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Floor Debate
March 04, 2014

[LB132 LB159 LB359 LB362 LB402 LB464 LB474 LB546 LB671 LB699 LB725A LB725 LB728 LB737 LB749 LB752 LB755 LB783 LB809 LB814 LB814A LB829 LB832 LB841 LB844 LB863 LB867 LB884 LB914 LB965 LB1001 LB1016A LB1016 LB1037 LB1078 LB1088 LB1093 LB1107 LR395 LR422 LR464 LR465 LR466 LR467 LR468]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-sixth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor Mike Gardner from the Harvest Church and Outreach Center in Norfolk, Nebraska, which is Senator Scheer's district. Please rise.

PASTOR GARDNER: (Prayer offered.)

SPEAKER ADAMS: I call to order the thirty-sixth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

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

SPEAKER ADAMS: Are there any corrections for the Journal?

CLERK: I have no corrections.

SPEAKER ADAMS: Messages, reports, or announcements?

CLERK: Your committee on Enrollment and Review reports LB1016, LB699, LB546 to Select File, all having Enrollment and Review amendments. Mr. President, two appointments letters from the Governor: one for the Crime Victim's Reparations Committee; and for the State Board of Health. And I also have an amendment to be printed by Senator Ashford for LB464. That's all that I have at this time, Mr. President. (Legislative Journal pages 703-713.) [LB1016 LB699 LB546 LB464]

SPEAKER ADAMS: (Visitors introduced.) The first item on the agenda, Mr. Clerk.

CLERK: Mr. President, on LB132, a bill originally introduced by Senator Nordquist. (Read title.) The bill was referred to health and Human Services for a public hearing. The Legislature discussed the issue on Friday, Mr. President. At that time Senator Campbell offered the committee amendments from the Health Committee. Pending to that amendment was an amendment that was offered Senator Scheer, specifically AM2141. That amendment is pending, Mr. President. [LB132]

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SPEAKER ADAMS: Thank you, Mr. Clerk. Senator Nordquist, would you please give us a brief summary of the bill? [LB132]

SENATOR NORDQUIST: Thank you, Mr. Speaker and members. Good morning. LB132, ultimately with the committee amendment, will ban indoor tanning for minors under the age of 16 initially, and I guess still pending on the committee amendment, would be with a doctor's note. We have worked over the weekend and came up with a compromise I think that Senator Scheer will be bringing as a substitute amendment or as an alternative amendment to his pending amendment, which ensures a parental component to ensure parents have a say. But the remainder of the bill requires that indoor tanning facilities post warning signs. The Board of Cosmetology and the Department of Health and Human Services will have oversight to ensure compliance with responsible tanning, and it would rename the act the Indoor Tanning Facility Act. I hope that with Senator Scheer's amendment we can move forward with this legislation in a timely manner. Thank you. [LB132]

SPEAKER ADAMS: Thank you, Senator Nordquist. Senator Scheer, the Chair will recognize you to summarize AM2141. [LB132]

SENATOR SCHEER: Thank you, Mr. President. At this time I would withdraw, move to withdraw AM2141. [LB132]

SPEAKER ADAMS: So ordered. Senator Campbell, before we proceed on to any other action, could you remind the body what's in the committee amendment. [LB132]

SENATOR CAMPBELL: Thank you, Mr. President. Real briefly, I do want to remind the body that the committee amendment had been worked out between the dermatologists and the tanning facility owners, and appreciate the work that has been done this weekend. It does provide a civil penalty should the operator, owner, or lessee of the facility not follow the act. And the amendment requires the owner, operator, or lessee of the tanning facility to ensure compliance with all federal laws, and that the Indoor Tanning Act be implemented and enforced in a manner that ensures equal treatment of all tanning facilities, which will be under the Health and Human Services to investigate any complaints. And as Senator Nordquist indicated, it provides for an owner of a tanning facility to be on the Board of Cosmetology. Thank you, Mr. President. [LB132]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Campbell. Mr. Clerk. [LB132]

CLERK: Mr. President, Senator Scheer would move to amend the committee amendment with AM2170. (Legislative Journal page 713.) [LB132]

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SENATOR KRIST: Senator Scheer, you're recognized. [LB132]

SENATOR SCHEER: Thank you, Mr. President. I would like to thank Senator Nordquist for his willingness to work on a compromise that facilitates parents being involved in the decision process. Essentially what this amendment will do is it will strike the physician portion and replace it that a parent must accompany a person under 16 years of age to the facility and must go in and sign each time that the facility is used, acknowledging that they are giving permission and that they understand the problems and warnings that are associated with this industry. I think, from my understanding, it has also been ran by both the Dermatologists Association and they're in support of it, as well as the Tanning Association, which they have agreed as well. And so I think from all intents and purposes this should be a compromise that everyone can live with. And with that I will end. Thank you, Mr. President. [LB132]

SENATOR KRIST: Thank you, Senator Scheer. Those wishing to be heard: Senator Kintner, Nordquist, Janssen, and Christensen. Senator Kintner, you are recognized. [LB132]

SENATOR KINTNER: Thank you, Mr. President. You know, I didn't say anything the last two days we talked about this or the last day we talked about it, but, you know, as I was thinking about this, you know, this is the kind of bill that we keep seeing that we've got to protect people from their own actions; we have to protect the kids from the parents' actions. And I think this is the wrong kind of legislation. Although this body seems to like this kind of legislation, this busybody legislation where we're going regulate your life, we're going to tell you how to live your life; we're going to tell you what you can and can't do. I oppose it. The whole theory behind this amendment...we're not even talking about the particulars, I just oppose the state sticking its nose into a parental decision in the name of helping the kids and helping the parents make better decisions. I mean, jeez, you know, why not just have the state raise the kids? They don't make mistakes. We'll just raise those kids right. We'll just have the state do it. But that's...we know that state doesn't do that great of a job either. We're always going to have parents and we've always had parents that are not very good parents, and we've always...I can remember when I was a kid, some parents were better than others. But the state didn't stick its nose in and say you've got to do this, you've can't do this. We've always let the parents, traditionally, I think for about 5,000 years, raise their kids the way they see fit. But here we have a group of people in this body that think they know better than the parents what needs to happen. The other thing that bothers me about this is we're told, well, we've got an agreement. The industry has come forward and said we agree to this. Well, look how they got here. You beat the tar out of them; you pound them; you cost them a lot of money; you threatened them with even tougher regulations. And finally they cry Uncle, they come on their hands and knees, and they say, we've had enough. And we use the coercion of government and the heavy hand of government to beat these guys into submission who just want to make a living with a legal service, and you

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come and you tell me, hey, we've got an agreement. Well, we don't have an agreement if you didn't use the heavy hand of government to pound these guys into submission. So I don't like the underlying bill. I think the intentions are good but I think the application is horrible. I think this is not what we should be spending our time on. But if you want to spend your time on it, I've got plenty of time to spend. Thank you, Mr. President.
[LB132]

SENATOR KRIST: Thank you, Senator Kintner. Senator Nordquist, you're recognized.
[LB132]

SENATOR NORDQUIST: Thank you, Mr. President and members. I certainly want to thank Senator Scheer and all the interested parties for coming together on the amendment. I think it's a reasonable approach to require a parent to be there every time and sign a statement for those minors under the age of 16. I have people say, well, that's still not healthy and still not safe. And I suppose there are some parents out there who will take their 14-year-old in to get tanned; but in those situations parents are probably causing more damage to their kids than the tanning alone. Would Senator Kintner yield to a question? [LB132]

SENATOR KRIST: Senator Kintner, will you yield? [LB132]

SENATOR KINTNER: Sure. [LB132]

SENATOR NORDQUIST: Thank you, Senator Kintner. Last week, when we were debating this bill, Senator Murante said, you know, we shouldn't use this analogy, but it's the rhetoric of, you know, the big hand of government coming in and taking away parental responsibility that forces us to use this analogy. And you weren't here to allow me to ask you a question like this last week. If we should do things with parental notes and let parents do things, should we allow parents to send their kid with a note to buy a...a 14-year-old, to buy a pack of cigarettes? [LB132]

SENATOR KINTNER: You know what? We don't allow it. I'm content to leave it sit right where it is. [LB132]

SENATOR NORDQUIST: Okay. So that level of regulation and taking away parents' responsibility is fine. Is that correct? [LB132]

SENATOR KINTNER: That is correct. [LB132]

SENATOR NORDQUIST: Thank you, Senator Kintner. Well, I would just say that, you know, according to the FDA and the World Health Organization, indoor tanning is considered and rated as a Class 1 carcinogen on the same level as tobacco, arsenic, and asbestos. Obviously we regulate tobacco products; we regulate Class 1

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carcinogens. I think it just makes sense to allow appropriate regulation of indoor tanning. And I think that this is the right approach to take today. Thank you, Mr. President. [LB132]

SENATOR KRIST: Thank you, Senator Nordquist and Senator Kintner. Senator Janssen, you're recognized. [LB132]

SENATOR JANSSEN: Thank you, Mr. President and members. And I appreciate...I'm getting caught up on the debate a little bit here with Senator Nordquist. And if he would yield to a question it would be greatly appreciated. [LB132]

SENATOR KRIST: Senator Nordquist, will you yield? [LB132]

SENATOR NORDQUIST: Yes. [LB132]

SENATOR JANSSEN: Thank you, Senator Nordquist. And as we talked earlier, I just want to get the genesis of where this bill came from, the thinking behind it. And I'm aware that you have a brother that's, I believe, a cancer... [LB132]

SENATOR NORDQUIST: Oncologist, yes. [LB132]

SENATOR JANSSEN: ...yes, as well. So is it something that was...is that where it came from? Or is this something that came to you from a constituent or whatnot? I apologize for missing your opening. [LB132]

SENATOR NORDQUIST: Well, initially it was a teenage girl who was...actually I think she's 19 now or she was when I introduced the bill. She's a freshman at Kansas State. She's from Omaha and got...you know, was treated for melanoma at, I think, the age of 17 when she started her treatment. She was diagnosed and started her treatment. And, you know, there would be no other reason that her dermatologist or her family could point to other than the fact that she started indoor tanning on a frequent basis at the age of 14 or 15. So it really was her story. And then I started working with some of the medical experts who have seen the rampant increase in melanomas in young women in their offices, the increase over the last decade or so, that has really raised concern; and then I looked at what other states had done and introduced our legislation. [LB132]

SENATOR JANSSEN: Thank you, Senator Nordquist. And in this case, which is a specific case, I guess would you say there was negligence on behalf of the parents of this young lady? [LB132]

SENATOR NORDQUIST: Maybe not negligence. I would say that, you know, in hindsight they are...or could say they would have made a different decision. And they said, you know, look, we didn't know the research; we didn't...you know, we don't read

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medical journals on a regular basis; you know, we weren't familiar with the Mayo Clinic research that shows that we've seen an eightfold increase in skin cancers among young women. So the parents just felt...you know, the parents, when I talked to them, said, we just weren't knowledgeable about the affects of indoor tanning. So I wouldn't call it negligence; just a...unfortunately, a lack of information about the detriment that can be caused with irresponsible use...inappropriate use of this product. [LB132]

SENATOR JANSSEN: Senator Nordquist, with the application of your bill as written, would it be 14-year-olds that would have to have a parent bring them in? Is that the amendment as I understand it, or...? [LB132]

SENATOR NORDQUIST: Yeah, so we don't...right now, in Nebraska, we have nothing...no regulations at all. We are saying if you are under the age of 16, you have to have a parent with you every time. So on your 16th birthday, moving forward, it's still free game. I hope that...you know, although we will have more appropriate warnings posted and such. So I hope that the awareness of...again, it's really the inappropriate use of the product that causes real problems. Some people would say that any use does. You know, I'm not going to get into that debate, but we certainly know when people overutilize it and get burned, that's when DNA damage can happen in our bodies. So I think the signs and the warnings will help for those over 16. But if you're under 16, really to any age, there is no floor in our statute right now, and I hope parents, obviously are responsible with that, and I'm sure most of them will be; they would have to bring their child in. [LB132]

SENATOR JANSSEN: And as you're aware, I'm certainly not a fan of restricting business practices. I never have been. [LB132]

SENATOR KRIST: One minute. [LB132]

SENATOR JANSSEN: Thank you, Mr. President. Do you think this would be considered a restriction of business practice? And part two of that, and then I'll just let you finish out my time if you will, I have heard the tanning industry talk about how this is a source of Vitamin D and almost the opposite side of that. [LB132]

SENATOR NORDQUIST: Yeah. Is it a restriction? Yeah, we would be restricting their customer base under 14, 15. But again, those kids could utilize the service with a parent present. As far as the Vitamin D concern, there...you know, we've heard a lot of testimony from medical professionals at the hearing. You can go to Walmart and get a bottle of Vitamin D for probably less than \$10, and that would have much more potency than...a more potent Vitamin D application than if you received it through indoor tanning. [LB132]

SENATOR JANSSEN: Thank you, Senator Nordquist. Thank you, Mr. President.

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[LB132]

SENATOR KRIST: Thank you, Senator Janssen and Senator Nordquist. Senator Christensen, you are recognized. [LB132]

SENATOR CHRISTENSEN: Thank you, Mr. President. I appreciate the amendment we're working on right now if we're going to have this, because I do believe it's the parents' responsibility. I do realize, as Senator Nordquist and Senator Kintner was visiting, the smoking was brought up; and I understand that we regulate some things. And I know sometimes they're saying it's like some hypocrisy in here between what we support and we don't support. At the same time I'd turn around, since this was already brought up today about hypocrisy and smoking things, I'd bring up, why can't we have a sign warning people that they don't have to have an abortion? To me, it's the same thing. You know, if we're going to start this, we can get this ugly, or we can agree to be cordial and go forth and go on. I don't think we need to go there and I just want to thank the people that got the amendment put together and I hope we can have a positive debate from here. Thanks. [LB132]

SENATOR KRIST: Thank you, Senator Christensen. Senator Bloomfield, you're recognized. [LB132]

SENATOR BLOOMFIELD: Thank you, Mr. President. I'd like to ask Senator Nordquist a question. Senator Nordquist. [LB132]

SENATOR KRIST: Senator Nordquist, will you yield? [LB132]

SENATOR NORDQUIST: Yes. [LB132]

SENATOR BLOOMFIELD: Thank you, Senator Nordquist. Last week during conversation it was mentioned several times that this was actually more of a problem for the kids between 16 and graduating high school or early college. Was there any thought given in your process that you engaged in over the weekend to raising that age to 18 instead of 16? [LB132]

SENATOR NORDQUIST: No. I think the two parties...you know, the interested parties that have come together and those of us in the body, including the Health Committee, I think, weren't comfortable getting to that, raising the age limit. I think, you know, we hope parents still will have influence on their 16-, 17-, and 18-year-olds. But, you know, at this point the bill is 16 and that's where I think we've decided to settle. [LB132]

SENATOR BLOOMFIELD: Would you guess we'll be revisiting this in a couple years? [LB132]

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SENATOR NORDQUIST: You know, future Legislatures will do what they will. I have gave my word that I would not be coming back in my remaining two sessions after this to address this issue. I certainly can't force anyone else to. But this...you know, it's an issue that is being debated in a lot of legislatures around the country right now, and I don't anticipate that the discussion or concern of the inappropriate use of indoor tanning will go away. [LB132]

SENATOR BLOOMFIELD: Okay. Thank you. And if you would like the remainder of my time, it's available. [LB132]

SENATOR NORDQUIST: Well, that's all right. Thank you for that, Senator Bloomfield, but I will waive the remainder. [LB132]

SENATOR KRIST: Thank you, Senator Bloomfield and Senator Nordquist. Senator Brasch, you're recognized. [LB132]

SENATOR BRASCH: Thank you, Mr. President, and good morning, colleagues. And the amendment is moving in the right direction for AM2170, where a child...an adult, young adult, is accompanied by a parent or legal guardian. However, I still question the fact that we are bringing more and more legislation here that would stand in the way of parental consent moving forward. So what's next? What are the rights of the parent here? What about education? What about more and more information being sent to our teenagers in the schools, the behaviors, changing behaviors? Yesterday I was in one of our elementary schools discussing the bill that we have introduced on the school buses and the school bus stop arm where we increased the fine; we also increased the penalties. And the school truancy officer had indicated that people are still going past the school bus, arms down, putting children in danger. He is saying, and I agree, even if it's this bill or that bill, we need to work on behaviors, on changing social attitudes; and that comes with peer pressure, that comes with more information and the community, and not legislation. We are again bringing this forward saying that the state of Nebraska, the Legislature, has decided that this will cause cancer. You know, there are so many things that do cause cancer. Last week, on the floor, I addressed that skin cancer is about half of all the cancers, and I can't imagine that half of our population uses a tanning bed. I believe it is a small segment of individuals. There are tanning sprays; there's, you know, tanning lotions for the teenagers who feel they need to be prom ready, or looking cool for the older adults. But again, it comes down to social behavior and social attitudes. We can fine people. We can restrict people. But the ability to make sound decisions comes from within individuals and individual practices of right and wrong and of common sense. Here we are going to legislate this or moving towards that, saying, okay, well, the parents will have consent. That is a good move. However, when we continually look for more and more ways to restrict individual decision-making and making it legislative rather than public common sense or public policy, that is concerning. I do support AM2170 that helps bring that. But the bill itself, LB132, is

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another method, another way that we are looking at saying, you may or may not do this, where individuals need to be making those decisions. Parents do know what is best for their child, for their young adults. They are in their care and they are the ones that will help guide their young children into adulthood. So I stand in support of the amendment. I would like more information on LB132 and where this bill will take us as a culture, as an attitude, of we cannot make up our minds, the Legislature needs to do that. So... [LB132]

SENATOR KRIST: One minute. [LB132]

SENATOR BRASCH: ...thank you, colleagues. I appreciate your looking further into how we can make this be an individual decision and not a legislative decision. [LB132]

SENATOR KRIST: Thank you, Senator Brasch. (Visitors introduced.) Those still wishing to speak: Senator Davis, Kintner, and Schumacher. Senator Davis, you're recognized. [LB132]

SENATOR DAVIS: Thank you, Mr. President and colleagues. I just wanted to make a few comments this morning. I imagine most of the people in here have noticed that my face has been kind of covered with a bunch of scabs the last couple weeks, and that's because I've had to go to dermatologist again for removal of skin cancers and pre skin cancer cells on my face. I've never used a tanning bed much in my life; did it one time. But my sun problems deal with my childhood when I was a kid and I was outside all the time on the ranch, and then as a young adult driving a tractor. You know, when you're a young person, the last thing you think about is what's going to happen to you 40 years from today or 30 years from today. And I wonder if Senator Brasch would yield to a question on that. [LB132]

SENATOR KRIST: Senator Brasch, will you yield to a question? [LB132]

SENATOR BRASCH: I will yield. [LB132]

SENATOR DAVIS: Senator Brasch, when you were a young woman, were you...did you think much about what your skin was going to be like 40 years from the time you were 18? [LB132]

SENATOR BRASCH: When I was a young woman I did not think about that. [LB132]

SENATOR DAVIS: And I think that's an example of what the problem is here. We're dealing with short-term gains versus long-term liabilities with skin cancer. It's a cumulative thing. When we were young we would get out in the sun, when you could. You might be out there for three or four months and then it was over. Today, people can be in tanning beds all year round. You end up accumulating these damaged cells over

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your lifetime, and then eventually you end up with skin cancer. So to me this is a reasonable bill, always has been. I do support the amendment and I urge the body to vote for the bill. Thank you. [LB132]

SENATOR KRIST: Thank you, Senator Davis and Senator Brasch. Senator Kintner, you're recognized. [LB132]

SENATOR KINTNER: Thank you, Mr. President. You know, I don't think that anyone is arguing that tanning is good. I mean, I couldn't imagine anyone thinking that damaging your skin and doing it over a number of years is something that anyone should do. I think our role should be to make sure that we state the problems, just like we made people aware of breast cancer; we made people aware of the problems with smoking. You know, we pretty much almost terrified kids from smoking, which probably isn't all that bad. I mean, we've driven it home that it's bad. So our role really should be to make sure that people understand that this has serious long-term consequences; that if you do this to yourself, tan yourself, or let someone under your responsibility tan themselves, that it's got some long-term consequences. We're not arguing that. Our role should be to make sure people understand the consequences, make sure there are signs posted in tanning clinics or tanning salons in conspicuous places, like this bill calls for, you know, and we should let the medical people make sure they're educating people. That should be what we seek to do. And then we need to trust their parents and people to do the right thing. And when they do the wrong thing, well, there's sometimes consequences. You know, we have speed limits but we don't have policemen everywhere. If you choose to drive 120 miles an hour, eventually you're going to wreck. You know, that happens. You know, you've got to be responsible for your actions. So I think that's what the debate is. Do we trust people once we've given them the information to make the right decision, or do we not trust people to make the right decision? I have a lot more trust in people, I think, than this body as a whole does. And the other thing I would say to my good friend Senator Nordquist about smoking. Now if I remember what the liberals say, smoking hurts other people. Now I don't know to what degree. I mean, we can't quite figure out exactly what secondhand smoke does. But we certainly know it's bad if you've got a respiratory condition. You certainly don't want to be around secondhand smoke. It can trigger asthma and other problems. So there are other reasons except just to protect the kid. So, you know, there are other reasons why we restrict smoking like we do, even when I think sometimes we restrict it a little too much. But there are other reasons than just to protect the children. So thank you, Mr. President. [LB132]

SENATOR KRIST: Thank you, Senator Kintner. Senator Schumacher, you're recognized. [LB132]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I've got some questions for Senator Nordquist; but first, an observation. We were told the

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other day that these lamps have four times the strength of the sun for radiation. It's my understanding that when you measure the impact of radiation, it's a factor of the strength of the radiation times the time. So, in other words, if you are in normal summertime sunlight for four times as you are under the lamp, you get an equal dose of radiation, which leads us to the question of whether or not we're really concerned about this, we should have some kind of requirement or some type of penalty for not putting an ample dosage of sunscreen on children under 16. That maybe underscores some of the folly of the approach of trying to micromanage parenting from this hall. However, if we're going to head down this road, I do have some questions for Senator Nordquist. [LB132]

SENATOR KRIST: Senator Nordquist, will you yield? [LB132]

SENATOR NORDQUIST: Yes. [LB132]

SENATOR SCHUMACHER: Thank you, Senator Nordquist. The new language is requiring that the parent or legal guardian accompany the minor child. Accompany to where? [LB132]

SENATOR NORDQUIST: They'd be..."is accompanied by," so that means into the facility. [LB132]

SENATOR SCHUMACHER: It doesn't say that though. How about to the parking lot? To the drive-through window? [LB132]

SENATOR NORDQUIST: I think if you read that in context of the committee amendment, it makes absolute sense that they be accompanied by them to the facility. [LB132]

SENATOR SCHUMACHER: Into the room where the tanning bed is? Into the tanning bed? Into the parking lot? Into the reception desk? How far do you have to accompany them? [LB132]

SENATOR NORDQUIST: Well, I think in all practicality it would be to the reception desk to sign the consent form and say, yes, I consent to my kid going to use it, and then at that point the parent can probably make the decision whether or not they want to go into the room or not. [LB132]

SENATOR SCHUMACHER: But if you look at the language, it doesn't require the consent form to be signed there. It says that the tanning operator shall secure a consent form. So the kid conceivably could have a stack of pre-signed consent forms and just hand one over, because all the language requires is that it be secured. It doesn't require that the parent give it. Am I misreading something? [LB132]

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SENATOR NORDQUIST: I think it is pretty self-explanatory with the language that's there. [LB132]

SENATOR SCHUMACHER: Senator, does Iowa have similar legislation? [LB132]

SENATOR NORDQUIST: I would have to dig out my list of states that have done this. There's a number of states that have varying degrees...most of the states that have regulations on indoor tanning have varying degrees of parental consent. Some of them have banned...here we go. There are 29 states that have some level of parental consent now. Some of those have in person; some of those have a note. And then there's another chunk of states that has bans under certain ages. [LB132]

SENATOR SCHUMACHER: So conceivably if Iowa has a lesser standard, they'd just have to cross the bridge. [LB132]

SENATOR NORDQUIST: You know, we have border bleed on about every issue we talk about in here, Senator Schumacher. [LB132]

SENATOR SCHUMACHER: Finally, when I get my...that's for sure. Finally, when I get on my time here, we have a statute, 30-2604, which says that "A parent or a guardian of a minor...by a properly executed power of attorney, may delegate to another person, for a period not to exceed six months, any of his or her powers regarding" the child's care. So can a parent delegate authority to some other person, using that particular statute, so that some other person functions as the parent or guardian? [LB132]

SENATOR KRIST: One minute. [LB132]

SENATOR NORDQUIST: Only if they are designated as a legal guardian. The language in front of you says specifically "parent or legal guardian." If you do not fall into the definition of a parent or a legal guardian, then you would not be allowed to do that. [LB132]

SENATOR SCHUMACHER: But this other statute specifically allows for a parent to delegate that power to another person. [LB132]

SENATOR NORDQUIST: But that delegation doesn't redefine that person as the parent. So you either have a parent or a legal guardian, not someone who the parent designates as some other...you know, having some other power of attorney. So I would say no, in that case. [LB132]

SENATOR SCHUMACHER: In the statute, the only exception is that the parent can't consent to marriage or adoption of a minor ward. It doesn't mention anything about

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suntanning or other recreational type of activities. That may...you may want to clarify that as to exactly. Because the statute 30-2604 is rather broad-ranging, and I would read it to say that the parent could delegate the authority to make this decision to the tanning shop operator, at least, make a very strong case. [LB132]

SENATOR KRIST: Time, Senators. [LB132]

SENATOR SCHUMACHER: Thank you. [LB132]

SENATOR KRIST: Thank you, Senator Schumacher and Senator Nordquist. Senator Hansen, you are recognized. [LB132]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I thought a little bit about this over the weekend. I got a note from a constituent in North Platte that happens to own a tanning facility. It's called Total Attraction Tan (sic--Total Attractions). So if you want to go there, you can lay in her bed for a while. She wrote me that...or called in, I guess. She said LB132 would hurt her business. She says that she doesn't allow anyone under 17 to tan without parental permission. She is already doing what we want her to do, but she raised the bar to 17 instead of 16. Would Senator Scheer yield? [LB132]

SENATOR KRIST: Senator Scheer, will you yield? [LB132]

SENATOR SCHEER: Yes, I will. [LB132]

SENATOR HANSEN: Thank you, Senator Scheer. Does your AM2170 change the age of tanning? [LB132]

SENATOR SCHEER: No, it does not. [LB132]

SENATOR HANSEN: It stays the same. So they would have to have a parental permission under the age of 16. Is that correct? [LB132]

SENATOR SCHEER: That is correct. [LB132]

SENATOR HANSEN: Okay. This tanning place in North Platte seems to be like...they're doing it themselves. I can't stress enough that the person who called in and told me about their tanning booth shows the responsibility of the people who are doing this. I, too, like Senator Davis, was young and dumb; went out in the sun all the time with no more than maybe a baseball cap. I gave that analogy last week. The reason I quit wearing those wide-brim hats: I got tired of chasing them. And I didn't have the tornado string on. Every time the wind would blow or I'd ride a quick horse, it would...there would go my hat; there goes the sun. That's why I'm doing treatments on the side of my head.

