able to assist other agencies, other investigating committees, other individuals who are involved. I have pledged my cooperation to some of them with whom I have visited. I know that Senator Chambers feels the same way. I know that other members of the committee feel the same way. I hope that we are all pursuing the same goals, same objectives and that we can work together. I want to say again that this committee will act with propriety, honesty and integrity. We intend to obtain the best counsel we possibly can and we intend to protect the rights of the innocent and to pursue those who might have been less than innocent. Mr. President and members, I ask for a positive vote on the resolution.

PRESIDENT: That was the closing. The question is the adoption of the resolution. All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please. Record, Mr. Clerk, please.

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of LR 5.

PRESIDENT: The resolution is adopted. You have some new bills, Mr. Clerk.

CLERK: Mr. President, I do. New bills. Mr. President, Senator Labedz would like to have a meeting of the Reference Committee now in the Senate Lounge. Referencing Committee in the Senate Lounge, Mr. President, right now. Senate Lounge for Referencing Committee. New bills. (Read by title for the first time LBs 341-355 as found on pages 183-87 of the Legislative Journal.)

PRESIDENT: We will be at ease for a few minutes for referencing and receiving a few more bills.

EASE

PRESIDENT: (Microphone not activated) and capable of transacting business. I propose to sign and do sign LR 3. Would you like to continue, Mr. Clerk, please.

CLERK: Yes, Mr. President, thank you. New bills. (Read by title for the first time LBs 356-372 as found on pages 187-91 of the Legislative Journal.)

Mr. President, I have a new resolution offered by Senator Hall.

SPEAKER BARRETT: Senator Korshoj.

SENATOR KORSHOJ: Mr. Speaker and members, I totally agree that we need to save as many lives as we can. Tim has already alluded to the fact that it's too late after they get in the bar. I think you're going the wrong place. And, Jacky, I'll tell you how you can save lives and lots of them, and I'm serious about this, have Department of Revenue send out to every retail merchant in the State of Nebraska that sign when they send...they've got the sales tax list, mandate them to put it up, let them read about it before they get in the bar. You would do some good and I would support that. When they are in the bar you might save one life, and bless you, I'm all for that. But let's go, let's let the...let's let them read about it when they go to the grocery store. Mandate them to put that sign up. It's that important to me I would also support the appropriation for it. If every store you go in this sign is posted, like we have to post our sales tax certificate, people are going to see it and think about it. You're going to get damn little thinking going in a bar, some, but not much. If you are really serious and not trying to say it's your duty as a bartender to get this message across, after they are already in the bar, it's after the fact. And I would, if mandated, be glad to put one up in my place of business, but you'd cover the whole state and you would have awareness like you could never get any other place. I'm through, thank you.

SPEAKER BARRETT: Thank you. The question before the body is the indefinite postponement of LB 70. Those in favor vote aye, opposed nay. Record, Mr. Clerk.

CLERK: 4 ayes, 26 nays, Mr. President, on the motion to indefinitely postpone.

SPEAKER BARRETT: The motion fails. Anything to read in, Mr. Clerk?

CLERK: Mr. President, I do. Your Committee on Health and Human Services, whose Chair is Senator Wesely, reports LB 353 to General File; LB 48, General File with amendments; LB 231, General File with amendments; LB 273, General File with amendments; LB 366, General File with amendments. Those are all signed by Senator Wesely. (See pages 474-77 of the Legislative Journal.)

emergency clause, did you, Senator Moore? Okay. The question is the Lamb amendment. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

PRESIDENT: The committee amendments are adopted. Senator Lamb, on the bill.

SENATOR LAMB: Mr. President, members, this is a bill I introduced at the request of a constituent who has a fish, commercial fishing permit, wants to clean out his lake which is mostly owned by this constituent, and sell the fish. And currently, he can sell the nongame fish. He can sell the carp is what we are talking about. He can sell the carp but he can't sell the bullheads. So this is merely giving a person in that situation the opportunity to, rather than just destroy the bullheads that come out of those ponds for fish management purposes, currently, because they are...bullheads are considered a game fish, they cannot be sold. And so after consultation with the Game and Parks Commission, this bill was drafted which was supported by Game and Parks. It merely would allow the sale of those bullheads which are seined. It does not change the status of bullheads as a game fish, but it does allow those fish to be sold or to be constructively used rather than destroyed. I would move the advancement of the bill.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB 166.

PRESIDENT: LB 166 is advanced. LB 353, please.

CLERK: LB 353, Mr. President, was a bill introduced by Senator Wesely. (Read title.) The bill was introduced on January 11, referred to the Health Committee, advanced to General File. I have no amendments to the bill, Mr. President.

