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Floor Debate
February 01, 2013

[LB21 LB39 LB49 LB125 LB155 LB173 LB216 LB279 LB290 LR46]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventeenth day of the One Hundred Third Legislature, First Session. Our chaplain for the day is Jeff Hamilton from the La Vista Church of Christ, La Vista, Nebraska, Senator Smith's district. Please rise.

JEFFREY HAMILTON: (Prayer offered.)

SPEAKER ADAMS: Thank you. I call to order the seventeenth day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

SPEAKER ADAMS: Thank you, Mr. Clerk. Are there corrections for the Journal?

ASSISTANT CLERK: I have no corrections this morning.

SPEAKER ADAMS: Are there any messages, reports, or announcements?

ASSISTANT CLERK: A series of items, Mr. President. I have a committee report on confirmation of gubernatorial appointment from Natural Resources; I have a list of registered lobbyists for the current week; an announcement that reports filed by various state agencies are available through the Legislature's Web site; a potential conflict of interest statement from Senator Sullivan; and notice of committee hearings from the Education Committee. (Legislative Journal pages 337-339.)

SPEAKER ADAMS: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first bill this morning is LB279, introduced by Senator Pirsch. (Read title.) The bill was read for the first time on January 16 of this year, referred to the Banking, Commerce and Insurance Committee. That committee reports the bill to General File with no committee amendments. [LB279]

SPEAKER ADAMS: Thank you, Mr. Clerk. Senator Pirsch, you are recognized to open on LB279. [LB279]

SENATOR PIRSCH: Thank you, Mr. Speaker, members of the body. I introduced LB279 at the request of the Department of Banking. LB279 proposes updates to the

Floor Debate
February 01, 2013

loan broker statutes, the Delayed Deposit Services Licensing Act, and the Installment Loan Act. These laws all relate to consumer finance and are under the jurisdiction of the Department of Banking. Sections 45-189 to 45-191.11 govern loan brokers operating in Nebraska, and these laws provide that persons who attempt to arrange loans or assist borrowers in making application for loans must utilize written agreements and disclosure statements containing language set out in statute. They have to file the documents with the department prior to use and cannot collect advance fees. Entities such as financial institutions and insurance companies are excluded from the loan broker statutes, and specified individuals are exempted from compliance with these laws. LB279 proposes two amendments to the loan broker statute. The first amendment, found in Section 1, clarifies the exclusion from the definition of "loan broker" in Section 45-190 by placing these exclusions in a separate subsection rather than within the body of the definition. The second amendment is to Section 45-191.10, the loan broker exemption statute. Section 2 of the bill proposes to narrow the exemption for accountants to exempt only certified public accountants. The accountant exemption has shown itself to be overly broad in that it allows anyone calling himself an accountant to claim the exemption. A recent loan scam was perpetrated by a so-called accountant claiming the exemption. The revision will comport with the other exemptions in this statute for attorneys, real estate brokers, broker-dealers, and investment advisors--pardon me--all of which have a professional...all of whom have a professional license. LB279 proposes one amendment to the Delayed Deposit Services Licensing Act, which regulates the industry generally known as "payday lending." Licensees under this act hold a customer's check for a period of time not to exceed 34 days and are allowed to charge a fee up to \$15 per \$100. They are examined by the department. The amendment in Section 3 of this bill will provide authority to the department to share examination reports and other confidential information regarding licensees with the Consumer Financial Protection Bureau, also known as the CFPB, which was created in 2010 by the federal government, and our counterparts in other states and the U.S. territories. Although the CFPB does not have licensing authority, it has the authority to supervise and enforce federal consumer protection laws over providers of consumer financial products, including payday lenders. LB279 contains three cleanup amendments to the Installment Loan Act. These companies make consumer loans, are active in home equity financing, and are subject to licensing and other regulatory requirements. In 2011 the licensing process was transitioned from a manual process to the Nationwide Mortgage Licensing System and Registry. The amendments in Sections 4, 5, and 6 of the bill simply eliminate obsolete references to the transition. Thank you very much. [LB279]

SPEAKER ADAMS: Thank you, Senator Pirsch. The floor is now open for debate. Senator Pirsch, there are no lights on. You're recognized to close. [LB279]

SENATOR PIRSCH: Thank you. I'd just ask for your green vote and approve LB279. Thank you. [LB279]

Floor Debate
February 01, 2013

SPEAKER ADAMS: Members, the question is the advancement of LB279 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB279]

ASSISTANT CLERK: 35 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB279]

SPEAKER ADAMS: The bill advances. Next bill on the agenda, Mr. Clerk. [LB279]

ASSISTANT CLERK: Mr. President, LB290. It was introduced by Senator Pirsch. (Read title.) The bill was read for the first time on January 16, referred to the Banking, Commerce and Insurance Committee, placed on General File with no committee amendments. [LB290]

SPEAKER ADAMS: Thank you, Mr. Clerk. Senator Pirsch, you are recognized to open on LB290. [LB290]

SENATOR PIRSCH: Thank you, Mr. Speaker, once again. Members of the body, I introduced LB290 at the request of the Department of Banking. LB290 proposes updates to the Residential Mortgage Licensing Act. The act is under the jurisdiction of the Banking Department and provides for the regulation of the mortgage banking industry in Nebraska. The most substantive provisions of the bill are found in Sections 4 and 5. Section 4 would amend Section 45-737, which currently provides a single set of duties for both mortgage banker licensees, which are the firms, and for mortgage loan originator licensees, who are the individuals covered under the act. A number of those duties can only be performed by the firms. LB290 rectifies this situation by providing that Section 45-737 will only be applicable to the firms and adopting a separate statute setting out duties for the mortgage loan originators. Mortgage loan originator duties, as set out in Section 5 of the bill, will include notification to the Department of Banking within ten days of events such as bankruptcy, criminal indictments, and suspension or revocation proceedings instituted by other jurisdictions and notification within 30 days of items such as changes of name, address, and employer. The duties of mortgage bankers will also be clarified as to the types of orders and proceedings that mortgage banker licensees must report to the department. Under both laws notifications may be sent electronically to the department. Section 3 of the bill will amend Section 45-729 relating to abandoned applications to provide that the department is to calculate the 120-day abandonment period from the date that the department sends the applicant notice of a deficiency in the application. This authorizes calculation from the date of electronic transmission to the applicant. Since all applications and deficiency notices are submitted through the Nationwide Mortgage Licensing System and Registry, the proposed language using the term "sends" rather than "mailing" should have been used when the provision was adopted in 2012. The Nationwide Mortgage Licensing System and Registry also notifies the applicant via e-mail that the department has posted a

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

Floor Debate
February 01, 2013

deficiency notice on the system. For individual applicants, the applicant's employer also receives a notice that the department has placed a deficiency notice on the system. The final substantive amendment to the Residential Mortgage Licensing Act is set out in Section 6 of the bill, and that would revise Section 45-741(7). This statute provides that, in the course of an investigation, the department may rely on reports prepared by a licensee for specified federal agencies or federally related entities. The amendment would add reports that a licensee prepare, for the Consumer Financial Protection Bureau, as a report that the department would rely on as well. I thank you for your time, and I'd ask you...I'd be happy to field any questions that anybody has at this time. Thank you. [LB290]

SPEAKER ADAMS: Thank you, Senator Pirsch. Members, the floor is now open for debate. Senator Pirsch, there are no senators wishing to speak. You are recognized to close. [LB290]

SENATOR PIRSCH: Thank you. I would just ask again for your green vote on LB290. Thank you. [LB290]

SPEAKER ADAMS: The question is the advancement of LB290 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB290]

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB290]

SPEAKER ADAMS: The bill advances. Mr. Clerk, the next item on the agenda--for an announcement, please. [LB290]

ASSISTANT CLERK: Mr. President, there...I do have an announcement from Senator Gloor that the Banking Committee will hold an Executive Session now in Room 2022.

Next bill, Mr. President, is LB173, which was introduced by Senator Coash. (Read title.) The bill was read for the first time on January 14 of this year, referred to the General Affairs Committee, placed on General File with no committee amendments. [LB173]

SPEAKER ADAMS: Thank you, Mr. Clerk. Senator Coash, you are recognized to open on LB173. [LB173]

SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. LB173 is a simple bill intended to fix a statutory oversight. Currently, per statute 53-180, the only IDs acceptable for verifying one's age for the purpose of purchasing or consuming alcoholic liquor are a valid driver's license, a military ID, alien registration card, a passport, or a Nebraska state ID card. Thus, if someone has a valid state ID card from a

Floor Debate
February 01, 2013

state other than Nebraska, he or she cannot use such ID to purchase or consume alcohol in Nebraska. LB173 strikes the word "Nebraska," thus permitting any valid state ID card to be used for age verification. I brought this bill because it came to our attention that some responsible licensee holders read the statute and were denying the sale of alcohol to out-of-state guests who did not possess driver's licenses. One example that I will share with you happened at the Omaha Eppley Airport, where a patron who was blind went to the airport, ordered some alcohol, and provided an out-of-state ID. She, of course, did not have a driver's license but did provide an out-of-state ID and was denied service. That was the right thing to do by that particular licensee holder but didn't seem to make sense. As Nebraska continues to get out-of-state guests we need to make sure that we are able to provide them a service that they are legally able to receive, and this bill corrects that. And I urge your advancement of LB173. Thank you, Mr. President. [LB173]

SPEAKER ADAMS: Thank you, Senator Coash. The floor is now open for debate on LB173. Senator McGill, you are recognized. [LB173]

