

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
January 19, 2016

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LB1017 LB1018 LB1019 LB1020 LB1021 LB1022 LB1023 LB1024 LB1025 LB1026 LB1027
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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: WELCOME TO THE GEORGE W. NORRIS CHAMBER FOR THE NINTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS REVEREND DWAYNE HOPKINS OF THE ANTIOCH BAPTIST CHURCH IN OMAHA, NEBRASKA, SENATOR COOK'S DISTRICT. PLEASE RISE.

REVEREND HOPKINS: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, REVEREND HAWKINS. I CALL TO ORDER THE NINTH 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, MR. PRESIDENT.

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

CLERK: MR. PRESIDENT, I HAVE A REFERENCE REPORT REFERRING LB955 THROUGH LB989, THAT'S SIGNED BY SENATOR KRIST AS CHAIR; HEARING NOTICE FROM BANKING, COMMERCE AND INSURANCE COMMITTEE SIGNED BY SENATOR SCHEER AS CHAIR; AND AN ATTORNEY GENERAL'S OPINION ADDRESSED TO SENATOR KRIST. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 323-331.)

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. (DOCTOR OF THE DAY INTRODUCED.) WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN THE FOLLOWING LEGISLATIVE RESOLUTIONS: LR382, LR383, LR384, LR385, LR386, LR387, LR388, LR391, LR392, LR393, LR395, LR396, LR400, LR401, AND LR402. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, LB113. MR. CLERK. [LR382 LR383 LR384 LR385 LR386 LR387 LR388 LR391 LR392 LR393 LR395 LR396 LR400 LR401 LR402 LB113]

CLERK: MR. PRESIDENT, LB113 HAS BEEN DISCUSSED. AT THIS TIME, I HAVE A PRIORITY MOTION. SENATOR LARSON WOULD ASK UNANIMOUS CONSENT TO BRACKET LB113 UNTIL APRIL 20 OF 2016. [LB113]

PRESIDENT FOLEY: IS THERE ANY OBJECTION? SEEING NONE, SENATOR LARSON'S MOTION IS ADOPTED. THE BILL IS BRACKETED. NEXT BILL, MR. CLERK. [LB113]

CLERK: MR. PRESIDENT, LB136 IS A BILL BY SENATOR JOHNSON. (READ TITLE.) INTRODUCED ON JANUARY 9 OF LAST YEAR, AT THAT TIME REFERRED TO THE JUDICIARY COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. AT THIS TIME, MR. PRESIDENT, I HAVE NO AMENDMENTS TO THE BILL. [LB136]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR JOHNSON, YOU'RE WELCOME TO OPEN ON LB136. [LB136]

SENATOR JOHNSON: THANK YOU, LIEUTENANT GOVERNOR. THIS BILL WAS INTRODUCED LATE IN THE SESSION LAST YEAR AS FAR AS GETTING IT TO THE FLOOR, AND WE DID NOT HAVE TIME TO PROCEED WITH IT. IT IS MY PRIORITY BILL. IT'S THE FIRST BILL CARRIED OVER THAT DID NOT HAVE A PRIORITY LAST YEAR AND HAS A PRIORITY LISTING THIS YEAR. PRIMARILY A LOT OF THE EVENTS THAT HAVE HAPPENED IN THE LAST YEAR PROMPTED THIS DECISION. IT IS TO PROHIBIT THE SALE, POSSESSION, AND USE OF FLYING LANTERNS. THE BILL SAYS IT'S A PENALTY, CLASS V MISDEMEANOR, WHICH THE MAXIMUM: THERE'S NO IMPRISONMENT BUT THERE IS A \$100 FINE. IT WAS INTRODUCED ON BEHALF OF THE FIRE DEPARTMENTS OF NEBRASKA, ALSO SEVERAL COMMUNITIES CAME IN AND TESTIFIED IN THE HEARING OR IN THE EXEC SESSION. THERE WERE SEVEN VOTING IN FAVOR OF THIS LEGISLATION AND ONE SENATOR WAS ABSENT. THE OPPONENTS TO THE LANTERN BILL WERE THOSE RETAILERS THAT SELL FIREWORKS. THE STATE FIRE MARSHALL DOES NOT

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CONSIDER A FLYING LANTERN AS A FIREWORK BECAUSE IT'S A DIFFERENT TYPE OF IGNITION AND A DIFFERENT TYPE OF FUELING. IT DOES NOT EXPLODE. IT FLOATS IN THE AIR. THEY ARE NOW TRACKING THIS AS A SEPARATE INCIDENT AND WE DO NOT HAVE THE FIGURES ON THE NUMBER OF FIRES AND THE NUMBER OF CALLS THEY HAVE HAD DEALING WITH THIS. SINCE THE INTRODUCTION OF THIS LAST YEAR, TWO INCIDENTS, I GUESS THREE THAT I WILL TALK ABOUT: ONE, A YEAR AGO NEW YEAR'S EVE IN COLUMBUS, NEBRASKA, A FLYING LANTERN LANDED WITHIN THE PROPERTY OF AN ETHANOL PLANT. ETHANOL IS A FUEL. IT IS VERY EXPLOSIVE. AND I DO HAVE THAT LANTERN IN MY OFFICE HANGING ON THE HALL TREE: THE ONE THAT DID NOT PERFORM PROPERLY, IT BURNED OUT ON THE SIDE AND IT WENT DOWN PREMATURE. WE ALSO HAD TESTIMONY FROM A LINCOLN CITIZEN THAT HAD A \$200,000 EXPENSE TO REPAIR HIS HOUSE AFTER A LANTERN LANDED ON THE ROOF. ANOTHER INCIDENT AS SOON AS WE ADJOURNED LAST YEAR, MAY 31, IN LINCOLN WE HAD A FIRE AT THE LAS MARGARITAS RESTAURANT AND THE FIRE DEPARTMENT WAS CALLED THERE. LAST FRIDAY AT THE INDEPENDENT INSURANCE AGENT LUNCHEON, THE AGENT THAT HAD TO COVER THAT FIRE AS FAR AS THE COST, I HAD A CONVERSATION WITH HIM. SO IT IS ON EVERYBODY'S MIND. THE INTRODUCTION, SINCE THAT, WE'VE HAD LINCOLN, OMAHA, BEATRICE, NORTH PLATTE, BELLEVUE, ASHLAND THAT HAVE BANNED FLYING LANTERNS WITHIN THEIR JURISDICTION. AND WE JUST GOT TO MAKE SURE WE GET THIS COVERED FOR THE RURAL AREAS. THERE'S 25 STATES THAT HAVE BANNED THIS. ONE OF MY COMMENTS IN THE TESTIMONY OR WHAT I HEARD WAS ONE OF THE SENATORS ASKED THE QUESTION, HOW MANY OF THESE DO YOU SELL OR WHAT'S THE DOLLAR VOLUME? ONE TESTIFIED THAT BETWEEN 1 PERCENT AND 2 PERCENT OF THEIR TOTAL VOLUME OF FIREWORKS IS FLYING LANTERNS. I'M GOING TO USE THE EXAMPLE OF MY TWO GRANDSONS. IF I GAVE \$50 TO THE TWO OF THEM AND TOLD THEM TO GO DOWN AND BUY SOME FIREWORKS, I DON'T THINK THEY WOULD COME BACK TO ME AND SAY, GRANDPA, I COULDN'T BUY A FLYING LANTERN SO HERE'S \$5 BACK. THEY'RE GOING TO FIND WAYS TO SPEND THAT MONEY. I DON'T BELIEVE IT'S GOING TO BE A HIT TO THE INDUSTRY. IT'S MORE FOR THE PROTECTION OF OUR STATE OUT IN FIELDS, IN GROVES OF TREES. WE'VE HAD IT NOW WITHIN A BUSINESS AND WE'VE HAD IT ON PROPERTY. SO I BELIEVE THAT THIS IS LEGISLATION THAT NEEDS TO PASS AND I WILL CLOSE WITH THAT. I ASK YOU TO SUPPORT LB136, THE BANNING OF THE SALE, POSSESSION, AND USE OF FLYING LANTERNS. THANK YOU, MR. SPEAKER. [LB136]

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PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. MEMBERS, YOU'VE HEARD THE OPENING ON LB136. BEFORE PROCEEDING TO DEBATE, I RECOGNIZE SPEAKER HADLEY FOR A SPECIAL ANNOUNCEMENT. SPEAKER HADLEY. [LB136]

SPEAKER HADLEY: MR. PRESIDENT, I HAVE JUST A COUPLE OF QUICK THINGS. FIRST OF ALL, THERE WILL BE ONE OR MORE CONSENT CALENDARS THIS SESSION. THERE IS NO TIMING ON THEM YET. SO I URGE COMMITTEES IF THEY HAVE CONSENT-APPROPRIATE BILLS TO GET THEM OUT. BASICALLY AS YOU REMEMBER, THE BILL MUST BE NONCONTROVERSIAL. IN ESSENCE, THE...IF THERE IS SOMEONE WHO TESTIFIES IN THE OPPOSITION, AN AMENDMENT OR THE OPPOSITION MUST BE TAKEN CARE OF. SECONDLY, THE BILL...THE TOPIC THAT THE BILL OPENS UP IS NONCONTROVERSIAL. SO WE WILL BE HAVING THOSE TO GET AWAY FROM THE LOGJAM AT THE END OF THE SESSION IN PUTTING BILLS OUT. SO I ENCOURAGE YOU, THE COMMITTEES TO PUT OUT THE BILLS AND TO...I WILL START ACCEPTING REQUESTS FOR CONSENT AGENDA ITEMS TODAY. SECONDLY, I'VE GIVEN YOU A CALENDAR AND I THINK THIS IS REALLY AN IMPORTANT CALENDAR BECAUSE WE ALWAYS GET CONCERNED ABOUT DATES AND DATES ARE VERY IMPORTANT. RULES ARE VERY IMPORTANT. SO WE NEED TO FOLLOW THE DATES AND THE RULES. AND I'VE GIVEN YOU A CALENDAR THAT SHOWS THE PRIORITY BILL DEADLINES. I'M ACCEPTING THEM RIGHT NOW, BUT THE 18th AND 19th OF FEBRUARY FOR COMMITTEE AND SENATOR PRIORITIES AND SPEAKER PRIORITIES. I ALSO HAVE THE FIRST DAY OF THE DEBATE, FULL DAY DEBATE IS MARCH 7. COMMITTEE HEARINGS WILL HAVE ENDED BY THEN. THE BUDGET DEBATE, DAY 42 WILL START. AND WE CAN GO ALL THE WAY THROUGH DAY 49. THAT'S IN MARCH 15 THROUGH 24. WE'LL USE AS MANY DAYS AS WE CAN OR NEED TO FOR BUDGET HEARINGS. THE LAST DAY FOR GENERAL FILE IS APRIL 7. THE LAST DAY FOR...THE FINAL DAY FOR SELECT FILE AND AMENDING FINAL READING BILLS IS APRIL 12. I THINK THIS IS AN IMPORTANT DOCUMENT. I WOULD HOPE THAT YOU WOULD KEEP IT IN YOUR OFFICE. MAKE SURE YOUR LA HAS THIS SO YOU DON'T INTO QUESTIONS ABOUT WHEN THINGS ARE DUE AND WHEN THEY'RE NOT DUE. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. PROCEEDING NOW TO DEBATE ON LB136, SENATOR CHAMBERS. [LB136]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, THIS BILL WAS ADVANCED UNANIMOUSLY BY THE SEVEN SENATORS WHO WERE PRESENT AT THE EXEC SESSION. I'M THE ONE WHO WAS ABSENT. HAD I BEEN THERE, THERE WOULD HAVE BEEN EIGHT AFFIRMATIVE VOTES. I SUPPORT THIS BILL VERY STRONGLY. I

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BELIEVE I MADE THAT CLEAR DURING THE HEARING. THERE IS NO COMPELLING STATE INTEREST IN ALLOWING SOMETHING THAT IS A HAZARD AND HAS NO SOCIETAL VALUE WHATSOEVER. IF THERE WERE SUCH A THING THAT I COULD SEE NO VALUE FOR, THIS FLYING LANTERN WOULD BE IT. THE INVITATION TO DO DAMAGE AND DESTRUCTION TO PROPERTY, WHETHER PRIVATE, PUBLIC, OR SOMEWHERE IN BETWEEN, IS NOT SOMETHING THAT OUGHT TO BE APPROVED BY THE LEGISLATURE. I HAVE ALWAYS OPPOSED ETHANOL AND THE SUBSIDIZATION OF ETHANOL FOR ADM, ONE OF THE BIGGEST SUPPLIERS. BUT WHEN I CAN SUPPORT SOMETHING THAT THE ETHANOL PEOPLE AND ADM WANT, THE TWO OF US COMING TOGETHER SHOULD INDICATE THAT THIS BILL HAS CONSIDERABLE MERIT. AND SINCE I DO NOT EXPECT IT TO HAVE OPPOSITION, I WOULD JUST LIKE TO READ SOMETHING THAT SENATOR RIEPE PASSED OUT TODAY. ST. JUDE CHILDREN'S RESEARCH HOSPITAL, SENATOR ERNIE CHAMBERS GIFT CHALLENGE. SENATOR CHAMBERS HAS CHALLENGED EACH SENATOR TO MATCH HIS GENEROUS CONTRIBUTION OF \$100 TO EACH SENATOR'S \$100 GIFT TO ST. JUDE. TODAY WE HAVE IN EXCESS OF \$2,000. CHALLENGE GIFTS OR PLEDGES WILL BE ACCEPTED THROUGH THE CLOSE OF SESSION ON WEDNESDAY, JANUARY 20, WHICH IS TOMORROW. PLEASE WRITE CHECKS TO ST. JUDE CHILDREN'S RESEARCH HOSPITAL AND GIVE TO SENATOR CHAMBERS OR SENATOR RIEPE. THANK YOU FOR YOUR SUPPORT OF ST. JUDE. ALL CONTRIBUTIONS ARE TAX DEDUCTIBLE. AND FOR THOSE WHO MAY NEED A BIT OF ADDITIONAL INCENTIVE, EVERY \$100 YOU DONATE THAT I HAVE TO MATCH BRINGS SENATOR CHAMBERS \$100 CLOSER TO THE POORHOUSE. AND AS WE APPROACH THAT DESIRABLE GOAL: GIVE, GIVE, UNTIL IT HURTS. MAKE ERNIE PAWN OR SELL ALL HIS SWEATSHIRTS. LAY IT ON ME, I CAN TAKE IT. THANK YOU, MR. PRESIDENT. [LB136]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB136]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I WONDER IF SENATOR JOHNSON WOULD YIELD TO A COUPLE QUESTIONS. [LB136]

PRESIDENT FOLEY: SENATOR JOHNSON, WOULD YOU YIELD, PLEASE? [LB136]

SENATOR JOHNSON: YES, I WILL. [LB136]

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SENATOR BLOOMFIELD: THANK YOU, SENATOR. YOU MENTIONED THAT SOME STATES HAVE ALREADY BANNED THIS. ARE ANY OF THOSE BORDERING STATES? [LB136]

SENATOR JOHNSON: THERE ARE TWO STATES THAT HAVE IT ON THEIR AGENDA AND THEY'RE CONSIDERING IT: THE STATE OF MISSOURI AND THE STATE OF KANSAS. [LB136]

SENATOR BLOOMFIELD: SO IOWA, SOUTH DAKOTA, COLORADO, WYOMING HAVE NOT EVEN LOOKED AT BANNING THEM AT THIS POINT? [LB136]

SENATOR JOHNSON: I'M NOT AWARE. ALL THE INFORMATION I HAD...I DIDN'T LOOK AT EACH INDIVIDUAL STATE. I CAN LOOK THAT UP. BUT THERE'S 25 STATES AROUND US. SO I DON'T HAVE A LISTING OF THOSE THAT ARE INCLUDED. I DO UNDERSTAND THAT IT'S HAPPENING MORE ON THE COASTS THAN IT IS MIDWEST SO WE MIGHT BE ONE OF THE EARLY ADOPTERS. [LB136]

