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Floor Debate
April 09, 2010

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PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-seventh day of the One Hundred First Legislature, Second Session. Our chaplain for today is Father Paul Rutten from Lincoln, Nebraska, Senator Coash's district. Would you all please rise.

FATHER RUTTEN: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Father Rutten. I now call to order the fifty-seventh day of the One Hundred First Legislature, Second Session. Senators, please record your presence. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT SHEEHY: Any messages, reports, or announcements?

CLERK: I have new resolutions, Senator Pahls offers LR556; Senator Avery, LR557. Both will be laid over. (Legislative Journal page 1381-1383.) [LR556 LR557]

PRESIDENT SHEEHY: (Gavel)

CLERK: And I have a report of registered lobbyists to be inserted in the Journal. That's all that I have, Mr. President. (Legislative Journal page 1383.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB817, LB1109, LB1109A, LB801, LB842, LB849, LB862, LB877, LB945, LB950, LB1010, LB1094, LB1094A, LB510, and LB510A. Mr. Clerk, we will move to the first item under Select File, LB1020. [LB817 LB1109 LB1109A LB801 LB842 LB849 LB862 LB877 LB945 LB950 LB1010 LB1094 LB1094A LB510 LB510A LB1020]

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CLERK: LB1020, Senator McGill, I have Enrollment and Review amendments first of all. (ER8239, Legislative Journal page 1363.) [LB1020]

PRESIDENT SHEEHY: Senator McGill, you're recognized for a motion. [LB1020]

SENATOR MCGILL: I move the E&R amendments. [LB1020]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB1020]

CLERK: Senator Lathrop would move to amend with AM2532. (Legislative Journal 1384.) [LB1020]

PRESIDENT SHEEHY: Senator Lathrop, you're recognized to open on AM2532. [LB1020]

SENATOR LATHROP: Thank you, Mr. President. Colleagues, good morning. Two very simple and also technical changes to the unemployment bill that we took up yesterday, LB1020. We change, on page 1, line 22, we strike "entitlement" and insert "monetary eligibility" which is a more proper description of what we're doing. And on page 11, line 20 we strike "ineligible or," it's unnecessary language. Again technical changes brought to my attention by Federation of Independent Business. We ran it by the Department of Labor. It's an appropriate change and I'd ask for your support on this technical amendment. Thank you. [LB1020]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. You've heard the opening of AM2532 to LB1020. Seeing no request to speak, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question before the body is on the adoption of AM2532 to LB1020. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1020]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Lathrop's amendment. [LB1020]

PRESIDENT SHEEHY: AM2532 is adopted. [LB1020]

CLERK: Senator, I have nothing further on the bill. [LB1020]

PRESIDENT SHEEHY: Senator McGill, you're recognized for motion. [LB1020]

SENATOR MCGILL: Mr. President, I move LB1020 to E&R for engrossing. [LB1020]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye.

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Opposed, nay. LB1020 advances. We will now proceed to LB999. [LB1020 LB999]

CLERK: LB999, Senator, I do have Enrollment and Review amendments. (ER8238, Legislative Journal page 1354.) [LB999]

PRESIDENT SHEEHY: Senator McGill, you're recognized for a motion. [LB999]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB999]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB999]

CLERK: I have nothing further on that bill, Senator. [LB999]

PRESIDENT SHEEHY: Senator McGill, you're recognized for a motion. [LB999]

SENATOR MCGILL: Mr. President, I move LB999. [LB999]

PRESIDENT SHEEHY: Senator Gloor, you're recognized. [LB999]

SENATOR GLOOR: No surprises here. Good morning, Mr. President, members of the body. No surprises here. But I do want to take an opportunity on LB999 to follow through on what I see as an educational opportunity for the body when it comes to issues and costs in Nebraska related to healthcare services. Senator Carlson yesterday stimulated my interest in standing up here when he talked about what other areas might we start slapping moratoriums on. And it was a great question to ask. I would remind the body that we've talked about that as relates to new wells. In fact, we have a moratorium. We have a moratorium currently in place on long-term care beds in this state and on rehab beds in this state. So this is not unprecedented. One of the comments he made had to do with fast food, should we put a moratorium on fast food. (Laugh) And it immediately got me reminded of the fact that too often we look at healthcare in this state in a pro-competition model, very much like how we sell tires and how we sell fast food. I would tell you, and I've looked at a map and I can, for the most part, verify it that there are 85 hospitals in this state. If you carve out Omaha and Lincoln as metropolitan areas I would also point out to you that of the remaining hospitals scattered throughout this state, and there are dozens and dozens and dozens and dozens of them, those hospitals exist in communities where for the most part, in fact almost exactly half of those communities that have hospitals do not have a fast food franchise, at least a major one, McDonald's doesn't exist in towns like Genoa and St. Paul and Central City, large communities in many cases. Those communities are not large enough to support a simple major fast food franchise and yet they have a very sophisticated hospital. How does the market work in that a simple hamburger franchise can't exist in that market but a sophisticated healthcare institution that requires people

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with advanced degrees, pieces of equipment that cost over \$1 million, special boilers, special generators for emergencies, the millions and millions and millions of dollars go into that facility in that community, have that community supporting it but it can't in that market support a fast food franchise. And the reason is because we consider it a service. We allow ourselves to be taxed, we set up hospital districts, we do major fund raises to make sure that fund raiser to make sure that hospital exists, yet we start talking about the market ought to decide, there ought to be competition. We don't expect those facilities to compete in a traditional sense. We had a discussion on Senator Hadley's bill yesterday. And a lot of people jumped to the microphone to talk about the importance of preserving these tax-exempt institutions and making sure that they're not paying tax on what is seen as a charitable purpose and a community purpose, except we talk about the market in healthcare sometimes. We have a real schizophrenia when it comes to healthcare. And my reason for speaking today, I'm very much still in support of LB999, is to try and explain to the body why this is a complicated issue and why continuing to talk about this issue, having study resolutions attached to LB999 where we continue to talk about this issue is an important, important thing for us to do. Sixty-five of the 85 hospitals in this state are critical access hospitals. That means we reimburse them both Medicare and Medicaid for their costs. I don't know of another business, a traditional business where they're guaranteed their cost. I do know that fire departments, police, libraries,... [LB999]