SENATOR MCGILL: Thank you, Mr. President. I rise in support of LB173. I actually started researching this very same issue a few months ago after I was approached by a college student at UNL. Now we want to encourage more students to come into our university, especially from other states as well, and so this particular young man was...felt that this law needed to be changed, and I agree. We want all...we don't want to stop kids from coming here to the university for something as basic as this problem. So I hope we can get it fixed now. I support LB173. Thank you, Mr. President. [LB173]

SPEAKER ADAMS: Thank you, Senator McGill. Senator Lautenbaugh, you're recognized. [LB173]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I did want to add my own voice of support to this. I won't labor the point. I think it's worth voting on, and I will endeavor to do so. And I would urge all of you to vote. I'm sure Senator Coash will vote for his own bill at least, and I would urge all of you to do the same. Thank you. [LB173]

SPEAKER ADAMS: Thank you, Senator Lautenbaugh. Are there any other senators wishing to speak to LB173? Senator Johnson, you're recognized. [LB173]

SENATOR JOHNSON: Thank you, Mr. President. I'm on that committee. I heard the testimony. I also have worked with Project Extra Mile, and that, of course, focuses on underage drinking. These are young people that are eligible, they are of age, and it is a hindrance. We have a lot of them that come in, like to the College World Series and other events, and it is a little bit embarrassing. So I support the bill. Thank you. [LB173]

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

Floor Debate
February 01, 2013

SPEAKER ADAMS: Thank you, Senator Johnson. Are there any other senators wishing to speak to LB173? Seeing none, Senator Coash, you are recognized to close. [LB173]

SENATOR COASH: Thank you, Mr. President, and thank you for the words of support. This is a small change in the statute, colleagues, but it does have larger implications. It does...our statutes represent our state, and our state should be a welcoming state to those who obey our laws. And I urge your support of LB173. Thank you, Mr. President. [LB173]

SPEAKER ADAMS: Thank you, Senator Coash. The question before the body is the advancement of LB173 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB173]

ASSISTANT CLERK: 30 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB173]

SPEAKER ADAMS: The bill advances. (Doctor of the day and visitors introduced.) Mr. Clerk, we'll proceed on in General File. [LB173]

ASSISTANT CLERK: Mr. President, the next bill is LB39, introduced by Senator Harms. (Read title.) The bill was read for the first time on January 10, referred to the Executive Board. That committee reports the bill to General File with committee amendments. (AM40, Legislative Journal page 312.) [LB39]

SPEAKER ADAMS: Thank you, Mr. Clerk. Senator Krist, in place of Senator Harms, you are recognized to open on LB39. [LB39]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. LB39 is a cleanup bill--I don't use the words lightly; it is genuinely a cleanup bill--that replaces statutory references in the Legislative Performance Audit Section with references to the Legislative Audit Office. In 2009 the Legislature passed LB620, which established the Legislative Audit Office as a separate legislative division. However, we neglected to amend the Legislative Audit Act to reflect the new office name. Consequently, both the section and office exist in statute. Although we are the exact same entity, LB39 would simply remove that confusion by eliminating the references to that...to the section. I'll take this opportunity during the introduction, on behalf of Senator Harms, to thank Senator Harms and everyone on Performance Audit, but particularly Senator Harms and Martha Carter for their leadership. I think the Performance Audit Committee has done some great things in conjunction with your committees, our standing committees, particularly the Health and Human Services Committee, in the last few years. Thanks for your leadership, Senator Harms. Thank you, and I would be happy to answer any questions if I can. But I ask you for a green vote. There is a committee amendment that will follow. [LB39]

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

Floor Debate
February 01, 2013

SPEAKER ADAMS: Thank you, Senator Krist. Mr. Clerk. [LB39]

ASSISTANT CLERK: Mr. President, there are committee amendments from the Executive Board. [LB39]

SPEAKER ADAMS: Senator Wightman, you are recognized. [LB39]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. The committee amendment, AM40, is simply a cleanup amendment. It strikes the word "office" and replaces it with "office of the Legislative Audit," so that it is clear which office the section is referring to. As I say, it's just a short cleanup. I would ask your adoption of the committee amendment and also the bill itself. Thank you. [LB39]

SPEAKER ADAMS: Thank you, Senator Wightman. The floor is now open for debate on the committee amendment. Seeing no lights on, Senator Wightman, you are recognized to close on the amendment. Senator Wightman waives closing. The question: Shall the committee amendments to LB39 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB39]

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB39]

SPEAKER ADAMS: The amendment is adopted. Discussion on the advancement of LB39 to E&R Initial? There are no lights on. Senator Krist, you are recognized to close on LB39. Senator Krist waives closing. The question is the advancement of LB39 to E&R Initial. All those in favor indicate with aye; all those opposed vote...record, Mr. Clerk. [LB39]

ASSISTANT CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB39]

SPEAKER ADAMS: The bill advances. Mr. Clerk, the next bill on the agenda. [LB39]

ASSISTANT CLERK: Mr. President, LB21; it was introduced by Senator Lathrop. (Read title.) The bill was read for the first time on January 10 of this year, referred to the Business and Labor Committee, and that committee reports the bill to General File with no committee amendments. [LB21]

SPEAKER ADAMS: Thank you, Mr. Clerk. Senator Lathrop, you are recognized to open on LB21. [LB21]

SENATOR LATHROP: Thank you, Mr. President and colleagues. Good morning. LB21

Floor Debate
February 01, 2013

eliminates the sunset provision that was found in LB780, which we passed in 2010. LB780 was known as the mental-mental bill, and to understand what LB780 was about and why there was a sunset, I'd like to provide you with a little bit of background during my introduction. First, the subject matter of LB780. Generally, in workers' compensation in order to make a claim...well, generally, workers' comp provides benefits for two things: if you are hurt in the scope and course of your employment, work comp benefits are available to provide for your medical care and disability benefits while you can't work, and if you have a permanent injury it will compensate you for your loss of earnings ability. To qualify for work comp, generally speaking, you must have a physical injury in the scope and course of your employment. If you have a physical injury in the scope and course of your employment that leads to depression, for example, a mental injury, that's compensable because the first injury was a physical injury. Before LB780, Nebraska did not permit an injury that was a mental injury that has as its point of injury, a mental injury. So we call it a mental stimulus and a mental injury versus a physical injury that leads to a mental injury; and let me give you an example, and why this bill came up originally by Senator Cornett years ago after the Van Maur shooting, right? There were people, first responders, that ran into Van Maur, that saw some pretty horrible things; had mental injuries but could not make a work comp claim. If they had been hurt going in there, falling down, they would have made a claim; but because what they saw was a mental stimulus to a mental injury, they couldn't make a claim. So, in 2010, we passed LB780, which basically makes an exception to the general rule that you have to have a physical injury first. And LB780 said, for first responders--police, firefighters, volunteer fire guys--they can make a work comp claim for a mental injury if it is a mental stimulus; if they've seen something so horrible. And why did we need this? Why was it necessary and why did we pass it? Those folks who serve on our volunteer fire departments, in particular, see some pretty awful things. All of the first responders see awful things, and this bill would cover them all. But the first responders who are volunteer fire guys go onto the scene of a terrible accident where they're called to the scene of a suicide; and oftentimes, they know the person because they are volunteers in their community, and the people they see, badly injured, or see who have committed suicide, are somebody they know. And a lot of times...not a lot of times, but some of the times that's too much. And what we learned when we passed LB780 is, most first responders have in place some protocol in the fire house or at the police station for a debriefing--someone they can talk to about what they've seen, someone who can try to get ahead of posttraumatic stress disorder before it settles in on one of our first responders. So what LB780 does is it provides for those first responders who develop a posttraumatic stress disorder, for example, because of something they've seen on the job. That's why we passed the bill. That's what the bill did back in 2010. Now we put a sunset provision on it because when the bill was on the floor there was a great deal of discussion about how many claims are there going to be and what's this going to cost. The original fiscal note was, like, a million dollars. And the predictions were that this was going to lead to all kinds of claims from first responders. And what has happened since then, contrary to the predictions of a great number of claims, I contacted the Workers'

Floor Debate
February 01, 2013

Compensation Court...well, what I had promised to do was to put a sunset on it and wait three years and see what happens, okay, so that those people in this body who had concerns about whether we would see millions of claims or million of dollars spent on hundreds of claims, if that prediction would come true, or would my prediction that it would be rarely used turn out to be the case. When you get hurt in the scope and course of your employment, when an employer knows that you are likely to make a claim or may make a claim, they have to file what's called a first report of occupational injury with the Workers' Compensation Court. Okay? So we can go up there and look at the records and say, how many claims have there been for backs and how many claims have there been for broken arms and how many claims have there been for mental-mental injuries? There's been one. So in three years we've had one claim made. When the city of Omaha came and testified on this bill--originally opposed, and they told me yesterday they're off of this bill--they said there were two. I'm not going to argue with them. I do know that there's only one claim been made with...or one first report of occupational injury filed. So what I'm pleased to report is this has been available for a first responder; it has not led to hundreds of claims and millions of dollars paid out. And why is it important that we do this? The cities who hire paid first responders and the volunteer firemen are trained, and we spend money training these folks; and it's important that we get them back to the firehouse or back to the police station where they can work and they don't leave because they've got a posttraumatic stress disorder, give up being a volunteer fire guy or give up being a police officer or a paid firefighter because they've suffered this mental injury. This gets them the care they need. It's paid for. They see a psychiatrist and get the medication they need. They get the counseling they need; it's paid for; and we don't have that person leave the force with all the money we've invested in them. And it is a good investment. It has not led to a bunch of frivolous claims. So today, what we are going to do is to remove the sunset and basically allow this exception to the general rule in work comp to be available for first responders so that those men and women that serve us, particularly the volunteer guys, have available to them the mental healthcare they need to get better and get the treatment they receive and back on the job. And so with that, I would encourage your support of LB21. Thank you. [LB21]

