

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

Floor Debate  
May 10, 2007

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PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning. Welcome to the George W. Norris Legislative Chamber for the seventy-ninth day of the One Hundredth Legislature, First Session. Our chaplain for this morning is Senator Louden. Would you all please stand? []

SENATOR LOUDEN: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Senator Louden. I call to order the seventy-ninth day of the One Hundredth Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk. []

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

PRESIDENT SHEEHY: Any corrections for the Journal? []

CLERK: I have no corrections. []

PRESIDENT SHEEHY: Messages, reports, or announcements? []

CLERK: A series of amendments to be printed to LB641 by Senator Kopplin, Mr. President. (Amendments to be printed to LB641 by Senator Schimek, Senator Cornett, and Senator Erdman.) Lobby report for this week to be inserted in the Journal. And a series of reports received that will be available and on file in the Clerk's Office. That's all that I had, Mr. President. (Legislative Journal pages 1499-1502.) [LB641]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB5. [LB5]

CLERK: (Read LB5 on Final Reading.) [LB5]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB5 pass? All those in favor vote aye; all those vote nay. Please record, Mr. Clerk. [LB5]

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CLERK: (Record vote read, Legislative Journal pages 1502-1503.) 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President. [LB5]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB5 does pass. We will now proceed to LB8. [LB5 LB8]

CLERK: (Read LB8 on Final Reading.) [LB8]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB8 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB8]

CLERK: (Record vote read, Legislative Journal pages 1503-1504.) 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President. [LB8]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB8 passes. We will now move forward to LB69. [LB8 LB69]

CLERK: (Read LB69 on Final Reading.) [LB69]

PRESIDENT SHEEHY: With all provisions of law relative to procedure having been complied with, the question is, shall LB69 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB69]

CLERK: (Record vote read, Legislative Journal page 1504.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB69]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB69 does pass. We will now proceed with LB132. [LB69 LB132]

CLERK: (Read LB132 on Final Reading.) [LB132]

PRESIDENT SHEEHY: With all provisions of law relative to procedure having been complied with, the question is, shall LB132 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB132]

CLERK: (Record vote read, Legislative Journal page 1505.) 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President. [LB132]

PRESIDENT SHEEHY: LB132 does pass. We will now proceed to LB147. [LB132 LB147]

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CLERK: (Read LB147 on Final Reading.) [LB147]

PRESIDENT SHEEHY: With all provisions of law relative to procedure having been complied with, the question is, shall LB147 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB147]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1505-1506.) Vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President. [LB147]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB147 does pass. We will now proceed to LB152. [LB147 LB152]

ASSISTANT CLERK: (Read LB152 on Final Reading.) [LB152]

PRESIDENT SHEEHY: With all provisions of law relative to procedure having been complied with, the question is, shall LB152 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB152]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1506-1507.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB152]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB152 does pass. We will now proceed with LB199. [LB152 LB199]

ASSISTANT CLERK: (Read LB199 on Final Reading.) [LB199]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB199 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB199]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1507.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB199]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB199 does pass. We will now proceed with LB214. [LB199 LB214]

ASSISTANT CLERK: (Read LB214 on Final Reading.) [LB214]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB214 pass? All those in favor vote yea; opposed, nay.

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Please record, Mr. Clerk. [LB214]

ASSISTANT CLERK: (Record vote read, Legislative Journal 1508.) Vote is 47 ayes, 0 nays, 2 excused and not voting. [LB214]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB214 does pass. We will now proceed to LB226E. [LB214 LB226]

ASSISTANT CLERK: (Read LB226 on Final Reading.) [LB226]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB226E pass with the emergency clause attached? All those in favor vote yea; those, nay. Please record, Mr. Clerk. [LB226]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1508-1509.) Vote is 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President. [LB226]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB226E passes with the emergency clause attached. We will now proceed to LB227. [LB226 LB227]

ASSISTANT CLERK: (Read LB227 on Final Reading.) [LB227]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB227 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB227]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1509-1510.) Vote is 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President. [LB227]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB227 does pass. We will now proceed with LB233. [LB227 LB233]

ASSISTANT CLERK: (Read LB233 on Final Reading.) [LB233]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB233 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB233]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1510.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB233]

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PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB233 does pass. We will now proceed with LB252. [LB233 LB252]

ASSISTANT CLERK: (Read LB252 on Final Reading.) [LB252]

PRESIDENT SHEEHY: All provision of law relative to procedure having been complied with, the question is, shall LB252 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB252]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1511.) Vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President. [LB252]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB252 does pass. We will now proceed with LB256. Mr. Clerk, the first vote will be to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB252 LB256]

ASSISTANT CLERK: 38 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB256]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB256]

ASSISTANT CLERK: (Read title of LB256.) [LB256]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB256 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB256]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1512.) Vote is 47 ayes, 0 nays, 2 excused and not voting. [LB256]

PRESIDENT SHEEHY: LB256 does pass. (Visitors introduced.) While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB5, LB8, LB69, LB132, LB152, LB147, LB199, LB214, LB226, LB227, LB233, and LR95 and LR96. We will now proceed with LB277, Mr. Clerk. [LB5 LB8 LB69 LB132 LB152 LB147 LB199 LB214 LB226 LB227 LB233 LR95 LR96 LB277]

ASSISTANT CLERK: (Read LB277 on Final Reading.) [LB277]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB277 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB277]

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ASSISTANT CLERK: (Record vote read, Legislative Journal page 1513.) Vote is 47 ayes, 0 nays, 2 excused and not voting. [LB277]

PRESIDENT SHEEHY: LB277 does pass. We will now proceed with LB364. [LB277 LB364]

ASSISTANT CLERK: (Read LB364 on Final Reading.) [LB364]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB364 pass? All those in favor vote aye; opposed, nay. Please record, Madam Clerk. [LB364]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1513-1514.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB364]

PRESIDENT SHEEHY: LB364 does pass. We will now proceed with LB382. [LB364 LB382]

ASSISTANT CLERK: (Read LB382 on Final Reading.) [LB382]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB382 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB382]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1514-1515.) 32 ayes, 6 nays, 9 present and not voting, 2 excused and not voting. [LB382]

PRESIDENT SHEEHY: LB382 does pass. We will now proceed with LB388. [LB382 LB388]

ASSISTANT CLERK: (Read LB388 on Final Reading.) [LB388]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB388 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB388]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1515.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB388]

PRESIDENT SHEEHY: LB388 does pass. We will now proceed to LB396E. [LB388 LB396]

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ASSISTANT CLERK: (Read LB396 on Final Reading.) [LB396]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB396E pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB396]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1516.) The vote is 41 ayes, 0 nays, 6 present and not voting, 2 excused and not voting, Mr. President. [LB396]

PRESIDENT SHEEHY: LB396E does pass with the emergency clause attached. We will now proceed to LB424. [LB396 LB424]

ASSISTANT CLERK: (Read LB424 on Final Reading.) [LB424]

PRESIDENT SHEEHY: All provision of law relative to procedure having been complied with, the question is, shall LB424 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB424]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1516-1517.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB424]

PRESIDENT SHEEHY: LB424 does pass. We will now proceed with LB445. [LB424 LB445]

ASSISTANT CLERK: (Read LB445 on Final Reading.) [LB445]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB445 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB445]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1517-1518.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB445]

PRESIDENT SHEEHY: LB445 does pass. We will now proceed with LB449. [LB445 LB449]

ASSISTANT CLERK: (Read LB449 on Final Reading.) [LB449]

PRESIDENT SHEEHY: All provisions of law relative to procedure being complied with,

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the question is, shall LB449 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB449]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1518.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB449]

PRESIDENT SHEEHY: LB449 does pass. We will now proceed with LB481E. [LB449 LB481]

ASSISTANT CLERK: (Read LB481 on Final Reading.) [LB481]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB481E pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB481]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1519.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President. [LB481]

PRESIDENT SHEEHY: LB481E does pass with the emergency clause attached. We will now proceed to LB504. [LB481 LB504]

ASSISTANT CLERK: Mr. President, with respect to LB504, the first motion I have is from Senator Mines. He would move to return the bill for a specific amendment, AM1180. (Legislative Journal page 1480.) [LB504]

PRESIDENT SHEEHY: Senator Mines, you're recognized to open on your amendment. [LB504]

SENATOR MINES: Thank you, Mr. President, colleagues. Very simply, LB504, you might remember, is the Internet hunting prohibition. This bill prohibits individuals from hosting hunting through the Internet or otherwise enabling another person to hunt through the Internet. On Select File debate...by the way, the penalty in the green copy was \$75 per occurrence. During Select File debate, it was brought up that that's a pretty inexpensive fee or fine. I agreed to evaluate and bring back a revised penalty. That penalty now, rather than \$75, would be \$250 for the first occurrence and not less than \$500 for subsequent infractions. I would ask for support of AM1180. Thank you, Mr. President. [LB504]

PRESIDENT SHEEHY: Thank you, Senator Mines. You've heard the opening to AM1180. Anyone wishing to speak on this item? Seeing no lights, Senator Mines, you're recognized to close. Senator Mines waives closing. The question before the body is, shall AM1180...should the bill be returned to Select File? All those in favor vote yea;

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opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB504]

CLERK: 44 ayes, 1 nay to return the bill, Mr. President. [LB504]

PRESIDENT SHEEHY: LB504 is returned to Select File. We'll now continue with LB508E. Mr. Clerk. Oh, the amendment is adopted. Senator Erdman, for what do you rise? [LB504]

SENATOR ERDMAN: Point of order, Mr. President. [LB504]

PRESIDENT SHEEHY: Senator Erdman? [LB504]

SENATOR ERDMAN: Mr. President, I believe what the comment was, that the amendment was adopted, I believe correctly stated it's the bill has been returned to Select File for the opportunity to adopt the amendment. [LB504]

PRESIDENT SHEEHY: That is correct. [LB504]

SENATOR ERDMAN: Thank you. [LB504]

PRESIDENT SHEEHY: Senator Mines, you're recognized to open on AM1180. [LB504]

SENATOR MINES: Mr. President, I'll waive opening. [LB504]

PRESIDENT SHEEHY: Any discussion on the adoption of AM1180? Seeing none, Senator Mines. Senator Mines waives closing. The question before the body is, shall AM1180 be adopted to LB504? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB504]

CLERK: 43 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB504]

PRESIDENT SHEEHY: The amendment is adopted. Senator McGill. [LB504]

SENATOR MCGILL: Mr. President, I move LB504 to E&R for engrossing. [LB504]

PRESIDENT SHEEHY: You've heard the motion is the adoption of E&R...to readvance. All in favor say aye. Opposed, nay. Motion carries. LB504 is readvanced. Next bill, Mr. Clerk, is LB508E. [LB504 LB508]

CLERK: (Read LB508 on Final Reading.) [LB508]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied

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with, the question is, shall LB508E pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB508]

CLERK: (Record vote read, Legislative Journal page 1520.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB508]

PRESIDENT SHEEHY: LB508E passes with the emergency clause attached. We will now move to LB561. [LB508 LB561]

CLERK: (Read LB561 on Final Reading.) [LB561]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB561 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB561]

CLERK: (Record vote read, Legislative Journal page 1521.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB561]

PRESIDENT SHEEHY: LB561 does pass. We will now proceed with LB580. [LB561 LB580]

