT'S MY QUESTION. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: THANK YOU, SENATOR KRIST. SENATOR SCHEER, THERE ARE NO OTHER LIGHTS ON. WOULD YOU LIKE TO USE THIS OPPORTUNITY TO CLOSE? [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR SCHEER: NO, I THINK I'LL UTILIZE THIS. I MIGHT; I MIGHT NOT. I'M NOT SURE AS FAR AS TIME COMMITMENT. [LB1066]

SENATOR COASH: YOU'RE RECOGNIZED. [LB1066]

SENATOR SCHEER: THANK YOU. IN RELATIONSHIP TO SENATOR KRIST, SENATOR KRIST, YOU'RE ABSOLUTELY CORRECT IN MANY OF THE THINGS YOU SAID, SOME MAYBE NOT SO MUCH. BUT WHAT YOU'RE SUGGESTING IS A CHANGE FROM A OPTION ENROLLMENT PROGRAM TO AN OPEN ENROLLMENT PROGRAM. THAT'S TWO DIFFERENT THINGS. STATE OF NEBRASKA RIGHT NOW DOES NOT HAVE, OTHER THAN IN THE LEARNING COMMUNITY, HAVE OPEN ENROLLMENT WHERE A STUDENT CAN GO TO EVERY DISTRICT...ANY DISTRICT IT WISHES FOR SERVICES. AND YOU'RE ABSOLUTELY CORRECT, THE COST OF SPECIAL NEEDS STUDENTS IS VERY HIGH, BUT ALTHOUGH IT'S HIGH, SCHOOL DISTRICTS HAVE A PROBLEM WITH CAPACITY. AND SO YOU ARE PROBABLY CORRECT THAT IN MORE RURAL AREAS SOME OF THESE DISTRICTS WILL HAVE TO COMBINE SERVICES TO MAKE IT COST-EFFICIENT, RATHER THAN EACH ONE OF THOSE DISTRICTS TRYING TO PROVIDE A SERVICE FOR AN INDIVIDUAL STUDENT. BUT SENATOR SULLIVAN'S AMENDMENT DOES NOT INCREASE CAPACITY. THAT'S OUR PROBLEM, IS CAPACITY. SENATOR BAKER ALLUDED TO IT. IT'S CAPACITY. HOW DO WE INCREASE THE CAPACITY FOR SPECIAL NEEDS STUDENTS IN NEBRASKA IF WE ONLY ARE GOING TO PROVIDE STATE FUNDING AND FEDERAL FUNDING THAT REALLY EQUAL LESS THAN, AT BEST MAYBE, 50 PERCENT OF THE DOLLARS? WE HAVE TO DO A BETTER JOB. BUT THAT, MY FRIEND, IS A DIFFERENT DISCUSSION THAN WHAT WE'RE TALKING ABOUT HERE. WHAT WE HAVE HERE DOES NOT INCREASE CAPACITY. IT DOES NOT ENCOURAGE ANYONE TO TAKE ANY MORE BECAUSE YOU EITHER HAVE THE SPACE AVAILABLE OR YOU DON'T. THE FACT THAT A PERSON HAS A SPECIAL NEED, IF A SCHOOL DISTRICT DOES NOT HAVE THE AVAILABILITY TO PROVIDE THE SERVICE TO THAT STUDENT, IT DOESN'T MATTER IF YOU HELP PAY FOR IT. THE OTHER DISTRICT COULD HAVE DONE THAT IF WE HELPED THEM PAY FOR IT. THAT'S THE PROBLEM. WE'RE NOT HELPING ENOUGH TO PAY FOR THE SERVICES. THIS DOESN'T CHANGE CAPACITY. THIS JUST TALKS ABOUT PENALIZING A DISTRICT THAT HAS NO ABILITY TO HAVE INPUT IN THE DISCUSSION OF HOW THEIR COSTS ARE GOING TO BE CONTROLLED OR NOT CONTROLLED. AND YOU'RE ABSOLUTELY RIGHT, THERE ARE DISTRICTS THAT WILL PROVIDE DIFFERENT SERVICES TO STUDENTS WITH LITERALLY ALMOST IDENTICAL IEPs, SENATOR. THAT DOES HAPPEN. AND IF I WERE A PARENT OF THAT STUDENT, I WOULD WANT TO TRY TO GET MY CHILD INTO A DISTRICT THAT PROVIDES THE BEST SERVICES AVAILABLE. AND IF THOSE SERVICES ARE BETTER THERE, BUT WE NEED TO DO SOMETHING TO HELP



Floor Debate  
March 24, 2016

---

THAT DISTRICT THEN WITH THOSE COSTS. WE CAN'T EXPECT THAT DISTRICT TO BEAR THE COSTS OF STUDENTS FROM ALL AROUND THE AREA. THIS ISN'T GOING TO SOLVE THE PROBLEM. THIS DOESN'T SOLVE THE PROBLEM. YOU'RE TALKING MORE OF AN OPEN ENROLLMENT AND A MUCH GREATER STATE EMPHASIS IN THE FUNDING OF SPECIAL NEED STUDENTS. YOU KNOW, WE'VE SPENT A LOT OF TIME ON THIS. AND I WILL SORT OF FALL INTO MY CLOSING, IF THE PRESIDENT DOESN'T MIND. OKAY? SO, SENATORS, THIS IS A SYSTEM THAT WAS SET UP AFTER THE HEARING. I UNDERSTAND THE INTENT THE SENATOR IS TRYING TO PROVIDE, BUT IT DOESN'T DO WHAT IT'S GOING... WAS WANTING TO DO. IT DOESN'T INCREASE CAPACITY. THESE STUDENTS WERE NOT BEING NEGLECTED OR CHOSEN NOT TO PROVIDE SERVICES TO;... [LB1066]

SENATOR COASH: ONE MINUTE. [LB1066]

SENATOR SCHEER: ...BECAUSE THEY DIDN'T HAVE THE SPACE AVAILABLE. THAT WAS KNOWN BEFORE THEY EVER MADE THE APPLICATION. DISTRICTS ARE TRYING VERY HARD TO PROVIDE SERVICES, BUT IT'S A MOVING TARGET. THINGS COME UP ALL THE TIME. STUDENTS MOVE INTO A DISTRICT; THEY DON'T HAVE THE CAPACITY, AS SENATOR KRIST SAID, SO THEY TRY TO FIND SOME PLACE TO CONTRACT THAT CAN PROVIDE THOSE SERVICES. THIS AMENDMENT DOESN'T HURT, DOESN'T HELP THAT. IT JUST BRINGS IT BACK TO THE WAY IT WAS. I WOULD URGE YOUR SUPPORT FOR AM2742. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: THANK YOU, SENATOR SCHEER. THOSE WISHING TO SPEAK: SENATOR KRIST, SULLIVAN, AND OTHERS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB1066]

SENATOR KRIST: THANK YOU AGAIN, MR. PRESIDENT. AND, SENATOR SCHEER, I UNDERSTAND EVERYTHING THAT YOU'VE JUST SAID. AND I UNDERSTAND, FROM BEING A PARENT OF A SPECIAL NEEDS PERSON, WHICH BY THE WAY NEXT WEEK THE MADONNA WORKSHOP IS GOING TO COME DOWN. I HOPE YOU ALL WILL TAKE A CHANCE TO SHAKE THEIR HAND AND SAY HI TO THOSE FOLKS THAT WORK SO HARD AND ARE PART OF THAT WORKSHOP ENVIRONMENT. BUT I UNDERSTAND EXACTLY WHAT YOU'RE SAYING, BUT AS A PARENT I FIND THAT THERE ARE VERY FEW ANSWERS TO CRITICAL QUESTIONS TO TAKE CARE OF OUR CHILDREN. CAPACITY VERSUS CAPABILITY--YOU DON'T HAVE CAPABILITY UNLESS YOU HAVE A PROPER FUNDING MECHANISM. SENATOR DAVIS JUST TOLD US EARLIER, AND WE HEARD IT IN COMMITTEE, WE'RE NOT EVEN BACK TO A

Floor Debate  
March 24, 2016

---

POINT WHERE WE'RE FUNDING SPECIAL EDUCATION BACK IN...TO BACK WHERE WE WERE IN THE '90s. CUT, CUT, CUT--IF YOU WERE HERE IN 2009, EVERY CASH FUND GOT ROBBED. EVERYBODY GOT REDUCED. IF WE'RE REALLY SERIOUS ABOUT OUR CONSTITUTIONAL REQUIREMENT OF EDUCATING KIDS...BY THE WAY, THAT NUMBER AND THAT AGE HAS CHANGED WITH THIS POPULATION. YOU HEARD SENATOR SULLIVAN SAY IT EARLIER. IF ALL OF YOU ARE HANGING YOUR HAT ON SAYING, YOU KNOW, K THROUGH 12, THIS DOESN'T APPLY TO THIS POPULATION. IT'S 0 TO 21, 0 TO 21. WE'RE NOT SPENDING ENOUGH MONEY IN SPECIAL EDUCATION. SO I WOULD PROPOSE, JUST IN TERMS OF STRATEGY AND RULES AND THE WAY WE DO BUSINESS, AM2742 DOESN'T SOLVE THE ISSUE. THE WAY THAT LB1066 IS WRITTEN AND AM2640 DOESN'T SOLVE THE ISSUE. WE HAVE BETWEEN GENERAL FILE AND SELECT FILE TO SOLVE THE ISSUE. AND I WOULD SUGGEST THAT THERE HAS TO BE AN ALTERNATIVE OR LET'S JUST TAKE IT OUT OF THE BILL ALTOGETHER AND DO WHAT WE REALLY NEED TO DO AND FUND SPECIAL EDUCATION THE WAY WE'RE SUPPOSED TO. I THINK YOU'RE GOING TO SEE WHEN THE LEARNING COMMUNITY BILL COMES UP AND OTHER CONVERSATIONS THAT COME UP, WE'RE EITHER GOING TO HAVE TO PUT OUR MONEY WHERE OUR MOUTH IS AND EDUCATE KIDS AND PAY FOR THAT EDUCATION, OR WE'RE GOING TO DO WHAT SENATOR CHAMBERS SAYS WE DO ALL THE TIME: NEBRASKA DOES EVERYTHING ON THE CHEAP. SPECIAL EDUCATION DOES NOT HAVE THE PROPER FUNDING, PERIOD. WE DO NOT HAVE THE CAPABILITY TO PUT THOSE KIDS IN CLASSROOMS AROUND THE STATE, GIVEN OUR STATE'S DIVERSITY AND LIMITATIONS IN TERMS OF POPULATION BASE, ANOTHER GIVEN. IF WE CAN'T FORCE A CONVERSATION BETWEEN TWO SUPERINTENDENTS TO HAVE THE ECONOMY OF SCALE AND PUT CLASSROOMS WHERE THEY NEED TO BE PUT, WE'VE GOT A PROBLEM. AND TO EXEMPLIFY THAT PROBLEM, I'LL GO BACK TO WHAT I SAID EARLIER. IF YOU'RE IN THE OMAHA PUBLIC SCHOOL SYSTEM AND THERE'S A BETTER PLACE TO PUT YOUR KID IN DISTRICT 66, DISTRICT 66 CAN STILL SAY, NO, GO POUND SAND, GO BACK TO OPS. AND THEN YOU, AS A PARENT, ARE SITTING THERE WITH AN IEP THAT CONTINUES TO REGRESS AND A CHILD WHO CONTINUES TO LOSE MOMENTUM. AND WE ALL KNOW WHAT HAPPENS WHEN WE MISS THOSE OPPORTUNITIES WHEN A CHILD WITHIN THEIR EDUCATIONAL CAPABILITY WHEN YOU START LOSING GROUND, IT HAPPENS PRETTY RAPIDLY. AND IT'S TOUGH, TOUGH TO CATCH UP. SO AS PASSIONATE AS I AM ABOUT THIS, I'M JUST NOT SURE THAT AM2742 SOLVES THE ISSUE. I'M NOT SURE GIVEN THE CONVERSATION I'VE HEARD HERE AND IN THE CHAIR THIS MORNING, THAT THE EXISTING AM2640 OR THE LB1066, AS IT WOULD BE, SOLVES THE ISSUE. AND MAYBE WE DON'T SOLVE THE ISSUE THIS YEAR. MAYBE WE JUST TAKE IT OUT... [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR COASH: ONE MINUTE. [LB1066]

