

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

Floor Debate  
February 14, 2013

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[LB21 LB39 LB105 LB137 LB170 LB173 LB174 LB211 LB225 LB230 LB243 LB279  
LB290 LB408 LB446 LB479 LB590 LR31 LR41CA LR47 LR48 LR49 LR50 LR51 LR54  
LR55]

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-sixth day of the One Hundred Third Legislature, First Session. Our chaplain for today is Senator Krist. Please rise.

SENATOR KRIST: (Prayer offered.)

SENATOR CARLSON: Thank you, Senator Krist. I call to order the twenty-sixth day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Record, Mr. Clerk.

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

SENATOR CARLSON: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CARLSON: Thank you. Are there any messages, reports, or announcements?

CLERK: There are. Your Committee on Banking, Commerce and Insurance chaired by Senator Gloor reports LB479 to General File and LB170 to General File with amendments. I have a series of hearing notices from the Government, Military and Veterans Affairs Committee, the Retirement Systems Committee, and the Transportation and Telecommunications Committee and the Appropriations Committee. Mr. President, I have the lobby report required by statute to be inserted in the Journal and a posting as with respect to agency reports received and on file in the Clerk's Office. That's all that I have at this time, Mr. President. (Legislative Journal pages 441-443.) [LB479 LB170]

SENATOR CARLSON: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk, let's proceed to the first item on the agenda.

CLERK: Mr. President, Select File. The first bill this morning, LB408. I do have Enrollment and Review amendments pending. (ER13, Legislative Journal page 402.) [LB408]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Coash for a motion. [LB408]

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SENATOR COASH: Mr. President, I move the E&R amendments to LB408. [LB408]

SENATOR CARLSON: You've heard the motion. All in favor say aye. Opposed, nay. The bill is advanced. Senator Coash for a motion. [LB408]

SENATOR COASH: Mr. President, I move the E&R amendments to LB408. [LB408]

SENATOR CARLSON: You've heard the motion. All in favor say aye. Opposed, nay. Motion carried. Mr. Clerk. [LB408]

CLERK: I have nothing further on LB408, Senator. [LB408]

SENATOR CARLSON: Senator Coash for a motion. [LB408]

SENATOR COASH: Mr. President, I move to advance LB408 to E&R for engrossing. [LB408]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. The bill does advance. Mr. Clerk, next item. [LB408]

CLERK: Mr. President, LB279. Senator, I have Enrollment and Review amendments. (ER4, Legislative Journal page 343.) [LB279]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Coash for a motion. [LB279]

SENATOR COASH: Mr. President, I move to adopt the E&R amendments to LB279. [LB279]

SENATOR CARLSON: You've heard the motion. All in favor say aye. Opposed, nay. The motion carried. [LB279]

CLERK: I have nothing further on the bill, Senator. [LB279]

SENATOR CARLSON: Senator Coash for a motion. [LB279]

SENATOR COASH: Mr. President, I move to advance LB279 to E&R for engrossing. [LB279]

SENATOR CARLSON: You've heard the motion. All in favor say aye. All opposed, nay. The bill does advance. Mr. Clerk, next item. [LB279]

CLERK: Mr. President, LB290, I have no amendments to the bill. [LB290]

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SENATOR CARLSON: Senator Coash for a motion. [LB290]

SENATOR COASH: Mr. President, I move to advance LB290 to E&R for engrossing. [LB290]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. Motion carries. The bill does advance. Mr. Clerk, next item. [LB290]

CLERK: Mr. President, LB173. No E&Rs. Senator Coash would move to amend with AM228. (Legislative Journal page 444.) [LB173]

SENATOR CARLSON: Senator Coash, you're recognized to open on your amendment. [LB173]

SENATOR COASH: Thank you, Mr. President. Good morning, colleagues. AM228 is simply an amendment that adds an emergency clause to LB173. LB173, as you recall from General File, is a bill that allows for the purposes of purchasing or consuming alcohol the use of out-of-state IDs. The reason for this emergency clause is pretty simple. It was brought to my attention that since...that there will be some events, particularly in the Omaha area, that will attract a large amount of out-of-state visitors, and we thought it would be a good idea to make sure that when those out-of-state visitors come to our state, sooner than later, that they're able to use these IDs to legally purchase alcohol. That is the reason for the emergency clause and I would ask for your support on AM228. Thank you, Mr. President. [LB173]

SENATOR CARLSON: Thank you, Senator Coash. Members, you've heard the opening on AM228. The floor is now open for debate. Are there senators wishing to speak? Seeing none, Senator Coash you're recognized to close. He waives closing. The question is, shall AM228 be adopted to LB173? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB173]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Coash's amendment. [LB173]

SENATOR CARLSON: AM228 is adopted. [LB173]

CLERK: I have nothing further on the bill, Mr. President. [LB173]

SENATOR CARLSON: Senator Coash for a motion. [LB173]

SENATOR COASH: Mr. President, I move LB173 to E&R for engrossing. [LB173]

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SENATOR CARLSON: Members, you heard the motion. All in favor say aye. Opposed, nay. Motion carries. The bill does advance. Mr. Clerk. [LB173]

CLERK: Mr. President, LB39. Senator, I have no amendments to the bill. [LB39]

SENATOR CARLSON: Senator Coash for a motion. [LB39]

SENATOR COASH: Mr. President, I move LB39 to E&R for engrossing. [LB39]

SENATOR CARLSON: You've heard the motion. All in favor say aye. Opposed, nay. The bill does advance. Mr. Clerk, next item. [LB39]

CLERK: Mr. President, LB21. No Enrollment and Review. I do have other amendments. Senator Lautenbaugh, may I assume that you want to offer your priority motion first. Okay. Mr. President, Senator Lautenbaugh would move to bracket LB21 until April 15, 2013. [LB21]

SENATOR CARLSON: Senator Lautenbaugh, you're recognized to open on your motion. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body and good morning, South Dakota. Settle in because we're going to have a lot to talk about this morning and this bill may be the last thing we talk about this morning, and Monday, and maybe a bit of Tuesday. And let me explain what I'm doing here. This bracket motion...you can file a bracket motion and say you're going to bracket it until the end of the session and that means you're killing the bill, trying to anyway. I don't have an interest in killing this bill, to be clear. As a matter of fact, have I got a deal for you. I've got my own bill that does the same thing and it also has some other provisions in it that we'll get a chance to talk about. And if, by chance, through some procedural motion, we don't get a chance to talk about those, we'll talk about all the other workers' compensation notions I've had over the last five years, because there's a point at which we, in the body, are told repeatedly, you must respect the committee process. You must respect the committee process. You sit down, you wait your turn, and wait for your bill to come up. But, it would be nice if the committee process respected us as well. And sometimes it just doesn't. And sometimes perennially, it just doesn't. And this was one of those issues. And by those issues, I mean workers' compensation, because here we are, this bill repeals a sunset that is set to come into effect in 2014. There's no urgency about this bill. Let me be clear. Let me restate. There is no urgency about this bill, and yet, here it is, out of committee and sailing along and on Select File. And why am I making an issue of this? Because to be clear, I have a bill that does the same thing. And some day, God willing, and others willing, I'll have a hearing date on my bill. And we're all looking forward to that day with great anticipation, as I always do, because normally your bill can't be IPPed until you've had a hearing. So my day will come as it

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does annually. And here's the issue. As I pointed out on General File, we have people who argue in committee when they're trying to hold up other people's bills, we can't put yours out on the floor because we've got another bill coming that deals with a similar topic and we haven't had a hearing on that yet. I've got a bill coming that deals with this exact same topic. And it also does three things, three other, you would think, not very radical things that one way or another I will talk about today. And I'm told if any of those things get attached to this bill, then the sponsor will kill this bill. There is no negotiation, there is no discussion, there's nothing that can be done. If any of the points that I raised somehow are successful and looked upon favorably by 25 of you, the underlying bill gets killed. Well, so be it. I'll probably bring my own motion to kill it later in the day, or Monday, or sometime Tuesday morning, because I'm tired of that approach. And we've been down this road before. Don't understand that I'm just standing up here out of the blue, popping up and being irritated, this is five years of annoyance that I'm giving voice to here. And there's always a reason why we can't deal with any of these other topics that people of my particular philosophical bent seem to bring forward. There's always a reason we can't do it. One year when one of my bills went off to the great beyond, which is known as the Business and Labor Committee, we were told, well, we didn't get to it because we had CIR to deal with. Well, I'm hoping we get through CIR pretty soon because I've still got some bills that I want to talk about, and I'd like to have hearings on them. So as soon as that CIR thing gets wrapped up, we'll be good to go. I'm tired of waiting. I'm tired of hearing it. Last year or the year before, I don't even know, they're starting to run together, but last year or the year before I brought a bill that would have...or amendment, excuse me, it was also a bill. Senator Smith and Senator Schilz brought the same bill. That's the beauty of these issues. They keep getting killed every year so we all have a chance to bring them if we want to. Your turn will come. I had a bill that I brought as an amendment to a workers' compensation bill and what we were told is, if this gets attached, I will kill the underlying bill, the sponsor said. I will kill my own bill if you attach this. And guess what my radical amendment did. It adjusted the interest rate on comp awards from 14 percent, which was set back in the day when that was sort of a normal interest rate, to the normal judgment rate that prevails now, which is 1 or 2 percent and some change. That's what my amendment did and that was so offensive, so difficult, so distasteful that if that had succeeded in getting attached, the underlying bill had to be killed. And the underlying bill, we were told, was fairly important. It allowed the Workers' Compensation Court to move and, unfortunately, they had already signed a lease to move to somewhere else, so they were already looking to us to help them out at that point. And we did it because it was important. But if we adjust the judgment interest rate, that bill had to die. And now we're hearing the same thing today. We've all heard stories. Mr. President, can I get a gavel. We've all heard stories about how important repealing this sunset is this year and the trauma of mental injuries. And I'm not here to make light of those. I mean, I think I've introduced this bill. I know I've introduced it this year. I know I've supported it in the past. But it's so important that we pass this, unless any of the things that I propose get attached to it, and then the bill must die. It will just die. And I'm tired of being held hostage. And I'm tired of having

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concepts out there year after year after year that go nowhere. And this isn't how it's supposed to work. As I stand here today, after pitching a fit on General File about the fact that my bill hasn't had a hearing, I don't believe I still have a hearing date on my bill, even today, even now. And yet we're expected to pass this because it's so important we have to deal with it right away, but understand if we alter it in anyway it has to be killed, but it's very important that we move forward on this. And what do you all think is going to happen to my bill in the future? It doesn't take a psychic, it doesn't take a gypsy to figure out what's going to happen to my bill when we get to it, if and when. I mean, I don't even know why I would go to the committee at this point. If we deal with this point and keep moving this bill along, my bill will be on the "pay no mind" list, we'll have a perfunctory hearing and it will go to die. Maybe not this year, it will be allowed to linger on a life support into next year, and it will die. And I, for one, am tired of it. And if this is the only way I can bring these issues to light, and if this is the only way I'm going to get a chance to talk about them, because, honestly, this is the only way I get a chance to talk about them. I'm the king of workers' comp floor amendments. I'm not the king of getting workers' comp bills out of committee, God knows, but I'm the king of workers' compensation floor amendments because that's the only way my points get here. So I don't want to kill this bill. I don't want to bracket it to the end of the session. I want to bracket it until April 15 because that is the arbitrary date I've picked by which, I assume, I will have had a hearing on my underlying bill, my own underlying bill. And that's the purpose of this motion. And, hopefully, we vote for this and we all move on. But if we don't vote for it, I'm going to try to discuss the three things my bill does that this bill doesn't. And if for some reason procedurally I'm not allowed to do that, I'll discuss my many other disappointments over the last few years, and then we'll have a motion to IPP, and then we'll have a motion to do some other crazy things, but we'll keep on talking because I'm here, I'm annoyed, I'm caffeinated, (laughter) and we're going to go. And if this is the only way... [LB21]

SENATOR CARLSON: One minute. [LB21]

SENATOR LAUTENBAUGH: ...that I get to discuss these points...thank you, Mr. President...and to be clear, the amendments that I have do three things. One of them reinstates the longstanding defense that if you fail to disclose a preexisting condition--to make it clear--if you lie to your employer, that's a defense if you have an injury related to that particular preexisting condition. So, heaven knows, we have to protect the people who lie to their employers, so that amendment can't go anywhere. The other one I talked about adjusts the interest rate to the going judgment rate. That's offensive as well. And I've got a third one that does something else, and we'll talk about that one too. But we're going to talk, and if it's just me, and nobody wants that, but if it's just me, it will just be me. But if this is what I have to do, then this is what I will do. Thank you, Mr. President. [LB21]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. Before we proceed to debate

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on this motion, you've been distributed Valentine cookies that were put together and made by my wife, Margo, and she wishes everybody a happy Valentine's Day. Senators wishing to speak include Lathrop, Karpisek, and Lautenbaugh. Senator Lathrop, you're recognized. [LB21]

