

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

Floor Debate  
February 15, 2012

---

[LB42 LB269 LB370 LB470 LB498 LB526 LB536 LB576 LB599 LB646 LB677 LB686  
LB714 LB715 LB723 LB725 LB733 LB739 LB742 LB745 LB750 LB751 LB759 LB760  
LB770 LB771 LB780 LB781 LB786 LB794 LB800 LB806 LB807 LB811 LB818 LB824  
LB828 LB831 LB834 LB836 LB852 LB853 LB854 LB860 LB861 LB862A LB862 LB863  
LB870 LB871 LB873 LB878 LB879 LB886 LB890 LB902 LB911 LB942 LB949 LB962  
LB972 LB979 LB985 LB992 LB998 LB1001 LB1031 LB1043 LB1059 LB1066 LB1067  
LB1090 LB1091 LB1104 LB1118 LB1130 LB1145 LB1160 LB1167 LR358CA LR373CA  
LR377CA LR389 LR390 LR391 LR392 LR393 LR394 LR395 LR396]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-eighth day of the One Hundred Second Legislature, Second Session. Our chaplain for today is Senator Fischer. Would you all please rise.

SENATOR FISCHER: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Fischer. I now call to order the twenty-eighth day of the One Hundred Second 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: Messages, reports, or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review reports they've examined and reviewed LB807, LB862, LB862A, LB760, and LB739, all reported to Select File...and LB985, all reported to Select File, some having Enrollment and Review amendments attached. Health Committee, chaired by Senator Campbell, reports LB599 to General File with amendments. And I have priority bill designations: Senator Gloor, LB834; Education Committee, LB870; and Senator Avery, LB1104. That's all that I have, Mr. President. (Legislative Journal pages 527-528.) [LB807 LB862 LB862A LB760 LB739 LB985 LB599 LB834 LB870 LB1104]

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 LR389, LR390, LR391, LR392, LR393, LR394, LR395, and LR396. Mr. Clerk, we will move to the first item under General File, 2012 committee priority bill, LB1043. [LR389 LR390 LR391

Floor Debate  
February 15, 2012

---

LR392 LR393 LR394 LR395 LR396 LB1043]

CLERK: LB1043, a bill by Senator Langemeier. (Read title.) The bill was introduced on January 18 of this year, at that time referred to the Natural Resources Committee, advanced to General File. There are committee amendments pending. (AM1822, Legislative Journal page 421.) [LB1043]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Langemeier, you're recognized to open on LB1043. [LB1043]

SENATOR LANGEMEIER: Mr. President and members of the body, LB1043 would amend the state statute that allows public power to negotiate a short-term economic development rate for new or expanding customers. An incentive electrical rate were created as an economic development tool that would be used to encourage businesses with high electrical loads... [LB1043]

PRESIDENT SHEEHY: (Gavel) [LB1043]

SENATOR LANGEMEIER: ...to locate in the state of Nebraska. Current Nebraska law allows public power districts and electric cooperatives to provide economic development rates to new and expanding businesses that meet their certain high electrical load requirements that are part of qualifying economic development projects under the state law. Under current law, economic development rates are effective for no more than five years and a utility may develop economic development rates to be more, but not less, restrictive than state statutes. This bill would enable any such business to count on a negotiated energy rate for up to five years without the risk of general retail rate increases, by eliminating language regarding general retail rate increases, requiring an economic development rate. LB1043 does not change any of these provisions. There's my official to get it on the record. LB1043 is designed to maximize our utility system in Nebraska. As we look to develop our load and get new businesses in Nebraska that use high electricity, amounts of electricity, and they qualify for one of our Nebraska Advantage economic development tools, they would then qualify for this. And what it does is it allows Nebraska public power to say: You know, we have a base infrastructure, we have a base rate that we're charging at a wholesale rate to our customers; this would allow us to get that little bit more efficiency out of those units by producing and using our extra capacity that we're not currently using and be able to sell that at a fixed rate that will not be less than the cost of production, to allow businesses to have a baseline rate that they can depend on into the future for five years; and then at the end of five years we have that business in Nebraska. So if Nebraska wants to sell some surplus power now, we sell it out onto the grid, we sell to Kansas City Power and Light, we sell it all the way down to Florida as we put in on the grid, sell it all over the eastern nation. But at the end of that sale, we have nothing. This allows us to use that same sale in the state of Nebraska, to have a business develop in Nebraska, that after

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

Floor Debate  
February 15, 2012

---

five years we can add them to our base load, and then that helps all our customers at the end of five years. So with that, we'd ask for your adoption of LB1043. Thank you. [LB1043]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening to LB1043. (Doctor of the day introduced.) As noted, there is a Natural Resources Committee amendment, AM1822. Senator Langemeier, you're recognized to open. [LB1043]

SENATOR LANGEMEIER: Mr. President, members of the body, the committee statement does one simple thing. The committee statement declares that, by statute, it requires that the cost of production cannot be...or this economic development rate cannot be less than the incremental cost of the electricity produced. So if it takes a little more coal to generate that little bit more energy, we have to make sure that cost of production is covered within the economic rate given to these businesses. So with that, we'd ask for your adoption of AM1822. Thank you. [LB1043]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening of the Natural Resources Committee amendment AM1822. Seeing no requests to speak, Senator Langemeier, you're recognized to close. Senator Langemeier waives closing. The question before the body is on the adoption of AM1822 to LB1043. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1043]

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB1043]

PRESIDENT SHEEHY: AM1822 is adopted. We will now return to floor discussion on LB1043. Seeing no requests to speak, Senator Langemeier, you're recognized to close. [LB1043]

SENATOR LANGEMEIER: Mr. President, members of the body, again, I appreciate the vote on the committee amendment and the passage of LB1043. This is an economic tool that we can use in Nebraska that doesn't cost...doesn't have a fiscal note behind it. It's not a cost. It allows us to be more efficient in our use of electricity and production in the state of Nebraska. I want to ask for your adoption of LB1043. Thank you. [LB1043]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the closing. The question is on the advancement of LB1043. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1043]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB1043. [LB1043]

PRESIDENT SHEEHY: LB1043 advances. Mr. Clerk, we will now move to Select File,

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

Floor Debate  
February 15, 2012

---

first LB370. [LB1043 LB370]

CLERK: LB370. Senator Larson, I have Enrollment and Review amendments. (ER145, Legislative Journal page 302.) [LB370]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB370]

SENATOR LARSON: Mr. President, I move that the E&R amendments to LB370 be adopted. [LB370]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. They are adopted. [LB370]

CLERK: Senator Wightman would move to amend with AM1996. (Legislative Journal page 509.) [LB370]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on AM1996. [LB370]

SENATOR WIGHTMAN: Thank you, Mr. President. Members of the body, on General File objections were raised to the outright repeal of the treasurer's tax deed process as proposed in LB370 as originally drafted. Your action to advance LB370 to Select File in order to develop a compromise has been appreciated and probably results in a better bill. AM1996 represents that compromise. Instead of repealing the treasurer's tax deed and the process in its entirety, AM1996, in summary, makes four changes to the treasurer's tax deed and the process going with that deed. The substance of the notification is improved through providing additional information to the person who will lose their property unless they act. The process used to serve the notice is improved by changing the method of service from certified mail to personal service by a sheriff or authorized process server. For owner-occupied property, a second notice must be sent by certified mail of the additional 45-day period to redeem the property. The property is owner-occupied if it is actually occupied by the record owner or by the surviving spouse of the record owner or a minor child of the record owner. The redemption period is extended from 3 months to 3 months and 45 days. Now, this is only as to the owner-occupied property. A redemption period allows the owner to pay back the back taxes and interest to retain their ownership of the property. Because of the fact, however, that they have waited until the last minute, AM1996 provides for a 20 percent penalty added to the amount payable. Unless redeemed 45 days after the application for tax deed, the redemption period ends and the property is transferred. The final change in AM1996 does not change the treasurer's tax deed process. Section 10, found on the last page of the amendment, was added to address any concerns about the possibility that LB370 might impair the contractual rights of the owners of existing tax sale certificates. The question is addressed by an express provision that, and I quote,

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

Floor Debate  
February 15, 2012

---

changes in law shall not apply retroactively with regard to tax sale certificates previously issued. Our thought being that people that now own those tax sale certificates bought them with this understanding and that their rights ought to be protected, even though there was some question that that was a constitutional problem. With these changes, the objections raised on General File have been addressed. The notice provided to the delinquent taxpayer is improved in substance and procedure. If the property is owner-occupied, the owner is provided a second notice and 45 additional days to save his or her property. With that, I would ask you to vote for AM1996 and then to vote for the advancement of LB370. If you have any questions, I will be happy to try to answer them, but I really think we've addressed all of the issues. Thank you. [LB370]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening of AM1996 to LB370. Seeing no requests to speak, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the adoption of AM1996 to LB370. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB370]

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of Senator Wightman's amendment. [LB370]

PRESIDENT SHEEHY: AM1996 is adopted. [LB370]

CLERK: I have nothing further on the bill, Mr. President. [LB370]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB370]

SENATOR LARSON: Mr. President, I move that LB370 be advanced to E&R for engrossing. [LB370]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB370 advances. (Visitors introduced.) Mr. Clerk, we will now move to LB576. [LB370 LB576]

CLERK: LB576. Senator Larson, I have Enrollment and Review amendments. (ER164, Legislative Journal page 417.) [LB576]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB576]

SENATOR LARSON: Mr. President, I move that the E&R amendments to LB576 be adopted. [LB576]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. They are adopted. [LB576]

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

Floor Debate  
February 15, 2012

---

CLERK: I have nothing further on the bill, Senator. [LB576]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB576]

SENATOR LARSON: Mr. President, I move that LB576 be advanced to E&R for engrossing. [LB576]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB576 advances. We'll now proceed to LB498. [LB576 LB498]

CLERK: LB498. Senator, I do have E&R amendments. (ER163, Legislative Journal page 417.) [LB498]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB498]

SENATOR LARSON: Mr. President, I move that LB498 be...the amendments to LB498 be adopted. [LB498]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. They are adopted. [LB498]

CLERK: I have nothing further on the bill, Senator. [LB498]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB498]

SENATOR LARSON: Mr. President, I move that LB498 be advanced to E&R for engrossing. [LB498]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB498 advances. We'll now proceed to LB836. [LB498 LB836]

CLERK: LB836. Senator, I have no amendments to the bill. [LB836]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB836]

SENATOR LARSON: Mr. President, I move the E&R amendments (sic) to LB836 be adopted. [LB836]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB836 advances. We'll now proceed to LB714. [LB836 LB714]

CLERK: LB714. Senator, I have no amendments to the bill. [LB714]

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

Floor Debate  
February 15, 2012

---

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB714]

SENATOR LARSON: Mr. President, I move that LB714 be advanced to E&R for engrossing. [LB714]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB714 advances. We'll now proceed to LB852. [LB714 LB852]

CLERK: LB852. Senator, I have no amendments to the bill. [LB852]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB852]

SENATOR LARSON: Mr. President, I move that LB852 be advanced to E&R for engrossing. [LB852]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB852 advances. We'll now proceed to LB853. [LB852 LB853]

CLERK: LB853. There are E&R amendments, Senator. (ER166, Legislative Journal page 417.) [LB853]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB853]

SENATOR LARSON: Mr. President, I move the E&R amendments to LB853 be adopted. [LB853]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. They are adopted. [LB853]

CLERK: I have nothing further on the bill, Senator. [LB853]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB853]

SENATOR LARSON: Mr. President, I move that LB853 be advanced to E&R for engrossing. [LB853]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB853 advances. We'll now move to LB677. [LB853 LB677]

CLERK: LB677. Senator, I do have E&R amendments. (ER168, Legislative Journal page 430.) [LB677]

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

Floor Debate  
February 15, 2012

---

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB677]

SENATOR LARSON: Mr. President, I move the E&R amendments to LB677 be adopted. [LB677]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB677]

CLERK: Senator Lathrop would move to amend with AM2022. (Legislative Journal pages 529-531.) [LB677]

PRESIDENT SHEEHY: Senator Lathrop, you're recognized to open on AM2022. [LB677]

SENATOR LATHROP: Thank you, Mr. President. And, colleagues, good morning. Let me start with this. You'll recall LB677 was the bill that dealt with assaults on healthcare workers. AM2022 addresses concerns expressed on General File regarding mandatory prison sentence language that was in the original bill. The amendment replaces all previous amendments to LB677. It strikes the mandatory prison sentence language and amends the assault on an officer in the first, second, and third degree statutes by including healthcare professionals. These are state statutes 28-929, 28-930, and 28-931. Those statutes provide enhanced penalties above and beyond the regular assault statutes if certain officers or employees are assaulted while they're engaged in the performance of their duties. The amendment simply adds healthcare professionals to those covered by the assault statutes. Sections 4 and 5 of the amendment are similar to current versions of the bill. Section 4 includes definitions of healthcare professionals. Section 5 changes the language on the sign discussed on General File so that it accurately reflects changes made by this amendment. The sign would now read, "Assaulting a health care professional who is engaged in the performance of his or her official duties is a felony." This is in response to concerns that I heard from Senator Schumacher and others regarding taking discretion away from the court at sentencing. I think I'd probably agree with that philosophically. And this is a better approach to addressing the concerns that we'd discussed on General File regarding healthcare professional assaults, and I would encourage your support of AM2022. Thank you. [LB677]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. You've heard the opening of AM2022 to LB677. Member requesting to speak: Senator Carlson. [LB677]

SENATOR CARLSON: Mr. President and members of the Legislature, I did have a reservation on General File about the mandatory sentencing, and I think that AM2022 is a good correction to this, and I support it and would ask for your support as well. Thank you. [LB677]

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

Floor Debate  
February 15, 2012

---

PRESIDENT SHEEHY: Thank you, Senator Carlson. Seeing no additional requests to speak, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question before the body is on the adoption of AM2022 to LB677. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB677]

CLERK: 39 ayes, 0 nays, Mr. President, on adoption of Senator Lathrop's amendment. [LB677]

PRESIDENT SHEEHY: AM2022 is adopted. [LB677]

CLERK: I have nothing further on the bill, Mr. President. [LB677]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB677]

SENATOR LARSON: Mr. President, I move that LB677 be advanced to E&R for engrossing. [LB677]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB677 advances. We'll now proceed to LB873. [LB677 LB873]

CLERK: LB873. Senator, I do have Enrollment and Review amendments. (ER167, Legislative Journal page 432.) [LB873]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB873]

SENATOR LARSON: Mr. President, I move the E&R amendments to LB873 be adopted. [LB873]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB873]

CLERK: I have nothing further on the bill, Senator. [LB873]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB873]

SENATOR LARSON: Mr. President, I move that LB873 be advanced to E&R for engrossing. [LB873]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB873 advances. We'll now proceed to LB770. [LB873 LB770]

