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Floor Debate  
April 15, 2008

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[LB151 LB171A LB171 LB179A LB179 LB195 LB251 LB280A LB280 LB308A LB377  
LB467 LB467A LB469 LB544 LB546 LB575 LB609A LB645 LB701 LB710 LB720  
LB724 LB726A LB726 LB727 LB728 LB734 LB736A LB736 LB746 LB754 LB764  
LB765 LB766 LB775 LB777 LB781 LB789 LB798 LB805 LB819 LB821 LB837 LB838  
LB844 LB845 LB846 LB848 LB850 LB851 LB853 LB865 LB889 LB893 LB895 LB902  
LB904 LB911 LB911A LB912 LB916 LB928A LB928 LB947 LB952 LB955 LB965  
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LB1058 LB1067 LB1068 LB1082 LB1103 LB1108 LB1145 LB1147 LB1147A LB1154  
LB1154A LB1162 LB1172A LB1172 LR229CA LR238 LR283 LR284 LR379 LR380  
LR381 LR382 LR383 LR384 LR386 LR392 LR393 LR394 LR395 LR396 LR397 LR398  
LR399 LR400 LR401]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for this, the fifty-eighth day of the One Hundredth Legislature, Second Session. Our chaplain for today is Senator Norm Wallman. Please rise.

SENATOR WALLMAN: (Prayer offered.)

SENATOR LANGEMEIER: Thank you. I call to order the fifty-eighth day of the One Hundredth Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

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

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there any corrections to the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR LANGEMEIER: Thank you. Are there any messages, reports, or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read re: LB171, LB171A, LB179, LB179A, LB467, LB467A, LB575, LB765, LB766, LB777, LB889, LB912, LB952, LB973, and LB1049.) A second message to the Clerk. (Read re: LB916, LB965, LB1058, LB1068, and LB1154.) A third communication. (Read re: LB1154A.) I also have a Reference report referring study resolutions, Mr. President. (Legislative Journal pages 1439-1449.) [LB171 LB171A LB179 LB179A LB467 LB467A LB575 LB765 LB766 LB777 LB889 LB912 LB952 LB973 LB1049 LB916 LB965 LB1058

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LB1068 LB1154 LB1154A]

SENATOR LANGEMEIER: Members of the body, it's getting a little tough to hear. If we could keep the visiting to a minimum, I'd appreciate it. Thank you.

CLERK: Mr. President, your committee on Enrollment and Review reports they've examined and engrossed LB469, LB609A, LB720, LB734, LB837, LB928, LB928A, LB986, LB986A, LB1027, LB1027A, LB1055, LB1147, LB1147A, LB1172, and LB1172A; all those reported correctly engrossed. That's all that I had, Mr. President. (Legislative Journal pages 1450-1453.) [LB469 LB609A LB720 LB734 LB837 LB928 LB928A LB986 LB986A LB1027 LB1027A LB1055 LB1147 LB1147A LB1172 LB1172A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda, Final Reading. Motion to return to Select File for a specific amendment, LB846. [LB846]

CLERK: Mr. President, with respect to LB846, Senator Fischer, I have two amendments from you. I understand that AM2771 is to be withdrawn and you would like to offer AM27...I'm sorry, you want to withdraw AM2700 and offer AM2771. [LB846]

SENATOR FISCHER: That is correct. [LB846]

CLERK: Senator Fischer would move to return the bill for specific amendment, AM2771, Mr. President. (Legislative Journal pages 1453-1457.) [LB846]

SENATOR LANGEMEIER: Senator Fischer, you are recognized to open on your motion to return for a specific amendment. [LB846]

SENATOR FISCHER: Thank you, Mr. President and members. If you remember our discussion on the budget, I had made a promise to you that I would offer an amendment to LB846 that would take out the gas tax increase. AM2771 does that and I would ask that you vote to return it to Select File so that we may have a debate on it. Thank you. [LB846]

SENATOR LANGEMEIER: You have heard the opening on the motion to return to Select File for a specific amendment. The floor is now open for discussion. Senator Erdman, you're recognized. [LB846]

SENATOR ERDMAN: Mr. President, members of the Legislature, I need to ask Senator Fischer some questions so that people have an idea of what we're returning it for. [LB846]

SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB846]

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SENATOR FISCHER: Yes. [LB846]

SENATOR ERDMAN: Senator Fischer, I've read the amendment. Others have read it as well. But I think for the sake of the body's indulgence this morning, at 9:12, a little more in-depth explanation of your amendment would be appropriate at this time, if you could assist us in that. [LB846]

SENATOR FISCHER: If you would like, Senator Erdman, I can give my opening on the amendment. I was going to wait until we had returned it to Select File, but I can do that. [LB846]

SENATOR ERDMAN: My recommendation to you would be that you would do that for the standpoint that this is a significant deviation from the way that your bill would have been enacted or effectively applied. I think it's beneficial for the body to hear what the compromise that you've come up with is and how it is different, and I think that's time well spent before we even get to that point. [LB846]

SENATOR FISCHER: Okay. I would be happy to. As I said during the discussion on the budget, I did promise a compromise on LB846 that would not increase the gas tax above the budget appropriation. We've all heard from our constituents and from citizens around the state about the increase and I believe this amendment will address their concerns. I've had discussions over the past week with some of you. I've also had discussions with the Governor's Office and with the Governor, and I will tell you that this amendment that I am proposing is agreeable to those of you I spoke with and also to the administration. This amendment calls for no gas tax increase and it makes LB846 revenue neutral. It pushes back the effective date of the bill from January '09 to July '09. With this change, the wholesale tax will not begin to be collected until after we have gone through our budgetary process next legislative session. The gas tax formula is adjusted to ensure the 26.5-cent tax that the state will have beginning in July of this year, and it will remain the same in July of '09. There will be two fixed portions of the gas tax, one for the state and one for the cities and counties. The state's portion will be set at 7.5 cents, and the local governments' will be set at 2.8 cents. The variable portion of the gas tax is dropped from 14 to 4 cents. It's estimated that the wholesale tax will be calculated at 12.2 cents in July of '09. If you add those numbers together, we will have the same gas tax at 26.5 in '09 of July that we will have in July of '08. The amendment also changes the maximum and the minimum level that the wholesale tax can change over that six-month period. The original bill limited the change to 25 percent deviation from the previous six-month average price. The amendment alters that. The increase and the decrease will be 1 cent in the tax rate over a six-month period. This change is more definitive and it allows for a smaller variation over that six-month period. It protects the public from the wild fluctuations in the price of gasoline that we have all experienced over the last several months. The amendment also transfers \$15 million out of the Cash

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Reserve Fund to the Roads Operations Cash Fund, \$5 million each over three years starting July 7, '09. The Department of Roads will be required to use this money to leverage for appropriated federal highway earmarks. I support this only as a one-time transfer of Cash Reserve money to the Department of Roads, and only for this specific purpose. We have approximately \$73 million in unused federal earmarks on many projects on the state highway system that are not high up on the department's priority list. [LB846]

SENATOR LANGEMEIER: One minute. [LB846]

SENATOR FISCHER: This \$15 million will allow the state to meet the required 20 percent match for those federal dollars and allow the state to maximize the return that we will see on our construction dollars. That is a brief explanation of the amendment. Thank you. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Senator Erdman, your light is on. You're recognized. [LB846]

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. I rise in support of the motion to return LB846 to Select File for AM2771. I appreciate the effort that Senator Fischer has made, as well as Senator Heidemann, in coming up with this alternative. The discussion will be probably a little greater on the amendment, should we vote to return the bill, but I do believe that what Senator Fischer is offering us is a reasonable compromise, without raising the gas tax and still providing funding for roads which, ironically, is where I've been all session. Thank you, Mr. President. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Is there anyone else wishing to speak? Seeing no other lights on, Senator Fischer, you're recognized to close on your motion to return to Select File. Senator Fischer waives closing. The question is, shall LB846 return to Select File for specific amendment? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB846]

CLERK: 38 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB846]

SENATOR LANGEMEIER: LB846, motion to return is successful. (Visitors introduced.) The long johns that are being passed out are from Senator SharonAnn...from Senator and SharonAnn Loudon. They're from Mama Rita's Bakery in Alliance. Senator Fischer, you are recognized to open on AM2771. [LB846]

SENATOR FISCHER: Thank you, Mr. President and members. As I said earlier, I think this amendment is a good compromise. I think it's one that we all can be comfortable with. I think it also sends a message to the citizens of this state that we are not raising the gas taxes. Under this compromise, this amendment and then this bill, we are putting

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in place another mechanism, but I think more importantly what we're doing, if we pass this amendment and pass the bill, is that this Legislature and the administration have made a statement. We've made a statement that our highways, that our infrastructure are important in this state, and I've pledged to many of you, and I've also pledged to the Governor, that we will continue to work on highway funding over the interim and we will come back with proposals because we are in a crisis at the state, local levels in how we are able to maintain our infrastructure. Thank you, Mr. President. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on AM2771. The floor is now open for discussion. Those wishing to speak, we have Senator Schimek, Fulton, and Pirsch. Senator Schimek, you're recognized. [LB846]

SENATOR SCHIMEK: Thank you, Mr. President and members. I voted to return this bill to Select File because I thought that this option should be discussed this morning. As Senator Fischer knows, I have supported her bill from the very beginning. I know that she's done a lot of work on the bill and she's made some very strong arguments for the original bill. In fact, she made those arguments so strongly that I regret that I am not going to be able to support this amendment. If we do this amendment, yes, we won't be raising the gas tax any further, but I go back to her argument on General File and Select File that what we will be doing, in effect, is raising income and sales tax in order to replenish the fund, the rainy day fund. And I don't want to go down this path. It's a one-shot deal and it can't be sustained over the long haul. So I would rather that we would find a way to do something that's sustainable and I thought that Senator Fischer's bill was sustainable from the very beginning. Now I've told constituents, who have written to me and called my office, I've told them that this gas tax, as it is right now, is actually 4 cents less than it was in January. I mean you really have to keep reminding people because they didn't notice when the gas tax went down in January. What we did in the appropriations bill was to raise it 1 cent. What we would be doing with the original Fischer bill is raise it another 2 point some cents. I've forgotten exactly the amount. And I understand that people don't want their taxes raised, I understand that, and particularly people who are at the perhaps the more challenged end of the economic structure. But if we eventually raise other taxes to replenish the reserves, then I don't think that we're doing them any favors. There are other needs that we have that we could have used the reserves for and we kept our hands off of them, so to speak. So it is with great reluctance because I do think Senator Fischer has done a lot of work on this bill and I do think that she's worked very hard to bring people together. I feel, from the green lights I saw up there on the board, that her amendment will be adopted, but I just wanted to reiterate why I don't think this is a very good road to go down. Thank you. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Senator Fulton, you're recognized. [LB846]

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SENATOR FULTON: Thank you, Mr. President. Would Senator Fischer yield to a question? Mr. President, would Senator Fischer yield to a question? [LB846]

SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB846]

SENATOR FISCHER: Certainly. [LB846]

SENATOR FULTON: Senator Fischer, I will be supporting this compromise. Thank you for putting it together. Could you explain? The question I have, the specific question, is the \$5 million Cash Reserve transfers, consecutively in '09, '10, and '11, that is to leverage federal money? And then could you elaborate on how much federal money we're talking about? [LB846]

SENATOR FISCHER: Yes, Senator Fulton, thank you for the question. The \$15 million total that we will be taking from the Cash Reserve is to leverage federal money. The state is required to have a 20 percent match. The total federal funds that are currently available that our congressional delegation have gotten for the state for various earmarks, that total amount is about \$73 million. We will start, as you said, in July of '09 with the first \$5 million. As you know, it takes a long time to build a road, and the Department of Roads, many of these projects are not even programmed yet. And so I would imagine, if this bill would pass, they would move forward on their designs, environmental impact studies, and in order to get these projects programmed and ready to go because they know that now the funding...the match, the 20 percent match, is available for them. [LB846]

SENATOR FULTON: Okay. Thank you, Senator Fischer. The compromise being revenue neutral is much more palatable and coupled with the fact that we're looking at another pot of money to leverage federal money. I know this does not necessarily mean that this is a long-term step for this body. This is not a long-term policy decision. But in the short term, anyway, this is something that seems to be appropriate in terms of leveraging funds. So I also want to end by impressing upon members that next year we will be dealing with this again and we will be dealing with the roads funding issue and the policy that undergirds the issues, particularly our tax policy, for many years into the future. And we should pay close attention to how the utilization of new funds incorporates into our policy. So I will support this amendment and the underlying bill. Thank you, Mr. President. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Senator Pirsch, you're recognized. [LB846]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I wonder if Senator Fischer might yield to a quick question? [LB846]

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SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB846]

SENATOR FISCHER: Yes, I will. [LB846]

SENATOR PIRSCH: Thank you very much, Senator Fischer, for bringing this amendment forward and, just to make absolutely clear, this...the provisions embedded in this amendment do not...and specifically with respect to page 6, well, first of all, line 20 through 24, that changes a formula, does it not? Or what does that provision...how does that...what does that effectuate to do? [LB846]

SENATOR FISCHER: Senator Pirsch, the lines you're referring to, 20 through 24, on page 6, is that correct? [LB846]

SENATOR PIRSCH: That's correct. [LB846]

SENATOR FISCHER: That does not change the formula for the gas tax, how it is figured now. What that is doing is changing from the original bill where we had in...I called it a cap of a 25 percent increase on the wholesale tax, now we are putting in, in this amendment, that the tax would only be able to go up a penny or down a penny. I thought that would clarify this more and help all of us, including the public, understand what that is. That's, as I said, it's more definitive. Twenty-five percent, you know, what does that mean? So that's the change there. [LB846]

SENATOR PIRSCH: Okay. And that kind of assumes that a future Legislature would enact a tax. There's nothing about your amendment that carries with it a tax increase on the gas in any way, correct? [LB846]

SENATOR FISCHER: Senator Pirsch, this amendment and this bill would be revenue neutral. The Legislature still would have control, through the appropriations process, through our budgeting process, on what amount we are giving budgeting in revenue for the Department of Roads. That, in turn, determines what the gas tax will be. [LB846]

SENATOR PIRSCH: Okay. So future Legislatures in future sessions will determine that amount. [LB846]

SENATOR FISCHER: As they do now, Senator. [LB846]

SENATOR PIRSCH: Correct. Okay, great. Well, I do appreciate that and your concern over, I guess, meeting some of the concerns that were...I had elaborated earlier, and I do appreciate the fact there is no tax increase embedded in this amendment. And so I will yield the balance of my time to Senator Fischer, if she'd like to make any further comments? [LB846]

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SENATOR LANGEMEIER: Senator Fischer, 2 minutes. [LB846]

SENATOR FISCHER: Thank you, Senator Pirsch, and I appreciate your support on this. Thank you, Mr. President. I think Senator Pirsch and Senator Fulton have made good comments that there is no gas tax increase in this, and I hope everyone understands that. I also appreciate Senator Schimek's comments. Those of you who heard me in discussions on this bill and last year know that I don't step up readily to taking money from the Cash Reserve or from General Funds, but I am now. But I'm not putting it in the budget for the Department of Roads, and I want that intent clear in this legislative record and I want it clear for all of you. I view this as a one-time transfer, and it is a one-time transfer so that the state can contribute 20 percent in order to receive 80 percent of funding from the federal government for projects throughout the state of Nebraska. I think it's important that we all recognize that. This money is used to leverage federal money, 20 percent to 80 percent. [LB846]

SENATOR LANGEMEIER: One minute. [LB846]

SENATOR FISCHER: I think it's appropriate. I think we need to do this. That money has been sitting there and there are a number of projects and a number of communities that have been waiting for those projects to be done. Thank you, Mr. President. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Fischer and Senator Pirsch. Those wishing to speak, we have Senator White, Gay, Synowiecki, Erdman, Howard, Loudon, Chambers, and others. Senator White, you're recognized. [LB846]

SENATOR WHITE: Thank you, Mr. President. Would Senator Fischer yield to some questions, please? [LB846]

SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB846]

SENATOR FISCHER: Yes. [LB846]

SENATOR WHITE: Senator Fischer, with regard to this bill and the money that is made available to match federal earmark grants, if we do allocate that money to the Department of Roads, will it be limited so, one, they must spend it and, two, they must spend it on those federal projects? [LB846]

SENATOR FISCHER: Yes. [LB846]

SENATOR WHITE: And second, with regard, can you tell us generally what those projects are so that the people of Nebraska know what we're getting for this money? [LB846]

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SENATOR FISCHER: Yes, I can, Senator. I found my sheet. The state projects that have been earmarked include the Heartland Expressway; the Kearney east bypass; the Lincoln south beltway; the Louisville bypass; Norfolk, the north 35 corridor; Plattsmouth to Bellevue, and Plattsmouth to Bellevue there's bridges. There's also some federal earmarks for different projects for bridge...such as bridge research and construction, also for different research on safety facility. [LB846]

SENATOR WHITE: Thank you for that, Senator. Senator, I heard your comments that you indicate that you do not want this to be a regular process where we take General Funds and put it into the Roads budget for matching federal earmark projects. Is there anything in your bill or any anticipated bills, because I know you've worked very hard and we're running short on time, that would require state fund money, especially if we change the tax base, to be used the most efficiently, in other words, that when we can get matching dollars, where we put in, what is it, 20 percent to match federal, that it must be used? One of the things I have...and let me make the question clear, I'm very concerned that the Department of Roads for years has not been using the money they get from the tax base that we do give them in the most efficient manner, because they've allowed a number of federal projects just not to be done because they don't agree with the priorities the federal government set, even though the federal government would pay 80 percent of the costs. So is there anything in this bill that will change that policy? [LB846]

SENATOR FISCHER: Can I make a number of comments on that question? [LB846]

SENATOR WHITE: Certainly, please. [LB846]

SENATOR FISCHER: Okay. First of all, I think in the future we're going to have to look at a number of ways that are available to us to fund highways that may include General Funds. I do have a problem with that, but I am willing to look at a number of avenues on how we fund roads. I think all of us and the citizens of the state have a problem with the gas tax. I believe, as legislators, we have not been able to articulate to our citizens in this state truly what the gas tax is, where that revenue goes. I think that's a problem that we have in this Chamber that we haven't been able to do that. I will continue to try. In this bill, no, there is nothing saying that the state is going to have to always leverage money for federal projects, and I don't know at this point if I would support that. I think as a state we need to prioritize our roads. That's the system we currently have. Our congressional delegation,... [LB846]

SENATOR LANGEMEIER: One minute. [LB846]

SENATOR FISCHER: ...I thank them for finding more revenue for roads in this state. I wish they wouldn't earmark it for certain projects. I wish they, if they were going to do that, they would earmark it for priorities that we as a state have decided are priorities. I

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think we would be getting into very dangerous territory if we would be sending the message, earmark more federal money for us and we'll commit then our citizens' tax dollars for those projects even though they may not be priorities in this state. I've introduced a legislative resolution for this interim... [LB846]

SENATOR LANGEMEIER: Time. [LB846]

SENATOR FISCHER: Thank you, Mr. President. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Fischer, and thank you, Senator White. Senator Gay, you're recognized. [LB846]

SENATOR GAY: Thank you, Mr. President. I rise in support of the amendment and commend Senator Fischer for her work on this issue. She had been back and forth with a lot of people, trying to please a lot of people, and I commend her for her diligence on this issue. Three things that I seem to like here, and I'm listening to the discussion, is the delayed implementation. Timing is not good now and we hear the, well, there's never a good time for this, I probably agree with that statement, but this time probably is not a good time with where we're at. But here long-term view and strategy, as we've been discussing, is very good and I think this starts to take a look at that long-term financing as we find alternative methods of fuel and issues like that and we're dealing with the inflation and building these new roads and issues like that. The idea of leveraging these federal dollars, I agree and I'm listening more as she discusses that with Senator White, but along the way there's just a lot of issues. Some of these things, we all know you don't get everything you want in these issues and you try to find the best compromise you can. I think she's got it. I do commend her. I know there are interim studies that will be looked at this summer. Other people here have discussed how we prioritize roads, how we're going to fund them in the future, and I think there's a lot of ways...there's a lot of room still to go and to find some solutions, but this is starting in that direction. So I'm excited that we have that. I think the work that's been done here, and I know it's the waning days of the session, but I think this a great start to get going. I'm going to listen more throughout this conversation and see where we go from here. I would ask if Senator Fischer would yield to one question? [LB846]

SENATOR LANGEMEIER: Senator Fischer, would you yield to a question from Senator Gay? [LB846]

SENATOR FISCHER: Yes, I will. [LB846]

SENATOR GAY: Thank you, Senator Fischer. The question is, when we're changing the structure here, what do you envision long term then? We're delaying it for one year. Why is that beneficial to do right now, I mean delay it for a year and change the structure? What do you see as the long-term benefits of that? [LB846]

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SENATOR FISCHER: I think the importance of passing this bill, as I said earlier, is to show our commitment and to recognize that highways are a priority. I've said all along that LB846 is only a first step. We need to consider inflationary costs, as you mentioned, when you have construction costs going up over 11 percent a year. Because we are in competition with China and with India, those are problems. Those are problems. I think this discussion has educated many of us on that. But I see it as a move forward in the discussion of how we can fund roads in this state, how we can keep up with inflation, and that we're saying...we're stepping up and saying this is a priority, as we've done with school funding in the past. [LB846]

SENATOR GAY: Thank you, Senator Fischer. Along the way, I've had several town hall meetings and I discussed this situation with several, and I think what they were looking for is exactly what we have here, is they understand the need and the prioritization, but they're saying, you know, we didn't want to do it now. This keeps us moving forward. They understand that we have to pay for roads and the infrastructure we're going to do. Constituents understand that. This is a very good compromise to keep us moving, keep us moving in the direction so we don't just stand still and we start falling further behind. So I do support the amendment, and any remaining time I'd yield to Senator Fischer, if she would like it. [LB846]

SENATOR LANGEMEIER: Senator Fischer, 1 minute. Senator Gay yielded you 1 minute. [LB846]

SENATOR FISCHER: I would waive. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Thank you, Senator Gay. Senator Synowiecki, you're recognized. [LB846]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier, members. I was very up front with Senator Fischer in informing her that I could not support the amendment, almost precisely for the same reason Senator Schimek mentioned. I think it's a slippery slope and I think it's representing bad public policy when we move away from a user fee approach to funding roads. I just hope...I think this amendment will probably go, but I just hope that the members are aware that what we're doing here, what we're essentially doing here, is putting roads funding in competition with public safety, substance abuse and mental health funding, developmental disability funding, all these kind of human service areas where there are huge needs within our state. And what we're doing is catapulting roads into this mix of competition for funding out of sales and income taxes and moving away from a user fee approach. I think that's pretty dangerous and I cannot support it. I don't think it represents good public policy. I think one thing we need to also realize, that in these human service areas, such as services for the blind, developmental disability and substance abuse, we're talking about federal

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assistance in these programs as well. I think some of those programs for the blind carry a 5 to 1 match from the federal government, but we chose not to fully fund some of these areas precisely because our needs outweigh what we can do in this area of the budget in the General Fund appropriations. And we bypass, we bypass, as an Appropriations Committee and as a legislative body, we bypass a lot of available federal funding for human service needs within our state and now what we're doing is we're going to put roads funding in direct competition with these other critical needs within our state. I would, if I could, Senator Langemeier, ask Senator Fischer perhaps one question. [LB846]

SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB846]

SENATOR FISCHER: Yes. [LB846]

SENATOR SYNOWIECKI: Senator Fischer, I do want to affirm your hard work on this and I think I've been very open and direct with you relative to my feelings on the amendment. But my one question is, in reading the amendment, it looks like the first Cash Fund transfer doesn't occur till July of '09. [LB846]

SENATOR FISCHER: That is correct. [LB846]

SENATOR SYNOWIECKI: So what is the need to do that this session? And here's where I'm coming from on this question, is we...as I mentioned, we have developmental disabilities, we've got substance abuse/mental health, we've got funding for domestic violence, these sorts of needs within our state that will now be put in competition for this funding for roads, and those advocacy groups, those individuals that have interest in those types of services will not have opportunity to let their views be known relative to this cutout, if you will, for roads. Why can't we delay this one year, you have a public hearing on this measure next year and it gives these groups an opportunity to voice their opinion relative to this competition that will be evolving toward funding of their programs? [LB846]

SENATOR FISCHER: Thank you for the question, Senator Synowiecki, and you and I have had very open discussions on that and I do appreciate it. I believe that every group, every agency that goes before the Appropriations Committee during the process have always voiced their needs and voiced their concerns. We've also heard from groups and communities that are looking for revenue for roads. Those people have not gone before the Appropriations Committee and I don't anticipate that they will in the future because this is a one-time transfer. Here again, it's in this amendment. We're starting it in July of '09 because we're making a commitment, and we're also letting the Department of Roads know that this money is coming so that they can start or finish work on these different priorities in order to get them ready to go and let bids on them. So I believe we need to do it...pass it this year so that, even though the money is not

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going to be there for another year, because the Department of Roads needs to know that that funding... [LB846]

SENATOR LANGEMEIER: Time. [LB846]

SENATOR FISCHER: ...is coming and they'll be able to program for it. Thank you, Mr. President. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Fischer and Senator Synowiecki. Those wishing to speak, we have Senator Howard, Louden, Chambers, Schimek, and others. Senator Howard, you're recognized. [LB846]

SENATOR HOWARD: Thank you, Mr. President, members of the body. I share Senator Schimek's concerns and I would say Senator Synowiecki's as well. I, frankly, am surprised about this shift in funding at the point of Final Reading. Senator Fischer, who I have a great deal of respect for, has told me again and again that her constituents have told her that they supported her with a proposed gas tax increase. My constituents have let me know that they do not. I appreciate Senator Fischer's creativity, however, I cannot support taking another \$15 million from the Cash Reserve. When issues regarding poverty and child welfare and salaries for teachers are continually ignored, I can't look at dipping into the reserves to provide funding for roads. Now is the time for the Department of Roads to use the funding they have prudently and to provide accountability for how they are spending this money. Thank you. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Howard. Senator Louden, you're recognized. [LB846]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I support Senator Fischer's effort on trying to find a way to fund roads. In fact, I introduced LB1035 into this session which would have allowed...at that time it was asking for \$16 million for federally earmarked expressway system funding. At that time, as it worked with the Department of Roads, it's hard to find out how much money they actually needed. As the time went on we found out that part of that federal expressway funding wasn't going to be available because they haven't even started on any of the preliminary work that needed to be done to build those roads. There were two projects that could be started right away and I think the two of them together brought in...cost around \$7.5 million to leverage the money to do the Heartland Expressway and the other one was the one up by Norfolk. With that being said, we have to consider what the Department of Roads does. It was their priority to do your six-lane interstate between Lincoln and Omaha, and they are continuing with that. My understanding is part of that's federally funded, so they were spending their percentage on that. The gas tax, you worry about what the gas tax was, it isn't the gas tax that's bothering people; it's the cost of gasoline. Because the gas tax has stayed the same. In fact, the gas tax is less now than it has

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been for probably a year and a half or two years. Consequently, some of the problem was that if they played politics with that and decide how much they want to appropriate to fund the highway system, then they come up with how much they will probably need for a gas tax. This was a case where the projections were that they weren't going to sell as much gas, gasoline or fuel, so the fuel tax would be lower, so they put their appropriations lower. And when the whole thing settled out, what showed up was that actually the fuel tax didn't drop as much and sales tax on automobiles and equipment was higher...was more, so they got in more money than what was necessary to be appropriated, so they dropped it at 4 cents a gallon there in January. Now you can either say we saved the consumers a million dollars a month--about 1 cent is about a million dollars a month, is my understanding--so we can either say we saved the consumers \$4 million a month for the last four months or so, or we left \$4 million a month laying on the table that could have went to funding roads, whichever way you want to look at it, I guess, whether the glass is half full or half empty. But this is some of the problems. I think the Department of Roads' priorities have not always been where they should be. The question is, are you going to build roads where the traffic is or are you going to build roads to try and make some progress in the rest of the state and develop the rest of the state? If you don't build a road then nothing will ever happen there. They've changed their traffic numbers now so that my understanding is, the last I talked to some of them, that unless there's 10,000 vehicles a day they don't want to put in any four-lane expressways. Consequently, when you do that, then that takes care of probably a lot of road building in the western two-thirds of Nebraska, in fact, for that matter, the western three-fourths. So I think all of it together there, there needs to be a lot of work done with the Department of Roads and I think there has to be an understanding on what the Legislature wants done, if this is what we want done. If we want to have a road system in Nebraska for all of Nebraska, then I think we have to stipulate... [LB846 LB1035]

SENATOR LANGEMEIER: One minute. [LB846]

SENATOR LOUDEN: ...on how we want some of this money spent. This comes close to the bill that I introduce and I intend to support it. I think transportation is very important in Nebraska. Our fuel tax, I would like to know what...how much fuel tax is paid by people that are traveling through Nebraska. One thing about Nebraska, when you go down Interstate 80, you can't drive clear across Nebraska without fueling up once. It's...most cars won't run 400 miles on a fuel tank so somewhere along the line they have to buy fuel and that's what funds our roads. So I will support this amendment. I think that it isn't complete. I would have liked to have seen more, but at the present time this is a start and hopefully we can get something going on our road and transportation system in Nebraska. Thank you, Mr. President. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Louden. Senator Chambers, you're recognized. [LB846]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I want to mention a number again--1,700,000. That's how many people are in Nebraska. This conversation this morning is not for the public. It's for people preaching to the choir. "Pork," at the federal level, is condemned. Now that Nebraska can get some of it, it's all right. The so-called fiscal conservatives, the purists now see a way to reach into that trough and get something, so that's why we're doing what's being done this morning. I was going to offer an amendment to take away that 1.2-cent gas tax increase. The public can understand that. I'm not going to offer the amendment. There have been discussions; a compromise, as it's called, has been reached. When you hear the name of the projects, you can see why all of a sudden all these senators are supporting it. They're getting something. This is not about policy. This is not about integrity in government. This is not about anything other than getting a couple of slices of the bacon, which they condemned when they thought there was no way for them to get a part of it. That's all that this is about. One point seven million people, you want a Cadillac roads system for a Volkswagon culture, economy and society. You want to build all these roads going nowhere. There are not businesses knocking on the door of Nebraska saying build some four-lane expressways and here we come. With the increased cost of diesel, there are trucking companies taking trucks out of business right now, taking them off the road, and you want to build more roads. Diesel is rising at a higher rate than gasoline, obviously. And there was a man who's got a trucking company who was talking to the World-Herald Sunday, mentioned the increase in the gas tax of the Legislature and said the Legislature is piling on. You all can reinforce for each other than you're doing a great thing and the public sees it as great. All they see you doing is pouring water on drowning people. They see you raising the gas tax when the price of gasoline continues to skyrocket. You can engage in these esoteric discussions and some of our colleagues on the floor won't even follow and understand it, but you get them on your side by saying, but in your area there's going to be some road building. Oh, that's all I need to know. I won't be here next year, a lot of us won't, and the problems are going to be here. And a lot of people are going to be, supposedly, grappling with these problems who don't even understand them. So the lobby, the construction industry, the Governor are going to rule, and this Legislature won't even be a good rubber stamp but it will be herded and it will run in the direction that it is herded, and that is regrettable. That tax increase on the gas is there. This bill does not mitigate that at all. You can talk about 24-cent total tax, 26 cents, it was 28 cents, all that means nothing. All they see that this session did was to increase the gas tax. That's all that the public sees. And you all, who are left, you're not going to get a salary increase. You're not going to get it. And you might think it's great to get this pork now, but you will scramble and try to explain, if it becomes a political issue, which it is already, maybe the public will forget, you hope, but if they don't you'll be trying to find a way to rationalize it. You won't go out there and proudly bring up the fact that you raised the gas tax. You won't do that. You will hope that it goes away. I doubt if there's a person on this floor who, when talks are being given,... [LB846]

