

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
February 04, 2015

[LB18 LB18A LB109 LB116 LB118 LB198 LB219 LB247 LB266 LB430 LR43 LR49
LR50 LR51]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE TWENTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR WILLIAMS. PLEASE RISE.

SENATOR WILLIAMS: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU. I CALL TO ORDER THE TWENTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

SPEAKER HADLEY: THANK YOU. ARE THERE ANY MESSAGES, REPORTS OR ANNOUNCEMENTS?

CLERK: I HAVE AN ATTORNEY GENERAL'S OPINION ADDRESSED TO SENATOR COASH TO BE INSERTED IN THE LEGISLATIVE JOURNAL. URBAN AFFAIRS COMMITTEE REPORTS LB116 AND LB266 TO GENERAL FILE WITH AMENDMENTS, THOSE SIGNED BY SENATOR CRAWFORD AS CHAIR. HEARING NOTICES FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, SEVERAL HEARING NOTICES, ALL SIGNED BY SENATOR MURANTE AS CHAIR. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 383-391.) [LB116 LB266]

SPEAKER HADLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR43. MR. CLERK. [LR43]

CLERK: MR. PRESIDENT, I MIGHT INDICATE I ALSO HAD A SERIES OF CONFIRMATIONS REPORTS FROM THE GOVERNMENT COMMITTEE. (LEGISLATIVE JOURNAL PAGES 391-392.)

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MR. PRESIDENT, FIRST ITEM ON THE AGENDA THIS MORNING IS A CONFIRMATION REPORT FROM THE BUSINESS AND LABOR COMMITTEE. (LEGISLATIVE JOURNAL PAGE 339.)

SPEAKER HADLEY: SENATOR, HARR.

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I'M ASKING FOR YOUR SUPPORT IN CONFIRMING JOHN ALBIN AS COMMISSIONER OF LABOR. MR. ALBIN GREW UP IN RURAL RICHARDSON COUNTY NEAR HUMBOLDT AND RECEIVED HIS UNDERGRAD AND LAW DEGREE FROM THE UNIVERSITY OF NEBRASKA AT LINCOLN. WHILE ATTENDING LAW SCHOOL, MR. ALBIN WORKED FOR THE LEGISLATURE AND THE GOVERNMENT COMMITTEE AND THEN IN THE BILL DRAFTERS OFFICE FOLLOWING GRADUATION. AFTER WORKING IN THE PRIVATE PRACTICE FOR SEVEN YEARS, MR. ALBIN JOINED THE DEPARTMENT OF LABOR AS A HEARING OFFICER IN 1990. HE MOVED TO THE LEGAL DIVISION IN 1992, AND BECAME THE GENERAL COUNSEL IN 2000. WHEN COMMISSIONER LANG RESIGNED LAST SUMMER, HE WAS APPOINTED AS ACTING COMMISSIONER BY THEN-GOVERNOR DAVE HEINEMAN IN JUNE 2014. APPROXIMATELY 97 PERCENT OF THE DEPARTMENT'S APPROPRIATIONS ARE FEDERAL GRANT FUNDS, WHICH MEANS THE FEDERALLY-FUNDED PROGRAMS HAVE AN ADDITIONAL LAYER OF STATUTORY AND REGULATORY COMPLIANCE PROVISIONS THAT MUST BE ADHERED TO. AS GENERAL COUNSEL, MR. ALBIN HAS WORKED WITH THE DEPARTMENT'S PROGRAM FOR MANY YEARS AND HAS GAINED A TREMENDOUS AMOUNT OF KNOWLEDGE ABOUT THE DEPARTMENT'S PROGRAMS AND REQUIREMENTS. WHEN SPEAKING WITH MR. ALBIN ABOUT THE DEPARTMENT AND THE MORE THAN 400 INDIVIDUALS THEY EMPLOY, HE WAS QUICK TO SHARE CREDIT WITH HIS FELLOW COLLEAGUES. MR. ALBIN HAS PLAYED A KEY ROLE IN ACHIEVING SOME OF THE DEPARTMENT'S MOST RECENT ACCOMPLISHMENTS, SUCH AS THE REWRITE OF THE UNEMPLOYMENT TAX SYSTEM IN 2015, ELECTRONIC PAYMENT OF UNEMPLOYMENT BENEFITS, ELECTRONIC TAX FILING, AND AN INCREASED EMPHASIS ON THE RECOVERY OF FRAUDULENT BENEFIT PAYMENTS. NEBRASKA HAS BEEN A MODEL FOR OTHER STATES IN RESISTING THE DISCHARGE OF FRAUDULENT UNEMPLOYMENT CLAIMS IN BANKRUPTCY. MR. ALBIN HAS SHARED SOME GOALS HE HAS FOR THE DEPARTMENT. ONE IS TO BETTER ASSIST UNEMPLOYED INDIVIDUALS RETURNED TO THE WORK FORCE BY FOCUSING ON EARLY INTERVENTION. OTHER GOALS INCLUDE BETTER LEVERAGING OUR FEDERAL FUNDS BY INCREASING THE USE OF TECHNOLOGY, AND ADMINISTERING THE DEPARTMENT'S PROGRAMS, PROVIDING BETTER SERVICES TO THE PUBLIC, AND REDUCING THE COST TO THE TAXPAYER. THE COMMITTEE VOTED TO CONFIRM MR. ALBIN AS A COMMISSIONER ON A 6 TO 0 VOTE. I WOULD ASK FOR YOUR SUPPORT IN HIS CONFIRMATION. THANK YOU.

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SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR HARR, DO YOUR CLOSING. SENATOR HARR WAIVES CLOSING. THE QUESTION IS, SHALL THE BUSINESS AND LABOR COMMITTEE REPORT BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 393.) 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

SPEAKER HADLEY: THE REPORT IS ACCEPTED. MR. CLERK.

CLERK: MR. PRESIDENT, THE SECOND REPORT THIS MORNING FROM THE REVENUE COMMITTEE REPORTING ON THE APPOINTMENT OF RUTH SORENSEN AS THE PROPERTY TAX ADMINISTRATOR.

SPEAKER HADLEY: SENATOR GLOOR, YOU ARE RECOGNIZED TO GIVE THE REVENUE COMMITTEE CONFIRMATION REPORT. THIS REPORT WILL BE PASSED OVER. MR. CLERK.

CLERK: MR. PRESIDENT, THE HEALTH AND HUMAN SERVICES COMMITTEE WOULD REPORT ON THE APPOINTMENTS OF TODD BARTEE AND MARY FRAN FLOOD TO THE CHILD ABUSE PREVENTION FUND BOARD. (LEGISLATIVE JOURNAL PAGE 364.)

SPEAKER HADLEY: SENATOR CAMPBELL, YOU ARE RECOGNIZED FOR THE REPORT FROM THE HEALTH AND HUMAN SERVICES COMMITTEE.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. WE HAVE TWO APPOINTMENTS TODAY TO THE CHILD ABUSE PREVENTION BOARD. OUR FIRST APPOINTEE IS DR. TODD BAXTER (SIC) WHO IS FROM KEARNEY AND SERVES AS A PROFESSOR OF KINESIOLOGY--AND DON'T ASK ME TO SAY THAT AGAIN--AND SPORTS SCIENCE. WE HAD A VERY INTERESTING DISCUSSION WITH DR. BARTEE BECAUSE HE HAS A GREAT INTEREST IN STRATEGIC PLANNING, COMPREHENSIVE HEALTH PLANNING PROMOTING PROGRAMS TO PREVENT DISEASE, AND WORKS EXTENSIVELY IN COMMUNITY DEVELOPMENT AND INTERVENTION. WE FELT THAT DR. BARTEE WAS AN EXCELLENT ADDITION TO THE CHILD ABUSE PREVENTION BOARD BECAUSE HE COMES FROM A COMMUNITY BASIS, WHICH IS EXACTLY WHAT THE FUNDS ARE SUPPOSED TO BE USED FOR IN COMMUNITIES ALL ACROSS THE STATE. DR. BARTEE IS ORIGINALLY FROM COLUMBUS AND WE WOULD HIGHLY ENCOURAGE YOUR AFFIRMATIVE VOTE ON DR. BARTEE. MR. PRESIDENT, DO YOU WISH ME TO GO TO THE SECOND ONE?

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SPEAKER HADLEY: YES, BOTH NAMES, YES.

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. OUR SECOND NOMINEE TODAY IS DR. MARY FRAN FLOOD FROM LINCOLN. DR. FLOOD IS A REAPPOINTMENT. SHE HOLDS A Ph.D. IN PSYCHOLOGY FROM UNL AND HAS HAD AN EXTENSIVE CAREER IN CHILD PSYCHOLOGY, CHILD ABUSE PREVENTION, WORKING WITH ANY NUMBER OF AGENCIES LOCALLY IN LINCOLN AS WELL AS BOYS TOWN AND A NUMBER OF OTHERS. SHE CURRENTLY SERVES IN THE DEPARTMENT AT UNL ON MEDICAL EDUCATION, THE PARTNERSHIP. SHE HAS AN EXTENSIVE PUBLICATION CAREER AND CONSULTING IN EDUCATION AND HEALTHCARE WITH A FOCUS ON PREVENTION. SHE INDICATED THAT THE MOST SIGNIFICANT CHANGE THAT SHE HAD SEEN IN THE FIELD IS THAT WHEN SHE STARTED THE FOCUS WAS ON THE ABUSED CHILD AND TODAY'S FOCUS IS NOT ONLY ON THE CHILD BUT ON THE PARENTS WHO FACE VERY DIFFICULT SITUATIONS. WE ARE PLEASED TO PRESENT DR. MARY FRAN FLOOD FOR REAPPOINTMENT AND WOULD ENCOURAGE YOUR POSITIVE VOTE ON THESE TWO NOMINEES. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR CAMPBELL, YOU ARE RECOGNIZED TO CLOSE. SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE CONFIRMATION REPORT FROM HEALTH AND HUMAN SERVICES BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. REPORT, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 393-394.) 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE REPORT.

SPEAKER HADLEY: THE COMMITTEE REPORT FROM HEALTH AND HUMAN SERVICES IS ADOPTED. MR. CLERK.

CLERK: MR. PRESIDENT, THE THIRD REPORT THIS MORNING IS A SERIES OF APPOINTMENTS TO THE NEBRASKA NATURAL RESOURCES COMMISSION. THAT'S OFFERED BY THE NATURAL RESOURCES COMMITTEE. (LEGISLATIVE JOURNAL PAGE 364.)

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED FOR THE REPORT FROM THE NATURAL RESOURCES COMMITTEE.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD MORNING. WOW! THE MIKE IS HOT! WE HAD QUITE A FEW CONFIRMATION HEARINGS THIS LAST WEEK IN THE NATURAL RESOURCES COMMITTEE, AND ALL OF THESE CONFIRMATIONS ARE COMING TO THE NEW

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NATURAL RESOURCES COMMISSION THAT WAS CREATED THROUGH LB1098 FROM LAST YEAR. AND WHAT I'LL DO IS I'LL JUST RUN THROUGH THE NAMES OF EVERYBODY THAT WAS APPOINTED OR WHETHER IT'S A NEW APPOINTMENT OR REAPPOINTMENT, AND THEN IF THERE'S ANY QUESTIONS WE CAN DIVE INTO SOME INDIVIDUALLY. FIRST ON THE LIST, WE HAVE BRIAN BARELS FROM COLUMBUS. HE'S A NEW APPOINTMENT. HE'S BEEN INVOLVED IN WATER ISSUES FOR QUITE A LONG TIME. HE'LL MAKE A GREAT ADDITION TO THAT COMMITTEE. STAN CLOUSE FROM KEARNEY HAS ALSO BEEN INVOLVED IN WATER ISSUES AND OTHER MUNICIPAL ISSUES FOR QUITE A WHILE AND ONCE AGAIN A GOOD ADDITION. STEVE HUGGENBERGER FROM WALTON. HE'S A NEW APPOINTMENT AND HE'S WORKED WITH MUNICIPAL WATER ISSUES FOR A NUMBER OF YEARS. TOM KNUTSON FROM ST. PAUL WHO IS A REAPPOINTMENT. HE'S WORKED UP ON THE LOUP SYSTEM FOR QUITE A NUMBER OF YEARS. DON KRAUS FROM HOLDREGE IS A NEW APPOINTMENT AS WELL, AND ONCE AGAIN ALL THESE FOLKS HAVE WORKED TIRELESSLY IN THE WATER ARENA FOR A LOT OF YEARS. TOM PALMERTREE FROM HEBRON IS A NEW APPOINTMENT. LINDSEY SMITH FROM BROKEN BOW IS A NEW APPOINTMENT. SCOTT SMATHERS FROM LINCOLN IS ALSO A NEW APPOINTMENT. DENNIS STRAUCH FROM MITCHELL, A NEW APPOINTMENT AS WELL. AND LOREN TAYLOR FROM BROKEN BOW IS A NEW APPOINTMENT. AND I HAVE TO SAY THAT THE COMMITTEE VOTED ON ALL OF THESE AS A SLATE AND THE COMMITTEE VOTED UNANIMOUSLY TO SEND THESE TO THE FLOOR, SO I WOULD APPRECIATE YOUR SUPPORT AND APPRECIATE YOUR VOTE FOR CONFIRMING ALL THESE INDIVIDUALS FOR THE NEBRASKA RESOURCES COMMISSION. THANK YOU VERY MUCH.

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS, SHALL THE NATURAL RESOURCES COMMITTEE CONFIRMATION REPORTS BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. MR. CLERK, PLEASE REPORT.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 394-395.) 35 AYES, 0 NAYS ON ADOPTION OF THE CONFIRMATION REPORT.

SPEAKER HADLEY: THE CONFIRMATION REPORT IS ACCEPTED. MR. CLERK.

CLERK: MR. PRESIDENT, FIRST BILL THIS MORNING, LB430 INTRODUCED BY SENATOR MELLO. (READ TITLE.) THE BILL WAS INTRODUCED IN JANUARY, REFERRED TO THE APPROPRIATIONS, ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB430]

SPEAKER HADLEY: SENATOR MELLO, YOU ARE RECOGNIZED TO OPEN ON

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LB430. [LB430]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. LB430 IS A DEFICIT REQUEST THAT WOULD SIMPLY CORRECT AN ERROR IN THE APPROPRIATION OF FUNDS TO THE NEBRASKA CHILDREN'S COMMISSION. IN 2013, THE NEBRASKA LEGISLATURE PASSED LB269 WHICH MOVED THE NEBRASKA CHILDREN'S COMMISSION FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO THE FOSTER CARE REVIEW OFFICE. IN THE TRANSITION BETWEEN THE AGENCIES, \$94,000 OF THE APPROPRIATION FOR THE NEBRASKA CHILDREN'S COMMISSION WAS INADVERTENTLY LEFT IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES BUDGET. LB430 SIMPLY REDUCES THE FISCAL YEAR 2015 APPROPRIATION FOR PROGRAM 353 IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES BY \$94,000 WHILE INCREASING THE APPROPRIATION TO PROGRAM 353 IN THE FOSTER CARE REVIEW OFFICE BY THAT SAME AMOUNT. THIS BILL DOES NOT INCLUDE ANY NEW FUNDING AND THIS DEFICIT REQUEST IS ALSO INCLUDED IN THE GOVERNOR'S BUDGET RECOMMENDATION. NORMALLY A DEFICIT REQUEST SUCH AS THIS WOULD BE INCLUDED WITHIN THE BUDGET PACKAGE AS PART OF THE REGULAR BIENNIAL BUDGET PROCESS. HOWEVER, IN THIS SITUATION A DEFICIT BILL NEEDS TO ADVANCE TO THE GOVERNOR'S DESK VERY QUICKLY BECAUSE WITHOUT A TIMELY APPROPRIATION THE NEBRASKA CHILDREN'S COMMISSION WILL RUN OUT OF FUNDING SOME TIME IN EARLY MARCH. LB430 WAS ADVANCED OUT OF THE COMMITTEE ON A UNANIMOUSLY 9-0 VOTE AND HAD NO OPPOSITION AT THE HEARING. I'D URGE THE BODY TO ADVANCE LB430 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB430]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR MELLO, YOU ARE RECOGNIZED TO CLOSE ON ADVANCEMENT OF LB430. SENATOR MELLO WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB430 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB430]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB430. [LB430]

SPEAKER HADLEY: THE BILL ADVANCES. (DOCTOR OF THE DAY INTRODUCED.) MR. CLERK, WE WILL PROCEED TO GENERAL FILE, LB247. [LB430 LB247]

CLERK: LB247, A BILL BY SENATOR SULLIVAN. (READ TITLE.) INTRODUCED ON JANUARY 14, REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL. [LB247]

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SPEAKER HADLEY: SENATOR SULLIVAN, YOU ARE RECOGNIZED TO OPEN ON LB247. [LB247]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. UNDER STATUTE 67-405, IF AN OBLIGATION TO PAY INTEREST ARISES UNDER THE UNIFORM PARTNERSHIP ACT OF 1998 AND THE RATE IS NOT SPECIFIED, THE INTEREST RATE WILL BE 14 PERCENT AS SET BY STATUTE 45-104.01 WHICH SPECIFIES THE INTEREST RATE ON THE PAYMENT OF DELINQUENT TAXES OR SPECIAL ASSESSMENTS OWING TO A POLITICAL SUBDIVISION. LB247 AMENDS STATUTE 67-405 TO REQUIRE THE USE OF THE JUDGMENT INTEREST RATE SPECIFIED IN SECTION 45-103. THE JUDGMENT INTEREST RATE IS 2 PERCENTAGE POINTS ABOVE THE BOND INVESTMENT YIELD OF THE 26-WEEK U.S. TREASURY BILL IN EFFECT AT THE TIME OF THE JUDGMENT. THE STATE COURT ADMINISTRATOR IS REQUIRED TO DISTRIBUTE NOTICE OF SUCH RATE AND ANY CHANGES TO IT TO ALL NEBRASKA JUDGES TO BE IN EFFECT TWO WEEKS AFTER THE DATE THE AUCTION PRICE IS PUBLISHED BY THE SECRETARY OF THE TREASURY OF THE UNITED STATES. IT CHANGES QUARTERLY. THIS CHANGE ALLOWS THE 14 PERCENT INTEREST RATE NECESSARY TO ENCOURAGE PAYMENT OF DELINQUENT TAXES IN SPECIAL ASSESSMENTS TO POLITICAL SUBDIVISIONS TO REMAIN IN PLACE. SHOULD AN OBLIGATION TO PAY INTEREST ARISE UNDER THE UNIFORM PARTNERSHIP ACT OF 1998 AND THE RATE IS NOT SPECIFIED, IT WILL BE THE JUDGMENT INTEREST RATE, 2 PERCENTAGE POINTS ABOVE THE BOND INVESTMENT YIELD OF THE 26-WEEK U.S. TREASURY BILL IN EFFECT AT THE TIME OF THE JUDGMENT. THE JUDGMENT INTEREST RATE, EFFECTIVE JANUARY 16, 2015, IS 2.132 PERCENT AS PUBLISHED IN THE NEBRASKA SUPREME COURT ADVANCE SHEETS. THANK YOU, AND I ENCOURAGE YOU TO ADVANCE LB247 TO SELECT FILE. [LB247]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. IS THERE ANYONE WISHING TO SPEAK ON LB247? SEEING NONE, SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF LB247. SENATOR SULLIVAN WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB247 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO? RECORD, MR. CLERK. [LB247]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB247. [LB247]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, WE WILL PROCEED TO GENERAL FILE, LB219. [LB247 LB219]

CLERK: LB219, A BILL BY SENATOR CRAWFORD. (READ TITLE.) THE BILL WAS

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INTRODUCED ON JANUARY 13, REFERRED TO THE JUDICIARY COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM43, LEGISLATIVE JOURNAL PAGE 324.) [LB219]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU ARE RECOGNIZED TO OPEN ON LB219. [LB219]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB219 ADOPTS THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT. THIS ACT HAS BEEN ADOPTED IN COLORADO, NEVADA, NORTH CAROLINA, NORTH DAKOTA, SOUTH DAKOTA, AND TENNESSEE. FOUR OTHER STATES HAVE BILLS TO ADOPT THE UNIFORM ACT BEFORE THEIR LEGISLATURE THIS SESSION. A UNIFORM ACT, PARTICULAR IN THIS CASE, BRINGS CONSISTENCY AND PREDICTABILITY FOR MILITARY FAMILIES WHO, AS MANY OF YOU KNOW, ARE A HIGHLY MOBILE POPULATION. NEBRASKA ALREADY HAS THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT ON OUR BOOKS, SO WE ALREADY FOLLOW THAT UNIFORM CUSTODY ACT. AS YOU WILL SEE ON THE COMMITTEE STATEMENT, WE HAD PEOPLE COME TO TESTIFY IN SUPPORT OF THE BILL WHO WOULD BE IMPACTED BY THIS BILL. WE HAD A VERY EARLY HEARING FOR THIS BILL AND SO THE NEBRASKA BAR ASSOCIATION HAD NOT MET YET, AND THE CHILDREN AND FAMILY COALITION OF NEBRASKA HAD NOT MET YET, BUT THEY HAVE BOTH NOTIFIED OUR OFFICE THAT THEY ARE IN SUPPORT. SO THE BILL HAS THE SUPPORT OF THE NEBRASKA BAR ASSOCIATION AND OF THE CHILDREN AND FAMILY COALITION OF NEBRASKA. THERE ARE 1.4 MILLION CHILDREN IN THE UNITED STATES WITH A MILITARY PARENT. THE DEPARTMENT OF DEFENSE ESTIMATES THAT ALMOST 1 MILLION OF THESE CHILDREN HAVE HAD ONE OR MORE PARENTS DEPLOY TO IRAQ OR AFGHANISTAN. STUDIES HAVE SHOWN MILITARY CHILDREN DURING DEPLOYMENT ARE AT GREATER RISK FOR DEPRESSION, AGGRESSIVE BEHAVIORS AT SCHOOL, AND TEEN SUBSTANCE ABUSE THAN THE GENERAL POPULATION. IN ONE STUDY OF CHILDREN OF DEPLOYED ARMY SOLDIERS, ONE IN SIX CHILDREN EXPERIENCED SIGNIFICANT BEHAVIORAL HEALTH CHALLENGES. A MILITARY DEPLOYMENT IS A STRESSFUL TIME IN ANY FAMILY'S LIFE. FEELINGS OF UNCERTAINTY, ANXIETY, FEAR, AND LONELINESS ARE COMMON, ESPECIALLY FOR CHILDREN. THESE FEELINGS ARE OFTEN MAGNIFIED WHEN THE CHILD COMES FROM A DIVORCED OR SEPARATED FAMILY WHEN DEPLOYMENT CAN MEAN SEPARATION NOT ONLY FROM THEIR MILITARY PARENT BUT FROM THEIR EXTENDED FAMILY AS WELL. THE UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT ADDRESSES ONE OF TEN POLICIES THE DEPARTMENT OF DEFENSE IDENTIFIES AS A KEY ISSUE FOR STATES TO FOCUS ON RELATED TO MILITARY FAMILIES. ADOPTION OF LB219

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DEMONSTRATES TO THE MILITARY FAMILIES OF NEBRASKA AND THE DEPARTMENT OF DEFENSE OUR CAREFUL ATTENTION TO THE ISSUES FACING THIS POPULATION. THE UNIFORM ACT ALSO PROVIDES A CLEAR, LEGAL FRAMEWORK FOR PARENTS AND JUDGES TO USE TO MAKE ARRANGEMENTS FOR CHILDREN SUBJECT TO A PARENTING PLAN WHEN A MILITARY PARENT IS DEPLOYED. THE BILL CREATES A FRAMEWORK TO ESTABLISH A PLAN FOR REDUCING DISRUPTION FOR THE CHILD WHEN A MILITARY MEMBER WITH PARENTING TIME GETS DEPLOYED. THE COURT MUST FIND THE PLAN TO BE IN THE BEST INTEREST OF THE CHILD. THE BILL CLARIFIES THAT ANY ARRANGEMENTS MADE TO ACCOMMODATE DEPLOYMENT END WHEN DEPLOYMENT ENDS. LB219 PROVIDES OTHER IMPORTANT PROTECTIONS FOR CHILDREN AND PARENTS DURING DEPLOYMENT. FOR EXAMPLE, THE BILL ENSURES CONTACT THROUGH ELECTRIC MEANS BETWEEN A DEPLOYED PARENT AND A CHILD IS PROTECTED DURING THE COURSE OF A DEPLOYMENT IF IT'S IN THE BEST INTEREST OF THE CHILD. THE COMMITTEE STATEMENT OUTLINES THE VARIOUS PROTECTIONS AND PROVISIONS THOROUGHLY. THOSE OF YOU WHO WERE HERE IN 2011 MAY RECALL SENATOR FLOOD OFFERED A BILL WITH SOME OF THESE PROTECTIONS THAT WAS PASSED AT THAT TIME. LB219 REPEALS AND REPLACES THIS LANGUAGE TO ENSURE THAT THESE PROTECTIONS ARE PROVIDED IN A UNIFORM MANNER. MR. STUNKEL, A FORMER AIR FORCE JUDGE ADVOCATE, SHARED AT THE HEARING THE VALUE OF UNIFORMITY BECAUSE OF THE NUMBER OF TRANSFERS THAT MANY SERVICE MEMBERS EXPERIENCE THROUGHOUT THEIR CAREER. SECTION 18 OF THE BILL OUTLINES SOME OF THE CONSIDERATIONS THE COURT SHALL CONSIDER WHEN DETERMINING THE CARETAKING PLAN. THESE CONSIDERATIONS IN SECTION 18 ARE IN ADDITION TO THE UNIFORM ACT AND ARE BASED ON CURRENT NEBRASKA CASE LAW AND INCLUDE THE MINOR CHILD'S PREFERENCE, THE LEVEL OF INVOLVEMENT AND PARENTING RESPONSIBILITY DEMONSTRATED BY THE NONPARENT PRE-DEPLOYMENT, AND THE LIKELIHOOD THAT A CARETAKING PLAN WOULD INCREASE OR DECREASE HOSTILITIES BETWEEN THE PARENTS. KINSHIP CARE HAS BEEN SHOWN TO HELP CHILDREN MAINTAIN FAMILIAL AND CULTURAL BONDS, TO INCREASE STABILITY AND BELONGING, AND TO MINIMIZE THE TRAUMA AND LOSS ASSOCIATED WITH A LOSS OR SEPARATION FROM A PARENT. IN THE CHILD WELFARE CONTEXT, RESEARCH SHOWS CHILDREN PLACED WITH KIN ARE LESS LIKELY THAN THEIR PEERS TO EXPERIENCE BEHAVIORAL HEALTH ISSUES AND PERFORM BETTER IN SCHOOL. THEY ALSO ADJUSTED TO THEIR NEW SITUATION MORE QUICKLY. PARENTAL DEPLOYMENT CREATES A STRESSFUL SITUATION WITH THE LOSS OF A PARENT AND A NEW SITUATION AT HOME. WE AS A STATE WANT TO PROVIDE EVERY RESOURCE WE CAN TO PROTECT AND ENSURE THE WELL-BEING OF OUR CHILDREN. LB219 DOES NOT CREATE PERMANENT RIGHTS FOR NONPARENTS, DOES NOT INCREASE THE TIME A MILITARY