SENATOR LATHROP: Thank you, Mr. President and colleagues, good morning. I stand in opposition to this motion. And I'm going to give you my reasons and maybe respond...certainly I'll have an opportunity to respond to some of the implications or the implied remarks of Senator Lautenbaugh. Let me begin by saying that this is no way to run our railroad. Okay. If this prevails, if this prevails, understand we are going to set a precedence. At the beginning of every session, at the beginning of every session we roll out things generally that are housekeeping matters. Small things, not big controversial things, small things typically and that's why things have moved along pretty quickly so far or to this point in time. Now, if every time one of those came onto the floor, one of you who had a bill in that committee said, I want to stop this bill today, I know it is a small bill, and I want to talk about the agreements that are associated with LB21. I want to stop my...this bill today, this technical amendment until I get my way. I want to dictate when things are going to be heard in committee. If I can't dictate when things are going to be heard in committee, I want to stop bills right now until later on in the session until my bills have had a hearing, and I can amend them on to something that's on the floor. That's a problem. It is a huge problem and this is about procedure. I'm not going to quarrel with the policy in the amendments. They'll have their day. I may talk about them, but I'm not going to quarrel with them today because today is about process and how we run our railroad. Whether somebody can stop, throw gravel in the gears of this machine, and bring the place to a stop until we get our way because my bill didn't get out of Business and Labor. Let me tell you about the amendments. This bill went in on day one. It's LB21. The bill Senator Lautenbaugh is talking about came in on day seven, not on day one, or two, or three, or four, or five, not even day six. It came in on day seven. And by day seven, I had, as the Chair of Business and Labor, to take every bill that had been introduced to that point in time and put it on the first day's hearing. There's no grand conspiracy. There's no grand conspiracy to leave his stuff to the end of the session. And you may be interested to know that he's never asked me to give it an earlier date, not one request, not would you have it on day two, or the third hearing date. In Business and Labor we're hearing five bills a day. After all the bills were introduced, we set them out with my committee counsel and they'll all have a hearing. But this process begins with the bracket motion and pretty soon it's going to go into a motion to amend this bill with bills that haven't had a hearing. So the public hasn't had an opportunity to weigh in on those three amendments you're looking at on your gadget. That's no way to run a railroad. We can't run this place. We owe the people of Nebraska a hearing on every bill and you can't jump ahead of that process by trying to amend your bill on to the legislation that's on the floor, or we'll have huge problems. Let me just give you a hypothetical. We have had bills that deal with...bills that deal with... [LB21]

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SENATOR CARLSON: One minute. [LB21]

SENATOR LATHROP: ...technical changes to our tax code. If this process works, if this process works, I could be pulling my wind energy tax credit bill up as an amendment on a technical change to the code. Now you're thinking, well, wait until you have a hearing. I want to...I'm going to use another occasion to talk about the work the Business and Labor Committee has done as I've been Chair, you know. Yes, there are ideas that Senator Lautenbaugh has brought to the Business and Labor Committee. They will have a hearing, it will be a respectful hearing, we will ask questions, and the public will have an opportunity to visit to tell us what they think, both pro and con, and then the committee can do its work. But this process jumps ahead of the committee process, and there...for reasons that I'll talk about in my next opportunity, that's a problem. Thank you. [LB21]

SENATOR CARLSON: Time. Thank you, Senator Lathrop. Senator Karpisek, you're recognized. [LB21]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I just thought I would take this time to get up and speak on the situation, too, because although I understand what's going on, this certainly isn't the only time that it's gone on. So I'll rise with Senator Lautenbaugh and say, I don't like how things work sometimes either. But I hope that we can work this out. I think it's an important bill, the timing of it. It would be better to get it done now and I hope we can work together. But going on from there, there's all sorts of these things that go on. I have a couple in committee now that I feel that I'm being held hostage on. It isn't quite the same situation, but it's close. It's how we do it, I guess. I don't like it, but we have to play in the same sandbox, and most of the time we get along and get work done. Then there's some people that want to get involved that maybe shouldn't, it's fine. Everybody has got their time to get involved, and some that just won't bend. And I think we have to bend around here or we will break. But it happens all the time and we all do it to each other. If you really are opposed to an idea or a bill, and it's not going to come out, no matter what you try, and if it does, then we're going to fight it on the floor, but it's how it works. That's how the rules are drawn up. Senator Chambers, I'm sure will tell us about the rules today as he knows them and has been involved in helping make many of them. But I just couldn't pass up a really good opportunity here to stand up and say, I don't always like it either. And a lot of times I lose my cool, and I let it out, and people know where I'm at. I don't think anybody ever goes home and says, I wonder where Senator Karpisek was on that one. I think they know each and every time. I'm not going to play any hide the ball because I get it done to me and I don't like it. We can't hide the ball in baseball, we can't hide the ball in football, but around here you can hide the ball. There's all sorts of ways to do things. Some are better at it than others. I'd rather take the ball and try to run it right down your throat. Again, I just couldn't pass this up to say, I understand. I think the bill is important. I hope we can get somewhere on this, but I think as we move forward, each one of us



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needs to look at ourselves in the mirror and wonder what you're doing to another senator's bill that they probably don't like, but you think that's what you need to do. Thank you, Mr. President. [LB21]

SENATOR CARLSON: Thank you, Senator Karpisek. Senator Lautenbaugh, you're recognized. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body again. And we heard, this is no way to run a railroad. I couldn't agree more. This is no way to run a railroad, that much is certain. And I hope you're paying attention, and there's nothing more grating when you're a new member of the body than to have people stand up here and say, for the benefit of you new members, blah, blah, blah. There's always something that's for the benefit of the new members. And it's usually just an occasion for us to say the things we want to say for repetition sake, for the benefit of the new members. And we're full of good advice, those us old hands here in the body, you know. Don't bring a motion to bracket as your starting position. Don't wear a red blazer. We're full of advice. (Laughter) And you're free to take it or leave it. But here's the deal. If any of you are of the inclination or belief that this is me trying to dictate what we do, well, understand, I'm the one who's trying to get a hearing on the points that I've raised. And, yeah, it's all true. My bill didn't get filed until way out the seventh day of bill introduction. People hardly remember the first day by then because it was filed on the seventh day. I'm sure that's the day Senator Chambers rested, but on that day I filed my bill. And here's the point. We have a handy-dandy numerical numbering system so that when you introduce a bill it gets a number, and they're in succession. So I can tell you what, there are bills that were filed on the eighth day and the ninth day that have numbers much higher than mine that have already had a hearing in Business and Labor, or at least have basked in the sunshine of having a hearing set on the bill. Not mine, because mine was filed way back on the seventh day behind days, one, two, three, four, five, six, and in some cases behind days eight, nine and ten. But yeah, it's on me because I filed it on the seventh day and I didn't say, hey, I'd like a hearing on my bill. And by the way, I'd like a hearing on it before you pass another bill that does pretty much the same thing. Now understand, you're being told that that was sort of my burden to request the hearing. But when the same person who tells you that in other committees, says, well, we can't put this out on the floor because there's another bill dealing with the same topic, you should approach this with a certain amount of skepticism. And you're being told remarkably that, well, the problem here is we haven't had a hearing on my three amendments, so it's not fair to the public. Well, careful observers would note that the interest rate provision has had at least three hearings. Schilz brought it once, Smith brought it once, I brought it once. I brought it as a floor amendment. We can't stop talking about the interest rate provision and the public has had three bites at the apple to come in and have a hearing on it and sometime late this session, apparently they'll have a fourth. But it hasn't had a hearing yet. The other one, about the first reports of injury. That's the one I didn't talk about earlier. All that one says is that...well, to be

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clear, if you don't do workers' compensation work and you've never had a workers' compensation type of injury, you have to file a first report of injury. And on that form you have to disclose the nature of the injury down to medical details in a very real way. And we have a law in this country now called HIPAA, and we're very touchy about having to disclose personal medical information. [LB21]

SENATOR CARLSON: One minute. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. But those first reports are available to anybody who wants them. And guess who uses them the most? Attorneys looking for work because heaven knows, the general public at large is not aware that there are attorneys out there willing to represent them and they would never take action unless they get 10, 20, 30 solicitations in the mail saying, hey, I saw you got injured, I'm really sorry about that, I'd like to represent you, because they can't do it on their own. My amendment says if the employee elects to have that report confidential, he can, or she can. And that is a concept that is so radical that if you attach it to this bill, the bill must be killed. So we're going to talk about that in one way or another. But understand, to stand up here and say these concepts haven't had a public hearing, at least on two or three of them is a little disingenuous if prior years count, because we've been... [LB21]

SENATOR CARLSON: Time. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB21]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. Those senators still wishing to speak include Brasch, Chambers, Lathrop, Lautenbaugh, and Price. Senator Brasch, you're recognized. [LB21]

SENATOR BRASCH: Thank you, Mr. Speaker. I rise in support of LB21 and strongly oppose the bracketing. Agreed, Senator Lautenbaugh does have a point he is making, but it is very, very disappointing, and in my mind even tragic, that this point is being made on the backs of our volunteer firefighters. These very courageous, sacrificing men and women run into our fires and don't get paid a dime for it. They leave their occupations, they invest personal funds, and they run into our fires while our families run away from the fires. These volunteers do not deserve to be the brunt of political posturing or examples. I don't think this is the place or time. I'm not going to read to you today the letter from the volunteer fireman that I read on the floor earlier, but he is behind this glass today. He has seen so much tragedy, so much grief, so much sacrifice from decapitated individuals, the suicide of his own father. He is here begging, not for himself, but for his firefighter's community. Across the state of Nebraska, they are our rescue team in rural Nebraska. On our farm we've had to call them twice, my in-law's farm, not ours specifically, but they are important. They came on a Sunday morning after church instead of sitting down for dinner with the kids, they came in the soot, in the

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flames, in the wind, and they helped us. These are not the right people to be made example of. I agree Senator Lautenbaugh has a point. I have bills I would love to get out of committee as well, but this is the wrong group. I thank you for your time. Thank you, Senator Lautenbaugh, and thank you, colleagues. [LB21]

SENATOR CARLSON: Thank you, Senator Brasch. Senator Chambers, you're recognized. [LB21]

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature. I didn't believe in all this talk of conspiracies and plots until after I sat at a hearing yesterday on the Judiciary Committee dealing with something called Agenda 21. Now, I think there are echoes and shadows of this Agenda 21 either in what Senator Lathrop has done and is doing, and I point this accusing finger, or Senator Lautenbaugh who just fled the Chamber, so he must be. He must be the plot monger. There he is, looking in the door. Agenda 21 may be sneaking through this Chamber this morning. I didn't feel like that yesterday but as I thought on that, I just was not as alert as I should have been. Brothers and sisters, we are in danger. The Republic is...I'm sorry, I can't say that because a fellow named Beck who believes that Agenda 21 is what's ruling the world said this is no longer the United States of America, it's called the Republic. But a funny thing, he didn't condemn the pledge of allegiance to the flag because it says, and to the Republic. So I'm sure that I'm going to have the brain trust, and I won't identify them, who brought that bill yesterday standing with me to get rid of that pledge because it talks about the Republic. We are in danger and you shouldn't take lightly what's happening here today. But since I have to push forward despite the fear that is making me quake, Senator Kintner, I've got some boots at home and I started to bring them down here and set them on this desk and let everybody know that I bought these boots so that now I can tremble in them. You heard of trembling in your boots. That's what I wanted to do to show how serious I am. But when it comes to what we do on the floor of the Legislature, a member is free to do whatever he or she thinks he or she is big enough to do. The Beatles had sung a song and it talked about if you're big enough to do a certain thing, then go ahead and do it. Anybody has a right to use any tactic to bring an issue, even if the person doesn't intend to carry it through, to completion. The refuge that Senator Lathrop has is the fact that many people on the floor support the bill. So there's no need to panic at this point. Those votes will not go in Senator Lautenbaugh's favor if the vote is on the motion to bracket the bill. The bill will move. But Senator Lautenbaugh is doing no different from what I have done and will do before the session is over, create opportunities to discuss things I think ought to be discussed as when that Education Committee under the domination of the teacher's union kills a bill that I have. I even told them, I know what they're going to do. They're going to kill it. It would say that a candidate for superintendent of schools doesn't have to have two years of teaching experience. They can't let that bill out of here...out of there. Senator Lautenbaugh has one which is far less stringent and narrower than mine. I'm going to see if they let his out. But we're going to have that discussion. But I won't condemn the

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members... [LB21]

SENATOR CARLSON: One minute. [LB21]

SENATOR CHAMBERS: ...of that committee. They dance to the tune of who plays the fiddle. And the teacher's union has a lot of influence with that Education Committee. That's a fact of life. And I'm going to discuss that and other things. Now, you all are going to have to ponder this morning and think about the process that is being employed. And if nobody can give a cogent, convincing argument against it, it will move forward. But on this particular bill, I don't think that those who support it have anything to fear from what Senator Lautenbaugh is doing. And I want to see if the young cub is able to deliver in the way that the old bear, myself, has done on so many occasions in the past. Thank you, Mr. President. [LB21]

SENATOR CARLSON: Thank you, Senator Chambers. Senator Lathrop, you're recognized. [LB21]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I want to talk about LB21 for a minute. This...and we talked a little bit about it on General File. It is a bill to help first responders. It is very important to the volunteer fire people. When this bill passed, there was great concern, great concern on the floor about what the cost would be. Is this idea of allowing first responders to get medical...mental healthcare under the work comp statutes, is that going to bankrupt the cities and the counties in the state of Nebraska? And there was a lot of debate. And everybody agreed, much like what you're hearing today, we love the volunteer fire guys. We love the volunteer fire guys and then they said, we love the volunteer fire guys, but we're worried about the cost. And so we struck a deal and I think Senator Carlson was in the middle of that, if I'm remembering right, and the deal was we would put a sunset provision on there. And if there were not a lot of claims, if the worst fears of those who were concerned about the cost were not realized, it would move. We'd just take the sunset provision off. Not take the sunset provision off and pass five bills that change work comp, but take the sunset provision off and allow this to become the policy of the state so that the volunteer fire people that Senator Brasch so eloquently discussed, have mental healthcare. That's all this is. We're getting rid of a sunset provision because, as I promised, this was not going to be the end of the world for cities and counties and their budgets. That's all there was to this. There was a deal. The deal...now, is Senator Lautenbaugh married to that or bound by that? No. But the people who I was talking to, who are the same people behind the policy and the amendment, were party to it. This really is the wrong bill to hold up. And I want to talk about the Business and Labor Committee for a minute. I've chaired that committee now this is my fifth year. In the time that I have chaired that committee we have approved every single appointment to every single board the Governor has sent over to us. We have solved the CIR problem and that was not done in a bill, it was done in nine months worth of work. I left my law practice to go do it. I was