SENATOR KRIST: ...COMPLETELY AND START TALKING ABOUT FUNDING THE PROGRAMS THE WAY THEY'RE SUPPOSED TO BE FUNDED. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: SENATOR KRIST. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB1066]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. THIS ISN'T AN EASY SITUATION. THERE ARE SO MANY DIFFERENT CIRCUMSTANCES. THAT'S WHY WE CAN'T MAKE A BLANKET STATEMENT. THAT'S WHY WE CAN'T COME UP WITH A PERFECT SITUATION. AND I NEVER INTENDED TO DO THAT WITH THE AMENDMENT, WHAT'S INCLUDED IN AM2640. BUT I KNEW THAT WE HAD TO HAVE THIS CONVERSATION. I KNEW WE NEEDED TO DO SOMETHING. I DIDN'T START THIS WITH THE FEELING THAT THERE WAS MASS DISCRIMINATION GOING ON, BUT I DO BELIEVE A CHILD, ANY CHILD, ESPECIALLY A SPECIAL NEEDS CHILD, NEEDS TO HAVE CHOICE, AND I BEGAN TO SEE THAT THEIR CHOICES WERE LIMITED UNDER THE CURRENT CIRCUMSTANCES. YOU KNOW, THIS IDEA OF CAPACITY IN A DISTRICT, AS I LISTEN TO SENATOR BAKER TALK ABOUT IT, YES, THERE IS A DATE CERTAIN WHERE A DISTRICT HAS TO DETERMINE AND ESTABLISH WHAT THEIR CAPACITY IS, BUT HE ALSO SAID THAT THEY MAY START RECEIVING APPLICATIONS--SOME OF THEM ARE SPECIAL NEEDS CHILDREN-- BEFORE THEY DETERMINE WHAT THE CAPACITY IS. THAT JUST MIGHT ENTER INTO THEIR DETERMINATIONS OF WHAT THEIR CAPACITY IS. THIS IS NOT A STRAIGHT ROAD. IN FACT, IT CAN BE QUITE WINDING. BUT DOGGONE IT, IF A PARENT CHECKS A BOX THAT HIS CHILD, HIS OR HER CHILD HAS AN IEP ON THEIR APPLICATION, AND THEIR APPLICATION MOST OFTEN IS DENIED, WELL, MAYBE THAT IS DISCRIMINATION. BUT I WILL TELL YOU THAT TO TAKE THIS OUT OF THE BILL COMPLETELY, STOPS THE CONVERSATION. UNDER AM2640, YES, THE RESIDENT DISTRICT HAS TO STAND FOR SOME OF THE COSTS, 50 PERCENT OF THE COSTS THAT AREN'T REIMBURSED BY THE STATE, BUT THEY HAVE A YEAR TO PLAN. THE DEPARTMENT WILL DEVELOP RULES FOR APPEAL. AND MORE THAN ANYTHING, IT STARTS THE CONVERSATION THAT WILL NOT EVEN END SHOULD AM2640 BE ADOPTED. WE ARE OPENING UP, I WOULDN'T CALL IT WOUNDS, BUT WE ARE OPENING UP ISSUES THAT AREN'T GOING TO GO AWAY. THEY DESERVE TO BE DISCUSSED AND EXAMINED. AND, YES, I COULDN'T ARGUE AND AGREE MORE THAT WE NEED TO INCREASE OUR REIMBURSEMENT FOR SPECIAL EDUCATION. BUT WE AT LEAST HAVE TO HAVE THIS CONVERSATION

Floor Debate  
March 24, 2016

---

AND START TO WORK OUT SOME OF THESE DETAILS. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. SEEING NO OTHER LIGHTS ON, SENATOR SCHEER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB1066]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. SENATOR KRIST, THIS DOES NOT NECESSARILY SOLVE THE PROBLEM. IT DOES SORT OF GO BACK TO SQUARE ONE. BUT WHAT I WILL TELL YOU IS THAT THE AMENDMENT AND THE BILL, AS YOU'VE DISCUSSED, DOES NOT DO THAT EITHER. SENATOR SULLIVAN WILL NOT BE BACK NEXT YEAR, BUT I WILL BE. I GOT A FREE PASS. I WILL BE MORE THAN HAPPY TO WORK WITH YOU TO TRY TO DEVELOP SOME LEGISLATION THAT WILL HELP SOLVE SOME OF THE PROBLEMS. I'M GOING TO GUARANTEE YOU, WE WON'T SOLVE THEM ALL, BUT WE SHOULD BE ABLE TO GET A GOOD START ON DOING SOMETHING OVER THE INTERIM. I WILL PLEDGE MYSELF TO DO THAT IF YOU WOULD LIKE TO DO SO. BUT WHAT WE HAVE IN FRONT OF US IS A CHANGE IN THE PHILOSOPHY AND FUNDING AND RESPONSIBILITY OF SCHOOL DISTRICTS OF SPECIAL NEEDS STUDENTS. IT WAS BROUGHT FORWARD WITHOUT DISTRICTS HAVING THE OPPORTUNITY TO RESPOND TO IT. IT DOES NOT INCREASE CAPACITY. CHANGING THIS DOES NOT CHANGE THEN-SUPERINTENDENT BAKER'S DETERMINATION OF HOW MANY SPOTS HE MIGHT HAVE OPEN FOR A SEVERE AND PROFOUND DISABILITY STUDENT OR AN AUTISTIC STUDENT OR A STUDENT THAT NEEDS SPEECH PATHOLOGY. THIS DOESN'T INCREASE THE CAPACITY FOR HIM TO OPEN HIS DISTRICT UP FOR ONE MORE STUDENT. IT DOES NONE OF THAT. HOPEFULLY, SENATOR KRIST AND I MIGHT BE ABLE TO SOLVE PART OF THOSE PROBLEMS OVER THE INTERIM. BUT THIS BILL DOESN'T DO IT. THIS AMENDMENT HELPS BRING DISTRICTS BACK TO NORMAL, BACK TO LEVEL. IT'S A GOOD AMENDMENT. I WOULD APPRECIATE YOUR SUPPORT AND VOTE GREEN ON AM2742. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: THANK YOU, SENATOR SCHEER. MEMBERS, YOU'VE HEARD THE CLOSING TO AM2742. THE QUESTION BEFORE THE BODY IS, SHALL AM2742 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. SENATOR SCHEER. [LB1066]

SENATOR SCHEER: MR. PRESIDENT, COULD I HAVE A CALL OF THE HOUSE, PLEASE? [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR COASH: 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. [LB1066]

ASSISTANT CLERK: 36 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB1066]

SENATOR COASH: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. THE HOUSE IS UNDER CALL. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. SENATOR LARSON, PLEASE CHECK IN. SENATOR GROENE, PLEASE CHECK IN. SENATOR BLOOMFIELD. SENATORS HOWARD, McCOY, CHAMBERS, AND JOHNSON, THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATOR SCHEER. [LB1066]

SENATOR SCHEER: MR. PRESIDENT, I'D BE WILLING TO GO AHEAD AND START ROLL CALL IN REGULAR ORDER, PLEASE. [LB1066]

SENATOR COASH: THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE. QUESTION BEFORE THE BODY IS, SHALL AM2742 BE ADOPTED? MR. CLERK, PLEASE CALL THE ROLL. [LB1066]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1237-1238.) VOTE IS 25 AYES, 10 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB1066]

SENATOR COASH: AM2742 IS ADOPTED. I RAISE THE CALL. (VISITORS INTRODUCED.) MR. CLERK. [LB1066]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT AMENDMENT TO THE COMMITTEE AMENDMENT IS FROM SENATOR LARSON, AM2745. (LEGISLATIVE JOURNAL PAGE 1238.) [LB1066]

SENATOR COASH: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON AM2745. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AM2745 IS RELATIVELY SIMPLE. RIGHT NOW CURRENTLY IN NEBRASKA STATUTE, WHEN FAMILIES ARE OPTIONING INTO SCHOOL DISTRICTS, FAMILIES HAVE PRIORITY. WHAT AM2745 WOULD DO IS IT WOULD GIVE SIBLINGS OF KIDS THAT ARE ALREADY OPTIONED INTO A SCHOOL DISTRICT, IT WOULD ESSENTIALLY SAY THAT THE SCHOOL DISTRICT OR THE RECEIVING SCHOOL DISTRICT SHALL ACCEPT THE ENROLLMENT OF SIBLINGS OF OPTION STUDENTS. SO IF THEY'VE ALREADY ACCEPTED ONE OPTION STUDENT, A SIBLING WILL BE ACCEPTED AS WELL. I CAN UNDERSTAND THAT THIS, WHEN WE TALKED ABOUT CAPACITY AND A NUMBER OF OTHER ISSUES, THAT THIS COULD BE...AND WE MIGHT HEAR FROM SOME SCHOOL ADMINISTRATORS THAT THIS CAN CAUSE PROBLEMS. BUT WHEN WE'RE LOOKING ABOUT EDUCATING FAMILIES, KEEPING FAMILIES TOGETHER, AND MAKING SURE THAT THERE IS A PLACE, ESPECIALLY IN RURAL NEBRASKA IS KIND OF WHERE I'M FOCUSING ON THIS, IF ONE SCHOOL DISTRICT HAS SIGNIFICANTLY MORE RESOURCES TO EDUCATE AN INDIVIDUAL AND THE FAMILY IS SENDING ONE OF THEIR KIDS THERE BECAUSE THEY MIGHT BE SPECIAL ED, DO WE WANT TO PUT AN UNDUE BURDEN, ESPECIALLY WITH THE TRAVEL DISTANCES THAT WE ARE FACING IN RURAL NEBRASKA, TO SAY THAT WE CAN'T ACCEPT KID B, AFTER THEY'RE ALREADY ACCEPTING KID A? SO THEY MIGHT HAVE TO TAKE ONE KID 45 MILES TO SCHOOL, AND ANOTHER ONE, IF THEY LIVE OUT IN THE COUNTRY, 35...30 MILES THE OTHER WAY BECAUSE THAT'S THE SCHOOL DISTRICT IN WHICH THEY ARE IN. I THINK THAT'S A CONCERN AND IT'S A VERY REAL CONCERN. SO THE AMENDMENT IS FAIRLY SIMPLE. IT JUST SAYS THAT SCHOOL DISTRICTS SHALL ACCEPT THE ENROLLMENT OF SIBLINGS OF OPTION STUDENTS. THIS IS TO TRY TO KEEP THE FAMILIES TOGETHER, TO HELP EASE BURDENS THAT WE SEE IN RURAL NEBRASKA, AND ENSURE THAT FAMILIES HAVE AN OPPORTUNITY TO PROVIDE OR CHOOSE THE BEST EDUCATION THAT IS AVAILABLE FOR THEIR FAMILY AND THEIR CHILDREN. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: THANK YOU, SENATOR LARSON. MEMBERS, YOU'VE HEARD THE OPENING TO AM2745. THE FLOOR IS NOW OPEN FOR DISCUSSION. SENATOR BAKER, YOU'RE RECOGNIZED. [LB1066]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. BACK IN EARLY DAYS OF OPTION ENROLLMENT NEBRASKA, THAT WAS A PROVISION. IF YOU HAD A SIBLING ALREADY IN SCHOOL THEN ANY OTHERS ENTERING SCHOOL WOULD BE ACCEPTED. THAT WAS CHANGED. AND YOU KNOW, IT'S A GREAT CONCEPT. THE ONLY PROBLEM IS IT DOESN'T WORK. IT LEADS YOU INTO SITUATIONS WHERE YOU'RE FORCED INTO TAKING STUDENTS WHERE YOU DON'T HAVE CAPACITY.