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More than normal suntanning in the sun is not good. It's not good for anybody. It's not good for children in a swimming pool where they're slathered with SPF 50. They go in the water, most of it's going to wash off; the top of their head is going to get sunburned like Senator Wightman's almost thin-haired head. The sun is nothing to mess around with. Whether you're a child or whether you're an adult; it doesn't matter. I think I'm going to vote for Senator Scheer's amendment and I think it's great to have parental guidance in this. The parents can say, no Susie, you can't tan until you're 16 without my permission; and no, you don't have that permission. Thank you, Mr. President. [LB132]

SENATOR KRIST: Thank you, Senator Hansen. Senator Brasch, you're recognized. [LB132]

SENATOR BRASCH: Thank you, Mr. President, and good morning, colleagues. Is Senator Davis on the floor still? I would like Senator Davis to yield to a question. [LB132]

SENATOR KRIST: Senator Davis, will you yield? [LB132]

SENATOR DAVIS: I will. [LB132]

SENATOR BRASCH: Senator Davis, did I...a few moments ago I came up and personally visited with you, and we had a little fun conversation. Correct? [LB132]

SENATOR DAVIS: Correct. Yes, we did. [LB132]

SENATOR BRASCH: On record, can you tell me what you consider young and what you consider not young, since you decided I was not young? [LB132]

SENATOR DAVIS: (Laugh) Oh, Senator Brasch, I apologize for my misstatement. You are young. [LB132]

SENATOR BRASCH: Thank you. Now that it's on record I feel much better, so (laugh) I thank you. I also have another question when we were visiting. You're not a tanning bed user regularly. Just on a rare exception, a time or two, correct? [LB132]

SENATOR DAVIS: I have used it twice in my life when I was in the middle of winter headed towards the tropics for ten days, and I thought I needed to get prepared for that. And that was two times for the same trip and 30 years ago. [LB132]

SENATOR BRASCH: Thank you. And that's not unusual for some adults so they don't get sunburnt on a vacation when they go from no sun to a lot of sun. Would you say that also, Senator Davis? [LB132]

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SENATOR DAVIS: I certainly would. You know, most of the sun damage that I have is accumulated from the time I was 5 years old until I was 30 years old...or 25. [LB132]

SENATOR BRASCH: Very good. I have no other questions. I'm a grandparent...a very young grandparent, I would say. And my daughter, who has used a tanning bed on a time or two, as a parent she looks for SPF 50, 40. It seems today--I don't know who else I would call on here--that our children use a lot of sunscreen on our grandkids. That sunscreen now has become the norm for outside activities. Thinking back again, looking at the American Cancer Society Web site, it does talk about sun exposure and sun exposure for certain individuals, and those would be fair-haired, those who...red hair, those who sunburn very easily. And I wanted to remind you, I spoke on mike about my late father-in-law who was a farmer, worked many days, many years, out in the sun; and he wore a safari hat because he knew what the sun could do. Year-round he wore long-sleeved shirts. He knew what the sun could do. However, the sun did...he had skin cancer. He did pass away from it. And not one day in his entire lifetime did he use a tanning bed, and would laugh even if someone asked him the question. Again he made a sound decision. I believe our next generation is making decisions. I think that as more and more products become available for those who are tanning for vanity purposes, special events, they're going to be moving more towards the tanning spray, the tanning creams. I believe student councils, peers, associations, groups, those people who are sponsoring and asking for these bills, the dermatologists, they can also provide products that would enable parents and younger people... [LB132]

SENATOR KRIST: One minute. [LB132]

SENATOR BRASCH: ...to have that tan look if they should choose to do so. With the Legislature looking at initially overriding a parent's consent, that was extremely troubling. Looking at now the Legislature says, okay, well, we agree; you know, perhaps a parent's consent is important. And I do applaud that amendment because it is important. It is the first person that greets that child as they come into this world, their parent or their guardian, and they should have the right for that decision. However, good citizens, take a look at what we're doing here with laws. The lawbooks keep getting bigger and bigger because we keep saying more and more. Well, can my father-in-law, late father-in-law no longer farm because he...? They called him Red. He had red hair. [LB132]

SENATOR KRIST: Time, Senator. Thank you, Senator Brasch. Senator Bloomfield, you're recognized. [LB132]

SENATOR BLOOMFIELD: Thank you, Mr. President. I'd like to ask Senator Nordquist another question if I could. [LB132]

SENATOR KRIST: Senator Nordquist, will you yield? [LB132]

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SENATOR NORDQUIST: Yes. [LB132]

SENATOR BLOOMFIELD: Senator Nordquist, I am probably going to support this amendment and I may end up voting for the actual bill with this amendment. It's a bill that I had offered or considered bracketing last week. This amendment goes a long ways toward making it better. But to show the foolishness of some of the questioning we do here--and you employed it yourself a little bit in conversation with Senator Kintner. By approving this and supporting this, I assume you think it's all right then for a 16-year-old to go in with her folks and buy beer at the local pub. [LB132]

SENATOR NORDQUIST: No, I would...was that a question? [LB132]

SENATOR BLOOMFIELD: Well, the question was, would you support that? And that's just to show the foolishness of that type of questioning. [LB132]

SENATOR NORDQUIST: Well, the reason I bring that questioning up, Senator Bloomfield, is because the FDA says this is as dangerous as tobacco use. So, you know, that's why I introduced the bill to ban it at 18. But we work through a legislative process here. I never let the perfect be the enemy of the good. I always try to make progress on an issue, and that's what I'm trying to do here. But I can see where that...you know, the logic may play out to that end. But that's the reason I, you know, question whether or not this should be along the same lines as tobacco. [LB132]

SENATOR BLOOMFIELD: Well, I bring this up only because I hope we can avoid that type of reference in the future. You know, just because we don't support one thing doesn't mean that we have to support anything else that we can extrapolate out of that. And I hope we avoid that in the future. And I guess I would yield the remainder of my time to Senator Brasch. I don't think she quite finished what she had to say. [LB132]

SENATOR KRIST: Senator Brasch. Senator Brasch, you're yielded 2:57. [LB132]

SENATOR BRASCH: Thank you, Mr. President. And thank you, Senator Bloomfield. There is more information out there. You know, cancer is a terrible, terrible disease. Many people are affected not just by skin cancer; there's breast cancer, colon cancer, stomach cancer, pancreatic cancer. It's terrible and there's a lot of research being done and...but to...for the government to come in and focus on one age group overriding parental responsibilities and consent is troubling. We do need to take a look at what we can do. What can we do as citizens? The pioneers that made the plains into what we enjoy now and what we're privileged to enjoy, they worked hard. They worked together. They didn't need the Legislature to tell them what to do, where to do it and how to do it, and what you can and cannot do. We have sound judgment. We need the ability to practice that in all we do and go further into making sure that it's not the Legislature

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mandating good behavior, correct behavior, and that we step up and we realize that, you know, our freedom is something that is very profound and it's important that we continue to exercise that freedom. I'm getting e-mails and calls about the situation in the Ukraine. On Friday I visited with one of our international visitors here who is from the Ukraine. [LB132]

SENATOR KRIST: One minute. [LB132]

SENATOR BRASCH: And their freedom is being torn from them. Torn from them. And when we have freedoms, if it's a tanning bed or if it's a motorcycle helmet or something, we should be in control of our public safety and our public rights and start to practice that. Yes, there are things that are bad practices. But we are good people with sound judgment who need to step up and help change public policy in a public way, not mandated in volumes and volumes of statute books and court cases. Again I would like you to think, what are we really doing here? We are speaking to parents, but why not just have parents speak to parents? That's the most powerful form of communication is people who talk to people, and not a threat from the Legislature. Thank you for the time, Senator Bloomfield. And thank you, colleagues. [LB132]

SENATOR KRIST: Thank you, Senator Bloomfield, Senator Nordquist, and Senator Brasch. Senator Kintner, you're recognized; and, Senator, this is your third time. [LB132]

SENATOR KINTNER: Thank you, Mr. President. And, you know, I understand where Senator Nordquist is coming from and I appreciate his willingness to tackle an issue and to work with the people of this body, and I do have an appreciation for that. I want to thank Senator Scheer for standing up for parental rights, for working to make this a better bill that's less offensive to our liberty. I want to thank Senator Brasch, Senator Bloomfield, Senator Christensen, Senator McCoy, Senator Hansen for standing up and voicing their concerns. And I intend to vote for AM2170. I intend to vote for AM1802. I think that's a good amendment, obviously. And I think on Final Reading I'm going to vote for this bill. But if we didn't stand up and we just sat here and let this thing sail through, it would have been a completely different bill. And I appreciate the people recognizing that this does trample on liberty and that we need to try to do everything we can to involve parents. And I appreciate Senator Nordquist. I appreciate everyone who spoke on this bill, and I think it's a much better bill and it does...and, you know, no one is arguing that these aren't real problems with people getting too much exposure to tanning rays. So I appreciate the great debate today. Thank you, Mr. President. [LB132]

SENATOR KRIST: Thank you, Senator Kintner. Senator Wightman, you're recognized. [LB132]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. It's been

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pointed out today by Senator Hansen that I'm becoming bald, and I thought I at least ought to say something with regard to that. I have two grown sons that are much balder than I, so I'm not headed in that direction quite as rapidly as they. Also, growing up, I was a redhead, the same as three of my...two of my three children and three of my four granddaughters who several of you have seen here in the Chamber. And we are all subject to sunburn far more than, say, the average person in this Legislature. Mine doesn't look so red anymore, I'll grant you that. Having said that, I do intend to support AM2170; I think it improves the bill. And I will support LB132. Thank you, Mr. President. [LB132]

SENATOR KRIST: Thank you, Senator Wightman. Seeing no one else wishing to speak, Senator Scheer, you're recognized to close on your amendment. [LB132]

SENATOR SCHEER: Thank you, Mr. President. Very quickly. We've talked about it, I think, substantially enough, and I think this is a good compromise from where the bill started. I think it still has protections for the youth of the state of Nebraska. It's just parental protection rather than a physician's protection, and I think we have accomplished the same thing. And I think the true spirit of compromise, we were able to move forward. And I want to again thank Senator Nordquist for his ability to work on this as well. And I would urge your support to AM2170. Thank you. [LB132]

SENATOR KRIST: Thank you, Senator Scheer. You've heard the closing. The question is, shall the amendment to the committee amendment to LB132 be adopted? All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk...oh, stand by. Please record, Mr. Clerk. [LB132]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of Senator Scheer's amendment. [LB132]

SENATOR KRIST: The amendment is adopted. Items, Mr. Clerk. [LB132]

CLERK: I do. Thank you, Mr. President. The Health Committee reports LB1088 to General File; LB1107, General File; LB1078, General File with amendments; and LR422 reported back to the Legislature for further consideration. General Affairs reports LB914 to General File, LB863 to General File with amendments. Government reports LB1037 to General File; LB737 to General File with amendments; and LR395 reported to...a hearing notice from General Affairs Committee. Senator Coash offers LR464. That will be laid over. Senator Brasch would like to print an amendment to LB1093; Senator Krist to LB464. And I have confirmation reports, Mr. President, from the Health and Human Services Committee and the General Affairs Committee. And I also have a new resolution, LR465, by Senator Krist. That will be laid over at this time. (Legislative Journal pages 713-718.) [LB1088 LB1107 LB1078 LR422 LB914 LB863 LB1037 LB737 LR395 LR464 LB1093 LB464 LR465]

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SENATOR KRIST: Thank you, Mr. Clerk. [LB132]

CLERK: Mr. President, returning to LB132, I now have Senator Kintner would offer AM2168 as an amendment to the committee amendments. [LB132]

SENATOR KRIST: Senator Kintner, you're recognized. [LB132]

SENATOR KINTNER: Mr. President, I'd like to withdraw my amendment. [LB132]

SENATOR KRIST: Withdrawn. [LB132]

CLERK: Kintner would offer AM2169. [LB132]

SENATOR KRIST: Senator Kintner, you're recognized. [LB132]

SENATOR KINTNER: Mr. President, I'd like to withdraw my amendment. [LB132]

SENATOR KRIST: Withdrawn. [LB132]

CLERK: I have nothing further pending to the committee amendments, Mr. President. [LB132]

SENATOR KRIST: Senator Campbell, would you like to close? [LB132]

SENATOR CAMPBELL: Thank you, Mr. President. Colleagues, I much appreciate the work that was done over the weekend, and we will be doing a great service to young people and their families in the state with the amendment; and I'd urge your vote yes. Thank you, Mr. President. [LB132]

SENATOR KRIST: Thank you, Senator Campbell. You've heard the closing. The question is, shall the committee amendments to LB132 be adopted? All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB132]

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB132]

SENATOR KRIST: The committee amendments are adopted. [LB132]

CLERK: I have nothing further on the bill, Mr. President. [LB132]

SENATOR KRIST: Senator Kintner, you're recognized. [LB132]

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SENATOR KINTNER: Thank you, Mr. President. I just forgot one thing. I want to thank Senator Campbell for working on this. I know she's got a heart the size of Texas and she truly wants to help people, and I thought that her amendment here was great; and so I just want to thank Senator Campbell with all the other people that worked on this bill. Thank you, Senator Campbell. [LB132]

SENATOR KRIST: Thank you, Senator Kintner. Seeing no one else, Senator Nordquist, you're recognized to close on your bill. [LB132]

SENATOR NORDQUIST: Thank you, Mr. President and members. And I want to thank the body, starting certainly with Senator Scheer, with his involvement over the past few days; Senator Campbell and her committee for their involvement over really the past year on this issue. I do think that the debate itself and the issue itself certainly has helped and will help raise awareness around the state of the impact of irresponsible utilization of indoor tanning devices. And as Senator Hansen brought up, there are responsible businesses out there that are doing the right thing, and certainly want to thank those people. But I think a lot of parents out there, up to this point, feel they maybe haven't had the best information. And hopefully we will help them make...help their children make responsible decisions going forward, and that hopefully is what we will be able to do under LB132. Thank you. [LB132]

SENATOR KRIST: Thank you, Senator Nordquist. The question is the advancement of LB132 to E&R Initial. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB132]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB132. [LB132]

SENATOR KRIST: The bill advances. Next item. [LB132]

CLERK: Mr. President, LB728 is a bill offered by Senator Harms. (Read title.) The bill was introduced on January 9 of this year; referred to the Health and Human Services Committee for public hearing. The bill was advanced to General File, Mr. President. [LB728]

SENATOR KRIST: Senator Harms, you're recognized to open on your bill. [LB728]

SENATOR HARMS: Thank you, Mr. President. Good morning, colleagues. I'm introducing LB728 for your consideration. LB728 is a bill that changes provisions relating to criminal history background checks for employees of the Division of Developmental Disabilities in the Nebraska Department of Health and Human Services. LB728 seeks to resolve a predicament surrounding the issue of FBI fingerprint criminal background checks for state employees in the Developmental Disabilities Division at

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Nebraska Department of Health and Human Services. The federal Privacy Act of 1974 applies important rules regarding the disclosure of federal FBI criminal records. However, our state law requires the relinquishment of the FBI fingerprint criminal records to a third-party contractor, those employers for the developmental and disabilities services who are not directly employed by the state. Unfortunately, our state law is in conflict with the federal law in this instance. As a result, the FBI has warned the Nebraska State Patrol that if fingerprint criminal background checks continue to be provided to a third-party contractor who are not government entities, then the Nebraska State Patrol will lose access to the FBI national criminal database due to not being in compliance with the federal law and the confidentiality standards with regard to access to the FBI criminal records. The Nebraska Department of Health and Human Services and the Division of Developmental Disabilities will still be able to provide fingerprint criminal background checks for state employees who provide developmental disabilities services at the Beatrice center and the Bridges program. The reason for this pertains to the fact that these criminal records will still be kept within the state, as permitted by federal law. However, those third-party contractors, or the 37 specialized providers, who are employers for developmental disabilities services will no longer be able to obtain access to fingerprint criminal background checks through the facilitation of the state. It will be viable, prudent, and required for the third-party contractors to obtain a criminal background check through an alternative method. Let me reiterate again: The FBI will simply not permit third-party contractors who are not government entities to have access to those records. The state will lose access to the FBI national criminal base if these records continue to be shared by the third-party contractor. As you know, we simply can't allow this to happen. Third-party contractors will still be able to use an alternative method utilizing a name-based check that pulls up information on criminal record history in Nebraska. This is consistent with other industries, like the health profession. Health professionals who do require a fingerprint background check are those that would be listed under the Uniform Credentialing Act who prescribes controlled substances. There are some alternative background checks which are run based not only on name but on the Social Security number; and through the use of this number it can be established if an individual has worked or lived in another state. If so, a specific name check base in this state can be run. In short, the FBI fingerprint criminal background check is a one-stop. The alternative method may require two steps but still ensures that we are not in violation of the federal law. Some alternative background checks also require a check with the Nationwide Sex Offender Registry as well as with multi-court jurisdictional database. The Nebraska Department of Health and Human Services will initiate a new bidding process to identify background check process requirements and permits all required bidders to participate so as to establish an appropriate name-based background check in the rules and regulations for third-party contractors and private...or private providers. In the meantime, the Nebraska State Patrol has ceased to provide fingerprint criminal records to third-party contractors at this time in order to avoid violating federal law and confidentiality access standards. Our state law, however, still requires dissemination of the fingerprint criminal background

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check report to the employers. It is imperative that we change this state law and eliminate that as a requirement. The Nebraska State Patrol can currently provide a Nebraska Record of Arrest and Prosecution, which we refer to as a RAP sheet, and make a fitness determination, and the results of the screening reports can be shared with the employer; but the actual results of the fingerprint history check are no longer shared. The Nebraska State Patrol's hands are currently tied to adhere to the federal law, and our Division of Developmental Disabilities needs to be in compliance with the state law. For this reason, LB728 is needed for passage to eliminate the requirements so that we are in accordance with the federal Privacy Act of 1974, and so that employers are not in conflict with the state law. As you can see, colleagues, this needs to be taken care of, and I would urge you to support LB728 because it is critical for what happens to the state with our criminal records. Thank you, Mr. President. [LB728]

SENATOR KRIST: Thank you, Senator Harms. Mr. Clerk for an amendment. [LB728]

CLERK: Mr. President, Senator Harms would move to amend the bill with AM2093. (Legislative Journal page 668.) [LB728]

SENATOR KRIST: Senator Harms, you're recognized. [LB728]

SENATOR HARMS: Thank you, Mr. President. We reinstate the language that was originally taken out of the reference to those employees who are subject to a criminal history record information check requirement in 83-1217(9) that applies to private specialized third-party contractors who provide community-based services. We are reinstating the name-based check for state employees. Thank you, Mr. President. [LB728]

SENATOR KRIST: Thank you, Senator Harms. Mr. Clerk. [LB728]

CLERK: Mr. President, Senator Coash would move to amend Senator Harms's amendment with AM2112. (Legislative Journal page 686.) [LB728]

SENATOR KRIST: Senator Coash, you're recognized. [LB728]

SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. My amendment to Senator Harms's amendment is very simple. It puts an emergency clause on this bill and there's a reason for that. When this bill was first introduced in January by Senator Harms, the State Patrol decided that it was no longer necessary to continue to process these background checks in anticipation of LB728 passing. Well, that's problematic because there are providers who need to get these background checks done. And so my amendment simply puts on an E clause so that when this bill becomes law, as it should--and I am supportive of LB728, it is a bill that needs to be done--but we need to get this into practice as soon as possible so that upon enactment

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of LB728 providers can begin to get their background checks. And, right now, they're just being backlogged and that is problematic. I also want to take this opportunity...well, first of all, let me speak about LB728. Senator Harms outlayed this very well. This is an important bill. Currently, our statute is in conflict, so we need to take care of this; and the mechanism which is proposed is a good one. But I will tell you something we need to be cautious about, colleagues, and it's this. Sometimes we take bills--LB728 might be an example--and we propose to make a change and we see the fiscal note and it says it doesn't cost the state money, which this one does not; but at the end of the day it costs somebody money, and that can be a provider. And my interest is to make sure that this bill does not affect providers in any way that they're not already affected. And to that end I want to get a couple things on the record so that the legislative history is clear. When we're all gone we can know what the intent of the department through LB728 is, and to that end I would like to ask Senator Harms a few questions. [LB728]

SENATOR KRIST: Senator Harms, will you yield? [LB728]

SENATOR HARMS: Yes, I will. [LB728]

SENATOR COASH: Okay. Thank you, Senator Harms. I have a handful of questions here just to clarify the record, and my first question relates to cost. Right now, the department has been covering the cost of background checks completed via the current system, fingerprint system, via the Nebraska State Patrol and the FBI. My question is this: Is it the intent, that should LB728 become law, that the department will continue to bear the costs of these background checks completed by entities other than the Nebraska State Patrol and the FBI? [LB728]

SENATOR HARMS: Yes, the division pays for the required background checks, as these costs are not included in the rate methodology. We have money in the budget to pay one background check sources, so we will use the funds we currently pay for the Nebraska State Patrol to pay for these new private background checks. [LB728]

SENATOR COASH: Okay. Thank you, Senator Harms. My next question has to do with minimum qualifications. Do you know, is there an intent that the department will prescribe minimum qualifications of background checks that are completed by this outsource entity? [LB728]

SENATOR HARMS: Yes. Actually the division will actually be bidding out a sole contractor for the DD providers to utilize. They're setting that up in place now. [LB728]

SENATOR COASH: Okay. Thank you, Senator. Is there an intent that the department will provide prior approval or any kind of authorization of companies or entities that the community-based providers might use to complete the background checks? [LB728]

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SENATOR HARMS: They will directly be paying the contractor for the service and eliminating the current reimbursement process. This will simplify things for the DD providers. [LB728]

SENATOR COASH: Okay. Thank you, Senator Harms. A couple more questions. This one has to do with the frequency. Is there an intent that the background checks will be completed more often than is currently provided now, which is at the time of hire? [LB728]

SENATOR HARMS: No. They only will be required reimbursement of the cost background checks performed at the time of hiring. And if the provider would like to do some further checks, half of the person's employed, they're on their own. They'll have to pay for it. [LB728]

SENATOR COASH: Okay. So if they want to do more than what is currently provided for, which is at time of hire, that's on their dime. [LB728]

SENATOR HARMS: That's correct. Thank you. [LB728]

SENATOR COASH: Okay. Okay, thank you, Senator Harms. Is there any intent that the community-based DD providers, both specialized and nonspecialized, contracting with the department to provide services, will complete the background checks? [LB728]

SENATOR HARMS: They can still require nonspecialized providers to go through the FBI checks, because the Department of Health and Human Services is the employer that makes the decision relating to provider eligibility. So nonspecialized providers will go through both background checks. [LB728]

SENATOR COASH: Okay. Thank you, Senator Harms. One final question. I appreciate the ability to get all of these things on the record. Is there an intent that the results of the background checks be routed through the Developmental Disabilities office or kept in the provider's file? [LB728]

SENATOR HARMS: The intent is that the provider will go directly to the provider...the check will go directly to the provider to speed up the hiring process. The DD providers are required to maintain documentation in their files for six years. And as the DD surveyors go in and look at their records, they will then look and survey this particular information. [LB728]

SENATOR COASH: All right. Thank you, Senator Harms. Colleagues, I appreciate the opportunity to engage in this with Senator Harms, because this is important to get these things on the record. Most of us will only be here for eight years, and these kinds of things will pop back up and we're not going to remember what the intent of the

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legislation was if it's not explicit in the transcripts, if it's not explicit in the statements of intent. And my purpose for engaging Senator Harms in this dialogue is to make sure that the record is clear, that just because we are changing a methodology within the department doesn't mean we are passing on the costs to the providers, and that was really my intent behind that dialogue and I appreciate Senator Harms engaging in that. Again, my amendment, AM2112, puts an E clause on it so that once we can get LB728 through the process it can begin immediately. We do have a backlog, colleagues, and we've got to get that caught up. This is a barrier to quality service when you have people you want to hire and you can't put them into service because the required background checks aren't done--and as you shouldn't. You should know the people that you are hiring are of good character and don't have a record that would make you worried about putting them in the lives of vulnerable citizens. But we can't wait forever, and so I appreciate your support on AM2112. Thank you, Mr. President. [LB728]

SENATOR KRIST: Thank you, Senator Coash. Seeing no one wishing to speak, Senator Coash, you are recognized to close. Senator Coash waives the opportunity to close. The question, colleagues, is should AM2112 to AM2093 be adopted? All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB728]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of the amendment to the amendment. [LB728]

SENATOR KRIST: The amendment is adopted. Seeing no one wishing to speak, Senator Harms, you're recognized to close on your amendment. Senator Harms waives closing. The question is, shall the amendment to LB728 be adopted? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB728]

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of the amendment. [LB728]

SENATOR KRIST: The amendment is adopted. [LB728]

CLERK: I have nothing further, Mr. President. [LB728]

SENATOR KRIST: Senator Harms, you're recognized to close on your bill. [LB728]

SENATOR HARMS: Thank you, Mr. President and colleagues. I would urge you to support this legislation. It's important for the state and it's important for our Highway Patrol, the Nebraska State Highway Patrol. So please vote yes. Thank you, Mr. President. [LB728]

SENATOR KRIST: Thank you, Senator Harms. You've heard the closing. The question is the advancement of LB728 to E&R Initial. All those in favor vote aye; opposed, nay.

