

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

Floor Debate
January 27, 2016

[LB47 LB131 LB190 LB270 LB276 LB285 LB289 LB471 LB618 LB689 LB700 LB703
LB705 LB729 LB758 LB772 LB798 LB819 LB840 LB864 LB1030 LR231]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS REVEREND SCOTT PORATH OF THE IMMANUEL LUTHERAN CHURCH IN EAGLE, NEBRASKA, SENATOR KINTNER'S DISTRICT. PLEASE RISE.

REVEREND PORATH: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, REVEREND PORATH. I CALL TO ORDER THE FIFTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY MESSAGES, REPORTS OR ANNOUNCEMENTS?

CLERK: YOUR COMMITTEE ON ENROLLMENT AND REVIEW...I'M SORRY, YOUR COMMITTEE ON URBAN AFFAIRS, CHAIRED BY SENATOR CRAWFORD, REPORTS LB864 TO GENERAL FILE; LB700, LB703, LB705 TO GENERAL FILE WITH AMENDMENTS. I HAVE A REFERENCE REPORT REREFERRING LB1095 FROM THE JUDICIARY COMMITTEE TO THE REVENUE COMMITTEE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 427-428.) [LB864 LB700 LB703 LB705]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, GENERAL FILE, 2016 SENATOR PRIORITY BILL. MR. CLERK.

CLERK: MR. PRESIDENT, LB289, A BILL BY SENATOR EBKE. IT'S A BILL FOR AN ACT THAT DEALS WITH REGULATION OF FIREARMS, AMMUNITION, AND FIREARM ACCESSORIES BY POLITICAL SUBDIVISIONS. THE LEGISLATURE HAS BEEN DISCUSSING THE BILL. AT THE TIME THE ISSUE WAS LEFT YESTERDAY, THERE WAS A MOTION TO RECONSIDER A MOTION TO RECOMMIT TO THE JUDICIARY COMMITTEE THAT HAD BEEN OFFERED BY SENATOR CHAMBERS. A RECONSIDER IS ALSO OFFERED BY SENATOR CHAMBERS. THAT MOTION IS PENDING, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR EBKE, WOULD YOU LIKE TO TAKE 30 SECONDS OR SO JUST TO REFRESH US THEN WHERE WE LEFT OFF YESTERDAY? [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I WILL TAKE LESS THAN 30 SECONDS. THE TOPIC OF THE BILL HAS BEEN PRETTY WELL DISCUSSED OVER THE LAST COUPLE OF DAYS. IT IS A PREEMPTION BILL WHICH WOULD PREVENT LOCAL SUBDIVISIONS FROM ENACTING ORDINANCES WHICH ARE STRICTER THAN THE CURRENT GUN LAWS ON THE BOOKS BY THE STATE OF NEBRASKA. I WOULD URGE A NO VOTE ON THE RECONSIDER AND A NO VOTE...WELL, THAT WILL GET US TO THAT, AND THEN WE WILL MOVE ON TO OTHER AMENDMENTS, HOPEFULLY WHICH ARE IMPORTANT AND GERMANE TO THE BILL. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. WE HAVE SIX SENATORS IN THE SPEAKING QUEUE, BUT BEFORE PROCEEDING TO THE QUEUE, SENATOR CHAMBERS, WOULD YOU LIKE TO TAKE 30 SECONDS TO REMIND US OF YOUR MOTION? [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, AS MENTIONED, THIS IS A RECONSIDERATION MOTION. MY MOTION THAT IS BEING RECONSIDERED WAS TO RECOMMIT THE BILL TO COMMITTEE. THAT HAVING BEEN VOTED DOWN, I'LL OFFER THIS RECOMMIT...I MEAN, THIS RECONSIDERATION OF THAT MOTION. THAT'S WHAT IS BEFORE US. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KRIST, YOU'RE FIRST IN THE SPEAKING QUEUE. [LB289]

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SENATOR KRIST: THANK YOU. GOOD MORNING, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I WANT TO COMPLIMENT SENATOR McCOY ON REMINDING US OF THE HISTORY OF REALLY TOUGH ISSUES AND HOW THEY GET RESOLVED. AND I ALSO WANT TO TELL YOU, IF YOU'RE LISTENING, THERE'S A COUPLE WAYS THAT THOSE ISSUES CAN BE RESOLVED. ONE, IS WHAT WE TRIED EARLIER, AND I SAID, I AM SORRY I VOTED IT OUT OF COMMITTEE, I WANT IT TO GO BACK TO COMMITTEE SO WE CAN WORK ON IT AND HAVE SEVERAL MONTHS TO HAVE A COMPROMISE, AND BRING IT BACK, WHICH WE'VE BEEN ASSURED THAT THE SPEAKER WILL DO. THE OTHER WAY IS TO TAKE EVERYBODY DOWN TO DAVE PANKONIN'S BANK AND LOCK OURSELF UP. NOW IF SENATOR McCOY WERE HERE, I WOULD ASK HIM--BECAUSE HE WAS PART OF THAT GROUP--WOULD HE CONSIDER THAT TO BE A SPECIAL COMMITTEE OR A COMMITTEE OF THOSE WHO ARE ON OPPOSITE SIDES OF THE ISSUE WHO REACHED A CONSENSUS AND A COMPROMISE AND BROUGHT THAT BACK. AND I WOULD HOPE THAT SENATOR EBKE TAKES NOTE BECAUSE THAT'S WHAT NEEDS TO BE DONE WITH THIS BILL. DO YOU KNOW HOW LONG IT TOOK TO GET THE CONCEALED CARRY LEGISLATION THROUGH THIS BODY? THREE YEARS. ACTUALLY FIVE WHEN YOU START TALKING ABOUT WORKING ON THE ISSUE, GETTING TO THE FLOOR WITH THE ISSUE, DEBATING THE ISSUE, AND THEN FINALLY VOTING ON IT. SENATOR McCOY'S RIGHT. THIS BODY HAS A WONDERFUL OPPORTUNITY TO WORK ON SOMETHING AND REACH A COMPROMISE, BUT THE INTRODUCER OF THIS BILL, AND THOSE WHO HAVE BEEN IN OPPOSITION TO ITS PRESENT FORM, CANNOT REACH A COMPROMISE. SO SOME TIME MID-MORNING, WE'RE GOING TO GO TO A CLOTURE VOTE AND THIS BILL WILL DIE. THAT'S A SHAME. IT'S A SHAME THERE'S NOT A COMPROMISE REACHED ON FOLKS WHO WANT TO TRANSPORT THEIR WEAPONS FROM BENNINGTON TO THE BULLET HOLE WITHOUT BEING ENCUMBERED. I GET THAT. I GET THAT. WHAT I DON'T GET IS WHY IT'S SO HARD-LINED THAT YOU'RE EITHER WITH ME OR AGAINST ME. THREE YEARS TO WORK ON AN ISSUE FOR CONCEALED CARRY, AND WE WANT TO FORCE THIS THROUGH IN SIX HOURS, AND FOUR HOURS, AND TWO HOURS, BECAUSE THAT'S WHAT IT'S GOING TO BE IF THE CLOTURE VOTE IS SUCCESSFUL. NOW, I KNOW EVERYONE OF ANY CONCERN WITH THIS ISSUE, INCLUDING THE SPEAKER, HAS TRIED TO BRING US TO A POINT OF COMPROMISE. IT'S NOT GOING TO HAPPEN, FOLKS. SO WHETHER IT GOES BACK TO COMMITTEE BY CHOICE, OR WHETHER IT GOES BACK TO COMMITTEE NEXT YEAR, IT WILL GO BACK TO COMMITTEE. THIS ISSUE IS NOT DONE. IF YOU'RE IN YOUR LAST YEAR OF THE LEGISLATURE, DON'T RUSH TO PUT SOMETHING ON THE BOOKS THAT IS NOT CORRECT, IT'S NOT RIGHT, AND LB289 IS NOT RIGHT. IT'S NOT CORRECT. AND IF YOU'RE NOT, THEN ACCEPT THE CHALLENGE OF COMING BACK TO THIS BODY AND PRESENTING A LOGICAL

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CONSENSUS LEGISLATION THAT GOES FORWARD IN THE BEST INTEREST OF ALL PARTIES IN NEBRASKA. BE ON NOTICE, MAYORS OF ALL THE SMALL TOWNS. I KNOW SENATOR JOHNSON WAS A MAYOR. I KNOW OTHERS WERE MAYORS. BE ON NOTICE. BE ON NOTICE SCHOOL BOARDS BECAUSE IF WE DECIDE TO TELL YOU, YOU CAN'T DO SOMETHING, WE WILL. WE'LL JUST TELL YOU NO, YOU CAN'T REGULATE YOUR SOLID WASTE, YOU CAN'T REGULATE THE KIND OF THINGS THAT ARE BEING DUMPED IN YOUR BACK YARD. IN SENATOR STINNER'S DISTRICT, THAT'S A HUGE ISSUE. WE'LL JUST TELL YOU FROM THE STATE, DUMP IT. DUMP IT RIGHT THERE. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR KRIST: THIS IS LOCAL CONTROL IN ITS PRESENT FORM, AN INTERRUPTION OF LOCAL CONTROL IN ITS PRESENT FORM. THERE'S A PLACE FOR THIS KIND OF LEGISLATION. THERE'S A TIME FOR THIS KIND OF LEGISLATION. IT'S NOT NOW, AND IT'S NOT THIS PIECE OF LEGISLATION. SOMEBODY GET UP ON THE FLOOR WHO'S LOCAL CONTROL AND TELL ME HOW IT'S OKAY TO TELL LINCOLN AND OMAHA, YOU'RE DONE. YOUR ORDINANCES ARE NO LONGER. AND THEN THINK ABOUT YOUR OWN TOWNS, YOUR OWN VILLAGES, YOUR OWN CITIES. WHEN YOU VOTE ON CLOTURE TODAY, YOU ARE VOTING AGAINST LOCAL CONTROL. YOU'RE NOT VOTING FOR CONSTITUTIONAL RIGHTS. WE'LL DEAL WITH THAT IN THE NEXT COUPLE OF YEARS. WE'LL MAKE THIS RIGHT. THIS IS LOCAL CONTROL. [LB289]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR KRIST. SENATOR MELLO, TO BE FOLLOWED BY SENATORS GROENE, MORFELD, SCHNOOR, CHAMBERS, AND SEVERAL OTHERS. SENATOR MELLO. [LB289]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I RISE TODAY, UNFORTUNATELY, TO STILL HAVE TO OPPOSE LB289 AS IT'S DRAFTED. AS I APPRECIATE SENATOR EBKE AND SENATOR SCHNOOR TAKING TIME YESTERDAY AFTERNOON TO MEET WITH MYSELF AND A MEMBER OF THE OMAHA POLICE DEPARTMENT TO DISCUSS A LITTLE BIT MORE OF THE CONCERNS THAT LAW ENFORCEMENT HAS RAISED ABOUT THE UNDERLYING BILL, LB289, WE WERE ABLE TO GO THROUGH SOME OF THE MORE DETAILED ASPECTS OF WHY THE CITY OF OMAHA HAS UTILIZED A HANDGUN REGISTRY IN REGARDS TO HELPING KEEP GUNS OUT OF THE HANDS OF GANG MEMBERS AND VIOLENT CRIMINALS AS WELL AS THOSE WITH MENTAL ILLNESS. WE WERE ABLE TO DISCUSS A LITTLE BIT MORE IN REGARDS TO WHY THE CITY OF OMAHA

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HAS SUCH ORDINANCES NOT ALLOWING MACHINE GUNS TO BE PRESENT WITHIN THE CITY AS WELL AS OTHER ORDINANCE SURROUNDING THE AGE OF 18 TO 21 IN REGARDS TO WHY THE CITY OF OMAHA CREATED THE ORDINANCE TO ENSURE YOUNG GANG MEMBERS WOULDN'T GET THEIR HANDS ON FIREARMS. UNFORTUNATELY, I THINK, AFTER THAT MEETING THERE JUST WASN'T THE ABILITY, I THINK, ON THOSE WHO SUPPORT LB289 AND BROUGHT THE BILL WITH SENATOR EBKE TO SEE THE RATIONALE IN REGARDS TO WHY LAW ENFORCEMENT DOESN'T WANT THIS BILL TO IMPACT THE CITY OF OMAHA AND, THUS, THE CITY OF LINCOLN AS WELL. I'M DISAPPOINTED. I KNOW SENATOR EBKE HAD COME UP WITH AN AMENDMENT THAT ADDRESSES OR TRIES TO ADDRESS THE 18 TO 21 AGE ISSUE REGARDING GANG MEMBERS GETTING ACCESS TO HANDGUNS, BUT, COLLEAGUES, I'VE BEEN INVOLVED WITH A NUMBER OF YOU IN REGARDS TO SOME FAIRLY DIFFICULT NEGOTIATIONS ON LEGISLATION REGARDING UBER AND LYFT LAST YEAR, REGARDING WATER FUNDING AND WATER POLICY IN 2014, OUTSIDE OF OTHER TAX-RELATED ISSUES THAT WE NEGOTIATED REGARDING THE OCCUPATION TAX LIMITATION IN 2012. AND EVERY TIME THAT YOU SIT DOWN AND TRY TO BUILD COMPROMISE OR YOU TRY TO NEGOTIATE TO YES, BOTH SIDES HAVE TO GIVE SOMETHING UP ALONG THE WAY. AND IN THIS CONVERSATION, UNFORTUNATELY, I'VE BEEN HAVING THE LAST COUPLE DAYS, I JUST FEEL I'VE NOT HEARD THAT GIVING UP ANYTHING FROM THE OTHER SIDE, THOSE WHO SUPPORT LB289. I'VE THROWN OUT ANYTHING THAT'S ON THE TABLE IN A SENSE OF WE WANT TO RESTRICT LAWS MOVING FORWARD, WE CAN CONSIDER DOING THAT, BUT THE REALITY IS THE CITY OF OMAHA SPENT 30-PLUS YEARS FINELY CRAFTING ORDINANCES WITH THE DIRECTION AND ASSISTANCE OF LAW ENFORCEMENT TO ADDRESS SPECIFIC NEEDS TO THAT COMMUNITY. IT'S NOT THE SAME COMMUNITY NEEDS THAT CRETE HAS. IT'S NOT THE SAME COMMUNITY NEEDS THAT PAPPILLION HAS OR SCRIBNER OR ANYWHERE ELSE IN THE STATE. I THINK WE CAN ALL AGREE THAT THE CITY OF OMAHA HAS SOME VERY UNIQUE GUN VIOLENCE AND GANG-RELATED CHALLENGES. AND IT'S JUST UNFORTUNATE, AND TO SOME EXTENT IT'S DISAPPOINTING, TO SEE THAT OUTSIDE ORGANIZATIONS HAVE THAT MUCH INFLUENCE IN REGARDS TO PEOPLE BEING ABLE TO SIT DOWN AND HAVE A REASONABLE, RATIONAL NEGOTIATION ABOUT TRYING TO ENHANCE AND PROTECT PUBLIC SAFETY. NO ONE I TALKED TO IN REGARDS TO THE LAST THREE DAYS WHO WANTS TO SEE A COMPROMISE, THINKS THAT WE ARE ABSOLUTELY INFRINGING ON SOMEONE'S GUN RIGHTS BECAUSE IF WE WERE, THERE WOULD HAVE BEEN A CONSTITUTIONAL CHALLENGE FILED BY SOMEONE OVER THE LAST 30 YEARS. SENATOR KINTNER HASN'T SAID THAT. SENATOR GROENE HASN'T SAID THAT, SENATOR EBKE, NO ONE WHO HAS BEEN SPEAKING IN SUPPORT OF THE BILL HAS CHALLENGED THAT ONE MAIN PREMISE. IF THIS IS

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UNCONSTITUTIONAL WITH THESE ORDINANCES, WHY HASN'T THERE BEEN A LEGAL CHALLENGE? GET ON THE FLOOR AND EXPLAIN THAT TO US TODAY IN THE HOUR AND 20 MINUTES WE HAVE. THE REALITY IS, IT'S DIFFICULT BECAUSE YOU KNOW YOU CAN'T. AND SENATOR MORFELD WALKED US THROUGH THAT YESTERDAY OF WHY THESE ARE NOT UNCONSTITUTIONAL. BUT THAT'S NEITHER HERE NOR THERE. I DO APPRECIATE SENATOR EBKE TAKING AN AWFUL LOT OF TIME TO TALK WITH ME ABOUT CONCERNS THAT HAVE BEEN RAISED. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR MELLO: SENATOR SCHNOOR WAS GENUINE IN REGARDS TO WANTING TO TALK MORE ABOUT THIS ISSUE AND HAD GREAT QUESTIONS ABOUT LAW ENFORCEMENT YESTERDAY, BUT OBVIOUSLY THEIR OPPOSITION STILL STANDS. AND MY OPPOSITION TO THE BILL AS DRAFTED STILL STANDS BECAUSE WE'RE NOT RESTRICTING SOMEONE WHO HAS GOT A CONCEALED CARRY PERMIT IN REGARDS TO BRINGING A FIREARM INTO THE CITY OF OMAHA AND LINCOLN. THAT, COLLEAGUES, THIS BILL DOES NOT DO. STATE LAW OVERSEES AND SUPERSEDES THAT. FOR ALL THOSE E-MAILS PEOPLE ARE SENDING ABOUT RESTRICTING CONCEALED CARRY PERMIT HOLDERS, THAT'S NOT HAPPENING WITH THIS BILL. PLEASE, LET'S CORRECT THE RECORD AND TALK ABOUT FACTS IN A DEBATE, NOT INCITE PEOPLE WITH MISINFORMATION. I'M JUST DISAPPOINTED, COLLEAGUES, THAT THIS IS AN ISSUE THAT WE SHOULD HAVE BEEN ABLE TO FIND A COMPROMISE ON. WE COULD HAVE EXPANDED REASONABLE GUN RIGHTS FOR THOUSANDS OF NEBRASKANS, BUT UNFORTUNATELY PEOPLE JUST DIDN'T WANT TO DO THAT BECAUSE IT WAS THEIR WAY OR NO WAY. [LB289]

PRESIDENT FOLEY: TIME, SENATOR. [LB289]

SENATOR MELLO: IT'S UNFORTUNATE. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. (DOCTOR OF THE DAY INTRODUCED.) SENATOR GROENE. [LB289]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. WITH ME OR AGAINST ME. I STAND WITH THE STATE CONSTITUTION. THE STATE CONSTITUTION SAYS INFRINGED BY THE STATE OR ANY SUBDIVISION THEREOF. THAT'S WHAT IT SAYS. I STAND WITH THE STATE CONSTITUTION. ARE WE GOING TO GO BACKWARDS TO MEDIEVAL TIMES OF CITY STATES WITH SELF-RULE? THAT'S WHAT WE CAME

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FROM. YOU DRIVE TO ONE CITY TO THE NEXT AND THEY HAVE A DIFFERENT STATUTES, DIFFERENT RULES THAT OVERRIDE WHAT THE STATE CONSTITUTION SAYS. THAT'S WHAT WE ARE DISCUSSING HERE RIGHT NOW. WE ARE DISCUSSING, ARE WE GOING TO GO BACK TO MEDIEVAL TIMES OF CITY STATES? I HAVE TO SIDE WITH THE STATE CONSTITUTION. WE HAVE LEVELS OF GOVERNMENT HERE. OUR STATE CONSTITUTION TRUMPS ANYTHING THAT A LOCAL GOVERNMENT DOES OR FEELS, FEELS THAT THEY NEED TO DO. MY AIDE GOT AHOLD OF DOUGLAS COUNTY AND TALKED TO THE PURCHASE PERMITS, TALKED TO THE...EXCUSE ME, THE CITY. OPD GUN REGISTRATION PAST FIVE YEARS: 2015, 3,198; 2014, 2,792; 2013, 3,846; 2012, 3,657; 2011, 2,930. THAT'S 16,431 PERMITS. DOES ANYBODY IN THIS BODY BELIEVE IN THE METROPOLITAN CITY OF OMAHA THERE ARE ONLY 16,431 HANDGUNS? THIS IS A VOLUNTARY...IF YOU WANT TO PUT AN AMENDMENT THAT A CITY CAN HAVE A VOLUNTARY REGISTRATION, I'M ALL FOR IT. RIGHT NOW, IT'S VOLUNTARY; 16,431 GUNS IN THE ENTIRE CITY OF OMAHA. DOES ANYBODY BELIEVE THAT? THIS IS A JOKE. WHAT IT TELLS ME IS THE CITIZENS OF NEBRASKA KNOW THEY HAVE A RIGHT THAT CANNOT BE INFRINGED OF. THE CITIZENS WHO LIVE IN OMAHA, I'M NOT GOING TO DO THAT. THAT'S UNCONSTITUTIONAL. YESTERDAY ON THE FLOOR, ONE OF THE PROPONENTS SAID, THIS IS...OMAHA ISN'T ELKHORN. WELL, I DON'T KNOW IF YOU NOTICED, BUT ELKHORN WAS ANNEXED BY OMAHA. THERE IS NO SUCH THING AS ELKHORN ANYMORE. IT'S PART OF OMAHA. DO YOU REALLY BELIEVE THE CITIZENS OF ELKHORN THAT HAD HANDGUNS RIGHT AWAY THE DAY AFTER THEY WERE ANNEXED, RAN DOWN AND REGISTERED THEIR HANDGUNS? THE PEOPLE OF OMAHA, THE PEOPLE OF LINCOLN KNOW THEIR RIGHTS, AND THEY'RE NOT GOING TO LET SOME CITY COUNCIL PERSON OVERRIDE THOSE STATE RIGHTS. ANY ATTEMPT TO AMEND, RIGHT NOW WE STAND WITH THE STATE CONSTITUTION AND WE STAND WITH CITY ORDINANCES. ANY AMENDMENT TO THIS LAW, LB289, WOULD BE A CONCESSION TO WHAT WE ALREADY HAVE, WOULD BE AGAINST STATE CONSTITUTION. TO SAY IT DOESN'T INFRINGE, SO I DO NOT REGISTER MY GUN. I HAVE A RIGHT TO OWN THAT. THE CITY COMES IN AND TAKES THAT GUN BECAUSE YOU DID NOT REGISTER IT. EXPLAIN TO ME THE DEFINITION OF INFRINGEMENT. THIRTY-THREE MURDERS LAST YEAR IN OMAHA, 50 THIS YEAR. THESE FEEL-GOOD ATTEMPTS... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR GROENE: ...HAVE DONE NOTHING, HAVE DONE NOTHING. IF YOU WANT TO MAKE A VOLUNTARY REGISTRATION, I'M ALL FOR IT. THERE'S A LOT OF FOLKS ARE FEARFUL THAT THEIR GUN MIGHT BE STOLEN. THAT WAY IF IT'S STOLEN, THEY CAN TELL THE POLICE OFFICER THEIR PROPERTY. THEY COULD

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DO IT ON THEIR CDs OR ANYTHING ELSE THEY HAD IF THEY WANTED TO REGISTER IT SOMEWHERE. INSURANCE COMPANIES ADVISE YOU DOING THAT. BUT TO MANDATE IT? ANY AMENDMENT TO THIS BILL THAT GIVES THE CITIES POWER, CONTRARY TO THE CONSTITUTION, IS CONTRARY TO WHAT SENATOR EBKE IS TRYING TO DO HERE, TO GUARANTEE THE RIGHTS NO MATTER WHERE YOU LIVE IN THE STATE OF NEBRASKA, THAT YOU HAVE AN UNDENIABLE RIGHT TO OWN A FIREARM. THANK YOU. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB289]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I'LL JUST ECHO A LITTLE BIT WHAT SENATOR MELLO SAID JUST A FEW MINUTES AGO. WE'VE WORKED HARD TO TRY TO FIND A COMPROMISE TO REALLY ADDRESS THE CORE OF THIS ISSUE. AND THE CORE OF THIS ISSUE THAT WAS BROUGHT UP, AND I REREVIEWED THE COMMITTEE TRANSCRIPT THAT WAS BROUGHT UP TIME AFTER TIME OF THE PROPONENTS OF THIS BILL AND THE INTRODUCER, WAS THE FEAR THAT LAW-ABIDING CITIZENS TRANSPORTING WEAPONS INTO DIFFERENT JURISDICTIONS, AND NOT KNOWING WHAT THE LAWS OF THOSE CITIES AND JURISDICTIONS WERE, WOULD UNKNOWINGLY VIOLATE LAW AND BE DETAINED. AND MY AMENDMENT, AM1915 ADDRESSES THAT. IT TAKES THE LANGUAGE FROM THE FEDERAL INTERSTATE FIREARM OWNERS PROTECTION ACT AND PUTS IT INTO STATE STATUTE FOR INTRASTATE WITHIN THE STATE TRAVEL. HOWEVER, WE HAVE SAT DOWN WITH SENATOR EBKE, AND I APPRECIATE SENATOR EBKE AND SENATOR SCHNOOR TAKING THE TIME TO SIT DOWN AND TALK TO US, BUT THEY HAVE TOLD US THAT THEY'D RATHER SEE THIS BILL DIE THAN COME TO ANY COMPROMISE THAT ADDRESSES THE OVERWHELMING CONCERNS--AND I'VE RECEIVED A LOT OF E-MAILS AND ROBOCALLS--AND THE NUMBER ONE CONCERN IS TRANSPORTATION, TRANSPORTATION, THAT'S WHAT THIS AMENDMENT DOES, WITHOUT TAKING LOCAL CONTROL. I THINK THAT FOR ALL OF THE RULES, SENATORS, IN HERE, AND PARTICULAR THIS SHOULD BE A CAUTIONARY TALE. BECAUSE I SEE THE 2020 CENSUS NUMBERS, WE'RE GOING TO START LOSING MORE SEATS FROM RURAL AREAS, AND PRETTY SOON SINCE WE TAKE IN ALL LOCAL CONTROL FOR GUN REGULATION AWAY FROM RURAL AND URBAN AREAS IN NEBRASKA, THERE'S GOING TO BE MORE URBAN SENATORS DECIDING WHAT OUR STATEWIDE POLICY IS ON GUN RIGHTS. SO, GOOD LUCK. THAT'S WHY WE HAVE LOCAL CONTROL. I WAS TALKING TO SENATOR EBKE YESTERDAY, AND SHE ASKED ME, WELL, TELL ME ANOTHER AREA, ANOTHER CONSTITUTIONAL RIGHT THAT WE HAVE VARIATION FROM ONE JURISDICTION TO ANOTHER. WELL, ONE THAT COMES TO MIND IS THE