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glad to be there, but for somebody to suggest that there's a problem over in the Business and Labor Committee and with it's chair is nonsense, nonsense. That's a group of people that work very hard and myself included. And I'm not going to stand here and listen to somebody imply that there's some big scheme and that he's being deprived. If that were the problem, he should have run for the committee chair. If you got a case to make against the way I run that committee, run against me. It's a lot of work, a lot of work. And this kind of stuff to have a temper tantrum and I'm going to make my point and I'm going to try to embarrass Lathrop and talk about how my ideas don't advance from that committee, you know, what, put your bill in early and come talk to me. That did not happen. No one from Senator Lautenbaugh's office has had a conversation with me about scheduling his bills, no one. Just this motion. And he's holding up the volunteer firefighters to do it. This isn't about picking sides, what color a jersey you wear, this is about how we're going to run this place. [LB21]

SENATOR CARLSON: One minute. [LB21]

SENATOR LATHROP: Whether somebody is going to jump in front because they haven't gotten their way, you know what, I put a bill in Transportation to stop predatory towing. Couldn't get it out of there. I didn't amend it on to something else the next year. I didn't put up bills to stop things coming out of Transportation. That's not the way we do things. There are things that you are not going to find in the rules. When you deal with your colleagues, you deal with them honestly. When you make a deal, you stand by it, and you don't do things that are unhelpful to the process. And this is a bad precedence. It needs to end. It needs to be defeated and I encourage you to do that with your vote. Thank you. [LB21]

SENATOR CARLSON: Thank you, Senator Lathrop. Senator Price, you're recognized. [LB21]

SENATOR PRICE: Thank you, Mr. President and members. Sitting here like many of you listening to the debate wondering, okay, what's going to go on, how long are we going to invest in this, and what is the underlying purpose, and just where are we going? And then as I listened, and I started to hear certain topics, it started to pique my curiosity and my interest in the debate. So I started taking down some notes and so I'll share some notes with you. It's my understanding that...and I was here with the group when we passed this bill originally. And I support the underlying concept and doing what we can for our volunteer fire department members, but the sunset date was agreed to for in 2014. It's not this year, not this year. That was the agreement. So if we're going to talk about agreements, let's talk about that agreement. And that makes the defense, the concept of urgency, a little harder to defend because we agreed. And a deal is a deal. You stand by your word, 2014. Would Senator Lautenbaugh yield to a question? [LB21]

SENATOR CARLSON: Senator Lautenbaugh, would you yield? [LB21]

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SENATOR LAUTENBAUGH: Yes, I will. [LB21]

SENATOR PRICE: Thank you, Senator Lautenbaugh. I just heard commentary to it, but it was a note I took so I want to finish it off. As the Rules Chairman, do you know of any rule that particularly states that a senator must make a request to a committee to have their bill heard at a certain time? [LB21]

SENATOR LAUTENBAUGH: No, I do not. [LB21]

SENATOR PRICE: Thank you, Senator. Thank you. So...and then I'm thinking about it, and I'm thinking about the privilege of the committees I've served on down here, and I've learned, I've been trying to learn this legislative process. And in the committees I've had the privilege of serving on again, we tend to put like bills together. And sometimes controversial bills will get their own day because we want to do what? Give it full debate. And then also we like to consider the citizens. If we have a bill on...let's say we're in Transportation, we're having a bill on license plates. We don't have all the bills spread out all over because there are citizens who will...like to come from all areas of our state and we want to give them the opportunity. So it's out of respect and deference to our citizens that we have like bills heard together. And in my experience, that's what we've done. We've had like bills heard together and again, I've only had the opportunity to serve on four different committees in my time down here, but that's how that was done. And then, we talk about we don't...we don't bring things out on the floor that don't have full debate and we don't make them into laws. And I would stand here and beg to differ. The Learning Community was created on the floor. The enacting legislation and everything else that came behind it, full debate, everything happened there, sure. But the actual bill was created out here because that's the prerogative of the Legislature. We create out here on a regular basis, we tune up, we trim, we refine, we polish, you can pick the word, the adjective you would like to use. But the Learning Community which was foisted upon some people who really don't like it, and you know I've talked about that and beat that drum for the time I've been down here, was created on the floor with no hearing. So I believe it's somewhat challenging to say that we don't do that and that committee process... [LB21]

SENATOR CARLSON: One minute. [LB21]

SENATOR PRICE: Thank you...that committee process that is so highly celebrated and vaunted was exercised in that situation. But again, I'm going to sit here and listen to the debate. I am torn. I support what LB21 is doing, but again as we've said, there was an agreement made for 2014 and we stand by our agreements. Thank you, Mr. President. [LB21]

SENATOR CARLSON: Thank you, Senator Price. Senator Hadley, you're recognized.

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[LB21]

SENATOR HADLEY: Mr. President and members of the committee, I hesitated to stand up and kind of get into the middle of a family fight, but I want to talk a little bit about the Unicameral. How many of you have gone to a national meeting and the first question that's asked to you is, how does a Unicameral work? Have you ever been asked, how...who tells you how to vote? When do you caucus? When does your committee chair schedule a hearing on a bill or not schedule a hearing on a bill? Who tells them? And after you go through explaining how a Unicameral works, they usually walk away and shake their heads because they don't understand how it is to be 49 free agents. They don't understand what it is to have a different coalition on every bill. We had hearings last Wednesday and Thursday on LB405 and LB406. I'm not going to talk about those bills because our committee still has to talk about those bills. But let me talk about the process for a minute. We started on LB405 at 1:30 in the morning, or...well, it seemed like it was in the morning, 1:30 in the afternoon and we finished about 11:15 that night because we let every citizen in the state of Nebraska who wanted to come in and tell us their thoughts on the bill, the opportunity to come in. The same on LB406. But there was a comment made by a man I very highly respect who does a lot of work nationwide. And he made an interesting comment and his comment, I think, kind of hits home a little bit on the discussion we're having. He said, around the country there's kind of an understanding that if a committee hears a bill, it's going to reach the floor, that bills aren't generally heard unless they have basically an understanding with the majority leader or the speaker, and the speaker or the majority leader has given his or her nod that this is a bill we want to hear on the floor. So from a nationwide standpoint when we hear bills in committee, there can be expectations around the country that these are going to move. But that isn't how our system works. Our system works that every, every bill has a hearing. But we don't have a system that every bill has to make it out of committee. And I agree with Senator Price, I'm new to this whole committee thing, chair, and I personally have tried to stay out of the scheduling of bills. I have a great staff that works together to schedule bills together so people can come in and testify. We understand that bills that are heard later, some senators don't like that. I'm sure I'm going to hear, oh, that's going to be my priority bill, can you hear it tomorrow and get it kicked out so I know whether to make it my priority bill? New senators, it's happened here. You prioritize a bill and it never makes it out of committee. That's kind of the rub of the green. So I just think this is an interesting conversation because it goes to what we're about as a Unicameral... [LB21]

SENATOR CARLSON: One minute. [LB21]

SENATOR HADLEY: ...and the way our process works. And it may be a little dysfunctional at times, but I think it's more functional than dysfunctional. So I'm going to sit back and listen to this and I hope to be able to take ideas back so that I can run the committee...run is a wrong term, I can interact with my other senators on the committee

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to get the best job done as a committee chairman. Thank you, Mr. President. [LB21]

SENATOR CARLSON: Thank you, Senator Hadley. Senator Chambers, you're recognized. [LB21]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, when I have traveled, I've been asked the same question about the Unicameral. And they will ask me how is it made up? I say, well, there are 49 senators. They say, only 49? I say, yeah, there is only one house and the number of senators is only about one-tenth of the total population of the state of Nebraska which is sparsely populated. Then I tell them, I'm just kidding. There are about a million, five hundred thousand people, take or give a few thousand. But then they say, how many black people are in the Legislature? I say, I'm the only one. And they say, how do you get along? I say, well, there are conflicts there. Sometimes I'm the only one on an issue and they said, wow, that seems like an unfair fight. I said, you'd better believe it. They need more help. They need the help, not me. I don't come here begging anything from anybody. And if the body takes some action against me that they think is unfair, I will tell you. I will get more than my pound of flesh. Senator Kintner, I'll take an ear, I'll take a nose, I'll take a head, I'll take whatever I feel like taking. When somebody had indicated that there are rules in the book I helped to write, not as a member of the Rules Committee, but they were writing rules to stop me, one black man. Forty-nine white people who wrote the rules could not apply those rules and run their system so they had to write rules to stop me and they still couldn't stop me. I will not be stopped. And I will not yield to anybody. And I will do what I think needs to be done and challenge the rest of the senators, stop me if you can. And if you stop me once, be ready to stop me every day for the rest of the session because if it's a principle with me, then I will fight every bill that comes out, and if you cloture me, you will rule this Legislature against me by cloture. Every bill that comes up after that, you're going to have to get a cloture vote on. And here's what you're going to have to think about. You play the fool and give somebody a thirty-third vote, will that person give you the thirty-third vote? Does your bill mean as much to that person as that person convinced you his or her bill means to you? So that's the way I operate. Other than that, I'm the nicest, easiest person to get along with on this floor. Just give me what I want (laughter) and be through with me, be rid of me. I will have that discussion on whether a superintendent candidate has to have two years of teaching. You may see the first time in your legislative career up to now, a motion made to pull a bill from committee. I'm not above doing that and doing that is not beneath me. But here's what people need to understand on this particular bill. The volunteer firefighters and their work are not the issue this morning. We're talking about process and you're seeing a demonstration of how at least one senator feels the process should work, and comments by others about how perhaps it ought not to work. But keep this in mind, Senator Lautenbaugh putting up a motion to bracket doesn't make the bill bracket. If you all are upset with him, don't vote for the bracket. How silly is the stuff that I see going on on this floor? Now, if you vote for the bracket motion, you go for what Senator



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Lautenbaugh is doing, and if you go for what he's doing, don't stand on this floor and talk against it. But you've got to vote... [LB21]

SENATOR CARLSON: One minute. [LB21]

SENATOR CHAMBERS: ...as you all will cast many against me before the session ends. I have bills that haven't been scheduled yet, but before the session is over, every bill will have a hearing. It's up to me to find the rest of the time to get my bills before the body for a debate if that's what I want. But my feeling is that we have two sessions to operate. The bills that don't get acted on this session will carry over until next session. The end of the world does not come when the end of a session comes. It doesn't even come at the end of a second session if you don't get what you want. I have 90 days this session to do something with. I'll talk about anything that comes on the floor. If I decide I want to talk on every bill, that's the way I decide I want to use my 90-day time. You don't have to do it. If you don't like it, don't... [LB21]

SENATOR CARLSON: Time. [LB21]

SENATOR CHAMBERS: Oh, you said time. [LB21]

SENATOR CARLSON: Time. [LB21]

SENATOR CHAMBERS: Did you give me my minute warning? [LB21]

SENATOR CARLSON: Yes, I did. [LB21]

SENATOR CHAMBERS: I guess, like so many times, I wasn't paying attention. Was that my third time, Mr. President? [LB21]

SENATOR CARLSON: No. [LB21]

SENATOR CHAMBERS: Oh, thank you. [LB21]

SENATOR CARLSON: Thank you, Senator Chambers. Mr. Clerk, are there messages or announcements? [LB21]

CLERK: There are, Mr. President, thank you. Revenue Committee will have an Exec Session at 10:30 under the north balcony; Revenue Committee at 10:30. Your Committee on General Affairs reports LB590 to General File and LR41CA to General File as signed by Senator Karpisek. Hearing notices from Business and Labor, Agriculture, Education, General Affairs, and Appropriations, all signed by their respective chairs. Amendments: Senator Smith to LB225; Senator Ken Haar to LB211. New resolutions: LR54 offered by Senator Bloomfield and others; and LR55 by Senator

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Krist and others, both will be laid over. I have confirmation reports from the Education Committee signed by Senator Sullivan, and a series of correspondence, Mr. President, regarding the appointment of former Senator Lavon Heidemann as Lieutenant Governor. That's all that I have. (Legislative Journal pages 444-450.) [LB590 LR41CA LB225 LB211 LR54 LR55]

SENATOR CARLSON: Thank you, Mr. Clerk. We return to debate on the bracket motion. Senators wishing to speak are Smith, Schilz, Larson, Mello, and others. Senator Smith, you're recognized. [LB21]