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Have all those voted that wish to? Please record, Mr. Clerk. [LB728]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB728. [LB728]

SENATOR KRIST: The bill advances. Next item. [LB728]

CLERK: Mr. President, LB884 is a bill by Senator Hansen. (Read title.) Introduced on January 14 of this year, referred to the Agriculture Committee. The bill was advanced to General File. I do have committee amendments, Mr. President. (AM1785, Legislative Journal page 489.) [LB884]

SENATOR KRIST: Thank you, Mr. Clerk. Senator Hansen, you're recognized. [LB884]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. LB884 will help the Department of Ag to be proactive in protecting the health and safety of Nebraska's livestock industry by more closely regulating the types of livestock being sold, purchased, bartered, or otherwise transferred through exotic animal marketing venues. As with the traditional livestock auction markets, exotic sales are concentration points for animals. An exotic animal is defined as any animal which is not commonly sold through licensed livestock auction markets, pursuant to the Livestock Auction Market Act. Those animals are...these are examples, not entirely a complete list, but miniature cattle, miniature horses, miniature donkeys, sheep, goats, alpacas, llamas, potbellied pigs, and small mammals, with the exceptions of cats and dogs. In this fact, more than anything else, that is concerning about the possibility for rapid dissemination of diseases. This is the reason for the requirement for an accredited veterinarian to be present at these auction markets. LB884 redefines and expands the authority to regulate exotic animal auctions by requiring each livestock-type animal changing ownership to be accompanied by a certificate of veterinary inspection, commonly known as a CVI, issued by an accredited veterinarian within the last 30 days. Traditional bovine--cattle, porcine--pigs will still be prohibited from being sold at these venues. Currently, the department only requires that exotic sale venues notify the department of their sales and keep records of the animals sold. This bill would also require that a permit be issued for the sale organizer for each one of these sales being held. One example is that goats used for meat and dairy are a growing segment of the livestock industry. They sometimes graze in the same pasture as cattle, that are used to reduce weeds. Their ability to carry and spread zoonotic diseases is a real concern. A zoonotic disease is a disease that can be passed between animals and on to humans. Zoonotic diseases can be caused by viruses, bacteria, and parasites. These diseases are very common. These are currently no...there is currently no disease surveillance being carried out on these animals during slaughter as there is for cattle and pigs. There is Agriculture Committee amendments to follow. And I ask for a green vote on LB884. Thank you, Mr. President. [LB884]

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SENATOR KRIST: Thank you, Senator Hansen. As the Clerk stated, there are committee amendments. Senator Schilz, as the Chair, you are recognized to open. [LB884]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. The committee amendment, AM1785, makes a number of revisions to the bill as follows. It renames the act to be cited as the Exotic Animal Auction or Exchange Venue Act. And the committee felt that the term "swap meet," which was how these things were kind of talked about, was confusing, inaccurate, and that the change better reflected the activities to which this applies. And nothing in the amendment revises the definition of venues to which the requirements of the act apply to. The original Section 15 is replaced by a rewritten Section 15, and the revisions of that section make the following changes from the bill as introduced. The amendment expands the information required on the permit application to include verification that the applicant will secure the services of an accredited veterinarian, which becomes a new requirement elsewhere in the bill. The amendment inserts an explicit prohibition against conducting an exotic animal sales venue without a permit, to aid enforcement in the event the department were to need to seek injunction or criminal penalty. A harmonizing revision is inserted to conform a description of the purpose of the act to be consistent with the requirement for the permit. And the amendment also inserts more specific statutory direction regarding grounds for denial of a permit, replacing the introduced text that states grounds for denial to be previous violations of the application. As amended, the department could deny a permit due to incomplete application, previous acts or omissions of the applicant in violation of the act, or a determination that the applicant is unable to fulfill the responsibilities of a permit holder. The amendment strikes the delegation to the department to define denial procedures by rule and regulation. Due process appeal of denial would, therefore, default to the contested case procedures of the Administrative Procedure Act. Requirements that sheep and goats sold through exotic venues is permitted provided the animals are identified, in compliance with the scrapie eradication program, and is relocated to subsection (5). Revisions to Sections 16 and 17 of the bill confine the requirements for a CVI only to bovine, camelid, caprine, ovine, or porcine animals. The origin bill broadly applied the requirement to all animals sold or exchanged. The amendment confines the requirement to livestock species where enhanced disease tracing brought about by the bill is related to existing livestock disease authorities and for which there are existing CVI requirements under the Animal Import Act. And in the Livestock Auction Market Act portion of the bill, the amendment reinstates text stricken from Section 54-1181. Thus, no change would be made in current law governing compensation of market vets and notification procedures required for the department to consider revisions to health inspection fees for regulatory health inspections performed at livestock auction market venues. Finally, a new Section 26 amending section 54-1166 is inserted to reinsert the requirement currently found in outright repealed sections 54-1177 that the auction market license be displayed on the auction market premises. And I'd like to thank Senator Hansen for bringing this bill. The exotic venues

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appear to be growing in popularity and do serve a function of providing a marketplace for nontraditional animal agriculture and, to a certain extent, cottage-scale livestock production. While these venues may be providing a service valued by segments of the public, their increasing popularity and the intermingling and concentration of native and exotic wildlife species, hobby and ornamental breeds of swine, bovine, and other familiar livestock species, as well as more traditional livestock in some cases, creates a vector for introduction and spread of diseases of importance to our livestock industry, our native wildlife, and potentially human health. During the hearing for this bill, Director of Agriculture Greg Ibach stated that the number of exotic sales venues has grown to 80 annually at 20 different locations that we are aware of. As the director stated: Although animals moving through exotic animal auctions are not supposed to include animals which go through livestock auction markets, we have found that increasingly nonexotic sheep, goats, and certain species of bovine are being transferred through these venues. The fact that an animal is sold through an exotic venue does not exempt any animal from state and federal disease prevention and tracing rules and Animal Import Act requirements that might apply. It is not and should not be our intention or policy that exotic venues provide an avenue to get around the rules in place to protect our livestock industry. Without this bill, the alternative would be to more strictly enforce that exotic venues become licensed under the Livestock Auction Market Act. And with that, I would urge your support for AM1785 and LB884. Thank you, Mr. President. [LB884]

SENATOR KRIST: Thank you, Senator Schilz. You've heard the opening on the bill and the amendment. Those wishing to speak: Senator Johnson and Senator Hansen. Senator Johnson, you're recognized. [LB884]

SENATOR JOHNSON: Thank you, Mr. President. I go to county fairs a lot and I see a lot more of these animals that might be called exotic. For some of the younger 4-H students, they probably maybe started out as a pet, especially when you think of the goats, market goats and breeding goats, sheep. But I do have question for Senator Schilz. He's had a long explanation of the amendment and I think I understand it, but I have one other question, if he will yield. [LB884]

SENATOR KRIST: Senator Schilz, will you yield? [LB884]

SENATOR SCHILZ: I will sure try, yes. [LB884]

SENATOR JOHNSON: Oh, I'm sure you can. I've not been to a farm sale for quite a while. I would assume most animals that might be owned by a farmer that's selling out probably have been sold through the traditional livestock auction. If there are these animals involved with the exotic classification, how are they...or how would they be handled under a normal farm sale if they're sold there? [LB884]

SENATOR SCHILZ: You know, that's a good question. And I would guess that...you

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know what, Senator Johnson? Let me check on that for you and I'll get back to you. I'll hit my light and get back to you on that. [LB884]

SENATOR JOHNSON: Okay. Thank you. That's all I have. Thank you, Mr. Speaker. [LB884]

SENATOR KRIST: Thank you, Senator Johnson and Senator Schilz. Senator Hansen, you're recognized. [LB884]

SENATOR HANSEN: Thank you, Mr. President. I do agree with the amendments that the Ag Committee came up with. We've discussed them. We worked on them quite a bit, changed them around a little bit. Want to tell you my expertise in this came from a road trip that Senator Bloomfield and I took a few Mondays ago. We went to a...and it ended up it wasn't really an exotic animal sale but it was a sale at a sale barn that every head of livestock in there had to be...had to have a health certificate of some sort or other because it was at an auction barn. But we saw goats, sheep, miniature...and I don't know if it was a miniature donkey. Senator Bloomfield, could you yield? He's my expert. [LB884]

SENATOR KRIST: Senator Bloomfield, will you yield? [LB884]

SENATOR BLOOMFIELD: Yes, I will. [LB884]

SENATOR HANSEN: As my expert, what all did we see sell that night? [LB884]

SENATOR BLOOMFIELD: There were a variety of different types of sheep. I believe there was a donkey and, no, it wasn't a miniature donkey, it was just a donkey, and numerous different breeds of goats, none of which I would classify as what we refer to as exotic. [LB884]

SENATOR HANSEN: In my mind, they were, because I've never seen them before. But it was at a regular auction at Palmyra and there was a sign there that says the next day they sold hogs. So they separate the hogs from the other animals that they sell. So that's how an auction market works. The problem is that last fall I was approached by the State Veterinarian and he was up in arms about some of the things that were happening in surrounding states with piglets with diarrhea, some type of very hot virus that was killing baby pigs. And it may or may not have been zoonotic, but still it was decimating some of the small herds and large herds in Iowa. He was talking about monkeypox that could be transmissible through animals sold at these exotic animal venues. So thought we needed to take care of it. I think with the amendment I think it does a good job in controlling this and getting the veterinarians involved with health certificates. Thank you, Mr. President. [LB884]

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SENATOR KRIST: Thank you, Senator Hansen. Senator Schilz, you're recognized. [LB884]

SENATOR SCHILZ: Thank you, Mr. President. Just to get back to Senator Johnson's question when he asked about farm sales and how that is taken care of, it would be just the way it is now currently. This law won't affect that. And anybody that has a farm sale where they're not bringing commingled animals from different owners and things like that, none of this would apply to that. There's no license, no inspection or anything like that, that you need. So I just wanted to clear that up for the senator. Thank you very much. [LB884]

SENATOR KRIST: Thank you, Senator Schilz. Senator Bloomfield, you're recognized. [LB884]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, if you look at the committee statement on this, you'll notice I didn't vote for it. I was present, not voting. The original bill, as drafted, I thought had some fatal flaws to it. The amendment has gone a long way to alleviate that. I would have preferred to see a study on it for a year, but I think probably going ahead with this is a good idea. I do fear we will revisit it sometime in the next couple years. But given the makeup of Nebraska agriculture, it is vitally important that we protect our livestock herds. That is the intent of this bill. It goes a long ways toward doing that. We may have hurried a little bit but it is a step in the right direction. And though I did not vote for it out of committee, I may well vote for it here. I don't know yet. But I certainly support the amendment. It went a long ways toward answering my issues. Thank you. [LB884]

SENATOR KRIST: Thank you, Senator Bloomfield. Senator Carlson, you're recognized. [LB884]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I am in support of AM1785 and the underlying bill, LB884. I do have a question of Senator Hansen, if he would yield. [LB884]

SENATOR KRIST: Senator Hansen, will you yield? [LB884]

SENATOR HANSEN: Yes, I will. [LB884]

SENATOR CARLSON: And, Senator Hansen, this is meant really to be a compliment, but I notice on the list of people who testified, the director of the department was there. I'd like to ask, was that a request made by you that the department be there or were they there on their own? [LB884]

SENATOR HANSEN: No, the Department of Ag, through the State Veterinarian, Dennis

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Hughes, Dr. Hughes came...was at a meeting I was at and brought this idea forward. We worked with the State Veterinarian on this bill, not necessarily Director Ibach. [LB884]

SENATOR CARLSON: But I think his name is listed. He was there and testified. [LB884]

SENATOR HANSEN: Yep, he did. [LB884]

SENATOR CARLSON: Okay. And I think that's important because a lot of times we have bills and sometimes it's difficult to get somebody there that represents the department from which it comes. And I think it's important that they do and I think that was a good thing. I appreciate it and I commend you for it. Thank you. [LB884]

SENATOR KRIST: Thank you, Senator Carlson and Senator Hansen. Senator Nelson, you are recognized. [LB884]

SENATOR NELSON: Thank you, Mr. President and members of the body. I'd like to ask a question or two of Senator Schilz on the amendment. [LB884]

SENATOR KRIST: Senator Schilz, will you yield? [LB884]

SENATOR SCHILZ: Yes. [LB884]

SENATOR NELSON: Thank you, Senator Schilz. In thumbing through the amendment here, I've lost the section, but there are some sections that talk about bovine and ovine and camelid, and there are five of them covered there. And then there are other sections that go into a lot more detail about those types plus other types. Here it is, bovine, camelid, caprine, ovine, and porcine, if I get those. Are those five categories set out that way just because they're subject to some particular rules and regulations in here rather than all the other exotic animals? [LB884]

SENATOR SCHILZ: Right. Well, and basically what it comes down to is--and I believe this is right and I'll double-check this, too--but those are the kinds of animals that have the ability to spread disease to our livestock here in the state. And that's...I think that's why that's in place and why those five are specifically pointed out. [LB884]

SENATOR NELSON: Thank you. I see other places defines types of birds and things of that sort, so those are exotic animals and they're subject to this statute as well. [LB884]

SENATOR SCHILZ: Yes. [LB884]

SENATOR NELSON: All right. Okay. That answers my questions. Thank you very

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much, Senator. [LB884]

SENATOR SCHILZ: Okay. Thanks. [LB884]

SENATOR NELSON: Thank you, Mr. President. [LB884]

SENATOR KRIST: Thank you, Senator Nelson and Senator Schilz. Senator Chambers, you're recognized. [LB884]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Hansen a question or two, if he will yield. [LB884]

SENATOR KRIST: Senator Hansen, will you yield? [LB884]

SENATOR HANSEN: Yes. [LB884]

SENATOR CHAMBERS: Senator Hansen, you're not running for a higher office, are you? [LB884]

SENATOR HANSEN: I certainly am not. [LB884]

SENATOR CHAMBERS: I can kind of tell because people who are not will yield to answer questions. Senator Hansen, some people are high-tech, some people are low-tech. Then there's me--no-tech. Do you have before you a copy of the committee statement? [LB884]

SENATOR HANSEN: Yes. Sorry. [LB884]

SENATOR CHAMBERS: Now would you read those who voted in favor of sending this bill to General File. [LB884]

SENATOR HANSEN: Senators Schiltz (phonetic), Wallman, Lathrop...Schilz, Johnson, Hansen, Chambers, and... [LB884]

SENATOR CHAMBERS: Chambers? [LB884]

SENATOR HANSEN: Chambers voted for this, yes. [LB884]

SENATOR CHAMBERS: Senator Ernie Chambers who represents the 11th Legislative District? [LB884]

SENATOR HANSEN: I think so. [LB884]

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SENATOR CHAMBERS: And I think you're right. Now I saw a very favorable editorial in the World-Herald with reference to this bill. I'm wondering if they took that position because they saw that my having voted for it indicated that it had to be a good bill. Did you happen to see that editorial? [LB884]

SENATOR HANSEN: I did not. We don't get the World-Herald out west of Kearney. [LB884]

SENATOR CHAMBERS: We have to do something about that. If what I say is true and that it was a highly favorable, and it was, editorial, do you think my having voted for the bill would have had anything to do with that, or am I kind of reaching? [LB884]

SENATOR HANSEN: You and five other people I think was pretty dramatic. (Laugh) [LB884]

SENATOR CHAMBERS: I don't care about five other people. (Laugh) I'm talking about me. [LB884]

SENATOR HANSEN: Oh, I'm sure it was. I'm sure it was. [LB884]

SENATOR CHAMBERS: Oh, okay. Now to be realistic, I don't think the World-Herald even knew that I voted for the bill or how I voted; may not even know that I'm on the Ag Committee. But in view of the fact that there was such a favorable editorial, I have one question to ask you. Would you answer it? [LB884]

SENATOR HANSEN: Yes. [LB884]

SENATOR CHAMBERS: How much did it cost you to get that editorial? [LB884]

SENATOR HANSEN: (Laugh) The subscription to a World-Herald in North Platte, Nebraska, which is zero. [LB884]

SENATOR CHAMBERS: Thank you. Now I have a question to "Parson" Carlson. [LB884]

SENATOR KRIST: Senator Carlson, will you yield? [LB884]

SENATOR CARLSON: I will. [LB884]

SENATOR CHAMBERS: "Parson," you are running for a higher office, aren't you? [LB884]

SENATOR CARLSON: Yes, I am. [LB884]

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SENATOR CHAMBERS: And you choose to answer questions anyway, correct?
[LB884]

SENATOR CARLSON: (Laugh) Yes, I do. [LB884]

SENATOR CHAMBERS: I applaud you. Now you refer to a certain book as the Good Book, correct? [LB884]

SENATOR CARLSON: Correct. [LB884]

SENATOR CHAMBERS: I will not give the reference that I usually use to identify that book, but you know that I'm talking about the same book that you refer to as the Good Book, correct? [LB884]

SENATOR CARLSON: Correct. [LB884]

SENATOR CHAMBERS: Are goats mentioned in that book? [LB884]

SENATOR CARLSON: Yes. [LB884]

SENATOR CHAMBERS: Are sheep mentioned in that book? [LB884]

SENATOR CARLSON: Yes. [LB884]

SENATOR CHAMBERS: Who said, "I will separate the sheep from the goats"? [LB884]

SENATOR CARLSON: Jesus said that. [LB884]

SENATOR CHAMBERS: Who? [LB884]

SENATOR CARLSON: Jesus. [LB884]

SENATOR CHAMBERS: Do you think, Senator Carlson, that this Legislature may be treading on dangerous ground by usurping the authority of the one you just named?
[LB884]

SENATOR CARLSON: No, because they simply need to follow Him. [LB884]

SENATOR CHAMBERS: To follow Him where? [LB884]

SENATOR CARLSON: Follow His suggestions. [LB884]

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SENATOR CHAMBERS: To follow His suggestion, and that suggestion was to separate the sheep from the goats, correct? [LB884]

SENATOR CARLSON: Correct. [LB884]

SENATOR CHAMBERS: Does this bill... [LB884]

SENATOR KRIST: One minute. [LB884]

SENATOR CHAMBERS: ...separate the sheep from the goats, or does it put them all in the same category? [LB884]

SENATOR CARLSON: I don't believe they're going to be sold together, so I would say it separates them. [LB884]

SENATOR CHAMBERS: But this bill identifies them both as being exotic animals. Is that correct? [LB884]

SENATOR CARLSON: That's my understanding, yes. [LB884]

SENATOR CHAMBERS: So it is lumping them all together, correct? [LB884]

SENATOR CARLSON: For (laugh)... [LB884]

SENATOR CHAMBERS: And that is not following the example that you just laid out for us, is it? So then do you think... [LB884]

SENATOR CARLSON: Not to the letter, not to the letter, but the spirit I think is there. [LB884]

SENATOR CHAMBERS: So then do you think we might be treading on dangerous ground to do that? [LB884]

SENATOR CARLSON: No. [LB884]

SENATOR CHAMBERS: I'm going to follow your lead and accept this amendment and continue my support for the bill. Thank you. And thank you, Senator Hansen. [LB884]

SENATOR KRIST: Thank you, Senator Chambers, Senator Hansen, and Senator Carlson. Senator Bloomfield, you're recognized. [LB884]

SENATOR BLOOMFIELD: Thank you, Mr. President. Just a brief clarification after that last go-around with Senator Chambers and Senator Carlson. Many sheep, most sheep

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and most goats are...can be and are sold through normal livestock market channels. We're talking specific breeds of sheep and goats here along with other animals, so let's be clear of that. We are not hindering the sale of meat goats or meat sheep or milking goats or anything like that, which are normally traded in regular livestock sale barns. We are dealing with what, for lack of a better term, we call exotic animal sales, where you may see anything from a chicken to a snake to a potbellied pig to a miniature donkey or a miniature horse or any other number of unusual livestock that you won't normally see in your regular, regulated livestock facility. So let's be clear, we're not interfering with all types of sheep and goats here. Thank you. [LB884]

SENATOR KRIST: Thank you, Senator Bloomfield. Seeing no one wishing to speak, Senator Schilz, you're recognized to close on the committee amendment. [LB884]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. I think it's important that we understand that, like I said before in my opening, that these sales and these kinds of animals are becoming more prevalent all the time and with that becomes the opportunity to potentially spread diseases that could be very harmful to our livestock and other animals, including other exotic animals that would come into this sort of arrangement. So this amendment, as Senator Bloomfield says, gets us close to something that everybody could live with and I think we're there. And with that, I would just urge your support for the amendment and the bill as well. Thank you, Mr. President. [LB884]

SENATOR KRIST: Thank you, Senator Schilz. You've heard the closing. The question is, shall the committee amendments to LB884 be adopted? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB884]

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB884]

SENATOR KRIST: The amendment is adopted. [LB884]

CLERK: I have nothing further on the bill, Mr. President. [LB884]

SENATOR KRIST: Senator Hansen, you're recognized to close on your bill. [LB884]

SENATOR HANSEN: Thank you, Mr. President. Very briefly, I take very seriously the health of our livestock in the state of Nebraska. This was brought to me by the State Veterinarian, which had real concerns, and this is certainly one step. Senator Bloomfield is probably right, it's going to be addressed down the road. But on that road, I shall not walk. Appreciate your green vote to advance LB884. Thank you. [LB884]

SENATOR KRIST: Thank you, Senator Hansen. You've heard the closing. The question

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is the advancement of LB884 to E&R Initial. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB884]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB884. [LB884]

SENATOR KRIST: Bill advances. Items for the record? [LB884]

CLERK: Mr. President, amendments to be printed: Senator Kolowski to LB359; Senator Krist to LB1016. New A bill. (Read LB1016A by title for the first time.) I have a series of new resolutions: Senator Larson offers LR466, LR467, and LR468; all will be laid over at this time. (Legislative Journal pages 720-727.) [LB359 LB1016 LB1016A LR466 LR467 LR468]

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

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. We are in recess until 1:30.

