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Floor Debate
January 21, 2014

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PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the ninth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Senator Norm Wallman. Please rise.

SENATOR WALLMAN: (Prayer offered.)

PRESIDENT HEIDEMANN: Thank you, Senator Wallman. I call to order the ninth 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.

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT HEIDEMANN: Thank you. Are there any messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review reports LB33 and LB56 to Select File. I have hearing notices from the Transportation and Telecommunications Committee, the Agriculture Committee, and the Urban Affairs Committee all signed by the respective Chairpersons. Mr. President, a Reference report referring LB933 through LR411CA. That's all that I have, Mr. President. (Legislative Journal pages 285-287.) [LB33 LB56]

PRESIDENT HEIDEMANN: While the Legislature is in session and capable of transacting business, I propose to sign and hereby do sign LR392, LR396 and LR398. We now proceed to the first item on the agenda, Mr. Clerk. [LR392 LR396 LR398]

CLERK: Mr. President, LB403 was a bill introduced by Senator Seiler. (Read title.) Bill was introduced on January 22 of 2013; referred to the Judiciary Committee for public hearing. The bill was advanced to General File. I do have Judiciary Committee amendments pending. (AM130 Legislative Journal page 504, First Session, 2013.)

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[LB403]

PRESIDENT HEIDEMANN: Senator Seiler, you're set to open on LB403. [LB403]

SENATOR SEILER: Mr. President, members of the Unicameral, I bring LB403 on behalf of the Nebraska Volunteer Firefighters Association and a personal interest in it. I was a member of the Shrine Masons, and as you remember walking in your parades, you would see those guys on those little vehicles, they were out there raising money for the hospitals. Two of the hospitals are burn hospitals. One is in Cincinnati and the other is in Galveston. All of their teaching and education is directly attributable to St. E's burn center here in Lincoln. And the children of Nebraska are well served. One of the...that is the treatment side of it. This is the preventive side of it. We've defined the novelty lighters, and that definition comes from the U.S. Consumer Product Safety Commission's definition. And it's aimed at strictly lighters that look like toys. That's the best way to define them. If I could use a demonstration here on the floor, which I cannot, I would bring in the little tractor that I had at the commission. And it looks just like a John Deere tractor and if a child looked at that toy, held it up in his lap, pushed the button on the top of the cab, the flame would get him right in the chest. And we need to prevent those kind of toys being sold in Nebraska. Is there a current problem with lighters and fires? We ran a quick survey of the Lincoln Journal on March 20, 2013; an apartment was burned considerably and would have been burned to the ground by a child playing with a lighter had the fire not occurred within just a few blocks of the fire station. Chief Jones said the fire should be a reminder to parents and caregivers to keep matches and lighters away from children. Well here we've got a very attractive nuisance in the form of this particular lighter. Again, on September 13, 2013, a \$250,000 apartment complex was burned to the ground, burning up \$200,000 worth of personal property in it. The cause: a child playing with a lighter in the bedroom, set fire to his blanket. These are the types of attractive nuisances that these toy lighters are and can cause serious damage to building property, but more especially to those little children. So I ask you to pass LB403 on to Select Committee and the amendment which just adds "refill" behind the word "disposable" on page 2, line 17. Thank you. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Seiler. As the Clerk has stated, there are amendments from the Judiciary Committee. Senator Ashford, as Chair of the committee, you're recognized to open on the amendments. [LB403]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. Senator Seiler has done a lot of work on this bill and has quite a bit of history in this very serious business and he has adequately described what the amendments says as we add "refillable" to "disposable" to the definition of those lighters that are not novelty lighters. And that's really the extent of the amendment. But with that I would move its adoption. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Ashford. Those wishing to speak on

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LB403, we have Senator Coash and Senator Johnson. Senator Coash. [LB403]

SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. Colleagues, if you look at your committee statement, you will see I was a "no" vote on advancing this bill to General File, the only "no" vote in the committee. And I wanted to take a moment to explain my rationale for voting against it. Senator Ashford is right; Senator Seiler has done a lot of work on this bill. And I think this bill represents at least the third time I've heard it since my time on the Judiciary Committee. And every year we have people in charge of public safety come in and they show us these lighters. I'm a parent of a young man and I'm pretty familiar with what toys look like. And no question the lighters that Senator Seiler is attempting to ban look like toys. I'm not going to dispute that. My opposition comes from my belief that a law like this isn't necessary to keep these things out of the hands of children. Keeping things out of the hands of children belong to the parents of the children. And I wanted to...I think...I think we have to keep those things in mind as we debate legislature here; where best do these things fit? Do they fit with...in our hands here at the Legislature? Or do they fit at the level where it can be most effectively negotiated which is at a parent's level. So that was my reason for opposition. I do worry about the direction that legislation like this can take. There is lots of things that we don't like, but we don't always outlaw them. And so I felt it necessary to just voice my opposition through the committee process. But I do want to get a couple things on the record and I wonder if Senator Seiler would answer a question. [LB403]

PRESIDENT HEIDEMANN: Senator Seiler, will you yield? [LB403]

SENATOR SEILER: I will. [LB403]

SENATOR COASH: Thank you, Senator Seiler. And we've discussed this...we discussed this in committee, but one of the things I wanted to know is what will happen...and we have retailers across the state who have...who sell these things. And the last time I saw them was like in a...kind of a hardware store and it was just kind of an impulse buy thing they set at the front register. My question for you, Senator Seiler, is this: Should LB403 become law, what happens to the inventory of these products that retailers are holding should LB403 become law? [LB403]

SENATOR SEILER: I would believe that the retailer can put it back to the wholesaler since they're no longer saleable in Nebraska. [LB403]

SENATOR COASH: That may be true, Senator Seiler. My concern is, and these are small things, and I don't want to make it a bigger deal than it is, but you may have some retailers across the state who have decided to invest to sell these things. I don't think a parent should buy them for their kids; some people may collect them, but you're going to see...should we advance AM130, I have an amendment filed, colleagues, which I'll talk about, which just puts the operative date out a little ways just to give retailers an

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opportunity to exhaust their supply should the bill become law. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Coash and Senator Seiler. Senator Johnson, you are recognized. [LB403]

SENATOR JOHNSON: Thank you, Lieutenant Governor, and good morning, America...good morning, Nebraska. I imagine there's a few people outside Nebraska that watch us once in awhile. I rise in support of LB403 and the amendment. Senator Seiler said it looks like a toy and I agree with that. But I think in some people's mind it does become a toy. A toy to play with like that and the risk involved, I don't think...I don't think warrant being in the same mind-set. I don't know how many years it's been since I have owned a lighter. I think the last time I remember a lighter that I might have had was back when the commercial was on to "to flick your Bic," that goes back many years ago and that was strictly a straight canister-type lighter. In response, I guess, to the amendment, I totally support that. And some quick thoughts based on Senator Coash's comments, I think extending a date to get rid of that inventory might be in line. The other thing is, maybe if it's intended to be a lighter for a smoking device, maybe it should fall under the same rules of you can't sell one of those to somebody that cannot buy cigarettes. It does put the responsibility then on the adult which probably is the parent; in my case, the grandparent. But I know if I purchased one of these for whatever reason, and I don't smoke, if I purchase one of these and my two grandsons, one 10 and one 8, I know they would be in line to fight for that. And if I put it away, they're very inquisitive, they will try and find the place where I hid that because it's, to them, it is a toy. So I think maybe if we can move this forward, maybe putting a date out there so they'd be able to sell their inventory or put a restriction on who could legally buy them might be also a benefit. Again, I do support LB403 and AM130. Thank you. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Johnson. Those wishing to speak, we have Senator Ken Haar, Senator Carlson, Senator Kintner. Senator Ken Haar, you're recognized. [LB403]

SENATOR HAAR: Mr. President, members of the body, I rise in support of LB403 and I want to thank Senator Seiler for bringing this issue forward. I'm a huge fan of Nebraska volunteer fire departments and the firefighters that run those. And I respect their support of this. I've also seen many of these toys, not just at the times when the volunteer firefighters have come in and shown them to me, but also at various truck stops, things like that, where they would be really easy to pick up. I think they're a danger. Children have no way of telling the difference between a toy and a dangerous item such as this. And I think it's appropriate for the state to say they don't belong in Nebraska. I would vote against the amendment to extend the date. They're dangerous; they should be gotten rid of. And thank you very much, Senator Seiler. [LB403]

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PRESIDENT HEIDEMANN: Thank you, Senator Haar. Senator Carlson, you are recognized. [LB403]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I'd like to address Senator Seiler if he would yield. [LB403]

PRESIDENT HEIDEMANN: Senator Seiler, will you yield? [LB403]

SENATOR SEILER: I will. [LB403]

SENATOR CARLSON: Senator Seiler, on the second page of the bill, do you have that available in front of you? [LB403]

SENATOR SEILER: I do. [LB403]

SENATOR CARLSON: Just a second. Lines 20 and 21, it reads that it's unlawful to sell, and "sell" is right there in several instances, then "or promote." Now, what does the "or promote" mean? [LB403]

SENATOR SEILER: As you as a Governor candidate buy up a bunch of these and put your label on them and hand them out at your meetings, that would be promoting. [LB403]

SENATOR CARLSON: So that takes care of the giveaways? [LB403]

SENATOR SEILER: That's correct. [LB403]

SENATOR CARLSON: Okay, thank you. Thank you, Senator Seiler. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Carlson and Senator Seiler. Senator Kintner, you are recognized. [LB403]