SENATOR SMITH: Thank you, Mr. President and good morning, colleagues. I appreciate the little lesson that Senator Chambers gave us this morning and I agree that this is about the process. This is not about the underlying bill. However, I wanted to take a couple of minutes to talk about the underlying bill, and simply because Senator Brasch was at the microphone a bit earlier and she was...I know she's concerned about this being the bill to address some of these process issues. And, again, I voted in support of LB21 on General File, but I did raise some questions that I do not believe have been addressed between then and when this has come back up on Select. And, again, I do not disagree with the concept of what we're attempting to do here. I do believe in protecting the well-being of our first responders, but there are unintended consequences to this piece of legislation. And I do not believe that those concerns I have about that have been adequately addressed. Anyone who has dealt with a work comp from a business standpoint with employees understand that when if there is a work comp claim, you do have to have some establishment of the conditions of the employee at the time of the injury that occurred because you need to restore them back to that point. Here we have a situation where mental ability is brought into play. And this is going to create a necessity for our public-sector employers, those fire and the police, to conduct some type of preemployment screening for mental health. And my question is, I think that's probably more than they have signed up for and what are we...what is the employer going to do with that information to establish a benchmark to measure any future injuries that occur? The underlying bill, LB780 states that mental injuries and mental illness arising out of and in the course of employment unaccompanied by physical injury, are not considered compensable if they result from any event or series of events which are incidental to normal employer-employee relations. Now, it's going to be very, very difficult for the employer to establish what that is. It's going to be difficult for the employee to establish what that is in a work comp claim. There's so many uncertainties in this underlying bill, I'm very concerned that we have not adequately addressed these in order to protect the well-being of the employee. What is going to be...how are we going to protect their rights of confidentiality? How does this mesh necessarily with the HIPAA laws? We have not addressed that. You know, we have moved forward with this underlying bill so quickly, I know we had a sunset and the sunset was there to be able to make certain we addressed all these issues. I don't think we've had adequate time in this sunset. I don't believe we should lift the sunset. We are

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placing at risk the well-being of our employees, the same employees that we're wanting to protect with this bill, the underlying bill, that is. So, you know, I'm not necessarily involved with the process debate that's going on here, but I do believe it's raised...it's given me the opportunity to raise some concerns I have and I hope if we do move beyond the bracket, if we do get back to discussion of the bill, I hope we can address some of these issues. Thank you, Mr. President. [LB21]

SENATOR CARLSON: One minute. Thank you, Senator Smith. Senator Schilz, you're recognized. [LB21]

SENATOR SCHILZ: Thank you, Mr. President and members of the body, good morning. And I stand here, you know, listening to the debate between Senator Lautenbaugh and Senator Lathrop and I think about the process as well. Senator Chambers has brought up some always cogent, good points, and I appreciate that. You know, we do have a...the Unicameral is very unique. Committee chairs have real power. We elect those folks because they're the ones that we believe can do the best jobs. And it's a big responsibility. I think, too, that as you look around, part of the process is how you work to get done what you want to have done and what you believe needs to be done. And, of course, if we're going to sit here, I guess Senator Karpisek, and Senator Lautenbaugh, and Senator Chambers, I'll say it myself, I like things my way. It works out pretty good for me when that happens. We don't always get that. But what I have learned here in the Legislature is a lot of times, you know, you can have the best idea in the world, the greatest facts out there that show that everything can happen, but if you haven't gone around and built those relationships with people, and they understand what you're trying to get at and why you're doing something, you're going to have a tough time moving anything forward because it is about those relationships in the end. And there are times, and I know this happens and don't...you can't say it doesn't. Everybody has a bias. Everybody looks at certain bills that they see, whether they're a committee chair or a member of committee, and they say, I don't like what this is doing. You know, that's the way it goes. That's why there's 49 of us here. That's why you have to get 25 or 30 or 33 votes at times to get things done. So it takes work. It takes time. It takes time to build those relationships to make things happen so that what you want can happen. And Senator Chambers is right, there's a lot of times when what you want does not happen. And as he said, you got to get right back up, get right back in the saddle and get going again because nobody else is going to wait for you. And sometimes you have to gnaw and scratch and fight your way through. That's just the nature of the beast. And with that, I'd give the rest of my time to Senator Lautenbaugh. [LB21]

SENATOR CARLSON: Thank you, Senator Schilz. Senator Lautenbaugh, 2 minutes. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. Senator Nordquist, would you yield to a question? [LB21]

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SENATOR CARLSON: Senator Nordquist, would you yield? [LB21]

SENATOR NORDQUIST: I'd be happy to. [LB21]

SENATOR LAUTENBAUGH: Senator Nordquist, you have a bill, LB291, do you not? [LB21]

SENATOR NORDQUIST: LB291, I probably do. I'm not sure what that pertains to, but... [LB21]

SENATOR LAUTENBAUGH: If memory serves, it changes medical payment provisions of the Nebraska Workers' Compensation Act. [LB21]

SENATOR NORDQUIST: Yeah. [LB21]

SENATOR LAUTENBAUGH: Do you know when you called Business and Labor and asked for a hearing date? [LB21]

SENATOR NORDQUIST: Actually I did have a conversation with Senator Lathrop about that bill shortly after...probably even before I introduced it because I ran it by him and he knew I was very interested in trying to move that bill along. [LB21]

SENATOR LAUTENBAUGH: So you asked for an early hearing date then? [LB21]

SENATOR NORDQUIST: I don't know if I specifically asked for it, but Senator Lathrop knew this bill was a priority of mine. [LB21]

SENATOR LAUTENBAUGH: Thank you, Senator Nordquist. Senator Bolz, would you yield to a question? [LB21]

SENATOR CARLSON: Senator Bolz, would you yield? [LB21]

SENATOR BOLZ: I will. [LB21]

SENATOR LAUTENBAUGH: Senator Bolz, you have LB... [LB21]

SENATOR CARLSON: One minute. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President...LB297 that's been referred to Business and Labor, do you recall? [LB21]

SENATOR BOLZ: I do. [LB21]

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SENATOR LAUTENBAUGH: Do you know when you requested a hearing date on that? [LB21]

SENATOR BOLZ: I don't recall requesting a hearing date. [LB21]

SENATOR LAUTENBAUGH: Thank you, Senator Bolz. Senator Gloor, will you yield to a question? [LB21]

SENATOR CARLSON: Senator Gloor, would you yield? Senator Gloor, would you yield? [LB21]

SENATOR GLOOR: Yes, I would. [LB21]

SENATOR LAUTENBAUGH: Thank you, Senator Gloor. Hey, how's that whole banking thing working out anyway? [LB21]

SENATOR GLOOR: I'm having the time of my life, thank you, Senator Lautenbaugh. [LB21]

SENATOR LAUTENBAUGH: Thank you, Senator. We don't talk enough. Senator Mello, will you yield to a question? [LB21]

SENATOR CARLSON: Senator Mello, would you yield? [LB21]

SENATOR MELLO: Yes. [LB21]

SENATOR LAUTENBAUGH: Senator Mello, I believe you have a bill, LB373, that's been referenced to Business and Labor regarding changes in the Construction Prompt Pay Act? [LB21]

SENATOR MELLO: Yes. [LB21]

SENATOR LAUTENBAUGH: Do you know when you requested a hearing on that bill? [LB21]

SENATOR MELLO: I believe my office contacted Senator Lathrop's office immediately the day we introduced the bill in part because I've been contacting all the committee chairs with my bills. [LB21]

SENATOR CARLSON: Time. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB21]

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SENATOR CARLSON: Thank you, Senator Lautenbaugh and a group of others. Senator Larson, you're recognized to speak. [LB21]

SENATOR LARSON: Thank you, Mr. President. Let me start off essentially saying that I understand the purposes of the underlying bill and I appreciate the comments that Senator Smith had in terms of maybe looking at more of the ramifications and that's why the sunset...the sunset clause was put on to this bill. But at the same time, we're talking process in this bracket motion and both Senator Lautenbaugh and Lathrop have brought up good points on the process and what is the right process, and if Senator Lathrop would yield to a question, I'd appreciate it. [LB21]

SENATOR CARLSON: Senator Lathrop, will you yield? [LB21]

SENATOR LATHROP: Yes. [LB21]

SENATOR LARSON: Senator Lathrop, as chair of Business and Labor, obviously you deal with a lot of these bills. Is there something else in committee, or not specifically Senator Lautenbaugh's, but that is more applicable or would be a better vehicle for Senator Lautenbaugh to attach these amendments to or address his concerns that he wants to in case his bill doesn't get out of committee, or is this one of the best bills to do that with? [LB21]

SENATOR LATHROP: There are...if memory serves me correctly, I had 28 bills introduced into the committee, 9 of them deal with work comp. [LB21]

SENATOR LARSON: So, Senator Lautenbaugh could attach his amendments to any of those worker comp bills should they come out. [LB21]

SENATOR LATHROP: He could have a hearing, let the public come in and hear what both sides of it are, let my three new members hear the testimony of the public, and then he could...we can Exec and see if it moves. Or if there's another work comp bill out here, and his bills have had a hearing, and sufficient time has passed, then he can try to amend them on as the rules provide. [LB21]

SENATOR LARSON: Is his...I haven't read his bill. Is his bill sufficiently or very close dealing with the same topic? He says it is. I mean, it's dealing with worker or fireman workers' comp or workers' comp for emergency responders, I think. [LB21]

SENATOR LATHROP: There are nine bills in my committee that deal with work comp generally. This one deals with first responders and it removes the sunset. It's one sentence long. Senator Lautenbaugh's amendments are one long bill and it will have a hearing in Business and Labor. [LB21]

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SENATOR LARSON: Thank you. You know, Senator Lautenbaugh has raised points and, you know, Senator Lathrop continues to urge that Senator Lautenbaugh's bill has a hearing, but at the same time obviously we are opening up the same chapter of law and, therefore, these...or bracket motion, if this is the most germane bill to put them on, if his does deal with first responders, I'd say that Senator Lautenbaugh should have that shot, and we as a body should listen to that. As well as, you know, I have a bill in committee right now in another committee that I had an early hearing date, wanted my bill out, asked for the early hearing date specifically so I could, and it was held up in committee because there was another bill that dealt with the same subject and it's going to be heard on Tuesday. And that's frustrating because it was specifically said that all the bills pertaining to that specific subject needed to be heard. And here we have one bill on the floor on Select File that deals with the same content that Senator Lautenbaugh's does. And, I guess, I'm inclined to support the bracket motion because I've been told that my bill can't move forward until all that...until all those bills can be heard. So I think if we're going to talk about process and we're going to be consistent, we need to be consistent and wait for all those bills to be heard before we as a body can make a responsible decision on each bill. If Senator Lautenbaugh would like it, I would yield the rest of my time to him. [LB21]

SENATOR CARLSON: Thank you, Senator Larson. Senator Lautenbaugh, 1 minute. [LB21]

SENATOR LAUTENBAUGH: Thank you, Senator Larson. Thank you, Mr. Chair or Mr. President. As I indicated, we're apparently going to go on a bit about this and I am serious about the three underlying amendments, but I think there will be a move to procedurally prohibit me from getting to them today, but one way or another we're going to talk about them. And I have more...I have my light on, I'm going to take some more time on this, obviously, because you're being told some interesting things about how committees work and what our obligations are as bill introducers, and history is being rewritten on the fly here as we go. So I'll explain that as we go along and we'll continue to talk about the underlying amendments and the motion to bracket. And this is sort of a freebie as far as bracket motions go because if you bracket this bill, if you IPP this bill, which we'll talk about later, you'll have another bite at the apple because my bill is still coming and I remain ever confident that it will get a... [LB21]

SENATOR CARLSON: Time. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB21]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. Senator Mello, you're recognized. [LB21]

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SENATOR MELLO: Thank you, Mr. President and members of the Legislature. I rise, I guess, more to talk a little process more than anything else just in the simple sense of what we're discussing here and relates to Senator Lautenbaugh's bracket motion as well as his other three amendments to the bill. Back on January 12, 2011, the Legislature at that time took up an amendment I brought to the Rules Committee discussing the very issue of process in which Senator Lautenbaugh is displaying today. The issue was this: Senators try to run amendments to other senator's bills where those amendments are substantially similar to a bill in a committee. The committee may not have heard the bill, or the committee has chosen not to act on the bill yet. Ultimately, Senator Lautenbaugh as chair of the Rules Committee worked with Speaker Flood, Senator Lathrop, myself and others, to draft what is now Section 3, Rule...or Rule 3, Section 20, in our rules, which states, any amendment other than a committee amendment offered which is substantially the same as a pending bill, shall require a three-fifths vote of the elected members if offered within ten calendar days of the committee hearing. I have the transcripts, the floor transcripts, in which, obviously, I can provide people if they would like. Senator Lautenbaugh ultimately as Rules Chair, stood up and offered the original amendment which was not this. It was 20 days actually and we changed it on the floor to 10 days as a compromise to Senator Fischer at the time. Senator Lautenbaugh ultimately made the argument as he's making today, that he's been one of the violators of this process. Even though he defended the amendment I brought to the Rules Committee, which I did appreciate, he thought that ultimately it was a way to continue to protect the committee process that we need to ensure that bills ultimately have hearings and to some extent we need to find the right balance between what the committee process is and the individual rights of senators. I rise more than anything else not to discuss the underlying issue of LB21 because I think we'll get to that eventually and we discuss it on General File. But, ultimately, reviewing some of the floor testimony of that rules change reminded me of what ultimately is at stake here. Senator...former state Senator Tony Fulton and myself had a lengthy debate on this where he made the argument that senators who do this kind of tactic are not successful. When the sense of a senator tries to usurp the committee process, they have not been successful of offering an amendment to another bill if that bill has not had a hearing, or if the bill has not been voted on by the committee. I ultimately acknowledged to him in floor testimony that he's right over the two years I've been here, every chance that's been done, it was not successful. But it cuts to the core of the underlying legislative process which is whether or not we allow our committees to be able to have fair and open public hearings, and be able to give them ample time to be able to discuss the issue in front of them. The issue in front of us today is, we have a bill that has had no hearing, let alone not even had the ten-day window that was created in the rules by the Rules Committee back in 2011. My hope is that this serves as a gentle reminder of what we have discussed two years ago, that yes, I have bills like Senator Lautenbaugh and every other senator in this body who will not come out of a committee for one reason or another. It's my job as a senator to talk with committee chairs, committee members, and advocate of why I think my bill needs to come out of a committee, why ultimately I may