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PARENT OR NONPARENT UNDER A CARETAKING PLAN RECEIVES, AND DOES NOT PERMANENTLY CHANGE THE AMOUNT OF CHILD SUPPORT PAID OR RECEIVED BY EITHER PARENT. IT ALSO DOES NOT GUARANTEE THAT FAMILY MEMBERS OF THE DEPLOYING PARENT WILL RECEIVE CARETAKING TIME OR THAT A COURT WILL RULE MORE FAVORABLY FOR A MILITARY PARENT IN AN INDIVIDUAL CASE. RATHER, THE BILL CREATES A FRAMEWORK AND A PROCESS FOR PARENTS AND JUDGES FACING THE UNIQUE CHALLENGES OF DEPLOYMENT BASED ON THE BEST INTERESTS OF THE CHILD. AND AS YOU'LL NOTE, IT ALSO ESTABLISHES THAT DEPLOYMENT ITSELF CANNOT BE A CONDITION IN A CUSTODY DECISION. LB219 RECEIVED LETTERS OF SUPPORT FROM THE ADJUNCT GENERAL BOHAC, FROM THE NEBRASKA MILITARY DEPARTMENT, THE DEPARTMENT OF DEFENSE, THE MILITARY OFFICER'S ASSOCIATION OF AMERICA, NEBRASKA CHAPTER, AND FROM VOICES FOR CHILDREN. COLLEAGUES, I BEGAN WORKING ON THIS ISSUE TO CREATE A PROCESS, A PROCESS THAT IS CONSISTENT AND PREDICTABLE FOR MILITARY FAMILIES DURING A TIME THAT IS ANYTHING BUT CONSISTENT AND PREDICTABLE. I DID NOT BRING THIS LEGISLATION TO ADDRESS A PARTICULAR CONSTITUENT SITUATION, BUT I HAVE HEARD MANY STORIES ABOUT THE CHALLENGES OF DEPLOYMENT FROM MILITARY FAMILIES IN MY DISTRICT. MANY FAMILIES IN MY DISTRICT, SENATOR GARRETT'S DISTRICT, SENATOR SMITH'S DISTRICT ARE ACTIVE MILITARY FAMILIES WHO FACE THESE CHALLENGES REGULARLY. HOWEVER, THESE PROTECTIONS ALSO APPLY TO GUARD AND RESERVE WHO ARE DEPLOYED, AND THOSE FAMILIES ARE IN ALL OF YOUR DISTRICTS. IN FACT, A GUARD MOM CAME TO OUR HEARING AND SHARED HER PERSONAL EXPERIENCE DURING RECENT DEPLOYMENT AT THE HEARING, AND THAT TESTIMONY IS UP SO YOU CAN ACTUALLY READ HER COMPELLING STORY. SHE CONTACTED US AFTER THE BILL WAS INTRODUCED BECAUSE SHE WANTED TO TESTIFY TO TELL HER STORY. HER STORY HIGHLIGHTS SOME OF THE CHALLENGES MILITARY PARENTS, INCLUDING OUR GUARD RESERVE PARENTS, FACE DURING DEPLOYMENT. DANELLE NELSON IS A 15-YEAR MEMBER OF THE AIR NATIONAL GUARD IN LINCOLN. SHE IS ALSO THE MOM OF TWO CHILDREN AGES SIX AND NINE. DURING HER DEPLOYMENT, HER CHILDREN DID NOT ONLY SAY GOODBYE TO MOM, THEY ALSO SAID GOODBYE TO THEIR HOME, THEIR PETS, THEIR ACTIVITIES, AND THEIR NANA AND PAPA AND THEIR STEP-DAD. HER CHILDREN WERE UNABLE TO SKYPE WITH THEIR MOM OR EVEN RECEIVE LETTERS BECAUSE OF THE ESTRANGED HUSBAND. THIS PUT INCREDIBLE STRESS ON THE CHILDREN AND ON DANELLE IN HER PERFORMANCE DURING DEPLOYMENT. COLLEAGUES, THIS IS ONE OF THE MANY REASONS THE DEPARTMENT OF DEFENSE HAS IDENTIFIED THIS AS A KEY ISSUE FOR STATES TO ADDRESS. WITHOUT A PREDICTABLE PLAN IN PLACE, THESE MESSY TYPES OF ISSUES CAN IMPACT MORALE, PREPAREDNESS, AND FOCUS ON THE MISSION AT HAND. BUT FROM OUR PERSPECTIVE AS THE STATE IN WHICH

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THESE CHILDREN RESIDE, IT IMPACTS THE WELL-BEING OF THOSE CHILDREN WHICH SHOULD BE OUR UTMOST CONCERN. DURING THE HEARING, DANELLE WAS SPECIFICALLY ASKED IF SHE THOUGHT LB219 WOULD HAVE HELPED IN HER SITUATION IF IT HAD BEEN IN PLACE. AND SHE SPOKE ABOUT A COLLEAGUE WHO WAS DEPLOYED AT THE SAME TIME FROM NORTH DAKOTA WHO ACTUALLY HAD ALREADY PASSED THIS PROTECTION FOR THEIR DEPLOYED PARENTS. AND SHE TALKED ABOUT THE FACT THAT HER COLLEAGUE FROM NORTH DAKOTA DID HAVE THESE PROTECTIONS AND WAS ABLE TO COMMUNICATE WITH HER CHILDREN AND ABLE TO CREATE A PLAN THAT ALLOWED HER CHILDREN TO HAVE ACCESS TO EXTENDED FAMILY. NOW THIS BILL DOES NOT GUARANTEE THAT OUTCOME FOR DANELLE OR ANY MILITARY PARENT. IT DOESN'T GUARANTEE AN OUTCOME, BUT IT DOES PUT IN PLACE A PROCESS. A PROCESS WHERE A COURT CAN ANSWER ONE QUESTION: WHAT IS IN THE BEST INTEREST OF THE CHILD IN THIS SITUATION? [LB219]

SPEAKER HADLEY: ONE MINUTE. [LB219]

SENATOR CRAWFORD: THANK YOU. AND I BELIEVE WE NEED TO VOTE GREEN ON LB219 TO ENSURE WE HAVE THAT PROCESS IN OUR STATE TO ASK WHAT'S IN THE BEST INTEREST OF THE CHILD WHEN A MILITARY PARENT IS DEPLOYED. THANK YOU, MR. PRESIDENT. [LB219]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB219]

SENATOR SEILER: (MICROPHONE MALFUNCTION) ...PRESIDENT AND MEMBERS OF THE UNICAMERAL. AM43 TO LB219 DOES TWO THINGS. ONE, THE UNIFORM ACT PROVIDED FOR AN ADULT TO BE 18 YEARS OF AGE. TO BE CONSISTENT WITH THE REST OF THE LAW OF NEBRASKA, WE HAVE AMENDED THAT TO 19 YEARS OF AGE, AND THAT'S CONSISTENT WITH 43-2101. THE OTHER IS A HOUSEKEEPING AMENDMENT WHICH IS PLACING THE WORDS, IF THIS ACT IS APPLICABLE RIGHT BEHIND THE DEFINITION OR THE EXPLANATION OF THE TITLE. THIS BILL OR THIS AMENDMENT WAS ADVANCED FROM THE JUDICIARY COMMITTEE ON A 6-0 VOTE WITH TWO MEMBERS NOT VOTING. I HAVE ONE OTHER HOUSEKEEPING, ON THE COMMITTEE'S STATEMENT ON PAGE 2, SECTION 2 OF THE SECOND PARAGRAPH OF LINE 5 STRIKE THE WORDS, IN THIS STATE AND ADD, POSSESSES CUSTODIAL RESPONSIBILITY UNDER THE LAWS OF THE STATE OF NEBRASKA. WE URGE YOU TO ADOPT THIS AMENDMENT AND PASS THIS BILL. [LB219]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON COMMITTEE

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AMENDMENT. SENATOR KRIST, YOU ARE RECOGNIZED. [LB219]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. IF YOU'LL LOOK AT THE COMMITTEE STATEMENT YOU'LL SEE THAT I WAS PRESENT AT THE EXEC SESSION AND NOT VOTING, AND I'D LIKE TO EXPLAIN THAT TO YOU AS I HAVE MADE A HABIT OF DOING IN THE PAST IF I DON'T KNOW THE BILL, I DON'T KNOW THE GREEN COPY, AND I DON'T KNOW THE AMENDMENT, AND I WASN'T THERE FOR THE HEARING. I WAS ACTUALLY PRESENTING IN ANOTHER HEARING THAT DAY FOR ANOTHER COMMITTEE, THEN I'LL JUST SAY PRESENT, NOT VOTING. SINCE THEN I'VE HAD AMPLE TIME TO TAKE A LOOK AT BOTH THE AM43 AND THE UNDERLYING LB219 AND I WOULD GIVE IT MY UNANIMOUS SUPPORT. AS A DEPLOYED COMMANDER WHILE I WAS IN THE AIR FORCE I SAW IN MANY SITUATIONS WHERE THE ADVERSE CONSEQUENCE OF THE WAY IT EXISTS TODAY HAD DEVASTATING EFFECTS ON THE CHILDREN AND SOMETIMES THE PRODUCTIVITY OF THE MEMBER WHO WAS DEPLOYED. SO I WOULD ASK YOU TO SUPPORT AM43 AND THE UNDERLYING LB219. THANK YOU VERY MUCH. [LB219]

SPEAKER HADLEY: (VISITORS INTRODUCED.) IS THERE ANY FURTHER DISCUSSION ON THE AMENDMENT AM43? SEEING NONE, SENATOR SEILER, YOU ARE RECOGNIZED TO CLOSE. SENATOR SEILER WAIVES CLOSE. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENT TO LB219 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB219]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB219]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB219 TO E&R INITIAL CONTINUES. IS THERE ANYONE WHO WISHES TO SPEAK? SENATOR GARRETT, YOU ARE RECOGNIZED. [LB219]

SENATOR GARRETT: THANK YOU, MR. SPEAKER. I RISE IN SUPPORT OF LB219 AND THANK SENATOR SUE CRAWFORD FOR HER EFFORTS ON BEHALF OF VETERANS. I HAVE PERSONAL EXPERIENCE WITH A LOT OF COLLEAGUES WHILE I WAS ON ACTIVE DUTY AND THIS BILL ADDRESSES A LOT OF THOSE CONCERNS AND, AGAIN, THANK YOU AND I URGE MY COLLEAGUES TO SUPPORT LB219. THANK YOU, MR. SPEAKER. [LB219]

SPEAKER HADLEY: THANK YOU, SENATOR GARRETT. SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB219]

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SENATOR WILLIAMS: THANK YOU, MR. SPEAKER. I ALSO RISE IN SUPPORT OF LB219. THIS BILL ALLOWS US AS LEGISLATORS TO SIMPLY DO WHAT'S RIGHT, AND I THINK IT'S IMPORTANT WHEN WE HAVE THOSE OPPORTUNITIES TO RECOGNIZE THAT THE UNIFORMITY THAT THIS BILL CREATES AND THE STABILITY FOR YOUNG PEOPLE OUTWEIGHS ANY OTHER INTEREST IN MY JUDGMENT. THANK YOU FOR YOUR SUPPORT. I WOULD CERTAINLY SUPPORT LB219 AS AMENDED. THANK YOU. [LB219]

SPEAKER HADLEY: THANK YOU. (VISITORS INTRODUCED.) SEEING NO ONE ELSE IN THE QUEUE TO BE RECOGNIZED, SENATOR CRAWFORD, YOU ARE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF THE BILL. [LB219]

SENATOR CRAWFORD: THANK YOU. I APPRECIATE YOUR SUPPORT AND ATTENTION TO THIS BILL. IT'S A VERY IMPORTANT LEGAL FRAMEWORK FOR US TO HAVE IN OUR STATE TO SUPPORT OUR DEPLOYED ACROSS THE STATE AND ESPECIALLY TO TAKE CARE OF THE BEST INTERESTS OF THE CHILD IN THOSE SITUATIONS. SO I URGE YOUR GREEN VOTE ON LB219. [LB219]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB219 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE THAT WISH TO VOTE, VOTED? RECORD, MR. CLERK. [LB219]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB219. [LB219]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, WE WILL CONTINUE WITH GENERAL FILE, LB18. [LB219 LB18]

CLERK: LB18, INTRODUCED BY SENATOR KRIST. (READ TITLE.) INTRODUCED ON JANUARY 8, AT THAT TIME REFERRED TO THE EDUCATION COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. [LB18]

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED TO OPEN ON LB18. [LB18]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES AGAIN AND GOOD MORNING, NEBRASKA. MEMBERS OF THE BODY, LB18 ADVANCED FROM THE EDUCATION COMMITTEE ON A 6 TO 1 VOTE WITH ONE MEMBER ABSENT. I WANT TO THANK CHAIRPERSON SULLIVAN FOR HER SUPPORT AND THE MEMBERS OF THE EDUCATION COMMITTEE FOR ADVANCING THE BILL OUT OF THEIR COMMITTEE. EACH YEAR, MENINGOCOCCAL DISEASE STRIKES NEARLY 1,500 AMERICANS AND 10 TO 15 PERCENT OF THOSE INFECTED WILL DIE. ALL THOSE WHO SURVIVE,

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APPROXIMATELY 20 PERCENT, WILL LIVE WITH PERMANENT AND HUGELY EXPENSIVE DISABILITIES SUCH AS BRAIN DAMAGE, HEARING LOSS, LOSS OF KIDNEY FUNCTIONS, OR LIMB AMPUTATIONS. OVERALL, ONE IN THREE VICTIMS WILL SUFFER DEVASTATING OUTCOMES. MENINGOCOCCAL BACTERIA ARE SPREAD THROUGH THE EXCHANGE OF RESPIRATORY AND THROAT SECRETIONS, LIKE SPIT, LIVING IN CLOSE QUARTERS, SHARING DRINKS, KISSING, ETCETERA. URGENT MEDICAL ATTENTION AND ANTIBIOTICS ARE EXTREMELY IMPORTANT IF MENINGOCOCCAL DISEASE IS SUSPECTED. EXPENSIVE OUTBREAK CONTROL AND ANTIBIOTIC PROPHYLACTICS SHOULD BE STARTED IMMEDIATELY TO REDUCE THE SECONDARY SPREAD OF THE DISEASE. UNFORTUNATELY, MENINGOCOCCAL DISEASE IS OFTEN INITIALLY MISDIAGNOSED BECAUSE EARLY SYMPTOMS ARE MUCH LIKE THE FLU. THINK ABOUT WHAT'S GOING ON TODAY IN THIS COUNTRY AND THE FLU. IF MENINGOCOCCAL DISEASE IS NOT TREATED WITHIN THE FIRST 24 TO 36 HOURS, THE RESULTS ARE DEVASTATING. ADOLESCENTS AND YOUNG ADULTS ARE AT INCREASED RISK FOR THE MENINGOCOCCAL DISEASE AND ARE ALSO HIGH-LEVEL CARRIERS OF THE BACTERIA IN THEIR NASAL PASSAGES AND THROAT. THE CENTERS FOR DISEASE CONTROL AND PREVENTION ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES, THAT IS THE CDC-ACIP, RECOMMENDS ROUTINE VACCINATIONS OF TEENS, TWO DOSES OF MENINGOCOCCAL VACCINE. THE VACCINE IS EXPECTED TO PROTECT ADOLESCENTS AND YOUNG ADULTS THROUGH THE INCREASED RISK PERIOD. THE CURRENT CDC RECOMMEND VACCINES PROTECTS AGAINST 73 PERCENT OF THE MENINGOCOCCAL STRAINS OCCURRING IN PERSONS 11 AND OLDER IN THE UNITED STATES. DATA FROM OTHER COUNTRIES WHERE IMMUNIZATION RATES ARE VERY HIGH SUGGEST THAT TEEN MENINGITIS VACCINATION CAN ALSO HELP PROTECT HIGH-RISK INDIVIDUALS THROUGH REDUCED NASAL CARRIAGE OF THE BACTERIA AND WHAT IS REFERRED TO AS HERD IMMUNITY. AND I'M SURE THOSE OF YOU WHO FARM UNDERSTAND THAT TERM. FOR THOSE OF US IN THE CITY IT MEANS TRY TO GET MOST OF OUR KIDS VACCINATED SO THAT THE REST OF THEM ARE NOT INFECTED. KEEPING OUR TEENS UP-TO-DATE WITH RECOMMENDED VACCINES IS BEST DEFENSE AGAINST MENINGOCOCCAL DISEASE. LB18 IS SUPPORTED BY THE NEBRASKA MEDICAL NURSING AND PHARMACY ASSOCIATIONS, THE NEBRASKA CHAPTERS OF...ACADEMIES OF FAMILY PHYSICIANS AND PEDIATRICS, THE PEDIATRIC INFECTIOUS DISEASE SOCIETY, FRIENDS OF THE PUBLIC HEALTH OF NEBRASKA, THE NEBRASKA SCHOOL NURSE'S ASSOCIATION, AND THE NEBRASKA STATE EDUCATION ASSOCIATION. THERE WERE NO OPPONENTS AND NO NEUTRAL TESTIMONY DURING THIS HEARING. I WOULD NOTE ALSO AT THIS TIME THAT WHEN 93 COUNTY MEDICAL OFFICERS MAKE A RECOMMENDATION TO ME, I LISTEN. IN CLOSING, I AGAIN WANT TO THANK THE EDUCATION COMMITTEE FOR THEIR SUPPORT OF LB18 AND FOR ADVANCING IT TO GENERAL FILE. THANK YOU,

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MR. PRESIDENT. [LB18]

SPEAKER HADLEY: MR. CLERK. [LB18]

CLERK: MR. PRESIDENT, SENATOR GROENE WOULD MOVE TO AMEND WITH AM169. (LEGISLATIVE JOURNAL PAGE 373.) [LB18]

SPEAKER HADLEY: SENATOR GROENE, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB18]

SENATOR GROENE: THANK YOU, PRESIDENT AND COLLEAGUES. MY AMENDMENT, ON OR AFTER JULY 1, 2016, EVERY PUBLIC AND PRIVATE SCHOOL SHALL PROVIDE EACH STUDENT ENTERING THE SEVENTH GRADE, AND EACH STUDENT ENTERING THE JUNIOR YEAR OF HIGH SCHOOL, AND THE STUDENT'S PARENTS OR LEGAL GUARDIAN, WITH INFORMATION ABOUT MENINGOCOCCAL DISEASE. IT'S BASICALLY BACTERIAL CAUSED MENINGITIS AND ITS VACCINE. SUCH INFORMATION SHALL INCLUDE THE CAUSE AND SYMPTOMS OF THE DISEASE, HOW THE DISEASE IS SPREAD, AND THE PLACES WHERE PARENTS AND GUARDIANS MAY OBTAIN ADDITIONAL INFORMATION, CURRENT RECOMMENDATIONS FROM THE UNITED STATES CENTERS FOR DISEASE CONTROL AND PREVENTION REGARDING THE RECEIPT OF VACCINES FOR MENINGOCOCCAL DISEASE AND WHERE THE VACCINATION MAY BE RECEIVED. THIS SUBSECTION SHALL NOT BE CONSTRUCTED TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES OR ANY PUBLIC OR PRIVATE SCHOOL TO PROVIDE MENINGOCOCCAL VACCINATION TO STUDENTS. THE DEPARTMENT OF HEALTH AND HUMAN SERVICES SHALL PREPARE THE INFORMATION MATERIAL REQUIRED IN THIS SUBSECTION. I GAVE YOU FOLKS A HANDOUT. ON THE SECOND PAGE IS A MAP OF THE STATES THAT MANDATE THE VACCINATION, THOSE THAT DON'T, AND THOSE...THERE'S 23 THAT MANDATE IT, 4 OF THEM--WASHINGTON, OKLAHOMA, TENNESSEE, AND NEW YORK--THAT DO AS MY AMENDMENT SAYS, AND THERE'S 23 THAT DO NOT MANDATE IT. IF YOU LOOK AT THE MAP, NONE OF THE STATES AROUND US MANDATE THE VACCINATION. I GIVE YOU A LITTLE BACKGROUND ON LB18. LB460 FROM LAST YEAR'S SESSION WAS IDENTICAL. IT DID NOT GET OUT OF COMMITTEE LAST YEAR. BY EXAMINING THE TESTIMONY AND THE TRANSCRIPTS SHOWS THAT THE BILL WAS BROUGHT FORWARD BY THE DRUG COMPANY, SANOFI PASTEUR, THE MAKER OF THE MOST PROMINENT VACCINE MCV4. THIS YEAR, IT WAS BROUGHT FORWARD BY THE REQUEST OF THE METRO OMAHA IMMUNIZATION TASK FORCE WHICH COVERS SIX COUNTIES IN THE METRO AREA. I'VE BEEN TOLD AND CONTACTED BY THOSE WHO TESTIFIED IN OPPOSITION TO LB460 LAST YEAR THAT THEY WERE CAUGHT OFF GUARD, THAT THEY DIDN'T THINK THIS BILL WOULD BE REINTRODUCED, AND THEY WERE NOT ABLE TO TESTIFY. I BELIEVE SOME OF

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YOU HAVE RECENTLY RECEIVED E-MAILS FROM SOME OF THESE FOLKS WHO TESTIFIED LAST YEAR TO THEIR OPPOSITION. THERE IS OPPOSITION TO THIS MANDATE. SOME FACTS ABOUT MENINGOCOCCAL BACTERIAL MENINGITIS. THE VACCINES CURRENTLY ON THE MARKET ARE 85 PERCENT EFFECTIVE AGAINST SUBGROUP A, C, Y, AND W135 WHICH CAUSE APPROXIMATELY 75 PERCENT OF THE INFECTIONS OF THE DISEASE IN THE U.S., WHICH AMOUNTS TO...SO IF YOU'VE GOT 85 PERCENT, 75 PERCENT IMMUNOLOGISTS DO THE CALCULATIONS, IT'S ABOUT 58 TO 63 PERCENT EFFECTIVE, WHICH MEANS THE VACCINATED INDIVIDUALS HAVE A 40 PERCENT CHANCE OF CONTRACTING MENINGOCOCCAL MENINGITIS, VACCINATED OR NOT. AND MY SOURCES, I'D LIKE TO CLARIFY MY SOURCES. MY SOURCES OF EVERY FACT I GIVE YOU ARE FROM THE NATIONAL CENTER OF IMMUNIZATION AND RESPIRATORY DISEASE, NEBRASKA'S DEPARTMENT OF PUBLIC HEALTH, OFFICE OF IMMUNOLOGY, AND THE ADVISORY COMMITTEE TO IMMUNIZATION PRACTICES TO CDC. SO GET OUT OF YOUR HEAD THAT I WENT TO SOME ANTI-VACCINATION GROUP'S WEB SITE TO GET MY FACTS. I WENT RIGHT TO THE CDC, THE CENTERS FOR DISEASE CONTROL. ACCORDING TO THE ADVISORY COMMITTEE OF IMMUNIZATION PRACTICES TO THE CDC, THE VACCINATION IS 95 PERCENT EFFECTIVE THE FIRST YEAR AND DROPS OFF TO AN AVERAGE EFFECTIVENESS OF 58 PERCENT FROM THE YEAR TWO TO FIVE YEARS. WE ARE GOING TO IMMUNIZE OUR CHILDREN AT SEVENTH GRADE, 12. THE FIRST YEAR THEY MIGHT BE IMMUNIZED WELL. THE NEXT THREE YEARS OR FOUR BEFORE THEY ARE IMMUNIZED AGAIN IN HIGH SCHOOL, THEY HAVE A 42 PERCENT CHANCE OF CONTRACTING THE DISEASE ANYWAY IF THEY HAVE BEEN IN CONTACT WITH AN INFECTED INDIVIDUAL. A COMPARISON, ON THE OTHER HAND, OF MEASLES VACCINATIONS, MMR, IS 95 PERCENT EFFECTIVE AFTER THE FIRST DOSE, AND AFTER THREE DOSES IT'S ALMOST 100 PERCENT. AND THAT'S FROM THE NATIONAL CENTER OF IMMUNIZATION COUNCIL. LAST YEAR IN NEBRASKA, THE OTHER HALF OF MY HANDOUT I GAVE YOU, THERE WERE NO CASES OF MENINGOCOCCAL MENINGITIS IN THE ENTIRE STATE, ANY AGE GROUP. WE RECEIVED THE INFORMATION FROM...I CAN'T PRONOUNCE HIS NAME, BUT DENNIS WHO IS THE HEALTH SURVEILLANCE SPECIALIST AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AT NEBRASKA. AS YOU CAN SEE OVER THE LAST 11 YEARS, THERE HAVE BEEN ONLY...THAT'S HOW FAR BACK THEY RECORDED BY AGE GROUP THE CASES. YOU CAN SEE THAT OVER THE LAST 11 YEARS, TWO CASES OF MENINGITIS WERE RECORDED IN THE 12- TO 17-YEAR-OLD AGE GROUP; 9 WERE RECORDED IN THE COLLEGE AGE 18 TO 22 YEAR AGE GROUP. SEVENTY-EIGHT CASES WERE IDENTIFIED OVER 11 YEARS OUTSIDE OF THIS AGE GROUP. SO MENINGITIS ALSO HITS FOUR-, FIVE-, SIX-, SEVEN-YEAR-OLDS AND OLDER PEOPLE, TOO, MIDDLE AGE IF YOU'RE SUSCEPTIBLE. MORE FACTS: 5 TO 10 PERCENT OF ADULTS ARE ASYMPTOMATIC CARRIERS OF THE BACTERIUM IN THEIR NASAL PASSAGES. THE FREQUENCY OF CARRIAGE LIKE