SENATOR KINTNER: Well, thank you, Mr. President. You know I look at this and sometimes I think there's no end to the nanny state. What won't we legislate? But I talked to Senator Seiler about this bill and I know where he's coming from; I know his intentions are pure and good. So I'd like to ask Senator Seiler a question, if he'd be happy to yield I would like to do that. [LB403]

PRESIDENT HEIDEMANN: Senator Seiler, will you yield? [LB403]

SENATOR SEILER: I will. [LB403]

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SENATOR KINTNER: Senator Seiler, what obligation do parents have to prevent their kids from playing with lighters? [LB403]

SENATOR SEILER: What other issues? Is that...sorry, I can't... [LB403]

SENATOR KINTNER: My question was, what obligation do parents have to prevent their kids from playing with lighters, novelty or otherwise? [LB403]

SENATOR SEILER: Absolute obligation to not. And this is aimed at the parents not being able to buy it. Children will not be buying these. The intent is to stop parents from buying them and leaving them laying around the house so they can cause the fires here in Lincoln that I just described. But more especially, if you've ever seen a child that has been burned over 60 percent of his body, the pain and the disfigurement is incredible...incredible. And a lot of parents don't have that foresee that this lighter will correlate to this fire. [LB403]

SENATOR KINTNER: At what point do we stop protecting people from themselves, people from their own actions? At what point do we stop trying to regulate parents and their obligations, Senator Seiler? [LB403]

SENATOR SEILER: The point where a child who doesn't recognize the difference, burns himself severely and has to be treated at St. Elizabeth and eventually passed on to Cincinnati or Galveston. And it's not like a broken leg; it's not like a broken arm that heals in six weeks. You're looking at years of recovery. Anybody that was listening to KFAB yesterday as one of the people that was involved in a fire described the terrible burns that he had and how long it took for him as an adult to recover based on that fire in Omaha yesterday. You can only imagine what a child terror is. [LB403]

SENATOR KINTNER: Thank you, Senator Seiler. You know, I'm from Cincinnati; I was born there. I understand the Shriners burn institute. I know people are flown in from around the world. I know how horrible burns can be. But you know what, where do we stop regulating? There was a girl when I was a kid, she ate some Comet, burned out the inside of her mouth. We could make a law telling parents they can't have Comet. There were kids that reach up on a stove and pull a pot of boiling hot water down upon themselves. We could regulate that you can't boil water with kids in the house. Kids stick things into sockets, they stick knives and little pieces of metal in the sockets and get shocked. We could regulate that. To be honest with you, there's no end to the nanny state. We can regulate, we can make every kid wear a helmet and pads everywhere they go. I mean, it never stops. We need to hold parents responsible. If you let your kid play with a lighter, novelty or otherwise, then you should be held responsible. But we're only outlawing novelty lighters; we're not outlawing regular lighters. And there are plenty of kids to start fires with regular lighters when parents are negligent. And I didn't come down here to expand government. I came down here to protect liberty and contract

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government. At this point, unless I hear something different, I oppose this bill and I encourage my fellow senators to oppose it also. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Kintner and Senator Seiler. Those wishing to speak, we have Senator Chambers and Senator Harms. Senator Chambers, you are recognized. [LB403]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Kintner a question if he will yield. [LB403]

PRESIDENT HEIDEMANN: Senator Kintner, will you yield? [LB403]

SENATOR CHAMBERS: If Senator Kintner would yield, I'd like to ask him a question. [LB403]

SENATOR KINTNER: All right, yes. [LB403]

PRESIDENT HEIDEMANN: Senator Kintner, will you yield? [LB403]

SENATOR KINTNER: Absolutely. (Laugh) [LB403]

SENATOR CHAMBERS: Senator Kintner, are you aware of the fact that it was made against the law to sell candy cigarettes that look like candy cigarettes, are you aware of the fact that that was outlawed? [LB403]

SENATOR KINTNER: No, I am not. [LB403]

SENATOR CHAMBERS: If it was, do you think that should not have been done? [LB403]

SENATOR KINTNER: Yeah, that was one of my favorite candies when I was a kid, I loved them, they tasted delicious. [LB403]

SENATOR CHAMBERS: Do you smoke now? [LB403]

SENATOR KINTNER: Cigarettes? No. [LB403]

SENATOR CHAMBERS: Do you smoke cigars? [LB403]

SENATOR KINTNER: Absolutely. [LB403]

SENATOR CHAMBERS: Even worse. One of the nastiest habits I know of. People who smoke cigars they blow bad breath and they get used to it and they are not aware of it.

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Little pieces of tobacco sometimes will flick out of their mouth, but people can do what they want to. I won't try to outlaw cigar smoking, but I'd like to make it a felony if you're talking to somebody who smokes cigars and you spit on them. But let me ask you another question. Is it your opinion that anything which the government puts in place designed to protect the citizens is what you call the nanny state? [LB403]

SENATOR KINTNER: I don't know. I have to have an example, but I think that we do too much regulating and we're now holding people responsible for their own actions. I want to hold people responsible for their actions. [LB403]

SENATOR CHAMBERS: How about that building that caved in on those people in Omaha? The government shouldn't have to...should not regulate the structure of buildings, should it? Shouldn't that be up to the one who owns the building and the people who are going to go in it ought to be careful and inspect to make sure the building is what it should be? The government shouldn't be regulating and setting standards for buildings should it? [LB403]

SENATOR KINTNER: Absolutely it should, yeah. Those are buildings that people live in, absolutely. You don't want a building falling on somebody. Absolutely. [LB403]

SENATOR CHAMBERS: Well, why don't people check it out and not go into a building that's dangerous? [LB403]

SENATOR KINTNER: Because you don't have the expertise to know if a building is dangerous. That's why we have experts to do that for us. [LB403]

SENATOR CHAMBERS: Do you think that the government should require that the labels of poisonous substances should declare that they are poisonous? [LB403]

SENATOR KINTNER: I have no idea, Senator, I guess... [LB403]

SENATOR CHAMBERS: Thank you, thank you. [LB403]

SENATOR KINTNER: Okay. [LB403]

SENATOR CHAMBERS: Members of the Legislature, my wife and I had four children. We were very careful of them. There were products that are labeled poisonous and I was glad. Not everything that merchants put on the market are beneficial and it's the responsibility of the society to mandate care, caution, and consideration when people selling products are going to be allowed to do so and they have certain benefits as a result. The government ought to protect people and it ought to protect them from their foolishness. I think the government did the right thing in requiring labels on cigarettes warning of the health hazards. I think it's a good thing for the government to make

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people who sell food products put on that label what substances are in that food. And there are a lot of other things that these kind of people who use the term that Senator Kintner used, nanny state, they are as knuckleheaded as any group I've ever heard. [LB403]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR CHAMBERS: And the things that they like to have regulated, not only do they want them regulated, they want them regulated with a vengeance. Why should the government regulate what a woman does with her body? If you want to talk about a nanny state, that's what one is; busybody, meddlesome, and projecting on to other people their puritanical, out of touch with reality notions. But I'm sure Senator Kintner is in favor of the government regulating what a woman can do with her own body. And when I get a chance to speak, he wants some examples, he and I are going to have a little discussion. And I'm also going to try to find out if he thinks that prostitution should be made illegal; and if it is, should it be retained as illegal? Should people not be allowed to smoke marijuana which is not as harmful as tobacco and alcohol? So I'll give him examples. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator Harms, then Karpisek, Bloomfield, Chambers, Lautenbaugh and Kintner in the queue. Senator Harms, you are recognized. [LB403]

SENATOR HARMS: Thank you, Mr. President, colleagues. I rise in support of the amendment, AM130, as well as the underlying bill, LB403. I think we have a responsibility in this Chamber to protect children and to protect people, and particularly children. I've always been an advocate of that. And I think anytime you have something like what this legislation is trying to do, we need to step forward and need to approve it. Children are children. When you have a toy that actually lights it's going to be very easy for a child to catch their home on fire or to burn themselves. And so I would urge you to take this position and support AM130, as well as the underlying bill, LB403. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Harms. Senator Karpisek, you are recognized. [LB403]

SENATOR KARPISEK: Thank you, Mr. President, members of the Legislature. I do support LB403 and I probably am one of the first people...well, maybe not the first, to not like bills that we would consider nanny state type of things. Senator Chambers makes a great point on the things that we do regulate. And kind of...some of those things that drive me crazy in here sometimes where we're for freedom, but not all freedom. I brought this bill two years ago, I think, for the fire departments and I got such a bunch of hate mail over it, I said I wouldn't do it again because it called me a Nazi and

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all sorts of things that I was trying to keep lighters away from people and take over. I just think that they're dangerous. They do look like toys. If you want to have your kids have some toy tractors, buy them toy tractors. To have these laying around, it's just an accident waiting to happen. Now are they more dangerous than a regular Bic lighter? I don't know that. The ones I saw were more dangerous. They didn't have the safety switches on things on them that a regular...what we think of a lighter is. One of these laying around, of course, I think a young person would pick it up thinking it looks like their other toys and it could be very dangerous. I don't think it's worth having a toddler burned and disfigured for the rest of their lives over this. I know that it does cut against some things that I will usually say about free enterprise and some common sense, but sometimes we do have to do things to make sure that people are safe. I usually will let adults, if they want to do things that are going to harm them, fine. But I worry about the kids in this; about things going up in flames and people being hurt. That's my two cents on it. I'm glad that Senator Seiler carried it, because I was really tired of all the hate mail that I got on it. And to tell you the truth, it just really made me sad the things that people said about it. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Karpisek. Senator Bloomfield, you are recognized. [LB403]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I'm going to be forced to vote against this bill, not because I want little kids burned. Anybody that's going to turn around and say, do you want all the little kids in Nebraska to burn themselves? The answer, of course, is no; but there's got to be some parental guidance along the line somewhere and we cannot...or at least we should not over regulate. And I fear that's what we're doing here. And I'd like to ask Senator Seiler a question if he would yield. [LB403]

