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Floor Debate  
March 25, 2013

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[LB6A LB94 LB133 LB138 LB203 LB262 LB295 LB316 LB340 LB362A LB363 LB363A LB366 LB434 LB464 LB499 LB528 LB613 LB620 LB634 LR118]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-eighth day of the One Hundred Third Legislature, First Session. Our chaplain for today is Senator Brasch. Please rise.

SENATOR BRASCH: (Prayer offered.)

SENATOR GLOOR: Thank you, Senator Brasch. I call to order the forty-eighth day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

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

SENATOR GLOOR: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

SENATOR GLOOR: Any messages, reports, or announcements, Mr. Clerk?

CLERK: Your Committee on Enrollment and Review reports LB613, LB203, and LB464 to Select File, all having Enrollment and Review amendments attached. Enrollment and Review also reports the following bills correctly engrossed: LB94, LB133, LB262, LB295, LB316, LB340, LB363, LB363A, LB434 and LB499. And that's all that I have, Mr. President. (Legislative Journal pages 815-820.) [LB613 LB203 LB464 LB94 LB133 LB262 LB295 LB316 LB340 LB363 LB363A LB434 LB499]

SENATOR GLOOR: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda, legislative confirmation reports.

CLERK: Mr. President, the Education Committee, chaired by Senator Sullivan reports on the appointment of Kim Dinsdale to the Educational Telecommunications Commission. (Legislative Journal page 789.)

SENATOR GLOOR: Senator Sullivan, you're recognized to open on the confirmation report from the Education Committee.

SENATOR SULLIVAN: Thank you, Mr. President, and good morning, colleagues. The Education Committee encourages the confirmation of the appointment of Ms. Kim Dinsdale to the Nebraska Educational Telecommunications Commission. Ms. Dinsdale

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is a reappointment to the commission. If confirmed, her term on the commission would extend until January 12, 2017. Ms. Dinsdale is from Grand Island. She has served as a board member for several organizations including the Stuhr Museum of the Prairie Pioneer, Hall County Leadership Tomorrow, Community Health Charities of Nebraska, the Heartland United Way, and the Nebraska Humanities Council, among others. Ms. Dinsdale holds a bachelor's degree in psychology from Southern Methodist University with minors in sociology and women's studies. By way of background, the Nebraska Educational Telecommunications Commission serves three statutory purposes, which are outlined in Section 79-1313. They are: one, to promote and establish noncommercial educational telecommunications facilities within the state of Nebraska; two, to provide noncommercial educational telecommunications programs throughout the state of Nebraska by standard broadcast, by closed-circuit transmission, or by telecommunications technology distribution systems; and three, to operate statewide educational and public radio and television networks and services. The commission consists of 11 members, including the Commissioner of Education, the president of the University of Nebraska, a representative each of...for the community colleges, state colleges and private colleges, and six members of the public at large, two from each congressional district. With that I'll close by urging your support for the confirmation of this appointment. Thank you.

SENATOR GLOOR: Thank you, Senator Sullivan. Is there any discussion on the report? Seeing none, Senator Sullivan, you're recognized to close. Senator Sullivan waives. Members, the question is the adoption of the report offered by the Education Committee. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 820.) 35 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR GLOOR: The report is adopted. Next item on the agenda.

CLERK: Mr. President, Senator Krist offers LB6A. (Read title.) [LB6A]

SENATOR GLOOR: Senator Krist, you are recognized to open on LB6A. [LB6A]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues; hope you all had a restful weekend. Good morning, Nebraska. Let me tell you, there is a reason why you shouldn't even be listening to me right now. This money comes out of a cash fund. Senator Mello, you don't have to worry about this one with General Fund dollars at all. He likes that. It comes out of a cash fund, meaning no impact on General Funds, but I'll explain it to you very briefly. Regarding Section 1, this section appropriates funds to the Department of Revenue for a new program. Programs are where money is placed, and we have good accountability for them. When they're put in subprograms,

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underprograms, we do not see that same accountability. So that money going to the Problem Gamblers Fund would go to a separate program, Program 164. Money is appropriated from the Compulsive Gamblers Assistance Fund, which is a cash...cash fund. This appropriation will be used for the expenses and appropriation of the commission. Regarding Section 2, this section appropriates funds from the Department of Revenue for existing Program 165, which is the Charitable Gaming Division. The money is appropriated from the Charitable Gaming Operations Fund to pay for administrative costs. I ask for the advancement of LB6A to Select File. Thank you, Mr. President. And just as a bottom-line reminder again, this has no impact on General Funds. Thank you. [LB6A]

SENATOR GLOOR: Thank you, Senator Krist. We now move to discussion. Are there senators wishing to be heard? Seeing none, Senator Krist, you're recognized to close. Senator Krist waives. Members, the question is the advancement of LB6A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB6A]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB6A. [LB6A]

SENATOR GLOOR: The bill is advanced. Mr. Clerk, moving to Select File, LB620. [LB620]

CLERK: Mr. President, LB620, I have no Enrollment and Review. Senator Krist would move to amend the bill with AM616. (Legislative Journal page 800.) [LB620]

SENATOR GLOOR: Senator Krist, you are recognized to open on your amendment to LB620. [LB620]

SENATOR KRIST: Mr. President, good morning again, colleagues. Again, I'll be brief with this one, and my intention at the end of what short remarks I have is to pull AM616. But, please, I want you to listen to me this time because I have a message for you. The University of Nebraska Group Health Trust Fund, that's a trust fund, presently holds more than \$143 million, including nearly \$27 million in General Fund appropriations, \$143 million in a trust cash fund that supports the health cash...the health insurance program for the University of Nebraska, obtuse, out of line by any standard, and \$27 million of that comes out of our own General Funds. This year, I might add, after the audit...the results of the audit from the State Auditor, is the first year in my recollection in time of being here that the university has not asked for money for their healthcare. I wonder why. We've now identified there's more than enough money there and they're not going to get any more money out of our General Funds. Second, Sections 83-128, 85-129, 85-131 in the Revised Statutes clearly designate the State Treasurer, the State Treasurer, Treasurer Stenberg, as the custodian of the university funds, who's authorized to make disbursements. What we have here is the university setting up a

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cash fund, taking that cash fund to Wells Fargo, having Wells Fargo manage it. It was set aside outside the scope of the State Treasurer. By statute, and I read them to you, that's wrong. It is not in accordance with the statute. The university continues to argue the position. You're going to get a handout which is...I'll talk about in just a second. Regardless, the university created the trust fund without the approval or even the knowledge of the State Treasurer, effectively removing hundreds of millions of dollars from the appropriate as well as statutory-mandated oversight. It should be noted that the Legislature was also uninformed of the trust fund's existence, rendering similarly impossible any sort of legislative input or direction. AM616 would remedy the ongoing mishandling of the trust fund. Now, I said I was going to pull it. The reason I'm going to pull it is that LB138 currently sits in the Retirement Committee, who will have an opportunity on Tuesday, tomorrow, to Exec and put LB138 out onto General File. It is my hope, it is my hope that they will kick it out and that we will have some pressure on the university to do what's right, and that is to return this cash fund under the oversight of the State Treasurer, which is, by state statutes going back to the late 1800s, required because the Treasurer of the state of Nebraska is the treasurer for the university. I would hope that you would realize that the underlying bill, LB620, aims to remedy the situation of some of these trust funds existing with no oversight because it puts reports in place. And I'm very proud of the Performance Audit Committee under Senator Harms's leadership, of which I am a member, in terms of putting these reports there which, by the way, the university came in and supported. So without further ado, I will just say my hope is that LB138 will come out of Retirement and we will have this discussion next year. In the meantime, my hope is that the Treasurer will have enough torque to convince the university to do the right thing and comply with the statute. And we won't have to discuss LB138 next year, hopefully, at all. But it needs to come out. The pressure needs to be there. With that, I'd like to withdraw AM616. [LB620 LB138]

SENATOR GLOOR: Thank you, Senator Krist. Seeing no objections, so ordered. [LB620]

CLERK: I have nothing further on the bill, Mr. President. [LB620]

SENATOR GLOOR: Senator Murante, for a motion. [LB620]

SENATOR MURANTE: Mr. President, I move to advance LB620 to E&R for engrossing. [LB620]

SENATOR GLOOR: You've heard the motion. All those in favor say aye. Those opposed say nay. LB620 is advanced. Continuing with our agenda, we move to General File. Mr. Clerk. [LB620]

CLERK: Mr. President, LB634, originally introduced by Senator Davis. (Read title.) The bill was introduced on January 23, referred to the Natural Resources Committee.