RECESS

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Good afternoon, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

SENATOR GLOOR: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I do, Mr. President. Enrollment and Review reports LB402, LB474, LB671, LB725, LB725A, LB749, and LB755 as correctly engrossed. Mr. President, Appropriations will have an Executive Session at 1:45 in Room 2022. That's all that I had, Mr. President. (Legislative Journal pages 728-732.) [LB402 LB474 LB671 LB725 LB725A LB749 LB755]

SENATOR GLOOR: Thank you, Mr. Clerk. Mr. Speaker for announcement.

SPEAKER ADAMS: Thank you, Mr. President. Members, if I could have your attention, at the conclusion of these remarks there will be two memos coming out to you, and I'd ask you and your staffs to look at them carefully and keep ahold of them. The first one has to do with consent calendar. I've decided that we will try to put a consent calendar together. However, however, look at the memo that is coming out to you and have your

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office look at it very carefully. It outlines what constitutes consent calendar and what doesn't, so look at that very carefully because I'm going to have to kick those bills out that don't make it. They either meet the qualifications, they get put on and we can move, or they don't. So take a look very carefully at that memo. And the last thing I would say about it, don't send your request from you to me. It's got to come through the committee Chair of the committee that had jurisdiction over that bill. The request has got to come from the committee Chair. You got to do the work to get it ready and then you've got to work the committee Chair; otherwise, that's one of the qualifications, we just won't consider it even. Secondly, we're into all-day debate and the plan is this week, as we work through the agenda, we'll look at 4:00 to 4:30 as adjournment time. Next week we'll step it up a notch and we'll look at 4:30 to 6:00 as adjournment time. The following week, March 18 and March 20 will be late night. And when we say late night, realize we can go to 11:59. I don't think anybody wants to do that. It's going to depend on how quickly we move through our agenda during the day. I'd like to think that late night is going to mean generally somewhere between 6:00 and 8:30. And if we can move through the agenda during the day and get out of here at 6:00, great. If we've got to push beyond that, we'll push to 8:30. If we have to, we'll do a little bit more. But recognize that after March 20 every night is a potential late night as we head quickly towards the end of the session. So take a look at the memo, it outlines dates, it outlines times, and be familiar with that and we've got work to do. And recognize that if your bill is up, you better get to me way in advance if you know that there's a particular reason you can't be here and we need to make adjustments; otherwise, we're dealing with your bill. We're not coming back to it. We've got too much work to do. Thank you, Mr. President.

SENATOR GLOOR: Thank you, Mr. Speaker. Returning to the agenda, Mr. Clerk.

CLERK: Mr. President, LB814 was a bill originally introduced by Senator Avery. (Read title.) The bill was introduced on January, referred to the Revenue Committee, advanced to General File. There are Revenue Committee amendments pending. (AM1876, Legislative Journal page 493.) [LB814]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LB814. [LB814]

SENATOR AVERY: Thank you, Mr. President. Good afternoon, colleagues. All of you know of course that I have been trying for the last year or so to help the Nebraska state parks find a sustainable funding source. This has been a priority for me and it continues to be. Last year, I introduced LB362 which assessed a \$7 fee to all motor vehicle registrations. That bill was not very popular, not even with me. But I didn't know what else to do and it would have generated an additional \$6.5 million annually for Game and Parks. It was briefly debated on General File. There was enough opposition, fierce opposition I would say, strong opposition, and a threatened filibuster, so the Speaker

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chose not to reschedule it and I did not disagree with that. I did promise, however, that I would come back with a new strategy, and that is what I bring to the floor today. LB814 takes existing sales tax from the sale of motorboats and personal watercraft and reallocates those taxes to a new fund that is called the Game and Parks Capital Maintenance Fund. LB814, along with AM1876 which does the same thing with all-terrain vehicles and utility-type vehicles, will generate roughly \$4 million annually in additional revenue for Game and Parks. That amendment that we will be talking about in a few minutes was sponsored by my good friend Senator Galen Hadley. This money goes into a new fund which is explicitly tagged for the repair, renovation, and improvement of infrastructure under the authority of the Game and Parks Commission. This funding mechanism sunsets in five years. That is in the amendment. That will be 2019 at which time the Legislature can review the progress of Game and Parks on updating their infrastructure and catching up with deferred maintenance as well as working on their ADA compliance issues. This bill was reported out of the Revenue Committee on a vote of 8 to 0. I had originally thought that it might that it might go to Natural Resources Committee. And you will note that this is where last year's bill was referenced, so I worked hard on that committee and got every member of that committee to sign onto the bill. And then the bill goes to Revenue. Thankfully, Revenue is a wise committee and they voted 8-0 to advance this to the floor. There is a companion bill in Appropriations and I want to thank Senator Larson for his help in that. It looks like there will be some effort put into catching up with the backlog of deferred maintenance, catching up with the backlog of ADA compliance projects with the money that I believe the Appropriations Committee is seriously considering allocating to the Game and Parks Maintenance Fund. Just to remind you of the arguments we made last year, we really can no longer ignore the fact that we have some very serious issues with our state parks. There is of course the ADA compliance issues, but also there is a problem of public safety. Many of these projects of deferred maintenance involve projects that involve...involve projects that affect people's public safety--dangerously weakened or broken steps and decks, access to toilet facilities and things of that sort. This is a shortfall right now of \$43 million--\$43 million, \$13 million of that relates to federal mandate Americans with Disabilities Act compliance issues alone. Some of these critical projects include a new septic system at Ash Hollow State Historical Park, an ADA retrofitting at Platte River State Park. There are a number of projects just like that. A swimming pool bathhouse is needed at Platte River State Park. Right now the city of Louieville (phonetically) is...Louisville I guess is the proper pronunciation, is using that facility as their municipal pool, and it is in need of repair. Our national park system is a community in a sense that it has a comprehensive infrastructure system. These are small communities. We have a total of 8 parks, 11 historical parks, 64 recreation areas, 2 state recreation trails. That's over 140,000 acres of land and water available to the public. It's a large operation. It's a complex and diverse system of around 1,600 buildings, 800 miles of roads, 500 septic systems, 8 water towers, and 6 swimming pools that are in desperate need of maintenance. The sheer amount of basic infrastructure that Game and Parks is statutorily responsible for maintaining is very

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extensive and much of it is out of date and out of compliance with federal law. This needs to be corrected. We have evidence that our parks system is very well liked by the fact that we have some 12 million visitors annually to our parks. We rank overall in the top 25 state parks in terms of tourist popularity. Just had handed to me today a news story that 3 of our parks made the top 25 in terms of popularity with tourists. So we have something to be proud of and it is something that brings a significant amount of economic development to our state. We just this past year had some unfortunate news, and that is that the park system could not continue to keep some of our parks open for...through the full year. We had to have people available to put them to work on the deferred maintenance projects, so we had to close many of the parks. And some of those parks remain closed now until May of this year. It is time I believe for Nebraska to seriously consider alternative funding mechanisms, and LB814, along with Senator Hadley's proposal in the amendment that we will discuss in a few minutes and other bills in the Appropriations Committee, represent a reasonable and a responsible way to address the critical needs of our Game and Parks system so that we can finally address the \$43 million shortfall in deferred maintenance. This is a reasonable proposal. I have talked with many of you about supporting this and I hope that we've reached agreement on that and that we can get a majority vote on LB814. With that, I will close and take questions and seek your help in getting this passed. Thank you. [LB814 LB362]

SENATOR GLOOR: Thank you, Senator Avery. As the Clerk stated, there are amendments from the Revenue Committee. Senator Hadley, as Chair of that committee, you're recognized to open on the committee amendments. [LB814]

SENATOR HADLEY: Mr. President, member of the body, actually this came to the Revenue Committee in the form of two bills, LB814 which Senator Avery just ably discussed and LB841 which I brought to the Revenue Committee also. LB841 deals with basically the same topic, funding for the Game and Parks, but it deals with basically the sales tax on ATVs and UTVs. Now I want to stress, this is not a new tax. We are now collecting the tax and it is a tax on ATVs and UTVs that must be titled. We are just changing the collection location. Presently, the collection location is on the retailer. It's considered personal property, so the retailer is obligated to collect the sales tax and remit it to the Department of Revenue just the same as if you go out and buy a suit, another article of clothing, or whatever it is, the retailer is obligated to collect the sales tax and send it to the Department of Revenue. The problem with that is that we have border bleed because our state to the east of us, Iowa, does not do that. An ATV or a UTV purchased in Iowa must go to the county, and the county treasurer collects the sales tax. So we now have a situation in Nebraska where a person who buys a ATV or a UTV in Iowa brings it into Nebraska can basically skip paying the sales tax on it because the dealer in Iowa will not collect Nebraska sales tax. This should then increase state revenue by ensuring collection on sales in other states. It's similar to how the state currently collects tax, sales tax, on cars and boats. It transfers the money to the Game and Parks for maintenance. We've heard...Senator Avery was very eloquent

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in the problems and concerns of the park and the needs right now. The bill alone would not answer...not be the answer for Game and Parks, but combined with other ideas and resources should start the task of chipping away at their \$44 million need. We did make a couple of changes. We had the bankers that had some concerns on some of the wording and we changed the wording appropriately. And we made it clear in the bill that we're not talking about cities, city sales taxes. That is not involved in this. The one number that I remember so much from the hearing was that a number of years ago the Game and Parks received 30 percent of their fees from something other than the state government, 70 percent from the state government. Currently they receive 30 percent from the state government and 70 percent from other sources. It's time we try and switch that around and really make this a state Game and Parks issue. Thank you, Mr. President. [LB814 LB841]

SENATOR GLOOR: Thank you, Senator Hadley. We now move to floor debate. Senator Sullivan, you are recognized. [LB814]

SENATOR SULLIVAN: Thank you, Mr. President, and good afternoon, colleagues. I stand in support of LB814 and the amendment because I certainly do recognize the need to make improvements in our state parks, and it's a well-recognized fact that these updates are sorely needed. And right along with that, the impact that this lack of funding has had on some of our parks. Senator Avery made mention of that, that some of the particularly the historical parks have had to close early because some of the staff have gone onto work on maintenance in other locations. And one of those that had to close early Fort Hartsuff Historical Park in my district. And all of these parks are greatly loved by the people that attend and visit them throughout the year. But that will only work as long as they can go to places that look good, are well kept, and are maintained appropriately. So we have to find a way to get the revenue to accomplish this. I will say that I was a little bit reluctant at first to think about diverting sales tax revenue. Any time we do that we have to realize that we're taking dollars that would typically go to the General Fund. And I wouldn't be a good Education Chair if I weren't always vigilant of that and thinking about the impact that that potentially has on our state aid to schools. But I balance that with, as I said, the need for this deferred maintenance to be done for our state parks. So that's what led me to encourage the addition of a sunset to this proposal because after five years what's the harm in taking a look and also having a report from Game and Parks on how successful their maintenance efforts have been and certainly to take a look at where we are with our state revenues. So, again, as I said, I support AM1876 and LB814 and encourage the adoption of both of them. Thank you, Mr. President. [LB814]

SENATOR GLOOR: Thank you, Senator Sullivan. The Chair recognizes Senator Bloomfield. [LB814]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good afternoon, colleagues. It'll

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come as no huge surprise to Senator Avery or anybody that was here last year that I'm opposed to giving this money to Game and Parks. I believe this to be a mismanaged organization that has not spent well the resources we have given them. I also believe there is ample opportunity for them to divest themselves of property that should be put back on the farm, into farm ground and put back on the property tax rolls. I will be a no vote on LB814. I'll probably support the amendment simply because of the sunset in it. But the idea that we're not only going to give property or sales tax to Game and Parks, we're also going to probably hand them \$17 million in the budget and we're going to ask them to do nothing but go out and spend it the way they've been misspending it. I can't go there. I won't go there. And I'll probably just sit down over here in the corner and keep my mouth shut. Thank you, Mr. President. [LB814]

SENATOR GLOOR: Thank you, Senator Bloomfield. Senator Davis, you're recognized. [LB814]

SENATOR DAVIS: Thank you, Mr. President. I stand up to visit a little bit about Game and Parks and some of the things that I've observed in the last few years before making a decision here. I just think...I just told Senator Avery this will be my opportunity to talk about some of the things that I had observed and the things that I think need to be addressed to a point. But I will start with an issue about the Cowboy Trail, which was a bill that I introduced last year on behalf of people in Sheridan County to give them the opportunity to perhaps take over the Cowboy Trail since nothing had been done with it. And Game and Parks was very supportive of that bill and asked me to modify it so it wouldn't be just for Sheridan County but could be anywhere else. So my assumption was that that was going forward. And when I started visiting with the people in Gordon, I find out, no, no, Game and Parks isn't ready, they're not going to do that now. But they're going to help us get the trail ready between Rushville and Gordon and we're going to start on that right away. And that was last summer, last fall. And I've visited with them a few weeks ago. Well, now Game and Parks has some issues with it and they can't do this and they can't do that. You know, don't tell somebody you're going to do something and then not do it. It just doesn't sit well with the local folks. Cowboy...if Game and Parks is going to keep the Cowboy Trail, then they need to finish it. If they want local folks to take it over and run it, which I think is the appropriate solution, then they should enter into that agreement. I had four or five...I had five parks within my district that were closed by Game and Parks last fall because they said they had this financial crisis. Well, first of all, let me remind the body here that the people that bought those parks permits and used those local parks bought the permit with the idea that that permit would be valid for the entire year. And all of a sudden come fall, the Game and Parks shuts the doors to the parks and that's the end of it. So I worked with several of my communities, and I have to say a lot of volunteers stepped up to get the parks open and I'm proud of what they did and I appreciated Game and Parks being willing to work with them. One of them was at Merriman, and when I visited with Game and Parks--and Senator Avery made a reference to this a few minutes ago--Game and Parks said, well,

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we have to take our employees from somewhere else and get all the other facilities updated for ADA compliance. Well, at Merriman, Cottonwood Lake is one small recreation area. The only employee that works with that is the employee at the Bowring Ranch, which is another Game and Parks historical ranch. You know, and she does a good job with what she does, but that was her duty, those two parks. And she was not extracted to go somewhere else and work on ADA stuff. So I kind of wondered why that park was shut. I went up to Hay Springs to look at the park there. The gates were all locked shut. When I walked in, the doors to the latrines and things were wide open. So I thought if nobody was going to be there all those winter those doors would be ripped off. I'm thinking where is the responsibility and the attention to these problems. At the same time, we have Game and Parks buying additional property on the Niobrara River, which is a different fund. But people don't understand why Game and Parks seems to have the money to do what it wants to do, but when it comes down to taking care of the parks that they have, were being chintzy and stingy about doing so. I look at it this way. They took those parks on with the obligation to keep them open for the constituents that live in the state of Nebraska. They let people down last fall and I didn't like it. I'm probably going to support this bill because I do think... [LB814]

SENATOR GLOOR: One minute. [LB814]

SENATOR DAVIS: ...they need the help. But I would really like to send a message to Game and Parks to be more responsive to the people of the state of Nebraska. It's very important. Thank you. [LB814]

SENATOR GLOOR: Thank you, Senator Davis. Senator Johnson, you are recognized. [LB814]

SENATOR JOHNSON: Thank you, Mr. President. I sit on the Natural Resources Committee and we heard the bill last year and I was one of them that was in opposition to it. Just to remind people what happened there, basically it becomes...became a tax instead of a permit because everyone, at least on four vehicles, would have to pay the additional \$7 and I realize that's an additional tax. I understand why transportation was opposed to that because that tax was added onto vehicle registrations. Also in that committee hearing, we talked about different ways that Game and Parks might need to adjust their program. And we did talk to them about are there parks out here that have outlived their usage or just traffic is not there. You need to analyze whether more money should be put into that or what should be done with that park. I don't know what they used as an analysis of is there a way to get more traffic here, is there a way to make this park more efficient, or should we close the park. So the committee kind of suggested maybe you need to look at closing some parks. And, again, I didn't know what the timetable was going to be, maybe it was discussed. But I was not totally surprised that they decided before the year was out that some of them needed to be closed. I definitely support this bill. It's not a new tax, it's a shift. I'm glad to hear some of

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the committee chairs say, you know, borrowing a little bit from the General Fund is probably a good way to handle this deficit funding for Game and Parks. I will also say that there's a lot of work that needs to be done in Game and Parks administration to find ways to be more self-supporting. They've done a few things in some parks and maybe even gone public or private with some of the entities, and I think that's helped in some situations. So Game and Parks and maybe with us studying it we can come up with a better way for Game and Parks to cash flow. Again, I support the amendment and I support LB814. Thank you, Mr. President. [LB814]

SENATOR GLOOR: Thank you, Senator Johnson. Senator Janssen, you are recognized. [LB814]

SENATOR JANSSEN: Thank you, Mr. President, members. I also rise in support of both the AM1876 and LB814 overall. Even though it's a Bill Avery bill, I'll still find my way able to support that bill without a doubt. And I would like to say, you know, in...I represent Dodge County and Fremont, we have several state parks and certainly we all would like our state parks to have the best of everything, but we understand that's going to take...it takes financial resources, it takes volunteers in some cases. And I would...I know Game and Parks has kind of been taking a little bit of a rap here while they're getting new money. I'd say they're doing an outstanding job in at least my little corner of the state of the Fremont State Lakes and the areas around that. And certainly I think they could do some better things at Dead Timber, which is up at a northern part of my district. But I understand that they have very limited resources and they work very hard to stretch those resources. And we all think that, you know, people should look a little bit harder for efficiencies and I'm one of them. But I'd just like to say, everything is going well at the Fremont State Lakes. Keep it up. And I hope this helps out with that end goal, and I'm sure they'll implement it in a very responsible manner. Thank you, Mr. President. [LB814]

SENATOR GLOOR: Thank you, Senator Janssen. The Chair recognizes Senator Chambers. [LB814]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to begin with a little story. So in case I don't finish it, I turned on my light and that doesn't mean I'll be next in the line, or as the people who speak French or whatever language that is, in the queue, which doesn't make sense to me but I guess I've learned something. There was a young man named Christopher Marlowe who wrote a book. It wasn't a book, it was a play about Doctor Faustus who sold his soul to the devil. And there have been other writers, dramatists, poets who have acted on the same theme. And the devil is portrayed in the "Bible", or as Senator Carlson calls it the Good Book, as one who was a liar from the beginning, is the father of lies. He started out as an angel. His name was Lucifer, which meant sun of the morning. He had a lot of power and leeway in heaven or wherever they were before they got thrown out and created so many

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enticements that give delight to the human beings who walk the face of the earth now. But at any rate when this deal was made, the devil has agents. Mephistopheles was working with Doctor Faustus, and Doctor Faustus was given a certain amount of time and any wish that he wanted would be granted--any one. He's like the fish on the end of the line. You play out the line and the fish swims, but he or she or it is not going any farther than the limits of that line, and you reel the fish in. But the fish doesn't know that. Faustus wanted certain things. He even went into the Vatican and he was thumping these priests and others on the head and slapping them because he was invisible, doing the kinds of things that everybody at the time that Christopher Marlowe wrote wanted to do. And he died in his mid-twenties supposedly in a bar fight. He got stabbed in the eye. So when you read some of his works, especially these young people, you can see what a mind is able to produce even though the one whose mind it is hasn't been on the earth a lot of years. He was the one who went back in time and then talked about Helen of Troy. Is this the face that launched a thousand ships. Then when time came to pay off, like so many people, he wished too late that it was not the way it was going to have to be. He had compared time to these horses running. He wanted somebody to stop these steeds from their headlong flight. He said if he could just become a drop of water and disappear into the ocean, if he could join the stars and be lost among them, but he knew that wouldn't happen. So these students whom he had explained the situation to were going to stay with him this night when the reckoning came. And Faustus said, you're going to hear things you've never heard--I'm paraphrasing. Whatever you hear, don't come into this room. And I won't describe all of those things. You ought to read it. It would be very enlightening. It'll expand your mind, not like LSD. Faustus lost everything. But here's what I got out of that story. [LB814]

SENATOR GLOOR: One minute. [LB814]

SENATOR CHAMBERS: The devil makes a promise and the devil keeps his promise. Religious people don't. Religious people make a promise when at the time they make it there's no intention of keeping it. They go to the book and tell you where a grain of faith...faith is...a grain of mustard seed will let you move mountains. That's not true. You can take up deadly snakes and they'll not harm you. And this preacher did that a few days ago and the snake killed him. But nobody can show, even in literature, where the devil made a promise and did not keep it. When it comes to promise keeping, the devil is the best example that anybody could have. He always delivered. Thank you, Mr. President. [LB814]

SENATOR GLOOR: Thank you, Senator Chambers. Senator Brasch, you are next in the queue. [LB814]

SENATOR BRASCH: Thank you, Mr. Speaker. And I'll be brief here and return some time to Senator Chambers and his interesting parable here in recounting of Faust and others. I have had several town hall meetings over the last, well, since Year 1, and most

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recently many constituents have risen in support of funding for the parks. Up in Washington County, we have Fort Atkinson, which is very historic to the state of Nebraska and its history and reenactments and quite an interesting tale to tell individuals as they travel the state of Nebraska or if they are travelling across the country. I've also talked with constituents in Burt County and Cuming Counties. I've talked with the game wardens. You know, we need to become compliant with the Americans Disability Act. That's very important that our parks be not only attractive but they be safe for all to travel there. So I do stand in support of the amendment, AM1876, and also LB814. And I'll give the remainder of my time to Senator Chambers. [LB814]

SENATOR GLOOR: Senator Chambers, 3 minutes, 20 seconds, and you are next in the queue. I'll let you know when you are on your own time, Senator. [LB814]

SENATOR CHAMBERS: Thank you, Mr. President. And thank you, Senator Basch...Senator Brasch, excuse me, because I had another word that I was going to say not in connection with your name. I said I was going to start with that story, but I had a reason for saying it. I had drawn a line in the sand based on the Game and Parks Commission establishing hunting seasons for mountain lions. I believed then and I believe now that that was not wise, it was not based on science, it was not based on managing this miniscule population of mountain lions, but rather to make money by giving what one of their spokesperson, this McCoy, said about giving big game hunters an opportunity. That's not how you manage wildlife. Killing for the sheer love of killing. I had talked to Senator Avery because he let me know and I'd read in the paper about his attempts to get some money for Game and Parks. And I made it crystal clear the first time at a hearing that the Executive Board of which I'm a member was conducting, and it included dealing with some authorization being sought by Game and Parks to receive certain land and some playground equipment, other things of that kind, and they needed the approval of the Executive Board or the Legislature. And I had indicated that because of what they had done with reference to these regal animals who are unoffending, who had not attacked a human being or any form of livestock since they were sighted again in 1991. I would pledge to fight against every bill or effort to do anything that would be beneficial to Game and Parks. Senator Avery and I have conversations. And I'll be very frank about it because it doesn't come as news to anybody that my strong, unyielding opposition to Game and Parks swirled around what they had done with reference to these mountain lions. And if that were removed from the equation, then I would look at his bill trying to help Game and Parks as I would look at any other bill that was going to divert tax money. That didn't mean that I would support everything in the bill. But that strong, unyielding opposition would not be a part of it. That bill to repeal the authorization of Game and Parks to set these hunting seasons has moved on and it should be on Final Reading. [LB814]

SENATOR GLOOR: You are on your time now, Senator. [LB814]

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SENATOR CHAMBERS: Thank you, Mr. President. Now I'm in the position, it's sort of a hybrid position, that of the devil, but not completely so because the other side hasn't delivered on his side of the bargain. But he has acted in such a way that I can see what is called good faith. A good faith, honest attempt to carry out his side of the bargain. A hybrid means neither one nor the other. So my other analogy would be that of somebody on a trapeze. There's a swing on the left-hand side, a swing on the right-hand side. A person is unable to hold both swings at the same time. So the essence of being a trapeze artist is to be willing to release one of those swings without having in your possession or control the other swing. So a point is going to be reached when that person is in midair and that person hopes that he or she has operated in accord with the principles of aerodynamics to such an extent that before his or her motive force was exhausted, that other swing would be within reach and it would be grasped. Right now, I'm between the two swings. Senator Avery did all that he could and met with success to a marked degree to move the bill along, the bill that I have so much interest in. So I will at this point do nothing--nothing--to impede the movement of his bill if the body is of a mind to do that. A point could be reached if my bill crosses the finish line and is enacted into law where I can then do away with all of that opposition that I felt, every vestige of it. Then I would view his bills in the same way I would any other bill. But this is what I will say. I am opposed to any increase in sales taxes. This is not an increase in a sales tax. It is not giving any part of the state's taxing authority or base to a different political subdivision. It's not allowing a political subdivision to compete with the state for taxes. I'd like to ask Senator Avery a question or two. [LB814]

SENATOR GLOOR: Senator Avery, would you yield? [LB814]

SENATOR AVERY: Yes, I will. [LB814]

SENATOR CHAMBERS: Senator Avery, you're an authority on this subject and I'm not, so I will ask this question. Is it correct to say that there will not be an increase in any sales tax as a result of this bill? [LB814]

SENATOR AVERY: That is correct. [LB814]

SENATOR CHAMBERS: The taxes that are being discussed are already levied on the types of vehicles that are named in the bill. Is that correct? [LB814]

