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Floor Debate
March 28, 2018

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-first day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Pastor Gwen Hurst of the Friedens United Church of Christ in Seward, Nebraska, a guest of Senator Hansen. Please rise.

PASTOR HURST: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Hurst. I call to order the fifty-first day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: I have a quorum present.

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

CLERK: I have no corrections.

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

CLERK: One item, Mr. President. Attorney General's Opinion addressed to Senator Hilgers (re LB117). That's all that I have this morning. (Legislative Journal pages 1267-1273.) [LB117]

PRESIDENT FOLEY: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following three Legislative Resolutions, LR358, LR359, and LR360. (Doctor of the day introduced.) We'll proceed to the agenda, Select File, 2018 committee priority bills. Mr. Clerk. (Legislative Journal page 1274.) [LR358 LR359 LR360]

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CLERK: Mr. President, LB1005. Senator Kolterman, would you mind moving the Enrollment and Review amendments, Senator. I've got E&R amendments pending. (ER137, Legislative Journal page 1076.) [LB1005]

SENATOR KOLTERMAN: I've got an amendment...technical amendment. [LB1005]

PRESIDENT FOLEY: Senator Ebke, could you handle the E&R amendment for us? [LB1005]

SENATOR EBKE: Sure. I move the E&R amendment to LB1005. [LB1005]

PRESIDENT FOLEY: Members, you've heard the motion to adopt the E&R amendments. Those in favor vote aye. Those opposed say nay. The E&R amendments are adopted. [LB1005]

CLERK: Senator Kolterman would move to amend AM2560. (Legislative Journal page 1070.) [LB1005]

PRESIDENT FOLEY: Senator Kolterman, you're recognized to open on AM2560. [LB1005]

SENATOR KOLTERMAN: Good morning, colleagues. AM2560 is purely a technical amendment. The amendment is necessary because the committee amendment added a new subdivision to the contribution section of the Class V Employees Retirement Act. AM2560 adds internal reference to TEEOSA statutes 79-1003 and 79-1028.01 to recognize this new subdivision. It does not create any substantive changes. It's merely internal references. I'd appreciate the adoption of AM2560. [LB1005]

PRESIDENT FOLEY: Thank you, Senator Kolterman. Is there any discussion of AM2560 to LB1005? Seeing none, Senator Kolterman waives closing. The question before the body is the adoption of AM2560. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1005]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Kolterman's amendment. [LB1005]

PRESIDENT FOLEY: AM2560 is adopted. Mr. Clerk. [LB1005]

CLERK: I have nothing further on the bill, Senator. [LB1005]

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PRESIDENT FOLEY: Senator Ebke. [LB1005]

SENATOR EBKE: I move the advancement of LB1005 to E&R for engrossing. [LB1005]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB1005 to E&R for engrossing. Those in favor vote aye. Those opposed say nay. LB1005 advances. LB909, Mr. Clerk. [LB1005 LB909]

CLERK: Senator, I have Enrollment and Review amendments on LB909, first of all. [LB909]

PRESIDENT FOLEY: Senator Ebke. [LB909]

SENATOR EBKE: I move the adoption of the...for the E&R amendment. [LB909]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB909]

CLERK: Mr. President, first amendment I have, Senator Burke Harr, but I have a note that he wishes to withdraw AM2456. The next amendment, Senator Friesen, AM2647. (Legislative Journal page 1208.) [LB909]

PRESIDENT FOLEY: Senator Friesen, you're recognized to open on AM2647. [LB909]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. This is an amendment to LB909. It contains three bills that relate to motor vehicles that were advanced unanimously by the committee and the bill drafters after recommended changes to the committee amendment adopted on General File. The first bill is Senator Bostelman's LB900 would cost the State Patrol carriers enforcement division about \$4.1 million in federal dollars if we don't pass it. This is an annual bill to adopt and update references to federal laws. It also amends the commercial driver's license provisions to allow an exception for a driver transporting diesel fuel, it provides a special weight allowance of up to 2,000 pounds for vehicles fueled by natural gas not to exceed 82,000 pounds, and it increases fines for certain violations of motor carriers. The second bill is LB860. It addresses the used motor vehicles subject to a federal safety recall. The bill requires the manufacturer of a recalled vehicle to pay its franchise dealers if the dealer has been ordered by the manufacturer not to sell the vehicle, one percent of the dealers' cost of the vehicle per month until repair becomes available. Federal law requires it for new vehicles and this would require it for used vehicles, but only between manufacturers and their franchise dealer. This was agreed upon by the dealers and the manufacturers and advanced unanimously. The third bill, LB980

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would allow permits to be issued for hauling livestock forage in bale form on the Interstate. The permits would be good for daylight hours and not on holidays. We already allow these permits for operation on state highways. Senator Watermeier's bill was supported by the Department of Transportation, was advanced unanimously. I'd urge your adoption of LB...to LB909. Thank you, Mr. Lieutenant Governor. [LB909 LB900 LB860 LB980]

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate is now open on LB909 and the pending amendments. Senator Watermeier. [LB909]

SENATOR WATERMEIER: Thank you, Mr. President. As...and good morning, Nebraskans. As Chairman Friesen explained AM2647 to LB909 contains the provisions in LB980, a bill that I introduced before the Transportation and Telecommunications Committee. LB980 advanced in the committee in 8-0 with no one testifying against it. Under Section 60-6298 the Nebraska Department of Transportation or the Nebraska State Patrol may issue permits pertaining to exceeding the size or weight restrictions on certain vehicles or loads on the Interstate and highways under this jurisdiction. LB980 would authorize the transportation of livestock forage in the bale form not in excess of 12 feet in width on the Interstate during daylight hours. The current legal limit on the Interstate is 102 inches or eight and a half feet. When I was approached about offering legislation to allow for overwidth permits for hauling hay bales on the Interstate, I was told that South Dakota, Iowa, Colorado, and Kansas all allow oversized loads with a proper permit. The Federal Highway Administration is not opposed to these permits, nor is the Nebraska Department of Transportation with whom I worked on this legislation. The Nebraska division of the FHWA stated that width...width is permissible on the Interstate in Nebraska as far as FHWA is concerned. This applies regardless of whether or not the load is divisible. However, per-axle weight limits would still apply so we're not asking for anything to go over weight. Currently, Nebraska allows loads of up to 12 feet in width for bale livestock forage off the Interstate with no permit needed. I argue that the Interstate is a much safer means of transportation than the highways despite the increased speed, as there are at least two wide lanes and a very good shoulder. Therefore, I believe that Nebraska should get on board and allow this overweight permit as it is not a cost-effective, efficient way to break up a load that is allowed on surrounding states. And I encourage your affirmation vote of LB...excuse me, AM2647. Thank you, Mr. President. [LB909 LB980]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Is there any further discussion on the amendment? Seeing none, Senator Friesen, you're recognized to close on AM2647. He waives closing. The question before the body is the adoption of AM2647. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB909]

CLERK: 41 ayes, 0 nays on adoption of the amendment. [LB909]

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PRESIDENT FOLEY: AM2647 is adopted. Mr. Clerk. [LB909]

CLERK: Senator Harr would move to amend with AM2687. (Legislative Journal page 1264.) [LB909]

PRESIDENT FOLEY: Senator Harr, you're recognized to open on AM2687. [LB909]

SENATOR HARR: Thank you, Mr. President, and members of the body. I first want to thank Senator Friesen for allowing me to put this on a committee priority bill and Senator Bostelman for allowing me to put it on his bill. This amendment, AM2687, was originally LB1011. This proposal would have a duty for a driver who is approaching a tow truck or utility maintenance vehicle, a highway maintenance vehicle, or a garbage or recycling service vehicle if those vehicles are stopped and/or displaying flashing lights. The driver would be required to proceed with caution and move over into another lane that is at least one moving lane apart from the stopped vehicle, if possible under the existing traffic and safety conditions. The bill came out of Transportation and Telecommunications Committee 8-0 with no opposition testimony. I would ask for your support on AM2687. [LB909 LB1011]

PRESIDENT FOLEY: Thank you, Senator Harr. Debate is now open on Senator Harr's amendment. Senator Friesen, you're recognized. [LB909]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. I fully support AM2687 and it is a good addition to the LB909. Thank you, Mr. Lieutenant Governor. [LB909]

PRESIDENT FOLEY: Thank you, Senator Friesen. Is there any further discussion on the amendment? Seeing none, Senator Harr, you're recognized to close. He waives closing. The question before the body is the adoption of AM2687. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB909]

CLERK: 36 ayes, 0 nays on adoption of Senator Harr's amendment. [LB909]

PRESIDENT FOLEY: AM2687 is adopted. Mr. Clerk. [LB909]

CLERK: I have nothing further on the bill, Mr. President. [LB909]

PRESIDENT FOLEY: Senator Ebke for a motion. [LB909]

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SENATOR EBKE: I move the advancement of LB909 to E&R for engrossing. [LB909]

PRESIDENT FOLEY: Members, you heard the motion to advance LB909 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB909 advances. LB1008, Mr. Clerk. [LB909 LB1008]

CLERK: Senator, I have E&R amendments, first of all. [LB1008]

PRESIDENT FOLEY: Senator Ebke. [LB1008]

SENATOR EBKE: I move the adoption of the E&R amendments. [LB1008]

PRESIDENT FOLEY: Senator Larson, did you want to address the E&R amendments, or did you want to speak to the bill? [LB1008]

SENATOR LARSON: I'll address the E&R amendments. [LB1008]

PRESIDENT FOLEY: You're recognized. [LB1008]

SENATOR LARSON: Thank you, Mr. President. Would Senator Hughes yield to a question? [LB1008]

PRESIDENT FOLEY: Senator Hughes, would you yield, please? [LB1008]

SENATOR HUGHES: Of course. [LB1008]

SENATOR LARSON: Thank you, Senator Hughes. A few things, because I continue to hear one of the main reasons that we heard from NPPD and the generators that they couldn't give question one to Mr. Aksamit's request was they couldn't...they didn't want to give out essentially what their bids were. Correct? Into the SPP. [LB1008]

SENATOR HUGHES: I'm not sure. I'm not familiar with what Mr. Aksamit asked. [LB1008]

SENATOR LARSON: Okay. I can...the first question was for documents sufficient to show actual expenditures in revenues by cost to profit centers was the first question. Second question was a request each document dated during 1-2013 or later that contains or reflects or constitutes

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six-year rate outlook by cost in profit centers, and third, I request documents sufficient to show annual generation output and revenue for each NPPD generation source owned or contracted through 2008 to 2015. You received...your office received these questions, correct? [LB1008]

SENATOR HUGHES: Yes, I believe so. [LB1008]

SENATOR LARSON: Okay. So those were the three, but one of the main reasons they talked about why they couldn't give out this type of information is because it would give their competitors an insight to how they are bidding, correct? [LB1008]

SENATOR HUGHES: I'm sorry. Could you repeat, I was visiting with counsel. [LB1008]

SENATOR LARSON: One of the reasons that they said they couldn't give out this information was because they said it would give their competitors insight on how they were bidding into the SPP, correct? [LB1008]

SENATOR HUGHES: Yes, I believe that's true. [LB1008]

SENATOR LARSON: Well, and I guess that's what kind of baffles me, because...and I'll try to phrase this as a yes or no question. When the SPP releases all the offers, do you know if it provides the name or location of the generator? [LB1008]

SENATOR HUGHES: I do not. [LB1008]

SENATOR LARSON: Okay, it doesn't. But are you aware that they release all the offers the night before and it just says like, plant X or plant A, or...? You're aware of that, correct? [LB1008]

SENATOR HUGHES: I'm not familiar with the inner workings of the SPP, Southwest Power Pool. [LB1008]

SENATOR LARSON: Okay. And I guess therein lies...when I talked about how the power of pulling the wool over our eyes, this is part of it because in the SPP, colleagues, a competitor doesn't care about the name or location of the generator because they're in competition against market prices. Getting NPPD's outlook or getting NPPD's what it's costing them to generate will...and the Supreme Court said it does have public benefit to know that, because we are the owners of public power. But in the end when you look at how the SPP is market-based, could

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somebody go and figure out, roughly, well, in order for NPPD to make money, they have to bid at X. Yeah, you could, but in the end, the market is driving the bids. I guess I'll ask Senator Hughes another question. Do you know how often on average NPPD's bids into the SPP actually got accepted the night before and how often they just continued to run on the open market? Like, how often is NPPD's bids actually being accepted into the SPP? [LB1008]

SENATOR HUGHES: I have no idea. [LB1008]

SENATOR LARSON: See, colleagues, and there's part of the problem. We don't know how often they're getting accepted into the SPP and NPPD and our generators don't want to tell us how often their bids are getting accepted into the SPP. They want to hide the information. Why do they want to hide the information? Because they're not competitive anymore. That's what this boils down to. They don't want the public to know what's happening. With the SPP, the market will drive whether or not bids get accepted. They don't want us to know if their bids are getting accepted. Their competitors don't care who they are. Their competitors only care about the fact that their bids get accepted. A competitor in the open market isn't going to put their bid below their own cost. They're out to make money. That's the market. They could care less what public power is setting their bids at. It's as simple as that. So, the way we're moving forward is just shielding public power from transparency. Why? Because they don't want to be transparent with how often things are happening within the public...the open market. How much are their facilities generating? That is a question as a shareholder. [LB1008]

PRESIDENT FOLEY: Time, Senator. [LB1008]

SENATOR LARSON: Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Clements. [LB1008]

SENATOR CLEMENTS: Thank you, Mr. President. I was looking at the existing statute with this Supreme Court case and the proprietary information. Would Senator Hughes yield to a question? [LB1008]

PRESIDENT FOLEY: Senator Hughes, would you yield, please? [LB1008]

SENATOR HUGHES: Of course. [LB1008]

SENATOR CLEMENTS: Thank you. The existing statute, that was a problem in the Supreme Court case, talked about the information would give advantage to competitors and serve no

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public purpose. The new language in LB1008 doesn't really talk about the public purpose. I was wondering if you're convinced that the new language is going to solve the problem that the Supreme Court found. [LB1008]

SENATOR HUGHES: When we had the hearing on this bill, public power, of course, came in and testified in favor of this. On the opposition side were representatives from the news media. After the hearing, I invited all of them to come to my office and they sat down and I basically told them, you need to come to a compromise or I'm not bringing it any farther to the body. So there was certainly incentive on all sides to make the language correct that satisfied to all parties. And that's what they did and that's the new language that we have in...that was as amended into LB1008. So all sides came together, wrote the language, they all feel that it fits their needs. [LB1008]

SENATOR CLEMENTS: Are you saying that attorneys for both sides are agreeing with this language as fixing the problem? [LB1008]

SENATOR HUGHES: Yes. [LB1008]

SENATOR CLEMENTS: All right. Thank you very much. I yield my time back to the chair. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Clements. Senator Friesen. [LB1008]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. You know, we've discussed this pretty thoroughly. But when you talk about how the Southwest Power Pool works and how public power in this state has to compete against private generation in other states, because of the Southwest Power Pool and the joint obligations they have there. In...back in the day, the decision to join the Southwest Power Pool was a big player in what we're doing today. But by joining that organization, you gave consistency to the grid and I think that was being pushed by the federal government at the time. And looking back on it, we do give up quite a bit of power when we do that. But again, when you look at companies having to disclose certain portions of their operating costs, if you would say to Warren Buffett's MidAmerican Energy, you know, you have to disclose the cost of your energy production. It does drive the bidding process because there are currently companies that do bid electrical costs or their sale of electricity below the cost of production. It's not always the profit margin that's in there. When you have a nuclear power plant running, for instance, they are not going to fluctuate up and down daily to the needs of the market. If they have to, they will sell electricity into that market below cost because they can't just turn it on and turn it off. The same goes with a coal-fired power plant. If there's suddenly a lot of wind generation comes on, a coal-fired power plant can fluctuate production a little bit, but

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they cannot just shut off because there's other generation out there. So at times, I think all generating sources have probably had bids accepted that are below the cost of production. So no one really knows for sure when you're putting in a bid, are you going below the cost of production or are you making a profit. That's your decision to make. Again, I've not been a big fan of wind energy because of the flexibility it introduces into this market. [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR FRIESEN: When we have nuclear power plants and coal-fired power plants who cannot fluctuate their production rapidly, they need 12 to 24 hours notice, and then you throw this on-line, it does disrupt our markets. And again, I think as a state we need to come up with a policy that decides what kind of mix we should have in our generation and currently we don't have that. Thank you, Mr. Lieutenant Governor. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Hughes. [LB1008]

SENATOR HUGHES: Thank you, Mr. President. Good morning, colleagues. A couple of things I wanted... [LB1008]

PRESIDENT FOLEY: Senator Hughes, I apologize. I didn't realize. Senator Friesen you were on someone else's time when you spoke just now. Is that correct? You were next in the queue. I didn't realize you were speaking on someone else's time just now, so you're next in the queue. You may...if you need more time, you have it. [LB1008]

SENATOR FRIESEN: Oh, I'll yield my time to Senator Hughes. [LB1008]

PRESIDENT FOLEY: Very good. Senator Hughes. [LB1008]

SENATOR HUGHES: Thank you, Mr. President. Thank you, Senator Friesen. Just a couple of things that I would like to point out to the body. There are several power generators who in their business model will bid their power into the market at a loss. That is not unique to NPPD, it's not unique to OPPD, LES. It's not unique to coal, nuclear, wind, or solar. That is a business decision. Wind can still make money when they do that because they are relying on the federal subsidies that have come along. But bidding power into the market at a negative is a business decision. As I tried to explain before, that we have public entities who are competing in the private sector business and it is a...the product is a raw commodity. It is electrons flowing down the wires to keep our lights on. There's no way to differentiate, there's no quality difference in those electrons. Once they are generated, they're all alike. So there's no way for a public entity to

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compete in the private sector if they have to show or tell, give all of their information. And quite frankly, you know, I have been in different power plants and as good as we like to think our weathermen are, they cannot predict the weather exactly. So if it looks like the wind is going to blow the next day and all the wind guys bid their power in and all of a sudden the wind goes down, we have to have traditional generating capacity to fill that void at not the snap of your fingers, but it's got to be relatively quickly in ramping up or down a coal fire power plant will work. We can also use gas, but the industry has been working very well in the SPP. It has been keeping our rates relatively stable. But getting back to why we're really bringing this and what the Supreme Court said--and I'll quote from their report, or from their ruling--although it demonstrated and I believe they are talking about NPPD...although it demonstrated that releasing the information requested would give an advantage to its competitors, it failed to establish that the information would serve no public purpose. The law as framed required it to prove both...both elements. It is the role of the Legislature to balance and reconcile the public purposes embodied in the public record statutes and the public power statutes. That is our job. We're the ones who need to decide to the benefit of the Nebraska ratepayers, the people who own NPPD, OPPD, LES mean. They are our constituents and if we put public power at a competitive disadvantage in the marketplace, that's not right. We need to...and this is all Nebraska. This goes across everybody's district. These are all of our constituents. This is the right thing to do. [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR HUGHES: This is certainly appropriate, and it is incredibly important that we take care of this sooner rather than later. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Hughes. Senator Chambers. [LB1008]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, this is one of those bills about which I will have nothing to say. But I intend to discuss a number of issues today and I may as well start now. Since this bill is dealing with point, counterpoint, parry, thrust, block, and tackle, I may as well get something in that will help set the tone for the day as far as I'm concerned. I will start with a postcard that was delivered to me. Across the top is a red band with the words in it, trusted leadership for Nebraska. On the left side, as I look at it, is a picture of a certain Al Riskowski and underneath it says Legislature. To his right is...to his left and my right, looking at the card, it says Ricketts with a star, Foley, and a picture of the man who's presiding over the Legislature this morning and should not be. On the other side, the background is blue and a smaller blue square or rectangle with a red border is a grinning picture of Thomas Osborne. The words above his name are, you are cordially invited to join Dr. Tom Osborne for a reception in support of Al Riskowski and special guest, Lieutenant Governor Mike

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Foley. A complimentary lunch will be served. And this item is paid for by Pete Ricketts for Governor and Al Riskowski for Legislature. It was a brazenly, political activity. I'm not going to let every day go by without talking about the inappropriateness of the Lieutenant Governor being here. He should not be here. But if he's going to be here, he's going to take his lumps from me just like the rest of you all do. And there's more hostility in mind when I say it to him than I say it to the rest of you, because you are all my children. Fractious, bumptious, hardheaded, contrary, unwilling to listen, unwilling to take guidance, unwilling to take correction, unwilling to take advice. But when an outsider, an interloper, one who knows better, not just ought to know better, he knows better. That's an intelligent man sitting up there. He is just acting contrary to the intelligence that I know he has. I'm not going to take my whole time dealing with this interloper, but I'm going to talk about him and he's paid enough for it. He knows he is supporting an individual running a political campaign against a sitting member of this Legislature, and you all just sit here. You all are just like...well, you're worse than the Lieutenant Governor. It's his job to ridicule the Legislature. It's his assignment by his boss, the Governor, to insult you all by his very presence. A living reproach to you all. You think he respects you? Heavens, no. And I don't either. But since he gives me this opportunity to lay it on you, I'm going to put the lumber to you. Then when you all get out on the campaign trail, you're going to talk about having courage, about having principles, about standing for this, that, and the other, and you will not even stand up for the integrity of this Chamber where we sit...you all sit and where I stand every day, and maybe that is a good metaphor. You all will sit for anything and I will stand for nothing that hurts the Legislature. [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR CHAMBERS: And I will stand for what I think is right. And when I say right, it has nothing to do with religion, morality, or spiritualism. It has to do with the man who knows better and he should avoid even the appearance of impropriety. Nobody is saying what he's doing is illegal. That would not be as bad as what he's doing. To be illegal means you're in violation of a written law. What he's doing is unethical and it is immoral because it is a principle he knows he is violating. And if he lived in a court with the principles that I know he tries to guide his life by, he'd stand up right now and leave here dressed like an American flag: white shirt, red tie, and blue coat. Making an appeal sub rosa to your patriotism. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Quick. [LB1008]

SENATOR QUICK: Thank you, Mr. President. I need to talk about this a little bit on this issue with the public power because I worked for public power for 28 years. I know I've said that before. One of the things that I know Grand Island did from the power plant side, being in the SPP themselves, we had a 100 megawatt coal plant and then our natural gas plant.

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That...those...the way it works is, it's based on every five minutes they might be going up and down on load. And so, we had specific that we couldn't go below 60 megawatt. But that load would go up and down based on the price. And there were sometimes we were operating at a negative cost. So...but when we're operating above the board, that's when we made money. And I guess you could compare it to like your 401(k)s and the money that you have invested in the stock market. You're just not going to pull your money out when you're losing money, you're going to stay in for the long haul. And that's the way it works for power generation and with the SPP. I know it went through our dispatch center. They would more or less pass the word on to the operators at the power plant, move the load up and down. And like I say, the only time we would be shut down would be during an outage. So, otherwise, they stayed on-line throughout the year. The other thing I wanted to point out is that we have local control. Our city council approved every project that we did at the power plant. And so that's the voice of your people, and we would have that. I know when we did the upgrades for the EPA regulations on...we put on a scrubber in a bag house. We also applied or put on a carbon injection to take the mercury out of the air. All those things our power plant has done to stay in compliance with the EPA. I think what you will find with some of the private utilities is that you're not going to get that information that you want. They're requesting information that they wouldn't give out themselves if they were in the same place. So I think that's a very important thing to remember when we're talking about this, is that they...they're wanting something from Nebraska and public power that they wouldn't give themselves. And I know that, coming from the public utilities side and working for the citizens in Grand Island, we cared about our ratepayers. Working at that utility, everything we did, we did for our ratepayers, not a shareholder, not a stockholder, but for our ratepayers. And that was important to me as someone who worked in that line of work. We had...I know at one time they talked about privatizing our waste water treatment plant. And we felt like as citizens of Grand Island, it was important for us to keep that utility, that part of our utilities in the hands of our local government so we could provide for everyone who had that...was provided that service. We felt like if a private company come in and took over that, we wouldn't get the same attention to detail that we were giving. And with that, I will yield the rest of my time back to the chair. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Chambers. [LB1008]

SENATOR CHAMBERS: Thank you. Mr. President, I'm going to punish all of you all. This is a song that I composed. The lyrics, but the tune is not mine. And here's the introduction. The first time I rendered this, by the way, on the floor of the Legislature was May 3, 2005. It's called "Morticians national anthem". The foreword. I was given a commission by a mortician to write a national anthem for those who do plant them, and it goes like this. By the way, this is a hard song to sing, a hard melody. You'll recognize it, though. (singing) Corpses condolences, flowers acoffin, black curtain hearse that they carry you off in. Tombstones and epitaphs with verbal slings, these are a few of our favorite things. Remember, this is for the morticians. Churches and

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eulogies, pallbearers, mourners, weeping and wailing in all the church corners, choirs droning, dirges that make grown men cry, these are the things that take place when folks die. Fine embalming keeps the corpse fresh and some makeup too. Then a good service lends just the right touch and all of this waits for you. Graves freshly dug with stone vaults placed inside them. Caskets are placed in those vaults that do hide them. Florists, morticians, gravediggers, and such, these are your servants who thank you so much. Row upon row rest the graveyards' residents, some they all out here will all be insiders. Here is a truth which is each person does know, we all shall help make that populous grow. When the last dirt tops the casket and the grave is filled, we shall not gather again in this way until someone else is chilled. Now that kind of helps set a tone. We'll be talking about killing bills, burying bills, the services that attend all of this activity. And I'm sure that there are going to be some bitter words spoken by people other than myself. I cannot get off this issue of the Lieutenant Governor being there. Every time I look up there, I feel affronted. So let him feel the same way by looking out here at me. Little children have heard parents say, when they're being thrashed, this hurts me more than it hurts you. And the child thinks, but dare not say it, but it doesn't hurt you the same way in the same place. What I'm doing does not hurt me. What I'm doing is a discharge of my responsibility, even though the Constitution assigns to the Lieutenant Governor certain duties with reference to the Legislature, proper decorum, proper respect would militate against the Lieutenant Governor sitting up there pompously, self-righteously after having gone on public record and lent his name and picture to a political card endorsing a political candidate... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR CHAMBERS: ...against a sitting member of the Legislature. Where is the righteous indignation? You all have the nerve to get upset with anything I say and he's insulting you by his presence more than anything I say. I was elected to be here. That's why I suffer you all. I voluntarily chose to run for this office, and I won time and time again. My community wants me and nobody else. I ran for two offices at the same time. My name could be on the ballot only for one of them. So my name was on the ballot for U.S. Senator. So while running on the ballot for U.S. Senator, I ran a write-in campaign for the Legislature and I won. Didn't spend any money. Did not beg people to vote for me. [LB1008]

PRESIDENT FOLEY: Time, Senator. [LB1008]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator McCollister. [LB1008]

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SENATOR McCOLLISTER: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. There's been some comment this morning about the SPP, the Southwest Power Pool and I'm a big fan of the SPP. It includes over 100 members in 14 states, so it has a very wide, geographic footprint. I think the biggest virtue the SPP offers us is reliability. When you cover 14 states, you can be sure that the generators, whether they be wind, nuclear, or coal, you're going to have power. So reliability is a big feature of the R-Line. How about the cost of the R-Line? The R-Line will be constructed soon and that cost is covered by all the members of the SPP. So, actually, Nebraska ratepayers will only cover about seven or eight percent of that R-Line cost, and I think that's a good thing. Ultimately, I think being a member of the SPP will result in lower rates for Nebraska ratepayers. When we can take wind from any part of the country, any part of those 14 states, you're going to be able to reduce power to our customers, and that's a good thing. There's been some comment about reducing or changing the array of services that our power companies provide, that is separating power generation from transmission. That occurred in the natural gas business. They separated that by action of the federal government and it ultimately turned out to be a good thing. I don't know whether that's going to occur in the electric power generation business, but I don't think we necessarily need to fear it. So I'm a big fan of the SPP. I think discussion about taking Nebraska out of the SPP is simply foolhardy. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Schumacher. [LB1008]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Over the next...the time that, certainly the freshmen will still be here, between battling off the alligators of folks wanting their taxes cut and baby boomers and educators and disabled and all those people wanting their services increased, in your spare time you may have to address the issues with public power. Public power has kind of been given a pass. It's been a thing that we have just simply cherished and put up on a pedestal. And a large amount of that slack that's been cut to public power has been due to our loyalty and honor of George Norris. As I read some of the things he tried to do, some of which are in this room, public power was not about a drop cord to every barn in Nebraska. It was far broader than that. It was a notion that you could create an economic mechanism for organizing capital flows for economic and developmental purposes. It was kind of a creative cross between things on the far left and things on the far right, and it worked really, really well. But somehow in recent times, it's become an unimaginative bureaucracy that thinks it's only duty is managing an electric utility. And it's governed by a bunch of old boys who run for election and get their insurance paid, or whatever other perks comes along with being on a board, and no longer can tout the lowest rates on electricity. It looks more and more like a private entity that's just lumbering along and sometimes a little fat around the belly. So, these are things you're going to have to address. I'll be out of here before I can address them, but...and they should...public power should take heed that this is going to have to be on the agenda of this body over the next decade or so. But this thing today is a bit of a crisis

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because it would require them to disclose things that other private competitors don't have to disclose. It would create some havoc. And as I've said a few times this session, maybe it's my Hallmark for session, you can't get the smoke back into the cigar. And once this information is released, it's out there. It's like posting an exchange with Senator Kintner on the Internet. You can't get it back into the computer. And so, this needs to pass. We need to protect that asset for now. You can always undo it. In fact, you may end up undoing public power altogether, but this is important because you can't get the cigar to suck back in the smoke. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Chambers, you're recognized, your third opportunity. [LB1008]

SENATOR CHAMBERS: Thank you, Mr. President. And I think the Lieutenant Governor is glad this is my third time, but there will be many other opportunities, most of which or many of which I shall take. And I'm going to read from the Constitution along the way. First of all, this point. Oh, but, "Professor" Schumacher often mentions putting the smoke back in the cigar. Somebody wanted to weigh smoke, and people were trying to figure how to do it. And this person came up with an ingenious idea. His name was Sir Walter Raleigh. He took a quantity of tobacco and he weighed it. Then he set the tobacco afire. Then he weighed what was left and the difference that was between what it weighed before he burned it and after he burned it, was the weight of the smoke. And there you know now how to weigh smoke. I haven't seen where anybody though yet has learned how to put the smoke back into the cigar. I've listened to the discussion going forth, and it pertains to public power. And I'm concerned about the power, the dignity, the integrity of an organization of which I am a member. My understanding when I was little was that if you joined a club, your joining it meant that you owed something to that club as far as loyalty, assistance, and all the other little notions that little children with their little minds, uncontaminated, would come up with. So when you become adult, you should put away childish things. And there may be a parallel to some of the things that happened when we were children, but they are on a higher level, a more mature level, and we should deal with them on that basis. There is no power in the state, formal structure of government than the legislative power and authority. In fact, when the "Bible" said, for thine is the kingdom, that's talking about the one whose surrogate I am, the power. That's where I came in and the Legislature. Ours is the power. The third word, and the glory is something that will be described by another word in the "Bible", which is Ichabod and that became the name of a person in a Washington Irving story called The Legend of Sleepy Hollow. This Ichabod had a last name, which was Crane. But in the "Bible" and the application to the Legislature, Ichabod meant the glory is departed. That is what's happened to this Legislature. The glory has departed. And it's departing each and every day that it tries to come back here and show its face by having somebody presiding over everything we do who is naturally hostile to what it is we're trying to achieve. We talk about fairness. We talk about equity. We talk about justice. We talk about the appearance of propriety.

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And the Governor, the Lieutenant Governor is the embodiment of impropriety as long as he sits in that chair. Not everything that may legally be done ought to be done. [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR CHAMBERS: If somebody endangers my life, legally I can take that person's life, but when you look at all the circumstances, I ought not. There are oughts...there are those things that are allowed. There are those things which should that has a moral content and those things which shall, which are mandatory with no wiggle room. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Mr. Chambers. Members, you previously heard the motion to adopt the E&R amendments. Those in favor vote aye. Those opposed say nay. A record vote has been requested. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1008]

CLERK: (Record vote read, Legislative Journal pages 1274-1275.) 29 ayes, 4 nays on the adoption of the Enrollment and Review amendments, Mr. President. [LB1008]

PRESIDENT FOLEY: The E&R amendments are adopted. Mr. Clerk. [LB1008]

CLERK: Mr. President, Senator Wayne, I now have a motion with respect to rereferring the bill pursuant to Rule 6, Section 2, Senator. [LB1008]

PRESIDENT FOLEY: Senator Wayne, you're recognized to open on your motion. [LB1008]

SENATOR WAYNE: Thank you. There's another amendment that I just filed today, so I am going to withdraw this motion to rereference. [LB1008]

PRESIDENT FOLEY: The motion is withdrawn. Mr. Clerk. [LB1008]

CLERK: Senator Wayne, I now have AM2557. That was an earlier-filed amendment, Senator. (Legislative Journal page 1101.) [LB1008]

PRESIDENT FOLEY: Senator Wayne. [LB1008]

SENATOR WAYNE: Yes, that is...sorry. I meant to get up there to talk to you. I'm moving to withdraw this motion too. [LB1008]

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PRESIDENT FOLEY: It's withdrawn. [LB1008]

CLERK: Mr. President, Senator Brewer had filed AM2538, but I have a note he wishes to withdraw. (Legislative Journal page 1159.) [LB1008]

PRESIDENT FOLEY: Withdrawn. [LB1008]

CLERK: Mr. President, the next amendment I have, Senator Wayne, AM2656. (Legislative Journal page 1275.) [LB1008]

PRESIDENT FOLEY: Senator Wayne, you're recognized to open on AM2656. [LB1008]

SENATOR WAYNE: Colleagues, I am going to ask for an up or down vote on this issue. I won't belabor the point, but this is a simple...simple amendment. I just want to step back and ask everybody in this body to think and go back and maybe read the Opinion from the Supreme Court and ask the question, did the Supreme Court actually get it right? Did the Supreme Court actually rule what the Legislature intended for their public records to be at the time and did it actually get it right? And I would submit to you the answer is yes. But what this amendment does is...the first question I asked Senator Hughes on the mike the other day was who are they...who is public power competing against? And the answer was the market. Well, what this does is limit the confidential or proprietary information to just the bids and just the information in the SPP market itself, that it limits any ability for the public, and even us as state senators, as they actually compete in the market. So we're talking about exactly who they're competing against, what they're competing on, why they're competing in the actual market itself. I think this is a very limited version of what I believe Senator Hughes is trying to accomplish, but it's also narrow in scope and it allows for just those simple things of who they're actually competing against in the market. I won't speak on this three times, although I think it's very important. I do think we could take this to cloture and go all the way. I do recognize that there may be enough votes for cloture and there's some other issues on the agenda today and there will be more on this bill that I'm going to talk about on Final Reading. But I think...I would encourage everybody to read the amendment, see how I'm limiting it to the exact industry and the exact area that they compete in. And as Senator Hughes has stated multiple times, ratepayers are the owners of this public power, and as an owner, you should be able to at least have information to make informed decisions. So with that, I'll submit and ask you to vote green on my amendment. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Wayne. Debate is now open on AM2656. Senator Watermeier. [LB1008]

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SENATOR WATERMEIER: Thank you, Mr. President, and good morning, Nebraskans. I have been yet to speak on this bill on General File. I was tied up on Select. I'm going to make my comments pretty brief, pretty straightforward. I believe there's all kinds of issues with what we're trying to do here today, standing in front of transparency to me is just like a wow moment for me that we would want to be thinking about this. As Senator Wayne had mentioned, do we want to go back and look at what the Supreme Court had stated on this? Clearly they said in there, if you want to change it, go to the Legislature and they'll do it. Well, my gosh, six days later, here comes a change in the bill. The bill is dropped, the change with the Supreme Court had just said, no, you've got to release these records. And I think we're missing the conversation a little bit on this. Senator Wayne alluded to the issues that can come with generation costs, being able to hide that. We're missing the issue in the big picture here. This is such a broad amendment to LB1008 that has been already passed on General File, I'm not all that worried about the generation costs. Everybody knows Nebraska is not going to be able to compete ever with this, with what we have in the state right now. Public power bet on coal, they bet on natural gas being extremely expensive. Natural gas fell 75 percent in the value of the cost. We can't compete. Our competitors don't need to know that. What I'm more worried about what we're trying to do here is in the long run, this bill that they're trying to amend was designed for the university and the research that they do. The idea of proprietary information was all built around that, that you shouldn't be able to release the research that they had done, and the things that go into, in patent involved. That's what public power is hanging their hat on. It just is not accurate for what they were doing. What I'm really afraid is going to happen here some day, is we're not going to know what their debt load is. We're not going to know what their asset valuation of all these capital assets they had. I read a report about 15 years ago that said at one point in time, Nebraska could sell the three phases of public power, the generation, the transmission, and the retail side of it, and we'd be positive. No one knows today. No one can afford to go into these records and take a Supreme Court case all the way to the Supreme Court and dig it out of them. Our best bet is the media. Sorry, folks, the media has not got the bucks to do it. With the Internet now, they're hanging on by a thread. They cannot afford to take public power to court. It's going to be up to us. I just can't believe we're thinking about transparency in the light that we are. Everything I do in this body resolves around three things, competition, and transparency, involved with and balanced with the public's best interest. If we pass the amendment version of LB1008, I think we're going to regret it some day. I really would like to have us all step back and think about what we're doing here. With that, I would ask for a down vote on the LB108 and let's...or, excuse me, a green vote on AM2656 and a down vote on LB1008. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Hughes. [LB1008]

SENATOR HUGHES: Thank you, Mr. President. Colleagues. I certainly am interested in listening to the arguments of the ability of opposition to this bill to try and muddy the water and try and make it a lot broader than it actually is. This is a very narrowly-focused language that

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only pertains to public power. And I will go back to the Supreme Court ruling and read another portion of that that I think explains it very clearly. If presented with the opportunity to exclude public power district's competitive information from public scrutiny, the Legislature might well do so, but thus far it has not. If the Legislature had done so, we would not hesitate to apply the other statute exception of the public records law and the general principle favoring a specific over general statute. This is our job. Public power is owned by the ratepayers of the state of Nebraska. These are our constituents, and by making this information required to be public, we are cutting ourselves off at the knees. That's not good business. It's important that we realize the business model. Senator Larson...or I'm sorry, Senator Watermeier talked about how cheap the price of natural gas has gotten. Is it going to stay there? Maybe. We live in a capitalistic society, it's supply and demand. And the more demand there is, the higher the price will be. The reason Nebraska invested in coal is because we are the closest state to Wyoming that has tremendous amounts of coal. That freight advantage is why we invested in coal and that freight advantage is not going to go away. It's very important that we keep focused on what this bill does, and not get hung up on all of the loose threads that the opposition is trying to pull to tug on to see if they can get something to unravel. This is important for all of our constituents. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Hughes. Senator Bostelman. [LB1008]

SENATOR BOSTELMAN: Thank you, Mr. President. I haven't spoke on this yet. This is a part of my bill. I'm very much opposed to AM2656. Something Senator Watermeier said just a minute ago about debt and those types of things, lack of information. If you go on-line on any of the public power Web sites, there is, I would say, nearly all of the information you're going to want to see. Some of it is in aggregate form, which is the way it should be out there. And again, as we were looking at this and as the Supreme Court looked at this, it looked very narrowly at Chapter 70 under the power district's corporations, and again, it was talking about we recognize that NPPD is not a typical government body, a public corporation organized, and Senator Hughes just talked about this. For the purpose of generating and transmitting and distributing electric energy operates in a proprietary as distinguished from a governmental capacity. Legislature gave to public power districts the usual powers of corporation organized for public purposes and statutes located in Chapter 70, Article 6, of the Nebraska Revised Statutes concerning public power districts are intended to permit the business...permit the business of the district to be operated in a successful and profitable manner. Part of the things that we're talking about, folks, is not...is the market bid strategies, unit-specific production costs, unit-specific generation forecast, fuel contract, terms and conditions, rail and transportation contract terms and conditions, vendor, proprietary information, economic development prospects, information proposals. So taking a step back and looking at this, if there's two businesses that compete side by side, same business, is it proper for one business to have to disclose all of their proprietary information or the majority of their proprietary information where the other business does not?