CLERK: LB770. Senator, I do have Enrollment and Review amendments. (ER169,

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

Floor Debate  
February 15, 2012

---

Legislative Journal page 432.) [LB770]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB770]

SENATOR LARSON: Mr. President, I move the E&R amendments to LB770 be adopted. [LB770]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB770]

CLERK: I have nothing further on the bill, Senator. [LB770]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB770]

SENATOR LARSON: Mr. President, I move that LB770 be advanced to E&R for engrossing. [LB770]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB770 advances. We'll now proceed to LB771. [LB770 LB771]

CLERK: LB771. Senator, I do have E&R amendments. (ER170, Legislative Journal page 432.) [LB771]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB771]

SENATOR LARSON: Mr. President, I move the E&R amendments to LB771 be adopted. [LB771]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB771]

CLERK: I have nothing further on the bill, Senator. [LB771]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB771]

SENATOR LARSON: Mr. President, I move that LB771 be advanced to E&R for engrossing. [LB771]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB771 advances. We'll now proceed to LB536. [LB771 LB536]

CLERK: LB536. I have E&Rs, first of all, Senator. (ER171, Legislative Journal page 439.) [LB536]

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

Floor Debate  
February 15, 2012

---

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB536]

SENATOR LARSON: Mr. President, I move that the E&R amendments to LB536 be adopted. [LB536]

PRESIDENT SHEEHY: You've the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB536]

CLERK: Mr. President, Senator Wightman, I have AM1988 with a note that you wish to withdraw that amendment, Senator. [LB536]

SENATOR WIGHTMAN: That's correct. [LB536]

PRESIDENT SHEEHY: AM1988 is withdrawn. [LB536]

CLERK: Senator Wightman will move to amend with AM2046, Mr. President. (Legislative Journal pages 531-534.) [LB536]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on AM2046 to LB536. [LB536]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. Okay, I'm trying to find where I am on this. General File. LB536 was brought to enact the Nebraska Uniform Real Property Transfer on Death Act. The bill provides an asset-specific mechanism for the nonprobate transfer of land. On General File, the Judiciary Committee amendment, AM1668, was adopted and became the bill. The committee amendment represents three years of work to fine-tune this uniform law to conform to other laws in the state of Nebraska and to address concerns that were brought forward when the bill was on General File. The committee amendment addresses the issues that had been raised by interested parties and those individual concerns. Since then, Senator Flood, Senator Nelson, and Senator Schumacher raised additional concerns about the provisions of LB536 on General File and further discussions after--it was advanced on General File--most of which I've agreed to; in a couple of instances we've compromised. AM2046 is intended to address those concerns. Senator Flood and I have reached an agreement on language that will address his concerns about the exercise of undue influence upon the person who is executing the transfer on death deed. To address this issue, we have agreed to apply the formalities applicable to a self-proved will...self-proving will. A self-proving will is a will that proves its validity without the necessity for the witnesses to appear in court. In summary, the formalities of a self-proving will are that, one, the transferor signed under oath; two, the transferor declares that he or she understands that they are transferring their interest in the property, that they're not a minor, that they're of sound mind, and

Floor Debate  
February 15, 2012

---

that they're under no constraint or undue influence. Two disinterested witnesses also sign under oath in a self-proving will...and will as well. Under the transfer on death deed, the oath provides that they both were in the presence and hearing of the transferor and witnessed the transferor's signing and making the required declarations that to the best of their knowledge the transferor is not a minor and the transferor is of sound mind and under no constraint or undue influence. As further clarification, the amendment expressly states a transfer on death deed is subject to common law principles of equity except as modified by the Transfer on Death Deed Act. To address a concern raised by Senator Schumacher that this might be stuck in a drawer somewhere and never filed, the amendment contains a provision that the transfer on death deed must be filed with the register of deeds where the property is located within 30 days after execution and before the transferor's death. The transfer on death deeds are not going to be able to just put away somewhere and then all of a sudden brandished when the transferor dies. To address a concern raised by Senator Nelson, the amendment requires that to revoke a transfer on death deed, the same formalities are required for execution as are required in execution of the original transfer on death deed. In the very vein, it should be just as hard to revoke a transfer on death as it is to execute one. To address a concern that came up late in the game with regard to both Senator Flood and banking interests about the disposition of growing crops on agricultural land upon the transferor's death, the amendment includes an express provision that the transferor can address the issue in the transfer on death deed. Or if the transfer on death deed does not address the issue, the interest in growing crops will pass to the transferor's estate upon his or her death, as opposed to passing to the transfer on death beneficiary. Also, the Bill Drafters Office suggested certain technical changes that they believe could not be addressed with E&R amendments, and those have been wrapped in...those technical amendments are addressed within AM2046. With the amendments that are made and our attempt to address all of the issues, I would urge the adoption of AM2046 and the advancement of LB536. If you have any questions, I will attempt to address them as best I am able. Thank you, Mr. President. [LB536]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening of AM2046 to LB536. Member requesting to speak: Senator Flood. [LB536]

SPEAKER FLOOD: Thank you, Mr. President, members. I am supportive of this amendment, and I'm going to support this bill. Senator Wightman and I and Senator Seiler and others have talked about this. What his amendment does is exactly what we talked about on General File. It makes sure that you have two witnesses. To the extent they can, they verify in a sworn statement that the grantor or transferor is of sound mind, and the other part is it addresses the crops. So let's imagine, again, if Grandma were to die and it's July 17 and the corn is shooting up out of the ground, one of the concerns I had is that under the green copy of the bill that crop would belong to the new grantee or whoever they transferred it to upon Grandma's death. That crop should stay with Grandma's estate, because she's probably got the banker involved; she's probably

Floor Debate  
February 15, 2012

---

already paid for the inputs. You know, her checking account needs to balance, too, even though she's not here anymore. And I just want to make sure that the crop in the ground stays with the person who died and their estate to pay the bills. And then the transferee has the next year to go ahead and farm that ground. That's where I'm at on it. And I think this amendment is good. I think it's good for agriculture and farm families. And I'm going to vote for LB536. [LB536]

PRESIDENT SHEEHY: Thank you, Senator Flood. Seeing no additional requests to speak, Senator Wightman, you're recognized to close on AM2046. Senator Wightman waives closing. The question before the body is on the adoption of AM2046 to LB536. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB536]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of Senator Wightman's amendment. [LB536]

PRESIDENT SHEEHY: AM2046 is adopted. Mr. Clerk, you have an amendment on your desk. [LB536]

CLERK: Senator Burke Harr would move to amend with AM2042. (Legislative Journal page 534.) [LB536]

PRESIDENT SHEEHY: Senator Harr, you're recognized to open on AM2042. [LB536]

SENATOR HARR: Thank you, Mr. Lieutenant Governor. Ladies and gentlemen, AM2042 is a friendly amendment. This is originally LB818 that made it out of committee. I just want to expedite our time, because I feel as though we aren't going quickly enough. So what AM2042 does is, on a deed where there's a divorce and it's a transfer between a husband and wife, we just take away the tax on that. It's very simple. It's what's largely been practiced in almost every county across the state except for one. And it's just a clarification of language to say that there isn't intent to charge the document stamp tax on a conveyance between...or property held between a husband and wife. Thank you. [LB536 LB818]

PRESIDENT SHEEHY: Thank you, Senator Harr. You've heard the opening of AM2042 to LB536. Seeing no requests to speak, Senator Harr, you're recognized to close. [LB536]

SENATOR HARR: I will waive. [LB536]

PRESIDENT SHEEHY: Senator Harr waives closing. The question before the body is on the adoption of AM2042 to LB536. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB536]

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

Floor Debate  
February 15, 2012

---

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of Senator Harr's amendment. [LB536]

PRESIDENT SHEEHY: AM2042 is adopted. We'll now return to LB536. Member requesting to speak: Senator Flood. [LB536]

SPEAKER FLOOD: Thank you very much, Mr. President. I've been visiting with Senator Seiler about the amendment we just adopted from Senator Wightman; I think it was AM2046. I'd like to ask him a question. I believe there's a technical issue we should talk through before this bill advances to Final Reading. [LB536]

PRESIDENT SHEEHY: Senator Seiler, would you yield to Senator Flood? [LB536]

SENATOR SEILER: I will. [LB536]

SPEAKER FLOOD: Senator Seiler, you and I were just talking about the amendment we just adopted. And you and I were having a discussion about one of the provisions. Could you walk me through that real quick? [LB536]

SENATOR SEILER: Yes. Basically, I'm concerned about in the warning where, on AM1668 that was just adopted, which...it says that the beneficiary shall be liable for all of the expenses after all of the estate's assets are used up, up to the extent of which he receives as a beneficiary. If you're planning an estate and say you have two brothers and you use this document to send the farm to one brother and the cash and insurance money and all the other assets to the other brother. If the language is adopted in this warning, the brother gets to pay the administration costs, the federal estate tax, and all the input...say she has a operating loan, which many of them do. That debt gets paid off first under the noninheriting brother's assets. And it...I had talked earlier to the bar association, and they were going to amend this to make it pro rata, and yet we haven't seen an amendment come through on that. It seems to me that if they're going to inherit, they ought to inherit the debts as well as the assets on a prorated basis. That's why the life estate under Nebraska...if you do it with a life estate, which has been mentioned many times, with a deed, that that crop goes with the life estate. The person that dies, the crop and the assets go with them, and that crop money then can pay off the operating loan. Instead, the way this bill reads right now, the crop would go with the named beneficiary, and the other assets, which were going to the other beneficiaries in the estate, would end up paying those operational loans, and there would be no crop funds for the payoff to the banker. And I think we just need to take a look at that, because that seems to be to me a major problem in planning estates. [LB536]

SPEAKER FLOOD: Well, I appreciate that. As it relates to your concern...so primarily, on that warning...I think you're on page... [LB536]

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

Floor Debate  
February 15, 2012

---

SENATOR SEILER: Three. [LB536]

SPEAKER FLOOD: ...3, line 10 of the committee amendment that was adopted on General File, AM1668. And are you thinking that in line 13 there should be an amendment that says, starting at line 12, "to the extent necessary to discharge any such claim remaining after a pro rata application of the assets"? "Remaining after application of the..." okay, where would you want to add the word "pro rata"? [LB536]

SENATOR SEILER: Well, we need to add the word "pro rata" between the beneficiary's asset and the other assets of the estate...should serve as a pro rata for the expenses...administration expenses, any liabilities that are out there. So they're treated equally between the beneficiaries of the will, now, and this document. Otherwise, the beneficiary under... [LB536]

PRESIDENT SHEEHY: One minute. [LB536]

SENATOR SEILER: ...this document would receive all the assets free and clear and not have to pay any expenses. [LB536]

SPEAKER FLOOD: Okay. Well, I'm certainly not opposed to making that change to clarify that. I'd like, maybe, Senator Wightman to weigh-in on his own time. And then I can come back and visit with you, and we can look at what an amendment may look like on the floor here. But thank you very much, Mr. President. [LB536]

PRESIDENT SHEEHY: Thank you, Senator Flood. Senator Wightman. [LB536]

SENATOR WIGHTMAN: Thank you, Mr. President. This was only brought to me as a concern this morning, so we haven't had an attempt to address that with regard to any change. It certainly was our intent that there be a pro rata payment of any of the overage expenses. On the other hand, that asset is going to the party, so I guess I would want to study that a little more before I proposed any amendment here today to address that issue. I think we may have to pull it back. I think if we do something today, it's going to be quite hurried and probably very difficult to word without coming back again anyway. But it would be our intent that those expenses be prorated. On the other hand, if somebody is getting a life insurance policy, it would be completely different from what we have right now, if he were to pay part of...if the beneficiary of that life insurance policy were to pay part of this. So again, I think we're going to have to study that issue and probably have to ask it to be returned for a separate amendment. Thank you. [LB536]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Langemeier. [LB536]

SENATOR LANGEMEIER: Mr. President and members of the body, we're going to

Floor Debate  
February 15, 2012

---

utilize a little time here as they continue to have this discussion on what we should do with the concern just raised on LB536. And I stood up on LB536 on General File and had some concerns about that witness component and having two notaries. I think the first amendment that Senator Wightman put on today kind of dealt with some of that. And I think that was important. But for now I think Senator Seiler has brought up a good point. You don't want to have half of the estate paying all the expenses for the rest of the estate. And so as they continue to work on that, I would encourage my colleagues, if they have any thoughts on this, to weigh-in as we stand around and try and deal with this on the floor today. So, Mr. President, thank you. [LB536]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Additional members requesting to speak on LB536: Senator Bloomfield, followed by Senator McCoy. Senator Bloomfield. [LB536]

SENATOR BLOOMFIELD: Thank you, Mr. President. I have some questions with the amendment we just passed, too, and I'm not sure just how to approach it. But I wonder if in a rental basis, where the crop is already supposed to all belong to the renter, are we now giving the crop to the deceased estate after the renter has paid the cash rent due or the sharecrop due, that he or she as the renter should own that crop? And I'd like to ask Speaker Flood about that, if he gets a minute. But I think he's pretty well involved right now. And I'll come back on the mike when Senator Flood breaks out of that huddle there. [LB536]

PRESIDENT SHEEHY: Senator Price. [LB536]

SENATOR PRICE: Thank you and good morning, Mr. President and Nebraska. I rise to speak on this bill, obviously, as they're working on things. I at one point in time had become part of an estate settlement, and I had part of the...I inherited the bills. And it was a very difficult process to work through, because I only...I had access to one account, and I had utility bills being drawn off that account. Another person had the authority to execute changing and dropping all those accounts and...over the power of attorney on the estate. But I still had control of one account that had a bill coming out of it, and this bill...for whatever reasons, the...my credit report still reports that there was a problem in getting a bill paid. It wasn't my bill. I didn't have access to shut it off, and particularly in time, to an account that was closed and zero balanced. So as we're dealing with these things, this is a rather tricky area to deal with. Senator Bloomfield has brought up a very good point, at least from my position. Obviously, I don't profess to be an attorney, let alone an attorney in this area, in this special area of law, but I believe what Senator Bloomfield pondered was a very valid thing. Would Senator Harr yield to a question? [LB536]

PRESIDENT SHEEHY: Senator Ken Haar or Burke Harr? [LB536]

Floor Debate  
February 15, 2012

---

SENATOR PRICE: Burke Harr, please. [LB536]

PRESIDENT SHEEHY: Senator Harr, would you yield? [LB536]

SENATOR HARR: Yes. [LB536]

SENATOR PRICE: Thank you, Senator Harr. We're enjoying our opportunity to have a conversation on some delicate areas of law, and I saw you standing there, and you had talked on this, so I was going to ask you to pose it or give us another concept or idea of what you thought about Senator Bloomfield's question, if you had someone who was renting land and they already had that...and then you have this happen. What happens in that situation? [LB536]