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EDUCATION COMMITTEE. WE VALUE LOCAL CONTROL WHEN IT COMES TO LOCAL EDUCATION. EDUCATION, K-12, IS A RIGHT DEFINED VERY CLEARLY IN OUR STATE CONSTITUTION. I'D LIKE TO SEE SENATORS STAND UP HERE AND SAY, LISTEN, THERE SHOULD BE NO LOCAL VARIATION. SCHOOL BOARDS ARE REDUNDANT. WE'RE NOT QUITE SURE IF KIDS ARE GETTING THE SAME EDUCATION IN HYANNIS AS IN LINCOLN, NEBRASKA, AND WE NEED TO TAKE AWAY LOCAL CONTROL AND MAKE SURE EVERYTHING IS UNIFORM AND EQUAL. I'D PROBABLY BE CHASED OUT OF THIS BUILDING. WE VALUE LOCAL CONTROL IN NEBRASKA BECAUSE WE KNOW THAT THE PEOPLE ON THOSE BOARDS ARE CLOSEST TO THE PEOPLE THEY REPRESENT, EVEN MORE SO THAN US. THIS SHOULD BE A CAUTIONARY TALE BECAUSE WE CAN GO DOWN THIS PATH. WE CAN START TAKING LOCAL CONTROL, EVEN FOR FUNDAMENTAL RIGHTS AWAY, FROM LOCAL COMMUNITIES. BUT I HOPE THAT THAT IS CONSISTENTLY APPLIED BY EVERYBODY WHO SUPPORTS LB289. I SUPPORTED LB289 ORIGINALLY. IT WAS FOR THE TRANSPORTATION ISSUE. I PUT TOGETHER AN AMENDMENT THAT 100 PERCENT TAKES AWAY ANY CONCERN OF THE TRANSPORTATION ISSUE, AND, YET, NO ONE WAS WILLING TO COMPROMISE. IT WAS ALL OR NOTHING. SENATOR GROENE TALKS ABOUT THE CONSTITUTION AND HOW HE STANDS WITH THE CONSTITUTION. SENATOR GROENE SHOULD READ SOME OF THE OPINIONS THAT INTERPRET THE CONSTITUTION. [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR MORFELD: YES, THERE ARE WORDS IN THE CONSTITUTION, BUT THEY ARE INTERPRETED BY THE OTHER BRANCH OF GOVERNMENT CALLED THE JUDICIARY. AND THE JUDICIARY HAS CLEARLY FOUND, NOT ONLY IN OUR STATE SUPREME COURT, BUT ALSO OUR FEDERAL SUPREME COURT THAT LOCALITIES HAVE THE RIGHT NOT TO TAKE AWAY GUNS FROM LAW-ABIDING CITIZENS, BUT TO HAVE REASONABLE RESTRICTIONS, AND SOME LOCALITIES CHOOSE TO DO THAT AND SOME DON'T. BUT THE FACT OF THE MATTER IS, IS THAT THE POLICE OFFICERS IN OMAHA, THEY UNDERSTAND WHAT'S GOING ON IN OMAHA. THEY LIVE ON THOSE STREETS EVERY SINGLE DAY. THEY UNDERSTAND THAT GUNS IN NORTH OMAHA MEANS SOMETHING DIFFERENT THAN GUNS IN SCOTTSBLUFF. THAT GUNS IN NORTH LINCOLN, AND I'VE DONE PLENTY OF "RIDE ALONGS" IN MY DISTRICT, MEANS SOMETHING DIFFERENT THAN PERHAPS GUNS IN ANOTHER COMMUNITY. AND AS A GUN OWNER MYSELF, A PERSON WHO SUPPORTS THE SECOND AMENDMENT... [LB289]

PRESIDENT FOLEY: TIME, SENATOR. [LB289]

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SENATOR MORFELD: THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB289]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. FIRST OFF, I WOULD LIKE TO THANK SENATOR MORFELD AND SENATOR MELLO FOR COMING FORWARD AND WANTING TO TALK ABOUT COMPROMISE, AND TO TRY AND MEET IN THE MIDDLE. AND WE DID DO THAT. WE HAD A MEETING YESTERDAY WHICH, UNFORTUNATELY, SENATOR MORFELD COULD NOT BE THERE. A GENTLEMAN FROM THE OMAHA POLICE DEPARTMENT WAS THERE. AND HE TALKED ABOUT TWO ISSUES, AND IT WAS AN EYEOPENER FOR ME. IT REALLY WAS. HE TALKED ABOUT HOW THE REGISTRATION PROCESS FOR HANDGUNS IN OMAHA IS USED. THEY USE THAT AS A TOOL, NOT NECESSARILY TO FIGHT CRIME, BUT TO HELP INVESTIGATE CRIME BECAUSE THEY CAN FIND IF THEY'RE GOING TO GO TO A HOUSE, FOR WHATEVER REASON, THEY CAN DO A QUICK SEARCH. ARE THERE ANY REGISTERED HANDGUNS THERE? WHO ARE THESE PEOPLE? ARE THEY GANGBANGERS? BECAUSE THEY HAVE THEIR OWN DATABASE FOR GANGBANGERS, AND THIS IS A TOOL THAT THEY USE. HE ALSO TALKED ABOUT THE RESTRICTION FOR OWNING A...WHAT THEY CALL, A CONCEALABLE WEAPON OR A HANDGUN, BUT THEY...IN THE OMAHA STATUTE IT'S CALLED A CONCEALABLE WEAPON. LB289 WOULD RAISE THAT RESTRICTION TO 21 YEARS. AND THEY SAID, WHAT'S GOING TO HAPPEN? THE GANGBANGERS ARE GOING TO GIVE...START GIVING WEAPONS TO THE 18- TO 21-YEAR-OLDS AND THERE'S NOTHING WE CAN DO ABOUT IT. SO IT WAS AN EYEOPENER FOR ME THAT, OKAY...AND AS SENATOR MORFELD AND SENATOR MELLO HAVE SAID, THINGS ARE DIFFERENT IN THE BIG CITY. THERE'S NO DOUBT ABOUT IT. I DO NOT LIVE IN OMAHA. WHAT I HEAR ABOUT OMAHA IS WHAT THE SENATORS TELL ME HERE AND WHAT I SEE ON THE NEWS. HAVE I BEEN TO SOUTH OMAHA? YEAH. BUT, YOU KNOW, YOU DON'T GET A GOOD FEEL FOR SOUTH OMAHA WHEN YOU'RE DRIVING THERE HAULING A LOAD OF CATTLE. SO I WOULD...I WOULD LOVE TO GO ON A "RIDE ALONG" WITH THE POLICE OFFICERS THERE AND REALLY, TRULY SEE WHAT THEY HAVE TO DEAL WITH BECAUSE I DON'T KNOW. SO TO SAY...FOR SENATOR MELLO TO SAY THAT WE WEREN'T WILLING TO COMPROMISE, THAT IT'S ALL OR NOTHING, IS FLAT-OUT WRONG BECAUSE I ASKED HIM IN THAT MEETING IF WE WOULD BE AMENABLE TO THESE TWO ISSUES THAT THIS OMAHA POLICE OFFICER BROUGHT TO US, WOULD THAT BE ACCEPTABLE? AND THE ANSWER WAS NO. THEY WANT OMAHA EXEMPT FROM ALL THE RULES. THEY WANT OMAHA EXEMPT FROM LB289. SO MY POINT IS, ARE THINGS DIFFERENT IN OMAHA? BY ALL MEANS, YES. DO I FULLY UNDERSTAND IT? I CAN

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NEVER UNDERSTAND IT BECAUSE I'M NOT INVOLVED IN IT. BUT MY EYES WERE OPENED, AND I'M WILLING TO LISTEN. AND I AM WILLING TO COMPROMISE SOMEWHERE... [LB289]

PRESIDENT FOLEY: ONE MINUTE. [LB289]

SENATOR SCHNOOR: ...AND WE'VE TRIED THAT. WE TRULY HAVE, BUT I ALSO GAVE SENATOR EBKE MY WORD THAT THIS IS HER BILL, AND I WILL DO AS SHE ASKS, AND I WILL SUPPORT HER TO THE END. BUT WE HAVE BEEN UNABLE TO REACH A SUITABLE COMPROMISE, BUT IT'S NOT WITHOUT TRYING. WE HAVE DEFINITELY TRIED. SO WHAT I HAVE HEARD, HAVEN'T HEARD IT THIS YEAR, BUT I HEARD IT LAST YEAR, GIVE US A CHANCE. LET US TAKE THIS TO THE NEXT LEVEL OF DEBATE. LET US WORK ON IT BETWEEN GENERAL AND SELECT FILE, AND LET US WORK ON A CONCLUSION. WE MIGHT BE ABLE TO, WE MIGHT NOT, BUT GIVE US THE OPPORTUNITY. THANK YOU, MR. PRESIDENT. [LB289]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB289]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, WHITE PEOPLE DON'T LISTEN TO BLACK PEOPLE. I TOLD YOU AT THE BEGINNING, YOU'RE NOT GOING TO REACH AN AGREEMENT. YOU DIDN'T PAY ATTENTION TO ME, SO HERE YOU ARE. AND WHEN SENATOR SCHNOOR TALKED ABOUT THE ONES WHO MENTIONED WHAT HAPPENED IN OMAHA, HE MENTIONED THE TWO WHITE SENATORS, BUT I'M THE ONE WHO TALKED ABOUT IT THE MOST. BLACK PEOPLE ARE ZERO, BUT I'M STILL ABLE TO STOP WHAT'S HAPPENING HERE WHEN I THINK IT'S WRONG. SENATOR GROENE TALKS ABOUT STANDING ON THE CONSTITUTION. I DON'T HAVE TO GO THAT FAR. I'M LOOKING AT THE RULES OF THE LEGISLATURE, AND THAT'S HOW I'M GOING TO WHIP YOU WITH YOUR RULES. MY AMENDMENTS AND MOTIONS ARE GOING TO STOP YOU FROM OFFERING ANY AMENDMENTS. IF YOU VOTE CLOTURE, YOU HAVE TO VOTE FOR THE BILL AS IT IS. WHEN YOU GET TO SELECT FILE, WHICH IS WHERE IT WILL GO, I WILL HAVE ENOUGH PRIORITY MOTIONS TO MAKE YOU GET TO CLOTURE WITHOUT CONSIDERING AN AMENDMENT, AND YOU HAVE TO MOVE IT TO FINAL READING, IF YOU'RE THAT FOOLISH, AS IS. THEN ON FINAL READING, YOU'RE GOING TO HAVE TO VOTE IT AS IS. AND AT THAT POINT IF THE GOVERNOR'S RESPONSIBLE, HE WOULD ASK THE ATTORNEY GENERAL FOR AN OPINION ABOUT THE VARIOUS THINGS RAISED FIRST BY SENATOR HANSEN, THE PUNITIVE DAMAGES, THE SPECIAL LEGISLATION AND SO FORTH, BUT I

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WOULDN'T EXPECT HIM TO DO THAT. I'LL TELL YOU WHY YOUR NEGOTIATIONS DIDN'T WORK, THOSE WHO ARE NOT NAIVE ENOUGH TO GO. THE MAIN PARTY WAS ABSENT. THAT'S THE NRA. THE NRA HAS GIVEN ORDERS. THE NRA HAD SAID, THIS BILL WILL NOT BE CHANGED. THAT'S WHAT SENATOR GROENE IS ECHOING. NOW, HERE'S WHAT I SAY, AND I WILL QUOTE SOMEBODY. I LIKE HIS WORDS. WE SHALL NOT FLAG OR FAIL. WE SHALL GO ON TO THE END. WE SHALL FIGHT IN FRANCE. WE SHALL FIGHT ON THE SEASON OCEANS. WE SHALL FIGHT WITH GROWING CONFIDENCE AND GROWING STRENGTH IN THE AIR. WE SHALL DEFEND OUR ISLAND WHATEVER THE COST MAY BE. WE SHALL FIGHT ON THE BEACHES. WE SHALL FIGHT ON THE LANDING GROUNDS. WE SHALL FIGHT IN THE FIELDS AND IN THE STREETS. WE SHALL FIGHT IN THE HILLS. WE SHALL NEVER SURRENDER. THAT WAS A SPEECH ON DUNKIRK GIVEN BY WINSTON CHURCHILL IN THE HOUSE OF COMMONS, JUNE 4, 1940. THAT'S WHAT I INTEND TO DO ON THIS BILL. I TOLD YOU ALL IN THE BEGINNING. I KNOW THE RULES, YOU ALL DON'T. YOU USE A LOT OF EMOTION, A LOT OF IGNORANCE, A LOT OF MISINFORMATION. YOU DON'T KNOW WHAT THE CONSTITUTION IS, AND SENATOR MORFELD SAID IT DIFFERENTLY FROM THE WAY I SAY IT. THE CONSTITUTION IS WHAT THE SUPREME COURT SAYS IT IS. SO SENATOR GROENE READS ONLY THE CONSTITUTION, HE WILL GET WHAT SOME PEOPLE LONG DEAD WROTE WHICH HAS NO RELEVANCE TO WHAT IS GOING ON TODAY. SO HE CAN SIT HOME AND STEW AND TALK TO HIS PEOPLE IN THESE LITTLE TOWNS THAT HE SAYS HE VISITS AND TRIES TO GET SIGNATURES ABOUT WHAT THE WORDS IN THE CONSTITUTION ARE AND HOW UPSET HE IS THAT THE SUPREME COURT HAS CHANGED THOSE WORDS, AND THEY'LL SIT AROUND AND SAY IT SHOULDN'T BE THIS WAY, BUT THE REALITY IS THAT IT IS THIS WAY. THE NEBRASKA SUPREME COURT HAS OUTLAWED PUNITIVE DAMAGES. THE NEBRASKA CONSTITUTION PROHIBITS SPECIAL LEGISLATION. SO DO WHATEVER YOU WANT TO DO, BUT YOU'RE NOT GOING TO GET TO CONSIDER ANY AMENDMENTS. AND YOU THINK I CARE HOW YOU FEEL. I'LL LISTEN TO YOU DEBATING THESE BILLS AND HOW YOU'RE HERE, THERE, AND EVERYWHERE LIVING IN A WORLD OF MAKE BELIEVE, AND I HAVE TO BE WORRIED ABOUT WHAT YOU THINK ABOUT ME. YOU WON'T EVEN REMEMBER WHAT YOU SAID. BUT EVEN IF YOU DO, I AM NOT ACCOUNTABLE TO ANYBODY ON THIS FLOOR. I KNOW THAT THE SPEAKER WAS TRYING TO FACILITATE THINGS. [LB289]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB289]

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SENATOR CHAMBERS: HE FAILED. SENATOR MORFELD AND SENATOR MELLO, KNOWING THAT THEY WERE GOING TO FAIL, WENT AND TALKED TO THESE PEOPLE WHO HAD THEIR ORDERS FROM THE NRA. IF YOU SIT DOWN AT A MEETING AND THE NRA IS NOT THERE, FORGET THE MEETING. AND IF THE NRA IS THERE, THEY'RE GOING TO SAY, I'VE GIVEN ORDERS AND MY MINIONS SHALL OBEY. THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. THOSE IN THE QUEUE ARE SENATOR KOLOWSKI, BAKER, EBKE, FRIESEN, HANSEN AND OTHERS. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB289]

SENATOR KOLOWSKI: THANK YOU, MR. CHAIRMAN. I'M VERY DISAPPOINTED THAT WE DON'T HAVE SOME COMPROMISE ON THIS PARTICULAR BILL. I OPPOSED LB289 IN ITS DRAFTED FORM. I BACK THE OMAHA POLICE ON THEIR STAND OF THIS ISSUE FOR LOCAL CONTROL, AND I TRUST CHIEF SCHMADERER AND HIS OFFICERS AND THEIR PLANS TO CHANGE THE SAFETY CLIMATE IN OMAHA FOR ALL CITIZENS. I BELIEVE IN THE NEED FOR LOCAL CONTROL AND FOR OMAHA TO SOLVE THIS EXISTING PROBLEM IN THEIR OWN BOUNDARIES, AND I HOPE THAT WILL...THAT MIGHT BE WHERE WE END UP IN THE OVERALL OF THIS PARTICULAR SITUATION. I HAVE A SIDE ISSUE I'D LIKE TO TALK ABOUT, AND THAT'S ON A PERSONAL NATURE AND SOMETHING THAT HAPPENED IN MY OWN LIFE THAT MAY NOT HAVE HAPPENED TO ANYONE ELSE IN THIS ROOM. I DON'T NOW KNOW HOW MANY PEOPLE IN HERE HAVE EVER BEEN HELD AGAINST THEIR WILL AT GUNPOINT. IT HAPPENED TO ME AND 31 FELLOW-TRAVELERS IN THE COUNTRY OF PERU ON THE AMAZON RIVER ON A RIVERBOAT WHEN WE WERE HELD UP AT GUNPOINT AND HELD FOR TWO HOURS AND ROBBED OF EVERYTHING WE HAD IN THE EARLY '90S. AND ONE PERSON WAS WOUNDED BY A RICOCHET THAT WAS SHOT INTO THE ROOF OF THE DINING ROOM WE WERE IN AND LAID AT MY FEET BLEEDING. TO BE HELD AGAINST YOUR WILL AT GUNPOINT NOT KNOWING WHERE YOU'RE GOING TO BE OR WHAT'S GOING TO HAPPEN AS WE TALKED OUR WAY BASICALLY DOWN TO TAKE ALL YOU WANT BECAUSE WE WILL GIVE YOU ANYTHING YOU NEED AS FAR AS MONEY THAT WE HAVE, AND THEY, THE GORILLAS, THAT WERE A PART OF A PERUVIAN GROUP WORKED WITH US ON THAT AND HELD US AT GUNPOINT FOR TWO HOURS, HOPPED IN THEIR MOTORBOAT AND THEN WENT ON THEIR WAY. IF YOU WANT TO SEE A GROUP OF VERY DISTURBED PEOPLE, BE HELD AT GUNPOINT FOR TWO HOURS NOT KNOWING WHAT YOUR FATE'S GOING TO BE. THAT WAS A VERY DISTURBING SITUATION I FOUND MYSELF IN AS A LEADER OF 20 OF THOSE PEOPLE ON A TOUR AT THAT PARTICULAR TIME. YOU DON'T WANT THAT TO HAPPEN IN YOUR LIFE. YOU DON'T WANT TO SEE THAT HAPPEN TO A MEMBER OF

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YOUR FAMILY. YOU DON'T WANT TO SEE SOMEONE BLEEDING ON THE FLOOR IN FRONT OF YOU, COMPRESSING HIS WOUND WITH A TABLECLOTH OFF OF A TABLE. THOSE ARE THINGS THAT ARE ON BATTLEFIELDS. THOSE ARE THINGS THAT HAPPEN IN MILITARY SERVICE AS YOU'RE SERVING YOUR COUNTRY, NOT ON A VACATION IN A LOCATION THAT YOU HOPED TO VISIT AND HAVE A GOOD TIME IN. THAT HAPPENED TO US AND I'LL BE GLAD TO SHARE THAT IN MORE DEPTH WITH ANYONE AT ANYTIME. BUT THOSE ARE THE REPERCUSSIONS OR THE SITUATIONS YOU FIND YOURSELF IN WHEN YOU CAN'T HAVE THE CONTROL, AND YOU DON'T HAVE THE SAFETY AND SECURITY OF THE ENVIRONMENT YOU'RE LIVING IN. THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR KOLOWSKI. SENATOR BAKER, YOU'RE RECOGNIZED. [LB289]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. DISCUSSION OF LB289 HAS TO SOME EXTENT BEEN REDUCED TO A LITMUS TEST, PUTTING PEOPLE IN A BOX. IF YOU BELIEVE IN THE SECOND AMENDMENT, THEN YOU SHOULD VOTE FOR ANY PROPOSED GUN LEGISLATION, FLAWED OR NOT. CONVERSELY, IF ONE WERE TO VOTE FOR RECOMMITMENT, THEN YOU MUST BE AGAINST SECOND AMENDMENT RIGHTS. I WANT IMPROVEMENTS TO BE MADE IN THE BILL. I DO NOT WANT TO REMOVE ANY EXISTING SECOND AMENDMENT RIGHTS. I WANT THEM TO BE STRENGTHENED. I WANT THE SAFE PASSAGE PROVISION IN NEBRASKA LAW. I WOULD RATHER HAVE SOMETHING THAN NOTHING. I WILL VOTE TO RECONSIDER ON THE MOTION THAT IS UP NEXT. THAT DOESN'T MEAN THAT I'VE FALLEN UNDER A SPELL CAST BY THE NEFARIOUS SENATOR, ERNIE CHAMBERS. DOESN'T MEAN THAT I DON'T SUPPORT THE NEBRASKA CONSTITUTION. THANK YOU. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR BAKER. SENATOR EBKE, YOU'RE RECOGNIZED. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. WELL, WE'VE BEEN TALKING ABOUT A LOT OF THINGS THIS IS MORNING. I WANT TO POINT OUT JUST A COUPLE OF THINGS AND THIS MAY BE IN SORT OF A RANDOM ORDER BECAUSE I'M TRYING TO RESPOND TO THINGS THAT HAVE BEEN SAID ON THE FLOOR. SENATOR KRIST MENTIONED THAT WE COULDN'T GET THIS DONE IN SIX HOURS, THAT WE NEED TO TAKE IT BACK. THE PROBLEM IS THAT THIS ISN'T JUST SIX HOURS. THIS BILL WAS INTRODUCED ON JANUARY 15TH OF LAST YEAR. THE HEARING WAS ON MARCH 19TH. IT WAS PLACED ON GENERAL FILE ON MARCH

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31ST AND I'VE BEEN IN AND OUT OF THE CAPITOL, AS HAVE MANY OTHERS, THROUGHOUT THE YEAR. IF WE REALLY WERE CONCERNED ABOUT THIS AND WE REALLY WANTED TO HAVE SOME MEANINGFUL COMPROMISE, COMING TO ME BEFORE THE DAY BEFORE THE BILL WAS TO COME UP, WOULD HAVE BEEN A POSITIVE THING, I THINK. I WOULD NOTE THAT SENATOR FOX HAS FILED AN AMENDMENT WHICH WOULD ADDRESS THE AGE LIMIT ISSUE IN OMAHA, THE 18 TO 21 GANG ISSUE, YOUTH-GANG ISSUE. THAT WAS OUR EFFORT AT TRYING TO MAKE SOME LEVEL OF CONCILIATION, AND THAT'S BEEN PUT ON SELECT FILE SHOULD WE EVER GET THERE. YOU KNOW, BOTH SIDES NEED TO GET...GIVE UP SOMETHING. AND, YET, I HAVEN'T FIGURED OUT EXACTLY WHAT IT IS THAT THE PRO SECOND AMENDMENT SIDE GIVES UP IN ALL OF THIS. SENATOR MORFELD'S AMENDMENT WOULD INDEED ALLOW SAFE PASSAGE. OF COURSE, THERE'S A NUMBER OF PEOPLE OUT THERE WHO ARE READING THIS AND QUESTION...YOU KNOW, IT GUTS THE REST OF THE BILL. IT TOTALLY REPLACES THE BILL WITH TWO PARAGRAPHS THAT ALLOW FOR SAFE PASSAGE AROUND THE STATE. OF COURSE, ANYBODY WHO IS WANTING TO USE THEIR OPENLY CARRIED FIREARM IN THEIR CAR AS A MEANS OF PROTECTION, THE BILL REQUIRES THAT THE FIREARM NOT ONLY BE UNLOADED, BUT OUT OF REACH, OR ELSE LOCKED UP, AND SO IT WOULD BE A MARGINAL USE FROM A SELF-DEFENSE PROVISION. WE'VE HEARD A LOT ABOUT LOCAL CONTROL AS WELL, AND I KEEP GOING BACK TO THAT QUESTION WHICH WAS BROUGHT UP BY SENATOR KRIST IN THE JUDICIARY COMMITTEE HEARING. AND HE WAS ASKING MAYOR DAVID BLACK FROM PAPIILLION AND HE SAID, SO, YOU'RE THE GREATEST, THE BEST PROPONENT TO ASK THE OPPONENT QUESTION. TALK TO ME ABOUT LOCAL CONTROL. I MEAN, THIS IS FROM MY PERSPECTIVE, THE STATE TELLING A LOCAL WHAT TO DO AND IN YOUR CASE, AS THE MAYOR, YOU OBVIOUSLY AGREE WITH THIS PIECE OF LEGISLATION. HOW DO I RESPOND TO THE MAYOR WHO DOESN'T AGREE WITH THIS PIECE OF LEGISLATION? AND MAYOR BLACK SAYS THAT'S A GREAT QUESTION, AND YOU KNOW NEBRASKA IS AN INTERESTING STATE. PEOPLE BELIEVE LOCAL CONTROL EXISTS IN NEBRASKA. NEBRASKA IS ONLY ONE OF TWO STATES IN THE ENTIRE NATION THAT LOCAL CONTROL DOESN'T EVEN EXIST BECAUSE OF DYLAN'S LAW. FORTY-EIGHT STATES IN THE UNITED STATES, A CITY CAN'T DO ANYTHING IT WANTS TO DO UNLESS THE STATE TELLS THEM THEY CAN. NEBRASKA, I CAN'T DO ANYTHING UNLESS THE STATE HAS GIVEN ME PERMISSION. SO I APPRECIATE THE NOTION OF LOCAL CONTROL, AND I AM A SUPPORTER OF LOCAL CONTROL, BUT, AGAIN, THIS IS A CONSTITUTIONAL ISSUE. SENATOR MORFELD MENTIONED EDUCATION, AND THE QUESTION OF LOCAL CONTROL. I THINK THERE'S A FUNDAMENTAL DIFFERENCE BETWEEN EDUCATION BECAUSE LOCAL CONTROL CAN'T WIND YOU UP IN JAIL WHEN IT