SENATOR BLOOMFIELD: OKAY. I AM NOT A BIG FAN OF BANNING THINGS THAT HAVE BEEN LEGAL. BUT IF EVER ANYTHING DESERVED BANNING, I BELIEVE IT MAY BE THESE FLYING LANTERNS. AS MUCH AS I'D LIKE TO STAND UP HERE AND DEFEND THEM, I DON'T KNOW THAT I CAN. I WILL PROBABLY SIT ON MY HANDS AND NOT VOTE ON THIS ONE. IF SENATOR JOHNSON COULD USE A LITTLE TIME, MR. PRESIDENT, HE CAN HAVE IT. [LB136]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. ABOUT 3:30, SENATOR JOHNSON, IF YOU CARE TO USE IT. [LB136]

SENATOR JOHNSON: THANK YOU, I'LL USE PART OF IT. IT'S A GOOD QUESTION THAT SENATOR BLOOMFIELD HAS ASKED. IT SEEMS TO BE TRACKED MORE NOW THAN IT USED TO BE. THE STATE FIRE MARSHAL'S OFFICES DID NOT CONSIDER THIS FIREWORKS SO THEY DON'T KEEP TRACK OF IT THAT WAY, BUT THEY ARE NOW. I THINK THAT'S WHAT'S HAPPENING IN SOME OF THESE OTHER STATES AS MORE AND MORE FLYING LANTERNS SEEM TO BE IN THE AIR. AND I THINK THEY'RE JUST BEING MORE CONSCIOUS OF IT. SO I THINK WE WILL...STILL CAN SEE THE MOMENTUM MOVING ON THIS, DEFINITELY IN THE STATE OF NEBRASKA AFTER WE POINTED IT OUT LAST YEAR IN HEARINGS AND HAD SOME PUBLICITY ON IT. SOME OF THE PUBLICITY WAS GOOD. IT KEPT THE TOPIC IN FRONT OF THE PUBLIC. THE BAD PART OF IT WAS, IT WAS IN FRONT OF THE PUBLIC BECAUSE THERE WERE FIRES. AND SO I THINK WE'RE GOING TO CONTINUE TO SEE THE

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EMPHASIS ON IT AND I THINK IT WILL COME FROM OTHER STATES ALSO. THANK YOU. [LB136]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB136]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AS AN 18-YEAR VOLUNTEER FIREFIGHTER AND WATCHING WHAT THESE THINGS AND HOW FAR THEY'RE CAPABLE OF TRAVELING, I STAND IN OPPOSITION...OR IN SUPPORT OF SENATOR JOHNSON'S BILL BANNING THESE FLYING LANTERNS. WHEN YOU LOOK AT THE DISTANCES THEY CAN TRAVEL AND WHETHER IT'S IN THE WRONG TIME OF THE YEAR, THE CROP DAMAGE THAT CAN HAPPEN, THAT'S NOTHING COMPARED TO THE DAMAGE THAT CAN HAPPEN IF IT WOULD HAPPEN TO DRIFT OVER AN ETHANOL PLANT AND THE RESULTING FIRE AND EXPLOSIONS THAT COULD EASILY HAPPEN THERE WITH THE VAPORS THAT ARE PRESENT. SO THIS IS JUST SOMETHING I DON'T THINK THERE'S ANY REASON FOR IT TO EVEN EXIST. THERE'S TOO MUCH RISK INVOLVED AND WHEN CONDITIONS ARE DRY AND THESE THINGS LAND ON SOMEBODY'S ROOF, THEY'RE JUST AN INSTANT ALMOST FIRE HAZARD. THEY'RE GOING TO START SOMETHING ON FIRE. SO THIS IS JUST AN EASY ONE FOR ME TO SUPPORT AND HOPEFULLY EVERYBODY ELSE DOES TOO. THANK YOU, MR. PRESIDENT. [LB136]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB136]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I WANT TO THANK SENATOR JOHNSON FOR BRINGING THIS FORWARD. I SUPPORT HIM 100 PERCENT ON THIS BILL. IF YOU HAVE SEEN THESE LANTERNS FLYING THROUGH THE AIR IN THE SUMMERTIME IN THE METRO AREA OR IN THE SUBURBAN AREA, YOU CAN JUST IMAGINE DURING THE DRY SPELLS HOW VERY DANGEROUS THEY ARE TO HOMES AND FIELDS AND THE AREAS AROUND PARKS AND ALL THE REST WHERE PEOPLE ARE GATHERED. THEY ARE TRULY A NUISANCE. IT'S MINDLESS. AND IT DOESN'T HELP ANYTHING IN ANY WAY, SHAPE, OR FORM EXCEPT FOR THE SELLERS OF SUCH ITEMS. I HOPE WE CAN JUMP ON THIS AND SUPPORT SENATOR JOHNSON ON THIS BILL TO HAVE THESE DEFEATED. THANK YOU. [LB136]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLOWSKI. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR JOHNSON, YOU'RE WELCOME TO CLOSE ON LB136. [LB136]

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SENATOR JOHNSON: BASICALLY, I COULD WAIVE CLOSING ON THIS, BUT I THINK YOU'VE HEARD MY TESTIMONY. YOU'VE HEARD THE COMMENTS FROM SOME OF THE SENATORS. AND I ASK FOR YOUR SUPPORT ON LB136. THANK YOU. [LB136]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATORS, YOU'VE HEARD THE DEBATE AND THE CLOSING ON LB136. THE QUESTION IS THE ADVANCE OF LB136 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB136]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB136. [LB136]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB136 ADVANCES. ITEMS FOR THE RECORD, MR. CLERK? [LB136]

CLERK: THANK YOU, MR. PRESIDENT. I DO HAVE ITEMS. NEW BILLS. (READ LB1014-1021 BY TITLE FOR THE FIRST TIME.) IN ADDITION, MR. PRESIDENT, I HAVE A NEW RESOLUTION...ACTUALLY, HEARING NOTICES, MR. PRESIDENT, FROM THE EDUCATION COMMITTEE AND THE TRANSPORTATION COMMITTEE SIGNED BY THEIR RESPECTIVE CHAIRS. AND THAT'S ALL THAT I HAVE, MR. PRESIDENT. THANK YOU. (LEGISLATIVE JOURNAL PAGES 331-333.) [LB1014 LB1015 LB1016 LB1017 LB1018 LB1019 LB1020 LB1021]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. PURSUANT TO THE AGENDA, WE'LL NOW MOVE TO SELECT FILE, 2016 SENATOR PRIORITY BILLS, LB18. [LB18]

CLERK: MR. PRESIDENT, LB18, ON SELECT FILE, A BILL ORIGINALLY INTRODUCED BY SENATOR KRIST. (READ TITLE.) THE BILL WAS ADVANCED FROM GENERAL FILE TO SELECT FILE. IT WAS DEBATED ON SELECT FILE LAST YEAR ON FEBRUARY 11 AND 12. AT THAT TIME, THERE WAS A MOTION TO BRACKET THE BILL BY SENATOR KRIST. I DO HAVE MOTIONS AND AMENDMENTS PENDING, MR. PRESIDENT. [LB18]

PRESIDENT FOLEY: SENATOR KRIST, PERHAPS YOU COULD TAKE A MINUTE OR TWO AND REFRESH US ON THE BILL? [LB18]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT. I THINK I'D LIKE TO TAKE MORE THAN JUST A MINUTE OR TWO GIVEN THE WEIGHTINESS OF THE DISCUSSION THAT HAPPENED LAST YEAR AND THE FACT THAT WE'RE BEGINNING AGAIN FOR ANOTHER WHOLE TERM ON SELECT FILE. I'D ASK INDULGENCE TO REINTRODUCE THE BILL WITH THE FULL TEN MINUTES. [LB18]

PRESIDENT FOLEY: WITHOUT OBJECTION, SENATOR, YOU'RE RECOGNIZED. [LB18]

SENATOR KRIST: THANK YOU. THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. THIS INTRODUCTION WILL SOUND FAMILIAR WITH SOME EXCEPTIONS. LB18 ADVANCED FROM THE EDUCATION COMMITTEE ON A 6-1 VOTE WITH ONE MEMBER ABSENT. I WANT TO THANK CHAIRPERSON SULLIVAN AND THE MEMBERS OF THE EDUCATION COMMITTEE FOR ADVANCING THIS BILL. EACH YEAR, MENINGOCOCCAL DISEASE STRIKES NEARLY 1,500--1,500--AMERICANS AND 10 PERCENT TO 15 PERCENT OF THOSE AFFECTED WILL DIE. AMONG THOSE WHO SURVIVE, APPROXIMATELY 20 PERCENT WILL LIVE WITH PERMANENT AND HUGELY EXPENSIVE DISABILITIES SUCH AS BRAIN DAMAGE, HEARING LOSS, LOSS OF KIDNEY FUNCTION, OR LIMB AMPUTATIONS. OVERALL, ONE IN THREE VICTIMS WILL SUFFER DEVASTATING OUTCOMES. THIS IS NOT THE FLU. MENINGOCOCCAL BACTERIA ARE SPREAD THROUGH THE EXCHANGE OF RESPIRATORY AND THROAT SECRETIONS LIKE SPIT--EXAMPLE, LIVING IN CLOSE QUARTERS, SHARING DRINKS, KISSING. URGENT MEDICAL ATTENTION AND ANTIBIOTICS ARE EXTREMELY IMPORTANT IF MENINGOCOCCAL DISEASE IS SUSPECTED. EXPENSIVE OUTCOME CONTROL AND ANTIBIOTIC PROPHYLAXIS SHOULD ALSO START IMMEDIATELY TO REDUCE THE SECONDARY SPREAD OF THE INFECTION. ADOLESCENTS AND YOUNG ADULTS ARE AT GREATER RISK FOR MENINGOCOCCAL DISEASE THAN MOST--AND LET ME STRESS "THAN MOST" BECAUSE THIS DISEASE DOES AFFECT THE AGED, IT DOES AFFECT ADULTS. AMONG THOSE WHO SURVIVE, APPROXIMATELY 20 PERCENT LIVE WITH PERMANENT DISABILITIES. UNFORTUNATELY, MENINGOCOCCAL DISEASE IS OFTEN INITIALLY MISDIAGNOSED BECAUSE THE EARLY SYMPTOMS ARE MUCH LIKE THE FLU. THIS IS NOT THE FLU. AND IF ACTION IS NOT TAKEN IMMEDIATELY, LOSS OF LIMB AND ORGANS ARE IMMINENT. THE CENTERS FOR DISEASE CONTROL--THAT IS THE CDC--AND PREVENTION ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES, ACRONYM CDC-ACIP, RECOMMENDS ROUTINE VACCINATIONS OF TEENS, TWO DOSES OF MENINGOCOCCAL VACCINE. THE VACCINE IS EXPECTED TO PROTECT ADOLESCENTS AND YOUNG ADULTS THROUGH THE INCREASED RISK PERIOD. AND I WANT TO STRESS THE INCREASED RISK PERIOD GOES THROUGH AGE 21, ALTHOUGH THERE ARE

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DEVASTATING EFFECTS OF THOSE AFTER THEY AGE. THE CURRENT CDC RECOMMEND VACCINES PROTECTS AGAINST 73 PERCENT OF THE MENINGOCOCCAL STRAINS OCCURRING IN PERSONS 11 YEARS AND OLDER IN THE UNITED STATES. DATA FROM OTHER COUNTRIES WHERE IMMUNIZATION RATES ARE VERY HIGH SUGGEST THAT TEEN MENINGITIS VACCINATIONS CAN ALSO HELP PROTECT OTHER HIGH-RISK INDIVIDUALS THROUGH REDUCED NASAL CARRIAGE OF THE BACTERIA AND WHAT IS TERMED "HERD IMMUNITY." AND I HOPE WE HEAR FROM OUR RESIDENT BIOLOGIST AND EXPERT ON THE TERM "HERD IMMUNITY." KEEPING OUR TEENS UP TO DATE WITH RECOMMENDED VACCINES IS THE BEST DEFENSE AGAINST MENINGOCOCCAL DISEASE KNOWN TO DATE. LAST YEAR IN THIS DEBATE WE HEARD A LOT OF OPINIONS, A LOT OF ONE-OFF OPINIONS FROM THE MEDICAL COMMUNITY. THE CONSENSUS IN THE STATE OF NEBRASKA FROM 93 COUNTIES IS THAT THIS IS A GOOD THING TO DO. THE CONSENSUS FROM THE FROM THE MEDICAL COMMUNITY THAT ASKED ME TO BRING THIS FORWARD...THIS IS NOT MY AREA OF EXPERTISE. YOU ASKED ME TO HELP BUY AN AIRPLANE A COUPLE OF YEARS AGO, I DID THAT. MENINGOCOCCAL AND THE MEDICAL PROFESSION IS NOT MY AREA OF EXPERTISE. HOWEVER, THE EXPERTS THAT HAVE TALKED TO ME AND ASKED ME TO BRING THIS FORWARD ARE CONVINCED THAT THIS IS THE RIGHT THING FOR NEBRASKA TO DO. WE'RE GOING TO HAVE A DISCUSSION THAT I'M SURE IS GOING TO GO SIX HOURS, FOUR BECAUSE WE'RE STARTING ALL OVER AGAIN ON SELECT AND TWO ON FINAL READING. I WOULD SUGGEST THAT'S A POSSIBILITY. I WILL NOT, I WILL NOT ACCEPT ANY AMENDMENT THAT CHANGES THE LANGUAGE TO THIS BILL AS A FRIENDLY AMENDMENT. THE REASON THAT I PULLED IT BACK LAST YEAR IS THAT WE GOT INTO THE WEEDS AND DESTROYED THE SYSTEM THAT WOULD HAVE...THAT IS IN NEBRASKA TODAY BY AMENDING THINGS THAT SHOULD NOT BE AMENDED AND THE MEDICAL COMMUNITY AT THAT POINT SAID, SENATOR KRIST, PULL IT, PULL IT, WE DO NOT WANT TO DILUTE WHAT WE HAVE DONE FOR THE CITIZENS OF NEBRASKA. AND THAT'S WHAT I DID. NOW, YOU'RE GOING TO SEE A HOST OF AMENDMENTS UP THERE THAT ARE FOR THE PURPOSE OF KEEPING US HERE FOR FOUR HOURS DURING SELECT AND TWO ON FINAL READING, AND WE WILL DO THAT. THERE IS NO BETTER PROTECTION FOR OUR YOUTH AND FOR OUR ADULTS IN THIS STATE. I HAVE TO ALSO SAY NOT ALL OF OUR KIDS GO TO SCHOOL HERE IN NEBRASKA. THIS IS NOT A "NEBRASKA CONFINED BY BORDER" ISSUE. AND THE CDC HAS WEIGHED IN ON WHAT IS BEST FOR THE NATION AND BY LOOKING AT OTHER COUNTRIES, WE KNOW AT A HIGHER RISK OF VACCINATION, THE POSITIVE RESULTS THAT ARE THERE. GLOBALLY, OUR KIDS COULD BE IN SCHOOL IN BEIJING, IN NEW YORK CITY, IN LOS ANGELES, NOT JUST AT THE UNIVERSITY OF NEBRASKA OR ONE OF OUR NEBRASKA COLLEGE SYSTEM SCHOOLS. I ASK YOU

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TO TAKE A HARD LOOK AT THE FACTS AND TALK TO THE PEOPLE THAT YOU TRUST IN YOUR MEDICAL COMMUNITY. YOU'VE RECEIVED MANY E-MAILS TO DATE. THOSE E-MAILS HAVE TOLD YOU THAT THIS IS A DANGEROUS VACCINATION. I ASK YOU TO ANALYZE WHERE THOSE E-MAILS CAME FROM, WHERE THOSE OPINIONS CAME FROM. PROCEDURALLY, I'D JUST LIKE TO SAY ONE OTHER THING. WE STAND HERE HAVING TERMINATED A CONVERSATION ON THIS BILL AND I HAD TO PRIORITIZE IT TO BRING IT BACK TO THIS FLOOR. I BELIEVE THAT ANYBODY WHO HAS AN AMENDMENT ON THIS BILL SHOULD HAVE HAD TO REFILE IT ON THE SUBJECT MATTER. HOWEVER, THAT'S NOT HOW THE SPEAKER WEIGHED IN AND I'M WILLING TO LIVE WITH IT AS AN EDICT FROM THE SPEAKER. IT'S COMING BACK FOR A FULL FOUR ON SELECT WITH ALL THE AMENDMENTS THAT HAVE BEEN FILED TO DATE. AND WHEN WE GET DOWN TO IT, WE MAY HAVE TO ACTUALLY CHANGE THE ENACTMENT DATE OF THIS BILL WHICH, AGAIN, WILL CAUSE AN ISSUE, I'M SURE, AND MORE DEBATE. FOR THOSE OF YOU WHO ARE IN THE CHAMBER, THANK YOU FOR YOUR ATTENTION. FOR THOSE OF YOU WHO ARE CONDUCTING OTHER BUSINESS, PLEASE PAY ATTENTION TO THE SUBJECT MATTER AT HAND. AND WHEN THE CALL COMES TO YOU, I ASK YOU FOR YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. MR. CLERK. [LB18]