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SENATOR LANGEMEIER: One minute. [LB846]

SENATOR CHAMBERS: ...will say one of my proudest actions in the Legislature was to raise the gas tax when the price of gasoline is over \$3.20 a gallon, and I'm so proud of having done that and I know the public is thanking me every time they go fill up at the tank at the gas station. And as for this comment that Senator Loudon makes, and I've heard others make it, that people who drive through Nebraska and will pay the gas tax is why you raise the gas tax, that is preposterous. That's not even in contemplation when the tax is raised on gasoline. Some of those things ought to be thought about before they're put out here. I'm not going to support the bill. I'm not going to offer any amendments. I'm not going to try to delay it. You are getting what you're asking for, but it's going to turn out to be something other than what you want. Thank you, Mr. President. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Chambers. (Visitors introduced.) Returning to discussion on AM2771, those wishing to speak, we have Senator Schimek, Pirsch, and Wightman. Senator Schimek, you're recognized. [LB846]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I don't intend to delay this bill either, nor did I really intend to speak a second time, but it does occur to me that I need a bit of information and, Senator Fischer, you're probably the one who can give me the answer on it. [LB846]

SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB846]

SENATOR FISCHER: Yes. [LB846]

SENATOR SCHIMEK: We keep talking about using matching funds here and you and I had a discussion a little while ago that said...I think I got the answer right, that there would be matching funds with the original bill. But beyond that, the question I really want to ask has to do with what I think is about...is it \$75 million sitting there that could be used for road construction that the Roads Department has chosen not to use? Could that be used for matching funds? [LB846]

SENATOR FISCHER: The \$73 million is... [LB846]

SENATOR SCHIMEK: Seventy-three, excuse me. [LB846]

SENATOR FISCHER: ...the federal funds, the federal earmarks that our congressional delegation have gotten in the federal highway budget. The Department of Roads has a process that they go through, which I was cut off earlier when I was discussing this on how to prioritize roads in the state and I introduced an interim study to look at that this

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summer and fall on the prioritization system, who's involved, how it's decided. I think that will be helpful for all of us to have that information in order to understand it. Many of these projects are on the department's one-year or five-year plan, but because of the limited amount of revenue that we have for the Department of Roads, because of the shortfall that's anticipated, these projects have been pushed back even though there's that \$73 million there. So they are, for the most part, on the one-year or the five-year plan. Some have been on the plan and been dropped because of the revenue shortfall. What this amendment will do--it wasn't in the original bill--what this amendment will do is have that 20 percent for the state match in order to leverage the federal money that is just sitting there, so to speak. [LB846]

SENATOR SCHIMEK: And thank you, Senator Fischer. It is all kind of coming back to me. Obviously, we can't use that \$73 million for a match. It has... [LB846]

SENATOR FISCHER: For other projects. [LB846]

SENATOR SCHIMEK: ...or for other projects. It has to be matched with state funds. And I knew that. [LB846]

SENATOR FISCHER: It has to be used for that specific project that it is earmarked for. [LB846]

SENATOR SCHIMEK: Okay. That helps. And I think that I just had a momentary blank spot in my brain about that, but I appreciate the explanation. Thank you. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Senator Pirsch, you're recognized. [LB846]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I wonder if Senator Fischer might yield to just a couple questions. [LB846]

SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB846]

SENATOR FISCHER: Yes. [LB846]

SENATOR PIRSCH: Thanks very much. Just to solidify things in people's minds, so these...you serve as the Chairman of the Transportation Committee, correct? [LB846]

SENATOR FISCHER: Correct. [LB846]

SENATOR PIRSCH: And, as such, you're familiar with the projects that would be leveraged with these federal funds, either started or maintained with the allocations here? [LB846]

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SENATOR FISCHER: I would say I have a list of the projects that would qualify where the earmarks have been given by the federal government. I would say I'm far from familiar with specifics in the programming of those projects. [LB846]

SENATOR PIRSCH: Okay. Do you have enough familiarity with them to answer, I guess, Senator Chambers' question as posed, which are these projects, you know, truly priorities for the state of Nebraska as far as maintaining infrastructure and making sure that roads exist so that communities throughout Nebraska have economic development and continue to do well? [LB846]

SENATOR FISCHER: In my personal opinion, yes, on the economic development part. That is not a factor in determining needs currently under the prioritization system. I will say, as I told Senator Schimek, these projects have been included in a one- or a five-year plan. The Department of Roads has prioritized them, but the money, the revenue, has not been available to complete or even to get started on these projects. For example, one is the Lincoln south beltway. I wouldn't say that that's a road to nowhere. I would say that at the state level and also the city of Lincoln and the citizens of Lincoln and those who come to Lincoln to visit realize that that Lincoln south beltway is important, but it fell down, it fell to a lower level in the state's priority list and that's why progress has not been taken on it unless we can match those federal funds. [LB846]

SENATOR PIRSCH: Okay. And falling down in the rankings, as they may be, is this still on the list of those projects that are considered priorities by the Nebraska state Department of Roads? [LB846]

SENATOR FISCHER: They're all...as far as I remember, all of these projects are listed on either the one-year or the five-year plan. [LB846]

SENATOR PIRSCH: Okay. [LB846]

SENATOR FISCHER: At one time...and if they have been dropped off, I will put a little "if" in there, if they have been dropped off it's because that revenue was not available, but they were identified as priorities. But the revenue has just not been available for those. [LB846]

SENATOR PIRSCH: Okay. And that would be through the objective process of the Nebraska Department of Roads? Is that then correct? [LB846]

SENATOR FISCHER: Correct. The Department of Roads will determine in what order these projects will be completed. As I said, the Lincoln south beltway, I think that's been on for a number of years and now it has the chance, when we leverage those federal funds, that we can move ahead and do that. [LB846]

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SENATOR PIRSCH: And again, what is the...is it an 80 percent/20 percent match on the federal funds? [LB846]

SENATOR FISCHER: Correct,... [LB846]

SENATOR PIRSCH: Okay. [LB846]

SENATOR FISCHER: ...20 percent by the state will leverage 80 percent for the federal money. [LB846]

SENATOR PIRSCH: So the federal government will give \$8 for every \$2 that... [LB846]

SENATOR LANGEMEIER: One minute. [LB846]

SENATOR PIRSCH: ...that the state spends on these projects. [LB846]

SENATOR FISCHER: Yes, 80/20. [LB846]

SENATOR PIRSCH: But for the other roads that Nebraska has prioritized, is that not the case; the federal government will not give \$8 for every \$2? Is that correct? [LB846]

SENATOR FISCHER: We do receive federal money. Through the federal gas tax, the state of Nebraska receives revenue. That's one of the reasons we started this discussion on highway funding, is because of the anticipated loss in that or shortfall in the amount of revenue we're going to be receiving through the Federal Highway Trust Fund. There is not a match on that. That's not earmarked money. That money goes directly into the department's budget. [LB846]

SENATOR PIRSCH: Okay. So this is a use-it-or-lose-it type of provision with these roads then, correct? [LB846]

SENATOR FISCHER: Correct. And I would like to make clear that these, all of these roads that I mentioned, are priorities. [LB846]

SENATOR LANGEMEIER: Time. [LB846]

SENATOR FISCHER: Thank (microphone malfunction). [LB846]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Wightman, you're recognized. [LB846]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. First of all, I will say that

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I will support Senator Fischer's bill, as she is amending it. At the same time, I would probably stand largely in support of Senator Schimek's comments with regard to the bill in that I don't think that it's any kind of even a beginning of a fix to our road situation. If Senator Schimek would yield to a few questions, I would like to engage in conversation with her. [LB846]

SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB846]

SENATOR WIGHTMAN: Or excuse me, I said Senator Schimek. I meant (laugh) Senator Fischer. (Laughter) I was trying to confuse you, Senator. [LB846]

SENATOR LANGEMEIER: Well, you got me confused. [LB846]

SENATOR WIGHTMAN: Matter of fact, I confused the whole body. [LB846]

SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB846]

SENATOR FISCHER: I would yield to questions, Mr. President. [LB846]

SENATOR WIGHTMAN: Thank you. Thank you, Senator Fischer. [LB846]

SENATOR FISCHER: Is this who you want to talk to, Senator Wightman? [LB846]

SENATOR WIGHTMAN: Senator Fischer, I assume that you aren't representing this a long-term fix to our road situation and the funding of our roads. Is that correct? [LB846]

SENATOR FISCHER: I'm sorry, Senator, could you say that again? It was...I couldn't hear you. [LB846]

SENATOR WIGHTMAN: I said I assume that you're not considering this a long-term fix to our road situation and the road funding. [LB846]

SENATOR FISCHER: That would be correct. [LB846]

SENATOR WIGHTMAN: Now possibly... [LB846]

SENATOR FISCHER: I hate to say it, but I'll be back. [LB846]

SENATOR WIGHTMAN: Possibly, LB846, in its original form, would have been somewhat of a beginning of a long-term fix. Do you agree? [LB846]

SENATOR FISCHER: No, I don't know if I agree with that statement. I always viewed LB846 and I always...I believe I always spoke on the floor and said I viewed it as a first

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step in addressing our revenue shortfall for funding. [LB846]

SENATOR WIGHTMAN: And I said perhaps the beginning of a long-term fix, you would agree, being a first step would be... [LB846]

SENATOR FISCHER: You're just going to make you agree with you. [LB846]

SENATOR WIGHTMAN: What? [LB846]

SENATOR FISCHER: Yes, I agree. [LB846]

SENATOR WIGHTMAN: Okay. My problem with the bill that we have now and, as I said, I will support it, but I don't think it even begins to constitute any kind of a fix to our road situation, and I know Senator Chambers likes to downplay the importance of roads in central and outstate Nebraska. I kind of agree with Senator Carlson, it's hard to determine where outstate begins; probably somewhere in the city of Lincoln, maybe toward the western edge. But at any rate, actually eastern Nebraska extends a long ways and I happen to be a resident of eastern Nebraska by Senator Carlson's methods of determining that. But on a long-term basis, the implementation of the sales tax and the change of our method of funding roads where we would have the wholesale sales tax on gasoline and reduce some of our dependence upon just the gallonage tax I think was a step in the right direction. I think now we're looking at a short-term fix. I think we're moving the responsibility, as far as determining this fix, from this body to the Appropriations Committee and eventually back to this body. I'll agree with that. But I really think that implementing the sales tax at the present time and making whatever change that we would have had to make in the gas tax itself would have been a much better long-term solution and probably, at that, only a beginning. I agree with both Senator Schimek and Senator Synowiecki with regard to the fact that we are making it compete with funds. Excuse me, did you say time? Okay. Where... [LB846]

SENATOR LANGEMEIER: One minute. [LB846]

SENATOR WIGHTMAN: (Laugh) Almost time. Where we are having it compete with other areas, other programs for funding, I don't think that's all bad on a one-term basis. I think if we start to do it on a general annual basis it will be an unfortunate situation. So, as I say, I think it does do something for the next year. It does allow us to access some federal funding that we would not otherwise be able to access. I do support it. I think we've taken somewhat of a step backwards as far as actually fixing the road situation and the road funding. Thank you, Mr. President. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Wightman. (Visitors introduced.) There are no other lights on. Senator Fischer, you are recognized to close on AM2771. [LB846]

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SENATOR FISCHER: Thank you, Mr. President and members. Thank you for the good discussion on this bill today and also throughout the session. I think it's almost unanimous among us that highways are a priority and they are a responsibility of the state of Nebraska. You all know that the gas tax doesn't just go to the state. That's also how we fund roads in a large majority for our counties and our cities. Roads are a responsibility of the state of Nebraska. Infrastructure is important. I would ask for your support on this amendment. It does not increase the gas tax. The gas tax remains the same. This bill will not increase the gas tax. This bill will leverage federal dollars that have been sitting there, that have not been used in the past for various projects around the state. We've had a long discussion. I appreciate your comments. I appreciate your past support. I believe that we have an amendment here and then a bill that many of us are comfortable with now. It's become more definitive on exactly what is happening, so I know that many of you are more comfortable with that. As I mentioned in the opening, the Governor is supportive. He is comfortable with the bill now. So I would ask you that we move forward. I would ask you to pass this amendment and then, when we get to Final Reading on this bill again that you support the bill and pass the bill. Because we are making a statement that highways are a responsibility of the state and that we as senators, along with the Governor, do recognize the concerns of our citizens and we have reached a compromise, we have reached an agreement on this bill that recognizes that. Once again, I ask you to help me forward the amendment. Thank you, Mr. President. [LB846]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the closing on AM2771. The question before the body is, shall AM2771 be adopted to LB846? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB846]

CLERK: 34 ayes, 4 nays, Mr. President, on the adoption of the Select File amendment. [LB846]

SENATOR LANGEMEIER: AM2771 is adopted. Mr. Clerk. Senator McGill, for a motion. [LB846]

SENATOR MCGILL: Mr. President, I move LB846 to E&R for engrossing. [LB846]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk, items for the record. [LB846]

CLERK: Thank you, Mr. President. Resolutions: Senator Pirsch offers LR392; Senator Christensen, LR393, LR394, LR395, LR396, and LR397. All of those will be laid over. That's all that I have, Mr. President. (Legislative Journal pages 1457-1460.) [LR392 LR393 LR394 LR395 LR396 LR397]

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SENATOR LANGEMEIER: Thank you, Mr. Clerk. Continuing with the agenda, Select File, 2008 Speaker priority bills, Hudkins division, LR229CA. [LR229CA]

CLERK: Senator McGill, I have no amendments to LR229CA. [LR229CA]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LR229CA]

SENATOR MCGILL: Mr. President, I move LR229CA to E&R for engrossing. [LR229CA]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LR229CA does advance. Mr. Clerk. [LR229CA]

CLERK: LB746, Senator, I have Enrollment and Review amendments. (ER8242, Legislative Journal page 1408.) [LB746]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB746]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB746]

SENATOR LANGEMEIER: You've heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB746]

CLERK: LB781, Senator, I have no amendments to the bill. Oh, I'm sorry. Excuse me. [LB746]

SENATOR LANGEMEIER: Senator McGill, for a motion on LB746. [LB746]

CLERK: On LB746, yes, excuse me, Senator. [LB746]

SENATOR MCGILL: Mr. President, I move LB746 to E&R for engrossing. [LB746]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB746 does advance. Mr. Clerk. [LB746]

CLERK: Mr. President, LB781, I have no amendments to the bill, Senator. [LB781]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB781]

SENATOR MCGILL: Mr. President, I move LB781 to E&R for engrossing. [LB781]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB781 does advance. Mr. Clerk, LB911. [LB781 LB911]

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CLERK: LB911, Senator, first of all, I have Enrollment and Review amendments. (ER8243, Legislative Journal page 1436.) [LB911]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB911]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB911]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB911]

CLERK: Senator Fischer would move to amend, AM2764. (Legislative Journal page 1460.) [LB911]

SENATOR LANGEMEIER: Senator Fischer, you are recognized to open on AM2764. [LB911]

SENATOR FISCHER: Thank you, Mr. President and members. AM2764 makes two technical changes to this bill. The first is to put the fee schedule in line with the ignition interlock bill, LB736. There was a dollar difference between the two bills, so an amendment changes LB911's fee schedule to match that of LB736. The second change is for clarification purposes so that a reader of the statute will be able to decipher the process for delivering a license or identification card to an applicant. Thank you, Mr. President. [LB911 LB736]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on AM2764 offered to LB911. The floor is now open for discussion. Seeing no lights on, Senator Fischer, you are recognized to close. Senator Fischer waives closing. The question before the body is, shall AM2764 be adopted to LB911? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB911]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Fischer's amendment. [LB911]

SENATOR LANGEMEIER: AM2764 is adopted. [LB911]

CLERK: Senator Hudkins would move to amend, AM2767. (Legislative Journal page 1460.) [LB911]

SENATOR LANGEMEIER: Senator Hudkins, you are recognized to open on AM2767. [LB911]

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SENATOR HUDKINS: Thank you, Mr. President and members of the body. The Nebraska Minority and Justice task force was created as the joint initiative of the Nebraska Supreme Court and the Nebraska State Bar Association in October of 1999 to examine issues of racial and ethnic fairness within the Nebraska court and legal system. Although the task force was able to obtain sufficient data to conduct its research, a major finding emerging from this study is that Nebraska's county and district courts do not collect and maintain sufficient computerized demographic data to allow for statistical analysis of racial and ethnic minorities in the court system. Now in the implementation phase, the Nebraska Minority, Justice Committee continues to work to develop and implement research-based policy reforms aimed at fostering a more accessible and fair justice system. Over the past several years, the committee has been working to improve the justice systems capacity to examine racial and ethnic disparities by, one, ensuring that all criminal justice system entities are using the federally recommended categories for race and ethnicity and, two, increasing the extent to which race and ethnicity information is accurately reported. Unlike probation or corrections, the court system's information on defendants' race and ethnicity is not collected firsthand. The court system relies on demographic information collected by law enforcement. Unfortunately, this arrangement has limited the amount of data available in the court system. Data from JUSTICE, and that's an acronym for the court system's database, from 2005 indicate that at the district court level 59 counties are missing race and ethnicity information for more than half of the individuals contained in the database; at the county court level 30 counties are missing race and ethnicity information for more than half of the individuals contained in the database. It's difficult to examine racial disparities at crucial points, such as initial charges, plea bargaining, bond reviews, sentencing and so on when race is not available for nearly half of those in the system. What is the solution? The Department of Motor Vehicles currently collects race data when driver's licenses are initially issued or renewed. The department is willing to being collecting ethnicity data as well. The reason we're proposing an amendment to LB911 is we would like to access the race/ethnicity information collected by the DMV. Because race/ethnicity is self-identified in the driver's license application, we believe the quality of information to be more accurate than the perception of law enforcement officers. Including race and ethnicity on the bar code is the mechanism for obtaining this data. As the use of electronic citations expands, when law enforcement officers scan the bar code on the driver's license, the race/ethnicity field will automatically populate law enforcement and, subsequently, the court's databases. So in effect, what this amendment does is just add three words. In two locations, after the word "gender" it adds "race or ethnicity." That's all the amendment does. I think I'm finished. Thank you, Mr. President. [LB911]

SENATOR ERDMAN PRESIDING [LB911]

SENATOR ERDMAN: Thank you, Senator Hudkins. Members, you've heard the opening on AM2767 to LB911. Senator Chambers, you're recognized to speak. [LB911]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Hudkins one or two questions. [LB911]

SENATOR ERDMAN: Senator Hudkins, would you yield to questions from Senator Chambers? [LB911]

SENATOR HUDKINS: I would. [LB911]

SENATOR CHAMBERS: Senator Hudkins, you touched on it, but who would have access to this information based on where it's being placed by the Department of Motor Vehicles? [LB911]

SENATOR HUDKINS: The Department of Motor Vehicles. [LB911]

SENATOR CHAMBERS: And nobody is going to, in general, be able to access this information... [LB911]

SENATOR HUDKINS: No. [LB911]

SENATOR CHAMBERS: ...other than the group you're mentioning and those which may be specified in statute as having that access? [LB911]

SENATOR HUDKINS: That's correct. [LB911]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I talked to Mr. Mueller, who wanted this amendment for the reasons that Senator Hudkins laid out in detail. I thought about it. I would not offer the amendment myself because I wasn't at ease with it. Having thought about it, had additional discussions with Mr. Mueller, the most recent on this morning, I am at ease with it. I do intend to support it. And I think the reasons for having this information are valid. They will be...this information will be helpful and were I not convinced of that I would not support it. Thank you, Mr. President. [LB911]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator Hudkins. Senator Hudkins, there are no lights on. You're recognized to close. Senator Hudkins waives her opportunity to close. Members, the question before the body is the adoption of AM2767. All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB911]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of Senator Hudkins' amendment. [LB911]

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SENATOR ERDMAN: AM2767 is adopted. [LB911]

CLERK: I have nothing further on the bill, Mr. President. [LB911]

SENATOR ERDMAN: Senator McGill, for a motion. [LB911]

SENATOR MCGILL: Mr. President, I move LB911 to E&R for engrossing. [LB911]

SENATOR ERDMAN: Members, you've heard the motion. All those in favor say aye. All those opposed, nay. LB911 does advance. Mr. Clerk, next item. [LB911]

CLERK: LB911A, Senator, I have no amendments to the bill. [LB911A]

SENATOR ERDMAN: Senator McGill. [LB911A]

SENATOR MCGILL: Mr. President, I move LB911A to E&R for engrossing. [LB911A]

SENATOR ERDMAN: Members, you've heard the motion. All those in favor say aye. All those opposed, nay. LB911A does advance. Mr. Clerk. [LB911A]

CLERK: Mr. President, with respect to LB853, the Legislature is on Final Reading. Senator Hudkins would move to return the bill for specific amendment, AM2352. [LB853]

SENATOR ERDMAN: Senator Hudkins, you're recognized to open on AM2352. [LB853]

SENATOR HUDKINS: Thank you, Mr. President. And I apologize, I have the motion on my desk that I did not turn in, to withdraw AM2352, AM2353, and AM2013. [LB853]

SENATOR ERDMAN: The amendments are withdrawn. Mr. Clerk, next motion. Members, we are on Final Reading. [LB853]

CLERK: Mr. President, the next motion I have, Senator Chambers would move to return the bill for specific amendment, FA258. (Legislative Journal page 1255.) [LB853]

SENATOR ERDMAN: Senator Chambers, you're recognized to open on FA258. [LB853]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, this amendment is not keyed to the Final Reading bill, so I'm going to get my green copy. But I can tell you what I think this first...would you, Mr. Clerk, is this the one that relates to doing away with five years? [LB853]

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CLERK: Senator, all I can tell you, it's on page 54, line 19, it reinstates the stricken matter and strikes the new matter. [LB853]

SENATOR CHAMBERS: Then I'm going to get my green copy of the bill. It will take a second. [LB853]

SENATOR ERDMAN: Senator Chambers, your time is running, as you're aware. [LB853]

SENATOR ERDMAN: Senator Chambers, you have 8 minutes and 20 seconds left. [LB853]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to ask Senator Pahls a question or two. [LB853]

SENATOR ERDMAN: Senator Pahls, would you yield to questions from Senator Chambers? [LB853]

SENATOR PAHLS: Yes, I would. [LB853]

SENATOR CHAMBERS: Senator Pahls, this is the amendment which would strike 24 and inserts 60 in front of months. [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: My amendment would put it back where it was. In order that I do not misstate what this will do, tell me what we're dealing with in this language, if you will. What was going to be covered by the 24 months and it will now be moved to 60 months? [LB853]

SENATOR PAHLS: If you...if somebody else was going to pay for your insurance, they would...it would be moved from two...to two years to five years. [LB853]

SENATOR CHAMBERS: And, in effect, this language that I'm dealing with would be the same as what is being touched on in lines...well, in the other amendment where it says two years and five years. In this language that I'm striking and reinstating, instead of saying 2 years we say 24 months; instead of 5 years we say 60 months. Is that accurate? [LB853]

SENATOR PAHLS: If you're trying to correspond, I don't see that. Just a second. I'm trying to look at your amendment. [LB853]

SENATOR CHAMBERS: Do you have the green copy? [LB853]

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SENATOR PAHLS: I'm using off the buff, the Final copy is what (inaudible). [LB853]

SENATOR CHAMBERS: Okay. Well, my amendment goes to the green copy and I think that if this amendment is adopted it can be ironed out and there can be a correlation. What this bill is designed to do is keep a person from selling one of these policies, I'm oversimplifying it, in two years; the person would have to hold it at least five years. That is the crux of this bill. The way these viatical agreements would work is that a person may purchase a life insurance policy, himself or herself. There is another operation or activity where somebody else may purchase the policy or give a loan for the individual to purchase it, but in either case right now that policy must be held at least two years before it can be disposed of in one of these viatical agreements. What is attempted by this bill at the behest of the Department of Insurance and others outside the body, namely Mutual of Omaha and the "whale" insurance company who see this as competition, they want to change that two years to five years. During that two-year period or five-year period, the person whose policy it is will be covered by the life insurance. But when that person croaks, the one who purchased it will get the benefits. Now I'd like to ask Senator Pahls a question or two,... [LB853]

SENATOR PAHLS: Okay, yes. [LB853]

SENATOR CHAMBERS: ...in view of what I've said. [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: Senator Pahls, right now a person can enter one of these arrangements after two years. Is that true? It can take effect after two years? Is that true or false? [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: It's true or false? [LB853]

SENATOR PAHLS: True. [LB853]

SENATOR CHAMBERS: Okay. Now during that two-year period, this person can enter one of these agreements if he or she pleases. Is that correct? [LB853]

SENATOR PAHLS: No, you cannot enter an agreement... [LB853]

SENATOR CHAMBERS: Legally. [LB853]

SENATOR PAHLS: ...legally. [LB853]

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SENATOR CHAMBERS: Right. [LB853]

SENATOR PAHLS: Right. [LB853]

SENATOR CHAMBERS: So in order for it to be legal, all of this activity will take place after two years? [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: Okay. Now after two years, if the agreement is entered into, when the person croaks the company, the individual or whoever is the one who now is the beneficiary would collect the benefits, is that true, if one of these agreements is entered into? [LB853]

SENATOR PAHLS: If an agreement is entered, and I...the point I'm trying to...if I'm not making it clear to you that in the five-year plan I would get the money or my family would get the money if I croak. [LB853]

SENATOR CHAMBERS: Within the five-year period. [LB853]

SENATOR PAHLS: Right. [LB853]

SENATOR CHAMBERS: Right. I want to get past that. [LB853]

SENATOR PAHLS: Okay. [LB853]

SENATOR CHAMBERS: We've made it clear that now the limit is two years. It will be raised to five if this bill becomes law. But under the present state of the law, after two years one of these agreements can take effect and somebody who purchased that policy from the holder is then the beneficiary... [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: ...and will recover the benefits if the person croaks. [LB853]

SENATOR PAHLS: Right. [LB853]

SENATOR CHAMBERS: And the person who was the original beneficiary, let's say the one who purchased it, the policy owner, could actually give that policy over to somebody else without receiving anything in exchange for it, isn't that true, could sign it over to somebody else? [LB853]

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SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: But under this that we're talking about, somebody is offering money or something of value in order to get that policy into his or her possession and to become the beneficiary. Is that correct? [LB853]

SENATOR PAHLS: Right, if someone else is fronting the bill... [LB853]

SENATOR CHAMBERS: Yes. Yes. And you think that that's a bad thing because the Insurance Department said it's bad, correct? [LB853]

SENATOR PAHLS: That is...yes, that... [LB853]

SENATOR CHAMBERS: And if the Insurance Department hadn't told us this, we wouldn't even have this bill in front of us, would we? [LB853]

SENATOR PAHLS: Well, this bill is not just...did not just evolve from our department. This has evolved from 50-plus, you know, different directors across the... [LB853]

SENATOR CHAMBERS: But those directors did not bring it to us. This bill was generated by the Nebraska Department of Insurance, isn't that true, at the behest of Mutual and the "whale" insurance company? [LB853]

SENATOR PAHLS: This is a model act. This is what... [LB853]

SENATOR CHAMBERS: I don't know whether to call you Fred Astaire, Sammy Davis Junior or some other famous tap-dancer. Here is the question. This bill is desired by the Department of Insurance and at least Mutual of Omaha and that big "whale" insurance company. They're the ones who want the bill. Is that correct or is that incorrect? [LB853]

SENATOR PAHLS: I would assume some of those people...there are other individuals involved in this process. [LB853]

SENATOR ERDMAN: One minute. [LB853]

SENATOR CHAMBERS: But let's limit it to the ones that I'm asking and then we'll go beyond that. We know that Mutual of Omaha wants this bill, don't we? [LB853]

SENATOR PAHLS: Yes, I... [LB853]

SENATOR CHAMBERS: We know that the "whale" insurance company... [LB853]

SENATOR PAHLS: Yes. [LB853]

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SENATOR CHAMBERS: ...wants this bill,... [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: ...don't we? [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: And we know that the Department of Insurance wants this bill, don't we? [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: Okay. So you could have answered that and not made me use up all that time, huh, if you wanted to, couldn't you have? [LB853]

SENATOR PAHLS: Possibly. Possibly. (Laughter) [LB853]

SENATOR CHAMBERS: No. (Laugh) Mr. President, my time is just about up. Thank you. [LB853]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator Pahls. (Doctor of the day introduced.) Those wishing to speak on the amendment: Senator White, followed by Senator Chambers. [LB853]

SENATOR WHITE: Mr. President, I yield my time to Senator Chambers. [LB853]

SENATOR ERDMAN: Senator Chambers, 4 minutes, 55 seconds. [LB853]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I was trying to lay some groundwork with the assistance of Senator Pahls so that you would have clearly before you what the bill is designed to do as a result of what he said it's designed to do, and you won't think I'm misleading you, although I doubt that anybody is paying too much attention at this point. But now, if we get into some fireworks, maybe somebody will listen. Here's what I want to bring out to you, who may be listening on the floor, off the floor, around the world, thanks to the web site. A lawyer from the Department of Insurance came to me, I believe it was Thursday, to explain what the bill would do and why it was felt by the department that it was necessary. He was very helpful, very straightforward, and then he mentioned that after hearing some of my discussion the people that I talked about would not even be in contemplation. I said, what do you mean? He said, they're not looking for insurance policies from the ordinary, run-of-the-mill person. I'm paraphrasing. He gave me one of these publications from

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C.Y. Financial, Inc. which is doing this kind of work, and do you know the kind of people that they're interested in--male, 75 or older, female, 77 or older, with a net worth of \$1 million. They are looking at people, Senator Louden, with a net worth of \$1 million. I believe that people with that kind of money will have financial advisors. If this were not in the best interest of somebody with that kind of money, it's not going to be done. People with a net worth of \$1 million can look after their own interests. They can take care of themselves. So somebody feels competition for these people. Now this was brought to me by the representative from the Department of Insurance. All of that discussion we were having, Senator Nelson talking about somebody who wanted to...Senator Carlson talking about somebody who wanted to leave money, some benefits, to his or her children, that's not what this is about. We were allowed to engage in that discussion, Senator Carlson, so ordinary folk would get into it and think that their interests are at stake, which they're not. We don't need to put unnecessary legislation on the books. Even if it were not, a person with a net worth of \$1 million, this kind of legislation, in my view, should not be on the books. It's anticompetitive. That's why Mutual and the "whale" insurance company are interested and concerned about this activity. It is not at a significant level in Nebraska. It is not. Senator Pahls and others will say they're trying to head something off because these various individuals around the country have looked at it and they see terrible things developing on the horizon, and Nebraska soon may be awash in this viatical activity, and all these old people who are running around here, who would ordinarily perhaps let their policy lapse, may be in a position to give it to somebody who will give them some money, and they don't just have a lapsed policy into which they've paid a substantial amount of money; can no longer make the payments so they lose it. I want to hear what Senator Pahls says... [LB853]

SENATOR ERDMAN: One minute. [LB853]

SENATOR CHAMBERS: ...about the level of net worth of the person these companies are seeking. And if this that I was told by the representative from the Department of Insurance, he was a lawyer, is not true, then I was misled. But he didn't seem to be misleading me. He didn't seem as though he was somebody not telling the truth, and he gave me the advertisement so that I could see exactly what he was talking about. I think that this bill ought to be brought back here, and what I'm trying to get done with it ought to be done. Thank you, Mr. President. [LB853]

SENATOR ERDMAN: Thank you, Senator Chambers. Your light is next. You may continue. [LB853]