SPEAKER ADAMS: Thank you, Senator Lathrop. Senator Coash, you are recognized. [LB21]

SENATOR COASH: Thank you, Mr. President. Would Senator Lathrop yield to a question? [LB21]

SPEAKER ADAMS: Senator Lathrop, would you yield? [LB21]

SENATOR LATHROP: Yes, I'd be happy to. [LB21]

SENATOR COASH: Thank you, Senator Lathrop. I was...I remember that debate. I

Floor Debate
February 01, 2013

remember the protracted debate, and I remember both sides putting forth their thoughts of how much this would be utilized. So I hit my light, and my question was going to be, what's our experience been? So I appreciate you answering that question. But I do have this question: I noticed the city of Omaha came in and opposed this particular bill; can you tell us what the nature of their opposition to the extension was? [LB21]

SENATOR LATHROP: Sure. And to put it in context, when we had this bill on the floor, it was on here twice, we passed it once when it was a Cornett bill, and it was vetoed by the Governor. I put it up in 2010 and we passed it. And you'll remember that the cities and the counties came in and they were all opposed to it. They just said, we have no idea what this is going to lead to; we have a lot of anxiety about whether it will lead to hundreds of claims and we'll spend millions of dollars. And now we have the city of Omaha who has one reported claim, and they testified that they have two; they came in, in opposition, and testified opposed. I spoke to their representative yesterday and they are off this bill. So the one political subdivision that I recall that came in as opposed is now off of it, and I don't know that there's opposition. And, in fact, the group that was mostly opposed to it, that was afraid it would be expanded into the private sector, put in a bill to remove the sunset themselves. [LB21]

SPEAKER ADAMS: Thank you, Senator Lathrop, Senator Coash. Senator Kolowski, you're now recognized. [LB21]

SENATOR KOLOWSKI: Thank you, Mr. Speaker. Senator Lathrop, would you yield for a question, please? [LB21]

SENATOR LATHROP: Oh, I'm sorry. [LB21]

SENATOR KOLOWSKI: Would you yield, please? [LB21]

SENATOR LATHROP: Yes, I'd be happy to. [LB21]

SPEAKER ADAMS: Senator Lathrop, would you yield, please? [LB21]

SENATOR LATHROP: Yes. [LB21]

SENATOR KOLOWSKI: Thank you very much. I have a question, Senator Lathrop. Having a son who was extremely involved in the aftermath of the 9/11 situation in New York City, I am very familiar with the kind of things you are talking about, the portions of this bill, as far as counseling services and psychological services. Could you elaborate, please, on the possibility of what was discussed in your presentation as far as services that would be available prior to filing for workers' comp for the first responders, please? [LB21]

Floor Debate
February 01, 2013

SENATOR LATHROP: Sure. Generally, and what we learned when we moved this bill back in 2010, even the volunteer fire guys who are...do what they do with less resources than a paid fire department, for example, if they go to the scene of a crash, if they go to the scene of an accident and they see something horrific, as they do, and it turns out to be a family friend or just something that's hard to see, like a badly injured child or a dead child, they'll go back to the station, they have a protocol for sitting down and talking about it, trying to see if anybody is struggling with it, to see if...and to talk about it and see if they have problems sleeping, those kinds of things. They'll try to work it out, at least, initially, in that process that they have. I think they have chaplains and they have other people that are trained to provide counseling. But if they have...if posttraumatic stress disorder settles in, something that needs the professional attention of a psychiatrist, this is where they can turn to, to get those cost of care paid for. [LB21]

SENATOR KOLOWSKI: Thank you very much for that elaboration. I appreciate it. [LB21]

SPEAKER ADAMS: Thank you, Senator Lathrop, Senator Kolowski. Senator Krist, you are recognized. [LB21]

SENATOR KRIST: Thank you, Mr. President. Again, good morning, colleagues, and good morning, Nebraska. I was here for this debate and I strongly supported the legislation. Having served in the United States military, I understand PTSD. I thankfully was not affected myself, but I saw my colleagues, my fellows in arms, who did suffer, and it is a very serious impingement upon future life not just with your workplace but the family as well. I thank Senator Lathrop for bringing it forward and the conviction of the Legislature at the time to also stand strong in resolve to make this happen. I'll make the point, though, not on the subject matter but on the process. It is so important that if there is a sunset on something and with potential lack of continuity, as we all stand here today and may not be here in four years, that we know when those sunsets come up. The Clerk and I had a discussion when I first came here; how do I know? It's important for you to review that subject matter, and I'm assured again today the Revisor's Office will track those sunsets. And I think it's incumbent upon each of you to realize that occasionally, maybe once a year or maybe at the beginning of the session, we review the sunsets to make sure that a program like this that is critically important to the citizens of Nebraska are taken care of and the sunset is continued for good reason; and the reverse side of that coin, that it's reviewed for other reasons and potentially not continue. I have looked at the results of what we did. I'm proud of what we did. It's a way to deal with those first responders' needs. The key to treatment in PTSD is the immediate...the immediate treatment, the quicker the better, to intervene in the process before it becomes a rumination and continues to ruin your life and potentially your profession and your families' lives. Thank you, Senator Lathrop, for following through, and I encourage everyone to vote green on LB21. [LB21]

Floor Debate
February 01, 2013

SPEAKER ADAMS: Thank you, Senator Krist. Senator Sullivan, you're recognized. [LB21]

SENATOR SULLIVAN: Thank you, Mr. President, and good morning, colleagues. Well, first of all, I stand in strong support of this legislation. I think we need to do all we can to provide recognition and support for our first responders. I recognize that, particularly out in rural Nebraska, how important those volunteer first responders are. So I think this is a good move. And also, in addition to that, just the fact that we're recognizing mental problems right up there with physical. You know, we sometimes have pushed them onto the back burner, so to speak, and I think this recognition is important. But I do have one question for Senator Lathrop if he would yield. [LB21]

SENATOR ADAMS: Senator Lathrop, would you yield to a question? [LB21]

SENATOR LATHROP: Yes, I would. [LB21]

SENATOR SULLIVAN: Thank you, Senator. It's not so much about the legislation, it's you mentioned earlier the protocol that the first responders follow when they do witness or are involved in a traumatic situation, and then, when they go back, to sort of debrief. But is this protocol recognized all across the board, particularly in volunteer firefighter situations; and are they aware of this resource now available to them if they have these issues? [LB21]

SENATOR LATHROP: The answer is, I think they all...all of the volunteer fire people, and I think all the paid folks, for that matter, have something that is a recognized process when they get back to the station or to the firehouse. And that's a...I think it begins with a debriefing, which gives them an opportunity to look at one another and make sure somebody isn't having...somebody isn't struggling. And then if they do, I think they have some level of counseling that happens in the firehouse. I have to tell you, we talked about it in 2010, and I'm not comfortable telling you exactly what that is, but I believe it is commonplace. [LB21]

SENATOR SULLIVAN: And that's my only concern. And I'm sure probably the organizations, whether it's the Volunteer Firefighters Association or whomever, try to get this message to their members. But I just want to make sure that the members of these and the first responders that belong to these organizations in their local communities, because these crises happen all over the state in the smallest of communities, mine included. And I just want to make sure that this is now available and the members are aware that this is available to them. [LB21]

SENATOR LATHROP: I think they are. Thank you. [LB21]

SENATOR SULLIVAN: Thank you, Mr. President. [LB21]

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

Floor Debate
February 01, 2013

SPEAKER ADAMS: Thank you, Senator Sullivan, Senator Lathrop. Senator Wallman, you're recognized. [LB21]

SENATOR WALLMAN: Thank you, Mr. President, and thank you, Senator Lathrop, for bringing this out. There was quite a debate on the floor last time, and Iowa is just discovering what they missed out when they cut some mental health problems...issues out of their funding. This is just a small thing we can do for rural America, all the first responders, also in the cities we have a lot of volunteers that don't get paid, and they do it out of love for their neighbor, for their community. And so this is just a little thing, and please vote green. Thank you, Mr. President. [LB21]

SPEAKER ADAMS: Thank you, Senator Wallman. Senator Lautenbaugh, you're recognized. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I wonder if Senator Lathrop would yield to a question or two. [LB21]

SPEAKER ADAMS: Senator Lathrop, would you yield? [LB21]

SENATOR LATHROP: Yes, I would. [LB21]

SENATOR LAUTENBAUGH: Senator Lathrop, do I understand that the reason we put the sunset in, initially, was so we'd have some experiences to see how this worked out? [LB21]

SENATOR LATHROP: Yes; very clearly the reason. [LB21]

SENATOR LAUTENBAUGH: And it's set now to sunset at the end of 2014, is that correct? [LB21]

SENATOR LATHROP: That's...no. June '14...June of 2014. Not the end of 2014 but June. [LB21]

SENATOR LAUTENBAUGH: Okay. So this bill would relieve us of the obligation of reauthorizing this next session by taking away the sunset? Is that what we're doing here? [LB21]

SENATOR LATHROP: When...what we agreed to do was to look at three years' worth of experiences, and I think we've done that. The problem with waiting until next year is, if we didn't pass it with the emergency clause, we would have a gap and there would be a period of time in which there would not be coverage. The bill actually waits until the date...it doesn't remove it immediately; it removes it on the date it was set to expire.