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And I do believe what the Supreme Court has said and what we have in statute is...is that our public utilities may and do operate as a corporation for profit, that they do have the opportunity and availability and they should protect that information which keeps them competitive, just as a private business does and I believe that's very important to understand that we don't...I don't think that this just opens the gate to let them keep everything proprietary. And another thing I want to say is, in the hearing...in the hearing, the Aksamit who brought the case to the Supreme Court, there was no opposition in the hearing, none whatsoever. It was media for public records information and the utilities. So the person who brought the case, Aksamit Resources Management, and any of those, they didn't object whatsoever in the hearing to this amendment. So to me that means they have no objection to what the amendment says, what the amendment does, and as Senator Hughes says, those who did oppose and support got...were together in the office and worked out a compromise agreement to what should be in the amendment and what should be in statute. Again, the people who brought the lawsuit against NPPD, they're not opposed to this amendment whatsoever. So, I'd ask for you to vote red on AM2656 and a green vote on my LB1008. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Bostelman. Senator Krist. [LB1008]

SENATOR KRIST: Thank you, Mr. President. Good morning, Nebraska. I continue to be in support of public power, I continue to be in support of LB1008 and respectfully continue my time on the mike, I will say that I do not support AM2656 or any other semblance of interference in what's going on today. I've mentioned several times on the mike during this discussion that I've received and passed on to Senator Bostelman and Senator Hughes an amendment that deals with all government agencies and I think that this spectrum of dealing with transparency, as Senator Watermeier alluded to, is necessary for you to look at in coming years and make sure that we do have transparency in terms of what's being reported out. However, I have to tell you that there's been a lot of references specifically by Senator Larson and others about being dissed, if you will, and asking for information and not getting it. That has not been my experience. I have gone to OPPD on several occasions and asked them for specifics. They have sat down and briefed me in detail, particularly with the closing and the debt structure that we incurred by closing down the nuclear power station. I was given a heads up two or three days before the announcement of the nuclear power station and asked to just keep it to myself for a couple of days until the announcement went out. I've had great communication with OPPD and it's leadership and once again will emphasize that those are elected officials. At your local level, those are your elected officials that are representing their constituents in the service area as their ratepayers in the service area that they support. So, are we singling out NPPD as being uncooperative with Senator Brewer and Senator Larson and others? Maybe that's the target of this disdain in terms of what we're doing here today. So potentially, the conversation that needs to be had between 49 members in this body and their public utilities, needs to be more robust so that you feel like you're not being dissed. However, I will say again, every time I've called

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OPPD, every time I've asked for an explanation and even further, they've pushed information to me to make sure that I understood what was happening in relationship to major shifts or change in policy or management. So I don't have that problem. And I think...I would invite those that do have that problem to get over it, make the request again, go visit them and sit down in their offices and tell them you're not going to leave. Just as our picture is on the wall of all of our institutions, our correctional institutions and we have free access to all of those institutions, it is also your responsibility to make sure that you get the information that you need. And don't whine about it when they don't call you back or they don't talk to you. Definitely get in line to go talk to them and get the information you need. This piece of legislation is not about whether or not we should support public power. And let's be serious about this. On a geopolitical issue, and you can relate this to national security, the whole reason the grids exist is to maintain power and lack of chaos in times when power may be interrupted. It's a matter of national security. Yes, you're right, that's what I said. It's a matter of national security. These grid systems were set up to avoid major metropolitan areas and cities around the United States from being interrupted. And if we have to play by those set of rules that maintains that public utility here in the state, as well as interfacing with the private market to maintain that kind of security for our citizens, then I think... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR KRIST: ...we should continue to do that. Thank you, Mr. President, for the warning. I want to make sure that at this point that I am very clear. If you don't like public utilities, look back at the rates that we have been given and afforded, and the process that the public utilities have given us in this great state for the years and years that they have been in existence. I still contend that George Norris was a man ahead of his time, thinking ahead of his time, and acting ahead of his time to secure national power concerns and state power concerns. Vote green on LB1008 and let's get rid of the nonsense in AM2656. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Krist. (Visitors introduced.) Continuing discussion. Senator Brewer. [LB1008]

SENATOR BREWER: Thank you, Mr. Speaker. Good morning, colleagues. Well, I thought I had a plan on what I was going to say until Colonel...I'm sorry, Senator Krist just spoke. Now I have to rethink that because I've got to tell you, there's probably nothing he could have said that would have pissed me off worse than what he did say because we're trying to discuss an issue and his answer is, get over it, grow up. So, fine, that's how we're going to do it, we'll go back and forth on this one. If we disregard what Senator Watermeier said, if we disregard what Senator Wayne said, let's go back and just look at some very basic facts. How did we get into this situation? Now, I withdrew my amendment. That was in good faith because I felt that we ought to move on

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until all the normal spring butts that want to jump up and support public power without thinking it through want to get up and give their same canned speech on the mike. So what we're going to do is we're going to go back and look at AM2292. Let's specifically look at the sentence here. Competitive information is information which a reasonable person, knowledgeable of the electric utility systems industry could conclude gives an advantage to business competitors. Again, the issue is, is it too broad? If you can define to me what exactly that means, what they can and can't provide for information, then more power to you. But here's the real world situation that I'm dealing with and the reason I can't get over it. It is obvious and he is correct in saying the issue is with NPPD. LES has been exceptional in answering questions and doing everything I've ever asked of them, and I have not had interaction with OPPD because they're not in the district, they're not someone I deal with. But in the case of NPPD, the reason for the R-Line in the very first...in the beginning was never given an honest addressing, and that led to a lack of truthfulness on the route, and why it was being built. We have not got an honest projection on the real truth of the cost to build that line. And then when I asked specifically for the questions, I have not received answers to my questions, and yeah, it's only been 120 days and I asked for it in a few weeks, but that's the tip of the iceberg on this issue. It's the issue that affects my district and that's the reason why I'm asking these questions and why I'm putting things in question here. Now, we've got more important things to do on this day than to continue this fight and that's why I withdrew my amendment, but I'm asking folks to just take a deep breath and think for a moment, are there legitimate issues that need to be addressed? Are there issues that we need answers to before we just rubber stamp this and walk off and hope it all works out in the end? Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Brewer. Senator Larson. [LB1008]

SENATOR LARSON: Thank you, Mr. President. Just a few things. First, I kind of want to address what Senator Bostelman said on the floor about how there was no opposition in committee, not even the group that filed the open records request came to testify. Well, frankly, I don't care. That doesn't mean I can't oppose it on the floor. I hear it all the time, well, this group supports it or that group supports it. Frankly, I just don't care. I don't. It doesn't matter what they think. Second, I hear Senator Hughes talk about if public power has to give certain...some of this information out, we're going to cut ourselves off at the knees. Colleagues, I don't think...and Senator Schumacher is right, if we keep shielding this information, future Legislatures are going to be cut off at the knees. Because when it all comes to light, what's happening, that is when we're going to be cut out from under the knees, that's when ratepayers across the state are going to be cut out from under the knees because of what we did today. I hear Senator Brewer ask about...talk a lot about the R-Line. I'm on a different camp of where Senator Brewer is on the R-Line. I've supported the R-Line project. But we have to ask ourselves, we know NPPD needs the R-Line for low capacity to get energy up to northeast Nebraska. Why haven't they built it? I've heard rumors why they haven't built it. Financing. Because of their other debt structures, now,

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whether that's true, I don't know. That's just the rumors going through the electrical community. They can't find the financing. Now, like I said, I support the R-Line project, always have. I think it's necessary in terms of the transmission to get the energy up to northeast Nebraska, specifically in the summer to run our pivots, pure and simple. That's why I support the R-Line for agriculture in northeast Nebraska. I understand why Senator Brewer doesn't, but it begs the question, the R-Line has been in this process for how long? The costs continue...are going to continue to rise every year and NPPD isn't acting. Or is it because the Southwest Power Pool, from what I...they're telling NPPD that they need to build the R-Line if they're going to keep Gentleman open, but we just put 25 million in Gentleman. Nobody is going to be able to ask these questions because of what we're doing here today and we just seem to be okay with it. Why? Because they're public power. They'll always have our best interests at heart. It reminds me of the public power member, NPPD got in trouble for the way that they were using the plane. They're picking up a board member who I think lives in Senator Kuehn's district...is he shaking a...yeah, is that right, Senator Kuehn, who doesn't live...they flew out to pick up the board member that lived in western Nebraska, but then the plane had stopped on the way back east, who really lived within driving distance of Columbus. But when they asked the board member, well, why do they stop and get you, and his response is this is an NPPD elected board member that we have so much faith in, well, the plane was flying over my house, why shouldn't it land and pick me up. That's his answer. It's just flying over my house, you know,... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR LARSON: ...let's just land and it can take me, so I don't have to drive. It's ridiculous. But these are the public...these are the board members that we have so much faith in to run public power and want to shield what they are doing. Now, I understand that Senator Hughes probably has the votes because, again, government will never lead us wrong. Just trust us. There's nothing to see here. These aren't your droids. Maybe we are the droids for public power. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Chambers. [LB1008]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'm enjoying this discussion, not so much because of what is being said, but the amount of time that's being taken off the clock. The more time you take off, the less time I have to take off, but we're moving in the same direction. Less and less time remains for mischief to be done. I would like to ask Senator Larson a question, which is not a brain buster. [LB1008]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB1008]

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SENATOR LARSON: Yes. [LB1008]

SENATOR CHAMBERS: Senator Larson, when you asked Senator Kuehn a question, you said he was shaking his head. Was he moving it from side to side like a swivel, or up and down? [LB1008]

SENATOR LARSON: Up and down. [LB1008]

SENATOR CHAMBERS: Then he was nodding. [LB1008]

SENATOR LARSON: Yes. [LB1008]

SENATOR CHAMBERS: I wanted to be sure what I heard because, see, I can't go by what I hear around here, but he did say he was shaking his head and I just like to... [LB1008]

SENATOR LARSON: Yeah, indicating yes and no. [LB1008]

SENATOR CHAMBERS: I just like to kind of get--that's all I'm going to ask you, Senator Larson, at this time--get clarification. Because unlike Argus, that creature of mythology, I don't have eyes that are all around my head so I can see everywhere at the same time, nor the god Janus, who has a head, a face in front and a face in back. That's why the first month of the year is January, looking to the past and to the future at the same time. Just a little bit of information that has as much value and in some cases more as what is being discussed here. I haven't heard anything today that I haven't heard several times, but that's the way things happen. That's the way things go on the floor of the Legislature. I've said things with reference to the Lieutenant Governor, which this morning I shall say no more of for reasons of my own. But the issue that is being hashed out here is not going to be resolved to the satisfaction of those who are opposed to the bill. I'm looking at an amendment that I think Senator Wayne may have passed around, so I'd like to ask him a question if he would yield. [LB1008]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB1008]

SENATOR WAYNE: Yes. [LB1008]

SENATOR CHAMBERS: Senator Wayne, this amendment begins by saying, on page one, strike beginning. Is this an amendment that you have actually proposed? [LB1008]

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SENATOR WAYNE: Correct. It would be striking...well, now, it's part of a bill, it would be striking part of the amendment to AM2564. [LB1008]

SENATOR CHAMBERS: Now, I know you very well and I consider us to be friends, but an old bear has an obligation to a young cub, so I would like to invite your attention to line 4. [LB1008]

SENATOR WAYNE: Yes. [LB1008]

SENATOR CHAMBERS: What is the fourth word from the left-hand margin? [LB1008]

SENATOR WAYNE: Who. [LB1008]

SENATOR CHAMBERS: What? [LB1008]

SENATOR WAYNE: Who. [LB1008]

SENATOR CHAMBERS: That's what the owl says, but here's what I want to get to. Who is one of those words that applies to a human being. [LB1008]

SENATOR WAYNE: Correct. [LB1008]

SENATOR CHAMBERS: And the language that follows seems to be referring to an entity, which is not human. So did you supply the language or did somebody else supply it? [LB1008]

SENATOR WAYNE: I worked on it with somebody else, so both of us supplied it. [LB1008]

SENATOR CHAMBERS: Would it offend you to substitute the word "that" for "who"? [LB1008]

SENATOR WAYNE: No. [LB1008]

SENATOR CHAMBERS: And I'm not going to do it at this point, but if this amendment should look like it's going to pass, then that's what I would do. That's all I'll ask you, Senator Wayne, and thank you. I doubt that any amendments will be adopted. I doubt that the bill will be defeated. But I think there should be much more debate on this very important matter. So I think it should take us until... [LB1008]

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PRESIDENT FOLEY: One minute. [LB1008]

SENATOR CHAMBERS: ...the time that the hungry ones break for lunch and it should resume when those who are interested in consuming time will return at 1:30. And at that time, I may have some things to say about the gentleman in the front of the Chamber. He is very intelligent, very cagey, very perceptive and I think he knows, if nobody else does, why at this point I'm not going to engage in the kind of conversation I had, or monologue that I have had this morning with reference to his presence here. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Wayne. [LB1008]

SENATOR WAYNE: Thank you. I just want to bring up a couple points regarding not just my amendment that limits it to the SPP in which they compete. What's interesting is how many people know that public power already gives out generation costs and generation information. They have to give it to the federal government. And the federal government makes that information available. It's the U.S. Energy Information Administration, and they publish public power's generation costs, including fuel price, for each power plant by name. So we're allowing the federal government to get the information, which takes a while to be published, but our own citizens who are the ratepayers, can't get that information. That's what we're saying here today, that our own ratepayers, our own senators, can't get that information, but the federal government can, and they do. The problem is that information is typically old because it takes a while to publish. So, Senator Krist talked about rates and I just want to mention something. I continue to hear from SPP and public power that because since we entered SPP, we've saved over a billion dollars in savings. Then again, why are my rates continuing to go up? Nobody is able to answer that question. When solar, wind, and all these things are going down, my rates are going up. The only way we can know that information is to take a deep dive into the data, which we are today saying we're not going to allow not just the media, not just the ratepayer who we've all agreed now is a shareholder basically, but we are also limiting ourselves. I proposed the interim study on public power. We can request all the information we want, and the only reason they may give...well, there is an emergency clause on this. We won't even get the information in the hearing. Why? Because once they turn those documents over, they are immediately made public. So they're going to say, no. So we're going to have an interim study, if Natural Resources allows us to, and have no information. That's how broad this bill is. And there is no way for that committee to get those documents and for them not to be public. So how are we...and we are charged with maintaining political subdivisions, whether it's education, whether it's public power, whether it's any state agency, we can request information from any state agency, any political subdivision and get that information. Under this bill we will no longer be able to get critical information for us to make a decision. For us to make a decision about a political subdivision, we will no longer have that information. This is an unprecedented blanket exemption on transparency. So we talk about performance audits, or we talk about Nebraska

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Advantage Act and all these things coming forward, we are allowing a public entity to compete in the private market, and we are exempting them from any transparency. So when we talk about these future things, Nebraska Advantage Act, tax credits, my argument is going to be, we have to be consistent. [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR WAYNE: We have to be consistent. If we are doing this for a public entity to compete in a private market, then shame on us for asking them to give us any information that would divulge a competitive information, and that includes labor and tax credits. Because tax credits are part of why people come here and are part of a competitive advantage for them to compete. So we can't ask those questions no more if we're going to be consistent, or are we just carving out public power because it makes us feel good? Rates, Senator Krist, have not gone down, they have gone up. We went from number 7 to now we are 14th to 17th now. Costs used to be \$30 a kilowatt. Now, it's down to about \$14, yet my rates are still going up. We're going to have an interim study hearing this summer and we will get no information because of this bill. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Smith. [LB1008]

SENATOR SMITH: Thank you, Mr. President. And colleagues, I've...I guess in the past I have been a bit critical of public power, and I have pushed on them to be competitive and to be...make certain that we position our state to be more affordable in our energy costs. But AM2656 is not the way to get there. We need to protect the competitiveness of our public utility companies in the state of Nebraska. They serve a very important part, a role in keeping us competitive in our economy and growing our economy, and AM2656 may seek to narrow the scope, but it fails to protect many of the areas of operations that require confidentiality. Under AM2656, the competitiveness of public utilities would be compromised. Under AM2656, here are some of the things that could be disclosed: Unit-specific production cost, unit-specific generation forecast, fuel contract terms and conditions, rail and transportation contract terms and conditions, outage schedules before they are properly posted, vendor propriety information, and economic development prospect information and proposals. These are areas of operations of our public utilities that we need to protect the confidentiality of. I just cannot stand here and agree with AM2656. I ask for your red vote on AM2656, and your continuing to support of the underlying bill, LB1008. And with that, Mr. President, I'm going to yield the remainder of my time to Senator Hughes. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Smith. Senator Hughes, 3:00. [LB1008]

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SENATOR HUGHES: Thank you, Mr. President. Thank you, Senator Smith. I appreciate the time. I want to remind everybody, there is a document put out by NPPD, and I'm sure OPPD and LES do the same thing every year. I have NPPD's in my hand and there's 64 pages of financial information that they put out to their ratepayers. And in visiting with Senator Stinner just a minute ago, and he looked through this, and he's certainly a lot better numbers guy than I am, he said all the information is in here. The information on the power generation costs is available. It is put out in aggregate to the feds. So that information is there. It's not on a day-by-day and that's what we're trying to make sure we don't give the competition. If you run a business, you don't know what your competition, what your bottom...to give your competition, what the bottom line is. You know, we're in business to make money. Although this is a public power industry, making money is not a bad thing because that keeps the costs low. It's not as going in as profit. It goes in to pay for the facilities, for the payroll, for the individuals that work for the company, and to keep the rates down. There's no problem with making a profit if you're in public power. It's used to keep the rates down. But the information is here. Sixty-four pages published once a year if you need to find it. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Hughes. Senator Krist. [LB1008]

SENATOR KRIST: Thank you, Mr. President, and good morning, Nebraska, again. I'd like to respond civilly to Senator Brewer, Colonel, Senator Brewer and just let him know, I simply pointed out that potentially we have a problem with one public power not being responsive to us and not all. And he did in his response tell us that he didn't have any problem with LES. I haven't had any problem with OPPD, so I'm singling out, I think, what is an issue in terms of communication. If I used the words inappropriately, "get over it", I simply meant to say that if you're not getting the answers that you deserve as one of 49 in the state Legislature, that there are other avenues potentially open to you. The federal reports and those things are not, I think, an alternative. I think that our public power needs to be responsive to our questions and to the ratepayers. So, if I upset you in any way, Senator Brewer, I'm sorry. But the point is made, I have to speak up for my utility in my district, as well as you bringing to our attention the R-Line issue. And I think that is a huge issue. If you can't tell me why you're doing something...I mean, I had a huge conversation...I'll say huge, because it was long and I was, quite frankly, upset that the decision was made to close down the nuclear power station. My father worked for OPPD for most of his adult life and worked at the north Omaha power station and was critically injured there and OPPD took great care of him during his convalescence and I appreciate that very much. But my loyalty to OPPD seemed to end that day when they told me that we were going to close down our nuke station and it was going to cost us X amount of dollars and it was going to add to the debt service and we were going to have an issue. But at the end of the day, looking at the data, I started to think more with my mind and not with my heart. I was given the information, even though they knew I was going to be in opposition, had a great conversation. So I bring that to all of your attention because I think if we have some problems with some elected

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officials, they may not...we may not want to endorse them to be put back into place. But that's always the ratepayers' option to replace them as well. So, I still can't support AM2656. And I think Senator Smith actually outlined the reasons why, and I still support LB1008. And I would hope for you to do the same, green vote on LB1008 and a red vote on the amendment. Thank you. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Wayne, you're recognized to close on AM2656. [LB1008]

SENATOR WAYNE: Thank you, I'll be really brief. So I pulled up on the U.S. Energy Electrical Profile, the issue is the profile currently on form 923 is from 2016. That's the problem with turning over information to the federal government, but I, as a citizen, a ratepayer, can't get that same information. As with Senator Krist, I was very upset that we spent millions, hundreds of millions getting Fort Calhoun back up and running to only have it be decommissioned. Yet, I have no...don't know why. There's no real data out there that can give me in-depth knowledge of why. If I want that data, I should be able to have it. I have a simple question that I would like to get answered, hopefully at this interim study hearing, Senator Hughes, and it's this, what is generation cost? What is the true operations of generation cost, what is the true operations of maintaining lines separate from the administration costs, separate from ancillary costs, separate from economic development, offices, separate from everything else, what does it truly cost to do business, to operate electricity, to operate coal plants? What does that really cost? Those are basic questions we as a public power should know. In Omaha we have the Omaha Chamber, we have the Nebraska Chamber, we have all these economic developments, and I don't know why NPPD has an economic development office. That organizational structure and those who are from Omaha know that I'm a big organizational structure guy, which was the big question I asked on the Omaha Public School Board, what...we need to be able to dig into that. We need to be able to delineate what true costs are and what aren't. We need to be able to delineate, are you sitting on \$1.3 billion in bonds and that asset we bonded to build is no longer generating money. Because if it wasn't a ratepayer, we just changed the name to taxpayer, the taxpayers and their taxes are going up. We just changed the name to rate. That ratepayer's rate is going up because we're bonding stuff as a political subdivision and we're not giving information on whether we should keep that or not. What happens if that coal plant is no longer generating anything? Should we get rid of it now and cut our losses and move? Why, I would submit to you that voter who is voting for NPPD board members don't have that information to make an intelligent decision. We can still be public power without generation. We can still be public power. As a matter of fact, many cities like South Sioux City are public power but they are buying their generation from a for-profit in Ohio. So again, who are they competing against? What are we trying to hide? If it's the SPP, we should limit just to the SPP. And with all due respect to my colleague, Senator Smith, I don't know any contract in the public setting that is not made available to anybody who requests it, nor should it be confidential. When I vote on contracts in Omaha Public Schools, it is

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transparent, and that contract is there. When we bid in the bid market at my construction company to...whether it's roads, or city of Omaha, it's transparent. They know exactly what my bid is. It is a transparent contract that everybody can go up and look and say, why are we paying that much for concrete? That doesn't happen. You listed contracts and terms... [LB1008]

PRESIDENT FOLEY: One minute. [LB1008]

SENATOR WAYNE: ...three times in that list. All that should be available. And the fact of the matter is, if I have to get two-year-old information from the federal government, I should be able to get 30-day, year-old information as a ratepayer and a shareholder of Omaha Public Power District to date. Our federal government can get the information, but I can't. We're going to have an interim study hearing and they are going to say, Senator Hughes, we're not going to give you that information because you just passed a new law. We will never know what goes on in public power and when that bond call comes due and we're short, they're going to come down here and ask us to pick up the tab. Because that's what we're about to argue about in a couple of days regarding Omaha Public Schools. But all that information was public for the last ten years. We're operating in the blind right now when it comes to public power. Our ratepayers deserve better and our taxpayers deserve better. Thank you, Mr. President. [LB1008]

PRESIDENT FOLEY: Thank you, Senator Wayne. Members, you've heard the debate on AM2656. The question for the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please. [LB1008]

CLERK: 19 ayes, 2 nays to place the house under call. [LB1008]

PRESIDENT FOLEY: The house is under call. Senators, please return to your desk and check in. The house is under call. All unauthorized personnel please leave the floor. The house is under call. Senators Stinner, Crawford, Wishart, Murante, please return to the Chamber and check in. The house is under call. Waiting for Senators Stinner and Wishart. Senator Wayne, we're lacking Senator Stinner, we can wait or proceed. Thank you, Senator Wayne, we will proceed. The question before the body is the adoption of AM2656. There has been a request for a roll call vote in regular order. Mr. Clerk. [LB1008]

CLERK: (Roll call vote taken, Legislative Journal pages 1275-1276.) 4 ayes, 37 nays. [LB1008]

PRESIDENT FOLEY: The amendment is not adopted. I raise the call. Mr. Clerk. [LB1008]

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CLERK: I have nothing further on the bill, Mr. President. [LB1008]

PRESIDENT FOLEY: Senator Wishart, could you offer us a motion to advance the bill, please? [LB1008]

SENATOR WISHART: Mr. President, I move to advance LB1008 to E&R for engrossing. [LB1008]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. A record vote has been requested. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1008]

CLERK: (Record vote read, Legislative Journal pages 1276-1277.) 38 ayes, 4 nays, Mr. President. [LB1008]

PRESIDENT FOLEY: LB1008 advances. (Visitors introduced.) Proceeding to Select File, 2018 senator priority bills, LB1119. Mr. Clerk. [LB1008 LB1119]

CLERK: LB1119, no E&Rs. Senator Riepe would move to amend, AM2535. (Legislative Journal page 1181.) [LB1119]

PRESIDENT FOLEY: Senator Riepe, you're recognized to open on AM2535. [LB1119]

SENATOR RIEPE: Thank you, Mr. President, colleagues, and Nebraskans. Again, I thank Senator Hilgers for designation of the direct primary care pilot as his priority bill. Thank you, Senator Hilgers. LB1119 is the direct primary care pilot project. AM2535 provides clarifying language regarding reporting requirements for the direct primary care provider. It adds pharmaceutical care by a licensed pharmacist to assist with a direct primary care model, adds definition of plan administrator, and extends the pilot for an additional year. Nebraskans, like many or nearly all Americans, are concerned regarding the stability and affordability of healthcare. We have made and continue to make great strides in healthcare. Our quality of life and our abundance of life and longevity is our blessing and our curse. We must look at new models of healthcare delivery and direct primary care is one that is gradually gaining momentum in Nebraska and across the country. [LB1119]

PRESIDENT FOLEY: Excuse me, Senator. Members, if you could hold your conversations down, please. Senator Riepe, you may continue. [LB1119]

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SENATOR RIEPE: Thank you, Mr. President. Direct primary care works for several reasons. First, it strengthens the doctor-patient relationship. Second, it has proven to have bend the cost curve of healthcare. Third, it has resulted in primary care physicians remaining in practice because it allows them to do what they went to medical school to do and that is to take care of patients in a personal relationship and not in an eight- to ten-minute office visit. Direct primary care creates a direct relationship between the doctor and the patient. No insurance company, no copayments, no deductibles. I want to take a couple of minutes to address several questions that were raised when LB1119 was being debated on General File. One, what is the obligation of the state if LB1119 were enacted into law? The state of Nebraska will pay for 79 percent of the associated costs with the pilot project with the employee paying 21 percent of the cost. This matches other insurance programs within the state offering. Second, does the proposed amendment address the concerns of the state union? The state union contract expires in 2019. In order for the pilot to work with the union RFP, AM2535 extends the pilot for one fiscal year until 2023. Third, a question was raised as to why the state colleges and universities were excluded from the pilot project. The Nebraska State Insurance Program, which the pilot falls under, already excludes employees of the University of Nebraska, the state colleges, and the community colleges. They have their own plan. Fourth, another question raised was how many providers will participate in the pilot? From a discussion I have had with the Department of Administrative Services, the department would likely contract with one umbrella provider that would have multiple providers within the DPC practice for the pilot. UnitedHealthcare conducts weekly phone calls--UnitedHealthcare is the administrative organization--conducts weekly phone calls with the department to allow them to be prepared to bring...to begin offering these programs in 2019. Fifth, is there any limit on enrollment? And the response is, enrollment will be on a first-come, first-served basis and the pilot will be limited in locations and will have a limited number of members allowed for the direct primary care plan. The department will determine the correct panel size for the direct primary care providers prior to open enrollment. Sixth, if a state employee enrolls in the pilot, the direct primary care doctor would be under contract to provide services for the plan year so individuals will not be denied coverage. If an employee is unhappy with the pilot, the member would be able to switch to another plan during open enrollment or a qualifying life event. Seventh, there were questions as to whether the pilot was compliant with the ACA. Direct primary care is compliant under the Affordable Care Act under Section 1301, 42 U.S.C. 18021. I urge you to vote green on AM2535 and LB1119 to allow greater healthcare options for the employees of Nebraska, the state employees. And thank you, Mr. President. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Riepe. (Visitors introduced.) Debate is now open on LB1119 and the pending amendment. Senator Bolz. [LB1119]

SENATOR BOLZ: Thank you, Mr. President. Will Senator Riepe yield to a question, please? [LB1119]

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PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB1119]

SENATOR RIEPE: Yes, I will. [LB1119]

SENATOR BOLZ: Senator Riepe, the last time we debated this bill, I raised some questions and concerns related to the union interests, and you indicated that you would work with them. Can you tell me how you worked with them and what the resolution was? [LB1119]

SENATOR RIEPE: In terms of with the state employee union? [LB1119]

SENATOR BOLZ: Yes. [LB1119]

SENATOR RIEPE: Yes. We have met with them and we have agreed that we totally support the idea that the pilot should be in compliance with the union contract so that they would have an input on terms of negotiation, anything into the future. [LB1119]

SENATOR BOLZ: Um-hum. Can you tell me who you met with? [LB1119]

SENATOR RIEPE: Mr. Marvin's replacement, and I don't have that name on the tip of my tongue, but he is the head of the union. [LB1119]

SENATOR BOLZ: Okay. So you met with John Antioch? [LB1119]

SENATOR RIEPE: John, yes, it's John. [LB1119]

SENATOR BOLZ: Okay. Because the most recent information that I had--and forgive me, maybe I haven't gotten the most recent information--was that he still had concerns. So let me just ask you on the mike some details about those concerns. First, does the amendment line up the bill with the contract negotiation time frames, per the request of Mr. Antioch? [LB1119]

SENATOR RIEPE: Yes. [LB1119]

SENATOR BOLZ: Okay. And second, the other question that Mr. Antioch has, or the other concern that he had, was that he was afraid that not all of his members who chose direct primary care would have access to a healthcare provider. So the thing that concerns me is that we have an obligation to provide insurance to our state employees, to those who are members of the union. And if we're moving towards direct primary care but that experience of different people from

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different areas is different because some people have better access than others, how are we meeting that state obligation? [LB1119]

SENATOR RIEPE: Well, first of all, direct primary care will not be the only option and there would be a high and a low deductible under direct primary care. The state employees' health plan would still have the traditional three plans that they offer. And we will...it's on a first-come, first-served basis because it's not our interest to overload any, for the benefit of the employees as well. And any provider would not want to have 100 percent of their enrollees be state employees. They need a mix of those. We are also looking at the geography. It's the intent--as we understand, not finalized--but the administrative service organization, which happens to be UnitedHealthcare, would be looking at one primary provider. And that provider would then contract with any other providers and are looking at this time and this is not totally...they're looking at Lincoln and Omaha. And if they have...there is a direct primary care provider, part of Strada, which is the organization in Kearney. So...but they want to make sure they can deliver... [LB1119]

SENATOR BOLZ: So part of my concern here is that the experience of different employees will be different based on their geographical area. My other concern is, is direct primary care considered insurance? Because if we have an obligation to provide insurance to state employees, and we're giving them an option, are they the same? Are they considered equal? [LB1119]

SENATOR RIEPE: Well, first of all, it's not insurance because it's a direct relationship between the physician and the patient. And... [LB1119]

SENATOR BOLZ: So if it's not insurance... [LB1119]

SENATOR RIEPE: ...we cannot guarantee that everyone will get exactly what they want. [LB1119]

PRESIDENT FOLEY: One minute. [LB1119]

SENATOR BOLZ: So if it's not insurance, how are we...if we offer this to state employees, how are we maintaining our obligation to state employees to provide them insurance if we are giving them an option that is not insurance? [LB1119]

SENATOR RIEPE: Well, I think your key word there is that you use in that is insurance. This is not insurance. We are providing them with healthcare. And there's a world of difference between healthcare and insurance and healthcare insurance. [LB1119]

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SENATOR BOLZ: And so... [LB1119]

SENATOR RIEPE: And this is being worked out with UnitedHealthcare, who is very enthusiastic about making this happen. [LB1119]

SENATOR BOLZ: And so the employees who participated would be offered the direct primary care as well as insurance at the same time? [LB1119]

SENATOR RIEPE: They would have a wraparound to direct primary care option. And remember, too, this is strictly voluntary. Nobody is being mandated. No one will be forced into direct primary care. [LB1119]

SENATOR BOLZ: Uh-huh. I appreciate that. [LB1119]

SENATOR RIEPE: Okay. [LB1119]

SENATOR BOLZ: One of my concerns is that if we go back into a contract negotiation period and we have some people who have direct primary care and some people who have insurance... [LB1119]

PRESIDENT FOLEY: Time, Senators. [LB1119]

SENATOR BOLZ: ...we've sort of split the market. Did you say time, Senator? [LB1119]

PRESIDENT FOLEY: Yes, time, Senator. [LB1119]

SENATOR BOLZ: Thank you. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Bolz and Senator Geist, excuse me, Senator Riepe. (Visitors introduced.) Continuing discussion on the bill and the amendment, Senator Kolterman. [LB1119]

SENATOR KOLTERMAN: Good morning, colleagues. And thank you, Mr. President. I think I can help answer some of the questions that Senator Bolz had. First of all, it is not insurance. Direct primary care is a contract between the employee and possibly in this case it would be with the employer. It allows the employee an option to get their basic medical coverage without any copays, without any deductibles. And where the insurance comes into play is they'll buy a

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high...they'll have an option to buy a high deductible health plan which will take care of their major needs. This is the future of healthcare in the United States, this direct primary care. I firmly believe that. It goes back to the days where you had a relationship with your doctor. I used to remember going in and seeing the doctor and they didn't ask for your insurance card. They didn't ask for how big was your plan. They treated you. They charged you. You paid the bill when you were done, and you were done. This is the same type of thing. These people that run these direct primary care clinics don't have to fill out paperwork for insurance. That's why the doctors enjoy this. They're getting to practice medicine the way they were taught to practice medicine. They aren't in the business...commercial business of satisfying an insurance company. On the other hand, there's only so much they can do in a clinic. And things like your Pap smears or your mammography screening or your PSA tests or your well-baby checkups, all those things can be done. There won't be any deductibles, any copays. Last time when it was on General File, we talked about this; and there were many things that I talked about and the costs associated with it. It's a lot less expensive because they don't have to hire people to handle all the paperwork. And again, the doctors like it because they can practice medicine. We looked at this. We've looked at this for three, four years now, ever since I have been here. We've had clinics on this. People from Colorado came and helped this...helped spread the word on how this works. We're starting to get buy-in. The thing I like about this amendment and this bill is that it allows us to build the networks that are necessary. As Senator Riepe has indicated, we don't have the full networks established. This is just getting started. If we can coordinate this with the time frame with the unions, that gives us a little bit more time to get these things up and running and get them running in a smooth way. If you go look at east Lincoln, there's one that's going there. There's one in Omaha. And I just visited with the American...some members from the Academy of Family Practitioners yesterday, and they're in the process of setting one up in Kearney. I suppose the next place will be Fremont, Norfolk, Grand Island. They're coming, but it takes time because it's a new concept. But the bottom line is this is a way we can really take care of people's healthcare needs without breaking the bank. And so I would encourage you to support AM2535, as well as LB1119. This is good legislation. It gives us time to really get this pilot project going. Thank you very much. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Kolterman. Senator McCollister. [LB1119]

SENATOR MCCOLLISTER: Thank you, Mr. Lieutenant Governor, colleagues. I think I generally support LB1119, but I do have some questions for Senator Riepe. Would he yield to some questions? [LB1119]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB1119]

SENATOR RIEPE: Yes, I will. [LB1119]

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SENATOR McCOLLISTER: Senator Riepe, how many state employees do you anticipate being in this pilot projects? [LB1119]

SENATOR RIEPE: It's hard to anticipate. It's going to depend upon the number of providers we have, Senator. And my guess is maybe in the first year we have 1,000. [LB1119]

SENATOR McCOLLISTER: And that would only be in Lincoln or would they be...? [LB1119]

SENATOR RIEPE: No. That would be in Lincoln and Omaha. I believe that would be up to the state employee health plan to figure out how they want to have...make that offering. [LB1119]

SENATOR McCOLLISTER: So that number of employees is going to be simply based on the number of providers available? [LB1119]

SENATOR RIEPE: On a first-come, first-served basis, yes, to get it started. I'm totally speculating on what that number might be. The demand might be much greater. It will just depend. [LB1119]

SENATOR McCOLLISTER: Well, I'm amazed that with the state paying 79 percent that there is no fiscal cost. I'm just flat-out amazed. Can you explain to me how that is that there is no fiscal impact? [LB1119]

SENATOR RIEPE: Well, the 79 percent and the employee pays 21 percent is on all of the healthcare plans regardless of whether it's direct primary care or whether it's one of the other three plans. So there's no additional. The only issue here would be any potential start-up cost. And according to the ASO, which is UnitedHealthcare, they have indicated that they do not see that as significant. [LB1119]

SENATOR McCOLLISTER: Thank you. You know, when I submitted my SNAP bill, I ended up with a fiscal note of \$300,000. And I just kind of have a hard time understanding why this initiative has no fiscal cost, and then our friends at HHS give me a \$300,000 fiscal note. I find that just amazing. Tell me about wraparound policies. I understand this isn't insurance. What is a wraparound policy? Senator Riepe? [LB1119]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB1119]

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SENATOR RIEPE: Thank you, Senator McCollister. The wraparound is fundamentally for the more high-risk things like hospitalizations, major surgeries, a number of the other high-cost things. And so this...fundamentally what this does is it carves out direct primary care, the primary care side of a healthcare plan... [LB1119]

SENATOR McCOLLISTER: Uh-huh. [LB1119]

SENATOR RIEPE: ...and puts it into the direct primary care, which then has no copay and no deductible. The catastrophic piece which covers the big stuff I call it... [LB1119]

SENATOR McCOLLISTER: Thank you. [LB1119]

SENATOR RIEPE: Okay. [LB1119]

SENATOR McCOLLISTER: Thank you. That sure sounds like insurance to me. [LB1119]

SENATOR RIEPE: Well, that part of it is,... [LB1119]

SENATOR McCOLLISTER: Okay. [LB1119]

SENATOR RIEPE: ...but direct primary care itself is not. [LB1119]

SENATOR McCOLLISTER: Let's go to the number of length of years. How long will this pilot project be in duration? [LB1119]

SENATOR RIEPE: I believe the number is 2023. It would... [LB1119]

SENATOR McCOLLISTER: Twenty-three months? Twenty-three years? [LB1119]

SENATOR RIEPE: No. No, 2023. [LB1119]

SENATOR McCOLLISTER: I see. Thank you. [LB1119]

SENATOR RIEPE: So it's about five. [LB1119]

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SENATOR McCOLLISTER: And then I go down to the bottom thing and you indicate that you have had numerous discussions with UnitedHealthcare, but have they actually given you a commitment? [LB1119]

SENATOR RIEPE: Well, I wouldn't say that we've had...I don't know what the definition of numerous is. Most of our discussion has been with the Department of Administrative Services, who is the accountable and they, in turn, have talked with UnitedHealthcare. And, of course, UnitedHealthcare would like to win the bid again, which will come up with an RFP. And so they are very...we've been told by the Department of Administrative Services they've been enthusiastic and very cooperative in terms of trying to make this option available. [LB1119]

PRESIDENT FOLEY: One minute. [LB1119]

SENATOR McCOLLISTER: Thank you. Well, I...after this line of questioning, what I am most envious of is your relationship with HHS. I come across with an initiative and I come up with a \$300,000 fiscal note, but you somehow end up with zero. So I am amazed. I congratulate you. And I wish you good luck with this program. Thank you, Mr. President. [LB1119]

PRESIDENT FOLEY: Thank you, Senators McCollister and Senator Riepe. (Visitors introduced.) I would mention that former Speaker Baack is also visiting his grandson who is one of our legislative pages, Austen Baack. So welcome again. Moving on with debate, Senator Harr. [LB1119]

SENATOR HARR: Thank you, Mr. President. So here we are back with my favorite topic of this session, "shall" versus "may." And I'm looking at Section 7 of this bill, and it says in here: To qualify for participation in a pilot program, a direct provider shall provide primary care to an enrollee, coordinate care across all care systems, oversee transitions in care between settings, and minimize the risk of gap in care, which seems innocuous on its face. And, you know, we want our primary provider to provide that. However, as I read this, the other side of that coin is that that doctor has complete control. Right? So if you want to receive a second opinion on a diagnosis, if a doctor says no, there's nothing in here that says they can...are required to field this out for a second diagnosis. If there are some ob-gyn services that an individual wants that a doctor doesn't want to provide, there's nothing that says they have to do that. They could also dictate the terms of your long-term plan. And so while I'm not going to hold this bill up on those terms, I think people need to be very aware of the fact, when you sign up for this, you're turning over a lot of your control over your own health to an individual whom you may or may not know or whom you may or may not trust. And so I have heartburn over that, but I'll let the people decide if they want to do that or not. But I do have a question for Senator Riepe regarding statutory language, which is probably more important, from my point of view. [LB1119]

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PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB1119]

SENATOR HARR: Thank you. [LB1119]

SENATOR RIEPE: Yes, I will. [LB1119]

SENATOR HARR: Okay. Although this is considered a pilot program, 84-1609--and if you want, I have a copy here--states that health insurance policies must be available to all employees. And yet at the same time, I hear you saying this is a first-come, first-served. So how do we balance those two statements? [LB1119]

SENATOR RIEPE: Well, the catastrophic part of this would still be, you know, as the earlier conversation, that would still be health insurance. The direct primary care, it's like bifurcating this particular delivery model. Direct primary care is not the insurance side of it. And so your question again was how do we what? [LB1119]

SENATOR HARR: How do we rectify the fact that states that health insurance policy must be available to all? And I think what I'm hearing you say is that this, in fact, isn't a health insurance policy. Is that correct? [LB1119]

SENATOR RIEPE: Well, I think direct primary care is not health insurance. And how we cannot guarantee...the state cannot guarantee that in any of the insurance plans that there's an unlimited ability and capacity. And it's not the state's experience that you're going to have a land rush, if you will, for one particular plan. I don't expect that because of the newness of direct primary care. [LB1119]

SENATOR HARR: So it's your contention that 84-1609 should just be ignored then? [LB1119]

SENATOR RIEPE: No, we cannot ignore any state statute. It can be offered. But then after it's offered,... [LB1119]

PRESIDENT FOLEY: One minute. [LB1119]

SENATOR RIEPE: ...it still can be on a first-come, first-served basis. [LB1119]

SENATOR HARR: All right, folks. So it's a first-come, first-served basis. It's not available. It's just plain and simple as that. Now maybe we can make the argument that it's not an insurance

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policy, and I think maybe that's what he's making but I can't tell. I also am not sure what constitute...I heard wraparound policies with deductibles, but I'm not sure what are high and low deductibles for wraparound policies. But maybe I'll get another chance at the mike to ask those questions. Thank you. [LB1119]

PRESIDENT FOLEY: Thank you, Senators Harr and Riepe. Senator Bolz. [LB1119]

SENATOR BOLZ: Thank you, Mr. President. I appreciate that this is a pilot, and something that a lot of people have put time and energy into and something that Senator Riepe is working to explore with the state. At the same time, I want to put a few things on the record about my concerns because, as a pilot project, there will have to be a renewal. And I want these issues to be out there in a public dialogue and on the record as we move forward, which it seems that's the will of the body to do. So the first is the issue that I raised last time on the mike, which is that the future cost of this initiative is undetermined, and those costs will come to us on Appropriations Committee and we'll have to make discernments about that. We'll have few choices if those costs are higher than they would have otherwise been. So we'll expect your support when and if that happens or whatever costs we may have to respond to. If the costs come in lower, we can all laud Senator Riepe on the floor, I suppose. My second concern that I want to make sure gets on the mike is that we have a commitment to providing insurance for members of our public employee union. And pilot or no pilot, access to high-quality insurance I think is a part of our responsibility to our public employees. And whether it's direct primary care and the wraparound insurance package or it's more traditional insurance, passing this legislation, in my mind, in no, way, shape, or form waters down our commitment to providing access to high-quality health insurance that works for every employee all across the state. So I think we need to maintain our commitment to those quality indicators even with this pilot project. And the third concern that I would raise is that I think the unions need to be at the table as this continues to move forward. Because when we get back into a contract negotiation period, they'll have members that may have direct primary care and like that; they may have members that have a different form of insurance and like that. And we need to make sure that the contracts and the negotiations with the administration respect all those employees and all those union members' best interests, and that they have what meets all of their needs in a high-quality way, regardless of different pilots or different packages that move forward. So those are the things that I want to get on the mike. I will probably abstain from this bill given some of my hesitations about it, but I appreciate that others on the floor feel committed to moving it forward, and I'll leave it at that. Thank you, Mr. President. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Linehan. [LB1119]

SENATOR LINEHAN: I yield my time to Senator Kolterman. [LB1119]

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PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Kolterman, five minutes. [LB1119]

SENATOR KOLTERMAN: Thank you very much, Senator Linehan. I want to try and put away some of the concerns that we have here. Direct primary care is a relationship between a doctor and the patient or the doctor and the family. It's not insurance. It doesn't limit where they can go to see...who they can go and see. It is designed to create that relationship. If that relationship isn't working out, they always have the option to go back and use the high-deductible health plan, which many in the private industry have today. I would venture to say that most of the people that are in this room that are on an insurance plan have a high deductible of maybe \$5,000 or \$10,000. That doesn't have to be that high. If we design a policy that can be wrapped around that can be as low as \$1,000. UnitedHealthcare, Centene or Total Care as it's known in Nebraska, and WellCare will all have an interest in this product. I can tell you that Centene already uses this identical model out in Washington State and they have for many years. As far as pilot projects are concerned, this should save us money, but the reality is if it's negotiated properly it should cost us no more or no less than what we are currently paying. In fact, I believe this will bring the cost down and that's why I support this so much. Pilot projects are nothing new in this state. I would tell you that Senator Gloor brought a pilot project before I was here. It was called patient-centered medical home, and it started out in Lexington, Nebraska, and it was very successful. And in fact, that model has been adopted and there's many doctors in family practice medicine today that are utilizing that model. And I happened to chair a task force that's been ongoing that has all the players at the table, and we are doing that because of antitrust considerations. So we have the three players: We have doctors; we have NeHII; we have the pharmacists; we have HHS all talking about patient-centered medical home on a quarterly basis. If that model had not been brought forward as a trial, we wouldn't be doing what we're doing today to try and bring down costs. If you go and talk to your individuals about what it's costing them to insure their families, you're going to find they're spending anywhere from \$1,500 to \$2,000 a month and they're getting a \$5,000 deductible with a high out-of-pocket in addition to that. This is one attempt on the part of Senator Riepe and this body that can possibly make a difference and help control costs. If you want to talk about costs, let's start talking about what it is costing us to handle Medicare or Medicaid in this state. It's a runaway train. I look at this as a possibility to take care of our Medicaid patients in the future. But it isn't going to work if we don't try it. And we're not holding a gun to anybody's head and saying you've got to do this. We're giving them the option. And by coordinate this with the labor unions, we're going to buy a little bit of time and allow some of these clinics to get up and running. There's more to this questioning that's coming down this morning than what you're hearing. [LB1119]

PRESIDENT FOLEY: One minute. [LB1119]

SENATOR KOLTERMAN: I don't know what it is, other than you're trying to make somebody look bad, I believe. I think we need to get on board and support this idea. It's got good merit and

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I think it's the future of our healthcare delivery system, not only in Nebraska but in the United States. Thank you very much. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Kolterman. You are actually next in the queue if you want additional time. [LB1119]

SENATOR KOLTERMAN: I'll waive. [LB1119]

PRESIDENT FOLEY: He'll waive that. Senator Harr. [LB1119]

SENATOR HARR: Thank you, Mr. President. Would Senator Kolterman yield to a question? [LB1119]

PRESIDENT FOLEY: Senator Kolterman, would you yield, please? [LB1119]

SENATOR KOLTERMAN: Yes, I will. [LB1119]

SENATOR HARR: How many days do I have left? [LB1119]

SENATOR KOLTERMAN: Eight. [LB1119]

SENATOR HARR: I knew you were counting. (Laughter) My next question is, is this a deliberative body? [LB1119]

SENATOR KOLTERMAN: You're asking me that? [LB1119]

SENATOR HARR: Yeah, I'm asking you. Is this a deliberative body? [LB1119]

SENATOR KOLTERMAN: Yes, it is. [LB1119]

SENATOR HARR: Thank you. To ask questions on a bill and then say, something is going on, I don't know what it is, it's a personal attack. I know Senator Kolterman is mad at me. He made that abundantly clear last night. I went to him and apologized this morning. He wouldn't take my apology. And now, because I'm asking questions on a bill, he's saying I'm trying to make someone look bad. I hate to air our dirty laundry like that, but there's only so much I can take. We've been working hard this week and I know we're tired, but I will continue to ask questions

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on bills when I think it is important and when I think it is pertinent. That is what I am paid to do. That is what the people of my district voted for me to do, and that is what I will continue to do. And I want to apologize on the record again if Senator Kolterman is upset because I have questions on a bill. With that, I would ask if Senator Riepe would yield to a question. [LB1119]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB1119]

SENATOR RIEPE: Yes, I will. [LB1119]

SENATOR HARR: Thank you. So looking at this I see it's a first-come, first-served basis. And we don't know eventually how many people are going to do that, and that's fine. But is there a cap right now? You don't know how many people will come. You're saying it's first-come, first-served. How many people can? If 1,000 people apply, can they not do it or can they do it? [LB1119]

SENATOR RIEPE: Well, I think that's a detail that's going to have to be worked out by the Department of Administrative Services with their, what is now, UnitedHealthcare and the ACO in terms of how many providers do they have, how many people do they have requesting. I would like to point out that it is uniformly offered. It's not discriminatory against any particular group that wouldn't have access to sign up. [LB1119]

SENATOR HARR: So what happens if I sign up and then I find out that I don't qualify, that there isn't one in my area? What would happen then? Would I be allowed to go back on the state plan or would I be out for a year? [LB1119]

SENATOR RIEPE: Oh, no. No. You would have to...it's just like any other plan. You'd have to go to another plan. But it's, you know, as an employee, you are offered a health plan. It might not be the exact one you want, if that's what you want to do, but you'll have an opportunity. You're not out in the cold. [LB1119]

SENATOR HARR: But as I understand, you can only switch plans once a year unless there's a change in circumstance. Is that not correct? [LB1119]

SENATOR RIEPE: That is as I understand it, but that would again be up to the negotiation between the union. And by the way, the union has a relationship. They have one plan out of the three plans that the state currently offers. [LB1119]

SENATOR HARR: But as things currently are, that is the rule, right? [LB1119]

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SENATOR RIEPE: That they would have an... [LB1119]

SENATOR HARR: You can only change your policy once a year or if there's a change in circumstance. [LB1119]

SENATOR RIEPE: I think that's called open enrollment period,... [LB1119]

SENATOR HARR: Yep. [LB1119]

SENATOR RIEPE: ...just like on Medicaid, Medicare. [LB1119]

SENATOR HARR: So during open enrollment, if I choose to go with this program and then I find out later, oh, wait, this program isn't available in any town, U.S.A., besides Omaha and Lincoln and possibly Kearney,... [LB1119]

PRESIDENT FOLEY: One minute. [LB1119]

SENATOR HARR: ...am I stuck in that for a year or is there open enrollment to go back because of a change in circumstance because there isn't a provider available? [LB1119]

SENATOR RIEPE: Well, if you weren't able to match up with a provider then you will know that before open enrollment closes and so that they would then confirm that you're with some other plan within the state offering. [LB1119]

SENATOR HARR: Okay. I think that answers my question. [LB1119]

SENATOR RIEPE: Thank you. [LB1119]

SENATOR HARR: So the answer is no. Thank you. [LB1119]

PRESIDENT FOLEY: Thank you, Senators Harr and Riepe. Senator Friesen. [LB1119]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. As we've talked about healthcare issues in the past and the cost of insurance that we're seeing now, I mean, I look back and I, ten years ago, was paying \$445 a month for healthcare for me and my spouse, a \$2,500 deductible. Currently it's \$1,400 a month and we end up with a \$15,000 deductible. So currently, I'm paying

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\$16,800 a year for insurance and then I kick in another \$6,500 for HSA, and I have a \$15,000 deductible. We have a problem in healthcare and if we don't start looking for some alternatives, it seems to be continuing to just increase in cost. I'm open to looking at pilot programs or anything else. I thought the direct primary care option was a fantastic option. I think it could save money. I think it gets people to go in to see their doctor that they have a relationship with quicker. I think it has lots of benefits and I think down the road insurance companies need to recognize that fact, and I'm hoping they adjust their premiums accordingly. But the way the market is going now, it's driving all of us self-employed people out of the market. We can't afford insurance anymore. We don't want to go on the government-subsidized program. We want to have our own insurance. And yet, the costs are driving us the other way, and eventually we'll all have to switch. And then we have a bigger problem, is the way I see it. Healthcare insurance right now is not competitive. We have few choices to make. And this is the first year I've had the same insurance company for two years in a row. This is not how the system should work. I had one company for 40 years, and...or 35 years, and then suddenly it's every year you change insurance policies, you change terms of the insurance, and you're working with different groups. And it isn't by choice. We've driven them out of the market by what we do. We need to look at alternatives as we go through changes in the healthcare industry. We need to find a way to drive down the cost of health insurance. In the past I always felt that it wasn't in the best interest even of the health insurance companies to hold down the cost of healthcare. They always just took a percentage of my premium as a profit margin, and the higher healthcare costs the higher their healthcare premiums. They just made more money. No one had an interest in lowering the cost of healthcare. I want to see the healthcare costs driven down, and I think it comes to making them come to us to sell us an insurance policy we want. And until we get into a competitive marketplace where we're getting access to products we want, this will not happen. To me, I'm willing to try this. We need to start looking at other options on the private industry as we go forward. And I wish there were more options for us to have group insurance right now, if you're self-employed and you can't be part of a group. In the past, ag producers have tried to form coalitions in order to drive down the cost of insurance but we're just a bunch of 60-year-old, you know, farmers that try to get a policy together. We need a mix of young people and old people. And so we couldn't band together as an association of corn growers, for instance, and drive down the cost of our insurance where all the average age is over 60 years old and we needed a bunch of young people in that industry. We need to be able to form coalitions between other industries in order to drive down these costs, and so far those options are not there. This, to me, looks like a good start. Let's look at it. Let's see if it works. It sounds... [LB1119]

PRESIDENT FOLEY: One minute. [LB1119]

SENATOR FRIESEN: ...to me like a good plan. So let's at least look at it. I want to make sure we do it right. But this is a way to do a test project that maybe will spread into the private

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industry market, and we can actually cut some costs eventually. Thank you, Mr. Lieutenant Governor. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Bolz, you're recognized. This is your third opportunity. [LB1119]

SENATOR BOLZ: Thank you, Mr. President. Senator Kolterman, I can see you're here on the floor listening, and I appreciate that. And so since you're listening, I'll just say please be careful about insinuations that something beyond a policy conversation is occurring. And typically you are, and so I say that mostly because I think we need to continue to have room to ask questions about issues and to explore possibilities and to represent questions even when questions come to us at the last minute, as did some of those questions and concerns came to me just this morning, again from NAPE/AFSCME. Most of my questions are follow-up from debate that we had on the first round. And so these are legitimate policy concerns. There are things that I want a plant a flag about as we continue to debate the issue and as we continue to monitor the pilot project, and they are sincere and of a policy nature. Thank you, Mr. President. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Linehan. Senator Linehan? [LB1119]

SENATOR LINEHAN: Thank you, Mr. President. I just want to get up and echo Senator Friesen's comments. The gap when you retire or you're unemployed and you're 60 to 65, it's a huge cost. And I think we do need to look at all ideas, and this sounds like an excellent idea, a pilot program. The two...I don't have the facts right in front of me but I've heard this and it agrees with what my family has found. The two least expensive medical procedures that are popular today, cosmetic surgery and eye surgery, and one of the reasons they're not expensive is because insurance doesn't pay for them. They have to be affordable. So this program and the handouts that Senator Riepe gave us this morning point out that if people are given the ability to shop and to cost compare, they will. And as in everything, if more competition, more transparency, people will save money. So I think this is an excellent idea and I hope we can pass both AM2535 and LB1119. Thank you. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Williams. [LB1119]

SENATOR WILLIAMS: Thank you, Mr. President. Good morning, colleagues. And, yes, Senator Harr, we are a deliberative body. We're also a body that believes in process and following what we do best. This bill, of course as we know, was heard in committee, voted out 8-0, had no opposition testimony at the hearing. We've talked a lot recently about the property tax and tax crisis that we have in our state. I would argue one of the looming crises that we continue to have that will burden us even more than taxes are the medical costs that we are

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incurring. You just heard Senator Friesen talk about the self-employed. And as an employer that offers health insurance to employees, we have seen that cost continue to go through the roof. We see many of our self-employed small businesses looking for alternatives, sometimes settling for extremely high deductibles, and still paying an arm and a leg for their insurance. We experienced in my legislative district the patient-centered medical home concept with Dr. Joe Miller, when he did that, and proved how well and how successful it was. And that process has been replicated numerous other places since then. Senator Riepe's direct primary care is a step in that direction. And I thank and applaud Senator Hilgers for choosing this as his personal priority bill. We have to try and look for alternatives. And if we can be instrumental in helping move the needle on healthcare costs and managing those, I think that's the role that we should play. One of the reasons direct primary care and patient-centered medical home works is because it engages doctors in preventive care early and avoids waiting till higher-cost procedures are the only solution. And it allows for that in a way that really helps patients enjoy a more productive and better life. Again, this is the direction that I believe we should move. And finding out through a pilot project and helping people determine it's the right way long-term is the right role of a deliberative body. Thank you, Mr. President. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Riepe, you're recognized to close on AM2535. [LB1119]

SENATOR RIEPE: Thank you, Mr. President. I will be brief. I consider myself as a reformer of healthcare primarily because I am committed to good, quality healthcare. And I am also committed to choice. And I am committed to the American healthcare delivery model, as opposed to a single-payer government model. Thank you, Mr. President. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Riepe. Members, you heard the debate on AM2535. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1119]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of Senator Riepe's amendment. [LB1119]

PRESIDENT FOLEY: Items for the record, please?