SENATOR CHAMBERS: Mr. President and members of the Legislature, these arrangements must await the elapsing of two years now. That's long enough. There is no need to stretch it out to five years. If, when a person enters one of these agreements, and the one...the operation or operative, which or who is going to purchase the policy, extends a loan, the person whose life is insured can get that policy back, but

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he or she would have to pay off the loan. And if they give you enough money, it's going to be difficult to come up with that much to pay off the loan and get it back. But if they give you that much money, it's something you can make use of. Maybe when you started out you had some assets. Maybe as time went on you did not have as much and you could not continue to pay the premiums on this high-priced policy. The insurance company would like it to lapse. They don't pay the benefits, they keep all of the money that you paid in and that's gravy. It was acknowledged at the last stage of debate that it is so actuarially probable that there will be a certain number or percentage of lapsed policies that those lapsed amounts are figured in and calculated by the company as revenue they are going to have. So they know this. And what's wrong with that? It's allowed under the law, so we say nothing is wrong with it. But the ones benefitting are those who are considered by the members on the floor of the Legislature as being entitled to that. But if Senator Wallman had a \$1 million life policy and I had a \$1 million life policy. And Senator Wallman wanted his policy to provide benefits for whomever he named as beneficiaries. And I don't have anybody to leave it to, maybe there was a catastrophic event and everybody who would have been a beneficiary of mine is gone and the money is not going to benefit me when I'm dead, so I enter one of these viatical agreements. Senator Wallman and I, just by coincidence have purchased our policies the identically same date and we die on the same date. The difference is that the money that the insurance company pays under Senator Wallman's policy will go to those he named. The money that the insurance company will pay to the beneficiaries under my policy will go to the one that I had a deal with. But in either case, the amount of money paid by the insurance company is the same. What they were hoping is that only Senator Wallman is the one who's going to lose out, by croaking. He'll pay those premiums. They're hoping that I may run into difficult times and not be able to keep the premiums paid until the day that I croak, in which case they pay nothing under my policy. This is an anticompetition measure. And with all these fiscal conservatives sitting around here on the floor of the Legislature, why would they agree with something like this? Because they just talk those things; those are not principles with them. Anticompetitiveness, trusts...illegal trusts, that doesn't mean anything to them. Monopolies, that doesn't mean anything to them. Oil cartels, that doesn't mean anything to them unless some politician or special interest group tells them, this particular one is not... [LB853]

SENATOR ERDMAN: One minute. [LB853]

SENATOR CHAMBERS: ...good, that one is; we want you to help Mutual of Omaha, the "whale" company and any others; we want you to help them; we want you to pass a law tailored for them and to meet their anticompetitive needs. You talking about free trade, you talking about the market, aren't you manipulating the market? You are saying entrepreneurs should not be allowed to make money in the way that these other companies are making money. Aren't the insurance companies betting on your life? They're hoping that you pay off as much as you can in premiums so that offsets some of what they're going to pay in benefits. That's what they hope. They'd like you to live

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forever and not increase the face value of your policy. Now if you lived as long as Methuselah, 969 years, you'd pay a whole lot of money to that insurance company by the time you reached the end of the line. [LB853]

SENATOR ERDMAN: Time. [LB853]

SENATOR CHAMBERS: Thank you, Mr. President. [LB853]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Carlson, you're recognized to speak. [LB853]

SENATOR CARLSON: Mr. President and members of the Legislature, I'd like to address a couple of questions to Senator Chambers, if he would yield. [LB853]

SENATOR ERDMAN: Senator Chambers, would you yield to questions from Senator Carlson? [LB853]

SENATOR CHAMBERS: Certainly I will. [LB853]

SENATOR CARLSON: Senator Chambers, not in this last five minutes but in the time previous to that, you referred to your conversation with the representative from the Insurance Department and then you used the terminology "these companies"... [LB853]

SENATOR CHAMBERS: Uh-huh. [LB853]

SENATOR CARLSON: ...were interested only in people with a \$1 million net worth, correct? Do you agree you said that? [LB853]

SENATOR CHAMBERS: Yeah, that's what he told me. [LB853]

SENATOR CARLSON: Who do you mean by "these companies"? [LB853]

SENATOR CHAMBERS: I meant the ones who were interested in these viatical agreements. [LB853]

SENATOR CARLSON: Okay. [LB853]

SENATOR CHAMBERS: And he gave me this to underscore his point that it's not dealing with ordinary people but those with substantial assets. [LB853]

SENATOR CARLSON: Okay. And so you're going to agree with me that he was talking about companies that deal in viatical settlements. [LB853]

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SENATOR CHAMBERS: That's what I believe his intent was. [LB853]

SENATOR CARLSON: Okay. That's good. Because that's a different set of companies than the Mutual of Omahas and the Pacific Lives and so forth. Do you agree that that's a different set of companies? [LB853]

SENATOR CHAMBERS: Oh, yes. [LB853]

SENATOR CARLSON: Okay. [LB853]

SENATOR CHAMBERS: They're the competitors whom Mutual and the other one don't want to deal with. [LB853]

SENATOR CARLSON: And you also made a statement that people that have a pretty good net worth really don't need any protection. [LB853]

SENATOR CHAMBERS: That they probably have financial advisors and have taken care of that already, correct. What I'm saying, they don't need this protection that the Legislature is offering them. [LB853]

SENATOR CARLSON: Okay. Thank you, Senator Chambers. And that will be where I would disagree with the statement that you made. In the Insurance and Banking Committee, we dealt with several issues. One of the issues had to do with an unscrupulous investment scheme, and I won't even say the area but it was an area in Nebraska where a lot of people with rather significant net worth lost a lot of money with unscrupulous dealings. And we try and react to that and deal with it after the fact. The horse is out of the barn. The money is lost. And whatever we did at that point would be to try and prevent that from affecting people in the future, but we really couldn't help those people that had been fooled into spending money, and they were people of significant net worth. And I will say that in this arena that we're talking about, we've got the same thing here. And so this is proactive legislation that is trying to deal with these problems and fend them off before they happen so we don't have a similar situation to those that occurred on these other investments. And so the five-year limitation in there is a significant part of this bill and I'll simply say that I believe it is good legislation. I believe it's legislation to protect the citizens of Nebraska and so I would ask you not to vote to return to Select File but carry the bill through in Final Reading. Thank you, Mr. President. [LB853]

SENATOR ERDMAN: Thank you, Senator Carlson. Senator Chambers, you're recognized to speak. This will be your third time. [LB853]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Nantkes a question. [LB853]

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SENATOR ERDMAN: Senator Nantkes, would you yield to a question from Senator Chambers? [LB853]

SENATOR NANTKES: Yes. [LB853]

SENATOR CHAMBERS: Senator Nantkes, what is the name of that industry that gives those paycheck loans to people and then will gouge them on the interest? [LB853]

SENATOR NANTKES: It's the pay day lending industry. [LB853]

SENATOR CHAMBERS: Thank you. And do the people who patronize that industry have net assets of \$1 million or so, or are the people those living from hand to mouth or even worse? [LB853]

SENATOR NANTKES: Study after study has proven, Senator Chambers, that the people who patronize those unscrupulous lenders are the most vulnerable Nebraskans and working Nebraskans who do struggle paycheck to paycheck to make ends meet. [LB853]

SENATOR CHAMBERS: And, Senator Nantkes, was there a lot of sympathy in the Legislature for your bill so that it flew out here on the wings of the same bird that flew this viatical agreement bill before the Legislature? [LB853]

SENATOR NANTKES: Well, Senator Chambers, I do appreciate the Judiciary Committee voting my legislation, as amended, out of their committee but we have, at this point in time, not received enough support to bring it to the full Legislature for debate, which I'd be very eager to. [LB853]

SENATOR CHAMBERS: Thank you. Members of the Legislature, there is not the sympathy or the understanding within this Legislature for those people who are living hand to mouth as there is for these rich, greedy people that Senator Carlson is talking about. Now these rich people who lost that money thought they saw a way to get something for nothing. They can take care of themselves. They can hire financial advisors. They can hire lawyers. They can submit questions to any number of sources and have access to resource persons to let them know whether something is a scam or not. The people who don't get sympathy on the floor of this Legislature are those who, indeed, need help, who are being victimized, who may be aware that they're being victimized but they have no alternative, they have no hope and they are hoping against hope, because they have no hope, hoping against hope that by the time they have to make these payments they might be able to pay this amount off and not be in debt forever or a substantial portion of time that to that individual seems like forever. The ones Senator Carlson is so concerned about are these very, very wealthy people. The

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Legislature doesn't have to protect Daddy Warbucks. The Legislature has to protect the Little Orphan Annies, and the Little Orphan Annies who do not have a Daddy Warbucks as a guardian to look after their interests. But look at all the concern on this floor for huge insurance operations. I'm sure they have face value policies going into the billions of dollars. So here is the little peanut-head Legislature--you got to be concerned for these rich people. The ones Senator Carlson is talking about are richer than the people on the floor of this Legislature. They could reach in their watch pocket and buy anybody on the floor of this Legislature, and you are running around with your peashooter, trying to defend somebody who has a Big Bertha cannon, and if you don't know what Big Bertha is, ask Senator Pankonin. You got a beanshooter and somebody has got Big Bertha, and you're running out there with your little short britches--I got to protect with my beanshooter. That's what you're doing. You think these insurance companies need your protection? No. You think these rich, greedy people need your protection? No. So why do you give it? Unto him, Senator Carlson, that hath, it shall be given. [LB853]

SENATOR ERDMAN: One minute. [LB853]

SENATOR CHAMBERS: That's what the book says. If he's got it, you all will give it to him. And from him that hath not, these poor people, will be taken that even which he seemeth to have. You know what he seems to have? Last time he reached in his pocket he had a hole in it. After passing through this process he reached in his pocket, he doesn't even have the hole in his pocket anymore, Senator Carlson. That's what you all do, and I think it is not appropriate. My time is up, as far as being able to speak. Thank you, Mr. President. [LB853]

SENATOR ERDMAN: Thank you, Senator Chambers. That was your third time. (Visitors introduced.) Senator Pahls, you're recognized to speak. [LB853]

SENATOR PAHLS: Mr. President, members of the body, I'd like to address...of course, I oppose Senator Chambers' motion. I'd like to address a couple of the issues. Currently, anyone, all of us and our death benefit, my understanding, it's not taxed by the federal government. This is getting to be such a racket that people at the federal level are starting to take a look at the taxes. So that may cause people at the federal level to start taking a look at, oh, no, no, Pahls's is...the people who inherit Pahls's money, what little bit there will be, chances are that may be taxed in the future. This cottage industry is becoming so massive it is scary. Just to give you an idea, at the beginning of this decade there were like, I think, 16 life insurance settlement companies. Now there are over 165, so that goes to show you that something out there is happening. Now I know this would not meet the needs of that, quote, rich millionaire, but it might to some degree, because some of your entitlement from the government probably wouldn't happen, let's say in Medicaid. Though you may say it's not needed, I'm saying it is part of your heritage. Claims of creditors, sometimes this brings out creditors, and I know these people who have this large chunk of money do have financial advisors. And in

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some cases there's a...I've been told in these packages family members are involved. It could affect their insurance. If this continues to occur, it is understood, chances are the insurance rates for all of us will go up, because this is a multibillion operation. And also they'll probably start making insurance a little bit more difficult for older people. A couple things that I think that we should keep in mind, if you believe in this concept of STOLI, once you sign that contract, any of your medical, financial or personal information is out there. This is including your identity, the identity of family members, or of the spouse or a significant other. Now once you grant this information, your policy is purchased, that may go down the line about three or four different people, so that information needs to follow. Because in many cases these contracts are bundled up and sold as bonds and I think the last time we called it, they're called death bonds. So there's more to this than just that million dollar person receiving a break. Another thing that need to just keep in consideration, just the amount of commissions that are involved in this. We know that we have this in insurance, but there are original fees, underwriting fees, service fees, taxes to be paid on. It is almost becoming like a mortgage business. And you know this may sound, like they say, oh, it's not a big deal; I have a feeling they said that also about subprime mortgages, although those people did get themselves into that bind,... [LB853]

SENATOR ERDMAN: One minute. [LB853]

SENATOR PAHLS: ...as Senator Chambers had pointed out in the past. Of course, we've heard of "dot com," all these investments. This seems to me like this is a place for people who are seeking a new way to invest their money. It's gotten so bad in some cases that they do have seminars for older people to invest their money into contracts of other older people. You know, you see those things on TV and you say it doesn't happen in the state of Nebraska. Well, the Omaha, November 7, 2006, Tim Wagner was reported, I'm paraphrasing here, that in McCook someone sent him a brochure about these companies who are trying to do what he called illegal activities. We do need to have regulations. [LB853]

SENATOR ERDMAN: Time. [LB853]

SENATOR PAHLS: Thank you. [LB853]

SENATOR ERDMAN: Thank you, Senator Pahls. Senator Hudkins, you're recognized. [LB853]

SENATOR HUDKINS: Thank you, Mr. President. I'd give my time to Senator Chambers. [LB853]

SENATOR ERDMAN: Senator Chambers, 4 minutes, 50 seconds. [LB853]

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SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Hudkins. Senator Pahls, you raise some interesting issues and I'd like to explore them with you, if you would yield to a question or two. [LB853]

SENATOR ERDMAN: Senator Pahls, would you yield to questions? [LB853]

SENATOR PAHLS: Yes, I would. [LB853]

SENATOR CHAMBERS: Senator Pahls, this activity is not being made illegal, nor is it being banned by this legislation. Isn't that true? [LB853]

SENATOR PAHLS: Yes. Yes. [LB853]

SENATOR CHAMBERS: It remains legal. Isn't that true? [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: But you're just saying you cannot rook these old geezers until five years have passed. Isn't that true? [LB853]

SENATOR PAHLS: Well, the reason... [LB853]

SENATOR CHAMBERS: Wait a minute. I just would like to get this straight first so we know what the bill says. After five years, everything that you want to guard against can then legally occur. [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: Okay. So the activity itself is not so bad that the state should outlaw it. Isn't that true? [LB853]

SENATOR PAHLS: Wrong. [LB853]

SENATOR CHAMBERS: Well, then why doesn't this bill outlaw it outright and say there can be no viaticals? [LB853]

SENATOR PAHLS: Well, it's not the concept of the viaticals. It is making them a...sort of a disincentive for moving it from two to five so these investors will be more cautious of who they are trying to take over. [LB853]

SENATOR CHAMBERS: Senator "Astaire," after five years, if this bill passes, if this bill passes everything that you are concerned about can then take place legally. Isn't that true? [LB853]

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SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: You can fool all these old people. Isn't that true? [LB853]

SENATOR PAHLS: No. One reason why, Senator, you must keep in mind when you originate an insurance policy, that insurance policy initially is not gaining a lot of money for the company because it goes into commissions, startup costs... [LB853]

SENATOR CHAMBERS: I'm not...Senator, thank you. I won't ask you any more questions at this point. Members of the Legislature, you all see where I'm going. Senator Pahls sees where I'm going and he's trying to head me off at the pass. This that he's talking about can occur right now after two years. He wants to put off for five years, three more years. Then, after five years, after the person has had the policy for five years, all of this train of evils can then take place. He's just postponing it. You all are the ones being schemed. You all are the ones being scammed. And if they can trick and fool you all, I'm trying to protect you like you're saying you're trying to protect these old people, but you won't open your ears, you won't use your mind. If this activity is evil after two years, why does it cease to be evil after five years? Why? The insurance companies are pushing this, and if they can get you to give them five years, then they'll come back and say, give us ten. It's anticompetitive and they don't have the nerve to say, prohibit the kind of practices that are deemed to be inappropriate. Don't prohibit them; delay them for three more years. Senator Wallman has to wait two years now before he can do something with that policy. If this bill is in effect and becomes law, he waits five years. But every ravaging wolf... [LB853]

SENATOR ERDMAN: One minute. [LB853]

SENATOR CHAMBERS: ...that was sitting outside his yard two years down the line are now sitting out there five years and they're hungrier now than they were before and they'll get him the same way they would have gotten him then. These old people are not going to become three years smarter just because they've become three years older. The same problems that exist now will exist then. But that doesn't make you all any difference. You're being sold a bill of goods by these big insurance companies. Insurance companies have a profound influence on state insurance regulatory agencies, and you know the power they have when it comes to the federal government. That's why insurance companies are allowed to do things and get away with things which would be outside the law for anybody other than an insurance company and an insurance agent. They operate within the law because the law is expanded in an elastic fashion... [LB853]

SENATOR ERDMAN: Time. [LB853]

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SENATOR CHAMBERS: ...to enclose any growth that they experience. Thank you, Mr. President. [LB853]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator Hudkins. Senator Pahls, you're recognized to speak. [LB853]

SENATOR PAHLS: Thank you, Mr. President, members of the body. Senator Chambers, apparently I didn't make this clear. If you purchase the policy, your insurance policy, this law will not affect that at all, two years. So if I purchase my policy, I can sell it after two years, now and even when we pass this law...bill. The one we...the outfits I would say that we're trying to get at are those people we called stranger-owned. If somebody else wants to buy your policy, you can sell your policy and you can do that before, if you have a terminal or chronic illness, if you have a death of a spouse, if there's a divorce, if you retire from full employment, if you have a disability, if you go bankrupt or you're insolvent. You can do that, two years or five years. So there are some exceptions and I think, to be honest with you, I looked at the exceptions, I thought they were pretty wide open. But right now, as we stand today and if this bill would go, this would become law, you could sell your policy. The concern that we have, when investors get involved, and I just think historically, as I start looking at what happens in the world, once it becomes a very creative way of financing, things happen. Here's an example of a death bond. They would not put...and I don't know how many people are involved in that so I'm sort of speaking a little bit out of knowledge here, but in a death bond they wouldn't put everybody in that death bond who has cancer because if they all would die at the same time, that death bond would go down. This is a very unusual sort of, as they say in the newspapers that I've been in, short of a shady deal. Here is an example. Coventry, which came into the state of Nebraska, has had a number of lawsuits against them. Most of them are settled out of court. That should tell you something. Something is happening here. If I can find the information, just to give you an idea that a year ago October, Coventry in the state of New York, there were some issues. Now whether it was right or wrong, because I think it was an out-of-court settlement, but this is what I'm reading what happened and this is from the BusinessWeek: True or not, the allegations against Coventry send a shock wave through the life settlement business. Most damagingly, they torpedoed a plan \$300 million death bond offering from a partnership formed by Coventry and Ritchie Capital hedge fund. The deal, which was to be underwritten by Lehman Brothers, would have been backed by a pool of life insurance policies with a face value of \$1.16 billion, by this time the largest death bond offering to date. That should show you how dangerous this type of investment could be. What I'm saying is, when you increase from 16 to 165 in a ten-year plan, that should tell you something is out there, something is attracting people to this. And if you try to find out, it's hard to find some of the information. That is what the courts are saying. They're getting off by technicalities. This is not... [LB853]

SENATOR ERDMAN: One minute. [LB853]

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SENATOR PAHLS: ...this is not a business that is being...a startup business by people who aren't afraid to make shady deals. Think about this, Senator. This company has spent more money to stop this bill than you will make in ten years as a state senator, so that should tell you that something out there, they're willing to stop...that's just in the state of Nebraska. And, Senator, if we'd count the number of years when you were only making \$4,000, I think there were several, you may have worked 20 years, that's to stop one bill. Now they're doing that all over the United States because this issue is being brought up and at least 38 of the legislators...legislation, they have...this is a concern. [LB853]

SENATOR ERDMAN: Time. Thank you, Senator Pahls. (Visitors introduced.) Senator Chambers, you're recognized to close on the motion to return LB853 for a specific amendment. [LB853]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Pahls mentioned the exceptions that would allow a person to sell one of these policies. the only reason the insurance company allowed those exceptions, and the insurance companies did it, not the Legislature, it would have seemed such a Draconian action that it would have been obvious even to legislators, as dull as our minds can become on occasion, that something is wrong here. You mean if somebody got a divorce, they got to keep this policy? If they went bankrupt, they got to keep this policy (voting bell chimes), and you look at all of these other activities (laughter) that constitute exceptions...that's not the dinner bell. You all pay attention. That will come later. (Laughter) [LB853]

SENATOR ERDMAN: You won the lottery, Senator Chambers. Congratulations. [LB853]

SENATOR CHAMBERS: The exception that is not included in the list that Senator Pahls gave was the one that I think is most important--I want to. I should be able to sell it because I want to. It's none of Senator Pahls's business. It's nobody's business on this floor. But the insurance companies are making it your business because it's their business, and as Calvin Coolidge said, paraphrasing, the business of the insurance industry is business, and business is conducted to make money. And the insurance companies want to make as much money as possible and you're helping them. You're helping them to the detriment of people who could get some money for a policy that's about to lapse. The insurance company is not going to buy it back from them and give them the amount that one of these viatical outfits would give them. Why don't you let the insurance company do that if they're so ethical? And poor Senator Pahls mentions that there are lawsuits against these companies. I wonder why he thinks that insurance companies have batteries of in-house counsel? Because insurance companies are constantly being sued and one of the reasons is that they don't want to pay benefits

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when those benefits come due. And yet he praises the insurance company. There are people in his district, I'm sure, who have had problems with insurance companies. I get calls from people all the time with problems that they have with insurance companies. They've paid their premiums all on time, but the insurance companies don't want to pay when time comes to pay off the benefits. Now when Senator Pahls talks about subprime mortgages in the problems and he sees something attracting these viaticals, yeah, what's attracting them is what attracts other people in this country--money, the smell of money. Senator Pahls, I'd like to ask you a question, if you will entertain it. [LB853]

SENATOR ERDMAN: Senator Pahls, would you yield to questions? [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: Senator Pahls, you touched on subprime mortgages. Are subprime mortgages unlawful now? Is it against the law? [LB853]

SENATOR PAHLS: I'm not a mortgage expert. I'm assuming if they are...if they have subprime mortgages, they are not against the law. [LB853]

SENATOR CHAMBERS: Right, it's legal. But you see the damage done to the economy as a result of some subprime mortgages and a lot of houses backing them and purchasing them which should not have done so, and now they're being bailed out by the federal government. Is that true? [LB853]

SENATOR PAHLS: That is true and that's where I'm... [LB853]

SENATOR CHAMBERS: All right. [LB853]

SENATOR PAHLS: ...thinking insurance is going to go. [LB853]

SENATOR CHAMBERS: Now do you see the ones you're bailing out? But the people who had those mortgages and who are going to lose their houses are not being bailed out by the federal government, are they? [LB853]

SENATOR PAHLS: What...have you... [LB853]

SENATOR CHAMBERS: (Inaudible.) [LB853]

SENATOR PAHLS: If you've been watching the news lately, they are. [LB853]

SENATOR CHAMBERS: No, they're talking about it. They haven't done anything. [LB853]

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SENATOR PAHLS: I said... [LB853]

SENATOR CHAMBERS: They talk, talk, talk. But the point is this. Thank you, Senator Pahls. When people are to be protected by the government, they are the people who can protect themselves. They are the people who got greedy and tried to overreach, and they got caught. So they get bailed out. [LB853]

SENATOR ERDMAN: One minute. [LB853]

SENATOR CHAMBERS: But the ordinary people, the ones who could make it with some help, get none. With this bill, you're doing what legislatures do all over the country. Who do you think is bankrolling this activity in all these legislatures around the country that Senator Pahls is telling you about? He said that these people are spending, in Nebraska, what I couldn't make as a state senator in ten years, and that's not very much money. But let's say that it were. The insurance companies are paying a lot of money too. They have their lobbyists. They are bankrolling this activity all over the country, trying to get these types of bills enacted into law, because they are anticompetitive. They give the insurance industry a stranglehold, not just on the industry, but on the people who could gain if these kind of laws were not put in place. They are not making an activity illegal. If it's robbery... [LB853]

SENATOR ERDMAN: Time. [LB853]

SENATOR CHAMBERS: ...after two years, it's robbery after five years. But they're saying after five years... [LB853]

SENATOR ERDMAN: Time, Senator Chambers. [LB853]

SENATOR CHAMBERS: ...the robber gets good title to what he robbed. Thank you, Mr. President. I will ask for a call of the house or for us to check in, since we're on Final Reading. [LB853]

SENATOR ERDMAN: Members, we are on Final Reading and the motion before us is to return LB853 to Select File for specific amendment. All members please check in. Senator Heidemann, Senator Dierks, would you please check in? Senator Fischer, Senator Pedersen, Senator Kruse, Senator Avery, would you please check in? Senator Ashford, would you please check in? Senators Pedersen, Heidemann, Fischer, and Kruse, please report to the Chamber and check in. Senator Pedersen, please report to the Chamber. Senator Chambers, while we're waiting for Senator Pedersen, and you'd end your conversation with Senator Wightman, Senator Chambers, how do you wish to proceed once Senator Pedersen has arrived? [LB853]

SENATOR CHAMBERS: I'll take a machine vote. [LB853]

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SENATOR ERDMAN: Okay. Senator Pedersen has arrived. All members are present or accounted for. Members, the question before the body is, shall LB853 be returned to Select File for specific amendment, FA258? All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB853]

CLERK: 4 ayes, 31 nays, Mr. President, on the motion to return. [LB853]

SENATOR ERDMAN: The motion is not successful. Mr. Clerk, next motion. [LB853]

CLERK: Mr. President, Senator Chambers would move to return LB853 to Select File for specific amendment, FA259. (Legislative Journal page 1255.) [LB853]

SENATOR ERDMAN: Senator Chambers, you're recognized to open on the motion to return LB853 to Select File for FA259. [LB853]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this would be on the same page 54 in the green copy but, with the assistance of one of my helpful colleagues, it would be found on page 50 of the Final Reading copy and what it does is...or 49, it would strike the two-year period...I meant, it would strike the five-year period, which is new language, reinstate the two-year period. The discussion will be the same here as on the other amendment because here the language refers to years, in the prior amendment it referred to months, but the issues do not change and I do not change. And the Legislature is not going to change. You've gone too far down a path and you can't turn around, but I understand that at this point in the session people are tired, people are weary. They have had this battle and, even if what I'm saying is correct, they don't have the will, they don't have the heart, they don't have the energy to deal with it. I had suggested the other day that we should work right up to the fifty-ninth minute of the eleventh hour, but no Legislature of which I've been a part has been able to do that. By the way, somebody did some research and informed me yesterday that, although I've been here 38 years, I've attended 57 legislative sessions, when you consider the special sessions too. So what you are looking at is somebody who has not run out of gas in all of this time, and look at you all, just sitting there, beaten down, thinking about lunch. That ought to inspire and invigorate you. You're going to have some vittles. Now doesn't that give you a little more energy? Anticipation, Senator Carlson, I am not anticipating 24 people to vote with me on this motion, but I think the bill is so bad that it has to be discussed. And I won't be here to say I told you so, but once the insurance company gets...insurance industry gets a Legislature on the run, that industry does not allow you to stop running. We are often told that insurance companies deal in a very complex industry, that industry is very complicated in and of itself, insurance is well nigh incomprehensible, and people accept that. So whatever they're told by those people, who say they're speaking for the insurance industry, will be

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bought. Why, there are people on this floor who are so naive that they think insurance companies exist to benefit the public. They think the insurance companies want to help the people. They think the insurance company is like a charitable association of like-minded men and women, Senator Carlson, trying to carry out the work of your master who said help the poor, the fatherless, the hungry; visit those who are in prison. You think that's what the insurance companies are doing, don't you? You think when they get to heaven they're going to have stars in their crown, don't you? They won't have a crown, Senator Carlson. They won't even have a stitch of hair on their head, and they will join Colonel Sanders and perhaps not even be in heaven. But as I think about it, if the people are going to heaven who tell me they're going to heaven, I don't think I want to go there either. And if when I croak I feel myself rising upward and I see that bright light blinding my spiritual eyes and I say, where am I going, and I don't hear anything, so then I say, who is doing this to me? And a deep voice, deeper than Darth Vader, says, this is the Lord. And I would say, well, Lord, we didn't have that much in common when I came from wherever you're bringing me, so why are you doing this to me? He says, I'm taking you to heaven. Then I'd say, like those little children, Lord, do I have to? You think I want to go to heaven and spend eternity with these people? Think of all the people you ever had a problem with, and you are going to be there forever. You can never get away from them. Then you're going to listen to all these creatures with the wings, Senator Stuthman. Some of them got six pair, two on their back, two to cover their face--must be awfully ugly, and two on their feet. That's the way the "bibble" describes them. You're going to be watching all this forever. Then a choir that sings off key, but everybody is so nice up there, they pretend that they enjoy the singing. Say, they'll say, this music is heavenly. Well, all music is heavenly there. Everything is heavenly. You're going to eat honey and drink milk, and what happens if you eat a lot of honey and drink milk? That's a laxative. (Laughter) Why do you think they all them golden slippers, slip-pers. You don't think about those things, do you? Just like you don't think about these bills, but I do. I can't help it. There's something in my brain, Senator Harms, that unfits me to see things the way other people see them. What I see in this bill, for an example, is something that is not going to help people who can benefit from it. Senator Pahls, as a minion of the insurance industry, doesn't have anything that he can offer to assist those people whose policies will lapse. Why don't you say if they've kept a policy in force for 25 years it cannot lapse? Oh no, the insurance companies don't want that. Why? Because they're providing something and not being paid for it. Well, what are they providing? Well, coverage for that person. Well, what did they provide for that person for 25 years? Coverage for that person. Did the person collect anything during that 25 years? No. So they get nothing for that, huh? The insurance company lucked out. They bet, they wagered and they won on that one. They rolled the dice and won. They played the roulette wheel and they won. And as long as they win, everything they do is all right. And the law will accommodate whatever it is they are doing. And if the insurance companies come up with a new scheme, a new way to get money from those why buy insurance, the law, through the Legislature, will change to accommodate that. There's something in a book that talks about hell forever expanding

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its boundaries, because more and more people will be there, Senator Carlson; more and more people. But nobody would be there if it was left to me, but it's not left to me. So you all have to deal with the tender mercies of those who are going to send you there. Nothing that would benefit people against insurance companies will ever find its way into the statutes of any state, ever. If an insurance operation goes broke, it's because it as shaky and shady in the first place and ought not to have been allowed to go out there and sheer those sheep. But since they call themselves an insurance company, they can get out there and beat people out of their money and go out of business and not pay a nickel in benefits. But this outfit, this group we're talking about, they're the evil ones, according to Senator Pahls. And the insurance industry, they have to be watched. Insurance companies have been legal for more time than I've been in the world and they do a lot of things that are outside the loose laws that govern them now. [LB853]

SENATOR ERDMAN: One minute. [LB853]

SENATOR CHAMBERS: They don't deliver on the contracts they make with people. You must pay your premium, and if you miss it they can cancel you out. But you can't make them pay you when time comes for them to pay the benefits. And if you get a lawyer, you're going to have to pay the lawyer something. And if you win, the insurance company is going to delay as long as they can and it's hard for Legislatures to get a bill through any Legislature that says, from the day that the judgment was entered to the time that the insurance pays, they have to pay interest, because the insurance companies don't want that. Thank you, Mr. President. [LB853]

SENATOR ERDMAN: Thank you, Senator Chambers. Members, you've heard the opening on the motion to return LB853 to Select File for specific amendment. Before we continue with the discussion, Speaker Flood, you're recognized for an announcement. [LB853]

