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Floor Debate
April 09, 2014

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SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. What day is it? Fifty-ninth...fifty-eighth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor Lewis Miller from the Bremer (phonetically) Mennonite Church...excuse me, Beemer Mennonite Church from Beemer, Nebraska, Senator Lydia Brasch's district.

PASTOR MILLER: (Prayer offered.)

SENATOR WATERMEIER: Thank you, Pastor. I call to order the fifty-eighth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have nothing at this time, Mr. President.

SENATOR WATERMEIER: Thank you, Mr. Clerk. Proceed to the first item on the afternoon (sic) agenda, Mr. Clerk.

CLERK: Mr. President, LB254. No E&Rs. Senator Coash would move to amend the bill with AM2901. (Legislative Journal page 1466.) [LB254]

SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. A few nights ago we spent a lot of time talking about a bill that would provide for some coverage for children with autism, eliminate a sunset for a cancer drug, and to provide some relief to families who need some baby food formula that they cannot get. And I told you at that time that this was important to me and that there wasn't anything I wouldn't do to get this across to the finish line. So I put it on LB799. Well, the wheels came off and that car is on the side of the road. That was two long days ago. Yesterday we took a ride on, I

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think it was LB699. Got kicked off of that car. But what I present to you in LB or AM2901 is an amendment that takes everything out of LB254 and places those things in it. And we got a new car with a 254 engine. Colleagues, this is a big deal. And I don't see a need to rehash all the reasons that we need to do this. We've spent time on that. I want to thank Senator Adams for his assistance in getting me a vehicle that we could use. For the record let me be clear, nothing in LB254 as it sits today will remain after this amendment is adopted. And this is our chance, colleagues. We can be the 35th state in the Union to do what's right. I know you've heard from the families whom this will affect. And I know that their stories have touched you as they have touched me over the last years that I've worked on this issue. I want to thank you all in advance for your support, your patience on this issue, and ask that you vote green on AM2901. Thank you, Mr. President. [LB254 LB799 LB699]

PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Thank you, Senator Coash. (Doctor of the day introduced.) Senator Davis, you are up next and recognized. [LB254]

SENATOR DAVIS: Thank you, Mr. President. I just want to rise in support of this bill and commend Senator Coash for his tenacity and his hard work in getting it done and urge the body to move it forward. Thank you. [LB254]

PRESIDENT HEIDEMANN: Thank you, Senator Davis. Anyone else wishing to speak on AM2901? We have Senator Gloor and Senator Carlson. Senator Gloor, you're up next and recognized. [LB254]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. I will be in support of this mandate. I will be in support of Senator Nordquist's, Senator Conrad's bills. I understand the vehicle that we've chosen here. I understand the needs these families have. But I need to point out something that is so obvious to me and has been mentioned so little that I think it would be wrong if the record did not point out the fact that in our enthusiasm to provide added benefits to people who already have insurance, looking to the number of people who were excited about cosigning on to bills that add to the benefits of people who already have insurance, that we still have a large segment of our population that has no access to insurance. And there should be an irony here that we have spent so much time arguing about the issue of expanding insurance plans and so little time by comparison dealing with...that...and, by the way, with benefits that affect very small numbers of people who have a need, whose families have an added expense that they struggle with. I understand it. I get that. But there are tens of thousands of Nebraskans who we still need to figure out a way and need to bring some sort of thought process and enthusiasm to, to get coverage. Several weeks ago, we talked about large amounts of dollars that get spent for lobbying firms to move forward business interests. Don't kid yourself. There are large dollar amounts that also get spent

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for lobbying firms to bring forward these sorts of interests. But nobody spends those kinds of monies lobbying for people who don't have any coverage, who would like to get some level of coverage, who would like to have treatment for blood pressure and diabetes, things that will eventually grab them in ways that have ambulances haul them into hospital emergency rooms where we will, through charity care, shift that cost to all Nebraskans. Friends, we have got to figure out a way in a collaborative sense of being as enthusiastic signing on to bills to add coverage for those people who have nothing when it comes to insurance. We've got to figure out a way to get as enthusiastic about that as we are about adding additional benefits to people who already have some level of coverage. I hope in the next couple of years we can figure out a way to do that without rancor and progress in a way that makes this a pretty straightforward discussion with some enthusiasm behind it. Thank you. [LB254]

PRESIDENT HEIDEMANN: Thank you, Senator Gloor. Senator Carlson, you are recognized. [LB254]

SENATOR CARLSON: Thank you, Mr. President, members of the Legislature. I also rise in support of LB254 and AM2901. And we discussed a lot of issues during this session that are very, very difficult issues, as Senator Gloor just mentioned. And we have differences of opinions on how those various things should be handled. But I've said it before and I'll say it again this morning, I appreciate the hard work and the determination of Senator Coash in trying to find a way that autism could be addressed. I know that Senator Nordquist had a genuine concern about his bill moving forward. And I know without a doubt Senator Conrad has a genuine concern about families that find themselves in a position of no help with this formula. And I appreciate that there was a way found that these families could be helped without putting it on insurance and gives an opportunity to view whether or not the dollars set aside to provide this help are adequate and whether this will help answer the question. We do have differences of opinions. And when we don't tend to accept one another's differences in a civil manner, it's problematic, it's troubling. But overall eventually we tend to move forward in a positive direction. And I believe that's what's happening here with LB254 and AM2901, and I do approve of these measures. Thank you, Mr. President. [LB254]

PRESIDENT HEIDEMANN: Thank you, Senator Carlson. Senator Burke Harr, you are up next and recognized. [LB254]

SENATOR HARR: Thank you, Mr. Lieutenant Governor, members of the body. I, too, rise in support of AM2901. LB799 ran into a huge buzz saw. Unfortunately, the debate lasted until 11:49. At that point, the Legislature adjourned for the day. There was significant opposition to the main subject of the bill. Some have described it as a frustrating debate to listen as there were many positive thing...there were not many positive things said about the industry by the opposition. Well, that's me. This was an e-mail I received. I just want to make it clear. I support the insurance industry. I'm a

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huge fan of the insurance industry. It's just...and it's done a lot of great things. I wouldn't be here today without the insurance industry. It's a good industry. Just because I don't agree with that industry at all times doesn't mean...or a certain piece of the legislation doesn't mean I don't like the industry. So this is a great amendment. It's something we need to do, something we probably should have done earlier, as Senator Coash said. This is...we're the 35th state to do this. I support it. Senator Coash has put an amendment on one of my bills. I hope after this he'll lift that amendment. If he doesn't, that's fine. We can talk about that at the appropriate time. But it is amazing that we are expanding coverage for those who already do have it and yet we do nothing, as Senator Gloor said, for those who have none. We got to do that. Focus on that next year, folks, for those who have no insurance. I hope everyone who votes for this realizes the importance of insurance, that everyone has access to healthcare. And so if you vote for this, hopefully those of you returning next year and hopefully I'm one of them, will also vote for expanded Medicaid so that all Nebraskans can have basic healthcare. Thank you. [LB254 LB799]

PRESIDENT HEIDEMANN: Thank you, Senator Harr. Senator Bloomfield, you are up next and recognized. [LB254]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, colleagues. I want to join the group congratulating Senator Coash. I also want to congratulate this body. When we decided not to add this to another bill where it did not fit and risk a constitutional challenge, we did the right thing. I don't think we always do that, but we certainly did here. And I want to thank Speaker Adams for making a vehicle available to Senator Coash. This is a much better home for something that needs to be done and it's going to be done right. Thank you. [LB254]

PRESIDENT HEIDEMANN: Thank you, Senator Bloomfield. Senator Ken Haar, you're up next and recognized. [LB254]

SENATOR HAAR: Mr. President, members of the body, I do rise in support of AM2901 and LB254. But I want to echo the sentiments of Senator Gloor. I think it's really important to talk about that a little bit. I, too, feel it's really ironic that such heroic efforts, and I think it's appropriate, have been made around the people covered in AM2901 and yet we have ignored those 54,000 Nebraskans who have no health insurance and are falling through the cracks. The big disappointment of this year for me has not really been my LB965 although, because I can continue to work on that. My big disappointment has been that we have picked winners and losers and the losers here have been the 54,000 Nebraskans who aren't covered with insurance. We heard earlier that so many states have covered what's covered in AM2901. Well, we also know that many, many states, including very red states such as Texas, Arizona, have chosen to expand Medicaid. And in this case it would have been to 54,000 Nebraskans who need healthcare coverage. They will continue, of course, to get the kind of emergency care

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that anyone is entitled to by federal law by going to the emergency room. We will continue to pay for that. And I really hope we'll see the same kind of enthusiasm because, as you can tell from the discussion, there will be those of us who keep reminding the body next year that there are other people who have great needs when it comes to health insurance and health coverage, and we need to cover them as well. Thank you very much. [LB254 LB965]

PRESIDENT HEIDEMANN: Is anyone else wishing to speak on AM2901? Seeing none, Senator Coash to close. [LB254]

SENATOR COASH: Thank you, Mr. President. Thank you, colleagues, for your comments. I am humbled by the support, and a few things were said this morning that really gave me pause. This effort has been described as heroic. I don't know if that's appropriate. I just did what I said I would do and the real heroes in this are the families who are to be affected by this. These are families who struggle and they do much more than I've done on this effort by virtue of their love for their children. And they do what parents do. They fight. They fight for their kids and that's what they've done. And although I appreciate the accolades, I think they're better placed with those moms and dads who have hung through this issue for the past two years. So I thank them. With that, I will urge your support of AM2901. Thank you, Mr. President. [LB254]

PRESIDENT HEIDEMANN: Thank you, Senator Coash. The question is the adoption of AM2901 to LB254. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB254]

ASSISTANT CLERK: 41 ayes, 0 nays on the adoption of Senator Coash's amendment. [LB254]

PRESIDENT HEIDEMANN: The amendment is adopted. Mr. Clerk. [LB254]

ASSISTANT CLERK: Mr. President, I have nothing further on the bill. [LB254]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB254]

SENATOR MURANTE: Mr. President, I move to advance LB254 to E&R for engrossing. [LB254]

PRESIDENT HEIDEMANN: Senator Krist, did you have...? [LB254]

SENATOR KRIST: I did. Thank you for recognizing that I had my chair light on. Good morning, Mr. President, Lieutenant Governor, and members. I just wanted to say, and I think it goes without saying but I want to make sure it goes on the record, Speaker Adams is...should be credited for making this happen, for looking for an opportunity to

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make this happen within his prerogative and his scheduling methodology. I thank you, sir, for your leadership and for making this happen today. It's important for all those kids and families that we are working through. And thanks to Senator Coash for being the consummate bulldog that he is in making this happen. Thank you, Mr. President. [LB254]

PRESIDENT HEIDEMANN: Members, you have heard the motion. All those in favor say aye. All opposed say nay. LB254 is advanced. Mr. Clerk. [LB254]

ASSISTANT CLERK: Mr. President, the next bill is LB276. I do have E&R amendments. (ER215, Legislative Journal page 1186.) [LB276]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB276]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB276]

PRESIDENT HEIDEMANN: Members, you have heard the motion. All those in favor say aye. All opposed say nay. The amendments are adopted. [LB276]

ASSISTANT CLERK: Mr. President, the next amendment from Senator Nordquist is AM2726. But, Senator, I have a note to withdraw this amendment. [LB276]

PRESIDENT HEIDEMANN: Senator Nordquist? [LB276]

SENATOR NORDQUIST: Yes. [LB276]

PRESIDENT HEIDEMANN: The amendment is withdrawn. [LB276]

ASSISTANT CLERK: Senator Nordquist would offer AM2742. (Legislative Journal page 1380.) [LB276]

PRESIDENT HEIDEMANN: Senator Nordquist to open on AM2742. [LB276]

SENATOR NORDQUIST: Thank you, Mr. President, members. AM2742 makes a couple of changes to the underlying bill. And this is, if you remember, we're expanding services that schools can seek Medicaid reimbursement for. The amendment was largely drafted by Tammy Barry, legal counsel to the Education Committee. A couple of the pieces, right now we fund our Early Intervention Act by transferring out of special education. We moved the date in this amendment, which allows us to better capture the additional dollars that are coming in, and we will be moving out the early intervention. It'll become a General Fund appropriation in the future, but we are going to save significantly more in General Fund expenses by expanding the services that schools can get Medicaid reimbursement for and, therefore, not have to get special education

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reimbursement for. So the fiscal note will be decreased significantly. The other significant portion of the amendment is current law requires participation by school districts in this program. We initially had it that if they don't participate, they would lose their special education funds. That's a pretty harsh stick. We think and, you know, I think the number is around 40 districts in our state that do not participate, some because they're just so small that it just doesn't make sense for the time and effort to do it. But we will still have in statute that requires them. We just won't have the stick of taking away their special ed dollars. And we think by expanding the services, that's enough of an incentive for more districts to look at doing this because before they were limited to just seeking reimbursement on the three services. Now we are broadening that. So that is the essence of the amendment. Thank you. [LB276]

PRESIDENT HEIDEMANN: Thank you, Senator Nordquist. Is anyone wishing to speak on AM2742? Seeing none, Senator Nordquist to close. Senator Nordquist waives closing. The question is the adoption of AM2742 to LB276. All those in favor vote aye; all those opposed vote nay. Have all you voted who wished? Record, Mr. Clerk. [LB276]

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of the amendment. [LB276]

PRESIDENT HEIDEMANN: The amendment is adopted. Mr. Clerk. [LB276]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend with AM2831. [LB276]

PRESIDENT HEIDEMANN: Senator Chambers to open on AM2831. [LB276]

SENATOR CHAMBERS: Mr. President, I withdraw that amendment. [LB276]

PRESIDENT HEIDEMANN: The amendment is withdrawn. Mr. Clerk. [LB276]

ASSISTANT CLERK: Mr. President, I have nothing further on this bill. [LB276]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB276]

SENATOR MURANTE: Mr. President, I move to advance LB276 to E&R for engrossing. [LB276]

PRESIDENT HEIDEMANN: Members, you have heard the motion. All those in favor say aye. All opposed say nay. LB276 is advanced. Mr. Clerk. [LB276]

ASSISTANT CLERK: Mr. President, with respect to LB276A, there are no E&R amendments. The first amendment is from Senator Chambers, AM2832. [LB276A]

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PRESIDENT HEIDEMANN: Senator Chambers, you are recognized to open on AM2832. [LB276A]

SENATOR CHAMBERS: Mr. President, I withdraw that amendment. [LB276A]

PRESIDENT HEIDEMANN: The amendment is withdrawn. Mr. Clerk. [LB276A]

ASSISTANT CLERK: Senator Nordquist would then offer AM2759. (Legislative Journal page 1483.) [LB276A]

PRESIDENT HEIDEMANN: Senator Nordquist to open on AM2759. [LB276A]

SENATOR NORDQUIST: Thank you, Mr. President and members. This amendment to the A bill simply reduces the General Fund allotment as I mentioned. With the date change, there won't be any...the General Fund impact is significantly reduced for the next two fiscal years, and then because of a study that was done essentially on the numbers of what we could expect to see for an increase in federal funds to our state because of the expended...extended services, there's an increase in the federal fund appropriation that's included in this amendment. While I'm speaking out, this bill has been a two-year work in progress and really want to thank everyone who's involved, including Senator Sullivan and Tammy Barry from the Education Committee, Senator Campbell, Michelle Chaffee from the Health and Human Services Committee and their full committees, as well as my staff and Senator Kolowski's staff and the Fiscal Office. It's been a very technical bill and I think we have a great bill put together here that will benefit our schools and the children they are serving. Thank you. [LB276A]

PRESIDENT HEIDEMANN: Thank you, Senator Nordquist. Is anyone wishing to speak on AM2759? Seeing none, Senator Nordquist to close. Senator Nordquist waives closing. The question is, shall AM2759 be adopted to LB276A? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB276A]

ASSISTANT CLERK: 32 ayes, 0 nays on the motion to advance, Mr. President. [LB276A]

PRESIDENT HEIDEMANN: AM2759 is adopted. Mr. Clerk. [LB276A]

ASSISTANT CLERK: Nothing further on the bill, Mr. President. [LB276A]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB276A]

SENATOR MURANTE: Mr. President, I move to advance LB276A to E&R for engrossing. [LB276A]

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PRESIDENT HEIDEMANN: Members, you have heard the motion. All those in favor say aye. All opposed say nay. LB276A is advanced. Mr. Clerk. [LB276A]

ASSISTANT CLERK: Mr. President, the next bill, LB390. There are E&R amendments. (ER234, Legislative Journal page 1358.) [LB390]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB390]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB390]

PRESIDENT HEIDEMANN: The question is the adoption of the E&R amendments to LB390. All those in favor say aye. All opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB390]

ASSISTANT CLERK: Mr. President, the next amendment from Senator Burke Harr, AM2750. I have a note to withdraw this amendment. [LB390]

PRESIDENT HEIDEMANN: The amendment is withdrawn. [LB390]

ASSISTANT CLERK: Senator Seiler has AM2770, also a note to withdraw. [LB390]

PRESIDENT HEIDEMANN: The amendment is withdrawn. [LB390]

ASSISTANT CLERK: Senator Schilz has AM2762 with a note to withdraw. [LB390]

SENATOR SCHILZ: Yes. [LB390]

PRESIDENT HEIDEMANN: The amendment is withdrawn. [LB390]

ASSISTANT CLERK: Senator Chambers, AM2848. (Legislative Journal page 1482.) [LB390]

PRESIDENT HEIDEMANN: Senator... [LB390]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I would like to ask Senator Christensen a question first before I open. [LB390]

PRESIDENT HEIDEMANN: Senator Christensen, will you yield? [LB390]

SENATOR CHRISTENSEN: Yes. [LB390]

SENATOR CHAMBERS: Senator Christensen, did you and I reach an understanding in the year 2014 B.C., which means before cougars? [LB390]

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SENATOR CHRISTENSEN: (Laugh) Yes. [LB390]

SENATOR CHAMBERS: And did I tell you that I will keep my word no matter what may have developed in the meantime? [LB390]

SENATOR CHRISTENSEN: Yes. [LB390]

SENATOR CHAMBERS: And you expect me to now keep my word and deliver on that. Is that correct? [LB390]

SENATOR CHRISTENSEN: That's correct. [LB390]

SENATOR CHAMBERS: Mr. President, under Senator Christensen's persuasive arguments, I withdraw that amendment. [LB390]

PRESIDENT HEIDEMANN: AM2848 is withdrawn. Mr. Clerk. [LB390]

CLERK: I have nothing further on the bill, Mr. President. [LB390]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB390]

SENATOR MURANTE: Mr. President, I move to advance LB390 to E&R for engrossing. [LB390]

PRESIDENT HEIDEMANN: Members, you have heard the motion. All those in favor say aye. All opposed say nay. LB390 is advanced. Mr. Clerk. [LB390]

CLERK: Mr. President, the next bill, LB916. I do have E&Rs, Senator. (ER214, Legislative Journal page 1185.) [LB916]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB916]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB916]

PRESIDENT HEIDEMANN: The question is the adoption of the E&R amendments to LB916. All those in favor say aye. All opposed say nay. They are adopted. [LB916]

CLERK: Senator Scheer would move to amend. Senator, I have AM2601. (Legislative Journal page 1386.) [LB916]

PRESIDENT HEIDEMANN: Senator Scheer to open on AM2601. [LB916]

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SENATOR SCHEER: Thank you, Mr. President. This is a fairly short amendment but I think fairly important. I want to note to the body that this does not do anything to the bill itself other than change one specific requirement. Under Senator Crawford's bill, the nurse practitioner is able to do an understudy, is what I will call it, for the first year of their life after schooling, and it would be under the supervision of another nurse practitioner with a minimum of one year's experience. I think that's a little minimal. This amendment simply changes that that first year that they are outside of school, that they are supervised by a physician. That's it. There are no agreements. There are no payments. Nothing has changed in the bill itself. All they are doing is being supervised by a physician so that they have that level of competency and technical support that they can draw upon rather than the minimum of a one-year experienced nurse practitioner. That's it. They can go wherever they'd like to go. They can do whatever they'd like to do. They just need to be under the supervision of that physician for the first year of their career. That is all that we're talking about in changing this bill. It does not require them to pay any monies that we heard about. It does not impede their ability to practice to the level that they can. It just provides them additional information and training. So from that vantage point I think it's a win-win. This is healthcare we're talking about. And I realize that we're trying to be expedient and fast in trying to expand healthcare, but I do think we need to do it in a safe and an effective way. I believe this accomplishes that. Thank you, Mr. President. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Scheer. Senator Gloor, you're up and recognized. [LB916]

SENATOR GLOOR: Thank you, Mr. President. I stand in opposition for this amendment, although I understand Senator Scheer's concern and where he's coming from. I wonder if Senator Crawford would yield for a question. [LB916]

PRESIDENT HEIDEMANN: Senator Crawford, will you yield? [LB916]

SENATOR CRAWFORD: Yes. [LB916]

SENATOR GLOOR: Senator Crawford, in this two-year period of time we're talking about... [LB916]

SENATOR CRAWFORD: One year. [LB916]

SENATOR GLOOR: ...where the mentoring goes on, is there any requirement that medical records be reviewed by the doctor or the nurse practitioner that's serving in this oversight capacity? Is there any signature monthly that needs to be captured and reported to the state? [LB916]

SENATOR CRAWFORD: No. [LB916]

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SENATOR GLOOR: So we're basically talking about a signed agreement, which was the basis of the problem we had in the first place, that requires no oversight, recordkeeping. We're back to the issue of commodities. Thank you, Senator Crawford. Here's the challenge in terms of our thought process with nurse practitioners, and I would remind the body that the new 407 process that we have did not recommend this. The body that got involved in the review, the Board of Health recommendation that came to us, this wasn't included. And the reason is because they recognize that nurse practitioners aren't a mini me version of physicians. They aren't. They continue to be nurses. People go to a hospital, by the way, to be nursed back to health. And that's not just a comfortable saying, it's the truth. Who do you see when you're cared for in a hospital? You see nurses 24/7. Doctors are a necessary part of that team. They come in, write orders. They're the ones who do the admissions. But it's the nurses that provide care to you in the hospital. And what nurse practitioners do is an extension of what they already do outside of the traditional hospital setting in caring for people in their own clinics and the organizations that they work for. It is nursing. This, to me with my experience in healthcare, is an understandable amendment, but it falls into the ages when we saw nurse practitioners as a mini me version of physicians. When a pharmacist gets out of pharmacy school, we don't assign them a two-year mentorship with a physician. We don't assign a physical therapist a two-year mentorship with a physician or a nutritionist or a respiratory therapist. We mentor them through a variety of ways with people who are practicing in the area and the field that they're going to practice. And that's what we're talking about with nurse practitioners, having them mentored by other nurse practitioners who practice differently in a different mode with different levels of responsibility than a physician. I don't think this amendment really hurts the bill in any way. I just don't think it accomplishes what we would like to accomplish. And I'll tell you this much from my experience. If I have a choice between nurse practitioners who are just out of school, I'll pick the nurse practitioner who is being mentored by another nurse practitioner, somebody who practices within the scope that they practice, understands healthcare and the way to practice the way they practice. I'll pick that nurse practitioner in training over a nurse practitioner who's being mentored by a physician. It's not a disparaging comment towards mentorship abilities of a physician. It just to me is common sense. I want a pharmacist who's being mentored by a pharmacist. I want a respiratory therapist being mentored by a respiratory therapist. And I want a nurse practitioner being mentored by nurse practitioners, plain and simple, and that's why I'm in opposition. As well intended as AM2601 is, that's why I'm in opposition to it. Thank you. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Gloor. Senator Crawford, you are up next and recognized. [LB916]

SENATOR CRAWFORD: Thank you, Lieutenant Governor. And I also stand in opposition to AM2601 and I echo most of the comments of my colleague Senator Gloor,

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except for I respectfully disagree that it will not harm the bill. This is not a simple nor a harmless change to LB916. And I would remind my colleagues that we had 29 votes in support of LB916, with some people out of the Chamber, and only 2 nay votes on General File. Just to remind you, LB916 strikes the integrated practice agreement from the nurse practitioner statutes. This change is consistent with recommendations from the National Governors Association, the Institute of Medicine, and the Federal Trade Commission. This change was also approved by our own Board of Health and Technical Review Committee, and by our own Health and Human Services Committee. Study after study shows that nurse practitioners provide safe and effective care in other states without an IPA agreement. And study after study also shows that nurse practitioners practice in safe, effective, and cost-effective manner in several states, including our neighboring Iowa, without even having a transition-to-practice compromise that we have already added to LB916 with a committee amendment that was adopted on General File. As Senator Gloor notes, we do not require this of any of our other health professions when they are board certified and licensed. But we have added that compromise in this case to LB916. Of the 17 states that allow nurse practitioners to operate without integrated practice agreements, only 4 of those states have transition-to-practice requirements. We decided to compromise and add the transition-to-practice requirement as four other states have done. We compromised further and said that nurse practitioners who are board certified and licensed to practice must have five years of experience before they can serve as a supervising provider in the transition to practice. Of the four states that have transition-to-practice requirements, all but one allow nurse practitioners to be the mentor or supervisor for that transition period. And, in fact, Utah, the last state to pass this kind of a compromise, in their statute requires that at least some of the time is spent under a nurse practitioner for the very reasons that Senator Gloor has just outlined. Colleagues, taking the nurse practitioner out as an option for the transition-to-practice supervisor fundamentally undermines the transition-to-practice compromise component of LB916 and the resulting ability of LB916 to help us recruit and retain nurse practitioners in our most underserved geographic areas and our most underserved medical areas. I would like to read from an e-mail I received from a woman who lives in Senator Davis' district expressing her concern about this amendment. She writes: I am a psychiatric nurse practitioner who graduated from UNMC, passed the national certification test, and now cannot practice because I cannot obtain a psychiatrist's signature on the IPA. If Senator Scheer's recent amendment passes, I still will not be able to practice. I cannot move my ranch. I cannot take my children out of their K through eighth grade rural school. I cannot move to a big city to obtain my 2,000 hours in the transition-to-practice clause. I cannot put my life and the lives of my family on hold even for a year, excuse me, for the time it takes to obtain those hours under a psychiatrist in some faraway city. [LB916]

PRESIDENT HEIDEMANN: One minute. [LB916]

SENATOR CRAWFORD: Thank you. It was difficult enough to leave the ranch and my

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family to obtain the required clinical hours in the graduate program. However, I know numerous psychiatric nurse practitioners who are more than willing to collaborate with me while I'm serving my rural community where I live, obtaining my 2,000 hours transition, and where the need is so great. These psychiatric nurse practitioners are experts in this field. My extremely rural community is just not underserved; it is not served. We do not have psychiatric nurse practitioners or psychiatrists out here. I attended graduate school precisely to serve my rural community and I'm prevented from doing just that. Colleagues, remember, 70 percent of the new psychiatric nurse practitioners we train are leaving the state. Who knows how many others are stuck in Nebraska like the woman in this letter unable to practice. In addition to the pragmatic reasons for opposing AM2601, I remind you... [LB916]

PRESIDENT HEIDEMANN: Time. [LB916]

SENATOR CRAWFORD: ...the Federal Trade Commission has warned states about restricting... [LB916]

PRESIDENT HEIDEMANN: Time. [LB916]

SENATOR CRAWFORD: ...thank you, trade. Thank you. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Crawford. Senator Scheer, you're up next and recognized. [LB916]

SENATOR SCHEER: Thank you, Mr. Lieutenant Governor. Let's correct some of the things that were stated. Senator Crawford made a big point about not being able to practice in rural Nebraska because of the IPA. This amendment does not require a nurse practitioner to have an IPA with any physician. It just states that it would be under their supervision. Let's get that clear. Let's not...you know, we're starting to use a lot of fog, a little mirrors here, to get this past the finish line. So let's be specific and let's be fair about this. Secondly, Senator Crawford said it's a cost-effective way to provide medical care. Let me inform the body it is cost-effective, but it is no more cost-effective than anything else. The reimbursements for a nurse practitioner are exactly the same as a physician. If a physician is reimbursed by either Medicaid or an insurance company, we'll say \$50 for a service, the nurse practitioner is still reimbursed that same \$50. It's effective, sure, but it's not any less expensive. So if what we have now is cost-effective, what we will have after this bill, regardless of this amendment, is still going to be the same. Bear in mind, nurse practitioners are diagnosticians. They're not service...they are service providers but they're not nursing, they're diagnosing. You're going into an office to find out what's wrong with you. That is a little bit different than what's going on in a hospital. And bear in mind, in a hospital those nurses are supervised by physicians. This isn't something that lasts forever. This is the same transition that Senator Crawford has in her bill. It just simply says for that first year. And by the way, correcting Senator

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Gloor, this is not a two-year requirement. It is a one-year requirement that it would be required that you would be under the supervision of a physician. Having said that, that person, that nurse practitioner in Senator Davis' district can still practice. She can still collaborate with a physician or a psychiatrist any place in the state of Nebraska or outside the state for that matter. This doesn't restrict where they can practice. Again, Senator Crawford is not being forthcoming. This is not restricting anyone from practicing anywhere. It's just who's going to be in that supervisory role--a nurse practitioner or a physician. That's it. That's the only difference we're talking about here. It doesn't change her transition to practice and it doesn't change the ability for rural areas to recruit nurse practitioners to come into the facility. I'm not against nurse practitioners. They serve a very important process and part of our healthcare here in the state of Nebraska. What we're talking about is a little additional training and supervision as they come out. And, yes, we don't have pharmacists that are under...that have to do supervision under a pharmacist. They all have the same amount of training. Nurse practitioners as a diagnostician does not have the same education or experience that a physician does. We all know that. I cannot understand what would be wrong with having somebody with a little larger knowledge base and experience... [LB916]

PRESIDENT HEIDEMANN: One minute. [LB916]

SENATOR SCHEER: ...having that ability to work with that nurse practitioner to help solve some of the problems that may come into that person's office. I would urge you to think about what this is. As Senator Gloor said, this does not hurt the process. In his words, maybe it doesn't help it, but it sure doesn't hurt. And if this process would catch one missed diagnosis, wouldn't it be worth it? This is healthcare. This is one year. It doesn't change anything else. Everything that Senator Crawford said has nothing to do with what this has to say at all. And all it is doing is simply changing the position of a nurse practitioner as those that are supervising to a physician. That's it. No scares. No long-term commitment. No agreements. No money. It is exactly the same as the bill. [LB916]

PRESIDENT HEIDEMANN: Time. [LB916]

SENATOR SCHEER: Thank you, Mr. Lieutenant Governor. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Scheer. Senator Campbell, you're up next and recognized. [LB916]

SENATOR CAMPBELL: Thank you, Mr. President, and good morning, members of the Legislature. I just want to visit a little bit about this bill and remind our colleagues since our last discussion on it, this is not what one would call a scope-of-practice bill. Yes, it did go through the 407, but we use that process for a lot. The nurse practitioners' scope of practice is not changing. What we are trying to do I think in Senator Crawford's bill,

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and she has done an enormous amount of research and work for this bill, is we're trying to recognize that healthcare is moving to a much more integrated team concept. As one of the physicians said and testified before us, it's not the old pyramid with the doctor at the top and then everybody coming down on that pyramid. It's more now moving to a circle where people who have distinct roles, distinct scope of practice are coming together to serve patients. One of the things that is important to remember about nurse practitioners is that they are also moving to advanced degrees. Most of them have a master's, and by 2015 most of them will have a doctorate degree. They bring into this integrated team a very distinct role and a role that certainly can be very helpful as a healthcare provider. I do believe that the bill before us clearly gives them a more fullness and rounded out to their scope of practice. I totally agree with Senator Gloor and his comments that we do not require supervision when people come out and they are ready to practice in any number of fields in healthcare. Nurse practitioners are being trained for their role. They are ready and they are a very important and distinct member of the integrated healthcare team. I do not believe that the amendment brought forward adds to the bill nor is it necessary. And I would urge your vote against the amendment proposed. Thank you, Mr. President. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Campbell. Senator Conrad, you are up next and recognized. [LB916]

SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in support of LB916 and thank Senator Crawford for her leadership on this important issue. I think that this is an appropriate evolution of our healthcare delivery system and I know her and the parties involved have worked diligently to address all of the related policy details in terms of accomplishing this effort. I am particularly supportive of this measure because I had the great pleasure of receiving fantastic care from a nurse practitioner during my lifetime and was astounded by her talents and abilities and I am eternally grateful for the good care that I received from that nurse practitioner. In addition to that, I have at least one constituent who has been actively engaged on this issue and has provided me with numerous pieces of educational information about the need for making this policy change. And I have been so grateful for her time and ability to walk me through all of these technical issues and to provide that front line's perspective about the need to address this issue and move forward. And I know that the care that she provides to many students at the University of Nebraska-Lincoln Health Center is right in the heart of my district. And so ensuring that those students have appropriate access to the healthcare that they need is another important piece of this, in my mind. I agree with Senator Campbell that it seems this is much more of an administrative topic rather than a traditional scope-of-practice issue, and I commend Senator Crawford and others who have done their due diligence in bringing this issue forward. I'd be happy to yield the balance of my time to Senator Crawford if she would so desire. [LB916]

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PRESIDENT HEIDEMANN: Senator Crawford, 2 minutes and 45 seconds. [LB916]

SENATOR CRAWFORD: Thank you, Senator Conrad. And I will just finish the paragraph that I started earlier and not take any more time after that. So as I was talking about the fact that we have 70 percent of new psychiatric nurse practitioners that we train here are leaving the state and we don't know how many others are...may be stuck in Nebraska, like the woman in Senator Davis' district, unable to practice. In addition to the pragmatic reasons for opposing AM2601, I remind you that the Federal Trade Commission has warned states about restricting trade in the healthcare market by putting one health profession, namely physicians, in a place to control access to the marketplace by another health profession, in this case nurse practitioners. And I would like to also thank all of those who have been so supportive and helpful in working through this very important issue to improve healthcare access in Nebraska, and thank Senator Watermeier again for making this his personal priority bill. And I urge your vote no on AM2601 and your vote yes on LB916. Thank you. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Crawford. (Visitors introduced.) Senator Davis, you are up next and recognized. [LB916]

SENATOR DAVIS: Thank you, Mr. Lieutenant Governor. I rise in support of LB916 and opposed to AM2601. Senator Crawford has done her homework on this project. And the thing I'd like to address really deals with remoteness because that's what we have in the Panhandle, in the Sandhills counties which I represent. Senator Crawford referred to a constituent of mine from Wood Lake whose training is in psychiatric nursing but who's unable to perform her duties because of the barriers that are in place. I have an e-mail from a constituent of mine, actually she's a constituent of Senator Harms's from Scottsbluff, who deals with this same thing. She deals with geriatric patients, does training with people who are in McCook, other areas of the state, but they're not able to practice because of problems and barriers that the state has put forward. I've got an old friend from Alliance who years ago moved to Denver and became a nurse practitioner and she wants to move back to Alliance. She can't do that because of the rules and regulations that we have in place. It's time for us to think about how we're going to provide healthcare in rural Nebraska because the resources aren't there. So my geriatric...Senator Harms's geriatric constituent nurse practitioner is dealing with people from Chadron who drive down to her for services. And those people also go to South Dakota and elsewhere. This is a good bill and the amendment, to me, is a barrier that we just don't need. So I'm in opposition to that and I hope the body will move forward on LB916 as it is. Thank you, Mr. President. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Davis. Senator Harms, you are up next and recognized. [LB916]

SENATOR HARMS: Thank you, Mr. President, colleagues. Senator Crawford, would

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you yield just for a couple of questions, please? [LB916]

PRESIDENT HEIDEMANN: Senator Crawford, would you yield? [LB916]

SENATOR CRAWFORD: Yes. [LB916]

SENATOR HARMS: Senator Crawford, does your legislation require any additional training after the...after graduation? [LB916]

SENATOR CRAWFORD: After a nurse practitioner has graduated, has been board certified, and licensed, LB916 requires they spend 2,000 more hours under supervision of either a physician or a nurse practitioner that has five years of experience. [LB916]

SENATOR HARMS: How many hours of training overall do they actually have? [LB916]

SENATOR CRAWFORD: Can you repeat that question? [LB916]

SENATOR HARMS: Yes. How many hours of training do they actually have maybe? [LB916]

SENATOR CRAWFORD: The total hours of...Senator Harms, I would argue, I think one of the arguments physicians keep making is trying to compare the number of hours they have versus the number of hours that other providers have. And in the end really the issue is not the number of hours of provision because their scope is much smaller than that of physicians. The issue is what evidence we have about health outcomes and quality of care. [LB916]

SENATOR HARMS: Senator Crawford, I understand it, but what are the hours? [LB916]

SENATOR CRAWFORD: The hours of training? I do not have that number off the top of my head. I will find it for you if that's... [LB916]

SENATOR HARMS: Well, I think the hours are about between 500 and 600 hours, and that compares to only 4 percent of the clinical hours that a physician has. Okay. So there is a difference here and I don't want anybody to be confused here. There is a difference at the level. Now the other question I have for you, in your legislation, do you have any requirements for collaborative agreements? [LB916]

SENATOR CRAWFORD: Pardon? What was that again? [LB916]

SENATOR HARMS: Do you have any arrangement or anything in the law that talks about collaborative agreements with physicians to help them that you are requiring then? Are they independent or... [LB916]

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SENATOR CRAWFORD: Oh, thank you. Thank you for asking that question. [LB916]

SENATOR HARMS: Yes, thank you. [LB916]

SENATOR CRAWFORD: The existing nurse practitioner statutes require nurse practitioners to collaborate, refer with other providers, and the issue is all that we're doing with LB916 is taking out the contract that was part of IPA...that was the integrated practice agreement that they had to have a signed contract with one physician. Nurse practitioners are still required to collaborate and they're still required to delegate and refer. That's still required in their scope and the board is required to enforce that they do collaborate. We did not change that part of the statute. That's still required, that they collaborate, confer, and refer patients. [LB916]

SENATOR HARMS: And when we define collaborate, how do you... [LB916]

SENATOR CRAWFORD: Collaborate is actually defined in the statutes. And so it will take me a moment to find that, but it is...if you actually are interested in the definition of collaborate, it is actually in the statute and that is part of the original green copy. So you can find the statute definition of collaboration there. [LB916]

SENATOR HARMS: The question that I have that I'm leading up to, collaboration with whom? [LB916]

SENATOR CRAWFORD: Collaboration with the healthcare provider that's most appropriate for the patient that's in front of them. And that's what's so exciting about this change, that we are saying...and the nurse practitioners talk passionately about the fact that they needed to collaborate with the provider that was most appropriate for the patient in front of them. Often, that's that patient's physician but it might...and it might be a specialist. The issue is to collaborate with the healthcare...other appropriate healthcare provider given the situation of the patient in front of them. [LB916]

SENATOR HARMS: So, Senator Crawford, then how does that collaboration actually take place? [LB916]

PRESIDENT HEIDEMANN: One minute. [LB916]

SENATOR HARMS: Is this being done electronically? I mean, because if we don't use technology in this process, the use over the telephone and what the nurse is thinking most likely this patient may have without using the technology and for the physician or whoever they're working with to actually get a better picture of that, I have some concerns about the risk that we might have here. [LB916]

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SENATOR CRAWFORD: Thank you for that question. There is no restriction in the statute that limits the use of innovative technology for this collaboration. So I'm expecting that nurse practitioners and other health professionals are using the best technology they can to collaborate for the best quality of care for their patients. [LB916]

SENATOR HARMS: So the best use is how, because we're talking about rural Nebraska here, and I'm very familiar with where we are in regard to the technology side of that. So what I'm trying to get to is how are they going to do this? [LB916]

PRESIDENT HEIDEMANN: One...excuse me, time. [LB916]

SENATOR HARMS: Thank you, Mr. President. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Harms. Senator Watermeier, you are up next and recognized. [LB916]

SENATOR WATERMEIER: Thank you, Mr. President. I rise in support of LB916 and in opposition to the AM. And just to give you a little bit more history, this is my priority bill. And I didn't really agonize over it, but it was gotten to the bottom it was kind of an easy decision, and I mentioned this early on General File that really wasn't to me a scope-of-practice issue. The nurse practitioners as they come out of school now are not going to be changing one thing about what they do. We are going to change and remove the IPA agreement, which I think was a big obstruction. But I also want to stand and recognize Senator Scheer and thank him for the amendment because we need to do this more on our bills. Sometimes they just go through without one individual person standing up and saying I don't think this is right. But I'm still going to be in opposition to Senator Scheer's amendment. But what it did do for me is force me to go back to the very beginning to every person that talked to me about this bill, why I prioritized this bill, and it comes back to the fact we're not just helping rural Nebraska in healthcare. We're helping the state of Nebraska. We're allowing these individuals to do exactly what they learned in school. We're allowing these individuals to practice underneath. The majority of the time will be supervised by the individuals in that field. We want them to be supervised by a nurse practitioner. If they have an MD, if they have someone like that in their building in the facility, that's fine. But we hope that they still go back and learn the habits of diagnosing what a nurse practitioner does. That's what we're trying to do is to emphasize that patient-centered medical home where the patient is in the middle and we have these people servicing this individual. We're not trying to take a nurse practitioner and make him or her into a doctor. Think of all the levels of care in healthcare. We have...and this has been confusing to a lot of the individuals and the public I think. We have the physician assistants. They are directly underneath a doctor. That's a whole different arena. We have these psychiatrists in this field that are trying and begging to get to the public. And this amendment is going to prevent a nurse practitioner from providing that first level of care, that first identifying this individual

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needs some psychiatry help. This amendment will hurt that because it does affect where he or she can be employed. If we restrict this person to be underneath a medical doctor, we will immediately eliminate where they can work. Senator Scheer's comments were actually accurate that it's not going to be a cost savings. The cost savings come by having more providers to the general health of the state of Nebraska. But it's not going to change someone's insurance claim. So I just want to make it very clear. I do want to thank Senator Scheer because he took a step here really by himself and I really appreciate him coming to me and saying, Senator Watermeier, I'm going to put this amendment on your bill. We did it on General File. He cleaned it up. He's got it where he thinks is right. And I really respect where he's coming from. But I will have to remind the body that what we're trying to do here is we're not trying to create an MD. We're trying to create this patient-centered medical atmosphere for this patient. And this is one cog in a very, very complicated process. That's all that we're really trying to do is to make sure we're training the people that are going to be effective in their job. So I still stand in opposition to Senator Scheer's amendment, but I would really appreciate the dialogue here. I think it's healthy. But I'm going to be in opposition to the amendment and strong support of the bill. Thank you, Mr. President. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Watermeier. (Visitors introduced.) Senator Krist, you're up next and recognized. [LB916]

SENATOR KRIST: Thank you, Lieutenant Governor. Good morning, colleagues, again, and good morning, Nebraska. I have to say that when this bill came through our committee, it isn't the first time that I have heard the nurse practitioner stories and their goals and objectives. We've heard from them I think off and on in the time that I've been in Health and Human Services. And with Senator Campbell's leadership, Senator Gloor's leadership, I think that what we have done here is finally come to a point to say that this profession is in all the analysis is doing it right. They're doing it better. They're doing it safe. And they have an internal compass I think that I was impressed with in talking to them personally and listening to their testimony. That internal compass is to continually strive to be the best as a profession that they can be to try to help solve our healthcare issues around the state and to strive continually for more education and more opportunities. Most of the community by 2015 will have to have a doctorate's degree to practice as a nurse practitioner. Let me say that again. Internally, they are growing their community, their profession, and they're increasing their own standards. I met very few nurse practitioners that were, as they say, fresh out of the box, brand new in the profession. What I saw mostly and who I talked to mostly were nurses that were psych ward nurses, emergency room nurses for years before they decided to again increase their capabilities professionally and become nurse practitioners. I'm convinced after listening to it in committee after dealing with the subject matter and again with my colleagues on Health and Human Services of which I enjoy my time there and the people I serve with, I'm convinced that we're doing the right thing here and that the nurse practitioners will become a more effective, more efficient answer to some of our

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issues in healthcare around the states...around the state of Nebraska. To Senator Scheer's concerns, I know that when...in my prior life when we checked out a brand new aircraft commander and airplane, we had somebody sitting next to him for a little while that watched everything that he or she did to make sure they were doing it right until we kicked them out of the nest and let them take a billion-dollar airplane to do what he or she needed to do. I think in this particular case, the profession internally teaches collaboration. They teach the kind of motivation that...or instill the kind of motivation that will solidify that collaboration and recognize when you are outside of your skill, outside of your comfort zone, and you need to ask for assistance and ask for that collaboration. I would invite you to vote red on AM2601 because I don't believe it adds anything to the bill and vote green on LB916 and trust that your Health and Human Services Committee has properly vetted this piece of legislation and it's good for Nebraska. Thank you, colleagues. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Krist. Senator Harms, you're up next and recognized. [LB916]

SENATOR HARMS: Thank you, Mr. President. Excuse me, I'm sorry. Senator Crawford, would you yield again, please? [LB916]

PRESIDENT HEIDEMANN: Senator Crawford, would you yield? [LB916]

SENATOR CRAWFORD: Yes. [LB916]

SENATOR HARMS: Senator Crawford, I want you to understand, first of all, I'm not being difficult with you. Okay? I just have a series of questions that I would like to ask you. I want to go back to the discussion that we briefly had or we started to have in regard to how these nurses will communicate with the physicians and how that's going to all take place, because I know deep into rural Nebraska our technology is not the best. And so how will that all take place and how do we...how are we assured that that communication is being done so that that patient is truly being taken care of appropriately, because that's what this is all about is about the patient and about making sure that they're getting the...that person is getting the adequate treatment that they need to have. And I understand rural Nebraska really well and I'm not saying that we're moving down the wrong direction. I'm just asking these questions for clarification in my own mind. So I would ask you that. If you could answer that for me I would appreciate it. [LB916]

SENATOR CRAWFORD: Sure. Thank you, Senator Harms. And I appreciate your concern about healthcare in rural Nebraska and also your concern about making sure that we're moving forward and using the best technology. And, again, LB916 does not change what technology or restrict in any way the technology that's available. And I will be working very hard as a member of this body and as a member of the Health and

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Human Services Committee when unfortunately we won't have you around anymore, Senator Harms, to make sure that we're improving and doing everything we can to improve our telehealth capacity. And so what I would say right now is that we have 40 years of studies showing that nurse practitioners are able to collaborate safely and effectively in urban and rural areas. And so that has been...and so that...all of that evidence, which I know matters a great deal to you, all of those evidence-based studies say that nurse practitioners are able to collaborate safely and effectively. And those studies have been done...and some of the other states that allowed nurse practitioners to practice are states that have rural areas as well. And so it has been studied in rural as well as urban areas, and nurse practitioners have been shown to be able to collaborate with whatever technology is available to them safely and effectively. And their health outcomes and their patient safety outcomes are as good or better when they're able to practice in the way that they will be allowed to practice under LB916. [LB916]

SENATOR HARMS: Senator Crawford, the studies that you are referring to are those...how many of those studies have been done in regard to Nebraska versus other states? What studies have been done in Nebraska that agrees with the statements that you're making? [LB916]

SENATOR CRAWFORD: Thank you, Senator Harms. Actually you cannot study nurse...the ability of nurse practitioners to practice without an integrated practice agreement in Nebraska because Nebraska requires the integrated practice agreement. So the studies that have been done have been studies that have compared care in states that allow nurse practitioners to practice without an integrated practice agreement. And many of those studies have compared...also compared nurse practitioner care to physician care. And one example, quite a bit of studies have been done in our VA system where they have really gone to a strong nurse practitioner model. And so the VA has been very heavily invested in studying the value of having nurse practitioners in those roles and the VA does not require an integrated practice agreement for those nurse practitioners. [LB916]

PRESIDENT HEIDEMANN: One minute. [LB916]

SENATOR HARMS: So, Senator Crawford, then we really don't know for sure then what I'm asking about Nebraska. Is that correct? [LB916]

SENATOR CRAWFORD: I would not agree with that, Senator Harms. I think we know very well from studies in many other states that...and also studies in the VA that the nurse practitioner care is safe and effective, and I see no reason why it would not be so in Nebraska. I think our Nebraska universities are training our nurse practitioners to be as qualified as the universities in other states. So I have no reason to expect the nurse practitioners trained in Nebraska would be any less qualified than the nurse practitioners trained in other states. [LB916]

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SENATOR HARMS: But we are...we're looking at the research side of it. I mean, you brought this up, and so I'm just going to kind of pursue this for a moment. We really don't have any valid proof about Nebraska... [LB916]

PRESIDENT HEIDEMANN: Time, Senator. [LB916]

SENATOR HARMS: Oh, thank you, Mr. President. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Harms. Senator Nelson, you are up next and recognized. [LB916]

SENATOR NELSON: Thank you, Mr. President, members of the body. I have a question or two for Senator Crawford if she would respond. [LB916]

PRESIDENT HEIDEMANN: Senator Crawford, will you yield? [LB916]

SENATOR CRAWFORD: Yes. [LB916]

SENATOR NELSON: Thank you, Senator Crawford. I've been listening to the dialogue between you and Senator Harms. I just...I want to be sure I'm clear on this. Your bill is doing away with integrated practice agreements. Is that right? [LB916]

SENATOR CRAWFORD: That is correct. [LB916]

SENATOR NELSON: Okay. And we've been talking about collaboration... [LB916]

SENATOR CRAWFORD: Correct. [LB916]

SENATOR NELSON: ...and that from what you tell me or what I hear collaboration is required under the statute. [LB916]

SENATOR CRAWFORD: Collaboration is still required in the statute. And, Senator Nelson, you can look at the green copy, and none of the amendments to LB916 have altered that. So what is in the green copy still remains. The green copy clarifies that the nurse practitioner are required to collaborate and consult and refer. And the statute also clearly defines what that means and the statute clearly puts the board in charge of enforcing and requiring nurse practitioners to collaborate, consult, and refer. [LB916]

SENATOR NELSON: Well, then my question is, how is that requirement enforced? It may be in the statute. If you're out in the middle of Nebraska out in the boonies, so to speak, or someplace like that isn't there going to be a tendency to just diagnose on your own without collaboration? And what is going to require someone to collaborate, a

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nurse practitioner? [LB916]

SENATOR CRAWFORD: That's a good question. I would say there is a very strong professional norm. And in our health professions, professional norms and professional trainings are key. There's an absolutely strong professional norm and professional training that nurse practitioners are going to collaborate and refer. And it is also the case there is enforcement. Nurse practitioners must keep their license. And so just as if any other health profession violates their statute, their practice act statutes, they put their license at risk. And that would be the enforcement mechanism. [LB916]

SENATOR NELSON: All right. Is it your feeling that if this bill does go through, you know, and all of the...what you're proposing there does take place, that there will still be integrated practice agreements? [LB916]

SENATOR CRAWFORD: No. [LB916]

SENATOR NELSON: Those will just all go away. Right? [LB916]

SENATOR CRAWFORD: Well, okay. Let me back up. There will be no required integrated practice agreements. It may very well be the case that a nurse practitioner who has a great agreement with a physician decides to have some kind of an agreement with the physician, but it will not be an integrated practice agreement as we currently understand them. [LB916]

SENATOR NELSON: Yeah. I didn't phrase my question very well. But that's exactly what I was driving at, that I would hope in a lot of cases that this collaboration through an agreement would continue unless for some reason, you know, it's financially prohibitive for the nurse practitioner because in this complex age with all the different problems we have, I just worry a little bit about being out there, especially if we're trying to help out rural Nebraska and get more nurse practitioners out there. When you're out there by yourself in isolation and seeing a lot of patients, I just worry a little bit about kind of trying to do it on your own with not necessarily all the knowledge that you have or all the experience behind it. And I would hope that collaboration and integrated practice would continue to the extent that it possibly can. Thank you, Senator Crawford. [LB916]

SENATOR CRAWFORD: Thank you. I'm sure. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Nelson. Senator Ken Haar, you are up next and recognized. [LB916]

SENATOR HAAR: Mr. President, members of the body, I rise in support of LB916 and against AM2601. I respect as well the research that Senator Crawford has done on this

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issue. And anytime we mess with scope, there's always controversy. And my measurement is, is it safe and are more people going to be able to be served? In this case, I feel that the research done by Senator Crawford and the committee satisfies me on both those counts. So once again I rise in support of LB916 and against AM2601. Thank you very much, Senator Crawford. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Haar. Senator Gloor, you are up next and recognized. [LB916]

SENATOR GLOOR: Thank you, Mr. President. I'm going to run through a couple of things quickly that I believe allow me to clear up what clearly is some backsliding here going back to when we originally talked about LB916. Senator Harms, the clinical hours number that you talked about, I'm not sure, I think I know where it came from, but I'm not sure how those numbers were collated. But, Senator, the issue here that needs to be understood is in my experience most nurse practitioners practiced as RNs, as professional nurses before they went back to school to become nurse practitioners. Those clinical hours can't be ignored, obviously. There can be thousands and thousands and tens of thousands of hours of clinical experience for those individuals. Not all may fit into that category. But to my experience, I frankly don't know a nurse practitioner who wasn't a nurse practicing in a hospital or in a physician's office before they went back to school to become nurse practitioners. Maybe I need to get out more, but that's my experience. Senator Nelson, understand, and this is one of the confusions over this bill, that the practice agreement didn't require any recordkeeping. It required a piece of paper to be signed, and that signed piece of paper became a commodity that physicians would charge a certain amount for. They never looked at the records. They didn't necessarily have a conversation with that nurse practitioner, except once a year when they agreed to re-up for the same amount or more dollars. So it isn't as if this provides and the independent practice agreement going away or that the amendment that Senator Scheer is talking about provides anything more than a signature on a blank. There is not a clinical records review oversight component that has been asked for in the past nor is it going to be moving forward. It's been part of the controversy around this. And, finally, and this is an important thing to consider, members, we're not talking about striking out a new territory here with LB916. In states where LB916 in its current form have been rolled out, there has been no increase in malpractice rates for nurse practitioners. This should be important because, in spite of all of our debate back and forth, the insurance industry watches this like a hawk for obvious reasons. And what's happened in other states has been appropriate levels of care that haven't resulted in malpractice suits, and malpractice suits result in premium increases, and that's not happened in those other states and it won't happen in Nebraska when LB916 becomes law, I'm convinced. Remember also this went through the 407 process. The new 407 process, we'll talk a little bit more about that on the next scope of practice bill. But the recommendations we have, two out of three votes are to move forward with LB916 by people who studied it in far more depth than we're able to do in this Chamber.