SENATOR HARR: That is a very good question. I think a lot...and I don't want to feel like I'm not answering the question, but it's a very fact-specific question. And a lot would be determined...or the answer would be determined by what the lease says, what the will says. So while it seems like we should be able to give a general answer here, unfortunately it depends on how the parties contracted and contemplated that situation. [LB536]

SENATOR PRICE: All right. Well, I really appreciate that, Senator Harr. And I think that goes...let me ask this question. Would it be plausible that an individual would have one document drawn up by one attorney and another drawn up by a separate one and they wouldn't necessarily have cross-checked with each other what was done? [LB536]

SENATOR HARR: Yes, that is very plausible. And, unfortunately, I think that does occur, which...I think it's important, when you have more than one attorney, that you let the other one know what the other one has done. It's no different than when you go to a doctor and one prescribes you one medicine, you want to make sure that that second doctor knows what the first doctor has prescribed you so that you would avoid harmful side effects. [LB536]

SENATOR PRICE: Thank you. So what I take that to be...should there be something in statute...put a, I hesitate to use the word, but put a burden, a requirement? If you're going to ask me to set up this type of document, you need to bring me all the other ones so I can work through those wickets. [LB536]

SENATOR HARR: You know, it seems like what you're asking is common sense. And should we legislate common sense? And the answer is, it gets difficult. It's important that when you do go...a client goes to their attorney that they do bring all that information. The problem is a client may not know what is important and what is not important, and they may forget something. And then we have an issue of who's liable at that point. Is the client liable? Is the attorney liable? I guess my best piece of advice

Floor Debate  
February 15, 2012

---

would be, before you go to see your attorney, to make sure you get all your paperwork, very similar to before you go to see your tax accountant: make sure you have all your paperwork in order so that they can make the best decision for you. [LB536]

SENATOR PRICE: Well, I appreciate the conversation. I think you clarified that for me, to bring it down to one central thing. The burden really does belong on the person who's going to be the benefactor of this instrument. That if I'm going to go and get a power of attorney, I'm going to do a will, I'm going to execute something, it's my responsibility to bring forth and to share all the information to make sure...it's no one else's. You can't sit out there in an office and divine what's out there. So, Senator Harr, I really appreciate having the opportunity to discuss this with you. [LB536]

PRESIDENT SHEEHY: Time, Senator. [LB536]

SENATOR PRICE: Thank you. [LB536]

PRESIDENT SHEEHY: Thank you, Senator Price. (Visitor introduced.) Continuing with floor discussion on LB536. Members requesting to speak: Senator Schumacher, Senator Burke Harr, Senator Wightman, Senator Flood. Senator Schumacher. [LB536]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. This particular piece of legislation and the little difficulty we've had in drafting it and the adjustments that Senator Wightman has made to correct some of those issues reflects on a larger issue that we have because of our aging population. Used to be very simple rules that you applied in order to transfer real estate. You'd just deed it over. You could deed it with a life estate, in which you held back the right to live on the property for the rest of your life, and then your children took it automatically. Or you did what most people did and wrote it in a will. And you had a will that generally required some pretty stiff standards in order to be implemented. You had to have witnesses; usually in writing a will they went to a lawyer. The lawyer examined the situation when they notarized the will, to make sure that everything was voluntary. Presumably that lawyer was a lawyer that had known the family or at least conducted a sufficient interview of the person making the will to know and to understand that they didn't have any other odd documents that would be messing up the title in the will. And the things worked pretty well, and people did some estate planning along the line. People like simplicity. They like the ability to have a name put on a CD and that payable on death and then avoid much of the legal process if not some of the taxing process. This is a similar mechanism here, in which there can be a transfer of a house, maybe a farm, maybe some other real estate, without the whole procedure of probate. However, what this does do is begin to address the issue--and it remains in some extent nonaddressed--of our aging population and the inclination, as people get older, to act on the spur of the moment or to have forgotten that they might have a will, that they maybe have had a trust, that they have otherwise disposed of the property. And if an heir brings to them a piece of paper

Floor Debate  
February 15, 2012

---

that has legal consequence, that piece of paper can undo a lot. So what Senator Wightman has done here is at least tried to mitigate that process somewhat. But as our population becomes more and more susceptible to the sometimes forgetfulness of age, sometimes the emotional weakness of being pressured by an heir, these will be issues that we'll again and again we will confront and will present problems for the courts and challenges for attorneys all the way around. You know, you never want to say that you have to use an attorney on some of this, but attorneys...people who have any amount of property would be well advised to not just print a form off the Internet in order to accomplish these particular objectives but instead to go to a family attorney and to do so without the presence of the heirs, who may have a desire to influence the outcome of the proceeding. Likewise, the witnesses to these particular documents should be cautioned to read and understand what they say they're witnessing. Because all too often someone is called to witness something, doesn't have the foggiest notion what they're witnessing, and then signs off on the particular paper, maybe even thinking they were signing off on something completely different. So everyone should be cautioned in the exercise of these very powerful documents that can have tax consequences, influence on any trust or estate that they may have willed, they may have set up already, and may treat their heirs inequitably, something that will create rifts and problems in the family for many years to come. Thank you, Mr. President. [LB536]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Thank you, Senator Schumacher. Mr. Clerk, for an amendment. [LB536]

CLERK: Mr. President, Senator Flood would move to amend the bill with FA33. (Legislative Journal page 534.) [LB536]

SENATOR GLOOR: Senator Flood, you're recognized to open on your amendment. [LB536]

SPEAKER FLOOD: Thank you, Mr. President, members. And I appreciate the assistance of the Clerk's Office and, Mr. Clerk, yourself for helping me put this together. Essentially, what we're doing is we're taking what's in Section 16 in the committee amendment and we're making sure the warning that has to be on the deed itself does...or that the transferor (inaudible) does reiterate that it's a proportionate share of the assets that will be expected to be used in terms of paying down the debts of the estate. Right? We're getting to the right place here, and we are adding the words, "a proportionate," on page 3, line 13, of AM1668. You can find this on your gadget, I believe, as FA33. This addresses what Senator Seiler is talking about. And it conforms the language to what's in Section 16 already. And it's in AM1668. The other thing I want to say to Senator Bloomfield. You raised a question that I think has merit. And the question is, if Grandma is cash-renting her ground out to a neighbor, not related, and

Floor Debate  
February 15, 2012

---

then her son becomes the owner on a transfer on death deed, and we say the crops stay with the decedent's estate. I think that's actually the best way forward for the tenant or the neighbor that's cash-renting the ground, because his relationship is going to be with Grandma's estate, not with the son that he doesn't know. And the estate is going to go ahead and perform on that oral or written contract. So when you cash-rent someone's ground, you have a written agreement, hopefully...if you don't have a written agreement and you have a verbal agreement, consider getting a written agreement, but you still have a contract. And that contract is still in effect. And the personal representative of Grandma's estate will work with the tenant or whoever is cash-renting. And I think it's much cleaner to have it go through the estate process, because the son wasn't in privity of contract with the owner of the ground...or wasn't in privity of contract with the cash-renter. So cash-renter comes in, there's a new sheriff in town, Grandma's gone, here comes son or cousin or whoever, and suddenly they say: Well, I didn't have a contract with you, and I'm not her personal representative; you deal with me now. I think the person that's cash-renting the ground should work with the estate, because the estate is bound by that contract that survives the decedent's death. So I hope that answers your question. It's a valid one; it's one I had to think through a little bit to make sure we were doing the right thing. But I feel like this bill as amended with this belt-and-suspenders amendment will take us to a good place, and I'm going to support it. Thank you, Mr. President. [LB536]

SENATOR GLOOR: Thank you, Senator Flood. Members, you've heard the opening on FA33 to LB536. Senator Wightman, you are recognized. [LB536]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. First of all, I'd like to express my appreciation to Senator Seiler. I think he caught something that was in the warning that was inconsistent with other language in the bill. Possibly...probably it would have been interpreted--since we, really, are talking about formal language and the legal effect--it probably would have been interpreted that way at any rate, because the language we're changing is only in the warning. But I think it is much better that there be a clarity between the warning and the actual legal language that we're changing in this instance. So I think...I'm supportive of Senator Flood's floor amendment. I think he originally had made that amendment to AM1688; it is AM1668. And I think that has now been reflected on your gadgets that we have in front of you. So I think it's now correct. But I do believe that is important. I might address a little bit of Senator Bloomfield's concern. And that is if you're dealing with a tenant who has provided the input crops on a cash lease, then we're not talking about the same thing we are here; we're talking about--and we haven't injected this word yet--"emblems," which means growing crops, but it's usually referred to as emblems in the law. So I don't know that that would be applicable in the event of a cash lease. So we've attempted to address this as best we can. With that, I would ask that we vote green on Senator Flood's FA33 and then pass to E&R Initial. Thank you...or E&R final. [LB536]

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

Floor Debate  
February 15, 2012

---

SENATOR GLOOR: Thank you, Senator Wightman. Senator Janssen, you are recognized. [LB536]

SENATOR JANSSEN: Thank you, Mr. President and members. Would Senator Burke Harr yield to a question? [LB536]

SENATOR GLOOR: Senator Harr, would you yield? [LB536]

SENATOR HARR: Yes. [LB536]

SENATOR JANSSEN: Thank you, Senator Harr. And I appreciate the discussion this morning in bringing me up to speed on all the parts to this bill. The one part I did miss is your amendment to the bill. And could you just give me a brief overview of that? I had to step out to the Rotunda. [LB536]

SENATOR HARR: Yes. Oh. I'm sorry. Did you ask me to...? I couldn't hear you. I'm sorry, I had someone in... [LB536]

SENATOR JANSSEN: Oh, that's all right. I asked you just to explain your amendment that you hung on the bill here. [LB536]

SENATOR HARR: Okay. Yeah. I would be glad to. And thank you very much; that's a good question. And I was rather brief with it, so I appreciate the chance to go a little bit more in depth. My amendment is actually based on LB818. And LB818 went in front of Banking, Commerce and Insurance. And after the committee hearing, there was an amendment attached to it. So if you look at LB818, it's not exactly analogous...or the same as the amendment. But it's a very simple bill...or amendment now. And what it says is if there's a transfer of a property and that transfer is based upon a court order in a divorce, i.e., husband and wife get divorced, wife gets the house. Normally when you transfer a mortgage, you have to pay a mortgage tax stamp, and that's based on a percentage of the value of the home. Well, it doesn't seem like it's good public policy, when the transfer is based on a court order and it's transferring it from a husband and a wife to in my situation just a wife. So what this does...and most counties in Nebraska do not charge this document tax stamp for the transaction that occurs in a divorce. There's only one that, really, does it. And so we're just trying to codify what is already existing as practice. [LB536 LB818]

SENATOR JANSSEN: Thank you, Senator Harr. The one that does...that is charging, is that Douglas County or Lancaster or...? [LB536]

SENATOR HARR: It is my understanding that it is Lancaster, yes. [LB536]

SENATOR JANSSEN: Okay. Thank you very much for the explanation. I appreciate it.

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

Floor Debate  
February 15, 2012

---

[LB536]

SENATOR HARR: Thank you, Senator Janssen. I appreciate it. [LB536]

SENATOR GLOOR: Thank you, Senator Janssen and Harr. (Visitors introduced.) There are no senators remaining to be recognized. Senator Flood, you are recognized to close on your amendment. [LB536]

SPEAKER FLOOD: Thank you, Senator Gloor. Thank you, members, for your patience this morning on this issue. I think this satisfies the concern raised by Senator Seiler. And I think this amendment is necessary and will help clarify in the warning what the intent of Section 16 in AM1668 is. Thank you, Mr. President. [LB536]

SENATOR GLOOR: Thank you, Senator Flood. The question is, shall the amendment to LB536 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB536]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Flood's amendment. [LB536]

SENATOR GLOOR: The amendment is adopted. [LB536]

CLERK: I have nothing further on the bill, Mr. President. [LB536]

SENATOR GLOOR: Senator Nordquist for a motion. [LB536]

SENATOR NORDQUIST: Mr. President, I move LB536 to E&R for engrossing. [LB536]

SENATOR GLOOR: Thank you, Senator Nordquist. You've heard the motion. All those in favor say aye. All those opposed say nay. LB536 is advanced. Mr. Clerk. [LB536]

CLERK: Senator, LB269. I have no amendments to the bill. [LB269]

SENATOR GLOOR: Senator Nordquist for a motion. [LB269]

SENATOR NORDQUIST: Mr. President, I move LB269 to E&R for engrossing. [LB269]

SENATOR GLOOR: You have heard the motion. All in favor say aye. All opposed, nay. LB269 is advanced. Mr. Clerk. [LB269]

CLERK: Mr. President, Senator Nordquist, LB828. I have E&R amendments pending, Senator. (ER172, Legislative Journal page 439.) [LB828]

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

Floor Debate  
February 15, 2012

---

SENATOR GLOOR: Senator Nordquist for a motion. [LB828]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB828. [LB828]

SENATOR GLOOR: Members, you've heard the motion. All in favor say aye. All opposed, nay. The amendment is adopted. [LB828]

CLERK: I have nothing further on that bill, Senator. [LB828]

SENATOR GLOOR: Senator Nordquist for a motion. [LB828]

SENATOR NORDQUIST: Mr. President, I move LB828 to E&R for engrossing. [LB828]

SENATOR GLOOR: Members, you've heard the motion. All in favor say aye. All opposed say nay. LB828 is advanced. [LB828]

CLERK: Mr. President, LB725. Senator, I have no amendments to the bill. [LB725]

SENATOR GLOOR: Senator Nordquist for a motion. [LB725]

SENATOR NORDQUIST: Mr. President, I move LB725 to E&R for engrossing. [LB725]

SENATOR GLOOR: Members, you have heard the motion. All in favor say aye. All opposed say nay. LB725 is advanced. [LB725]

CLERK: Mr. President, Senator Nordquist, LB470. I have no amendments to the bill. [LB470]

SENATOR GLOOR: Senator Nordquist for a motion. [LB470]

SENATOR NORDQUIST: Mr. President, I move LB470 to E&R for engrossing. [LB470]

SENATOR GLOOR: Members, you have heard the motion. All in favor say aye. All opposed, nay. LB470 is advanced. Mr. Clerk. [LB470]

CLERK: Mr. President, LB879. I have no amendments to the bill, Senator Nordquist. [LB879]

SENATOR GLOOR: Senator Nordquist for a motion. [LB879]

SENATOR NORDQUIST: Mr. President, I move LB879 to E&R for engrossing. [LB879]

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

Floor Debate  
February 15, 2012

---

SENATOR GLOOR: Members, you have heard the motion. All in favor say aye. All opposed, nay. LB879 is advanced. [LB879]