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THAT OF ALL INVASIVE DISEASES ALSO VARIES BY AGE. ALTHOUGH THE CARRIAGE OF BOTH PATHOGEN AND NONPATHOGEN STRAINS IS COMMON, FEW CARRIERS DEVELOP INVASIVE DISEASE. FOR THE MAJORITY OF PEOPLE, CARRIAGE IS A IMMUNIZATION PROCESS THAT RESULTS IN A SYSTEMIC PROTECTION FROM THE DISEASE. MENINGOCOCCAL DISEASE RATES IN CHILDREN YOUNGER THAN ONE YEARS OF AGE OR SIX MONTHS, MORE THAN 50 PERCENT OF THE MENINGOCOCCAL DISEASE OF THAT AGE IS CAUSED BY THE SEROGROUP B, WHICH IS NOT COVERED BY THE MCV4 VACCINE. THAT'S THE 25 PERCENT THAT ISN'T COVERED. BY THE WAY, IF YOU'VE HEARD ABOUT THE PRINCETON OUTBREAK IN 2013, IF THEY WOULD HAVE BEEN VACCINATED BY MCV4, THEY WOULD HAVE STILL GOT IT BECAUSE THEY WERE INFECTED BY THE B STRAIN. THEY HAD TO FLY IN AN EMERGENCY VACCINATION FROM EUROPE THAT WAS EXPERIMENTAL AND THEY GAVE IT TO THE REST OF THE STUDENT GROUP SO IT WOULDN'T SPREAD. IN TIME, CHILDREN GRADUALLY BECOME EXPOSED TO MENINGOCOCCAL AND DEVELOP BACTERIAL ANTIBODIES. BY THE TIME THEY REACH ADULthood, 65 TO 85 PERCENT OF PERSONS POSSESS BACTERIAL ANTIBODIES AGAINST MENINGOCOCCAL DISEASE. THAT IS NOT TRUE ON DISEASES LIKE... THAT WE ALL HAD VACCINATED OUR CHILDREN LIKE MEASLES, MUMPS, AND POLIO. MY CONCERN IS BY MANDATING THE MCV4 VACCINATION, ARE WE CREATING A FALSE SECURITY TO PARENTS THAT THEIR CHILDREN ARE SAFE FROM THE RARE SITUATION THAT THEIR CHILDREN MAY CONTACT MENINGITIS, WHEN IN FACT THERE'S A 40 TO 50 PERCENT CHANCE THAT THE VACCINATION IS NO LONGER EFFECTIVE AFTER THE SECOND YEAR. IMAGINE A PARENT FINDING THEIR CHILD WITH SEVERE HEADACHES, THROWING UP, SENSITIVE TO LIGHT, AND SITTING WITH THEIR HUSBAND AND SAYING, WELL, GOOD THING WE KNOW IT ISN'T MENINGITIS, WE HAD THEM VACCINATED WHEN THEY HAVE A 40 PERCENT CHANCE OF CONTRACTING THE DISEASE. THAT IS NOT TRUE WITH MEASLES. THAT IS NOT TRUE WITH POLIO. THIS IS A VERY RARE DISEASE AND MOST OF US ARE IMMUNE TO IT NATURALLY. THEREFORE, I BELIEVE AN EDUCATION PROCESS, BY GIVING THE INFORMATION TO THE STUDENT AND PARENTS, WILL BE MORE EFFECTIVE IN KEEPING THE POPULOUS ON THE WATCH FOR THOSE RARE OCCASIONS. THE UNIVERSITY OF NEBRASKA SYSTEM DOES NOT MANDATE THE VACCINATION. IT IS RECOMMENDED ONLY. NONE OF THE COLLEGE SYSTEMS TESTIFIED AT THIS, THE PUBLIC SCHOOL SYSTEMS DIDN'T, THE SCHOOL NURSES DID. THIS BILL... [LB18]

SPEAKER HADLEY: ONE MINUTE. [LB18]

SENATOR GROENE: THIS BILL HAS A FISCAL NOTE OF \$253,000, \$254,000. AT THE WEST CENTRAL HEALTH DEPARTMENT IN LINCOLN COUNTY, MY HOME COUNTY WHICH COVERS THE RURAL COUNTIES AROUND ALSO, VACCINES

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ARE OFFERED TO THOSE WITHOUT INSURANCE FREE WITHOUT PROOF OF INCOME. HERE IN LINCOLN, IN LANCASTER COUNTY, THE SAME IS ALMOST TRUE. A VACCINE CAN BE RECEIVED BY THOSE WITH NO INSURANCE, HOWEVER, PROOF OF INCOME IS REQUIRED. MY AIDE SAID THEY CALLED BACK AND SAID THEY WILL TURN NOBODY AWAY. SO EVEN IF YOU DON'T HAVE THE FUNDS FOR 30 BUCKS FOR A VACCINATION, YOU CAN GO DOWN TO YOUR COUNTY HEALTH DEPARTMENT AND THEY WILL VACCINATE YOUR CHILD IF YOU HAVE A FEAR OF IT. IN CLOSING, I'D LIKE TO TAKE A QUOTE THAT'S ON THE METRO AREA IMMUNIZATION TASK FORCE WEB SITE. PARENTS, WE STRONGLY ENCOURAGE YOU TO IMMUNIZE YOUR CHILD BUT ULTIMATELY THE DECISION IS YOURS. AND THAT'S WHAT MY AMENDMENT... [LB18]

SPEAKER HADLEY: TIME. [LB18]

SENATOR GROENE: ...WILL DO. [LB18]

SPEAKER HADLEY: SENATOR GLOOR, YOU'RE RECOGNIZED. [LB18]

SENATOR GLOOR: THANK YOU, MR. SPEAKER, AND GOOD MORNING, MEMBERS. AND AS A POINT OF CLARIFICATION, THERE IS A HANDOUT FROM MG, THAT WOULD BE MG DISTRICT 42 NOT MG DISTRICT 35, JUST AS A...TO MAKE SURE THERE'S NO QUESTION ABOUT WHERE THAT HANDOUT CAME FROM. NOW THE COMMENTARY ON THE HANDOUT, IT'S JUST NOT FROM ME. I WONDER IF SENATOR KRIST WOULD YIELD TO SOME QUESTIONS. [LB18]

SPEAKER HADLEY: SENATOR KRIST, WOULD YOU YIELD? [LB18]

SENATOR KRIST: ABSOLUTELY. [LB18]

SENATOR GLOOR: THANK YOU, SENATOR KRIST. YOU HAVE AN IMPRESSIVE LIST OF SUPPORTERS FOR THIS BILL, BUT I DON'T RECALL HEARING ANYONE WHO WAS ONE OF OUR STATE MEDICAL PUBLIC HEALTH OFFICERS, EITHER THE MEDICAL OFFICER FOR THE STATE OR THE BOARD OF HEALTH. DID I MISS THAT? OR DID WE NOT HAVE ANY SUPPORTERS EITHER IN TESTIFIER FORM OR WRITTEN FORM THAT WERE STATE MEDICAL PUBLIC HEALTH FOLKS? [LB18]

SENATOR KRIST: THERE WAS NO ONE FROM THE DEPARTMENT THAT TESTIFIED PRO, CON, OR NEUTRAL. NOTIFICATION THROUGH PRO WAS MADE THAT THIS WAS COMING FORWARD. AND THE OBVIOUS, I WILL TELL YOU THOUGH, IS THAT THE FOLKS ON THAT LIST HAVE ALL BEEN IN CONTACT WITH THE CHIEF MEDICAL OFFICER ABOUT THIS ISSUE. I PERSONALLY DID NOT

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TALK TO DR. ACIERNO ABOUT THE ISSUE. [LB18]

SENATOR GLOOR: DO WE HAVE ANYTHING IN RECENT HISTORY THAT MIGHT MATCH UP WITH THIS THAT WOULD GIVE US A SENSE OF HOW THEY FEEL ABOUT IT? [LB18]

SENATOR KRIST: ON MY TIME AND YOUR TIME ON THE HEALTH AND HUMAN SERVICES COMMITTEE, I CAN SAY THAT THEY'VE BEEN RATHER SUPPORTIVE OF ANYTHING THAT HAS BEEN BROUGHT TO US FROM 93 COUNTY MEDICAL OFFICERS IN TERMS OF PUBLIC HEALTH. I HAVE NO REASON TO SUSPECT THAT THEY WOULD NOT BE IN SUPPORT OF THIS EFFORT. [LB18]

SENATOR GLOOR: OKAY. THANK YOU. I WONDER IF SENATOR GROENE WOULD YIELD TO A QUESTION. [LB18]

SPEAKER HADLEY: SENATOR GROENE, WOULD YOU YIELD? [LB18]

SENATOR GROENE: YES. [LB18]

SENATOR GLOOR: THANK YOU, SENATOR GROENE. SENATOR GROENE, I KNOW YOU WEREN'T HERE LAST YEAR, BUT YOU'VE OBVIOUSLY HAD A CHANCE TO VISIT WITH PEOPLE WHO WERE OBJECTORS TO THIS BILL LAST YEAR. I WAS ON THE COMMITTEE LAST YEAR AND I REMEMBER THAT WE TALKED ABOUT IT. I DON'T REMEMBER THE SPECIFICS AND DON'T HAVE A FILE ANYMORE TO GO BACK AND REFRESH MY MEMORY. BUT DO YOU KNOW, WHAT WERE THE OBJECTIONS OF THE TESTIFIERS LAST YEAR WHO WEREN'T ABLE TO ATTEND THIS YEAR? [LB18]

SENATOR GROENE: I PULLED UP THE TRANSCRIPTS FROM THE BILL AND I JUST RAN OVER AND GAVE IT TO MY AIDE TO SEARCH TO SEE IF THE PUBLIC HEALTH OFFICIALS ACROSS THE STATE. IF I REMEMBERED RIGHT...I'M NOT GOING TO SAY THAT BECAUSE I WANT TO MAKE SURE MY FACTS...I BELIEVE IN FACTS. BUT IF YOU COULD GIVE ME A CHANCE, I'M SURE I'LL STAND AGAIN AND I'LL ANSWER THAT BECAUSE WE'LL PERUSE THE TESTIMONY FROM LAST YEAR. [LB18]

SENATOR GLOOR: FAIR ENOUGH. THANK YOU, SENATOR GROENE. I'M SURE I'M GOING TO HAVE ANOTHER QUESTION OR TWO, MAYBE ESPECIALLY AFTER SENATOR GROENE IS ABLE TO GET BACK TO ME. SO THANK YOU. [LB18]

SPEAKER HADLEY: NOW IN THE QUEUE ARE SENATOR KRIST, SENATOR EBKE, SENATOR PANSING BROOKS, SENATOR BRASCH, AND SENATOR SCHNOOR. SENATOR KRIST, YOU ARE RECOGNIZED. [LB18]

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SENATOR KRIST: THANK YOU, MR. PRESIDENT. THIS IS NOT A FRIENDLY AMENDMENT. I WOULD RECOMMEND THAT YOU NOT SUPPORT AM169 FOR TWO REASONS. ONE, IT GUTS MY BILL. IT MAKES IT ADVISORY ONLY, NOT A MANDATE. AND FOR MOST OF YOU KNOW IF SENATOR CHAMBERS WERE HERE, AND I REPRESENT SOME OF THOSE PEOPLE THAT ARE ON THE BORDERLINE IN OMAHA, WITHOUT A MANDATE, OUR DEPARTMENT OF MEDICAID OR PUBLIC HEALTH IS NOT REQUIRED TO PAY FOR SOME OF THESE VACCINATIONS IF A PARENT WOULD WANT THEIR CHILD TO BE VACCINATED. POINT ONE. POINT TWO, IT SEEMS TO ME THAT SENATOR GROENE HAS AN ISSUE WITH A MANDATE AND THAT...IN PART, IN PART AND FAIRNESS. I UNDERSTAND...I THINK I HEARD MOST OF HIS INTRO, SO I UNDERSTAND I THINK WHERE HE'S COMING FROM. THE MANDATE PART OF IT, FOLKS, IS ALREADY IN STATE LAW FOR AN OPT-OUT PROCESS. OPT-OUT, 79-221, IMMUNIZATION WHEN NOT REQUIRED. AN AFFIDAVIT SIGNED BY THE STUDENT AND/OR IF HE OR SHE IS A MINOR, BY THE LEGAL AUTHORIZED REPRESENTATIVE OF THE STUDENT STATING THAT THE IMMUNIZATION CONFLICTS WITH THE TENETS AND PRACTICES OF RECOGNIZED RELIGION DOMINATION THE STUDENT WOULD ADHERE TO THAT THE PARENTS CAN OPT OUT AND FOLLOW THE OPT-OUT PROVISIONS. I THINK THAT THIS HAS BEEN USED IN MANY OCCASIONS POTENTIALLY NOT FOR STRICTLY RELIGIOUS PURPOSES. AND IF SENATOR GROENE WANTS THERE TO BE AN OPT-OUT PROVISION ACROSS THE BOARD, THEN THIS SEEMS LIKE THE PIECE OF LEGISLATION THAT HE SHOULD BRING FORWARD NEXT YEAR TO OPEN IT UP TO ANY PARENT WHO HAS ANY OBJECTION TO A MANDATED VACCINATION OR IMMUNIZATION. AND I WOULD PROBABLY SUPPORT THAT BECAUSE AS A PARENT I HAD A HECK OF A TIME WITH A SPECIAL NEEDS CHILD MAKING A DECISION TO GO FORWARD WITH SOMETHING THAT I THOUGHT MIGHT OR MIGHT NOT BE RISKY. SO I HAD TO EDUCATE MYSELF. ALL OF THE OBJECTIONS THAT MOST OF YOU HAVE SEEN IN YOUR E-MAIL ARE TO THE PRESENCE OF TOXINS OR POISONS IN THESE VACCINATIONS OR IMMUNIZATIONS, PARTICULARLY MERCURY. EARLY ON IN THE TESTING, THERE WAS A HAZARD. THERE IS NO MORE MERCURY IN THIS IMMUNIZATION. FINALLY, I'D JUST LIKE TO MAKE A COUNTERPOINT IN TERMS OF THE IMMUNIZATION ITSELF. THE REASON THAT...THERE ARE FIVE SEROTYPES OF THIS DISEASE THAT'S CAUSED BY BACTERIA. THIS DOES NOT...THIS COVERS ONE THROUGH FOUR. IT DOES NOT COVER FIVE. AS WE LIVE AND GROW AND OUR WISDOM TEETH DISAPPEAR AND EVOLVE AS HUMAN BEINGS AND TAKE MORE AND MORE BACTERIA, THERE WILL BE MORE SEROTYPES. THERE IS CURRENTLY TESTING GOING ON FOR THE VACCINE FOR THE FIFTH STRAIN OF SEROTYPE. IT IS NOT AUTHORIZED BY THE CDC, AND I FELT IT WOULD BE IMPROPER IF NOT IMMORAL FOR ME TO INCLUDE SOMETHING THAT WAS NOT TESTED AND AUTHORIZED BY THE CDC. SENATOR GROENE IS RIGHT. THEY

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HAD TO SHIP IN A VACCINE OUT OF EUROPE THAT WAS IN A TEST FOR THE OUTBREAK AT PRINCETON. BUT I WILL TELL YOU THAT NOT EVERYONE AT PRINCETON WAS EXPOSED TO JUST THE FIFTH TYPE. SO I WOULD INVITE YOU, IF YOU HAVEN'T ALREADY, BECAUSE I DIDN'T WANT TO WASTE THE PAPER AND THE COLOR PRINTING TO RUN ALL OF THE COPIES OF WHAT WE SAW IN THE HEARING, BUT THIS YOUNG MAN WENT TO BED ONE NIGHT WITH FLU-LIKE SYMPTOMS. HE WOKE UP IN THE MORNING IN A SAD STATE, FLU-LIKE SYMPTOMS, WAS NOT TREATED FOR 24 HOURS. HIS PARENTS WERE CALLED TO THE EMERGENCY ROOM. AND THIS IS WHAT RESULTED IN NOT BEING TREATED WITHIN THE FIRST 24 TO 36 HOURS. TAKE A LOOK AT THESE PICTURES AS A PARENT OR AS A RESPONSIBLE LEGISLATOR OR AS A CITIZEN AND TELL ME THAT YOU WOULD NOT WANT TO VACCINATE AGAINST A DISEASE... [LB18]

SPEAKER HADLEY: ONE MINUTE. [LB18]

SENATOR KRIST: ...THAT WOULD CAUSE THAT KIND OF DEVASTATING RESPONSE WITHIN A SHORT PERIOD OF TIME. TAKE A LOOK AT THOSE PICTURES. THANK YOU. [LB18]

SPEAKER HADLEY: SENATOR EBKE, YOU'RE RECOGNIZED. [LB18]

SENATOR EBKE: THANK YOU, MR. SPEAKER. FOR THOSE OF YOU WHO DON'T KNOW MY BACKGROUND, I GO HOME EVERY NIGHT TO A FAMILY PRACTICE PHYSICIAN AND HAVE FOR THE LAST 33 YEARS. AND I ALWAYS LIKE TO TALK TO HIM A LITTLE BIT ABOUT SOME OF THESE ISSUES. I WANT TO THANK SENATOR GROENE FOR BRINGING THIS AMENDMENT FOR A COUPLE OF REASONS. FIRST OF ALL, I'M VERY CONCERNED ABOUT THE MANDATES. I DON'T THINK THAT WE OUGHT TO BE MANDATING ANYTHING THAT'S NOT A CLEAR PUBLIC HEALTH RISK. NOW I RECOGNIZE THAT THIS IS A DANGER, BUT I'M NOT SURE THAT IT RISES TO THE LEVEL OF A PUBLIC HEALTH RISK AT THIS POINT. I'M ALSO CONCERNED ABOUT THE COST. IN THE LAST TEN YEARS, I'VE SENT A DAUGHTER OFF TO COLLEGE. AND WHEN SHE WENT OFF TO COLLEGE, WE, YOU KNOW, HAD THIS LIST OF VACCINATIONS THAT THE COLLEGE RECOMMENDED AND AMONG THEM WERE THE MENINGOCOCCAL VACCINE. AND WE LOOKED AT THE SITUATION. WE SAID, YOU KNOW, SHE'S GOING TO BE LIVING IN THE DORMS IN CRETE, THREE BLOCKS AWAY FROM HOME. AND MY HUSBAND AND I TALKED ABOUT IT AND SAID, YEAH, LET'S GO AHEAD AND HAVE HER VACCINATED BECAUSE THERE IS AN INCREASED RISK, ESPECIALLY FOR COLLEGE STUDENTS AS THEY HEAD OFF TO COLLEGE AND LIVE IN THOSE CONFINED CIRCUMSTANCES. I ALSO HAD A DAUGHTER WHO IS NOW ALMOST 16, WENT TO SEVENTH GRADE A FEW YEARS AGO, AND WE LOOKED AT THE ASSORTMENT OF VACCINES AVAILABLE AT THE TIME, AND

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MENINGOCOCCAL WAS NOT ON THE LIST OF RECOMMENDED VACCINES FOR SEVENTH GRADERS AT THE TIME. BUT HPV, THE HPV VACCINE WAS ON THE RECOMMENDED LIST FOR GIRLS AT THAT THE POINT, AND I THINK THEY'VE ADDED BOYS TO THAT LIST AS WELL. WE LOOKED AT THAT AND WE SAID, YEAH, IT'S PROBABLY NOT A BAD IDEA GIVEN THE HEALTH RISKS ASSOCIATED WITH THAT PARTICULAR VIRUS. AND THAT HAS A MUCH MORE WIDESPREAD CIRCUMSTANCE THAN DOES MENINGOCOCCAL. I AM CONCERNED THAT FOR WHATEVER REASON, I'M NOT ANTI-VACCINE, BUT I AM CONCERNED THAT WE MAY BE OVERSTEPPING OUR BOUNDS HERE IN REQUIRING THAT PARENTS DO THIS. I'M ALL FOR PLENTY OF INFORMATION. I'M ALL FOR PARENTS BEING ABLE TO MAKE A CHOICE, BUT THE PREVALENCE OF THE MENINGOCOCCAL VIRUS OR BACTERIA IS RELATIVELY LOW AND FROM A COST-EFFECTIVE STANDPOINT I'M NOT SURE THAT WE CAN JUSTIFY IT FOR SEVENTH GRADERS WHO ARE AT QUITE LOW RISK, 16-YEAR-OLDS WHO WOULD BE AT ONLY A SLIGHTLY HIGHER RISK. IF WE WANT TO MAKE IT MANDATORY FOR COLLEGE STUDENTS, LET'S TALK ABOUT THAT LATER. IF I'VE GOT ANY TIME I'LL YIELD IT TO SENATOR GROENE IF HE'S GOT ANYTHING TO ADD. [LB18]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE YIELDED 1:52. [LB18]

SENATOR GROENE: I'M ON EDUCATION COMMITTEE AND I HEARD THIS AND I WAS THE ONE VOTE THAT WAS AGAINST IT AND IT WASN'T AN ABSENTEE VOTE. THERE WAS A VOTE THAT THEY JUST DIDN'T VOTE. POINT IN FACT, WE HAD TWO INDIVIDUALS WHO TESTIFIED, ONE WAS A LADY IN HER 30s. WHO GOT THE DISEASE IN HER 30s, WHO HER LEGS WERE AMPUTATED. WE HAD THE 22-YEAR-OLD COLLEGE STUDENT. HE WAS OLDER THAN THAT NOW, BUT HE GOT IT AT 22. DO THE MATH, FOLKS. WE VACCINATE THEM AT 16. THE VACCINATION AT BEST LASTS FIVE YEARS. AFTER THAT, IT WANES. 21. THE YOUNG MAN WAS 22. IF HE'D HAVE BEEN VACCINATED, WOULD HE HAVE BEEN UNDER THE IMPRESSION THAT HE WAS STILL COVERED? THE LADY WAS IN HER 30s. SHE WAS FROM IOWA. [LB18]

SPEAKER HADLEY: ONE MINUTE. [LB18]

SENATOR GROENE: THE VACCINATION WOULD HAVE NOT COVERED HER EITHER BECAUSE IF SHE WOULD HAVE DONE IT IN COLLEGE, THE VACCINATION WOULD HAVE WORE OFF BY THE TIME. THE FACT IS, FOLKS, THERE'S A FEW SUBSET OF THE POPULATION THAT IS VERY SUSCEPTIBLE TO THIS. EIGHTY-FIVE PERCENT OF US HAVE A NATURAL IMMUNIZATION TO IT. THIS IS NOT MEASLES. THIS IS NOT POLIO. WE'RE GOING GIVE A FALSE SECURITY TO FOLKS IN THAT SMALL SUBSET THAT IF THEY GET VACCINATED, THE GOVERNMENT TOOK CARE OF THEM. BY THE WAY, MY KIDS WERE ALL VACCINATED. SO ARE MY GRANDKIDS. I AM NOT ANTI-VACCINATION. I AM

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AGAINST GOVERNMENT GIVING FALSE SECURITIES TO ITS CITIZENS BY ITS ACTIONS. [LB18]

SPEAKER HADLEY: THOSE SENATORS WAITING TO SPEAK ARE: SENATOR PANSING BROOKS, SENATOR BRASCH, SENATOR SCHNOOR, SENATOR GROENE, SENATOR KINTNER, AND SENATOR LARSON. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB18]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I THOUGHT IT WAS INTERESTING THAT AT 9:50 TODAY THE NATIONAL CONFERENCE ON STATE LEGISLATURES SENT ALL US AN E-MAIL THAT DEALS WITH THE ISSUES OF IMMUNIZATIONS DIRECTLY. ONE OF THE THINGS THAT THEY TALK ABOUT IS THAT IMMUNIZATIONS...THE FIRST QUOTE TALKS ABOUT IMMUNIZATIONS ARE HERALDED AS ONE OF THE 20th CENTURY'S MOST COST-EFFECTIVE PUBLIC HEALTH ACHIEVEMENTS. IMMUNIZATIONS PROTECT BOTH INDIVIDUALS AND THE LARGER POPULATION, ESPECIALLY THOSE WHO HAVE IMMUNE DEFICIENCY AND IMMUNE SYSTEM DISORDERS AND CANNOT BE VACCINATED. IN THEIR ROLE AS GUARDIANS OF THE PUBLIC'S HEALTH, SORRY, ANYWAY, STATES PLAY A SIGNIFICANT ROLE IN DETERMINING IMMUNIZATION POLICIES. YOU KNOW, THIS RECOMMENDATION CAME FROM THE CENTERS FOR DISEASE CONTROL AND, OF COURSE, THEY KNOW A LOT MORE THAN I DO ON THIS AREA AND I WOULD PRESUME A LOT MORE THAN A LOT OF US HERE. THE INFORMATION GOES DOWN FURTHER AND TALKS ABOUT THE SAFETY AND THAT BASICALLY IT TALKS ABOUT THE FACT THAT ALL PEOPLE AGREE THAT WE ALL HAVE THE INTEREST OF THE SAFETY OF THE CHILDREN AT HEART. BUT THE GOAL OF THE GOVERNMENT AND MANUFACTURERS IS TO MAKE THESE AS SAFE AS POSSIBLE. AND THEY AREN'T 100 PERCENT EFFECTIVE WITH NO SIDE EFFECTS BUT NOTHING ELSE IS AS WELL. IF YOU WOULD LOOK BACK, TAKE A MOMENT AND LOOK BACK AT THE PICTURES, THE STORIES THAT WE HEARD, TO ME, ARE WORTH THE...THE FACT THAT SOMEBODY CAN GET THIS WITHIN A 24-HOUR PERIOD, BELIEVE THAT THEY'RE GOING TO BED WITH THE FLU, AND WAKE UP IN THE MORNING WITH THE PROSPECT OF POSSIBLY LOSING ARMS AND LEGS, WHICH IS WHAT HAPPENED TO OUR TWO PEOPLE, IF YOU LOOK AT THESE PICTURES, YOU WILL DECIDE THAT I BELIEVE THAT WE HAVE A PUBLIC DUTY TO HELP ENSURE THAT THIS IS NOT SPREAD TO THOSE PEOPLE. AND WE DON'T KNOW FOR SURE IF THE CHILDREN...IF WE IMMUNIZE THE GENERAL PUBLIC, IT MAKES IT LESS RISK FOR THE CHILDREN AND THE OTHER PEOPLE THAT DID CATCH THIS, THE PEOPLE WITH WEAKER IMMUNE SYSTEMS TO BE ABLE TO CATCH THIS DISEASE. AND IT'S SPREAD THROUGH BODILY FLUIDS. SO WE HAD A SIMILAR SITUATION THIS PAST MONTH IN CALIFORNIA WHERE THERE WAS A MEASLES OUTBREAK AND PART OF IT WAS THAT SOME SMALL CHILDREN GOT THE DISEASE AND IT'S PARTIALLY BECAUSE OF THE FACT THAT THERE ARE