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And I would ask that we be supportive of the new 407 process. Thank you. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Gloor. Senator Harms, you're up next and recognized. [LB916]

SENATOR HARMS: Thank you. [LB916]

PRESIDENT HEIDEMANN: This is your third time. [LB916]

SENATOR HARMS: Thank you, Mr. President. I appreciate that. Senator Crawford, I'd like to just continue... [LB916]

PRESIDENT HEIDEMANN: Senator Crawford, would you yield? [LB916]

SENATOR CRAWFORD: Yes. [LB916]

SENATOR HARMS: Senator Crawford, as I said, I'm not trying to give you hard time here. [LB916]

SENATOR CRAWFORD: You aren't? [LB916]

SENATOR HARMS: Okay. I just want to continue the dialogue and the conversation just a little bit here. I'm going to go back to the conversation that I had off the mike with you just a little bit about comparison. One thing I've learned, Senator Crawford, here in the eight years is that each state is different and I think we have to be extremely careful when we start comparing what happens in one state versus what happens in another state. And so that's what I was trying to get across I guess basically is that we probably have some similarities here, but my point is we don't really have the data that actually zeros in on the very issue and topic we're talking about. Senator Crawford, the question I want to ask you, is it your judgment as you have reviewed this and have put the legislation together, and you have done your homework. I can tell that from the way you've handled yourself on this floor, and I appreciate that. Do you think at all that we are expanding that scope of practice at all? I've heard Senator Campbell, I thought she said that they weren't expanding the scope. Maybe I didn't hear that. But what are your thoughts about that? [LB916]

SENATOR CRAWFORD: Correct. When we talk about a scope of...expanding a scope of practice, we are generally talking about expanding the types of things that a practitioner can do. So we're talking about expanding their powers or expanding what they're able to do. In this case what LB916 does is it does not expand the types of things that a nurse practitioner can do. It simply removes the integrated practice agreement from the statute. [LB916]

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SENATOR HARMS: Thank you very much, Senator Crawford. And I appreciate what you're doing here. I also appreciate the preparation that you've had on this floor. You've done your homework and I thank you very much for that. [LB916]

SENATOR CRAWFORD: Thank you. [LB916]

SENATOR HARMS: Thank you, Mr. President. [LB916]

PRESIDENT HEIDEMANN: Thank you, Senator Harms. Is anyone else wishing to speak on AM2601? Seeing none, Senator Scheer to close. [LB916]

SENATOR SCHEER: Thank you, Mr. Lieutenant Governor. Just a couple of things in closing. We've heard about the flight of nurse practitioners out of the state or the inability of some to practice in certain areas. But remember, that's under the rules right now. This bill changes that substantially. All this amendment does is talks about who the supervisor is going to be. It doesn't change the ability to practice or where they can practice. It doesn't say that that supervising physician has to be in the same office any more than that nurse practitioner that maybe the supervisor has to be in the same office. That's not spelled out. It's just who the supervisor is going to be--a physician or a nurse practitioner. That's all that we're talking about. It doesn't restrict, from Senator Crawford's point as far as business practices, this doesn't restrict where they can practice, doesn't restrict it at all. They can go wherever they'd like. It does say that you have to have a supervisor. I don't change that. Her bill says it has to be a nurse practitioner or that it can be a nurse practitioner. Mine just simply says it has to be a physician. There's no difference. I'm not invading any new space. I'm not changing the rules. It all gets down to, is a nurse practitioner, coming out of their schooling, the best person as a supervisor to help them be in a diagnostic position? Remember, these are not nurses. These are not following doctor's orders and taking care of patients. They are diagnosing problems. And so I'm not trying to imply that they are physicians, but they are diagnosticians. That is different than the nurses that you would see in the hospital for the most part or in doctors' offices that are providing the service to the patient. It's been said this bill does not harm LB916. Then why not approve this? There's not any cost expense to the nurse practitioner. We've done away with the integrated practice agreement. It just simply makes sense to have those people that have a more experienced knowledge base help them when they come out of school on their first year. I do want to comment though. I'm not trying to imply that this is a scope of practice change in relationship to Senator Crawford's bill. I'm not arguing that at all. The only concern I've had all along is just the supervisory role. I don't have a problem with the bill other than that. This is not somebody that is trying to find a way or a problem with the bill that doesn't exist. She's done her homework. It is a philosophical difference I believe between Senator Crawford and others on the floor and myself of which would be the best supervisory person involved. I believe that would be a physician. I would remind people that if when we're talking about other entities coming out of schooling

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and needing a supervisor, we don't do that. But this bill specifically says we are going to do that. They are going to be supervised. [LB916]

PRESIDENT HEIDEMANN: One minute. [LB916]

SENATOR SCHEER: So the question is, who's going to supervise them? This bill already requires that, and if it wasn't required, why is it in the bill or if it wasn't necessary or it wasn't needed it wouldn't be in the bill. So obviously there is some intent on Senator Crawford's part that they should have some supervision. Should it be a physician? I believe so. This is health. This is safety. This is help improving and bringing healthcare along and at a pretty good pace. Maybe not zero to 100. Maybe it's only 80. And maybe we get to 100 in a year or two or three from now as we see this system works. But I think this is a logical step. I would appreciate your support on AM2601. And, Mr. Lieutenant Governor, I would have a call for the house, please. [LB916]

PRESIDENT HEIDEMANN: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB916]

CLERK: 30 ayes, 0 nays, Mr. President, to place the house under call. [LB916]

PRESIDENT HEIDEMANN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator McGill, Senator Christensen, Senator Wallman, would you please return to the floor? Senator Wallman, would you please return to the floor? [LB916]

SENATOR SCHEER: Mr. President, I believe you could start, regular order. By the time we would get there I'm sure he'd be here. If not, that's fine. [LB916]

PRESIDENT HEIDEMANN: Do you want a roll call vote? [LB916]

SENATOR SCHEER: Yes, please. [LB916]

PRESIDENT HEIDEMANN: All members are present or accounted for. There has been a request for a roll call vote. The question is, shall AM2601 be adopted to LB916? Mr. Clerk, please call the roll. [LB916]

CLERK: (Roll call vote taken, Legislative Journal pages 1486-1487.) 9 ayes, 30 nays, Mr. President, on the amendment. [LB916]

PRESIDENT HEIDEMANN: AM2601 is not adopted. Mr. Clerk. Raise the call. [LB916]

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CLERK: Mr. President, the next amendment I have, Senator Scheer, AM2817. [LB916]

PRESIDENT HEIDEMANN: Senator Scheer. [LB916]

SENATOR SCHEER: Mr. Clerk, you can withdraw the rest of those amendments on this filed on my behalf, please. Yes, please. [LB916]

CLERK: Mr. President, The next amendment to the bill is Senator Chambers', AM2830, Senator. [LB916]

PRESIDENT HEIDEMANN: Senator Chambers to open on AM2830. [LB916]

SENATOR CHAMBERS: Mr. President, members of the Legislature, having just been given an expression that could rival that of an enraged cougar, I withdraw this amendment. (Laughter) [LB916]

PRESIDENT HEIDEMANN: AM2830 is withdrawn. Mr. Clerk. [LB916]

CLERK: Mr. President, I have nothing further on the bill. [LB916]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB916]

SENATOR MURANTE: Mr. President, I move to advance LB916 to E&R for engrossing. [LB916]

PRESIDENT HEIDEMANN: Members, you have heard the motion. All those in favor say aye. All opposed say nay. LB916 is advanced. Mr. Clerk. [LB916]

CLERK: Mr. President, the next bill is LB526. Senator, I do have E&R amendments first of all. (ER226, Legislative Journal page 1275.) [LB526]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB526]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB526]

SENATOR HEIDEMANN: The question is adoption of the E&R amendments to LB526. All those in favor say aye. All opposed say nay. They are adopted. [LB526]

CLERK: Mr. President, the next amendment is by Senator Howard. Senator, I understand you wish to withdraw AM2782 and offer, as a substitute, AM2920. [LB526]

SENATOR HOWARD: Yes, sir. [LB526]

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PRESIDENT HEIDEMANN: No objection, so ordered. [LB526]

CLERK: Senator Howard would offer AM2920. (Legislative Journal page 1487.) [LB526]

PRESIDENT HEIDEMANN: Senator Howard to open on AM2920. [LB526]

SENATOR HOWARD: Thank you, Mr. President. AM2920 is the first compromise that the eye wars have ever had, which is very exciting for me and I believe very exciting for you as well, my colleagues. I...what I've learned from Senator Chambers is that you only do what you believe on this floor. If you believe in something, you take it to the wall no matter how long. And I believe in this bill. I believe in LB526. I believe it's time to address scope of practice issues, especially in areas where we haven't touched them for over a decade. Before I talk about what the compromise includes, I want to also point out that this bill has been the source of my greatest disillusionment with this work. On General File, opposition targeted folks at my job; and on Select File ophthalmologists stopped seeing our patients at my clinic. But this compromise, this middle ground, this is where we step away from the politics outside of the glass, where we find a place where we can agree and we show that none of us will be held hostage by what people do to us outside of this glass. The most important thing to me is and will always be patient care and access to care. It's very personal for me. My sister didn't get the access she needed and so you'll find every year that I'm here I will try to find a way to improve access to care. That's where my heart is. That's what I believe in. And this compromise gets us one step closer. AM2920 allows optometrists to use three types of medications. The first is glaucoma agents. What we forget is that while ophthalmologists provide glaucoma surgeries, it's often optometrists who are providing pre- and postoperative care to glaucoma patients. And so making sure that they have every tool in their toolbox to provide the best care is important. Glaucoma agents are a tool and it's important that they're included in this compromise. The second medication is steroids. Steroids are generally used if there's been an allergic reaction. It's called uveitis around the eye. Right now optometrists can use steroidal eye drops, but this would allow them to use oral steroids if the eye drops don't work. It's another tool in their toolbox to improve patient care. And finally, it removes the restriction for immunosuppressives. This is important because immunosuppressives are a wide range of medications, anything from Tylenol, which is a fever reducer and an immunosuppressive, and it's important that they have the ability to provide this care to their patients. Finally, this compromise gets rid of something that should be on consent calendar as a stand-alone, and it allows optometrists to use EpiPens in their clinics. Right now if a patient went into anaphylactic shock in their chair in their clinic, they would not be allowed, because of their practice act, to administer epinephrine to that patient through an EpiPen. And so the compromise allows them to do that. I would strongly urge the body's adoption of AM2920, and I appreciate everybody who worked so hard and rallied and took the time to give me pep talks. We didn't come here to not work on hard things. And so I

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appreciate everybody inside the glass as well as the parties outside of the glass. Thank you, Mr. President. [LB526]

PRESIDENT HEIDEMANN: Thank you, Senator Howard. Those wishing to speak on AM2920 to LB526, we have Senator Krist, Gloor, Campbell. Senator Krist, you're up next and recognized. [LB526]

SENATOR KRIST: Thank you, Lieutenant Governor, and I'll be very brief. Good morning again, colleagues, and good morning, Nebraska. Senator Howard, I am so proud of what you've done here and you should be proud as well. The only thing I'm disappointed in is that you credit Senator Chambers for showing you how to do this. I think I should get some of the credit, but neither here nor there. I'm so sorry for what you went through in this process, and I can assure you that it's going to make you a better legislator in the long-run. Great work. This is a good amendment because it's brought to the table a bunch of really, really incredible egos, incredible egos. It is a scope of practice difference. You've done a great job here and so I invite everyone to vote green on AM2920 and the underlying LB526. [LB526]

PRESIDENT HEIDEMANN: Thank you, Senator Krist. Senator Gloor, you are up next and recognized. [LB526]

SENATOR GLOOR: Thank you, Mr. President. Good morning again, members. My kudos to Senator Howard and to Senator Campbell who also got involved in helping move this forward. And I would be remiss if I didn't put in front of the body a reminder that getting involved in scope of practice issues is a tar baby that can be very problematic for this body, whether it has to do with therapists or folks that are practicing certain components of dentistry. This is difficult for us because we get involved in trying to make clinical decisions. Heaven knows we make decisions on things that we're not subject experts on all the time, but this in particular gets to be a sticky wicket. We have a 407 process. Senator Wesely put it together a couple of decades ago. We revised that process for the first time a couple of years ago to try and make it better, newer, fairer, bring in more information to make it more scientific. And we have recommendations that come back as a result of that from a committee that's assigned a special assignment to take a look at the scope of practice issues. They recommend to the Board of Health, and then we end up with a third leg on that stool coming from the State Medical Director. Sometimes all the stars lined up and everybody says yes. Sometimes all the stars line up and everybody says no. Sometimes, as has been the case on LB916 and now LB526, they're split. And so it finds its way in our lap. We need to pay attention to that 407 process. We need to give it serious consideration, if for no other reason than when we talk about it and debate it and kick the issue around referencing the 407 process it's gone through, I think it keeps people at the table. And as a result of keeping people at the table, there's always the possibility that as the clock ticks down people get more serious about those negotiations and decide that they can live with whatever they

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negotiate. Keep in mind the 407 process. Ask yourself every time one of these scope of practice issues come to us, so what did the 407 process do? What's the recommendation that came from that? It will not only educate you and give you a better base for making your decision, the fact that we do that will keep the players outside the Chamber at the table talking with each other and improve the chances that we will have a much easier decision to make in here, as has been the case. Thank you. [LB526 LB916]

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SENATOR KRIST: Thank you, Senator Gloor. Still wishing to speak: Senator Campbell, Dubas, Avery, and Hadley. Senator Campbell, you're recognized. [LB526]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. I wholeheartedly support the amendment that Senator Howard has brought forward and very much appreciate the work that she has put into this bill. I do believe, as Senator Gloor has talked about, that you do not address scope of practice. We can't work it out on the floor. We can debate the issues. We can look at the information that is brought to us. But in the end we do not have the medical expertise to determine what should be added to a scope of practice. In this situation, I agree certainly with Senator Howard that two entities that have for years gone back and forth in what should be in a scope of practice. But it is really those two medical professions that came forward and began to work on and with Senator Howard shepherding of the amendment through. Scope of practice is never really worked out on the floor of the Legislature nor should it be. That is why we have the 407. That is why we need those reports because it gives us insight into the questions that should be asked. And so I would encourage your support of the amendment. And an enormous amount of work by Senator Howard and good advice from Senator Chambers has brought us to this point. Thank you, Mr. President. [LB526]

SENATOR KRIST: Thank you, Senator Campbell. Senator Dubas, you're recognized. [LB526]

SENATOR DUBAS: Thank you, Mr. President. I would simply echo what's already been said, support the amendment; and these are extremely difficult issues for the Legislature to deal with because typically the very people that we're going to go to, to help us understand the issues are on opposing sides of the issue. So you have professionals that we all know and trust and so then it's we're kind of back to square one. Somewhere in the middle is the answer and the solution, but how do we get there? And it takes a lot of patience. It takes a lot of perseverance to end up getting to that middle ground where we can provide the very needed services that we need to for our constituents as well as recognizing the parameters that these different professionals need to work in. And quickly you learn down here the minute you hear the numbers 407 it kind of just strikes terror in your heart because they are such volatile issues, but

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they're also very, very important issues. And no process is perfect, but I think what we're able to achieve through the legislative process and the 407 process hopefully gets us to that point where at the end of the day it's all about making sure that our constituents are receiving the services that they need in a very safe and professional manner. And I think this is what this amendment has found is that ability to address the access issues as well as providing that safe and sound services. I also want to say that, you know, we make a multitude of decisions here as legislators, and we're always going to upset someone. There's no way you can make everybody happy in this job that we're doing. And, you know, it's within anybody's right to register their concern and their displeasure with us when we make a decision that they don't feel is right. But hopefully that displeasure does not carry over into where we work. We are citizen legislators. We all have jobs and responsibilities outside of this body. And we want to be able to continue to attract and encourage good people to run for these positions. And if at any time word is out that your job could be at risk or your job is brought into your work as a legislator, it's going to be that much harder for us to encourage good people to step up and take this responsibility. So I hope...I just hope people take that into consideration. You know, when a senator is working on something, it's something that they believe in, my experience down here has been senators really try hard to understand the issue as they move forward with the legislation and develop a good working relationship with these people. Don't set yourself up as adversaries. And I hope that in the future our jobs are left out of the work that we do here. Thank you. [LB526]

SENATOR KRIST: Thank you, Senator Dubas. (Visitors introduced.) Senator Avery, you are recognized. [LB526]

SENATOR AVERY: Thank you, Mr. President. I wonder if Senator Howard would yield to a question. [LB526]

SENATOR KRIST: Senator Howard, would you yield to a question? [LB526]

SENATOR HOWARD: Yes, I would. [LB526]

SENATOR AVERY: Thank you, Senator Howard. I want to know if I heard you correctly. You work for OneWorld? [LB526]

SENATOR HOWARD: I do. [LB526]

SENATOR AVERY: And did you say on the microphone earlier that the ophthalmologist refused to continue treating your patients after you introduced this bill? [LB526]

SENATOR HOWARD: When the bill moved from General to Select, they would not schedule appointments with our patients. [LB526]

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SENATOR AVERY: I find that appalling. I was one of the ten people who voted against this bill on General File. I'm changing my vote, and I hope the ophthalmologists are listening. This is unacceptable behavior and I will support you. Thank you. [LB526]

SENATOR KRIST: Thank you, Senator Avery. Senator Hadley, you are recognized. [LB526]

SENATOR HADLEY: Mr. President, members of the body, Senator Avery asked the question I was going to ask of Senator Howard. To me that's absolutely appalling, absolutely appalling that a professional would refuse to have an appointment for a person that needs their help. I would ask whatever health organization that we have in the state to look at professionals to examine this and bring any punitive action needed against healthcare professionals that want to enter the political arena and use their patients as the lever to try and get votes. That is absolutely uncalled for. I would hope that the professionals out there understand we're here to do a job. That job has nothing to do with our professional life outside of this arena. We hold no grudges here. We all try to work together for the betterment of Nebraska. We can disagree on things, but we try to handle ourselves as professionals. If this is truly what has happened in Omaha, I am appalled. I am actually disgusted if that's what happened. There...all I can say is the ophthalmologists are awfully lucky that this agreement came to be. I thank Senator Howard for her work in that area because I got a hunch that if the agreement hadn't been put in place they might have had trouble getting one vote on this issue. Thank you, Mr. President. [LB526]

SENATOR KRIST: Thank you, Senator Hadley. (Visitors introduced.) Those still wishing to speak: Senator Carlson, Nordquist, Seiler, and Gloor. Senator Carlson, you're recognized. [LB526]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. If I knew nothing about LB526 but I heard an ad on the radio by the ophthalmologists, that alone would be enough to say I will vote for LB526. That ad was an insult to anybody's intelligence. And I'm going to go out on a limb and say that I don't believe for one second that the advice on that ad or the approach that's been taken by the ophthalmologists came from the firm that lobbies for them. They're too good a people to recommend ads like this. I think it got beyond their control. But that approach to try and sway people is one of the worst attempts I've ever seen. And I think it's remarkable that Senator Howard would even consider going to AM2920, but with her recommendation I will support it and I will support LB526. Thank you. [LB526]

SENATOR KRIST: Thank you, Senator Carlson. Senator Nordquist, you're recognized. [LB526]

SENATOR NORDQUIST: Thank you, Mr. President and members. I, too, want to

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commend Senator Howard for her willingness to compromise on this. I certainly would not be in a mood to compromise after what she has gone through on this legislation and the approach that's been taken on this bill by the ophthalmologists. As far as the ads, I wasn't going to talk about that; but because Senator Carlson brought it up, I've had conversations with two colleagues who have heard those ads played in the Omaha area who said, I was undecided on the bill. But after hearing that, I am not voting with them because as Senator Carlson, those ads are such an insult to the legislative process, such a distortion, certainly didn't even reflect where the bill was at that time. I serve on the board of OneWorld Community Health Center so certainly am aware of the issue that came up that Senator Howard has mentioned. And I just, too, want to say shame on those medical providers that took that action. The individuals that they refused to serve most likely were uninsured, had no other outlet for healthcare. The population that OneWorld serves is largely uninsured, very, very low income, and have no other outlet for healthcare. They were using these uninsured, low-income Nebraskans, their health, their well-being as leverage to get votes in this body. It is disgusting and I hope we never see that again. Thank you. [LB526]

SENATOR KRIST: Thank you, Senator Nordquist. Senator Seiler, you're recognized. [LB526]

SENATOR SEILER: Thank you, Mr. President and colleagues. I've already expressed my outrage on this, and I will be voting for AM2920 and LB526. [LB526]

SENATOR KRIST: Thank you, Senator Seiler. Senator Scheer, you're recognized. [LB526]

SENATOR SCHEER: Thank you, Mr. President. I have talked to a few of my colleagues in my aisle here and I just spoke on the previous bill in relationship to trying to have professionals look and be supervisory. But I have to tell you, I am disgusted by what has transpired in Omaha. Colleagues, it is at least not out of my realm to look at this agreement and vote against it and pass the original bill. I don't like what's gone on. If they're going to be professional, then be professional. This type of behavior is totally unacceptable. We should think very long and hard as you look at this so-called agreement. And I'm not trying to throw the baby out with the bathwater. I understand those people that were negotiating were negotiating in good faith. But the people that they were representing or some of the people they were representing have shown very, very bad faith. So I will have to think very hard about supporting something and supporting those that have shown such bad behavior on their part. Thank you, Mr. President. [LB526]

SENATOR KRIST: Thank you, Senator Scheer. Senator Davis, you're recognized. [LB526]

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SENATOR DAVIS: Thank you, Mr. President. I certainly concur with everything that's been said here today. I hate strong-arming. I've seen it on the local school board level where people will strong-arm people into voting one way or another by threatening to remove their business. It happens in small towns. But this also happened to a constituent of mine who sells insurance on commission for an insurance company, and she came down and worked pretty hard to get the passage of LB887. And she was instructed by her insurance company that she was not to do that anymore, that this was a bad thing for her to do. This is just inappropriate. You know, people in a democracy have the right to speak their mind and to promote things for the well-being of others. What the ophthalmologists have done is despicable. I urge the body to move this bill forward rapidly. Thank you. [LB526 LB887]

SENATOR KRIST: Thank you, Senator Davis. Those still wishing to speak: Senator Schumacher, Chambers, and Brasch. Senator Schumacher, you are recognized. [LB526]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I also stand in disgust about the kind of behavior that has been reported here. I also want to point out what at least my experience on this bill was and that is I noticed a radio ad running, a real scary radio ad about people getting surgery without training and how that we needed to get rid of that nonsense here on the floor. And that's fine. Everybody has got their own right to political expression. But what I found unfortunate about that is we did get some calls, probably a dozen or so, as a result of that ad. And they were from older people who were listening to the radio and they probably didn't know the difference between an ophthalmologist and an optometrist and they were really, really afraid that this body was going to do something to poke out their eyes or put needles in their eyes or things like that. And to play on the fear of your patients is wrong. And I just have to express my disgust as to whoever was conducting that advertising or marketing campaign or whatever they thought it was. My inclination would be to reject the amendment and just go with the full bill. Thank you. [LB526]

SENATOR KRIST: Thank you, Senator Schumacher. Senator Chambers, you are recognized. [LB526]

SENATOR CHAMBERS: Mr. President, members of the Legislature, you ought to look up the word "hysteria." I have seen ads by politicians and there have been comments by businessmen excoriating the Legislature, our propagate spending, our lack of concern for the public, and nothing is said on this floor about that. To take one ad by whomever presented and let it be a basis for putting unwise legislation out there is, in my mind, very irrational. That ad does not change anything about the scope of practice or what untrained people ought to be able to do in terms of providing surgical care. Now I played a role in this bill and getting what you might call a compromise agreed to. If based on what I've heard results in the rejection of that compromise, I'm going to do on

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this bill what I did on LB799. If you all are going to say that an advertisement that was given justifies scuttling an agreement entered into by people who have an interest in this bill, then I'm going to do to this bill what I'm able to do for the same reason and on the same petty basis that is being suggested that that compromise be rejected. Since we're at this level, let me say one or two other things. I had agreed not to say anything on the bill at all. And my word means something to me. But if the rule of the day is to violate agreements voluntarily entered into, then I'm not bound by anything. And with a bill like this, I can offer amendments all day. And I assure you that I have the stamina to do it. So before you all jump on that hobbyhorse of expressing indignation, and I've seen and heard some of the things you all have done on this floor, then understand what I'm saying. And you can interpret it and label it anything you want to. But test me and see if this old man, who is closer to being 100 years old than being 50 years old, can deliver on what I consider a pledge. Criticize all you want to, that's your right. But to talk about scuttling an agreement entered into puts it across a line. So I'm going to observe and see how things progress. Thank you, Mr. President. [LB526 LB799]

SENATOR KRIST: Thank you, Senator Chambers. Senator Brasch, you're recognized. [LB526]

SENATOR BRASCH: Thank you, Mr. President, and good morning, colleagues. I do stand in support of LB526 and the underlying amendment. There was a great deal of discussion made, a lot of research taken. And I do want to also thank my optometrist who's been sitting diligently on watch for going on his second day here, but I do believe in what they can do. This morning, as you know, I had visitors from Fort Calhoun, the fourth graders. And they whispered to me, what are they talking about down here and is that the President sitting there? Mr. President, you are presiding over the Legislature but not over our country. And so as they're in my office watching on the monitors right now, they asked me, what are they talking about? And I said, there are two kinds of eye doctors and they both care about people very much and they want to help everyone. And we're trying to make a decision about what eye doctor can do what kind of work. That's what we're talking about. What I also want to talk about are the people who go to the eye doctor. They can decide what eye doctor they will go to. They may decide to go to the ophthalmologist for a sty in their eye and those procedures that are potentially being granted to the optometrists. There is still a choice here. A person can choose. If they are troubled and bothered by the scope of practice, they are not being mandated to one office or the other. I do highly respect the ophthalmologists and my ophthalmologist and the work they do. And by my support, it is not taking anything away from their education, their skills, their abilities for which I am grateful for, and many others. But I am also grateful for the optometrists who are sitting in the balcony watching and wondering what the decision will be. This has been a decision that has taken some time to come to, but I believe it's the right decision. So I do stand in support of LB526 and AM2920. And for my fourth graders watching this morning, you've done a very good thing coming here. Thank you, Mr. President of the Legislature, and thank you,

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colleagues. [LB526]

SENATOR KRIST: Thank you for that clarification, Senator Brasch. Senator Bloomfield, you are recognized. [LB526]

SENATOR BLOOMFIELD: Thank you, Mr. President. The degree of change with this agreement and amendment is just about breathtaking. I am probably going to support this, but I'm going to look very carefully at the Final Reading copy. There's a lot taken out of this original bill, and I'm going to want to look at the wording when it comes back. I think I understand everything that was done, but this is a major change and probably for the better. But I encourage everybody to look at it. There's a lot taken out of the original bill. And if you haven't looked at it, you probably should. Thank you. [LB526]

SENATOR KRIST: Thank you, Senator Bloomfield. Senator Nordquist, you're recognized. [LB526]

SENATOR NORDQUIST: Thank you, Mr. President, members. I just want to clarify for Senator Chambers that it's certainly not the ad itself that has made me upset. The ad was a stupid ad that I think had no impact. But for Senator Chambers, I just want to be clear the patients that were being denied care were his constituents and mine. And I'm not going to let my constituents be used as pawns on a political battle. I'm not going to let them be bullied. It was his constituents and my constituents through Hope Medical Outreach that were going to be denied healthcare that they needed for this legislation. So that's why I'm upset, just to be clear. Thank you. [LB526]

SENATOR KRIST: Thank you, Senator Nordquist. (Visitors introduced.) Senator Nelson, you're recognized. [LB526]

SENATOR NELSON: Thank you, Mr. President, members of the body. I have a question for Senator Howard if she can respond. [LB526]

SENATOR KRIST: Senator Howard, will you yield to a question from Senator Nelson? [LB526]

SENATOR HOWARD: Yes, sir, I would. [LB526]

SENATOR KRIST: Go ahead, sir. [LB526]

SENATOR NELSON: I couldn't hear you. [LB526]

SENATOR HOWARD: Oh, I'm sorry. Yes, I will yield. [LB526]

SENATOR NELSON: You have a soft voice, Senator Howard. You have to speak right

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into the mike... [LB526]

SENATOR HOWARD: I will work on that. [LB526]

SENATOR NELSON: ...and I appreciate that. Senator Howard, with regard to AM2920 and the amendment that came forth, this was all due to talking and compromise, is that correct, the parties? [LB526]

SENATOR HOWARD: Yes, sir. Yes. [LB526]

SENATOR NELSON: And were you part of that all the time? [LB526]

SENATOR HOWARD: Yes. I...the important lesson here was that you own your bills and so when there's a compromise you work it out with the parties as well. [LB526]

SENATOR NELSON: And sometimes the compromise is not satisfactory really to either side. Is that right? [LB526]

SENATOR HOWARD: Yes, that is a lesson I've learned. [LB526]

SENATOR NELSON: But we do have a compromise here and you have agreed to it. [LB526]

SENATOR HOWARD: Yes. [LB526]

SENATOR NELSON: All right. So is there any reason in your mind why we should not go ahead and support your amendment here and then your bill? [LB526]

SENATOR HOWARD: I'm a woman of my word. I will support the compromise all the way. [LB526]

SENATOR NELSON: All right. Well, I'm supporting that. Thank you, Senator Howard. I think the comments of Senator Chambers were well taken. We all know things that go on outside this Chamber and we don't like them and we can get very upset about it. And I've gotten upset at things that I've heard--commentary on the radio, KFAB, things like that. I did not hear this particular ad so I can't talk about that. But I do say this, that just because we're upset about the actions of parties outside, if there is a compromise and if there is an agreement then we don't have any business disregarding that and going ahead and voting for a bill that many of us really do not care for. A lot has been taken out of this and it looks to me like pretty much the opportunity to do surgery has been removed, but there are injections and other things that have been agreed to. Would that be correct, Senator Howard, well, if you'll respond? [LB526]

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SENATOR HOWARD: Only one injection has been agreed to and that's the use of EpiPen autoinjectors for anaphylactic shock. [LB526]

SENATOR NELSON: Okay. Well, good. So I support your amendment, I support the bill, and I would urge the body to go ahead with that, although the comments have been made here I think have been a good objective lesson for those who tried to influence outside this body. Thank you. Thank you, Senator Howard. Thank you, Mr. President. [LB526]

SENATOR KRIST: Thank you, Senator Nelson and Senator Howard. Senator Chambers, you're recognized. [LB526]

SENATOR CHAMBERS: Thank you. Mr. President, I've listened to Senator Nordquist. I've not seen him so exercised about anything in here. I was having a conversation with the Speaker and I heard him say something about my constituents so I'd like to ask Senator Nordquist a question or two. [LB526]

SENATOR KRIST: Senator Nordquist, will you yield? [LB526]

SENATOR NORDQUIST: Yes. [LB526]

SENATOR CHAMBERS: Senator Nordquist, what were you talking about? [LB526]

SENATOR NORDQUIST: That I had said that it wasn't the ad that had offended me, Senator Chambers. That has no impact on how I'm going to vote and I will vote no against this compromise. Other people will do what they're going to do. It was the denial of healthcare for your constituents and my constituents through Hope Medical Outreach that our constituents who are uninsured have no other avenue to go to for care, had doctors say no because of this bill. That really disgusted me. [LB526]

SENATOR CHAMBERS: And you think that...okay, that's enough. Members of the Legislature, Senator Nordquist has done what other people have tried to do and especially on this mountain lion bill. They call me, use their racial slurs, and say why don't you do something about north Omaha? And I tell the fools, you don't know what I'm doing about north Omaha. I live there. You don't know what I try to do on the floor and in this Legislature. You don't know the kind of things I do to help rural people such as a water bill that I don't like, but I let it go because I was told how much the rural people need this. I had talked about the expansion of Medicaid to help rural people. So I said, you need to know what you're talking about and don't bring that mess to me. I think what you said was out of line, inappropriate, and I hung up. And you can tell your constituents, don't bring that mess to me unless they bring it to me to my face. Then they can say anything they think they're man enough to do, but they do it on the telephone. And I have a feeling that because it happens so much that is a plan and it's

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coordinated. And until the people in my district elect Senator Nordquist, he can say whatever he wants to. But I am concerned about what happens to the people in my district. What is far more dangerous and hurtful to the people in my district is the unimpeded inflow of guns that wind up in the hands of youngsters. And when I say youngsters, in their early teens. I've talked about that on the floor. Senator Nordquist has never stood on the floor and said anything about it to my knowledge; and if he did, he certainly didn't do it with such fervor which would make me aware of it. Guns are lethal injections of lead, Senator Nordquist and the rest of you. And when I see you so concerned about what happens to white children, black children don't count. Our children are dying from gunshot wounds. Babies are dying and it means nothing. When I talk about babies, I'm talking about white babies. When I talk about children, I'm talking about white children. White people bring their children to take pictures with me. They know how I feel about children. And then to have somebody stand up here and say I'm denying medical care to anybody is an opinion that anybody is entitled to. But let him pick somebody else, some white person who is against the bill and say the same thing. But that is the race card that white people often play. And because I can't finish what I've got on my overburdened mind this morning, I'm turning on my light again. But I'll stop at this point. Thank you, Mr. President. [LB526]

SENATOR KRIST: Thank you, Senator Chambers. Senator Chambers, you are next in the queue. [LB526]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, just to touch on what I had said earlier, anybody can criticize anything they want to and they ought to if they have those criticisms. But when it crosses the line of trying to put pressure on another senator to violate an agreement, there are senators in here who violated agreements they made with me so I know how that goes. But when that becomes the order of the day, that's a game that I know how to play. And I know your bills mean something to you. And I will get even under the rules that I always vote against because even though I vote against them, once they're adopted, those rules are binding on me. And I have to find a way to operate within rules that I disagree with in order to do what it is I think ought to be done. And I don't often try to get a vote to suspend the rules, but I support you-all's motions to suspend the rules because I know you often act without thinking. And when you need help to get out of the bind that you put yourself in by suspending the rules that you adopted and which I opposed, I will help you suspend those rules so that we can carry on the business of legislating. But I don't believe these optometrists ought to have any expansion in terms of what they're allowed to do with people's eyes. Because if they make a blunder, they say, oops. And who are these people? They don't have anybody to go to. They can't hire a lawyer. They're just out there because for your information, Senator Nordquist, there are doctors who mistreat black patients who come to them right now, and not just those who are on Medicaid or Medicare but paying patients. And if the person says, I'll get a lawyer, they get laughed at by this healthcare professional. You need to know what you're talking

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about. But under the constitution, you have a right to be ignorant. You have a right to speak in ignorance. The only thing that limits that is self-respect and a respect for being as accurate as you can be. And now I'm not just speaking with reference to Senator Nordquist. I'm speaking to him and all the other members of his tribe who are so inclined. After all that I've said and all that I do, I can't be like you all and run out of here and go someplace and get me a drink. I stay here and deal with other issues. Some of you-all's kind will call me and ask me why am I so interested in mountain lions. I say, why are you so interested in me? There are a lot of other issues I deal with on the legislative floor all the time so why do you focus only on this one issue? Because that's the one that the news media have decided to make noise about, and they can understand that. One guy called me about being an avid hunter and he's always going to be an avid hunter. And I said, well, you can be that. But these animals have not attacked any human beings. Well, I know that and I'm not talking about what they did. I'm talking about what they're capable of doing. I say, well, hunters use guns, don't they? Yeah. There have been hunters who shot people, haven't they? Yeah. Well, you're capable of shooting somebody so that's what I think you're going to do. That's what you're going to do. Because you haven't done it yet doesn't mean you're not going to do it. That's the kind of craziness that I have to listen to then come back here and act in a way that's more or less rational. And in this instance, Senator Howard knows... [LB526]

SENATOR KRIST: One minute. [LB526]

SENATOR CHAMBERS: ...that I'm not going to vote for the bill. We talked about it. I'm bringing that up because the conversation that unfolded on this floor makes it necessary. I was down in my office minding my own business but following the events on the floor of the Legislature. And when it looked like things were careening out of control and the senators were going to do something that would be an embarrassment, as it should be, to the Legislature and demeaning to the process itself, I had to come up here and separate myself from that. Just as I've told people who tell me they're not a racist, I say then separate yourself from those who are, then I can see a distinction. But when they're hollering kill Ernie and you're right there with them, maybe the words aren't coming out of your mouth; but since you're in league with them, I categorize you with them. Thank you, Mr. President. [LB526]

SENATOR KRIST: Thank you, Senator Chambers, and that was your third time. [LB526]

SENATOR CHAMBERS: Okay. [LB526]

SENATOR KRIST: I didn't warn you at the beginning so thank you. Seeing no one else in the queue, Senator Howard, you're recognized to close on your amendment. [LB526]

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SENATOR HOWARD: Thank you, Mr. President, and thank you, members of the body. This has been a two-year learning process for me, but more importantly, I support the amendment. I'm a woman of my word. I support the compromise. And the message that I want to send on scope bills is that we should have compromise. We should be able to see change. As healthcare is changing, scope of practice has to change with it. And we would be remiss as a body if we didn't revisit them. So I support the amendment and I would urge its adoption. Thank you, Mr. President. [LB526]

SENATOR KRIST: You've heard the closing. The question is the adoption of AM2920. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB526]

CLERK: 34 ayes, 3 nays, Mr. President, on the adoption of Senator Howard's amendment. [LB526]

SENATOR KRIST: The amendment is adopted. Before we continue... [LB526]

CLERK: Mr. President...I'm sorry. [LB526]

SENATOR KRIST: (Visitors introduced.) Mr. Clerk for an amendment. [LB526]

CLERK: Senator Campbell, I have AM2719. (Legislative Journal page 1434.) [LB526]

SENATOR KRIST: Senator Campbell, you're recognized. [LB526]

SENATOR CAMPBELL: Thank you, Mr. President. Colleagues, I would like to make a couple of comments before I will ask that the amendment be withdrawn. My first comment is that the morning I heard the advertisement that you're all referring to on the radio I went to the representative who lobbies on the part of the ophthalmologists. And I said to him, is the association putting that ad on the radio? And I don't know much more information but I do know that it was a national third-party organization. And so I do want in the sense of information for all of you on the floor where the ad came from. I'm sure we can all understand with the politics that many of us faced in elections that third-party outside national groups are coming into every state and making statements, not just on political candidates but on issues. The second comment that I'd like to make is I would wholeheartedly encourage the board and the organization of OneWorld to file a complaint with the Board of Health with regard to the actions taken by those ophthalmologists. I know several ophthalmologists, and the actions of a few should not be taken as the actions of all; but those actions should not go unheeded by a body that can do something about it. And with that, I will withdraw my amendment. Thank you, Mr. President. [LB526]

SENATOR KRIST: Thank you, Senator Campbell. Seeing no objections, the

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amendment is withdrawn. Mr. Clerk. [LB526]

CLERK: Senator Chambers, I now have AM2851, Senator. (Legislative Journal page 1482.) [LB526]

SENATOR KRIST: Senator Chambers. [LB526]

SENATOR CHAMBERS: Mr. President, members of the Legislature, before withdrawing this, I want to make a comment because I don't want to discuss Senator Howard's bill. I'm glad that Senator Campbell mentioned what third-party groups outside the state will do. Cindy who works in the office that I'm allowed to work in also by her is able to use these high-tech gadgets that to me look like little television screens, very thin and with the buttons and so forth. And every time she talks to me about learning how to do it, I will look over her shoulder and see how many buttons she pushes and the pictures and things that change and I'm totally intimidated. And I tell her, I'll never learn how to do this. But at any rate, she is able to draw a lot of things off this machine that are printed and sent out by groups. Well, there was a national hunters group, sportsmen group, who boasted about having launched a campaign that flooded the Governor's Office with e-mails, texts, and whatever else they can send and how successful it was because he vetoed the bill and that this was a victory not only for hunters in Nebraska but for hunters all over the country. That's what they do. But because I know how they do, when it occurs it doesn't cause me to become, pardon the expression, discombobulated. What can you do about it? The wise thing would be to consider the source, keep in mind the kind of environment that has been created in this country, the kind of things people will do who are not in this state or in many of the states where they will try to have an impact. So under the constitution they can do whatever they want to do. Maybe some of the things they do violate principles of what might be called civility, good taste, and so forth. But there's nothing in the constitution that requires anybody to be civil to anybody else. There's nothing that requires anybody to have or manifest good taste. And somebody even stated that there's no arguing of tastes. We cannot make individuals think and behave the way we would like to see them behave. This is why when I'm judging people I try to divine the standard that that individual will set for himself or herself. Then when that person wears a banner or advertises that this is the manner of person that I am and then I look at the person's conduct and it doesn't measure up to what he or she has stated is the principle that guides his or her conduct, then I'll be critical and I'll be condemnatory, usually only if they're going to try to push their brand of what they call righteousness on other people. Then they're fair game. But I don't have to set that high a standard before criticizing somebody. I can be totally ignorant. And there was a rhyme. It traces all the way back to the ancient Greeks, but in English it's translated: I do not like thee, Doctor Fell, The reason why--I cannot tell; But this I know, and know full well, I do not like thee, Doctor Fell. So there are some people you just don't like. Some people just don't like us. I know what you all are thinking, but they know the reason they don't like me. And I'm pleased because at least I am not one

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of those people who is ignored and considered to be irrelevant. And now that I think the issue may have been put to rest, those who like this bill will vote for it. Those such as myself will vote against it. And that's the way it will be with bills. But I am going to have some things to say later on, on other bills; but there won't be this kind of heat generated. Thank you, Mr. President. And I withdraw that amendment. [LB526]

SENATOR KRIST: Yes, sir. Thank you. [LB526]

CLERK: Mr. President, the next amendment I have is by Senator Kintner, AM2885. (Legislative Journal pages 1488-1489.) [LB526]

SENATOR KRIST: Senator Kintner, you're recognized. [LB526]

SENATOR KINTNER: Well, thank you, Mr. President. What this amendment does, it's my bill, LB1032. It requires abortion clinics to post a sign in the waiting room and a sign in the breakout rooms that says that a woman cannot be coerced into having an abortion. That's a federal law. I did not know this was a problem until Right to Life brought this to me and actually talked to some women that were coerced into having an abortion. It's usually by a boyfriend, a parent, I guess it could be a husband, or someone at the actual abortion clinic. Obviously, I don't hang out at abortion clinics so I don't know that these things are going on. But once they made it...they showed me that this was something that actually happens, that there's a percentage...it can be somewhere up to 40 percent of all abortions have coercion involved, to me that is a serious problem. So I brought this bill and, of course, it went to Judiciary, the committee I say where good legislation goes to die; and obviously they don't take any action on it. And to be honest with you, I've been here two years and we haven't had one bill protecting life make it on to the floor. And I think that's a pretty serious problem because Nebraska is one of the leading pro-life states. In the past, before this current configuration of our Legislature, we have led the nation in protecting life. And although there are dissenters to that viewpoint, the vast majority of people in this state respect life, want to protect life, and I am among that group. But the two years I've been here, not one single bill has even got a whiff of daylight, and I think that's a real problem. So I decided to take this bill and put it on a Health and Human Services bill, which, by the way, I support LB526. And I think Senator Howard has done a great job and she...didn't take her long to convince me the merits of what she was doing. And I am not here to torpedo her bill. I'm not here to obstruct her bill. But, you know what? I just cannot sit around and watch very modest pro-life legislation get bottled up in a committee that's hostile to life. And let me tell you. You know, this is one piece of pro-life legislation that doesn't infringe on a woman's right to have an abortion. Now I fully would like to infringe on a woman's right to have an abortion because I think the right of life is a greater right than a right that the Supreme Court said that they found after 200 years deep down in the constitution a right to privacy. And this bill simply says that a woman is able to make this choice, private choice, quite often a very troubling and personal choice, without being coerced by

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anybody. This is probably one of the most mild pieces of pro-life legislation that you're ever going to see. And it's actually strengthening the right to make this decision, the right for a woman to make this decision without anyone pushing her in one direction or the other direction. And I think this is a very, very reasonable piece of legislation that I think anybody who is pro-life or pro-choice, and I respect people that have a pro-choice view. It's a deeply held view and it's usually a very emotional view and I don't beat on them for it. We just have to agree to disagree. But I think it protects the right of anyone, no matter where they are in this issue if you're a woman, to make this personal and probably very deeply troubling decision without someone pushing you one way or the other. Now obviously I think more people get pushed into having an abortion and I want to give that woman in a very emotional time every opportunity to say yes to life. And that is why I introduced this bill. And I think possibly the committee process doesn't always work the way it should. Because if the committee process was working, a very simple piece of legislation like this that preserves a woman's right to choose would have been on the floor weeks ago. This was my priority bill, not a deeply controversial bill, and it's drawing cobwebs in the Judiciary Committee where once again good legislation goes to die. Now if I put a gay rights amendment on it, this thing comes right out probably. So that is why I introduced the bill in the first place. That is why I've attached this bill today. Now that being said, I don't think this is the right bill to attach this piece of legislation to. So I'm going to pull this legislation and will be back to fight another day to protect life in Nebraska. Thank you, Mr. President. [LB526 LB1032]

SENATOR KRIST: Thank you, Senator Kintner. [LB526]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB526]

SENATOR KRIST: Senator Coash, you're recognized. [LB526]

SENATOR COASH: Thank you, Mr. President. I did feel compelled to hit my light to respond to some comments. The Judiciary Committee is not where good legislation goes to die. It is where...we have 100-and-some bills in that committee a year, and we can't take on every issue. We make priorities. And it's certainly easier to make priorities when we have legislation we can work with. I'm a...this is not an indictment on pro-life credentials here. I'll stand behind that. But we got to figure out where we're headed with this because this isn't working. And shame on me. I didn't bring any pro-life bills this year and I'm on the committee, and I probably would have had a better shot than Senator Kintner did. But I did feel the need to stand up for our committee because we do good work in that committee. And we advance things that are needed at the time, at the moment, and I think that's what we've done this last couple of years. We started with juvenile justice and then we moved into prison reform. That's what needed to happen out of that committee. Thank you, Mr. President. [LB526]

SENATOR KRIST: Thank you, Senator Coash. Those still wishing to speak: Senator

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Lathrop, Ashford, Brasch, and Bloomfield. Senator Lathrop, you're recognized. [LB526]

SENATOR LATHROP: Thank you, Mr. President and colleagues. Like Senator Coash, I feel the need to stand up and talk about the work of the Judiciary Committee. Many of us have been on that committee for eight years and we've been in this body longer than two. And that committee, I'm going to tell you because almost every one of you have been there, we deal with every single hot button issue, every wedge issue that comes along lands in Judiciary Committee, and we deal with fixing things that are getting messed up by the executive branch of government. And I'm going to tell you something. I've served on that committee for eight years now and that group of men and women have approached every bill with thoughtfulness, given it due consideration. It is an extensive volume of legislation that comes through there. I sometimes complain that every time somebody complains to a senator a bill shows up in the Judiciary Committee, and we still give every one of them thoughtful consideration. The fact that a bill did not get out meant that there weren't enough votes. I didn't count the votes. At one point, that was being worked and it just stopped and the bill didn't emerge. Okay. But to stand up and call the Judiciary Committee a place where bills go to die I can tell you that in my eight years we've solved some of the biggest hot button issues, the biggest problems and done more oversight of the executive branch and tried to repair things that have been fouled up by the other branch of government and that, Senator Kintner, takes a lot of time. It takes a lot of time, it takes a lot of thoughtfulness, and it takes a lot of energy. That Judiciary Committee does not deserve to have Bill Kintner or anybody else stand up and call the Judiciary Committee a place where bills go to die. Thank you. [LB526]

SENATOR KRIST: Thank you, Senator Lathrop. Senator Brasch, you're recognized. [LB526]

SENATOR BRASCH: Thank you, Mr. President. Thank you, colleagues. I...my very first bill as a freshman senator first session was grueling. It was a pro-life bill. I am firmly pro-life. I stand in defense of Senator Kintner's proposal, however, it was not germane and this is not the time. But there is a time. We need to make sure that these bills are proportionately advanced. My point today is that last night I stood on this floor making a suggestion as Vice Chair of the Rules Committee. Let's not use the rules to crumble the foundation of this body and bring in nongermane amendments at this point. The hours, we're within hours of adjournment here and we do have many things that need to move forward. Yes, we can do these things, absolutely, but to whose benefit and to whose demise are we talking here? So I thank Senator Kintner for bringing it forward and I also respect him for pulling that amendment at this time simply because of the hour of the day. Time is of essence and time does count. It matters. And as I'm hearing senators trying to advance their legislation and also the accolades we're extending to everyone, you know, our gratitude, let's save it for the last day so we can move forward. Everyone here has a view. We all represent 36,000 individuals and a state of 1.8 million, and we

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need to keep in mind that as we move forward are these amendments germane. Is it something we need to discuss now or is it something we should have talked about 30 days ago in our schedule? But respectfully, I do think this is a good bill. I stand supporting LB526 knowing that individuals can choose which ophthalmologist or optometrist for what type of treatment they are seeking. And those who are concerned, they can make an appointment with who they need to. And I thank you, colleagues, for your attention today and work moving forward. Thank you, Mr. President, and thank you, colleagues. [LB526]

SENATOR KRIST: Thank you, Senator Brasch. (Visitors introduced.) Those wishing to speak: Senator Bloomfield, Lautenbaugh, Chambers, and Smith. Senator Bloomfield, you're recognized. [LB526]

SENATOR BLOOMFIELD: Thank you, Mr. President. I've got to get in one more little jab at the same committee that Senator Kintner just questioned. Senator Lathrop tells me that everything there gets fair consideration. That is the committee where I submitted a very simple little bill with 35 cosigners, 6 of whom served on that committee, and it never got an Exec hearing despite the fact that I was told three times it would happen within the next two or three days. The committee is going to change drastically next year, and I think that's a good thing. Thank you, Mr. President. [LB526]

SENATOR KRIST: Thank you, Senator Bloomfield. Senator Lautenbaugh, you are recognized. Senator Chambers, you're recognized. [LB526]

SENATOR CHAMBERS: Thank you. Mr. President, I'm a member of the Judiciary Committee. I'm a member of this Legislature. In the same way that I've defended the Legislature as an institution, though I have strong disagreements with various of the members and sometimes an action by the Legislature itself, I will defend the Legislature as an institution. The same goes for the Judiciary Committee. They've advanced bills that I think are atrocious, but I will not listen without responding to somebody indicating that somehow there's something wrong with the committee because we take very seriously the work that we do. And we rescue the body at large from having to deal with a lot of asinine legislation. There are bills that are brought to us by people and the bills were given by organizations and the senator doesn't understand the bill, cannot answer questions, will say, well, somebody is coming after me. And then you ask, well, who asked you to bring it? Then he or she will say so-and-so did. We do not make our decisions on the basis of a popularity contest. If a bill has 48 signatures and it comes to the Judiciary Committee and I disagree with it, I'm not going to vote to send it out here. The number of people who sign a bill will not guarantee that it's going to be advanced by the committee and it should not. You should want a committee to very carefully and searchingly address the issues that come before us, and we get issues that nobody else does. There has been a backing off of offering these so-called pro-life bills because I'm back now. And I study the issue and I call people to account and I question them very

