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Floor Debate
February 20, 2018

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SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for twenty-ninth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Senator Williams. Would you please rise?

SENATOR WILLIAMS: (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Williams. I call to order the twenty-ninth day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

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

SPEAKER SCHEER: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER SCHEER: Thank you. Are there any messages, reports, or announcements?

CLERK: There are, Mr. President. Your Committee on Enrollment and Review reports LB78, LB310, LB345, LB472, LB480, LB486, and LB618 as correctly engrossed. Banking, Commerce and Insurance Committee reports LB604 to General File with committee amendments attached, that was signed by Senator Lindstrom. Series of priority bill designations. Senator Smith, LB947, as his personal priority. Revenue Committee, LB1090 and LB1089. Senator Linehan, LB295. Senator Clements, LB773. Senator Hilkemann, LB42. Senator Scheer, LB845. Mr. President, an announcement. The Appropriations Committee will have an Exec Session at 9:30 in room 20...I'm sorry, under the south balcony. Appropriations at 9:30 under the south balcony. And the Revenue Committee will have an Executive Session at 10:00 in room 2022. That's all that I have, Mr. President. (Legislative Journal pages 665-671.) [LB78 LB310 LB345 LB472 LB480 LB486 LB618 LB604 LB947 LB1090 LB1089 LB295 LB773 LB42 LB845]

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SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Brasch, for what purpose do you rise?

SENATOR BRASCH: For a point of personal privilege, Mr. Speaker.

SPEAKER SCHEER: Please proceed.

SENATOR BRASCH: Colleagues, Nebraska, I rise for a point of personal privilege today. On this very blustery, cold, wintery Nebraska day, many are venturing outside for their work and for our protection. And our ag producers as well. Yet, on this blustery day, I rise for recognizing and giving a warm thank you to our Nebraska wheat growers and their association. They have had a 40-year tradition where they celebrate Bake and Take Day today, and they have delivered fresh-baked cinnamon rolls to our offices. So we thank them and our other ag producers, and please give them your warm, heartfelt thanks for all of their labors, their kindness, and generosity this morning. Thank you, Mr. Speaker. And thank you, colleagues.

SPEAKER SCHEER: Thank you, Senator Brasch. Senator Baker, for what purpose do you rise?

SENATOR BAKER: Thank you, Mr. President. Point of personal privilege.

SPEAKER SCHEER: Please proceed.

SENATOR BAKER: It seems that my Facebook got hacked or something and some silly message went out over Messenger. And I use Facebook, I'm not even signed up for Messenger. But something went out with my picture on it. I haven't seen it myself, but, you know, it could have gone to about everybody who is on my Facebook. So I'm letting you know it wasn't me. Thank you.

SPEAKER SCHEER: Thank you, Senator Baker. Colleagues, I'll speak to you from the Chair this morning, as the Lieutenant Governor is not present. I just wanted to remind everyone one last time that committee and personal senator priority bills need to be designated by adjournment this morning. As of 8:30, there were still about 82...or 42 that had not been designated, both from a personal standpoint and a committee standpoint. So if you are committee chairman, please make sure that you have designated those that you wish. If you have not designated your personal priority bill, again, this morning by adjournment is your last opportunity. So just one last reminder to the body. Thank you. Mr. Clerk, we'll proceed to the first item on the agenda.

CLERK: Mr. President, LB299 is a bill by Senator Ebke. (Read title.) Introduced last year on January 12, referred to the Government, Military and Veterans Affairs Committee. The bill was

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advanced to General File. There are Government Committee amendments pending, Mr. President. (AM1665, Legislative Journal page 473.) [LB299]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Ebke, you're welcome to open on LB299. [LB299]

SENATOR EBKE: Thank you, Mr. Speaker. Colleagues, today I open on LB299, and I hope you'll indulge me for just a few minutes and turn your attention to this bill, because I think we might have some vigorous debate. Let me preface this by saying that as I discuss LB299 I will be referring to the white copy version of the bill found in the Government Committee amendment, AM1665. It becomes the bill. This was an amendment that my staff and I worked on over the interim with Senator Murante and the Government Committee and a number of stakeholders in an effort to address as many of the concerns as we could. Some of the partners in this effort were groups as diverse as the Platte Institute, the ACLU of Nebraska, the Institute for Justice, and Nebraska Appleseed. Over the last several years, members of the Legislature in several cases, at the request of the Governor, have introduced an assortment of occupational licensing reform bills, around 35 total. Some would create new or expanded licensure, some would reduce licensing requirements, some would eliminate licensure of a particular occupation all together. Senator Fox in 2016 started the effort with her hair braiding bill. In the current Legislature, beginning in 2017, the following senators carried bills that relate to occupational licensing, and eight of those bills were signed into law, either individually or a packaged with others: Senators Craighead, Kolterman, Harr, Blood, Williams, Riepe, Lindstrom, Erdman, Albrecht, Lowe, Geist, Larson, Walz, Crawford, Groene, Howard, and Thibodeau. Add to that this bill and that means that right at 20 percent of the members of this body have carried some sort of bill dealing with occupational licensing in the 105th Legislature. This body has made it clear that it believes that the Legislature is the decider on licensing, whether adding, amending, or eliminating some licensing requirements. Occupational licensing reform has been getting a lot of attention the last several years, beginning most visibly with the Obama administration's report in mid-2015. I have a copy of that if anyone wants to take a look at it. This report addressed both the positives and negatives of occupational licenses and renewed many of the points that were originally brought to light in 1978 by Benjamin Shimberg in a small report co-published by the Council of State Governments and the Council on Licensure, Enforcement and Regulation, also known as CLEAR. Neither Shimberg nor the Obama administration reports suggests that all licensing is bad, but they do both suggest that state legislators need to carefully consider both the costs and benefits of particular licensing regimes and whether there are alternative methods of regulating particular occupations short of licensure, or, for that matter, whether state regulation is even needed in particular occupations. Many studies have suggested, including the Obama administration, but also those coming from sources all over the political spectrum, that those most disproportionately harmed by occupational licensing requirements are those who we would view as typically blue-collar workers. We also know, thanks to the ACLU's report, Second

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Chances, that occupational licensing can be a barrier for those who are leaving prison. A barrier which prevents them from getting good jobs and sometimes pushing them into recidivism. So at its core, there are three things that LB299 seeks to do. First, it states a policy preference for economic freedom, one that would allow the maximum number of people to work with the least possible regulation by the state, consistent with public health and safety and reasonable protection from other harm. This is a jobs bill. Second, it calls for a regular review of existing licensing regulations in an attempt to minimize new regulations. This regular review is not only an appropriate oversight role for the Legislature, but it also reduces the liabilities of antitrust challenges, such as those that have been seen with some licensing boards in states like North Carolina, which resulted in a Supreme Court decision, and Texas. This is a bill that increases public accountability by elected officials in the Legislature by requiring a regular review process. And finally, it provides a second chance for those with criminal records by encouraging regulations to consider a nexus between the license or other permission to work requested and the criminal act for which one was incarcerated. It also accelerates the process through which someone who is interested in applying for a work license or certificate is able to inquire of the appropriate regulatory board as to whether the criminal record would be prohibitive of receiving a license or other qualifying document. This is a bill that could help us to chip away at recidivism in our prisons and stop the return to prison pipeline by increasing the opportunities for success for those who are being released. Some have raised concerns about how this bill fits into the credentialing review process found within the Department of Health and Human Services for a variety of healthcare professions. The so-called 407 process. There is concern that it will somehow negatively impact the work of the HHS staff or somehow get it tangled up in the legislative process. Remember, however, that the 407 process is a credentialing review process. LB407 reports, according to the Web site, are all sent to the Legislature for information that can be used as the Legislature deliberates on potential changes in scope of practice or new licensing. I don't believe that anything in LB299 changes that. LB299 creates a legislative process for regular review. The 407 process is an executive process. It can inform legislative deliberations, just as it has for 30 years, but ultimately policy decisions are made by the Legislature with the advice of experts, including members of boards and commissions of varying perspectives. There may be specific licensing boards or their members especially, those that have existed for many years, who take exception to the idea of having to report in and justify their licensing activities to the Legislature every five years. And I get that. But this is something that Senator Murante's committee has been doing with assorted commissions and boards every four years, most recently in the 2016-17 cycle. The way I envision this process is not unlike that process. Subject matter committees, whether HHS, Judiciary, Government, Business and Labor, Urban Affairs, Natural Resources, Agriculture, and so on would have a certain number of licenses within their domain. They'd review some every year using current committee staff to collect and compile data. They can ask for help from others or outside groups. At some point, the committee would meet to review and probably hold interim study type of hearings, and then it would provide a report to the Legislature either saying we've reviewed this license and find it appropriate or we reviewed

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this license and recommend these changes to the law. It would be up to the normal legislative process to actually make any changes. Occupational licenses that are up for review would have their boards ask to provide information and documentation. They'd be asked in some cases to come and make their case for keeping things the way they are or changing things up some. The Legislature doesn't operate in a vacuum. I suspect all of our committees have heard reports or are carrying bills brought to us by licensing boards or agencies which need some sort of change authorized to run more efficiently. I would encourage you to look at the assortment of documents found in the orange folders that were sent to your desks. This bill is actually relatively benign, while setting us up for some potential big changes. And at the very least, abiding by the Supreme Court's ruling which suggests that Legislatures... [LB299]

SPEAKER SCHEER: One minute. [LB299]

SENATOR EBKE: Thank you, Mr. President...need to be actively and regularly engaged in the operations of licensing boards and review of licenses. This bill is not going to change or alter any particular license. It calls for regular oversight by the Legislature, which has delegated power to these boards. It states a preference for more market-based options without mandating any particular move, rather leaving it to the elected representatives of the people to make those decisions within the framework provided. And in an era of overcrowding in the prisons, it provides yet one more tool in the toolbox for keeping people who have gotten out of prison away from prison by maximizing their opportunity to seek good employment. Thank you for your attention, colleagues. And thank you, Mr. Speaker. [LB299]

SPEAKER SCHEER: Thank you, Senator Ebke. (Visitors introduced.) Senator Murante, as Chair of the Government Committee, you're welcome to open on the committee amendments. [LB299]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. Senator Ebke did a very good job, a very thorough job of explaining what the committee amendment does. So I won't repeat her remarks. Just to say that we are basically in this committee amendment modeling the analysis of occupational boards on two different processes which already exist. One is comparable, although in many ways different, but comparable to the logic employed by creating fiscal notes, but doing that with the handful of bills which deal with occupational licenses. And the second, as you'll all recall from last year, the Government, Military and Veterans Affairs Committee has a statutory obligation every four years to do a comprehensive analysis on every board and commission in the state of Nebraska. And we use a very similar process that state law requires of the Government Committee and applies it to occupational licenses, but for each of the respective standing committees to do a report on 20 percent on an annual basis of the occupational licenses under that committee's jurisdiction. So this is

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something that in concept or conceptually we have been doing as part of state government, but now applying those different processes to occupational licenses. I thank Senator Ebke for bringing this bill before the Government, Military and Veterans Affairs Committee, and for her hard work over the past year in getting this bill advanced. And I would encourage your support of the committee amendment and LB299. Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Murante. Senator Chambers, you're recognized. [LB299]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, thus far in the session I've always had a lot of motions, a lot of amendments, and they created emotions of one kind or another and sometimes commotion. But I'd like to ask Senator Ebke a question before I launch into my utilization of time this morning. [LB299]

SPEAKER SCHEER: Senator Ebke, would you please yield? [LB299]

SENATOR EBKE: Of course. [LB299]

SENATOR CHAMBERS: Senator Ebke, I haven't had a chance to review the amendments, but I trust you implicitly. Is there anything in there, directly or indirectly, designed to regulate Senator Ernie Chambers? [LB299]

SENATOR EBKE: There is not. [LB299]

SENATOR CHAMBERS: Thank you very much. Members of the Legislature, because there are a lot of issues in the bill, and by that I don't mean necessarily they're controversial, I'm not going to offer amendments to the bill, I'm not going to offer motions. But I will study it between the time when we advance it, which I think we should, and when it comes up on Select File. Any issues that I detect I will talk to Senator Ebke before I make any move, because as I stated, I really trust her. And I don't use that word sarcastically this morning, although if I applied it to others of my colleagues they would know that I'm being sarcastic. I found out as I've stated, that I have a following. Small, but a following. People listen to what I say. I got a letter from a woman in Wheaton, Illinois, who watches whenever she has the opportunity. So I have to be responsive to my constituency. I used to always say that although I'm elected from a specific district, my title is state senator, so my constituency consists of all of the people in this state. Citizens, noncitizens, criminals who have been caught and prosecuted, criminals who do the prosecuting, people who have not been charged with or convicted of a crime, anything born of a man and woman is a member of my constituency. Things born, four-footed creatures are a part of