CLERK: MR. PRESIDENT, WHEN THE LEGISLATURE LEFT DISCUSSION OF THE ISSUE LAST YEAR, SENATOR GROENE HAD PENDING AM143 AS AN AMENDMENT TO THE BILL, AM143. (LEGISLATIVE JOURNAL PAGE 477, FIRST SESSION, 2015.) [LB18]

PRESIDENT FOLEY: SENATOR GROENE, YOU'RE RECOGNIZED TO OPEN ON AM143. [LB18]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I WILL GO INTO MY AMENDMENT. IT CHANGES THAT IT'S NOT ONLY ON RELIGIOUS CONTENTIONS, BUT ALSO PHILOSOPHICAL THAT YOU CAN OPT OUT. THE REASON I BELIEVE THAT IS I'M A CHRISTIAN. I CAN'T FIND ANYWHERE IN THE BIBLE WHERE I SHOULD OPPOSE VACCINATIONS. BESIDES THAT, MY BODY IS A TENT. SO PHILOSOPHICALLY, A LOT OF FOLKS OPPOSE MANDATES FROM GOVERNMENT AND ONLY MANDATES WHEN IT'S YOU ARE AFFECTING YOUR NEIGHBOR, THAT YOUR FREE CHOICES CAN HARM YOUR NEIGHBOR. SO I WOULD LIKE TO BEGIN BY SAYING I'M NOT AGAINST VACCINATIONS. MY CHILDREN WERE VACCINATED FOR HIGHLY INFECTIOUS DISEASES, MMR, BECAUSE ON THOSE DISEASES I AM...I

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COULD CAUSE PAIN AND DISCOMFORT TO MY NEIGHBORS. BUT MENINGITIS VACCINATION IS DIFFERENT. I GAVE YOU A COUPLE OF HANDOUTS. IT IS VERY, VERY RARE. THE REASON IT IS RARE IS BECAUSE 65 PERCENT TO 85 PERCENT OF US ARE NATURALLY IMMUNE TO IT. THAT IS NOT THE CASE IN HIGHLY INFECTIOUS DISEASES. ONLY 5 PERCENT TO 10 PERCENT OF US CARRY THE BACTERIA IN OUR NASAL PASSAGE. SO IN ORDER FOR IT TO SPREAD--AND THAT BACTERIA IS ALWAYS THERE AT 5 PERCENT TO 10 PERCENT--YOU BASICALLY HAVE TO SNEEZE INTO THE FACE OF THE 15 PERCENT TO 20 PERCENT OF THE POPULATION THAT CAN CONTRACT THE DISEASE. I PASSED OUT...THERE WAS AN ARTICLE IN ONE OF THE LOCAL PAPERS TODAY ABOUT THERE WAS 11 CASES BEEN TRACKED. WHAT WAS OMITTED WAS THOSE 11 CASES IN 13 YEARS. IN THE AGE GROUP OF WHERE THIS BILL WOULD MANDATE VACCINATIONS, SINCE 2010 THERE HASN'T BEEN A CASE IN OUR PUBLIC SCHOOLS FROM THE AGE OF 12 TO 17. THERE'S BEEN NINE CASES IN THOSE FROM 18 TO 22; NINE CASES, 11 YEARS. WE DID NOT HAVE A MANDATE ON THIS VACCINATION. THERE'S NEVER BEEN A REPEATED CASE, A CONTAGIOUS SITUATION. IT'S BEEN NINE INDIVIDUAL CASES. IT IS NOT HIGHLY INFECTIOUS. SO WE DO NOT HAVE A MANDATE HERE THAT WE NEED TO PROTECT THE GENERAL PUBLIC FROM EACH OTHER. NINETY-EIGHT PERCENT, THE CDC SAYS, OF ALL CASES ARE SINGULAR CASES AND THE 2 PERCENT THAT ISN'T HAVE BEEN IDENTIFIED IN COLLEGE DORMS. IN THE STATE OF NEBRASKA, ALL THE PRIVATE COLLEGES THAT I KNOW OF MANDATE, IF YOU'RE GOING TO LIVE IN A DORM, YOU HAVE TO BE VACCINATED. THE UNIVERSITY OF NEBRASKA MAKES IT A RECOMMENDATION. WE ARE GOING TO FORCE 135,000 HIGH SCHOOL AND JUNIOR HIGH STUDENTS TO TAKE A VACCINATION WHEN WE HAVEN'T HAD A CASE IN FIVE YEARS IN OUR PUBLIC SCHOOLS. MOST PARENTS VACCINATE NOW FOR THE ACWY VACCINATION THAT THE CDC RECOMMENDED IN 2005, 75 PERCENT OF NEBRASKANS DO BECAUSE OF THEIR DOCTOR'S RECOMMENDATION OR FROM THE PUBLIC HEALTH CLINIC. IT WORKS. IN NEBRASKA, THE PUBLIC-PRIVATE COOPERATION IN HEALTHCARE WORKS ON THIS VACCINATION. THERE'S NO REASON FOR A MANDATE. NATIONALLY, 27 STATES DO NOT MANDATE IT: 22 HAVE NO MANDATE, 4 HAVE NO MANDATE BUT HAVE AN EDUCATIONAL COMPONENT THAT YOU MUST...THE PUBLIC SCHOOLS MUST GIVE A PAMPHLET OR TELL PARENTS ABOUT MENINGITIS AND ITS RARITY BUT ITS DEADLINESS. THERE'S NOT 93 COUNTY HEALTH CLINICS; THERE'S 23 COMBINED CITY, COUNTY, AND REGIONAL. IN LINCOLN COUNTY, WE HAVE ONE. IT'S ABOUT SEVEN OR EIGHT, TEN SURROUNDING COUNTIES INVOLVED. SO THERE ISN'T 93 HEALTH OFFICIALS IN 93 COUNTIES. BLESS THEIR HEARTS. THEY DO A PUBLIC SERVICE. THEY'RE PUBLIC EMPLOYEES. BUT THEY ARE NOT EXPERTS ON IMMUNIZATION. THEY DO NOT DIAGNOSE MENINGITIS. THEY ONLY GIVE FREE SHOTS. FEDERAL GOVERNMENT

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GIVES THE VACCINATION. THIS ISN'T A POVERTY, RICH MAN-POOR MAN ARGUMENT. IF YOU GO TO A PUBLIC HEALTH CLINIC, YOU CAN GET THE VACCINATION FREE. WHAT THEY ARE NOT GETTING IS THE \$20 FOR ADMINSTRATING THE SHOT. THEY WOULD GET THAT IF WE PASSED THIS AND THERE'S AN A BILL FOR \$200,000-SOME, AN A BILL TO GIVE EVERYBODY A SHOT WHEN WE HAVEN'T HAD A CASE IN OUR PUBLIC SCHOOLS IN FIVE YEARS. I WILL PASS OUT ANOTHER...I DID PASS OUT ANOTHER GRAPH FROM THE CDC THAT SHOWS THE OCCURRENCE OF THIS DISEASE IN THE UNITED STATES IN THAT AGE GROUP IS ONE IN A MILLION, ONE IN A MILLION. AND THAT'S NATIONALLY. I HEARD COMPLAINTS THAT MAYBE WE'RE GOING HAVE IMMIGRANTS COME BRING THIS DISEASE TO OUR SHORES. NO, FOLKS. WORLDWIDE, 65 PERCENT TO 85 PERCENT ARE NATURALLY IMMUNE; 5 PERCENT TO 10 PERCENT OF US CARRY IT. THERE'S ONLY ABOUT A 10 PERCENT OR 15 PERCENT CHANCE YOU'RE GOING TO PASS IT TO SOMEBODY. THAT'S WORLDWIDE. THAT'S IN THE HUMAN RACE. THIS IS NOT A DISEASE...I'VE TALKED TO THE IMMUNOLOGIST AND THE DOCTORS THAT WORK IN INTENSIVE CARE AND ARE PEDIATRICIANS. THIS IS NOT A DISEASE YOU CAN ELIMINATE. IT IS A BACTERIA. IT WILL ALWAYS SURVIVE IN SOMEBODY'S NASAL PASSAGE. WE HAD A HEARTRENDING STORY SENT TO US FROM THE NURSES ASSOCIATION, SCHOOL NURSES ASSOCIATION ABOUT A PARENT, THE LAST DEATH WE HAD FROM MENINGITIS IN THE STATE IN 2010, I BELIEVE IT WAS. THE LIFE OF THIS VACCINATION IS FIVE YEARS, PERIOD, FIVE YEARS, WITH SOME WANING. BUT THE WAY THE CDC RATES THEM IT SAYS I CAN'T GUARANTEE YOU THAT YOU ARE IMMUNE OR YOU'RE GOING TO BE COVERED AFTER FIVE YEARS. THAT IS WHY THEY WANT US TO GIVE IT TO 12-YEAR-OLDS, WHICH WE HAVEN'T HAD A CASE FOR A LONG TIME IN THAT 12 TO 17 AGE GROUP. THAT IS WHY THEY WANT TO GIVE IT TO THEM AGAIN AT 16. THE CDC SAYS ON ITS NEW...THE NEW VACCINATION AGAINST MENINGITIS B, WHICH THEY DID NOT RECOMMEND TO BE MANDATORY, THEY SAID IT SHOULD BE PARENTAL CHOICE. AND THEY RECOMMEND IT AT 18, AT 18 TO DO IT BECAUSE THAT COVERS THAT COLLEGE-AGE SPIKE. AND BY THE WAY, THAT SPIKE GOES FROM ONE IN A MILLION, AND WHEN YOU'RE IN COLLEGE YOU HAVE A CHANCE OF TWO IN A MILLION OF GETTING IT. THAT'S WHAT IT DOES. EIGHTEEN...IF THEY PUT THAT ON THAT MANDATORY LIST, THE LEGISLATION ISN'T CLEAR IF IT HAS TO BE ON THE PERMISSIVE LIST OR THE SUGGESTED LIST. WE'RE GOING TO GIVE IT TO KIDS 12 YEARS OLD. AND THERE'S REASONS ABOUT SAFETY. THE STUDIES HAVE SAID THERE'S A HIGH INCIDENCE OF SEVERE REACTION. ITS EFFECTIVENESS WEARS OFF. SO LET'S SAY A 24-YEAR-OLD LIKE WE HEARD IN THE PAPER GETS IT. THEY WERE VACCINATED AT 16 BY STATE MANDATE. PARENTS THINK EVERYTHING IS FINE. IT'S THE FLU. THAT'S NINE YEARS LATER...CATCH IT AND PERISH AT THE AGE OF 24 AND 25. I'M NOT THE TYPE OF

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PERSON WHO IS GOING TO LIE TO SOMEBODY TO MAKE THEM FEEL BETTER. THAT'S DISHONEST. WE SHOULD NOT DO THAT. YES, IT'S A TERRIBLE DISEASE. IT IS RARE. IT IS NOT HIGHLY INFECTIOUS. GOVERNMENT SHOULD NOT BE MANDATING WHEN THERE IS NO PUBLIC SAFETY ISSUE INVOLVED. WE PASS LAWS TO PROTECT EACH OTHER FROM ONE ANOTHER. WE DO NOT PROTECT OURSELVES FROM OURSELVES. WE SHOULD NOT BE DOING THAT. I ADMIRE SENATOR KRIST. WE DIDN'T KNOW EACH OTHER LAST...WITH THE DEBATE AND I UNDERSTAND THE PROCESS NOW. PEOPLE BRING YOU BILLS AND YOU BELIEVE IN THEM. AND SENATOR KRIST... [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

SENATOR GROENE: ...REALLY LOVES CHILDREN AND I DO TOO. I FULLY UNDERSTAND WHY HE INTRODUCED THIS. IT'S NOT PERSONAL. I LOOK AT IT, THIS IS A DEBATE BETWEEN PUBLIC SAFETY, CROSSING THAT LINE OF FREEDOM, OF PERSONAL CHOICE, OF DECISION MAKING. THE PUBLIC-PRIVATE COOPERATION RIGHT NOW WORKS WELL IN THE STATE OF NEBRASKA. LET'S LEAVE IT THERE. I'LL PASS OUT A GRAPH LATER THAT SHOWS YOU THAT MENINGITIS IS ON A DOWNWARD SPIRAL NATIONWIDE PRIOR, EVEN BEFORE VACCINATIONS BECAME AVAILABLE. AND THAT WILL BE MY NEXT HANDOUT. BUT THANK YOU, MR. PRESIDENT. I WOULD ENCOURAGE YOUR SUPPORT ON AM143, TO GIVE PEOPLE MORE FREE CHOICE AND FREEDOM. THANK YOU. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. MR. CLERK. [LB18]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS HAD PENDING AT THE CONCLUSION OF THE DEBATE LAST YEAR FA11 AS AN AMENDMENT TO SENATOR GROENE'S AMENDMENT. (LEGISLATIVE JOURNAL PAGE 510, FIRST SESSION, 2015.) [LB18]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE WELCOME TO OPEN ON YOUR FLOOR AMENDMENT. [LB18]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WON'T USE THE WORD "IRONIC," BUT IT'S SOMEWHAT COINCIDENTAL THAT IN THE LAST FEW DAYS THERE WAS DISCUSSION, IT MIGHT BE ONGOING NOW, AT THE NATIONAL LEVEL ABOUT PROTECTING RELIGIOUS FREEDOM. THIS AMENDMENT THAT I'M OFFERING GOES TO AN EXISTING REQUIREMENT OR STATEMENT IN THE LAW. WHAT SENATOR GROENE IS

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AMENDING IS NOT THE PART THAT RELATES TO RELIGION. HE'S ADDING SOMETHING. PHILOSOPHICAL BELIEF IS WHAT HE'S ADDING, BUT THAT'S NOT WHAT I'M TOUCHING ON. I HAVE STATED THAT WHEN AN ISSUE COMES BEFORE US, EVEN IF IT INVOLVES EXISTING LAW WHICH IS NOT BEING AMENDED, BUT I SEE SOMETHING IN EXISTING LAW THAT IS BROUGHT TO MY ATTENTION BY WHAT IS BEFORE US, THEN I WILL ADDRESS IT. IN THIS EXISTING LAW, THIS IS THE PERTINENT INFORMATION. IN SENATOR GROENE'S AMENDMENT WHICH RELATES TO THE EXISTING LAW, THIS IS WHAT THE LAW SAYS: "AN AFFIDAVIT SIGNED BY THE STUDENT OR, IF HE OR SHE IS A MINOR, BY A LEGALLY AUTHORIZED REPRESENTATIVE OF THE STUDENT, STATING THAT THE IMMUNIZATION CONFLICTS WITH THE TENETS AND PRACTICE OF A RECOGNIZED RELIGIOUS DENOMINATION". WHEN YOU PUT THAT WORD "RECOGNIZED," THAT IN AND OF ITSELF BY ORDINARY DEFINITION IS DISCRIMINATORY. RECOGNIZED BY WHOM? OBVIOUSLY SINCE YOU ARE TALKING ABOUT THE LAW, RECOGNIZED BY THE GOVERNMENT. CONGRESS, WHICH RELATES ALSO TO ANY STATE OR GOVERNMENTAL BODY, SHALL MAKE NO LAW RESPECTING ANY RELIGION. I WOULD LIKE TO ASK SENATOR GROENE A QUESTION. [LB18]