CLERK: Mr. President, some amendments to be printed: Senator Bolz to LB793; Senator Ebke, LB299; Senator Larson to LB1008. (Legislative Journal pages 1277-1288.) [LB793 LB299 LB1008]

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Mr. President, Senator Linehan would move to recess the body until 1:30 p.m.

PRESIDENT FOLEY: Members, you've heard the motion to recess. Those in favor say aye. Those opposed say nay. We are in recess.

RECESS

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I do. Enrollment and Review reports LB847, LB732, LB840, LB708, LB855, LB1012, LB701, LB742, LB738, LB738A, and LB845 to Select File, some of which have Enrollment and Review amendments attached. That's all that I have, Mr. President. [LB847 LB732 LB840 LB708 LB855 LB1012 LB701 LB742 LB738 LB738A LB845]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, we're going to start right back up on LB1119. Mr. Clerk. [LB1119]

CLERK: Mr. President, Senator Riepe would move to amend the bill with AM2418. (Legislative Journal pages 1294-1299.) [LB1119]

PRESIDENT FOLEY: Senator Riepe, you're recognized to open on AM2418. [LB1119]

SENATOR RIEPE: Thank you, Mr. President. Thank you, Mr. President, colleagues, and Nebraskans. Last session I introduced LB604, the Nebraska Right to Shop Act, to the Banking, Commerce and Insurance Committee. LB604 was placed on General File last month on a vote of 7-1 with committee amendment AM1934. AM2418 amends the provision of AM1934 onto LB1119, the Direct Primary Care Act. Right to shop is a price transparency and it empowers consumers with the knowledge to make smart choices about how and where to obtain healthcare. Through right to shop insurance carriers provide patients with tools to find the best value.

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Patients are incentivized to find the best value by receiving cash from savings attained. Earlier today you received a handout explaining how right to shop works, so I will not go into detail on that. Price transparency is the essential first step in harnessing what is now the unsustainable growth of cost in receiving healthcare. Success in restraining healthcare costs requires consumers to become responsible for healthcare choices and engaged in the healthcare cost process. When an unknown third party is paying with no personal impact, consumers elect not to care and may assume more expensive is better care. I would like to take this opportunity to briefly explain the right to shop process. First, your medical practitioner prescribes a procedure or a service, such as a knee replacement. Second, you would contact providers of that procedure or service to identify your options. Third, you shop around for the best value and determine which provider at which cost or what cost is the best value for you to the patient consumer. Fourth, complete the procedure or service and provide documentation to your insurer that you shopped around and received a high-quality, low-cost service that resulted in a savings if the insurer rewards you with a share of the savings, at least 50 percent of the cost saved. The state of New Hampshire has already implemented right to shop. The New Hampshire program illustrates that incentives promote shopping, driving savings, and providing a return on investment. The state of New Hampshire saved \$12 million and consumers in New Hampshire have saved in excess of \$1 million. Like direct primary care, right to shop is a common sense approach to addressing rising healthcare costs. It is simple. It is flexible. And it works. LB604 addressed two entities that could participate in the right to shop program. The first is for state employees and the second is for third-party payers. LB604 was referenced to the Banking, Commerce and Insurance Committee because of their requirements on third-party payers. LB604 could have also been referred to the Government, Military and Veterans Affairs Committee, as it placed requirements to offer the program to state employees. Over the interim, I worked to address concerns of the Department of Administrative Services. The amendment gives the Department of Administrative Services the discretion to develop and implement a right to shop program for state employees. This permissive language removes the fiscal impact of the original bill. If the state decides to move forward with the program, it will need to acknowledge the potential fiscal impact through the budget process and could include this requirement in a future RFP. The amendment also does not mandate third-party payers to participate in the right to shop program, but gives the framework for how the program should function if the state or a third-party payer decides to participate in a right to shop program. The provisions of AM2418 and LB1119 work in tandem to offer greater healthcare transparency and positive patient outcomes. Both direct primary care and right to shop provide consumers with greater control over their care and associated costs. I ask that you vote green on both AM2418 and LB1119. Thank you, Mr. President. [LB1119 LB604]

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Bolz. [LB1119]

SENATOR BOLZ: Thank you, Mr. President. I'll admit that when the amendment was filed this morning, that was the first time that I had reviewed this issue and this substance because the bill

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didn't have a priority designation, so I wasn't aware that we would be discussing this matter. So after the events of this morning, I feel like I need to predicate my statements by saying these are genuine questions that I genuinely haven't had time to research given how quickly this has come in front of us. So I do have some questions and it would be helpful to have some policy debate on the floor, if Senator Riepe would yield to a question. [LB1119]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB1119]

SENATOR RIEPE: Yes, I will. [LB1119]

SENATOR BOLZ: Thank you, Senator. The first question I have is the State Employees Insurance Fund, I just took a quick look at it and it references that the funds are appropriated to pay the state's share of cost of the coverage provided and the payroll deductions and the division should make premium payments. Is this purpose, which is being newly established, an appropriate use of the State Employees Insurance Fund under the existing statute? [LB1119]

SENATOR RIEPE: I think the key is the fact that it's totally permissive If the State Employees Fund elects to implement or incorporate the right to shop they can. If they choose not to, they will not...do not have to. [LB1119]

SENATOR BOLZ: Okay. That might be something we need to explore further, because the way I read the amendment, the department--and maybe I'll grab it here--it's actually the Department of Administrative Services at its discretion may develop the program and that the division may use the State Employees Insurance Trust Fund (sic--State Employees Insurance Fund). And my concern is just that if the State Employees Insurance Trust Fund has a statutory purpose and whether or not these incentive payments are in line with the existing statutory purpose. And, Senator, if I could, if I were doing the research and able to, I would try to ask these questions on any use of any fund because I think it's part of our responsibility, particularly on the Appropriations Committee, to try to make sure funds are used for appropriate purposes. So I won't put you on the spot any further on this time on the mike. I just want to raise that as a question because if that's not...if those incentive payments are not an appropriate use of the fund per existing statute, that might be something to take a look at. My other questions are, I understand your point about this being at the division's discretion. I was trying to look in my cash fund book, and the reference I see in the cash fund book, I only see the State Insurance Fund. Do you know what the balance of the State Employees Insurance Fund is and has there been a cash flow that's done about how well it could manage transfers for incentive payments? [LB1119]

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SENATOR RIEPE: I am not aware of the balance in there and I was relying mostly on the flexibility that's provided. If it's permissive, that no one is asking or requiring it, it's just simply saying, if this can work to the advantage of the employees and to the Department of Administrative Services, then...and to the employees, they should do it. If not, they should not do it. [LB1119]

SENATOR BOLZ: Okay. I'm sincerely not sure about whether or not the reference in my cash fund book lines up with the cash fund that you're trying to take a look at. [LB1119]

PRESIDENT FOLEY: One minute. [LB1119]

SENATOR BOLZ: I did ask the Fiscal Office about it just a couple of minutes ago. And I would just ask that if we are, in fact, using the State Insurance Fund--and the reference is 81-8,239.02--that we make sure we do a cash flow, because we'd have to balance the sustainability with the utilization of the existing balance because the original fiscal note talked about hiring vendors and other such things. So I will not hold up this round of debate, but I want to raise these questions because if a fix is necessary, we should do it. Thank you, Mr. President. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Williams. [LB1119]

SENATOR WILLIAMS: Thank you, Mr. President. Good afternoon again. And I would just like to continue supporting the legislation that's coming before us right at this time, in particular, the portion that has been amended on the right to shop piece. And if you take a quick look at your committee statement back on that, we did have a hearing on that and it was voted out of committee 7-1. There was no opposition testimony. And, again, as I mentioned this morning, we have a looming crisis in healthcare. And looking at alternative ways to be sure people understand what they are buying, how much they are paying for it, and with right to shop, having the insurance company have the option to give incentives to those that choose to be covered with these kind of things just makes great sense moving forward. I would encourage your green vote on both the amendment that is up in front of you and the underlying bill. Thank you, Mr. President. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Hilkemann. [LB1119]

SENATOR HILKEMANN: Thank you, Mr. Speaker. I wonder if Senator Riepe would be available for a couple questions on this? [LB1119]

SENATOR RIEPE: Yes. [LB1119]

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PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB1119]

SENATOR RIEPE: Yes, sir. [LB1119]

SENATOR HILKEMANN: So, I have to tell you, this wasn't around when I was in practice yet, so I've got to get my hands around this a little bit. The difference in healthcare costs, are we talking about for procedures? Are we talking about does this only involve physicians or does this also involve hospitals? [LB1119]

SENATOR RIEPE: Well, the primary piece...you're talking about right to shop? [LB1119]

SENATOR HILKEMANN: That's correct. [LB1119]

SENATOR RIEPE: Or are you talking about...? [LB1119]

SENATOR HILKEMANN: I'm talking about right to shop. [LB1119]

SENATOR RIEPE: Okay. Well, it would apply to hospitals as well if you can negotiate that out. [LB1119]

SENATOR HILKEMANN: Okay. I think you used the illustration, if you were...I remember the exact one. So if you were...if a doctor said that you had to have an appendectomy, so how...is the patient simply able to make a phone call to Dr. X and say, what would be an appendectomy? It's \$1,200. And then Dr. Y is \$1,800. How does this work? [LB1119]

SENATOR RIEPE: Well, my sense is that this will be more commonly used in a procedure like a CAT scan or an MRI scan where there are freestanding units in their hospital units. It's a little bit different than if you're going to have brain surgery and you're making calls around. That would probably not be terribly productive if you could get that information. You and I both don't know very many physicians that are going to give you a quote over the phone as to what it would cost, because they don't know. [LB1119]

SENATOR HILKEMANN: Okay. Well, that was the first concern I have. Now, presently, as a healthcare practitioner, if I were ordering an MRI or I was ordering a CAT scan or whatever, I'd pretty well...I have a fairly good clue as to what...in Omaha what's being charged at the different facilities. But isn't it already available? [LB1119]

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SENATOR RIEPE: What's not available is the savings opportunity. Therefore, what's not available is the incentive to the patient to go out of one's way to find out maybe a equally quality type of service that is at a lower cost. And, hopefully, the motivation will be to drive down some of the higher-cost services to be competitive with some of the lower-cost services. [LB1119]

SENATOR HILKEMANN: Now are these...do these services need to be provided in the United States? [LB1119]

SENATOR RIEPE: I don't think it stipulates that. That would be up to the insurance company that has to agree to allow patients to participate in this right to shop, because it's not mandatory. [LB1119]

SENATOR HILKEMANN: So the insurance company can choose whether they're going to give the patient...participate in...probably what we should be doing anyway. Is that correct, as smart practitioners of healthcare, as smart consumers of healthcare? [LB1119]

SENATOR RIEPE: We truly need more consumer engagement. Does that answer your question? [LB1119]

SENATOR HILKEMANN: Well, I guess (inaudible). I would hope that this is already being done, partly on the part of the physician and I would certainly hope on the part of the patient. [LB1119]

PRESIDENT FOLEY: One minute. [LB1119]

SENATOR HILKEMANN: And then the other thing I am concerned about is that I do know that or I have read about people going, for example, to have a knee surgery done in India or some of these foreign countries and that there's some sharing of the cost of that. That's why I wanted to know whether we're comparing apples to apples or who's providing this healthcare. [LB1119]

SENATOR RIEPE: If they're going to, say, India for a knee surgery, as an example, and they had the agreement of their insurance company that their insurance company was going to reimburse them, that would strictly be between the patient, his or her insurer, and where they're going to receive that care. My guess would be is that there aren't too many American insurance companies that are going to approve some surgery in India. [LB1119]

SENATOR HILKEMANN: That's my questions for right now at least. Thank you. [LB1119]

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SENATOR RIEPE: Thank you. [LB1119]

PRESIDENT FOLEY: Thank you, Senators Hilkemann and Riepe. Senator Linehan. [LB1119]

SENATOR LINEHAN: I just want to comment because...thank you, Mr. President...about the cost. So as I was sitting here at my computer, one procedure, colonoscopy, I pulled up in the area. So one association or provider charges \$2,123. The next one is \$3,610. Then we have one for \$4,994 and then one for \$5,596. Then we go down to another area, it starts at \$2,000 and goes up to \$5,000. So, now clearly, I'm just reading off a healthcare costs Web site, so maybe there's more to this story here. But I don't think there's any doubt that if you give people the option of saving money if they do some shopping that we could save money here. And it was just a quick Google. So thank you, Mr. President. [LB1119]

PRESIDENT FOLEY: Thank you, Senator Linehan. Is there any further discussion? Seeing none, Senator Riepe...excuse me. Senator Crawford. [LB1119]

SENATOR CRAWFORD: Thank you, Lieutenant Governor. And I just want to clarify the...we've talked a bit about the component in terms of the state plans, but I would just like to hear a bit more in terms of the obligation or discretion allowed to private insurance providers in the state. I was just quickly reading back over the committee statement and was seeing several "shalls." And so I just want to go back to that question and I would wonder if Senator Riepe would yield to a question, please. [LB1119]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB1119]

SENATOR RIEPE: Yes, I will. [LB1119]

SENATOR CRAWFORD: So would you clarify the requirement or discretion allowed to private insurance carriers in the state? [LB1119]

SENATOR RIEPE: Well, this would simply allow a Blue Cross or a United or an Aetna or anyone else to set up a right to shop program within their health plans. And this could be from employer to employer if the...because they contract with a number of people. It's permissive. They have the right to do it. It's not mandated. [LB1119]

SENATOR CRAWFORD: So all of the "shalls" are applying only to those who choose to step up and provide this as part of their services? [LB1119]

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SENATOR RIEPE: The intent here is is, as I said, to be permissive. There isn't intended to be...I'm trying to pick up on where the "shalls" are at, but... [LB1119]

SENATOR CRAWFORD: Just talking about the insurance provider "shall" establish an interactive mechanism on the Web site. Within two days of enrollee's request, the insurance carrier "shall" provide a good faith estimate of the costs. It would provide the insurance carrier "shall" make the incentive program available as a component of health plans offered by the insurance carrier in the state. Those are the "shalls", so I'm just clarifying that... [LB1119]

SENATOR RIEPE: Those are the "shalls" I guess that come after the decision that the option...they are electing to do the option, then they needed to have some guidelines in there to make it a legitimate opportunity for the enrollee or the customer or the consumer. [LB1119]

SENATOR CRAWFORD: All right. And that would be in Section 3 of the act I'm seeing. [LB1119]

SENATOR RIEPE: They're fundamentally rules of engagement. [LB1119]

SENATOR CRAWFORD: Excellent. Thank you so much, Senator Riepe. [LB1119]

SENATOR RIEPE: Thank you. [LB1119]

PRESIDENT FOLEY: Thank you, Senators Crawford and Riepe. Senator Riepe, now you're recognized to close on AM2418. He waives close. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1119]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of Senator Riepe's amendment. [LB1119]

PRESIDENT FOLEY: AM2418 is adopted. Anything further on the bill, Mr. Clerk? [LB1119]

CLERK: Nothing further on the bill, Mr. President. [LB1119]

PRESIDENT FOLEY: Senator Ebke, could I ask you to make a motion, please? [LB1119]

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SENATOR EBKE: Thank you, Mr. President. I move the advancement of LB1119 to E&R for engrossing. [LB1119]

PRESIDENT FOLEY: Members, you've heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB1119 advances. Let's proceed to the next bill, Mr. Clerk. [LB1119]

CLERK: Mr. President. LB1132. Senator, I have E&R amendments first of all. [LB1132]

PRESIDENT FOLEY: Senator Ebke. [LB1132]

SENATOR EBKE: I would move the adoption of the E&R amendments. [LB1132]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB1132]

CLERK: Senator Pansing Brooks would move to amend with AM2707. (Legislative Journal page 1258.) [LB1132]

PRESIDENT FOLEY: Senator Pansing Brooks, you're recognized to open on AM2707. [LB1132]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Well, this amendment keeps the intent of the bill the same to provide a new start for victims of trafficking to be able to rebuild their lives, access housing, get a job, go back to school. So since General File, I incorporated the comments from the Supreme Court, the Nebraska County Attorneys Association, the (Nebraska) Criminal Defense Attorneys Association, and from Senator Schumacher. They all gave changes that we've incorporated into this amendment, so I feel that the bill is even stronger than it was before. We clarified and reiterated that victims can only seek set asides after completing their sentences. This was always the intent, so since there was some confusion regarding this on General File we've clarified that language in the amendment. The amendment also reinforces judicial discretion in the process. Judges have to find that persons are both: one, victims of trafficking; and two, that the crime for which they are requesting the set aside was a result and a proximate cause of their status as a trafficking victim. Colleagues, this sea change that has been occurring is important and we've all been a part of it to understand that the oldest profession in the world is actually the oldest myth in the world, that most people that in the past have been charged with prostitution have actually been victims and under force, fraud, and coercion of their traffickers. So this goes on to ensure that our most vulnerable are protected

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at all venues, including hotels, massage parlors, strip clubs, after-hours clubs, motels, and within services ranging from spas to escort services, etcetera. This is Nebraska nice. We have tightened the requirement in the bill to ensure that only offenses connected to trafficking are eligible for set asides. The amendment changes the word "petition" to the word "motion" to ensure that it goes back to the same court and the prosecuting attorney has a chance to respond. This aligns with provisions governing the ceiling provisions, which already reference "a motion with the sentencing court." The original bill drew from Nebraska Revised Statute 29-2264, which is the current set aside statute. The amendment ensures that the effect of this set aside process in LB1132 is in line with Nebraska Revised Statute 29-2264. The amendment clarifies that the impact of sealing of juvenile court records follows existing law by including a reference to Nebraska Revised Statute 43-2108.05. Again, I want to be clear that this amendment responds to issues raised by a number of stakeholders but the intent of the bill remains the same, to provide an opportunity for victims of sex trafficking to rebuild their lives after they have completed their sentence. Thank you, Mr. Lieutenant Governor. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Debate is now open on the amendment. Senator Schumacher. [LB1132]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. If you'll recall, I had an objection to this bill, calling it the "007 license to kill bill" in which we basically saw a situation where Bonnie and Clyde, let's say it was a sex trafficking relationship and it evolved and they robbed a bank and Bonnie blew away the bank teller. And the way it was originally worded, intentionally or unintentionally, was that Bonnie got a free pass, she had a license to kill. Senator Pansing Brooks worked with me. We've come up with language that solves that, because Bonnie can't go back to court asking for a set aside until she's done her life in prison or whatever she was sentenced to. And it made it clear that the activity had to be a proximate cause caused by the sex trafficking. So I thank Senator Pansing Brooks for her cooperation and willingness to work out that wrinkle. Thank you. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Is there any further discussion on the bill or amendment? Senator Pansing Brooks, you're recognized to close. She waives close. The question before the body is the adoption of AM2707. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1132]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of Senator Pansing Brooks's amendment. [LB1132]

PRESIDENT FOLEY: AM2707 is adopted. Mr. Clerk. [LB1132]

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CLERK: Mr. President, Senator Thibodeau would move to amend AM2718. (Legislative Journal pages 1300-1301.) [LB1132]

PRESIDENT FOLEY: Senator Thibodeau, you're recognized to open on AM2718. [LB1132]

SENATOR THIBODEAU: Okay. Thank you, Mr. President. Colleagues, as you know, LB1132 is about human trafficking and helping victims. We rightfully added the term "bottle club" to this bill in the amendment from Senator Pansing Brooks that was just adopted. My amendment, AM2718 is also about human trafficking and helping victims by defining what a bottle club is, a term now in the bill, and adding language that will close the existing loophole that is currently allowing women to be sexually exploited by unlicensed and unregulated bottle clubs operating just like a bar or nightclub. The language in my amendment is not new and, in fact, this language was voted on and approved unanimously by this body last year in LB632, which is sitting on Select File and stopped moving forward over a separate unrelated provision. With my amendment I am simply taking language already approved by this body that is currently on Select File and moving it to LB1132 with minor adjustments to reflect the realities of bottle clubs' connection to sexual exploitation and trafficking that we have learned about over the past few months. In particular, I want to draw your attention to a few new findings of particular concern that were brought to light and confirmed by bottle club owners and managers during the committee hearing last month on my bill, LB747, which contained the language in this amendment and shows a clear connection between bottle clubs and trafficking. The dancers in these clubs are fully nude. Not only are they completely naked, but the clubs actually permit and encourage their patrons to make physical contact with the nude dancers in their sexually intimate areas, including breasts and buttocks in exchange for money. This is troubling to me, given Nebraska Revised Statute 28-801 defines prostitution as including sexual contact, meaning the intentional touching of intimate areas, including inner thighs, buttocks, and breasts in exchange for money. Alarming, minors as young as 18 are allowed entrance to these clubs and can participate in the commercial sexual activity. This is not just about nude dancing or, arguably, prostitution. We also know that these clubs have women who come in from out-of-state business booms during the College World Series and Berkshire Hathaway Conference. And during the committee hearing it was stated that the dancers have, quote, pimps, unquote, and, quote, boyfriends who are really just pimps, unquote. During the committee hearing, we learned that the dancers are not employed or paid by the club. Instead, they have to pay fees to the club in order to start working. They have to pay a fee if they want to leave their shift early, and the club takes a cut off of the money they are given for every dance they do, which includes bid dances, where again the dancer is fully nude and sexual contact is allowed. This creates debt bondage and manipulation, raising serious questions about coercion. Colleagues, when you look at all of these facts, what we are dealing with are essentially legalized pimps, and it should be very clear that pimps and traffickers are the same thing. That's why this amendment is needed and appropriate for this bill. According to the National Center on Sexual Exploitation, there is an

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absolute and incontrovertible connection between stripping, prostitution, and sex trafficking. Until we, as a society, recognize and combat all forms of sexual exploitation, including stripping, we will never end the vicious cycle of sex trafficking and prostitution. These clubs across the state and in my district are much more than just strip clubs. The women are fully nude, and contact is allowed. They're coming in from out of state, have pimps, and have to pay fees to the club. This is all happening because the Legislature stopped regulating bottle clubs in 2004 because the traditional model didn't exist anymore. This created a loophole that is being used to sexually exploit women and evade common-sense health and safety standards. This amendment closes this loophole and protects vulnerable women by requiring bottle clubs to follow the same rules and regulations as everybody else and ensures law enforcement has the proper and necessary access they currently are being denied. I'm amending this language about bottle clubs into LB1132 only because the bill that I introduced to address the issue was never voted on in committee, even though there was strong support from the super majority of committee members, the Nebraska Liquor Control Commission, Omaha City Council, and antitrafficking organizations. Additionally, it was made apparent during the committee hearing that this was much more than an alcohol bill. It is directly related to the sexual exploitation of women. I am bringing this amendment today because when LB1132 was on General File, I was still hopeful that my bill, LB747, could be amended to a committee bill. Since that option is no longer on the table, both Senator Pansing Brooks and I felt strongly that it was appropriate for this language to be added to LB1132. Colleagues, I am asking for your support on this amendment because this issue is affecting my district and women are being victimized. Citizens are greatly concerned about this issue and they should be. I've also heard from a young woman in our state who is a victim of human trafficking and used to work in these types of clubs. She could only describe them as being like a meat market where women are stripped naked, dehumanized, and paraded around like property. Like her, I believe that we can do better. There are multiple other clubs across the state doing the exact same thing and more will continue to open every year, leaving more women susceptible to sex trafficking until this loophole is closed. I ask that you give a green vote on AM2718. Thank you, Mr. President. And how much time do I have left? [LB1132 LB632 LB747]

PRESIDENT FOLEY: Still 3:00. [LB1132]

SENATOR THIBODEAU: I would like to yield the balance of my time to Senator Pansing Brooks as well as thank her for allowing me to bring this amendment to her bill. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Thibodeau. Senator Pansing Brooks, 3:00. [LB1132]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. And thank you, Senator Thibodeau. When Senator Thibodeau came to me originally, I was trying to understand what this

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was...what was going on. I hope you all take time to read the transcript that occurred during the hearing, because it's quite clear they're talking about pimps. They're talking about debt bondage. They're talking about all the exact things we have been talking about regarding trafficking. They're talking about the specific dates that they have the highest percentage of attendees, which is during the Berkshire days and during the Omaha World Series and during the Husker football games. It's all exactly aligned to trafficking. And when you read the despicable things that are happening and the fact that people 18 and older can go into these quote unquote private clubs, where people bring in alcohol and they make sure that no one is getting any alcohol. This is despicable. And when I saw this and recognized the fact that the testimony directly relates to trafficking, directly relates to the fact...I mean, we have quotes where the key testifier said they have pimps and boyfriends who are really just pimps. If you have pimps, my friends, you have trafficking going on. Let me be clear. Pimps are the people who are in control of the trafficking victim. And remember, the difference between prostitution and trafficking is force, fraud, and coercion. So if they're taking control of their money, they're taking control of their housing or their identification, that is trafficking. So I just want us to remember when we were working on this before and I talked to the county attorney in Omaha, I asked him, what percentage of the cases... [LB1132]

PRESIDENT FOLEY: One minute. [LB1132]

SENATOR PANSING BROOKS: ...where we've been charging for prostitution are they really trafficked? And he said 96 percent to 98 percent of the time they are actually trafficking victims. So I believe because we have voted on this before, this bill is on Select. Senator Thibodeau added the language that connects it to our bill regarding the trafficking. And so I consider this a friendly amendment. I hope you will all support Senator Thibodeau's amendment to my bill and move this forward. Thank you very much. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. (Visitors introduced.) We'll open discussion on the bill. Senator Larson. [LB1132]

SENATOR LARSON: I challenge the germaneness of AM2718. [LB1132]

PRESIDENT FOLEY: Senator Larson, I'm going to ask you and Senator Thibodeau to each take a turn at the microphone and lay out your case as to why you believe the amendment is germane or not germane, sir. Senator Larson, you may proceed. [LB1132]

SENATOR LARSON: Thank you, Mr. President. And I understand, colleagues, this is an emotional issue. This is an issue that Senator Thibodeau cares deeply about, as does Senator Pansing Brooks. But just because it's emotional doesn't mean it's germane. Colleagues, LB1132

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is a bill relating to crimes and offenses and amends Section 25-3523. AM2718 focuses solely on Chapter 53, which are the liquor statutes dealing with liquor licensees. I understand that Senator Pansing Brooks's last amendment, AM2707 I think it was, added bottle clubs on page 6, line 4, as one of the institutions that they could receive financial records showing profits from the commercial sex trade. That's like saying that we could add in truck stops into that language because of those possible connections to sex trafficking and request their financial records. These two very clearly different statutes, one is dealing with the criminal side of set asides and sex trafficking, one is clearly based on liquor law and a type of liquor license. Now, a little bit of history on bottle clubs. A bottle club can be anything. It can be a type of establishment that Senator Thibodeau and Senator Pansing Brooks are referring to or it can be a golf club. So I think we will set a dangerous precedent if this is ruled germane. And I do think we're also dealing with a very unique character on who this pertains to. By adding AM2718 into LB1132, we will violate the single subject rule. He has stated he'd sue if it went through the proper legislative channels, but by doing this we risk--even with a severability clause from Senator Pansing Brooks--we absolutely risk all of LB1132 being declared unconstitutional and losing everything. Thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Thibodeau. [LB1132]

SENATOR THIBODEAU: (Recorder malfunction)...President. First, thank you, Senator Larson, for the great idea because sex trafficking actually does happen at truck stops, too. So maybe we should add that in there. I do believe that this is germane. If you look at page 6, which Senator Larson had mentioned, Senator Pansing Brooks did name bottle clubs along with hotels, motels, those types of things where sex trafficking tends to occur. On my amendment, on page 1, line 21, I do refer to the criminal code 28-830. Additionally, the Liquor Commission act contains criminal code as well. So there's criminal code in here and this issue is trafficking; it's dealing with trafficking. We need to be able to look at these clubs. And if you look at the handouts I gave, police are not allowed access to these clubs. And the germaneness in here is in Senator Pansing Brooks's bill. We do reference the code to where this stands. And I understand that Senator Larson thinks that this is an emotional issue and that maybe we're only going after one certain person. But in addition to my germaneness, I would also like to read an email that is not just one certain person. This was sent to me by somebody in Omaha. And just to show that these clubs are opening up everywhere, it is a business called Our Place. This business is violating multiple city codes. It's a swingers club where patrons are charged a fee to enter. Patrons are allowed to bring their own booze and drugs. IDs are not checked and many patrons are under age. Illegal drug use is common. Open nudity is encouraged as is sexual activity between patrons. I'm certain they're not paying taxes of any type for the large entry fee they charge. They have had multiple noise and parking complaints against them. There have been fights amongst patrons due to the aggressive or unwanted sexual attention. I've seen women so drunk or high they were basically incapacitated and incapable of giving consent for sex being passed around

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and sexually used by multiple men while completely incoherent. I have personally witnessed drunk, passed out women having to be carried out of the club. There have been other instances where patrons have spread and knowingly infected others with STDs. This business is a black eye to the city of Omaha and needs to be closed and raided immediately. Raid them any Saturday night and you will find proof to confirm everything I am saying and more. Additionally, the building itself is run down and in violation of many city, fire, and health codes. This should not be allowed to continue. So, ladies and gentlemen, when we're looking at germaneness we are looking at trafficking. There's two different places in Omaha that are doing trafficking. In order to allow the Fire Marshal to get into those buildings to do an inspection, in order to allow law enforcement into those buildings, they need to be under the control of the Liquor Commission, which already contains criminal sections that address this. It is more commonly known, administrative sections. One of those criminal sections is the Nebraska Revised Statute 53-186.01, which makes it a misdemeanor crime to operate certain types of establishments without a liquor license. [LB1132]

PRESIDENT FOLEY: One minute. [LB1132]

SENATOR THIBODEAU: This amendment adds bottle clubs to the list. It is a misdemeanor crime to operate one of those locations while the appropriate license. Nothing in this amendment prohibits a bottle club from applying for the appropriate retail liquor license. What this amendment does is it brings to light the sex trafficking that goes along with the bill that we are amending it to. Thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Thibodeau. Ordinarily, I would ask the two parties to step forward, but I've already spoken with both of the parties and they've had conversations with me about their arguments. They both make very, very strong arguments in favor of or in opposition to germaneness. Sometimes these questions come to the desk with very, very short notice. In this instance, I've known about this dispute for several hours. I've had the opportunity to read it, read the amendment, read the bill, confer with the Clerk and so forth. I find Senator Larson's arguments most persuasive. I'm going to rule that the amendment is not germane. Both senators understand that they have the right to appeal the ruling of the Chair. Senator Thibodeau, for what purpose do you rise? [LB1132]

SENATOR THIBODEAU: I motion to overrule your ruling. [LB1132]

PRESIDENT FOLEY: Okay. There's been a motion to overrule the Chair. Senator Thibodeau, you may open and close on your motion and every other Senator can speak one time and no senator may yield time. So, Senator Thibodeau, you may go first. [LB1132]

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SENATOR THIBODEAU: Okay. And, Mr. President, how much do I have to open? [LB1132]

PRESIDENT FOLEY: Ten minutes. [LB1132]

SENATOR THIBODEAU: Thank you. I would just like to reiterate, colleagues, that this bill is about sex trafficking. These clubs are sex trafficking in these clubs. This is germane to the sex trafficking bill at hand. We need to protect these young women. You heard me say that they are being held in debt bondage. If you have read some of the testimony that was given in the committee hearing, I would like to point out a few things. First, question, Senator Krist: First of all, did I just understand that you allow folks who are underage to come in and participate in the entertainment? Mr. Harrington: Of course. So there, they are allowing 18-year-olds in. These 18-year-olds are having lap dances and participating in prostitution, as I will read later on in the committee hearing. Shane Harrington: A one-night membership are \$30, one-year memberships are \$50 and then there's a membership dues that have to be paid. Senator Blood: And then the girls make money? Shane Harrington replies: Yep. Senator Blood: And do they have to share any of that with the house? Shane Harrington replies: Only if they get a private dance. All their tips are theirs. So if they get a private dance, they have to rent the room for the private area because it's like a VIP room and so we have them very decorated and nice and fancy and so they pay one-third. So basically, if it's \$100, they get \$70, we take \$30. Senator Blood goes on to say: Is there like a standard menu rate for what a private dance is? Mr. Harrington: As far as pricing, it's 15 minutes is \$100. Does it go up beyond that? Mr. Harrington: Sometimes people will do a half hour, but pretty much 15 minutes is about the norm. Ladies and gentleman, this is the exact debt that we are talking about. They have to...these women are subjected to having to pay...first of all, they have to pay to then perform for whoever is asking them to do this bid dance or whatever it is in which there is touching that is going on there that does go against our state code, our current state code of prostitution. Additionally, in addition to renting the space for their private dances, they have to rent a locker. And so Senator Blood asked Shane Harrington: Do you provide benefits? Mr. Harrington said: They're independent contractors, so they actually...it's like being a hair stylist. They rent the space of the club. Basically, they rent a locker. So now they're being charged to go and do a bid dance. They have to charge...they're being charged to rent a locker. And Mr. Harrington stated: The locker is \$20. Senator Blood asked: A day? And he said, \$20 during the week. Who knows what he charges to rent a locker on the weekend. It could go up from there. Senator Blood then begins to...starts to ask: So your patrons aren't allowed to touch the girls at all, even in the private dances, right? Mr. Harrington replies: No, they can touch if the girls allow. Then Mr. Harrington says: It's entirely up to the girls what consulting adults decide to do. As long as it's not prostitution, it's completely legal. So they're allowed to touch the girls wherever? Mr. Harrington replies: No, not in between the legs. Senator Blood said: Okay, but breasts and buttocks? And Mr. Harrington replies: Yep, yep. Ladies and gentlemen, touching of the breasts and buttocks goes directly against our state statute of what prostitution is defined as. And if you give me a second, I have that statute here in my pile. But our statute, it does define

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intimate areas. And intimate areas, it includes the touching of breasts and buttocks. And what it says as far as prostitution is that if you are being paid for the touching of breasts and buttocks, that is considered prostitution. So here we have a gentleman that is making these girls pay him to provide these services. They are walking around naked, hoping that they can make enough tips to pay off whatever they have to do for that evening, and then they are basically being forced into prostitution. If that's not the definition of sex trafficking, I don't know what is. So this isn't about just strip clubs, this is about sex trafficking. I already reiterated they have a business boom. In fact, their club manager said in testimony they have a business boom during the College World Series and Berkshire Hathaway and many other big events that come to our company. And that girls are coming from out of state. So this may not only be a state sex trafficking issue, it could be a federal, as girls are coming across state lines. So I reiterate that this amendment is to deal with the trafficking that is going on in our state amongst many clubs, not just one. There are many. Thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Thibodeau. Senator Schumacher. [LB1132]

SENATOR SCHUMACHER: Thank you, Mr. President. I rise in support of the Chair. I think one lesson that needs to be learned in this body is, it's not what you intend the law to say, it's what the law says or what the bill says that counts. And this thing is so overbroad it can't be germane to Senator Pansing Brooks's legislation. It covers polka bands. It covers dinner theaters. Read the language. But let me tell you what it also does and why it is so not germane to this bill. It is a direct attack on our constitutional rights. If you tour through the Northeast and my kids live out there and I went to school out there, so I spent time driving through the countryside of Virginia and Maryland and Pennsylvania and Connecticut and New York. And on the little country roads, you'll find a little pub, a little bar, a Masonic Temple and sometimes they'll have signs outside. Here's where this historic event occurred. Here is where the idea of this constitutional principle first was debated in the pub. Seems that's pretty deep in our roots, pretty hard to get away from. Those associations, some in secret societies and some with a little bit of spice, if perhaps, Benjamin Franklin was in attendance. Those are the foundation of something very precious to us and that very precious thing is embodied in our constitution, our constitution which says in the First Amendment, Congress shall make no law--and this also applies to our state constitution--respecting an establishment of religion or prohibiting the free exercise thereof or bridging the freedom of the speech or the press or the right of the people to peaceably assemble and to petition the government for redress of grievances. Now, read the condemning language of this amendment. Do you suppose those people sitting in the Masonic Temples or those bars would want a list of the attendees turned over to the king's soldiers? That's why that amendment was written. It shall not be abridged, but this thing says: An accurate and current membership list shall be maintained upon the premises, which contains the names and residences of the members. The person operating the bottle club shall make the membership list available to the commission and any law enforcement officer--the king's men--for investigatory and

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enforcement purposes. Enforcement of what? It doesn't say sex trafficking. It might be as to whether or not you're a member of a political party or you're an advocate of an idea that happens to be unpopular or you want to rebel against the king. That type of repression is not germane to the bill that Senator Pansing Brooks brought to us. This is overbroad. It doesn't just deal with what we've heard and the tantalizing testimony. It deals with broad rights. [LB1132]

PRESIDENT FOLEY: One minute. [LB1132]

SENATOR SCHUMACHER: Was that one minute? [LB1132]

PRESIDENT FOLEY: One minute. [LB1132]

SENATOR SCHUMACHER: Okay, thank you. It deals with broad constitutional rights and principles. Redraft this, and I might be for it. But assuming we go on with this debate and for some reason this is admitted as being germane, I'll go through and parse through the language to show you exactly how this was written by zealots who didn't think of what they were writing. And, in fact, some of the language doesn't even make sense and is absent verbs and nouns. Thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Krist. [LB1132]

SENATOR KRIST: Thank you, Mr. President. Good afternoon. I'm certainly glad the fourth graders left before we had to describe to them what a pimp actually was. But I do not...I stand in opposition to the motion that this is not germane. I believe it is as germane as many other things that we do in this body. Connected by topic, read the rule book. It's on topic. And the Liquor Control Commission indeed does have criminal codes that it deals with, so I do believe that those two things would make it germane in terms of the conversation. I've sat through many debates, both here on the floor and in committee. I think the graphic nature of those that did not want the death penalty or did want the death penalty, in terms of making their decisions, making our decision on the floor of this Legislature were uncomfortable. That committee hearing was, in my opinion, led predominantly by the ladies in the committee and they were outraged that this kind of behavior could happen. And my part in that committee hearing was simply to deal with the testimony of the man who has now abused the model, taken advantage of a loophole, and has started some despicable activity which happens to be a public place. Someone who pays their membership...for a membership to come in. Now, I argued or asked questions that would argue with him that this is not our homes. This is not a private residence. This is not something that would be protected. This is basically an abuse of a loophole where there's alcohol that is present in an establishment after the curfew for alcohol in normal businesses. And I asked him straight out, so you don't have any problem complying with and getting a liquor license? He said, they

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won't give me a liquor license. You read the testimony. Essentially there was a point made that if he would comply with the rules, regardless of the morality, but if he would comply with the rules, that we would have some control, if you will. That was mentioned by Senator Thibodeau that in order for anyone to actually monitor the safety and security and structural integrity, the cleanliness of the building, we would have to have access to that building. And we should if he was complying with the law and getting a license, even if it's an after-hours club. Now I'll say this. Senator Larson made a huge point of the fact that this guy is going to sue us. Really? Bring it on, because if that's the best we can do and we make laws because somebody is going to sue us, we shouldn't be in this building. To Senator Schumacher's point, I am not a lawyer. Therefore, I believe he could probably make this bill sing if he wanted it to, putting the smoke back in the cigar and singing at the same time, I guess. The point I guess I'm making here is that in the final analysis, something needs to be done. If this is not germane and you don't do it this year...Senator Larson, would you move? I would like to be on camera. Yeah, I do need the face time. Very courteous of you. I believe that honestly that we're talking here about something that needs to be done. [LB1132]