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my constituency. Things born of critters with no legs, such as snakes are a part of my constituency. Those with eight legs, which are arachnids, spiders, are a part of my constituency. Those with six legs, who are insects are a part of my constituency. And now I have to say people who live in the United States, wherever they may be, paying attention. Well, I made some comments the other day and some of my constituency saw the need to improve my education. I had said there were four Marx brothers: Groucho, Chico, Harpo, and Zeppo. I was informed that there are five: Gummo. So there are five Marx brothers. Thereby, I've improved your education too. I made a statement that was incorrect when I talked about the reindeer, which are caribou, saying only the females have antlers. That was incorrect. Caribou are the only species where male and female have antlers. But I stick with what I had said when I was making that point, that I believe all eight of the reindeer who carried Santa Claus' sleigh were females. Only females would be selfless enough to allow a member to become a part of that team who had never been a part of that team before because he could offer something that nobody else could. That new member was Rudolph, who had a red nose which lighted the way. Men would have said, no, I've been here longer, he's got to go in the back. And somebody would say, yeah, but you won't be able to see where Santa is going. [LB299]

SPEAKER SCHEER: One minute. [LB299]

SENATOR CHAMBERS: And the man would say, that doesn't make any difference. I've been here, and there are two reasons why he shouldn't be here. And they would say, what are the reasons? Well, we've always done it this way, we've never done it that way. So we ain't going to change. And like my colleagues who want to cut the university, we ain't got no education. So we don't need no education. I will continue because I'm going to use the time, but only within the confines of the rules. Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Crawford, you're recognized. [LB299]

SENATOR CRAWFORD: Good morning, Speaker. And good morning, colleagues. I rise to stand in support of reducing barriers to opportunity, and that is a shared value, a shared interest that Senator Ebke and I have. And I am grateful that she's brought this bill for us to have this conversation about how to reduce those barriers. And I have been in favor of bills to reduce occupational barriers. I spent two years and fought over a governor's veto to remove the integrated practice agreement for nurse practitioners. I worked with Senator Fox at the time to pull hair braiders out of cosmetology to provide an opportunity for those who are doing natural hair braiding to have a chance to be able to be in that profession without having to spend the money and time to get a full cosmetology license. I have brought a bill, and am working with reflexologists to pull their profession out of massage therapy so that they can do their practice

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without having to get the full massage therapy license. I have been working with Groene and supportive of Senator Groene's bill to say that you don't have to be a licensed chiropractor or a licensed massage therapist or trained as a veterinarian or get a veterinarian reference to actually rub down a horse. So we have had several of these bills trying to make sure we're being sensible about what the standards are and where we can reduce a barrier to employment and what the standards are that we need to make sure we're keeping in place to protect public safety and to protect consumers. And we do a lot of this work in health and human services, which is why this bill is exciting to me and interesting and why I really dug into it a great deal. And I also am very appreciative of the material in the bill that deals with allowing people to not have past felonies, or if it's amended, past misdemeanors perhaps, brought against them when they are applying for this professional license. This is something I also value and I want to make sure that we're doing everything we can to allow people who have served their time to move on and serve in these professions in our state. And so I'm very grateful for that as well. So that being said, I do have some concerns about the language in LB299 and I have concerns of how it relates to the health professions that we spend so much time regulating in our committee, Health and Human Services. So I'm going to spend some time this morning, and I hope we can work on some of the language pieces and some clarity for the bill. And I am also so grateful to Senator Ebke and her staff because they have put up with two very long meetings with Senator Howard and I as we plowed through the language and made suggestions and recommendations. And so we have some recommendations that are easy to fix and some that are more difficult to fix, I have to say. And I appreciate that the department came in and folks who deal with our health professions came in to a meeting as well. That part of the issue is a little harder to fix. It may take a little more time for us to figure out how to move forward on that. But I just want to emphasize that I am in support of reducing barriers to opportunity. I'm in support of making sure that those who have done their time have opportunity to serve. And my attention to this bill and wanting to make sure it is correct and done correctly, and make sure that it doesn't cause unintended consequences is in part because I am supportive of those efforts. [LB299]

SPEAKER SCHEER: One minute. [LB299]

SENATOR CRAWFORD: Thank you, Mr. President. I am not trying to protect the protectionists or guard the guild. I want to make sure that we reduce those barriers that we can reduce, make it easier for people to come back and serve in our professions, easier to cross state lines and serve in our professions, but make sure we're also still protecting public safety and protecting consumers in our state, which is our fundamental responsibility with licensure. Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Crawford. Senator Howard, you're recognized. [LB299]

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SENATOR HOWARD: Thank you, Mr. President. Good morning, colleagues. So when I first got this job, my mom gave me a lot of very useful pieces of sound advice and one of the first ones she told me was never take a scope bill, which is hilarious. This body has actually never experienced a scope bill that's been wildly contentious. But I sure have, because I completely ignored her advice and I took up a scope bill for optometrists. And I was here for a year and some change and all of a sudden Senator Chambers was opposing my bill, and I was terrified. And we did eventually reach a compromise, but it gave me a real sense of the value of the 407 process. And just for a little bit of history, scope of practice bills have been contentious since day one. Usually it's doctors fighting with a group that wants to expand their scope or reach into a different kind of scope, and everybody is very specific about what they can and can't do. Essentially, we don't want the janitor performing brain surgery or the dentist performing brain surgery either. And so in 1986 a group of our colleagues put together what we call the 407 process under LB407. And essentially what it does is it asks the Board of Health to review changes in scope and opportunities when people would like to have a license or a registry for the type of healthcare profession that they have. This is a very rigorous process, it usually takes about a year and a half. The first step is a technical review where leaders in the healthcare field get together and they review the type of change. The second step is a Board of Health review, so all of the members of the Board of Health vote and give their opinion as to whether or not this change or this license would be appropriate. And then finally the chief medical officer reviews both reports and signs off and makes a recommendation therein. All of these recommendations come to the Legislature. And it was really wise when we created the 407 because we are not doctors, I mean Senator Hilkemann excluded. We are not doctors, we do not have the technical expertise to know whether or not something is appropriate or safe for our state when we're looking at scopes of practice. Specifically when I had my scope of practice bill, it was to lance chalazions on the top of eyelids. Who in the world knows anything about that if you're not an optometrist or an ophthalmologist, right? And yet, we are the group that decides whether or not they can do those types of things. So the 407 has been in existence for several decades. And one of the most important pieces of the 407 is the standard which is utilized by all reviewers for the process. And that standard is: health, safety, and welfare. And so while I am actually very supportive of LB299 in the sense that we do need to review licenses every five years and we do need to look at those criminal pieces and make sure that they're not barriers to access, but my concern was in that LB299 creates a new standard for review. One that requires present, significant, and substantiated harm. And I've set up a meeting with the Board of Health because I didn't understand how LB299 might interplay with the 407 health, safety, and welfare standard. And according to my old pal, Darryl, who is legal counsel over at the department, that the criteria in LB299 would supersede the criteria in the 407 from health, safety, and welfare. We would move to a standard of present, significant, and substantiated harm. That concerns me because that is a new standard for our Legislature to consider. Health, safety, and welfare is well defined in statute and it's well defined by precedent. [LB299]

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SPEAKER SCHEER: One minute. [LB299]

SENATOR HOWARD: And this new standard I'm concerned, you know, I actually have a history of trying to help people work to the top of their scope and the top of their training. I think this new standard could potentially do that or it could potentially mean that there would be no scope changes because you can show some type of harm anywhere in the country. And so with that, I just...I rise with concerns about this new standard. And I do think that the 407 needs a review, it needs that five-year where we look at those licenses. And I do think that LB299 is a good idea, but the overlay and the supersession with the 407 is very concerning to me. Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Howard. Senator Chambers, you're recognized. [LB299]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I look around the Chamber and it's virtually empty. At first I thought I had something to do with that because I was the one holding forth. But what I think happens is when something of great importance comes before us most of our members feel that they don't want to burden their brains. They're not overburdened with brains anyway. But what little brains they have, they don't want to overburden that, so they stay away. This is probably one of the most important, far-reaching bills we will deal with this session. That's my opinion. I often use analogies or metaphors to help me find a way to make clear what I'm trying to say. Then to help me understand by setting up a formula for reviewing something. So I see the bill that we're looking at right now like a telescopic view where we're going to try to embrace the entire universe that's involved. Then we might use binoculars that will bring it a bit closer, and we will begin to break out individual segments. Then maybe we'll use a magnifying glass so that we can take a segment and see what the constituent elements are. After the magnifying glass, maybe we'll use a microscope because we want to see even more at a smaller level of the constituent parts and how they interact. That might be a light microscope. Then we will use the electron microscope, where electrons, rather than light are the means of magnification are making it operate, and we will see things that had never been seen with an ordinary microscope. After we get through using our eyes, then we call on those who know something about chemistry and we may go through a chemical analysis so that we will understand what the functioning is that we cannot determine just by visual observation. After all that is done, then we kill the bill. Nobody is listening. See, I know what I'm talking about. I know my fractious children. All of you all are my children. As I've said before, you're hard-headed, you don't pay attention. But nevertheless, you are what you are and I must take that into consideration. Since I do have a following outside the Legislature, I have to mention one other thing that I was called on. And after I was called on it, it came to me that maybe what the criticism was, if that's what it was, was true. I had spent some time talking about Robert Lewis Stephenson's story about Dr. Jekyll and Mr. Hyde, but I had not completed it to the

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satisfaction of the critic. After listening to everything I said, that person still couldn't determine what the ultimate outcome was. So I was given a challenge. Since I write rhymes, some people call them poems, write a poem in two pages or less. I say, two pages or less rather than fewer because there would not be a multiplicity that summarizes the story of Dr. Jekyll and Mr. Hyde. I think that I did it. I handed out a copy, but the person who had that interest is not a member of the Legislature and you all don't read these things anyway, but sometimes a staff member might see something and make use of it and make a comment to me which I take in the spirit in which it is given. I don't think there is perfection in anything that we do. I even look at your governmental documents that you all refer to and it's the most ungrammatical document of all. "To form a more perfect union." Something cannot be more perfect. Perfect is a word that means without flaw, unimprovable. So those ignoramuses that you all call the geniuses did not understand that when you have a word that comprises the sum total of what is being discussed, you cannot add to it. [LB299]

SPEAKER SCHEER: One minute. [LB299]

SENATOR CHAMBERS: If you can add to it, that word is insufficient to serve the purpose. Perfect is a word that serves the purpose for which it is intended, but people without education will make an improvement. They attempt to do it. Either the union was perfect or it was not. If it was perfect, there was no need to make an improvement. If improvements can be made, it is not perfect. When you put together a constitution, your people, it was not to make a more perfect union because the union was not perfect. It is not perfect now. Language means something. Words... [LB299]

SPEAKER SCHEER: Time, Senator. [LB299]

SENATOR CHAMBERS: Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator McCollister, you're recognized. [LB299]

SENATOR MCCOLLISTER: Morning, Mr. Speaker and colleagues. I rise in support of this bill and the amendment AM1665. You know, it's been a favorite topic of mine, these vocational licenses. And reform is absolutely necessary. Many licenses are unduly restrictive and actually they are a form of restraint of trade. They are a restraint of trade, and so I'm happy that this effort is being undertaken. It's an interesting set of supporters for this particular bill, you have the ACLU and the Platte Institute. With a set of this two disparate groups, it must be a good bill if they both support it. Now, if we need to rework some of the language in order to make the process work better, I certainly agree that that needs to occur. So once again, I rise in support of

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LB299 and I thank Chairman Ebke for bringing this bill. And I would urge your support of the amendment as well. Thank you, Mr. President, and I would relinquish my time to Chairman Ebke if she wants some. [LB299]

SPEAKER SCHEER: Senator Ebke, 3:45. [LB299]

