

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

Floor Debate
March 03, 2015

[LB10 LB13 LB15 LB23 LB34 LB35 LB37 LB46 LB77 LB111 LB113 LB129 LB137 LB146
LB155 LB157 LB164 LB177 LB179 LB207 LB242 LB244 LB245 LB279 LB291 LB304
LB330 LB366 LB367 LB400 LB431 LB439 LB472 LB474A LB504 LB538 LB599 LB640
LR93 LR94 LR95 LR96 LR97 LR98 LR99]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE THIRTY-SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR BOB WALZ OF THE LINCOLN BEREAN CHURCH HERE IN LINCOLN, NEBRASKA, GUEST OF SENATOR MURANTE. PLEASE RISE.

PASTOR WALZ: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR WALZ. I CALL TO ORDER THE THIRTY-SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

ASSISTANT CLERK: THERE'S A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

ASSISTANT CLERK: THERE ARE. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB146 TO SELECT FILE WITH AMENDMENTS. GOVERNMENT REPORTS LB367, LB400, AND LB640 TO GENERAL FILE, AS WELL AS LB291 TO GENERAL FILE WITH AMENDMENTS. COMMITTEE ON JUDICIARY REPORTS LB113 AND LB137 TO GENERAL FILE WITH AMENDMENTS. AN AMENDMENT TO BE PRINTED TO LB10 FROM SENATOR MURANTE. AND AN ANNOUNCEMENT THAT THE REVENUE COMMITTEE WILL HOLD AN EXECUTIVE SESSION ON TUESDAY,

Floor Debate
March 03, 2015

MARCH 3, AT 10:00 A.M. IN ROOM 2022. THAT'S ALL I HAVE. (LEGISLATIVE JOURNAL PAGES 693-695.) [LB146 LB367 LB400 LB640 LB291 LB113 LB137 LB10]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST BILL THIS MORNING IS LB431, INTRODUCED BY SENATOR BAKER. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 20, REFERRED TO THE EDUCATION COMMITTEE. THAT COMMITTEE REPORTS THE BILL TO GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB431]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATORS, PLEASE COME TO ORDER. SENATOR BAKER, YOU'RE WELCOME TO OPEN ON LB431. [LB431]

SENATOR BAKER: GOOD MORNING, MR. PRESIDENT, MEMBERS OF THE BODY. LB431 HAS TO DO WITH PROJECTS INVOLVING THE PHYSICAL PLANT OF SCHOOL DISTRICTS. CURRENTLY, SPECIFIC BIDDING REQUIREMENTS FOR LARGE PROJECTS DO NOT APPLY WHEN THE CONTEMPLATED EXPENDITURE DOES NOT EXCEED \$40,000. THAT \$40,000 AMOUNT WAS ENACTED BY THE 1979 NEBRASKA LEGISLATURE 36 YEARS AGO. FORTY THOUSAND DOLLARS IN 1979 EQUATES TO OVER \$130,000 TODAY. LB431 WOULD CHANGE THE THRESHOLD AMOUNT TO \$100,000, WITH THE AMOUNT UPDATED EVERY FIVE YEARS TO REFLECT INFLATION STARTING IN 2020. THE PURPOSE BACK IN 1979 AND STILL TODAY IS TO ALLOW SCHOOL BOARDS TO BE ABLE TO MOVE FASTER WHEN NECESSARY. I ASK YOU TO ADVANCE LB431. [LB431]

PRESIDENT FOLEY: THANK YOU, SENATOR BAKER. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB431]

SENATOR KOLOWSKI: GOOD MORNING, MR. PRESIDENT, MORNING, COLLEAGUES. I WANT TO THANK SENATOR BAKER FOR BRINGING THIS BILL FORWARD AND I'M IN FULL SUPPORT OF LB431. IT'S LONG OVERDUE. THIS WILL NOT ONLY SAVE TIME, BUT IT WILL ALSO SAVE MONEY, EXPENSES WITHIN THE DISTRICTS, AS THEY WOULD HAVE A NEW LINE THAT THEY'D BE ABLE TO DRAW AS FAR AS THE AMOUNT THEY COULD USE FOR BIDDING ON DIFFERENT PROJECTS IN THEIR DISTRICTS. IT'S A HUGE TASK TO GO THROUGH THE BIDDING PROCESS ON A REGULAR BASIS. THIS RAISES THE BAR AS FAR AS THE AMOUNT THAT COULD BE UTILIZED AND WHERE YOU'D HAVE TO BRING THE BIDDING IN AND TAKE CARE

Floor Debate
March 03, 2015

OF IT IN THAT PARTICULAR WAY. IT'S LONG OVERDUE. IT WILL BE A SAVINGS BOTH IN TIME AND MONEY. AND I THANK SENATOR BAKER AGAIN. THANK YOU. [LB431]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLOWSKI. (DOCTOR OF THE DAY INTRODUCED.) SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB431]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR BAKER WOULD YIELD TO A QUESTION. [LB431]

PRESIDENT FOLEY: SENATOR BAKER, WOULD YOU YIELD? [LB431]

SENATOR BAKER: I WILL. [LB431]

SENATOR BLOOMFIELD: THANK YOU, SENATOR BAKER. YOU AND I SPOKE EARLIER THIS MORNING ABOUT A COUPLE OF QUESTIONS I HAVE ON THIS BILL AND I JUST WANT TO GET SOME INFORMATION INTO THE RECORD HERE. YOUR INCREASE FROM \$40,000 TO \$100,000 THAT THEY CAN SPEND WITHOUT GOING TO THE BIDDING PROCESS SEEMS LIKE A HUGE INCREASE TO ME. I UNDERSTAND THAT IT'S BEEN SINCE '79 THAT IT'S BEEN CHANGED. WOULD YOU BE WILLING TO GIVE ME SOME IDEA AS TO WHY YOU THINK WE NEED TO JUMP CLEAR UP TO \$100,000? [LB431]

SENATOR BAKER: I'M SORRY, SENATOR BLOOMFIELD. I DIDN'T HEAR THE LAST PART OF WHAT YOU SAID. [LB431]

SENATOR BLOOMFIELD: WHY DO YOU THINK IT'S NECESSARY TO GO CLEAR TO \$100,000 INSTEAD OF MAYBE \$65,000 OR \$70,000? [LB431]

SENATOR BAKER: WELL, YOU KNOW, IF IT WAS VALID TO HAVE THE PURCHASING POWER OF \$40,000 IN 1979, NOT HAVE TO GO THROUGH THAT LONGER BIDDING PROCESS, THEN IT'S VALID TODAY TO HAVE THAT SAME PURCHASING POWER. ACTUALLY, IF I HAD GONE WITH THE SAME PURCHASING POWER, WOULD HAVE PUT \$130,000 IN THERE INSTEAD OF \$100,000. SO I CAN'T ANSWER TO WHY IT HASN'T BEEN CHANGED SINCE 1979. BUT YOU AND I BOTH KNOW THAT \$40,000 TODAY DOESN'T BUY NEARLY WHAT \$40,000 DID BACK IN 1979. AND BEAR IN MIND, TOO, WE'RE NOT TALKING ABOUT EXPENDITURE OF MONEY, SAYING THIS IS GOING TO LEAD, YOU KNOW, WE'VE DOUBLED THE \$40,000, GONE TWO AND A

Floor Debate
March 03, 2015

HALF TIMES \$40,000, THAT'S NOT GOING TO LEAD TO MORE EXPENDITURE. IT'S JUST THE PROCESS ON HOW YOU GET TO THE POINT WHERE YOU HAVE THE PROJECT READY TO GO. IN THE CASES OF REPAIR, YOU DON'T HAVE THE LUXURY OF A MONTH AND A HALF. YOU KNOW, WHEN YOU THINK ABOUT A PROCESS RIGHT NOW THAT'S REQUIRED FOR MORE THAN \$40,000, YOU KNOW, IN MOST CASES YOU'RE GOING TO HAVE AN ARCHITECT OR ENGINEER DEVELOP SPECIFICATIONS. THEN YOU'RE GOING TO HAVE TO GO PUBLISH IT IN A NEWSPAPER, WAIT A MINIMUM OF 15 DAYS, HAVE AN ANNOUNCED TIME FOR PUBLIC BID OPENING, AND THEN PROCEED. AND IF IT'S SEPTEMBER AND A ROOFTOP AIR-HANDLING UNIT GOES OUT, YOU DON'T HAVE A MONTH OR A MONTH AND A HALF, IDEALLY, YOU KNOW, WHEN THE TEMPERATURE IN THE CLASSROOM IS 90 DEGREES. [LB431]

SENATOR BLOOMFIELD: OKAY. AND THERE'S ANOTHER PART OF THE BILL THAT CONCERNS ME MORE, AND THAT IS THE ABILITY TO RAISE THAT RATE YOURSELVES WITHOUT COMING BACK TO THE LEGISLATURE. SO EVERY FIVE YEARS YOU CAN JUMP THAT AMOUNT TO WHAT? IS THERE ANY LIMIT AS TO HOW FAR YOU CAN JUMP IT? [LB431]

SENATOR BAKER: IT'S STATED IN THE BILL THAT IT'S UPDATED FOR INFLATIONARY FACTORS. SO IT'S NOT GOING TO EXCEED THAT. [LB431]

SENATOR BLOOMFIELD: OKAY. THANK YOU. [LB431]

PRESIDENT FOLEY: THANK YOU, SENATORS BLOOMFIELD AND BAKER. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR BAKER, YOU'RE WELCOME TO CLOSE ON LB431. SENATOR BAKER WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB431 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB431]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB431. [LB431]

PRESIDENT FOLEY: LB431 DOES ADVANCE. SENATORS, WE'RE NOW GOING TO MOVE TO FINAL READING FOR ONE BILL, IF YOU COULD PLEASE RETURN TO YOUR DESKS PURSUANT TO THE RULES. WE'RE NOW IN FINAL READING. MR. CLERK. [LB431]

Floor Debate
March 03, 2015

CLERK: MR. PRESIDENT, I HAVE A MOTION ON THE DESK. SENATOR KEN HAAR WOULD MOVE TO RETURN THE BILL FOR SPECIFIC AMENDMENT, AM434. (LEGISLATIVE JOURNAL PAGE 630.) [LB177]

PRESIDENT FOLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB177]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY THAT SKATED FROM THEIR HOUSE TO THEIR GARAGE THIS MORNING, IT'S GOOD TO BE HERE. OUR NEBRASKA PUBLIC POWER SYSTEM IS A BIT MORE DIVERSE THAN WE SOMETIMES REALIZE. WE ARE BRINGING BACK LB177 TO SELECT FILE TO ATTACH AN AMENDMENT THAT WOULD DEAL WITH THE BOARD STRUCTURE OF THE MEAN, THE MUNICIPAL ENERGY ASSOCIATION OF NEBRASKA. THE NEED FOR THIS AMENDMENT WAS BROUGHT TO US AFTER THE BILL WAS ALREADY ON FINAL READING. IN ORDER TO ACCOMMODATE THE PROBLEM IDENTIFIED, WE DEVELOPED A CONSENSUS TECHNICAL AMENDMENT THAT DOES NOT CHANGE THE INTENT OF THE BILL. THIS AMENDMENT HAS BEEN DISCUSSED AND APPROVED BY MEAN, THE LEAGUE OF MUNICIPALITIES, THE NEBRASKA RURAL ELECTRIC ASSOCIATION, AND WITH SENATOR SMITH, KUEHN, AND OTHERS. AM434 ALSO ADDS A DEFINITION OF HIGH-LEVEL MANAGERS THAT IS THE SAME AS WHAT SENATOR SMITH AND I DISCUSSED IN PRIOR DEBATE. HIGH-LEVEL MANAGERS MEANS A PERSON EMPLOYED BY A DISTRICT WHO SERVES IN A HIGH-LEVEL MANAGERIAL POSITION, INCLUDING CHIEF EXECUTIVE OFFICER, PRESIDENT, VICE PRESIDENT, CHIEF FINANCIAL OFFICER, CHIEF OPERATIONS OFFICER, GENERAL MANAGER, OR ASSISTANT GENERAL MANAGER. I WOULD ASK THAT YOU APPROVE AGAIN THIS CONSENSUS TECHNICAL AMENDMENT THAT DOES NOT CHANGE THE ORIGINAL INTENT OF THE BILL. THANK YOU VERY MUCH. [LB177]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. SENATOR SMITH. [LB177]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I JUST WANTED TO RISE IN SUPPORT OF THE AMENDMENT THAT SENATOR HAAR HAS BROUGHT TO US TODAY TO LB177. I APPRECIATE HIS EFFORTS TO TRY TO RESOLVE SOME OF THE DIFFERENCES THAT REMAINED AFTER IT PASSED SELECT FILE. I SUPPORT THE AMENDMENT. I ALSO SUPPORT THE BILL. THANK YOU. [LB177]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR HAAR, YOU'RE WELCOME TO CLOSE. SENATOR

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

Floor Debate
March 03, 2015

HAAR WAIVES CLOSING. THE QUESTION IS, THE FIRST VOTE IS TO RETURN THE BILL TO SELECT FILE FOR SPECIFIC AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB177]

CLERK: 44 AYES, 0 NAYS, MR. PRESIDENT, ON THE MOTION TO RETURN THE BILL. [LB177]

PRESIDENT FOLEY: THE BILL IS RETURNED. MR. CLERK. [LB177]

CLERK: SENATOR HAAR WOULD OFFER AM434, MR. PRESIDENT. [LB177]

PRESIDENT FOLEY: SENATOR KEN HAAR. [LB177]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I ALREADY EXPLAINED THE TECHNICAL...THAT THIS IS A TECHNICAL...A CONSENSUS TECHNICAL AMENDMENT AND I WOULD ASK YOUR PASSAGE OF AM434 AND LB177. THANK YOU. [LB177]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. SEEING NO SENATORS WISHING TO SPEAK, SENATOR HAAR, YOU'RE WELCOME TO CLOSE. SENATOR HAAR WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM434 TO LB177. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB177]

CLERK: 43 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE SELECT FILE AMENDMENT. [LB177]

PRESIDENT FOLEY: AM434 IS ADOPTED. MR. CLERK. SENATOR HANSEN FOR A MOTION. [LB177]

SENATOR HANSEN: YES, MR. PRESIDENT, I MOVE THAT LB177 BE ADVANCED. [LB177]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE THE BILL. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE BILL ADVANCES. WE ARE NOW MOVING BACK TO SELECT FILE. MR. CLERK. [LB177]

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

Floor Debate
March 03, 2015

CLERK: MR. PRESIDENT, SELECT FILE, THE FIRST BILL, LB35. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER3, LEGISLATIVE JOURNAL PAGE 346.) [LB35]

PRESIDENT FOLEY: SENATOR HANSEN. [LB35]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB35 BE ADOPTED. [LB35]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB35]

CLERK: SENATOR HOWARD WOULD MOVE TO AMEND WITH AM265. (LEGISLATIVE JOURNAL PAGE 695.) [LB35]

PRESIDENT FOLEY: SENATOR HOWARD, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB35]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. THE PURPOSE OF AM265 IS TO CHANGE THE AMENDED DATE OF 2016 IN LB35 BACK TO 2017. THE DATE IN LB35 NEEDS TO MATCH LB157, SENATOR McCOLLISTER'S COMPANION BILL TO THIS ONE, WHICH ALSO AFFECTS THE MODEL BUSINESS CORPORATION ACT WHICH HAS ALREADY PASSED. THE AMENDMENT APPEARS STRANGE BECAUSE WE ARE STRIKING 2017 AS AMENDED, WHICH IS REALLY 2016, DUE TO THE FLOOR AMENDMENT ON LB35 THAT REPLACED THE BILL. SO WE MUST REPLACE IT WITH 2017, WHICH IS PUTTING IT BACK THE WAY IT WAS IN THE ORIGINAL BILL. I WOULD URGE THE BODY TO ADOPT AM265. THANK YOU, MR. PRESIDENT. [LB35 LB157]

PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. DEBATE IS NOW OPEN ON AM265. SEEING NO SENATORS WISHING TO SPEAK, SENATOR HOWARD, YOU'RE WELCOME TO CLOSE. SENATOR HOWARD WAIVES CLOSING. THE QUESTION IS ADOPTION OF AM265 TO LB35. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB35]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR HOWARD'S AMENDMENT. [LB35]

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

Floor Debate
March 03, 2015

PRESIDENT FOLEY: AM265 IS ADOPTED. MR. CLERK. [LB35]

CLERK: NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB35]

PRESIDENT FOLEY: SENATOR HANSEN. [LB35]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB35 BE ADVANCED TO E&R FOR ENGROSSING. [LB35]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADVANCE LB35 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB35 IS ADVANCED. MR. CLERK. [LB35]

CLERK: MR. PRESIDENT, LB279, THE NEXT BILL. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER13, LEGISLATIVE JOURNAL PAGE 401.) [LB279]

PRESIDENT FOLEY: SENATOR HANSEN. [LB279]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB279 BE ADOPTED. [LB279]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS TO LB279. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB279]

CLERK: SENATOR SCHUMACHER WOULD MOVE TO AMEND WITH AM263. (LEGISLATIVE JOURNAL PAGE 676.) [LB279]

PRESIDENT FOLEY: SENATOR SCHUMACHER, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB279]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. THIS PARTICULAR AMENDMENT JOCKEYS AROUND THE DATES SO THAT THEY ALL COME INTO HARMONY, SOMETHING VERY SIMILAR TO WHAT SENATOR HOWARD'S AMENDMENT DID ON THE PRIOR BILL. AS THE CHANGES TO THIS PIECE OF LEGISLATION WAS MADE, THE DATE HAS GOT TO BE CHANGED

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

Floor Debate
March 03, 2015

FROM 2016 TO 2017 SO IT ALL COMES TOGETHER. I'D ENCOURAGE THE BODY TO APPROVE AM263. THANK YOU. [LB279]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. DEBATE IS OPEN ON AM263. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SCHUMACHER, YOU'RE WELCOME TO CLOSE. AND HE WAIVES CLOSING. SENATORS, THE QUESTION IS THE ADOPTION OF AM263 TO LB279. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB279]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR SCHUMACHER'S AMENDMENT. [LB279]

PRESIDENT FOLEY: AM263 IS ADOPTED. MR. CLERK. [LB279]

CLERK: NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB279]

PRESIDENT FOLEY: SENATOR HANSEN. [LB279]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB279 BE ADVANCED TO E&R FOR ENGROSSING. [LB279]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADVANCE LB279 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB279 ADVANCES. MR. CLERK. [LB279]

CLERK: MR. PRESIDENT, LB23. SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER25, LEGISLATIVE JOURNAL PAGE 485.) [LB23]

PRESIDENT FOLEY: SENATOR HANSEN. [LB23]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB23 BE ADOPTED. [LB23]

PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS TO LB23. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB23]

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

Floor Debate
March 03, 2015

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB23]

PRESIDENT FOLEY: SENATOR HANSEN. [LB23]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB23 BE ADVANCED TO E&R FOR ENGROSSING. [LB23]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADVANCE LB23 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB23 ADVANCES. MR. CLERK. [LB23]

CLERK: LB155, SENATOR, I HAVE E&R AMENDMENTS FIRST OF ALL. (ER39, LEGISLATIVE JOURNAL PAGE 532.) [LB155]

PRESIDENT FOLEY: SENATOR HANSEN. [LB155]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB155 BE ADOPTED. [LB155]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS TO LB155. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB155]

CLERK: NOTHING FURTHER ON THE BILL, SENATOR. [LB155]

PRESIDENT FOLEY: SENATOR HANSEN. [LB155]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB155 BE ADVANCED TO E&R FOR ENGROSSING. [LB155]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADVANCE LB155 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB155 ADVANCES. MR. CLERK. [LB155]

CLERK: MR. PRESIDENT, LB439. I HAVE ENROLLMENT AND REVIEW AMENDMENTS FIRST OF ALL. (ER38, LEGISLATIVE JOURNAL PAGE 532.) [LB439]

Floor Debate
March 03, 2015

PRESIDENT FOLEY: SENATOR HANSEN. [LB439]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB439 BE ADOPTED. [LB439]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS TO LB439. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB439]

CLERK: SENATOR MORFELD WOULD MOVE TO AMEND WITH AM441.
(LEGISLATIVE JOURNAL PAGE 673.) [LB439]

PRESIDENT FOLEY: SENATOR MORFELD, YOU'RE WELCOME TO OPEN ON AM441.
[LB439]

SENATOR MORFELD: GOOD MORNING, COLLEAGUES. AS DISCUSSED ON THE FLOOR, LB439 WOULD PROVIDE A LIMITED IMMUNITY TO MINORS IN POSSESSION OF ALCOHOL WHO CALL FOR MEDICAL ASSISTANCE FOR THEIR FRIENDS WHO NEED MEDICAL ASSISTANCE. THIS WOULD BE A LIMITED IMMUNITY AND, AS SENATOR SCHUMACHER BROUGHT UP DURING OUR DISCUSSION ON THIS BILL, THE ACTUAL IMMUNITY LANGUAGE WAS NOT NECESSARILY STRONG ENOUGH. IT ONLY EXEMPTED THE PENALTY BUT NOT THE CHARGE, WHICH WOULD OBVIOUSLY TAKE AWAY FROM THE PURPOSE OF THIS BILL. SO THAT'S WHAT AM441 DOES AND I URGE YOU TO ADOPT THAT. ALL IT DOES IS SAY THERE SHALL BE NO PENALTY OR CHARGE IMPOSED UNDER THIS SUBSECTION IF THE PERSON REQUESTS MEDICAL ASSISTANCE. AND I URGE YOUR SUPPORT OF THIS AMENDMENT. [LB439]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. MR. CLERK. [LB439]

CLERK: MR. PRESIDENT, I UNDERSTAND SENATOR MORFELD HAS AN AMENDMENT TO AM441. I MIGHT INDICATE TO THE MEMBERS IT'S GOING INTO THE SYSTEM NOW, SO WILL BE ON YOUR LAPTOPS SHORTLY. (FA27, LEGISLATIVE JOURNAL PAGE 696.) [LB439]

PRESIDENT FOLEY: SENATOR MORFELD, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT TO AM441. [LB439]

Floor Debate
March 03, 2015

SENATOR MORFELD: THIS AMENDMENT WAS BROUGHT UP TO ME BY SEVERAL INDIVIDUALS. WE GAVE THE CITY MUNICIPALITIES IMMUNITY, IF THEY COMPLY WITH THIS LAW, FROM ANY ACTION THAT MAY STEM FROM IT, WHICH I BELIEVE IS UNLIKELY. SOMEBODY DID BRING UP THAT IT NOT ONLY PROVIDES IMMUNITY FOR THE COMPLIANCE BUT ALSO THE FAILURE TO COMPLY, WHICH WOULD MAKE IT SO THAT ESSENTIALLY THE POLICE DEPARTMENT WOULDN'T HAVE TO COMPLY WITH THE LAW AT ALL IF THEY DIDN'T WANT TO, WHICH WAS NOT THE INTENT OF THE IMMUNITY AND IT WAS NOT THE INTENT OF THIS LEGISLATION. SO THIS WOULD STRIKE ON PAGE 5, LINE 22, OR FAILURE TO COMPLY WITH THIS SECTION. IT STILL PROVIDES IMMUNITY TO THE CITY IF THEY ACTUALLY COMPLY WITH THE SECTION. AND I URGE YOUR SUPPORT OF FA27. [LB439]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD, DEBATE IS NOW OPEN ON THE FLOOR AMENDMENT TO AM441, WHICH IS AN AMENDMENT TO LB439. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MORFELD, YOU'RE WELCOME TO CLOSE ON YOUR FLOOR AMENDMENT. SENATOR MORFELD WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE FLOOR AMENDMENT, FA27, TO AM441. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB439]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT TO THE AMENDMENT. [LB439]

PRESIDENT FOLEY: FA27 IS ADOPTED. DEBATE IS NOW OPEN ON THE ADOPTED VERSION OF AM441. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MORFELD, YOU'RE WELCOME TO CLOSE ON AM441. SENATOR MORFELD WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM441 TO LB439. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB439]

CLERK: 30 AYES, 0 NAYS ON THE ADOPTION OF SENATOR MORFELD'S AMENDMENT. [LB439]

PRESIDENT FOLEY: AM441 IS ADOPTED. MR. CLERK. [LB439]

CLERK: SENATOR, I HAVE NO FURTHER AMENDMENTS TO THE BILL. [LB439]

PRESIDENT FOLEY: SENATOR HANSEN. [LB439]

Floor Debate
March 03, 2015

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB439 BE ADVANCED TO E&R FOR ENGROSSING. [LB439]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADVANCE LB439 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB439 ADVANCES. MR. CLERK. [LB439]

CLERK: MR. PRESIDENT, LB179. I HAVE NO E&RS. I DO HAVE OTHER AMENDMENTS. SENATOR BRASCH WOULD MOVE TO AMEND WITH AM550. (LEGISLATIVE JOURNAL PAGE 679.) [LB179]

PRESIDENT FOLEY: SENATOR BRASCH, YOU'RE WELCOME TO OPEN ON AM550. [LB179]