PRESIDENT HEIDEMANN: Senator Seiler, will you yield? [LB403]

SENATOR SEILER: I will. [LB403]

SENATOR BLOOMFIELD: Senator Seiler, I, as a rule, don't give a hoot as to what other states around us are doing, but do you know what...does Iowa or South Dakota, anybody like that have similar legislation? [LB403]

SENATOR SEILER: There are 15 states that have already passed this bill. And...let me just check here, I haven't...Iowa has no legislation whatsoever and hasn't proposed any. South Dakota and Colorado have bills pending. [LB403]

SENATOR BLOOMFIELD: Okay, thank you. And again, it...it to me is not necessarily what our neighbors are doing. I was just curious about it. But I do think it goes back to parents taking care of kids. And Senator Chambers wisely pointed out that we put labels

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on things. I'd have no problem at all with putting a reminder label on these lighters. And not to the kids because the kids aren't going to read them, but to the parents to keep these things out of the reach of small children. I don't think we need to outlaw something just because it could prove hazardous. It just smells of overreach to me. Thank you. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Bloomfield. Senator Chambers, you are recognized. [LB403]

SENATOR CHAMBERS: Pass for now. I'll go to the bottom of the list. [LB403]

PRESIDENT HEIDEMANN: Okay. Senator Kintner, you are recognized. Not seeing Senator Kintner, there was no one else in the queue at the present time. Senator Kintner, you are recognized. [LB403]

SENATOR KINTNER: Senator Seiler, would you yield to a question? [LB403]

PRESIDENT HEIDEMANN: Senator Seiler, will you yield? [LB403]

SENATOR SEILER: I will. [LB403]

SENATOR KINTNER: How does this affect antique lighters? [LB403]

SENATOR SEILER: There is a provision in the antique lighter...in the bill setting forth that it doesn't apply to a lighter, I believe, 1980, made prior to 1980. Yes, line 14, page 2 of the bill, says: a lighter manufactured prior to January 1, 1980, does not apply. [LB403]

SENATOR KINTNER: Thank you, Senator Seiler. I will yield the remainder of my time to you. [LB403]

SENATOR SEILER: Thank you very much. One of the things that we're talking about here, and just to distinguish it in a body of law, is what we're talking about is an attractive nuisance. There's a whole body of law out there that talks about attractive nuisance. Why do you have to build a fence around a swimming pool? Because it is an attractive nuisance. It's not because of parental rights. It's because when that child sees that pool, he's going to go for it. When he sees this lighter, he's going to go for it because it's a toy. It's something he's used to playing with, but it's a hidden problem. And so, therefore, it's a "distinguishment" of what we...it's not a nanny state, it's a...we've picked out an attractive nuisance to legislate. Thank you. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Kintner and Senator Seiler. Senator Chambers, you are next in queue and you are recognized. [LB403]

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SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I would like to ask Senator Kintner a question or two. [LB403]

PRESIDENT HEIDEMANN: Senator Kintner, will you yield? [LB403]

SENATOR KINTNER: Sure, is that only two or are we going to go three or four today? [LB403]

SENATOR CHAMBERS: Well, we'll say one question with several parts, whichever is most appealing. Are you familiar with the hubbub that was raised because the makers of Tide had begun to put soap...a soap solution in little balls that looked like the candy that children eat? And I don't know that it was banned, but Tide said they would no longer sell them. Do you think it would have been wrong for the government to take those things off the market if Tide wouldn't do it themselves? [LB403]

SENATOR KINTNER: Maybe. [LB403]

SENATOR CHAMBERS: Senator, do you think there ought to be a law against children gambling? Why not just let their parents make that decision. And if the parents let the child go buy lottery tickets, let the child do it. Do you think that would be the thing to do? [LB403]

SENATOR KINTNER: Yes, you should be 18 to smoke, 21 to drink, and 18 to gamble. [LB403]

SENATOR CHAMBERS: No, that's not what I'm asking. I'm aware of those things. I'm asking you, based on your philosophy, take the examples you mentioned, why not leave it to the parents to make sure that their children don't do those things and the state stay out of it? Shouldn't we remove all age requirements on all of these things that are done by the individual? You can leave, perhaps, regulation of the age at which a person can drive a vehicle because it's on the road with other people. But if it relates to what the child is going to do, shouldn't the parents be allowed to do with that child whatever they please and allow that child to do whatever the parents say the child can do and let the nanny state just wither away? Let me simplify the question: Do you think we ought to take away the prohibition on children gambling? [LB403]

SENATOR KINTNER: Well first of all, the nanny state never withers away, it only grows. [LB403]

SENATOR CHAMBERS: Do you think... [LB403]

SENATOR KINTNER: Second, let me keep going... [LB403]

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SENATOR CHAMBERS: You're on my time. [LB403]

SENATOR KINTNER: Second, we don't allow parents to gamble, so why should we allow kids to gamble in our state? No, kids should not be able to gamble when parents can't even do it. [LB403]

SENATOR CHAMBERS: Parents can gamble. [LB403]

SENATOR KINTNER: We don't...not in our state; they have to go to another state to gamble. [LB403]

SENATOR CHAMBERS: They can buy lottery tickets, can't they? [LB403]

SENATOR KINTNER: Yes. [LB403]

SENATOR CHAMBERS: That's gambling. Children can't buy lottery tickets. Shouldn't they be allowed to buy lottery tickets if their parents approve? [LB403]

SENATOR KINTNER: No. [LB403]

SENATOR CHAMBERS: Why not? Nanny state is involved. [LB403]

SENATOR KINTNER: Because that's where we drew the line. You can draw your line, I'll draw my line, that's where we have decided to draw the line and I agree with that line. [LB403]

SENATOR CHAMBERS: Thank you. "Lush Slimbaugh" hasn't told him which way to go yet on that. That's all that I have to ask you, Senator Kintner. But these people jump up here and this has become a "monkey see, monkey do; monkey here, monkey say" Legislature. People bring this crazy stuff; they don't think it through. And when they say I'll draw a line, there needs to be deeper thinking going on when we make laws. And you all may be offended at what I say, but I'm trying to protect you from yourself. Now I'll ask Senator Kintner a question if he will yield. [LB403]

PRESIDENT HEIDEMANN: Senator Kintner, will you yield? [LB403]

SENATOR KINTNER: Yes, I will. [LB403]

SENATOR CHAMBERS: Senator Kintner, I'm not talking about a pimp being involved. Should a woman be allowed to sell sex if she chooses to...a grown woman? [LB403]

SENATOR KINTNER: No. [LB403]

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SENATOR CHAMBERS: Why not? [LB403]

SENATOR KINTNER: Because we have determined that that is bad for the woman, that's bad for society, people don't want it in their neighborhood. And we have clearly said that that's not the way we want to do things in Nebraska. [LB403]

SENATOR CHAMBERS: If a woman gives sex away, that's not against the law is it? [LB403]

SENATOR KINTNER: No, it's not. [LB403]

SENATOR CHAMBERS: And she can give it away to as many men as she...or women, as she pleases, isn't that true? [LB403]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR KINTNER: Sure, yes, I guess. [LB403]

SENATOR CHAMBERS: The only time it becomes a crime is if she's going to earn some money for this use of her body. And you don't believe in the free-market system then do you? That's all. Thank you Senator Kintner. Do you see how foolish this kind of stuff is? A woman can give her body away and men say that's all right. If she's going to get money for it, then it's a crime. That makes no sense whatsoever. Either you think certain things rise to the level of a moral principle or you don't. And the reason I apply the word, Senator Kintner and his ilk like to inject that word when there is something they don't like. But if you ask them to give a rationale for it that is sound and can be applied across the board, they haven't got it because nobody told them. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers and Senator Kintner. Is anyone else wishing to speaking on AM130 to LB403? Seeing none, Senator Ashford, you are recognized to close on the committee amendment. Senator Ashford waives closing. The question: shall the committee amendment to LB403 be adopted? All those in favor vote aye; all those opposed vote nay. Have all you voted who wish to vote? Record, Mr. Clerk. [LB403]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB403]

PRESIDENT HEIDEMANN: The committee amendment is adopted. Mr. Clerk. [LB403]

CLERK: Mr. President, Senator Coash would move to amend with AM1660. (Legislative

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Journal page 287-288.) [LB403]

PRESIDENT HEIDEMANN: Senator Coash, you're recognized to open on your amendment. [LB403]