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Senator Davis presented his bill to the Legislature on Thursday, Mr. President. Senator Carlson offered the committee amendments and Senator Carlson also offered an amendment to the committee amendments, AM738. Those amendments are pending, Mr. President. (AM298, Legislative Journal page 619, AM738, Legislative Journal page 800.) [LB634]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Davis, would you review for the body LB634, briefly, please. [LB634]

SENATOR DAVIS: LB634 is a bill that we have put together to try to deal with some of the wildfire situations in rural Nebraska. I just kind of want to review some of the facts and figures that go along with that. It's a fiscal note of \$1.7 million for the location of two single-engine air tankers in probably north-central Nebraska and western Nebraska. That's around \$450,000. There's another allocation that would be for the use of those planes in the event that they're called into action. Six hundred thousand will go towards thinning of the cedar infestation, which is increasing in the state at about 38,000 acres per year. That \$600,000 in this bill would be matched by a landowner contribution of an equal amount of \$600,000 and then \$1.2 million from the federal system. We are also implementing a surplus property distribution program which the fire service is able to acquire from military equipment that comes back from overseas. What we're going to do with that is, we'll add two mechanics who will work at the shop in Mead, and that we will be able to develop a lot more...bring a lot more of this property back into the state. Fire service gets this property from...surplus from the government, then they do some retrofitting with it, ship it out to the fire districts. It's a tremendous way to get some very high-dollar equipment into the rural Nebraska and districts for a nominal price. Then there's a little bit of training that goes along with that, and that's basically what the bill is, but just to kind of review some of the facts and figures, we had half a million acres burn last year, four very large fires of over 250,000 acres. Suppression costs for NEMA amounted to about \$12 million last year. The total economic impact of the 2012 fires, in terms of property losses, is \$124 million. And if you take the 13-year average of total economic impact from wildfires, it amounts to about \$21 million per year. So it's a significant loss to the state. What we're...we'll be able to start getting on top of the red cedar problem which exists all across the state, and I would urge the body to move this bill forward. Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Davis. As the Clerk stated, there were committee amendments from the Natural Resources Committee and amendments to the committee amendments. Senator Carlson, would you summarize both the committee amendments and your amendment to the committee amendments for the body. [LB634]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. It was determined that, after the bill was advanced, that the implementation of an incident

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management team is unnecessary because that's already a NEMA responsibility. And also, to affect the fiscal note, we had that the Nebraska Forest Service would perform the act of developing an incident management team, and that is unnecessary because this responsibility is part of NEMA. So these two amendments take care of that as well as implementing the emergency clause for the bill. And it seems more complicated than it is, but it is necessary that we have AM298 and AM738, and I would ask for your support of both of them. Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Carlson. (Visitors introduced.) Members, you've heard a review of LB634 and the Natural Resources Committee amendments and the amendments to those amendments. We now move...return to discussion. Senator Sullivan, you are recognized. [LB634]

SENATOR SULLIVAN: Thank you, Mr. President. I stand in support of this legislation because I think it addresses some issues that need addressing. And I'd also like to take this opportunity because Senator Davis talked a lot about the fires that were dealt with this past summer, and the help that came to fight those fires came from all over the state. I remember going to several functions in my district, which is in central Nebraska, and firefighters, without any urging at all from anyone, just buckled down and got in their cars and their pickups and drove out and fought those fires. And I remember some of the news reports from when those were going on, that some of the federal people and out-of-state people that were on the ground were just amazed at the show of support, the food that had been brought in to feed these workers, and the tremendous amount of support and help that was given. That's certainly the Nebraska way, and I was very proud of our volunteer firefighters for doing that. But, you know, one of the other things that was mentioned by those people from my district who went out to help those fires...fight those fires was one of the issues I have with this piece of legislation. And I've talked to Senator Davis off the mike. I know he's engaged in a conversation right now, but I do have a question for him, if he would yield. [LB634]

SENATOR GLOOR: Senator Davis, would you yield to questions from Senator Sullivan? [LB634]

SENATOR DAVIS: Yes, I will. [LB634]

SENATOR SULLIVAN: Thank you, Senator Davis. As I was saying, that I had volunteer firefighters from my district go out and fight those fires, but one of the things that they mentioned, and I mentioned to you off the mike, was the problems with communication. And I don't see that that is addressed in any way in this piece of legislation that you're bringing forward. [LB634]

SENATOR DAVIS: That's a little bigger nut to crack than we can deal with with this bill, but I will talk to you a little bit about it. The Homeland Security money that came in after

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9/11 was used for radio programs, and you may have read that we're still dealing with some of these issues with the State Patrol. There was a report that came out over the weekend. In western Nebraska, I believe they ended up buying equipment that was not compatible, can be made compatible with some revenue. But at this point, I think that probably what we're going to be doing is looking at local resources for that revenue to try to bring these radios up to speed. But I completely agree with you, that's something that we have to do. All the fires that I went to last summer, we had lots of people standing around because they didn't know what they were supposed to be doing because they couldn't hear from any of their leaders, so it needs to be addressed. [LB634]

SENATOR SULLIVAN: Well, I thank you for that. And certainly, to a point, it's a local problem. But I also get concerned that we're talking about State Patrol having some involvement in this effort and they are coming...they are considering backing off of their total budget, diminishing it to a certain extent, by closing some of these communications offices, or at least one of them, across the state. We don't know where that's going to happen. So it's almost like there needs to be communication among all the entities involved so communication can be improved overall. And it's not a matter of passing the buck and saying that the local entities have to either upgrade or make their equipment whole, it needs to be everyone having a part in this process to make sure it all happens. So that, you know, it's fine to have all the equipment where we need it, but if we don't have the communication infrastructure in place, that equipment isn't going to get to the point where it's needed at the time that it's needed. So I appreciate your concern for it, but I think this is something that we cannot lose sight of. This communication is a real chink in the armor of getting this thing done the way we want it done. [LB634]

SENATOR DAVIS: I completely agree with you, Senator Sullivan. [LB634]

SENATOR GLOOR: One minute. [LB634]

SENATOR DAVIS: The people that were down in the bottom of the canyons were trying to use their cell phones to get ahold of radio dispatch. That's just not an acceptable solution. We've got to get it fixed. [LB634]

SENATOR SULLIVAN: Thank you very much. I have another question regarding red cedar. We may run out of time, so I may hit my button again, so thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Sullivan. Senator Harms, you're recognized. [LB634]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Sullivan, would you yield just for a couple of questions? [LB634]

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SENATOR GLOOR: Senator Sullivan, would you yield? [LB634]

SENATOR SULLIVAN: Yes, I would. [LB634]

SENATOR HARMS: I listened to your concern about communication and I'd like to visit with you just a little bit about that. I'd just like this for a matter of record, okay? [LB634]

SENATOR SULLIVAN: Uh-huh. [LB634]

SENATOR HARMS: We started this discussion in the hearing recently in Appropriations Committee, and we brought this up that we had major concerns about communication. We had talked with Highway Patrol, we talked with sheriffs and a whole series of other people in regard to this issue. We spent...we budgeted \$17 million to put in a system that was to work better than the one we previously had. And that has not developed, for whatever technical reasons, but the Appropriations Committee is on target. We're requiring a report and we're going to get this thing fixed, because what is going to happen is, unless we get this thing done appropriately and soon, is that we're going to get some of our law enforcement, our volunteer firemen trapped, and someone is going to lose their life, and there's absolutely no excuse for this. It simply has not worked well and we haven't really listened to the Highway Patrol and law enforcement where we should have been listening to them about fixing this system. We are zeroed in on that and we will do everything we can to make sure that this is fixed and we get our money's worth and it's done appropriately. So do you have any questions? [LB634]

SENATOR SULLIVAN: Well, and I know you will work hard to that end, Senator Harms, and I'm sure everybody involved has the right intentions. But what concerns me, then, is, when I hear from people in District 41 who are concerned about the potential closing of the communications office, possibly in Norfolk, and I have been told that no decision has been made on that. But it almost seems like they are making steps to make their office and their entity more efficient by suggesting that they cut their budget when we're looking at a situation of a communication system that is new, it's not fully operational, and you're going to need some additional revenues to make that happen. So I'm concerned that they're almost getting the cart before the horse in terms of, okay, let's make it efficient and we're going to move some people around and eliminate one of these offices; and I want to say, hey, wait a minute, you don't even have a fairly...fully functional communication system to allow you to do that and you're already talking about cutting your budget and you're talking about cutting staff. [LB634]

SENATOR HARMS: Yes, thank you. And we're going to work on that and I think that it's extremely important that this is resolved. It isn't...they've talked about training, and visiting with the Highway Patrol, and a lot of the individuals say it's not all in the training aspect. It just may not be a completely adequate system and we're going to have to make those adjustments. We've asked for a report. That is forthcoming, and once we



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have that, we're going to pursue it actively because it is something that has to be fixed. And I agree with you what you're saying, one of the problems locally is that you've had to buy into that system. They can't afford to do that. We've cut their budgets, we've cut their state aid. They don't have the dollars that they used to have, particularly in rural Nebraska, and that's what I'm worried about. That's how this discussion came up, because of the concern people can't buy in, it doesn't function, and when you have to use your cell telephone rather than the other system to get help, there's something wrong here, colleagues. And it needs to be fixed. And we have every intent of not releasing the heat off this issue until it's dealt with appropriately and we can honestly feel that we have all the people who we need to have in a safe environment that can communicate out; we're not quitting until that's done. I'll promise you that. Thank you, Mr. President. [LB634]

SENATOR GLOOR: Thank you, Senator Harms and Senator Sullivan. Continuing with the discussion, Senator Carlson, you're recognized. [LB634]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. In thinking about this bill, I go back to one of the most primary functions of state government is to protect the people of Nebraska. That's what this bill is. And it's got an A bill attached to it. It's going to cost some money, but let me remind you that in fighting fires in 2012, NEMA spent \$12 million. In 2006, NEMA spent \$6 million. We don't have the figures for '07 through 2011, I'm not sure why. We need to get those figures. But you can be assured that if there was \$6 million spent in 2006, and \$12 million in 2012, there was other money spent in those intervening years because we have fires every year. Now, that's state tax dollars that are spent in fighting fires. And so the effort is there, but the efficiency is not. It wasn't as good a use of those dollars as what this bill allows. And the A bill here is \$1.7 million. That's why I say this bill is a savings bill and not a spending bill. The other thing that we're not really dealing with in terms of money but is a fact, that when fires occur throughout the state, there's personal property and maybe personal injury that's also a result of those fires. And the property cost...the property average loss in the last 13 years by fires is \$21 million a year. That's in personal property and value lost. Individuals in Nebraska lost that kind of value. This is a bill that could greatly reduce that loss. And let's take rangeland where the grass is lost. Then for the next year, there's not income off of that land. So the state's revenue is affected by these personal losses. It's reduced until there's recovery. But what we're talking about here, I think, is simply a better use of existing dollars. And why wouldn't we want to spend \$1.7 million to put a couple of planes in position and have a better plan as to how these should be used so that they can get out quickly and they can stop a fire before we have the horrendous property loss and the threat of loss of life. This is a good bill, and certainly I would ask for your support on the amendments and the underlying bill. Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Carlson. The Chair recognizes Senator