SENATOR BRASCH: THANK YOU, MR. LIEUTENANT GOVERNOR, AND GOOD MORNING, COLLEAGUES. I WANT TO BRIEFLY DESCRIBE THE AMENDMENT, AM550, OFFERED FOR LB179. DURING GENERAL FILE, SENATORS GROENE AND CRAWFORD NOTED A CONCERN WITH THE WORDING OF A PROVISION IN THE BILL THAT COULD HAVE UNINTENDED EFFECTS ON APPRENTICES, ELECTRICIANS, WHO DESIRE TO REMAIN APPRENTICE ELECTRICIANS. PLEASE NOTE SENATOR GROENE RECOGNIZED PAGE 3, LINES 10, 11, 28, AND 29 COULD HAVE READ TO GIVE THE NEBRASKA ELECTRICAL DIVISION BOARD THE ABILITY TO REFUSE RENEWAL OF REGISTRATION OF AN APPRENTICE ELECTRICIAN WHO DOES NOT COMPLETE THE CONTINUING EDUCATION REQUIRED BY LB179. WHILE THIS WAS AND IS NOT OUR INTENTION, NOR IS THE REMOVAL OF APPRENTICE ELECTRICIANS FOR LACK OF COMPLETING CONTINUING EDUCATION HOURS THE INTENTION OF THE NEBRASKA STATE ELECTRICAL DIVISION, WE WANT TO MAKE SURE OUR INTENTION IS CONSISTENT WITH THE WORDING OF THE STATUTE. FOR THAT REASON, AM550 STRIKES THE NEW LANGUAGE ON PAGE 3, LINES 10 AND 11, AS WELL AS THE NEW LANGUAGE ON LINE 28 AND THE WORDS "RENEW A REGISTRATION" IN LINE 29 AND REPLACES IT WITH, "AT THE TIME OF REGISTRATION RENEWAL." THIS WILL ENSURE APPRENTICES ARE NOT DENIED A RENEWAL OF THEIR REGISTRATION FOR FAILING TO COMPLETE AND SUBMIT CONTINUING EDUCATION HOURS BUT ONLY PENALIZES WITH SIX MONTHS OF ADDITIONAL WORK EXPERIENCE IF THEY WANT TO ADVANCE IN THE INDUSTRY AND BECOME A JOURNEYMAN ELECTRICIAN. AGAIN, I WANT TO THANK SENATORS GROENE AND CRAWFORD, AND I ALSO WANT TO THANK SENATOR GROENE FOR THE AMENDMENT HE IS ADDING TO ADD MORE ASSURANCES AND CLARIFICATION IN THE LANGUAGE SO THAT IT WILL NOT BE CONSTRUED THAT

Floor Debate
March 03, 2015

THE REGISTRANT SHALL BE DENIED A RENEWAL. I ASK FOR YOUR SUPPORT FOR AM550 AND I ALSO PLAN TO SUPPORT AM630. THANK YOU, COLLEAGUES. [LB179]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. DEBATE IS NOW OPEN ON AM550. SEEING NO SENATORS WISHING TO SPEAK, SENATOR BRASCH, YOU'RE WELCOME TO CLOSE ON YOUR AMENDMENT. SENATOR BRASCH WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM550 TO LB179. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB179]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR BRASCH'S AMENDMENT. [LB179]

PRESIDENT FOLEY: AM550 IS ADOPTED. MR. CLERK. [LB179]

CLERK: MR. PRESIDENT, SENATOR GROENE WOULD MOVE TO AMEND, AM630. (LEGISLATIVE JOURNAL PAGE 696.) [LB179]

PRESIDENT FOLEY: SENATOR GROENE, YOU'RE WELCOME TO OPEN ON AM630. [LB179]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. THIS IS WHY I CAME TO THE UNICAMERAL, SO I COULD WORK WITH THE SENATOR BRASCHS AND THE SENATOR CRAWFORDS BEHIND THE SCENES AND MAKE SURE THAT BILLS WERE NOT AFFECTING PEOPLE ADVERSELY. AND AFTER TALKING TO THE NEBRASKA ASSOCIATION OF HOME BUILDERS, WHICH MOST OF OUR LOCAL ELECTRICIANS BELONG TO--THEY REALLY DON'T HAVE THEIR OWN ORGANIZATION--THEY WERE CONCERNED ABOUT THEIR APPRENTICES. THEY UNDERSTOOD THE BILL AND THEY AGREED THAT IF YOU WERE GOING TO BE AN APPRENTICE AND YOU WANTED TO BE A JOURNEYMAN, YOU SHOULD TAKE THE CLASSES BEFORE YOU TOOK THE TEST. AS SENATOR BRASCH SAID WHEN SHE INTRODUCED BILL, THEY HAD LIKE A 50 PERCENT FAILURE RATE ON THE TEST BECAUSE NOBODY WAS PREPARED. THEY JUST THOUGHT EXPERIENCE WAS ENOUGH, BUT THEY NEEDED THE CLASSES. BUT AFTER READING THE BILL, WE NOTICED THAT THE APPRENTICES ALSO HAD TO TAKE THE CLASSES EVEN IF THEY WANTED TO REMAIN APPRENTICES, BECAUSE THE APPRENTICES REALLY ARE THE LABORERS IN THE ELECTRICAL BUSINESS. THEY'RE THE ONES THAT PULL THE WIRES AND DRILL THE HOLES. SOME OF THEM JUST WANT TO BE LABORERS FOR A CAREER--THEY DON'T WANT TO GO ON--BE APPRENTICES. THEY DON'T WANT TO GO ON TO

Floor Debate
March 03, 2015

BE A JOURNEYMAN OR AN ELECTRICIAN. SO ANYWAY, WE WORKED IT OUT AND THE LANGUAGE WASN'T CLEAR AND WE WANTED TO MAKE SURE THAT THOSE REGULATORS THAT REGULATE THE INDUSTRY UNDERSTOOD THAT IF AN APPRENTICE DIDN'T TAKE THE CLASSES AND HE CAME UP TO BE REREGISTERED, HE COULD STILL BE REREGISTERED WITHOUT LOSING HIS REGISTRATION IF HE DIDN'T TAKE THE CLASSES. SO WE'RE ADDING SECTION (5) TO THE LB179. WE'RE ADDING THIS SENTENCE, "NOTHING IN THIS SECTION SHALL BE CONSTRUED TO MEAN THAT A REGISTRANT SHALL BE DENIED RENEWAL OF A REGISTRATION BY THE BOARD BASED SOLELY ON THE FAILURE TO COMPLETE THE CONTINUING EDUCATION REQUIREMENT UNDER SUBSECTION (1) OF THIS SECTION." THAT FIXES IT. IF THAT APPRENTICE WANTS TO BE A JOURNEYMAN, HE HAS TO TAKE THE CLASSES BEFORE HE CAN TAKE THE TEST. THAT'S WHAT SENATOR BRASCH WANTED TO FIX AND THIS WILL DO IT. LIKE I SAID, NEBRASKA HOME BUILDERS ASSOCIATION WAS VERY HAPPY WITH THIS CLARIFICATION AND I WOULD APPRECIATE YOUR VOTE ON THIS AMENDMENT. THANK YOU. [LB179]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. DEBATE IS NOW OPEN ON AM630 TO LB179. SEEING NO SENATORS WISHING TO SPEAK, SENATOR GROENE, YOU'RE WELCOME TO CLOSE ON YOUR AMENDMENT. SENATOR GROENE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM630. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB179]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR GROENE'S AMENDMENT. [LB179]

PRESIDENT FOLEY: AM630 IS ADOPTED. MR. CLERK. [LB179]

CLERK: NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB179]

PRESIDENT FOLEY: SENATOR HANSEN. [LB179]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB179 BE ADVANCED TO E&R FOR ENGROSSING. [LB179]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADVANCE LB179 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB179 ADVANCES. MR. CLERK. [LB179]

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

Floor Debate
March 03, 2015

CLERK: MR. PRESIDENT, LB164. I HAVE E&R AMENDMENTS, SENATOR. (ER40, LEGISLATIVE JOURNAL PAGE 532.) [LB164]

PRESIDENT FOLEY: SENATOR HANSEN. [LB164]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB164 BE ADOPTED. [LB164]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADOPT E&R AMENDMENTS TO LB164. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB164]

CLERK: NOTHING FURTHER ON THE BILL, SENATOR. [LB164]

PRESIDENT FOLEY: SENATOR HANSEN. [LB164]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB164 BE ADVANCED TO E&R FOR ENGROSSING. [LB164]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADVANCE LB164 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB164 ADVANCES. MR. CLERK. [LB164]

CLERK: MR. PRESIDENT, LB207. SENATOR, I HAVE E&R AMENDMENTS FIRST OF ALL. (ER37, LEGISLATIVE JOURNAL PAGE 532.) [LB207]

PRESIDENT FOLEY: SENATOR HANSEN. [LB207]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB207 BE ADOPTED. [LB207]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADOPT E&R AMENDMENTS TO LB207. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB207]

CLERK: NOTHING FURTHER ON LB207, SENATOR. [LB207]

Floor Debate
March 03, 2015

PRESIDENT FOLEY: SENATOR HANSEN. [LB207]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB207 BE ADVANCED TO E&R FOR ENGROSSING. [LB207]

PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADVANCE LB207 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB207 ADVANCES. MR. CLERK. [LB207]

CLERK: MR. PRESIDENT, LB34, NO E&Rs. SENATOR HOWARD WOULD MOVE TO AMEND WITH AM372. (LEGISLATIVE JOURNAL PAGE 697.) [LB34]

PRESIDENT FOLEY: SENATOR HOWARD, YOU'RE WELCOME TO OPEN ON AM372. [LB34]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. THIS AMENDMENT MERELY CORRECTS A DATE MISSED WHEN THE REDRAFT...WHEN IT WAS REDRAFTED FROM LAST YEAR. BUT JUST AS A REMINDER, THIS CARBON MONOXIDE SAFETY ACT CODIFIES THE BUILDING CODES OF OUR LARGEST CITIES AND IS A RESULT OF AN ENORMOUS COMPROMISE BETWEEN LANDLORDS, BUILDERS, REALTORS, PUBLIC HEALTH ADVOCATES, A LARGE GROUP OF PEOPLE WHO ARE VERY INVESTED IN THE LANGUAGE OF THIS BILL IN PARTICULAR. AND FINALLY, I JUST WANT TO SAY THANK YOU TO THE BODY FOR PASSING THIS OFF OF GENERAL FILE. I TRULY BELIEVE THIS WILL SAVE LIVES AND HELP IMPROVE THE HEALTH AND WELFARE OF EVERYONE IN THE STATE OF NEBRASKA. I WOULD URGE YOU TO VOTE GREEN ON AM372. THANK YOU, MR. PRESIDENT. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. DEBATE IS NOW OPEN ON AM372. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB34]

SENATOR CRAIGHEAD: THANK YOU, MR. CHAIRMAN AND COLLEAGUES. AS A REALTOR AND A DEVELOPER, I AGREE THAT CARBON MONOXIDE AND THE ISSUE OF POISONING IS EXTREMELY IMPORTANT. I WOULD AGREE WITH SENATOR HOWARD'S BILL AND THE AMENDMENTS ONLY IF THIS WERE FOR NEW CONSTRUCTION ONLY. WHEN BUYERS AND TENANTS MOVE IN TO A HOME OR AGREE TO MOVE INTO A HOME, THEY CAN ASK FOR TESTING TO BE DONE ON REQUEST, JUST AS A BUYER ON A HOME CAN ASK FOR A WHOLE HOUSE INSPECTION, A RADON INSPECTION, MOLD INSPECTION, AND THEN IN THE

Floor Debate
March 03, 2015

CONTRACT, NEGOTIATE WITH THE SELLER OR THE LANDLORD ON WHAT THEY NEED TO DO. I AGREE AGAIN, AS I SAY, WITH SENATOR HOWARD, BUT I THINK THAT THIS BILL SHOULD APPLY TO NEW CONSTRUCTION ONLY BECAUSE OF COST. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAIGHEAD. MR. CLERK. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB34]

SENATOR DAVIS: THANK YOU, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE BODY. I JUST RISE IN SUPPORT OF SENATOR HOWARD'S BILL AND I'D LIKE TO TELL A FEW PERSONAL EXPERIENCES ABOUT THAT AND WHY I THINK THIS IS SUCH AN IMPORTANT PIECE OF LEGISLATION. SO SOME YEARS AGO, YOU KNOW I COME FROM A RANCH AND WE HAVE A LOT OF TENANT HOUSES ON OUR RANCH, AND MY MOM LIVED RIGHT NEXT DOOR IN HER HOME. SO I WENT OVER TO HER HOME ONE DAY AND SHE HAD HAD A NEW FURNACE INSTALLED RECENTLY. AND I WALKED IN AND I SAID, MOM, BOY, THERE'S SOMETHING GOING ON IN THIS HOUSE. WE COULDN'T FIGURE OUT WHAT IT WAS BUT HER EYES WERE BURNING. SO I SAID, YOU BETTER COME SPEND THE NIGHT WITH US. AND THE NEXT DAY I CALLED SOMEBODY AND THEY SAID, YOU KNOW, MAYBE YOU'VE GOT A CARBON MONOXIDE PROBLEM. I GOT A CARBON MONOXIDE DETECTOR AND TOOK IT OVER THERE AND, SURE ENOUGH, IT WAS IN THE DANGER ZONE. THIS IS IN AN OLD HOUSE. AND I WAS SO SHOCKED THAT THAT COULD HAPPEN WITH A NEW INSTALLATION OF A NEW FURNACE, I DECIDED I WOULD BUY A BUNCH OF OTHER CARBON MONOXIDE DETECTORS TO PUT IN MY OTHER TENANT HOUSES AT THE RANCH. SO I DID THAT. ABOUT A YEAR AND A HALF LATER, I HAD A CALL FROM ONE OF MY EMPLOYEES THAT THE CARBON MONOXIDE DETECTOR WAS GOING OFF. SO I CALLED THE FURNACE TECHNICIAN IN TOWN AND HAD HIM COME OUT TO THE RANCH. THE HEAT EXCHANGER HAD CRACKED IN THAT FURNACE. SO WE REPLACED THAT. ANOTHER YEAR GOES BY, AT ANOTHER ONE OF MY TENANT HOUSES SAME THING HAPPENED. NOW WHAT I FINALLY FIGURED OUT WITH THAT WAS WE HAD SOME...IT WAS A PROPANE SYSTEM AND WE HAD SOME PROBABLY BAD PROPANE THAT CAUSED THAT TO HAPPEN. BUT I FEEL THAT THOSE DETECTORS SAVED LIVES AT MY RANCH AND I THINK THIS IS A VERY CHEAP FIX AND WILL SAVE PEOPLE'S LIVES IN THE STATE OF NEBRASKA AND IT'S GOOD LEGISLATION. SO WITH THAT, I'D URGE YOU TO PASS THE BILL THAT SENATOR HOWARD HAS PUT FORWARD. THANK YOU. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB34]

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

Floor Debate
March 03, 2015

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF SENATOR HOWARD'S BILL. I'VE ALSO HAD A PERSONAL EXPERIENCE WITH A SITUATION THAT DID INVOLVE TWO DEATHS IN MY DISTRICT. BACK A NUMBER OF YEARS AGO, SOME OF MY GOOD FRIENDS FROM COZAD HAD A SITUATION IN THEIR HOME WHERE THEY HAD AN INDOOR SWIMMING POOL. AND IT STARTED TO TURN INTO FALL AND WINTER, AND ON THE NIGHT BEFORE THANKSGIVING THEY STARTED THE SPECIAL FURNACE THAT HEATS THE WATER IN THAT POOL. AND MY FRIENDS, IKE AND SHIRLEY PAULSEN, DIDN'T WAKE UP ON THANKSGIVING MORNING IN THEIR HOME. THEY WERE BOTH DEAD OF CARBON MONOXIDE POISONING. SO I THINK NOT ONLY IS THIS AN INEXPENSIVE FIX, IT'S SOMETHING THAT WE SHOULD STEP UP AND DO. IT'S THE RIGHT THING. SO THEREFORE, I CERTAINLY SUPPORT THE AMENDMENT AND LB34. THANK YOU. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB34]

SENATOR KRIST: GOOD MORNING, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I WONDERED IF SENATOR HOWARD WOULD YIELD TO A QUESTION. [LB34]

PRESIDENT FOLEY: SENATOR HOWARD, WOULD YOU YIELD? [LB34]

SENATOR HOWARD: YES, SIR, I WILL. [LB34]

SENATOR KRIST: AND JUST...I'M JUST ESTABLISHING RECORD HERE, SO. TO WHAT COMMITTEE DID THIS BILL...WAS IT REFERENCED? [LB34]

SENATOR HOWARD: HEALTH AND HUMAN SERVICES. [LB34]

SENATOR KRIST: SO HEALTH AND HUMAN SERVICES--DID THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WEIGH IN ON THIS AT ALL? [LB34]

SENATOR HOWARD: NO, THEY DID NOT. [LB34]

SENATOR KRIST: THE CHIEF MEDICAL OFFICER FOR THE STATE OF NEBRASKA, WHO RECOGNIZES HEALTH ISSUES ACROSS THE STATE, DID NOT COME IN IN SUPPORT OR OPPOSITION OR A NEUTRAL CAPACITY. [LB34]

Floor Debate
March 03, 2015

SENATOR HOWARD: NO, SIR. [LB34]

SENATOR KRIST: THANK YOU, SENATOR HOWARD, FOR YOUR COURTESY. ONCE AGAIN, I WILL POINT OUT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE CHIEF MEDICAL OFFICER NOT RECOGNIZING A HEALTH ISSUE ACROSS THE STATE, DOES NOT TAKE ACTION. AND, SENATOR HOWARD, THANK YOU FOR BRINGING THE BILL. THIS LEGISLATURE HAS TO MAKE SURE THAT WE REMIND THEM WHAT IS INDEED A HEALTH RISK TO THIS STATE. I ALSO HAD A FURNACE NOT TOO LONG AGO THAT WAS CONDEMNED BECAUSE OF THE PLENUM CHAMBER CRACKS AND CAUSED SOME DISCOMFORT IN OUR OLD HOME. I THINK IT IS CRITICAL THAT WE STEP IN WHEN WE NEED TO AND POINT OUT TO THE STATE OFFICIALS WHEN, HEALTH AND HUMAN SERVICES, WHEN A HEALTH ISSUE IS PRESENTED FOR THE PEOPLE OF THIS STATE. AGAIN, THANK YOU, SENATOR HOWARD. AND I WOULD URGE YOUR SUPPORT OF AM372 AND THE UNDERLYING LB34. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB34]

SENATOR CRAIGHEAD: GOOD MORNING AGAIN, COLLEAGUES. AS I MENTIONED TO YOU, I THINK THIS SHOULD BE NEW CONSTRUCTION, BUT I ALSO VERY MUCH BELIEVE PEOPLE SHOULD BE PROTECTED. SO I WILL BE VOTING FOR THIS BILL. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAIGHEAD. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR HOWARD, YOU'RE WELCOME TO CLOSE ON AM372. SENATOR HOWARD WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM372 TO LB34. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB34]

CLERK: 30 AYES, 0 NAYS ON ADOPTION OF SENATOR HOWARD'S AMENDMENT. [LB34]

PRESIDENT FOLEY: AM372 IS ADOPTED. MR. CLERK. [LB34]

CLERK: SENATOR KINTNER WOULD MOVE TO AMEND. (FA28, LEGISLATIVE JOURNAL PAGE 697.) [LB34]

Floor Debate
March 03, 2015

PRESIDENT FOLEY: SENATOR KINTNER, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB34]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. AS I'VE LOOKED AT THIS BILL AND TALKED TO SENATOR HOWARD, I'VE KIND OF COME AROUND TO THINKING, OKAY, I GOT IT. THIS IS PROBABLY NOT SOME CRAZY MANDATE. SO I SUPPORT THE UNDERLYING BILL. I THINK IT'S PROBABLY THE RIGHT WAY TO GO. ONE THING I DID LOOK AT WHEN I FOUND SOMETHING HERE THAT TROUBLED ME A LITTLE BIT, I WANTED TO STRIKE IT, WAS IF YOU GET DOWN TO LINE 30 ON PAGE 2...NO, PAGE 3. WHAT THIS AMENDMENT DOES IS STRIKES OUT THE REQUIREMENT THAT AN OWNER OF A SINGLE-FAMILY DWELLING THAT MAKES ANY CHANGES, INTERIOR ALTERATIONS, THAT DOES SOME REMODELING, NOW FALLS UNDER THE BILL. SO IF YOU'RE IN SOMEWHERE LIKE LINCOLN, THEY PROBABLY WANT YOU TO HAVE A BUILDING PERMIT TO PUT A CEILING FAN IN. NOW IF YOU'RE GOING TO PUT A CEILING FAN IN, DO YOU REALLY NEED TO ADD THIS REQUIREMENT TO YOUR HOUSE? SO I UNDERSTAND THE PART ABOUT NEW CONSTRUCTION. I UNDERSTAND WHEN YOU SELL, MAKES SENSE TO ME. I'M GREAT WITH THAT. IT'S JUST TO MAKE THIS A REQUIREMENT EVERY TIME YOU MAKE ANY CHANGES TO THE INTERIOR I THINK IS BEYOND WHAT WE OUGHT TO BE LEGISLATING HERE. SO WHAT THIS SIMPLY DOES IS STRIKES THAT OUT, SO IT STRIKES LINE 30 AND 31 ON 3, AND ON PAGE 4, LINE 1, 2, 3, 4, 5, 6, 7, 8, 9. SO IT JUST SAYS THAT IF YOU'RE DOING INTERIOR REMODELING, YOU DO NOT... YOU WILL NOW NOT NOT FALL UNDER THIS BILL, WITH MY AMENDMENT. SO THAT'S ALL IT IS. I THINK IT'S PRETTY SIMPLE. I THINK IT KEEPS WITHIN THE SPIRIT OF THE LAW, KEEPS IT WHERE IT IS. AND I WILL YIELD THE REMAINDER OF MY TIME TO SENATOR HOWARD. [LB34]

PRESIDENT FOLEY: SENATOR HOWARD, YOU'RE RECOGNIZED. [LB34]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR KINTNER, FOR YIELDING ME TIME. I AM A BIG FAN OF SENATOR KINTNER AND I APPRECIATE HIS EFFORTS. UNFORTUNATELY, I'M UNABLE TO SUPPORT ANY AMENDMENTS THAT GO OUTSIDE OF THE COMPROMISE WITH THE STAKEHOLDERS. THOSE STAKEHOLDERS WERE LANDLORDS, COMMERCIAL PROPERTY DEALERS, BUILDERS, HOME BUILDERS, REALTORS, PUBLIC HEALTH ADVOCATES, AND I'M NOT COMFORTABLE GOING OUTSIDE OF THE COMPROMISE THAT WE CREATED. SO UNFORTUNATELY, I WOULD CONSIDER THIS A HOSTILE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB34]

Floor Debate
March 03, 2015

PRESIDENT FOLEY: THANK YOU, SENATORS KINTNER AND HOWARD. SENATOR HOWARD, YOU ARE NEXT IN THE QUEUE, IF YOU WISH TO SPEAK AGAIN. SHE WAIVES THAT OPPORTUNITY. SENATOR KRIST, YOU'RE RECOGNIZED. [LB34]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND AGAIN, GOOD MORNING, COLLEAGUES AND NEBRASKA. I WONDER IF SENATOR KINTNER WOULD YIELD TO A QUESTION. [LB34]

PRESIDENT FOLEY: SENATOR KINTNER, WOULD YOU YIELD? [LB34]

SENATOR KINTNER: ABSOLUTELY. [LB34]

SENATOR KRIST: SO IF I UNDERSTAND THIS AMENDMENT CORRECTLY, IF WE HAVE AN OPPORTUNITY TO BRING IT TO THE ATTENTION OF A HOMEOWNER DURING A REMODELING PROCESS, THAT THEY HAVE...ACTUALLY, LET ME STOP THERE. DO YOU HAVE ANY IDEA ON MARKET VALUE WHAT IT COSTS TO PUT A CARBON MONOXIDE DETECTOR INTO YOUR HOME? [LB34]

SENATOR KINTNER: I THINK IT'S WELL UNDER \$100. I CHECKED, I WAS LOOKING AT SO MANY DETECTORS THIS MORNING. I DON'T THINK IT'S VERY EXPENSIVE. [LB34]