PRESIDENT: Senator Wesely, please.

SENATOR WESELY: Thank you. Mr. President and members of the

Legislature, LB 353 is a piece of legislation brought to me by the Department of Social Services and the State Association of Pharmacists. Both want to see this legislation passed. What it would do is allow for Schedule II drugs, and they are listed in our statutes. They are primarily Demerol, Percodan, Percocet, and Ritalin, for these Schedule II drugs, they would allow generic substitution as they already do for Schedule III, IV, and V sets of drugs, and by doing this, what you do is, it is like generic drugs and you are all familiar with that, Tylenol being substituted by Canol (phonetic), for instance. This is a common thing in drugs. We do that to save money. Generic drugs are essentially the same. The FDA does test these out and deem them to be the same or equivalent, I guess is the proper term, and so by allowing this equivalency generic substitution, you have the same impact in use of the drugs but you also save money. It is estimated by the Department of Social Services that this legislation will save something like $35,000. The Nebraska Medical Association did testify in opposition to the bill. Their concerns were more the problem of how you determine equivalency for all the different generic substitution of drugs that is already going into place right now. The FDA has that responsibility and they are the responsible party for making that determination. No drug can be substituted under this legislation or any other legislation if it hasn't been FDA approved as equivalent. What the Medical Association is concerned about is in the past there have been certain drugs that have been deemed equivalent that some of the doctors feel isn't necessarily equivalent, and so they are worried that if they write out a prescription, and another equivalent drug will be substituted that won't be as good as the one they looking for. This bill provides, and it is currently the situation, that any doctor that doesn't want a substitution for a drug that is prescribed can simply write it on the prescription and will not have it substituted. They have that right and authority. That continues. So for any concerned physician out there, this power would continue with them, and so they really don't have a problem with that. They are trying to make a point and the pharmacists have agreed to meet with the Medical Association and work on this broader question of what we consider to be equivalent and substitutable for generic drugs. I think in general, again, that this is an excellent piece of legislation. It will save money. It will save time. Consumers that are under the Medicaid program, and, again, we are looking for savings in the Medicaid program, this would be a substitution under Medicaid. The consumers now go to the pharmacist and they

have a prescription under Medicaid, and the pharmacist says, can we substitute, it would save you money, and they have to go back to the doctor to get permission. It is all kind of a problem right now, and this would allow it to be automatically substituted through a generic drug use. In addition, the Ritalin that is under this Schedule II is a narcotic that is sometimes used and abused as a street drug. By allowing generic substitution, you have, instead of a clearly identifiable Ritalin brand name street drug, you have a generic substitute and you can't identify whether or not, in fact, it is Ritalin. There is a chance that we can cutoff some of the utilization of Ritalin illegally in our state by having the generic drugs utilized. I think that is a good thing as well. So this piece of legislation should be advanced and I would ask your support for its advancement, and I would answer any questions if there are any on the legislation.

PRESIDENT: Any further discussion? If not, the question is the advancement of the bill. All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 353.

PRESIDENT: LB 353 is advanced. LB 48, please.

CLERK: Mr. President, LB 48 was a bill that was introduced by Senator Dierks, Chambers, Nelson, Schellpeper, Hefner, Lamb, Crosby, and Hartnett. (Read title.) The bill was introduced on January 5, referred to the Health Committee for a hearing, advanced to General File. I have committee amendments pending by the Health and Human Services Committee, Mr. President. (See page 474 of the Legislative Journal.)

PRESIDENT: Senator Wesely, are you going to take the amendments? All right.

SENATOR WESELY: Thank you. Mr. President and members, the Health and Human Services Committee did hear LB 48. LB 48 was introduced by Senator Dierks and Senator Schellpeper, on the committee, Senator Chambers, Nelson, Hefner, Lamb, Crosby and Hartnett. The bill deals with a subject that has been before this Legislature before and the committee dealing with the question of smokeless tobacco and its free distribution. The bill calls for banning the free distribution of smokeless

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us this morning Reverend David Lux of the St. Paul Methodist Church in Lincoln, Nebraska. Would you please rise for the invocation.

REVEREND LUX: (Prayer offered.)

PRESIDENT: Roll call, please.

CLERK: Quorum present, Mr. President.

PRESIDENT: Thank you. Any corrections to the Journal?

CLERK: No corrections, Mr. President.

PRESIDENT: Any messages, reports or announcements?

CLERK: Mr. President, your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 254 and recommend that same be placed on Select File; LB 114, Select File; LB 43, Select File; LB 113, Select File; LB 171, Select File with amendments; LB 172, Select File with amendments; LB 80, Select File; LB 82, Select File; LB 200, Select File; LB 106, Select File with amendments; LB 194, Select File with amendments; LB 353, Select File, those all signed by Senator Lindsay as Chair. (Journal shows LB 166, Select File with amendments. See pages 527-28 of the Legislative Journal.)