PRESIDENT SHEEHY: One minute. [LB999]

SENATOR GLOOR: ...other service...thank you, Mr. President, other service entities are reimbursed their cost because we see them as services that are important to the community. And that's the way we treat 65 of the 85 hospitals in this state. We don't treat them like they're driven by markets. If we did, we would lose most of those hospitals. We treat them as important services to our community. Again I offer this only to point out the beginning of what needs to be a long educational process for us as we look at healthcare in the state of Nebraska, what it is and what we want it to be in the future. Thank you, Mr. President, and thank you for your patience, members. [LB999]

PRESIDENT SHEEHY: Thank you, Senator Gloor. (Visitors introduced.) Continuing with members requesting to speak on LB999, Senator White, you're recognized. [LB999]

SENATOR WHITE: Thank you, Mr. President. I did not get an opportunity to discuss this on General File and so I do insist that we take a moment and reflect on what we're doing. I cannot imagine a more heavy-handed intervention into the free market than what is proposed here. We are literally telling communities across the state, you cannot build new hospital facilities because we in the Legislature understand the needs of your community, your healthcare and the marketplace better than the marketplace does. Now we can debate whether or not in an individual case that's appropriate. But I find it an extraordinary action for this body to walk so far away from its claimed conservative

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principles that it would jump in and literally forbid construction of new facilities for two years. That is an extraordinary step. And it seems to have been done without a lot of reflection on how it fits with the conservative principles so roundly endorsed every day in debate here. Now it seems to me what we have just heard in Senator Gloor's thoughtful remarks are the market can't do it, that the heavy hand of government knows better and must guide healthcare. This is an extreme step. If you have an ophthalmologist who wants to return to his hometown and build a clinic, he can't do it arguably . If you have a renowned Nebraskan surgeon who wants to come back and go to his hometown and set up a clinic to operate in his or her speciality, she cannot do it because we know better, we know better than the market. And all I would tell each and every one of you as you consider this bill, how does it fit with your conservative principles? We already tell hospitals what they can charge, how much we'll reimburse, how much they can overcharge private individuals. Now we can tell them when they can build, what they can do. Soon we'll tell them how to prescribe and what they must say and do as physicians. Is this really the Nebraska Legislature or have we been transported to someplace like Massachusetts? I'm staggered (laugh), absolutely staggered by this. Thank you, Mr. President. [LB999]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Pahls, you're recognized. [LB999]

SENATOR PAHLS: Thank you, Mr. President, members of the body. I'm going to take...although this does not speak directly to this bill, I'm going to take this opportunity because I've had the occasion within the last two months to have visited several hospitals. And I must say that I'm totally impressed with...or I've had, as I said earlier, a new found respect for the health field people. I spent a lot of time in Bryan and I was impressed with how I was treated there. I have spent since then time in Bergan Mercy, which again they were very good to me. I have been in Lakeside. And to be honest with you, yesterday I was in Methodist. And they have treated me with all kinds of due respect and they were very efficient. I just wanted to use this opportunity to thank those individuals who have helped me. Thank you. [LB999]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Seeing no additional requests to speak, members, there is a motion on the floor for the advancement of LB999. All those in favor say aye. Opposed, nay. LB999 advances. Mr. Clerk, we'll now proceed to LB1103. [LB999 LB1103]

CLERK: LB1103, Senator McGill, I have Enrollment and Review amendments, first of all. (ER8229, Legislative Journal page 1280.) [LB1103]

PRESIDENT SHEEHY: Senator McGill, you're recognized for a motion. [LB1103]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB1103]

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PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB1103]

CLERK: Mr. President, Senator Flood, AM2498. Senator, I have a note you want to withdraw AM2498. [LB1103]

SPEAKER FLOOD: Mr. President, I'd like to withdraw the first amendment I filed and take up the second. [LB1103]

PRESIDENT SHEEHY: AM2498 is withdrawn. [LB1103]

CLERK: Senator Flood would move to amend with AM2533. (Legislative Journal page 1379.) [LB1103]

PRESIDENT SHEEHY: Senator Flood, you're recognized to open on AM2533 to LB1103. [LB1103]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. AM2498 (sic) makes a couple of technical and clarifying changes to the bill. I want to tell you about three changes. All of the amendment includes three changes. Number one, it adds a clause to the definition of abortion so that it is clear that the induction of labor or a c-section at the end of a woman's pregnancy is not an abortion. This change also puts the bill's definition in line with the definition already in statute at Nebraska Revised Statute, Section 28-326. Number two, the existing Section 4 establishes who has the responsibility for making the determination of postfertilization age and by what standard that determination is to be made. This amendment clarifies that the prohibition contained in Section 5 is dependent on the Section 4 determinations rather than on some other standard for determination of postfertilization age. And number three and finally, on page 6, line 11, it puts in a limit on how far back the department must go in its public reports. In other words, the department's first report under LB1103 would not need to include any statistics for previous calendar years. Wanted to clarify that. With that, I'd ask you to adopt AM2553 (sic). Thank you, Mr. President. [LB1103]

PRESIDENT SHEEHY: Thank you, Senator Flood. You've heard the opening of AM2533 to LB1103. Members requesting to speak, Senator Conrad and Senator Haar. Senator Conrad, you're recognized. [LB1103]

SENATOR CONRAD: Thank you, Mr. President. I do rise in opposition to the amendment and the underlying legislation. And hopefully, colleagues, we'll be able to again move through this phase of the debate in a thoughtful, respectful and hopefully expedient manner this morning. As you can see, there are no other amendments filed on this legislation. As an overview, I believe that LB1103 is a flawed law for a variety of