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PEOPLE THAT ARE NOT IMMUNIZING THEMSELVES FOR WHATEVER REASON AND THEN THEY ARE THEN SUBJECTING OTHERS WHO ARE IN A WEAKENED CONDITION OR LESS...HAVE A LESS STRONG IMMUNITY TO BE SUBJECT TO THOSE DISEASES. SO, YES, THERE MIGHT BE SOME RAMIFICATIONS AND SIDE EFFECTS FROM ANY KIND OF SHOT OR ANY KIND OF IMMUNIZATION, BUT I'M TRUSTING THE AUTHORITIES LIKE THE CENTERS FOR DISEASE CONTROL TO TELL US THAT THIS IS SOMETHING WE NEED TO DO. AND IF YOU LOOK AT THAT PICTURE, YOU WILL...I HOPE THAT EACH OF YOU GOES BACK. BECAUSE THE...IT'S JUST COMPELLING WHAT HAPPENED TO THESE PEOPLE THAT WERE NOT IMMUNIZED. SO, ANYWAY, THANK YOU VERY MUCH, MR. PRESIDENT. AND I'LL YIELD ANY TIME REMAINING TO SENATOR KRIST IF YOU'D LIKE. [LB18]

SPEAKER HADLEY: SENATOR KRIST, YOU ARE YIELDED 1:18. [LB18]

SENATOR KRIST: NO NEED TO GIVE ME A ONE-MINUTE WARNING. I WON'T TAKE THAT LONG. THANK YOU, CHAIR. THANK YOU, SENATOR PANSING BROOKS. I WOULD JUST MAKE ONE POINT. MANY OF YOU NEW SENATORS WENT THROUGH AN ORIENTATION THIS YEAR AND THOSE WHO ARE OLD HEADS AROUND HERE KNEW OF AND TALKED TO ON AN OCCASION JUDY BACKHAUS. JUDY WAS OUR HR PERSON FOR MANY YEARS, RETIRED IN DECEMBER, END OF DECEMBER OF LAST YEAR. HER SON WAS A VICTIM OF MENINGOCOCCAL DISEASE. THEY WERE CALLED AND BEFORE THEY GOT TO THE EMERGENCY ROOM, HE WAS DEAD. HE WENT TO BED WITH THE FLU. HIS GIRLFRIEND FOUND HIM THE NEXT MORNING, SAID YOU NEED TO GO TO THE EMERGENCY ROOM. WITHIN 30 HOURS, HE WAS DEAD. SO MAKE IT PERSONAL. THAT REALLY STRIKES HOME TO ME. THANK YOU, MR. PRESIDENT. [LB18]

SPEAKER HADLEY: SENATOR BRASCH, YOU ARE RECOGNIZED. [LB18]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THIS IS A VERY SOMBER SUBJECT, A BILL THAT WE'RE LOOKING AT, AND I DO THANK SENATOR KRIST FOR INTRODUCING IT. HOWEVER, FOLLOWING ALL OF THE DIALOGUE AND TESTIMONY ON THE FLOOR, QUESTIONS THAT SENATOR GLOOR HAD RAISED BEING A HOSPITAL ADMINISTRATOR, AND ALSO SEEING THE MAP THAT WE WERE GIVEN BY SENATOR GROENE, I'M MORE IN SUPPORT OF AM169. LET'S GET THE INFORMATION OUT THERE. IF THE TIME LINE OF WHEN THIS DISEASE STRIKES IN YOUR 20s IS NOT PRACTICAL AND APPLICABLE TO SEVENTH AND EIGHTH GRADERS, AS SENATOR EBKE ALSO ADDRESSED, I THINK WE NEED MORE THOUGHT BEFORE WE MANDATE PARENTS TO GIVE YET ANOTHER IMMUNIZATION. I, TOO, SUPPORT IMMUNIZATIONS. WE'VE HAD THEM IN OUR FAMILY, MY GRANDKIDS. HOWEVER, I DO BELIEVE THAT THE PROCESS

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SHOULD BE ONE THAT IS COMPLETELY AND THOROUGHLY VETTED AGEWISE AND ALSO THROUGHOUT OUR COMMUNITY. I WOULD SUPPORT MORE INFORMATION, MORE DIALOGUE IN WORKING WITH THE DIFFERENT AGENCIES FOR HEALTH FOR LOW INCOME AND POVERTY IN OUR STATE AND OUR DISTRICT. I BELIEVE THAT IMMUNIZATIONS MAY BE PROVIDED FOR THOSE WHO ARE UNABLE TO SUPPLY THEM MONETARILY BY THEIR OWN WHEREWITHAL, AND I WILL RESEARCH THAT. I WILL YIELD ANY TIME TO SENATOR GROENE IF HE WOULD LIKE THE REMAINING TIME. [LB18]

SPEAKER HADLEY: SENATOR GROENE, YOU ARE YIELDED 2:40. [LB18]

SENATOR GROENE: THANK YOU, SENATOR BRASCH, FOR YIELDING YOUR TIME. THANK YOU, SPEAKER. I'D LIKE TO REMIND YOU THIS IS NOT THE MEASLES, THIS ISN'T THE WHOOPING COUGH. EVERY PERSON OR EVERY CHILD IS NOT SUSCEPTIBLE TO MENINGITIS. WE HAVE A NATURAL IMMUNITY EVENTUALLY TO 85 PERCENT OF US. THE CASE STUDIES SHOW IT. ONLY HAD TWO CASES IN THE 7th TO 12th GRADE IN THE LAST 11 YEARS. THEY WERE TREATED BECAUSE PARENTS APPARENTLY WERE AWARE OF THE SITUATION AND THEY WERE FINE. WE DID HAVE ONE DEATH AND IT'S PROBABLY THE DEATH THAT SENATOR KRIST IS TALKING ABOUT. I'M NOT SURE BECAUSE I DON'T KNOW THE AGE OF THE YOUNG MAN. AND I WON'T GO THERE BECAUSE I DON'T KNOW THE FACTS AND I'LL BE RESPECTFUL AND I WON'T DRAG THEM INTO IT, THIS DEBATE. BUT OF THE CASES, THIS ISN'T MEASLES. MEASLES IF YOU'RE IN THE SAME ROOM WITH SOMEBODY YOU CAN BE AFFECTED. OF THE CASES NATIONALLY, 98 PERCENT OF THEM ARE SINGLE CASES. IT'S NOT AN EPIDEMIC. YOU ALMOST HAVE TO SNEEZE IN SOMEBODY'S FACE TO SPREAD IT, AND YOU HAVE TO PLAY THE ODDS THAT THAT PERSON IS SUSCEPTIBLE THAT THEY WILL GET IT LIKE YOU. IT'S ONLY IN YOUR NASAL PASSAGE MOSTLY AND IT HAS TO BE BY LARGE PARTICLE SPREAD. IT HAS A LIFE SPAN OF TWO MINUTES WHEN IT'S NOT DIRECTLY...WHEN IT'S OUT IN THE OPEN, OUT OF THE HUMAN BODY. [LB18]

SPEAKER HADLEY: ONE MINUTE. [LB18]

SENATOR GROENE: SO THE FEAR OF AN EPIDEMIC IS NOT THERE, FOLKS. THANK YOU, SPEAKER, AND THANK YOU, SENATOR BRASCH. [LB18]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE RECOGNIZED. [LB18]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I THINK SENATOR EBKE SAID IT VERY, VERY WELL. I'LL NEVER SAY IT AS WELL AS HER. BUT I LISTENED TO THE TESTIMONY ON THIS BILL, SENATOR KRIST'S BILL, AND IT WAS COMPELLING. IT WAS HEARTRENDING TO HEAR THE PEOPLE WHO HAD

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GOTTEN THE DISEASE AND THEIR STRUGGLES OF WHAT IT DID TO THEIR FAMILIES. AND, YEAH, I WAS MOVED, I WAS MOVED. BUT, YOU KNOW, LOOKING AT WHO WE'RE TARGETING HERE, LOOKING AT WHERE IT'S LIKELY TO OCCUR, THIS DISEASE, LOOKING AT THE COST TO DO THIS AND LOOKING AT THE METHOD THAT WE'RE USING, IT SEEMS TO ME WE'RE USING A SLEDGE HAMMER ON THIS WHEN WE OUGHT TO BE USING A TACK HAMMER. I THINK THAT WE'RE PROBABLY MOST PRUDENT AT THIS POINT TO PUT THE INFORMATION OUT THERE, EDUCATE THE PARENTS, AND MONITOR IT FOR A FEW YEARS AND SEE IF THAT DOES THE TRICK. SINCE IT'S NOT A HUGE PROBLEM RIGHT NOW I SUSPECT THAT WILL DO THE TRICK, YOU KNOW, AND WE WON'T BE SPENDING \$118,000. IF AT SOME POINT WE'VE GOT TO SPEND THE MONEY TO PROTECT PEOPLE, WE'VE GOT TO SPEND THE MONEY. I DON'T THINK WE'RE THERE RIGHT NOW. AND I THINK THIS IS A PRUDENT, LOGICAL STEP FORWARD AND LET'S SEE WHERE IT LEADS US. AND IF WE NEED TO COME BACK AT SOME POINT, I DON'T SEE A PROBLEM WITH DOING THAT. THANK YOU, MR. PRESIDENT. I'D LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR KRIST, SINCE I MENTIONED, SENATOR KRIST. [LB18]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE YIELDED 3:13. [LB18]

SENATOR KRIST: THANK YOU, SENATOR KINTNER. I'M...THANK YOU, MR. PRESIDENT. I WON'T TAKE UP THE WHOLE TIME. THERE WAS TESTIMONY...AND AS I GET A CHANCE TO LOOK THROUGH MY NOTES AGAIN, THERE WAS TESTIMONY THAT THE COST OF THIS IMMUNIZATION WILL BE CHIEFLY BORNE BY THE FEDERAL DOLLARS THAT COME THROUGH THE MEDICAID FUNDS IN THE CASE OF THOSE WHO CANNOT AFFORD IT. OBVIOUSLY, THOSE OF US WHO CAN, AS SENATOR GROENE POINTED OUT, AS I HAVE POINTED OUT...I HAD THE DECISION TO IMMUNIZE MY CHILDREN AND MYSELF AND MY WIFE. I CAN AFFORD IT. I CAN PAY FOR IT WITH MY INSURANCE. AND I'M NOT SO CONCERNED THAT THE 75-PLUS PERCENT NOW THAT HAVE BEEN AFFECTED, EITHER BY HAVING THEIR OWN INSURANCE OR BY THE ACA, ARE GOING TO BE ABLE TO GET THIS IMMUNIZATION. I AM CONCERNED ABOUT THOSE WHO, IF IT'S NOT A MANDATED IMMUNIZATION, THAT THE DEPARTMENT OF MEDICAID AND PUBLIC HEALTH MIGHT TURN THAT REQUEST DOWN FOR A PARENT, SO THAT WEIGHS ON MY MIND. BUT I WOULD SAY THIS: I'VE USED THIS ANALOGY BEFORE WHEN WE HAD PRENATAL DISCUSSIONS AND WE HAD OTHER DISCUSSIONS. IF YOU HAVE A PREVENTATIVE PROCESS THAT KEEPS PEOPLE OUT OF THE NICU, NATAL INTENSIVE CARE, WHICH IS...INFANT CARE, I'M SORRY, INTENSIVE CARE UNIT...NEONATAL INTENSIVE CARE UNIT, THAT UNIT CAN COST ANYWHERE FROM \$18,000 TO \$20,000 A DAY TO KEEP A BABY IN. THE THERAPIES THAT YOU WILL LOOK AT BACK HERE, THIS YOUNG MAN WENT THROUGH \$1.5 MILLION IN THE FIRST FEW MONTHS. IF THAT PERSON IS UNINSURED OR THAT

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PERSON CONTRACTS THE DISEASE, GUESS WHO'S GOING TO PAY FOR THAT THERAPY AND THAT...THOSE MEDICAL COSTS? SO PREVENTATIVE CARE, IN MY MIND, ALWAYS RISES TO THE TOP. MY OTHER POINT IS, IT DOESN'T MAKE ANY DIFFERENCE IF IT'S 10 KIDS, 20 KIDS, 2 ADULTS. [LB18]

SPEAKER HADLEY: ONE MINUTE. [LB18]

SENATOR KRIST: IF ONE PERSON WHO IS IMMUNIZED IN THAT HERD CONCEPT IS NOT A CARRIER TO THIS DISEASE, YOU CAN AFFECT THE HEALTH AND WELLBEING OF MANY. THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR KINTNER. [LB18]

SPEAKER HADLEY: SENATOR LARSON, YOU'RE RECOGNIZED. [LB18]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I'LL TRY TO KEEP MY COMMENTS AT A MINIMUM. I RISE IN SUPPORT OF AM169. AND FOR THE RECORD, I DO IMMUNIZE AND VACCINATE MY CHILDREN. I THINK IT'S...MY WIFE AND I HAVE HAD THAT DISCUSSION AND WE CAME TO THE REALIZATION THAT WE FELT THAT IT WAS PRUDENT. AT THE SAME TIME, I DO CONSIDER MYSELF A VERY FREE-MARKET LIBERTARIAN. AND I CAN UNDERSTAND WHY SOME PEOPLE WOULD HAVE RESERVATIONS OR IT MIGHT NOT FIT WITH WHAT THEY WANT TO DO OR HOW THEY WANT TO RAISE THEIR CHILDREN OR IF THEY HAVE RELIGIOUS GROUNDS. AND WHEN THE STATE STARTS GETTING HEAVY-HANDED ON THINGS OF THAT NATURE, IT WORRIES ME. AND I THINK THAT'S WHAT SENATOR GROENE IS TRYING TO SAY. AND HIS ARGUMENTS ARE WELL-TAKEN IN TERMS OF, YOU KNOW, HOW OFTEN IS THIS ACTUALLY HAPPENING, AND DOES THE STATE REALLY NEED THAT HEAVY OF A HAND? LEAVE IT UP TO THE PARENTS AND LET THEM DECIDE. SO THAT'S KIND OF WHERE I AM ON AM169 AND LB18, AND I'D YIELD THE REST OF MY TIME TO SENATOR BLOOMFIELD. [LB18]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE YIELDED 3:20. [LB18]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR LARSON. COLLEAGUES, I'M INCLINED TO AGREE WITH THIS AMENDMENT, NOT BECAUSE I THINK VACCINATIONS ARE A BAD IDEA, I DON'T. I THINK VACCINATIONS ARE A GREAT IDEA. IF WE CAN PREVENT SOMETHING WE SHOULD. BUT I HATE MANDATES FROM THE GOVERNMENT. I'VE, FOR THE LAST THREE YEARS NOW, CARRIED THE MOTORCYCLE HELMET MANDATE REPEAL. THAT'S THE HEAVY-HAND OF GOVERNMENT TELLING US WHAT WE MUST DO TO PROTECT OURSELVES. IT IS NOT SOMETHING GOVERNMENT SHOULD BE INVOLVED IN UNLESS AND UNTIL THERE IS A MASSIVE EPIDEMIC. SENATOR KRIST HAS THE PICTURES BACK THERE; I HAVE NOT SEEN THEM

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YET. HE POINTS OUT THAT IF YOU SEE THESE PICTURES, YOU WOULDN'T WANT ANYBODY TO TAKE THAT RISK. WELL, I ASSURE YOU THE SAME TYPE OF DAMAGE CAN OCCUR TO YOU ON YOUR WAY HOME TONIGHT. WE CAN'T VACCINATE AGAINST AUTOMOBILE ACCIDENTS. THEY CAN CAUSE THE SAME SORT OF ISSUES IN A TENTH OF A SECOND, NOT 24 HOURS. AGAIN, I THINK VACCINATING IS A VERY GOOD THING. I THINK MANDATES ARE HORRID. AND WITH THAT, I'D LIKE TO ASK SENATOR GROENE A QUESTION IF HE WOULD YIELD. [LB18]

SPEAKER HADLEY: SENATOR GROENE, WOULD YOU YIELD? [LB18]

SENATOR GROENE: YES. YES, SPEAKER. [LB18]

SENATOR BLOOMFIELD: THANK YOU, SENATOR GROENE. DO YOU FEEL THAT EVEN YOUR AMENDMENT IS PUTTING A MANDATE ON THE SCHOOLS? [LB18]

SENATOR GROENE: YES. [LB18]

SENATOR BLOOMFIELD: DOES THAT BOTHER YOU? [LB18]

SENATOR GROENE: YES. [LB18]

SENATOR BLOOMFIELD: BUT NOT AS MUCH AS THE STATE MANDATE ON THE VACCINE ITSELF? [LB18]

SENATOR GROENE: THERE'S FREE CHOICE INVOLVED. THERE'S THE PROTECTION OF THOSE YET WITH THIS AMENDMENT THAT YOU DON'T HAVE THAT FALSE SECURITY. OF THE 11 CHILDREN THAT GOT IT... [LB18]

SPEAKER HADLEY: ONE MINUTE. [LB18]

SENATOR GROENE: ...IN THE LAST 11 YEARS, 40 PERCENT FAILURE RATE, FOUR AT LEAST...IF YOU PLAY THE STATISTICS,... [LB18]

SENATOR BLOOMFIELD: OKAY. YOU'RE BACK ON THE TIME SENATOR LARSON YIELDED ME RIGHT NOW. I'D LIKE TO ASK SENATOR SCHNOOR A QUESTION IF I COULD. [LB18]

SPEAKER HADLEY: SENATOR SCHNOOR, WILL YOU YIELD TO A QUESTION? [LB18]

SENATOR SCHNOOR: YES, SIR. [LB18]

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SENATOR BLOOMFIELD: SENATOR SCHNOOR, I DON'T MEAN TO BLINDSIDE YOU WITH THIS, BUT YOU'VE GOTTEN OUT OF THE MILITARY LATER THAN I HAVE BY QUITE A WAYS. DOES THE MILITARY MANDATE THIS SHOT NOW, DO YOU KNOW? AND IF YOU DON'T KNOW, THAT'S FINE. [LB18]

SENATOR SCHNOOR: I DO NOT KNOW. [LB18]

SENATOR BLOOMFIELD: OKAY, THANK YOU. THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR LARSON. [LB18]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE NEXT IN THE QUEUE. SENATOR BLOOMFIELD WAIVES. SENATOR SMITH, YOU'RE...I'M SORRY, SENATOR GLOOR, YOU'RE RECOGNIZED. [LB18]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. HOPEFULLY, I DIDN'T BUMP SENATOR SMITH BUT I'M SURE HE'LL BE NEXT IN THE QUEUE. I'M SURE WE'RE DOING THIS ALPHABETICALLY. I WANT TO MAKE SURE THAT THIS BODY UNDERSTANDS THAT MY QUESTIONING ISN'T BECAUSE I HAVE NECESSARILY RESERVATIONS ABOUT THIS BILL. IT'S BECAUSE WHEN THIS BODY GETS INVOLVED IN MAKING PUBLIC HEALTH DECISIONS OR SCOPE OF PRACTICE DECISIONS, THINGS THAT FRANKLY ARE BETTER LEFT TO CLINICIANS, THAT WE ASK A LOT OF QUESTIONS AND WE TRY AND GATHER ENOUGH INFORMATION BECAUSE WE DON'T HAVE STETHOSCOPES AROUND OUR NECKS AND YET WE'RE PUT IN POSITIONS TO MAKE DECISIONS THAT ARE PRETTY IMPORTANT TO THE PUBLIC HEALTH OF NEBRASKA AND NEBRASKANS. AND SO ASKING QUESTIONS AND HAVING AMENDMENTS, WHETHER WE AGREE WITH THEM OR NOT, IT'S GOOD FOR US TO KICK THIS ISSUE AROUND A LITTLE BIT SO THAT WE'VE GOT A RECORD OF IT. I WANT TO BE CLEAR. I AM SUPPORTIVE OF LB18. I AM NOT SUPPORTIVE OF THE AMENDMENT; I UNDER THE CONCERN ABOUT MANDATES. SENATOR BLOOMFIELD AND I, THIS WILL PROBABLY MAKE THE THIRD TIME WE'VE TALKED ABOUT THE HELMET LAW ON THE MIKE AND WE HAVEN'T EVEN GOT TO THAT POINT YET. BUT THERE ARE CERTAIN THINGS THAT I BELIEVE ARE APPROPRIATE FOR THE GOVERNMENT TO MANDATE. LET'S UNDERSTAND THAT THIS VACCINE IS RELATIVELY NEW. I HAVE A SUSPICION MY PARENTS WOULD HAVE BEEN SUPPORTIVE OF THIS BILL HAD IT BEEN AVAILABLE AND HAD MENINGITIS GONE THROUGH ONE OF ITS CYCLICAL OUTBREAKS--AND IT'S A CYCLICAL THING--BACK IN MY DAYS OF BEING IN HIGH SCHOOL OR COLLEGE, FOR THAT MATTER. NEW VACCINE...THERE WERE QUESTIONS ABOUT THIS VACCINE WHEN MY KIDS WERE IN COLLEGE. AND BECAUSE OF THAT, EVEN THOUGH I THOUGHT ABOUT IT, ESPECIALLY WITH MY SON, THOUGHT ABOUT HAVING HIM VACCINATED, BUT I DIDN'T THINK THE INFORMATION WAS COMPLETE ENOUGH YET FOR ME TO FEEL COMFORTABLE

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HAVING THAT DONE. ALL THAT INFORMATION HAS BEEN, AS FAR AS I'M CONCERNED, ADDRESSED AND DISSEMINATED SO THAT IT IS A SAFE VACCINE AND ONE THAT WE THINK IS FAIRLY EFFECTIVE. WE DON'T VACCINATE FOR SMALLPOX ANYMORE. AND I WOULD IMAGINE IF YOU LOOKED AT THE ARM OF MOST OF US IN THIS ROOM WE WOULD HAVE A SCAR LEFT OVER FROM OUR SMALLPOX VACCINE. THAT, IN AND OF ITSELF, WAS A HUGE CONTROVERSY WHEN IT FIRST CAME ABOUT, UNTIL IT WAS ULTIMATELY MANDATED BY THE GOVERNMENT AS ONE OF THOSE ROUTINE THINGS THAT WE USED TO HAVE. WE ERADICATED IT, AT LEAST EXCEPT FOR SOME VERY, VERY, VERY, ISOLATED AREAS IN REMOTE PARTS OF MUSLIM COUNTRIES WHERE IT'S BECOME A POLITICAL ISSUE. BUT WE DON'T DO THAT ANYMORE BECAUSE WE'VE SUCCESSFULLY DEALT WITH THAT TYPE OF ILLNESS AND THE VACCINE THAT WE ALL PARTICIPATED IN AS A RESULT OF MANDATES. I WON'T SAY THAT MENINGITIS IS, IN FACT, AS SERIOUS AN ILLNESS IN ITS OUTBREAKS AS THINGS LIKE MEASLES OR SMALLPOX ONCE WAS. BUT IT CERTAINLY HAS ENOUGH OF A COST ASSOCIATED WITH NOT BEING TREATED, YOUTH COMING DOWN WITH THIS ILLNESS, SO THAT IT'S A REAL ISSUE. AND THAT'S NOT TO ADDRESS THE SUFFERING THAT FAMILIES GO THROUGH AND THE PATIENTS THEMSELVES GO THROUGH WHEN THEY HAVE THE DISEASE. I DON'T THINK THIS IS AN OVERREACH. I THINK THIS IS WHERE SCIENCE PUTS US IN A POSITION WHERE WE HAVE TO MAKE DECISIONS AND ALTHOUGH WE DON'T--I DON'T THINK ANYBODY IN HERE LIKES GOVERNMENT MANDATES--ALTHOUGH WE DON'T LIKE TO GO DOWN THAT PATH, SOMETIMES IN THE INTEREST OF PUBLIC HEALTH WE HAVE TO AND WE HAVE A RESPONSIBILITY TO. AND I WOULD ENCOURAGE THE SUPPORT OF LB18, NOT THE AMENDMENT. THANK YOU. [LB18]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED. [LB18]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I'VE BEEN LISTENING TO THE DISCUSSION AND DEBATE AND I KNOW IT'S VERY EMOTIONALLY CHARGED. IT RAISES ISSUES OF PARENTAL RIGHTS, MANDATES, AND STATE FUNDING. AND I'M TRYING TO REALLY UNDERSTAND WHAT ALL THE ISSUES ARE RELATED TO THIS AMENDMENT AS WELL AS THE UNDERLYING BILL AND I HAVE SOME QUESTIONS. AND I KNOW WE HAVE A NUMBER OF FOLKS THAT HAVE EITHER EDUCATED OR WORKED INSIDE OF THE MEDICAL COMMUNITY. SO I KNOW WE HAVE A COUPLE OF HOSPITAL ADMINISTRATORS HERE. WE JUST HEARD FROM ONE. I HAVE NOT HEARD FROM SENATOR RIEPE AND I WAS HOPING TO HEAR HIS PERSPECTIVE, AND I SEE WE HAVE SENATOR HILKEMANN UP THERE AS WELL. BUT WE ALSO HAVE A VETERINARIAN AND I KNOW...BUT I'M GOING TO ASK THE VETERINARIAN A FEW QUESTIONS BECAUSE I WAS HAVING A CONVERSATION WITH HIM A LITTLE BIT EARLIER ON THE FLOOR. AND, MR.