CLERK: LB646, Senator. I have no amendments to the bill. [LB646]

SENATOR GLOOR: Senator Nordquist for a motion. [LB646]

SENATOR NORDQUIST: Mr. President, I move LB646 to E&R for engrossing. [LB646]

SENATOR GLOOR: Members, you have heard the motion. All in favor say aye. All opposed say nay. LB646 is advanced. Mr. Clerk. [LB646]

CLERK: Mr. President, Senator Nordquist, LB886. I have no amendments to the bill. [LB886]

SENATOR GLOOR: Senator Nordquist for a motion. [LB886]

SENATOR NORDQUIST: Mr. President, I move LB886 to E&R for engrossing. [LB886]

SENATOR GLOOR: Members, you have heard the motion. All in favor say aye. All opposed say nay. LB886 is advanced. Mr. Clerk. [LB886]

CLERK: Mr. President, LB890. I have no amendments to the bill, Senator. [LB890]

SENATOR GLOOR: Senator Nordquist for a motion. [LB890]

SENATOR NORDQUIST: Mr. President, I move LB890 to E&R for engrossing. [LB890]

SENATOR GLOOR: Members, you have heard the motion. All in favor say aye. All opposed say nay. LB890 is advanced. Mr. Clerk. [LB890]

CLERK: Mr. President, LB854. Senator, I do have Enrollment and Review amendments. (ER174, Legislative Journal page 469.) [LB854]

SENATOR GLOOR: Senator Nordquist for a motion. [LB854]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB854. [LB854]

SENATOR GLOOR: Members, you have heard the motion. All in favor say aye. All opposed, nay. The amendment is adopted. [LB854]

CLERK: I have nothing further on the bill, Senator. [LB854]

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

Floor Debate  
February 15, 2012

---

SENATOR GLOOR: Senator Nordquist for a motion. [LB854]

SENATOR NORDQUIST: Mr. President, I move LB854 to E&R for engrossing. [LB854]

SENATOR GLOOR: All in favor say aye. All opposed, nay. LB854 is advanced. [LB854]

CLERK: LB911, Senator. I have no amendments to the bill. [LB911]

SENATOR GLOOR: Senator Nordquist for a motion. [LB911]

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

SENATOR GLOOR: Members, you have heard the motion. All in favor say aye. All opposed say nay. LB911 is advanced. Mr. Clerk. [LB911]

CLERK: LB942, Senator. I have no amendments to the bill. [LB942]

SENATOR GLOOR: Senator Nordquist for a motion. [LB942]

SENATOR NORDQUIST: Mr. President, I move LB942 to E&R for engrossing. [LB942]

SENATOR GLOOR: Members, you have heard the motion. All in favor say aye. All opposed say nay. LB942 is advanced. Mr. Clerk. [LB942]

CLERK: Mr. President, Senator Nordquist, LB800. I have no amendments to the bill. [LB800]

SENATOR GLOOR: Senator Nordquist for a motion. [LB800]

SENATOR NORDQUIST: Mr. President, I move LB800 to E&R for engrossing. [LB800]

SENATOR GLOOR: Members, you have heard the motion. All in favor say aye. All opposed say nay. LB800 is advanced. Mr. Clerk, we now move to General File. [LB800]

CLERK: Mr. President, General File. The first bill this morning, LB723, it's a bill introduced by Senator Bloomfield. (Read title.) The bill was introduced on January 4 of this year, at that time referred to the Health and Human Services Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB723]

SENATOR GLOOR: Thank you. Senator Bloomfield, you're recognized to open on LB723. [LB723]

Floor Debate  
February 15, 2012

---

SENATOR BLOOMFIELD: Thank you, Mr. President. And good morning again, members. LB723 is one of those little technical bills that we all get from time to time. It was brought to me by the Department of Health and Human Services, and it simply changes some language without changing the law. It takes the language where we in Nebraska have referred to small-town water systems as "small systems" and changes it to match federal language that says "water systems serving fewer than 10,000 people." And that's basically what the law does. And rather than to carry on for a long time, I'd ask you to move it. Thank you. [LB723]

SENATOR GLOOR: Thank you, Senator Bloomfield. (Visitors introduced.) Members, you've heard the opening on LB723. Are there members wishing to speak? Seeing none, Senator Bloomfield, you're recognized to close. Senator Bloomfield waives. The question is the advancement of LB723 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB723]

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB723. [LB723]

SENATOR GLOOR: LB723 advances. We now move to LB794, General File. [LB723 LB794]

CLERK: LB794 is a bill by Senator Lambert. (Read title.) The bill was introduced on January 5, referred to the Health and Human Services Committee, advanced to General File. I have no amendments to the bill. [LB794]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Lambert, you're recognized to open on LB794. [LB794]

SENATOR LAMBERT: Good morning, Mr. President and colleagues. This bill is much like the previous bill that we just heard. It's strictly a language change. LB794 would allow the Department of Health and Human Services to add new by-product definitions to our state statutes. The Nuclear Regulatory Commission recently added authority over accelerated produced radioactive material and discrete radium sources to its definition of by-product materials. These materials were previously only regulated by states, including Nebraska. Because Nebraska is a Nuclear Regulatory Commission Agreement state, we now are required to define terms so that they can match the terms of the commission. Since the commission changed its definition, we must do so as well. LB794 would not have any effect on who or what is regulated by our state laws, other than what is currently done. Nebraska would continue to regulate by-product material in the same way that it has always been done. LB794 would not impact current licensees nor additional licenses would be added. As I say, it's a very simple bill with wording. Thank you very much. [LB794]

SENATOR GLOOR: Thank you, Senator Lambert. Are there members wishing to be

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

Floor Debate  
February 15, 2012

---

recognized? Seeing none, Senator Lambert, you are recognized to close on your bill. Senator Lambert waives. The question is the advancement of LB794 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB794]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB794. [LB794]

SENATOR GLOOR: LB794 advances. Continuing on General File, LB831. [LB794 LB831]

CLERK: Mr. President, LB831 is a bill by Senator... [LB831]

SENATOR GLOOR: (Gavel) [LB831]

CLERK: ...it's a bill by Senator Howard. (Read title.) The bill was introduced on January 5, referred to Health and Human Services Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB831]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Howard, you're recognized to open on LB831. [LB831]

SENATOR HOWARD: Thank you, Mr. President and members of the body. LB831 is a bill to establish licensure for genetic counselors in the state of Nebraska. This bill would allow individuals who have achieved the appropriate level of training to obtain a license in the state of Nebraska to provide genetic counseling services. The ability of genetic science to predict disease and to guide treatment evolves at a very rapid rate. Because of this, it is important that we enact licensure to protect the public from individuals or groups who might hold themselves out as genetic counselors, when, in fact, they may not be competent to perform the expected services. In some cases, genetic evaluation and counseling may lead to significant, life-impacting medical decisions. Currently this profession is completely unregulated in Nebraska. Board-certified genetic counselors have master's degrees. To get those degrees, they must attend an accredited program where they study medical genetics and psychotherapy theory and techniques. They must engage in supervised clinical skills training, and they sit for a rigorous national exam. They're required to earn a minimum number of continuing education credits to keep their credentials. Currently in Nebraska, a high school dropout could identify himself as a genetic counselor. I was asked to bring this bill by the genetic counselors. They're asking us to credential them. They want to be able to ensure that the members of their profession are adhering to standards. They want members of the public and medical providers seeking help to know that a genetic counselor will present them scientifically accurate information and guide them through the decision making during a difficult time with accurate information and support. Thank you. [LB831]

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

Floor Debate  
February 15, 2012

---

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Thank you, Senator Howard. Mr. Clerk for an amendment.  
[LB831]

CLERK: Mr. President, Senator Krist would move to amend with AM2008. (Legislative Journal page 524.) [LB831]

SENATOR CARLSON: Senator Krist, you're recognized to open on your amendment.  
[LB831]

SENATOR KRIST: The amendment that you see on your gadget is in the...we're in the process of distributing a...or having another amendment brought down. The plain language in this amendment simply states that under no circumstances would, in the licensure process, would it be required that a trained geneticist, licensed geneticist, would have to talk about options...would have to talk about options relating to termination of the pregnancy, if their conscience prohibited them from doing it. It's very simple. I hope we have a fair and honest debate on the amendment and on the bill. And I apologize for the late notice of the amendment, but it is technical in nature, and it will be obvious once it hits your gadget. Thank you. [LB831]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Thank you, Senator Krist. You've heard the opening of AM2008 to LB831. Members requesting to speak: Senator Krist, followed by Senator Price, Senator Fulton. Senator Krist. [LB831]

SENATOR KRIST: On a personal note...and good morning, Nebraska and colleagues, I'm sorry. On a personal note, it was a genetic counselor that assisted in my family relationship when it was apparent that we had a special-needs child on the way. That person was monumental in our life at that point. She helped us get through a period both slightly before and after the birth of our child where then you start meeting all the "-ologists": the dysmorphologists, the endocrinologists. It's a road map that I was proud to walk down but not necessarily one that I would have wished to go. But the navigator in that road map happened to be one of the best pediatric oncologists...I'm sorry, pediatric endocrinologists in the states at the time and a genetic counselor. It is so important that the genetic counselor not be someone who fancies themselves to be good at what they do. It is important that those genetic counselors and geneticists, obviously, be trained properly, be licensed to do what they can and should do, and that parents are able to be given a road map to go through. And I will say this, which I believe to be the truth because I know it from my own personal experience, and testimony in the hearing that day told us it was true. Did you know that there is a waiting list to adopt a Down's child when it is born to parents? There's a waiting list of people

Floor Debate  
February 15, 2012

---

who know how loving those children can be and how important and special they are to families, a waiting list to adopt. Now, if you're faced with a situation and your religious upbringing or background or morals would tend to send you in another direction rather than to carry that child to term and have that child, where are you going to get that information, that it's possible for you to give that child an opportunity towards a fantastic, wonderful life after adopted if indeed you can't do that yourself? Where else do you hear that information and the technical side of being able to care for that child throughout its life? I hope you'll support LB831. The amendment, AM2008, will be replaced by another amendment, as I said. Some technical changes. But I hope you'll vote both for the new amendment and LB831. Thank you, colleagues. [LB831]

PRESIDENT SHEEHY: Thank you, Senator Krist. Senator Price. [LB831]

SENATOR PRICE: Thank you, Mr. President and members. Would Senator Howard yield to a question? [LB831]

PRESIDENT SHEEHY: Senator Howard, would you yield to Senator Price? [LB831]

SENATOR HOWARD: Yes, I will. [LB831]

SENATOR PRICE: Thank you, Senator Howard. I want to first say I support what we're trying to do here, and I will most likely support the effort going forward. I do have a question on Section 15, paragraph 1, when we talk about obtaining information. And I'm cautious with this with HIPAA. Now, are we saying here that by virtue of having been credentialed in this manner that you can just make requests for people's medical information without their consent? [LB831]

SENATOR HOWARD: No. Let's keep in mind, these are people that have sought information regarding their own genetics. They want help in making life decisions. And it's not only regarding pregnancy, there are all sorts of areas in your medical health that you're concerned about. And I don't see any problem with HIPAA, in that it would not be someone who's not directly involved requesting this assistance, this medical assistance. It's not someone prying into your records. It would be you if you were diagnosed or there was a potential for you to have a form of cancer that had genetic components, had DNA components, and you were concerned. [LB831]

SENATOR PRICE: Well, the reason I have a question here and I caution that we make sure we read this carefully, in that same section we talk about yourself, your children, and other family members. How far does family members...? So here's my concern that someone...what I don't want to have happen and I don't want to use cliched terms here either, is I don't want someone to go there and say I want the information and I want to give you the information from a relative who is a family member, who may not be (inaudible), because it says you can get the information, request information. I just want

Floor Debate  
February 15, 2012

---

to make sure that we're crystal-clear and the record reflects it can only...all this can...all that can happen is when a client goes to a person who says they are a practitioners of this, that it can only apply to that client. You can't...the client cannot... [LB831]

SENATOR HOWARD: Yeah, that's what I think too. Thank you. Thank you. I'm glad you're up here. [LB831]

SENATOR PRICE: The client couldn't...the client sitting in front of this credentialed individual couldn't say, yeah, I want to know about it, but because something happened in my uncle's side of the family I want you to look at that too. I mean for health reasons, not...like you said, not for pregnancy reasons or anything. I'm not trying to allude anything. So I just want to make sure, do you believe that this statute properly covers all other people outside of the person sitting in front of the clinician with HIPAA? Yes. [LB831]

SENATOR HOWARD: The way any of us supply information regarding our genetic history is through our own information and what we've been told in our own families. I'm wearing a breast cancer prevention bracelet right now because a very close friend has been diagnosed with breast cancer. And one of the first questions that you're asked when you're dealing with this is, is there a family history? Is there reason to think that this is genetically transmitted, that this is carried through the gene system? And that's a critical question to ask. Sometimes there are family member who come in and they assist with this and supply additional information. Any of us know that your background tells a lot about you. I don't think there's any worry that it's going to be prying into decades past medical records or anything of that sort, because it's the individual. [LB831]

PRESIDENT SHEEHY: One minute. [LB831]

SENATOR HOWARD: It's the individual that really supplies the information. [LB831]

SENATOR PRICE: Well, thank you, Senator Howard. Thank you for engaging. Again I am cautious. What I'm hoping for is that this credentialing process is contained within other statute framework that deals with this. But on the face of it, when you read this bill and you look into Section 15, to me it says they can ask for information about family members, and I would like to hear conversation that addresses that. Thank you, Mr. President. [LB831]

PRESIDENT SHEEHY: Thank you, Senator Price. (Visitors introduced.) Mr. Clerk, you have an amendment on your desk. [LB831]

CLERK: I do, Mr. President. Senator Krist, I understand you would like to withdraw at this time, AM2008. [LB831]

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

Floor Debate  
February 15, 2012

---

SENATOR KRIST: That's correct. [LB831]

PRESIDENT SHEEHY: AM2008 is withdrawn. [LB831]

CLERK: Senator Krist would move to amend with AM2049, Mr. President. (Legislative Journal page 536.) [LB831]

PRESIDENT SHEEHY: Senator Krist, you're recognized to open on AM2049 to LB831. [LB831]

SENATOR KRIST: Thank you, Mr. President and colleagues. If you'll refer to the amendment, it simply as I said adds an "or" clause without, "shall not be construed to require any genetic counselor to counsel or refer," counsel "or" refer. It harmonizes that effort, that direction throughout this amendment that was missing from the last, and I'd ask for support on AM2049 to the underlying LB831. Thank you, Mr. President. [LB831]

PRESIDENT SHEEHY: Thank you, Senator Krist. You've heard the opening of AM2049 to LB831. Members requesting to speak: Senator Fulton, followed by Senator Louden. Senator Fulton. [LB831]