PRESIDENT FOLEY: One minute. [LB1132]

SENATOR KRIST: There are clubs in south Omaha, there is another club in west Omaha. They are run pretty much the same way. They're finding a loophole in order to take advantage of serving alcohol after hours, up to 4:00 and 5:00 in the morning, and providing no guidance, no supervision, if you will. I will vote to overrule the Chair and I will vote for this amendment, because I think it's the right thing to do. But if we don't get there, please, follow through with this in the next year or two and try to control and give the Liquor Control Commission the control that they need to stop this activity. Thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Blood. [LB1132]

SENATOR BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand in favor of overruling the Chair and against the motion for germaneness. And I want to tell you today that we're really standing here because of LB632, Senator Larson's failed bill, that had so many opponents that I can't even list them today at the mike. And now Senator Thibodeau, whose initial intent was to embrace what the Liquor Commission truly wanted done that Senator Larson could not get done, which was in reference to the commercial enterprise that exists, such as a bottle club that allows alcohol needs to be licensed as such. But during the hearing...and I encourage you to come and get the full transcript which is at my desk, because you're not even seeing the tip of the iceberg. It was very clear that we had to continue to ask questions because with every question, more injustice was brought to the table. And our job as a Legislature is to address those injustices when we hear them, because if we do not do that we are not being

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responsible senators. It was horrifying. And I am not easily influenced by words when it comes to issues like this. It was horrifying. They came bragging about their business model and so I asked them questions, as the business coach that I am, about this business model that they found so successful. And it was made quite clear from the very beginning that the business model was based on the backs of these women--consistently referred to throughout the hearing as girls--resisting and denying a woman's maturity, supporting rape culture by referring to adult women as girls, and then bringing in somebody who is a specialist in reference to the adult sex industry to tell us the history of why men should be allowed to call adult women who are entertainers girls. Now, I want to point out that during this conversation, again, if you look at the full transcripts, we asked if their male strippers who perform once a week were called boys. Of course the answer was, well, of course not. Never in my life have I heard so many antiwoman sentiments in a short period of time. This isn't about the sex trade industry. This is about an industry that's here in Nebraska that is utilizing victims. These women are victims. And we did have somebody come and testify, by the way, that was a dancer. And her body language told us everybody. These are women that receive 990s. They pay their own taxes. They're not getting any kind of benefits. While the business owner is bragging about how he lifted up all these young women--of course, he said girls--so they could have better lives. You know, this isn't Pretty Woman, gentlemen and ladies. These women aren't saving up money to become doctors. These women aren't going to go on and go off to law school. These women are being used and abused, and what's happening is against state statute. So, yes, what was initially meant for this bill ended up being much more because it's our responsibility to be these people. We are the Justice League when it comes to this, folks, but I'm telling you, come to my desk, read this entire transcript. [LB1132]

PRESIDENT FOLEY: One minute. [LB1132]

SENATOR BLOOD: If you're not incensed, you're not human. This place, every single day, every hour of the day, is making a profit on the backs of these women, and they're proud of it. They sat there and they bragged about it because that was their initial business model, it says in the transcripts, from the very beginning. We're going to exploit these women and these women are going to do it willingly. And you know why? Because these women are victims of the sex trade; women, not girls, these women. And I care about every woman in Nebraska, and it's my job to stand up and support Senator Thibodeau, just like it was my job in the hearing to make sure that we got every dirty detail out of this gentleman who, by the way, I think his attorney is probably on the verge of earning a bar complaint, because we've all received two threatening letters. [LB1132]

PRESIDENT FOLEY: Time, Senator. Time, Senator. [LB1132]

SENATOR BLOOD: Did you say time? [LB1132]

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PRESIDENT FOLEY: That's time. [LB1132]

SENATOR BLOOD: Thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Brasch. [LB1132]

SENATOR BRASCH: Thank you, Mr. President and colleagues. I will support in overruling the Chair on this. I, too, am on General Affairs Committee and we did ask many questions. I learned a lot just from listening closely. And I, too, want to quote from the transcript when Mr. Harrington is being asked what the women--and he does refer to them as girls, throughout the transcript they are referred to that. Mr. Harrington says: No, uh-huh, I mean, we could bring in food and stuff but it's just, you know, it's for us it's more...it's just to have fun. Safe place for adults to go where they don't have to feel like everything is, you know, they want to be private, you know. I have doctors and attorneys and people like that that want their anonymity protected. They don't want everyone to know that they're there or where they're going from 2:00 to 5:00 in the morning. I've served on General Affairs before and listening to this, this was not about alcohol. This was about women and young women who were victims, that the lure...they are the lure for that establishment. They talked about the rooms being private. And there's a lot of education about human trafficking and about protecting women. I think our role here in legislation is to try to make laws that protect individuals, that can protect women and others. And so I do believe it is germane. So I rise in support of LB1132 and the underlying amendment and it is germane and to overrule the Chair. Thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Brasch. Speaker Scheer. [LB1132]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Sometimes we have to do things we don't like to do because it's the right thing to do. I like Senator Pansing Brooks's bills. I like it a lot. I've always liked her bills that have to do with trafficking. I like Senator Thibodeau's bill. I think we do have a problem. But I do agree with the President that the ruling is they are not germane. And as much as it pains me to say that, not that he is correct, but that we are going to lose the ability to have those bills on the floor, they do not represent a germaneness. They are both great bills, but doing two wrongs to make a super right still is two wrongs. I don't often get up, but I do think I had an obligation to the Lieutenant Governor. I would have made the same ruling. They are not germane. Those of you that listened to Senator Schumacher got every bit of information you needed to know in relationship to why they were not germane. We all want to make a difference in this world. We all want things to be right. Both those bills right a wrong but, unfortunately, by our rules we can't do that with one motion today. I stand in favor of holding the ruling as provided by the President and voting against a red vote on overruling the President's decision. I feel badly doing that. Both these bills deserve to be part of our statute and Senator

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Pansing Brooks still can. But, unfortunately, Senator Thibodeau's, this is not the right vehicle, this is not the right day. If there's another one out there, God bless you, bring it up and I'll support it. But we have to follow the rules, folks. We just have to follow the rules. Thank you. [LB1132]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Pansing Brooks. [LB1132]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. And I appreciate the opinions of both Lieutenant Governor Foley and of Speaker Scheer. I want to read from our statutes. And it says germane amendments...this is Section 3(d) says: Germane amendments relate only to details of the specific subject of the bill and must be in the natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject. Clearly, as you've heard from Senator Thibodeau, Senator Blood, Senator Brasch, it is clear that this relates because of the fact that we're dealing with trafficking. So there's no clear statement or rule that says absolutely this shouldn't apply or shouldn't be connected. I think Senator Thibodeau has come up with a good idea. I have supported that idea. I just talked to Hobie Rupe, who is the attorney for the Liquor Control Commission and in regards to Senator Schumacher's arguments, the Liquor Control statutes are replete with misdemeanors and all sorts of charges regarding bad acts. So to say that, oh, well, this doesn't apply...literally, the Liquor Control statutes are replete with criminal provisions. Again, this is a matter of reading the rules and bright, good people can disagree. I happen to disagree that this is something that shouldn't be done or isn't germane and I will continue to support Senator Thibodeau. I hope that her amendment will be attached to my bill. We have just added my amendment to LB1132, we've just voted to accept that amendment. It does include the word "bottle clubs" in there. So it talks about spas and massage parlors and hotels and motels. So to say that it doesn't apply, it doesn't make sense to me right now. And I agree that good people can disagree on certain areas, but, again, not only does it apply, it has been out, we have already voted on this part of the bill unanimously. Pardon me? Did you say time? Oh, okay. Sorry. [LB1132]

PRESIDENT FOLEY: No, two minutes. [LB1132]

SENATOR PANSING BROOKS: We voted this exact same bill out 43-0 last year, 43-0 we passed this. It's been sitting on Select. This bill has already gone through General File. This amendment has already gone through General File for us. It is sitting on Select because it was part of the craft brewers' bill last year that Senator Larson pulled that craft brewer part out and it is still sitting there. He didn't want to go forward with it. So it was Senator Craighead's bill. Senator Thibodeau continued with that bill. We have already voted on this, my friends. She added language to say that it does attach to the trafficking because of what came out in

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testimony. And if you look at that, they continually say, no police, no law enforcement, no problem about doing whatever you want there. They talk about the fact that there was obvious drug dealing going on and that there was obvious trafficking, because of the fact that they are not in control of their own money. So we can all quibble over the particularities of a rule and I respect... [LB1132]

PRESIDENT FOLEY: One minute. [LB1132]

SENATOR PANSING BROOKS: ...the opinions...thank you, Mr. Lieutenant Governor...I respect the opinions of Speaker Scheer and Lieutenant Governor Foley, but if you please look at the rule on germaneness, that is a decision that they made that can be argued either way. So I hope that you will support Senator Thibodeau's amendment. I hope we can go forward and pass LB1132. Thank you, Mr. Lieutenant Governor. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Morfeld. [LB1132]

SENATOR MORFELD: Thank you, Mr. President. Would Senator Thibodeau please yield to a question? [LB1132]

PRESIDENT FOLEY: Senator Thibodeau, would you yield, please? [LB1132]

SENATOR THIBODEAU: Yes. [LB1132]

SENATOR MORFELD: Senator Thibodeau, did you ask the Chair of this committee, General Affairs Committee, Senator Larson, to exec on this legislation? [LB1132]

PRESIDENT FOLEY: Senator Thibodeau, would you yield? Would you respond to the question, please? [LB1132]

SENATOR THIBODEAU: Oh, okay. I'm sorry, could you please repeat the question? I didn't know... [LB1132]

SENATOR MORFELD: Did you ask the Chair of the General Affairs Committee, Senator Larson, if he would exec on this legislation? [LB1132]

SENATOR THIBODEAU: Yes, I did. And it was going to be in an omnibus bill that would not have gone well, just like LB632 did not go well last year on the floor. So the entire omnibus bill

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was stripped to just include music licensing. So during the Exec Session for the music licensing bill, I did ask for LB747 to be put back into that bill. [LB1132 LB632]

SENATOR MORFELD: Did you ask for him to exec on this bill individually on its own merits? [LB1132]

SENATOR THIBODEAU: No. I was told we would not exec on it individually as it needed to be part of the omnibus bill. [LB1132]

SENATOR MORFELD: Okay. Thank you, Senator. Colleagues, I think that there's good arguments on both sides of this issue. I do believe that there is enough of a connection for there to be germaneness and I will vote to overrule the Chair. I also think that it's important to point out that it's important for committee Chairs to give each and every senator a fair chance to be able to have their bill executed on, particularly if they have the votes. And if Senator Thibodeau said that she had the votes in order to get this out of committee, I take her word for that. And I think that it's an important reminder to all the committee Chairs in this body and anybody who aspires to be one, that we shouldn't play games with your power as a committee Chair and that you should give every bill the opportunity to stand on its own if that's the desire of the introducer of the bill. Because otherwise what happens is, is we have instances like this where we have to struggle to get a bill, that otherwise would have been out of committee, amended onto another bill to address an important policy issue. We wouldn't be here today if games weren't played by one of the committee Chair. I will support the overruling of the Chair, and I urge you to do so as well. Thank you. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Larson. [LB1132]

SENATOR LARSON: Thank you, Mr. President. Colleagues, I understand that as I said it's an emotional issue and many of you wish to stretch this to sex trafficking. In the end, I think what we have to remember is we assume that there's sex trafficking happening at these individual establishments. That doesn't mean that there are...there is actually, but we assume that there is. And we are linking or trying to link germaneness on an assumption that that's happening. I think one thing that we as a Legislature--and I had somebody bring it up to me--have to be extremely careful with, I understand that Senator Krist says we can't be worried about lawsuits. Well, but we do have to be somewhat concerned about lawsuits. I've heard it from every member in this body. Senator Morfeld talks about lawsuits all the time when it comes to election law and voter ID and things of that nature. It would just cost the state too much. We've already had a lawsuit on single subjects, specifically the horse racing amendment one, on which they had on the ballot the historic horse racing would go and the money would go to property tax relief. Those were two, I would even say significantly more linked things than what this did, liquor law versus set asides.

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That was literally saying we pass x and the money goes here. The Nebraska Supreme Court said those were multiple subjects. If you don't think Shane Harrington won't sue, you're kidding yourself. And here's his argument that he will lay out. And he'll have this legislative record of the Chair and the Speaker saying it wasn't germane, us overruling him, and saying we thought it was germane. But in the end it doesn't matter what we think, it matters what they think, the Supreme Court thinks. And we've seen where this Supreme Court lands on multiple subjects. What's going to happen is he'll say, this was Section 29. This deals specifically with liquor licenses and how to regulate liquor licenses. There were multiple subjects. The Legislature can no longer do that. So those precious committee omnibus bills that we're all so lovingly attaching our things on as time gets short, those are gone. Those are done. Senator Ebke's Judiciary bills, that you'd stack 12 bills in or Senator Wayne's Urban Affairs bills. Sorry if 12 was a little high, Senator Ebke, seven, eight, nine. Those are gone. Every bill will have to be just individual. That's what's going to happen. This is the individual that sues everybody for hundreds of millions of dollars. We'll lose, and we'll pay his legal fees. If you want AM2718 to pass, it will pass next year by itself. The next General Affairs Chairman can have that early hearing. That will be up to that General Affairs Chairman, it won't be me. Or whenever... [LB1132]

PRESIDENT FOLEY: One minute. [LB1132]

SENATOR LARSON: ...and it can then move forward. Are you willing to risk the ability to do things such as Christmas trees and omnibus bills in the rest of the...essentially the history of the Legislature to pass this one thing, because the Supreme Court has already smacked down our ability to do constitutional amendments that way? They've given us the blueprint of where they're going to rule. That's not a precedent you want to set. Not only will you set that, they could strike down all of LB1132. So you will be dealing with that issue again. The Chair was right, it's not germane. Speaker Scheer was right, it's not germane. It's emotional. You want to fix the problem that doesn't make it right and you'll set a really bad precedent and the court will rule on it and it will be detrimental. Thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Chambers, you're recognized. [LB1132]

SENATOR CHAMBERS: I'll pass for now. [LB1132]

PRESIDENT FOLEY: He waives the opportunity. Senator Thibodeau. [LB1132]

SENATOR THIBODEAU: Thank you, Mr. President. And thank you, colleagues. And thank you for everyone who has stood up today. I am going back and thinking about this. Obviously, this amendment is very, very important to me. I think that it really truly does impact women who are

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being sexually exploited. It really does. So when Senator Larson says that it's an emotional issue, it should be an emotional issue for every person in the state of Nebraska when women are being treated like animals. And we are here because this bill was not treated appropriately in the committee. I am a new senator. I looked to the committee chair for leadership and guidance and that was not given. And because that was not given, this is why we are here today. I would like to make it known that I support Senator Pansing Brooks's bill overall. And for the greater good of this bill and so that we may continue to get our important work done in the Legislature, I am hereby withdrawing AM2718. Thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: The motion and amendment are withdrawn, which takes us back to discussion of LB1132. Senator Krist. [LB1132]

SENATOR KRIST: Thank you, Mr. President. I just want to emphasize a few things and put some things on the record. First of all, it's lack of leadership in the General Affairs Committee that has caused us to come to this position. The manipulation by one large ego that can't bring things to the committee as it should be and we are here because of that, and I want to make that loud and clear. The second thing...message I'd like to send is to the county attorneys and law enforcement folks who are out there who see these things happen, because I think you do have an opportunity to make a statement and to bring order to the situation. Third thing I want to say is that I admire Senator Thibodeau for her courtesy in allowing the rest of this bill to pass without conflict. And I would take Senator Thibodeau...I would take Senator Schumacher up on this offer to make this bill sing, because when it comes back with proper leadership in a committee Chair it needs time on the floor and it needs to be passed. The last thing I'll say is, if any of you heard the testimony that we heard today that said that someone's going to sue us for doing the right thing, really? This is a bad actor. There are several bad actors out there, not just one, and the Liquor Control Commission needs the power, needs the enforcement power, and the local officials need more enforcement power to make sure that this situation ceases in the state of Nebraska. Thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Quick. [LB1132]

SENATOR QUICK: Thank you, Mr. President. I just wanted to make sure I went on record. I prioritized this bill that Senator Pansing Brooks had brought, introduced, and I felt like it was important to the state. I admire Senator Thibodeau for bringing her amendment and I was in support of that amendment. Currently we do, well, we have a bottle club in Grand Island and Hastings now. The one in Grand Island he just recently sold, so I'm not sure what's going to happen with that property, but those are real issues. They're real issues for the women that work there or that are forced to work there. But LB1132 is going to be important to those victims of human trafficking so they can get their lives back and so they can move on to get their lives back

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and to start new careers and something they really want to...a career of their choosing. So with that, thank you, Mr. President. [LB1132]

PRESIDENT FOLEY: Thank you, Senator Quick. Mr. Clerk, is there anything further on this bill? [LB1132]

CLERK: I have nothing further, Mr. President. [LB1132]

PRESIDENT FOLEY: Senator Ebke for a motion. [LB1132]

SENATOR EBKE: I move the advancement of LB1132 to E&R for engrossing. [LB1132]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB1132 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB1132 advances. Items for the record, please. [LB1132]

CLERK: Thank you, Mr. President. Business and Labor Committee reports LB791 to General File with amendments. Senator Albrecht printing an amendment to LB791; Senator Murante to LB1115. That's all that I have, Mr. President. (Legislative Journal pages 1301-1306.) [LB791 LB1115]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Proceeding to the next bill, LB1009. [LB1009]

CLERK: LB1009, Mr. President. Senator Ebke, I have E&R amendments. (ER138, Legislative Journal page 1127.) [LB1009]

PRESIDENT FOLEY: Senator Ebke. [LB1009]

SENATOR EBKE: I move the adoption of the E&R amendments to LB1009. [LB1009]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB1009]

CLERK: I have nothing further on that bill, Senator. [LB1009]

PRESIDENT FOLEY: Senator Ebke. [LB1009]

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SENATOR EBKE: I move the advancement of LB1009 to E&R for engrossing. [LB1009]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB1009 advances. The next bill is LB990. Mr. Clerk. [LB1009 LB990]

CLERK: LB990, Senator. I have E&R amendments first of all. (ER144, Legislative Journal page 1180.) [LB990]

PRESIDENT FOLEY: Senator Ebke. [LB990]

SENATOR EBKE: I move the adoption of the E&R amendments to LB990. [LB990]

PRESIDENT FOLEY: Senator Chambers, did you want to be recognized on the E&R amendments or on the bill? The bill. Thank you, Senator Chambers. The question before the body is the adoption of the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Senator Chambers, you're recognized. [LB990]

SENATOR CHAMBERS: Mr. President, members of the Legislature. I have serious disagreements with this bill, but it is not the kind of disagreement that would lead me to try to take it to cloture. But I'm going to spend time on this bill, and I'm going to spend time reading from things that I have written down through the years about the proliferation of guns in my community. Now, Senator Wayne and I can be said to live in the same community because we both are black, but I live in the heart of the black community. I don't live in the suburbs, I don't live in a fringe area. None of that. I don't say that by way of disparagement. But I am aware of what happens in our community with reference to guns. One of the most direct pieces of involvement I had was when I was cutting my grass and a bunch of youngsters were running up the street, and I thought they were playing. Then a guy was behind them and he had something in his hand and it was a gun. I didn't know him personally, but I came to my fence. And they were in the street and I said, hey, man, what are you doing? And he looked. I said, what are you doing? He said, Chambers, is that you, man? I said, yeah, what are you doing? So he put the gun in his belt. He said, man, I'm not doing nothing. We just playing. But they were not running like they were playing. There's the level of respect that people have for me in my community. What I offered to do, I was that...it wasn't a wake. But one of my brothers had died and they were having some kind of memorial service, not in a church or that was formal, but friends of his had gathered at a house. And I was there. About a block and a half down the street from the house a lot of police cars converged. I wanted to see what was going on, so I went to a house across the street and asked what happened. What was this about? They said that the police claimed to be looking for a certain individual whom they knew, and that person was not in that house. So I

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positioned myself so the police could see that I was nearby, that I was observing what they were doing. There were at least a half-dozen police cars, then another one came from which exited a police dog and several other cops. So I looked around until I found a person who was in charge. First it was a sergeant, then a lieutenant, and I told the lieutenant that I didn't like what was going on. That this is the kind of thing that alarms the community. I was told by people in the neighborhood, in fact, across the street, who knew what was going on in the house and they said the person the police claim to be looking for was not there. So I told the lieutenant, let me go into the house. He said, well, I don't know if I can do that. I said, yes, you can. You're in charge? He said, yes. I said, let me go into the house. I'm a grown man, I take responsibility for whatever it is that I do. He said, well, I don't think I can let you do that. I said, well, suppose I decided to go into the house anyway. He said, I would try to stop you. [LB990]

PRESIDENT FOLEY: One minute. [LB990]

SENATOR CHAMBERS: I said, suppose you didn't stop me. He said, well, something bad might happen to you, and I don't want to be responsible. I said, well if something bad happened to me you'd probably get a promotion. And he would not yield, so I stood across the street. And after a period of time elapsed another car came up, two people came out of the house, one had no shirt on. They came into the street. The cops had a few words with him, I don't know what all was said, but they let them both go. The cops that had the dog went into the house and nobody else was there. The car that was coming late to the scene had a young person in it who was at a park a few miles away. Well, maybe a couple of miles, measured in blocks really. [LB990]

PRESIDENT FOLEY: Time, Senator. [LB990]

SENATOR CHAMBERS: And they brought him...thank you, Mr. President. [LB990]

PRESIDENT FOLEY: Thank you, Senator Chambers. Mr. Clerk. [LB990]

CLERK: Mr. President, Senator Wayne has amendments filed. But I understand, Senator, you wish to refile those so as to allow Senator Schumacher to present his amendment? Mr. President, Senator Schumacher would like to amend the bill. (FA141, Legislative Journal page 1306.) [LB990]

PRESIDENT FOLEY: Senator Schumacher, you're recognized to open on FA141. [LB990]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. What this underlying bill essentially does is makes it a felony for somebody who has been convicted of a

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felony or a domestic misdemeanor violence crime in juvenile court to possess a gun until they're 25 years old. And then it provides for a mechanism for that juvenile to go to the court and get that status removed from him if he can show that he's been a good boy or girl. What my amendment does is tries to reconcile this, Senator Wayne's bill, which is kind of a pro-enforcement, a law enforcement bill, with other debate that we've had this year regarding the right to counsel. And it's a simple amendment, it says that this stepped-up status, this loss of firearm rights, will only occur if the juvenile had been represented by counsel in that juvenile court case and if, prior to pleading guilty or admitting the allegations, they had advisement of the specific legal consequences that they...which would include the loss of their firearm rights until age 25, unless they got the judge to later set them aside. And it also would say that in the event in juvenile court the juvenile was charged with a felony or a misdemeanor crime of domestic violence, which are the things that trigger this loss of firearm rights, that counsel could not be waived. I think that's the case certainly in our jurisdictions for felonies anyway, but it clarifies that and marries those two provisions together that this extra status that gets you extra penalties for carrying a gun does not apply to folks who were not represented by counsel. And as an additional thought on the matter, I don't see in the legislation, in the bill anything that makes...that exempts convictions that occurred before now. I don't think you can retroactively pile on punishments and loss of rights retroactively. But I have not researched that. At any rate, the basic principle of FA141 is to say this loss of gun rights is not triggered if you were not represented by counsel in the juvenile court and you have not been warned that if you are found guilty, or what they call adjudicated in juvenile court, that you will have an impact on your gun rights. I think it's fundamental fairness, and it shouldn't impact the Omaha situation, which I think is the motivating factor for this bill, because Omaha's been giving counsel to all youths, certainly all youths charged with a felony, for quite some time. And so that's the my introduction on FA141. [LB990]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Debate is now open the amendment. Senator Chambers. [LB990]

SENATOR CHAMBERS: Mr. President, members of the Legislature, as I said, I had no intention of taking this bill to cloture. This amendment, if adopted, does improve a different situation that we were trying to address directly and could not achieve what we were after. You have to take what you can get, and that might be all we can get at this time. So I'm not going to take the time today that I intended to do, but that doesn't mean on Final Reading I will not take that time. Senator Wayne has been willing to listen to anything anybody had to say or suggest on his bill, and to listen doesn't mean he will change his bill. If the arguments given are not persuasive then a person ought not give in just because of who the individual is who is speaking, unless that person has such impeccable credentials and such a reputation for being correct, such as myself. Other than anybody...other than somebody other than myself a change should not be made just because a certain person would suggest it. But when these shootings occur in my

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community, and some are done by very young people, discussions occur relative to the gun. And many condemnations are hurled about the fact that a person this young, literally a child, would have a gun. But the question that's not asked is where did he get it? The police don't deal with that. They have snitches. Their snitches will tell them where the guns come from. And when the Omaha Police boast about having taken 40 guns off the street over a period of months, that is nothing. I believe there are police who benefit from the trafficking of guns in our community. I have an article, by the time we get to Final Reading I may have handed it out, but I'll certainly address it at that time, where a member of ATF was convicted of selling drugs and trafficking guns. Don't tell me because somebody wears a uniform he or she will not commit crimes. In Sacramento these...let me restrain myself, cops shot a young, black man in his grandmother's backyard 20 times. Now, you tell me any law enforcement agency that would say you should shoot a person 20 times and that is incompetency, that is murder. If the State Patrol does it, if the Omaha Police, if the Sacramento Police. But they get away with it and they know they'll get away with it. I couldn't tell that lie if I shot some white guy and say I was afraid for my life. They would say, well, he didn't have a gun. I would say, well, I thought he had a gun. All a cop has to do is say, I feared for my life. They are the biggest cowards walking. Everything puts them in fear for their life. Somebody frowns at him. Well, the look on his face. That's when they killed this young, black guy down in Missouri. [LB990]

PRESIDENT FOLEY: One minute. [LB990]

SENATOR CHAMBERS: The cop who shot him said he had a look on his face that was demonic. So he shot him and killed him because of the expression on his face. Black people are being murdered, shot down in broad daylight by these white cops. And down in Louisiana, they just let one go. And if you saw the circumstances under which this black man was shot, it was murder. So who lets them go? A white attorney general. Then they put a black captain in charge of the police force because he provides the cover. And that's supposed to pacify black people. And for these people who believe in the death penalty and say a life for a life, a tooth for a tooth, then the cops should get what they give. That's what I say. They get away with murder. And the other cops who see it don't place them under arrest. Don't tell me these cops have some kind of principles or ethics. [LB990]

PRESIDENT FOLEY: Time, Senator. [LB990]

SENATOR CHAMBERS: Then we got people running around here saying you should not even be able to get information on these misbehaving cops who are fired. [LB990]

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Chambers. Senator Wayne. [LB990]

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SENATOR WAYNE: This is interesting because people on this floor know that I'm right. I believe in the right for juveniles for council, but I do view this as a hostile amendment. It is not friendly. First, I'm going to talk about how we got here. The person who brought the amendment, not the person, the individuals and people in the...behind those doors who brought the amendment never brought it to me nor did they talk to me. They had two other issues that we tried to work out and could not get it worked out. And if we want to have a debate any time on prison pipeline or the disproportion that it affects African Americans, I have plenty of stats and experience that is will show you that that organization was never there. This bill is not about that. As it relates to right to counsel, the bill itself is impractical. Right to counsel before you are charged or when you are charged only occurs in Douglas County, Sarpy County, and Lancaster County. According to this bill, if I am in Kearney County and I get charged with a felony and I waive counsel, that means counsel never made an appearance in the case, I automatically get to keep my gun rights, no matter what the crime is. A 17-year-old has a fundamental and constitutional right to waive counsel. And every other jurisdiction except for those three that I mentioned, you are not appointed an attorney until after you are read your advisory and the court asks you do you want an attorney or not. This bill basically places a right to counsel for everybody in the beginning, rather than where other counties don't have that same burden except for the three. That's a different bill. I supported Senator Pansing Brooks on that bill. We should not try to bring another issue to a bill that's clean that deals with one thing. So I would ask you to vote red on this, vote green on the underlying bill. And if we want to have a conversation about right to counsel, we can have that conversation. But as I recall, I look at the records, the person who's bringing this bill for right for counsel has been opposed to right for counsel on Senator Patty Pansing Brooks's bill. Let's be consistent. We've been talking about how we got here, where we're at, what this bill's about. Yes, there's different disagreements between Senator Chambers and I, and we will continue to work together to deal with the violence in our community. But creating this bill is unconstitutional, this amendment. You are making sure that they do not have an opportunity to waive counsel because they are not appointed counsel first in every other jurisdiction except for those three. That makes it impractical, and what can really happen is juveniles can start waiving counsel according to the ambiguous language of this amendment and then say this doesn't apply to me because I never had counsel in a juvenile hearing, I never had counsel through the proceeding. If we can work on those things, we can work on them. And for the people in the hallway who are listening, if it's a senator's bill give them the respect to talk to them first before you go around them to attach an amendment to it. At least that's what I hope that they would do. But I talked to Senator Chambers, and he has some things he wants to put on the record, and I support that because it's important to our community. But I am asking you to vote red on this bill...on this amendment, vote green on the bill. And with that, I will yield the rest of my time to Senator Chambers. [LB990]

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SENATOR WILLIAMS: Thank you, Senator Wayne. Senator Chambers, 1:15. [LB990]

SENATOR CHAMBERS: Mr. President, I misunderstood. I thought when Senator Wayne mentioned Senator Schumacher's amendment he agreed with it. [LB990]

SENATOR WILLIAMS: One minute. [LB990]

SENATOR CHAMBERS: But I am not going to inject a lot of confusion into what is going on now. I'm not going to try to read anything into the record. The bill obviously has enough support to move, and it does call attention to a problem in our community. So my light is on. I will speak one more time because I can't say all I want to say with the time that I thank Senator Wayne for yielding to me. Thank you, Mr. President. [LB990]

SENATOR WILLIAMS: Thank you, Senator Wayne and Senator Chambers. Clerk for a motion. [LB990]

CLERK: Mr. President, Senator Chambers would move to bracket the bill until April 18 of 2018. [LB990]

SENATOR WILLIAMS: Senator Chambers, you're recognized to open on your bracket motion. [LB990]

SENATOR CHAMBERS: Thank you, and, Mr. President, I was not going to pursue this motion all the way. I needed time to speak. And since I will have 10 minutes, because I'm offering a motion, I would be able to say everything that I need to say. I won't have to be in line behind anybody else. Then, regardless of whoever else speaks or whatever else they say, I will be through with this bill at this stage of consideration. The bind that I'm in is based on the fact that anything that draws attention to the proliferation of guns in my community has to be viewed as a plus. Even if the police exaggerate, but their exaggeration would go to the proliferation of guns-- and when I say exaggerate, exaggerate how much they're doing to address it. Their acknowledgment that guns constitute a problem would be a baby step in the right direction. When the rights of black people are involved, any correction is done incrementally by baby steps. So unfortunately, being second or third-class citizens, that's the best we can look for in this country where they talk about liberty and justice for all, and that is patently untrue. We hear it and we gag. And white people continue to try to ram it down our throat, and that's why I don't spend time going to meetings where there are white people. I don't discuss these issues with white people, because they do not have the intent to do anything that would be beneficial to my community. They want to be titillated, they want to be entertained, and I get invitations because I

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would serve as the curio or the drawing card, which I do not accept. So where I can do something or attempt to do something in a forum where, if I'm successful, a genuine change would occur, I will work there, and that's why I'm in this Legislature. And it's why I work hard. There are people who smile when they see me here at 7:00 in the morning after we've been here until midnight, and I drive starting from Omaha. My days run about 18 hours when I'm wide awake and working, and I'm 80 years old. I think that what I do here is probably shortening my life, so if the people who voted for term limits knew that they'd vote to get rid of them right away because one more term and I'd probably kick the bucket. But they're not smart enough to do that. As far as Senator Wayne's bill, I'm going to let him address any attempts anybody makes to do anything to the bill. I don't have enough interest to try to defend the bill, and I won't. But I have made up my mind the way I will deal with it. I had said that I'm not going to read all the things into the record, even though I was misunderstanding what was happening, so that's the course I intend to follow for today. Senator Wayne and I continue to talk about this bill, the limitations in terms of looking at the source of guns, the proliferation of guns, the ineptness of the Omaha Police Department, or the unwillingness to do anything of substance. And they like to talk about what they do. I like Chief Schmaderer, I think he's highly professional. He's done some good things. But in the area that is of greatest concern to me, not nearly enough. I will not attend vigils. I do not go where they have made makeshift memorials, I do not go to prayer meetings. But I don't condemn the people who do it. The frustration in our community is so intense that people might lose their minds if they felt there was absolutely nothing they could do, so those activities, although they produce nothing tangible, they are wholesome in terms of the impact on the psychology of the people who live in that community and see nothing of substance being done to address the problems. When I speak here the way I do I'm not crazy enough to think it's going to make any difference to these people who are in this Legislature, but I'm going to keep plowing the ground, keep chopping at the trunk of the tree, continue throwing rocks at a stone wall if those are the only actions that I can take. One thing I assure everybody, I will not stand still and I will not be silent. I will not be repressed, suppressed, and I certainly will not run away. So Senator Wayne is on his own in trying to get this bill moved that I disagree with. Now, if somebody can contrive to kill it, I certainly am not going to get in the way of that, but I'm not going to do anymore against the bill at this stage of debate. And you all ought to say, thank you, Jesus, because we would have been on it a good amount of time just from the amount of reading that I intended to do. I cannot say how I will deal with the rest of the agenda or with the rest of the session. I think I will just let everybody who might have an interest wait and see. How much time do I have, Mr. President? [LB990]

SENATOR WILLIAMS: Three-and-a-half minutes, Senator Chambers. [LB990]

SENATOR CHAMBERS: Thank you. And when it comes to the police, I have to say this to them: every move you make, every law you break, every smile you fake, every claim you stake, I'll be watching you. And they're lucky that I'm not like them because...I'm going to say like your

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President. He said he could stand in the middle of 5th Avenue and shoot and kill somebody and not lose a vote. And there was no editorializing. Let me give them something editorialize about. If I was like your President, I would say I'll be watching you through the sight of a rifle. What kind? Not a single shot, not an over-and-under shotgun, but an AR-15 or an Uzi. That's what I would be doing. But I'm not like these cops, I'm not like these Christians, I'm not like your President, I'm not like these white supremacists. But beware. Beware that you don't convert somebody who is trying to follow the law into one who sees that there is no law. One who is intelligent, who has studied you, who know what's you do, who knows where you are, who knows who your leaders are, who would not do things at random. Hope that you don't push somebody like that to the point where he or she thinks there is no other way. All of us are going to die. None of us is going to live forever, and the closer a person gets to the end the more willing that person is to do whatever may be necessary to help get freedom for his or her people. And my people have been enslaved in this country, and based on how sensitive I am to these things, I feel I'm enslaved now. I can feel the chains on my wrist, on my ankles. In my mind I'm freer than anybody in this universe, and nobody will control my mind. And you just better hope that I can control that something in me that is in every person who wanted to be free. [LB990]

SENATOR WILLIAMS: One minute. [LB990]

SENATOR CHAMBERS: And is willing to do any and everything to obtain that freedom, who is willing to risk everything to obtain that freedom, and do to those who are depriving him of his freedom what they are doing to him in the process of trying to do it. You are teaching me what I need to do to get my freedom. In Afghanistan, in Iraq, your threats to Iran, your killing civilians in Syria, the slaughtering of people. And then you think that because a black man says I'm going to defend myself against the police I somehow am wrong? I'm you in microcosm, but I'll be smarter than you. Thank you, Mr. President. [LB990]

SENATOR WILLIAMS: Thank you, Senator Chambers. (Visitors introduced.) Returning to debate. Senator Hansen, you're recognized. [LB990]

SENATOR HANSEN: Thank you, Mr. President. And good afternoon, colleagues. Colleagues, I rise with some concerns and some questions about Senator Schumacher's FA141. As I'm reading here trying to parse through the language, and it caught my attention when he introduced it, he is now limiting Senator Wayne's new prohibition on juveniles who have been adjudicated of a crime equivalent to a felony to the age of 25. He would limit that to only individuals who are represented by an attorney, which if that language goes through as is, and there's some circular language and loop-arounds that I'm trying to follow here, if that language goes through as is the fundamental problem with that is a person who is an individual represented by counsel and is adjudicated of a felony will have a worse punishment and more civil disqualifications than an

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individual who went pro se and lost. So and the only thing between those two cases is that the first would have been represented by an attorney, and therefore he's been represented by an attorney we've deemed that he is eligible for higher civil disqualifications in terms of owning firearms and the potential at-risk for a felony that the other child would. That's how I read the first section of Senator Schumacher's amendment, limiting it to "A person shall not be considered to have been adjudicated of a felony or misdemeanor crime of domestic violence unless: (i) The person was represented by counsel in the juvenile court case." Naturally, the opposite of that is if you're not represented by the juvenile court case you're not considered adjudicated of a felony, and therefor the whole section of Senator Wayne's bill wouldn't apply to you. I'm sure there's some other moving parts in there that I'm still trying to figure out, but I think Senator Schumacher's amendment probably deserves much more time and attention to make sure that we are not shilling the Sixth Amendment by discouraging people from getting attorneys by threatening them with harsher punishments. And if Senator Wayne could use any more of my time I would yield the rest of my time to Senator Wayne. [LB990]

SENATOR WILLIAMS: Thank you, Senator Hansen. Senator Wayne, you're yielded 3:00. [LB990]

SENATOR WAYNE: Thank you, Senator Hansen. Thank you, Mr. President. Let me be crystal clear. I am not in favor of the amendment. I support the underlying bill, obviously, because I wrote the underlying bill. As it relates to constitutionality, no bill is retroactive if it's substantive. Case law in every state in federal court have all said that over and over and over again. And what the court will determine today, if they were to get this case, is they would say, well, it doesn't say it's not retroactive. So one thing, is it procedural or is it substantive? Well, it's substantive. If they don't come to the independent conclusion of either or they're going to turn to the legislative history. That's this transcript that I'm creating. Well, I am saying it clearly to the legislative history and to any court who might interpret this: We are not doing a look-back. The reason why we cannot do a look-back is because of the notice provision already in the bill. We have a specific section that says you have to...the judge has to notify, either in writing or in court, that the consequences of this bill, of this charge that you are being charged with, that notice provision was not given already because this bill has not passed. So this is not unconstitutional, because we are only looking forward. And in order to apply, this bill deals with a notice provision. So if any Supreme Court judges reading this transcript and legislative history, that is my intent, that is the intent of at the hearing, that is the intent of the negotiations we had to add the notice provision so the juvenile would be notified. They would not have that right to have a firearm until 25 or petition the court. [LB990]

SENATOR WILLIAMS: One minute. [LB990]

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SENATOR WAYNE: So I just want to be crystal clear this is moving forward, this is what I deem substantive law change. It is not retroactive, it is not procedural in nature. This is substantive. And with that, it is clearly constitutional. There may be other constitutional challenges in the future, but not this one. Not that it is retroactive. That is clear by the intent and by the notice provision that is laid out in this bill. Again, vote red on the amendment and on the motion to bracket, and vote green on the bill. [LB990]

SENATOR WILLIAMS: Thank you, Senator Wayne and Senator Hansen. Senator Pansing Brooks, you're recognized. [LB990]

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, of course I can't stand and not rise and talk about right to counsel. That's for darn sure. My gosh, if you think I was going to let this one go. But, of course, you know, some people are describing us as in crazy town right now. And I'll tell you, having Senator Schumacher, who opposed my right to counsel all of a sudden wanting the right to counsel, that's pretty much indicative of crazy town to me. But we did some rather quick checking, and in Hall County, which is the county from which my colleague to the right of me, Senator Quick comes from, out in Grand Island, we checked in the past year, in 2016 and 2017, and these are the first adjudications that we found that were without counsel. Distribution of a controlled substance of a 15-year-old. Second-degree assault and use of a deadly weapon to commit a felony at a golf club, a 15-year-old. Terroristic threats, a 14-year-old. Tampering with physical evidence, a 16-year-old. Terroristic threats, assault on an officer, a 15-year-old male...or female. Distribution of a controlled substance, a 15-year-old female. Distribution of a controlled substance, possession of a controlled substance, 17-year-old male. Possession of a controlled substance with intent to distribute, a 15-year-old male. And second-degree assault, a 15-year-old female. So, again, this bill, you all know that we had a lot of difficulty with this bill getting it out of Judiciary Committee. And part of the reason is because we have worked really hard on the sealing of records, and with that sealing comes the hope that a child who goes through their penalties and then goes through rehabilitation can move on with their lives. that they can get a job, that they can go get an education. Now, I understand the intent of Senator Wayne to protect the people in his district, and I get that. This is one of the hardest issues we've had before our body, and it's very disappointing that there's been such a little amount of communication about this. This bill is not an easy bill, and it went through pretty easily last time, and that's fine. I get it. We're trying to get some guns off the street. I'm pleased to get guns off the street, let me tell you. So we're balancing that against the ability of a kid later on. You know, with this bill, I will tell every child who's ever been through the juvenile justice system to check the trunk, check under the seat, check in the glove compartment of any car in which they're driving because if they have gone through the juvenile court system...pardon me? Did you say something? One minute? Oh, okay. If you go through the juvenile court system and then you are found later with a gun when you're 20, or you're in a car and somebody has a gun, you're going to be charged with a felony. Even if it's in the trunk or the glove compartment or

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under the seat and you had no idea it was there. So in one instance we believe in rehabilitation in the juvenile justice system. We believe in sealing of records because we're trying to give these kids another chance, and Senator Wayne believes in that. On the other hand, we believe in getting guns off the street. I totally agree with that. I'm thrilled about this bill in that regard. [LB990]

SENATOR WILLIAMS: One minute. [LB990]

SENATOR PANSING BROOKS: I'm happy that the NRA has stood down on this whole thing. So we've got two really important issues that we're dealing with and it's a conundrum. Now, many of you have just decided it's no problem, but what if somebody's out hunting in the western part of the state or their dad had been hunting, picked them up from school and they're stopped? And there's that kid who had a juvenile detention and charge, they could now, just being in the presence of the gun, be charged with a felony. So, and then they can't carry a gun until they're 25. I'm totally okay with that. If you're all okay with that, me too. I'm really happy about getting those guns out of the hands of people. Thank you, Mr. President. [LB990]

SENATOR WILLIAMS: Thank you, Senator Pansing Brooks. Senator Chambers has withdrawn his bracket motion. Moving on with debate. Senator Schumacher, you're recognized. [LB990]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I didn't introduce this floor amendment to drag anything out or belabor the point. But what it does is it says: Number one, in the case of a felony or a misdemeanor crime of domestic violence, that's what triggers this, there shall be no waiver of the right to counsel. So the thing that Senator Hansen was talking about can't happen because, in light of Senator Wayne's analysis, which said this is proactive, it's in the future, it's not looking back, it isn't retroactive...which are good things to have on the record, actually should have been spelled out in the law that it's after the effective date of this act, but I think he does make a good legislative history at least. In light of that, the circumstances and the questions which Senator Hansen has will never exist. This is proactive, they will all have counsel, and the law will apply across the state. Without my floor amendment being adopted, then you have a circumstance where you have a juvenile who's been convicted without felony-level counsel, that that case might be possible, that would be subject to this additional penalty. And that would be fundamentally unfair. This fixes a lot of problems. If this floor amendment is not adopted, I can't see how I can support the underlying bill. If it is adopted, I'm okay with the underlying bill and getting the guns off the streets, because everybody's due process rights will have been completely protected, as they are in most counties anyway. So I would encourage you to vote green. I know that we've had some probably rough edges in that folks that gave this language to me, and which I thought was very good language, had had discussions with Senator Wayne, and perhaps that didn't go as smoothly in introducing this

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amendment as it should have been. I did provide Senator Wayne with a copy of the amendment before I introduced it. So we can fix a lot of problems and move this bill right on through with adopting the FA, which in no circumstance does any harm, and which requires a right to counsel in those felony and misdemeanor cases that are crimes of violence, and then move Senator Wayne's bill ahead. If not, then we somewhere along the line it blows up or it moves ahead without the amendment. I guess that covers about all of the options. So that's my pitch, and I do not want to belabor the thing. I think it's a good floor amendment. Thank you. [LB990]

SENATOR WILLIAMS: Thank you, Senator Schumacher. Senator Wayne, you're recognized. [LB990]

SENATOR WAYNE: I will be very brief on this because I'm hoping we can vote on this before the budget talks and we all get super tired and forget which buttons to push. But let me be clear here, I am against the underlying bill...I mean, underlying amendment. I'm in favor of course of the underlying bill. So vote red on the amendment, vote green on the bill. And let me go one step further why. This bill actually goes farther than the right to counsel bill by Senator Patty Pansing Brooks. Senator Patty Pansing Brooks introduced a bill that said you get a right to counsel. It went all the way to cloture, we weren't successful on cloture. I say we, because I was supporting the bill. Underneath this language, what Senator Schumacher just said, if a juvenile is charged with a felony they cannot waive counsel. They can't do it at all. Talking about running up expenses of the counties now. So here's what I think. If we were only at 32 last time, we should bring Senator Pansing Brooks's bill back because Senator Schumacher will be on record for supporting right to counsel, that's 33. We can do this bill the right way through her bill and leave this bill alone. Because her bill is the right way of doing it, allowing juveniles still to be able to waive counsel. Underneath this proposed legislation, this amendment, a juvenile would not have a right to waive counsel if he's charged with a felony. That includes an 18-year-old who cannot waive counsel now. That is not very good language. So we're at 3:50, we have 10 minutes left before we start our great budget debate. So I would advise or ask people to vote red on the amendment and green on LB990. Thank you. [LB990]