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Sullivan. [LB634]

SENATOR SULLIVAN: Thank you again, Mr. President. I'm going to now go on to the red cedar problem and I wondered if Senator Davis would yield for a couple of questions. [LB634]

SENATOR GLOOR: Senator Davis, would you yield? [LB634]

SENATOR DAVIS: I will. [LB634]

SENATOR SULLIVAN: Thank you, Senator Davis. There is no doubt in my mind that this red cedar problem is huge. However, I know I also spend just about every Sunday back home, when I've got a few hours, walking the hills of my pastures, cutting those little cedar trees so they don't grow into the forests that now cover so many lands. So I would like to know a little bit more about how you're spending these monies in this portion of the bill or how they're going to be allotted out? Is it called the Forest Fuel program? [LB634]

SENATOR DAVIS: It's called the Fuel Reduction Program. [LB634]

SENATOR SULLIVAN: Okay. [LB634]

SENATOR DAVIS: It's a landowner match matching the state money, which matches a federal grant. And so the way the structure is presently, would be \$1.2 million in federal money, \$600,000 in state money, and then \$600,000 from the landowner, which would be, perhaps, administered by the NRDs within the state to get on top of the red cedar problem. A lot of people are very vigilant about taking care of those little trees, but you might get some areas of the state where it's maybe an old, abandoned farmstead and you're starting to see a lot of cedars there along the roadways, and if we don't solve the problem, we're just going to continue to have more and more and bigger and bigger fires because the cedar...what happens in the Niobrara Valley is the cedar has gotten underneath the pines, and the same thing happened on the Pine Ridge, so when that happens and those cedars burn, the fire is a lot hotter and comes up higher, and then it crowns in the pine trees above that. You'll see the same thing in the deciduous trees too, if you get into that situation. So what we're doing with cedar eradication is we're just basically kind of taking care of what the fuel problem is. We've said there's 38,000 acres per year in increase every year. Over the last five years, then, the acreage has doubled, and so it's time the state got on top of it. And I just read in the paper over the weekend, in Oklahoma one of the things they're trying to do is take their prison population and teach those guys how to cut those trees, and they're going to try to get on top of it in Oklahoma. Oklahoma and Nebraska seem to be the two states that have the worst cedar problem, but by no means are we the only ones. [LB634]

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SENATOR SULLIVAN: But how is the program going to work? Do landowners apply, or how do you select the areas of the state that are having the biggest problem? I mean, how is this...how are these funds going to be divvied out? [LB634]

SENATOR DAVIS: I think what you would do is you would target specific areas of the state where the problems are. One area that is of great concern to me is south of the interstate around Maxwell and Brady where there's a lot of sort of "canyon-y" country, and that's been heavily converted to cedar, so I think that's one of the places we need to target. My guess is that the money would be allocated out to NRDs on an as-need basis. Maybe the NRDs would assess the amount of acreage that they have and I would envision that the money would be allocated in that manner. [LB634]

SENATOR SULLIVAN: So right now...excuse me for not having clarified this in the legislation, but right now it's not identified how that...and who would be responsible for allocating those funds. [LB634]

SENATOR DAVIS: It isn't now. It's being administered through the Forest Service, the grants are. [LB634]

SENATOR SULLIVAN: Okay. So right now there are grants currently available for cedar, red cedar eradication? [LB634]

SENATOR DAVIS: There's federal money available for the project. If we allocate revenue from the state, we can match the federal money. [LB634]

SENATOR SULLIVAN: Okay. Thank you. Yeah, that's probably the only part of the bill that I have...I struggle with because it is a problem that, to a certain extent, should never have happened if the landowner was doing his or her due diligence... [LB634]

SENATOR GLOOR: One minute. [LB634]

SENATOR SULLIVAN: ...in taking care of those cedar trees before they got to be a problem. I mean, over time, I've seen hills just blackened just because the landowner just doesn't take care of those cedar trees. And then they get to be too big and you can't do it with anything other than burning or a mechanical eradication. So I don't want this part of the bill to seem like, okay, the landowner can say, I'll just wait until it's bad enough and I can apply for a grant and get the trees taken care of. So I don't want us to get to that point. [LB634]

SENATOR DAVIS: Well, I think that's a good point, Senator Sullivan. I would like to address some issues. I've got friends down on the Dismal River that go out and cut cedars every day during the wintertime when they can. But they're still losing ground because the cedars come up so much more rapidly than they can cut all those cedars.

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You know, one tree can produce probably two or three hundred thousand seedlings, and at this point they seem to be a lot more viable than they were years ago. You know, they were planted as a windbreak for many, many years and never were a problem. But we have a new, sort of a more vigorous plant that's out there now... [LB634]

SENATOR GLOOR: Time. [LB634]

SENATOR DAVIS: ...and it's taking over the acreage. Thank you. [LB634]

SENATOR SULLIVAN: Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Sullivan and Senator Davis. Members wishing to be heard: Hansen, Kintner, Lathrop, Davis, Johnson, Ken Haar, and Schiliz. Senator Hansen, you're recognized. [LB634]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I, too, support this bill that Senator Davis brought, LB634, and I think the amendments are all right. I've had some e-mails about them, but I think that those concerns are going to be taken care of. There was a NEBRASKAland magazine delivered to my office this morning and my AA pointed out to me that it might have some things that might be of interest to this airplane project, in setting some tankers somewhere in the state. This goes all the way back into the...I believe it was in the 1980s and the number of acres burnt. All the fires that were reported in this article were more than 500 acres. And there were some big fires. There were some...48,000-acre fire in July 1989, but then when you fast-forward over here to around 2007, there were only 3,586 acres burnt, and this is all in the very northwest corner of the Panhandle, northwest corner of our state, so this is where we have a lot of the trees, in the Pine Ridge area. Cottonwood fire in June 2012 burned 3,948 acres. In August 2012, there's 29,731 acres. In August 2012 again, there's 58,836 acres burnt. And people live out there, too, so their homes are...their winterfeed are all at risk too. So it's pretty important. And then in August '12 again, the Wellnitz fire was 48,600 acres and in total in Nebraska it was 28,000...or there's 28,000 in South Dakota besides the 48,000 in Nebraska. When you get...there's certainly a difference...and I've never been around a fire with trees involved. Huge difference. As landowners, we, you know, everybody has something to fight fires, and this year was a very dry year. We had all of...every pickup in the county, I think, had some type of water supply in their pickup ready to go at a moment's notice. But the fires I went to all contained grass and maybe just a few trees along the edge or something that...but there were, in my area there were no houses burnt. The rural fire department is always at call and the local ranchers are usually...act as a backup when they get there. But mutual aid is certainly a subject that we talked about, the rural fire departments talked about. Mutual aid is where one fire department is called to a fire and it's too big for them to handle, so they call the closest town, and send their fire department. If that's not enough to cover the fire, they ask more mutual aid. This went on all summer this year. Two

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thousand eleven was probably the wettest year on record, and we had very few fires, very few mutual aid calls. Two thousand twelve was a stark difference. We had weeks and weeks of high temperatures, weeks and weeks of very, very low humidity. We had fires started by wheel bearings on trucks. We had fires started by tractor mufflers, we had...and then...but, by far, the most were started by wildfires. Senator Sullivan asked about money for projects that include thinning. And the thinning will certainly help. It won't eliminate the wildfires, but it will certainly help if they thin around a dwelling, or thin the forest in general. [LB634]

SENATOR GLOOR: One minute. [LB634]

SENATOR HANSEN: In the Chadron area where they thin the trees, they use those trees for a biomass furnace at Chadron State College. And I've seen that a couple of times and they use it in the summertime for air conditioning too. I don't know how you burn a tree and get cool air out of it, but they've figured that out and it works very well. Also at Curtis, at the NCTA, the university tech school down there, they have a biomass burner and then they heat every building on the campus with that. And in the loess canyon area, which is south of Interstate 80 all the way from probably Lexington to past Wellfleet, there's thousands and thousands of invasive red cedars, and that's what Senator Sullivan was asking about, I think, and they're a problem all over everywhere. [LB634]

SENATOR GLOOR: Time, Senator. [LB634]

SENATOR HANSEN: Thank you, Mr. President. [LB634]

SENATOR GLOOR: Thank you, Senator Hansen. The Chair recognizes Senator Kintner. [LB634]

SENATOR KINTNER: Thank you, Mr. President, members of the body. This body spends an awful lot of time and an awful lot of money helping people. We take a lot of money from the taxpayer over here, we give it to the person over here who has made bad decisions in their life, they've have had unfortunate things happen to them, and I get that. We've got a social contract with our state that we're going to do a lot of that. We're going to spend probably \$700 million this year helping people with taxpayer money. But here we're asking for a few million dollars to actually protect people. And that's one of the core functions of government, protecting people. And, you know, we don't blink sometimes spending forty, fifty, sixty million dollars on this program and this program, and something over here, and we're going to shift and try it over here. But this is a core function of government, protecting people. Helping people has kind of become a core function. It's somewhat of, even, of a luxury, the more money we have, the more we can help people, but this is something that we have to do. We have to protect the people of our state, and I would encourage my fellow legislators to support this bill and let's

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protect the people of our state. I yield the balance of my time to Senator Davis. [LB634]

SENATOR GLOOR: Senator Davis, 3 minutes 33 seconds. [LB634]