SENATOR FULTON: Thank you, Mr. President, members of the body. Would Senator Howard yield to a question? [LB831]

PRESIDENT SHEEHY: Senator Howard, would you yield to Senator Fulton? [LB831]

SENATOR HOWARD: Yes, I will. [LB831]

SENATOR FULTON: Thank you, Senator. This is an interesting bill, and I want to let you know that at the onset I don't have objections to the bill. I appreciate what Senator Krist is doing in this amendment, of course, but this raises a question: What do we do now? So I guess the question I pose to you, if I wanted to derive a probability of my progeny having cancer or what have you, what would I do now if I wanted to find a genetic counselor or someone who is schooled and qualified and capable in this area, what would I do now? [LB831]

SENATOR HOWARD: Well, I personally don't have experience with a referral, and possibly Senator Krist, who explained earlier that he did personally deal with this. I can tell you my understanding of it, which is, if you had concerns about some inherited trait being passed down to your child, that you would discuss that first with your doctor, obviously, your obstetrician, your prenatal physician, and that they could refer you, you know, if it was a valid issue, if you have a family, a strong family history of something that could be concerning and in some cases could be prevented prenatally. They do

Floor Debate  
February 15, 2012

---

amazing things now. But the referral I understand would come through the physician which is all well and good and the way it should be handled. Keep in mind that what this group of practitioners is requesting is to monitor their own practice through licensing. [LB831]

SENATOR FULTON: Right. Right. I understand that. I guess maybe a better question is, who are these genetic counselors? I mean who would I...are there folks out there who are advertising themselves as genetic counselors presently? And I understand what the bill would do if enacted and how it would put a regulatory and licensing structure in place for Nebraska, and I think that's a good thing. But I'm curious, who are these...and I'm not...this is...I'm not implying anything sinister to the bill. [LB831]

SENATOR HOWARD: Right. [LB831]

SENATOR FULTON: I'm seriously curious what...something has prompted this bill and I would assume it is the genetic counselors now. Are these doctors, are they geneticists, are they...? I mean I would assume I go through my doctor but my doctor might make a referral to whom? Who are these people? [LB831]

SENATOR HOWARD: Let me respond to that with some notes that I've got here. There are approximately 15 members of the organization, all of whom are board-certified or board-eligible genetic counselors in Nebraska. So this isn't a high number of individuals: 15. The most frequent employers of genetic counselors are hospitals, universities, medical clinics, and laboratories. Current employers in Nebraska include Bryan LGH Center for Fetal and Maternal Care, St. Elizabeth Regional Medical Center, the Southeast Nebraska Cancer Center, Boys Town National Research Hospital, and the University of Nebraska Medical Center. [LB831]

SENATOR FULTON: Okay. The light bulb has gone on. Thank you. I understand now. So the next question is, we have a bill that's going to come up here later having to do with...well, we'll get to it. Senator Schilz has a bill. Would this Genetic Counseling Act apply only to those genetic counselors providing counseling in the area of human genetics, not animal genetics? [LB831]

SENATOR HOWARD: Well, keep in mind, these individuals are trained and educated in human genetics. So in having conversations with them, it hasn't ever been discussed that they would be dealing in animal genetics. [LB831]

PRESIDENT SHEEHY: One minute. [LB831]

SENATOR FULTON: Is there any chance that what we are putting forward...I do have a series of questions so maybe I'll come back and ask some later. But, you know, the first question we've done, you've done, we've answered. The next question is, by enacting

Floor Debate  
February 15, 2012

---

this do we in any way inhibit or change any type of, I guess for lack of a better term, genetic counseling that occurs in the field of agriculture, and has that been contemplated and can you give some assurance that that's not what's going to happen with this act? [LB831]

SENATOR HOWARD: Senator Fulton, I can assure you through the drafting of this legislation that it is inserted in the division of law that refers only to humans. [LB831]

SENATOR FULTON: Okay. I'll yield that. Thank you, Mr. President. [LB831]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Louden. [LB831]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I look this bill over, and I think Senator Fulton maybe had some questions answered that I would probably have, but there are some other issues that I'm wondering about. And I was wondering if Senator Howard would yield for questions? [LB831]

PRESIDENT SHEEHY: Senator Howard, would you yield to Senator Louden? [LB831]

SENATOR HOWARD: Yes. [LB831]

SENATOR LOUDEN: Senator Howard, when we look at this now we're talking about genetic counselors. Now is this someone that when you talk about genetics, are we talking about something that you would have to require some DNA to go into the genetics, and that, or are you talking about somebody that works along the line like an ancestry-type issue? [LB831]

SENATOR HOWARD: Well, that's a very interesting question and I've asked that myself actually, and I believe it to be a combination of both. Because when you talk about your ancestry, you're obviously talking about your genetic makeup, your DNA. I can remember when I did relinquishments on children... [LB831]

SENATOR LOUDEN: Well, one thing about if you're doing ancestry, you're going into books and printed material or something like that someplace. If you're talking about genetics, then you're going into DNA and then that's cells and study and that sort of thing. And then I'm wondering if these counselors, are they trained in that type of work, or are they...I mean you'd have to have some high level education if you were going to go into DNA and start sorting out DNA cells and some, you know, sophisticated equipment. So I'm wondering what we're doing here when we say genetic counseling. If it's just a matter of tracing someone's ancestry back to see whether they had an extra foot someplace, that's one thing. But when we talk about genetics to see whether or not they had brown or blue eyes or something, then that could be a little bit different. So that's what I'm wondering, you know, where we are going to with this bill and what we're

Floor Debate  
February 15, 2012

---

trying to create. Is there a federal government or anybody that licenses these people at the present time? [LB831]

SENATOR HOWARD: Senator Louden, what I started to explain to you was you don't necessarily have to check back in ancient records. When I took relinquishments of children who would be placed with adoptive families who would have questions about possible genetic implications with their health, I would always sit down with the parents and discuss this--or the parent--to see if we could gather any information about illnesses or particular health-related reasons to be concerned. And that's what's really comprised with the history. When you discuss this with a family, you really want to know what they're aware of. They're not going to know everything that's happened in their background. You know, decades ago people didn't realize implications. [LB831]

SENATOR LOUDEN: Okay, well, and now I've got one other question I want ask before time...is this anything that can be of benefit when people are adopting children? Because you've seen at times when children are adopted and then after a year or two or something, some issues showed up. Is this anything that would work through the adoption centers or would use people like this to, you know, I guess examine some of the people that are eligible to be adopted? [LB831]

SENATOR HOWARD: Well, keep in mind the best way to answer the questions that adoptive parents have is to get the information prior to the adoption process. Senator Krist pointed out that there are families that are waiting, they're on a list hoping to adopt a child that has Down syndrome because they feel that they could care for this child and provide a meaningful, loving life for this child. And I, in fact, have placed... [LB831]

PRESIDENT SHEEHY: One minute. [LB831]

SENATOR HOWARD: ...and worked with families who have adopted children with disabilities, including Down syndrome. So this information... [LB831]

SENATOR LOUDEN: Well, you know, I understand, you know, people do that, but I was just curious to find out what this bill, what benefit this bill would have and who it would benefit and if it was, you know, something that adoption agencies would use, something that people privately would use, and what kind of training those people had to have that were genetic counselors. I'll give you the rest of time, Senator Howard. [LB831]

SENATOR HOWARD: Thank you, Senator Louden. Let's take this away from this particular area of adoption and say that you have an illness, you have a cancer, a type of cancer that really you need more information regarding the DNA that's present, you could be referred or you could request to be referred to a genetic counselor that would help you make important life decisions regarding the illness that you are dealing with. [LB831]

Floor Debate  
February 15, 2012

---

PRESIDENT SHEEHY: Time, Senator. [LB831]

SENATOR HOWARD: Thank you. [LB831]

SENATOR LOUDEN: Thank you. [LB831]

PRESIDENT SHEEHY: Thank you, Senator Louden. (Visitors introduced.) Returning to floor discussion of AM2049 to LB831, members requesting to speak are Senator Bloomfield, followed by Senator Howard. Senator Bloomfield. [LB831]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning again, members. I, as most of you have noted, voted against this out of committee. Senator Krist's amendment AM2049 goes a long ways toward alleviating my fears on this bill but it doesn't quite get me there. I will support the bill...or the amendment. I will support AM2049. I will probably not still vote for LB831 but it is a step in the right direction. Thank you. [LB831]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. Senator Howard. [LB831]

SENATOR HOWARD: Thank you, Mr. President. In working through this bill last night I just happened to notice in the Omaha World-Herald an article that I think we would all find of interest and it's very brief: More than half of lung and colon cancer patients may benefit from high-speed tests that detect DNA flaws that doctors can target with existing medicines, a study has found. Researchers used a gene test made by Foundation Medicine Inc. to sequence 145 cancer-associated genes in 40 colon tumors and 24 lung tumors. They found that 53 percent of colon tumors and 71 percent of lung tumors may have mutations that may be attacked with cancer medications on the market or in human trials, and the report in Nature Medicine. In some cases, the tests showed that drugs wouldn't work. The findings by researchers shows that the value of using DNA sequencing to optimize treatments by matching drugs against specific gene abnormalities in a tumor, it is moving closer and closer to real personalized medicine. I think as our knowledge progresses, as our information progresses, it's very important that we have the resources available to help us deal with our health conditions that we're going to be facing, frankly, all of us. All of us are carrying complicated DNA and all of us are going to have life decisions. This group of physicians is requesting licensure of their own practice. I think this is valuable to each and every one of us in that we want to be referred, we want to go to someone who is trained, has knowledge and is able to provide both information and support. And I thank you for your support of this bill. I personally don't feel that the amendment is necessary but I'm not going to argue with the amendment, and I thank Senator Krist for bringing it in. [LB831]

PRESIDENT SHEEHY: Thank you, Senator Howard. Seeing no additional request to

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

Floor Debate  
February 15, 2012

---

Speak, Senator Krist, you're recognized to close on AM2049. [LB831]

SENATOR KRIST: Very briefly, colleagues, I think that this clears up a few concerns for those of us who would believe that licensure for a genetic counselor would be dependent in the future on someone saying you have to tell people about options that in their conscience they could not come to bring themselves to do. So I ask for your support of AM2049 and also for Senator Howard's underlying bill LB831. [LB831]

PRESIDENT SHEEHY: Thank you, Senator Krist. You have heard the closing. The question before the body is on the adoption of AM2049 to LB831. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB831]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of Senator Krist's amendment. [LB831]

PRESIDENT SHEEHY: AM2049 is adopted. [LB831]

CLERK: I have nothing further on the bill, Mr. President. [LB831]

PRESIDENT SHEEHY: We'll now return to floor discussion on LB831. Seeing no requests to speak, Senator Howard, you're recognized to close. [LB831]

SENATOR HOWARD: Thank you, Mr. President. Genetic counselors are highly educated professionals who know not only what a genetic test means medically but what it can mean for the future of an individual or a family. They are not just scientists, as Senator Loudon asked, but are truly counselors. They hold themselves to a standard to nondirective information. They are trained to respect individual beliefs and needs and to understand the emotions involved and decisions that accompany the science. Genetic counselors are asking the state of Nebraska to hold them to standards. Thank you. I urge your support. [LB831]

PRESIDENT SHEEHY: Thank you, Senator Howard. You have heard the closing. The question before the body is on the advancement of LB831. All those in favor vote yea; opposed, nay. Senator Howard. [LB831]

SENATOR HOWARD: I hate to do this but I may have to request a call of the house. [LB831]

PRESIDENT SHEEHY: There has been...please record, Mr. Clerk. [LB831]

CLERK: 25 ayes, 0 nays, on the advancement of the bill. [LB831]

PRESIDENT SHEEHY: LB831 advances. We'll now proceed to LB871. [LB831 LB871]

Floor Debate  
February 15, 2012

---

CLERK: Mr. President, LB871 is a bill by Senator Gloor. (Read title.) Introduced on January 6, referred to Health and Human Services Committee, advanced to General File. I have no amendments to the bill. [LB871]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Gloor, you're recognized to open on LB871. [LB871]

SENATOR GLOOR: Thank you, Mr. President, and good morning, members. And I'm pleased to say this bill is one that's brought forward through an agreement with both the Department of Health and Human Services and the Regional Behavioral Health authorities. Most of us know them as the regions for behavioral health, and they've been discussing this topic for a year. It does two important things: instructs the regions to formalize and policy their methodology for determining a client's financial eligibility on their schedule of fees and copays. Their current calculation method includes taxable income, number of family members dependent upon income. And this bill with their agreements, what they've been working on, will add a new factor in the calculation liabilities of the client. In anticipation of future changes, the division has also added other factors as determined by the division because things always change. The governing board of each region will approve the methodology and include it in their annual budget plan to the Division of Behavioral Health. LB871 also exempts the region from the methodology being used by the division to determine financial eligibility. That particular methodology that the department will continue or the division will continue to use includes asset determination. The reason for this exemption is that the service providers who contract with the regions to do the calculations to determine eligibility of consumers really don't have the ability to go in and gather and confirm asset information on the consumer. It's an important bill for the regions. It's an important bill for the division. There was no opposition to this. It advanced unanimously by the committee and there is no fiscal impact as it relates to this, and I would ask for your approval. [LB871]

PRESIDENT SHEEHY: Thank you, Senator Gloor. You've heard the opening to LB871. Seeing no requests to speak, Senator Gloor, you're recognized to close. Senator Gloor waives closing. The question before the body is on the advancement of LB871. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB871]

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB871. [LB871]

PRESIDENT SHEEHY: LB871 advances. We'll now proceed to LB686. [LB871 LB686]

CLERK: LB686 is a bill by Senator Schilz. (Read title.) Introduced on January 19 of last year, at that time referred to Health and Human Services Committee, the bill was advanced to General File. There are committee amendments, Mr. President. (AM1774,

Floor Debate  
February 15, 2012

---

Legislative Journal page 394.) [LB686]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB686. [LB686]