SENATOR COASH: Thank you, Mr. President; thank you, members. AM1660 simply extends the operative date of LB403 to January 1, 2015. As I stated in my discussion with Senator Seiler, I feel this is an amendment that improves the bill to an extent that it allows current inventory of retailers to be exhausted should this bill become law. That's all I'll say about AM1660. I think it's pretty self-explanatory. I do want to continue on a comment on LB403 because I didn't comment my opposition to LB403 lightly. I listened carefully during committee hearings, and during the hearing we had some testimony from a couple of folks. And I want to read to you a couple of lines from their testimony. One testifier, who came to the committee representing the Linwood Volunteer Fire Department in support of LB403, talked about, kind of, the country's movement in this area and more and more states are coming to ban them. And without a question she did say, and I'm quoting from the committee hearing: I can't come before you with actual statistics of novelty lighters in particular, but we don't want to have those statistics. Because as...and she...she saved me the time of asking her the questions, do we know of any fires that have been started in our state because of these novelty lighters? And her testimony indicated that she was not aware of any fires started; certainly there were fires started by children, but no fires started by these novelty lighters that she was aware of. Following that testimony, Mr. Stilmock from the Nebraska Volunteer Firefighters Association had a similar statement where he said: I don't have any statistics on these hazardous novelty lighters in Nebraska. And he did submit something to the committee talking about fires started by children. I think this is a healthy discussion, colleagues, and I certainly don't want to see a fire started with these products, but we weren't presented in the hearing with evidence that that was a problem or had been a problem. And I think what Senator Seiler is trying to do is prevent one from happening. However, as I stated earlier, I don't believe we need this piece of legislation and that's why I opposed it in committee and will continue to oppose it. I will, however, vote for my own amendment because I think that does something to strengthen the bill a little bit. And with that I will close. Thank you, Madam President. [LB403]

SENATOR HOWARD PRESIDING

SENATOR HOWARD: Thank you, Senator Coash. Members, you've heard the opening on AM1660. Members in the queue include Senator Chambers, Lautenbaugh, Larson, Bloomfield, Seiler, Murante and Bolz. Senator Chambers, you are recognized. [LB403]

SENATOR CHAMBERS: Thank you. Madam President, members of the Legislature, there are many issues that we bring before the Legislature and consider. And on some

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of these issues there are no statistics available. There is no entity interested in keeping such statistics. So you argue the merits of the proposal itself. You consider what a society is interested in doing with reference to the welfare and safety of its children. If no child has fallen out of a third story window, which has a very flimsy screen across the window, does not mean that we should not say something about the strength of window screens and so forth that might result in providing greater safety to children or limit the amount of harm that can befall them. That may not be the best example, but I'm trying to indicate that if you're in your own home, you certainly would want to keep an eye on a toddler, but toddlers have managed to pull themselves up...maybe little...let's say infants, whichever age you think is a little older, get on a window sill, push the screen and fall out the window. I don't know how many times that has happened, but it has happened. We're talking here along the line of what Senator Seiler touched on when he said "attractive nuisance." The law recognizes that children are drawn to certain things. You cannot have certain things on your own property if children will be able to have access to it. Limitations are placed on your right to do with your property what you choose. And if you are not careful, and you have what the law would determine is an attractive nuisance and a child wanders into that danger and is harmed, they don't say, well, the parents should have kept the child away from this; you, as a landowner, you as a property owner, made something available and attractive and alluring to children which will harm them. And the society has decided that that is not going to be allowed. If you want things like that on your property, make sure that they're childproof. When it comes to these lighters, I don't see any reason to give these people who stock them all of this time to get rid of them. If they are hazardous now, they're hazardous two years out. If they're hazardous two years out, they're hazardous now. I'm going to vote against Senator Coash's amendment. But it's Senator Seiler's bill. Even if Senator Seiler agrees with this, I disagree with it. And I think if we are going to take this position, that these lighters are going to attract children. And if they're made available in homes where there are children and the children may mistake them for toys, they don't have to be in the home where the child lives, other people could have them; other people who don't have children could have them, but they let children come into their home. Not for the wrong purpose, not to abuse them, not to misuse them. The fact that these items in and of themselves can do harm to children should be enough for us to say this is not going to happen. I'd like to ask Senator Coash a question. [LB403]

SENATOR HOWARD: Senator Coash, will you yield? One minute. [LB403]

SENATOR COASH: Yes. [LB403]

SENATOR CHAMBERS: Senator Coash, since you like statistics, how many of these lighters do these merchants have on hand right now? [LB403]

SENATOR HOWARD: One minute. [LB403]

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SENATOR COASH: I don't know the exact number, but I know there are several merchants who have an inventory of them. [LB403]

SENATOR CHAMBERS: But you don't know any statistics this morning. [LB403]

SENATOR COASH: No. [LB403]

SENATOR CHAMBERS: So if an absence of statistics would say we shouldn't have the bill, why shouldn't the absence of statistics cause us to put your amendment aside? Or don't you believe that statistics ought to govern every issue? [LB403]

SENATOR COASH: Well, I believe that any...that statistics ought to...we ought to make data-informed decisions. [LB403]

SENATOR CHAMBERS: And since the time is up, I won't ask anything that you won't have the chance to completely answer. Thank you, Madam President. [LB403]

SENATOR HOWARD: Thank you, Senators Chambers and Coash. Senator Larson, you are recognized. [LB403]

SENATOR LARSON: Thank you, Mrs. President. I just rise in support of Senator Coash's amendment. I think it's...helps the bill become a little better. I remember during my time on the Judiciary Committee I heard this bill as well and wasn't overly enthusiastic about it. And I understand Senator Coash's concerns and I think AM1660 moves to make this bill better. Thank you, Mr. President. [LB403]

SENATOR HOWARD: Thank you, Senator Larson. Senator Bloomfield, you are recognized. [LB403]

SENATOR BLOOMFIELD: Thank you, Madam President. I will probably vote for Senator Coash's amendment. It doesn't make me like the whole bill any better. I'd like to ask Senator Seiler a question if I could, please. [LB403]

SENATOR HOWARD: Senator Seiler, will you yield? [LB403]

SENATOR SEILER: I will. [LB403]

SENATOR BLOOMFIELD: Thank you, Senator Seiler. Do you have any numbers on how many of these lighters are sold in Nebraska each year? [LB403]

SENATOR SEILER: No, I've heard from zero to lots of them by different people in the Rotunda, so I'm not sure. [LB403]

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SENATOR BLOOMFIELD: Okay. When we don't even know how many are sold, I really wonder if we're not overreaching trying to solve a problem that maybe isn't as great as we fear it could be. I know one burned child is way too many. [LB403]

SENATOR SEILER: That's right. [LB403]

SENATOR BLOOMFIELD: But banning a product that is meant for the use of adults because a child may get burned, I still have some issues with it. Senator Chambers mentioned the screens and windows on third story floors. And I haven't seen us rush to put bars on those windows to keep toddlers from falling out. I wonder if that's not what we're doing here. And again, I will oppose this bill. I will support the amendment. I'm not real wild about either one. Thank you. [LB403]

SENATOR HOWARD: Thank you, Senators Bloomfield and Seiler. Senator Seiler, you are recognized. [LB403]

SENATOR SEILER: Thank you, Madam President. I believe this body ought to decide the policy on whether or not to put it into effect immediately or being in July versus January. That's a policy decision to be made by this body. I would hate to pick up a paper come November and see that a child has been severely burned by a lighter purchased in the meantime. It would be a terrible, terrible tragedy. I can't tell you if those lighters of those two incidents that I gave you here in Lincoln, Nebraska, just in the Lincoln Journal, I didn't run the questionnaire to all of the newspapers in the state; I didn't go back further than one year. But we had two incidents in Lincoln. One took an apartment out; the other one took a whole complex out, \$250,000-plus in personal property of everybody living in that apartment. Both started by lighters. The chief of police...or fire chief did not describe the lighters, he just called it lighters. So it's happening whether they're sold in Nebraska or not, this is something that is an attractive nuisance; that the children look at and go after because of what they are. And whether they sell one or a thousand, it doesn't matter. It only takes one to get in the hands of a 4-year-old child to burn himself completely. A 60 percent burn, anything more than that, is usually fatal. And if you're burning the chest area because it happens right under your face, the scaring, the trauma to those children are forever. I think we've got to use that in an attractive nuisance. Whether they sell them or not, make a profit on them or not, I...I don't want to get into that because I don't think that's an appropriate approach to regulation. It's stopping the novelty lighter, keeping it away from children by purchases of their parents. Thank you. [LB403]

SENATOR HOWARD: Thank you, Senator Seiler. Senators wishing to be heard include Senators Bolz, Johnson, Chambers, Kolowski, Bloomfield, and Schumacher. Senator Bolz, you are recognized. [LB403]

SENATOR BOLZ: Thank you, Madam President. There has been discussion on the

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floor about whether or not there are statistics available about this issue. And I do not know whether or not there are state or national statistics, but I do know that information from the U.S. Fire Marshal indicates several stories nationwide about children specifically playing with novelty lighters and hurting themselves or damaging property. A few examples: Shane St. Pierre was in grocery store in Livermore, Maine, with his mother buying sandwiches. Thinking it might be a flashlight, the 6-year-old picked up a miniature baseball bat and flicked the switch. He burned part of his face and Maine subsequently passed a ban on novelty lighters. The report also has stories from Beaverton, Michigan; North Carolina, Wisconsin, and other places that specifically address how kids thinking that a lighter is a toy dolphin or a toy pistol or something else attractive to children have injured themselves. District 29 is home to Madonna Rehabilitation Hospital and kids with severe burns end up there for rehabilitation. And I don't want any more kids than necessary ending up in Madonna going through that painful rehabilitation. I support this bill because I think it's best for our kids and there is documented evidence that novelty lighters have resulted in injury and harm. Thank you, Madam President. [LB403]

SENATOR HOWARD: Thank you, Senator Bolz. Senator Johnson, you are recognized. [LB403]