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COMES TO EDUCATIONAL DIFFERENCES FROM DISTRICT TO DISTRICT. AT THAT POINT, I GUESS I WILL CALL AN END TO THIS. THANK YOU. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR EBKE. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB289]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. IT'S TOO BAD THAT I THINK MOST PEOPLE HAVE THEIR MINDS MADE UP AND NOTHING ANYONE IS GOING TO SAY RIGHT NOW IS GOING TO CHANGE MINDS, BUT I'VE BEEN LISTENING TO THE DEBATE. I THINK IT'S THE FIRST TIME I'VE SPOKEN ON THIS ISSUE. I WAS A MAYOR. I WAS ON A CITY COUNCIL. THIS ARGUMENT ABOUT LOCAL CONTROL, IT GOES NOWHERE WITH ME. THE STATE DOES AS IT PLEASURES. DOWN THE ROAD THE STATE WILL DO AS IT PLEASURES. AS SENATOR CHAMBERS POINTS OUT MANY TIMES, THE LEGISLATURE CAN PASS ANY ORDINANCE IT WANTS IN THE FUTURE AND WE HAVE NO CONTROL. WE CAN PASS THIS TODAY AND DOWN THE ROAD A LEGISLATURE CAN VOTE TO CHANGE IT. IT WILL BE CHANGED. IT'S NOT GOING TO BE IN THE CONSTITUTION ANY MORE THAN IT IS CORRECTLY RIGHT TODAY, AND I WON'T ARGUE THE CONSTITUTIONALLY OF WHAT WE'RE DOING OR WHAT WE'RE NOT GOING TO DO. IT DOESN'T REALLY MATTER UNTIL SOMEBODY TAKES IT TO COURT. I THINK IT WAS SENATOR MELLO WHO BROUGHT UP MACHINE GUNS OR...THERE ARE NO MACHINE GUNS ALLOWED ANYWHERE IN THIS STATE. THIS BILL HAS NOTHING TO DO WITH THAT. THE LOCAL CONTROL ARGUMENT AGAIN IS, EXPLAIN TO ME, I GUESS...EXPLAIN TO ME HOW ANY OF THESE ORDINANCES THAT ARE OUT THERE MAKE US SAFER. WHEN I LOOK AT THE...I'VE DONE "RIDE ALONGS" WITH POLICE DEPARTMENT. IT'S NOT THE OMAHA POLICE DEPARTMENT, BUT A DOMESTIC DISTURBANCE CALL IS THE MOST DANGEROUS CALL A POLICE OFFICER CAN ANSWER. THEY ARE NOT GOING TO LOOK AT THEIR DATABASE TO SEE IF THERE IS A REGISTERED GUN IN THAT HOME. THEY ARE GOING TO ASSUME THAT THERE IS. THEY WOULD NOT APPROACH IT ANY OTHER WAY. THEY'D BE CRAZY IF THEY DID. THOSE ARE EXTREMELY DANGEROUS SITUATIONS. THEY ARE MORE DANGEROUS THAN ANYTHING THEY WILL FACE IS GOING INTO A DOMESTIC DISTURBANCE CALL, AND YOU CAN'T TELL ME THAT THEY'RE GOING TO LOOK AT THEIR DATABASE AND DECIDE IF THAT PERSON HAS A REGISTERED GUN OR NOT. IT'S RIDICULOUS. THE THING WITH THE CONSTITUTIONAL CHALLENGES OF CHICAGO, LOOK AT THE CITY OF CHICAGO. IT'S A MOST DEATHS PER FIREARM BY PROBABLY ANY CITY IN THE COUNTRY. THEY HAVE THE MOST STRINGENT LAWS ON THE BOOKS. WHAT THEY DO THERE IS THE CITY COUNCIL PASSES ORDINANCES TO RESTRICT GUNS AND SO THEN IT WILL TAKE A COUPLE YEARS, SOMEBODY WILL FINALLY SPEND THE TWO TO FIVE THOUSAND DOLLARS TO CHALLENGE IT IN COURT. IT GOES

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THROUGH THE COURT SYSTEM AND THEY LOSE AND THEY PASS ANOTHER ORDINANCE. IN THE MEANTIME, THEY'RE ENFORCING THESE ORDINANCES. THIS ISN'T ABOUT LOCAL CONTROL AT ALL. LOCAL...IF A CITY WANTS TO PASS THESE ORDINANCES, AND LINCOLN CAN DO IT, OMAHA CAN DO IT, HENDERSON COULD HAVE DONE IT. WE COULD HAVE PASSED ANY ORDINANCE WE WANTED RESTRICTING EVERYONE'S ABILITY TO OWN A FIREARM, AND UNTIL SOMEBODY TAKES IT TO COURT AND SPENDS THE MONEY, THAT'S GOING TO BE THE ORDINANCE OF THE CITY. AND WHO WANTS TO TAKE IT COURT AND SPEND \$2,000 TO \$5,000 EVERY TIME A CITY PASSES AN ORDINANCE. THEY CHANGE THE WORDING A LITTLE BIT, PASS IT AGAIN AND SEND IT OUT THERE. THIS IS ABOUT MAKING UNIFORM LAWS ALL ACROSS THE STATE. I...YOU KNOW, I'M TRYING TO LISTEN WHERE THERE MIGHT BE COMPROMISE. AND IT SEEMS AS THOUGH I KEEP HEARING FROM SENATOR EBKE THAT SHE'S WILLING TO COMPROMISE IF SOMEBODY COMES TO HER WITH A LEGITIMATE COMPROMISE. A COMPROMISE ISN'T WHERE YOU GUT SOMEONE'S BILL AND CALL IT A COMPROMISE. THERE HAS TO BE SOME...SOMEWHERE IN HERE WHERE WE CAN REACH SOME SORT OF STANDING IF WE JUST HAVE THE TIME TO DO IT. AND DOING IT ON THE FLOOR ON A BILL LIKE THIS IS DIFFICULT. AND IN THE PAST, WE HAVE OFTEN SENT BILLS TO THE NEXT ROUND OF DEBATE FOR A FIX. ALL OF US HAVE DONE IT. WE'VE ALL VOTED FOR THAT. GIVE THEM TIME TO WORK IT OUT. [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR FRIESEN: THIS BILL IS NO DIFFERENT. IF EVERYBODY JUST STOPS, TAKES SOME OF THE EMOTION OUT OF SOME OF THESE ARGUMENTS. WHEN I LOOK AT GUN REGISTRATION, CITY OF OMAHA REQUIRES GUN TO REGISTERED. IT HELPS THEM SOLVE THE CRIME QUICKER, POSSIBLY. ALL GUNS ARE REGISTERED SOMEWHERE. YOU CAN LOOK IT UP. THEY'LL TRACK IT DOWN EVENTUALLY, BUT WHEN YOU'RE LAYING THERE DEAD IN THE STREET FROM A REGISTERED GUN, IT REALLY DOESN'T MATTER TO ME SO MUCH IF THE GUN WAS REGISTERED OR NOT. OBVIOUSLY, THE GANGBANGERS ARE NOT GOING TO REGISTER THEIR HANDGUNS. IN THE END, IT'S A LAW THAT MORE OFTEN THAN NOT AFFECTS THE LAW-ABIDING CITIZEN MORE THAN IT DOES ANYONE ELSE AND THAT'S...THE WAY THE ORDINANCES HAVE COME ABOUT OVER THE...AND THERE ARE SOME REASONABLE RESTRICTIONS THAT SHOULD BE IN PLACE. I'M NOT ONE OF THOSE THAT SAYS WE HAVE THE CONSTITUTIONAL RIGHT TO CARRY A GUN EVERYWHERE. [LB289]

SPEAKER HADLEY: TIME, SENATOR. [LB289]

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SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR FRIESEN. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB289]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I WOULD YIELD MY TIME TO SENATOR BOLZ. [LB289]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE YIELDED 5:00. [LB289]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I'VE NOT YET SPOKEN ON THIS ISSUE AND I WANTED TO RISE TO ADDRESS SOMETHING THAT HAS NOT YET BEEN DISCUSSED. I SUPPORT THE SECOND AMENDMENT AND I BELIEVE THAT WE NEED TO PROTECT THE ABILITY OF LAW-ABIDING CITIZENS IN NEBRASKA TO EXERCISE THEIR SECOND AMENDMENT RIGHTS. THAT IS THE ORIGINAL INTENT OF THIS BILL AND I SUPPORT AND RESPECT THE GOAL OF CREATING A CLEARER AND MORE UNIFORM APPROACH FOR LAW-ABIDING CITIZENS STATEWIDE. I HAVE LISTENED CAREFULLY TO MY CONSTITUENTS ON THIS ISSUE. AMONG THE DETAILS OF THIS BILL IS ONE THAT CONCERNS ME GREATLY, THE PROTECTION OF INDIVIDUALS WHO ARE SURVIVORS AND VICTIMS OF DOMESTIC VIOLENCE, STALKING AND SEXUAL ASSAULT. THE BILL AS WRITTEN WOULD REMOVE EXISTING LOCAL PROTECTIONS FOR DOMESTIC VIOLENCE SHELTERS AND DRUG REHABILITATION CENTERS AND WOULD REMOVE CURRENT PROVISIONS THAT PROHIBIT INDIVIDUALS CONVICTED OF STALKING AND SEXUAL ASSAULT FROM POSSESSING WEAPONS. I HAVE EXPRESSED THESE CONCERNS TO MY CONSTITUENTS AND TO STAKEHOLDERS ON BOTH SIDES OF THIS ISSUE. TODAY, I CONTINUE TO SUPPORT THE INTENT AND THE BILL OF LB289 TO MOVE FORWARD TO CREATE A FAIRER SYSTEM FOR LAW-ABIDING GUN OWNERS. AT THE SAME TIME, I REMAIN COMMITTED TO PROTECTING INDIVIDUALS AND FAMILIES THAT ARE TARGETED BY CRIMINALS. I HAVE EXPRESSED THESE CONCERNS AND AM COMMITTED TO WORKING WITH MY CONSTITUENTS, MY COLLEAGUES, AND MY STAKEHOLDERS TO FIND A PATHWAY FORWARD TO BOTH PROTECT SECOND AMENDMENT RIGHTS OF LAW-ABIDING CITIZENS AND TO PROTECT INDIVIDUALS AND FAMILIES THAT ARE VULNERABLE TO DOMESTIC VIOLENCE, STALKING, AND SEXUAL ASSAULT. IF THESE LEGITIMATE CONCERNS ARE NOT ADEQUATELY ADDRESSED, I CANNOT COMMIT TO LB289 AS THE VEHICLE TO ACHIEVE OUR SECOND AMENDMENT GOALS MOVING FORWARD. SO I ASK MY FELLOW LAWMAKERS TO WORK TOGETHER TO ACHIEVE POLICY THAT WORKS FOR ALL NEBRASKANS. THANK YOU, MR. PRESIDENT. [LB289]

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SPEAKER HADLEY: THANK YOU, SENATOR BOLZ. SENATOR LARSON, YOU'RE RECOGNIZED. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB289]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, SENATOR GROENE SAID I STAND WITH THE STATE CONSTITUTION YET THE STATE CONSTITUTION PROHIBITS GRANTING TO ANY CORPORATION, ASSOCIATION, OR ANY INDIVIDUAL ANY SPECIAL OR EXCLUSIVE PRIVILEGES, IMMUNITY, OR FRANCHISE WHATSOEVER. THIS BILL DEFINES AS A PERSON, ORGANIZATIONS, AND I BELIEVE IF WE'RE STANDING WITH THE CONSTITUTION, THEN WE NEED TO LOOK AT THE CONSTITUTIONALITY OF THIS BILL. I WOULD LIKE TO GIVE THE REST OF MY TIME TO SENATOR MELLO, IF HE WISHES TO HAVE IT. [LB289]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE YIELDED 4:15. [LB289]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I WANTED TO SPEAK ON A COUPLE ITEMS AND IT WAS JUST SOMETHING I WANTED TO MAKE AS A POINT OF CLARIFICATION. I DID TALK TO SENATOR SCHNOOR OFF THE FLOOR ABOUT THIS ISSUE. HE MENTIONED EARLIER ON THE FLOOR THAT IN OUR DISCUSSIONS THAT THERE WERE REAL NEGOTIATIONS ABOUT KEEPING THE HANDGUN REGISTRY ORDINANCE IN OMAHA AND LINCOLN. AND I, RESPECTFULLY, I THINK SENATOR SCHNOOR KNOWS WE TALKED THROUGH THIS, THAT THAT WAS NOT SOMETHING THAT WAS QUOTE, UNQUOTE, PLACED ON THE TABLE AS WE WERE TRYING TO FIND A WAY TO KEEP OMAHA AND LINCOLN'S LOCAL CONTROL IN REGARDS TO THEIR ABILITY TO UTILIZE LOCAL ORDINANCE TO ADDRESS GUN VIOLENCE AND CRIMINAL INVESTIGATIONS IN THE CITY OF OMAHA. I DID ALSO SEE IN THE SENSE THAT SENATOR FOX HAD PUT AN AMENDMENT THAT WAS BROUGHT UP YESTERDAY BY THE POLICE UNION AS A CONCERN, BUT IT'S STILL, ONCE AGAIN, COLLEAGUES, A LITTLE TOO SMALL, A LITTLE TOO LATE OF THE OVERALL ISSUE THAT THE POLICE OFFICERS SPOKE WITH SENATOR SCHNOOR, EBKE, AND MYSELF YESTERDAY SAID, WHICH IS, THE BIGGER ISSUE IS THEIR ABILITY TO UTILIZE THE DATABASE EVERY SINGLE DAY TO MAKE A DETERMINATION OF WHETHER OR NOT A GUN WAS USED IN A CRIME THAT MAY INVOLVE A GANG MEMBER OR AN AFFILIATED GANG MEMBER, OR SOMEONE WHO HAS GOT A MENTAL ILLNESS. AND THE ONE COMPONENT THAT STILL BAFFLES ME IS, THAT IS SOMETHING THAT LAW ENFORCEMENT SAY THEY USE EVERY SINGLE DAY. EVERY SINGLE DAY THEY'RE UTILIZING THIS DATABASE IN REGARDS TO RUNNING GUN-RELATED CRIMES AGAINST THIS DATABASE. SOMETHING ELSE THAT WAS MENTIONED IN OUR MEETING WITH THE POLICE, WAS THAT THEY UTILIZE THIS DATABASE EVERY TIME THEY TRY TO SERVE A WARRANT. AND I

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THINK WE KNOW THAT THERE HAS BEEN INSTANCES WHEN A WARRANT OFFICER HAD TO GO SERVE A WARRANT AND TERRIBLE THINGS HAVE HAPPENED. THEY USE THIS DATABASE TO MAKE A DETERMINATION OF THE PERSON THEY'RE SERVING A WARRANT TO MAY HAVE A HANDGUN. NOW THEY SAID, LOOK, SOMETIMES WE DON'T KNOW THAT, BUT THE REALITY IS THAT'S THE FIRST THING WE DO WHEN WE'VE GOT TO LOOK TO SERVE A WARRANT. SO COLLEAGUES, THIS IS A TOOL THAT LAW ENFORCEMENT IN THE CITY OF OMAHA USES EVERY SINGLE DAY TO ADDRESS A NUMBER OF GUN-RELATED CRIMES AND I'VE HEARD A NUMBER OF MEMBERS ON THE FLOOR SAY NOTHING THIS DOES ACTUALLY PREVENTS GUN-RELATED CRIMES. WELL, COLLEAGUES, THE LAW ENFORCEMENT OFFICER WHO TALKED TO SENATOR SCHNOOR, EBKE AND ME YESTERDAY SAID, WE'RE ABLE TO KEEP GUNS OUT OF KNOWN FELONS' HANDS, KNOWN GANG MEMBERS' HANDS, AND AFFILIATE OF GANG MEMBERS BY USING THIS DATABASE WHEN THEY COME FORWARD AND TRY TO GET THEIR GUN REGISTERED. WE'RE ABLE TO KEEP THAT GUN AND KEEP IT OUT OF THEIR HANDS BECAUSE THEY DON'T QUALIFY TO HAVE THE HANDGUN PERMIT IN THE CITY OF OMAHA. NOW, I DON'T KNOW IF YOU THINK IT'S A BIG LEAP TO MAKE, IN THE SENSE, THAT WHEN LAW ENFORCEMENT HAS A GANG MEMBER IN FRONT OF THEM THAT WANTS TO REGISTER A GUN AND THEY SAY, WE'RE NOT GOING TO GIVE YOU THAT HANDGUN, IF YOU DON'T THINK THAT THAT'S GOING TO PROTECT PUBLIC SAFETY AND HELP REDUCE GUN VIOLENCE WITH THAT PARTICULAR GUN AND THAT PARTICULAR INDIVIDUAL, COLLEAGUES, I DON'T KNOW WHAT YOU'RE TALKING ABOUT THEN. THERE ARE REAL WORLD EXAMPLES THAT WE HEARD... [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR MELLO: ...FROM LAW ENFORCEMENT ABOUT THIS ISSUE. AND YES, GOOD PEOPLE CAN HAVE DIFFERENCES IN PHILOSOPHY IN REGARDS TO WHAT THEY THINK THE STATE CONSTITUTION ALLOWS THEM OR DOES NOT ALLOW THEM TO DO WHEN IT COMES TO THEIR GUN RIGHTS. BUT IF THAT'S THE CONCERN, THERE WOULD HAVE BEEN A LAWSUIT BROUGHT A NUMBER OF YEARS AGO TO CHALLENGE THESE ORDINANCES UNDER THE STATE CONSTITUTION AND IT HAS NOT BEEN DONE AND IT'S NOT BEEN PROVEN THAT IT'S UNCONSTITUTIONAL. LAW ENFORCEMENT NEEDS THESE LOCAL ORDINANCES THAT THEY'VE CREATED OVER 30 YEARS, COLLEAGUES. THEY NEED ALL OF THEM. THEY DON'T JUST NEED ONE SMALL SLIVER. THEY WERE PRETTY ADAMANT THAT THESE HAVE BEEN CRAFTED WITH PUBLIC SAFETY IN MIND. AND FRANKLY, THE CITY OF OMAHA NEEDS IT RIGHT NOW MORE THAN EVER. PLEASE, PLEASE READ THROUGH THE LETTERS. TALK WITH OTHER

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SENATORS FROM THE OMAHA AREA WHO HAVE BEEN TALKING WITH LAW ENFORCEMENT BECAUSE WE NEED TO BE ABLE TO PROTECT WHAT THE CITY OF OMAHA CURRENTLY NEEDS FROM A LAW ENFORCEMENT PERSPECTIVE MORE SO... [LB289]

SPEAKER HADLEY: TIME, SENATOR. [LB289]

SENATOR MELLO: ... THAN A PHILOSOPHICAL PERSPECTIVE. THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. THOSE IN THE QUEUE ARE SENATOR MELLO, SENATOR KINTNER, SENATOR MORFELD, SENATOR SCHILZ AND SENATOR PANSING BROOKS. SENATOR MELLO, YOU'RE RECOGNIZED. [LB289]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I THOUGHT I WAS NOT GOING TO GET MY TIME, SO I APPRECIATE SENATOR HAAR YIELDING ME SOME OF HIS TIME THERE. PEOPLE PROBABLY HAVE THEIR MINDS MADE UP ON THIS ISSUE AND I CAN APPRECIATE SENATOR SCHNOOR AND SENATOR EBKE WANTING TO GO CONTINUE THE DIALOGUE AND CONVERSATIONS. AND AS I MENTIONED YESTERDAY, AND I MENTIONED THEM AGAIN TODAY, THE ISSUE IS OF WHAT ARE THE SIDES GIVING UP, SO TO SPEAK, IN FINDING A COMPROMISE IN A NEGOTIATION? OBVIOUSLY, THE CONCERNS THAT HAVE BEEN BROUGHT FORWARD FROM OMAHA AND LINCOLN IS TO LET US KEEP OUR EXISTING ORDINANCES. THEY HAVE BEEN CRAFTED WITH PUBLIC SAFETY IN MIND. THEY HAVE THE SUPPORT OF LOCAL LAW ENFORCEMENT BECAUSE THEY'RE THE ONES WHO HELPED CRAFT THIS WITH MAYORS AND CITY COUNCILS OVER THE LAST 30 YEARS. AND THE REALITY IS THAT OMAHA AND LINCOLN ARE DIFFERENT CITIES WITH DIFFERENT CRIMINAL ISSUES AND DIFFERENT CRIMINAL ELEMENTS THAN PAPIILLION, THAN PLATTSMOUTH, THAN ELMWOOD. AND THE SUPPORTERS OF THIS BILL HAVE NOT FULLY COME FORWARD TO ACKNOWLEDGE THAT. SENATOR SCHNOOR MENTIONED IT TODAY ON THE FLOOR, WHICH I APPRECIATE. AND HE MENTIONED IT BECAUSE HE HAD A GOOD CONVERSATION, HAD GREAT QUESTIONS YESTERDAY WITH LAW ENFORCEMENT. BUT OTHER SUPPORTERS OF THIS BILL I'VE NOT SEEN COME FORWARD AND SAY YES, IT'S OKAY TO ACKNOWLEDGE THAT SENATOR CHAMBERS HAS BEEN RIGHT FOR A NUMBER OF YEARS IN REGARDS TO GUN VIOLENCE AND THAT GUN VIOLENCE IN NORTH OMAHA IS A SIGNIFICANT ISSUE. SENATOR COOK HAS MENTIONED IT FOR A NUMBER OF YEARS AS WELL. IT'S OKAY TO MENTION, COLLEAGUES, THAT SOMETIMES WE'VE GOT PROBLEMS

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THAT WE'VE TURNED A BLIND EYE TO. AND WHEN YOU HAVE LAW ENFORCEMENT COMING FORWARD ACKNOWLEDGING THESE PROBLEMS, ASKING US NOT TO TURN A BLIND EYE TO IT, I HAVE A TOUGH TIME TURNING OUR BACKS ON THEM BECAUSE I KNOW A NUMBER OF US IN THIS BODY LAST YEAR PROUDLY WERE WILLING TO HOLD SIGNS SAYING, WE SUPPORT BLUE, AND EXPRESSING OUR APPRECIATION AND SUPPORT FOR LAW ENFORCEMENT LAST YEAR. AND HERE'S AN ISSUE THAT YOU CAN SHOW LAW ENFORCEMENT WHAT YOU SUPPORT, BECAUSE THEY'RE THE ONES WHO HAVE TO DEAL WITH THESE GUN CRIMES AND THIS GUN VIOLENCE EVERY SINGLE DAY. AND I HAVE A TOUGH TIME SEEING US AS POLICYMAKERS DECLARE OUR SUPPORT AND ALLEGIANCE TO SUPPORT LAW ENFORCEMENT IN A QUOTE, UNQUOTE, SUPPORT BLUE, BUT WHEN THEY COME FORWARD WITH LEGITIMATE PUBLIC SAFETY CONCERNS BECAUSE IT IMPACTS THEIR DAY-TO-DAY LIVES, COLLEAGUES, I DON'T KNOW HOW YOU TURN A BLIND EYE TO THOSE ARGUMENTS. I DON'T KNOW HOW YOU CAN HOLD A SIGN AND SAY ONE THING AND THEN SIMPLY SAY, I JUST DON'T BELIEVE YOU. I JUST DON'T BELIEVE THAT LAW ENFORCEMENT IS TELLING ME THAT THEIR ABILITY TO INVESTIGATE HANDGUNS AND A HANDGUN REGISTRY IS GOING TO HELP REDUCE CRIME IN A GUN CRIME-RIDDEN AREA OF THE STATE. YOU DON'T HAVE TO TAKE MY WORD FOR IT. YOU DON'T HAVE TO TAKE SENATOR CHAMBERS', SENATOR COOK'S, SENATOR KRIST'S WORD FOR IT. GO TALK WITH THE OMAHA POLICE OFFICERS ASSOCIATION. GO TALK WITH THEIR MEMBERS WHO CAME DOWN AND TALKED WITH US YESTERDAY. COLLEAGUES, THIS WAS NOT AN ISSUE THAT WAS ON MY RADAR TO START THE SESSION. AND THE REASON IT WASN'T WAS BECAUSE I THOUGHT OVER THE LAST COUPLE OF YEARS AS THE STATE HAS ENGAGED IN SIGNIFICANT CRIMINAL JUSTICE REFORM THAT WE TRY TO KEEP A MINDFUL EYE AND EAR TO LAW ENFORCEMENT THROUGH THOSE CHANGES AND THOSE REFORMS. BUT WHEN LAW ENFORCEMENT SAYS THIS IS A BAD POLICY FOR YOU TO TAKE AWAY TOOLS THAT WE USE EVERY SINGLE DAY TO ADDRESS CRIMES IN OUR COMMUNITY, TO TRY TO KEEP GUNS OUT OF THE HANDS OF GANG MEMBERS AND CRIMINALS, AND OF THOSE WITH MENTAL ILLNESS, COLLEAGUES, I JUST DON'T SEE HOW WE'RE NOT TURNING OUR BACKS IN REGARDS TO CONVERSATIONS WE'VE BEEN HAVING FOR A COUPLE OF YEARS AS A BODY TO TRY TO PROTECT PUBLIC SAFETY. NO ONE IN HERE WANTS TO INFRINGE UPON SOMEONE'S CONSTITUTIONAL RIGHTS. [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR MELLO: I'VE NOT HEARD ANYONE ON THE FLOOR SAY THAT THEIR GOAL IS TO TRY TO INFRINGE ON SOMEONE'S RIGHT TO OWN A HANDGUN OR TO

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POSSES ANY GUN OR CARRY A GUN FROM ONE COMMUNITY OR ANOTHER. THOSE ARGUMENTS HAVE NOT BEEN MADE IN THIS DEBATE BECAUSE NO ONE ON THE FLOOR IS SAYING THAT. WHAT PEOPLE ARE SAYING IS OUR COMMUNITY IS DIFFERENT THAN YOUR COMMUNITY, THAT WE FACE CHALLENGES DIFFERENTLY THAN WHAT YOU IN YOUR COMMUNITY FACE. AND CURRENT LAW ALLOWS OUR COMMUNITY TO TRY TO ADDRESS THOSE CHALLENGES AS WE SEE FIT. COLLEAGUES, LET'S NOT TURN OUR BACK ON THAT PROCESS. LET US TRY TO SOLVE OUR PROBLEMS THE WAY THAT WE FEEL WE NEED TO SOLVE THEM IN OMAHA. AND WE'VE BEEN TRYING TO DO IT, COLLEAGUES, WITH PUBLIC SAFETY IN MIND. PLEASE, LISTEN TO THE DEBATE. MAKE FACT FROM FICTION AND REALIZE THAT AS THE BILL IS DRAFTED RIGHT NOW, IT DOES NOT DO ANY FAVORS FOR PUBLIC SAFETY IN THE STATE OF NEBRASKA. [LB289]

SPEAKER HADLEY: TIME, SENATOR. [LB289]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB289]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I THINK IT'S GETTING WARM IN HERE, A LOT OF HOT AIR, LOT OF THINGS BEING SAID. SENATOR MELLO, I WOULD SAY TO YOU, IF YOU'RE SO CONCERNED ABOUT THE POLICE UNION, WHERE WERE YOU LAST YEAR WHEN THE UNION BOYS DOWN AT THE OMAHA POLICE ASSOCIATION CAME OUT AGAINST, OVERRIDING THE GOVERNOR ON THE DEATH PENALTY? THEY WEREN'T SO IMPORTANT THEN, WERE THEY? YOU USE THEM WHEN YOU WANT, YOU KICK THEM IN THE TEETH WHEN YOU DON'T LIKE THEM. NOT A LOT OF CONSISTENCY THERE. EITHER THEY'RE A GOOD SOURCE OF INFORMATION AND THEY KNOW WHAT THEY'RE TALKING ABOUT, OR THEY DON'T KNOW WHAT THEY'RE TALKING ABOUT. MAYBE THEY GOT SMARTER SINCE LAST YEAR. MAYBE THEY WERE DUMB LAST SPRING AND NOW THEY'RE SMART. IT'S PRETTY AMAZING. I DIDN'T THINK FOR A SECOND ANY OF MY FRIENDS ON THE LEFT IN THIS BODY WOULD END UP SUPPORTING THIS BILL AND I WAS RIGHT. EVERY CONSERVATIVE SUPPORTS THE BILL. EVERYONE ON THE LEFT SIDE APPLICABLE TO THAT SPECTRUM OPPOSES IT. THEY SORTED IT OUT TO WHERE WE THOUGHT IT WOULD BE, AND TO THINK THAT ANYTHING DIFFERENT THAN THAT WAS GOING TO HAPPEN, IS WRONG. I THOUGHT THAT'S WHERE WE WERE GOING TO BE. SPEAKING OF PEOPLE ON THE LEFT AND FRIENDS ON THE LEFT, LET ME BRING UP MY GOOD FRIEND AND