Floor Debate
February 01, 2013

[LB21]

SENATOR LAUTENBAUGH: So as long as we deal with this, this session, we'll avoid the gap. Is that it? [LB21]

SENATOR LATHROP: Yes. [LB21]

SENATOR LAUTENBAUGH: And the other bill that you referenced that references this same issue is mine, is it not? [LB21]

SENATOR LATHROP: Yes. [LB21]

SENATOR LAUTENBAUGH: Okay. Thank you, Senator Lathrop. I think I have a very convoluted history on this particular issue. I think I was for it before I was against it, and then I don't know where I am now. But this does give me an opportunity to talk about something that has come to my attention this year and I think is kind of important. I do have a bill that deals with this same issue and there are some other provisions in there too. It's...I'll admit, it's a mixed bag. Both sides in the workers' comp area might not like all of it or any of it or some of it, and that's why it was drafted that way. But we've yet to have a hearing on my bill and we're moving ahead with this bill that deals with the same subject matter. And there's been sort of a, I don't know if it's long-term practice, but there's been a practice this year of telling some senators, well, we don't want to put your bill out on the floor until we deal with another bill in committee that's the same subject matter. Even if they're contrary to each other, even if they work in opposite directions, we're not going to advance this bill out of committee until we've dealt with this other bill that deals with the same subject matter. And I can't help but notice that that's exactly what we're doing today. We have advanced this bill out to the floor and we're now trying to move it forward today, and I guess my bill will then arguably be moot when we get to it, at least the part that deals with this. And this touches upon something that...it's probably not a wise thing to point out, but I'll roll on ahead. Committee Chairs, you chair committees, but you do have to be mindful of the things you say to the members and mindful of the reasons you give them for not putting their bills out, and sometimes you have to expect a little pushback. Now we have a provision in the rules that says you can pull a bill from committee, and we have always, all of us that have been here now, have acted like that's just something you don't do. You do not pull a bill from committee; it's unheard of; it can't be done. Despite the fact that it's mentioned in the rules--it apparently was contemplated--by God, we're never going to do it, because it's just wrong. Now I don't buy that. I'm respectful of the committee structure, but if it's in the rules and the rules authorize it, I think we can do it or it wouldn't be in the rules. We could take it out if we want. We vote on the rules every year, but I think... [LB21]

SENATOR ADAMS: One minute. [LB21]

Floor Debate
February 01, 2013

SENATOR LAUTENBAUGH: Thank you, Mr. President. I mean, my first impulse this morning was actually to bracket this for a month or two, try to, so we could have a hearing on my bill that does the same thing. Because I know other members here have been told that; we're holding your bill in committee until we have a hearing on the other bill that deals with the same topic. And we're not being consistent and it's not overly fair, in my estimation, and I'm just rising to point it out. I don't know that I'll file a bracket motion but I do want us to be consistent and respectful of the other members and the bills. And if we're going to do it in one circumstance, we should probably hold it in the other circumstance. None of this has to do with the merits of this particular proposal, but it's a problem; and you're all going to find yourself on the losing end of it as some point. This may be my turn, but I'm not thrilled about it and that's why I'm standing up and pointing it out. Thank you, Mr. President. [LB21]

SPEAKER ADAMS: Thank you, Senator Lautenbaugh. Senator Smith, you're recognized. [LB21]

SENATOR SMITH: Thank you, Mr. President. And would Senator Lathrop yield to an exchange with me, some questions, please? [LB21]

SPEAKER ADAMS: Senator Lathrop, would you yield? [LB21]

SENATOR LATHROP: Yes, I will. [LB21]

SENATOR SMITH: And good morning, colleagues, and good morning, Senator Lathrop. I am...and please don't be offended by a line of questions here I have with you. I, too, am an advocate for the employees' well-being, and I just want to make certain I fully understand what the implications are of this bill. And in concept I agree with it. I heard much discussion last year when I was in Business and Labor Committee with you on this issue. But I'm going to kind of go down the weeds a bit. This is strictly related to a first responder. So is there any potential for this being used if I...let's say there's an employee that works for a utility company that comes upon an accident and has to render some type of assistance. This would not cover a non first responder; only a defined first responder. Is that correct? [LB21]

SENATOR LATHROP: That is explicit. Yes. [LB21]

SENATOR SMITH: Okay. So do you see...and I guess I'm just kind of thinking off the top of my head. There could be some potential for other employees to have some type of a mental anguish related to something that they experienced during their course of employment with a...even though they're not a first responder, but yet they wouldn't be covered under something like this. Right? [LB21]

SENATOR LATHROP: That's true. [LB21]

Floor Debate
February 01, 2013

SENATOR SMITH: Okay. And how...so under the current law, I know that there is some establishment of a preexisting condition. And so an employee that has an injury, a physical injury, the requirement under a work comp claim is to restore them back to that preexisting or that condition prior to the accident. Do you see that this would be a challenge to do this under this type of a mental injury? [LB21]

SENATOR LATHROP: I think the challenges of restoring the...and providing the care and treatment for posttraumatic stress disorder, for example, are the same as for a herniated lumbar disk. The job of the medical profession in the work comp process is to restore the employee back to health, as much as you can or as best as can be done given modern medicine; and the same standard would be applied to a mental injury. [LB21]

SENATOR SMITH: Okay. And this is not a right, wrong, or indifferent here, but there is going to be probably a challenge with the employer in that claim process to be able to define what the state was, prior to, unless there was a record, I guess, of problems with an employee. [LB21]

SENATOR LATHROP: The challenges for a mental injury parallel a physical injury. An employee is lifting a big, heavy pipe and blows a disk out of their back; we don't know what his condition was before unless he had a preemployment physical or had a physical recently. So we have a process, and the employer or their insurance company can have an exam done by one of their doctors who can then render an opinion about whether it's related to the accident, whether it's...whether the person is back to where he was before; whether he's well; whether he's well enough to go back to work. Those things can all be addressed not just by the treating doctor... [LB21]

SPEAKER ADAMS: One minute. [LB21]

SENATOR LATHROP: ...but by the doctor hired by the employer. And then it becomes an issue for the Workers' Compensation Court if there's a fight. [LB21]

SENATOR SMITH: So you're saying that a benchmark can be established through a preemployment physical that maybe there's some type of a mental evaluation. [LB21]

SENATOR LATHROP: They could. If the employer wanted to do that, then they could. It's commonplace in some jobs. Factory work, where they have to be doing lifting a lot, oftentimes they'll send them to an occupation medicine doctor for a preemployment physical to make sure that they can do the...you know, the tasks of the employment without having an injury get in the way. [LB21]

SENATOR SMITH: Thank you very much. [LB21]

Floor Debate
February 01, 2013

SPEAKER ADAMS: Thank you, Senator Smith. Senator Brasch, you're recognized. [LB21]

SENATOR BRASCH: Thank you, Mr. Speaker, and good morning, colleagues. I stand in strong support of LB21. Across our district and across our state I have learned of many urgent and heroic calls our volunteer firemen and women have responded to. Myself, as a rural resident and ag producer, we are truly grateful for their services and for their sacrifices and the risks they take ongoing. I would like to share testimony from a constituent of mine who is a volunteer firefighter, and I'll read part of it; and it is from Micheal Dwyer, an Arlington firefighter. He says, "In my 29 years as an EMT, I have responded to over 1,350 incidents, including fires, accidents, cardiac and breathing episodes, diabetic emergencies, farm injuries, and broken bones. I've rescued two cats from roofs, treated the wrong person once, and have responded to calls in the middle of the night having forgotten to get fully dressed. I have also performed CPR 21 times, 4 times on children. All but two of the patients have died. I have...all but two of those patients have died. I have responded to a partial decapitation, the death of my son's best friend, a school bus accident with 26 patients, and 7 suicides, which is how my father died. While none of those calls are, quote, ordinary, I, we, recover and continue to respond until that one horrible call that comes and takes us to the brink of quitting, and in some cases, posttraumatic stress." And in here he says also that "so many of our calls are with and for friends and family that makes recovery from a critical incident so much more difficult. Given the dangerous shortage of volunteer responders in Nebraska, it makes recovery so much more important." Our firefighters face this all over our counties. I have seen it personally in Cuming County. I've seen it in Burt County and in Washington County on any given day, and as he has stated, here in the middle of the night. I do stand in strong support and I encourage my colleagues to vote green on LB21. Thank you. [LB21]

SPEAKER ADAMS: Thank you, Senator Brasch. Senator Carlson, you're recognized. [LB21]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I would like to address Senator Lathrop if he would yield. [LB21]

SPEAKER ADAMS: Senator Lathrop, would you yield? [LB21]

SENATOR LATHROP: Yes, I will. [LB21]

SENATOR CARLSON: And, Senator Lathrop, you may have gone through this. We had an Executive Session on another bill when you introduced this bill today, and maybe you've gone through this material. But it seems to me, and I don't remember the exact date, but I think four years ago you had a bill that would provide these benefits for first

Floor Debate
February 01, 2013

responders, and I think you carried the bill. Either you did or Senator Cornett. [LB21]

SENATOR LATHROP: Actually Cornett had a bill; it passed and was vetoed. I carried it, I think the next year, and you and I had a lot of conversation about it. That was LB780. We did talk about that in my introduction. And I think that was in 2010, Senator Carlson. [LB21]