Floor Debate  
March 24, 2016

---

THEN PEOPLE WOULD USE IT. WE HAD A CASE OF A FAMILY WHO WANTED TO OPTION IN AND SO THEY FIRST GOT AN OPTION REQUEST FOR A KINDERGARTENER ACCEPTED, AND THEN THE SIBLING CAME IN WHO HAD...WAS A HIGH-DOLLAR SPECIAL ED STUDENT. AND THEN THEY WITHDREW THE REQUEST FOR THE KINDERGARTEN STUDENT. SO THE WHOLE PURPOSE WAS TO USE THE SHIRTTAIL TO BRING STUDENTS IN. SO IT WAS BECAUSE OF PROBLEMS LIKE THAT, THAT THE RULE WAS CHANGED SOME YEARS BACK. IT'S PROBABLY BEEN CHANGED AT LEAST 15 YEARS AGO BECAUSE IT JUST SIMPLY DIDN'T WORK. THANK YOU. [LB1066]

SENATOR COASH: THANK YOU, SENATOR BAKER. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB1066]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AND, SENATOR LARSON, I TRULY APPRECIATE THE CONCEPT HERE AND, BELIEVE ME, THAT WAS ONE OF THE IDEAS THAT I TOYED AROUND WITH. BUT THEN I FELL BACK ON JUST EXACTLY WHAT SENATOR BAKER TALKED ABOUT, THAT, YES, WE DID DO THIS BEFORE, WE RAN INTO SOME PROBLEMS. AND SO I THINK THAT IF WE WENT THIS ROUTE IT WOULD...WE'D NEED TO REALLY WORK THROUGH IT A LOT MORE THAN I THINK WE'RE IN A POSITION TO DO RIGHT NOW. THANK YOU. [LB1066]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. SENATOR LARSON, THERE ARE NO OTHER LIGHTS ON. WOULD YOU LIKE TO USE THIS OPPORTUNITY TO CLOSE? [LB1066]

SENATOR LARSON: SURE. [LB1066]

SENATOR COASH: YOU'RE RECOGNIZED TO CLOSE. [LB1066]

SENATOR LARSON: COLLEAGUES, I CAN SEE WHAT SENATORS BAKER AND SULLIVAN ARE SAYING, BUT THAT DOESN'T NECESSARILY...HOW DO I WANT TO SAY THIS? YOU CAN SAY THAT THEY MIGHT USE A KINDERGARTNER TO RIDE THE COATTAILS FOR ONE OF THEIR OTHER CHILDREN TO GET IN. I AGAIN COME BACK TO THE CONCEPT OF DISCRIMINATION. AND SENATOR BAKER JUST BROUGHT IT UP. AND THE WHOLE CONCEPT I THINK OF WHEN WE TALK ABOUT SPACE AND THESE SCHOOL DISTRICTS SAYING HOW MUCH SPACE THEY HAVE IS VERY ARBITRARY. A SCHOOL DISTRICT LIKE NORRIS, WHICH COULD BE IN THE SUBURBS, AND I HAVE COUSINS THAT ATTEND NORRIS, A WEALTHIER AREA THAT PRIDES ITSELF ON GOOD TEST SCORES, WHAT SAYS THAT THEY HAVE TO

Floor Debate  
March 24, 2016

---

SAY THAT THEY HAVE ROOM TO ACCEPT AN OPTION-IN SPECIAL NEEDS KID? THEY COULD JUST SAY THAT WE DON'T ACCEPT ANY OF THOSE CHILDREN IN AN EFFORT TO CONTINUE TO KEEP THEIR TEST SCORES UP. OR A SCHOOL DISTRICT, AND THIS ISN'T THE CASE WITH WESTSIDE BECAUSE I KNOW WESTSIDE ACTUALLY DOES ACCEPT A SIGNIFICANT NUMBER OF SPECIAL ED KIDS, BUT TO OPENLY KEEP KIDS OUT OR PUSH DOWN THE NUMBER OF KIDS THAT THEY CAN HAVE ROOM FOR TO MAKE SURE THAT THEY HAVE THE BETTER SCORES. WHEN I LOOK AT RURAL NEBRASKA AND I CAN...I UNDERSTAND SENATOR SULLIVAN HAS TO OPPOSE THIS. AND SHE LOOKED AT IT AS THE COMMITTEE CHAIR. AND ONE THAT, AS A COMMITTEE CHAIR, I CAN UNDERSTAND HOW THAT...HOW THIS HAPPENS. BUT THE CONCEPT AGAIN COMES, I LOOK AT IT VERY MUCH FROM RURAL NEBRASKA. AND I KNOW HOW MUCH...AND I TALK ABOUT LAST YEAR WHEN I STAND UP ON CHARTERS WHEN A KINDERGARTENER IS GETTING ON THE BUS AT 6:30 A.M. TO TAKE THE BUS TO SCHOOL BECAUSE WE CLOSED CLASS I's, THAT'S AN ISSUE. NOW THAT KINDERGARTENER HAS A SPECIAL NEED AND WE GOT TO SEND HIM OR HIS PARENTS WANT TO OPTION HIM INTO VALENTINE BECAUSE THEY HAVE MORE SERVICES, BUT THEY'RE IN THE MULLEN SCHOOL DISTRICT, WHICH IS ANOTHER 40 MILES AWAY. SO NOW WE HAVE FAMILIES GETTING SPLIT APART. AND IN O'NEILL, WE DON'T OFFER BUS SERVICE. WE OFFER MILEAGE TO PARENTS THAT LIVE OUT OF TOWN. THERE ARE NO BUSES. SO NOW WHAT? WE ARE REQUIRING THAT FAMILY TO HAVE TWO DIFFERENT...GO TWO DIFFERENT PLACES WITH THAT MILEAGE? YES, THEY GET MILEAGE, BUT NOW WE HAVE ONE PARENT GOING TO MULLEN, ONE PARENT GOING TO VALENTINE. COLLEAGUES, YOU CAN CALL THIS A HYPOTHETICAL BUT THIS IS VERY REAL IN RURAL NEBRASKA. THESE ARE THE THINGS WE FACE. AND WHAT HAPPENS IF THOSE PARENTS ARE ON THE RANCH? WHAT HAPPENS? I MEAN I JUST LIKE THE CONCEPT OF HYPOTHETICALS AS MUCH AS ANYONE, BUT THIS IS ACTUALLY A VERY REAL POSSIBILITY. A SCHOOL DISTRICT SHOULD NOT BE ABLE TO DENY A KID'S SIBLING ON THE CONCEPT OF SPACE, AND AN ARBITRARY NUMBER OF SPACE DETERMINED BY THE SCHOOL DISTRICT. THE SCHOOL BOARD JUST GETS TO SAY, NO, WE DON'T WANT ANY OF THESE SPECIAL NEEDS KIDS SO WE DON'T HAVE ANY SPACE. WHAT IS SPACE? THAT'S ONE THING THAT WE DIDN'T TALK ABOUT. COLLEAGUES, THIS IS ESSENTIALLY SOMETHING THAT KEEPS FAMILIES TOGETHER, CAN ALLEVIATE A NUMBER OF BURDENS FOR THOSE OF US IN RURAL NEBRASKA, AND DOESN'T ALLOW A SCHOOL DISTRICT TO ARBITRARILY DENY A KID WITH A DISABILITY THAT MAY ALREADY BE ACCEPTING AN OPTION ENROLLMENT STUDENT OF ONE OF THEIR SIBLINGS, RIDING THE COATTAILS OR NOT. [LB1066]

SENATOR COASH: TIME, SENATOR. [LB1066]



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

Floor Debate  
March 24, 2016

---

SENATOR LARSON: THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: MEMBERS, YOU'VE HEARD THE CLOSING TO AM2745. THE QUESTION BEFORE THE BODY IS, SHALL AM2745 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. SENATOR LARSON. [LB1066]

SENATOR LARSON: CALL OF THE HOUSE. [LB1066]

SENATOR COASH: 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; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1066]

ASSISTANT CLERK: 27 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB1066]

SENATOR COASH: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR SCHNOOR, PLEASE CHECK IN. SENATOR GROENE, PLEASE CHECK IN. SENATORS WATERMEIER, CHAMBERS, AND FOX, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. SENATOR CRAWFORD, PLEASE CHECK IN. SENATORS WATERMEIER, FOX, AND CHAMBERS, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL MEMBERS ARE PRESENT OR OTHERWISE ACCOUNTED FOR. SENATOR LARSON, WILL YOU ACCEPT CALL-INS? [LB1066]

SENATOR LARSON: I'LL DO ROLL CALL, REVERSE ORDER. [LB1066]