SENATOR WILLIAMS: Thank you, Senator Wayne. Senator Bolz, you're recognized. [LB990]

SENATOR BOLZ: Thank you, Mr. President. I was pulled off the floor during the first round of debate, so I am admittedly catching up just a little bit, Senator Wayne. But I had hoped to listen to the debate on this particular bill because I think there are a couple of moving parts and a couple of different factors here. And so I have been reviewing the testimony of Voices for Children and the Criminal Defense Attorneys Association, particularly as it relates to the sealing of records. And the concern about making changes that would, you know, be different to the spirit that is in existing law that juvenile court records are sealed and not used against those

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juveniles in the adult criminal system has given me pause, and it has made me wonder what strategies we could use to think about what's in the best interest of juveniles in these situations. And so I'm actually glad that Senator Schumacher brought this floor amendment because I think if the individuals had counsel, that is one thing that we can do in spite of the change that we are making related to some of the record sealing issues. Will Senator Schumacher yield to a question? [LB990]

SENATOR WILLIAMS: Senator Schumacher, will you yield? [LB990]

SENATOR SCHUMACHER: Sure will. [LB990]

SENATOR BOLZ: Thank you, Senator. Can you tell me a little bit more about what value you think this brings to a young person who would be in this situation? Can you tell me a little bit more about the experience that a juvenile might have and how it would be different with counsel under your amendment? [LB990]

SENATOR SCHUMACHER: Well, basically the bill seriously impairs the Second Amendment rights to own and bear arms. It's a serious impairment of them. And it lasts until you're 25 years old. That's pretty old, really. And in order to get your rights back, you got to go through a court proceeding. What this amendment does is make sure that before you roll over and plead guilty to a felony in juvenile court you understand, as is your right to, the consequences of that guilty plea. That it may affect some things in your future, among which is the right to carry a gun up to the age of 25. And so it's just a matter of fairness. I don't think we reached the issues of the expense and all the other stuff in the earlier right to counsel debates we had this year because this applies only to felonies and these domestic violence cases, and not to the whole run of things, so and I'm told, and I think the debate we previously had bares out, that in this state, all across the state, felonies, juvenile cases have counsel. [LB990]

SENATOR BOLZ: So one of the concrete implications of your amendment would be that, presumably with good counsel, a young person would better understand that his or her court records, even if they're sealed, could be used in this specific circumstances and what the implication for that person's entire future life as it relates to exercising or not exercising the Second Amendment. That's the practical impact here, right? [LB990]

SENATOR SCHUMACHER: That is. And because there would be more discussion about the consequence of your gun rights being, the four, five years later, the juvenile may be more inclined to remember it, that he better keep his hands off the guns. [LB990]

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SENATOR BOLZ: And the other side, which I've been thinking about too. [LB990]

SENATOR WILLIAMS: One minute. [LB990]

SENATOR BOLZ: And like I said, I missed the first round, but as I read or understand the bill, a juvenile could petition the court to get his or her rights back and a counsel could help them understand when and how and why that could be done. Is that right? [LB990]

SENATOR SCHUMACHER: That's correct. [LB990]

SENATOR BOLZ: So the counsel solves a little bit of both sides of the equation, as I'm thinking about it, that it would help make sure that the individual knew what the implications of not having a fully sealed court record in these circumstances as well as what they could do potentially to get their gun rights back. Is that fair? [LB990]

SENATOR SCHUMACHER: I think you've got it, Senator. [LB990]

SENATOR BOLZ: Thank you, Senator Schumacher. Thank you, Mr. President. [LB990]

SENATOR WILLIAMS: Thank you, Senator Bolz and Senator Schumacher. Senator Pansing Brooks, you're recognized. [LB990]

SENATOR PANSING BROOKS: Thank you, Mr. President. I still have to stand to just talk about the fact that right to counsel is so important. We actually give the adults with those crimes that I just read, they have automatic right to counsel on all of those felonies. Automatic right to counsel. The kids 14-18, nope. They don't. Senator Groene made sure that that didn't happen. Senator Lowe helped make sure that didn't happen. And absolutely adults have the right. The waiver should be allowed, and that was part of my bill, that it's knowing and voluntary and understandingly. Everyone has the right to waive counsel and you have a right to counsel. If there's any point at which you might be put into detention, you have a right to counsel. So, again, it's the lawyers explaining things, and Senator Lowe didn't like that, that the lawyers were explaining things. But that's where I was trained, that's part of what my knowledge base is. So that's the only thing from which I can speak. So, again, we allow this. I just read off those felonies where kids did not have counsel. If you were an adult, if you were older than 18, you would have been given a lawyer. How fair is that--14-18-year-olds outside of Lancaster, Sarpy, and Douglas, too bad for you. When you're 19 you get a lawyer on those felonies, but 14-18, nah. You guys just buck up and come on in and let it go. I think that Senator Schumacher's bill should be...allow the knowing and voluntary waiver. That's part of our laws, that's part of the

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constitution. It has to be understandingly, knowingly, and voluntary. And the courts should make certain that what is told to the child, that they for sure understand the charges leveled against them. But again, we all have lawyers in here, what do we need to understand the law for? We're told what the law is. That's enough. So I appreciate...I have no idea why here we are in crazy town, where Senator Schumacher has originally opposed right to counsel, now all of a sudden he's added an amendment for right to counsel. But I will support that bill because it's one more way that kids with felonies can get protection. And we can piecemeal justice across this state. We've already done it partially, and we'll just continue to piecemeal justice. Again, Senator Wayne's bill causes a very interesting discussion about First Amendment...or about right to guns because, of course, if you're found and you aren't allowed to have a gun until you're 25, then are you not allowed to have a gun afterward? Because once you've committed a felony, I don't think you can have a gun. So basically it's a lifetime ban, isn't it? Senator Wayne, are you here?
[LB990]

SENATOR WILLIAMS: Senator Wayne, would you yield? Here he comes. Senator Wayne, will you yield? [LB990]

SENATOR PANSING BROOKS: Thank you, Senator Wayne. Well, what I was wondering about is if the child can't get...if somebody...okay, a child commits a crime that's adjudicated in juvenile court and then at 20 they're with their dad and they're in a car and there's a shotgun in the car, and they've forgotten that that's against the rules because they had already gone to adjudication. So then they will have a felony, and they're not allowed to have a gun until 25. But once you have... [LB990]

SENATOR WILLIAMS: One minute. [LB990]

SENATOR PANSING BROOKS: Thank you, Mr. President. Once they have that felony, aren't they banned from having a gun for the rest of their lives, once you have that felony? [LB990]

SENATOR WAYNE: Well, if an adult commits any felony, they're banned for life from having that. So that would apply to anybody 19 years and older who commits a felony. [LB990]

SENATOR PANSING BROOKS: So basically...so what does a 25, oh, just you can get charged with another felony up until 25. That's what the differential is. [LB990]

SENATOR WAYNE: And at 25 you automatically get your gun rights back. [LB990]

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SENATOR PANSING BROOKS: Yeah, if you haven't been found in any single place that possibly has a gun somewhere within reach, okay. Well, I appreciate it. Again, I'm sort of disappointed that people aren't speaking about this more, because I would be concerned about it as a hunter. I would be concerned about it, what will happen to kids out in the western part of the state. I understand that this is sort of focusing on Omaha, but again, these are laws that apply across the state. [LB990]

SENATOR WILLIAMS: Time, Senator. [LB990]

SENATOR PANSING BROOKS: And I would vote for the floor amendment and Senator Wayne. Thank you. [LB990]

SENATOR WILLIAMS: Thank you, Senator Pansing Brooks and Senator Wayne. Seeing no one in the queue, Senator Schumacher, you're recognized to close on FA141. [LB990]

SENATOR SCHUMACHER: Thank you, President, members of the body. I'm not going to belabor this point. This is a very simple amendment that says before you can have your gun rights impaired as a juvenile, you've had to have counsel. It's all future, not looking backwards. So the people who, at this point already, have a juvenile conviction of some sort, as Senator Wayne points out, aren't affected. This is in the future. This is saying this is a big, new consequence for being a juvenile felon or juvenile domestic violator. And in this case you should have that, so you know what you're dealing with and you know what the consequences of carrying a gun are later, and you know how to get your gun rights back should you be someone who behaves themselves and convince the judge of that. Having counsel under these conditions, and most of the states there anyway have them under these conditions, is a good thing and what enabled me to support this bill, which otherwise made unwillingly or unwittingly create felony consequences for people who don't realize what they are getting themselves into. I would encourage a green vote on the FA. I see nowhere where it does any harm, and I think it makes the bill better. Use your judgment on it. Thank you. [LB990]

SENATOR WILLIAMS: Thank you, Senator Schumacher. The question is, shall the amendment to LB990 be adopted? All those in favor say aye, excuse me, vote aye; those opposed vote nay. Have all voted that wish? Record, Mr. Clerk. [LB990]

CLERK: 8 ayes, 25 nays, Mr. President, on the amendment. [LB990]

SENATOR WILLIAMS: The amendment is not adopted. [LB990]

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CLERK: Senator Wayne, just I understand the amendment you had filed, Senator, you wish to withdraw? [LB990]

SENATOR WAYNE: Yes. Yes. [LB990]

CLERK: I have nothing further on the bill, Mr. President. [LB990]

SENATOR WILLIAMS: Seeing no one in the queue, Senator Ebke. [LB990]

SENATOR EBKE: The advancement of LB990 to E&R for engrossing. [LB990]

SENATOR WILLIAMS: Thank you. All those in favor say aye. Opposed. The bill is advanced. Next bill, Mr. Clerk. [LB990]

CLERK: Mr. President, LB990A. Senator Ebke, I have no amendments to the bill. [LB990A]

SENATOR WILLIAMS: Senator Ebke, you're recognized to open. [LB990A]

SENATOR EBKE: Thank you, Mr. President. I move the advancement of LB990A to E&R for engrossing. [LB990A]

SENATOR WILLIAMS: Thank you. All those in favor say aye. Opposed. The bill is advanced. Next bill, Mr. Clerk. [LB990A]

CLERK: Mr. President, the next bill is LB741. Senator Ebke, I have no amendments to the bill. [LB741]

SENATOR WILLIAMS: Senator Ebke for a motion. [LB741]

SENATOR EBKE: Thank you, Mr. President. I move the advancement of LB741 to E&R for engrossing. [LB741]

SENATOR WILLIAMS: You've heard the announcement. All in favor say aye. Opposed. Bill is advanced. Next bill. [LB741]

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CLERK: LB923, Senator. I have Enrollment and Review amendments pending. (ER132, Legislative Journal page 1007.) [LB923]

SENATOR WILLIAMS: Senator Ebke for a motion. [LB923]

SENATOR EBKE: Thank you, Mr. President. I move the adoption of the E&R amendments to LB923. [LB923]

SENATOR WILLIAMS: All in favor of the motion say aye. Opposed. The bill is advanced. Mr. Clerk. [LB923]

CLERK: I have nothing further on that bill, Senator. [LB923]

SENATOR WILLIAMS: Senator Ebke to move to advance. [LB923]

SENATOR EBKE: Thank you, Mr. President. I move the advancement of LB923 to E&R for engrossing. [LB923]

SENATOR WILLIAMS: Thank you, Senator Ebke. All in favor say aye. Opposed. The bill is advanced. Speaker Scheer, you are recognized. [LB923]

SPEAKER SCHEER: Thank you, Mr. President. Colleagues, since last week we've had a number of individuals working on trying to clarify language within the budget to come up with what all of us agree would be fair and adequate language within the framework that we've discussed. I can't tell you how hard those folks have worked over the last week. We are not there yet. We are waiting for final confirmation from all involved. We are having paperwork drawn up that we believe has the potential to be successful. So I am going to let the Select File go on, and I hope to be able to return to the budget at 5:00. My hope, and again, this is my hope, perhaps not expectation, but my hope would be that there would be consensus that this is a fair clarification of the material that would allow us to move forward on the budget, quite possibly without having to go to a cloture vote. So from that vantage point, I'm very optimistic. If that doesn't happen, fair enough, everyone has their own thoughts. Everyone has the privilege to vote as they wish. But I am optimistic that this might possibly be something that, maybe not all, but most of us can live with. So I indulge your patience for another hour or so until we can find the final product. Thank you, Mr. President.

SENATOR WILLIAMS: Thank you, Speaker Scheer. Returning to the agenda, Mr. Clerk.

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CLERK: Senator Wishart, LB760. I have Enrollment and Review amendments. (ER130, Legislative Journal page 1007.) [LB760]

SENATOR WILLIAMS: Senator Wishart. [LB760]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB760. [LB760]

SENATOR WILLIAMS: You've heard the motion. All in favor say aye. Opposed. Amendments are adopted. [LB760]

CLERK: I have nothing further on that bill, Senator. [LB760]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB760]

SENATOR WISHART: I move to advance LB760 to E&R for engrossing. [LB760]

SENATOR WILLIAMS: You've heard the advancement motion. All in favor say aye. Opposed. The bill is advanced. Mr. Clerk. [LB760]

CLERK: LB803, Senator. I have E&R amendments pending. (ER131, Legislative Journal page 1007.) [LB803]

SENATOR WILLIAMS: Senator Wishart. [LB803]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB803. [LB803]

SENATOR WILLIAMS: Members you've heard the motion. All in favor say aye. Opposed. E&R amendments are adopted. Senator Wishart for a motion. [LB803]

SENATOR WISHART: Mr. President, I move to advance LB803 to E&R for engrossing. [LB803]

SENATOR WILLIAMS: Members, you have heard the motion. All in favor say aye. Opposed. Bill is advanced. Mr. Clerk. [LB803]

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CLERK: LB903, Senator, does have Enrollment and Review amendments. (ER134, Legislative Journal page 1028.) [LB903]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB903]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB903. [LB903]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. Amendments are adopted. [LB903]

CLERK: I have nothing further on that bill, Senator. [LB903]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB903]

SENATOR WISHART: I move to advance LB903 to E&R for engrossing. [LB903]

SENATOR WILLIAMS: Senator Wishart, for the motion, thank you. All in favor say aye. Opposed. The bill is advanced. Mr. Clerk. [LB903]

CLERK: LB745, Senator. I have no amendments to the bill. [LB745]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB745]

SENATOR WISHART: Mr. President, I move to advance LB745 to E&R for engrossing. [LB745]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. The bill is advanced. Mr. Clerk. [LB745]

CLERK: Senator, LB1098 I have no amendments to the bill. [LB1098]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB1098]

SENATOR WISHART: Mr. President, I move to advance LB1098 to E&R for engrossing. [LB1098]

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SENATOR WILLIAMS: Members, you have heard the motion. All in favor say aye. Opposed. The bill is advanced. Mr. Clerk. [LB1098]

CLERK: Mr. President, Senator Wishart, LB1091. I have no amendments to the bill. [LB1091]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB1091]

SENATOR WISHART: Mr. President, I move to advance LB901... [LB1091]

CLERK: LB1091. [LB1091]

SENATOR WISHART: LB1091 to E&R for engrossing. [LB1091]

SENATOR WILLIAMS: Thank you, Senator Wishart. You've heard the motion. All in favor say aye. Opposed. The bill is advanced. Mr. Clerk. [LB1091]

CLERK: Senator, the next bill LB865, I do have Enrollment and Review amendments pending. (ER140, Legislative Journal page 1132.) [LB865]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB865]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB865. [LB865]

SENATOR WILLIAMS: Members, you've heard the motion to adopt the amendments. All in favor say aye. Opposed. Amendments are adopted. [LB865]

CLERK: I have nothing further on that bill, Senator. [LB865]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB865]

SENATOR WISHART: Mr. President, I move to advance LB865 to E&R for engrossing. [LB865]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. Bill is advanced. Mr. Clerk. [LB865]

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CLERK: LB827, Senator. I have no amendments to the bill. [LB827]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB827]

SENATOR WISHART: Mr. President, I move to advance LB827 to E&R for engrossing. [LB827]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. Bill is advanced. Mr. Clerk. [LB827]

CLERK: LB940, Senator. I do have Enrollment and Review amendments. (Pause) Mr. President, the system needed a little relaxation. Senator Wishart, LB940. I have Enrollment and Review amendments. (ER142, Legislative Journal page 1133.) [LB940]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB940]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB940. [LB940]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. Amendments are adopted. [LB940]

CLERK: I have nothing further on that bill, Senator. [LB940]

SENATOR WILLIAMS: Thank you, Mr. Clerk. Senator Wishart for a motion. [LB940]

SENATOR WISHART: I move to advance LB940 to E&R for engrossing. [LB940]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. The bill is advanced. Mr. Clerk. [LB940]

CLERK: LB940A, Senator. I have no amendments to the bill. [LB940A]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB940A]

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SENATOR WISHART: Mr. President, I move to advance LB940A to E&R for engrossing. [LB940A]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. Bill is advanced. Mr. Clerk. [LB940A]

CLERK: LB906, Senator. I do have Enrollment and Review amendments. (ER141, Legislative Journal page 1136.) [LB906]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB906]

SENATOR WISHART: Mr. President, do you think I should advance these? [LB906]

SENATOR WILLIAMS: Unanimously. [LB906]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB906. [LB906]

SENATOR WILLIAMS: Thank you, Senator Wishart. Members, you've heard the motion. All in favor say aye. Opposed. Amendments are adopted. [LB906]

CLERK: I have nothing further on that bill, Mr. President. [LB906]

SENATOR WILLIAMS: Thank you. Senator Wishart for a motion. [LB906]

SENATOR WISHART: Mr. President, I move to advance LB906 to E&R for engrossing. [LB906]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. The bill is advanced. Mr. Clerk. [LB906]

CLERK: Mr. President, LB714. I have E&R amendments first of all, Senator. (ER122, Legislative Journal page 896.) [LB714]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB714]

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SENATOR WISHART: Mr. President, I move the E&R amendments to LB714. [LB714]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. Amendments are adopted. Mr. Clerk. [LB714]

CLERK: Mr. President, Senator Howard. I have AM2339 with a note you wish to withdraw. Senator Howard, AM2690, a similar note to withdrawal. Thank you. Mr. President, Senator Howard would move to amend with AM2715. (Legislative Journal page 1308-1310.) [LB714]

SENATOR WILLIAMS: Senator Howard, you're recognized to open on your amendment. [LB714]

SENATOR HOWARD: Thank you, Mr. President. And good afternoon, colleagues. AM2715 is an amendment that makes changes that we agreed to work on with interested parties between General and Select File. They include the following: First, technical changes regarding timing of legal proceedings and clarification of certain terms in response to suggestions from Senator Hilgers. The Nebraska Bar Association recommended a cross-reference to the probate code in Section 25-307, the statute that references a suit by an infant, guardian or next friend and exceptions to include a necessary exception for LB714 in judicial emancipation. And finally, language to clarify that an order of child support shall be suspended instead of terminated in the case of a motion for rescission of an emancipation order that was requested by the clerks of the district court. AM2715 clears up any and all concerns that were brought to me regarding LB714. I would like to thank the Bar Association, Senator Hilgers and Senator Thibodeau for co-sponsoring this piece of legislation. And I would ask for your green vote on this amendment. Thank you, Mr. President. [LB714]

SENATOR WILLIAMS: Thank you, Senator Howard. Seeing no one in the queue, Senator Howard waives closing. The question before the body is the adoption of AM2715. All in favor vote yes; opposed vote nay. Have all voted that wish? Record, Mr. Clerk. [LB714]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator Howard's amendment. [LB714]

SENATOR WILLIAMS: The amendment is adopted. Moving back to debate on LB714. [LB714]

CLERK: I have nothing further on the bill, Senator. [LB714]

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SENATOR WILLIAMS: Senator Wishart for a motion. [LB714]

SENATOR WISHART: Mr. President, I move to advance LB714 to E&R for engrossing. [LB714]

SENATOR WILLIAMS: Members you've heard the motion. All in favor say aye. Opposed. The bill is advanced. Mr. Clerk. [LB714]

CLERK: Mr. President, LB901. Senator Wishart, I have Enrollment and Review amendments, first of all. (ER135, Legislative Journal page 1028.) [LB901]

SENATOR WILLIAMS: Senator Wishart for a motion. [LB901]

SENATOR WISHART: Mr. President, I move the E&R amendments to LB901. [LB901]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. The amendments are adopted. [LB901]

CLERK: Senator Bostelman would move to amend with AM2614. (Legislative Journal page 1156.) [LB901]

SENATOR WILLIAMS: Senator Bostelman, you're recognized to open on AM2614. [LB901]

SENATOR BOSTELMAN: Thank you, Mr. President. And good afternoon, colleagues. I rise today to introduce AM2614 to LB901. This is an important bill for our Army National Guard by giving them a voice in the permitting process of flight training areas in which they train to remain mission ready at home and abroad. This is a simple, technical amendment which removes, I quote, the United States Department of Defense Siting Clearinghouse, end quote, language from the bill. With this amendment, the permit application process will simply require a written agreement between the applicant and the Nebraska National Guard. All parties are in agreement with this amendment. I therefore urge your adoption of AM2614 and your green vote on LB901. Thank you. [LB901]

SENATOR WILLIAMS: Thank you, Senator Bostelman. Seeing no one in the queue, you're recognized to close. Senator Bostelman waives closing. The question before the body is the adoption of AM2614. All in favor vote aye; opposed vote nay. Have all voted that wish? Record, Mr. Clerk. [LB901]

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CLERK: 39 ayes, 0 nays on adoption of Senator Bostelman's amendment. [LB901]

SENATOR WILLIAMS: The amendment is adopted. [LB901]

CLERK: I have nothing further on the bill, Mr. President. [LB901]

SENATOR WILLIAMS: Senator Bostelman. Senator Ebke. [LB901]

SENATOR EBKE: I move to advance LB901 to E&R for engrossment. [LB901]

SENATOR WILLIAMS: Thank you, Senator Ebke. Members, you've heard the motion. All in favor say aye. Opposed. The bill is advanced. Mr. Clerk. [LB901]

CLERK: Mr. President, LB596, I have E&R amendments first of all, Senator. (ER136, Legislative Journal page 1054.) [LB596]

SENATOR WILLIAMS: Senator Ebke. [LB596]

SENATOR EBKE: I move the adoption of the E&R amendments to LB596. [LB596]

SENATOR WILLIAMS: Members, you've heard the motion. All in favor say aye. Opposed. Nay. Amendments are adopted. [LB596]

CLERK: Senator Chambers would move to amend with AM2578. (AM2578, Legislative Journal page 1070.) [LB596]

SENATOR WILLIAMS: Senator Chambers, you're recognized to open on your amendment. [LB596]

SENATOR CHAMBERS: Thank you. Mr. President, so that I can be clear, is this the one that would add cats and dogs to this bill? [LB596]

CLERK: It is. [LB596]

SENATOR CHAMBERS: Members of the Legislature, Senator Groene has done yeoman work on this bill. It had a torturous, very difficult journey. He and I were at loggerheads, and then Dr.

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Kuehn had gotten involved. And before you knew it we had too many cooks. It looked like the broth would be spoiled. But because all of us had moments of lucidity, during which we discussed what was being attempted by Senator Groene. The main point that had to be agreed to, and it was not difficult, is that this is something being sought by some women who are able to use these manipulations with the hand to ease pain, improve circulation, and assist animals who need this kind of ministrations in order to function. So at first the bill was going to create a registry. That had complications, so all of the other things that have been done on this bill can be forgotten. Here's what was decided to be done. There would be only the mention of this massage practice for equines, cats, and dogs. There would be a definition of what this activity consisted of. There would be no state regulation, no state licensure, and whoever was of a mind to engage in this activity could do so. I'm asking that you adopt this particular amendment, and I'm going to call your attention to something. If you started with Senator Groene, drew a line through me, and continued it at an angle you would hit Dr. Kuehn. And those are the trinity, the triumvirate who came together and brought sense out of confusion. And to be honest, Senator Groene is not as unreasonable as he may seem on occasion, as I would speak about him on occasion. And I think he sees that the same can be said about me because we were all interested in trying to help people be allowed to do in a legal fashion that which is constructive and of value. And just as a side matter, I was slipped an article about a person who does this for Komodo dragons, and these are huge animals. They have razor-sharp teeth. And I look, for example, at Senator Walz and I see a very nice lady. I angle my eyes and I see Senator Thibodeau, same thing. Then I see those young ladies sitting in the page's seat, then our master sitting behind the desk. And I see these fine ladies, whom I consider to be my sisters, but were I a hungry Komodo dragon, I might see tasty morsels, because these animals are capable of and have been known to consume human beings. But one was having arthritis and other problems, and I thought it was a joke at first. There was a person who manipulated this animal in the way that this equine, cat, and dog practice would do it. That animal settled down and was assisted, so this kind of activity lends itself to a lot of humor, and that's good in and of itself. Even discussing it, relieves tension, stress, and will bring a little bit of peace in the valley. But it does work. It helps these animals. And Francis of Assisi, after whom the present pope named himself, felt that he was brother to all living creatures. He preached to them, he called them his brothers and sisters. And when he died the words on his deathbed were: I have offended my brother the ass. And he meant, I guess, that he had not done all the things that he should have done. So animals are here for a purpose. It is not to be tortured, it is not to be mistreated. And the people who will benefit from this bill will bring some assistance to animals who are need of it. I'm saying all this now so I won't have to speak on the bill again, and I hope you will adopt this amendment. Thank you. [LB596]

SENATOR WILLIAMS: Thank you, Senator Chambers. Senator Groene. [LB596]

SENATOR GROENE: Thank you, Mr. President. I want to make it clear that Senator Kuehn's and Senator Chambers' amendments are friendly. We've got to keep reminding Senator

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Chambers normally when he drops an amendment it takes a long time, but this one should go fast. Everybody, I want you to know that the world is watching. I got called by The Wall Street Journal yesterday morning and interviewed about this bill in licensure. AP stories on the bill have run in The Boston Globe, Washington Post, London daily Times and The New York Times. This human interest story points government's tendency to become overbearing in the lives of average citizens. I thought I was joking when I introduced the bill. I said every senator looks for a defining moment or a defining bill that defines them. I'm afraid I have. But I do know that there are three ladies in my county who are anxiously awaiting this outcome so that they can pursue their lifelong dream of being equine masseuses. And now my neighbor boy, when I hire him to watch my dog and he pets him, he's now legal. So thanks to Ernie Chambers. So, no, I don't want to make fun of this because this is a serious business and serious to those who want to pursue it. So I thank Senator Kuehn and Senator Chambers, and originally Senator Harr was involved too, to help make the bill better. And the whole world is watching how our Unicameral works right now. So thank you. [LB596]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Chambers, you're recognized to close on AM2578. He waives closing. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB596]

CLERK: 38 ayes, 1 nay, Mr. President, on Senator Chambers' amendment. [LB596]

PRESIDENT FOLEY: The amendment is adopted. [LB596]

CLERK: Senator Kuehn would move to amend with AM2523. (Legislative Journal page 1108.) [LB596]

PRESIDENT FOLEY: Senator Kuehn, you're recognized to open on your amendment. [LB596]

SENATOR KUEHN: Thank you, Mr. President. Thank you, colleagues. I'm just going to start out, I'm a little salty. I'm the veterinarian in the Chamber and Groene gets all the credit for equine massage. So who knows how things are going to turn out. Colleagues, seriously, I bring for you today AM2523, which is the amendment that we discussed during the debate on this bill in General File. So as we had the discussion about the General File committee amendments, which would have created the registry and all of those options, as we discussed on the floor, that agreement, which I acknowledge Senator Groene had worked with as a kind of compromise with

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the Veterinary Association, we recognized using our objective independence here on the floor as senators that that really didn't necessarily get to the spirit of what we were trying to do. That ultimately what we were looking at was creating a barrier-free path to employment for individuals who have a specific skill set they would like to innovate and use as business owners both to support the innovation and job growth in Nebraska, but also to promote animal health and well-being. So what this amendment does, and I would like to thank the committee council for Health and Human Services, who drafted this at my request and assisted me to make sure that the language was consistent, utilizing their subject knowledge and expertise. It defines what equine massage is. So it specifies exactly what it is, the definition that has been absent in statute. It then clarifies that it is not included under the unlicensed assistant, and then exempts it from the Veterinary Practice Act. So it exempts it from the scope of practice from veterinary medicine. So it simply provides that critical definition that we need so that if an individual engages in the practice of equine massage therapy or equine massage practice, defines specifically what it is, therefore giving parameters if someone should go outside of that practice, and then removes it from coverage under the Veterinary Practice Act. I think this is in keeping mind and in line with all of the ideas that we have talked about this session regarding occupational licensure reform. This demonstrates that some of the ideas and concepts that Senator Ebke has brought forward in LB299, whether we as a Legislature are capable of doing occupational licensing reform by talking about it as intelligent, reasonable colleagues, using common sense to determine what is and what is not an appropriate amount of government oversight for specific occupational licenses. So with that, I'm happy to answer any questions that members of the body may have from my position. Otherwise, I encourage your green vote on AM2523. Thank you, Mr. President. [LB596]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Is there any discussion on the amendment?
Senator Schumacher. [LB596]

SENATOR SCHUMACHER: Thank you, Mr. President. Would Senator Kuehn yield to question? [LB596]

PRESIDENT FOLEY: Senator Kuehn, would you yield, please? [LB596]

SENATOR SCHUMACHER: Senator Kuehn, should we also have a canine and feline massage definition? [LB596]

SENATOR KUEHN: I believe with Senator Chambers' amendment it should be included in that as on the definition. [LB596]

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SENATOR SCHUMACHER: Now, could you discuss just briefly, I mean, you took horses out and put in equine. Should we have used feline and canine when we are dealing with cats and dogs? [LB596]

SENATOR KUEHN: Probably, yes. [LB596]

SENATOR SCHUMACHER: Thank you, Senator Kuehn. That's all. [LB596]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Chambers. [LB596]

SENATOR CHAMBERS: Mr. President, members of the Legislature, the terms cat and dog are known to the law right now. And there's a cat and dog law, so we don't need to put equine...I mean, we don't need to put felines and canines. But should a person desire to apply this activity to wolves, coyotes, hyenas, jackals, or any other critters, that person is free to do so. On the feline side: lions, tigers, panthers, cougars, mountain lions, painters, catamounts, and all the other terms that are used to describe the mountain lions whom I would like to save from those trophy hunters. But with the language that we have in the bill, anybody who wants to apply this skill to any living creature is allowed to do so. And I would like to ask a question of "Professor" Kuehn while he's on his feet. [LB596]

PRESIDENT FOLEY: Senator Kuehn, will you yield, please? [LB596]

SENATOR KUEHN: Yes, I will. [LB596]

SENATOR CHAMBERS: Dr. Kuehn, what do you call a veterinarian who services only human beings? [LB596]

SENATOR KUEHN: A physician. [LB596]

SENATOR CHAMBERS: Thank you. [LB596]

PRESIDENT FOLEY: Thank you, Senators Chambers and Kuehn. (Visitors introduced.) Continuing discussion, Senator Thibodeau. [LB596]

SENATOR THIBODEAU: Thank you, Mr. President. I was wondering if Senator Kuehn would mind yielding to a question. [LB596]

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PRESIDENT FOLEY: Senator Kuehn, would you yield, please? [LB596]

SENATOR KUEHN: Yes, I will. [LB596]

SENATOR THIBODEAU: Senator Kuehn, I'm just curious, since we're defining terms in this amendment, could we define "bottle club" in here as well? [LB596]

SENATOR KUEHN: I have serious questions as to the germaneness of that issue and the single subject rule, and I certainly would not want to expose the state to potential liability. [LB596]

SENATOR THIBODEAU: Okay. I appreciate that, Senator Kuehn. Thank you. [LB596]

PRESIDENT FOLEY: Thank you, Senators. Senator Schumacher. [LB596]

SENATOR SCHUMACHER: Thank you, Mr. President. One follow-up question for Senator Chambers, if he'll yield. [LB596]

PRESIDENT FOLEY: Senator Chambers, would you yield, please? [LB596]

SENATOR CHAMBERS: Yes, I will. [LB596]

SENATOR SCHUMACHER: Senator Chambers, as used in this bill, "dog," does that mean also prairie dogs? [LB596]

SENATOR CHAMBERS: Anything with four feet and is living or has lived can be within the purview of this bill, and those who provide the ministrations on our four-legged, four-footed brothers and sisters, as they were described by Francis of Assisi, who was a saint. [LB596]

SENATOR SCHUMACHER: Thank you, Senator Chambers. I have nothing further. [LB596]

PRESIDENT FOLEY: Thank you, Senators. Seeing nothing further, Senator Kuehn, you're recognized to close on your amendment. He waives close, and the question before the body is the adoption of AM2523. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB596]

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CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator Kuehn's amendment. [LB596]

PRESIDENT FOLEY: Nothing further on the bill, Mr. Clerk? [LB596]

CLERK: I have nothing further on the bill, Senator. [LB596]

PRESIDENT FOLEY: Senator Ebke for a motion. [LB596]

SENATOR EBKE: Thank you, Mr. President. I move to advance LB596 to E&R for engrossment. [LB596]

PRESIDENT FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB596 advances. Moving on in the agenda to General File, 2018, Speaker priority bill. Mr. Clerk. [LB596]

CLERK: Mr. President, first bill on General File, LB729 offered by Senator Wayne. (Read title.) Introduced on January 3 of this year; referred to the Judiciary Committee. The bill was advanced to General File. I do have committee amendments, Mr. President. (AM2160, Legislative Journal page 813.) [LB729]

PRESIDENT FOLEY: Senator Wayne, you're recognized to open on LB729. [LB729]

SENATOR WAYNE: I will...thank you, Mr. President. I know we had some interesting laughs, and I don't want to damper the mood, but I do think this is a serious bill that we all need to listen to and make sure we support. Back in 2010, a young family decided they wanted to adopt a foster-care kid. During that time they specifically asked multiple times about the medical history, sexual history, and other histories of this individual they were looking at adopting. What later happened within seven months...or five months later of placement with this family, that potential adopted child sexually assaulted their other child, seven-year-old son. A lawsuit was filed and the state argued simply that immunity applies. And according to our misrepresentation statutes, which we are trying to amend today, it was the court denied the case. This case went all the way to the Supreme Court. The Supreme Court said in its decision that the state tort claims act, similar to the federal law, does not allow any damages to be awarded in this case. The most interesting or sad part about the ruling was written by Judge William Cassel who said, who suggested that we as a body, Nebraska Legislature, may want to consider changing the law regarding this. And he wrote from the perspective of the parents, the court said, immunity adds insult to injury. What my bill does is very simple, and there's a lot of documents being handed

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out by me and Senator Watermeier. This incident particularly happened in Senator Watermeier's district. The reason why I got involved is because I practice with one of the attorneys multiple times in juvenile court, and when he was telling me about the case and later the Supreme Court ruling; one, they got it right and this is why we got to change our law. We simply strike misrepresentation and deceit, and we add according to the amendment that will be offered-- Failure for DHHS to notify, warn, or inform anybody or particularly the placement of the ward's mental, behavioral, health history, education history, medical history, including any history as a victim or perpetrator of sexual abuse in the cases of adoption and placement. We are asking many families, many families to adopt, foster care or help raise kids that are caught in our system. At a bare minimum, our state, at a bare minimum, our state should never be deceitful, misrepresent crucial facts about that child's history so that family can make an informed decision on whether they have the capability to handle whatever that child may bring. That didn't happen in this case. And that continues not to happen in many other cases that I hear about. I could not get the original language because it was a little broader, and I didn't want the ideal to not stop the pragmatic approach we're taking in this amendment to limit it to DHHS to say when you're dealing with kids in our system and you're dealing with parents and guardians who are looking to help, at a bare minimum we have to be honest. This opening won't be long because we can't standby and allow our state to lie about children and to lie to the parents who are trying to help these children. And with that I'd ask you to vote green. [LB729]

PRESIDENT FOLEY: Thank you, Senator Wayne. As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Ebke, you're recognized to open on the committee amendments. [LB729]

SENATOR EBKE: Thank you, Mr. President. AM2160 was offered to the committee by Senator Wayne and restructures the scope of the bill as introduced. Under the original bill as introduced, LB729 would have amended both the state tort claims act and the political subdivision's tort claims act to allow for claims arising out of misrepresentation or deceit to be made against a public actor. AM2160 restructures the bill and amends only the state tort claims act to allow for claims against the state to be made arising out of misrepresentation or deceit by the Department of Health and Human Services in failing to warn, notify, or inform of a ward's mental and behavioral health history, educational history, and medical history, including any history as a victim or perpetrator of sexual assault. The bill had no opposition testimony at hearing and was advanced from committee on a vote of 8-0. Senator Watermeier has some more information, and his office dealt with this earlier, so I'd like to yield the rest of my time to him and encourage your green vote on AM2160. [LB729]

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Watermeier, about five minutes. [LB729]

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SENATOR WATERMEIER: Thank you, Mr. President; thank you, Senator Ebke; and thank you, Senator Wayne; and even Senator Harr who had helped with the conversation on this bill. I rise today in support of LB729 and allow a little bit of history. I want to thank the Speaker for offering this as a Speaker priority bill. I became interested in this issue when approached by an attorney from my legislative district. She had contacted me last summer, the day that the Jill B. and Travis B. v. the State decision was released from the Nebraska Supreme Court. Section 43-146.02 of the Nebraska Revised Statutes states that the child placement agency, HHS, or a private shall...agency shall maintain and shall provide to the adopting parents upon request the available medical history of the person placed for adoption. However in this case, the adoptive parents repeatedly asked the caseworker if the foster child had a sexual abuse history and were repeatedly told he did not, even though the caseworker knew that he did. After the child was placed in the adoptive parents' home, he began abusing their young son. Upon investigation, the parents learned of the caseworker's knowledge of the child's history and her intentional or neglectful failure to disclose the sexual history. Even so, the Supreme Court ruled that there is no recourse to the parents because of the state's immunity under the misrepresentation or deceit exemption to the state tort claim act. In short, although there is a duty to disclose, there is no repercussion for failing to do so. Other courts across the country have ruled the state was only immune from suit under the misrepresentation and deceit exceptions to the state torts claims act when the act involved a financial transaction. In the Nebraska Supreme Court case, the ruling suggested that the Legislature could revisit this issue stating: If the Legislature wishes to expand the scope of the state's liability by limiting application of the misrepresentation exception to claims arising from the commercial transactions or which involve only financial losses, it has the power to amend the statute accordingly. The attorney from my district was representing an adoptive couple that experienced a similar situation that Senator Wayne had talked about. I'll refer to them as "Mr. and Mrs. W." Mr. W is a colonel in the U.S. Air Force, and Mrs. W has a masters degree in sociology. At the public hearing on LB729, Mrs. W flew in from Washington, D.C., solely to testify in support of this bill. Ten years ago, Mr. and Mrs. W adopted a son. Unbeknownst to them, shortly after being placed in agency care at the age of two, he was diagnosed with reactive attachment disorder, bipolar disorder with childhood onset, oppositional defiance disorder, and intermediate explosive disorder. When he was placed with them four years later, he was regularly seeing a psychiatrist and a mental-health therapist, but they were not told none of this. Therefore his treatment abruptly stopped because Mr. and Mrs. W were not aware he was in treatment. The only medical information they received was that it was suspected their son had ADHD. Mr. W wrote in his testimony that their completed home study stated they were not willing to take a high-risk or a high-needs child. The paperwork they received at the time of placement contained areas for his medical providers to be listed, as well as his psychiatrist and his therapist. These places were not just left blank, they were marked "none." They were marked none. Mr. and Mrs. W tried to help their son, but they did not know how to because they did not know what they were fighting. The doctors began from ground zero-- testing, diagnosing, experimenting with different medications all while their son bounced in and out of psychiatric

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treatment centers. Had HHS been truthful to them, this could have all been avoided. Their son would not have been deprived of appropriate and necessary medical treatment. [LB729]

PRESIDENT FOLEY: One minute. [LB729]

SENATOR WATERMEIER: Their family was not the right fit for this boy, as Mr. W's job required relocation every two to three years, as well as frequent travel and potential deployments, all of which are not appropriate for children with reactive attachment disorder as it causes them to feel abandoned once again. It was during Mr. W's deployment that their son first threatened to kill Mrs. W and was caught holding and hiding a knife. Mr. and Mrs. W's adoptive son has not lived in their home for more than four years. He is in a residential care out of state that only serves children with reactive attachment disorder and he is struggling. Furthermore, he is being discharged because he is no longer compatible with their program. The Ws were told that he is the most difficult child they have ever had. Had HHS been truthful, their son would have been placed with a family who had the skills and the resources to help him. His care would have been continued and he would have had the best chance. Mr. and Mrs. W's other children... [LB729]

PRESIDENT FOLEY: Time, Senator. [LB729]

SENATOR WATERMEIER: Can I continue on? [LB729]

PRESIDENT FOLEY: You may. [LB729]

SENATOR WATERMEIER: Mr. and Mrs. W's other children would not have had their lives up-ended. They would have continued to grow up in a home that was peaceful and safe. Now their children are growing up without their brother, and Mr. and Mrs. W are raising four children instead of five. All are grieving, all because HHS didn't give them the information that they were entitled to. His residential care is not covered by their insurance and they have received no help from the state of Nebraska. Mr. and Mrs. W have depleted their savings. Mrs. W realized that flying across the United States in support of this bill won't help her family, but in hope that it might help another family in the future, preventing their lives from becoming irrevocably damaged. HHS must be held accountable for disclosing all available information. The lives of families are at stake. It doesn't make sense to have a law mandating caseworkers to disclose medical histories and then immunize them from when they are intentionally or neglectfully fail to do so. I would urge your support for the amendment and LB729. Thank you, Mr. President. [LB729]

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PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Harr. Is Senator Harr on the floor? Senator Krist. [LB729]

SENATOR KRIST: Thank you, Mr. President; and good afternoon, Nebraska. This is one of those issues that was extremely tough to hear in Judiciary because it not only reflects upon the willingness of people to adopt and the nurturing and the love that they show for a child once they bring in their home, but also the complete disappointment and heartbreak when they make a decision to do something and are ill advised. I won't necessarily throw the department under the bus, although I believe that they should be thrown under the bus and then backed up and rolled over again on this issue. And anybody who intentionally lies or deceives within the realm of kids and families should not be working in this career field. However, I will address more strongly the fiscal note on this issue. There have been cases dismissed, and there have been issues brought forward, but our Attorney General put a fiscal note on this bill, on the original bill, not the bill that is being...as it's amended, but on the original bill as though the projection was that they're going to have to hire...hire another person to handle these claims. Now, I think this is an attempt, maybe not death by a fiscal note, but maybe it's dismemberment by a fiscal note in terms of doing their job. I would hope that the agencies around who do submit fiscal notes to us are more forthcoming. I believe that we don't know what this is going to do, and therefore we don't need to pad the wallet in order to get to where we need to get to. I would say deliberately that they should have the legal opinion that this is something that needs to be changed and we're going to do a wait and see and project at some point that there might be a deficit appropriation or a request because of the additional workload that they will experience. So I'm hoping, because there will have to be a new fiscal note on this subject, that AM2160 will facilitate a new way of thinking about this process moving forward, and at a time when we can ill afford a death by fiscal note, that they will take a different approach to estimating the value of human life and dignity and also making sure that we follow through with making sure that this in tort is taken care of the way Senator Wayne is describing it. Once again, thank you for legal counsels and the Judiciary and the Chairman in Judiciary who worked on this and made sure that we refined it and took away the broad brush scope and really centered in on subject matter at hand. Thank you, Mr. President. [LB729]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Schumacher. [LB729]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. First of all, I'd point out a little language issue. This is in the tort claims area, and they will not know, just from reading the statute, what we were talking about here. And it seems to me the sentence needs some work because it talks in terms of "in failing to warn, notify, or inform of a ward's mental and behavioral health history." Inform who or what-- the general public, the foster parents, the police? I think that needs to be tightened up. And if we mean the whole world, then we should realize there probably is a lot of exposure being created. That being said, this whole area is

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indicative of what smaller government looks like with responsibilities of our social function, particularly to people with mental disorders. And I want to read into the record, it may take me more than five minutes, I hope not, a letter I received from a county attorney today about how we are acting. John Doe is a 29-year-old male who has been diagnosed with schizophrenia disorder, bipolar type, he's been EPCed, that's emergency protective custody, several times and has been on a mental board commitment for two years. He was EPCed and had a hearing and was held in December of 2016, outpatient commitment; in April, July, August, and October; outpatient, group home, psychiatric residential, secure residential. He was unsuccessful in all those treatments. I've just recently EPCed him again from his psychiatric residential community due to threats to kill others and other aggressive behaviors, and because the patient is grossly delusional and psychotic that he cannot participate in meaningful programming. The hospital is not recommending in-patient treatment for this person because they say he's not acute. He is psychotic and delusional, but because it is his baseline, his normal behavior is psychotic and delusional, that he does not meet the criteria for a level of care that is higher. They also stated to me that if they could not find him a bed in a residential community that they would look at a lower level of care. They admitted that his needs were higher, but they would still place him somewhere that would not meet his needs because of resource issues. This is a male that every time he's out in the community gets cited for a crime. We declined prosecutions for stalking, terroristic threats, and motor vehicle theft because we knew that he would not make it through a competency evaluation. I have yet...I have sent him to the hospital, and each and every time and babysat him...this case for the purpose of public safety. This man is so sick, yet no one will help him. Now he will be let go to his own devices because the hospital will not say he needs in-patient treatment while he awaits a bed in a residential community, even though he has an ongoing history of non-compliance. I am very fearful for his safety. This is what we deal with in the system. I came up with another plan as a last resort. If we can get a guardian appointed emergency temporary by 1:00 p.m. today, that guardian can sign him into a hospital. The region...these are the regional...Region 4, Region 5 kind of things...response was, yes, but we won't pay for it. So I can't even do a last-resort plan because the hospital says his delusional system, though he has...and I quote...fixed delusional thinking, poor insight, and extremely concrete thinking is unable to make decisions in order to attend to his own care, his baseline is this, and it is not acute. And now, even though he cannot... [LB729]