SENATOR JOHNSON: Thank you again, Chairman. I'm going to talk a little bit about the statistics that we rely on and sometimes we have to, and it gives us a good ground base to talk about things. But I'm going to talk about a different department as an illustration. I'm not going to name the department, but I think you'll figure out what I'm talking about. We have a...in my district we have a hospital that's located on an expressway with 65 miles an hour. And the local bodies asked for that speed limit to be reduced at least to 55. There was...if I recall the figures right, there was...at that time, there was at least two serious injury accidents, people leaving that area on to the expressway and one person that died as a result of the accident. I'm sure when some of us leave the hospital we're thinking about the report that the doctor just gave us; maybe we visited someone that's close to us and we're thinking about that and our mind-set is not always on the oncoming traffic. The department said, well, statistics don't show that there's a risk here. To me, a fatality is one too many. If we can relate it directly back to that person getting on the expressway or trying to go straight across that expressway to a nursing home or a care center where they might be residing at the time. So I think statistics are important in some cases. Here I don't think we need to start building data in order to support this. On the flip side, I am a collector. I've got...I don't know how many different items, I'll probably go out before this bill is passed and purchase a bunch of these novelty lighters and put them under lock and key because the grandchildren that I talked about before, when their parents or they inherit my collection, they can talk about this lighter that they never got to play with. Thank you. [LB403]

SENATOR HOWARD: Thank you, Senator Johnson. Senator Chambers, you are

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recognized. [LB403]

SENATOR CHAMBERS: Thank you. Madam President, members of the Legislature, if this were a bill to outlaw all cigarette lighters, I would not support the bill. I do not favor smoking. I have never smoked. I have never taken a drink of alcoholic liquor. None of those things that I have not done have anything to do with religion or morality or anything else. I just did not want to consume anything that could damage my health. Right now, however, I might be a little heavy on sweets. But some people offer me candy saying it might help my disposition. And I tell them that based on studies that medical people are taking of me because I'm a rare specimen, you could give me hydrochloric acid to drink with crumbled glass and shredded razor blades and my disposition would not be sweetened. So none of that will work. But when we come to something like this, I believe you could probably go to where cigarette lighters are sold and see myriad lighters of every kind and variety without having any that look like toys. Most people who are concerned about the welfare of children, most people who have had children or been around children understand that you cannot watch them every minute of every hour of every day and that they get into things. You lock doors that are at a level where they can reach them. Items which, if consumed, can hurt them, you keep out of their reach to the extent that you can. Some people don't learn until a child has a fall that some children figure out how to push something over to a cabinet and climb up on it to see what's up there and will fall. Somebody else might say never put anything in your house if you have children upon which a child can climb. There are some things that are unreasonable. When it comes to something like what we're talking about here, it is not in any way going to impinge on anybody's right to smoke on the availability of any lighter or any number of lighters that people would like. Those of us who favor this bill are genuinely interested in children. And when that entire area of concern can be swept aside because some merchants say, we have some of these in stock and we want to be able to sell them, even after it has been determined that children can be harmed by them, I think the society has a blind spot and are kowtowing too much to people who would do anything to make a profit. If it was correctly stated that statistics have no place in certain areas of discussion if a determination of policy is to be made. On the one hand some people will say, well, you don't sell enough of these. Well, if you don't sell that many, then forget what the merchants say. But then if they flip and say, well, I found out that they sell a lot of them, then you know there is quite a danger to the children. This issue should not be determined on what's in the best interest of those who sell these items. If I were a drug dealer, my best interest would be to have drugs that I sell legalized. But you're not going to give any consideration to that. [LB403]

SENATOR HOWARD: One minute. [LB403]

SENATOR CHAMBERS: When it comes to the children, it is an area where I might seem to some people to be overly protective. And there's one thing in the "Bible" that

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stays in the forefront of my mind whenever I see or think about children. And it's that when you all pray to or in whose name you pray every day: he that offends against one of these, my little ones, it were better that a millstone be hanged about his neck and he be drowned in the depth of the sea. Children need the protection of society. And this is one of those bills. And I will vote against this amendment which is designed to let the purveyors of dangerous things to children try to exhaust their inventory. But if Senator Coash knows somebody who has some of these, let me know and maybe I'll buy out their inventory for the sake of the children. [LB403]

SENATOR HOWARD: Time, Senator. [LB403]

SENATOR CHAMBERS: Thank you, Madam President. [LB403]

SENATOR HOWARD: Thank you, Senator Chambers. Senator Kolowski, you are recognized. [LB403]

SENATOR KOLOWSKI: Thank you, Madam President. I am standing in support of LB403 and against AM1660. The example I would like to use, as far as clearing out the inventory of what might still exist in some stores of these novelty lighters, would be the example of the recent, in the last year, situation that Boeing aircraft manufacturers found themselves in when they had a battery problem in a brand new jet that they were selling across the country. They acted immediately rather than having a 250- or 300-passenger jet go down in flames and killing everyone. They stopped that fleet from flying worldwide, took them all out of commission until they had that battery issue solved. It took quite a few months before they got that situation taken care of. It makes no sense to me to worry about someone's inventory when something has been declared to be a nuisance item and a situation where they could have children burn themselves and other situations could come up with destruction of property, as well as personal injuries. So I use that as an example that we have all seen and lived with that cause traffic problems with airlines all across the country and around the world that purchase those jets. It makes sense to me to oppose this amendment and to support Senator Seiler's bill. Also I'd like to just take moment to mention that I want to encourage you to walk through...all the senators to walk through the Expanded Learning Opportunity's display in the center kiosk on the first floor if you have time today. Expanded Learning opportunities are educational and enrichment activities to build on, support and enhance learning during times when students are not in school, before and after school, weekends, and summers. In 2013, the State Board of Education passed a policy statement that supports quality Expanded Learning Opportunity programs as a critical component of Nebraska's educational landscape and one that should be intentionally supported and developed in communities across our state. Again, I hope you'll have a chance to view those displays. And I'm submitting some legislation that will, hopefully, expand on this as time goes on. Thank you very much, Madam President. [LB403]

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SENATOR HOWARD: Thank you, Senator Kolowski. Senator Bloomfield, you are recognized. [LB403]

SENATOR BLOOMFIELD: Thank you, Madam President. As I read over this bill again, I see nothing in it that prevents anyone from buying these lighters in another state and importing them into Nebraska for their own use. I'd like to ask Senator Seiler another question if I could. [LB403]

SENATOR HOWARD: Senator Seiler, will you yield? [LB403]

SENATOR SEILER: I will. [LB403]

SENATOR BLOOMFIELD: Senator Seiler, is there any intent here to make owning these things illegal, or is it just the sale of them at this point? [LB403]

SENATOR SEILER: No, it's at the sale level. [LB403]

SENATOR BLOOMFIELD: So...and thank you, Senator Seiler. And, colleagues, basically what we're doing is creating another reason that makes Nebraska retail struggle. We can go to Iowa and buy these and bring them home; that's not a problem, we can have them sitting around. There's nothing wrong with that, as it stands now. It's not a good idea, but it's legal. If these things are the horrid thing that we're being told they are, then probably we should just outlaw them. Because now we can still go to Iowa and bring them home. We can go to most any state around us right now and buy them. So Senator Coash for your people that have an inventory left over, I just suggest that if we pass this bill, they take them to Iowa. They'll be able to get rid of them over there. This is just not a good idea to me. We complain because we have border bleed. We're just creating more of it again. Thank you. [LB403]

SENATOR HOWARD: Thank you, Senator Bloomfield. Senator Schumacher, you are recognized. [LB403]

SENATOR SCHUMACHER: Thank you, Madam President. Will Senator Seiler yield to a few questions? [LB403]

SENATOR HOWARD: Senator Seiler, will you yield? [LB403]

SENATOR SEILER: I will. [LB403]

SENATOR SCHUMACHER: Senator Seiler, in line 20 of the bill, it says: illegal to distribute for retail sale or promotion. Does the word "retail" refer to retail promotion? Is that limiting language on both "sale" and "promotion?" [LB403]

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SENATOR SEILER: Yes. [LB403]

SENATOR SCHUMACHER: Okay. So in that particular case, one were to sell or distribute these things for religious, for educational, for political purposes, they're still perfectly lawful. [LB403]

SENATOR SEILER: No, I don't believe so. I believe that the sale...the person that sells the product is in violation of this law. The person that promotes and gives away the product, promoting some type of a program, is in violation of this law. [LB403]

SENATOR SCHUMACHER: So it is your intention then that "retail" refer only to sale and not to promotion. [LB403]

SENATOR SEILER: I think there is combination and I think they're both covered. [LB403]

SENATOR SCHUMACHER: So if I distribute a lighter resembling the burning bush to promote my belief in the Bible, am I in violation or not? [LB403]

SENATOR SEILER: I'm not sure a burning bush is a toy. [LB403]

SENATOR SCHUMACHER: Right. So is it...but it is a...if my purpose in distributing... [LB403]

SENATOR SEILER: And I sure wouldn't call it a cartoon character. [LB403]

SENATOR SCHUMACHER: Okay. So that's okay if I do that or the Pentecostal flaming tongues? [LB403]

SENATOR SEILER: That's correct. [LB403]

SENATOR SCHUMACHER: Okay, okay. [LB403]

SENATOR SEILER: Just like the lighter that you use to light your camp stoves or your lighter that you light the candles in church on, those would not be covered under this program. [LB403]