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reasons. The Supreme Court has been very clear that states may not ban abortion prior to viability and may not draw a line at a particular gestational age to establish when viability begins. The court has also insisted that the determination of viability must be left to a physicians' judgment. LB1103 clearly violates these principles. It draws the line at 20-weeks gestation, violating the court's holding that viability is the earliest point at which a ban may apply and that the determination of when viability is reached must be left to the physician. Additionally, Gonzales v. Carhart, from 2007, otherwise known as Carhart 2, did not alter the constitutional jurisprudence regarding viability. The Supreme Court has consistently held that even after viability, women must be able to obtain abortion to preserve their lives and health. LB1103 does not adequately protect those rights. Additionally, LB1103 excludes mental health and the medical emergency exception in LB1103 fails to even meet a basic constitutional threshold for a medical emergency exception. That's an overview, I think, of some of the main points in opposition to this legislation. I do want to discuss briefly some information related to the legislative findings contained in the legislation related to fetal pain. Since this legislation has been introduced there have been a variety of different points of view that have been put forward that I think are important to include in the record. For example, in an ABC News story, dated April 6, 2010, in relation to this bill making its way through the Nebraska Legislature, the American College of Obstetricians and Gynecologists released a statement saying, it "knows of no legitimate scientific information that supports the statement that a fetus experiences pain." Finally, there is a letter that hopefully many of you received from the Department of Obstetrics, Gynecology and Reproductive Services at the University of California that also wanted to further explore and provide competing information related to the legislative findings or the flaw or lack of credibility in those regarding the issue of fetal pain. I noted during the General File debate a report from 2005 wherein a group of scientists at the University of California conducted a review of the available evidence related to the question about when a fetus is capable of feeling pain. The review was published in the Journal of American Medical Association and was titled "Fetal Pain, A Systematic Multidisciplinary Review of the Evidence, 2005." The review concludes that based on the best available scientific evidence, a human fetus probably does not have the capacity to experience pain until the 29th week of pregnancy at the earliest. Specifically, the doctors and experts in the scientific community write that in regards to Section 3 and the legislative findings, number one, that science actually has very different conclusions. Related to the issue of whether or not at least by 20 weeks after fertilization an unborn child has the physical structures necessary to experience pain, the science says "brain circuitry responsible for relaying some types of sensory information begin developing approximately at 23 weeks gestation. However, the presence of 'wiring' does not necessarily mean that the"... [LB1103]

PRESIDENT SHEEHY: One minute. [LB1103]

SENATOR CONRAD: ..."circuits are actually functional." In fact, scientific evidence

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does not support the assumption that the presence of the physical structures means that the fetus can experience pain. The circuits must be connected to the brain in specific ways for pain to be experienced, that happens later in pregnancy. Studies suggest that the first pathways associated with pain perception are not complete before the 29th week of gestation, well into the third trimester. And I know I'm running short on time so we'll continue this dialogue as we move forward. But in relation to legislative finding 2, which says there is substantial evidence that by 20 weeks after fertilization unborn children seek to evade certain stimuli in a manner which an infant or an adult would be interpreted as a response to pain, well, actually the science says otherwise. The appearance of withdrawal on ultrasound represents spinal cord reflex. This is a wholly different reaction than the experience of pain, which cannot occur until the fetus has developed the cortical or brain ability to interpret noxious or painful stimuli. Reflex responses occur independent of pain sensation such as the knee-jerk reflex. [LB1103]

PRESIDENT SHEEHY: Time, Senator. [LB1103]

SENATOR CONRAD: Thank you, Mr. President. [LB1103]

PRESIDENT SHEEHY: Thank you, Senator Conrad. Senator Haar, you're recognized. [LB1103]

SENATOR HAAR: Mr. President, members of the body, I'll just talk one more time on LB1103, which I feel is a flawed bill. And one of the reasons I believe is that it makes no allowance for fetal anomalies not compatible with life after the 20th week, some of these which are not detectable until after the 20th week. And so I just wanted to follow up with an important item for actually all women of childbearing age and this is a matter of folic acid. One of the anomalies that I pointed out earlier was something called encephalocele which occurs in as much as one-half to 1 out of every 1,000 births, and this is where the baby is born without a brain basically. Folic acid and on the second page you'll see I just went down to Walgreens and bought a bottle for seven bucks, 250 tablets, that would almost take care of a pregnancy. And it's so important because it can help prevent major birth defects such as encephalocele in as much as 50 to 70 percent of the cases. Folic acid is very important in development of the brain and nervous system of a developing fetus. So I just wanted to pass this out. I hope that all those women that we have passed by, the illegal women who we've denied or we've not...we're no longer providing prenatal care, I hope they'll get the message that they need to be taking folic acid because that in itself can prevent many anomalies in the development of the baby. A one year supply might cost ten bucks. And on the last page you see a picture...you can buy it in a bottle. Folic acid, I just wanted to know what it looks like. It's a small tablet, 400 micrograms, but it also comes in various foods. It's simply a form of vitamin B, it's not a special drug. Comes in a lot of vitamin pills. Any woman of childbearing age ought to be taking folic acid or a vitamin pill that contains folic acid because if there is a pregnancy, whether unwanted...whether intentional or

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unintentional, it could help dramatically decrease the number of anomalies in the developing baby. So anyway, I will not be voting for the bill, obviously. And I'm enormously disappointed that despite the efforts of many people in this Legislature that we're going to not be providing prenatal care for a significant number of women in this state, women who are going to bear children that will be citizens of Nebraska. Thank you very much. [LB1103]

PRESIDENT SHEEHY: Thank you, Senator Haar. Senator Council, you're recognized. [LB1103]