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need a compromise of my bill to build consensus, and if I can't do that, the bill ultimately will stay in committee and die. I no doubt have some bills in Senator Lautenbaugh's committee that I have a feeling will not come out of that committee no matter what I do. No matter what... [LB21]

SENATOR CARLSON: One minute. [LB21]

SENATOR MELLO: ...argument I make, no matter what amendments I make, will not come out of that committee. I've come to realize that because that happens to all of us. But for us to try to make an argument that because our bill hasn't been heard right now, that we have to stop someone else's bill, I think that logic doesn't fly in regards to what is in our rules, in regards to what ultimately we debated two years ago in creating this rule. Senator Lautenbaugh's proposals may be great. Actually, I may vote for them. That's not the point. The point is our legislative process is in our rules for a reason to provide committee's the ability to be able to have frank discussion, and for the public to weigh in on those discussions prior to the Legislature making our own determinations. Thank you, Mr. President. [LB21]

SENATOR CARLSON: Thank you, Senator Mello. (Visitors introduced.) Senators wishing to speak include Lautenbaugh, Chambers, Adams, Brasch, and others. Senator Lautenbaugh, you're recognized. This is your second time. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I wonder if Senator Lathrop would yield to some questions. [LB21]

SENATOR CARLSON: Senator Lathrop, would you yield? [LB21]

SENATOR LATHROP: Yes. [LB21]

SENATOR LAUTENBAUGH: Senator Lathrop, cutting right to the heart of it, if any of my amendments are successful, will you kill the underlying bill? [LB21]

SENATOR LATHROP: If any of your amendments to...you mean, three motions from now would I kill LB21? I don't have any idea. [LB21]

SENATOR LAUTENBAUGH: Well, I guess it's important because we all think this bill is important in our own way. I mean, again, I have a bill that does the same thing. I can't put too fine a point on it. So, I think we need to know. Are my amendments really imperiling this bill? They're taking time because I want it to be crystal clear why we're having this discussion. But we've been done this road before, folks. There was a bill last year, the year before, again, they all start to run together, that had to do with the Workers' Compensation Court relocating. And it was an emergency of their own creation because they signed a lease to move and then realized they needed approval

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to move because the law said they had to be in the Capitol Building. So that bill came forward out on the floor and I tried to attach my provision which would have adjusted the interest rates to the normal judgment rate as opposed to the delinquent property tax rate, which makes no sense whatsoever, by the way, that that's how the law exists now. And we were told that while that underlying bill was important, if we adjusted the interest rate, then the underlying bill would be killed by its sponsor. But yet, I'm the one who is holding things hostage here. And a little bit of history, that amendment failed by one vote. I had 24 votes to adjust the interest rate because the body at the time heard what I was saying and thought, why is there a 14 percent interest rate on workers' compensation judgments, whereas a normal judgment has the prevailing rate which right now is around 2 or 3 percent, if memory serves. But some people did not vote for the amendment because the argument was made, well, Revenue Committee, you should deal with that next year, and deal with the whole question of interest rates for late taxes as well. Now, you can probably infer from the fact that I'm still talking about this that the Revenue Committee did not deal with that issue because here we are, a couple of years down the road. And I have a problem with this. And this is not an attack on the committee process per se, but I think you're being misled a little bit when you're being told, well, Senator Lautenbaugh hasn't asked for a hearing on his bill. And apparently if that happens, you will get a hearing on the last possible day, which is where my bill appears to be going at this point because I didn't call and ask despite the fact that I've never, to my recollection, called and asked for an early hearing on a bill. They seem to be largely controlled by how you introduce them. I think that my bill that we keep talking about is LB324. Senator Mello has a couple of bills that are five something that already have hearing dates in Business and Labor. LB324, not even on the calendar yet. It's just out there in the ether somewhere. And I have a problem with this, and it is not the case that I'm the one who dreamt up this idea where if we have a bill come in with a similar topic we should hold up other bills in committee, the same people who have made that argument to hold up other bills are the ones who pushed this bill out on the floor. And I'm asking for a little consistency. And I don't think that's too much to ask. [LB21]

SENATOR CARLSON: One minute. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. I had a committee chair tell me that, well, the committee process has to be sovereign. Contemplate that word for a minute. We've got 14 sovereigns. The rest of us are serfs, maybe vice chairs can be lords or something, I don't know. But that's not how I view this process. I don't feel like I'm the sovereign of the Rules Committee, and otherwise I'm a serf on...whatever other committee I'm on, Government. That's not how I look at this. So again, I would like to know, and I think you all would want to know, will my amendments kill the underlying bill? Because we're told it's important, but is it so important that if I attach a provision that says, employees shouldn't lie on their applications and then try to get comp benefits, if it's so important that that offensive provision not be added, that we have to

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kill the underlying bill... [LB21]

SENATOR CARLSON: Time. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB21]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. (Visitors introduced.)  
Continuing with debate, Senator Chambers, you're recognized. This is your third time.  
[LB21]

SENATOR CHAMBERS: Thank you very much. Mr. President and members of the Legislature, you can vote any way you choose. There are going to be issues you will raise that might put you on a side different from the one you're taking today. Senator Lautenbaugh asks for consistency. In a Legislature filled with inconsistent people other than myself, but even though I practice being consistent, it's a consistency based on principles that I've established and made everybody aware of. And after having done that, I continue to emphasize if I am given factual information convincing me that a position that I have taken, no matter how forcefully, is incorrect, I will change. I want to grow, I want to learn. The way I do that is to accept truth from whatever quarter it comes. There are times when you might hear me as I did when Senator Avery's bill...when his committee put out a bill doing away with certain commissions, I spoke in favor of upholding the work that the committee did because I emphasized, and I did emphasize, over and over, that the committee reached its conclusion based on a charge given to that committee in the statute. And when the committee has done its job, then it ought to be supported unless convincing arguments can be given to show that they deviated from what their job is or was under the circumstances. In that situation, they were correct. Let a committee, in my opinion, inappropriately kill a bill of mine, then the committee is an impediment to me achieving the goal that I have which is to obtain passage of the bill into law. And I will push for that if all 48 of you are against me. What difference does it make how many of you are against me? That doesn't make my position wrong or yours right. Maybe the lobbyist got to you all, or maybe I haven't made a strong enough case about how I will take my pound of flesh from you if you take a pound of flesh from me. In this body, we will do whatever we think ought to be done and that we have enough nerve and boldness to undertake to do. You will never sway me to a position by trying to play on my sympathy because only people with a heart can be moved in that fashion, and you know that I have none. So you've got to appeal to my mind, and my mind is not going to be swayed, Senator Kintner, by telling me that Alabama did something. Alabama did something? Arizona didn't do it. So those arguments mean nothing to me. I've gotten legislation on the books in Nebraska and this is the only state with that kind of legislation, and when those who oppose it bring that point up, I say that's because Nebraska has a wise person in their Legislature and other states don't. And if you tell me that 49 other states did this, then I say they're wrong. They didn't have anybody like me to show them the error of their ways. [LB21]

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SENATOR COASH PRESIDING

SENATOR COASH: One minute. [LB21]

SENATOR CHAMBERS: But as a member of this Legislature, that's what I'm going to do. I'm going to listen and follow the debate and it might roll on and on, but this is what happens. If you think that what Senator Lautenbaugh is giving you stomach burn, you will feel like I have excised your stomach when I get into one of these moods and feel that I've got to do it. Thank you, Mr. President. [LB21]

SENATOR COASH: Thank you, Senator Chambers. Senator Adams, you're recognized. [LB21]

SENATOR ADAMS: Thank you, Mr. President and members. I think you've probably all had significant lesson on procedure this morning, but I feel compelled to get my two bits in. There are, at minimum, two messy processes in making laws. One of them is happening right here, right now. We are a deliberative body and debate is not easy. The other is the committee process. Sometimes it goes until 11:15 at night. And if you think about it, in my opinion, why do we have a committee process? To hear the public, to hear the public. Look at the time we spend hearing the public relative to the time we spend in Executive Session developing policy and deciding what we're going to do with bills. We are here to hear the public. So, what I would tell you is, Senator Lautenbaugh has, within the rules, every right to do what he's doing, and any one of us on any given bill at any point between now and June and sine die have those same opportunities. And, certainly, Senator Lathrop has every prerogative to fight for his bill. But I want to make two things very clear to you that are important to me. And it has nothing to do with the underlying bill. Please understand that if you vote to bracket, even with date certain, look at that date, June 15. We will be debating priority bills and they will get priority. This bill probably won't be seen again, just recognize that. If we move beyond the bracket motion in whatever direction we go, Senator Lautenbaugh has three amendments pending, properly so. And there will be debate on those amendments, and rightfully so. Senator Lautenbaugh will have us focused on the context of those amendments, but I have a real concern that the substance of those amendments have not had a public hearing and an opportunity for the public to speak to those. And I really think that that complicates our committee process. The date when things get set, those happen internally within committees and, yeah, there isn't anybody out here on the floor that probably can't say during the tenure of their time here that it didn't get set when you wanted it to get set, committee didn't respond to the bill the way you wanted the committee to respond to the bill, and though I can't say to put that completely aside because obviously it's a grievance. I want you to think about what happens in this bracket in terms of our schedule on the floor, and then if we get to that point, think about the importance of the committee process. Thank you, Mr. President. [LB21]

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SENATOR COASH: Thank you, Senator Adams. Senator Brasch, you're recognized. [LB21]

SENATOR BRASCH: Thank you, Mr. President and good morning again, colleagues. I wanted to rise one more time and appeal to this body here because we are talking about specifically first responders, firefighters, volunteers with LB21, extraordinary people, not...they are courageous. Courageous human beings who help others in crisis, in tragedies, and they put us first. They run into harm's way. They don't think twice. They don't filibuster. Their beepers go off and they're on the job. Our colleagues, our second house is watching. We have leadership in our balcony here watching, watching what's happening here. Do they understand this is a filibuster, this is a process? Is that how they see it? Is that how they perceive valuable time on our laws being spent? They're watching and they're trying to make sense of this. And I visited with Senator Price on the floor a little bit ago and his concerns about a deal is a deal. I understand that, but I also understand that as a body, we work hard to make the wrong right. For this group of people to bring this bill through here today to remove that sunset, that in my heart of heart is making a wrong right. But I do thank Senator Price for his point. Also understood that there is a time and a place for our bills to be introduced, and I believe it is our responsibility to move this forward today because our first responders, those individuals behind the glass, are sacrificing time to be here, and those beepers could be going off and they're not in their communities, they're here. So I'd like to encourage this body, our legislators, for the sake of our second house and those watching, let's move forward today. Time is valuable and I again, please put your heart into this issue and not the rule book, but let's move this forward and get on to business. Thank you. Thank you, Mr. President. [LB21]

SENATOR COASH: Thank you, Senator Brasch. Senator Bloomfield, you're recognized. [LB21]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, body, colleagues all. I use the term "friend" very firmly, so I will not be saying "friends all" anytime soon. Colleagues all. Would Senator Lathrop yield to a question, please? [LB21]

SENATOR COASH: Senator Lathrop, will you yield? [LB21]

SENATOR LATHROP: Yes. [LB21]

SENATOR BLOOMFIELD: Thank you, Senator Lathrop. I'm going to move away from the process question a little bit and go back to the underlying bill. What harm, if any, do we do to the firefighters if we stay with the 2014 sunset date versus eliminating it now? This caused me a little heartburn during the general balloting and it causes me a little heartburn still. [LB21]

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SENATOR LATHROP: LB21 actually ends the sunset on the day it was supposed to, in the bill. It doesn't end it today, it ends it next year in June. The difficulty with putting it off a year is, first of all, there's no reason to, second of all, you could pass it next year and if it doesn't have enough votes, we would...first of all, we don't know when it would pass. We don't know if it would have the emergency clause on it. So you could very well have a period of time when it was not in effect and somebody needed it. If we don't pass LB21, then what we face is, ultimately, or LB21 or something like it, ultimately when one of those first responders in your community sees something so horrific and suffers posttraumatic stress disorder, they'll be paying for the cost of their mental healthcare out of their pocket instead of having the benefit of the work comp coverage, which one person has taken advantage of since the underlying bill was passed three years ago. That's the risk, sir. [LB21]

SENATOR BLOOMFIELD: Okay. Thank you. I want to continue with the question a little further. Are we avoiding the possibility of having to put an emergency clause on this next year, is that all we're doing really by dealing with it this year instead of next year? [LB21]

SENATOR LATHROP: Well, when we passed the underlying bill, this is the year we said we would take a look at it. So we are being good on our agreement. That was one thing. We have had the time to see what the experience would be with this bill in place, and so my best argument is (a) this was the agreement we had, probably before you got here and you might not have been a party to any of that or participated in that process, but we did have an agreement among those of us that were working on the bill. Secondly, there's no reason to wait. There's just simply no reason to wait. There is no advantage in doing this next year, there's none. And, yeah, there's no reason to wait. It was a simple bill on General File until these motions came. Everybody supported it on General File until these motions came. This is about the motions that are sitting in the queue and not about the wisdom of the underlying policy, which everybody, to my recollection, on General File thought was a great idea, including you. [LB21]

SENATOR BLOOMFIELD: No, I believe on General File I was a not voting because of the same questions I have now is why not deal with this next year, but be that as it may. Thank you. And if Senator Lautenbaugh would like whatever time I have left, he's welcome to it. [LB21]

SENATOR COASH: Senator Lautenbaugh, 1 minute 13 seconds. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. Thank you, Senator Bloomfield. There's a lot to be said about what's really going on here and it is about the process at this point, not about the underlying bill. [LB21]