SENATOR DAVIS: Thank you, Senator Kintner. I just would like to make a few points that I think are really pertinent. I had handed out a booklet the other day and I don't know if you brought it to the floor with you or not, but the last two pages, one of them talked about Colorado and what their intention is. They're going to try to buy some planes of their own, big planes, to deal with their fire situation because things are so bad there, it's so dry, and that's true all over the state, all over the area. But we, Nebraska and Kansas, the very last page of that booklet shows a bunch of districts that work together, fire mutual aid agreements between states. Nebraska and Kansas are the only two states that aren't involved in one of those, so we're on our own. We have to rely on the help of our neighbors when we have problems. South Dakota allocates \$5.65 million annually for fire suppression. Colorado, \$5 million annually. Wyoming, \$4.7 million annually for fire suppression. You might all say to me, well, you know, South Dakota has got the Black Hills and that's a lot of forest, we...surprisingly enough, Nebraska's forest areas aren't a whole lot different from South Dakota's. So we've been underfunding for years. And it's time that we stepped up to try to do something to protect our landowners and our residents because we are going to lose lives eventually and we're just awfully lucky it didn't happen last summer. We lost equipment. We had people down in the bottom of those canyons who don't know how to deal with fire. They need training, and we need to get this through. Thank you. [LB634]

SENATOR GLOOR: Thank you, Senators Kintner and Davis. (Visitors introduced.) Moving along with floor debate, Senator Lathrop, you are recognized. [LB634]

SENATOR LATHROP: Thank you, Mr. President and colleagues, good morning. I have read the bill, I've looked at the fiscal note, and I've listened to the debate. And I want to call a little bit of a time-out and talk a little bit about, or for a moment, about the legislative process and the appropriations process, and so that everybody who is new here understands, and everybody who has been here awhile reflects on this fact. The Appropriations Committee is putting a budget together and they have told us that there will be \$16 million to \$19 million for bills that we do outside of the appropriations process. This is one of those bills. Bills coming out of Revenue Committee will include...be included on that list. And so, if you haven't done the math, and I know somebody has because they've told me this, we have about \$16 million to \$19 million. You know how much we have in bills that have been prioritized that are after, chasing that \$16 million to \$19 million? They're probably your bill. It's \$150 million. One hundred and fifty million dollars' worth of good ideas are going to come by this floor for debate. And when we look at them one at a time they all look like a great idea. Senator Davis is a good friend of mine. This looks like a great idea. Who can argue with the idea of stopping forest fires that are going on across the state? I don't know that I'm against this

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bill, but I'm going to suggest to you that you need to get engaged in this process and now's the time to be discriminating. I appreciate Senator Kintner's remarks. We do...one of our first functions is to protect people. How did we get in this spot? Well, a bunch of guys seem to be letting the red cedars grow, and so now we've got a red cedar problem. Is it our problem? Is it a bigger problem than properly funding foster care and paying the foster care parents who have been underfunded for a long time, because that's a bill that we've heard. And we'll hear some tax...or some revenue bills. And so I'm just going to encourage you...I'm going to encourage you to be discriminating when these bills come up. Ask the difficult questions. Senator Davis will be asking those questions about your bills if he's doing his job, and he certainly will. And we should ask, why is this a problem? Why is it the state's problem? If we do this and it's a 25 percent match by the landowner, any of these guys going to take advantage of it? Or are the very same guys who are letting the red cedar trees grow into the prairies and into the canyons going to let them go because they won't spend 25 percent of the cost to eradicate it even if somebody else pays the other 75 percent. Here's the point. Get engaged now, because what's going to happen is, we keep kicking these things down the road and there's going to be a day in May when we all have to sit down and figure out who gets any part of that \$16 million to \$19 million, because a lot of people aren't. And they may be your bills, and they're all good ideas. I'm going to tell you, this is a good idea and...but if you get to May and you don't know everything you need to know about this bill, and you've moved it along, and then we're trying to prioritize where those scarce resources that we've been allocated by the appropriations process are going to be deployed, or what they're going to be spent on, then we haven't done our job. And so I would encourage you to explore this. I, frankly, I'm sitting here thinking, why don't we just make that red cedar tree a noxious weed and turn it into the landowner's problem? [LB634]

SENATOR GLOOR: One minute. [LB634]

SENATOR LATHROP: I have been a supporter of the volunteer fire guys and they know it. I don't want to see one of them in harm's way. They're in harm's way because of the climate, and they're in harm's way because some guys are letting red cedar trees grow, and I get they're hard to get ahead of. Senator Sullivan tells us she spends her free time trying to eradicate them on property they own. There are things to think about, because in the end, we're going to have to prioritize, and there...we'd better, in this process, be figuring out a way to kill 90 percent of the bills that have an appropriation, on this floor, attached to them, or we're not going to make it balance. And we're going to have to do it in May and we're going to do it with memories of this bill that we're not going...that won't be clear, or we won't have all the information if we're not asking the right questions. [LB634]

SENATOR GLOOR: Time, Senator. [LB634]

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SENATOR LATHROP: Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Lathrop. The Chair recognizes Senator Davis. Senator Davis, you're recognized. [LB634]

SENATOR DAVIS: Thank you, Mr. Chairman. Just to address a few of Senator Lathrop's concerns. I think we need to realize why the red cedar is a problem, and that's because ultimately NEMA is going to be called in to put out these fires and probably they're going to be taking an awful lot of cost with that, and so I'll go back to what Senator Carlson referred to, \$6 million in 2006, \$12 million this year. So you can look at this as...I understand there's some ramifications to the whole budget, but this is a cost-savings bill over the long haul. Most people are working pretty hard at that red cedar problem, but we've got the same issue on state land all over the state, in the national...in the state park systems and along the state highways, because it's a weed and it's got to be dealt with. And it's a weed that isn't quite like all the other weeds. It's a weed that is widespread through the state, so we do need to deal with the eradication. I also will remind everyone here that the volunteer firemen spend hundreds and hundreds of hours as unpaid staff people, taking time off from their work to go out and put these fires out. So one of the things that we are doing with this, again, is the surplus property program, which is used military equipment coming back from overseas. That helps our fire departments. That gets equipment out in their hands where they can get on top of these fires easier. One of the reports that I got out of the Ainsworth situation was that if we had just had planes about 15 minutes earlier, we probably could have gotten the fire put out. The first crop duster that came to the Ainsworth fire came up from Broken Bow and dumped one load of water and went and got some more water and just couldn't get on top of it quickly enough. So that fire burned for almost two weeks up there. Tremendous loss to property, tremendous sacrifices by the volunteers, and every bill...I will consider every bill carefully, as I'm sure everyone on the floor will, but this is something that I think Nebraska needs to deal with and I think you need just look at the other states surrounding us to recognize why it's so important. Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Davis. Senator Johnson, you're recognized. [LB634]

SENATOR JOHNSON: Thank you, Mr. Chairman, and thank you, Legislature. I'm going to reflect on some of the comments that have already been made. I sit on the Natural Resources Committee, and as we talked about this we knew about the fiscal note, and when you understand the match that's coming, I think it makes it a little bit easier. I'm going to go back to...you know, we've heard of fires out in California for years. Seems like they keep moving east, and Wyoming has had them several years, Nebraska has had them. Ours is amplified right now because of the drought, and we're sure talking about some dry weather again this year. I think we have an opportunity...or we're at a disadvantage because I think we could see more fires moving farther east this year



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because it's going to be drier going into the season this year in the eastern part of the state than it was last year. So this is a statewide issue. The question of, you know, funding for the wildfires in the western part of Nebraska is where the focus is right now and where the equipment might be stationed, but I'm sure that equipment will come east if necessary. You have to fight some of these fires from the air. That's the need for the aircraft with the cedar tree...red cedar tree situation. You have to fight it. You can't fight it from the ground, and it does fuel the fires. So that's why it's important for the aircraft to be there. I agree with Senator Lathrop on the...I think we need to look at legislation, probably, to put more burden on the landowner. And I don't know if you call it a noxious tree or expand noxious weeds, but I think we have to put more responsibility on the landowners, but we also have to recognize that the state is also a landowner and needs to be addressing this same issue from the funding from state agencies. I sat on the committee, of course, and I'm supportive of the amendments and definitely supportive of the bill, and I think we will be definitely looking at the fiscal note as we go through all of these bills. And we have to start setting our priorities, and I appreciate the comments of those senators that have a little more seniority than some of us. Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Johnson. (Visitors introduced.) Senators remaining in the queue: Ken Haar, Wallman, Hansen, Bloomfield. Senator Haar, you're recognized. [LB634]

SENATOR HAAR: Mr. President and members of the body. Senator Davis, you have spoiled my trips around Nebraska because all I see are those red cedars. And I appreciate what Senator Lathrop said, but I just want you to watch as you go driving anywhere. Right now there are tons and tons and thousands of red cedars. A lot of them are small, they're growing taller. But if you drive to Seward, for example, when you take the turn you could go into Garland but you sort of veer right and then go straight to Seward, that whole wildlife preserve area is almost all red cedars. I've got buffalo grass in my yard and I've got several dozen little, tiny, you know, three-inch red cedars, and I don't know where they came from, but they're there and they're growing when everything else is brown. So...and this past weekend my wife and I and some guests went out to Calamus Reservoir, stayed on the...at Calamus Outfitters to see the birds and so on, and in that area too, all I could see was red cedars. And finally everybody else in the car said, just shut up, we see the red cedars, you don't have to point them out anymore. So I don't know what the exact solution is to that. Perhaps it's making it a noxious weed, I don't know. But effort has to be put into it and these are on state grounds, on private grounds, in ditches, so I'll try not...I'll try to look beyond just the red cedars, Senator Davis, but it's a big problem and I'm really noticing it. We have to do something about it. So I appreciate your bill. Thank you so much. [LB634]

SENATOR GLOOR: Thank you, Senator Haar. Senator Wallman, you're recognized. [LB634]