PRESIDENT FOLEY: SENATOR GROENE, WOULD YOU YIELD, PLEASE? [LB18]

SENATOR GROENE: YES, I WILL. [LB18]

SENATOR CHAMBERS: SENATOR GROENE, FIRST OF ALL, I WANT YOU TO UNDERSTAND THAT I'M NOT DEBATING IN ANY WAY THE ISSUE THAT YOU AND SENATOR KRIST ARE DISCUSSING. I'M LOOKING ONLY AT THIS WORD "RECOGNIZED" WITH REFERENCE TO RELIGION. DO YOU THINK IT'S APPROPRIATE FOR THE STATE TO RECOGNIZE CERTAIN RELIGIONS TO BE RESPECTED AND OTHERS WHICH IT DOES NOT RECOGNIZE TO NOT BE RESPECTED AND THE ADHERENCE NOT GIVEN THE SAME CONSIDERATION GIVEN TO THOSE WHO BELONG TO THIS RECOGNIZED RELIGION? [LB18]

SENATOR GROENE: I AGREE WITH YOU, SENATOR CHAMBERS. OUR CONSTITUTION DOES NOT STATE FREEDOM FROM RELIGION. IT STATES FREEDOM OF RELIGION AND IT DOESN'T SPECIFY WHICH RELIGION. [LB18]

SENATOR CHAMBERS: SO WOULD YOU AGREE THAT WE CAN STRIKE THIS WORD "RECOGNIZED" AND, IF ANYTHING, IT BROADENS THE REACH TO ALL RELIGIONS? MY VIEW IS THAT I HAVE NO RELIGION WHATSOEVER. I DON'T PRETEND TO BE. BUT I THINK WHEN WE'RE TALKING ABOUT A STATE POLICY,

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EVERY GROUP OR INDIVIDUAL EMBRACED BY IT SHOULD BE COVERED. AND THAT IS THE POINT THAT I'M MAKING WITH MY AMENDMENT, MY BELIEF. AND IF MY AMENDMENT IS NOT ADOPTED, I WILL SEEK A DECLARATORY JUDGMENT. I BELIEVE THIS WORD RENDERS UNCONSTITUTIONAL THIS KIND OF WAIVER THAT IS BEING ALLOWED BY THE EXISTING LAW. SO I'M NOT GOING TO DEBATE IT AT LENGTH. IF DURING THE DISCUSSION THAT WILL DEVELOP AND MY OPPORTUNITIES TO SPEAK DURING WHICH I WILL COMPILE A RECORD, I WILL NOT PURSUE IT ON THE FLOOR OF THE LEGISLATURE. BUT I AM CONVINCED TO A CERTITUDE THAT PUTTING THE WORDS "RECOGNIZED RELIGION" INTO THE STATUTE RENDERS THAT LAW UNCONSTITUTIONAL AND I WILL SEEK A DECLARATORY JUDGMENT TO THAT EFFECT WITH ALL OF THE OTHER THINGS THAT I'M DEALING WITH. SO IF ANYBODY HAS A QUESTION, I'M PREPARED TO ANSWER IT. AND REMEMBER, THIS THAT I'M AMENDING IS NOT A PART OF SENATOR KRIST'S BILL. IT IS NOT A PART OF WHAT SENATOR GROENE IS OFFERING AS HIS AMENDMENT. HIS AMENDMENT, WHETHER I AGREE WITH THAT OR NOT, IS UNTOUCHED BY WHAT I'M DOING. THE STATE CANNOT OFFICIALLY RECOGNIZE ANY RELIGION AND ESPECIALLY WHEN IT'S FOR THE PURPOSE OF GRANTING SOME KIND OF CONSIDERATION. I...HOW MUCH TIME DO I HAVE, MR. PRESIDENT? [LB18]

PRESIDENT FOLEY: ABOUT 4:30, SENATOR. [LB18]

SENATOR CHAMBERS: I THINK I CAN COMPLETE THIS PART OF IT. I OFFICIATE AT WEDDINGS. I HAVE OFFICIATED AT MORE THAN A DOZEN WEDDINGS. SEVERAL OF THEM INVOLVE STAFF MEMBERS AND EMPLOYEES OF THE LEGISLATURE. UP UNTIL A COUPLE OF MONTHS AGO, EVERY WEDDING I OFFICIATED INVOLVED WHITE PEOPLE. THE MOST RECENT ONE...WELL, NOT THE MOST RECENT, NEXT TO THE MOST RECENT ONE, THE PENULTIMATE ONE WAS INTERNATIONAL, INTERCONTINENTAL, AND INTERRACIAL. THE BLACK WOMAN WAS FROM OMAHA. THE GROOM WAS FROM FRANCE. THEY HAD BEEN LIVING IN FRANCE. IN READING A NEWSPAPER, I GUESS YOU PRONOUNCE IT LE MONDE. I WOULD SAY LAY MONE-DAY (PHONETICALLY). BUT ANYWAY, THEY HAD READ A NUMBER OF THINGS THAT I'VE BEEN INVOLVED IN. AND SHE AND HER FAMILY WERE AWARE OF ME ANYWAY. SO I RECEIVED A REQUEST FROM THEM TO OFFICIATE AT A WEDDING CEREMONY, WHICH I OF COURSE ACCEPTED. IT WAS PERFORMED. NOW, I HAVE OPERATED INTERNATIONALLY. THAT LEADS ME TO HOW I'M ABLE TO DO THIS. THERE IS AN OUTFIT IN ILLINOIS WHICH FOR A MODEST FEE WILL ORDAIN ANYBODY--A RABBI, A BISHOP, A PRIEST, A MINISTER. SO I WANTED THE LEAST RELIGIOUS TERM, WHICH WOULD BE MINISTER, AND I PURCHASED SUCH A DOCUMENT. THEIR ORDINATIONS HAVE BEEN CLEARED BY

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THE COURTS. THE ISSUE AROSE BECAUSE A PERSON HAD BEEN MARRIED IN A CEREMONY PRESIDED OVER BY SOMEBODY WITH ONE OF THESE DOCUMENTS THAT I HAVE. THE COURT RULED THAT IT WILL NOT GO BEHIND ANY PROFESSION OF RELIGION OR TO DETERMINE IF ANY RELIGIOUS ORGANIZATION IS ACCEPTABLE OR NOT. TO DO SO WOULD PUT THE COURT IN THE BUSINESS OF EXAMINING EVERY RELIGION TO SEE IF IT SHOULD BE, QUOTE, ACCEPTED, UNQUOTE. BUT IN ORDER TO DO THAT, THE COURT WOULD HAVE TO ACCEPT AS A BEGINNING PREMISE THAT SOME RELIGIONS ARE ACCEPTABLE, OTHERS ARE NOT. AND THE COURT SAID IT WOULD NOT GET INVOLVED IN THAT. SO EVERY CEREMONY I PERFORM IS LEGAL. THAT BRINGS ME BACK TO THIS WORD THAT I WOULD LIKE TO STRIKE FROM THE EXISTING LANGUAGE IN THE LAW. A WAIVER IS ALLOWED FROM VACCINATION, WHICH WAIVER I DON'T THINK SHOULD BE ALLOWED, BUT THAT'S NOT WHAT I'M TALKING ABOUT. THIS WAIVER WOULD BE BASED ON THE INDICATION THAT THE ONE TO RECEIVE IT BELONGS TO A RECOGNIZED RELIGION. IF THE PERSON DOES NOT BELONG TO THAT RECOGNIZED RELIGION, THE WAIVER IS NOT GRANTED. A PERSON CAN BE GRANTED A CONSCIENTIOUS OBJECTOR STATUS WITHOUT BELONGING TO AN OFFICIAL ORGANIZED RELIGION. BUT A DEEPLY, SINCERELY HELD BELIEF WHICH CAN BE ESTABLISHED TO EXIST TAKES THE PLACE... [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

SENATOR CHAMBERS: ...OF WHAT OTHER PEOPLE ARE GRANTED BY SHOWING THAT THEY BELONG TO ONE OF THESE MAINSTREAM CHURCHES. AND WHEN YOU USE THAT TERM "MAINSTREAM" WITH REFERENCE TO ANYTHING, WHEN YOU CHECK THE MAINSTREAM YOU WILL FIND SOME PRETTY SICKLY FISH THEREIN. MY AMENDMENT WOULD RESCUE FROM UNCONSTITUTIONALITY A PROVISION THAT IS IN THE EXISTING LAW AND THAT'S ALL THAT MY AMENDMENT WOULD DO. IT WOULD STRIKE THE WORD "RECOGNIZED" THAT APPEARS BEFORE THE WORD "RELIGION." THANK YOU, MR. PRESIDENT. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) CONTINUING NOW WITH DEBATE ON FA11 TO AM143, SENATOR GROENE, YOU'RE RECOGNIZED. [LB18]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS IS CORRECT. I'VE OFTEN TRIED TO CORRECT PEOPLE WHEN THEY SEPARATION OF CHURCH AND STATE. THE CONSTITUTION NEVER SAYS THAT. RELIGION IS FREE TO TRY TO INFLUENCE GOVERNMENT. GOVERNMENT JUST CAN'T TELL YOU

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WHICH RELIGIONS ARE GOOD AND WHICH ONES ARE BAD AND HAVE A STATE RELIGION. HIS POINT IS WELL MADE. RELIGIOUS CONVICTIONS, IT TIES INTO AM143. WHAT ABOUT THE ATHEIST WHO DOESN'T HAVE A RELIGION? ATHEISM ISN'T A RELIGION BECAUSE RELIGION IS DEFINED AS HAVING PHILOSOPHIES TOWARDS GOD. HOW CAN YOU HAVE A PHILOSOPHY TOWARDS GOD WHEN YOU DON'T BELIEVE ONE EXISTS? SO AN ATHEIST WHO DOES NOT WANT TO GIVE HIS CHILDREN CERTAIN VACCINATIONS, WHICH ON SOME OF THEM I THINK THEY'RE WRONG, THEY SHOULD, HOW DO THEY DO IT WITHOUT LYING? GOVERNMENT CREATES LIARS IN SOME OF ITS MANDATES WHEN GOVERNMENT CROSSES THE LINE BETWEEN PERSONAL RESPONSIBILITY, FREEDOM, INDIVIDUAL CHOICE, AND STARTS MANDATING. I UNDERSTAND THE MEDICAL PROFESSION TO A POINT, BUT THEY NEED TO TAKE A STEP BACK. THEY DO NOT TELL US WHAT TO DO; THEY RECOMMEND WHAT WE DO IN A FREE SOCIETY. I GET CALLS FROM A LOT OF DOCTORS, A LOT OF INTENSIVE CARE PEDIATRICIANS ALSO. THEY SAY, SIR, THIS IS NOT NECESSARY. YOU WERE GIVEN FALSE PRETENSE ON HOW LONG THIS THING LASTS. I JUST GOT A CALL AFTER...A PEDIATRICIAN WHO WAS LISTENING AND SAID, YOU ARE ABSOLUTELY CORRECT, SIR, I LOOKED ON THE CDC WEB SITE. IT DOES NOT DIMINISH THE CARRIERS SINCE THE VACCINATION, THE FIRST ONE, HAS BEEN OUT IN 1990. IT DOES NOT DIMINISH THE 5 PERCENT TO 10 PERCENT. THOSE CARRIERS ARE STILL THERE. YES, THERE'S A HERD MENTALITY. I BELIEVE THAT. I BELIEVE THAT PHILOSOPHY. IF IT HELPS THE 15 PERCENT, A VACCINATION HELPS THOSE THAT ARE NOT NATURALLY IMMUNE BUT IT DOES NOT, ACCORDING TO THE STUDIES, START REDUCING THE CARRIERS TO A POINT OF EXTINCTION, THE BACTERIA. THAT IS ANOTHER POINT. I PASSED OUT ANOTHER HANDOUT FROM THE CDC AND THE ORGANIZATION OF IMMUNOLOGISTS SHOWING THE OCCURRENCE OF MENINGITIS SINCE 1993, I BELIEVE THAT STARTS 20 YEARS. AND THEN ON THE LEFT SIDE IT SHOWS YOU THE GRAPH AND THAT'S PER 100,000. AT ITS PEAK IN 1998 OR SO IT WAS...AND THIS IS THE AGE GROUP 13 TO 17 NATIONALLY. THERE WAS 5 PER 1 MILLION, BECAUSE IT'S 0.05... OH, NO, THAT'S 5 PER 100 MILLION. YEAH, 0.05 WOULD BE BECAUSE IT'S BASED ON 100,000...OR 10 MILLION; 5 PER 10 MILLION. DOWN BELOW, IT'S NATURALLY...NATURE DOES THINGS, NOBODY EXPLAINS WHY. LIFE CHANGES, LIFE IS...DIFFERENT LIFE FORMS. FOR SOME REASON, MAYBE IT'S WE'RE CLEANER, NOBODY KNOWS, BUT PRIOR TO THE VACCINATION BEING MANDATED IN 2006, THE ACWY, THE OCCURRENCE OF THE DISEASE IN THE UNITED STATES HAS BEEN DISSIPATING. PRIOR TO THE VACCINATION IN 2006...BEING MANDATED AND THAT'S...RIGHT NOW THERE'S 22 STATES, 23 STATES THAT MANDATE IT. WE WERE ALREADY DOWN TO ABOUT 0.1, 0.01 PER 100,000, WHICH IS 1 PER 10 MILLION CASES IN THAT AGE GROUP. [LB18]

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PRESIDENT FOLEY: ONE MINUTE. [LB18]

SENATOR GROENE: FOLLOW THE VACCINATION UPWARD. AT 75 PERCENT WHERE WE'RE AT NOW NATIONALLY, 75 PERCENT WHERE WE ARE IN THE STATE, 79 PERCENT NATIONALLY, IT LEVELED OFF. BUT TAKE NOTE OF B, THE RED LINE, SEROGROUP B. THERE'S NO VACCINATION FOR THAT UNTIL JUST RECENTLY SOME HAVE BEEN INTRODUCED. IT HAS FOLLOWED THAT TREND, THE NATURAL TREND. LET'S TAKE A STEP BACK BEFORE WE START MANDATING SOMETHING WHERE WE DON'T HAVE A PANDEMIC, WE DON'T HAVE AN EPIDEMIC, WE DON'T HAVE CASES IN FIVE YEARS. I'M SKEPTICAL. BIG PHARMA, MERCK, NOVARTIS, \$145 A SHOT ON THE ACWY, TWICE: 7th GRADE, 12th GRADE. IF WE GET THE B... [LB18]

PRESIDENT FOLEY: TIME, SENATOR. [LB18]

SENATOR GROENE: THANK YOU. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB18]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. I WAS OUTSIDE THE CHAMBER AND I CAME BACK AND I SAW THAT SENATOR CHAMBERS HAD PUT THIS AMENDMENT ON. SO I WANTED TO KIND OF GET TO THE BOTTOM OF IT BECAUSE I HADN'T HEARD THE FIRST PART. SO I'M GOING TO, IF IT'S ALL RIGHT, ASK SENATOR CHAMBERS TO YIELD TO A QUESTION. [LB18]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB18]

SENATOR CHAMBERS: YES. [LB18]

SENATOR KINTNER: THANK YOU FOR YIELDING, SENATOR CHAMBERS. WHAT IS MEANT GENERALLY WHEN THEY SAY RECOGNIZED RELIGION? WHAT'S THE PURPOSE OF HAVING RECOGNIZED RELIGION IN THAT STATUTE? [LB18]

SENATOR CHAMBERS: SENATOR, NOW I'M SPECULATING. WHOEVER MANAGED TO PERSUADE THE LEGISLATURE TO PUT THAT IN MUST--I WON'T SAY MUST--PROBABLY HAD IN MIND WHAT ARE KNOWN AS THE MAINSTREAM RELIGIONS, LIKE BAPTISTS, METHODISTS, CATHOLICS, EPISCOPALIANS, AND THE ONES THAT