PRESIDENT FOLEY: One minute. [LB729]

SENATOR SCHUMACHER: Thank you...cannot take care of himself or his needs, and even though he is reaching out to people via Facebook and threatening to kill them, he will most likely be let go to await a bed. I'm reaching out to you once again because I need someone else to know this...I need someone else to know what I deal with and how helpless I feel from behind this desk. And I think I'll pick up with a second time on the mike to finish about two paragraphs

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of this letter yet, because it is underlying some of the issues that we're going to be facing in the budget in just a little bit. Thank you. [LB729]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Chambers. [LB729]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Krist pointed out a fiscal note from the Attorney General's Office. That man is the least ethical person who has been an Attorney General since I've been here. He, like the Governor, has a thirst to shed blood. Although studies all over the country, in states where the death penalty exists, it has been established empirically that it costs more to try to put somebody to death than to send somebody away for life. The Attorney General, because he wants the death penalty, had said he does not need any additional help in his office, that the death penalty can work, can be absorbed by the staff that he has. Now, in one of the areas where it's universally recognized that great expense accrues, the Attorney General said that will not be the case in his office. But then on a bill such as this, where there is not likely to be a great amount of money spent, comparatively speaking, he says that he has to hire another person. The Attorney General is not just disingenuous, he is a liar. He is horrendously unethical. His top prosecutor was admonished in the Nebraska Supreme Court for unethical conduct during a trial. So one of the worst people who could be the chief legal officer of this state is the least competent. He is on the wrong side of the prison bars in my opinion. He's running for re-election. It is clear that he does no litigating. He writes no briefs. He is a dyed-in-the-wool hack politician. He's not a good lawyer. When he got the position of Attorney General he was in over his head, and anybody who examines his record, in terms of competency of a lawyer, will see that he is totally unfit, but he's a "Repelican." The Governor will spend money for him if necessary. The "Repelican" Party will support him. Even Senator Brasch may be required to do that because I was shocked at a letter that she wrote on behalf of the Republican Party excoriating Senator Krist. I read the thing and I was upset with it, but then when I saw that Senator Brasch was the one who wrote it, with all of the kind of talk she gives about ethics and right dealing, it was one of the most hypocritical displays I had seen. So it appears that this party corrupts everybody that it endorses, that it anoints. Senator Murante was not as bad a person before that party anointed him, and now he has shown himself to be subject to a total loss of ethics. But for him, he even did things and said things that would cast doubts about his intelligence. I'm not going to bring up the Attorney General...the Lieutenant... [LB729]

PRESIDENT FOLEY: One minute. [LB729]

SENATOR CHAMBERS: ...Governor, the Lieutenant Governor. When he left that seat earlier today, I thought he had come to his senses, regained his moral compass and bearings and was going to leave. He's shaking his head no, and he's right, he has not regained his moral compass. He has not regained his moral bearings. And he's at least honest enough to admit that he is

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inappropriately functioning up there in that chair. But if he wants to be the target of the slings and arrows, I'm capable of sending them his way. And the reason I lightened up earlier today was because we had little children in the balcony. And what I wanted to say about that man was not something that I wanted the little children to be puzzled about. But when only adults are here,... [LB729]

PRESIDENT FOLEY: Time, Senator. [LB729]

SENATOR CHAMBERS: ...then I will be an adult talking about an adult. Thank you, Mr. President. [LB729]

PRESIDENT FOLEY: Thanks, Senator Chambers. Senator Schumacher, we're pushing up against 5:00, if you'd like a minute or so to wrap up for us? [LB729]

SENATOR SCHUMACHER: Okay, thank you, Mr. Lieutenant Governor. Continuing on this letter: Knowing that I've tried everything within my power to keep this individual and others safe to no avail, I want someone else to see what it is really like. This is a case that is happening now. So I will go and fight for all I'm worth to keep this man in the hospital and safe. I will fight for a level of care that is appropriate, not more or less; just appropriate and that he be secured until a level of care is available. I will promise his family I will do everything to keep him alive and others safe knowing that it probably won't be enough because due to the current model, it will also fail. This affects me even harder because in two short months I finally committed another young man to the Norfolk Regional Center after he raped a female while manic. This was another one of these that I EPCed to the hospital so many times and he was always let go. After I EPCed him in June of 2017, I argued with the hospital over his dangerousness level. Once again, over my arguments, he was let go on an outpatient commitment. He then raped a young woman who was two months...two short months later while mentally ill and manic. The state eventually hired an independent psychiatrist to do an evaluation and he was finally committed to NRC. This was after he was EPCed from the jail and the region-contracted hospital found him stable enough to return. Some of the EPCs that I filed are dropped over my objections. Yesterday, one of our commitments was found dead in his apartment, most likely died to substance abuse. This system is not working. Does the system work for some? Sure. But when it doesn't work, it really doesn't work. We still can't find spots for combative, assaultive individuals, and it appears the problems are growing, resources are a huge issue. There just isn't enough to go around. Please tell this story. I told the story. So thank you for listening. [LB729]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Ebke, you're recognized to closed on the Judiciary Committee amendments. She waives close. The question before the body

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is adoption of AM2160, Judiciary Committee amendment. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, please. [LB729]

CLERK: 34 ayes, 0 nays on adoption of committee amendments. [LB729]

PRESIDENT FOLEY: Committee amendments are adopted. Senate Wayne, you're recognized to close on the...excuse me. [LB729]

CLERK: Excuse me, Mr. President. Senator Wayne, you want to withdraw that amendment, right? Thank you. I have nothing on the bill, Mr. President. [LB729]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Wayne, you're recognized to close on the advance of the bill. [LB729]

SENATOR WAYNE: I'll be really short. Yester...was the initial fiscal note, I'm sure there will be a new one after this bill...with the blessing of moving forward here today by this body, I will deal with it then. But the fact of the matter is, is \$100,000 is well worth it if we have to hire an attorney because we have to make sure that when it comes to placement of kids in our...from our foster care system into homes where we're asking them to take it, we have to be honest and we have to inform them so they can make informed decisions. So thank you and I ask for a green vote. [LB729]

PRESIDENT FOLEY: Thank you, Senator Wayne. Members you heard the debate on LB729. The question before the body is the advance of the bill. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB729]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB729. [LB729]

PRESIDENT FOLEY: LB729 advances. Mr. Speaker, before the Clerk announces the budget bill, would you like to be recognized? He waives it. Mr. Clerk, we'll move off to the 5:00 agenda. LB944 budget bill. [LB729 LB944]

CLERK: Mr. President, budget bill on Select File. Mr. Speaker, I assume you would like to order AM2750 as the amendment to be considered. [LB944]

PRESIDENT FOLEY: Speaker Scheer, you're recognized. [LB944]

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SPEAKER SCHEER: Yes, please, Mr. Clerk. [LB944]

CLERK: Mr. President, Speaker Scheer would offer AM2750. (Legislative Journal page 1311.) [LB944]

PRESIDENT FOLEY: Speaker Scheer, you're recognized to open on AM2750. [LB944]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, the amendment before us is a culmination of literally hours and hours and hours of time of my colleagues. I didn't have a lot to do with this. I did very little. The work was done by those seated next to you. I don't want to go into specifics because I am afraid that I would probably miss someone that was involved, but it was a group effort. It was very tough in relationship to coming up with clarifying language. As we all know, words make a difference. And so for us to be able to finally develop language that clarifies the terms of the bill to the extent that most of us hopefully will be satisfied, truly was a monumental event. It took perseverance on everyone's part. There were times when I am sure most of them would have liked not to reenter the room or take another phone call or see another text. I want to publicly thank them. It was tough, tough work. People got mad at each other, people got happy with each other, and ultimately we came up with what I believe is a very fair agreement. It is wordsmithed, it is "claritive." It has been agreed upon by all those that were working on the subject. It has been reviewed and I have talked to the Governor's Office and the Governor's Office has also felt it was a fair and amicable resolution. The rules state that we cannot have a cloture vote for two hours if a budget bill has not reached cloture. I'm asking you to pull up the amendment on your gadget, take a look at it. This is it, folks. This is as good as it gets. I would hope that we don't have to spend two hours on this. I know there are several of you that wish to speak. But I would hope that we would be able to move on and hopefully, God willing, maybe we will still make our 6:00 dinner reservation that we all have, I'm sure. So with that I will simply thank you and hope that this will meet with everyone's expectation. Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Debate is now open on the amendment. Senator Bolz. [LB944]

SENATOR BOLZ: Thank you, Mr. President. I rise in support of AM2750. I think that this is a compromise that protects our state's ability to continue to provide essential services through the Title X program, including cancer screenings, preventive health services, and prenatal care. Importantly, it protects the ability to refer, specifically, in emergency situations. Moreover, moving AM2750 allows the budget to move forward, ensuring funding for child welfare, the homestead exemption, and other essential state priorities. I would like to thank Senator Hilgers for his diligence on this initiative; Senator Watermeier, my colleague on Appropriations, who

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kept with difficult issues but kept our budget in mind; Senator Howard for her expertise and technical knowledge; Senator Wishart for her research and hard work; and Senators Harr and Scheer for their efforts to lead us to a place where we can move forward. I'm grateful for everyone's actions. I ask for your support of AM2750. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Chambers. [LB944]

SENATOR CHAMBERS: Thank you. Mr. President, I'd like to ask the Speaker a question. [LB944]

PRESIDENT FOLEY: Speaker Scheer, would you yield, please? [LB944]

SPEAKER SCHEER: Most certainly. [LB944]

SENATOR CHAMBERS: Mr. Speaker, are there to be no motions, no amendments allowed on this so-called grand compromise? [LB944]

SPEAKER SCHEER: This is a stand-alone motion, that would be correct. [LB944]

SENATOR CHAMBERS: So it can be amended? [LB944]

SPEAKER SCHEER: It is a motion. You can try to. [LB944]

SENATOR CHAMBERS: And can a motion be made on the bill itself, like to bracket it or to recommit? [LB944]

SPEAKER SCHEER: Certainly. Certainly. [LB944]

SENATOR CHAMBERS: Okay, that's all I need to know. But I'm going to say something. The Governor won. He knew he was going to win, I knew he was going to win. And I said or asked, is the Governor going to be in the room negotiating? You all were the children playing with toys and he was playing with you. This is not anything worthy of praise. But remember this, I'm just one person. And you all know how unreasonable I can be. I didn't know that morality is relative. We're dealing with a moral issue based on this stuff that the Governor talks and that the Lieutenant Governor talked. He's up there gloating now. They got their way again with this Legislature. And you all who stayed in that room wasted your time and wasted the Legislature's time, but the rest of them don't care. You all are exactly the way I portrayed you the other day:

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spineless, supine. You are not functioning as a Legislature. That language should have been stricken from this bill. The Governor's laughing. He said, Chambers is right, they're not going to listen to him, I know they're not. Let them stay in there as long as they want to. And this bill, this budget bill, is going to move and stay basically the way it is and it's a victory for Senator Hilgers. When he makes his move to a higher office, he can point back to this as his victory over the Legislature. And I applaud you. I commend you for showing great skill. I admire skill whenever I see it. I admire a bank robber who does his robbing or her robbing skillfully. The skill is what I recognize, not that to which the skill was directed. And I know I'm going to have to do all of the talking because the other people are going to get up here and pat each other on the back. I would pat you on the back but I wouldn't use my hand and I would apply it lower on your anatomy than your back, but it would be on the posterior portion of the anatomy. It takes so little to satisfy you. You sell out for so little and you're proud. I work harder than all of you and I feel that I've had less success than any one of you, because your standards are not my standards. I've told you that I admit out of my own mouth that I have been a failure, I have wasted 44 years in this worthless Legislature. I admitted it myself. You don't have to tell me, I know the failings, the failures, that I've had ever since I've been here. But I continue to strive for that which I think is right and I'm not going to sacrifice it and compromise it to get along with that man over there in that Governor's Office or to get along with any one of you or any collection of you. I'm better than all of you and I will always be better than all of you. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR CHAMBERS: You cannot be trusted to take a position and hold it whenever there's any opposition from somebody you perceive as being strong. The Governor is not strong, the Governor is rich, and he'll use his money and hide behind that to put terror in the rest of you. You love this place so much, and I'm going to say now to you all what I said about that man that I'm pointing to. And I know it's rude to point, but he is worse than rude by sitting here over this Legislature and you all swallow it. But, Mike Foley, I commend you for your skill in showing that you can show contempt for these people and they swallow it. You spit and they licked it up. You vomited and they gulped it down. And you're telling them by everything that can be shown. [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

SENATOR CHAMBERS: Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Harr. [LB944]

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SENATOR HARR: Thank you, Mr. President. And thank you, Senator Chambers, for those words. I will agree with you that you are the hardest working person here. But at times, folks, it's easy to say no. Right? No. There's no consequence for saying no. What's difficult is saying yes. When you say yes, you're putting yourself on the line and you're trying to figure out, did I do my work, did I get the best deal? Yes, I'm going to have to give a little bit. And in a good deal everyone gets a little bit and probably nobody is completely happy. I know, as Senator Chambers knows, this isn't the bill I'd draft. This isn't the amendment I'd draft. But the fact of the matter is, there are 49 of us in here. We have to pass a budget. We have to find a way forward. We spent 30 days on rules and what did it get us? Embarrassment. So it took people coming together, working together. I want to thank Senator Hilgers and Senator Watermeier for their hard work and listening. And I want to thank Senator Howard, Senator Bolz, and Senator Wishart for listening and not talking past each other, but trying to find where that common ground was. What could we agree to, what was allowed within our current law, within the current regs, within the constitution, and how could we get to yes. I don't think any of us want to come back here for a special session. And so, you know, I agree with what Senator Chambers says, it's easy to say no, it's hard to say yes, though. There's an editorial in today's World-Herald this afternoon that says: The responsible path forward is clear. Lawmakers need to step up and reach a sensible agreement. Their duty is to the state's welfare, not the Governor's bidding. And I don't think we're acting to the Governor's bidding, I think we're stepping up as a body inside the glass and coming up with our own compromise for the reasons that Senator Bolz mentioned in hers, and I think she did a great job. So I want to commend everyone and I would be remiss if I didn't thank one last person, which is Speaker Scheer, who stepped up and said, we got to get a deal done, we got to do something. And he leaned on both sides and he leaned hard and it hurts. I notice he said earlier, people are...there's anger and then there's happiness. I'm not sure if there's happiness. I am content with this deal and I am content with who I worked with. I think they did a good job. I think they were fair. They leaned on us hard, but I think we made each other better through this argument. How much time do I have left? [LB944]

PRESIDENT FOLEY: Two minutes. [LB944]

SENATOR HARR: Two minutes? What little time I have left, I will go ahead and give to Senator Howard. [LB944]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Howard, two minutes. [LB944]

SENATOR HOWARD: Thank you, Mr. President. I rise in support of AM2750. I did not know when I was hired at an FQHC in 2011 working on a really small grant called Title X that all of that would become very, very relevant in 2018. We took as much of the federal regulation and as much as we could from other states to make sure that this compromise mirrored our goals. Our

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main goals were to ensure access and to make sure that no woman would be losing her access to this important care. With that being said, the two pieces, if you look at the language, one is we included referral language that goes directly to our own statutes in Section 28-326... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR HOWARD: ...for an emergency situation, which is well-defined. And it allows a physician's good faith clinical judgment to be utilized to ensure that a woman's life and safety is guaranteed. And then finally, it also includes a severability clause which means that should this area of the bill become unconstitutional or found unconstitutional, it will not harm the rest of the budget. These were important pieces. The referral language came from Arkansas; Senator Hilgers suggested it. And I do think that everybody in the room really gave everything to try to find something that would work. So Senator Hilgers, Senator Watermeier, Senator Harr, Senator Wishart, Senator Bolz, it's been an honor to work with you. And even though it was really difficult and there were not enough snacks, we really did our best. And I do think that this is reflective of the statesmanship that we want to see in the Unicameral. It's easy to say no on both sides. [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

SENATOR HOWARD: I don't expect everybody to like it. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Morfeld. [LB944]

SENATOR MORFELD: Thank you, Mr. President and colleagues. I rise in opposition to AM2750 and I'll be in opposition to the underlying bill as well if this is adopted for a few different reasons. And before I begin, I want to state I do appreciate several of my colleagues sitting down and working hard. I know that they've worked hard because I've seen them work hard for the last week on this. And while I will oppose the amendment, I do appreciate their efforts. And that's the kind of coming together and working together that needs to happen. That being said, I simply from a principled position cannot support this legislation or this amendment, because if it is enacted into law I believe it will unlawfully exclude one provider in particular, one provider...and we all know who that is, that's Planned Parenthood. And that provider provides four-fifths of the people on Title X in my district services. And not one person has been able to tell me or confirm with me yet that those services are going to be able to be picked up by any other provider in the city of Lincoln or elsewhere. So while I agree it's good that people came in and worked together to compromise, to find common ground, I will argue that we shouldn't had to have compromised on this in the first place. This shouldn't have been in the budget bill in the first place. There's a reason why we don't allow these types of things in our

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budget bill. And while there are probably a bunch of people in the Governor's Office thinking they're really clever right now because they were able to sneak it in the first, then sneak it in the second time, it's not really clever. It's not really clever because we learned a hundred or a few hundred years ago that you don't put this type of nonsense in a budget bill because you can hold it hostage on one issue. In the end, colleagues, what's going to happen is I'm sure this body will be able to get the majority of votes necessary to put this amendment in here. But there are going to be real impacts on real people, a third of which are served by a provider that this amendment will almost definitely exclude. And those people are going to have unplanned pregnancies, they're not going to get the prenatal care that they need, and that's going to have a huge impact, not only on the personal lives of those individuals, of those children, of those infants, but also it will have an impact on the bottom line that so many people talk about in this body in terms of budget and need for services. All so a few different advocacy groups and the Governor could run around the state and run around the country and talk about how they defunded one organization. It really is sad. But I guess I can see the writing on the wall and a group of four people who I really respect were forced to come to the table and come up with a compromise. And I won't fault them for it, but I in good conscience cannot vote for AM2750. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Hilgers. [LB944]

SENATOR HILGERS: Thank you, Mr. President. Good evening, colleagues. I rise in support of AM2750 and I'll try to be brief. I first do want to echo the comments of my colleagues and want to thank personally those with whom I shared the Executive Board conference room for more hours than I ever thought I'd be in that particular room. We had late night phone calls and e-mails and conversations, Senator Bolz, Senator Howard, Senator Wishart, Senator Harr and Senator Watermeier and I think also the Speaker as well. I think that work was not in vain. And I believe that sometimes people have disagreements because they just simply disagree...they agree on the facts but they disagree on philosophy. And sometimes people disagree because they disagree about the facts or they disagree about some of the implications of the facts and sometimes they have misunderstandings or miscommunicate. And what I found through this process was that all of those individuals I mentioned, and I believe everyone on the floor in this body, shared particular goals. Those goals, including access to those health services and ensuring that Title X funds were available to Nebraskans. We shared those goals and while when we debated this particular provision in the bill we had some disagreements, by being able to sit in a room and go through what is admittedly very complex, very thorny legal statutes, regulations, RFP process, and the like, we were able to go through that and actually challenge each other's assumptions, listen, and come to common understanding. And because we were able to come to a common understanding we were able to come through with what I believe is a common way forward. Senator Harr, Senator Howard, Senator Bolz, they're all correct. I believe that if we were all to draft this our own and we didn't have sign-up from other individuals it would all look drastically

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different. But this process put us in a room and did what I believe we should do here in this body, listen to each other, identify common goals that will help Nebraskans, and work towards that goal. And where we could work together without compromising our principles and beliefs, we did. I believe the product of that is AM2750. I urge you all to vote green for that amendment, for the underlying bill so that we can get the budget passed and move on for the business of the state of Nebraska. Thank you very much. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Wishart. [LB944]

SENATOR WISHART: Thank you, Mr. President. I rise in support of AM2750. That is not to say that...that I don't...that is not to say that I don't agree with what Senator Morfeld has said and don't see that the language that we're putting forward in this budget is going to have significant impacts, negative impacts on women. But the reason I support and fought hard on this amendment is that it protects the most amount of clinics possible in the state that I felt we could get out of this compromise. And that means that the federally qualified health centers, which one of those centers is in Lincoln and will hopefully be providing these Title X services, will be able to continue moving forward and providing these services. Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Pansing Brooks. [LB944]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Of course, I stand with great disappointment to this. I think that we have acquiesced, we have decided to allow things to be placed in the budget that don't...shouldn't be in the budget. We've had all sorts of information about why this shouldn't be there. We gave the hue and cry last year, don't put it in the budget, bring a bill, but that was ignored. So now it's back in the budget. Let me be clear to you now. When and if it's back in there next year, we will be spending the tax dollars of the people of the state of Nebraska arguing about this again. So, Nebraska, if you don't like us spending your tax dollars being here for hours at a time, arguing about the healthcare of women and whether this should be a bill or whether you should just...we should just roll over and allow the executive branch to just dictate what we shall do, then maybe you need to reach out to your senators and to the executive branch and say, it's inappropriate. This will happen again. Don't be surprised. I will take it as far as I can next year again, if that's what we choose to do. We're rewarding inappropriate behavior, in my opinion. We're rewarding the decision that we're going to put what...put things that don't belong in the budget in here. What else is next? And by the way, as I've said every time, Nebraska, we didn't have a sufficient discussion about the providers whose dollars were cut last year and is part of our biennium budget. Where's that discussion? We haven't talked about any of that. We haven't talked about the cuts to the Department of Economic Development, the intern program, all of these cuts. We have lots of things we could be talking about, but no. We've thrown this bomb...the executive branch threw this bomb in the middle of

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here. It's the most incendiary issue. And boy everybody runs to their corners. Should this be discussed? Sure. But this isn't the place to do it. We warned about this last year. I'm concerned that some of the...I appreciate my friends. I appreciate the fact that all of my colleagues were working hard on this; we were all working hard. I appreciate the efforts, but I'm not satisfied. I'm not satisfied with this at all. Looking at it quickly, there's...I mean, I haven't even had time to look at it so it's not exactly appropriate. But you know, I've had three minutes or whatever, ten that you've all had. There's a part that I believe is inconsistent with federal regulations and medical ethics on the concept of patient-centered care, on line 11, refers for abortion. Again, I mean, so what, you all say. Doesn't really matter, we've come to an agreement. Of course, we started this negotiation and I would ask everyone from here on to not say, we're going to pass the budget, we're just going to figure out where we can compromise. The minute we started our negotiation by saying we're going to pass the budget, it was over. That was it. The other side knew we were going to pass the budget. So we had our power and decided, no, we're going to fold right away. Don't worry, we will fold, but come and negotiate with us. [LB944]

PRESIDENT FOLEY: Time...one minute. [LB944]

SENATOR PANSING BROOKS: Thank you. Again, I...we...this affects one in three Title X patients of the 30,000, almost 30,000 are now without care. That's about 10,000 Nebraskans. I'm not satisfied. I don't think it's appropriate. I will vote against it. I will vote against the underlying budget because I have to. Thank you, Mr. Lieutenant Governor. [LB944]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Krist. [LB944]

SENATOR KRIST: Thank you, Mr. President. Good evening, Nebraska. I don't think in my ten years here I have ever seen a severability clause on a main line budget bill. That should say it all right there. That should sink in to all of you. And if the leadership of this Legislature allows the executive branch at any time in the future, no matter who the Governor is, to put in a substantive matter in your budget, shame on you. It should have never come out of the committee. The committee did a great job giving us a budget that we could be proud of. It should have never come out of the committee. Both the Speaker and the Appropriations Chair appealed to the Governor not to put it in there. They told him what was going to happen. His ego and his lack of cooperation and his lack of respect for this institution is epitomized right here. I want the people of Nebraska to realize, we've spent a lot of time on one issue. I stood here on the floor last year and tried to override a veto and you didn't listen to me. And what happened? We've got facilities all over the state that are closing because provider rates were cut. You didn't listen because you were so wrapped up in your outside influences from last year. You decided to throw me out, put Watermeier in who told me he was running five minutes before the election. You ran it the way you wanted to run it and you let it happen. So all the elderly that are out there that are going to

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be without a place to live, you helped that happen by not overriding the veto and letting this Governor have his way. Own it. And the Governor of the state of Nebraska needs to own what he has done today. This is a one-year victory. And maybe not even that, maybe it will end in November. A one-year victory, because this piece of document is only good for the life of this bill. One year. You're going to have the same discussion over and over and over again, maybe, maybe. I worked with the Speaker, initially. I backed away from this. I did not want to make this about one person against another. I mentioned to each one of those people that are working on this that it needed a severability clause. I mentioned to all of you that at some point we are going to have to pass a budget. We're going to have to put our big boy and big girl pants on and do what's right for 1.9 million people across the state. And I would ask you does the Governor of the state of Nebraska think the same way I do and think the same way you do about taking care of 1.9 million people across the state? Absolutely not. He's demonstrated that today and disrespect for this Legislature throughout this whole session. I will reluctantly support AM2750, I will reluctantly support this budget because it's the right thing to do to make sure that the \$30 million-plus I think the number is, that we're going to give to Children and Family Services and the restoration of some of those provider rates that we destroyed last year will be put back in, and the Governor will not get...revert to his budget where he's cutting 4 percent for the higher education across the state. It will be 2 and 1. But I'm going to mark...mark my words. If there is one line item veto in this budget, one, I'll be back at the mike... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR KRIST: ...and I think you should be, too. This is not a game. It became a game of will in terms of who was going to buckle first. And Senator Pansing Brooks is absolutely right. When you come to the table and you're ready to roll up your sleeves and get things done, you have to come, as the Speaker said earlier, from your two ditches and come in the middle. And I think we came all the way to the other ditch on this one. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers. [LB944]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm disgusted. What I'm listening to is sickening. I'm was going to walk out. Waste my time. It's a shameful place here. But I want to stay here and cast my no vote to the bitter end. And I want to tell you geniuses something about the severability clause. The courts have said that will mean nothing. If the part which is unconstitutional played a significant role in the enactment of the legislation, it will still bring the whole thing down. But since you all are playing fast and loose and a shell game, it doesn't make any difference. The Governor's laughing at you. Look at him, he's laughing at you. And you sit down here...this is your house. And you want to have guns to protect your home? You won't use your voice and the power that the constitution gave you to protect your house

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here. Sickening. Disgusting. You ought to be ashamed, every one of you. But you're not, you have no shame. You're going to pretend that you did something. I told you in the beginning what would happen. He loathes you. He cannot respect you. You have no respect for yourself. He knew he had you in a hip pocket. And you no what you do when he sits on his hip pocket and that's what you are? You know where he sits on you? You think he respects anybody in here? And I misunderstood the Speaker, I thought he meant we could offer motions, but he said not until this is done. Not until the Legislature has swallowed spit and returned like a dog to its vomit and then motions can be made. What motion does it matter? The Governor got what he wants. The Legislature is nothing, worthless. And I'm going to have my say. You all are not worthy of any respect. You will vote for it and he knew it, you all knew it. Here's how he negotiates with them. He called that guy Gage, a youngster. He said, Gage, let me show you how I do with these suckers. I got six eggs, they got six eggs. We're going to negotiate and we're going to negotiate until I have 12 eggs and those suckers have nothing but an empty carton and they're going to feel good because they sat down and negotiated. You didn't even negotiate with the Governor. You negotiated with each other. You sat around talking to each other. And then Senator Harr, one night he had the audacity to stand up here and point to the Lieutenant Governor and said, taking notes from Senator Chambers or something like this, "that man." And then what did he do before the night was over? I'm sorry. I didn't mean to say what I said and I apologize. That's what I hear all the time. Whining, crying. You're not men. Mice. I don't blame the women. They've been conditioned, they've been trained, they've been turned into "Stepford" wives. They know what they had better do. I watched one that I had respected give in on a very important matter and she knew better. But she can't do better. Women are not free in here to do what they know to do. They fill the role, the traditional role of the white American woman. You do what they tell you to do and they're going to let you play house for a while. Just so when the crunch comes, you do what you're supposed to do. You go bake some cookies, you pour some tea, and you sit down and shut up. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR CHAMBERS: And the Governor knows it, Lieutenant Governor knows it. If you all would stand up about him like I do, you think he'd be sitting up there? But he knows he's got the rest of you; you all are just like him. You all are him. You all are his people and he's your people. I'm not one of you. I'm among you, but I'm not of you. And I'll be me and I hope you don't like it. That's how I'll whip you. But one of the motions that I'm going to make is to strike the emergency...that severability clause. So I think I'll just hang around here for a while tonight with the "mices" and make some motions and offer some amendments and talk even more. And let the people who watch us say, why don't they shut that Chambers up? And I will have won them. I own them, too. I do own this Legislature. [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Wayne. [LB944]

SENATOR WAYNE: Colleagues, if you go back to the vote record, I haven't voted for the budget...LB944 yet. This is my second time speaking on the overall budget and I'm going to look bigger than just this budget. But I think this process is flawed. I think our committee process is flawed. I think a lot has to do with term limits, which was in place to remove Senator Chambers. We can have bills come out today, 7-0 and be filibustered on the floor, primarily because we as a body only have eight years to get something done and we're all trying to get something done immediately and we don't have time to sit around and build trust with each other that other people used to have. What bothered me about this process is last year I stood on this floor and begged for support regarding juvenile justice, foster care system, and the budget just sailed through. That was over \$100 million. Last year we cut \$700,000 from public health that directly impacts women. We cut provider rates. We reduced TEEOSA that ultimately impacted many of the schools around the Omaha area and around the state but we just voted it through. But on \$1.9 million we decided to have a stalemate and it's because it's a political issue. But for the black and brown kids who are in the foster care system who continue to be neglected in the juvenile system, we didn't stand together on that, we just voted the budget through. This budget and the angst that we have on every bill that we keep on talking about is we have an infrastructure issue and this budget is simply the Band-Aid. And the Governor, committee chairs, including myself, we're trying to ignore it and score political points than solve our real issue. We're not going to be able to have a full tax debate in nine days. Let's be honest. We're not going to be able to fix TEEOSA and reduce property taxes in nine days. Let's be honest. We have to think of a different way. We have an ability in our rules right now to have legislative council meetings that we just have right before we come every year. And you learn a little information and we go back off, we go to our committees, we come out here, we filibuster everything, and nothing gets done. We as committee Chairs, we as individual leaders of our district, have got to figure out not just what a priority bill is to make it a priority to get something done, but we have to start thinking ten years down the road what are we trying to do for this state? And we have to take this Legislative Council rule and each committee Chair, we need to come up with a day where we all meet and start educating on big issues. We wouldn't be fighting over \$1.9 million--maybe, because it's political as we saw this year--but the tension would be gone because we would have dollars because we would look bigger than just every year at a budget. TEEOSA is broken, we all know it, everybody in here talks about it, but how are we educating the body on getting something done? It's not going to happen. We're term limited, people are leaving. I'm not scared of a special session. In fact, we probably need to have one so we can start talking about one or two big items a year. That's how we move this forward or every year we're going to talk about juvenile justice, provider rates. Every year we're going to talk about public health, how do we put more money here, do we keep moving Cash Reserves around to rob Paul to pay Peter? Every year we're going

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to have these same debates on the 50th day trying to solve an infrastructure problem that's going to take longer than nine days to figure out. We have an ability right now to start planning calendars around big issues. We have the ability right now as committee Chairs to Exec with our committee and say, what are our top three things we need to do in the next three years? And we submit those to the Executive Board and we start changing how we govern this state. We have to do that or every year we're going to be right back here. And no matter who's in that office, they're going to know if I pick one political issue, I will destroy the whole year. [LB944]

PRESIDENT FOLEY: Time, Senator. Time, Senator. Thank you, Senator Wayne. Senator Schumacher. [LB944]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Today is a sad day. Today we discover that we have a cancer growing in our house, a cancer on our procedures, a cancer on our budgetary mechanism, a cancer on the way this state is governed. Departure from the way things worked and were intended to work. The result, a blind adherence to ideology. Think of what we're doing. You say we're fighting abortion. Really? What's the number one cause of abortion? A pregnancy that was unplanned. A person who did not realize how they should use their body. That's the number one cause. What are we doing today? We are disrupting the mechanism by which thousands of Nebraska women are educated and receive contraceptive devices and pills. We're disrupting that. What happens when you disrupt that? Some of them will not go through the trouble of finding alternative sources, of changing their relationships with providers. They will get pregnant. Some of those will have those babies and they will go on the welfare rolls. Some of those will journey to other states or find mechanisms for abortion. When I was at Georgetown in 1974, constitutional law class--Georgetown is only about five blocks from the Supreme Court--the teachers and the people hobnob back and forth. You know why we have Roe v. Wade? Two reasons, doesn't appear in the books. Reason number one, a number of the Supreme Court justices were on the boards of major medical centers and they saw women with their innards ripped out by themselves trying to do an abortion or by quacks in the back room, their reproductive ability zapped. The second thing they saw, they saw people...law enforcement officers exercising search warrants, raffling through files in doctors' offices looking for evidence of abortion and seeing a lot of juicy information about the clients of the doctor about STDs and things like that. There were plenty of abortions conducted then already. If you were lucky enough to know a doctor that was responsible, they would do a therapeutic D&C and take care of the situation that way. But you had to have a little money or ability to travel or maybe know the right people. This forces women back into that world by disrupting their contraceptive chain. This is going to cause far more abortions than Planned Parenthood performs. But we're ideologues. We're having a gun held to our head. We've got to pass a budget. Nobody's really crazy about a special session that just redoes that. Now, Senator Wayne has an idea that's halfway good. No, it's more happen halfway good, it's 100 percent good. It may be the mechanism we have to use. But today, today we are the victims... [LB944]

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PRESIDENT FOLEY: One minute. [LB944]

SENATOR SCHUMACHER: ...of ideology, of a lack of rationality, of good people just trying to do what has to be done to run a state, but laying the stage for something that is really bad. Really bad. And you will fight this battle next year again and again until we return to order and return to the guidelines that were laid down for us as to how to handle the budget. Budget is numbers, it is not policy. And we've strayed from that and you'll pay for it. Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Chambers, you're recognized. This is your third opportunity. [LB944]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm going to stay in this Legislature, I'm going to continue to lash you all, try to stir you up into recognizing what it is we're supposed to do as a Legislature and try to put a little bone in your spine instead of jello so you do what we ought to be doing. You all will go to luncheons and dinners put on by the lobbyists and you'll strut and preen and they'll pat you on the back and then kick you in the rear end and then laugh at you. They see you. This is you in your glory. This is what you are. And I'm here among you, but I won't be run off. They don't care about women. These people hate women, especially the Governor. And these women don't have sense enough to see it or they're afraid to see it because they'd have to stand up and do something and they're not about to do that. They've been trained and conditioned too long. So they rationalize and go along with the program, because see any woman in here could get an abortion if she wanted to. Any woman in here could get an abortion. When I went to Creighton I knew some doctors at "St. Joe Hospital" who performed abortions on Catholic girl students at Creighton University. I was like a father confessor when I was at that university. They talked to me about everything because I had no religion. You all know what these doctors do, and Jewish doctors did the same thing for Jewish girls. It's always been that way. But you make sneaks out of them. You all know what happens. You probably know somebody who got an abortion like that. But in here you look sanctified, you play that game. I want it to be right out front and I want these poor women who cannot be in the Legislature, who does not know a doctor, who is not in with the in crowd, to be able to get an abortion if she needs one. And she's the one who ought to determine that, not the people in this Legislature. You cannot even determine what you ought to be as a state senator and you're going to determine whether a woman ought to carry a pregnancy to term? You? How fit are you to do that when you're not fit to be in this place? Some of you know what I'm talking about. You know who's suffering more here? Not that man up there. He's...I'm going to say this for Mr. Lieutenant Governor, what doth it profit the Lieutenant Governor to gain a seat in front of the Legislature and lose his soul, because that's what he's thrown away? Tattered and torn, all forlorn, because that man in the Governor's chair told him, I'm going to take you, Mike Foley, and I'm going to mold you and shape you after my heart's desire. All that sanctimonious talk you gave in the Legislature while you were there, I'm going to kick that out and you're going to be just what I

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want you to be. And the Governor did it. I watched the change. I watched Lon Chaney change from a human-looking being into a werewolf. That's the man who's suffering more than anybody in this room and he knows it, and he knows that I know it. And he's worthy of something better and he's capable of something better. He could be a leader in this state, but he won't. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR CHAMBERS: He won't, because he can't. You can't say that about me. I'm the envy of all you guys who put on trousers, because I don't have to bow to anybody or swallow spit for anybody or run scared from anybody. But this is life--c'est la vie. So we're going to have fun after the Speaker delivers to the Governor what the Governor wants. He can shut me up here, not under the rules, but under prerogative given to him. But I'll have my pound of flesh later on tonight. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Groene. [LB944]

SENATOR GROENE: Thank you, Mr. President. Many of you remember a year ago I was on the side of taking the language out, because I did my research and I read what the Title X statute said. The language was bad, it was going to harm clinics who followed the law, who provided healthcare, family reproductive healthcare, as the statute states. I have in front of me the Population Research and Voluntary Family Planning Program, Title X. Voluntary Family Planning projects which shall offer a broad range of acceptable and effective planning methods and services, including natural family planning methods, infertility services, and services for adolescents, that's what the statute says. That's what my clinic does. And I need to apologize to women, generations of women, because I believed the propaganda from the left over the years that Title X money was for abortions. In my small community I found that those women who went to that clinic for WIC assistance, for healthcare, men who went for testing, had a stigma. People drove by it and said, abortion, abortion. They're in there getting an abortion, because politicians labeled a good program and "stole" it for political reasons, abortion. Title X is not for abortions, it's for women's and men's reproductive healthcare. One thing I did in this body is educate my community about Title X. The religious right were mad at me because I did what I did last year. And when I explained to them and got the women from the Women's Resource Center, the Christian one, together with the...they found out that they were like-minded. They were helping women. Nobody was referring abortions. Nobody was. There will be more women in my community willing to go to that clinic now knowing that the stigma is gone, that it's tied to abortion. If you want to bring legislation to this body, legalizing...helping fund abortions, because it's legal, you bring it, but Title X is not the place. This body works. It works well. Filibusters work. I can give you instances and instances where filibusters stopped bad legislation and it never came back the next year, because the deals were cut on the votes. And then those

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people were let free and they were educated during the filibuster that they made a bad mistake. That legislation never came back. We are the second highest taxed people in the nation because our predecessors got things done at the last days with money, they traded money to get legislation passed. I don't want to return to those days. The system works. We don't need what other states have, powerful committee chairs and individuals who make the decision for the body and then we all vote yes. I don't want to go there. The system works and it's getting better. But I want to make it clear to all the people in Nebraska that Title X is not a bad program and it is not an abortion program. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR GROENE: It is not a federal program meant to fund abortions. And I will make you a wager. When we come back next year the Planned Parenthood in Omaha and Lincoln are still operating, they will still be there, plenty of medical doctors will refer. But those poor women who go to those clinics will find assistance. They will find help with their pregnancies. They will find assistance with their birth. They will be embraced. And no longer will they have the stigma in the state of Nebraska that they are walking into an abortion clinic. They are average people looking for help and that stigma should be gone with the passage of this legislation. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Groene. Items for the record, please. [LB944]

CLERK: Mr. President. Enrollment and Review reports LB1089, LB994, LB994A to Select File. The Banking, Commerce and Insurance Committee reports LB194 to General File with amendments. I have an amendment to be printed by Senator Albrecht to LB953. (Legislative Journal pages 1311 to 1316.) [LB1089 LB994 LB994A LB194 LB953]

Senator Ebke would move to recess the body until 6:30, Mr. President.

PRESIDENT FOLEY: Members, you've heard the motion to recess till 6:30 p.m. Those in favor say aye. Those opposed say nay. We are recessed till 6:30.

RECESS

PRESIDENT FOLEY PRESIDING

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PRESIDENT FOLEY: Good evening, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The evening session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Any items for the record?

CLERK: Nothing at this time, thank you.