SENATOR EBKE: Thank you, Mr. President. And I probably won't use all of the time at this point. Let me just rise and thank Senator Chambers and Senator Crawford and Senator Howard, Senator McCollister for their comments. Senator Crawford and Senator Howard and I did get together with folks from the Public Health Department the other day. My understanding of that meeting was that they believe that there might be some wording issues. However, they also saw that the 407 process, and I remember this language specifically, was "complimentary" to the 407 process. That LB299 was complimentary, not necessarily antagonistic. Let me also remind folks that the 407 process is an executive process, okay? The wording in the 407 process is for...in that legislation is specifically for that executive function, okay? The review process. Whereas, LB299 creates a legislative process, a legislative process which allows us who are responsible for creating licensures or changing all licensures to take certain things into consideration as we deliberate on those licenses. Again, I know that there is some angst out there. I am hearing that there are unions outside concerned about it. I know that there have been those from some of the medical professions. I even heard a rumor that the Governor's Policy Research Office inexplicably is out there lobbying against that. So, if that's not true, please let me know, Governor, since occupational licensing reform has been high on your list of priorities the last few years. I will...that's all I have to say at this point. Let me just say one more thing. This bill has been co-sponsored by a number of people whose support I very much appreciate. Senator Brewer signed on early on in the process. Senator McCollister, Senator Wayne, Senator Watermeier, Senator Kolterman, Senator Stinner, Senator Lindstrom and Senator Briese and Senator Lowe have all co-sponsored this bill. I very much appreciate their help and support, many of those are members of the Government Committee. And I look forward to whatever debate we've got ahead. Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Ebke. Mr. Clerk. [LB299]

CLERK: Mr. President, some items, if I might. Natural Resources reports LB1123 as indefinitely postponed. Senator Smith, amendments to LB1090 to be printed. A series of priority bill designations. General Affairs Committee, LB921 and LB1120. Senator Hughes, Natural Resources, LB1008. Senator Watermeier, LB44 is his personal priority. Senator Larson, LR1CA. Senator Groene, LB778 is an Education Committee priority. LB1119 by Senator Hilgers. LB1040 by Senator Albrecht, that's the Business and Labor. Nope, I'm sorry, that's her personal priority. And Business and Labor selected LB953 and LB791 as committees. (Legislative Journal

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pages 671-672.) [LB1090 LB921 LB1120 LB1008 LB44 LR1CA LB778 LB1119 LB1040 LB953 LB791]

Mr. President, Senator Crawford would move to amend the committee amendments with AM1993. (Legislative Journal page 672.) [LB299]

SPEAKER SCHEER: Senator Crawford, you're welcome to open on your amendment. [LB299]

SENATOR CRAWFORD: Thank you, Mr. President. Good morning, colleagues. I submitted AM1993. Again, as I mentioned before, we had a very productive conversation about how the LB299 would impact the 407 process. At the end of that conversation, it was my understanding, and I will ask Senator Howard to verify it was her understanding in just a minute, it was my understanding that should LB299 pass, that the standards that are in LB299 would proceed or would be used instead of the standards that are currently used in the 407 process. It was also the case in that conversation that we talked about the fact that of how laborious and time-intensive each 407 process is. When I just checked with the department this morning, they said that they do three 407 reviews in a year usually. And this process uses a lot of volunteers. So a lot of health professional volunteers are coming together to do the research to try to assess the health and safety concerns with any change in licensure. And they are also trying to find out what's the empirical evidence versus what's just the scare tactics. And I also with Senator Howard, I would like to see some of those standards in the 407 process tightened and make sure that it is remaining in the same spirit of the law as LB299. But it was very clearly our understanding that the 407 process is a process designed to inform the Legislature, and so it would be the case if this 407 process...if this bill passes, they're going to have to try to do this process for the Health and Human Services Committee for all those professions. And so basically what AM1993 does is that it removes the 407 or Health and Hhuman Services licenses from LB299 for now. Again, Senator Howard and I both think it's important to keep moving in this direction of reducing barriers, we just don't think the language in LB299 is appropriate and the processes in LB299 are appropriate for these health professions. It does leave in the felony protections because that's great and we want that to work. But colleagues, there are eight...well, we have been trying to count. Senator Howard passed out the list of all the professions that we regulate with the 407 process that are under the health and human services jurisdiction. One count was 88, one count was over 100. It kind of depends on how you count them. But it's a lot of professions and those bills take a lot of time. And so I really think, while I'm wanting to move in this direction, I really don't think we're ready yet to move these health professions in this direction and that's why I introduced AM1993. It excludes the long list in the bill of professions and provides a simpler definition of the professions that apply and pulls out, again, those health and human services professions that are covered by the 407 process. It leaves the criminal protections, criminal background protections in place for those professions. Colleagues, as we move forward, actually the Occupational Act also requires people to list all their misdemeanors, and there are some

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disqualifying misdemeanors. So another issue we need to work on in this bill is to make sure that it also addresses those misdemeanors. But for now I'm just going to emphasize that's what AM1993 does, it removes the 407 process, health and human services professions--and you have a handout from Senator Howard that tells you what those are. These are all within the jurisdiction of the health and human services, somewhere between 88 and 105 at our count, depending on how you count them. It's a lot of professions that we work with. And any bills related to those professions, any new change in those professions, and then if you're trying to do a fifth of nearly 100, you're talking about trying to cover 20 professions each year. And again, it's the case that right now they're only doing three. So if the 407 process would require a lot of extra volunteer hours, the staff from DHHS confirmed it would require more staff to help those volunteers, if we're going to be reviewing 20 or so of those professions each year. So again, they currently do three. So any more than three is still a challenge. So with that, I will close. Thank you, Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator Crawford. You are next in the queue. [LB299]

SENATOR CRAWFORD: Thank you, Mr. President. And thank you, colleagues. I want to step back now to just speak to the difference between what the Government Committee does when they're reviewing commissions each year and what reviewing professions and changes in professions and new professions looks like to someone on the Health and Human Services Committee. I understand the logic from the Government Committee that they review a lot of commissions each year. And it's a process of the commissions come in and they send out the surveys and they find out which of these commissions are still active, and so they can handle quite a few. And so I can understand from that logic the sense of, okay, each Committee has certain professions and so it's not going to be that difficult for the committee staff to find out which of these licenses, which of these certifications still are needed. And because we do that every year with commissions. But colleagues, it's a very different question to ask whether this commission still meets and whether this commission still has jurisdiction and issues that they need to resolve versus whether or not an optometrist should be able to lance a sty in your eye, right? These are very technical questions. And so it's important that we recognize that the level of evidence, the level of deliberation on these questions about health profession scope are beyond what would be a simple task for Health and Human Services Committee and Health and Human Services staff to do. As I noted before, it is the case that we would expect the 407 process to help us with that, and it's far beyond their capacity to do at this time. And again, that's why I introduced AM1993. Just to help you see a difference in the standards, I just want to call your attention to page 14 in the committee amendments. If you turn to page 14 in the committee amendments, this is something that we talked about earlier. And again, I was expecting to probably see this would come out as an amendment, but I haven't seen it posted yet. So it may still be coming. If you look at page 14, line 11 through 13, here is what the standing committee of the Legislature is wanting to ask proponents of new legislation, and they're only going to enact

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or modify occupational regulations if they can submit evidence of present, significant, and substantiated harm to consumers in Nebraska. Someone has to get hurt before we can decide to change occupational licensure standards. Now, Senator Howard mentioned she and I, we're usually on the side of the people who are trying to expand their scope. And so in some ways this is good for us, for the bills we bring, because it's going to be pretty darn hard for anybody to meet this standard and terms. And so you would have to say yes, open up the doors, let them do it. And so I think it's really important to see what the standard is. And another part of the bill it doesn't say...I mean, in this part of bill it says "in Nebraska." So again, someone has to be getting hurt; you have to have present, significant, so not just one person getting hurt. How many people have to get hurt before we decide it's significant? And substantiated harm to consumers in Nebraska. So that's a different standard than what we currently use with health professions when we're talking about evidence of whether or not this meets public safety and welfare. In that case, if there is projection... [LB299]

SENATOR HUGHES: One minute. [LB299]

SENATOR CRAWFORD: Thank you, Mr. President. And we look at whether there is any evidence of harm, but we also consider the level of education. We also consider the protections in place for consumers in terms of protecting them from harm. We do not say that we are going to lower the barriers as long as you cannot show us present, significant, and substantiated harm to consumers in Nebraska. I think that's a very dangerous standard to have in our statutes. Thank you, Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator Crawford. Senator Krist, you are recognized. [LB299]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. And good morning, Nebraska. I wonder if Senator Murante would yield to a question. [LB299]

SENATOR HUGHES: Senator Murante, will you yield? [LB299]

SENATOR MURANTE: Yes. [LB299]

SENATOR KRIST: Can you confirm, Senator Murante, that AM1665 becomes the bill, it is the white page replacement for the original LB299? [LB299]

SENATOR MURANTE: Yes. [LB299]

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SENATOR KRIST: Thank you. Thanks for answering the question. Senator Chambers available for a question? [LB299]

SENATOR HUGHES: Senator Chambers, will you yield? [LB299]

SENATOR CHAMBERS: Yes. [LB299]

SENATOR KRIST: You, sir, at one point were licensed and you cut hair. Therefore, you were a barber. Is that correct? [LB299]

SENATOR CHAMBERS: That's correct. Very good one. [LB299]

SENATOR KRIST: I imagine so. And during your time, did you ever think that the barbers were trained to excess or that your profession was too onerous to become a barber? [LB299]

SENATOR CHAMBERS: I thought there were way too many hours that were required, and that was because these schools had an undue influence. I'm not trying to demean barbering, but I did it for a lot of years. And if you're a person of ordinary intelligence and you're aware of what has happened, there were people barbering before there ever was a barber school. So to answer your question, yes, there was way more required to become a barber than is necessary to operate effectively as one. [LB299]

SENATOR KRIST: Okay. Thanks for putting that on the record and thank you for taking my question. Do I...Senator Ebke, would you yield for a question? [LB299]

SENATOR HUGHES: Senator Ebke, will you yield? [LB299]

SENATOR EBKE: Yes. [LB299]

SENATOR KRIST: Do I understand that on page 3 of the bill it begins a laundry list of, Section 10 actually, begins a laundry list of those providers of goods or services that would be liable for oversight and boards, in terms of looking at their professions? [LB299]

SENATOR EBKE: Yes. But not limited to. [LB299]

SENATOR KRIST: Okay. Right. Thank you. So I want to ask you a question, folks. Who licenses pilots? Does the state license pilots? What business does the state of Nebraska have in

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looking at pilot qualifications? Pilot is on that list. Those are FAA-issued licenses and the prescription for how to become one is a commercial, an air transport pilot, a multi-engine, a multi-engine land, sea plane. Those are all under federal regulation. What are you going to overview for the pilot profession? Same thing if I look at the aircraft mechanics. Where do those licenses come from, they don't come from the state. What business does the state have in terms of making sure that they are qualified to do what they need to do? I would invite each one of you who has a profession that you believe in to look down this list and see those with federal requirements that trump the state requirements. Actually, there isn't any state requirement for pilots and for aviation mechanics that is not at the federal level. Those certifications are not up to us to monitor. So although I would applaud all of you that signed up on this bill, I think it's time to start whittling down. Senator Crawford's attempt to separate out the 407 process is right on the mark. I have some experience with the Health and Human Services Committee and the 407 process, and it can be painful, but it's already in place. They do not belong in this bill. Just as pilots and aviation mechanics do not belong in this bill. So when Senator Crawford finishes her amendment, which I will support, I think there needs to be some other surgically removed professions that we don't have any business regulating. [LB299]

SENATOR HUGHES: One minute. [LB299]

SENATOR KRIST: Thank you, Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator Krist, Murante, Chambers, and Ebke. Senator Howard, you are recognized. [LB299]

SENATOR HOWARD: Thank you, Mr. President. Again, I rise to talk a little bit more about the 407 and a little bit more about our Board of Health conversation with Senator Ebke and her staff. And she's right, actually. My pal, Darryl, who is legal counsel for the Department of Public Health, who I worked with a lot on prescription drug monitoring...I'm sorry, Mr. President, could I get a gavel? [LB299]

SENATOR HUGHES: (Gavel.)