SENATOR SCHUMACHER: Nor then would a lighter that is used for lighting...typically used for lighting lanterns, campfires, gas stoves, and the like? [LB403]

SENATOR SEILER: That's correct because they're not a toy. They're not an attractive nuisance. [LB403]

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SENATOR SCHUMACHER: Okay. Well, that's the second part of this bill where it talks about what they're referred to. But the first clause talks in terms of an instrument used for lighting cigarettes, cigars, or pipes...typically used for that. But we're not talking about one that's typically used for lighting campfires, gas stoves, lanterns, and things like that? [LB403]

SENATOR SEILER: That is correct. [LB403]

SENATOR SCHUMACHER: Okay. Then is it lawful for a seller in this state, under your interpretation of this language, to sell novelty lighters over the Internet to out-of-state buyers? [LB403]

SENATOR SEILER: (Laugh) I hadn't thought of that, Paul. [LB403]

SENATOR SCHUMACHER: Okay. [LB403]

SENATOR SEILER: I really haven't thought about whether...because then the next question becomes where did the sale occur? Did it occur at the retail end or did it occur at the seller's end? [LB403]

SENATOR SCHUMACHER: So at least in legislative history here, it's not illegal to sell these things into the state or over the Internet. Conversely, is it intended to make it illegal...or out of state over the Internet, is it intended to make it illegal for people to sell into this state over the Internet? [LB403]

SENATOR SEILER: Again, where is the point of sale? If it's in Nebraska and the court determines it is, the end result then it would...and it was a toy and fits the novelty lighter definition, it would be a violation. [LB403]

SENATOR SCHUMACHER: All right. [LB403]

SENATOR SEILER: If the court decided, no, it actually occurs in the point of sale where the wholesaler or retailer distributes from Iowa, South Dakota, or wherever they're at, to Nebraska... [LB403]

SENATOR HOWARD: One minute. [LB403]

SENATOR SEILER: ...it wouldn't be covered. [LB403]

SENATOR SCHUMACHER: Okay. In any event, they couldn't be extradited into Nebraska for sale of the lighter. [LB403]

SENATOR SEILER: (Laugh) No. [LB403]

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SENATOR SCHUMACHER: Finally, last question. If a lighter has more than one button or function, doesn't an ordinary lighter have two buttons--a safety button and an ignition button? So wouldn't all lighters be covered by this? [LB403]

SENATOR SEILER: No, I don't think so. I think the toy ones have one button, at least the ones I've looked at and used. [LB403]

SENATOR SCHUMACHER: But a little reading of the language says that it's a naughty if it has more than one button or function, and an ordinary lighter usually has two, a safety button and an ignition button. So it would be covered. [LB403]

SENATOR SEILER: Has more than one button or function...huh, you're right. I'm sorry. [LB403]

SENATOR SCHUMACHER: Thank you, Senator Seiler. [LB403]

SENATOR SEILER: I misspoke. [LB403]

SENATOR HOWARD: Time, Senators. Thank you, Senator Schumacher and Senator Seiler. Senator Kintner, you are recognized. Senator Kintner, you are recognized. [LB403]

SENATOR KINTNER: Thank you, Madam President. So, so far we've had this liken to something that happened to Boeing and when they had to ground some jets. I don't think we quite have the right magnitude here. This is lighters. This is not a jet plane with a problem that we have to fix. As a matter of fact, I would submit this isn't even a problem we have to fix because of all the other hazards in a typical household. Something Senator Chambers said that I totally agree with, he said: there's people that support this bill who are genuinely interested in children. And I don't doubt that one second. I believe everyone that supports this bill cares about kids. However, when we pass this bill, what about all the other hazards in a home that we're not outlawing. All we've done is we've put a small dent in all the hazards that are possibly out there. And I don't think this bill does anything. It adds a little more to our...another law. We can go back and say we feel good about it. But have we saved any lives? I just don't think so. And I would...since I mentioned Senator Chambers, I will yield the remainder of my time to Senator Chambers. [LB403]

SENATOR HOWARD: Senator Chambers, 3 minutes and 28 seconds. [LB403]

SENATOR CHAMBERS: Thank you, Madam President. Thank you, "King" Kintner, and here's why I say it. "King" Kintner stated, my kingdom for a horse. What I would say, were I a king, my kingdom for nuanced thinking. We have to draw distinctions and

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analyze and evaluate the items that we're talking about. I've already stated that were this a bill to outlaw every type of cigarette lighter, I would oppose it. We are picking the problem and this ought to be pleasing to those who talk about this so-called nanny state. Instead of painting with a broad brush, instead of trying to perform surgery with a meat axe, we are taking a very delicate scalpel with an edge sharp enough to drop a hair onto it and the weight of the hair would be sufficient to make that edge cut through that hair. In other words, this is a surgical type of operation. Senator Schumacher obviously is not familiar with the ins and outs of those esoteric organizations known as religions. No Pentecostal group is going to use a cigarette lighter to advertise anything. What they would tell you if you suggested it is you need to go to Revelations, the 21st chapter, the 8th verse, and you'll see that all whoremongers, sorcerers, gamblers, and all liars shall have their part in the lake that burns with fire and brimstone, which is the second death. And, by God, that fire will be struck with that lighter that you're trying to introduce into our midst, Brother Schumacher, and I would... [LB403]

SENATOR HOWARD: One minute. [LB403]

SENATOR CHAMBERS: ...suggest that you fast and pray for a few days to get your heart right. They are not going to use a cigarette lighter looking like a burning bush or anything else. So that example was for the purpose of making an example, not to try to state what these various religions might do. I use nuanced thinking myself, even when I'm in disagreement with something a person says, and I do that to indicate that it would be good if we'd be careful of the language that we use. I don't mean you have to talk like a book or a dictionary, not anything like that. But realize that to argue for the removal from sale of these types of lighters that are made to look like toys... [LB403]

SENATOR HOWARD: Time, Senator. [LB403]

SENATOR CHAMBERS: Thank you, Madam President. [LB403]

SENATOR HOWARD: Thank you, Senators Kintner and Chambers. Senator Chambers, you are recognized. [LB403]

SENATOR CHAMBERS: Continuing, these items that are made to look like toys are what we're looking at. This is not a slippery slope. Everybody on this floor knows or at one time knew that toys are made for children. Toys are advertised to parents who have children. We know this. It is a pathetic society which will lay aside its ability to think and reason when we're talking about the welfare of our children and bring up all kinds of arguments that have nothing to do with the safety of the children. Those arguments can and should be made so that a full record is created. If I, exercising my right to free speech, can speak against these items, you, exercising your right to free speech, must be allowed to speak for them. The arguments are designed to convince people which way they ought to go. This is an admission of weakness on my part. I let children do

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things with me that no adult or anybody of any significant age can do. Some little children came into my office a year or so ago; they swarmed everywhere. The teachers were worried about them doing this and that. I have papers everywhere. I say, leave the children alone, let them do what they want to do. Children come here. If I don't want them stepping on this, it shouldn't be on the floor. Then I was sitting down signing papers for them. They wanted me to sign their hands, sign their arms. I said, I don't know how your parents feel about me so I'm not going to sign any part of your body, because if they saw it they might cut it off. But I'll put it on a piece of paper and do a little sketch for you. While I'm doing this, I was seated at a desk and these little children came and put their hands all through my hair. I don't let people be putting their hands on my head, for sure, but with children I just grinned and bore it. These are children. I don't...I'm very concerned about hygiene. I don't know where children's hands have been. I don't know what kind of diseases they may have that would cripple somebody at my age. But they wanted to feel my mustache, they wanted to stroke my beard, and I let them do it. Children are special. They are not miniature adults. They are going through a stage and a phase of growth where everything, almost, is new to them. They are curious, inquisitive, and their inquisitiveness will lead them into areas where they can be hurt. There is nothing in my office that could hurt a child that I'm aware of, but if there's anything that might hurt a child, I will not let the child go there. I have some relatively small weights, for me, but they'd be heavy for a child and somebody else. And this little boy wanted to handle them. And I said to his mother, I'm not going to let him do that because he might be able to roll it and it could roll on his finger or on his foot, or he could pitch forward and his head would hit it. So on these things, that's off-limits, and I don't think that's unduly burdensome on me. But I feel a responsibility for any child who comes into that office. I feel a responsibility for children everywhere. And as I stated the other day, when the Red Coats were assembled under the balcony celebrating the birthday of one of their colleagues, this is what I told them. And I will look around this Chamber; I did a 360-degree turn and I consider you to be all my children. [LB403]

SENATOR HOWARD: One minute. [LB403]

SENATOR CHAMBERS: Thank you, Madam...oh, I have a minute. I am very serious about this particular issue. We don't need to have these kind of things that resemble toys when we know that in this society toys are the province of children. And I wish that Senator Coash, who has a charming young son wearing a Spider-Man necktie--we did a fist bump--would think how he would feel. Not just his child but any child would mistake one of these things for a toy. His son might go to somebody's house who is not as concerned about the welfare of children as we are because they have no children, and the lighter becomes a devastating source of a devastating injury. Thank you, Madam President. [LB403]

SENATOR HOWARD: Thank you, Senator Chambers, and that was your third time. Senators wishing to speak include Senator Ken Haar, Kintner, Carlson, and Wallman.