SPEAKER FLOOD: Thank you, Mr. President, members. One quick announcement with regard to our Final Reading motions to return to Select File for a specific amendment, you'll note that it's listed on the agenda after this bill, LB853. If you are interested in amending a bill that is in Final Reading, whether it is on this agenda and available to be amended or whether it's on Final Reading and not listed on this agenda, you need to do so before we resolve LB853 on Final Reading. The bills right now will be...that have been filed for amendments on Final Reading will be taken up in this order, and there are three of them: LB308A, LB1022, and LB819. And I do reserve the right to make amendments to that list in the event that additional motions are filed. It is important to note that with regard to Final Reading consent calendar, any amendment adopted which adds new subject matter to the bill will result in me pulling the bill from the schedule and it will not come again this year. So please refrain from attempting anything creative on Final Reading. Finally, I want to also share with you that tomorrow we're

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going to go into session at 1:30 p.m. You'll have your morning to yourself, and we will begin tomorrow at 1:30 p.m. We will be possibly looking at a different time on Thursday, but we will start tomorrow at 1:30. We've got a long way to go today. Thank you for your attention. Bye. [LB853]

SENATOR ERDMAN: Thank you, Mr. Speaker. Senator Chambers, you're recognized to speak on your motion. [LB853]

SENATOR CHAMBERS: Thank you. And, Mr. President, members of the Legislature, so I can put my colleagues' minds at ease, I've only got six other bills that I'm going to work on this afternoon. So that will let you know what your schedule is for the rest of the day, in the same way that the Speaker tries to tip you off. Now I'm going to make you feel very good. I don't have any other motions on any other bills that I'm aware of at this time. See how I gave you something? You see that; make you happy. The only one not happy here is Senator Pahls, who's representing the evil ones. What you see on this floor this morning is a combat between good and evil, good and evil. The insurance industry doesn't need Senator Pahls. They don't need this Legislature. They don't need this bill. But they're flexing their muscles. They're testing. They want to see what they can do with this Legislature. They're coming with something that they cannot justify the need for, but they got the Legislature to go for it. And if you go for this, they know that they have you. The new people are going to have something to contend with. I even had people who were against this bill but I think they realized that the bill is going to go so why take the time and expend the energy. And I can understand that. There are some bills on Final Reading that I don't like, but I'm not going to put motions on them. I'm not going to try to get a discussion of them. But if somebody else opens the door, I might step through it. I might. And maybe I won't. I'd like to...oh, Senator Carlson has slipped away. I was going to ask Senator Carlson a question. I don't think there's anybody in here who is as...I'd like to ask Senator Fulton a question or two. [LB853]

SENATOR ERDMAN: Senator Fulton, would you yield to a question or two from Senator Chambers? [LB853]

SENATOR FULTON: Yes. [LB853]

SENATOR CHAMBERS: Senator Fulton, this is slightly off the subject, but not really, because I have characterized this combat this morning as being between good and evil. Would you consider yourself on the side, generally speaking, of good or evil? [LB853]

SENATOR FULTON: What side are you on, Senator? [LB853]

SENATOR CHAMBERS: It doesn't make any difference. [LB853]

SENATOR FULTON: (Laugh) [LB853]

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SENATOR CHAMBERS: I don't see any difference. So, as you like it, have it your way. But I think you do see a distinction so, based on the way you view yourself, are you, in general, on the side of good or on the side of evil? [LB853]

SENATOR FULTON: I'm on the side of good, Senator. [LB853]

SENATOR CHAMBERS: And you try, to the extent that you're able, to remain on the side of good. Is that true? [LB853]

SENATOR FULTON: This is true. [LB853]

SENATOR CHAMBERS: And if you are good, are you going to die? [LB853]

SENATOR FULTON: I will die, yes, whether I'm good, evil, or neutral. [LB853]

SENATOR CHAMBERS: Do you believe in Jesus or on Jesus? [LB853]

SENATOR FULTON: In the...yes, I do. [LB853]

SENATOR CHAMBERS: Do you believe that the Bible is the word of God? [LB853]

SENATOR FULTON: I do. [LB853]

SENATOR CHAMBERS: Do you think that it is true? [LB853]

SENATOR FULTON: Yes. [LB853]

SENATOR CHAMBERS: Now, I wish Carlson was here to back this up. There's a verse in the Bible that said he that believe...and, Senator Carlson, I want you to listen to this and if I quote it wrong call me on it: He that believeth on me, though he were dead, yet shall he live; he that liveth and believeth on me shall never die. I'd like to ask Senator Carlson a question. [LB853]

SENATOR ERDMAN: Senator Carlson, would you yield? [LB853]

SENATOR CARLSON: Yes, I would. [LB853]

SENATOR ERDMAN: Senator Chambers, you have one minute. [LB853]

SENATOR CHAMBERS: Senator Carlson, did I quote that scripture correctly? [LB853]

SENATOR CARLSON: You did very well. [LB853]

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SENATOR CHAMBERS: Senator Carlson, do you believe on Jesus? [LB853]

SENATOR CARLSON: Yes. [LB853]

SENATOR CHAMBERS: Are you going to die? [LB853]

SENATOR CARLSON: No, not for very long. [LB853]

SENATOR CHAMBERS: No, you...(laughter) are you going to ever die? It says: He that believeth on me, though he were dead, yet shall he live; he that believeth on me and liveth shall never die. [LB853]

SENATOR CARLSON: That's right. [LB853]

SENATOR CHAMBERS: You're never going to die? [LB853]

SENATOR CARLSON: Physically, I'll die; spiritually, I won't. [LB853]

SENATOR CHAMBERS: Did all those dead Popes believe in Jesus? [LB853]

SENATOR CARLSON: All of them? [LB853]

SENATOR CHAMBERS: Uh-huh. [LB853]

SENATOR CARLSON: I'm afraid not. [LB853]

SENATOR CHAMBERS: Did all those saints, the ones who are called saints, believe in him? [LB853]

SENATOR CARLSON: I can't answer for anybody else. I can only answer for myself. [LB853]

SENATOR CHAMBERS: Did Paul the Apostle believe in him? [LB853]

SENATOR CARLSON: Yes. [LB853]

SENATOR CHAMBERS: How did he die? He did die, didn't he? [LB853]

SENATOR CARLSON: Yes, he did. [LB853]

SENATOR CHAMBERS: He got his head cut off, didn't he? [LB853]

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SENATOR CARLSON: He did. [LB853]

SENATOR CHAMBERS: Peter died, didn't he? [LB853]

SENATOR CARLSON: Yes. [LB853]

SENATOR CHAMBERS: He was crucified, wasn't he? [LB853]

SENATOR CARLSON: Yes. [LB853]

SENATOR CHAMBERS: Upside down, wasn't he? And he died. He was alive and believed in Jesus, right? [LB853]

SENATOR CARLSON: Yes. [LB853]

SENATOR CHAMBERS: Jesus made a mistake, didn't he? [LB853]

SENATOR CARLSON: No. [LB853]

SENATOR CHAMBERS: So he said that you'll never die, so Peter didn't die? That's all. Thank you, Senator Carlson. [LB853]

SENATOR ERDMAN: Time. [LB853]

SENATOR CHAMBERS: Thank you. Thank you, Mr. President. [LB853]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Pahls, you're recognized, followed by Senator Fulton, and Senator Chambers. [LB853]

SENATOR PAHLS: (Laugh) Mr. President, members of the body, you know when somebody turns around and calls you evil with a smile on their face, you know, you have to smile back. I understand some of Senator Chambers' concerns, but now I'm going to try to put a little bit of a face on the insurance world out there. I'm going to throw some information your way so you can see sometimes out of bad comes good. So let me just explain. We have a plan for those people in need in the area of health insurance called the Comprehensive Health Insurance Pool. Well, from the premiums that the insurance companies pays to the state of Nebraska to help out individuals, in 2006 over \$20 million was contributed to that fund; 2005, over \$23 million. So that happens from some of the premiums. But here is an example and I'm going to start with the year 2006. This is how much money the insurance world contributed to the General Fund--over \$21 million. They contributed over \$24 million, aid to local governments, and let me explain that. In that year the counties received two million five hundred and nine thous...million dollars. The cities received over \$7 million. Schools, they received over

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\$15 million. Well, now let's go to the year 2005. From some of these fees collected from insurance companies, \$19 million, over \$19 million went into the General Fund; over \$23 million went to aid to local governments. And you know that General Fund money, that's the money that we deal with. But let's get back to the money that year that went to the counties. They received over \$2 million. The cities, they received over \$7 million. And the schools, they received over \$14 million. Now that's in addition to the money that goes into General Fund. Well, I'm going to go back one more year, 2004. The money received in General Fund was over \$24 million. Now that's money that we can utilize, that we use in other programs throughout the state. That year, over \$28 million went, aid to local government. The counties received almost \$3 million. Municipal, they received over \$8.5 million. And the schools received over \$17 million. So that money is finding its way back to us. Now I know this...the insurance companies are making money, but they are paying a premium tax. We collect that tax and we spend that for the good of the people. The total amount in 2004 was \$63 million, 2005 is \$53 million, and in 2006 is \$60 million. I just have the data from those years. Just a couple other things. Now I know, you look around, we have at least three insurance salesmen or people in this body. Wonder how important insurance is to the state of Nebraska? Well, there are 18,000 agents. You count those who are nonresidents, that shoots up 37,000. We have over 1,400 foreign countries who...companies who operate in the state of Nebraska, and we have 110 who are domesticated in the state of Nebraska. So you can see their impact... [LB853]

SENATOR ERDMAN: One minute. [LB853]

SENATOR PAHLS: ...that they have. Over 35,000 jobs in our state are in insurance and financing industry. Over 3,000 jobs exist in the retail sector. Over 2,600 jobs are in health and social. The payroll is \$2.1 billion. I'm just saying that there's another face on insurance. Nebraska insurance industry spends...supports roughly 50,000 jobs. The average salary is over \$40,000. That's significantly above the average private job in the private sector, which is \$32,000. Among the states that surround us, only one is more in-depth in the area of insurance and that would be Iowa. We are number two. [LB853]

SENATOR ERDMAN: Time. [LB853]

SENATOR PAHLS: Thank you. [LB853]

SENATOR ERDMAN: Thank you, Senator Pahls. Senator Chambers, you're next to speak. [LB853]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'd like to ask Senator Louden a question or two. [LB853]

SENATOR ERDMAN: Senator Louden, would you yield to questions from Senator

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Chambers? [LB853]

SENATOR LOUDEN: Yes. [LB853]

SENATOR CHAMBERS: Senator Louden, if I have a farm or a ranch and wild animals are on that land, can I go out there and shoot or trap those animals whenever I want to? [LB853]

SENATOR LOUDEN: It depends on whether or not there's a season on them or not. If it's like a varmint or something, why, you can; but if it's like an animal that's under the Game and Parks season, like deer or cottontail rabbit or pheasant or grouse, something like that, no, you have to do it in...whenever the season is open on them and you probably have to have a license. [LB853]

SENATOR CHAMBERS: Ah! There must be a season. And what must I also have? [LB853]

SENATOR LOUDEN: Well, if it's a game animal, you probably need to have a license, unless you got a landowner's permit to do that with. [LB853]

SENATOR CHAMBERS: And do they give me that license or do I pay a fee for it? [LB853]

SENATOR LOUDEN: Usually, you have to pay some kind of a fee. [LB853]

SENATOR CHAMBERS: Thank you, Senator Louden. What those insurance companies are paying, it's a hunting license fee. They pay a fee in order to hunt. And what constitutes the quarry? The people. If you've got 37,000 agents, this must be a lucrative activity, hundreds of companies, domestic and foreign, when you put them all together. There's a lot of money to be made. I'd like to ask Senator Pahls a question or two, since he's putting a good face on the insurance industry, and I want to help him do that. [LB853]

SENATOR ERDMAN: Senator Pahls, would you yield to questions? [LB853]

SENATOR PAHLS: Yes. [LB853]

SENATOR CHAMBERS: Senator Pahls, what percentage of an insurance company's take is the fee that that company pays in order to operate in Nebraska, if you know? [LB853]

SENATOR PAHLS: Senator, I do not know that. [LB853]

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SENATOR CHAMBERS: Would it be more than 1 percent? [LB853]

SENATOR PAHLS: To be fair, I cannot... [LB853]

SENATOR CHAMBERS: Okay. [LB853]

SENATOR PAHLS: ...speculate. [LB853]

SENATOR CHAMBERS: How much does the insurance industry spend on lobbying? Because you knew the lobbying amount being paid by those who don't like this bill, how much is being paid by the companies that want this bill and to whom are they paying it? [LB853]

SENATOR PAHLS: The only reason I knew the ones who were coming from out of state is simply because that was in the newspaper. [LB853]

SENATOR CHAMBERS: I didn't understand. [LB853]

SENATOR PAHLS: The reason why I knew the ones coming from out of state, because that was an article in the newspaper. I have not checked up what the other individuals are making. [LB853]

SENATOR CHAMBERS: And the paper gave the amounts being spent against this bill but not the amounts paid by the insurance companies in support of the bill. Is that correct? [LB853]

SENATOR PAHLS: Right, most... [LB853]

SENATOR CHAMBERS: So it was a slanted, one-sided article, wasn't it, because it didn't tell both sides of the story. Is that correct? [LB853]

SENATOR PAHLS: I would dare say no. [LB853]

SENATOR CHAMBERS: I don't know whether you're answering affirmatively what I'm asking or not. (Laugh) But let me proceed. Thank you. What Senator Pahls is talking about is public relations work. It's like advertising. But it's not being done because the insurance companies are run by people with good hearts. These are people interested in profit. They want to maximize their profit and that's what they're doing. And one way to maximize profit, Senator Carlson, is to cut out the competition. Somebody else who wants to hunt in the same territory must be cut out if you want the game to be your exclusive province or preserve or for your benefit. Senator Pahls has not succeeded in putting a good face on the insurance industry. I'd like to ask him another question or two. [LB853]

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SENATOR ERDMAN: One minute. Senator Pahls, would you continue to yield? [LB853]

SENATOR PAHLS: Yes, I would. [LB853]

SENATOR CHAMBERS: Senator Pahls, if this bill does not get enacted into law, are the insurance companies that are supporting it going to be harmed financially? [LB853]

SENATOR PAHLS: If this bill would not be enacted into law,... [LB853]

SENATOR CHAMBERS: Yes. [LB853]

SENATOR PAHLS: ...it would revisit us again. Whether this bill makes it this way or not, this viatical is not a, quote, dead issue this year. [LB853]

SENATOR CHAMBERS: But is... [LB853]

SENATOR PAHLS: It's going to morph. [LB853]

SENATOR CHAMBERS: Are you telling me that if this activity becomes extensive enough in Nebraska it will cut into the financial welfare of the insurance companies? Will that happen? [LB853]

SENATOR PAHLS: I'm trying to be, what I'd say, use the word, proactive. [LB853]

SENATOR CHAMBERS: So if it got extensive enough, eventually it would cut into their revenue. Is that what you're saying or admitting? [LB853]

SENATOR ERDMAN: Time. [LB853]

SENATOR CHAMBERS: Thank you, Mr. President. [LB853]

SENATOR ERDMAN: Thank you, Senator Chambers. That was your third time and you are recognized to close. [LB853]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I may offer a motion to reconsider. I may. That means I'm able to. But I shall not. I'd like to ask Senator Pahls a question. [LB853]

SENATOR ERDMAN: Senator Pahls, would you yield to a question from Senator Chambers? [LB853]

SENATOR PAHLS: Yes. [LB853]

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SENATOR CHAMBERS: Senator Pahls, are you going to answer the questions that I ask you, yes or no? [LB853]

SENATOR PAHLS: I'm going to try. I have actually been trying. [LB853]

SENATOR CHAMBERS: Are you going to answer the questions that I ask you, yes or no? [LB853]

SENATOR PAHLS: Yes or no. [LB853]

SENATOR CHAMBERS: Okay. Senator Pahls, these companies will eventually, if they continue to grow, represent competition in the same market where these insurance companies are operating. Do you agree with that? They will be competitors. [LB853]

SENATOR PAHLS: They will be competitors but in a different way. [LB853]

SENATOR CHAMBERS: Well, when you're a competitor, you're going after the same thing that somebody else is. And when you get it, they get less. [LB853]

SENATOR PAHLS: What you want...what they want is the insurance industry to front the bill and they collect, as I see it. [LB853]

SENATOR CHAMBERS: But this is an anticompetition bill, isn't it, if we strip everything else away? These operatives are viewed by the insurance company as competitors, aren't they? [LB853]

SENATOR PAHLS: The insurance company is not against settlement. [LB853]

SENATOR CHAMBERS: Don't be...don't seem to be naive, Senator Pahls. You're the Chairperson of the Banking, Commerce and Insurance Committee. You mean to tell me that the Chairperson of that committee does not recognize a competitive situation, when it comes to insurance, when a competitive situation exists? You don't recognize that, as the Chairman of the committee? [LB853]

SENATOR PAHLS: I see this as one...right, I'll go with you to some degree on the concept of causing concerns. [LB853]

SENATOR CHAMBERS: Okay. Thank you. And we all know that anyway. You see how hard it is to get him to admit it? He feels that there's something somewhat unsavory about what he's doing. Otherwise, he'd just acknowledge it. We all know this is an anticompetition bill. We all know that. Senator Carlson knows it. Everybody knows it. So if you cannot acknowledge that a bill is doing what it's doing, you must feel there's

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something not quite right about it. If these viaticals are not going to ever be competitive with the insurance industry, the insurance industry will not bring a bill. Have you seen them bring a bill in here to try to regulate the used car industry? No, because they don't compete directly with the insurance companies. But insurance companies have to pay for accidents that those cars get into. So they do not bring a bill to regulate every industry which might have an impact on the bottom line of the insurance company. They want a bill that deals with a direct competitor, and what they see in this kind of activity is something in its infancy, which someday, if allowed to mature, may leap up and seize the insurance industry by the throat. Senator Pahls, isn't that what they fear may happen? I'd like to ask Senator Pahls that question. [LB853]

SENATOR PAHLS: Yes. I see this sort of like the parasite on a host. The insurance is the host and I see the settlement actually being somewhat of a parasite. [LB853]

SENATOR CHAMBERS: And the insurance company could be a parasite because there are parasites that have parasites within them. Isn't that true? [LB853]

SENATOR PAHLS: I cannot disagree with that. [LB853]

SENATOR CHAMBERS: And the insurance company could be seen as a parasitical operation, couldn't it, because it doesn't produce anything? It doesn't produce any product. It makes its money based on the misfortunes of others and the catastrophes that God sends. Isn't that true? They follow in the train of a vengeful God... [LB853]

SENATOR ERDMAN: One minute. [LB853]

SENATOR CHAMBERS: ...like jackals follow in the path of a tiger or some other predator that will leave little bits and scraps for the jackals to consume. Isn't that a good and apt analogy? The insurance companies follow behind a vengeful God who sends hurricanes, tornadoes, death, destruction, injury, diseases, right? [LB853]

SENATOR PAHLS: I'm not an expert on... [LB853]

SENATOR CHAMBERS: Oh. You're scared, aren't you? [LB853]

SENATOR PAHLS: Yes, true. (Laugh) [LB853]

SENATOR CHAMBERS: (Laugh) That's all I will ask you. Thank you, Mr. President. I will withdraw my pending motion. [LB853]

SENATOR ERDMAN: The motion is withdrawn. Members, we're on Final Reading. Please find your seats. Mr. Clerk, the first bill is LB853. Senator Pahls has requested members check in. Members, again, we are on Final Reading. Please check in. Senator

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Lathrop, Senator Wallman, please check in. Senator Pankonin, Senator Lautenbaugh. Senator Lathrop, we are on Final Reading. Would you please report to the Chamber and check in. All members are present or accounted for. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB853]

CLERK: 40 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB853]

SENATOR ERDMAN: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB853]

CLERK: (Read title of LB853.) [LB853]

SENATOR ERDMAN: All provisions of law relative to procedure having been complied with, the question is, shall LB853 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB853]

CLERK: (Record vote read, Legislative Journal page 1462.) 40 ayes, 2 nays, 3 present and not voting, 4 excused and not voting, Mr. President. [LB853]

SPEAKER FLOOD PRESIDING [LB853]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB853 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR379, LR380, LR381, LR382, LR383, LR384, and LR386. I also propose to sign and do hereby sign, while the Legislature is in session and capable of transacting business, LB853. Mr. Clerk, items for the record? [LB853 LR379 LR380 LR381 LR382 LR383 LR384 LR386]

CLERK: Mr. President, your Committee on General Affairs, chaired by Senator McDonald, reports LB251, LB544, LB546, LB645, and LB955 as indefinitely postponed. New resolution: Senator Langemeier offers LR398; that will be laid over. (Legislative Journal page 1463.) [LB251 LB544 LB546 LB645 LB955 LR398]

Priority motion, Mr. President: Senator Dierks would move to recess the body until 1:30 p.m.

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it we stand adjourned (gavel)...I mean, recessed until 1:30. Recessed until 1:30.

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SENATOR ERDMAN PRESIDING

SENATOR ERDMAN: Good afternoon, members of the Legislature. The Legislature is about to reconvene our afternoon session. Members, please record your presence. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President

SENATOR ERDMAN: Mr. Clerk, any items for the record?

CLERK: Mr. President, the bill read on Final Reading was presented to the Governor at 12:25 p.m. (Re: LB853) New resolution, Business and Labor Committee, LR399 calling for an interim study. And a communication from the Executive Board regarding LR283. That's all that I have, Mr. President. (Legislative Journal pages 1464-1465.) [LB853 LR399 LR283]

SENATOR ERDMAN: Thank you, Mr. Clerk. Members we are on the agenda, Final Reading, motions to return to Select File for a specific amendment as ordered by the Speaker. The first item on the agenda is LB308A. Mr. Clerk. [LB308A]

CLERK: Mr. President, with respect to LB308A, Senator Langemeier, Senator, I've got two motions. Oh I see, I'm sorry. Senator Langemeier would move to return the bill for specific amendment, AM2766. Pursuant to that offering, Mr. President, Senator Langemeier would move to suspend Rule 5, Section 7, and Rule 7, Section 3(d) to permit consideration of AM2766. [LB308A]

SENATOR ERDMAN: Members, the first motion before you is the suspension of the rules. Senator Langemeier, you're recognized to open on that motion. [LB308A]

SENATOR LANGEMEIER: Mr. President, members of the body, I'm going to talk a little bit about suspending the rules and the amendment and why I would like your indulgence to do this all in one fell swoop. So first of all, I'd like to thank Senator Stuthman for allowing us to use LB308A. This is a Banking, Commerce and Insurance bill. Senator Pahls, as Chair, was busy this morning. So as Vice Chair, I volunteered to do this, that's why we're here today. I filed a motion to suspend Rule 5, Section 7, Rule 6, Section 3(d), the germaneness rule to permit the consideration of AM2766 to LB308A. In connection with this motion I have also filed a motion to return LB308A to Final Reading for that Select File amendment. Earlier in the session in the legislative body we passed LB851, a bill originally from the Department of Banking and Finance. In that bill, Section 28 of LB851 contained an amendment that made a technical change to the Uniform Commercial Code, Article 9. These provisions are scheduled to go into effect three months after the end of the 2008 Legislative Session. Part of the passage of LB851, a financing statement filed by a secured party to perfect a secured interest was

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required, would significantly provide the name...was required to significantly provide the name of the debtor. A financing statement failing to significantly provide the name of a debtor was deemed to be seriously misleading. This amendment to the UCC Article 9, adopted under LB851, provides that if a search of the Secretary of State's record under the debtors correct last name only would nevertheless disclose a financial statement that otherwise fails significantly to provide the name of the debtor, then that provided does not make the financial statement seriously misleading. Through communications from the National Conference of Commissioners on uniform state laws, a number of states have gone together to pass this type of legislation. They have said since each state is looking at different model legislation, we would like the opportunity to look at it and look at one piece of model legislation for the whole United...for all the states. So what they've asked us to do is to delay the implementation date of our piece of legislation one year. They like our legislation. They want to look at it. Larry Ruth, who you all know, happens to be a commissioner on the Uniform Commercial Code. They would like to look at our legislation's relevance to the other states. And that way next year, in the First Session of the One Hundred and First Legislature, we can either adopt the uniform language that will be adopted over the summer, or we can just keep what we have if ours becomes the uniform legislation. So what we're asking you to do is, in compliance with them, not really compliance, with...sticking to their wishes, I should say, we would like to delay the date one year. And since that bill has already been passed, the Governor has signed it, the only way I can get back to that date is by commandeering Senator Stuthman, and again thank him, LB308A, which he didn't need anymore. So I would like you to suspend the rules so we...for germaneness, allow us to amend the year, the '08 to '09, through AM2766, and then advance LB308A. And with that, I would yield to any questions and thank you, Mr. President. [LB308A LB851]

SENATOR ERDMAN: Thank you, Senator Langemeier. Members, you've heard the motion to suspend Rule 5, Section 7, and Rule 7, Section 3(d), the germaneness rule of the Nebraska Legislature to permit consideration of AM2766. Senator Langemeier, you're recognized to close on your motion to suspend the rules. Senator Langemeier waives the opportunity to close. The question before the body is the suspension of the germaneness rule. Members, this does require 30 votes. All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB308A]

CLERK: 33 ayes, 0 nays, Mr. President, on the suspension of the germaneness provision. [LB308A]

SENATOR ERDMAN: The motion is successful. Mr. Clerk, next motion. [LB308A]

CLERK: Senator Langemeier would move to return the bill for specific amendment, AM2766. (Legislative Journal pages 1465-1466.) [LB308A]

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SENATOR ERDMAN: Senator Langemeier, you're recognized to open on your motion to return LB308A to Select File. [LB308A]

SENATOR LANGEMEIER: Mr. President, members of the body, I thank you for suspending the rules. And I would ask that you return it to Select File so we can adopt AM2766. Thank you. [LB308A]

SENATOR ERDMAN: Senator Langemeier, there are no lights on. You're recognized to close on your motion. Senator Langemeier waives the opportunity to close. The question before the body is, shall LB308A be returned to Select File for a specific amendment, that being AM2766? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB308A]

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB308A]

SENATOR ERDMAN: The motion is successful. Mr. Clerk, amendment on the desk? [LB308A]

CLERK: AM2766, Mr. President. [LB308A]

SENATOR ERDMAN: Senator Langemeier, you're recognized to open on AM2766. [LB308A]

SENATOR LANGEMEIER: Mr. President, members of the body, AM2766 allows LB, which we've already passed, LB851 to become operable September 1 of 2009. Thank you, Mr. President. [LB308A LB851]

SENATOR ERDMAN: Members, you're heard the opening on AM2766 to LB308A. Senator Langemeier, you're recognized to close on that motion. Senator Langemeier waives that opportunity. Question is, shall AM2766 be adopted? All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk [LB308A]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB308A]

SENATOR ERDMAN: The amendment is adopted. Senator McGill, for a motion. [LB308A]

SENATOR MCGILL: Mr. President, I move LB308A to E&R for engrossing. [LB308A]

SENATOR ERDMAN: Members, you've heard the motion. All those in favor say aye. All those opposed, nay. LB308A does advance. Mr. Clerk, next item. [LB308A]

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CLERK: Mr. President, LB1022. Senator Hansen would move to return the bill for specific amendment, AM2779. (Legislative Journal page 1467.) [LB1022]

SPEAKER FLOOD PRESIDING [LB1022]

SPEAKER FLOOD: Senator Hansen, you're recognized to open on your motion to return LB1022 to Select File for a specific amendment. [LB1022]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. We found out just this morning that there was some objections or deletions of what had not done in the last set of amendments while this bill was on General File. And this amendment harmonizes the definition of veterinary client patient relationship. This is a very important part of the initial bill that we really think should be put back in here. It harmonizes that definition to the definition found in the Veterinary Medicine and Surgery Practice Act, in Section 38-3316. The amendment also restores a section that was stricken on Select File relating to the veterinary drug distributors and human health legend drugs. The definition of human legend drugs is also being restored. This is a technical amendment requested by the veterinarians. And I believe that Senator Dierks approves of this amendment. Thank you, Mr. President. [LB1022]

SPEAKER FLOOD: Thank you, Senator Hansen. Senator Dierks, you're recognized. [LB1022]

SENATOR DIERKS: Thank you, Mr. Speaker and members of the Legislature. Yes, I do approve of the amendment. As a matter of fact, I stimulated it, so I have to be very approving of it. And I do hope you'll support it. Thank you. [LB1022]

SPEAKER FLOOD: Thank you, Senator Dierks. There are no other lights on. Senator Hansen, you are recognized to close on your motion to return LB1022 to Select File. Senator Hansen waives. The question before the body is, should LB1022 be returned to Select File for specific amendment? All those in favor vote yea. All those opposed vote nay. Please record, Mr. Clerk. [LB1022]

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB1022]

SPEAKER FLOOD: LB1022 is returned to Select File for a specific amendment. That amendment is AM2779. Senator Hansen, you are recognized to open on AM2779. [LB1022]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I just want to state that originally this morning we thought we would just leave it on Final Reading and go ahead and pass it the way it was and fix it next year. But that's probably not a

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good way to do things in the Legislature. So we go this extra step to fix this bill this year. And then just for the veterinarians to have it right means a lot to them and it means a lot to me, too. Thank you. [LB1022]

SPEAKER FLOOD: You've heard the opening on AM2779. There are no other senators requesting to speak. Senator Hansen, you're recognized to close on that amendment. Senator Hansen waives closing. The question before the body is, should AM2779 be adopted? All those in favor vote aye. All those opposed vote nay. Mr. Clerk, please record. [LB1022]

CLERK: 38 ayes, 0 nays on the adoption of the Select File amendment. [LB1022]

SPEAKER FLOOD: AM2779 is adopted. Mr. Clerk. [LB1022]

CLERK: I have nothing on the bill, Mr. President. [LB1022]

SPEAKER FLOOD: Senator McGill, for a motion. [LB1022]

SENATOR MCGILL: Mr. President, I move LB1022 to E&R for engrossing. [LB1022]

SPEAKER FLOOD: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. LB1022 is advanced to E&R for engrossing. Mr. Clerk, we now move to LB819. [LB1022]

CLERK: Mr. President, Senator Cornett would move to return LB819 to Select File for consideration of AM2777. (Legislative Journal pages 1467-1470.) [LB819]

SPEAKER FLOOD: Senator Cornett, you're recognized on your motion to return AM...or return LB819 to Select File for a specific amendment. [LB819]

SENATOR CORNETT: Thank you, Mr. Speaker and members of the body. The amendment that we are looking to attach to LB819 is LB1082 from last week that we heard on Select File. A number of people were absent for that vote. We are going to...we're attempting to amend the original LB1082 with change to it that was actually a suggestion of Senator Carlson's. We understand that there is significant concern over the cost of this bill. We have a number of studies, one of them that I am going to hand out in a few moments, regarding that cost issue. I have...I've stated a number of times that the cost in other states that have enacted this bill or similar legislation has been very, very low, 2 percent overall for both private and public average pay insurance. Senator Carlson made the suggestion of putting a sunset on this bill. So we have a chance, as a state, to look and see if there is a significant cost more than what we projected. The fiscal note again on the original LB1082 was approximately \$140,000. I urge the body's support of the amendment. And thank you very much. [LB819 LB1082]

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SPEAKER FLOOD: Thank you, Senator Cornett. Senator Gay, for what purpose do you rise? [LB819]

SENATOR GAY: Thank you, Mr. President. Point of order on the...according to Rule 7, Section 3(d) on the germaneness of this amendment. [LB819]

SPEAKER FLOOD: You're challenging the germaneness of the amendment being offered by Senator Cornett? [LB819]

SENATOR GAY: Yes, Mr. President. [LB819]

SPEAKER FLOOD: Thank you, Senator Gay. Senator Cornett, it's my understanding that you've asked Senator Lathrop to respond to this question. And then, Senator Gay, before we have Senator Lathrop respond, would you please state the reasons for your challenge so that I may better understand your issue with the germaneness rule in regard to the adoption of AM2777. [LB819]

SENATOR GAY: Hold one minute, Mr. President. [LB819]

SPEAKER FLOOD: Certainly. [LB819]

SENATOR GAY: Under LB819, the statement of intent...if you just look at the statement of intent, this is a workforce development issue that has many different issues completely than workers' comp benefits. So this is a workers' security issue. This is a workers' comp issue. We dealt with this issue several times before, now it's being put back on as an amendment. Also, Mr. President, this provides the employee...talked about payrolls from \$100,000 to \$500,000. And it's a tax, how we tax employees and employers, and the acquisition of existing businesses, how we're going to change it. So the germaneness of workers' comp versus the confidentiality requirements in an employer, to me, is not germane. [LB819]

SPEAKER FLOOD: Thank you, Senator Gay. Senator Lathrop. [LB819]

SENATOR LATHROP: Thank you, Mr. President, colleagues. I'm pleased to have the opportunity to rise and explain what I believe to be the germaneness of the amendment, AM2777, to LB819. And first, I suppose, the place to start was with the rule. Germaneness is found in Rule 7, Section 3, paragraph (d), as Senator Gay has indicated. And that section sets the standard for us. And maybe before we look at the standard we ought to recognize that today we're talking about not just this particular bill, but bills you may bring in the closing days of a short session, bills and amendments that you may need to bring to clarify things. The gas tax may need some amendments, so we must be careful and recognize that we're not just talking about this particular bill and

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this particular amendment, but we're talking about the future amendments that you may file in the days ahead and in sessions ahead. The rule on germaneness sets out a standard. And the standard you can read the entire paragraph. But let me tell you what the last sentence of that standard is so that you have some measure to judge this motion or challenge by Senator Gay. A nongermane amendment includes one that relates to a substantially different subject. So the question today is whether or not AM2777 is substantially different from LB819. And a little history is in order. Two things that I think are important. First, both of these bills came from the Business and Labor Committee. Second, both of these bills deal with employee benefits. So one, admittedly, deals with unemployment compensation and the other with workers' compensation. But they are germane, in my judgment, because they both relate to employee benefits. And I think it's also important to recognize as we look at the subject matter of the germaneness that of course, as I said, they both deal with employee benefits. Let me look at my notes, I've lost my thought for a second. Oh, they are...and I think this is important. It's been important historically in this body, too, and that is that they both relate to changes in Chapter 48. We have as a measure of germaneness always looked to see if we are amending the same chapter. And LB819... [LB819]

SPEAKER FLOOD: 30 seconds. [LB819]

SENATOR LATHROP: ...amends Chapter 48, and LB1082, or what's now the Cornett amendment, AM2777 amends Chapter 48 as well. So I think because they're the same chapter, they are not substantially different subject matters, but in fact are the same subject matter which is employee benefits. And recognize that we are establishing a precedence here. And your amendment is going to be judged by the same standard you use today. So for those reasons I would ask that the Chair overrule the challenge. [LB819 LB1082]

SPEAKER FLOOD: Thank you, Senator Lathrop. The question that has been raised by Senator Gay is, is AM2777 a germane amendment to LB819? The rule in play here is found Section 3, sub (d) of Rule 7, found on page 47 of the Legislature's Rule Book. It reads in part, germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantively different subject. The application of this rule is that LB819 amends Section 48-612.01, 48-648, 48-648.01, 649, 652, 654, 668, 668.02 of the Employment Security Law. AM2777, formerly LB1082, would amend Section 48-1,110, and 48-151 of the Nebraska's Workers' Compensation Act. Whether or not this amendment is germane to LB819, in my opinion as the Chair, turns on the definition of the subject of LB819. If the subject of LB819 is defined broadly an example, such as employment law, then AM2777 would be germane. If, however, the subject of LB819 is defined more narrowly, an example unemployment compensation and information disclosure to the Workers' Comp Court, there could be some question as to whether the amendment is germane.

