

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

Floor Debate
April 02, 2015

[LB33 LB106 LB128 LB139A LB139 LB205 LB240 LB242A LB242 LB304 LB323 LB324
LB356 LB367 LB423 LB431 LB439 LB458 LB498 LB571 LB584 LB610 LB610A LB623
LB627]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIFTY-SEVENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR HILKEMANN. PLEASE RISE.

SENATOR HILKEMANN: (PRAYER OFFERED.)

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

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

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

CLERK: I HAVE NO CORRECTIONS.

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

CLERK: MR. PRESIDENT, I HAVE A GUBERNATORIAL APPOINTMENT LETTER THAT WILL BE REFERRED TO REFERENCE COMMITTEE; LOBBY REPORT AS REQUIRED BY STATE LAW TO BE INSERTED IN THE JOURNAL; AND AN ACKNOWLEDGEMENT OF AGENCY REPORTS THAT HAVE BEEN RECEIVED IN THE CLERK'S OFFICE, AVAILABLE FOR MEMBER REVIEW ON THE LEGISLATIVE WEB SITE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1047-1048.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. (VISITORS INTRODUCED.) MEMBERS, WE'LL NOW PROCEED TO FINAL READING. IF YOU COULD PLEASE TAKE YOUR SEATS, PURSUANT TO THE RULES. FINAL READING, LB128, MR. CLERK. [LB128]

CLERK: MR. PRESIDENT, I DO HAVE A MOTION ON THE DESK. SENATOR...LB128, THERE HAD BEEN A MOTION TO RECOMMIT THE BILL TO

Floor Debate
April 02, 2015

THE AGRICULTURE COMMITTEE AS OFFERED BY SENATOR DAVIS. THAT MOTION FAILED. SENATOR DAVIS THEN OFFERED A MOTION TO RECONSIDER THE VOTE WITH RESPECT TO RECOMMITTING TO THE AGRICULTURE COMMITTEE. THAT MOTION IS NOW PENDING, MR. PRESIDENT. [LB128]

PRESIDENT FOLEY: SENATOR DAVIS, YOU'RE WELCOME TO OPEN ON YOUR MOTION. [LB128]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. GOOD MORNING, NEBRASKA, AND GOOD MORNING, COLLEAGUES. I WANTED TO HAVE THIS MOTION TO RECOMMIT TO THE AG COMMITTEE LOOKED AT ONE MORE TIME BY THE BODY BECAUSE I THINK THAT IS A VERY APPROPRIATE PLACE TO PUT THE BILL. I'VE LOOKED AT A LOT OF THE LAWS IN THE LAST SEVERAL DAYS. I RECOGNIZE THAT PERHAPS SENATOR CHAMBERS HAS SOME POINTS THAT ARE LEGITIMATE, AND I THINK THAT THE BILL IS FIXABLE, BUT IT JUST NEEDS TO BE RECOMMITTED TO THE COMMITTEE SO THAT THE COMMITTEE CAN TAKE THE TIME AND PUT THE EFFORT INTO IT TO ADDRESS SOME OF THE PROBLEMS THAT MIGHT BE OUT THERE AND REPAIR THOSE. AND SO ONE OF THE THINGS THAT I DID DO, I DID SOME READING THAT RICK LEONARD, THE AG...LEGAL COUNSEL FOR THE AG COMMITTEE HAD PUT TOGETHER FOR PRIOR SENATORS, SENATOR KREMER AND OTHERS, SENATOR CARLSON, ABOUT THIS SPECIFIC BILL, AND THERE'S SOME PARTS OF IT THAT I THINK MAYBE NEED TO BE REDEFINED AND COULD BE FIXED. AND ONE OF THOSE DEALS WITH COLONIES OF PRAIRIE DOGS. SO IF YOU'VE GOT A...CURRENTLY THERE'S NO DEFINITION OF A MANAGED OR UNMANAGED PRAIRIE DOG TOWN. AND I DON'T THINK ANYBODY HERE OR ANYBODY IN THE SANDHILLS OR ANYBODY IN THE PANHANDLE REALLY CARES IF SOMEBODY HAS GOT A PRAIRIE DOG TOWN ON THEIR LAND AS LONG AS IT'S ON THEIR LAND. BUT IF IT'S NOT ON THEIR LAND AND IT'S ENCROACHING ON THE NEIGHBOR'S PROPERTY, THEN THAT BECOMES A PROBLEM. SO I'M CALLING THAT AN UNMANAGED PRAIRIE DOG TOWN, SO THAT'S ONE THAT SLIPS OVER INTO THE NEIGHBOR'S PROPERTY. SO I THINK THAT'S ONE EXAMPLE OF SOMETHING THAT COULD BE FIXED. I DID PUT TOGETHER A HANDOUT, AND I'M GOING TO KIND OF REAPPROACH THIS WITH EVERYBODY AND I'M GOING TO ASK YOU TO LOOK AT IT AND REVIEW IT. THESE ARE LETTERS THAT I HAD RECEIVED AND I DON'T KNOW IF SENATOR CHAMBERS RECEIVED COPIES OF THESE. BUT IF YOU KIND OF GO OVER THIS STUFF THOROUGHLY, YOU CAN SEE WHAT KIND OF AN ECONOMIC IMPACT AN UNMANAGED PRAIRIE DOG TOWN HAS ON THE NEIGHBORS. AND THE FIRST ONE IS A LETTER FROM DR. DREYER WHO IS A VETERINARY MEDICINE PHYSICIAN IN LONGMONT, COLORADO. BUT HE HAS PROPERTY IN SHERIDAN COUNTY, NEBRASKA, WHICH IS CURRENTLY THE ONLY COUNTY THAT HAS A PLAN IN PLACE. SO WE'LL TALK ABOUT THAT IN A MINUTE, BUT LET'S TALK A LITTLE BIT ABOUT THOSE COUNTIES THAT HAVE

Floor Debate
April 02, 2015

PLANS IN PLACE, SHERIDAN COUNTY BEING THE ONLY ONE. SO IF YOU DON'T HAVE A PLAN IN PLACE AS A COUNTY, THEN YOU HAVE NO ENFORCEMENT MECHANISM OUT THERE. WHEN THE STATUTES WERE PUT TOGETHER, THERE WASN'T ANY REAL DISCUSSION OR GUIDANCE FOR THE COUNTIES IN HOW THEY SHOULD CONSTRUCT THEIR PLAN. I THINK THAT'S ANOTHER THING THAT COULD BE DONE IN THE COMMITTEE: FINE-TUNE, WORK ON THAT, DEVELOP A PLAN, AND GIVE THE COUNTIES SOME GUIDANCE AS TO HOW THEY'RE GOING TO DO THEIR PLAN. BUT SHERIDAN COUNTY DOES HAVE ONE, AND WE'LL GO THROUGH THIS DOCUMENT PIECE BY PIECE. AND I WOULD ASK THE BODY TO LISTEN AND THEN I WOULD HOPE THAT YOU WOULD ALL RECOMMIT THE BILL TO COMMITTEE, WHICH IS OBVIOUSLY THE LOGICAL THING TO DO. SO DR. DREYER TALKS ABOUT HIS COST, AND WE HIT THIS THE OTHER DAY. BUT HE SAYS, BECAUSE HE'S DEALING WITH AN UNMANAGED PRAIRIE DOG TOWN THAT BORDERS ON THE NEIGHBORS, HE SAID: MY APPROXIMATE COST FOR CONTROL OF PRAIRIE DOGS ON MY PROPERTY OVER THE LAST 20 YEARS IS \$2,000 TO \$3,000 PER YEAR. I HAVE BEEN ABLE TO CONTROL MOST OF THE PRAIRIE DOGS FROM LAND ADJACENT TO MY NEIGHBORS, BUT IT IS A CONSTANT BATTLE WITH HAND APPLICATION OF THE RODENT CONTROL PRODUCT IN EACH HOLE, PLUS THE COST OF LABOR FOR MY HELPER AND FOR MY OWN TIME AND EFFORT. THIS WOULD APPROXIMATE FIVE TO TEN DAYS EVERY YEAR, 100 MAN HOURS PER YEAR. I'M 71 YEARS OLD AND THIS IS NOT AN EASY PHYSICAL TASK. APPROXIMATE ACRES I HAVE TO POISON TWO TIMES A YEAR IS 620 ACRES. THAT'S A SECTION. FOR ANYBODY WHO DOESN'T KNOW WHAT A SECTION IS, THAT'S ONE SQUARE MILE, ONE MILE WIDE, ONE MILE LONG. SO HE SAYS: THIS OUT-OF-CONTROL PEST WILL NEVER BECOME AN ENDANGERED SPECIES AND CERTAINLY NOT IN SHERIDAN COUNTY, BUT IT HAS OBVIOUSLY CAUSED AN ECONOMIC BURDEN ON SHERIDAN COUNTY. FOR AT LEAST 15 YEARS I'VE TRIED TO BE A GOOD NEIGHBOR BY OFFERING TO ASSIST IN THE CONTROL OF THE PRAIRIE DOGS ON MY NEIGHBORS' PROPERTY IF THEY WOULD PAY FOR THE RODENT CONTROL PRODUCT. THESE REQUESTS HAVE FALLEN ON DEAF EARS. I, THEREFORE, SEE NO ALTERNATIVE THAN TO USE THE POWER OF LB473 TO ALLEVIATE THE CURRENT SITUATION. IT IS REASONABLE, COMMONSENSE MEASURE FOR ME TO REGAIN AND RETAIN THE RIGHTS OF MY PROPERTY. THEN THE SECOND PIECE THAT I HAVE IS AN E-MAIL FROM TIM KEARNS, AND I'M JUST GOING TO READ THE HIGHLIGHTED PARTS OF THIS BECAUSE I THINK THAT'S THE IMPORTANT PART. BUT HE SAYS: I HELPED MY DAD WHEN HE WAS ALIVE WITH A COUPLE OF PRAIRIE DOG INVASIONS, SO I KNOW HOW DIFFICULT THEY ARE TO CONTROL AND HOW MUCH DAMAGE THEY CAN DO. SO I DO NOT CONSIDER THIS AN ANIMAL ACT, I CONSIDER THIS A PROPERTY PRESERVATION ACT, AND, THUS, IF I DID GET INVADED BY PRAIRIE DOGS, MY FIRST AID WOULD BE TO REQUEST MY PROPERTY'S VALUE BE REEVALUATED BECAUSE IT WOULD BE WORTH A LOT LESS WITH THE PRAIRIE DOG

Floor Debate
April 02, 2015

DESTRUCTION. AND THAT'S CERTAINLY TRUE. SO NOW I'M GOING TO ASK YOU TO GO TO THE LAST COUPLE OF PAGES OF MY HANDOUT. IF EVERYBODY'S GOT IT, IF YOU WOULD, PICK THAT UP AND LOOK AT IT. AND THESE ARE GOOGLE EARTH IMAGES THAT WE PRINTED OFF THIS MORNING, AND THE SECOND TO THE LAST POINT IS A CLOSE-UP VIEW OF A PRAIRIE DOG TOWN THAT HAPPENS TO BE ON NEIGHBORS OF MINE. I DON'T HAVE ANY PROBLEM WITH IT BEING THERE. IT'S THERE AND THEY'RE HAPPY WITH IT. BUT IF YOU LOOK AT IT, YOU'LL SEE THAT THERE'S A ROAD GOING THROUGH THE CORNER OF THIS PARCEL, AND THERE ARE A BUNCH OF BLACK DOTS ON THAT ROAD. THOSE ARE CATTLE, SO THAT GIVES YOU AN IDEA OF HOW BIG THIS INFESTATION IS ON MY NEIGHBORS'. AND IF YOU LOOK AT THE PICTURE, YOU CAN SEE THE KIND OF DAMAGE THAT THESE PRAIRIE DOGS DO IN TERMS OF THE AMOUNT OF LAND THAT'S BEEN CONSUMED. THIS PARTICULAR PRAIRIE DOG TOWN, THE SECOND PAGE IS JUST THE SAME PICTURE, BUT IT'S FARTHER OUT ON GOOGLE EARTH AND YOU CAN'T SEE IT AS WELL. BUT IT IS ABOUT TWO MILES LONG AND ABOUT A MILE AND A HALF WIDE. SO THAT'S THREE SECTIONS OF GROUND. I JUST INCLUDED THAT BECAUSE I THINK IT'S IMPORTANT FOR PEOPLE TO REALLY GET A GRASP OF WHAT WE'RE LOOKING AT, HOW THIS APPEARS FROM ABOVE OR FROM RIGHT NEXT-DOOR. SO WE CAN RECOMMEND THE BILL TO COMMITTEE AND IT CAN BE FIXED OVER THE SUMMER. I THINK THAT WE...THERE ARE A LOT OF THINGS THAT CAN BE LEARNED AND LOOKED AT. ONCE WE RECOMMEND IT TO THE COMMITTEE AND HAVE IT COME...IT GETS FIXED, WE CAN BRING IT BACK OUT AND IT CAN BE DEALT WITH. SO THE OTHER DAY, I KNOW, SENATOR CHAMBERS TALKED A LITTLE BIT ABOUT PERCHES, THAT YOU CAN PUT PERCHES UP AND IT WILL DRIVE THE DOGS AWAY. AND ONE OF THE DOCUMENTS THAT RICK LEONARD HAD PROVIDED TO US SAID, WELL, THAT'S A SORT OF A VERY MIXED APPROACH. ONE OF THE OTHER IDEAS THAT'S OUT THERE IS TO BUILD A WALL OF HAY BALES. WELL, LET'S TALK A LITTLE BIT ABOUT HAY BALES AND GIVEN THE...I JUST DISCUSSED WITH YOU THE SIZE OF THESE PRAIRIE DOGS. SO A TYPICAL BIG BALE IS ABOUT FIVE FOOT IN DIAMETER, AND YOU WOULD HAVE TO SET THAT UP END ON END. SO IN ORDER TO GET AROUND A FIELD, YOU'RE GOING TO HAVE PROBABLY 500 HAY BALES--VERY COSTLY TO DO THAT. THAT HAY IS SOMETHING THAT YOU NEED TO FEED. IF YOU'RE GOING TO PUT THAT AROUND A PRAIRIE DOG TOWN TO KEEP THEM FROM MOVING, YOU'RE GOING TO HAVE TO PUT A FENCE AROUND IT. THAT'S GOING TO COST YOU MONEY. THAT HAY IS GOING TO DEPRECIATE IN VALUE AS TIME GOES ON, AND IT'S WORTH SOMETHING, SO THAT'S NOT THE SOLUTION. BUT THE SOLUTION IS, IF A LANDOWNER ISN'T MANAGING HIS PROPERTY THE WAY HE SHOULD AND HE IS NOTIFIED THAT THAT'S A PROBLEM, HE SHOULD BE REQUIRED TO ADDRESS IT. AND ONE OF THE LAST LETTERS THAT I'VE GOT HERE IS FROM THE PERSON IN SHERIDAN COUNTY THAT DEALS WITH THE PRAIRIE DOG ISSUE. AND THIS IS FROM KRISTI PAUL, SHERIDAN COUNTY