SENATOR KRIST: YEAH. I BELIEVE THAT IN OMAHA, IF YOU GO TO THE FIRE DEPARTMENT, THEY HAVE A COMBINATION OF A CARBON MONOXIDE DETECTOR AND A SMOKE DETECTOR. AND I THINK IF YOU GO TO MENARDS AND LOWE'S, AND I DON'T WANT TO BE AN ADVERTISEMENT HERE FOR BOX STORES, BUT IF GO ALMOST ANYWHERE THAT YOU'RE TALKING ABOUT LESS THAN \$40 FOR A CARBON MONOXIDE. SO I WOULD SAY IN THIS PARTICULAR CASE...AND WE TALK ABOUT MANDATES A LOT. IN THIS PARTICULAR CASE, I'D SAY IF I CAN BRING TO THE ATTENTION OF A YOUNG FAMILY, IN PARTICULAR, THAT'S INVOLVED WITH HOMEOWNERSHIP FOR THE FIRST OR SECOND TIME AND I CAN OFFER THEM THE OPPORTUNITY TO MAKE A DECISION WHETHER OR NOT TO PUT A CARBON MONOXIDE DETECTOR, SMOKE DETECTOR, OR ANY OTHER DETECTOR IN THEIR HOME, I CONSIDER THIS A MANDATE THAT WE SHOULD CONSIDER VERY CAREFULLY. FOLKS, FOR THAT REASON I'M JUST GOING TO SAY THE REASONABLE COST FOR A CARBON MONOXIDE...YOU'RE NOT TALKING ABOUT HUNDREDS AND HUNDREDS OF DOLLARS. WE'LL TALK ABOUT HUNDREDS OF DOLLARS DURING RADON. THIS IS A REASONABLE MANDATE TO MAKE A FAMILY AWARE THAT CARBON MONOXIDE IS A KILLER, IT IS A SILENT KILLER,

Floor Debate
March 03, 2015

AND HOW EASY IT IS TO PUT SOMETHING UP THAT ACTUALLY SIGNALS THAT THERE IS A PROBLEM IN YOUR HOME. SO I'M ASKING YOU NOT TO SUPPORT FA28 BUT TO SUPPORT LB34 FOR ALL THE REASONS THAT A GOOD MANDATE WOULD SATISFY. THANK YOU. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB34]

SENATOR SCHNOOR: GOOD MORNING, SIR. SENATOR HOWARD, WOULD YOU YIELD TO A QUESTION, PLEASE? [LB34]

PRESIDENT FOLEY: SENATOR HOWARD, WOULD YOU YIELD? [LB34]

SENATOR HOWARD: YES, SIR, I WILL. [LB34]

SENATOR SCHNOOR: OKAY. SENATOR HOWARD, I'M STANDING UP HERE A LITTLE LATE IN THE GAME BUT...AND I APOLOGIZE FOR THAT, BUT WOULD YOU BE...IT WAS BROUGHT TO MY ATTENTION THAT A 100 PERCENT ELECTRIC HOME DOES NOT HAVE CARBON MONOXIDE ISSUES. SO WOULD YOU BE...WOULD YOU ACCEPT AN AMENDMENT AFTER THIS GETS THROUGH SELECT FILE THAT WILL EXEMPT 100 PERCENT ELECTRIC HOMES? [LB34]

SENATOR HOWARD: SO, AS I STATED WITH THE SENATOR...WITH SENATOR KINTNER'S AMENDMENT, I WOULD BE UNCOMFORTABLE SUPPORTING ANY AMENDMENTS THAT GO OUTSIDE OF THE COMPROMISE. HOWEVER, ELECTRIC HOMES ARE A DIFFERENT BEAST. AS LONG AS THERE IS A DETACHED GARAGE AND THE AMENDMENT SO STATES, I COULDN'T...I CAN'T SEE WHY, IF IT IS THE WILL OF THE BODY TO EXEMPT THEM, THAT I WOULD NOT SUPPORT DOING SO. [LB34]

SENATOR SCHNOOR: OKAY. I WILL SUPPORT THIS BILL AS IT IS SUBMITTED AND THEN I WILL BE TALKING TO YOU AFTERWARDS TO...FOR AN AMENDMENT THEN BEFORE WE GO TO FINAL READING. [LB34]

SENATOR HOWARD: THANK YOU, SENATOR SCHNOOR. [LB34]

SENATOR SCHNOOR: THANK YOU. [LB34]

Floor Debate
March 03, 2015

PRESIDENT FOLEY: THANK YOU, SENATORS SCHNOOR AND HOWARD. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB34]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. WELL, THERE'S TWO THINGS: ONE, SENATOR KRIST SAID THAT WE BRING FORTH A DECISION ON WHETHER OR NOT TO PUT ONE IN. NO, IT'S NOT A DECISION OF THE HOMEOWNERS. WE'RE NOT MAKING THEM AWARE THAT THEY CAN DO THIS. WE'RE TELLING THEM YOU WILL TO DO THIS. SO ANYTIME YOU MAKE A CHANGE IN YOUR HOUSE, IF YOU PUT A...YOU TEAR DOWN A WALL AND PUT IN SOME BOOK SHELVES, YOU NEED A BUILDING PERMIT. THEY'RE GOING TO COME IN, MAKE SURE YOU DO THIS. IF YOU PUT A CEILING FAN IN, YOU NEED A PERMIT, THEY'RE GOING TO MAKE SURE YOU DO THIS. ANYTIME YOU MAKE ANY CHANGE IN YOUR HOME, THEY'RE GOING TO MAKE SURE YOU DO THIS. WE TALK ABOUT STAKEHOLDERS. WELL, YOU KNOW WHAT? SHE SAID ALL THE STAKEHOLDERS ARE SUPPORTING THIS. YOU FORGOT ONE STAKEHOLDER. I SUPPORT 38,000 STAKEHOLDERS. THEY LIVE IN HOMES. THEY LIVE IN APARTMENTS. I DON'T THINK THAT EVERY TIME YOU MAKE A LITTLE REMODEL TO YOUR HOME YOU SHOULD FALL UNDER THIS LAW. WE GOT IT. WE TOTALLY GOT IT. YOU BUILD A NEW HOME, WE GOT YOU, YOU'RE GOING TO DO THIS. YOU SELL A HOME, YOU'RE GOING TO DO THIS. BUT EVERY TIME YOU REMODEL SOMETHING IN YOUR HOME YOU'RE GOING TO FALL UNDER THIS? THAT IS JUST ABOVE AND BEYOND WHAT WE OUGHT TO BE DOING AND I THINK IT'S COMMON SENSE TO THINK ABOUT THE MAJORITY OF PEOPLE WHO ARE STAKEHOLDERS, WHO OWN HOMES AND DO FREQUENT REMODELING. I DON'T WANT TO PUT THEM UNDER THIS EVERY TIME THEY MAKE A LITTLE CHANGE IN THEIR HOME THAT REQUIRES A BUILDING PERMIT. THAT IS THE REASON THAT WE'RE DOING THIS. SO I DON'T HAVE AN ARGUMENT WITH THE MAIN BILL. I JUST HAVE AN ARGUMENT WITH HOW FAR THE BILL STRETCHES AND IT'S GOING TO PUT EVERY SINGLE ONE OF US UNDERNEATH THIS BILL. THAT IS WHY I INTRODUCED THIS AND I THINK THIS IS A VERY COMMON-SENSE WAY TO MAKE SURE THIS BILL DOES WHAT IT SHOULD DO BUT NOT INCONVENIENCE EVERY SINGLE PERSON EVERY TIME THEY MAKE A REMODEL OF THE INTERIOR OF THEIR HOME. THANK YOU, MR. PRESIDENT. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR HOWARD, YOU'RE RECOGNIZED. [LB34]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. SENATOR KINTNER'S REMARKS BROUGHT UP A REMINDER TO ME. I FORGOT ONE STAKEHOLDER AND THAT WAS THE CITIES AND THE BUILDING CODE OFFICIALS. THEY WERE THE ONES THAT GUIDED THE LANGUAGE OF THE PROCESS. AND SO, UNFORTUNATELY, THIS

Floor Debate
March 03, 2015

FLOOR AMENDMENT WOULD TAKE US OUT OF CODE AND CREATE AN UNDUE BURDEN FOR THOSE OFFICIALS, WHO ARE VERY NICE GENTLEMEN, ESPECIALLY JAY DAVIS FROM THE CITY OF OMAHA--A SHOUT OUT. I ALSO DID A LITTLE RESEARCH REGARDING THE COST OF CARBON MONOXIDE DETECTORS BECAUSE I, OF COURSE, WOULD NEVER WANT TO PLACE AN UNDUE BURDEN ON CONSUMERS AND HOMEOWNERS. AND THE COST OF A CARBON MONOXIDE DETECTOR AT HOME DEPOT IS \$19.97, ALTHOUGH IF YOU'RE MY MOTHER YOU PROBABLY HAVE A COUPON AND IT WILL BE HALF THAT. BUT FOR ME THIS BILL, WHEN I THINK ABOUT THE 37,000-38,000 PEOPLE THAT I REPRESENT IN MY DISTRICT, THIS IS CRITICAL BECAUSE THEY ARE FAMILIES WHO ARE LIVING IN OLDER HOMES WITH OLDER FURNACES. AND I CAN'T IMAGINE WHAT IT WOULD BE LIKE TO BE A WIFE AND MOTHER AND WAKE UP ONE MORNING AND FEEL GROGGY AND SICK AND LOOK AT YOUR HUSBAND AND HE'S DEAD. AND THAT'S WHAT HAPPENED. IT HAPPENED IN A SMALL TOWN IN NEBRASKA. IT HAPPENS IN BIG CITIES. AND SO THIS BILL WILL HELP PREVENT THAT HEARTACHE. WHEN WE HEARD TESTIMONY, THERE WAS A DAD WHO CAME IN OF A YOUNG WOMAN NAMED LAUREN WHO HAD STUDIED ABROAD. SHE WAS SMART AS A TACK...SHARP AS A TACK, YES, AND SHE WAS INCREDIBLE AND BEAUTIFUL AND YOUNG, 22 YEARS OLD. AND HE BROUGHT PROPS BUT THERE WAS NO WAY TO STOP A GRIEVING FATHER FROM USING PROPS. AND HE BROUGHT OUT SORT OF A HATBOX. AND HE SAID IN THIS HATBOX ARE ALL THAT I HAVE LEFT OF MY LAUREN, THAT'S ALL I HAVE LEFT OF HER IS HER REMAINS. AND SO TO ME, FOR ME, WHEN I THINK ABOUT THIS BILL, IT'S ABOUT PREVENTING HEARTACHE. IT'S NOT ABOUT GOVERNMENT INTRUSION. THIS IS ALREADY HAPPENING IN OUR LARGEST CITIES. IT PREVENTS THE HEARTACHE OF LOSS FROM CARBON MONOXIDE. WE CAN DO BETTER FOR OUR CITIZENS. AND I BELIEVE THIS BILL WILL HELP US DO THAT. SO ONCE AGAIN, I WOULD URGE YOU TO VOTE RED ON FA28 AND VOTE GREEN ON LB34. THANK YOU, MR. PRESIDENT. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. MR. CLERK FOR AN ANNOUNCEMENT. [LB34]

CLERK: MR. PRESIDENT, REVENUE WILL MEET IN EXEC SESSION NOW IN ROOM 2022. THANK YOU. [LB34]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB34]

Floor Debate
March 03, 2015

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. WOULD SENATOR HOWARD YIELD TO A QUESTION? [LB34]

PRESIDENT FOLEY: SENATOR HOWARD, WOULD YOU YIELD? [LB34]

SENATOR HOWARD: YES, SIR, I WILL. [LB34]

SENATOR BLOOMFIELD: THANK YOU, SENATOR HOWARD. YOU MENTIONED THAT YOU'D DONE SOME RESEARCH INTO WHAT IT COSTS TO BUY A...AND IT WAS UNDER \$20. DO YOU HAVE ANY IDEA OF WHAT IT WOULD COST SOMEBODY TO GET THAT INSTALLED? [LB34]

SENATOR HOWARD: THESE ARE BATTERY OPERATED, SO THERE'S NO INSTALLATION. [LB34]

SENATOR BLOOMFIELD: YOU JUST THROW THEM IN A...THROW THEM ON TOP THE COUNTER OR DO YOU STICK THEM UP ON THE WALL SOMEWHERE? [LB34]

SENATOR HOWARD: YOU KNOW, IT REALLY DEPENDS. SOME PUBLIC HEALTH ADVOCATES THINK IT SHOULD REST ON YOUR BEDSIDE TABLE. SOME FOLKS THINK THAT IT SHOULD JUST SIT ON THE FLOOR IN THE HALLWAY ON EACH HABITABLE FLOOR BECAUSE...AND THE LEGISLATION CALLS FOR ONE ON EACH HABITABLE FLOOR. IT JUST...IT IS BATTERY POWERED, AND WHEN THE BATTERY RUNS OUT IT SORT OF MAKES THIS SHARP BEEPING NOISE AND SAYS, PLEASE REPLACE ME. [LB34]

SENATOR BLOOMFIELD: I ASSUMED, I GUESS, THAT THERE WERE LIKE A SMOKE DETECTOR WHERE YOU USUALLY HAVE THEM STUCK UP ON THE CEILING OR...BUT IF YOU JUST PUT IT ON THE COUNTER, THAT'S... [LB34]

SENATOR HOWARD: THAT'S FINE. [LB34]

SENATOR BLOOMFIELD: ...THAT'S GOOD ENOUGH? [LB34]

SENATOR HOWARD: ABSOLUTELY. [LB34]

Floor Debate
March 03, 2015

SENATOR BLOOMFIELD: OKAY, THANK YOU. I WONDER IF SENATOR KRIST WOULD YIELD TO A QUESTION. [LB34]

PRESIDENT FOLEY: SENATOR KRIST, WILL YOU YIELD? [LB34]

SENATOR KRIST: ABSOLUTELY. [LB34]

SENATOR BLOOMFIELD: THANK YOU, SENATOR KRIST. SENATOR KINTNER MENTIONED EVERYTIME YOU DID ANYTHING WITH A PERMIT, THAT YOU'D HAVE TO HAVE ONE OF THESE UNITS INSTALLED OR GET ONE OR HAVE ONE. I DON'T LIVE IN LINCOLN OR OMAHA. I CAN DO SOME PRETTY EXTENSIVE WORK IN MY HOME AND NEVER HAVE A PERMIT. WHAT, IF YOU'RE ABLE TO ANSWER, ARE THE REQUIREMENTS TO GET A PERMIT IN OMAHA? [LB34]

SENATOR KRIST: AFTER I HEARD SENATOR KINTNER MAKE MENTION TWICE THAT HANGING A CEILING FAN WOULD CREATE AN OPPORTUNITY TO HAVE TO HAVE A PERMIT, I CALLED THE BUILDING PERMITS SECTION IN THE CITY OF OMAHA AND A NICE LADY NAMED ANNA ANSWERED THE PHONE SAID THAT SHE WOULD SEND ME HER CHEAT SHEET ON WHEN YOU DO AND WHEN YOU DO NOT NEED PERMITS. OVERALL THOUGH, HER GENERAL OBSERVATION AND DISCUSSION WITH ME IN A SHORT CONVERSATION WAS ANYTIME YOU'RE CHANGING THE STRUCTURAL INTEGRITY OF YOUR HOME, YOU'RE MOVING A WALL, YOU'RE CHANGING A STRUCTURAL ISSUE, THEN YOU NEED A BUILDING PERMIT. BUT AS SOON AS I GET THAT ON MY E-MAIL, I INTEND TO FORWARD IT TO ALL 49 OF US TO MAKE SURE...ALL 48 OF YOU TO MAKE SURE THAT YOU SEE THAT IT'S NOT...YOU'RE CHANGING THE STRUCTURAL INTEGRITY, YOU NEED A BUILDING PERMIT. OTHER THAN THAT, YOU CAN DO A LOT OF THINGS IN YOUR HOME, AS YOU CAN IN YOUR HOME, SENATOR BLOOMFIELD. [LB34]

SENATOR BLOOMFIELD: OKAY. THANK YOU, SENATOR KRIST. COLLEAGUES, EVERYBODY KNOWS HOW I FEEL ABOUT MANDATES AND THIS IS ANOTHER ONE. I DIDN'T VOTE FOR THIS BILL ON GENERAL FILE. I PROBABLY WON'T VOTE FOR IT HERE, BUT I'M CERTAINLY NOT GOING BE ANY PART OF TRYING TO KILL THE BILL. I THINK HAVING THE DETECTOR IS A GOOD IDEA. THE PART I HAVE AN ISSUE WITH IS THE STATE TELLING ME I HAVE TO HAVE ONE, SAME ARGUMENT I HAVE WITH OTHER MANDATES. WE SHOULD BE WISE ENOUGH TO KNOW THAT WE NEED ONE OF THESE IF, IN FACT, WE DO. SO THANK YOU. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR RIEPE. [LB34]

Floor Debate
March 03, 2015

SENATOR RIEPE: I NEED A MEGAPHONE, THANK YOU VERY MUCH. THANK YOU, LIEUTENANT GOVERNOR FOLEY. I AM SUPPORTIVE OF LB34 BECAUSE I DO BELIEVE IN SAFETY. I ALSO, LIKE SENATOR BLOOMFIELD, AM NOT FOND OF MANDATES. BUT THERE ARE TIMES WHEN WE HAVE TO GIVE SOME OVERSIGHT. I WOULD ASK SENATOR HOWARD IF SHE WOULD YIELD TO A QUESTION. [LB34]

PRESIDENT FOLEY: SENATOR HOWARD, WOULD YOU YIELD, PLEASE? [LB34]

SENATOR HOWARD: YES, I WILL. [LB34]

SENATOR RIEPE: THANK YOU. MY QUESTION, SENATOR HOWARD, IS THE ADMINISTRATION OF THIS. I'M THINKING OF APARTMENT COMPLEXES. THIS MIGHT SHED SOME LIGHT WITHIN THE CHAMBER OF IN UNITS, IF THE TENANT IS MOVING OUT AND THEY HAPPEN TO THROW THE UNIT IN THEIR PACKING BOX. HOW DOES THE LANDLORD MAINTAIN THIS CONSTANT TURNOVER, IF YOU WILL, OF MONITORS? [LB34]

SENATOR HOWARD: SO THAT'S A GOOD QUESTION. THE LANDLORDS AGREED TO WHAT'S IN THE CODE, WHICH IS IT'S THE LANDLORD'S RESPONSIBILITY TO REPLACE OR REPAIR WHEN A TENANT CHANGES OVER. SO IF A TENANT TAKES IT WITH THEM, I WOULD HOPE THAT THERE WOULD BE SOMETHING IN THE RENTAL AGREEMENT BETWEEN THE TWO PARTIES THAT WOULD SAY IF YOU TAKE OUR CARBON MONOXIDE DETECTOR, YOU'LL HAVE TO GIVE US \$20. BUT EVEN IF IT DOESN'T, IT IS STILL THE LANDLORD'S RESPONSIBILITY TO CHANGE THAT, TO PUT A NEW CARBON MONOXIDE DETECTOR IN. [LB34]

SENATOR RIEPE: THANK YOU, SENATOR HOWARD. [LB34]

SENATOR HOWARD: THANK YOU, SENATOR RIEPE. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATORS RIEPE AND HOWARD. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB34]

SENATOR CRAIGHEAD: THANK YOU, LIEUTENANT GOVERNOR. SENATOR HOWARD, WOULD YOU YIELD TO A QUESTION? [LB34]

PRESIDENT FOLEY: SENATOR HOWARD, WOULD YOU YIELD? [LB34]

Floor Debate
March 03, 2015

SENATOR HOWARD: YES, I WILL. [LB34]

SENATOR CRAIGHEAD: THANK YOU. OKAY. I HAVE A QUESTION ALONG KIND OF THE SAME LINES AS SENATOR RIEPE'S REGARDING TENANTS AND LANDLORDS CHECKING A CARBON MONOXIDE DETECTOR MONTHLY. IS THAT THE RESPONSIBILITY OF THE TENANT OR OF THE LANDLORD? [LB34]

SENATOR HOWARD: I DON'T BELIEVE IT SAYS MONTHLY. CAN YOU POINT ME TO THE PAGE IN THE BILL WHERE IT DOES? [LB34]

SENATOR CRAIGHEAD: I'M JUST ASKING A GENERAL QUESTION AS FAR AS WHOSE RESPONSIBILITY IS IT TO CHECK THE CARBON MONOXIDE DETECTOR, JUST AS WE HAVE TO CHECK A SMOKE DETECTOR, AND THOSE WE CHECK ON A MONTHLY BASIS. [LB34]

SENATOR HOWARD: OH, THERE'S NO MANDATE FOR THE MONTHLY CHECKS. SO THE RESPONSIBILITY FOR THE MAINTENANCE IS ON THE LANDLORD WHEN THERE'S A CHANGE IN...WHEN THERE'S A CHANGE IN OCCUPANCY. BUT THE MONTHLY, I ACTUALLY FEEL AS THOUGH THAT WOULD BE A GOVERNMENTAL OVERREACH TO REQUIRE A LANDLORD TO GO INTO A RENTAL UNIT ON A MONTHLY BASIS TO CHECK THE CARBON MONOXIDE DETECTOR. SO THAT IS NOT SOMETHING THAT IS IN THIS BILL OR REQUIRED IN THIS BILL. [LB34]

SENATOR CRAIGHEAD: OKAY, I WOULD FEEL MUCH BETTER, BECAUSE WE'RE SUCH A SUE-HAPPY SOCIETY, THAT THIS WOULD BE WRITTEN IN SO THAT IT'S VERY CLEAR THAT IT WOULD BE THE TENANT'S RESPONSIBILITY TO CHECK THEIR CARBON MONOXIDE DETECTOR AS RECOMMENDED BY THE MANUFACTURER. [LB34]

SENATOR HOWARD: CERTAINLY. THANK YOU. [LB34]

SENATOR CRAIGHEAD: AND THE OTHER QUESTION IS, DOES A CARBON MONOXIDE DETECTOR NEED TO BE INSTALLED ON EACH FLOOR OF THE HOME OR BUILDING, JUST AS A SMOKE DETECTOR DOES? [LB34]

SENATOR HOWARD: EACH HABITABLE FLOOR, SO THIS IS SLIGHTLY DIFFERENT THAN SMOKE DETECTORS BECAUSE THEY ARE ON EVERY FLOOR. SO, SAY IF YOU DON'T USE YOUR BASEMENT FOR SLEEPING, IF YOU DON'T HAVE A ROOM DOWN

Floor Debate
March 03, 2015

THERE WITH A BED IN IT, THEN YOU CERTAINLY WOULDN'T NEED A CARBON MONOXIDE DETECTOR THERE. BUT EACH HABITABLE FLOOR NEEDS A CARBON MONOXIDE DETECTOR. [LB34]

SENATOR CRAIGHEAD: THANK YOU, SENATOR HOWARD. [LB34]

SENATOR HOWARD: THANK YOU, SENATOR CRAIGHEAD. [LB34]

SENATOR CRAIGHEAD: THANK YOU. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATORS CRAIGHEAD AND HOWARD. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB34]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'VE BEEN LISTENING TO THE REMARKS ON THE FLOOR AND FELT THAT I NEEDED TO RESPOND OR AT LEAST TO INDICATE WHY THIS IS A VERY IMPORTANT BILL TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THERE ARE HEALTH ISSUES THAT COME BEFORE THE COMMITTEE THAT GRAB YOUR ATTENTION. AND I HAVE TO SAY THAT, YOU KNOW, I'D GONE ALONG, YES, SENATOR SCHNOOR, I HAVE AN ALL-ELECTRIC HOME AND I WAS THINKING, YOU KNOW, I'M DOING PRETTY GOOD HERE. BUT TESTIMONY LAST YEAR INDICATED THAT EVEN THOSE OF US WHO LIVE IN AN ELECTRIC HOME WHO HAVE AN ATTACHED GARAGES TO OUR HOMES HAVE SOME REAL CONCERNS. THIS YEAR MY ATTENTION WAS CAUGHT, I WOULD HAVE TO SAY, WITH MUCH MORE SERIOUSNESS TO THE HEALTH POTENTIAL PROBLEMS THAT THIS BRINGS AND THAT WAS FROM TESTIMONY BY DR. JEFFREY COOPER. AND DR. COOPER SPENT QUITE A BIT OF TIME WITH THE HEALTH AND HUMAN SERVICES COMMITTEE TALKING ABOUT THIS. AND HE IS AN EMERGENCY PHYSICIAN TASKED WITH THE DIFFICULT PROBLEM OF IDENTIFYING PATIENTS SUFFERING FROM CARBON MONOXIDE, BECAUSE THE SYMPTOMS CAN RELATE TO MANY OTHER DISEASES OR CONDITIONS. CARBON MONOXIDE POISONING IS OFTEN VERY DIFFICULT TO DIAGNOSE. THE SIGNS AND SYMPTOMS OF THE DISEASE ARE NONSPECIFIC. IN Milder cases, which can still lead to significant long-term morbidity, C.O. poisoning presents like a viral, a flu or like illness. More serious cases present as altered mentation, chest pains, breathing problems, fainting, and the like. And none of these symptoms as such ring a bell as carbon monoxide. The important thing to understand, that close to 500 deaths a year in the U.S. come from accidental, nonfire-related, carbon monoxide poisoning. The