Mr. President, your Committee on Business and Labor, whose Chair is Senator Coordsen, reports LB 238 to General File with committee amendments attached, signed by Senator Coordsen. (See page 529 of the Journal.)

Mr. President, communication regarding the signing of LB 13, LB 18, LB 19, LB 20, LB 21, LB 22, LB 23, LB 24, LB 25, LB 26, LB 27, LB 28, LB 29, LB 30, LB 31, and LB 32. The bills were signed on January 27 and delivered to the Secretary of State.

Mr. President, an Attorney General's Opinion addressed to Senator Hall. I have a hearing notice from the Natural Resources Committee that is signed by Senator Schmit.

Mr. President, a series of reports. Report from the Department

in favor say aye. Opposed no. Carried, the bill is advanced. LB 166.

CLERK: I have E & R amendments to 166, Senator.

SPEAKER BARRETT: Mr. Chairman.

SENATOR LINDSAY: Mr. President, I move that the E & R amendments to LB 166 be adopted.

SPEAKER BARRETT: Shall the amendments to 166 be adopted? Those in favor say aye. Opposed no. Ayes have it, motion carried, they are adopted.

CLERK: Nothing further on the bill, Senator.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 166, as amended, be advanced.

SPEAKER BARRETT: Shall LB 166, as amended, be advanced? All in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. LB 353.

CLERK: LB 353, Senator, I have no amendments to the bill.

SPEAKER BARRETT: Senator Lindsay.

SENATOR LINDSAY: Mr. President, I move that LB 353 be advanced.

SPEAKER BARRETT: Shall LB 353 be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. Thank you. Mr. Clerk, for the record.

CLERK: Mr. President, new resolutions. (Read brief descriptions of LR 26-28 for the first time. See pages 632-34 of the Legislative Journal.) All three of those will be laid over, Mr. President.

New A bills. (Read LB 187A, LB 354A and LB 362A by title for the first time. See pages 634-35 of the Legislative Journal.)

Mr. President, your Enrolling Clerk presented to the Governor, as of ten fifty-nine, bills read on Final Reading. (Re: LB 35,

PRESIDENT: Senator Nelson, would you object to the bracketing?

SENATOR NELSON: No. I just tried to get some attention on my mike. I didn't run up there at the front and no one asked me. I didn't say yes, I didn't say no, and it is all right with me to pass over the bill until February 22. As I've said many times, I'm willing to listen, I'm willing to learn, I'm willing to amend the bill as it is, but we're talking about a serious thing so I'm very willing.

PRESIDENT: May I ask, are there any objections to bracketing this bill until February 22? If so, now is the time to say so. If not, the bill is bracketed until February 22. Do you have anything for the record, Mr. Clerk?

CLERK: Mr. President, I do, thank you. Your Committee on Enrollment and Review respectfully reports they have carefully examined and reviewed LB 92 and recommend that same be placed on Select File; LB 459 Select File; LB 458 Select File; LB 116 Select File; LB 267, LB 208, LB 92A, LB 158A, LB 175A, LB 177A, LB 261A, LB 277A, LB 284A, LB 312A, all on Select File. Those are signed by Senator Lindsay. (See pages 647-51 of the Legislative Journal.)

Mr. President, your committee on Transportation whose Chair is Senator Lamb reports LB 369 to General File with amendments. That is signed by Senator Lamb. Your Committee on Enrollment and Review reports LB 43, LB 80, LB 82, LB 106, LB 113, LB 165, LB 166, LB 171, LB 172, LB 177, LB 194, LB 200, LB 296, LB 312, LB 321, LB 322 and LB 353 all are reported correctly engrossed, Mr. President. That is all that I have at this time, Mr. President. (See page 651 of the Legislative Journal.)

PRESIDENT: Very good. We'll move on then LB 238.

CLERK: Mr. President, 238 was a bill that was introduced by Senator Hall. (Title read.) The bill was introduced on January 9, referred to Business and Labor, advanced to General File. I do have committee amendments pending by the Business and Labor Committee, Mr. President.

PRESIDENT: Senator Coordsen, are you going to handle those committee amendments?

PRESIDENT: LB 321 passes. LB 322.

ASSISTANT CLERK: (Read LB 322 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 322 pass? All those in favor vote aye, opposed nay. Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 717 of the Legislative Journal.) The vote is 39 ayes, 0 nays, 10 excused and not voting, Mr. President.

PRESIDENT: LB 322 passes. LB 353.