SENATOR COUNCIL: Thank you, Mr. President. I, too, rise in opposition to AM2533. And the principle basis for my objection to the amendment is that the most substantial amendment reflected in AM2533 is to Section 5. And Section 5 of LB1103 is a section that there has been a great deal of discussion surrounding. And one of the issues reflected in Section 5 is how this legislation ignores the medical judgment of the provider, yet we make, in AM2533, a special effort to impose an obligation on the medical provider based upon the medical provider's professional judgment. AM2533 inserts into Section 5 the obligation that the gestational period be determined by the medical provider based upon that medical provider's best medical judgment, his or her reasonable medical judgment. Again, we recognize that it is the relationship between the patient and the medical provider that is important when it comes to determination of the gestational period, but we ignore the relationship between the medical provider and the patient when it comes to what is in the best interest of the woman relative to continuing a pregnancy. Going on in Section 5, this is the section where we limit the medical provider's reasonable medical judgment to two instances, one, if an abortion is necessary to preserve the life of an unborn child, and number two, when reasonable medical judgment, the woman has a condition which...her medical condition as to necessitate the abortion to avert her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function. That standard is contrary to the standard that has been established in Supreme Court precedent as to what should be considered in determining whether an emergency condition exists for an abortion. We have discussed on previous occasions the fact that this section completely ignores the mental health of the mother. And despite the fact that LB594 goes to great lengths in determining the mental health of the mother relative to her condition postabortion, LB1103 fails to take into consideration the mental health of the mother during the pregnancy. And whether or not, according to LB594, in the medical providers best reasonable judgment that termination of the pregnancy would present less risk than continuing with the pregnancy. As Senator Conrad has so eloquently stated, LB1103 flies squarely in the face of existing Supreme Court precedent. I think the fact that this legislation ignores the viability standard, ignores the established standard for determining an emergency, unquestionably casts this piece of legislation into the status of unconstitutionality. And with any remaining time I have, I would... [LB1103 LB594]

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PRESIDENT SHEEHY: One minute. [LB1103]

SENATOR COUNCIL: ...yield it to Senator Conrad so she can continue with her discussion of the constitutional issues. [LB1103]

PRESIDENT SHEEHY: Senator Conrad, you're yielded 45 seconds and you are next in the queue. [LB1103]

SENATOR CONRAD: Okay, thank you, Mr. President. And thank you, Senator Council. To continue, colleagues, in regards to the legislative findings stating that there is substantial evidence that by 20 weeks after fertilization unborn children seek to evade certain stimuli in a manner which an infant or adult would be interpreted as a response to pain, again, the science says otherwise. The appearance or withdrawal on an ultrasound represents a spinal cord reflex. This is a wholly different reaction from the experience of pain which cannot occur until the fetus has developed the cortical or brain ability to interpret noxious or painful stimuli. Reflex responses occur independent of brain sensation, such as a knee-jerk reflex. Limb withdrawal occurs in full term babies in response to nonpainful, tactile sensation... [LB1103]

PRESIDENT SHEEHY: Senator, you're now on your time. [LB1103]

SENATOR CONRAD: ...thank you, Mr. President, including light touch. Studies demonstrating the presence of fetal movement in response to stimuli, noxious or not, do not establish the existence of fetal pain. In regards to the legislative findings stating anesthesia is routinely administered to unborn children who have developed 20 weeks or more past fertilization who undergo prenatal surgery, the science says otherwise. Performing surgery on a fetus and providing an abortion are two very different scenarios. For fetal surgery, anesthesia or analgesia, sorry, again I'm mispronouncing, I'm sure, these important medical terms but I do not have a medical background, is primarily used to prevent possible adverse surgical outcomes to relax the uterus, to prevent premature contraction, to immobilize the fetus and to prevent possible long-term neurological developmental problems resulting from the hormones released during surgery. None of these objectives is applicable to an abortion. Regarding the legislative finding which states there is substantial evidence that abortion methods used at and after 20 weeks would cause substantial pain to an unborn child, the science actually says otherwise. The issue is not specifically addressed in the review article but is consistent with clinical practice. As detailed previously, studies suggest that fetuses are not capable of feeling pain before 29 weeks of gestation. The procedures used at that point in pregnancy would not cause pain to the fetus as it is identical to birth. While the most common procedure used before 22 weeks gestation is the medical technique of dilation and extraction, after that point physicians usually induce labor to terminate a pregnancy. Prior to inducing labor, medication, either dioxin or KCL is injected to stop a heart, thus no D&E procedures are performed after the point at which there is a

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potential for fetal pain, i.e., 29th week of pregnancy. It is also standard practice in Nebraska to use dioxygen prior to initiating any procedure after 20 weeks. In summary, scientific evidence does not support the elimination of legal abortion at 20-weeks gestation based on concerns about the existence of fetal pain. So in addition to these specific findings to refute the legislative findings contained in the legislation, again, the American College of Obstetricians and Gynecologists has released a statement on this legislation saying it knows of no legitimate scientific information that supports the statement that a fetus can experience pain. Thank you, colleagues. I think that does conclude the issues that I did want to bring forward regarding...to refute the legislative findings regarding fetal pain and that attempt to establish legitimate state interest in putting forth this prohibition. And finally, a couple other points that I just want to briefly mention to you. After our first round of debate on this legislation, my office fielded a variety of calls from women who were concerned about this legislation and who shared with me their heartbreaking stories about how they had intended pregnancies. They considered themselves pro-life and then through the course of a routine medical checkup came to understand a diagnosis with their pregnancy that was incompatible with life. And no exception in the legislation would provide these families the ability to make a decision related to termination for medical reasons past 20 weeks. And these stories are real and they are our friends and neighbors and colleagues and coworkers. They have on-line support groups. You can go and look through the communitybabycenter.com and put in "termination for medical reasons." You can read the books that they've published. One that was brought to my attention is called Our Heartbreaking Choices, wherein 46 real women share their stories of interrupting a much wanted pregnancy. And I think really this is where this legislation... [LB1103]

PRESIDENT SHEEHY: One minute. [LB1103]

SENATOR CONRAD: ...is so particularly heartbreaking and harmful because this legislation does not provide any sort of accessibility or protection for women who are experiencing extraordinarily difficult medical choices related to fetal anomaly and otherwise and instead shuts off their ability to pursue what they believe to be an appropriate medical response and a humane response to the situation that they have been presented. The Speaker acknowledged this through making an exception related to potentially a twin-twin transfusion issue, however, that's just one instance of many real instances that do exist. And, colleagues, we're not talking about engineering perfect babies here. We're talking about pregnancies that are incompatible with life. That is a very, very, very different standard. We can come together to celebrate diversity and differences and I think we do. And I think you know I've been a strong supporter and a strong... [LB1103]