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Senator Haar, you are recognized. [LB403]

SENATOR HAAR: Madam President, members of the body, there are times when you don't have data but we have common sense. This is an area, it seems to me, if you can't produce all kinds of data showing, gee, kids have been hurt in Nebraska and all over the place, that's okay. Common sense tells us that cigarette lighter or lighters that look like toys will be used by children at times who don't realize the danger involved. Use some common sense. All of us who have been parents and grandparents know that sometimes it's just common sense. These kind of lighters are not necessary. Retail commerce in this state won't go to pot simply because these lighters can't be sold. They're dangerous, they're not necessary. And one of the things that happens is if enough states will pass this kind of law, these kind of lighters won't be produced anywhere, and that would be the best solution for children. So I stand in opposition to AM1660. I support LB403, and I think sometimes it's okay just to use common sense. Thank you very much. [LB403]

SENATOR HOWARD: Thank you, Senator Haar. Senator Kintner, you are recognized. [LB403]

SENATOR KINTNER: Thank you, Madam President. You know, we tend to see things here, after the big nanny states--New York and California--start doing it. Then they finally make its way to common-sense America, and Senator Haar talked about common sense. Well, common sense would say we can't ban everything that's going to hurt every kid. Why this? Why this and not something else? You know, we look at New York and I think in...say we...when Mayor Bloomberg, "Nanny" Bloomberg, was the mayor, he outlawed these. And they had a \$60,000 fine on it in New York City, but everything is bigger in New York. And you know, that's where these things go. They start out small, we'll just ban them, and the next thing you know we're fining someone \$60,000. So I appreciate Senator Coash for trying to put some common sense into what I think is an excessive and useless bill, simply trying to give a little bit of relief to small retailers who have stocked up on these things, who sell these things at truck stops. They don't sell them to kids. They sell them to truckers driving around and, you know, people traveling. And it makes total sense to me to try to polish up this bad bill a little bit by doing that. So I appreciate what Senator Coash is trying to do here and I would encourage everyone to, even if you do support a big nanny state and you do want to regulate the heck out of everything, at least you could offer a little bit of relief to the people that suffer from these regulations and vote for this. The other thing that comes to mind, I think I want to ask Senator Seiler a question, if he'll yield. [LB403]

SENATOR HOWARD: Senator Seiler, will you yield? [LB403]

SENATOR SEILER: I will. [LB403]

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SENATOR KINTNER: Once again, Senator Seiler, I do not question your sincerity. I do not question you wanting to help people. I know your heart is pure and your motives are good. But what percent of these lighter fires are regular lighters versus novelty? Did we...we never did establish that. Is that correct? [LB403]

SENATOR SEILER: I don't think there's any statistics on that. I don't think it matters, to my position. When that child comes into the burns unit and is all burned up, I don't care whether it's a regular lighter or a novelty lighter. What I'm talking about is a novelty lighter is more likely to have a child go to it because of its configuration of a tractor, a gun, that type of thing, than a regular lighter. [LB403]

SENATOR KINTNER: Well, if, you know, if there's, you know, 10 million regular lighters and 5,000 novelty lighters... [LB403]

SENATOR SEILER: I think you're just making up numbers now that have no fact in fiction. [LB403]

SENATOR KINTNER: Oh, okay. Well, thank you. You know, I don't see why we don't go after the...thank you, Senator Seiler. I don't see why we don't go after the problem. If lighters are a problem, go after lighters. I mean you're talking of such a small percentage of lighters here, I mean they're just not that plentiful. They're not...I rarely see them unless I'm at a counter of a truck stop or something. Why not outlaw lighters? And, gosh darn it, those kids figure out matches too. Why can't we outlaw matches? I mean it just doesn't make any sense to just go after this one, little, teeny segment and then we can say, gosh darn it, we did something. Boy, I feel better. We haven't really prevented any fires, but I guess we can go back and say to people, I legislated, I regulated, you're safer because I'm here. [LB403]

SENATOR HOWARD: One minute. [LB403]

SENATOR KINTNER: I just don't think that's the way that we ought to be doing things in this state. We need to be taking on the big issues. We need to be focusing on tax relief. We need to be focused on making sure the working man in this state has access to prosperity. This is not what we should be spending our time on and I just disagree this is the way to go. But I appreciate Senator Coash, you know, introducing this to try to put a little sanity in it. How much time do I have left? [LB403]

SENATOR HOWARD: Thirty seconds. [LB403]

SENATOR KINTNER: Oh, I was going to yield my time to Senator Seiler, but I think that about eats it up. Thank you, Madam President. [LB403]

SENATOR HOWARD: Thank you, Senator Kintner and Senator Seiler. Senator

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Carlson, you are recognized. [LB403]

SENATOR CARLSON: Thank you, Madam President and members of the Legislature. This is appropriate, what I'm going to say, because we're talking about fire. And Senator Chambers knows the Good Book and he quotes the Good Book, but in this case he said that there is no burning lake of fire. Well, Senator Chambers, by the truth of the book, there is a burning lake of fire. And I've talked to you about this before, about four years ago probably, but it's hot and it's going to be so hot. And it's hotter than you can imagine how hot that's going to be. Now when the day comes that a decision will be made for me about that lake of fire, I'm not going to be there. And I can only answer for myself. But I sincerely hope that you won't be there either and you will be with me. And with that, how much time do I have? [LB403]

SENATOR HOWARD: Three minutes, forty-six seconds. [LB403]

SENATOR CARLSON: Senator Chambers is out of time, and I would yield the balance of my time (inaudible). [LB403]

SENATOR HOWARD: Senator Chambers, you are recognized. [LB403]

SENATOR CHAMBERS: Thank you, Madam President. Thank you, "Parson" Carlson. But I must speak a word of chastisement. Get the transcript and if you can find where I said there is no lake of fire, I want everybody to hear this, I will give \$1,000 cash to your favorite charity. And if you discover that I did not say there's no lake of fire, you give me \$1,000 to give to my favorite charity. I'd like to ask "Parson" a question, if he will respond. You will probably refer to him as Senator Carlson. [LB403]

SENATOR HOWARD: Senator Carlson, will you yield? [LB403]

SENATOR CARLSON: Yes, I would. [LB403]

SENATOR CHAMBERS: Senator Carlson, will you agree to this--and it's not a wager--to this arrangement where somebody's charity is going to benefit to the tune of \$1,000? And here's the way I say it. If you can show in the transcript of my comments that I said there is no lake of fire, I will give that \$1,000. If, on the other hand, you read it and you fail to find where I said there is no lake of fire, you will give \$1,000 to the charity of my choice, and it would be Hearts United for Animals. Would you agree to that arrangement? If you listened, you shouldn't have any problem. [LB403]

SENATOR CARLSON: Well, Senator Chambers, you are not for gambling. You're calling this not gambling. I would say it is. I'm not for gambling. I'm capable of making a mistake and I certainly am going to look. And if I've made a mistake, I will admit the mistake. But I will not take you up on your offer. [LB403]

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SENATOR CHAMBERS: Do you think...were you paying attention when I was speaking? [LB403]

SENATOR CARLSON: I certainly thought that I was. [LB403]

SENATOR CHAMBERS: Then you have a fairly good idea of what you believe I said, and you expressed that idea. Then let's not make it quid pro quo; let's just give the quid. If I said what you claim I said, then I'll just give \$1,000 to the charity of your choice. Are you willing to accept that money from me to let it go to a charity of your choice? [LB403]

SENATOR CARLSON: I'm willing to go \$100. [LB403]

SENATOR CHAMBERS: You said what? [LB403]

SENATOR CARLSON: I'm willing to go \$100. [LB403]

SENATOR CHAMBERS: Don't spare me. (Laughter) I want it to be significant enough so people remember. But thank you for giving me the time. And I'm going to give...I'm going to put \$1,000 in his hands... [LB403]

SENATOR HOWARD: One minute. [LB403]

SENATOR CHAMBERS: ...and he can throw it away, he can give it to the children, he can do anything he pleases. And you know the lesson that I will be taught? That I did not pay attention to what I said. When I spoke of the lake that burns with fire and brimstone, my next words were, "which is the second death." And if he turns to that chapter and verse in Revelations, he will see it. However, I will get the transcript, and if I even misspoke and said what he says I did, then I should pay for it. Am I not the one who tells us to be careful of what we say, to be mindful of what we say, to know what we're speaking? I'm willing to put my money where my misspeaking mouth is, if I indeed misspoke. Thank you, Madam President. Thank you, "Parson" Carlson. And thank the Lord and pass the ammunition. [LB403]

SENATOR HOWARD: Thank you, Senator Chambers and Senator Carlson. Senator Wallman, you are recognized. [LB403]

SENATOR WALLMAN: Thank you, Madam President. Members of the body, this is turning in to be quite an interesting conversation and I'm for Senator Coash's amendment. And I would like to ask Senator Christensen a question if he's here. [LB403]

SENATOR HOWARD: Senator Christensen, will you yield? [LB403]

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SENATOR WALLMAN: He's not here? Okay. [LB403]

SENATOR HOWARD: Senator Christensen, will you yield? [LB403]

SENATOR CHRISTENSEN: Yes. [LB403]

SENATOR WALLMAN: Thank you, Senator. And I noticed you voted this out of committee, what was your reason and there were some proponents and opponents as well, what was your reason? [LB403]