SENATOR AVERY: That is correct. And if I might add, it's only the state portion of the sales tax that we're diverting. [LB814]

SENATOR CHAMBERS: Yes, and that's what I'm dealing with. So it's like taking money if it's to be taken from somewhere... [LB814]

SENATOR GLOOR: One minute. [LB814]

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SENATOR CHAMBERS: ...out of the left pocket of the state and putting it into the right pocket of the state, and in the process a state duty or responsibility will be paid for by that tax money. Is that correct? [LB814]

SENATOR AVERY: A good metaphor, yes. [LB814]

SENATOR CHAMBERS: See, Senator, when you study the law and think, and the Professor is smiling here in a devilish way, but I cannot go into detail about that because I think my time is up. Thank you, Mr. President. [LB814]

SENATOR GLOOR: Thank you, Senator Chambers and Senator Avery. Senator Carlson, you're recognized. [LB814]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I'm in support of AM1876 and LB814. I do have a question for Senator Avery if he would yield. [LB814]

SENATOR GLOOR: Senator Avery, would you yield? [LB814]

SENATOR AVERY: Yes, I will. [LB814]

SENATOR CARLSON: Senator Avery, this applies to all-terrain vehicles and utility-type vehicles, that's correct, isn't it? [LB814]

SENATOR AVERY: It is. You're talking about the amendment? [LB814]

SENATOR CARLSON: Yes. [LB814]

SENATOR AVERY: Yes. [LB814]

SENATOR CARLSON: And the money from that will go into the Capital Maintenance Fund of Game and Parks. Is that correct? [LB814]

SENATOR AVERY: Correct. [LB814]

SENATOR CARLSON: Now if I look at the fiscal note, it looks like that's \$2,567,000 estimated for 2014 and '15. [LB814]

SENATOR AVERY: That actually is the motorboats and personal motor craft...watercraft. That is a bigger number than the ATVs and the UTVs. The ATVs and UTVs are in the amendment and they will generate somewhat less than the \$2.6 million you see in the fiscal note for LB814. You see, we took LB844, Senator Hadley's bill, and

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folded it into LB814 which deals with motorboats and person watercraft. [LB814 LB844]

SENATOR CARLSON: Okay. I guess the question I'm kind of getting at doesn't really matter with this. It's the principle of what I'm going to ask about because you indicated that these ATVs and UTVs that are now purchased outside the state, no sales tax is being paid. [LB814]

SENATOR AVERY: That was...yes, that is true. [LB814]

SENATOR CARLSON: But LB814 will correct that because of the manner in which the tax is now going to be collected. [LB814]

SENATOR AVERY: If this amendment is approved, yes. [LB814]

SENATOR CARLSON: So that should be more money that's kept in Nebraska than has been the case in the past. [LB814]

SENATOR AVERY: Yes. [LB814]

SENATOR CARLSON: Is that estimated anyplace or is that a part of any of these figures? [LB814]

SENATOR AVERY: It's a part of the fiscal note on LB844. [LB814 LB844]

SENATOR CARLSON: So that's already an estimate that's included in there. It's not that amount plus whatever is saved from crossing the border. [LB814]

SENATOR AVERY: I'm not sure if I can answer that definitively, but the Fiscal Office usually takes those things into account. [LB814]

SENATOR CARLSON: Okay. I mean, that would be an interesting fact. If there's a possibility that that's not been included in what is supposed to come into the state, that may reflect favorably on this amount. And I guess I'd like to try and find that out. [LB814]

SENATOR AVERY: We'll do that. [LB814]

SENATOR CARLSON: Okay. Thank you, Senator Avery. Thank you. [LB814]

SENATOR GLOOR: Thank you, Senator Carlson and Senator Avery. Senator Avery, you are next in the queue. [LB814]

SENATOR AVERY: Thank you, Mr. President. I was intrigued by Senator Chambers' knowledge of Faustus because I have kept notes in my desk for the last eight years of

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the Faustian bargain because I can't tell you how many times I thought I was making one. And so I thought, you know, it wouldn't be a bad idea to keep some notes in my desk on Faust and the bargain he made with the devil. And I hope that it doesn't really fully apply to the relationship Senator Chambers and I have developed on this issue, because Faust was in fact selling his soul to the devil in exchange for knowledge. So to strike a Faustian bargain is to be willing to sacrifice anything in order to satisfy your desire to achieve a highly prized goal. The problem with this metaphor or this analogy in this case involving Senator Chambers is that I'm not sure there's a whole lot of knowledge that he needs. He seems to have a fair amount of it already. So I guess this analogy probably might apply better in some other circumstances. But I have always said, and you've heard me say this many times before, that in order to get something you have to give up something. And I have tried to apply that to my eight years here to make sure that I am always willing to do not anything in order to achieve my objectives, but I've always been willing to compromise. And compromise is a good part of what we do here. I might really have wanted to support the hunting permit on mountain lions. I did not do that because this is a higher priority for me, a much higher priority, and I think it's a higher priority for the state. We have some excellent facilities that need to be improved and they need to be maintained, and this bill would do that. I'd be happy to entertain any further questions that you have, and I will do my best to answer Senator Carlson's question as soon as I can get ahold of somebody from the Fiscal Office. Thank you, Mr. President. [LB814]

SENATOR GLOOR: Thank you, Senator Avery. Senators wishing to speak: Bloomfield, Dubas, and Kolowski. Senator Bloomfield, you're recognized. [LB814]

SENATOR BLOOMFIELD: Thank you, Mr. President and colleagues. I will sit down again very shortly. But I do have a question for Senator Avery if he would yield. [LB814]

SENATOR GLOOR: Senator Avery, would you yield? [LB814]

SENATOR AVERY: I will. [LB814]

SENATOR BLOOMFIELD: Thank you, Senator Avery. We are shortchanging the money coming into the General Fund by between \$2.5 million and \$3 million on this if I understand it correctly. Is that right? [LB814]

SENATOR AVERY: If you don't mind, I would use a word other than shortchange. [LB814]

SENATOR BLOOMFIELD: Go ahead. [LB814]

SENATOR AVERY: We are reallocating. [LB814]

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SENATOR BLOOMFIELD: Okay. We are... [LB814]

SENATOR AVERY: Your number is correct. [LB814]

SENATOR BLOOMFIELD: Okay. Where and how are we going to make up that \$2.5 million to \$3 million that we are reallocating to the parks that was normally used for other state issues? [LB814]

SENATOR AVERY: Well, I don't know exactly how the Appropriations Committee will make that decision, but I liked very much the metaphor that Senator Chambers used. This is state money. It already exists. It's not new money. You're just taking money from one pocket and moving it to the other. It still is state money. Now the money that was in your left pocket that is now in your right pocket, do you need to fill that again? That will be a decision for the Appropriations Committee. [LB814]

SENATOR BLOOMFIELD: It seems we had that same argument with the transportation bill that ended up moving a quarter of cent of sales tax revenue. It started out at 1 cent and was modified down to a quarter of a cent, and that was a many-day argument. But, again, we just simply moved money from one pocket to the other and that's what we're doing here and I don't know where we're going to make it up. But I promised to sit down and be quiet. I'm going to do so. And if Senator Avery would like the rest of my time, he can have it. [LB814]

SENATOR GLOOR: Three minutes, Senator Avery. [LB814]

SENATOR AVERY: Thank you, Mr. President. Thank you, Senator Bloomfield. You raise a legitimate question, and I don't have the answer because I don't serve on the Appropriations Committee. We do have, however, a development, recent development, that shows that the state is likely to be taking in in tax receipts a significant amount of new money, money that was not forecast, and money that otherwise would go straight into the cash reserve. I happen to be a fan of maintaining the cash reserve at a robust level, and I will continue to advocate for that. But I believe firmly that everything that we want to do in this body that's worth doing cannot be done on the cheap. Now we're not raising new taxes. We're not even imposing new fees. I learned that lesson last session. That will not be popular in this body when I proposed a new fee on car registrations in order to pay for this. But in exchange for that, people who were buying park permits were going to have the park permit eliminated. The park permit is not bringing in enough money for the Game and Parks people to do the maintenance they need and to keep up with and to comply with the ADA requirements that we have. So there's a crisis of \$43 million going on right now with our parks system. Game and Parks is doing everything they can to keep pace with this problem. In many ways what they're doing is running as fast as they can to keep pace with existing poverty in their budget. [LB814]

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SENATOR GLOOR: One minute. [LB814]

SENATOR AVERY: And that is not a good place for us to put Game and Parks. We have tremendous assets in our state park system. And I just mentioned to you that we have three state parks that are in the top 25. It may surprise you, but Mahoney is number 3 in the country, and this is out of the top 100 state parks. And Fort Robinson is number seven. That's something that we need to maintain and preserve, and I could...I have a list here of projects that are under the critical immediate category designation by Game and Parks, and a good number of these are in...at Fort Robinson where we have a lot of tourist traffic. They bring a lot of money into the state. Fort Robinson has at least a \$5,000 project to... [LB814]

SENATOR GLOOR: Time, Senator. [LB814]

SENATOR AVERY: ...remodel bathroom facilities at Fort Robinson. [LB814]

SENATOR GLOOR: Time, Senator. [LB814]

SENATOR AVERY: Thank you, Mr. President. [LB814]

SENATOR GLOOR: Thank you, Senator Avery. Senator Dubas, you're recognized. [LB814]

SENATOR DUBAS: Thank you very much, Mr. President. Good afternoon, colleagues. Senator Avery has mentioned a couple of times about the fierce opposition to his bill last session, and I guess I was at the head of the pack on that fierce opposition, and it was not because I don't believe we should be funding our parks. Everything that Senator Avery just said about our parks I agree with wholeheartedly. And we need to be supporting our parks. I just didn't agree with the method that he had chosen to use last session because we're already struggling with among the highest motor vehicle registration costs in the nation, and I feel adding that additional \$7 on or \$5 or what it ever would have ended up being would have been a hardship. And just couldn't agree to go along with that. So, number one, I want to thank Senator Avery for his commitment to this issue because it is extremely, extremely important. I've supported user fees. I supported the increase to our park permit fees several years ago. We had to fight a veto on that to go from...go up \$5 on that park registration fee. But I supported it again because I value and understand the importance of making sure that our parks have the resources that they need to take care of the maintenance and the upkeep. We need to remember we are talking about state parks, state being the operative word here. These parks belong to the state of Nebraska. Senator Avery just used the word asset. They truly are an asset to our state. They contribute to our state's economy. They provide incredibly places for recreation not only for our own citizens, but for those who choose to come and visit our state. But we're seeing what happens when we don't

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provide the adequate resources to take care of our assets. And you just keep putting the squeeze on and putting the squeeze on and you try to cut corners or you try to find ways to keep doing what you need to do with limited resources. And we've seen the early closings of parks. We've seen local governments taking over some of the smaller parks. But we're out of place, colleagues, where our parks, our Game and Parks, are still struggling to take care of those maintenance and those updates that if we want these parks to stay at the top of the list, we are going to have to step up to the plate and provide those resources. We are playing catchup, and that is a very difficult position to be in. When we aren't willing to provide those necessary resources, then we have to start looking for other pots of money that we can go to. And, you know, Senator Avery has gone this direction. And while I support this bill and the underlying amendment, I think we need to recognize what's happening here, the fact that as a state we have not been willing to step up. And I guess I'll back up just a minute and recognize the work that the Appropriations Committee has done this session in providing some much needed dollars for our parks. That will be very helpful, and along with this bill will hopefully get us back on the right track in getting our parks up to speed. But, again, we're seeing what is happening by putting such severe constraints on budgets and then trying to make sure that we're in compliance and we're keeping these parks in the manner that they need to be kept in so that people can come and enjoy them and feel that they're good places to come and bring their families and invite their friends and neighbors to. So, you know, I think this is a very important discussion for us to have because we're seeing this in other areas, too, that if we aren't willing as a state to step up and provide the funding resources that we need to take care of our assets, to take care of our obligations, we end up paying for it somewhere down the road. You know, it's kind of a rob Peter to pay Paul kind of mentality. You see it on the farm. You know, you can use gray tape and bailing wire only so long. [LB814]

SENATOR GLOOR: One minute. [LB814]

SENATOR DUBAS: Thank you, Mr. President. And then after that it's time to invest some dollars and either get your equipment or get your facility up to speed or it's end up going to cost you money, and I think that's what we're seeing here, is because we have pushed these maintenance and repairs off for so long it's probably going to cost us more money than had we been taking care of these things a little bit along the way. So I, again, thank Senator Avery for his work on this issue, for his remaining committed to this issue because it is so very, very important, and support LB814. Thank you. [LB814]

SENATOR GLOOR: Thank you, Senator Dubas. Senator Kolowski, you're recognized. [LB814]

SENATOR KOLOWSKI: Thank you, Mr. President. Good afternoon, fellow senators. I want to thank Senator Avery for bringing this forward and know that my support is there for AM1876 and LB814 totally. His vision, his caring, his perseverance in bringing this

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forward has been remarkable and I appreciate his leadership in getting this done. With that, Senator Avery, would you yield for a question, please? [LB814]

SENATOR GLOOR: Senator Avery, would you yield? [LB814]

SENATOR AVERY: Yes, I will. [LB814]

SENATOR KOLOWSKI: Thank you, Senator. My question is one of probably keeping up with current events but also one of your motivation for doing what you're doing with this state park bill. Would you...have you been bowing to any special interests with your desire to see this project through? [LB814]

SENATOR AVERY: None whatsoever. [LB814]

SENATOR KOLOWSKI: I thank you for that because I think your love for the state parks, the treasure that they are for our state, and just as this building is to our state, I think it's shown through all of your caring and what you've brought forward and how you have very tactfully moved this bill to the present state that it's in. And, again, you have my full support on that, and I wish you the very best in that. Thank you. [LB814]

SENATOR GLOOR: Thank you, Senator Kolowski and Senator Avery. The Chair recognizes Senator Lathrop. [LB814]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I stand in support of LB814. And I may be repeating some of the people that spoke ahead of me, but I just want to remind the body that this bill is appropriate because we've tried twice to raise revenue for the parks. And I had an opportunity this summer to tour one of the state parks, and I had the benefit of one of the folks that manage the park to take me around and show me the asset, the state park that I was touring. And during the course of the tour it became evident that there's a lot of deferred maintenance, things that need to be done that if it were our home or our car or anything else that we owned, a physical asset, we would do these things and we're not doing them. And we're not doing them because no one wanted to vote for a fee increase and no one wanted to vote for a new way to fund the parks by taxing all licensed vehicles. And so the deferred maintenance at the state parks is something like \$43 million. This is a good start but it doesn't take care of the whole problem, and I think we'll have a little more help from the Appropriations Committee. But these state parks are an asset. And if you think of them sort of like you would your home, for example, you don't let the downspouts fall off the house and then start flooding the basement and not do anything about it. And that's really what we're doing with the state parks when you look. Some of it's maybe ADA compliance issues but some of it's just fixing the roof, for example, or maybe metaphorically, and that stuff needs to be done. Why is this necessary? Because when it comes to finding a way to raise a fee to fund this stuff, no one in the body will vote for

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it. Now we have an opportunity to use a methodology that is similar to what Senator Fischer did with roads, and that's to say we're going to take a revenue stream and devote it to the parks so that we make sure that we're taking care of this very important asset of the state, our state parks. I think it is disgraceful as Senator Davis talked about the parks that were closed. I think it's disgraceful that we had state parks in this state that people paid a permit to go to that we ended up having to close because the budget wasn't there to take care of keeping the parks open, let alone the maintenance. So I certainly support LB814 and appreciate Senator Avery's effort and the efforts of the Appropriations Committee which will also contribute to this much needed revenue. Thank you. [LB814]

SENATOR GLOOR: Thank you, Senator Lathrop. Are there other senators wishing to be recognized? Seeing none, Senator Hadley, you're recognized to close on the committee amendments. [LB814]

SENATOR HADLEY: Mr. President, members of the body, I will be very short. I want to echo what Senator Avery said and Senator Chambers said. This is not a new tax. This is just a redirection of an existing tax. It will help us collect the appropriate tax on ATVs and S...what is it, SVAs, the other one, anyway...ATVs. Thank you and I would appreciate a green vote on the amendment. Thank you. [LB814]

SENATOR GLOOR: Thank you, Senator Hadley. The question is, shall the committee amendments to LB814 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB814]

CLERK: 31 ayes, 0 nays on adoption of committee amendments. [LB814]

SENATOR GLOOR: The amendment is adopted. Discussion continues on the advancement of LB814. Seeing none, Senator Avery, you're recognized to close on the advancement of the bill. [LB814]

SENATOR AVERY: Thank you, Mr. President. This is an important day for Game and Parks and for our state. I believe that you have the best interests of the state and the park system in mind when you cast that vote on that amendment. We have a lot of work to do to bring our parks up to code and to make them more accessible to all of our citizens. We have a lot to do to advertise the wonderful facilities that we have. After this is all done, I hope all of us take some time to visit parks in and around your home area. My plan is to go out to Fort Robinson because I find that to be one of the most spectacular and historically significant parks that we have and one of my favorites. When I was much younger, I used to go up to Niobrara and I would spend several weeks, every summer in separate trips up. One trip would never do it. I had small kids then and they liked it a great deal. This is a beautiful state and we have turned a lot of that beauty into attractions that people from outstate find enjoyable and they're willing to

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come here and spend their money in our state. Let's give them even more reason to do that by voting for this bill as amended and advance it onto Select File and turn it into a good piece of legislation that we can be proud of. Thank you, Mr. President. [LB814]

SENATOR GLOOR: Thank you, Senator Avery. The question is the advancement of LB814 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB814]

CLERK: 32 ayes, 1 nay, Mr. President, on the advancement of LB814. [LB814]

SENATOR GLOOR: The bill advances. Returning to the agenda, Mr. Clerk. [LB814]

CLERK: Mr. President, LB814A by Senator Avery. (Read title.) [LB814A]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LB814A. [LB814A]

SENATOR AVERY: Thank you, Mr. President. LB814A, of course, is the A bill that provides the necessary language in law to transfer these funds. The Department of Revenue estimates a one-time cost, however, of \$20,815 from the General Fund to add a line to the Nebraska and local sales and use tax return as well as the NebFile on-line filing system. This is a normal expenditure when you have change in tax law. Revenue also estimates that the impact of this bill will be \$2,567,000, and that would be made available to the Game and Parks Commission in fiscal year '14-15, and \$2,680,000 would be available for fiscal year '15 and '16 as provided in Section 2 of the law. This also, the A bill also specifies that the capital program 901 state park deferred maintenance would be the target of this new authority. While the agency has identified over \$42 million worth of deferred maintenance and ADA needs, it is not likely that all funds would be fully spent in the first fiscal year. Expenditures are projected to be over several years and could take additional years depending upon projected specifics. So I'll leave it up to you and your successors to make sure that we watch carefully at that five-year sunset provision, make sure that the department gets the funds that it needs. This is simply a normal A bill and I ask that you approve it in order for us to let LB814 go forward. Thank you, Mr. President. [LB814A LB814]

SENATOR GLOOR: Thank you, Senator Avery. Members, you've heard the opening on LB814A. Are there members wishing to speak? Seeing none, Senator Avery, you're recognized to close. Senator Avery waives. The question is the advancement of LB814A to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB814A]

CLERK: 35 ayes, 1 nay, Mr. President, on the advancement of LB814A. [LB814A]

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SENATOR GLOOR: The bill advances. Mr. Clerk. [LB814A]

CLERK: Mr. President, if I might, just a quick notice, notice of hearing from the Judiciary Committee. (Legislative Journal page 733.)

Mr. President, next bill, LB867, a bill originally introduced by Senator Hadley. (Read title.) Introduced on January 13, referred to the Revenue Committee, advanced to General File. I do have committee amendments, Mr. President. (AM1954, Legislative Journal page 556.) [LB867]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Hadley, you're recognized to open on LB867. [LB867]

SENATOR HADLEY: Mr. President, members of the body, I feel like it's the Academy Awards, the other night. I have some people I want to thank for LB867 and the other amendments that are coming. I want to thank Senator Ashford and the Judiciary Committee, because they taught me what a Christmas tree bill looks like and that's exactly what this is. I want to thank Senator Chambers. I'd sing I "Wish You a Merry Christmas," but I'm not a very good singer. LB867 is the carrying bill. In 2011 we passed LB209, which authorizes cities to review sales tax returns and sales tax information regarding sales tax permitholders within the requesting cities' boundaries. It also requires cities to certify one city employee who would be authorized to review the sales tax information. Certified city employees are subject to the same restrictions regarding confidential tax information as any other persons authorized to see such tax information, including civil and criminal liability for any unauthorized disclosure. The purposes of LB209 was to allow city governments to go to the Department of Revenue to review sales tax information on businesses within the city to determine whether the local sales tax option was being paid and properly allocated to the city. However, there has been some confusion as to whether cities may also access use tax information. Many businesses do not hold a sales tax permit because they do not make retail sales; however, these businesses are required to self-assess and remit use taxes on an out-of-state purchase. These taxes are reported on a different form than sales taxes collected by retailers or use tax reported by retailers. Sales tax permitholders file a Form 10; nonretailers remitting use tax file a Form 2. LB867 clarifies this matter. It also allows this information to be examined by either a city employee or an individual who contracts with a requesting municipality to provide financial, accounting, and other administrative services. The individual would be under the same confidentiality requirements imposed on the city employee. This was passed out of the committee on an 8 to 0 vote and with nothing but proponents, and in neutral was the Department of Revenue. With that, I would ask for your green vote on LB867. [LB867]

SENATOR GLOOR: Thank you, Senator Hadley. As the Clerk stated, there are amendments from the Revenue Committee. Senator Hadley, as Chair of that

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committee, you're recognized to open on your amendments. [LB867]

SENATOR HADLEY: Mr. President, members of the body, the amendment actually combines two bills, LB783, which was voted out of the Revenue Committee on an 8 to 0 vote, and LB809, which was voted out of the committee on an 8 to 0 vote. The first part of the amendment deals with the Sports Arena Facility Financing Act. We changed the timing of the payments under LB783. Under current law, an eligible facility receives state sales tax collected by retailers on sales made at the facility; state sales taxes collected on primary and secondary box office sales of admissions; and thirdly, new state sales taxes collected by nearby retailers. Current law also requires the Department of Revenue to conduct an audit and make an annual certification of the State Treasurer of the amount of sales tax to be turned back to the facility. LB783 would require the department to make quarterly estimates of the sales tax turnback and certify such amounts quarterly to the State Treasurer for transfer to the facility. Upon audit and annual certification by the department, the State Treasurer is required to transfer the amount necessary to reconcile the quarterly estimated transfers either to or from the Sports Arena Facility Support Fund. The bill contains the emergency clause. Again, just to let you know, this is only a timing issue. It will have an A bill. But it's only timing, because what we're doing is accelerating the payments to the city, but in the end they will receive the total amount that is due to them because of the turnback taxes. The other one is LB809. LB809 exempts purchases by historical automobile museums from sales and use taxes. It's something that took me just a little while to find out and get a grasp on when I first came here. We think of firms and agencies that are tax exempt, and generally they're 501(c)(3) corporations and, basically, they're exempt from income taxes, state and federal. The state of Nebraska is one of those states that does not have a broad exemption for sales and use tax. Just because you have a 501(c)(3) exemption for income tax does not mean you have an exemption for sales and use tax. You must be specifically exempted in the statute in order to not pay sales and use tax. The Department of Revenue correctly decided that auto museums did not, in their estimation, fall under the museum category that is exempted from sales and use tax. LB809 was brought by Senator Coash and Senator Harr to basically put historical auto museums on the same footing that art museums are under, meaning that any purchases they make of a historical nature that are for display will be exempt from sales and use tax. The law goes on to define what a museum is, sets a minimum criteria for a number of museum motor vehicles, and minimum hours of operation. It is again an area that we have not been collecting sales tax on. The Department of Revenue has deemed that we need statute to specifically exempt them. So with that, I would ask for your green vote on AM1954. Thank you. [LB867 LB783 LB809]

SENATOR GLOOR: Thank you, Senator Hadley. Mr. Clerk, there's an amendment to the committee amendment. [LB867]