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closely because my view, since the ones who bring the bill will have a view, is that a woman is the one who determines whether or not she's going to carry a pregnancy to term. I don't care what Senator Kintner says. I don't care what Senator Brasch says. I don't care what the Catholic Church says. I don't care what the Baptists, Methodists, Episcopalians, or anybody whose business it is not will say. And you all can say all you want to that it's a sin. You'll never get me to vote that it's a crime. These women...people like Senator Kintner want to force them to have a child. Then he'd be the very one to stand up if the woman is poor and say, well, don't give prenatal care if she happens not to be a citizen of the United States. All of a sudden this concern for life is out the window. If the child comes into the world and the child is a child of an American citizen but impoverished, then he's the one who would talk about people not assuming their parental responsibilities and all this tripe that even the Catholic Church, based on the doctrine, will not say. So I take all of these grandstanding plays and comments and he's in a strong...he's in a race to retain his seat in the Legislature. He'll say all these things. You all saw the kind of things we have to contend with in the bill that he tried to get you to vote on the other day where people would arrest federal agents enforcing federal law. And Senator Garrett was not here at the time, but I'm sure as a former member of the military he'd let you know that if the National Guard is federalized, it's under the control of the Commander in Chief. And nobody is going to be allowed to arrest National Guardsmen. A sheriff, Barney Fife, and all the rest of them are going to be allowed to arrest an FBI agent, a representative of Homeland Security, representative of the FBI, of Alcohol, Tobacco, Firearms, and Explosive Bureau? But that's the kind of stuff we get, and we keep it where it belongs. So pursuant to our rules, anybody can try to attach... [LB526]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: One minute, Senator. [LB526]

SENATOR CHAMBERS: ...anything he or she wants to, to a bill. And if he or she gets 30 votes, then it's attached, 25 votes. But then if it puts two subjects in a bill, then it's unconstitutional. But the Judiciary Committee does its job. I think I've got my light on so I can finish, so I will stop now. [LB526]

SPEAKER ADAMS: Thank you, Senator Chambers. Senator Smith, you're recognized. [LB526]

SENATOR SMITH: Thank you, Mr. President, and good morning, colleagues. I just want to rise and just speak just briefly about the Judiciary Committee. The committee chambers for the Judiciary Committee is across the hall from my office. And I know that there's been many, many evenings that I have left here and that committee is still going. And I think they have a lot of bills in front of them and they probably, frankly, should have more days for that committee. They handle a lot of issues. And I just wanted to

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rise and I wanted to acknowledge comments that Senator Coash made. I have great respect for members of the committee. I believe they're sincere, don't always agree with their decisions. But the times that I've been before that committee I've been treated very fairly, respectfully. And we may have disagreements, but that's the makeup of any committee. I know that my priority bill this year did not come out of the Revenue Committee, but I'm not going to say that the Revenue Committee is the committee where bad bills go to die. Timing was not right and there's another year ahead of us. And so I just want to...I understand the frustration of Senator Kintner. I've had frustrations myself in trying to get my bills out of committee. But that's the nature of the committee makeup and we just have to try and try again if it's something we feel passionate about. But just want to rise to say I appreciate the Judiciary Committee and their work on some very tough issues. Can't always agree with your decisions, but I have great respect for you. I know you work very hard. You put in a lot of long hours. Thank you, Mr. President. [LB526]

SPEAKER ADAMS: Thank you, Senator Smith. Senator Chambers, you're recognized. [LB526]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, some groups may consider me the executioner as a member of the Judiciary Committee because I ask questions about the bill. And I let people know if you don't want these questions, don't bring the bill. But understand this also. They make me work hard because I have to study these bad bills and find rational reasons to put into the record as to why I'm opposed to them and why the committee ought not to advance it. I'd venture to say I work harder than any other individual senator here, and maybe you can tell by the closeness with which I question or the number of issues I will discuss. And that's not said as a boast. It's simply to underscore the fact that I take seriously this job which I voluntarily offered myself to my constituents to send me here to do a job and I'm going to do it. But just to give you an idea of why this bill...there are a lot of reasons it didn't come out here. But if this sign is not posted properly, the fine is \$10,000 a day; \$10,000 a day if this sign is not properly posted. And from the language of the bill, you don't know exactly what proper posting is. That's the kind of stuff that's done. They don't even do the work that they should. They give Senator Kintner these bills and he can't answer the questions asked about them, and that's what we have to contend with. So you're lucky to have somebody like me who will save you all from these kind of things. Because if they came out here, then all of that back and forth would take place on the floor of the Legislature and you would be asking yourself then why did that committee even let something like that come out here. And if some of the members of the committee are going to have all of these questions on the floor, why didn't they settle that in the committee? Now I don't see any or feel any need to justify myself or anything I do, certainly not to Senator Kintner, who shows a lot of disrespect for people not only on this floor but in other settings and sometimes it's written about. But Julie Schmit-Albin, who is with a group that sends Senator Kintner on fool's missions, had

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said, when Senator Chambers is out of the Legislature, it's going to be like kids in a candy store because pro-life will be able to get things that they never could get before. And true enough, they got a lot of what I consider trash legislation into the books. When they say in the last two years we can't get this and that, why? Because somebody is here who is not going to roll over and let all that foolishness get out here on the floor, and they know it. So they back off. And when they talk about Nebraska leading the country, they mean Nebraska has more foolishness on the books relative to abortion and restricting a woman's right than any other state. That's not something to be proud of in my view. But since there are people who have a contrary point of view, we just do battle in the context of the legislative process. And now I'm back, and it's going to be very difficult for them to get anything past me. But that's known. And why would it be said by the leader of the pack that when Senator Chambers is gone they're going to have...the other side is going to have to hire high-priced lobbyists and she went on to tell the work that I did. And she said that's a hard package to replace. [LB526]

SPEAKER ADAMS: One minute. [LB526]

SENATOR CHAMBERS: That's from my enemy. That's from my enemy. And I take pride in being the enemy of people who want to trample the rights of women but then show no respect for women themselves. Hear me, as they say in church, hear me now. They want to trample the right of a woman but show no respect for women. Thank you, Mr. President. [LB526]

SPEAKER ADAMS: Thank you, Senator Chambers. Senator Lautenbaugh, you're recognized. [LB526]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body, and I'll be very brief. I was fascinated by Senator Lathrop's remarks. So how does that work again, Senator Lathrop? The reason these bills don't come out is because they don't have enough votes in the committee? I've been thinking about this wrong all these years. Are all the committees like that? I had a reporter ask me the other day what it would take to get my constitutional amendment on horse racing passed by the voters, and I said a majority. And I stand by that. But if your committee is sagging under the weight of these many bills, some of you guys should find whoever does referencing and give them a good talking to and say, gee, you guys are sending way to many bills to ourselves and we should think on that. Or we should do what I've been talking about all session but failed to do in the end which was possibly talk about maybe doing something about the committee structure. Even though we're out of time, there may be a way to do something. If the Exec Board studies it and makes a proposal it could possibly be adopted at the start of next session maybe to address some of this if you think it's worth your while. Please support this bill. Thank you, Senator Howard, for all your hard work. [LB526]

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SPEAKER ADAMS: Thank you, Senator Lautenbaugh. Senator Chambers, you're recognized. [LB526]

SENATOR CHAMBERS: Mr. President and members of the Legislature, although Senator Lautenbaugh raised the issue, nothing I say is in criticism of him. I'm on the Exec Board. I'm one of those sticklers for our referring bills to committees where the subject matter says they should be referred. There are bills that were referred to other committees and I have insisted that they come to the Judiciary Committee; that the argument about the number of bills is irrelevant to me. When I got on that Reference Committee--that's what the Exec Board is called--there are bills based on their subject matter which go to various committees. If we were just going to parcel out bills based on the number that a committee gets, a lot of our bills might go to the Ag Committee of which I'm a member, but they don't belong there. If people offer a lot of bills that fall within the province of a given committee, then that committee is to receive those bills and give every one of them a public hearing. And as Senator...I won't call his name because every time I say Senator Smith or use the name Smith, he wants to stick me by saying, why are you talking about me? But this morning Senator Smith mentioned it, how late that committee works and how hard we work. And that's not whining, it's not crying, it's not saying we're worthy of any accolades. We are on the committee because we wanted to be there. We know the volume of work or soon find out. And members of the Exec Board can tell you that I am a stickler, if I become aware that a bill, in my opinion, is going to the wrong committee, for trying to reroute it to the one where it should be. I don't know how many days any committee should meet or how many people should be on a given committee because I haven't given any time to considering that. I have to deal with the cards or play the cards that are dealt. Right now the Judiciary is a three-day committee. It has a subject matter jurisdiction. And for my part, every bill that falls within the jurisdiction of that Judiciary Committee will be referred to that committee, and I will lead the way in seeing that it's done. None of us is going to pass out from overwork. We don't work 12 hours a day on a regular basis. And when we're here 12 hours, we're not actually working. I know it can be wearing, tearing, and draining, irritating, annoying, all of those things. But we're here by choice and we know the nature of what we're going to do and be required to do. That's not to say that your human emotions will not assert themselves and cause you to show vexation, anger, irritation. And when those things are directed at me, when I cannot avoid smiling, you'll just see that smile crawl across my face and you'll know that I'm in my element. And I'm not calling anybody a viper, understand this, but it's an expression. The louder the viper's hiss, the closer I know I'm striking to the nest. That's a common expression. So when people become irate, it doesn't bother me at all. And Senator Garrett, who I think is going to become a very good senator because we see eye to eye already on some very crucial issues, is going to realize to his sadness and dismay that the military model does not work in a legislative setting. He's got a lot of potential. [LB526]

SPEAKER ADAMS: One minute, Senator. [LB526]

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SENATOR CHAMBERS: I'm going to cultivate him...you said time? [LB526]

SPEAKER ADAMS: A minute. [LB526]

SENATOR CHAMBERS: I don't need a whole minute...cultivate him, bring him along. And when I can put him in his proper position to do the things that he's able to do, you're going to think not that we're joined at the hip, but we're joined from the forehead down to the tips of our toes. Thank you, Mr. President. [LB526]

SPEAKER ADAMS: Thank you, Senator Chambers. Mr. Clerk, is there anything remaining on the bill? [LB526]

CLERK: I have nothing further, Mr. President. [LB526]

SPEAKER ADAMS: Senator Murante for a motion. [LB526]

SENATOR MURANTE: Mr. President, I move to advance LB526 to E&R for engrossing. [LB526]

SPEAKER ADAMS: Members, you have heard the motion to advance LB526 to E&R. All those in favor indicate with aye. Opposed. It does advance. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR602, LR603, LR604, LR605, LR606, LR607, LR608, LR609, LR610, LR611, LR612, LR613, LR614. Mr. Clerk. [LB526 LR602 LR603 LR604 LR605 LR606 LR607 LR608 LR609 LR610 LR611 LR612 LR613 LR614]

CLERK: Senator Kolowski would offer a new resolution, LR621. That will be laid over. Senator Coash would like to add his name to LB254. (Legislative Journal pages 1489-1490.) [LR621 LB254]

Mr. President, a motion to recess until 1:30 p.m.

SPEAKER ADAMS: Members, we have a motion to recess. All in favor indicate aye. Opposed. We are in recess.

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.

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PRESIDENT HEIDEMANN: Mr. Clerk, please record.

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

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I do. A message from the Governor. (Read re: LB438, LB438A, LB674, LB717, LB759, LB800, LB851, LB863, LB908, LB998, LB1048, and LB1067.) The following bills reported correctly engrossed: LB254, LB276, LB276A, and LB390. That's all that I have, Mr. President. (Legislative Journal pages 1490-1491.) [LB438 LB438A LB674 LB717 LB759 LB800 LB851 LB863 LB908 LB998 LB1048 LB1067 LB254 LB276 LB276A LB390]

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. Proceed to the first item on the afternoon's agenda, Mr. Clerk. Speaker Adams for an announcement.

SPEAKER ADAMS: Thank you, Mr. President. Members, I'd like to outline the plan for the rest of today and for tomorrow. As you can see, we're still on Select File. We'll pick right back up where we left off prior to lunch. The goal will be to finish all of that Select File today and get it sent up to Revisor's, and then we will proceed on into Final Reading, and we'll stay on Final Reading today and tonight until we have the Select File bills that we move today back from the Revisor's Office. Once we have those back, we will adjourn, and any Final Reading not completed today, we will take up tomorrow. Tomorrow, I realize it's the last day in the week but tomorrow we will break for lunch, which we typically don't, but tomorrow we will break for lunch and we will come back and work most of the afternoon. Now there are several things we will need to do tomorrow. We will have more Final Reading. We need to finish up Final Reading that we don't get to tonight, and we will take up Final Reading on Select File bills that we dealt with yesterday and read across last night. We'll take up Final Reading on those. We will also tomorrow schedule in overrides. Right now, we know that we have LB690 to deal with. A motion has been filed to override. And we may have more before the agenda is set for tomorrow, and we will take those up. We have a few remaining confirmation reports from the committees and we'll try to fit those in to the agenda. And finally, we have some actionable resolutions; not your congratulatory kind that go at the end but those that have actually been heard in committee and sent out. There aren't very many of them, but those we will spend some time on tomorrow as well. And one other reminder: The congratulatory types of resolutions that you file that go at the end agenda that take no action, tomorrow is the last day for those. So if you really feel it's necessary, one more time, tomorrow is the day for that. Thank you, Mr. President.

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PRESIDENT HEIDEMANN: Thank you, Speaker Adams. Mr. Clerk.

CLERK: Mr. President, LB383. Senator, I have Enrollment and Review amendments. (ER236, Legislative Journal page 1418.) [LB383]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB383]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB383]

PRESIDENT HEIDEMANN: The question is the adoption of the E&R amendments to LB383. All those in favor say aye. All opposed say nay. The amendments are adopted. [LB383]

CLERK: Senator Chambers would move to amend with AM2846. [LB383]

PRESIDENT HEIDEMANN: Senator Chambers on AM2846. Senator Chambers on AM2846. [LB383]

SENATOR CHAMBERS: Mr. President, I withdraw that amendment. [LB383]

PRESIDENT HEIDEMANN: AM2846 is withdrawn. [LB383]

CLERK: Mr. President, Senator Janssen would move to amend with AM2906. (Legislative Journal pages 1491-1494.) [LB383]

PRESIDENT HEIDEMANN: Senator Janssen to open on AM2906. [LB383]

SENATOR JANSSEN: Thank you, Mr. President and members. AM2906 would create mountain lion protection plates, or you could call them pride plates. Applicants would pay an annual fee of \$5 for alphanumeric, which I would mention when I put this together and I did notice that I put consecutive numbered. I do need to do a floor amendment on this so it's consistent and it says alphanumeric instead of consecutive. That should be simple and I think Senator Dubas is working on that, probably as I speak. But anyway, the applicants again would pay an annual fee of \$5 for the alphanumeric plates and \$40 for the personalized plates, which is exactly consistent with the underlying bill. A fee for alphanumeric...excuse me, alphanumeric plates would be credited to a new Game and Parks Commission Educational Fund for children. Fees for personalized message plates would be credited 25 percent of the fee to the Department of Motor Vehicles Cash Fund and 75 percent of the fee to the Game and Parks Commission Educational Fund. The fund would be used to provide youth education programs relating to wildlife conservation practices. And I did hand out a flyer, it's going around, a flyer of what a plate could look like, and if you fold it, it looks just like

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a license plate. So this would be one of the ideas that we could have for this particular plate. And if you look in those eyes, I think they look very familiar. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Janssen. Senator Bolz, you are up next and recognized. Not seeing Senator Bolz, Senator Smith, you are up next and recognized. [LB383]

SENATOR SMITH: Thank you, Mr. President, and good afternoon, colleagues. I do stand in support of LB383. I'm still chewing on this AM2906. I do appreciate Senator Janssen bringing LB383. Last year, in committee, I had a bill, LB378; and LB383 has components of LB378. I introduced LB378 after being contacted by a constituent that strongly believed that it was disrespectful to the veterans for the state to require those veterans that have already sacrificed so much to pay for the plates; and I agreed with that, and I did bring LB378 last year. LB378 eliminated the \$5 fee for Pearl Harbor survivors, ex-prisoners of war, disabled American veterans, and Purple Heart license plates. And again, I appreciate LB383 because it does help to eliminate that cost for ex-prisoners of war and Purple Heart recipients. Of course, the Pearl Harbor survivors and the disabled American veterans were not part of that, but I hope in subsequent Legislatures that we're able to come back and provide the same coverage for those veterans. We had about...there's about six Pearl Harbor survivor plates issued in 2011, and there's about a little bit more than 1,000 disabled American veteran plates that have been issued. And so that's probably going to add several thousand dollars in the fiscal note, but again, that may be something for a future year. I know that we've fallen short of doing everything consistent with our veterans this year with some of the Revenue bills, and I know Senator Janssen has worked very hard to get the bills passed that he has gotten passed here on the floor. And once again, I hope that we can finish this out in future Legislatures. And I do rise in support of LB383. Thank you, Mr. President. [LB383 LB378]

PRESIDENT HEIDEMANN: Thank you, Senator Smith. Senator Chambers, you're recognized. [LB383]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, as this may not come as a surprise, I support what Senator Janssen is doing. He surprised me with it. But on General File I had talked to Senator Bloomfield. I'd lost the battle on trying to keep the license plates as nothing except an identifying mechanism for a vehicle to show that you were legal to drive it. That effort has gone by the boards. Even though the original form of LB383 recognizes three branches of service to allow people to get those plates, I didn't fight it. I didn't know anything about this at the time. This is something which I will support not only because it recognizes this particular species which once was native to Nebraska and is now facing extinction, but there are people in the state who I'm sure would take advantage of the opportunity to buy, or whatever you

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call the obtaining of one of these plates, a plate with a design relative to the mountain lion or the cougar. So I am in support of it, and if you have any questions to me relative to my support of it, I'm willing to answer it. Senator Dubas knows how last year, I think it was last year, I had put up strenuous opposition all the way across. I don't know if it surprised her that I was as meek as a mouse on this one, and I assure you it was not a favor to Senator Janssen. We get along but not that well. I have said on other occasions that a recognition has to be made when an issue is beyond the point of anything being done in terms of winning it. And the only thing that might could be done would be to make a point, and at this juncture that point would not be worth making because it's not a part of a plan to achieve anything else. So I am in support of this proposal and then I will support Senator Janssen's bill. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator Janssen, you're up next and recognized. [LB383]

SENATOR JANSSEN: Thank you. And before everybody gets all upset here, which I see starting to happen, I'd like to mention this was my idea. This came from my time in the service. And if you're listening and you happen to be in the military and you think, oh, this is a slight to people in the military; it's not. It's a separate part to the same statute. It doesn't at all affect the military plates, not in the least. That still stands. This is separate. It could have been brought as a separate bill; it wasn't. It's something I amended on to this bill. It's a conservation fund for youth education. I'm a veteran; I don't find that offensive. This is something...when I served I was stationed in Florida, and in Florida the license plates, they have manatee on them, they have jaguars. And I was in Jacksonville, well before the football team was there--not well before, but before--and they had jaguars on there. And I'm not sure where the money went or what they charged for it. I had the regular Florida plate. They were artistically done and they were nice and people noticed them. So that's where this idea came from. And this is a start, maybe something in the future could happen. This statute in itself, this section of law, is a mess. It needs to be shored up. There's...certain veterans' license plates are exempted, certain are not, and how we came to...I know Senator Smith did a great deal of work on that in at least getting some of them exempted. And perhaps we can do that down the road. This is where I'm at on this bill, this amendment, and I'm hopeful that you will be supportive of AM2906 and, of course, LB383, and we can move on with our agenda here today. Thank you. [LB383]

PRESIDENT HEIDEMANN: Those in the queue wishing to speak, we have Senator Bloomfield, Smith, McCoy, Garrett, Schilz, Kolowski, and Krist. Senator Bloomfield, you're up next and recognized. [LB383]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good afternoon, colleagues. I am very much in support of LB383. I have been since I first got here with similar bills. But I'm also very much opposed to AM2906. I do think it may be a bit of a slight. Let's look

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at it as a new bill next year. To amend it in to a bill that was a good idea to honor veterans I think smells really bad. Thank you. [LB383]

PRESIDENT HEIDEMANN: Senator Smith, you're up next and recognized. [LB383]

SENATOR SMITH: Thank you, Mr. President. I want to...I haven't stood up much and talked about the mountain lion bill. But I voted the mountain lion bill out of committee and I voted all three times on the floor, and I voted to override the Governor's veto on the mountain lion veto. And I received a lot of hate mail on that--I don't want to say hate mail; people very displeased with my votes. And the reason I did that was because I sat in that committee and I listened to testimony, and I believed that the testimony that I heard did not justify my opposition to Senator Chambers' bill. What we have now, had Senator Chambers' bill been put into law, it would have just taken us back a couple years prior to 2012 where we were before we were able to have the permits for mountain lion hunting. I do not believe that Game and Parks made a strong enough case to justify opposing that bill, and that's why I stood steadfast. I didn't make any deals and Senator Chambers knows I didn't make any deals. But I'm very strongly opposed to these kind of tactics to put on to LB383 this bill. Senator Chambers, I would support you entirely next year if this type of a bill came forward to have this type of a license plate. I'd be more than happy to do it. I don't think that this is the right mechanism to do it. And, Senator Chambers, if you brought your mountain lion bill back next year, I'd support it again until I have better evidence from Game and Parks as to why I would want to oppose that bill. And I stand very firm on my decisions on that. But, colleagues, we didn't capture all the veterans in LB383, and if we're going to adopt this I'm going to ask that we include disabled American veterans and Pearl Harbor survivors in there. That's what was included in LB378 last year that I took to committee, that I felt that was being captured into this bill. I want to show the respect to our veterans, and this is not the way we do it. Thank you, Mr. President. [LB383 LB378]

PRESIDENT HEIDEMANN: Thank you, Senator Smith. Senator McCoy, you're up and recognized. [LB383]

SENATOR McCOY: Thank you, Mr. President and members. I stand very, very opposed to AM2906. I think this has been sloppily put together, I think you're going to see if you look...read through this amendment. It's no secret I've talked about that I came from a ranching family. Well, for the last several years the Nebraska Cattlemen and the Nebraska Farm Bureau have been trying to get enough names put together of those who would like to have the Beef State as a license plate. The threshold is 500; 500 Nebraskans who would like to pay the extra money to have a plate, unless I'm mistaken, which I don't believe I am. There is no such provision in AM2906. For those of you that do a lot of traveling on the highways and byways across America, there a number of our states who have multiple license plates available, pretty much any issue you can think of or cause. I think at last count Florida has somewhere around 40

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different license plates that you can have. You know, I find it interesting that Senator Chambers stands up here and talks about how he's in favor of this when, yet, it was Senator Chambers who blocked license plates, Armed Forces pride license plates, for decades in this body. This isn't the way to honor our veterans. And for all those other groups that are doing what the rules and regulations require, and that is coming up with the correct numbers of individuals to then have their own plates, and to my knowledge that's only been Creighton University and Union Pacific Railroad at this point. There's no provision in here for this. I can't imagine that there would be 500 Nebraskans who would want such a license plate. Maybe there is. If there is, there is already a provision for them to have such a license plate. I serve on the Transportation and Telecommunications Committee. I approve of LB383, but I am very much opposed to AM2906. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator McCoy. (Visitors introduced.) Senator Garrett, you are up next in the queue and recognized. [LB383]

SENATOR GARRETT: Thank you, Mr. Lieutenant Governor. Members of the body, I'm going to do a little plain speak again. I think we need to lighten up. I'm very much in support of LB383. I think it's a great bill. And I had to smile when I saw the amendment for AM2906. I support AM2906. I think it's a great idea. It creates the wildlife education fund. But let's not confuse these two things here, you know, Senator Chambers' mountain lion bill with this. This is creating a wildlife education fund for young people. How can that be a bad thing? I think people like to be recognized for their beliefs and the causes they support and that kind of thing. You know, the Union Pacific plates are great; the Creighton plates are great; the University of Nebraska plates are great. I've got a disabled American veteran plate; I very much appreciate that. I think these heritage plates are great, and I think...I've got to applaud Senator Janssen for, first of all, bringing the bill, and then for thinking of the amendment, because I personally like the idea of what this does. I think this was very creative and I really like the idea of a wildlife conservation kind of education fund being created under the Game and Parks Commission. And I think you might be surprised about...you mentioned you doubt if there would be 500 people. I think there's quite a few wildlife supporters, conservationists, and everything else, that would be more than willing to buy these plates. So I stand in support of LB383 and the amendment, AM2906, and I applaud Senator Janssen for his creative thought there. Thank you. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Garrett. Senator Schilz, you're up in the queue next and recognized. [LB383]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. Good afternoon. And you know, I, much the same as Senator Garrett, when I saw this come up I...well, first...even the first thing was this morning, when I saw that Senator Janssen was handing out, you know, Ernie gear, I guess is what we could call it, I was a little

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surprised at what that was. But I have to agree with Senator Garrett, a little levity here is okay, looking at how to do this. And I go back to Senator McCoy's words in talking about how long it's been since this has been talked about and wanted to get going, and for years and years I've tried to get it going. And for a lot of that time, you know, there's been people that have stood in the way. Senator Janssen found a very creative way to get somebody to stand aside, and it does some good things too. So I...you know, I understand wanting to honor the veterans, and I think by getting this passed...oh, and honoring and respecting everybody else's time as well because we don't go four hours on a bill like this, I think makes some sense. Is it perfect in shape? I don't know. Do we need to put 500 in there? I don't know. But remember, guys, there's a bunch of us that have to come back next year and there's things that can be fixed if needed. But I'm probably going to vote for this. So thank you very much, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Schilz. Senator Kolowski, you're up next and recognized. [LB383]

SENATOR KOLOWSKI: Thank you, Mr. President. Colleagues, I have a question I'd like to ask Senator Janssen if I could, please. [LB383]

PRESIDENT HEIDEMANN: Senator Janssen, will you yield? [LB383]

SENATOR JANSSEN: Certainly. [LB383]

SENATOR KOLOWSKI: Senator, thank you very much for bringing this forward. And on your drawing that you've given us and in your amendment, would you tell us about how many letters we could use again? Would you go over that again, please? [LB383]

SENATOR JANSSEN: Yeah. As a matter of fact, other than the alphanumeric, which the Department of Motor Vehicles would handle, it's five letters that you can use in the...it's the normal process that we go through. I guess some people call them vanity plates, pride plates, that wouldn't change and it's currently in statute right now. [LB383]

SENATOR KOLOWSKI: Okay. And I have a set of those plates, CATSR1, for Millard West, of course, with the Wildcats. And so I've used that for about the last 15-plus years. What are the safeguards so we don't have something like this that would spell out K-I-L-M-E, Kill Me? If you would answer that? [LB383]

SENATOR JANSSEN: Okay, yeah. If you actually try to get any vanity plate put through, they have the department...they're basically looking for people to game the system like that. Anything that's offensive or whatnot, they would determine from their department, and I think you can do that on-line. You can put it in; they'll say it's either taken or you can't do that. I've got an example from that. A person I knew years ago got...and I hope I say this the right way, it's Bichon dogs, a dog, it's a breed of dog.

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B-i...it's spelled in a way that would sound like or look like something different on a plate, and they had to go in and explain what it was; and they are actually a breeder of this type of animal. [LB383]

SENATOR KOLOWSKI: Thank you, sir. I just wanted to make sure we have safeguards in place so it doesn't get desecrated from the original intent of what you're trying to do. Thank you very much. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Kolowski. Senator Krist, you are in the queue and recognized. [LB383]

SENATOR KRIST: Thank you, Lieutenant Governor. Good afternoon, colleagues, and hello, Nebraska. I have often reflected on the vanity plate and how revenue is produced. If you talk to our brethren in Colorado, Florida, any number of states, you'll find that there's a large amount of money that is made catering to vanities, who you want to support, what you want to have on your license plate, what you want it to say. I support a vanity plate of this kind. I think that the fact that we'd put a cougar on it or anything else, if I change...if I would recommend to the introducer any change at all, Senator Janssen, I would say that we should...if we're going to do it and be serious about it, let's just open it up to a vanity plate that looks at species. I mean, you can support, as you said in your opening, I think, support the jaguar, support the mountain lion, support the...you know, and it makes sense. I think one of the things that it's...you know, as we get long in the tooth in the session, I think we're kind of quibbling over if it had come out of the committee as its own bill, would I support it? Absolutely, and I think you heard that from others. So if we take a deep breath and look at the concept and say, is it something that we can do, is it something that we want to do, then everyone can vote the way the way they want there. It's either there or not. If we make a target out of one of our colleagues and say you're doing this because or you're doing this, you know, in relationship to things that have gone on in the past, I'm not sure that's worth that kind of effort at this point. We...it's time to kumbaya a little bit, folks, and figure out this is an up or down. If you feel strongly about it and it sounds like it's a good effort, then that's fine. I'm going to speak...I will not speak to what Senator Garrett talked about because he speaks for me in that regard. As a veteran I'm not offended by the fact that we're piggybacking on with this. And if I were asked by fellow veterans who are offended by it, I'd say, you know what, we both got what we wanted here and we went forward. It's the art of compromise. You are being...as a veteran you are being rewarded if your vanity takes you to that point that you want to profess on your license plate that you are a veteran. That's your choice as well. So I guess the word for my five-minute dissertation is kumbaya. We need to think about the subject matter at hand and not necessarily attach it. But my suggestion still to the introducer is, let's potentially open it up. And maybe that's next year's bill; maybe that's next year's bill. We don't have any manatees, but they make a great license plate. Thank you, Mr. President. [LB383]

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PRESIDENT HEIDEMANN: Mr. Clerk. [LB383]

CLERK: Mr. President, Senator Janssen would move to amend his amendment. The new amendment is AM2923. (Legislative Journal page 1494.) [LB383]

PRESIDENT HEIDEMANN: Senator Janssen to open on your amendment. [LB383]

SENATOR JANSSEN: Thank you, Mr. President. And this does exactly what I said in my opening. It just changes the word from "consecutive" to "alphanumeric" and to put it in order. And I would say that...and I appreciate the discussion on this. And I understand the opposition to this as well, and I could understand where somebody would be seeing this and saying, well, this is military pride plates. So it's a section of law that was opened, this was put in there. And I liked what Senator Krist said: it does open up something. I like the idea of what Senator McCoy was talking about with the plates in the past. This is an opening to create a conservation fund for children. That doesn't disrespect me as a veteran. I probably won't get the license plate either way, either one, as a matter of fact. But I'm not disrespected by that. I think the only thing I could understand the opposition with the method in which it was brought; I can understand that. I can understand that opposition. This does not open up plates to HSUS to come here because there's still the 500 threshold for that. I mean, any group can come here if they want to get 500 plates, and I sat on the Committee on Transportation for the past six years and I believe that was the intent. At the time we worried about a church down Kansas coming here and getting pride plates, and that's why we put that threshold there. This is put into specific legislation. Can it be opened up? Yes, with a vote of this body. We all know what we can do. Senator Krist goes through the numbers quite often of what it takes to get something done. This is not hostile in nature, wasn't meant to disrupt anything. Certainly, I am a veteran. This has been a great year for veterans' issues on the floor of the Legislature. We've still got work to do in the future when it comes to retirement. We've got homestead exemptions for service-disabled veterans. For many that are retired already, there's Social Security exemptions. And, of course, we are all participating in the indexing of brackets, which is a great bill that came out of Revenue that we worked on. So it's two different things and I can understand where somebody is upset about the process of how we got here. It's no grand deal here. This was an idea that I had vetted on my own. Did I run it past Senator Chambers? Well, yeah. I talked about it. I was thinking more of a conservation plate but I saw this as a...well, this is great angle this year. We've been talking about it quite frequently. The fund will be there for children. If you like hunting, fishing, which is in our constitution, here's a chance to teach our children about that. Conservation. I know there are several of us on the floor here, big into conservation. I don't think anybody is against it, the means perhaps. But we're setting up a fund and we're establishing a process for this. We're doing something that probably most states would look at and say, what's the big deal? But I don't find anything offensive to putting this on here, and the only thing I can't understand is people...can understand is if people don't like the manner in which it came

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about, and I apologize for that. But I ask you to support the floor amendment, the underlying amendment, and the bill. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Back to debate on the amendments and LB383. Senator Janssen, you are next in the queue. Senator Janssen waives. Senator Johnson, you are next in the queue. [LB383]

SENATOR JOHNSON: Thank you, Mr. President. I'm going to comment and probably kind of go back to LB671. I also serve on the Natural Resources Committee and some of us committee members made a verbal agreement, a compact, I guess, with Senator Chambers. And normally you might change your mind on something if you have new information or new circumstances, but we're not talking about the bill. So far I've held up to my support of our agreement. I voted six times when you consider the committee, General, Select, Final, the override, and the reconsidering. What I believe is happening right now goes beyond what that agreement is. I support LB383. Adding it on to this at this point, for me it opens up a door that I have told some of my constituents that we don't like to hang things on to other bills; but this particular constituent wants to create an advertisement on a license plate bill, and I've told them all along that it's just not going to fly. And now if this goes on here, it will probably be up here next year for consideration. I'm kind of in support the intent of raising the money and that, but I guess this is my comment to my agreement with Senator Chambers that I have supported him and I will continue to support, even though a majority of my constituents want to leave it in the hands of the Game and Parks as far as what LB671 is trying to do. I will not support the amendments but I will support LB383. Thank you, Mr. President. [LB383 LB671]

PRESIDENT HEIDEMANN: Thank you, Senator Johnson. Senator Bloomfield, you are recognized. [LB383]

SENATOR BLOOMFIELD: Thank you, Mr. President. I wonder if Senator Chambers would yield for a question. [LB383]

PRESIDENT HEIDEMANN: Senator Chambers, would you yield? [LB383]

SENATOR CHAMBERS: Yes. [LB383]

SENATOR BLOOMFIELD: Senator Chambers, did you and I reach any agreement on mountain lions this year? [LB383]

SENATOR CHAMBERS: Say it again? [LB383]

SENATOR BLOOMFIELD: Did you and I reach any agreement on mountain lions this year? [LB383]

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SENATOR CHAMBERS: I don't remember that we did. [LB383]

SENATOR BLOOMFIELD: We did not. Thank you. [LB383]

SENATOR CHAMBERS: Okay. [LB383]

SENATOR BLOOMFIELD: Thank you, Senator. Colleagues, I have supported the Chambers position on this all year, not because it was Senator Chambers; because I thought it was the right thing to do. This I think is the wrong thing to do. We are creating a new fund without ever having a hearing; a whole new department or segment that nothing was ever said about until we got to now and it comes in as an amendment. The idea that we're going to do this, as I mentioned earlier, is very unappealing to me. I see next year, Farm Bureau would like to have a plate, maybe the Pork Producers would like a plate or the Nebraska Cattlemen, all of them very able to reach the 500 threshold. Colleagues, this is not something we should be doing it this way. If we want to look at this again next year, bring a bill, put it in front of a committee, and let's see how much money it may or may not raise, but let's not attach this to the veterans' plate. There have been too many members in this body working too long to get that done. I guess I don't know what else to say. I can't oppose this any stronger than I do. As much as I like LB383, I don't know if I can vote for it with this attached. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Bloomfield. Senator McCoy, you are recognized. [LB383]

SENATOR McCOY: Thank you, Mr. President. Would Senator Janssen yield, please? [LB383]

PRESIDENT HEIDEMANN: Senator Janssen, will you yield? [LB383]

SENATOR JANSSEN: Yes. [LB383]

SENATOR McCOY: Thank you, Senator. You're proposing to create the Game and Parks Commission Educational Fund. Did this receive a public hearing? [LB383]

SENATOR JANSSEN: Not that particular fund, no. [LB383]

SENATOR McCOY: And was that because it wasn't part of a bill that was introduced this session or last session, or in a different form, or was...when...was this amendment just created in the last couple of days? [LB383]

SENATOR JANSSEN: No. This amendment, and I can get you the exact date when it

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was created. It was back in February, I want to say maybe the second or third week in February I put this amendment together. [LB383]

SENATOR McCOY: Because the date at the top of the amendment is today...well, actually, pardon me, yesterday's date. [LB383]

SENATOR JANSSEN: The original amendment I put with the original idea was done in the middle of February. [LB383]

SENATOR McCOY: And was there a reason we didn't talk about this on General File? [LB383]

SENATOR JANSSEN: I wasn't certain I was going to do it or not, and as the session wore on I made the decision to do it. [LB383]

SENATOR McCOY: And what is the connection, Senator, to mountain lions? We don't have specialty plates for our state animal or our state tree or our state flower or our state bird. What is the reason to create a mountain lion protection plate in Nebraska? [LB383]

SENATOR JANSSEN: Sure. Good question, Senator McCoy. This is something that I had thought about when I...and when I opened I know you were busy, you were probably listening but I saw you were busy; you know, I talked about my time when I lived in Florida and I saw conservation...what I assumed to be conservation plates, but the various types of plates in Florida, which would be, you know, jaguars or whatnot. And with the tone of the session going the way it was going, I thought if there was a time to ever get this introduced and at least started, now would be the time to do that, with what we've talked about with mountain lions. And, by the way, when we...and I opposed that bill. I had no deal. I opposed the bill and still do. I think the conservation part, if you want to look at it, should be looked at. Game and Parks should look at that. But that has nothing to do with this. This is setting up a fund to teach, hopefully, my kids, your kids, other children of Nebraska about conservation and also respect for the wildlife. [LB383]

SENATOR McCOY: And I...Senator, I don't mean to be cutting in on you but we are on my time. I'm not opposed to that. But it didn't get a public hearing. [LB383]

SENATOR JANSSEN: Yeah, and I... [LB383]

SENATOR McCOY: We're, on the fly, creating a fund that did not receive a public hearing, and these are not...this is not a fund created to create conservation plates; that would be one thing. And even that should have a public hearing, in my view. This is to create a fund for conservation purposes but with mountain lion plates, correct? [LB383]

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SENATOR JANSSEN: Initially, yes; and that is what this is, yes. [LB383]

SENATOR McCOY: Well, it doesn't say initially in this...in AM2906, unless I...did I miss that? [LB383]

SENATOR JANSSEN: My hope would be that somebody would come back next year, and you've talked about it, and expand it to something else. This is...like I said, I saw an opening, this was it and this is the avenue I chose to take with this. [LB383]

SENATOR McCOY: Well, the opening is LB383 that we have on Select File and I believe we're debating. This is an amendment that has absolutely nothing to do with this bill, right? [LB383]

SENATOR JANSSEN: Well, I think if we're questioning germaneness, I think it's certainly germane and it was much more germane than many things I've seen happen on this floor in just the last few days and few weeks. [LB383]

PRESIDENT HEIDEMANN: One minute. [LB383]

SENATOR McCOY: Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: That was just one minute. Are you finished, Senator? Senator Smith, you are next in the queue and recognized. [LB383]

SENATOR SMITH: Thank you, Mr. President. And the last time on the mike I probably was a bit emotional and kind of...I'm processing this a bit more and I think...I had a conversation with Senator Krist behind me, and he gave me some wise counsel on, you know, look at the merits of the bill alone and not the way in which it's been delivered. So I'm not certain I'm there yet but I'm processing all of that. And I appreciate Senator Janssen for recognizing our concerns in the way this amendment has been filed on this bill. It speaks well of him. And I would, not knowing how I'm going to vote on this, I do offer to Senator Janssen that should he choose to withdraw this amendment I would promise him that I would carry this bill and I would introduce it next year. In terms of a wildlife conservation license plate, I think it's a fantastic idea and I would support that. In terms of being creative, this is certainly creative, and I think he gets high marks for creativity on this. But colleagues, we've excluded our veterans from some of the other bills, some segments of our veterans from some of the other bills, and so there's a gap there. And we're dealing with a veterans bill, LB383. I would be inclined to agree with Senator McCoy that this really should go back into committee and I believe that there would probably be great support in developing a wildlife conservation license plate. Would Senator Chambers yield to a question, please? [LB383]

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PRESIDENT HEIDEMANN: Senator Chambers, would you yield? [LB383]

SENATOR CHAMBERS: Yes. [LB383]

SENATOR SMITH: Senator Chambers, thank you for yielding to question. I like the concept of the amendment. I like the underlying bill; I do not want to jeopardize the underlying bill. And I'm not certain if you are in a position that you could give me a straight answer on this, but if the amendment, the mountain lion license plate amendment, were to be withdrawn or were to fail, would you work in opposition to getting LB383 to a vote? [LB383]

SENATOR CHAMBERS: Would you give me the fairness of giving you a complete answer? [LB383]

SENATOR SMITH: I'm going to give you... [LB383]

SENATOR CHAMBERS: Okay. [LB383]

SENATOR SMITH: ...the remainder of my time, Senator, so go ahead. [LB383]

SENATOR CHAMBERS: I knew nothing... [LB383]

PRESIDENT HEIDEMANN: You have 2 minutes. [LB383]

SENATOR CHAMBERS: Oh. I knew nothing about this proposal until Senator Janssen brought it to me. Since I'm answering questions I can't ask Senator Janssen any, but this proposal he's making was not tied to the mountain lion bill at all. In the same way that I ask various ones of you, would you support the bill, I asked him would he support it? He gave me an outright no. And that's what it was. That's before any of this came up. I knew he was not going to support that bill. I at no point told him that since he was not going to support my bill, I would not support LB383 or I would try to tie it up or delay it in any way. I tell you, that battle was lost in terms in keeping the license plates, what I might call, no more cluttered than they are now. Senator Janssen mentioned the idea to me. And to be frank, I thought he was kidding at first. Then he said he was serious that he would have an amendment drafted or it had been drafted. And I said, well, that's fine with me. And I like the idea. At no point after he mentioned what he's going to do did I say if that amendment is rejected, I then will oppose LB383. If I was going to oppose it, you would know it by now. The two are not connected in any way. So, Senator Smith, that would be the answer. And if it's not directly on point, you can rephrase the question. [LB383]

PRESIDENT HEIDEMANN: Time. But you are next in the queue and you have 5 minutes, Senator Chambers. [LB383]

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to have a little conversation with Senator Janssen if he's of a mind to agree. [LB383]

PRESIDENT HEIDEMANN: Senator Janssen, will you yield? [LB383]

SENATOR JANSSEN: Yes. [LB383]

SENATOR CHAMBERS: Senator Janssen, did I try in any way to tie my mountain lion to any form of LB383? [LB383]

SENATOR JANSSEN: No. [LB383]

SENATOR CHAMBERS: Did I ever tell you that since you were against my mountain lion bill I would punish you, if that would be the word, by hindering LB383? [LB383]

SENATOR JANSSEN: You did not. [LB383]

SENATOR CHAMBERS: And...well, you made it clear, but I'm going to ask it for the record. Did I have any role to play in this idea at any point along the way? [LB383]

SENATOR JANSSEN: No, as a matter of fact, I was sitting in your office and I believe we were talking about football, and I brought this particular amendment up and you said--did you draft it? I said, I have it in my desk right now; and you asked me to...I believe you said, well, I'm getting along in age right now, would you mind running and getting it and coming back, and I did exactly that and I came back. And we looked it over and I asked you to look it over for some technical aspects as well and nothing was changed in it. And so that's the extent of it. [LB383]

SENATOR CHAMBERS: Thank you. And I wanted the record to be clear on that. Senator Dubas, as I had mentioned earlier, she had a bill with some...it was to recognize some group or other and I opposed it strenuously. I've opposed this down through the years. When I came here they were putting various slogans on the license plate. And I and a man named Emil Beyer, a truck driver, had managed to persuade the Legislature not to put slogans on the plate. For one thing, the Supreme Court had said that a state cannot coerce speech, so the state could not require a person to drive with a license plate declaring speech that the state wanted. But at any rate, I've always been opposed to that. Various things were added to the license plates in my absence. I thought about LB383 and should a stand be made against that license plate to make a point. Whatever point could have been made had been lost already. There were certain new items made available on the license plates that occurred while I was gone. I'm not going to be able to have all of those removed. So what would be the point? Just to establish that I'm still opposed to the plates? Well, I could say that and that would make

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it as well as me trying to draft amendments to do anything. I do appreciate what Senator...I don't know if I should mention his name, but the introducer of the bill, because I've had this discussion with him and I don't know how his constituents would feel about it if I mentioned Senator Janssen's name too many times in a favorable way. (Laughter) But what he could tell them is that he hasn't come over to my side; I've come over to his side because it was his offering. Anytime you have a statute of the kind that Senator Janssen's LB383 is dealing with, it covers every imaginable kind of what you could call vanity plates, specialty plate, or whatever. So to add another item is not insulting to any group which is already in that statutory scheme. Senator McCoy knows that there have been other issues far more significant than this added to bills without a committee hearing. [LB383]

PRESIDENT HEIDEMANN: One minute. [LB383]

SENATOR CHAMBERS: Without having been the subject of a bill. There are things that have been offered this session and I have spoken for a liberal interpretation of the germaneness rule so you didn't have to suspend that rule to go ahead and offer the amendment. And I've supported amendments of that kind. So I'm not acting out of character by supporting this, especially since I'm in favor it anyway. But it's not as though I resisted the Christmas treeing, even though I mentioned that it was reaching a point where it was troubling to me. But when Senator Coash led the way to combine several items, I did not raise the specter of the Christmas treeing idea running amuck. So nobody can say that I'm asking for something here that I've denied to others. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator Karpisek, you're up and recognized. [LB383]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I was in my office finishing lunch watching this and when I saw what was going on, I thought, well, Senator Janssen is playing kind of a funny and then I watched a little longer and it wasn't going away. And I thought, boy, I don't like that idea at all. Then Senator McCoy stood up and said how much he disliked the idea and I immediately changed my mind. Senator McCoy didn't think that there was anything wrong last night with "backdooring" me, not talking to me, smirking at me through the whole process. Now I see he's about as upset as I was last night and I'm just enjoying it. So, Senator Janssen, thank you. I'll give you a green light; I'll give you two or three if I could. And with that, I would like to yield the remainder of my time to Senator Chambers. [LB383]

PRESIDENT HEIDEMANN: Senator Chambers, 4 minutes. [LB383]

SENATOR CHAMBERS: Thank you, Senator Karpisek. Thank you, Mr. President. And I turned my light on the last time to give some clarification with reference to whether or

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not this proposal by Senator Janssen is in any way tied to my mountain lion bill. You all have seen how many times bills came up and my mountain lion amendment was pending because I had attached it. I say, immediately in most of the instances, I want to withdraw that amendment. If I had something that I wanted to say, I would make it clear that I would get that out of the way, then I would withdraw the amendment. And I believe I made it clear that in no case would I bring to a vote any attempt to actually attach that amendment to any bill or to seek additional action on that bill itself. I recognize when the die is cast. That doesn't mean that I will not discuss from time to time the mountain lion issue, but I have not delayed to any significant extent the movement of the Legislature by way of offering that amendment or extending the discussion. If you consider what happened yesterday and into the evening, that eating up of the clock was done by others, not by me; not by my mountain lion bill. So there is such a thing, and my saying it won't make any difference, fair is fair. And I am treated differently here from the way others are, so I conduct myself differently from the way others do. But despite all of that, if somebody on this floor is being dealt with in a way that I think is unfair, even if I've had conflicts with that person, I stand up and speak for that person. And I say this isn't right and it should not be done. But maybe I'm bigger than other people. And what I'm saying now might alienate people who are not. But I just want to call some things to your memory and to your recollection. Around here, Senator Garrett--after you've been here you'll see how it works--I'm not needed until I'm needed. I'm not wanted until I'm wanted. What I say that may be harsh and unyielding is not wanted until that is needed to be said by somebody and I will say it. And it's expected around here... [LB383]

PRESIDENT HEIDEMANN: One minute. [LB383]

SENATOR CHAMBERS: ...that certain issues that need to be addressed, I will be the villain, I will address them, and especially when it comes to standing up for the Legislature. You know why I'm tying all this together? Because a lot of that is tied into what Senator Janssen is offering here. Were my name not associated with it in any way, we wouldn't have had this much discussion. You know how I know that, I've been here for almost four decades and I've watched a lot that has occurred. But that's all that I have to say. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers and Senator Karpisek. Senator Lautenbaugh, you're next in the queue and recognized. Not seeing Senator Lautenbaugh, Senator McCoy, you're up next in the queue and recognized. [LB383]

SENATOR McCOY: Thank you, Mr. President. Would Senator Janssen yield, please? [LB383]

PRESIDENT HEIDEMANN: Senator Janssen, will you yield? [LB383]

SENATOR JANSSEN: Yes. [LB383]

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SENATOR McCOY: Thank you, Senator. Well, based upon what I just heard from Senator Chambers, would appear that AM2923 and AM2906 perhaps aren't necessary or they should be changed to speak of a conservation plate, not having anything to do with mountain lions. Would you agree with that? [LB383]

SENATOR JANSSEN: I...although I always listen intently, I can't tell you exactly what Senator Chambers was trying to get across on that last passage. I'm not certain if that's what he said or not. [LB383]

SENATOR McCOY: So would you be supportive of then an amendment to change this to just speak of creating this fund...Game and Parks Commission Educational Fund and the good work that it would appear that it would do? And I don't disagree with that at all. Well, then would you be amenable to such an amendment that would then just change it to be conservation protection plates? I'm sure there are a great many hunters and fishermen across our state, outdoors folks that would appreciate such an option when they go to get their license plates and would see a value in that. And then returning the threshold to 500 where all other groups have to go? [LB383]

SENATOR JANSSEN: You know, I'd be open to discussing that with you. It's hard for me to sit here saying right now, and that's fair because you didn't have much of a heads up on this, so I understand that. What I would not want to do is move to that threshold of 500. In fact, that was the genesis behind the military plate bill because it was very hard. And if you want, I'll push my light to give you time. But it was hard to get a group organized as much as, say, Creighton University, who has an alumni director, to get those 500 out there. So I had a lot of veterans scrambling around wondering how to do it and this was a quicker way to do it. [LB383]

SENATOR McCOY: But we're not talking about veterans here, Senator Janssen, in this particular amendment. [LB383]

SENATOR JANSSEN: Correct. [LB383]

SENATOR McCOY: I fully support, I voted for LB383. I support the value of veterans not having to establish a threshold; they shouldn't for license plates. The very least that we could give them is the option of an Armed Forces pride plate and not having to have a threshold for numbers. That's not what this is. Those that would desire a Beef State plate have to establish the number of 500, so does any other group. So why would we not set the threshold for this at 500? [LB383]

SENATOR JANSSEN: Is that a question to me? [LB383]

SENATOR McCOY: Yes, it is. [LB383]

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SENATOR JANSSEN: The reason I wouldn't want to is, one, we are talking about a youth fund and it's the Game and Parks that's going to be overseeing this; it's a state agency and we did put into our constitution...it's the constitution for hunting and fishing, and so I think this really wraps into that. So I think this is a unique class. Certainly the other classes you mentioned, you know, the beef industry, they have a heck of a lobby and they have an organizing group and they would be better equipped to get to those 500 than, say, the children that would benefit from this. [LB383]

SENATOR McCOY: But, Senator, when we voted on the constitutional amendment for hunting and fishing, 76.3, unless I'm mistaken, percent of Nebraskans, 155,900-and-some votes for that constitutional amendment and it passed. You're telling me you don't think out of that hundred...almost 156,000, 500 of them might want a plate like this and go through the same hoops and the same hurdles that any group has to go through? [LB383]

SENATOR JANSSEN: I couldn't be speculative. I wouldn't know. [LB383]

SENATOR McCOY: Well, I certainly think that we should. That's the process we have in place. That's been the... [LB383]

PRESIDENT HEIDEMANN: One minute. [LB383]