SENATOR SCHILZ: Good morning, Mr. President. Thank you, members of the body. I'm introducing LB686 on behalf of the Nebraska Cattlemen and those producers who want to have greater access to qualified bovine embryo transplant technicians within the state of Nebraska. Today, only veterinarians are allowed to perform this nonsurgical procedure on cattle other than their own. This bill would change that by allowing persons who hold a Ph.D. in reproductive physiology and can show proof of liability insurance to perform the procedure as well. The bill would also allow a person who holds a master's degree in reproductive physiology to perform this procedure under the indirect supervision of a practicing, licensed, Nebraska veterinarian. Indirect supervision means that the veterinarian would have the ability and complete authority to decide whether they want to allow an arrangement with a person holding that degree to perform the procedure under their direction. And herein lies the controversy of the bill: Everyone involved has agreed to allowing the Ph.D. to perform ET; allowing someone with a master's degree to do this is controversial with the veterinarians of the state. When I took this bill on and began to research the issue, I learned that other states, predominantly beef states, allow a master's degree holder or less to perform ET without supervision. This is a big deal if we want to maintain our position in the world and maintain our position in the United States and create the beef epicenter of the United States. We had a hearing where George Seidel, the preeminent authority on bovine embryo transfer in the United States from Colorado State University, sent a letter addressing the issue, and he states and I quote, "In my opinion, procedures such as superovulation and nonsurgical recovery and transfer of embryos can be performed with similar competency in cattle and horses by veterinarians or persons with master's or Ph.D. degrees in reproductive physiology, provided that such persons have received appropriate specialized training and acquired the requisite experience." A similar letter from Dr. C.R. Youngs from Iowa State University, and I quote, "It is my professional opinion that such students would be well-qualified to render high-quality ET services to Nebraska cattle producers." As I said before, if Nebraska wants to stay at the forefront of the cattle industry then change is and will be required to maintain that position. As animals and cattle become worth more and more and are more valuable, the attractiveness of embryo transfer will only increase. And we're not just talking about beef cattle here. There's all sorts of cattle that are out there. We have show cattle, we have bucking bulls, we have seed stock. There's all sorts of areas where this can have an impact. I know that we're going to have a conversation about this. I know that it's going to...there's going to be some questions and I'd be more than happy to try to answer any of those. And with that, I would hope that you could support LB686 and vote it past General File. Thank you, Mr. President. [LB686]

Floor Debate  
February 15, 2012

---

PRESIDENT SHEEHY: Thank you, Senator Schilz. You've heard the opening to LB686. As was noted, there is a Health and Human Services Committee amendment, AM1774. Senator Campbell, you're recognized. [LB686]

SENATOR CAMPBELL: Thank you, Mr. President. The committee amendment strikes the original section. The amendment becomes the bill. The amendment provides that a retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovines, may be performed by a person who has and can show proof of valid professional liability insurance and holds a master's degree with an emphasis in reproductive physiology from an accredited college or university and performs the procedure under the indirect supervision of a licensed veterinarian in this state or holds a doctorate degree with an emphasis in reproductive physiology from an accredited college or university. Colleagues, I'm sure that there are a number of you that would have said why is the Health and Human Services Committee involved with this bill, and I have to admit when it was first referenced to us that I did the same thing, kind of scratched my head. It's because the Health and Human Services Committee deals with the credentialing and licensing of professionals in the state that we became involved and this bill was assigned to the Health and Human Services Committee. We feel with the committee amendment it keeps the indirect supervision of someone with a master's degree under the supervision of a veterinarian and, therefore, is within the scope of practice. I want to thank Senator Schilz, who truly has been a great champion for this bill and has helped me understand this part of the cattle industry, which I have come to see and know that this is a significant bill for the future of the beef state. Thank you, Mr. President. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Campbell. Mr. Clerk, do you have an item for the record? [LB686]

ASSISTANT CLERK: An announcement, Mr. President: Performance Audit will meet for an Executive Session at 11:00 in Room 2102.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Continuing with floor discussion on AM1774, members requesting to speak, Senator Wightman, followed by Senator Loudon, Senator Schilz, Senator Dubas, Senator Sullivan, and others. Senator Wightman. [LB686]

SENATOR WIGHTMAN: Thank you, Mr. President. If Senator Schilz would yield, I'd like to ask him some questions. [LB686]

PRESIDENT SHEEHY: Senator Schilz, would you yield? [LB686]

SENATOR WIGHTMAN: Thank you. Senator Schilz, I'm somewhat familiar with this because I had a client some years ago that did embryo transplants and I don't know

Floor Debate  
February 15, 2012

---

whether he did it under the supervision of a veterinarian, licensed veterinarian or not, but it seems to me he would take a number of cattle, number of bovines--we have to be technical here, right?--and number of bovines and take them in, would be female cows, would then transplant those embryos into maybe lesser grade cows because at that point when the embryo is fertilized it doesn't make any difference what cow is carrying it. Is that correct? [LB686]

SENATOR SCHILZ: That's correct, yes. [LB686]

SENATOR WIGHTMAN: And so you had the advantage of not occupying the cow with the good breeding for any longer than is necessary. Now can you tell me whether it's always been that it had to be done under supervision of a licensed veterinarian, or previously was that able to occur without a licensed veterinarian being involved? [LB686]

SENATOR SCHILZ: Yeah. And thank you, Senator Wightman. And if I understand it correctly, a ruling by the Attorney General then, Don Stenberg, in 1996 is what changed that over to the vets and that that said the act of nonsurgical embryo transfer was part of the Veterinary Practice Act, meaning only DVMs could do that and, to a lesser extent it says, vet techs. So there was even a little gap there to allow others besides vets to do it possibly. But I know this, and not to take up much of your time, but if you own your cattle you can do the embryo transfer yourself. You just can't go do it for somebody else if they're not your cattle. [LB686]

SENATOR WIGHTMAN: So an owner of a cattle herd can do this all by himself then. [LB686]

SENATOR SCHILZ: Absolutely. [LB686]

SENATOR WIGHTMAN: Buy some brood cows that are maybe older and without good breeding and just use them then as the mother cow, I guess. [LB686]

SENATOR SCHILZ: Yeah, and I see that coming more and more all the time that we'll see some of that to find the right combinations to raise the kind of cattle that we need to have out here. [LB686]

SENATOR WIGHTMAN: Okay. Is it also correct, Senator Schilz, that after the cow has been bred to a high-grade bull that sometimes there are not just one or two but a number of fertilized embryos that can be harvested from that cow,... [LB686]

SENATOR SCHILZ: That's correct, yes. [LB686]

SENATOR WIGHTMAN: ...up to 15 and 20 in number? [LB686]

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

Floor Debate  
February 15, 2012

---

SENATOR SCHILZ: If you do it right and you're fortunate, yeah, you could get up to 15 to 20 fertilized eggs, yes. [LB686]

SENATOR WIGHTMAN: Okay. And until whatever the date you said, 1990-something, when the Attorney General's Opinion came down, this was being done by people other than licensed veterinarians. [LB686]

SENATOR SCHILZ: Senator Wightman, I believe that is correct but we might want to check with somebody else just to make sure. [LB686]

SENATOR WIGHTMAN: Okay. Thank you, Senator Schilz. Thank you, Mr. President. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Wightman. (Visitors introduced.) Continuing with floor discussion on AM1774 to LB686, Senator Louden, you're recognized. [LB686]

SENATOR LOUDEN: Thank you, Mr. President and members. As I look this bill over, I think probably the amendment I think goes a little bit far. I think probably the bill is probably in better form than what the amendment is. Would Senator Schilz yield for a question? [LB686]

PRESIDENT SHEEHY: Senator Schilz, would you yield? [LB686]

SENATOR SCHILZ: Yes. [LB686]

SENATOR LOUDEN: Senator Schilz, and to me the green copy is probably better than what the amendment is. But just for the record, you said that you can go ahead and retrieve these embryos on your own cattle and that sort of thing. Is there anywhere right here in this statute that we're working on that says that in this bill? [LB686]

SENATOR SCHILZ: No, but in all other things, if they're your cattle, as you well know, Senator Louden, you are allowed to perform on your property those kind of procedures. And so you would still have to get the prescriptions for the medicine that you would use from the vet. That doesn't alleviate that standard. [LB686]

SENATOR LOUDEN: Well, yeah, I understand that part. But anyway, I wanted it on the record that we're not infringing on what people can do on their own cattle herds. The reason I'm mentioning that I think this goes too far is because now you have to have different degreed people and you have to have been under the direct supervision of a licensed veterinarian and everything. I look back here about 40 years ago when artificial insemination was on cattle and this was a big deal. We had to hire a special person that just did that and was supposed to have been schooled. Now I think probably a lot of

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

Floor Debate  
February 15, 2012

---

kids, when they get home from school in the afternoons, probably do that themselves. I mean this is a procedure that is done by many people and not necessarily some that have been completely schooled. So I think the embryo transplants, will be a matter of time that this will be common practice, and I think we're probably putting something in statutes here that's a little bit farther along than what it really needs to be. That's the reason I'm wondering why. Would Senator Campbell yield for questions? [LB686]

PRESIDENT SHEEHY: Senator Campbell, would you yield to Senator Louden? [LB686]

SENATOR CAMPBELL: With great reluctance. [LB686]

SENATOR LOUDEN: How come you had to put the amendment onto that bill? Was there a reason for that, because the amendment is... [LB686]

PRESIDENT SHEEHY: (Gavel) [LB686]

SENATOR LOUDEN: ...quite more extensive than the bill. [LB686]

SENATOR CAMPBELL: Senator Louden, I think that's an excellent question and I'd have to say that we have worked with Senator Schilz as he has worked through this issue with the people who hold a master's degree or people who have a Ph.D., and I think that the amendment was brought forward after Senator Schilz's conversations with all involved. And so I would have to say that the committee respected Senator Schilz's opinion on this issue and accepted his work when he brought the amendment to us. [LB686]

SENATOR LOUDEN: Thank you, Senator Campbell. I guess my concern is, are we putting language in the statutes that's going to be beneficial to the animals and the people that are doing the work or are we putting wording in statutes that more or less guarantees someone job security in who has to do this, I guess? I've noticed the letter that Senator Schilz has passed around from Fort Collins, Colorado, over there and that sort of thing, but I still think that the green copy is most precise and I would have liked to have seen it passed rather than the amendment. Thank you, Mr. President. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Louden. (Visitors introduced.) Mr. Clerk, do you have items for the record? [LB686]

CLERK: I do, Mr. President. Your Committee on Natural Resources, chaired by Senator Langemeier, reports LB742 to General File with amendments. General Affairs Committee, chaired by Senator Karpisek, reports LB781, LB1130 to General File with amendments, LB979...or to General File, excuse me; LB979, General File with amendments; LB1067, General File with amendments; and LB992 indefinitely postponed. Executive Board, chaired by Senator Wightman, reports LR373CA to

Floor Debate  
February 15, 2012

---

General File with amendments; LB1059 and LR377CA indefinitely postponed. And Education Committee, chaired by Senator Adams, reports LB870 to General File with amendments. I also have, Mr. President, a series of hearing notices from the Revenue Committee. And Enrollment and Review reports the following bills to Select File: LB526, LB42, LB780, LB861, LB733, LB860, LB878, LB759, LB786, LB811, and LB1031, some of those having Enrollment and Review amendments attached. That's all that I had, Mr. President. Thank you. (Legislative Journal pages 537-548.) [LB742 LB781 LB1130 LB979 LB1067 LB992 LR373CA LB1059 LR377CA LB870 LB526 LB42 LB780 LB861 LB733 LB860 LB878 LB759 LB786 LB811 LB1031]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Continuing with floor discussion on AM1774 to LB686, members requesting to speak, Senator Schilz, followed by Senator Dubas, Senator Sullivan, Senator Wallman, Senator Bloomfield, and others. Senator Schilz. [LB686]

SENATOR SCHILZ: Thank you, Mr. President. And thank you once again, members of the body. I wanted to touch on a couple subjects here. And as we look at Senator Loudon did mention the letter from Colorado State University and from George Seidel. I would...as we talked about and he said the evolution and as you saw the maturation of artificial insemination and how that has changed from having someone that absolutely has to have credentials and things like that to being just about...I mean if you have a little training you can do artificial insemination. And I would like to quote this letter again, and that's all in front of you. You can take a look at it: Nonsurgical procedures for recovery and transferring bovine and equine embryos have been done competently by nonveterinarians hundreds and thousands of times over the years, not all that different in principle from what occurs with artificial insemination. So what I'm telling you today, folks, is that this is the logical steps that will be taken in an industry that wants to move forward. I also want to say that I think we also need to keep in mind that we see population decline in rural Nebraska. We see farm ground going through the roof as far as costs. We see cattle that cost up to \$1,500 a head to get them fat and to get them to market. My question is, how are we going to attract young people back to the farm? Well, my idea is a lot of folks are getting more education than they had before. If somebody would be wanting to do something like this, they could get the master's degree with the emphasis in reproductive physiology. They could go out, they could contract with a vet if that vet would so choose, and once again we must remember that it's all under the direction, it's all under the control and the authority of the vets to do this. That person could do this for that vet when that vet needs it done and would have a little diversity there to be able to help afford to stay on the farm or begin to farm or ranch as we go forward. So I think there's a number of things that we look at here. I think we also need to look at it from a business model from the veterinarians' standpoint. Right now I passed...we passed a bill last year for vets with locum tenens and basically what that says is...and the premise for that was because we don't have enough vets to take care of a problem if one occurs. The vets supported that and the vets wanted to be able

Floor Debate  
February 15, 2012

---

to bring other vets in from other states to be able to perform veterinary practice in Nebraska. So what that tells me is that there could be a need for this. And I think we should also note that at the University of Nebraska there is a master's degree for reproductive physiology that you can get and those folks that are going and getting that degree there, many of them might want to stay in Nebraska. But what we heard during testimony is that most of them are moving to California to work in the human embryo transfer field. I'd rather keep those folks home myself. And I think that if we look around you will see that there are people that would like to come back with those opportunities to be able to do that. Guys, I'm all about economic development. I'm all about keeping population decline away from our rural places. And I am all about growing our ag industries, including the beef industry, including the cattle industry. Look around at some of these states where there's lesser obligations for people to do this procedure. You see huge genetic firms that are coming up. And what they do is they are making these crosses. They're doing this embryo transplant. They're taking these embryos, they're freezing them, and they're going all over the country to do this. Why can't we have those industries here in Nebraska? [LB686]

PRESIDENT SHEEHY: One minute. [LB686]

SENATOR SCHILZ: We don't. And I think that this is one of those things, this is one of those occasions where we have an opportunity to move a step closer to realizing some of those economic development realities. Thank you, Mr. President. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Schilz. (Visitors introduced.) Continuing with floor discussion on AM1774, Senator Dubas. [LB686]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor. I don't raise my objections to this bill lightly because I have a great deal of respect for people who are on both sides of this issue. I'm not questioning their integrity, I'm not questioning their educational abilities, none of those things. I probably can't disagree with most of what Senator Schilz just said. But after reading through this and doing some further research on my own and talking to some people, I have to come down on the side of the veterinarians of the state on this issue. And this is, in my mind, a scope of practice issue and we know, no matter what area we're talking about, when you talk about scope of practice people get a little protective and a little territorial, which makes our debate just a little bit more difficult because, again, typically the people who are on both sides of this issue are all professionals, are all people that we respect and go to when we have questions in relation to their area of expertise. So again, I don't make this decision lightly, but I think that the concerns that the veterinarians are raising should be given very, very careful consideration. As I said, I do feel this opens up the Veterinary Practice Act to allow nonveterinarians to perform very specialized and technical procedures. And as I looked through that act, it talks about what veterinary medicine means and it goes on to define it as a "diagnosis, treat, correct, change, relieve, or prevent animal disease." There's