CLERK: (Read LB580 on Final Reading.) [LB580]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB580 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB580]

CLERK: (Record vote read, Legislative Journal pages 1521-1522.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting. [LB580]

PRESIDENT SHEEHY: LB580 does pass. We will now proceed with LB664. [LB580 LB664]

CLERK: (Read LB664 on Final Reading.) [LB664]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB664 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB664]

CLERK: (Record vote read, Legislative Journal pages 1522-1523.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting. [LB664]

PRESIDENT SHEEHY: LB664 does pass. We'll now move under motions to return to

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Select File for a specific amendment. [LB664]

CLERK: Mr. President, Senator Mines would move to return LB12 to Select File for a specific amendment, AM948. (Legislative Journal page 1101.) [LB12]

PRESIDENT SHEEHY: Senator Mines, you're recognized to open for the return to Select File. [LB12]

SENATOR MINES: Thank you, Mr. President. AM948, let me just state that this amendment doesn't change policy. Rather, it puts directly into statute what this body adopted last year in LB856. AM948 creates a fee schedule at the request of the Department of Agriculture. And in the amendment, you'll note that 10 or fewer dogs, the fee for breeders will be \$150; 11 to 50 dogs or cats is \$200; and more than 50 dogs or cats is \$250. The initial license fee would be \$125. The annual license fee for a licensee that doesn't house dogs or cats, it shall be \$150. And then that maximum fee will be \$350. Many of you have received e-mails regarding this. Let me go through it point by point just to answer any of the questions hopefully you may have. Before LB856 was enacted last year, the fee provision in 5-627 provided that there was a flat fee of \$150 for all licensees, with the authority for the director to adjust the fee into a statutory cap of \$200. This was revised by LB856 to provide for a graduated fee schedule with a statutory maximum of \$250. However, due to the nature of the rules and regulations process, a flat fee of only \$150 is still being charged to all licensees, i.e. that's why the Department of Agriculture came back requesting this fee schedule. AM948 essentially directly implements a fee intended for enactment with LB856 last session, with the \$250 maximum fee. To complete the cash fund...excuse me, to completely cash fund the inspection imposed by LB12, even as amended, would require inspecting every other year rather than annually, and would require three to fourfold increase in license fees. Rather, I just simply seek to supplement the license fee revenues that would be realized by implementing the LB856 fee provisions with General Funds to carry out the inspection program. Breeders have stated that the inspection required under LB12 are not necessary, as many of them are already inspected by USDA. According to the Department of Agriculture, we approach about 750 state-licensed facilities which approximately 450 are state-licensed commercial breeders. According to USDA, there are currently 166 federally licensed breeders in Nebraska. This is due to the simple fact that federal law exempts hobby breeders, defined as those having less than \$500 in annual sales or owning less than three adult breeding females, and also exempts any size of breeder that sells exclusively to the final consumer. I understand that the number of federally licensed breeders has been steadily declining, which some have attributed to the popularity of the Internet, enabling more breeders to sell direct to consumers and, thus, claiming exemptions from federally licensed requirements. There are only two federal inspectors whose territory includes parts of Nebraska. As such, it's difficult to directly compare the efficiency of federal program in terms of inspection frequency with two or more inspectors to cover 166 facilities. Further, if there is a possibility for overlap

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between the two programs, the act currently enables the Department of Ag to take advantage of opportunities for coordinating inspection to further...to avoid duplication under the authority provided in 54-637. This section specifically authorizes the department to cooperate with the USDA and to contact other entities to implement provisions of the act. This provision was included with the intent that the Department of Ag would enter into agreements with the USDA or private certifying inspection entities, such as breeders associations, to simultaneously satisfy any regular state inspection requirements. It also claimed that the adoption of the schedule would make Nebraska fees outrageous as compared with other states. However, Missouri, I believe, is...commercial breeders are charged \$100 fee plus a per capita based on the animals served, up to \$500; Kansas fees are \$300 for nonfederally licensed breeders and \$150 for those that are federally licensed; Colorado ranges from \$275 to \$300. So Nebraska, I believe, is right in the mix of surrounding states. There has also been claims that these fees punish legitimate breeders and let backyard breeders off cheaply. A program that's successful in establishing standards of operations observed by all participants, that removes unfair competition from those that fail to operate by recognized standards for humane care and treatment of animals, that increases the overall quality of the pet breeding industry in this state and instills public confidence in the health and quality of animals supplied by Nebraska pet breeders. The most significant policy change brought about LB12 is to require the Department of Agriculture to implement an inspection program to fully functioning licensure and inspection program. I want to stress that the fee provisions would be in place under LB12, as amended under AM948, are themselves only a reassertion of existing licensure policy. With that, Mr. President, I would urge the body to adopt AM948. Thank you. [LB12]

PRESIDENT SHEEHY: Thank you, Senator Mines. You've heard the opening on the motion to return to Select File. The floor is open for discussion. Seeing no lights on, Senator Mines, you are recognized to close. Senator Mines waives closing. The question before the body is, shall LB12 be returned to Select File? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB12]

CLERK: 40 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB12]

PRESIDENT SHEEHY: LB12 is returned. Senator Mines, you are recognized to open on AM948. [LB12]

SENATOR MINES: Again, Mr. President and members, I would urge the adoption of AM948. Thank you. [LB12]

PRESIDENT SHEEHY: Thank you, Senator Mines. Senator Erdman. [LB12]

SENATOR ERDMAN: Mr. President, thank you. Senator Mines and I have worked on this amendment. We have cosponsored this amendment as a reflection of the work that

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he has done with the Department of Agriculture to ensure that the proposed fee schedule that was to be operating as of now would be in effect. This is simply clarifying that schedule. The language that was adopted to this bill that raises the fee schedule to \$350 is still in the bill; however, you'll notice it is not reflected in this amendment, as we are not at the current maximum, which is \$250. This allows a more fair process, we believe, for the Department of Agriculture to be able to set the fees and would hope that you adopt this amendment to LB12. Thank you, Mr. President. [LB12]

PRESIDENT SHEEHY: Thank you, Senator Erdman. We have Senator Fulton, followed by Senator Nelson. Senator Fulton. [LB12]

SENATOR FULTON: Thank you, Mr. President and members of the body. Thank you to Senator Erdman and Senator Mines for working on this and putting this amendment out. You may recall I had some concerns about the General Fund versus Cash Fund expenditures in order to bolster the dog and cat inspectors within the Department of Agriculture, and this amendment accomplishes that which I asked for and I fully support the amendment. I thought it was appropriate to point that out. Thank you, Mr. President. [LB12]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Nelson. [LB12]

SENATOR NELSON: Thank you, Mr. President, members of the body. I would like to direct a question to Senator Mines, if he will yield. [LB12]

PRESIDENT SHEEHY: Senator Mines, would you yield to a question? [LB12]

SENATOR MINES: I will, Mr. President. [LB12]

SENATOR NELSON: I don't think I heard much about fiscal impact. Is there any change as a result of this? Maybe Senator Fulton's comments have answered that, but do you have any comment there on any changes in the fiscal impact on (inaudible)? [LB12]

SENATOR MINES: Senator, there is no change in the fiscal impact from the original bill. [LB12]

SENATOR NELSON: All right, thank you, Senator. [LB12]

SENATOR MINES: Thank you. [LB12]

SENATOR NELSON: Thank you. [LB12]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Further discussion on AM948? Seeing none, Senator Mines, you are recognized to close. Senator Mines waives

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closing. The question before the body is, shall AM948 be adopted to LB12? All those in favor vote yea; opposed, nay. Anyone else wishing to vote? Please record, Mr. Clerk. [LB12]

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB12]

PRESIDENT SHEEHY: AM948 is adopted. Mr. Clerk, do you have anything further on this bill? [LB12]

CLERK: Nothing further on this bill, Mr. President. [LB12]

PRESIDENT SHEEHY: Senator McGill. [LB12]

SENATOR MCGILL: Mr. President, I move LB12 to E&R for engrossing. [LB12]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say yea. All those opposed say nay. Senator Erdman. [LB12]

SENATOR ERDMAN: Mr. President, my apologies if our earlier abrupt conversation led to my oversight of my opportunity to speak on the advancement. Members, if you'll look at the status sheet, and this is just for your information, I am in support of advancing LB12 to Final Reading. I think the bill is in the appropriate form. I think the appropriate place for this bill to return to is now Final Reading. I will point out the obvious to you, that at some point during this legislative session we're going to have to figure out how to get back to balance. As we sit today, without any of the revised notes on any of the bills we debated yesterday, we're \$6 million short. So at some point we are going to have to make a decision. I believe we should advance this bill to Final Reading and allow the rest of this session, including the overrides and those things that will happen on the budget, to decide what number is and allow us the opportunity to reevaluate where we're at, but I do believe strongly that this bill should be put on Final Reading to give Senator Mines every opportunity to have this bill become law, which I believe is his intent and the supporters behind this. And so to those that have raised the peripheral questions about the cost, I think it is even a little early to be able to have that conversation. I think we need to let this session play its course and I hope you'll join me in advancing this bill to Final Reading. Thank you, Mr. President. [LB12]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator Chambers, followed by Senator Mines. [LB12]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I've been doing very important things in my office this morning. I figured that, looking at what was on Final Reading today, it could be handled very competently by my colleagues, and that

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has been the case. But this is Nicole's bill. That's why if what I said with such enthusiasm, yea, had I not done that, I might have gotten a bite when I returned to the office instead of that enthusiastic greeting that usually occurs and which I want to continue. Thank you, Mr. President. [LB12]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Mines. Senator Mines waives. Senator McGill, we'll return to you for a motion. [LB12]

SENATOR MCGILL: Mr. President, I move LB12 to E&R for engrossing. [LB12]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB12 is recommitted (sic). (Doctor of the day and visitors introduced.) While the Legislature is in session and capable of transacting business, I propose to sign and hereby sign LB252, LB256, LB277, LB364, LB382, LB388, LB396, LB424, LB445, LB449, LB481, LB508, LB561, LB580, and LB664. Mr. Clerk, we'll now move to LB674. [LB12 LB252 LB256 LB277 LB364 LB382 LB388 LB396 LB424 LB445 LB449 LB481 LB508 LB561 LB580 LB664 LB674]

CLERK: Mr. President, Senator Mines would move to return LB674 to Select File for purposes of considering AM1281. (Legislative Journal page 1479.) [LB674]

PRESIDENT SHEEHY: Senator Mines, you are recognized to open on the motion to return to Select File. [LB674]

SENATOR MINES: Thank you, Mr. President, colleagues. Let me first thank Senator Lathrop. He allowed me to attach the security freeze bill, LB190, to his bill on Select, and after that introduction and your approval, we were asked to make several adjustments to the security freeze bill and let me just list those. First of all, it would increase the fee for placing a freeze on one's account to \$15. It was at \$5. But it...in complement, it will eliminate any fees for temporarily lifting or thawing one's security account. The security freeze has to be renewed after seven years, so if you freeze your account it will stay frozen for seven years and then you need to renew that. And it also...the amendment also inserts language that in the confirmation sent by the credit bureaus, they shall state that warnings...here is what it would say, is "WARNING TO PERSONS SEEKING A CREDIT FREEZE AS PERMITTED BY THE CREDIT REPORT PROTECTION ACT: YOU MAY BE DENIED CREDIT AS A RESULT OF A FREEZE PLACED ON YOUR CREDIT." And then there's some additional language that changes the original text of LB674, and I'll let Senator Lathrop address that. So these are changes agreed upon by supporters of the security freeze amendment and I would urge your adoption of AM1281. Thank you, Mr. President. [LB674 LB190]