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COLLEAGUE, SENATOR MORFELD, IF HE'LL YIELD TO A QUESTION OR TWO.
[LB289]

SPEAKER HADLEY: SENATOR MORFELD, WILL YOU YIELD? [LB289]

SENATOR MORFELD: THE NONPARTISAN SENATOR FROM 46th DISTRICT YIELDS.
(LAUGHTER) [LB289]

SENATOR KINTNER: AND YOU CAN SEE WHY WE ENJOY HAVING
CONVERSATIONS. WHERE DO CITIES GET THEIR POWER? WHAT POWER DO CITIES
HAVE AND WHERE DO THEY GET IT? [LB289]

SENATOR MORFELD: IT'S DERIVED FROM THE STATE CONSTITUTION AND
DERIVED FROM THE STATE THAT GIVES THEM THE POWER. [LB289]

SENATOR KINTNER: WELL, THEY GET THE POWER THAT WE GIVE THEM. THEY
ONLY HAVE POWER THAT WE GIVE THEM IN THE LEGISLATURE, ISN'T THAT
RIGHT? [LB289]

SENATOR MORFELD: AND WE ARE GIVEN POWER TO DO THAT UNDER THE STATE
CONSTITUTION. [LB289]

SENATOR KINTNER: RIGHT. SO WHAT POINT DO WE GIVE THEM THE POWER TO
REGULATE FIREARMS? WHERE DO WE PASS A LAW, WHERE DO WE GIVE THEM
THE POWER TO REGULATE FIREARMS? DO YOU KNOW WHAT YEAR? DO YOU
KNOW WHAT BILL? DO YOU KNOW WHERE IT IS IN STATUTE THAT WE GAVE
THEM THAT POWER? [LB289]

SENATOR MORFELD: I CAN'T SAY THAT I KNOW EXACTLY WHERE THAT IS. I'D
HAVE TO GO TO THE STATE LIBRARY AND FIND OUT, BUT IT'S UNDER THEIR
GENERAL POWERS TO CREATE ORDINANCES. [LB289]

SENATOR KINTNER: I CAN HELP YOU. WE NEVER GAVE THEM THE POWER. THEY
TOOK THE POWER. THIS BILL WAS SIMPLY REINING THEM IN. [LB289]

SENATOR MORFELD: THAT'S NOT TRUE. [LB289]

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SENATOR KINTNER: ALL WE'RE DOING IS GETTING THEM BACK TO WHERE THEY SHOULD BE. NOW, IF WE WANT TO GIVE THEM THAT POWER, THAT'S THE DEBATE THAT WE SHOULD BE HAVING. CAN YOU NAME A COUPLE OF THE MISDEMEANORS IN LINCOLN THAT THEY CAN DENY A PERSON A FIREARM PERMIT FOR? [LB289]

SENATOR MORFELD: NO, BUT I'M SURE YOU CAN, SENATOR. [LB289]

SENATOR KINTNER: HOW ABOUT BEING CAUGHT WITH A MINOR AMOUNT OF MARIJUANA? DO YOU THINK IT'S RIGHT THAT THEY WOULD DENY SOMEONE A FIREARM FOR A MINOR AMOUNT OF MARIJUANA? [LB289]

SENATOR MORFELD: I WOULD HAVE TO SEE THE ORDINANCE. I DON'T HAVE THE ORDINANCE IN FRONT OF ME AND I CAN'T CONFIRM THAT THAT'S THE CASE, SENATOR. [LB289]

SENATOR KINTNER: OKAY. OKAY. THEN THE REST OF THESE WHAT I'VE COME UP WITH...I'VE COME UP WITH TWO OR THREE FROM PEOPLE THAT HAVE WRITTEN ME SAYING THAT I HAD A MISDEMEANOR AND NOW I CAN'T HAVE A FIREARM. BUT YOU DO UNDERSTAND THAT THE FEDERAL GOVERNMENT HAS RESTRICTIONS, SO IF YOU HAVE A DOMESTIC VIOLENCE FELONY, NO GUN. THAT IS COVERED, RIGHT? [LB289]

SENATOR MORFELD: I BELIEVE SO, MY UNDERSTANDING, YES. [LB289]

SENATOR KINTNER: ALL RIGHT. THANK YOU VERY MUCH. APPRECIATE IT. [LB289]

SENATOR MORFELD: THANK YOU. [LB289]

SENATOR KINTNER: I'VE GOT STATISTICS FROM OUR STATE AND PEOPLE WHO ARE INMATES AND FOR A FIREARM-RELATED OFFENSE, IT'S 7.3 PERCENT. SO IT LOOKS LIKE OUR SCREENING IS DOING A PRETTY GOOD JOB; .8 PERCENT GOT IT FROM A GUN SHOW. [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

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SENATOR KINTNER: SO LESS THAN 1 PERCENT OF THE PEOPLE GET A FIREARM FROM A GUN SHOW ARE COMMITTING CRIMES, AND 7.3 PERCENT ARE BUYING IT LEGALLY, GOING THROUGH THE PROCESS AND PASSING THE BACKGROUND CHECK. THAT TELLS ME THAT THESE...WHAT THESE CITIES WANT TO DO WITH THEIR OWN REGISTRATION DOESN'T DO ANYTHING TO STOP CRIME. THEY HAVE NOT COME UP WITH ANY STATISTICS TO SAY, WE, BECAUSE OF THESE REGULATIONS, WE'VE STOPPED THIS MANY CRIMES. BUT I DO HAVE A LOT OF STORIES FROM PEOPLE WHO HAVE BEEN DENIED A FIREARM FOR A MISDEMEANOR AND I THINK GUN REGISTRATIONS IS THE WRONG WAY TO GO. AND I THINK IF IT'S GOING TO BE DONE, IT NEEDS TO BE DONE AT THE STATE LEVEL. IF IT'S GOOD FOR OMAHA, IT'S GOOD FOR THE ENTIRE STATE, AND THAT'S WHERE WE SHOULD BE. I LOOK FORWARD TO THIS VOTE AND WE'LL SEE WHAT HAPPENS. THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB289]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I ALWAYS ENJOY A GOOD EXCHANGE WITH MY COLLEAGUE, SENATOR KINTNER. I ACTUALLY JUST LOOKED UP THE ANSWER TO YOUR QUESTION HERE, SENATOR KINTNER. THE STATE EXPLICITLY GAVE CITIES, LINCOLN AND OMAHA, THE AUTHORITY TO REGULATE FIREARM USE IN 14-102.25, 15 THROUGH 55. SO, CITIES DO SPECIFICALLY HAVE THE POWER TO BE ABLE TO REGULATE FIREARMS IN A WAY THAT IS CONSISTENT WITH THE CONSTITUTION. SENATOR GROENE HAS ALSO BROUGHT UP THE CONSTITUTION SEVERAL TIMES. OUR STATE CONSTITUTION, ARTICLE 1, SECTION 1, UNDER THE STATEMENT OF RIGHTS. AND I THINK IT'S IMPORTANT TO NOTE THAT SOMETIMES WHEN WE MAKE CONSTITUTIONAL ARGUMENTS IN PARTICULAR, WE DON'T ALWAYS TELL YOU THE FULL STORY, DEPENDING ON OUR SIDE. AND ARTICLE 1, SECTION 1 SAYS...AND I'M SKIPPING A LITTLE BIT OF THE FIRST PART THAT DOESN'T DEAL WITH FIREARMS: BUT, AND FOR THE LAWFUL. LAWFUL COMMON DEFENSE HUNTING, RECREATIONAL USE AND ALL OTHER LAWFUL PURPOSES. WELL, IN ORDER TO DETERMINE WHETHER SOMETHING IS LAWFUL OR NOT OR THE USE OF FIREARMS IS LAWFUL, YOU HAVE TO BE ABLE TO CREATE LAWS AND A REGULATORY FRAMEWORK THAT DETERMINES WHAT'S LAWFUL AND NOT. I TEACH A POLITICAL SCIENCE 101 CLASS AND THE FIRST THING THAT I TALK TO ABOUT THE STUDENTS, BECAUSE THIS IS A COMMON MISCONCEPTION, APPARENTLY WITHIN THIS BODY AND THROUGHOUT THE UNITED STATES, THAT ALL RIGHTS ARE ABSOLUTE. YOU HAVE THE ABSOLUTE RIGHT TO FREEDOM OF SPEECH. YOU HAVE THE ABSOLUTE RIGHT TO RELIGION. THAT'S NOT TRUE. YOU CAN'T YELL FIRE IN A CROWDED

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THEATER AND CLAIM FREEDOM OF SPEECH. YOU CAN'T JUST GO OUT AND CLOSE DOWN A STREET TO HAVE A PROTEST IN THE MIDDLE OF O STREET IN LINCOLN WITHOUT GETTING A PERMIT. WE DETERMINED LONG AGO THAT RELIGIONS CANNOT DISCRIMINATE BASED ON RACE. BUT THERE IS A FREEDOM TO RELIGION. BUT ALL CONSTITUTIONAL RIGHTS ARE NOT ABSOLUTE. THEY ARE VERY STRONG AND I'M A SUPPORTER OF THEM. BUT REASONABLE REGULATIONS HAVE BEEN CREATED FOR ALL OF OUR CONSTITUTIONAL RIGHTS, NOT JUST THE SECOND AMENDMENT. AND THAT IS THE POWER OF THE STATE. THE POWER OF THE STATE TO CREATE REASONABLE LIMITATIONS ON CONSTITUTIONAL RIGHTS SO THAT OTHER PEOPLE'S CONSTITUTIONAL RIGHTS DON'T INFRINGE ON OTHERS' CONSTITUTIONAL RIGHTS. AND TO PROTECT THE SAFETY AND WELFARE OF OUR COMMUNITIES. SO IF YOU'RE GOING TO QUOTE THE CONSTITUTION, DON'T JUST QUOTE THE PARTS THAT YOU LIKE AND THAT ARE SELF-SERVING. LOOK AT THE CONSTITUTION IN THE WHOLE CONTEXT. COLLEAGUES, I HAVE TOLD YOU BEFORE, AND AT THE EXPENSE OF BEING ALMOST A LITTLE TOO REPETITIVE, I AM IN SUPPORT OF A REASONABLE COMPROMISE THAT PROTECTS THE TRANSPORTATION OF FIREARMS. I SEE THAT AS A PROBLEM. I UNDERSTAND WHAT SOME OF THE MEMBERS OF THE NRA AND NFOA ARE TALKING ABOUT IN THE TRANSPORTATION OF FIREARMS FROM ONE JURISDICTION TO ANOTHER. THAT'S A LEGITIMATE CONCERN. I ACTUALLY...I HAVEN'T TALKED TO SOMEBODY IN THIS BODY YET--WELL, MAYBE SENATOR CHAMBERS, I'M NOT QUITE SURE, I'LL HAVE TO TALK TO HIM--THAT IS AGAINST MAKING SURE THAT WE HAVE PROTECTIONS FOR LAW-ABIDING GUN OWNERS TRANSPORTING THEIR FIREARMS FROM ONE PLACE TO ANOTHER. WE CAN COMPROMISE ON THAT. THERE IS AN ABILITY TO DO THAT. AND THAT WOULD ACHIEVE 99 PERCENT OF ALL THE PROBLEMS THAT I'VE HEARD FROM OUR PHONE, FROM THE E-MAIL... [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR MORFELD: ...THAT I'VE BEEN GETTING, FROM THE LETTERS. WE CAN DO THAT. THERE IS AN OVERWHELMING MAJORITY, INCLUDING ME, THAT WANTS TO PROTECT THAT RIGHT AND MAKE SURE THAT WE PROTECT LAW-ABIDING CITIZENS THAT ARE CONCERNED ABOUT TRANSPORTING THEIR FIREARMS FROM ONE LOCALE TO ANOTHER. BUT WE HAVE TO BE ABLE TO COMPROMISE FIRST. THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB289]

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SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD MORNING. AND I'VE SAT AND LISTENED TO THIS DEBATE AS IT HAS GONE ON FOR THE LAST COUPLE DAYS. I'VE BEEN LISTENING TO THE IDEA OF THIS REGISTRY THAT'S HELD IN OMAHA BY, I BELIEVE, THE POLICE DEPARTMENT AND HOW THAT WORKS. AND I WAS JUST WONDERING, WOULD SENATOR EBKE ANSWER A QUESTION, PLEASE? [LB289]

SPEAKER HADLEY: SENATOR EBKE, WILL YOU YIELD? [LB289]

SENATOR EBKE: I WILL. [LB289]

SENATOR SCHILZ: SENATOR EBKE, THANK YOU. YESTERDAY, I THINK I HEARD, AND I WANT TO MAKE SURE, THAT THE POLICE ARE USING THIS REGISTRY TO DECIDE WHETHER SOMEONE SHOULD BE ALLOWED TO HAVE A GUN OR NOT AND TO DECIDE...AND TO USE IT FOR GOING OUT AND CHECKING ON FOLKS THAT MAY HAVE WARRANTS TO SEE IF THEY OWN ANY GUNS. IS THAT CORRECT? [LB289]

SENATOR EBKE: THAT'S MY UNDERSTANDING. THEY MAY REFUSE REGISTRATION OF A GUN THAT IS ALREADY PURCHASED, IN WHICH CASE, I BELIEVE I HAVE AN E-MAIL WHICH SHOWS THAT IN THAT INSTANCE, THEY CONFISCATE THE GUN FOR A PERIOD OF 30 DAYS AND THE APPLICANT THEN HAS THE OPPORTUNITY TO APPEAL THAT CONFISCATION, WHETHER THEY'VE BEEN DISALLOWED. THEY ALSO DO... THE POLICE OFFICERS TOLD US THAT THEY ALSO DO USE...PUNCH THE NAMES UP. THEY RUN THE NAMES WHEN THEY'RE GOING TO SERVE A WARRANT TO GIVE THEM SOME INDICATION OF WHETHER OR NOT THE PEOPLE IN THE HOUSE MAY OR MAY NOT HAVE A WEAPON. [LB289]

SENATOR SCHILZ: OKAY. AND SO, IS THERE ANY DUE PROCESS THAT GOES ALONG WITH THEM BEING ABLE TO ACCESS THIS REGISTRY BEFORE THEY CAN GO IN AND LOOK TO SEE WHO'S, WHAT, AND WHERE? [LB289]

SENATOR EBKE: WELL, I'M NOT A LAWYER ON THE SURFACE. I DON'T KNOW. I DON'T KNOW IF THE ABILITY TO SERVE A WARRANT ALSO ALLOWS...YOU KNOW, WOULD BE CONSIDERED AS DUE PROCESS OR NOT. BUT I DON'T THINK THAT THEY HAVE TO HAVE ANY SPECIAL PERMISSION, YOU KNOW, IF THEY'RE JUST DRIVING DOWN THE STREET, I DON'T KNOW THAT THEY HAVE TO HAVE A REASON TO LOOK FOR SOMEBODY'S NAME OR ADDRESS. [LB289]

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SENATOR SCHILZ: AND THEN I HEARD ONE MORE THING, AND I WANT TO UNDERSTAND THIS. IS THAT THEY SAID THAT A LOT OF THESE PEOPLE THAT ARE COMING IN AND REGISTERING GUNS THAT ARE TURNED DOWN FOR THE REGISTRATION, WERE TURNED DOWN BECAUSE OF POSSESSION OF MARIJUANA LESS THAN AN OUNCE. IS THAT CORRECT? [LB289]

SENATOR EBKE: THAT'S WHAT WE WERE TOLD BY THE OMAHA POLICE DEPARTMENT. [LB289]

SENATOR SCHILZ: I UNDERSTAND THAT. IS THAT...AS I UNDERSTOOD IT AND MAYBE SOMEBODY HERE THAT UNDERSTANDS THE CONSTITUTION CAN TELL ME, BUT UNDER THE STATE OF NEBRASKA, IF I UNDERSTAND IT RIGHT, THE ONLY PERSONS THAT AREN'T ALLOWED TO OWN FIREARMS WOULD BE SOMEBODY CONVICTED OF A FELONY. IS THAT CORRECT? [LB289]

SENATOR EBKE: THAT WOULD BE MY UNDERSTANDING. [LB289]

SENATOR SCHILZ: OKAY. THANK YOU, SENATOR EBKE. AND THOSE ARE THE TYPES OF QUESTIONS THAT AS I LOOK AT THIS THAT I START TO WONDER ARE WE...I CAN UNDERSTAND THE NEED FOR REGISTRY. I UNDERSTAND THAT TO A POINT. BUT ONE OF THE CONTROLS THAT ARE PUT ON THAT, CAN ANYBODY ACCESS THAT REGISTRY AT ANYTIME TO SEE WHAT'S GOING ON? IS THAT PROPER? AND THAT'S THE QUESTION THAT I HAVE TO ASK. AND I THINK THAT IF THE POLICE DEPARTMENT ITSELF IS MAKING THESE SORTS OF DETERMINATIONS ON FOLKS THAT HAVE NOT BEEN CONVICTED OF ANYTHING OTHER THAN A MISDEMEANOR AND/OR A CITATION, THEN I QUESTION WHETHER OR NOT THAT'S BEING FUNCTIONED PROPERLY. BUT THERE ARE WISER FOLKS THAN ME... [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR SCHILZ: ...THAT CAN TELL ME IF THAT IS THE CASE OR NOT. THANK YOU, MR. PRESIDENT. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR SCHILZ. THOSE IN THE QUEUE: SENATOR PANSING BROOKS, SENATOR EBKE, SENATOR BURKE HARR, SENATOR SEILER, AND SENATOR HANSEN. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB289]

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SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. FIRST OFF, I JUST WANT TO START WITH THE FACT THAT WORDS MATTER. IF WE DON'T UNDERSTAND THE DEFINITION OF A WORD, PLEASE, COLLEAGUES, DO NOT USE THAT WORD. THE WORD TODAY THAT WAS USED THAT WAS TOTALLY INAPPROPRIATE ON THIS FLOOR IS THE WORD GANGBANGER. AND IF YOU HAVE ANY CONFUSION ABOUT WHAT THAT MEANS, OR THE VIOLENCE AGAINST WOMEN WITH WHICH THAT WORD...WHAT IT CONSTITUTES, THEN PLEASE, LOOK IT UP AND UNDERSTAND THE WORD THAT YOU ARE USING TODAY. THANK YOU. ADDITIONALLY, I WANTED TO EXPLAIN WHAT, AGAIN, READ TO YOU THE FEDERAL LAW ON THIS MATTER. NOTWITHSTANDING FEDERAL, STATE OR LOCAL LAW, ANY PERSON WHO IS NOT OTHERWISE PROHIBITED BY 18 USC SECTION 922 FROM TRANSPORTING, SHIPPING OR RECEIVING A FIREARM, MAY TRANSPORT A FIREARM FOR ANY LAWFUL PURPOSE FROM ANY PLACE WHERE HE OR SHE MAY LAWFULLY POSSESS AND CARRY A FIREARM TO ANY OTHER PLACE WHERE HE OR SHE MAY LAWFULLY POSSESS AND CARRY A GUN IF, DURING THE TRANSPORTATION, THE FIREARM IS UNLOADED AND NEITHER THE FIREARM NOR ANY AMMUNITION IS READILY ACCESSIBLE FROM THE PASSENGER COMPARTMENT OF SUCH WEAPON. IF THE WEAPON DOES NOT HAVE A COMPARTMENT SEPARATE...IF THE VEHICLE DOES NOT HAVE A COMPARTMENT SEPARATE FROM THE DRIVER'S COMPARTMENT, THE FIREARM OR AMMUNITION MUST BE CONTAINED IN A LOCKED CONTAINER OTHER THAN THE GLOVE COMPARTMENT OR CONSOLE. END QUOTE. OKAY, WELL, IN THE HEARING, IF YOU LOOK BACK AT THE HEARING AND WHAT WENT ON IN THAT HEARING, THE ENTIRE HEARING CONSISTED OF DISCUSSIONS ABOUT THE SAFE TRANSPORTATION OF GUNS AND THE ABILITY TO TRANSFER GUNS FROM ONE MUNICIPALITY TO ANOTHER. THERE WAS NOTHING DISCUSSED ABOUT LIMITING MUNICIPALITIES. THERE WAS NOTHING DISCUSSED ABOUT MAKING SURE THAT THE STATE GETS TO DECIDE THE LAWS ABOUT GUNS, AND THAT MUNICIPALITIES SHOULD HAVE NO POWER. I DON'T BELIEVE WE'VE HAD A FAIR HEARING ON THIS IN ANY MANNER WHATSOEVER. WHEN I SAID THAT I WAS NOT VOTING AS THIS WAS COMING OUT OF COMMITTEE, AGAIN, I WAS ASSURED BY PEOPLE WHOM I BELIEVED UNDERSTOOD GUN LAWS FAR BETTER THAN I, THAT THIS WAS MERELY ABOUT SAFE PASSAGE. WE HAVE TO BE ABLE TO TRANSPORT OUR GUNS AND AS A BELIEVER IN THE SECOND AMENDMENT, I THOUGHT WELL, OKAY. I STILL DON'T GET IT, IT'S TALKING ABOUT MUNICIPALITIES. AGAIN, I THINK I WAS DUPED AND I'M SORRY ABOUT THAT BECAUSE I WOULD HAVE STOOD UP MUCH MORE VOCIFEROUSLY. THIS ORDINANCE WOULD REQUIRE...RIGHT NOW, OMAHA REQUIRES PEOPLE TO REGISTER THEIR HANDGUNS. THAT WILL BE NO LONGER VALID. LINCOLN PROHIBITS THE POSSESSION OF FIREARMS IF YOU'VE BEEN CONVICTED IN THE LAST TEN YEARS OF A NUMBER OF DIFFERENT CRIMES,

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INCLUDING STALKING, INCLUDING VIOLATION OF AN ORDER OF PROTECTION, AND INCLUDING IMPERSONATING AN OFFICER. AND SENATOR KINTNER HAS TALKED ABOUT THE HYPOCRISY OF ONE MEMBER OF OUR LEGISLATURE WITHOUT EVEN ACKNOWLEDGING HIS OWN. WE ALL HAVE STANDS THAT WE TAKE. WE ALL HAVE STANDS THAT WE NEED TO FOLLOW. AND AT TIMES WE'LL AGREE WITH OUR OFFICERS WHO ARE IN THE LINE OF DUTY EVERY DAY AND AT TIMES WE DON'T, FOR VARIOUS REASONS. BUT AGAIN, I THINK THAT THE CITY OF LINCOLN HAS A REASON AND A VALID REASON TO BE ABLE TO PROHIBIT POSSESSION OF A FIREARM IF YOU'VE VIOLATED, OR IMPERSONATED AN OFFICER. [LB289]

SPEAKER HADLEY: ONE MINUTE. [LB289]

SENATOR PANSING BROOKS: SO AGAIN, FINALLY, I WANT TO SAY THAT THIS LAW WILL MAKE NEBRASKA ONE OF ONLY A HANDFUL OF STATES THAT WILL HAVE PUNITIVE PREEMPTION LAWS. FOR THE FIRST TIME EVER WE'RE GOING TO PUT INTO OUR LAWS THAT THE NRA ATTORNEYS WOULD BE ABLE TO GET THREE TIMES THE FEES. THEY WILL BE ABLE TO CHARGE OUR CITIES THREE TIMES THE FEES SIMPLY FOR PASSING AND ENFORCING LAWS TO KEEP CITIZENS SAFE. I DON'T THINK IT'S UP TO GROUPS OUTSIDE OF OUR MUNICIPALITIES AND THE PEOPLE THAT WE ELECT TO DETERMINE WHAT WE ARE GOING TO PASS AND HOW WE WANT TO LIVE IN OUR CITIES. THIS SHOULD NOT BE UP TO LOBBYING GROUPS HOW TO KEEP OUR CITIZENS SAFE. IT SHOULD BE UP TO OUR MAYORS, OUR CITY COUNCILS, OUR COUNTY BOARDS. THOSE ARE THE PEOPLE THAT WE HAVE...CAN SPEAK TO, AND IT... [LB289]

SPEAKER HADLEY: TIME, SENATOR. [LB289]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR EBKE, YOU'RE RECOGNIZED. [LB289]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I DON'T HAVE A LOT TO ADD TO THE DISCUSSION THAT WE'VE HAD SO FAR, JUST A COUPLE OF THINGS. FIRST OF ALL, SENATOR PANSING BROOKS AND OTHERS HAVE REFERRED TO THE PUNITIVE DAMAGES. BECAUSE WE DID USE MODEL LEGISLATION, WE JUST MISSED THAT AS WE HAD IT DRAFTED LAST YEAR. SENATOR SCHNOOR'S AMENDMENT WOULD TAKE CARE OF THE PUNITIVE DAMAGES ELEMENT IF WE