Floor Debate
April 02, 2015

WEED SUPERINTENDENT. AND SHE TALKS A LITTLE BIT ABOUT THE PLAN IN SHERIDAN COUNTY AND HOW IT WORKS. SO SHE SAID: THE PLAN IS WRITTEN AS A COMPLAINT-ONLY PLAN. LANDOWNERS HAVE TRIED TO BE GOOD NEIGHBORS AND HAVE EVEN OFFERED TO ASSIST WITH PRAIRIE DOG CONTROL TO PREVENT THE ENCROACHMENT ONTO THEIR PROPERTY, BUT OFFENDING LANDOWNER HAS REFUSED. SO THERE, AGAIN, WE'RE JUST DEALING WITH PEOPLE THAT ARE BEING OBSTINATE AND NOT TRYING TO ADDRESS THE PROBLEM. FARTHER DOWN SHE TALKS ABOUT ISSUES WHERE SEVERAL NEIGHBORING LANDOWNERS HAVE GOTTEN TOGETHER AND POISONED THEIR PRAIRIE DOGS OR ELIMINATED THEM IN A UNIFIED MANNER. SHE SAYS: SENATOR CHAMBERS WAS ADAMANT ABOUT THE FORCE CONTROL FINE NOTICE. THAT NOTICE WAS CREATED MUCH LIKE THE FINE NOTICE FOR NOXIOUS WEEDS. THAT NOTICE WILL MORE THAN LIKELY NEVER BE USED, REASON BEING THAT IT WOULD BE A LOT EASIER FOR THE OFFENDING LANDOWNER TO PAY \$100 A DAY FOR A MAXIMUM OF 15 DAYS THAN TO SPEND THE MONEY ON THE CONTROL OF HIS PRAIRIE DOGS AND, AS A RESULT OF THIS FINE NOTICE, THE PRAIRIE DOGS STILL DO NOT GET CONTROLLED. OUR GOAL IS THE CONTROL OF PRAIRIE DOGS, NOT A COURT CASE. THEREFORE, IF ANY FORCE CONTROL ISSUES, THAT WOULD BE A FORCE CONTROL NOTICE THAT HAS WILDLIFE SERVICES ACTUALLY TREAT THE PRAIRIE DOGS AT A MUCH HIGHER COST... [LB128]

PRESIDENT FOLEY: ONE MINUTE. [LB128]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT...THAN IF THE LANDOWNER SIMPLY AGREED TO CONTROL THEM UPON REQUEST. ANOTHER ITEM OF CONCERN FOR SENATOR CHAMBERS IS THE FACT OF GOVERNMENT PERSONNEL GOING ONTO THE OFFENDER'S PROPERTY UNANNOUNCED. THE PLAN WAS WRITTEN SO THAT WILDLIFE SERVICE, WHICH IS AN AGENCY, WILDLIFE SERVICE PERSONNEL GOES ON THE COMPLAINANT'S PROPERTY, AS INVITED, AND VIEWS THE ENCROACHMENT OF THE PRAIRIE DOGS FROM ACROSS THE FENCE. SO HE'S GOING ONTO THE NEIGHBOR'S PROPERTY; HE'S NOT GOING ONTO THE OFFENDERS'S PROPERTY. FINAL POINT SHE MADE: WE ALSO WROTE THE PLAN TO INCLUDE THE OPTION OF A LANDOWNER WHO DESIRES TO HAVE PRAIRIE DOGS ON HIS OR HER PROPERTY MAY DO SO, BUT THEY MUST CONTROL A BUFFER ZONE TO KEEP THE PRAIRIE DOGS FROM ENCROACHMENT UPON A NEIGHBOR WHO DOES NOT WANT THEM. NOW THESE ALL SEEM LIKE PRETTY REASONABLE APPROACHES. THIS ISN'T ANY RADICAL TAKING. THIS IS A RESPONSE BY A COUNTY TO A LEGITIMATE PROBLEM THAT NEEDS TO BE LOOKED AT AND NEEDS TO BE ADDRESSED. SO WITH THAT, I WOULD ASK THE BODY TO RECOMMIT THE BILL TO THE AG COMMITTEE, DO THE NECESSARY WORK ON IT TO FIX IT, BRING IT BACK OUT NEXT YEAR. AND WITH THE PROPER... [LB128]

Floor Debate
April 02, 2015

PRESIDENT FOLEY: TIME, SENATOR. [LB128]

SENATOR DAVIS: ...CHANGES MADE, I'D BE HAPPY TO SUPPORT THE BILL.
THANK YOU, MR. PRESIDENT. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. SENATOR COASH HAS
ARRANGED FOR THE DISTRIBUTION OF SOME PINS ON THE FLOOR OF THE
LEGISLATURE TODAY. THOSE PINS ARE IN RECOGNITION OF WORLD AUTISM
DAY. THANK YOU, SENATOR COASH. MOVING NOW TO THE SENATORS IN THE
SPEAKING QUEUE, SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB128]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR. I'LL BE HONEST
WITH YOU, I'M KIND OF MIXED ON THIS. I WANT TO THANK SENATOR AL DAVIS
FOR BEING CONSIDERATE ON THIS. AND HE'S MADE A LOT OF COMMENTS
THAT HE WANTS CONTROL VERSUS...MANAGE VERSUS NONMANAGE. MAYBE
THE BETTER WAY IS TO HAVE AN AMENDMENT THAT DEFINES THOSE TWO
AND WE CAN VOTE ON THAT AMENDMENT, TAKE IT BACK, AND THEN VOTE ON
THE FINAL BILL. BUT THE LETTERS THAT WE HAVE REALLY DON'T SPEAK TO
THE SAME PHILOSOPHY THAT SENATOR DAVIS IS TALKING ABOUT TODAY,
WITH THE EXCEPTION OF KRISTI PAUL FROM SHERIDAN COUNTY. AND SHE'S
THE SHERIDAN COUNTY WEED SUPERINTENDENT. AND IN HER LETTER, IF
YOU LOOK AT IT, SHE SAYS...AND YOU CAN SEE WHO'S STIRRING THE POT ON
THIS BECAUSE THIS IS THE SECOND TIME WE SEE THAT JACK ANDERSEN HAS
BEEN ASKED TO SEND IN, QUOTE, STORIES. BUT NUMBER 5 SAYS, WE WROTE
THE PLAN TO INCLUDE THE OPTION OF A LANDOWNER WHO DESIRES TO
HAVE PRAIRIE DOGS ON HIS OR HER PROPERTY MAY DO SO, BUT THEY MUST
CONTROL A BUFFER ZONE TO KEEP THE PRAIRIE DOGS FROM
ENCROACHMENT UPON A NEIGHBOR WHO DOES NOT WANT THEM. SO I THINK
WE ALREADY HAVE BUILT INTO THE PLAN AS IT'S WRITTEN NOW THAT BUFFER
ZONE. SO WHILE...YOU KNOW, I'M KIND OF TORN. AT FIRST I WAS VERY
ADAMANT THAT, HEY, THESE THINGS ARE INDIGENOUS, AND THE FACT THAT A
WEED...COUNTY WEED SUPERINTENDENT, WHICH ARE NOXIOUS WEEDS, IS
THE ONE CONTROLLING SOMETHING THAT'S INDIGENOUS TO THE AREA, I HAD
A REAL PROBLEM WITH THAT BECAUSE, YOU KNOW, I CONSTANTLY HEAR WE
NEED TO BE MORE ENVIRONMENTALLY FRIENDLY, WE NEED TO DO BETTER
THINGS, WE NEED TO PRESERVE WHAT WE HAVE. AG IS OUR FUTURE, ON THE
ONE SIDE, AND THEN THE OTHER SIDE WE HEAR IT'S ALL ABOUT...IT'S ABOUT
BIG FARMS, BIG FARMS, BIG FARMS. ISN'T THAT WHAT WE HEARD ON LB106
YESTERDAY? WHATEVER A BIG FARM IS, WE NEVER WERE ABLE TO IDENTIFY.
AND SO ARE WE MAKING OUR GROUND COMPLETELY STERILE AND TAKING
AWAY THE ESSENCE OF WHO WE ARE? I KNOW PRAIRIE DOGS ARE NOT OUR
STATE MAMMAL. MAYBE THAT'S THE NEXT THING WE CAN DO. BUT I'M GOING

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

Floor Debate
April 02, 2015

TO LISTEN TO THE DEBATE. AND WITH THAT, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. THANK YOU. [LB128 LB106]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR CHAMBERS, ABOUT 2:30. [LB128]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HARR. I WANT TO GET SOME MATTERS INTO THE RECORD BECAUSE THIS LAW AS IT EXISTS NOW IS UNCONSTITUTIONAL. FIRST OF ALL, THERE'S NO JUDICIAL INVOLVEMENT AT ALL IN THESE PROCEEDINGS. THE CONSTITUTION, JUST SO THAT IT'S A MATTER OF RECORD, STATES THE FOLLOWING IN ARTICLE I, SECTION 3: NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR BE DENIED EQUAL PROTECTION OF THE LAW. THERE'S NO DUE PROCESS HERE, NOTHING INVOLVING THE COURTS. THE COUNTY BOARD MAKES A DETERMINATION TO SEND WHOMEVER THEY WANT TO ON THE PROPERTY, AND THAT'S IN THE STATUTE. ARTICLE I, SECTION 21, STATES, "THE PROPERTY OF NO PERSON SHALL BE TAKEN OR DAMAGED FOR PUBLIC USE WITHOUT JUST COMPENSATION THEREFOR." THE DAMAGE THAT IS DONE IN THIS CASE IS PAID FOR BY THE PROPERTY OWNER. IT WOULD BE GOOD IF PEOPLE COULD TAKE THE TIME TO READ THE STATUTE, BUT I KNOW THAT WILL NOT BE DONE. SO SOME OF THE THINGS THAT ARE TO BE DONE WILL BE TO SEND A NOTICE TO A PERSON THAT A COMPLAINT HAS BEEN MADE. IF I WANT TO GET THE CITY PROSECUTOR'S OFFICE INVOLVED IN AN ACTION AGAINST ANOTHER PERSON, I HAVE TO SWEAR OUT A STATEMENT, OFFER AN AFFIDAVIT. THIS IS WHERE SOMEBODY JUST MAKES A COMPLAINT. THE COUNTY BOARD... [LB128]

PRESIDENT FOLEY: ONE MINUTE. [LB128]