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ARE GENERALLY KNOWN TO MOST PEOPLE. SO MY PRESUMPTION IS THAT THOSE RELIGIONS AND SIMILAR OR RELATED RELIGIONS ARE THE ONES THAT WERE BEING CONSIDERED, AND ANY PERSON WHO BELONGED TO A RELIGION OTHER THAN THOSE RECOGNIZED AS MAINSTREAM WOULD NOT BE GIVEN THE CONSIDERATION THAT THOSE ARE GIVEN WHO BELONG TO A MAINSTREAM RELIGION. AND IN MY VIEW, THAT IS THE STATE RECOGNIZING RELIGION IN A WAY PROHIBITED BY THE CONSTITUTION, AND PROHIBITING THOSE WHO ARE NOT IN THAT FAVORED CLASS FROM RECEIVING A BENEFIT THAT THE GOVERNMENT IS MAKING AVAILABLE TO OTHERS WHO BELONG TO RELIGIONS THAT THE GOVERNMENT WOULD RECOGNIZE. [LB18]

SENATOR KINTNER: SENATOR CHAMBERS, I THINK YOUR SPECULATION IS AT LEAST AS GOOD AS MY SPECULATION. THIS IS WHERE I'M SPECULATING. WE RECOGNIZE RELIGION BECAUSE THERE'S TAX CONSEQUENCES TO RELIGION. SO IF YOU'RE GOING TO GET A...BE TAX EXEMPT, YOU HAVE TO BE RECOGNIZED. SO THE IRS IS SUPPOSED TO CHECK THESE OUT AND MAKE SURE IT'S A REAL RELIGION. AND THEN IF YOU ARE, YOU'RE BUDDHIST OR YOU'RE MUSLIM OR CHRISTIAN OR JEWISH OR SOMETHING THAT THEY CAN PUT THEIR FINGER ON AND SAY THAT'S A REAL RELIGION, THEN YOU GET RECOGNIZED. I THINK THAT IS THE REASON. DOES THAT MAKE SENSE TO YOU? [LB18]

SENATOR CHAMBERS: WITHOUT REFERENCE TO WHAT YOU SAID, NO. [LB18]

SENATOR KINTNER: OKAY. SO IF WE TOOK THIS OUT, IT WOULD OPEN IT UP TO WHAT? IF YOU SAID THIS BEFORE, I'M SORRY. [LB18]

SENATOR CHAMBERS: OKAY. THIS RELATES TO OBTAINING A WAIVER FROM CERTAIN VACCINATIONS, AND IF YOU HAVE A RELIGIOUS CONVICTION THAT WOULD BE VIOLATED BY THIS ACTIVITY, YOU CAN GET THE WAIVER IF YOU REQUEST IT ON THE BASIS OF RELIGIOUS OBJECTION. AND WHEN YOU HAVE A SITUATION WHERE THE STATE IS GRANTING SOMETHING, IT SHOULD NOT BE WITHHELD BASED ON A PERSON BELONGING TO, QUOTE, THE WRONG RELIGION. AND I THINK YOU'RE A CHRISTIAN AND I DON'T WANT TO ATTRIBUTE RELIGION TO ANYBODY IF IT'S NOT SO, BUT IF I'M MISTAKEN YOU CAN CORRECT ME. JESUS SAID WHERE TWO OR THREE ARE TOGETHER. SO THAT SEEMS TO INDICATE TO ME THAT THE NUMBER OF PEOPLE WHO BELONG TO A CHURCH, THE NUMBER WHO SAY THEY BELONG TO A PARTICULAR RELIGION SHOULD NOT GIVE THEM RECOGNITION BY THE STATE WHICH IS DENIED TO OTHERS. THAT'S WHAT WE'RE

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TALKING ABOUT HERE: THE STATE RECOGNIZING THE RELIGION. AND I BELIEVE THAT THIS PROVISION IS UNCONSTITUTIONAL. [LB18]

SENATOR KINTNER: SENATOR CHAMBERS, DO YOU HAVE ANY EXAMPLES OF HOW...OF WHO THIS MIGHT AFFECT OR SOMEONE THAT MIGHT BE AFFECTED... [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

SENATOR KINTNER: ...THAT ISN'T COVERED UNDER THE RECOGNIZED CLAUSE OR TERM? [LB18]

SENATOR CHAMBERS: WELL, WERE I AN EPIDEMIOLOGIST, I WOULD BE CHECKING FOR ALL KIND OF DISEASES. IF I WERE A BACTERIOLOGIST, I WOULD BE DOING THE SAME THING. SINCE I'M NOT A "RELIGIONOLOGIST," I HAVE NOT EXAMINED THE RECORD TO SEE ALL OF THOSE GROUPS AND ORGANIZATIONS THAT CALL THEMSELVES RELIGION. BUT APPARENTLY IF YOU'RE NOT IN A MAINSTREAM RELIGION, YOU ARE OUT OF BOUNDS AND NOT ENTITLED TO CONSIDERATION. [LB18]

SENATOR KINTNER: THANK YOU, SENATOR CHAMBERS. HOW MUCH TIME DO I HAVE? [LB18]

PRESIDENT FOLEY: 0:23, SENATOR. [LB18]

SENATOR KINTNER: THAT'S NOT VERY MUCH TIME, BUT I CAN'T SEE...I GUESS I CAN'T SEE HOW THIS WOULD HURT ANYTHING. I DON'T THINK IT'S GOING TO BRING DOWN THE STATE. SO I THINK THIS IS PROBABLY AN AMENDMENT THAT DOESN'T AFFECT VERY MUCH. THEORETICALLY IT MIGHT, BUT IN REALITY I DON'T THINK IT DOES. SO THANK YOU, MR. PRESIDENT. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB18]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'M STILL LOOKING AT SENATOR CHAMBERS' AMENDMENT. I HAVE SOME HESITANCY ON THAT BUT I WILL CONTINUE TO STUDY IT. BUT I DO SUPPORT FULLY SENATOR GROENE'S AMENDMENT. THE IDEA THAT THE STATE CAN FORCE YOU TO DO SOMETHING IS

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SOMETHING I'VE FOUGHT AGAINST EVER SINCE I'VE BEEN HERE. AND RECENTLY, THIS MORNING, WE PASSED SOMETHING THAT...THE STATE IS ALLOWED TO RESTRICT SOMETHING. I DIDN'T VOTE ON IT. IT'S SOMETHING I STRUGGLE WITH BECAUSE I DON'T THINK THE STATE SHOULD RESTRICT THINGS TO A FREE PEOPLE. AND EVEN MORE SO, I DON'T THINK THE STATE SHOULD FORCE THINGS UPON PEOPLE WHEN THEY DON'T THINK THEY NEED IT. AND I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE IF HE'D WISH TO HAVE IT. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR GROENE, ABOUT 3:45. [LB18]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I JUST GOT AN E-MAIL FROM SOMEBODY WHO SENT IT TO ALL OF YOU THAT I LIED, THAT A YOUNG BOY DIED FIVE YEARS AGO, THAT IS FIVE YEARS AGO, IN 2011. THAT WAS SIX YEARS AGO BECAUSE WE WENT THROUGH '15. THAT WAS ONE CASE, AGAIN. WE DON'T KNOW IF THAT WAS SEROGROUP B. THERE'S LOTS OF FORMS, MANY FORMS OF MENINGITIS BACTERIA. ONE CAUSES LEUKEMIA. THE DEFINITION OF MENINGITIS, WHAT I'VE BEEN TOLD, IS THE SWELLING OF THE BRAIN LINING. IT COVERS ALL OF THOSE BACTERIAS THAT CAUSE THAT. NO, IT WAS FIVE YEARS AGO. WE HAVEN'T HAD A CASE SINCE THEN. THE BOY WAS FIVE YEARS OLD. HE WASN'T 12. HE WASN'T 17. BY THE WAY, THERE ARE TWO NEW SEROGROUP B VACCINATIONS COMING FOR BABIES, YOUNG PEOPLE. THAT IS THE HIGHEST CASE IN CHILDREN IS IN...AND THAT WILL PROBABLY BE MANDATED. THERE'S ONE NOW FOR THE ACWY THAT'S MANDATED. THIS IS WHY YOU HAVE TO HAVE WISDOM WHEN YOU STAND IN THIS BODY, KNOWLEDGE. YOU DO NOT MAKE DECISIONS ON CASES UNRELATED TO WHAT WE ARE VOTING ON. SAD A 5-YEAR-OLD BOY DIED, IT'S REALLY TERRIBLE. THIS VACCINATION WOULD NOT HAVE COVERED THAT. IT'S SAD THAT A 24-YEAR-YOUNG WOMAN JUST IN HER PRIME PASSED AWAY. THIS VACCINATION WOULD NOT COVER THAT. LET'S STICK TO THE FACTS, NOT ON EMOTION. WE ARE DOING A GOOD JOB. THE PUBLIC-PRIVATE FREEDOM, COOPERATION IN THIS STATE OF CONTROLLING MENINGITIS, EVEN AS RARE AS IT IS. IT'S ALWAYS BEEN RARE, ALWAYS BEEN RARE. AND NATURALLY IT IS DECLINING. BUT DO NOT VOTE YES BECAUSE OF SOME EXAMPLE UNRELATED TO WHAT WE ARE VOTING ON. AS I... [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

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SENATOR GROENE: I HAVE HERE IN FRONT OF ME, WHICH I'LL BE GOING OVER, INFORMATION FROM THE CDC ON THIS SEROGROUP B WHICH WAS BROUGHT INTO CONVERSATION, THE TWO NEW VACCINATIONS THAT B CAUSES ONE-THIRD OF ALL INFECTIONS WORLDWIDE AND IN THE UNITED STATES. IT'S THE ONE THAT WAS AT THE COLLEGES IN THE IVY LEAGUE HERE RECENTLY, A COUPLE, THREE CASES WAS THE LAST TIME ANYBODY CAN DOCUMENT THAT MORE THAN A SINGLE CASE HAPPENED IN AN INSTANCE. IT WAS TWO OR THREE OF THEM IN A COLLEGE DORM. IT WAS B. THOSE KIDS WERE VACCINATED WITH ACWY. THEY WEREN'T VACCINATED WITH B. THE NEW B ONE IS COMING. I WILL GET INTO WHAT THE CDC ANNOUNCED THIS SUMMER ON THOSE VACCINATIONS HERE NEXT TIME UP. SO THANK YOU, MR. PRESIDENT. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB18]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I REMEMBER WHEN THIS BILL WAS PRESENTED. AND SENATOR GROENE TALKED ABOUT NOT REACTING BASED ON EMOTIONS. AND I THINK THAT'S WHAT I DID ON THE ONSET OF THIS, THAT WHEN YOU HAVE PEOPLE COME IN THAT HAVE HAD THIS DISEASE AND THE THINGS THAT THEY HAVE GONE THROUGH, IT IS VERY DEBILITATING. AND WHEN YOU SEE AND HEAR WHAT THEY'VE HAD TO DEAL WITH, YOUR EMOTIONS KICK IN, AND JUST LIKE SENATOR GROENE SAID, YOU MAKE DECISIONS BASED ON EMOTION. BUT THEN WHAT WE HAVE HERE IN FRONT OF US IS FACTS THAT HAVE BEEN PRESENTED. AND BECAUSE OF THAT, I AM SUPPORTING SENATOR GROENE. BUT I WOULD LIKE TO KNOW, SENATOR GROENE, IF YOU WOULD YIELD TO A FEW QUESTIONS, PLEASE. [LB18]

PRESIDENT FOLEY: SENATOR GROENE, WOULD YOU YIELD, PLEASE? [LB18]

SENATOR GROENE: YES, I WILL. [LB18]

SENATOR SCHNOOR: OKAY, THANK YOU. ON ONE OF YOUR LAST HANDOUTS YOU GAVE, IT HAS FIGURE 2. [LB18]

SENATOR GROENE: THAT'S THE BIGGER HANDOUT? [LB18]

SENATOR SCHNOOR: YES. [LB18]

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SENATOR GROENE: THE MENINGOCOCCAL B INFECTION? [LB18]

SENATOR SCHNOOR: YES. NOW IT TALKS ABOUT THE SERIES OF SHOTS IS \$100 PER INDIVIDUAL, IS THAT CORRECT? [LB18]

SENATOR GROENE: WALGREENS, WE LOOKED UP, WALGREENS CHARGES ABOUT \$142. NOW THE ACWY, THE ONE THAT'S BEEN AROUND SINCE THE '90s AND BEEN RECOMMENDED BY THE CDC, THAT 22 STATES DO MANDATE IS \$145. MOST PARENTS GIVE THAT BEFORE THEY GO OFF TO COLLEGE. [LB18]

SENATOR SCHNOOR: OKAY. SO, IF THIS IS A MANDATED SHOT, THEN IS THAT THEN GOING TO BE COVERED BY ALL THE INSURANCE CARRIERS? IS IT COVERED UNDER...FOR THOSE THAT ARE...THAT FALL IN THE WELFARE CATEGORY? SO THEN WE, OUR STATE THEN HAS TO PAY FOR ALL THIS? [LB18]

SENATOR GROENE: THE A BILL COVERS...THE \$20 THAT THEY CHARGE FOR THE SHOT. THEY'RE NOT RECOUPING THAT NOW BECAUSE THE FEDERAL GOVERNMENT SUPPLIES THE VACCINATION. THE A BILL I BELIEVE IS MOSTLY THE \$20 THAT WOULD BE PAID TO THE COUNTY HEALTH DEPARTMENTS THAT THEY DO NOT GET NOW. BUT, YES, IT WILL BE ANOTHER BURDEN ON YOUR INSURANCE PREMIUMS. IT WILL BE ANOTHER BURDEN ON THE INSURANCE COMPANIES TO CHARGE YOU MORE. THROUGH THE GRAPEVINE, BECAUSE THE PERSON DIDN'T WANT TO BE RECOGNIZED, THERE ARE IMMUNOLOGISTS THAT SPECIALIZE IN A LOT OF THINGS. AN IMMUNOLOGIST THAT'S A FISCAL IMMUNOLOGIST, HE TRACKS COST OF DISEASES, HE SAID THE WAY HE SEES IT IF THERE'S 1 IN 100 MILLION CHANCE OF GETTING THIS, AND YOU MAKE...WE'RE GOING TO HAVE TO VACCINATE \$145 TWICE NOW, THAT'S \$290; THAT'S \$290 MILLION ADDED TO THE COST OF OUR HEALTHCARE LONG-TERM TO PREVENT ONE CASE IF--IF--THAT PERSON IS WITHIN THAT RANGE OF THE FIVE YEARS. AT TWO YEARS, THIS VACCINATION DROPS TO 58 PERCENT EFFECTIVE RATE. THIS IS NOT MMR VACCINATION, WHICH IS RIGHT AT 100 PERCENT AFTER... [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

SENATOR GROENE: ...BOOSTER SHOT. YOU CANNOT COMPARE VACCINATIONS. THIS IS...THERE ARE DIFFERENT CAUSES, DIFFERENT RATIONALE FOR THEM, DIFFERENT EFFECTIVENESS. THIS ONE ISN'T WORTH THE MANDATE. [LB18]

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SENATOR SCHNOOR: SO THOSE FIGURES THAT YOU'RE GIVING, IS THAT JUST FOR NEBRASKA? IS THAT NATIONWIDE? [LB18]

SENATOR GROENE: THAT'S NATIONWIDE,... [LB18]

SENATOR SCHNOOR: OKAY. [LB18]

SENATOR GROENE: ...THAT GRAPH, COMING FROM THE CDC ABOUT OCCURRENCES, CHANCES OF GETTING IT. [LB18]

SENATOR SCHNOOR: OKAY, BUT THE DOLLAR FIGURE YOU'RE GIVING, IS THAT JUST FOR THE STATE OF NEBRASKA? [LB18]

SENATOR GROENE: YEAH, WE'D HAVE TO GET TO...IF YOU STATISTICALLY SAY IT'S A CHANCE OF ONE OR TWO IN A MILLION THAT YOU'RE GOING TO GET IT AND YOU THINK BY VACCINATING EVERYBODY WE ARE GOING TO STOP THAT ONE CASE, IT'S LIKE WINNING THE LOTTERY. YOU'VE GOT TO THINK THAT THAT'S WORTH THE \$200 MILLION ON THE ASSUMPTION THAT YOU WILL STOP THAT ONE CASE. [LB18]