SENATOR CARLSON: I think I agree with you; that was 2010. And from the standpoint of procedures and how things get done, you will recall that in 2010 that bill was not advanced. And I may have the days of the week wrong but I think it was a vote on a Friday, and over the weekend I called Senator Cornett and I said, if you bring that bill back for reconsideration I think there's enough votes to pass it. And that's what happened. The bill was brought back for reconsideration. We had a vote on it and there were, like, 27 or 28 votes, something like that. Then it went to the Governor for his signature, and I don't think there was ever any action taken by him on that. It was late in the session and the thinking may have been on your part or Senator Cornett's part, if you have 27 votes and it's a veto, you're probably not going to overcome the veto anyway. But that bill did not become law even though it had the votes as a possibility. Do you recall that? [LB21]

SENATOR LATHROP: Actually I think you're mixing your history because that was on Cornett's bill. It passed near the end. The Governor let it sit on his desk; and after we adjourned, he vetoed it. I came back the next year, worked with the Fiscal Office on the fiscal note, put a sunset in it that you and I negotiated, and then we passed it. [LB21]

SENATOR CARLSON: And I realize that. The original bill didn't go anywhere because it went beyond the five days; we were sine die. And so that bill did not become law. And then in 2012 it was LB780... [LB21]

SENATOR LATHROP: I think it was 2010. 2012 would have been last year. [LB21]

SENATOR CARLSON: 2010. Okay, I'm sorry. And we had a lot of discussion on that bill and the votes weren't there. And some of us said we'd like to provide this benefit, and if there's a sunset provision on it so that we have a date in the future that if this turns out to be something that costs a lot of money, it can be reconsidered. And as I recall, that's why the bill became law; otherwise, the support wasn't there. So it seems to me like the 2014 date on it, June of 2014, gives another year to see how this is working. I don't know how it's working. I don't know. Maybe you do. Do you know exactly how it's working? [LB21]

SENATOR LATHROP: Yes. We've had one first report of occupational injury filed with the Workers' Compensation Court that is a claim directly resulting from this...from something that happened to a first responder that's a mental-mental claim. [LB21]

Floor Debate
February 01, 2013

SENATOR CARLSON: And do you know what the cost has been on that? [LB21]

SENATOR LATHROP: I don't think it's been decided. I think it went to suit. So it's a claim against the city of Omaha. I don't know much about it other than I think I've seen the petition, so that would suggest to me that the city didn't pay and that it is now pending before the Workers' Compensation Court. [LB21]

SPEAKER ADAMS: One minute. [LB21]

SENATOR CARLSON: Well, I think...I think it's important that we have another year to observe this, and I'm hoping that there aren't serious claims in the next year, and then we can have a bill to extend the benefit. But to do away with that a year early, I don't think that goes with the intent of the original sunset date; and the votes that were put together as a result of that were people who were willing to take a look at it in this fashion. And so unless I'm missing something, I'm opposed to LB21 and I think it needs to wait until next session and we can work on it then and we can...if we don't have any serious consequences, we can have the law extended and it will do what it's supposed to do. Thank you, Mr. President. [LB21]

SPEAKER ADAMS: Thank you, Senator Carlson. Senator Mello, you're recognized. [LB21]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. I just wanted to rise and clarify a couple comments that were made earlier in reference to the fiscal note regarding this legislation a few years ago. It was discussed that the fiscal note originally had come out of being extremely high in regards to the estimated costs of what the original legislation would have done in 2010. And ultimately what's being missed is that fiscal note that's being associated with this high cost actually derived from the Department of Administrative Services. Ultimately, our Legislative Fiscal Office did a survey of other states that had very similar statutes in legislation which had passed and had arrived at a very minimal fiscal impact to those states who passed similar legislation. And as...and to further emphasize what the Fiscal Office ultimately provided this Legislature, the National Council of Compensation Insurance also provided feedback to this Legislature and to our Fiscal Office, showing that their research and data provided that it would have a minimal fiscal impact to our state and ultimately to our local government. So more for anything else, clarification purposes. And obviously, if you read the fiscal note on LB21, there is a minimal to no fiscal impact at all, both from our Fiscal Office, the Workers' Compensation Court; and ultimately, the Department of Administrative Services was unable to provide an estimate of what this would cost. So just wanted to speak today in regards to clarification, in regards to maybe some misspoken issues that were raised with the original legislation passed a couple years back, and ultimately, the fiscal note that our Fiscal Office provided us. Thank you, Mr.

Floor Debate
February 01, 2013

President. [LB21]

SPEAKER ADAMS: Thank you, Senator Mello. Senator Nelson, you're recognized. [LB21]

SENATOR NELSON: Thank you, Mr. Speaker, members of the...or, Mr. President, rather, and members of the body. I have a question or two for Senator Lathrop, if he will yield. [LB21]

SPEAKER ADAMS: Senator Lathrop, would you yield? [LB21]

SENATOR LATHROP: Yes. [LB21]

SENATOR NELSON: Thank you, Senator Lathrop. I was part of the perhaps animated discussion a couple years ago, in 2010, when we had concerns about this. With reference to what Senator Mello was just talking about, the fiscal impact, do you recall what the Fiscal Office in 2010 finally...Senator Mello referred to it as minimal expectations. But what figure did they finally arrive at? They came down from a million dollars, did they, to something else? [LB21]

SENATOR LATHROP: Oh, yes. Yes. What we found...what later happened after we had that large fiscal note is that we then looked to see what other states in the country had done that covered mental injuries for first responders. I think we went to Arkansas and looked at their experience. We provided that information to the Fiscal Office, and the fiscal note went to, I think it was \$1,735 a year. [LB21]

SENATOR NELSON: That...all right, fine. I remember it was a minimal amount. The...you mentioned a claim from...through Omaha, apparently for a uniformed officer or a firefighter, a paid employee. Is... [LB21]

SENATOR LATHROP: That's what I understand to be the case. [LB21]

SENATOR NELSON: Did the person who testified from Omaha, did they go into any detail on that? [LB21]

SENATOR LATHROP: No. They did not give us any facts other than to suggest that it was the lawyer, Tim Himes, who does work comp claims for the city of Omaha. He said he thought he had two claims that were mental-mental claims. And since then, the city of Omaha apparently has gotten off the bill. [LB21]

SENATOR NELSON: Well, what do you mean by that? They don't oppose it? [LB21]

SENATOR LATHROP: Their lobbyist came by and said, we don't oppose the bill any

Floor Debate
February 01, 2013

longer. [LB21]

SENATOR NELSON: Okay. But it's your understanding that perhaps they didn't pay that claim and now it's in the Work Comp Court? [LB21]

SENATOR LATHROP: You know, Senator Nelson, I know that I've seen a caption of a complaint or a petition that appeared to have been filed in the Work Comp Court, but I don't know any of the details. That caption or that filing, as you know, work comp benefits can be paid voluntarily and without a lawsuit; so the petition would suggest that there was some dispute. [LB21]

SENATOR NELSON: Okay. Well, we have, as part of the fiscal note here, something from the Work Comp Court, and it seems a little odd to me--they say, no fiscal impact or no knowledge--that they would at least not put in there that a petition had been filed with the court that was pending. And that's neither here nor there as far as we're concerned, but then I see that the city of Lincoln has some reservations about the potential that they might have, but they don't appear to have any experience so far. But all of this is to say that I think I'm in agreement with Senator Carlson that it might be wise to wait for another year, here, and see what does come, if there are more claims or what the nature or the final disposition of the one where a lawsuit has been filed and see...get a little more background about that. I would say that perhaps we're a little premature here in doing away with the sunset until we give it one more year. Thank you, Senator Lathrop. Thank you, Mr. President. [LB21]

SPEAKER ADAMS: Thank you, Senator Nelson. Senator Chambers, you're recognized. [LB21]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature and friends all. Let me tell you why I say that, not just to memorialize former Senator Don Preister. But whenever he would say that, those words have kind of a calming effect. Sometimes it will catch people's attention and it might even make them wonder, why does he say that. When he would say it, I would think about people like the Quakers, the Friends, groups of that kind, who whether each individual among their number accepted those notions, they used words, terminology and expressions which carried a message if somebody wanted to hear it. And it would set a tone and sometimes even direct the thought or a discussion. Senator Preister was not confrontational in the way that I am, but he certainly knew how to make his point in his own quiet way. And you all are going to see me in different ways depending on what the nature of the bill is. But I'll tell you this one thing: There was a poem by Rudyard Kipling called If, and it starts, "If you can keep your head while (sic--when) all about you are losing theirs and blaming it on you." Most people go right on, but what I say: Well, that means you're the executioner. And when you are the executioner, you can be very calm, very serene, because the victim's head is on the block and you've got the axe. You don't have to