SENATOR CHAMBERS: ...CONTACTS THE PERSON WHO WAS COMPLAINED AGAINST AND TOLD THAT, YOU'VE GOT TO MANAGE THESE ANIMALS AND IF YOU DON'T WE'RE GOING TO SEND SOMEBODY ONTO YOUR PROPERTY. AND AS I DISCUSS THIS FURTHER, I WILL READ SOME THINGS SPECIFICALLY AND DIRECTLY FROM THE STATUTE WHICH SHOWS THAT THE PROPERTY OWNER, WHO IS BEING MOVED AGAINST, HAS NO CONSIDERATION WHATSOEVER. SO THAT'S MY TIME AT THIS POINT? [LB128]

PRESIDENT FOLEY: ANOTHER HALF-MINUTE, SENATOR. [LB128]

SENATOR CHAMBERS: OH, WELL, I'LL STOP AT THIS POINT. THANK YOU, MR. PRESIDENT. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KEN HAAR,

Floor Debate
April 02, 2015

YOU'RE RECOGNIZED. [LB128]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I'D LIKE TO GIVE THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB128]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB128]

SENATOR CHAMBERS: THANK YOU, SENATOR HAAR. THANK YOU, MR. PRESIDENT. I'M GOING TO READ FROM SECTION 23-3808, "ENTRY UPON LAND AUTHORIZED." NOW REMEMBER THIS: THERE IS NO WARRANT INVOLVED, THERE'S BEEN NO COURT ACTION, NO PRESENTATION OF EVIDENCE JUSTIFYING THIS, NOT GIVING THE LANDOWNER THE CHANCE TO DO ANYTHING OF CONSEQUENCE. THE COUNTY BOARD OF A COUNTY THAT HAS ADOPTED A COORDINATED PROGRAM FOR THE MANAGEMENT OF BLACK-TAILED PRAIRIE DOGS UNDER SECTION 23-3803, OR ANYONE AUTHORIZED BY THE COUNTY BOARD, MAY ENTER UPON PROPERTY IN THIS COUNTY FOR PURPOSES OF PERFORMING THE DUTIES AND EXERCISING THE POWERS UNDER THE BLACK-TAILED PRAIRIE DOG MANAGEMENT ACT WITHOUT BEING SUBJECT TO ANY ACTION FOR TRESPASS OR DAMAGES, INCLUDING DAMAGES FOR DESTRUCTION OF GROWING CROPS, IF REASONABLE CARE IS EXERCISED AND FORTY-EIGHT HOURS' WRITTEN ADVANCE NOTICE IS GIVEN. IF YOUR PROPERTY IS TAKEN, THEY CAN'T JUST SAY, WE'RE COMING ON YOUR PROPERTY, WE'RE GOING TO TAKE IT 48 HOURS FROM NOW. THIS NOTION OF SAYING THAT A PERSON EXERCISES REASONABLE CARE DOES NOT PROTECT THE PROPERTY OWNER. THE IDEA IS THAT IF SOMEBODY IS COMING ON YOUR PROPERTY TO DAMAGE IT, THERE SHOULD BE A WARRANT BASED ON A JUDICIAL PROCEEDING, AND IN THAT PROCEEDING EACH SIDE HAS THE OPPORTUNITY TO MAKE ITS CASE. IF THE ONE SEEKING THE ACTION CAN'T MAKE HIS OR HER CASE, NOBODY IS TO GO ON THAT PERSON'S PROPERTY WITHOUT BEING GUILTY OF TRESPASS AND IF THEY DO DAMAGE THEY HAVE TO PAY. THIS GIVES VIRTUAL IMMUNITY AND THAT OUGHT NOT TO BE DONE. I THINK THAT PROVISION IS UNCONSTITUTIONAL, AS WELL AS OTHER PARTS OF THE BILL. NOT ONLY CAN PEOPLE GO UP ON YOUR PROPERTY, BUT IF, AFTER A CERTAIN AMOUNT OF TIME, THINGS HAVE NOT BEEN DONE THAT THESE PEOPLE WHO ARE COMPLAINING AND CARRYING THIS OUT WOULD LIKE TO BE DONE, THESE ARE THINGS THAT CAN HAPPEN: THE COST OF ANY SUCH MANAGEMENT AFTER THE PERSON COMES ON YOUR PROPERTY AND DAMAGES IT, THE COST INCURRED IN CONNECTION WITH SUCH MANAGEMENT OPERATION SHALL BE AT THE EXPENSE OF THE LANDOWNER. IN ADDITION, THE COUNTY SHALL IMMEDIATELY CAUSE NOTICE TO BE FILED OF POSSIBLE UNPAID BLACK-TAILED PRAIRIE DOG MANAGEMENT ASSESSMENTS AGAINST THE PROPERTY UPON WHICH THE MANAGEMENT MEASURES WERE USED. AND

Floor Debate
April 02, 2015

THIS SHOULD BE FILED IN THE REGISTER OF DEEDS OFFICE IN THE COUNTY WHERE THE PROPERTY IS LOCATED. IF UNPAID FOR TWO MONTHS, THE COUNTY BOARD SHALL CERTIFY TO THE COUNTY TREASURER THE AMOUNT OF SUCH EXPENSE AND SUCH EXPENSE SHALL BECOME A LIEN ON THE PROPERTY UPON WHICH THE MANAGEMENT MEASURES WERE TAKEN AS A SPECIAL ASSESSMENT LEVIED ON THE DATE OF MANAGEMENT. THE COUNTY TREASURER SHALL ADD SUCH EXPENSE TO, AND IT SHALL BECOME AND FORM A PART OF THE TAXES UPON SUCH LAND AND SHALL BEAR INTEREST AT THE SAME RATE AS DELINQUENT TAXES. THIS IS NOT DONE ON ANY OTHER ISSUE WHERE THE TAKING OF SOMEBODY'S PROPERTY IS INVOLVED, SO THESE ARE THINGS THAT THE VICTIMIZED LANDOWNER WILL DO AND THAT'S NOT ALL. IF UPON THE EXPIRATION OF 60 DAYS THE PERSON STILL HAS NOT DONE WHAT THE COUNTY BOARD WANTS, THE COUNTY BOARD SHALL NOTIFY THE COUNTY ATTORNEY... [LB128]

PRESIDENT FOLEY: ONE MINUTE. [LB128]

SENATOR CHAMBERS: ...WHO SHALL PROCEED AGAINST SUCH LANDOWNER AS PRESCRIBED IN THIS SUBDIVISION. A PERSON WHO IS RESPONSIBLE FOR AN UNMANAGED COLONY SHALL UPON CONVICTION BE GUILTY OF AN INFRACTION AND THE FINE WILL BE \$100 PER DAY FOR EACH DAY OF VIOLATION UP TO \$1,500. AND I WILL CONTINUE IF AND WHEN I GET ANOTHER OPPORTUNITY TO SPEAK. THANK YOU, MR. PRESIDENT. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB128]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. PARDON ME FOR THE DELAY. COLLEAGUES, I SUPPORT LB128 AND OPPOSE THE RECOMMIT. THERE ARE MANY THINGS THAT GO WITH OWNING A PIECE OF PROPERTY. THERE'S RESPONSIBILITY AND THE RESPONSIBILITY APPLIES TO YOU. BUT YOUR NEIGHBOR DOES NOT HAVE THE RIGHT TO COME IN AND ENFORCE WHAT HE PERCEIVES TO BE YOUR RESPONSIBILITY. A FEW YEARS AGO WE DISCUSSED FENCING LAWS IN THE AG COMMITTEE WHICH, I WOULD REMIND YOU, PASSED THIS OUT ON A 7-0 VOTE. I WONDER IF SENATOR BURKE HARR WOULD YIELD TO A QUESTION. [LB128]

PRESIDENT FOLEY: SENATOR BURKE HARR, WOULD YOU YIELD, PLEASE? [LB128]

SENATOR HARR: YES. [LB128]

SENATOR BLOOMFIELD: THANK YOU, SENATOR HARR. DO YOU RECALL A FEW

Floor Debate
April 02, 2015

YEARS AGO WHEN WE DISCUSSED FENCING LAWS IN THE AG COMMITTEE?
[LB128]

SENATOR HARR: YES. [LB128]

SENATOR BLOOMFIELD: IF SOMEONE HAS A TREE GROWING ON HIS SIDE OF THE FENCE AND IT'S GOING TO DAMAGE THE FENCE BETWEEN THE TWO PROPERTIES, DO YOU HAVE THE RIGHT TO GO IN AND CUT THAT TREE DOWN IF IT'S ONE FOOT INSIDE HIS LINE? [LB128]

SENATOR HARR: YOU DO NOT HAVE THE RIGHT TO CUT DOWN THE TREE. YOU CAN CUT DOWN THE BRANCHES, BUT YOU CAN'T CUT DOWN THE TREE.
[LB128]

SENATOR BLOOMFIELD: YOU CAN CUT DOWN THE BRANCHES THAT... [LB128]

SENATOR HARR: ...THAT COME ONTO YOUR PROPERTY. [LB128]

SENATOR BLOOMFIELD: THANK YOU. COLLEAGUES, THAT'S WHAT WE'RE LOOKING AT HERE. YOU DON'T HAVE THE RIGHT TO INTRUDE ON THE OTHER MAN'S PROPERTY TO DO WHAT YOU THINK IS BEST FOR YOUR PROPERTY. THIS RECOMMIT MOTION NEEDS TO GO AWAY. WE NEED TO PASS LB128 AND MOVE ON WITH FINAL READING. I'D YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS IF HE COULD USE IT. THANK YOU, MR. PRESIDENT.
[LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR CHAMBERS, 2:45. [LB128]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. MEMBERS, I'LL TELL YOU WHY I'M PUTTING THIS INTO THE RECORD: IF YOU ALL FORCE ME TO FILE THE ACTION IN COURT, I WILL DO IT. AND WHEN THIS BILL IS STRUCK DOWN AS UNCONSTITUTIONAL, THEN YOU'RE GOING TO SEE WHY YOU OUGHT NOT DO SOMETHING AS A FAVOR TO AN INDIVIDUAL WHEN THE LAW ON ITS FACE VIOLATES THE CONSTITUTION. BUT AFTER ALL THESE THINGS THAT HAVE BEEN DONE AGAINST YOU, THEY HAVE DAMAGED YOUR PROPERTY. YOU HAVE TO PAY FOR IT. IF YOU FEEL YOU'RE NOT GOING TO PAY, THEY HAVE YOUR PROPERTY ASSESSED, A LIEN IS PLACED AGAINST IT, IT'S CONSIDERED A DELINQUENT TAX, INTEREST IS RUNNING, THEN THEY CAN BRING THE COUNTY ATTORNEY IN TO FILE A CRIMINAL ACTION AGAINST YOU. AN INFRACTION IN NEBRASKA IS A CRIMINAL ACTION. AND UNDER THE LAW, IF AN INFRACTION IS THE PUNISHMENT FOR A PARTICULAR ACT, A CITATION IN LIEU OF ARREST IS TO BE ISSUED. THIS BILL

Floor Debate
April 02, 2015

DOESN'T...THIS LAW AS IT EXISTS DOES NOT MENTION THE HANDING OUT OF A CITATION. BUT THIS IS THE CRUCIAL THING: IF YOUR PROPERTY SHOULD HAPPEN TO GO INTO FORECLOSURE BECAUSE OF THIS PRAIRIE DOG ISSUE, THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT SATISFACTION OF THE OBLIGATION IMPOSED BY THIS SECTION IN WHOLE OR IN PART BY TAX FORECLOSURE PROCEDURES. THE EXPENSE MAY BE COLLECTED BY SUIT INSTITUTED FOR THAT PURPOSE AS A DEBT DUE THE COUNTY OR BY ANY OTHER OR ADDITIONAL REMEDY OTHERWISE AVAILABLE. [LB128]

PRESIDENT FOLEY: ONE MINUTE. [LB128]

SENATOR CHAMBERS: THIS KIND OF HEAVYHANDED APPROACH HAS BEEN NOWHERE ELSE PLACED IN THE STATUTE. IN ADDITION TO ALL OF THESE ACTIVITIES, IF YOUR PROPERTY IS FORECLOSED ON, THAT ACTION DOES NOT SATISFY THE DEBT. THEY CAN THEN FILE AN ADDITIONAL LAWSUIT AGAINST YOU. THERE IS MORE INVOLVED HERE THAN TRYING TO CONTROL PRAIRIE DOGS. ANYBODY CAN CONTROL THESE ANIMALS ON THEIR PROPERTY IN THE WAY THEY PLEASE. BUT WILD ANIMALS DO NOT BELONG TO THE PERSON ON WHOSE LAND THEY ARE FOUND. YOU SHOULD UNDERSTAND THAT WILD ANIMALS BELONG TO THE GOVERNMENT OR TO THE STATE. AND IN THE SAME WAY YOU CANNOT SHOOT DEER WILLY-NILLY BECAUSE THEY'RE ON YOUR LAND, YOU CANNOT DO THAT WITH ANY WILDLIFE. SO WHEN THE STATUTE MAKES THIS DEPARTURE, IT'S TREATING THESE ANIMALS DIFFERENTLY FROM ANY OTHER CATEGORY OF ANIMALS IN THIS STATE... [LB128]