Floor Debate
March 03, 2015

TOXICITY OF CARBON MONOXIDE IS MULTIFACTORIAL. CARBON MONOXIDE PREVENTS RED BLOOD CELLS FROM DELIVERING OXYGEN AND DISABLES THE MITOCHONDRIA OF CELLS THROUGHOUT THE BODY FROM USING OXYGEN. IN ESSENCE, IT SUFFOCATES THE TISSUES. IN HIS REMARKS, HE ALSO INDICATED THAT IT CAN HAVE GREAT DAMAGE TO YOUR HEART AND CAUSE BRAIN DAMAGE, AND THAT THE MOST IMPORTANT THING WE CAN DO IS PREVENTION IS THE ONLY TRUE WAY TO LOWER THE INCIDENCE OF THIS DEBILITATING FORM OF BRAIN DAMAGE. THIS IS A SERIOUS HEALTH ISSUE. THIS ISN'T JUST LIKE A SMOKE ALARM, HOW EVER IMPORTANT THAT MAY BE. AND THE REASON THAT SENATOR HOWARD HAS SPENT SO MUCH TIME TALKING TO ALL OF THE PEOPLE INVOLVED IS BECAUSE OF THIS TREMENDOUS HEALTH HAZARD THAT MOST OF US DON'T EVEN GIVE A THINK OR AN IDEA OR AN ESSENCE TO. BUT QUITE FRANKLY, COLLEAGUES, IT WAS THE DOCTOR'S TESTIMONY THAT REALLY MADE ME STOP AND THINK HOW IMPORTANT THIS BILL IS TO PROTECTING NEBRASKANS FROM SOMETHING THAT THEY PROBABLY HAVEN'T EVEN THOUGHT OF. THE DOCTOR'S STATISTICS, EVEN IN NEBRASKA, IS THAT CALLS INTO THE POISON CENTER FROM NEBRASKA HAVE INCREASED BY 56 PERCENT IN 2014. THIS IS A GROWING PROBLEM THAT IS PRESENTED IN OUR MEDICAL FACILITIES. [LB34]

PRESIDENT FOLEY: ONE MINUTE. [LB34]

SENATOR CAMPBELL: I WOULD CERTAINLY ENCOURAGE YOU TO OPPOSE THE FLOOR AMENDMENT. I THINK THE BILL, AS PRESENTED, HAS NOT ONLY BEEN VETTED BY THE INDUSTRY BUT HAS CERTAINLY HAD AN IMPACT ON THE COMMITTEE BY THE TESTIMONY OF THE MEDICAL PROFESSION. I WOULD HEARTILY ENCOURAGE YOU TO SUPPORT THE UNDERLYING BILL, BUT NOT THE FLOOR AMENDMENT. THANK YOU, MR. PRESIDENT. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB34]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I RISE IN SUPPORT OF LB34 BUT AGAINST AM28. I INSTALLED MY CARBON MONOXIDE DETECTOR THAT I BOUGHT, I DON'T KNOW, IT WAS MENARDS OR HOME DEPOT, WHATEVER. THE HARDEST PART WAS TO GET IT OUT OF THE BUBBLE WRAP. AND THEN I TOOK IT OUT AND PLUGGED IT INTO THE WALL SOCKET. AND THAT WAS A CHALLENGE. BUT I DID IT. IT COST ME ABOUT \$20. THIS IS SOMETHING THAT'S LIFESAVING. I LIVE IN AND BUILT AN ELECTRIC...AN ALL-ELECTRIC HOME, EXCEPT THAT MY

Floor Debate
March 03, 2015

WIFE LIKES TO COOK WITH A GAS STOVE AND SO WE HAVE A PROPANE STOVE. WE ALSO HAVE A PROPANE FIREPLACE BECAUSE I DIDN'T WANT TO CHOP WOOD DOWN IN THE WOODS. SO ALL ELECTRIC IS TRICKY BECAUSE OFTEN PEOPLE WILL HAVE APPLIANCES THAT ARE ALSO GAS-FIRED AND COULD CAUSE CARBON MONOXIDE POISONING. SO...WELL, EVEN A LITTLE CAMP STOVE, FOR EXAMPLE, LET'S SAY THAT THE ELECTRICITY WENT OUT AND YOU'RE USING A SMALL CAMP STOVE. THAT CAN CAUSE, YOU KNOW, A PROPANE-FIRED CAMP STOVE COULD CAUSE CARBON MONOXIDE. SO I, AGAIN, I'M STRONGLY IN FAVOR OF LB34. IF YOU NEED INSTRUCTIONS OF HOW TO GET THAT SUCKER OUT OF THE BUBBLE WRAP, LET ME KNOW. I'LL TELL YOU AND THEN YOU CAN JUST PLUG IT IN THE WALL SOCKET. THANK YOU VERY MUCH. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB34]

SENATOR BOLZ: QUESTION. [LB34]

PRESIDENT FOLEY: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR OF CEASING DEBATE VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB34]

CLERK: 27 AYES, 0 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB34]

PRESIDENT FOLEY: THE MOTION TO CEASE DEBATE IS ADOPTED. SENATOR KINTNER, YOU'RE WELCOME TO CLOSE ON FA28. [LB34]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. THANK YOU FOR WHOEVER CALLED THE QUESTION OVER THERE. (LAUGH) I THINK WE'VE TALKED ENOUGH ON THIS. A COUPLE OF THINGS THAT CAME TO MIND HERE: FIRST OF ALL, I KNOW SENATOR KRIST SAYS, YOU KNOW, MANDATES. WE'RE IN THE MANDATE BUSINESS. EVERYTHING WE DO IS A MANDATE. SO I'M NOT ARGUING THAT THIS ISN'T A MANDATE. YOU KNOW, WE'RE IN THE MANDATE BUSINESS, I GOT THAT. I DON'T OPPOSE THE BILL. I JUST THINK THAT EVERY TIME YOU DO AN INTERIOR REMODEL OF YOUR HOME, TO FALL UNDER THIS BILL, I THINK IS A LITTLE BIT TOO MUCH. AND THINK ABOUT IF YOU TEAR OUT HALF A WALL AND PUT A BOOKCASE IN, YOU'LL FALL UNDER THIS. THERE'S TWO OTHER THINGS THAT CAME TO MIND. IF CITIES ARE ALREADY DOING THIS, IF OMAHA AND LINCOLN ARE ALREADY DOING IT, EVERY CITY CAN DO IT. DON'T YOU THINK THAT THE

Floor Debate
March 03, 2015

CITIES CAN...WHO AREN'T DOING IT CAN FIGURE OUT, JEEZ, WE WANT TO DO THIS OR WE DON'T WANT DO IT? IF OUR TWO BIGGEST CITIES ARE DOING IT, I THINK THAT SHOWS THE CITIES ARE VERY CAPABLE OF DOING THIS IF THEY SO DESIRE. AND THE LAST THING I WOULD SAY IS \$19.95, EVERY ONE IS SAYING, JEEZ, THERE'S SO LITTLE PAIN HERE AND SO MUCH BENEFIT. WELL, PRETTY MUCH WHAT WE'RE SAYING IS PEOPLE AREN'T SMART ENOUGH TO BE ABLE TO LOOK AT THIS AND GO, JEEZ, IT'S WORTH \$19.95 OF MY TIME, I THINK I'LL GO GET ONE. I DO THINK PEOPLE ARE SMART ENOUGH. I DO THINK PEOPLE CAN LOOK AT THIS PROBLEM AND SAY, HEY, I THINK WE NEED A SMOKE (SIC) DETECTOR IN OUR HOUSE OR WE DON'T NEED A SMOKE (SIC) DETECTOR IN OUR HOUSE. AND SO I THINK THE \$19.95 WOULD ACTUALLY BE, IF IT'S NO BIG DEAL, I THINK PEOPLE CAN GO OUT AND BUY ONE. SO FOR THOSE REASONS, I WOULD ENCOURAGE YOU TO DO THE OPPOSITE OF WHAT...ALMOST THE OPPOSITE OF WHAT SENATOR HAAR SAID. SUPPORT THE BILL BUT ALSO SUPPORT MY COMMON-SENSE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB34]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE DEBATE AND CLOSING ON FA28. THE QUESTION IS THE ADOPTION OF... [LB34]

SENATOR KINTNER: (MICROPHONE MALFUNCTION)...CALL OF THE HOUSE, PLEASE. [LB34]

PRESIDENT FOLEY: THERE'S BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THOSE IN FAVOR OF PLACING THE HOUSE UNDER CALL VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB34]

CLERK: 30 AYES, 1 NAY, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB34]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE OF THE CHAMBER, PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR, THE HOUSE IS UNDER CALL. SENATORS KOLOWSKI AND CHAMBERS, PLEASE RETURN TO THE FLOOR AND RECORD YOUR PRESENCE. THE HOUSE IS UNDER CALL. ALL MEMBERS ARE PRESENT. SENATOR KINTNER, FOR WHAT PURPOSE DO YOU RISE? [LB34]

SENATOR KINTNER: I WOULD LIKE TO REQUEST A RECORD VOTE. [LB34]

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

Floor Debate
March 03, 2015

PRESIDENT FOLEY: A RECORD VOTE. THE QUESTION IS THE ADOPTION OF FA28 TO LB34. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB34]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 697-698.) 11 AYES, 35 NAYS, MR. PRESIDENT. [LB34]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. FA28 IS NOT ADOPTED. RETURNING NOW TO DEBATE. THE CALL IS LIFTED. RETURNING NOW TO DEBATE ON LB34. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB34]

SENATOR KOLTERMAN: THANK YOU, LIEUTENANT GOVERNOR. I RISE IN SUPPORT OF THIS BILL AS PRESENTED. IT CAME THROUGH OUR COMMITTEE. THERE'S A LOT OF GOOD EVIDENCE THAT SHOWS THAT IT DOES SAVE LIVES. ALTHOUGH I DO WANT TO COMMENT ON SEVERAL OF THE CONVERSATIONS ALL BEEN ABOUT BIG BOX STORES THIS MORNING--HOME DEPOT, MENARDS. I WANT YOU TO REMEMBER YOUR LOCAL HOMETOWN HARDWARE STORES AS WELL. ANYWAY, PLEASE SUPPORT THIS BILL, AND I ENCOURAGE YOU TO VOTE GREEN ON IT. THANK YOU. [LB34]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR HANSEN FOR A MOTION. [LB34]

SENATOR HANSEN: YES, MR. PRESIDENT. I MOVE THAT THE BILL BE ADVANCED TO E&R FOR ENGROSSING. [LB34]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB34 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB34 ADVANCES. MR. CLERK. [LB34]

CLERK: MR. PRESIDENT, LB46. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB46]

PRESIDENT FOLEY: SENATOR HANSEN. [LB46]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB46 BE ADVANCED TO E&R FOR ENGROSSING. [LB46]

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

Floor Debate
March 03, 2015

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB46 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB46 ADVANCES. MR. CLERK. [LB46]

CLERK: LB129. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB129]

PRESIDENT FOLEY: SENATOR HANSEN. [LB129]

SENATOR HANSEN: MR. PRESIDENT, I MOVE TO ADVANCE LB129 TO E&R FOR ENGROSSING. [LB129]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB129 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB129 ADVANCES. MR. CLERK. [LB129]

CLERK: MR. PRESIDENT, LB37. SENATOR, I HAVE E&R AMENDMENTS, FIRST OF ALL. (ER41, LEGISLATIVE JOURNAL PAGE 574.) [LB37]

PRESIDENT FOLEY: SENATOR HANSEN. [LB37]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB37 BE ADOPTED. [LB37]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS TO LB37. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB37]

CLERK: SENATOR KRIST WOULD MOVE TO AMEND WITH AM470. (LEGISLATIVE JOURNAL PAGE 605.) [LB37]

PRESIDENT FOLEY: SENATOR KRIST, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB37]

SENATOR KRIST: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES, AND ALSO GOOD MORNING TO NEBRASKA AGAIN. THERE WAS A LOT OF DISCUSSION ABOUT LB37. AND I...THE AMENDMENT THAT I HAD POSTED IS WHICH AMENDMENT, SIR? [LB37]

Floor Debate
March 03, 2015

CLERK: AM470. [LB37]

SENATOR KRIST: OKAY. AM470, BY ITSELF, IS A NEEDED AMENDMENT TO CLEAN UP THE LANGUAGE. THIS IS A...KIND OF THE CONSENSUS OF THE PEOPLE THAT WENT THROUGH THIS PROCESS BELIEVE THAT THESE CLEANUP ITEMS NEEDED TO GO INTO PLACE. AND I'D ASK YOU FOR YOUR SUPPORT OF AM470 AND LB37. [LB37]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON AM470. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE WELCOME TO CLOSE ON AM470. SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM470 TO LB37. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? SENATOR KRIST, FOR WHAT PURPOSE DO YOU RISE? [LB37]

SENATOR KRIST: WE NEED THIS AMENDMENT TO CLEAN UP THE BILL, SO I'M GOING HAVE TO ASK FOR A CALL OF THE HOUSE, RELUCTANTLY. [LB37]

PRESIDENT FOLEY: 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; THOSE OPPOSED VOTE NAY. RECORD, PLEASE, MR. CLERK. [LB37]

CLERK: 25 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB37]

PRESIDENT FOLEY: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE UNEXCUSED SENATORS OUTSIDE OF THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL, PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR KRIST, FOR WHAT PURPOSE DO YOU RISE? [LB37]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. I BELIEVE WITH THE NUMBER OF PEOPLE WHO HAVE RESPONDED WE CAN PROCEED WITH THE VOTE. AND I'D LIKE TO HAVE A ROLL CALL VOTE, REGULAR ORDER. [LB37]

PRESIDENT FOLEY: THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE ON THE ADOPTION OF AM470 TO LB37. MR. CLERK. [LB37]

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

Floor Debate
March 03, 2015

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 698-699.) 46 AYES, 0 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB37]

PRESIDENT FOLEY: AM470 IS ADOPTED. THE CALL IS RAISED. MR. CLERK. [LB37]

CLERK: MR. PRESIDENT, AT THIS TIME, I HAVE NOTHING FURTHER ON THE BILL. [LB37]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB37]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE BILL BE ADVANCED TO E&R FOR ENGROSSING. [LB37]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB37 TO E&R FOR ENGROSSING. ALL IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB37 ADVANCES. SENATORS, WE WILL NOW RETURN TO GENERAL FILE. MR. CLERK. [LB37]

CLERK: THANK YOU, MR. PRESIDENT. MR. PRESIDENT, THE FIRST BILL ON GENERAL FILE THIS MORNING, LB245, A BILL ORIGINALLY INTRODUCED BY SENATOR PANSING BROOKS. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 14 OF THIS YEAR, AT THAT TIME REFERRED TO THE JUDICIARY COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM197, LEGISLATIVE JOURNAL PAGE 451.) [LB245]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR PANSING BROOKS, YOU'RE WELCOME TO OPEN ON LB245. [LB245]

SENATOR PANSING BROOKS: THANK YOU, MR. LIEUTENANT GOVERNOR. GOOD MORNING, MEMBERS OF THE BODY, AND NEBRASKA, AND LEGISLATIVE DISTRICT 28. LB245 IS A BILL THAT RELATES TO POSTCONVICTION DNA TESTING TO BIOLOGICAL MATERIAL THAT HAS NOT BEEN PREVIOUSLY TESTED OR FOR BIOLOGICAL MATERIAL THAT WAS PREVIOUSLY TESTED BUT IMPROVED TECHNOLOGY MAY PRODUCE A BETTER RESULT. AS YOU MAY KNOW, THE DNA TESTING ACT IN NEBRASKA WAS ORIGINALLY PASSED IN 2001. IT WAS INTRODUCED BY SENATOR CHAMBERS AND PASSED WITH 46 AYES AND 0 NAYS. IT PROVIDED FOR DNA TESTING OF BIOLOGICAL MATERIAL BY CONVICTED

Floor Debate
March 03, 2015

PERSONS. AT THAT TIME, SUCH TECHNOLOGY WAS FAIRLY NEW AND NEBRASKA WAS AMONG THE FIRST STATES PASSING A DNA TESTING ACT. THE LEGISLATION WAS AMENDED SEVERAL TIMES IN COMMITTEE AS WELL AS DURING THE FLOOR DEBATE. IN THE END, THE LEGISLATION PASSED PERMITS A PERSON IN CUSTODY TO FILE A MOTION ANY TIME AFTER CONVICTION REQUESTING DNA TESTING OF BIOLOGICAL MATERIAL THAT WAS NOT PREVIOUSLY TESTED OR IF SUCH MATERIAL CAN BE TESTED WITH MORE CURRENT TECHNIQUES THAT MAY PRODUCE MORE ACCURATE RESULTS. THE COURT, HOWEVER, CAN ONLY ORDER TESTING IF SUCH TESTING WAS EFFECTIVELY NOT AVAILABLE AT THE TIME OF THE TRIAL. LOOKING BACK AT THE TRANSCRIPT FROM THE FLOOR DEBATE, IT APPEARS THAT AT THE TIME IT WAS THE INTENT OF THE LEGISLATURE TO MAKE THE TESTING AVAILABLE FOR ANY BIOLOGICAL MATERIAL THAT HAD NOT BEEN PREVIOUSLY TESTED. LB245 PROVIDES THAT THE COURT MAY ALLOW SUCH DNA TESTING UPON A DETERMINATION THAT THE BIOLOGICAL MATERIAL WAS NOT PREVIOUSLY SUBJECTED TO DNA TESTING OR THAT THE BIOLOGICAL MATERIAL WAS TESTED PREVIOUSLY, BUT CURRENT TECHNOLOGY COULD PROVIDE A REASONABLE LIKELIHOOD OF MORE ACCURATE OR PROBATIVE RESULTS. THE BILL WAS HEARD IN THE JUDICIARY COMMITTEE ON JANUARY 30 AND WAS ADVANCED UNANIMOUSLY TO GENERAL FILE. AND WITH THAT, I ASK YOUR FAVORABLE CONSIDERATION. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. (VISITORS INTRODUCED.) AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THAT COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. SENATOR SEILER. [LB245]

SENATOR SEILER: LIEUTENANT GOVERNOR AND MEMBERS OF THE LEGISLATURE, THIS AM197 MAY BE THE SIMPLEST AMENDMENT I'VE EVER PRESENTED TO THIS BODY. IT PASSED OUR JUDICIARY COMMITTEE UNANIMOUSLY WITH ALL EIGHT SENATORS PRESENT AND VOTING. IT SIMPLY TAKES THE MOTION FOR NEW TRIAL AND STRIKES THE LANGUAGE "AND CANNOT BE FILED MORE THAN THREE YEARS AFTER THE DATE OF THE VERDICT". STRIKES THAT FROM THE LAW AND THEN REALLY PUTS THE EMPHASIS ON "WITHIN A REASONABLE TIME AFTER THE VERDICT." SCIENCE HAS JUST GONE PAST US, FOLKS. IT'S JUST THIS SIMPLE. AND WE NEED TO CATCH UP WITH SCIENCE AND MAKE SURE THAT EVERYBODY THAT'S SITTING OUT AT SOUTH 14th STREET IS A GUILTY PARTY AND ANYBODY THAT'S INNOCENT HAS THE OPPORTUNITY TO FILE A MOTION FOR NEW TRIAL, PRESENT THEIR

Floor Debate
March 03, 2015

EVIDENTIARY EVIDENCE, AND SEE WHERE THEY STAND. THAT'S THE BOTTOM LINE OF IT. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. DEBATE IS NOW OPEN ON AM197, THE COMMITTEE AMENDMENTS TO LB245. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB245]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I WANT TO THANK SENATOR PANSING BROOKS FOR BRINGING THIS BILL FORWARD. AND SENATOR SEILER SAID IT VERY, VERY WELL. THE SCIENCE HAS INCREASED EXPONENTIALLY IN THE REGARD TO THE DNA TESTING AND WHAT'S AVAILABLE. MY OLDEST SON HAS WORKED IN THIS FIELD FOR THE LAST 17 YEARS BOTH IN NEW YORK CITY'S MEDICAL CRIME...MEDICAL TESTING OFFICES AND ALSO IN THE WASHINGTON, D.C., CRIME LAB WHERE HE CURRENTLY IS A DNA SPECIALIST AS WELL AS AN ADMINISTRATOR IN THAT PROJECT. THE OPPORTUNITIES FOR CATCHING THOSE WHO DO WRONG, AS WELL AS FREEING THOSE WHO ARE INNOCENT IS AN EXTREMELY IMPORTANT PIECE OF WHAT WE'VE GAINED AND WHAT WE CAN PROVE WITH DNA TESTING. WE ARE LONG OVERDUE TO KEEP UP WITH THIS AMOUNT OF SCIENTIFIC PROGRESS THAT WE'RE MAKING. AND I BRING...I GIVE MY SUPPORT ENTIRELY TO BOTH LB245 AND AM197. I URGE YOUR GREEN VOTE ON THIS. THANK YOU VERY MUCH. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLOWSKI. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB245]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SPEAKING TO THE COMMITTEE AMENDMENT, SENATOR SEILER COVERED THE WATERFRONT VERY WELL. BUT IN ORDER THAT WE REALIZE THAT THERE CAN BE EVIDENCE NOT NECESSARILY OF A BIOLOGICAL VARIETY WHICH IS DISCOVERED MORE THAN THREE YEARS AFTER A VERDICT. SOMETIMES WHEN POLICE DEPARTMENTS HAVE STARTED GOING THROUGH OLD CASE FILES, THEY DISCOVER INFORMATION AND EVIDENCE THAT THEY CLAIM THEY DIDN'T KNOW WAS THERE. AND IN SOME CASE CASES, EVIDENCE OF THAT KIND WOULD EXONERATE SOMEBODY WHO HAD BEEN SERVING A LONG TIME. SO THERE MAY BE ANY NUMBER OF SOURCES OF EVIDENCE, DIFFERING TYPES OF EVIDENCE, BUT IT WILL BECOME AVAILABLE AND ACCESSIBLE MORE THAN THREE YEARS AFTER THE VERDICT. SO THIS IS A VERY GOOD AMENDMENT. AND IT WAS ORIGINALLY A BILL BY SENATOR PANSING BROOKS WHO HAS BEEN USING THE

Floor Debate
March 03, 2015

EYE OF AN EAGLE AND THE BRAIN OF AN ARISTOTLE/PLATO/MARCUS AURELIUS TO BRING TO US CHANGES THAT ARE VERY POSITIVE, NECESSARY, AND WORTHWHILE. SO I SUPPORT THIS AMENDMENT AND THE UNDERLYING BILL. THANK YOU. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB245]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO ALSO SPEAK IN SUPPORT OF AM197 AND LB245, AND I APPRECIATE SENATOR PANSING BROOKS FOR BRINGING THIS BILL FORWARD. IN 1993, WHEN KARY MULLIS AND OTHERS WON THE NOBEL PRIZE FOR A TECHNIQUE NOW KNOWN AS PCR, WE NEVER ESTIMATED THE POTENTIAL LANDSCAPE THAT WOULD CHANGE TECHNOLOGICALLY, SCIENTIFICALLY, AND LEGALLY AS A RESULT OF THAT DISCOVERY AND THAT INNOVATION. AND I RESPECT THAT THIS BILL NOT ONLY HELPS US GET UP TO SPEED WITH CURRENT TECHNOLOGY, BUT ALSO GIVES US AN OPPORTUNITY TO ADAPT TO NEW TECHNOLOGY AS IT'S DEVELOPED WITH REGARD TO OUR CRIMINAL JUSTICE SYSTEM AND PROSECUTION OF INDIVIDUALS, AS WELL AS EXONERATING THOSE WHO HAVE BEEN WRONGLY CONVICTED. SO I APPRECIATE THE BILL; I SUPPORT IT. I THINK IT'S GOOD IN RECOGNIZING HOW THE LAW HAS NOT NECESSARILY KEPT UP WITH SCIENCE. SO I ENCOURAGE MY COLLEAGUES TO SUPPORT AS WELL. THANK YOU. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR KUEHN. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB245]

SENATOR RIEPE: THANK YOU, LIEUTENANT GOVERNOR FOLEY AND MEMBERS OF THIS CHAMBER. I WANTED TO PUT A LITTLE HUMAN FACE ON THIS WHOLE THING, AND THAT IS THAT I HAD A FRIEND, HAPPENED TO BE IN THE STATE OF OHIO, WAS INCARCERATED FOR 20 YEARS AND FINALLY EXONERATED. HE REFUSED TO PLEA BARGAIN BECAUSE HE REPEATEDLY STOOD TO THE FACT THAT HE WAS INNOCENT. HE IS NOW OUT OF PRISON AFTER 20 YEARS, BUT HE WAS WRONGLY IMPRISONED AND IT WAS ONLY THROUGH DNA THAT HE WAS ABLE TO...UPDATED DNA THAT HE WAS ABLE TO HAVE THE INNOCENCE PROJECT HELP HIM PROVE HIS INNOCENCE. AND SO, YOU KNOW, I STAND VERY STRONGLY IN SUPPORT OF THIS LEGISLATION. I THINK WE HAVE TO LIVE UP TO TODAY'S TECHNOLOGY AND WE WANT TO MAKE SURE THAT THOSE THAT ARE INNOCENT ARE PROVEN AS SUCH. AND I THANK YOU VERY MUCH. AND I WOULD LIKE TO YIELD ANY TIME THAT I HAVE TO SENATOR PANSING BROOKS. [LB245]

Floor Debate
March 03, 2015

PRESIDENT FOLEY: SENATOR PANSING BROOKS, ROUGHLY 4:00 IF YOU'D LIKE TO USE IT. [LB245]