SENATOR COASH: THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE IN REVERSE ORDER. MR. CLERK, PLEASE READ THE ROLL. MEMBERS, THE QUESTION BEFORE THE BODY IS, SHALL AM2745 BE ADOPTED? ALL THOSE...MR. CLERK, PLEASE CALL THE ROLL. [LB1066]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1238-1239.) VOTE IS 6 AYES, 25 NAYS ON SENATOR LARSON'S AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR COASH: AM2745 IS NOT ADOPTED. RAISE THE CALL. (VISITORS INTRODUCED.) RETURNING TO DISCUSSION ON LB1066 AND THE COMMITTEE AMENDMENT, SENATOR GROENE, YOU'RE RECOGNIZED. [LB1066]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. NOW THAT WE'RE BACK TO THE ORIGINAL AMENDMENT, I FULLY SUPPORT IT, THE OTHER SEVEN. THERE'S SOME GOOD STUFF IN THIS AMENDMENT FOR US RURAL FOLK. FOR EXAMPLE, ON THE BUS DRIVERS. IT'S VERY HARD TO FIND A BUS DRIVER THAT HAS A CHAUFFEUR'S LICENSE AND HAS A VERY CLEAN RECORD TO HAUL OUR CHILDREN AROUND, USUALLY A RETIRED PERSON. PRESENT LAW SAYS IF THEY'RE OFF DUTY AND THEY'RE GOING TO CHURCH ON SUNDAY MORNING AND THEY ROLL THROUGH A STOP SIGN AND GET A TRAFFIC TICKET, THE SCHOOL BOARD SHALL FIRE THEM. WE ARE CHANGING THAT IN THIS AMENDMENT TO SAY CIRCUMSTANCES CAN BE TAKEN UNDER CONSIDERATION BY THE SCHOOL BOARD, WHICH IS, I THINK, THE RIGHT WAY TO DO IT. ALSO NUMBER SEVEN I REALLY LIKE, BECAUSE WHEN I GOT DOWN HERE AND I WANTED TO FIND OUT AND I WAS TEARING INTO THINGS, TRYING TO FIGURE OUT TEEOSA, I'M GETTING CLOSE--THANK GOD WE'RE NOT CHANGING IT A BUNCH THIS YEAR SO I DON'T HAVE TO RELEARN--BUT NUMBER SEVEN, WHEN YOU LOOKED AT INCOME TAX ALLOTMENT, YOU HEAR A LOT ABOUT THAT, AND PRESENT STATUTE SAID IT WAS WHATEVER IT WAS IN 1992 AND '93. SO THEN WE WOULD...PEOPLE WOULD CALL THE DEPARTMENT OF EDUCATION OR TAMMY IN SENATOR SULLIVAN'S OFFICE, SAY, WHAT ARE WE TALKING ABOUT HERE? WE'RE GOING TO PUT THE ACTUAL NUMBER INTO STATUTE AND THEN REFER IT BACK HISTORICALLY TO THAT DATE. BUT WE HAVEN'T CHANGED INCOME TAX ALLOTMENT SINCE 1992-93, SO THAT MONEY, PERCENTAGE THAT'S IN THE FORMULA PROPORTIONATELY HAS BEEN SHRINKING OVER TIME IN RELATIONSHIP TO INFLATION. BUT THAT'S A GOOD...THAT'S ANOTHER ONE I REALLY LIKED. SO I WOULD APPRECIATE YOU HELPING PASS THIS AMENDMENT. THEY'RE ALL GOOD AMENDMENTS. AND THE ONE I HAD CONCERNS WITH HAS BEEN CHANGED, WHICH I DON'T THINK REALLY AFFECTS. IT'S LIKE SENATOR SCHEER SAID, IT WASN'T A GREAT FIX. WE NEED TO DO BETTER. WE NEED TO FIGURE OUT A WAY TO LOOK AT SPED A LITTLE DIFFERENTLY, BUT THAT WASN'T GOING TO DO IT. SO I WOULD APPRECIATE EVERYBODY HELPING BECAUSE, BELIEVE ME, FOLKS, WE STRAINED THROUGH AN AWFUL LOT OF AMENDMENTS, A LOT OF LEGISLATION. SENATOR SULLIVAN AND HER STAFF PICKED OUT THE BEST. WE REWROTE, CHANGED WORDS. YOU OUGHT TO HAVE SEEN HOW MANY TIMES WE WENT THROUGH "SHALLS" AND "MAYS" ON THE BUS DRIVERS. BUT THAT'S HOW THE COMMITTEE SYSTEM WORKS. SO I WOULD APPRECIATE SUPPORT OF AM2640. THANK YOU. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1066]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR GROENE WOULD YIELD TO A COUPLE QUESTIONS. [LB1066]

SENATOR COASH: SENATOR GROENE, WILL YOU YIELD? [LB1066]

SENATOR GROENE: YES. [LB1066]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. YOU MENTIONED CHANGING THE "SHALL" ON THE... [LB1066]

SENATOR GROENE: THE BUS DRIVERS? [LB1066]

SENATOR BLOOMFIELD: ...BUS DRIVER. IS THAT POSSIBLY GOING TO OPEN THE DISTRICT UP TO ANY LIABILITY, DO YOU THINK, IF THE GUY GETS CAUGHT DOING SOMETHING WRONG AND THE DISTRICT DOESN'T FIRE HIM AND LATER HE GETS IN A WRECK WITH THE SCHOOL BUS? IS THERE GOING TO BE ANY LIABILITY ISSUES THERE FOR THE SCHOOL, DO YOU THINK? [LB1066]

SENATOR GROENE: WE NEVER DID ADDRESS THAT BUT IT'S COMMON SENSE I THINK... [LB1066]

SENATOR BLOOMFIELD: OKAY. [LB1066]

SENATOR GROENE: ...WHEN THAT SUPERINTENDENT AND THAT SCHOOL BOARD LOOKS AND SAYS, YOU KNOW, THE GUY JUST WAS GOING 68 IN A 63 AND THE KID ON THE...THE COUNTY SHERIFF'S KID HE THREW OFF THE BUS THE OTHER DAY AND MAYBE SOMEBODY GOT EVEN. YOU KNOW, THOSE THINGS HAPPEN IN SMALL TOWNS. [LB1066]

SENATOR BLOOMFIELD: YEAH. I DON'T DISAGREE WITH YOU. IT'S JUST A THOUGHT THAT CROSSED MY MIND. [LB1066]

SENATOR GROENE: YEAH. I MEAN THAT'S JUST A SCENARIO THAT CAN HAPPEN. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR BLOOMFIELD: YEAH. AND SENATOR SULLIVAN OR I, NEITHER ONE, WILL BE HERE NEXT YEAR TO ADDRESS THE SPECIAL ED THING, BUT I HAVE A SMALL SUGGESTION I'D LIKE A LITTLE HELP FROM YOU WITH. WHERE ARE WE NATIONALLY IN FUNDING FOR OUR UNIVERSITIES? [LB1066]

SENATOR GROENE: THE LAST I SEEN WE WERE THIRD OR FOURTH PER CAPITA FUNDING OF OUR UNIVERSITY SYSTEM. [LB1066]

SENATOR BLOOMFIELD: WHERE ARE WE WHEN IT COMES TO FUNDING K THROUGH 12? [LB1066]

SENATOR GROENE: FORTY-NINTH. AS FAR AS STATE AID TO EDUCATION, OVERALL WE'RE IN THE TOP 20. WE'RE IN THE TOP HALF. BUT YOU CAN THANK THE PROPERTY TAXPAYERS IN THE STATE OF NEBRASKA FOR THAT. YOU CAN'T THANK THIS BODY BECAUSE WE HAVE NOT DONE OUR DUTY HERE. WE HAVE DUMPED IT ON THE PROPERTY TAXPAYERS AND WE FAVOR THE UNIVERSITY. [LB1066]

SENATOR BLOOMFIELD: AGAIN, I WON'T BE HERE BUT, COLLEAGUES, NEXT YEAR WHEN YOU'RE DEALING WITH THIS, MAYBE WE OUGHT TO LOOK AT THE POSSIBILITY OF TAKING A LITTLE MONEY FROM THE UNIVERSITY AND THROWING IT TOWARD SPECIAL EDUCATION. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: THANK YOU, SENATORS BLOOMFIELD AND GROENE. THOSE WISHING TO SPEAK: SENATOR SCHNOOR, FRIESEN, AND OTHERS. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB1066]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I WOULD, JUST STANDING AS A MEMBER OF THE EDUCATION COMMITTEE, I AM NOW IN FULL SUPPORT OF THIS AMENDMENT. I'D LIKE TO JUST LET EVERYBODY KNOW THAT I APPRECIATE THE GREAT WORK THAT SENATOR SULLIVAN HAS DONE WITH THIS. AND I AM PLEASED THAT WE WERE ABLE TO PULL THAT OTHER PORTION OUT OF THERE. THAT WAS ONE PORTION THAT I WAS UNCOMFORTABLE WITH. BUT I AM IN FULL SUPPORT OF THIS AND I AM IN FULL SUPPORT OF LB1066. THANK YOU. [LB1066]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WHEN SENATOR GROENE WAS TALKING ABOUT THE BUS DRIVERS, I THOUGHT I WOULD JUST ADD MY SUPPORT FOR THAT. AT A RECENT MEETING OF SUPERINTENDENTS, THEY DID EXPRESS THE DIFFICULTY IN OBTAINING ENOUGH BUS DRIVERS TO KEEP THE ROUTES RUNNING. THEY'RE HAVING A HARD TIME GETTING ENOUGH PEOPLE SIGNED UP. IT IS A DIFFICULT TEST TO PASS. THEY NEED A CDL AND ALL THOSE REQUIREMENTS. SO I THINK ADDING THIS ONE HERE IS JUST...IS NOT NEEDED. BACK IN 1973, WHEN I WAS A SENIOR IN HIGH SCHOOL, THEY DID ALLOW THE HENDERSON SCHOOL DISTRICT TO HAVE STUDENT BUS DRIVERS. SO I, AS A 17-YEAR-OLD, DID HAVE A SCHOOL BUS DRIVER'S LICENSE. AND BEFORE I ACTUALLY GOT TO BE EMPLOYED, THOUGH, I DID HAVE A TRAFFIC VIOLATION OF PASSING A SLOW PERSON ON THE RIGHT SIDE OF THE ROAD INSTEAD OF THE LEFT. SO THEREFORE, I WAS DISQUALIFIED. AND THAT LEFT ME FREE TO GET INTO OTHER PROBLEMS THE REST OF THE YEAR. SO THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR KRIST, YOU'RE RECOGNIZED. [LB1066]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND THAT JUST IS PLAIN SCARY, SENATOR FRIESEN, JUST PLAIN SCARY. (LAUGHTER) I JUST WANTED TO NOTE ALSO IN LB1066 THE DEPARTMENT DID COME TO US WITH PART OF THIS TECHNICAL CLEANUP BILL THAT WOULD HAVE SEVERELY HAMPERED OR, I BELIEVE, CHANGED THE DEFINITION OF AND THE DEFINITIONS IN THAT CONTROL OUR TEXTBOOK LOAN PROGRAMS THAT EXIST IN THE STATE THAT ARE THERE FOR A DEFINITE REASON. AND WITH SENATOR SULLIVAN'S HELP, WE TALKED TO THE DEPARTMENT AND I WAS VERY IMPRESSED. THE DEPARTMENT EXPRESSED AN INTEREST IN CONTINUING OUR TEXTBOOK LOAN PROGRAM BECAUSE HE IS VERY CONCERNED ABOUT ALL THE KIDS IN THE STATE. AND THERE'S LEGISLATIVE INTENT IN THAT BILL THAT ASKS THEM TO COME BACK TO US AFTER THEY'VE THOUGHT CAREFULLY ABOUT HOW TO CHANGE THAT DEFINITION. AND JUST TO BRING YOU ALL ON THE PERIPHERY UP TO SPEED, WHEN IS THE LAST TIME THAT YOU RELIED ON A TEXTBOOK IN MOST OF OUR EDUCATIONAL INSTITUTIONS? MOST OF IT IS ASSISTED MATERIAL, LEARNING MATERIAL, AND FOR THE MOST PART SOFTWARE ON A COMPUTER. SO THAT TERM "TEXTBOOK" LOOSELY APPLIED OR VERY STRICTLY APPLIED MAY NOT APPLY TO ALL THE MATERIAL AVAILABLE. SO WE SHOULD SEE SOME INFORMATION COME BACK ON THAT TOWARDS THE END OF THE YEAR AND BE ABLE TO ACT UPON THAT NEXT YEAR AND MAKE THAT PROGRAM BETTER, I THINK, FOR THOSE CHANGES. THANK YOU, MR. PRESIDENT. [LB1066]