PRESIDENT SHEEHY: Thank you, Senator Mines. You've heard the opening on return LB674 to Select File. The floor is now open for discussion. Senator Lathrop. [LB674]

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SENATOR LATHROP: Yes, Mr. President and colleagues. There is, as Senator Mines correctly indicated, this is being returned to Select File primarily to amend what was his security freeze bill. There are very minor changes to the Social Security number in the workplace bill that I had, the original LB674. There are references to "individuals" in the bill and we've changed that to "employees" to better reflect the intent of the bill at the request of Senator Engel. Thank you. [LB674]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Senator Gay. Senator Gay passes. Further discussion on return to Select File? Seeing none, Senator Mines, you are recognized to close. Senator Mines waives closing. The question before the body is, shall LB674 be returned to Select File? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB674]

CLERK: 39 ayes, 0 nays on the motion to return the bill, Mr. President. [LB674]

PRESIDENT SHEEHY: The motion passes. We'll now move to AM1281. Senator Mines, you are recognized to open. [LB674]

SENATOR MINES: Thank you, Mr. President. I would urge the adoption of AM1281. Thank you. [LB674]

PRESIDENT SHEEHY: Thank you, Senator Mines. You've heard the opening to AM1281. Senator Gay. [LB674]

SENATOR GAY: Thank you, Mr. President. Would Senator Mines yield to a few questions? [LB674]

PRESIDENT SHEEHY: Senator Mines, would you yield to some questions? [LB674]

SENATOR MINES: I will, Mr. President. [LB674]

SENATOR GAY: Senator, as you know, I've been supportive of this bill and continue to be. Just a few questions, though, on the seven-year...can you expand a little bit on why this seven-year, why you feel that needs to be in there, and then the fees going up, spend...why, when you say those went up but it doesn't cost you anything now to thaw it, is that...? [LB674]

SENATOR MINES: Right. [LB674]

SENATOR GAY: Can you expand on that? [LB674]

SENATOR MINES: All right. In evaluating what other states do and working with two of

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Nebraska's leading retailers, Nebraska Furniture Mart, as well as Cabela's, they had concerns that when people are asked to thaw...or they ask to thaw their account, that there's...a fee may discourage them from doing that. And to compensate for that we raised the fee to \$15, and that's not unusual around the country, the \$15 fee, and then to thaw...it would encourage people to thaw their account in a transaction in a retail setting. So we agreed to do that. And your other question, Senator? [LB674]

SENATOR GAY: On the seven-year, why seven years? [LB674]

SENATOR MINES: Yeah, the seven years. Again this is something that we negotiated. There are other states that have a time limit, a date certain when the account must be renewed and we felt that it was reasonable. Some states are earlier, some are in three years or five years. We thought, well, let's make it a seven-year just to remind people that they'll be notified your account has to be renewed after a period of time, and we thought that was a reasonable accommodation. [LB674]

SENATOR GAY: Okay. And it's my understanding...I want to give you a scenario then, somebody that's going to do this, I assume, is watching their finances or they wouldn't go through writing the letter. Do you write the...is it a certified letter? Is that \$15 per individual Social Security or per family? So, you know, we talked about if I want to write and thaw... [LB674]

SENATOR MINES: Per individual. [LB674]

SENATOR GAY: Okay. So they write the letter. Two years later, down the road, they may have forgotten they did this or...they probably wouldn't but let's say. They want to...they are walking in the store and, oh, I want to get my credit card, free, 10 percent off, and... [LB674]

SENATOR MINES: Absolutely. [LB674]

SENATOR GAY: If they didn't thaw that account and call, they're going to run that through and be probably denied, maybe or maybe not. How does that work? And then I don't think those type of people would be doing a lot of that anyway, but how does that work in that scenario, somebody forgets they even did this or they are out shopping for a car on a nice Saturday afternoon and they forget, oh, about the freeze? [LB674]

SENATOR MINES: Good question because people will forget. When you are issued a freeze, you have a PIN number and the bill identifies that, I believe it's in three years if a customer freezes their account and they can call in during a transaction. If they were called that had frozen their account and they enter a PIN number on the telephone, they can thaw their account within 15 minutes. If they don't have the PIN number, that's problematic. They need that PIN number and they wouldn't be able to thaw their

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account right then and there. They would have to go back to those credit bureaus and find out what their PIN number was. I mean, so there's some responsibility placed on those that freeze their accounts, as well, Senator. [LB674]

SENATOR GAY: Okay. And, Senator Mines, the reason I'm asking is just kind of a refresher for everybody, but also I had had some...and maybe others have too...got some e-mails... [LB674]

PRESIDENT SHEEHY: One minute. [LB674]

SENATOR GAY: ...saying, hey, this isn't as good as it was with the amendment. Now, I'm just trying to find out, is it...I think it is a decent compromise. [LB674]

SENATOR MINES: I think it's a fair compromise. I agree. [LB674]

SENATOR GAY: And so I think as we look at this, I'm going to vote for this and it is a decent compromise. I just wanted to get that out there for everyone else to kind of understand how this works. I didn't know it was as quick as 15 minutes. I hope you're correct on that. [LB674]

SENATOR MINES: Yep. [LB674]

SENATOR GAY: Okay. Thank you, Senator Mines; thank you, Mr. President. [LB674]

PRESIDENT SHEEHY: Senator Pahls, followed by Senator Engel. Senator Pahls. [LB674]

SENATOR PAHLS: Mr. President, members of the body, would Senator Mines yield? [LB674]

PRESIDENT SHEEHY: Senator Mines, would you yield to a question? [LB674]

SENATOR MINES: Yes, Mr. President. [LB674]

SENATOR PAHLS: Apparently I have been a little bit asleep at the wheel many times, but on this particular issue, because I read my e-mail and there does seem to be a concern from the consumer point of view that they lost something here. Would...is...would you help clarify that for me? [LB674]

SENATOR MINES: I don't know that the consumer is losing anything, Senator. I think what we've done is we're trying to accommodate all sides. It's our first attempt at a security freeze, and we're not doing anything different than other states are doing right now. I mean, everything we're doing is in compliance with what other states are doing.

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Could it be even better for consumers? Well, I don't know. I think you have to balance both consumers as well as the business community. [LB674]

SENATOR PAHLS: Okay. Because my intent...and to be honest with you, if I'm not...this was the Banking Committee's, one of their priority bills, right, initially? Am I wrong here? [LB674]

SENATOR MINES: Your second priority; yes, sir. [LB674]

SENATOR PAHLS: Yes. So that's why there is an intent interest in this because, as a committee, we were concerned about security and we were hoping that this does meet the needs of both sides. And you're telling me right now you truly believe that this is a step in the right direction. [LB674]

SENATOR MINES: Senator, I think this is a fair and reasonable compromise for all parties; yes, I do. [LB674]

SENATOR PAHLS: Okay. Thank you. [LB674]

SENATOR MINES: Thank you. [LB674]

PRESIDENT SHEEHY: Senator Engel, followed by Senator Pirsch. [LB674]

SENATOR ENGEL: Mr. Lieutenant Governor, members of the body, I won't belabor this but I do want to thank Senator Lathrop and Senator Mines for adding the amendment as far as it putting "employee" in rather than "individual" in several places. I had a...it was a concern from one of my constituents who was concerned about that, by...he is concerned if you didn't, by "individual," it seems to say that restrictions apply to any third party, vendor, or customer, agent, etcetera. So this actually clarifies the intent of the bill and I do appreciate that very much. Thank you and I do support the bill. [LB674]

PRESIDENT SHEEHY: Thank you, Senator Engel. Senator Pirsch. [LB674]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I was wondering if Senator Mines would yield for a question or two? [LB674]

PRESIDENT SHEEHY: Senator Mines, would you yield to some questions? [LB674]

SENATOR MINES: Yes, Mr. President. [LB674]

SENATOR PIRSCH: And perhaps it had already been asked and answered, but I had received an e-mail and perhaps...well, I guess let me just ask the question. With respect to the fee now being \$15 to place, initially, the freeze on, is that unusual or would

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we...are we the only state that would require that high level of freeze fee? [LB674]

SENATOR MINES: Good question. No, the fees throughout the country, and very soon all states will have a form of this, fees range from zero to \$15. What we're doing is combining the \$15 initial fee but we're then eliminating any fees charged for thawing one's account. So we're balancing...we're front-loading rather than a fee for...I mean, you could have your account thawed dozens of times in a year. This way there is no fee for doing that. So \$15 is not unusual, no. [LB674]

SENATOR PIRSCH: Okay. Thank you very much. [LB674]

PRESIDENT SHEEHY: Further discussion on AM1281? Seeing none, Senator Mines, you are recognized to close. [LB674]

SENATOR MINES: Thank you, Mr. President, colleagues. These changes, I believe, are an accommodation to a number of interests. I think this is a, as I've said several times, a fair and reasonable compromise. I think it takes us a long way in this electronic world of security issues, identity theft. I would urge your adoption of the amendment and subsequent LB674 passage. Thank you, Mr. President. [LB674]

PRESIDENT SHEEHY: Thank you, Senator Mines. You've heard the closing. The question before the body is shall AM1281 be adopted to LB674? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB674]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB674]

PRESIDENT SHEEHY: AM1281 is adopted. Further items on this bill, Mr. Clerk? [LB674]

CLERK: Nothing further, Mr. President. [LB674]

PRESIDENT SHEEHY: Senator McGill. [LB674]

SENATOR MCGILL: Mr. President, I move LB674 to E&R for engrossing. [LB674]

PRESIDENT SHEEHY: You've all heard the motion. All those in favor say yea. Opposed, nay. The motion passes. We will now return to Final Reading. If all senators could return to their seats. The first item, Mr. Clerk. [LB674]

CLERK: (Read LB218 on Final Reading.) [LB218]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied

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with, the question is, shall LB218 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB218]

CLERK: (Record vote read, Legislative Journal page 1524.) 47 ayes, 0 nays, 1 present and not voting, and 1 excused and not voting, Mr. President. [LB218]

PRESIDENT SHEEHY: LB218 passes. (Visitors introduced.) We will now proceed to LR6CA. [LB218 LR6CA]

CLERK: (Read LR6CA on Final Reading.) [LR6CA]

PRESIDENT SHEEHY: The question before the body is, shall LR6CA constitutional amendment be placed on the primary ballot? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR6CA]

CLERK: (Record vote read, Legislative Journal pages 1525-1526.) 42 ayes, 2 nays, 4 present and not voting, 1 excused and not voting, Mr. President. [LR6CA]

PRESIDENT SHEEHY: LR6CA passes. (Visitors introduced.) We will now proceed with LB596E. [LR6CA LB596]

ASSISTANT CLERK: (Read LB596 on Final Reading.) [LB596]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB596E pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB596]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1526.) Voting aye, 48; 1 excused and not voting, Mr. President. [LB596]