SENATOR PANSING BROOKS: SURELY. THANK YOU SO MUCH, SENATOR RIEPE. AGAIN, THIS JUST MAKES GOOD SENSE. WE'VE ALL HAD...KNOW THAT IN NEBRASKA WE'VE HAD THE VERY SAD CASE OF THE BEATRICE SIX. AND WE NEED TO BE ABLE TO MAKE SURE THAT PEOPLE...THAT JUSTICE IS DONE AND THAT WE ARE NOT KEEPING INNOCENT PEOPLE IN PRISON. THE VERY DEFINITION OF INJUSTICE IS TO KEEP AN INNOCENT PERSON IN PRISON. SO I HOPE THAT YOU WILL VOTE FAVORABLY ON THE AMENDMENT, AM197, AND THANK YOU SO MUCH. THANK YOU FOR THE KIND COMMENTS, EVERYBODY. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE AND SENATOR PANSING BROOKS. SEEING NO OTHER SENATORS WISHING TO SPEAK ON THE COMMITTEE AMENDMENTS, SENATOR SEILER, YOU'RE WELCOME TO CLOSE ON AM197. [LB245]

SENATOR SEILER: I WOULD JUST LIKE TO CLOSE, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE LEGISLATURE, AND REFER TO LB244 WHICH IS...FOR THE RECORD, WHICH IS ALSO PART OF THIS AMENDMENT THAT I DISCUSSED EARLIER. THANK YOU. [LB245 LB244]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. SENATORS, YOU'VE HEARD THE DEBATE AND THE CLOSING ON THE COMMITTEE AMENDMENTS, AM197 TO LB245. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENTS. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB245]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB245]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED TO LB245. DEBATE IS NOW OPEN ON LB245 AS AMENDED. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB245]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I COULD START AT THE BEGINNING BUT I WON'T BECAUSE IF I DID

Floor Debate
March 03, 2015

THAT I'D HAVE TO SAY, "IN THE BEGINNING, GOD CREATED HEAVEN AND EARTH." AND IT WOULD TAKE ME A WHILE TO GET UP TO WHERE WE ARE NOW. SO I'LL JUST GO BACK BRIEFLY TO THE POINT WHEN I OFFERED THE FIRST DNA LEGISLATION. I BECAME AWARE OF PROBLEMS OF PEOPLE BEING INNOCENT BUT LOCKED UP AND NO WAY TO ESTABLISH THEIR INNOCENCE. THERE WERE PEOPLE IN NEBRASKA PRISONS WHO RAISED THE QUESTION OR THE ISSUE OF INNOCENCE. SO I WAS LOOKING AROUND THE COUNTRY TO FIND A MODEL DNA BILL. THERE WERE NONE. SO I HAD TO START FROM SCRATCH AND PUT A BILL TOGETHER. AS SENATOR PANSING BROOKS POINTED OUT, THERE WERE AMENDMENTS ALONG THE WAY AS WE MASSAGE THE BILL, BUT IT BECAME THE FIRST SIGNIFICANT LEGISLATION. I WOULD LIKE TO BELIEVE THAT 14 YEARS AGO, I WOULD HAVE BEEN ABLE TO LOOK FORWARD AND SEE THE WAY THE SCIENCE WAS GOING TO DEVELOP. PEOPLE DIDN'T EVEN KNOW WHAT YOU MEANT WHEN YOU SAID DOUBLE HELIX IN THOSE DAYS OR 1954. THEY THOUGHT YOU MEANT 1984. BUT, NEVERTHELESS, THE BILL WAS PUT IN PLACE AND THE ONLY THING THAT WAS MENTIONED, AS SENATOR PANSING BROOKS POINTED OUT, IS THAT THERE HAD NOT BEEN TESTING BEFORE OR WHATEVER. SHE UPDATED THIS BECAUSE NOW THEY CAN USE A MUCH SMALLER AMOUNT OF BIOLOGICAL EVIDENCE AND MAKE A FINDING THAT IS ALL BUT CONCLUSIVE EITHER OF INVOLVEMENT IN A CRIME OR POSSIBLE INVOLVEMENT OR EXONERATION. SO NO MATTER HOW CAREFUL WE MAY BE IN DRAFTING LEGISLATION, NO MATTER WHETHER WE'RE ON WHAT WOULD BE CONSIDERED THE CUTTING EDGE OF SCIENCE AT THAT TIME, OUR MIND SHOULD ALWAYS BE OPEN TO THE LIKELIHOOD, NOT JUST THE POSSIBILITY, BUT THE LIKELIHOOD THAT THERE ARE GOING TO BE CHANGES, INNOVATIONS THAT IMPROVE ON WHAT WE HAD DONE. AND WHEN THAT OPPORTUNITY COMES TO GET ON SOMETHING LIKE THAT, I'D LIKE SENATOR McCOLLISTER TO KNOW THAT WE MOVE ON THAT AS FAST AS A ROOSTER ON A JUNE BUG, OR WHATEVER YOU INSTRUCTED ME ON THE OTHER DAY. SO THIS BILL IS NOW NECK AND NECK WITH WHERE THE SCIENCE IS TODAY. FOURTEEN YEARS FROM NOW, WE MAY HAVE SOMETHING BETTER AND IT MAY NOT TAKE FOURTEEN YEARS. BUT AT ANY RATE, THIS IS A VERY GOOD BILL AND I APPRECIATE THE FACT THAT IT IS AN IMPROVEMENT ON WHAT I DID BECAUSE IT SHOWS THAT ALL OF US CAN LEARN, ALL OF US CAN BENEFIT FROM ADVANCEMENTS IN SCIENCE, SO WE SHOULD NEVER OBJECT TO RESEARCH AND DEVELOPMENT AND, WHERE NECESSARY, EXPERIMENTATION. THANK YOU, MR. PRESIDENT. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR McCOLLISTER. [LB245]

Floor Debate
March 03, 2015

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THANK YOU, SENATOR CHAMBERS. THE QUOTE IS, FASTER THAN A CHICKEN ON A JUNE BUG, AND I INTEND TO VOTE FOR THIS BILL FASTER THAN A CHICKEN ON A JUNE BUG. THANK YOU, MR. PRESIDENT. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR PANSING BROOKS, YOU'RE WELCOME TO CLOSE ON THE ADVANCE OF LB245. [LB245]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH, MR. LIEUTENANT GOVERNOR. FIRST, I JUST WANT TO ACKNOWLEDGE AND THANK SENATOR CHAMBERS FOR HIS VISION THAT WOULD BRING THE DNA TESTING ACT INTO OUR STATE AND INTO OUR LAWS. AND IT, AGAIN, WAS AN EXEMPLARY POSITION THAT HE TOOK. HE WAS ABLE TO CONVINCE THE ENTIRE LEGISLATURE AT THAT TIME THAT IT WAS FORWARD THINKING. AND, AGAIN, AS HE SAID, THIS IS MERELY CLEARING UP SOME TECHNICALITIES WITHIN THAT LAW. IT'S CLEAR THAT NOT ONLY CAN DNA TESTING REMEDY A TERRIBLE MISCARRIAGE OF JUSTICE, BUT IT CAN ALSO LEAD TO THE IDENTIFICATION OF THE REAL PERPETRATOR. STATISTICS FROM THE INNOCENCE PROJECT SHOW THAT IN 325 DNA EXONERATION CASES NATIONWIDE THE REAL PERPETRATOR WAS IDENTIFIED IN 160 OF THOSE CASES. THOSE CRIMINALS COMMITTED 77 RAPES, 34 MURDERS, AND 33 OTHER VIOLENT CRIMES WHILE AN INNOCENT PERSON WAS HELD BEHIND BARS. PLEASE VOTE FOR LB245 FOR THE CARRIAGE...SO THAT WE CAN FORWARD THE CAUSE OF JUSTICE. THANK YOU. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. SENATORS, YOU'VE HEARD THE DEBATE AND THE CLOSING ON LB245. THE QUESTION IS, SHALL LB245 ADVANCE TO E&R INITIAL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB245]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB245. [LB245]

PRESIDENT FOLEY: LB245 ADVANCES. ITEMS FOR THE RECORD, MR. CLERK. [LB245]

CLERK: THANK YOU, MR. PRESIDENT. ANNOUNCEMENTS, FIRST OF ALL, HEALTH AND HUMAN SERVICES COMMITTEE WILL MEET AT 11:00 IN ROOM 2022, HEALTH

Floor Debate
March 03, 2015

AND HUMAN SERVICES AT 11:00. PERFORMANCE AUDIT WILL MEET AT 10:45 UNDERNEATH THE SOUTH BALCONY, PERFORMANCE AUDIT AT 10:45. JUDICIARY COMMITTEE REPORTS LB13 AND LB15 TO GENERAL FILE WITH AMENDMENTS. NEW A BILL: SENATOR CHAMBERS, LB474A (READ LB474A BY TITLE FOR THE FIRST TIME.) NEW RESOLUTION: SENATOR LARSON, LR93, LR94, LR95, LR96, AND LR97. THOSE WILL ALL BE LAID OVER AT THIS TIME, MR. PRESIDENT. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 699-709.) [LB13 LB15 LB474A LR93 LR94 LR95 LR96 LR97]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. RETURNING NOW TO GENERAL FILE. MR. CLERK.

CLERK: MR. PRESIDENT, LB304, A BILL BY SENATOR HANSEN. (READ TITLE.) INTRODUCED ON JANUARY 15, AT THAT TIME REFERRED TO THE URBAN AFFAIRS COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE URBAN AFFAIRS COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM286, LEGISLATIVE JOURNAL PAGE 457.) [LB304]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR HANSEN, YOU'RE WELCOME TO OPEN ON LB304. [LB304]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, I RISE TO INTRODUCE LB304. THIS BILL WOULD ADOPT THE MUNICIPAL CUSTODIANSHIP FOR DISSOLVED HOMEOWNERS ASSOCIATIONS ACT. THIS ACT PROVIDES A SIMPLE PROCESS FOR DISSOLVED HOMEOWNERS ASSOCIATIONS, COMMONLY REFERRED TO AS HOA'S, TO APPLY FOR AND ACHIEVE REINSTATEMENT. THIS ACT WOULD ALSO ALLOW MUNICIPALITIES IN WHICH THE DISSOLVED HOA IS LOCATED TO SEEK AND BE GRANTED CUSTODIANSHIP OF THE HOA UNTIL IT IS REINSTATED. HOA'S ARE DETERMINED INACTIVE OR DISSOLVED WHEN THE MEMBERS DO NOT HOLD MEETINGS, ELECT OFFICERS, OR OTHERWISE CONDUCT HOA BUSINESS. THIS EVENTUALLY LEADS TO THE HOA FAILING TO FILE ITS BIENNIAL REPORT AND PAY THE FEE WITH THE SECRETARY OF STATE'S OFFICE. ONCE THE HOA FAILS TO FILE, IT BECOMES ADMINISTRATIVELY DISSOLVED. THERE'S CURRENTLY A STATUTORY PROCESS TO BE...FOR HOA'S TO BE REINSTATED WITHIN FIVE YEARS WITH A LITTLE COST AND EFFORT. THE PROBLEM IS THAT WHEN HOA'S HAVE BEEN DISSOLVED FOR PERIODS LONGER THAN THAT, WE RUN INTO STATUTORY PROHIBITIONS THAT CREATE DIFFICULTIES FOR THE HOA'S TO BE REINSTATED. THIS CREATES QUITE THE LEGAL CONUNDRUM WHEREBY DEED AND THE RESTRICTIVE COVENANTS

Floor Debate
March 03, 2015

THE ONLY OWNER AND ADMINISTRATOR OF A CERTAIN PIECE OF LAND IS BARRED BY STATUTE FROM EXISTING. THAT IS THE PROBLEM ADDRESSED BY LB304. WITHOUT AN ACTIVE AND FUNCTIONING HOA, THERE IS NO ONE TO COLLECT ASSESSMENTS, PERFORM MAINTENANCE, OR CONDUCT THE BUSINESS OF THE HOA THAT IS NEEDED TO BENEFIT THE SURROUNDING PROPERTY OWNERS AS WELL AS THE MUNICIPALITY. THESE ARE ALL COVENANTS THAT THE HOA AGREED TO PERFORM AND ARE PERMANENTLY TIED TO THE DEEDS OF PROPERTY OWNERS. BUT ONCE THE HOA HAS BEEN ADMINISTRATIVELY DISSOLVED, THERE WAS NO ONE ALLOWED TO PERFORM THESE DUTIES. IT MAKES IT VERY DIFFICULT AND OFTEN IMPOSSIBLE FOR THE MUNICIPALITY TO MAKE IMPROVEMENTS TO THE INFRASTRUCTURE IF THERE IS NO PRACTICAL WAY FOR THEM TO ASSESS THE PROPERTIES OR COLLECT MONEY THAT IS NEEDED FOR REIMBURSEMENT OR TO EVEN HAVE AUTHORITY TO WORK IN THE COMMON PROPERTY IN THE FIRST PLACE. THESE DISSOLVED HOAs CAN PRESENT PROBLEMS IN THE MUNICIPALITY. FOR EXAMPLE, MANY HOA's HAVE DRAINAGE LINES IN COMMON PROPERTY THAT ULTIMATELY CONNECT TO THE CITY STORM DRAINS. UNDER A DISSOLVED HOA, THESE DRAINS MAY NOT BE PROPERLY MAINTAINED, RESULTING IN FLOODING DAMAGE TO THE PUBLIC AREAS OR DAMAGE TO THE PUBLIC STORM DRAINS THEMSELVES. THIS IS A CURRENT PROBLEM. THE CITY OF LINCOLN CURRENTLY HAS 26 HOA's THAT ARE INACTIVE OR DISSOLVED, FOR EXAMPLE. AS NEW OWNERS MOVE INTO THE NEIGHBORHOOD, THEY ARE TYPICALLY UNAWARE OF THE HISTORY OF THE SERVICES THAT ARE PROVIDED BY THE HOA. SOMETIMES THIS LEADS TO THE ASSUMPTION THAT THE COMMONLY OWNED HOA PROPERTY IS ACTUALLY PUBLIC PROPERTY LEADING TO CONFUSION AND REQUEST TO THE CITY THAT THE CITY MAINTAIN THE PROPERTY THAT IS ACTUALLY OWNED BY THE HOA. THIS BILL WOULD ADDRESS THESE PROBLEMS IN TWO WAYS. FIRST, IT PROVIDES A SIMPLE PATH TO REINSTATEMENT FOR DISSOLVED HOAs OUTSIDE OF THE FIVE-YEAR WINDOW. SECONDLY, IT ALLOWS MUNICIPALITIES, AS A LAST RESORT, TO BE GRANTED...REQUEST AND BE GRANTED TEMPORARY CUSTODIANSHIP BY THE DISTRICT COURT. THIS BILL WOULD ALLOW FOR THE MUNICIPALITIES TO HELP THE OWNERS ORGANIZE AND REINSTATE THE HOA. BUT IF THE OWNERS STILL FAIL TO DO SO, THE MUNICIPALITY CAN PETITION THE DISTRICT COURT TO BE APPOINTED CUSTODIAN AND MANAGE THE COMMON PROPERTY. THE MUNICIPALITY WOULD BE ABLE TO DO THE MAINTENANCE AND/OR OTHER WORK NECESSARY TO OPERATE THE HOA ASSETS AND ASSESS THE COSTS BACK TO THE PROPERTY OWNERS AFTER GETTING APPROVAL FROM THE COURT. AT ANY POINT DURING THIS CUSTODIANSHIP, THE PROPERTY OWNER CAN REINSTATE THE HOA OR THE MUNICIPALITY CAN ASK THE COURT FOR PERMISSION TO TERMINATE THE CUSTODIANSHIP. IN CLOSING, THIS BILL

Floor Debate
March 03, 2015

PROVIDES A PROCESS FOR DISSOLVED HOAs TO APPLY FOR AND BE REINSTATED AND ALSO ALLOWS FOR MUNICIPALITIES TO STEP IN AND GRANT CUSTODIANSHIP. IT WAS REFERRED TO URBAN AFFAIRS AND ADVANCED UNANIMOUSLY OUT OF COMMITTEE WITH NO FISCAL NOTE, WHICH IS ALWAYS A POSITIVE. WITH THAT, I WOULD ASK THE BODY TO ADVANCE LB304. [LB304]

PRESIDENT FOLEY: THANK YOU, SENATOR HANSEN. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE URBAN AFFAIRS COMMITTEE. SENATOR CRAWFORD, AS CHAIR OF THE COMMITTEE, YOU'RE WELCOME TO OPEN ON THE COMMITTEE AMENDMENTS. SENATOR CRAWFORD. [LB304]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THE COMMITTEE AMENDMENT, AM286, IS A WHITE-COPY AMENDMENT THAT REPLACES THE BILL, BUT THE CHANGES ARE LARGELY TECHNICAL IN NATURE. FIRST, THE AMENDMENT CHANGES TERMINOLOGY IN THE BILL BY REPLACING THE DEFINED TERM "CITY" WITH THE TERM "MUNICIPALITY". SINCE LB304 APPLIES TO ALL CLASSES OF MUNICIPALITIES, INCLUDING VILLAGES, THIS TERMINOLOGY MORE CLOSELY ALIGNS WITH EXISTING STATUTORY LANGUAGE. SECOND, THE AMENDMENT ADDS A NEW DEFINED TERM FOR MEMBER. THE NEW DEFINITION IS NECESSARY TO IDENTIFY THOSE PROPERTY OWNERS WITHIN THE HOMEOWNERS ASSOCIATION THAT HAVE THE AUTHORITY TO SEEK REINSTATEMENT OF THE DISSOLVED HOMEOWNERS ASSOCIATION. THIRD, THE AMENDMENT ESTABLISHES AN AGREED UPON LOW REINSTATEMENT FEE FOR HOAs THAT HAVE BEEN DISSOLVED FOR MORE THAN FIVE YEARS. PRIOR TO THE HEARING ON LB304, SENATOR HANSEN'S OFFICE WORKED WITH THE SECRETARY OF STATE'S OFFICE TO ESTABLISH A REASONABLE BUT LOW REINSTATEMENT FEE FOR DISSOLVED HOAs OF \$100. IN MANY CASES, A HIGHER REINSTATEMENT FEE COULD SERVE AS A BARRIER TO EFFORTS BY THE MUNICIPALITY TO ENCOURAGE THE REINSTATEMENT OF A DISSOLVED HOA. FOURTH, THE AMENDMENT LIMITS THE APPLICABILITY OF LB304 TO HOAs THAT ARE LOCATED WITHIN CITY LIMITS. THERE WAS SOME CONCERN RAISED AT THE HEARING THAT THE BILL COULD POTENTIALLY BE USED BY A MUNICIPALITY TO TAKE CUSTODIANSHIP OVER AN HOA THAT WAS LOCATED WITHIN A SANITARY AND IMPROVEMENT DISTRICT WHICH MAY OR MAY NOT BE ANNEXED BY THE CITY. BY LIMITING THE BILL TO HOAs WITHIN CITY LIMITS, A MUNICIPALITY COULD NOT BE APPOINTED AS A CUSTODIAN OVER A HOMEOWNERS ASSOCIATION WITHIN A SANITARY AND IMPROVEMENT DISTRICT UNTIL AND UNLESS THAT SANITARY IMPROVEMENT DISTRICT WAS ANNEXED BY THE MUNICIPALITY. FINALLY, THE AMENDMENT PROVIDES THAT LIENS FROM AN HOA THAT IS UNDER MUNICIPAL CUSTODIANSHIP WOULD BE

Floor Debate
March 03, 2015

TREATED IN THE SAME MANNER AS OTHER HOA LIENS. CURRENTLY, SECTION 52-2001 GOVERNS THE PRIORITY OF HOA LIENS, AND THE AMENDMENT LANGUAGE MIRRORS THAT EXISTING STATUTORY LANGUAGE FOR HOAs UNDER MUNICIPAL CUSTODIANSHIP. I WOULD ASK FOR YOUR GREEN VOTE TO ADOPT AM286. THANK YOU, MR. PRESIDENT. [LB304]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. DEBATE IS NOW OPEN ON THE COMMITTEE AMENDMENTS TO LB304. SENATOR HANSEN. [LB304]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I JUST RISE IN SUPPORT OF THE COMMITTEE AMENDMENTS AS WELL AND I WANTED TO THANK MY FELLOW COMMITTEE MEMBERS AND CHAIRWOMAN CRAWFORD FOR THEIR WORK IN HELPING US GET ALL OF THE CONCERNS ADDRESSED AND MOVE THIS BILL FORWARD. AND WITH THAT, I WOULD ASK EVERYONE TO VOTE YES ON THE COMMITTEE AMENDMENTS AND THE BILL ITSELF. THANK YOU. [LB304]

PRESIDENT FOLEY: THANK YOU, SENATOR HANSEN. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE WELCOME TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR CRAWFORD WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF COMMITTEE AMENDMENTS AM286 TO LB304. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB304]

CLERK: 26 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB304]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE IS NOW OPEN ON LB304 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR HANSEN, YOU'RE WELCOME TO CLOSE ON LB304. SENATOR HANSEN WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB304 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB304]

CLERK: 27 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB304]

PRESIDENT FOLEY: LB304 ADVANCES. RETURNING TO GENERAL FILE. MR. CLERK. [LB304]

Floor Debate
March 03, 2015

CLERK: MR. PRESIDENT, LB366, A BILL INTRODUCED BY SENATOR PANSING BROOKS. (READ TITLE.) INTRODUCED ON JANUARY 15, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE, ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR PANSING BROOKS, YOU'RE WELCOME TO OPEN ON LB366. [LB366]

SENATOR PANSING BROOKS: THANK YOU, MR. LIEUTENANT GOVERNOR. GOOD MORNING, FELLOW MEMBERS OF THE BODY, NEBRASKA, AND LEGISLATIVE DISTRICT 28 WHERE WE ARE SITTING. LB366 IS A BILL THAT RELATES TO THE PERSONAL NEEDS ALLOWANCE UNDER MEDICAID. CALCULATING MEDICAID ELIGIBILITY IS A COMPLICATED PROCESS AND INVOLVES LOOKING AT SEVERAL DIFFERENT AREAS OF ELIGIBILITY. THIS BILL IN NO WAY CHANGES THAT CALCULATION. IT ONLY ADDRESSES HOW MUCH OF THEIR INCOME AN ELIGIBLE PERSON RESIDING IN A NURSING FACILITY CAN KEEP EACH MONTH. CURRENTLY, THE SO-CALLED PERSONAL NEEDS ALLOWANCE IN NEBRASKA IS \$50 AND HAS BEEN \$50 SINCE 1999. THE BILL SEEKS TO INCREASE THE PERSONAL NEEDS ALLOWANCE TO THE AMOUNT OF \$75. IT IS AN INCREASE THAT IS IN LINE WITH INFLATION; \$50 IN 1999 WOULD BE APPROXIMATELY WORTH \$75 IN TODAY'S DOLLARS. THIS IS THE AMOUNT OF MONEY THAT A RESIDENT HAS LEFT TO SPEND ON ANYTHING DISCRETIONARY, FOR THINGS LIKE CLOTHING OR HAIRCUTS, STATIONERY, OR EVEN A GIFT FOR A GRANDCHILD. IT IS A MODEST INCREASE AND LEAVES THE RESIDENTS WITH ONLY A MINIMUM AMOUNT OF MONEY TO SPEND ON PERSONAL ITEMS PER MONTH. WITH THAT, I ASK YOUR SUPPORT FOR LB366. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. DEBATE IS NOW OPEN ON LB366. SENATOR COASH, YOU'RE RECOGNIZED. [LB366]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I DO STAND IN SUPPORT OF LB366 AND I APPRECIATE SENATOR PANSING BROOKS BRINGING THIS BILL. I DID BRING THIS BILL LAST SESSION. IT DID GET SUPPORT OUT OF THE COMMITTEE. HOWEVER, IT DID NOT GET HEARD FOR LACK OF A PRIORITY AND LACK OF TIME. LB366 IS A GOOD BILL, AND SENATOR PANSING BROOKS HAS LAID THAT OUT. THE PERSONAL NEEDS ALLOWANCE HASN'T CHANGED SINCE 1999. AND WHAT I WOULD LIKE YOU TO DO, COLLEAGUES, IS ASK YOURSELF IF YOU COULD TAKE CARE OF EVERY PERSONAL NEED THAT YOU HAD, EVERY HYGIENE ITEM YOU NEEDED TO BUY, EVERY PIECE OF CLOTHING