CLERK: Mr. President, Senator Schumacher would move to amend the committee

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amendments with AM2011. (Legislative Journal page 651.) [LB867]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Schumacher, you're recognized to open on your amendment to the committee amendment. [LB867]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. AM2011 started out in life as LB159 and LB829. Both bills have been advanced out of the Revenue Committee now by 8 to 0 votes, and there were no testifiers against either of them at hearing. Both advanced out with amendments. The amendments are what then has been incorporated into AM2011. They deal with the typical border bleed issue and also deal with the fact that our businesses are put at disadvantages because of a rather unusual situation in the case of postage and an economically unsound one in the case of the LB159 part. Here's a story on the postage part of the particular bill. It suggests an exemption for postage on mailings. Now most of you probably will say, as I did, when you first heard of this issue, what do you mean? We don't pay sales tax on postage. You go to the post office, you buy a roll of stamps, you pay for it and there's no sales tax. Well, almost, except take the situation where you're mailing your Christmas cards. You go write your Christmas cards, stuff them in the envelope, go buy a roll of postage, stick on the stamps, take them to the post office and mail them--no postage sales tax. But let's suppose you want to write a nice little letter to stuff inside your Christmas cards, and in that case you write up the letter but you don't have pretty paper and a pretty printer, so you take it to the printer and you say, would you please print me some letters and, if you don't mind, stuff them in the envelope, take them down to the post office for me, I'm going to be out of town just before Christmas, and then I'll reimburse you for the postage. And they do that. In that particular case, there's sales tax on the postage. The sales tax on the postage becomes significant to Nebraska businesses because many of them are required to make large-scale mailings, particularly financial institutions, particularly institutions dealing with reporting your benefits on insurance, health insurance, and things like that. If they are large enough to have their printing operations in-house, no problem--no sales tax on the postage. On the other hand, if they are smaller operations and they take it to a printer and the printer prints them up, stuffs the envelope, takes it to the post office, there's sales tax on the postage. Now it's been learned since the introduction of these bills that there's a way to beat it. What the printer can do is take the stuffed envelopes back to you and you can run them to the post office and then there's no sales tax on the postage, and that seemed like a very silly and inefficient step, particularly if you're in competition with Iowa, where Iowa does not charge the tax on the postage. What this does is just does what most Nebraskans believe is the case anyway, and that is you do not pay sales tax on postage. And the only requirement is that when the printer bills you for the postage, he specifically and separately states on the bill what the amount of postage that he paid to the post office was--fairly simple, straightforward. The other element of AM2011 is that currently we have a situation in this country where savers are having a hard time deciding where they should save their money and how they should save their money, particularly those

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of us who are approaching retirement years and we are afraid we're not going to have enough and we would like to invest our money in the best possible way. You can invest in the stock market. You all know the story there. It goes up and down and you're really not very secure. You could take it down, buy a CD with it, and for your IRA, and we all know the story there, you get 0 percent interest. You can go buy some farmland and hope it doesn't go down, pay property taxes, and complain that the property taxes are high. But one of the other things you can do is you can buy gold and silver bullion, just basically chunks of gold and silver usually sold by the ounce. Those are IRA improved investments. When you put money into a CD or into a money market or into a stock, you don't have to pay sales tax on it. But in Nebraska, unlike all of our surrounding states except Kansas, if you do that you have to pay sales tax. And that 7 percent hit that you pay when you first buy that chip of gold or silver makes it uneconomical. That's a 7 percent loss. So what do you do if you decide you're going to buy gold and silver? Well, you first of all leave Nebraska, and when you do that you go over to Iowa and buy it over there. Some people drag it back across the border and they don't tell anybody about it, even though they're supposed to pay use tax on it. Some people deposit it in a safe deposit box in Iowa and not drag it across the border and have it over there. Some people will buy it and arrange for it to be deposited in vaults in Delaware and other places in order to avoid the tax. But one thing you almost certainly do not do is buy it in Nebraska. Now that hurts our gold and silver bullion folks, but in the real sense it hurts the state because there are large-scale conventions, there are bullion traders and very large, 1,500 night...hotel night type of things that would locate or would at least have their events in Nebraska were it for the fact that...were it not for the fact that we have a 7 percent sales tax. And they simply are avoiding the state at this time. And our...part of our financial industry dealing with that type of savings is simply put out in the cold by the fact that nobody is fool enough to on any scale whatsoever deal with the loss of 7 percent of your investment right up-front. So basically, this is two particular items that integrate well into AM1954 to LB867, and they will deal fairly with our business situation. It will keep money here in the state of Nebraska. It will help our competitiveness, our printers. And on the printing one, probably the guesstimate on the revenue situation, which is approximately \$1.4 million to \$2.8 million over time, is way overstated because now they know a very cumbersome work-around that they can do, which we shouldn't have to put our businesses through. The one on the gold bullion is fairly minimal. Revenue Department admits it's pretty hard to guess what that actually is anyway, since there's no separate way to...of reporting that. But at any rate, it will likely more than be offset by additional income taxes paid by our bullion folks, additional sales taxes paid at the convention sites of the conventions which would now come probably into the Omaha and Lincoln area but also maybe into some of the outstate cities, and it will solve some problems. I would ask your support for AM2011 to AM1954 as part of this particular friendly amendment to LB867. Thank you. [LB867 LB159 LB829]

SENATOR GLOOR: Thank you, Senator Schumacher. Members, you've heard the opening on the amendment to the committee amendment to the underlying bill, LB867.

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We now move to floor debate. Senator Lathrop, you're recognized. [LB867]

SENATOR LATHROP: Thank you, Mr. President, colleagues. I am standing briefly to express my support for LB867 and AM1954. That amendment includes a modification and, frankly, I think more of a technical correction to the timing of the calculation of payments on turnback projects so that the money is paid out as it is brought in on a quarterly basis rather than an annual basis. It does not involve any new money and it is just more of a technical correction so that the money is paid out on these projects as it is taken in, in additional tax revenue. And with that, I would encourage your support of AM1954 and LB867. I don't necessarily have opposition to AM2011 and I'm listening to that debate as we go. Thank you. [LB867]

SENATOR GLOOR: Thank you, Senator Lathrop. Senator Hadley, you're recognized. [LB867]

SENATOR HADLEY: Mr. President, members of the body, I won't take a long time, but I support AM2011. And I'll tell you, we've heard a lot about the Tax Modernization Committee and some people have pooh-poohed it like we didn't do anything, we just went around and listened to people and we're not doing anything. I think these two items in AM2011 came about because of the Tax Modernization Committee. We had bullion dealers that came to our hearings, explained their problems, explained how a modern tax system would work in using bullion as an investment. And we've got a bill, we've got an amendment that will answer their concerns. The same on the sales tax on the direct mailing. So those people that have said we didn't listen to anything, I think you're wrong. These are things that we heard that we're trying to get corrected and we will have a better tax system. It may not be earthshaking items but they are items that are important to a certain part of the population of Nebraska. I would yield any of my remaining time to Senator Schumacher, if he wishes to use it. [LB867]

SENATOR GLOOR: Three minutes and forty-five seconds, Senator Schumacher. [LB867]

SENATOR SCHUMACHER: Just very brief summary: two parts to this. One does not make a saver, who is saving into his IRA or something like that by buying gold and silver bullion as a way to hopefully make his retirement a little more comfortable and stay off the tax rolls for benefits longer, not have to pay a sales tax. They probably aren't paying sales tax anyway right now because they're probably going across the river if they're buying any amount of it at all. No one would be foolish enough to pay the 7 percent sales tax to make a deposit, essentially, into their bank account. And the second one is the postage situation. Fundamentally, it amounts to we tax postage differently right now depending on who licks the postage stamps. And rather than have two parties, a small businessman working with a small printer, shuffle the things back and forth in an attempt to who delivers it to the post office, it basically makes it as

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simple in that situation as if they were a big operation and had their own internal print house and licked their postage stamps that way. Two very simple items, very helpful to Nebraska's businesses, very commonsense items, most Nebraskans probably expect it's this way anyway. And I would ask your support. Thank you. [LB867]

SENATOR GLOOR: Thank you, Senator Schumacher. Senator Mello, you're recognized. [LB867]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. It is about that time and, no doubt, as we start getting through Senator priority bills, Speaker priority bills, and committee priority bills, where we have to start evaluating, when the Appropriations Committee provides the Legislature a budget package, other bills that have a revenue shortfall and/or an A bill associated with it. And we've started to approach that last week with Senator Bolz's bill on Medicaid and aging services. And we translate that a little bit this week into some other smaller A bills as well as some Revenue bills, one we just heard regarding the Game and Parks, and what we have in front of us in LB867. I support the concepts in LB867 and the corresponding amendments that you will hear, not just from Senator Schumacher but also from Senator Lathrop. But I also want to be able to point out that this will have an A bill and a revenue loss when you combine all of those bills into this Christmas tree bill. Give or take, when we get down to it, when this bill moves, in theory, assuming the body moves it to Final Reading, it's estimated to have about a \$4.5 million General Fund impact when you incorporate all of the different components into the bill. As Senator Hadley said, some of the components in this bill and other bills that have come out of Revenue Committee are directly, I would say, as a result from the Tax Modernization Committee report. Issues such as Senator Schumacher has brought in front of us deals with business inputs. That was an area that we had heard extensively about when it comes to trying to minimize the pyramiding scheme when it comes to sales taxes on certain business inputs, which is what we're discussing a little bit today in regards to the direct postage component and the sales taxes that's paid on it. Obviously, the other aspects of the historic auto museums and the gold, precious metals exemption as well was something that we heard extensively. Actually I think at every one of our Tax Modernization Committee meetings was in regards to trying to eliminate that sales tax on precious metals as part of a commodity issue that vendors and purchasers believed was an unfair tax placed on a monetary component used for investment purposes. With that, as I mentioned, there's another component. Senator Lathrop's bill that focuses on the turnback, convention and financing turnback component that's also a part of LB867. The reality is that's simply a fiscal note that, up-front, puts the money up-front at the beginning of the year instead of at the end of the year in regards to when that municipality can try to withdraw and draw down those funds from the Department of Revenue. But as I mentioned, underlying, I support the concepts, the policies in part of this bigger Christmas tree bill. But as we move this along through Select and Final Reading, if the body so chooses, it will have a fiscal note of roughly \$4.5 million and we

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will weigh this amongst other bills as it moves down the fiscal train. Thank you, Mr. President. [LB867]

SENATOR GLOOR: Thank you, Senator Mello. There are no additional senators wishing to be recognized. Senator Schumacher, you're recognized to close on your amendment to the committee amendments. [LB867]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. These are two things that were heard in the Tax Modernization Committee. They are commonsense adjustments to our law to make them modern and so our folks are competitive, minimizing border bleed. I believe that both of them are well justified in principles of fairness. Certainly the small businessman who uses a separate printer to do his printing should not be penalized when a big operation with an internal print shop does not have to pay something. And certainly the little guy should not have to shuffle letters between pickup trucks in order to get in a post office adjustment on his sales tax on postage. We commonly do not tax postage and this makes our system efficient in not doing so. Likewise, our savers who choose to try to save for their retirement by investing in bullion products, which are IRA-qualified, bullion is one of those things that you can have your IRA and your retirement in legally, they should not have to pay 7 percent to make a deposit into their IRA account. With that, I'd ask for your support to AM2011. Thank you. [LB867]

SENATOR GLOOR: Thank you, Senator Schumacher. Members, the question is, shall the amendment to the committee amendment to LB867 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB867]

CLERK: 35 ayes, 0 nays on adoption of Senator Schumacher's amendment to the committee amendments, Mr. President. [LB867]

SENATOR GLOOR: The amendment is adopted. Mr. Clerk for an amendment. [LB867]

CLERK: Mr. President, Senator Larson would move to amend the committee amendment with AM2190. (Legislative Journal page 733.) [LB867]

SENATOR GLOOR: Senator Larson, you are recognized to open on your amendment to the committee amendment. [LB867]

SENATOR LARSON: Thank you, Mr. President. AM2190, I think, essentially changes the effective date of what Senator Schumacher just did in AM2011 from October to April. I have had numerous constituents contact me, especially on the gold and bullion part of it, and coin part of what Senator Schumacher did in terms of the sales tax provisions that he's working on and this bill will help to fix. And essentially it changes

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that effective date of when they have to stop collecting those sales taxes from October to April. And it will also affect the mailing portion that Senator Schumacher talked about on when they can stop collecting sales tax on when...through the mail houses. As I think many of us see a lot of small businesses do every-door direct mailings and send out mailings to promote businesses, and right now, under current statute, they have to pay that sales tax. And under Senator Schumacher's amendment they will continue to pay that sales tax until October. AM2190 essentially just puts an effective date of April instead of October. Thank you, Mr. President. [LB867]

SENATOR GLOOR: Thank you, Senator Larson. Members, you've heard the opening on the amendment to the amendment to the committee amendment. We now move to floor debate. Seeing no senators wishing to speak, Senator Larson, you're recognized to close. Senator Larson waives. The question is, shall the amendment to the amendment to the committee amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB867]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of the amendment. [LB867]

SENATOR GLOOR: The amendment is adopted. We now move to discussion on the committee amendment. There are no senators wishing to be recognized. Senator Hadley, you're recognized to close on the committee amendment. [LB867]

SENATOR HADLEY: Mr. President, members of the body, this amendment, as amended, includes the two areas that Senator Schumacher put in dealing with precious metals and the sales tax on postage. The original amendment dealt with the museum, the historical car museums, that basically puts into the definition that they are sales tax exempt from purchases of historical cars, and also takes into account the sports facility turnback tax and facilitates a speeding up of that payment. With this, I would ask for your green vote on AM1954. [LB867]

SENATOR GLOOR: Thank you, Senator Hadley. The question is, shall the committee amendments to LB867 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB867]

CLERK: 33 ayes, 0 nays on adoption of committee amendments. [LB867]

SENATOR GLOOR: The amendment is adopted. We return to discussion on the advancement of LB867. There are no senators wishing to speak. Senator Hadley, you're recognized to close. [LB867]

SENATOR HADLEY: Mr. President, members of the body, we've talked about the amendments that have been attached to LB867. Just to remind you what LB867 was, LB867 was provisions relating to the review of sales and use tax information by

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municipalities. It basically adds use tax as to one of the two items that the cities can send a representative to the Department of Revenue to help them in their planning and future payments. With that, I would ask for your green vote on LB867. Thank you, Mr. President. [LB867]

SENATOR GLOOR: Thank you, Senator Hadley. The question is the advancement of LB867 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB867]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB867. [LB867]

SENATOR GLOOR: The bill advances. Mr. Clerk, some items. [LB867]

CLERK: Thank you, Mr. President. A hearing notice from the Education Committee, from the Retirement Systems Committee; all signed by the respective Chairs. Your Committee on Natural Resources, chaired by Senator Carlson, reports LB965 to General File with amendments attached. And an announcement: The Agriculture Committee will have an Executive Session at 4:00; Agriculture Committee, 4:00 in Room 2022. That's all that I had, Mr. President. (Legislative Journal page 734.) [LB965]

SENATOR COASH PRESIDING

SENATOR COASH: Thank you, Mr. Clerk. We'll proceed to the next item on the agenda.

CLERK: LB1001, a bill introduced by Senator Wallman, relates to industrial hemp. (Read title.) The bill was introduced on January 21, referred to the Judiciary Committee; the bill was advanced to General File. I do have Judiciary Committee amendments, Mr. President. (AM2022, Legislative Journal page 630.) [LB1001]

SENATOR COASH: Thank you, Mr. Clerk. Senator Wallman, you're recognized to open on LB1001. [LB1001]

SENATOR WALLMAN: Good afternoon, members of the body. I'm here today to introduce LB1001. When people first hear "industrial hemp," they think marijuana. This bill is in no way intended to be a gateway to legalize recreational use. Yes, industrial hemp and marijuana both come from the cannabis plant, but that is where the similarities end. This bill would allow industrial hemp to be planted, grown, harvested, possessed, processed, sold, and purchased. It could only contain 1 percent or less of THC, a psychoactive drug. Recreational marijuana contains 5 percent to 20 percent of THC. To get high off industrial hemp would be nearly impossible. You may get a horrible headache, but that would be about all. So under LB1001, the Department of Agriculture would adopt rules and regulations relating to the license, testing for THC levels, and

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documentation needed for the type and variety of seeds planted. A legal description of the land to be used for production must also be providing a minimum fee of \$150 would be charged to each licensee, the money would be used to carry out and enforce LB1001. The Farm Bill which was recently signed by President Obama has a provision in it regarding industrial hemp. It opens the door for research to be performed. Nine states have laws to promote the growth and marketing of industrial hemp. We have a company here in Nebraska that would be able to use this after they make a few changes to their equipment. I believe there is a market for this product, and I would like to see Nebraska jump in at the beginning. This is a sustainable crop; it uses very little water and no pesticides; it could be used as a rotational crop. This morning my office sent out a "Myth versus Reality" sheet, and it lays out some of the concerns that I've heard. I will also hand out a summary sheet prepared by the Congressional Research Service on December 18, 2012. There is one change since that report was created, and that is the passage of the Farm Bill. This bill is about agriculture; it's really that simple. I'm not trying to open the door to recreational marijuana; in fact, I'm very much against it. The Judiciary Committee has an amendment that I'm in favor of. Thank you. [LB1001]

SENATOR COASH: Thank you, Senator Wallman. As the Clerk has stated, there is an amendment from the Judiciary Committee. Senator Ashford, you're recognized to open on the committee amendment. [LB1001]

SENATOR ASHFORD: Thank you, Mr. President and members. And I want to thank Senator Wallman, who brought this bill to us a couple weeks ago. He has done some great work on instructing the Judiciary Committee on the utilization of hemp products. And the number of states, I think 17 or so states out there, that do provide a means to grow industrial hemp; it's a product that's used in all sorts of things, including, I believe, the manufacturing of automobiles, believe it or not. So this is a source of income for our farmers, for our agricultural sector. It was interesting, I...the one thing I will take issue with, not with Senator Wallman, but there was a...one of the witnesses at the committee started out by saying that inasmuch as corn will be nonexistent in 50 years, we ought to move over to hemp. And I, you know, that caught my attention. But I would guess corn will be around for more than 50 years. (Laugh) We'd have to change the name of the state; it would be just a long, drawn-out...but not on the license plates, Senator Chambers, but...(laugh). So getting to the point, though, as we mulled over this bill, it became very, very clear to the committee, really, on a 7-0 vote, that there is no reason to have any kind of criminal penalties for this...misuse of this product, because it's not an illegal substance. It's a legitimate agricultural product that will bring revenue, and quite frankly a significant amount of revenue, into our state. And we heard from those who testified that, you know, that quite quickly there would be recognizable increase in revenue to the state of Nebraska from the cultivation of industrial hemp. You know, I remember this bill years and years ago; in the early '90s it was first brought to us. And I think it was a priority bill at some point in the early '90s and...but never actually even...I don't, for some reason...well, it didn't pass. But...so I do applaud Senator Wallman for

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bringing this to us. In any event, this amendment simply removes any criminal penalties. There would be...it would be, like, some sort of criminal penalty for growing other types of crops that could be misused or could disguise other illegal crops, whatever. To be able to call this particular cultivation and production of hemp products as being in any way even associated with a criminal act is inappropriate, in our view. So we simply removed those criminal sanctions, because it implied that somehow it could be or might be criminal. And it really isn't. So with that, I would move the amendment removing the criminal sanctions and urge the adoption of AM2022 and the advancement of LB1001. Thank you. [LB1001]

SENATOR COASH: Thank you, Senator Ashford. Members, you've heard the opening to LB1001 and the committee amendment. The floor is now open for discussion. Those senators wishing to speak: Senators Bloomfield, Lathrop, Smith, and Davis. Senator Bloomfield, you are recognized. [LB1001]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I'm glad Senator Wallman brought this bill. If you'd note, I added my name to it, I think, a day after it was introduced. I had intended to cosign it when he introduced it. It moved too fast for me; I couldn't catch up with him. But this is a good crop for Nebraska. We have water issues, particularly in the western part of the state. I think we could see this crop utilized in lieu of corn in places, or at least in a rotation. There are, as was mentioned, many, many products that can be made from this. If there is such thing as no-brainer legislation, I believe we might be on it here. There should be no criminal penalty, so I agree with the committee amendment. I think we need to get behind LB1001 and get it passed, and let's get this crop growing in Nebraska. Thank you. [LB1001]

SENATOR COASH: Thank you, Senator Bloomfield. Senator Lathrop, you're recognized. [LB1001]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I, too, am in support of Senator Wallman's LB1001. And I want to share something with you, because what I don't want to do is, after this bill moves, have people say, "Well, we just moved legalizing marijuana," because that's not it. This is actually a commodity. And a couple of things you're going to want to know. It has certain properties that make it very useful in the manufacturing of a variety of products. But those of you who are concerned about the THC level, let me read a couple of facts for you, just so that we're clear and the record reflects that this is a commodity and has nothing to do with marijuana. Industrial hemp has a THC, which is the active ingredient in marijuana, content of 0.05 percent to 1 percent; marijuana has a THC between 3 percent and 20 percent. To receive a standard psychoactive dose of marijuana would require a person to smoke 10 to 12 hemp cigarettes over an extremely short period of time. In other words, you're not going to get a buzz off this stuff. Here's the other thing that's, I think, important for those of you who are...and I heard this after we'd heard this bill in Judiciary Committee, "People are

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going to hide real marijuana in a field of this stuff, and how is law enforcement going to be able to deal with it?" Let me share this with you. If hemp pollinates any nearby marijuana plant, genetically the result will always be lower-THC marijuana, not higher-THC hemp. So what you get is, this stuff will ruin a marijuana crop if it is in the same location. Again, hemp that's grown outdoors, marijuana will not be grown close by, to avoid producing the lower-grade marijuana. In essence, cross-pollination would ruin the marijuana crop. So understand that this has nothing to do with marijuana. They are...maybe they start out as the same subspecies, but this is something used for manufacturing purposes. It is a commodity; it is an opportunity for the ag-producing folks across the state to have another crop to raise. And if someone tried to raise the kind of marijuana that you can buy in Colorado, having this stuff in the same field would ruin it. So I think that we can satisfy ourselves that we're dealing with a commodity and not getting into the business of marijuana like they are in Colorado. And with that, I would encourage your support of the amendment and the bill. [LB1001]

SENATOR COASH: Thank you, Senator Lathrop. Senator Smith, you're recognized. [LB1001]

SENATOR SMITH: Thank you, Mr. President. And good afternoon, colleagues. I'm going to stand up in general support of this bill and this amendment. I, too...I agree with Senator Lathrop; I believe that this product is going to be very beneficial for commercial use in manufacturing; I think there's a great application there. And I agree, from everything I have seen, that there's no need to be concerned with the use of this product for illegal use. Senator Lathrop touched on something I was going to ask Senator Ashford, if Senator Ashford would yield to a question, please. [LB1001]

SENATOR COASH: Senator Ashford, will you yield? [LB1001]

SENATOR ASHFORD: Yes. [LB1001]

SENATOR SMITH: Senator Ashford, since it's a committee amendment out of Judiciary, I thought I'd direct this question towards you. I know that there is some concern with using this industrial hemp as a way of shielding the growth of illegal marijuana in fields. Is there any way to address that concern through laws? So maybe another way of asking it is, tell me what type of prosecution would there be if someone who is growing this product for commercial use is also using...and I understand the cross-pollination, that it's...it damages marijuana the way it cross-pollinates. But how would that...how could that be addressed through the law, or should it be? [LB1001]

SENATOR ASHFORD: I...we...it's addressed in other laws. I mean, we have a number of criminal sanctions involving the production of illegal...well, marijuana, of course, which is not legal in Nebraska. And they're quite severe if someone is growing a marijuana plant, whether it's in a hemp field or anywhere else, and tries to disguise it by,

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you know, the means you suggested, it would be a...well, certainly it would be a significant felony, because it would be enough marijuana being grown that it would...it would be prosecuted as a felony. So I don't...I just...it could happen with a lot of different situations where marijuana is disguised or hidden. But I...and there are plenty of sanctions in place that would come heavily down upon someone who tried to use a hemp field as a marijuana field. [LB1001]

SENATOR SMITH: Okay. Thank you, Senator Ashford. And again, colleagues, I'm inclined to support LB1001 and the underlying...AM2022 and the underlying bill, and to support the development of this product for commercial use in manufacturing. So thank you, Mr. President. [LB1001]

SENATOR COASH: Thank you, Senator Smith. Senator Davis, you're recognized. [LB1001]

SENATOR DAVIS: Thank you, Mr. President. Senator Bloomfield, would you yield to a few questions? [LB1001]

SENATOR BLOOMFIELD: I will. [LB1001]

SENATOR DAVIS: You know, Senator Bloomfield, I missed the testimony in the hearing the other day, and I know that Senator Wallman is not feeling top notch today. I wonder if you can tell us a little bit more about the products that industrial hemp is used for. [LB1001]

SENATOR BLOOMFIELD: Well, Senator Davis, I think we're all familiar with the old hemp rope that hung up in the barns. I don't know that that would be a big, massive use anymore. But such things as paper, we get a higher quality of paper out of industrialized hemp. Material, original blue jeans were made out of hemp; the old jeans that wore like iron were made out of hemp fibers. There are a multitude of different products. Fiberglass can be made stronger using hemp fiber versus the fibers we use now. [LB1001]

SENATOR DAVIS: Okay. And, Senator Bloomfield, all of us, I think, in Nebraska are pretty familiar with what we call "ditch weed." Is this something different than ditch weed? [LB1001]