PRESIDENT SHEEHY: LB596E passes with the emergency clause attached. We will now proceed to LB144E. [LB596 LB144]

ASSISTANT CLERK: (Read LB144 on Final Reading.) [LB144]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB144E pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB144]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1527.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB144]

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PRESIDENT SHEEHY: Thank you, Madam Clerk. LB144E passes with the emergency clause attached. We will now move to LB188E. [LB144 LB188]

ASSISTANT CLERK: (Read LB188 on Final Reading.) [LB188]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB188E pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB188]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1527-1528.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB188]

PRESIDENT SHEEHY: Thank you. LB188E passes with the emergency clause attached. We will now proceed to LB208. [LB188 LB208]

ASSISTANT CLERK: (Read LB208 on Final Reading.) [LB208]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB208 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB208]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1528-1529.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB208]

PRESIDENT SHEEHY: LB208 passes. We will now proceed to LB219E. [LB208 LB219]

ASSISTANT CLERK: (Read LB219 on Final Reading.) [LB219]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB219E pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB219]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1529.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB219]

PRESIDENT SHEEHY: LB219E passes with the emergency clause attached. We will now proceed to LB289. [LB219 LB289]

ASSISTANT CLERK: (Read LB289 on Final Reading.) [LB289]

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SENATOR LANGEMEIER PRESIDING: [LB289]

SENATOR LANGEMEIER: All provisions of law relative to procedure having been complied with, the question is, shall LB289 pass? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB289]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1530.) The vote is 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB289]

SENATOR LANGEMEIER: LB289 passes. We will now proceed to LB471E. [LB289 LB471]

ASSISTANT CLERK: (Read LB471 on Final Reading.) [LB471]

PRESIDENT SHEEHY PRESIDING [LB471]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB471E pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB471]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1531.) The vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB471]

PRESIDENT SHEEHY: LB471E passes with the emergency clause attached. We will now proceed to LB368. Mr. Clerk, the first vote is dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB471 LB368]

ASSISTANT CLERK: 39 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB368]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB368]

ASSISTANT CLERK: (Read title of LB368.) [LB368]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB368 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB368]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1532.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

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[LB368]

PRESIDENT SHEEHY: LB368 passes. We will now proceed with LB368A. [LB368 LB368A]

ASSISTANT CLERK: (Read LB368A on Final Reading.) [LB368A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB368A pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB368A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1532-1533.) The vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB368A]

PRESIDENT SHEEHY: LB368A passes. We will now proceed with LB236. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. The at-large reading is dispensed with. Mr. Clerk, please read the title. Oh, please record, Mr. Clerk. [LB368A LB236]

ASSISTANT CLERK: 38 ayes, 5 ayes to dispense with the at-large reading, Mr. President. [LB236]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB236]

ASSISTANT CLERK: (Read title of LB236.) [LB236]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB236 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB236]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1534.) The vote is 44 ayes, 1 nay, 3 present and not voting, and 1 excused and not voting, Mr. President. [LB236]

PRESIDENT SHEEHY: LB236 passes. We will now proceed to LB236A. [LB236 LB236A]

ASSISTANT CLERK: (Read LB236A on Final Reading.) [LB236A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB236A pass? All those in favor vote yea; opposed, nay.

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Please record, Mr. Clerk. [LB236A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1534-1535.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President. [LB236A]

PRESIDENT SHEEHY: LB236A passes. We will now proceed with LB463. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB236A LB463]

ASSISTANT CLERK: 40 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB463]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB463]

ASSISTANT CLERK: (Read title of LB463.) [LB463]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB463 pass? All those in favor vote yea; opposed, nay. [LB463]

SPEAKER FLOOD PRESIDING [LB463]

SPEAKER FLOOD: Mr. Clerk, please record. [LB463]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1540.) Vote is 47 ayes, 1 nay, 1 excused and not voting. [LB463]

SPEAKER FLOOD: LB463 passes. (Visitors introduced.) Next bill, Mr. Clerk. [LB463]

ASSISTANT CLERK: (Read LB564 on Final Reading.) [LB564]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB564E pass with the emergency clause attached? All those in favor vote yea; all those opposed vote nay. Record please, Mr. Clerk. [LB564]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1541.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB564]

SPEAKER FLOOD: LB564E passes. Next bill, Mr. Clerk, is LB435E. [LB564 LB435]

ASSISTANT CLERK: (Read LB435 on Final Reading.) [LB435]

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SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB435E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB435]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1541-1542.) Vote is 47 ayes, 1 nay, 1 excused and not voting. Mr. President. [LB435]

SPEAKER FLOOD: LB435E passes. The next bill, Mr. Clerk, is LB610. [LB435 LB610]

ASSISTANT CLERK: Senator Hudkins, you had previously filed AM1035 to LB610, but I have a note you wish to withdraw? (Read LB610 on Final Reading.) [LB610]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB610 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB610]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1542-1543.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB610]

SPEAKER FLOOD: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB218, LR6CA, LB596E, LB144E, LB188E, LB208, LB219E, LB289, LB471E, LB368, LB368A, LB236, LB236A, LB463, LB564E, LB435E, and LB610. Mr. Clerk, messages. [LB144 LB188 LB208 LB218 LB219 LB236 LB236A LB289 LB368 LB368A LB435 LB463 LB471 LB564 LB596 LB610 LR6CA]

CLERK: Mr. President, thank you. Series of study resolutions: LR144, LR145, Senator McDonald; LR146, Senator Aguilar; LR147, LR148, LR149, Senator McDonald; Urban Affairs Committee, LR150, LR151, LR152; and Senator Stuthman, LR153; all study resolutions. Mr. President, that's all that I have at this time. (Legislative Journal pages 1543-1548.) [LR144 LR145 LR146 LR147 LR148 LR149 LR150 LR151 LR152 LR153]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Speaker Flood, you're recognized for an announcement.

SPEAKER FLOOD: Thank you, Mr. President and members. Thank you, everybody, for your hard week this week. We are going to continue on this afternoon with some General File. Senator Stuthman has his priority bill up, which we're going to spend some time on this afternoon. I do want to make one announcement. I am cancelling the late night on Tuesday. We will work until 5:00 p.m. All the other late nights remain in place,

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but I am cancelling the late night on Tuesday, so that you can make plans, in the event you have other activities to get to. Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Speaker Flood. We now return...continue on, on the agenda. Mr. Clerk, LB157. [LB157]

CLERK: LB157, Mr. President, is a bill by Senator Stuthman. It relates to infants, provides for leaving a child with a firefighter or hospital staff member. The bill has been discussed, Mr. President, as late as yesterday. Committee amendments were presented. At the time the Legislature left the issue, Senator Stuthman had pending his amendment to the committee amendments, AM844. (Legislative Journal page 1245.) [LB157]

SENATOR LANGEMEIER: Senator Stuthman, you are recognized to give us a brief opening on AM844. [LB157]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I had opened on this amendment yesterday, I think it was. What this does is it--I'll just brief you a little bit on this--is it takes out the firefighters association, only admissions at a hospital. A mother can take a baby to the hospital, if the baby is 72 hours old or younger, and then the hospital will take temporary custody of it and notify the Health and Human Services within four hours of the acceptance of that baby. Also in it, in the amendment, it is not a violation of this section for a mother to leave a child who is 72 hours old or younger with a hospital staff member, pursuant to Section 1 of this act, if the mother provides the hospital staff with proof of identity. Those are the major changes that are in this amendment, and I would ask for your support. Thank you. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. You have heard the opening on AM844. Senator Howard, you are recognized. [LB157]

SENATOR HOWARD: Thank you, Mr. President and members of the body. Members of the Legislature, I rise to express my concerns regarding LB157. My primary concern with this bill is that it undermines traditional adoption by creating serious challenges to the process of establishing parental identity and legal child custody. Without adequate information about parents, garnering termination of parental rights is a lengthy and uncertain process. Children whose parents have not terminated parental rights are a risk for potential adoptive parents. These children (inaudible) longer in limbo for extensive periods of time. Yes, many states have these bills in place, but they have acted before there was any evaluation data to determine whether this was an effective strategy to reduce unsafe abandonments. Now we know that these laws do not address the underlying concern. In fact, they complicate things for the child and the state. There's no question that we have to do all we can to save babies' lives, and I would certainly, certainly advocate that we do all we can. But these laws have created more

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challenges than they solve. The research shows that while abandonments have increased at safe sites, unsafe abandonments and infant murders have not decreased. And there are other challenges to these kinds of laws, as well. The Evan B. Donaldson Adoption Institute is an independent, nonprofit organization with no affiliations to any constituency or interest group. Its objective is to improve the lives of everyone touched by adoption, especially children, by providing accurate, research-based information that will lead to more ethical, effective, and informed policies, practices, and laws. Since its establishment in 1996, the Evan B. Donaldson Adoption Institute has been preeminent--an independent voice for improving adoption for everyone it touches, especially children, through innovative programs, educational initiatives, research and analysis, and advocacy for better practices, policies, and laws. In March of 2003, the Evan B. Donaldson Institute released findings of extensive research that their organization had done on these types of laws. The report was entitled, "Unintended Consequences: Safe Haven Laws Are Causing Problems, Not Solving Them." The report, based on the most extensive research to date on the issue, shows that safe haven laws not only do not solve the problem of unsafe infant abandonment, but actually may encourage women to conceal pregnancies and then abandon infants who otherwise would have been placed for adoption through established legal procedures, or would have been raised by relatives. Safe haven laws are having serious negative consequences and undermine established child welfare and protection practices. The study concludes that contrary to the assertions of their advocates that there is evidence that safe haven statutes are working, principally because they do not address the causes of the problem; rather, they also appear to be causing negative, unintended consequences. In addition to undermining adoptions conducted through established legal procedures, the negative consequences include: creating the opportunity for upset family members, disgruntled boyfriends, or others to abandon babies without the mother's consent; inducing abandonment by women who otherwise would not have done so,... [LB157]

SENATOR LANGEMEIER: One minute. [LB157]

SENATOR HOWARD: ...--thank you--because it is perceived as easier than receiving parenting counseling or making an adoption plan; depriving biological fathers of their legal right to care for their sons or daughters, even if they have the desire and the personal resources to do so; ensuring that children who are abandoned can never learn their biological or medical histories, even when the consequences for their health are dire; precluding the possibility of contact with and/or exchange of medical or personal information between birth parents and children in the future; and sending a signal, especially to young people, that they do not necessarily have to assume responsibility for their actions, and that deserting one's child is acceptable. Thank you. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Howard. Senator Chambers, you're recognized. [LB157]