Floor Debate
February 01, 2013

frown; you don't have to holler; you don't have to do anything because the power to inflict death is in your hands, and everybody around you in that setting will lose their head. They will blame it on you. But they had a very, to me, insane ritual. The person about to die would forgive the executioner, and if the person had enough means, would give that person, the executioner, a piece of money, and say, I understand you're doing what you have to do, and so forth. So this morning I'm going to say what I have to say and do what I have to do, briefly. What Senator Lautenbaugh mentioned should be heeded. What's in the rule book is allowable. People don't have to like it. They don't have to like you. You don't have to like anybody. But you should like yourself and you should be persuaded of the rightness of what you're doing. Don't do it because somebody in the lobby is pulling a string, because they sometimes will construct a limb, put you out on the end of it, and cut you off because you are not important to them. You are a tool. And when there comes along something or somebody who or which can benefit them more, they will, as they say, in a New York second desert you. But if you believe in what you're doing, you can stand alone; and if there are 30 people speaking against you, so what? That's only one person multiplied by 30, and if you view what you are doing the way I view what I've been doing, I'm correct. I'm not going to take a position I don't believe is correct. Would I argue with one person? Certainly. So why would I be afraid to argue with 30...or 1,000? In 1984 was a comment, there was truth and there was untruth, and if you held to the truth, even against the whole world, you were not mad. So if every voice is on the other side and you feel like you're right, just stand stronger and taller. But anything in the rule book which is allowed, and it will advance my cause, I'm going to use it. [LB21]

SPEAKER ADAMS: One minute. [LB21]

SENATOR CHAMBERS: If I make you angry--and I'll say this while nobody is angry--anger resteth in the bosom of a fool. And "Parson" Carlson can tell you where I got that statement before you get angry at me. If you get angry at me for quoting from the book that was written by God, talk to the man upstairs, not to me. But at any rate, you also, as Senator Lautenbaugh suggested, are going to be on the losing end of various issues. Consistency is something you can argue for to try to persuade the body, but consistency is not something you will often find here. And I'm going to put my light on again and speak to wrap this up if nobody calls the question first. [LB21]

SPEAKER ADAMS: Thank you, Senator Chambers. Senator Smith, you're recognized. [LB21]

SENATOR SMITH: Thank you, Mr. President. And would Senator Lathrop yield? [LB21]

SPEAKER ADAMS: Senator Lathrop, would you yield? [LB21]

SENATOR LATHROP: Yes, I will. [LB21]

Floor Debate
February 01, 2013

SENATOR SMITH: Thank you, Senator Lathrop. I...again I want to make certain that you understand that I agree with the concept of the underlying legislation here; so again, do not take my comments, please, as necessarily in opposition. I support our first responders and appreciate their hard work in our communities. But where we left off, last time we were speaking on the microphone, we were talking about preemployment evaluations that are established for a baseline for the employer. And I think you were recognizing that in this particular case there may be a mental evaluation by the employer or under the direction of the employer to establish a baseline for any future claims; that that might be a course that an employer would take. So if that happens, what happens to that information? That information becomes available to the employer, and is there a concern here about the protection of sensitive information on the employee that the employer would have in their possession? Can you comment on that? Do you see that that's a potential problem? [LB21]

SENATOR LATHROP: I would suspect...first of all, let's take the typical back case, okay? Somebody wants to hire you to do factory work. It involves lifting, say, in a printing shop, and you're going to lift cases of paper all day long, and they want to make sure you can do the work. If you have a preemployment physical, the doctor that does it--typically, an occupation medicine doctor--keeps that in a file and it's subject to HIPAA. The employer would get a copy because they've paid for it. It was their screening. And I don't know, for sure, but I suspect the employer is subject to HIPAA and would be in violation of some privacy law, perhaps HIPAA, for a redisclosure without the consent of the employee. [LB21]

SENATOR SMITH: Okay. So there's a potential for a problem here. And assuming that this advances beyond General File, could you maybe do a little investigation before Select File to see if we can address the protection of the sensitive information that could be developed in a preevaluation case? [LB21]

SENATOR LATHROP: I'd be happy to talk to somebody who does more work comp than I do. I honestly don't do an awful lot of it, and I'm sure that there's somebody I could get on the phone who does a great deal of work comp who can tell me what protections the employee has once that preemployment physical is done and what happens to that information; and I'd be happy to share that with you. [LB21]

SENATOR SMITH: Right. And again, I...conceptwise, I agree with this. I'm concerned about some unintended consequences that may come from this legislation, so I do think we need to make certain we get down to the weeds a little bit and understand exactly how this would be implemented between the employer and the employee, and all sensitive information would be kept confidential and that we can come up with really sound legislation that's not, you know, riddled with any kind of unintended consequences. Thank you, Senator. Thank you, Mr. President. [LB21]

Floor Debate
February 01, 2013

SPEAKER ADAMS: Thank you, Senator Smith, Senator Lathrop. Senator Brasch, you're recognized. [LB21]

SENATOR BRASCH: Thank you, Mr. President. And as I'm listening to my colleagues here this morning, I did want to step up and address the sunset concern. This also comes from the mouth and experience of a firefighter. Micheal Dwyer also says that "the original sunset provision in LB780 was included because of concerns that we would open the proverbial floodgates, and clearly, that has not happened. As I indicated in my original testimony on LB780, the culture of fire service and EMS is not the kind that would encourage frivolous claims." He states that not only is he a firefighter but he's a businessperson. He's a member of the Arlington school board and a member of the area chamber of commerce. And in good conscience and great confidence, he asks for support on LB21. And I can assure you that he is one of many outstanding citizens, leaders, volunteers. It seems right that it is good practice to help those who help us. And having personally been to visit our fire halls in Beemer, in West Point, in Decatur, and in Arlington, just to name a few, I have visited with the kind folks who have responded; who have spent their own resources, time, and money to help others. They are persons of the highest integrity and character, and we've heard this before in our committees and on the floor. It seems that this, too, would align with it's the Nebraska way. Please vote green on LB21. Thank you. [LB21]

SPEAKER ADAMS: Thank you, Senator Brasch. Senator Carlson, you're recognized. [LB21]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. It is most encouraging when I hear Senator Chambers quote from the good book of truth, and I do appreciate that. And yesterday I appreciated Senator Harr reading from the book of truth. And then Senator Chambers looked at Senator Lautenbaugh and said, I find no fault in this man. And I appreciated that. The difference is that, historically, when that statement was made, the individual on whom it was made went through a tremendous, tremendous amount of suffering for us, and I just hope the same thing doesn't happen to Senator Lautenbaugh. But, getting back to this bill, I'd like to address Senator Lathrop if he would yield. [LB21]

SENATOR COASH PRESIDING

SENATOR COASH: Senator Lathrop, will you yield? [LB21]

SENATOR LATHROP: I'd be happy to. [LB21]

SENATOR CARLSON: Thank you, Senator Lathrop. Since I got up on the mike the first time, this is going to be something that you don't very often see in this Legislature and in

Floor Debate
February 01, 2013

these proceedings. I looked at the committee statement. I didn't see anything in there on testimony from the insurance industry one way or the other. And after I was on the mike and went out and talked to a representative of the volunteer firefighters, then the individual representing the insurance company said that, we've removed our opposition to this bill. I didn't know that, and that does make a difference. I think that the original date of June '14, that does not change by this bill; I understand that. If, between now and June '14 of...or June of 2014 we see a lot of claims, there's going to be some discussion next year in this session. So whether the sunset date is removed now or next year, if there's a big change in the amount of dollars spent to protect these first responders, we'll have a discussion next year, and that's the way it should be. I do want to see first responders covered, and their volunteers, and I am concerned about the volunteers much more so than the professionals. But with that I am not going to oppose this bill. Thank you. [LB21]

SENATOR LATHROP: Senator... [LB21]

SENATOR CARLSON: Do you have comments, Senator Lathrop? [LB21]

SENATOR LATHROP: I do. I appreciate...you know, Senator Chambers made this point the other day that sometimes we take a position in this place, and then we get new information. And I appreciate your willingness to listen to those people behind the glass who have been involved in this bill, their willingness to stand by their word, and your willingness to keep an open mind. So thank you for your comments. [LB21]

SENATOR COASH: Thank you, senators. Senator Chambers, you are recognized. [LB21]

SENATOR CHAMBERS: My, my, my. Mr. President, members of the Legislature, friends all, sometimes the water is troubled, and that's necessary. But then there can come that calming influence. And what I would like to think is that, if not the words, the spirit of Senator Preister--by the way, he hasn't croaked--but the spirit that he manifested when he was here kind of came among us and insinuated its way into the body, and two people who had enmity between them originally are now friends. And that's always good, but it's not always going to happen. Going back to what I was saying, we will have those moments when there is great, what could be called, collegiality and other issues where there will be a knock-down-drag-out and no compromise at all, such as if somebody wants to try to reduce or impede the right of a woman to make a choice as to whether she'll carry a pregnancy to term. I will follow what I quoted from 1984. Everybody is on the other side, everybody else is wrong, as far as I'm concerned, and I will stand. Or if somebody wants to say that before an individual can vote, he has to go in his or her pocket and bring out some money to get an identification card because of the hatred that people have of the people referred to as "brown" who speak Spanish. But they don't say, who speak Spanish; they say, who

Floor Debate
February 01, 2013

don't speak English. And if that were the standard, some of my colleagues in the Legislature could not vote because as I listen...and I studied English grammar under a white person. And you can look at my complexion and see that Africa is the continent from which I hail. And there were British people in Africa who foisted that language on Africans, so you will see people in Africa who speak Spanish, who speak French, who speak English. And it's kind of a record of the way they had been colonized and abused by white people who, like Puritans of all time, could not mind their own business. You know what hell is for a Puritan? To go someplace where every man must tend to his own business and leave other people alone. And these busybody pieces of legislation, some man has the gall to tell a woman she cannot make a choice about her body? Crazy. Bring it on, and I will show you how we can battle like scorpions in a bottle. But on other issues that don't strike that deep within me I can be very reasonable, conciliatory, sometimes courtly, compared to what I am at other times. But when it comes to the rules, to go back to that, if you think that there is something you ought to do to advance what you believe, do it. If I'm 100 percent against you, you have every right to say what you're going to say. If, as the narrow-minded people in this body would say, this is America and we have a right to say the flag salute in the Legislature, by God, then if it's America, I've got the right to speak against it, by God, in the same forum where you're going to try to impose your will on me, against my will. And I'm going to talk about the falseness of the so-called flag salute. I'm going to talk about the untruth propaganda you want to force children, who know that their parents are not granted liberty and justice...so what we say,... [LB21]