Floor Debate  
March 24, 2016

---

SENATOR COASH: THANK YOU, SENATOR KRIST. SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB1066]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. WHILE I'M DISAPPOINTED THAT AM2742 WAS ADOPTED, WE WILL GO FORWARD. AND I REALLY, REALLY DID APPRECIATE THE DISCUSSION WE HAD ON THAT COMPONENT OF AM2640 THAT HAS NOW BEEN REMOVED. BUT THE DISCUSSION WAS GOOD AND I THINK IT REVEALED SOME CONCERNS THAT NEED TO BE ADDRESSED. AND I WILL HOLD SENATOR SCHEER TO HIS WORD THAT HE WILL, WITH SENATOR KRIST AND OTHERS, WHETHER IT'S SENATOR DAVIS, TO CONTINUE TO EXAMINE THIS ISSUE. WE WANT ALL OUR CHILDREN TO SUCCEED IN THIS STATE AND THAT INCLUDES THE CHILDREN WHO HAVE SPECIAL NEEDS. WE WANT THEM TO HAVE THE OPTIONS AND THE CHOICE. AND IF THAT MEANS A FURTHER EXAMINATION OF OUR SPECIAL EDUCATION PROGRAM IN ADDITION TO ALWAYS FIGHTING FOR ADDITIONAL DOLLARS TO BE DEVOTED TO REIMBURSEMENT FOR SPECIAL EDUCATION, I HOPE THAT CONVERSATION CONTINUES. BUT WITH THAT REMOVED, I THINK IT'S AN INDICATION THAT AM2640 HAS THE GREEN LIGHT, AND I HOPE YOU WILL ALL GIVE IT THAT IN APPROVING THIS AMENDMENT. THANK YOU, MR. PRESIDENT. [LB1066]

SENATOR COASH: THANK YOU, SENATOR SULLIVAN. MEMBERS, YOU'VE HEARD THE CLOSING TO THE COMMITTEE AMENDMENT. THE QUESTION BEFORE THE BODY IS, SHALL AM2640 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1066]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT, MR. PRESIDENT. [LB1066]

SENATOR COASH: COMMITTEE AMENDMENTS ARE ADOPTED. RETURN TO DISCUSSION ON LB1066. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SULLIVAN IS RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL LB1066 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB1066]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB1066]

SENATOR COASH: LB1066 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB1066]

Floor Debate  
March 24, 2016

---

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL IS LB824 BY SENATOR McCOLLISTER. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 8. IT WAS REFERRED TO THE NATURAL RESOURCES COMMITTEE. THE COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2611, LEGISLATIVE JOURNAL PAGE 1004.) [LB824]

SENATOR COASH: THANK YOU, MR. CLERK. SENATOR McCOLLISTER, YOU'RE RECOGNIZED TO OPEN ON LB824. [LB824]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, THIS YEAR I OFFERED LB824 AS A MULTIFACETED APPROACH FOR INCREASING OPPORTUNITIES TO ATTRACT PRIVATE RENEWABLE ENERGY DEVELOPMENT TO NEBRASKA BY STREAMLINING, UPDATING CURRENT REGULATIONS AS PROPOSED BY THE 2014 BRATTLE GROUP STUDY. A REDUCTION IN PROPERTY TAXES, GROWTH IN HIGH-PAYING RURAL JOBS, AND INFRASTRUCTURE INVESTMENT ARE JUST A FEW BENEFITS THAT WOULD BE REALIZED BY PASSAGE OF LB824. LB824 WAS HEARD BY THE NATURAL RESOURCES COMMITTEE. I SERVE ON THE COMMITTEE AND JOIN MY FELLOW MEMBERS IN MAKING TWO DECISIONS ABOUT THE BILL. FIRST, WE DESIGNATED LB824 AS A COMMITTEE PRIORITY. SECONDLY, WE REPLACED THE ORIGINAL PROVISIONS OF LB824 AS INTRODUCED WITH THOSE FROM A DIFFERENT BILL IN THE COMMITTEE. CHAIRMAN SCHILZ IS HERE TO OPEN ON THE COMMITTEE AMENDMENT, AM2611. I ENCOURAGE YOUR SUPPORT OF THE COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR McCOLLISTER. AS THE CLERK HAS STATED, THERE'S AN AMENDMENT FROM THE NATURAL RESOURCES COMMITTEE. SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB824]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. GOOD MORNING. COMMITTEE AMENDMENT, AM2611, STRIKES THE CONTENT OF LB824 AND REPLACES IT WITH THE CONTENTS OF LB914. LB914 ADJUSTS THE COMPENSATION FOR MEMBERS OF THE NEBRASKA POWER REVIEW BOARD WHO REPRESENT NEBRASKA ON THE SOUTHWEST POWER POOL REGIONAL STATE COMMITTEE. OUR POWER REVIEW BOARD CONSISTS OF FIVE MEMBERS APPOINTED BY THE GOVERNOR. ITS DUTIES INCLUDE CREATION AND CERTIFICATION OF RETAIL AND WHOLESALE SERVICE AREA AGREEMENTS BETWEEN ELECTRIC UTILITIES OPERATING IN NEBRASKA AND APPROVAL FOR

Floor Debate  
March 24, 2016

---

THE CONSTRUCTION OF NEW ELECTRIC GENERATION FACILITIES IN NEBRASKA AND THE CONSTRUCTION OR ACQUISITION OF TRANSMISSION LINES OR RELATED FACILITIES. THE BOARD ALSO HOLDS DISPUTE HEARINGS, OVERSEES THE PREPARATION AND FILING OF COORDINATED LONG-RANGE POWER SUPPLY PLAN, APPROVES PETITIONS FOR AND AMENDMENTS TO CHARTERS CREATING PUBLIC POWER DISTRICTS, AND PREPARES A BIENNIAL REPORT. IN 2008 NEBRASKA'S THREE LARGEST ELECTRICAL UTILITIES JOINED THE SOUTHWEST POWER POOL, WHICH LED TO ADDITIONAL BOARD DUTIES. SOUTHWEST POWER POOL IS THE REGIONAL TRANSMISSION ORGANIZATION FOR 14 STATES THAT ENSURES RELIABLE POWER SUPPLIES, ADEQUATE TRANSMISSION INFRASTRUCTURE, AND COMPETITIVE WHOLESALE ELECTRICITY PRICES FOR ITS MEMBERS. THE SPP REGIONAL STATE COMMITTEE PROVIDES COLLECTIVE STATE REGULATORY AGENCY INPUT ON MATTERS OF REGIONAL IMPORTANCE RELATED TO THE DEVELOPMENT AND OPERATION OF BULK ELECTRIC TRANSMISSION. IT IS NECESSARY TO HAVE NEBRASKA REPRESENTED AT THE REGIONAL STATE COMMITTEE MEETINGS TO ENSURE THE STATE'S INTERESTS ARE CONSIDERED. REPRESENTATION ON THE SOUTHWEST POWER POOL REGIONAL STATE COMMITTEE HAS TRANSLATED INTO APPROXIMATELY 40 HOURS A MONTH IN ADDITIONAL DUTIES, IN ADDITION TO THE REGULAR WORK DONE BY THE BOARD. THE BOARD AND THE UTILITIES AGREE THAT THE CURRENT \$60 PER DAY PER DIEM DOES NOT JUSTIFY THE AMOUNT OF SPP WORK THAT IS REQUIRED. COMPENSATION WOULD BE SET AT \$250 EACH DAY THE PARTICIPATING MEMBER IS ACTUALLY AND NECESSARILY ENGAGED IN THE PERFORMANCE OF THE SOUTHWEST POWER POOL DUTIES. THE ANNUAL AGGREGATE TOTAL OF SERVICES IS NOT TO EXCEED AND WILL NOT EXCEED \$25,000. THE COMPENSATION, AS IS THE CASE WITH ALL OF THE BOARD'S OPERATING FUNDS, WOULD COME FROM THE ASSESSMENTS LEVIED UPON POWER SUPPLIERS OPERATING IN NEBRASKA WHO SUPPORT THIS BILL. THANK YOU FOR CONSIDERATION. I WOULD APPRECIATE A GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB824 LB914]

SENATOR COASH: THANK YOU, SENATOR SCHILZ. MEMBERS, YOU'VE HEARD THE OPENING TO THE NATURAL RESOURCES COMMITTEE AMENDMENT. FLOOR IS NOW OPEN FOR DISCUSSION. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB824]

SENATOR SCHNOOR: ALL RIGHT. I'LL MAKE THIS REAL QUICK. JUST SO PEOPLE UNDERSTAND A LITTLE MORE WHAT'S GOING ON, LB824 FOR SENATOR...THAT SENATOR McCOLLISTER PRESENTED WAS A WIND ENERGY BILL TO COMPLETELY DEREGULATE OUR PUBLIC POWER SYSTEM IN ORDER TO PUT PRIVATE WIND ENERGY IN, AND THAT FAILED ON A...IT WAS A 4 TO 4 VOTE IN THE COMMITTEE.