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SENATOR CHAMBERS: Mr. President, members of the Legislature, this is a very serious subject, and it's coming up at a time when people are still, perhaps, spent from what happened yesterday, in terms of a lengthy debate on a serious subject, to which most of the senators attended. But we must press on, because that's our duty. This morning "Parson" Carlson gave me a list of sayings titled, "Some Things I Learned on the Farm." They are pithy, they are humorous, but there is a kernel of philosophy and truth in every one of them. I had told Senator Carlson that he would see some rhymes as a result. He just gave them to me, so you have to excuse the spotty quality. But some of them are going to apply to what we're discussing here. This is by way of an introduction, my part, to let you know what is coming: Here be things I learnt on the farm. / If they don't help, / They sure can't harm. / Read 'em fast, or study 'em slow, / Your mind will afterwards plow a straight row. / Keep eyes open and ears unplugged, / Truth should always be tightly hugged. / Time for some quotes; I've had my say, / On to the learnin' / Up, up and away. / Don't name a calf you plan to eat. / A name's for a friend, / Never for meat. / Country fences should be horse high, / Up to the shoulder, / Not just the thigh. / Also, it needs to be pig tight, / Then a fence is two-thirds right. / Finally, and this concludes the fence song, / To height and tight, just add bull strong. / Life ain't about how fast you can run, / How high you can climb, / How quick you can pounce. / Life ain't about just having fun. / Life's deepest secret's how well you can bounce. / You like wise sayings? / Here's a for-instance: / Keep skunks, lawyers, bankers at a distance. / Along the road of life are many bumps; / Keep life simple, plow 'round the stumps. / Mortgaging a future crop is prob'ly / Like saddling a spindly colt that's wobbly. / Avoid being stung by heeding this factor-- / A bee is faster than a John Deere tractor. / Buying a milk cow you won't get bilked / If you keep in mind she won't stay milked. That's all the time I had this morning. You know why I say some of those apply to what we're talking about this morning? Because I will say again, Senator Stuthman has the best of intentions, in my view. But as Senator Howard pointed out, there are things in this bill which are totally off the mark, and they produce a result contrary to what I think Senator Stuthman has in mind. I was stopped in the hallway the other day after we had discussed this bill, and the person who stopped me was a woman. She was livid, not at me, but about the fact that here's another thing that men are doing which places the focus only on a woman, for a problem that is perceived by men. [LB157]

SENATOR LANGEMEIER: One minute. [LB157]

SENATOR CHAMBERS: Nothing is said about the father. No attempt is made to track him down. Always the burden is placed on the woman. If the man would assume his responsibilities, the mother might not feel in such desperate straits that she couldn't keep the child. But even if she did, there would be two people to deal with this problem, because two people created it. I'm going to have a few comments to make about the drafting of the bill itself, and maybe a question or two for Senator Stuthman along the

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way. Thank you, Mr. President. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Wallman, you're recognized, followed by Senator Chambers. [LB157]

SENATOR WALLMAN: Thank you, Mr. President, members of the body--what's left here. I have to agree with some of what Senator Chambers says. The males are not responsible in today's society. Are we going where China is going with their children? Sell their children or whatever it is? A safe haven--any place we can have to help a young or maybe not so young woman with...that does not want to have her child, I don't like to see them like in dumpsters or in front of church steps in the winter. They are left somewhere, and...or some of them are in bathrooms. And that doesn't say much for our society. But Senator Chambers is right--it's also the male's fault. And we can't fix everything in here; I know that. But we can try. And we have to send a message from our government--locals, national, state--that we help its citizens and try to make our civilization just a little bit better, and I think that's our job as civilized citizens, as civilized males, that accountability for us, for our government. And I hate to drop this on our rural fire departments, too, and the police departments, but most of these people...and I have a niece that did adopt a young child from China, because they didn't want girls, and it's a very lovely young girl. So speaking to the adoption agencies, I'm sure that could be lined up through the fire departments, the churches, the police. We have churches that do a good job. We have adoption agencies that some of them are not so good, I want to tell you. They're not what we'd like to see. So I think Senator Stuthman's...it might have some problems. There's no such thing as a perfect bill, no such thing as a perfect law. And my son-in-law, who is an attorney, had said the simpler the law, sometimes the worse it is, with my great English, "Parson" Carlson. But I would hope you would consider this, and I'd have to say thank you, Senator Stuthman, and I'm going to vote for this bill. I know it's not perfect, but we won't have a perfect law. Thank you, Mr. President. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator Chambers, you're recognized. [LB157]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the first thing I want to do is correct my good friend, Senator Wallman. He said he's going to vote for this bill. Well, no, he's not. He can't vote for the bill unless it comes for a vote, and if the Speaker were here, I would ask for a ruling from the Chair, not on anything Senator Wallman said, but what I would ask for a ruling on is the following: Since our numbers are diminished to such a great extent, could I go around and punch the buttons for every desk that's empty on this side, and we'll presume that if that person is absent, he or she would have yielded the time to me, and then I can speak in that person's behalf. But I will not ask for such a ruling. I will, however, ask Senator Stuthman a question or two. [LB157]

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SENATOR LANGEMEIER: Senator Stuthman, would you yield to a question? [LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR CHAMBERS: Senator Stuthman, I mentioned the other day that the existing law which relates to abandonment and neglect of a child is being amended to say that this section of law, meaning the one I touched on, is not violated--and I'm paraphrasing--if a mother, acting in accord with this bill, would give proof of her identity. Is that accurate? [LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR CHAMBERS: Now must she make the declaration that she is giving up the child pursuant to this law at the very time that she brings the child, or could she make it subsequent to that, say, two or three days later? [LB157]

SENATOR STUTHMAN: Senator Chambers, do you mean if she would bring the child to the hospital and then give her identity two or three days later? [LB157]

SENATOR CHAMBERS: Yes. [LB157]

SENATOR STUTHMAN: I think according to the way we have this, this amendment is that when the baby is accepted, at that time we need to get the identity of the mother, and then in exchange for that, it would be that she would be not in violation of the abandonment and child neglect law. [LB157]

SENATOR CHAMBERS: All this says, if I read it correctly, "It is not a violation of this section for a mother to leave a child who is 72 hours old or younger with a hospital staff member pursuant to Section 1 of this act if the mother provides the hospital staff member with proof of her identity." It does not say proof at the time the child is relinquished. [LB157]

SENATOR STUTHMAN: Senator Chambers, you are correct. It doesn't state that, that it is proof...I mean, that she must give proof of identity at the time she delivers to the hospital, but I would have to check into Section 1. I am not certain. I will have to research that a little further. But I see your point. What you are trying to relay is that the mother could, say, well, I'm not going to tell you who I am today, but I might come back in two days. [LB157]

SENATOR CHAMBERS: Or she could just panic, because a person who is included among the staff members who can receive this child is somebody who is involved with admissions. And that's on page 1, in line 5. And a person who is involved in admissions

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is just sitting at a desk. [LB157]

SENATOR LANGEMEIER: One minute. [LB157]

SENATOR CHAMBERS: So she could just place the child on the desk. That would be the relinquishment, and there's nothing in this part that we're amending that says the identity must be given at that time. And if child abandonment and neglect are considered criminal, a criminal statute is strictly construed, and if there's no time frame placed in this particular amendment, one of the elements to the crime is not included, so I don't think it would be constitutional. But my time is up. I'll pursue it as we go forward, but I'm going to need some additional time. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Schimek, you are recognized. Senator Schimek waives her time. Senator Aguilar, you are recognized. [LB157]

SENATOR AGUILAR: Thank you, Mr. President and members. And I'd like to ask Senator Stuthman a question. [LB157]

SENATOR LANGEMEIER: Senator Stuthman, would you yield to a question? [LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR AGUILAR: Senator Stuthman, a couple days ago I received an e-mail from Voices for Children, basically announcing their opposition to this legislation. Do you know if that opposition is still in place, or have you "allevated" that yet? [LB157]

SENATOR STUTHMAN: I have...Senator Aguilar, I have visited with Voices for Children. They are still in opposition of what they had relayed to me, but they're not in as strong an opposition as they were to start with. The first e-mail that came out, they did not see the amendment that I had. They did not read that. They were going off of what they had a few days prior to that. But they still have some opposition to it. They think that there's some things that maybe should be added to this, also. [LB157]

SENATOR AGUILAR: Okay, I appreciate your forthrightness about that, and I'll probably have a conversation with them before I make a final decision. And I'd yield the rest of my time to Senator Chambers, if he chooses to take it. [LB157]

SENATOR LANGEMEIER: Senator Chambers, 3:50. [LB157]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, my questioning is not designed to attack Senator Stuthman. He and I have an understanding that when either of us has a bill or takes a position with which the other

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disagrees, there's nothing personal involved in our opposition, but I want to state that for the record. Senator Stuthman, before I ask questions, I want to say a bit more about what we were just discussing. In Nebraska nothing is a crime unless the Legislature specifically makes it so. There are no common law crimes in Nebraska. Under the common law, there are crimes such as burglary, homicide, theft, and so forth. But unless the Legislature passes a specific law and criminalizes conduct, it's not a crime in Nebraska. When a crime is created by the Legislature, the elements of that crime must be specified. Each element of that crime must be proved beyond a reasonable doubt, when a person is accused and placed on trial, or the person cannot be convicted. Pursuant to the presumption of innocence under the laws of this state and the country, an individual need not speak a word when he or she is charged. The state cannot coerce, entice, pressure, or in any way cause that person to feel he or she must give evidence which can be used against himself or herself, and that is pursuant to the Fifth Amendment to the U.S. Constitution. So a person who is accused of a crime need never utter a word, and the state is required to prove that person guilty beyond a reasonable doubt, without any assistance from the accused, and every element of the offense must be proved beyond a reasonable doubt. Every element must be present in the act for which the person is placed on trial. I'd like to ask Senator Howard a question before she leaves. [LB157]

SENATOR LANGEMEIER: Senator Howard, would you yield to a question? [LB157]

SENATOR HOWARD: Yes. [LB157]

SENATOR CHAMBERS: Senator Howard, can child abandonment or neglect be prosecuted as a crime in this state? [LB157]

SENATOR HOWARD: Yes. [LB157]

SENATOR CHAMBERS: Thank you. So, members of the Legislature, what we're looking at here is a criminal offense, and if you go to the bottom of page 2, you will know that... [LB157]

SENATOR LANGEMEIER: One minute. [LB157]

SENATOR CHAMBERS: ...it's a criminal offense, because it's in Chapter 28, 28-705, and Chapter 28 deals with the criminal law. So you are creating a defense against a crime, a defense against prosecution. But you're saying in the absence of this defense, a person commits the crime of abandonment or neglect. So if the mother leaves the child without giving her identity--proof of her identity--she is guilty of the crime of abandonment or neglect. But if a prosecutor were to bring the charge, the prosecutor could not show that this law establishes a time frame within which she must give proof of her identity. She could say, it was my intent to do so, and if you're going to make this

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a crime, as is proposed here,... [LB157]

SENATOR LANGEMEIER: Time. [LB157]

SENATOR CHAMBERS: Thank you, Mr. President. [LB157]

SENATOR LANGEMEIER: Senator Stuthman...thank you, Senator Chambers. Senator Stuthman, you're recognized. [LB157]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I want to expand a little bit more on what Senator Chambers was talking about, and his words of stating that, you know, if the mother brought the child, put it on the desk of the hospital when the person that admits the child is there, and the mother just takes off and leaves before she gives any proof of her identity. I really think that at that point in time, the way I had intended this to be, would be that if she left without giving her identity, it would be abandonment of a child. But I don't want to have to prosecute these people, and that is the reason why we put that in there, that if she would give proof of identity of who she is, then she would be not in violation of this crime. I think that with this bill we're giving the mother a little bit of a break for giving up her child, instead of abandoning it some other place in the community--in the dumpster, on the creek bed. But I really think that if the mother places the child on the desk and the individual that says, well, what are you doing? And she says, I'm giving up my child. And the individual says, well, we'd like to have some proof of identity, and the mother turns around and out the door she goes, I think that's child abandonment. But I don't want to have to prosecute that mother for giving up her child. We would like to get the information of identity, and in exchange for that...that is the reason why we're trying to put it in this statute that she would not be in violation of the abandonment and child abuse charges. And I would like to visit...get in a little conversation with Senator Chambers. [LB157]