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With the diversity of specific subjects covered in LB819 it seems that a good argument can be made that the proper subject of the bill as a whole should be defined broadly. For that reason the Chair rules that AM2777 is germane. Senator Erdman, for what purpose do you rise? [LB819 LB1082]

SENATOR ERDMAN: Point of order, Mr. President. [LB819]

SPEAKER FLOOD: Are you raising a new point of order, Senator Erdman? [LB819]

SENATOR ERDMAN: That I am, Mr. President. [LB819]

SPEAKER FLOOD: Before I recognize you, I want to give Senator Gay the opportunity to respond to my ruling. Do you wish to overrule the Chair on my decision, Senator Gay? [LB819]

SENATOR GAY: I do, Mr. President. [LB819]

SPEAKER FLOOD: You do? Senator Erdman, I will take up your matter after I deal with Senator Gay's point of order on whether or not to overrule the Chair. Senator Gay, you are recognized to open on your motion to overrule the ruling of the Chair. [LB819]

SENATOR GAY: Thank you, Mr. President. The facts substantially different is just that. We're taking two different amendment, and you have...your point of view, two different amendments that deal with substantially different issues. There were many bills introduced that deal with employee benefits. This had its chance to be heard eight times now. This will be the eighth time. I do think...Senator Lathrop brought up the point that we're setting a precedent or we wouldn't be...I think we are and the wrong one at this point. It's just a difference of opinion from the Chair of the germaneness of this bill, the idea being that, as Senator Cornett alluded to, certain people were out of the room and we should rehear this amendment I think is wrong. I think we're setting a bad precedent into the future, especially as we have new members coming in. I just disagree at this point of what the Chair ruled. And I'd like to have a vote on that from the body. [LB819]

SPEAKER FLOOD: Thank you, Senator Gay. Reminder, on this motion to overrule the Chair each member may speak only once. You may not yield time. Senator Gay has an opportunity to close. (Personal announcement.) Senator Chambers, you are recognized to speak, followed by Senators Lathrop, and Fulton. [LB819]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. I'm not going to have to be here dealing with this much longer. And I can tell you that the joy that I feel in my chest, which would be a heart if I had a heart, defies expression. But I'm not standing to deal with that at this point but to emphasize a position that I've held ever since I was in the Legislature. I have never been one who supported a strict or narrow

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interpretation of the germaneness rule. My view, although the Legislature's rule is narrower, is that unless something would lead to two subjects in a bill, which is unconstitutional, I am not one of those who will say as a stickler something is not germane. Even on issues that I disagree with, germaneness was not where I would fight it. Now if this rule is going to be strictly applied it should be strictly applied all the time, but that is not going to happen. It depends on what the issue is and who the person is bringing it. This is one of those issues which the business community is very exercised about. So they're able to get people up in the air to try to defeat the idea itself by any means necessary or possible. In a legislative setting, that is what is done. You expect that and you prepare for it the best way that you can. It's not a matter of saying this is unfair, although you might say that, too. But to Senator Gay, to Senator Gay, can't we all just get along? (Laugh) I've wanted to say that for so long. (Laughter) But I wouldn't say it in behalf of myself. I'm not going to vote to overrule the Chair. If the Chair, whoever was sitting in that spot, had made a ruling that an item was germane, I would not vote to overrule the Chair unless I thought the item lead to two subjects in a bill. And if it were not my bill it wouldn't make me that much difference because the risk is assumed by the one who wants to do that. This is one of those matters where a ruling could go one way or the opposite way, and almost anything presented to the Chair can fit into that category. So it boils down to how many votes are going to be available. And it's why votes in the Legislature have nothing to do with what is right, what is wrong, what is good, what is bad. It has to do with who can bring enough pressure or influence to bear to get the number of votes necessary to carry the day. This is an item that has become controversial. It's one which during the discussion I have not gotten deeply involved in. But on the rule and the ruling by the Chair I will comment on that. And if another such item comes up in the short time I have here, I will comment again. I think the Legislature makes a mistake, it hog ties and shackles itself... [LB819]

SPEAKER FLOOD: One minute. [LB819]

SENATOR CHAMBERS: ...when it comes to too strict a ruling on the germaneness issue. If you have the votes, beat it on the merits. But don't have an interpretation of your rules which will come back to bite you. I knew how to get around any rule that was ever written by this Legislature, any rule, but my colleagues didn't. And they would have to come to me to ask me how they could get around a rule that they supported to lock me up. And they saw me escape all the time, and I would help them. The rules should be to facilitate the action by the body. And on something like this you could probably do a much better, more efficient job of not overruling the Chair, deal with any other technical challenges that are made, and then get to the issue. But I am opposed to a narrow ruling on germaneness. [LB819]

SPEAKER FLOOD: Time. [LB819]

SENATOR CHAMBERS: And because the Chair ruled this is germane, I'm upholding

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the Chair. Thank you, Mr. President. [LB819]

SPEAKER FLOOD: Thank you, Senator Chambers. Senator Lathrop, you're recognized. [LB819]

SENATOR LATHROP: Thank you again, Mr. President and colleagues. I do want to stand and respond to Senator Gay's argument. And I would observe first that, as Senator Gay has suggested to us, that we've had our day with this bill, it's come up before, it's had other hearings, and you may or may not like the underlying policy of this amendment. But the argument that this has been heard before or it's had its day isn't responsive to an objection on germaneness. What that is, is an argument against the substance or the merits of the bill and not the procedural issue before you. You can, after this is amended or as we attempt to amend it, vote against it, if that's how you feel about the bill. But the issue of germaneness doesn't have anything to do with how many times it's been on the floor, it doesn't have anything to do with whether you think it's a good idea or a bad idea. It only relates to the subject matter and its relationship to the underlying bill. And I would echo the sentiments of...expressed by Senator Chambers. Today, today the subject of germaneness is found in LB819, but tomorrow it may be on your bill. And what you do today is going to decide whether or not your going to be able to amend bills in the future or whether you will have narrowed the interpretation of germaneness to the point where we can't function in a short session in the closing days. I will again reiterate the reasons why I think this is germane and why we should support the ruling of the Chair. This is an amendment which is a bill like the underlying bill, LB819, that comes to us from Business and Labor. Number two, it relates...both relate to Chapter 48, which has been sort of the gold standard of germaneness in this body. And the third thing is that both the bill and the amendment relate to employee benefits. Under the standard that was read by the Speaker and used as the basis for the ruling this is germane. And I would encourage you to vote in support of the decision of the Chair. Thank you. [LB819]

SPEAKER FLOOD: Thank you, Senator Lathrop. Senator Fulton, you're recognized. [LB819]

SENATOR FULTON: Thank you, Mr. President. So we have some new people here who are learning about the history of germaneness. And while we have him here, I'd like to ask Senator Chambers a question or two. [LB819]

SPEAKER FLOOD: Senator Fulton, your request is out of order. You may not yield time nor ask questions of any member. [LB819]

SENATOR FULTON: Okay. Then I hope he doesn't mind if I try to speak as I think that he was speaking. There was a ruling given by the Chair which encompassed both the...one of two possibilities--a broader interpretation and a more specific interpretation.

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If one were to choose the latter, a more specific interpretation, then it could be ruled that this is not a germane amendment. If one were to choose the former, with the broader interpretation, then, and that is what the Chair chose, then this amendment would be germane. Senator Chambers said something that struck me. This is something that could go one way or the other. And he gave the rationale that he would not have a more narrow interpretation. He prefers the more broad interpretation because it could one day be one of our own bills. And so for sake of consistency, the broader interpretation is operative. I'll be interested to hear Senator Erdman's point of order. But we, as members, should recognize that what we do does set some precedent. And so I do share some of the concerns that Senator Gay announced here earlier, that this is subject matter which has had...well, eight, if that's accurate, but several bites at the apple. And so when the time comes to bring that point up I will. As for whether or not this is germane, whether or not to overrule the Chair, we should recognize that there are two operative interpretations--a broader one, and a more specific one. And depending on how the Chair rules, we always have the right to choose the other. In this case, we could choose to use a more specific interpretation. So just because we're setting forth a precedent here doesn't mean that we are bound by that precedent in which of the two interpretations to choose because that, as Senator Chambers I think was alluding to, could go one way or the other. That becomes a matter of judgment. And so if in our judgment the Chair is incorrect in his ruling, we are not setting some precedent here by overruling the Chair. That's the way I have read the rules. Thank you, Mr. President. [LB819]

SPEAKER FLOOD: Thank you, Senator Fulton. Senator Erdman, you're recognized. [LB819]

SENATOR ERDMAN: Mr. President, I rise in opposition of the motion to overrule the Chair and look forward to offering my separate point of order at the appropriate time. Thank you, Mr. President. [LB819]

SPEAKER FLOOD: Thank you, Senator Erdman. Senator Nelson. [LB819]

SENATOR NELSON: Thank you, Mr. Chairman, members of the body. I expect to spend a few more years here and I don't know that I want to be bound by precedent where we're going to use a broad interpretation of this rule. I think if we're going to continue to use broad interpretations we might as well do away with Section 3, part (d), because it doesn't mean anything anymore. And the thing that we're missing here is the word details. And I'm going to read this. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence. We're talking about details of LB819. That's a pretty good sized yellow copy there. I read through it and then I read through the proposed amendment. I don't see anything in the amendment that relates to the details of LB819. And I'm going to argue in opposition to the Chair that we ought to, if we

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haven't done so before, we ought to return to a more strict interpretation of this rule so that we know where we are from now on. Otherwise, any time we get in a bind at the very end and we want to throw something in, then it's going to happen. Thank you, Mr. President. [LB819]

SPEAKER FLOOD: Thank you, Senator Nelson. Senator Nantkes. [LB819]

SENATOR NANTKES: Thank you, Mr. President. Good afternoon, colleagues. I rise in opposition to the motion to overrule the Chair. And we've heard some discussion this afternoon about broad or narrow interpretations of this rule. And let me remind folks that those words aren't contained in the rule. And according to Black's Law Dictionary, Seventh Edition, which defines common legal terms, germane simply means relevant or pertinent. That's the full legal definition of the term germane. So I think that the Chair is well within his discretion and the context of the rules in adhering to the simple meaning of the word germane without drawing into this any sort of additional arguments in terms of narrow or strict or broad interpretation. Thank you. [LB819]

SPEAKER FLOOD: Thank you, Senator Nantkes. Senator Cornett. [LB819]

SENATOR CORNETT: Thank you, Mr. Speaker and members of the body. Senator Nelson talked about bills being specific. Every year chairs of different committees make what's called a Christmas tree bill. In those bills are a number of different items with details that aren't specific to one another. You will have a Christmas tree pill (sic, bill) from the Judiciary Committee that maybe has 10 or 15 different bills in it. They are not even related to one another. If there is a clear precedent, then it is a broad one that the intent of what bills should be is broader. Thank you. [LB819]

SPEAKER FLOOD: Thank you, Senator Cornett. (Visitors introduced.) There are no other lights on. Senator Gay, you're recognized to close on your motion to overrule the Chair. [LB819]

SENATOR GAY: Thank you, Mr. President and friends all, as Senator Preister says so many times. I think that's a good opening because we are all friends here, Senator Lathrop, Senator Cornett, Speaker Flood. The issue I point out at this point Senator Chambers brought up a point, first year you're here, when we had a Rules hearing, we were going over the rules. He said, don't do it just because that guy up there tells you to do it. And that kind of stuck with me. So I didn't do this lightly. But the point that I'm trying to make I do think it's two different subjects. I do think we need to clarify at some point next year of what is going to be germane and not germane as we have so many new legislators in this body. Why introduce a bill if you can bring it on and put an amendment on and get it done? It concerns me, so I brought this up. We were obviously prepared for a motion on germaneness because it was ruled rather quickly. So there is some thought into this of what was going happen. But what I would say as we go

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forward here we're late in the session. There's going to be new members of the body and many of us will be returning, is when we're passing legislation I hope we don't do it because we don't want to upset someone, we don't want to offend someone, they're our friends or our colleagues, we spend a lot of time together. These laws we make are much too important to do that. I do believe in my heart we have two different amendments going on here and we will have time to discuss that during debate. At this time, Mr. Speaker, I'd withdraw the motion to overrule the Chair. [LB819]

SPEAKER FLOOD: Thank you, Senator Gay. Your challenge is withdrawn. We now move to Senator Erdman who has a point of order. Senator Erdman, upon arrival at your microphone, you are recognized. [LB819]

SENATOR ERDMAN: Mr. President, I would respectfully request that the Chair rule on whether this is a reconsideration motion of LB1082. And if you would like me to explain that now, I can, or if you would like me to wait I would do whatever your wishes are in that regard. [LB819 LB1082]

SPEAKER FLOOD: Senator Erdman, I do want you to explain that. But my first question is, a reconsideration of what? [LB819]

SENATOR ERDMAN: Of LB1082? [LB819 LB1082]

SPEAKER FLOOD: On LB819? [LB819]

SENATOR ERDMAN: Right. [LB819]

SPEAKER FLOOD: Go ahead and explain your position, Senator Erdman. [LB819]

SENATOR ERDMAN: Thank you, Mr. President. Rule 7, Section 7 deals with the reconsideration motion of the Nebraska Legislature. As you have all been subject to or aware of, it is generally utilized by the senior member to allow for additional time to be taken, or the possibility for a vote to be reconsidered. Specifically it says that when a question has been decided it shall be in order for any member voting with the prevailing side or not voting to move for the reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or the next legislative day, except when it be to reconsider the vote on the bill which lacked a constitutional majority on Final Reading. Further, in Rule 7, Section 7, sub (d), it says, for a bill on Select File no motion to reconsider shall be in order until the bill has failed to advance three times. There are two practical problems with this motion as it regards the consideration motion. Senator Cornett admitted in the offering of her amendment that this is an opportunity to allow people who were not here the opportunity to vote again. That is a motion to reconsider. Further, LB1082 is in the form that AM2777 is in, it is the same. And by offering this amendment today it is the opportunity for the Legislature to reconsider that

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vote in its entirety or in a majority, which is in part. Finally, Senator Cornett is offering this amendment. It is a reconsideration motion. And she is prohibited, under our rule, from offering a motion to reconsider because she was not on the prevailing side. Had Senator Chambers, who changed his vote from yes to not voting, been the introducer and the author of this amendment, he would have had the opportunity and this wouldn't have been this big of an issue, however, it still would run afoul of the language that says that a bill on Select File shall not be reconsidered until it fails to advance for two times. We are essentially, by different rule, utilizing the reconsideration motion before us based not only on the intent but the plain reading of the amendment. I would request that the Chair ruled that this motion is out of order pursuant to Rule 7, Section 7, specifically sub (d), for a bill on Select File no motion to reconsider shall be in order until that bill has failed to advance 2 times, as AM2777 is LB1082. Thank you, Mr. President. [LB819 LB1082]

SPEAKER FLOOD: Thank you, Senator Erdman. Senator Cornett, it's my understanding that you've asked Senator Lathrop to respond, or would you like to respond? Senator Cornett, you're recognized. [LB819]

SENATOR CORNETT: Yes. This is not a reconsideration motion in the fact that there is new information or new materials in 10...or from the old LB1082 and AM2777. The provision that sets a sunset for 2014 is in the amendment to the bill. Thank you very much. [LB819]

SPEAKER FLOOD: Thank you, Senator Cornett. We'll stand at ease for a moment as the Chair considers the arguments that have been presented. [LB819]

EASE [LB819]

SPEAKER FLOOD: Point of further clarification. Senator Cornett, would you outline for the Legislature the differences between LB1082 and AM2777. [LB819 LB1082]

SENATOR CORNETT: Yes. In regards to the LB1082 it still includes mental injury for first responders and allows them to apply for work comp under that. But in response to Senator Carlson's concerns and... [LB819 LB1082]

SPEAKER FLOOD: Senator Erdman's concerns. [LB819]

SENATOR CORNETT: Well, no...let me finish real quick. [LB819]

SPEAKER FLOOD: Okay. [LB819]

SENATOR CORNETT: Senator Carlson's concerns and some of the other members of the body in regard to the fiscal note and the uncertainty, we changed it to put an

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operative date and then a termination date. So this bill (sic, amendment) does have a sunset clause, which LB1082 did not have. And that is this section terminates January 1, of 2014. It is on page 2, line 2 of the amendment. Thank you. [LB819 LB1082]

SPEAKER FLOOD: Thank you, Senator Cornett. Senator Erdman, would you care to respond to that point? [LB819]

SENATOR ERDMAN: I would, Mr. President. The reality is that this is the exact same language, except that she has put, or the committee, or whomever has drafted AM2777 has added a date of termination at the end of this legislative bill, which is somewhat irrelevant, because 99 percent of the rest of the bill is identical to LB1082. So it is essentially the same version. In the event that we would reconsider a vote that was previously taken, that motion is then before us and could be amended as well. And so the opportunity that is being presented by Senator Cornett to the body is a reconsideration motion and should be treated as such. [LB819 LB1082]

SPEAKER FLOOD: Thank you, Senator Erdman. We'll continue to stand at ease. [LB819]

EASE [LB819]

SPEAKER FLOOD: Thank you, Senators, for your patience. In regard to the question presented by and the point of order raised by Senator Erdman, a couple of points need to be made by the Chair. Reconsideration applies only to a precise question presented to the body. And the question of AM2279, dealing with workers' compensation coverage has not been presented to the body as an amendment to LB819. Precise question has a plain and simple meaning. We have a situation here where the same precise question is not found in both AM2279 and LB1082, they are different and there is a difference. Senator Erdman is asking the Chair to creatively construct a hybrid rule basing his argument on Rule 7, Section 7(d). For that reason it is the Chair's ruling that Senator Erdman's point of order is out of order. Senator Erdman, for what purpose do you rise? [LB819 LB1082]

SENATOR ERDMAN: Mr. President, with all due respect, I would ask or I would move to overrule the Chair. [LB819]

SPEAKER FLOOD: You have ten minutes to open on your motion to overrule the Chair. At that time, each member will have an opportunity to speak once. You may not yield time. Senator Erdman will then have an opportunity to close. Senator Erdman, you are recognized. [LB819]

SENATOR ERDMAN: Members of the Legislature, I hope you're paying attention because now you have effectively figured out how to reconsider a vote without using our

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rules. And it's the precedent of this Speaker to do that. And that's within his prerogative, that's within his right, and that's based not only on the precedent that's before you today, but the previous precedents that have been set. Realize that every rule that we have is subject to a ruling of the Chair. If you don't like the ruling of the Chair, you can move to overrule the Chair, which is what I'm asking you to do here today. It candidly has nothing to do with whether we should consider this amendment. I have been in this Legislature for eight years. I have watched members of the Legislature work on legislative bills to try to get them advanced only to not have them advance on General or Select File. This motion that is before you, this amendment is the exact same thing that is in LB1082. And if the Speaker wants to create, as he's accusing me or alluding to my request, a hybrid rule, the fact is this is the practical application of our current rule. This is exactly what you would have done on LB1082 had you gotten more than 22 votes or had it failed to advance twice. There is no practical difference between this activity and that activity. Further, it's in violation of our reconsideration rules because Senator Cornett voted yes on the motion to advance LB1082 and the only way under our rules, under the reconsideration motion, that she should have been allowed or this issue should have been able to come before us is if one of the individuals who voted no, not voting, or excused offered this amendment. The fact that Senator Cornett has said we're going to sunset this in 2014 is irrelevant, it is incidental to the law and the issue before us. The motion specifically before us is to return to Select File for this amendment. This amendment is LB1082. Explain to me in plain language, not contriving it through the rules and interpretation, how practically what we're doing today is not reconsidering the vote on LB1082, Now I've been on the Rules Committee now for two years. I've tried to get rules through the Rules Committee to make our rules more lenient, to reduce and to eliminate some of the restrictions that are there because in a couple of years some of the rules that are in place will have no interpretation, except from the Clerk. And it would be in our best interest to understand the rules as an institution, as we go forward, regardless of who's here. But to simply say that this is not a motion to reconsider is absolutely contrary to the plain practical application and understanding of our rules. I don't know how else to put it. If you vote to reconsider a motion, you are taking a mulligan, you are doing a do-over on that motion. You are doing the exact same thing by offering this amendment on a separate bill, and it should not be allowed. And the reason it shouldn't be allowed isn't because of the subject matter in this amendment, it's because of the process that we have in place, it's because of the practice that we have, and most importantly it's in violation of our rules. And if the Speaker wants to provide an accommodation for individuals to have this amendment considered at the late part of the session, that's fine. The better option would have been to put LB1082 on the agenda. It's the 58th day of the legislative session, we could have had that bill on the agenda today. That bill could have been voted up or down again. And if it would have failed to vote up or down again, a motion to reconsider that would have been in order. We were not boxed into this. The fact that the Speaker wouldn't put LB1082 on the agenda led the committee and Senator Cornett to offer this idea. It is one and the same. You should not allow this ruling to stand, it is in

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violation of our rules, it is in violation of our practice, and it candidly doesn't make sense. Thank you, Mr. President. [LB819 LB1082]

SPEAKER FLOOD: Thank you, Senator Erdman. Senator Friend, you're recognized. [LB819]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature and friends none. (Laughter) After...I heard somebody say that in the past. And after I get done here, I doubt I'll have any. This is...this is what should happen at the end of a 60-day session and usually does. And not that I've got a tremendous amount of experience with it, but this is not abnormal. Let me tell you where I stand here. This is very, very strange turf. And I like Senator Cornett's amendment, I like it a lot, and she knows I've liked it, and she knows I've gone with it from the very beginning. I stood up on this bill originally and I said I struggle with this a little bit because of the scope. And I got made fun of because I used the term scope about 40 times. This has less scope. The bill...the amendment is more pointed, it's more active, it takes care of a problem. I agree with the theory. Here's where the problems come in, I may not get an opportunity on the record to ever say this again, maybe I will, Senator Erdman is a lot of things. He's my friend, but he's also a lot of other things. Here he's right. Now if we actually move forward and we don't overrule the Chair and we move forward, the votes may be there to move forward with this policy matter. I know mine will be. The problem is, and I didn't think about this, this morning, and that's where...that's where his wisdom, I guess, comes in and mine doesn't, it is the same issue, 99.5 percent of it. Now Senator Lathrop and others and the rest of the body, I mean you got...you all might not think so, with all due respect to the Chair and Senator Flood, he's my friend, too. But overruling the Chair is not unprecedented. We've done it a couple times since I've been here, and that's only six years. It does happen. Nobody is saying you don't respect the Chair. Nobody is saying that you don't respect the ruling of the Chair, but this body rules and 25 votes make the decision, and Speaker Flood knows that and I think he respects that. I don't think he respects the idea that I'm ready to, you know, the way he probably looks at it, pound this one down his throat. That's not my intent. My intent is to figure out a way down the line to be as consistent as we possibly can. The same person that used the term after Senator Preister coined friends all, friends none. One of the things that he told me is you try to be as consistent as you possibly can. It doesn't send good signals to anyone to promote inconsistency. And I think the idea, when you change the discussion and you go to a different section in this rule book makes sense to me. Clearly, I'm struggling with this. I think AM2777 is good policy. What kind of message would I be sending not just to folks that are in here, but to folks that come in next time and we say, well, you voted for these rules, the interpretation is a little bit squishy, let's just go ahead and set these aside for right now. Let's not deal with the functionality of these rules. Quite frankly, I think it sends kind of a strange message. Dissenting... [LB819]

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SPEAKER FLOOD: One minute. [LB819]

SENATOR FRIEND: ...does overruling the Chair send an extremely strange message? Maybe just to Mike Flood. And Mike might get done here and say, Friend, you're out of control, you're a firecracker, you know, what...I can deal with that. What I can't deal with is taking the rules that we've dealt with and setting those aside, I wouldn't say in a haphazard manner, but setting them aside for a particular purpose. Some might be political, some might be policy, whatever the case might be for a particular purpose and ignoring the language of the rules. Quite honestly this could go either way. I'm fine with which ever way it goes. But I think it sends a worse message to ignore the rule that Senator Erdman pointed out than the message that would be...than the message that we would send by overruling the Chair. I know I didn't help much, but that's really all I had. Thank you, Mr. President. [LB819]

SPEAKER FLOOD: Thank you, Senator Friend. Senator Lathrop, you're recognized. [LB819]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I have been here now two years, two sessions anyway or through the One Hundredth Legislature. And I have enjoyed the insight of Senator Erdman. Over the months that I've served down he is obviously polished and very much a student of the rules. And so the temptation may be to follow him wherever he leads us because he's been sort of our de facto authority on the rules. He stands up and talks about them even when we're not even worried about them any longer. And so the question that he presents is, and again we heard Senator Friend say it, this is the same issue. But that's not the question. I know a little bit about something about rules, too. And the question is, is this the same question, because that's the term used in the rules. You can't blur the word question by using the term issue and telling you that this is the same thing, it's not. There's about three reasons why the Chair is correct. First of all, all this is, is a motion to move it back to Select File. We're not reconsidering this amendment or LB1082 at all with this motion. So I think it was out of order...the motion made by Senator Erdman was out of order because it isn't even timely. Second of all, it is not the same question and we can't take our rules and make grey areas to accommodate our arguments, which is what's going on here. The arguments made by my friends, Senators Erdman and Friend, is this is the same issue, we can't get around it, but it's not. That's not the question. Look at the rule. The rule says, is it the same question? The Chair has correctly concluded that it's not. There are changes to and differences between AM2777 and LB1082 that make it a different question. And you can't change the outcome of the rules...the decision by the Chair by talking about is it the same issue. Someone is trying to confuse you. Someone is trying to lead you to a result which is consistent with their opposition to LB1082. That's a dangerous place to go. When we take up a rules question we must necessarily divorce ourselves from the policy that will result depending upon whether this prevails or not, because we are setting a road map for how we'll conduct ourselves in the years ahead.