ASSISTANT CLERK: (Read LB 353 on Final Reading.)

PRESIDENT: All provisions of law relative to procedure having been complied with, the question is, shall LB 353 pass? All those in favor vote aye, opposed nay. Have you all voted? Record, Mr. Clerk, please.

ASSISTANT CLERK: (Read record vote. See page 718 of the Legislative Journal.) The vote is 38 ayes, 0 nays, 1 present and not voting, 10 excused and not voting, Mr. President.

PRESIDENT: LB 353 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do sign LB 43, LB 80, LB 82 with the emergency clause, LB 106, LB 113, LB 166 with the emergency clause, LB 171, LB 172, LB 194 with the emergency clause, LB 200, LB 296, LB 321, LB 322, and LB 353. We will move on to Select File, LB 48.

CLERK: Mr. President, LB 48 is on Select File. The body considered it briefly on Friday. At that time, Mr. President, Senator Bernard-Stevens had offered an amendment to the bill. The amendment is found on page 697 of the Journal.

PRESIDENT: Senator Bernard-Stevens, do you want to recall for us what your amendment is, please?

SENATOR BERNARD-STEVENS: Thank you, Mr. President, members of the body. Briefly recall the amendment, and I'll be up front with the body. I'm having a little trouble, in my own mind,

SPEAKER BARRETT: Shall LB 263 be advanced? Those in favor say aye. Opposed no. Ayes have it, carried, the bill is advanced. For the record, Mr. Clerk, on the President's desk.

CLERK: Mr. President, your Committee on Revenue, whose Chair is Senator Hall, to whom was referred LB 260, instructs me to report the same back to the Legislature with the recommendation it be advanced to General File with amendments; LB 332, General File with amendments; LB 729, General File with amendments; LB 197, indefinitely postponed; LB 433, indefinitely postponed; LB 481, indefinitely postponed; LB 717, indefinitely postponed; LB 731, indefinitely postponed; LB 804, indefinitely postponed; and LR 15CA, indefinitely postponed. Those signed by Senator Hall as Chair. (See pages 724-26 of the Legislative Journal.)

Urban Affairs Committee, whose Chair is Senator Hartnett, reports LB 772 and LB 773 as indefinitely postponed, both signed by Senator Hartnett. Your Enrolling Clerk did present to the Governor, as of ten forty-five, bills read on Final Reading, Mr. President. (Re. LB 43, LB 80, LB 82, LB 106, LB 113, LB 166, LB 171, LB 172, LB 194, LB 200, LB 296, LB 321, LB 322, and LB 353.)

Senator Warner has amendments to be printed to LB 340; and Senator Labedz to LB 158A. Mr. President, that's all that I have. (See pages 727-28 of the Legislative Journal.)

SPEAKER BARRETT: Thank you, sir. Senator Robak, please.

SENATOR ROBAK: Mr. President, I move we adjourn until tomorrow at nine o'clock.

SPEAKER BARRETT: You've heard the motion to adjourn until tomorrow morning at nine o'clock. All in favor say aye. Opposed no. Ayes have it, motion carried, we are adjourned.

Proofed by: Sandy Ryan
Sandy Ryan

PRESIDENT NICHOL PRESIDING

PRESIDENT: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. We have with us this morning as our chaplain of the day, Dr. Al Norden who is pastor emeritus of the University Lutheran Chapel at Lincoln. He has served there for 30 years. Would you please rise for the invocation.

DR. NORDEN: (Prayer offered.)

PRESIDENT: Thank you, Dr. Norden. We appreciate your coming and doing this for us. Roll call, please. Record, Mr. Clerk, please.

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

PRESIDENT: Thank you. Do you have any corrections to the Journal today?

CLERK: I have no corrections, Mr. President.

PRESIDENT: Very good. Any messages, reports or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read communication. Re: LB 43, LB 80, LB 82, LB 106, LB 113, LB 166, LB 171, LB 172, LB 194, LB 200, LB 296, LB 321, LB 322 and LB 353, signed by Governor. See page 793 of the Legislative Journal.)

Mr. President, your Committee on Government, Military and Veterans Affairs whose Chair is Senator Baack to whom was referred LB 546 instructs me to report the same back to the Legislature with the recommendation it be advanced to General File; LB 639 General File, LB 76 General File with amendments, LB 196 indefinitely postponed, LB 635 indefinitely postponed, LB 752 indefinitely postponed, those signed by Senator Baack as Chair of the committee. (See page 793 of the Legislative Journal.)

Received a report from the Department of Roads, quarterly report from the State Highway Commission, and a report from the Equal Opportunity Commission, Mr. President. Those will be on file in my office. And that is all that I have, Mr. President.