PRESIDENT FOLEY: TIME, SENATOR. [LB128]

SENATOR CHAMBERS: ...OR PROBABLY ANYWHERE ELSE. THANK YOU, MR. PRESIDENT. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB128]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. COLLEAGUES, WHAT COULD BE MORE INVIOULATE THAN YOUR PROPERTY RIGHTS? GOVERNMENT IS GOING TO COME ON YOUR PROPERTY AND POISON GROUNDHOGS (SIC)? I DON'T THINK SO--NOT NOW, NOT EVER--AND HOW THIS LAW EVER PASSED TO BEGIN WITH IS UNBELIEVABLE. SO I RISE IN SUPPORT OF LB128 AND IN OPPOSITION TO THE RECONSIDER MOTION. AND I YIELD THE REST OF MY TIME TO SENATOR CHAMBERS. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATOR CHAMBERS, 4:30. [LB128]

Floor Debate
April 02, 2015

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR GARRETT. I'M GOING TO READ THE TESTIMONY THAT WAS GIVEN BY A PERSON, NOT FROM COLORADO BY WAY OF A LETTER, BUT WHO LIVES IN THIS STATE AND HAS PRAIRIE DOGS. HIS NAME IS ROBERT BERNT, B-E-R-N-T. THE LIGHT IS NOT THE BEST IN HERE, SO I'M GOING TO READ IT, I HOPE, WITHOUT STUMBLING TOO MUCH. ROBERT BERNT, FIFTH GENERATION, WHEELER COUNTY ORGANIC FARMER AND RANCHER: MYSELF AND MY WIFE, ALONG WITH OUR 12 CHILDREN, OWN AND OPERATE CLEAR CREEK ORGANIC FARMS. WE HAVE HAD A PRAIRIE DOG TOWN ON OUR RANCH FOR AS LONG AS I CAN REMEMBER. AS AN ORGANIC RANCHER AND FARMER, IF POISON WAS APPLIED ON OUR LAND, WE WOULD LOSE OUR ORGANIC CERTIFICATION FOR A MINIMUM OF THREE YEARS. ALONG WITH THE PRAIRIE DOGS, THEIR TOWN BECOMES HOME TO THE BOOMING PRAIRIE CHICKEN AND THE GROUSE EVERY SPRING, ALONG WITH THE BURROWING OWL. WE GENERATE INCOME FROM BIRD WATCHERS AND TOURISTS THAT WISH TO SEE AND WITNESS THE BEAUTIFUL DANCE AND VARIETY OF SPECIES THAT LIVE IN THE ENVIRONMENT OF PRAIRIE DOG TOWNS. AND THIS THE POINT: CONTROL OF THE PRAIRIE DOG FROM HARMING MY NEIGHBOR WAS DONE BY PROVIDING A PERCH IN THE BOUNDARY LINE, AND THIS HAS KEPT THE PRAIRIE DOGS FROM SPREADING TO HIS PROPERTY FOR THE LAST TEN YEARS. THIS IS MUCH MORE EFFECTIVE AND HUMANE. THE POISONED BARLEY OR MILO THAT IS COMMONLY USED IS FREQUENTLY SCRATCHED BACK ONTO THE SURFACE, ALLOWING THE BURROWING OWL, PRAIRIE CHICKENS, STRIPED GOPHER, KANGAROO RAT, BOX TURTLE, JACK RABBIT, AND THE LIST GOES ON, ALL OF WHICH WILL CONSUME THIS POISON AND DIE. THIS IS A PERSON WHOSE INCOME IS DEPENDENT ON NOT HAVING POISON PLACED ON HIS PROPERTY. HE IS ONE WHO HAS USED THIS PERCH. IT'S A STRUCTURE WHICH ALLOWS RAPTORS TO LAND AND USE THE PRAIRIE DOGS AS A FOOD SOURCE, WHICH NUMEROUS ANIMALS IN THIS STATE USE THEM FOR. THEY ARE ONE OF THOSE SPECIES KNOWN AS A KEYSTONE SPECIES BECAUSE THEY PROVIDE FOOD AND HABITAT FOR OTHER CREATURES NATIVE AND A PART OF THAT STATE'S ECOSYSTEM--"EE-KOH" (PHONETICALLY) SYSTEM, IF YOU WILL. SO BY PUTTING THIS PERCH IN PLACE FOR THE LAST TEN YEARS, HIS PRAIRIE DOG TOWN HAS NOT RESULTED IN ANY ENCROACHMENT ON THE NEIGHBOR'S PROPERTY. THERE ARE WAYS THAT DON'T INVOLVE POISONING, INVOLVE THE COUNTY SENDING SOME INTERLOPER ON ANOTHER PERSON'S PROPERTY BECAUSE OF A DISGRUNTLED NEIGHBOR, AND THE PROBLEM HAS BEEN HANDLED FOR TEN YEARS. BUT CURRENTLY, IF YOU ARE USING YOUR PROPERTY IN A WAY THAT INFRINGES ON A NEIGHBOR'S PROPERTY, THE ADJACENT PROPERTY, THEY CAN GET AN INJUNCTION THAT WILL ORDER YOU TO STOP DOING THAT, BUT THAT'S IN A JUDICIAL PROCEEDING. IT'S NOT WHERE... [LB128]

Floor Debate
April 02, 2015

PRESIDENT FOLEY: ONE MINUTE. [LB128]

SENATOR CHAMBERS: ...A NEIGHBOR GOES TO A NONJUDICIAL ELECTED BOARD AND WILL SAY, I HAVE A COMPLAINT AGAINST THIS PERSON AND ALL OF THIS STUFF THAT I MENTIONED CLANKS INTO OPERATION, AND THAT IS DEFINITELY A DENIAL OF DUE PROCESS. I THINK SENATOR SCHILZ HAS A BILL THAT WANTS TO INVITE PEOPLE ON THEIR LAND FOR RECREATIONAL PURPOSES AND HE SAYS IT'S AN ECONOMIC DEVELOPMENT BILL. HERE IS A MAN WHOSE PRAIRIE DOG TOWNS ON HIS LAND DRAWS TOURISTS, WHICH PROVIDE HIM AND HIS 12 CHILDREN AND A WIFE A SOURCE OF INCOME, AND THEY CONTROL THOSE PRAIRIE DOGS AND KEEP THEM FROM GOING ONTO THE ADJACENT PROPERTY THROUGH THE SIMPLE EXPEDIENT OF ERECTING THIS PERCH. [LB128]

PRESIDENT FOLEY: TIME, SENATOR. [LB128]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB128]

PRESIDENT FOLEY: BUT YOU ARE NEXT IN THE SPEAKING QUEUE, SENATOR CHAMBERS. YOU MAY CONTINUE FOR AN ADDITIONAL FIVE MINUTES. [LB128]

SENATOR CHAMBERS: THANK YOU. IT'S A SITUATION THAT GOES BEYOND EVEN IF THE POISONING OCCURS. THAT POISONED SUBSTANCE IS CONSUMED BY OTHER ANIMALS, AND THOSE ANIMALS IN TURN MAY BECOME THE PREY OF OTHER ANIMALS. AND THE POISONING DOES NOT LIMIT ITS ACTION TO THE PRAIRIE DOGS AS SOME PEOPLE MIGHT SUGGEST. THERE CURRENTLY IS IN STATUTE A PROVISION THAT RELATES TO CONTROLLING AND MANAGING CERTAIN ANIMALS, AND THAT LANGUAGE IS ALREADY IN THE LAW. AND I WANT TO READ FROM THE STATUTE ITSELF, SO BEAR WITH ME IF YOU WILL. BUT WHILE I'M SEEKING TO FIND THAT PARTICULAR STATUTE...AND I'VE FOUND IT: 23-358, "CONTROL PROGRAM; COUNTY BOARD; POWERS; REQUIREMENTS." AND IT LISTS THE VARIOUS ANIMALS THAT CURRENTLY CAN BE CONTROLLED. AND HERE IS THE LISTING WITH A CATCHALL AT THE END: COYOTES, BOBCATS, FOXES, BADGERS, OPOSSUMS, RACCOONS, SKUNKS, AND OTHER PREDATORY ANIMALS IN THIS STATE THAT ARE INJURIOUS TO LIVESTOCK, POULTRY, AND GAME ANIMALS OR THE PUBLIC HEALTH. AND NOT ONE OF THOSE ANIMALS IS CONTROLLED, AS THEY CALL IT, IN THE WAY THAT THESE PRAIRIE DOGS ARE. AND IF THERE ARE SEASONS FOR SOME OF THESE ANIMALS, NOBODY CAN SHOOT THEM OUT OF SEASON REGARDLESS OF WHETHER THE ANIMALS ARE ON THAT SHOOTER'S OWN PROPERTY. SO THE KIND OF THINGS THAT WERE PUT INTO THE STATUTE DEALING WITH THESE PRAIRIE DOGS CONFLICT WITH EXISTING LAW. THERE WAS NOBODY

Floor Debate
April 02, 2015

HERE TO SPEAK ON THIS AT THE TIME SENATOR LOUDEN BROUGHT IT. AND WHEN HE BROUGHT IT, THAT WAS NOT THE FIRST TIME. HE TRIED IT WHEN I WAS HERE. AND THE SENATORS LISTENED TO MY ARGUMENTS AND THEY DID NOT PUT THIS BAD PIECE OF LEGISLATION ON THE BOOKS. WHEN I WAS TERM LIMITED OUT, HE BROUGHT IT AGAIN. THERE WAS NO SIGNIFICANT DISCUSSION. IT WAS SOMETHING THAT WAS TAKEN LOCK, STOCK AND BARREL, AND PUT INTO THE STATUTE AND IT BECAME THE LAW. AS A RESULT, IT VIOLATES THE CONSTITUTION; IT CONFLICTS WITH OTHER LAWS; IT DISREGARDS PROPERTY RIGHTS, WHICH HAVE BEEN LONG ESTABLISHED. AND I DO BELIEVE THAT A LAWSUIT WOULD STRIKE THIS STATUTE DOWN, BUT IT SHOULD NOT BE NECESSARY TO DO THAT. NEITHER SENATOR DAVIS, NOR ANYBODY FROM THE COUNTY THAT HE MENTIONS, HAS BEEN WILLING TO ADDRESS THE CONSTITUTIONAL CONCERNS THAT HAVE BEEN RAISED. THIS BILL WAS CONSIDERED BY THE AG COMMITTEE ALREADY. THE COMMITTEE IS AWARE OF THE PROBLEMS. THE THING TO DO IS TO REPEAL THIS LAW. THEN, IF SENATOR DAVIS WANTS TO GO THROUGH WHATEVER HE HAS TO GO THROUGH TO GET A LAW, LET HIM GO TO THOSE PEOPLE AND DRAFT A LAW AND BRING IT. BUT THERE IS NO WAY THAT THIS THING CAN BE CORRECTED. THE ONLY THING THAT THE COMMITTEE COULD DO IS TO SAY, KEEP THE LAW THAT WAS PASSED, THAT LB128 IS, IN PLACE AND PASS IT. WHAT LB128 DOES IS TO REPEAL ALL OF THIS THAT I'VE BEEN READING TO YOU ABOUT. AND THERE IS NOT A PERSON ON THIS FLOOR FAMILIAR... [LB128]

PRESIDENT FOLEY: ONE MINUTE. [LB128]

SENATOR CHAMBERS: ...WITH THE LAW WHO CAN SAY THAT PROPERTY RIGHTS ARE NOT BEING VIOLATED BY THE ACTIONS THAT THIS LAW ITSELF AUTHORIZES. NO WARRANT, NO JUDICIAL PROCEEDINGS, EVEN IF YOU WANT TO COMPLAIN, IT DOESN'T GIVE YOU THE POWER OR ACCESS TO THE COURTS. YOU GO TO THE COUNTY BOARD, AND THE COUNTY BOARD WHICH PUT THE PROGRAM IN PLACE IN THE FIRST PLACE, THE COUNTY BOARD WHICH ORDERED THE PEOPLE ONTO YOUR LAND. THE COUNTY BOARD WHOSE RESOLUTION ALLOWED YOUR PROPERTY TO BE DAMAGED AND YOU BE MADE TO PAY FOR IT IS THE VERY ONE YOU HAVE TO GO TO, TO TRY TO HAVE ALL THAT REVERSED. IN OTHER WORDS, YOU GO TO THE ONE WHO IS RESPONSIBLE FOR ALL THIS AND ASK THAT ONE TO UNDO EVERYTHING. SO IT WOULD BE UNREASONABLE TO SEND THIS BILL, LB128, BACK TO COMMITTEE BECAUSE THE ONLY THING... [LB128]