SENATOR COASH: One minute. [LB21]

SENATOR CHAMBERS: ...liberty and justice for all of them, but not us. The land of the free and the home of the brave? For us, it has been the land of the tree and the home of the slave. And people who were sworn to uphold the law would lead the mob. People who told this gentlewoman to go farther, to the rear of the bus. Lincoln named a street after her, had a patch on his shoulder depicting the American flag. And I'm going to pledge allegiance to some godforsaken symbol of wickedness, racism, and oppression like this, and you think that I'm going to be afraid to stand up here and confront it? You all are brave when you're in the majority. But standing alone, there are some of you who don't want to say the flag salute. You know how I know it? Because one day I got trapped back there. [LB21]

SENATOR COASH: Time, Senator. [LB21]

SENATOR CHAMBERS: I didn't know you did it. Did you say my time is up? [LB21]

SENATOR COASH: Time. Thank you, Senator Chambers. Senator Lautenbaugh, you are recognized. [LB21]

Floor Debate
February 01, 2013

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body, friends most. I do want to talk about the bill that I do have in committee. It does pretty much the same thing as this bill, but it also has some other provisions. It adjusts the interest rate on workers' comp awards that's currently tied to, for some reason, the unpaid tax rate of 14 percent. It would adjust it to the judgment rate, which seems to make more sense. I tried to do that by floor amendment on a workers' comp bill a couple years ago, and I lost by one vote because the sponsor of that bill said, I will kill my own bill if this gets attached. So important is it that the interest rate remains from that 14 percent, which was set in a time of high interest rates, unlike now, rather than to be adjustable, like the judgment rate. My bill would also allow workers to elect to keep their first report of injury confidential. I wonder how many of you understand what's on a workers' compensation first report of injury? You have to disclose medical details about your injury. Now we're all tied up in knots over something called HIPAA and, by God, we don't want anyone to know about us unless you've suffered a workers' compensation injury. Then those reports are open to the public. And guess which members of the public rely on those reports to generate business? I have tried to make those confidential in the past, outright, and accident reports too. I have this unique perspective that there are plenty of attorneys, plenty of attorneys advertising, and people in the general public know of the existence of attorneys. No one would be able to pronounce "mesothelioma" without all the commercials we have talking about mesothelioma. The word is out, folks. There are attorneys out in the world if you need one. I don't think these reports should be public. I certainly think, as my bill provides, that a worker should be able to elect that his report of injury not be public. That's what my bill does. My bill also contains a provision that says, if you lied about your medical condition when you got the job and then you have an injury that's related to that condition, you don't get compensated because you lied to the employer. That was a longstanding rule in Nebraska, for years, until recently the court said, ah, that's not right, the law doesn't authorize that. This would restore that rule of practice. So my bill isn't about a bunch of trivial stuff--far from it. What do you think is going to happen to my bill in committee now, since we've already dealt with this issue that deals with the same topic as mine? Do you think people are going to be inclined to advance the other thirds of it--the other three parts of it, I should say? And these things don't happen in a vacuum, I hope you all understand. There is a defense side, and there's a plaintiff side to these issues, and my bill contained elements for both. Last year we had a meeting to try to come up with a bill that gave something to everyone in the comp world. We could agree upon it; we would agree there wouldn't be floor amendments. It would just go forward without either side battling. I sat down with the Trial Attorneys Association and others, and the response I got from the trial attorneys, the plaintiffs' bar, was, we're not interested in anything this year, no deal. So I did not get my interest rate changed, we do not get to reaffirm the longstanding principle that if you lie on your employment application you're disqualified from benefits for an injury related to the thing you lied about, and workers can't keep their reports confidential, because I can guarantee you my bill isn't going to go anywhere now because this bill is here now. And you'll note I'm not even arguing

Floor Debate
February 01, 2013

against this bill because, if anybody is still listening, you'll note that the same thing is in my bill. But that was my original point. [LB21]

SENATOR COASH: One minute. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. Chairman--Mr. President. Others are being told, we're not going to deal with your bill, even though we've already had a hearing in committee, because there's another bill coming in committee that deals with the same subject matter. Well, that rule doesn't apply here. What am I supposed to do? File my motion to pull it from committee? Stand up at the mike and complain about it? This is a serious point. And again, I'm not even arguing against this bill. I'm arguing against hearing it now without hearing the other elements that I attached to it. I don't want to bring a bunch of floor amendments that are the substance of my bill. And maybe I'll have to do that on Select File so that we can actually have discussion on those points. But I would like us to be consistent. And if this bill is going to go forward fast, despite the fact that there's a countervailing bill out there on the same topic, then, committee chairs, you should... [LB21]

SENATOR COASH: Time, Senator. [LB21]

SENATOR LAUTENBAUGH: Thank you. [LB21]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Schumacher, you are recognized. [LB21]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I assume that there's any number of folks in the body that have served as EMTs or policemen or firemen and seen these kind of scenes. I happened to see quite a few of these kind of scenes when I served as county attorney and coroner. And, as I understand, all this bill does is extends to our firefighters and our volunteers coverage for medical damage, medical...mental damage, rather, a mental injury that they might have incurred in their service to our communities, to those who might have been called to a scene to see a young man, who put a .38 to his head and his brain ejected, laying there in a skull full of blood; or those who went to an airline crash or airplane crash and had to figure out what arm went with what torso; or those who went to the scene of a motorcycle accident, helmet and all, to find that a post cut the body in half; or those who went to a construction accident to see the blood of fingers trying to grasp to the side of a silo as the body to which they were attached fell to the ground; or those who went to a site where a crew was working on a bucket truck and didn't see in the sun the high-powered line and who had arcs of electricity flying out of every part of the body. Some people, good servants, seeing and called to duty at those kind of scenes might be suspected to have a mental repercussion, and, folks, we shouldn't even be quibbling about this. Thank you. [LB21]

Floor Debate
February 01, 2013

SENATOR COASH: Thank you, Senator Schumacher. Senator Chambers, you are recognized. [LB21]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, before I continue, I do support this bill. I believe that there are enough votes to move it along. I once made a comment, and the media didn't get it straight, that the king cobra wastes no venom on dead or fleeing things. There was a bill where teachers wanted a salary increase or something, and I knew it wasn't going anywhere. Although it's a subject that I often will have something to say on, people asked me why I didn't say anything during the debate, and that's when I made that comment. And not only a cobra, but no animal that has venom wastes it. It's used in defense or to procure food, but not like these idiots running around here with these guns, shooting them just because they can do it. Nature has equipped the so-called lower orders with the capacity to teach us, who are supposed to be the higher orders, if we would pay attention. But there is an arrogance, there is a cowardice, there is a lack of self-respect, and a fear walking through this country that makes all these white people feel like they need guns. You know why I say white people? When I turn on the news and see these gun shows: white people. When I see these demonstrations, God-given right to have a gun: white people. Well, you live around white people. Why do you fear each other so much? What has your neighbor done to make you think you need to carry a gun when you go from your front door to your car? I asked some rural people who came before the Judiciary Committee one year when I was there, how can you square needing to have this gun hidden in your britches, in your shirt, in your pocketbook, a mommy gun, a daddy gun, a baby gun, when you want the people to think that the Nebraska way is that neighbors help each other? There are no black people invading white areas, in the rural areas, killing white people. There are no Native Americans saying, we're going to use force to take our land back because we see America pushing every position it has in the world by way of force or this threat of force? You live around and among each other. What you need are not guns. You need some counseling. You need somebody to teach you to apply that religion you want to come in here and hypocrite about every morning. You need somebody like me to call your attention to what you're doing, that you're too close to in order to see. You can't see the forest for all those assault rifles. And if you people who go hunting use those weapons to kill a deer, then you are brutal, you are savage, you are barbaric, you are cruel. You need an assault weapon to kill Bambi. You ought to be ashamed of yourself. What are you teaching your children? Guns are so ubiquitous that they expect guns. It's a part of their life. It's at work. Senator Carlson probably heard this, (singing) Jesus wants me for a sunbeam to shine for him each day, in every way try to please him--now here comes the gun; where do you have the gun?--(singing) at home, at school, at play. (Singing) A pistol, a rifle...you've got to have it. You all, as a society--not every person, because there are some sane people in this society... [LB21]

SENATOR COASH: One minute. [LB21]

Floor Debate
February 01, 2013

SENATOR CHAMBERS: ...saying, call a halt to this worship of the gun. Think of what you're doing. You let the National Rifle Association make you all look like a bunch of yahoos and Kallikaks, scared of your shadow. You just want the gun; you have to have it there. And you want somebody, I guess, to use it on, but it's going to be your neighbor. And with the increase in domestic violence, the more guns you put in these homes, the more killings and woundings from guns you're going to have among family members. It's bad for somebody to give another person a black eye or a broken tooth. But how about when the gun is handy and there's a death, or a child gets the gun? And then this crazy stuff of giving teachers and school administrators guns. For you all, now some of you all were in the military. Some of you all shot at... [LB21]

