

SENATOR MATZKE: I just want to address the bill.

SPEAKER WITHEM: Okay. Senator Janssen, on the Wesely amendment.

SENATOR JANSSEN: Mr. Speaker, members, HMOs primarily are within the urban area, it is my understanding. Urban areas also will be affected by this undue copayments which are placed upon them. How many in the urban area realize what is happening to their local pharmacies right now? They're slowly dwindling away just as badly as they are in the urban areas. So the cost that's going to be incurred upon the State of Nebraska by losing...losing pharmacies, local, individually owned and operated pharmacies, is going to have an impact on the state as a whole. Shouldn't that person in eastern Omaha, or western Omaha, or Douglas County, shouldn't he have the opportunity to come to that local pharmacy and gain the knowledge about the prescriptions that he is taking from a mail order pharmacy, just as well as someone in Cozad should? I just...I can't see that there is any realistic argument that shows that the HMOs, by using a mail order pharmacy, are going to be able to save that many dollars, I just can't see where that is...they have no absolute proof of this. So I stand here and ask you to please defeat the amendment presented by Senator Wesely, because a lot of the costs that they talk about that's coming to the health care are not exactly right. Thank you.

SPEAKER WITHEM: Thank you, Senator Janssen. Senator Landis.

SENATOR LANDIS: Thank you, Mr. Speaker, members of the Legislature. I voted against 718 in committee, I'll vote for the Wesely amendment. My prediction is that the Wesely amendment will fail and that 718 will advance, so I wind up, as Senator Chambers so often does, speaking for the record. At the heart of 718 is the notion that says we're going to write for other people what their contracts should say. This doesn't say that a contract clause is available. This says you can't write a contract that is in violation of what we're going to tell you the contract has to say in LB 718. And that freedom of contract, I think Senator Janssen says, look, the purpose of this freedom of contract, which is to save money, is unproven and therefore it's without public policy legitimacy. I would say that the burden is on those who wish to show that we have to write for people what their contracts should be, and the burden should be on the person who wants to limit the freedom of others