SENATOR HOWARD: Thank you. Did say that there are ways that LB299 could complement the 407 process. In fact, in 407, all of the reviews are directed by either by the professional group or we have the opportunity for the chair of Health and Human Services to call for a directed review as well. Those aren't annually done, there's no consistency for us. And so I think the five-year review and the five-year look back could be a really positive addition to the 407 statute. Unfortunately, LB299 is completely separate. And so my best suggestion is Senator Crawford's AM1993, which was a great year, but also a good amendment because it talks specifically about

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removing the 407. Because I think we want to leave that process whole and intact. It's worked for several years to give us the technical knowledge and feedback that we need as a body to make good choices. And I'm shocked that I'm standing here defending it, because honestly I have disagreed with the 407 in the past and disagreed rather vigorously with their findings, but not with their process. And so a couple of other things. When we talk about the present and substantiated harm, that is actually not the only statute standard that AM1665 proposes. There are two others. One is that all occupational regulations would have to be viewed through the lens of economic opportunity. And the Department of Public Health would say that that would then subsequently supersede health, safety, and welfare. That's in Section 14, page 9, line 27. The other one is that there is the presumption of market competition and private remedies, and empirical evidence of a systemic problem would also supersede health, safety, and welfare. And that's on page 13, lines 7-8, lines 10-12. The concern with that is that health, safety, and welfare has always been a part of the way that we view occupational licensure around healthcare. And so if we start viewing market competition I really have to question whether market competition provides any type of regulatory lens for these licenses. There's market competition for home births, for midwives to come into the state and provide home births. We do not allow that here, and partially because of the health, safety, and welfare issue. And so I think there are some deeper issues with the language. I also think honestly if the chair of the committee, especially when it comes to Health and Human Services, and the committee counsel isn't expected to write a report, my hope is that there would some sort of language in AM1665 or another amendment that would say that the technical review committee of the 407 findings, the Board of Health findings could be used for that report, so that we're not placing a burden on committee counsel to do a deep dive on audiology or to fully understand all of the nuances of a dentistry regulation. Because that's what the technical review committee is for. We did ask if the Department of Public Health felt like they would have the bandwidth to manage a five-year process with technical review committees. All of the committees are volunteers, it's all people in the state of Nebraska who care about occupational licensure, who care about their own professional license. And so in that regard they could absolutely manage and support this type of process. [LB299]

SENATOR HUGHES: One minute. [LB299]

SENATOR HOWARD: The unfortunate thing is that...thank you, Mr. President. The unfortunate thing is that each one of these technical reviews has a staff member from the Department of Public Health who works with them on the 407. And so my expectation is that if we did want and require as a Legislature a technical look back done by committee counsel or analyzed by committee counsel for each health-related occupational license they would also need some staffing in order to support that review. And so with that, I maintain my concerns. I am supportive of AM1993, and I appreciate your time. Thank you, Mr. President. [LB299]

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SENATOR HUGHES: Thank you, Senator Howard. Senator Chambers, you are recognized. [LB299]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. And thank you, Senator Howard. Now some of the things are being discussed that I think are very important. But I said I would see what goes over to Select File. For the rest of you who are more knowledgeable about this subject than I am, General File is where the main debate should occur. But one thing that I definitely want to see, that there will be no religious operations, such as the Catholic Conference, which is going to have an official role to play either in the granting of approval or a veto, and the head of a department or an agency will have to get clearance from the Catholic Conference. That is wrong. But I know what the Catholics have in the way of power in this state and in this Legislature. This bill is something that, as I stated, when we get to Select File I will have much more to say on it. But because there are people offering amendments, giving very knowledgeable discussion that will help build a record and a legislative history, I'm going to talk about other things. I look at this orange pamphlet...not pamphlet, folder, that Senator Ebke told us to look at, and those who support this bill, the Platte Institute, which starts with a p; the Institute of Justice, which is an i; The ACLU, which is an a; Nebraska Appleseed, which is an n. They should have put others, then you would have piano. A piano is an instrument comprising white and black keys. You can play any form, any piece of music that was ever written on a piano. If you were to take a thin piece of wood and lay it across the black keys, another thin piece of wood and lay it across the white keys, you would see that the black keys operate on a higher level than the white keys. That is one of those Freudian slips. By the way, do you know what Freud did when his activity as a psychoanalyst didn't pan out? He got a boutique. And do you know what his most popular item was? Freudian slips. And the women flocked to his boutique. On this bill...I don't see "Parson" Williams, I wanted to ask him a question. I would like to ask "Parson" Williams a question, I see him approaching his desk. [LB299]

SENATOR HUGHES: Senator Williams, will you yield? [LB299]

SENATOR WILLIAMS: Yes, I would. [LB299]

SENATOR CHAMBERS: Senator Williams, this is a rhetorical question. Do you believe the Bible? [LB299]

SENATOR WILLIAMS: Yes, I do. [LB299]

SENATOR CHAMBERS: Have you read or heard the verse "Woe unto you, when all men speak well of you?" [LB299]

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SENATOR WILLIAMS: Yes, I have. [LB299]

SENATOR CHAMBERS: Thank you. Maybe you ought to think about that with this bill in its present form. When all speak well, woe. People like to refer to what they find in the Bible, such as "an eye for an eye, and a tooth for a tooth," and go back to the ancient Hebrews and say, that's what you ought to utilize to justify the death penalty. But the rabbis didn't accept that. That was not to be taken literally. So when those who understand it and interpret it come up with something different from what those who don't understand it are doing, they reject the word of the experts. What the rabbi said to make it brief... [LB299]

SENATOR HUGHES: One minute. [LB299]

SENATOR CHAMBERS: ...is that it was a statement that now you call damages. It was a standard of damages, where you find something of value to the extent possible that it can be done to compensate the one who was harmed. If you deprive a family of a breadwinner then you may be obliged to help support that family. If you deprive a craftsman or craftswoman of the ability to carry on his or her trade, there might be a lump sum amount or an ongoing amount that you have to pay. Something like they do with Workers Comp, you can take a lump sum or spread it out I guess. When it comes to this kind of legislation, there is so much in it that I doubt that anybody could explain every word, every part of it. [LB299]

SENATOR HUGHES: Time, Senator. [LB299]

SENATOR CHAMBERS: Thank you, Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator Chambers and Senator Williams. Senator Ebke, you're recognized. [LB299]

SENATOR EBKE: Thank you, Mr. President. Couple of things that I think need to be clarified. And I don't see Senator Krist right here, but if he's listening or if anybody has a chance to talk to him, yes, pilots are included on this laundry list. However, provider means, in Section 10, "a provider of goods or services engaged in a lawful occupation regulated by an occupational board, including, but not limited to:" and then the laundry list. The bottom line is that this is a list of potential licensures, not necessarily the ones that we are already regulating. Since the state does not regulate airplane mechanics or pilots or anything else, and this is a federal function, there is no reason for us to have any kind of a review. What it does do though, is if somebody came to us and said, hey, let's start regulating airplane pilots, it sets up a structure for the review of whether or not we should regulate airplane pilots. And I would submit that we would probably laugh and

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send them away. This is the same way on any federally regulated licensure. It does not supersede federal law at all. Same way with insurance and any other securities, banking, and anything else. If you have federal regulations that you're expected to abide by, this law would never supersede that. I have to say that with respect to Senator Crawford's amendment, I will have to oppose it. I appreciate her efforts, but it effectively guts the bill when it takes out all of the occupations in Section 10, and then it says any occupation regulated except for medical licensure, that would seem to be sort of counterproductive. I don't know if it got put in your orange folders, but we will send another copy around later, a letter from the Federal Trade Commission supporting this. And this is sort of in response to the North Carolina case. For those of you who aren't familiar with the North Carolina State Board of Dental Examiners v. the Federal Trade Commission, there was a problem with these dental boards operating essentially independently, made up of members of the profession who were not regularly overseen. They had some charges of violating antitrust laws, and the Supreme Court held that without active supervision, ongoing review, engagement by the legislature, that these boards can't use the sovereign immunity, if you will, of the state in order to avoid those charges. The other pieces that Senator Crawford's bill deletes is the very review process itself. What's the point? I mean, if we're going to get rid of the review process, if we're going to get rid of all the occupations that we review, we have very little other than sort of a generic intent language. So I will vigorously oppose Senator Crawford's AM1993. Thank you. Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator Ebke. Senator Murante, you're recognized. [LB299]

SENATOR MURANTE: Thank you, Mr. Chairman. Members, good morning. I also rise in opposition to AM1993. Senator Ebke ably said it, this is an amendment that fundamentally guts the bill and is, as far as I can tell, a kill motion. This bill at a very high level intends to require legislative analysis of future legislation that deals with occupational licensing, not exclusive to the 407 process, but any occupational licensing. This amendment does not just take the 407 process out, this amendment eliminates any legislative review of the occupational licensing laws as they exist now and future bills that come forward. So the adoption of AM1993 renders LB299 a functionally useless piece of legislation. It goes well beyond simply striking the 407 process. And I've heard two separate concerns. First, this bill as it's written lists a number of occupations, and the question was asked what happens if there is an occupation that has no state occupational license. And the answer to that question is, nothing. This bill does not examine and does not seek to analyze occupations broadly, it seeks to analyze bills and laws which seek to amend or create occupational licenses. So if there are none, this bill doesn't impact that. But if there are some in the future, it creates a mechanism by which those bills are analyzed, which I think is appropriate. And I also want to make something clear. This bill as it is drafted in AM1665 does not prevent a future Legislature from doing anything. No bill can do that. It's been stated a couple of times that if you pass LB299 that there will be an inability to create occupational licenses. That if you create standards such as "detrimental effect" that the Legislature will become incapable of

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passing legislation. That's not what this bill does at all. This bill seeks to provide information to committee members before they render a decision. They can choose to reject the information that's been obtained in its entirety, they can choose to accept it in part and amend the bill accordingly, or they can choose to accept it and kill the legislation. What a future Legislature does is entirely up to them. This bill does not create a new mechanism by which rules are created, it doesn't create standards by which rules are created. It is a process by which future Legislatures study the occupational licenses that are currently in state law and studies the bills that seek to change occupational licenses on a go forward. If you choose to reject the information that is obtained through that process, every legislator is free to do that. This doesn't create a standard in that sense, what it does is it creates a structure by which the laws and future bills are analyzed. So that's why I believe it's a thoughtful approach and something that has been utilized in other areas of government several times over. So I would strongly encourage you to oppose AM1993 unless you simply oppose the bill, in which case this is functionally a kill motion. But that's how I view AM1993, and encourage your rejection of that and your support of the committee amendment and LB299. Thank you, Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator Murante. Senator Crawford, you are recognized. And this is your third time. [LB299]

SENATOR CRAWFORD: Okay, thank you. Thank you, Mr. President. I do want to clarify one issue on AM1993. As I said from the beginning, my intent was to just remove those health and human services professions, again somewhere between 88 and 105, 150-ish...different ways that you count them. Remove them from most of the parts of the bill, but leave them in for the protections that are in the bill in terms of past criminal behavior. And I believe that the amendment that I crafted does more than that, and so I can understand why Senator Ebke and Senator Murante are saying that I'm striking all of these processes for everybody because that is the way it is right now. And so I'm just confirming with drafters for a floor amendment to correct that. Really what we were doing, and it's a very simple amendment, what we're doing is pulling...we're going to retain the sections that pull them out of Section 10, which is defining the professions to which this applies, but then indicating that actually these professions do apply to Section 15. So we're pulling them out of those other parts and but still leaving them in Section 15. And so I am going to get confirmation from the Bill Drafters to make sure that I'm doing that correctly so that we're moving forward correctly. And if so, then either I or someone else will offer this floor amendment to make that correction. The intention is to just pull out those health and human services professions, and I believe I have a simple amendment that makes that correction. And it leaves these processes in place for all of the other professions. And so whether or not it's appropriate in other places is something for the rest of you who observe this process in your committees to chime in and talk about how it impacts that. But I will stop now, confirm with the drafters, and you may see a floor amendment in just a moment. Thank you. [LB299]

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SENATOR HUGHES: Thank you, Senator Crawford. Senator Howard, you are recognized.
[LB299]