SENATOR LANGEMEIER: Senator Chambers, would you yield? [LB157]

SENATOR CHAMBERS: Yes. [LB157]

SENATOR STUTHMAN: Senator Chambers, you have heard just what I have stated, and you had brought that up, if the mother had brought the child and put it on the desk and just left, and maybe decided in two days that, I'd better go back and tell her, tell him who I was. Do you think that we should allow for that time frame to happen? [LB157]

SENATOR CHAMBERS: Well, what I think is irrelevant to what we're doing here, because the court is not going to look at what you think or intend, what I think or intend, or even how we interpret this law. The court is going to look at the language in the law. And it has said many times it will not read something into the law that is not there, it will not read something out of the law that is there, that its job is not rewrite the law. And if

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the Legislature intended a certain thing, it must state it specifically when you're dealing with a criminal law. So if you want to apply this, you should put language to the effect--and it still won't work, and I'll tell you why later--the mother provides the hospital staff member with proof of her identity at the time she relinquishes the child. But that still won't get it. However, that's the answer that I'll give to you at this point. [LB157]

SENATOR STUTHMAN: Senator Chambers, yes, you probably state that that still won't get it. But that is an improvement to it, to the bill. But if you say it still won't get it, what do you mean by that? [LB157]

SENATOR CHAMBERS: What I have done with the offering of this language is to improve the bill. We have a sow's ear. We've cut... [LB157]

SENATOR LANGEMEIER: One minute. [LB157]

SENATOR CHAMBERS: ...some of the hair off the gristle, we've removed some of the bumps and blisters, but we haven't made it into a silk purse. So although we've improved it, we haven't made the silk purse. And when you ask what do I mean when I say, that don't get it, I will need a bit more time than what I have here, but I will address it the next time I'm recognized. [LB157]

SENATOR STUTHMAN: Okay. Thank you, Senator Chambers. How much time have I got left? [LB157]

SENATOR FRIEND PRESIDING [LB157]

SENATOR FRIEND: Thirty seconds. [LB157]

SENATOR STUTHMAN: Okay, I will wait till the next time. Thank you, Mr. President. [LB157]

SENATOR FRIEND: Thank you, Senator Stuthman and Senator Chambers. Senator Pirsch, you are recognized. [LB157]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I was wondering if Senator Stuthman would yield to a quick question. [LB157]

SENATOR FRIEND: Senator Stuthman, will you yield to a question? [LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR PIRSCH: And thank you very much, Senator. I was...there was some verbiage in the bill, as amended, that would state it is not a violation of the section for a

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mother to leave a child who is 72 hours old or younger with a hospital staff member, pursuant to Section 1 of the act, if the mother provides a hospital staff member with proof of her identity. Just a couple of questions actually. What would constitute proof of her identify in that, which respect to those words? [LB157]

SENATOR STUTHMAN: I would say a proof of identity, in my opinion, would be just like anything else, where you would go. It would be a driver's license, any type of identity that this individual would have. [LB157]

SENATOR PIRSCH: Not enough to just simply state who I am? [LB157]

SENATOR STUTHMAN: If that's all she has, I guess that would be the information needed, and that would...in my opinion, I could live with that part of it, but...and I'm sure there are some of these people that do not have a proof of identity with them at that time. But I think the majority of the people do have an identification card with them. I would like to see, you know, a driver's license or anything that they would have that would be a proof of identity of that individual. [LB157]

SENATOR PIRSCH: Sure. But probably a young woman that...who is in the process of doing this at the hospital would probably be also very hesitant or really not eager to show an identity. Is that correct? So... [LB157]

SENATOR STUTHMAN: Yes, yes. It is my intent with this bill...my main interest is the safekeeping of the child,... [LB157]

SENATOR PIRSCH: Um-hum. [LB157]

SENATOR STUTHMAN: ...is what my intent of this is, and I want to make sure that when the baby is delivered to the hospital, that child is in...is taken care of, and it is protected. [LB157]

SENATOR PIRSCH: Sure, and that's a very laudable goal. But again, you know, when it comes to proof of identity, certain things like a driver's license, etcetera, tend to indicate more...be more reliable, as far as indicating the actual identity, as opposed to oral statements by the person. So if fraud could be a consideration, then probably having a driver's license would more attenuate that than...or would more correct that problem, than mere verbal statements of the person who is dropping the baby off. Another question I had deals with, in that same passage--provides the hospital staff member. That could conceivably include nonmedical personnel, correct, janitors, those type of individuals who happen to work at a hospital, but who are not medical staff? [LB157]

SENATOR STUTHMAN: Yes. Yes, it could. [LB157]

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SENATOR PIRSCH: Okay. And thank you very much. I'll yield the balance of my time to Senator Chambers, if he'd care to take it. [LB157]

SENATOR FRIEND: Senator Chambers, you have 1 minute and 15 seconds. [LB157]

SENATOR CHAMBERS: Thank you. Mr. President, we have at least two lawyers in the house that I can detect. [LB157]

SENATOR ERDMAN: That's about all you've got. [LB157]

SENATOR CHAMBERS: And if I'm...(laugh) somebody said, that's about all I've got... [LB157]

SENATOR FRIEND: One minute. [LB157]

SENATOR CHAMBERS: ...in terms of people. One minute you said, Mr. President? [LB157]

SENATOR FRIEND: One minute. [LB157]

SENATOR CHAMBERS: What I'm going to do is give a bit of lesson, which cause some people to ask that I teach a course or two at the law college, because I read things and pay attention. But in the one minute I have I can't do it, so I will stop at this point and continue the next time I'm recognized. Thank you, Mr. President. [LB157]

SENATOR FRIEND: Thank you, Senator Chambers and Senator Pirsch. Senator Howard, you are recognized. [LB157]

SENATOR HOWARD: Thank you, Mr. President, members. I would like to give my time to Senator Chambers. [LB157]

SENATOR FRIEND: Senator Chambers, almost 5 minutes. [LB157]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. If we look at the existing law--and you must read every word in a criminal statute--at the bottom of page 2, the existing law says, any person who abandons and neglects. To abandon is not enough to make you guilty of the crime of abandonment. You must abandon and neglect the child. So even if she does not give her identity and she leaves the child with this staff member, she cannot be found guilty of abandonment if you cannot also prove neglect. And the mere fact of abandonment is not enough to establish neglect. Words in criminal statutes are not considered surplusage. Every word is given a meaning, and since the conjunction "and" is found between the words "abandonment" and the word "neglects," abandons and the word "neglects," those two are a unit; they

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are joined. You must have both of them as a--and by that I meant ah, but I should say "an"--an element of this offense. And if you don't have that element, you can't prove the offense. Now I'm going to read what the existing law says: "Any person who abandons and neglects or refuses to maintain or provide for his or her spouse or his or her child or dependent stepchild." Now somebody might try to say, is the giving over of the child a refusal to maintain or provide for the child? Not really, because the child is being placed in the hands of an entity which is going to make sure that every need that exists is met. If my child is ill and I'm not a doctor, I'm not required to cure my child. I've done all that the law can expect or require of me if I put that child in the hands of an individual or an entity such as a hospital or healthcare facility, where proper treatment can be given. That is as much as I'm required to do. So I don't see where abandonment is going to come in anyway, but that's what they want, I guess, as a hammer. So let me ask Senator Stuthman a question or two, if I may. [LB157]

SENATOR FRIEND: Senator Stuthman, will you yield to a question? [LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR CHAMBERS: Senator Stuthman, why is the issue of abandonment raised? And let me ask another question. Was it felt that perhaps the mere relinquishment of the child would constitute abandonment, and you wanted to offer a way for that not to be deemed abandonment? [LB157]

SENATOR STUTHMAN: Yes, Senator Chambers, I wanted...it was my intent, so that the mother was not abandoning the child, and she would be not prosecuted for abandonment. [LB157]

SENATOR CHAMBERS: Okay. Now let's go back to page 1, line 7. It says, "the hospital staff member shall, without a court order, take temporary physical custody of the child." [LB157]

SENATOR FRIEND: One minute. [LB157]

SENATOR CHAMBERS: Under existing law, is a staff member among the categories you named, which would be those who are involved in admission, care, or treatment of patients? If somebody in admissions does not want to take custody of that child, is that person guilty of some kind of offense under your bill, since it says that staff member "shall" take temporary custody? That's the question I ask of Senator Stuthman, Mr. President. [LB157]

SENATOR STUTHMAN: Yes. Senator Chambers, I think it is the obligation of a hospital staff member to accept any person, if they are brought to the hospital. [LB157]

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SENATOR CHAMBERS: Is a hospital required to admit me, if I don't have insurance?  
[LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR FRIEND: Time. Senator Chambers, you are next and you're recognized.  
[LB157]

SENATOR CHAMBERS: Thank you. Mr. President, now that we have another lawyer  
on the scene, I'm going to ask Senator White a question or two, if he will yield. [LB157]

SENATOR FRIEND: Senator White, will you yield to a question or two? [LB157]

SENATOR WHITE: Boy, did I make a mistake walking back in here, but yes, I'm caught  
fair and square. I will yield, Mr. President. [LB157]

SENATOR CHAMBERS: If Senator White hadn't sat down so forcefully in his seat, I  
wouldn't have known he was here, but I heard him hit the leather. [LB157]

SENATOR WHITE: I need to learn how to be a little sneakier, it's clear. [LB157]

SENATOR CHAMBERS: Well, not sneakier; less noisy. [LB157]

SENATOR WHITE: I'll work on it, Senator. [LB157]

SENATOR CHAMBERS: Okay. Senator White, is a hospital compelled under the law to  
admit a person? [LB157]

SENATOR WHITE: Yes, under federal law, in emergency situation, they are, although  
of course, as you know, Senator, a number of hospitals are...have been reported for  
violating that. But the federal law requires emergency treatment be given until they're  
stabilized, certainly. [LB157]

SENATOR CHAMBERS: Do you feel that this that we're talking about would be deemed  
an emergency treatment...I meant, an emergency situation that would invoke the  
requirements of the federal law? [LB157]

SENATOR WHITE: I'm not particularly familiar with the specific federal laws, but if you  
have a parent who is under such pressure that they would turn over their child, I would  
definitely call that an emergency. [LB157]

SENATOR CHAMBERS: If the child is not ill, if the child is not injured... [LB157]

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SENATOR WHITE: No, I would call it an emergency because of the parent's mental state, Senator. So the child's health is at risk if anybody by the pressure of poverty, events, you know, postpartum depression, drug addiction, whatever you have, is in that desperate of situation, yeah, I'd call it an emergency when the child's health is at risk. [LB157]

SENATOR CHAMBERS: And I think you hit the nail on the head when you said the child would be placed at risk, so it would attach to the child, and not just the condition of the mother, but the child himself or herself. [LB157]