Floor Debate  
February 15, 2012

---

further definitions in there. But I think it's the last line in that first paragraph of the statutes that talks about, "The acts described in this subdivision shall not be done without a valid veterinarian-client-patient relationship," and I think that's the component that is very important in this discussion, that the procedure that is being used here is...it's a procedure that is very involved and that that relationship with the veterinarian, with the client, with the patient is a very critical component. And when this...when we're talking about indirect supervision, I think that puts that specific requirement in a little bit of jeopardy. My understanding, when ET is done the actual transfer is probably the...I don't want to use the word "easy" but that's the only thing that comes to my mind right now, but it's the process and procedures that have to be put into place before that transfer is done, where many diagnoses may need to be made by the veterinarian as far as the health of the animal and many other things. I've got some very technical descriptions from veterinarians that I won't go into at this point in time, but the point they made was you have to have a very careful analysis of the animal that is going to be used for this process. Also, I think one of the points that really jumped out at me was the types of drugs that are used in the ET process. These are very powerful drugs. These are drugs that have to be prescribed by a veterinarian. They've been explained to me as being extremely dangerous types of drugs and that even with an accidental injection or even so much as having it spilled on to the skin of a pregnant woman, it could cause an abortion or other serious consequences. So these are drugs that...and again, I know anybody who's doing this has that understanding, but I don't think we can dismiss the concern that the veterinarians are raising about the use of these types of drugs. [LB686]

PRESIDENT SHEEHY: One minute. [LB686]

SENATOR DUBAS: You know, I think there's, you know, Senator Schilz has brought up points about, you know, giving people opportunities to return to rural Nebraska, and I think I'll take an opportunity at another time on the mike to talk about this, but I hope that we have a very good and thorough discussion about this. I hope that we can get the points that we need to have addressed from both sides out on the table, you know, and if there's some opportunity for compromise or for a middle ground to be found, that would be what I would hope for from this discussion. And, you know, if it's something that has to be done between now and Select File, I would be very willing to be a part of that discussion because I do realize the importance of this procedure to the cattle industry. But I think we have to be very careful as to how we proceed in the future. Thank you. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Sullivan. [LB686]

SENATOR SULLIVAN: Thank you, Mr. President, and good morning, colleagues. I really don't enjoy scope of practice discussions but we deal with them on a regular basis in this body. And because we do and because these discussions involve people's livelihoods, their professions, their levels of expertise, their training, their skills, I think it

Floor Debate  
February 15, 2012

---

does take a very thorough discussion. So here we are today. And with that, I would wonder if Senator Schilz would yield for a few questions. [LB686]

PRESIDENT SHEEHY: Senator Schilz, would you yield to Senator Sullivan? [LB686]

SENATOR SCHILZ: Absolutely, yes. [LB686]

SENATOR SULLIVAN: Thank you, Senator. Regarding the master's degree, it says with an emphasis in reproductive physiology. Does that mean that the master's degree would be in that area or it would be a degree in animal science or what exactly does that mean? [LB686]

SENATOR SCHILZ: No, it would mean that that person would have to have the emphasis of his degree in reproductive physiology. [LB686]

SENATOR SULLIVAN: Do they come away with that then, because this involves a skill, a certificate or anything like...or a certification? [LB686]

SENATOR SCHILZ: That would be promulgated within the bill. The rules and regulations are set...are to be set up after the bill is passed so that would come...the certification process would come with the rules and regulations. [LB686]

SENATOR SULLIVAN: What's your feeling or reaction to the fact that the American Embryo Transfer Association doesn't go beyond a Ph.D.? They just...they stop at the Ph.D. level rather than dropping down to a master's degree. [LB686]

SENATOR SCHILZ: Right, and that's a good point, but I will tell you this, that that same organization right now is discussing whether or not to go down lower than a Ph.D. to a master's degree, and they are in those discussions right now. And if you look at the other states that are beef-producing states--Texas, Montana--they allow those kind of operations to go on now. [LB686]

SENATOR SULLIVAN: What about...I know that you've talked with Senator Wightman about this and I was visiting with someone else at the time. What exactly does this indirect supervision mean? [LB686]

SENATOR SCHILZ: Thank you for the question and this...and here's indirect supervision, and I know this because in our feedyard we have a consulting vet who has indirect supervision over my employees. What we do is we...he comes in, he takes a tour around the feedyard, he helps us look at the cattle once a month. But other than that, we are under his direction to be able to perform certain procedures in the feedyard. [LB686]

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

Floor Debate  
February 15, 2012

---

SENATOR SULLIVAN: But along with that, apparently in the amendment you're requiring liability insurance, but because of that indirect supervision, who actually is liable if something goes wrong in this procedure? [LB686]

SENATOR SCHILZ: It would depend on how you do it. I would say that if you would contract with one of these people and within the contract you laid out exactly how that would work and who's liable, I'm guessing that that would be something that the vet and the master's holder would have to do. If, of course, you would hire somebody and have them working, then absolutely it would be under the vets' liability. But the other thing is that anytime you're doing one of these procedures, you need to make sure that you're properly insured to make sure that you don't cause any problems. [LB686]

SENATOR SULLIVAN: Do you think that some of this would be, and in addition to this, covered in some of the rules that will be promulgated? Because sometimes to identify a person with a master's degree, certainly you have with the vet, you've got the doctor title, but how do you anticipate somebody would be identified as having this capability and skill? [LB686]

SENATOR SCHILZ: Well, obviously, there's certain places you can go to get certifications, different schools and stuff, to get ET certifications. The other thing is under the rules and regulations you're going to set out how that certification happens. And so I think that... [LB686]

PRESIDENT SHEEHY: One minute. [LB686]

SENATOR SCHILZ: ...I think that's where that would come. [LB686]

SENATOR SULLIVAN: You know, I'm not done with the questions that I have about this because, as I said at the onset, whenever you deal and open up scope of practice, you've got lots of things to discuss. And I will be very honest with you, I am torn, because in looking at the constituents and listening to those who I've heard from, you know, I've got an individual who would greatly benefit from this because he has the Ph.D. to do this, not a master's but a Ph.D. I've heard from veterinarians that are opposed to this. I've also heard from constituents especially that currently use...that are large feedlot operators that use this, veterinarians, to do this procedure. I've also heard from feedlot owners who are concerned that this potentially might diminish the number of large animal vets out in rural Nebraska, and we certainly don't want to do that. So I'm not done with my concern or my questions. Thank you. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Sullivan. Senator Wallman. [LB686]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I do appreciate the scope of practice and a lot of times I am for maybe expanding that a little bit, but this

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

Floor Debate  
February 15, 2012

---

here, we're talking about shortage of veterinarians. I afraid we'll be more short. We'll have less veterinarians yet. And I think it's atrocious that we as a beef state of Nebraska do not have a veterinary school. We ought to be ashamed, we don't want to put the money out for a vet school. So that's one of the reasons we don't have enough vets, I feel, because some of our vets are educated otherwise and they stay there. They go to Ohio State or they go to Iowa State, Kansas State,... [LB686]

PRESIDENT SHEEHY: (Gavel) [LB686]

SENATOR WALLMAN: ...and that's where they stay. So this is why I do not like this bill or the amendment. And usually I'm okay with this a little bit, but this here, you're using very dangerous drugs for veterinarians and also you can still do it yourself. If you want to take training yourself, whatever you want to do, you can still do it in your feedyard on your cattle herd. You can still do it. And I would yield the rest of my time to Senator Sullivan. [LB686]

PRESIDENT SHEEHY: Senator Sullivan, you're yielded 3 minutes 40 seconds. [LB686]

SENATOR SULLIVAN: Thank you, Senator Wallman, I appreciate that, because as I was just looking at my notes, there are some questions that I will continue to ask Senator Schilz, if he would yield. [LB686]

PRESIDENT SHEEHY: Senator Schilz, would you yield to Senator Sullivan? [LB686]

SENATOR SCHILZ: Yes. [LB686]

SENATOR SULLIVAN: Thank you, Senator. First of all, even though I was raised on a farm and ranch and we had cattle, I'll have to admit some of my ignorance with respect to some of these practices. We're talking about embryo transfer but then the artificial insemination has also been mentioned and the flushing of eggs from a cow. So all of these require varying levels of expertise. Am I right? [LB686]

SENATOR SCHILZ: Yes. [LB686]

SENATOR SULLIVAN: And if you were to prioritize them in terms of the amount of skill and education needed, which one would be up at the top? [LB686]

SENATOR SCHILZ: If you're talking about embryo transfer and artificial insemination, obviously, I think that we could probably surmise that embryo transfer, just by the way that it's come down, would be at the top but probably not by much. [LB686]

SENATOR SULLIVAN: What about the administration of drugs in either of those cases? I know there's been some concern raised about that. [LB686]

Floor Debate  
February 15, 2012

---

SENATOR SCHILZ: Right. [LB686]

SENATOR SULLIVAN: So are we talking about the need for drugs that need a prescription to be administered, and particularly the case of embryo transfer? [LB686]

SENATOR SCHILZ: Yes, that is correct. The vet would prescribe that as they have always done and even...and this is where the indirect supervision comes in. That's why it's so important. Because the vets, no matter what, will still have to prescribe medicine even if it's for the Ph.D. [LB686]

SENATOR SULLIVAN: What happens if somebody is doing this procedure on their own ranch to their own cattle? What's the communication that takes place between them and the vet? I mean do they often...I mean I'm...explain that a little bit more to me. [LB686]

SENATOR SCHILZ: Basically, what I think would happen is, if it's working the way it's supposed to, the vet would come out, the vet would take a look at the cattle that you're proposing to do the ET on, he would make sure that they're in good enough shape to be able to do it. He would then prescribe you the drugs for the number of head that you have and that would basically be it. There is no oversight after that unless the owner of the cattle wants somebody to do it. [LB686]

SENATOR SULLIVAN: Getting back to the liability issue, now you said that this is required, would be required of a person with a master's degree, but again you said something about this would have to, in terms of liability with a supervising vet, that would be something that would have to be worked out between... [LB686]

PRESIDENT SHEEHY: One minute. [LB686]

SENATOR SULLIVAN: ...between the master's...the person doing this procedure and the vet? [LB686]

SENATOR SCHILZ: That is correct, yeah. And the vet, as I said before, the vet has total control of whether or not they want to allow somebody to work under their shingle, basically. [LB686]

SENATOR SULLIVAN: Have you had a lot of specific requests from producers that are not getting this procedure done now that think that this bill would help them? [LB686]

SENATOR SCHILZ: Here's what I can tell you. What I can say is that the Cattlemen, the Nebraska Cattlemen, have a policy in place to allow just what we're talking about here in this bill. So if you ask if there's cattlemen that want this and they're looking for this, my answer to that would be yes. [LB686]

Floor Debate  
February 15, 2012

---

SENATOR SULLIVAN: Okay. I'll reserve some of my questions till later. Thank you. [LB686]

SENATOR SCHILZ: Thank you. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Sullivan. (Visitors introduced.) Resuming floor discussion on AM1774 to LB686, members requesting to speak, Senator Bloomfield, followed by Senator Carlson, Senator Hansen, Senator Seiler, Senator Harms, and others. Senator Bloomfield. [LB686]

SENATOR BLOOMFIELD: Thank you, Mr. President. Members, this bill originally came to HHS on January 21 a year ago. We have discussed this in there. We tried to reach agreement with folks. We finally reached what we thought was a compromise, and after a lot of discussion it came out of Health and Human Services with the amendment unanimously. We don't get a lot of bills that come out of Health and Human Services unanimously. I believe this amendment needs to be approved and this bill needs to go forward. And if Senator Schilz would like any time, I would yield the remainder of my time to him. [LB686]

PRESIDENT SHEEHY: Senator Schilz, you're yielded 4 minutes 10 seconds. [LB686]

SENATOR SCHILZ: Thank you, Mr. President. Thank you, Senator Bloomfield. I guess where I'd like to go today or right now is as we look at things and we hear about...or we talk about accessibility to this procedure, you know, we look at...Senator Sullivan, you were asking questions about this and that, and the vets will tell you that there's not...we heard from Senator Wallman who says there's not enough vets in the state of Nebraska. Well, let's look at some numbers. Antelope County, 293,000 head of total food animals; animals per veterinarian, now listen to this, 97,711 animals per vet. There's three vets in Antelope County that deal with large animals. Cherry County, Cherry County has 264,000 head of cattle; for each vet that's in Cherry County they have to look after 66,000 head of food animals. We can go down the list and look at this: Boone County, 161,000. What I'm trying to tell everybody and what I'm trying to show here is that there is a need. One of the problems that we have today is that there's people coming from out of state that are doing embryo transfer in the state of Nebraska right now. They're not licensed necessarily in the state but yet they're out there and they're doing this. What I'd like to do is create a Nebraska economy around this to where we can do it there, and I think indirect supervision of a master's student is a good step towards that. Senator Wallman told us himself that obviously we don't have a vet school here. I will reiterate once again, we do have a master's program in reproductive physiology. Should we not cater to the ones that are staying here and providing...getting their education provided for here in the state of Nebraska? Now I understand we have relationships with other schools and that's great, and I understand that we need more vets, I do. The

Floor Debate  
February 15, 2012

---

question is, can we operate upon the same model that we always have and expect different results? Population decline is true for veterinarians too, and as that population dwindles, it makes it tougher for them to make money. Where's the change that's needed to keep them above water? Where's the change coming from to help them build their businesses? What's possible today is always not what's necessary for the future. We need to remember that. My grandfather, when he was 85 years old, told me, Ken, don't be afraid of change because it's the only way to opportunity. Folks, I'm not afraid of change and I would hope that as leaders of the state of Nebraska you would all see as well that change is required at times to be able to do this. Artificial insemination, as we heard before, was in this same position a few years back. [LB686]

PRESIDENT SHEEHY: One minute. [LB686]

SENATOR SCHILZ: Thank you. Embryo transfer is just another procedure that's nonsurgical. And if you look at the Practice Act, you could argue that a nonsurgical procedure may not even fall under it. So with that, I would entertain more questions if people have them. And I appreciate it. Thank you, Mr. President. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Schilz. Thank you, Senator Bloomfield. (Visitors introduced.) Mr. Clerk, do you have an amendment on your desk? [LB686]

ASSISTANT CLERK: Mr. President, Senator Louden would offer FA34 to the committee amendments. (Legislative Journal page 548.) [LB686]