SENATOR McCOY: ...threshold that we have put out there. And I think that shouldn't change with this. And I think this ought to be changed to just say "conservation." I think the purpose of the fund that you're talking about, Senator Janssen, is very noble. I'm sure it would do some great work and provide some great education on the opportunities for hunting and fishing and for Game and Parks. This has been, you could perhaps characterize this, the session of Game and Parks for good reason in Nebraska. And we've done some things for our Game and Parks Commission and for the outdoors in Nebraska that we haven't done in a very long time. But this is the wrong way to go about this on a veterans' pride bill. I think the threshold ought to be at least 500 and it ought to be changed to be just conservation, not mountain lion pride. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator McCoy. Senator Smith, you're recognized. [LB383]

SENATOR SMITH: Thank you, Mr. President. And last time I was on the mike I yielded some of my time to Senator Chambers and he responded to my question as to whether this amendment would make him more likely or less likely to support the bill. And I feel as if I understand what his answer was. I like the amendment as a funding mechanism for Game and Parks because that's really why we originally had a hunting season for

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mountain lions was to provide funding for the Game and Parks. So I think this is...it would be fantastic to have a funding mechanism for the Game and Parks through the issuing of conservation license plates. So again, I stand in support of that concept and should this amendment fail, I would be more than happy and would certainly introduce it myself if someone did not beat me to it next year, in the next session. Should it pass, then I would seek to expand it to make it a conservation license plate; broaden it, make it more appealing, more available. So I'm more than happy to get on board with a concept of the license plate itself. And, Senator Chambers, I hope you understand that my opposition to this amendment is not because of it being related to mountain lions on its own. I oppose this amendment because it's connected with this underlying bill and the purpose of the underlying bill. I probably, I don't know for certain, I'm one of those who has probably given you the most votes on your mountain lion bill in this session. And again, I think I explained my reasons for doing that earlier because I believe that based on the testimony we had in committee that that was the right vote to have. And I have not had any deals with you; I think you would agree to that. And that's not how you earn my support. You earn my support through the merits of the bill alone. But my understanding of this amendment is that it's not appropriate to attach it to this underlying bill. And so I do plan to vote "no" on AM2923. I do support LB383. I wish we could have covered more of the veterans' license plates in LB383, such as the more than 1,000 disabled veterans license plates, and the Pearl Harbor Survivor license plates, but that's okay. We can come back around to that another time, we'll work on that. But I just...again, colleagues, I just do not...and I respect Senator Garrett and many of those that are in this body that have served in the military, I respect them that they do not feel insulted by this or oppose this amendment tied to LB383, I respect that. I just have to make the decisions based on what I believe are the right things to do. And I just can't support this particular amendment. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Smith. Senator Hansen, you're up and recognized. [LB383]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. Would Senator Janssen yield to a question, please? [LB383]

PRESIDENT HEIDEMANN: Senator Janssen, would you yield? [LB383]

SENATOR JANSSEN: Yes. [LB383]

SENATOR HANSEN: Senator Janssen, is this rendering that you did pass out, and I've folded it over so it looks a little bit more like a license plate, has this been run by the DMV? Is this a...is this rendition halfway similar to what it would look like? [LB383]

SENATOR JANSSEN: No. It's a...in fact, as Senator McCoy talked about, if we went the conservation route, this would be one idea. They would go through a process, I'm sure,

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that they would put in place in order to decide what they would use and how that would look. This is something, actually, that...I think...well, Senator Karpisek's legislative assistant did this...his very talented legislative assistant did this; it's a handwritten drawing. I kind of quipped that she did this last night while I was busy filibustering her boss's bill on the floor. So I appreciated her time in doing that. But, no, this was just an idea. [LB383]

SENATOR HANSEN: Okay. Because the way it is now, you know, with the mountain lion over to one side and the letters are so small that they're not going to be legible for someone driving by that needs to stop and see that you've put your 2014 sticker on the wrong place. I have a vanity plate. I don't call it a vanity plate. It's a personalized plate, SVN SVN, with a space in the middle, and it...so that's seven spaces. And in order to get this by the DMV, I'm sure that they're going to have to go right over the top of the mountain lion. I don't know. My SVN SVN is over the top of a meadowlark and a goldenrod. So I...I just...I don't like the idea of this at this late stage either. I mean, I'm in favor of LB383, but I'm not in favor of doing it this way. I think this needs to be part of a whole series of plates, and maybe randomized out. For people who like wildlife, some get hippos and some get mountain lions and some get toadstools and with toad on it or whatever comes out, but, you know, whatever the people want, I guess anymore. I think we've probably gotten carried away too. I was in my first or second year when Senator Chambers was...we were in a night...evening session and he was fighting the Gold Star license plate and that's the last time I've heard him speak really, fortunately, against a license plate. But I don't want to take on that mantra with two days left in the session. But I'm not going to vote for this...the amendment that Senator Janssen has as AM2923. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Hansen. Senator McCoy, you're in the queue and recognized. This is your third time. [LB383]

SENATOR McCOY: Thank you, Mr. President and members. Again, I very much support LB383, and there's some discussions going on about what to do with AM2923 and AM2906. I think to go down this road is to open up a door for every advocacy group, every constituent group across the state to have no threshold for plates, which comes at a cost, I might add, to our Department of Motor Vehicles. It is not inexpensive to create these plates. That's the reason there's a 500-plate threshold. Now the discussions, if you'll look through the transcript for LB383, was that we felt like, in the committee, out of respect for our veterans who have served us very well, including quite a number of members of the Legislature, that the cost of that could be borne by the department and would be able to be absorbed. To go to a zero-plate threshold, which is what this amendment does, or these two amendments, comes at a huge cost. Maybe we should get Senator Mello up here so we could know what the fiscal impact of this is going to be, because it won't be little...it won't be a little amount. Director Lahm, when she testified...well, at that time it wasn't Director Lahm, it was the previous director of

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the Department of Motor Vehicles last year and we had a hearing on this bill. And then it continued, I think we've gotten several letters, those of us on the Transportation and Telecommunications Committee, from Director Lahm on the costs of this legislation. That is the reason why a group, whether it's Creighton University, whether it's Union Pacific Railroad, whether it's Nebraska Cattlemen, whatever the group is, that is the reason there is a 500-plate threshold. It's not at 100 plates, it's not at 50 plates, it's not at 1,000; it's at 500 because that's when the additional amount that you pay to have a specialty license plate...that's the break-even point. I really think we need to think very seriously about what we're doing here and make sure that we're creating specialty plates and setting up the rules for such plates in a well-intentioned manner. I understand Senator Janssen's perspective here, well-intentioned; not necessary in my view. I think both of these amendments ought to be withdrawn. We ought to move ahead with the bill as it is. You've heard from Senator Smith; you've heard from others, conservation plates would be a great piece of legislation to have next year and could be brought forward with the 500-plate threshold like any other group. Otherwise, if these two amendments advance, my guess is you'll see several other amendments yet this afternoon dealing with groups like Nebraska Right to Life, Choose Life, with a zero threshold and we can create a fund for where those funds should go, and on and on and on from there: pork producers, beef producers, poultry producers. I don't think this is the road we ought to travel down, in my view. I support LB383 as it is without AM2923 or AM2906. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator McCoy. Senator Janssen, you're in the queue and recognized. [LB383]

SENATOR JANSSEN: Thank you, Mr. President and members. And kind of working over some issues here with various people and discussing some things and I'm going to continue to do that. And I would say...in somewhat "agreement" with Senator McCoy in the fact that this did come up all of a sudden, I don't think the 500 threshold should apply on this particular class. And I say that for the same reason I mentioned when I was on his time on the mike. We're talking about a conservation children's educational fund. And I don't know if people are going to rush out and get those license plates. And I'm not saying they're going to be pushing down the Department of Motor Vehicles whether it's a mountain lion pride or a conservation plate. I think, actually, the latter would create more revenue. And it's revenue for Game and Parks; I don't know who said, it, but it's quite the year for Game and Parks, if we could get this fund set up as we move along. So I'm still going to work a few things out here. I am contemplating withdrawing the amendments because my goal here was to save a little time and it looks like either way I go, that's not going to happen. So I'll probably talk one more time on this. And if anybody else wants to talk on this, please do, because we're gaining a lot of ideas on...and I think there's some momentum to actually create these type of plates, if not now, down the road. And with that I'll yield the balance of my time to Senator Chambers if he'd like it. [LB383]

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PRESIDENT HEIDEMANN: Senator Chambers, 3 minutes 20 seconds. Senator Chambers waives. Senator Karpisek, you're next in the queue and recognized. [LB383]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I just wanted to rise again in my support of what Senator Janssen is doing here. Senator Chambers has told us a lot of times that we can do about anything we want with 25 votes. I'd be interested...I was going to call the question, but then I decided not to and Senator Lautenbaugh wanted some time. I've really been enjoying this, this afternoon, seeing other people frustrated and someone else not budging and smirking and not being...not working together. It's really, really kind of fun for me. But I'm sure that it will all get worked out and we'll move on. But it's even more fun to watch a couple people that filibustered my bill last night go at each other, so that's doing my heart good too, as my aide was drawing Senator Janssen's mountain lion. (Laugh) That's kind of funny too. Anyway, just again, I support what Senator Janssen is doing here and I'd yield the rest of my time to Senator Lautenbaugh. [LB383]

PRESIDENT HEIDEMANN: Senator Lautenbaugh, 3 minutes and 35 seconds. [LB383]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and thank you, Senator Karpisek. I'm glad you're getting back at those guys that filibustered your bill last night. I was struck, when I was given this picture of the plate, because at first I didn't know it was a plate. But the irony is that when I started filibustering Senator Chambers' cougar bill on Final Reading, when that stopped and Senator Adams was speaking, Senator Chambers turned around and gave me a protracted glare and he looked exactly like this picture almost to the point that I thought this was a caricature, although no one could have seen it to draw it except me. And it went on for 20, 30 seconds. I cleared it with him. I said, you won't be offended if I point that out, will you? And he, of course, said, no, Senator Lautenbaugh, you could never offend me. At least that's what I think he said. In any event, I do support this amendment; I support the underlying bill of course. And I think I've been clear, I am no friend of the cougar bill, so to speak. But if something good can come of this, and I see where the funding is proposed to go, why not? I think Senator Garrett gave a very eloquent and clear-headed comment earlier to that very end. And so I will support the amendment. I hope it isn't withdrawn and the amendment to the amendment as well, as far as that goes. And I do support the underlying bill. I think the underlying bill is clear and it honors veterans and that's a good thing. This mountain lion plate is separate and the proceeds could do some good things and that's a good thing. They're separate issues in my mind and I support the concept and I support moving them both forward. Thank you, Mr. President. Thank you, Senator Karpisek, again. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Karpisek and Senator Lautenbaugh. Senator Bloomfield, you're next in the queue and recognized. [LB383]

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SENATOR BLOOMFIELD: Thank you, Mr. President. I wonder if Senator Janssen would yield to a couple of questions. [LB383]

PRESIDENT HEIDEMANN: Senator Janssen, would you yield? [LB383]

SENATOR JANSSEN: Yes. Sorry about that, I just made my way to the other side of the Chamber. [LB383]

SENATOR BLOOMFIELD: Thank you, Senator Janssen. I went back and looked at the committee statement on LB383. There were four groups came in and testified: the Disabled American Veterans, National Guard Association, Nebraska Department of Veterans' Affairs, and the Veterans of Foreign Wars. Did you talk to any of these groups before adding this amendment by any chance? [LB383]

SENATOR JANSSEN: Well, I've talked to them all, but not about this specific amendment. And as we've said, and I think it's been clear even by people that are on the other side, these are two...even though the bill is the same, one deals with veterans, one deals with conservation. So I think the...probably the appropriate question would be did I talk to Game and Parks, which I also did not. So I answered my own question. [LB383]

SENATOR BLOOMFIELD: No, the question to me is did you discuss with the people that came in and supported LB383... [LB383]

SENATOR JANSSEN: No. [LB383]

SENATOR BLOOMFIELD: ...as to whether or not they would consider this as an offense to the veterans? And your answer is, no. And I thank you for that. Colleagues, I've said before, I get a little emotional when we go talking about veterans. I don't care for this amendment. I think if it were come next year as a bill, as a conservation license, after having a hearing, maybe we could create a fund. But I don't believe we should be doing it out of whole cloth here in the form of an amendment. Senator Chambers tells us he had nothing to do with this. I have no reason not to believe Senator Chambers. Going forward as an amendment, I believe this is a bad idea. Looking at it again next year as a bill, it might be a very good idea, but not at this time and not in this way. And I'd yield the remainder of my time to Senator Smith if he could use it. [LB383]

PRESIDENT HEIDEMANN: Senator Smith, 2 minutes and 25 seconds. [LB383]

SENATOR SMITH: Thank you, Mr. President. And, Senator Bloomfield, thank you for yielding time to me. I'm just going to once again reiterate my support of LB383. And I appreciate the effort that Senator Janssen had with bringing that bill forward. I just stand

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opposed to the amendment, AM2923, the mountain lion license plate being amended into this bill. In a future session, once again if this does not go forward, I would promise to introduce a conservation license plate. I think it's a great idea. This is not the time and place for it. Thank you, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Bloomfield and Senator Smith. Senator Lautenbaugh, you're next in the queue and recognized. Senator Lautenbaugh waives. Senator Brasch, you're next in the queue and recognized. Senator Brasch waives. Senator Ashford, you're next in the queue and recognized. [LB383]

SENATOR ASHFORD: Thank you, Mr. President. I just want to assure Senator Bloomfield that I will guarantee him that there will be another Chair of the Judiciary Committee other than myself soon. (Laugh) So thank you, Senator. Okay. Let me say this, I think what is important here is that...what Senator Janssen has done is he has brought to us, I think, a very sound proposal based on what I think this body was trying to say on this issue. And I don't recall the number of votes that there were in the various iterations of the vote on this, but there certainly were more than 25. And as I recall, there were more than 30. So, I think what that reflects is...at least this body's...and we are the representatives of the people of the state of Nebraska, and we can make decisions; that that's what we're here to do. And some of those decisions are made in different ways, but we're here to reflect, I think, the...our constituents and their desires and their interests and their needs. And that's why we're here. And I think what Senator Janssen has done, and I applaud him, I think it's really creative, as has been mentioned earlier. I think Senator Smith said that. It's thoughtful, and it expresses the...I think, the concern of over 30 of us in the body who said, look it, there's got to be a better way in dealing with these mountain lions. There's got to be a better way than what had been going on in the last year and that we can deal with the mountain lion population; we can conserve our resources; we can make a statement. And it seems to me, we should not shy...with the 30 of us voted for the...or 31 or 32, whatever, voted for the mountain lion bill in some form, I think this is a very positive...this bill or this proposal which is a positive reflection of that vote. It's a positive reflection of that vote. We voted to do this. We voted to protect these mountain lions. We voted for it, I think, with our eyes wide open. We voted for it because it was a proposal worthy of a positive vote. Now what Senator Janssen has brought to us is a way to accomplish somewhat the same thing, to accomplish, I think, a love that we have in this body, reflected by those votes, and reflected by those who didn't vote for it, a love for conservation, a love for nature, a love for the environment that I think is encompassed in this entire issue. I see absolutely nothing wrong, it's not without precedent, for this body to cast a vote reflecting those sentiments. And one of the ways to reflect those sentiments is through this proposal on the license plates. Certainly, the underlying bill dealing with veterans is a worthy proposal and is worthy of support and I plan to vote for it. But I also believe that what Senator Janssen has done is he has listened to the concerns of the body. It's...we have...there are a lot of citizens out there that talk to us every day on-line, but it's us

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within this group, inside this glass who are elected to reflect the concerns of our constituents. Thirty of us, or more, voted for this bill, Senator Chambers' bill. I think this is a very positive reflection of that vote and I think it should go forward. I think it's a good idea and I applaud Senator Janssen. Thank you. [LB383]

PRESIDENT HEIDEMANN: Thank you, Senator Ashford. Senator Janssen, you are next in the queue, and this is your third time on this amendment. [LB383]

SENATOR JANSSEN: Thank you, Mr. President and members. And I appreciate the kind words from Senator Ashford. I finally get him on board with me and I'm probably not going all the way with this, so...(laugh) so, yeah, in the waning hours here. And, you know, he brought up some good points here. And I look at this...somebody came up to me and said, well, is this a joke? And I said, well, I could see where you think that. This just kind of came up and it's a nice little plate here which I like and I will actually get an autographed copy to the person whose name is on it with the...not my autograph, the artist's autograph of that. But the important thing here as we talked is about getting a conservation fund and about having Game and Parks listen to us, and I think that's important because we sat down here quite a bit this session and Game and Parks was a big winner this time. And I think they could have done a little bit more, a little bit more in helping us out with a lot of issues this year...help move this Legislature forward. And this is a little bit of an attempt to do that. We didn't spend eight hours on this on General File like most people thought. And I had no deal. So why would I bring this? Well, I do want...I think it was a good idea for the same reasons several of you did. I have apologized for the manner in which it was brought, but I've seen things done in various manners since I've been here. People leave for lunch, once we came back we gutted a bill and we started a cemetery bill somehow. And I still don't know how that happened, but we did do that. I don't know where this is going to go from here. Of course, being a veteran...and I know our veterans would be...if I did talk to those groups, Senator Bloomfield, they would stand up and say, we like the idea because most, like me, like you, like hunting and fishing and, of course, they like the children and teaching them the proper methods of doing so in a safe manner. I've gotten...you know, nobody knows where we're going to be tomorrow or even next year. If I'm here, I'll bring the bill again and it will be the conservation bill. I do like this picture though. And the picture will really be up to...they'll probably...maybe the Governor picks it. I don't know how that's going to work. Whether that's through rules and regs, it's got to get passed. We will have a hearing on it. One way or the other I'll be there, well, God willing, and we'll start again. And hopefully through this...and one of the main reasons, one of the main reasons other than talk football, I went to Senator Chambers' office that day is I started looking, like all of us do, and we've gotten better at it...I've gotten better at since he's returned to the body, is looking through the statutes before you stand at this mike and reading them to understand roadblocks that may come up. And when I looked at this statute, I said, this is horribly written; it's all over the place. And I think he kind of took pride in that because he didn't let them all happen at once and it got slapped together, a little bit here with spit

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and tape and however they could get pushed through and that's what happened. So I said I'd like to take a look at this whole thing and pull it back and do this. So I was reconsidering the whole bill, but I did not want to jeopardize the veteran pride plate bill. Senator Smith has some great ideas and I know he and I will work together. I know several other senators have brought forward bills on this. I think Senator Dubas was one and we ended up just using my bill out of the multiple bills that were introduced on what was military pride plate day in the Transportation and Telecommunication Committee hearing room and I was honored that they allowed me to move forward with that. This bill was not brought to upset anybody. This bill was not brought to buy anybody's vote. This bill was not brought...or amendment, excuse me, to work a deal as has been clearly put out there. I would like the conservation fund. I would like...I would not like that 500 threshold because this is a children's educational fund. [LB383]

PRESIDENT HEIDEMANN: One minute. [LB383]

SENATOR JANSSEN: Thank you, Mr. President and members. I have taken enough of your time, maybe more will be taken. But with that, Mr. President, I'd request that we withdraw AM2923 and AM2906. [LB383]

PRESIDENT HEIDEMANN: Without objection, AM2923 and AM2906 are withdrawn. [LB383]

CLERK: I have nothing further on the bill, Mr. President. [LB383]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB383]

SENATOR MURANTE: Mr. President, I move to advance LB383 to E&R for engrossing. [LB383]

PRESIDENT HEIDEMANN: You have heard the motion. All those in favor say aye. All opposed say nay. LB383 is advanced. Mr. Clerk. [LB383]

CLERK: LB383A, Mr. President, no E&Rs. Senator Janssen, I have AM2777, Senator. (Legislative Journal page 1434.) [LB383A]

PRESIDENT HEIDEMANN: Senator Janssen to open on AM2777. [LB383A]

SENATOR JANSSEN: Thank you, Mr. President. This updates LB383 to reflect the changes we made on General File. It also pushes the \$55,138 DMV Cash Fund back to 2015-2016. Thank you, Mr. President. [LB383A]

PRESIDENT HEIDEMANN: Thank you, Senator Janssen. Is anyone wishing to speak on AM2777? Seeing none, Senator Janssen,...waives closing. The question members:

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Shall AM2777 be adopted to LB383A? All those in favor, aye; all those opposed vote nay. Mr. Clerk, please record. [LB383A]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Janssen's amendment. [LB383A]

PRESIDENT HEIDEMANN: AM2777 is adopted. Mr. Clerk. [LB383A]

CLERK: Senator Chambers would offer AM2847. [LB383A]

PRESIDENT HEIDEMANN: Senator Chambers to open on your amendment. [LB383A]

SENATOR CHAMBERS: I would withdraw that amendment. [LB383A]

PRESIDENT HEIDEMANN: That amendment is withdrawn. Mr. Clerk. [LB383A]

CLERK: I have nothing further on the bill, Mr. President. [LB383A]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB383A]

SENATOR MURANTE: Mr. President, I move to advance LB383A to E&R for engrossing. [LB383A]

PRESIDENT HEIDEMANN: Members, you've heard the motion. All those in favor...Senator Chambers. Senator Chambers, you are recognized. [LB383A]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I spoke to Senator Schumacher about the fact that I wanted to spend a little time on his bill and he has no problem with it. There are other issues, believe it or not, besides the mountain lion bill and what goes on in this Legislature that take my time. And they are substantive issues that, in my opinion, should be of concern to everybody. What I'm going to take a bit of time, and I might need two lights to get it done, is speak about what's happening in the Nikko Jenkins case. I wrote an 11-page letter to the judge explaining why he should not let a man with a history of mental problems, delusional behavior represent himself in a complicated, criminal case where he was charged with four first-degree murder counts and numerous weapons charges. And the judge naturally could not respond to the letter, could not acknowledge it publicly. The ethical standards that bind judges prohibit their discussing any pending case. But as I put in my letter to him, those provisions do not prevent him from thinking, do not prevent him from reading, do not prevent him from changing his mind. And so I'm going to read for you an article that appeared in the World-Herald. But before I do that, even though I handed out a copy of this letter to everybody in the Legislature, it was so long that maybe nobody read it, but I want this into the record, not the entire letter. But I laid out the law which

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demonstrated that being competent to stand trial is not the same as competency to defend yourself. Then the rest of the letter was basically argument. Then I put a series of questions and here they are: Number one, could any lawyer work effectively to develop a defense in such a complicated case under the restrictions necessarily imposed on Jenkins due to his status of being locked down 23 hours per day? Two, Having been prescribed medication to deal with his mental condition, however that condition may be denominated by competing psychiatric conclusions, will he be kept on medication during the trial? Will there be a daily certification that he, in fact, is "on his meds"? How and by whom? Will medication be forcibly administered "if necessary" in order for him to function rationally? Three, if he refuses to take medication, will he be stable enough to proceed with his "defense"? Four, if at any point the court determines that he's not in a state of mind to be suitable to self-represent, what becomes of whatever "record" may have been fashioned up to that point? Five, if meds become a serious enough obstacle to orderly proceedings, what then? Six, he does not know and cannot reasonably be expected to know enough about the law governing cases such as his, true or false? Number seven, suppose he ignores or rejects assistance offered by "standby" counsel? Number eight, will he know how and when to make timely objections? Nine, will he be able to fend off objections lodged by the prosecutor? Number ten, will he know how to "argue" in the legal sense? Number 11,... [LB383A]

PRESIDENT HEIDEMANN: One minute. [LB383A]

SENATOR CHAMBERS: ...will he be able effectively and adequately to create a record for appeal? Will an appellate court waive the requirement that any issue not raised or presented at trial be disallowed from being raised for the first time on appeal? Twelve, does he know how to raise an insanity defense? Will the fact that he's been deemed competent to represent himself, in and of itself, preclude his even attempting to raise such a defense? Thirteen, and final one: Finally, given his history of mental problems, his self-destructive and delusional behavior, cannot it be asserted that the court knew or should have known, based on the principle of notice, that he was capable of any and all types of disruptive, aggressive, combative, unpredictable behavior despite... [LB383A]

PRESIDENT HEIDEMANN: Senator Chambers, you're on your next 5 minutes. [LB383A]

SENATOR CHAMBERS: Thank you...despite all of which the court knowingly and intentionally placed him in circumstances which one could reasonably anticipate that such behavior would be elicited and therefore Jenkins could not be held culpable? Now, I may have to go into a third one. I'm going to read that article. And this article appeared today...or yesterday...and it came off the gadget. Nikko Jenkins is led from the courtroom by Douglas County Sheriff's deputies--the capture under a picture. Of late, the widower of Andrea Kruger has purposely avoided the Douglas County Courthouse. First and foremost, Michael-Ryan Kruger takes care of the couple's young daughters,

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who are not in school, during the day. Second, he has no interest in giving an audience to his wife's accused killer, Nikko Jenkins, or Jenkins' courtroom actions as he represents himself on charges that he killed four Omahans. After days like Tuesday, Kruger says he has no regrets about that decision. Jenkins' theatrics, as one attorney called them, were in high-definition mode. In the morning and afternoon sessions in Douglas County District Courtroom, he created a buzz when he repeatedly claimed he wanted to change his not guilty plea and plead no contest to all charges against him. The reason he gave: Because he is being detained on illegal evidence and wants to be convicted so that he can expedite a civil rights lawsuit he has filed that claims he is being illegally held. A slight departure, he is so disconnected from reality, he doesn't realize he's facing a death penalty. He thinks a civil lawsuit is more important. Continuing: After District Judge Peter Bataillon refused to accept Jenkins' no-contest plea telling him he could please guilty instead, Jenkins' voice rose. He warned that he would continue to plead no contest at every hearing. That wasn't all. When the judge questioned Jenkins' competency to be his own attorney--I raised the issue earlier--Jenkins let out a loud, incredulous laugh. He spoke over the judge. He called Douglas County Attorney Don Kleine "Donny." And he declared it, expletively, great that he had prosecutors shaking. And before he ducked down a hallway on his way to a back elevator, he threw his head back and howled four times. It's just a spectacle, Michael-Ryan Kruger said. That's why we haven't gone to these things. I think he's hoping for that type of environment, and I really have no desire to give him the satisfaction. There's obviously some more courtroom antics to go. I'm just going to let it play out and know that the outcome will come. It seemed close to arriving Tuesday. Prosecutors had requested the hearing to discuss discovery issues with Jenkins. Don Kleine, the County Attorney, said in court that authorities had some concerns that Jenkins might be disseminating police reports to news media. Jenkins countered that he has offered reporters only his medical records. Jenkins complained that he could not properly prepare his trial unless he was able to see more than 25 pages of reports at a time. He also complained that he was not able to make copies of crime scene photos, photos that he needed to submit as exhibits at trial. Then the routine hearing became anything but. Jenkins started to read from a handwritten motion to plead no contest to all felony charges. Bataillon noted the seeming inconsistency in Jenkins' requests. [LB383A]

PRESIDENT HEIDEMANN: One minute. [LB383A]

SENATOR CHAMBERS: "If you intend to enter pleas of no contest," said the judge, "I'm going to continue this matter until 1:30. I have a concern of whether you are competent to be your own attorney." At that, Jenkins let out a loud, incredulous laugh. "In one breath," Bataillon said, "you are complaining about the discovery setup. In the next breath, you are saying you want to plead no contest." Jenkins interrupted. "The only thing I'm utilizing is the same dirty tactics that you are allowing the other side to use." Am I next, Mr. President? [LB383A]

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PRESIDENT HEIDEMANN: You are next. You have 24 seconds, we'll let you go on your next 5 minutes. [LB383A]

SENATOR CHAMBERS: Thank you. [LB383A]

PRESIDENT HEIDEMANN: And this is your last time. [LB383A]

SENATOR CHAMBERS: Right, and that should complete it. And I want this in the record because I'm not through trying to get that judge...well, I'll say that after I read this. And this is not just a spectacle. I'm saying this, not reading it from the article. It is a tragedy. It is a mockery of mental illness and the mentally ill. It is a mockery of the court system, the judiciary, and the entire process of handling a criminal trial. Back to the article: Jenkins has said he'd continue to plead no contest. That led legal observers to conclude that Jenkins wants to plead no contest because he thinks he needs to stop the state from presenting evidence against him in the criminal case. Under his logic, the federal judge overseeing his civil action would release him for lack of evidence. Such a move would have as little chance of succeeding as Jenkins' previous attempts to get the case tossed, including an unsuccessful attempt to dismiss all charges because Kleine had revealed that Jenkins was competent to stand trial. Bataillon told Jenkins he would not allow him to plead no contest. Under state law, the judge said, he does not have to accept a no-contest plea. The reason: Jenkins possibly faces the death penalty, Bataillon noted. It's too grave a consequence and too important a matter to allow Jenkins to plead no contest, the judge said. I will not accept your plea of no contest, Bataillon said, if you want to enter a plea of guilty, you can do that. A no-contest plea, in which a defendant neither admits nor disputes the charge, typically is treated the same as a guilty plea. State law gives the judge discretion. And that gives enough of what I'm talking about so I'll skip some of it. But he continued to insist, no matter what the hearing was about, all he would do is stand up and plead no contest. "I will not stand trial on these cases and you cannot refuse me. No legal proceeding will go...will get to transpire because every time I will stand up and say I plead no contest, that is my constitutional right." Bataillon told Jenkins he does not have a constitutional right to plead no contest. The case will go to trial. Then it went on to say a few other things, and you might get to read the article. But here's why I'm deeply troubled about this. The prosecutor should have objected to this. I think there are lawyers, there are other supposedly responsible people in this society who understand criminal trials and the issues involved in this case. And they know that a man who has a history, an established history of mental problems and psychiatric opinions by recognized, credible psychiatrists that he is insane, what in the world is an appellate court going to do if he insists on pleading guilty and they sentence him to die? And the Supreme Court automatically gives an appeal in a death penalty case. And they look at that record. The man is insane. He cannot defend himself, insanity contradicts competency to represent yourself as a lawyer. You think I'm pleading for Jenkins because I think he's innocent?

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He will never walk among people again and he should not. He is incapable of living as an ordinary person in society, and everybody who has followed this case knows it. So they're going to make a circus, and that's what it is. But they can make him look like a fool. They can make him scream. They can make him holler. They can make him tell the judge, you cannot make me do this. But who looks like the fool? [LB383A]

PRESIDENT HEIDEMANN: One minute. [LB383A]

SENATOR CHAMBERS: Jenkins has been certified by psychiatrists as insane and he's been on medication. So who looks like the crazy person? The one who in fact is not crazy, who is sane but behaves in an irrational way, and that's what this judge is doing. And these are the things that distract me. Things that my duty as a state senator do not require me to do this. But being a human being, having respect for the court system, the system of law compels me to act if nobody else will. Thank you, Mr. President, and thank you, Senator Schumacher, for giving me this opportunity. [LB383A]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. (Visitors introduced.) Is anyone else wishing to debate the advancement of LB383A? Seeing none, Senator Murante for a motion. [LB383A]

SENATOR MURANTE: Mr. President, I move to advance LB383A to E&R for engrossing. [LB383A]

PRESIDENT HEIDEMANN: You have heard the motion. All those in favor say aye. All opposed say nay. LB383A does advance. Mr. Clerk. [LB383A]

CLERK: Mr. President, I have some items, thank you. Enrollment and Review reports LB526 and LB916 as correctly engrossed. That's all that I have, thank you. [LB526 LB916]

PRESIDENT HEIDEMANN: Mr. Clerk, next item.

CLERK: Mr. President, the next bill is LB788. Senator, I do have Enrollment and Review amendments. (ER237, Legislative Journal page 1418.) [LB788]

PRESIDENT HEIDEMANN: Senator Murante for a motion. [LB788]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB788]

PRESIDENT HEIDEMANN: The question is the adoption of the E&R amendments to LB788. All those in favor vote aye...say aye. All those opposed say nay. The E&R amendments are adopted. [LB788]

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CLERK: Mr. President, Senator Krist, I have AM2429 with a note you wish to withdraw. [LB788]

PRESIDENT HEIDEMANN: It is withdrawn. [LB788]

CLERK: Mr. President, the next amendment I have is, Senator Krist, a similar note, Senator, with respect to AM2435 to withdraw. [LB788]

PRESIDENT HEIDEMANN: The amendment is withdrawn. [LB788]

CLERK: Mr. President, Senator Chambers would move to amend; Senator, AM2853. [LB788]

PRESIDENT HEIDEMANN: Senator Chambers. [LB788]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to withdraw that, but first I made a blunder. I thought we were on Senator Schumacher's bill and I stated it at the beginning and nobody tipped me off and I hope it's because they were so engrossed in what I was saying. But I would tell Senator Janssen, he may have picked up on it, I was not trying to delay his A bill. But I thought that I was on the bill I mentioned. And now I will withdraw that pending amendment. [LB788]

PRESIDENT HEIDEMANN: Amendment is withdrawn. [LB788]

CLERK: Senator Schumacher, AM2867, Senator. (Legislative Journal page 1483.) [LB788]

PRESIDENT HEIDEMANN: Senator Schumacher to open on AM2867. [LB788]

SENATOR SCHUMACHER: Mr. Lieutenant Governor, members of the Legislature, I wished Senator Chambers hadn't said that. It made me feel so important that I was giving him time. (Laughter) LB788 started out what was supposed to be a pretty simple little bill and it said that bondholders, in the event of a bankruptcy, would get paid first. Well, lesson learned, nothing dealing with that is simple. And what we learned from that is that some of our major cities have a whole lot of debt held by bondholders and a whole lot of obligations to define benefit insurance plans...or pension plans and life gets very complicated. And maybe what we learned from that also is that the Legislature at some point may have an obligation to review the financial status and the funding of those deferred benefit pension plans, as well as the security for the bankers. But at any rate, AM2867 essentially guts the bill and the stuff about priority for bondholders and who is first, unions or bondholders, is a topic no more. If AM2867 is adopted, what it becomes is a bill that deals with a very tight subject matter of the administration or

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collection of loans or handling of property deposits left at financial institutions. And essentially, there are six...what started out as six different bills that are on the floor now, all got there without opposition in the committees and involving five different senators. And so this is an amendment that deals with those particular topics. Section 1 leaves rule making regarding the servicing and enforcement of real estate loans to the state and federal authorities. Essentially, it is state and federal law that make the rules regarding the foreclosures of mortgages or deeds of trust or liens on property. Section 2 establishes rules for the security of trust accounts awaiting investment or distribution by a trust department of a bank. Section 1 is originally Senator Watermeier's bill; Section 2, Senator Murante's. Section 3 permits a bank to disclose to a decedent's...information about a decedent's account to its heirs or other proper parties. After you pass away, how much you have in the bank becomes important for inheritance tax purposes, for purposes of deciding whether or not you have to open an estate, and this sets out rules with regard to that. These kind of rules have become more and more important as federal privacy rules tighten up; and what used to be very easy to get information on becomes about as hard as opening a bank account. Used to be a very easy thing to do and now you got almost prove that you were born in this country or you got papers or you got a Social Security number. It's become very complicated. So this particular thing sets out rules as to how and when it's proper for a financial institution to disclose to the heirs the information about the decedent's bank account. And that was Senator Seiler's bill. Senator Seiler also has what's in Section 7, and that's rules with regard to records that are transferred with regard to loans when a bank transfers, sells, or has purchased it, and when those records can be introduced in a foreclosure action and under what circumstances they can be taken into evidence by the court. Section 8, the bill I introduced initially, and it is regarding safe deposit boxes. It used to be pretty easy for a lawyer to get into a safe deposit box after his client passed away. You simply got a little order from the court saying he could do it. And you follow the rules the judge put in the order, and you went in and showed it to the local banker and the safe deposit box was opened and properly inventoried and life went on. Well, again, with some of the new requirements, the concern with the banking industry is that life is not easy and they would like to have a set of rules that defines that procedure. And what it does is it provides for an affidavit that contains certain information filed by a limited group of people that they be allowed into the safe deposit box. And then finally, Senator Wightman has a bill which appears in Section 10 regarding future advances in a mortgage. A mortgage or deed of trust can have a line in it that says, yes, so much is secured by this. This loan for X amount of dollars is what backs...is backed by a piece of property. And then it says, and oh, by the way, if there is additional money loaned out on...to this particular bank customer, this property will also secure that without future paper work. And this bill governs that and it lays out the rules as to what happens when that additional money is put onto the loan after the paperwork is signed. It sets priorities, limits that can be put on that particular ability by the bank, and is, generally, a way that loans are managed when they have the future advance clause. Essentially, what the thought is here is that these particular items would be addressed by the senators that

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introduced the bill and outlined with further detail in a rather rapid order here where any questions regarding the technical nature of this matter would be answered and addressed. So with that I'd ask your support for AM2867. These are all unopposed; they probably could have all been done on consent calendar. They are all on the floor on General File now and are very, very closely related in that they all address how they process these things that are held by banks, whether it's tangible or intangible property, and address what are well-defined areas of the processing of loans and the handling of property that are left at the financial institutions. I would encourage your support of AM2867 and be happy to answer any questions, as would the other senators that originated this legislation. Thank you. [LB788]

PRESIDENT HEIDEMANN: Members, you've heard the opening on AM2867 to LB788. Those wishing to speak, we have Senator McCoy, Lathrop, and Crawford. Senator McCoy you're up and recognized. [LB788]

SENATOR McCOY: Thank you, Mr. President. And at this time I'd like to ask for division of the question on AM2867, please. [LB788]

PRESIDENT HEIDEMANN: There has been a request for division of the question. Would Senator McCoy and Senator Schumacher please come to the front desk? The Chair rules that the amendment is divisible. Mr. Clerk, would you please explain the division to the members of the body. [LB788]

CLERK: Mr. President, there are six components. The first component is actually the contents, I believe, of LB810. (AM2924, Legislative Journal pages 1495-1496.) [LB788 LB810]

PRESIDENT HEIDEMANN: Senator Schumacher to open on that division. [LB788]

SENATOR SCHUMACHER: And this is a division of LB810? Is that correct? [LB788 LB810]

CLERK: Yes, sir. [LB788]

SENATOR SCHUMACHER: This originally was LB810, Senator Watermeier's bill. What it does is leave rule making and the rules governing mortgages and the enforcement of real estate loans to the state and federal authorities and, basically, preempts the field in the state of Nebraska for any nuances that might come from local governments. This is Senator Watermeier's bill. And I would yield the balance of my time on opening to Senator Watermeier. [LB788 LB810]

PRESIDENT HEIDEMANN: Senator Watermeier, 9 minutes and 20 seconds. [LB788]

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SENATOR WATERMEIER: Thank you, Mr. President, Senator Schumacher. As Senator Schumacher addressed there, the first portion of AM2924 now contains the provisions of LB810 as amended by the committee amendments and the amendment that I offered on General File to address concerns expressed by the city of Lincoln. The committee amendments clarify that the bill does not apply to tax increment financing activities or TIF. The body voted to advance LB810 from the first stage of debate on March 21 on a 31-0 vote. LB810 proposed to prohibit local ordinances' resolutions relating to real estate loans and mortgage servicing activities, leaving the regulation of these activities to state and federal laws. If real estate loans and the purchase, sale, and transfer of real estate are governed by a multitude of different local laws rather than state and federal law, substantial complexity would be imposed on the real estate market, which could adversely impact property values and cause losses for businesses that serve both home buyers and homeowners. LB810 advanced from the Banking, Commerce and Insurance Committee on a 7 to 0 vote with 1 senator absent. No one testified against LB810 at the public hearing. And I would urge your advancement of AM2924 at this time. Thank you, Mr. President. [LB788 LB810]

PRESIDENT HEIDEMANN: Thank you, Senator Watermeier. Senator McCoy. [LB788]

SENATOR McCOY: Thank you, Mr. President and members. I wanted to...after I asked for the division of the question, I wanted to get the opportunity to stand up and say why I asked for this. I don't see any of these bills that I have an issue with; some other member may. But in light of the discussion we had last night, particularly what Senator Hadley read from our constitution, Article III, Section 14, I think it's important for transparency and for clarity for the people of Nebraska so they see what we're doing here. It may still all be a part of LB788, but for the record, for posterity and otherwise, there will be discussion so those know...so the good people of Nebraska along the way can tell what was done here. That's the hallmark of our body. Every bill gets a hearing. Usually every person who wants to testify gets to testify. The people are our second house, we all know that. This way there is some additional transparency. We've got an awful lot of bills that are getting shoved into some bills here on Select File. Yes, it's the last couple days of session. This is something we have not done in quite some time. I don't know if it has happened in my six years. Yes, we get some Christmas tree bills along the way. But if you look and then you start checking the amendments, every...just about every bill left now on Select File has a number of bills amended into them, whether they were bills that didn't make it on consent calendar, whether they were bills that didn't get prioritized, whatever the case may be. I think it's important that we stop, take a deep breath, even at the pace we're on, even how late we are in the session, and contemplate each bill as we go through. There may be others later on this evening that aren't germane. And we had that discussion yesterday as well. For now, I think a division of the question allows us to have some discussion on each one of these bills that are now going to be a part of LB788. Thank you, Mr. President. [LB788]

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PRESIDENT HEIDEMANN: Thank you, Senator McCoy. Senator Crawford, you are in the queue and recognized. [LB788]

SENATOR CRAWFORD: Thank you, Lieutenant Governor. Before we had the division of question, I had my light on because I just did have one comment I wanted to make about one of the bills and I felt perfectly comfortable being able to do that, even if all of these bills were still together. I just...I had already talked to Senator Watermeier before about LB810 and had just told him that I just was planning to put on the record my concern about the precedent that it sets in terms of allowing an industry to ask us to exempt local control. And I just have serious philosophical concerns with that. And I wanted to be on the record with those concerns and that I will be watching for those same kinds of bills coming forward in the future and will actively work against those, make sure those are worth the compromise that we make in local control to make that happen. And that was just the comment I was going to make on that component of the bill that was combined in the AM2924. Thank you. [LB788 LB810]

PRESIDENT HEIDEMANN: Thank you, Senator Crawford. Senator Watermeier, you are up in the queue and recognized. [LB788]

SENATOR WATERMEIER: Thank you, Mr. President. I just wanted to kind of answer Senator Crawford's questions. We had conversed about this earlier on, actually, in General File. Let me explain just a little bit how I saw it. The reason I think this is worthy of consideration and actually a good idea is that we don't want to have North Platte put a city ordinance on something out there that would be a little bit different than Omaha, Lincoln, or even my hometown of Syracuse. So the idea is, we've got to have these things so the industry of making loans can come in and have them all like cookie cutters. They need to know how the rules are. I'm all in favor of local control, I really would be, and if there is somehow we can do what Senator Crawford is talking about, we do want to be mindful of these kind of changes. But this is why I took this one on. I felt pretty good that this was realistic and it protected both the home buyer, the homeowner, the banking industry, those individuals putting liens on property. So I hope that kind of answers the body's question on that issue. And I still feel pretty strongly about this now as an amendment, AM2924. Thank you. [LB788]

PRESIDENT HEIDEMANN: Thank you, Senator Watermeier. Is anybody else wishing to debate on AM2924? Seeing none, Senator Schumacher to close on AM2924. Senator Schumacher waives closing. The question before the body, shall AM2924 be adopted to LB788? All those in favor vote aye; all those opposed vote nay. Have all of you voted who wish to vote? Mr. Clerk, please record. [LB788]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of AM2924. [LB788]

PRESIDENT HEIDEMANN: AM2924 is adopted. [LB788]

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CLERK: Senator Schumacher, AM2925, Senator, is LB815. (Legislative Journal pages 1496-1497.) [LB788 LB815]

PRESIDENT HEIDEMANN: Senator Schumacher to open on AM2925. [LB788]

SENATOR SCHUMACHER: Thank you, Mr. Lieutenant Governor, members of the body. That was originally LB815, introduced by Senator Murante. LB815 was referred to the Banking Committee in January. It was properly heard and placed on General File by the Banking Committee on January 30. It establishes the rules for securing trust accounts in which there are funds awaiting investment or distribution by a trust department. And I would yield the balance of my opening time to Senator Murante for detailed description. [LB788 LB815]

PRESIDENT HEIDEMANN: Senator Murante, 9 minutes and 15 seconds. [LB788]

SENATOR MURANTE: Thank you, Mr. President. Thank you, Senator Schumacher. As Senator Schumacher stated, this specific amendment, this division pertains to LB815; was advanced out of the Banking Committee unanimously. This amendment would conform Nebraska state law regarding the pledging of securities for trust funds awaiting investment or distribution to the law applicable to national banks. Currently a conflict exists between state and federal law regarding the handling of trust funds awaiting investment or distribution that are deposited in the same bank in which the trust is located. The conflict was identified during a joint examination of a bank trust department by the State Department of Banking and the FDIC. Federal law allows funds awaiting investment or distribution to be deposited in the same bank in which the fiduciary account funds are held or controlled by the bank's trust department. However, to the extent the funds are not insured by the FDIC, the bank is required to pledge collateral as security, the market...excuse me, the market value of which must at all times equal or exceed the amount of the uninsured funds. Trust funds awaiting investment or distribution are considered short-term investments. Deposits that extend beyond one year are generally presumed to be long-term investments and federal law prohibits the pledging of collateral for such deposits. Simply put, this portion of the amendment, this specific amendment, simply intends to conform state law with federal law regarding the pledging for trust funds awaiting distribution or investment. I encourage your green vote. Thank you, Mr. President. [LB788 LB815]

PRESIDENT HEIDEMANN: Thank you, Senator Murante. Is anyone else wishing to speak on AM2925? Seeing none, Senator Schumacher to close on AM2925. Senator Schumacher waives closing. The question before the body, should AM2925 be adopted to LB788? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB788]

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CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Schumacher's amendment. [LB788]

PRESIDENT HEIDEMANN: AM2925 is adopted. Mr. Clerk. [LB788]

CLERK: Mr. President, the next amendment I have, Senator Schumacher, AM77...I'm sorry, it's what is LB775, Senator. (AM2926, Legislative Journal pages 1497-1500.) [LB775 LB788]

SENATOR SCHUMACHER: LB775 provides for disclosure (inaudible) financial information. [LB775 LB788]

PRESIDENT HEIDEMANN: You are recognized to open on your amendment. [LB788]

SENATOR SCHUMACHER: Thank you, Mr. Lieutenant Governor, members of the body. LB775 started out as the bill introduced by Senator Seiler. It was introduced on January 10. On January 13, referred to Judiciary; there was a notice of hearing issued for a hearing on January 24, at which time it was heard. It was placed on General File with a Judiciary Committee amendment. That Judiciary...the bill as amended is what appears today as AM2926. Essentially, it permits and lays down the rules for when a bank can disclose to heirs or other properly interested persons the information it has on someone who has passed away. I would yield the balance of my time in opening to Senator Seiler. [LB775 LB788]

PRESIDENT HEIDEMANN: Senator Seiler, you have 9 minutes. [LB788]

SENATOR SEILER: Thank you, Mr. Lieutenant Governor. Members of the Unicameral, basically, I'll describe how we used to do it as attorneys. I would have the son, the only son of a pair, of a husband and wife; the husband has died, the wife is in a nursing home and not capable of handling her affairs. The son comes in, says, do we have to do an estate? And I said, well, he did all of his banking at Milligan. We'll drive down there and talk to Karpisek and see what's going on. Karpisek would tell us what the accounts were, whether he had any liens on the property, and we knew then whether (1) we needed to do a full-blown estate; (2) we needed to know if we had to do an inheritance tax, or (3) could we just file a small estate affidavit and we were all done. Those were our three choices depending on what the banker Karpisek told us. Today, along came the privacy act for banks and the big banks were all worried about it and they stirred up a hornets' nest amongst the small banks. We no longer can do what I just described with banker Karpisek. Now we could do it when this bill passes. We will be able to take an affidavit and present it to Karpisek; he would, in turn, could tell us what the numbers are that we're looking at and who the beneficiary is--real key, beneficiary. If it's a spouse, there's no tax, it transfers automatically as a matter of law and we're home free, no small estate affidavit needed. If it's over a certain amount of

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money and there's no named beneficiary, we have to do an estate. So this process really takes us back to where it was before the privacy act and there hadn't been any trouble with that. So I'm asking you to vote green on this amendment. Thank you very much. [LB788]

PRESIDENT HEIDEMANN: Thank you, Senator Seiler. Is anyone wishing to speak on AM2926? Seeing none, Senator Schumacher to close. Senator Schumacher waives closing. The question before the body is, shall AM2926 be adopted to LB788? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB788]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of Senator Schumacher's amendment. [LB788]

PRESIDENT HEIDEMANN: (Visitors introduced.) AM2926 was adopted. Mr. Clerk. [LB788]

CLERK: Mr. President, Senator, AM2929, which represents the contents of LB151. (Legislative Journal pages 1500-1504.) [LB151 LB788]

PRESIDENT HEIDEMANN: Senator Schumacher to open up on AM2929. [LB788]

SENATOR SCHUMACHER: Thank you, Mr. Lieutenant Governor, members of the body. AM2929 began life as LB151; introduced on January 11, 2013; referred to Judiciary. There was a proper notice of hearing. It was placed on General File with AM335 on April 11, 2013. It was a carryover bill. It now appears before you as AM2929 with the Judiciary Committee amendment into it. It provides for a hearsay exception when a bank has got to prove up a loan that has been made in order to prosecute that loan for foreclosure and it deals with those questions. Originally was a bill by Senator Seiler, and I yield the balance of my time to him. [LB151 LB788]

PRESIDENT HEIDEMANN: Senator Seiler, 9 minutes. [LB788]

SENATOR SEILER: Lieutenant Governor, members of the Unicameral, I rise to support this amendment. It came out of Judiciary Committee on a vote of 7-1. Senator Chambers was absent at that time. It really came out 7-0-1. Senator Ashford, Christensen, Coash, Davis, Lathrop, McGill, and myself voted in favor of it. What this bill really does, there has been a real movement of banks buying other bank's loans. What happens is, is a question of if one becomes in default, you have to be able to prove up that loan. And if that bank has been...everything has been moved to the bigger bank, and those bankers have left the area, you have nobody to testify as to those records. This bill provides for an acquired business transaction, such as a loan, being acquired and you continue to service that loan just like the other bank did. Not only does your evidence come under the exception for hearsay under 27-803(5)(b), but it also says all

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the previous records were kept in the process of business under the normally accepted business rules and is admitted into evidence. That's all this does. One thing that we did have an amendment for is they wanted to make sure that subdivision (5)(b) did not apply in a criminal prosecution. And that is in here and was adopted earlier. Thank you very much. [LB788]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Seiler. You've heard the motion, the question is the adoption of AM2929. All those in favor, aye; opposed, nay. Please record, Mr. Clerk. [LB788]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Schumacher's amendment. [LB788]

SENATOR KRIST: It is adopted. [LB788]

CLERK: Mr. President, the next amendment is AM2930. Senator, this is LB988. (Legislative Journal pages 1504-1506.) [LB988 LB788]

SENATOR KRIST: Senator Schumacher, you're recognized. [LB788]

SENATOR SCHUMACHER: Thank you, Mr. Chairman, members of the body. LB988 was ultimately rolled into LB775 by the Judiciary Committee after being heard by them. It deals with the question of how do the heirs or other interested parties get to your will, or the will of a decedent, once you passed away and it's locked up in a safe deposit box. Unless you're a joint tenant or also on that safe deposit box, you can't get to see what you get to see. Before some of the privacy legislation and some of the complications of our banking system, it was fairly easy. You went to the local county judge and you said--judge, we'd like you to issue an order with the proper protections so nothing is stolen out of the box, but allow us to go in and get the will out of the safe deposit box, or at least look in there to see if there is a will in there and who might the personal representative be. Judge would sign a simple paper for what they call special administration. You go in, the banker knew everybody, probably knew the heirs, and you would look for the will in the box. Well, as time became more complicated, the banks began to say, well, we're not sure that this is the right way to do it, some banks in some communities would continue the old practice, some would want to be hypercautious, and thus the Bar Association and the banking community said why don't we have a set of rules that we can rely on. And what this, basically, provides is that the heirs or other proper people who would have a right to access, be interested in the estate, can file an affidavit with the information identifying them and identifying the circumstances and why they need to get in and it lays down the rules of how the bank custodian can open the box, how it can preserve the documents, who's got to be mailed

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a copy of the documents, and in the end how that information can be gotten to the court for proper administration of the estate. It's a fairly simple procedure, but it's one that's needed and it will probably, for the most part, replace in most areas the existing procedure. It provides also that the existing procedure, if you still want to use it, it does not prevent you to, but it enables the very simple question of how do you get to a will locked up in a safety deposit box or other valuable documents that might be in there that would show who has authority to act on behalf of the person who has passed away. This is a bill that I introduced originally. And I ask for your support on this amendment. Thank you. [LB988 LB775 LB788]

SENATOR KRIST: Thank you, Senator Schumacher. You've heard the opening. Senator Schumacher, did you want to close? The question is the adoption of AM2930 to LB788. All those in favor, aye; opposed, nay. Please record, Mr. Clerk. [LB788]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of Senator Schumacher's amendment. [LB788]

SENATOR KRIST: The amendment is adopted. Next item. [LB788]

CLERK: Mr. President, the next amendment is AM2932 by Senator Schumacher. Senator, this is, I believe, the contents of LB819. (Legislative Journal pages 1506-1509.) [LB819 LB788]

SENATOR KRIST: Senator Schumacher, you're recognized to open. [LB788]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. LB819 was originally introduced on January 10, 2014; referred to the Banking Committee with the proper notice of hearing, and it was placed on General File with AM1826, and the bill as amended is what appears before you today. It was introduced by Senator Wightman and I yield the balance of my time to him for further explanation. [LB819 LB788]

SENATOR KRIST: Senator Wightman, you are recognized. [LB788]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. Thank you, Senator Schumacher. I'll shorten this somewhat from what I had. Generally, there are two methods of securing a loan on real estate in which real estate is given a security that is a mortgage or a deed of trust. For years, there's been a difference between the two as far as what you can do on future advances, and that's what this bill deals with...or AM2932. So it would amendment Section 76-238.01 and 76-1002 to conform provisions with regard to both mortgages and deeds of trust on future advances on liens that are secured by either of the two ways. Today we have mostly deeds of trust. There are still some mortgages in existence. It would clarify that they would be able to make

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future advances, unless a maximum amount of total indebtedness to be secured is stated in the mortgage or deed of trust. The legislation would also clarify that the notice by a subordinate lienholder to limit optional future advances of the first lienholder must be sent to either the mortgagee beneficiary set forth in the mortgage trust deed or to the most recent assignee reflected in a recorded assignment of the mortgage or trust deed. Under current law, future advances, as I say, one, under mortgages, currently allow a percentage of increase; a deed of trust is handled in a different manner at this point, and in some instances require that there be notice with regard to the increase. Since the amount secured is unfixed, the borrower can take additional funds from sources. LB819 was AM2932, eliminates the inconsistent and unnecessary requirement. Under the practice in current lending markets, mortgage and trust deeds are transferred to other lenders in the secondary market or serviced by another entity. Current law does not require notice to be sent to the appropriate entities. Current Nebraska law should be amended to require that the notice to limit future advances be sent to the address of the most recent assignee reflected in the recorded assignment of the mortgage or trust deed. With that, I urge you to support AM2932. Thank you, Mr. President. [LB819 LB788]

SENATOR KRIST: Thank you, Senator Wightman. Senator Wightman, would you like to close? [LB788]

SENATOR WIGHTMAN: I'll waive. [LB788]

SENATOR KRIST: The question is the adoption of AM2932. All those in favor, aye; opposed, nay. Please record, Mr. Clerk. [LB788]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of AM2932. [LB788]

SENATOR KRIST: The amendment is adopted. [LB788]

CLERK: I have nothing further on the bill, Mr. President. [LB788]

SENATOR KRIST: Senator Mello, you're recognized. Senator Mello waives. Senator Schumacher, would you like to close? [LB788]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Thank you for your cooperation in the division of the question and making that move smoothly. This, basically, streamlines the provisions in banking law and the necessary changes that have to be made in order for things to move smoothly in the banking industry. And I thank you for your patience and support with this and encourage your vote for LB788. [LB788]

SENATOR KRIST: Thank you, Senator Schumacher. Senator Murante for a motion.