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PRESIDENT, WOULD SENATOR KUEHN YIELD TO SOME QUESTIONS? [LB18]

SPEAKER HADLEY: SENATOR KUEHN, WOULD YOU YIELD? [LB18]

SENATOR KUEHN: YES, I WOULD. [LB18]

SENATOR SMITH: I WAS HAVING SOME CONVERSATIONS WITH SENATOR KUEHN OFF TO THE SIDE AND HE RAISED SOME GOOD COMMENTS, SOME GOOD THOUGHTS AS WELL. AND HE WAS KIND OF THINKING ALONG THE LINES OF WHAT MY QUESTIONS WERE. AND I DON'T THINK WE'RE REALLY GETTING TO THE POINT OF WHAT MAY BE AT THE ROOT OF THIS. SO WE HEARD SOME COMMENTS ABOUT THE LIFE OF THE EFFECTIVENESS OF THE VACCINE. SENATOR KUEHN, CAN YOU SHED SOME LIGHT ON THAT FOR ME, PLEASE. [LB18]

SENATOR KUEHN: SURE, I'LL TRY TO DO THIS AS EFFICIENTLY AND SIMPLY AS POSSIBLE BUT THE COLLEGE PROFESSOR IN ME MAY DRAW THAT OUT A BIT. WHEN WE TALK ABOUT EFFICACY AND THE LIFE SPAN OF A VACCINE, THERE'S A LOT THAT GOES INTO THOSE LABEL CLAIMS AND THE SCIENCE BEHIND HOW WE DEMONSTRATE THOSE EFFICACY FIGURES OVER TIME. AND SO I THINK SENATOR GROENE HAS ACCURATELY REFLECTED THAT FROM A LICENSING PERSPECTIVE, THERE ARE IN VITRO--MEANING DONE WITHIN A LABORATORY SETTING IN A VERY CONTROLLED CLINICAL ENVIRONMENT--TO DETERMINE EFFICACY FACTORS AND AN IN VIVO SYSTEM--OR IN A LIVING SYSTEM, IN A COMPLEX BIOLOGICAL SYSTEM--THOSE NUMBERS DON'T NECESSARILY APPLY. AND ONE OF THE PRINCIPLES THAT IS VERY IMPORTANT WHEN WE DISCUSS THIS IDEA OF HERD IMMUNITY, WHICH IS SOMETHING THAT SENATOR KRIST HAD BROUGHT UP EARLIER, IS THERE'S AN AMNESIAC RESPONSE THAT EXISTS. SO ALTHOUGH WE MAY TALK ABOUT A VACCINE HAVING A FULL PROTECTIVE IMMUNITY THAT WANES OVER TIME--MEANING THAT IF YOU EXPOSE THAT INDIVIDUAL TO THE OFFENDING AGENT AND THEY ARE 100 PERCENT EFFECTIVE IN TERMS OF ITS PROTECTION--WHILE THAT WANES IN A LABORATORY SETTING OVER TIME, THE SECONDARY AMNESIAC RESPONSE EXISTS AND PERSISTS ALMOST INDEFINITELY THROUGHOUT LIFE. SO IT'S SOMETHING CALLED MEMORY B CELLS IN THE CASE OF ANTIBODY RESPONSE. SO WHILE WE TALK ABOUT THIS HAS A FIVE-YEAR TIME SPAN, THAT'S NOT NECESSARILY TRUE IN HOW IT IS ACTUALLY REFLECTED IN A TRUE CLINICAL SETTING. IT'S A BIT MORE COMPLEX THAN THAT. [LB18]

SENATOR SMITH: SO AT AGE 7, VACCINATED, OR AGE 16, THE EFFECTIVENESS OF THAT VACCINE COULD EXTEND WELL INTO THE COLLEGE YEARS? [LB18]

SENATOR KUEHN: I'M...FOR LEGAL REASONS, I CAN'T SAY EFFECTIVENESS.

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BUT IN A BIOLOGICAL SYSTEM, A CHILD...IT STANDS TO REASON IN WHAT WE KNOW ABOUT MAMMALIAN IMMUNOLOGY THAT A CHILD VACCINATED AT AGE 10, FOR EXAMPLE, AT AGE 15, THEY MAY NOT PASS THE FDA STANDARD FOR EFFICACY. BUT IF THEY WERE EXPOSED TO A MENINGOCOCCAL ORGANISM, THEY WOULD STILL POSSESS THE MEMORY CELLS WITHIN THEIR IMMUNE SYSTEM TO EFFECTIVELY MOUNT AN IMMUNE RESPONSE THAT WOULD BE GREATER IN DURATION AND MAGNITUDE THAN AN UNVACCINATED INDIVIDUAL. [LB18]

SENATOR SMITH: ON A VACCINE LIKE THIS, IS THERE TYPICALLY AN AGE IN WHICH IT NO LONGER HAS AN OPTIMAL EFFECTIVENESS? I MEAN, ARE YOU EVER TOO OLD TO BE VACCINATED? [LB18]

SENATOR KUEHN: NO. [LB18]

SENATOR SMITH: OKAY. AND THEN... [LB18]

SPEAKER HADLEY: ONE MINUTE. [LB18]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KUEHN. I THINK WHAT THIS REALLY COMES DOWN TO IS JUST A FUNDING ISSUE. AND I HEARD THE TESTIMONY FROM SENATOR KRIST THAT WHAT THIS REALLY COMES DOWN TO IS PROVIDING A MECHANISM TO PROVIDE...TO ALLOW FOR THE FUNDING UNDER MEDICAID. AND SO MY INCLINATION HERE IS THAT THERE'S...IT'S A GOOD MEASURE. IT'S PROBABLY A GOOD PATH TO TAKE TO HAVE THIS VACCINATION AND TO PROTECT THE PUBLIC AND TO PROTECT THE KIDS THAT MAY NOT OTHERWISE HAVE THAT VACCINE ADMINISTERED. BUT I THINK WHAT THE POINT HERE BETWEEN THE TWO, THE UNDERLINING AMENDMENT AND THE BILL REALLY COMES DOWN TO, WHETHER WE WANT TO MANDATE THIS FOR THE FUNDING MECHANISM. AND I THINK I'M OUT OF TIME ON THAT ONE, SO THANK YOU, MR. PRESIDENT. [LB18]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB18]

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

SPEAKER HADLEY: SENATOR KRIST, WOULD YOU YIELD? [LB18]

SENATOR CRAWFORD: SO WHEN I MOST OFTEN HAVE HEARD ABOUT THIS DISEASE OR DISCUSSIONS OF IT HAPPENING AND VACCINATIONS FOR IT, IT'S MOST OFTEN BEEN IN THE COLLEGE ENVIRONMENT. SO WHEN I FIRST READ THE BILL, THAT WAS...IT STRUCK ME THAT WE'RE MANDATING VACCINATIONS

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AT THESE EARLIER AGES. SO I WOULD ASK IF YOU WOULD TALK ABOUT WHY THESE AGES WERE CHOSEN AND WHY NOT WE HAVE AN APPROACH THAT FOCUSES ON THE COLLEGE AGE INSTEAD? [LB18]

SENATOR KRIST: I THINK THE CONVERSATION THAT WENT ON BETWEEN SENATOR SMITH AND SENATOR KUEHN RELATES PERFECTLY TO YOUR QUESTION. AND THAT IS, THE VACCINATION AT STAGES DURING A PERSON'S LIFE--AND THOSE STAGES, THOSE POSITIONS, THOSE AGES WERE CHOSEN BY THE CDC--WOULD OPTIMALLY PROTECT AN INDIVIDUAL DURING THE HIGHEST-RISK PORTION OF THEIR LIFE WHICH WOULD BE TEENAGE INTO THEIR EARLY ADULTHOOD WHICH IS, WE ALL KNOW, A DIFFICULT TIME OF LIFE BECAUSE THERE ARE MANY THINGS GOING ON IN YOUR LIFE WHEN YOU'RE IN HIGH SCHOOL AND COLLEGE. AND THEY ARE MORE SUSCEPTIBLE, I GUESS, DURING THOSE TIMES. THE TESTIMONY THAT WE HEARD OR THAT WAS GIVEN SAID THAT THOSE TWO TIMES, ONE BY ITSELF, NOT AFFECTIVE ENOUGH; TWO TOGETHER, EXTREMELY EFFECTIVE DURING THOSE VULNERABLE PERIODS. [LB18]

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

SPEAKER HADLEY: SENATOR RIEPE, YOU'RE RECOGNIZED? [LB18]

SENATOR RIEPE: MR. PRESIDENT. GOOD MORNING, NEBRASKA, FELLOW SENATORS, INCLUDING AND ESPECIALLY SENATOR SMITH. I WANTED TO RESPOND A BIT. AS MANY OF YOU KNOW, I HAVE HAD A BACKGROUND IN HEALTHCARE ADMINISTRATION AND THE LAST 15 YEARS OF THAT CAREER WAS SPENT IN A PEDIATRIC PRACTICE. WHILE I'M NOT A PHYSICIAN, I HAVE MANY FRIENDS IN THAT PRACTICE WHO WERE PRACTICING PEDIATRICIANS AND ALSO ASSOCIATION WITH EPIDEMIOLOGISTS. AND I THINK IF THEY COULD SIT IN MY SEAT AND VOTE TODAY, THEY WOULD VOTE IN FAVOR OF LB18 AS BEING A LOW-COST VEHICLE FOR A HIGH REWARD WHEN YOU DO NOT HAVE AN INCIDENT. I THINK THAT IN FLORIDA THE TERM IS, IS THE JUICE WORTH THE SQUEEZE? AND I WOULD SAY IN THIS CASE, YES, IT IS. THANK YOU, MR. PRESIDENT. [LB18]

SPEAKER HADLEY: SENATOR KUEHN. [LB18]

SENATOR KUEHN: THANK YOU. I WOULD LIKE TO JUST MAKE A COUPLE COMMENTS WITH REGARD TO SENATOR GROENE'S AMENDMENT AND THE CONCEPT OF INFORMATION THAT I'D LIKE TO POINT OUT. I THINK INFORMATION IS ALWAYS HELPFUL AND I THINK INFORMATION IS ALWAYS VALUABLE FOR PEOPLE WHEN THEY'RE MAKING HEALTHCARE DECISIONS. I THINK ONE OF THE CHALLENGES THAT WE'VE SEEN IN THIS ROOM ALREADY

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TODAY IS THAT WE, AS A GROUP OF SENATORS, ARE HAVING DIFFICULTY DISTILLING THROUGH THE FACTUAL INFORMATION AND DECIDE WHAT DOES APPLY AND WHAT DOES NOT APPLY. AND WE'RE EDUCATED INDIVIDUALS ENTRUSTED BY OUR CONSTITUENTS. IMAGINE WHAT A PARENT FEELS LIKE WHEN THEY ARE SITTING ACROSS THE TABLE FROM THEIR PHYSICIAN OR THEY RECEIVE SIMPLY GUIDELINES AND HAVE TO MAKE DECISIONS ABOUT INFORMATION WHICH THEY MAY OR MAY NOT HAVE EXPERTISE. SO WHILE I THINK THE INFORMATION PROPOSED IN SENATOR GROENE'S AMENDMENT IS VALUABLE, I DON'T KNOW THAT IT REALLY SOLVES THE ULTIMATE ISSUE WHICH IS, THAT SMALL POPULATION OF INDIVIDUALS WHO ARE STILL NOT GETTING VACCINATED FOR PNEUMOCOCCAL DISEASE ARE FALLING THROUGH THE GAP SOMEWHERE. AND ENSURING THAT THEY HAVE THE MECHANISM TO ACHIEVE THAT VACCINATION THROUGH OUR PUBLIC HEALTH SYSTEM, WHICH THIS BILL DOES, IS IMPORTANT IN PROTECTING THOSE CHILDREN AND ALLOWING THOSE PARENTS TO HAVE ACCESS TO THE INFORMATION AND THE EXPERTISE OF THE PUBLIC HEALTH SYSTEM AND NOT JUST RECEIVE A PAMPHLET OR INFORMATION THAT THEY MAY OR MAY NOT HAVE THE TECHNICAL BACKGROUND TO BE ABLE TO REALLY DISCERN WHAT'S IN THE BEST INTEREST OF THEIR CHILD. WITH THAT, THANK YOU. [LB18]

SPEAKER HADLEY: THANK YOU, SENATOR KUEHN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB18]

SENATOR SCHNOOR: THERE'S BEEN A LOT OF FACTS PRESENTED. YOU KNOW, I AGREE WITH EVERYTHING THAT SENATOR KRIST HAS SAID. AND I ALSO AGREE WITH EVERYTHING SENATOR GROENE HAS SAID. IT IS, IN FACT, A MANDATE. ONE OF THE FACTS THAT HAS NOT BEEN BROUGHT OUT IS THE FACT THAT WE HAVE AN OPEN BORDER TO THE SOUTH AND THERE'S A LOT OF PEOPLE COMING IN WITH LACK OF ANY VACCINATIONS FOR ANYTHING. SO THAT'S SOMETHING I THINK WE ALSO NEED TO CONSIDER IN OUR DECISION-MAKING PROCESS ON BOTH THIS AMENDMENT AND THE BILL AT HAND. THANK YOU. [LB18]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB18]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I'M SYMPATHETIC TO THE ARGUMENTS OF SENATORS GROENE AND EBKE. ARE WE ACTUALLY TRYING TO SOLVE A PROBLEM WITH...PROVIDE A SOLUTION WITHOUT A PROBLEM? I DON'T THINK SO. AND ANOTHER THING THAT HAS BOTHERED ME ARE THE PERSONAL LIBERTY ASPECTS OF THIS BILL. HOWEVER, I BELIEVE THAT, YOU KNOW, PERSONAL EXPERIENCE TYPICALLY TRUMPS SOME OF THOSE PHILOSOPHICAL ISSUES. MY WIFE HAD

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POLIO AS A 4-YEAR-OLD. AND THEN A CLASSMATE OF MINE IN COLLEGE SUFFERED FROM THIS PARTICULAR MALADY AND SHE, IN FACT, DIED. SO I FIND THE FACT THAT THE COST OF THE TREATMENT COULD, IN FACT, BE HIGH...THERE ARE SOME PERSONAL ISSUES, PERSONAL LIBERTY ISSUES INVOLVED. BUT I THINK IT'S WORTH THE COST, PARTICULARLY IF WE CAN JUST SAVE THE LIFE OF ONE PERSON OR REDUCE THE DEBILITATING ASPECTS OF THIS DISEASE. SO I SPEAK IN FAVOR OF THE BILL AND AGAINST THE AMENDMENT. [LB18]

SPEAKER HADLEY: SENATOR GROENE, YOU ARE RECOGNIZED. [LB18]

SENATOR GROENE: THANK YOU, SPEAKER. I HAVE THE ANSWER TO SENATOR GLOOR'S QUESTION EARLIER. LAST YEAR ON LB460, THE IDENTICAL BILL, THE FRIENDS OF PUBLIC HEALTH DID TESTIFY IN A NEUTRAL POSITION. HERE'S WHAT THEY CONCLUDED WITH: WHILE FRIENDS OF PUBLIC HEALTH SUPPORT AND PROVIDE RECOMMENDED IMMUNIZATIONS IN OUR PUBLIC IMMUNIZATIONS, WE DO HAVE CONCERN ABOUT MAKING A LAW SINCE IT IS THE CDC'S RECOMMENDATION AND ALREADY IN PRACTICE THROUGHOUT THE STATE. SEVENTY-FIVE PERCENT OF PARENTS TAKE THE RECOMMENDATION OF THE CDC OR OF THEIR DOCTOR, PEDIATRICIAN OR DOCTOR, AND VACCINATE THEIR CHILDREN, FREE CHOICE. TO SENATOR PANSING BROOKS, YES, THE CDC DOES RECOMMEND; THEY DO NOT RECOMMEND MANDATES. SO THERE'S A DIFFERENCE HERE, FOLKS, BETWEEN RECOMMENDING AND MANDATING. ALSO, I KEEP HEARING THERE'S AN OPT-OUT. I AM A CHRISTIAN. MY CHRISTIAN FAITH DOES NOT MANDATE THAT I DO NOT VACCINATE MY CHILDREN. AND I AGREE WITH SENATOR KRIST, THERE NEEDS TO BE A CHANGE IN THAT LAW BECAUSE IT MAKES LIARS OUT OF CHRISTIANS--WHICH IS AN OXYMORON--TO HAVE A PHILOSOPHICAL BELIEF THAT YOU DO NOT VACCINATE FOR CERTAIN VACCINATIONS. YOU PICK ONE OF THE MANY. SO THAT OPT-OUT, IF YOU TRULY FOLLOW YOUR FAITH, DOESN'T EXIST TO MOST OF US. YOU HAVE TO BE A LIAR TO TAKE IT. BUT ANYWAY, I'D LIKE TO SEE THE WORD "PHILOSOPHICAL" ADDED TO THAT STATEMENT. BUT THAT'S NOT THE ISSUE TODAY. THE ISSUE TODAY...TO SENATOR KUEHN, I HAVE SOME INFORMATION HERE. REMEMBER, MEASLES, THE CDC SAYS, IS BASICALLY 95 PERCENT TO 100 PERCENT EFFECTIVE. THEY SAY IT'S 58 PERCENT AFTER THE SECOND YEAR. AND IT'S NOT JUST CLINICAL. THE CDC ADVISORY COMMITTEE OF IMMUNIZATION PRACTICE RECEIVED 12 REPORTS OF SEROGROUPS C AND Y OF MENINGOCOCCAL DISEASE AMONG PERSONS WHO HAD RECEIVED THE MENINGOCOCCAL CONJUGATE VACCINE. THE MEAN AGE OF THESE PERSONS WAS 18.2 YEARS. THE MEAN TIME SINCE VACCINATION WAS 3.25 YEARS. THAT IS FACT. AND THE VACCINATION HAS BEEN AVAILABLE SINCE 2005. I ALSO WANT TO ADDRESS THE FACT THAT THIS DISEASE, AND I PROBABLY SAID IT BEFORE, IS NOT AN EPIDEMIC TYPE DISEASE.

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HISTORICALLY, IT'S ALWAYS BEEN AROUND. IT IS NOT GROWING. IT IS NOT EXPANDING IN OUR POPULACE. IN 2005, WHEN THE VACCINATION BECAME AVAILABLE--AND I'M SURE IT WAS PROGRESSION, IT WASN'T 75 PERCENT EXACTLY WHO WAS VACCINATING THEIR CHILDREN--BUT IF YOU LOOK AT THE YEARS FROM 1990 THROUGH 2014, THERE'S NO STATISTICAL DIFFERENCE BASICALLY BESIDES THE NUMBER OF CASES THAT HAVE HAPPENED. THE CASES STILL HAPPEN. SO THE VACCINATION AT 75 PERCENT, MOST PEOPLE SAY YOU WOULD SEE A STATISTICAL DROP, YOU'RE NOT SEEING A LOT OF 75 PERCENT. ANYWAY, THAT IS SOME MORE INFORMATION. REMEMBER, FOLKS, THIS THING FAILS 40 PERCENT OF THE TIME. IT IS A VERY SMALL SUBSET OF OUR POPULATION WHO RECEIVE IT. THIS IS NOT MEASLES, THIS IS NOT MUMPS, THIS IS NOT POLIO. THIS IS A DISEASE THAT EVEN IF YOU GET VACCINATED YOU CAN BE HIT WITH. AND I DON'T WANT TO BE RESPONSIBLE FOR SOMEBODY CALLING ME UP AND SAID, I VACCINATED MY CHILD. [LB18]

SPEAKER HADLEY: ONE MINUTE. [LB18]

SENATOR GROENE: YOU GUYS PASSED THAT LAW AND SOMETHING BAD HAPPENED BECAUSE I WASN'T PREPARED TO KNOW THAT HE HAD A 40 PERCENT CHANCE OF STILL GETTING THE DISEASE. THIS IS NOT A MEASLES VACCINATION, IT IS NOT POLIO. THANK YOU. [LB18]

SPEAKER HADLEY: SENATOR DAVIS, YOU'RE RECOGNIZED. [LB18]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I WOULD LIKE TO JUST REMIND SENATOR GROENE THAT, YOU KNOW, WHEN YOU'RE RUNNING FOR OFFICE AND YOU WIN 68 PERCENT OF THE VOTES, THAT'S CONSIDERED A LANDSLIDE IN MOST PLACES. SO I THINK THAT IS A SUCCESS. BUT I RANG IN BECAUSE I WANTED TO ASK SENATOR KUEHN A FEW QUESTIONS. [LB18]

SPEAKER HADLEY: SENATOR KUEHN, WILL YOU YIELD TO THE QUESTIONS? [LB18]

SENATOR KUEHN: YES, I WILL. [LB18]

SENATOR DAVIS: SO SENATOR KUEHN, ON THE HANDOUT THAT MR. GROENE OR SENATOR GROENE HANDED OUT, THERE'S A SIGNIFICANT NUMBER OF PEOPLE THAT ARE SORT OF OUTSIDE THE AGE GROUP THAT WE'RE DEFINING HERE THAT APPARENTLY GET THE DISEASE. AND CAN YOU GIVE ANY REASON WHY THAT MIGHT BE, WHAT WOULD BE GOING ON THERE? [LB18]

SENATOR KUEHN: CERTAINLY. INDIVIDUALS WHO ARE AGED OR MAYBE HAVE

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NEVER RECEIVED ANY DOSES OF THE VACCINE--YOU KNOW, WITHOUT KNOWING MORE SPECIFICS ABOUT THE DETAILS I CAN'T SAY FOR CERTAIN--BUT I THINK ONE OF THE THINGS WE HAVE TO KEEP IN MIND IS THAT AS WE SEE INDIVIDUALS COMING INTO A GROUP-LIVING SITUATION THE CONCEPT OF VACCINATION IS IMPORTANT AS A PREVENTIVE. AND, AGAIN, I DON'T WANT TO UNDERMINE SENATOR GROENE'S BELIEF AND STATEMENT AND THE FACTS THAT HE'S REPRESENTING, BUT SAYING THAT A VACCINE IS ONLY 60 PERCENT EFFECTIVE DOES NOT MEAN IT FAILS 40 PERCENT OF THE TIME. THAT'S A GROSS MISREPRESENTATION OF THE SCIENCE BEHIND IT AND THE EFFICACY OF HOW WE LOOK AT THESE NUMBERS WITH REGARD TO VACCINE RESEARCH. AND WHAT THAT STATEMENT DOES IS, IT SIMPLY REINFORCES MY ASSERTION THAT THIS IS A COMPLEX ISSUE THAT INDIVIDUAL PARENTS HAVE DIFFICULTY DECIDING AND WHY WE NEED TO TRUST PUBLIC HEALTH OFFICIALS WHO UNDERSTAND THE SCIENCE BEHIND THAT AND THE RECOMMENDATIONS THAT THEY MAKE. SO I ASSUME THAT THOSE NUMBERS ARE MUCH LARGER IN PART BECAUSE OF AGE-ASSOCIATED ISSUES AS THE ELDERLY ARE MORE SUSCEPTIBLE TO THE DISEASE AND ALSO BECAUSE THEY DID NOT HAVE ACCESS TO THE VACCINATION DURING THEIR YOUTH. [LB18]

SENATOR DAVIS: SO THAT VACCINATION PROCESS WHICH MIGHT HAVE BEEN DONE WHEN THEY WERE 20 YEARS OLD OR 16 COULD HAVE LIFELONG EFFECTS? [LB18]

SENATOR KUEHN: ABSOLUTELY. ANY EXPOSURE TO ANY DISEASE IN A COMPETENT IMMUNE SYSTEM WILL CREATE AN AMNESIAC RESPONSE. THAT'S A BASIC PRINCIPLE OF IMMUNOLOGY. [LB18]

SENATOR DAVIS: SO WHAT WE MIGHT BE SEEING THERE THEN IS A DECLINE 30 YEARS DOWN THE ROAD IN THIS OUTLYING NUMBER. CORRECT? [LB18]

SENATOR KUEHN: CERTAINLY. I MEAN, THE VACCINE WAS NOT AVAILABLE ENOUGH TO GIVE US THAT 30-YEAR SAMPLE AT THIS POINT, BUT THAT IS A REASONABLE PREDICTION. [LB18]

SENATOR DAVIS: AND SO I APPRECIATE THAT, SENATOR KUEHN, THANK YOU. LET'S REMEMBER THAT PEOPLE USING OUR PUBLIC SCHOOLS ARE TAKING ADVANTAGE OF TAX DOLLARS ALREADY. THIS IS JUST GOOD PUBLIC HEALTH POLICY, THE ORIGINAL BILL. AND I WOULD, THEREFORE, URGE THE BODY TO VOTE AGAINST THE AMENDMENT AND ADVANCE THE BILL. THANK YOU, MR. PRESIDENT. [LB18]

SPEAKER HADLEY: SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR

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GROENE, YOU CAN CLOSE ON YOUR AMENDMENT. [LB18]