PRESIDENT FOLEY: TIME, SENATOR. [LB128]

SENATOR CHAMBERS: ...IT DOES IS TO REPEAL THE CURRENT LAW. IS THAT MY TIME, DID YOU SAY? [LB128]

Floor Debate
April 02, 2015

PRESIDENT FOLEY: YES. YES, IT IS. THAT'S YOUR TIME, SENATOR. [LB128]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB128]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. WE HAVE WHAT WE CALL A CONFLICT OF VARIOUS PUBLIC INTERESTS HERE. SENATOR DAVIS IS TRYING TO DO HIS DARNDDEST TO ADDRESS AN ISSUE WHERE THESE CREATURES DIG HOLES ON PROPERTY, MIGRATE FROM PLACE TO PLACE, CAUSE ANIMALS TO, LIKE CATTLE AND HORSES, TO STEP IN THEM AND BREAK THEIR LEGS AND THEY'RE GENERAL NUISANCES, EXCEPT IN THE EYE OF THE BEHOLDER, OF THE LANDOWNER, WHO APPARENTLY THINKS THAT THEY ARE NOT NUISANCES. SENATOR DAVIS, WOULD YOU YIELD TO A QUESTION? [LB128]

PRESIDENT FOLEY: SENATOR DAVIS, WOULD YOU YIELD, PLEASE? [LB128]

SENATOR DAVIS: CERTAINLY. [LB128]

SENATOR SCHUMACHER: SENATOR DAVIS, IS IT ILLEGAL TO HAVE A PRAIRIE DOG ON YOUR PROPERTY? [LB128]

SENATOR DAVIS: IT'S NOT ILLEGAL TO HAVE A PRAIRIE DOG ON YOUR PROPERTY. [LB128]

SENATOR SCHUMACHER: THANK YOU, SENATOR DAVIS. THAT CLARIFIES ONE THING IN THAT, UNLIKE GROWING MARIJUANA ON YOUR PROPERTY WHERE YOU CAN GET A WARRANT TO COME ONTO THE PROPERTY TO REMOVE THE MARIJUANA AND CHARGE SOMEBODY WITH A CRIME, APPARENTLY THAT IS NOT THE CASE WITH PRAIRIE DOGS. SENATOR CHAMBERS, WILL YOU YIELD TO A QUESTION? [LB128]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB128]

SENATOR CHAMBERS: YES, I WILL. [LB128]

SENATOR SCHUMACHER: SENATOR CHAMBERS, I FOUND SOME INTEREST IN YOUR ARGUMENT WITH REFERENCE TO OFFICERS OF THE LAW COMING ON YOUR PROPERTY TO KILL THESE ANIMALS. BUT HOW IS THAT INVASION OF

Floor Debate
April 02, 2015

YOUR PROPERTY ANY DIFFERENT FROM THE LAW IN THE CITY CODE BOOKS, PROBABLY EVERY CITY CODE BOOK IN THE STATE, THAT SAYS IF YOU HAVE LET YOUR GRASS OR YOUR WEEDS GROW MORE THAN 12 INCHES HIGH, THEN AFTER NOTICE THE CITY CAN COME ON AND MOW THE PROPERTY SO IT DOESN'T LOOK TERRIBLE AND CHARGE YOU FOR THE MOWING? HOW IS THAT DIFFERENT? [LB128]

SENATOR CHAMBERS: FIRST OF ALL, THIS IS A CASE WHERE THE COUNTY BOARD CAN SEND ANYBODY THEY WANT TO, AND THEY DON'T ESTABLISH THAT A CASE OR A CERTAIN SET OF CIRCUMSTANCES EXISTS. IT'S GENERATED BY THE COMPLAINT OF ANOTHER PERSON WHO ALLEGES THAT WHAT YOU'RE DOING ON YOUR PROPERTY AFFECTS HIS OR HER PROPERTY. IT'S NOT THAT YOUR PROPERTY AND WHAT YOU'RE DOING ON IT VIOLATES ANY LAW IN AND OF ITSELF. SOMEBODY DOESN'T LIKE WHAT YOU'RE DOING, SO THEY FILE A COMPLAINT. THEN ENTRY CAN BE MADE ON YOUR PROPERTY AND ALL THESE OTHER THINGS CAN BE DONE. [LB128]

SENATOR SCHUMACHER: BUT HOW'S THAT DIFFERENT FROM ME COMPLAINING AND SAYING, LOOK, MY NEIGHBOR'S GOT THESE WEEDS GROWING ALL OVER AND THERE'S RATS AND OTHER VERMIN HIDING IN IT AND THE CITY SAYS, WELL, CLEAN IT UP OR WE'RE GOING TO MOW IT? [LB128]

SENATOR CHAMBERS: WELL, FIRST...AND THEN, IF THEY MOW IT, THEN THEY CHARGE YOU FOR DOING IT. [LB128]

SENATOR SCHUMACHER: RIGHT. [LB128]

SENATOR CHAMBERS: BUT I DON'T READ ANY PLACE WHERE YOU...THE COUNTY ATTORNEY WILL BE INVOLVED TO BRING CHARGES AGAINST YOU THAT FOR EVERY DAY YOU DON'T PAY THERE'S A FINE OF \$100 UP TO \$1,500 A DAY, THEN A LIEN IS PUT ON YOUR PROPERTY THAT CAN TAKE IT INTO FORECLOSURE. AND IF FORECLOSURE'S COMPLETED, THAT IN AND OF ITSELF DOES NOT DISCHARGE THE DEBT THAT THEY SAY IS OWED FOR YOU NOT PAYING THE COST OF THIS ACTION. [LB128]

SENATOR SCHUMACHER: THANK YOU, SENATOR CHAMBERS. I DON'T THINK THE WEED ORDINANCE IS ALL THAT DIFFERENT FROM WHAT THIS PARTICULAR BILL DOES. NOW WHETHER THAT'S CONSTITUTIONAL OR NOT I THINK CAN BE RAISED. IF YOU GET ONE OF THESE LETTERS SAYING THEY'RE COMING ON YOUR LAND, YOU HAVE EVERY RIGHT TO GO...AND SENATOR CHAMBERS' POSITION IS CORRECT. THAT LANDOWNER HAS EVERY RIGHT TO GO TO THE DISTRICT JUDGE AND SAY, JUDGE, ENJOIN THESE PEOPLE FROM COMING ON MY LAND. SO THE ONLY RECOURSE IS NOT THE...GO TO THE

Floor Debate
April 02, 2015

COUNTY BOARD AND BEG, YOU'VE GOT A JUDGE THAT CAN OVERRIDE THAT COUNTY BOARD PRETTY QUICK. AT ANY RATE, I'D YIELD THE REST OF MY TIME TO SENATOR CHAMBERS. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, 1:00. [LB128]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHUMACHER. THE ISSUE HERE AGAIN IS THE FACT THAT THE LAW DOES NOT ALLOW YOU TO GO TO COURT. SENATOR SCHUMACHER IS REFERRING TO A GENERAL PROVISION OF LAW. IF YOU HAVE A STATUTORY SCHEME AND IT ALLOWS CERTAIN THINGS TO BE DONE AND IT DOES NOT PROVIDE FOR JUDICIAL REVIEW OF ANY OF THAT, THEN THAT STATUTE CANNOT STAND. AND WE'RE NOT TALKING JUST ABOUT SOMEBODY CUTTING GRASS. THERE ARE PEOPLE WHO CAN COME ON YOUR YARD...IN YOUR...ON YOUR PROPERTY AND DAMAGE IT AND BE EXEMPT FROM CHARGES OF TRESPASS OR PAYING FOR THE DAMAGE. THEY CAN POISON GROWING CROPS AND NOT BE LIABLE. ALL OF THE DAMAGE DONE YOU WILL HAVE TO PAY FOR, AND WE'RE NOT TALKING ABOUT ANYTHING LIKE WHAT IT WOULD COST TO CUT SOME GRASS IN YOUR YARD OR ON A SMALL LOT IN THE CITY. SO THIS IS ESSENTIALLY DIFFERENT AND I STAND BY EVERYTHING I SAID. [LB128]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR CHAMBERS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB128]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. HERE WE HAVE AN OPPORTUNITY WHERE AN INTRODUCER OF A BILL WOULD...OR THE OPPONENT TO A BILL WOULD LIKE TO RECOMMIT IT BACK TO COMMITTEE TO FIX IT. WE CAN STAND ON THE FLOOR AND WE CAN FIX IT OVER THE NEXT FEW HOURS, LIKE WE DID LB106, OR WE CAN SEND IT BACK TO COMMITTEE. LET'S SEND IT BACK TO COMMITTEE TO FIX IT. LET ME...LET'S LOOK AT THE CITY'S WEED CONTROL AUTHORITY. I JUST BROUGHT UP LINCOLN STATUTES. AND THANK YOU, SENATOR SCHUMACHER, FOR BRINGING THAT UP AGAIN. BUT IN THE CITY OF LINCOLN, ALL I HAVE TO DO IS GET ON THE INTERNET AND THEY'VE GOT A WEED CONTROL COMPLAINT SPOT THERE. I FILL OUT A COMPLAINT AGAINST MY NEIGHBOR THAT HE DIDN'T MOW HIS WEEDS. THEY'RE NOT ENCROACHING ON MY PROPERTY. THEY'RE NOT SNEAKING UNDER THE FENCE. THEY'RE JUST TOO TALL. I DON'T LIKE IT. THEY LOOK UGLY. THEY'RE NOT HARMING ME IN ANY WAY. THERE'S NO FINANCIAL DAMAGE OTHER THAN MAYBE THEY LOWERED MY PROPERTY VALUE. SO ALL I HAVE TO DO IS GO ON THE INTERNET, FILE A COMPLAINT. THE CITY, ALL IT HAS TO DO...AND I'LL READ SOME OF THE OPTIONS IT HAS. WELL, FIRST OF ALL, I GUESS, IT JUST DESIGNATES ANY AGENCY IT WANTS TO GO IN THERE

Floor Debate
April 02, 2015

AND CONTROL THAT. IT CAN HAVE AN INTERLOCAL AGREEMENT WITH WHOEVER IT LIKES AND SEND THEM ONTO YOUR PROPERTY. AND THEY MOW YOUR GRASS, SEND YOU A BILL; IF YOU DON'T PAY IT, THEY FILE A LIEN. HERE ARE THE STATUTES AS THE WAY THEY READ: UPON NOTICE OF THE WEED CONTROL AUTHORITY THROUGH A COMPLAINT OR ANY OTHER METHOD OF NOTICE OF FAILURE OF ANY OWNER HAVING CONTROL OF ANY REAL ESTATE WITHIN THE LIMITS OF THE CITY TO CONDUCT...CONTROL ACTIVITY OF ALL WEEDS, NOXIOUS WEEDS, OR WORTHLESS VEGETATION TO NO MORE THAN SIX INCHES OF HEIGHT FROM THE GROUND, THEN AND IN THAT EVENT, THE WEED CONTROL AUTHORITY MAY GIVE NOTICE TO THE OWNER THAT THE PROPERTY MUST BE CONTROLLED WITHIN FIVE DAYS OF THE DATE OF NOTICE. FIVE DAYS? MAN, IF YOU'RE ON A CRUISE, YOU'RE DONE. THE WEED CONTROL AUTHORITY MAY CONDUCT...CONTROL ACTIVITY ON THE PROPERTY AND ASSESS THE COST. NOTICE MAY BE GIVEN BY PUBLISHING ONCE IN A DAILY NEWSPAPER OF GENERAL CIRCULATION OF THE CITY; OR NOTICE MAY BE GIVEN BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR UNITED STATES POSTAL SERVICE TRACKING CONFIRMATION. SO ALL THEY REALLY NEED DO IS PUT A NOTICE IN THE PAPER. SO PUBLICATION POSTING, MAILING OF THE NOTICE SHALL BE DEEMED PROPER SERVICE FOR NOTICES...FOR PURPOSES OF THIS SECTION. AND UPON FAILURE TO CONTROL YOUR WEEDS, THEY MAY ENTER YOUR PROPERTY, CONDUCT CONTROL ACTIVITY AS NECESSARY TO COMPLY WITH PROVISIONS OF THIS ACT. THERE WAS A CASE, GREENWOOD v. CITY OF LINCOLN. THEY WENT ON THE PROPERTY AND EVIDENTLY THEY DESTROYED THE PLAINTIFF'S RASPBERRY BUSHES. THE COURTS HELD THAT SUCH ACTIVITY IS A GOVERNMENTAL AND REPUBLIC FUNCTION. MUNICIPAL EMPLOYEES IN THE PERFORMANCE OF SUCH GOVERNMENTAL FUNCTION CANNOT SUBJECT THE CITY OF LINCOLN TO LIABILITY FOR THE DESTRUCTION OF THE PLAINTIFF'S RASPBERRY BUSHES. SO THEY HAD TO PAY NO COMPENSATION AT ALL WHEN THEY MADE A MISTAKE. THEY JUST WENT ON THE PROPERTY, MOWED EVERYTHING DOWN TO SIX INCHES, AND COULD WALK AWAY. AND THESE WEEDS, YOU KNOW, REMEMBER, THESE WEEDS, IT'S JUST BECAUSE THEY'RE TOO TALL AND IT'S NOT BECAUSE THEY'RE SNEAKING ACROSS THE FENCE. WITHIN FIVE BUSINESS DAYS OF ANY CONTROL ACTIVITY, THE WEED AUTHORITY SHALL RECORD WITH THE LANCASTER COUNTY (REGISTER) OF DEEDS A NOTICE OF POTENTIAL LIEN ON THE PROPERTY. CONTROLLED NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION: ADDRESS, THINGS LIKE THAT. OKAY, AND SO IF YOU WANT TO APPEAL THIS, THE OWNER OF THE PROPERTY, SUBJECT TO CONTROL ACTIVITY, SHALL HAVE THE RIGHT TO APPEAL THE DECISION TO CONTROL AND THE COST OF THE CONTROL BY FILING A WRITTEN APPEAL WITH THE DEPARTMENT OF PUBLIC WORKS. [LB128 LB106]