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COULD EVER GET TO THAT. I WOULD REMIND FOLKS THAT IN ORDER TO PURCHASE A HANDGUN LEGALLY, IN ANY PLACE THAT DOES RETAIL SALES AT LEAST, WE ALREADY HAVE PURCHASE PERMITS ARE REQUIRED. AND THERE IS A PURCHASE PERMIT REGISTRY. SO IF REGISTRATION IS A CONCERN, CERTAINLY FOR THOSE WHO ARE ON THE CONCEALED CARRY LIST AS WELL, WHO DON'T HAVE TO REGISTER, THIS PURCHASE PERMIT REGISTRY MAY EARLY ON GIVE POLICE OFFICERS MORE INFORMATION THAN DOES THE REGISTRATION IN TOWN. I RECEIVED AN E-MAIL AND SOME OF YOU HAVE RECEIVED SECONDARY E-MAILS FROM A DEFENSE ATTORNEY HERE IN LINCOLN. AND I WANT TO ADDRESS THIS QUESTION ABOUT WHY HAS...IF THIS IS SO UNCONSTITUTIONAL, WHY HAVEN'T THERE BEEN ANY CASES? AND THIS IS FROM KOREY REIMAN, WHO IS AN ATTORNEY HERE IN LINCOLN. AND HE SAYS, QUOTE, MAYBE A CITY SHOULD BE ALLOWED TO DESIGNATE WHERE FIREARMS ARE NOT ALLOWED. I STILL SUGGEST THAT IS NO PLACE OF A CITY COUNCIL TO DETERMINE WHO IS PROHIBITED BEYOND STATE LAW. HOW CAN A CITY ADD 20-PLUS CRIMES TO PROHIBIT PEOPLE THAT THE FEDS OR THE STATE DOESN'T? MOST OF THESE CITIZENS DON'T EVEN KNOW THEY ARE PROHIBITED. THEY DID SOMETHING STUPID, WALKED INTO A COURT, JUDGE TELLS THEM IF YOU PLEA, IT WILL BE A \$100 FINE, SO THEY ENTER A PLEA TO SOMETHING MINOR AND AWAY GO THEIR RIGHTS TO POSSESS A GUN IN LINCOLN. THE CLIENTS THAT HAVE CALLED ME ABOUT GETTING CHARGED UNDER THE LINCOLN ORDINANCE, WHICH MADE THEM PROHIBITED, DIDN'T EVEN KNOW THAT THEY WERE PROHIBITED FROM PURCHASING. MANY LAWYERS HAVE DOUBTS. THE PROHIBITIONS ARE CONSTITUTIONAL. HOWEVER,--AND THIS IS THE KEY POINT--I'VE YET TO FIND A CLIENT WITH THE RIGHT FACTS OR MONEY TO CHALLENGE THAT. IT'S NOT ABOUT GREEDY LAWYERS, JUST ABOUT THE AMOUNT OF TIME TO TAKE A CASE TO THE NEBRASKA SUPREME COURT. FILING FEES, TRANSCRIPT FEES, WOULD BE BURDENSOME JUST TO COVER THE COST. A CITY SHOULD NOT HAVE THE POWER TO ADD ON ADDITIONAL MISDEMEANOR OFFENSES WHERE A GUY GETS A \$100 FINE TO STRIP HIM OF HIS CONSTITUTIONAL RIGHT. THAT IS WHY I'M IN SUPPORT OF YOUR BILL AND THAT IS WHERE I SEE THESE ORDINANCES IMPACTING PEOPLE IN LINCOLN THE MOST. MR. PRESIDENT, WE WILL BE APPROACHING THE HOUR HERE SHORTLY AND I WILL HAVE A FEW THINGS TO SAY ON CLOSE. BUT I THANK EVERYONE FOR THE TIME THAT THEY HAVE PUT INTO THIS DISCUSSION, AND WHEN IT COMES TIME, I URGE A GREEN VOTE ON CLOTURE AND A GREEN VOTE ON THE BILL. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR EBKE. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB289]

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SENATOR HARR: THANK YOU, MR. SPEAKER AND MEMBERS OF THE BODY. I'LL KEEP THIS BRIEF BECAUSE WE ARE NEAR THE END, AND SO I JUST WANT TO TALK ABOUT THIS FOR A SECOND. FIRST OF ALL, IF THIS LAW IS UNCONSTITUTIONAL, WHICH I HAVE HEARD, THIS IS NOT THE VENUE. THE PROPER VENUE TO DETERMINE THE CONSTITUTIONALITY, UNCONSTITUTIONALITY OF A BILL ARE THE COURTS. THAT'S WHAT WE HAVE DECIDED, THAT'S JUDICIAL OVERSIGHT. THAT'S NOT OUR JOB, THAT'S NOT OUR RESPONSIBILITY. OUR JOB IS TO MAKE POLICY. I HEAR CONSTANTLY, WE GOT TO PROTECT OUR OFFICERS. THIS BILL IS A TOOL, ANOTHER TOOL IN THE TOOL BOX TO PROTECT OUR OFFICERS. IS IT A PERFECT ONE? NO. DOES IT WORK? YOU BET IT DOES. IF IT DIDN'T WORK, THEY WOULDN'T BE USING IT. THEY WOULDN'T BE CONTACTING US SAYING, WE WANT THIS BILL. THERE ARE TWO PARTS TO THIS BILL. THE INTERSTATE PART, I CAN LIVE WITH. I'M OKAY WITH THAT. BUT THIS HARMING OUR POLICE OFFICERS. FOR WHAT? THIS BILL HAS BEEN ON THE BOOKS FOR A NUMBER OF YEARS. IT'S NEVER BEEN A PROBLEM. I HAVEN'T HEARD HOW MANY CASES HAVE BEEN PROSECUTED. PROBABLY NOT THAT MANY, IF ANY AT ALL. AND IF THEY WERE AND THIS WERE UNCONSTITUTIONAL, THAT WOULD BE THE TIME TO CHALLENGE IT. NOT HERE. WE HAVE ENOUGH PROBLEMS IN THIS STATE WITH GUN VIOLENCE. WE NEED TO USE THOSE TOOLS THAT ARE AVAILABLE TO US THAT ARE CONSTITUTIONAL AND THIS IS CONSTITUTIONAL. I CONSTANTLY HEAR, ENFORCE THE LAWS YOU HAVE NOW. WE DON'T NEED MORE LAWS. ENFORCE THE LAWS YOU HAVE. OKAY. NOW I HEAR, DON'T ENFORCE THE LAWS YOU HAVE. CHANGE THE LAWS. I HEAR, WELL, WE DON'T HAVE MONEY TO CHALLENGE THIS IN THE COURTS. I HAVE NEVER HEARD THE ARGUMENT THAT THE GUN LOBBY DOES NOT HAVE THE MONEY. THAT'S THE FIRST TIME I'VE HEARD IT AND I FIND IT IRONIC. I OWN GUNS. I DON'T HAVE A PROBLEM. I UNDERSTAND I HAVE RESPONSIBILITIES AS A GUN OWNER. AND IF SOMEONE STEALS MY GUN, MY HANDGUN, I WANT TO MAKE SURE THAT PERSON IS PROSECUTED AND THAT THE TOOLS ARE AVAILABLE SO THAT IT'S EASIER TO PROSECUTE THAT PERSON, SO THAT THAT GUN IS REGISTERED, SO I CAN PROVE THAT THAT WAS MY GUN AND THAT I WILL FILE A POLICE REPORT. THAT WOULD BE MY JOB AS A GUN OWNER. IF A GUN IS STOLEN, I NEED TO REPORT THAT STOLEN GUN. THAT'S ALL THIS BILL IS ABOUT, FOLKS, IS HOW DO WE PROVIDE TOOLS FOR OUR LAW ENFORCEMENT SO THEY CAN BE BETTER, SO THEY CAN BE SAFER, SO THAT WE DON'T HAVE SITUATIONS WHERE INDIVIDUALS ARE SHOT, WHERE DOGS ARE SHOT, WHERE HUMANS ARE SHOT. WE WANT TO MAKE LAW ENFORCEMENT AS SAFE AS POSSIBLE. WE HONOR THESE PEOPLE. NOW, I HEARD SENATOR KINTNER SAY, WELL, YOU COULDN'T HAVE VOTED FOR THE DEATH PENALTY AND THIS. YEAH, YOU CAN. YES, YOU CAN. THEY ARE NOT INTERNALLY IN CONFLICT WITH EACH OTHER. I COULD GO

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INTO A LONG DETAIL ABOUT IT, BUT WE ARE NOW OFFICIALLY AT 10:33, WHICH MEANS WE'VE HIT OUR LIMIT AND WE CAN FINALLY VOTE ON THIS, AND I APPRECIATE YOUR TIME. THANK YOU VERY MUCH. THANK YOU, MR. PRESIDENT. I YIELD THE REMAINDER OF MY TIME BACK TO YOU. [LB289]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. MR. CLERK, YOU HAVE A MOTION ON THE DESK. [LB289]

CLERK: I DO, MR. PRESIDENT. SENATOR EBKE WOULD MOVE TO INVOKE CLOTURE PURSUANT TO RULE 7, SECTION 10. [LB289]

SPEAKER HADLEY: IT IS THE RULING OF THE CHAIR THAT THERE HAS BEEN FULL AND FAIR DEBATE ACCORDED TO LB289. SENATOR EBKE, FOR WHAT PURPOSE DO YOU RISE? [LB289]

SENATOR EBKE: I'D LIKE A ROLL CALL AND A CALL OF THE HOUSE. [LB289]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. RECORD, MR. CLERK. [LB289]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB289]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR McCOLLISTER, WILL YOU CHECK IN, PLEASE? SENATOR MURANTE, SENATOR LARSON, SENATOR GARRETT, THE HOUSE IS UNDER CALL. SENATOR GARRETT, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. MEMBERS, THE FIRST VOTE IS THE MOTION TO INVOKE CLOTURE. THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. [LB289]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 429.) 32 AYES, 10 NAYS, MR. PRESIDENT, ON THE MOTION TO INVOKE CLOTURE. [LB289]

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SPEAKER HADLEY: THE MOTION TO CLOTURE FAILS. THIS ENDS THE DEBATE ON THIS BILL. I RAISE THE CALL. MR. CLERK. ITEMS FOR THE RECORD. [LB289]

CLERK: I DO, MR. PRESIDENT, THANK YOU. YOUR COMMITTEE ON BANKING, COMMERCE AND INSURANCE REPORTS LB729, LB758, LB772, AND LB819 TO GENERAL FILE, AS WELL AS LB840. I HAVE A SERIES OF HEARING NOTICES, MR. PRESIDENT: THE RETIREMENT SYSTEMS COMMITTEE, THE JUDICIARY COMMITTEE, THE REVENUE COMMITTEE, THE EXECUTIVE BOARD, THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, THE JUDICIARY COMMITTEE, ALL OF THOSE SIGNED BY THE RESPECTIVE CHAIRPERSONS. CONFIRMATION REPORT FROM TRANSPORTATION COMMITTEE. AMENDMENTS TO BE PRINTED: SENATOR FOX TO LB289; SENATOR JOHNSON, LB798; SENATOR KUEHN TO LB471; SENATOR COOK TO LB289. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 429-437.) [LB729 LB758 LB772 LB819 LB840 LB289 LB798 LB471]

SPEAKER HADLEY: MR. CLERK, WE RETURN TO THE AGENDA.

CLERK: MR. PRESIDENT, SELECT FILE, LB285. SENATOR HANSEN, I DO HAVE E&R AMENDMENTS, SENATOR. (ER144, LEGISLATIVE JOURNAL PAGE 275.) [LB285]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED. [LB285]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB285. [LB285]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES. [LB285]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB285]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB285]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB285 TO E&R FOR ENGROSSING. [LB285]

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SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL IS ADVANCED. MR. CLERK. [LB285]

CLERK: MR. PRESIDENT, THE NEXT BILL, LB47. SENATOR, I HAVE E&R AMENDMENTS PENDING. (ER145, LEGISLATIVE JOURNAL PAGE 307.) [LB47]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB47]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB47. [LB47]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. I CAN'T HEAR YOU. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION CARRIES. [LB47]

CLERK: MR. PRESIDENT, SENATOR WATERMEIER WOULD MOVE TO AMEND WITH AM1871.(LEGISLATIVE JOURNAL PAGE 367.) [LB47]

SPEAKER HADLEY: SENATOR WATERMEIER, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB47]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT; AND GOOD MORNING, NEBRASKA. AS YOU MAY RECALL, WE HAD SIX HOURS OF DEBATE ON LB47 ON GENERAL FILE. THERE WAS MUCH DISCUSSION AS TO WHETHER THE QUESTION PERTAINING TO ORGAN DONATION ON THE DRIVER'S LICENSE APPLICATION SHOULD BE MANDATORY RATHER THAN OPTIONAL. AS I STATED ON THE FLOOR, I BELIEVE THAT IF THE QUESTION WERE MANDATORY THE NUMBER OF PERSONS ANSWERING YES TO THE QUESTION WOULD INCREASE, WHICH IN TURN COULD ULTIMATELY BENEFIT MORE NEBRASKANS IN NEED OF ORGAN AND TISSUE DONATIONS. HOWEVER, THERE WAS CONTROVERSY OVER LINKING ANSWERING THIS QUESTION TO WHETHER A PERSON COULD OBTAIN A DRIVER'S LICENSE. DURING THE DEBATE IT BECAME CLEAR THAT SOME CHANGES WOULD NEED TO BE MADE TO THE BILL. THEREFORE, I'VE DECIDED TO OFFER AM1871 TO LB47. I ASKED FOR IT TO BE DRAFTED AS A WHITE COPY SO THAT YOU CAN EASILY SEE WHAT I AM PROPOSING. UNDER AM1871, THE QUESTION WILL REMAIN OPTIONAL. I DID NOT WANT THE CONTROVERSY SURROUNDING THIS LEGISLATION TO NEGATIVELY AFFECT THE ORGAN DONOR PROGRAM, SOMETHING THAT I FIRMLY SUPPORT. WITH THE QUESTION REMAINING

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OPTIONAL, THE LANGUAGE OF THE QUESTION IS REWRITTEN TO BETTER REFLECT WHAT WE ARE ASKING APPLICANTS TO ACTUALLY DO. THERE ARE SOME OTHER CHANGES THAT ARE INCLUDED IN THE AMENDMENT, WHICH WERE CONTAINED IN THE ORIGINAL BILL AND THE COMMITTEE AMENDMENTS, AND THESE ARE A LITTLE BIT MORE TECHNICAL IN NATURE AND THEY INCLUDE: CURRENTLY AN INDIVIDUAL STATUS AS A DONOR MUST BE RENEWED WHEN THE LICENSE IS RENEWED. LB47 PROVIDES THAT STATUS AS A DONOR REMAIN EFFECTIVE UNTIL REVOKED OR AMENDED BY THE DONOR. EXPIRATION OF THE LICENSE DOES NOT CHANGE THE HOLDER'S DONOR STATUS. THIS MAKES THE LANGUAGE CONSISTENT WITH THE UNIFORM ANATOMICAL GIFT ACT, 71-4828, WHICH STATES THAT THE REVOCATION, SUSPENSION, OR EXPIRATION OF CANCELLATION OF A DRIVER'S LICENSE WHICH AN ANATOMICAL GIFT HAS INDICATED DOES NOT INVALIDATE THAT GIFT. ANOTHER LANGUAGE CHANGE IS, ADDS LANGUAGE CLARIFYING THAT DONOR STATUS MAY ALSO BE REVOKED BY INDICATING UPON THE APPLICATION FOR AN OPERATOR'S LICENSE THAT THE INDIVIDUAL DOES NOT WISH TO BE INCLUDED IN THE DONOR REGISTRY. IT ALSO CLARIFIES THAT A DONOR MAY LIMIT WHAT ORGANS AND/OR TISSUES THEY WISH TO DONATE THROUGH THE INTERNET ACCESS TO THE REGISTRY, OR A TELEPHONE REQUEST, OR OTHER METHODS SUCH AS THROUGH A WILL. THEREFORE, WITH THE ORGAN DONATION QUESTION REMAINING OPTIONAL, AS IT CURRENTLY IS, I HOPE THIS BILL WILL BE SATISFYING EVERYONE'S CONCERNS. I URGE YOUR SUPPORT ON AM1871 TO THE E&R AMENDMENTS AND I WOULD HOPE YOU WOULD VOTE FOR LB47. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON AM1871. THE FLOOR IS NOW OPEN. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB47]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. FIRST OF ALL, I AGREE TO THE AMENDMENT THAT SENATOR WATERMEIER IS BRINGING. BUT I WANT TO MAKE A COUPLE OF OBSERVATIONS IN VIEW OF THE WAY WE'VE BEEN MOVING DURING THIS SESSION SO FAR. BILLS THAT ARE CONTROVERSIAL AND THAT DEAL WITH CRITICAL ISSUES ARE GOING TO GENERATE A LOT OF DISCUSSION. MUCH EMOTION, IN SOME CASES, WILL BE ENGENDERED, BUT EXTENDED DEBATE IS NECESSARY AND DESPITE HOW RANCOROUS IT MAY BE, HOW IRRITATED AND ANNOYING IT MAY BE TO THOSE WHO DON'T UNDERSTAND THE NATURE OF A LEGISLATIVE ASSEMBLY, THAT DEBATE IS NECESSARY IN ALL OF ITS PHASES AND ASPECTS. IT WILL PRODUCE RESULTS. NOW, I'M NOT GOING TO GLOAT ABOUT THE LAST VOTE THAT WE TOOK ON THAT ATROCIOUS BILL, OTHER THAN TO SAY THE NRA WAS DEFEATED TODAY. BUT I FEEL A SENSE OF DISILLUSIONMENT TOWARD SOME OF MY COLLEAGUES WHO KNEW BETTER

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AND KNEW THEY WERE ROPED IN BY THE NRA AND KNEW THEY WERE NOT GOING TO BE ALLOWED TO DISCUSS ANY ISSUES WITH AN IDEA OF MAKING NECESSARY CHANGES. BUT THAT'S FOR THEM TO DECIDE. BUT I DO USE WHAT HAPPENED DURING THAT DEBATE TO HELP ME CALIBRATE MY OPINION ABOUT THOSE PEOPLE AND WHAT THEY SAY ON VARIOUS ISSUES. I THINK THAT I GAVE SENATOR WATERMEIER AS HARD A TIME--IF YOU WANT TO BE VERY BLUNT--ON HIS BILL AS I DID ON THAT NRA BILL, BUT IT WASN'T THE SAME WAY AS ON THAT NRA BILL. AND SENATOR WATERMEIER BEGAN TO REVIEW THE OVERALL TERRAIN AND REALIZE THAT THERE WAS A WAY TO GET SOMETHING, RATHER THAN WIND UP WITH NOTHING. HE DIDN'T GET WHAT THOSE WHO BROUGHT THE BILL TO HIM WANTED. WE A LOT OF TIMES DON'T GET WHAT WE WANT. AND MAYBE IF I WOULD SING LIKE THOSE GUYS WITH MICK JAGGER AND THOSE OTHER, OLD PEOPLE LIKE ME, YOU DON'T ALWAYS GET WHAT YOU WANT, THEN MAYBE WE WOULDN'T HAVE HAD TO GO THROUGH ALL THAT DISCUSSION. BUT I ASSURE YOU, IF I HAD NOT PERSISTED ON BOTH FRONTS, LB289 WOULD HAVE MOVED. IF I HAD NOT PERSISTED ON LB47, IT DID MOVE TO SELECT FILE, BUT IT MIGHT NOT HAVE GONE ANY FURTHER. I DO NOT OPPOSE A BILL BECAUSE OF THE NUMBER, AND I DON'T HAVE TO HAVE THE RECORD TO SHOW THAT DESPITE EFFORTS TO MAKE THE BILL REASONABLE, I HAD TO FIGHT UNTIL I DEFEATED IT BECAUSE I STARTED OUT BY SAYING, I'LL DO EVERYTHING TO KILL THIS BILL. THE IDEA IS THAT WHEN CHANGES ARE MADE, THEN A DIFFERENT ATTITUDE AND EVALUATION CAN BE MADE. I DON'T KNOW HOW MUCH CREDENCE PEOPLE GIVE TO MY POSITION ON ANYTHING. BUT BECAUSE I WAS THE PRIMARY ANTAGONIST TO THIS BILL THAT SENATOR WATERMEIER IS PRESENTING TODAY, THE FACT THAT I THINK THAT HE HAS COME UP WITH A VERY... [LB47]

SPEAKER HADLEY: ONE MINUTE. [LB47]

SENATOR CHAMBERS: ...REASONABLE AMENDMENT, MIGHT ALLAY SOME OF THE DOUBTS THAT OTHERS HAD AS TO WHETHER THIS BILL SHOULD MOVE AT ALL. SO IF SENATOR WATERMEIER'S AMENDMENT IS ADOPTED, AN AMENDMENT I HAVE PENDING WILL BE WITHDRAWN, AND I WILL SUPPORT HIS MOVING THE BILL AND THE ONLY ONE WHO WILL MAKE THAT MOTION WILL BE SENATOR HANSEN, AND THE REST OF US LIKE LEMMINGS WILL SAY AYE. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. THOSE IN THE QUEUE: SENATORS BLOOMFIELD, SULLIVAN, EBKE, McCOLLISTER, AND OTHERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB47]

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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I WANT TO THANK SENATOR WATERMEIER FOR BRINGING THIS AMENDMENT. IT ALLEVIATES A LOT OF PROBLEMS THAT WE HAD. THANKS FOR WORKING WITH PEOPLE ON THAT AND GETTING IT DONE. I WILL NOT TAKE THE TIME THAT MY PRECEDING COLLEAGUE DID TO SAY THANK YOU TO SENATOR WATERMEIER, AND I WILL SUPPORT AM1871 AND WITH THAT AMENDMENT, I WILL SUPPORT LB47. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB47]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AS YOU KNOW, I WAS NOT SUPPORTIVE OF THIS BILL AS IT WENT THROUGH THE PROCESS, PARTICULARLY BECAUSE OF THE REQUIREMENT TO ANSWER THAT QUESTION. I TALKED WITH SENATOR WATERMEIER YESTERDAY AND TOLD HIM THAT WITH HIS AMENDMENT, IT APPEARS THAT I CAN BE SUPPORTIVE OF THIS. BUT AGAIN, THIS PROCESS, I HAVE A COUPLE QUESTIONS IF FOR NO OTHER REASON JUST TO KIND OF SOLIDIFY IN MY MIND HOW THIS PROCESS OF INDICATING THAT YOU ARE, AND WANTING TO BE AN ORGAN DONOR, WORKS. SO I WONDERED IF SENATOR WATERMEIER WOULD YIELD TO A COUPLE QUESTIONS. [LB47]

SPEAKER HADLEY: SENATOR WATERMEIER, WILL YOU YIELD? [LB47]

SENATOR WATERMEIER: YES. [LB47]

SENATOR SULLIVAN: THANK YOU, SENATOR WATERMEIER. FIRST OF ALL, IF YOU ANSWER THAT QUESTION YES, DO YOU WISH TO INCLUDE YOUR NAME, HOW DOES THAT, FIRST OF ALL, WORK? YOUR NAME THEN IS AUTOMATICALLY PUT ON THE DONOR REGISTRY? [LB47]

SENATOR WATERMEIER: YES, THAT'S MY UNDERSTANDING, YES. [LB47]

SENATOR SULLIVAN: OKAY. AND THEN UNDERSTAND YOUR AMENDMENT, OR MAYBE EVEN UNDER A CURRENT SITUATION, IF YOU WANT TO REVOKE THAT, HOW DOES THAT WORK? [LB47]

SENATOR WATERMEIER: IF YOU COME BACK TO RENEW YOUR DRIVER'S LICENSE AND YOU ANSWER NO TO THAT QUESTION, YOU WILL BE TAKEN OFF THE LIST.

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BUT BEFORE THAT, IF YOU EITHER E-MAIL, CALL, OR MAKE A FORMAL REQUEST, YOU CAN TAKE YOUR NAME OFF OF THAT DONOR REGISTRY LIST. [LB47]

SENATOR SULLIVAN: WHO DO YOU CALL? WHO DO YOU...? [LB47]

SENATOR WATERMEIER: WELL, THERE'S AN 800 NUMBER, THERE'S A REGISTRY. IT'S VERY EASY TO ACCESS IT ON THE WEB SITE. [LB47]

SENATOR SULLIVAN: OKAY. BUT DO YOU GET THAT INFORMATION WHEN YOU APPLY FOR YOUR LICENSE? SO IF YOU DON'T HAVE THAT INFORMATION, YOU'VE GOT TO SEARCH FOR IT A LITTLE BIT, IS THAT CORRECT? [LB47]

SENATOR WATERMEIER: YEAH, I THINK YOU'RE GOING TO BE GETTING NOTIFIED THAT YOU'RE ON THE LIST. I SHOULD HAVE SAID THAT. [LB47]

SENATOR SULLIVAN: SEE, THAT'S WHAT I'VE ALWAYS WONDERED BECAUSE I'M PRETTY SURE THAT I'VE INDICATED THAT I WANT TO BE AN ORGAN DONOR, BUT I DON'T KNOW THAT I'VE EVER RECEIVED ANY INFORMATION TELLING ME MORE DETAILS ABOUT IT. [LB47]

SENATOR WATERMEIER: I KNOW YOU WILL IF YOU ANSWER THE NEXT QUESTION DOWN THAT SAYS IF YOU WANT MORE INFORMATION, BUT IT'S MY UNDERSTANDING THAT YOU PROBABLY WILL NOT GET A NOTICE THAT YOU WILL BE ON THE REGISTRY. SO YOU WOULD BE PERSONALLY RESPONSIBLE TO CHECK ON YOUR OWN STATUS. [LB47]

SENATOR SULLIVAN: AND THE SAME WOULD APPLY THEN AS FAR AS THE EXPIRATION. IF MY LICENSE IS EXPIRED, I'M STILL ON THE DONOR LIST, IS THAT CORRECT? [LB47]

SENATOR WATERMEIER: THAT'S CORRECT. [LB47]

SENATOR SULLIVAN: ALL RIGHT. THANK YOU, SENATOR WATERMEIER. AND AS I SAID, I WAS CONCERNED ALL ALONG ABOUT THE REQUIREMENT TO ANSWER THIS QUESTION. I APPRECIATE SENATOR WATERMEIER'S WORKING ON THIS AMENDMENT AND I BELIEVE I CAN SUPPORT IT. THANK YOU. [LB47]

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SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB47]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I WOULD LIKE TO JOIN THE CHORUS OF SENATORS THIS MORNING CONGRATULATING SENATOR WATERMEIER ON HIS ACCOMPLISHMENT. THE PURPOSE OF THIS BILL IS VERY GOOD. IF WE CAN GENERATE ANOTHER 50 TO 80,000 ORGAN DONATIONS IN THE STATE, THAT'S A VERY GOOD THING. SO THANK YOU FOR YOUR HARD WORK. I WAS ABLE TO LOOK THROUGH A NUMBER OF STATE APPLICATIONS AND THE APPLICATION THAT SENATOR WATERMEIER HAS COME UP WITH IS A VERY GOOD COMPROMISE. SO AGAIN, CONGRATULATIONS, SENATOR WATERMEIER. I YIELD THE BALANCE OF MY TIME TO THE CHAIR. [LB47]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE RECOGNIZED. [LB47]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I WANT TO THANK SENATOR WATERMEIER FOR HIS HARD WORK ON THIS BILL. AND AFTER THIS LAST DEBATE, THINGS HAVE COOLED BACK DOWN. WE'RE KIND OF BACK OFF THE EDGE OF OUR SEATS. WE'RE SETTling BACK IN FOR A LITTLE MORE REGULAR BUSINESS THAT WE GENERALLY DO AND WE GENERALLY GET ALONG AND WE GENERALLY GET IT DONE. BUT I DO WANT TO SAY TO ANYBODY STILL WATCHING OUT THERE THAT WATCHED THAT LAST DEBATE, YOU KNOW WHAT? THIS ISN'T OVER. WE WILL CONTINUE TO FIGHT FOR YOUR GUN RIGHTS. WE WILL FIGHT FOR OUR CONSTITUTION. AND I'M VERY PLEASED THAT WE DIDN'T WIN THIS ONE, BUT WE'RE GOING TO LIVE TO FIGHT ANOTHER DAY. SO I'M HAPPY. WE WIN NO MATTER WHAT. WE'RE MOVING THE BALL FORWARD. WE'RE GETTING MORE PEOPLE ENGAGED. I THINK PEOPLE FIGURED OUT LAST SESSION WE HAVE A FEW PROBLEMS IN LINCOLN. AND OBVIOUSLY THEY CAN SEE THEY HAVEN'T ALL BEEN SOLVED YET. SO I THINK THAT THE FUTURE LOOKS BRIGHT. I THINK MORE PEOPLE ARE BEING ENGAGED. MORE PEOPLE WILL BE PAYING ATTENTION TO THIS NEXT ELECTION. I THINK MORE PEOPLE MAY...MORE ACTIVISTS MAY GET INVOLVED IN THE NEXT ELECTION. SO I THINK IT'S ALL POSITIVE. SO KEEP YOUR CHIN UP. THE CONSTITUTION IS STILL THERE. WE JUST HAVE TO OBEY IT. AND WE'LL LIVE TO FIGHT ANOTHER DAY. I REALLY FEEL GOOD ABOUT THIS. THANK YOU, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB47]