SENATOR GROENE: THANK YOU, SPEAKER. I GREW UP ON A FARM. I REMEMBER SITTING AROUND THE KITCHEN TABLE WITH MY FATHER AND WE WOULD DISCUSS PENS OF LIVESTOCK. WE'RE GOING TO VACCINATE THESE BUNCH, WE'RE GOING TO NEUTER THIS BUNCH. WE'RE GOING TO TAKE CARE OF THIS BUNCH AND WE'RE GOING TO SORT THIS BUNCH AND SEND THEM THERE. I APPRECIATE SENATOR KUEHN'S OUTLOOK. MY FATHER AND WE ALL WERE DOING WHAT WE THOUGHT WAS BEST FOR THE CATTLE. BUT THEN AGAIN, THEY DIDN'T HAVE A CHOICE. WE'RE A COUNTRY OF INDIVIDUALS; THAT'S WHAT MAKES US UNIQUE. GOVERNMENT MANDATES, WHEN IT ISN'T PROVEN FOR THE GREATER GOOD OF THE ENTIRE SOCIETY, SHOULD NOT EXIST. THIS IS A MANDATE THAT I'VE HEARD FROM FOLKS BECAUSE THEY THINK IT'S BEST FOR OTHER PEOPLE'S CHILDREN. THE FACT IS, AN EDUCATIONAL PROCESS AND THE USE OF DEDUCTIVE REASONING IN OUR PUBLIC SCHOOLS BY PARENTS IS THE BEST PROCESS TO FOLLOW. REMEMBER, THIS IS NOT A HUGE PROBLEM. STATISTICALLY, IT IS VERY, VERY RARE AND IT IS NOT A GROWING PROBLEM. WE...I DON'T BELIEVE WE JUST NEED TO START TELLING FOLKS WHAT TO DO WHEN YOU HAVE A PROBLEM THAT DOESN'T EXIST. AS TO SENATOR DAVIS' COMMENT AND SENATOR KUEHN'S, I'VE DONE A LOT OF RESEARCH, FOLKS. I'VE PULLED UP CASES IN NEBRASKA. IT IS NOT THE ELDERLY, IT'S THE 4-YEAR-OLD, THE 5-YEAR-OLD, THE 3-YEAR-OLD, THE INFANT THAT GETS IT. WE DO NOT VACCINATE THEM BECAUSE WE DON'T KNOW IF THE VACCINATION IS SAFE AND THEY HAVE A BIGGER TENDENCY TO BE INFECTED, 50 PERCENT CHANCE WITH THE B STRAIN, WHICH THERE ISN'T A VACCINATION THAT'S BEEN APPROVED YET FOR. IT'S ACROSS THE BOARD. I PERSONALLY KNOW A 45-YEAR-OLD MAN THAT GOT IT, TOOK HIS PENICILLIN, AND HE WAS CURED. REMEMBER, THEY DO NOT ALL DIE. IT'S A SAD FACT THAT WE ALL DIE OF THE FLU. WE DIE OF ALL SORTS OF AILMENTS. IN FACT, WE ALL EVENTUALLY DIE. IT'S A SAD FACT. BUT DO WE RISK THE ENTIRE...WE DON'T KNOW THE STUDIES. WE DON'T KNOW DOWN THE ROAD GENERATIONS THAT THE 65 PERCENT TO 85 PERCENT NATURAL IMMUNITY MIGHT BE HARMED BECAUSE WE ARTIFICIALLY "IMMUNINATED" PEOPLE. WE DON'T KNOW THOSE FACTS. THERE'S NO SCIENCE OUT THERE. REMEMBER, THE CDC RECOMMENDS IT. THEY'RE ACTING LIKE MY DAD, THEY ARE LOOKING AT US AS A HERD. BUT WE ARE NOT A HERD. WE ARE INDIVIDUALS WITH INDIVIDUAL RIGHTS THAT WE CANNOT AFFECT OUR NEIGHBOR. THIS IS NOT A HIGHLY INFECTIOUS DISEASE. THE CHANCE OF SOMEBODY GETTING IT AND INFECTING THE NEIGHBOR IS VERY, VERY RARE. LET OUR INDIVIDUAL CITIZENS RAISE THEIR CHILDREN, MAKE THE PUBLIC HEALTH DECISIONS FOR THEIR CHILDREN ON INSTANCES LIKE THIS, ESPECIALLY A VACCINE THAT IS NOT HIGHLY EFFECTIVE. AS I SAID, I QUOTED THE CDC, THE ADVISORY COMMITTEE OF IMMUNIZATION PRACTICES.

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REMEMBER, THERE'S 12 CASES. THIS ISN'T 12 CASES OUT OF MILLIONS LIKE MEASLES THAT HAVE FAILED THE VACCINATION. WE ARE TALKING ABOUT A GROUP OF FOLKS, A SUBSET OF PEOPLE WHO ARE ONLY SUSCEPTIBLE TO IT. WE ARE TALKING ABOUT A SUBSET OF PEOPLE OF 1,500 A YEAR. AND THE VACCINE HAS ONLY BEEN AVAILABLE SINCE 2005 AND THEY HAVE 12 DOCUMENTED CASES WHERE IT FAILED. YOU COULDN'T FIND 12 DOCUMENTED CASES ON MEASLES ACROSS THE UNITED STATES. THIS VACCINE IS A FALSE SECURITY... [LB18]

SPEAKER HADLEY: ONE MINUTE. [LB18]

SENATOR GROENE: ...TO OUR PARENTS. IT'S A FALSE SECURITY THAT GOVERNMENT IS GOING TO GIVE THESE PARENTS THAT THEY HAVE NO RIGHT TO DO. LIKE I SAID, I VACCINATED MY CHILDREN. MY GRANDCHILDREN ARE VACCINATED. AND IN ORDER FOR MY DAUGHTER, AFTER HEARING THESE FACTS, TO GET A...TO NOT HAVE TO VACCINATE WHEN MY GRANDDAUGHTER, WHO'S NOW IN THE FIFTH GRADE, WOULD HAVE TO LIE ABOUT HER RELIGION. THAT'S NOT RIGHT. THAT'S THE KIND OF SITUATION GOVERNMENT HAS PUT THE CITIZENS IN. AND REMEMBER, THIS IS NOT POLIO. I HEARD INSTANCES OF POLIO. I HEARD INSTANCES OF MEASLES. NOT ALL VACCINATIONS, NOT ALL DISEASES ARE EQUAL. THANK YOU. [LB18]

SPEAKER HADLEY: THE QUESTION IS, SHALL THE AMENDMENT TO LB18 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB18]

CLERK: 40 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB18]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE THE CHAMBER SHALL RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL, PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR WATERMEIER, SENATOR BOLZ, SENATOR McCOY, THE HOUSE IS UNDER CALL. SENATOR BOLZ, THE HOUSE IS UNDER CALL. MR. KINTNER, WILL YOU PLEASE RETURN TO YOUR SEAT, SENATOR? SENATOR GROENE, HOW DO YOU WISH TO PROCEED, CALL-INS OR A ROLL CALL VOTE? THERE'S BEEN A ROLL CALL VOTE. MR. CLERK, WILL YOU PLEASE CALL THE ROLL? [LB18]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 395-396.) 19

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AYES, 27 NAYS ON THE AMENDMENT, MR. PRESIDENT. [LB18]

SPEAKER HADLEY: THE AMENDMENT FAILS. WE WILL RETURN TO DISCUSSION ON LB18. RAISE THE CALL. MR. CLERK. [LB18]

CLERK: MR. PRESIDENT, SENATOR GROENE WOULD MOVE TO INDEFINITELY POSTPONE LB18. SENATOR KRIST, YOU HAVE THE OPTION TO TAKE THE BILL UP AT THIS TIME, SENATOR. [LB18]

SENATOR KRIST: LET'S GO. [LB18]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB18]

SENATOR GROENE: I HAVE BEEN ADVISED BY MORE SENIOR FOLKS ON HOW THIS PROCESS IS DONE AND WHEN TO FIGHT MY BATTLES. AND I WITHDRAW THAT IP MOTION, INDEFINITE POSTPONE. IS THAT OKAY WITH YOU, SPEAKER? [LB18]

SPEAKER HADLEY: MR. CLERK? THE MOTION...THERE IS NO ONE IN THE QUEUE. SENATOR KRIST, YOU'RE RECOGNIZED. SENATOR KRIST WAIVES CLOSING. THE QUESTION BEFORE THE HOUSE IS THE ADVANCEMENT OF LB18. SENATOR KRIST. [LB18]

SENATOR KRIST: YES, SIR. I DIDN'T WAIVE CLOSING. I THOUGHT YOU WERE ASKING ME IF I HAVE A COMMENT ABOUT THE IPP MOTION, SO. [LB18]

SPEAKER HADLEY: NO. THAT HAS BEEN WITHDRAWN, SO... [LB18]

SENATOR KRIST: OKAY. I WOULD LIKE TO CLOSE THEN, SIR. [LB18]

SPEAKER HADLEY: YES, OKAY, SENATOR KRIST, YOU'RE RECOGNIZED FOR YOUR CLOSING. [LB18]

SENATOR KRIST: I THANK SENATOR GROENE FOR WITHDRAWING THE IPP MOTION AND GETTING ON WITH BUSINESS. BETWEEN NOW AND SELECT FILE, I'M SURE WE'LL HAVE SOME DISCUSSIONS. AND I FEEL THAT WE'VE HAD AN ENERGIZED AND AN HONEST DEBATE. LINES BETWEEN PHILOSOPHICAL DIFFERENCES, NOT NECESSARILY MEDICALLY OR BIOLOGICALLY FOUNDED SITUATIONS, HAVE GONE ON THIS MORNING, AND I CAN APPRECIATE THAT. I WOULD SAY, THOUGH, AS I SAID EARLIER, THAT MY MESSAGE TO ALL IS THAT THERE IS AN OPT-OUT IN PLACE. AND IF THIS IS ABOUT A PARENTAL CHOICE ISSUE THEN THAT OPT-OUT CLAUSE, THAT THIS BILL HAS NOTHING TO DO

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WITH, THAT IS CURRENTLY IN STATUTE NEEDS TO BE LOOKED AT CLOSER FOR THE FUTURE. AND I WOULD ASK YOUR SUPPORT FOR LB18. [LB18]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON LB18. THE VOTE IS FOR THE ADVANCEMENT OF LB18. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTING NAY. RECORD, MR. CLERK. [LB18]

CLERK: 28 AYES, 13 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB18. [LB18]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB18]

SENATOR PANSING BROOKS: ALL RIGHT, I HAVE TO WAIVE THIS. [LB18]

SPEAKER HADLEY: THE BILL IS ADVANCED. OKAY. NEXT WE WILL GO TO LB18A. MR. CLERK. [LB18 LB18A]

CLERK: LB18A BY SENATOR KRIST. (READ TITLE.) [LB18A]

SPEAKER HADLEY: SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN ON LB18A. [LB18A]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND COLLEAGUES, THANK YOU FOR THAT VOTE ON LB18. LB18A SIMPLY IS THE A BILL THAT ACCOMPANIES. IT PROVIDES THE CAPITAL NECESSARY TO GO FORWARD. AND I WOULD REMIND YOU, IN TESTIMONY THAT WE WERE TOLD THAT BETTER THAN 60 PERCENT OF THESE COSTS ARE BORE BY EITHER THE IMMUNIZATION CENTER FOR DISEASE CONTROL, THE FEDERAL GOVERNMENT, OR THE MEDICAID. I WOULD ASK FOR YOUR VOTE FOR LB18A. [LB18A]

SPEAKER HADLEY: ANYONE WISH TO SPEAK ON LB18A? SEEING NONE, SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE. SENATOR KRIST WAIVES CLOSING. THE VOTE WILL BE FOR THE ADVANCEMENT OF LB18A. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB18A]

CLERK: 30 AYES, 7 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB18A. [LB18A]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, WE WILL CONTINUE WITH GENERAL FILE WITH LB109. [LB18A LB109]

CLERK: MR. PRESIDENT, LB109 IS A BILL BY SENATOR CRAWFORD. (READ

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TITLE.) INTRODUCED ON JANUARY 8 OF THIS YEAR, REFERRED TO THE EDUCATION COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM66, LEGISLATIVE JOURNAL PAGE 329.) [LB109]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU'RE RECOGNIZED TO OPEN ON LB109. [LB109]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB109 HARMONIZES NEBRASKA STATUTE WITH RECENTLY ENACTED FEDERAL LAW REGARDING IN-STATE TUITION FOR RECENTLY SEPARATED VETERANS, THEIR SPOUSES, AND DEPENDENTS. AS RETURNING SENATORS MAY REMEMBER, LAST SESSION THE LEGISLATURE PASSED LB740, A BILL I INTRODUCED TO GRANT IN-STATE TUITION FOR VETERANS WHO LEFT ACTIVE DUTY SERVICE WITHIN THE PAST TWO YEARS AS WELL AS THEIR SPOUSES AND DEPENDENTS, PROVIDED THAT THE INDIVIDUAL DEMONSTRATE INTENT TO BECOME A RESIDENT OF THE STATE OF NEBRASKA. SINCE THAT TIME, CONGRESS PASSED H.R. 3230. H.R. 3230 INCLUDED A PROVISION REQUIRING PUBLIC COLLEGES AND UNIVERSITIES TO CHARGE NO MORE THAN RESIDENT TUITION FOR VETERANS ELIGIBLE FOR EDUCATIONAL BENEFITS AND WHO HAD LEFT ACTIVE DUTY WITHIN THE PAST THREE YEARS. FAILURE TO COMPLY WITH THE FEDERAL LAW RESULTS IN DISAPPROVAL OF COURSES FOR POST-9/11 GI BILL FUNDING. H.R. 3230 GOES INTO EFFECT JULY 1, 2015, WHICH IS WHY THERE'S AN EMERGENCY CLAUSE ON LB109. WE HAVE BEEN WORKING WITH THE VETERANS BENEFITS ADMINISTRATION, THE UNIVERSITY OF NEBRASKA, AND NEBRASKA STATE COLLEGES TO ENSURE THAT WE MEET TWO GOALS WITH THIS BILL: ONE, WE BRING NEBRASKA STATUTE INTO COMPLIANCE WITH FEDERAL LAW; AND TWO, WE MAINTAIN THE SPIRIT AND INTENT OF LB740. IF THE LEGISLATURE ADOPTS AM66 AND LB109 BECOMES LAW, NEBRASKA WILL BE IN COMPLIANCE WITH FEDERAL LAW IN A WAY THAT PROTECTS RECENT VETERANS AND THEIR FAMILIES EVEN IF THEY HAVE EXHAUSTED THEIR FEDERAL EDUCATION BENEFITS FROM THE VA. THE BIGGEST DIFFERENCE BETWEEN THE NEW FEDERAL LAW AND THE BILL WE PASSED LAST YEAR IS THE TIME FRAME FOR ELIGIBILITY FOR VETERANS, SPOUSES, AND DEPENDENTS. THE FEDERAL LAW REQUIRES COLLEGES TO CONSIDER VETERANS WHO LEAVE ACTIVE DUTY WITHIN THE PAST THREE YEARS AS RESIDENT STUDENTS, WHEREAS LB740 THAT WE PASSED LAST YEAR ONLY REQUIRED THAT FOR THOSE WHO HAD LEFT ACTIVE SERVICE WITHIN TWO YEARS. AM66 REPLACES THE BILL AND AM66 ADDRESSES THIS DIFFERENCE AND ALSO HAS LANGUAGE TO ENSURE THAT WE INCLUDE ALL ELIGIBLE RECIPIENTS OF FEDERAL EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI OR POST-GI BILLS, MAKE SURE THAT ALL OF THOSE...THE PEOPLE WHO RECEIVE THOSE BENEFITS RECEIVE

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IN-STATE TUITION. FINALLY, THE AMENDMENT REMOVES THE REQUIREMENT THAT OUR PUBLIC COLLEGES AND UNIVERSITIES CHECK FOR ELIGIBILITY FOR THE YELLOW RIBBON PROGRAM BEFORE GRANTING IN-STATE RESIDENCY. THE YELLOW RIBBON PROGRAM WAS A PROGRAM THAT ALLOWED COST SHARING BETWEEN THE FEDERAL GOVERNMENT AND THE STATE FOR SOME OF THOSE VETERANS, AND SO LAST YEAR WE PASSED THE BILL. WE HAD THAT PROVISION IN SO THAT THE UNIVERSITIES COULD RECEIVE SOME OF THAT MONEY, BUT NOW THOSE VETERANS SHOULD QUALIFY FOR IN-STATE TUITION ALREADY. THEREFORE, THE YELLOW RIBBON PROGRAM SHOULD NOT BE NECESSARY FOR THESE STUDENTS. REMOVING THIS SECTION ALLOWS THE COLLEGES AND UNIVERSITIES TO STREAMLINE THE APPLICATION PROCESS FOR VETERAN STUDENTS. COLLEAGUES, I ENCOURAGE YOU TO ADOPT AM66. AND ADVANCE LB109, NOT ONLY BECAUSE IT WILL BRING NEBRASKA INTO COMPLIANCE WITH FEDERAL LAW, BUT BECAUSE IT'S THE RIGHT THING TO DO FOR OUR VETERANS AND THEIR FAMILIES. THANK YOU. [LB109]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE EDUCATION COMMITTEE. SENATOR SULLIVAN, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB109]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB109 WITH AM66 ATTACHED ADVANCED FROM THE EDUCATION COMMITTEE ON AN 8-0 VOTE AND DID NOT HAVE ANY OPPOSITION AT ITS HEARING. LB109 IS A FOLLOW-UP TO LAST SESSION'S LB740 WHEREBY THE LEGISLATURE ESTABLISHED THAT A VETERAN, THE VETERAN'S SPOUSE, OR THE VETERAN'S DEPENDENT WOULD BE DEEMED A NEBRASKA RESIDENT FOR TUITION PURPOSES AT NEBRASKA PUBLIC POSTSECONDARY INSTITUTIONS IF THE VETERAN WAS NO MORE THAN TWO YEARS REMOVED FROM MILITARY SERVICE, ENROLLED IN A NEBRASKA PUBLIC POSTSECONDARY INSTITUTION AND INTENDED TO BECOME A RESIDENT OF THIS STATE. AM66 TO LB109 MAKES SEVERAL CHANGES TO THE LEGISLATION PASSED LAST YEAR PRIMARILY IN RESPONSE TO ADJUSTMENTS IN FEDERAL LAW. AND SENATOR CRAWFORD DID A NICE JOB OF EXPLAINING THEM, BUT TO GO INTO DETAIL AS TO WHAT THE CHANGES ARE IN AM66 ARE AS FOLLOWS: IN LINES 5 THROUGH 9, THE TIME FRAME FOR ELIGIBILITY FOR VETERANS, SPOUSES, AND DEPENDENTS CHANGES FROM WITHIN TWO YEARS OF SEPARATION FROM MILITARY SERVICE TO THREE YEARS FOR THE PURPOSE OF IN-STATE TUITION BENEFITS. CHANGES IN LINES 10 THROUGH 12 INDICATE THAT AN ELIGIBLE RECIPIENT OF FEDERAL EDUCATIONAL ASSISTANCE, AS PROVIDED UNDER 38 U.S.C. 3311(B) AND 38 U.S.C. 3319, ALSO QUALIFIES FOR IN-STATE TUITION. CHANGES IN LINES 18 THROUGH 22, INSERT LANGUAGE TO CLARIFY THAT AN INDIVIDUAL WHO MAY BE ELIGIBLE

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FOR FEDERAL BENEFITS UNDER 38 U.S.C. 3679(C), AS THAT SECTION EXISTED ON JANUARY 1, 2015, AND IN THE IN-STATE TUITION AS PROVIDED UNDER THIS ACT MAY BE EXEMPT FROM HAVING TO REGISTER TO VOTE UNDER THIS SUBSECTION IF THEY ARE NOT OLD ENOUGH TO VOTE. CHANGES IN LINES 23 THROUGH 26 REMOVES THE REQUIREMENT THAT OUR PUBLIC COLLEGES AND UNIVERSITIES CHECK FOR ELIGIBILITY FOR THE YELLOW RIBBON PROGRAM BECAUSE THOSE VETERANS NOW SHOULD QUALIFY FOR IN-STATE TUITION. THEREFORE, THE YELLOW RIBBON PROGRAM SHOULD NOT BE NECESSARY FOR THESE STUDENTS. REMOVING THIS SECTION ALLOWS FOR THE COLLEGES AND UNIVERSITIES TO STREAMLINE THE APPLICATION PROCESS FOR VETERAN STUDENTS. AND BY WAY OF BACKGROUND, THE YELLOW RIBBON PROGRAM WAS A VOLUNTARY PROGRAM WHERE THE FEDERAL GOVERNMENT AND PARTICIPATING POSTSECONDARY EDUCATIONAL INSTITUTIONS AGREED TO EVENLY SPLIT THE DIFFERENCE IN COSTS BETWEEN IN-STATE AND OUT-OF-STATE TUITION PRICES FOR ELIGIBLE VETERANS. SO, I FEEL AS I DID LAST YEAR THAT THIS BILL NOT ONLY PROVIDES A SMALL TOKEN OF OUR APPRECIATION TO OUR VETERANS, BUT COULD ALSO SERVE AS A MEASURE TO ENTICE MORE PEOPLE TO RELOCATE PERMANENTLY TO OUR STATE. I WOULD ASK FOR THE ADOPTION OF AM66 AND FOR THE ADVANCEMENT OF LB109. THANK YOU, MR. PRESIDENT. [LB109]

SPEAKER HADLEY: ARE THERE ANY SENATORS THAT WISH TO SPEAK ON AM66 TO LB109? SEEING NONE, SENATOR SULLIVAN WAIVES CLOSING. THE QUESTION IS, TO ADOPT THE COMMITTEE AMENDMENTS TO LB109. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB109]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, TO ADOPT COMMITTEE AMENDMENTS. [LB109]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB109 TO E&R INITIAL. SEEING NO SENATOR WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF THE BILL. SENATOR CRAWFORD WAIVES CLOSING. THE QUESTION IS, THE ADVANCEMENT OF LB109 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB109]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB109. [LB109]

SPEAKER HADLEY: THE BILL ADVANCES. ITEMS FOR THE RECORD? [LB109]

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CLERK: THANK YOU, MR. PRESIDENT. A HEARING NOTICE FROM THE APPROPRIATIONS COMMITTEE. TWO CONFIRMATION REPORTS FROM THE AGRICULTURE COMMITTEE, THOSE SIGNED BY SENATOR JOHNSON. AND NEW RESOLUTIONS: LR49, SENATOR COOK; AND LR50, SENATOR COOK; SENATOR JOHNSON, LR51. ALL WILL BE LAID OVER. (LEGISLATIVE JOURNAL PAGES 397-399.) [LR49 LR50 LR51]

MR. PRESIDENT, NEXT BILL, LB198. IT'S A BILL BY SENATOR WILLIAMS. (READ TITLE.) INTRODUCED ON JANUARY 13 OF THIS YEAR, AT THAT TIME REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS PENDING, MR. PRESIDENT. [LB198]

SPEAKER HADLEY: SENATOR WILLIAMS, YOU ARE RECOGNIZED TO OPEN ON LB198. [LB198]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND FELLOW MEMBERS. THE BILL THAT WE ARE INTRODUCING THIS MORNING, LB198, DOES NOT DO SOME THINGS THAT WE'RE CONCERNED ABOUT HERE. IT DOES NOT RAISE ANY FEES AND IT DOESN'T RAISE ANY TAXES AND IT DOESN'T PUT GUNS IN THE HANDS OR TAKE GUNS OUT OF THE HANDS OF ANYONE. IT DOES, HOWEVER, ADDRESS AN ISSUE THAT IS VITALLY IMPORTANT TO MANY PEOPLE. AND THAT'S PRENEED OR PREFINANCING FOR A FUNERAL. MANY PEOPLE, AS THEY GET OLDER IN OUR SOCIETY TODAY, ARE TALKING WITH THEIR FUNERAL DIRECTORS ABOUT PLANNING THEIR SERVICES IN ADVANCE OF THEIR DEATH, AND THIS DOES BRING INTO CONTEMPLATION THE COST OF PAYING FOR THOSE FUNERALS. THE GOOD NEWS IS, IN NEBRASKA, WE HAVE INSURANCE PRODUCTS THAT ARE AVAILABLE TO BE USED TO HELP FAMILIES IN THAT SITUATION. THE BAD NEWS IS, THE DELIVERY SYSTEM THAT WE CURRENTLY HAVE IS LACKING SIGNIFICANTLY IN ALLOWING THIS PRODUCT TO GET OUT THERE TO THE RIGHT PEOPLE. AND THE DELIVERY SYSTEM IS FLAWED SIMPLY BECAUSE OF AN ISSUE WITH OUR INSURANCE LAW. AT THE PRESENT TIME, TO SELL THIS TYPE OF PRENEED LIFE INSURANCE, THE AGENT HAS TO BE FULLY LIFE LICENSED BY THE DEPARTMENT OF INSURANCE. AND TO DO THAT, THAT TAKES 20 HOURS OF PRELICENSE TRAINING AND 24 HOURS OF CONTINUING EDUCATION EVERY TWO YEARS INCLUDING THE ETHICS TRAINING. THAT'S A LOT OF PRELICENSING EDUCATION AND A LOT OF CONTINUING EDUCATION FOR A FUNERAL DIRECTOR WHO IS CONCENTRATING THEIR EFFORTS ON WORKING WITH FAMILIES. AND ALSO, IT'S A VERY DIFFICULT PLANNING ISSUE FOR FUNERAL DIRECTORS BECAUSE AS MOST OF US KNOW IN OUR SMALLER COMMUNITIES, THE FUNERAL DIRECTOR GETS CALLED ON CHRISTMAS IF THERE'S A NEED. HE GETS CALLED ON SATURDAY WHEN THE TRAINING SESSIONS ARE GOING