Floor Debate
April 02, 2015

PRESIDENT FOLEY: ONE MINUTE. [LB128]

SENATOR FRIESEN: YOU'RE...YOU DON'T EVEN HAVE AN OPTION TO GO TO COURT. THIS APPEAL IS FINAL WITH THE DEPARTMENT OF PUBLIC WORKS. I'LL YIELD THE REST OF MY TIME TO SENATOR DAVIS. THANK YOU, MR. PRESIDENT. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. SENATOR DAVIS, 0:50. [LB128]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I THINK WE'RE GETTING CLOSE TO WINDING UP THE DISCUSSION HERE THIS MORNING. I JUST AM NOT GOING TO TRY TO ANSWER POINT BY POINT SOME OF THESE THINGS THAT HAVE BEEN SAID. I WILL SAY THIS: SHERIDAN COUNTY HAS NEVER...I DON'T THINK THEY'VE EVER USED THE PLAN. SENATOR GROENE HAD...KIND OF HAD AN ANSWER TO THAT. IS THAT RIGHT, SENATOR GROENE? YOU CHECKED THIS MORNING. THEY HAVEN'T USED THE PLAN THAT FORCES IT, BUT WHAT THEY'VE USED IS THE TOOL WHICH YOU SEND TO THE LANDOWNER TO SAY, YOU NEED TO DO SOMETHING, AND THE LANDOWNER DOES THAT. IT LOOKS TO ME LIKE THAT'S REALLY GREAT POLICY. COUPLE JUST OTHER POINTS: THE PERCHES DON'T WORK. I'VE GOT SOME DOCUMENTATION FROM RICK LEONARD THAT SAYS, YOU KNOW, THAT'S A VERY...DOESN'T REALLY FIX THE PROBLEM. AND THE OTHER THING THAT I ASKED SENATOR HUGHES TO ADDRESS BUT I'LL JUST TAKE THE TIME TO DO THAT NOW, YOU KNOW, THIS ISN'T JUST ALL ABOUT POISON. [LB128]

PRESIDENT FOLEY: TIME, SENATOR. [LB128]

SENATOR DAVIS: THANK YOU. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB128]

SENATOR BRASCH: THANK YOU, MR. LIEUTENANT GOVERNOR. AND GOOD MORNING, COLLEAGUES. I'VE BEEN READING A LOT THIS MORNING BECAUSE I WAS ON THE AG COMMITTEE WHEN WE HAD OUR PUBLIC HEARING ON LB473, WHICH WAS HELD TUESDAY, FEBRUARY 15, 2011. AND THERE WERE SIX AYES: SENATOR BLOOMFIELD, MYSELF, SENATOR CARLSON, SENATOR KARPISEK, SENATOR LARSON, AND SENATOR WALLMAN. THE NAY WAS SENATOR HARR. AND AT THAT POINT, WE HAD SEVERAL INDIVIDUALS COME TESTIFY, TALK ABOUT THE PRAIRIE DOG ISSUES THAT THEY WERE EXPERIENCING, THE PROBLEM, THE INTERFERENCE IT WAS TO THEIR OPERATIONS, AND THE EVIDENCE WAS VERY COMPELLING. THIS MORNING, TO REFRESH MY

Floor Debate
April 02, 2015

MEMORY, I DID GO TO OUR GADGET, AS SOME REFER IT, AND DID A QUICK GOOGLE ON THE OVERVIEW OF BLACK-TAILED PRAIRIE DOGS. AND IT TALKS ABOUT THE DAMAGES THAT ARE DONE NOT JUST IN NEBRASKA BUT OVER SEVERAL STATES IN SEVERAL REGIONS IN THE UNITED STATES, THAT ONE BLACK-TAILED PRAIRIE DOG CONSUMES UP TO TWO POUNDS OF VEGETATION EVERY WEEK. AND AN ACTIVE PRAIRIE DOG COLONY CAN CUT YOUR GRAZING CAPACITY BY OVER 50 PERCENT. IN WESTERN NEBRASKA, GRAZING IS VERY IMPORTANT TO THEIR ECONOMY, TO AGRICULTURE. AND IT SAYS THAT 250 PRAIRIE DOGS CAN CONSUME AS MUCH FORAGE AS ONE COW AND CALF UNIT. PASTURES WITH 20 PERCENT PRAIRIE DOG OCCUPANCY REDUCES THE ESTIMATED VALUE OF LIVESTOCK WEIGHT GAIN BY OVER \$14 PER STEER; AND IN PASTURES WITH 60 PERCENT PRAIRIE DOG OCCUPANCY, THE VALUE OF THE STEER IS REDUCED BY \$37. PRAIRIE DOG INFESTATION IS A PROBLEM AND LAND THAT'S BEEN DEVASTATED CAN TAKE UP TO 20 YEARS TO FULLY RECOVER THE GRAZING CAPACITY. INFESTED RANGELAND CAN REQUIRE RANCHES TO ALLOCATE UP TO 40 ACRES PER STEER WHERE RANGELAND THAT IS FREE OF PRAIRIE DOGS CAN OFTEN CARRY A STEER ONLY 10 ACRES. THERE IS A PROBLEM HERE. AND AS I SEE EVERYONE STANDING AND TALKING ABOUT OTHER BILLS, PERHAPS, OR THE UPCOMING HOLIDAY WEEKEND, THAT IT'S PERHAPS NOT YOUR PROBLEM WHERE YOU LIVE. THIS IS A PROBLEM. WE ARE STATE SENATORS THAT REPRESENT THE ENTIRE STATE. COULD I HAVE A...THANK YOU VERY MUCH. I APPRECIATE YOUR ATTENTION BECAUSE THERE WAS A CLOSE VOTE ON THIS LAST TIME. AND IN RESPECT TO SENATOR DAVIS, THE VOTE WAS THAT THERE WERE 20 SAYING AYE, 18 SAYING NAY, 7 PRESENT AND NOT VOTING. THIS IS NOT A SLAM-DUNK BILL. THIS IS SOMETHING THAT SENATOR LOUDEN AND OTHERS WHO RELY ON A LIVELIHOOD, ON THEIR GRAZING BEING FREE OF THESE RODENTS, AS THEY WERE CALLED, PRAIRIE RATS, AS SOME WOULD SAY,... [LB128]

PRESIDENT FOLEY: ONE MINUTE. [LB128]

SENATOR BRASCH: ...THAT WE PAY CLOSE ATTENTION TO WHAT HAS BEEN EXPRESSED HERE. SO I DO STAND AGAIN, ASKING YOU, EVEN IF YOU DON'T HAVE A PRAIRIE DOG IN YOUR COUNTY OR YOUR DISTRICT, TO PLEASE HEAR THOSE OUT WHO ARE VERY CONCERNED. THANK YOU, COLLEAGUES. AND THANK YOU, MR. LIEUTENANT GOVERNOR. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. SENATOR HUGHES, YOU'RE RECOGNIZED. [LB128]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I RISE IN FAVOR OF THE RECOMMIT-TO-COMMITTEE MOTION. AS ONE OF PROBABLY VERY FEW MEMBERS OF THIS BODY WHO HAS DEALT WITH PRAIRIE DOGS ON A

Floor Debate
April 02, 2015

FIRSTHAND BASIS, I FEEL I'VE GOT A LITTLE BIT OF SKIN IN THE GAME, IF YOU WILL. THERE'S A COUPLE THINGS THAT HAVE BEEN SAID ON THIS MORNING...SAID ON THE FLOOR THIS MORNING THAT NEED TO BE CLARIFIED. YOU DO NOT HAVE TO POISON PRAIRIE DOGS TO GET RID OF THEM. THERE ARE OTHER WAYS. YOU CAN USE CARBON MONOXIDE DOWN THEIR HOLES THAT ONLY KILLS THE DOGS IN THE HOLE. AND ALSO, THEY CAN BE SUCKED OUT. THIS IS A RATHER NOVEL APPROACH. I KNOW THERE ARE COMPANIES IN COLORADO THAT DO THIS. THEY HAVE GIANT VACUUM SWEEPERS AND THEY STICK THE TUBE DOWN THE HOLE AND SUCK THEM OUT AND RELOCATE THEM. SO IF YOU HAVE ORGANIC NEIGHBORS OR CONCERNS ABOUT POISON, THERE ARE OTHER WAYS TO GET RID OF THESE PESTS. I WILL CERTAINLY CONCUR WITH SENATOR DAVIS' STATEMENTS THAT THEY ARE VERY DESTRUCTIVE. I'VE DEALT WITH THEM ON MY PROPERTY COMING IN FROM MY NEIGHBORS'. I'VE HAD TO GO OUT AND POISON THEM MYSELF. AND I AGREE WITH SENATOR GARRETT. THIS IS NOT ONLY ABOUT PRAIRIE DOGS, BUT THIS IS ALSO ABOUT PROPERTY RIGHTS. AND AS A LANDOWNER, PROPERTY RIGHTS ARE VERY SACRED TO ME. BUT WHEN MY NEIGHBORS CAUSE DAMAGE TO MY PROPERTY AND WE CAN'T WORK IT OUT AS NEIGHBORS, THEN THE GOVERNMENT NEEDS TO STEP IN AND PROVIDE REMEDY TO KEEP THOSE PESTS, REGARDLESS OF WHETHER THEY'RE PRAIRIE DOGS OR NOXIOUS WEEDS OR WHATEVER, OFF OF MY PROPERTY. THERE ARE COMMUNITIES IN THE STATE OF NEBRASKA THAT DON'T HAVE ORDINANCES FOR CONTROL, AND YOU CAN TELL THEM AS SOON AS YOU DRIVE INTO TOWN. THERE ARE JUNK CARS SITTING IN THE BACKYARDS. THERE ARE LOTS GROWN UP WITH WEEDS. YOU KNOW, THERE'S LACK OF GOVERNMENT CONTROL, IF YOU WILL, ON PRIVATE PROPERTY. BUT YOU CAN GO INTO OTHER TOWNS AND YOU LOOK AND YOU SEE, YOU KNOW, THEY'RE WELL KEPT--YOU KNOW, THE WEEDS ARE MOWED, THERE ARE NOT JUNK CARS PARKED ALL AROUND. SO I DON'T VIEW THIS ANY DIFFERENTLY IN THE COUNTRY THAN I DO IN TOWNS AND CITIES. THIS IS GOVERNMENT CONTROL OVER PRIVATE PROPERTY IF YOUR NEIGHBORS ARE NOT CONTROLLING THEIR NUISANCES. I'VE ALSO SEEN CONTROL OF PRAIRIE DOGS ON STATE PROPERTY. I'VE GOT A LAKE NOT TOO FAR FROM MY HOUSE WHERE THERE ARE PICNIC GROUNDS, CAMPGROUNDS, AND I'VE NOTICED OVER THE YEARS THE PRAIRIE DOGS HAVE MOVED INTO THOSE AREAS AND WERE BECOMING A PEST. SHORTLY THEREAFTER, THE PRAIRIE DOGS DISAPPEARED FROM THOSE AREAS WHERE THE CAMPGROUNDS WERE AND THE PICNIC AREAS WERE BUT, YET, THEY WERE ACROSS THE ROAD. SO THE STATE OF NEBRASKA UNDERSTANDS THAT THIS ANIMAL IS A PEST IN THE PUBLIC AREA. WITH THAT, MR. PRESIDENT, I WOULD LIKE TO YIELD THE BALANCE OF MY TIME TO SENATOR DAVIS. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR HUGHES. SENATOR DAVIS, 1:30. HE