SENATOR HOWARD: Thank you, Mr. President. It's very wacky and wild on the floor of the Legislature today. There were a couple of other pieces because I have several language concerns, and I've given them to Senator Ebke, she's got a beautiful chart. I really like making charts. And so there were a couple of other pieces that I wanted to get into the record that I have concerns about. One of them is around registration. So in LB299 it says that a regulation...a registration, page 9, line 2, if you're reading AM1665, it says that registrations can't require additional requirements. However, registrations on the healthcare side can require a background check or a test of education or something along those lines. A good example of this would be Senator Kolterman's bill around surgical technologists. This was a bill that we considered last year and instead moved forward with a surgical first-assist position. And surgical technologists have a national exam and they asked for a registry. And the registry was recommended by the 407. Unfortunately, with LB299, their registry wouldn't be able to require their test or their background check. And so that is concerning to me in terms of when we look at registries that require a background check for other medical professions. The other piece that I wanted to get into the record was around a definition of a specialty occupational license. This can be found on Section 12, page 9, line 5 through 6, but it can also be found on page 14 at the top. It says "If the need is to qualify providers of a new or highly specialized medical service for reimbursement by the state, the likely recommendation will be to enact a specialty license for medical reimbursement." When we asked the Department of Public Health what this license was, they said they did not know and didn't understand what the intention was in AM1665. If the department that is looking at occupational licenses doesn't understand what the legislation is intending that puts them in a very difficult position when analyzing what type of occupational license should be there. Finally, and I'll just put a plug in, I've got a bill up I think fourth today. I don't know if we're going to get to it. It's around opioids and preventing opioid addiction in our state. It's a very personal piece of legislation, it's something I'm really passionate about. And one of the pieces in there is actually prescribing limitation for providers to children. So limiting the amount of opioids and narcotic medication that they can give to minors when they prescribe. What's important about this is that if you overlay the LB299 requirements in the lens for market competition, which supersedes public health, safety, and welfare, there would be no limits on what we allow prescribers to give to anybody when it comes to a narcotic medication, and market competition would be binding. And so with that, I think there are some serious language concerns that I have in AM1665. I do think the 407 should stand. I would actually be happy, would be giddy happy to spend the time over the summer looking at the 407, looking at how we manage that process and what type of lens we give to the technical review in the Board of Health, because I do think that that is a standalone, special, specific process. And I would like for it to remain intact until such time as the Health and Human Services Committee can genuinely consider the policy behind changing those standards. I appreciate your time and

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attention to AM1993. It was a good year, Senator Hilgers backed me up on it. And I absolutely support that amendment. Thank you, Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator Howard. Senator Chambers, you're recognized. [LB299]

SENATOR CHAMBERS: Thank you. Mr. President, I'm going to venture away from some of what seems to be discussed right now. At the Business and Labor Committee we had a hearing on a bill that related to the State Patrol. The subject matter is not that important, but it had to do with, among other things, removing sergeants from bargaining unit. The female trooper who had that sexually invasive, medically unnecessary visual examination of her vagina and her anus came before the committee. I raised the issue on the floor of the Legislature. People are talking about all these other things, but you're not talking about the rat of a doctor who did that. They have at HHS such a long, tangled, involved method for processing a complaint against a doctor that it appears to me that among all these moving parts the hope is that something will short-circuit the process. The medical profession still is a male-dominated industry. Industry. They're interested in money-making. Women are victimized. Here was a case of sexual, in my opinion, a violation of the sexual crime laws in this state. A prosecutor stated that because of the fact that perhaps the statute of limitations has run on that nefarious doctor's nefarious action, there would be no prosecution. That was not saying that something criminal was not done. I exchanged a few words with the trooper. She knows the work that I've been doing toward that doctor, she thanked me for it. What I noticed, nobody in the media, the Lincoln Journal Star or the World-Herald, mentioned that complaint against the doctor. Nobody. Doctors apparently are hands off. They're in a position to do the most damage, the most harm. Look at the guy named Nassar who was involved with those young gymnasts. He did his work, the wrong kind, for decades and got away with it. The young girls made complaints, they were swept under the rug. One was paid a large amount not to say anything further. This rat of a doctor is still operating in Nebraska. It doesn't seem to bother anybody other than me and maybe the woman who was the victim. There will be a lot of things said about gender discrimination, about sexual misconduct, and here this woman who wanted to be a trooper was required to take this pre-employment examination. This doctor had been doing his nefarious work on any number of female troopers. The State Patrol would not respond. I'm going to talk about that on this floor like I do the black-tailed prairie dogs and the mountain lions. Those are my four-footed constituents. Now I have those with two feet and her gender, the pronoun lets you know, the gender is a woman. Where is the concern here? We've got lawyers on the floor. No concern. I'm concerned about LGBT rights. But I'm concerned about discrimination. [LB299]

SENATOR HUGHES: One minute. [LB299]

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SENATOR CHAMBERS: And improper conduct toward people who are what they're described as straight. So why is this doctor allowed a free pass? Well, in the same way I'm going to extract from you time to talk about the black-tailed prairie dogs and the mountain lions, this trooper is one whose case I'm going to talk about. And at that time, I will give the name of the doctor and I'm going to bring it up incessantly. The medical profession, the medical association in this state, ought to be in the lead in doing something about this rascalion, but they sit back. You know why? Because they might be doing the same thing like Trump, and that's why he takes no action against those in his staff who have committed domestic violence and sexual harassment, because he is the "harasser in chief." So... [LB299]

SENATOR HUGHES: Time, Senator. [LB299]

SENATOR CHAMBERS: Thank you, Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator Chambers. Senator Hilgers, you are recognized. [LB299]

SENATOR HILGERS: Thank you, Mr. President; good morning colleagues. I rise in support of AM1993, although I think as a procedural note, as I understand it, Senator Crawford is going to withdraw that amendment and offer an additional...or substitute amendment that does some of what AM1993 does, but not all of what it does. And the reason I support AM1993, at least in part, is that it strikes Section 16 and 17. I understand the new amendment will modify and not completely strike those two sections. And so the reason why I believe that...I do not...I support that part of this amendment and not that part of the bill is because I think what this dictates is a process that is better suited within our rules. So I think looking at Section 16 and 17 of the white copy amendment of AM1665, it lays out a process that dictates to the standing committees a number of things. The first thing it dictates is that the particular standing committee to which the bill is referred must create a report. And that report must be completed before the bill is voted upon. It also dictates various what I...what are...the language in the bill are likely recommendations. So if something...if the bill impacts licensure in some way or it's meant to protect fraud, for instance, then the likely recommendation is X. If A, then B. If X, then Y. Now, it very well might be that the standing committees themselves determine that that is not the recommendation that they want to follow, but it dictates the standing committee that what is more likely than not should be the recommendation. In Section 17, there are also some additional, although I think more minor requirements or powers for the standing committee to request certain information, I have less of an issue with Section 17, but I certainly have an issue with Section 16. If we look at our rules, there are a number of instances in which we require standing committees to do certain things before bills can be voted on, or for which we require standing committees to take certain actions. For instance, in Rule 5, Section 7(a), we detail the

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fiscal note process. As you all know, we had a significant discussion last...the beginning of last session on the notion of an interim fiscal note and the potential impact it would have on staff and committee resources. Rule 3, Section 17(b) talks about when to report bills to the full Legislature, after being voted upon; Rule 3, Section 19 discuss the committee statement; Rule 3, Section 14 discuss the hearing and notice requirement; all of these things are within our rules. None of these things are in statute. And I think when we are talking about what a standing committee must do or must not do, what it must consider, what it must not consider, what its likely recommendations are, putting aside the possible policy merit of those particular restrictions, I think those ought to be more...those are better suited for our rules. And as Chairman of the Rules Committee, I oppose any attempt to put into statute those things that might be better suited in our rules. Now, that's not to say that I disagree with the policy goals of LB299. And I think Senator Ebke has very thoroughly discussed the merit of a different approach to the regulations and licenses that we have in our...for our occupations. I agree with her that it reduces competition. I agree with her that it creates a moat that excludes people from being able to use their labor and talent to its highest and best use. I agree with all of those goals. What I disagree with, at least this time on the mike what I'm discussing, is placing what ought to be things that are in our rule book into statute. So with that, I would support AM1993. I understand it will be withdrawn. I will probably either oppose the new amendment... [LB299]

SENATOR HUGHES: One minute. [LB299]

SENATOR HILGERS: Thank you, Mr. President...because the new amendment will take out what I would like to see which is striking Section 16 and 17; but if the new amendment passes, I likely will have a floor amendment to put that back in. Thank you, Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator Hilgers. (Visitors introduced.) Senator Ebke, you're recognized. [LB299]

SENATOR EBKE: Thank you, Mr. President. First of all, I want to thank Senator Murante for jumping in and providing a little more context to some of this a little bit ago. For Senator Howard's concerns about the definition of "registration" versus "certification" and "licensure," I think we may have a fix, perhaps. In Section 13, you will notice the...for purposes of the Occupational Board Reform Act, certification and registration are not synonymous with occupational license; and then Section 2...subsection (2), when the term "certification" and "certified" are used outside of the Occupational Board Reform Act to mean a requirement that an individual meet certain personal qualifications to work legally, those terms in that context shall be interpreted for purposes of the Occupational Board Reform Act as requiring an individual to meet the requirements for an occupational license. So perhaps we could add the term "registration," and solve some of that problem, if I understand what the problem is. I appreciate

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the conversation here. I think we're making a mountain out of a molehill in many ways. This bill sets up a process. It sets up a regular process for the Legislature, which is responsible for creating these licenses and responsible for adding licenses or deleting licenses, which we have done over the last few years, sets up a process for regular review. It sets up a series of standards for us to consider as we're conducting that review. It doesn't do anything to any of the current licenses. And I would think that those in occupations, the healthcare occupations and others, who are covered by the 407 process and every other license ought to be happy to come to the board...to the committees and to express their surety, if you will, of how valuable their licenses are. You know, I would anticipate that not much is going to happen over the course of time, but we may occasionally find more hair braiding bills or horse massage bills or any other bills of that type where we say, you know, this really isn't necessary anymore as a result of this regular review process. I think most of us don't realize, and have never realized, just how many licenses there are. In the last 50 years, we've gone from roughly 5 percent of our occupations being licensed to roughly 25 percent of our licenses being...our occupations being licensed. Those licenses are permission from government to work. In some cases, when it's a matter of public health and safety, that makes sense. But if it isn't...if it isn't a matter of health and public safety, or real harm, then we need to think carefully about whether it's necessary to have licensure, or whether we can have some other means of regulation, or, heaven forbid, let the market work it out. You know, 50 years ago they didn't have Google; 50 years ago you couldn't get on Google and see that a particular service provider didn't have...a barber, Senator Chambers, I bet you would have had five-star ratings on Google. And I would have looked, if I was bringing somebody to get a haircut, I would have looked on there and say, hey, that guy has a five-star rating. Today you can do that. Whether you have a license or not, we ought to be able to look at these things in ways aside from...aside from a pure licensure. [LB299]

SENATOR HUGHES: One minute. [LB299]

SENATOR EBKE: And this just provides us a framework for...and a template for taking a look at these things. Thank you, Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator Ebke. Senator McDonnell, you're recognized. [LB299]

SENATOR McDONNELL: Thank you, Mr. President. I rise in support of AM1993. Also I will...I note Senator Crawford has another amendment coming, and I would yield the remainder of my time for her to discuss that. [LB299]

SENATOR HUGHES: Senator Crawford, you're yielded 4:45. [LB299]

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SENATOR CRAWFORD: Thank you, Senator McDonnell; and thank you, Mr. President; and thank you, colleagues. Yes, as I indicated, my intent of AM1993 was to really focus on pulling the health professions out of the review process, but to leave them in for the process right now that includes the petition and attention to allowing people who have served their time to not have to be able to still get these professional licensures. That, I think, is still doable with 88 to 100 health and human services licenses. But I was informed I cannot offer a floor amendment to AM1993, so I am...we're drafting a new amendment that I will replace that with. Just one moment before I withdraw the amendment with my time, as Senator Ebke noted, we might not realize how many...oh...we might not realize how many professions there are that have licenses or certifications or registrations. And I, again, am all in favor of being attentive to removing those barriers, making sure we're allowing competition to work, and asking what's the appropriate level of public safety and consumer protection that is necessary and trying not to go any higher than that. My issue, colleagues, is that the health and human services professions, there are so many of them, and the questions are so technical that I believe we need just a different process for them. Just to give you an idea, these numbers were put together in another senator's office, but here is...they went to count what they saw as the licenses in subject matter: two in Revenue; two or three in Judiciary; Urban Affairs maybe three; Business and Labor--five; Transportation--six or seven; General Affairs--seven; Ag--eight; Government--nine or ten; Education--ten; Banking--13 or 14; and HHS--this count has it at 88. So, colleagues, I do think...and other people who are on those other committees can comment about whether they think this process will work for the professions that they regulate. I do think it makes sense if we're starting this new process to do it for those professions, those subject matters where there are fewer, and we can try this process out. Again, I will be first in line and happy to work to make sure we're increasing the competitiveness and our standards in the 407 process. But I just don't think that we can put this process in place. I don't think the health...the standards are appropriate for health questions...for health profession questions, and I don't think it's doable for our committee to review this many professions every five years. And just to give you an idea of that, we had two bills that are relevant to this process this year about surgical techs, and the 407 report for that was 39 pages. And about optometrists whether they can surgically remove something or lance someone in the eye, and that was 53 pages. So these are intense reviews of scholarly research to try to answer these health and welfare questions when we're talking about health. So what I would like to do at this time is withdraw amendment AM1993, and I'll be putting in a new amendment in just a moment. Thank you, Mr. President. [LB299]