PRESIDENT SHEEHY: Senator Louden, you're recognized to open on FA34. [LB686]

SENATOR LOUDEN: Thank you, Mr. President and members. This is just a simple amendment. And as I look over the bill and the committee amendment, AM1774, and on page 2 there, paragraph (7), that's what describes what an owner can do on their own livestock and it mentions there they can do vaccinations, surgery, pregnancy testing. And what I did was have this amendment put in there that would insert, right after "testing," "a retrievable transplantation of embryos on bovine, including recovering, freezing, and transferring embryos on bovine." And then it goes on to say "the administration of drugs in the treatment of domestic animals," and goes on to say what a person can do with their own cattle and "exchange of services between persons or bona fide employees who are principally farm or ranch operators or employees in the performance of these acts." This doesn't change the bill any. It just sets it up so that people that are in the business themselves, large operations and even small operations, have their own people in-house that can do these things and so it can be set up so they don't have to go out and probably hire degreed people or something like that to get this done. It's something there that makes it so that the commerce works a little bit better, ranching operations and farming operations can run a little bit smoother, and does away with some regulations that would be required otherwise. So I would expect this simple

Floor Debate  
February 15, 2012

---

amendment...I talked to Senator Schilz and I think he's in favor of it when I talked to him off the floor, off the mike a while ago. But with that, I would ask for your vote to add the floor amendment to AM1774. And if Senator Schilz would wish, I would give him the rest of my time on this matter. [LB686]

PRESIDENT SHEEHY: Senator Schilz, you're yielded 7 minutes 55 seconds. [LB686]

SENATOR SCHILZ: Thank you, Mr. President. Mr. Louden, appreciate the time. And I'm okay with this amendment. I think it's already in place, but if we want to specify it in the bill, that's fine. I think that makes sense. Let me talk about...just a little bit about what it would take for a master's holder to get to that point. A master's degree at UNL requires 30 hours of coursework at a minimum above a bachelor's degree. The veterinary science programs include general courses in small and large animal reproduction, however, the UNL-Iowa State program includes only one specific class on embryo transfer for veterinarians. It is optional and the student must choose to enroll themselves in it as an elective from 20 total elective options. So it's just one of many things that goes on. A master's student that has an emphasis in reproductive physiology has 30 hours in reproductive physiology. So you could argue that they would have as much if not more education and training on embryo transfer. As I sit and I look at this, it really is...it really is about what you want to see the future of the state of Nebraska when it comes to the beef industry, when it comes to the cattle industry. That's what we're talking about here. We're also talking about the ability for economic development. If you model this correctly, a veterinarian could grow their footprint within their area by adding this as a service that can be done. Or course, they can do it now but I'm not sure how many veterinarians in the state of Nebraska are actually doing this procedure. I'm not sure, I'm not sure how many other folks are doing this procedure. I know I've had phone calls from folks that tell me, hey, you can't put a master's degree in there because then I'll be disqualified. Well, they're disqualified right now, they just didn't know it. A master's degree gets us closer to those...to some of those folks being able to do that without breaking the law, and that's what we're talking about. Should folks that want to come to Nebraska, that want to live here, that want to do this procedure under the indirect supervision of a vet, should we give them and the vets the opportunity? And that's really the entire question. And I must remind people that, don't forget, we are talking about cattle, we're not talking about human embryo transplants, and I think that's important. And so we need to remember that there are opportunities here. And, yeah, there may be some...there may be some uncomfortableness going forward on some folks' part, but I think that's just the way life goes. And sometimes you have to step over those hurdles and learn how to deal with things that don't necessarily go your way sometimes. So I would appreciate more questions if people have them. I do believe that...I do believe that this is on the right track. And I think that what's going to happen is, if this doesn't go through this year, it will continue to come up and be a part of the conversation. And I can tell you this, the other states are not going to...they're going to look at us in their rearview mirror and they're going to say, you know what, we can overtake Nebraska, we

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

Floor Debate  
February 15, 2012

---

can start to do a lot of those things. We have to remember, we have packing plants in the state of Nebraska that are getting older, okay? When those packing plants have seen the end of their useful life what are they going to do? They're going to go where the cattle are, okay, and they're going to go where the best cattle are, and we need to be careful of that. We have got to keep our industry in the state of Nebraska strong. I believe that embryo transfer being performed by a master's holder or a Ph.D. is part of what helps strengthen our industry. Thank you, Mr. President. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Schilz. Thank you, Senator Louden. You've heard the opening to FA34 to AM1774. Members requesting to speak, Senator Carlson, followed by Senator Hansen, Senator Seiler, Senator Harms, and others. Senator Carlson. [LB686]

SENATOR CARLSON: Mr. President and members of the Legislature, I'd like to address some questions to Senator Schilz, if he would yield. [LB686]

PRESIDENT SHEEHY: Senator Schilz, would you yield to Senator Carlson? [LB686]

SENATOR SCHILZ: Yes. [LB686]

SENATOR CARLSON: Thank you, Senator Schilz. I'm looking at the sheet of paper that you handed out and then I'm responding to what you just said on the mike a couple of minutes ago. The master's degree at UNL requires 30 hours of coursework, you say that in there, and then you say, however, UNL-Iowa State program includes only one specific class on embryo transfer. My question is, in the 30 hours of coursework for the master's degree at UNL, is there a course on embryo transfer? [LB686]

SENATOR SCHILZ: Thank you for the question, Senator Carlson, and I will...I believe that there probably is. I don't know that for sure but I will find that answer out for you. [LB686]

SENATOR CARLSON: And I think that would be very helpful because it may even be more than one course. But that...and whether not electively there could be more than one course, that could be pretty important information I think. The other thing is on what you handed out, needed by the beef industry, and you say in there, "decline in large animal veterinarians in Nebraska long term," and I believe that's a fact and it's a concerning fact. Do you think in any way that LB686 could be helpful to existing large animal veterinarians in building their business and practice in Nebraska? [LB686]

SENATOR SCHILZ: You know, thank you for the question, Senator Carlson, and I do believe that that could be an opportunity for vets if they so choose. And the reason for that is as we look and we heard about the numbers, as I stated before, the numbers of cattle or animals that the vets have to look after in each of these counties, they're busy.

Floor Debate  
February 15, 2012

---

They got a lot going on. So if they could have somebody that would contract with them to be able to do this so that they can carry on their regular duties, that just makes the pie bigger and that's an opportunity for vets too. And let's be honest about it. We can bring vets back; that's great. We can bring master's degree holders back as well and they're probably going to bring families, they're going to bring people to our schools. So I think it could be a...you know, it's one of those things where you build what you want and you create the opportunity, not necessarily...you create the opportunity and not necessarily box people in so that we can't be flexible enough to get this done. [LB686]

SENATOR CARLSON: All right. Senator Schilz, at your feedlot you have a veterinarian, I assume is probably not an employee but it's someone that you contract on a regular basis. Would that be true? [LB686]

SENATOR SCHILZ: That is correct, yes. [LB686]

SENATOR CARLSON: How does your veterinarian feel about this bill? [LB686]

SENATOR SCHILZ: Our veterinarian doesn't necessarily have a problem with it because he's busy enough doing the work that he does that he doesn't have time to work in this area. So he's...he was noncommittal either way. [LB686]

SENATOR CARLSON: Okay. And your opinion is he doesn't really have time to work in this area... [LB686]

SENATOR SCHILZ: Yeah, he's... [LB686]

SENATOR CARLSON: ...but he didn't...he's not a glowing supporter of the bill but he's not an opponent either. [LB686]

SENATOR SCHILZ: Correct, yeah. [LB686]

SENATOR CARLSON: Would that be true? [LB686]

SENATOR SCHILZ: Yep. [LB686]

SENATOR CARLSON: Okay. So do you think then that LB686 would not have a negative impact on large animal vets coming in to Nebraska? [LB686]

SENATOR SCHILZ: You know, and therein is the question. That's where it's at. If looked at properly, if looked at properly, I don't think it would. [LB686]

PRESIDENT SHEEHY: One minute. [LB686]

Floor Debate  
February 15, 2012

---

SENATOR SCHILZ: I think that it's all about how you go about creating the models as you move forward. [LB686]

SENATOR CARLSON: Okay. Thank you, Senator Schilz. And I would really like that information on those 30 hours of master's degree coursework at UNL to see what their options are in terms of embryo transfer. So thank you for your conversation. Thank you, Mr. President. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Hansen. [LB686]

SENATOR HANSEN: Mr. President, members of the Legislature, I would like to follow up on some of the things that have been said. When Senator Wallman brought up that it was a disgrace that Nebraska didn't have a veterinary college, I take exception to that because we've tried to do that before. We've tried and tried and tried to do that before and it seems the one...the group that stands up and opposes that are the veterinarians. And they have to protect their college that they're an alum of and I don't blame them. You know, if they're Colorado State alums, they have support for that college; Kansas State, Iowa State the same thing. University has a program now, the two plus two, and I'm satisfied with that program. I think it's a great program and it has some potential to get large animal vets, and that's what the program hopes to do. They've graduated the first class in the two plus two program and have done very well at Iowa State in the veterinary classes. Scope of practice is what we're talking about here today. I served two years on the HHS Committee in the Legislature and somewhat familiar with scope of practice. It doesn't matter whether you're a nurse practitioner or an optometrist, a veterinarian or a podiatrist, everybody has a scope of practice and when that scope of practice gets widened a little bit and someone else takes over part of your responsibility, part of your scope of practice, then there comes...therein lies the rub. Like to have a couple of questions of Senator Schilz, if he would yield. [LB686]

PRESIDENT SHEEHY: Senator Schilz, would you yield to Senator Hansen? [LB686]

SENATOR SCHILZ: Yes. [LB686]

SENATOR HANSEN: Senator Schilz, I'm a graduate of UNL but I don't hold a master's or a Ph.D. in reproductive physiology; have had some classes in that, especially classes after graduation. Are some of these schools of embryo transfer done out of the college setting? [LB686]

SENATOR SCHILZ: You know, that's a good question. I believe that most of them are probably under a college setting, but there may be private certifications that are out there. I can't tell you 100 percent. [LB686]

SENATOR HANSEN: I think there is and we both probably need to look into that a little

Floor Debate  
February 15, 2012

---

bit more. And then Senator Carlson also brought up a question about expanding a service for the veterinary clinics. And I know there's one in the southern part of the state has done that, has built a facility, uses the embryo transfer part of the bill, of his ability to do that. But now he can expand that, do his veterinary practices; if this bill would pass, hire a master's or a Ph.D. to do that under close supervision in the case of a master's degree, and he could expand that veterinarian's business. I think that's a great idea. You can respond to that because I think you're familiar with that situation. [LB686]

SENATOR SCHILZ: Yeah, and I...thank you, Senator Hansen. And that's exactly right and what you can look to it as is just like anything else. If that veterinarian can then work on his practice necessarily, then that person that's going out and doing the embryo transplant for them, they could actually bring business to them. Because what happens is if you've got a turnkey operation where you can do all of this stuff, chances are, if it's a one-stop shop, that's where people are going to go. It makes sense. And then it also allows for that person, that veterinarian, to be able to cover all those animals, as we stated and pointed out, from the AVMA, the numbers of vets per animals that are out there. [LB686]

SENATOR HANSEN: One last question, Senator Schilz, if I could. You buy...I know you and your feedlot buy prescription drugs from your veterinarian under a prescription of a vet. I buy them, too, for calving,... [LB686]

PRESIDENT SHEEHY: One minute. [LB686]

SENATOR HANSEN: ...especially during calving times of the year, which we're in right now. Does that veterinarian who sells me prescription drugs have any liability after he gives me that prescription? [LB686]

SENATOR SCHILZ: I would guess and everything that I've seen, once he writes that prescription and you get it, I believe that it's on your shoulders then. [LB686]

SENATOR HANSEN: Okay. Thank you, Senator Schilz. Members of the Legislature, I'm huge into food safety. I mean we need food safety in this state as much as anywhere in the country. That's why I proposed LB1066 for a diagnostic lab. The veterinarians are great. We need veterinarians. We can't live without them. We can't do our business without them. With this embryo transfer bill we've been working on, the Nebraska Cattlemen has been working on them, we've been working on them in the Legislature now for three years, so this is something whose time has come and I think we need to move it on. Thank you, Mr. President. [LB686 LB1066]

PRESIDENT SHEEHY: Thank you, Senator Hansen. Senator Seiler. [LB686]

SENATOR SEILER: Mr. President, members of the Legislature, I come from a different

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

Floor Debate  
February 15, 2012

---

perspective on this bill. I'm president of the Olson Brothers Foundation which gives 15 scholarships to University of Kansas State for purposes of large animal veterinarians, Nebraska students only. And I'll give you some statistics that we got from our students last year. Their average debt when they graduate is \$200,000 and they usually start out between \$40,000 and \$50,000. The answer is they better marry well. I think we...I'm not against this bill and I'm not in favor of this bill at this time, but I think we've got to look at our veterinarian industry that may die of a thousand knife cuts. And I would think it shortsighted to think that people are going to go into large animal practice when they can start out with cats and dogs and make \$150,000 to \$200,000. So I think we better keep that in mind when we're having not necessarily this bill alone but all these different knife cuts that are coming on the veterinarians. Thank you, Mr. President. [LB686]

PRESIDENT SHEEHY: Thank you, Senator Seiler. Mr. Clerk, do you have items for the record? [LB686]

CLERK: Yes, I do, Mr. President. Your Committee on Revenue, chaired by Senator Cornett, reports LB962 to General File with committee amendments attached. Transportation Committee, chaired by Senator Fischer, reports LB1091 to General File with amendments...or General File; LB715 to General File with amendments; and LB1167 indefinitely postponed. I have amendments: Senator Dubas to LB686 to be printed, and Senator Cornett to LB1118. And priority bill designations: Senator Fischer, LB745; Senator Carlson, LR358CA; Senator McGill, as Chair of Urban Affairs, LB1001 and LB863; Senator Krist, LB998; Senator Wallman, LB1090; Senator Burke Harr, LB902; Senator Karpisek, LB1067; General Affairs Committee, LB824 and LB1130; Senator Fischer, Transportation Committee, LB751 and LB715; Senator Lambert, LB750; Performance Audit Committee, chaired by Senator Harms, LB1160 and LB949; Senator Larson, LB806; and Judiciary Committee, LB972 and LB1145. (Legislative Journal pages 548-555.) [LB962 LB1091 LB715 LB1167 LB686 LB1118 LB745 LR358CA LB1001 LB863 LB998 LB1090 LB902 LB1067 LB824 LB1130 LB751 LB750 LB1160 LB949 LB806 LB972 LB1145]

Mr. President, a priority motion: Senator Langemeier would move to adjourn the body until Thursday morning, February 16, at 9:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Thursday, February 16, at 9:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.