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SENATOR WALLMAN: Thank you, Mr. President, members of the body. This makes me think. You know, I live on the farm and also I have trouble with red cedars, and I realize out west it's a lot worse. But I think the NRDs should have a program here to educate us. We should have controlled burns, and we like to have city dwellers build along the streams and lakes in our area and they love trees. And so red cedars are also a problem in my district. And it also could be, I think, an economic boon because you could cut them down and sell them like wood pellets or stuff like this, like Senator Louden was always promoting more wood-burning stoves. But now you can't get emissions passed on wood-burning stoves, so that option is pretty well out. But controlled burning by NRDs and local fire departments, I tremendously respect local fire departments and the danger they're in in these canyons and stuff in rough terrain. But I think, you know, maybe 25 percent, maybe up the NRDs a little bit, and fund it that way too, because, you know, like Senator Lathrop said, how can we keep funding things like this for a small population, and we need urban votes to get this passed. So I'm interested in how the debate goes. Thank you, Mr. President. [LB634]

SENATOR GLOOR: Thank you, Senator Wallman. Senator Hansen, you're recognized. [LB634]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I want to get in on a little bit of this controlling red cedars, and to Senator Lathrop's point that we might ought to make it a primary noxious weed is not a good idea. That is not a good idea. This is a dryland invasive species, for sure. Our ranch, many, many, many other ranches in the Sandhills, when they got there, there was no trees at all. And over the years since the early '40s, they planted trees. They planted pine trees, they planted maybe some elm trees that have died, and they planted red cedars. Red cedars are very adaptive. They can grow and, being contained, they make a great windbreak. And this time of year, like the wind blows this past weekend, people are calving, they really appreciate those trees that they put up and that they planted years and years ago. The problem is the birds. When you have red cedars, you plant these little tiny sprigs and when they get a little older they start having berries on them. The cedar tree...this may be too much information, but the...that little berry on those red cedars has to go through a bird. So the bird eats them and then they let it go in this place and that place along fence rows and right next to the cedar tree, so a small seedling will grow right under that big tree. There are people who try to control the red cedars outside of the windbreaks. But the windbreaks are so important that we have to take that into consideration, and making it an invasive species or making it a primary noxious weed would not be a good idea. Some people would agree. Some people probably wouldn't agree. Going back to where I was speaking a little while ago about the loess canyons, and this is some clay ground south of North Platte and then east clear to Brady, maybe even to Gothenburg, but those invasive species have just taken over. And that's a problem with the definition of invasive species is that they do take over. No matter what you do, you can't get ahead of them. Probably about ten years ago there were ranchers, there were

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landowners that got together and called in the NRCS, which is the resource conservation survey, or service, that said, what can we do with these...all these red cedars? And the NRCS came up with ideas from other states, especially like Kansas that used fire. And fire, by far, is the best remedy for too many cedars. I guess in this whole process of being in the Legislature, osmosis takes over a little bit. I'm going to use a term that my seatmate uses, this is the best tool in the toolbox. Sorry, Senator Haar. (Laughter) But it is, it's a...they clip trees. There are people who have jobs, full-time jobs, just going out and clipping cedars, piling them, and then a problem with that is at a time to burn. What do you do with those piles, those brush piles? So there are people doing that. There are people, Weldon Sleight, when he was at Curtis, he was trying to promote entrepreneurship and the fact that a young person could buy a machine, go out, cut red cedars in the...in that area, of Curtis, pile them up, grind them, bring them to the college, and they would burn them in their biomass furnace. If we had enough businesses, you know, people were going to benefit, both from the landowner aspect and the person who was doing that business. [LB634]

SENATOR GLOOR: One minute. [LB634]

SENATOR HANSEN: The...the one way that they do use fire is in a controlled burn, and a controlled burn is done in those loess canyons every year. Thousands and thousands of acres are burnt. Thousands and thousands or more of them are clipped and piled for brush fires. They do work at it. I do know that. It's not as usual in the Sandhills as it is in those hard canyons. The canyons are really hard to get to. They can't get machinery up the sides of the canyon, so the fire is certainly the best. But there are...there are conditions that they have to find the right time to do that, and the right time deals with humidity. The humidity has to be so low, the wind has to be almost at zero, and then you have to have plenty of manpower. Manpower, number one, they'll go out and burn a strip around the outside of the parameter of the fire. [LB634]

SENATOR GLOOR: Time, Senator. [LB634]

SENATOR HANSEN: Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Hansen. The Chair recognizes Senator Bloomfield. [LB634]

SENATOR BLOOMFIELD: Thank you, Mr. President, and good morning, colleagues. When I turned on the light, I intended to say just about what Senator Hansen just said. We cannot make this a noxious weed. We would destroy 50 percent of the windbreaks in the state of Nebraska. A weed, to my definition, is a plant that is growing where we don't want it. And that's the problem with the red cedar. Where it is appropriate and needed, we should not outlaw it. Where it is in the wrong place, we need to control it. But I'm not sure that's the government's problem. I think that it falls on the landowner. I

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deal with them every year. I think by talking more exclusively about the red cedar than anything else here, we've gotten quite a ways away from Senator Davis' original bill and the original intent, which is the two airplanes. And I'd like to address Senator Kintner on that, if I could, please. Or not Senator Kintner, Senator Davis. [LB634]

SENATOR GLOOR: Senator Davis, would you yield for questions from Senator Bloomfield? [LB634]

SENATOR DAVIS: I will. [LB634]

SENATOR BLOOMFIELD: Senator Davis, you and I have talked a time or two off the floor on this and I have asked several times about going to one airplane instead of two to help alleviate that fiscal note. Can you share with the body what your thoughts on that are? [LB634]

SENATOR DAVIS: I looked at that very carefully, still feel very strongly that two planes are a better solution, but I think there are some other things that we can do to cheapen it up. For one thing, I want to make a point that the two planes are around \$450,000. And if we don't use them, that \$300,000 is going to be still available for the following year. So it's not as though we're going to expend that every year. But I think there are some other things that can be done with the...with the red cedar program, to maybe kind of move some things around. Maybe we could move the landowner cost up a little bit, so if it's not a 25 percent share, maybe it would be a 30 or 35 percent share, and that would free up some money. But I've kind of come to the conclusion that we probably need two planes just because of the distance involved. You know, the state is 500 miles long, and if you're too far away from...if we had one at Valentine and then it would take maybe...by the time it was loaded and up to Chadron, it might take an hour and a half, maybe two hours. That might just be too much time. So I'd like to see us...I think there's some room to move on the fiscal note. I just would like to see the two planes still left in place. [LB634]

SENATOR BLOOMFIELD: Okay. I hate to get to this point on it, but I think we're going to need to for the fiscal note. Are we better off with one airplane or no airplanes? [LB634]

SENATOR DAVIS: Well, we're certainly better off with one airplane. [LB634]

SENATOR BLOOMFIELD: Okay. Thank you. [LB634]

SENATOR DAVIS: Yeah. [LB634]

SENATOR GLOOR: Thank you, Senator Bloomfield. Senator Hansen, you are recognized. And, Senator Hansen, this is your third time on the mike. [LB634]

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SENATOR HANSEN: Thank you, Mr. President. I agree with Senator Bloomfield that we're getting off the subject a little bit, for sure, but there were some statements made about red cedars, that no one is taking care of them, and that's why I went there. Let's get back to Senator Davis' bill. It's very much needed in the areas where they have...in the Pine Ridge and then all the rivers up in the Niobrara Valley. Where those trees catch on fire and they crown, they go from tree to tree...the fire goes from tree to tree and then the tree is on fire, limbs drop down, then they have a grass fire. It's a...and it spreads very fast. An airplane would be of great benefit in that area. I think it's critical. We use spray planes right now for smaller fires, for grass fires, and they do pretty well. But when you get to a tree fire, worlds of difference, worlds of difference, and those fires get so big so fast, and without the resources that we have up there in our fire departments, we really need something. The fiscal note is certainly large, I admit that. And I don't know if Senator Davis can address that at any time, but we certainly need to watch that too. I think the idea of the airplanes for support, for aerial support, in fighting these tree fires is almost a necessity anymore. Even the thinning projects that we have is just not enough. So we get too much undergrowth, too much...too many trees too close together. This state is a tree-planter state. It's not a forested state by any means. And then I asked the question earlier on, why don't we just hire a plane from Colorado to come over and spray our forest fires? They're busy, that's why. Senator Davis went over the dollars that Colorado and some of the other states are spending for their tree fire program, and they have jumpers that...they get a bunch of crazy young guys that will actually jump out of an airplane and go fight a fire. I don't think we're in that position quite yet, but our forest fires in this state are really critical. It's critical to the state parks. It's critical to the access to the Niobrara River. And it is important. And I urge everyone to vote for AM738 and AM298 and LB634. Thank you, Mr. President. [LB634]

SENATOR GLOOR: Thank you, Senator Hansen. Senator Brasch, you are recognized. [LB634]

SENATOR BRASCH: Thank you, Mr. President, and good morning, colleagues. I do stand in strong support of LB634 and the committee amendments. I also sit on the Natural Resources Committee and am a cosigner of this bill. It's true that we only have X amount of dollars that Senator Lathrop mentioned. But we are spending more money than we are asking for on this legislation. It is a need. It is not a want. We already have an annual history of these fires that are taking place. This was a very long testimony and if you pull up your committee statement, you can see the many individuals, the organizations that came forward, that traveled the state to talk about the epidemic of red cedars. And it's not just in Nebraska. These trees are in Colorado, in all the surrounding states, and it is an epidemic. It has reached Nebraska, and rather than spending three or four times the money at the end of the day, why don't we take a step of prevention, save land, save lives, save time, and put the money forth as a need. There were many people who testified about the trees are seedlings and they are rampant. It would be

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very, very difficult for a property owner, our parks, anyone to eradicate these trees as they are spreading across the country. We have seen what fires have done in Colorado, in California, in Montana, and we can do something about it. There is a plan. There is a need. And if we are not proactive, we will be spending more and more dollars, and when we come back here next year and the year after, we will have less and less money to work with for foster care and other agencies because we have spent it on fires in western and other parts of Nebraska that could have been maintained and prevented. I do ask for your support on LB634 and the amendments. Thank you, Mr. President, and thank you, colleagues. [LB634]