PRESIDENT FOLEY: Members, we're back in session. We're going to pick up exactly where we left off. In the speaking queue are Senators Morfeld, Vargas, and Pansing Brooks. Senator Morfeld, you're recognized. [LB944]

SENATOR MORFELD: Thank you, Mr. President. Colleagues, again, I rise in opposition to AM2750 and if this amendment is adopted, I'll be in opposition to the underlying bill both on cloture and on this vote on Select File. I think that there's a few things that now that we've had a little bit of a dinner break and going back in the office, reading some of the language, I want to make sure that we clarify a few different things on the record and how this would be carried out and executed. I also want to note that while I appreciate the Speaker trying to be expedient and efficient, I think that we have done that too much, particularly this session, in terms of rushing through debate, ending debate early, and not truly being a deliberative body, which is the point of a Legislature. All too often I have seen in this body, particularly over the last year and a half, a lack of time and energy spent on some important bills and some bills that, quite frankly, weren't being filibustered. We just simply wanted to end debate. So I think it's only proper and appropriate that we spend at least two hours on this subject in particular. And I'm sorry if it's too much time for this topic but I tell you what, there's going to be a lot of other people, women in particular, some men that are served by Title X that are going to be more greatly inconvenienced than just the two hours that we sit here and debate this evening. And I believe Senator Howard and Senator Scheer, who introduced this amendment, are in the Chamber and I want to ask some clarifying questions to start out here. So if Senator Howard would yield to a question. [LB944]

PRESIDENT FOLEY: Senator Howard, will you yield, please? [LB944]

SENATOR HOWARD: Yes, I will. [LB944]

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SENATOR MORFELD: Senator Howard, just for the record...thank you for yielding, by the way. Just for the record, you were one of the negotiators that helped craft this amendment, correct? [LB944]

SENATOR HOWARD: Yes, I was. [LB944]

SENATOR MORFELD: Okay, thank you, Senator Howard. So can you tell me which part of this amendment complies with current federal law based on your understanding? [LB944]

SENATOR HOWARD: Do you want me to go sort of section by section or sentence by sentence? [LB944]

SENATOR MORFELD: Sentence by...well, section by section, if you can. [LB944]

SENATOR HOWARD: Okay. So the first section where it says that no funds disbursed under Title X are to be used...and if I use...I'll turn on my light if I use too much of your time. I will give you mine back. [LB944]

SENATOR MORFELD: Thank you. [LB944]

SENATOR HOWARD: The Title X program are to be used in programs...they cannot be used where abortion is a method of family planning. That is directly from the federal regulations. Where we deviate from the federal regulations is the sentence or the portion that says: None of the funds dispersed under such program shall be paid or granted to an organization that performs, assists with the performance of, provides directive counseling in favor of, or refers for an abortion. So that section is not in federal regulations or statute. [LB944]

SENATOR MORFELD: Okay. And where did that language come from, Senator? [LB944]

SENATOR HOWARD: That was the original language from LB944. [LB944]

SENATOR MORFELD: The original language. Okay, thank you for clarifying that. [LB944]

SENATOR HOWARD: The next sentence which is: Referral for an abortion is limited to the act of recommending a person to doctors, clinics, or other persons or entities for the purpose of obtaining an abortion is modeled after an Arkansas bill and statute from 2015. [LB944]

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SENATOR MORFELD: And, Senator, is there a definition for recommending? Is that the same as referral or is that something else? [LB944]

SENATOR HOWARD: We don't have a clarifying definition of recommending, no. [LB944]

SENATOR MORFELD: Okay, thank you. [LB944]

SENATOR HOWARD: The next section is...and I do want to say one of my big pieces is I wanted to make sure that we would still be eligible to apply for the funds given the language that we have. And Arkansas does continue to receive Title X funds even after that language was inserted into their statutes. [LB944]

SENATOR MORFELD: Thank you. [LB944]

SENATOR HOWARD: The sentence of neutral, factual, nondirective... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR HOWARD: I am so sorry, Senator Morfeld. [LB944]

SENATOR MORFELD: Nope, keep going. [LB944]

SENATOR HOWARD: The sentence of: neutral, factual, and nondirective information about prenatal care and delivery shall not constitute a referral, that is taken from federal regulations directly. However, at the end of that, the referral for an emergency situation comes from our own statutes, Section 28-326, which does outline what an emergency situation is, so that if you are providing this information, and you will still be able to offer a referral if it's an emergency. [LB944]

SENATOR MORFELD: Thank you, Senator. One of the other questions I want to ask, and I think I'm just about out of time. One of my concerns is, is right now Planned Parenthood in particular has contracts through June 30 and there is an emergency clause on this budget bill. And I have concerns with how they are going to be able to comply with federal notification requirements which require 30 days' notice to all patients they serve. [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

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SENATOR MORFELD: Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Vargas. [LB944]

SENATOR VARGAS: Thank you very much, Lieutenant Governor. Colleagues, I rise...I'm really trying to think through this. I rise to just give my thoughts and opinions because, for one, I'm on the Appropriations Committee and we've worked very hard on a lot of tough decisions over the last couple of years. And also just because I really do care about this body and I care about the process and what we do and the relationships we have and the merits of the policies we try to bring forward. I hope that has come across in my time, building relationships with each of you. My concerns with this have a lot more to do with just the pragmatic side of me. One, I ran for this office--I never thought I'd be in politics before--but I ran for this office because I believe that compromise isn't a 50-50 thing. I do believe that policy is debated. There's no truce to policy, otherwise we would just take whatever is existing in the state and we would just apply it across and it would work for everybody and that's not how it works. We do debate policy. We try to figure out what works for Nebraska. It's one of my favorite parts about this state. And I'm really idealistic about this body, I just can't help it. It's one of the reasons why I can find something positive about every single person in this room because I believe people inherently are good. And the part that really hurts in this and I wanted to speak up is because it doesn't feel good. I live in this very pragmatic world where I'm like, okay, we have audits and, gosh, we couldn't figure out how to do something internally? We couldn't figure out how to study the problem on if it's accounting purposes or problems? And then when the answers are, well, we could but we haven't done that. And then it gets to this political realm of ideology, I mean that's probably the most frustrating part because I didn't run for ideology. Obviously, there's some Democrats, Republicans, Libertarians, we all come from different walks of life and we are elected for different issues. And there are really big issues that I think we need to debate and we have not been able to do because of more contentious issues coming up. And it pains me because we're not actually able to debate them and instead we're spending more time on things that are more divisive. When I go to conferences, you're not the only one, right? Everybody is so enamored by our nonpartisan Legislature. It's like, how do you do it? How does it work? Well, it doesn't work just because it's a rule, it works because we are willing to talk to each other and we're willing to disagree sometimes and we try to put aside as much of these partisan things as possible. We try, it's not clean-cut, it's not easy. And we're not going to be done with it. So that's why I'm saying this. We're not done, because something like this can come up again. It could be cloaked in another...it could take another form. And I implore this body that we learn together how we should appropriately respond to this so we can do more work. I do, I really do, because I remember hearing Senator Groene say, Title X is about preventative healthcare. I think it is. If we all look at the regs, we know it's about preventative healthcare, it's not about anything other than that. I wish we were debating the merits of how to ensure that that healthcare product is being delivered as effectively as possible or that we're making a decision on where some

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programs are doing a really bad job, they're just getting it wrong, they're not efficient, their services are not great and then we focus our efforts on then redistributing into the places that we need to or new investments... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR VARGAS: ...to say this is the wrong place to do it. We're not doing that at all. We're debating...we debate that with...and this is a contentious one at times about rural broadband because we need to figure out the right policy effort to then move forward and figure out ways that more people have broadband in rural areas. We're debating social workers because we believe that we need to support the whole child and support mental health. It's not either-or. But we're not doing that here. Instead, we're making it about the divisive issue. So I implore us to learn from this because it's going to come back again. I'm going to be here. Hopefully, we all find a way to not allow divisive issues to then take up more of our time in this body, because I don't believe that the people that elected us care only about that. Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Pansing Brooks. [LB944]

SENATOR PANSING BOOKS: Thank you, Mr. Lieutenant Governor. Well, earlier tonight when this amendment was coming out and I was given ten minutes to look at it, a couple of colleagues whom I adore and admire came to me and said, we need to get through this. I hope you won't press your light a lot. In fact, don't press it if you can or just press it once. And so, of course, right now I had to press my light just to show that I think that that person was kidding, but I presume that the body does not want to silence women in this issue. And again, it reminds me of something that happened in Congress where the hashtag "nevertheless she persisted" came forward. And I'll tell you what, I will persist for women's healthcare and for access to low-income people for their healthcare. I've heard a lot of "mansplaining" in here and I resent part of that. The fact that people come up and say, oh, these people in poverty don't need this. Again, it is the Marie Antoinette, "let them eat cake." Oh, let them just get their healthcare somewhere else. That's fine. They're fine. Don't listen to what these people are saying about federal dollars that don't impact the budget, federal dollars that pass through. And, again, I'm torn because I feel like, should we talk about Title X and Planned Parenthood and the obvious attack and hit job that's going on right now against that very valuable organization in terms of the one in three Title X patients that they treat? But what about the rest of the budget? What about the fact that we have people in here who voted against cloture earlier because they saw the value and what could come next? What are the other issues that are going to come forward? We've already seen attempts to change "shall" to "may." We know that there's overreach going on. Nebraskans, it bears repeating some of the things that we are not talking about and I'm going to continue to say that. Due to this portion of the budget that we gave full and fair warning would disrupt this

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session we have not had discussions on TEEOSA. We have not had discussions on the Department of Health and Human Services' General Fund dollars to the fact that they are delaying building the sex offender unit in Norfolk. We haven't discussed how the budget is affected by the most massive changes to our tax laws by Congress since 1986. I'm not okay with that. We have not discussed the significant changes to the Water Sustainability Fund that are in the budget. We haven't talked about the General Fund revenue growth and the comparable numbers over the past 30 to 40 years and where we are. I think that's important, Nebraska. We haven't talked about property taxes. We haven't talked about whether or not all these other issues that are in there, CHIP, the Child's Health Insurance Program. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR PANSING BROOKS: The cuts to providers. We haven't talked about any of that, Nebraska. Are you okay with that? I'm not. I don't think we should be. And I think we need...that Nebraska needs to speak out and do more. It is not about abortion and Title X. It is a much larger issue. It is about intrusion into the budget of social issues without a hearing with the people...there was a hearing, but we don't have the ability to have any kind of reasonable compromise. Thank you, Mr. Lieutenant Governor. [LB944]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Baker. [LB944]

SENATOR BAKER: Thank you, Mr. Lieutenant Governor, members of the body. I'm going to explain my upcoming votes tonight. On General File, we went to cloture. I was one of the 33 votes that allowed it to advance to Select File. We've had two cloture votes since then and I did not...and I guess I was making my own statement about the inappropriateness in my mind of putting this language into the budget bill. Tonight I am going to be voting for AM2750 and I am going to be voting for LB944. You can agree or disagree with me, that's your prerogative. There are probably risks to the Governor for having taken a position. I will say this, Pete Ricketts is our Governor. He was elected by the people of Nebraska, so he has a right to show leadership. I don't think he should have done it by putting language in this budget bill, but he is our elected Governor. So I think probably his position, you know, and it really cemented his core supporters. He may run the risk of losing some others, particularly women. And I think that, of course, 2018 is an election year. I know there will be at least one competitor for that Governor position who is very intelligent, knowledgeable on a wide array of subject matter, and in my opinion will prepare to become our Governor. That's my explanation for my votes coming up. Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Morfeld, you're recognized. This is your third opportunity. [LB944]

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SENATOR MORFELD: Thank you, Mr. President. Would Senator Scheer please yield to a question? [LB944]

PRESIDENT FOLEY: Speaker Scheer, would you yield, please? [LB944]

SPEAKER SCHEER: Yes. [LB944]

SENATOR MORFELD: Speaker Scheer, since this is a budget bill and has an emergency clause, when...if we adopt the emergency clause, when will this budget go into effect? [LB944]

SENATOR SCHEER: I would believe July 1. [LB944]

SENATOR MORFELD: July 1, okay. Thank you. I just want to get a clarifying question on it. Thank you, Mr. Speaker. Would Senator Howard please yield to a question? [LB944]

PRESIDENT FOLEY: Senator Howard, would you yield, please? [LB944]

SENATOR HOWARD: Yes. [LB944]

SENATOR MORFELD: Senator Howard, I want to continue our discussion that we had a little bit earlier. First off, one of the things that I'm curious about is, is it your understanding that there's hospitals that are also Title X providers or am I correct in that? [LB944]

SENATOR HOWARD: I don't believe there are any hospitals that are Title X providers at this time. [LB944]

SENATOR MORFELD: Okay. It was my understanding that there were. But just say there were hospitals that are Title X providers. I know that many different hospitals have to provide emergency abortions, particularly when the life of the mother is at stake. Would this disqualify them then? [LB944]

SENATOR HOWARD: This would disqualify a hospital, yes. [LB944]

SENATOR MORFELD: Okay. If they were a Title X qualified, receiving that funding and had to provide an emergency abortion? [LB944]

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SENATOR HOWARD: Yes. [LB944]

SENATOR MORFELD: Okay. Thank you. And then in terms of the Arkansas language that you brought up, my understanding is that that's actually based on a state family planning program and that those are not Title X agencies, is that correct or do you have any recollection on that? [LB944]

SENATOR HOWARD: I can bring up the statute, but it related directly to Title X. I think you're thinking of Missouri, which was related to their state plan amendment for family planning. [LB944]

SENATOR MORFELD: Okay. Thank you for the clarification. Also, I guess it's my understanding--and I need to look at it and maybe the Speaker is right and I'm wrong--it's my understanding that the budget with the emergency clause actually goes into effect the moment that the Governor signs it. Perhaps there's somebody else in here. Senator Stinner is not in. [LB944]

SENATOR HOWARD: Maybe Senator Bolz. [LB944]

SENATOR MORFELD: Is Senator Bolz here? Senator Bolz, would you yield to a question, please? [LB944]

PRESIDENT FOLEY: Senator Bolz, would you yield to a question, please? [LB944]

SENATOR BOLZ: Yes, I'll yield. [LB944]

SENATOR MORFELD: Senator Bolz, do you know the answer to that question, whether or not the budget goes into effect upon signature of the Governor? [LB944]

SENATOR BOLZ: It's a great question and maybe Mike Calvert can help us clarify it, but I think there are different provisions that go into effect, and most of the changes will go into effect when the emergency clause goes into effect. But Senator Stinner has arrived. [LB944]

SENATOR MORFELD: Senator Stinner would you please yield to a question? Thank you, Senator Bolz. [LB944]

PRESIDENT FOLEY: Senator Stinner, would you yield, please? [LB944]

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SENATOR STINNER: Yes, I will. [LB944]

SENATOR MORFELD: Senator Stinner, can you answer that question, please? [LB944]

SENATOR STINNER: The emergency clause, as soon as the Governor signs it, for this year's budget those changes go into effect. And then, of course, next year's budget on July 1 go into effect. [LB944]

SENATOR MORFELD: Thank you, Senator Stinner. That's very helpful. And one other question, Senator Stinner. This provision we're looking at right here--and forgive me, I just don't know exactly where this falls into the budget--would this provision go into effect immediately upon signature of the Governor? [LB944]

SENATOR STINNER: I would presume so, yes. [LB944]

SENATOR MORFELD: Thank you, Senator Stinner. Colleagues, my issue that I'm having with this right now is the fact that under federal law any Title X provider is required by federal law to provide 30 days' notice to any of their patients. If this is going to go into effect right away, then there's one provider who we know that this is targeted towards, Planned Parenthood, is going to have 8,000 to 10,000 patients that they will not be able to provide services to and they will not be able to give the notice required under federal law. And, quite frankly, federal law aside, you should be giving your patients at least 30 days' notice so that they can have continuation of critical services. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR MORFELD: Would Senator Wishart please yield do a question? [LB944]

PRESIDENT FOLEY: Senator Wishart, will you yield, please? [LB944]

SENATOR WISHART: Yes, I will. [LB944]

SENATOR MORFELD: Senator Wishart, as a member of the committee, my understanding is that you asked questions pertaining to whether or not there are other providers that would be able to provide these services, say, should a Planned Parenthood have to shut down services. Can you tell me if you received an answer or give context and background in the remaining time?
[LB944]

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SENATOR WISHART: Yes, absolutely. So this is one of the main concerns I had, especially for Lincoln, where we require on Planned Parenthood as the number one provider for these Title X services. And then we also have a federally qualified health center called Bluestem that also could provide the services. I reached out to Courtney Phillips. We have recently reached out to the department as well and they are unable to provide us with a list of the providers that they plan on moving forward with the RFP in May. [LB944]

PRESIDENT FOLEY: Time, Senators. Thank you, Senator Morfeld. Senator Howard. [LB944]

SENATOR HOWARD: Thank you, Mr. President. I promised to yield my time to Senator Morfeld and I absolutely will. But before I do that, one of the things that I wanted to make sure was that the state of Nebraska would continue competing for Title X funds. And so we did send a lot of follow-up e-mails to the department to make sure that they were ready to ask subrecipients to go there to sign onto this contract with them. And so Senator Wishart is saying that they couldn't provide us with a list of providers, that is actually very concerning. But a big part of that was because every provider has to offer a referral for an emergency. And so the language as written precluded every single provider for Title X, and so the department couldn't say who would be a subrecipient because the language as written precluded everybody. And so with that, I will yield the balance of my time to Senator Morfeld. [LB944]

PRESIDENT FOLEY: Thank you, Senator Howard. Four minutes, Senator Morfeld. [LB944]

SENATOR MORFELD: Thank you, Senator Howard. Thank you, Mr. President. Colleagues, in the brief amount of time between my time, Senator Wishart speaking, and Senator Howard speaking, I've been given word by a few people that we do have hospitals, particularly in rural areas, that do provide abortions in the case of an emergency or where the life of the mother is at stake, and some of them actually are Title X providers. So they are going to be put in now a precarious situation between saving the life of a mother, protecting their Title X funding, which in many cases is one of the few places that individuals can go and get those services is at some of the hospitals. So that's just one of the many reasons why I'm opposed to AM2750. The other reason which I was trying to parse out as quickly as I could with my limited time that I had is this is going to put 8,000 to 10,000 patients in a precarious situation the moment the Governor signs this into law. There will be 8,000 to 10,000 people in this state that will lose services immediately. This is why this is an issue that requires debate, deliberation, and thoughtful solutions. This is not a thoughtful solution. This is going to end services for 8,000 to 10,000 Nebraskans immediately. These are Nebraskans that are in your districts, I know they're in my district, and they are going to lose critical services, all to solve a problem that doesn't exist. We can go through the audit, we can go through all kinds of different things, but the bottom line is, is that this funding is currently not going towards abortions. But in the zeal of being able to achieve

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some kind of political victory, we are going to put 8,000 to 10,000 people out of services without any alternative whatsoever, as noted by Senator Wishart on the record. Not one provider in my district has come to me and said hey, listen, don't worry. We're ready. We can't wait to have all these folks come in and provide them services. I can't even get a hospital in my district. They wouldn't build a hospital in my district because they know they wouldn't make any money. Why aren't they going to make any money? Because we don't have Medicaid expansion, we don't have people that can afford healthcare, and we certainly don't have solutions coming out of this body. Colleagues, this is a dangerous path. And while I applaud the four individuals who tried to find some common ground, they should have never been put in that position to have to find common ground, to address an issue that doesn't exist, a problem that doesn't exist. All so a few different advocacy groups behind me can... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR MORFELD: ...justify their existence and so that a bunch of us can put something on our next campaign card. This is poor policy, it's going to impact lives in a negative way, and it's going to do it immediately and without any forethought. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Friesen. [LB944]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. When I first got to this body, I came here so that we could talk about policy. And there's a couple things I've learned and there's about two things that this body are philosophical differences on, and they are huge issues, and we've spent a lot of time talking about them in my four years. And I think it's a good discussion to have. Since I'm not on Health and Human Services, I'm probably not qualified to engage in some of the debate that's gone on in this issue. I remember the first budget we passed. We spent probably about three hours on it total. We sent it on. It came out 9-0 unanimous from the Appropriations Committee and we had money to spend and we divvied it up. Everybody got a little bit and we're all happy and we went on our way. Last year when we tried to pass the budget, we didn't have any money to spend, we were cutting. And we tried to talk about the budget, we tried to make more cuts back then, and we didn't get the job done, but some of us that voted against the budget back then tried to make our intentions known. We did talk a lot about the budget last year, maybe not enough either. I don't know that we spent quite that much time on it, but it wasn't the great philosophical divide that we're talking about today. I get that. But in the end, we will pass a budget, I'm pretty sure we will. But at some point in time when one side or the other disagrees strongly enough, someday we will not pass a budget and maybe we'll come back for a special session, which I sure don't want to do. And I sure would like to talk more about property taxes, but my bills all get trapped in committee. Finally got one out this year for the first time. Nobody wanted to talk about property taxes for the first four years, three years.

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But I'm persistent and we'll get something done eventually, but this is a tough question. I grant you that. I applaud all you for working on it. I, for one, would not have wanted to be in that group, because it was almost an unsolvable problem. But in the end, this body does get a lot of good things done. We passed a lot of bills in the last few days. We've had our disagreements. Senator Schumacher can pick out faults in a bill and we'll fix them, but as a committee I think we do need to do a better job in committee to get things out, and I'm not going to criticize any committee. We can all make mistakes. It's the job of the Chair and sometimes that's how the process works. We don't have the experience we used to have. Term limits have changed this body. I have never really been a fan of term limits. I don't know that I'd want to stay longer than eight years, I don't know if I could stand it. But that doesn't mean some that are here shouldn't stay. They're good. They understand the ability to write laws and long-term policy of the state. And I think they were the ones that kind of guided us in long-term policy while the short timers here fought over the short-term. I win, you lose, I run for higher office, whatever. We can look around this body, we can see who's campaigning for something or other. It's happened for years, it's nothing new. And in the end... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR FRIESEN: ...we'll get together and we'll still get some good legislation passed. Thank you, Mr. Lieutenant Governor. [LB944]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Pansing Brooks, it's your third opportunity. [LB944]

SENATOR PANSING BROOKS: Thank you, Lieutenant Governor. I want to continue with some of the questions that Senator Morfeld was asking. Senator Howard, would you please answer some questions? [LB944]

PRESIDENT FOLEY: Senator Howard, would you yield, please? [LB944]

SENATOR HOWARD: Yes. [LB944]

SENATOR PANSING BROOKS: Can you tell us what an emergency situation means? [LB944]

SENATOR HOWARD: Yes. An emergency situation means that the condition which on the basis of a physician...of the physician's good faith clinical judgment so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to

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avert her death or for which a delay will create serious risk of substantial impairment of major bodily function. [LB944]

SENATOR PANSING BROOKS: Okay and thank you. And is it the different than the health and safety of a woman? [LB944]

SENATOR HOWARD: I don't think I could speak to that. I don't believe so. [LB944]

SENATOR PANSING BROOKS: Also, I'm wondering what happens when some desperate pregnant teen or young person walks into a clinic and asks about getting an abortion? What is the real-world solution to that? What will happen? [LB944]

SENATOR HOWARD: Under Title X, the provider is obligated to provide neutral, factual, nondirective information about all of her options, including pregnancy termination. [LB944]

SENATOR PANSING BROOKS: Okay, so...but under this new bill, the new amendment, what will happen? [LB944]

SENATOR HOWARD: My understanding is that under this language they would not be able to provide her with a referral, but they could give her neutral, factual, nondirective information. [LB944]

SENATOR PANSING BROOKS: So she's screaming in pain, something is happening, and what would they do, send her home? [LB944]

SENATOR HOWARD: If it's an emergency situation, which would apply under 28-326, they would be able to give her a referral at that point. [LB944]

SENATOR PANSING BROOKS: Okay. Do you believe that this amendment was drafted to excise any funding going to Planned Parenthood? [LB944]

SENATOR HOWARD: Yes, I do. [LB944]

SENATOR PANSING BROOKS: Okay. Thank you very much for answering questions. I'd like to ask Senator Hilgers a question, please. [LB944]

PRESIDENT FOLEY: Senator Hilgers, would you yield, please? [LB944]

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SENATOR PANSING BROOKS: While you're coming, Senator Hilgers, I would like to know if this amendment, in your opinion, was drafted to cut off funds to Planned Parenthood. [LB944]

SENATOR HILGERS: Yes, I will yield. Could you say the question again, Senator. [LB944]

SENATOR PANSING BROOKS: Yes. Was this amendment drafted to cut all funds for Planned Parenthood? [LB944]

SENATOR HILGERS: Not at all. [LB944]

SENATOR PANSING BROOKS: Okay. What happens to Planned Parenthood with this amendment? [LB944]

SENATOR HILGERS: Well, any Planned Parenthood, as I understand it, provides abortion. Any abortion provider is given a choice under the amendment, under the original language, whether or not they want to continue to provide abortions. If they don't, they could have an affiliate that could provide abortions and so long as that affiliate is objectively independently separate, objectively independent from the affiliate, then they could provide them. [LB944]

SENATOR PANSING BROOKS: Thank you. So create a whole new legal entity, a whole new building, a whole new separate entity. How much...I mean...okay. Thank you. This is...again, we're talking semantics my friends. Planned Parenthood could still function, just go build another building. How much does a building cost? Set up an entirely different...they've already complied that a coding error...and I have a brother-in-law that travels the country, because he's a specialist in pulmonary medicine and coding. Coding is so complicated for the medical professionals that he is paid to fly all around this country to teach providers, doctors, hospitals how to code. So all of a sudden we're up in arms because there's a coding issue. Nothing that the Title X people had a problem with. But boy, there's just this big... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR PANSING BROOKS: ...it was de minimis. So, again, Senator Stinner could you answer a questions, please? [LB944]

PRESIDENT FOLEY: Senator Stinner, would you yield, please? [LB944]

SENATOR STINNER: Yes, I will. [LB944]

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SENATOR PANSING BROOK: And is it your understanding that the intention behind this amendment is to cut funding to Planned Parenthood? [LB944]

SENATOR STINNER: It appears so, yes. [LB944]

SENATOR PANSING BROOKS: Thank you very much, Senator Stinner. I appreciate it. Thank you very much, Mr. Lieutenant Governor. [LB944]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Stinner, you're next in the queue. [LB944]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I thought I'd just change the pace a little bit, talk about these mid-biennium budget adjustments that have been proposed by Appropriations. And as I've said before, I think it's a fair and balanced approach to the budget. It's a document that puts us back into compliance with the 2.5 percent minimum Cash Reserve requirement, it gets us into structural balance, it actually cuts the spending down on a two-year average to a .5 percent from .6 percent, and it also deals with an ask, an increase in deficit spending of \$83.8 million and on page 1 it kind of goes through what the detail is. But I want to point out, you know, we set some priorities. We set K-12, we set property tax, we set Corrections as a priority, and then justice reinvestment. But now we have another priority and it's called child welfare. Child welfare now in our budget with this \$55.7 million ask will be an increase of 10.9 percent. And it's kind of interesting when we had DHHS in for meetings and their hearings and we asked what's causing this? Obviously, more people in the system, but it's a deeper issue than that. I think it also is a workforce issue, having enough caseworkers to work... [LB944]

PRESIDENT FOLEY: Excuse me, Senator. Members in the back, would you keep the noise down, please, so we can hear the speaker? Senator Stinner, please continue. [LB944]

SENATOR STINNER: Thank you, Mr. President. But it's having enough caseworkers in the field in place to handle some of these situations. So we can kind of spend \$2 million, \$3 million, \$4 million on additional salaries on additional workforce and additional caseworkers, and it should bring down hopefully that \$55 million and pay for itself over a period of time. And I talked a little bit yesterday about the cost of turnover, the cost of the fact that we have all these vacancies and can't fill them. This is one of the areas I think we can point at and look to that's costing us money, simply because we need to assess what that work force is and what the work force needs is. So that becomes a priority in this budget. And, of course, we missed on our calculation with our reimbursement due to Medicaid and that will cost us another \$15 million; and homestead exemption 6.2 (percent); we've missed those from the bottom side. A lot of times we're able to

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add back to the budget, but obviously this time we have more homestead exemptions we have to reimburse to the county. But due to the Forecasting Board we got \$55 million. By virtue of the law and the way that the budget is put into place, \$25 million of that--which is this part of the biennium--will automatically go into the Cash Reserve. And the \$30 million or \$30-some million left over, obviously we looked at and heard from agencies that they can deal with the 2 percent. The 4 percent becomes a little onerous. We heard that from certainly the higher ed side of things. So we took a look at and we voted...in our budget meetings, we voted to prioritize just a little bit that higher ed side, because we felt like that was the future for Nebraska. So they're going to take a 2 percent cut, they're going to take a 1 percent cut as opposed to a 2 (percent) and 2 (percent) for all of the agencies. And, again, I went through that 8.5 percent cut really happened to the University of Nebraska, \$50 million plus operating costs. We can work through all of those numbers. [LB944]

PREIDENT FOLEY: One minute. One minute. [LB944]

SENATOR STINNER: Thank you. But I thought also I should direct your attention to page 19, which is e clause and you're asking about e clause. When they signed the e clause, then these 18, 19...17, 18 proposal cuts will go into effect. And then, of course, Appropriations will increase so that we can fund the child welfare situation that first year as well as the second year. So that's by operation of law immediately has to go into effect to affect what we have done this biennium this year. The other one is very interesting if you take your time. Page 20, it really goes through the different components of your budget, the university and state colleges, of course it talks about a two-year average, almost 1 percent cut in their spending. And you can kind of work down, but compare that to what we normally do, what we normally have done. [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

SENATOR STINNER: Thank you. [LB944]

PRESIDENT FOLEY: Thank you, Senator Stinner. Senator Linehan. [LB944]

SENATOR LINEHAN: Thank you, Mr. President. I, too, want to thank everybody that's worked really hard on this, this week. I know we're all tired and that particular group of people is very tired. This is a hard issue and people have strong feelings about it, so if they would work for a week trying to get us here tonight, I appreciate it very much. I do want to talk a bit about the subject, and I was wondering if Senator Hilgers would yield for a question. [LB944]

PRESIDENT FOLEY: Senator Hilgers, would you yield, please? [LB944]

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SENATOR HILGERS: I would. [LB944]

SENATOR LINEHAN: Senator Hilgers, can you explain why this language would keep funds from going to Planned Parenthood? [LB944]

SENATOR HILGERS: It would keep funds from going to abortion providers, which would include Planned Parenthood only if they determined that they were going to continue to provide abortions. [LB944]

SENATOR LINEHAN: Right. Because if...again, as we talked or I spoke to in the original...thank you, Senator Hilgers. As I spoke to when this was up for debate a week ago or so...it's hard, I know our days are rolling together. If you pull up Planned Parenthood, if you Google Planned Parenthood, they like most official sites have six subjects you can click on: One is the Lincoln South Health Center; number two is abortion services; number three is STD testing and treatment; then find a health center, Nebraska; and then again abortion. So there's six things you can hit for information on Planned Parenthood. It talks about abortion services. I understand people's emotion on this, but to talk around the issue like we keep doing, we're talking about whether an organization which gets state funding, federal funding, under our rules, whether we think it's okay for money to go to an organization who clearly, from their own site, abortion. Abortion, is a safe and legal way to end a pregnancy, and then read more. Abortion services; abortion services in Lincoln, Nebraska; abortion pill. I mean, I understand that there are people, as someone said earlier, we all have a right to our beliefs, but I think this...we need to talk about what we're actually talking about here. And there are many, many Nebraskans that do not...and feel it is morally incorrect for their tax dollars to go to abortion services. And I have a deep...that's what I believe and I have a deep regard for the people that believe that. We are not outlawing abortion. We're not saying that it can't be available in Nebraska. We are not saying that Planned Parenthood can't do abortions. All we're saying in this budget is that we're not going to take Nebraska's taxpayers' money to pay for it. It's really that simple. There's been many comments about how pregnant women won't be able to get health services--and I may misspeak here, so I'd welcome any clarification if somebody waves their hand I'm saying it wrong--but I do believe, at least serving on Health and Human Services this has been my impression, that if you are pregnant in Nebraska and your income level is below... [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR LINEHAN: ...no more than 185 percent of the poverty level you can get prenatal services. You are pregnant with an expectation of a child being born and we as a state have agreed that it is in our interest and the mother's interest and the child's interest to make sure she gets prenatal healthcare, and that is covered under Medicaid, and the child will then be either

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under Medicaid or Chip. So this is not a matter of not taking care of pregnant women. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thanks, Senator Linehan. Senator Murante. [LB944]

SENATOR MURANTE: Thank you, Mr. President. Members, good evening. I rise in support of AM2750 and in continued support of LB944. I also would like to join the voices who praised the several members who worked so hard over an extended period of time to develop a workable compromise. In particular, I'd like to thank my friend, Senator Mike Hilgers, and Senator Watermeier for advocating for those of us who believe very passionately that taxpayer dollars should not be spent on abortion providers. I believe the amendment you have before you, that we have before us, accomplishes the fundamental goal that we initially sought, those of us who share that position, the fundamental goal about which we were unwilling to compromise, which was to say clarification is good and ensuring that we have a law in place that accurately makes operative what it is we are talking about, that's a good thing. And I believe that AM2750 does clarify in meaningful and substantive ways what it is that we're attempting to do here, and it does so without jeopardizing the Title X dollars that come from the federal government to our state, because I do believe that this is not about targeting any specific institution, it's not about targeting any individual group, but about a concept that taxpayer dollars should not be given to abortion providers and that we are here to attempt to protect that Title X funding. Because I will remind you that our State Auditor, Charlie Janssen, for two consecutive years identified that Title X funding that came out of the federal government and was appropriated by this Legislature were spent on abortion services in direct violation of federal law, not to mention the moral issues that Senator Linehan discussed. So I believe that by adopting AM2750 and advancing LB944, we are doing a couple of very important things. First of all, we are acknowledging that as legislators we appreciate hard work, collaboration, and compromise when they are undertaken. And I fear that over the last year and a half we have seen far too little of that in this body, but the working group who came together to develop AM2750 were able to accomplish the end of satisfying the desires of both sides in a way that perhaps was not all of what everyone wanted but at least everyone got some of what they wanted. I believe that LB944 has provisions in it that all 49 of us individually oppose. There are undoubtedly provisions within this budget which each one of us, if we had complete authority to write the budget ourselves, would change. I could speak for myself and say the \$500,000 appropriated to the Learning Community is money that should not be in the budget. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR MURANTE: In my view, that is tax dollars that are coming from around the state of Nebraska into Douglas and Sarpy County, so I don't know why anybody outside of Douglas and

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Sarpy County would want their tax dollars going to that appropriation. But it also has demonstrated itself to not be at all useful for the purposes of raising test scores or improving outcomes for the kids in Douglas and Sarpy County. So I have things that I'm very passionate about in this bill as well, but I'm still going to support it because it's the right thing to do. And if we don't advance LB944 today and we adjourn this Legislature sine die, we are putting ourselves down a path of a necessary special session which would be done exclusively by our own irresponsibility. I'm not willing to participate in that. Accordingly, I will vote to invoke cloture on LB944, I will vote to amend LB944 with AM2750, and for the bill itself when the time comes. [LB944]

PRESIDENT FOLEY: Time, Senator. [LB944]

SENATOR MURANTE: Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Williams. [LB944]

SENATOR WILLIAMS: Thank you, Mr. President, and good evening, colleagues. I rise tonight in support of AM2750 and also the underlying bill LB944. But I'd like to focus my comments on the actions of the Appropriations Committee and the actual budget that we're talking about and the numbers in that budget and the people that are affected by that budget and get focused on why we're having that discussion. Every one of us has priorities that we come to this body with, things that are important to us, things that we want to see accomplished. And, of course, the number one thing that we are charged with is adopting a budget. Under Senator Stinner's guidance, the members of the Appropriations Committee were given a difficult task. I can still remember my first two years in the Legislature when we actually had a little bit of extra money and it was different. And then the cycle changed and all of a sudden we were \$1 billion short, \$1.2 billion short, and finding ways to handle that with the combination of the rainy day fund, reappropriations, lapses, cuts has been difficult. It's been difficult on all of us. We heard earlier this week about the nursing home closures, two of which are in my district, one in Cozad and one in Broken Bow. And I've heard from the people in Broken Bow, those employees there that have not been paid since March 9 now and we're almost at the end of the month. Those are difficult decisions. But I am pleased personally with the big picture of the budget that's come out. The budget as presented that we are adopting protects K-12 education, it protects Corrections, it limits the cuts to our agencies to 2 percent and the cuts to higher education at 1 percent. I believe that's a budget we can live with. I believe that's a budget that's manageable under the situation that we are in. The budget proposal also uses, in round numbers, \$100 million of the rainy day fund, taking it down to, again round numbers, \$300 million. That's getting kind of low. And as a banker and a person that has used reserves and understands reserves, I think in the future we have to be mindful of how we continue to move back towards building those reserves. I ask each

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one of us tonight as we move towards decisions and votes, what do you see, Senators, when you look at our future? I hope you're seeing and hoping and praying that the glass is clearly half full for us in the future, not half empty. I see excellence versus average. A dear friend of mine who is a doctor of philosophy believes after studying human behavior for years that human beings only react in one of three ways when faced with adversity, three ways: They quit, they blame, or they step up and accept the responsibility of working together for positive change. Step up and accept the responsibility of working together for positive change. We have to work together. We have to trust our process. That's why we're here. That's why people elected us to be here. I choose to dream big and I'm going to work my tail off to turn our dreams into the realities of our future. [LB944]

PRESIDENT FOLEY: One minute. [LB944]

SENATOR WILLIAMS: With that, I would yield the balance of my time to Senator Bolz. [LB944]

PRESIDENT FOLEY: Thanks, Senator Williams. Senator Bolz, 45 seconds. [LB944]

SENATOR BOLZ: Thank you for your courtesy, Senator Williams. I wanted to briefly and respectfully correct something that the Chairman said on the record, which was that some of the child welfare funds would go to caseworkers. The funds will go to aid, not operations, and so all of these dollars are going to services: adoption assistance, family support, guardianship subsidies. Make no mistake, we have a major problem in our child welfare system that will only be solved by improving our caseworkers, decreasing caseloads, and doing a better job of making sure our work force is prepared and equipped to keep our children safe. That is something we need to work together on in the interim. To Senator Williams' point, we need to focus together our energies to fix child welfare. Thank you, Mr. President. [LB944]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Kolterman. [LB944]

SENATOR KOLTERMAN: Good evening, colleagues. Thank you, Mr. President. I haven't talked on this bill. I didn't think I was going to, but I decided I needed to say a couple of things. This is my fourth year. By and large it's been very educational, very positive. I'd like to echo what Senator Williams just said. I think this is good dialogue, this is what we're brought here to do, to talk about this type of issue. I think the people that worked on this, if you look at the spectrum of the people that worked on this amendment, it goes across a broad spectrum. You got Senator Wishart who is the youngest probably in the body, serves on Appropriations, has a passion for the people in her district and is working hard there. Then you've got a Dan Watermeier who's carried some pro-life legislation quite a bit. He's been here...this is his sixth

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year, I believe. Mike Hilgers is an up-and-coming attorney who's been here and we rely on him for a lot of legal opinions, along with some of the other attorneys in the body. And we have got Sara, the stalwart, over here. Sara and I have had the opportunity to serve on HHS for four years. I don't know if anybody understands it any better than Sara. And then finally, we've got the old man sitting over here on the aisle, Senator Harr. He's in his eighth year. And even though he's not the oldest in the body he's probably got the most seniority or one of them. And that's a broad spectrum to serve on a committee like this and to try and come to consensus. I think that needs to be applauded. My first year here, I didn't think we could have a tougher year than we had that year. We had three or four Governor veto overrides. We had the death penalty. I've told my constituents, I don't know if I'll ever have another vote as tough as the death penalty. But the bottom line was, at the end of the day when we abolished the death penalty, there weren't winners and losers in here. We all walked away from this room as friends because we need each other. And so as we contemplate our vote coming up here shortly, I'd like to think that after tonight we walk away as friends as well. There are no winners. There are no losers. We're in this together as Nebraskans and I believe wholeheartedly that the process is working. I agree with what Senator Morfeld talked about earlier about the need to dialogue more than we have, and I appreciate that. With that, I would support AM2750, thank the committee that put the amendment together, and I would also support LB944, as I believe that the Appropriations Committee has done their work, their hard work, and we need to pass the budget. Thank you very much. [LB944]

PRESIDENT FOLEY: Thank you, Senator Kolterman. Mr. Clerk, you have a motion at the desk. [LB944]

CLERK: Mr. President, Senator Stinner would move to invoke cloture, pursuant to Rule 7, Section 10. [LB944]

PRESIDENT FOLEY: It's the ruling of the Chair that there has been a full and fair debate afforded to LB944. Senator Stinner, for what purpose do you rise? [LB944]

SENATOR STINNER: I'd like a call to the house and a record vote in regular order. [LB944]

PRESIDENT FOLEY: There's been a request to place the house under call... [LB944]

SENATOR STINNER: A roll call vote, excuse me. [LB944]

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PRESIDENT FOLEY: Sure. There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please. [LB944]

CLERK: 31 ayes, 1 nay to place the house under call. [LB944]

PRESIDENT FOLEY: Members, the house is under call. Please return to your desks to check in, the house is under call. Senator Groene, could you check in? Senator Groene, check in, please. All 49 members are present. The question before the body is whether or not to invoke cloture. There's been a request for a roll call vote in regular order. [LB944]

CLERK: (Roll call vote taken, Legislative Journal page 1317.) 43 ayes, 4 nays, Mr. President to invoke cloture. [LB944]

PRESIDENT FOLEY: The motion of cloture is successful. The next vote will be on the adoption of AM2750. Those in favor of adopting the amendment shall vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB944]

CLERK: 40 ayes, 4 nays, Mr. President, to invoke cloture. I'm sorry. 40 ayes, 4 nays to adopt the amendment. Excuse me. [LB944]

PRESIDENT FOLEY: AM2450 is adopted. Senator Wishart, for a motion. [LB944]

SENATOR WISHART: Mr. President... [LB944]

PRESIDENT FOLEY: A roll call vote has been requested on the advance of the bill. [LB944]

SENATOR WISHART: Mr. President, I move to advance LB944 to E&R for engrossing. [LB944]

PRESIDENT FOLEY: Thank you, Senator Wishart. Mr. Clerk, please call the roll. [LB944]

CLERK: (Roll call vote taken, Legislative Journal page 1318.) 44 ayes, 4 nays, Mr. President, on the advancement. [LB944]

PRESIDENT FOLEY: LB944 advances. I raise the call. Mr. Clerk, do you have any items for the record? [LB944]

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CLERK: I do. Mr. President, amendments to be printed: Senator Bolz to LB793; Senator Chambers to LB944, as well as a motion on LB944; Senator Vargas to LB670; and Senator Kolterman to LB1034. That's all that I had, Mr. President. (Legislative Journal pages 1318-1328.) [LB793 LB944 LB670 LB1034]

PRESIDENT FOLEY: Thank you, Mr. Clerk. We will move on to General File, 2018, Senator priority bills. I believe LB1040 is our next bill. [LB1040]

CLERK: LB1040 was a bill introduced by Senator Albrecht related to the Vital Statistics Act. It defines the term and provides a certificate of "nonviable birth." Senator Albrecht presented her bill last evening, Mr. President. When we left the issue, the Health and Human Services Committee amendments were pending as an amendment to the bill. [LB1040]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Albrecht and Senator Riepe, if you would take a moment or two each to refresh us, and then we will just jump right into the debate. Senator Albrecht. [LB1040]

SENATOR ALBRECHT: Thank you, President Foley. Colleagues, LB1040 is a bill to help grieving families by creating an optional commemorative certificate to mothers who lose a pregnancy prior to 20-weeks gestation. This is an opportunity for mothers to acknowledge their loss by receiving an authentic certificate from the Department of Health and Human Services, something the department already does for the pregnancies that are lost at or after 20 weeks. Again, the certificate created under LB1040 is not a real or a legal birth certificate, it is a commemorative certificate of nonviable birth. It cannot be used to calculate live birth certificates. LB1040 had no opposition at the committee hearing and advanced from Health and Human Services unanimously. The bill is supported by the Nebraska Hospital Association and many OB-GYNs who desire to see their patients have this certificate as an option to help mothers through the grieving process. Most importantly, the bill is also supported by many moms across the state who are seeking validation and recognition for their loss. The committee amendment, AM1995, is a friendly amendment that I support and should move the original fiscal note offered by the Department of Health and Human Services. Thanks again, and I vote green on AM1995 and LB1040. Thank you. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Riepe, would you like a moment or two to refresh us on the amendment? [LB1040]

SENATOR RIEPE: Thank you, Mr. President. Colleagues and Nebraska, I want to take this moment to refresh us all. AM1995 is the amendment that provides for the definition of "commemorative certificate." This definition addresses the concerns of the Department of Health

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and Human Services regarding the fiscal note, and should eliminate the one-time expense, since the commemorative certificates are not to be counted for vital statistics. The committee amendment also allows the healthcare practitioner to delegate the duty of notifying the patient of the ability to request a commemorative certificate. This is necessary as a healthcare practitioner is not always the correct person to deliver this information. It may be the grieving nurse or therefore the delegation language allows for flexibility. There is a change of vocabulary from "certifying" to "verifying" for content of the letters issued to the patient. There's also a requirement for the Department of Health and Human Services to provide a form on its Web site that may be used by a healthcare practitioner or designee to affirm the nonviable birth. This will help the healthcare practitioner with a standard form that may be used. Thank you, Mr. President. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Riepe. Debate is now open on LB1040 and the pending amendments. Senator Geist. [LB1040]

SENATOR GEIST: Yes, thank you, Mr. President. This is a difficult subject, and it is just for me personally. So I'm going to read a few things and I will tell you why it is difficult for me personally. Miscarriages don't discriminate against race, religion, or political party. Many times it's unknown why a miscarriage happens, as many happen early in pregnancy. When a mother sees a positive pregnancy test, her world is changed forever. For those women who grieve the loss of their child, miscarriage in early pregnancy, does that mean it hurts less? Who gets to decide that one woman's miscarriage at 20 weeks and one day is more worthy of a commemoration than the child miscarried at 19 weeks and 6 days? The reason for that discrepancy there is because of when a commemorative certificate is issued by the state and when it is not. And is the child worthy if miscarriage happens at 15 weeks or 10 or 6? If that mother grieves that loss she should be allowed to honor her child, no matter the week of gestation. And the reason this is personal to me is I still remember every January 5th. That date commemorates for us the loss of one of our sons at 16 weeks. It was devastating. And my guess is that many other of my female colleagues may share a devastating loss that's similar. I support this legislation because it honors a child. It also validates grief, and it provides a step in the healing process for the mother. Thank you, Mr. President. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Geist. Senator Krist. [LB1040]

SENATOR KRIST: Thank you, Mr. President. And good evening, colleagues. I wondered if Senator Albrecht would yield to a question. [LB1040]

PRESIDENT FOLEY: Senator Albrecht, would you yield? [LB1040]

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SENATOR ALBRECHT: Yes. [LB1040]

SENATOR KRIST: I think you are also pro-life, therefore you believe in life beginning at conception. So wouldn't it be more appropriate to issue a death certificate? [LB1040]

SENATOR ALBRECHT: No. [LB1040]

SENATOR KRIST: Why not? [LB1040]

SENATOR ALBRECHT: Because it's a commemorative date in which the baby had lost its life. [LB1040]

SENATOR KRIST: Which is death. [LB1040]

SENATOR ALBRECHT: We are not asking for a birth certificate or a death certificate, simply a commemorative to help the healing process for the mothers. [LB1040]

SENATOR KRIST: Okay. Is it necessary for us to change the statute for the Department of Health and Human Services to issue this commemorative certificate? [LB1040]

SENATOR ALBRECHT: It is and would be asked of them to put it in the Vital Statistics Act, yes. [LB1040]

SENATOR KRIST: Okay, thank you. Senator Riepe, would you yield to a couple of questions? [LB1040]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB1040]

SENATOR RIEPE: Yes, I will. [LB1040]

SENATOR KRIST: I think you are also pro-life. Don't you believe that life beginning at conception? [LB1040]

SENATOR RIEPE: Yes, I do. [LB1040]

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SENATOR KRIST: So the baby is either stillborn or miscarried in some way. Isn't it more appropriate to issue a death certificate? [LB1040]

SENATOR RIEPE: Well, I think what that does, Senator, is I think it politicizes it too much. I think this is simply a matter of a different statistic and needs to be recorded accordingly. [LB1040]

SENATOR KRIST: And do you know, is it necessary for us to change the statute in order to have Health and Human Services issue a commemorative certificate? [LB1040]

SENATOR RIEPE: I don't know whether it's an absolute necessity to have this statute that calls for it, but I think that it gets to where we want it to be when we want it to be there. As opposed to relying on simply administrative regulatory process. [LB1040]

SENATOR KRIST: Okay. So once again the Legislature is telling a department or an agency what to do? [LB1040]

SENATOR RIEPE: That's correct. We do that all the time. [LB1040]

SENATOR KRIST: Yeah, and they push back on us all the time and put a fiscal note on it. And so my point...thank you, Senator Riepe. [LB1040]

SENATOR RIEPE: Thank you. [LB1040]

SENATOR KRIST: My point, colleagues, is that having been through this process myself and our family ourselves, it's the death of our baby that happened on a particular day in our family. I think this healing process is a feel-good process, and I will not be supporting this bill. Either a death certificate or a birth certificate marks the beginning or the end of a person's life. And our family baby has a name and passed on a certain day because he was not born. Thank you. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers. [LB1040]

SENATOR CHAMBERS: Thank you, Mr. President. Senator Albrecht, I would like to ask you a question, if you would yield. [LB1040]

PRESIDENT FOLEY: Senator Albrecht, would you yield, please? [LB1040]

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SENATOR ALBRECHT: Yes. [LB1040]

SENATOR CHAMBERS: Senator Albrecht, if a woman in for a checkup and find out that she has just conceived, and then the next day there was a spontaneous expulsion or whatever would happen to end it, would one of these certificates be available at that time in that situation? [LB1040]

SENATOR ALBRECHT: Yes. If she went to a doctor or a practitioner and he told her, yes, in fact she was pregnant, she would be able to qualify for one of these, yes. [LB1040]

SENATOR CHAMBERS: Why should the state do this? [LB1040]

SENATOR ALBRECHT: As a commemorative date of when that baby came into the world and left. [LB1040]

SENATOR CHAMBERS: Why doesn't the parents or the parent or the family just put together a certificate themselves? Why does the state have to be drawn into this? [LB1040]

SENATOR ALBRECHT: Because it validates that something was here and left, and it makes the family feel better about remembering that day. And whether they knew whether it was a boy or girl, and maybe they would have named it, it certainly does help with the healing process. [LB1040]

SENATOR CHAMBERS: It more or less commemorates a Catholic doctrinal position, doesn't it? [LB1040]