Floor Debate  
March 24, 2016

---

SO THE GUTS OF THE BILL HAS BEEN CHANGED AND WE...AND I AM IN AGREEMENT WITH AM2611 BECAUSE IT HAS NOTHING TO DO WITH WIND ENERGY. BUT THERE ARE ALSO AMENDMENTS ON FILE TO PUT WIND ENERGY BACK IN THERE, WHICH SENATOR McCOLLISTER HAS TOLD ME THAT WILL NOT BE DONE UNTIL SELECT FILE. SO, SENATOR McCOLLISTER, WILL YOU YIELD TO A QUESTION, PLEASE? [LB824]

SENATOR COASH: SENATOR McCOLLISTER, WILL YOU YIELD? [LB824]

SENATOR McCOLLISTER: YES, I WILL. [LB824]

SENATOR SCHNOOR: IS THAT...COULD YOU PLEASE CONFIRM THAT ON THE MIKE THAT THOSE AMENDMENTS ARE NOT GOING TO BE FILED UNTIL SELECT FILE? [LB824]

SENATOR McCOLLISTER: THAT'S OUR INTENTION AT THIS POINT. [LB824]

SENATOR SCHNOOR: OKAY. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR AND SENATOR McCOLLISTER. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB824]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR SCHNOOR, FOR KIND OF SPELLING OUT WHAT'S GOING ON. SO I WILL MAKE IT, TOO, VERY CLEAR THAT I WILL FIGHT THIS BILL TILL THE END. AND IF IT DOES GET ATTACHED, I WILL CONTINUE TO FIGHT THE CURRENT BILL THAT IS THE LANGUAGE THAT IS IN LB824. AND SO IT WILL BE A POISON PILL FOR THE BILL. AND WE ARE GOING TO DISCUSS THIS FOR A VERY LONG TIME. SO WITH THAT, I DO SUPPORT THE LANGUAGE THAT IS CURRENTLY IN LB824 AND THAT DOES DEAL WITH THE POWER REVIEW BOARD AND SOMETHING THAT'S NEEDED. AND THEREFORE, I URGE YOU TO SUPPORT THAT AMENDMENT. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB824]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SCHILZ WOULD YIELD. [LB824]

Floor Debate  
March 24, 2016

---

SENATOR COASH: SENATOR SCHILZ, WILL YOU YIELD? [LB824]

SENATOR SCHILZ: YES. [LB824]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. IT LOOKS LIKE A PRETTY SUBSTANTIAL PAY INCREASE OR REIMBURSEMENT I GUESS IS PROBABLY A BETTER TERM. IS THERE ANY POSSIBLE GIVE THERE? DO WE HAVE TO MULTIPLY IT BY FOUR? [LB824]

SENATOR SCHILZ: WELL, I CAN TELL YOU THIS. THE NORMAL DUTIES OF THE POWER REVIEW BOARD, IT'S AT \$60. THE ADDED DUTIES THAT THE SOUTHWEST POWER POOL PUTS IN THERE REALLY DOES RAMP UP WHAT THOSE FOLKS HAVE TO DO. THEY TRAVEL A LOT. THEY...AND I'M NOT EXACTLY SURE WHERE THEIR MEETINGS ARE, BUT THERE IS A LOT. THIS WAS WHAT WE GOT FROM THE POWER REVIEW BOARD, FROM TIM TEXEL. AND THROUGHOUT THE HEARING AND THROUGHOUT THE TESTIMONY THERE WAS NO REASON THAT THE COMMITTEE COULD SEE TO LOWER THAT AT ALL. AND I SHOULD SAY AT THIS POINT THAT THE AMENDMENT THAT IS LB914 WAS VOTED OUT OF COMMITTEE 8 TO 0. [LB824 LB914]

SENATOR BLOOMFIELD: I SEE THAT BUT IT JUST SEEMS LIKE A HUGE INCREASE TO ME. KIND OF REMINDS ME OF A COUPLE YEARS AGO WHEN WE WENT TO ASK FOR A RAISE FOR THE LEGISLATURE. WE WEREN'T CONTENT WITH TAKING A SMALL RAISE; WE WANTED IT ALL MADE UP AT ONE SHOT. AND THIS KIND OF LOOKS THAT WAY. KNOW EVERYBODY IS CONCERNED ABOUT THE COMING AMENDMENT, WHICH I WILL ALSO OPPOSE, BUT I DON'T BELIEVE I CAN VOTE FOR THIS BIG AN INCREASE HERE EITHER. THANK YOU. [LB824]

SENATOR COASH: SENATOR BLOOMFIELD. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB824]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I WAS ONE OF THE FOUR THAT VOTED TO KEEP IT IN COMMITTEE OR DID NOT MOVE IT FORWARD. WHEN WE MET AGAIN AND AMENDED IT TO THE COMPENSATION FOR THE REPRESENTATIVE ON THE SOUTHWEST POWER POOL, I THOUGHT THAT WAS PROBABLY A GOOD MOVE SO I THOUGHT THAT WAS OKAY. BEFORE WE VOTED OR AS WE WERE VOTING, I ASKED, IS THIS POSSIBLY AN END RUN IN ORDER TO GET LB824, THE WIND BILL, BACK INTO PLACE, AND THE COMMENT WAS THAT IS A POSSIBILITY. AND WITH THAT, ALTHOUGH I SUPPORT THE AMENDMENT, I

Floor Debate  
March 24, 2016

---

VOTED AGAINST THE AMENDMENT BECAUSE I WAS AFRAID THIS WAS WHAT MIGHT HAPPEN. THANK YOU, MR. PRESIDENT. [LB824]

SENATOR COASH: THANK YOU, SENATOR JOHNSON. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL THE COMMITTEE AMENDMENT BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB824]

ASSISTANT CLERK: 27 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB824]

SENATOR COASH: COMMITTEE AMENDMENT IS ADOPTED. MR. CLERK. [LB824]

ASSISTANT CLERK: SENATOR HAAR, I HAVE AM2353 BUT A NOTE TO WITHDRAW. [LB824]

SENATOR COASH: WITHOUT OBJECTION, WITHDRAWN. [LB824]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE NOTHING FURTHER ON THE BILL. [LB824]

SENATOR COASH: RETURN TO DISCUSSION ON LB824. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR McCOLLISTER IS RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL LB824 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB824]

ASSISTANT CLERK: 30 AYES, 1 NAY ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB824]

SENATOR COASH: LB824 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB824]

ASSISTANT CLERK: LB874 WAS INTRODUCED BY SENATOR MURANTE. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 11; REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THAT

Floor Debate  
March 24, 2016

---

COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2385, LEGISLATIVE JOURNAL PAGE 945.) [LB874]

SENATOR COASH: SENATOR MURANTE, YOU'RE RECOGNIZED TO OPEN ON LB874. [LB874]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. IF I MAY, I'LL OPEN ON THE COMMITTEE AMENDMENTS AT THIS TIME. THE COMMITTEE AMENDMENTS INCLUDE THIS BILL AND A NUMBER OF DIFFERENT BILLS THAT WERE REFERENCED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS. LET ME BEGIN BY SAYING THANK YOU, MR. PRESIDENT AND MEMBERS. GOOD AFTERNOON. LB874, THE MAIN OF THE BILL, DEALS WITH SCHOOL BOARD VACANCIES AND IT STATES THAT IF A VACANCY OCCURS ON A SCHOOL BOARD, THE TERM OF THE APPOINTED REPLACEMENT VARIES BASED ON THE CLASS OF THE SCHOOL DISTRICT AND THE DATES THE POSITION BECOMES VACANT. WHAT WE'RE DOING IS HARMONIZING THAT TO ADOPT CLASS V SCHOOL DISTRICTS' PROCESSES, WHICH IS TO SAY THAT APPOINTEES WILL SERVE THE REMAINDER OF THE TERM ONCE THEY BECOME APPOINTED. IN ADDITION TO LB874, AM2385 AMENDS A FEW BILLS INTO IT, ONE OF THEM BEING LB879 WHICH CHANGES THE SIGNATURE REQUIREMENT TO PLACE A CANDIDATE'S NAME ON THE PARTISAN BALLOT FOR THE GENERAL ELECTION BY PETITION. IT MAKES THE SIGNATURE THRESHOLD 10 PERCENT OF THE VOTERS ENTITLED TO VOTE FOR THAT OFFICE. THE COMMITTEE AMENDMENT ALSO INCLUDES LB682 WHICH HAS TWO SUBSTANTIVE PROVISIONS. FIRST, IT CHANGES THE DEADLINE FOR A VOTER TO REQUEST A BALLOT TO VOTE BY MAIL FROM 4:00 P.M. ON THE WEDNESDAY PRECEDING THE ELECTION TO THE CLOSE OF BUSINESS ON THE SECOND FRIDAY PRECEDING THE ELECTION. THE CLOSE OF BUSINESS LANGUAGE WAS NOT INCLUDED IN THE ORIGINAL BILL, BUT THE PROBLEM THAT WE'RE EXPERIENCING IS THAT MAIL SERVICE IS CHANGING AND THE ELECTION OFFICES ARE NOT GETTING BALLOTS ON...BY ELECTION DAY. AND SECOND, IT CHANGES THE EARLIEST DATE AN ELECTION COMMISSIONER OR COUNTY CLERK CAN SEND OUT VOTE-BY-MAIL BALLOTS FROM THE 20TH DAY BEFORE THE ELECTION TO THE 22ND DAY BEFORE THE ELECTION. THE COMMITTEE AMENDMENT ALSO INCLUDES LB741 WHICH DEALS WITH SENATOR HANSEN'S BILL RELATIVE TO YARD SIGNS ON PRIVATE PROPERTY, CAN BE PLACED ON PRIVATE PROPERTY WITHIN 200 FEET OF A POLLING PLACE. AND IT ALSO INCLUDES SENATOR MORFELD'S LB787 WHICH ALLOWS VOTERS TO REVEAL THEIR MARKED BALLOT IF THEY SO DESIRE. AND THAT IS THE COMMITTEE AMENDMENT AND LB874, AND I ENCOURAGE YOUR APPROVAL. THANK YOU, MR. PRESIDENT. [LB874 LB879 LB682 LB741 LB787]

Floor Debate  
March 24, 2016

---

SENATOR COASH: MEMBERS, YOU'VE HEARD THE OPENING TO LB874 AND THE COMMITTEE AMENDMENT. FLOOR IS NOW OPEN FOR DISCUSSION. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB874]

SENATOR SCHNOOR: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION, PLEASE? [LB874]

SENATOR COASH: SENATOR MURANTE, WILL YOU YIELD? [LB874]

SENATOR MURANTE: YES. [LB874]

SENATOR SCHNOOR: ONE AREA I'D LIKE TO...I JUST NEED A LITTLE CLARITY IS WITH THE SCHOOL BOARDS. [LB874]

SENATOR MURANTE: UH-HUH. [LB874]

SENATOR SCHNOOR: PRESENTLY, YOU SERVE ON A SCHOOL BOARD. IF YOU RESIGN, A PERSON IS APPOINTED... [LB874]

SENATOR MURANTE: RIGHT. [LB874]

SENATOR SCHNOOR: ...AND THEY DON'T FILL OUT YOUR TERM; THEY FILL OUT...THEY FILL THAT POSITION UNTIL THE NEXT VOTING CYCLE. AND NOW YOU'RE SAYING THEY...THAT WOULD CHANGE AND THEY WOULD FILL OUT...FILL...COMPLETE THE ENTIRE TERM? [LB874]

SENATOR MURANTE: THAT'S TRUE FOR SOME SCHOOL DISTRICTS. RIGHT NOW THERE ARE DIFFERENT STANDARDS FOR DIFFERENT SCHOOL DISTRICTS, AND WHEN THERE WOULD NEED TO BE A SPECIAL ELECTION OR WHEN THEY WOULD NEED TO RUN IN THE NEXT ELECTION VARIES GREATLY. WHAT WE'RE DOING IS HARMONIZING ALL SCHOOL DISTRICTS ACROSS THE BOARD WITH WHAT CLASS V SCHOOL DISTRICTS OPERATE, WHICH IS JUST TO SAY SIMPLY, CUT AND DRY, IF YOU'RE APPOINTED YOU SERVE THE REMAINDER OF THE TERM. [LB874]

SENATOR SCHNOOR: OKAY. THANK YOU. [LB874]