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[LB788]

SENATOR MURANTE: Mr. President, I move to advance LB788 to E&R for engrossing. [LB788]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. It advances. Next item. [LB788]

CLERK: Mr. President, LB700. Senator, I have E&R amendments first of all. (ER220, Legislative Journal page 1233.) [LB700]

SENATOR KRIST: Senator Murante for a motion. [LB700]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB700]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. Advanced. It is adopted, I'm sorry. [LB700]

CLERK: Mr. President, Senator Gloor would move to amend with AM2597. (Legislative Journal page 1064.) [LB700]

SENATOR KRIST: Senator Gloor, you are recognized. [LB700]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. Actually, the reason for some of the confusion is AM2597 is cosponsored by both Senator Howard and myself. It's going to add the provisions of LB715 and Senator Howard's LB926 to LB700. Both these bills were introduced at the request of the director of the Department of Insurance. All these bills were heard by the Banking, Commerce and Insurance Committee; advanced to General File on 8-0 votes; and as you might suspect, were great consent agenda bills. The LB715 is what I'll talk about. It appears as Section 15 to 17 of the amendments. Would amend Sections 44-5702 of the Producer-Controlled Property and Casualty Insurer Act; Section 44-6008 and 44-6016 of the Insurers and Health Organizations Risk-Based Capital Act. Both these acts are closely based on model acts promulgated by the NAIC. I talk about that a lot. That's that National Association of Insurance Commissioners that is so important to us and the Director of Insurance and the department. The LB715 parts of AM2597, like the underlying LB700, are accreditation standards for the NAIC's financial regulation standards and accreditation program. This accreditation is important. It's certification given to state insurance departments once it's demonstrated it has met and continues to meet an assortment of legal, financial, and organizational standards as determined by a committee of its peers. That's other departments of insurance across the country. Concept of accreditation for state insurance departments began in 1988. We talk about it often here. We introduce legislation frequently here to stay up along with it and it's

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done in response to several large insurers that became insolvent back in 1988. The program has significantly evolved over time; requires regulators to have adequate statutory, as well as administrative authority to regulate an insurer's corporate and financial affairs with the necessary resources to carry out that authority. Each state department of insurance is up for formal accreditation review every five years, but there's an interim review performed during that five years to provide guidance to the department. For Nebraska's domestic insurance industry, members, it is imperative that the department maintain its accreditation. It allows for interstate cooperation and reduces regulatory redundancies by allowing other states in which a Nebraska insurer is licensed to rely on the domestic accreditation state, in our case--Nebraska, to monitor the financial solvency of the insurers. This saves states and insurers millions of dollars in examination costs. What appears in AM2597 as Section 15 would amend our Producer-Controlled Property and Casualty Insurer Act to repeal the exemption of risk retention groups from that act. This would adopt recent amendments to the NAIC model act as required by those accreditation standards. The NAIC model act regulates the relationship between insurers and insurance producers in order to address situations in which an insurer becomes so dependent on a producer to channel business to that insurer that the insurer writes business in a way that endangers the financial health of the insurer. The amendments would apply the provisions of our Producer-Controlled Property and Casualty Insurer Act to risk retention groups, requiring that the relationship between an insurer and the insurance producer be set out in a written contract specifying the responsibilities of each party, requiring a meeting of an audit committee, and filing an independent actuary opinion. These amendments would provide an additional solvency regulation tool to our director of Insurance. What appears in AM2597 in Sections 16 and 17 would amend the Insurers and Health Organizations Risk-Based Capital Act to adopt recent amendments to the NAIC model act as required by these accreditation standards. Risked-based capital analysis is a tool used by insurance regulators to assess financial health of insurers. The amendments would apply the provisions of our risk-based capital act to risk retention groups, giving our director of Insurance greater tools for assessing the financial health of risk retention groups which have been exempt from the provision of the act. The amendments would also increase the risk-based capital trend test trigger for life and health insurers from 2.5 to 3.0--that's not millions, that's a measure--and would apply a trend test that would trigger what's called a company-action level event to health organizations. Similar trend test is currently applicable to life insurers and property and casualty insurers. These amendments also would involve or enhance solvency regulation tools of our director of Insurance. Again, enactment of these amendments will help Nebraska maintain accreditation with NAIC standards. In fact, the Department of Insurance has informed us that health risk-based capital trend test amendments need to be in place, which is the reason this is important to get passed and amended on to LB700 by January 1, 2015, for Nebraska accreditation. Senator Howard has an additional portion of this and I will yield the remainder of my time to her so she can describe her LB926 portion. [LB715 LB926 LB700]

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SENATOR KRIST: Senator Howard, 4:34. [LB700]

SENATOR HOWARD: Thank you, Mr. President, members of the body. And thank you, Senator Gloor, for sharing his opening on AM2597 with me. AM2597 incorporates portions of my...incorporates the language from my bill, LB926. And I'd like to thank Senator Gloor and Senator Schumacher for helping me find a home for my bill. This is a bill that was perfect for consent calendar and unfortunately it did not make it this year. Last year, I introduced LB242 which required a legislative hearing if an agency failed to promulgate a regulation in a timely manner. And LB926 is a follow-up bill to LB242. It removes the mandatory rule-making language in the Burial Pre-Need Sale Act, the Motor Club Services Act, and the financial conglomerate section. The amendment allows the Department of Insurance discretion to determine whether there is a need for a rule in these three statutes. I'd like to thank the Department of Insurance for bringing this issue to me. Rather than ignoring their responsibility or wasting the committee's time with an unnecessary hearing, the Department of Insurance brought me LB926. This is exactly how we want our agencies to act and the Department of Insurance is to be commended. Thank you for your time and attention and I urge the body to vote green on AM2597. Thank you, Mr. President. [LB926 LB242 LB700]

SENATOR KRIST: Thank you, Senator Howard and Senator Gloor, for that explanation. Senator McCoy, you're recognized. [LB700]

SENATOR McCOY: Thank you, Mr. President. At this time I'd ask for a division of the question on AM2597, please. [LB700]

SENATOR KRIST: Even after the introduction that you just heard, or that they gave? [LB700]

SENATOR McCOY: Yes, Mr. President. [LB700]

SENATOR KRIST: Could you approach the Chair, please, Senator McCoy, Senator Gloor, Senator Howard? Members, in a way of explanation, it is a member's prerogative to request a division, and I will not rule against it. But the problem is, logistically, logistically the bills have to go...the amendments have to come back down with separate numbers, so that's what we're waiting on. As soon as we have those, then Senator Gloor and Senator Howard will be able to open on their individual amendments with numbers so that you can look at it on your machine and we can debate. Hang with us for just a minute. Mr. Clerk for an amendment. [LB700]

CLERK: Mr. President, I understand Senator Howard, AM2933, that should be available to the membership on your computers. Senator, I believe this is yours, Senator Howard. (Legislative Journal pages 1511-1515.) [LB700]

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SENATOR KRIST: Senator Howard, you're recognized. [LB700]

SENATOR HOWARD: Thank you, Mr. President, members of the body. Just as a reminder, this is my bill, LB926, that was a perfect for consent calendar and did not make the agenda for consent. It's a follow-up to my bill, LB242, that required a legislative hearing if an agency fails to promulgate a regulation in a timely manner and it removes mandatory rule-making language in the Burial Pre-Needs Sales Act, the Motor Club Services Act, and the financial conglomerate section. It was introduced at the request of the Department of Insurance. There were no opposition testifiers and it was passed out of the Banking, Commerce and Insurance Committee unanimously. I urge the body to adopt AM2933. [LB926 LB242 LB700]

SENATOR KRIST: Seeing no one wishing to speak, Senator Howard, do you want to close? Senator Howard waives closing. The question is the adoption of AM2933. All those in favor, aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB700]

SENATOR NELSON: (Inaudible) on our machines. [LB700]

SENATOR KRIST: They are not. I withdraw my request to record. Senator Nelson, you bring up a point. AM2933 does show up on your system, but it is listed as a Gloor, first division of AM2597. So as a way of explanation, you need to look for AM2933, Gloor's name and then first division of AM2933. Mr. Clerk, could you cancel the vote and could we stand at ease, please. Thank you. Members, until we get the technical issue taken care of, we're going to go to Senator Christensen's amendment. Mr. Clerk for an amendment. [LB700]

CLERK: Mr. President, Senator Christensen has AM2720. (Legislative Journal page 1369.) [LB700]

SENATOR KRIST: And, Senator Christensen, you are recognized. [LB700]

SENATOR CHRISTENSEN: Thank you, Mr. President. AM2720 was brought to me by the Department of Insurance to change the requirements of the Motor Vehicle Service Contract Reimbursement Insurance Act related to cease and desist hearings. Currently, the act requires the director to hold an administrative hearing when a cease and desist order is issued, even if no one, including the service contract provider, is asking for the hearing. This bill would amend Section 44-3524 to the state that administrative hearing is required only if the subject to the cease and desist order requests a hearing within 10 days of the receipt of the order. This is the same legal process followed by the department when they issue cease and desist orders for other types of entities it regulates. This amendment will eliminate the need to hold unnecessary administrative

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hearings for uncontested orders. And I'd ask for your advancement of AM2720 to be attached to LB700. Thank you. [LB700]

SENATOR KRIST: You've heard the opening. Those wishing to speak: Senator Nelson and Senator McCoy. Senator Nelson, you're recognized. Senator Nelson waives. Senator McCoy, you're recognized. [LB700]

SENATOR McCOY: Thank you, Mr. President and members. Would Senator Christensen yield, please? [LB700]

SENATOR KRIST: Senator Christensen, will you yield? [LB700]

SENATOR CHRISTENSEN: Yes. [LB700]

SENATOR McCOY: Thank you, Senator. I don't believe you said what bill this was before it became AM2720. [LB700]

SENATOR CHRISTENSEN: I didn't; sorry, Senator. LB688, it come out of Banking, Commerce and Insurance Committee with a perfect vote. [LB688 LB700]

SENATOR McCOY: Thank you, Senator Christensen. Thank you, Mr. President. [LB700]

SENATOR KRIST: Thank you, Senator McCoy and Senator Christensen. Seeing no one else wishing to speak, the question is the adoption of AM2720. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB700]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Christensen's amendment. [LB700]

SENATOR KRIST: Amendment is adopted. [LB700]

CLERK: Mr. President, Senator Christensen, I now have AM2721, Senator. (Legislative Journal page 1370.) [LB700]

SENATOR KRIST: Senator Christensen, you're recognized. [LB700]

SENATOR CHRISTENSEN: Thank you, Mr. President. AM2721 is LB993 which come out of the Banking, Commerce and Insurance Committee with a perfect vote, with one not voting. What AM2721...it was brought to me by the Alliance of Health Care Sharing Ministries. Currently, Health Care Sharing Ministries facilitate more than \$175 million per year in healthcare costs among more than 215,000 individuals in all 50 states. In Nebraska, the total number estimated utilizing Health Care Sharing Ministries as of

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January 1, 2014, is 875 households and 3,000 individuals. Health Care Sharing Ministries operate on a completely voluntary basis and are regulated as charities in their home states under each state's charity laws, each state's Attorney General, and as 501(c)(3) charities by the Internal Revenue Service. Fundamentally, Health Care Sharing Ministries involve a community of Christians who share their medical bills without insurance. The bill would define Health Care Sharing Ministries as faith-based, nonprofit organization that is tax exempt under the Internal Revenue Code which meets certain criteria that are detailed in Section 1(2) of this bill on page 2 and 3. Fundamentally, this bill defines Health Care Sharing Ministries are and then exempt from our insurance code because they are nonprofit charitable organizations, not insurance companies. I would note that Health Care Sharing Ministries have been in existence since 1982 and they are administered by a not-for-profit religious organization acting as a clearinghouse for those who have medical expenses and those who desire to share the burden of those medical expenses. Currently, there are 25 states that have clarified their insurance codes that Health Care Sharing Ministries are not insurers. Thank you for considering AM2721, or LB993 as it was introduced, and I would encourage its adoption to LB700. Thank you, Mr. President. [LB993 LB700]

SENATOR KRIST: Thank you, Senator Christensen. You've heard the opening. Senator McCoy, you're recognized. [LB700]

SENATOR McCOY: Thank you, Mr. President. Would Senator Schumacher yield, please? [LB700]

SENATOR KRIST: Senator Schumacher, will you yield? [LB700]

SENATOR SCHUMACHER: Yes. [LB700]

SENATOR McCOY: Thank you, Senator. I noticed that you were present, not voting on LB993. Do you recall as to why that is? [LB993 LB700]

SENATOR SCHUMACHER: I do. [LB700]

SENATOR McCOY: Would you mind...I'd be happy to give you time. I'm just curious as to...appears that this was...there were hardly any testifiers; I'm just curious as to what was the nature of your present, not voting. [LB700]

SENATOR SCHUMACHER: Let me find the bill here. Basically, there were several technical issues with it. In the definition of faith-based nonprofit organization that is tax exempt under the code, at the time I was unsure whether or not we had identified the code as of what date. It appears that if you have this kind thing set up, people may feel that they have insurance; may not understand the disclosure, and then if this voluntary contribution toward their health insurance...or their healthcare doesn't come through

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what it will do is force them onto the welfare rolls if they have an expensive problem and I think people are apt to become under the delusion that they have some ironclad mechanism for paying their bills and it will end up on the public toll. For example, on page...also on page 2, line 21, it's unclear whether all participants have to retain participation after they develop a medical condition or if just some have to retain participation. And there's no specifications of what has got to be audited by the certified public accountant that is required in (h). So I just felt that the bill was not ready for prime time and that's why I refrained from voting on it. [LB700]

SENATOR McCOY: Okay, thank you, Senator Schumacher, and thank you, Mr. President. I think that answers my questions. [LB700]

SENATOR KRIST: Thank you, Senator McCoy and Senator Christensen. Senator Nordquist, you're recognized. [LB700]

SENATOR NORDQUIST: Thank you, Mr. President and members. I rise in support of Senator Christensen's amendment on this. I've had the...I actually had the bill up after him and came a little early and watched the hearing on it and had the opportunity to speak with some national experts at NCSL on this about a year ago. And know that it was specifically carved out of the Affordable Care Act as not an insurance product. The way it works and...is, if you have a...you're part of the ministries, you have a significant medical condition, you're responsible for so much up-front, maybe \$500, or...essentially up-front and then you notify the ministries and they contact their membership. In Nebraska, like we said, it's about 3,000 members and they...everyone...at the hearing they mentioned the premiums are probably...shouldn't call it a premium, the sharing is about \$300 or so a month at this one specific ministry. I think there's three of them nationally that cover, in total, about 185,000 people. But they would contact as many of those members as need be to cover your bill. And you receive a \$300 check from 20 of them, or 25 of them, to cover your health condition. And while it's certainly, you know, maybe it isn't something that we would like for our families, it is...it does work and...for a lot of families, 185,000 or so nationally. Each year they cover about \$175 million worth of healthcare bills and they've been...these ministries have been operating pretty much as long as I've been born, since 1982, and really has seen no problems. So I think it is a concept that works for some people and they like that. And it certainly, I don't think, falls under any definition of insurance as we would see it. So I encourage you to support Senator Christensen's amendment. Thank you. [LB700]

SENATOR KRIST: Thank you, Senator Nordquist. Seeing no one else in the queue, Senator Christensen, you're recognized to close on your amendment. Senator Christensen waives closing. The question is the adoption of AM2721. All those in favor, aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB700]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Christensen's

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amendment. [LB700]

SENATOR KRIST: It's adopted. [LB700]

CLERK: Senator Nordquist would move to amend, AM2878. [LB700]

SENATOR KRIST: Senator Nordquist, you're recognized. [LB700]

SENATOR NORDQUIST: Mr. President, I move to withdraw AM2878. [LB700]

SENATOR KRIST: Thank you, Senator Nordquist. [LB700]

CLERK: Mr. President, Senator Chambers, I have AM2860. [LB700]

SENATOR KRIST: Senator Chambers. [LB700]

SENATOR CHAMBERS: Mr. President, I'd like to ask the Clerk, is that the mountain lion amendment? [LB700]

CLERK: It is, Senator. [LB700]

SENATOR CHAMBERS: I would withdraw that amendment. [LB700]

SENATOR KRIST: Thank you, Senator Chambers. [LB700]

CLERK: Mr. President, Senator Howard, we're back to...Senator Howard we're back to your amendment which is AM2933. [LB700]

SENATOR KRIST: Okay, before we start, does everyone have their AM2933 on their gadget now? Okay, thank you. Senator Howard, you're recognized. [LB700]

SENATOR HOWARD: Just as a reminder, AM2933 is my bill, LB926, that would have been a consent calendar bill. It was passed unanimously out the Banking, Commerce and Insurance Committee and there were no opponent or neutral testifiers, just supporters. It's a follow-up to my bill last year, LB242 and allows the Department of Insurance...it removes mandatory rule making for the Department of Insurance in the Burial Pre-Need Sale Act, the Motor Club Services Act, and the financial conglomerate section. I would urge the body to adopt AM2933. Thank you, Mr. President. [LB926 LB242 LB700]

SENATOR KRIST: Thank you, Senator Howard. Senator Howard, do you want to close? She waives closing. The question is the adoption of AM2933. All those in favor, aye; opposed, nay. Please record,...I'm sorry, stand by, one second. Have all those

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voted that wish to? Please record, Mr. Clerk. [LB700]

CLERK: 33 ayes, 0 nays, Mr. President, of the adoption of Senator Gloor and Howard's amendment. [LB700]

SENATOR KRIST: The amendment is adopted. [LB700]

CLERK: Mr. President, Senator Gloor would move to amend AM2934. (Legislative Journal pages 1515-1519.) [LB700]

SENATOR KRIST: Senator Gloor, you're recognized. [LB700]

SENATOR GLOOR: Thank you, Mr. Speaker...Mr. President. This was originally LB715. I gave about a six-minute opening, I believe. I will boil this down to four sentences and be glad to answer any questions. This bill...this amendment will improve the regulatory tools available to the director of the Department of Insurance in evaluating the financial solvency of insurers. The Risk, Solvency Assessment Guidance Manual that is an integral part of this would be defined as the manual prescribed by the director conforming substantially to the manual developed and adopted by the National Association of Insurance Commissioners. The bill would require domestic insurers and insurance groups to maintain a risk management framework and conduct their own risk assessment...risk and solvency assessment. In other words, they have to develop a report card. And we need this by January 1, 2015. Thank you, Mr. President. [LB715 LB700]

SENATOR KRIST: Thank you, Senator Gloor. Senator Gloor, would you like to close? Senator Gloor waives closing. The question is the adoption of AM2934. All those in favor, aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB700]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Gloor's amendment. [LB700]

SENATOR KRIST: Is adopted. [LB700]

CLERK: I have nothing further on the bill, Mr. President. [LB700]

SENATOR KRIST: Senator Murante for a motion. [LB700]

SENATOR MURANTE: Mr. President, I move to advance LB700 to E&R for engrossing. [LB700]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. It

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advances. [LB700]

CLERK: Mr. President, LB811, I have E&R amendments first of all, Senator. (ER227, Legislative Journal page 1234.) [LB811]

SENATOR KRIST: Senator Murante for a motion. [LB811]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB811]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. They're adopted. [LB811]

CLERK: Mr. President, Senator Gloor, I now have what is AM2567. (Legislative Journal page 1102.) [LB811]

SENATOR KRIST: Senator Gloor, you're recognized. [LB811]

SENATOR GLOOR: Thank you, Mr. President. Much like LB811 that deals with controlled substances, AM2567 was formerly LB869, was consent agenda, passed unanimously out of the Banking, Commerce and Insurance Committee. It will update provisions...no, I take that back. This was from the Health and Human Services Committee. I've been living in the world of banking and insurance for so many days, I think it's a reasonable slip to have made. It updates provisions of Nebraska's Uniform Controlled Substances Act but only regarding the practice of pharmacy. These provisions clarify the requirements for prescription for a controlled substance, whether written, oral, or, and this is important, electronic. It also clarifies the recordkeeping and filing requirements associated with each type of prescription. It updates definitions as suggested by the Revisor of Statutes. It adds a definition of compounding to the act. E-prescribing of controlled substances is already allowed in federal law and we thought in our state law, but the language of the current state law has apparently left questions. So e-prescribing of controlled substances is currently not being done in Nebraska. The main purpose of AM2567 is to clarify a Nebraska law that electronic prescribing of a controlled substance, as allowed for in federal law, is also clearly permissible in Nebraska. Clarifications were included to distinguish between written, oral, and electronic prescriptions, and requirements for each for purposes of filing and recordkeeping. AM2567 also takes Nebraska Revenue Statute, Section 28-414. This is a very long single section and it separates it into additional sections based on topic. For example, a section pertaining to prescriptions and filing, section on transfers of controlled substances by registrants, and so on. Dividing one long run-on section into smaller sections will, we think, make the law much easier for practitioners to read and understand and make it safer for consumers. I want to repeat that this is a rearranging of current language. There is no new language in that long section. I also want to stress what the amendment does not do. Nothing, you will be pleased to hear, affects the

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scope of practice for pharmacists, and it doesn't make any changes to controlled substance schedules. It deals only with the prescription process itself, keeping records of the prescriptions, and doing some updated language. It incorporates the green copy...the amendment incorporates the green copy that is LB869, the amendment is the green copy, for all intents and purposes. I would ask you to advance. Thank you. [LB811 LB869]

SENATOR KRIST: Thank you, Senator Gloor. Mr. Clerk. [LB811]

CLERK: Mr. President, I have a priority motion. Senator Chambers would move to bracket the bill until April 17 of 2014. [LB811]

SENATOR KRIST: Senator Chambers, you're recognized. [LB811]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I looked at some of the amendments that are going to be proposed and some of them, I believe, are not germane. So when I get to my mountain lion bill, I'm not going to withdraw it. We're going to get a ruling and when things are put...or offered in this bill that relate to what happens to a child born as a result of a sexual assault, crackhouses and other things which have nothing to do with what this bill sets out to do, then I believe my mountain lion bill is as...is no more nongermane than those. But I'll tell you what I'm really concerned about. Senator Lathrop has an amendment that was LB752 stuck on General File where the intent is to try to carve out a niche in the law to protect first responders. Now what in the world does that have to do with what is being accomplished by this bill that lists out various controlled substances? I'd like to ask Senator McCoy a question or two. [LB811 LB752]

SENATOR KRIST: Senator McCoy, will you yield? [LB811]

SENATOR McCOY: Yes, I would. [LB811]

SENATOR CHAMBERS: Senator McCoy, are you the introducer of LB811...oh no, it's Senator Schilz. [LB811]

SENATOR McCOY: It is Senator Schilz, Senator Chambers. [LB811]

SENATOR CHAMBERS: Okay. Right. [LB811]

SENATOR McCOY: However in previous sessions, I have introduced similar legislation. [LB811]

SENATOR CHAMBERS: Right. I would like to ask Senator Schilz a question. [LB811]

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SENATOR KRIST: Senator Schilz, will you yield? [LB811]

SENATOR SCHILZ: Yes. [LB811]

SENATOR CHAMBERS: Senator Schilz, you can probably state in as few words as are in the one-liner what this bill is about, but would you state briefly what your bill is designed to do? [LB811]

SENATOR SCHILZ: LB811? [LB811]

SENATOR CHAMBERS: Yes. [LB811]

SENATOR SCHILZ: Thank you, Senator Chambers. LB811 would...it's another attempt...another iteration of coming in to ban certain substances that these folks are creating to mimic marijuana, the cannabinoids that are out there. And we've had two or three different bills and laws to cover those, but they just keeping making new formulations and this bill would be the next step in stopping those newest formulations that have come out. Thank you. [LB811]

SENATOR CHAMBERS: And that's the only purpose that your bill was introduced for. Is that correct? [LB811]

SENATOR SCHILZ: That is correct, yes. [LB811]

SENATOR CHAMBERS: And I was at the committee hearing so I know that, but I want to establish some things for the record. And I will ask you some questions if we get to some of these other amendments that are being offered, but I want to make clear what this bill does. And these other amendments ought not be ruled germane, in my opinion, because there will be more than one subject in the bill. We are at the point now where desperation reigns. And some people know better than to do what they're attempting here. But if that's what they want to do, I'm going to try to take as much time on this bill as I can. I will use the rules. I will offer motions. I will offer amendments. I will offer reconsiderations, and I'm making clear what my intent is. And I've talked to Senator Schilz about it. And I've mentioned at least one of the bad amendments that I have great objection to and I've expressed it. It should come as a surprise to nobody. I have put my amendment that I call the mountain lion amendment on every bill, but I've been pulling it. But to make a point, when we get to it this time, if we get to it, I might go ahead and take it up. And I could offer it as an amendment. I'd like to ask Senator Gloor a question, if he would yield. [LB811]

SENATOR KRIST: Senator Gloor, will you yield? [LB811]

SENATOR GLOOR: Certainly. [LB811]

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SENATOR CHAMBERS: Senator Gloor, have the committee amendments been adopted? [LB811]

SENATOR GLOOR: I'm sorry, Senator, I don't understand the question. [LB811]

SENATOR CHAMBERS: Have the committee amendments to LB811 been adopted and are now the bill? [LB811]

SENATOR GLOOR: My understanding is, yes. [LB811]

SENATOR CHAMBERS: So yours is an amendment and your amendment can be amended. Is that correct? [LB811]

SENATOR GLOOR: Correct. [LB811]

SENATOR CHAMBERS: So I could attempt to amend your amendment with my mountain lion bill, if I chose, correct? [LB811]

SENATOR GLOOR: Senator, I have no doubt that you could do that. [LB811]

SENATOR CHAMBERS: Attempt, I said. I don't know that I can get it done, but I'm trying to alert people to what I may be impelled to do. But I'm going to discuss this bracket motion because I want to take some time. Now I don't know if I will take it to a vote because I really wouldn't have to for my purposes. I've talked about the system and our procedures and how liberal an interpretation I give to the germaneness rule, but I will not as a favor to somebody ignore all of the things that I've said, or fail to oppose amendments that in my mind would not...I'm forgetting about the germaneness rule of the Legislature that would put a second subject in a bill. How in the world, if you're giving a listing of controlled substances, their derivatives, and, to try to summarize without paraphrasing what Senator Schilz said, anticipate some of the activities that these wily producers of illegal substances will try to do and head them off at the pass? And we all know, who have listened to these types of bills in the Judiciary Committee, that you're never going to cut off every opening, every avenue. So you always are, ultimately, one step behind. But that is one thing, and it's another thing to say that a law in another section of statute that has nothing to do whatsoever with controlled substances should be amended into Senator Schilz's bill. And if you think that that should be seriously considered, then my mountain lion bill should be considered. And I have a version of it drafted, probably to LB811, but I withdraw it whenever a bill comes up. I didn't know that Senator Lathrop's bill, LB752, would be offered as an amendment until it was called to my attention. I have opposed what his amendment is attempting to do, this is an overstatement, but forever. I didn't think any group should be given that special status and be considered worthy of more protection by the state than any other

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person or category not listed in that grouping of the favored people. You can take it as favoring those people who are listed or degrading everybody and every group not listed. That is not what this bill is about. Elmer Fudd was a person who pronounced words differently from the way people ordinarily pronounce them. He would pronounce the word screwy as "skwoowy." So if that amendment would be adopted, it would have to be a system that's loosey-goosey, "loony-tuney," and "skwoowy." There is no way that Senator Lathrop's... [LB811 LB752]

SENATOR KRIST: One minute. [LB811]

SENATOR CHAMBERS: ...amendment can be ruled germane. But to save us from that, if we remove the instrumentality that is to be used for that pernicious purpose, then, to quote the cliché, we can go on to other things. Thank you, Mr. President. [LB811]

SENATOR KRIST: Thank you, Senator Chambers. You've heard the motion...opening on the motion to bracket until 4/17. Those wishing to speak: Senator McCoy, Lathrop, and Chambers. Senator McCoy, you're recognized. [LB811]

SENATOR McCOY: Thank you, Mr. President. Would Senator Gloor yield, please? [LB811]

SENATOR KRIST: Senator Gloor, will you yield? [LB811]

SENATOR GLOOR: Yes. [LB811]

SENATOR McCOY: Thank you, Senator. And I believe and I'm going to speak to AM2567 and with a question on that even though we have bracket motion in front of us. This was LB869 again, correct, I think you had mentioned in your opening? [LB811 LB869]

SENATOR GLOOR: Correct. [LB811]

SENATOR McCOY: Now the computer shows, and I would assume this was before you amended, or want to amend this bill into LB811, there was an AM1892. You had said that your AM2567 was substantially the same as the green copy of LB869, but it appears AM1892 is cleanup amendment. Is that incorporated in AM2567? [LB811 LB869]

SENATOR GLOOR: Yes. [LB811]

SENATOR McCOY: Okay. I'll give you the time to check on that, Senator Gloor. The reason I asked that question is it appears that there are a number of technical changes that I would assume are fairly important based upon what I'm seeing with AM1892 as

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I've looked at it on my gadget. I just want to make certain sure that the amendment AM2567 is or is not just the green copy. If it is just the green copy, it would appear that we need these changes in AM1892, but I'll let you answer that again, Senator Gloor. [LB811]

SENATOR GLOOR: You are correct. The changes...the amendments that you're talking about are incorporated into AM2567. [LB811]

SENATOR McCOY: Okay. So AM1892 was incorporated in AM2567. [LB811]

SENATOR GLOOR: Correct. [LB811]

SENATOR McCOY: Okay. Thank you, Senator Gloor, and thank you, Mr. President. I think that answers my questions on that. [LB811]

SENATOR KRIST: Thank you, Senator McCoy and Senator Gloor. Senator Lathrop, you're recognized. [LB811]

SENATOR LATHROP: Thank you, Mr. President and colleagues. You know, I started...this is about, if you don't know, the firefighter assault bill. We had a firefighter in Omaha get shot and we had one out in North Platte, I think, get stabbed. We've had some first responders that showed up to a fire in Ashland get shot at. That was a few years ago and we were going to provide them with some protection under my amendment. It was scheduled at various times, it had about four hours worth of debate and, as you know, Senator Chambers was having a great time with it and trying to, as he has, and he told me he would, object to the fact that it carved out certain, certain occupations like medical people in the hospital. I think there was a good reason to do that. I think there's a good reason to take care of our first responders. They run towards circumstances where they are vulnerable and providing them with additional protection is altogether appropriate. But it is something my friend, Senator Chambers, has always opposed. And I have held myself during this debate. He's got a million amendments and I'm pretty sure I probably won't get to it. I haven't given up the ghost yet, but I remember back...now we've...by the way, license plates used to be his thing and that went by the wayside. Now it is...now we're going to hold the line on these classifications of people who are assaulted. Maybe my first or second year there was a debate going on, on this floor and somebody said they wanted to do something because they've always done it that way. And Senator Chambers said...quoted Ralph Waldo Emerson and said: A foolish consistency is a hobgoblin of little minds adored by little statesmen and philosophers and divines. And I can't help but think about that today as I try to help the first responders across the state. We're here because this is what we've always done. We're fighting the old fights, and I can't tell you how disappointed I am that we are going to throw up amendments, threaten other people's work, their bills, their amendments for the sake of consistency. We can't do anything about it. We have some champion-time

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wasters in this place and they have all the power in the last day of the session. As time winds down, some people can divide questions for no apparent purpose. Divide questions and then go in the phone booth and leave the floor, and for what purpose? To waste time. Maybe it's about the K2 bill, maybe it's about the fact that the Attorney General didn't ask him to carry the K2 bill, so, by God, we're going to waste some time. And now a bill of consequence probably won't have an opportunity to finish because so much other stuff has come before, and all the time has been wasted through the course of the session, and there were going to be casualties, and guess what. The roulette wheel just stopped on Lathrop. [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR LATHROP: That's all I have. [LB811]

SENATOR KRIST: Thank you, Senator Lathrop. Senator Chambers, you're recognized. [LB811]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, a challenge invites a response. I'd like to ask Senator Lathrop a question or two. [LB811]

SENATOR KRIST: Senator Lathrop, will you yield? [LB811]

SENATOR LATHROP: Yes. [LB811]

SENATOR CHAMBERS: Senator Lathrop, were there times you could have had this bill brought up on the agenda but you chose not to do so? [LB811]

SENATOR LATHROP: No. [LB811]

SENATOR CHAMBERS: Okay. Okay. That's all I asked you. Members of the Legislature, I'd like to ask Senator Coash a question or two. [LB811]

SENATOR KRIST: Senator Coash, will you yield? [LB811]

SENATOR COASH: Yes. [LB811]

SENATOR CHAMBERS: Senator Coash, did you have an amendment which was joined by two other amendments which you felt the package was very significant and important to a lot of people? [LB811]

SENATOR COASH: Yes, I did. [LB811]

SENATOR CHAMBERS: And that package was added to a different bill and that bill

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went by the wayside and carried that package with it. Is that true? [LB811]

SENATOR COASH: That is true. [LB811]

SENATOR CHAMBERS: So then you attempted to add those items to a bill dealing with a facility in Grand Island and it was determined that that would be not germane because it would put more than one subject in the same bill. Is that correct? [LB811]

SENATOR COASH: It was Hastings and it wasn't determined to be ungermane, but it was not germane. [LB811]

SENATOR CHAMBERS: Not germane. So that attempt by you was not pushed any further on that bill. Is that true? [LB811]

SENATOR COASH: That's correct. [LB811]

SENATOR CHAMBERS: Yet your package is now a part of a bill and has moved on down the line. Is that true? [LB811]

SENATOR COASH: Yes, it is. [LB811]

SENATOR CHAMBERS: And that was done by the Speaker providing what we often refer to as a shell bill from which everything is taken and new material is inserted. Is that correct? [LB811]

SENATOR COASH: Yes, it is. [LB811]

SENATOR CHAMBERS: And the issue of germaneness was taken care of because the only subject that was in the bill, even though there were three parts, were so interrelated that you didn't have two different subjects in one bill. Is that basically correct? [LB811]

SENATOR COASH: That's correct. [LB811]

SENATOR CHAMBERS: Did not you stand up here and talk about the worthiness of the bills...the amendments you had, the people who would be helped, and the whole litany of arguments that were legitimately available to back up what you were trying to do? [LB811]

SENATOR COASH: Many times. [LB811]

SENATOR CHAMBERS: But they did not carry the day when the matter of two subjects in one bill was before us. Is that true? [LB811]

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SENATOR COASH: That's true. [LB811]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I just want to remind people what we've done. And I was one of those who pushed very hard to have that declared inappropriate, his package, and mention the system that we have. And Senator Lathrop can call it a foolish consistency and I'll accept it. He's a smart man. He's a capable lawyer. He probably knows more about these things than I do, but nevertheless I know what I know and I'm going to act on what I should. And he would not be telling the truth if he said that what I'm doing is a surprise to him, or if that my fight against what he's trying to do is a surprise to him. This is something that goes to the nature and the core of what the law is and he knows it. And if he's going to try to trivialize it, make it something else, that shows his smallness and what he's willing to do. And since we're getting down to telling everybody how worthless we are, he said he has put himself into a position with these people and he's got to go through with it. Words to that effect. I'm not upset with that. When you tell people you're going to do something, do it, but don't try to make yourself sound altruistic. The law is being perverted by his amendment. [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR CHAMBERS: And if there's an attempt to add it to this bill which deals with this categorization or enumeration of controlled substances and their derivatives, and he, as a competent lawyer, will stand up here, if he tries, with a straight face and say that what he's talking about is germane to what this bill does, then it just changes my opinion that I had about his legal knowledge and understanding. I wanted my mountain lion bill. I tried to get it and I lost it. And I could go ahead, if I didn't have so much forgiveness in me, and go after every bill that I've attached it to and take all of the time of this session. And I don't even have to look at you after two more days. So there's no...there would be no comeback on me. And if I chose to do it, I would have done it the first day of the session and looked at you the last 59 days. It wouldn't have mattered. But where we are now, it would make no difference. [LB811]

SENATOR KRIST: Time, Senator. [LB811]

SENATOR CHAMBERS: Thank you. [LB811]

SENATOR KRIST: Senator Chambers, you're recognized. [LB811]

SENATOR CHAMBERS: Thank you. And, Mr. President, I intend to do what I said I'm going to do and that's find ways to take time. But in the meantime, while taking that time, I'll talk about some issues that are important to me. Now, Senator Lathrop, because he's not getting his way on this, may characterize me any of a number of different ways, but the difference between me and other people is that I know who I am

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and I know what I am. And it matters not to me what a man who I thought had an understanding of and respect for the law changes his mind and will do and say practically anything to get his way. Whatever the rules are that a person brings to me, those are the rules I'll play by. And if that's what he wants, it will just help me take time in a more easy fashion. But what his amendment does, and he knows it, is to say that the law ought to, by its very terms, raise some people, because of the work they do, above everybody else. So the amendments that I prepare would show the numerous occupations that have danger and the people who work those occupations are placed in danger. So if you're going to start using the amount of danger a person faces as the standard, all these should go into it. He never gave us a standard. At first he said some of these people are in a confined area and they can't get away, but he didn't want to support putting school bus drivers who are belted into a seat and in a very small space in the school bus, and who is doing very worthwhile, socially beneficial work transporting children to a place of education, then back home to safety. There's nothing that could be more noble than that, and it is fraught with danger. But he was against protecting the school bus drivers. But I'm going to keep, if we get to his amendment, bringing these proposals and these propositions. But as I've stated, I'm going to do all I can to keep us from getting to that point. And, Mr. President, Mr. President... [LB811]

SENATOR KRIST: Yes, sir. [LB811]

SENATOR CHAMBERS: ...because this bracket motion has many services that it can perform, at this point I will withdraw it without taking a vote on it. [LB811]

SENATOR KRIST: Thank you, Senator Chambers. Senator Harr, you're recognized. Senator Harr, you're recognized. [LB811]

SENATOR HARR: All right, thank you. Thank you, Mr. President. Sorry about that. While we're waiting for this amendment to come up, I don't want to waste a lot of time, but I do want to talk about Senator Lathrop's bill. I prioritized it. And we didn't get to it. We may or may not get to it tonight, I don't know. But if I don't get my way, I'm not going to throw a temper tantrum. But let me explain to you why I did prioritize it and why I think it's important. Senator Chambers makes some good points. When I was on Judiciary, we had what was called assault in the workplace day. And there are people who are often injured in the line of their duty, whether it's a social worker, a teacher, bus driver, banker, you name it. So the question became, what is the underlying policy and why do we, as Senator Chambers said, give more protection to some rather than others? And I thought about it long and hard and I had a tough time. And so for a long time I just said let's do nothing. But let me tell you why I think this is important. You can't...if you're a bus driver, you can refuse not to drive if there is someone who is dangerous. These are individuals who go in, as we said after 9/11, when others are coming out. It's that simple. If there is a person who has a heart attack, time is of the essence. That's why we gave strong support and passed protection for hospital administrators. That's what

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we're doing here. Time is of the essence. This isn't just about...well, this is about, I should say, this is about helping those that go out of their way, whose job it is, number one, to help others, to help them save other people's lives. And in doing so, they'll put their lives at risk, in danger, and they should be commended for that. And we need to give them that protection so that when they do and someone does decide to do something wrong, whether it's hide a gun in their internal organs or spit on them, whatever it is, that we give them that protection so that this does not continue to happen. This is the front line; these are people who serve our community. I understand Senator Chambers' concerns and I think we do have to be careful. But I do think this is a good and worthy bill. And maybe it will take all night; maybe we get to stay till midnight again. I don't know. I don't think we have...we only have four hours, so I doubt we get to stay that late. But I hope you guys remain patient and we can work through this and, hopefully, get this underlying bill passed...amendment. Thank you. [LB811]

SENATOR KRIST: Thank you, Senator Harr. Mr. Clerk. [LB811]

CLERK: Senator Chambers would move to amend Senator Gloor's amendment with FA354. (Legislative Journal page 1520.) [LB811]

SENATOR KRIST: Senator Chambers, you're recognized. [LB811]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature and Senator Gloor, on page 5, in line 17, I would strike the word "individuals" and show that word as stricken and insert "persons." This is a subsection numbered (19), and it said, "person shall mean," which has been stricken by Senator Gloor's amendment and it would say, "person means any corporation, association, partnership, limited liability company, or one or more persons." And that's using the word "persons" twice. The word "persons" plural can be considered a definition...a part of the definition of the singular word "person." This word "person" used in the context of this law is like so many words that are parts of definitions in statutes. They're called "terms of art." They do not carry the dictionary definition or the common understanding of that word that ordinary people have in using the language. If you ask an ordinary person, an ordinary citizen, an ordinary noncitizen what does the word "person" mean, they might say human being. They might say a boy or a girl, a man or a woman. But it would be localized and applied to a member of the human family. But as used in this definition, it means a corporation. The law and court decisions have determined that corporations are artificial persons. They are persons under the law. And there are some rights that natural persons or human beings enjoy which corporations also enjoy. I'd like to ask Senator Schumacher a question or two. [LB811]

SENATOR KRIST: Senator Schumacher, will you yield? [LB811]

SENATOR SCHUMACHER: Yes, I will. [LB811]

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SENATOR CHAMBERS: Senator Schumacher, are you aware of any court decision which accorded what we called the right to free speech to corporations? [LB811]

SENATOR SCHUMACHER: Yes. [LB811]

SENATOR CHAMBERS: So a corporation is not a natural person. Is that correct? [LB811]

SENATOR SCHUMACHER: That's correct. [LB811]

SENATOR CHAMBERS: If a corporation is going to speak, it must speak through the human beings who operate that corporation or speak on or in its behalf. Is that correct? [LB811]

SENATOR SCHUMACHER: Theoretically, I suppose it could program a computer to speak for it. [LB811]

SENATOR CHAMBERS: But the corporation is accorded the right to free speech? [LB811]

SENATOR SCHUMACHER: Yes. [LB811]

SENATOR CHAMBERS: Thank you. [LB811]

SENATOR SCHUMACHER: And it can give away all kinds of money too. [LB811]

SENATOR CHAMBERS: Thank you. That's the case. Members of the Legislature, corporations are deemed for many purposes to be a person with the same rights as a natural person or a human being in the ordinary sense of the word. Person will mean an association. An association is a collection of people who are gathered together for a common purpose you could say. Or you could further define the word "association." But it is a collective word that does not apply to a single individual. Although, in a legal sense, you may call yourself an association, I suppose. A partnership is deemed a person. Limited liability companies are deemed persons. If they're companies, how can they be persons when you're defining a word in a statute? One or more individuals, if you use any of these collective nouns, you're talking about one or more individuals. So, I want to distinguish the word "person" from all of these artificial entities and include in that definition that which is obvious, persons. Despite all of these other definitions that are given, when you're interpreting or trying to understand the statute of which these definitions are a part, the word "person" also applies to you and me. So my amendment would do that. It would strike the word "individuals" and substitute "persons." Senator Gloor had said that this bill...this amendment of his...I'd like to ask Senator Gloor a

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question. [LB811]

SENATOR KRIST: Senator Gloor, will you yield? [LB811]

SENATOR GLOOR: Yes, I will. [LB811]

SENATOR CHAMBERS: Senator Gloor, did you say that your amendment, more or less, is a restatement of the existing law with reference to the enumeration and addressing of these various illegal or controlled substances, among other things? [LB811]

SENATOR GLOOR: The largest portion of the changes, yes, are just a rearrangement of what was already the language within the statute. [LB811]

SENATOR CHAMBERS: And it will say, instead of "shall mean," it strikes those two words and puts the single word "means," that such and such a word...not "shall mean" but such and such a word "means." And you'll see that several times and that is the only change it will make, not any change in the substance of the definition that's being addressed. Would you agree? [LB811]

SENATOR GLOOR: Well, the section you're looking at right now, yes, that is the case. But, clearly, as you look through it, there are other changes that are in... [LB811]

SENATOR CHAMBERS: Right, but I mean when we're dealing with replacing the two words "shall mean"... [LB811]

SENATOR GLOOR: Correct. [LB811]

SENATOR CHAMBERS: ...with the word "means," we're not altering anything of substance by making that change. [LB811]

SENATOR GLOOR: We are not, Senator. [LB811]

SENATOR CHAMBERS: Thank you. And I don't want to put words in anybody's mouth. I want this definition to include "persons." But the reason I'm offering this change is to take time. And one other instance when I was talking about time, I quoted Edgar Allan Poe's poem called The Bells: Keeping time, time, time, / In a sort of Runic rhyme, / To the tintinnabulation that so musically wells / From the bells, bells, bells, bells, / Bells, bells, bells - / From the ringing (sic) and the jingling of the bells. So the word "time" can have numerous meanings. But I'm using it to designate the passage of time, the consumption of time, the reducing of the amount of time that exists for doing certain things before a deadline is reached. And the more time I take on the left side, the less time remains on the right side. So I have no particular compunction about anything that I

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do to take this time despite the fact that I don't believe Senator Lathrop's amendment is germane. I don't believe that. In fact, I know it's not germane. And that's why I'm going to take time, and if possible, prevent us from getting to it. But if we get to it, then I'll just have to cross that bridge when I come to it. Now one time Muhammad Ali was going to box a guy. [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR CHAMBERS: And they said, Ali, you like to hit people in the nose. Well, this guy's got a nose like a rhinoceros. It's the strongest nose in the fight business, what are you going to do about that? And Ali put his finger on the bridge of his nose, he said I'll cross that bridge when I come to it. So that's what I will be doing. As I get to these things, I will do what I can to prevent bad things happening. The other day I made a paraphrase of a scene from Robert Boats' play: A Man for All Seasons. I pointed out that it was made into a movie which was nominated...I don't know if the movie was, but Paul Scofield got a Best Actor Oscar for the role he played. And when I played a copy of that movie on one of these square, boxlike players, I wrote notes and transcribed what was stated in that scene that I talked about. [LB811]

SENATOR KRIST: Time, Senator. [LB811]

SENATOR CHAMBERS: Thank you, Mr. President. [LB811]

SENATOR KRIST: Thank you, Senator Chambers. Senator McCoy, you're recognized. [LB811]

SENATOR McCOY: Thank you, Mr. President and members. I felt it necessary to rise, talk a little bit about what Senator Lathrop, I think, in a little bit of frustration mentioned my name. If Senator Lathrop were to check his gadget, he'll find that I'm a cosponsor of LB811; fully support Senator Schilz in his effort to ban the next generation of synthetic drugs. I was a cosponsor of the bath salts bill that Senator Schilz brought in 2012. And he would know, as the Vice Chairman of the Judiciary Committee, that in 2011, LB19 had the very first public hearing of the 2011 Session in the Judiciary Committee due to Senator Ashford realizing it was a very urgent problem. It was my bill; passed the Legislature 49-0; was signed into law by the Governor. Two thousand thirteen, last year, LB298 also passed unanimously, unless I'm mistaken. I care very much about this issue, very much. And I might make mention to Senator Lathrop that last year's bill, LB298, was part of Attorney General Jon Bruning's legislative package. I fully support Senator Schilz introducing this bill this year. We can be adults here in the Legislature. And I think we should be on this issue as well. Again, I'm sure Senator Lathrop, in a moment of frustration, tried to somehow, I think, believe that I didn't care about this issue. My record is very, very clear on the issue of synthetic drugs. I care about them very much and I've spent maybe more time in the Legislature on this issue about

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protecting young Nebraskans than I've spent on anything. And there are families all over Nebraska that kids are not using these drugs, not because of me or bills that I introduced or bills that Senator Schilz has introduced or introduced at the request of the Attorney General, but because the Legislature spoke on an issue that was important. I'm honored that at a moment in time I had the opportunity to be involved in it. Thank you, Mr. President. [LB298 LB811]

SENATOR KRIST: Senator Chambers, you're recognized. [LB811]

SENATOR CHAMBERS: Thank you, Mr. President. I had mentioned that scene from A Man of All Seasons. And I did not get the direct quotes correct; the paraphrase was correct. But to set the scene that, well, Sir Thomas More was the Lord Chancellor of England, the highest legal officer. And he worked for a king known as Henry the VIII. And Henry the VIII broke with the Roman Catholic Church and made himself the head of the Church of England. And he also had some domestic issues with various wives. But in this particular instance, where what I'm talking about occurred, there was a guy who today might be called a snitch, an informer, a stool pigeon, a spy for a fellow named Cromwell who didn't like Thomas More because he wouldn't take a position relative to a marriage the king wanted to enter into. So Thomas More was in the way. And in a discussion between More and the king, More asked him, since you're the king, why don't you do what you want to do? Why do you need my agreement, especially if everybody else agrees? He said, Thomas, Thomas, not only are you a righteous man, but you are seen to be a righteous man. If you come over to my side, that's what I will need. Well, Thomas More wouldn't do it. So the king had difficulties and he wanted to remove them. So Cromwell felt if they could get something on Thomas More, then they could, by way of the law, misusing the law, get him out of the way. So there was a scene where this snitch was in Thomas More's great house because this guy was always trying to get Sir Thomas More to give him a job. And Thomas More told him I won't give you a job, but you ought to be a teacher. So it became known by members of the household that this guy was a spy. And in this particular scene, Richard Rich was his name, he had made an out-of-the-way remark and was very embarrassed so he decided he would absent himself. And More's daughter had said, that's a bad man. And the young guy that she was engaged to told Thomas More, you should arrest that man. And More said, why should I arrest him? He's broken no law. And the young man said, there's God's law. And Sir Thomas More said, then God can arrest him. And the people were of the general consensus that Sir Thomas More was making a mistake because this guy was getting away and he was a bad guy. And More said, quoting, "And go he should, if he was the Devil himself, until he broke the law!" The young man's name was Roper. "So now you'd give the Devil benefit of law!" More: "Yes. What would you do? Cut a great road through law to get after the Devil?" Roper: "I'd cut down every law in England to do that!" More: Oh? And when the last law was down, and the Devil turned 'round on you, where would you hide, Roper, the laws all being flat? This country is planted thick with laws from coast to coast, and if you cut them down, do you really think