PRESIDENT SHEEHY: Time, Senator. [LB1103]

SENATOR CONRAD: ...fighter for those issues. Thank you, Mr. President. [LB1103]

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PRESIDENT SHEEHY: Thank you, Senator Conrad. (Visitors introduced.) Members requesting to speak on AM2533 to LB1103, Senator Council followed by Senator Conrad and Senator Haar. Senator Council, you're recognized. [LB1103]

SENATOR COUNCIL: Yes, thank you again, Mr. President. And I don't think we can hear enough the problems associated with this piece of legislation. And I'm so glad that Senator Conrad went above and beyond to provide this body with evidence to refute the testimony of the three individuals who appeared before the Judiciary Committee with regard to the issue of fetal pain. My recollection is none of those three were obstetricians or gynecologists. One had some experience and expertise in anesthesiology, but to my recollection there was no evidence of them conducting any intense scientific study or research of the issue of fetal pain. They just basically testified as to conclusions. And now we have presented to you the opinion of obstetricians and gynecologists on the subject of fetal pain. And it clearly refutes the statement in LB1103 that there is substantial evidence that shows that a fetus experiences pain prior to 20 weeks. The issue has been and should be determined by viability. And in that regard, as Senator Conrad noted, this legislation ignores the pain that a woman is experiencing, the mental pain, the mental anguish of making a decision and knowing that the child that they are carrying does not have a chance at life, even if the pregnancy is allowed to continue. And to remove the ability to relieve that woman's pain in such a situation, I believe, is inexcusable and in fact is contrary to our professed concerns about individuals suffering pain. There was again no consideration of the pain suffered by women whose prenatal care was cut off suddenly. There was no discussion of whether any of those women...whether their pregnancies were before or after the 20-week period that's set forth in LB1103, none of those matters concern this body. So it becomes patently obvious to me that the only concern of this body is to attempt to place greater restrictions on a woman's right to choose, that the expressed intent of LB1103 is to provide a vehicle to test the current state of the law, the law that has been in effect since 1973 with regard to the ability of a state to impose restrictions on and to prohibit abortions. I think there needs to be a balance that is struck in this legislation between the interests of this state in protecting the unborn child with the interests of this state in protecting a woman and a woman's right to control her body. I just...I sat back and thought about the situation that this piece of legislation could force to occur. A woman who is undergoing severe mental depression, anxiety... [LB1103]

PRESIDENT SHEEHY: One minute. [LB1103]

SENATOR COUNCIL: ...under this legislation we're saying to her, we don't care about what occurs with you, we mandate that you take this pregnancy to term. And we don't give any thought to what happens to the child after birth. We don't care about the mental health of the woman after birth and how that would affect that child and that child's upbringing, we ignore that. We assume by this legislation that if the woman is forced to

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take the child to term that she will embrace and raise that child in a loving fashion and ignoring all of the effects that it has on her mental condition. For those reasons I continue to oppose LB1103 and I would hope that others in this body would also see the need to strike a balance between a woman's rights and the rights of an unborn child. Thank you,... [LB1103]

PRESIDENT SHEEHY: Time, Senator. [LB1103]

SENATOR COUNCIL: ...Mr. President. [LB1103]

PRESIDENT SHEEHY: Thank you, Senator Council. Senator Conrad, you're recognized. This is your third time. [LB1103]

SENATOR CONRAD: Thank you, Mr. President. And hopefully, colleagues, we can conclude here shortly. I think that we've had a good dialogue about this legislation on General File and again are just making sure that we have as complete record as possible to further facilitate public understanding regarding this legislation and to prepare for what will be, I think, very clearly significant, lengthy and costly litigation on the hands and on the heads of the Nebraska taxpayer to decide whether or not this is in fact a valid law. One thing that I do want to point out is that it was noted on General File that we need to take new steps because medicine and technology and science has evolved. That is true. That is applauded. That is a good thing. But, colleagues, the issue still remains problematic when we set a bright line ban at 20 weeks and all of the medical science, evidence and facts demonstrate that a fetus and a child cannot live outside of the womb on its own until they're at about 22, maybe 24 weeks. So what happens then when we're putting a prohibition in place that not only throws away 40 years of Supreme Court precedent, but that says during this 2-, 3-, 4-week time period, when there is in fact no ability for the fetus to live on its own, that we are instilling a bright line ban here to override. There's no way that that can...that kind of prohibition can create a legitimate state interest for this kind of situation. And finally, I do want to again just talk briefly about the women who contacted my office and who shared the resources that have helped them through these very difficult and emotional situations. And that, colleagues, they're asking for your help and your understanding and your compassion. And this legislation does not offer any of those sympathies, understanding or support to families and women who are faced with extraordinarily difficult medical decisions. And the authors of the book, Our Heartbreaking Choices, which has been an important resource for the women who have contacted my office, and again details the stories of 46 women who share their stories of interrupting a much wanted pregnancy, the authors estimate that given there is an estimated 102 million terminations or abortions performed in the United States in 2005, that can mean there are anywhere between 60,000 to 130,000 terminations for medical reasons each year in the United States alone. These are not a small handful of people. These are significant numbers of families who have come down to the Legislature, who testified at the committee hearing

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about the necessary and heartbreaking situations their families were presented with when they made a decision to terminate for medical reasons a wanted pregnancy. Because they...I'll tell you just in closing, a woman who had called my office after the first round of debate and who is from Nebraska and actually works in state government. And detailed to me, and I won't provide too much information to protect her privacy, but detailed to me the fact that her and her husband had an intended pregnancy, were overjoyed at the possibility, consider themselves extraordinarily pro-life and during the course of a routine checkup found out that at about 19- or 20-weeks that their child had a medical... [LB1103]

PRESIDENT SHEEHY: One minute. [LB1103]