PRESIDENT FOLEY: TIME, SENATOR. [LB18]

SENATOR GROENE: IT'S STATISTICS. [LB18]

SENATOR SCHNOOR: THANK YOU. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR AND SENATOR GROENE. SENATOR GROENE, YOU ARE NEXT IN THE QUEUE IF YOU CARE TO CONTINUE. [LB18]

SENATOR GROENE: THANK YOU. I WANTED TO GO OVER SOME OF THE FACTS FROM THE...WHEN WE DEBATED THIS LAST YEAR, PART OF THE PUSH FOR THIS WAS THERE WAS A NEW MENINGOCOCCAL B VACCINATION COMING MERCK, THE PHARMACEUTICAL COMPANY MERCK, AND ANOTHER ONE FROM NOVARTIS. THE NOVARTIS ONE TAKES TWO SHOTS A COUPLE DAYS APART; THE MERCK ONE TAKES THREE; \$145 A PIECE. THAT'S ON TOP OF THE \$145 FOR THE ACWY THAT WE'RE GOING TO CHARGE MIDDLE-CLASS AMERICANS. AND I DIDN'T ANSWER

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SENATOR SCHNOOR COMPLETELY. THE FEDERAL GOVERNMENT...THIS IS NOT, LIKE I SAID, A POOR-VERSUS-RICH DEBATE. YOU GO TO THE COUNTY HEALTH CLINIC NOW, YOU GET YOUR VACCINATION FREE. BUT FOR THE PEOPLE WHO HAVE DEDUCTIBLES, THE PEOPLE WHO AREN'T COVERED 100 PERCENT FOR VACCINATIONS, THEY'RE GOING TO HAVE TO PAY THAT DOCTOR'S OFFICE \$400, IN THE SEVENTH GRADE, ANOTHER \$400 IN...THE JUNIOR IN HIGH SCHOOLS. AND THERE'S A CHANCE, 85 PERCENT CHANCE THAT THEY DON'T NEED IT BECAUSE THEY'RE NATURALLY IMMUNE. THIS IS NOT MMR. THIS IS NOT MEASLES. AS I SAID, IT'S A TERRIBLE DISEASE. BUT IN JUNE OF 2015, THE CDC MET, THE CENTERS FOR DISEASE CONTROL, TO DISCUSS WHAT TO RECOMMEND ON THE NEW SEROGROUP B VACCINATIONS. THEY CAME DOWN TO RECOMMEND PARENTAL CHOICE, INDIVIDUAL CHOICE. THEY RECOMMENDED THREE SUBGROUPS SHOULD HAVE IT. ONE IS PERSONS WITH...EXCUSE ME, FOUR SUBGROUPS: PERSONS WITH PERSISTENT COMPLEMENT COMPONENT DEFICIENCIES...IMMUNITY; PERSONS WITH ANATOMIC OR FUNCTIONAL ASPLENIA--SOMETHING TO WITH THE SPLEEN; MICROBIOLOGISTS ROUTINELY EXPOSED TO ISOLATES OF THE MENINGITIS BACTERIA; AND FOUR, PERSONS IDENTIFIED AS AT INCREASED RISK BECAUSE OF A SEROGROUP B MENINGOCOCCAL DISEASE OUTBREAK. THEY DO THAT NOW. SOMEBODY WOULD HAPPEN TO GET MENINGITIS, THEY GO IN AND EVERYBODY IN THE SCHOOL THAT HAD CONTACT IS VACCINATED. IT IS NOT AN INSTANT INFECTION. IN A WORK SITE, THEY GO IN AND RECOMMEND EVERYBODY GETS VACCINATED IF SOMEBODY COMES DOWN WITH IT. PARENTS, FAMILY, ANYWHERE THEY'VE BEEN, THEY TRACK IT DOWN. THAT WILL NOT STOP. THAT IS WHO THEY RECOMMEND MANDATED IT. IN THE LANGUAGE OF THE BILL, IT'S NOT CLEAR IF WE'RE SUPPOSED TO JUST FORCIBLY MANDATE PARENTS TO DO THIS ONE ALSO BECAUSE IT'S ON THE PERMISSIBLE LIST. IT JUST SAYS IF THE...THERE'S TWO RECOMMENDATIONS LISTS: PERMISSIBLE AND SUGGESTED. THE FEDERAL GOVERNMENT DOES NOT MANDATE IT. THE CDC JUST PUTS THAT OUT THERE. ARE WE GOING TO DO THIS? THE CDC SAID, DON'T DO THIS ONE, IF YOU'RE GOING TO DO IT, UNTIL YOU'RE 18 YEARS OLD. THIS IS MOVING FAST, AND WE'RE A BUNCH OF AMATEURS, CITIZEN LEGISLATORS ARE GOING TO PASS THIS THING BECAUSE SOME COUNTY LPNs TOLD US THEY WANT US TO DO THAT. EXCUSE ME? IN 23 COUNTY CLINICS, YOU GO IN THERE AND GET YOUR FLU SHOT. I WENT IN THERE TO GET A TB, I HAD A COUGH ONE TIME. A DOCTOR RECOMMENDED ME I GO DOWN TO THE COUNTY BECAUSE THAT'S THE ONLY PLACE I COULD GET IT AND GET A TB CHECK. [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

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SENATOR GROENE: THAT'S WHAT THEY DO. THEY DO NOT DICTATE TO THE CITIZENS OF NEBRASKA WHAT VACCINATIONS THEY SHOULD TAKE. I'M GOING TO TAKE THAT ADVICE FROM THE IMMUNOLOGIST, THE INTENSIVE CARE DOCTORS, THE PEDIATRICIANS WHO ARE CALLING ME. THAT'S WHO I'M GOING TO TAKE THAT ADVICE FROM. LET ME MAKE IT CLEAR, I HAVE NEVER GONE ON THE INTERNET TO SOME OF THESE ANTIVACCINATION WEB SITES, DON'T EVEN KNOW HOW TO FIND THEM. ALL OF OUR INFORMATION COMES FROM THE CDC OR THE STATE HHS DEPARTMENT ON WHO TRACKS OUR CASES OF INFECTIOUS DISEASES IN THE STATE OF NEBRASKA. THANK YOU, MR. PRESIDENT. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR EBKE, YOU'RE RECOGNIZED. [LB18]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. IT'S INTERESTING AS WE STAND HERE AND TALK ABOUT THIS PARTICULAR ISSUE, WE HAVE A LOT OF FACTS AND FIGURES THROWN OUT AT US, AND I WANT TO TAKE IT TO A MORE PHILOSOPHICAL ISSUE. LET ME ASK THE QUESTION TO MY COLLEAGUES, YOU KNOW, WHAT, WHEN, AND WHERE IS IT APPROPRIATE FOR THE STATE TO MANDATE PRIVATE BEHAVIOR? AND I WOULD ARGUE THAT IN PLACES LIKE DRIVER'S LICENSES, IT MAKES SENSE FOR US TO MANDATE SOME PRIVATE BEHAVIOR BECAUSE DRIVERS' PRIVILEGES AND THE WAY THAT YOU DRIVE CAN PUT OTHERS AT REAL RISK. SO STOPPING AT STOP SIGNS, NOT SPEEDING, THOSE SORTS OF THINGS, THAT MAKES SENSE. WE WANT TO PROTECT OTHERS ON THE ROAD. I THINK THAT IT MAKES SENSE, WITH RESPECT TO VACCINATIONS, TO MANDATE BEFORE GOING INTO A PUBLIC SCHOOL OR PRIVATE SCHOOL, BUT, YOU KNOW, ENTERING INTO AN AREA WHERE YOU HAVE A MASS OF PEOPLE, THAT WE MANDATE, WITH LIMITED EXCEPTIONS, VACCINATION FOR HIGHLY COMMUNICABLE DISEASES: MEASLES, CHICKEN POX, MUMPS, AND THAT SORT OF THING. I GREW UP IN THE ERA WHEN THEY DIDN'T HAVE CHICKEN POX VACCINES AND EVERYBODY GOT THEM. ONE PERSON GOT IT AND EVERYBODY GOT IT. THE SO-CALLED GOAL OF HERD IMMUNITY, OBVIOUSLY, IS THAT, YOU KNOW, WE PROTECT EVERYBODY THROUGH THE ADMINISTRATION OF VACCINES. SO THE QUESTION IS, YOU KNOW, AT WHAT POINT DO WE SAY THAT MANDATES ARE NECESSARY? AT WHAT POINT DO WE SAY THAT THIS PARTICULAR ILLNESS IS SO COMMUNICABLE THAT IT IS...IT POSES SUCH A GREAT DANGER OF INFECTION AND OF COMPLICATIONS THAT WE OUGHT TO MANDATE IT FOR EVERYONE? AND THAT, I THINK, IS THE REAL QUESTION THAT WE HAVE TO DEAL WITH. CAN WE PROTECT EVERYBODY AGAINST EVERYTHING THROUGH MANDATE? AND I WOULD ARGUE NO. I'VE GOT A SON WHO IS IN SEVEN GRADE. AND SO LAST YEAR HE WENT OFF TO HIS SEVENTH GRADE PHYSICAL AND GOT

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HIS VACCINES. AND AS PART OF THE PHYSICAL PROCEDURE, THEY OFFERED US A SERIES OF BOTH MANDATORY AND OPTIONAL VACCINES. I DIDN'T TAKE HIM TO HIS PHYSICAL. HIS FATHER DID. AND SO HE ENDED UP GETTING HIS MENINGOCOCCAL VACCINE. AND I PROBABLY WOULD HAVE TOO. BUT I THINK IT'S IMPORTANT FOR US TO REMEMBER, YOU KNOW, THAT MANDATES VERSUS PARENT CHOICES ARE AN IMPORTANT THING FOR US TO CONSIDER. I THINK THAT WE OUGHT TO PROVIDE EDUCATION. I THINK THAT WE OUGHT TO OFFER. I THINK WE MAYBE EVEN OUGHT TO RECOMMEND. BUT WHETHER WE MANDATE AND PREVENT SOMEBODY FROM GOING TO SCHOOL, YOU KNOW, TO CAUSE A PROBLEM THAT WAY, I THINK IS SOMETHING THAT WE NEED TO THINK SERIOUSLY ABOUT, WHETHER THAT'S AN APPROPRIATE ROLE OF GOVERNMENT. SO AT THIS POINT I WOULD YIELD THE REST OF MY TIME, IF HE WANTS IT, TO SENATOR GROENE. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR EBKE. SENATOR GROENE, ABOUT 1:30. [LB18]

SENATOR GROENE: 4:30? 1:30. I WILL GO BACK TO THE CDC'S INFORMATION. YOU KNOW, I'VE BEEN...LAST YEAR, WITH REFERENCE MADE THAT I DON'T KNOW ANYTHING ABOUT THIS, I SHOULDN'T BE REFERENCING. WELL, I WENT TO A COUNTRY SCHOOL AND A LITTLE PAROCHIAL SCHOOL AND I LEARNED HOW TO READ, GREAT VOCABULARY, READ BOOKS AFTER BOOKS AFTER BOOKS. [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

SENATOR GROENE: I UNDERSTAND THE DEFINITION OF WORDS. I CONSIDER MY GOVERNMENT ISSUES REPORTS, CDC, WHOEVER. THEY'RE FOR ME, THE CITIZEN, NOT FOR THE EXPERTS. I RESEARCHED THE CDC. I RESEARCHED...AND THIS, WHEN I CAME DOWN, USING A LITTLE WISDOM WHICH I PRAY FOR EVERY DAY. REMEMBER, SOLOMON NEVER PRAYED FOR INTELLECT. BUT ANYWAY, I'VE COME TO THE CONCLUSION THIS IS GOVERNMENT OVERREACH. THIS IS GOVERNMENT OVERREACH. IT'S NOT NECESSARY. HUGE PHARMACEUTICAL COMPANIES ARE GOING TO MAKE A PROFIT. THAT'S WHAT THEY DO. THEY HAVE NO COMPASSION. THEY SHOULDN'T. THEY ARE AN ENTITY. THEY WANT TO SELL VACCINES. THEY WANT MORE OF YOUR TAX DOLLARS ON THE FEDERAL LEVEL. THEY WANT TO FORCE. THEY WANT TO SCARE PARENTS. THEY WANT TO FORCE. SOMEBODY SAID ONE OF THESE, MENINGITIS B VACCINATION IS... [LB18]

PRESIDENT FOLEY: TIME, SENATOR. [LB18]

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SENATOR GROENE: THANK YOU. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB18]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. LAST YEAR I DID NOT SUPPORT THIS BILL AND I HAVE NOT CHANGED MY MIND OVER THE LAST 12 MONTHS OR 11 MONTHS, HOWEVER LONG IT'S BEEN. I THANK SENATOR EBKE FOR BRINGING UP THE PHILOSOPHICAL DEBATE, AND THAT'S THE PROBLEM THAT I HAVE WITH THIS. IT'S NOT WHETHER OR NOT THIS VACCINE CAN DO SOME GOOD. I THINK IT CAN. BUT TO REQUIRE THIS AS A MANDATORY VACCINATION JUST GOES AGAINST MY GRAIN. THIS IS YET ONE MORE TIME THAT THE GOVERNMENT IS COMING IN AND TAKING AWAY OUR FREEDOM AS PARENTS. THIS IS THE PARENTS' JOB TO MAKE THOSE DECISIONS. WE'RE SEEING A LOT OF HEADWAY IN THIS AREA OF THE GOVERNMENT BECOMING ALL TO EVERYONE. AND THAT'S CERTAINLY NOT A DIRECTION THAT I CHOOSE TO GO. I THINK THERE NEEDS TO BE MORE PERSONAL RESPONSIBILITY IN THIS COUNTRY, NOT LESS. WHETHER OR NOT THIS VACCINE...HOW EFFECTIVE IT IS, I'VE NOT DONE THE RESEARCH. I'VE LOOKED AT THE INFORMATION PASSED OUT TO ME AND IT APPEARS THAT THE INCIDENCE OF THIS IS GOING DOWN, NOT NECESSARILY BECAUSE WE'RE VACCINATING MORE PEOPLE. BUT FOR ME, THE FACT THAT THE GOVERNMENT IS GOING TO COME IN AND TELL ME, AS A PARENT, THAT I HAVE TO VACCINATE MY CHILD FOR SOMETHING THAT THE RISK OF GETTING IS EXTREMELY SMALL, AT WHAT POINT DO WE AS GOVERNMENT BECOME DICTATORS? EVERY TIME WE MANDATE SOMETHING, WE'RE TAKING POWER AWAY FROM THE INDIVIDUAL. AND, TO ME, THE PARENTS' RESPONSIBILITY TO MAKE THOSE DECISIONS FOR THEIR CHILDREN IS PARAMOUNT. OUR EDUCATION SYSTEM IS ABOUT EDUCATING OUR CHILDREN. BUT RAISING OUR CHILDREN BELONGS IN THE REALM OF RESPONSIBILITY TO THEIR PARENTS TEACHING THEM RIGHT FROM WRONG. AND THE PARENTS, THE MORE YOU TAKE AWAY THEIR DECISION, RESPONSIBILITY, THE LESS THEY WANT TO DO IT, BECAUSE IT IS THE PATH OF LEAST RESISTANCE. AND THAT IS, WE AS HUMANS, WE GENERALLY LIKE TO TAKE THAT PATH. ONE OF MY SAYINGS IS THAT IF IT WOULD...WOULDN'T IT BE WORTH IT IF IT ONLY SAVED ONE LIFE? AND THAT MAY SEEM RATHER CRUEL ON THE SURFACE, AND AS POWERFUL AS WE WOULD LIKE TO THINK WE ARE AT THESE DESKS, WE CANNOT PROTECT EVERYONE FROM EVERYTHING. IT IS SIMPLY NOT POSSIBLE. AND WE CERTAINLY DON'T HAVE THE REVENUE TO DO THAT. EVEN IF WE'VE GOT A PHILANTHROPIST THAT WANTS TO UNDERWRITE WHATEVER PROGRAM, IT DOESN'T MATTER. ONE OF THE THINGS THAT THIS COUNTRY WAS BUILT ON IS PERSONAL FREEDOM.