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You're being invited to turn the word question in this rule into issue, and then conclude that, to use Senator Erdman's term, it's practically the same thing, or the practical effect is that it's the same thing. That's not the rule, that's not the question. The Chair is correct for a number of reasons and I would encourage you to support the ruling of the Chair. Thank you. [LB819 LB1082]

SPEAKER FLOOD: Thank you, Senator Lathrop. Senator Wightman. [LB819]

SENATOR WIGHTMAN: Thank you, Mr. President, friends some, most, whatever it may be. Seems like maybe all is not always the correct word, according to Senator Friend. It's always interesting in situations like this to kind of look and see how the vote went the first time around and see where people are on the overruling the Chair, because there seems to be a high correlation between how people voted the first time and how they're voting now. And of course it was interesting to have Senator Friend take a position opposite of what he voted the first time around. And I always appreciate it when Senator Friend tells me what his position is up front because sometimes at the end of his discussions I'm not quite sure. But at any rate be that as it may, I think it still gets down to individual philosophy here. And your individual philosophy is a lot of times pretty much dictated by how you voted on the original bill. And I think that's the situation here. I think if we took the Chair's ruling to its extreme we could probably have every bill come up for reconsideration. You could change it a little, now the limiting factor and the only limiting factor as I see it is how many bills are irrelevant by the time you get to the final day and so you can gut that bill or set that bill aside and then try to amend your own bill in such a manner that it can be reconsidered if the ruling of the Chair stand. And I think that's exactly what is happening here. I'll admit there's a small chance that could happen on every bill. You could find some insignificant change and bring that bill back up again if that's going to be our ruling. So it gets down largely to whether we're going to have a somewhat strict, a strict construction, or a liberal construction, a broad construction. Obviously the Chair has considered that we're going to have a broad construction. There are those who take issue with that. I think it's going to boil down to pretty close to the same vote that we had on the original bill. At this point I am going to support an overruling of the Chair on this issue. I think it might have come better and been more appropriate had Senator Gay left his on file but...because then we could have had a true up and down...up or down vote on whether we were going to have a liberal construction or a very limited construction. So I'm not sure this is the proper method of raising it, but I'm going to go along with Senator Erdman and support the motion to overrule the Chair, challenge and him on the question of whether this is a reconsideration. Thank you, Mr. President. [LB819]

SPEAKER FLOOD: Thank you, Senator Wightman. Senator Chambers, you're recognized. [LB819]

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Lathrop

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has pointed out one thing that has made this a thorny issue or question, and that's that it's brought up prior to the time that the item is before us. Every lawyer who has cross-examined a person and every lawyer whose client is being cross-examined will know that timing is everything. An expert could be on the witness stand and this person who is cross-examining or let's say the lawyer is trying to elicit information from that expert. The defense lawyer knows where that is going. So the defense...the lawyer who's carrying on the initial questioning will get this person to give his or her credentials then mention something about what the issue is before them. Then the lawyer will ask, do you have an opinion as to such and such? The other lawyer, maybe being over eager will say, I object, that opinion is out of order. And the judge will overrule and say, the question was do you have an opinion, it was not asking what that opinion is. Now a person who says nothing can be asked, do you have an opinion, and that person can say yes. Then if the lawyer asks what is that opinion, then the other lawyer can object and say there was inadequate foundation, you didn't establish that this person is an expert, and on and on to show that that person's opinion does not meet the standard that is necessary to allow an opinion to be offered on that question in evidence. So the motion to return this bill to Select File is not out of order. That question can be decided. If the bill is returned then when the amendment is offered the challenge is made as to whether that amendment should be considered as something that is allowed or is it a reconsideration. But the motion to send it back and like asking that expert, do you have an opinion? The question will be answered either yea or nay. The motion to return is asking the Legislature, do you have an opinion on how we should proceed? If the Legislature thinks for any reason they don't like the amendment, they think it's a reconsideration, they think it's had too many hearings, that is beside the point. Right now the step that's before us is inquiring as to whether the Legislature even has an opinion. And that is phrased by asking, will you vote to return this bill to Select File? Why? For a specific amendment. What is the amendment? And it's up there, but you don't reach the amendment until you determine whether to send the bill back. So the vote at this time will be premature. I'm not going to comment on the ruling of the Chair as such, because it would take more time than I have remaining to me. And for people's information, I have not voted for this bill. I haven't voted for what is covered in this amendment. As people say, I don't have a dog in this fight, or, Senator Carlson, (laugh) I don't have a verse in this "bible." At any rate,... [LB819]

SPEAKER FLOOD: One minute. [LB819]

SENATOR CHAMBERS: ...it should be kept in mind what you are voting on. If you vote that the Chair is incorrect, that doesn't do away with the motion to return the bill to Select File. That motion is in order. Whoever made it can still insist that there be a vote on it. And maybe people, because they've said they don't like the amendment, will say, I'm not going to vote to send it back. Well, if they didn't like the amendment they could just refuse to send it back in the first place and we wouldn't be doing what we're doing now. But I think it's been very instructive. I think Senator Erdman raised some good

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points. I think the Chair was deliberative, it gave its opinion, and if anybody is interested in mine, which you're probably not, you won't get it right now because I don't have enough time to go into it. And I think it's premature for that matter to be considered. Thank you, Mr. President. [LB819]

SPEAKER FLOOD: Thank you, Senator Chambers. Senator Burling, you're recognized, followed by Senators Nelson, Carlson, and Nantkes. Senator Burling. [LB819]

SENATOR BURLING: Thank you, Mr. Speaker, members of the body. I stand in support of overruling the Chair. If you don't overrule the Chair and consider this amendment we've changed the rules for reconsideration. And there's rules in the book on how to change the rules. Proper way to change the rules is to make a proposal to the Rules Committee, they go over it, they reject it or they forward it to the floor for consideration, and we change the rules that way, apart from having a bill present to discuss. I think this is an attempt to circumvent the rules on reconsideration. The rules are important to us because they treat everybody the same regardless of the person or the issue. And here we're proposing to change the rules clouded by a specific bill or issue. When we're proposing to change the rules it should be apart from connected to a bill. I think Senator Friend was a supporter of this bill on the last time we voted. I'm assuming he would like to see it advance. And he recognizes that this is not the proper procedure and that's a statesmanship position. Thank you for that. Thank you for listening. Thank you, Mr. President. [LB819]

SPEAKER FLOOD: Thank you, Senator Burling. Senator Nelson, you're recognized. [LB819]

SENATOR NELSON: Thank you, Mr. President, members of the body. I, too, I want to commend Senator Erdman for his knowledge and his expertise as a member of the Rules Committee. I...it's enlightening to me to understand how these things go a little better. I take the position I'm a strict constructionist, we have to be that way sometimes as lawyers. And I can't add really much to what he has said or what Senator Burling or Senator Friend. But I do want to make the point I think the comments by Senator Chambers were good, really were on a return to Select File, that's where we should be, but I think we've gone beyond that. We now have two considerations of overruling the Chair. And in the course of that we've been discussing the whys and wherefores here and whether we want to liberally construe these rules. In my mind this is simply a reconsideration. It's a motion for reconsideration. A rose by a rose is a rose by any other name. And the rules here, if we adhere to them, provide that you have to do the reconsideration on the same day or the next day that the Legislature meets and there are certain things that we need to adhere to. And that opportunity was there, but it was overlooked for whatever reason. It does not seem to me that when we have that provision and that's the way we go, if we want to come up again, that we come through a backdoor route like we are here today. And it's the same thing, it's...we're not...we're

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not discussing anything with LB819. We're reconsidering LB1082, actually, with one small change and that's a sunset and that's immaterial. That has nothing to do with the content with whatever we should be considering. So I, with all respect to the Chair, I stand in support of overruling the Chair. Thank you. [LB819 LB1082]

SPEAKER FLOOD: Thank you, Senator Nelson. Senator Carlson, you're recognized. [LB819]

SENATOR CARLSON: Mr. President and members of the Legislature, it's kind of interesting. I'm standing up in opposition to many of the people that normally I think right along with. I'd like to make a few comments on various individuals. Senator Erdman, you're one of the most articulate people I've ever met. I appreciate many times how you put together words and go through an issue. And certainly you've done that today. But I think Senator Lathrop brought up a good point of the difference between same issue but different question. I think that's the case here. Senator Friend, you discussed the idea of setting a precedent. And as I'm observing and listening to the debate here this afternoon I've learned in these two sessions here very seldom is there anything that gets through this body that is simple and fast, sometimes it happens, not very often. And so we're having an in-depth discussion today on now whether to overrule the Chair. When something rather similar comes up in another session next year, I don't think we're going to be referring back to April 15 of 2008, and remember what happened then that set a precedent. Every situation is a new one and we'll be arguing it again. I'm going to take a little exception to something my friend, Senator Wightman said. He talked about it being the exact same bill with an insignificant change. Now maybe he wasn't referring to this bill specifically. But he said, you could take every bill and make an insignificant change. I think the change that's being suggested here is not insignificant and that has some bearing, I think, on how we might look at this question. But I will not be voting to overrule the Chair. Thank you, Mr. President. [LB819]

SPEAKER FLOOD: Thank you, Senator Carlson. (Visitors introduced.) Senator Nantkes, you're recognized. [LB819]

SENATOR NANTKES: Thank you, Mr. President. Good afternoon, colleagues. I rise in opposition to the motion to overrule the Chair. And as I'm sitting here this afternoon Senator Erdman's comments, which are always eloquent and most times precise, his speech this afternoon reminded me of basically a lesson that we learned early on in our law school days. When they were talking about ways to be persuasive in front of a jury or a judge they said, if you have the facts on your side, count on the facts; if you have the law on your side, pound on the law; if you have neither, pound on table. (Laughter) Well, I think that's a little bit of what we're hearing here this afternoon. And I think Senator Gay's motion that we entertained earlier was a cleaner, simpler, more precise way to deal with this issue. And I wish that he wouldn't have withdrawn it. I think that Senator Erdman, of course being a master of the rules, has brought a creative approach

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to addressing this process issue at this stage in our dialogue. But I think it does have some unintended consequences, if we were to move forward and to overrule the Chair, which are a bit more broad and that I think we have to be very, very cautious about. So with that, Mr. President, thank you. [LB819]

SPEAKER FLOOD: Thank you, Senator Nantkes. There are no other lights on. Senator Erdman, you're recognized to close on your motion to overrule the Chair. Senator Erdman. [LB819]

SENATOR ERDMAN: (Pounds on the desk.) I just pounded on the table for you, Senator Nantkes, because I hadn't done that yet. It hadn't occurred to me to try that, so I thought I would. And maybe I should have tried that when you guys were raising the gas tax. Maybe that would have helped instead of it was for the kids, or it was economic development, or those items. But the fact is that the law is on my side. In 2006, Greg Lemon took the state of Nebraska to court over a gambling petition, and the court ruled that the question at hand wasn't narrowly construed as the Speaker is narrowing this one. The question was much broader. And the Nebraska Supreme Court ruled in favor of an interpretation similar to mine. I'm not a lawyer, thank God. And those of you that are, are appreciative of that as well. But that's not what this is about. Let me talk practicalities for just one minute because it may have been lost upon you what we did at 1:30 today, about 1:40 actually. Senator Langemeier offered an amendment to LB308A. You know what the first motion was that we took up? The first one, to suspend the germaneness rule. But you know what the next motion we took up was? To return to Select File. Now pray tell why would we have done that? Why would the Clerk have directed me, as the presiding officer, to take up those motions in that order? Hmm, very interesting. And the reason why we do that is because the consideration of that motion is contingent upon the specific amendment. The consideration of this motion is contingent upon whether or not the amendment that's being offered is in compliance with our rules. We can argue all day about the rules and this and that. It's kind of fun for me. We can disagree. Senator Lathrop would rather not let me lead him to slaughter, he let the Speaker do it. Go for it. But the fact remains that there is a disagreement about the practical application of this law, and that the courts have interpreted the word "question" as it specifically relates to legislative matters differently than what the Speaker is relating to it here. And that's fine, because we are our own entity and we can set our own rules. I believe this is a bad precedent. And the precedent is this, that if your bill fails to advance at another stage of debate you simply offer that amendment, that bill as an amendment to another bill and move on. I did ask the Speaker why we don't have LB1082 up here on the agenda. And he says it hasn't been his practice. But his practice is to allow the consideration of LB1082 this way. So whether or not you want to make the argument that this is a reconsideration, which I have tried to do, and whether I've done that successfully or not will be up for your determination. But it is candidly 100 percent, or excuse me 180 degrees from the direction that the Speaker has handled this legislative session and the previous legislative year regarding bills that

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fail to advance. So be it. Let's vote. If you want to overrule the Chair vote with me, if you don't vote against me. Vote to return it to Select File. Do whatever you want but recognize that this is part of the history that you're going to live with as members of the Legislature when you're here in determining what happens. And I will say at this point, if I haven't this session, I think our Speaker has done a masterful job of handling this legislative session, these last two years, I think he has. I think he has managed the will, the egos, the opinions of the members of the Legislature effectively to give you a shot at having your bills being discussed. And he's going above and beyond here to allow another consideration of a bill that had its day on the floor eight times. Let's vote. Let's see where we're at. But recognize that this challenge, this point of order is in order because it's completely consistent with what Senator Langemeier did two bills ago just this afternoon. And the rationale as why it's being offered now as a point of order and the rationale as to why Senator Gay's motion was offered at that point is because we would have considered a motion to suspend the germaneness rule under his scenario if it wasn't germane, as we did on LB308A, and it's just as much in order to ask this question or to make this point of order to the President at this point. It could be made again, but it's not going to be because you're probably going to beat me down. And I've pounded on the desk, and let's vote. Thank you, Mr. President. [LB819 LB308A LB1082]

SPEAKER FLOOD: Thank you, Senator Erdman. You've heard the closing on Senator Erdman's motion to overrule the Chair. The question for the body is, and before we vote I want to make clear that we, under our rules, 24 votes overrules the decision of the Chair given that we have 3 members excused at this time. The question before the Legislature is, should the Chair be overruled? All those in favor of overruling the Chair vote aye. All those opposed to overruling the Chair vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB819]

CLERK: 17 ayes, 24 nays, Mr. President, to overrule the Chair. [LB819]

SPEAKER FLOOD: The ruling of the Chair is sustained. Seeing no other objections or points of order at this time, Mr. Clerk, we now proceed to the question as to whether or not AM2777 should...or that we should return LB819 to Select File for the consideration of AM2777. We now go to floor discussion on the motion to return to Select File. Members, please indicate if you wish to speak. Senator Lathrop, you are recognized. [LB819]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I do want to stand up and explain why I think this is in order and give you a little background. We did indeed take up LB1082 and considered something similar to this, although not the same issue, and over the weekend I had a conversation with Senator Carlson about LB1082 and his desire to support the volunteer firemen, but his concern over the fact that the fiscal notes seemed to be bouncing around the folder and it was hard for Senator Carlson, if I

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can speak for him, and others to get a sense of whether or not this was going to be expensive, as originally suggested by the fiscal note, or whether it was going to be a fiscally reasonable benefit for firefighters and law enforcement officers, and in particular, the volunteers. And Senator Carlson has proposed--and Senator Cornett and I readily accepted his idea--that the way around that would be for us to put a sunset into LB1082, or what is now AM2777. And let me suggest to you this, because I know there are people on the floor who had concerns about the fiscal notes, and obviously you've been through that before. You can die by fiscal note around here, and so the fiscal notes were causing some concern, and I think Senator Carlson came up with a creative way to address that, and that is, let's put this in place for five years for first responders, and let's see what our actual experience is. I will tell you I expect it to be low. I do not expect it to be very much money, but I think the idea of putting it up there for five years and then let's take a look at it and see if it's costing...if this benefit to our first responders is costing us much money or not. And so I want to express my appreciation to Senator Carlson for his thoughtfulness and his willingness to contact me as well as Senator Cornett and discuss this creative approach to an issue I think many of you want to support, but you did, of course, have some concerns about the fiscal notes. So I would, of course, support the return to Select File and the amendment. Thank you. [LB819 LB1082]

SENATOR LANGEMEIER PRESIDING [LB819]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. Those wishing to speak: We have Senator Cornett, Stuthman, and Wightman. Senator Cornett, you're recognized. [LB819]

SENATOR CORNETT: Thank you very much, Mr. President and members of the body. I am well aware of the fact that the majority of the lobby is against this bill. I am well aware of the fact that you have all been lobbied heavily. I have provided you with information showing what the fiscal analysts' office, the Fiscal Office said this bill would be. I have also provided you data in regards to what the average around the country is. Since the time this bill was heard we received further data at a request that we made to the University of Berkeley at California, University of California at Berkeley, pardon me. I am just passing around the results of that. Now for those of you that are not going to have time to read all of it, under the most generous current state statute, which is California in regards to mental-mental injuries, only 3 percent of permanent partial disability claims include a psychiatric impairment. California has the most liberal bill in the country. This is written to have the highest standard. Of these psych claims, between 10 percent and 15 percent involve extraordinary and unusual circumstances, so 10 to 15 percent of that 3 percent, the extension of benefits proposed under LB1082. Consequently, Nebraska can expect the extending coverage to all workers--all workers; we have limited this to just first responders--experiencing psych claims, meeting the extraordinary and unusual standard would increase permanent partial disability

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payments, PPD, costs by less than one-half of 1 percent, less than one-half of 1 percent-- .30 to .45. First responders are a small fraction of all workers, but because of the dangerous natures of their claims, they have a higher than average PPD rate, about 8 percent. Claims in California are paid to police officers, firefighters, and other front-line responders. Consequently, though, with the language that we have, which is unusual, that is reduced. Myself and Senator Lathrop... Senator Lathrop and I spoke with Senator Carlson over the weekend. He felt that limiting the bill to first responders was a good idea. He felt that it met the needs, but he also was concerned what the impact on the state was, just as I have been concerned about what the impact on the state was, and have done everything to limit the bill... to limit that. He suggested a sunset, a five-year period where we can look at this. If in five years it has cost more than we had thought, it goes away. If we have helped people during that five years and the cost is minimal, we can keep it. There is no doubt that we're going to help people with this bill. There are people lobbying against this bill that I frankly don't understand why, except possibly on the basis of ideology. The state chamber, this bill doesn't affect them. I heard that the hospital association was lobbying against it. Bruce Rieker was in to my office and said they are not lobbying against it; they are in a neutral position. [LB819 LB1082]

SENATOR LANGEMEIER: One minute. [LB819]

SENATOR CORNETT: When you think about the cost, and I'm talking a very minimal cost to the state, for this bill, look at the cost if we don't. Look at the cost it is to train one first responder, even at the lowest level, an EMT; look at the cost of training a police officer; look at the cost of training a paramedic, and weigh that against this, and weigh the cost of not helping that person. I urge the body to support the amendment to LB819 and to support LB819, the underlying bill. And I thank Senator Carlson for all of his help and thoughtfulness in this matter. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Cornett. Senator Stuthman, you're recognized. [LB819]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I've been visiting over the past weekend with numerous first responders, and initially when I had visited with them, when this bill had come up, they were very supportive of this bill. It's not that they're not supportive of the bill right now; the question that they raised to me is, you know, what is going to be the cost to the local fire districts, to the local taxpayers, for this workmen's comp for this brain injury? I know Senator Cornett said it's going to have very little impact on the state, but we do not know. We have no idea. And if there's an impact to the state, is there going to be an impact to the local communities, to the local fire districts? I would like to ask Senator Lathrop a question, please. [LB819]

SENATOR LANGEMEIER: Senator Lathrop, would you yield? [LB819]

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SENATOR LATHROP: Yes, I would. [LB819]

SENATOR STUTHMAN: Senator Lathrop, on the fact that it was stated that there would be very little impact, you know, on the state, as far as the fiscal note, what type of an impact would there be on a local community, a local fire district, as a percentagewise? [LB819]

SENATOR LATHROP: I would sure think it would be nominal. First of all, they're not brain injuries, they're psych injuries. So a brain injury disables somebody...you used that term and I wanted to make sure that people didn't misunderstand. This is for emotional injuries and not brain injuries. [LB819]

SENATOR STUTHMAN: Yes, yes. I realize that. [LB819]

SENATOR LATHROP: And to answer your question, I would expect it to be small. And any time you do something like this and you insure for a risk, you're spreading the risk around, so we can either have it paid by all the people, or we can have it paid by the guy that gets hurt, in which case he shoulders the entire cost, and if he gets any care at all he has to pay for it out of his own pocket instead of spreading it around to the community that benefits from his service. [LB819]

SENATOR STUTHMAN: But Senator Lathrop, in establishing...if this bill were to pass, that the workmen's comp division of a fire department, would they have to establish an amount, a fee that they would be charging the fire district at the present time, hoping that no one ever has this type of an injury? [LB819]

SENATOR LATHROP: Actually right now, they're covered by work comp. Volunteer firemen are covered by work comp. All we would be doing is providing a different or an additional aspect to the coverage. How much that would change the premium, I would expect it to be nominal, but however they finance their work comp premium now, they would have a...I would expect a nominal increase in their premium. [LB819]

SENATOR STUTHMAN: Okay. Thank you, Senator Lathrop. This was the concerns of several of the first responders that I visited with. They felt that there should be some more time involved, some more studies as to, you know, what would be the cost, when visiting with their workmen's comp people, with their insurance companies as to what they were going to charge, in addition to the premium, because of the effects...if this bill is passed. So that, you know, that if there is a situation that arises, that this individual is covered by that. And they said, well, there's really nothing out there yet, and they would like to see this delayed until they can get some factual figures. Thank you, Mr. President. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Wightman, you're

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recognized, followed by Senator Carlson. [LB819]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I would have to agree with what Senator Stuthman says with regard to what the comparative cost between the state of Nebraska is and the fiscal note that we're talking about, and what the cost is going to be to local government. If you look at the percentage of first responders for the state of Nebraska, it's got to be minimal, probably less than 1 percent, but possibly even a half of 1 percent. If you look at the number of first responders among city government, if you're including all volunteer firemen, you're including all policemen, you could be looking at 30 percent or more of the total personnel, if you're including the volunteer firemen within that group. Certainly I'd like to see volunteer firemen have as much coverage under workmen's comp as we can afford, or as the city government can afford, but I think we're looking at a major issue, and we're not looking at 2 or 3 percent of the...at least not in communities the size of Lexington, Cozad, Gothenburg, and those communities that are represented by most outstate senators. We're looking at quite a substantial number of employees and a high percentage of employees that fit into this category, or at least my understanding of the category of first responders. So I think...and basically what we're doing is passing a bill, if we do pass this bill, that includes first responders at all levels, not just the state of Nebraska, which I agree is going to be a very low fiscal note. We're talking about local entities such as counties and sheriff's office in counties, and I think more in cities where we have the volunteer fire departments. Certainly we have rural volunteer fire departments, as well. So I think this bill had a fair hearing the first time around. I don't want to question Senator Carlson. You never want to question somebody as to whether his own proposed amendment is insignificant. I don't want to propose that his amendment is insignificant, but I still think it's not a major change from the bill that was originally passed, and I think that it really is improper to consider it in this manner and should not be considered. And so I am going to oppose the motion to return to Select File, and oppose the amendment, as well. Thank you, Mr. President. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Wishing to speak we have Senator Carlson, Gay, Cornett, Burling, Christensen, and Ashford. Senator Carlson, you are recognized. [LB819]

SENATOR CARLSON: Mr. President and members of the Legislature, I do stand in support of returning LB819 to Select File for the amendment, AM2777. I was against the original bill, and more in a matter of understanding or not understanding, and the time element, and just how things happened. I am concerned about the unknown liability that this may entail, but I've had some of that settled in my mind and decided to suggest the change to the bill. I really believe that there is the reality that the circumstances faced by first responders, even though they've been trained, can cause mental and emotional injuries. I also realize that these types of injuries are difficult to deal with, but they are, nevertheless, real injuries. I realize that doctors, as well as those injured, could try to

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take advantage of a situation, to be paid for damages when there is, in fact, no injury. We were told that the implementation of this provision would prove to be not a significant cost. Obviously, that's not a guarantee. But I believe that the first responders provide a vital service for the state of Nebraska, particularly those that are volunteers. So many of these responders are volunteers, and without their services we would be guaranteed of a serious additional financial problem. And we're considering this because we're dealing with the safety needs of our citizens. Now sunset provisions on bills are nothing new. On LB701, with the vegetation and the clearing of the stream beds of the Republican and Platte River from a year ago, on my portion of that bill that dealt with vegetation we have a two-year sunset provision. So next January I'm going to be coming back to the Legislature, talking about the results of the first two years, and there will be a decision made as to whether we continue or whether we stop. The sunset provision of this year would be January 1, 2014. That allows us to observe how this provision actually works to serve those who deserve it. And I hear the argument that we better wait and we better study, and I understand that consideration. But I've heard other bills where we...somebody says, well, this was done in Kansas, and really the attitude is, well, this isn't Kansas, this is Nebraska. But if we have a sunset provision, in January of 2014 we could look back over what has actually happened and then make a decision, versus looking forward to the unknown. And I think we'll make the correct decision. Sunset provision will demand that we monitor the situation and allows us to address the issue again. It's like a pilot study. It allows us to learn and to react, at the same time we serve those in need. [LB819 LB701]

SENATOR LANGEMEIER: One minute. [LB819]

SENATOR CARLSON: So I do support the amendment, I do support the sunset provision, and I would ask you to join me with your vote to return this bill to Select File and then vote for the motion, for the amendment. Thank you. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Carlson. (Visitors introduced.) Returning to discussion on the motion to return LB819 to Select File for a specific amendment, those wishing to speak, we have Senator Gay, Cornett, Burling, Christensen, Ashford, McDonald, Kruse, and others. Senator Gay, you are recognized. [LB819]

SENATOR GAY: Thank you, Mr. President. We just heard timing is everything, so we are going to have the discussion here on the motion to return to Select File, which I oppose returning this to Select File. AM2252, AM2514, AM2550, FA239, AM2514, AM2670, AM2709, now AM2777, eighth time we've dealt with this specific issue. And it is an important issue, and it's important to firefighters and police. We've made it into that issue. But the idea that we're doing this is, had we done that prior...I have an amendment already drafted that I cannot add to this right now, because Rule 6, Section 6, says no amendment can be added to this amendment. So that does concern me.

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We're talking about looking at this for five years, and then if we don't like it, we're going to go back and then we can look at this and change it. Do we really think we're going to change it, after we've passed something? And police and firefighters already carry a lot of clout here and they should, and we all respect what they do. I was home this weekend. I stopped by a local community, talked to the mayor and the city administrator about several issues, this being one of them. And they respect and admire their police and fire, but they're still against this. So this isn't just a business lobby thing; this is a government issue. There's a lot of people who are concerned about what we're doing here, and rightfully they should be. That amendment, then, if this costs no money to anybody, then we as a state should pick this up. What about the volunteer firefighters that Senator Stuthman talked about? How are they going to afford this if this happens? So there's a lot of issues. I have a handout that you have--Senator Cornett handed out--April 10 we have a gentleman from California, Frank Neuhauser, he's with California Berkeley, "Impact of Psychiatric Disabilities Arising Out of Unusual and Extreme Circumstances." Is that our study, on the 10th of April that we get this, and that's our study? I gave Senator Lathrop a 100-page study on 28 different states that are doing a study, and I asked him and I said, I know you're passionate on this issue. We need to look into it further, have an interim study, come back. Let's get some real data; let's do this thing right. And I mean that. And I meant it then, and I mean it now. I think at this point by doing this...we went through the whole rules debate, the rules talk. Because one person changes their mind...and we will get a vote on this it looks like. I hope we don't. I hope we don't move this back to Select File. But there's a certain point we should do this right. All those rules debates we had there--however we did it, right or wrong--there's a reason. We still have one more chance, and this is right now, to not return this to Select File, come back. And if it's that important to all of us, let's do it right next year. Thank you, Mr. President. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Cornett, you're recognized. [LB819]

SENATOR CORNETT: Thank you, Mr. President and members of the body. I wanted to address some of Senator Wightman's concerns. One that he was talking about--and Senator Stuthman--the cost to municipalities. That is the numbers that I gave. Focusing on just public agencies that would be affected by LB1082, costs are more concentrated. For public agencies, the impact would be to increase workers' compensation costs by .15 percent to .25 percent, or something less than one quarter of 1 percent of PPD costs. Further, Senator Wightman, I'm not sure, and I may have misunderstood him, volunteer firemen are covered under workmen's comp in this state currently. This would include...this is not a new idea to cover volunteer firefighters under workmen's compensation. With that, I would urge the body to support the amendment and the underlying bill again. Thank you very much. [LB819 LB1082]

SENATOR LANGEMEIER: Thank you, Senator Cornett. Senator Burling, you are

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recognized. [LB819]

SENATOR BURLING: Thank you, Mr. President, members of the body. Is Senator Lathrop in the...Senator Lathrop, thank you. [LB819]

SENATOR LANGEMEIER: Senator Lathrop, would you yield to a question? [LB819]

SENATOR BURLING: Senator Lathrop, I want to thank you for the information you gave me some time back regarding volunteer firefighters and EMTs as being covered under workers' comp. I don't have that information with me today, because I wasn't aware this was coming back up today, but I thank you for that. But it didn't answer my question, and I have, picking up on what Senator Stuthman was talking about, maybe I haven't been listening, but under state law, the state law tells us what employers or what type of work that person's employees do, whether or not they shall have workers' comp coverage; is that true? [LB819]

SENATOR LATHROP: Yes. And virtually...in the state of Nebraska, virtually every employee is covered by work comp except ag employees and domestic employees. That's generally the standard. [LB819]

SENATOR BURLING: Okay, thank you. Now in the case of the volunteers we're talking about now, who is their employer? Who pays that premium? [LB819]

SENATOR LATHROP: It would be paid by presumably the fire district, but they're covered right now, so whoever has been paying it would pay it. But I as an employer--let's say I run the grocery in town and I got a volunteer fireman there--I'm not paying work comp premiums as a grocer on my employee's services as a volunteer fireman. That's paid by the fire district or the city. [LB819]

SENATOR BURLING: Okay, that helps, but then you said that all volunteer first responders are covered now. Who is paying that premium? If they're covered now, who's paying the premium, and what is the premium based on, since there's no salary? [LB819]

SENATOR LATHROP: Well, the...first of all, whoever employs them or whoever is the superior--it's the city presumably, or the fire district that's paying the premium--I honestly couldn't tell you that--but somebody is already doing it, because they're covered. I would expect that it's the fire district or the city, if they're employed by the city or they work for a particular city, it would be them. What is the premium based upon? It's based upon claims experience. The claims experience, of course, for a firefighter or a policeman, would be well-known to the insurance industry or those in that business, actuarialists who can tell us how many incidents there are going to be and what the average cost of those is, and then we can from there calculate the premium. That's kind of how the

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insurance company goes about the process. [LB819]

SENATOR BURLING: Okay, thank you. Now we talked about being in statute, which employers and the type of work that employees are doing, who has to be covered under workers' comp. Is it law...you say volunteer people are covered. Is it law that they're covered? Do we have volunteer fire departments and city people who are violating the law if they don't have their volunteers covered? [LB819]

SENATOR LATHROP: If you don't...it's in the workers' comp statutes, which is Chapter 48, Section 100 and the sections that follow cover work comp. In there, and I think it was 48-126.01 or 115, right in there somewhere, we have provision for volunteer firemen, and they are to be covered. So are they breaking the law? I...I mean, it's a Class I misdemeanor not to cover your employees. I don't know what happens if we have volunteer fire departments that haven't complied with the law. [LB819]

SENATOR LANGEMEIER: One minute. [LB819]

SENATOR BURLING: Thank you, Senator Lathrop. We probably have volunteer fire districts or municipalities that are covering their volunteers, and we probably have some that are not covering their volunteers, and so it's an area of confusion that I still am interested in pursuing, as to how the premium is determined, and exactly which volunteers are covered and which ones are not, because some volunteers answer every call, and some volunteers might answer one a year. And so those are questions that I have that I think clouds the issue, and so thank you for the help, Senator Lathrop. And thank you, Mr. President. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Burling. Senator Christensen, you're recognized. [LB819]

SENATOR CHRISTENSEN: Thank you, Mr. President. Would Senator Lathrop yield to a question? [LB819]

SENATOR LANGEMEIER: Senator Lathrop, would you yield? [LB819]

SENATOR LATHROP: Yes, I would. [LB819]

SENATOR CHRISTENSEN: Senator, in visiting with Senator Burling, I heard you say that cities are supposed to, on volunteer departments, have workers' comp now, correct? [LB819]

SENATOR LATHROP: The law requires that volunteer firemen be covered by the Workers' Compensation Act; that's true. [LB819]

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SENATOR CHRISTENSEN: Okay. Is there any way, with the passage of this, because these volunteers work for another employer also, is there any way, let's say that if a village didn't have workers' comp, that they could then apply this to where they work? [LB819]

SENATOR LATHROP: Well, I think what that would do, just as a matter of policy, it would discourage somebody from hiring. Let's say that you own a meat market in Wilber. You might be less willing to hire somebody who serves on the volunteer fire department, because you're assuming more risk or more liability for an injury. So I think it's bad policy to turn that over to the employers. It should be the responsibility of the fire districts, who, you know, they can charge a fee for putting out a fire or running somebody to the hospital in an ambulance, so they can generate a little bit of money. These premiums aren't very much money. I really don't expect them to be increased by much. [LB819]

SENATOR CHRISTENSEN: I understand that it should be covered by the city, but my concern was, let's say a city doesn't. Or could the employee turn and file on both of them. That was my concern here. [LB819]

SENATOR LATHROP: Could the employer or the... [LB819]

SENATOR CHRISTENSEN: Sorry. The first responder turn and file against either one or both of... [LB819]