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SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT AND AGAIN, LIKE EVERYONE ELSE THIS MORNING, I WOULD LIKE TO THANK SENATOR WATERMEIER AND OTHERS FOR THEIR WORK ON THIS. I TALKED ABOUT THIS BILL ON GENERAL FILE BECAUSE OF SOME SPECIFIC KNOWLEDGE THAT I HAVE ON ORGAN DONATION. AND JUST AGAIN, SENATOR CHAMBERS OFTEN TALKS ABOUT THE FACT THAT HE MAY OR MAY NOT HAVE A HEART, BUT I ACTUALLY MET A YOUNG BOY THAT WAS FOUR YEARS OLD THAT DID NOT HAVE A HEART. NOW, YOU WONDER HOW IS THAT TO BE. BUT CHARLIE McMICKEN, AT FOUR YEARS OLD, WAS MY GRANDSON'S ROOMMATE AT THE CLEVELAND CLINIC. AND CHARLIE WAS KEPT ALIVE WITH A BERLIN HEART, WHICH IS AN ARTIFICIAL HEART. BUT WE HAD THE JOY, AFTER HIM SPENDING ALMOST TWO YEARS IN THE HOSPITAL WAITING, FOR HIM TO RECEIVE HIS OWN HEART. AND IT WAS A SITUATION WHERE THE DONOR LOST THEIR LIFE IN A TRAGIC ACCIDENT, BUT AT THE SAME TIME HAD PARENTS THAT WERE VERY INVOLVED WITH WANTING AN ORGAN DONATION. SO CHARLIE LIVES TODAY IN CLEVELAND WITH HIS FAMILY, GROWING UP, IS IN THE SECOND GRADE, AND BECAUSE OF PEOPLE WILLING TO DO THAT, HE IS THERE. SO I STRONGLY SUPPORT THE AMENDMENT AND THE UNDERLYING LB47. THANK YOU. [LB47]

SPEAKER HADLEY: THANK YOU, SENATOR WILLIAMS. SENATOR GROENE, YOU'RE RECOGNIZED. [LB47]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I STOOD AND TOLD SENATOR WATERMEIER DURING THE FIRST DEBATE THAT I WOULD HELP HIM GET IT THROUGH, BUT I WAS REALLY CONCERNED ABOUT LOSING YOUR PRIVILEGE TO DRIVE IF YOU DIDN'T ANSWER A QUESTION. SENATOR WATERMEIER LISTENED TO A LOT OF OTHER SENATORS, CHANGED THE LANGUAGE, SOFTENED THE LANGUAGE ACTUALLY, CLARIFIED IT, SOMETHING THAT NEEDED TO BE DONE. INSTEAD OF SAYING DO YOU WISH TO BE AN ORGAN AND TISSUE DONOR, AS SENATOR SCHUMACHER CORRECTLY SAID, DOES THAT MEAN DEAD OR ALIVE? SO NOW THE LANGUAGE IS WELL, IT'S NOT MISLEADING. IT SAYS AFTER YOUR DEATH, DO YOU WANT TO BE AN ORGAN DONOR? I THINK YOU'LL GET A LOT MORE YESES WHEN PEOPLE READ THAT, WHEN THEY GET THEIR DRIVER'S LICENSE. I ALREADY AM...SAID YES, SO I REALLY SUPPORT THIS. THIS IS GOOD LEGISLATION. IT TOOK SOMETHING THAT WASN'T CLEAR, TWEAKED IT A LITTLE BIT, DIDN'T TURN IT UPSIDE DOWN, AND MADE WHAT WE ALREADY HAVE BEEN DOING A LOT BETTER. SO I STAND IN SUPPORT OF AM1871 AND WILL SUPPORT THE LB47. [LB47]

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SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB47]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I WOULD SIMPLY LIKE TO RISE TO THANK SENATOR WATERMEIER FOR THE CHANGES HE HAS MADE AND CURRENTLY ON MY DRIVER'S LICENSE, AND SO ON, I AM AN ORGAN DONOR. SO IT'S A GREAT PROGRAM, I HOPE THIS WILL HELP. AND THANK YOU, SENATOR WATERMEIER. [LB47]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB47]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. AND I, TOO, WOULD LIKE TO JOIN THE WATERMEIER LOVE FEST. (LAUGHTER) I SAID ON GENERAL FILE THAT THERE HAD TO BE A BETTER WAY AND SENATOR WATERMEIER KEPT AN OPEN MIND, SHOWED A WILLINGNESS TO COMPROMISE, AND HE FOUND A BETTER WAY. THANK YOU. [LB47]

SPEAKER HADLEY: SENATOR SCHEER, YOU'RE RECOGNIZED. [LB47]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I'M SUPPORTIVE OF LB47 AND AM1871, BUT I WAS SUPPORTIVE BEFORE THE AMENDMENT. BUT I REALLY WOULD LIKE TO CALL PEOPLE'S ATTENTION TO WHAT'S HAPPENED BOTH EARLIER THIS MORNING AND WHAT'S HAPPENED NOW. WE HAD A BILL THAT HAD PROBABLY AS MANY FLAWS OR SOME PROBLEMS WITH IT THAT WAS MOVED ON FROM GENERAL FILE TO SELECT TO WORK ON, TO COMPROMISE AND TO COME UP WITH AN AMENABLE BILL THAT THE VAST MAJORITY OF US CAN SUPPORT. I THINK WE NEED TO REMEMBER THAT. AS WE MOVE FORWARD, WE DON'T HAVE TO GO SIX HOURS ON EVERY BILL. WE NEED TO START LOOKING AT HOW WE CAN MOVE THINGS AND TAKE BILLS THAT NEED SOME WORK AND TRY TO IMPROVE THEM TO MAKE THEM GOOD POLICY. DOES THAT MEAN EVERY BILL SHOULD BE MOVED FORWARD AND PASSED? ABSOLUTELY NOT. THERE WILL BE BILLS THAT WILL BE CONTENTIOUS AND THAT LINES WILL BE DRAWN. BUT I THINK THIS IS A GREAT EXAMPLE OF WHEN, IF YOU TAKE THE TIME AND YOU ALLOW PEOPLE TO WORK ON IT, NOT FOR TWO HOURS, NOT FOR 15 MINUTES DOWNSTAIRS, AND RUNNING UP TO BILL DRAFTING AND TRY TO GET AN AMENDMENT DONE IN TEN MINUTES, USUALLY GOOD LEGISLATION DOES NOT RESULT. SO I'M MORE THAN HAPPY TO SUPPORT THIS. BUT I ALSO WOULD LIKE TO DRAW EVERYONE'S ATTENTION THAT THE SYSTEM WILL WORK IF WE ALLOW

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IT TO WORK, IF WE GIVE IT THE OPPORTUNITY TO WORK. THANK YOU, MR. SPEAKER. [LB47]

SPEAKER HADLEY: THANK YOU, SENATOR SCHEER. ARE THERE ANYONE WISHING TO SPEAK ON THE AMENDMENT? SEEING NONE, SENATOR WATERMEIER, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR WATERMEIER WAIVES CLOSING. THE QUESTION IS, SHALL THE AMENDMENT TO LB47 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB47]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR WATERMEIER'S AMENDMENT. [LB47]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB47]

CLERK: SENATOR CHAMBERS, I HAVE FA82. (LEGISLATIVE JOURNAL PAGE 397.) [LB47]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB47]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, AS I STATED EARLIER, I WANT TO WITHDRAW THAT AMENDMENT. [LB47]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS, WITHOUT OBJECTION. [LB47]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB47]

SPEAKER HADLEY: SENATOR HANSEN. SENATOR HOWARD. [LB47]

SENATOR HOWARD: I MAKE A MOTION TO MOVE LB47 TO E&R FOR ENGROSSING. [LB47]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. OPPOSED SAY NAY. MOTION IS ADOPTED. MR. CLERK. [LB47]

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CLERK: MR. PRESIDENT, THE NEXT BILL IS LB471 ON GENERAL FILE. IT'S A BILL ORIGINALLY INTRODUCED BY SENATOR HOWARD. (READ TITLE.) INTRODUCED ON JANUARY 20 OF LAST YEAR, AT THAT TIME REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I DO HAVE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM1809, LEGISLATIVE JOURNAL PAGE 225.) [LB471]

SPEAKER HADLEY: SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB471]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. AS MOST OF YOU KNOW, THIS IS A VERY PERSONAL ISSUE FOR ME. BUT I'LL START BY SAYING THAT WHEN MY MOTHER WAS A FRESHMAN, SHE CAME IN WITH SENATOR DEB FISCHER AND SENATOR FISCHER USED TO SAY TO HER, GWEN, THERE'S NO CRYING ON THE LEGISLATIVE FLOOR. AND SO I'M GOING TO TRY TO KEEP THIS STORY VERY BRIEF AND AS UNEMOTIONAL AS POSSIBLE. WHAT MOST OF YOU DON'T KNOW ABOUT ME IS THAT MY DAD PASSED AWAY THREE MONTHS BEFORE I WAS BORN, AND SO MY MOTHER AND MY SISTER, WHO WAS SIX YEARS OLDER THAN ME, RAISED ME BY THEMSELVES. AND SO MY SISTER WAS AS HUGE PART OF MY LIFE. SHE HAD HAD MULTIPLE CAR ACCIDENTS AND HAD MULTIPLE SURGERIES AND BY THE TIME I GRADUATED COLLEGE SHE HAD ALREADY HAD HER FIRST SPINAL FUSION. THAT WAS THE FIRST TIME SHE HAD EVER BEEN INTRODUCED TO OXYCONTIN. THE NEXT FIVE YEARS MY MOTHER, MY SISTER, AND I BATTLED OPIOID ADDICTION BY OURSELVES. WE THOUGHT WE WERE ALONE. AND WHEN WE LOST HER IN MARCH OF 2009, WE DIDN'T KNOW THAT WE WEREN'T THE ONLY PEOPLE WHO WERE DEALING WITH THIS PROBLEM. WE DIDN'T REALIZE THAT MY SISTER HAD JUST BECOME A STATISTIC IN A LARGER EPIDEMIC. THERE'S NO REAL WAY TO KNOW HOW MANY OPIOID OVERDOSE DEATHS WE HAVE IN THE STATE OF NEBRASKA BECAUSE THERE'S NO CHECK BOX ON OUR DEATH CERTIFICATE. RIGHT NOW OUR DEATH CERTIFICATES SAY IF YOU'VE DIED OF A SUICIDE OR AN ACCIDENTAL DEATH OR A HOMICIDE, BUT THERE IS NO CHECK BOX FOR AN OPIOID OVERDOSE. THE ONLY STATISTICS I WAS ABLE TO FIND WERE ANECDOTAL AND THEY COME FROM THE DOUGLAS/SARPY COUNTY MORGUE. THEY ESTIMATE THAT ANNUALLY THEY SEE 90 TO 100 OVERDOSE DEATHS FROM OPIOID PAINKILLERS, 90 TO 100 DEATHS. AND THESE ARE ONLY THE DEATHS THAT WERE UNATTENDED, PEOPLE WHO DIED ALONE SO THEY HAD TO FIGURE OUT WHAT HAPPENED TO THEM. IT'S ESTIMATED THAT 44 PEOPLE DIE A DAY OF A PRESCRIPTION DRUG OVERDOSE. THAT'S TWO EVERY HOUR. IF WE TAKE SIX HOURS ON THIS BILL, WE'LL HAVE LOST 12 PEOPLE. ONE OF THE CHALLENGES IN NEBRASKA IS THAT WE DON'T HAVE A FUNCTIONING

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PRESCRIPTION DRUG MONITORING PROGRAM. WE HAVE DOCUMENTED CASES FROM DIFFERENT PEOPLE FROM AT LEAST 38 STATES COMING TO OUR STATE TO FILL PRESCRIPTION DRUG...TO FILL PRESCRIPTIONS FOR NARCOTIC PAIN MEDICATION. THREE HUNDRED OF THOSE PEOPLE CAME FROM FLORIDA ALONE AFTER THEY TIGHTENED THEIR PRESCRIPTION DRUG MONITORING PROGRAM. NEBRASKA CURRENTLY HAS A RATE OF 79 PAINKILLER PRESCRIPTIONS PER 100 PEOPLE. THAT'S ENORMOUS. SO THE HISTORY OF THIS BILL IS TWO YEARS AFTER CARRIE DIED MY MOTHER PASSED OUR FIRST PRESCRIPTION DRUG MONITORING PROGRAM IN 2011. SHE EMBEDDED IT IN OUR HEALTH INFORMATION EXCHANGE PROGRAM, CALLED NeHII, AND IT WAS A STARTING POINT. THE ORIGINAL BILL DIDN'T ALLOW FOR ANY OUTSIDE FUNDING AND IT ALLOWED PATIENTS TO OPT OUT. MOST LIKELY, THE INDIVIDUALS WHO CHOOSE TO OPT OUT ARE THOSE WHO ARE DRUG SEEKERS. WITH LB1072 SENATOR LATHROP REMOVED THE PROHIBITION FOR OUTSIDE SOURCES OF FUNDING. AND LAST YEAR I INTRODUCED LB471 TO ADDRESS SOME OF THE LOOPHOLES THAT ARE IN OUR CURRENT SYSTEM. SO OUR CURRENT SYSTEM ALLOWS PEOPLE TO OPT OUT. WE DON'T CAPTURE CASH PAY AND MEDICARE PATIENTS. TYPICALLY, DRUG SEEKERS AND DRUG TRAFFICKERS WILL USE CASH SO THAT THEY CAN AVOID ANY TYPE OF OVERSIGHT. AND REALLY DISTURBING IS THAT NOT ALL PRESCRIBERS AND DISPENSERS HAVE ACCESS TO THE SYSTEM. LB471 SEEKS TO ADDRESS THOSE ISSUES. THROUGH THE HEALTH AND HUMAN SERVICES COMMITTEE AMENDMENT WE WORKED OVER A YEAR WITH THE STAKEHOLDERS TO COME UP WITH A COMPROMISE, AND WE'VE HAD NUMEROUS MEETINGS AND TWO HEARINGS. THE COMMITTEE AMENDMENT OPERATES THE NEBRASKA PRESCRIPTION DRUG MONITORING PROGRAM THROUGH DrFirst, WHICH WILL BE A SEPARATE PLATFORM THAT WILL LIVE ON TOP OF THE HEALTH INFORMATION EXCHANGE. WHEN REPORTING OR CHECKING THE PRESCRIPTION DRUG MONITORING PROGRAM, PRESCRIBERS AND DISPENSERS WILL BE ABLE TO LOG INTO THE DrFirst SYSTEM ACCESSIBLE SEPARATELY ON THE HOME PAGE OF THE NEBRASKA HEALTH INFORMATION EXCHANGE. WE WILL NO LONGER ALLOW ANY USERS TO OPT OUT OF THE SYSTEM. THERE ARE NO PRESCRIPTION DRUG MONITORING SYSTEMS IN THE COUNTRY THAT ALLOW USERS TO OPT OUT, SO WE'LL BE TIGHTENING AND ALIGNING WITH THE REST OF THE STATES IN THE COUNTRY. WE'LL CAPTURE CASH-PAY PATIENTS. WE'LL CAPTURE THIRD-PARTY-PAYER PATIENTS. AND WE'LL ALLOW ALL PRESCRIBERS AND DISPENSERS OF PRESCRIPTION DRUGS TO ACCESS THE SYSTEM AT NO COST TO THE PROVIDER. MOST IMPORTANTLY, AND BECAUSE I KNOW THAT FUNDING IS SUCH AN IMPORTANT PIECE OF THIS, IT'S IMPORTANT TO NOTE THAT WE WORKED WITH THE DEPARTMENT. THEY APPLIED FOR AND RECEIVED TWO ENHANCEMENT GRANTS FOR THIS PROGRAM. THE FIRST IS ONE FROM THE CDC

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THAT WILL LAST FOR FOUR YEARS TO ENHANCE WHAT WE'RE ALREADY DOING WITHIN OUR HEALTH INFORMATION EXCHANGE. THE SECOND IS THE HAROLD ROGERS GRANT THROUGH THE DEPARTMENT OF JUSTICE AND THAT'S FOR TWO YEARS. SO WE'LL HAVE ABOUT \$500,000 FOR THE NEXT FOUR YEARS TO FUND THIS PROGRAM. WE DO HAVE A PENDING AMENDMENT THAT SENATOR KUEHN HAS BROUGHT AROUND VETERINARIANS, AND SO I WOULD ASK THAT WE ADDRESS ANY CONCERNS ABOUT VETERINARIANS AND THE NEGOTIATED AGREEMENT TO SENATOR KUEHN. BUT I WANT YOU TO RECOGNIZE THAT THIS IS THE FIRST STEP IN A BIGGER PROCESS. THIS BILL CLOSES A LOT OF LOOPHOLES, MAKES THE SYSTEM ACCESSIBLE, BUT IT DOESN'T ADDRESS SOME OTHER PROBLEMS THAT ARE GOING TO ARISE. ONE OF THEM IS WE DO NOT MANDATE A CHECK BY PHYSICIANS OR DISPENSERS BEFORE THEY PRESCRIBE AND DISPENSE. THAT'S SOMETHING THAT WE CAN CONSIDER ONCE WE HAVE A FUNCTIONING PROGRAM. THIS ALSO DOESN'T CHANGE THE WAY THAT LAW ENFORCEMENT OPERATES WITHIN THE PRESCRIPTION DRUG MONITORING PROGRAM. THEY ARE ABLE TO GET A SUBPOENA OR A COURT ORDER TO LOOK AT THE RECORD WHEN THEY HAVE A PENDING CASE AND THIS DOES NOT CHANGE THAT FOR THEM. IT'S IMPORTANT TO NOTE, IN TERMS OF SUSTAINABILITY, THAT I'VE ALREADY STARTED WORKING WITH THE STAKEHOLDERS TO HAVE A DISCUSSION ABOUT INCREASING THE COST OF THEIR LICENSURE TO SUSTAIN THE PROGRAM ONCE THE GRANT FUNDING HAS RUN OUT. AND ONE THING THAT I'D LIKE TO NOTE IS THAT MOST STATES, WHEN THEY TIGHTEN THEIR PRESCRIPTION DRUG MONITORING PROGRAMS, DO SEE AN INCREASE IN HEROIN USE. AND SO AS WE CONSIDER THIS AS A BODY, IT'S IMPORTANT TO NOTE THAT THAT IS THE NEXT STEP FOR MOST DRUG SEEKERS. AND SO WHILE WE HAVE A DISCUSSION ABOUT OPIOID PAINKILLERS TODAY, KEEP HEROIN USAGE IN THE BACK OF YOUR MIND. WE ONLY HAD FOUR DEATHS FROM HEROIN LAST YEAR AT THE DOUGLAS COUNTY MORGUE, BUT WITH THIS BILL WE MAY SEE AN INCREASE. I WANT TO THANK VERY MUCH SENATOR LINDSTROM FOR PRIORITIZING THIS BILL. THIS IS A VERY PERSONAL ISSUE FOR ME. AND I'D LIKE TO THANK SENATOR KUEHN FOR WORKING WITH ME ON THE VETERINARIANS. AND I WOULD URGE THE ADOPTION OF LB471 AND THE COMMITTEE AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB471]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: THANK YOU, SENATOR HOWARD. MR. CLERK. [LB471]

CLERK: MR. PRESIDENT, I HAVE HEALTH AND HUMAN SERVICES COMMITTEE AMENDMENTS. [LB471]

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SENATOR SCHEER: SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB471]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. AM1809 WAS THE RESULT OF SENATOR HOWARD'S WORK DURING THE INTERIM AND A HEARING BEFORE THE HEALTH AND HUMAN SERVICES COMMITTEE ON LR231. I WOULD LIKE TO ADD, BEFORE I EXPLAIN WHAT IS IN THE AMENDMENT, THAT THIS ISSUE HAS BEEN BEFORE THE HEALTH AND HUMAN SERVICES COMMITTEE FOR A NUMBER OF YEARS. SENATOR GWEN HOWARD INTRODUCED THE INITIAL LEGISLATION, AND THEN SENATOR STEVE LATHROP ADDED TO IT TWO BILLS IN TWO DIFFERENT YEARS. BUT IT HAS BEEN SENATOR SARA HOWARD WHO HAS TAKEN ALL OF THAT GOOD WORK FROM THOSE TWO SENATORS AND DEVOTED AN ENORMOUS AMOUNT OF TIME TO GET US TO THIS POINT. LEST WE THINK THAT PRESCRIPTION DRUG OVERDOSES ARE NOT HAPPENING IN NEBRASKA, WE ARE THE SAME AS THIS IS A NATIONAL EPIDEMIC. AND THIS LEGISLATION REALLY PUTS NEBRASKA IN PLACE TO TAKE CARE OF THAT PROBLEM. THE AMENDMENT BEFORE YOU REPLACES THE BILL, SO YOU'RE LOOKING AT A WHITE COPY. IT REQUIRES DISPENSERS OF PRESCRIPTIONS TO REPORT AND MAKE THE SYSTEM ACCESSIBLE TO ALL PRESCRIBERS AND DISPENSERS FREE OF CHARGE. SPECIFICALLY, IT LISTS INFORMATION TO BE REPORTED, DEFINES "DESIGNEE," "DISPENSER," AND "PRESCRIBER." THESE CHANGES WERE THE RESULT OF WORK WITH THE PHARMACY (SIC--PHARMACISTS) ASSOCIATION, THE ATTORNEY GENERAL'S OFFICE, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND MANY OTHER STAKEHOLDERS BY SENATOR HOWARD. THE AMENDMENT ACKNOWLEDGES AN IMPLEMENTATION DATE OF JANUARY 1, 2017, TO TAKE ADVANTAGE OF GRANTS THE DEPARTMENT HAS GOTTEN, AS SENATOR HOWARD EXPLAINED TO YOU, FOR THE IMPLEMENTATION OF THE PRESCRIPTION DRUG MONITORING PROGRAM WITHIN NeHII. PLEASE VOTE TO ADVANCE THE COMMITTEE'S AMENDMENT AS SENATOR KUEHN'S AMENDMENT, WHICH ADDRESSES THE CONCERNS OF THE VETERINARIANS, WILL BE AN AMENDMENT TO THE COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB471 LR231]

SENATOR SCHEER: THANK YOU, SENATOR CAMPBELL. MR. CLERK. [LB471]

CLERK: MR. PRESIDENT. SENATOR KUEHN, I HAVE AM1823 WITH A NOTE YOU'D LIKE TO WITHDRAW THAT AMENDMENT, SENATOR. [LB471]

SENATOR KUEHN: THAT IS CORRECT. [LB471]

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CLERK: MR. PRESIDENT, SENATOR KUEHN WOULD MOVE TO AMEND WITH AM1909. (LEGISLATIVE JOURNAL PAGES 432-434.) [LB471]

SENATOR SCHEER: SENATOR KUEHN, YOU'RE WELCOME TO OPEN ON AM1909. [LB471]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. I WOULD LIKE TO BEGIN THE DISCUSSION OF AM1909 BY ALSO SAYING A REAL BIG THANK-YOU TO SENATOR HOWARD, TO SENATOR CAMPBELL, AND TO SENATOR LINDSTROM FOR THEIR LEADERSHIP ON THIS ISSUE. CERTAINLY, WHEN WE TALK ABOUT THE PRESCRIPTION DRUG MONITORING PROGRAM AND ITS NEED WITHIN THE STATE, THOSE OF US REPRESENTING RURAL DISTRICTS AND RURAL HEALTHCARE PROVIDERS ALSO FEEL A SENSE OF URGENCY IN THIS LEGISLATION AS THE ISSUE OF OPIOID DIVERSION, DRUG-SEEKING BEHAVIOR IN OUR RURAL COMMUNITIES IS JUST AS SIGNIFICANT, IF NOT GREATER, THAN IN SOME OF OUR URBAN COMMUNITIES. THE ISSUE WITH AM1909 THAT WILL BE ADDRESSED THAT IS DIFFERENT FROM AM1809, THE HEALTH AND HUMAN SERVICES COMMITTEE AMENDMENT, REGARDS LANGUAGE SPECIFIC TO THE UTILIZATION OF CONTROLLED SUBSTANCES AND THE DISPENSING OF THOSE CONTROLLED SUBSTANCES BY VETERINARIANS. AS MOST IN THIS BODY MAY KNOW--AND THOSE WATCHING AT HOME MAY NOT KNOW--I AM A LICENSED VETERINARIAN IN THE STATE OF NEBRASKA. AND I HAVE A DEA REGISTRATION NUMBER WHICH PERMITS ME UNDER FEDERAL LAW TO USE, TO PRESCRIBE, AND TO DISPENSE CONTROLLED SUBSTANCES OF SCHEDULES II THROUGH IV. MANY INDIVIDUALS DO NOT REALIZE THAT VETERINARIANS DO HAVE THAT AUTHORITY GRANTED TO THEM IF THEY SEEK THE DEA PERMIT, DO UTILIZE CONTROLLED SUBSTANCES BOTH IN OUR IN-CLINIC AND IN-HOSPITAL USE, AS WELL AS THE ABILITY TO DISPENSE OR SEND THOSE CONTROLLED SUBSTANCES HOME WITH A PATIENT. WHAT AM1909 DOES IS, AS A RESULT OF NEGOTIATIONS AND WORK WITH THE NEBRASKA VETERINARY MEDICAL ASSOCIATION--AND YOU'RE ALL RECEIVING A COPY OF A LETTER FROM THE NEBRASKA VETERINARY MEDICAL ASSOCIATION PRESIDENT AND THEIR EXECUTIVE DIRECTOR SIGNIFYING THAT THEY ARE ON BOARD AND UNDERSTANDING AND IN AGREEMENT WITH AM1909 AS IT DOES THE FOLLOWING--FIRST, VETERINARIANS IN THE STATE OF NEBRASKA WILL NOT BE REQUIRED TO REPORT THEIR ON-SITE DISPENSED PRESCRIPTIONS UNTIL JANUARY 1 OF 2018. SO DURING THAT PERIOD OF TIME FROM PASSAGE OF THIS BILL, WE HAVE A PERIOD UNTIL THE BEGINNING OF 2018 TO WORK OUT ANY ISSUES ASSOCIATED WITH REPORTING MECHANISMS FOR VETERINARIANS. AT THAT TIME, VETERINARIANS WILL ONLY BE REQUIRED TO REPORT CONTROLLED SUBSTANCES ON THE DEA