SENATOR HUGHES: Thank you, Senator McDonnell and Senator Crawford. Okay. Senator Chambers, you are recognized, and this is your third time. [LB299]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the discussion is taking the turn that I was hoping it would take on General File. With all of the difficulties I see in the bill, it could have appeared that I intended to do with this bill what I've done with

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reference to my black-tailed prairie dog issue and the mountain lions. This bill needs considerable work. And I think all of Section 16 and 17 should be jettisoned entirely. But that will come before us in a form where it can be done. And since we're moving in that direction, and I don't have to worry about doing everything, I'm going to deliver on a promise that I made to read my summary of Dr. Jekyll and Mr. Hyde that I did in a rhyme comprising fewer than two pages, Senator Lowe. Dr. Jekyll meets Mr. Hyde. When he gazed into the mirror in his drawing room, Dr. Jekyll smiled and murmured, Mr. Hyde, I presume. From the image in the mirror came the snarling reply, Dr. Jekyll, I am Hyde. I'm you, and you are I. Dr. Jekyll smoothed his locks and flashed a lopsided grin. Though you look not like me, Hyde, you are my moral twin. Moral twin? sneered Hyde, how cute, for moral plays no part. Void am I of all that is moral; vacant is my heart. Hyde, ah, Hyde, how tragic be you. Would that your pain might halt. Brutal and savage are you, Hyde, but such is not your fault. Stow the pity, Jekyll, Hyde growled. On me, all such is wasted. My brutality, you share it and you love to taste it. Sadly, you speak...sadly what you speak is true, sighed Jekyll, hope has fled. Although you are much alive, something inside me is dead. Sense the darkness seeping in? hissed Hyde; Does it not affright? Though you, Jekyll, rule our day, I, Hyde, rule our night. Neither you nor I, mocked Hyde, of other shall ever be free. Think yourself a moral man? Ha! Inside you are me. Silently did Jekyll stand before the hideous Hyde, knowing Hyde the evil part he must forever abide. Whence came Hyde? Who broke his slumber deep in Jekyll's tissue or his soul or other place from which cruel Hyde did issue? I thought somebody said time. Head bowed, eye lids tightly closed, Jekyll softly sobbed. Then regaining his composure cried out: Hyde, you've robbed my soul of purity and light, in shadows do I dwell. Hyde, your evilness has plunged me into a living hell. Jekyll, pious hypocrite, snarled Hyde with twisted sneer, you're a great one to lament, 'twas you who brought me here. All the wicked thoughts and earnings raging through your spirit, I am but their distillation you wish not to hear it. You shall hear it; weep away, it matters not to me. As long as breath is drawn by you, Hyde shall always be. You speak truth. Then Jekyll drew a pistol, then his breath. As we have been joined in life, so too now in death. Cold the muzzle of death's engine felt against his temple. Suddenly solution to his agony seemed so simple. Trigger's pulled, the hammer falls, a bit of heated lead flies through barrel, then through brain. Jekyll and Hyde both death. No, screeched Hyde; No, Jekyll, no. Snuff not out our...boom...acrid smoke... [LB299]

SENATOR HUGHES: One minute. [LB299]

SENATOR CHAMBERS: ...then eerie silence filled the drawing room. Jekyll slumped against the mirror; now my soul is purged gasped he with his final breath. Then Hyde and Jekyll merged. Caution: all who read this dabble not in things beyond your ken, for they lie within a realm forbidden to mortal men. And if you read the story, you'll see I got all of it. Thank you, Mr. President. [LB299]

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SENATOR HUGHES: Thank you, Senator Chambers. (Visitors introduced.) Items, Mr. Clerk. [LB299]

CLERK: Thank you, Mr. President. The Health Committee will have an Executive Session now underneath the south balcony; Health Committee now. Committee on Transportation chaired by Senator Friesen reports LB901 and LB980 to General File with amendments attached. I have hearing notices from the Government and the Health and Human Services Committee. A series of amendments from Senator Harr to LB295 to be printed. A series of priority bill designations: Senator Hughes, LB1009; Senator Brasch, as Chair of Agriculture, LB477, LB808. Senator Wayne, Urban Affairs, LB873. Senator Wayne, LB990 is his personal priority. State-Tribal Relations Committee has selected LB807. Senator Brasch, LB1069. The Appropriations Committee, LB861; the Transportation Committee, LB994 and LB909; Senator Bolz, LB998; Senator Blood, LB685; Senator Riepe has selected LB793 and LB731 as committee priorities; and LB1034 as his personal priority. And, Mr. President, finally an appointment letter from the Governor, that will be referred to Reference for referral to standing committee. That's all that I have; thank you. (Legislative Journal pages 672-677.) [LB901 LB980 LB295 LB1009 LB477 LB808 LB873 LB990 LB807 LB1069 LB861 LB994 LB909 LB998 LB685 LB793 LB731 LB1034]

I do, Mr. President, thank you for reminding me. Senator Crawford would move to amend the committee amendments with AM2013. (Legislative Journal page 677.) [LB299]

SENATOR HUGHES: Senator Crawford, you're recognized to open on your amendment, AM2013. [LB299]

SENATOR CRAWFORD: Thank you, Mr. President; and good morning, colleagues. So AM2013 removes the 88 to 100 health professions that are currently reviewed under the 407 process from the...from most of the parts of this bill, but still allows the section that deals with those with past criminal histories being able to petition and get licenses and have more access to licenses after they've served their time. It still has that section apply to these professions. I believe that's Section 15. So it takes the health and human services professions out of the process right now, except for it allows them to be in the process for allowing those who have served their time to have a better...be able to petition and get access to the licenses. And again I want to stress, the 407 process itself reads very similarly to the spirit of LB299. The 407 process also emphasizes using the least restrictive method. And that's one of the things that the 407 process does, it's health professionals and citizens together going over all of this evidence to try to decide what's the least restrictive method to protect the consumer. And so it already is a process like the LB299 process, it's already in place, and people come to that profession and...excuse me, they come to the process when they're wanting to start a new regulation or when they're wanting to

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change what their profession is allowed to do. And so in some ways, that natural competition really on the health side provides some oversight in terms of what these licenses are. But I do not doubt that we still need a process to check those ones that have been on the books for a while. And, in fact, when we talked to the Board of Health, there are several professions that are on the books now that never did go through this 407 process, so they haven't had that scrutiny. And again, I am for increasing the scrutiny a bit on the 407 process myself. But it is a process that provides that same kind of scrutiny in the spirit of LB299 for those health professions. And so I think for now we need to pull them out and leave that process in place and strengthen the 407 process so that it, even more strongly, meets the spirit of LB299, or perhaps we can move it far enough along that they might be able to come together. But I just don't see how they can come together now. And that's why I offered AM2013. Let's move forward with the other committees that have two to six to eight occupations and pull out the HHS people. I do want to say just for the record so I'm not misunderstood, this is my primary concern with the bill is to pull these out. I still do have other language concerns with the bill, so I just want to clarify that pulling these out is a critical step that I really...that needs to be done for this bill moving forward. There still are other issues of the bill that we still need to work on such as making sure that we're attentive to misdemeanors that sometimes stop people from being licenses and some other parts of the bills that we may need to talk about. But my emphasis right now in this step is just to pull those HHS professions out of the review process, because they have their own review process that meets the same spirit for now, and leave the other professions in that review process, but leave the criminal background protections in for those health and human services professions. That is the purpose of AM2013. It was my purpose from the beginning, but I believe AM2013 accomplishes it correctly. So I urge your support and green vote for AM2013. Thank you, Mr. President.
[LB299]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Thank you, Senator Crawford. Senator Wayne, you're recognized.
[LB299]

SENATOR WAYNE: Thank you. I have not read the last AM2013 amendment by Senator Crawford. I rise in support of the underlying bill, LB299 and the committee amendment. I know there's a lot of talk regarding certain committees can already perform this function, can review things, and maybe those committees are not doing it to the extent that they should. But at the end of the day, I think we need to have a standard process in which we review regulations and licensing and other barriers to occupation abroad. Now, I sit on the Government Committee where we review boards, at least last year, and we went through that process, and it was a super long bill, we reviewed it. That seemed to work okay. The process seemed to be where we sent out letters to different boards and commissions and they replied back on how they were working and what they were doing. And what we found out is there were some boards and some

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commissions that were not working at all and we eliminated those. Now, I can only imagine if there was a license requirement or some type of regulation requirement on one of those boards as it relates to occupation and had it have been four years with no review until that process was done, that could really impede our job market in what we're trying to do. Luckily, the ones that we looked at and eliminated did not have those. So I do understand Senator Hilgers argument regarding some of the rules and some of the things that need to happen. But rules are rules, statutes are statutes, and I think statutes carry a lot more weight than a rule. In addition to that, I think we need to standardize process to review regs, review licensees to make sure things happen. Now I know when I used to work for a local railroad company, we had scope of work issues, we had collective bargaining agreement issues, but we had a policy that at least once a year we would go back and review things. Because as technology changes, as new equipment evolves and enters the workforce, things need to change. And instead of having one committee doing one thing and another committee maybe doing something, we need to make sure that there's a standardized process. So when people say committees can already do it, then I say what's the harm of putting it in the statute to make sure it gets done. I don't think there's anything wrong with this, that's why I'm supporting the bill. If there are tweaks, I'd be more than happy to sit down and work with anybody to fix whatever minor issues they have. But the overall process of eliminating bureaucracy and making sure people can find employment in a way that they can to make sure it still keeps the safety issues that are some of the concerns that I keep hearing about there, what better way to do that than to have a standard review process that this body should take on and should uphold. And with that, I will yield the rest of my time to Senator Ebke if she needs it. [LB299]

SPEAKER SCHEER: Senator Ebke, 1:45. [LB299]

SENATOR EBKE:: Thank you, Senator Wayne; and thank you, Mr. President. Let me just return here...Senator Crawford, I wonder if you would yield? [LB299]

SPEAKER SCHEER: Senator Crawford, would you please yield? [LB299]

SENATOR CRAWFORD: Yes, yes, I will, as soon as I get to my mike. Yes, I will, thank you, Mr. President, and thank you, Senator Ebke. [LB299]

SENATOR EBKE: Senator Crawford, I wonder how many of those did you estimate were in health and human services? [LB299]

SENATOR CRAWFORD: Well, so one count I have is 88 from one staff member, and then my staff member counted a little over 100. [LB299]

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SENATOR EBKE: So could, theoretically, could the Health and Human Services Committee or could I introduce an interim study this year... [LB299]

SPEAKER SCHEER: One minute. [LB299]

SENATOR EBKE: ...and say the Health and Human Services Committee shall review all licenses during the interim? [LB299]

SENATOR CRAWFORD: No. Well, I mean, you could introduce that. I don't think you would get...there just wouldn't be enough committee staff. We have one legal staff on the committee and I don't think that that would be possible to conduct that interim study. [LB299]

SENATOR EBKE: Is there anything in the bill that leads you to believe that the committee staff can't ask for help? [LB299]

SENATOR CRAWFORD: Oh, they could. But it's...so the committee staff can ask for help if you have an interim study asking them to review every single one of those 88 to 100-and-something licenses. [LB299]

SENATOR EBKE: Right. [LB299]

SENATOR CRAWFORD: My understanding is that it's up to the committee to decide how they prioritize those interim studies and which ones gets attention. And my guess is that that one probably would be seen as just not possible. [LB299]

SPEAKER SCHEER: Time, Senators. [LB299]

SENATOR CRAWFORD: Thank you, Mr. Speaker. [LB299]

SENATOR EBKE: Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Wayne, Senator Crawford, and Senator Ebke. Senator Hilgers, you're recognized. [LB299]

SENATOR HILGERS: Thank you, Mr. President. I just want to clarify, last time I was on the mike, I think some of these things are a little bit...there are several amendments that have been offered and they do various different things. So I just wanted to clarify exactly what my position