SENATOR LATHROP: No. He can't...if I'm a volunteer fireman and I work at the meat market, and I take a call and I get hurt going into a burning house, I can't make a claim against my employer, because the standard for making a claim is, did I get hurt in the scope and course of my employment at the meat market, and not when I was on my volunteer fireman job, going into a burning building. [LB819]

SENATOR CHRISTENSEN: Thank you. I still stand in opposition to returning this back. I feel like that we have set a bad precedent already this morning, and I know I'm having conversations with a lot of cities that are struggling already with making ends meet. And as we add more to them, it just adds additional. The property tax that I think about everyone here on the floor at one time or another has stated that is the number one tax people want to see go down, but every time we turn around, we're adding something back on. Do I respect the firemen, firefighters, first responders? Absolutely. But again, we've got to be careful about passing on unfunded mandates. If this needs to be done for our volunteers, does the state need to look at it, would be my next response. Thank you. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Christensen. Those wishing to speak: We have Senator Ashford, McDonald, Kruse, Wightman, Hansen, and Nantkes. Senator

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Ashford, you're recognized. [LB819]

SENATOR ASHFORD: Question. [LB819]

SENATOR LANGEMEIER: The question has been called. Do I see five hands? I do see five hands. The question before the body is, shall debate cease on the motion to return LB819 to Select File for a specific amendment? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB819]

CLERK: 26 ayes, 6 nays, Mr. President, to cease debate. [LB819]

SENATOR LANGEMEIER: Debate does cease. Senator Cornett, you're recognized to close on your motion to return LB819 to Select File for a specific amendment. [LB819]

SENATOR CORNETT: Thank you, Mr. President and members of the body. I want to thank the body for their time and consideration on this and to stress one last time: The cost of this bill is not much. We've put in a sunset in this amendment to ensure that if we find that it does raise...cause a problem for the state or the municipalities, it will go away. I want to reemphasize the point of workers' compensation; that is to return the worker whole to their job--whole. In this state, if you are injured at work, you can receive medical care. In this state, if you are a first responder, a police officer, and you are injured at work and because of that injury you suffer mental stress, you can seek medical attention, and it is covered under workmen's comp. We are expanding this bill to allow you to seek help if you have trouble dealing with an issue. It is the goal to help the worker and to return them to the workplace with a very minimal cost, and we have set the standard high in this bill. I urge the body to support the motion and the amendment. Thank you. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the closing on the motion to return LB819 to Select File for a specific amendment. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Senator Cornett, for what purpose do you rise? [LB819]

SENATOR CORNETT: I request a call of the house, please, and a roll call vote. [LB819]

SENATOR LANGEMEIER: Thank you. We are on Final Reading. I'd request that the senators please check in. Senator Chambers, please return to the Chamber and record your presence. Senator Cornett, as we wait, you asked for a roll call vote in regular or reverse order? [LB819]

SENATOR CORNETT: Regular is fine. [LB819]

SENATOR LANGEMEIER: Regular order? Thank you. All members are present or

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accounted for. There has been a request for a roll call vote in regular order. The question is, shall LB819 return to Select File for a specific amendment? Mr. Clerk, please call the roll. [LB819]

CLERK: (Roll call vote taken, Legislative Journal pages 1470-1471.) 25 ayes, 18 nays, Mr. President, on the motion to return the bill. [LB819]

SENATOR LANGEMEIER: The motion to return is successful. Senator Cornett, you are recognized to open on AM2777. [LB819]

SENATOR CORNETT: Thank you very much, Mr. President, members of the body. In the last discussion and the previous discussions I've explained the amendment. What this amendment does is it provides workers' compensation benefits for first responders who have suffered mental injury at work. I will reiterate again, in this state if you are injured at work, if you fall and break your leg you are covered under workers' compensation. If you're a police officer and you are shot and you suffer post-traumatic stress from that injury, your post-traumatic stress is treated under workers' compensation. If you accidentally shoot someone, if you respond to a call of a person or a friend that was a friend of yours that has been killed; if you see something you can't deal with and you need to seek help, you are not covered in this state without this bill. I have went over the facts and the costs to the public sector on this bill. They are minimal. The fiscal note for the state is minimal. Before you vote on this bill you need to consider the cost of not treating your workers and not treating your injured employees. What is the cost if you have a police officer that can't return to work? The goal of workmen's compensation, workers' comp, is to treat and return the worker to work. Thank you very much, and I urge your support of the amendment. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Cornett. The floor is now open for discussion on AM2777. Those wishing to speak: We have Senator McDonald, Kruse, Wightman, Hansen, and Fulton. Senator McDonald, you're recognized. [LB819]

SENATOR McDONALD: Mr. President and members of the body, I'm not going to support this amendment. I have not supported this bill each time it's come up. I think the concern of my district, of course, is the cost. I think the cost is unknown, and let's face it--when we asked our school districts to spend more money with their property taxes to make up for the financial aid that they lost, they are already strapped, and they will be the ones that come up with the additional funds for...if this amendment passes. I looked at the amount of people that were in the body, on General File. It passed--barely passed, as it always has. There were 45 people on the floor. The night that Senator Cornett was talking about that there were people gone, there were still 45 people here. That's a lot of people, and it went down at Select File. In my opinion, this is the same bill--another attempt to bring it back. And by changing just a sunset date, to me in my mind, doesn't change the bill. So the rest of us go through the process of, if it gets

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defeated, it gets defeated. We don't always have the opportunity to bring it back, time and time again. And because of that, I could not support this bill--for the financial reasons and for the process that is being diluted in this point. Thank you. [LB819]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Senator Kruse, you're recognized. [LB819]

SENATOR KRUSE: Thank you, Mr. President and colleagues. I stand in support of the amendment and forwarding to Final Reading. I am so old! I remember when we first discussed this subject. It was about 30 years ago that we had a heavy debate on whether mental health is related to physical health, and whether they should be covered in the same policy, and we decided at that time, after much struggle, yes, this is related. In fact, it's very difficult to separate mental health from physical health, because a heart disease diagnosis affects one's mental health. We have heard from several within the lobby that this is not problem, because those who are recruited for these first responders are trained not to have trauma. Well, that's very interesting. My staff's immediate response to it was, let's get that training and give it to everyone of our troops who's headed to Iraq, so that they have no post-traumatic stress syndrome. That is not the way it works. First responders are in a particular place where they are going to be challenged in ways they had not expected and ways they are not prepared to respond, but they have to respond. We have more expensive ways of doing this, and I know there are alternatives to dealing with this, but those are more expensive alternatives for us as a general public policy. The best way and the less expensive way is workers' comp. I support the amendment. Thank you. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Kruse. Senator Wightman, you're recognized. [LB819]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I stand in firm opposition to AM2777 and the underlying bill, as it will be, if it is amended. We're told that the cost will be minimal. I suggest to you that minimal comes in all sizes usually, depending upon who the orator is that is discussing it. It's like beauty; it is in the eye of the beholder, and to me in this instance, it's not minimum, and we're going to be passing on substantial increases that are, in my opinion, substantial, to local governing bodies. It is unfunded. Believe me, if we pass this bill with a five-year sunset, we can talk about it being temporary, but I will assure you it's permanent. Any time you pass a personal benefit bill, as this would be, provide benefits to all of the first responders, the chances of taking that away at the end of five years are remote at best and highly unlikely. It is easier not to provide a benefit than it is to take it away five years from now. And I think that's exactly what the case will be five years from now if we reconsider this. So we can talk about it being temporary and that we're going to take a look five years from now, but as a practical matter, once we pass it, it is permanent and you can set your clock by that. As I had said before, and I know that Senator Cornett disagrees with

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this, that cities do have a substantially larger portion of their employees who are in some capacity as first responders than the state of Nebraska. And the fiscal impact upon cities and counties is going to be much higher, particularly cities, than it is to the state of Nebraska. So I would urge your opposition to AM2777 and the underlying bill. Thank you. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Hansen, you are recognized. [LB819]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I'd like to ask Senator Carlson a couple questions, if he would yield. [LB819]

SENATOR LANGEMEIER: Senator Carlson, would you yield? [LB819]

SENATOR CARLSON: Yes, I will. [LB819]

SENATOR HANSEN: Senator Carlson, 2003, were you aware of school finance and the goings on down here at the Legislature? [LB819]

SENATOR CARLSON: Not as much as I am currently, no. [LB819]

SENATOR HANSEN: Okay. In 2003, when we were going through a dramatic time here because of lack of funds, the...I assume it came from the Education Committee, but it went through the Legislature and their process, of raising the mill levy from \$1.00 to \$1.05. That bill had a one-year sunset on it; 2008 we still have that \$1.05 levy, without a vote of the people--never been talked about very much since then. In 2003...between 2003 and 2008, have you ever seen a camel go under the tent, put his nose under the tent? [LB819]

SENATOR CARLSON: Not really. [LB819]

SENATOR HANSEN: Okay. Have you ever seen a cow crawl through a barbed wire fence? [LB819]

SENATOR CARLSON: Yes, I have. [LB819]

SENATOR HANSEN: Okay. That's very good. Could you explain that, or you want me to explain that, the real way it happens? [LB819]

SENATOR CARLSON: You explain it. [LB819]

SENATOR HANSEN: Okay. The old cow sees the green grass on the other side of the fence, sticks her nose in there and gets a couple bites. Well, those couple bites are

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gone, so she sticks her neck clear on through and gets a little more green grass, then one foot goes through, and then another foot goes through. And eventually that last back leg goes through the barbed wire fence. I have never seen a camel's nose go under the tent, but I think that this bill on Select File that we're talking about now, and AM2777 is that camel going under the tent, or the cow going through that barbed wire fence. What I guess I would like to know from you: If...I think that the sunset clause has nothing to do...it has not relevance at all with this bill. Would you accept this bill if it did not have the sunset clause on it? [LB819]

SENATOR CARLSON: No, I wouldn't. [LB819]

SENATOR HANSEN: I think you better change your vote, then, Senator Carlson. I oppose this amendment, and I oppose the bill. Thank you. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Hansen. Senator Fulton, you're recognized. [LB819]

SENATOR FULTON: Thank you, Mr. President. Senator Cornett had said that we need to consider the cost of inaction. The way that this has been presented is that this will be a minimal cost, but the cost of inaction is much greater. Would Senator Cornett yield to a question? [LB819]

SENATOR LANGEMEIER: Senator Cornett, would you yield? [LB819]

SENATOR CORNETT: I would be happy to. [LB819]

SENATOR FULTON: Senator Cornett, is that an accurate description of the fiscal arguments in favor of this bill? Did you hear what I said? [LB819]

SENATOR CORNETT: Yes, I did. Not just fiscal, but if you want to say emotional or societal. [LB819]

SENATOR FULTON: Okay. Do you know what the cost of inaction would be? [LB819]

SENATOR CORNETT: The cost of inaction, when I was talking about that, is the cost of an employee not getting help and being disabled because of that, the cost of the training that that department and that municipality has put into that individual, if they are no longer able to work. In the earlier debate, I discussed the fact that there is different types of stress, and that if it is not treated it turns into post-traumatic stress, which is much more difficult to treat, much more costly to treat, and a lot of times leads to the person's inability to do their job. So when I was talking about the cost of inaction, I was talking about if people do not have an avenue for treatment, then there is a higher chance, if they need it, that that will turn into a much greater disability. [LB819]

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SENATOR FULTON: Okay. That's...and that's generally what I think people understand--the cost of inaction is much greater. But we did something on Select File or General File, one of the other times that we considered this, and we ended up limiting this. At one time this bill was more encompassing than what is recognized with first responders. At one time we decided to limit this, and so my question is, by limiting this to first responders, does the cost of inaction...is the cost of inaction not greater? By limiting this to first responders, there is an entire universe, that which is not the first responder, who could suffer mental injury, who would, by the same argument as what is given for this bill, the cost of inaction would be great upon society; is that correct? [LB819]

SENATOR CORNETT: The cost of inaction would occur. First responders have much higher rate of dealing with incidents that could lead to this type of stress. If you look through the history of the state of Nebraska, we've had one Von Maur shooting or something similar to that. The public is not at the same level of exposure that a first responder is. That is why we limited it to first responders. These are the people that do jobs that we don't want to do, are exposed to things that we're not exposed to, and occasionally there is an individual that needs help. [LB819]

SENATOR FULTON: We talked about...Senator Cornett, we talked about convenience store workers at one time. A convenience store worker could witness a violent act, and at the time we were talking about criminal acts, but at some point we decided to limit this to first responders. Can you explain why you decided to limit this to first responders, given the fact that limiting this to first responders opens up a universe of inaction, which would militate against this bill, in my opinion. So can you explain your rationale as to why we limited this to first responders? [LB819]

SENATOR LANGEMEIER: One minute. [LB819]

SENATOR CORNETT: Again, we limited this to first responders because they are the people that are exposed to these incidents more than the average citizen. We further...the further reason we limited this bill is I felt that they were the group with the most immediate need. If five years down the road this state has come to terms with the fact that this does not cost money, I will not be here. If you would like to revisit that bill and open that up to the public as a whole, I would encourage you to do so. [LB819]

SENATOR FULTON: Okay. Thank you, Senator Cornett. That's kind of what I'm getting at here. The arguments that are given in favor of this bill at this point, are because if we don't act, there's a cost to be had. It seems to me that this is the first step in a broader policy which was expressed in the first rendering of this bill, and so the camel's nose under the tent--that seems to be an apt description that Senator Hansen is giving. I have...I'm opposed to this amendment. [LB819]

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SENATOR LANGEMEIER: Time. [LB819]

SENATOR FULTON: Thank you, Mr. President. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Senator Nantkes, you're next and you are recognized, followed by Senator Dubas. [LB819]

SENATOR NANTKES: Thank you, Mr. President. Good afternoon, colleagues. We've heard a lot of discussion this afternoon about costs and unknown costs, and I think Senator Cornett and others have made compelling arguments in terms of the costs of inaction. But an issue that I wanted to talk about instead, outside of an Appropriations Committee perspective, which I normally talk within, is more about policy and more about the broader principles at play here. As many of you know, I'm the daughter of a deputy sheriff, someone who has served his county and his state for over 30 years, and who wakes up each and every day and puts a gun on his hip when he goes to work, and for many, many countless years worked horrific hours, which took him away from his family a great deal. And it's easy on the campaign trail to say, yeah, I support first responders. I stand with police officers. I stand with firefighters. They have a tough job and it's about public safety. It's hard to stand with those same folks when you're asked to put a price tag on it. And yes, some of those price tags may be unknown, but the committee has worked so diligently and so hard to further narrow the scope contained within who was covered under this legislation and the period that they'll be covered under, and this is about whether or not you do support and do stand shoulder and shoulder with our first responders. This is exactly what this policy is about. And I hope that you think about it in that regards, because the men and women who do put their life on the line and who are very brave public servants, are looking at your votes today in that regard and seeing who is willing to stand with them when there is a difficult question being asked. This is that difficult question. Be proud and be supportive of those first responders today. This is an opportunity to do that. Thank you, Mr. President. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Nantkes. Senator Dubas, you're recognized. [LB819]

SENATOR DUBAS: Thank you, Mr. President, members of the body. I'm in a similar situation with Senator Nantkes. I'm a very proud sister of a police officer, and I know the job that he does everyday in the position that he puts himself in everyday, along with his colleagues. And I also know and understand and have experience firsthand the response of my local volunteer fire and emergency personnel, especially in rural areas where we do rely on the volunteers so much. Thanks is just not an adequate word for the job that they're willing to do and the sacrifices that they're willing to make. But I would be remiss if I did not ask the questions on behalf of my local governments, who

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are going to have to foot some of this expense. So would Senator Cornett yield to a question? [LB819]

SENATOR LANGEMEIER: Senator Cornett, would you yield? [LB819]

SENATOR CORNETT: I would be happy to. [LB819]

SENATOR DUBAS: Thank you, Senator Cornett. This question has been asked more than once, but I do feel like I need to re-ask it. There is going to be some cost to our local governments, and I know you're not able to be, you know, down to the penny with it, but could you again give me your thoughts on what the local costs will be. [LB819]

SENATOR CORNETT: From the data that we have from Maine, from South Carolina, from the University of California at Berkeley, it will be minimal costs for the public sector. It will be more than the private sector. They average out to about 2 percent total. The cost range...about 2, 3 percent. The study at Berkeley said for just strictly mental-mental injuries, for them it was about 3 percent, but ours would be considerably less, because they do not have the extraordinary and unusual language. [LB819]

SENATOR DUBAS: Okay, we have local governing agencies that are operating within budget constraints, and so we're looking at a probable increase in their insurance costs. What...you know, if this puts them up against that limit, you know, what options do they have? [LB819]

SENATOR CORNETT: They have to look at the fact that one, if their private pay...their insurance is paying for mental health benefits on the private side, not on the work comp side that they're already paying, that they will be paying less in that regard; also, that they will not have to retrain employees if someone is unable to go to work. They will not have as many days lost from the individual that is injured. [LB819]

SENATOR DUBAS: If we talk about the more rural services, where these are actually paid employees, these are just volunteers, again my question is, how do you respond to any increase, when that puts those fire districts and local governing entities up against that budget limit? [LB819]

SENATOR CORNETT: Again, we're talking a very small increase. That would be something that would have to be up to that individual municipality. [LB819]

SENATOR DUBAS: And why was the five-year sunset date picked? [LB819]

SENATOR CORNETT: Senator Carlson called Senator Lathrop and then I called Senator Carlson, and we discussed the fact that we did not want to do something that would injure the state or the municipalities. And if we found that this did, that the bill

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would be allowed to sunset. A lot of bills that we passed have sunset clauses. As I said, again, I will not be here in five years. If it has cost money, that would be up to the Legislature at that time to let it sunset, or for someone to bring it back. [LB819]

SENATOR DUBAS: We would have that ability to bring it back within that five years, if we saw that there were problems... [LB819]

SENATOR LANGEMEIER: One minute. [LB819]

SENATOR DUBAS: ...that we hadn't addressed? [LB819]

SENATOR CORNETT: We can always bring a bill back. I mean, we make the laws. If we don't like what we've done, we can always revisit. We can revisit it next year, if we want. [LB819]

SENATOR DUBAS: Thank you very much, Senator Cornett. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Senator Ashford, you're recognized. [LB819]

SENATOR ASHFORD: Question. [LB819]

SENATOR LANGEMEIER: The question has been called. Do I see five hands? I do see five hands. The question before the body is, shall debate cease on AM2777? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB819]

ASSISTANT CLERK: 29 ayes, 2 nays, to cease debate, Mr. President. [LB819]

SENATOR LANGEMEIER: Debate does cease on AM2777. Senator Cornett, you are recognized to close on AM2777. [LB819]

SENATOR CORNETT: Thank you very much, Mr. President, members of the body. I am not going to rehash all the statistics, figures, and data that we have went over, over the past number of days. Everyone knows how they're going to vote at this point. But I do want to reiterate what Senator Nantkes said. This vote, a vote yes, is a vote for your police and your fire in this state. With that, I'll return my remaining time over to Senator Lathrop. [LB819]

SENATOR LANGEMEIER: Senator Lathrop, 4:20. [LB819]

SENATOR LATHROP: Thank you, Senator Cornett. Mr. President and colleagues, I just want to comment, if I can in closing, on the issue of costs, because many of you have

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brought up, we don't know what it's going to cost, we have no way of knowing what it's going to cost, we should do more study. Here's the reality. Until we do it we don't know exactly what it's going to cost. Every estimate is it will increase premiums by 1 or 2 percent. That's it. Senator Wallman shared with me that in Adams they have 20 EMTs and cover them for a year, their work comp premium is \$454. So we can see that go up a couple bucks. That's what we're talking about. And when we talk about costs, realize that we're talking about people, in the case of volunteer firemen, who do their job, who risk their life, who go into burning buildings and answer the call, for nothing. So we want to talk about whether we want to pay a couple bucks more a year on our work comp premium for the people we ask to do those jobs, and to go into burning buildings, and to pick up the injured on the side of the road and to answer the call when you have a heart attack. I think it's small. But here's the flip side of it: Let's say one of these people--we don't pass this--and one of these people is in the line of duty, somebody shoots at them, misses, and now they can't go back to work because they have post-traumatic stress disorder. You want to talk about costs? Recognize that what we're doing today is choosing to either spread the cost around with work comp coverage, or lay it at the lap of one person. We can say to somebody, who in the line of duty suffered a post-traumatic stress disorder, you and your family go deal with it. We appreciate your service to the city of Omaha, to the village of Adams, or wherever it might be. We just didn't want to insure. We didn't want to insure against that risk. It would have been a couple bucks a year. Now that it's not covered, you're going to have to go home, and you and your wife, or you and your husband, and you and your family are going to have to scrape the money together to go see the psychologist, to get the treatment, to take the medications, and get the therapies. It isn't fair to say to people who do what first responders do and particularly those that do it on a volunteer basis, I voted against this bill because I didn't have the absolute certainty that comes only with the bill passing and us having an experience. Senator Carlson's amendment makes all the sense in the world. We'll have the experience we need to judge this, but you can operate on this assumption--it's a couple bucks a year to your local volunteers. Again, I'd urge you to support the amendment and the bill. Thank you. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Lathrop and Senator Cornett. You have heard the closing on AM2777 offered to LB819. Senator Cornett, for what purpose do you rise? [LB819]

SENATOR CORNETT: I request a roll call vote, and members check in, please. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Cornett. There has been a request that members please check...return to the Chamber and record your presence. Senator Lautenbaugh and Senator Chambers, please return to the Chamber and record your presence. Senator Cornett, you asked for a roll call vote in regular order? Thank you. All members are present or accounted for. There has been a request for a roll call vote in regular order. The question is, shall AM2777 be adopted to LB819. Mr. Clerk, please

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call the roll. [LB819]

CLERK: (Roll call vote taken, Legislative Journal pages 1471-1472.) 26 ayes, 18 nays, Mr. President, on the amendment. [LB819]

SENATOR LANGEMEIER: AM2777 is adopted. Mr. Clerk. Senator McGill for a motion. [LB819]

SENATOR MCGILL: Mr. President, I move LB819 to E&R for engrossing. [LB819]

SENATOR LANGEMEIER: Thank you. You have heard the motion. We return now to floor discussion on the advancement of LB819. Senator Friend, you're recognized, followed by Senator Christensen. [LB819]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. The running joke is, boyfriend's talking again, we're not sure, the clarity is not there. Let me provide some clarity right now. Since the time we started talking about this bill, I feel like I've been the most consistent one. Let me tell you why. You want clear from me? You'll get it. I had issues with the expansive nature of this bill from the very beginning. The bill changed so I said, that looks good to me. I'm okay with it. I voted for the advancement of that measure from the very beginning. I supported Senator Erdman's motion to overrule the Chair, because I don't care how many people convolute the issue, the question here is the same, the very same one. And therefore, if we're dealing with the same bill that we dealt with last week, if it is the same bill, it would be difficult for me to rationalize sudden opposition, wouldn't it, especially if we're dealing with it again out on Select File? That's inconsistent behavior, that's not fair to people like Cornett, and Lathrop, and everybody else that I promised a vote to. The idea of consistency, my idea of consistency, dictates that I vote in a way that's pretty predictable by people that depend on that, unless I talk to them and clarify that ahead of time. I voted to adopt this amendment. I will vote to advance this bill, because I agree with the policy. And nothing that has been done yet, in any of the debate, has changed my mind on that. The fact is I don't think we ought to be talking about it, but we are. And finally, since this is the same bill, since this is the same bill, we shouldn't even have one more vote for it or against it, from the time we dealt with it last week. How's that clear for you? This shouldn't even pass! You know why? Because it didn't pass last week, and it's the same bill. Thank you, Mr. President. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Friend. Senator Christensen, you're recognized. [LB819]

SENATOR CHRISTENSEN: Thank you, Mr. President. Would Senator Carlson yield, please? [LB819]

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SENATOR LANGEMEIER: Senator Carlson, would you yield? [LB819]

SENATOR CARLSON: Yes, I will. [LB819]

SENATOR CHRISTENSEN: Senator Carlson, if nothing changes, would you vote to renew this in five years? [LB819]

SENATOR CARLSON: If nothing...what do you mean by nothing? [LB819]

SENATOR CHRISTENSEN: If the bill goes...the cost is like they say, 3 percent, will you vote to renew this in five years? [LB819]

SENATOR CARLSON: If I'm here. [LB819]

SENATOR CHRISTENSEN: Okay. Will you vote to expand this bill, like the original bill was? [LB819]

SENATOR CARLSON: As I stand here, no. [LB819]

SENATOR CHRISTENSEN: Do you believe it will come back next year? [LB819]

SENATOR CARLSON: I don't know that, Senator Christensen. [LB819]

SENATOR CHRISTENSEN: I think it's very obvious that it'll come back, again and again. But I'll bring up a clear example. Think about the tax...sales tax exemption for Qwest a year ago. A year ago we wouldn't allow Lincoln in it, to do their arena. Now this year we voted to allow them to have it. Now Omaha is going to add a baseball arena under the same thing. What next? Each bill gets built on as we go. I guess I have another question. How are you going to explain to the small towns that have to give up their police because costs go up, that they now have to hire the county to provide sheriff service and lose their personal service, if this bill expands? [LB819]

SENATOR CARLSON: Is that a question to me? [LB819]

SENATOR CHRISTENSEN: Yes. [LB819]

SENATOR CARLSON: Okay. I guess I'm basing my thought to that on what Senator Lathrop indicated, as far as current state law and who is covered, and who is supposed to be covered. [LB819]

SENATOR CHRISTENSEN: Well, the police force would definitely be involved in it...be covered. So they're first responders, so there's no doubt in my mind, in my district it's going to affect towns. I've already had e-mails from one saying, you know, we're against

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our tax levy. Any increases forces a cut somewhere. They've already told me, police go. Now we're back to countywide. There won't be the personal service in that small town. You know, I just think we've got to think about what we're extending, because once we start it, there will be bill after bill to expand it, and it'll continue on. It won't die, as you've heard others say. So I think we're setting a bad precedent. I've got one more question, Senator Carlson. Did you choose the five years in this bill? [LB819]

SENATOR CARLSON: I suggested it. [LB819]

SENATOR CHRISTENSEN: Okay, thank you. Yeah, I think it's very clear here, folks. If you're from a small area, as I am, a lot of small towns, it's going to be a difficult situation for them. I'm hearing from a number of my cities, and I understand. They're up against their levies. It's easy to go check; it's easy to understand what's going on. It's just going to continue. We're now giving another state mandate to charge local property tax. You know, it will be a campaign issue in my area, so it's not that I don't appreciate the first responders. If it could permanently be written that it could never be expanded, I could look at it differently. But it won't. It will be brought up to expand it. I'm telling you, it will be expanded, just like the Qwest bill. And I'm telling you, we're setting a bad precedence. [LB819]

SENATOR LANGEMEIER: One minute. [LB819]

SENATOR CHRISTENSEN: Thank you, Mr. President. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Christensen. Senator Avery, you're recognized, followed by Senator Chambers. [LB819]

SENATOR AVERY: Thank you, Mr. President, distinguished colleagues. I want to clarify one issue that Senator Christensen mentioned; that is, that the Omaha baseball stadium would qualify under LB912 for assistance from the state. That's technically not correct. The bill would have to be drastically altered for that to happen, because it is now limited to enclosed structures with climate control systems, and that's not likely to be the case with a baseball stadium. But let me speak more directly to LB819. I've heard a lot of praise in this debate for our first responders, and that is appropriately placed. We ask them to put themselves in dangerous situations, often life-threatening ones. We expect them to do things for relatively modest compensation. They do their jobs without complaint. They do jobs that are crucial to public safety, and they do them well. They do jobs that most of us do not want to do. So why would we refuse to extend workers' compensation benefits for post-traumatic stress syndrome, psychological stress brought about because of things that happen in the performance of their duties. We know these illnesses are real. The U.S. military tried to deny it for a long time but finally had to admit that post-traumatic stress syndrome is, in fact, a reality. We know that first responders are particularly susceptible to this condition, so I am hard-pressed

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to understand why this issue has generated so much opposition. We have heard objections about the possible costs, objections that in the future the sunset provision would be ignored or we would extend it. But what are the costs to a society that declines to support those among us who willingly place themselves in danger to protect us? I think the costs to a society for inaction are significant. For this reason, I supported the amendment, I supported all the overrides--I rejected all the overrides of the rulings of the Chair. I will support the main bill, LB819, and I urge you to do likewise. Thank you, Mr. President. [LB819 LB912]

SENATOR LANGEMEIER: Thank you, Senator Avery. Senator Chambers, your light is next, and you are recognized. [LB819]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I listened to Senator Friend, and it made me think of a song that Harry Belafonte sang. One of the refrains was, (singing) It was clear as mud/but it covered the ground/and the confusion made me brain go round/so I went to see a good friend of mine/known to the world as Albert Einstein/And then he went into the gobbledygook. Senator Friend said he is bringing clarity. He said, this bill shouldn't be before us. It shouldn't get another vote, but I'm going to vote for it. This bill shouldn't pass, but I promised to vote so I'm going to give that vote and help it pass. It was clear as mud/but it covered the ground/the confusion makes me brain go round. I think Senator Friend might be clear when he stands up that he's going to say something, but he's not sure what it is. He ought to join "Parson" Carlson's church, where you just open wide your mouth and the Lord fills it, and whatever comes in your head you just let it go right out your mouth. I'd like to ask Senator Friend a question, so that he can help clarify something for myself and himself. [LB819]

SENATOR LANGEMEIER: Senator Friend, would you yield? [LB819]

SENATOR FRIEND: Yes, I'll yield. [LB819]

SENATOR CHAMBERS: Senator Friend, are you going to vote for this bill? [LB819]

SENATOR FRIEND: If you don't know that by now, you haven't been listening. [LB819]

SENATOR CHAMBERS: Well, I'm asking you the question. If you don't want to answer, just tell me you don't want to answer. [LB819]

SENATOR FRIEND: I don't want to answer that. [LB819]

SENATOR CHAMBERS: Then you shouldn't have said you'd answer. Thank you, Senator Friend. Testy, testy, testy! Now he is as grown as I am. He's mad because he thinks people didn't understand him. He said he wants to bring clarity. I did not

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understand him, so I asked him. No, I'm not going to answer! I don't want to answer. It doesn't make me any difference, but he should not extend the invitation if he doesn't mean it. And certainly, after the time Senator Friend has been here, he should know that him raising his voice doesn't mean anything to me. He could raise it octaves, not just volume, but octaves! He could raise his voice as high as Minnie Riperton's, and it wouldn't make me any difference. A lot of times when a person doesn't have anything to say and he says it loud, it makes up for the absence of any substance. He stood on this floor voluntarily. He presented himself to his colleagues. He should know, if he doesn't, that when we do that, we invite questions. Not everybody agrees with us. He couldn't stand on this floor and say that what I said was untrue, with reference to what he said. But when I brought it back to him, he was upset. I did hear Senator Friend say, this bill shouldn't be before us. He agreed with Senator Erdman. But he promised to vote, so he was going to give. This bill shouldn't even pass. That's what he said! But he's going to vote for it. Well, it just shows why America is called America the Beautiful. You don't have to make sense; just make noise. And on the floor of the Legislature you're entitled to do that. As we get to the end of the session, nerves get frayed. People who are able to hold themselves together for much of the session may lose it. But if somebody invites me to ask a question for clarification and I ask the question, that person should be flattered. I am acknowledging by asking the question that this person has something to impart to me that will improve my education. But then when I say, Teacher, and the teacher says yes, Ernie, may I ask you a question? [LB819]

SENATOR LANGEMEIER: One minute. [LB819]