Floor Debate  
March 24, 2016

---

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB874]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I RISE WITH SOME CONCERNS ABOUT THE PROVISION THAT ALLOWS YOU TO SEND A PICTURE OF YOUR BALLOT, AS I UNDERSTAND IT FROM INSIDE THE POLLING BOOTH. I HAVE NO PROBLEM WITH YOU GOING OUTSIDE AND HAVING A MOCK-UP BALLOT AND SAYING, LOOKY, FRIENDS, I VOTED LIKE OUR CLUB VOTED; I WANT TO BE ONE OF THE BOYS OR ONE OF THE GIRLS. BUT IT SEEMS TO ME THAT WE ARE USING OR IT ENABLES THE USE OF PEER PRESSURE, THE VOTE TO BE USED AS SOME TYPE OF A TEST, WHETHER YOU CAN BE A MEMBER OF A CLUB OR GANG OR PARTY IF YOU...IF THAT GROUP REQUIRES YOU OR HAS, AS AN UNSPOKEN OR MAYBE SPOKEN CONDITION OF MEMBERSHIP, THAT YOU PROVE YOUR LOYALTY BY E-MAILING YOUR BALLOT FROM THE VOTING BOOTH. I THINK THAT THAT IS ENORMOUS PRESSURE THAT VIOLATES THAT VERY, VERY PRECIOUS THING OF A MOMENT ALONE WITH YOUR CONSCIENCE AND THAT BALLOT. IF THEY WANT TO COME OUT AND FAKE UP A BALLOT AND SEND IT OUT, THAT'S FINE. THAT'S FREE SPEECH. BUT TO DO THAT AND SUBJECT YOURSELF TO THE PRESSURE TO INCREASE THE POWER OF GROUP THINK BY ALLOWING THAT TO BE DONE FROM WITHIN THE BALLOT OF YOUR REAL BALLOT I THINK REALLY IS A STEP BACKWARDS IN THE ABILITY OF SOCIETY TO BREAK LOOSE OF THE CONFINEMENT OF THE GANG, OF THE CROWD, OF THE PARTY BY THAT SECRET BALLOT WHICH WE HOLD SO PRECIOUS. AND THAT PROVISION OF AM2365...OR IS IT 85--85 THE WAY IT LOOKS--I THINK IS COUNTERPRODUCTIVE TO THE INTEREST OF DEMOCRACY. I THINK IT IS EMPOWERING THE GROUP OVER THE INDIVIDUAL. AND OUR LAW IS PERFECTLY FINE RIGHT NOW. NOW, GRANTED, THAT MAY NOT BE THE FAD AND THE THING TO DO IN A "LOOK AT ME WITH A SELFIE AND MY BALLOT," BUT THAT IS NOT GOOD GOVERNMENT. AND THAT EFFORT TO DE-PRIVATIZE THE BALLOT IS ONE THAT WE WILL REGRET, IS ONE THAT I DON'T THINK WE SHOULD LET HAPPEN. AND I WANTED TO CALL THOSE THOUGHTS TO THE ATTENTION OF THE BODY AS THEY LOOK TO VOTE ON THAT PARTICULAR PROVISION WHICH IS CHRISTMAS TREED INTO AM2385. NOT A GOOD IDEA, IN MY OPINION, TO BRING A CAMERA AND TELECOMMUNICATIONS INSIDE OUR MOST SACRED INSTITUTION. THANK YOU. [LB874]

SENATOR COASH: THANK YOU, SENATOR SCHUMACHER. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB874]

Floor Debate  
March 24, 2016

---

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I WILL ECHO WHAT SENATOR SCHUMACHER HAS JUST SAID. IF WE ALLOW THIS TO HAPPEN NOW, WHAT IS THE POINT OF HAVING A SECRET BALLOT BOX? WE'VE DEBATED SEVERAL TIMES ON HOW MAIL-IN BALLOTS ARE SUPPOSED TO BE STUCK INSIDE OF A SEALED ENVELOPE WITH NO IDENTIFICATION ON THE OUTSIDE SO THAT VOTE COULD BE HELD SECRET. AND NOW, AT THE SAME TIME, WE'RE GOING TO ALLOW A PERSON TO TAKE A SELFIE AND SHOW THEIR BALLOT THAT THEY HAVE JUST VOTED. SO NOW WE HAVE A POSITION HERE WHERE YOU COULD BE IN WHERE SOMEONE HAS OFFERED YOU \$25 TO VOTE A CERTAIN WAY AND NOW YOU'LL BE ABLE TO PROVIDE PROOF, WHEREAS OTHERWISE, UP UNTIL NOW, YOU COULD NOT PROVIDE ANY PROOF THAT YOU HAD VOTED IN THE WAY THAT YOU WERE TOLD TO VOTE. IT WAS JUST A VOLUNTARY THING THAT THEY WOULD HAVE TO ACCEPT THAT YOU VOTED THE WAY YOU SAID YOU WOULD. AND SO WHEN WE GO BACK TO WHEN WE ELECT OUR LEADERS HERE, LET'S TAKE A SELFIE OF OUR BALLOTS AND LET'S SEND THEM AROUND AND MAKE SURE EVERYBODY GETS TO SEE HOW WE VOTE. SO WHEN WE STEP INTO THIS, ALLOWING PHOTOGRAPHS TO BE TAKEN OF OUR BALLOT, I THINK WE'RE TAKING A BIG STEP HERE IN THE WRONG DIRECTION AND I WILL NOT SUPPORT THIS BILL WITH THAT ON THERE. I THINK IT'S A HUGE STEP IN THE WRONG DIRECTION. AND WHEN WE TALK ABOUT OUR SECRET BALLOT THAT WE CAST, WHEN WE TALK ABOUT OUR MAIL-IN BALLOTS THAT WE CAST, IF SOMEONE CAN TAKE A PHOTOGRAPH AND PUBLISH IT, AT THAT POINT YOU COULD BE PAID TO VOTE IN A CERTAIN WAY. YOU WOULD ESTABLISH A CONTRACT THERE. THAT WOULD BE YOUR VERIFICATION OF HOW YOU VOTED; NOW PAY ME MY MONEY. THAT IS NOT HOW DEMOCRACY IS DONE HERE. THANK YOU, MR. PRESIDENT. [LB874]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB874]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I CONCUR WITH THE LAST TWO SPEAKERS. THE LAST TWO SENATORS MADE COMPLETE SENSE. I WILL BE VOTING AGAINST THIS BILL UNLESS THAT'S REMOVED AS WELL AND FOR THE SAME REASONS. YOU KNOW, WE STARTED OUT THIS SESSION, WE STARTED OUT LAST SESSION ABOUT PRIVATIZING OUR VOTES. WE ELECTED TO KEEP THEM THE WAY THEY ARE SO THEY ARE PRIVATE. NOW ALL OF A SUDDEN WE WANT TO ALLOW PEOPLE TO PUT THEIR VOTES OUT PUBLICLY AND I JUST THINK THAT'S...IT TAKES AWAY FROM WHAT...IT TAKES AWAY FROM THE INSTITUTION OUR OBLIGATION. THAT'S BETWEEN US AND OUR CONSCIENCE, AND I DON'T THINK WE OUGHT TO BE DOING THAT. THANK YOU. [LB874]

Floor Debate  
March 24, 2016

---

SENATOR COASH: THANK YOU, SENATOR KOLTERMAN. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR MURANTE, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB874]

SENATOR MURANTE: THANK YOU, MEMBERS. I ENJOYED THE DISCUSSION. I WANT TO BRING A COUPLE OF THINGS TO THE FOREFRONT RELATIVE TO THE SECRET BALLOT PROVISION. FIRST OF ALL, SENATOR SCHUMACHER'S CONCERN ABOUT CAMERAS OR ELECTRONIC DEVICES WITHIN A POLLING PLACE, THIS BILL DOESN'T HAVE ANYTHING TO DO WITH THAT. IF A ELECTION COMMISSIONER OR A CLERK WANTS TO BAN CAMERAS WITHIN THEIR POLLING PLACE, THERE IS NOTHING IN THIS BILL THAT ADDRESSES THAT. WHAT THIS BILL SAYS IS THAT THE EXISTING STATE LAW SAYS YOU CANNOT SHOW YOUR BALLOT TO ANYONE ANYWHERE. IF A BALLOT IS MAILED TO YOUR HOUSE AND YOU'RE SITTING AT A KITCHEN TABLE WITH YOUR SPOUSE, YOU CANNOT SHOW YOUR SPOUSE YOUR BALLOT OR YOU'RE COMMITTING A MISDEMEANOR. SO IF WE WANT TO DEAL WITH THE SANCTITY OF THE POLLING PLACES THAT'S FINE, BUT THAT'S A DIFFERENT ISSUE FOR A DIFFERENT DAY BECAUSE THIS BILL DOESN'T DEAL WITH THAT. THIS BILL SAYS YOU CAN SHOW YOUR BALLOT TO SOMEONE IF YOU WANT TO. IT IS YOUR BALLOT. SO I'M NOT SURE YOU'VE...UNDER THE COMMITTEE AMENDMENT, AND THIS IS SENATOR MORFELD'S BILL WHO'S UNABLE TO DEFEND IT AT THIS TIME BECAUSE HE'S NOT HERE, BUT YOU STILL COULD NOT TAKE A PICTURE OF SOMEBODY ELSE'S BALLOT. THAT'S STILL SACRED. YOU STILL CAN'T ASK SOMEONE ELSE...YOU STILL CAN'T SOLICIT SOMEONE FROM TAKING...YOU CAN'T ASK SOMEONE TO SHOW YOU THEIR BALLOT. THIS IS WHAT YOU DO WITH YOUR BALLOT. AND THE SECRETARY OF STATE'S OFFICE IN THE MEETING ACKNOWLEDGED, IN OUR PUBLIC HEARING SAID THEY ACKNOWLEDGE PEOPLE WILL TAKE PHOTOGRAPHS OF THEIR BALLOT THIS YEAR. IT WILL BE POSTED ON THE INTERNET AND THAT NONE OF THOSE CRIMES WILL BE PROSECUTED. IT'S AN UNENFORCEABLE LAW THAT'S ALREADY BEEN STRUCK DOWN BY ONE COURT BECAUSE IT'S A FIRST AMENDMENT ISSUE. IT'S YOUR BALLOT. IF YOU WANT TO SHOW IT TO SOMEONE, THAT'S YOUR PREROGATIVE. IF YOU DON'T WANT TO EXERCISE THAT FORM OF POLITICAL SPEECH THEN YOU DON'T HAVE TO. I THINK IT'S PERFECTLY REASONABLE TO TELL PEOPLE THEY CAN DO WITH THEIR BALLOT AS THEY SEE FIT. THIS WAS THE...A PACKAGE OF BILLS PUT TOGETHER IN THE GOVERNMENT COMMITTEE AND IT CAME OUT UNANIMOUSLY. AND WE'RE NOT BETRAYING THE SANCTITY OF ANYTHING, I DON'T BELIEVE, BY ALLOWING PEOPLE TO SHOW THEIR BALLOT TO THEIR SPOUSE IF THEY'RE SO INCLINED. AND IF YOU BELIEVE THAT THIS BALLOT SELFIE, THAT'S WHAT IT'S BEEN CALLED, PROVISION IS WHAT IS DETERRING VOTER FRAUD OR VOTER INTIMIDATION, I WOULD SUBMIT TO