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AND I CERTAINLY DON'T WANT TO GIVE THAT UP MYSELF AND I CERTAINLY DON'T WANT TO FORCE THAT... [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

SENATOR HUGHES: ...ON MY CONSTITUENTS OR THE PEOPLE OF THE STATE OF NEBRASKA, ESPECIALLY ON AN ISSUE THAT DOES NOT APPEAR TO BE THAT LARGE OF A RISK AND DOES NOT HAVE THAT LONG LASTING OF AN EFFECT ON OUR YOUNG PEOPLE. SO I THANK SENATOR EBKE FOR BRINGING UP THE PHILOSOPHICAL PORTION OF THIS DEBATE. I THINK IT'S A VERY GOOD ONE THAT WE NEED TO HAVE. WE TEND TO GET OFF TRACK ONCE IN A WHILE DEBATING THE "MAY" OR "SHALL" OF A BILL, BUT THE PHILOSOPHICAL DEBATE IS WHAT WE NEED ON BILLS LIKE THIS. WE NEED TO DETERMINE IF WE INDEED HAVE OR NEED OR SHOULD EXERCISE THE POWER TO MAKE DECISIONS THAT BELONG TO THE INDIVIDUAL. THANK YOU, MR. PRESIDENT. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR HUGHES. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB18]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR CHAMBERS WOULD YIELD TO A QUESTION. [LB18]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB18]

SENATOR CHAMBERS: YES, I WILL. [LB18]

SENATOR BLOOMFIELD: SENATOR CHAMBERS, I'M STILL STRUGGLING WITH YOUR FLOOR AMENDMENT. WHETHER WE TAKE THAT OUT OR NOT, IS IT YOUR INTENT TO PURSUE THIS LEGALLY SOMEWHERE ELSE? [LB18]

SENATOR CHAMBERS: IT'S MY INTENT TO PURSUE IT LEGALLY, YES. [LB18]

SENATOR BLOOMFIELD: OKAY. THANK YOU. I HAVE ANOTHER QUESTION. IF I WERE TO COME IN AFTER BEING MANDATED TO DO SOMETHING, TO TAKE A CHILD IN FOR THIS SHOT OR SOMETHING, AND I CAME IN AND SAID THAT I'M A "THIRD CLOUD TUESDAY SADIE DOGGIST," WHICH MEANS THAT I HAVE A DOG NAMED SADIE AND I PRAY TO THE THIRD CLOUD THAT COMES OVER ON TUESDAY, WOULD THAT BE A RECOGNIZED RELIGION? [LB18]

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SENATOR CHAMBERS: WELL, IT SEEMS TO ME THAT THE ELEMENTS YOU PUT IN THAT PARTICULAR RELIGION WOULD BE JUST ANOTHER WAY OF SAYING FATHER, SON, AND HOLY GHOST. SO IT DEPENDS ON WHAT YOU'RE GOING TO CALL IT. BUT WHEN YOU BOIL IT RIGHT DOWN, THEY'RE ALL THE SAME, IN MY OPINION. [LB18]

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR. I THINK, OUT OF CONCERNS OF WHERE IT MAY GO IN OTHER BILLS, I AM PROBABLY NOT GOING TO SUPPORT YOUR AMENDMENT ON THIS BILL. I JUST, I FEAR THAT THERE WOULD BE TOO MANY MAKE-BELIEVE RELIGIONS COMING ALONG. I WILL BE INTERESTED IN WATCHING YOUR LEGAL PROCESS IF IT GOES FORWARD, IF YOUR AMENDMENT DOES NOT PASS HERE. I DON'T INTEND TO SPEND A LOT OF TIME DISCUSSING IT, BUT I WOULD REMIND MY COLLEAGUES THAT THAT IS THE NEXT THING WE WILL VOTE ON, IS SENATOR CHAMBERS' FLOOR AMENDMENT. AND WE PROBABLY OUGHT TO GIVE SOME TRUE THOUGHT AND CONSIDERATION TO IT. THAT BEING SAID, I YIELD THE REMAINDER OF MY TIME TO SENATOR GROENE. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR GROENE, ABOUT 2:30. [LB18]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. LAST YEAR, AS I SAID, I DID THIS AND THEY SAID, WELL, YOU DON'T KNOW WHAT YOU'RE TALKING ABOUT. WELL, ONE OF THE THINGS I SAID, IT WASN'T HIGHLY EFFECTIVE. ALL THE VACCINATIONS FOR MENINGITIS AREN'T, INCLUDING THE NEW ONES, B. SAFETY REASONS, ONE OF THE REASONS THAT...NOW WE'RE TALKING ABOUT TRYING TO STOP ONE CASE IN A MILLION. AND ONE OF THE REASONS THE CDC TURNED DOWN THE MANDATORY IS BECAUSE OF THE CLINICAL TRIALS. IN FOUR CLINICAL TRIALS A TOTAL OF 2,557 SUBJECTS RECEIVED AT LEAST ONE DOSE OF MenB-FHbp; FOUR SUBJECTS REPORTED SEVERE...SERIOUS ADVERSE EVENTS THAT WERE CONSIDERED BY THE STUDY INVESTIGATOR TO BE RELATED TO THE VACCINE. YOU INTERPOLATE THAT OUT: 4 OUT OF 2,500 TO 135,000 SEVENTH (GRADERS) THROUGH SENIORS IN OUR HIGH SCHOOLS. YOU'RE GOING TO RISK THAT MANY SEVERE REACTIONS FOR THE POSSIBILITY YOU MIGHT STOP A CASE THAT WE HAVEN'T HAD IN FOUR OR FIVE YEARS IN OUR HIGH SCHOOLS. REMEMBER, MOST OF THEM ARE IN COLLEGE, IN DORMITORIES, NOT COLLEGE STUDENTS--COLLEGE STUDENTS IN DORMITORIES. [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

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SENATOR GROENE: BUT WE'RE GOING TO FORCE THIS ON EVERYBODY. ONE OF THE DOCTORS TOLD ME, HE SAID, I HAD A CASE WHERE I LIVED PRIOR WHERE A 21-YEAR-OLD GOT IT. THEY CHECKED THE RECORDS, THEY WERE VACCINATED A YEAR PREVIOUS. THEY DIED. THEY DIDN'T WAKE UP THE NEXT MORNING BECAUSE THE DOCTOR SAID IT MUST BE THE FLU--FALSE PROMISES. WE ARE BETTER WITH THIS DISEASE TO BE VIGILANT, TO MAKE SURE DOCTORS ARE VIGILANT. NO FALSE PROMISES, NO FALSE SECURITY SHOULD BE OFFERED. THIS BILL OFFERS FALSE SECURITY. THANK YOU, MR. PRESIDENT. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR GROENE, YOU ARE NEXT IN THE QUEUE AND THIS WILL BE YOUR THIRD OPPORTUNITY AT THIS LEVEL OF DEBATE, SENATOR. [LB18]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. THE MORE I THINK ABOUT SENATOR CHAMBERS' AMENDMENT, THE MORE I LIKE IT. I'M A CHRISTIAN AND I'M NOT AFRAID TO ADMIT IT, UNLIKE SOME. CHRIST NEVER SAID THERE OUGHT TO BE A LAW; HE SAID LEAD BY EXAMPLE. YOU DON'T FORCE THEM TO FOLLOW YOUR RELIGION BECAUSE THAT'S WHAT HE WAS UP AGAINST, PEOPLE WHO WERE TRYING TO FORCE A RELIGION. I SYMPATHIZE WITH SENATOR CHAMBERS AND WHERE HE STANDS, THAT'S WHY I PUT THE PHILOSOPHY IN THERE. TO MANY, YOUR LIFE, MY PHILOSOPHY IS CHRISTIANITY. TO OTHERS, IT IS NOT. YOU CAN'T FORCE RELIGION. BUT WE HAVE FREEDOM OF RELIGION. IT'S IN OUR CONSTITUTION. YOU CAN HAVE ANY RELIGION YOU WANT. WHERE YOU END UP, I'LL DEBATE YOU, WHICH ONE YOU'LL FOLLOW. BUT THAT'S A PHILOSOPHICAL DEBATE, ISN'T IT, WHERE YOU END UP AFTER DEATH? BUT MOST PEOPLE WOULD...A LOT OF FOLKS WOULD DIE ON THAT PHILOSOPHY--I PROBABLY WOULD--WHERE I END UP AND WHO GETS ME THERE. THERE'S NOTHING WRONG WITH PUTTING THE PHILOSOPHY IN THIS LAW, THAT IF YOU CAN OPT OUT BY PHILOSOPHY, IT'S MORE HONEST, IT'S MORE TRUE. THIS WOULD CHANGE ALL VACCINATIONS. A LOT OF STATES DO IT. CALIFORNIA, KNEE-JERK REACTION, REMOVED THEIR PHILOSOPHY MANDATE LAST YEAR BECAUSE THEY HAD FOUR OR FIVE OR SIX MEASLES CASES, WHICH THE KIDS STAYED HOME WITH MOM, CAME BACK TO SCHOOL A COUPLE OF WEEKS LATER AND FINE. BY THE WAY, MOST OF THE YOUNGER GENERATION DON'T REALIZE THAT YOU GET MEASLES, YOU GET OVER IT IN A HURRY. YOUR IMMUNE SYSTEM IS A LITTLE BETTER. BUT IT IS...WE ARE MORE POPULATED NOW, CROWDED, IT AFFECTS OTHERS, SO A MANDATE CAN BE JUSTIFIED. BUT ANYWAY, THIS IS NOT THE SAME. THIS IS NOT THE SAME. I WILL KEEP SHARING INFORMATION FROM YOU, FROM THE CDC, FACTUAL INFORMATION, SCIENTIFIC INFORMATION. BUT ON SENATOR CHAMBERS' AMENDMENT, THAT ACTUALLY PROTECTS CHRISTIANS, IT REALLY

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DOES. YOU DON'T KNOW WHAT'S COMING DOWN THE ROAD. WE HAD A HOMELAND SECURITY SECRETARY NOT TOO LONG AGO CLAIM CHRISTIANS WERE A TERRORIST GROUP SO WATCH OUT FOR WHAT YOU WANT TO PROTECT AND WHO DESCRIBES WHAT IS A MAINLINE RELIGION. I DON'T WANT THE GOVERNMENT TO DO THAT. SO I WILL VOTE TO SUPPORT SENATOR CHAMBERS' AMENDMENT AND I WOULD ALSO HOPE YOU SUPPORT AM143. THANK YOU. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB18]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I DO WANT TO ADDRESS A FEW ISSUES WITH REGARD TO LB18 AND SOME OF THE DEBATE THAT HAS TAKEN PLACE ON THE FLOOR THIS MORNING. FIRST, I WANT TO ADDRESS SOME OF THE ISSUES AS TO EXACTLY WHAT THE LANGUAGE OF THE BILL DOES DO AND EXACTLY WHAT VACCINES IT IS REQUIRING. SENATOR GROENE AND OTHERS HAVE TAKEN A SIGNIFICANT AMOUNT OF TIME DISCUSSING SOME OF THE TECHNICAL ASPECTS OF THE SEROTYPE B VACCINE AND SPECIFICS WITH A CURRENT APPROVED PRODUCT WHICH IS MENTIONED AND APPROVED BY THE FDA FOR USE IN PREVENTION OF THAT PARTICULAR SEROTYPE. AS WHAT IS READ IN THE BILL AND THE ACTUAL LANGUAGE WE ARE GOING TO VOTE ON, ON THE UNDERLYING BILL OF LB18, DOES NOT SPECIFY A VACCINE. IT DOES NOT SPECIFY AT SEROTYPE. IT SPECIFIES, AS WE CAN SEE, IF YOU LOOK AT THE ACTUAL BILL LANGUAGE ITSELF, AN IMMUNIZATION CONTAINING THE UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION RECOMMENDED MENINGITIS VACCINES. SO IF YOU ACTUALLY GO TO THE ACTUAL CDC RECOMMENDATIONS, THE SEROTYPE B VACCINE, WHICH SENATOR GROENE AND OTHERS HAVE CALLED INTO QUESTION FOR EFFICACY AND OTHERS, IS NOT EVEN RECOMMENDED CURRENTLY FOR UNIVERSAL USE BY CDC AND, THEREFORE, WOULD NOT BE MANDATED BY LB18. I WANT TO UNDERSCORE THAT AGAIN. THE ONLY CURRENT VACCINE RECOMMENDATION PER CDC RECOMMENDATIONS, AS STATED ON THE CDC WEB SITE, IS THE QUADRIVALENT MENINGOCOCCAL CONJUGATE VACCINE. AT THIS POINT IN TIME, THE SEROTYPE B VACCINE MAINTAINS AN OPTIONAL RECOMMENDATION FOR CONSULTATION BETWEEN THE PROVIDER AND THE PARENT. SO THE ISSUE OF PARENTAL CHOICE WITH REGARD TO THE SEROTYPE B VACCINE WHICH HAS BEEN DISCUSSED IS A MOOT POINT. IT SIMPLY IS NOT AFFECTED BY THE LEGISLATION IN LB18. NOW SHOULD A NEW VACCINE COME TO THE MARKET, SHOULD ITS EFFICACY WARRANT FULL RECOMMENDATION BY THE CDC, THE LANGUAGE OF LB18 WOULD INCLUDE THAT VACCINE. SO ANY

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NEW VACCINE TECHNOLOGY THAT IS APPROVED THAT DEMONSTRATES SAFETY AND EFFICACY AND RISES TO THE LEVEL OF CDC RECOMMENDATION, WOULD BE INCLUDED IN LB18. SO DON'T GET DISTRACTED BY THAT PARTICULAR RED HERRING WHICH HAS BEEN DANGLED OUT IN FRONT OF US. ONE OF THE DANGERS OF STARTING TO GO WITH A LITTLE BIT OF TECHNICAL LANGUAGE IS THAT SOMETIMES WE OVERSTATE OUR KNOWLEDGE AND ABILITY. I'D ALSO LIKE TO POINT OUT SOME OF THE CLAIMS REGARDING THE DECREASE IN THE DISEASE INCIDENCE OF MENINGOCOCCAL MENINGITIS STARTING WITH VACCINATION IN 2006. THAT ALSO IS INACCURATE. IF YOU CERTAINLY LOOK AT THE HANDOUT THAT HAS BEEN PROVIDED TO ALL OF US BY SENATOR GROENE, PLEASE NOTE THAT THE FIRST QUADRIVALENT VACCINE WAS INTRODUCED IN 1981. THE CURRENT VACCINE WAS INTRODUCED AND APPROVED IN 2006. HOWEVER, WE HAVE HAD A VACCINE WHICH WAS APPROVED AND BROUGHT INTO USE AS EARLY AS 1981, AND CERTAINLY CAN BE RESPONSIBLE FOR THE SIGNIFICANT DECLINE IN MENINGITIS SINCE ITS INTRODUCTION. IF WE ONLY LOOK AT A TIME PERIOD FROM 1993 TO 2012, WE CERTAINLY ARE NOT LOOKING AT THE ENTIRETY OF THE PICTURE IN WHICH WE HAVE HAD VACCINE TECHNOLOGY AVAILABLE FOR THIS PUBLIC HEALTH ISSUE. THE OTHER ISSUE I WANT TO JUST ADDRESS FOR A SECOND IS THAT OF PERSONAL LIBERTY. THE ONLY WAY WE'RE EVEN ABLE TO HAVE THIS DISCUSSION ABOUT WHETHER OR NOT TO REQUIRE SEVENTH GRADERS AND 16-YEAR-OLDS TO HAVE THIS VACCINE IS BECAUSE OF THE PERSONAL RESPONSIBILITY AND ACCOUNTABILITY OF THOSE PARENTS, THOSE PEDIATRICIANS, AND THOSE FAMILIES WHO HAVE CHOSEN TO GET VACCINATED ON THEIR OWN. WE ARE ALLOWED THE PRIVILEGE OF NOT BEING VACCINATED BECAUSE OTHERS HAVE ASSUMED THE RESPONSIBILITY... [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