SENATOR ALBRECHT: I'm not Catholic, sir. [LB1040]

SENATOR CHAMBERS: I didn't say you are Catholic. [LB1040]

SENATOR ALBRECHT: And the Catholics didn't bring this to me. [LB1040]

SENATOR CHAMBERS: You say what? [LB1040]

SENATOR ALBRECHT: The Catholic organization did not bring this to me, the mothers of grieving people that have lost children as I have, have brought this. [LB1040]

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SENATOR CHAMBERS: Were they Catholics? [LB1040]

SENATOR ALBRECHT: I don't know, I didn't ask them. [LB1040]

SENATOR CHAMBERS: Could they have been Catholics? [LB1040]

SENATOR ALBRECHT: Certainly. [LB1040]

SENATOR CHAMBERS: Are the Catholics the ones who say that life begins at conception?
[LB1040]

SENATOR ALBRECHT: I'm certain they probably would. [LB1040]

SENATOR CHAMBERS: You voted...you're against that...you're for that Title X language being
in the budget, aren't you? [LB1040]

SENATOR ALBRECHT: Yes, sir. [LB1040]

SENATOR CHAMBERS: And you know that it's going to...you probably won't acknowledge
this, but some people believe that Planned Parenthood is not going to be able to provide services
that they have been providing. If that is true, then the services that could perhaps prevent this
tragedy will not be available. But that doesn't really matter, does it? [LB1040]

SENATOR ALBRECHT: I certainly hope Planned Parenthood is not able to do abortions.
[LB1040]

SENATOR CHAMBERS: If Planned Parenthood is not able to give those services to a woman
who is pregnant and is not interested in abortion, but because of what people like you did, then
you contributed to that, didn't you? By depriving them of the services they would need?
[LB1040]

SENATOR ALBRECHT: Yes, you could say that. And I'm very proud that I voted the way I did.
[LB1040]

SENATOR CHAMBERS: Members of the Legislature, now we see the exercise, and this isn't
directed just to Senator Albrecht, of the hypocrisy. You all play this game all the time. You have
a doctrinal position, and that's why that Title X trash was in the budget bill in the first place. And

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now all of this talk on the budget bill is pointless. If Senator Kolterman were not leaving, I will ask him a question, but I will ask Senator Stinner a question if he is here. [LB1040]

PRESIDENT FOLEY: Senator Stinner, would you yield, please? [LB1040]

SENATOR STINNER: Yes, I will. [LB1040]

SENATOR CHAMBERS: Senator Stinner, when was the last time you visited with the Governor? [LB1040]

SENATOR STINNER: I believe it was yesterday on the telephone. [LB1040]

SENATOR CHAMBERS: So you were not at the Governor's mansion this evening? [LB1040]

SENATOR STINNER: No. [LB1040]

SENATOR CHAMBERS: Okay. I would like to ask Senator Kolterman if he would yield to a question. [LB1040]

PRESIDENT FOLEY: Senator Kolterman, would you yield, please? [LB1040]

SENATOR KOLTERMAN: Yes, I would. [LB1040]

SENATOR CHAMBERS: Senator Kolterman, when was the time you visited with the Governor? [LB1040]

SENATOR KOLTERMAN: I think it was a week ago. [LB1040]

SENATOR CHAMBERS: No more recently than that? [LB1040]

SENATOR KOLTERMAN: No. [LB1040]

SENATOR CHAMBERS: I would like to ask Senator Williams a question if he is here. [LB1040]

PRESIDENT FOLEY: Senator Williams, would you yield, please? [LB1040]

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SENATOR WILLIAMS: Yes, I would. [LB1040]

SENATOR CHAMBERS: Senator Williams, when was the last time you visited with the Governor? [LB1040]

SENATOR WILLIAMS: I think I was in a meeting with another group of senators with the Governor two days ago. [LB1040]

SENATOR CHAMBERS: And no more recently than that? [LB1040]

PRESIDENT FOLEY: One minute. [LB1040]

SENATOR WILLIAMS: No. [LB1040]

SENATOR CHAMBERS: Okay. Members of the Legislature, I asked those three gentlemen the question because I more or less get along with all of them. More or less. With some more more and others less more. But all of this posturing we have done on the budget was culminated by an act of perfidy, and you all are praising those who did it. And I will not. They negotiated with themselves and then they were getting instructions from the Governor's Office. Governor, we want to do this, how do you feel about it? No. Well, we can't do that. I wouldn't be proud of something like that. But I'm different. I will speak again when I'm recognized, Mr. President, thank you. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Thibodeau. [LB1040]

SENATOR THIBODEAU: Thank you, Mr. President. Good evening, colleagues. I stand in support of this amendment and this underlying bill for a few reasons. One, when a family suffers a loss, there's the five stages of grieving. And for those of you that do not know the stages, they are: Denial; anger; bargaining; depression; and finally the fifth stage, acceptance. When a family suffers a loss, we all hope that we can get to the fifth stage of acceptance. Sometimes closure helps to get to that fifth stage. Offering a commemorative certificate may be one of those avenues to help families get to that stage of acceptance. I also speak from personal experience. I am blessed enough to have never had a miscarriage, my mom had several miscarriages and a stillborn. We are lucky that she had three healthy children. My sister had a miscarriage, and I was with her. I drove up from Kansas City the day that she found out there was no longer a heartbeat from a child that she had already felt kicking in her stomach. It took both my mom and my sister a long time to get to the acceptance portion. They are there now, but I tell you there's not a day that goes by or the anniversary date that goes by that the two of them do not think

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about these children. Having a commemorative certificate is not being forced upon anyone. It is giving them the option to have this as an additional tool to help them recover. Thank you, Mr. President. I would like to yield the rest of my time to Senator Albrecht, if she so wishes. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Thibodeau. Senator Albrecht, 3:00. [LB1040]

SENATOR ALBRECHT: Thank you, President Foley. And thank you, Senator Thibodeau, for sharing your story. And thank you, Senator Geist. I know it's not easy. It's always something that we do keep to ourselves. But again, this is optional. If they go back to their doctor and the doctor fills out a form, they send it in to the vital statistics, and they will send it out with a fee of like \$17. You know, the vital statistics, they do birth certificates, death certificates, fetal death, stillborn, marriage, annulment, dissolution of marriage, delay of birth, adopted birth, abstract of marriage. This is something that falls within the Health and Human Services. I had some of those questions asked of me last night, and this is something that it happened in the state of Nebraska. So it's important to them so that it will be a record in their family, you know, to share with their children. So and Senator Chambers, to your question about Title X, I don't want this to become part of that, but what I want you to know the way I understood, Title X is in our budget for a reason. Because that money is disbursed to those women's clinics throughout the state of Nebraska so that they can take care of and make certain that all these people have the right care, men and women. But if somebody is abusing those dollars and we are at a risk of losing those dollars, absolutely I am all about listening to that. So again, I just hope that you can find it in your hearts, whether you feel this is a feel-good bill or you can understand the grief of these people, these families, are feeling and what they are asking for. I'd like you to vote green on the amendment and the bill. Thank you. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Linehan. [LB1040]

SENATOR LINEHAN: Thank you, Mr. President. I rise in support of LB...excuse me, AM1995 and LB1040. I want to thank Senator Albrecht for bringing this bill. I will tell you that I've sat through a lot of hearings over the last couple of years. And that hearing that day on LB1040 was the saddest hearing I have been witness to since I've been here. Senator Albrecht had, I don't know, a dozen or more moms there. I remember some of them telling their story. They were pregnant, it would be 15 weeks. For those of us who have been pregnant, we know we're not supposed to tell anybody until 12 weeks, and then at 12 weeks we're told it's safe, we can tell our families, we can tell everybody. Everybody is happy, grandmas start buying baby gifts, aunts and uncles. And then at 19 or 20 weeks or 21 weeks, you have to tell everybody, I'm sorry, there's no baby. And for many of these women, they didn't go through this once, they went through this multiple times. I remember one woman had pictures and keepsakes of four miscarriages. So I

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don't think it's much to ask. I mean, I remember, and many of us in this body do, a woman used to be told if she miscarried: Don't worry, go home, it will be fine, you'll get pregnant again, just move on. Talk about not feeling for women. You lose a baby and you're told to move on, don't worry about it, it will be okay. And far too many times, it's not okay. It doesn't...you don't ever have that dream fulfilled. And even if you do go on to have babies, you never get over the losing of the one. So again, I think all of us...it was very, very difficult to fight tears back that day. As a matter of fact, it's the only time I've been in the Legislature where I did not manage. I had to get up and pull myself back together. So I would ask for us all to like reflect on people, because it touches everybody. None of us get through life without pain. So reflect on the people that we've known, and how much it might help instead of just being told to go on, get over it. If we actually recognize the pain that's involved here. And I...the work that Senator Albrecht has put in on this is heartfelt and deeply appreciated. And I for one would feel very, very disappointed if any of the women that came and poured out their hearts that day did not see us pass this bill tonight. Thank you, Mr. President. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator McCollister. [LB1040]

SENATOR McCOLLISTER: Thank you, Mr. Lieutenant Governor. I don't doubt the value of this commemorative certificate. Having gone through the experience twice with my wife, I know there is disappointment, great sadness. And you ask yourself: What if, what if? So I understand that. You go through a period of mourning even with a child that's so young. May I...I wonder if Senator Riepe would yield to a few questions. [LB1040]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB1040]

SENATOR RIEPE: Yes, I will. [LB1040]

SENATOR McCOLLISTER: We discussed the statistical events or legal standing of some of the procedures that HHS does. Can we go through those again tonight? [LB1040]

SENATOR RIEPE: Yes. Would you be specific? [LB1040]

SENATOR McCOLLISTER: Yeah, I sure can. We all know that HHS keeps track of births, is that correct? [LB1040]

SENATOR RIEPE: That is correct. [LB1040]

SENATOR McCOLLISTER: And that has legal standing, correct? [LB1040]

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SENATOR RIEPE: That is correct. [LB1040]

SENATOR McCOLLISTER: How about still births? Does that have legal standing? [LB1040]

SENATOR RIEPE: Yes, it does. And if I may extrapolate just a little bit, in 2008, Senator Conrad, through legislation, established a commemorative certificate for stillborns. So I think that plays to where we're at tonight. [LB1040]

SENATOR McCOLLISTER: How about deaths? Do they keep track of deaths as well? [LB1040]

SENATOR RIEPE: Yes, they do. Both deaths and fetal deaths. [LB1040]

SENATOR McCOLLISTER: You indicated there are two or three other events that HHS keeps track of. Can you enlighten us on those events? [LB1040]

SENATOR RIEPE: Thank you. Yes, I can. An additional one is stillborns--and I talked about Senator Conrad's certificate--abortions, marriage, annulments, dissolution of marriage, delayed births, adopted births, and abstract of marriage. [LB1040]

SENATOR McCOLLISTER: And those are all have a legal standing? [LB1040]

SENATOR RIEPE: Yes, they're all under the Vital Statistics Act and that's mandated by the Department of Health and Human Services. [LB1040]

SENATOR McCOLLISTER: You know what I really wonder about, and it's an issue I brought up this morning, is the fiscal note. Here the HHS is taking on this task, but yet there's absolutely no fiscal note. How do you explain that? [LB1040]

SENATOR RIEPE: Well, I don't think, Senator McCollister, it's fair to say there is not any. They just said it was not significant. And they felt that they could take care of that if what the little that it was would be taken care of through the Vital Statistics Act. And they did not have a dollar number because they weren't able to project that. But they didn't think it would be overwhelming by any means. [LB1040]

SENATOR McCOLLISTER: Is that something that we'll track as time goes on? [LB1040]

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SENATOR RIEPE: I think that we could ask them to make sure that they segment that out within that particular service. Someone has to keep track. They would know how many of these certificates they issue and they should know how much they cost, whether it's \$5 or \$10 or \$2. I don't know. But that's an easy count. [LB1040]

SENATOR McCOLLISTER: Well, thank you, Senator Riepe. I'm grateful for the extra information. [LB1040]

SENATOR RIEPE: Thank you, Senator. [LB1040]

SENATOR McCOLLISTER: And thank you, Mr. President. [LB1040]

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Erdman. [LB1040]

SENATOR ERDMAN: Thank you, Lieutenant Governor. Good evening. What I was going to say, Senator Linehan said very well. I was chairman of that committee that day, acting chairman. Senator Riepe was introducing a bill in another committee. I had a feeling that it wasn't going to go so well when the page walked in and set a box of Kleenex on the testifier's desk. And I was right. There were at least 12 ladies came in, some of them had multiple miscarriages. When they were done testifying it wasn't very difficult for me to conclude that having some commemorative certificate to mark their child existence was important. And I appreciate Senator Albrecht bringing these kind of bills. And Senator Linehan is right, it was the most difficult hearing I have ever sat through. But we did it, we made it. And when the lobbyists came in to testify, they were having a most difficult time as well. And so it moved everybody in the room. I don't care what your opinion was about the certificate, it was a very emotional, moving hearing. I would assume that when Senator Albrecht mentioned there will be a charge for the certificate, it's probably like when you get a duplicate of your birth certificate, it costs \$17. And Senator McCollister, I would assume that's part of the cost that's going to be recovered by those who apply and pay for a certificate. I think it's a small thing we can do to help these ladies get over what happened to them, and Senator Linehan is exactly right, in many cases these ladies were told: Go home and get over it. That's not the way we treat women. And so I appreciate this as an opportunity for us to reach out to women and give them the respect that they deserve. So I am in favor of AM1995, I'm in favor of LB1040, and I commend Senator Albrecht for bringing this bill. Thank you. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Brasch. [LB1040]

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SENATOR BRASCH: Thank you, Mr. President. And good evening, colleagues. I stand in support of LB1040 and the underlying amendment, and thank Senator Albrecht for introducing this bill. And it's difficult for me to speak on this. And I typically do not really like to speak about personal experiences, because I believe we're here to serve others. But I share that deep sorrow, and my life has been a journey. I've been from dirt poor to making ends meet, to back to farming and dirt poor again, full circle. But on my 30th birthday, this is how I remember my great pain. I was at work, things started to go wrong. I spent my 30th birthday in the hospital. I had miscarried. What came out of that event, though...I had two nurses. One nurse came in, she did her job, did this, fluffed the pillow, left the room. And I cried a river, I cried a river that night. And I don't like to think about it a whole lot. But another nurse came in--Honey, are you okay? Do you need anything? Would you like a back rub? You'll be all right. It's okay, honey. And when I left that hospital I thought, I want to be that good nurse someday. I'll pay this forward. And so I've tried to be...I'm not a nurse, I don't have a license to practice. But I want to be that good nurse. And if that good nurse is helping another mother heal, forgetting about a 30th birthday that went bad, I'll stand for this bill. And people can come back and give me the quiz, try to make me feel bad. I mean, there's suffering in this world, we talk about it every day in every way. But if we can make someone feel better, I believe this will. And unfortunately, it happened one more time in my lifetime. And I don't know the day, it wasn't my birthday. But I had a friend, an acquaintance, that were both carrying a baby. And I see their children and I wonder, was it a boy, was it a girl, could that have been my child? It's sad. I mean, it's a real tragedy. And so to take this bill and to use it as a bill that you can talk principle or slap someone on the hand or on the cheek, these people have hurt enough. I ask you, colleagues, let's take a vote on this bill. Let's do our business that we're here to do. Let's move forward. And if we can take away a little sorrow, have just a little something to hold onto, I don't think we're asking too much. Thank you, colleagues. Thank you, Mr. President. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Albrecht. [LB1040]

SENATOR ALBRECHT: Again, I hope we don't have to go on too much longer because this is difficult for everyone to listen to. And but you know, these are the reasons that I come with this bill, is because it does mean a lot. And when you wake up those feelings inside, it's tough. So hopefully I'm the last...am I the last one in the queue? No? Are there more? [LB1040]

PRESIDENT FOLEY: No, there's five more. [LB1040]

SENATOR ALBRECHT: Well, I will stop there and let somebody else talk. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Chambers. [LB1040]

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SENATOR CHAMBERS: Mr. President, I will never bring up personal affairs of my sisters and nieces on a floor like this to try to get a piece of legislation. Jesus said, let the dead bury the dead, and that might be why they hung him on a cross. People talk about getting a piece of paper, but when we have living children poor and hungry, we don't get this kind of conversation. You all don't say anything about it. In fact, it makes you angry to have us speak on behalf of the poor who are living. But a zygote, an embryo, a fetus, here you come. And you want to talk about your personal business. That's on you. I watch what you all do all the rest of the time. Then you're going to bring tear-jerking stories here, but not for the living child. When have you heard people on this floor talk about the problems that living children have? They don't care. These Catholics run around here talking about make them have these babies, then when the babies come: You think the state ought to take care of these babies? You had them. Well, can't we get some extended medical coverage? Do you know that one of these governors was upset because the Legislature voted for prenatal care for what are called illegal aliens, that's what they call illegals. Was upset that prenatal care would be given. You know what prenatal means? Before birth. And these hypocrites in here went along with the Governor. Or is it just white children, prenatal white children you're interested in? White fetuses, white zygotes, white embryos, and all the others don't count? And then when the white ones are born and they are poor, because their parents are poor, they are scorned, they're looked down upon. This is one of the most hypocritical places I have been in in my life, and I can say that because I've been here 44 years and I've watched what the people do on this floor. There were black women who used to want to come down here to try to get aid for dependent children, poor children. I said, don't you come down there, you're going to show these white people your wounds, you're going to talk about how your children are hungry. They like that, they get a kick out of it. You're their entertainment. Don't come down here. And I stopped a lot of them from coming. I know how you all feel, you make it crystal clear. You think that I'm blind, you think that I'm deaf. You think I cannot see how you all behave all the time. Who talks about being fair to the widows and the orphans? Not you Christians who pray every morning, not the Chairperson of the Health and Human Services Committee, or any of these other people. Then you're going to tear-jerk and say, I don't want to talk about it because it's hard. Everybody has got hard things in their family, all of us. And you're going to bring it to these hard-hearted people and try to make them shed some artificial crocodile tears, as though they care. You know why they'll vote for this piece of paper? Because it's one thing and done. But let somebody come here with a poor, hungry child. Well, if you extrapolate and say that this has to go on for how many years, we can't have a program like that. [LB1040]

PRESIDENT FOLEY: One minute. [LB1040]

SENATOR CHAMBERS: Once you start it, it's going to keep going. Yeah, because children who come into the world don't die right away for your convenience. Why should the state do what you're asking the state to do? This is not the state's business. You who talk about this have something else in mind. A zygote is not a human being, an embryo is not a human being, a fetus

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is not a human being. They are potential human beings. Otherwise an acorn is an oak tree, an egg is a chicken. Same thing. And if you all weren't so cruel and hard-hearted the rest of the time, I wouldn't say this. This could be considered just a natural part of your compassionate and empathetic nature. [LB1040]

PRESIDENT FOLEY: Time, Senator. [LB1040]

SENATOR CHAMBERS: You said time? [LB1040]

PRESIDENT FOLEY: Yes, Senator. Thank you, Senator Chambers. Senator Riepe. [LB1040]

SENATOR RIEPE: Thank you, Mr. President. Good evening, colleagues. Last night there was discussion about whether or not a hospital issues a birth certificate. Hospitals do not issue birth certificates. That is the responsibility of the state's Vital Statistic division of the Department of Health and Human Services. The Nebraska Hospital Association provided a letter of support and I would like to read a portion of the letter now. And I quote, "The NHA realizes the unfortunate statistic that one out of four pregnancies end with the loss of a child. A nonviable birth is one of those circumstances that occurs where there may be no explanation, fault, or reasoning. A fetus being diagnosed with a fatal condition where there is no medical cure is one of those most harrowing pains for parents to endure." The NHA realizes that a certificate will never fill the void of a broken heart that parents must endure over the loss of a child. There is sorrow, dread and anguish for a parent that never has the opportunity to hold their child in their arms. However, we do recognize that even the smallest gesture can help a family cope with the loss of a loved one. A certificate for a nonviable birth is a small, but necessary, step to help bring some comfort to the grieving parents. Colleagues, the Nebraska Hospital Association understands that uniformity is necessary to make sure all mothers who would like to be honored with dignity on the loss of their babies through a commemorative certificate. As a former hospital administrator, had I thought of giving a hospital commemorative mis-marriage (sic) document, I certainly would have. But I know that a document given by a hospital or a hospital administrator is not the validation that mothers need or deserve. LB1040 is a reasonable policy proposed to mirror the work of Senator Conrad for stillborns, and honor those babies who did not make it to the 20th week of gestation. And in addition to this, I would like to at any time invite Senator Chambers to join us at the Health and Human Services Committee. It's a very challenging committee and we see a lot of people that have really valid needs and concerns. And we try to address those. And it's one-third of the state budget goes through the Department of Health and Human Services at about I think \$3.3 billion. So we spend a lot of money on trying to take care of the most vulnerable that we can in the state. And with that, Mr. President, I conclude. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Kuehn. [LB1040]

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SENATOR KUEHN: Thank you Mr. President. And thank you, colleagues. I appreciated the discussion last night on LB1040. I learned a new term through some communication with some constituents, some colleagues on the floor, as well as some women in my life who this the term encompasses. And that is the term of a "warrior mom." It's not one I had heard before or respected. I also did not realize how many women in my life consider themselves "warrior moms", having lived through this experience. During the time we've had since last night's discussion, I wanted to look back at a little bit of legislative history. And specifically I went back and pulled, thanks to the ability to do so on our computers through the Clerk's Web site, I actually looked at the floor debate from 2008 when Senator Conrad introduced and passed the legislation that creates the existing certificate of birth resulting in a stillbirth. So some of the questions about birth certificate versus death certificate, why one not the other, essentially what is being proposed in LB1040 is an extension of what the state is already doing. As that bill, which was LB1048, allowed parents to obtain a separate certificate beyond the fetal death certificate, and that document is known as a certificate of birth resulting in a stillbirth. So what LB1040 is doing is it's really extending that commemorative certification process which the state is already doing beyond the 20-week cutoff, and allowing it to go all the way down from conception forward. And I guess to highlight what I think is interesting is the floor debate in 2008 literally was nothing more than a couple of paragraphs and a couple of statements in this discussion. And I always think it's interesting to listen to and look at the words of those who came before us. And I want to quote Senator Conrad when she opened on this bill in 2008, which was...it was her opening and the committee chair opening and a vote, and that was the extent of it. Senator Conrad said "LB1048 is a piece of legislation that was brought to me by a constituent who found a very positive response to a very tragic situation that her family experienced this year when a normal and healthy pregnancy ended in a stillbirth. LB1048 establishes a certificate of birth resulting in stillbirth as an optional document for families requesting and paying for it in our state. This issue is not only about dignity and validation but also about maternal health and newborn well-being, epidemiology, and research. It's the right thing to do for women and families in our state and I would appreciate your support." Those aren't my words, those are the words of former Senator Conrad. And I saw her in the Rotunda outside the door when I came back in from dinner this evening, and I commented to her how prescient and relevant I found her words, and how much I appreciated her willingness to put that on the record. And it was reading those and speaking with her earlier tonight and hearing some of the discussion now that prompted me to rise and remind this body of what has come before and the existing process that is already taking place. We're simply saying there is nothing about the 20-week cutoff which should not allow those families who have lost a child and are grieving the loss of that child to also obtain the same commemorative certificate of stillborn birth. That 19 weeks is no less a loss than that at 20, nor is 10, nor is five. So with that, I would hope that we would allow and send a message to all of the warrior moms that are in all of our lives across the state that these experiences matter. [LB1040]

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PRESIDENT FOLEY: One minute. [LB1040]

SENATOR KUEHN: They're worth our time for nothing else than to create the opportunity for them to voluntarily and at their own expense obtain the certificate. And as Senator Conrad put it in her testimony, this is not only about dignity and validation, this is about maternal health. I hope everyone is able to find it within them to support this amendment and this bill. Thank you, Mr. President. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Schumacher. [LB1040]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Got some questions about the parameters of this bill. Would Senator Albrecht yield to a couple of questions? [LB1040]

PRESIDENT FOLEY: Senator Albrecht, would you yield, please? [LB1040]

SENATOR ALBRECHT: Yes. [LB1040]

SENATOR SCHUMACHER: Senator Albrecht, is this intended to be retroactive? Can someone who had this experience 10 years ago get one of these certificates? [LB1040]

SENATOR ALBRECHT: Well, we haven't set a date specific. But I would think the very first one would probably be our council for DHHS. If it goes from this date forward, if that would make you happy to do that, that would be great. But any time a woman has heard from her doctor that she in fact was pregnant and miscarried, I would entertain a date. If you would like to go today on... [LB1040]

SENATOR SCHUMACHER: So in your view, could Senator Brasch get a couple of these certificates? [LB1040]

SENATOR ALBRECHT: Well, if they could look up her records from 30 years ago, probably. If that's the wishes. But it's not spelled out as to when it would start. [LB1040]

SENATOR SCHUMACHER: Okay. Another situation, it's common in fertility clinics for a number of eggs to be fertilized and a number of them to be implanted and some of them also to be frozen. Frozen in liquid nitrogen, and they can stay a long time in there. Now, let's suppose

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this situation. You have three eggs implanted and one of them takes, is the mother entitled to get a certificate for the two other eggs? [LB1040]

SENATOR ALBRECHT: If she loses those and she wishes to. [LB1040]

SENATOR SCHUMACHER: Well, they went in and didn't come out. [LB1040]

SENATOR ALBRECHT: Well, if they went in and came out at 12 weeks, there would be something to talk about. If they came in and fell out right after they put them in, that would be her prerogative to ask the doctor. [LB1040]

SENATOR SCHUMACHER: Okay. And what about the other six eggs that are in the liquid nitrogen? And the lights go out, the battery back-up fails, and the liquid nitrogen melts off and those six eggs in the test tube become nonfunctional. Is that mother entitled to pick up six of these certificates? [LB1040]

SENATOR ALBRECHT: Not if it was in a tube. [LB1040]

SENATOR SCHUMACHER: Okay. So if the fertilized egg is not where you attach this process to a start. [LB1040]

SENATOR ALBRECHT: Well, I would say that we're talking about the mothers. [LB1040]

SENATOR SCHUMACHER: Well, it definitely was a mother's... [LB1040]

SENATOR ALBRECHT: If it's in a tube, you know, I don't know where you're going with this, but that's not anything that's within this bill. [LB1040]

SENATOR SCHUMACHER: So we know that. But once they're put in and don't come out, then it's kind of the mother's discretion? They don't make it. They put three of them in and they don't make it, only one of them makes it. [LB1040]

SENATOR ALBRECHT: You're saying that the woman is pregnant with... [LB1040]

SENATOR SCHUMACHER: Right, the doctor puts three of these eggs in, fertilized eggs in, and only one of them takes. Is that... [LB1040]

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SENATOR ALBRECHT: I would think that she would have a discussion with her doctor. But if she asked for three to go in and she was pregnant with three of the eggs, yeah, I would say that she could certainly ask. [LB1040]

SENATOR SCHUMACHER: And any length of time that she would have to be pregnant with those eggs? [LB1040]

SENATOR ALBRECHT: Gestation to 20 weeks. [LB1040]

SENATOR SCHUMACHER: Okay, well, gestation is a whole process of pregnancy. So... [LB1040]

SENATOR ALBRECHT: Yes, from the beginning to 20 weeks she has the option to ask. [LB1040]

SENATOR SCHUMACHER: Suppose, then, a gal is late... [LB1040]

PRESIDENT FOLEY: One minute. [LB1040]

SENATOR SCHUMACHER: ...three weeks late. She had sex at the time, she would have been fertile, and then has an extremely heavy flow. Can she get one of these certificates? [LB1040]

SENATOR ALBRECHT: If she went to the doctor and he told her she was pregnant. And he told her that she was pregnant by examining her, yes. [LB1040]

SENATOR SCHUMACHER: Okay. Thank you, Senator Albrecht. [LB1040]

SENATOR ALBRECHT: Thank you for your questions. [LB1040]

PRESIDENT FOLEY: Thank you, Senators Schumacher and Albrecht. Senator Chambers. This is your third opportunity, Senator. [LB1040]

SENATOR CHAMBERS: Thank you, Mr. President. I'm glad Senator Riepe is here. I don't need to go sit at a hearing at the HHS Committee to see people hurting. I live in a community where that happens. And I'm going to tell you all something, I buy groceries for people in my community. I give money to elderly women in the store. I've given reporters money who wrote stories about somebody poor on the condition that they don't tell the person that I gave it. And

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the reporter could have kept the money for all I know. I bought tombstones for families where a member got shot or there was a miscarriage and the mother wanted a funeral. And they would be out there with signs in the street asking people to give money. And I couldn't stand to see it. Didn't make me noble. I just didn't want to see somebody demeaned, debased, degraded because they have all these barbaric ceremonies attached to dead people. But that's what they felt. And I did it for the living, not the dead. Now, Senator Riepe didn't know what a poor person or a hungry person or a sick person or somebody who couldn't get medical care was about, and he learned about it when he became chair of a committee. And that's why he invites me there, he judges me by him. My experiences teach me. And that's why you can't give me these tear-jerking stories tonight and then be hard-hearted tomorrow and expect me not to see the hypocrisy. Hungry, poor, sick children, and we cannot get an extension of Medicaid because you don't like President Obama. Hateful. You punish white people because you hated a black man. And then you're going to come in here and say because a fetus didn't make it the state should take note of that. Maybe if the state wasn't so hard-hearted with these hypocritical Catholic Republicans that family could have gotten some medical care that may have prevented the miscarriage. But you all don't think that far and you don't care anyway. What concern is it of yours? So we look at life differently. My concern goes to those who are living. Every child deserves to have enough food to avoid going to bed hungry--you all don't think about that. Go to school, doesn't have money to buy a lunch. Schools increase the cost of lunches where there are poor children. Poor children are put in a situation where they're embarrassed and humiliated because they're hungry and they have to get some food. That's what kind of society this is, and then I'm supposed to come here and shed crocodile tears for a piece of paper. Get a card from Walmart or Hallmark. That sounds cold? Well, when you all give the back of the hand to living poor, hungry children, that's what's cold, that's cruel. Everybody who has a female relative has seen a miscarriage occur, a stillbirth. And you think I would come in here around these people and say, look at my wounds? They would say inside, oh, I'm so glad. And I'm going to try to persuade you to do something. That is shabby. You all don't know the meaning of dignity. [LB1040]

PRESIDENT FOLEY: One minute. [LB1040]

SENATOR CHAMBERS: Self-respect. You'll say and do anything and degrade anything to get a piece of legislation passed and think everybody ought to act about it like you act about it. But I'll listen to you when you're dealing with other matters. I don't see you tear up, crying, voice shaking, and quaking because you are so empathetic toward these poor children. And it doesn't just have to be children, poor pregnant women. They don't get the kind of care they need. But talk about abortion and here you come, I don't want to see abortion, I can't stand abortion. And you can't stand a poor pregnant woman either, can you? [LB1040]

PRESIDENT FOLEY: Time, Senator. [LB1040]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Riepe, you're recognized to close on AM1995. [LB1040]

SENATOR RIEPE: Thank you, Mr. President and members. I would simply close by saying that this is a small act. Yes, we could do grand things, but it is an act with our hearts are in the right place. Many of us have seen a number of things, contrary to what has been said. I have worked in inner city hospitals and I've also worked in the west side...or in Texas, where a lot of poor white people lived. That all said, I don't want to linger, I simply want to ask for your vote for AM1995 and the overriding line bill of LB1040. Thank you, Mr. President. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Riepe. Members, you heard the debate on AM1995. The question before the body is the adoption of the amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1040]

CLERK: 30 ayes, 1 nay, Mr. President, on adoption of committee amendments. [LB1040]

PRESIDENT FOLEY: AM1995 is adopted. Senator Albrecht, you're recognized to close on the advance of the bill. [LB1040]

SENATOR ALBRECHT: Thank you, President Foley. And again, thank you for your patience this evening in hearing stories. I appreciate my colleagues, the Nebraska Hospital Association, I wasn't expecting to see that letter, and the OB-GYNs that wrote in, and all the warrior moms as well. I believe that without their testimony and the Health and Human Services Committee listening to their story. Senator Riepe, Linehan, Erdman, Howard, Williams, Kolterman, Crawford, I appreciate your time and your patience. And just a shout out to those warrior moms that were here: Jennifer, Laura, Marcy, Jennifer, Audra, and Lisa. Thank you again for your stories. And I just ask for your support of LB1040. Thank you. [LB1040]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Members, you heard the debate on the bill. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1040]

CLERK: 36 ayes, 1 nay, Mr. President, on the advancement of LB1040. [LB1040]

PRESIDENT FOLEY: LB1040 advances. [LB1040]

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CLERK: Mr. President, the next bill, LB902, is a bill by Senator Bostelman. (Read title.) Introduced on January 8 of this year, at that time referred to the Government Committee. Advanced to General File. At this time I have no amendments to the bill, Mr. President. [LB902]

PRESIDENT FOLEY: Senator Bostelman, you're recognized to open on LB902. [LB902]

SENATOR BOSTELMAN: Thank you, Mr. President. I rise this evening...good evening, colleagues. I rise this evening to introduce LB902. This bill seeks to protect personal information and provide consistency within our laws. LB902 adds an exemption to the public record statute 84-712.05, which reads "The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting, or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records". The statute goes on to list several types of records which may be withheld from the public. LB902 would add the following language directly into that statute "Information obtained by any government entity, whether federal, state, county, or local regarding firearm registration, possession, sale, or use that is obtained for purposes of an application permitted or required by law or contained in a permit or license issued by such entity. Such information should be available upon request to any federal, state, county or local law enforcement agency." LB902 is aimed at protecting the personal information contained on forms required for any individual in our state and our cities to lawfully apply for, obtain, possess, or transfer certain firearms. Colleagues, what we are essentially talking about with LB902 is a small number of forms required in Nebraska for the purchase, sale, or possession of particular firearms within our state. The retention and disposition for an approved form may be kept for six months while a denied form is kept for three years. Additionally, in Omaha, and you've been handed out an OPD form 48, if you look on the bottom of it, the reason for the registration application if it is denied, it is handwritten on the form and is currently not protected and could remain on file for a significant amount of time, which may have a negative impact on the applicant in years to follow. If I wanted my local sheriff's office to conduct a background check in order for me to obtain a firearm purchase certificate here in Nebraska, I would be required to fill out a form titled: Application to purchase, lease, rent, or receive a transfer of firearm. And that form also was handed out, and it's a rather large form, long form. The types of personal information that I would then fill out on the form include my name, current address, how long I've lived at that address, my previous address and how long I resided there, an alien registration number if applicable, date of birth, place of birth, height, weight, and race, among other information and personal questions. Some forms also include places for a driver's license and telephone numbers. Excuse me. Overall, this application and others provides an abundant amount of personal information. That information can be used in a variety of ways that negatively affect or harm the individual, including use for fraud and identity theft purposes, as well as harassment and endangerment when made available to the public. Such a significant amount of data on a person all in one location provides a quick and easy way for people to gather and misuse this information. Again, this information would still be required when purchasing,

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leasing, renting, receiving, or transferring a firearm, and law enforcement officials would continue to have access to that information. LB902 simply protects the sensitive information contained on these forms from being disclosed to the public at large. Here in Nebraska we have already seen fit to exclude a variety of personal information from being considered a public record. This list includes records such as medical records, personal information records regarding a student of any educational institution, records which reveal the identity of any public library patron, records kept by public bodies which maintain collections of archaeological or historical significance, job applications, and others. The concept of protecting an individual's information pertaining to firearm applications is also not a new one in Nebraska. The applications to permit holders under the Concealed Handgun Act are already protected and not considered public records under State Statute 69-2444. The Legislature has seen fit to include these various exceptions to public records over time to address concerns of privacy and changes with technology and society, and should continue to do so. LB902 is just another such evolution in our statutes necessary to address growing concerns and provide consistency regarding personal information on these types of forms within our statutes. We as a body have already seen fit to provide for protection of this type of personal information in other legislation just this last year. Last session this body passed LB208 by Senator Crawford, granting a trafficking victims protection under the Address Confidentiality Act, and as well Senator Wishart's LB624, which allows law enforcement officers to have their residential address withheld from public by the County Assessor and Register of Deeds. Those same individuals we sought to protect last session could have their information found or made public through these forms without the passage of LB902. Victims of an abusive situation that completes a form now has their personal information available to the public. A family member of a law enforcement member fills out a form and now that law enforcement member's residential address is available to the public. This bill would help prevent that. The safety concerns associated with the personal information contained on such forms as a matter of public record is real. Instances where victims of abuse or another negative situation needs to fill out these forms which require their address and personal information, such information is not protected. Furthermore, such information is considered a public record. It opens up any individual, excuse me, who has submitted an application regarding a firearm to public dissemination of their identities and information. Once such information is public, there is no way to contain it, and it may then be used to harass or threaten these individuals. Additionally, making the identities and address of these individuals known also provides an opportunity for theft or unauthorized use of such firearms. Nebraska is not the only state that has considered this type of legislation. There's 39 other states that limit or prohibit public access to certain firearm registration and permit holder information as well. LB902 addresses and provides a proper balance between concerns of safety and privacy, and I therefore ask for your green vote on LB902 and it's advancement. Thank you, Mr. President. [LB902]

PRESIDENT FOLEY: Thank you, Senator Bostelman. Mr. Clerk. [LB902]

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CLERK: Mr. President, Senator Chambers would move to bracket the bill until April 18 of 2018.
[LB902]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your bracket motion.
[LB902]

SENATOR CHAMBERS: Thank you. Mr. President, members of the legislative, I've been in this Legislature decades and I see what the NRA does. They make fools out of people. They made a fool out of Senator Murante. They made the Executive Board misrefer a bill to Senator Murante's committee because they knew they could get it out of there and it should have gone to the Judiciary Committee. So when you talk about mishandling of documents, I'm not sympathetic to the NRA. And these pistol-packing cowards amaze me. They've got guns and they're afraid of their shadow. They've got AR-15s, they're afraid of their shadow. Some still have AK-47s, afraid of their shadow. Some have Uzis, afraid of their shadow; 375 magnum, afraid of their shadow. Some even have a cylinder 6 shooter, afraid of their shadow. If people know I got a gun, they will come breaking into my house. No, you're the one whose house they won't break into. This is so silly. And they always say: My second amendment rights. They don't know anything about any other amendment to the Constitution. And they always start these form letters, "as a law-abiding citizen." Well, from that, the presumption should be that most gun owners are not law-abiding citizens. And most people who use a gun were law-abiding until they used the gun. People won't stand up to the NRA. That hypocritical serial sexual pervert, your president, said people in this room are afraid of the NRA and you need to stand up to the NRA. And what was he saying the next day? Well, I think I need to give that some consideration, dial back on that. And he ran, like a scared rat into his hole. All these gun people come up with crazy stuff. "Guns don't kill people." Well, yes, they do. Whoever saw a situation where somebody with a baseball bat killed 15 people in a room? Somebody with a knife kill 15 people in a room? Now some of these white nationalists, these racists, tried to kill several people by driving a car into a group of people and they didn't even kill 15 people. They have these magazines with these huge numbers of rounds. So what they going to use it for? Well, Bambi is running fast and I have to shoot a whole lot of times at Bambi. What do you need a bump stock for? Well, I need to be able to put it on automatic as far as the way it actually fires so I can shoot some quail, I can shoot pheasants, I can shoot some deer, ducks. Crazy. This country is insane. Gun owners are dangerous people. I got in trouble, that's what people called it, when a former military man was talking about wanting to carry guns into restaurants, into taverns. And I said, well, what are you afraid of? I'm shortening up. Well, you know, ISIS and Al-Qaeda and so forth. I said, you're scared of them in America? Then I gave some examples of how the Omaha police shot unarmed people and I said, the police are our ISIS. That went all over the country, literally. It got on Fox National News, and I had telephone calls from all over the country, letters, postcards, senators stood up, fat-mouthing, scared to take me one on one. And I say it again. Except ISIS was more honest than the police. In those days, when ISIS was in its heyday, they said we'll cut your head off, and they

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would. Cops put on their cars, "To protect and serve." And that's a lie. I'm sure those cops had it on their car who shot that black kid 20 times in his grandmother's backyard. That doesn't bother you all. And you know the first thing a white person said? Well, what was he doing? Then you have some of these white congressman ridiculing those kids from the school who survived the killing and thought they were out of place, called one a bald-headed lesbian. A grown old white racist in Congress going to ridicule these children. That's why I say when you all talk about birth certificates for dead kids who were not even kids, and then you can ridicule children who are survivors of shootings and then you've got the nerve to say guns don't kill people. Guns do kill people. Without the gun, there would be no mass murders. You might have serial killers, but they like to do it up close and personal. And they might use a knife, they might use strangulation and a knife. Or they might use strangulation, a knife, and a baseball bat. But give them a semi-automatic weapon, military style, voila, mass murderer. And you all can bring these kind of bills and keep a straight face. Where were you...how did you live before they told you you can carry pistols? Women, they can carry them in their bra. They got a gun that you can carry everywhere, mama gun, daddy gun, baby gun. All these scared white people in the rural areas who I didn't know were so afraid, because I was told they get along, they protect each other and work with each other. Yet, they all got to have a gun. And I get more threats than all of you all put together, I don't carry a gun. You all don't understand gunning. If somebody wants to gun you down, they will get you, and you cannot stop it. I cannot stop it. I got a gun in all four of my pockets and somebody walks up to me on the street and shoots me, what good were the four guns? Silliness. And those guns, instead of making you courageous, makes you a coward. But it talks to you. You walk down the street, somebody looks at you, that gun says, hey, you don't have to take that. Did you see the way he looked at you? He dissed you. So then the gun giving you courage, you say, hey, man, what you looking at? I'm looking at you. Oh, well, m-fer, pull his shirt up. Look at this, click, click. Now what you got to say? And without the gun, he's a ravaging coward. And those gunsels in my community know that I think they're cowards. They got guns that only kill black people. If they're that bad, go kill the cops. Well, a cop's got a gun and he'll shoot back. And you would as soon shoot a child, shooting through a house, because all these guns you all want everywhere, a lot of them wind up in my community. Then here comes a man so scared that somebody knows he's got a gun. I want the information on my automobile kept secret. I don't want a reporter to be able to describe my car. I don't want my license number to be public information. There's so many people who hate me, they'll drive alongside my car on the highway and blow me away. I don't want that happening to me. Why, I have more reason to be afraid than Senator Bostelman. They don't even know him. They know me. I don't want them putting that personal information out on me. I don't want Creighton to be able to release any information on me. The priest talked about me when I was at Creighton to reporters, can you imagine that? This is going to be a fun bill. How many of you all are ready to stay here until midnight? There's one...all of you. Well, you're doomed to be disappointed, brothers and sisters. You shall not be able to stay here until midnight. See, I've got an inside track. But tomorrow is another day [LB902]

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PRESIDENT FOLEY: One minute. [LB902]

SENATOR CHAMBERS: Did you say time? [LB902]

PRESIDENT FOLEY: One minute. [LB902]

SENATOR CHAMBERS: Okay. I may not even want to bother Senator Bostelman's guns now that I know how scared he is. Because if we're lucky, he would shoot himself, he's so scared, and not hurt anybody else. Because he has one of those guns like those teachers, the gun discharged. He didn't shoot the gun, the gun discharged. It shot by itself. I'm going to bring that article for you all tomorrow if I can find it right quick. One teacher, he was teaching these kids about how to safely handle a pistol and it discharged. Another one shot the gun and injured three students. Those are articles, and they say arm these teachers. There's no way they would have given me three hours with of rifle or a .45 and say you are now qualified and competent to use this gun. And guns are a mainstay in the army, especially the infantry. That's the lowest branch in the lowest branch of the army. [LB902]

PRESIDENT FOLEY: Time, Senator. [LB902]

SENATOR CHAMBERS: Thank you, Mr. President. [LB902]

PRESIDENT FOLEY: Thank you, Senator Chambers. Continuing discussion. Senator Lowe. [LB902]

SENATOR LOWE: Thank you, Mr. President. This bill, LB902, deals with data. And as we go through life and as things get on the internet it's easier to find out information. As I was campaigning, I would get letters from people that just had their name on it, didn't have an address or anything else. And I was able to find out where these people lived and send them a thank you for their letter that they sent me, and they were amazed on how I could find out their information. Because you can find things out on-line now that you couldn't have done five years ago. And these forms are very explicit, because they have more information than you need to know how to find somebody. And these forms are designed to stay in-house and to be for the lawful individuals that are entitled to them. Everything from your first, middle, and last name, your street address, your town where you live, your birthplace, your birthdate, social security number--which is easier to find all the time, are you a fugitive from justice, have you ever been dishonorably discharged from the military. I mean, this is information that somebody could probably use against you or to send you tons of mailers if they wanted to. And I believe it needs to stay in the hands that it was designed to stay for...or to be with. I believe this is a good bill. It's

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not about buying guns, it's about information. We can still buy guns. It doesn't have anything to do except for you have to fill out the paperwork. And some people don't even have to buy the gun, they just acquire them. And there's no paperwork transaction for that. But we're talking about legal transactions here, so that's what it is. So I am in favor of LB902. I think Senator Bostelman brought a good bill. And thank you, Mr. President. [LB902]

PRESIDENT FOLEY: Thank you, Senator Lowe. Items for the record, please. [LB902]

CLERK: Yes, Mr. President, I do have some items. Your Committee on Enrollment and Review reports to have examined and engrossed LB944 and find it as correctly engrossed. Amendments to be printed. Senator Harr to LB947. Senator Krist to LB1090. [LB944 LB947 LB1090]

Mr. President, Senator Crawford would move to adjourn the body until Thursday, March 29, at 9:00 a.m.

PRESIDENT FOLEY: Members, you heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.