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you could stand upright in the winds... [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR CHAMBERS: ...that would blow then? Yes, I'd give the Devil benefit of law for my own safety's sake. There is a man who respects the law, unlike what Senator Lathrop is asking us to do--disrespect the law. The law is not to play favorites. The law treats the devil the same way as the saint until the devil breaks the law. And if the saint breaks the law, the saint is treated in accord with what the law says. But when the law moves this direction, then makes a little dip to let somebody by or spreads out to give extra protection to somebody else, the law is being perverted. The law should be like a straight line. And those of us trained in the law know what that line is. And that line is fractured and it brings the law into contempt when those of us, not only who make the law but who praise the law,... [LB811]

SENATOR KRIST: Time, Senator. [LB811]

SENATOR CHAMBERS: ...show no respect for the law. Was that my third time? [LB811]

SENATOR KRIST: Second. [LB811]

SENATOR CHAMBERS: Oh, thank you. [LB811]

SENATOR KRIST: Senator Lathrop, you're recognized. [LB811]

SENATOR LATHROP: Thank you, Mr. President. Colleagues, good evening. I think Senator McCoy was probably right. I think the last time I was at the mike I spoke in a moment of frustration. And so I want to talk about that for a second. First, I think those...the...I don't know what the motivation was to divide those two bills that preceded this one, it didn't seem, really, to cause or to generate debate because it didn't. Maybe we'll find out some day why that was done. It certainly made those two things take more time than was necessary. But, Senator Chambers, I do want to...I want to respond. It was probably imprudent for me to suggest that...to suggest that this is consistency for the sake of consistency. I appreciate that this is something you haven't liked and it's been something you've been on for as long as you've been here. And so I'll acknowledge that that has been your view of the law. That said, I want to tell you that I have spent my life in the law, my adult life; it's been since 1981. And I will tell you, I came to this institution out of respect for the law. I think I have respected the law in my time as a practicing lawyer and in my time in this institution. I am not trying to pervert the law with this bill that we haven't gotten to yet, but that seems to be the source of the filibuster at this point. But it's not a perversion. There is nothing wrong with the law or the bill. It is perfectly appropriate for the law to recognize certain types of crimes as

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different from others. And that's all this amendment does, if we can get to it. So we'll spend some time on it tonight. It would appear, yeah, we'll spend some time on it tonight and I'll be happy to debate with Senator Chambers who I regard...we've spent an awful lot of time...in the four years that we've served together, we've been on every committee together and served together and sometimes we agree and sometimes we don't. And we've always been able to do it respectfully and that's the way it will be in my last tangle with Senator Chambers as he tries to derail my amendment to LB811. I will say this about LB811, because we've adopted the committee amendments, that part of the bill is safe. Right? So, LB811 is safe. We're not going to kill LB811, no matter what we do tonight. That part that addresses K2 and the synthetic marijuana is in this bill and it's going to move. And so the question is the amendments that are to LB811 and we should have time to get that to a cloture vote at some point tonight and still clear Select File, if the votes are there, and it is in a place where that can be done. And I'll look forward to responding to Senator Chambers' characterizations of this bill. I think it is important work. As I said when I introduced it, and frankly what I said when we took care of healthcare providers, there are some people who are particularly vulnerable in their occupations. And maybe there are bank tellers, and maybe there are pharmacists, and maybe there will be some reason to add someone else to this group, and that's going to be up to future Legislatures. The fact that we don't add everyone to the group at once who is in a particularly vulnerable place doesn't mean we shouldn't add anybody. That just means it should be something that we take up at a different time. And so I do feel strongly about this. This isn't something I'm doing for a walk through and I'm looking forward to the debate. And... [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR LATHROP: ...I think that's what I've got for now. Thank you. [LB811]

SENATOR KRIST: Thank you, Senator Lathrop. Those still wishing to speak: Senator Dubas, Senator Burke Harr, and Senator Chambers. Senator Dubas, you're recognized. [LB811]

SENATOR DUBAS: I would yield my time to Senator Lathrop. [LB811]

SENATOR KRIST: Senator Lathrop, 4:50. [LB811]

SENATOR LATHROP: All right. Thank you, (laugh) Senator Dubas. Colleagues, the bill...or the statute that we're amending is a criminal statute. We may, at some point, take up whether this is germane when we finally get to it. And I appreciate Senator...and I should say, Senator Chambers has told me from the day this showed up in Judiciary Committee that he didn't like it, so I've never suggested that this is a surprise attack. Okay? I've known it. I knew it was coming the day it got introduced because he told me he didn't like it then and he wasn't going to vote for it out of committee and that he

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would probably go to the wall on it when it got to the floor. So, I certainly wouldn't suggest that that's coming to me as a surprise. But he's also suggested that there may be a germaneness issue. And I want you to know that to the extent that's something that we may take up here tonight, the germaneness rule is violated...or an amendment is nongermane when it relates to a substantially different subject. My LB752 relates to crimes and offenses and amends Chapter 28. Senator Schilz's LB811 is a bill dealing with crimes and offenses and amends Section 28 as well. And so to the extent we may get to that issue tonight, I'll just tell you, while we're taking a little bit of time, that I expect that this will be germane, that it will be ruled germane by the Chair; and you might be thinking of that, Mr. Chair, because we'll probably get to that issue tonight, and if there is a motion to overrule the Chair that you should vote in favor of sustaining the Chair. These are criminal statutes. They are both in the same chapter. They deal with crime and punishment, both of them do. And for that reason they are not substantially different subject matter and therefore not...nongermane, if that's the right term. And so when we get to that issue, you'll have that to think about between now and the time we get there. In the meantime, this bill is intended to...and now I find myself talking about my bill and we're on Senator Gloor's amendment. But my bill does seem to be the focus of this filibuster. And Chapter 28, Section 929, basically, provides for an enhanced penalty for an emergency responder. And the emergency responder is defined in the bill...see if I can find it for you: An out-of-hospital emergency care provider means an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, or a paramedic, as those persons are listed and classified under the Emergency Medical Services Provider Act. So that's who we're protecting with this bill. And we talked a little bit about this on General File on one of the occasions we had to discuss this bill that the emergency medical provider has to be in the performance of his official...his or her official duties. It's not enough to be an emergency medical provider and you happen to be at the... [LB752 LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR LATHROP: ...grocery store and somebody assaults you. That wouldn't cause the enhancement. It's somebody who is in the performance of their duties, so the guy who's going to someone's aid. And that's happened twice last year. Once there was an Omaha paramedic who was providing aid and was shot. And so think about their circumstances, colleagues. They are in the back of an ambulance or they're leaning over a patient and they get shot, assaulted. I think there was a knifing of one out in North Platte. And they are in a particularly vulnerable place, like the healthcare provider, nurses that we talked about, or the emergency room doctors. They run to stand over somebody and they are in such close proximity and unarmed. Not expecting it, they're going there to provide aid, and then they are assaulted. And that is the rationale for the people who are...or the employments that are in this statute already, and why it is appropriate, in my opinion, to have out-of-hospital emergency care providers included. [LB811]

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SENATOR KRIST: Time, Senator. [LB811]

SENATOR LATHROP: Thank you. [LB811]

SENATOR KRIST: Senator Chambers, you are recognized, and this is your third time. [LB811]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to read the statement of intent on this bill. Senator Lathrop is what they call "playing the lawyer," and that doesn't refer to competency but using manipulation of language. If Senator Lathrop thinks that because writing a bad check is a crime, that you could equate that to the death penalty and write in an enhanced penalty for writing a bad check in a statute that deals with the death penalty. He knows better than that. That's why these different elements, these different crimes are set apart. But here is the statement of intent by the introducer of LB811. "The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby: LB811 amends one class of currently banned substances under the Uniform Controlled Substances Act and adds another class of synthetic cannabinoids to the list of banned substances. Additionally, LB811 amends the Uniform Controlled Substances Act to include substantially similar imitations of currently prohibited controlled substances." That doesn't have anything to do with crimes against the person, crimes against property, or the enhancement of punishments. In the statement of intent it specifies that it's amending the Uniform Controlled Substances Act. What Senator Lathrop is talking about has nothing whatsoever to do with the act. And I know he's trying to fix the case by telling the Chair how it must rule. But I think Senator Schilz needs to be listening to this because his statement of intent will be a part of the legislative history on this bill and what its purpose is. There's nothing in it that deals with what Senator Lathrop is talking about. Maybe Senator Lathrop would say negligent driving, that is a crime. Negligent driving could be added to this bill and you could enhance the penalty because both are crimes, both are in the same chapter. But it takes more than being in the same chapter and the Nebraska Supreme Court has made that clear. You look at the subject matter, what the purpose of the bill was, and what that subject matter would embrace in the opinion of ordinary intelligent people informed in the premises. And the uniform control...I'd like to ask Senator Burke Harr a question. [LB811]

SENATOR KRIST: Senator Harr, will you yield to a question? [LB811]

SENATOR CHAMBERS: Senator Harr, is the Uniform Controlled Substances Act a separate and distinct act? [LB811]

SENATOR HARR: I believe so, but I haven't studied it in a while, but yeah. [LB811]

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SENATOR CHAMBERS: It is. It is,... [LB811]

SENATOR HARR: Okay. [LB811]

SENATOR CHAMBERS: ...just for the record. If something has nothing to do with what is embraced in the Uniform Controlled Substances Act, you are of the opinion that that is germane to a bill whose sole purpose is to amend the Uniform Controlled Substances Act. That's your view. Is that correct? [LB811]

SENATOR HARR: I'm not sure if I would be the expert on germane. I've tried twice and lost on germaneness this year. [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR HARR: So I can't figure out what the heck is germane anymore. [LB811]

SENATOR CHAMBERS: Thanks. And if we get to the bill, there will be a chance to discuss that. But I want the Chair to have something to think about too. This is my first amendment that I'm offering. The other item was a motion to bracket, which I withdrew because you can only offer a motion to bracket to a time certain once on the same day on the same bill. But if it is not taken to a vote, it can be offered any number of times. So I don't have to just write amendments. But what this particular one does is substitute the word "persons" for "individuals" so that in the very definition of "person" instead of just presenting artificial entities, then at the end using the word "individuals," strike... [LB811]

SENATOR KRIST: Time, Senator. [LB811]

SENATOR CHAMBERS: Thank you, Mr. President. [LB811]

SENATOR KRIST: Thank you, Senator Chambers. Senator Bloomfield, you're recognized. [LB811]

SENATOR BLOOMFIELD: Thank you, Mr. President. I stood last night and opposed a bill that Senator Coash...or an amendment that Senator Coash was trying to put on, what I thought was an improper place to put it. I have to do the same thing again tonight. I can't see the relationship here. I guess that being said, I'll yield the remainder of my time to Senator Chambers. [LB811]

SENATOR KRIST: Senator Chambers, 4:22. [LB811]

SENATOR CHAMBERS: Thank you, Senator Bloomfield. Thank you, Mr. President. Let's get one other thing straight. I like Senator Lathrop and I respect him. I respect his knowledge of the law. He knows that, and that's why I'm so disappointed. I've just come

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to know Senator Burke Harr and I was beginning to develop a liking for him. He knows it's a little more difficult, but I'm working on it. And I have a respect for his knowledge of the law. But I see Senator Burke (Harr) kind of hedging on what he did. And I'd like to ask him a question so it becomes clear what I'm talking about through an exchange that we both have. Senator Harr... [LB811]

SENATOR KRIST: Senator Harr, will you yield? [LB811]

SENATOR HARR: Of course. [LB811]

SENATOR CHAMBERS: This is not your bill, is it, in terms of you being the introducer? [LB811]

SENATOR HARR: No. [LB811]

SENATOR CHAMBERS: I meant LB752. [LB752 LB811]

SENATOR HARR: Oh. Not that one either, no. [LB811]

SENATOR CHAMBERS: But you prioritized it. [LB811]

SENATOR HARR: I did. [LB811]

SENATOR CHAMBERS: Were you requested to prioritize it? [LB811]

SENATOR HARR: Yeah, I was. [LB811]

SENATOR CHAMBERS: By whom? [LB811]

SENATOR HARR: Boy, numerous factors. I had a short list, to be honest. I have a background minimal in criminal law so I take an interest in any of these bills like this. As a matter of fact, well, I'll save that for later. Well, I was approached by Senator Lathrop. [LB811]

SENATOR CHAMBERS: Aha! Oh, carry on. [LB811]

SENATOR HARR: Sorry. Sorry. I was approached by Senator Lathrop. I was approached by a couple of firefighter friends of mine. I was approached by a couple of prosecutors from the Douglas County Attorney's Office. I was approached...I think I spoke to some people in the U.S. or... [LB811]

SENATOR CHAMBERS: Okay, but for our purposes, you were approached by Senator Lathrop with a request that you prioritize this bill, correct? [LB811]

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SENATOR HARR: Well, he thought it was a good bill, he said...yeah. [LB811]

SENATOR CHAMBERS: Okay. Now, did he prioritize a bill of his own? [LB811]

SENATOR HARR: Oh...yeah...I assume he...actually, I bet he got three, because he's Chair of Business and Labor too. So he got two from there and then his own bill, yeah. [LB811]

SENATOR CHAMBERS: I mean a bill that he prioritized, not the committee bill, but a bill prioritized by Senator Lathrop as the Senator's priority bill. [LB811]

SENATOR HARR: Yeah, I assume he did. I don't know what it is though, but I assume he did. [LB811]

SENATOR CHAMBERS: But it's obvious this was not a top priority with him if another one held that spot, isn't that true, because two things cannot occupy the same space at the same time. [LB811]

SENATOR HARR: That is correct. [LB811]

SENATOR CHAMBERS: Okay. So if he chose something else and put at the top, this one couldn't be at the top also, could it? [LB811]

SENATOR HARR: Yeah, I mean, this is analogous to Senator Coash a couple of days ago. That bill meant a lot to him on autism, but he didn't prioritize it. [LB811]

SENATOR CHAMBERS: If he prioritized a different bill, then he placed more value on that bill than this one, didn't he? [LB811]

SENATOR HARR: That's a fair analysis, yeah. [LB811]

SENATOR CHAMBERS: Okay. So once you got into the mix, you felt the need, like many people do, to justify what you did. And now you're of a mind that what I'm trying to do should not be accomplished but rather what this bill does. That's what I gather from what you said the last time you spoke. [LB811]

SENATOR HARR: I think that... [LB811]

SENATOR CHAMBERS: Will you kindly tell me what this bill does, LB752, which you prioritized? [LB752 LB811]

SENATOR KRIST: One minute. [LB811]

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SENATOR HARR: Oh, okay, yeah. So what it does is it takes individuals, a special...I wouldn't call them a special class but who have a certain career. In this case it's firefighters and EMTs, most importantly EMTs, in my mind at least, and it changes the penalty class for them. So for instance, if you have...let's say you go to an accident scene and there's a belligerent drunk driver. If that drunk driver takes a swing...the police are there and the EMT is there...takes a swing at the police officer, it's one charge. If they take a swing at the EMT, it's another charge with a different penalty. And I don't know if there's a real reason. They're both required to be there to assist somebody in a time of need. That person could be severely injured, could be on drug overdose, could be on a bad acid trip... [LB811]

SENATOR CHAMBERS: Okay, but the law, the statute, makes that difference, doesn't it? [LB811]

SENATOR HARR: At the current time, yes. [LB811]

SENATOR KRIST: Time, Senators. [LB811]

SENATOR CHAMBERS: Thank you, Mr. President. [LB811]

SENATOR KRIST: Senator Harr, you're next in the queue. [LB811]

SENATOR HARR: Thank you, Mr. President. And thank you, Senator Chambers, for that last exchange. Sometimes on question, I do a better job of explaining than I can on my own, so I appreciate that. Let me just say I'm very excited for tonight. If I could I'd probably get a bowl of popcorn because tonight we're going to see the lion and the lawyer go at it. And I respect both of them very much, Senator Chambers and Senator Lathrop, and we're going to have a good debate and it's going to be a fair debate and it's going to be a thorough debate. And I don't think we're going to see accusations that one person is something, that one person is childish, that one person is acting in an improper manner. But what we're going to have is on the subject of the law and on what the underlying bill is about. I'm very excited for this, folks. I want you to pay attention because we're going to lose Senator Lathrop here. Two days, we're going to lose a lot of you, 17 of you. And when that happens, we're going to have a lot of experience walk out the door. And I think it's important for us to realize, we may feel passionately about a bill. And that's good. The passion is good. But we can't forget who and what we are. And that, for instance on this, two nights ago Senator Chambers and I were in agreement on a bill and, I would say, worked together somewhat. And for that I want to thank him. Tonight we disagree. And so coalitions constantly change. That's part of this nonpartisan body that we work and live in. So it's important that when we have a debate and we have a disagreement, we don't make it personal and we talk about the policy and then we try to debate with each other and to engage the other party about what we

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think is important and why our policy trumps the other person's. And it's to try to persuade; it's not to insult, it's not to demean. And I think that's what we're going to see tonight. I'm very excited to see what becomes of this. There will be a great amount of verbal jousting that occurs. And you've already heard both parties say, they respect the heck out of the other one. I hope one day to earn the respect of all of you in this body, the same way I think those two individuals have earned their respect. This is not personal to us inside, and we got to remember that. But to those outside the glass, this is very personal; this is about their safety. This is about the ability to go to work and to come home at night. So as stated earlier, there was a police...an EMT in Omaha doing their job, what they were hired to do, taking care of someone who said was sick, had a racing heart, I believe it was. Frisked the person, completely, but not quite completely, because when you're treating a sick person, you don't have the ability to do a strip search, nor should you have to do a strip search. And so what happened? Someone got fired at, two people were fired at, one got hit. That's serious, folks. We want to be able to know that when you call 911 and you have an EMT, when you have a firefighter come to your home, come to your business, come to your car accident... [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR HARR: Thank you, Mr. President...that they're going to come; that they will put their personal safety aside for you, that simple. And they will treat you because time is of the essence. What we don't want...and for that...in exchange for that, I think, folks, it's good public policy that we afford them a little bit more protection so that when they do go into the line of duty and they are injured, those people know what they did was wrong. And, hopefully, the story gets out and people know, hey, I can't do that, I got a problem here, I got to do what's right, I can't just punch someone. Right now they may know, don't punch the cop, punch the EMT. That's wrong. They're both doing their jobs; they're both at the scene of the accident; they're both trying to help that individual. That individual may not want the help. [LB811]

SENATOR KRIST: Time, Senator. [LB811]

SENATOR HARR: Thank you. [LB811]

SENATOR KRIST: Thank you, Senator Harr. Senator Nordquist, you're recognized. [LB811]

SENATOR NORDQUIST: Thank you, Mr. President and members. First, Senator Harr and Senator Chambers were engaged in a dialogue about priority bills and preferences there. And I would say just because Senator Lathrop didn't choose this as his priority bill doesn't necessarily mean it's not a top priority for him. Earlier this session, I think I had a list of about five bills that were on my short list for me to prioritize, all kind of equal importance. And then in about February, I think, or so, Senator Johnson came to me

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and said I want to prioritize your bill on historic tax credits because it's very important to my district. So I said, okay, even though that very well have been my top priority bill had I had to choose, but he took it from me. And then Senator Kolowski came and said that Medicaid in Public Schools bills is very important to my district, to the schools in my district. I understand how important it is to the kids that need those services, I'd like to prioritize that. So that went off my list. So, you know, at this point I would say all of those...Senator Schumacher came and prioritized a constitutional amendment of mine which, unfortunately, didn't get out of the Revenue Committee. We didn't get our way on that one. And then I chose the minimum wage, which was a very important issue as well. Had I had to make the decision myself between those four, it would have been a very tough decision. So I'm not sure that just because he didn't choose it as his priority doesn't necessarily mean that it's not a top priority for him. One thing I notice as we read the bill, we're hearing that, you know, we're choosing special...creating special classes here under this bill. You know, the fact of the matter is, unless there's something wrong with my gadget, we already do have these...do have special classes, enhanced penalties. Person commits the offense, the offense of assault on an officer or healthcare professional in the first degree if...and then it lays out the parameters of that. And all we're doing, instead of just having the officer or the healthcare professional, we are adding emergency responders, state correctional employee, Department of Health and Human Services employee to that section. So we have already as a state chosen to prioritize some public servants with a higher...with an enhanced penalty. And we're just saying that there are a couple more we think were left out; people who put their lives on the line, certainly in the case of firefighters, I would say, EMTs who run, you know, run into situations not knowing what's behind the next corner sometimes, not knowing what dangers are ahead of them, and they should be able to have full confidence in their safety as they perform a duty on behalf of the public. I think that there is a rightful distinction there. And it's a philosophical issue. Senator Chambers, certainly, can choose...can have an opinion that that there should not be a distinction there. But I know on, maybe General...it must have been General File on the underlying bill he asked me about a, you know, protecting youth sports referees, that they're in the line of duty. And while, I guess, maybe they're employed in some cases by public organizations, maybe the public school hires them to ref a youth soccer game, I don't know that...they're certainly not in the field of public safety and then protecting the public. So I... [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR NORDQUIST: ...definitely do think there's a distinction and that the line has been drawn already for peace officers and probation officers and some healthcare professionals. So to expand those healthcare professionals, that definition, to include emergency medical responders and emergency medical technicians, but also to include, as I said, firefighters. And again folks, I think Senator Harr made the case very clearly, you know, this isn't some hypothetical situation that we're talking about here.

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We've heard time...a number of times recently that our public safety officers are being put in dangerous situations and, unfortunately, being assaulted, so that's why I will continue to support the underlying...support the amendment that contains Senator Lathrop's original bill. [LB811]

SENATOR KRIST: Time, Senator. [LB811]

SENATOR NORDQUIST: Thank you. [LB811]

SENATOR KRIST: Thank you, Senator Nordquist. Before I continue, Senator Chambers, all you have left is your closing at this point, sir. Senator Bloomfield, you're recognized. [LB811]

SENATOR BLOOMFIELD: Thank you, Mr. President. When I stood up and spoke before, there was a little bit of misunderstanding from Senator Gloor's people over there that I was in opposition to his amendment. I am not. I am in opposition to what Senator Chambers and Senator Lathrop have been talking about. And I'm in opposition because I think it puts us back into a constitutional question. And if you think that somebody that is charged with additional penalty because he hit the wrong person or stabbed the wrong person won't call constitutionality into question, there are a lot better lawyers out there than that. And when we come to protecting first responders, that's a term we picked up and used probably more than we should. I'm not sure what the definition of a first responder is. I realize it's not necessarily in this bill in that term. But in my former profession, I had the misfortune or the opportunity to roll up on several accidents as a first responder. It's not pleasant. It's not safe. Should I be treated any different as a truck driver if I'm the first one there? Colleagues, I think we have constitutional questions here. Again, referring to what will be Senator Lathrop's amendment when we get to it. And I think attorneys down the road will take advantage of that if we go there. And I would yield the remainder of my time again to Senator Chambers. [LB811]

SENATOR KRIST: Senator Chambers, 2:50. [LB811]

SENATOR CHAMBERS: Thank you, Senator Bloomfield. Thank you, Mr. President. Oh, and Senator Nordquist is gone. But included in that catalog that he named off are correctional...state correctional employees. Why would that person be included? If it's because that person is dealing with incarcerated people, why not employees of county and city jails? They deal with people. Sometimes a person convicted of murder is held in a county jail until being transferred down to the penitentiary. So why not just say: all people who work in facilities where people are confined for having committed a crime or name the State Department of Correctional Services or any county jail or city jail. Why don't they do that? Because these categories of people brought lobbyists down here and persuaded the Legislature. There is not one group in here who is here because there's anything in the law that justifies their being here. And we know that the ones with

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the strongest lobbyists are the ones who, generally, get their way in the Legislature. And that's why I say this is pernicious. We're not talking about making the law fair and equitable. Senator Coash, the last time we discussed this bill, pointed out a critical item. Nobody can show that a law of this kind keeps anybody from being harmed. [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR CHAMBERS: This does not provide protection for anybody. And now that Senator Lathrop is gone, Senator Nordquist is gone, there is nobody to discuss this, but it's all right because his amendment has not come here yet. But he got his licks in, then hightailed it...probably eating with the lobbyists or off the lobbyists. Is Senator Gloor here? [LB811]

SENATOR KRIST: Senator Gloor, will you yield? Twenty seconds. [LB811]

SENATOR CHAMBERS: Never mind, that's okay, thank you. And Senator Nordquist beat you in that race. He's back now. [LB811]

SENATOR KRIST: Thank you, Senator Chambers. Senator Burke Harr. Senator Bloomfield, you're recognized. [LB811]

SENATOR BLOOMFIELD: I would yield to Senator Chambers. [LB811]

SENATOR KRIST: This is your third time, Senator Bloomfield. Senator Chambers, you have 4:55. [LB811]

SENATOR CHAMBERS: Thank you, Senator Bloomfield. Thank you, Mr. President. Senator Nordquist, I'd like to ask you a question. Why didn't you emphasize state correctional employees among those who are laying their life on the line and running and doing whatever you said these emergency people are doing? Because what they do is not that significant, apparently. Okay, tell me. [LB811]

SENATOR NORDQUIST: Oh, I certainly would apologize for that. I just forgot, didn't think about it as I was speaking. That would be the only reason. And I have my light on, I meant to...I was going to yield you time, if you'd like my time in the future, you have additional questions. But I certainly would agree that they are serving the public, protecting the public. And in that career, they should be given some additional protections. [LB811]

SENATOR CHAMBERS: Which group are you talking about? [LB811]

SENATOR NORDQUIST: Sorry, the state correctional. [LB811]

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SENATOR CHAMBERS: Are you aware that there are people who tend the grounds and do janitorial work in their facilities? [LB811]

SENATOR NORDQUIST: Right, but I think at times... [LB811]

SENATOR CHAMBERS: They are employees of the Correctional Department. [LB811]

SENATOR NORDQUIST: Sure. [LB811]

SENATOR CHAMBERS: Their life is not at risk at all. But this categorization here includes every correctional employee. But if you're...why do you think correctional...let's deal with the kinds of employees that you might have in mind. What function are those employees performing that you think entitles them to what you call...and this is not protection for them. It doesn't prevent them from being harmed. It doesn't mitigate the amount of harm. It's an after-the-fact punishment. But let's assume that there's some protection. What are the people doing for the Department of Corrections that you think entitles them to protection, because that's what you all call this bill giving? [LB811]

SENATOR NORDQUIST: But I think they are serving the public and protecting the public. That's their function. [LB811]

SENATOR CHAMBERS: How are they protecting the public? [LB811]

SENATOR NORDQUIST: By working in the correctional facility as we detain people. [LB811]

SENATOR CHAMBERS: What kind of work do they do there that protects the public? [LB811]

SENATOR NORDQUIST: They house at times dangerous criminals. There...certain...I can't dispute...I mean, I hope you can't dispute that there are a certain number, at least, of dangerous criminals in our correctional institution. [LB811]

SENATOR CHAMBERS: Aren't some of those same kind of criminals in county jails? And if you didn't know it, yes, the answer is yes. [LB811]

SENATOR NORDQUIST: I would agree. [LB811]

SENATOR CHAMBERS: And there are some in city jails. There's a man charged right now with four counts of first-degree murder in the Douglas County Correctional Center. Why do you restrict it to state correctional employees? Why not everybody who deals with locking people up? [LB811]

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SENATOR NORDQUIST: That is a good point. I don't know if the Judiciary Committee...I know you opposed it in the committee; I don't know if there was a discussion of that. But I probably would assume that Senator Lathrop would be open to an amendment to that. And I certainly think I would too. [LB811]

SENATOR CHAMBERS: I'm not talking about being open to it now that we've had this discussion. Why are not all of the people doing the same kind of work given that protection? Does it indicate to you that there may not have been careful thought given to the formulation of these categories of people? [LB811]

SENATOR NORDQUIST: I think with every bill that comes out here there's always an opportunity to make them better. [LB811]

SENATOR CHAMBERS: I'm talking about these, this discrete group, these correctional employees and the word "state" precedes which means only those who work for the state doing this. [LB811]

SENATOR NORDQUIST: I certainly understand your point and I think we could easily correct that. [LB811]

SENATOR CHAMBERS: Well, if the point was to protect people based on the job they have and the danger that they confront, should not it cover all those categories of persons, including those who run, work in county jails and city jails? Shouldn't that be done? [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR NORDQUIST: That certainly could be and I think should be. But, Senator Chambers, I'm one to never let the perfect be the enemy of the good. So if our only opportunity is to pass this and maybe come back with that in the future, I would take that rather than take nothing. [LB811]

SENATOR CHAMBERS: Why don't we eliminate all these special categories and just let the general law apply to everybody? Why not...there are gradations in that law. There are degrees of assault. Why not leave the discretion up to the judge, consider the circumstances under which the offense came, then look at the individualized characteristics of the particular offender which is the way judges view a person before imposing a sentence? Why not leave that law instead of having people here who don't know what's going on succumb to what a particular group and their lobbyists persuade the Legislature to do? [LB811]

SENATOR NORDQUIST: Senator Chambers, so I would say that it's a... [LB811]

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SENATOR KRIST: Time, Senators. Thank you, Senator Chambers and Senator Nordquist. Senator Nordquist, you're next in the queue. [LB811]

SENATOR NORDQUIST: I'll finish that question and then yield my time to Senator Chambers. I would say that this is a policy decision that we as a Legislature has made that I agree with that there are people who are working on behalf of the public for public safety purposes that Legislatures prior, for purposes of the officer and the healthcare professional, have said these people deserve extra protection as they work for us to protect us as a society. So that would be my answer to why we should...why we should keep it, why we shouldn't just get rid of it. It's a policy decision that's been made. I agree with that policy decision. I agree with expanding those definitions to what we have. With that, Mr. Chair, I'd yield my time to Senator Chambers. [LB811]

SENATOR KRIST: Thank you, Senator Nordquist. Senator Chambers, 4 minutes. [LB811]

SENATOR CHAMBERS: Thank you. Thank you, Senator Nordquist and Mr. President. To show how grateful I am, I want to ask Senator Nordquist a question or two. Senator Nordquist, are you aware that there are school crossing guards who have been run over? [LB811]

SENATOR NORDQUIST: Yes, I have heard of that. [LB811]

SENATOR CHAMBERS: And they are, in my opinion, but I'll ask it as a question. Do you think they're serving the public? [LB811]

SENATOR NORDQUIST: Yes. [LB811]

SENATOR CHAMBERS: Is there danger connected with the work that they're doing? [LB811]

SENATOR NORDQUIST: Yes, but not...I would say in most cases not to the extent of the itemized individuals in this legislation. [LB811]

SENATOR CHAMBERS: So some people who, if they are the victim of violence, are of a higher nature or order and therefore entitled to have the person who inflicts that violence punished more severely. That's all you're doing, because this kind law does not protect anybody; it doesn't prevent any crime. The death penalty does not prevent murders. That's strictly for retribution. The U.S. Supreme Court judges have said...and judges all the way up and down the line, deterrence has nothing to do with having the death penalty because it doesn't deter it; it cannot be shown to do that. And certainly you know that people in this society are aware that you face the possibility of the death penalty if you kill somebody, but the killing occurs anyway. We're talking strictly about a

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punishment. And you're saying, if I understand you, that these people are entitled to take comfort in the fact that if somebody does something to them, that person is going to be punished more harshly. Isn't that in a nutshell what we're talking about here? [LB811]

SENATOR NORDQUIST: Probably the latter statement is somewhat reflective. I think it is a public reflection, though, of our values to say those people that are working in relatively dangerous lines of work to protect the public safety, whether it has impact on deterrence or not, I'm not going to argue with that, because I think I've stood on this floor and argued against the...you know, against deterrence for the death penalty. [LB811]

SENATOR CHAMBERS: Let's forget deterrence. [LB811]

SENATOR NORDQUIST: So that would make me a hypocrite. But I think it's a clear public... [LB811]

SENATOR CHAMBERS: What's the standard? If you're going to be doing this, what is the standard? What are the criteria by which we make a determination and not just do it on a point-by-point basis for people who bring in a lobbyist? [LB811]

SENATOR NORDQUIST: Public safety officials who are in...and again, it's relatively...I can't think of a better word than that, and that is a very subjective standard, relatively dangerous lines of work. [LB811]

SENATOR CHAMBERS: Well, corrections employees are not considered to be public safety officials. [LB811]

SENATOR NORDQUIST: I probably used that in a more general sense than a specific sense. [LB811]

SENATOR CHAMBERS: No, I don't want that. I want something that lets us know how to distinguish some people from others. If it's a so-called categorization that includes everybody, then we just have everybody. [LB811]

SENATOR KRIST: One minute. [LB811]

SENATOR CHAMBERS: So why don't we just say anybody who is harmed by way of assault, enhance the penalties for all of them? But that's not to be done and it makes no sense. Let the law as it exists now and has existed since the '70s when the rewrite of the criminal law took place, let that be the law for everybody. And I'm not putting it as a question. I was looking at you. Members of the Legislature, that's what I find abhorrent, and especially when lawyers do it, because they're the ones always talking about

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justice, equality before the law, and these cliches that have become just that, they don't mean anything. They don't mean anything at all unless you're a member of the favored class. Then the law applies to everybody except you. The law applies only to this group over here. But the bigger issue... [LB811]

SENATOR KRIST: Time, Senators. [LB811]

SENATOR CHAMBERS: Thank you, Mr. President. [LB811]

SENATOR KRIST: Thank you, Senator Chambers and Senator Nordquist. Seeing no other lights on, Senator Chambers, you're recognized to close on your amendment. [LB811]

SENATOR CHAMBERS: Thank you. Thank you. Mr. President, members of the Legislature, this amendment is to Senator Gloor's amendment. I didn't hear Senator Gloor oppose it. I didn't hear anybody oppose it. And we're in a definitional section of the law. Senator Gloor's amendment makes insignificant changes in these definitions. And by that I meant nothing is altered. By changing the two words "shall mean" to the one word "means" and giving a definition does not alter the meaning. What I'm offering here I think does add a little something to the definition of person. It makes it clear that you're dealing or including natural persons and not just artificial entities. Even if you say one or more individuals, there's no need in saying individuals when you can say persons. So my amendment simply substitutes the word "persons" for "individuals." And, Mr. President, since so many are absent and they're probably eating, I'm not going to take that amendment to a vote at this time, but I will leave it on the desk because I'm going to reoffer it. But I will not take that to a vote at this time. [LB811]

SENATOR KRIST: Thank you, Senator Chambers. Seeing no one else in the queue, Mr. Clerk. [LB811]

CLERK: Mr. President, Senator Chambers would move to amend. (FA356, Legislative Journal page 1520.) [LB811]

SENATOR KRIST: Senator Chambers, you're recognized...just one second. One second. [LB811]

CLERK: Senator, I think I misspoke. Senator Lathrop, yours is the next...withdraw? Thank you, Senator. Senator Chambers, we're back, I'm sorry, to your...the amendment you just provided to me. [LB811]

SENATOR KRIST: Senator Chambers, you're recognized. [LB811]

SENATOR CHAMBERS: Thank you, Mr. President. I want to be sure, Mr. Clerk, and I'll

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just read the first word. Does it say on page 3 in line 10? [LB811]

CLERK: Yes. [LB811]

SENATOR CHAMBERS: Okay. Here's the amendment, maybe Senator Schilz wants to listen to this, maybe Senator McCoy wants to listen to this. I am going to attempt to strike language from the existing law. And if you turn to page 3 of Senator Gloor's amendment, that's what we are amending or attempting to at this point. On page 3, beginning in line 10, the first word in that subdivision is "marijuana." The last word is found on line 23 and that last word is "time." So my amendment would strike and show as stricken everything in subdivision (13) on page 3. And that comprises lines 10 through 23. And the language is the following, "Marijuana means all parts of the plant of the genus cannabis, whether growing or not, the seeds thereof," and so forth. All of this language related to marijuana will be stricken. Now some people might think that that does more than it, in fact, does. I'd like to ask Senator Schilz a question if he is in the house. [LB811]

SENATOR COASH PRESIDING

SENATOR COASH: Senator Schilz, will you yield? [LB811]

SENATOR SCHILZ: I will. [LB811]

SENATOR CHAMBERS: Senator Schilz, do you have a copy of Senator Gloor's amendment? [LB811]

SENATOR SCHILZ: You know what, I do not have one in front of me, but I will get it up for you. [LB811]

SENATOR CHAMBERS: Okay. You might could find it in your bill, because this...Senator Gloor's amendment is a rewrite of your bill... [LB811]

SENATOR SCHILZ: Right. [LB811]

SENATOR CHAMBERS: And you could find subdivision (13)...13 in parenthesis. In Senator Gloor's amendment it's on page 3. But in other words, without giving the lines and the page, it deals with marijuana, its derivatives and so forth. [LB811]

SENATOR SCHILZ: Right, I've got it. [LB811]

SENATOR CHAMBERS: All right. What objection would you have to me striking all of this language? [LB811]

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SENATOR SCHILZ: Well, I think it would be a very detrimental to the laws that we have in place now. [LB811]

SENATOR CHAMBERS: How would it be detrimental? And I'm not trying to be tricky, just get some things in the record. [LB811]

SENATOR SCHILZ: No, no, and I...and just looking at that, it would take everything that we've had in place as far as marijuana being illegal and I think it would, if I'm understanding it right,... [LB811]

SENATOR CHAMBERS: But is... [LB811]

SENATOR SCHILZ: ...strike all that. [LB811]

SENATOR CHAMBERS: Oh, excuse me. Isn't this just the definition section? [LB811]

SENATOR SCHILZ: Yes. [LB811]

SENATOR CHAMBERS: If we strike the definition... [LB811]

SENATOR SCHILZ: Oh, okay. [LB811]

SENATOR CHAMBERS: ...that doesn't...I'll ask it...would striking a definition of a term legalize that substance? [LB811]

SENATOR SCHILZ: Probably not. [LB811]

SENATOR CHAMBERS: Okay. So if I strike this language, I'm not legal...and now I'm not asking you questions. Thanks. [LB811]

SENATOR SCHILZ: Sure. [LB811]

SENATOR CHAMBERS: Thanks, that's all, because you were probably doing something else. If I strike a definition, I'm not legalizing marijuana; I'm just getting rid of a lot of verbiage and I'm taking time. Rather than go through it and say on a given line strike and show as stricken a certain word, which would take time, I'm just taking the whole kit and caboodle and striking that language. I would like to ask, if he's present, Senator McCoy a question because he has taken an interest in this kind of legislation. [LB811]

SENATOR COASH: Senator McCoy, will you yield? [LB811]

SENATOR McCOY: Yes, I would. [LB811]

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SENATOR CHAMBERS: Senator McCoy, do you have a copy of Senator Gloor's amendment in front of you or subdivision (13), whether you're looking at the... [LB811]

SENATOR McCOY: Yes, Senator, I do. I have it right here. [LB811]

SENATOR CHAMBERS: Okay. And would you agree this is in the definitional section? [LB811]

SENATOR McCOY: Yes, I would. [LB811]

SENATOR CHAMBERS: And striking this in and of itself would not legalize marijuana or, in your opinion, would it? [LB811]

SENATOR McCOY: Do you mind if I take just a brief moment to give an answer to that? [LB811]

SENATOR CHAMBERS: No, take time,... [LB811]

SENATOR McCOY: Okay. [LB811]

SENATOR CHAMBERS: ...because it's not to be a trick question. [LB811]

SENATOR McCOY: No, no, and I appreciate that. I just want to make sure I wasn't using up your time to answer that. You're correct, Senator Chambers. And you've been to law school and I haven't, but here's my understanding of it. You're correct, striking the definition wouldn't legalize it. However, then law enforcement...well, not law enforcement, you couldn't prosecute for a crime related to marijuana without a definition of what marijuana is. [LB811]

SENATOR CHAMBERS: In this definition, because I'm not sure that I see it, any percentage specified as to how much of the active ingredient must be in a substance that will be considered marijuana, I don't see that in this definition. [LB811]

SENATOR McCOY: Are you asking me a question? [LB811]

SENATOR CHAMBERS: Yes, I'm asking you. [LB811]

SENATOR McCOY: Well, Senator Chambers, I think you have to go back to the fact that this...and again, which by striking section (13)...well, it's not section (13), but subset (13) that you're speaking of with your FA356, what you're doing is you're taking the definition out of existing statute. Now this, again, is not part of AM2567. This is already in statute. And it's part of the Uniform Controlled Substances Act that comes to us from

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the U.S. Department of Justice and the Drug Enforcement Administration, as you can see on page 1, lines 14 and 15. So, you're correct in that it doesn't give a percentage of THC, which would indicate the toxicity level, and as you know because we had discussions about this on Senator Wallman's, I think, LB1102, the hemp bill, as I recall, the THC percentage, of course, is related to whether or not this is deemed to be a drug that's going to cause issues to human beings. What I think you're striking here, by striking a definition, you're effectively cutting the legs out from...on a way to prosecute for anything related to a crime having to do with marijuana. [LB1102 LB811]

SENATOR CHAMBERS: Now, Senator, again not intending anything by way of a trick question, would you turn...you're aware of these various schedules and I'm not going to ask you what is in them, but you're aware of these schedules that list out specific types of drugs. [LB811]

SENATOR McCOY: I am, Senator. You and I, not just in committee, but off the microphone, whether it be LB19, even though you weren't here for that particular bill, you were here last year for LB298, and you asked some very good questions not just in committee but off the microphone when you and I talked a number of times about these drug schedules and how we went about banning the synthetic forms of marijuana and other drugs and not just by individual compound--and I'm not a chemist, nor do I desire to be--but not just by individual compound but by actual chemical class. So you're dealing with...well, I think probably the technical definition would be an organic compound, with the subset (13), and a chemical created in a lab somewhere compound, a synthetic marijuana product or other synthetic drugs are really what we're doing with LB811 and what we did in LB298 last year and Senator Schilz's bill, although it escapes me from the 2012 Session and my bill, LB19, from the 2011 Session. So this is the fourth year in a row, two years of that that you've been here to be a part of, that we've gone at synthetic drugs, including synthetic marijuana. [LB298 LB811]

SENATOR CHAMBERS: So it would be your view that... [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: ...leaving the schedules in place would not be sufficient to ban...or make it illegal to possess marijuana? [LB811]

SENATOR McCOY: Not in my opinion, Senator. And again, I'm not an expert as a nonattorney, but as I understand it, if you were to strike subset (13), it would be very difficult...out of the definition section, it would make it very difficult to prosecute, based on a crime related to marijuana without a definition of what marijuana is. And that's what you see in subsection (13) from lines 10 to 23, as you outlined earlier, on page 3. That provides a definition to know what marijuana is in statute. [LB811]

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SENATOR CHAMBERS: So now I will ask you the question that this leads me to. Am I to understand that you're opposed to this amendment? [LB811]

SENATOR McCOY: That would be correct, Senator Chambers. [LB811]

SENATOR CHAMBERS: Oh, thank you. Members of the Legislature... [LB811]

SENATOR COASH: Time, Senators. Time, Senator. [LB811]

SENATOR CHAMBERS: Oh. [LB811]

SENATOR COASH: Senator McCoy, you're recognized. [LB811]

SENATOR McCOY: I would let Senator Chambers finish his comment if he would like. I didn't know if he had an additional question for me. I would yield the remainder of my time to him. [LB811]

SENATOR CHAMBERS: And can I use it any way that I want to, even if it's in addition to what we were talking about through questions and answers? [LB811]

SENATOR McCOY: Yes, Senator. [LB811]

SENATOR CHAMBERS: Thank you. [LB811]

SENATOR COASH: Senator Chambers, you've been yielded 4 minutes 40 seconds. [LB811]

SENATOR CHAMBERS: Thank you. Thank you, Senator McCoy. Mr. President, members of the Legislature, I think Senator McCoy has made the point. When you have a definition such as this, it will usually say that when this word is used anywhere in this act it means such-and-such. And if you eliminate the definition, and there's any reference back to it, but there's no definition there, a gap does exist. And I don't expect this amendment to pass. But as I said, I'm just passing time. We have not dealt with Senator Gloor's amendment yet, so I'd like to ask him a question now that I see he's here. And the fact that I didn't see him was why I didn't go on to a vote on that other one. [LB811]

SENATOR COASH: Senator Gloor, will you yield? [LB811]

SENATOR GLOOR: Yes, I would. [LB811]

SENATOR CHAMBERS: Senator Gloor, are you aware of what my original amendment was where I would strike the word "individuals"? It's in the definition of person, and I

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would strike the word "individuals" and insert "persons," and that would be found on page 5 of your amendment, in line 17. [LB811]

SENATOR GLOOR: Yes, I am. [LB811]

SENATOR CHAMBERS: Do you see any harm that would be done if individuals...the word "individuals" were stricken and "persons" would be inserted? [LB811]

SENATOR GLOOR: I do not. [LB811]

SENATOR CHAMBERS: Oh, so then you're not opposed to the amendment? [LB811]

SENATOR GLOOR: I'm not opposed to the amendment on those grounds. [LB811]

SENATOR CHAMBERS: Okay, so what is your...are you opposed to the amendment? [LB811]

SENATOR GLOOR: I'm still pondering that, Senator. [LB811]

SENATOR CHAMBERS: Could you...I was coughing. Could you say that again. [LB811]

SENATOR GLOOR: I'm still pondering that. But I would guess...and I would probably at this point in time probably give it a green light. [LB811]

SENATOR CHAMBERS: You would give a green? [LB811]

SENATOR GLOOR: Right now, yes. [LB811]

SENATOR CHAMBERS: Thank you. Then, Mr. Clerk, I would withdraw this amendment which is before us and I will resubmit that previous amendment that I withdrew that said strike the word "individuals" and replace it with the word "persons," if it's still up there. It would be on page 5 in line 17. [LB811]

CLERK: All right. So you want to withdraw the one we're on now, Senator. Right? [LB811]

SENATOR CHAMBERS: Yes. [LB811]

CLERK: Yes, sir. All right. And you're now going to offer, because it is the next amendment to Senator Gloor's amendment, FA354. (Legislative Journal page 1520.) [LB811]

SENATOR CHAMBERS: Which would be on page 5, line 17, correct? [LB811]

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CLERK: Yes, sir. [LB811]

SENATOR CHAMBERS: Thank you. I hadn't seen Senator Gloor and I would not have wanted to take a vote on it without having seen him. And maybe he was here and I just didn't see him. But he said he's not opposed to the amendment. There's no trickery in it whatsoever. The definition as it stands now mentions artificial entities but nothing that would refer to actual humans or persons. And that's why I'm offering the amendment. And I don't have anything else to say on it. Is there anybody else in line? Then may I offer my closing, Mr. President? [LB811]

SENATOR COASH: Senator Chambers, you're recognized to close on FA354. [LB811]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I did not want to take a vote on it without Senator Gloor being here and having answered the question specifically, and he said he's of a mind to give it a green. There is nothing in this amendment other than what it says. So I will ask for a call of the house and I will take a machine vote. [LB811]

SENATOR COASH: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB811]

CLERK: 22 ayes, 0 nays, Mr. President, to place the house under call. [LB811]

SENATOR COASH: The house is under call. Senators, please record your presence. Unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Bolz, please check in. Senators Ashford, Burke Harr, Murante, and Avery, please return to the Chamber and record your presence. Senators Garrett, Bloomfield, please check in. Senator Ashford, please return to the Chamber and record your presence. Members, Senator Chambers has closed on his FA354 to AM2567. The question for the body is, shall FA354 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB811]

CLERK: 25 ayes, 13 nays, Mr. President. [LB811]

SENATOR COASH: FA354 is adopted. Raise the call. Next item, Mr. Clerk. [LB811]

CLERK: Mr. President, this time I have nothing further pending to Senator Gloor's AM2567. [LB811]

SENATOR COASH: We return to discussion on LB811 and Senator Gloor's

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amendment. Senator Chambers, you are recognized. [LB811]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, some of the senators were not in here. That amendment dealt with the definition of the word "persons." It had...it listed a number of artificial entities but nowhere did it identify or enumerate or suggest that it includes persons or natural persons. And all the word...the only change was that the term "individuals" was...the word "persons" was substituted for the word "individuals." There was nothing tricky about it. It was straightforward. And I turned my light on to say that. But I would like to ask Senator Gloor one or two questions about his amendment. [LB811]

SENATOR COASH: Senator Gloor, will you yield? [LB811]

SENATOR GLOOR: Yes. [LB811]

SENATOR CHAMBERS: Now, Senator Gloor, in addition to kind of a rewrite or rearranging of the current law, you had mentioned some other items that your bill will do which would be of a substantive nature. Could you briefly just state what those are again? [LB811]

SENATOR GLOOR: Certainly, and thank you for that opportunity, Senator Chambers. Let me give you a real-world example of one of the good things that this will do. We currently don't...Nebraska law doesn't appropriately define electronic prescribing, e-prescribing. And so this would allow someone, who otherwise might have to hop in their car and drive to a pharmacy and hand over a slip of paper, to have their physician, their provider e-mail that, electronically send that to a pharmacy to get it filled. And that can mean quite a bit, especially to somebody who lives a long way away from a pharmacy or is unable to travel to a pharmacy because of a lack of public transportation. So that's...I think that's one of the things above and beyond improving some of the verbiage and definitions that has some real-world application. [LB811]

SENATOR CHAMBERS: Thank you. I don't have any objection to Senator Gloor's amendment, so I don't want the fact that I turned on my light to indicate that I did. Thank you, Mr. President. [LB811]

SENATOR COASH: Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB811]

SENATOR SCHUMACHER: Mr. Chairman, members of the body, I briefly was following the argument on the switch from "individuals" to "persons," and it looks to me like we created a circular definition where we say persons are one or more persons. And I am somewhat hesitant to just let this pass at this point without at least considering whether we did the right thing. Person means any corporation, association, partnership, limited

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liability company, or one...now it reads or one or more persons. So persons means persons. Have we eliminated individuals? Living persons? I think this thing was worded as individuals for a reason. I'm not sure what damage this does, but I have a certain level of discomfort with it and I at least want to get a little discussion on it. Thank you. [LB811]

SENATOR COASH: Thank you, Senator Schumacher. Senator Mello, you're recognized. [LB811]

SENATOR MELLO: Question. [LB811]

SENATOR COASH: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed, nay. Record, Mr. Clerk. [LB811]

CLERK: 28 ayes, 3 nays, Mr. President, to cease debate. [LB811]

SENATOR COASH: Debate does cease. Senator Gloor, you're recognized to close on your amendment. Senator Gloor waives closing. The question for the body is, shall AM2567 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB811]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Gloor's amendment. [LB811]

SENATOR COASH: AM2567 is adopted. Next item, Mr. Clerk. [LB811]

CLERK: Mr. President, may I read a couple of things, please?

SENATOR COASH: Items, Mr. Clerk.