SENATOR COASH: Time, Senator. [LB21]

SENATOR CHAMBERS: ...and may have shot people. You said, time? [LB21]

SENATOR COASH: Time, Senator. [LB21]

SENATOR CHAMBERS: You didn't give me my minute warning, so I've got to put my light on again. [LB21]

SENATOR COASH: Senator Price, you are recognized. [LB21]

SENATOR PRICE: Thank you, Mr. President and members of the body. In listening to the debate I struggle somewhat. But I had some questions or statements to make about the concept. And, if you would endure me, the concept where someone has posttraumatic stress, what we don't talk about in this is the impact to that individual's employability. When they finally go--in veterans we see it a lot--they don't go and seek support and assistance because there's a stigma in our society. They're saying, you had a challenge with this...that now, as we go forward with this, I am concerned, genuinely concerned, as I think about it, is as a public servant would go forward and make this claim, how will this impact them in their future employment? I think we have a lot of people who perhaps should be seeking some help and don't. I see a tremendous effort on the part of the VA to reach out to our veterans. And when I think of that I think of all the veterans in Nebraska. Many people may not realize it, but Nebraska has provided a great number of our citizens to the current conflicts around the world and that...matter of fact, there was as large a deployment as happened since World War II. And these individuals, because they're...if you're in the army, pretty much everybody in the army becomes a combat lifesaver. I was one of those during my time and my service. But they come home and they get jobs and they work at our...they work for our fire departments and our police departments, and they work in many capacities because that's what they do, that's what they've been trained for. So would Senator Lathrop yield to a gentle question? [LB21]

Floor Debate
February 01, 2013

SENATOR COASH: Senator Lathrop, will you yield? [LB21]

SENATOR LATHROP: Yes, I will. [LB21]

SENATOR PRICE: Thank you very much, Senator Lathrop. So in saying what I have so far, have I at all articulated something that we need to be concerned about, to ensure that when a person makes a claim and a workmen's comp that they don't have their future employment jeopardized or...because of a PTSD? [LB21]

SENATOR LATHROP: The whole point...the...yeah, thanks for the question. And your remarks about posttraumatic stress disorder, the stigma that's attached to it and the effect on employment is...you're on the money. The problem...now the question is, is there going to be a stigma? Is it going to follow the guy if he tries to get a job? The answer is, we want these benefits available so the person get's the care they need and, as Senator Krist said, the sooner the better with posttraumatic stress disorder, so that they can return to employment, to their job. Imagine a volunteer guy who is suffering from posttraumatic stress disorder because of his volunteer job, can't go back to the factory where he spends his days and supports his family. This is all about restoring their ability to return to the workplace. [LB21]

SENATOR PRICE: Well, good, because that was kind of where I was getting to was whatever the stigma is, that's your own issue. But that...it follows forward that there is a protection that because you made this claim...I mean, if someone makes a PTSD claim, how do you they...I don't want to say expunge. But how do they clarify, using the DMS-V (sic) codes and...that are used for these things, how do they go back and then...and make that so that it doesn't hang over them? Those are kind of the questions... [LB21]

SENATOR COASH: One minute. [LB21]

SENATOR PRICE: Thank you. Those are the questions I had, and I hadn't heard that part addressed in conversation here because we're already admitting it happens, we're admitting...we're saying we want to take care of it. But there's that follow-on part, and there's that part about getting individuals to realize it's okay to get that help you may need. [LB21]

SENATOR LATHROP: That's right. They have in law, and this is sort of an answer to Senator Campbell and your question, critical incident stress debriefing process that's in state statute. [LB21]

SENATOR PRICE: Okay. [LB21]

SENATOR LATHROP: That affords people an opportunity to see what level are you at,

Floor Debate
February 01, 2013

can we get it done right here in the debriefing, or are we going to have to involve a psychiatrist that would provide medications and some form of counseling. The answer would be in once you have completed that care, you get an opinion letter from the doctor who has been providing the treatment that says, you know, this guy suffered from this condition, we treated it for a period of time, we've been through the counseling, I think he's fit for duty. [LB21]

SENATOR PRICE: All right, thank you. [LB21]

SENATOR COASH: Time, Senators. Thank you, Senator Price and Senator Lathrop. Senator Lautenbaugh, you are recognized. This is your third time. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. Chairman. Thank you, fellow members, seriously, friends all. I was joking earlier. Understand my notes, my speaking notes, are written on the back of my motion to bracket this that I have not filed and will not file today. But I do have a bill, and maybe we could delay Select File until I at least have a hearing, because I was serious about the components of my bill. And if I have to stand up here and add them as amendments on Select File, I don't want all of you thinking, well, gee, why is he wading in the weeds, why didn't we have a hearing on this? Well, now you know why we didn't have that hearing on it yet. So what are my choices here? Stand up and make this point and wait. I guess that's what I'll do. I do feel bad. Sometimes I go on digressions. But I realize I'm just a piker in the world of digressions, so I'll yield the rest of my time to Senator Chambers, who will show us what that really means, so. [LB21]

SENATOR COASH: Senator Chambers, 4 minutes. [LB21]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Lautenbaugh. My three times to speak are up. I appreciate Senator Lautenbaugh, especially in view of the kind of remarks I'm making, giving me the time. But sometimes we need to have demonstrations of those principles that we say are so valuable, such as untrammelled, freewheeling debate in the Legislature. Now more people are shot in my community by young people than anywhere else in this state. If I was crazy like the NRA people I'd be saying, what we need are more guns. We are sane; we are intelligent; we do not need more guns. We need fewer guns, and I need law enforcement to go after the source of the guns that are coming into our community. And despite my railing on the issue, I don't even get acknowledgements that it is a problem. But if it were in the white community something would be done. You know what saying you need more guns in people's hands at a time like this is similar to saying? That we have an epidemic of malaria, so what we need is to release more malaria-bearing mosquitoes where malaria exists. It is a very lucrative industry that is pushing this craziness for guns. That's where it is. What did they tell you during Watergate? Follow the money. I get more threats, probably, than any other member in this Legislature, and maybe anywhere. I don't...I

Floor Debate
February 01, 2013

can't hide a gun. I don't carry a gun. If I am to be hunted, I will be found. If I am to be killed, I will die. But I'm not going to die looking over my shoulder and running scared like you all. I feel sorry for you. You need a gun for what? Who wants to do something to you? And if you put guns into hands of these teachers and administrators...what I was going to say about being in the army: I never had to shoot anybody; I didn't go overseas; I wasn't in a combat zone. But I'll tell you one thing I know even without being in the army or that situation: It takes more than a notion to kill somebody intentionally. Teachers and administrators are not trained to be killers. And you're telling them that, among the other things, by the way, we expect you to do is be a killer. And they don't stop to tell you that bullets pierce doors, they pierce walls, and there could be...if a gun battle occurs, you're going to praise the teacher. Some kids got killed, but that's the collateral damage. Think what would have happened if they hadn't had guns. Yeah, some kids wouldn't have been killed. You can't just take a pistol and point it and shoot and hit what you point at. We were shooting, being trained with the .45. I think it was just 25 feet, not 25 yards away, the silhouette of a human being. And if you hit the silhouette,... [LB21]

SENATOR COASH: One minute. [LB21]

SENATOR CHAMBERS: ...you were doing something. So you're going to give these people these guns, and they think it's like the cowboys. And you pull it out and start shooting, and they show these frail little women jumping on the back of a great big man who is demonstrate...just hitting him, don't even know how to punch. And that's how they're teaching them to confront somebody who comes into a school with a gun? With a gun? That's like saying, if you see a roaring tiger you're going to fight him by running up to him and matching your teeth against his. He has experience in the use of teeth, and you don't. Thank you, Mr. President. I did hear the warning this time, and I apologize for saying you didn't give me the warning when, in fact, you did. [LB21]

SENATOR COASH: Thank you, Senator Chambers and Senator Lautenbaugh. Are there other members wishing to speak? Seeing none, Senator Lathrop, you are recognized to close on LB21. [LB21]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I appreciate the questions and the discussion this morning. I think we all...the sentiment that I've heard this morning is we all want to support our first responders, we all recognize the importance of the mental health care that this will allow or permit in those serious circumstances. And the experience, to this point in time, has been as I predicted, and we didn't have the "parade of horrors" that were a fair consideration but haven't materialized. I would encourage your support of LB21, and let's send a statement to our first responders that we care about their mental health, we care about what they do, and we support them. Thank you. [LB21]

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Floor Debate
February 01, 2013

SENATOR COASH: Thank you, Senator Lathrop. Members, you have heard the closing to LB21. The question is the advancement of LB21 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB21]

ASSISTANT CLERK: 34 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB21]

SENATOR COASH: LB21 is advanced. Items, Mr. Clerk? [LB21]

ASSISTANT CLERK: Thank you, Mr. President. New resolution, LR46, by Senator Kolowski; that will be laid over; notice of committee hearing from Business and Labor; potential conflict of interest statement from Senator Price; your Committee on Enrollment and Review reports LB49 to Select File with amendments; and LB125 to Select File with amendments; LB155 to Select File. In addition, name add: Senator Bolz to LB216. (Legislative Journal pages 340-342.) [LR46 LB49 LB125 LB155 LB216]

And, finally, a priority motion. Senator Kolowski would move to adjourn until Monday, February 4, 2013, at 10:00 a.m.

SENATOR COASH: Members, you have heard the motion to adjourn. All those in favor say aye. Those opposed say nay. We are adjourned.