SENATOR WHITE: Oh, absolutely. I agree. [LB157]

SENATOR CHAMBERS: Okay, thank you. And I tend to agree with that. But now I'm going to go back to the bill and ask Senator Stuthman a question or two, if I may. [LB157]

SENATOR FRIEND: Senator Stuthman, will you yield? [LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR CHAMBERS: Senator Stuthman, we've gotten rid of the language that would remove liability from the hospital. They no longer are immune. Now on page 1, starting in line 21: "For purposes of this section, generally accepted standards of professional practice means medical treatment or care of the type, quality, and amount that a hospital staff person would be expected to provide according to the professional standards of care for hospital staff with regard to the medical treatment and care of infants." When it says, "a hospital staff person," that would mean any hospital staff person, correct,... [LB157]

SENATOR STUTHMAN: Yes. [LB157]

SENATOR CHAMBERS: ...who is involved with admission, care, or treatment of patients? Because those are the ones you specify. [LB157]

SENATOR STUTHMAN: Yes, that is true. [LB157]

SENATOR CHAMBERS: Now I don't know that there's a standard of care that is imposed on people who work in admissions. So does that mean the standard of care that would be on one who provides treatment going to be transferred to this person who is involved with admissions? Is that person going to be held to this standard of care? [LB157]

SENATOR STUTHMAN: The way I understand it and the way my intent is, is that the

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hospital staff person that admits this patient will be...needs to have that portion of it, in the admissions portion of it, that individual's standard of professional standards and care, of the admission part of it. [LB157]

SENATOR CHAMBERS: But there are certain things required. If a hospital, going down to line 9 on page 1: If a hospital staff member takes temporary physical custody of a child pursuant to this section, the hospital... [LB157]

SENATOR FRIEND: One minute. [LB157]

SENATOR CHAMBERS: ...staff member shall perform any act necessary in accordance with generally accepted standards of professional practice to protect, preserve, or aid the physical health or safety of the child during the temporary physical custody. If that person...if that child needs medical treatment of some kind, or a medical procedure, this person in admissions would be required to give it; isn't that true, under this language? [LB157]

SENATOR STUTHMAN: No, Senator Chambers, I don't think that's true. I think that it would be the professional practice to protect and preserve and aid in the physical health, safety of the child during the temporary custody. Now if that child needs medical attention, I think it's the responsibility of that staff person that is admitting that child to get it to the individual... [LB157]

SENATOR FRIEND: Time. [LB157]

SENATOR STUTHMAN: Thank you. [LB157]

SENATOR FRIEND: Thank you, Senator Stuthman and Senator Chambers. Senator Chambers, that was your third effort on this amendment--effort to speak, opportunity to speak. Senator Schimek, you are next and you are recognized. [LB157]

SENATOR SCHIMEK: Thank you, Mr. President and members. Again, I rise with reluctance to speak, but this was a letter that I was looking for the other day when we started this bill, and it's from Voices for Children. And I did want to read it into the record, because I think Voices for Children is a very respected organization in Nebraska, and I want to read what they say about LB157. Voices for Children in Nebraska previously testified in a neutral capacity during the committee hearing for LB157. While some beneficial components have been incorporated into LB157 amendments, there is a continuing lack of other critical safeguards within the bill and printed amendments. Voices now stands in opposition to LB157. Concerns with LB157 and amendments include: 1) fails to address termination of parental rights and facilitation of adoption, ensuring they are consistent with current laws; 2) increasing abandonment time from 72 hours to...I think they mean, from 72 hours to 30 days, is

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what it says, but I'm not sure they have that right. The extension of abandonment time may encourage parents to circumvent beneficial counseling and adoption procedures even more than the initial legislation proposed with the 72 hours time frame. Any abandonment safe haven process leaves children without vital health background information. 3) Weak financial commitment to public information program. The effectiveness of this legislation relies heavily on an adequate public information campaign to let the parents who will use the program know about it. Included in this program should be a campaign to educate parents about counseling options, support services, and adoption possibilities, and either the development or information about preventative and permanency planning services. A public information program should not be just an option, but a mandate. Voices supports...it goes on to say, Voices supports the inclusion of mandatory tracking of all abandoned infants throughout Nebraska and the requirement of a report to the Legislature. But even with these inclusions, LB157 and amendments continues to fall short in addressing the concerns listed above. LB157 has become very disjointed and no longer prioritizes the best interests of the child. Voices for Children urges you to oppose LB157 with amendments, and recommends conducting an interim study to explore additional research on the causes of infant abandonment, to better tailor an effective policy. Thank you. As I said at the beginning, I think Voices for Children is a very respected organization in Nebraska, and I think they have a very clearheaded perspective on the bill. And even though I think the intention of the bill is very good, I'm not sure that I think it will accomplish what the introducers want it to accomplish and, in fact, might even cause more harm than good. I believe that we ought to take a look at an interim study, to... [LB157]

SENATOR FRIEND: One minute. [LB157]

SENATOR SCHIMEK: ...look at the causes of infant abandonment and to see whether this kind of legislation, over the years, as gotten any better in other states, because I know that in other states, just the passage of this legislation, this kind of legislation, does not solve the problem. Thank you, Mr. President. [LB157]

SENATOR FRIEND: Thank you, Senator Schimek. Mr. Clerk, motion on the desk. [LB157]

ASSISTANT CLERK: Mr. President, Senator Chambers would ask unanimous consent to bracket the bill until May 25, 2007. [LB157]

SENATOR FRIEND: Without objection? [LB157]

SENATOR STUTHMAN: Objection. [LB157]

SENATOR FRIEND: Senator Chambers, we do have an objection. Would you like to

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take up the bracket motion at this time? [LB157]

SENATOR CHAMBERS: Yes. I will move that it be bracketed to the date mentioned in the motion. Members of the Legislature, I think I ought to be a law school instructor. I really think I should, but I'm not going to. And I'm going to mention something that was given to me by a lobbyist, and that's not meant to be disparaging, but the other day I made a comment about a person doing something and saying, the devil made me do it. So he sent me this little joke, and it involved a minister's wife who had broken the budget by purchasing a very stylish dress. So when she came home wearing it, the minister could not deny that the dress was stylish. He said, but, honey, we just can't afford it, and you know how many times I've told you that when I'm tempted I say, Satan, get thee behind me. She said, that's exactly what I said and he said, it looks even better from this position than it did in front. So what I'm going to show here is that whatever angle you take to look at Senator Stuthman's bill, or the law that exists now, the bill is not good policy, and it will demonstrate how difficult it is to draft a bill of the kind that Senator Stuthman has in mind. So let me go back to what I was talking about, dealing with the language that was put into the bill by Senator Stuthman. Starting on page 1, in line 9: If a hospital staff member takes temporary physical custody of a child pursuant to this section, the hospital staff member shall perform any act necessary--any act. It could be a tracheotomy, it could be to set a broken bone, it could be any act necessary, and it must be taken in accordance with generally accepted standards of professional practice. And when it talks about what those standards are, we drop down to line 21, subsection (4) of Section 1: For purposes of this section, generally accepted standards of professional practice means medical treatment--medical treatment--or care of the type, quality, and amount that a hospital staff person would be expected to provide according to the professional standards of care for hospital staff with regard to the medical treatment and care of infants--medical treatment. So whatever medically needs to be done to ensure the health of that infant, this person in admissions must provide it. And that treatment must be provided in accord with those standards governing medical treatment. And what is the highest standard? That which is imposed on a physician. So when we talk about these standards of professional practice, they generally, but not always, relate to a physician. Maybe there are those that relate to a nurse, but we don't have anything specified that would narrow this definition. But one thing we know: It can mean more than changing a diaper or putting a bottle in the child's mouth. If there's an injury, this person must treat it. If there happens to be a small hospital, no physician on staff, nobody who is going to be able to cut and paste, nip and tuck, sew and stitch, then this person in admission has got to do it, under this law. And I asked Senator Stuthman, does this language which says that the staff member shall take this custody mean that there is an obligation created in the law where that staff member must accept custody? Senator Stuthman said, yes, that is his intent. Once that duty kicks in, there are consequences that follow. Any medical treatment of any kind, nature, quality, amount whatsoever, it must be provided by that staff member who takes the child into custody. That's what the language of this bill says, and this bill implicates

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criminal sanctions, so it must be strictly construed. The court cannot read into the statute what Senator Stuthman means, if Senator Stuthman's words do not say that. The regrettable thing about the discussion we're having here today is that there are so few of us here, which means that this issue is not taken seriously, or the discussion that we're having is not deemed to be very important, because we're going to get out of here early. But that factor, in and of itself, is sufficient to show why we ought to be here. We're going to get out of here early anyway. Not only am I the oldest person in the Legislature, Senator Stuthman, I've been here longer than anybody else. I would be ashamed to let an old man (laughter) show more stamina, more ability to focus and function, than I, especially if I'm one-half that old man's age, or two-thirds that old man's age. But in any case, while we're...ah, they're coming. (Singing) Bringing in the sheaves, bringing in the sheaves, (laughter) they shall come rejoicing, bringing in the sheaves. But still we don't have many people here. But Senator Stuthman is serious about his bill, I'm serious about my opposition, and this transcript is not going to say that Senator Stuthman and Senator Chambers were debating this issue before a virtually empty Chamber. I think the issue is one that deserves debate, and then it deserves to be killed as painlessly as possible, then granted a respectful burial. (Laughter) And unfortunately, I'm going to have to carry out all of those functions. Senator Stuthman is a dear friend, Senator Wightman, but as you know, if I'm a physician and he is a patient, and he is in a critical state, I may have to do a procedure which is going to add to his pain. Perhaps the administration of anesthesia would be such that his weakened condition wouldn't allow him to bear it. But under the circumstances, Senator Wightman, I have got to act. So I take out my scalpel, or I take out my laser blade, and I wouldn't do it with a smile, Senator Stuthman, although I'm smiling now. (Laughter) But if I were, it would be covered by my surgical mask. And then I would do what needs to be done, because sometimes to achieve healing there must be some pain, and the pain is not always a bad thing. Senator Stuthman experienced that when a butcher job was done when he was donating some blood. At first there was numbness in his arm, but then...because the nerve had been bruised. When the life returned, it was accompanied by pain. That was for the purpose of signaling Senator Stuthman like an alarm clock: I'm awake! I'm alive! I can feel, I can be. And Senator Stuthman should have said, thank goodness for the pain. But he probably reached for a Tylenol. (Laughter) Now, to tie that into what we're doing here, not every discussion that we have is filled with excitement. Not every one is going to cause our juices to flow. But nevertheless, some that are very serious might even be boring, because of the nature of the subject. This is one of those things which is going to involve criminal sanctions,... [LB157]

SENATOR FRIEND: One minute. [LB157]

SENATOR CHAMBERS: ...so we have to proceed with great care, in my opinion, take things step by step. And I have an obligation to make as clear as I can what my objection is, why I make it, and the flaws that I see in this bill. If it were enacted now, I don't think it would be implemented in the way that Senator Stuthman envisions. So I'm

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going to do all I can to keep the Legislature from ever taking a vote on it, up or down. Thank you, Mr. President. [LB157]