CLERK: I have two new resolutions: LR622 by Senator Kintner; and LR623, Senator Crawford. Those will both be laid over. (Legislative Journal pages 1521-1522.) [LR622 LR623]

Mr. President, the next amendment I have, Senator Watermeier, AM2648. (Legislative Journal page 1270.) [LB811]

SENATOR COASH: Senator Watermeier, you're recognized to open on AM2648. [LB811]

SENATOR WATERMEIER: Thank you, Mr. President. AM2648 would amend the contents of LB711 as amended by committee amendments into LB811. LB711 is a bill

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that also deals with controlled substances and that was brought to me by the Department of Health and Human Services. AM2648 updates current law to address a lack of due process. Under current law, once law enforcement discovers a clandestine drug lab at a location, the owner or owners of the contaminated property shall not permit the human inhabitation or use of such property until the rehabilitation of such property has been completed and the property has been released. An owner who knowingly violates this subsection may be subject to a civil penalty not to exceed \$1,000. Current law makes no provision for a hearing. AM2648 will allow an owner to request an administrative hearing before the Department of Health and Human Services to dispute a mistake in fact, an error in the report as to the ownership of the property, an error in the determination that the property was the site of a clandestine drug lab, or an error to the determination that the property needs rehabilitation. The following is an example of why the bill is necessary. An owner may not clean up a methamphetamine contamination at the site of a drug manufacturing arrest but rented the property to a single mother and her children. The program wanted to fine the owner a thousand dollars for not decontaminating the property before allowing new tenants to occupy the home. Although current statutes allows for a civil penalty for noncompliance, legal advice was given that there might be a perceived lack of due process. The current statutes do not provide for a mechanism for the owner of a property to request a hearing to dispute a finding of fact. AM2648 will allow the department to proceed with the process of hiring property owners...excuse me, fining property owners if the property is rented prior to the completion of the decontamination process. At the public hearing, Dr. Acierno, the Chief Medical Officer for HHS, testified in support, as did representatives of Friends of Public Health, and the Nebraska Realtors Association. No one testified in opposition. LB711 advanced on a 7 to 0 vote. In response to several questions from committee members, committee amendments were added to clarify the time line for requesting a hearing and to clarify who had standing to request a hearing. The request was made to place this bill on consent calendar, but due to the large number it was not selected. Consequently, Senator Schilz allowed me to put my bill, LB711, as an amendment to his bill, LB811. I urge your favorable vote on AM2648. [LB811 LB711]

SENATOR COASH: Thank you, Senator Watermeier. Members, you've heard the opening to AM2648. Senator Chambers, you're recognized. [LB811]

SENATOR CHAMBERS: Thank you. Senator Watermeier, I'd like to ask you a question or two. [LB811]

SENATOR COASH: Senator Watermeier, will you yield? [LB811]

SENATOR CHAMBERS: Do you have a copy of your amendment? [LB811]

SENATOR WATERMEIER: I should have here. That doesn't mean I have my glasses to read it with. [LB811]

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SENATOR CHAMBERS: I'll wait. [LB811]

SENATOR WATERMEIER: Yeah, I think I see it. [LB811]

SENATOR CHAMBERS: What section does this bill deal with? Doesn't it deal with Chapter 71, line 4 of page 1? [LB811]

SENATOR WATERMEIER: And I apologize, Senator Chambers, I won't be able to answer that. I see from here it was scratched out on line...page 4. Do I have a clean copy? [LB811]

SENATOR CHAMBERS: But you're talking about contamination of property in this bill, in your amendment. Is that true? [LB811]

SENATOR WATERMEIER: Yes, it is. [LB811]

SENATOR CHAMBERS: And does the bill that you're amending talk about the contamination of property or does it deal with the Uniform Control Substances Act? [LB811]

SENATOR WATERMEIER: Well, that's a question that's beyond me. I apologize. I brought this for the department because of issues just with like I said in the opening on the hearing that we thought that that would be...they thought that was going to be a concern. [LB811]

SENATOR CHAMBERS: I'd like to...thank you. I'd like to ask Senator Schilz a question. [LB811]

SENATOR COASH: Senator Schilz, will you yield? [LB811]

SENATOR SCHILZ: Yes. [LB811]

SENATOR CHAMBERS: Senator Schilz, is there anything in the Uniform Controlled Substances Act that deals with the contamination of property? [LB811]

SENATOR SCHILZ: Senator Chambers, I will have to say that I don't know for sure. But I don't know. I would guess probably not but I don't know that for sure. [LB811]

SENATOR CHAMBERS: Thank you. Mr. President, in line with what we've been willing to address, I'm going to ask for a ruling on the germaneness of this amendment. [LB811]

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SENATOR COASH: Senator Chambers, you are recognized to articulate your germaneness argument. [LB811]

SENATOR CHAMBERS: Mr. President, I'm going to once again read the statement of intent for LB811. "LB811 amends one class of currently banned substances under the Uniform Controlled Substances Act and adds another class of synthetic cannabinoids to the list of banned substances. Additionally, LB811 amends the Uniform Controlled Substances Act to include substantially similar imitations of currently prohibited controlled substances." This does not deal with the use of substances to contaminate property. It's not in the same chapter and it does not flow naturally from the bill, LB811. And I will not go through an involved argument at this time. But that is why I deem it to be nongermane. That's it. [LB811]

SENATOR COASH: Senator Watermeier, you are recognized to articulate. [LB811]

SENATOR WATERMEIER: I could never articulate as well as Senator Chambers, but I am going to say that it is germane in the fact that it's cooking this controlled substance on this property, and I think it's totally germane to the issue. [LB811]

SENATOR COASH: Senator Watermeier, Senator Chambers, please approach the Chair. Senator Watermeier, you are recognized. [LB811]

SENATOR WATERMEIER: Thank you, Mr. President. I'll pull this bill at the time, this amendment, AM2648. [LB811]

SENATOR COASH: AM2648 is withdrawn. Next item, Mr. Clerk. [LB811]

CLERK: Mr. President, Senator Lathrop, I have FA323. I have a note, Senator, that you would like to withdraw FA323 and offer, as a substitute, AM2877. [LB811]

SENATOR LATHROP: That's...yes, true. [LB811]

SENATOR COASH: Any objections to the substitution? Seeing none, the amendment is substituted. [LB811]

CLERK: Senator Lathrop, AM2877. (Legislative Journal page 1523.) [LB811]

SENATOR LATHROP: Thank you, Mr. President and colleagues. We have had...this is the first responder assault bill. It had several hours of debate on General File and we've also spent a good deal of time talking about it in anticipation of its arrival in the queue, and so it does not require a great deal of introduction other than to say it's the very same...the amendment is the same as the bill that we've discussed on General File, that we've discussed earlier. And it provides for additional penalties for assaulting the

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emergency first responders. And with that, I would encourage your support. Thank you. [LB811]

SENATOR COASH: Thank you, Senator Lathrop. Members, you've heard the opening to AM2877. Senator Chambers, you're recognized. [LB811]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I need to ask Senator Lathrop a question. [LB811]

SENATOR COASH: Senator Lathrop, will you yield? [LB811]

SENATOR LATHROP: Yes, I will. [LB811]

SENATOR CHAMBERS: Senator Lathrop, you gave me what you said was your amendment. Oh, I see. It is AM2877. [LB811]

SENATOR LATHROP: Yes. Should be. [LB811]

SENATOR CHAMBERS: That's what I have. Let me just get...all right. I'm at the right amendment now. I had several amendments that had been offered to the bill, but I'm now with yours. And the one that I have would start in line 4 with, "Any person who commits any of the following." Is that the beginning of yours on page 1? [LB811]

SENATOR LATHROP: That's what I see. [LB811]

SENATOR CHAMBERS: Thank you. I'm now with you. And I have a number of amendments on the desk. [LB811]

SENATOR LATHROP: And I'll enjoy discussing each one of them. [LB811]

SENATOR COASH: Mr. Clerk, you have an amendment. [LB811]

CLERK: Mr. President, I then have amendments to Senator Lathrop's AM2877. Senator Chambers, FA347. [LB811]

SENATOR COASH: Senator Chambers, you're recognized to open on FA347. [LB811]

SENATOR CHAMBERS: Mr. President, I maintain that this amendment is not germane to the bill, which it is purporting to amend. [LB811]

SENATOR COASH: Senator Chambers, are you opening on your amendment or are you challenging the germaneness? [LB811]

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SENATOR CHAMBERS: I'm challenging the germaneness first. [LB811]

SENATOR COASH: The germaneness of what, Senator Chambers? [LB811]

SENATOR CHAMBERS: Senator Lathrop's amendment. [LB811]

SENATOR COASH: You are recognized to articulate on the germaneness argument. [LB811]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I won't continue to read the statement of intent, but it indicates that it is defining and amending items in the Controlled Substances Act. What Senator Lathrop is doing here is creating a new offense, and that does not flow from what LB811 is designed to do. It is not enough to say that both of them are in the criminal code. There is a difference in where they're located. Senator Lathrop's amendment starts in 28-115. This Uniform Controlled Substances Act begins in Chapter 28-401. So they're in the same volume but not the same chapter and they deal with entirely different subjects. And I don't think it's necessary to give a long, involved statement at this point, but I'm going to say enough to indicate why I'm going in this direction. This controlled substances bill, LB811, lays out by name and chemical composition various substances which are criminalized, and that's what it does. What Senator Lathrop's amendment would do is to create a new offense, and that offense has to do with assaulting certain categories of persons that he listed. That is not the purpose of LB811. It does not flow in a logical manner from LB811. And for that reason I say that it is not germane. [LB811]

SENATOR COASH: Senator Lathrop, you are recognized. [LB811]

SENATOR LATHROP: Thank you. And I certainly believe it is germane. And I think that the issue turns on the question of subject as it's used in the rule. It's not germane if it relates to a substantially different subject. Both bills, the one-liners (sic), begin exactly the same, "For an act relating to crimes and offenses." That's in both bills. If you took a narrow, narrow, narrow interpretation, which I don't think we've done in the past, of subject matter as used in our germaneness rule, which is Rule 7, then we could never amend anything unless it were specifically related to the specific subject. But it's not the specific subject; it is the subject. I think it's fair to interpret the rule to allow amendments to the criminal code, which both of these are, to allow for an interpretation that this is in fact germane. They're both acts relating to crime and offenses and repeal the same chapter, which is Chapter 28 of the code. And for that reason I believe it is germane. [LB811]

SENATOR COASH: Senator Lathrop, would you please approach the Chair. It is the ruling of the Chair that AM2877 is not germane. Senator Lathrop. [LB811]

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SENATOR LATHROP: I want to make a motion to overrule the Chair because I believe this is in fact germane. [LB811]

SENATOR COASH: The ruling of the Chair has been challenged. Members, each member is allowed to speak once on the issue. Members may not yield time to one another. Senator Lautenbaugh, you are recognized to speak. Excuse me, Senator Lathrop, you get to open on your motion to overrule. [LB811]

SENATOR LATHROP: Okay. Thank you. And to some extent this may sound like I'm repeating myself. We do have a rule on germaneness, and understand that it's intended to make sure that we proceed with the consideration of legislation in an orderly manner. The bill talks about or the rule, which is in subsection (d) of Rule 7, says, "A nongermane amendment includes one that relates to a substantially different subject." And so the question for consideration, and I believe that consideration would be resolved in my favor, is whether this is substantially different subject matter. And as I said earlier, I think that turns on the question of what substantially different subject matter means. We are talking about an amendment to the criminal code. This, like the underlying bill, relates to an offense. It relates to crime and punishment. And I certainly think that it's the same subject matter inasmuch as both relate to crime and punishment. I would suggest or submit to you, my colleagues, that we must be careful when we make these rulings. It's important for the institution that we do them correctly. But it's also important in the process of considering what's the same subject matter to consider whether we're going to be able to operate in the future and provide amendments to future amendments or bills if this turns out to not be germane. We will have chosen a definition or we would have given meaning to the definition of subject matter that's so narrow that it will constrict our ability to proceed into the future with amendments on bills. So it is important to give a fair definition to subject matter without being too narrow in the interpretation so that you can't offer amendments in the future. I believe that when you have a bill dealing with crime and punishment in Chapter 28, that amendments that relate to crime and punishment and that are found in Chapter 28 are germane. They are not substantially different from the subject matter. In fact, they relate to the very same subject matter when that term is given a fair interpretation of our rules. And I would encourage your support in overruling the Chair. Thank you. [LB811]

SENATOR COASH: Thank you, Senator Lathrop. Members, you've heard the opening to the motion to overrule the Chair. Senator Lathrop, you're...excuse me, Senator Lautenbaugh, you are recognized. [LB811]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And it's always particularly painful on a long week when I have to then stand up at the mike and say that Senator Lathrop is correct. But I do rise and I do find myself in that unfortunate position of saying that Senator Lathrop I believe to be correct. And historically I haven't said that a lot over my time here, but I'm saying it on this occasion. I

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think sometimes we confuse constitutional issues with the rules. And the constitutional interpretation of the single subject rule really isn't relevant to what we're talking about here at all. And that's certainly been interpreted very broadly by the courts, very, very, very broadly. But this is a challenge to the germaneness which is just under our rules and defined in our rules and nowhere else. If we don't even raise it, it's not an issue. But it's been raised so we should deal with it. And I think Senator Lathrop analyzed it correctly. We are talking about criminal offenses here, and I believe that they should have been found, this amendment should have been found germane to the underlying bill. I won't labor the point, but that would have been my interpretation, for what it's worth. I think Senator Lathrop analyzed it correctly and very eloquently expressed it. And so I know it isn't our nature and our inclination to very often overrule the Chair, but I think this is one of those occasions where we should do that very thing because I think this amendment is germane. And I would urge you to vote green on the motion to overrule the Chair. Thank you, Mr. President. [LB811]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Pirsch, you're recognized. [LB811]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I just...I'll be brief. I did want to also join...I'll be voting yes in overruling the Chair with respect to this ruling of nongermaneness. Again, the standard, and I'll just briefly reiterate, substantially different from the subject matter, I think for the reasons that have been set forth previously by the prior two senators who have commented on this that it does comport and, therefore, is not...it is germane. And would, therefore, ask for support in overruling the Chair. Thank you. [LB811]

SENATOR COASH: Thank you, Senator Pirsch. Senator Chambers, you're recognized. [LB811]

SENATOR CHAMBERS: Thank you. Mr. President, obviously I'm opposed to overruling the Chair in this instance. The heading or the title of Senator Lathrop's bill, LB752, says it's to change provisions related to assault on an officer or healthcare professional and assault with a bodily fluid against a public safety officer; to define a term; to harmonize provisions; and repeal the original section. But it's dealing strictly with assault. Now that is a crime against a person. I will read Senator Schilz's statement of intent on LB811: LB811 amends one class of current banned substances under the Uniform Controlled Substances Act and adds another class of synthetic cannabinoids to the list of banned substances. "Additionally, LB811 amends the Uniform Controlled Substances Act to include substantially similar imitations of currently prohibited controlled substances." Here is Senator Lathrop's statement of intent. "The purpose of Legislative Bill 752 is to amend the current statutes that provide for an enhanced penalty for the assault of a police officer or a health care professional to also include a firefighter or an emergency care provider." Members of the Legislature, that does not flow logically from the stated

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purpose of LB811. The title which accompanies the bill that Senator Lathrop offered deals strictly with assault, not naming substances, not defining substances. And I think if anybody would look at the two bills, they would see that they're entirely different. The simple fact that two items are found in the criminal code, which is Chapter 28, doesn't mean that any two of those items can be joined together in one bill. In the example I gave was a statute dealing with let's say the abolition of the death penalty. That would be found in Chapter 28. Let's say somebody wanted to include something about bad check writing and saying that if you write a bad check for less than \$50 it's a misdemeanor. Those two things are both found in the criminal code, but they are not germane for the purpose of creating one statute, and that is known. If you read through the way the criminal code is organized, no two items are put together in the same scheme. They have individual headings. They have individual elements. And Senator Lathrop is creating a new crime. He is creating a new crime and enhancing punishments. When you create a new class of victims, you have created a new crime and that new crime is an assault against this new victim. That is a new crime. What LB811 does in amending the Uniform Controlled Substances Act is to lay out the chemical and the makeup of these various substances. It talks about derivatives and other things related strictly to that. [LB811 LB752]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: It does not say that we are creating the crime of possessing a controlled substance. You can find statutes like that. That is not what LB811 deals with. The two are not germane to each other. And I hope you can look at what the items are, what the factors are, and make your judgment on that basis. I think the Chair ruled correctly. And I will vote to not overrule the Chair. Thank you, Mr. President. [LB811]

SENATOR COASH: Senator Bloomfield, you're recognized. [LB811]

SENATOR BLOOMFIELD: Thank you, Mr. President. I'm the first one to stand up that hasn't had law training. It's a little intimidating. But just on the outside of this looking in, one to me deals with substance and the other one deals with protection of an individual or perceived protection of an individual. I'm of the notion that the Chair ruled correctly and I will be voting that way. Thank you, Mr. President. [LB811]

SENATOR COASH: Thank you, Senator Bloomfield. Seeing no other lights on, Senator Lathrop, you're recognized to close on your motion to overrule the Chair. [LB811]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I appreciate the brief discussion. When you look at our rule and it talks about substantially a different subject matter, the question is how do you want to function going forward. All right. I'm not asking you to carve out an exception because it's me or because it's the fire guys or because you're tired or you're not tired. But going forward, how narrow of an

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interpretation do you want to give to the term "subject matter"? Because if you narrow it too narrow, it'll come back to bite you. And we need to make sure that it fits the purpose of the rule, which is to allow us to deal with amendments without having a criminal bill turn into a Health and Human Services bill or a criminal bill turn into a telecommunications bill or a bill dealing with the Public Service Commission. I would submit to you that the term can be fairly interpreted to be if you are dealing with crime and punishment--and both of these bills, the one-liners (sic), begin that way, dealing with crime and punishment--that we are in the same subject matter. And that is a workable definition of that term. It is functional use of that term. And it isn't just this bill. It's everything we do going forward. And it won't...this probably...we got one more bill after this, so I doubt there's going to be a germaneness challenge on that. So this may be the last time. This is about how you're going to function next year and whether you have a reasonable interpretation of subject matter or you narrow it to the point where you can't put any amendments on anything because it, strictly speaking, isn't the very, very same thing. I would encourage your green vote to overrule the Chair. Thank you. [LB811]

SENATOR COASH: Thank you, Senator Lathrop. Members, this motion will require 24 votes to be adopted. The question is the adoption of the motion to overrule the Chair. All those in favor vote aye; all those opposed vote nay. Have all voted? Record, Mr. Clerk. [LB811]

CLERK: 27 ayes, 10 nays, Mr. President, to overrule the Chair. [LB811]

SENATOR COASH: The motion to overrule the Chair is adopted. We return to discussion on LB811 and AM2877. Mr. Clerk, you have an amendment to AM2877. [LB811]

CLERK: I do, Mr. President. The first amendment to Senator Lathrop's amendment is by Senator Chambers. This is FA347. (Legislative Journal page 1523.) [LB811]

SENATOR COASH: Senator Chambers, you are recognized to open on FA347. [LB811]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, every one of these amendments will go to page 1, line 21 and will add an additional category of persons worthy of protection based on what has been said here. I am not offering these amendments to put more people into that exceptional category but to show that if you are going to say that there is a basis for putting the ones in there who are there and adding the ones that Senator Lathrop wants to add, then these certainly merit the same. But they don't have a lobbyist. So I'd like to ask Senator Lathrop a question before I begin. [LB811]

SENATOR COASH: Senator Lathrop, will you yield? [LB811]

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SENATOR LATHROP: Yes, I'd be happy to. [LB811]

SENATOR CHAMBERS: Senator Lathrop, there's a lot of discussion about firefighters and first responders. Are there other categories that your amendment would add to this group? [LB811]

SENATOR LATHROP: No. [LB811]

SENATOR CHAMBERS: So it's just the first responders and the firefighters. And the fact that some of these others are underlined, like Correctional Services employees, are they already covered in the law? [LB811]

SENATOR LATHROP: I think they are. And that may just be the redrafting thing, like they're putting things in order and kind of cleaning up the way it reads. But this is emergency responders or out-of-hospital emergency care providers. [LB811]

SENATOR CHAMBERS: All right. That's your answer? [LB811]

SENATOR LATHROP: Yeah. [LB811]

SENATOR CHAMBERS: Okay. [LB811]

SENATOR LATHROP: No, I think I did answer it. The correctional officers were put in there I think during Senator Flood's tenure, if I'm not mistaken. [LB811]

SENATOR CHAMBERS: You said they were there already. [LB811]

SENATOR LATHROP: Yes, sir. [LB811]

SENATOR CHAMBERS: Okay. Thank you. Members of the Legislature, before you laugh at any of these, I would give you some background. This amendment would add "pizza delivery person." Two or three years ago, there was a pizza delivery person who was murdered. Not only should it not have occurred, but there was not even that much in terms of money or anything else that was derived. There is a new head of correctional services in Colorado, and he wrote an essay to The New York Times, and his purpose was discussed...to discuss the devastating effects of solitary confinement. But along the way he mentioned how his predecessor have been trying to do work in this area until he was assassinated by a former inmate. And what that former inmate did was to murder a pizza delivery person to obtain the uniform, and in that uniform he went to the home of the person he intended to kill. And that's what he succeeded in doing. So although there might be an inclination to think that people who deliver pizza do not have a dangerous occupation, there are instances. I just mentioned these two because one is

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high profile, the other happened in Omaha. And there are gradations in between all over the country. These people are not expecting to be killed. They're expecting to service the public. And yet they not only run the risk of losing their life, some have lost their lives in that pursuit. Senator Lathrop and all the others who are supporting this bill cannot set a standard that applies. And Senator Lathrop knows that he is corrupting the law and the principle that all people are equal before the law. The code that governs the judges, the code of ethics that governs lawyers, both talk about this being a nation of laws, not of men. That means that you have one law for everybody. And if anybody runs afoul of that law, he or she is treated just like every other person or any other person. It's not like Animal Farm where all animals are created equal but some are more equal than others. That's what Senator Lathrop is presenting to you this evening, that all of us are the same but some are more the same than others. I'd like to ask Senator Burke Harr a question or two. [LB811]

SENATOR COASH: Senator Harr, will you yield? [LB811]

SENATOR HARR: Yes. [LB811]

SENATOR CHAMBERS: Senator Harr, with all the rationalizations you gave earlier for why you like this bill, it in fact does categorize certain categories of people above others as far as their treatment under the law or by the law. Isn't that true? [LB811]

SENATOR HARR: Well, it goes beyond EMT if that's what you're asking. I'm sorry. [LB811]

SENATOR CHAMBERS: I couldn't hear you. [LB811]

SENATOR HARR: Can you repeat your question? I couldn't hear you over the background noise. Sorry. [LB811]

SENATOR CHAMBERS: Okay. I heard the explanations you gave for why you prioritized this bill. Do you agree or do you disagree with the proposition that this law by its very terms will place some people in a different category where they're given more consideration by the law than others not in those categories? [LB811]

SENATOR HARR: As I understand it I think, yes, I would agree that those who are doing certain duties would get greater protection than those not doing...employed in the same manner, yes. [LB811]

SENATOR CHAMBERS: Now you know, if you read the bill, that state correctional employees are in that category. [LB811]

SENATOR HARR: That's our...yeah, Health and Human Services, yeah. [LB811]

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SENATOR CHAMBERS: What does state correctional employees do different from what employees in a county correctional center or a local jail? [LB811]

SENATOR HARR: Oh, I don't think they do much different. Both of them, as you mentioned earlier, deal with felons, deal with misdemeanors. In some cases I'd argue county correctional officers deal with more important because by the time they get to state correctional, they've generally stabilized. So would I like to see this expanded to county correctional officers? You bet, because I think sometimes those people have a tougher job than the state correctional. But that's not the law as it's written. So you go to war with the army you have. [LB811]

SENATOR CHAMBERS: And that shows you right there that in creating a special category, that special category does not even embrace all those who would fit based on what they do. [LB811]

SENATOR HARR: Yeah. I mean, yeah. If you recall, this all started out we had an assault on an officer. And there's a euphemism for these. They're kind of called...well, I won't say it on the mike. But, yeah, they are treated differently. [LB811]

SENATOR CHAMBERS: All right. Are you aware that not long ago a young female corrections officer in western Nebraska was murdered in the jail where she works? [LB811]

SENATOR HARR: Yeah. I believe...yeah. [LB811]

SENATOR CHAMBERS: Can you tell me the last time a state correctional officer was murdered at the penitentiary or a state facility? [LB811]

SENATOR HARR: Murdered? A corrections officer, no. I could tell you when a state psychiatrist was murdered in a state facility. [LB811]

SENATOR CHAMBERS: He was at the regional center. [LB811]

SENATOR HARR: That's correct. Yeah. [LB811]

SENATOR CHAMBERS: That's not a correctional facility. [LB811]

SENATOR HARR: That's true. It's a state institution. You're right. Sorry. Yeah. [LB811]

SENATOR CHAMBERS: See how careless we are with language? [LB811]

SENATOR HARR: Yeah. [LB811]

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SENATOR CHAMBERS: And I know nobody is paying attention, but the man to my right is and he knows that I'm right and what he's doing is wrong. Now you cannot remember and I don't know that anybody can... [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: ...when a correctional, a state correctional officer, was murdered in the penitentiary. This female correctional officer was murdered in a jail. [LB811]

SENATOR HARR: Yep. [LB811]

SENATOR CHAMBERS: Yet she's not included in this. Nobody in any other jail is included in this. And that's because maybe it's because they didn't have a lobbyist who could get Senator Lathrop's ear or a group who could get his ear. [LB811]

SENATOR HARR: Yeah. [LB811]

SENATOR CHAMBERS: And that is abhorrent to me. And I'm not questioning you now,... [LB811]

SENATOR HARR: Okay. [LB811]

SENATOR CHAMBERS: ...thank you, because my time is just about up for this. Thank you, Mr. President. [LB811]

SENATOR COASH: Thank you, Senator Chambers, and you are next and recognized. [LB811]

SENATOR CHAMBERS: Thank you. This is a corruption of the law and it's unfair. You need to put all these people in it or none of them. But I don't want to see all of them in it. If Senator Lathrop had been here earlier, if he wasn't so young and had spent so much of his life working in a law firm where he was shielded from these things, he would be aware of what a mess the criminal code of Nebraska was and how the whole thing was revised to get rid of the very thing that Senator Lathrop is doing now. And he is...they don't call them officers of the court anymore. They call them officers of the legal profession. That's in the code of professional responsibility. See, here's where I'm foolish. I read those things that people like Senator Lathrop are to be governed by and I take them seriously and they don't. That code says that people will respect the law when they see those--and I'm paraphrasing it--who administer it and are the servants of the law, respect the law, and conduct their affairs both privately and professionally in accord with those principles that govern them. And the public will have its confidence

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shaken if they see that those whose job it is to work in and with the law don't comply with the law. And they wonder if indeed this is a nation of laws rather than a nation of men. And to be a nation of laws, the law has to be uniform in its treatment of people. Senator Lathrop knows, and others who have looked at the death penalty know, that that penalty is going to be meted out or withheld based on the race of the victim. And he would disagree with that. The victim's race shouldn't make the difference. The victim's sex shouldn't make the difference. They used to would not charge a female with statutory rape, because if an overage female had sex with an underage boy, that's just the way it goes. But now that's a crime. Things change so that the law applies the same in the same in the same set of circumstances, and Senator Lathrop doesn't like that. He's a lawyer but he doesn't like it and he doesn't believe in it, and he's showing by this law that he wants to change that says by its terms some people are better than others. And he's wrong. And this is wrong, and he knows it. He knows it. You voted the other way, you did, because you like Senator Lathrop and he knows that. That's why you got the vote. And you know that the worst thing is to overrule the Chair on an issue such as this. To simply say that this bill deals with crimes and punishments and that one deals with crimes and punishments and one deals with bad checks and the other deals with the death penalty, they both are in Chapter 28 so they both are the same, that is insane. And by insane I mean it's totally irrational. And I'd like Senator Lathrop to stand up and justify and vindicate what he said, that bad check writing is on the same level as dealing with the death penalty. You can put them both in the same bill. Now if you're going to rewrite the entire criminal law, then you can deal with everything that is a part of it because it is a comprehensive rewrite of the entire field. But once that has taken place, this that Senator Lathrop is doing... [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: ...is not a comprehensive rewrite of anything. He's adding another piece of patchwork to a patchwork quilt. He's adding another deviation to the law, and it's wrong. And I will continue to say that it's wrong. And if you mean what Senator Lathrop is telling you that you ought to do, you ought to include this pizza delivery driver because he or she is in a confined position, people who work in these Kwik Shops. Several years ago, a young woman who worked in a Kwik Shop on Q Street was murdered. But she's not worthy. Because if they hadn't killed her, then there wouldn't be any harsher punishment for having assaulted her or brought her within an inch of her life because she's just a woman and she works in a... [LB811]

SENATOR COASH: Time, Senator. [LB811]

SENATOR CHAMBERS: Say it again. [LB811]

SENATOR COASH: Time. [LB811]

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SENATOR CHAMBERS: Was that my third time or second? [LB811]

SENATOR COASH: That's your second time. Senator Bloomfield, you're recognized. [LB811]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I stand in opposition to FA347, but I also stand in opposition to AM2877. And I'd yield the remainder of my time to Senator Chambers. [LB811]

SENATOR COASH: Senator Chambers, you've been yielded 4 minutes 40 seconds. [LB811]

SENATOR CHAMBERS: Thank you. And I will accept all the time I'm given because I feel I'm standing up for the law. And I'm talking about the law in the sense not of statute books, not of bad amendments, but Senator Lathrop, because he's liked, can persuade you to adopt to corrupt the statutes. I'm talking about the law in the sense of those principles and precepts that govern a society which is going to behave in an appropriate way toward each other. And to ensure that that occurs, the sovereign with the coercive power to inflict a punishment for violation of these standards will utilize that power. But it would be tyranny to say that if you belong to a certain class then you violate with impunity; if you belong to another class then woe unto you. Not only does this put the victim in a different category; it puts the perpetrator in a different category. If somebody slaps an ordinary citizen, then that's not that serious offense. It's not that serious for the victim. It's not that serious for the slapper. But if one of these people whom Senator Lathrop wants to favor, like a correctional service employee out cutting grass, then if you slap that person, then you're treated more harshly as a slapper. And the one who was slapped can rest with the assurance that the slapper is going to be punished more severely than if somebody else had been slapped. It could have been somebody right there with this individual. They could have been walking and talking as he pushes the lawn mower. But if the one who works for the Department of Corrections is slapped and the one walking with him is punched, it's a harsher punishment for the one who slapped the employee. And that is not right. Again, I don't think any of these categories of persons should be put in a special niche like this. The assault law, the general law, is what ought to serve the purposes of society and penology and the criminal justice system. There is no need to have categories and descriptions of offenses if you're going to be allowed, and the Legislature can do that, to change them, to abrogate them, to manipulate them, to favor those they want to favor. But this change that Senator Lathrop is making will not protect anybody. And I'd like to ask Senator Lathrop a question or two if he's free to answer. [LB811]

SENATOR COASH: Senator Lathrop, will you yield? [LB811]

SENATOR LATHROP: I'd be happy to yield. [LB811]

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SENATOR CHAMBERS: Senator Lathrop, if somebody is going to slap one of these employees, will the existence of this law protect that person from being slapped? [LB811]

SENATOR LATHROP: The best this law can do is discourage someone from doing it. [LB811]

SENATOR CHAMBERS: But everything it does... [LB811]

SENATOR LATHROP: It cannot stop somebody because it's not a shield in the sense that we're now putting these people in helmets and shoulder pads. [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: Everything... [LB811]

SENATOR LATHROP: But...go ahead. [LB811]

SENATOR CHAMBERS: Everything about this law is after the fact, isn't it? [LB811]

SENATOR LATHROP: Well, presumably it creates some additional deterrence, and that's the point of it. [LB811]

SENATOR CHAMBERS: But nothing is done to anybody until after an act has been committed. Isn't that right? [LB811]

SENATOR LATHROP: But a deterrence is something that stops somebody from doing something in the first place. [LB811]

SENATOR CHAMBERS: Have any of these people in these categories you all have put into the law not suffered any assaults or attacks because of the law? Do you think the... [LB811]

SENATOR LATHROP: Well, that's pretty hard to prove I think. [LB811]

SENATOR CHAMBERS: Do you think the woman who was killed in that jail was killed and corrections officers are not because the perpetrator knew she was covered by a different law from somebody in the state pen? [LB811]

SENATOR LATHROP: Well, the problem with the issue is of course the people that go ahead and do it weren't discouraged or persuaded not to do it because of the additional deterrent. On the other hand you can't... [LB811]

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SENATOR COASH: Time, Senators. [LB811]

SENATOR LATHROP: ...document the people that don't get hit. [LB811]

SENATOR COASH: Senator Chambers, you are recognized. [LB811]

SENATOR CHAMBERS: Thank you, Mr. President. And that's all I'll ask you, Senator Lathrop. [LB811]

SENATOR LATHROP: Sure. [LB811]

SENATOR CHAMBERS: Members of the Legislature, Senator Lathrop has to scramble to try to justify this. When we're talking about the death penalty, he knows that studies have shown, courts have acknowledged that the death penalty is not a deterrent. The most anybody can say is that it's inconclusive. But they cannot say that it serves as a deterrent. This that you're putting in the statute is not even known to be in the statute by people who are going to do this. I will prove something to you right now. I'd like to ask Senator Karpisek a question. [LB811]

SENATOR COASH: Senator Karpisek, will you yield? [LB811]

SENATOR KARPISEK: Yes, I will. [LB811]

SENATOR CHAMBERS: Senator Karpisek, which groups of people are covered by this law so that if you hit one of them it's a harsher punishment? [LB811]

SENATOR KARPISEK: Which groups of people are? [LB811]

SENATOR CHAMBERS: Yes. [LB811]

SENATOR KARPISEK: The people who are firemen, rescue unit workers, ambulance people. [LB811]

SENATOR CHAMBERS: Who else? [LB811]

SENATOR KARPISEK: Anyone...that's about it that I know of I guess. [LB811]

SENATOR CHAMBERS: That's good as far as you went, but that's not the real...the complete answer. [LB811]

SENATOR KARPISEK: I wouldn't doubt that, Senator. [LB811]

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SENATOR CHAMBERS: And it's not to trick you. It's to show that even people in this Legislature, after all the talking we've done, do not know all of the groups. But to be fair, I'll ask Senator Lathrop the question because he is very informed on this subject. Senator Lathrop, would you name all of the groups that are given this kind of consideration under the existing law? [LB811]

SENATOR LATHROP: State correctional officers, employees of the Department of Health and Human Services, or a healthcare professional. [LB811]

SENATOR CHAMBERS: And who else? [LB811]

SENATOR LATHROP: I think that's it. [LB811]

SENATOR CHAMBERS: What about those out-of-hospital people? [LB811]

SENATOR LATHROP: They would be...that's in the bill. Okay. That's in the bill but not current law. I thought you asked me about current law. [LB811]

SENATOR CHAMBERS: But they're protected. I was asking...right, I was asking about all the categories of persons protected. But that's all that I'll ask you. Thank you. People don't know which categories are covered. This was done by Senator Lathrop because somebody brought it to him. And I know that because a guy talked to me before they even drafted the bill to find out technically how they should draft it. So there's no need for anybody to get the impression, because nothing is said about it, that Senator Lathrop reviewed all of this and decided that this category of persons is entitled to this kind of consideration. That's why I'm going through these amendments, to show you other people. And when it comes to those groups Senator Lathrop is talking about, they're the very ones who should not be protected because they sign on knowing what the responsibility and what the job...the responsibilities are and what the job entails. So you're going to say that they're paid to do this, they know this can happen, but treat them better than you treat other people under the law. I'd like to ask Senator Lathrop a question. [LB811]

SENATOR COASH: Senator Lathrop, will you yield? [LB811]

SENATOR LATHROP: Yes, I will. [LB811]

SENATOR CHAMBERS: Senator Lathrop, does this bill cover only volunteers or does it cover paid employees? [LB811]

SENATOR LATHROP: It would cover paid employees as well. [LB811]

SENATOR CHAMBERS: Are there people who battle to get a job with the fire

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department? [LB811]

SENATOR LATHROP: I'm sorry, say that again, please. [LB811]

SENATOR CHAMBERS: Are there people who struggle hard and scramble to get a job as a firefighter? [LB811]

SENATOR LATHROP: I know there are a lot of people who want to be firefighters. [LB811]

SENATOR CHAMBERS: And they get very good salaries and very good pension benefits, don't they? [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR LATHROP: I'm not sure what they get paid but I know a lot of people complain about it, so I assume they're well paid. [LB811]

SENATOR CHAMBERS: Thank you. Members of the Legislature, we are paid to be here. We don't make much but we're paid, and we don't need to get anything other than what the law says we should receive. I think we should get more but we know we're not going to get more. But we can't go around here with our hands out and let corporate people give us millions of dollars as gifts. There are limitations and restrictions. So I'm not one of these who will let the emotionalism change my view of how the law should be the same for everybody. So this amendment I'm offering would give that consideration to the pizza drivers, some of whom have been killed, that it gives to these people Senator Lathrop is talking about, none of whom he has pointed out to us who has been killed. [LB811]

SENATOR COASH: Time, Senator. [LB811]

SENATOR CHAMBERS: Thank you. [LB811]

SENATOR COASH: Senator Schumacher, you are recognized. [LB811]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. As we're grinding through the evening here, I tried looking at the law that's being amended. And would Senator Lathrop yield to a question? [LB811]

SENATOR COASH: Senator Lathrop, will you yield? [LB811]

SENATOR LATHROP: Yes, I will. [LB811]

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SENATOR SCHUMACHER: Senator Lathrop, is there any reason...I mean, it looks like there's two things here. There's a...you start off with a section of the law that says if the prosecutor proves that the victim was pregnant at the time of the crime, then it's upped another notch on the penalty scale. And then it lists out all the laws that would apply to. And then later on in the bill it goes through and amends these laws to include the emergency responder types. What is the nexus between the first paragraph, pregnancy, and what you're trying to do with the enhanced penalty for people who are firefighters or emergency responders? [LB811]

SENATOR LATHROP: I asked the same question to Bill Drafters after this came back and we had a conversation about that. And I'm told that's a section that was...that portion, 28-115 paragraph 1, is in place to provide a...I got to think of the term, coordination. [LB811]

SENATOR SCHUMACHER: But real...so what we're actually when we up the grade of penalty, we have normal punishment for normal people. Then we've got enhanced punishment in here for the list of people who are emergency responders and policeman and things like that. And then this bill also makes super-enhanced penalty if you are in the category of a first responder or emergency responder and also happen to be pregnant at the time. Is that what we got? We got three standards of enhanced penalties: normal,... [LB811]

SENATOR LATHROP: I don't think that this takes you up two notches if you assaulted a pregnant firefighter. I think this is a coordinating section to talk about those assault provisions that are enhanced given the particular category. [LB811]

SENATOR SCHUMACHER: Well, if you read it, Senator Lathrop, "Any person who commits any of the following criminal offenses against a pregnant woman shall be punished by the imposition of the next higher penalty classification than the penalty classification prescribed for the criminal offense," unless it's a 1B felony or higher, which I guess would be murder. And then it lists this whole litany of things, and they're separated by semicolons. And then it concludes with the prosecution shall prove beyond reasonable doubt that the victim was pregnant. So that looks like it adds...to the already enhanced penalty, it adds a super-enhanced penalty for a pregnant firefighter. [LB811]

SENATOR LATHROP: It puts them on par with the others. [LB811]

SENATOR SCHUMACHER: Which is one notch above a unpregnant firefighter or a male firefighter. [LB811]

SENATOR LATHROP: I think that's true. [LB811]

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SENATOR SCHUMACHER: Is there any particular reasoning for that besides just because? [LB811]

SENATOR LATHROP: I think it's because we don't want people assaulting pregnant women. [LB811]

SENATOR SCHUMACHER: Okay. So I just want to understand that we've now got three levels of punishment in this particular case for these offenses: normal, police, pregnant police. [LB811]

SENATOR LATHROP: I have to read the whole thing. [LB811]

SENATOR SCHUMACHER: Okay. All right. [LB811]

SENATOR LATHROP: You're asking me a question and that wasn't the focus of what I was reading. [LB811]

SENATOR SCHUMACHER: Okay. Okay. [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR SCHUMACHER: Thank you very much, Senator Lathrop. It appears, from looking at the law, that we started down this convoluted path of special protections, of which ultimately everybody will want one, in 2006, and we did more of it in 2010. Oddly enough the...at least the information that I have access to on the little computer here doesn't show that there's any court cases interpreting any of this or any rationality between these various levels of penalty, particularly when you add a different penalty for pregnancy as you would for any other firefighter. So if we had a pretty good thing going before 2006, we had latitude in the courts, the judicial discretion to make decisions and to impose penalties within a wide range of sentencing. And it looks like we started tinkering with them and... [LB811]

SENATOR COASH: Time, Senator. [LB811]

SENATOR SCHUMACHER: Thank you. [LB811]

SENATOR COASH: Senator Bloomfield, you're recognized. [LB811]

SENATOR BLOOMFIELD: I'd yield to Senator Chambers. [LB811]

SENATOR COASH: Senator Chambers, 5 minutes. [LB811]

SENATOR CHAMBERS: Thank you, Senator Bloomfield. I'd like to ask Senator Lathrop

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a question. [LB811]

SENATOR COASH: Senator Lathrop, will you yield? [LB811]

SENATOR LATHROP: Yes. [LB811]

SENATOR CHAMBERS: Senator Lathrop, are you opposed to my amendment that I'm offering? [LB811]

SENATOR LATHROP: Is this on the pizza guys? [LB811]

SENATOR CHAMBERS: Yes. [LB811]

SENATOR LATHROP: Yes. [LB811]

SENATOR CHAMBERS: Why are you opposed to it? [LB811]

SENATOR LATHROP: Because I don't think you're offering it as a serious amendment to start with. Secondly, I think probably if we're going to go down this road for any particular employment we probably need to have a hearing on it and give some consideration to whether or not philosophically it makes sense to do. [LB811]

SENATOR CHAMBERS: I'm asking you why you are opposed to it. See, you don't bring up that stuff about it hasn't had a hearing. I'm asking you. [LB811]

SENATOR LATHROP: Oh, I'm not playing the hasn't-had-a-hearing card. I just think that if we're going to do this that it ought to be done with some thoughtfulness and we ought to have a rationale for it. And when we amended it to provide for healthcare providers, we had testimony. I think you and I talked about that bill, not that you were in favor of it or that you weren't opposed to it. You weren't in the Legislature at the time. And we talked about, I think I had a mandatory penalty on that one to start with, and you and I had a conversation in the hallway and we changed it. But that was a bill that we had people that came down and talked to us about the nature of the problem, the prevalence of assaults on nurses and emergency room personnel, and I thought it was persuasive. [LB811]

SENATOR CHAMBERS: They were organized, weren't they? This wasn't just miscellaneous people who happened to show up that day. [LB811]

SENATOR LATHROP: As I recall, as I recall, I don't know how well organized they were. I don't know that it was like the Nurses Association decided we needed to do something, but I think there had been some assaults and people were very concerned about the prevalence of assaults in the hospital. [LB811]

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SENATOR CHAMBERS: Well, the...oh, excuse me. [LB811]

SENATOR LATHROP: And they were hospital people that came, like people that have been assaulted and hospitals, like Alegent, came down on the healthcare providers that had been assaulted. [LB811]

SENATOR CHAMBERS: If pizza delivery drivers came and showed the number of assaults that they suffer and they just happened to coincide with concern of those who work in convenience stores, those who own convenience stores, and all came down and talked about the danger to their employees, would you carve out a niche for those people if a lot of them came down and talked, since numbers must be what makes the difference? [LB811]

SENATOR LATHROP: If I was persuaded that it is so prevalent and that some additional enhancement of the penalties might serve some deterrent value, yes. [LB811]

SENATOR CHAMBERS: But you wouldn't go for doing that now. [LB811]

SENATOR LATHROP: True. [LB811]

SENATOR CHAMBERS: And you didn't want to do it for school bus drivers, if I remember. [LB811]

SENATOR LATHROP: That's true as well for the same reason, sir. [LB811]

SENATOR CHAMBERS: That's all I will ask you. Members of the Legislature, when people are down here for a period of time, and I know what Senator Burke Harr said about we're not going to talk about this and not talk about that, he doesn't have to but I will. I'm aware of positions that people in this Legislature have taken on issues. I'm aware of when they have talked in lofty terms about the dignity of the law and equality under the law and fairness to everybody under the law and not set aside... [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: ...special people to be given consideration that others are not. Did you say time? [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: Oh, thank you. But that's exactly what we're doing here. And Senator Lathrop and I, until this, I thought saw a lot of things very similarly, but it just shows that you can misjudge. And I'm not saying he's a worse sinner than anybody else

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just because he thinks that the law ought to favor people. That's Americana. That's the way law actually works in America. And with all the time Senator Lathrop has spent in the law, I'm sure he has seen where children from poor backgrounds, different races and nationalities may commit an act and it's called a crime. And somebody from west Omaha commits the same act and it's not a crime. Somebody from the poor neighborhood may be picked up and put into the youth center. Somebody from west Omaha may be picked up and turned over to his or her parents. But now I think Senator Lathrop is taking a different path... [LB811]

SENATOR COASH: Time, Senator. [LB811]

SENATOR CHAMBERS: Thank you, Mr. President. [LB811]

SENATOR COASH: Thank you, Senator Chambers. Senator Lathrop, you are recognized. [LB811]

SENATOR LATHROP: Thank you, Mr. President and colleagues. This might be sort of the buffet of things to bring up because I've been listening and maybe the first thing I want to say is I'm told, Senator Schumacher, and I can't give you a cite to a case, but I'm told from somebody from the Attorney General's Office who I've had my share of arguments with, okay, but what I'm told is that if someone were to assault a pregnant police officer, they'd have to choose one or the other. There's some case law that says you don't add them, stack them, and now you're three high. But you'd have to either choose to charge them as someone who assaulted a pregnant woman or someone who assaulted a police officer, or in this case a firefighter, but not both. So there aren't three categories. You know, I looked back over the time that I've spent with Senator Chambers. Our services overlap. My eight years has overlapped, two at the beginning and two at the backside, the last two years with Senator Chambers. And I remember the very first bill of mine that he filibustered was the public recreation liability. I was...maybe the first bill of significant consequence that I put together and brought the parties together on, and we argued over it for eight hours on General File and four more hours on Select. And I think that I learned something in that process about being discriminating and, I can tell you, discriminating in the sense of what I take and what I pick up and what I carry. Most of the time when we're down in Judiciary Committee I think we have agreed on an awful lot of the issues, certainly the important ones as it relates to crime and punishment. And I don't take this issue lightly or without giving it some consideration and believing that (a) it can be...make a difference and it's appropriate. But to suggest that I somehow don't care about the law or that I'm not a student of the law, I guess I take exception with that because I've worked at it pretty diligently as a lawyer and I've worked at it pretty diligently as a state senator. And I believe in this bill and I think it's appropriate. And, again, I'll stand here and answer questions for you all night long if you like, Senator Chambers. I guess that would be my remarks at this time. [LB811]

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SENATOR COASH: Thank you, Senator Lathrop. Senator Bloomfield, you're recognized. [LB811]

SENATOR BLOOMFIELD: Again I'd yield to Senator Chambers. [LB811]

SENATOR COASH: Senator Chambers, 5 minutes. [LB811]

SENATOR CHAMBERS: Thank you, Senator Bloomfield. Thank you, Mr. President. Senator Lathrop, I continue to respect your knowledge of the law, your competency as a lawyer. I just say that I did not properly assess you. I'm going to look you in your eye and tell you I was shocked when you were the one who had this bill. The guy came to me and I told him I will not support that under any circumstances. And then when I found out you had it, but that doesn't make any difference. I'm just telling you I thought I could assess people and I'm admitting I did not assess you correctly. Anybody else could have brought it and I wouldn't have the reaction that I have here. So maybe what I did was just...I don't know whether it's that I wasn't seeing reality as it is or if I was seeing it the way I wanted it to be. But this thing is affecting me the way it is because of who has brought the bill. And I've watched him, I've listened to him. And if...now I don't go to funerals, but if his family asked me to give a eulogy I would probably tell a lie for the sake of the living and I would say this is a man who in his day-to-day life was indeed better than most men, and the things that he believed were really significant because they informed his conduct and the conduct is a reflection of character. And that wouldn't really be an out-and-out lie, but it would be something which in former days I could have said. When I've attacked bills, it's not the same in those situations as it is in this one. And I think if Senator Lathrop and I were the only ones on this earth and nobody would ever come for either of us to have to give an accounting, he'd know that that vote he got, especially from Lautenbaugh, was against me. It's to teach me a lesson. Everybody here knows it and there are people who will say it. And the Chair is not overridden on something like that. And if somebody brought a bill with the argument you gave and you were listening to it, you'd say, no, partner, that's not the way this works. Bad checks may be covered in Chapter 28, but you cannot say that that flows naturally from a bill designed to abolish the death penalty. That's my view. But he's entitled to his and I can't make anybody what I wish they were, just like nobody can make me what they wish that I was. But I think this bill, in my view, diminishes Senator Lathrop because in my view, and I'm emphasizing my view, the law cannot by its terms set aside certain groups and say that they are better than others. That's what this law says by its terms. And if Jesus Christ brought this bill and he could send me to hell for disagreeing with him I'd say, Jesus, you're wrong. You are bringing a law that goes against everything you taught. [LB811]

SENATOR COASH: One minute. [LB811]

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SENATOR CHAMBERS: But one thing that you taught that I believe is that I should not lie, so I'm not going to tell you a lie because you know if I'm lying anyway. If you're going to favor some, go ahead and favor them all. Freedom for everybody or freedom for nobody. But the attitude seems to be freedom, justice, and equality for some, and some are more equal than others so they're entitled to more of what's called justice, more of what's called equality. But you look at who they are and the law by its terms treats them differently. Thank you, Mr. President. [LB811]

SENATOR COASH: Thank you, Senator Chambers. Senator Murante, you're recognized. [LB811]

SENATOR MURANTE: Thank you, Mr. President. Members, good evening. In all of the discussion about this bill I have not spoken, largely because on this floor I attempt to confine my remarks to subject matters over which I have some knowledge or expertise. And up until FA347, I haven't had any. However, this specific floor amendment deals particularly with the employees of pizza restaurants and I have a couple of questions for Senator Chambers if he would answer them. [LB811]

SENATOR COASH: Senator Chambers, will you yield? [LB811]

SENATOR CHAMBERS: Yes, I will. [LB811]

SENATOR MURANTE: Senator Chambers, as I understand your floor amendment, it pertains...it gives protections to pizza delivery employees. Is that correct? [LB811]

SENATOR CHAMBERS: Yes. And let's not call it protection. [LB811]

SENATOR MURANTE: Okay. [LB811]

SENATOR CHAMBERS: It punishes more harshly anybody who would harm one of these persons, because it can't prevent that harm from taking place. [LB811]

SENATOR MURANTE: Thank you. Thank you for that clarification, Senator Chambers. My question to you is...I can envision pizza places where the pizza is so good and the ingredients so fresh and the service so impeccable that they don't need to deliver. Do those sorts of restaurants have any protection under your floor amendment? Do the employees of those restaurants have any special... [LB811]

SENATOR CHAMBERS: Because of the nature of the discussion and the types of semistandards that were set, people whose experiences show that they are in danger of being assaulted or killed in the ordinary course of doing the job that they do, and I think of those who are connected with the production and sale of pizza, the ones who are more likely to be harmed by assault or killing are those who go out there into the world,

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among people whom they do not know, neighborhoods they are not familiar with, and the things that they have no control over. And all they're doing is what their job entails but they can lose their lives. And I gave two examples so it's clear that I'm not just making this up, and I was trying to indicate that it's not a joke amendment. [LB811]

SENATOR MURANTE: Oh, I understand completely, Senator Chambers, and I appreciate your thoughtful concern. Thank you, Mr. President. [LB811]

SENATOR COASH: Thank you, Senator Murante. Senator Karpisek, you're recognized. [LB811]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I figured it's pretty late and tense so we'd try a little levity. Would Senator Chambers yield, please? [LB811]

SENATOR COASH: Senator Chambers, will you yield? [LB811]

SENATOR CHAMBERS: Yes. [LB811]

SENATOR KARPISEK: Oh, good. Thank you, Senator Chambers. I was wondering if you were talking about me maybe when you kept talking about something in this bill. Do you know my nationality, Senator Chambers, my origins? [LB811]

SENATOR CHAMBERS: Are you a Czech? [LB811]

SENATOR KARPISEK: Yes. And I think that you keep referring to me as a bad Czech. Is that...? (Laughter) [LB811]

SENATOR CHAMBERS: Touche. [LB811]

SENATOR KARPISEK: Okay. I wanted to make sure that that wasn't toward me or if it was I just wanted to make sure. You know, I had another one but I'm getting tired. And I don't remember...it was better than that one though. In all seriousness, I do support Senator Lathrop's amendment. I don't think that this makes some people better than others. I think that it makes some people who are doing an inherently dangerous job go out and maybe it does give them a little bit of protection if somebody thinks that they'll get a harsher penalty. I guess the way I look at this is, if we didn't think that any penalties mattered anything, then why do we have any penalties? If nothing was a deterrent, then why would we have any? The death penalty, Senator Chambers and others say, isn't a deterrent. But if we didn't have some sort, and I'm not saying you don't think that there should be some sort of punishment for murder, but wouldn't we just have a free-for-all? I...no, it's not a question, Senator Chambers. I'm sorry. I know I posed it as one. It's a hypothetical question in my mind. So I think as we work through

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this...and I completely see what Senator Chambers is saying and I think that we all see what he's saying, but I think these people are out trying to help the public. And, yes, I do have a little more trouble when it's their job and they elected to do that job. I really like this for the volunteers that go out and risk their lives and livelihoods by doing things for nothing. So I will be voting with Senator Lathrop on this bill. And I guess, as Senator Chambers asked before, well, shouldn't we just raise the fine or the penalties--maybe he asked that, someone did--I wouldn't have a problem with that either, but then we get into the whole problem of what do we do with these people if they're repeat offenders and those sort of things. Thank you for indulging me in a little bit of levity and also some serious debate. Thank you, Mr. President. [LB811]

SENATOR COASH: Thank you, Senator Karpisek. Seeing no members wishing to speak, Senator Chambers, you're recognized to close on your floor amendment. [LB811]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'm not arguing for harsher punishments. I'm saying the law as it exists now is adequate. And men of knowledge and, I'll add, goodwill such as Senator Lathrop should not want to undo all of the hard work that was done in revising and revamping the criminal code of this state. It was hard, hard work. I was here. And everything I undertake to do, I do the best that I can, so that means giving a lot of time, doing a lot of work when you're dealing with complicated situations and some hidebound, ingrown notions of what ought to be an appropriate punishment. They should never be torturous, they should correspond to the seriousness of the offense, or the punishment should fit the crime. And as Senator Lathrop had...I meant Senator Karpisek had asked me about these punishments, some are there only for the purpose of retribution, only for the purpose of punishment and nothing else. Nobody is going to be transformed or rehabilitated by six months in jail. The only reason that sentence is imposed is to let the person know that this is disapproved of and if you do it this is what's going to happen to you: You're going to be deprived of your freedom, your liberty, and have other restrictions on what you can do for a six-month period. That's what it's for. When you have these long sentences, places used to be called uniformly "penitentiaries." You were supposed to do penance. You were supposed to be punished. You were supposed to be made miserable until you repented of your sins. To some extent, that puritanical notion was discarded and in order to try to change the nature, to change the way penology is handled, to change the culture, you started by changing the name. You stop calling these places penitentiaries and you call them correctional facilities. You stop calling the employees guards and you call them correctional officers. You are hoping that by softening the language, by humanizing the language, by offering a more civilized slant to things, the treatment of people in these places would change. Solitary was something that was created by, of all people, the Quakers because they thought if you could be left in solitude for a long time, you would think on your sins and change your ways. So a group who are generally considered to be the most humane, the most sympathetic, even the most tolerant, are

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the ones who came up with one of the most hellish punishments of all, so hellish that the UN has branded it torture. Just because something has been done for a long period of time doesn't mean that it's right. And this is why laws must be upheld and, if you can, surrounded with the aura of respectability so that people will look at it as something worthy of respect, even if they don't follow it, even if they don't obey it. And even the criminals respect the law to some extent because they know that if you do this and you get caught, there's a price to pay. So all of that figures into it. [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: But that's not what we're talking about here. We are talking about elevating some people above others, and I don't care how you cut it. Suppose we inserted the word "white." Then, because you're hypocritical to the world, you'd say, oh, no, we couldn't say, just for white people. But if the majority of those in a certain profession are white, then where the rubber meets the road that's what you're talking about. You all can be fooled but I cannot. That's why you don't have many black people on the fire department anywhere, anywhere, because it's a white man's position and some women have managed to sneak in and a few token black people. But the law, despite what it said, is of, by, and for white men. They call the shots and then when they don't like it, like Senator Lathrop doesn't like it,... [LB811]

SENATOR COASH: Time, Senator. [LB811]

SENATOR CHAMBERS: ...they say, well, that's bad law, that doesn't count anymore. How much time do I have, Mr. President? [LB811]

SENATOR COASH: None. [LB811]

SENATOR CHAMBERS: See how my timing is good? Thank you. [LB811]

SENATOR COASH: Thank you, Senator Chambers. Members, you've heard the closing to FA347 to AM2877. Senator Chambers. [LB811]

SENATOR CHAMBERS: I would ask for a call of the house and a roll call vote. [LB811]

SENATOR COASH: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed, nay. Record, Mr. Clerk. [LB811]

CLERK: 27 ayes, 0 nays, Mr. President, to place the house under call. [LB811]

SENATOR COASH: The house is under call. Senators, please record your presence. Unexcused senators outside the Chamber please return to the Chamber and record

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your presence. Unauthorized personnel please leave the floor. The house is under call. Senator Schilz, please check in. Senators Garrett, Watermeier, Conrad, Larson, please return to the Chamber and record your presence. Senator Kintner, please return to the Chamber and record your presence. Senators Conrad, Kintner, and Garrett, please return to the Chamber and record your presence. All members are present or otherwise accounted for. Senator Chambers, how would you like to proceed? [LB811]

SENATOR CHAMBERS: (Microphone malfunction) [LB811]

SENATOR COASH: Members, the question for the body is, shall...members, the question for the body is, shall FA347 to AM2877 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted? This is a record vote. Mr. Clerk, please record. [LB811]

CLERK: (Record vote read, Legislative Journal pages 1523-1524.) 1 aye, 36 nays, Mr. President, on the amendment. [LB811]

SENATOR COASH: FA347 is not adopted. Raise the call. Next item, Mr. Clerk. [LB811]

CLERK: Mr. President, may I read some items first?