SENATOR CONRAD: ...issue that actually whenever the mother coughed or rolled over it would break the bones of the unborn child and caused extreme torture and pain for the child she was carrying. And they made a decision, for humane and medical reasons, to terminate for medical reasons. And that this legislation shuts the door and cuts off that option and cuts off that ability and puts politics in between women and their doctor where it should never, never be. There is no legitimate state interest in putting forth this ban. It's not grounded in science or common sense and this legislation should not be adopted. It doesn't help women and it does nothing to further improve the lives of Nebraska families. Thank you, Mr. President. [LB1103]

PRESIDENT SHEEHY: Thank you, Senator Conrad. (Visitors introduced.) Continuing with floor discussion of AM2533 to LB1103, members requesting to speak: Senator Haar and Senator Stuthman. Senator Haar, you're recognized. [LB1103]

SENATOR HAAR: Mr. President and members of the body, I would just like to say that I hope you'll all work with me next year to work on a way to prevent abortions big time. This bill refers to about 1.1 or 1.3 percent of all abortions take place after 20 weeks. What I will talk about next year in great detail is how we can prevent abortion by helping prevent unintended pregnancies because 40 percent of unintended pregnancies end in abortion. The solution is age-appropriate, medically accurate, comprehensive sex education. And I hope you'll join me next year with the same enthusiasm that the vote on this bill will get. Thank you very much. [LB1103]

PRESIDENT SHEEHY: Thank you, Senator Haar. Seeing no additional requests to speak, Senator Flood, you're recognized to close on AM2533. [LB1103]

SPEAKER FLOOD: Thank you, Mr. President and members. Again, this is a technical amendment. It takes care of the three items that I described in my opening. I want to emphasize I recognize that this is a difficult issue. I also want to commend those that have been opponents to this bill for allowing the Legislature to have a very thoughtful, reasonable discussion on such a tough issue. They are to be commended for that. We

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obviously disagree on the subject matter. I do feel that the state has a legitimate and substantial interest in protecting the life of an unborn child at 20 weeks for the reason that the baby feels pain. And that's been my message and that is my reason for this bill. I would ask that you approve AM2533 and advance LB1103. Thank you, Mr. President. [LB1103]

PRESIDENT SHEEHY: Thank you, Senator Flood. You have heard the closing. The question before the body is on the adoption of AM2533 to LB1103. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1103]

CLERK: 35 ayes, 4 nays, Mr. President, on adoption of Senator Flood's amendment. [LB1103]

PRESIDENT SHEEHY: AM2533 is adopted. [LB1103]

CLERK: I have nothing further on the bill, Mr. President. [LB1103]

PRESIDENT SHEEHY: Senator McGill, you're recognized for a motion. [LB1103]

SENATOR MCGILL: I move LB1103 to E&R for engrossing. [LB1103]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. The ayes have it, LB1103 advances. Mr. Clerk, do you have items for the record? [LB1103]

CLERK: I do, Mr. President. LR538 and LR539 are reported back to the Legislature for further consideration. That's signed by Senator Avery. Bills read on Final Reading last evening were presented to the Governor at 9:20 a.m. this morning. (re LB817, LB1109, LB1109A, LB801, LB842, LB849, LB862, LB877, LB945, LB950, LB1010, LB1094, LB1094A, LB510, LB510A.) And new resolution, LR558 by Senator Fulton. That will be laid over. That's all that I have, Mr. President. (Legislative Journal pages 1384-1385.) [LR538 LR539 LB817 LB1109 LB1109A LB801 LB842 LB849 LB862 LB877 LB945 LB950 LB1010 LB1094 LB1094A LB510 LB510A LR558]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Mr. Clerk, we will now proceed to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, we will proceed to LB712. The first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB712]

CLERK: 37 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB712]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB712]

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CLERK: (Read title of LB712.) [LB712]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB712 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB712]

CLERK: (Record vote read, Legislative Journal pages 1386-1387.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB712]

PRESIDENT SHEEHY: LB712 passes with the emergency clause attached. We'll now proceed to LB780. [LB712 LB780]

CLERK: (Read LB780 on Final Reading.) [LB780]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB780 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB780]

CLERK: (Record vote read, Legislative Journal page 1387.) 40 ayes, 5 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB780]

PRESIDENT SHEEHY: LB780 passes. We will now proceed to LB861. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB780 LB861]

CLERK: 43 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB861]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB861]

CLERK: (Read title of LB861.) [LB861]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB861 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB861]

CLERK: (Record vote read, Legislative Journal pages 1388-1389.) 40 ayes, 5 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB861]

PRESIDENT SHEEHY: LB861 passes. We will now proceed to LB961. [LB861 LB961]

CLERK: (Read LB961 on Final Reading.) [LB961]

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PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB961 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB961]

CLERK: (Record vote read, Legislative Journal page 1389.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB961]

PRESIDENT SHEEHY: LB961 passes. We will now proceed to LB1048. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB961 LB1048]

CLERK: 43 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB1048]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Please read the title. [LB1048]

CLERK: (Read title of LB1048.) [LB1048]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1048 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1048]

CLERK: (Record vote read, Legislative Journal page 1390.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB1048]

PRESIDENT SHEEHY: LB1048 passes. We will now proceed to LB1048A. [LB1048 LB1048A]

CLERK: (Read LB1048A on Final Reading.) [LB1048A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1048A pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1048A]

CLERK: (Record vote read, Legislative Journal page 1391.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB1048A]

PRESIDENT SHEEHY: LB1048A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB712, LB780, LB861, LB961, LB1048, and LB1048A. (Visitors introduced.) Mr. Clerk, we will now proceed under Final Reading, under consent calendar, LB252. [LB1048A LB712 LB780 LB861 LB961 LB1048 LB252]

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

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

CLERK: (Record vote read, Legislative Journal page 1392.) 46 ayes, 1 nay, 1 present and not voting, 1 excused and not voting, Mr. President. [LB252]

PRESIDENT SHEEHY: LB252 passes. We will now proceed to LB411. [LB252 LB411]

CLERK: (Read LB411 on Final Reading.) [LB411]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB411 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB411]