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ON. WE CAN CORRECT THIS ISSUE IN NEBRASKA BY CREATING A LIMITED-LINE INSURANCE LICENSE FOR PRENEED FUNERAL INSURANCE. AND LIMITED-LINES INSURANCE IS NOT A NEW CONCEPT IN NEBRASKA. WE CURRENTLY HAVE LIMITED LICENSES FOR CROP INSURANCE SALES PEOPLE AND ALSO TITLE INSURANCE SALES PEOPLE. THE DIFFERENCE BETWEEN THE LICENSING REQUIREMENT ARE THE EDUCATIONAL REQUIREMENTS THAT I MENTIONED, THAT FACT OF THE PRELICENSING HOURS AND THE CONTINUING EDUCATION HOURS. THIS BILL WAS ADVANCED UNANIMOUSLY FROM THE BANKING AND INSURANCE COMMITTEE. WE HAD A FUNERAL DIRECTOR, WE HAD AN INSURANCE COMPANY THAT TESTIFIED IN FAVOR. AND THE DEPARTMENT OF INSURANCE WITH THEIR CHAIRMAN, BRUCE RAMGE, TESTIFIED IN A NEUTRAL POSITION. THIS IS SOMETHING THAT WILL HELP OUR PEOPLE. IT IS NOT CAUSING ANY ADDITIONAL RISK TO ANYONE. AND I WOULD ASK THE OTHER SENATORS TO SUPPORT LB198. THANK YOU, MR. PRESIDENT. [LB198]

SPEAKER HADLEY: ARE THERE ANY SENATORS WHO WISH TO SPEAK ON LB198? SENATOR BLOOMFIELD. [LB198]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. WOULD SENATOR WILLIAMS YIELD TO A QUESTION? [LB198]

SPEAKER HADLEY: SENATOR WILLIAMS, WILL YOU YIELD? [LB198]

SENATOR WILLIAMS: CERTAINLY. [LB198]

SENATOR BLOOMFIELD: THANK YOU, SENATOR WILLIAMS. THE QUESTION THAT JUMPS TO MY MIND IS THE ETHICS TRAINING. I THINK WHEN YOU'RE DEALING WITH PEOPLE THAT ARE PLANNING FOR THEIR DEMISE, YOU KNOW, WHO'S GOING TO BE THERE WHEN THEY GET DONE IF YOU TREAT THEM UNETHICALLY? I WOULD THINK, IN THIS CASE, THE ETHICS TRAINING WOULD BE MORE VALUABLE AND MORE NECESSARY THAN IT WOULD WITH A REGULAR LIFE INSURANCE POLICY. AND TO FURTHER THAT QUESTION, THEN I'LL YIELD YOU MY TIME TO RETURN, WHY CAN'T THEY SIMPLY GO TO A REGULAR LIFE INSURANCE AGENT AND BUY ADEQUATE INSURANCE TO TAKE CARE OF THE UNDERTAKER'S NEEDS? AND I WOULD YIELD YOU THE REMAINDER OF MY TIME. [LB198]

SENATOR WILLIAMS: THANK YOU, SENATOR BLOOMFIELD. THE FIRST ISSUE IS THE QUESTION ABOUT THE ETHICS TRAINING. I GUESS I SKIPPED THIS PART. IN THE CONTINUING EDUCATION THAT IS REQUIRED FOR THE LIMITED LICENSE, THEY HAVE TO DO SIX HOURS OF PRELICENSE TRAINING AND SIX HOURS OF CONTINUING EDUCATION EVERY TWO YEARS. AND IT WOULD

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INCLUDE THE SAME ETHICS TRAINING THAT A LIFE...A FULL LIFE LICENSE WOULD GET. FOR A PERSON THAT'S LICENSED FULLY IN LIFE INSURANCE, THEY TAKE 21 HOURS OF CONTINUING EDUCATION EACH TWO YEARS, PLUS A THREE-HOURS ETHICS CLASS. THAT SAME REQUIREMENT FOR THE LIMITED LICENSE WOULD BE SIX HOURS TOTAL OF CONTINUING EDUCATION EACH TWO YEARS AND THREE OF THOSE HOURS WOULD BE ETHICS TRAINING. SO THEY GET THE SAME REQUIREMENT FOR ETHICS TRAINING THAT IS THERE. THE PROBLEM WITH USING OUR REGULAR SOURCES OF LIFE INSURANCE ON THIS RIGHT NOW IS THESE ARE VERY LIMITED POLICIES, GENERALLY WRITTEN IN THE \$10,000 TO \$12,000 RANGE, AMOUNTS THAT OUR NORMAL PRODUCERS OF LIFE, HEALTH, PROPERTY, CASUALTY, SIMPLY ARE NOT INTERESTED IN SELLING. THEY ALSO DON'T NECESSARILY HAVE THE OPPORTUNITY TO SELL BECAUSE THESE DISCUSSIONS ARE HAPPENING AT THE FUNERAL HOME, NOT AT THE LIFE INSURANCE LICENSE OR LIFE INSURANCE OFFICE. SO THE FACT TO DELIVER THIS PRODUCT IN AN EFFICIENT MANNER, IT JUST WOULD BE BETTER TO HAVE THE ABILITY OF FUNERAL DIRECTORS TO BE LICENSED. THEIR PRODUCTS WOULD BE CONTROLLED BY THE DEPARTMENT OF INSURANCE AND THEIR LICENSE WOULD BE SUBJECT TO ALL OF THE RENEWAL QUESTIONS OF THE DEPARTMENT OF INSURANCE. [LB198]

SPEAKER HADLEY: SENATOR BLOOMFIELD? SENATOR BLOOMFIELD, YOU HAVE 1:50 LEFT. [LB198]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I GUESS I LOST...MY TRAIN WENT OFF OF THE TRACK THERE WHERE I WAS GOING TO FOLLOW UP. BUT WHAT IS TO KEEP--OTHER THAN THE THREE HOURS OF TRAINING A YEAR OR EVERY TWO YEARS, THREE HOURS OF TRAINING--TO KEEP THIS FUNERAL DIRECTOR THAT SOLD YOU THE POLICY WITH YOUR UNDERSTANDING YOU WERE GOING TO HAVE A BRONZE COFFIN AND THE FINEST FUNERAL YOU EVER HAD, FROM GIVING YOU A PINE BOX AND A BED SHEET? [LB198]

SENATOR WILLIAMS: I THINK THE SAME QUESTION THERE, SENATOR BLOOMFIELD, IS THERE THAT YOU WOULD HAVE RIGHT NOW. THERE ARE TWO CONTRACTS HERE. THERE IS A CONTRACT BETWEEN THE INSURANCE COMPANY AND THE INDIVIDUAL THAT'S BUYING THE INSURANCE. SEPARATELY FROM THAT, THERE IS A CONTRACT FOR SERVICES BETWEEN THE FUNERAL DIRECTOR AND THE PERSON THEY ARE PROVIDING THE SERVICES WITH. SO THERE IS A LEGAL, BINDING AGREEMENT THAT IF YOU HAVE CHOSEN THESE ITEMS, THAT'S WHAT WOULD BE PROVIDED BY THE INSURANCE AND YOU WOULD HAVE A CAUSE OF ACTION AGAINST THE FUNERAL HOME OR THE FAMILY WOULD IF THAT WAS NOT PROVIDED. [LB198]

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SENATOR BLOOMFIELD: BUT YOU DID. BUT CAN'T YOU SIMPLY GO IN NOW AND PREPAY YOUR FUNERAL THING AND GET THE SAME THING AND GET IT TAKEN CARE OF? [LB198]

SENATOR WILLIAMS: THERE IS SOMETHING CALLED A FUNERAL TRUST THAT YOU CAN OFFER NOW THAT YOU CAN GO IN AND USE AND THAT IS USED OFTENTIMES. ONE OF THE REASONS THAT THAT IS NOT AS ADVANTAGEOUS TODAY AS IT HAS BEEN AT TIMES IS NORMALLY WHAT THE FUNERAL DIRECTOR... [LB198]

SPEAKER HADLEY: TIME, SENATOR. [LB198]

SENATOR WILLIAMS: THANK YOU. [LB198]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATOR KOLTERMAN AND SENATOR GROENE. YOU ARE RECOGNIZED, SENATOR KOLTERMAN. [LB198]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. JUST FOR THE RECORD, I AM A LICENSED INSURANCE AGENT AND COMPLETE THE REQUIRED CONTINUING EDUCATION ON A BIENNIAL BASIS, AS SENATOR WILLIAMS DESCRIBED. I THINK THAT'S NECESSARY, BUT I SELL ALL LINES OF INSURANCE. AND CONTRARY TO WHAT HE MIGHT THINK, I DO SELL \$10,000 POLICIES. ON THE OTHER HAND, I BELIEVE THIS IS GOOD LAW. I THINK THIS IS...I SUPPORT THIS LEGISLATION. ALL WE'RE DOING IS ASKING THAT THEY GET THEIR CONTINUING EDUCATION AND THEY DO GET THEIR ETHICS, BUT THEY ONLY HAVE TO GET IT IN ONE LINE OF INSURANCE AND THAT'S FOR PRENEED BURIAL OR LIFE INSURANCE FOR SMALLER AMOUNTS. I DON'T THINK IT'S NECESSARY FOR A FUNERAL DIRECTOR TO HAVE TO GO THROUGH 27 HOURS OF CONTINUING EDUCATION BIENNIALLY LIKE I DO. IT JUST DOESN'T MAKE SENSE; THEY'RE ONLY SELLING ONE LINE OF INSURANCE. AND THEY ARE, IN MANY CASES, PERFORMING A SERVICE IN THE COMMUNITIES WHERE THEY DON'T HAVE A LOT OF AGENTS OR THEY'RE NOT BEING TAKEN CARE OF. IN MOST CASES, FUNERAL DIRECTORS DO HAVE A HIGH STANDING IN THEIR COMMUNITIES. THAT'S NOT 100 PERCENT OF THE CASES, BUT IN MOST CASES IT IS. AND THEY'RE RESPECTED AND TYPICALLY WE'RE FORTUNATE IN NEBRASKA THAT THE FUNERAL DIRECTORS DO NOT TAKE ADVANTAGE OF OUR CUSTOMERS AND THE CONSUMERS. SO AGAIN, I RISE IN SUPPORT OF THIS. I'VE LOOKED AT THE BILL. I HADN'T SIGNED ONTO IT YET, BUT I THINK IT'S GOOD LEGISLATION. I THINK WE SHOULD GIVE IT THE GREEN LIGHT AND MOVE FORWARD. THANK YOU. [LB198]

SPEAKER HADLEY: SENATOR GROENE, YOU'RE RECOGNIZED. [LB198]

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SENATOR GROENE: I WOULD ASK SENATOR WILLIAMS TO YIELD FOR A QUESTION OR A COUPLE OF QUESTIONS. [LB198]

SPEAKER HADLEY: SENATOR WILLIAMS, WILL YOU YIELD? [LB198]

SENATOR WILLIAMS: YES. [LB198]

SENATOR GROENE: DO YOU HAVE ANY EXAMPLES WHERE ANYBODY HAS BEEN HARMED, THAT THEY WERE SOLD INSURANCE AND THEY DIDN'T GET THE PRODUCT THAT THEY ASKED FOR? [LB198]

SENATOR WILLIAMS: NO. AND NEITHER DID THE DEPARTMENT OF INSURANCE. THAT QUESTION WAS ASKED AT THE QUESTION. NO. [LB198]

SENATOR GROENE: ALL RIGHT. SECOND QUESTION: DO NOT FUNERAL DIRECTORS AND PROFESSIONAL EMBALMERS ALREADY HAVE A CODE OF ETHICS THAT MIGHT OVER...THAT THEY HAVE IN THEIR CHARACTER ALREADY THAT THEY DON'T JUST DISCARD WHEN THEY SELL INSURANCE? [LB198]

SENATOR WILLIAMS: THANK YOU FOR THAT QUESTION, SENATOR GROENE, BECAUSE ONE OF THE THINGS THAT CAME OUT IN THE HEARING WAS THE CONTINUING EDUCATION REQUIREMENTS THAT FUNERAL DIRECTORS CURRENTLY GO THROUGH WHICH IS SUBSTANTIAL AND ACTUALLY INCLUDES MORE HOURS OF ETHICS TRAINING THAN IS CURRENTLY REQUIRED OF A LIFE INSURANCE LICENSE. [LB198]

SENATOR GROENE: SO IT'S KIND OF REDUNDANT. THANK YOU. [LB198]

SENATOR WILLIAMS: YES. RIGHT AT THIS POINT, THOSE FUNERAL DIRECTORS THAT WE'RE TALKING ABOUT SPEND SIGNIFICANT HOURS IN CONTINUING EDUCATION. AND EVEN UNDER THIS LIMITED LICENSE THEY WOULD HAVE EDUCATION REQUIREMENTS WITH THE DEPARTMENT OF INSURANCE. [LB198]

SENATOR GROENE: THANK YOU. [LB198]

SPEAKER HADLEY: SENATOR JOHNSON, YOU ARE RECOGNIZED. [LB198]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I'M IN SUPPORT OF LB198. I THINK WHEN YOU TALK ABOUT FUNERAL DIRECTORS--AND A LOT OF US AT THIS AGE HAVE PROBABLY GONE THROUGH THAT SITUATION WITH OUR PARENTS OR GRANDPARENTS--AND I THINK THE ETHICS OF A FUNERAL DIRECTOR, THAT'S THEIR SELLING POINT IF YOU WANT TO CALL IT THAT. THAT'S HOW THEY STAY IN BUSINESS. I THINK IF THEY ARE NOT TREATING

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FAMILIES CORRECTLY, THOSE IN NEED OF THEIR SERVICES, THEY ARE DEFINITELY GOING TO BE AFFECTED IN THEIR BUSINESS. I JUST BELIEVE THAT THERE'S ENOUGH CODE OF ETHICS BUILT INTO THEIR REQUIREMENTS ALREADY THAT WE DON'T NEED TO MOVE ANY FURTHER. I WOULD TOTALLY SUPPORT LB198 AS PRESENTED. THANK YOU. [LB198]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR WILLIAMS, YOU ARE RECOGNIZED TO CLOSE ON THE ADVANCEMENT OF THE BILL. [LB198]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND I'LL SIMPLY SAY THAT THIS IS CREATING A LIMITED LINES INSURANCE THAT WE ALREADY HAVE IN EXISTENCE IN NEBRASKA WITH CROP INSURANCE SALESMEN AND TITLE INSURANCE SALESMEN. AND THIS ALLOWS US TO DELIVER A PRODUCT MORE EFFICIENTLY TO THE PEOPLE THAT NEED IT. I WOULD ASK THE SENATORS TO VOTE IN FAVOR OF LB198. THANK YOU. [LB198]

SPEAKER HADLEY: THE QUESTION IS, THE ADVANCEMENT OF LB198 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB198]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB198. [LB198]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, WE'LL RETURN TO GENERAL FILE, LB118. [LB198 LB118]

CLERK: LB118, BY SENATOR LARSON. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 9, AT THAT TIME REFERRED TO THE GENERAL AFFAIRS COMMITTEE FOR PUBLIC HEARING. THE BILL WAS ADVANCED TO GENERAL FILE. I DO HAVE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM97, LEGISLATIVE JOURNAL PAGE 330.) [LB118]

SPEAKER HADLEY: SENATOR LARSON, YOU ARE RECOGNIZED TO OPEN ON LB118. [LB118]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. LB118 WOULD EXEMPT CIGAR SHOPS AND TOBACCO RETAIL OUTLETS FROM THE CLEAN INDOOR ACT WHICH WAS THE ORIGINAL BILL LB355, THAT THE SUPREME COURT RECENTLY STRUCK DOWN AS UNCONSTITUTIONAL. LB355 CREATED A SPECIAL CLASS OF LIQUOR LICENSE FOR CIGAR BARS WHICH WERE EXEMPT FROM THE CLEAN INDOOR ACT. THESE BARS WERE IN THE BUSINESS OF SELLING CIGARS AND RELATED TOBACCO PRODUCTS BUT NOT CIGARETTES. PATRONS WERE

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ALLOWED TO SMOKE CIGARS AND OTHER TOBACCO PRODUCTS, EXCEPT CIGARETTES, ON THE PREMISES. RESTRICTIONS WERE PUT IN THE ORIGINAL LB355 AND THE REGULATIONS REGARDING THE AMOUNT OF TOTAL REVENUE WHICH MUST BE DERIVED FROM THE SALE OF CIGARS, TOBACCO, AND RELATED PRODUCTS. ADDITIONALLY, CIGAR BARS WERE REQUIRED TO HAVE A WALK-IN HUMIDOR ON THE PREMISES. THESE REQUIREMENTS, AS WELL AS A \$1,000 NONREFUNDABLE APPLICATION FEE, WERE ADOPTED TO GUARANTEE THAT ONLY LEGITIMATE CIGAR SELLERS WOULD SEEK TO BE LICENSED AS CIGAR BARS. LB355 WORKED AS ADVERTISED. THE BILL WAS NOT DESIGNED TO CREATE A GAPING HOLE IN THE CLEAN INDOOR ACT, BUT TO PROTECT A NICHE BUSINESS WHICH WAS BEING DESTROYED BY THE ACT. CONCERNS WERE VOICED IN 2009, THERE WOULD BE A CIGAR BAR ON EVERY CORNER. THIS IS NOT WHAT HAS HAPPENED. AFTER FIVE YEARS IN PLACE, THERE WERE ABOUT TEN CIGAR BARS STATEWIDE WITH MOST OF THEM IN OMAHA AND LINCOLN. THEY HAVE A RECORD OF QUIET COMPLIANCE WITH THE LAW AND WITH THE LIQUOR CONTROL COMMISSION'S REGULATIONS. THESE BUSINESSES ALSO REPRESENTED SUBSTANTIAL INVESTMENT FOR THEIR OWNERS. WITH THE REQUIREMENTS OF LB355 AND THE STEPPED-UP VENTILATION THAT IS EITHER REQUIRED BY MUNICIPALITIES OR DESIROUS TO KEEP THE AIR CLEAN IN ANY EVENT, THE INVESTMENT IN THESE BUSINESSES CAN RUN INTO THE HUNDREDS OF THOUSANDS OF DOLLARS. THEY EMPLOY SEVERAL EMPLOYEES WHO CHOOSE TO WORK THERE AND PAY THEIR TAXES. LAST SUMMER, THE SUPREME COURT'S DECISION WAS NOT A RESULT OF A CHALLENGE BY ANYONE DISPLEASED WITH THE OPERATION OF THESE ESTABLISHMENTS IN ANY WAY. IT WAS, INSTEAD, BROUGHT BY A DISGRUNTLED POOL HALL OWNER WHO WAS ANGRY HE DID NOT RECEIVE HIS OWN EXEMPTION FOR POOL HALLS. THE COURT KEYED ON A FAIRLY BROAD PURPOSE SET FORTH BY THE CLEAN INDOOR ACT AND FOUND THE EXCEPTIONS, BOTH THE SMOKE SHOP ONE IN THE ACT AND THE CIGAR BAR ONE IN LB355, WERE CONTRARY TO THE PURPOSE AND CONSTITUTED SPECIAL LEGISLATION. LB118 IS DESIGNED TO DEAL WITH THE CONCERNS EXPRESSED IN THE COURT'S OPINION. IT SEEMS FAIRLY OBVIOUS THAT THE LEGISLATURE HAS THE AUTHORITY TO PASS AN EXEMPTION OR EXEMPTIONS TO A GENERAL POLICY. OUR TAX CODE COMES TO MIND. IT IS ALSO CLEAR THAT THE LEGISLATURE HAS THE AUTHORITY TO REPEAL THE CLEAN INDOOR ACT WHICH THIS BILL DOES NOT DO AND NO ONE ADVOCATES FOR. AS SUCH, THIS BILL SETS FORTH THE LEGISLATIVE FINDINGS AND RATIONALE FOR ALLOWING SMOKE SHOPS AND TOBACCO RETAIL OUTLETS TO EXIST AND ALLOW SMOKING AND, MERELY AS AMENDED BY THE COMMITTEE AMENDMENT, ALTERS THE STATED INTENT OF THE CLEAN INDOOR ACT TO SHOW THAT THE LEGISLATURE CONTEMPLATED NOT AN ABSOLUTIST'S RULE/BAN, BUT A RULE WITH REASONABLE EXCEPTIONS, AS WE USUALLY DO. I WOULD URGE YOUR APPROVAL OF THE COMMITTEE AMENDMENT AND THE

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UNDERLYING BILL, LB118. [LB118]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE GENERAL AFFAIRS COMMITTEE. SENATOR LARSON, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB118]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. THE COMMITTEE AMENDMENT FURTHER CLARIFIES THE INTENT LANGUAGE IN THE NEBRASKA CLEAN INDOOR ACT. AND THE INTENT IS TO ALLOW FOR LIMITED EXCEPTIONS FOR PUBLIC ACCOMMODATIONS, RESEARCH, TOBACCO RETAIL OUTLETS, AND CIGAR SHOPS. THE AMENDMENT ALSO INDICATES A SEVERABILITY CLAUSE, REMOVES THE REQUIREMENT THAT FILINGS BE IN TRIPLICATE, WHICH WAS REQUESTED BY THE LIQUOR CONTROL COMMISSION, INCORPORATES THE LIQUOR COMMISSION'S RULES AND REGULATIONS THAT WERE PLACED...THAT WERE IN PLACE ON AUGUST 1, 2014, UNTIL THE COMMISSION EITHER AMENDS OR APPEALS SUCH RULES AND REGULATIONS AND CLARIFIES INTENT LANGUAGE TO INCLUDE TOBACCO RETAIL OUTLETS. [LB118]

SPEAKER HADLEY: MR. CLERK, THERE IS AN AMENDMENT TO THE COMMITTEE AMENDMENT. [LB118]

CLERK: SENATOR, I HAVE AM77 WITH A NOTE YOU WISH TO WITHDRAW. MR. PRESIDENT, SENATOR LARSON WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM98. (AM98, LEGISLATIVE JOURNAL PAGE 326.) [LB118]

SPEAKER HADLEY: SENATOR LARSON, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB118]

SENATOR LARSON: I'LL WITHDRAW THAT AT THIS TIME AS WELL. [LB118]

SPEAKER HADLEY: SENATOR COASH, YOU'RE RECOGNIZED TO SPEAK. [LB118]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I WAS ONE OF THE SENATORS THAT WAS PART OF THE GENERAL AFFAIRS COMMITTEE WHEN THE BILL THAT WENT BEFORE THE SUPREME COURT WAS PASSED. AND SO I WANTED TO STAND UP AND TALK A LITTLE BIT ABOUT WHAT THE LEGISLATURE INTENDED AT THAT TIME, WHAT WE INTEND WITH LB118 AS WELL. FIRST THING I WOULD TELL YOU IS THAT WHEN WE PASSED THE ORIGINAL BILL, IN 2009 I BELIEVE, WE HAD TESTIMONY IN FRONT OF THE HEARING THAT SAID THAT THIS WOULD TAKE THE CLEAN INDOOR ACT AND TURN IT ON ITS HEAD AND THAT THE EXEMPTION PUT FORTH IN THAT BILL WOULD RESULT IN A PROLIFERATION ACROSS THE

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STATE OF BARS WHERE THERE WOULD BE SMOKING AND IT WOULD BE, IN ESSENCE, A LOOPHOLE TO CIRCUMVENT THE CLEAN INDOOR ACT. AND IF YOU HAD LISTENED TO SOME OF THE TESTIFIERS YOU WOULD HAVE THOUGHT THAT THERE WOULD, IN ESSENCE, BE NO CLEAN INDOOR ACT AS IT RELATES TO BARS AND RESTAURANTS BECAUSE OF THAT BILL. HOWEVER, AS WE SIT HERE TODAY, FOUR, FIVE YEARS LATER WE HAVE 11 LICENSES UNDER THE LIQUOR CONTROL COMMISSION BECAUSE OF THE RULES AND REGS, THE POLICY PUT FORTH BY THIS LEGISLATURE. THE SKY DID NOT FALL. THESE BARS WERE PUT INTO PLACE EXACTLY HOW THEY WANTED AND EXACTLY HOW THE LEGISLATURE ALLOWED THEM TO DO. THEN WE HAD A SUPREME COURT DECISION THAT SAID, LOOK, WE HAVE A PROBLEM WITH THIS BECAUSE IT GOES AGAINST THE CLEAN INDOOR ACT. AND THE CLEAN INDOOR ACT WAS DESIGNED TO PROTECT PEOPLE FROM SECONDHAND SMOKE. BUT HERE IS WHERE I BELIEVE THE COURT WENT OFF THE RAILS A LITTLE BIT. WHEN YOU GO INTO A PLACE LIKE THIS, THERE IS NO EXPECTATION BY THE CUSTOMERS OF A PLACE LIKE THIS, THAT THEY WOULD BE PROTECTED FROM SECONDHAND SMOKE. IN FACT, THE REASON THEY'RE GOING IN THERE IS TO PARTICIPATE IN THE SMOKE. THIS IS VERY DIFFERENT THAN IF YOU WENT INTO A BOWLING ALLEY. YOU SHOULD HAVE AN EXPECTATION TO BE FREE FROM SMOKE IN A BOWLING ALLEY, YOU'RE GOING THERE TO BOWL. YOU GO INTO A PLACE THAT'S CONTEMPLATED UNDER LB118, THERE SHOULD NO EXPECTATION OF PROTECTION FROM SECONDHAND SMOKE. THIS LEGISLATURE IS IN THE BUSINESS OF EXEMPTIONS, COLLEAGUES. ONE OF THE THINGS THAT I HAVE COMPARED THIS TO--AND I THINK SENATOR LARSON MENTIONED THIS IN HIS COMMENTS--IS OUR TAX CODE. UNDER NEBRASKA LAW, EVERY ITEM THAT IS PURCHASED IN OUR STATE IS SUBJECT TO SALES TAX. EVERYTHING IS SUBJECT TO SALES TAX IF IT'S SOLD IN NEBRASKA UNLESS THE LEGISLATURE, AS WE HAVE DONE HUNDREDS OF TIMES, SAYS YEAH, EVERYTHING IS GOING TO BE TAXED AT THE POINT OF SALE EXCEPT FOR THESE THINGS. THE EXAMPLE THAT COMES TO MIND WAS THE BILL WE DID LAST YEAR TO EXEMPT MACHINERY PARTS FOR REPAIR ON AG EQUIPMENT. SO WE POKE HOLES IN A LARGE POLICY ALL THE TIME, SO I WOULD LIKE YOU TO KEEP THAT IN MIND. THE MOST IMPORTANT THING I WANT TO GET ON THE RECORD TODAY, COLLEAGUES--AND IF I COULD HAVE YOUR ATTENTION--I WANT YOU TO BE CLEAR ON WHAT YOU'RE VOTING FOR WITH LB118 BECAUSE THE SUPREME COURT NEEDS TO HEAR THE LEGISLATURE'S INTENT THROUGH OUR VOTES ON THIS BILL. COLLEAGUES, IF YOU VOTE TO ADVANCE... [LB118]