SENATOR CHAMBERS: Yes, you may. Teacher, what did you say was the answer to 2 and 2? Well, if you don't know the answer, don't ask the question! Well, I thought I asked the question so I could get the answer. Well, if you don't know by now...then Teacher, you're not going to answer the question? No! And don't ask me any more questions and sit down! It's been a long, long time since I've seen a routine like that, but believe it or not, I have been in classrooms when I was little and saw similar things. I was even in a church where I would ask questions, in a Sunday school class, after having been invited to ask questions, because they're teaching us. And they told me I was trying to be smarter than God, because they didn't know the answer. And in my child's mind, if God was no smarter than I was, the world and the universe were in terrible shape. Thank you, Mr. President. [LB819]

SENATOR LANGEMEIER: Thank you, Senator Chambers. There are no other lights on. There has been a request for a board vote and a request to have all members record their presence. So members, would you please return to the Chamber and record your presence. Senator Nelson, would you please check in. Senator Wallman, would you please check in. Senator Burling, would you return to the Chamber and check in. All members are present and accounted for. There has been a request for a machine vote with a recording of that vote to follow. The question is, shall LB819 advance? All those

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in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Mr. Clerk, please record and record. [LB819]

CLERK: (Record vote read, Legislative Journal page 1472.) 26 ayes, 17 nays, Mr. President, on the advancement of LB819. [LB819]

SENATOR LANGEMEIER: LB819 does advance. Senator Pedersen, you are recognized on a point of personal privilege. [LB819]

SENATOR PEDERSEN: Thank you, Mr. President and members of the Legislature. My dear colleagues, I stand to visit with you about a resolution that I brought to the Legislature, LR284, which I have asked the Speaker this afternoon to pass over and not bring to the floor of the Legislature. I do not do this with anger, without thought, or without hurt. The Judiciary Committee asked to amend the resolution from an apology to a regret, and my dear friends on the Judiciary Committee I agreed with. I've had several calls, obviously several e-mails--even had a cartoon in the newspaper about this resolution. I do not bend to that, but I am answering to my own principle. It is not what I put forward and not what the people who worked with me on this resolution wanted. I've heard on the radio and TV several times--and it's really stuck out this last weekend when I had been home sick for the last four days, which has nothing to do with this resolution--people apologizing for what other people have done, especially in the cases of taking of a life. You will see somebody who is a family member apologize, or a friend of that person apologize for the person who actually took the life. Germany has been apologizing forever and continues to apologize to the Jews. The word "apology" has come out so heavy with me in the last four days that I cannot take up the time of this Legislature with something that I personally cannot support. And I mean it, my dear friends on the Judiciary Committee, I do not do this in any kind of resentment or bad feeling. Nebraska I don't think is ready for apology, and apology was what I and my people worked on. To anybody that I have offended or took their time, I do apologize. I hope that in the future that Nebraska will be able to apologize. And with that, thank you all very much for your support, and please, do not take any kind of bad feelings from what I have done. Thank you. [LR284]

SPEAKER FLOOD PRESIDING [LR284]

SPEAKER FLOOD: Thank you, Senator Pedersen. Senator Chambers, for what purpose do you rise? [LR284]

SENATOR CHAMBERS: Point of personal privilege, Mr. President. [LR284]

SPEAKER FLOOD: You may proceed. [LR284]

SENATOR CHAMBERS: Thank you. Members of the Legislature, as the only black

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member of this body, I want it to be clear that I support what Senator Pedersen is doing. The cartoon in the World-Herald was one of the worst trivializations of a very serious issue still facing this country that I have seen. When Angela Merkel from Germany prostrated herself before the Israeli Parliament, apologizing for what happened to the Jews in Germany, the World-Herald would not have dared draw an editorial cartoon ridiculing her for that apology. The new prime minister of Australia apologized for what that country did to the Aborigines. Six states have apologized for their role in slavery, farther north than Nebraska. All that has been shown by this exercise is the depth and breadth of racism in this state. There are people who did not want the Legislature to apologize, yet they stood on the floor and apologized for something the Republican party did. And they had nothing to do with what was done. They were condemning it, but they felt a need to apologize to one of our colleagues, and the colleague apologized to thought the word "apology" was too strong in this resolution. I still bear the scars--psychological--of what slavery did to black people--the destruction of the family, the destruction of self-belief, the destruction of any religion, any culture, any tradition. To be owned and treated like animals, and bred and sold like animals, is something obviously which my colleagues cannot understand. And to present that resolution in the watered-down form would be an additional trivialization of a very, very serious matter. I have chastised my colleagues on occasion, but those things that strike people deeply I've not ridiculed. I haven't ridiculed Germany for apologizing to the Jews. And although white people in this country say, we want to move forward, they don't say that in opposition to the continued construction of Holocaust museums, not only in America but all over the world. They don't say that when they produce documentary after documentary about what happened to the Jews in Germany. But when it comes to black people, who are still suffering the ravages of slavery...and as my friend and colleague Senator White pointed out, there are still people of color being imported into this country and held as virtual slaves right now. So there is still slavery in this country. But if it doesn't affect white people personally, it does not exist. You can see how angry some of my colleagues will get in discussing an issue on the floor so that they can't even function. I have something much more grave than anything that any of you face on this floor that is with me every minute of every hour of every day. I wouldn't accept an apology. But to take what the Judiciary Committee put out here, to say we regret that there was slavery...yeah, they're embarrassed about! Just a couple more comments. If you get the volume of Nebraska statutes that talks about constitutions, open the first few pages where it talks about the admission of Nebraska as a state. When the Legislature wanted to write a law prohibiting slavery, it was vetoed by the Governor of the state of Nebraska, speaking for this state. Nebraska requested to be admitted to the Union, and Andrew Johnson, who was a racist but President, rejected it and told the Senate and the House that Nebraska is unwilling to protect the rights of suffrage and other rights of people of color, so until they are willing to make that change and accept that as a part of their organic law, Nebraska cannot be admitted to the Union. And under that threat and only under that threat did the Legislature then, grudgingly, do what the federal government required. Racism is of the warp and woof of Nebraska. It has always been

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here, the attitude is here, and to name a school after J. Sterling Morton, one of the biggest racists--he was proslavery, made it clear, out-and-out racist... [LR284]

SPEAKER FLOOD: One minute. [LR284]

SENATOR CHAMBERS: ...name a school after him. That's what happens in this state. And I'm not supposed to be concerned about that. William Jennings Bryan did not want to vote for a federal law against lynching, because he didn't want to upset his white brethren in the South, and black people could not be a part of the human family, so he was more upset about hurting the feelings of his white brethren in the South than he was about seeing his black brethren lynched because they were black. That's Nebraska history for me. So I appreciate the fact that Senator Pedersen is making this what it was when he first offered it, a moral principle. He is not going to compromise, he is standing for what he believes, and I stand with him and I support what he is doing. Thank you, Mr. President. [LR284]

SPEAKER FLOOD: Thank you, Senator Chambers. Mr. Clerk, items for the record?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB308A as correctly engrossed; likewise with LB746, LB781, LB846, LB911, LB911A, LB1022, and LR229CA. Amendment to be printed to LR238, by Senator Kruse. I have a Reference report referring LR399. New resolution: LR400, introduced by the Agriculture Committee, calling for an interim study. I have a Reference report referring LR400, and a new resolution, LR401, Senator Pedersen. That will be laid over, Mr. President, and that's all that I have. (Legislative Journal pages 1473-1475.) [LB308A LB746 LB781 LB846 LB911 LB911A LB1022 LR229CA LR238 LR399 LR400 LR401]

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, we will now proceed to Final Reading, beginning with LB280. Given the fact we've had a lot of discussion this afternoon, I would ask members to check in at this time. Please remain in your seats. We are in Final Reading. Members, please find your seats and check in. Senator Dubas, would you check in, please? Senator Wallman, Senator Wightman. Mr. Clerk, the first bill on the agenda under Final Reading, this section, is LB280. [LB280]

CLERK: (Read LB280 on Final Reading.) [LB280]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question before the Legislature is, shall LB280 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB280]

CLERK: (Record vote read, Legislative Journal page 1476.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB280]

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SPEAKER FLOOD: Thank you, Mr. Clerk. LB280 passes. Mr. Clerk, LB280A. [LB280 LB280A]

CLERK: Senator Stuthman would move to return the bill for a specific amendment. [LB280A]

SPEAKER FLOOD: Senator Stuthman, you're recognized to open on your motion. [LB280A]

SENATOR STUTHMAN: Thank you, Mr. Speaker and members of the body. In 2007 this bill had a fiscal impact, and there was also an A bill that was also introduced at that time. However, the courts received an additional juvenile court judge last session, and that occurred in LB377. So they can absorb the additional workload without any additional funds. This A bill is not needed as the bill currently exists. I would encourage the body to vote red on this bill, in order to get it taken care of and so that it does not continue. And at this time, I would ask the Clerk that I would like to withdraw my motion. [LB280A LB377]

SPEAKER FLOOD: Your motion is withdrawn. Mr. Clerk. [LB280A]

CLERK: (Read LB280A on Final Reading.) [LB280A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB280A pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB280A]

CLERK: (Record vote read, Legislative Journal page 1477.) 4 ayes, 31 nays, 9 present and not voting, 5 excused and not voting, Mr. President. [LB280A]

SPEAKER FLOOD: LB280A does not pass. Mr. Clerk, we now move to LB736. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB280A LB736]

CLERK: 36 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB736]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB736]

CLERK: (Read title of LB736.) [LB736]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB736 pass? All those in favor vote aye; all those opposed

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vote nay. Mr. Clerk, please record. [LB736]

CLERK: (Record vote read, Legislative Journal page 1478.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB736]

SPEAKER FLOOD: LB736 passes. Mr. Clerk, LB736A. [LB736 LB736A]

CLERK: (Read LB736A on Final Reading.) [LB736A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB736A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB736A]

CLERK: (Record vote read, Legislative Journal pages 1478-1479.) 45 ayes, 0 nays, 4 excused and not voting. [LB736A]

SPEAKER FLOOD: LB736A passes. Mr. Clerk, LB844. [LB736A LB844]

CLERK: (Read LB844 on Final Reading.) [LB844]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB844 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB844]

CLERK: (Record vote read, Legislative Journal pages 1479-1480.) 40 ayes, 2 nays, 3 present and not voting, 4 excused and not voting, Mr. President. [LB844]

SPEAKER FLOOD: LB844 passes. Mr. Clerk, we now move to LB895E. the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB844 LB895]

CLERK: 34 ayes, 4 nays, Mr. President, to dispense with the at-large reading. [LB895]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB895]

CLERK: (Read title of LB895.) [LB895]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB895 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB895]

CLERK: (Record vote read, Legislative Journal pages 1480-1481.) 43 ayes, 1 nay, 1

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present and not voting, 4 excused and not voting, Mr. President. [LB895]

SPEAKER FLOOD: LB895 passes with the emergency clause attached. Mr. Clerk, LB1001. The first vote will be a motion to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB895 LB1001]

CLERK: 37 ayes, 3 nays, on the motion to dispense with the at-large reading. [LB1001]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1001]

CLERK: (Read title of LB1001.) [LB1001]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1001 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1001]

CLERK: (Record vote read, Legislative Journal pages 1481-1482.) 43 ayes, 1 nay, 1 present and not voting, 4 excused and not voting, Mr. President. [LB1001]

SPEAKER FLOOD: LB1001 passes. Mr. Clerk, LB1001A. [LB1001 LB1001A]

CLERK: (Read LB1001A on Final Reading.) [LB1001A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1001A pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB1001A]

CLERK: (Record vote read, Legislative Journal page 1482.) 43 ayes, 1 nay, 1 present and not voting, 4 excused and not voting, Mr. President. [LB1001A]

SPEAKER FLOOD: LB1001A passes. Mr. Clerk, our next bill is LB1014E. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1001A LB1014]

CLERK: 36 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB1014]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1014]

CLERK: (Read title of LB1014.) [LB1014]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied

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with, the question is, shall LB1014 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1014]

CLERK: (Record vote read, Legislative Journal pages 1483-1484.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President. [LB1014]

SPEAKER FLOOD: LB1014E passes with the emergency clause attached. Mr. Clerk, LB1014AE. [LB1014 LB1014A]

CLERK: (Read title of LB1014A.) [LB1014A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1014AE pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1014A]

CLERK: (Record vote read, Legislative Journal pages 1484-1485.) 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB1014A]

SPEAKER FLOOD: LB1014AE passes with the emergency clause attached. Mr. Clerk, we now move to Final Reading consent calendar. The first bill listed is LB151E. [LB1014A LB151]

ASSISTANT CLERK: (Read title of LB151.) [LB151]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB151E pass, with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB151]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1485.) The vote is 43 ayes, 0 nays, 6 excused and not voting. [LB151]

SPEAKER FLOOD: LB151E passes with the emergency clause attached. Mr. Clerk, members of the Legislature, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB280, LB736, LB736A, LB844, LB895E, LB1001, LB1001A, LB1014E, and LB1014AE. Mr. Clerk, we now proceed to LB195. [LB151 LB280 LB736 LB736A LB844 LB895 LB1001 LB1001A LB1014 LB1014A LB195]

ASSISTANT CLERK: (Read LB195 on Final Reading.) [LB195]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB195 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB195]

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ASSISTANT CLERK: (Record vote read, Legislative Journal 1486.) The vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting. [LB195]

SPEAKER FLOOD: LB195 passes. Mr. Clerk, LB710. [LB195 LB710]

ASSISTANT CLERK: (Read LB710 on Final Reading.) [LB710]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB710 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB710]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1487.) The vote is 42 ayes, 0 nays, 1 present and not voting, 6 excused and not voting, Mr. President. [LB710]

SPEAKER FLOOD: LB710 passes. Members, following the vote on LB724, the Legislature will stand at ease until 6 p.m. Repeating again, after the vote on LB724, the Legislature will stand at ease until 6 p.m. Mr. Clerk, LB724. [LB710 LB724]

ASSISTANT CLERK: (Read LB724 on Final Reading.) [LB724]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB724 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB724]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1487-1488.) The vote is 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President. [LB724]

SPEAKER FLOOD: LB724 passes. Members, the Legislature will stand at ease until 6 p.m. this evening. [LB724]

EASE

SENATOR PIRSCH PRESIDING

SENATOR PIRSCH: Mr. Clerk, we'll move to Final Reading. Members should return to their seats in preparation for resuming Final Reading. Members, please return to your seats in preparation for the resumption of Final Reading. Members, we are resuming Final Reading. Please return to your seat. Mr. Clerk, we'll move to Final Reading. Members should return to their seats. Mr. Clerk, the first bill we'll be resuming with is LB726.

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ASSISTANT CLERK: (Read LB726 on Final Reading.) [LB726]

SENATOR PIRSCH: All provisions of law relative to procedure having been complied with, the question is, shall LB726 pass? All those in favor vote aye; all those opposed vote nay. Have you all voted? Please record. [LB726]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1488-1489.) The vote is 41 ayes, 0 nays, 3 present and not voting, 5 excused and not voting, Mr. President. [LB726]

SENATOR PIRSCH: LB726 passes. We will not proceed to LB726A. [LB726 LB726A]

ASSISTANT CLERK: (Read LB726A on Final Reading.) [LB726A]

SENATOR PIRSCH: All provisions of law relative to procedure having been complied with, the question is, shall LB726A pass? All those in favor vote aye; all those opposed vote nay. Has every senator voted who cares to? Record. [LB726A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1489.) The vote is 44 ayes, 0 nays, 5 excused and not voting. [LB726A]

SENATOR PIRSCH: LB726A passes. We will now proceed to LB727. [LB726A LB727]

ASSISTANT CLERK: (Read LB727 on Final Reading.) [LB727]

SENATOR PIRSCH: All provisions of law relative to procedure having been complied with, the question is, shall LB727 pass? All those in favor vote aye; all those opposed vote nay. Is there any senator who would care to vote? Record. [LB727]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1490.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting. [LB727]

SENATOR PIRSCH: LB727 passes. We will now proceed to LB728. [LB727 LB728]

ASSISTANT CLERK: (Read LB728 on Final Reading.) [LB728]

SENATOR PIRSCH: All provisions of law relative to procedure having been complied with, the question is, shall LB728 pass? All those in favor vote aye; all those opposed vote nay. Has every senator voted who would care to? Record. [LB728]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1490-1491.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting. [LB728]

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SENATOR PIRSCH: LB728 does pass. We will now proceed to LB754E. [LB728 LB754]

CLERK: (Read LB754 on Final Reading.) [LB754]

SENATOR PIRSCH: All provisions of law relative to procedure having been complied with, the question is, shall LB754E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have every senator who cared to vote voted? Record. [LB754]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1491-1492.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting. [LB754]

SENATOR PIRSCH: LB754E does pass. We will now proceed to LB764. [LB754 LB764]

ASSISTANT CLERK: (Read LB764 on Final Reading.) [LB764]

SENATOR PIRSCH: All provisions of law relative to procedure having been complied with, the question is, shall LB764 pass? All those in favor vote aye; all those opposed vote nay. Has every senator who cared to vote voted? Record. [LB764]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1492.) The vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting. [LB764]

SPEAKER FLOOD PRESIDING [LB764]

SPEAKER FLOOD: LB764 passes. Mr. Clerk, we now move to LB775. [LB764 LB775]

ASSISTANT CLERK: (Read LB775 on Final Reading.) [LB775]

SENATOR PIRSCH: All provisions of law relative to procedure having been complied with, the question is, shall LB775 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB775]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1493.) The vote is 44 ayes, 0 nays, 5 excused and not voting. [LB775]

SPEAKER FLOOD: LB775 passes. Mr. Clerk, LB789E. [LB775 LB789]

ASSISTANT CLERK: (Read LB789 on Final Reading.) [LB789]

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SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB789 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB789]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1493-1494.) The vote is 44 ayes, 0 nays, 5 excused and not voting. [LB789]

SPEAKER FLOOD: LB789E passes with the emergency clause attached. Mr. Clerk, LB798. [LB789 LB798]

ASSISTANT CLERK: (Read LB798 on Final Reading.) [LB798]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB798 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB798]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1494.) Vote is 44 ayes, 0 nays, 5 excused and not voting. [LB798]

SPEAKER FLOOD: LB798 passes. Mr. Clerk, LB805. [LB798 LB805]

ASSISTANT CLERK: (Read LB805 on Final Reading.) [LB805]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB805 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB805]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1495.) Vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB805]

SPEAKER FLOOD: LB805 passes. Mr. Clerk, LB821. [LB805 LB821]

ASSISTANT CLERK: (Read LB821 on Final Reading.) [LB821]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB821 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB821]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1495-1496.) Vote is 43 ayes, 0 nays, 1 present and not voting, 5 excused and not voting, Mr. President. [LB821]

SPEAKER FLOOD: LB821 passes. Mr. Clerk, LB838. [LB821 LB838]

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ASSISTANT CLERK: Mr. President, with respect to LB838, Senator Schimek would move to return the bill to Select File for specific amendment, that being to strike the enacting clause. (FA272, Legislative Journal page 1379.) [LB838]

SPEAKER FLOOD: Senator Schimek, you're recognized to open on your motion. [LB838]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I promise not to take very much time with this motion, but I did want to have a chance to visit with Senator Karpisek on the mike about the issue, and I have spoken on it once or twice before because of my concern about the bill's major provision is basically to remove the secret ballot from mail-in ballot elections. And if you recall, in 2005 we gave the Secretary of State permission, through statute, to allow mail-in ballots in counties with populations of 7,000 or less and he was to use his discretion as to when that would be appropriate. And I think it was a good bill and I'm not here to second guess that because I do believe, in terms of money and time and all of those factors, it's a good policy to allow this. But what Senator Karpisek's bill does is allow in mail-in balloting the removal of the former provision about a secret ballot envelope. And Senator Karpisek and I had a conversation with the Secretary of State's Office and with the county officials, and following that meeting I decided that I wasn't going to ask for any amendment to be put on this bill or to pull it back to Select File. But, Senator Karpisek, could you share what you thought the gist that meeting was as far as how the county officials and Secretary of State's Office were feeling about it? [LB838]

SPEAKER FLOOD: Senator Karpisek, will you yield to a question from Senator Schimek? [LB838]

SENATOR KARPISEK: Yes, I will. Senator Schimek, you want to know what I...the feeling I got from the county attorneys and the Secretary of State's Office? [LB838]

SENATOR SCHIMEK: County officials, yes. [LB838]

SENATOR KARPISEK: County officials, sorry. [LB838]

SENATOR SCHIMEK: Yes. [LB838]

SENATOR KARPISEK: Well, their biggest issue with the way we're doing it now is that they're not always doing a secret envelope. Any absentee ballots now do not have the secrecy envelope included. The only ballots that we have now that would be mail-in ballots would be a certain election that would be all done all by mail. So their concern is that it's confusing for the county employees and the people who do the balloting to do the voting. Sometimes they get a secrecy envelope; sometimes they do not. The county

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officials don't always know when to use it and when not to, so that's why the bill was introduced. [LB838]

SENATOR SCHIMEK: Okay. And I appreciate that and I guess I don't have a lot of sympathy for county officials who don't follow the procedure set out by law, but having said that, we just changed the provision for absentee ballots several years back. Before that, we had required a secrecy ballot. And we're not talking about a whole lot of ballots here. We're talking about, kind of, the principle of it and I got assurances from the Secretary of State's Office and the county officials that, generally speaking, those county officials don't have time to look at the ballots. They are busy sorting the...opening the envelopes and throwing things in separate piles and, generally speaking, they don't feel that that's a problem. And maybe it's not. Maybe I'm being an alarmist, but I can see the potential perhaps for people to know how other people are voting and particularly in counties like Cherry County in which everybody knows everybody else and the ballots are fewer and you might have more time to look at the ballot and, you know, your friend John Doe is running for county sheriff and the county clerks or election commissioners just can't help but look at that ballot. However, the county officials, Larry Dix, who was at the meeting, said, yeah, but what are they going to do with that information? And that's probably true. If they tell anybody that then they're breaking the law, essentially, and their constituents wouldn't think very highly of it. So maybe it's not a problem and maybe I'm just raising a red flag here that doesn't need to be raised. But my major concern is every step along the way it becomes perhaps more problematic. What if we allow counties of 100,000 and less to do mail-in ballots? What if we expand the use of mail-in ballots? I just wanted people to know that this is not the way we've traditionally done things. It may not be the way your constituents traditionally think about the ballot either. They might not realize that there's not still the secrecy envelope. So, Senator Karpisek, that's my thinking on it. As I said, I'm not going to do anything tonight on it. I don't know if you want to say anything further but, if not, I will withdraw my motion. Did you want any? Thank you then. Mr. President, thank you very much. [LB838]

SPEAKER FLOOD: Your motion is withdrawn. Madam Clerk. [LB838]

ASSISTANT CLERK: (Read LB838 on Final Reading.) [LB838]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB838 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Madam Clerk, please record. [LB838]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1496-1497.) The vote is 42 ayes, 1 nay, 2 present and not voting, 4 excused and not voting, Mr. President. [LB838]

SPEAKER FLOOD: LB838 passes. Madam Clerk, we now move to LB845. [LB838]

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LB845]

ASSISTANT CLERK: (Read LB845 on Final Reading.) [LB845]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB845 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, Madam Clerk, please record. [LB845]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1497-1498.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB845]

SPEAKER FLOOD: LB845 passes. Madam Clerk, we now move to LB848. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB845 LB848]

ASSISTANT CLERK: 40 ayes, 1 nay on the motion to dispense with the at-large reading, Mr. President. [LB848]

SPEAKER FLOOD: The at-large reading is dispensed with. Madam Clerk, please read the title. [LB848]

ASSISTANT CLERK: (Read title of LB848.) [LB848]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB848 pass? All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB848]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1498-1499.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB848]

SPEAKER FLOOD: LB848 passes. Madam Clerk, LB850. [LB848 LB850]

ASSISTANT CLERK: (Read LB850 on Final Reading.) [LB850]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB850 pass? All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB850]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1499.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB850]

SPEAKER FLOOD: LB850 passes. Madam Clerk, LB865. [LB850 LB865]

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ASSISTANT CLERK: (Read LB865 on Final Reading.) [LB865]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB865 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Madam Clerk, please record. [LB865]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1500.) Vote is 40 ayes, 2 nays, 3 present and not voting, 4 excused and not voting, Mr. President. [LB865]

SPEAKER FLOOD: LB865 passes. Madam Clerk, LB893. [LB865 LB893]

ASSISTANT CLERK: (Read LB893 on Final Reading.) [LB893]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB893 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Madam Clerk, please record. [LB893]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1500-1501.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB893]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is...strike that. LB893 passes. Next bill...Senator Chambers, for what purpose do you rise? [LB893]

SENATOR CHAMBERS: Mr. President, I just wanted to acknowledge how pleasant it is to hear a female voice murmuring sweet nothings. Thank you. (Laughter)

SPEAKER FLOOD: The record shall so reflect. Madam Clerk, we proceed now to LB902. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB902]

ASSISTANT CLERK: 35 ayes, 4 nays on the motion to dispense with the at-large reading, Mr. President. [LB902]

SPEAKER FLOOD: The at-large reading is dispensed with. Madam Clerk, please read the title. [LB902]

ASSISTANT CLERK: (Read title of LB902.) [LB902]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB902 pass? All those in favor vote aye; all those opposed

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vote nay. Madam Clerk, please record. [LB902]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1501.) The vote is 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB902]

SPEAKER FLOOD: Thank you, Madam Clerk. LB902 passes. Madam Clerk, we now move to LB904. [LB902 LB904]

ASSISTANT CLERK: (Read LB904 on Final Reading.) [LB904]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB904 pass? All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB904]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1502.) Vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB904]

SPEAKER FLOOD: LB904 passes. Madam Clerk, LB947. [LB904 LB947]

ASSISTANT CLERK: (Read LB947 on Final Reading.) [LB947]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB947 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted that care to? Madam Clerk, please record. [LB947]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1502-1503.) The vote is 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President. [LB947]

SPEAKER FLOOD: LB947 passes. Madam Clerk, we now proceed to LB972. [LB947 LB972]

ASSISTANT CLERK: (Read LB972 on Final Reading.) [LB972]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB972 pass? All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB972]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1503-1504.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB972]

SPEAKER FLOOD: LB972 passes. Madam Clerk, we move to LB993. [LB972 LB993]

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ASSISTANT CLERK: (Read LB993 on Final Reading.) [LB993]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB993 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Madam Clerk, please record. [LB993]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1504.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB993]

SPEAKER FLOOD: LB993 passes. Madam Clerk, we proceed now to LB1004E. [LB993 LB1004]

ASSISTANT CLERK: (Read LB1004 on Final Reading.) [LB1004]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1004 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Madam Clerk, please record. [LB1004]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1504-1505.) The vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB1004]

SPEAKER FLOOD: LB1004 passes with the emergency clause attached. Madam Clerk, we now move to LB1011. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB1004 LB1011]

ASSISTANT CLERK: 34 ayes, 4 nays, Mr. President, on the motion to dispense with the reading. [LB1011]

SPEAKER FLOOD: The at-large reading is dispensed with. Madam Clerk, please read the title. [LB1011]

ASSISTANT CLERK: (Read title of LB1011.) [LB1011]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1011 pass? All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB1011]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1505-1506.) The vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr.

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President. [LB1011]

SPEAKER FLOOD: LB1011 passes. Madam Clerk, we now move to LB1045. [LB1011 LB1045]

ASSISTANT CLERK: (Read LB1045 on Final Reading.) [LB1045]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1045 pass? All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB1045]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1506-1507.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB1045]

SPEAKER FLOOD: LB1045 passes. Madam Clerk, we move now to LB1048E. [LB1045 LB1048]

ASSISTANT CLERK: (Read LB1048 on Final Reading.) [LB1048]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1048E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Madam Clerk, please record. [LB1048]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1507.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB1048]

SPEAKER FLOOD: LB1048E passes with the emergency clause attached. Madam Clerk, we now move to LB1048A. [LB1048 LB1048A]

ASSISTANT CLERK: (Read LB1048A on Final Reading.) [LB1048A]

SPEAKER FLOOD: All provisions of law related to procedure having been complied with, the question is, shall LB1048A pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Madam Clerk, please record. [LB1048A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1507-1508.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB1048A]

SPEAKER FLOOD: LB1048A passes. Madam Clerk, we now proceed to LB1067. [LB1048A LB1067]

ASSISTANT CLERK: (Read LB1067 on Final Reading.) [LB1067]

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SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1067 pass? All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB1067]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1508.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB1067]

SPEAKER FLOOD: LB1067 passes. Madam Clerk, we now move to LB1103. [LB1067 LB1103]

ASSISTANT CLERK: (Read LB1103 on Final Reading.) [LB1103]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1103 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1103]

CLERK: (Record vote read, Legislative Journal page 1509.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB1103]

SPEAKER FLOOD: LB1103 passes. Mr. Clerk, we now proceed to LB1145. Before we proceed to LB1145, we'll take up LB1108. Mr. Clerk. [LB1103 LB1108]

CLERK: (Read LB1108 on Final Reading.) [LB1108]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1108 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Mr. Clerk, please record. [LB1108]

CLERK: (Record vote read, Legislative Journal pages 1509-1510.) 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB1108]

SPEAKER FLOOD: LB1108 passes. Mr. Clerk, LB1145. [LB1108 LB1145]

CLERK: (Read LB1145 on Final Reading.) [LB1145]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1145 pass? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB1145]

CLERK: (Record vote read, Legislative Journal pages 1510-1511.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB1145]

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SPEAKER FLOOD: LB1145 passes. Mr. Clerk, we now move to LB1162. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1145 LB1162]

CLERK: 40 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB1162]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1162]

CLERK: (Read title of LB1162.) [LB1162]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1162 pass? All those in favor vote aye; all those opposed vote nay. The Chair would advise the Sergeant at Arms they can stand down this evening. Members may mingle. Mr. Clerk, please record. [LB1162]

CLERK: (Record vote read, Legislative Journal page 1511.) 42 ayes, 0 nays, 2 present and not voting, 5 excused and not voting, Mr. President. [LB1162]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB1162 passes. Members, thank you very much for your patience. Mr. Clerk, items for the record. [LB1162]

CLERK: Mr. President, your Committee on Enrollment and Review reports they've examined and engrossed LB819 and find the same correctly engrossed. And bills read earlier this evening were presented to the Governor at 5:25. (Re: LB280, LB736, LB736A, LB844, LB895, LB1001, LB1001A, LB1014, and LB1014A, Legislative Journal page 1512.) [LB819 LB280 LB736 LB736A LB844 LB895 LB1001 LB1001A LB1014 LB1014A]

SPEAKER FLOOD: Mr. Clerk, motion on the desk? While we're in session and capable of transacting business, I propose to sign and do hereby sign LB151E, LB195, LB710, LB724, LB726, LB726A, LB727, LB728, LB754E, LB764, LB775, LB789E, LB798, LB805, LB821, LB838, LB845, LB848, LB850, LB865, LB893, LB902, LB904, LB947, LB972, LB993, LB1004E, LB1011, LB1045, LB1048E, LB1048A, LB1067, LB1103, LB1108, LB1145, and LB1162. Mr. Clerk, items for the record or motions on the desk. [LB151 LB195 LB710 LB724 LB726 LB726A LB727 LB728 LB754 LB764 LB775 LB789 LB798 LB805 LB821 LB838 LB845 LB848 LB850 LB865 LB893 LB902 LB904 LB947 LB972 LB993 LB1004 LB1011 LB1045 LB1048 LB1048A LB1067 LB1103 LB1108 LB1145 LB1162]

CLERK: Mr. President, priority motion: Senator Gay would move to adjourn until Wednesday morning, April 16, at 1:30 p.m.

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SPEAKER FLOOD: You've all heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned. (Gavel)