Floor Debate
March 03, 2015

YOU NEEDED, NEW SHEETS ON YOUR BED, A NEW PILLOW, GETTING A HAIRCUT, GETTING SOME NEW SOCKS, IF YOU COULD DO THAT FOR \$50 A MONTH. THIS CAME TO MY ATTENTION...THIS ISSUE CAME TO MY ATTENTION WHEN I VISITED A NURSING FACILITY IN MY DISTRICT. AND I DID THAT OVER THE HOLIDAYS AND THIS IS WHAT I FOUND. THEY HAD A CHRISTMAS TREE IN THE FRONT LOBBY. AND ON THE CHRISTMAS TREE, THEY HAD LITTLE ORNAMENTS AND ON THE BACK OF THE ORNAMENTS WAS WRITTEN PERSONAL NEEDS ITEMS THAT RESIDENTS THERE WERE REQUESTING AS GIFTS. WELL, THEY WERE JUST ITEMS. AND I STARTED TO GO TO THE TREE AND I STARTED TO LOOK AT THE TREE. AND I GRABBED THESE ORNAMENTS AND I START LOOKING AT THE BACK. AND I WAS LOOKING AT WHAT THE RESIDENTS THERE WANTED. THIS IS WHAT I SAW: A PAIR OF SOCKS; A GIFT CERTIFICATE SO I COULD GET A HAIRCUT; A BOTTLE OF LOTION; A BOTTLE OF SHAMPOO; THESE RESIDENTS WERE NOT ASKING FOR LUXURY ITEMS. THEY WERE ASKING FOR THINGS THAT THEY NEEDED. AND THE REASON THAT THEY NEED IT IS BECAUSE THE \$50 THAT THEY ARE CURRENTLY ALLOWED DIDN'T GO FAR ENOUGH. THAT FACILITY THAT I'M DESCRIBING RIGHT HERE IN LINCOLN HAS SOMEWHERE IN THE NEIGHBORHOOD OF 80 TO 90 PERCENT OF THE RESIDENTS THERE WHO ARE ON MEDICAID. MANY OF THEM DON'T HAVE FAMILY MEMBERS WHO WILL PROVIDE THOSE THINGS FOR THEM. AND SO THEY LIVE ON THESE DOLLARS. THEY TRULY LIVE ON THE DOLLARS THAT THEY GET TO MEET THEIR PERSONAL NEEDS. AND SO FOR THAT REASON, I THINK LB366 IS APPROPRIATE. FOR ALL PURPOSES, AS SENATOR PANSING BROOKS ILLUSTRATED, THIS IS A COST OF LIVING ADJUSTMENT. AND THIS IS WHAT IT TAKES TO MEET YOUR PERSONAL NEEDS TODAY, AS OPPOSED TO MEETING THEM 16 YEARS AGO. AND IF WE DON'T ADJUST IT NOW WITH THIS MODEST INCREASE, THEN IN FIVE YEARS, TEN YEARS, WE'RE GOING TO SEE THE NEED FOR AN EVEN BIGGER INCREASE AND PEOPLE WILL LOOK AT THAT AND SAY, OH, MY GOSH, YOU'RE DOUBLING WHAT FOLKS NEED. WELL, THAT'S NOT THE WAY I THINK WE OUGHT DO THINGS. I THINK THE APPROPRIATE WAY TO GO ABOUT THIS IS TO BE MEASURED, KEEP UP SO THAT WE DON'T HAVE TO DO THAT. AND FOR THAT REASON, I WOULD URGE MY COLLEAGUES TO SUPPORT LB366. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB366]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I THINK THIS IS A GOOD OPPORTUNITY TO PUT SENATOR PANSING BROOKS'S BILL IN A LARGER CONTEXT. THE NATIONAL INITIATIVES AND OUR STATE PHILOSOPHY HAVE REALLY EVOLVED OVER TIME AND WE'RE MOVING FOLKS AWAY FROM INSTITUTIONS

Floor Debate
March 03, 2015

AND MORE INTO COMMUNITY-BASED CARE, COMMUNITY-BASED EXPERIENCES, COMMUNITY-BASED EMPLOYMENT, COMMUNITY INTEGRATION, WHETHER THAT'S VOLUNTEERING OR ATTENDING A CHURCH SERVICE OR, YOU KNOW, SIMPLY GETTING TO KNOW YOUR NEIGHBORS. AND SO IF WE ALIGN OUR PHILOSOPHY ABOUT HOW WE WORK WITH INDIVIDUALS WITH DISABILITIES AND HELP THEM ACHIEVE THEIR FULLEST POTENTIAL, WE NEED TO UNDERLINE THAT WITH THE TOOLS AND RESOURCES THAT THEY NEED IN ORDER TO ACHIEVE THOSE GOALS. IMAGINE HOW YOU WOULD FEEL IF WE WERE NEVER ABLE TO, YOU KNOW, PUT A COUPLE OF DOLLARS INTO THE COLLECTION PLATE AT YOUR CHURCH OR IF YOU COULDN'T PURCHASE A NEW TIE TO GO TO A JOB INTERVIEW THAT YOU WERE REALLY EXCITED ABOUT. SO I FULLY SUPPORT SENATOR PANSING BROOKS' EFFORTS, NOT ONLY BECAUSE IT'S TIME FOR A FISCAL UPDATE WHERE THE PURCHASING POWER OF THE PERSONAL NEEDS ALLOWANCE HAS ERODED BY 30 PERCENT SINCE WE LAST UPDATED IT, BUT ALSO BECAUSE WHAT IT REPRESENTS FOR PEOPLE. AND WHAT IT REPRESENTS IS BEING ABLE TO FULLY ENGAGE IN YOUR COMMUNITY, IN YOUR WORK LIFE, IN YOUR SPIRITUAL LIFE, IN YOUR FINANCIAL LIFE, AND IN YOUR WORLD. SO I APPLAUD SENATOR PANSING BROOKS AND I WOULD OFFER HER THE REMAINDER OF MY TIME IF SHE WOULD CHOOSE TO USE IT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR BOLZ. SENATOR PANSING BROOKS, ABOUT 3:05 IF YOU'D CARE TO USE IT. [LB366]

SENATOR PANSING BROOKS: THANK YOU. THANK YOU, SENATOR BOLZ, AND THANK YOU, SENATOR COASH, FOR YOUR COMMENTS. HAVING HAD MY MOM LIVE WITH US THE LAST TEN YEARS OF HER LIFE, I'M PRETTY AWARE OF THE KINDS OF COSTS THAT ARE NECESSARY FOR ELDERLY PEOPLE AS THEY AGE. SHE DID NOT MEET THE STANDARDS FOR THIS KIND OF MEDICAID PAYMENT. BUT THERE ARE PEOPLE THAT ARE IN SIGNIFICANT NEED, PEOPLE AT LANCASTER MANNER, ALL SORTS OF PLACES WHERE THEY HAVE TO PAY FOR ANY TRANSPORTATION THAT THEY HAVE, ANY KINDS OF EXTRA BENEFITS. AND SO I WOULD HOPE THAT YOU WOULD SUPPORT THIS BILL. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB366]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. FIRST, I'D LIKE TO MAKE IT CLEAR THAT I DO SUPPORT THIS BILL. BUT WOULD SENATOR PANSING BROOKS YIELD TO A QUESTION? [LB366]

Floor Debate
March 03, 2015

PRESIDENT FOLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD? [LB366]

SENATOR PANSING BROOKS: I'D BE HAPPY TO. [LB366]

SENATOR FRIESEN: SENATOR, WOULD YOU SAY THAT THERE ARE SOME CLIENTS WHO CURRENTLY ARE...YOU KNOW, BY RECEIVING THE \$50, DO NOT HAVE NEED FOR THAT FULL AMOUNT? [LB366]

SENATOR PANSING BROOKS: I THINK THAT THERE ARE SOME PEOPLE THAT POSSIBLY COULD BE SO SEVERELY DISABLED THAT THEY ARE BEING FULLY CARED FOR AND THERE'S NO EXTRA NEED TO BE COVERED OTHER THAN THE DIRECT NURSING SERVICES AND THE HYGIENE CARE THAT'S ALREADY UNDER MEDICAID AND MEDICARE. BUT THIS DEALS WITH THE PEOPLE THAT ARE MORE AMBULATORY AND ABLE TO LIVE A PORTION OF THEIR LIVES WITHIN OUR COMMUNITY. [LB366]

SENATOR FRIESEN: WOULD YOU SAY THAT IT'S POSSIBLE TO FIND A WAY FOR THOSE PEOPLE WHEN THEY ACCUMULATE SOME EXCESS FUNDS, I KNOW THERE'S LIMITS ON THE ASSETS THAT THEY CARRY OVER. DO YOU FEEL THAT THERE'S ANY WAY THAT LEGISLATION COULD BE CHANGED IN ORDER TO ALLOW THEM TO DO SOME OTHER THINGS WITH THEIR FUNDS TO MAKE SURE THAT THEY DON'T EXCLUDE THEMSELVES FROM MEDICAID DOWN THE ROAD? BUT THERE IS A LIMIT ON HOW MUCH EXCESS FUNDS A CLIENT CAN MAINTAIN. COULD YOU TELL ME WHAT THAT...THE ASSET LIMIT IS? [LB366]

SENATOR PANSING BROOKS: THE ASSET LIMIT IS SET BY MEDICAID AND HAS...I DON'T KNOW, THERE'S ALL SORTS OF REQUIREMENTS ACCORDING TO WHETHER YOU'RE A CHILD UNDER 18, YOU'RE BLIND OR DISABLED. THERE ARE ALL SORTS OF REQUIREMENTS DEPENDING ON THE TYPE OF FACILITY WITHIN WHICH YOU LIVE, THE TYPE OF PERSON THAT YOU ARE AS YOU QUALIFY, AND THE NUMBER OF ASSETS THAT YOU HAVE. SO THERE...I DON'T THINK I CAN SPEAK SPECIFICALLY TO THAT QUESTION. [LB366]

SENATOR FRIESEN: ARE THERE ANY RESTRICTIONS ON WHAT THEY CAN DO WITH THIS MONEY? [LB366]

SENATOR PANSING BROOKS: OH, YES. THERE ARE ALL SORTS OF RESTRICTIONS, SENATOR FRIESEN. THE ITEMS AND SERVICES THAT CAN BE...THAT ARE

Floor Debate
March 03, 2015

CHARGED TO RESIDENT'S FUNDS INCLUDE: TELEVISION OR RADIO FOR PERSONAL USE, TELEPHONE, PERSONAL COMFORT ITEMS LIKE SMOKING OR CANDY, SMOKING MATERIALS OR CANDY OR NOVELTIES, COSMETIC AND GROOMING ITEMS THAT ARE IN EXCESS OF THOSE SPECIFIC ITEMS THAT ARE LISTED AS COVERED WITHIN MEDICAID, PERSONAL CLOTHING, HAIRCUTS, PERSONAL READING MATERIAL, GIFTS PURCHASED ON BEHALF OF THE RESIDENT, AND FLOWERS, PLANTS. THERE ARE PICTURES, WHATEVER YOU WOULD LIKE TO DO TO DECORATE YOUR ROOM OR YOUR PLACE. [LB366]

SENATOR FRIESEN: OKAY. I MEAN, I AM IN SUPPORT OF THE BILL. I DO THINK THERE ARE CLIENTS WHO DO NEED THE EXTRA SPENDING MONEY. IT HAS NOT BEEN UPDATED IN YEARS. BUT I THINK I WILL WORK FURTHER WITH HER TO PROBABLY LOOK FOR A SOLUTION TO SOME OF THE OTHER PROBLEMS THAT ARE WITH THIS BILL. BUT I DO SUPPORT THIS BILL AND ENCOURAGE EVERYONE TO SUPPORT IT. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATORS FRIESEN AND PANSING BROOKS. SENATOR MELLO, YOU'RE RECOGNIZED. [LB366]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I SPOKE WITH SENATOR PANSING BROOKS TO GIVE HER KIND OF A PRELIMINARY UPDATE ON KIND OF HOW THIS PROCESS WILL WORK. AS WE COME TO THIS POINT OF THE SESSION, IT APPEARS THAT WE'LL START TO SEE LEGISLATIVE BILLS WITH FISCAL NOTES LARGER THAN A COUPLE HUNDRED THOUSAND DOLLARS. AND IF YOU LOOK AT THE FISCAL NOTE ON LB366, IT DOES HAVE ABOUT A \$3 MILLION FISCAL NOTE OVER THE BIENNIUM. AS THE APPROPRIATIONS COMMITTEE RIGHT NOW CONTINUES TO WORK THROUGH THE PRELIMINARY BUDGET PROCESS AND AS WE WORK TOWARDS FINALIZING THE BUDGET PROCESS, RIGHT NOW, IF YOU LOOK AT THAT PURPLE DOCUMENT I RELEASED LAST WEEK, IT SAYS THERE'S ABOUT \$51 MILLION OUTSIDE OF THE APPROPRIATIONS COMMITTEE BUDGET RECOMMENDATIONS FOR REVENUE OR OTHER SPENDING-RELATED PIECES OF LEGISLATION. DUE TO THE FORECASTING BOARD DECISION ON FRIDAY TO REDUCE REVENUES BY ABOUT \$10 MILLION, THAT NUMBER NOW MOVES TO ABOUT \$41 MILLION THAT'S AVAILABLE FOR LEGISLATION ON THE FLOOR OUTSIDE OF THE BUDGET. I'M NOT STANDING TODAY, OBVIOUSLY, AND OPPOSING LB366. I THINK THE POLICY AT HAND IS WHETHER OR NOT WE WANT TO RAISE THE ALLOWANCE AS PART OF NURSING FACILITY REIMBURSEMENTS THAT CURRENTLY HAS BEEN AT \$50 PER MONTH. IT HASN'T BEEN RAISED FOR A NUMBER OF YEARS. AND I'M NOT DISAGREEING THAT IT'S SOMETHING WE SHOULDN'T CONSIDER. THE OPTION THOUGH THAT

Floor Debate
March 03, 2015

PUTS THIS LEGISLATURE MOVING FORWARD, THAT IS IF WE MOVE LB366 TO SELECT FILE AND, ULTIMATELY, MOVE IT TO FINAL READING, THE BILL WILL SIT ON FINAL READING FOR A LONG PERIOD OF TIME UNTIL WE PASS THE BUDGET. ONLY AFTER WE PASS THE BUDGET AND SEND IT TO THE GOVERNOR WILL THE LEGISLATURE THEN CONSIDER ANY BILL THAT HAS A GENERAL FUND IMPACT. AND WE'VE BEEN IN SCENARIOS IN PREVIOUS LEGISLATIVE SESSIONS WHERE WE HAVE A NUMBER OF BILLS THAT WE MOVE TO FINAL READING THAT THEN THE LEGISLATURE HAS TO MAKE A DECISION OF WHETHER OR NOT WE WANT TO PASS THE BILL INTO LAW. BECAUSE THE REALITY IS, IT HAS A FISCAL IMPACT AND THERE'S TOO MANY BILLS THAT HAVE FISCAL IMPACTS THAN WHAT WE HAVE LEFT FOR THE FLOOR. SO AS YOU THINK THROUGH THE POLICY, OBVIOUSLY I'M GENERALLY SUPPORTIVE OF TRYING TO ENCOURAGE FAMILIES WHO HAVE INDIVIDUALS IN LONG-TERM CARE FACILITIES IN REGARDS TO THEM BEING ABLE TO MEET THEIR NEEDS MOVING FORWARD. THIS HAS NOT BEEN ADJUSTED FOR A NUMBER OF YEARS. AND I UNDERSTAND THAT'S A POLICY CONSIDERATION WE'VE GOT TO CONSIDER RIGHT NOW. I JUST WANT TO MAKE SURE TO BE VERY CLEAR, JUST BECAUSE YOU'VE MOVED THIS BILL FROM GENERAL TO SELECT FILE OR SELECT TO FINAL READING, IT MAY NOT BECOME LAW ONLY BECAUSE OF THE CURRENT FISCAL NOTE. NOW I WOULD POSE, THOUGH, AND I HAVEN'T BEEN ABLE TO SIT DOWN WITH SENATOR PANSING BROOKS TO GO THROUGH ALL OF THE OPTIONS AVAILABLE, AS I'VE MET WITH A NUMBER OF NEW SENATORS AND WALKING YOU THROUGH SOMETIMES THE ISSUES SURROUNDING FISCAL NOTES, THERE'S A WAY TO BRING DOWN THIS FISCAL NOTE ULTIMATELY. WE KNOW THAT. THIS RAISES THE CURRENT MONTHLY FEE FROM \$50 TO \$75. AND THAT IS WHERE YOU GET THAT ROUGHLY \$1.4-1.5-MILLION-A-YEAR FISCAL NOTE. SO IF THERE'S A TIME AND PLACE WHERE IF THE BODY MOVES THIS TO SELECT FILE, MOVES IT TO FINAL READING, THIS BILL HAS SOME FLEXIBILITY, SO TO SPEAK, MOVING FORWARD THAT WE CAN BRING THIS FISCAL NOTE DOWN FROM ABOUT \$3 MILLION OR IT'S ABOUT \$1.5 MILLION EACH YEAR ON AVERAGE, TO BRING THAT DOWN TO A LOWER DOLLAR AMOUNT BY REDUCING THE INCREASE PER MONTH THAT THE BILL IS SEEKING TO DO. SO THAT'S SOMETHING THAT WE NEED TO CONSIDER ALSO MOVING FORWARD WITH LB366. JUST BECAUSE THE STATE OF THE BILL IT IS RIGHT NOW DOESN'T MEAN THAT WILL BE THE FINAL STATE OF THE BILL WHEN IT COMES IN FRONT OF THE LEGISLATURE FOR FINAL READING. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB366]

Floor Debate
March 03, 2015

SENATOR HILKEMANN: THANK YOU, MR. PRESIDENT. I'M WONDERING IF SENATOR PANSING BROOKS WOULD ENTERTAIN A COUPLE OF QUESTIONS FROM ME. [LB366]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD? [LB366]

SENATOR PANSING BROOKS: YES, I WILL TRY TO. [LB366]

SENATOR HILKEMANN: SENATOR, IN YOUR LIST OF THE PERSONAL NEEDS THAT THIS WOULD COVER, DID YOU SAY IT WOULD COVER CIGARETTES? [LB366]

SENATOR PANSING BROOKS: NO. THE PERSONAL NEEDS THAT ARE...THOSE WERE ALL OF THE ITEMS THAT MAY BE CHARGED TO THE...THOSE ARE THINGS THAT THE PERSON HAS TO PAY FOR THEMSELVES. CIGARETTES. [LB366]

SENATOR HILKEMANN: BUT THEY COULD USE THIS \$75 OR THEIR \$50 OR THEIR \$75 FOR THE PURCHASE OF CIGARETTES. IS THAT CORRECT? [LB366]

SENATOR PANSING BROOKS: YES, I THINK THEY CAN. THAT WAS JUST A LIST OF THINGS THAT MEDICAID DOES NOT PAY FOR THAT THEY WOULD PAY FOR THEMSELVES. [LB366]

SENATOR HILKEMANN: OKAY. DO YOU KNOW, SENATOR, WHEN DID MEDICAID START PAYING FOR THIS...THESE PERSONAL SERVICE ITEMS? [LB366]

SENATOR PANSING BROOKS: I KNOW THAT THE LAST WE CHANGED IT WAS IN 1999. OF COURSE, IN '65, THAT'S WHEN MEDICAID WAS ADOPTED. I'M NOT QUITE SURE WHEN THIS ORIGINAL PERSONAL ALLOWANCE CAME INTO BEING, IF IT CAME IN INITIALLY IN '65. I'M SORRY. I COULD FIND THAT OUT EASILY. [LB366]

SENATOR HILKEMANN: OKAY. SENATOR, IS IT...DO PEOPLE THAT RECEIVE THIS, BASICALLY STIPEND, DO THEY ALL HAVE TO BE IN A RESIDENT'S HOME? [LB366]

SENATOR PANSING BROOKS: THEY HAVE TO BE IN A HOME OR AN ALTERNATIVE LIVING CENTER. [LB366]

Floor Debate
March 03, 2015

SENATOR HILKEMANN: AND THEN DO THEY HAVE TO BE MEANS TESTED OTHER THAN JUST THE FACT THAT THEY'RE ON MEDICAID? [LB366]

SENATOR PANSING BROOKS: MEANS TESTED? THEY HAVE TO BE ON MEDICARE OR MEDICAID, AND THEY HAVE TO BE WITHIN A FACILITY AND THEN MEET THE CERTAIN REQUIREMENTS, THE FOUR CATEGORIES OF PEOPLE THAT QUALIFY FOR MEDICAID IN NEBRASKA. AND THEN THEY HAVE TO FALL BELOW A CERTAIN INCOME LEVEL, AND THEN ALSO THEY HAVE TO HAVE ASSETS OF A CERTAIN VALUE. [LB366]

SENATOR HILKEMANN: OKAY. THANK YOU VERY MUCH. [LB366]

SENATOR PANSING BROOKS: THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN AND SENATOR PANSING BROOKS. SENATOR COASH, YOU'RE RECOGNIZED. [LB366]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING AGAIN, COLLEAGUES. I HIT MY LIGHT ON AFTER I HEARD THAT SENATOR MELLO WAS GOING TO HIT HIS LIGHT BECAUSE I WANTED TO MAKE SURE THAT HIS COMMENTS WERE INTEGRATED INTO MINE. COLLEAGUES, WE CAN PASS THIS FORWARD AND IT WILL SIT. AND THEN WE GET TO MAKE CHOICES, AS WE DO EVERY YEAR, WE GET TO MAKE CHOICES AS TO WHETHER OR NOT LB366 IS A PRIORITY, SOMETHING ELSE IS A PRIORITY. WE MAKE CHOICES. THIS IS OUR PREROGATIVE AS A LEGISLATURE TO DECIDE WHAT WE'RE GOING TO SPEND MONEY ON, WHAT WE'RE NOT GOING TO SPEND MONEY ON SO WE CAN DO OTHER THINGS LIKE TAX CUTS. BUT I'M NOT AFRAID OF MAKING THOSE CHOICES AND I'M NOT AFRAID TO MOVE LB366 THROUGH TO THAT POINT SO THAT I HAVE IT AS AN OPTION. AND I WILL TELL YOU RIGHT NOW, LB366 MAY FALL TO A DIFFERENT PRIORITY FOR ME WHEN I PUT IT UP AGAINST DIFFERENT THINGS. LB366 MAY END UP LOOKING DIFFERENT BY THE TIME IT SITS THERE THAN IT LOOKS NOW. AND THOSE ARE ALL CHOICES THAT THE 49 OF US GET TO MAKE. I'M URGING THE ADVANCEMENT OF LB366 SO THAT WE CAN MAKE THAT CHOICE. AND WE CAN PUT THAT UP AGAINST OTHER PRIORITIES THAT WE HAVE AS INDIVIDUALS AND OTHER PRIORITIES THAT WE MIGHT FIND AS A LEGISLATURE. AND THAT'S HOW WE DO THINGS HERE. SENATOR MELLO WAS CORRECT. THIS WILL MOVE FORWARD AND IT WILL NOT MOVE UNTIL THE BUDGET IS GONE. AND WHEN THE BUDGET IS DONE, THE APPROPRIATIONS COMMITTEE WILL HAVE LEFT A CERTAIN AMOUNT OF MONEY THAT CAN BE

Floor Debate
March 03, 2015

USED TO DO THINGS SUCH AS LB366. AND JUST BECAUSE WE HAVE THE MONEY DOESN'T MEAN THAT WE'LL ALLOCATE IT. JUST BECAUSE WE HAVE THE MONEY DOESN'T MEAN I'M GOING TO SUPPORT LB366 BECAUSE THERE MAY BE SOMETHING ELSE THAT SITS THERE THAT I FEEL IS MORE IMPORTANT FOR THE TAX DOLLARS TO BE SPENT ON. BUT AT THE END OF THE DAY, I WANT TO HAVE THAT CHOICE. AND I WANT TO BE ABLE TO PUT INCREASING THIS PERSONAL NEEDS ALLOWANCE AS A CHOICE AS TO HOW WE SPEND OUR MONEY. AND FOR THAT REASON, I URGE YOU TO SUPPORT LB366. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR COASH. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB366]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT. I WANTED TO...AS A MEMBER OF THE HHS COMMITTEE, I WANTED TO STAND AND EXPRESS MY CONCERN THAT THE LANGUAGE IS NOT CLEAR AND THE INTENT IS AN OVERALL INCREASE IN THE STANDARD OF NEED. THAT INTERPRETATION IS BASICALLY AN INCREASE IN THE PERSONAL NEEDS ALLOWANCE WHICH IS PART OF THE STANDARD OF NEED, AND THE STANDARD OF NEED IS USUALLY INCREASED ANNUALLY WITH THE COST OF LIVING THROUGH THE SOCIAL SECURITY ADMINISTRATION. AND I SIMPLY WANT TO ECHO SENATOR MELLO'S CONCERNS ABOUT THE PRICE TAG OF THE \$3 MILLION. I WOULD JUST AS SOON ADDRESS IT TODAY AS TO PUSH IT FORWARD, KICK THE CAN DOWN THE ROAD. AND SO I WOULD OPPOSE THIS LB366. I WOULD YIELD ANY TIME TO SENATOR McCOY. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. SENATOR McCOY, IT'S ABOUT 4:00 REMAINING IF YOU CARE TO USE IT. [LB366]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, MEMBERS, AND THANK YOU, SENATOR RIEPE. I THINK THIS...WELL, I'LL START OUT BY SAYING I OPPOSE LB366 FOR TWO REASONS. I'LL GO THROUGH BOTH. AND I THINK I MAY BE NEXT IN THE QUEUE, AND IF I GO PAST MY TIME, I'LL...THAT SENATOR RIEPE YIELDED ME I'LL USE SOME OF MINE. I WASN'T PRESENT HERE IN THE LEGISLATURE LAST WEEK WHEN THE BODY DEALT WITH LB77, WHICH UNLESS I'M MISTAKEN WAS THE FIRST SIGNAL OF WHERE THE BODY WOULD BE WHEN IT COMES TO FISCAL RESTRAINT. I WOULD HUMBLLY SUBMIT TO THE BODY THIS IS THE SECOND ONE. YES, AS SENATOR COASH ARTICULATED, AND SENATOR MELLO, AS CHAIRMAN OF OUR APPROPRIATIONS COMMITTEE, AND OVERSIGHT OVER THE STATE BUDGET WHICH WE ALL KNOW IS ONE OF OUR CONSTITUTIONAL OBLIGATIONS.