SENATOR COASH: Items, Mr. Clerk.

CLERK: Thank you. A new resolution sent by the Health and Human Services Committee, a study resolution (LR624). And Enrollment and Review reports LB383, LB383A, and LB788 as correctly engrossed. (Legislative Journal pages 1524-1525.) [LR624 LB383 LB383A LB788]

Mr. President, the next amendment to Senator Lathrop's AM2877. Senator Chambers, I have FA348, Senator. (Legislative Journal page 1525.) [LB811]

SENATOR COASH: Senator Chambers, you are recognized to open on your amendment. [LB811]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, in the same spot that the prior amendment would be found is where this one would be found. On page 1, line 21, after the word "professional," you would add "or gas, water and electricity utility workers." That is what this amendment is and I'm going to take a record vote on all of them. And I'm aware of instances where all these categories of persons had gone to houses or worked outside of houses doing their job and they were assaulted. There was danger. You don't have a standard, so anybody who encounters harm, especially at the hands of strangers, should be given the same kind of consideration. Many years ago I saw a movie called...well, the main character was a

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guy called Judge Roy Bean. I don't know if that was the name of the movie. But he was a very down-to-earth person and he became the judge in a town and he would hang people quickly and he was not a fair person. There was a bandit or outlaw named Bad Bob and he came to town looking for Judge Roy Bean. And the movie was a semicomedy, so Bad Bob came into this open place and there was a barn there but there were no animals. And these men were sitting around this fire and they had a pot of hot coffee and some vegetables, including onions, nearby. Bad Bob picked up an onion and ate it raw and tipped the lid back on that coffee pot and drank the coffee down. And he let everybody know that he was looking for Judge Roy Bean. And his hands were very twitchy. He held them out to his side as though he was ready to draw at any moment. Then you heard a rifle shot and a big hole appeared in Bad Bob's back. Judge Roy Bean was hiding up in the hayloft. And when he heard that Bad Bob was coming to town, he positioned himself so he'd have the advantage, or some people in the mob would say, "having the drop on somebody." So Bad Bob was handled in this manner by Judge Roy Bean, whom people respected, rough and tumble. And when Judge Roy Bean came down from the hayloft with his rifle, these men said, Judge, that wasn't right. And Judge Roy Bean said, why wasn't it right? He said, you didn't even give him a fair chance. And Judge Roy Bean said, if he wanted a fair chance he shouldn't have come to my town. That's the kind of person Judge Roy Bean was, and he had a way of dealing with the law. As years went by, there was an encroachment of what might have in those days been called civilization. Developments grew around the town and things that he did were not done with quite as much ease because there were other law enforcement entities that could somewhat put a break on what he was doing. So this young guy--it might have been Roddy McDowall--came from the east, which is where they always come from, and there was something Judge Roy Bean was doing that would interfere with a development that this guy wanted. And it was a long time ago so I'm filling in. So Judge Roy Bean said, why are you telling me I can't do this? And the guy said, well, Judge, it's right there in the law. And Judge Roy Bean said, I ain't never seen no law like that. He said, well, Judge Roy Bean, those are law books over there, can I get the law book and show you where it is? Judge Roy Bean said, yeah, I want to see this law. So he got that thick book and brought it over there and leafed through it and found the page. He said, Judge Roy Bean, see where I got my finger, that's where it is right there. Judge Roy Bean looked at it. He said, you know that sure is true. And he tore that page out, balled it up, and said, bad law. He changed the law by tearing it out of the book and throwing it away. Senator Lathrop will now be my modern-day version of Judge Roy Bean and he's got people going along with him. What is being done here is not respectful of the law. It is not respect toward the law. By its terms, and I'm going to keep repeating it, it sets aside categories of people who are going to be given under the law the notion that they are deemed of a higher quality than everybody else. This law cannot protect them from harm. But what it says is, if anybody dares to harm you, then there's going to be a harsher punishment. And somebody might ask who's naive, well, Senator Lathrop, suppose this guy slaps his wife? Senator Lathrop will say, well, the law tells you what kind of a level of assault that is. And he says, well, Judge...I

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meant, Senator Lathrop, suppose he cuts her? Well, that's also covered by the law. Then he says, well, Senator Lathrop, suppose I go out here and I slap this guy who works for the Department of Corrections because every time I see him cutting grass he symbolizes all the bad things that happened to me when I was in prison, so if I see him out there cutting grass on the parking and I go over there and slap him, what happens? Well, there's a harsher punishment if you do that. He said, you mean harsher than what I'd get for slapping my wife? Yes. Harsher than what I'd get if I slapped the mother of my children? Yes. So then he's better than my wife? Well, no. And, see, for the ordinary person, that doesn't compute. But in the world inhabited by Senator Lathrop and his minions on this floor, it does compute because that's the way things are done. You have the power to do something so you do it. But everything the Legislature has the power to do is not everything that the Legislature ought to do. And that word "ought" carries the notion of a moral ingredient. Yeah, you can do it. You've got the power to do it. But you should be better than to do it. Shakespeare wrote: Oh, how wonderful it is to have the strength of a giant, but it is tyrannous to use that strength like a giant. And tonight Senator Lathrop is the giant and he can do what he wants to, but he's not coming back here. Senator...oh, he's gone. But anyway, this is not a put-down. Senator Lautenbaugh, who is in cahoots with Senator Lathrop, he's not coming back. And contrary to their misleading words about setting a precedent on how you amend bills, the precedent you've set is that all kind of craziness can go into a bill and it's not going to be considered nongermane as long as it comes in the same chapter of the statute books. He wouldn't like that but he likes it on this one because he's got to get this one. But I'll have to come back and I'll have to clean up the mess that he and Senator Lautenbaugh helped put down here because they're leaving. They don't have to deal with the damage that was done here tonight. But I will because I take it seriously, I pay attention, and you all know that I will do what we all ought to be doing but which we all are not going to be doing. Even the Governor when I was coming back had to acknowledge the job that I did when I was here that was not done when I wasn't here. There are certain types of bills that won't be brought at all while I'm...Senator Pirsch wouldn't have brought his thing to pollute the constitution, to protect hunting, trapping, and fishing. They waited until I left. Senator Fulton was more honest than the rest of them. He said, if Senator Chambers were here, I would not dream of offering this bill. [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: And I keep the articles. And that's what they do, they wait until I'm gone. That's what Senator Loudon and the Game and Parks Commission did on the mountain lions. They asked him to bring that bill and he said it in his testimony. I know the role that I play and I'm not going to play like I'm humble. And I know your rules and I'll play by your rules and I'll fight you according to your rules. And when, because you've got the numbers, you make a mess, I won't let the public be punished. I will try to clean it up and that's what I'm going to have to do. But when you come back again with

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some mess like this...they knew to go to Senator Lathrop because people like him. He's got prestige. There's...Senator Pirsch is going to try to be the Attorney General and I watch the way he does around here. And you know why that's a fair commentary, because he's seeking the position of the highest legal officer in the state. [LB811]

SENATOR COASH: Time, Senator. [LB811]

SENATOR CHAMBERS: And I look at...thank you, Mr. President. [LB811]

SENATOR COASH: Senator Wallman, you're recognized. [LB811]

SENATOR WALLMAN: Thank you, Mr. President. In my younger days I fought the law and the law won. You remember that song, Senator Chambers? Okay, would you yield to a question? [LB811]

SENATOR CHAMBERS: Yes, I will. [LB811]

SENATOR COASH: Senator Chambers, will you yield? [LB811]

SENATOR WALLMAN: Thank you, Senator. [LB811]

SENATOR CHAMBERS: Yes, I will. [LB811]

SENATOR WALLMAN: Do you remember a small town in the state south of us that had a place called Boot Hill? [LB811]

SENATOR CHAMBERS: Called Louisville? [LB811]

SENATOR WALLMAN: Boot Hill. [LB811]

SENATOR CHAMBERS: Lukeville (phonetic)? [LB811]

SENATOR WALLMAN: Boot. [LB811]

SENATOR CHAMBERS: Boot Hill? In Nebraska? [LB811]

SENATOR WALLMAN: State south of here, Kansas. [LB811]

SENATOR CHAMBERS: Oh, yeah, well, I've heard of a place like that in that state. [LB811]

SENATOR WALLMAN: The sheriff there was Wyatt Earp. [LB811]

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SENATOR CHAMBERS: Yes. [LB811]

SENATOR WALLMAN: And also Matt Dillon and Chester, wasn't it? Was that Wyatt? But I don't know...at the Old West. And this...laws are serious. Do every...do people obey them if we get too much silliness in there? No. And so I appreciate laws, appreciate lawyers, appreciate policemen and firemen and especially EMTs, the volunteers. And I think maybe that, you know, you narrow down things and put so much in statute it...look at all the books we have and it's offices. And, yes, I like this idea. Is it a good idea? Hopefully. Thank you, Mr. President. [LB811]

SENATOR COASH: Senator Brasch, you are recognized. [LB811]

SENATOR BRASCH: Thank you, Mr. President, and good evening, colleagues. For the most part of this evening I decided to listen to all the arguments, and they sound like arguments, all of the reasons to support this, to not support this. And Senator Chambers has his mind determined to make sure that the EMTs do not have their day and the protection they're requesting. And what I am disheartened with is the fact of the intent here and the questioning of the EMTs. You know, these are individuals...he's talking about jobs, other jobs that may need protection. Eighty percent of our EMTs are volunteers. They have those other jobs. Some may be pizza delivery; some may work at a correctional facility or a jail in a county; some are teachers; some are service station people; some are photographers. And they all have other paid occupations, but somehow through the goodness of their hearts they have decided that their full-time job is something that is not enough, they must help others. They rescue others. They come to the aid of others. And they are willing to risk all bodily harm, whether it's fires. They run into them. You know, we all know what an EMT may face. But they have other jobs and they're not asking for protection in those other jobs. But I believe that we do need to think about their situations that they're in and what they're willing to do. And, yes, we do have rules here that will permit Senator Chambers to add an amendment and add another one and another one and so on and so forth until we fulfill the time of the night where a decision needs to be made. But I did want to share with you, you know, a story of my experience. I believe it was last year, two years ago perhaps. I was at the Burt County Fair. A beautiful evening, the county fair was crowded elbow to elbow, people everywhere, children running about, adults, the elderly, and it was the Burt County cattle feeders I believe were having a barbecue. And as I sat down with the extension agent and his wife, my husband and I sat down to have a barbecue sandwich, 25 feet from us somebody was collapsing at the fair. John (phonetic) immediately threw down his sandwich. EMTs from three counties dropped everything. They weren't having a good time. They were running to help someone else. And as those EMTs were gallantly resuscitating or attempting to resuscitate this gentleman, others were clearing roadways for the ambulance to come through. They were working, working hard in sync, despite the heat of the day, to make sure that they dropped everything they were doing to ensure the care of this stranger to them and stranger to many. That's what they do, not

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as an occupation. They have occupations. They're not asking for their occupations to be protected. [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR BRASCH: But being mindful of the statistics and the events that have happened nationally, which I had raised before on the floor, I didn't pull out my file, but this would be one measure to ensure that beyond their normal occupation, their normal day, if they are running to an event where perhaps the person is not of goodwill to having their life saved, that this person, despite the risk, does have this extra piece of protection through the Legislature. It doesn't seem like such a bad thing to do for such good people. And when we talk about rules we also have to remember reason and we are reasonable men and women in this Unicameral here. And Senator Chambers is drawing a hard line here in the sand and nobody better cross it and he's going to use the rules... [LB811]

SENATOR COASH: Time, Senator. [LB811]

SENATOR BRASCH: Thank you, Mr. President. [LB811]

SENATOR COASH: Thank you, Senator Brasch. Senator Bloomfield, you're recognized. [LB811]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, those of you who have your gadgets up here, if you'd pick them up and go to your e-mail, we just a while ago, about an hour ago now, we got an e-mail from a spokesman, Brad Meurrens, from Disability Rights Nebraska. It's a fairly lengthy e-mail. I'm going to read the last two paragraphs. Workplace violence can strike anywhere. Some workers, however, are at increased risk. Among them are workers who exchange money with the public, deliver packages, goods, or services, work alone or in small groups, work late night or early morning hours, work in high-crime areas, or work in community settings and homes where they have extensive contact with the public. This group includes healthcare and social service workers, visiting nurses, psychiatric evaluators, probation officers, community workers, such as gas, water, and utility employees, phone and cable and TV installers and letter carriers, retail workers and taxi drivers. Disability Rights Nebraska supports the effort to reduce the incidence of workplace violence and assaults. However, simply ramping up the existing assault penalties for selected occupations is not an optimal solution and opens the floodgates to include a whole lot of potential individuals. Whom does the Nebraska Legislature add to this enhanced penalty category next year and the years thereafter? The additional work as described in this amendment is indeed an extension from previous bills arguing for enhanced assault penalties. Sincerely, Bradley A. Meurrens, public policy specialist, Disability Rights Nebraska. Colleagues, he's right. I believe so is Senator Chambers. There is no end to

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this list. I'd yield the remainder of my time to Senator Chambers. [LB811]

SENATOR COASH: Senator Chambers, 2 minutes 30 seconds. [LB811]

SENATOR CHAMBERS: Thank you, Senator Bloomfield. Unfortunately, I don't think that people were listening, but at least it's in the record. Members of the Legislature, what was indicated in that letter was that this approach of adding all these things that you're doing here is not going to do anything of consequence to handle the problem of workplace violence. That is true and it certainly does not enhance what some of us who respect the law will refer to as the majesty of the law. Lawyers should be the ones teaching and instructing and leading us to that higher ground who know the difference between what is in the law, in terms of a dictate which you must follow or be punished, and that which is aspirational, those higher types of things that are introduced with the word "ought"--this is what you ought to do; this is what you should do; this is what's desirable to be done. And they should be giving that message to us and encouraging us to go beyond the slogans, the talk-show snipping and sniping, and indeed be lawmakers... [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: ...worthy of what that title should carry. But just because somebody comes in here and says, I live in your district so do this, and we bring a bill, that's what makes my job hard. I hope Senator Lathrop is listening to those who support him and what their approach is to this and why they support it. There is no justification for this. There was none in the first instance. There is none now. My being here may be able to stop more of this from coming into the law, but I certainly won't have help from those who ought to give it and who might come up to me later and say, I'm sure glad you said that because it needed to be said but I can't say it. Well, they've got teeth, lips, tongue, a mouth, larynx, pharynx. They could say it. What they mean is,... [LB811]

SENATOR COASH: Time, Senator. [LB811]

SENATOR CHAMBERS: ...I dare not say it. Thank you, Mr. President. [LB811]

SENATOR COASH: You are next in the queue. [LB811]

SENATOR CHAMBERS: Members of the Legislature, so the record is clear, of those you don't think are worthy of this kind of protection it refers to gas, water, and electricity utility workers. That e-mail that senator in the corner said--I'm not going to be calling people by name here because the way people don't listen, somebody, Senator Bloomfield, will say that I'm criticizing and attacking you for what you read when in reality I'm agreeing with it and...okay. So the document that Senator Bloomfield read from had mentioned some of these very individuals. And I hadn't read the e-mail. I don't

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use the gadget. I wouldn't know how to bring it up if he gave me...well, I'd say coordinates, but you know what you call it when you're going to find something on there. There are some things that we all know and what you're trying to do is rationalize so you can take this little piece of it that you want and then try to distinguish everybody else who is in danger, who has indeed been harmed, who have--and I'm making it plural--who have been, because there will be more than one incident, killed. But they don't count because they're not at the State Fair having fun and they have to drop everything and go do something. How about the good Samaritans who are not doctors who will stop at the roadside and try to assist in an accident and they get assaulted? Are you willing to put them in here? No, you're not, because they don't have a lobbyist. This was brought to Senator Lathrop by a lobbyist. That's why he brought it, not because in his settled mind of minds and after analysis he decided this should be done. That's not what brought this here. I know the background on it and that's why I said earlier I was very surprised he brought it and I'm disappointed. But I don't think anything he does now will disappoint me because he's given me some reality. They call it, in the "clicheic" way, a reality check. It's just too bad that mine came so late in the game. But when he's away from here and he doesn't have to see me, he doesn't have to confront me--because I'm his conscience now--he can forget that he did this. It won't matter to him. And when the statutes get cluttered, what does it mean to him? But I always put the word "unfortunately" in this statement: Unfortunately, I take seriously these things that are said in the law and in dissertations on the law, the role and function of the law, the rule of law, and giving even the devil benefit of law until he breaks the law for your own safety's sake. But let something happen to you or one of yours. Then your whole attitude changes. You'll even come to me. But as long as you think you're exempt from it, then you'll do it. So twisting, torquing, disrupting the law in this fashion is all right with Senator Lathrop because it's not going to impact what he does in his job. He can still go over here in this part of the law where he can sound noble and concerned about helping people. But he knows that I know now and I will always know. And if he never sees me again, if he never hears my voice again, he will know this one thing that, Senator Lathrop, I know. [LB811]

SENATOR COASH: One minute. [LB811]

SENATOR CHAMBERS: I was there. I saw you do it and I heard you say it and it cannot be undone and it cannot be unsaid. And I'm just one man who has nothing to do with your life but it's going to make you a difference because I haven't misassessed you that much. Senator Lautenbaugh, who is not here, knew what he was doing when he got you all to override the Speaker. He wondered, can I stay here and fight through this thing? He thought, I guess, that I was saying it's not germane because I was unwilling or incapable of going the distance on this bill. And I've told people that in this room they don't believe, they test me, they try me, but you ought to find a way that's not so disruptive... [LB811]

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SENATOR COASH: Time, Senator. [LB811]

SENATOR CHAMBERS: ...of our process. Thank you, Mr. President. [LB811]

SENATOR COASH: Thank you, Senator Chambers. Mr. Clerk, you have a motion on your desk. [LB811]

CLERK: I do, Mr. President. Senator Schilz would move to invoke cloture pursuant to Rule 7, Section 10. [LB811]

SENATOR COASH: It is the ruling of the Chair that there has been full and fair debate afforded to LB811. Members, the first vote is the vote...the first vote is the motion to invoke cloture. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB811]

CLERK: 38 ayes, 3 nays, Mr. President, to invoke cloture. [LB811]

SENATOR COASH: The motion to invoke cloture is adopted. Members, the next vote is on the adoption of FA348 to AM2877. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB811]

CLERK: 2 ayes, 34 nays, Mr. President, on the amendment to the amendment. [LB811]

SENATOR COASH: FA348 is not adopted. The next vote is on AM2877. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB811]

CLERK: 36 ayes, 6 nays, Mr. President, on adoption of AM2877. [LB811]

SENATOR COASH: AM2877 is adopted. Senator Murante for a motion. [LB811]

SENATOR MURANTE: Mr. President, I move to advance LB811 to E&R for engrossing. [LB811]

SENATOR CHAMBERS: Roll call vote. [LB811]

SENATOR COASH: A roll call vote has been requested. Mr. Clerk, please read the roll. [LB811]

CLERK: (Roll call vote taken.) 44 ayes, 4 nays, Mr. President, on the advancement of LB811. [LB811]

SENATOR COASH: LB811 advances. Next item, Mr. Clerk. [LB811]

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CLERK: Mr. President, the next bill is LB923. Senator, I do have Enrollment and Review amendments. (ER221, Legislative Journal page 1234.) [LB923]

SENATOR COASH: Senator Murante for a motion. [LB923]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB923]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Opposed, nay. The E&R amendments are adopted. [LB923]

CLERK: The first amendment to the bill, Mr. President, is Senator Lathrop. Senator, AM2057. (Legislative Journal page 1128.) [LB923]

SENATOR COASH: Senator Lathrop, you're recognized to open on AM2057. [LB923]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I will be brief. This is a very simple amendment that was a bill at one time. What it does is require that school districts set up a protocol for return to learn, as you'll recall. A year or two ago I passed a bill on concussion and the return to the field or return to the sports were required that students first be evaluated by a trained professional to determine whether they've overcome all of the symptoms of their concussion. And all this bill does is require that school districts become aware of and set up some kind of a protocol, doesn't need to require hiring of anybody, doesn't have an A bill, and it would require that they set up a protocol to be sensitive to the fact that students that suffer a concussion may have some difficulties returning to the classroom and performing at their preconcussion level. And pretty general, it should help with awareness. These students require certain help because they might have short-term memory problems and the like and may need a little special help as they return to the classroom. And with that, I would encourage your adoption of AM2057. Thank you. [LB923]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Lathrop. Seeing no one wishing to speak, Senator Lathrop waives closing. The question is the adoption of AM2057. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB923]

CLERK: 38 ayes, 1 nay, Mr. President, on the adoption of Senator Lathrop's amendment. [LB923]

SENATOR KRIST: The amendment is adopted. [LB923]

CLERK: Senator Murante would move to amend, AM2679. (Legislative Journal page

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1286.) [LB923]

SENATOR KRIST: Senator Murante, you're recognized. [LB923]

SENATOR MURANTE: Thank you, Mr. President. This amendment is also fairly simple. What it seeks to do is to add a responsibility under the office of the security officer and safety officer, which is currently already contained in LB923, and would require tornado preparedness and ensure that it...every school in Nebraska has at least two tornado drills per year. I encourage your support. Thank you, Mr. President. [LB923]

SENATOR KRIST: Seeing no one wishing to speak, Senator Murante waives closing. The question is the adoption of AM2679. All those in favor, aye; opposed, nay. Please record, Mr. Clerk. [LB923]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Murante's amendment. [LB923]

SENATOR KRIST: Amendment is adopted. [LB923]

CLERK: Senator Chambers would move to amend, AM2863. (Legislative Journal page 1482.) [LB923]

SENATOR KRIST: Senator Chambers. [LB923]

SENATOR CHAMBERS: Mr. President, members of the Legislature, it is a horrendous thing when regal, unoffending animals are slaughtered, are butchered, and otherwise disposed of for no reason other than the sheer love of killing. And sometimes human beings can become infected with what they refer to as "viciousness" in animals. No animal is vicious. Vicious comes from the word "vice." Vice is a human trait, not an animal trait. Animals behave in accord with their nature. And if they're behaving in accord with their nature, they're doing what they ought to do and they're doing that for which nobody should blame them and certainly not take their life. What this amendment would do is strike everything from this bill and replace it with what I call my mountain lion amendment. But because I partake more of the trait of these unoffending animals who act in accord with the higher angels of their animal nature, I will not treat those in this room the way they have treated me. And maybe by my example I can show them something. So unless there is an objection, I will withdraw that pending amendment. [LB923]

SENATOR KRIST: The amendment is withdrawn. Thank you, Senator Chambers. [LB923]

CLERK: Mr. President, Senator McCoy would move to amend, AM2937. (Legislative

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Journal page 1526.) [LB923]

SENATOR KRIST: Senator McCoy. [LB923]

SENATOR McCOY: Thank you, Mr. President and members. What this amendment does is returns LB923, which of course has amended sections of LB872 that Senator Kolowski brought to the body, which are the green copy outlines that were talking about public schools and the state, the newly to-be-created state school security director, would have oversight over public schools in the green copy. The committee amendment from the Education Committee included private, denominational, and parochial schools, and then outlines a process that's really cumbersome with how it's worded about...it says public school teachers in one spot and it talks about school districts in another spot. To me it really looked as if we were basically giving this new position oversight over security plans for private schools and parochial schools in a way that I think is really a policy direction that we don't want to go. This would strike out on line 10, on page 1, the private, denominational, and parochial schools to clearly outline that we're talking about just public schools. And then on page 2 it would add that this individual would still have the ability to give advice and support to private, denominational, and parochial schools as they prepare safety plans but just would make certain, sure that they are not responsible to this individual for their security plans and standards for security for their own schools. I think this probably is what was intended in the first place, I would assume, but I think it's important to clarify that and make certain, sure that what we're talking about here is just public schools as far as the standards that were required for security. And with that, I would conclude. Thank you, Mr. President. [LB923 LB872]

SENATOR KRIST: Thank you, Senator McCoy. Senator McGill, you're recognized. [LB923]

SENATOR MCGILL: Thank you, Mr. President. Members of the body, I happily stand to say I'm supportive of this amendment, and so is Senator Kolowski, and this amendment directly impacts his part of my bill that was amended into mine anyhow. And so just ask for your support and appreciate everyone's perseverance today and willingness to hold out and get this bill passed. Thank you. [LB923]

SENATOR KRIST: Thank you, Senator McGill. Senator Karpisek, you're recognized. [LB923]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Would Senator Kolowski yield, please? [LB923]

SENATOR KRIST: Senator Kolowski, would you yield? [LB923]

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SENATOR KOLOWSKI: Certainly. [LB923]

SENATOR KARPISEK: Thank you, Senator Kolowski. Do you think that the bill was meant to exclude parochial schools? [LB923]

SENATOR KOLOWSKI: I don't believe we wanted to do that from the get-go, but I have no problem with this at this time. We'll have plenty to do on the public sector. And if...with the decision making at the Department of Education concerning various certifications between elementary, middle, and high schools, they'll have to answer the questions if there is any entangling items that we don't have looked at in this if we do exclude private or parochial schools at this particular time. [LB923]

SENATOR KARPISEK: Okay, thank you, Senator Kolowski. You didn't give me the answer I wanted, darn it. I'm wondering if private school students aren't as much in jeopardy or aren't as important as public school students. Now why in the world would we make one, the public schools, do this but not the private? The private schools want to play sports and recruit and do all these other things that they do, give out scholarships. I might bring my NSAA bill and file it on to this. It'd be perfect for me. I cannot see why we would do this for private schools. If it's that big of a deal, I think all kids deserve to be protected. It seems like the private schools always want to play by a different set of rules while playing with everyone else's rules. So I cannot support this amendment. I guess if the body wants to support it and move the bill, fine. I think it's a bad way to go. I don't think this was the intent--I don't know--of the committee. I just think it flies absolutely counter of what we're trying to do here to protect our kids and I will be voting no. Thank you, Mr. President. [LB923]

SENATOR KRIST: Thank you, Senator Karpisek and Senator Kolowski. Senator Kintner, you're recognized. [LB923]

SENATOR KINTNER: Well, thank you, Mr. President. I was...I told Senator McGill I wasn't going to say anything. I apologize, Senator McGill. I will make it brief. I argued originally that hiring a bureaucrat, just putting him in Lincoln, is not going to make any kid safer anywhere. And I think I'm still right. We'll find out. I lost that. I got it. I lost it. This body likes to go with the government solution every time. I'm in the minority so I've got that; I accept that. But I think this is good. I don't think having a meddlesome bureaucrat sticking their nose around in any private schools...why? If parents wanted that, they'd send their kids to public schools. He's there to advise if they need help, if they seek the help, you know, if...he may turn out to be better than I think he's going to be. If they want the help, I think they can go get the help. But I trust these schools to take care of themselves. I trust these private schools to make decisions in the best interest of their students, their faculty, and their staff, and I think we at this body ought to respect that. Thank you, Mr. President. [LB923]

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SENATOR KRIST: Thank you, Senator Kintner. Seeing no one else in the queue, Senator McCoy, you're recognized to close on your amendment. Senator McCoy waives closing. The question is the adoption of AM2937. All those in favor, aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB923]

CLERK: 26 ayes, 7 nays, Mr. President, on adoption of the amendment. [LB923]

SENATOR KRIST: Amendment is adopted. [LB923]

CLERK: I have nothing further on the bill. [LB923]

SENATOR KRIST: Senator McGill, you're recognized to close on your bill. [LB923]

SENATOR MCGILL: I just thank everyone again for...these are late hours and I'm glad we were able to get to this bill. So thank you all for accommodating me and I was happy to answer any of your questions leading into this debate. And thank you very much. I ask for your vote. [LB923]

SENATOR KRIST: Thank you, Senator McGill. Senator Murante for a motion. [LB923]

SENATOR MURANTE: Mr. President, I move to advance LB923 to E&R for engrossing. [LB923]

SENATOR KRIST: You have heard the motion. All those in favor, aye. Opposed, nay. It advances. Mr. Clerk. [LB923]

CLERK: Mr. President, LB923A. I have no E&R. Senator Chambers, AM2864. (Legislative Journal page 1482.) [LB923A]

SENATOR KRIST: Senator Chambers. [LB923A]

SENATOR CHAMBERS: Mr. President,... [LB923A]

SENATOR KRIST: Yes, sir. [LB923A]

SENATOR CHAMBERS: ...this is the A bill for that one we just moved? This is LB923A? [LB923A]

SENATOR KRIST: Yes, sir. It's an A bill. It's the accompanying bill. [LB923A]

SENATOR CHAMBERS: And that would be my mountain lion amendment? [LB923A]

SENATOR KRIST: Yes. [LB923A]

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SENATOR CHAMBERS: Thank you. Members of the Legislature, same thing that I said before. And when we get to Final Reading, I think I will have some fun. I know that when we get to the consent calendar bills after 15 minutes everyone gets a vote. So if you divide by four, that's how many hours of time can be taken. And they chuckle now and I chuckle, too, because we're having a good time now. And maybe on this A bill I ought to just not say any more, so I won't. I withdraw that amendment. [LB923A]

SENATOR KRIST: Withdrawn. Thank you. [LB923A]

CLERK: I have nothing further on the bill, Mr. President. [LB923A]

SENATOR KRIST: Senator Murante for a motion. [LB923A]

SENATOR MURANTE: Mr. President, I move to advance LB923A to E&R for engrossing. [LB923A]

SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. The bill advances. Mr. Clerk, we will move to Final Reading. Members, you're invited to return to your seats in preparation for Final Reading. Mr. Clerk, the first bill is LB464. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB923A LB464]

CLERK: 36 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB464]

SENATOR KRIST: At-large reading is dispensed with. Mr. Clerk, please read the title. [LB464]

CLERK: (Read title of LB464.) [LB464]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB464 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB464]

CLERK: (Record vote read, Legislative Journal pages 1527-1528.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB464]

SENATOR KRIST: LB464 passes. We will now proceed to LB464A. [LB464 LB464A]

CLERK: (Read LB464A on Final Reading.) [LB464A]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB464A pass with the emergency clause attached? All those

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in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB464A]

CLERK: (Record vote read, Legislative Journal pages 1528-1529.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB464A]

SENATOR KRIST: LB464A passes with the emergency clause attached. We will now proceed to LB565. [LB464A LB565]

CLERK: (Read LB565 on Final Reading.) [LB565]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB565 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB565]

CLERK: (Record vote read, Legislative Journal page 1529.) 37 ayes, 3 nays, 8 present and not voting, 1 excused and not voting, Mr. President. [LB565]

SENATOR KRIST: Thank you. LB565 passes. We will now proceed to LB719. [LB565 LB719]

CLERK: (Read LB719 on Final Reading.) [LB719]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB719 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB719]

CLERK: (Record vote read, Legislative Journal page 1530.) 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB719]

SENATOR KRIST: LB719 passes. We'll now proceed to LB994E. [LB719 LB994]

CLERK: (Read LB994 on Final Reading.) [LB994]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB994 pass with the emergency clause attached? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB994]

CLERK: (Record vote read, Legislative Journal pages 1530-1531.) 46 ayes, 1 nay, 1 present and not voting, 1 excused and not voting, Mr. President. [LB994]

SENATOR KRIST: LB994 passes with the emergency clause attached. We'll now proceed to LB994A. [LB994 LB994A]

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CLERK: (Read LB994A on Final Reading.) [LB994A]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB994A pass with the emergency clause attached? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB994A]

CLERK: (Record vote read, Legislative Journal pages 1531-1532.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President. [LB994A]

SENATOR KRIST: LB994A passes with the emergency clause attached. We'll now proceed to the consent calendar Final Reading. First item is LB364. [LB994A LB364]

CLERK: (Read LB364 on Final Reading.) [LB364]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB364 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB364]

CLERK: (Record vote read, Legislative Journal pages 1532-1533.) 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB364]

SENATOR KRIST: LB364 passes. We'll now proceed to LB558. [LB364 LB558]

CLERK: Mr. President, Senator Chambers would move to return LB558 to Select File for purposes of striking the enacting clause. (FA335, Legislative Journal page 1533.) [LB558]

SENATOR KRIST: Senator Chambers. [LB558]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Kintner a question or two. [LB558]

SENATOR KRIST: Senator Kintner, will you yield? [LB558]

SENATOR KINTNER: Yes, I will. [LB558]

SENATOR CHAMBERS: Senator Kintner, exactly what does this bill do? [LB558]

SENATOR KINTNER: Well, what this would do, it would amend the current law to extend the time period in which taxpayers could bring a lawsuit seeking declaratory judgment that any tax or penalty is unconstitutional. That's it. [LB558]

SENATOR CHAMBERS: And how does it do that? [LB558]

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SENATOR KINTNER: Well, if you look under the existing law, such lawsuit must be brought in the same time or same tax year as which the tax or the penalty was levied or assessed by the government agency. The bill would extend that time to start a lawsuit from the same tax year in which the tax was levied to anytime within 12 months after the tax was levied or assessed. [LB558]

SENATOR CHAMBERS: So once the tax is levied or assessed, you have 12 months from that period, that point, to file a lawsuit challenging the constitutionality of the tax? [LB558]

SENATOR KINTNER: Yeah, which it was assessed. Right now you have to do it in the same tax year. So if it was assessed on December 28, you'd have three days. This will give you 12 months. [LB558]

SENATOR CHAMBERS: And if you don't do it within the 12 months, do you lose the right to file the action, if you know? [LB558]

SENATOR KINTNER: That is correct. [LB558]

SENATOR CHAMBERS: Okay. Does it say that in the bill? Or is it in the language that says that you must bring it within that period of time so it would be understood that, if you don't, then you can't bring it after that? [LB558]

SENATOR KINTNER: No, this just clarifies you have 12 months. It doesn't say, if you don't do it...it just clarifies that you do. So if you don't do it, that means you missed it. It doesn't go on to clarify that. [LB558]

SENATOR CHAMBERS: But if you let the 12 months go by without filing the action, then that is like a statute of limitations, and you cannot bring it if 12 months elapse. [LB558]

SENATOR KINTNER: That's correct. [LB558]

SENATOR CHAMBERS: Okay. Will you support my motion to return your bill? [LB558]

SENATOR KINTNER: Can you repeat that? [LB558]

SENATOR CHAMBERS: Say it again? What does it depend on? [LB558]

SENATOR KINTNER: What's this? What? (Laughter) [LB558]

SENATOR CHAMBERS: Members of the Legislature, Senator Kintner answered my

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question and... [LB558]

SENATOR KINTNER: I'm trying to hear your question. Say it... [LB558]

SENATOR CHAMBERS: And so I will withdraw that motion. [LB558]

SENATOR KINTNER: Okay. [LB558]

SENATOR KRIST: Thank you, Senator Chambers. Read the bill. [LB558]

ASSISTANT CLERK: (Read LB558 on Final Reading.) [LB558]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB558 pass? All those in favor vote aye; opposed vote nay. Please record, Mr. Clerk. [LB558]

ASSISTANT CLERK: (Record vote read, pages 1533-1534.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB558]

SENATOR KRIST: LB558 passes. We'll now proceed to LB679. [LB558 LB679]

ASSISTANT CLERK: (Read LB679 on Final Reading.) [LB679]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB679 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB679]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1534.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB679]

SENATOR KRIST: LB679 passes. We'll now proceed to LB683. [LB679 LB683]

ASSISTANT CLERK: Mr. President, I have a motion on the desk. Senator Chambers would move to return the bill to strike the enacting clause. (FA336, Legislative Journal page 1535.) [LB683]

SENATOR KRIST: Senator Chambers. [LB683]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I want Senator Scheer to relax, but I would like to ask him two or three questions. [LB683]

SENATOR KRIST: Senator Scheer, will you yield? [LB683]

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SENATOR SCHEER: Yes, I will. [LB683]

SENATOR CHAMBERS: Senator Scheer, this fund from which these grants will come, how do they...where does that money come from? [LB683]

SENATOR SCHEER: It comes from the federal government. [LB683]

SENATOR CHAMBERS: So that's the reason to make a reference to this federal rule or regulation that is in the bill? [LB683]

SENATOR SCHEER: It's federal storm water management funds. [LB683]

SENATOR CHAMBERS: Yes. [LB683]

SENATOR SCHEER: And they are disbursed to the states based on population. And this bill simply changes the distribution model from the 2000 census to the 2010 census. [LB683]

SENATOR CHAMBERS: And the reason that this particular reference is made...I meant that reference is made to this is because it defines or declares how you determine whether these entities qualify for these grants. [LB683]

SENATOR SCHEER: They all qualify, but they are distributed based on the community's population as of the census. So it is switching from the 2000 census to the 2010 census. [LB683]

SENATOR CHAMBERS: And how does the state come in...how much the money does the state get? Is there a formula? Is it based strictly on the population of the state or on the projects that need to be funded? [LB683]

SENATOR SCHEER: It's allocated on a state basis, but I couldn't tell you exactly how the federal government determines that amount that comes into the state. [LB683]

SENATOR CHAMBERS: Is a request made to the federal government yearly, if you know? [LB683]

SENATOR SCHEER: I don't believe that there's a request made. I think it's an automatic based on something. It could be population. I'm not exactly sure. [LB683]

SENATOR CHAMBERS: Then it just comes into the state. [LB683]

SENATOR SCHEER: Correct. [LB683]

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SENATOR CHAMBERS: Why should we accept it? [LB683]

SENATOR SCHEER: I suppose to help the communities pay for the storm water management. [LB683]

SENATOR CHAMBERS: I couldn't understand you. [LB683]

SENATOR SCHEER: I would imagine so that the communities have money to help pay for their storm water management. [LB683]

SENATOR CHAMBERS: Even though it's federal money? [LB683]

SENATOR SCHEER: I would assume so, yes. [LB683]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Mello a question. [LB683]

SENATOR KRIST: Senator Mello, will you yield? [LB683]

SENATOR MELLO: Absolutely. [LB683]

SENATOR CHAMBERS: Senator Mello, do you know anything about this program? [LB683]

SENATOR MELLO: Well, can you give me some more details about the program, Senator Chambers? [LB683]

SENATOR CHAMBERS: Say it again? [LB683]

SENATOR MELLO: Can you give me a little bit more details about the programming you're referring to? [LB683]

SENATOR CHAMBERS: Oh, it's this water management program. [LB683]

SENATOR MELLO: I am not an expert in this specific program. [LB683]

SENATOR CHAMBERS: Okay. I won't ask you any questions then. I'll ask Senator Carlson a question or two. [LB683]

SENATOR KRIST: Senator Carlson, will you yield? [LB683]

SENATOR CARLSON: Yes, I will. [LB683]

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SENATOR CHAMBERS: Senator Carlson, do you know anything about this program?
[LB683]

SENATOR CARLSON: I really don't. [LB683]

SENATOR CHAMBERS: Okay, thank you. I'd like to ask Senator Scheer a question.
[LB683]

SENATOR KRIST: Senator Scheer, will you yield? [LB683]

SENATOR SCHEER: Yes, I will. [LB683]

SENATOR CHAMBERS: Senator Scheer, does anybody in the state, other than you, know anything about this program? (Laughter) [LB683]

SENATOR SCHEER: I think I am the sole person other than the director of the Department of Environmental Quality. [LB683]

SENATOR CHAMBERS: That's all the questions I will ask. I will withdraw that motion.
[LB683]

SENATOR KRIST: Withdrawn. Thank you, Senator Chambers. Mr. Clerk, please read.
[LB683]

ASSISTANT CLERK: (Read LB683 on Final Reading.) [LB683]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB683 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB683]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1535.) Vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.
[LB683]

SENATOR KRIST: LB683 passes. We'll now proceed to LB687. [LB683 LB687]

ASSISTANT CLERK: (Read LB687 on Final Reading.) [LB687]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB687 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB687]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1536.) Vote is 45

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ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President.
[LB687]

SENATOR KRIST: LB687 passes. We'll now proceed to LB687A. [LB687 LB687A]

ASSISTANT CLERK: (Read LB687A on Final Reading.) [LB687A]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB687A pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB687A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1536-1537.) Vote is 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting, Mr. President.
[LB687A]

SENATOR KRIST: LB687A passes. We will now proceed to LB693. [LB687A LB693]

ASSISTANT CLERK: (Read LB693 on Final Reading.) [LB693]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB693 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB693]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1537-1538.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.
[LB693]

SENATOR KRIST: LB693 passes. We'll now proceed to LB697. [LB693 LB697]

ASSISTANT CLERK: Mr. President, on LB697, Senator Chambers would move to return the bill to strike the enacting clause. [LB697]

SENATOR KRIST: Senator Chambers, you're recognized. [LB697]

SENATOR CHAMBERS: Withdraw that. [LB697]

SENATOR KRIST: Thank you. Withdrawn. Mr. Clerk. [LB697]

ASSISTANT CLERK: (Read LB697 on Final Reading.) [LB697]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB697 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB697]

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ASSISTANT CLERK: (Record vote read, Legislative Journal page 1538.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB697]

SENATOR KRIST: LB697 passes. We'll now proceed to LB698. [LB697 LB698]

CLERK: Mr. President, I have a motion. Senator Chambers would move to return LB698 to Select File for purposes of striking the enacting clause. [LB698]

SENATOR KRIST: Senator Chambers. [LB698]

SENATOR CHAMBERS: Withdraw that. [LB698]

SENATOR KRIST: Thank you, Senator Chambers. Withdrawn. [LB698]

CLERK: (Read LB698 on Final Reading.) [LB698]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB698 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB698]

CLERK: (Record vote read, Legislative Journal page 1539.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President. [LB698]

SENATOR KRIST: LB698 passes. We'll now proceed to LB701. [LB698 LB701]

CLERK: (Read LB701 on Final Reading.) [LB701]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB701 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB701]

CLERK: (Record vote read, Legislative Journal pages 1539-1540.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB701]

SENATOR KRIST: LB701 passes. We'll now proceed to LB702E. And, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB701 LB702]

CLERK: 41 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB702]

SENATOR KRIST: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB702]

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CLERK: (Read title of LB702.) [LB702]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB702 pass with the emergency clause attached? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB702]

CLERK: (Record vote read, Legislative Journal pages 1540-1541.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB702]

SENATOR KRIST: LB702 passes with the E clause attached. We'll now proceed to LB712. [LB702 LB712]

CLERK: Mr. President, Senator Chambers would move to return the bill for purposes of striking the enacting clause. [LB712]

SENATOR KRIST: Senator Chambers. [LB712]

SENATOR CHAMBERS: Withdraw that. [LB712]

SENATOR KRIST: Thank you, Senator Chambers. Withdrawn. [LB712]

CLERK: (Read LB712 on Final Reading.) [LB712]

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

CLERK: (Record vote read, Legislative Journal pages 1541-1542.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB712]

SENATOR KRIST: LB712 passes with the emergency clause attached. We'll now move to LB714. [LB712 LB714]

CLERK: (Read LB714 on Final Reading.) [LB714]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB714 pass with the emergency clause attached? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB714]

CLERK: (Record vote read, Legislative Journal page 1542.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB714]

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SENATOR KRIST: LB714 passes with the E clause attached. We'll now proceed to LB735. [LB714 LB735]

CLERK: (Read LB735 on Final Reading.) [LB735]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB735 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB735]

CLERK: (Record vote read, Legislative Journal page 1543.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB735]

SENATOR KRIST: LB735 passes. We'll now proceed to LB736. [LB735 LB736]

CLERK: (Read LB736 on Final Reading.) [LB736]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB736 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB736]

CLERK: (Record vote read, Legislative Journal pages 1543-1544.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB736]

SENATOR KRIST: LB736 passes. We'll now go to LB737. [LB736 LB737]

CLERK: (Read LB737 on Final Reading.) [LB737]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB737 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB737]

CLERK: (Record vote read, Legislative Journal page 1544.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB737]

SENATOR KRIST: LB737 passes. We'll now proceed to LB739. [LB737 LB739]

CLERK: (Read LB739 on Final Reading.) [LB739]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB739 pass with the emergency clause attached? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB739]

CLERK: (Record vote read, Legislative Journal page 1545.) 48 ayes, 0 nays, 1 excused

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and not voting, Mr. President. [LB739]

SENATOR KRIST: LB739 passes with the emergency clause attached. We'll now proceed to LB750. [LB739 LB750]

CLERK: Senator Coash, Senator, I had a motion from you, FA326. I have a note you wish to withdraw. [LB750]

SENATOR KRIST: Thank you, Senator Coash. Withdrawn. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; opposed, nay. Record, Mr. Clerk. [LB750]

CLERK: 41 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB750]

SENATOR KRIST: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB750]

CLERK: (Read title of LB750.) [LB750]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB750 pass with the emergency clause attached? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB750]

CLERK: (Record vote read, Legislative Journal page 1546.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB750]

SENATOR KRIST: LB750 passes with the emergency clause attached. We will now proceed to LB753. [LB750 LB753]

CLERK: (Read LB753 on Final Reading.) [LB753]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB753 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB753]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1546-1547.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB753]

SENATOR KRIST: LB753 passes. We now proceed to LB757. [LB753 LB757]

ASSISTANT CLERK: (Read LB757 on Final Reading.) [LB757]

SENATOR KRIST: All provisions of law relative to procedure having been complied

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with, the question is, shall LB757 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB757]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1547.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB757]

SENATOR KRIST: LB757 passes. We'll now proceed to LB758. [LB757 LB758]

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

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

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1548.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB758]

SENATOR KRIST: LB758 passes. We'll now proceed to LB765. [LB758 LB765]

ASSISTANT CLERK: (Read LB765 on Final Reading.) [LB765]

SENATOR KRIST: All provisions of law relative to procedure having been complied with, the question is, shall LB765 pass? All those in favor vote aye; opposed, nay. Mr. Clerk, please record. [LB765]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1548-1549.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB765]

SENATOR KRIST: LB765 advances. [LB765]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB464, LB464A, LB565, LB719, LB994, LB994A, LB364, LB558, LB679, LB683, LB687, LB687A, LB693, LB697, LB698, LB701, LB702, LB712, LB714, LB735, LB736, LB737, LB739, LB750, LB753, LB757, LB758, LB765. Mr. Clerk. [LB464 LB464A LB565 LB719 LB994 LB994A LB364 LB558 LB679 LB683 LB687 LB687A LB693 LB697 LB698 LB701 LB702 LB712 LB714 LB735 LB736 LB737 LB739 LB750 LB753 LB757 LB758 LB765]

CLERK: Mr. President, items: Your Committee on Enrollment and Review reports

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they've examined and engrossed LB700, LB811, LB923, and LB923A, all of those reported correctly engrossed. In addition, Mr. President, I have new resolutions. Senator Larson would offer LR625 and LR626. Those will both be laid over. An amendment to be printed by Senator Smith to LR399. Name add: Senator Lautenbaugh would like to add his name to LB811. (Legislative Journal pages 1549-1551.) [LB700 LB811 LB923 LB923A LR625 LR626 LR399]

And, Mr. President, priority motion: Senator Bolz would move to adjourn the body until Thursday, April 10, at 9:00 a.m.

SPEAKER ADAMS: Members, you have heard the motion to adjourn. All in favor indicate aye. Opposed? We are adjourned.