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LIST SCHEDULES II THROUGH IV. AND I DO THINK IT'S IMPORTANT TO CLARIFY TO THE BODY THAT THAT IS ONLY MEDICATIONS THAT ARE SENT HOME WITH THE PATIENT, SO THIS DOES NOT IN ANY WAY REQUIRE REPORTING OF SCHEDULES II THROUGH IV THAT IS DONE IN HOSPITAL OR ADMINISTERED DIRECTLY BY THE VETERINARIAN TO THEIR PATIENT. IN ADDITION, THIS AMENDMENT WILL CREATE A TASK FORCE AGREED UPON BY THE VETERINARY PROFESSION THAT WILL STUDY AND DETERMINE ANY POTENTIAL CONTROLLED SUBSTANCES THAT SHOULD BE REPORTED, AS WELL AS TO ADDRESS ANY IMPEDIMENTS TO REPORTING MECHANISMS, SO FAX MACHINE, E-MAIL SPREADSHEET, OR WHATEVER. THAT TASK FORCE WILL BE COMPOSED OF: A SENATOR FROM THE HEALTH AND HUMAN SERVICES COMMITTEE; TWO AT-LARGE SENATORS APPOINTED BY THE LEGISLATURE; THREE VETERINARIANS FROM A LIST PROVIDED OF SIX FROM THE BOARD OF VETERINARY MEDICINE AND SURGERY, ONE OF WHOM WILL HAVE SHELTER EXPERIENCE TO REPRESENT THOSE INVOLVED IN SHELTERS AND RESCUES IN NEBRASKA; TWO VETERINARIANS NOMINATED BY THE NEBRASKA VETERINARY MEDICAL ASSOCIATION; ONE PHARMACIST FROM THE NEBRASKA PHARMACY (SIC--PHARMACISTS) ASSOCIATION; AND A REPRESENTATIVE OF THE PDMP PROGRAM IN AN ADVISORY OR NONVOTING ROLE. THIS WILL ADDRESS ANY FURTHER ISSUES WITH VETERINARY REPORTING AND TECHNOLOGY AS WE IMPLEMENT THE PDMP. THERE IS AN EMERGENCY CLAUSE ATTACH DUE TO THE TIME LINE OF THE TASK FORCE. AND I DO WANT TO REMIND EVERYONE THAT THIS REPLACES THE COMMITTEE AMENDMENT, SO ALL OF THE LANGUAGE OF AM1809, WHICH SENATOR CAMPBELL OPENED ON, IN ADDITION TO THE VETERINARY-SPECIFIC LANGUAGE WOULD REPLACE AM1809 AND BE THE AMENDMENT GOING FORWARD WHICH WE WILL KNOW AS LB471. AGAIN, I THINK IT IS CRITICAL THAT AS WE ADDRESS THE ISSUE OF PRESCRIPTION DRUGS, AND ESPECIALLY DIVERTED CONTROLLED SUBSTANCES, THAT ALL PROVIDERS BE ON EQUAL FOOTING, THAT WE CAPTURE ALL OF THE INFORMATION TO PREVENT DIVERSION AND UNINTENTIONAL DIVERSION OF OPIOIDS, AS WELL AS BEGIN A PROCESS COMPREHENSIVELY ACROSS THE STATE OF ADDRESSING OPIOIDS, OPIOID ADDICTION, AND RESPONSIBLE USE BY ALL PROVIDERS. WITH THAT, I THANK YOU FOR YOUR TIME AND LOOK FORWARD TO ANY FURTHER DISCUSSION ON AM1909 AND LB471. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR KUEHN. THOSE WAITING IN THE QUEUE TO SPEAK: SENATOR LINDSTROM, KOLTERMAN, CRAWFORD, GLOOR, AND OTHERS. SENATOR LINDSTROM, YOU'RE RECOGNIZED. [LB471]

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SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. FIRST I'D LIKE TO THANK SENATOR HOWARD FOR ALL OF HER WORK ON THIS BILL, AS WELL AS SENATOR KUEHN. THIS, TOO, IS A PERSONAL ISSUE FOR ME. I HAVE A VERY CLOSE FAMILY MEMBER WHO HAS STRUGGLED WITH OPIOID ADDICTION FOR THE LAST DECADE OR SO. STARTED WITH PRESCRIPTION DRUGS AND PAIN PILLS AND AFTER DOCTOR SHOPPING AND GOING TO DOZENS OF DIFFERENT DOCTORS, WHEN THAT RAN OUT, IT LED INTO HEROIN ADDICTION. AND SO I DO WANT TO CAUTION EVERYBODY THAT, WHEN THIS DOES TAKE EFFECT, THAT COULD BE A RESULT OF SOME OF THESE FOLKS THAT DO HAVE AN ADDICTION. I WOULD LIKE TO READ INTO THE RECORD, BECAUSE IT DOES ECHO A LOT OF MY SENTIMENT TOWARDS WHAT IS TAKING PLACE IN THIS BILL, AND THIS IS FROM ATTORNEY GENERAL DOUG PETERSON. "DEAR SENATOR HOWARD: I WRITE TO REITERATE MY GRATITUDE FOR YOUR LEADERSHIP IN DEVELOPING AN OPERATIONAL PRESCRIPTION DRUG MONITORING PROGRAM IN NEBRASKA AS WE HAVE THE UNFORTUNATE DISTINCTION OF BEING ONE OF TWO REMAINING STATES IN THE NATION WITHOUT SUCH A PROGRAM. LEGISLATION THAT ENSURES BOTH UNIFORM PARTICIPATION BY PROVIDERS AND DISPENSERS AS WELL AS UNIVERSAL MONITORING OF CONTROLLED SUBSTANCES IN NEAR REAL TIME IS NECESSARY TO CURTAIL THE INCIDENCE OF OPIOID ABUSE IN OUR STATE. WITHOUT PASSAGE OF LB471 WE RISK CONTINUING TO BE A SAFE HAVEN FOR 'DOCTOR-SHOPPING' AND FOR AN UNCHECKED BLACK MARKET OF POTENTIALLY DANGEROUS PRESCRIPTION DRUGS. LAW ENFORCEMENT AGENCIES IN COMMUNITIES THROUGHOUT THE STATE HAVE ENCOUNTERED INCIDENTS OF OPIOID ABUSE THAT MAY NOT HAVE OCCURRED IF NEBRASKA HAD AN OPERATIONAL PRESCRIPTION DRUG MONITORING PROGRAM. THROUGH COURT ORDER, LAW ENFORCEMENT WOULD HAVE A BETTER ABILITY TO APPREHEND DEALERS OF PRESCRIPTION CONTROLLED SUBSTANCES. ALTHOUGH WE WILL ALSO NEED TO BE MINDFUL OF THE NEED TO PROTECT NEBRASKANS AGAINST THE RISING INCIDENCE OF ILLICIT OPIOID DRUGS LIKE HEROIN, WE NEED TO ACT THIS SESSION TO SAFEGUARD OUR STATE AGAINST THE DANGERS OF PRESCRIPTION OPIOID ABUSE BY PASSAGE OF LB471." AND AGAIN, THAT'S FROM ATTORNEY GENERAL DOUG PETERSON. SO AGAIN, THANK YOU, SENATOR HOWARD. AND I URGE THE BODY TO VOTE FOR AM1909 AND THE UNDERLYING BILL, LB471. THANK YOU. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR LINDSTROM. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB471]

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SENATOR KOLTERMAN: THANK YOU. I RISE IN SUPPORT OF THIS BILL AS WELL. I SIGNED ONTO THE BILL EARLY ON KNOWING THAT SENATOR HOWARD NEEDED SOME SUPPORT ON THE BILL, AND I'M REALLY PLEASED THAT SENATOR LINDSTROM HAS PRIORITIZED IT. AND ALSO, I'VE HAD A LOT OF DISCUSSION WITH MY LOCAL VETERINARIANS AND I DO APPRECIATE THE FACT THAT SENATOR KUEHN HAS GONE THE EXTRA MILE TO TRY AND NEGOTIATE MUCH OF AM1909, AND I'D LIKE TO THANK HIM FOR THAT. I BECAME FAMILIAR WITH THIS TYPE OF A PROBLEM AS WELL WHEN SOME FAMILY MEMBERS HAD BEEN ADDICTED TO PAINKILLERS. AND THERE'S A LOT OF PEOPLE ON THE STREETS TODAY THAT HAVE THE SAME STORY, AND IT'S TIME THAT WE DO SOMETHING ABOUT IT. THIS IS A STEP IN THE RIGHT DIRECTION AND WE'RE NEVER GOING TO ELIMINATE THE PROBLEM, BUT WE'RE GOING TO DO WHAT WE CAN TO STOP THE PROBLEM. SO AGAIN I'D LIKE TO ENCOURAGE EACH AND EVERY ONE OF YOU TO SUPPORT AM1909 AND ULTIMATELY LB471. AND THANK YOU AGAIN FOR THOSE THAT BROUGHT THE BILL. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR KOLTERMAN. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB471]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND I RISE IN SUPPORT OF LB471 AND THE AMENDMENTS. WHEN I HAVE TALKED TO CONSTITUENTS ABOUT THE BILLS THAT I THINK ARE MOST IMPORTANT THAT WE PASS THIS YEAR, THIS IS ONE OF THOSE BILLS THAT I TALK ABOUT. THIS HAS BEEN AN ISSUE THAT HAS BEEN BEFORE THE HEALTH AND HUMAN SERVICES FOR SEVERAL YEARS AND FOR YEARS BEFORE I ARRIVED HERE. IT'S A CRITICAL ISSUE FOR US TO ADDRESS AND IT'S CRITICAL TO ADDRESS IT THIS YEAR. AND I'M VERY GRATEFUL TO SENATOR HOWARD FOR HER HARD WORK OVER THE YEARS--SENATOR SARA HOWARD FOR HER HARD WORK OVER THE PAST FEW YEARS ON THIS ISSUE AND SENATOR GWEN HOWARD BEFORE THAT AND SENATOR LATHROP BEFORE THAT-- TO LAY THE GROUNDWORK FOR WHERE WE ARE NOW TODAY. I ALSO WOULD LIKE TO THANK THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THEIR WORK IN SECURING GRANTS THAT ALLOW THE FUNDING FOR US TO MOVE FORWARD ON PRESCRIPTION DRUG MONITORING PROGRAM THIS YEAR. IT'S VERY IMPORTANT GROUNDWORK THAT'S BEEN LAID AND IT'S IMPORTANT THAT WE ACT ON IT AND GET THIS STEP ACCOMPLISHED THIS YEAR. ALSO, I WOULD LIKE TO THANK SENATOR LINDSTROM FOR MAKING THIS BILL A PRIORITY TO ASSURE THAT WE CAN ADDRESS IT THIS YEAR AND SENATOR KUEHN FOR HIS WORK WITH THE VETERINARIANS AND SENATOR CAMPBELL FOR HER LEADERSHIP IN THE COMMITTEE. THE BILL AND THE GRANTS TOGETHER WILL HELP US CREATE AN EFFECTIVE INFORMATION SYSTEM TO

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TACKLE PRESCRIPTION DRUG OVERDOSE, PRESCRIPTION DRUG DIVERSION, AND TO ADDRESS THIS ISSUE IN OUR STATE. THIS IS A CRITICAL ISSUE NOT ONLY FOR THE HEALTH AND SAFETY OF OUR CITIZENS OF NEBRASKA BUT, AS SENATOR LINDSTROM MENTIONED IN HIS DISCUSSION WITH THE LETTER OF THE ATTORNEY GENERAL, IT'S ALSO A CRITICAL ISSUE IN TERMS OF ADDRESSING PRESCRIPTION DRUG DIVERSION AND DRUG TRAFFICKING. WE HAVE BEEN BEHIND OTHER STATES ON PRESCRIPTION DRUG MONITORING AND THAT HAS MADE OUR STATE A TARGET FOR DRUG DIVERSION AND DRUG TRAFFICKING. AND AGAIN, IT'S VERY IMPORTANT THAT WE TAKE THIS STEP THIS YEAR TO MOVE FORWARD TO MAKE SURE WE HAVE AN EFFECTIVE PRESCRIPTION DRUG MONITORING SYSTEM IN OUR STATE. NOW I WANT TO ESTABLISH ON THE RECORD THAT THESE ARE VERY IMPORTANT STEPS THAT WE'RE TAKING AND IT'S CRITICAL THAT WE PASS LB471 AND GET THIS INFORMATION SYSTEM UP AND RUNNING IN OUR STATE THIS YEAR, IT'S VERY IMPORTANT, BUT ALSO ESTABLISH ON THE RECORD THAT WE HAVE FUTURE STEPS TO TAKE AS WELL. SO ONCE THIS SYSTEM IS UP AND RUNNING, WE WILL NEED TO COME BACK IN FUTURE YEARS TO TALK ABOUT WHAT KINDS OF MANDATES WILL BE CRITICAL TO REQUIRE THAT PHARMACIST OR OTHER HEALTHCARE PROVIDERS CHECK THE HEALTHCARE SYSTEM AS THEY'RE WORKING WITH PATIENTS AND AS THEY'RE DISPENSING MEDICATIONS. SO THOSE MANDATES ON CHECKING THE SYSTEM WILL BE A VERY IMPORTANT NEXT STEP THAT WE WILL TAKE AND I APPRECIATE SENATOR HOWARD'S CONSIDERATION OF THAT ISSUE THAT NEEDS TO BE ADDRESSED. AND WE'VE HAD DISCUSSIONS ABOUT IT AND EMPHASIZED THE IMPORTANCE OF MAKING SURE THE SYSTEM IS UP AND RUNNING EFFECTIVELY AND THEN AT THAT POINT--AND ALSO THAT THE PROVIDERS HAVE A CHANCE TO ESTABLISH SOME BEST PRACTICES OF HOW THOSE CHECKS SHOULD WORK--AND THEN AT THAT POINT THAT WE WILL BE COMMITTED TO COMING BACK TO MAKE SURE WE HAVE THOSE MANDATED CHECKS IN PLACE IN FUTURE YEARS, BUT THAT SHOULD NOT STOP US FROM MOVING FORWARD WITH LB471 THIS YEAR AND GETTING THAT INFORMATION SYSTEM UP AND IN PLACE. SO AGAIN, I RISE IN ENTHUSIASTIC SUPPORT OF LB471 AND THE AMENDMENTS AND URGE YOUR GREEN VOTE. THANK YOU. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR CRAWFORD. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB471]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. I WANT THANK SENATOR HOWARD, FORMER SENATOR HOWARD, AND FORMER SENATOR LATHROP FOR THEIR TIRELESS WORK. THIS HAS BEEN AN ISSUE THAT, AS SENATOR CAMPBELL POINTS OUT, HAS BEEN IN FRONT OF US FOR AS LONG

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AS I HAVE BEEN DOWN HERE. I WOULD SAY THE LIST OF SUPPORTERS FOR THIS BILL IS VERY IMPRESSIVE. AND SPEAKING FROM EXPERIENCE, HAVING CARRIED HEALTH BILLS FORWARD IN THE PAST, THIS IS A LITTLE BIT LIKE HERDING CATS. AND SO HER ABILITY TO BE INSISTENT AND PERSISTENT ABOUT TRYING TO ADDRESS THE LEGITIMATE CONCERNS OF THIS VERY GROUP IS IMPORTANT BECAUSE THIS BILL HAS BEEN EXTREMELY WELL-VETTED AND THE AMENDMENTS AND THE BILL DESERVE OUR SUPPORT. BUT I WONDER IF SENATOR HOWARD WOULD YIELD FOR A QUESTION. [LB471]

SENATOR SCHEER: SENATOR HOWARD, WOULD YOU YIELD? [LB471]

SENATOR HOWARD: YES. YES, SIR. [LB471]

SENATOR GLOOR: SENATOR HOWARD, SENATOR, THANK YOU, SENATOR HOWARD. MY PERSONAL EXPERIENCE HAVING RUN A HOSPITAL AND CONTACT I'VE HAD FROM EMERGENCY ROOM PHYSICIANS, YOU UNDERSTAND, I KNOW, THAT A LOT OF THE CONCERN THAT WE GET IN THE MEDICAL COMMUNITY COMES FROM PEOPLE WHO SEEK OPIOIDS THROUGH EMERGENCY ROOMS. AND UNLIKE DOCTORS' OFFICES, EMERGENCY ROOMS CAN BE VERY FRANTIC, HECTIC PLACES WITH IT BEING EXTREMELY DIFFICULT FOR EMERGENCY ROOMS TO TRACK PATIENTS WHO SHOP FROM EMERGENCY ROOM TO EMERGENCY ROOM TO EMERGENCY ROOM. IN YOUR OPINION, WILL THIS BILL GO A LONG WAY TOWARDS HELPING THEM--"THEM" BEING EMERGENCY ROOMS ACROSS THE STATE--CONTROL THE DISTRIBUTION OF OPIOIDS TO SEEKERS? [LB471]

SENATOR HOWARD: YES, SENATOR GLOOR, I BELIEVE IT WILL. AND I WOULD ALSO LIKE TO NOTE THAT WE PASSED OUT LETTERS OF SUPPORT AND ONE OF THEM IS FROM THE HOSPITAL ASSOCIATION AS WELL. [LB471]

SENATOR GLOOR: THANK YOU, SENATOR HOWARD. AGAIN, IT'S AN EXAMPLE OF HOW THIS BILL HAS BEEN STRUCTURED WELL AND VETTED WELL, AND I ASK FOR SUPPORT. I'M NOT SURE HOW MANY PEOPLE ARE IN THE QUEUE, BUT I WOULD ALSO CAUTION, SENATORS, LET'S NOT KILL THIS BILL WITH RESPECT AND LOVE, AT LEAST...AND I DON'T MEAN KILL IT. I MEAN LET'S GET IT OUT OF HERE BEFORE LUNCHTIME. AND I ASK PEOPLE TO WATCH THE CLOCK SO THAT WE CAN MOVE THIS ON TO SELECT FILE SOONER RATHER THAN LATER. THANK YOU. [LB471]

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SENATOR SCHEER: THANK YOU, SENATOR HOWARD AND SENATOR GLOOR.
SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB471]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I, TOO, WILL JOIN THE CHORUS BUT HAVE SOME QUESTIONS AS WELL. I THINK...I COMMEND SENATOR HOWARD FOR CARRYING FORWARD THIS ISSUE AND IT IS SOMETHING THAT IMPACTS SITUATIONS ALL ACROSS OUR STATE. BUT I'M ALWAYS MINDFUL OF THE PARTICULAR IMPACT THAT A PIECE OF LEGISLATION MIGHT HAVE ON RURAL NEBRASKA, THE INDIVIDUALS OUT THERE, BUT ALSO THE BUSINESSES OUT THERE. AND SO I WAS PARTICULARLY GRATEFUL TO SENATOR KUEHN FOR INTRODUCING AM1909 BECAUSE, WHILE I THINK THE VETERINARIANS CERTAINLY WANTED TO BE PART OF THE SOLUTION TO DEALING WITH THIS ISSUE, THEY HAD SOME MANAGEMENT ISSUES THAT GO ALONG WITH IT. SO I WONDERED IF SENATOR KUEHN WOULD YIELD FOR A COUPLE OF QUESTIONS. [LB471]

SENATOR SCHEER: SENATOR KUEHN, WOULD YOU YIELD? [LB471]

SENATOR KUEHN: ABSOLUTELY. [LB471]

SENATOR SULLIVAN: THANK YOU, SENATOR KUEHN. AS I SAID, I'M GLAD THAT YOU'VE INTRODUCED THIS AMENDMENT THAT INVOLVES THE VETERINARIANS. NOW, TO BE CLEAR ABOUT SOME OF THE DETAILS, IT REMOVES THEM FROM THE REQUIREMENTS FOR REPORTING UNTIL 2018. IS THAT CORRECT? [LB471]

SENATOR KUEHN: THAT IS CORRECT. [LB471]

SENATOR SULLIVAN: WHAT WERE SOME OF THE ISSUES THAT CAME INTO MIND IN THE SELECTION OF THIS TASK FORCE THAT WILL BE LOOKING AT THE ISSUE? AND WILL THE TASK FORCE BE SPECIFICALLY ADDRESSING HOW THIS IMPACTS VETERINARIANS? [LB471]

SENATOR KUEHN: YES. THE ISSUE WITH THE TASK FORCE WAS BROUGHT TO US BY THE NVMA AS AN ABILITY TO HELP THE PROFESSION LOOK AT REPORTING MECHANISMS AND MAKE SURE THAT WE AREN'T CREATING ANY UNINTENDED CONSEQUENCES AS WE TRY TO ADDRESS THE ISSUE BEFORE US WITH REGARD TO OPIOIDS AND OPIOID DIVERSION, BUT ALSO NOT PRESENT AN UNDUE BURDEN UPON VETERINARIANS AND THEIR BUSINESS PRACTICES, SO. [LB471]

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SENATOR SULLIVAN: OKAY. WHAT WERE SOME OF THE PARTICULAR REPORTING CONCERNS THAT THE VETERINARIANS HAD? [LB471]

SENATOR KUEHN: AS A PROFESSION, WE DON'T ENGAGE WIDESPREAD IN THE ELECTRONIC MEDICAL RECORDS SYSTEM THAT THE HUMAN SIDE DOES IN TERMS OF HUMAN HEALTHCARE PROVIDERS. SO THERE WAS JUST A GENERAL SENSE OF UNEASE ABOUT HOW ACCESSING THE SYSTEM MAY WORK, ABOUT INTEGRATING ELECTRONICALLY INTO THE REPORTING MECHANISM. AND WE WANTED TO BE SENSITIVE TO UNDERSTANDING THAT THERE'S A WIDE VARIETY OF PRACTICE ISSUES OUT THERE, WHETHER IT'S THE ELECTRONIC SOFTWARE THEY USE OR THE TECHNOLOGY THEY USE TO REPORT. SO IT HELPS US EXAMINE AND ENSURE THAT EVERYONE IS ABLE TO REPORT WITH THE TECHNOLOGY THEY HAVE WITHOUT CREATING AN UNDUE BURDEN ON THE PRACTICE. [LB471]

SENATOR SULLIVAN: WAS THERE ANYTHING THAT HAD TO DO WITH THE TIME LINE FOR REPORTING, TOO, THAT WAS ONE OF THE VETERINARIANS' CONCERNS? [LB471]

SENATOR KUEHN: YOU KNOW, I THINK THE REPORTING TIME LINE AND THE IMMEDIACY OF THE REPORTING TIME LINE WAS SOMETHING THAT THE VETERINARY MEDICINE HADN'T DEALT WITH BEFORE. SO CERTAINLY WE NEED TO LOOK AT THAT 24 HOUR VERSUS, YOU KNOW, IF THERE'S A LONGER PERIOD OF TIME FOR VETERINARIANS TO REPORT. [LB471]

SENATOR SULLIVAN: NOT TO ANTICIPATE WHAT MIGHT RESULT FROM THE TASK FORCE, BUT WOULD YOU THINK THAT SOME OF THESE DISCUSSIONS THAT WILL ENSUE WILL RESULT IN SOME POSSIBLE CHANGES TO THIS BILL THAT WE ULTIMATELY MIGHT PASS? [LB471]

SENATOR KUEHN: I CERTAINLY THINK IF WE DIDN'T GO INTO THE TASK FORCE WITH AN OPEN MIND THAT WE'LL HAVE RECOMMENDATIONS TO IMPROVE THE BILL GOING FORWARD, THERE WOULDN'T BE A POINT IN THE TASK FORCE. SO I CERTAINLY BELIEVE THAT THE TASK FORCE ITSELF WILL LOOK AT ALL OF THESE ISSUES AND WE WILL MAKE ADJUSTMENTS AS NEEDED IF IT APPEARS THAT THIS CREATES A BURDEN FOR THE VETERINARY PROFESSION. [LB471]

SENATOR SULLIVAN: SO THEN THE TIME FRAME WOULD BE THE REPORT OF THE TASK FORCE HAS TO BE ISSUED BY THE END OF THIS YEAR AND YOU WOULD

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ANTICIPATE THEN THAT LEGISLATION WOULD BE INTRODUCED NEXT SESSION, IS THAT CORRECT? [LB471]

SENATOR KUEHN: ABSOLUTELY. THAT WOULD BE THE INTENTION, YES. [LB471]

SENATOR SULLIVAN: ALL RIGHT, THANK YOU VERY MUCH FOR ANSWERING THOSE QUESTIONS. I HAVE NOTHING MORE. THANK YOU. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR KUEHN AND SENATOR SULLIVAN. SENATOR HOWARD, YOU ARE RECOGNIZED. [LB471]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I WOULD JUST LIKE TO EXPRESS MY SUPPORT FOR AM1909 AS WELL AS AM1809. AM1909 CAME OUT OF A NEGOTIATION WITH THE VETERINARIANS. I TOOK THE TIME IN DECEMBER TO DRIVE ALL THE WAY OUT TO CLAY CENTER, NEBRASKA, WHERE I HAD NEVER BEEN BEFORE, TO MEET WITH THE VETERINARY BOARD OF MEDICINE, AND I DO FEEL AS THOUGH THE NEGOTIATED AGREEMENT IS A FRUITFUL PRODUCT OF OUR EXCHANGES OVER THE PAST THREE MONTHS. I HAVE HAD SOME QUESTIONS ABOUT THE FISCAL NOTE THAT I'D LIKE TO TAKE A MOMENT TO ADDRESS. THE COMMITTEE AMENDMENT REMOVES THE FISCAL NOTE BECAUSE OVER THE INTERIM WE RECEIVED TWO FEDERAL GRANTS: ONE FROM THE CDC THAT'S \$750,000 FOR FOUR YEARS AND ONE FROM THE HAROLD ROGERS GRANT THROUGH THE DEPARTMENT OF JUSTICE THAT'S \$500,000 FOR TWO YEARS. SO BOTH OF THOSE ARE TO ENHANCE WHAT WE'RE ALREADY DOING--TO IMPROVE UPON THE HEALTH INFORMATION EXCHANGE SYSTEM AND BUILD A SEPARATE PLATFORM CALLED DrFirst--AND THE COMMITTEE AMENDMENT, ONCE PASSED, WILL REMOVE THE FISCAL NOTE AND THE OBLIGATION OF STATE FUNDS FOR THIS BILL. THANK YOU, MR. PRESIDENT. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR HOWARD. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB471]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR HOWARD WOULD YIELD TO A QUESTION. [LB471]

SENATOR SCHEER: SENATOR HOWARD, WOULD YOU YIELD, PLEASE? [LB471]

SENATOR HOWARD: YES, I WILL. [LB471]

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SENATOR BLOOMFIELD: THANK YOU, SENATOR. AND THANK YOU FOR YOUR EXPLANATION OF PART OF WHAT I ASKED YOU ABOUT. THE NEXT PART OF THE QUESTION THAT I WANT TO POSE IS, WHAT HAPPENS GOING FORWARD? HOW IS THIS FUNDED AFTER THE FOUR YEARS RUN OUT? [LB471]