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SENATOR COASH: One minute. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. And yeah, I think it is important to talk. Last year Senator Lathrop and I had a meeting because he said, let's get together and see what comp bills we can put out on the floor and not encumber them with amendments, stuff we can agree on. We sat down in the meeting and one of the other parties to the meeting, not Senator Lathrop, not even a senator, a former senator representing an interest group said, my group doesn't want anything so there's no deal. So last year we just didn't have any workers' compensation bills. Now this bill came out on the floor and there was no discussion with me at all, not that I'm entitled but we have an unhappy history as I'm a defense attorney. Senator Lathrop's generally a plaintiff's attorney on the floor of dealing with these issues, and this morning is no exception. So why didn't we talk about this in advance? Why wasn't there no, oh hey, you're got a bill on the same topic? [LB21]

SENATOR COASH: Time, Senator. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB21]

SENATOR COASH: Thank you, Senators. Senator Price, you're recognized. [LB21]

SENATOR PRICE: Thank you, Mr. President and members of the body. Again sitting, reading or writing, and I was perusing the rule book and we talk all around it so just make sure we understand it, Rule 4, Section 9, page 29, talks about the ability for members to revive a resolution killed by a committee. So we see that within the processes we have...even not even on a bill but on a resolution, the people that designed the process here presented a way to continue something beyond the committee process. Now, in my background information in technology we like to talk about systems of systems. We like to look at things in a...we, hopefully, will look at things in a holistic way and we're doing that here. So in a holistic way, we have a process and subprocesses to deal with things. One of those subprocesses is the committee process whereby the citizens interact and we do the things that we do we heard talked about by the Speaker and others. And then those items have an opportunity to come out to the floor to another process. In the end, the body makes the decision. If the body agrees with what a committee is doing and has no cause or concern, rhyme or reason, then everything progresses on in what seems to be a rather smooth manner because we agreed to what happened as a body. If the body should choose to not agree, there is a process in place. One of them does not carry more weight, does not carry more validity, is not more right or wrong than another one. It is a process. It was put there. If we didn't want that, we wouldn't have it in the rules. If the committee process were truly sovereign, well, there would be no reason to have the body debate the bill. The committee said what it was. But we said there is a reason and that's why we have the thoughtful debate we have, and the difference of opinions and

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the struggles, and one side will win and one side will not, or they will lose. So we have processes in place. We...it's one to say, that the committee process rules over everything. And if it did, we would not have these other rules such as Rule 3, Section 20, which is on page 20 of your blue book, which should be in your desk, which talks about requesting a bill from a committee when a bill is held. We've heard that there will be senators who may use that this year because they believe, in their prerogative, that they want to pull a bill out of committee. What we're hearing is, the committee process is so critical, matter of fact is so critical that the body's process is subservient to the committee process. And that is not to be true. We're given an argument says, a slippery slope argument and those of you who have studied these types of things understand that that's not a very valid argument. We can't say just because one thing would happen. As a matter of fact in the underlying bill we're talking about in debate a few years ago and we've talked about here, the question was, well, if one person makes a claim, all of a sudden we'll have all these claims. And we've seen there's only been one. So a slippery slope argument was not valid. Now, we hear if we do this one thing, if we do this one thing, the wheels of society will come off, everything will be done, cats and dogs will be living in sin, and it's a horrible thing. And that is not the truth. The truth is, a process is there because someone deemed it was important. Would Senator Chambers yield to a question? [LB21]

SENATOR COASH: One minute. And Senator Chambers, will you yield? [LB21]

SENATOR CHAMBERS: Yes. [LB21]

SENATOR PRICE: Senator Chambers, you are the august member here on the floor who served the longest. Do you have an opinion that you would offer that would talk about why we even allowed a process to exist in our rules to whereby the body can make a decision beyond that of a committee? [LB21]

SENATOR CHAMBERS: You're question was answered by you earlier. Ultimately, the final decision in the Legislature will be made by the body. No matter what the committee has done, there's a provision in the rules that will allow an appeal to the body. Whatever the body decides is final. If it agrees with the committee, the final decision is of the body. If it disagrees, it will go against the committee and that will be the final decision. [LB21]

SENATOR PRICE: I appreciate that. Ladies and gentlemen, that's from the person who has the most experience in this body who has seen it and employed it and I think that has merit. Thank you, Mr. President. [LB21]

SENATOR COASH: Thank you, Senator Price and Senator Chambers. Senator Larson, you're recognized. [LB21]



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SENATOR LARSON: I'd yield my time to Senator Lautenbaugh. [LB21]

SENATOR COASH: Senator Lautenbaugh, 4 minutes 50 seconds. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President and thank you, Senator Larson. Again, and I'll continue with the thought I was having before, those of you who have been here a while, and again that's grating when I say that to those of you who have not and I apologize, will recall that every year it seems like we have an issue that I stand up and articulate the defense mind-set and others articulate the plaintiff's attorney mind-set, and we do talk. We do actually try to work things out. Last year, we had a meeting to that effect and I was told about five minutes in, well, the other side doesn't want anything, so we're not going to agree to give you anything. So nothing happened regarding workers' comp issues last year that I recall. And now here we are. We've got this bill on the floor that I knew nothing of until it came up on the floor. I have a bill that does the same thing as you've heard time and time again, and does some other things. And to be clear, the things that my bill proposes, I don't think they're terribly controversial things. I mean, the...one provision of it reasserts the defense that if you lie on your application and don't disclose a preexisting injury, you don't get benefits, basically put, simply put. That was the law for a long time until the court ruled, Supreme Court ruled here in Nebraska, oh, wait, the statute doesn't really say that, so we're not going to let that be the law anymore. So this would just reinstate a longstanding practice, not radical, not novel, not controversial. The other one is a fascinating discussion about the interest rate, what interest rate should apply to judgments. And, oh, we haven't had a hearing on that this year, as I discussed earlier, but I think I've brought the bill once. I brought it as an amendment once. Senator Schilz brought the bill once. Senator Smith brought the bill once. So we have had hearings on that topic. I don't think once has the bill gotten to the floor, for whatever reason, but we did have that hearing two or three times. And I've got a third provision as well that, again, I don't believe it's terribly controversial. And you heard me ask straight up if any of my amendments are successful, will this underlying bill be killed by the sponsor because we've had that threat in years gone by. The last time I brought up the interest thing on the floor as an amendment, and the argument worked that day. So I ask again, if the underlying bill will be imperilled by the adoption of any of my amendments. And I think that's important to know. I would think all of you would want to know, those of you who are still with me this morning should probably want to know. I've got Senator Gloor's undivided attention now. I recognize that, but some of the rest of you are starting to drift a bit. And I understand that because we've been talking about this awhile, and I'm not going to pester Senator Lathrop. I asked the question once, will you kill your bill if any of my amendments are added? And we don't know the answer. But this is not, in my mind, an attack on the committee process. But I do want to be dealt with fairly by the committee, any committee, and when you're told, well, I didn't request a hearing so I don't have one yet, that hasn't been my experience in other committees... [LB21]

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SENATOR COASH: One minute. [LB21]

SENATOR LAUTENBAUGH: ...and I don't know how many of you think to introduce a bill and then call and say, hey, when's my hearing going to be. You usually take what you can get. And again, I'm not the one who gave voice this year to the argument, well, we've got another bill coming on the same topic so we're not going to let yours out of committee. But yet, here we are on this one, out on the floor, and my bill still to come. If we kill this bill today, understand that my bill still deals with the same topic and, hopefully, it will come out on the floor. My luck hasn't been great, but call me a wild-eyed optimist, I'm a glass is half-full kind of guy, so maybe this time we'll get it out on the floor. And those relatively noncontroversial provisions might see the light of day this year. [LB21]

SENATOR COASH: Time, Senator. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB21]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Karpisek, you're recognized. [LB21]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. It's the first time I've ever heard Senator Lautenbaugh say that his glass was half full. I'm trying to get my head around that. But why I really wanted to speak on this is I heard Senator Chambers telling us that if he doesn't like what we do, he's going to get a pound of flesh. If we take it from him, he's going to take it from us. Well, I understand. I've been on that side. And I could lose a little weight this year again so I'm sure he will get a little of mine. But I wonder now, the last time he was here, I was a freshman senator and then a sophomore, now things are a little different. So now what's going to happen? Are all of you going to get caught in a crossfire between he and I? And if you vote against him, he'll filibuster the rest of the session, and if you vote against me, I'll filibuster the rest of the session. I wonder what will happen then. I guess that's when we'll really have to sit down and really think long and hard about our votes, which we should always anyway. Now, I'm not saying that I can stand up against Senator Chambers for a whole session, but I think I could put in some time. I have. It wasn't a lot of fun at the time but it sure is a good story to tell later on. There's a number of senators in here that can do the same thing. Friends get together, like-mindedness gets together, put up a roadblock. Then what happens? I remember as a freshman, I said, well, we just won't vote out any of Senator...vote on any of Senator Chambers' bills. He got quite a chuckle out of that because he said, you haven't been paying attention, I never get any of my bills passed. And, of course, he was correct. Not any of his, I think he does get some passed. But he's right, he's going to...he's going to stand up and we all know that. You cross him, you're going to get it. I think in my time here I've maybe gotten that kind of reputation too. Don't make him mad, at least for a few days before your bill is coming up. Some of

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the people in here have already got a few marks on their score tally sheet by doing things that I don't think is the right way to go about it, and I'm sure I have a few marks behind my name on a few tally sheets too. Does that mean when somebody's bill comes up and I'm not happy about what they did to me in committee, doesn't matter what the bill is, I'm going to be against it? No. Some days I'd like to do that, but that's not the right process in here. If it's a bill you really don't like, and someone that time after time after time tells you that they don't like any of your bills, there's no reason to work together, I guess. We have to work together. We have to try to find common ground. Sometimes, it just can't happen, but I've seen over my six years a lot of times when I thought there's no way out of this one, somehow, some way, somebody pulled a rabbit out of their hat, we found some common ground and we moved forward. [LB21]

SENATOR COASH: One minute. [LB21]

SENATOR KARPSEK: Was everyone happy? Usually not. Was everyone mad? Yes, but we moved on, and we did what we thought was the best job that we could do. And again, I hope that that happens on this bill, but I just can't wait for that first time that Senator Chambers...well, I can wait because it will probably be on one of my bills, but we get sideways and see which way everybody is going to go, or if we're going to stand firm and vote the way we really feel is right. Thank you, Mr. President. [LB21]

SENATOR COASH: Thank you, Senator Karpisek. Senator Nelson, you're recognized. [LB21]

SENATOR NELSON: Thank you, Mr. President and members of the body. I would like to stand in support of the bracket motion at this time because I feel it makes a great deal of sense. Senator Lautenbaugh is asking that we bracket this until April 15, which is a little ways down the road but it doesn't come close to the last week of June. And it makes sense to me because that's plenty of time for the Business and Labor Committee to set this for hearing, Senator Lautenbaugh's bill that he has made reference to, and let those issues be heard and let the public speak on those, and then let the committee decide. It's my feeling that we are owed a duty by the committees to consider bills that do have merit and whether we like them or not, if they do have merit and there's support from the public, that we ought to get them out here on the floor. Now, we may not get to it this year, but as Senator Chambers said, there's always another year, there's the 60 days. And there's no particular hurry in dealing with LB21 today. If you look at when it was passed in 2010, we had a four-year period to take a look at that. We're only three years along. Why do we have to deal with LB21 today? I support LB21. I support the firefighters, but they are not in danger for another year and they're not going to be in danger at all because if we finally get to this, even during the short term, the 60 days, there's plenty of time there to pass it with an emergency clause if the body decides to do that. What we're doing today is process. I know that Senator Brasch is concerned about this, but not to worry. I mean, this LB21 is not going to die today unless it dies by the

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choice of the committee by pulling it. With regard to the statement we would be setting an undue precedent, or maybe a precedent by doing this by putting this and passing the bracket motion, we just heard from Senator Chambers, who has been here how many years, that he's used this same tactic often. This is not a new precedent. This is precedent. If you feel you have to do this, if you have to bracket a motion...or put up a bracket motion to hold off on consideration of a bill for a while, we're not killing...we're not killing LB21 at all today. We're just putting it off for a reasonable time. Let the other bills be heard by the committee, and that will also give time perhaps to come to a compromise or consensus about what we want to deal with at this time. So I stand in support of the bracket motion. I don't think we're doing anything unusual if we do pass the bracket motion and I urge you to do it. Thank you, Mr. President. [LB21]

SENATOR COASH: Thank you, Senator Nelson. Senator Schilz, you're recognized. [LB21]

SENATOR SCHILZ: Thank you, Mr. President. I would yield my time to Senator Lautenbaugh. [LB21]

SENATOR COASH: Senator Lautenbaugh, 5 minutes. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President and thank you, Senator Schilz. Again, we heard Senator Karpisek go over some of his history and we all have history here, happy and otherwise, depending on the topic and the bill. But, yeah, we do normally try to work things out. And I'll reiterate because I can't stress strongly enough the three amendments I have proposed, one of them would say that you don't get benefits if you falsely fail to report your medical history. Another one would adjust the interest rate to the normal judgment rate. And the third would allow employees, not the employer, but employees to say, hey, I don't want my first report of injury public because there's private information in there. That would only happen if the employee requested it. Now, how many of you find any of those concepts offensive? I mean, really, if you think about it? Two of them have had hearings in years gone by about the employee misrepresentation and misreporting or failure to disclose a prior injury. I had that bill last year. You'll be shocked to know it didn't come to the floor. The interest rate one, I've gone over the history of that. The one about making first reports confidential. I introduced a bill previously that said traffic accident reports and first reports would be confidential because we all know what happens when we get in a fender-bender, you get letters from 20 attorneys saying, I hope you're not hurt, but if you are, give me a call. So, I didn't see the reason why those things needed to be public. And again, I come back to the same thing. All of us know how to pronounce mesothelioma just because of the good efforts of the trial attorneys. You can't watch late night television without hearing about mesothelioma. Public at large knows that there are attorneys out there and they're willing to listen to you. If you're injured in a car accident, or in a workers' compensation accident, a work-related accident, I should say, you know you can call an