Floor Debate
April 02, 2015

WAIVES USE OF THAT TIME. SENATOR DAVIS, YOU ARE NEXT IN THE QUEUE IF YOU CARE TO SPEAK. [LB128]

SENATOR DAVIS: QUESTION. [LB128]

PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB128]

CLERK: 37 AYES, 1 NAY, MR. PRESIDENT, TO CEASE DEBATE. [LB128]

PRESIDENT FOLEY: DEBATE HAS CEASED. SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE ON YOUR RECONSIDERATION MOTION. [LB128]

SENATOR DAVIS: THANK YOU, MR. LIEUTENANT GOVERNOR. COLLEAGUES, I APPRECIATE YOUR ATTENTION THIS MORNING. THIS IS A PROPERTY RIGHTS ISSUE IN MANY RESPECTS, BUT IT ALSO IS ABOUT THE VALUE OF YOUR PROPERTY, WHAT...WHEN YOUR NEIGHBOR ISN'T CONTROLLING IT, YOU NEED TO HAVE SOME RECOURSE OR YOUR PROPERTY IS BEING DEVALUED--HARDLY RIGHT. ONLY USED IN ONE COUNTY, I RECOGNIZE THAT. THEY'VE NEVER USED THE PLAN, BUT THE THREAT OF THE PLAN HAS FORCED SOME CONTROL. I WOULD URGE YOU TO...FOR A YES MOTION ON THIS RECONSIDER VOTE AND THE YES MOTION ON...ON THE MOTION TO RECOMMIT TO COMMITTEE. THANK YOU, MEMBERS. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. THE QUESTION IS THE ADOPTION OF THE RECONSIDERATION MOTION. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB128]

CLERK: 26 AYES, 10 NAYS, MR. PRESIDENT, TO RECONSIDER. [LB128]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE MOTION IS ADOPTED. WE'RE NOW BACK TO THE MOTION TO RECOMMIT THE BILL TO COMMITTEE. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB128]

SENATOR KOLTERMAN: THANK YOU, MR. LIEUTENANT GOVERNOR. COLLEAGUES, I JUST HAVE...I'M ON THE COMMITTEE THAT BROUGHT THIS OUT, LISTENED TO THE TESTIMONY. QUITE HONESTLY, I'M A LITTLE BIT LIKE SENATOR HARR THAT I'M A LITTLE BIT CONFUSED. I'M QUESTIONING...I WAS WONDERING IF SENATOR CHAMBERS WOULD YIELD TO A QUESTION. [LB128]

Floor Debate
April 02, 2015

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE?
[LB128]

SENATOR CHAMBERS: YES. [LB128]

SENATOR KOLTERMAN: SENATOR CHAMBERS, WOULD YOU EXPLAIN...WHERE I'M HAVING TROUBLE WITH THIS BILL IS I KNOW NOXIOUS WEEDS AND I KNOW HOW THEY OPERATE BECAUSE WE DO HAVE NOXIOUS WEEDS IN EASTERN NEBRASKA AND I'VE DEALT WITH THE WEED CONTROL. YOU TALK ABOUT THE CONSTITUTIONALITY OF THIS AND HOW THIS IS UNCONSTITUTIONAL. WHAT IS THE LEGAL DIFFERENTIATION BETWEEN THE TWO? BECAUSE I DO KNOW THAT THEY'LL COME ONTO YOUR PROPERTY AND SPRAY THE WEEDS AND KILL THE WEEDS AND SEND YOU A BILL, THAT'S REALLY WHAT KIND OF WE'RE TALKING ABOUT HERE EXCEPT WE'RE DEALING NOT WITH WEEDS BUT WITH PRAIRIE DOGS. SO MY QUESTION REALLY IS ABOUT THE LEGAL DIFFERENCE BETWEEN THOSE TWO TYPES OF REGULATIONS. IF YOU COULD EXPLAIN THAT, I'D APPRECIATE IT, AND I'D YIELD THE REST OF MY TIME TO YOU. [LB128]

SENATOR CHAMBERS: AND I'M GOING TO BE BRIEF. FIRST OF ALL, A NOXIOUS WEED IS A PLANT, NOT AN ANIMAL, AND IT IS AN INVASIVE SPECIES AND THE NOXIOUS WEED LAW AIMS AT ERADICATING TOTALLY WHATEVER IS CONSIDERED A NOXIOUS WEED. WHEN IT COMES TO ANIMALS, A WAY TO MANAGE THEM IS NOT ACCORDING TO THE NOXIOUS WEED LAW. AND THERE HAVE BEEN NATURALISTS AND BIOLOGISTS WHO HAVE LOOKED AT THIS TYPE OF LEGISLATION AND SAID THAT IS NOT THE WAY THESE ANIMALS ARE TO BE MANAGED. AND THE GAME AND PARKS COMMISSION ITSELF DOES NOT USE THIS METHODOLOGY TO MANAGE ANY OTHER ANIMAL. AND I READ OFF A LIST OF THOSE THAT THEY CAN MANAGE, BUT NONE ARE DEALT WITH IN THIS FASHION. SO THAT'S ALL THE TIME THAT I'M GOING TO TAKE AT THIS POINT. BUT THIS BILL IS AT A CROSSROADS AND IT CAN BE HANDLED ANY WAY ANYBODY WANTS TO. BUT IT CAME ALL THE WAY TO FINAL READING. I DID THE WORK THAT WAS NECESSARY, THE COMMITTEE DID WHAT WAS NECESSARY, AND I DON'T WANT ANYBODY TO COME TO ME AND SAY, ERNIE, I DIDN'T DO THIS, OR, I DIDN'T DO THAT. I'M NOT GOING TO BE WALKED ON ALL THE TIME AND NOT DO SOMETHING ABOUT IT. THIS BILL HAD MORE THAN ENOUGH VOTES TO EASILY MOVE FORWARD. NOBODY ATTEMPTED TO MOVE...AMEND IT ON GENERAL FILE. AND SENATOR DAVIS AND ALL THE OTHERS WERE HERE. SO WE'RE AT THE POINT NOW WHERE A DECISION HAS TO BE MADE, ONE WAY OR THE OTHER, AND WILL BE MADE. BUT I'LL TELL YOU WHAT, I'M NOT GOING TO INVOKE CLOTURE. I'M GOING TO LET THE BODY DO WHAT IT WANTS TO DO AND THEN THE GLOVES ARE OFF AND WE JUST SEE WHAT HAPPENS STARTING WITH FINAL READING. THANK YOU, MR. PRESIDENT. [LB128]

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

Floor Debate
April 02, 2015

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR GARRETT, YOU'RE RECOGNIZED. [LB128]

SENATOR GARRETT: THANK YOU, MR. SPEAKER, MR. PRESIDENT. AGAIN, WHAT COULD BE MORE INVIOLETE THAN OUR PROPERTY RIGHTS? COLLEAGUES, SOMEBODY IS GOING TO COME ON YOUR PROPERTY UNINVITED AND POISON WHAT THEY THINK IS A NUISANCE? NO, I DON'T THINK SO. NOTHING IS MORE INVIOLETE THAN OUR PROPERTY RIGHTS. I'LL YIELD THE REST OF MY TIME TO SENATOR CHAMBERS. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. SENATOR CHAMBERS, YOU'RE RECOGNIZED FOR 4:30. [LB128]

SENATOR CHAMBERS: MEMBERS OF THE LEGISLATURE, I HAD TALKED TO THE SPEAKER AND HE HAD TALKED TO ME ABOUT WHAT WILL HAPPEN TO THIS BILL. I'M NOT GOING TO INVOKE CLOTURE. AT 10:15, IT'S OVER. THE BILL COMES OFF THE AGENDA. SENATOR DAVIS GOT WHAT HE WANTED AND I DIDN'T GET WHAT I THINK I WAS ENTITLED TO IN JUSTICE. I PLAY BY THE RULES AND WHATEVER THE MAJORITY DECIDES AT A GIVEN MOMENT CONSTITUTES THE RULE. THERE IS NOTHING I CAN DO TO SEE THAT JUSTICE IS DONE THIS MORNING AS FAR AS THIS BILL. BUT I'M GOING TO START PREPARING MY MOTIONS RIGHT NOW. THAT'S ALL THAT I HAVE. THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR GARRETT. [LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. WE'RE NOW AT THE APPOINTED TIME TO MOVE ON, SENATORS. WE'RE GOING TO LEAVE THIS BILL AND MOVE ON TO FINAL READING, IF YOU COULD PLEASE RETURN TO YOUR DESKS. MR. CLERK, ITEMS FOR THE RECORD. [LB128]

CLERK: THANK YOU, MR. PRESIDENT. VERY QUICKLY, REFERENCE REPORT REFERRING GUBERNATORIAL APPOINTEES TO STANDING COMMITTEE FOR CONFIRMATION HEARING. YOUR COMMITTEE ON REVENUE, CHAIRED BY SENATOR GLOOR, REPORTS LB423 TO GENERAL FILE WITH AMENDMENTS. AND I HAVE AN AMENDMENT TO SENATOR...BY SENATOR KRIST TO BE PRINTED TO LB324. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1048-1049.) [LB423 LB324]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'RE NOW ON FINAL READING, LB304, MR. CLERK. [LB304]

CLERK: (READ LB304 ON FINAL READING.) [LB304]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE

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

Floor Debate
April 02, 2015

HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB304 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB304]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1049-50.) 45 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 2 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB304]

PRESIDENT FOLEY: LB304 PASSES. NEXT BILL, MR. CLERK. [LB304]

CLERK: MR. PRESIDENT, I HAVE A MOTION WITH RESPECT TO LB431. IF I MAY, SENATOR GROENE, I HAD...YOU WANTED TO WITHDRAW YOURS. IS THAT RIGHT, SENATOR? [LB431]

SENATOR GROENE: YES, I DO. I DON'T WANT TO SLOW THINGS DOWN TODAY. [LB431]

CLERK: OKAY. MR. PRESIDENT, I HAVE A SECOND MOTION TO BRACKET THE BILL, WHICH I THINK IT'S JUST WITH THE AGENDA, WOULD PULL THE BILL FROM THE AGENDA TODAY. [LB431]

PRESIDENT FOLEY: THE BILL HAS BEEN PULLED OFF OF THE AGENDA. THE NEXT BILL, MR. CLERK. [LB431]

CLERK: (READ LB439 ON FINAL READING.) [LB439]

PRESIDENT FOLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB439 PASS? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB439]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 1050-1051.) 44 AYES, 0 NAYS, 2 PRESENT AND NOT VOTING, 3 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB439]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB439 PASSES. SENATORS, EVERY BILL THAT'S ON FINAL READING NOW HAS A MOTION PENDING ON IT THAT WILL PULL ALL OF THE BILLS OFF OF FINAL READING. WE'VE CONCLUDED WITH FINAL READING FOR THE DAY. WE RETURN TO GENERAL FILE, LB458. MR. CLERK. [LB439 LB458]

CLERK: MR. PRESIDENT, GENERAL FILE, LB458 IS A BILL BY SENATOR KOLTERMAN. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 20, AT

Floor Debate
April 02, 2015

THAT TIME REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE, ADVANCED TO GENERAL FILE. I DO HAVE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM245, LEGISLATIVE JOURNAL PAGE 513.) [LB458]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KOLTERMAN, YOU'RE WELCOME TO OPEN ON LB458. [LB458]

SENATOR KOLTERMAN: THANK YOU, MR. LIEUTENANT GOVERNOR AND COLLEAGUES. THIS CAME A LITTLE SOONER THAN I ANTICIPATED. I BRING THIS BILL TO THE FLOOR, LB458. WHAT THIS BILL DOES, IT ADOPTS MODEL LANGUAGE, MODEL LEGISLATION DEVELOPED BY THE NATIONAL CONFERENCE OF INSURANCE LEGISLATORS, AS WELL AS THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, AS IT RELATES TO THE LICENSURE OF PRODUCERS FOR THE SALE OF TRAVEL INSURANCE. IN OUR MODERN MARKETPLACE TODAY, TRAVEL RETAILERS DO BUSINESS IN ONE STATE OR THEY DO BUSINESS IN MANY STATES. IN FACT, TRAVEL AGENTS CANNOT REASONABLY PREDICT THE STATE OR STATES IN WHICH THEY DO BUSINESS, BECAUSE THEY COULD GET A CALL ANYWHERE FOR TRAVEL SERVICES. THIS IS A CHANGE FROM MANY YEARS AGO WHEN YOU USED TO GO TO YOUR LOCAL INSURANCE AGENT AND BUY YOUR TRAVEL INSURANCE FROM A LOCAL AGENT IN YOUR HOME COMMUNITY. THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS' STANDARDS AND THE... [LB458]

PRESIDENT FOLEY: EXCUSE ME, SENATOR. YOU MAY CONTINUE, SENATOR. [LB458]