SENATOR BLOOMFIELD: Yeah. (Laugh) The ditch weed that we're familiar with I think may have come from this when we grew it back early in the 20th century. But that is now a way bushier plant than what this industrialized plant will be. The way this would be planted, the hemp plant when it's done will be less than a foot in diameter. It would grow up similar to what you see a cornstalk; it won't have the cornstalk leaves, of course, but it will be a tall circular plant. [LB1001]

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SENATOR DAVIS: So where will our industrial hemp growers get their seed, if this is an illegal product in the United States? [LB1001]

SENATOR BLOOMFIELD: That one you're probably going to have to ask Senator Wallman about. He has dug into that a lot deeper than I am. He'll crawl off his sickbed there, I'm sure, to answer that for you. [LB1001]

SENATOR DAVIS: Senator Wallman. [LB1001]

SENATOR COASH: Senator Wallman. [LB1001]

SENATOR WALLMAN: Well, the USDA, I'm sure, has seeds in the Agriculture Department. And so they've done tests on this, and numerous states have done some tests on it, like 17. So there should be some seed available. And I think it's a wonderful product, because they can make plastics stronger, a bunch of things. And we're having some handouts here: the difference between so-called marijuana and industrial hemp. There's a lot of...like Senator Bloomfield said, it's a lot-different-looking plant. [LB1001]

SENATOR DAVIS: So, Senator Wallman, if we were to...if we do...what about the irrigation? Are we going to need to irrigate this crop? [LB1001]

SENATOR WALLMAN: You know, it takes about half the moisture as corn. So if corn takes 18, hemp takes 9. [LB1001]

SENATOR DAVIS: So is it, maybe, a product that might be a sustainable substitute for grain, and produce the same kind of income in rural parts of the state where it might be drier? [LB1001]

SENATOR WALLMAN: Especially where there's water shortages in the aquifer, absolutely. [LB1001]

SENATOR DAVIS: Are we going to need a manufacturing plant in the state to do this? [LB1001]

SENATOR WALLMAN: Well, we have a couple already, and they said they could start up in a hurry. So it's a pretty simple process, I guess, to get started. So we had people really interested to get going. [LB1001]

SENATOR DAVIS: Has there any study been done on the amount of revenue that's going to be generated off an acre of hemp? [LB1001]

SENATOR WALLMAN: No, sorry. [LB1001]

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SENATOR DAVIS: Just don't know about that? [LB1001]

SENATOR WALLMAN: I can sit and figure out... [LB1001]

SENATOR DAVIS: And do you want to address any of the concerns I think a lot of people are going to have, that people are going to try to grow high-THC marijuana in the middle of a field? I know Senator Lathrop referred to that, but... [LB1001]

SENATOR COASH: One minute. [LB1001]

SENATOR WALLMAN: But...yeah, it would just ruin everything, because it would cross-pollinate, so it wouldn't be good for anything. So, basically, yeah... [LB1001]

SENATOR DAVIS: A little bit like corn, then. [LB1001]

SENATOR WALLMAN: Sweet corn and corn. [LB1001]

SENATOR DAVIS: When you grow sweet corn, you want to keep it separate from... [LB1001]

SENATOR WALLMAN: Yeah. Yeah. [LB1001]

SENATOR DAVIS: So would we say that this is the "sweet corn" of marijuana, then, or the other way around? [LB1001]

SENATOR WALLMAN: Yeah. I don't want to plant field corn next to my wife's sweet corn... [LB1001]

SENATOR DAVIS: (Laugh) [LB1001]

SENATOR WALLMAN: ...and pollinate at the same time. [LB1001]

SENATOR DAVIS: And you wouldn't want to plant high-THC marijuana against this industrial hemp, I take it. [LB1001]

SENATOR WALLMAN: No. No. [LB1001]

SENATOR DAVIS: Thank you, Senator Wallman. [LB1001]

SENATOR COASH: Thank you, Senator Davis. Senator Carlson, you're recognized. [LB1001]

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SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. If Senator Wallman would yield, I'd like to ask him a couple of questions. [LB1001]

SENATOR COASH: Senator Wallman, will you yield? [LB1001]

SENATOR WALLMAN: Yes. [LB1001]

SENATOR CARLSON: Thank you, Senator Wallman. Now, you've answered some questions from Senator Davis; and I think that I caught that you felt that in terms of water requirement, it takes about half of what it would take to raise a corn crop. Is that true? [LB1001]

SENATOR WALLMAN: That's what they told us. [LB1001]

SENATOR CARLSON: Okay. Do you have any idea of what the cost per acre is to grow it? [LB1001]

SENATOR WALLMAN: No, I'm sorry, I don't know. [LB1001]

SENATOR CARLSON: Okay. [LB1001]

SENATOR WALLMAN: And it depends on how much seed gets going. [LB1001]

SENATOR CARLSON: So do you have any idea, how do you express yield? Corn is bushels per acre. Do you know, is it pounds, or do you know how you express yield? [LB1001]

SENATOR WALLMAN: It would be tons, like sugar cane. You know how sugar cane is, it would be tons like this, the mass. Sugar cane is by the ton. [LB1001]

SENATOR CARLSON: Okay, but you don't really know what the...maybe what the gross yield per acre might be, on hemp. [LB1001]

SENATOR WALLMAN: No, I don't. [LB1001]

SENATOR CARLSON: Okay. All right. Thank you, Senator Wallman. And I would like to...did you have something else to offer? [LB1001]

SENATOR WALLMAN: We'll get back to you on that. [LB1001]

SENATOR CARLSON: Okay, that's fine. I'd like to address Senator Bloomfield, if he would yield. [LB1001]

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SENATOR COASH: Senator Bloomfield, will you yield? [LB1001]

SENATOR BLOOMFIELD: Yes. [LB1001]

SENATOR CARLSON: Senator Bloomfield, you've heard what I've asked Senator Wallman. Is there anything in there that you've got some knowledge on? I put down: How does it compare in water use to corn, soybeans, milo, alfalfa, wheat? But, of course, if it's roughly half of what corn...that gives a pretty good idea. Do you have any other knowledge on that? [LB1001]

SENATOR BLOOMFIELD: Everything we've seen tells us pretty much what Senator Wallman said, about half of what it takes to grow a crop of corn. It shades the ground very rapidly because it's planted so thick, that the evaporation isn't the problem that we normally see, from the ground. [LB1001]

SENATOR CARLSON: And do you have any idea what the gross value per acre might be? [LB1001]

SENATOR BLOOMFIELD: I do not. [LB1001]

SENATOR CARLSON: Okay. All right. Thank you. Thank you, Mr. President. [LB1001]

SENATOR COASH: Thank you, Senator Carlson and Senator Bloomfield. Senator Brasch, you're recognized. [LB1001]

SENATOR BRASCH: Thank you, Mr. President. And good afternoon, colleagues. I do have a lot of questions here on this bill, and I don't know if I should be addressing Senator Wallman or Senator Bloomfield or Senator Ashford. It seems to be crossing...I'll ask Senator Ashford. [LB1001]

SENATOR COASH: Senator Ashford, will you yield? [LB1001]

SENATOR ASHFORD: Yes, thank you. Sorry... [LB1001]

SENATOR BRASCH: Yeah. [LB1001]

SENATOR ASHFORD: ...I was engaged in deep discussion with Senator Davis, but I'd be happy to... [LB1001]

SENATOR BRASCH: I see that. Senator Ashford, I've been trying to find a transcript on the hearing, and I don't know if one is not available, but... [LB1001]

SENATOR ASHFORD: Well, I don't...yeah, we probably haven't typed it up. [LB1001]

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SENATOR BRASCH: ...it's not there. And there are several questions. I see there's a lot of..."Self," "Self," "Self"...one, two, three, four, five, six proponents that are described as "Self." [LB1001]

SENATOR ASHFORD: Uh-huh. [LB1001]

SENATOR BRASCH: Are these Nebraskans, or are they from our state, are they manufacturers? Can you describe who... [LB1001]

SENATOR ASHFORD: I don't think they were...there were no...not so much manufacturers; they're...they're...my recollection, Senator Brasch, is that everybody that came was from Nebraska. And...but I don't recall anybody coming from outside the state, actually. And I...and they weren't actual growers, I don't believe. Of course, we don't grow it, so...but there were people who had quite a bit of knowledge, but... [LB1001]

SENATOR BRASCH: And that's what I'm wondering, you know, where the knowledge came from, if they were scientists, doctors, agronomists, university professors. Without a transcript, it's very open-ended. But what does concern me, as well, is when you look into the bill itself, there are sections in there that talk about it being highly regulated, in the sense that applicants...and it says most applicants, they need to provide fingerprints to the State Patrol; they need to pay for a background check conducted by the State Patrol, a criminal history. Are we wondering if this is going to attract a different group of growers? And if there's a danger there, are we moving a little too quickly on this? [LB1001]

SENATOR ASHFORD: You know, I don't think there is a danger here. You know, referring back to Senator McConnell's work in the U.S. Senate, from Kentucky, in getting the...this...industrial hemp removed from the Controlled Substances Act. [LB1001]

SENATOR BRASCH: Um-hum. [LB1001]

SENATOR ASHFORD: There was a considerable amount of work done in the Senate and the House--Senator McConnell being the leader...Mitch McConnell being the leader of that effort--getting into the science of this. And, you know, nobody opposed...came in opposing the bill. The State Patrol was neutral, I believe. But they certainly weren't opposed. So there wasn't any real...there was...no one said, "This is a dangerous drug, you need not to grow it." And that's why we took the criminal penalties out it. [LB1001]

SENATOR BRASCH: Okay. Is that who...the "SASA NSA"...you had one person neutral. I didn't see anyone from the Department of Agriculture, because they are also

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needing to test this. There's a lot to be incorporated before it can move forward, but I didn't see any of those components. [LB1001]

SENATOR ASHFORD: Well, we took...the amendment takes a lot of that out. We take out the provisions, the criminal background check provisions, because we...and all of that, because we don't believe that it's...that industrial hemp...once the federal government...Senator McConnell's efforts gave the states the ability to do this industrially, Kentucky being a state that apparently grows a lot of...has the potential of a lot of growth... [LB1001]

SENATOR COASH: One minute. [LB1001]

SENATOR ASHFORD: ...of hemp. So we followed that lead, really, and the science that was done on the federal level, because they don't remove things from the Controlled Substances Act unless it's substantially... [LB1001]

SENATOR BRASCH: Yeah. [LB1001]

SENATOR ASHFORD: ...not going to be harmful. So I think we've done our due diligence here, Senator Brasch... [LB1001]

SENATOR BRASCH: All right. [LB1001]

SENATOR ASHFORD: ...in my view. [LB1001]

SENATOR BRASCH: Thank you, Senator Ashford. But it does say that it needs to have a lot of processing: application with the Department of Ag, some research. As you read through the bill, there are many, many controls built into this, which...I am very concerned that those who are going to have to comply with...the government, whether Department of Agriculture or State Patrol, that they were not actively there, stepping up, saying what this will benefit, what this will harm, or in the neutral, that it's important when we mandate that these...this department and... [LB1001]

SENATOR COASH: Time, Senator. [LB1001]

SENATOR BRASCH: ...these agencies...thank you. [LB1001]

SENATOR COASH: Thank you, Senator Brasch. Senator Nelson, you're recognized. [LB1001]

SENATOR NELSON: Thank you, Mr. President, members of the body. I have a couple of questions for Senator Ashford, if he can yield. [LB1001]

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SENATOR COASH: Senator Ashford, will you yield? [LB1001]

SENATOR ASHFORD: Yeah, sure. [LB1001]

SENATOR NELSON: Thank you, Senator Ashford. I'm...you were talking about the Farm Bill, I believe, and Senator McConnell was involved with that? [LB1001]

SENATOR ASHFORD: This part of it. [LB1001]

SENATOR NELSON: I'm sorry. [LB1001]

SENATOR ASHFORD: He was involved in removing industrial hemp from the Controlled Substances Act. [LB1001]

SENATOR NELSON: Oh, okay. All right. Someone e-mailed me a fact sheet which confuses me a little bit. And it says, with the passage of the Farm Bill this year, industrial hemp research has been legalized. Would that be a correct statement? [LB1001]

SENATOR ASHFORD: I believe so. I think it... [LB1001]

SENATOR NELSON: Okay. [LB1001]

SENATOR ASHFORD: ...the way the federal act reads is it clears the way for states to... [LB1001]

SENATOR NELSON: But then it goes on say, the Farm Bill legalizes industrial hemp research, not full-scale production. [LB1001]

SENATOR ASHFORD: Well, it's my understanding... [LB1001]

SENATOR NELSON: Isn't that different from what we're doing here? [LB1001]

SENATOR ASHFORD: It's my...no, this is production. And it's my understanding that the act...that it removes the obstacles that existed in the prior Farm Bill to production of industrial hemp. And I...let me see if I can find the reference to that. [LB1001]

SENATOR NELSON: All right. [LB1001]

SENATOR ASHFORD: We're looking right now. But it's my understanding from reading the summary of the bill, the Farm Bill that just passed in January 2014... [LB1001]

SENATOR NELSON: Um-hum. [LB1001]

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SENATOR ASHFORD: ...that this allowed...well, they were specifically talking about--obviously, Senator McConnell was concerned about Kentucky--but talking about industrial hemp production would start. So I believe that that's the case. [LB1001]

SENATOR NELSON: So it, then...with that action by Congress, then, each state can proceed with research but also full-scale production... [LB1001]

SENATOR ASHFORD: Production... [LB1001]

SENATOR NELSON: ...if they want to. [LB1001]

SENATOR ASHFORD: ...correct. [LB1001]

SENATOR NELSON: All right. All right, thank you, Senator Ashford. A question for Senator Bloomfield. [LB1001]

SENATOR COASH: Senator Bloomfield, will you yield? [LB1001]

SENATOR BLOOMFIELD: Yes. [LB1001]

SENATOR NELSON: Thank you, Senator. Have you ever seen a standing field of this industrial hemp? [LB1001]

SENATOR BLOOMFIELD: I have not. [LB1001]

SENATOR NELSON: Do you know if Senator Wallman has? [LB1001]

SENATOR BLOOMFIELD: I would say he probably hasn't. [LB1001]

SENATOR NELSON: Well...well, let me finish this. We've had some pictures, photos, distributed here. It's difficult to tell just how tall the male plant is. How...is this scattered like we might, I mean, seed scattered in some form, or is it planted with a drill, if you know? [LB1001]

SENATOR BLOOMFIELD: I would guess it could be planted either way. [LB1001]

SENATOR NELSON: Okay. And how is it harvested, then? [LB1001]

SENATOR BLOOMFIELD: I assume they're going to bale it. [LB1001]

SENATOR NELSON: Have we no expertise on the floor here of industrial hemp? Let me...all right. All right, back to Senator Ashford. [LB1001]

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SENATOR COASH: Senator Ashford, will you yield? [LB1001]

SENATOR ASHFORD: No, I'm not an expert. I...we, you know, when we bought our new house, we had a lot of extra land in the front yard, and I thought, you know, what the heck...but, no, I don't have any expertise. I'm sorry, Senator Nelson. [LB1001]

SENATOR NELSON: Okay. (Laugh) All right. Senator Wallman, will you yield? [LB1001]

SENATOR COASH: Senator Wallman, will you yield? [LB1001]

SENATOR WALLMAN: Yes, I will. [LB1001]

SENATOR NELSON: Have you ever observed this crop in production, planted or being harvested? [LB1001]

SENATOR WALLMAN: Well, I've never seen it being harvested, but we used to have it in the creeks down there where... [LB1001]

SENATOR NELSON: Are we at the point in Nebraska where a farmer can go out and start to grow this? I mean, what type of research do we have, if we authorized it? [LB1001]

SENATOR WALLMAN: Well, I looked at, like, China; and we import it now from China. And China makes military clothes out of it; it's a lot tougher. And other...you can make a vest, pretty nice clothes out of it, and the thread is really tough. So, yeah, it's used all over the world. [LB1001]

SENATOR NELSON: All right. Let me ask about our Department of Agriculture here. I...have they been doing any research at this point? Or are they going to have to start doing this, as to whether... [LB1001]

SENATOR COASH: One minute. [LB1001]

SENATOR NELSON: ...this is going to work here in the state of Nebraska, as far as full-scale production? [LB1001]

SENATOR WALLMAN: Well, not that I know of, but sometimes we have to push them. [LB1001]

SENATOR NELSON: All right, thank you very much, gentlemen. Well, this is very interesting. We're authorizing full-scale production here, and research. I can see where we're doing the research, but it...and I guess I'm generally supportive of the bill. It

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seemed to me like we ought to take one step at a time and have the research done. I assume probably this would grow in Nebraska and cut the water usage in half and everything of that sort. And I would assume, I guess, that there's no danger. But if there's anyone else that has knowledge or can speak to this, I would appreciate hearing it. Thank you, Mr. Speaker. [LB1001]

SENATOR COASH: Thank you, Senator Nelson. Senator Bloomfield, you're recognized. [LB1001]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, we're not pretending here that this is going to replace corn in the next two years. This will be more of a research project than anything else. The seeds are not available; there's a licensing fee in order to get a permit to plant it. It is going to be watched; it is not going to be scattered hither, thither, and yon without somebody kind of keeping an eye on it to see if it's growing properly, to see if it's harvested properly, and if there is actually a use for it. We're not going to go out and plant 100,000 acres of this the first year. It simply is not going to happen. This is as much a research thing as it is anything. But we have to start somewhere, and it would be my preference that we start in front of the other states, for a change, rather than always behind them. And I would yield the remainder of my time to Senator Wallman, if he'd like it. [LB1001]

SENATOR COASH: Senator Wallman, 4 minutes. [LB1001]

SENATOR WALLMAN: Thank you, Senator Bloomfield. And here, this has been tried before here, and the vote results: Senator Burling, Cunningham, Dierks, McDonald, Schimek, Schrock, and Senator Vrtiska. And so the introducer was Ed Schrock. And so testified proponents was University of Nebraska at Kearney, Nebraska Farm Bureau Federation, University of Nebraska-Lincoln, and Walt Bleich was "Self," and Trailblazer RC&D was...and Libertarian Party, Nebraska Farmers Union, Open Harvest Natural Foods Grocery, The Body Shop, and Schropfer, Marquart, and Marquart testified for themselves, and then there's Omaha NORML, and then there's Slim Butte Land Use Association, and then there's some more "Self" testifiers. And the opponents were just Nebraska State Patrol, PRIDE Omaha, and PRIDE Omaha. So neutral was D'Anne Welch. So way back then it had a lot of proponents. Thank you, Mr. President. [LB1001]

SENATOR COASH: Thank you, Senator Wallman. Senator Brasch, you are recognized...no, excuse me. Senator Chambers, you are recognized. [LB1001]

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is an agricultural state. This hemp is an agricultural product. It is not going to be like one of these that will grow wild and take over every bit of space that's not covered by some other plant. Oscar Wilde is one of my favorite writers, and one of his poems, about an execution that was going to occur, mentioned that a hempen band, h-e-m-p-e-n band,

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meaning a noose, was all that the hangman needed. Hemp is referred to and utilized wherever it is legal in every context except illegal drugs. It is not an illegal drug. It cannot be made psychoactive. When people talk about hiding it...using it to hide other crops, enough has been said about the cross-pollination that would weaken or ruin the marijuana. And with marijuana being legal in Colorado, there may be even less growing of marijuana in Nebraska. There is some risk in growing it, some risk in transporting it, but it might be cheaper and far more lucrative to run the risk of getting caught transporting it than trying to grow it in a building, where all they have to do is check your electricity bill, and if it's excessive, then you are using electricity for lights for something other than to illuminate the premises. So the people who are in the business of enforcing drug laws will know what to look for where marijuana is involved. I believe you could grow hemp...I mean grow marijuana where you grow corn. If they're not flying over with a helicopter, how is anybody going to know that you didn't clean out patches in a kind of checkerboard pattern in your cornfield and grow marijuana? I think some of these notions, I'm not going to ridicule anybody for them, but they go back to that "old-timey" fear of what's in the dark. And when I talk to children, which I often do, to overcome their fear, I know that my telling them this one time won't do it unless the child is somewhat adventuresome. What is in the room when the light is on is all that is in the room when the light is off. The removal of light does not create or produce monsters. People who want to grow marijuana in Nebraska will do so. I don't know what all this talk about research is. Hemp can be used to produce food ingredients. You can eat ingredients that contain derivatives from or of hemp. You can make clothing from it. You can make almost anything imaginable. Any other time in an agricultural state any product that could be so versatile would be welcomed with open arms. But there's this old-fashioned fear of drugs. Now, I'll tell you what the people on this floor and everywhere else ought to be concerned about; it's this new anti-pain capsule that is stronger than oxycodone or any of those pain relievers on the market. Two capsules can overdose an adult. The advisory council of 11 people whose job it is to advise the FDA on allowing drugs... [LB1001]

SENATOR COASH: One minute. [LB1001]

SENATOR CHAMBERS: ...to be marketed voted 11 to 2 against allowing it. And the FDA officials overrode that recommendation. And it was found through research that some of these people had been wined and dined by the company producing this drug, and I don't hear anybody on this floor or other legislatures even aware of that. That is the kind of killer drug that's going to wind up on the street. Hemp is not going to wind up on the street as a drug, period. There will not be more marijuana grown in Nebraska as a result of hemp being allowed in the way it is under the bill. And since there's nothing criminal about it, there should be no fingerprints, no photographs, just like you don't go through all that when somebody wants to grow corn. Thank you, Mr. President. [LB1001]

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SENATOR COASH: Thank you, Senator Chambers. Senator Brasch, you are recognized...oops. [LB1001]

SENATOR BRASCH: Thank you...thank you... [LB1001]

SENATOR COASH: Excuse me, Senator Brasch, we have an announcement from the Clerk. [LB1001]

ASSISTANT CLERK: One quick announcement. The Executive Session of the Ag Committee that had been scheduled for 4:00 is now scheduled to be held upon adjournment in Room 2022.