CLERK: (Record vote read, Legislative Journal pages 1392-1393.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB411]

PRESIDENT SHEEHY: LB411 passes. We will now proceed to LB695. [LB411 LB695]

CLERK: (Read LB695 on Final Reading.) [LB695]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB695 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB695]

CLERK: (Record vote read, Legislative Journal pages 1393-1394.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB695]

PRESIDENT SHEEHY: LB695 passes with the emergency clause attached. We will now proceed to LB696. [LB695 LB696]

CLERK: (Read LB696 on Final Reading.) [LB696]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB696 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB696]

CLERK: (Record vote read, Legislative Journal page 1394.) 45 ayes, 3 nays, 1 excused and not voting, Mr. President. [LB696]

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PRESIDENT SHEEHY: LB696 passes. We will now proceed to LB706. [LB696 LB706]

CLERK: (Read LB706 on Final Reading.) [LB706]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB706 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB706]

CLERK: (Record vote read, Legislative Journal page 1395.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB706]

PRESIDENT SHEEHY: LB706 passes. We will now proceed to LB713. [LB706 LB713]

CLERK: (Read LB713 on Final Reading.) [LB713]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB713 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB713]

CLERK: (Record vote read, Legislative Journal pages 1395-1396.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB713]

PRESIDENT SHEEHY: LB713 passes. We will now proceed to LB732. [LB713 LB732]

ASSISTANT CLERK: (Read LB732 on Final Reading.) [LB732]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB732 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB732]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1396.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB732]

PRESIDENT SHEEHY: LB732 passes. We will now proceed to LB758. [LB732 LB758]

ASSISTANT CLERK: (Read LB758 on Final Reading.) [LB758]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB758 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB758]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1397.) Vote is 48

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ayes, 0 nays, 1 excused and not voting. [LB758]

PRESIDENT SHEEHY: LB758 passes. We will now proceed to LB759. [LB758 LB759]

ASSISTANT CLERK: (Read LB759 on Final Reading.) [LB759]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB759 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB759]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1397-1398.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB759]

PRESIDENT SHEEHY: LB759 passes. We will now proceed to LB760. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB759 LB760]

ASSISTANT CLERK: 45 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB760]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB760]

ASSISTANT CLERK: (Read title of LB760.) [LB760]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB760 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB760]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1398-1399.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB760]

PRESIDENT SHEEHY: LB760 passes. We will now proceed to LB789. [LB760 LB789]

ASSISTANT CLERK: (Read LB789 on Final Reading.) [LB789]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB789 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB789]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1399.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB789]

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PRESIDENT SHEEHY: LB789 passes. We will now proceed to LB792. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB789 LB792]

ASSISTANT CLERK: 43 ayes, 0 nays to dispense with the at-large reading. [LB792]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Please read the title. [LB792]

ASSISTANT CLERK: (Read title of LB792.) [LB792]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB792 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB792]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1400.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB792]

PRESIDENT SHEEHY: LB792 passes. We will now proceed to LB809. [LB792 LB809]

ASSISTANT CLERK: (Read LB809 on Final Reading.) [LB809]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB809 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB809]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1401.) Vote is 47 ayes, 0 nays, 2 excused and not voting. [LB809]

PRESIDENT SHEEHY: LB809 passes. We will now proceed to LB813. [LB809 LB813]

ASSISTANT CLERK: (Read LB813 on Final Reading.) [LB813]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB813 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB813]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1401-1402.) Vote is 47 ayes, 0 nays, 2 excused and not voting. [LB813]

PRESIDENT SHEEHY: LB813 passes. We will now proceed to LB829. [LB813 LB829]

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ASSISTANT CLERK: (Read LB829 on Final Reading.) [LB829]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB829 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB829]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1402-1403.) Vote is 44 ayes, 2 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB829]

PRESIDENT SHEEHY: LB829 passes with the emergency clause attached. (Visitors introduced.) Madam Clerk, we'll now proceed to LB844. [LB829 LB844]

ASSISTANT CLERK: (Read LB844 on Final Reading.) [LB844]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB844 pass? All those in favor vote yea; opposed, nay. Record, Madam Clerk. [LB844]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1403.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB844]

PRESIDENT SHEEHY: LB844 passes. We will now proceed to LB852. [LB844 LB852]

ASSISTANT CLERK: (Read LB852 on Final Reading.) [LB852]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB852 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB852]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1404.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB852]

PRESIDENT SHEEHY: LB852 passes. We will now proceed to LB857...correction, LB872. [LB852 LB872]

ASSISTANT CLERK: (Read LB872 on Final Reading.) [LB872]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB872 pass? All those in favor vote yea; opposed, nay. Record, Madam Clerk. [LB872]

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ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1404-1405.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB872]

PRESIDENT SHEEHY: LB872 passes. We will now proceed to LB884. [LB872 LB884]

ASSISTANT CLERK: (Read LB884 on Final Reading.) [LB884]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB884 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB884]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1405.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB884]

PRESIDENT SHEEHY: LB884 passes. We will now proceed to LB894. [LB884 LB894]

ASSISTANT CLERK: (Read LB894 on Final Reading.) [LB894]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB894 pass? All those in favor vote yea; opposed, nay. Record, Madam Clerk. [LB894]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1406.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB894]

PRESIDENT SHEEHY: LB894 passes. We will now proceed to LB907. [LB894 LB907]

ASSISTANT CLERK: (Read LB907 on Final Reading.) [LB907]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB907 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB907]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1406-1407.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB907]

PRESIDENT SHEEHY: LB907 passes. We will now proceed to LB908. [LB907 LB908]

ASSISTANT CLERK: (Read LB908 on Final Reading.) [LB908]

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

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with, the question is, shall LB908 pass? All those in favor vote yea; opposed, nay.
Please record, Madam Clerk. [LB908]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1407.) Vote is 47
ayes, 0 nays, 2 excused and not voting, Mr. President. [LB908]

PRESIDENT SHEEHY: LB908 passes. We will now proceed to LB933. [LB908 LB933]