SENATOR FRIEND: Thank you, Senator Chambers. Members of the Legislature, you have heard the opening on the motion to bracket until May 25, 2007. There are several speakers. Senator Stuthman, you are recognized. [LB157]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. First of all, I would like to thank Senator Chambers for the comments that he's made, but I'm in total opposition of bracketing this bill until May 25 of '07. But I want to touch on something that bothers me a little bit on an issue that was brought up from Voices of Children, and I truly respect Voices of Children. But it's a real concern of mine when there was some oppositions to my bill right at the hearing, from the fire departments, hospital associations, and some other ones, and we tried to work with them to get an agreement and get a good bill. Now here, on the eleventh hour and the fiftieth minute, yesterday they come with an e-mail in opposition to the bill, to the amendment, to the AM250. Well, my amendment was filed on the 23rd of April, but they hadn't read it yet. But they throw up the big red flag, saying don't pass that bill, we oppose that bill. I would like to have seen them come to the table, tell me the things that they're concerned about. Let's make this bill a good bill. Let's make sure we do the right thing. Senator Chambers has brought up several good suggestions in the bill. I know he's not going to ever have a green light in support of this bill when the time comes, when the time will come to vote on this bill. But I appreciate that. And anything that we debate on the floor is nothing personal. I will not take anything personal. I do not take anything personal to anyone here on the floor, as far as debate is concerned. We're all down here to do a job. I'm down here to do a job. I'm down here with this bill to hopefully save an infant. I'm not as much concerned about the parent, but I'm concerned about that infant, that little, tiny, helpless, innocent child. That's the one that I'm concerned with. I think we got to look at this in a way that...let's be realistic. If this baby that was delivered to the hospital would have been found at the doorstep of Hy-Vee, what would have happened? Would have they taken it...would have they called the emergency unit? Emergency unit would have picked up the baby, the baby would have been taken to the hospital, and that hospital staff member...was that staff member supposed to be able to do all of the things that we've got laid out in here? I know there needs to be some word changes in my bill. We need to probably eliminate things and put some other things into it. But what happens to that individual when a situation happens like I've just mentioned, when a rescue unit finds a baby cold, with just a blanket on, and it's delivered to the hospital? That hospital staff member will take everything...do everything possible to get that infant to the place where it needs to get--in the incubator, in a warm room, take care of it, get the doctors to look at it. That's going to all be taken care of. That hospital staff member that admits it is not the one that's going to be doing all that stuff. [LB157]

SENATOR FRIEND: One minute. [LB157]

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SENATOR STUTHMAN: So that's what I'm concerned about. My main intent is for the safety and the well-being of that infant, because I want that infant to be able to live a long life and have a good life. I don't want to see it being placed on the creek bank. I also think that there are possibilities, as Senator Howard was stating, there are adoption agencies that will take these babies. If that's all in place and all a perfect place for these people, then why do we ever have some that are abandoned? Do they know about them? Hopefully, they do. But they must not. So I...what I'm trying to do is give that mother another option to her, to allow her baby to live. [LB157]

SENATOR FRIEND: Time. [LB157]

SENATOR STUTHMAN: Thank you. [LB157]

SENATOR FRIEND: Thank you, Senator Stuthman. Senator Langemeier, you are recognized. [LB157]

SENATOR LANGEMEIER: Mr. President, members of the body, I rise in support of what Senator Stuthman's idea is, and where he's going with this, and what he is trying to accomplish. However, as we just listened to his previous statement, he talks about the child left. I don't think this bill will stop the child from being left at the Hy-Vee store. I think in the least say the bill is problematic with that. My son...every time I go home on these recess days, my son keeps telling my oldest son, says, let's go to the hospital. I want a little sister. Let's go pick up a sister. And...because that's where he got his little brother, he says. And so...but I don't think this is exactly what he had intended, nor do I. I'd like to support this bill, but I think it's problematic. I think it's feel good. I think it's not going to end up with the results we want. I don't think the people in this position, that are truly in this stressful position, within 72 hours are going to be able to make this conscious decision to get the child to the hospital and make this work the way the intent of the bill is. And so with that, I can't support it. I don't support the bracket motion, though, either. I think this bill could go to a vote. I think it will get voted down and not advanced, so I am opposed to the bracket motion. And again, I commend Senator Stuthman for the idea. I commend him for putting his heart in the right spot, and I think we'd all like to go home today and say we voted on something that makes us really feel good for the protection, but this bill, I don't believe, does that. And so with that, I would yield the balance of my time to Senator Chambers. [LB157]

SENATOR FRIEND: Senator Chambers, 3 minutes. [LB157]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Langemeier. I agree with all that Senator Langemeier said, but I think, because our children have absolute trust in us, Senator Langemeier has an obligation to go to the hospital and get his son a little baby sister. (Laughter) Members of the Legislature,...and on a light note,

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we've used the term "deliver," that the mother would deliver the child to the hospital. So Senator "Parson" Carlson, that completes the circle. It shows the symmetry in the universe if we look for it. In the first instance, it's possible, even under these circumstances, the hospital may deliver the child to the mother, then the mother may deliver the child to the hospital. What Senator Langemeier pointed out, in terms of the state of mind of somebody who may be so dejected, depressed, confused, or whatever, that she does not want the responsibility of trying to deal with this child--maybe she feels she cannot--this bill's existence is not going to come to the aid of such a mother, because most people in this society, even the ones who consider themselves informed, will not know that this is even in place. She's not going to know that she has to give her identity if she leaves the child at the hospital. She's not going to know she has to get there within 72 hours. I'm not trying to be facetious, but suppose she can make it under the wire if she has a straight shot to the hospital in a car, but she gets tied up in traffic, and she gets there in 76 hours. Are we going to say that because she's four hours over the limit, then the law is not going to protect her where it should? Or that you must make this relinquishment within 72 hours? And most of us cannot tell you what we were doing 72 hours from this moment. [LB157]

SENATOR FRIEND: One minute. [LB157]

SENATOR CHAMBERS: Now if we...no, we'd need longer than that to figure it out. But at any rate, there are strictures in this bill which make it unworkable. As Senator Langemeier pointed out, and I'm going to tailgate on his, this bill is not going to stop the leaving of a child at Kmart or wherever that might have been. But if that should happen, the hospital will take the child, once the child is delivered to the hospital. But under this law, we are creating a process. We are creating standards and requirements that must be met, which is not the case now. We are doing those things by law. So what Senator Stuthman said earlier is totally irrelevant to what will happen under this bill. Thank you, Mr. President. [LB157]

SENATOR FRIEND: Thank you, Senator Chambers. Senator Schimek, you're next and you're recognized. [LB157]

SENATOR SCHIMEK: Thank you, Mr. President and members. I would yield my time to Senator Chambers. [LB157]

SENATOR FRIEND: Senator Chambers, almost 5 minutes. [LB157]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schimek. The last time I spoke, I spoke in a heat and a rush, and as I've said before, important or significant things should not be carried out in that manner. What this statute does is to specify requirements that must be met by a staff member at a hospital who receives the relinquishment of one of these children. First of all, in order for this law to apply, the

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relinquishment must happen within 72 hours of the birth of the child. How does the staff member know that that part is being complied with? And the staff member probably wouldn't even take the time to calculate it. But there would be no way for that to be imposed or enforced on anybody. Even if it were, this bill places on a person not trained in medicine or medical care, this bill places a standard on that person which would be found on a medical practitioner. That is not the case now. A new standard is being imposed by law. So a person who under the current state of the law could receive this child and then do the best he or she can, that situation doesn't exist under this law. We specify that that person shall provide any medical treatment that the child needs. That's not required under the law now. If you're not trained in medicine, you don't have to act like a doctor, but under this, you'd better. And if you do act like a doctor, which you must under this law, you'd better behave and meet the standards of professional practice that govern the activities of this medical practitioner. That's unreasonable. But that's what this law says. If it took effect, we could be made a laughingstock, because we are expected to read these bills, to understand what they say, and to understand what we're doing. There are other bills that don't deal with issues this serious, so the consequences are not that grave if we do make a mistake, or if we're not that careful and circumspect. But you are creating or you're attempting to create criminal conduct, and you're doing it in a backhand way. You're doing it by trying to create a defense against criminal prosecution under an existing law. But it would be possible for a woman to relinquish a child without violating the existing law that makes abandonment and neglect a crime. I cannot say people haven't thought deeply about what they were trying to do. If somebody gave me the task of drafting a bill to do what Senator Stuthman intends to do, I'll tell them it can't be done. I'll tell them that can be done when the earth can be suspended by a rope of sand, when water without artificial assistance... [LB157]

SENATOR FRIEND: One minute. [LB157]

SENATOR CHAMBERS: ...can run uphill. When God can create a stick with two ends, that's not unusual. But if you require God to create a stick that is six inches long that has only one end, even God can't do that. Tell God to create a stone too heavy for Himself to pick up. That can't be done. But God will create a stone too heavy for himself to pick up before you can draft a bill to do what Senator Stuthman is trying to do, and the bill be workable and constitutional. Thank you, Mr. President. [LB157]

SENATOR FRIEND: Thank you, Senator Chambers. Mr. Clerk, items on the desk? [LB157]

CLERK: Mr. President, I do. Your Committee on Enrollment and Review reports they've examined and engrossed LB578 and LB588, and find the same correctly engrossed. And Enrollment and Review reports LB342, LB342A, LB542, LB482, LB377, LB516, LB516A, all reported to Select File, some of those having Enrollment and Review amendments attached. Bills read on Final Reading this morning, Mr. President, were

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presented to the Governor at 10:05 a.m., again at 11:00 a.m., and at 12:35 p.m. (Re: LB5, LB8, LB69, LB132, LB147, LB152, LB199, LB214, LB226, LB227, LB233, LB252, LB256, LB277, LB364, LB382, LB388, LB396, LB424, LB445, LB449, LB481, LB508, LB561, LB580, LB664, LB218, LB596, LB144, LB188, LB208, LB219, LB289, LB471, LB368, LB368A, LB236, LB236A, LB463, LB564, LB435, and LB610.) And the constitutional amendment passed was presented to the Secretary of State at 12:37 p.m. (LR6CA.) New A bill. (Read LB377A by title for the first time.) A series of study resolutions: LR154 from Senator Heidemann; LR155, LR156, LR157, and LR158 from Senator Johnson. Senator Pirsch would like to withdraw his name, Mr. President, from LB674. (Legislative Journal pages 1549-1563.) [LB5 LB8 LB69 LB132 LB144 LB147 LB152 LB157 LB188 LB199 LB208 LB214 LB218 LB219 LB226 LB227 LB233 LB236 LB236A LB252 LB256 LB277 LB289 LB342 LB342A LB364 LB368 LB368A LB377 LB377A LB382 LB388 LB396 LB424 LB435 LB445 LB449 LB463 LB471 LB481 LB482 LB508 LB516 LB516A LB542 LB561 LB564 LB578 LB580 LB588 LB596 LB610 LB664 LB674 LR6CA LR154 LR155 LR156 LR157 LR158]

And I do have a priority motion. Senator Stuthman would move to adjourn until Tuesday morning, May 15, at 10:00 a.m. []

SENATOR FRIEND: Members of the Legislature, the motion is to adjourn until Tuesday, May 15, 2007, at 10:00 a.m. All those in favor signify by saying aye. All those opposed say nay. The ayes have it. We are adjourned.