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attorney. Find me someone who doesn't know that. There was a melee in the Douglas County Court House the other day and as one of the combatants was being pursued, his leg got broken and he was yelling on camera, I'm going to sue all of you, I'm going to sue all of you. The word is out. People know where to find attorneys when it comes up. So that's what I'm talking about. And again, my bill does do what this bill does. It just also does some other, by any definition, noncontroversial things. But they are noncontroversial things that I can't get to the floor otherwise. Some of them year after year after year, senator after senator, in the case of the interest rate one. We never debated Senator Smith's interest rate bill on the floor, to my recollection. We never debated Senator Schilz's interest rate bill on the floor, to my recollection. We never debated mine on the floor until I tried to bring it as an amendment. And I was that bad guy like today, attacking the sovereign committee process. Well, folks, there's a point at which you just have to stand up and say, look, the deck is stacked against me and if I have to make this point in this way, this is how I will make it. If I have nothing else and I have no hope of getting a bill out of that committee otherwise, then this is how we'll do it. And I raised this issue on General File, careful observers of the Legislature will recall, and I told you all I was going to do this very thing. Now, do you think I got a hearing scheduled because I said that? No. Do you think we had any talks? And it's a two-way street, I didn't really reach out either. I just said what I was going to do and why I wanted to do it, but we don't have a deal worked out. We're not even talking about a deal. And I was of the understanding again that if any of my amendments pass, the sponsor may kill his own bill. And that's unfortunate, but again, we're in the happy circumstance this year of having another bill waiting in the wings that will do the same thing, and maybe that will help it get looked upon favorably. And I'm not standing here just to be stubborn, or obstreperous, or to chew up time, although we have been moving very fast and we're running out of bills on the work sheet, so while I won't get a thank-you note from Speaker Adams, I'm sure the President... [LB21]

SENATOR COASH: Time, Senator. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB21]

SENATOR COASH: Senator Mello, you're recognized. [LB21]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. I wasn't planning on speaking again, but hearing some of the floor comments prompted me to try to, I think, correct some misconceptions as well as frankly try to remind us a little bit of how we have done things. First off, there's been comments made that, ultimately, that senators are at the whim of the committee process and that committees are these sovereign entities. First off, we know, just read the rules. There's a process. There's a Rules Committee hearing every year if we want to change the rules, which I don't believe anyone brought a rules change this year. So if we hate the rules so much, bring the changes. I brought a change and, ultimately, I didn't think the Rules Committee went

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far enough because of exactly what we're discussing today. If you're unable to meet with a committee chair when you introduce a bill and ask them to schedule the bill early, that's not all of our's problem. I'm not saying it's Senator Lautenbaugh. I made that mistake the first two years down here. All my hearings were relatively late and I was wondering, why isn't my bills being heard early. Ultimately, this year the question Senator Lautenbaugh asked me earlier, and Senator Price, I think, echoed it, I did talk to every chair or every committee after I introduced a bill this year because I wanted to have an early hearing date, obviously for different reasons maybe than purely the policy of having it on the same day as other senators' bills. That's left up to us as individual members to make that determination and to make that request. So moving forward I would hope that this is anything an educational experience for all of us, contact your committee chairs when you introduce a bill. Ask them to put your bill up early so you get an early hearing, a better chance of maybe getting the bill out sooner so we can debate it on the floor. That can be done. But that's not the underlying substance of LB21. Ultimately, I'm not on the Business and Labor Committee. I'm not an expert in workers' compensation issues, and I know, ultimately, that their committee is going to figure this out when Senator Lautenbaugh's bills get heard. But the question, ultimately, comes down to is for us to try to attack a rules process that all 49 of us have the ability to impact at the beginning of the session, I think is laughable. If Senator McCoy wants to change a rule and I want to change a rule, we have that ability the first few days of session to put a rule change in. If we don't like the committee process the way it is, we can go in front of the Rules Committee, propose our ideas, debate those ideas with those members, and see if they can come to a conclusion that something needs to happen. That was not done this year. It was done two years ago. We tried to make a rules change so that this kind of thing wouldn't happen because it's not a matter of the substance, it's a matter of whether or not we trust a process that regardless of a member's ideology, regardless of a member's views on an issue, that we believe that we were given a fair hearing, we allow the public to come and testify at that hearing and provide their views and their feedback on an issue. I don't know what side of an issue any particular group may be on Senator Lautenbaugh's amendments. Why? Because I haven't been able to read a committee statement or a committee transcript to see what the public weighed in on. So really what we're talking about is whether or not we want to pass laws and create legislation where we don't allow the public to weigh on them through a public hearing process. That's concerning. It doesn't matter the policy issue. It doesn't matter, ultimately, I think, to some extent, what committee it goes to. The underlying issue is whether or not we value our rules... [LB21]

SENATOR COASH: One minute. [LB21]

SENATOR MELLO ...and our processes that we establish every two years. Senator Lautenbaugh is the Chair of the Rules Committee. He's been fair to me with the amendment I brought two years. He probably didn't support it. Reading through the testimony again reminded me that he gave me kind of a quasi, lukewarm endorsement

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of the idea. And he openly acknowledged that he didn't like it in part because he's done this before. But as the Rules Chair and as governing that committee, he did his job of trying to forge a compromise forward. And I appreciate that. That's the respect, that's the civility, that's the process we agreed to in this very unique system. Moving forward, obviously, I don't support the bracket motion and I probably wouldn't support any amendments, only because of the process. Because if someone did this to my committee, whether it's on Retirement, whether it's on the Planning Committee, Performance Audit, Appropriations, any committee I sit on that tried to subvert the committee hearing and the committee process, I would stand up and say the same thing. Because all of us have been in this situation... [LB21]

SENATOR COASH: Time, Senator. [LB21]

SENATOR MELLO: ...and none of us like it. Thank you, Mr. President. [LB21]

SENATOR COASH: Thank you, Senator Mello. Senator Larson, you're recognized. [LB21]

SENATOR LARSON: Thank you, Mr. President. Senator Mello brings up excellent points when it comes to thinking about the process and having the public give their testimony. I mentioned earlier, I had a bill, I asked the chair explicitly for an early hearing. The chair was kind enough to give me that early hearing and after that hearing there was another bill pertaining to the same subject matter as my bill, and the committee told me that my bill could not come out until the public had their opportunity to weigh in on every one of the bills pertaining to that matter. That's what the committee did. Senator Mello talks about the public giving input. I argue, why should the public not...why should we pass this bill when the public hasn't been able to have input on Senator Lautenbaugh's bill that deals with the same exact issue? So, you know, I accepted the committee's decision to hold my bill until the public had the opportunity to weigh in. And I think that's what Senator Lautenbaugh is after. Let the public weigh in on his bill before we move forward with this one. That's why I will support the bracket motion, and I understood why the committee told me that they had to wait to hear the public. If Senator Lautenbaugh would like the rest of my time, I would yield it to him. [LB21]

SENATOR COASH: Senator Lautenbaugh, 3 minutes 30 seconds. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President and thank you, Senator Larson. I don't want this to be misunderstood. I'm not here attacking the rules, I'm employing the rules. And I wouldn't presume to stand up here like Senator Chambers can more ably do, and talk about the value of the rules. And I'd hate to tread on the province of the Rules Committee Chairman who surely understands them better than I do, but that said, I'm employing the rules here, and I'm holding people to the representations they make

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and the things they say. And the bracket motion, again, is not a motion to kill this bill. That would be a motion to IPP and that's not what this is. And if the bracket motion were meant to be fatal, it would say, until sometime in June. And that's not what I'm doing. But I don't feel like I'm standing here attacking the rules, but I am standing here saying, I would like a hearing on my bill. And I don't really want to get out in the tall grass here and I don't really want to sound bitter or anything like that, but I have not had a lot of luck in the area of workers' compensation perennially. And there's a point at which you just say, look, if this is how I have to be heard, if this is the only way my bills and concepts get discussed on the floor, then so be it. This is what we'll do. And as I said when we first started down this road, now two and a half hours ago, that we're going to have to settle in. And it's not my intention to filibuster the underlying bill, because again, I can't stress strongly enough I have a bill that does the same thing. But I think we need to be a little bit realistic here and acknowledge what's going to happen to my bill if this bill rolls on forward and the thing that one side desperately wants gets enacted into law, and the other things that I want are left as orphans in my bill. Where do we all think this is going to go? Why don't you look up my bill history and the ones that relate to workers' compensation and see where they go. Senator Fulton, I didn't even know this, but... [LB21]

SENATOR COASH: One minute. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President...had a bill about worker's compensation records, the first reports being confidential. That was IPPed by the committee in 2009. So that one had a hearing at one point, didn't quite get to the floor. The interest rate one has been out here several times and...well, that's not correct. I've talked about it several times. It's never made it out here, despite three of us trying to do that. So what am I supposed to do here, colleagues? How do you make something happen in this area? Do you just stand up and talk and throw a fit and wait for people to wear down? The problem with that is I might wear down first, so I don't want to do that. But I guess I will. And again, any one of my three amendments, I don't think, would be a fatal addition to this bill. We haven't heard today that it was going to be fatal. [LB21]

SENATOR COASH: Time, Senator. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB21]

SENATOR COASH: Thank you, Senator Lautenbaugh. Those still wishing to speak: Senators Burke Harr, Carlson, and Schumacher. Senator Burke Harr, you're recognized. [LB21]

SENATOR HARR: Thank you, Mr. Chair. I wanted to say "hello" to my colleagues and friends in the Chamber and wish you all a very happy Valentine's Day. Although I must say, it feels less like Valentine's day and more like Festivus. We seem to be airing our



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grievances here on the floor today and I'm not sure why. Maybe we'll all a little punch-drunk or really ready for this recess day. I can tell. But what I don't understand is, what I hear Senator Lautenbaugh complaining about, I understand. It happens every day in here. It's happening to me right now on a bill. I'm not going to get up here and give you all the gory details about what happened, what didn't happen, how it happened, what I thought should have happened, what did happen. What you've got to do is, you have to look at the rules and this is what Senator Lautenbaugh is trying to do, is to manipulate the rules so he can get what he wants and that's great. But there's a process for a reason. For every first bill in committee, there has to be a last bill and I understand his are where he doesn't like them, but you know what, we got OPS out right away. We did what we had to do. I don't understand why some people...I mean, I get it. I get it. You're upset because you didn't get your way. I understand that. I don't always get my way and instead of trying to stop the whole process and sit on the floor and cross your legs, like my daughter does, you got to figure out, you got to get better, and you got to figure out how can I do this differently. What do I need to do to pass this? This is a body of 49 people. If one person was able to stop the body every time they didn't get their way, nothing would get done. So I'm airing some of my grievances, I guess, right now. Would Senator Lautenbaugh yield to a question? [LB21]

SENATOR COASH: Senator Lautenbaugh, will you yield? [LB21]

SENATOR LAUTENBAUGH: Yes, I will. [LB21]

SENATOR HARR: Thank you. Senator Lautenbaugh, given that it's Festivus, would you do a feat of strength for me? [LB21]

SENATOR LAUTENBAUGH: (Laugh) Sure. [LB21]

SENATOR HARR: Thank you. Right now? [LB21]

SENATOR LAUTENBAUGH: I think I'm doing it right now. (Laughter) [LB21]

SENATOR HARR: Okay. Thank you very much. But that shows the ridiculous of what we're doing here today. I understand we're all upset. We all want to go home. We all got jobs at home that are waiting for us. We've got family at home that want us, but let's do what we were elected to do which is to come down here and figure out how to do what needs to be done. I understand why Senator Lautenbaugh is doing what he's doing but that's not the system. If we all do this, it stops. And with that, I would yield the rest of my time to Senator Lathrop. [LB21]

SENATOR COASH: Senator Lathrop, 2 minutes 20 seconds. [LB21]

SENATOR LATHROP: Thank you, Mr. President and colleagues and thank you,

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Senator Harr. I want to visit, of course, with my colleagues this morning and I also want to talk to those guys sitting in the fire station watching this. You might be in a fire station in Lincoln, or you might be in a fire station in Broken Bow, as a volunteer and you should understand what's going on right here. And you shouldn't let something be lost. A bracket motion that pushes this to April 15 means it's not going to get it heard on the floor again. It is effectively killing it because it will be put off to a time when it will not have an opportunity to be heard because the Speaker will be scheduling priority bills. So while people tell you they are not trying to kill this, that they like the underlying bill, this is a filibuster. That's why the conversation has gone to the absurd at times because we're wasting time to run out the clock so that this thing dies. So there's two fates this thing can suffer. One is, if the bracket motion is successful, this will be put off to a time when it will never be heard of again, or...or we'll have a filibuster, in which case it could expire in that fashion. [LB21]

SENATOR COASH: One minute. [LB21]

SENATOR LATHROP: But don't misunderstand what's going on. The people who are standing up and telling you that they like the underlying policy but they really want to make a point, don't care. They are killing your bill, they are killing the protections that are found in the work comp statute for your mental healthcare, and that's what's going on. This will be the end of the care and the end of the program that allows you mental healthcare for those very, very serious cases. Thank you. [LB21]