SENATOR GLOOR: Thank you, Senator Brasch. Members remaining in the queue: Davis and Harms. Senator Davis, you are recognized. [LB634]

SENATOR DAVIS: I wanted to thank Senator Brasch for her comments. And just to review a few figures with you, last year we brought in the helicopters to solve the problem. Those cost \$100,000 a day, that's for a Black Hawk. A Chinook helicopter cost \$200,000 a day. What we're looking at here for these two planes is \$432,000, for two planes to sit on the ground for three months. And we've got \$318,000 allocated for flight costs which...let's hope we don't need that. So you can say...you can look at the old comment about Nero and Rome burning, but, you know, you wonder, if we don't do anything, are we just...will we have that problem? Now, my personal opinion is that this program should have been in place a long time ago. In 2000, we had \$62 million in economic impact losses, and \$124 million last year, \$44 million in 2006. So that's the total impact, but again I come back to the \$12 million that NEMA had to put out last...in 2012 for fire suppression and the \$6 million from 2006. That's \$18 million over seven years. We are moving into what appears to be a hotter, drier period in history. Fires are going to be stronger, harder, more severe, and it's time that the state started taking some responsibility and be proactive rather than reactive to fires. Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator. Senator Kolowski, you are recognized. [LB634]

SENATOR KOLOWSKI: Thank you, Mr. President, and good morning. Fellow senators, I stand with Senator Davis for approval of this particular bill and these amendments. I think it's extremely important that we listen to what Senator Lathrop has outlined for us, but I think we also within our prioritization, in order to back this bill for Senator Davis, have to remember the things that happened two summers ago. We had a tsunami of water that came down the Missouri River. We didn't hesitate as far as acting because of the property and lives that were at risk with that kind of situation. And I find that that jumps to the top of the list for me when we're dealing with such issues as the flooding that took place two summers ago and now what we see is taking place as far as the fires in western Nebraska. I also serve on the Natural Resources Committee. We had quite a bit of testimonial to this particular bill to this issue, and I find myself in total

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support of this, putting it at the top of one of my decision-making lists as far as what we must do in this state at this time in order to preserve what we have in very precious resources. And I yield the rest of my time to Senator Davis. Thank you. [LB634]

SENATOR GLOOR: 3 minutes 33 seconds, Senator Davis. [LB634]

SENATOR DAVIS: Thank you, Senator Kolowski. I'm going to...really going to say one more thing. You know, we've got volunteers, tremendous number of volunteers, that put in a lot of time, and at their own personal risk. This is something that we can do to really help out the volunteer firemen and help out our private landowners, save money over the long haul. It's time that we did it. Thank you. Thank you. [LB634]

SENATOR GLOOR: Thank you, Senators Kolowski and Davis. (Visitors introduced.) There are no members remaining in the queue. Senator Carlson, you're recognized to close on your amendment to the committee amendments. [LB634]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature, and thank you for your discussion this morning. AM738 does three things. First of all, it amends the committee amendment by removing the requirement that the Nebraska Emergency Management Agency, NEMA, develop an incident management team, because it's already their responsibility. Secondly, it removes the requirement that the Nebraska Forest Service perform the task of developing an incident management team, because that is the responsibility of NEMA. And the third thing it does, it inserts the emergency clause. This is a good bill. I ask for your support of AM738. Thank you, Mr. President. [LB634]

SENATOR GLOOR: Thank you, Senator Carlson. Members, the question is, shall the amendment to the committee amendments to LB634 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB634]

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of the amendment to the committee amendments. [LB634]

SENATOR GLOOR: The amendment is adopted. Moving to the committee amendment from Natural Resources. Are there senators wishing to be recognized? Seeing none, Senator Carlson, you're recognized to close on the committee amendment. [LB634]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. With the vote that was just taken, now AM298 simply includes the emergency clause, and I ask for your support. Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Carlson. The question is, shall the committee amendments to LB634 be adopted? Those in favor vote aye; those opposed vote nay.

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Have all voted who care to? Record, Mr. Clerk. [LB634]

CLERK: 36 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB634]

SENATOR GLOOR: The amendment is adopted. We return to discussion on the advancement of LB634 to E&R Initial. Are there senators wishing to be recognized? Seeing none, Senator Davis, you are recognized to close on the advancement of LB634. [LB634]

SENATOR DAVIS: I think you've heard everything I could possibly say about the bill but it's something that we need. And just one more final note. The planes that are out there are going to be available for South Dakota to use, Wyoming to use, Colorado to use, if they have a need for them and call for them as...in a mutual aid relationship. And, of course, when that happens, those states pay their share of the cost. So, you know, I would hope that the planes sit there on the ground and aren't used at all, but if there's a fire in South Dakota this year and they call for the planes, they will reimburse us for that. So with that, I would urge the body to pass this bill on. Thank you. [LB634]

SENATOR GLOOR: Thank you, Senator Davis. Members, the question is the advancement of LB634 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB634]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB634. [LB634]

SENATOR GLOOR: The bill advances. The Chair recognizes Senator Adams. Senator Adams. [LB634]

SPEAKER ADAMS: Thank you, Mr. President. Members, just a reminder. Wednesday of this week we start full-day debate and what I...the other reason I wanted to bring this up to you, on Thursday, as you know, is our last day for this week and we're going to have some Final Reading and we'll also go on with some General File; and even though noon will be our target, when we get to the noonhour and we're on a bill and we need to work to finish it, that would be my intention, to try to get it finished before we adjourn on Thursday. Thank you, Mr. President.

SENATOR GLOOR: Thank you, Senator Adams. Mr. Clerk, we now continue with General File.

CLERK: Mr. President, LB528, a bill offered by Senator Howard. (Read title.) The bill was introduced on January 23, referred to the Health and Human Services Committee. The bill was advanced to General File. I do have committee amendments, Mr. President. (AM605, Legislative Journal page 774.) [LB528]



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SENATOR GLOOR: Thank you, Mr. Clerk. Senator Howard, you're recognized to open on your bill. [LB528]

SENATOR HOWARD: Thank you, Mr. President, members of the body. Today I bring you LB528, a bill to allow medical practitioners to use expedited partner therapy as a tool to combat chlamydia and gonorrhea. I have long admired this body's commitment to helping Nebraska babies be born healthy and get every fair shot once they're here. This year alone we've already passed Senator Smith's bill to screen for congenital heart defects in babies. In Health and Human Services Committee we've discussed how to prevent pertussis, also known as whooping cough, in hospitals. And in the Banking, Commerce and Insurance Committee we've considered insurance changes to ensure that babies who are sick can get the formula they need to survive. Expedited partner therapy is another opportunity for this body to address two of the causes of adverse outcomes in birth. It is critical that pregnant women are treated and not reinfected with sexually transmitted diseases, because STDs pose not only a danger to the mother but threaten the pregnancy and health of the child. LB528 deals only with two types of STDs, chlamydia and gonorrhea, and these both can have critical consequences for Nebraska babies if their mothers are infected during pregnancy. Women with gonorrhea have higher rates of miscarriage. And untreated gonorrhea makes the baby much more susceptible to HIV, if exposed. Both gonorrhea and chlamydia cause preterm birth, which can lead to expensive stays in the NICU for Nebraska babies. This is a grave concern because 1 in 9 babies in Nebraska is already born preterm. Additionally, both diseases are capable of passing from mother to child. And in 2011, 317 babies were born with chlamydia and gonorrhea in this state alone. Gonorrhea can spread through the child's system and cause blood and joint infections. Chlamydia can also cause pneumonia in the baby. And finally, worst of all, both can cause eye infections which can lead to blindness for these newborns, our most vulnerable Nebraskans. And let me stress, all of this is preventable. Nebraska is known for many things, including our amazing football team, our unique one-house Legislature, and the fact that we have the highest rate of chlamydia of anywhere in the country. One of the things that makes chlamydia and gonorrhea so pervasive, despite the treatability of these diseases, is the likelihood of reinfection. If one partner is left untreated, there is a high probability that they will reinfect the other. Because of this, medical practitioners must have tools outside of the traditional treatment model. One method the CDC has recommended to address the problem of STD infection and reinfection is expedited partner therapy. This method of treatment is supported by the American Congress of Gynecologists and Obstetricians, or ACOG, and LB528 was supported by the Nebraska Medical Association, Nebraska public health officials, and the Nebraska affiliate of the American College of Nurse-Midwives. There were no opponents and LB528 was voted out of your Health and Human Services Committee unanimously. Expedited partner therapy is the practice of allowing a patient who is diagnosed with chlamydia or gonorrhea to provide an additional prescription to his or her partner in order to treat the STD. I'd like to give