SENATOR KUEHN: ...AND THE RISKS OF VACCINATION. WHEN IT COMES TO ISSUES OF PERSONAL FREEDOM AND PERSONAL LIBERTY, THERE IS THE FLIP SIDE TO THAT, WHICH IS NOT, I WANT TO DO WHAT I DO WHEN I WANT AND HOW I WANT, BUT ALSO A PIECE OF ACCOUNTABILITY AND RESPONSIBILITY TO OTHERS. AND YOUR PERSONAL LIBERTY ENDS WHEN YOU POTENTIALLY INJURE OR DAMAGE ANOTHER INDIVIDUAL. THE ISSUE OF VACCINATION AND HERD IMMUNITY, ESPECIALLY IN A DISEASE LIKE MENINGOCOCCAL DISEASE WHICH HAS ITS INITIAL SPIKE IN CHILDREN UNDER TWO YEARS OF AGE WHO ARE NOT ELIGIBLE FOR VACCINATION, WITH A SECOND SPIKE AT THOSE THAT WE ARE DISCUSSING WITH THIS PARTICULAR BILL, IS OF CRITICAL IMPORTANCE IN UNDERSTANDING THE EFFECT OF VACCINATION ON OTHERS WHO WERE NOT ABLE TO MAKE THE

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CHOICE. BY REDUCING THE INCIDENCE OF DISEASE AND THE POTENTIAL COMMUNICABILITY AMONG THE 12- TO 20-YEAR-OLD POPULATION, WE ARE PROTECTING THOSE FAMILIES WITH CHILDREN UNDER 2 WHO DON'T HAVE THE OPTION OR CHOICE FOR VACCINATION. [LB18]

PRESIDENT FOLEY: TIME, SENATOR. [LB18]

SENATOR KUEHN: THANK YOU. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR KUEHN. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB18]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. THE FIRST THING I WANT TO DO IS SAY SOMETHING, RESPOND TO SOMETHING SENATOR CHAMBERS SAID LAST WEEK. AND HE KIND OF DINGED ME FOR ONE TIME LAST YEAR WHEN I DIDN'T...REFUSED TO ANSWER A QUESTION ON THE MIKE. AND I WANTED TO STATE WHY I SOMETIMES DO THAT AND THAT I ALWAYS ANSWER QUESTIONS, HE ALWAYS ANSWERS QUESTIONS, BUT WHEN YOU ATTACK ME, WHEN YOU RIDICULE ME, THEN THAT'S THE END. SO FOR THE REST OF THAT BILL, I'M NOT TALKING TO YOU. NOW TEN MINUTES LATER WE'RE ON A NEW BILL, I HAVE A SHORT MEMORY, WE'RE READY TO GO. SO I JUST WANTED TO CLEAR THAT UP AS TO WHY I ALMOST ALWAYS TAKE QUESTIONS AND THE ONE TIME I DIDN'T IT WAS BECAUSE I THOUGHT THAT SOMETHING SENATOR CHAMBERS SAID EARLIER WAS RIDICULING ME OR ATTACKING ME AND I THOUGHT THAT WAS OVER THE TOP. AND ONCE THAT HAPPENS THE CONVERSATIONS ARE OVER, AND I'M NOT GOING TO TALK AGAIN WITH THAT PERSON UNTIL WE GET...FOR THE REST OF THAT BILL. SO ANYWAY, I WANTED TO JUST SAY THAT DOESN'T HAPPEN VERY MUCH. IT'S HAPPENED ONE TIME IN THREE YEARS I'VE BEEN HERE. SO THAT'S PRETTY RARE. TO THE UNDERLYING BILL HERE, I STOOD UP LAST YEAR AND I SAID I DON'T THINK THAT THIS REQUIREMENT IS NEEDED RIGHT NOW. I DON'T THINK THE EVIDENCE THAT THIS IS A PROBLEM IS THERE. SO NOW WE ARE A YEAR ON, ONE YEAR MOVED ON, AND WE HAVEN'T EXACTLY HAD A PROBLEM WITH THIS IN OUR STATE. NOT ONE HIGH SCHOOL STUDENT OR MIDDLE SCHOOL STUDENT HAS COME DOWN WITH THE DISEASE WE'RE TALKING ABOUT HERE. AND ONE 20-YEAR-OLD COLLEGE STUDENT DID. BUT THEY'RE RIGHT AT THE AGE WHEN IT WEARS OUT, ANYWAY. SO YOU KNOW, THAT'S RIGHT ABOUT THE TIME WHEN...THAT THE VACCINATION THEY GOT IS STARTING TO WEAR THIN. SO WE'RE LOOKING AT A MANDATE BY THE GOVERNMENT FOR SOMETHING THAT'S NOT A HIGHLY INFECTIOUS DISEASE

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THAT'S SPREADING LIKE SOME OF THE OTHER THINGS WE VACCINATE FOR AND I JUST DON'T THINK THIS RISES TO THE LEVEL OF A MANDATE. WE'VE GOT TO BE VERY CAREFUL OF WHAT WE MANDATE. WE'VE GOT AN AWFUL LOT OF POWER HERE. AND I THINK THAT WE NEED TO BE VERY CAREFUL ON HOW WE USE IT AND WHAT WE REQUIRE OF PEOPLE. AND I THINK THIS IS NOT NEEDED. I FULLY APPRECIATE THE REASONING BEHIND THIS. SINCE THE YEAR WENT BY, I'VE NOW TALKED TO DOCTORS, BOTH PRO AND CON. SO THIS IS NOT A UNANIMOUS DECISION IN THE MEDICAL COMMUNITY THAT THIS NEEDS TO BE DONE. THERE ARE PEOPLE ON BOTH SIDES: PEOPLE WHO SEE THE BENEFITS, PEOPLE WHO THINK IT'S A GOOD THING BUT SHOULDN'T BE MANDATED, AND PEOPLE WHO THINK IT SHOULDN'T BE DONE AT ALL. SO THERE ARE DIFFERENT VIEWS ON THIS, AND PEOPLE LOOK AT IT AND ADDRESS IT IN DIFFERENT WAYS. I DON'T THINK IT'S APPROPRIATE FOR THIS BODY TO BE ADDRESSING IT. YOU KNOW, WE'RE AWFUL QUICK TO MANDATE THINGS SOMETIMES AND WE'RE AWFUL QUICK TO TELL PEOPLE HOW TO LIVE THEIR LIFE AND WHAT THEY MUST DO, AND I THINK WE NEED TO BE VERY, VERY CAREFUL WHENEVER WE DO THAT. AND I WILL STAND WITH SENATOR GROENE. I OPPOSE THIS BILL. IT JUST HAS NOT BEEN DEMONSTRATED TO ME THAT IT'S NEEDED. AND WITH THE BEST OF INTENTIONS OF THE SUPPORTERS, I UNDERSTAND THAT AND I'M NOT GOING TO CRITICIZE ANY OF THE SUPPORTERS. I JUST THINK IT DOESN'T RISE TO THE LEVEL OF WHERE THIS BODY NEEDS TO BE INVOLVED. IF I HAVE ANY TIME REMAINING, I WILL YIELD MY TIME TO SENATOR CHAMBERS SINCE I MENTIONED HIM. THANK YOU. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR CHAMBERS, 1:00 IF YOU CARE TO USE IT. [LB18]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I THINK WHAT HAPPENED WITH SENATOR KINTNER IS THAT HE WENT HOME AND LOOKED IN THE MIRROR AND SAW GOLIATH. THEN HE SAW A PICTURE OF ME AND SAID, LITTLE DAVID. NOW I LET LITTLE DAVID INTIMIDATE ME. I'VE GOT TO STRAIGHTEN THAT OUT. SO IT TOOK HIM A YEAR TO COME UP WITH HIS EXPLANATION. SO I'LL ACCEPT IT. I SAID SOMETHING THAT HURT HIS FEELINGS. HE'S THROWN PAPERS, CALLED PEOPLE WIMPS, AND ALL OTHER KIND OF THINGS ON THE FLOOR. I'VE BEEN ATTACKED BY HOUND DOGS ON THIS FLOOR--THAT'S WHAT I VIEW THEM AS, IN A PACK--AND I DIDN'T REFUSE TO ANSWER QUESTIONS TO PEOPLE. I DEFENDED MYSELF. I STAYED RIGHT HERE. THAT'S WHAT WE'RE HERE FOR. I SCARED HIM. I INTIMIDATED HIM. THAT'S WHY HE WOULDN'T ANSWER THE QUESTION. AND HE SAW WHAT FURTHER DAMAGE I WOULD DO... [LB18]

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PRESIDENT FOLEY: TIME, SENATOR. [LB18]

SENATOR CHAMBERS: ...SO WISELY... [LB18]

PRESIDENT FOLEY: TIME, SENATOR. [LB18]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB18]

PRESIDENT FOLEY: SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR CHAMBERS, YOU ARE RECOGNIZED TO CLOSE ON FA11. [LB18]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I DID NOT WANT THE ISSUE I'M RAISING TO GET CAUGHT UP IN THE DEBATE ON THE BILL ITSELF. I POINTED OUT THAT I WOULD ONLY SPEAK TO MAKE A RECORD ON THE FLOOR OF THE LEGISLATURE TO MAKE IT CLEAR WHAT I WAS OBJECTING TO IN TERMS OF THAT LANGUAGE. I DO INTEND TO FILE A DECLARATORY JUDGMENT ACTION TO HAVE IT DECLARED UNCONSTITUTIONAL. AND TO MAKE MY CHRISTIAN BROTHERS AND SISTERS SHAKE IN THEIR BOOTS, REMEMBER, I SUED GOD TO SHOW THAT THE DOORS TO THE COURTHOUSE PURSUANT TO THE CONSTITUTION SHOULD BE OPEN TO EVERYBODY--LITTLE ORPHAN ANNIE AS WELL AS DADDY WARBUCKS-- AND THAT ANYBODY COULD BE SUED IN THE COURTS, INCLUDING GOD. AND I DID IT. PEOPLE THINK I LOST. HERE'S WHAT HAPPENED ULTIMATELY. AT THE LOWER LEVEL, PEOPLE THOUGHT I WOULDN'T GET A HEARING. THEY THOUGHT A JUDGE WOULD DISMISS IT. THAT DIDN'T HAPPEN. NOT ONLY DID I GET A HEARING, I GOT A DECISION. AND THE JUDGE WENT TOO FAR IN HIS RELIGIOUS ZEAL. BECAUSE I DID NOT SERVE THE DEFENDANT, HE SAID, IN HIS RULING, THAT NOT ONLY WAS THE DEFENDANT NOT SERVED IN THE STATUTORY PERIOD REQUIRED BY LAW, BUT THE DEFENDANT WOULD NEVER BE ABLE TO BE SERVED, THEREFORE, MY ACTION WAS DISMISSED WITH PREJUDICE, WHICH MEANT I COULDN'T FILE IT AGAIN. I READ THE LAW. THE LAW SAYS THAT IF A DEFENDANT IS NOT SERVED WITHIN A CERTAIN PERIOD OF TIME, THEN THAT ACTION IS DISMISSED BY OPERATION OF LAW WITHOUT PREJUDICE. SO I FILED AN APPEAL TO THE STATE SUPREME COURT, WHICH WAS FARTHER THAN ANYBODY THOUGHT IT WOULD GO. THE COURT BUCKED IT DOWN TO THE COURT OF APPEALS. AND YOU KNOW WHAT THE COURT OF APPEALS DID? THEY VACATED THAT JUDGMENT. THEY VACATED WHAT THE LOWER JUDGE HAD SAID BECAUSE IT SHOULD NOT HAVE BEEN DISMISSED WITH PREJUDICE. I COULD FILE THAT LAWSUIT AGAIN TODAY IF I CHOSE, BUT THE POINT I WANTED TO MAKE HAD BEEN MADE. SO IF I WILL SUE THE ONE WHO HAS THE WHOLE WORLD, THE

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WHOLE CHRISTIAN WORLD SHAKING, YOU KNOW THAT I'LL FILE A LAWSUIT WHEN I SEE SOMETHING IN THE NEBRASKA STATUTES WHICH IS UNCONSTITUTIONAL. THAT IS WHAT I'M GOING TO DO. NOW, I'M OPPOSED TO SENATOR GROENE'S AMENDMENT BECAUSE IT APPLIES TO EVERY KIND OF VACCINE, EVERY KIND, NOT ON THE BASIS OF RELIGION, WHICH I DON'T THINK OUGHT TO BE A BASIS ANYWAY, BUT JUST SAY I HOLD TO A PHILOSOPHY. AND THAT'S WHERE WHAT SENATOR BLOOMFIELD WAS TALKING ABOUT COMES IN. HE'S GOING TO SUPPORT SENATOR GROENE'S AMENDMENT WHICH SAYS THAT YOU CAN PRAY TO YOUR DOG WHEN THE THIRD COW COMES OVER THE MOON OR WHATEVER YOU WERE TALKING ABOUT, AND ON THAT BASIS, YOU DON'T WANT YOUR CHILD VACCINATED. HIS AMENDMENT DOESN'T DEAL WITH JUST THIS VACCINATION, WITH JUST THIS AILMENT. IT DEALS WITH EVERY VACCINATION, PERIOD. SO I DON'T CARE HOW HIGHLY INFECTIOUS OR CONTAGIOUS A DISEASE MIGHT BE, A PERSON COULD OBTAIN AN EXEMPTION FOR HIS OR HER CHILD FROM VACCINATION BY SAYING, ACCORDING TO MY PHILOSOPHY, THAT CAN'T BE. AND THERE WOULD BE AN EXEMPTION. THERE'S A LOT OF WORK THAT NEEDS TO BE DONE IN THIS AREA. I THINK I'M A GUARDIAN OF THE CONSTITUTION MORE THAN YOU ALL ARE. I THINK I'M A GUARDIAN OF RELIGION MORE THAN YOU ALL ARE BECAUSE I CAN BE TOTALLY DISPASSIONATE, I CAN BE TOTALLY IMPARTIAL. NONE OF THEM HAS MERIT TO ME. BUT WHEN IT COMES TO WHAT AN INDIVIDUAL BELIEVES, THAT HAS PROFOUND SIGNIFICANCE TO ME, AND I WOULD NOT ATTACK THAT THAT A PERSON BELIEVES, AS LONG AS HE KEEPS IT TO HIMSELF OR HERSELF, BUT WHEN THEY TRY TO IMPOSE IT ON OTHERS, THEN... [LB18]

PRESIDENT FOLEY: ONE MINUTE. [LB18]

SENATOR CHAMBERS: ...THEY GET ON THE FIGHTING SIDE OF ME. MR. PRESIDENT, BECAUSE I'VE DONE WHAT I INTENDED TO DO WITH MY MOTION, I WITHDRAW THAT AMENDMENT AND THANK YOU. [LB18]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. WITHOUT OBJECTION, THE AMENDMENT IS WITHDRAWN. ITEMS FOR THE RECORD, MR. CLERK? [LB18]

CLERK: THANK YOU, MR. PRESIDENT. NEW BILLS: (READ LB1022-1038 BY TITLE FOR THE FIRST TIME.) MR. PRESIDENT, I HAVE A NEW RESOLUTION: SENATOR CHAMBERS OFFERS LR414, AND SENATOR RIEPE OFFERS LR415. BOTH OF THOSE WILL BE LAID OVER AT THIS TIME. AN AMENDMENT TO BE PRINTED TO LB18A BY SENATOR KRIST. A SERIES OF NAME ADDS: SENATOR DAVIS TO LB47, LB136,

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LB276, LB755; SENATOR COOK TO LB844; SENATOR McCOLLISTER, LB694; SENATOR FRIESEN TO LR35. (LEGISLATIVE JOURNAL PAGES 334-339.) [LB1022 LB1023 LB1024 LB1025 LB1026 LB1027 LB1028 LB1029 LB1030 LB1031 LB1032 LB1033 LB1034 LB1035 LB1036 LB1037 LB1038 LR414 LR415 LB18A LB47 LB136 LB276 LB755 LB844 LB694 LR35]

MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR BRASCH WOULD MOVE TO ADJOURN THE BODY UNTIL WEDNESDAY MORNING, JANUARY 20, AT 9:00 A.M.

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE ADJOURNED.