ASSISTANT CLERK: (Read LB933 on Final Reading.) [LB933]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied
with, the question is, shall LB933 pass? All those in favor vote yea; opposed, nay.
Please record, Madam Clerk. [LB933]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1408.) Vote is 46
ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.
[LB933]

PRESIDENT SHEEHY: LB933 passes. We will now proceed to LB934. [LB933 LB934]

ASSISTANT CLERK: (Read LB934 on Final Reading.) [LB934]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied
with, the question is, shall LB934 pass? All those in favor vote yea; oppose, nay. Please
record, Madam Clerk. [LB934]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1409.) Vote is 44
ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President.
[LB934]

PRESIDENT SHEEHY: LB934 passes. We will now proceed to LB947. [LB934 LB947]

ASSISTANT CLERK: (Read LB947 on Final Reading.) [LB947]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied
with, the question is, shall LB947 pass? All those in favor vote yea; opposed, nay.
Please record, Madam Clerk. [LB947]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1409-1410.) Vote is
45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.
[LB947]

PRESIDENT SHEEHY: LB947 passes. We will now proceed to LB978. [LB947 LB978]

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ASSISTANT CLERK: (Read LB978 on Final Reading.) [LB978]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB978 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB978]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1410.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB978]

PRESIDENT SHEEHY: LB978 passes. We will now proceed to LB986. [LB978 LB986]

ASSISTANT CLERK: (Read LB986 on Final Reading.) [LB986]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB986 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB986]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1411.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting. [LB986]

PRESIDENT SHEEHY: LB986 passes. We will now proceed to LB993. [LB986 LB993]

ASSISTANT CLERK: (Read LB993 on Final Reading.) [LB993]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB993 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB993]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1412.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting. [LB993]

PRESIDENT SHEEHY: LB993 passes. We will now proceed to LB997. [LB993 LB997]

ASSISTANT CLERK: (Read LB997 on Final Reading.) [LB997]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB997 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB997]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1412-1413.) Vote is 41 ayes, 3 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

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[LB997]

PRESIDENT SHEEHY: LB997 passes. We will now proceed to LB1047. [LB997 LB1047]

ASSISTANT CLERK: (Read LB1047 on Final Reading.) [LB1047]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1047 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1047]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1413.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB1047]

PRESIDENT SHEEHY: LB1047 passes with the emergency clause attached. We will now proceed to LB1055. [LB1047 LB1055]

ASSISTANT CLERK: (Read LB1055 on Final Reading.) [LB1055]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1055 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1055]

CLERK: (Record vote read, Legislative Journal page 1414.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB1055]

PRESIDENT SHEEHY: LB1055 passes. We will now proceed to LB1065. [LB1055 LB1065]

CLERK: (Read LB1065 on Final Reading.) [LB1065]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1065 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1065]

CLERK: (Record vote read, Legislative Journal pages 1414-1415.) 46 ayes, 1 nay, 2 excused and not voting, Mr. President. [LB1065]

PRESIDENT SHEEHY: LB1065 passes. We will now proceed to LB1085. [LB1065 LB1085]

CLERK: (Read LB1085 on Final Reading.) [LB1085]

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PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1085 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1085]

CLERK: (Record vote read, Legislative Journal pages 1415-1416.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB1085]

PRESIDENT SHEEHY: LB1085 passes. Speaker Flood, you're recognized for an announcement. [LB1085]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. Yesterday I had predicted we'd be on Final Reading for three hours, obviously, we were able to do it in less than that. And the other good part is we moved some bills on Select File this morning; they were returned by Bill Drafters just a few minutes ago. So credit goes to the Bill Drafters crew for working so hard over the last couple of days. With that, we are ready to adjourn for today, and we will come back on Monday with some Final Reading. We will start at 10:00 on Monday. Just so you know, next week there will be some more Final Reading on Tuesday. We'll take up some resolutions, and then on Wednesday, obviously, at this point unless something is returned to Select for a specific amendment, I don't see much substance other than motions to override any Governor's vetoes and our sine die motions in preparation for the end of our session. That's where we're at. Thank you very much and have a good weekend.

PRESIDENT SHEEHY: Thank you, Speaker Flood. (Visitors introduced.) While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB252, LB411, LB695, LB696, LB706, LB713, LB732, LB758, LB759, LB760, LB789, LB792, LB809, LB813, LB829, LB844, LB852, LB872, LB884, LB894, LB907, LB908, LB933, LB934, LB947, LB978, LB986, LB993, LB997, LB1047, LB1055, LB1065, and LB1085. Mr. Clerk, do you have items for the record? [LB252 LB411 LB695 LB696 LB706 LB713 LB732 LB758 LB759 LB760 LB789 LB792 LB809 LB813 LB829 LB844 LB852 LB872 LB884 LB894 LB907 LB908 LB933 LB934 LB947 LB978 LB986 LB993 LB997 LB1047 LB1055 LB1065 LB1085]

CLERK: I do, Mr. President. Your Committee on Enrollment and Review reports they've engrossed LB999, LB1020, and LB1103. A series of resolutions: Senator Gay, LR559; Senator Gay, LR560 and LR561; Senator Howard, LR562 and LR563. Bills read earlier this morning on Final Reading were presented to the Governor at 10:27 (re LB712, LB780, LB861, LB961, LB1048, and LB1048A). Explanation of votes from Senators Christensen and Flood (re LB817, LB1109, LB1109A, LB801, LB842, LB849, LB862, LB877, LB950, LB1010, LB1094, LB510, LB510A, and LB945). (Legislative Journal pages 1416-1419.) [LB510 LB510A LB712 LB780 LB801 LB817 LB842 LB849 LB861 LB862 LB877 LB945 LB950 LB961 LB999 LB1010 LB1048 LB1048A LB1020 LB1094]

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LB1103 LB1109 LB1109A LR559 LR560 LR561 LR562 LR563]

And, Mr. President, Senator Campbell would move to adjourn the body until Monday morning, April 12 at 10:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Monday, April 12, 2010, at 10:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.