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you a scenario where expedited partner therapy would most likely be used. And since OB/GYNs are the dominant practitioner utilizing this method of prevention, I'll use the example of a pregnant mother in her first trimester. If the practitioner diagnoses the pregnant woman with chlamydia and the woman indicates that her partner is unable or unwilling to come in to the doctor for treatment, the doctor will have her call her partner in the room to get a name for the prescription and then ask about any allergies the partner may have. She will then go home with a prescription for herself and one for her partner, and the two of them will be treated for the disease concurrently. Now let's consider the reverse. If expedited partner therapy is not used in this instance, the mother goes home with only her prescription, and she will most likely do two things. First, she can take the entire prescription herself but run the very probable risk that her partner will reinfect her before she gives birth, at which point her baby will be born with severe health risks. Second, she could split her prescription with her partner, and neither partner will receive the strength needed to kill the bacteria and both will remain infected. LB528 is our opportunity to give this mother, her partner, and her child the best chance of living and being born disease free. LB528 is an issue that was heard last year, and the bill has been modified to outline the CDC's recommended protocols, including a name on the prescription, the distribution of a medication guide, and compliance with pharmacy laws. Expedited partner therapy practice is expressly permitted in statutes in 32 states and is currently in use in 43 states. Here in Nebraska, our law is silent on expedited partner therapy, and this omission deters some providers from using this critically important treatment method. I want to be clear, expedited partner therapy is not for partners who are able to visit the doctor. This is for those who are unable or unwilling to visit the doctor and who are likely to reinfect their partners. These partners are unable to seek treatment because of a variety of barriers that prevent access to care. If you think this is a minor problem in Nebraska, let me share some testimony from the committee hearing. Dr. Richard Brown, CEO of Charles Drew Health Center in Omaha, testified from his years of experience that if he looks out his window and sees 10 youths standing on a street corner, at least 7 of them are infected with either chlamydia or gonorrhea. If we apply that statistic to this body, that means 34 of my colleagues are infected with chlamydia and gonorrhea. If there are 7 infected youths outside Dr. Brown's window, those youths will become parents someday, and that turns into seven babies more likely to suffer from birth complications, potential lifelong disabilities, and attending increased costs for their healthcare. All of this is preventable. Expedited partner therapy alone will not solve our STD epidemic, but it will make a world of difference for the babies whose parents are treated with it. I thank you for your time and attention to LB528. There's one committee amendment that aligns this bill with pharmacy laws, and there are three additional amendments. The first calls for additional educational materials, which is, of course, a great idea. The second, removing gonorrhea, I think, would not help the bill in any way. And the third, regarding minors, is something that I look forward to discussing on the floor, especially in regards to federal preemption possibilities and the inaccuracy of the age. So thank you for your consideration of LB528. [LB528]

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SENATOR GLOOR: Thank you, Senator Howard. As the Clerk stated, there are amendments from the Health and Human Services Committee. Senator Campbell, as Chairman of that committee, you're recognized to open on the committee amendments. [LB528]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. The Health and Human Services Committee brings forth a committee amendment with six major points. The committee amendment to LB528 changes "advance practice registered nurse" that is mentioned throughout the bill to "nurse practitioner and certified midwife." Nurse practitioners and certified nurse-midwives are the only advance practice registered nurses who have prescribing authority within their scope of practice, and, accordingly, this change aligns the bill with the appropriate practitioner's scope of practice. Our second point adds provisions regarding providing drug samples, to clarify practitioners are allowed to provide drug samples in the manner that is within their scope of practice. Our third point clarifies the word "dispensing" will be conducted in accordance with Nebraska Revised Statutes 38-2850. And to explain that, while dispensing can sometimes within the ordinary definition mean "provide," the amendment clarifies that, under Nebraska statute, dispensing requires interpretation and judgment based on expertise. And accordingly, under the bill, dispensing is limited to practitioners who can dispense within their scope of practice in accordance with Nebraska law. Our fourth point in the amendment: additionally, the committee amendment specifies that the patient's name must be on the prescription for oral antibiotics under EPSDT. A "unnamed partner" or initials do not suffice. The amendment makes clear that all prescriptions must have the patient's name, and this will allow pharmacists to screen for interactions and follow normal protocols for dispensing oral antibiotics. Our fifth point in the amendment changes the requirements of "general instructions...or medication guides" to "adequate directions...and medication guides." This was language change requested by the Nebraska Pharmacists Association. And I quote from their description to us, "'Adequate directions' is a term commonly used in the medical community to describe instructions given to a patient." And finally, the last point: the amendment clarifies all laws regarding labeling, storage, and dispensing of drugs must be followed. Colleagues, I will hope that you will give careful attention to this bill. The Health Committee has been following this issue and has sounded an alarm prior to this year. But the numbers increase and continue. This is a problem that we, the Nebraska State Legislature, must address, and Senator Howard's bill will do that. So with that, we would urge your passage of the committee amendment and the underlying bill. Thank you, Mr. President. [LB528]

SENATOR GLOOR: Thank you, Senator Campbell. Mr. Clerk. [LB528]

CLERK: Mr. President, I have amendments to the committee amendments. Senator McCoy had filed amendments; he's excused until he arrives. Senator Kintner would

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move to amend the committee amendments with AM767. (Legislative Journal page 812.) [LB528]

SENATOR GLOOR: Senator Kintner, you're recognized to open on your amendment to the committee amendments. [LB528]

SENATOR KINTNER: Thank you, Mr. President and members of the body. I got to tell you, I've learned more about this stuff than I've ever wanted to learn. Expedited partner therapy, it sounded kind of fun to me when I first heard it. I like the bill, it's got no fiscal note. I like that about it, so that's got my attention. And we have a real problem here that we're making a serious attempt to fix, to deal with. And I know that this bill, I think in the form of LB304, came out last session and didn't pass. So I'm trying to wrap my hands around this. And the first thing that came to me was that we're dealing at times with minors here. And when we're dealing with minors I am a big believer in parental involvement. We need to have parents involved with their kids. We need to make sure that kids aren't doing this bad behavior that is getting them in trouble and causing these problems over and over and over again. So I've amended this bill and what it will do is it will require the doctor or the midwife or the nurse practitioner or whoever is involved in this case, it will require them to ask the age of the partner that is coming in for the treatment. If that partner is under 18 years of age, then they will be required to notify the parents of that person and the parents of their partners. This bill does not tell the doctor how that must happen. It doesn't put any regulations on the doctor or the midwife or the nurse practitioner on how this has to happen. I leave that up to them. I want to leave some flexibility here. But I think that we cannot cut the parents out of this. These are their parents; it's their responsibility and they are charged with properly raising these kids and they need to know what's going on. So I would encourage the body to look at this. I encourage them to support it and ask questions. Let's have discussion. I'd like to yield the balance of my time to Senator Howard. [LB528]

SENATOR GLOOR: Senator Howard, would you yield? [LB528]

SENATOR HOWARD: Yes, I...yes. [LB528]

SENATOR GLOOR: Senator Howard, you have 7 minutes and 33 seconds. [LB528]

SENATOR HOWARD: Thank you. And thank you, Senator Kintner, for yielding your time to me. I feel that AM767 renders LB528 ineffective in regards to minors. According to the CDC, young people ages 15 to 24 run the greatest risk of being newly infected with STDs. Although nationally they make up only 25 percent of our population, they're 50 percent of the newly infected. And Nebraska's Revised Statute 71-504 has been in place since 1972. That statute states that minors may be tested and treated for STDs without parental notification. If we were to pass this amendment, we would be the first and only state in the country to allow for parental notification for STD treatment and

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examination, the only state in the country. The concern is that if minors are required to notify parents they'll be less likely to seek testing and treatment. For the last decade, public health officials have been working diligently to get more youth to seek testing and treatment, not fewer. My other concern is just with some of the logistics. The age of consent in Nebraska is 16. However, the age of majority is 19. So if somebody was 18 years old living on their own, or 19 years old living on their own, they would still have to notify their parents under this amendment. And their parents may not be involved in their lives at that point. The other concern that I think has arisen is the possibility of expedited partner therapy being used in a negative context. But I would like to remind everybody here that we...Nebraska has the broadest mandated reporter statute in the country. Every person in this state is a mandated reporter if you see any instance or possibility of abuse. And so while I appreciate Senator Kintner's amendment and I know his heart is in just absolutely the right place, I stand in opposition to it today. Thank you. [LB528]

SENATOR GLOOR: Thank you, Senators Kintner and Howard. (Visitors introduced.) Members, you have heard the opening on LB528, the committee amendment, and the amendment to the committee amendment. We now turn to floor debate. Senators in the speaking queue: Nordquist, McGill, Bolz, Howard, Murante, and others. Senator Nordquist. [LB528]

SENATOR NORDQUIST: Thank you, Mr. President and members. I rise in strong support of LB528, working here with what Senator Howard is trying to move forward with. I do have great concern over the amendment that's been proposed. I think, as Senator Howard said rightfully, we are...we would be the only state to create this additional barrier to care. And I think that would take us backwards from what we're trying to do here, and to create new barriers to adolescents getting care. We don't need to create more barriers; that's what's creating the problem that Senator Howard outlined in her opening. In my community in Douglas County, we see extremely high levels of STDs and specifically chlamydia and gonorrhea. It's affecting our community; it's affecting, as Senator Howard talked about in her opening, we're seeing the harmful impacts on the next generation when infants are affected. But I was...when Senator McGill carried this bill last year, I rose in support of it and I think that debate there was a lot of questions about what the experts said, even though that the CDC at the time said this was the appropriate direction to go. So I did some research in the intervening time and looked at what...looked at a number of journal articles, and I just want to read briefly from one that's...from the Society for Adolescent Medicine and the American Academy of Pediatrics' joint statement which says: Although infections are easily treated with antibiotics, many adolescents are reinfected within three to six months usually because their partners are untreated, and that is why the Society for Adolescent Medicine and the American Academy of Pediatrics recommends that providers who care for adolescents should have the option for EPT in care among chlamydia- and gonorrhea-infected males and females. So it's clear that this is something that the

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experts believe in. I strongly support it and encourage you to as well. And I encourage you to oppose the amendment that's pending right now, due to the additional barriers it would create and the unprecedented policy that it would create in Nebraska being the only state in the country that would require parental consent for a minor to get the healthcare that they need. Thank you. [LB528]

SENATOR GLOOR: Thank you, Senator Nordquist. The Chair recognizes Senator McGill. [LB528]