SENATOR COASH: Thank you, Mr. Clerk. Senator Brasch, you are recognized. [LB1001]

SENATOR BRASCH: Thank you, Mr. President. And this is something that it should, you know, I'm hearing the word, "it should not be," "it shouldn't be"; but it is. I mean, we're looking at...there's a fiscal note here. And the fiscal note does say that...that we...the Department of Agriculture, I'm thinking it's that, or the State Patrol, but there's rules and regulations. And it needs to be tested during the growth stage for THC levels, to allow for supervision during its growth and harvest. Included in the operating cost is a projected one-time cost of \$3,000 that covers additional staff and time and expenses required to adopt that. And then there's a position required for agricultural inspection specialist. There's also different things that are being added, because it's not like growing corn flakes or corn. It is different; it is a part of, you know, the hemp family that does produce marijuana. And other than several individuals who we don't know the identity of or who they represent, there isn't a transcript available to, you know, make a good, sound decision. You know, there's also State Patrol fingerprint technicians needed, a State Patrol Staff Assistant I added, State Patrol CID records tech. There are other funds and expenditures that go with bringing this into the light of day. And I think that the Department of Agriculture, you know, should they have a statement I would feel more comfortable and confident, also the State Patrol, and other entities. And, yes, I do realize that there are lotions and fabrics and ropes and things with manufacturing industrial hemp. But are we prepared to go forward comfortably and confidently that we are not crossing over into an area where it does say that you need to give fingerprints and a criminal background before you grow it? There is some questions being raised here. They are not questions about Senator Wallman, who is a outstanding senator, and others who are stepping up to say this is something that we should move into. I'm saying this is something that we need more information, and updated information. Senator Wallman talked about past senators that were familiar with this and supported it. I don't know how many years ago that was, but that might not be when our young people are using bath salts to poison themselves. We've just entered into some confusing and dangerous times with problems with drugs, and if this is not one, then I

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would really feel comfortable with a statement from the Department of Agriculture supporting this legislation. And I have...I can yield my existing time to Senator Bloomfield. He seems to have more background in it than... [LB1001]

SENATOR COASH: Senator Bloomfield, 1 minute 17 seconds. [LB1001]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I want to answer a couple questions that were put up before. We are asked about the yield. Hemp can yield three to eight tons of dry fiber. What that's worth I can't tell you; I don't have that answer yet. [LB1001]

SENATOR COASH: One minute. [LB1001]

SENATOR BLOOMFIELD: We were also asked how tall it grows. The fiber in it...the stalk will be over seven feet long. So it's a fairly tall crop; it's not something that's going to be this tall. It...it's a tall plant. And, if I can, I'd like to ask Senator Ashford a question quick. [LB1001]

SENATOR COASH: Senator Ashford, will you yield? [LB1001]

SENATOR ASHFORD: Yes, sir. [LB1001]

SENATOR BLOOMFIELD: Senator Ashford, it's my understanding that the amendment pretty well eliminates the fiscal note, am I correct on that? [LB1001]

SENATOR ASHFORD: Yes, because those issues raised by Senator Brasch are eliminated with...well, not all of them, but the issues involving regulation are removed. The Department of Agriculture still has a regulatory function, but the fingerprinting and all that sort of thing has been removed. [LB1001]

SENATOR BLOOMFIELD: Thank you. [LB1001]

SENATOR ASHFORD: Well, it would be removed with the amendment. [LB1001]

SENATOR COASH: Thank you, Senators. Senator Bloomfield, you're now in your own time. [LB1001]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I think we need to move on to a vote on this. I am holding in my hand, and I know we can't use it, a bag of hemp hearts. You can sprinkle them on a salad, on your yogurt, whatever you want. We import them from Canada. Let's grow our own. Let's get this done. Let's start this process so that we're not dead last. Thank you. [LB1001]

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SENATOR COASH: Thank you, Senator Bloomfield. Senator Schumacher, you're recognized. [LB1001]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Just a couple of quick questions for Senator Ashford. I seem to try to recall, back in my county attorney days, there was a tax on marijuana and also somewhere, even though I can't find it, a...marijuana was declared to be a noxious weed and had to be killed right away. So, Senator Ashford, would you yield? [LB1001]

SENATOR COASH: Senator Ashford. [LB1001]

SENATOR ASHFORD: Yes. [LB1001]

SENATOR SCHUMACHER: Senator Ashford, have those two issues been considered and thought through? [LB1001]

SENATOR ASHFORD: The noxious weed issue was...we didn't think about it, actually. Marijuana would be a noxious weed, but this isn't that, I don't believe. [LB1001]

SENATOR SCHUMACHER: So...so... [LB1001]

SENATOR ASHFORD: We will look at it. [LB1001]

SENATOR SCHUMACHER: ...if this one lives, it might be something we want to deal with... [LB1001]

SENATOR ASHFORD: Um-hum. And we'll look at that issue as well as the tax issue. I recall the tax on marijuana, but I thought...I didn't think it was still in effect. But we will look at that... [LB1001]

SENATOR SCHUMACHER: Yeah. [LB1001]

SENATOR ASHFORD: ...between General and Select. Maybe there was a tax. [LB1001]

SENATOR SCHUMACHER: The tax appears at 77-4303. [LB1001]

SENATOR ASHFORD: Right. And we'll look at that. [LB1001]

SENATOR SCHUMACHER: Thank you, Senator Ashford. Thank you, Mr. President. [LB1001]

SENATOR COASH: Thank you, Senator Schumacher. Senator Chambers, you are

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recognized. [LB1001]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature. The amendment takes away all that would refer to anything criminal in connection with this agricultural product. Senator Brasch said that in years past children were not using bath salts to get high or to get a buzz. She should hope that they would smoke hemp. That would be like taking a piece of rope and lighting it and as it smokes...and you smoke. You should wish they would smoke hemp. You should wish they chew hemp. It's not going to rot their teeth and give them throat cancer, like tobacco. This discussion I've tried to stay out of, because it's based on the fear of "ghosties" and goblins and long-leggedy beasties and things that go bump in the night. That's the language that comes from those little poems that are used to frighten children. We are not children of just a little greater growth. We are adults. No drug epidemics can be traced in any way to hemp. And to say that hemp and marijuana are in the same family, I could say so is grass and an oak tree. They're both in the vegetation family. Botany is the study of plants. Then you can make every plant that exists kin to every other plant. But we are talking about reality. Senator Brasch's experiences have made her very fearful. That's clear. It even blinded her to what the amendment would do in taking away the need for all of the things that she was talking about: State Patrol, regulation, fingerprints, background searches. I'd like to ask Senator Brasch a question, if she would respond. [LB1001]

SENATOR COASH: Senator Brasch, will you yield? [LB1001]

SENATOR BRASCH: I will. [LB1001]

SENATOR CHAMBERS: Senator Brasch, can liquor--I'm talking about liquor that will make a person drunk--be made from corn? [LB1001]

SENATOR BRASCH: I think so. [LB1001]

SENATOR CHAMBERS: I didn't hear you. [LB1001]

SENATOR BRASCH: Yes. [LB1001]

SENATOR CHAMBERS: Uh-huh, thank...is it illegal to sell alcohol without a license? [LB1001]

SENATOR BRASCH: No. [LB1001]

SENATOR CHAMBERS: It's not? [LB1001]

SENATOR BRASCH: Are you still speaking to me? (Laugh) [LB1001]

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SENATOR CHAMBERS: Oh, you probably don't... [LB1001]

SENATOR BRASCH: You have to have a license to sell alcohol, yes. [LB1001]

SENATOR CHAMBERS: Okay, thank you. Members of the Legislature, how many people would say, make a farmer give fingerprints so he won't be making moonshine? He's got a big old silo, a big old barn, and he can conceal in that silo...he can modify it so he can have all the accoutrements necessary to distill moonshine. I'm going to write you all a rhyme. How about this: The sun shines on the roof, but the moonshine is in the cellar. Can you begin to see how fear will make it... [LB1001]

SENATOR COASH: One minute. [LB1001]

SENATOR CHAMBERS: Let me see. Members of the Legislature, if a door is already standing wide open, it's impossible to break it down. I think the facts about this plant are so clear that we can apply the term "self-evident." To make the statement is to make clear what the statement means. I didn't know, and I still don't believe it, that members on this floor are as fearful as Senator Brasch. She is at least acknowledging it. But the rest of us must move beyond that if we are fearful. I am not in favor of the proliferation of drugs. I'd like to see alcohol banned, tobacco. This is not a gateway to drugs. This is an agricultural product. The word "industrial" is usually attached to it as an... [LB1001]

SENATOR COASH: Time, Senator. [LB1001]

SENATOR CHAMBERS: ...introductory adjective. Thank you, Mr. President. [LB1001]

SENATOR COASH: Thank you, Senator Chambers. Senator Brasch, you are recognized. [LB1001]

SENATOR BRASCH: Thank you, Mr. President. And I appreciate Senator Chambers' seeming concern for my fear. I do have fears. But this is not a fear. This is a word of caution, perhaps, hindsight...before we move forward, I did learn from Senator Crawford that the Department of Agriculture did not express a concern, but there was a dialogue there. Not seeing them on the...a transcript of any type, I did wonder why they did not come forward. If it is an industrial agricultural crop that...I would like to see their input, but it's not available. But I do trust Senator Wallman and Senator Crawford that what they told me is fact-based. And I am looking for some fact-based before we have a bill here that would move into an area that could have potential crossover. Seeing that's removed, I still do not understand who the testifiers were, other than individuals. Did they have experience? Senator Bloomfield said no he doesn't know anyone; he hasn't seen it. I believe Wallman is not familiar with it, nor has he seen it grown, other than the hemp we see growing in road ditches, as other senators have told me. But because I

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am concerned that we move into something that we don't know how it is going to be processed, handled. What are the yields? What are the implications? Have we visited with another state that does grow this? Are we ready to move into production? It sounds like research might have been bypassed. I will yield the rest of my time to Senator Chambers. He appears to have something to say and something on his mind. Senator Chambers, you can have the balance of my time. [LB1001]

SENATOR COASH: Senator Chambers, 2 minutes 45 seconds. [LB1001]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Brasch. All of this conversation made me think of an old, old joke, and it had to do with moonshine. There was a rather sizable operation in this particular county, and the high sheriff had discovered it. So he had gone to church, because this preacher had been preaching against all the sins of the congregation and the people and especially moonshine. So the sheriff said he had an announcement to make. He was going to take all of the liquor that they had confiscated, and they were going to take it and throw it in the river. And you know what the song was that the deacon and the choir led: "Shall We Gather at the River." Why do you think that is? Members of the Legislature, Senator Brasch will vote her conscience. And in this case I have characterized her view as baseless, groundless fear. But the psychologists and people who deal in the realm of the mind will say, if a person perceives a thing as being real, it is real to that person in its consequences. If I cannot persuade a child that the easy chair does not turn into a monster when the lights are out, to that child when you turn the lights out the easy chair becomes a monster. There has to be something that will overwhelm and overpower that fear; knowledge... [LB1001]

SENATOR COASH: One minute. [LB1001]

SENATOR CHAMBERS: ...information will do it. Hemp has never been characterized by anybody as a drug, as a gateway to drugs, even if you can say it is of the same family as a drug. That has nothing to do with what we're talking about. If the hemp is growing and somebody is growing marijuana in the presence of that hemp in disregard of all of the other things that were said about it, when that is found, the person will be prosecuted not for growing hemp but for growing the marijuana. Laws already cover that. We should make this leap of faith. This, for Nebraskans, is the last frontier of farming, just of farming. [LB1001]

SENATOR COASH: Time, Senator. [LB1001]

SENATOR CHAMBERS: Thank you... [LB1001]

SENATOR COASH: You may continue on your own time. [LB1001]

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SENATOR CHAMBERS: Oh, thank you. We're not being launched into the outer reaches of space. We're not going to wind up on Mars or Jupiter or Saturn or even the moon. We are talking about the state of Nebraska. And for those who don't pay attention to the ecological system and come to a realization that corn was not native to this state and grown the way it's grown now, with the lack of or absence of proper husbandry of natural resources, 50 years from now corn may not be what it is now in Nebraska. Problems of profligate misuse of water, all of the irrigation going on, there's a price that will be paid. Nature, whether you personalize nature as a she or not, somehow has established a balance. The only time things get out of kilter is when human beings--and I hate to say it, those of you all's complexion--will come on the scene. You might kill the dominant predator. You might destroy a certain plant. You might destroy a certain type of insect. Then those other things that are interconnected will go haywire. Some things may cease to be because the balance has been disrupted, all for the sake of trying to make a lot of money quickly. Then when the problem arises and you have a bitter crop...let me take it from the field of agriculture. Look at television when they talk about what's called the infrastructure of this country. Billions of dollars to repair bridges, roads, overpasses. And all of this was under the control not of women, not of black people, but of white men. This whole country has fallen into disrepair, and the facts show it. And this is what they talk about now, and they show pictures of the crumbling infrastructure. Railroad trestles, everything you can think of that was fabricated by human beings, everything is falling into disrepair or has fallen into disrepair, and there's not enough money available to rectify any of it. And if you look at the right ones to point to, they're basically white men. That's not racism. That's a fact. The head of practically everything that deals in the destruction and wrecking of the economy and the ecology is in the hands of white males. Ukraine and the problem. Women don't have anything to do with that. Black people have nothing to do with that. But those are the problems, because men do things on such a big scale that will have the world teetering on the brink of something or other. But I'll tell you this: No president would be stupid enough, despite what the "Repelicans" in Congress are saying, to launch an attack against Russia. They have intercontinental ballistic missiles. They have nuclear weapons. They have nuclear submarines. They have nuclear bombers. They have a navy with nuclear submarines. So nobody is going to lift a finger against Russia. Nobody who is sane. So all of this yow-yow that goes on... [LB1001]

SENATOR COASH: One minute. [LB1001]

SENATOR CHAMBERS: ...is beyond the realm of rational discussion. And, unfortunately, politicians at the local level will jump on that bandwagon and talk the same crazy stuff. Then it's reflected in the things or echoed in the things that ordinary people say who don't even know where Russia is. They still think Russia comprises what was the Soviet Union. They don't know that Ukraine is divided on the basis of some liking Russia more than others. And a lot of people don't know that the Ukrainians provided the main guards at Auschwitz. How about that? What do you know? Then we

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come to something like an ordinary plant, and you can't understand that. (Laugh)
[LB1001]

SENATOR COASH: Time, Senator. [LB1001]

SENATOR CHAMBERS: Thank goodness, Mr. President. Thank goodness. (Laughter)
[LB1001]

SENATOR COASH: Senator Davis, you are recognized. [LB1001]

SENATOR DAVIS: Thank you, Mr. President. I just have several things to say, but one of the questions that had come up about this earlier was whether Farm Bureau had policy on that. And I did go out in the lobby and asked Jay Rempe that question. He did send a message in that says, yes, they do have national policy supporting industrial hemp. So that should answer that question. I've doing a little research. I do have some concerns about hemp production. I'm assuming many of you read the paper over the weekend and saw the lengthy article about the number of arrests that are accruing in Deuel County out west: people coming out of Colorado, being arrested. We're going to have to deal with that somehow, someday, sometime, and soon, because our state is affected by what's happening in Colorado. But I think that gets away from the crux of what Senator Wallman is trying to do here with regards to a product that used to be legal in this country, until 1937, and was used in a great many products and materials. We've heard references to those today. But, you know, rope production is the thing that everybody on a ranch remembers, because the old hemp ropes were good, tough, and flexible ropes, and very good ones. Industrial hemp is...was a part of the farm bill this year, which would have been sponsored and cosigned by a number of both liberal and conservative people who maybe have recognized that's maybe it's time to look at doing something else. It's water efficient. It's lucrative. It's not addictive. It doesn't produce a high. It's recognized by NAFTA and by the GATT. Canada is permitted to produce it, as are a lot of states. It's about a...I think, about a \$500 million future product for us--future revenue. And I think there are ways we can do this which will give our ag folks another alternative income but have some controls. So maybe we need to have inspections of these fields every year to make sure that we're not growing marijuana that's being used for other purposes. But after doing the research and looking at it, I think it's time that we move forward with this. And I would like to just say one other thing. I had cosigned Senator Crawford's bill on medical marijuana for specific cases; and at the time I did that I had gone to my physician and we were talking about this particular issue. And he said, you know, I think probably within 15 years marijuana will be recognized as having a lot of medicinal purposes that have been neglected and forgotten over the years because of the sort of tainted image that it has. So with that said, I guess I'd urge the body to support the moving forward of this bill. Thank you. [LB1001]

SENATOR COASH: Thank you, Senator Davis. Seeing no other lights on, Senator

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Ashford, you're recognized to close on the committee amendment. [LB1001]

SENATOR ASHFORD: Thank you, Mr. President. This is an enjoyable discussion and this is...and it is how we separate ourselves. I don't agree with Senator Brasch necessarily on the need for further investigation into the kind of regulation that we have. But I do respect her questions, because it initiated a good discussion. You know, we, in putting this bill out with the amendments, we clearly...I believe, clearly, followed what is the instructions, if you will, from the Senate and the House and the farm bill. It reflects the intent that we do move and that states can move into industrial hemp production; that industrial hemp production be regulated by departments of agriculture across the country; that there be a licensing procedure in place; that there be an inspection procedure in place. All of that is in the bill. If there's going to be someone utilizing subterfuge to plant illegal products, the fact that these licenses are restricted, that there are inspections that occur, it would seem to me ridiculous for anybody to use these fields for the production of illicit or illegal drugs if the individual who is producing the hemp and then using it for the production of marijuana, that would realize that that was going to be discovered. So this bill, with the amendment, in my view, is consistent...entirely consistent with the 2014 farm bill; that it reflects what, at least to our committee, with a 7-0 vote to advance the bill, is a new and developing source of revenue for agricultural states; it's something that is important that we advance. The fact the Department of Agriculture, the State Patrol, no one in law enforcement--there was a neutral testifier from the...a sheriff from a county; I can't recall the county that voiced some concern. But if this was something that was going to be a problem, there would be numbers of opponents, and the Department of Agriculture would raise red flags. None of that happened. So to some extent, Senator Brasch, we are, by the absence of this testimony, making certain assumptions. And to your point, we will certainly discuss this with the Department of Agriculture, as you suggest. We'll take a look at what Senator Schumacher has raised as far taxing this product. We don't want to pass a bill that's going to require a tax because of the marijuana potential classification of hemp as marijuana for tax purposes, and the noxious weed provisions, as well. We'll look at those by Select File. But I would urge the advancement of the bill, the adoption of AM2022. Senator Wallman has done a great job of convincing me that this is an opportunity. It's not pot. It's not an illegal drug. It's a great opportunity for us in Nebraska to investigate a new product that will bring revenue to our state, that will be well-controlled. So thank you to Senator Wallman, and I urge the adoption of AM2022. [LB1001]

SENATOR COASH: Thank you, Senator Ashford. Members, you've heard the closing to the committee amendment. The question is, shall AM2022 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB1001]

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of committee amendments, Mr.

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President. [LB1001]

SENATOR COASH: Committee amendments are adopted. We return to discussion on LB1001. Senator Chambers, you are recognized. [LB1001]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I haven't taken leave of my senses. You all are going to have to forgive me for doing this impression. "I have a flat tire. Somebody help me." That's from the Geico commercial where the little gecko got tired of just doing these ordinary little things, so he had them write a line for him that was extremely dramatic; and that's what it was. Based on some of the discussion, that little outburst might do more to gain votes for this bill than anything else I could have said. I'm looking at "General" Tommy over there. He probably might be saying, you know, anybody who has the nerve to do like that and is not high on something can really be trusted; so if I was having doubts, I don't have them anymore. Now to get serious. There is a derivative of a part of the marijuana plant which has been used for medicinal purposes; and these children who have so many seizures that they cannot do anything. Parents and doctors who have treated them swear by this product. Mainstream medical people have said there hasn't been the research, there haven't been the studies, and they're right. Most of the time that's what you ought to have. But what even medical people have done, when there have been possible treatments for cancer which have not gone through the rigorous testing which is required, they will allow it to be used. They call it pilots or studies on people who know what the risks might be. But they say, I am doomed and I'm willing to try anything. And sometimes the thing works, sometimes it doesn't; but I haven't heard of any yet that made a person worse. So if we are too cautious when there is evidence that something can relieve the pain and suffering of people and there are those who are willing to undergo the risk in the hands of competent people, then you might have to relax standards somewhat. But that's a lot different from what I mentioned earlier about this extremely powerful anti-pain medication. There should be no relaxation of the standards because every condition that this powerful drug is to treat, there are opiates right now not nearly so powerful which treat them. These capsules will wind up on the streets in the hands of young people, older people. And some will not know what they're getting, just like some don't know what they're getting when they use this...they keep calling it false or artificial or imitation marijuana. If I'm a drug dealer, I don't care if what I sell kills you. That's on you. But it's different when the FDA and others, who ought to do better because they know better, will allow some of these substances to be put out for the public at large, as long as they're prescribed by a doctor. There have been examples of doctors having been co-opted by drug companies, and in exchange for pay they will give glowing recommendations for drugs. There are others who are in practice and there are pharmacists not on the payroll of drug companies but who will make money dispensing certain drugs at a much higher rate than would be legal and legitimate under any circumstances. [LB1001]

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SENATOR COASH: One minute. [LB1001]

SENATOR CHAMBERS: So wherever there is money to be made, somebody is going to make it. But this product we're talking about--hemp, it's not in there at all. I can throw a ball to Senator Lathrop and he can catch it. But the New York Yankees wouldn't look at either one of us to be on the field with them because we're playing with a baseball but we're not playing baseball. Hemp is a plant but it's not marijuana. It's not even in Little League by analogy. So I hope that the vote that was given for the amendment will approximate the vote that will move this bill forward. And I will level with you. If we can overcome some of the opposition... [LB1001]

SENATOR COASH: Time, Senator. [LB1001]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1001]

SENATOR COASH: Senator Chambers, you're recognized. [LB1001]

SENATOR CHAMBERS: If we can overcome some of the opposition and resistance to this plant, hemp, which has nothing to do with marijuana, I am looking beyond it, to the point when there can at least be some serious consideration given to this derivative of or from the marijuana plant that can help these children. The children do not take it by injection. They don't sniff it. It's not even ingested in a way that a drug would be ingested which is designed to produce a psychoactive effect, and nobody would give that to their child anyway. Aside from what is helping the children, it has been shown that marijuana--it's called medical marijuana--can be of help to people who are getting cancer treatments. I've never had anything approximating what I've been told the pain is that people who have cancer can suffer. But if I did, and something like marijuana would help me, I would get it. I'd get it however I could. I would break the law, because the law is breaking me. Sometimes until--and it shouldn't be that way--we experience what somebody else does, we cannot really have any sympathy even, let alone compassion, for that person. There is a song where they talk about this rich girl, you've gone too far and you know it don't matter anyway; you can rely on the old man's money. There's a lyric that says it's so easy to hurt others when you can't feel pain. So if you don't feel pain, you can inflict it on others. You can watch others suffering it and there is no sympathetic response in you. You do not...if you strike a string over here, it vibrates at a certain frequency. If you make a noise over there of the same frequency, you can hear this string responding to it. Well, that's the way people ought to try to sensitize themselves so that they don't have to have a finger cut off to understand what it means to have that happen, or to have a leg blown off or shot off, or be born with one leg shorter than the other or one arm not fully formed. Everybody who is a human being should be accorded that respect. Nobody should be hidden in a closet because of the way that they were born. Nobody should be ridiculed or treated like a monster because of the way they were born. I have one more time to speak, Mr. President. I'm going to

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put on my light and I'll stop now. [LB1001]

SENATOR COASH: You may continue on your third time. [LB1001]

SENATOR CHAMBERS: I've mentioned this version of the John Merrick story when I was trying to get people to view our brothers and sisters who have a different sexual orientation as human beings. John Merrick was the one called the elephant man. These tumors grew and were so powerful that they made his skull misshapen. That's why they called him the elephant man. So a burlap covering was made for him to put over his head, with eye holes. He was put in a circus in America; apparently he was born in England, I guess. And he was brought over here and put in freak show, and he was abused. And they would show him for money, and people would ridicule this person. So somebody was interested in him, took mercy on him, and they managed to get him passage to England. And this doctor or this good person--it's been so long ago since I saw this movie, it was black and white--he was in this train station and not only was he misshapen, he couldn't walk like somebody else. He kind of dragged one leg and limped along. And these little boys saw him, and reflecting the cruelty that had been inflicted on them and what they had seen adults do, they showed, for this creature, this thing, they started throwing things at him and chasing him. And having experienced this, he tried to get away, shuffling, stumbling, staggering; and he bumped into a little girl and she fell. All the crowd came after him, the hue and cry: Get him, get him. And they chased him and he went down these steps and there was a short passageway and then a dead end. He is standing against this wall. And all these people are out there screaming and hollering. I guess he might have felt like a cougar in a tree. And he looked at them and he said, I'm not an animal; I am a human being; I am a human being. And you could scarcely make out the words. But those words were so heart-wrenching that the mob got quiet. And you know what made him say that? Somebody came up and pulled the covering off his head and they saw what to them was a monster. And he reminded them that I am a human being. Why does it take that? And we might look at those children who chased him and say they should have been raised better. We can look at those adults who joined the chase and screamed the insults and say they should not do that. And maybe if we look deep in ourselves, we'd find something carefully hidden that did feel a resonating chord response to what that mob was doing, to what those children were doing, and we might say I'd have done the same thing. I don't know whether people would or not. But sometimes we have to be reminded that people who are given adjectives like misfortunate and unfortunate, they didn't choose to be that way. They didn't make themselves that way. There is something that this poet wrote and it was called "The Tiger." Tiger, tiger, burning bright in the forests of the night, what immortal hand or eye framed your fearsome symmetry? Did he smile his work to see? Did he who made the lamb make thee? But between the first part and that last couplet, there are things about how awesome and fearsome the tiger is. [LB1001]

SENATOR COASH: One minute. [LB1001]

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SENATOR CHAMBERS: Did you say time? [LB1001]

SENATOR COASH: One minute. [LB1001]

SENATOR CHAMBERS: If everything that is created, if everything that is here was created, and if there is one creator and if all nations of people are made from one blood, who are human beings, in their arrogance, to say that some are not worthy? Or as the title of that movie, Children of a Lesser God. I thought there was supposed to be only one god for those of you all who believe. And how does your father, your father god feel, if that father god has feelings, about the way brothers and sisters are treated by some of the members of the family who feel they're better off? Thank you, Mr. President. [LB1001]

SENATOR COASH: Thank you, Senator Chambers. Seeing no other members wishing to speak, Senator Wallman, you're recognized to close on the advancement of LB1001. [LB1001]

SENATOR WALLMAN: Thank you, Mr. President and members of the body. I appreciate the dialogue. And Senator Smith was kind enough to give me something from Kentucky here, and the hemp did indicate \$200 to \$400 net return, which is nothing to sneeze at in Kentucky. So again, thank you. And we couldn't have props up here. I seen some of the stuff that was made out of this industrial hemp. It's tough stuff, tough clothing. And also it's kind of a petrol...instead of petrol plastic, it's a hemp plastic, so it's a lot of good things can be done with this. Thank you, Mr. President. [LB1001]

SENATOR COASH: Thank you, Senator Wallman. Members, you've heard the closing to LB1001. The question for the body is, shall LB1001 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB1001]

ASSISTANT CLERK: 32 ayes, 1 nay on the motion to advance the bill, Mr. President. [LB1001]

SENATOR COASH: LB1001 does advance. Items, Mr. Clerk. [LB1001]

ASSISTANT CLERK: Mr. President, I do. Amendments to be printed to LB752 from Senator Chambers. Name adds: Senator Pirsch to LB832. (Legislative Journal pages 735-736.) [LB752 LB832]

And, finally, a priority motion. Senator Crawford would move to adjourn until Wednesday, March 5, 2014, at 9:00 a.m.

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