Floor Debate  
March 24, 2016

---

YOU SOMETHING. VOTER INTIMIDATION AND VOTER FRAUD, SEEKING TO INTIMIDATE SOMEONE TO VOTE FOR SOMEONE OR BUYING THEIR VOTE, IS A FELONY. WHAT WE'RE TALKING ABOUT HERE IS A CLASS IV MISDEMEANOR. SO IF YOU BELIEVE THIS IS THE DETERRENT, THEN YOU HAVE TO BELIEVE THAT SOMEONE IS WILLING TO GO TO JAIL TO COMMIT VOTER FRAUD BUT THE DETERRENT IS THE MAXIMUM \$100 FINE CONTAINED IN THIS LAW. IT'S THE 100 BUCKS IS WHAT'S PREVENTING THEM FROM COMMITTING VOTER FRAUD. COME ON, WE'RE NOT STOPPING ANYTHING WITH THIS LAW. IT'S A LAW WE DON'T ENFORCE ANYWAY. IT'S A LAW THAT'S BEEN STRUCK DOWN BY COURTS ALREADY. IT'S UNNECESSARY AND IF PEOPLE WANT TO SHOW THEIR BALLOT TO THEIR SPOUSE, OR ANYONE ELSE AS FAR AS I'M CONCERNED, THAT'S THEIR BUSINESS. BUT WE'LL SEE HOW THE COMMITTEE AMENDMENT GOES. I ENCOURAGE YOUR SUPPORT OF BOTH THE COMMITTEE AMENDMENT AND LB874. THANK YOU, MR. PRESIDENT. [LB874]

SENATOR COASH: THANK YOU, SENATOR MURANTE. MEMBERS, YOU'VE HEARD THE CLOSING ON THE COMMITTEE AMENDMENT. THE QUESTION BEFORE THE BODY IS, SHALL THE COMMITTEE AMENDMENT BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. SENATOR MURANTE. [LB874]

SENATOR MURANTE: MR. PRESIDENT, I WOULD LIKE TO SAY HAVE A GREAT WEEKEND. (LAUGHTER) [LB874]

SENATOR COASH: COMMITTEE AMENDMENT IS ADOPTED...OR, EXCUSE ME. RECORD, MR. CLERK. [LB874]

ASSISTANT CLERK: 25 AYES, 4 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB874]

SENATOR COASH: COMMITTEE AMENDMENT IS ADOPTED. RETURNING TO DISCUSSION ON LB874, SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB874]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I WON'T BELABOR THE ISSUE ON GENERAL FILE HERE BUT I KNOW THAT A NUMBER OF YOU, SOME WHO DIDN'T VOTE, ARE CONCERNED ABOUT THIS ISSUE. AND WE'LL SEE IF WE CAN COME UP WITH LANGUAGE TO CORRECT THE...WHAT I THINK IS A VERY REAL CONCERN THAT WE MAKE BALLOTING SOMETHING OTHER THAN WHAT IT HAS BEEN IN A TIME THAT THIS REPUBLIC GREW TO GREATNESS. AND I REALLY, REALLY THINK THE GROUP THINK AND THE ABILITY

Floor Debate  
March 24, 2016

---

TO PROVE GROUP THINK AND GROUP COMPLIANCE IS ANTITHETICAL TO OUR DEMOCRATIC SYSTEM. AND TO THE EXTENT WE CAN DO ANYTHING TO PRESERVE THE SECRECY OF THE BALLOT, OUR SOCIETY WILL BE WELL SERVED. THANK YOU. [LB874]

SENATOR COASH: THANK YOU, SENATOR SCHUMACHER. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB874]

SENATOR PANSING BROOKS: THANK YOU. JUST TO RISE FOR A MOMENT JUST TO SPEAK ABOUT IT A LITTLE BIT, OBVIOUSLY OUR TIMES, THE TIMES, THEY ARE A CHANGING. AND I WOULD AGREE WITH SENATOR SCHUMACHER'S CONCERN ABOUT THE FACT THAT WE DO NEED TO PROTECT THE SECRECY OF THE BALLOT, BUT WHEN YOU LOOK AT WHAT'S HAPPENING WITH CAUCUSES, THAT IS THE MOST OPEN VOTING PROCESS THAT I CAN EVEN IMAGINE. NOT ONLY DO I HAVE TO STATE WHAT MY VIEW IS, BUT I HAVE TO MOVE TO ONE SIDE OF THE ROOM AND THEN I HAVE TO TRY TO ARGUE WITH THE OTHER SIDE TO TRY TO WIN OVER THE ABSENTEE VOTERS. SO WE'VE GONE A LOT FARTHER THAN JUST TRYING TO KEEP THE BALLOT SECRET. THAT DOESN'T MEAN WE SHOULD, BUT CLEARLY SOMEBODY CAN VOTE AND THEN MOVE STRAIGHT TO FACEBOOK AND TELL EVERYBODY WHAT THEY'VE DONE AND RECOMMEND WHAT EVERYBODY SHOULD DO. THAT KIND OF STUFF IS HAPPENING ALL THE TIME. IF SOMEBODY DOESN'T WANT TO FEEL ANY PRESSURE, LIKE I DO NOT WANT TO, I JUST WOULDN'T PUT UP WHAT I AM GOING TO VOTE. BUT IF PEOPLE CHOOSE TO EXPRESS WHAT THEY'VE DONE AND WHAT THEY'RE DOING, IT SEEMS TO ME THAT THERE'S VERY LITTLE THAT CAN BE DONE. WHETHER IT'S A PICTURE FROM THE BALLOT BOX OR STEPPING RIGHT OUTSIDE AND MAKING A SIGN OR PUTTING UP SOME SORT OF POST OR TWEET OR INSTAGRAM PICTURE OR SOMETHING LIKE THAT, THAT IT'S VERY DIFFICULT TO DO ANYTHING BUT ALLOW THE SPEECH TO OCCUR AND REALIZE THAT I DON'T THINK THAT THAT IS...THAT WE ARE LOSING ANYTHING BY SOMEBODY BEING ABLE TO TALK ABOUT THEMSELVES. IF THEY'RE BEING FORCED TO PLACE IT UP OR IF SOMEBODY ELSE WERE LOOKING AT IT, I WOULD BE THERE AGREEING WITH YOU COMPLETELY. BUT THIS ISN'T BEING PLACED OR TAKEN BY SOMEBODY ELSE. I WOULD BE AGAINST THAT, IF SOMEBODY ELSE COULD COME IN THE BALLOT BOX AND TAKE A PICTURE OF YOU. BUT AGAIN, I AM WITH SENATOR SCHUMACHER THAT WE HAVE TO GUARD THE ABILITY TO HAVE A SECRET BALLOT TO THE GREATEST EXTENT POSSIBLE. BUT JUST...I KNOW SENATOR MORFELD WOULD HOPE SOMEBODY WOULD STAND UP AND MAKE A COUPLE COMMENTS ABOUT THE FACT THAT SENATOR SCHUMACHER HAS MENTIONED KEEPING UP WITH THE TIMES AND WE HAVE TO DO IT CAREFULLY, NO

Floor Debate  
March 24, 2016

---

QUESTION. BUT I DON'T BELIEVE THAT TAKING SELFIES IS A HUGE ISSUE. BUT ANYWAY, THANK YOU, MR. PRESIDENT. [LB874]

SENATOR COASH: THANK YOU, SENATOR PANSING BROOKS. THOSE STILL WISHING TO SPEAK: SENATORS FRIESEN, BLOOMFIELD, AND OTHERS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB874]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WELL, I AGREE TOTALLY WITH SENATOR PANSING BROOKS. IF SOMEONE WANTS TO GO OUTSIDE AND MAKE ANOTHER FAKE BALLOT AND TAKE A PICTURE OF IT AND POST IT, I'M GOOD WITH THAT. I DON'T CARE. IF THEY WANT TO POST HOW THEY VOTED ON FACEBOOK, I DON'T CARE. BUT WHEN YOU TAKE A PHOTO OF THE ACTUAL DOCUMENT AND THEN POST IT SO THAT THERE IS VALID PROOF THAT YOU HAVE VOTED A CERTAIN WAY, THAT'S WHEN I HAVE THE PROBLEM. SOMEONE COULD BE COERCING YOU INTO DOING THAT. AND IF YOU WANT TO GO OUTSIDE AND MAKE UP YOUR OWN BALLOT, THEY'RE GOING TO HAVE TO BELIEVE YOU THAT THAT'S HOW YOU VOTED. BUT WHEN YOU TAKE A PICTURE OF THE OFFICIAL BALLOT THAT IS GOING TO PUT SOMEONE IN OFFICE, THAT TO ME IS DIFFERENT. WHEN WE TALK ABOUT THE CAUCUS PROCESS, THAT'S STILL NOT PUTTING SOMEONE IN OFFICE. THAT IS PUTTING SOMEONE ON THE BALLOT EVENTUALLY. SO I...THERE'S A HUGE DIFFERENCE THERE. I SEE THE POINT BUT THAT'S HOW THEY...YOU KNOW, SOME GROUPS CHOOSE TO DO IT. I THINK IT WOULD BE KIND OF COOL TO DO THE CAUCUS PROCESS, I WOULDN'T OBJECT TO IT, BUT THAT PROCESS DOES NOT PUT SOMEONE IN OFFICE. SO THANK YOU, MR. PRESIDENT. [LB874]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB874]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I SHARED SOME OF THE SAME CONCERNS AS SENATOR SCHUMACHER BUT FOR A LITTLE DIFFERENT REASON. WHEN YOU TAKE THAT SELFIE INSIDE THE VOTING PLACE, WHO BESIDES YOURSELF AND YOUR BALLOT ARE YOU CAPTURING IN THAT PHOTO THAT YOU'RE SHARING? WHO OR WHAT ARE YOU CAPTURING? ARE YOU GETTING SOMEBODY ELSE'S BALLOT OR A PIECE THEREOF? THAT'S MY ISSUE WITH IT. I THINK IT'S ENTIRELY POSSIBLE THAT YOU COULD BE AND THAT CERTAINLY SHOULD NOT HAPPEN. THANK YOU, MR. PRESIDENT. [LB874]

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

Floor Debate  
March 24, 2016

---

SENATOR COASH: THANK YOU, SENATOR BLOOMFIELD. SEEING NO OTHER LIGHTS ON, SENATOR MURANTE, YOU'RE RECOGNIZED TO CLOSE. SENATOR MURANTE WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS, SHALL LB874 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB874]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB874]

SENATOR COASH: LB874 DOES ADVANCE. (VISITORS INTRODUCED.) ITEMS, MR. CLERK? [LB874]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB678, LB750, LB816, LB842, AND LB952, ALL AS CORRECTLY ENGROSSED. NEW RESOLUTIONS: LR526 BY SENATOR HANSEN, LR527 BY SENATOR SCHUMACHER, AND LR528 BY SENATOR KUEHN ALL CALL FOR INTERIM STUDIES; WILL BE REFERRED TO THE EXECUTIVE BOARD. NAME ADDS: SENATOR DAVIS TO LR509. (LEGISLATIVE JOURNAL PAGES 1239-1242.) [LB678 LB750 LB816 LB842 LB952 LR526 LR527 LR528 LR509]

AND FINALLY, A PRIORITY MOTION: SENATOR GLOOR WOULD MOVE TO ADJOURN UNTIL MARCH 29, 9:00 A.M.

SENATOR COASH: MEMBERS, YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED, NAY. WE ARE ADJOURNED.