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was on the previous amendment and where we are now. The previous amendment, AM1993, struck two of the sections which I had a problem, (Section) 16 and 17, and my argument for both of those are that those things, if we're going to do them at all, are more appropriately done in our rule book, along with a whole other host of things that we dictate in our rule book and not in the statutes. AM1993 was withdrawn by Senator Crawford. AM2013 now just modifies....essentially modifies Section 10; does not touch Section 16 or 17. And so whether AM2013 passes or whether it fails, those two sections will remain intact. Subsequent to the vote on this particular amendment, I will be offering a floor amendment addressing Section 16 and 17. But I just want to make sure the record is clear because I was talking about putting things back in. And what I was putting it back in is not the sections themselves, it's the motion to strike the sections. So I just wanted to make that record clear. Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Hilgers. Senator Ebke, you're recognized. [LB299]

SENATOR EBKE: Thank you, Mr. President. I stand opposed to Senator Crawford's AM2013. I do appreciate the fact that she is trying to work with us here. I am still concerned from the standpoint of leaving a whole class of licenses out of this. I still think that the Legislature needs to conduct ongoing oversight and I'm not sure that the executive oversight is adequate. So I do have some concerns. Colleagues, I don't want to drag this on forever. Until last Thursday, I hadn't heard anybody who was vigorously opposed to it, and then it was staff who was concerned about the extra work burden. And then over the weekend, I heard even more opposition. I'm working for a free market here. I'm working to improve the opportunity...the opportunity of those who have been incarcerated to make a living. I'm working to lower the bureaucracy where we can, or to at least make sure that we are using the least restrictive means possible. I'm certainly willing to work with anybody if we can move this to Select File. I'm certainly willing to work with anybody to try to work out some of these language changes. But they need to be language changes that we can actually agree on. But I am certainly happy to do that. And I'm not...I'm not strongly wedded to any of the language, except the principle of the legislation. So with that, I will be happy to take any questions, but I think that I will probably not say a whole lot more. Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Ebke. Senator Howard, you are recognized. [LB299]

SENATOR HOWARD: Thank you, Mr. President. I rise in support of AM2013, also a good year. I think it was my first year here in the Legislature. And so I wanted to draw the body's attention to a couple of other opportunities here. So one of the things that's great about the 407 is that it pretty much does everything that LB299 is looking for. It actually already requires the least restrictive method of regulation to be utilized, which is what LB299 calls for. (Section) 71-6222 is literally titled the least restrictive method of regulation. And that's when we're

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looking at a healthcare profession if...when we're considering a licensure or a registry, we absolutely have to consider the least restrictive alternative method of regulation. This means that if the threat to public health, safety, and welfare, as defined in the 407, is very, very small, the recommendations are things like inspections or enabling the Department of Health and Human Services to bring a state injunction, or some other type of small regulations so that it's not like, oh, where everybody gets a scope, everybody gets a license, that sort of thing. My other issue with the bill revolves around the work for the Board of Health. So one of my major questions was, do we consider our Board of Health a quasi-judicial body. So when we look at the...sort of the Liquor Control Commission, that is absolutely a quasi-judicial body in the sense that they accept petitions, they make rulings. When you look at the work of the Board of Health, they do accept petitions. However, they very rarely make findings of fact and conclusions of law, which is exactly what quasi-judicial body would be. And on page 11 of the bill, lines 27 and 28, it actually calls for findings of fact and conclusions of law within 90 days. And when we think of the Board of Health, they're all volunteers, but having to make a decision about an occupational licensure with a very strict time line, when they do not have a lawyer who works specifically for the Board of Health, he works for the Department of Public Health under DHHS, I think that would create undue burden on the Board of Health. They do have...there are a lot of opportunities for changes to this bill; however, I think AM2013 is really the best foot forward. I did tell Senator Ebke several weeks ago that I had concerns about the 407 overlay with LB299. I was reading other bills and I apologize, we only had the opportunity to sit down with her...and Senator Crawford and I sat down with her for several hours to sort of voice our concerns and walk through AM1665 and that our next steps were to meet with the Board of Health and the Department of Public Health, which we did last week. And so the concerns from the Board of Health, I can't really speak to. They have not sent out a letter. What they did express were concerns that if they had to do a technical review every five years, that would be quite expensive for them and it would be very challenging. Even though the reviews are done by volunteers, each one needs to be staffed by an individual. Right now there are three 407's open for the state out of 88 or so licenses. Of the licenses that haven't been touched, those are the ones where the professions don't have issue with the manner in which they're being certified or registered. To Senator Ebke's notation around registries, higher up on the same page that she considered, it actually says that we cannot impose additional regulations on a registry outside of some type of bond or insurance. Which means that even though the occupational licensure act sits here, it says that as a state we can't put any additional burden on registries. That would mean no background checks and it would mean no national licensure exams for specific professions. [LB299]

SPEAKER SCHEER: One minute. [LB299]

SENATOR HOWARD: This to me is concerning for a variety of reasons. But honestly, I think the 407 does a lot of this; I think it's ready for some tweaking. And I think LB299, the best way to move forward would be to remove those healthcare professions and spend the interim looking

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at the 407 and making sure that the overlay expectations that LB299 has can be inserted into the 407 process and leave that process intact. Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Howard. Senator Krist, you are recognized. [LB299]

SENATOR KRIST: Thank you, Mr. President; good morning, again, colleagues; and good morning, Nebraska. I wonder if Senator Ebke would yield to a question or two. [LB299]

SPEAKER SCHEER: Senator Ebke, would you please yield? [LB299]

SENATOR EBKE: Yes. [LB299]

SENATOR KRIST: Senator Ebke, at your luncheon the other day, I know you took my concern about the barbers, I made a point of talking about the qualification of the barbers. Now Senator Chambers had said that there was too much training involved. What I'm hearing from the barbers is that particularly when there's one or two people in western Nebraska, there's only one barber, that that barber ends up doing hair color and many other things; and they're concerned that a reduction in the training time would not be conducive with public safety. So I did bring that to your attention. And then as I look through this list again, and you heard my comments earlier about pilots and about aviation mechanics; so what would you...in the spirit of trying to work with this, obviously I would want to cut those two out for sure. And I think there are others in there that if people who are employed or know their work well, like real estate agents for Senator Walz and teachers; every teacher in here vote whether it's elementary, secondary education, high school education, so what would you envision, let's start with the pilot, what would you envision this review would do and which jurisdiction...which committee of jurisdiction would look at pilot qualifications? [LB299]

SENATOR EBKE: None currently. There would be no...since pilots are not licensed by the state, they would not be subject to the review. [LB299]

SENATOR KRIST: So why is it included in the list? [LB299]

SENATOR EBKE: Because if a pilot...if the pilots decided to try to come to us and try to get state licensing at some point, this would provide a framework for how we would determine whether or not the licensing was to be considered. [LB299]

SENATOR KRIST: Would you agree that the state does not issue licenses and therefore this would be a federal matter? [LB299]

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SENATOR EBKE: Well, yes. [LB299]

SENATOR KRIST: Okay. So I guess my point is we could go down here item by item or line by line and agree or disagree that the state is, again...I think it's an overreach, let me just put it that way, on several of these. Would you be willing between General File and Select File to eliminate a few of these because there's no reason for us to burden ourselves or look at them? [LB299]

SENATOR EBKE: Well, I mean, we could certainly talk about that. As with pilots, there is no licensing board in Nebraska that licenses pirates...pilots...or pirates as far as that goes. (Laughter) [LB299]

SENATOR KRIST: Those two words are used synonymously sometimes. [LB299]

SENATOR EBKE: And so since there is no licensing board that does that, there would be no review of the licensing process by the state. [LB299]

SENATOR KRIST: Okay. So it's basically a wasted line when you reference both the aviation mechanics and the pilots. [LB299]

SENATOR EBKE: Well, if it's wasted, I don't know. I mean it's proactive because what if at some point, 15 or 20 years down the line, somebody decided, hey, we ought to have a state licensure too. And somebody carries a bill and so then... [LB299]

SPEAKER SCHEER: One minute. [LB299]

SENATOR EBKE: ...the question for us would be...for the Legislature as a whole would be, okay, is there a need for a licensure for this particular occupation because it's already taken care of at the federal level. [LB299]

SENATOR KRIST: Okay. Thank you, Senator Ebke. I believe that Senator Crawford's attempt to try to eliminate the healthcare professionals, and I'm assuming that would also cover veterinarians, because there's a process involved, so anything that's medically related, I think, needs to come out of here and the 407 process needs to continue to do the job they're doing. I'll have an amendment either between...well, on Select File, I'm not going to do it today, that eliminates pilots and the aviation mechanics because I can't imagine the state getting into the fed business and I don't think it needs to be on that list. But thank you for your time. [LB299]

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SPEAKER SCHEER: Thank you, Senator Krist and Senator Ebke. Senator Crawford, you're recognized. [LB299]

SENATOR CRAWFORD: Thank you, Mr. President. I want to again emphasize the step we're on right now...which isn't what's on the board...the step we are on right now is really the question of amending the bill to pull out the health and human services licenses. There are 88 to 100 of these licenses. There's a different health standard, there's an existing process which has the same spirit as LB299 to ask us to make sure we're trying to do the least restrictive process possible. It's a process that has been revised, most recently with Senator Gloor, and it's a process that I think we can continue to improve so that it meets even more closely with the spirit of LB299. The amendment...and I know there are people who have other concerns about other parts of the bill, but I ask you, for right now, this step right now is asking--do you believe the health profession should be pulled out? And if so, please vote green on this amendment. And then we can continue to our discussion about other questions or concerns about the bill. But I urge you, as a member of the Health and Human Services Committee, I just think it's absolutely critical that we pull these professions out of LB299 today. And it's important that we, again, continue to work on competition and the least restrictive standards, but that is already a 407 process in place. And there are numerous inconsistencies between our 407 process and LB299. And so it's not something that we can reconcile in a short session quickly. The pulling the health and human services professions out, if we continue to move on with LB299 and pass it, it gives us a chance to pilot this process with committees that have under...most of them have under ten of these professions, and that's perhaps very doable. We still would have the question of what that process will look like for the committee and what their analysis would be. But, colleagues, 88 to 100 of these professions for our committee is not doable with current staff and with current staff in DHHS to assist us with that process, it's just not possible. And we have another process in place, we can tweak that process or we can work on consistencies between the process over the interim, but it would be a mistake to leave these health professions in LB299. It would be a mistake to use the health standards that are in LB299, and let me remind you what the standards are. Those standards in LB299 are that it would be a substantiated, present, significant danger in Nebraska, that's the standard. People have to be harmed, the evidence that people are being harmed is substantiated and present; not potentially harmed, but people have to be harmed. That's the standard and that's an inappropriate standard for these health professions. And I ask those of you in other committees to think about that standard in your profession. Is the present, significant, and substantiated harm in Nebraska, is that an appropriate standard as you're considering making these choices about what level...at what level to put the regulation. This says the regulation is only necessary if there's present, substantiated, and significant harm in Nebraska. That's inappropriate standard for our health professions. The process is not feasible for the large number of health professions, and so I urge your green vote on AM2013. Thank you, Mr. President. [LB299]

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SPEAKER SCHEER: Thank you, Senator Crawford. Senator Riepe, you're recognized. [LB299]

SENATOR RIEPE: Thank you, Mr. President and colleagues. I recently sent out a letter to this group expressing my opposition to LB299 as written. I do stand in support of AM2013. I have serious reservations about the committee amendments that are on AM1665. LB299, if amended by AM1665, will place an enormous burden on the Health and Human Services Committee. I'm speaking to you now as Chairman of the Health and Human Services. And we are not able to do this without additional resources. In addition to legal counsel fulfilling the requirements of AM1665 would appear to be impossible. It is my understanding AM1665 shifts the burden of those requirements from the agencies to the Legislature. It's fundamentally an unfunded mandate down to the Legislature. Additionally, I am not certain a jurisdictional educated attorney has the necessary education to meet the requirements of AM1665. If this amendment is adopted and LB299 becomes law, the Legislature may need to consider hiring an economist to meet the requirements addressed in this amendment. The burden of AM1665 are weighted heavily towards the Health and Human Services Committee as opposed to other standing committees. The amendment was not discussed with me as to how this would affect the Health and Human Services Committee. We need to continue to address occupational licensing reform to remove overly burdensome barriers keeping Nebraskans from working. Unfortunately, AM1665 is just additional bureaucracy and is the opposite of removing red tape. I ask that you stand with me to vote for AM2013 and oppose to AM1665 and LB299 as it is written. Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Riepe. Senator Wayne, you're recognized. [LB299]