SENATOR MCGILL: Thank you, Mr. President, members of the body. I rise in support of this bill and opposed to the current pending amendment. I was the one who introduced LB304 a couple of years ago and we were able to rally support in the form of 21 votes in favor of the bill at the time. And I want to rise and praise Senator Howard for working out some of the problems that were in the bill two years ago when I brought that bill. There were some serious concerns from folks in here about liability issues, but Senator Howard was able to sit down with folks and work through that issue. And so there are a number of people who were opposed to this bill a couple of years ago based on the liability aspects. Those concerns have now been eliminated, and so I believe that this bill should move. And, in fact, I know there are people in here today who are planning to vote for it who didn't the last time around. So please don't look at what happened a couple of years ago as an indication of a lack of support for the bill. This bill is a new version, worked out some of the problems. I fully still stand behind this bill. It's one of those issues that we know is an epidemic. We've been talking about it here in the Legislature the entire time I've been elected, so going on seven years here. And yet we've done nothing about it. I think this is a good step in the right direction. I have talked to people who...their partner was infected; they wanted to get the medication but there was a month-long wait before they could even get in to see a doctor. And so that was a month that they weren't getting the right treatment, that they were reinfecting their partners. So even the...I know we're trying to get to the folks who won't even go see a doctor, but even those who want to go see a doctor can't get into a public health center very quickly. And so this bill, it really makes a lot of sense, considering the problem that we do have in our state with these STDs, and I ask for your support of the bill and for you to vote red on the pending amendment. Thank you, Mr. President. [LB528]

SENATOR GLOOR: Thank you, Senator McGill. Senator Bolz, you are recognized. [LB528]

SENATOR BOLZ: Thank you, Mr. President. My questions regarding parental notification have been answered in the dialogue on the floor already. So I will just state that I appreciate the connection to baby health and well-being in this legislation. I think it's vitally important both to me and to my district, and I'll yield the balance of my time to Senator Howard, should she want to address that issue further. [LB528]

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SENATOR GLOOR: Senator Howard, 4 minutes 34 seconds. [LB528]

SENATOR HOWARD: Thank you, Speaker, and thank you, Senator Bolz, for that. I just have to say, last year...or when this bill came up previously, what I felt was missing from the dialogue was the fact that expedited partner therapy is predominantly used by obstetricians to prevent reinfection by partners when a woman is pregnant because chlamydia and gonorrhea cause such dire adverse birth outcomes for babies in our state. And when I started researching it, a lot of epidemiologists thought, well, this isn't an issue, we're not seeing babies being born, and then when we looked at the numbers there are actually hundreds of babies who are born not only with chlamydia and gonorrhea but also with herpes and syphilis, and we don't realize that because that has not been part of the conversation thus far. So thank you, Senator Bolz, for yielding your time. And I really appreciate the body for listening to LB528 today. [LB528]

SENATOR GLOOR: Thank you, Senator Bolz and Senator Howard. Senator Harms, you are recognized. [LB528]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Kintner, would you yield, please? [LB528]

SENATOR GLOOR: Senator Kintner, would you yield to questions from Senator Harms? [LB528]

SENATOR KINTNER: I certainly will. [LB528]

SENATOR HARMS: Senator Kintner, when you were on mike, you talked about when people come in to get treatment; this is not about people coming in to get treatment, this is people that don't want to come in to get the treatment, that would like to have someone else get them the necessary medicine. That's as I understand it, Senator Kintner. On your bill, line 16, your amendment, do you have that? Where you talk about: shall ask the age of the patient. And we're talking about nurse practitioners, physicians, physician assistants, you have that all listed out. The question I have for you, what happens when a person who comes in that wants to involve their partner but the partner does not want to be revealed lies about the age, who is liable? [LB528]

SENATOR KINTNER: I think the liar is liable. [LB528]

SENATOR HARMS: Well, the point is, why should we have people have to lie to be able to get the treatment? And the consequences here is, is it the physician that has some part of this liability in this question? I understand that there was discussion and maybe it's on other amendments that I haven't looked at that they've cleared up the liability question, but that is an issue for me. And so we're going to prescribe first and then notify the parents later. Is that correct? [LB528]

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SENATOR KINTNER: Yes, there's no time line, just notify the parents. [LB528]

SENATOR HARMS: So what about the danger, then, of prescribing to a person whose family medical history is unknown? What I'm getting at is that I think this opens up an issue that I've had concerns about on the last legislation when we did this, it's not a part of any kind of filibustering, I'm just telling you I have concerns about anyone coming into the doctor's office and getting treatment for something that the doctor hasn't examined to determine that. That's my concern about this. That's what I'm worried about. I think it leaves lots of questions that we have to answer on this issue. I'm not against what...completely against what the senator is asking for. I'm just concerned about what it sets up, what it does, what takes place here. I don't think it should be...quite frankly, if I was a...I am a father, but if it was one of my children that had a sexual disease and he or she was 14 or 15 years old, I would want to know that as a parent. In fact, I think I deserve the right to know that as a parent. So I object to your amendment, not sure I'm going to buy into the bill either, I'm going to wait to see what the discussion takes place here, but I object to it because it leaves too many unanswered questions and I don't think it's right. Thank you, Mr. President. [LB528]

SENATOR GLOOR: Thank you, Senator Harms and Senator Kintner. Chair recognizes Senator Brasch. [LB528]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. I do rise with questions on LB528, and I do think that the amendment for parents' notification is an important one. I believe we still need more amendments with this. As I'm reading through the bill and I'm looking at a change in public policy by the medical community, where a physician can prescribe medication without seeing a patient or an examination on a very critical measure here on...as it reads that...that this person can be a minor. We don't know about the partner. It could be hearsay about the partner. This can be very problematic. Perhaps there is an indication of abuse here, how is that addressed? Perhaps it's rape or incest that is being looked the other way for because you don't know who the partner is, truly, that we're taking some very serious medical leniency here and looking the other way. And as Senator Harms had also mentioned, that parents need to be involved, especially on a medical situation of this nature. And if the cases are rising, then more parents need to be informed and be alarmed of the epidemic and able to work with their minors, especially when it is a minor involved here. So I cannot support the bill as it stands. And I believe the amendment does also have questions within it on what if there has been a crime committed, then what? It's not good public policy to start prescribing medicine to minors without parents being informed of all the situation, and also if there is a case of a crime committed here. I give any of my remaining time to Senator Kintner. [LB528]

SENATOR GLOOR: Senator Kintner, 2 minutes 10 seconds. [LB528]



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SENATOR KINTNER: You know, as we go through and as we look through the policy, it seems that we've done everything we can to cut the parents out. Nah, we just can't tell those parents, those old square parents, they just don't know what they're doing. You know, I think if this was anyone's child, if it's anyone in this Chamber, if it was your child, you would want to know. You would want to know. And this is the only opportunity we have in this bill, I think, to try to correct the behavior that is causing the problem. There is absolutely nothing to stop someone from getting treated for chlamydia, coming back and getting treated again, coming back getting treated again and again and again and again and again. If the parent is involved, maybe they have a conversation. Maybe they talk about steps you can take to not get chlamydia. Maybe the parent becomes aware... [LB528]

SENATOR GLOOR: One minute. [LB528]

SENATOR KINTNER: ...of what's going on with his child. You know, these are important things, and I think that the state to step in between a parent and a child I think is wrong, wrong, wrong, and wrong again. We do it too much, and we should say, no, we're not doing it again. [LB528]

SENATOR GLOOR: Thank you, Senators Brasch and Kintner. Senator Bloomfield, you're recognized. [LB528]

SENATOR BLOOMFIELD: Thank you, Mr. President. It's already been mentioned that we deal with doctors prescribing medicine to people they've never seen. I find that an abhorrent idea. I will be opposed to this bill. I was opposed to it two years ago. I think we're going down the wrong road here when we...we start prescribing medicine to people we haven't seen, no matter what their age may be or what their...how many partners they might have. I will have a lot more questions on this bill as time goes on. Thank you. [LB528]

SENATOR GLOOR: Thank you, Senator Bloomfield. There are no senators remaining in the queue. Senator Kintner, you're recognized to close on your amendment to the committee amendment. [LB528]

SENATOR KINTNER: You know, I think that we try to do the right thing. I think this is a bill that's attempting to fix a real problem that we suffer with and we suffer through these problems for a lot of reasons that this bill cannot address and will not address. And government is not the place to address those problems. It's wholly inadequate to address the problems that are the underlying problems with what this bill attempts to correct. But I think to cut the parent out and to tell the parent, you have no role in this at all, is just undermining parental authority. That wasn't the intention of the bill, I don't think. I don't think that was the intention of Senator Howard, to undercut parental

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authority; she just wants to fix a problem. And we're going to use government to help fix a problem, we'll see if it works. But I think we need to involve the parents; we need to make sure it's not a repeat problem, and the best way to do that is to vote for this amendment. Thank you, Mr. President. [LB528]

SENATOR GLOOR: Thank you, Senator Kintner. Members, you've heard the closing on the amendment to the committee amendment. The question is, shall that amendment to LB528...to the committee amendment to LB528 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB528]

CLERK: 4 ayes, 21 nays, Mr. President, on the amendment to the committee amendments. [LB528]

SENATOR GLOOR: The amendment fails. Mr. Clerk. [LB528]

CLERK: Mr. President, some items, if I may, the Committee on Education chaired by Senator Sullivan reports LB366 to General File with amendments. Senator Larson offers LR118; that will be laid over. A new A bill, LB362A, by Senator Avery. (Read LB362A by title for the first time.) The Agriculture Committee will have an Executive Session at 1:30 today in Room 2102, Ag at 1:30 in 2102. Mr. President, an amendment to be printed to LB613 by Senator Chambers. (Legislative Journal pages 821-822.) [LB366 LR118 LB362A LB613]

And I have a priority motion: Senator Coash would move to adjourn the body until Tuesday morning, March 26, at 9:00 a.m.

SENATOR GLOOR: Members, you've heard the motion to adjourn until 9:00 a.m. tomorrow morning. Those in favor say aye. Those opposed say nay. We stand adjourned.