SPEAKER HADLEY: ONE MINUTE. [LB118]

SENATOR COASH: ...LB118 TO GENERAL FILE, IF YOU VOTE IT PAST SELECT

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FILE, IF YOU VOTE IT TO SEND IT TO THE GOVERNOR'S DESK, YOU ARE SENDING A MESSAGE WITH LEGISLATIVE INTENT THAT WE, AS A LEGISLATURE, INTEND TO EXEMPT TOBACCO SHOPS FROM THE CLEAN INDOOR ACT BECAUSE TOBACCO SHOPS ARE DIFFERENT. THERE IS AN EXPECTATION THAT YOU HAVE GOING INTO A TOBACCO SHOP THAT YOU DON'T HAVE GOING INTO ANOTHER PUBLIC PLACE. SO LET ME BE CLEAR, COLLEAGUES, WE ARE VOTING OUR INTENT HERE. THIS BILL WAS A DIFFICULT ONE FOR THE COMMITTEE BECAUSE YOU DON'T SEE BILLS JUST FULL OF INTENT LANGUAGE, BUT THAT IS THE REMEDY THAT WE'RE TRYING TO GET HERE THROUGH LB118. WE ARE MAKING OUR VOICE CLEAR. I THOUGHT IT WAS CLEAR WHEN WE PASSED THE ORIGINAL BILL. [LB118]

SPEAKER HADLEY: TIME. [LB118]

SENATOR COASH: THANK YOU, MR. PRESIDENT. [LB118]

SPEAKER HADLEY: MR. CLERK. [LB118]

CLERK: MR. PRESIDENT, SENATOR LARSON WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM221. (LEGISLATIVE JOURNAL PAGES 399-400.) [LB118]

SPEAKER HADLEY: SENATOR LARSON, YOU ARE RECOGNIZED ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB118]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. AFTER THIS BILL CAME OUT OF COMMITTEE, WE WERE APPROACHED BY THE AMERICAN CANCER SOCIETY THAT HAD A FEW CONCERNS WITHIN THE BILL. AND SO WHAT AM221 TO AM97 DOES IS TWOFOLD: ONE IS, IT ADDRESSES THE CONCERNS THAT THE AMERICAN CANCER SOCIETY HAD. AND I HAVE THEIR WORD THAT THIS IS WHAT IT TAKES TO ADDRESS THOSE CONCERNS. AND IT STRIKES THE TERM "PUBLIC ACCOMMODATIONS" AND INSERTS "GUEST ROOMS AND SUITES." SO IT OBVIOUSLY FOCUSES MORE ON THE HOTEL SIDE OF THINGS INSTEAD OF JUST THE BROAD TERM "PUBLIC ACCOMMODATIONS." IT ALSO ADDS ADDITIONAL INTENT LANGUAGE THAT WE'VE WORKED WITH A NEBRASKA CONSTITUTIONAL LAW SCHOLAR FROM THE UNIVERSITY THAT RECOMMENDED JUST TIGHTENING UP A FEW THINGS CONCERNING THE TOBACCO RETAIL OUTLETS AND WHAT THEY CAN DO. ESSENTIALLY, THE PRODUCTS THAT TOBACCO RETAIL OUTLETS SELL ARE LEGAL FOR CUSTOMERS WHO MEET THE AGE REQUIREMENT. CUSTOMERS SHOULD BE ABLE TO TRY THEM WITHIN TOBACCO RETAIL OUTLETS, ESPECIALLY GIVEN THE WAY THE WAY THAT TOBACCO CUSTOMIZATION MAY OCCUR AND HOW TOBACCO IS BLENDED AND CIGARS ARE PRODUCED. AND ALSO ADDS A

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LITTLE MORE INTENT LANGUAGE IN TERMS OF THE CIGAR SHOPS ARE A VARIATION OF A TOBACCO RETAIL OUTLET WHICH HAS A LIQUOR LICENSE. THE ISSUE WHETHER A LIQUOR LICENSE SHALL BE GRANTED TO A CIGAR SHOP IS ENTIRELY A SEPARATE ISSUE THAT DEALS WITH AN ENTIRE SEPARATE CHAPTER OF STATE LAW. WHETHER A LIQUOR LICENSE IS GRANTED AT THE STATE...IS GRANTED, IS AT THE RECOMMENDATION OF THE LOCAL GOVERNING BODY AND THE DISCUSSION OF THE LIQUOR CONTROL COMMISSION. SO WE ARE ESSENTIALLY, AS SENATOR COASH WAS EXPLAINING, TRYING TO OUTLINE THE INTENT OF THE LEGISLATURE AS MUCH AS POSSIBLE, THAT THE EMPLOYEES THAT WORK AT THESE FACILITIES UNDERSTAND THAT THEY DO HAVE OPTIONS TO WORK OTHER PLACES, AND THAT THEY CHOOSE TO WORK HERE, AND THAT YOU HAVE A CHOICE ON WHETHER OR NOT TO GO INTO ONE OF THESE ESTABLISHMENTS. YOU DON'T HAVE TO. THEY DON'T SERVE FOOD, YOU CAN'T SMOKE CIGARETTES THERE, YOU KNOW, THEY ARE VERY MUCH A DIFFERENT ESTABLISHMENT THAN ANYTHING ELSE. AND LIKE I SAID, WE DON'T WANT TO REPEAL THE CLEAN INDOOR ACT. I THINK THAT HAS DONE GOOD THINGS. SO, WE'RE MOVING FORWARD AND I'D APPRECIATE YOUR SUPPORT ON AM221 TO AM97. THANK YOU. [LB198]

SPEAKER HADLEY: SENATOR RIEPE, YOU ARE RECOGNIZED. [LB118]

SENATOR RIEPE: MR. PRESIDENT. GOOD MORNING, NEBRASKA, AND MY FELLOW SENATORS. AS A MEMBER OF THE GENERAL AFFAIRS COMMITTEE, I ABSTAINED FROM VOTING LB118 OUT OF COMMITTEE DUE TO QUESTIONS REGARDING THE CONSTITUTIONALITY OF THE BILL. I AM NOT AGAINST THE INTENTIONS OF LB118 AND ALLOWING CIGAR SHOPS TO OPERATE IN THE STATE AS LONG AS IT IS DETERMINED TO BE CONSTITUTIONAL. MY CONCERNS WITH LB118 ARE SPECIFICALLY IN REGARDS TO THE EXEMPTION OF CIGAR SHOPS AS SPECIAL LEGISLATION AND THE LEGISLATURE GRANTING A GROUP, SUCH AS CIGAR SHOPS OR TOBACCO RETAIL OUTLETS, WITH A SPECIAL AND/OR EXCLUSIVE PRIVILEGE OR EXEMPTION. LB118 ATTEMPTS TO CREATE A SUBSTANTIAL DISTINCTION TO JUSTIFY THE EXEMPTION TO THE NEBRASKA CLEAN AIR ACT. LB118 ALSO ATTEMPTS TO CREATE A REASONABLE RELATIONSHIP BETWEEN SMOKING CIGARS AS THE LEGITIMATE OBJECTIVE WITH THE PURPOSE OF THE NEBRASKA CLEAN AIR ACT. I DON'T KNOW IF LB118 CAN OVERCOME THESE CHALLENGES. BUT, AGAIN, I WANT TO REITERATE I AM NOT AGAINST THE INTENTIONS OF LB118 AND WILL VOTE TO PROGRESS THE BILL TO SELECT FILE. THANK YOU VERY MUCH. [LB118]

SPEAKER HADLEY: SENATOR CAMPBELL, YOU ARE RECOGNIZED. [LB118]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I WAS HAVING AN

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OFF-THE-SIDE DISCUSSION WITH SENATOR LARSON AND WOULD LIKE TO KNOW IF HE WOULD YIELD TO A QUESTION. [LB118]

SPEAKER HADLEY: SENATOR LARSON, WILL YOU YIELD TO A QUESTION? [LB118]

SENATOR LARSON. YES. [LB118]

SENATOR CAMPBELL: SENATOR LARSON, I MUCH APPRECIATE THAT YOU PUT FORWARD YOUR SECOND AMENDMENT TO THE COMMITTEE AMENDMENT BECAUSE I HAD SOME REAL CONCERNS ABOUT THE DEFINITION OF "PUBLIC ACCOMMODATIONS" WHICH WOULD HAVE REALLY OPENED UP A VERY BROAD SWATH THROUGH THE CLEAN AIR ACT. MY QUESTION HAS TO DO WITH, WHEN I ORIGINALLY HAD LOOKED AT THIS--AND I HAVE TO SAY IT WAS PRETTY CURSORY--A WHILE AGO, I KEPT THINKING THAT THIS WAS ABOUT CIGAR SHOPS. BUT THEN THE LANGUAGE COMES IN IN TERMS OF TOBACCO RETAIL OUTLETS. SO MY QUESTION TO YOU IS, WHY THE NEED TO INSERT TOBACCO RETAIL OUTLETS? [LB118]

SENATOR LARSON: THANK YOU, SENATOR CAMPBELL. TOBACCO RETAIL OUTLETS WERE INVOLVED IN THE ORIGINAL LB355. DURING THE DRAFTING OF LB118 IT WAS AN OVERSIGHT IN TERMS OF LEAVING THEM OUT IN THAT BILL. AND SO THAT'S WHAT WE DID WITH THE COMMITTEE AMENDMENT, AM97, IS WE JUST ADDED THEM BACK IN AS THEY WERE IN LB355. AS I'VE TOLD PEOPLE, WE WANT TO GO BACK TO STATUS QUO. WHAT WAS DONE IN LB355, THAT'S WHAT WE WANT. WE DON'T WANT TO EXPAND IT ANYMORE. WE DON'T WANT TO, YOU KNOW, AS I SAID, REPEAL THE CLEAN AIR INDOOR ACT. WE JUST WANT TO BE WHERE WE WERE WHEN LB355 WAS PASSED. [LB118]

SENATOR CAMPBELL: SO THERE IS A DISTINCTION IN YOUR MIND BETWEEN A CIGAR SHOP AND A TOBACCO RETAIL OUTLET? I SEE THE TOBACCO RETAIL OUTLET AS BROADER. AND MAYBE I'M NOT GETTING THE TRUE DEFINITION HERE. [LB118]

SENATOR LARSON: WELL, THE CIGAR SHOP...IT'S MY UNDERSTANDING--AND WE CAN TALK MORE OFF THE MIKE--IN THE SENSE THAT THE CIGAR SHOP TAKES THE LIQUOR LICENSE OR THE CIGAR BAR IS WHAT IT'S OFTEN REFERRED TO, BUT FOR DEFINITION PURPOSES IN LB118, WE CALL IT A CIGAR SHOP. AND THAT WILL BE SOMETHING THAT NEEDS A LIQUOR LICENSE. A TOBACCO RETAIL OUTLET, HOWEVER, IS MORE OF A SHOP THAT SELLS TOBACCO-RELATED PRODUCTS AND DOESN'T NECESSARILY NEED TO HAVE THE LIQUOR LICENSE TO ACCOMPANY IT, WHICH IT IS MY UNDERSTANDING LB355 DID AS WELL. [LB118]

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SENATOR CAMPBELL: WOULD A TOBACCO RETAIL OUTLET...WOULD A KWIK SHOP BE ABLE TO, BECAUSE THEY SELL TOBACCO-RELATED...AND IF THEY WENT THROUGH ALL THE, YOU KNOW, PUTTING IN WHAT WAS NECESSARY, WOULD THEY QUALIFY HERE? [LB118]

SENATOR LARSON: I DON'T BELIEVE SO. I CAN GET THE EXACT DEFINITION. A TOBACCO RETAIL OUTLET MEANS A STORE THAT SELLS ONLY TOBACCO AND PRODUCTS RELATED TO TOBACCO. PRODUCTS DIRECTLY RELATED TO TOBACCO DO NOT INCLUDE ALCOHOL, COFFEE, SOFT DRINKS, CANDY, GROCERIES OR GASOLINE. SO NO, IT WOULD HAVE TO BE STRICTLY TOBACCO. [LB118]

SENATOR CAMPBELL: THANK YOU, SENATOR LARSON. I WILL SPEND SOME TIME TAKING A LOOK AT BOTH THE UNDERLYING BILL AND SENATOR LARSON'S NEW AMENDMENT BECAUSE IT DOES TAKE AWAY SOME OF THE INITIAL CONCERNS THAT I HAD ABOUT PUBLIC ACCOMMODATIONS, AND MAY BE BACK WITH ADDITIONAL QUESTIONS. THANK YOU, MR. PRESIDENT. [LB118]

SPEAKER HADLEY: SENATOR COASH, YOU ARE RECOGNIZED. [LB118]

SENATOR COASH: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. I WANTED TO JUST MAKE SURE THAT BEFORE WE MOVE ON THIS BILL THAT OUR LEGISLATIVE INTENT IS CLEAR. AS SENATOR LARSON WAS JUST TALKING WITH SENATOR CAMPBELL, TOBACCO RETAIL OUTLETS HAS A DEFINITION ALREADY IN LAW. AND THAT'S WHY WE DIDN'T NEED TO CHANGE IT WITHIN THE CONTEXT OF LB118. AND AS HE SAID, THE TOBACCO RETAIL OUTLETS SELL TOBACCO AND TOBACCO-RELATED PRODUCTS ONLY. SO THAT DOESN'T APPLY TO A GAS STATION WHO SELLS GAS, POP, CHIPS, AND ALL THAT. COLLEAGUES, BY PASSING...MOVING LB118 WE'RE SENDING A MESSAGE ABOUT OUR INTENT. AND OUR INTENT MUST BE CLEAR. AND THAT'S WHAT LB118 IS TRYING TO DO. IT'S TRYING TO BE CLEAR THAT THE LEGISLATURE'S INTENT IS THAT WHEN WE LOOK AT THESE KINDS OF BUSINESSES, WHEN WE LOOK AT BUSINESSES THAT SELL TOBACCO, AND THAT'S IT, WHEN WE LOOK AT BUSINESSES WHO MAKE PART OF THEIR LIVING FROM THE SALE OF TOBACCO, I.E., CIGARS IN A CIGAR BAR, THAT WE INTEND THAT THE CLEAN INDOOR ACT DOES NOT APPLY TO THEM. WE ARE EXEMPTING THEM. AND WE ARE DOING IT, NOT BECAUSE WE'RE PICKING WINNERS AND LOSERS, BUT BECAUSE WE ARE MAKING A CONSCIOUS CHOICE TO SAY, WE RECOGNIZE THAT THESE BUSINESSES LOOK A LITTLE BIT DIFFERENT BECAUSE OF THE NATURE OF THEIR BUSINESS. IT'S INTERESTING THAT THE SUPREME COURT...THEY DID NOT STRIKE DOWN THE EXEMPTION ON HOTEL ROOMS, THEY DID NOT STRIKE DOWN THEIR EXEMPTION ON RESEARCH FACILITIES.

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AND THE REASON THEY DID THAT IS BECAUSE THERE WAS A CASE MADE THAT IF YOU GO INTO A HOTEL AND YOU SAY, I'D LIKE A SMOKING ROOM, THAT THERE IS A REASONABLE EXPECTATION THAT YOU WOULD BE EXPOSED TO SMOKE. AND IF YOU GO INTO A TESTING FACILITY WHERE THEY ARE TESTING THE EFFECTS OF CIGARETTES, FOR EXAMPLE, THAT YOU MIGHT BE EXPOSED TO SMOKE. WE ARE SAYING THAT THERE IS THE SAME REASONABLE EXPECTATION HERE IF YOU GO INTO A TOBACCO RETAIL OUTLET OR ONE WHO ALSO HAS A RIDER OR HAS A LIQUOR LICENSE THAT ALLOWS FOR THAT AS WELL. AND I WANT TO BE CLEAR HERE, WE'RE NOT ASKING FOR A CLOSED CLASS HERE EITHER. OKAY? THIS IS NOT CLOSED-CLASS LEGISLATION BECAUSE IT IS NOT IMPOSSIBLE FOR YOU TO GET THIS EXEMPTION IF YOU ARE A BAR, FOR EXAMPLE. YOU HAVE SOME THINGS YOU WOULD HAVE TO DO, BUT IT'S NOT IMPOSSIBLE. SO WITH THAT, COLLEAGUES, I HOPE THAT WE'VE MADE OUR LEGISLATIVE INTENT CLEAR THROUGH THE BILL. I HOPE THAT YOU UNDERSTAND THAT AM221 TO THE COMMITTEE AMENDMENT, ALLEVIATES SOME CONCERNS WITH REGARD TO THE DEFINITIONS OF "THE PUBLIC," BROUGHT TO US BY VARIOUS GROUPS. AND I WOULD HOPE THAT YOU WOULD ADVANCE ALL THREE TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB118]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED. [LB118]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, AND MEMBERS. WOULD SENATOR KRIST YIELD FOR A MOMENT? IT MAY TAKE HIM JUST A MOMENT TO GET ACROSS THE CHAMBER. I HAVE A QUESTION FOR HIM, IF I COULD. [LB118]

SPEAKER HADLEY: SENATOR KRIST, WILL YOU YIELD? [LB118]

SENATOR KRIST: YES. [LB118]

SENATOR McCOY: THANK YOU, SENATOR KRIST. I NOTICE--AND IT'S SOMEWHAT UNUSUAL, I DON'T WANT TO PUT YOU ON THE SPOT, BUT AS I'M GLANCING THROUGH THE PARTICULARS ON LB118--THAT YOU ARE AN ORIGINAL COSIGNER ON THE BILL AND THEN WITHDREW YOUR NAME. AND, AGAIN, I DON'T WANT TO PUT YOU ON THE SPOT BUT I JUST WONDERED BECAUSE I'M CURIOUS AND THAT RARELY EVER HAPPENS IN MY SEVEN YEARS IN THE BODY. IF YOU WOULD BE SO KIND, FOR THE RECORD, TO OUTLINE WHY THAT MAY HAVE BEEN. [LB118]

SENATOR KRIST: WELL, IT'S TOO LATE TO NOT PUT ME ON THE SPOT, SENATOR, BUT I'D BE HAPPY TO ANSWER YOUR QUESTION. INITIALLY, I WAS ASKED TO SIGN ONTO THE BILL AND TO HELP IT MOVE FORWARD BY A FORMER COLLEAGUE OF OURS AND ALSO BY SOMEONE WHO IS IN THE

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BUSINESS, HUGE INVESTMENT INTO THE BUSINESS. I TOOK MY NAME OFF OF THE BILL BECAUSE I THOUGHT IT MIGHT BE INAPPROPRIATE FOR THE MAIN INTRODUCER, SENATOR LARSON, TO HAVE POKED THE SUPREME COURT IN THE EYE. AND I WAS PRETTY CLEAR THAT I'D BEEN WORKING WITH THE SUPREME COURT VERY REGULARLY AND TOLD MANY PEOPLE THAT I JUST DIDN'T WANT TO GET INTO THAT MODE. WE WILL WIN OR LOSE PIECES OF LEGISLATION OR EFFORTS BY DOING THINGS IN AN ETHICAL WAY. AND SENATOR LARSON WAS QUOTED IN A COUPLE OF DIFFERENT WAYS. THIS IS A PERSONAL COMMITMENT FOR ME FOLLOWING SENATOR LARSON DOWN THAT PATH. [LB118]

SENATOR McCOY: DO YOU MIND DESCRIBING WHAT YOU MEAN BY, I GUESS, "POKING IN THE EYE," TO USE YOUR WORDS? ARE YOU TALKING ABOUT A QUOTE OR SOMETHING IN PARTICULAR? [LB118]

SENATOR KRIST: YES. SENATOR LARSON WAS QUOTED IN THE WORLD-HERALD AS NOT APPRECIATING THE EFFORTS BY THE SUPREME COURT. I DON'T REMEMBER THE EXACT QUOTE BUT THE SUPREME COURT IS NOT IN THE HABIT OF RULING ON ECONOMIC DEVELOPMENT OR ANY OTHER KIND OF ISSUE. THEY MAKE THEIR RULINGS BASED UPON THE RULE OF LAW AND THE INTERPRETATION OF LAW. AND THEN IT'S OUR JOB TO MAKE SURE THAT IT IS NOT CONTESTABLE. IT CANNOT BE TAKEN BACK TO THE SUPREME COURT. SO I FELT THAT THOSE COMMENTS MAY HAVE BEEN INAPPROPRIATE. IT HAD NOTHING TO DO WITH THE SUBJECT MATTER IN THE BILL. [LB118]

SENATOR McCOY: THANK YOU, SENATOR KRIST. THANK YOU, MR. PRESIDENT. [LB118]

SPEAKER HADLEY: SEEING NO OTHER LIGHTS ON, SENATOR LARSON, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB118]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. LIKE I SAID, WE'RE NOT TRYING TO CHANGE WHAT...REPEAL THE CLEAN INDOOR ACT. WE WANT TO PUT IT BACK TO WHAT STATUS QUO WAS. THESE ARE BUSINESSES THAT INVESTED A LOT OF MONEY AND THERE'S ONLY TEN OF THEM. I WOULD ENCOURAGE YOUR SUPPORT ON AM221. [LB118]

SPEAKER HADLEY: THE QUESTION IS, SHALL THE AMENDMENT TO THE COMMITTEE AMENDMENTS TO LB118 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB118]

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CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF THE AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB118]

SPEAKER HADLEY: THE MOTION PASSES. SENATOR KRIST, YOU'RE RECOGNIZED. [LB118]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND WE'RE APPROACHING THE NOONHOUR AND I DON'T WANT TO EMULATE SENATOR CHAMBERS BY KEEPING YOU HERE PAST YOUR TUMMY GROWLING, BUT I WOULD LIKE TO SAY TWO THINGS. THE FIRST THING IS, THAT I TOLD MY COMMITTEE WHEN I VOTED WITH THEM AND VOTED IT OUT OF COMMITTEE, I WAS CONCERNED WITH TWO THINGS: THE FIRST IS, THE CONSTITUTIONALITY, WHICH THERE'S TWO INDEPENDENT CONSTITUTIONAL LAWYERS THAT ARE BEING CONSULTED ON THIS ISSUE. ONE, BY SENATOR LARSON AND OUR LEGAL COUNSEL AND ANOTHER OUTSIDE LEGAL COUNSEL WHO IS A CONSTITUTIONAL LAW EXPERT. AND I THINK THAT'S AN IMPORTANT POINT. I THINK WE SHOULD RUN THIS TO GROUND BETWEEN GENERAL AND SELECT. AND I TRUST THAT THE CHAIR, THAT SENATOR LARSON WILL DO THAT. AND I WILL ALSO ASSIST IN THAT EFFORT. THE SECOND IS, BETWEEN GENERAL AND SELECT, IF THIS OPENS UP THE CLEAN AIR ACT IN ANY WAY, I BELIEVE WE NEED TO MAKE SURE THAT IT DOES NOT. AND NOT BEING A LAWYER--AND I WON'T FINISH THAT SENTENCE--BUT NOT BEING A LAWYER, I'M NOT 100 PERCENT SURE THAT THAT ISN'T HAPPENING. SO AGAIN, BETWEEN NOW AND SELECT FILE, I'D LIKE TO MAKE SURE THAT THAT DOES NOT HAPPEN. THAT'S NOT A GOOD THING. AND IT'S NOT A SURPRISE TO MY COMMITTEE. I SAID THIS TO THEM WHEN WE VOTED IT OUT. WITH THAT, I WOULD ASK FOR YOUR SUPPORT OF AM97 AND THE UNDERLYING BILL LB118 AT THIS TIME. [LB118]

SPEAKER HADLEY: IS THERE ANYONE ELSE THAT WISHES TO SPEAK ON THE AMENDMENT TO THE BILL? SEEING NONE, SENATOR LARSON WAIVES CLOSING. ALL THOSE IN FAVOR OF ADOPTING THE COMMITTEE AMENDMENT TO LB118 VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? MR. CLERK. [LB118]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB118]

SPEAKER HADLEY: THE MOTION IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB118 TO E&R INITIAL. SENATOR KRIST, YOU ARE RECOGNIZED. SENATOR KRIST WAIVES. IS THERE ANYONE ELSE THAT WISHES TO SPEAK? SEEING NONE, SENATOR LARSON? SENATOR LARSON WAIVES CLOSING. ALL THOSE IN FAVOR OF THE LB118 AS AMENDED...ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR.

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Transcriber's Office

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CLERK. [LB118]

CLERK: 34 AYES, 2 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB118.
[LB118]

SPEAKER HADLEY: LB118 ADVANCES TO E&R INITIAL. MR. CLERK. [LB118]

CLERK: MR. PRESIDENT, I HAVE NEITHER MESSAGES, REPORTS, NOR
ANNOUNCEMENTS. PRIORITY MOTION: SENATOR JOHNSON WOULD MOVE TO
ADJOURN THE BODY UNTIL THURSDAY MORNING, FEBRUARY 5, AT 9:00 A.M.

SPEAKER HADLEY: ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. WE
ARE ADJOURNED.