SENATOR WAYNE: Yes, so I just pushed my button, and after listening to Senator Riepe's comments, and this is exactly why...his comments are exactly why we need the bill. The fact that some committee chairs believe that we're understaffed tells me that we're currently not doing what everybody tells me that we already have the ability to do. Our committees already have the ability to do X, Y, and Z, but what I have heard from Chairman of Health and Human Services is if we were to get this bill passed and we had to do these things, we couldn't do it. So either we're not doing it now or we're not doing the job that we need to do to make sure that we have to get it done or else you wouldn't need additional staff to do it, because you would be currently doing it. That is the point of this bill. So in Urban Affairs, we reviewed the electrical code; and this year I found out that the licensing requirement is not part of the electrical code, which is a different debate we can have next year because that's in General Affairs, but I sit on that committee. And we review building codes, we review multiple different things that we are actually trying to pass, we had bills introduced this year, to create a process in which we update our building codes and our fire codes on a regular basis. If we as a committee are trying to figure that out in our Urban Affairs Committee, I think it's important that every committee has a standardized process in which we review regulations, licensing, etcetera. But what concerned me the most about what

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was just said on this floor is the Department of Health and Human Services Chair says if this bill is passed we'll have to have additional staff. But what I heard from opponents off the mike is that our committee structure, and this goes back to Senator Hilgers' point, can already do this, then there's a gap here between logic. Either we can already do it and we have the staff to do it or we are not doing it. But we can't ask staff to do something we are already supposed to be doing, if that's the argument through our committee structure. That's why it's not in our committee structure; that's why there's a need for a standardized process in which the committees who have the expertise in those areas review the regulations on a regular basis and the licensings on a regular basis to make sure there is some kind of uniformity on how we deal with things. And again, I'll yield the rest of my time to Senator Ebke if she needs it. [LB299]

SPEAKER SCHEER: Senator Ebke, 2:15. [LB299]

SENATOR EBKE: Thank you, Senator Wayne. Just a couple of things of note. I have suggested that one of the things that I would be open to doing, considering the number of licenses that would come before the Health and Human Services Committee, is to expand the time frame, instead of a five-year rotation, maybe an eight-year rotation for health and human services. It would be somewhat fewer. It would also give them a chance to kind of ramp up, if you will, and to plan ahead on an eight-year rotation, recognizing that there are more bills there. I think it's also something...something we can also think about, and I don't see Senator Watermeier here, but I think something that we need to think about is what role our committee staff plays during the off session, if you will. Many of our committee staff are relatively unoccupied during the off session. And I'm not saying that this is the case with any particular committee, but I know as one who walks in, while my committee may be very busy, as we were doing special investigative committees this summer, that there are always some committee staff who are sort of wandering. And I walk by committee offices and see the doors closed. And so we have legal counsel, we have committee clerks who could certainly be dragooned, if you will, into the effort of helping to create...to collect this information. Certainly in the...you know, while we have committee counsels, none of them are experts from the beginning in what they are doing. And I think that what we assume is that they are able to get the information, that they are able to output a reasonable memorandum for us to...for the committee to look at and to read before they consider any further action. And really, that's just what this envisions. It envisions a regular oversight and we can talk about specific forms, we can talk about specific questions. I'm happy to address some of the language issues on Select File, if we get that far. But I do think that this is really an important thing for us to have, is ongoing legislative oversight. [LB299]

SPEAKER SCHEER: Time, Senator. [LB299]

SENATOR EBKE: Thank you, Mr. President. [LB299]

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SPEAKER SCHEER: Thank you, Senator Wayne and Senator Ebke. Colleagues, this is your final reminder at 11:25, anyone that has not designated a priority bill, you have probably about another 20 minutes. I would guess, to do so. Committee chairmen, if you have not designated your committee bills, you have about 20 minutes to do that. So this will be your last warning. We'll call it the 20-minute warning. Senator Howard, you're now recognized. [LB299]

SENATOR HOWARD: Thank you, Mr. President. I actually...and I apologize, I wanted to speak directly to Senator Wayne's comments. And I think maybe there's a little confusion in the sense that on the health and human services side there is, indeed, a process, but it lives inside the Board of Health. What is different about that process is that we don't have that annual review. And that's actually not something that I disagree with. I do think that we should look at some of these things that we're licensing and really analyze it; hair braiding was a good example. And then Senator Crawford's nurse practitioners to allow them to work independently would have been something that would have come up in an annual review. I think there are a lot of opportunities for LB299, or at least provisions of LB299, to work very well in the healthcare area. Unfortunately, they sit in the wrong section of statute and we want them to live inside the 407. So I think that the disconnect is that when Senator Wayne says there's no process, there is indeed a process on the health and human services side. It's just not done within the committee structure. The other pieces that I did have one of our colleagues ask me if a 407 only comes from a group that wants to change their scope? And that's actually not accurate. Most 407s come from a group that want to change their scopes, right? A dental hygienist wants to...I can't think of anything more that a dental hygienist would want to do...wants to perform brain surgery. Then that group, that licensed group would get together and they would make their pitch to the 407 committee. The other option though is that the Chair of the Health and Human Services can call for a directed review. And so, with or without LB299, the Chair of the Health and Human Services Committee can look at our licensed occupations inside of the Health and Human Services Committee and their purview and can call for a directed review through the Board of Health. So when we say that this is already an opportunity right now, it is true that on the health and human services side, we could absolutely start doing every five years and then every five-year review. That being said, the challenge with LB299 is that it absolutely changes the lens in which those 407s are conducted. Right? So 407s are exclusively health, safety, and welfare; least restrictive method of regulation. When we consider what is going on in LB299, there's substantial harm. So present, significant, and substantiated harm, which is very hard to prove if nobody is allowed to do it in the state. Right? So when I think about optometrists, optometrists wanted to...if you got a boil on your eyelid, they wanted to be able to lance it. The pictures were disgusting. Right? There was no substantiated harm from this happening in the state of Nebraska, because nobody who was an optometrist was allowed to do it. And so if we change the standard, it means that...if there's no substantiated harm, then we do it. We allow you to work to the top of your scope and the top of your training. And I am actually an advocate for that. That being said, I'm not an advocate for bypassing health, safety, and welfare in the state of Nebraska.

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So these are the pieces that kind of fit together and why AM2013 is actually a really good sort of forward movement for LB299 to continue its way through the process, because 407 exists, because we want the 407 to remain intact and relevant and useful for this Legislature because I want to be able to look at a technical review and actually read it and decide whether or not I'm making good choices. We want the 407 to stay there and we don't want LB299 to supersede that. [LB299]

SPEAKER SCHEER: One minute. [LB299]

SENATOR HOWARD: I would say this is the most I have ever spoken on the floor in my six years here and I'm shocked that it's in defense of the 407 because I have, as I mentioned before, I have vigorously disagreed with their findings in the past. That being said, I do trust their good judgment and we want them to be there to give us that advice. There's nothing that says that a committee counsel couldn't ask for help. But there's also nothing that says that the Legislature could consider the 407 recommendations in lieu of committee counsel memorandum, and that would also be an appropriate fix in LB299. Thank you, Mr. President. [LB299]

SPEAKER SCHEER: Thank you, Senator Howard. Seeing no one else in the queue, Senator Crawford, you're welcome to close on AM2013. [LB299]

SENATOR CRAWFORD: Thank you, Mr. President. Colleagues, I urge your support of AM2013. AM2013 removes the 88 to 100 health and human services professions that already have a review standard to test bills that are related to those committees on whether or not we are proceeding with the least restrictive method that still protects health and safety. We've talked some about the large number of professions that are covered in this section in health and human services, that the committee jurisdiction covers 88 to 100, and that's a lot of professions for the committee to try to assess. And I appreciate Senator Ebke's willingness to consider could we spread this over eight years, or could we pool staff. But there are still other concerns with putting these professions into LB299 as LB299 stands. But let me start with just why not just make eight years and pool the committee staff. Colleagues, the questions that are asked when we're reviewing these health professions are very technical and it's important that we get a variety of people with medical training, health training to assess the evidence in terms of whether or not this is an appropriate step to take regulation. So I have some concerns about that. And again, if we were to pool, even pooling staff with 88 to 100, you're talking about 20 of these reviews to do. And so that's a big load even with some pooled staff. But again, I appreciate the flexibility. And it is this question about how we handle staff is going to be an important issue that we all need to think about moving forward. But the best step now is to simply pull these 88 to 100 and so...health professions out from the overview process. Also recall, colleagues, that the concern is also that even if we had all of the process taken care of, AM299 applies a different standard for

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health and safety. It says that you have to show significant, present, substantiated harm in Nebraska. So people have to get hurt before you say it's appropriate to change the regulation. It's just not appropriate for our health professions. And again, whether it's appropriate in other professions is a good debate for us to have after we vote green on AM2013. But it clearly is not appropriate for the health and human services professions. And so I urge your green vote on AM2013. We have another process in place; happy to work to try to make sure that it also considers how could we have a more regular review of some of the professions that haven't been reviewed in a while, but it uses appropriate professionals alongside citizen volunteers. So it isn't just health professionals, but you do have citizen volunteers alongside, too, to ask those questions and have...so it's...and it's a mix of health professions. So it's not just the single profession regulating itself. You have other professions who are asking this question and citizens alongside in this process, but they are guided by medical research in trying to ask this question about health, safety, and welfare. And the standard is health, safety, and welfare, as well as...it includes standards like whether or not there's appropriate training available in the state and whether or not a change in regulation would impact access to healthcare. And that access question is a key part of that deliberation as we're thinking about the standards... [LB299]

SPEAKER SCHEER: One minute. [LB299]

SENATOR CRAWFORD: Thank you Mr. President. ...for health and human services. And so it's critical right now, step one, let's pull these 88 to 100 health and human services professions out of LB299, keep them in the 407 process, keep strengthening that process, and then we can move forward to talk about what this process means for the other professions that we have in our state. So I urge your green vote on AM2013. Thank you, Mr. President; and thank you, colleagues. [LB299]

SPEAKER SCHEER: Thank you, Senator Crawford. The question before us is the adoption of AM2013 to AM1665. All those in favor please vote aye; all those opposed please vote nay. For what purpose do you rise? [LB299]

SENATOR CRAWFORD: I would like a call of the house, please. [LB299]

SPEAKER SCHEER: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Please record. [LB299]

CLERK: 22 ayes, 4 nays to place the house under call. [LB299]

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SPEAKER 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. Senator Morfeld, would you check in, please. Senator Quick, Pansing Brooks, Vargas, Kuehn, Krist, Larson, Harr, Friesen, Groene, please return to the floor. The house is under call. Senator Quick, Senator Vargas, Senator Groene, please check in. Senator Krist, please check in. The house is under call. Senator Quick, would you check in, please. We are all here and accounted for. I might add again, this will be the last call for priority bills. So everyone that has not submitted their priority bill, please do so. And Senator Crawford, did you want this a machine vote...a regular... [LB299]

SENATOR CRAWFORD: A roll call vote in regular order, please. [LB299]

SPEAKER SCHEER: Roll call, regular order. Mr. Clerk. [LB299]

CLERK: (Roll call vote taken, Legislative Journal page 678.) 24 ayes, 10 nays, Mr. President, on the amendment to the committee amendments. [LB299]

SPEAKER SCHEER: The motion fails. Mr. Clerk, items to be read across. [LB299]

CLERK: Thank you, Mr. President. Your Committee on Health reports LB685 to General File. Judiciary reports LR269CA to General File and LB678 to General File with committee amendments; likewise with LB773 and LB818. I also have a confirmation report by the Judiciary Committee. Priority bill designations: LB589 by Senator Crawford; Senator Groene, LB640. Judiciary Committee, LB841, LB670; Senator Hansen, LB986; Senator Schumacher, LR269CA; Senator McDonnell, LB913; the Government Committee, LB1015 and LB1065; Senator Murante, LB1115; Senator Walz, LB1113; Senator Friesen, LB1103; Senator Bostelman, LB902; Senator Pansing Brooks, LB158; Senator Burke Harr, LB1108; Senator Wishart, LB989; Senator Quick, LB1132; and Senator Vargas, LB194. (Legislative Journal pages 678-680.) [LB685 LB678 LB773 LB818 LB589 LB640 LB841 LB670 LB986 LB913 LB1015 LB1065 LB1115 LB1113 LB1103 LB902 LB158 LB1108 LB989 LB1132 LB194 LR269CA]

Mr. President, I have a priority motion. Senator Chambers would move to adjourn the body.

SPEAKER SCHEER: I'm sorry, Mr. Clerk.

CLERK: Senator Chambers would move to adjourn.

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SPEAKER SCHEER: We have a motion on the floor to adjourn. All those in favor please say aye. All those opposed say nay. The ayes have it. We are adjourned.