Floor Debate
March 03, 2015

YES, THAT IS ONE COURSE AS THEY OUTLINED THAT WE LOOK CAN LOOK AT THINGS. YOU CAN PIECEMEAL ADVANCED LEGISLATION THAT MAY BE WELL-MEANING, MAY HELP CERTAIN SEGMENTS OF THE POPULATION HERE IN NEBRASKA. BUT EVERYTHING COMES WITH A PRICE TAG WHEN IT HAS A FISCAL NOTE ATTACHED. WE CAN ADVANCE ALL OF THOSE PIECES OF LEGISLATION TO FINAL READING AND THEY CAN ALL SIT. AND AT THE END OF THE SESSION, WE CAN PRIORITIZE BASED ON WHAT WE VIEW HERE IN THE BODY AS MOST IMPORTANT OR WE CAN DO WHAT THE BODY DID LAST WEEK ON LB77 AND WHAT MY DESIRE IS THAT THE BODY WOULD DO WITH LB366. AND THAT IS MAKE A DECISION RIGHT HERE AND NOW AS TO WHERE WE STAND ON FISCAL RESTRAINT. BECAUSE THERE ARE MANY PROGRAMS, THERE ARE MANY BILLS THAT COME TO US WITH GOOD INTENTIONS. BUT THEY ALL HAVE A PRICE TAG, USUALLY, WHETHER THAT MAY BE SOME STATE FUNDS AND SOME MATCHING FEDERAL FUNDS. BUT LET'S NEVER FORGET, FEDERAL FUNDS ARE STILL OUR TAX DOLLARS, AS WE ALL KNOW. COLLEAGUES, EVERY DOLLAR WE SPEND ON A BILL LIKE LB366 IS ONE LESS DOLLAR THAT'S AVAILABLE FOR TAX RELIEF FOR THE PEOPLE OF NEBRASKA. YOU JUST HEARD SENATOR MELLO SAY WITH THE ECONOMIC FORECASTING BOARD'S NUMBERS, THERE ARE FEWER AND FEWER DOLLARS TO TALK ABOUT OUTSIDE THE BUDGET PROCESS. YOU KNOW, I SAY THIS COMING FROM A STANDPOINT OF OTHER THAN SENATOR CHAMBERS BEING ONE OF A RELATIVELY SMALL GROUP OF PEOPLE THAT HAVE BEEN HERE NOW... [LB366 LB77]

PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR MELLO: ...SEVEN SESSIONS. I'VE SEEN THIS HAPPEN A NUMBER OF TIMES. I'VE SEEN IT HAPPEN BOTH WAYS. WE ADVANCE THINGS PIECEMEAL AND KIND OF HAVE A HODGEPODGE AT THE END AND FIGURE OUT HOW TO DO THINGS. BUT I'VE ALSO SEEN US MAKE POLICY DECISIONS RIGHT HERE ON THE FLOOR, RIGHT HERE AND NOW. WE CAN SET PRIORITIES RIGHT NOW, MEMBERS, OR WE CAN DO IT LATER. THAT'S MY FIRST ISSUE WITH LB366 FROM A STANDPOINT OF FISCAL RESPONSIBILITY AND FISCAL RESTRAINT, AND MAKING PRIORITY DECISIONS WHEN IT COMES TO SPENDING THE TAX DOLLARS OF THE PEOPLE OF NEBRASKA. HERE'S MY SECOND PROBLEM. I SEE THIS AS EXPANSION OF MEDICAID, PURE AND SIMPLE. AND I'M SURE SOMEBODY IS GOING TO HOP UP HERE ON THE MICROPHONE AND SAY, WELL, THAT'S NOT WHAT THIS IS. [LB366]

PRESIDENT FOLEY: TIME EXPIRED, SENATOR McCOY, BUT YOU'RE NEXT IN THE QUEUE. YOU MAY CONTINUE. [LB366]

Floor Debate
March 03, 2015

SENATOR McCOY: THANK YOU, MR. PRESIDENT. SOMEBODY MIGHT HOP UP HERE AND SAY, WELL, THAT'S NOT REALLY WHAT THIS IS. BUT IF YOU LOOK, COLLEAGUES, AND I'M SURE YOU HAVE, WHETHER IT'S LB77 LAST WEEK, LB366 THIS WEEK AND OTHERS, INSTEAD OF ONE GIANT MEDICAID EXPANSION BILL, WHAT'S HAPPENED? WE'VE SEEN A NUMBER OF BILLS, MAYBE 9, 10, 11, DEPENDING ON HOW YOU WANT TO LOOK AT IT AND WHERE YOU WANT TO DRAW THE LINES, AND THIS IS ONE OF THEM. I HAVE AN ISSUE WITH THE EXPANSION OF MEDICAID IN NEBRASKA. THAT MAY BE A DIFFERENCE OF OPINION WITH SOME MEMBERS ON THIS FLOOR BUT THAT'S WHERE I STAND. THAT'S WHERE THE PEOPLE OF MY DISTRICT, DISTRICT 39, STAND, THE VAST MAJORITY OF THEM. I BELIEVE IT'S WHERE THE VAST MAJORITY OF NEBRASKANS STAND AS WELL. AT SOME POINT, COLLEAGUES, WE'VE GOT TO DRAW A LINE IN THE SAND AND SAY ENOUGH IS ENOUGH. WE DON'T LOOK TO THE FEDERAL GOVERNMENT FOR OUR NEXT HANDOUT; WE SHOULDN'T AS A STATE. AND WHEN WE SAY WE'RE FOR MEANINGFUL TAX RELIEF, WE MEAN IT. THOSE ARE THE TWO MAIN REASONS I HAVE WITH OPPOSING LB366. AS SENATOR COASH SAID, THERE ARE MANY PEOPLE WHO MAY HAVE GENUINE NEEDS AND I HAVE A LOT OF EMPATHY FOR THAT. I THINK, HOWEVER, WE NEED TO MAKE PRIORITY DECISIONS RIGHT NOW. AND THAT'S WHY I THINK THIS LEGISLATION NEEDS TO STOP RIGHT HERE. THANK YOU, MR. PRESIDENT. [LB366 LB77]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATOR BAKER, YOU'RE RECOGNIZED. [LB366]

SENATOR BAKER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE HOUSE. I JUST NEED TO CLARIFY HOW THIS PROGRAM WORKS BECAUSE, UNFORTUNATELY, I'VE HAD PERSONAL EXPERIENCE WITH MY WIFE'S AGING PARENTS IN THE LAST YEAR AS THEY APPROACHED THE AGE OF 90. THEY LIVED IN THEIR OWN TOWNHOUSE UNTIL SUCH POINT THEIR HEALTH WOULD NOT ALLOW THEM TO BE THERE ANYMORE. SO THEY SPENT THE LAST FEW MONTHS OF THEIR LIFE IN A CARE FACILITY. AT THAT TIME, WHEN BOTH WERE ALIVE TO BE ELIGIBLE FOR MEDICAID, BECAUSE, UNFORTUNATELY, THEY HAD OUTLIVED THEIR RESOURCES AS THEY GOT CLOSER TO 90 YEARS OLD, TO BE ELIGIBLE FOR MEDICAID FOR TWO PEOPLE, YOU COULDN'T HAVE MORE THAN \$6,000 OF ASSETS. AFTER THE FIRST ONE DIED, THEN THE REMAINING PERSON CAN ONLY HAVE \$4,000 AND THAT, AT THE END, YOU KNOW, COVERS FUNERAL BURIAL EXPENSES AND THAT KIND OF THING. MY FATHER-IN-LAW WAS A WORLD WAR II VETERAN. HE WAS AT IWO JIMA WHEN THE FLAG WAS RAISED. HE SPENT ANOTHER 25-30 YEARS IN NATIONAL GUARD AFTER THAT. SO HE IS ONE OF THESE PEOPLE WHO WAS ALLOWED \$50 A MONTH. THAT'S NOT A STIPEND. THAT'S HOW MUCH OF YOUR

Floor Debate
March 03, 2015

OWN MONEY YOU CAN KEEP WHEN THEY WENT INTO THE FACILITY. YOU KNOW, MY FATHER-IN-LAW RECEIVED MILITARY RETIREMENT. THEY BOTH RECEIVED SOCIAL SECURITY. SO THEY HAD TO...THEIR CO-SHARE OF THE COST OF THE FACILITY HAD TO BE ALL TURNED OVER EXCEPT \$50 ON WHICH THEY WERE ABLE TO KEEP. YOU KNOW, I HEAR TALK ABOUT WHAT THAT MONEY IS FOR. IT'S LIKE A STIPEND. IT'S LIKE FREE MONEY OR SOMETHING. I HAD A HARD TIME, I STILL HAVE A HARD TIME ENVISIONING MY FATHER-IN-LAW, MY MOTHER-IN-LAW AS FREeloadERS. THAT \$50 DIDN'T GO VERY FAR. YOU KNOW, YOU TALK ABOUT HUMAN DIGNITY. MY MOTHER-IN-LAW WAS USED TO HAVING HER HAIR DONE ONCE A WEEK. THAT'S \$18. WELL, YOU CAN'T...YOU KNOW, \$50 DOESN'T COVER A MONTH'S WORTH OF EVEN THAT, LET ALONE OTHER THINGS. SO THEIR...WHAT RESOURCES THEY HAD WAS DRAWN DOWN BECAUSE \$50 A MONTH WASN'T ENOUGH. SO THAT'S MY PERSONAL EXPERIENCE. HEAVENS, IN A FACILITY THERE'S NO CIGARETTE SMOKING. YOU KNOW, IT'S NOT LIKELY IT'S MONEY THEY CAN FRIVOLOUSLY SPEND AWAY. IT'S THINGS THAT THEY NEEDED TO MAINTAIN SOME KIND OF DIGNITY. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR BAKER. SENATOR MELLO, YOU'RE RECOGNIZED. [LB366]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'M GOING TO HAVE TO RISE AND SPEAK A LITTLE BIT, I THINK, IN REGARDS TO OUR COLLEAGUE SENATOR McCOY'S GENERAL FRAME THAT HE TRIED TO GIVE US THAT WE HAVE TO MAKE THE DECISION TODAY IN REGARDS TO WHETHER OR NOT WE WANT TO QUOTE, UNQUOTE, RESTRAIN SPENDING AND GIVE PROPERTY TAX RELIEF OR TO PUSH A BILL LIKE THIS THAT IS JUST ANOTHER WAY TO EXPAND MEDICAID. COLLEAGUES, I DIDN'T HEAR THAT ARGUMENT ON LB111. I DIDN'T HEAR SENATOR McCOY STAND UP AND SAY WE CAN'T PASS VOTER ID BECAUSE IT'S GOING TO COST THE STATE A MILLION DOLLARS MOVING FORWARD. WHY WE DIDN'T HEAR THAT? BECAUSE THAT WAS A PRIORITY OF HIS, THE SAME REASON THAT LB366 IS A PRIORITY OF SENATOR COASH'S AND PANSING BROOKS'. THE REALITY IS, WE'RE GOING TO LIKELY HAVE TO MAKE A CHANGE IN THIS BILL TO MOVE FORWARD. I TRIED TO GIVE SENATOR PANSING BROOKS AND OTHERS A LITTLE TIME TO CONSIDER MOVING THAT DOLLAR AMOUNT DOWN. IT GIVES THE BODY, I THINK, SOME COMFORT IN REGARDS TO BRINGING THAT \$1.3-MILLION-DOLLAR-A-YEAR GENERAL FUND FISCAL NOTE DOWN. BUT, COLLEAGUES, WHAT SENATOR McCOY DIDN'T TELL YOU WAS A LITTLE HISTORY ABOUT MEDICAID. HE DIDN'T TELL YOU THAT TWO-THIRDS OF EVERY MEDICAID DOLLAR GOES TO THE AGED, BLIND, AND DISABLED. THAT'S NOT AN EXPANSION OF MEDICAID, COLLEAGUES. THAT'S THE MEDICAID

Floor Debate
March 03, 2015

PROGRAM AS WE KNOW IT WHEN IT WAS CREATED WAS TO DEAL WITH THE MOST VULNERABLE OF NEBRASKANS. I DIDN'T HEAR ANYONE STAND UP AND SAY HERE IS HOW WE'RE GOING TO TAKE CARE OF THOSE INDIVIDUALS IN OUR STATE IF WE DON'T DO THIS. COLLEAGUES, I GET NERVOUS WHEN I HEAR MEMBERS STAND UP AND USE RHETORIC ABOUT PROGRAMS WHERE THEY DON'T FULLY UNDERSTAND THE INTRICACIES OF THOSE PROGRAMS. IT'S NOT THAT WE MAY NOT HAVE DISAGREEMENTS, THAT'S FINE. BUT WHAT LB366 DOES IS NOT "AN EXPANSION OF MEDICAID" THAT WE WOULD SEE ON A CAMPAIGN COMMERCIAL OR A POLITICAL FLIER. THESE ARE SENIOR CITIZENS, COLLEAGUES, PEOPLE WHO HAVE DISABILITIES, PEOPLE WHO MAY BE BLIND OR ANOTHER SIGNIFICANT DISABILITY; OF INCREASING AN ALLOWANCE THAT HASN'T BEEN INCREASED FOR A LONG TIME. NOW, AM I COMFORTABLE WITH THE \$25 AMOUNT? NOT RIGHT NOW. DO I THINK WE NEED TO CONSIDER THIS POLICY? ABSOLUTELY. WELL, WHEN MEMBERS GET ON THE FLOOR AND START TO USE POLITICAL RHETORIC TO TRY TO MAKE A POINT ABOUT "FISCAL RESTRAINT" OR BEING "FISCALLY RESPONSIBLE," BE CAREFUL. BE VERY CAREFUL. BECAUSE WE TAKE VOTES ON A LOT OF OTHER ISSUES THAT WE MAY NOT STAND UP AND TALK ABOUT ON THE FLOOR THAT HAVE SIGNIFICANT FISCAL IMPACTS. I MADE MENTION OF VOTER ID BECAUSE ONE SENATOR DID STAND UP AND MENTION THAT, OF THE REASON HE DIDN'T VOTE FOR THE BILL BECAUSE HE DIDN'T SEE A MILLION DOLLARS A YEAR GOING TO IMPLEMENTING VOTER ID WAS A RATIONALE REASON TO SPEND STATE DOLLARS. BUT THOSE WHO SUPPORTED LB111 BOTH IN THE COMMITTEE ON THE FLOOR DIDN'T MAKE THAT ARGUMENT. THEY WOULDN'T EVEN ACKNOWLEDGE THAT ARGUMENT BECAUSE IN THEIR MIND VOTER ID MEANT A LOT MORE THAN INCREASING AN ALLOWANCE FOR OUR GRANDPARENTS WHO MAY BE ON MEDICAID. I THINK SENATOR PANSING BROOKS, SENATOR CAMPBELL, SENATOR COASH, AND OTHERS, ARE LOOKING AT A WAY TO BRING THIS DOLLAR AMOUNT DOWN. AND, COLLEAGUES, AS APPROPRIATIONS CHAIR NOW THE LAST THREE YEARS, I TRY TO WORK WITH ANY MEMBER OF THE BODY, WHETHER I BELIEVE IN THE BILL OR NOT, TO TRY TO HELP THEM ADDRESS A FISCAL NOTE BY CHANGING THAT POLICY TO BRING THAT DOLLAR AMOUNT DOWN IF THEY'RE ABLE TO DO IT. YOU CAN DO THAT ON LB366. YOU CAN DO IT NOW, YOU CAN DO IT ON SELECT, OR YOU CAN PUSH TO IT FINAL AND BRING IT BACK. [LB366 LB111]

PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR MELLO: THE REALITY, THOUGH, IS THAT THIS IS A POLICY ISSUE. AND THE POLICY ISSUE IS WHETHER OR NOT WE WANT TO INCREASE AN ALLOWANCE TO THOSE WHO ARE AGED, BLIND, OR DISABLED AS PART OF MEDICAID. AND

Floor Debate
March 03, 2015

WHILE THIS MAY NOT BE A PRIORITY FOR SENATOR McCOY, IT MAY BE A PRIORITY FOR OTHER MEMBERS, JUST THE SAME WAY THAT SOME OTHER BILL THAT'S ON THE AGENDA IS A PRIORITY FOR SENATOR McCOY AND NOT OTHER MEMBERS. THE REALITY IS, WE HAVE FLEXIBILITY. MAKING CHANGES TO THIS BILL AND MOVING IT FORWARD GIVES THE LEGISLATURE AND MAINTAINS THAT FLEXIBILITY FOR BOTH THE SENATORS WHO SUPPORT THE BILL AND THE SENATORS WHO MAY NOT SUPPORT THE BILL BUT WANT TO SEE THE BILL BE BROUGHT BACK AND SCALED BACK. I THINK WE OWE IT TO OUR COLLEAGUES TO BE ABLE TO LET THEM WORK THROUGH THIS PROCESS AND FIND A WAY TO GET TO YES THAN SIMPLY JUST VOTING NO THROUGH THE USE OF POLITICAL RHETORIC. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB366]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. YESTERDAY, 24 HOURS AGO, WE WERE WORKING AT BREAKNECK SPEED TO SAY NO TO \$100 MILLION IN TAX REVENUE EACH YEAR. WE SAID YES TO SENDING \$100 MILLION A YEAR IN AID TO IOWA. AND, TODAY, WE ARE DEBATING WHETHER OR NOT OLD FOLKS SHOULD GET \$20 MORE/LESS TO FIX THEIR HAIR AND ADD A LITTLE TO THE QUALITY OF LIFE. INTERESTING HOW THINGS WORK. ACTIONS DO HAVE CONSEQUENCES. WE'LL HAVE MANY FOR FUN DEBATES BECAUSE THERE WILL BE \$100 MILLION LESS. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB366]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I'M WONDERING IF SENATOR PANSING BROOKS WOULD ACKNOWLEDGE A QUESTION. [LB366]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, WOULD YOU YIELD, PLEASE? [LB366]

SENATOR PANSING BROOKS: YES, I'M HAPPY TO. [LB366]

SENATOR HILKEMANN: ARE YOU FAMILIAR, SENATOR, WITH THE TERM SPEND DOWN? [LB366]

Floor Debate
March 03, 2015

SENATOR PANSING BROOKS: YES, I AM. [LB366]

SENATOR HILKEMANN: IS THIS ALLOWANCE THAT THEY RECEIVE OR THIS MONEY, IS THAT AFTER THEY'VE...AFTER THE SPEND DOWN? [LB366]

SENATOR PANSING BROOKS: YES, SENATOR. THIS IS WHAT SEEMS SO AMAZING TO ME. THIS IS MONEY THAT PEOPLE HAVE EITHER MADE THROUGH THEIR WHOLE LIVES, IT'S MONEY THAT WE ALL WORK FOR AND PAY INTO SOCIAL SECURITY, AND THEN THERE'S A SPEND DOWN. AND SO WE, AS A STATE, ARE SAYING--I'M SORRY, I KNOW YOU'VE WORKED YOUR WHOLE LIFE, BUT YOU ONLY GET TO KEEP \$50 PER MONTH OF WHAT YOU HAVE MADE YOUR WHOLE LIFE TO SPEND, AS SENATOR BAKER WISELY SAID, ON ALL SORTS OF THINGS THAT HELP THEIR NORMAL DAY-TO-DAY LIVING. [LB366]

SENATOR HILKEMANN: SO WHAT I'D LIKE TO UNDERSTAND IS, IS THAT WHAT YOU'RE SAYING IS THAT THIS \$50 IS THEIR SPEND DOWN. IS THAT...WELL, YOU'RE CHANGING IT FROM \$50 TO \$75. [LB366]

SENATOR PANSING BROOKS: YES. [LB366]

SENATOR HILKEMANN: BUT THIS \$75 IS THE AMOUNT THAT THEY'RE ALLOWED TO SPEND DOWN TO? [LB366]

SENATOR PANSING BROOKS: YES, THAT'S EXACTLY RIGHT. AND I'D JUST LIKE TO MENTION ON SENATOR MELLO'S COMMENTS, HE TALKED ABOUT \$3 MILLION IN A BIENNIUM. SO IT IS \$1.3 MILLION THIS YEAR OF 2015-16 AND THEN \$1.6 MILLION IN 2016-2017. AND SO, BASICALLY, IF YOU THINK ABOUT IT, WE'RE THINKING OF IT AS STATE DOLLARS AND ACTUALLY THESE ARE DOLLARS THAT YOU AND I HAVE MADE IN OUR LIVES THROUGHOUT OUR LIVES AND NOW WE HAVE TO HAND THEM OVER TO THE STATE AND ARE UNABLE TO USE THEM TO BUY OUR GRANDCHILD A PRESENT, TO GO AND GET A HAIRCUT, TO LIVE IN...WITH SOME MODICUM OF FREEDOM AND RESPECT TO BE ABLE TO LIVE OUR...THE END OF OUR LIVES. [LB366]

SENATOR HILKEMANN: SO I THINK IT'S REALLY IMPORTANT TO THE BODY TO UNDERSTAND THAT WHAT THIS IS, IS THE SPEND-DOWN DOLLARS TO THE...TO WHAT YOU'RE SAYING TO \$75 SO THAT THIS IS THEIR MONEY. IT'S A MATTER OF HOW FAR WE SPEND IT DOWN TO THE \$75. THIS IS NOT AN ADDITIONAL AMOUNT

Floor Debate
March 03, 2015

OF MONEY THAT'S COMING FROM THE STATE TO EQUAL THE \$75. IS THAT CORRECT? [LB366]

SENATOR PANSING BROOKS: THAT IS CORRECT. IF YOU AND I END UP IN SOME SORT OF FACILITY, IT'S AN ALTERNATIVE LIVING ARRANGEMENT WHICH INCLUDES A BOARDING HOME, A CERTIFIED ADULT FAMILY HOME, A LICENSED ASSISTED LIVING FACILITY, A LICENSED RESIDENTIAL CHILDCARE FACILITY, IF YOU AND I END UP IN ONE OF THOSE PLACES--NOT THE CHILDCARE FACILITY-- BUT ALL THAT WE HAVE WORKED FOR ALL OF OUR LIVES WE WOULD ONLY BE ALLOWED \$50 TO BE ABLE TO LIVE OUR LIFE IN THE END DAYS. [LB366]

SENATOR HILKEMANN: WELL, I'D LIKE TO SAY TO THE MEMBERS OF THIS...TO THE BODY THAT THIS SORT OF CHANGES MY THOUGHT ON THIS BILL. THIS IS NOT ADDITIONAL, THIS IS...THESE...FROM WHAT YOU'RE SAYING, SENATOR, THESE ARE THEIR DOLLARS, THIS IS THEIR SPEND-DOWN DOLLARS. [LB366]

SENATOR PANSING BROOKS: CORRECT. [LB366]

SENATOR HILKEMANN: THIS NOT ADDITIONAL MONEY THAT WE'RE PUTTING IN TO EQUAL THE \$75, QUOTE, UNQUOTE, AN ALLOWANCE TYPE OF A THING. WITH THIS, I THINK WE NEED TO RECONSIDER THIS IN THOSE THOUGHTS THAT THIS IS EXTRA DOLLARS THAT ARE COMING IN. THIS IS THEIR DOLLARS. I WANT THE MEMBERS OF THE BODY TO UNDERSTAND THAT. [LB366]

SENATOR PANSING BROOKS: THESE ARE THE...WITH THIS DECISION, WE WOULD BE TAKING \$75 LESS AND SO IT WOULD BE ANOTHER \$25 THAT THEY AREN'T PAYING INTO THE SYSTEM. SO THAT'S WHAT THAT'S... [LB366]

SENATOR HILKEMANN: THAT'S RIGHT. THIS IS SPEND-DOWN DOLLARS. [LB366]

PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR PANSING BROOKS: YES. [LB366]

SENATOR HILKEMANN: THANK YOU. [LB366]

Floor Debate
March 03, 2015

PRESIDENT FOLEY: THANK YOU, SENATORS HILKEMANN AND PANSING BROOKS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB366]