SENATOR HOWARD: CERTAINLY. THAT'S A GREAT QUESTION AND I AM ABSOLUTELY COMMITTED TO THE SUSTAINABILITY OF THIS PROGRAM. I'VE ALREADY STARTED...I'VE ALREADY BEGUN CONVERSATIONS WITH THE STAKEHOLDERS TO TALK ABOUT AN INCREASE IN THEIR LICENSURE FEES. IN MOST STATES' PRESCRIPTION DRUG MONITORING PROGRAMS, ONCE THEY'VE GOTTEN UP AND RUNNING, COST ABOUT \$112,000 ANNUALLY AND IN MANY STATES THEY'RE COVERED BY A \$1 OR \$2 DOLLAR INCREASE IN THE LICENSURE FEES FOR THE PRESCRIBERS AND DISPENSERS WHO ARE ACCESSING THE SYSTEM. AND SO WE BELIEVE THAT ONCE THE GRANT FUNDS ARE EXPIRED-- AND I'M COMMITTED TO ENSURING THE SUSTAINABILITY OF THE PROGRAM--WE CAN HAVE A BROADER CONVERSATION ABOUT LICENSURE FEES FOR PROVIDERS AND DISPENSERS. [LB471]

SENATOR BLOOMFIELD: YOU MAY BE HERE IN FOUR YEARS; I WILL NOT. IN YOUR CONVERSATIONS THUS FAR, DO THEY SEEM AMENABLE TO THAT INCREASED FEE? [LB471]

SENATOR HOWARD: ABSOLUTELY. MY IMPRESSION FROM BOTH THE DISPENSER AND THE MEDICAL SIDE IS THAT THIS IS AN INCREDIBLE TOOL FOR THEM TO BE ABLE TO COMBAT DRUG-SEEKING BEHAVIORS. AND SO FOR THEM TO BE ABLE TO ACCESS IT AT NO COST OR TO ACCESS IT WITH A SMALL COST TO THEIR LICENSURE FEE, THAT'S SOMETHING THEY'RE WILLING TO DO. [LB471]

SENATOR BLOOMFIELD: OKAY, THANK YOU. GOING FORWARD, WE ARE ASSUMING THAT A FUTURE LEGISLATIVE BODY WILL PASS AN INCREASED FEE ON THE HANDLERS OF THIS. WHAT HAPPENS IF THEY DON'T? [LB471]

SENATOR HOWARD: SO FRANKLY, I'D LIKE TO MAKE SURE THAT THE SYSTEM WORKS BEFORE WE EVEN CONSIDER AN INCREASED LICENSURE FEE, AND SO WE'LL HAVE FOUR YEARS TO MAKE SURE THAT THE SYSTEM WORKS USING FEDERAL FUNDING. IF IT DOESN'T WORK, I WOULDN'T ARGUE FOR AN INCREASE IN LICENSURE FEE FOR IT. [LB471]

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SENATOR BLOOMFIELD: OKAY, THANK YOU, SENATOR. COLLEAGUES, BEAR IN MIND THAT WE CANNOT BIND FUTURE LEGISLATORS. I'M NOT GOING TO OPPOSE THIS BILL. I WOULD HAVE HAD THE FISCAL NOTE MAINTAINED WHERE IT WAS. I WISH YOU WELL IN GETTING FUTURE FUNDING IF EVERYTHING WORKS OUT, PARTICULARLY IF OUR STATE REVENUE CONTINUES TO DECLINE. THANK YOU, MR. PRESIDENT. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR HOWARD AND BLOOMFIELD. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB471]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. SENATOR HOWARD, SENATOR LINDSTROM, AS THE ONLY PRACTICING MEDICAL PRACTITIONER IN THIS BODY, I COULDN'T BE MORE DELIGHTED THAN TO STAND UP HERE AND SUPPORT LB471. IT IS LONG OVERDUE. FOR THOSE OF YOU WHO DON'T KNOW, NEBRASKA IS JUST ABOUT DEAD LAST--49th IN THE COUNTRY--IN DEALING WITH THIS ISSUE. AND, SENATOR HOWARD, I JUST WANTED...THERE WERE TWO QUESTIONS THAT WERE PRESENTED TO ME AND WE'VE GONE AND IF YOU...WOULD YOU YIELD TO A QUESTION? [LB471]

SENATOR SCHEER: SENATOR HOWARD, WOULD YOU PLEASE YIELD? [LB471]

SENATOR HOWARD: YES, SIR. [LB471]

SENATOR HILKEMANN: SENATOR, YOU'RE WORKING WITH THE NeHII ON THIS. THERE WERE SOME CONCERNS THAT THEIR SOFTWARE WAS NOT CAPABLE OF PRODUCING THE RESULTS, SAY, IN SOME OF THE OTHER STATES, SUCH AS OKLAHOMA THAT IS CONSIDERED TO HAVE THE BEST PROGRAM ON THIS. HAS THAT ISSUE BEEN DEALT WITH? [LB471]

SENATOR HOWARD: YES, SIR. SO ONE OF THE WAYS THAT WE'RE DEALING WITH THAT ISSUE IS WE'RE BUILDING A SEPARATE PLATFORM CALLED DrFirst THAT WILL HAVE A COMPLETE MED HISTORY. IT WILL BUILD ON THE STRENGTHS OF NeHII, BUT IT WILL BE A SEPARATE PLATFORM FOR PROVIDERS AND DISPENSERS. [LB471]

SENATOR HILKEMANN: OKAY. AND SO IF WE HAVE PEOPLE DOCTOR SHOPPING AND ALSO PHARMACY SHOPPING AND TAKING THE SAME PRESCRIPTION TO REFILL, THIS SOFTWARE WILL CATCH THEM, IS THAT CORRECT? [LB471]

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SENATOR HOWARD: ABSOLUTELY. [LB471]

SENATOR HILKEMANN: OKAY. WELL, SENATOR, THE FINAL QUESTION I WOULD HAVE TO YOU, AND I THINK THAT THIS IS ABSOLUTELY SOMETHING THAT WE HAVE BE TO AWARE OF, HOW MANY UNATTENDED DEATHS DO WE HAVE JUST IN DOUGLAS COUNTY ALONE EVERY YEAR? [LB471]

SENATOR HOWARD: IN DOUGLAS AND SARPY COUNTY THEY ESTIMATE THAT WE HAVE 100 TO 110 UNATTENDED DEATHS DUE TO OPIOID OVERDOSE. [LB471]

SENATOR HILKEMANN: ISN'T THAT AMAZING, FOLKS? THIS IS IMPORTANT LEGISLATION THAT WE SHOULD HAVE HAD A LONG TIME AGO AND I ENDORSE BOTH AMENDMENTS AND LET'S MOVE THIS LEGISLATION FORWARD. THANK YOU. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR HOWARD AND HILKEMANN. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB471]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I ALSO STAND IN SUPPORT OF THIS BILL. THANK YOU, SENATOR HOWARD, FOR BRINGING THIS FORWARD. AS SENATOR HILKEMANN HAS EXPRESSED FROM A PHYSICIAN'S SIDE OF PERSPECTIVE ON THIS ISSUE, FROM AN EDUCATOR SIDE WE NEED TO BE AWARE AND COGNIZANT OF THE PHARMACY PARTIES--"PHARM" PARTIES--THAT SOMETIMES TEENAGERS GET INTO, STEALING THEIR PARENTS' DRUGS OUT OF THEIR CABINETS AT HOME AND BRINGING THEM TO GATHERINGS WHERE THEY JUST REACH IN AND EAT THEM LIKE M&Ms. THOSE ARE EXTREMELY DANGEROUS BEHAVIORS, VERY, VERY HARMFUL TO THE INDIVIDUALS INVOLVED, AND CAN BE EXTREMELY DEADLY FOR FAMILIES AND WE SHOULD BE AWARE OF THAT. AND ANYTHING WE CAN DO IN THESE PARTICULAR CASES CONCERNING THIS ABUSE OF PHARMACEUTICAL PRODUCTS IS EXTREMELY IMPORTANT AND I THANK SENATOR HOWARD AGAIN FOR BRINGING THIS FORWARD. THANK YOU. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR KOLOWSKI. SENATOR KUEHN, THERE ARE NO OTHERS WISHING TO SPEAK. YOU'RE WELCOME TO CLOSE ON AM1909. [LB471]

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SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. I THINK WE SEE WIDESPREAD SUPPORT WITHIN THIS BODY TO ADVANCE AM1909, TO MOVE IT FORWARD AS AN AMENDMENT TO LB471. SO WITH THAT, I WOULD ASK THAT WE HAVE A CALL OF THE HOUSE AND A ROLL CALL VOTE FOR AM1909. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR KUEHN. 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. MR. CLERK. [LB471]

CLERK: 28 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB471]

SENATOR SCHEER: 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 SEILER, DAVIS, SCHILZ, McCOY, BURKE HARR, EBKE, GROENE, AND GARRETT, PLEASE RECORD YOUR PRESENCE. OKAY, WE'RE AUTHORIZED TO GO AHEAD WITH A MACHINE VOTE. THE QUESTION BEFORE US IS THE ADOPTION OF AM1909. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. PLEASE VOTE. HAVE ALL VOTED THAT WISH TO? MR. CLERK. [LB471]

CLERK: 46 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR KUEHN'S AMENDMENT. [LB471]

SENATOR SCHEER: THE AMENDMENT IS ADOPTED. RAISE THE CALL. SEEING NO ONE WISHING TO SPEAK, SENATOR CAMPBELL, YOU ARE WELCOME TO CLOSE ON AM1809. [LB471]

SENATOR CAMPBELL: THANK YOU, COLLEAGUES, ON BEHALF OF SENATOR HOWARD AND SENATOR LINDSTROM AND SENATOR KUEHN WHO HAVE WORKED EXTENSIVELY HARD. THE ONLY POINT I WANT TO ADD IN CLOSING IS THAT THE BOARD OF HEALTH SUPPORTED LB471. AND YOU MAY NOT SAY, WELL, IS THAT A BIG DEAL? IT IS. IT TAKES A UNANIMOUS VOTE OF THE STATE BOARD OF HEALTH TO SUPPORT A BILL. THAT'S HOW IMPORTANT THIS BILL IS, AND SO WE'D ASK FOR YOUR GREEN VOTE AGAIN. THANK YOU, MR. PRESIDENT. [LB471]

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SENATOR SCHEER: THANK YOU, SENATOR CAMPBELL. THE QUESTION IS, SHALL AMENDMENT TO LB471 BE ADOPTED, AM1809 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. PLEASE VOTE. MR. CLERK. [LB471]

CLERK: 46 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB471]

SENATOR SCHEER: THANK YOU. SENATOR HOWARD, YOU'RE NOW RECOGNIZED TO CLOSE ON LB471. [LB471]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. LB471 HAS BEEN AN INCREDIBLE BIPARTISAN MOVEMENT AND I AM HUMBLLED BY ALL OF YOUR VOTES ON BOTH AMENDMENTS. I HAVE TO SAY THE HARDEST PART OF THIS BILL WAS NOT WORKING WITH THE VETERINARIANS AND IT WAS NOT WORKING WITH THE DISPENSERS AND THE PROVIDERS; IT WAS ACTUALLY HAVING TO REPORT BACK TO OTHER FAMILIES WHO HAD LOST LOVED ONES TO OPIOID ADDICTION. AND ONE OF THEM, KEVIN NEUMANN, SAID TO ME, SARA, WE HAVE TO DO THIS BILL FOR THE LEGACY OF MY SON TREY AND WE HAVE TO DO IT FOR THE LEGACY OF YOUR SISTER CARRIE. AND SO I HAVE TO SAY I APPRECIATE ALL OF YOUR GREEN VOTES AND I WOULD URGE YOU TO ADVANCE LB471. THANK YOU, MR. PRESIDENT. [LB471]

SENATOR SCHEER: THANK YOU, SENATOR HOWARD. THE QUESTION BEFORE US IS THE ADVANCEMENT OF LB471. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH TO? MR. CLERK. [LB471]

CLERK: 47 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB471. [LB471]

SENATOR SCHEER: LB471 ADVANCES. MR. CLERK. [LB471]

CLERK: MR. PRESIDENT, RETURNING TO SELECT FILE, LB190. I HAVE ENROLLMENT AND REVIEW AMENDMENTS, SENATOR HANSEN. (ER11, LEGISLATIVE JOURNAL PAGE 402, FIRST SESSION, 2015.) [LB190]

SENATOR SCHEER: SENATOR HANSEN FOR A MOTION. [LB190]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADOPT THE E&R AMENDMENTS TO LB190. [LB190]

SENATOR SCHEER: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE IN FAVOR SAY AYE, PLEASE. IT'S CLOSE TO LUNCH. ONE MORE TIME ALL THOSE IN FAVOR SAY AYE. ANY OPPOSED SAY NAY. AYES HAVE IT. [LB190]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB190]

SENATOR SCHEER: SENATOR HANSEN. [LB190]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT WE ADVANCE LB190 TO E&R FOR ENGROSSING. [LB190]

SENATOR SCHEER: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ANY OPPOSED? LB190 ADVANCES. MR. CLERK. [LB190]

CLERK: MR. PRESIDENT, MOVING ON, LB270, A BILL ORIGINALLY INTRODUCED BY SENATOR EBKE. (READ TITLE.) INTRODUCED ON JANUARY 14 OF LAST YEAR, AT THAT TIME REFERRED TO BUSINESS AND LABOR, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS, MR. PRESIDENT. [LB270]

SENATOR SCHEER: THANK YOU, MR. CLERK. SENATOR EBKE, YOU'RE RECOGNIZED TO OPEN ON LB270. [LB270]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. LB270 IS AN AGENCY BILL. IT CAME FROM THE DEPARTMENT OF LABOR. LB270 SEEKS TO COMBINE THREE SEPARATE CASH FUNDS FOR THREE PROGRAMS ADMINISTERED BY THE DEPARTMENT OF LABOR INTO ONE CASH FUND. THE THREE FUNDS ARE: THE FARM CONTRACTOR REGISTRATION ACT WHICH WAS PASSED IN 1987; THE CONTRACTOR REGISTRATION PROGRAM WHICH WAS PASSED IN 1994; AND THE PROFESSIONAL EMPLOYER ORGANIZATION ACT WHICH WAS PASSED IN 2010. CURRENTLY EACH PROGRAM HAS ITS OWN CASH FUND. THE PROGRAMS ARE ALL ADMINISTERED BY APPROXIMATELY SIX STAFF AT THE DEPARTMENT OF LABOR. THE INTENT IS TO COMBINE THE THREE CASH FUNDS SO STAFF IS NOT REQUIRED TO SEPARATELY ADMINISTER THREE SEPARATE CASH FUNDS. THE BILL HARMONIZES LANGUAGE IN SECTION 48-1706, 48-2107, 48-2710 TO REFLECT THE CHANGE IN THE CASH FUNDS. THE BILL DOES NEED TO BE CHANGED ON

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E&R BUT IT WILL BE, I AM TOLD, BECAUSE IT HAS AN OPERATIVE DATE OF JULY 1, 2015. WE WILL CHANGE THAT TO THE NEXT YEAR. AND WITH THAT, I WOULD CLOSE. [LB270]

SENATOR SCHEER: THANK YOU, SENATOR EBKE. SEEING NO ONE WISHING TO SPEAK, SENATOR EBKE, YOU'RE WELCOME TO CLOSE. SENATOR EBKE WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB270 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH TO? MR. CLERK. [LB270]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB270. [LB270]

SENATOR SCHEER: THE BILL ADVANCES. MR. CLERK. [LB270]

CLERK: MR. PRESIDENT, LB131, A BILL BY SENATOR CRAIGHEAD. (READ TITLE.) INTRODUCED ON JANUARY 9 OF LAST YEAR, AT THAT TIME REFERRED TO THE URBAN AFFAIRS COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE URBAN AFFAIRS COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM405, LEGISLATIVE JOURNAL PAGE 537, FIRST SESSION, 2015.) [LB131]

SENATOR SCHEER: THANK YOU, MR. CLERK. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO OPEN. [LB131]

SENATOR CRAIGHEAD: THANK YOU. TODAY I'M INTRODUCING LB131. LB131 RELATES TO ANNEXATION OF SANITARY AND IMPROVEMENT DISTRICTS, OR SIDs. AS YOU KNOW, SIDs ARE A POLITICAL SUBDIVISION CREATED UNDER NEBRASKA LAW AND HAVE CERTAIN RIGHTS, DUTIES, AND OBLIGATIONS UNDER STATE LAW. THEY ARE USED MOST HEAVILY IN DOUGLAS AND SARPY COUNTIES FOR THE PURPOSE OF DEVELOPMENT OF HOUSING ADDITIONS WITHIN THE EXTRATERRITORIAL ZONING JURISDICTION OF CITIES. SIDs ARE CHARTED, PLATTED, AND DEVELOPED WITH THE EXPECTATION THAT ONE DAY THEY WILL BE PART OF A MUNICIPALITY THROUGH ANNEXATION. DURING THE COURSE OF THEIR EXISTENCE, SIDs TAKE ON DEBT AND RAISE FUNDS IN ORDER TO PURCHASE AND MAINTAIN PUBLIC CONVENIENCES AND INFRASTRUCTURE. SIDs ARE MANAGED BY AN ELECTED BOARD OF TRUSTEES. SIDs EXIST AND OPERATE WITH THE KNOWLEDGE AND EXPECTATION THAT WHEN THEY ARE ANNEXED BY A CITY, THEY WILL BE DISSOLVED AS A LEGAL ENTITY. LB131 IS OFFERED TO PROVIDE SOME GUIDANCE TO CITIES AND SIDs RELATING TO THE EXPENDITURE

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OF FUNDS ONCE ANNEXATION INTENTIONS ARE MADE KNOWN. IN PARTICULAR, LB131 WOULD REQUIRE A SID TO OBTAIN PERMISSION TO EXPEND CERTAIN FUNDS ONCE THE SID RECEIVES NOTICE FROM A CITY COUNCIL OF A CITY'S PROPOSAL TO ANNEX TERRITORY WITHIN THE SID. THE INTENT OF LB131 WAS ONLY TO RESTRICT THE DISTRICTS FROM ENTERING INTO ANY NEW AND BINDING FINANCIAL CONTRACTS OR MAKING NEW IMPROVEMENT EXPENDITURES AFTER RECEIVING NOTIFICATION OF ANNEXATION. THE ORIGINAL VERSION OF LB131 THAT WAS INTRODUCED HAD A FEW BASIC ISSUES AND CONCERNS AMONG SID ATTORNEYS. AFTER THE HEARING FOR LB131, GREAT EFFORT WAS MADE TO WORK WITH THOSE REPRESENTING SIDs TO AMEND THE BILL AND REACH A POINT THAT ALLOWED THE SIDs TO HONOR AND KEEP CURRENT ON CONTRACTS AND OBLIGATIONS WHILE MAINTAINING THE FINANCIAL INTEGRITY OF THE ASSETS THAT WERE USED TO DETERMINE ANNEXATION VIABILITY. THE AMENDMENTS NOW INCLUDED IN THE COMMITTEE AMENDMENT ARE A COLLABORATIVE EFFORT AND WERE WRITTEN AND APPROVED BY THE ATTORNEYS AND REPRESENTATIVES OF SIDs. ADDITIONALLY, THE BILL WAS ADVANCED 6 TO 0 WITH ONE MEMBER ABSTAINING. I WOULD LIKE TO ASK FOR YOUR SUPPORT OF LB131 WITH THE COMMITTEE AMENDMENTS. THANK YOU. [LB131]

SENATOR SCHEER: THANK YOU, SENATOR CRAIGHEAD. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE URBAN AFFAIRS COMMITTEE. SENATOR CRAWFORD, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENT. [LB131]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THE COMMITTEE AMENDMENT, AM405, IS A WHITE-COPY AMENDMENT THAT REPLACES THE UNDERLYING BILL. AS SENATOR CRAIGHEAD STATED IN HER OPENING, LB131 DID FACE OPPOSITION AT THE HEARING AND AM405 REPRESENTS A COMPROMISE REACHED BETWEEN THE INTERESTED PARTIES LAST YEAR. THE GOAL OF LB131, AS CLARIFIED WITH AM405, IS TO ADDRESS THE SITUATION THAT OCCURS WHEN A MUNICIPALITY BEGINS THE PROCESS OF ANNEXING AN SID AND THAT SID THEN CHOOSES TO SPEND DOWN THEIR ASSETS PRIOR TO ANNEXATION. SINCE ANNEXATION DECISIONS ARE TYPICALLY MADE ON A CASE-BY-BASE BASIS, THE ASSETS OF AN SID OFTEN PLAY A KEY ROLE IN THE DECISION OF THE MUNICIPALITY TO ANNEX THE SID. THE ISSUE OF SID SPENDING PRIOR TO ANNEXATION WAS A MAJOR TOPIC OF DISCUSSION BY THE URBAN AFFAIRS COMMITTEE DURING ITS 2014 INTERIM STUDY ON SID ISSUES. UNDER AM405, IF AN SID RECEIVES WRITTEN NOTICE FROM A MUNICIPALITY THAT THE MUNICIPALITY IS PROPOSING TO ANNEX

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TERRITORY WITHIN THE SID, THEN THE SID IS PROHIBITED FROM SPENDING ANY ASSETS FOR A PERIOD OF 90 DAYS AFTER RECEIVING THE NOTICE. THE AMENDMENT EXEMPTS THE FOLLOWING ITEMS FROM THAT PROHIBITION: (1) INTEREST AND PRINCIPAL PAYMENTS ON OUTSTANDING BONDS; (2) INTEREST AND PRINCIPAL PAYMENTS ON OUTSTANDING CONSTRUCTION FUND WARRANTS; (3) INTEREST AND PRINCIPAL PAYMENTS ON OUTSTANDING GENERAL FUND WARRANTS; AND (4) PAYMENT OR ISSUES OF WARRANTS FOR SERVICES, WORK, LABOR, OR MATERIALS ORDERED OR CONTRACTED FOR BY THE SID PRIOR TO RECEIVING THE NOTICE OF PROPOSED ANNEXATION; AND (5) PAYMENT OR ISSUES OF WARRANTS FOR EXPENSES THAT ARE STATUTORILY REQUIRED TO ADDRESS AN EMERGENCY OR FOR CONSTRUCTION PROJECTS FOR WHICH THE BIDDING PROCESS HAS ALREADY BEGUN BY THE SID PRIOR TO RECEIVING NOTICE OF THE PROPOSED ANNEXATION; AND (6) PAYMENT OR ISSUANCE OF WARRANTS FOR OTHER PURPOSES AS APPROVED BY THE CITY FINANCE DIRECTOR OR OTHER AUTHORIZED REPRESENTATIVES OF THE MUNICIPALITY. AM405 ALSO PROVIDES THAT IF AN SID PLANS TO COMMENCE A CONSTRUCTION PROJECT FOR WHICH THE BIDDING PROCESS HAS NOT YET BEGUN PRIOR TO RECEIVING NOTICE OF THE PROPOSED ANNEXATION, THE SID MUST SUBMIT THE PROPOSED PLANS AND/OR CONTRACT TO THE MUNICIPALITY AND RECEIVE MUNICIPAL APPROVAL PRIOR TO COMMENCING THE PROJECT. WHEN LB131 WAS VOTED OUT OF THE URBAN AFFAIRS COMMITTEE LAST FEBRUARY, LANGUAGE ON THE COMMITTEE AMENDMENT HAD BEEN AGREED UPON BY THE CITY OF OMAHA, THE LEAGUE OF MUNICIPALITIES, AND SID ATTORNEYS. AS MEMBERS MAY RECALL, AFTER SENATOR CRAIGHEAD ATTEMPTED TO AMEND LB131 ONTO ANOTHER SID BILL SOME CONCERNS WERE RAISED BY A SMALL GROUP OF SID ATTORNEYS. UNFORTUNATELY, THE CHANGES BEING SOUGHT BY THIS ONE LAW FIRM WOULD HAVE THE EFFECT OF NEGATING LB131. BASED OFF COMMUNICATION RECEIVED BY BOTH MY OFFICE AND SENATOR CRAIGHEAD'S OFFICE, THIS FIRM IS THE ONLY ONE THAT HAS RAISED CONCERNS REGARDING AM405 AND THE OTHER SID ATTORNEYS CONTINUE TO SUPPORT THE COMPROMISE LANGUAGE IN THE AMENDMENT. AM405 WAS ADVANCED BY THE URBAN AFFAIRS COMMITTEE ON A 6 TO 0 VOTE WITH ONE MEMBER PRESENT AND NOT VOTING. I WOULD ASK FOR YOUR GREEN VOTE TO ADOPT AM405 AND LB131. THANK YOU, MR. PRESIDENT. [LB131]

SENATOR SCHEER: THANK YOU, SENATOR CRAWFORD. OPEN DISCUSSION ON THE AMENDMENT. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. SHE WAIVES. SEEING NO OTHERS IN THE QUEUE, SENATOR CRAWFORD, YOU'RE WELCOME TO CLOSE ON YOUR AMENDMENT. SENATOR CRAWFORD CLOSSES (SIC). THE QUESTION BEFORE US IS THE COMMITTEE AMENDMENTS TO LB131.

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ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. PLEASE VOTE. HAVE THOSE VOTED THAT WISH TO? MR. CLERK. [LB131]

CLERK: 31 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB131]

SENATOR SCHEER: THANK YOU, MR. CLERK. SENATOR CRAIGHEAD, YOU'RE WELCOME TO CLOSE ON LB131. SENATOR CRAIGHEAD WAIVES CLOSING. QUESTION BEFORE US IS THE ADVANCEMENT OF LB131. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. PLEASE VOTE. HAVE ALL VOTED THAT WISH TO? MR. CLERK. [LB131]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB131. [LB131]

SENATOR SCHEER: LB131 ADVANCES. MR. CLERK. [LB131]

CLERK: MR. PRESIDENT, ITEMS. BUSINESS AND LABOR GIVES NOTICE OF HEARING. SENATOR LARSON, AN AMENDMENT TO LB618 TO BE PRINTED. I ALSO HAVE NOTICE OF HEARINGS FROM THE JUDICIARY COMMITTEE. I HAVE A SERIES OF NAME ADDS: SENATOR DAVIS TO LB689; SENATOR GLOOR, LB276; SENATOR LINDSTROM, LB276; SENATOR FOX TO LB1030 AND TO LB190. (LEGISLATIVE JOURNAL PAGES 438-439.) [LB618 LB689 LB276 LB1030 LB190]

MR. PRESIDENT, A PRIORITY MOTION. SENATOR SULLIVAN WOULD MOVE TO ADJOURN THE BODY UNTIL THURSDAY MORNING, JANUARY 28, AT 9:00 A.M.

SENATOR SCHEER: YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. THE AYES HAVE IT. WE ARE ADJOURNED.