SENATOR CHRISTENSEN: Well, I looked at it, I can understand both sides. I love the opportunity for free business enterprise, allow people to do things that way. But I also looked at...I understand the concerns and what happens with people grabbing a...what looks like a cap gun, maybe, and it's a lighter. How a kid could accidentally grab it and get burned and hurt. I understand that end of it, it's easy. I believe in the parents' accountability. And so I could vote either way on this one; I really, truly could because I believe in the personal responsibility. I believe that everyone needs to protect their own family. But in the case where we do have people that the kids grab it because the parents forget and leave it there, or whatever the case is, they find it, I understand that concern. So I wanted to vote it out of committee, let the floor have full debate on it. And I just reserve the right, as we all have, to vote either way. But I wanted to have the floor discussion because I do believe it's an important discussion to have because I can agree, I could vote either way and sell it either way. [LB403]

SENATOR WALLMAN: Okay, thank you, Senator. Would Senator Karpisek answer two questions? [LB403]

SENATOR HOWARD: Senator Karpisek, will you yield? [LB403]

SENATOR KARPISEK: Yes, I will. [LB403]

SENATOR WALLMAN: Thank you, Senator. Isn't it ironic if we would have passed this first, maybe we wouldn't have had to have a smoking ban. [LB403]

SENATOR LAUTENBAUGH: (Laugh) Well, maybe, Senator Wallman. I would have been in favor of that. [LB403]

SENATOR WALLMAN: And I can see why retailers are a little apprehensive about what's next. And Senator Coash, I think, his amendment I'll probably support. And I also appreciate the firemen. And nobody wants to see a child hurt. Thank you, Madam President. [LB403]

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SENATOR HOWARD: Thank you, Senator Wallman, Karpisek, and Christensen. Senator Schilz, you are recognized. [LB403]

SENATOR SCHILZ: Question. [LB403]

SENATOR HOWARD: Senator Schilz, there's no need for the question inasmuch as you were the last light on. Senator Coash, you are recognized to close. Senator Coash waives closing. The question is: shall AM1660 to LB403 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish to? Senator Coash, you are recognized. [LB403]

SENATOR COASH: (Microphone malfunction) Call of the house (inaudible). [LB403]

SENATOR HOWARD: 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. [LB403]

CLERK: 37 ayes, 0 nays, Madam President, to place the house under call. [LB403]

SENATOR HOWARD: 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. Senators Carlson, Dubas, Campbell, and Burke Harr, please return to the floor, the house is under call. Senator Coash, all members are present and accounted for. How would you like to proceed? [LB403]

SENATOR COASH: (Microphone malfunction.) Roll call (inaudible) please. [LB403]

SENATOR HOWARD: There's been a request for a roll call vote. Mr. Clerk. [LB403]

CLERK: (Roll call vote taken, Legislative Journal page 288.) 17 ayes, 29 nays, Madam President, on the amendment. [LB403]

SENATOR HOWARD: Raise the call. The amendment is not adopted. Items for the record, Mr. Clerk. We will proceed on the agenda. Mr. Clerk. [LB403]

CLERK: Madam President, Senator Kintner, would move to amend with FA175. (Legislative Journal page 288.) [LB403]

SENATOR HOWARD: Senator Kintner, you are recognized to open on your amendment. [LB403]

SENATOR KINTNER: Pretty simple amendment, I'm just adding the word "and" to the

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word "or" on line 21 so it says "and/or." That's it, very simple. Just wanted to try to clean it up a little bit. But you know what, I think people come down here and they're sitting there and they go, what are we going to do, we're down here? We've spent all the money. Well let's start regulating. And they figure, we know people sent us down here to do something, so let's regulate their life; let's tell them how to live. You know, we're down here in Lincoln; we're the smart people. And these people at home, they're just not smart enough to keep a lighter away from kids; they're not smart enough to run their family. The smart people here in Lincoln, a matter of fact, the 49 smartest people sitting right here are the ones that need to run their life and they need to order their family for them because, you know, there are too many people in our state that just can't do that. They just can't run their own family. You know what, that's flat out offensive. The fact that there are only what, 16...17 people that...that...a very...very soft amendment by (Senator) Coash. And everyone else in this body just has to regulate; we just have to tell people how to live. I assure you, there are plenty people sitting at home right, they're just shaking their head. Just shaking their head that we think so little of the people of our state that we have to tell them how to run their life. If that doesn't cook your goose, I don't know what does. There is no end to what we will do in our state to regulate your life. If...if you look at these lighters, if it's so bad why aren't we outlawing lighters period? You know, while we're at it, how about candles? We have open candles in homes. Holy cow, that's a fire hazard. But you know we're not outlawing that, we're outlawing something that's not going to do squat, it's not going to amount to a hill of beans. But you can say you regulated. You can feel better, but you can go back and tell people, I protected you from your own actions. I protected your family from your own actions. I don't think that's the best of this body. I think we can do better. And it amazes me, absolutely amazes me that we think that we know better than parents. I want to tell the people at home, there are some people down here, it looks like 17 of us, that think that you can run your family and you can do just fine on your own. I also looked...you know, the obvious solution might be to just ban all toys, then children can just play with matches. I mean, there are a lot of ways to get hurt with toys. You can fall off a rocking horse; you can hurt your head. How about helmets? When you ride a rocking horse, why not wear a helmet. There are a few other things we can do. Why do we allow knives in homes? Why do we allow you to have sharp objects in your home? A kid could grab that sharp object; he could hurt himself. Maybe we should ban that. How about aluminum cans with marketing messages for kids? You know, they might cut their fingers trying to open those cans. Those kids could hurt themselves. Maybe we should regulate that. I got it. How about state mandatory lighter operation classes in every school? In case the kid does find the lighter, maybe we should teach him how to safely operate it. Maybe we should teach them when you're young you find a lighter, what should you do with it? Give it to your parents. Maybe we need to have these safety classes in every school. If we're going to have a nanny state, why have a crappy nanny state? Why not have a good nanny state? We teach every little kid how to be safe; every parent how to be a good parent and we can do it in our schools. You know what, those little power wheels that motorize toys...you know, toy cars that kids love, maybe

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we should ban those because they might go out in the street. Once they go out in a street, wouldn't a kid run out in the street to try to grab it. Boom. Get's hit by a car. We better ban that too. There is just absolutely no stopping once we get started on this. And I would submit to my fellow legislators and those people at home that we do not know what's better for your family. You know what's better for your family. And I think that we're wrong to try to legislate how families live and what they do. Because there's a lot more harm possible in a house than these little novelty lighters. We're just spitting in the wind with this one. Thank you, Madam President. [LB403]

SENATOR HOWARD: Thank you, Senator Kintner. Members, you've heard the opening to FA175. The floor is now open for debate. Senator Chambers, you are recognized. [LB403]

SENATOR CHAMBERS: Thank you. Madam President, members of the Legislature, I'd like to ask Senator Kintner a question. [LB403]

SENATOR HOWARD: Senator Kintner, will you yield? [LB403]

SENATOR KINTNER: I would love to. [LB403]

SENATOR CHAMBERS: Senator Kintner, what happened on April 18, 1775? [LB403]

SENATOR KINTNER: I do not know. [LB403]

SENATOR CHAMBERS: Listen my children and you shall hear of the midnight ride of Paul Revere, twas the eighteenth of April, seventy-five; hardly a man is yet alive who remembers that famous day and year. He said to his friend: If the British march by land or by sea from the town tonight, hang a lantern aloft in the belfry arch of the old church tower as a signal light--one if by land, two if by sea. I on the opposite shore shall be ready to ride and spread the alarm to every Middlesex village and farm; to the country folk to be up and to arm. Have you ever heard such a thing as that, Senator Kintner? [LB403]

SENATOR KINTNER: Yes, I have. I thought you said 1875, I'm sorry. [LB403]

SENATOR CHAMBERS: Now...and it said: "hardly a man is yet alive." I'm one of them that keeps it from being none. Well, some people say that really it was William Dawes who made that ride, D-a-w-e-s. So all I would do is say: Listen my children while I pause to tell you the story of William Dawes. Then you could say the rest of it. But I don't think adequate recognition is given of that famous ride whoever made it. So I think if we're in session on the eighteenth of April, this year, we ought to have a resolution to the one who, perhaps, made it possible to even have this country, to have this Legislature. And I will be the sponsor of that resolution to honor forever Paul Revere's horse. Thank you.

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[LB403]

SENATOR HOWARD: Thank you, Senator Chambers. Mr. Clerk, items for the record.
[LB403]

CLERK: Thank you, Madam President. New bills: (Read LB986-1012, by title for the first time.) In addition, Mr. President, new resolutions: LR414, Senator Davis. Pursuant to its introduction, a communication from the Speaker directing LR414 be referred to Reference Committee. LR415 is by Senator Dubas. That will be laid over. Senator Karpisek offers LR416CA. It's a proposed constitutional amendment to Article III, Section 24 of the Nebraska Constitution. I have hearing notices from Education, Health and Human Services, and the Judiciary Committee, all signed by the respective Chairs. Senator Christensen would like to withdraw LB957, that will be laid over at this time. Reminder: Reference will meet upon adjournment. Name add: Senator Wallman to add his name to LB976. (Legislative Journal page 289-298.) [LB986 LB987 LB988 LB989 LB990 LB991 LB992 LB993 LB994 LB995 LB996 LB997 LB998 LB999 LB1000 LB1001 LB1002 LB1003 LB1004 LB1005 LB1006 LB1007 LB1008 LB1009 LB1010 LB1011 LB1012 LR414 LR415 LR416CA LB957 LB976]

And, Mr. President, a priority motion: Senator Adams would move to adjourn the body until Wednesday, January 22, at 9:00 a.m.

SENATOR HOWARD: Members, you've heard the priority motion. All those in favor say aye. Opposed say nay. We are adjourned.