SENATOR COASH: Thank you, Senator Lathrop. Senator Carlson, you're recognized. [LB21]

SENATOR CARLSON: Mr. President and members of the Legislature, I've been in the chair awhile this morning and listened to this debate, and now listening to it and decided that I would speak once concerning what we're talking about this morning. I am a committee chair and I believe that the committee counsel and the committee chair has a responsibility for setting the hearing schedule. I think that the chair has the final say on how things are scheduled and I think that there's a possibility that as chairs of committees we can listen to six different groups that have a reasonable...could make a reasonable request for the hearing of a bill. Certainly, it would be senators within this Chamber. It could be lobbyists and it is lobbyists. It could be citizens of the state because they have gotten a senator to bring forth a bill and they're very concerned that that bill be heard. It could be the executive branch or a representative thereof. It could be other state officers. It could be state agencies. And I think it's okay for any of these to make a special request for a hearing date. I don't have a problem with that. However, we are all human. We want a civil process, we want a civil request. And I would hope that in regard to the committee that I have something to do with, if there is a civil request and there's reasoning behind it, certainly we'll try to cooperate. And we as senators, as we operate within the body, we have a choice. We can build a bridge, try and build a

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bridge to those that we want to impact for whatever that request might be, or we can dig a ravine and then I think we have to shout across it in order to gain what we want. I certainly believe that we have a right as senators to know and use the rules. We do have the right for that. Senator Chambers is a master at it. So in listening to this debate, I'm actually torn and am having difficulty to know which direction to go. I don't think the vote for the bracket motion kills the concept because it will and should come up again, but I'm a little uncomfortable with the process that tries to stop something that was a decent bill from moving forward. So I continue to listen to what those of you have to say and I would give any balance of my time to Senator Lautenbaugh. [LB21]

SENATOR COASH: Senator Lautenbaugh, 1 minute 35 seconds. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President and thank you, Senator Carlson. Well, and I feel compelled to point this out to those of you who are watching this in the firehouses, and those of you who are still paying attention on the floor, I do have a bill that deals with this same topic and apparently it doesn't have a very bright future because if this bill dies, we heard that the topic is not going to come up again. So I guess, my bill doesn't have a very bright future going forward, and I really hope that kind of underlines why we've spent the morning this way because I'm a realistic, and I've been here awhile, and I know how this works. [LB21]

SENATOR COASH: One minute. [LB21]

SENATOR LAUTENBAUGH: So when I say that this motion to bracket is not a motion to kill the bill, believe it, because it could be recommitted to committee. They could advance my bill, God forbid. It could be prioritized. Mine could be prioritized. The committee could prioritize it. Nothing here today is going to kill this bill unless the introducer makes it so. But understand, I want my points heard. I want my bill heard, and if this goes forward, I know what's going to happen to the remainder of my bill. You've kind of heard that today that this is the only chance to address this issue. That doesn't really suggest that you're going to see my bill out on the floor anytime soon or ever. And I know how this works. So don't be misled if you're paying attention to this... [LB21]

SENATOR COASH: Time, Senator. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. [LB21]

SENATOR COASH: Thank you, Senator Lautenbaugh. Senator Schumacher, you're recognized. [LB21]

SENATOR SCHUMACHER: Call the question. [LB21]

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SENATOR COASH: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB21]

CLERK: 26 ayes, 1 nay, Mr. President, on the motion to cease debate. [LB21]

SENATOR COASH: Debate does cease. Senator Lautenbaugh, you're recognized to close on your motion to bracket. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. As I hope you've perceived from this, I do not bring this motion lightly, and I think I have explained very clearly why I brought this motion. And I don't mean to do any harm to the bill. And again, I think that's evidenced by the fact that I have a bill that does the same thing, in case I haven't pointed that out this morning. So, understand that when I say why I'm doing this, this is not designed to be a filibuster per se, this is not an attempt by me to kill this bill, when again I have introduced a bill that does the same thing, but I've been done this road so, so many times in this particular area of the law, and I know what happens to my bills in this area. You can look it up. I know what happened to Senator Fulton's bill that did the same thing...well, similar thing regarding confidential first reports. I know what happened to Senator Smith's bill regarding the interest rate. I know what happened to Senator Schilz's bill regarding the interest rate. I know what happened to my bill regarding the interest rate. I know what happened to my motion a year or two ago to attach the interest rate to another workers' comp bill. I know we didn't have any workers' comp bills that I recall last year because they tend to get things tacked on to them on the floor. And why do you suppose that is? I mean, the Banking chair isn't afraid to send banking bills out on the floor. He doesn't have to worry about that. HHS seems to go forward and put bills out on the floor...I'm saying Health and Human Services Committee does. Lots of committees do. Why is it that we sometimes shy away from putting workers' compensation bills out on the floor? Is it because I'm just a bad guy and I'm lying in wait to do something like this? Or is it possible that this is the only tool I have and the only way I can give voice to the things that are routinely in my bills. I would suggest...well, maybe, I am a bad guy, but still it is the latter, this is the only way many of you are going to hear about what my bill will do. Well, let's not kid ourselves. We're not going to have floor debate on my bill. If this bill dies, we might, but I'm a realist. We're not going to get to discuss my bill on my bill. And I've been down this road before, I guess in other topics too. I perennially try to get rid of the CFLA you know until the "Supremes" did me a solid and took it out for me, so I can't even say that's a win on my part because they did it and kind of stole my thunder and I'm sure none of you ever got tired of hearing me talk about the CFLA, year after year after year, I think Senator Avery mentioned it in his Christmas letter one year what a joy it is to always talk about the CFLA. I could be remembering that wrong. But understand, I'm not doing this just because we're moving too fast and we're running out of bills on the work sheet. I'm doing this because I want the portions of my bill to have a happier fate than other

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workers' compensation bills of mine have had. And if this is the mechanism, this is the mechanism. And if there's a deal to be had, I'm willing to talk about a deal. I'm a realist. I know that there are three provisions in my bill in addition to what this one does, and I'm not going to get all those. But one or two would be nice, you know. There's no reason the interest rate should deviate from the normal judgment rate in my estimation. Twenty-four of us agreed a year or two ago that was correct. There's no reason that people who basically lie on their employment applications, should be entitled to benefits. I don't know why we would worry about protecting those people. For years, we did not until the "Supremes" ruled that wasn't clear in our statutes as a defense, so this just reinstates that. I don't know why employees can't say, I want my medical first report of injury to be private. That seems to be pretty basic. This is my chance to talk to all of you about these points because again, I'm a realist. We'll have a committee hearing some day and that will be the last you hear of it. Still joke about someone went off to be the vice president and I had a bill that went to...that dealt with workers' comp and neither were heard from again. It will disappear. It always disappears. So that's the point of this exercise. Understand again, I don't oppose the underlying bill because I proposed the underlying bill, you may have heard this morning repeatedly by me, and I don't mean this bracket motion to kill it. I just want my bill to get a hearing and try to work something out and that's all I'm asking, and I would ask you to vote green. Thank you, Mr. President. [LB21]

SENATOR COASH: Thanks, Senator Lautenbaugh. Members, you heard the closing to the motion to bracket until 4-15 of 2013. The question is, shall the motion to bracket be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB21]

CLERK: 7 ayes, 31 nays, Mr. President, on the motion to bracket. [LB21]

SENATOR COASH: The motion to bracket is not adopted. [LB21]

CLERK: Mr. President, I now have a second priority motion. Senator Lautenbaugh would move to recommit LB21 to the Business and Labor Committee. [LB21]

SENATOR COASH: Thank you, Mr. Clerk. Senator Lautenbaugh, you're recognized to open on your motion to recommit. [LB21]

SENATOR LAUTENBAUGH: Thank you, Mr. President. Well, that vote didn't go very well. (Laughter) So, we'll try again. Understand, and I will probably chew up the remaining 15 minutes here and that's just so you have a road map, I am willing to work on this. I am willing to compromise. I can't make it any plainer, but I will not simply accept no, no, no, no, year after year, on some of these issues. And I know you're all tired. You're particularly tired of hearing me this morning, I'm thinking. A couple of years ago I mentioned the term "Lautenbaugh fatigue." I don't think I was the first one who

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thought of that term, it couldn't be. And all of you knew exactly what I talking about at the time. It might have been about CFLA, it might have been about horses, who knows, but either way I'm sure you were sick to death of hearing me and we're flirting with that right now. People are calling in and complaining, it's so bad at this point, apparently. But again, I don't want to kill this bill and I don't think recommitting it to committee would kill this bill either. At least it would slow down to the point where my bill might get a hearing, and we can discuss these issues and you won't have to hear, well, the public didn't get a chance to weigh in on them, why are you doing this now? I think that's fair. I do want the public to weigh in on this. I would love to have people come in and explain why people who put false information on their employment application should still get benefits. I don't know that we will hear from them because that seems pretty indefensible. I would love to have someone come in and explain at this public hearing why the interest rate should be 14 percent on these judgments and 2 or 3 percent on all the others. Someone will come in and explain that, or at least try to justify that, but I don't think you'll buy it. I don't think you should buy it. I would love to have someone come into committee, member of the public, and explain why employees don't have the right to have their first report of injury kept confidential because I want to know. I hope you're all curious as to why that's controversial in any way. We all know the answer because that's how some people make money is looking at those first reports and calling up and say, hey, you need a lawyer. But that doesn't mean the employee's privacy should be violated just because somebody wants to make a buck. I don't know why that's controversial, and I would love the public to come in and have a chance to have a meaningful hearing on that. And when they do, there will be motions to do certain things to the bill, I have no doubt, but I want these issues to be heard. I did not introduce the bill as an academic exercise and I kind of feel like that's maybe how it's looked upon. Well, he's not serious about this because he knows what always happens, so he can introduce the bill, but yeah, we're not going to do much with it. I've been down this road too many times, folks. And if this is the vehicle I have available to me, this is the vehicle I'll use. And understand, I don't want to stand here and talk about this. This is not my first choice of things to do today, and I'm sure all of you would agree, well, you can make your own luck, Scott, just sit down and shut up, but I'm not going to do that. And I hope I've explained adequately why, and I hope it's clear what I'm trying to do here. And I hope you'll look at...well, the amendments when we get to them, if we get to talk about them, and consider them seriously. They've had public hearings, two of them, one last year, one three times. Fulton's bill was a little different. I think it did not give the employee the option of having his or her record, first report, confidential. It just said they're confidential. But don't you want to know how those are going to develop? Wouldn't you like a chance to vote on something like that on the floor? Wouldn't you like to be able to tell the people who are watching in the station houses that we were talking about a bit ago, hey, you're records don't have to be public. If you get an injury, the whole world doesn't need to know the specifics of it because you have to list it on your first report of injury. At your option, it could be confidential. Wouldn't that be okay? And wouldn't you like to talk about it? I'd love to have a hearing on the topic. I'd love to make

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it part of this bill, and that's why I'm doing what I'm doing. And I hope you'll look favorably upon the motion to recommit and maybe then we can deal with both of these in committee, have them come back out in some committee priority or individual senator's priority, because admittedly, the underlying topic is important here and we should probably deal with it. Again, not to put too fine a point on it, but I obviously agree because I have a bill that does the same thing. Thank you, Mr. President. [LB21]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Thank you, Senator Lautenbaugh. Senator Price, you're recognized. [LB21]

SENATOR PRICE: Thank you, Mr. President, Mr. Speaker. So, a long time ago before I had the opportunity to serve in this capacity, I got to serve...work in nightclubs ensuring patrons enjoyed themselves and stayed within the boundaries of normal behavior. And I enjoyed a little bit of success on that. And I'm noticing something from those days now, that when people would get together and have a discussion, sometimes playful, rough and tumble activity got a little more serious and then it turned into a full-scale melee. So we're out here, we're discussing as ladies and gentlemen, as seatmates, as peers, the merits of process, and an underlying bill. And I wanted to respond...I wanted to respond with a more vigorous set of comments when someone would dare to presume how I felt. Don't do that. You have not walked in my shoes and I have not walked in yours. You have not seen what I have seen. You have not done what I have done, and the same goes from me to you. Do not presume, not today, not tomorrow. It is inappropriate, it is rude, it is beyond the pale. So as we go about the conduct of our business today, let's not use people as pawns, their emotions, their fears by obfuscating and misrepresenting, or by omission, let alone commission. There are all sorts of words that could be used here. Let us have our debate. Let us be civil and let us not presume what another person has and feels and believes. Thank you, Mr. President. [LB21]

SPEAKER ADAMS: Thank you, Senator Price. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR31, LR47, LR48, LR49, LR50, LR51. Mr. Clerk, are there messages? (Legislative Journal page 451.) [LR31 LR47 LR48 LR49 LR50 LR51]

CLERK: There are, Mr. President, thank you. Your Committee on Health and Human Services chaired by Senator Campbell reports LB105, LB243, to General File. Transportation and Telecommunications chaired by Senator Dubas reports LB174 to General File and LB446 to General File with amendments. I have confirmation hearing reports from Health and Human Services Committee. I have a notice of hearing from the Education Committee and amendment to be printed to LB137 by Senator Mello. (Also, Senator Karpisek has an amendment to LB230, Legislative Journal pages 451-454.) [LB105 LB243 LB174 LB446 LB137 LB230]

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Mr. President, I have a priority motion. Senator Nelson would move to adjourn the body until Tuesday morning, February 19, at 10 a.m.

SPEAKER ADAMS: Members, you have heard the motion to adjourn until Tuesday morning at 10 a.m. All those in favor indicate with aye. Opposed? We are adjourned.