SENATOR BRASCH: THANK YOU, MR. LIEUTENANT GOVERNOR AND COLLEAGUES. I RISE IN CONCERN OF THE FISCAL NOTE, IN CONCERN OF WHAT APPROPRIATIONS IS LOOKING AT. BUT MY GREATER CONCERN IS WHEN I LISTENED TO SENATOR COASH EXPRESS HIS SORROW AND DISAPPOINTMENT TO SEE THAT THE CHRISTMAS LIST INCLUDED PERSONAL PRODUCTS--SHAMPOOS, LOTIONS. AND WHAT CAME TO MIND IS SINCE I'VE SERVED IN THE LEGISLATURE STARTING IN THE YEAR 2011, THERE WAS THE FLOODING ALONG THE MISSOURI RIVER IN TWO OF MY THREE COUNTIES WHERE INDIVIDUALS WERE RAPIDLY MOVED FROM MAKING ENDS MEET TO LOOKING FOR TEMPORARY SHELTER AS LONG AS SIX MONTHS. AND THE COMMUNITY AROUND THOSE DISTRICTS AND ACROSS THE STATE CAME FORWARD VERY GENEROUSLY TO HELP SUPPORT THOSE IN NEED. AND MOST RECENTLY WHEN THERE WAS THE TORNADOS THAT STRUCK IN WISNER AND MY DISTRICT AGAIN, AND ALSO IN THE PILGER AREA, SENATOR SCHUMACHER'S DISTRICT, WHERE I HELPED VOLUNTEER AT THE WISNER-PILGER HIGH SCHOOL. AND I SAW TRUCKLOADS AND SKID LOADS OF LOTIONS AND SOAPS AND ITEMS THAT CAME FROM NEAR AND FAR. WE HAVE A VERY THOUGHTFUL AND GENEROUS STATE. AND IF OUR SENIOR CITIZENS OR ELDERLY, THOSE WHO CAN NO LONGER FINANCIALLY TAKE CARE OF THEIR NEEDS, I BELIEVE IF OUR STATE WAS MADE AWARE OF THIS THAT WE WOULD NOT NEED TO BE DESPERATE FOR DOLLARS OTHER THAN THAT OF OUR GENEROSITY. AND THE THOUGHTFULNESS AND THAT THE CHRISTMAS LIST COULD INCLUDE MORE FRIVOLOUS ITEMS AND NOT NECESSITIES. SO I'M HOPING THAT THIS DIALOGUE HERE BRINGS TO THE ALERT OF THE PRIVATE SECTOR, CORPORATIONS, ORGANIZATIONS, GROUPS, CIVIC GROUPS TO CONTACT THEIR LOCAL LIVING CENTER AND NURSING HOMES TO SEE WHAT CAN WE DO. I BELIEVE THAT IS THE MOST PRUDENT WAY TO ADDRESS GAPS IN FINANCES. I WOULD LIKE TO YIELD THE REST OF MY TIME TO SENATOR McCOY. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR McCOY, ABOUT 2:15. [LB366]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BRASCH. YOU KNOW, I'D RISE AGAIN BECAUSE...I APPRECIATE THE TIME, BUT I RISE AGAIN TO REALLY OUTLINE A FEW THINGS AND I WANT TO TOUCH BACK, NOT MAKE THIS NECESSARILY JUST A CONVERSATION BETWEEN SENATOR MELLO AND I. BUT, YOU KNOW, THIS IS THE WHOLE REASON, MEMBERS, THAT WE HAVE DISCUSSIONS ABOUT ENTITLEMENT PROGRAMS AND SPENDING ON SOCIAL

Floor Debate
March 03, 2015

PROGRAMS THAT ARE, I WOULD ARGUE, HAVE, NOT JUST ARE BREAKING THE BUDGET OF OUR NATIONAL GOVERNMENT, BUT ALREADY HAVE. WE HAVE GOT TO ESTABLISH SOME SORT OF AUSTERITY. AND I THINK THIS IS THE ONE AREA. YOU HEARD SENATOR PANSING BROOKS SAY THAT THIS MONEY COULD BE SPENT ON CIGARETTES. NOW I'M SURE THERE'S SOME WELL-MEANING REASONS THAT THIS MONEY COULD BE SPENT, WHETHER IT BE FOR LOTIONS OR SOCKS OR OTHERWISE. AND I WOULD AGREE WITH SENATOR BRASCH, THERE ARE A LOT OF PROGRAMS, WHETHER THEY BE NONPROFIT, WHETHER THEY BE CHURCHES, SYNAGOGUES, PARISHES, YOU NAME IT, PROGRAMS THAT WOULD BE HAPPY TO HELP OUT IF THERE IS A NEED THERE THAT ISN'T KNOWN ABOUT. WE'RE A VERY GENEROUS PEOPLE. I DON'T BELIEVE THAT THIS SHOULD BE DONE USING THE TAX...HARD-EARNED TAXPAYER DOLLARS FROM NEBRASKANS. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB366]

SENATOR PANSING BROOKS: THANK YOU VERY MUCH, MR. PRESIDENT. SENATOR McCOY JUST TALKED ABOUT USING THE HARD-EARNED DOLLARS FROM NEBRASKANS, AND THIS IS EXACTLY WHAT HE IS ATTEMPTING TO DO IS SAY THAT THE HARD-EARNED DOLLARS THAT ALL OF US AS NEBRASKANS ARE NOT AVAILABLE FOR US TO USE AS OUR PERSONAL ALLOWANCE WHEN WE MOVE INTO AN ALTERNATIVE LIVING ARRANGEMENT FOR WHATEVER REASON. AND THAT INCLUDES BOARD AND ROOM, A BOARDING HOME, A CERTIFIED ADULT FAMILY HOME, A LICENSED ASSISTED LIVING FACILITY, AND A LICENSED RESIDENTIAL CHILDCARE AGENCY. AGAIN, THESE ISSUES HAVE TO DO WITH PEOPLE'S FREEDOM, FREEDOM AND DIGNITY IN THE END OF THEIR LIVES TO BE ABLE TO SPEND SOME MONEY, TO SPEND WHAT I WOULD CALL A MINIMUM AMOUNT OF MONEY ON SOME ISSUES...ON SOME ITEMS THAT MIGHT MAKE THEIR LIVES A LITTLE BIT BETTER. THAT INCLUDES HAIRCUTS, A GIFT FOR A GRANDCHILD, COFFEE, POPCORN SOME NIGHT. SO, AGAIN, I THINK THAT THIS IS SOMETHING THAT WE NEED TO PASS. THESE ARE DOLLARS THAT EACH OF US MAKE THROUGH OUR LIVES, INCLUDING SOCIAL SECURITY DOLLARS OR DISABILITY DOLLARS THAT WE'VE PAID FOR ALL OF OUR LIVES. AND WHAT WE ARE ASKING HERE IS THAT STATE NOT TAKE AN EXTRA \$25, THAT INSTEAD THE STATE HOLD BACK FROM TAKING FROM THESE PEOPLE \$25 EXTRA SO THAT THEY COULD HAVE \$75 AS A PERSONAL ALLOWANCE. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB366]

Floor Debate
March 03, 2015

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, I THINK I LIKED WHAT SENATOR MELLO SAID THE FIRST TIME HE SPOKE RATHER THAN THE SECOND TIME HE SPOKE ABOUT BEING CAREFUL ABOUT FISCAL NOTES AND WHAT WE'RE SPENDING. BUT DO I WANT TO SAY THIS, SENATOR MELLO KIND OF CHIDED SENATOR McCOY FOR SUPPORTING VOTER ID, TALKED ABOUT A MILLION DOLLAR FISCAL NOTE. I DON'T THINK THERE'S A PERSON IN THIS ROOM TRULY BELIEVES THAT WOULD HAVE COST A MILLION DOLLARS. I THINK A CHIMPANZEE WITH A BANANA AND A BALLPOINT PEN COULD HAVE COME UP WITH A MORE ACCURATE FISCAL NOTE OF MAYBE \$4,000 OR \$5,000 WHICH I THINK IS WHAT IT ACTUALLY WAS. SO LET'S DON'T GO MONKEYING AROUND WITH THE BUDGET NUMBERS ON THIS KIND OF STUFF. YOU KNOW, FIRST OF ALL, THANK YOU SENATOR McCOY FOR POINTING OUT SOME THINGS. EITHER WE'RE SERIOUS ABOUT TAX RELIEF OR WE'RE NOT SERIOUS ABOUT TAX RELIEF. YOU KNOW, I SPENT MY FIRST TWO YEARS HERE PULLING OUT MY HAIR PRETTY MUCH, WATCHING US SPEND MONEY AND SPEND MONEY AND GROW GOVERNMENT. AFTER MY FIRST TWO YEARS, WE HAVE A GOVERNMENT THAT'S BIGGER, REGULATES MORE, AND SPENDS MORE. AND WE DIDN'T TOUCH A SINGLE RATE. MY FIRST TWO YEARS, WE DIDN'T REDUCE ONE RATE. BUT WE KEPT SAYING WE'RE GOING TO STUDY IT, WE'RE GOING TO DO IT LATER. WELL LATER IS NOW. WE ARE NOW AT THE TIME WHERE AFTER TWO YEARS OF CONSTANT SPENDING AND THE ONLY THING THAT STOPPED THE SPENDING WAS WE RAN OUT OF MONEY MY FIRST TWO YEARS. NOW IT'S TIME FOR TAX RELIEF. AND IT'S TIME TO START REDUCING RATES. AND THAT...YOU KNOW, WE HAVE A NUMBER OF BILLS THAT DO THAT IN A NUMBER OF DIFFERENT WAYS, BUT IF WE SIT HERE AND WE EXPAND GOVERNMENT AND WE SPEND MORE MONEY AND WE GROW GOVERNMENT, WE'RE NEVER GOING TO DO THAT. NOW, I DON'T GO AGAINST SENATOR COASH VERY MUCH AND I'M VERY SYMPATHETIC TO THE THINGS THAT HE SAYS BECAUSE I THINK HE'S A VERY LEVELHEADED GUY, BUT I WOULD CAUTION US THAT WE HAVE TO LOOK AT THIS IN THE CONTEXT OF ALL THE MONEY WE'RE SPENDING AND ALL THE PROGRAMS THAT WE'VE PUT OUT THERE. YOU CAN'T LOOK AT THIS BY ITSELF. YOU'VE GOT TO LOOK AT IT IN TERMS OF ALL THE SPENDING AND EVERYTHING THAT GOES IN THE BUDGET AS OPPOSED TO JUST STANDALONE. STANDALONE, JEEZ, THESE PEOPLE NEED SOME MONEY, IF WE JUST SPENT A LITTLE MORE TAX MONEY. NO. IT'S IN THE CONTEXT OF EVERY OTHER PROGRAM THAT WE HAVE OUT THERE, ALL THE GROWING OF GOVERNMENT THAT WE DID THE LAST TWO YEARS. IF YOU START LOOKING AT IT LIKE THAT, WE'VE GOT TO SAY STOP AT SOME POINT. IF WE'RE SERIOUS ABOUT TAX RELIEF, STOP THE SPENDING. THE FISCAL NOTE ON THIS IS QUITE LARGE AND IF THEY CAME WITH A MUCH SMALLER FISCAL NOTE, I THINK WE'VE GOT SOMETHING TO TALK ABOUT. BUT NOT AT \$3 MILLION. I THINK THAT IS

Floor Debate
March 03, 2015

ENTIRELY TOO HIGH AND WE'RE EITHER GOING TO SEND A SIGNAL THAT WE'RE SERIOUS ABOUT TAX RELIEF AND STOP THE SPENDING RIGHT HERE OR WE'RE GOING TO SAY NO, TAXPAYERS, IT'S NOT THAT IMPORTANT. WE CAN SPEND YOUR MONEY BETTER THAN YOU CAN. AND I HAVEN'T MET A TAXPAYER YET THAT THINKS WE CAN SPEND HIS MONEY BETTER THAN HE CAN. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB366]

SENATOR SCHNOOR: THANK YOU, SIR. IN TALKING WITH A FEW OF THE SENATORS HERE, SENATOR MELLO BROUGHT UP THE POINT ABOUT NOT UNDERSTANDING AND THIS IS ONE OF THOSE THAT I ADMITTEDLY SAY THAT I DON'T UNDERSTAND. WE HAVE HALF THE SIDE THAT'S SAYING THAT THIS IS A MEDICAID EXPANSION; WE HAVE HALF THE SIDE THAT'S SAYING IT'S MONEY THAT'S PUT IN ALREADY BY THE TAXPAYER, PAID ON SOCIAL SECURITY. SO I AM ASKING SENATOR PANSING BROOKS IF SHE WOULD YIELD TO A QUESTION. [LB366]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, WILL YOU YIELD, PLEASE? [LB366]

SENATOR PANSING BROOKS: I'M HAPPY TO, SENATOR SCHNOOR. [LB366]

SENATOR SCHNOOR: OKAY. THANK YOU. OBVIOUSLY THIS HAS AFFECTED YOU VERY DIRECTLY WITH YOUR MOTHER AND ALSO AS WELL AS ROY BAKER WITH HIS, I BELIEVE, BOTH OF HIS PARENTS. BUT COULD YOU GIVE A...I GUESS, EXPLAIN IT ONE MORE TIME. I GUESS I'M UNDERSTANDING THAT IF A PERSON PAYS INTO SOCIAL SECURITY, ONCE BEFORE THEY START DRAWING FROM THAT TO PAY FOR THEIR MEDICAID, THEY HAVE TO PAY BASED ON THEIR ASSETS THAT THEY ALREADY HAVE, AND THEN THEY CAN START DRAWING FROM THIS \$50 OR POSSIBLY \$75...OR LEAVE \$50 OR \$75 DOLLARS A MONTH THAT THEY HAVE ALREADY PAID INTO SOCIAL SECURITY. AM I UNDERSTANDING THAT OR AM I WRONG? [LB366]

SENATOR PANSING BROOKS: I THINK THAT WHAT YOU'RE SAYING IS...WHAT BASICALLY IS, IS THAT THEY LOOK AT ALL THE ASSETS THAT YOU HAVE, WHETHER IT'S SOCIAL SECURITY OR DISABILITY OR WHATEVER IT IS, AND THEN YOU HAVE TO HAVE A SPEND DOWN, ACCORDING TO FITTING INTO ALL SORTS

Floor Debate
March 03, 2015

OF LITTLE PLACES, WHETHER OR NOT YOU'RE A CHILD OR WHETHER OR NOT YOU'RE BLIND AND DISABLED OR ELDERLY. BUT...SO THEN YOU...RIGHT NOW, WE SPEND DOWN TO \$50 OF OUR OWN MONEY. THAT'S WHAT WE ARE LEFT TO BE ABLE TO USE EVERY MONTH. FIFTY DOLLARS OF OUR OWN MONEY THAT WE EITHER MADE THROUGH OUR LIVES, THAT WE GAINED THROUGH SOCIAL SECURITY, THAT WE GAINED THROUGH DISABILITY. BUT PAYING INTO SOCIAL SECURITY ALL OF OUR LIVES, THAT'S MONEY THAT WE HAVE MADE AND PAID FOR AND SO WE ARE PAID A CERTAIN AMOUNT AND THEN MEDICAID AND MEDICARE EXPECT US TO SPEND DOWN THAT MONEY. AND WHAT WE ARE LEFT NOW IS \$50. I BELIEVE THAT'S UNREASONABLE. I BELIEVE IT SHOULD BE RAISED TO \$75. I DON'T...DOES THAT ANSWER YOUR QUESTION? [LB366]

SENATOR SCHNOOR: THAT HELPS. THANK YOU. [LB366]

SENATOR PANSING BROOKS: THANK YOU. [LB366]

SENATOR SCHNOOR: SENATOR MELLO, WOULD YOU YIELD TO A QUESTION, PLEASE? [LB366]

PRESIDENT FOLEY: SENATOR MELLO, WOULD YOU YIELD, PLEASE? [LB366]

SENATOR MELLO: YES. [LB366]

SENATOR SCHNOOR: YOU EXPLAINED IT UP HERE TO ME AS WELL AND COULD YOU ALSO GIVE THAT EXPLANATION ON THE MIKE? [LB366]

SENATOR MELLO: I THINK...THANK YOU, SENATOR SCHNOOR, I THINK SENATOR PANSING BROOKS JUST DID A REALLY GOOD JOB OF EXPLAINING IN THE SENSE, AND I KNOW HER CONVERSATION WITH SENATOR HILKEMANN ON THE FLOOR SHOWS THAT THIS IS ALLOWING INDIVIDUALS TO KEEP MORE OF THEIR MONEY IN REGARDS TO REVENUE OR INCOME THEY MAY HAVE GENERATED THROUGH SOCIAL SECURITY PAYMENTS, AND NOT SO MUCH SIMPLY THE STATE APPROPRIATING MONEY. IT JUST MEANS THE STATE IS GOING TO HAVE TO COVER A BIGGER PART OF THE COST BECAUSE WE'RE ALLOWING THEM TO KEEP MORE OF THEIR MONEY INSTEAD OF SPENDING MORE OF IT DOWN IN THE LONG RUN. [LB366]

Floor Debate
March 03, 2015

SENATOR SCHNOOR: OKAY. COULD THERE, IN FACT, BE SOMEBODY THAT HAS PAID VERY LITTLE INTO SOCIAL SECURITY AND THEN THIS BALANCE THEN, I WILL SAY, GOES INTO A NEGATIVE NUMBER? THEY'RE GETTING MORE BACK THAN THEY EVER PAID IN? [LB366]

SENATOR MELLO: YOU KNOW WHAT, SENATOR SCHNOOR, I WOULD NEED TO TALK WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, PROBABLY THE FISCAL OFFICE TO GET A LITTLE BIT MORE OF THE INTRICACY OF THE ASSET COMPONENT, SO TO SPEAK, OF THE QUESTION YOU HAVE. BUT I CAN EASILY GET BACK TO YOU ON THAT. [LB366]

SENATOR SCHNOOR: OKAY, THANK YOU. AND I WILL YIELD THE REST OF MY TIME TO SENATOR MELLO. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SENATOR MELLO, ABOUT 1:30 IF YOU CARE TO USE IT [LB366]

SENATOR MELLO: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IT LOOKS LIKE WE'RE GOING TO END THE DAY WITHOUT GETTING ANY ADVANCEMENT ON LB366, WHICH IS GOOD. WE CAN HAVE DEBATE. (LAUGH) I'M GETTING SOME CUE THAT WE WANT THIS TO END. I HAVE TO MAKE ONE STATEMENT, THOUGH, ABOUT OUR GOOD FRIEND AND COLLEAGUE SENATOR KINTNER. AS I SAID EARLIER... [LB366]

PRESIDENT FOLEY: ONE MINUTE. [LB366]

SENATOR MELLO: ...ON THE FLOOR LAST WEEK, JUST BECAUSE YOU DISAGREE WITH A FISCAL NOTE DOESN'T GIVE YOU THE AUTHORITY TO SAY THAT IT'S WRONG. YOU MAY DISAGREE WITH IT, BUT YOU JUST DON'T GET TO COME TO THE FLOOR AND TELL ALL OF OUR COLLEAGUES AND THE FISCAL OFFICE, WHO IS NO DOUBT WATCHING, THAT YOU'RE RIGHT AND EVERYONE ELSE IS WRONG. THE VOTER ID BILL HAD A FISCAL NOTE AND YOU MAY DISAGREE WITH IT AND THAT'S FINE. I JUST GET NERVOUS WHEN MEMBERS CONSISTENTLY COME UP AND TRY TO MAKE A DEBATE AND ARGUMENT ABOUT WHAT THEY THINK A FISCAL NOTE SHOULD BE WHEN WE HAVE A GOLD STANDARD THAT WE UTILIZE WHICH IS THE LEGISLATIVE FISCAL OFFICE TO MAKE THAT DETERMINATION. THANK YOU, MR. PRESIDENT. [LB366]

Floor Debate
March 03, 2015

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR RIEPE, YOU'RE RECOGNIZED. [LB366]

SENATOR RIEPE: MR. PRESIDENT, THANK YOU VERY MUCH. I, LIKE THE REST OF THE CHAMBER HERE, ARE HUNGRY AND SO I WANT TO BE BRIEF. I WANT TO REMIND MY COLLEAGUES THAT, FIRST OF ALL, WE HAVE A NEW GOVERNOR. WE HAVE A NEW LIEUTENANT GOVERNOR. WE HAVE A NEW CEO OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. WE HAVE A NEW DIRECTOR OF MEDICAID AND LONG-TERM CARE. AS AN ADMINISTRATIVE KIND OF GUY, I THINK WE DESERVE TO DEFER ON ACTION AND LET THEM HAVE SOME INPUT AS WE GO FORWARD. AND SO I WOULD VOTE IN OPPOSITION TO LB366 WITH THE IDEA THAT IF IT IS WORTHY, THAT WE WOULD BE ABLE TO BRING IT BACK AT THE NEXT LEGISLATIVE SESSION. THANK YOU. I WOULD YIELD ANY TIME TO SENATOR McCOY IF HE SHOULD LIKE. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. SENATOR McCOY, ABOUT 4:15 IF YOU CARE TO USE IT. [LB366]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR RIEPE. WELL, IT'S INTERESTING. IT APPEARS THAT THERE'S A QUICK SCRAMBLE TO GET TO A VOTE HERE BEFORE THE NOONHOUR. I'M NOT REALLY SURE WHY THAT IS. WE JUST STARTED VISITING ABOUT THIS. MAYBE THAT THERE'S NOBODY ELSE IN THE QUEUE. I DON'T KNOW. I HAVEN'T CHECKED WITHIN THE LAST FEW MOMENTS. I'LL GO BACK TO WHAT I SAID THE VERY FIRST TIME I STOOD UP. YOU KNOW, THE... YOU CAN MAKE THE SAME ARGUMENT THAT SENATOR PANSING BROOKS IS MAKING ON THIS BILL ABOUT, WELL, WE'RE JUST ALLOWING PEOPLE TO KEEP SOME OF THE MONEY THEY SET ASIDE. WELL, THE SAME ARGUMENT CAN BE TRUE WITH THE MONEY THAT WE ALL EARN THAT WE WOULD LIKE TO KEEP AND NOT PAY AS MUCH IN TAXES. WE ALL, AS BUSINESS OWNERS OR AS INDIVIDUALS, WOULD LIKE TO KEEP MORE OF THE DOLLARS THAT WE EARN. AT SOME POINT WE HAVE TO SAY A LINE IN THE SAND GETS DRAWN AND THE SIZE OF GOVERNMENT HAS TO GO DOWN. THIS IS A COMPONENT OF MEDICAID EXPANSION, PURE AND SIMPLE. IT MAY NOT BE ROLLED IN TO ONE MASSIVE BILL LIKE HAS BEEN TRIED BY THE PROPONENTS AND SUPPORTERS OF MEDICAID EXPANSION IN PREVIOUS SESSIONS THAT I VEHEMENTLY OPPOSED. BUT WHETHER IT'S A SMALL PIECE OR A BIG OMNIBUS BILL, IRRESPECTIVE OF THAT, THAT'S WHAT THIS IS--MEDICAID EXPANSION, PURE AND SIMPLE. YOU CAN CALL IT SOMETHING ELSE. YOU CAN SAY IT'S SPEND DOWN. YOU CAN SAY WHATEVER. IT IS MEDICAID EXPANSION. BECAUSE WHO'S GOING TO PICK UP THE COST OF THIS? YOU CAN LOOK AT THE FISCAL NOTE. THE PEOPLE OF NEBRASKA.

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

Floor Debate
March 03, 2015

THE TAXPAYERS OF NEBRASKA. THAT IS WHY THERE IS A FISCAL NOTE ON THIS BILL. WELL-MEANING OR NOT, THAT'S WHAT THIS LEGISLATION DOES. THAT'S WHY I'M OPPOSED TO THIS BILL. NOT BECAUSE IT MAY NOT BE A GOOD IDEA. WE CAN AGREE TO DISAGREE ON THAT. BUT THIS IS MEDICAID EXPANSION AND AT SOME POINT, AT SOME POINT YOU GOT TO SAY, NO. BUT THAT'S A DECISION THE WHOLE BODY HAS TO MAKE. THERE MAY NOT BE ENOUGH SENATORS WHO SEE IT THE WAY I SEE IT AND THAT'S FINE IF THAT'S THE CASE. BUT I REMAIN RESISTANT TO LB366 FOR THOSE REASONS. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. MR. CLERK. [LB366]

CLERK: MR. PRESIDENT, SOME ITEMS. NEW RESOLUTIONS: LR98 AND LR99, SENATOR SCHILZ, WILL BE LAID OVER. AN AMENDMENT TO LB504, SENATOR KRIST; SENATOR BLOOMFIELD, LB242; SENATOR KINTNER, LB10. PRIORITY BILL DESIGNATION, GENERAL AFFAIRS COMMITTEE, LB330. AN ANNOUNCEMENT, MR. PRESIDENT, JUDICIARY WILL HAVE AN EXECUTIVE SESSION AT 1:00, JUDICIARY AT 1:00 IN ROOM 2022. NAME ADDS: SENATOR COOK TO LB472; SENATOR KUEHN TO LB599. (ALSO, LEGISLATIVE PERFORMANCE AUDIT DESIGNATES LB538 AS ITS PRIORITY BILL.) (LEGISLATIVE JOURNAL PAGES 709-714.) [LR98 LR99 LB504 LB242 LB10 LB472 LB599 LB330 LB538]

MR. PRESIDENT, SENATOR EBKE WOULD MOVE TO ADJOURN THE BODY UNTIL WEDNESDAY, MARCH 4, AT 9:00 A.M.

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE ADJOURNED.