SENATOR KOLTERMAN: ...AND THE NATIONAL COUNCIL (SIC--CONFERENCE) OF INSURANCE LEGISLATORS' MODEL ACT ESTABLISHES A LICENSING FRAMEWORK THAT REFLECTS A UNIQUE DISTRIBUTION SYSTEM THAT EXISTS IN THE TRAVEL INSURANCE INDUSTRY TODAY AND APPROPRIATELY PLACES MUCH OF THE REGULATORY BURDEN NOT ON THE TRAVEL AGENT, BUT ON THE INSURER FOR MANAGING GENERAL AGENTS THAT DEVELOP THE DISTRIBUTIONS OF THE PRODUCTS. LB458 IMPROVES CONSUMER PROTECTION BY REQUIRING CLEARER ACCOUNTABILITY AND NOTICE TO THE CONSUMER AND REGULATOR WITH RESPECT TO WHO IS RESPONSIBLE FOR THE SALE. IT ALSO HELPS BRIDGE THE GAP BETWEEN WIDELY ACCEPTED INDUSTRY REGULATIONS IN THE STATES, IN THE ACTUAL STATES' RULES. FINALLY, IT MORE CLEARLY DISTINGUISHES LICENSABLE AND NONLICENSABLE ACTIVITIES FOR LIMITED LINES' PRODUCTS, SUCH AS TRAVEL INSURANCE, AND IT PROMOTES UNIFORMITY TO HELP STATES MORE EFFECTIVELY GOVERN THESE PRODUCTS. SINCE 2010, MORE THAN 30

Floor Debate
April 02, 2015

STATES HAVE ADOPTED THIS LANGUAGE THROUGH EITHER LEGISLATION OR RULE OF LEGISLATION. AND LEGISLATION IS EITHER PENDING OR BEING INTRODUCED IN ALL REMAINING STATES THIS YEAR. SO A SIMPLIFIED APPROACH TO THIS WOULD BE WHEN YOU GO ON-LINE AND YOU BUY YOUR INSURANCE OR YOU BUY A TRIP THROUGH TRAVELOCITY OR EXPEDIA OR YOU GO TO AN AIRLINE AND BUY A POLICY DIRECT, THIS WOULD ACTUALLY LICENSE THE PEOPLE THAT ARE SELLING YOU THE PLANE TICKET OR SELLING YOU THE PACKAGE DEAL TO BE ABLE TO OFFER YOU TRIP INSURANCE, BAGGAGE INSURANCE, AND THINGS OF THAT NATURE. THE REASON THIS HAS TO BE PASSED BY OUR STATE LEGISLATURE IS BECAUSE OF THE McCARRAN-FERGUSON ACT WHICH GIVES THE RIGHT OF INSURANCE TO BE REGULATED BY THE STATES. THE GREEN SHEET OR THE STATE IMPLEMENTATION OF TRAVEL LICENSING REFORM THAT YOU HAVE TODAY IN FRONT OF YOU SHOWS YOU WHAT'S BEEN ACCOMPLISHED. AND AS YOU CAN SEE, NEBRASKA HAS...ARE ONE OF THE STATES THAT WE'RE PURSUING THE LICENSING AND THE REGULATION. THERE ARE OTHER STATES THAT THERE'S REGULATION PENDING. AGAIN, THIS JUST BRINGS LICENSING REGULATION TO THE STATE OF NEBRASKA AND IT REGULATES IT CONSISTENT WITH WHAT'S GOING ON IN THE OTHER STATES. THANK YOU. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE BANKING, COMMERCE AND INSURANCE COMMITTEE. SENATOR SCHEER, AS CHAIR OF THE COMMITTEE, YOU'RE WELCOME TO OPEN ON THE COMMITTEE AMENDMENTS. [LB458]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. THE COMMITTEE AMENDMENTS MAKE TWO CLEANUP CHANGES. FIRST, THE BILL AS INTRODUCED PROVIDES FOR AN ISSUANCE OF A LIMITED LINES TRAVEL INSURANCE PRODUCER'S LICENSE TO AN INDIVIDUAL OR A BUSINESS ENTITY. HOWEVER, IN ONE PLACE THE BILL SPEAKS ONLY OF A BUSINESS ENTITY HOLDING THE LICENSE. THE COMMITTEE AMENDMENTS SIMPLY SUPPLY THE OMITTED "INDIVIDUAL." SECOND, THE BILL IN ONE PLACE SPEAKS OF "PRELICENSURE EDUCATIONAL REQUIREMENTS" INSTEAD OF THE CORRECT USAGE OF LANGUAGE, A "PRELICENSING EDUCATION REQUIREMENT." THE COMMITTEE AMENDMENTS MAKE THAT CORRECTION AS WELL. THOSE ARE THE COMMITTEE AMENDMENTS AND I WOULD URGE YOUR ADOPTION OF THE COMMITTEE AMENDMENTS AND ADVANCEMENT OF THE BILL. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. DEBATE IS NOW OPEN ON LB458 AND THE RELATED COMMITTEE AMENDMENTS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB458]

Floor Debate
April 02, 2015

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I BELIEVE WE JUST ENTERED A DANGEROUS AREA. WHY DO WE HAVE DEBATE THE FIRST TWO ROUNDS WHEN YOU CAN SIMPLY KILL A BILL IN TWO HOURS ON FINAL READING? WHY DO WE HAVE DEBATE? THOSE OF YOU WHO OPPOSED MY HELMET BILL AND TOOK IT THE EIGHT HOURS, MAN, DID WE WASTE A LOT OF TIME. YOU COULD HAVE DONE IT IN TWO IF YOU'D HAVE JUST WAITED UNTIL FINAL READING. THE BILL THAT WE JUST KILLED BECAUSE WE RAN OUT OF TIME CAME OUT OF THE AG COMMITTEE CLEAN; NO OPPOSITION, NO OPPOSING VOTES OUT OF AG COMMITTEE. IT PASSED EVERY ROUND ON THE FLOOR IN GOOD SHAPE BUT WE TOOK IT TO TASK THE LAST TWO HOURS. COLLEAGUES, THAT'S THE WRONG WAY TO DO BUSINESS ON THIS FLOOR. I AM GOING TO TRY TO FIND A WAY--AND I DON'T KNOW WHAT IT IS YET, BUT I WILL TRY TO FIND A WAY--TO GET LB128 BACK ON THE AGENDA. WHAT WE HAVE DONE HERE IS WRONG. IT'S WRONG PROCEDURALLY. IT'S PERFECTLY LEGAL, BUT I THINK MAYBE IF THAT'S THE WAY WE WANT TO PLAY THE GAME FROM NOW ON, WE JUST HURRY THROUGH THE FIRST ROUND OR TWO OF DEBATE AND WE TAKE CARE OF THE PROBLEM ON FINAL READING. I HOPE THAT'S NOT THE WAY WE DO THINGS. SENATOR CHAMBERS HAS MADE SOME MOVES HERE TO BLOCK THE REST OF FINAL READING. IT'S A HUGE STEP THAT I THINK HE FEELS HE HAD TO TAKE AND I DON'T BLAME HIM. WHAT'S GOOD FOR THE GOOSE IS GOOD FOR THE GANDER. MR. PRESIDENT, I'D YIELD THE REST OF MY TIME TO SENATOR CHAMBERS, IF HE'D LIKE IT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. 3:00, SENATOR CHAMBERS. [LB458]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. I TALKED TO SOME OF THE SENATORS BEFORE ALL THIS WHAT I CALL "MESS" UNFOLDED THIS MORNING. AND THE RESPONSE WAS, IN EFFECT, DO WHAT YOU CAN DO. SO I SAID, OKAY, DO WHAT YOU'RE GOING TO DO, THEN I'LL DO WHAT I CAN DO. UNDER THE RULES YOU DID WHAT YOU DID. UNDER THE RULES, I DID WHAT I DID. AND I'M NOT THROUGH TODAY. THE SPEAKER EXPLAINED TO YOU WHERE WE ARE IN THE SESSION. HOW MANY BILLS YOU'VE GOT TO PROCESS PER DAY TO GET DONE WHAT YOU'D LIKE TO GET DONE. BUT NONE OF THOSE BILLS HAS TO BE PROCESSED. WHAT HAS TO BE DONE IS TO BUILD A BUDGET. BUT THAT DOESN'T HAVE TO PASS THIS SESSION. IF WE RUN OUT OF TIME BEFORE WE ENACT A BUDGET, THEN THE GOVERNOR SIMPLY CALLS US BACK INTO SPECIAL SESSION. SO A BUDGET WILL BE DONE ONE WAY OR THE OTHER. BUT IF YOU THINK THAT BY CLUMPING TOGETHER YOU CAN PUNISH ME, YOU TAKE THE SHORT VIEW AND I TAKE THE LONG VIEW, I'M GOING TO COME BACK. AND IF THIS SESSION DOES NOTHING ELSE, IT MATTERS NOT TO ME. I SAID TOWARD THE BEGINNING OF THE SESSION, WE'RE GOING TO TALK ABOUT SOMETHING, WE

Floor Debate
April 02, 2015

MAY AS WELL TALK ABOUT WHATEVER WAS PENDING AT THAT TIME. AND I'M IN A POSITION WHERE IF I DECIDE I'M GOING TO EXTEND CLEMENCY TO A BILL, I CAN DO THAT. IF I WANT TO BE MERCIFUL TO A BILL, I CAN DO THAT. I AM THE SUPREME EXECUTIONER SO I'M THE ONE YOU'RE GOING TO HAVE TO APPEAL TO. AND IF YOU DON'T WANT TO TALK TO ME, YOU DON'T HAVE TO. AND I STILL MAY TAKE MERCY UPON YOU, JUST TO SHOW THAT MERCY IS NOT SOMETHING THAT IS COMPLETELY DEAD, BUT IT'S GRANTED AND WITHHELD ON WHIM IN THE SAME WAY THAT THE PARDONS BOARD... [LB458]

PRESIDENT FOLEY: ONE MINUTE. [LB458]

SENATOR CHAMBERS: ...CAN GRANT A PARDON OR WITHHOLD ONE WITHOUT GIVING ANY EXPLANATION, BECAUSE WHEN A PERSON SEEKS PARDON AND AN OFFENSE HAS BEEN COMMITTED THERE IS NOTHING THAT THAT PERSON IS ENTITLED TO. SO YOU HAVE THROWN THE FIRST STONE. AND YOU MIGHT WONDER WHY I WILL APPROACH IT IN THIS WAY. I THINK I'M GOING TO STOP AND THEN PUT MY LIGHT ON. I WASN'T EVEN GOING TO TALK ANYMORE TODAY, BUT NOW I'M KIND OF GETTING INTO THE MOOD. THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR DAVIS, YOU'RE RECOGNIZED. [LB458]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I JUST WANT TO MAKE A CLARIFICATION THAT I DID FIGHT THIS BILL ON GENERAL FILE. AND WHEN SELECT FILE CAME, I WAS SICK AND I WASN'T HERE SO I MISSED THE OPPORTUNITY AT THAT POINT TO DEAL WITH IT...THE PRAIRIE DOG BILL. AND MY ONLY OPPORTUNITY TO TRY TO ADDRESS CONCERNS THAT MY CONSTITUENTS HAVE WAS TO DEAL WITH IT ON FINAL READING. SO, SENATOR BLOOMFIELD, THAT'S WHY IT TOOK PLACE HERE. I DID MAKE THAT POINT THE OTHER DAY, BUT I JUST WANTED TO REITERATE THAT SO MY COLLEAGUES AND THE LOBBY KNEW WHAT HAPPENED. SO IF YOU'RE NOT HERE AND YOU'RE SICK, YOU STILL NEED TO BE ABLE TO REPRESENT YOUR CONSTITUENTS AT SOME POINT IN THE GAME. THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB458]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I'M STANDING, FIRST OF ALL, TO REGISTER MY TOTAL SUPPORT FOR AM245, THE COMMITTEE AMENDMENT, AND FOR LB458. SENATOR KOLTERMAN BRINGS WITH HIM A WEALTH OF

Floor Debate
April 02, 2015

EXPERIENCE IN THIS PARTICULAR AREA AND I THANK HIM FOR BRINGING THIS FORWARD TODAY. IT'S A GOOD BILL; WE NEED TO SUPPORT IT. HOWEVER, I HAVE ONE OTHER COMMENT TO MAKE TODAY WHICH WILL BE A LITTLE LENGTHY, BUT NOT TOO LENGTHY. I'M HOPING THAT SENATOR CHAMBERS CAN HEAR MY WORDS. EARLY IN THE SESSION THERE WAS A DISCUSSION IN THE JUDICIARY COMMITTEE ABOUT WHETHER A BILL WOULD COME FORWARD. WE HAD A DISCUSSION THEN ABOUT WHY THE BILL MAY OR MAY NOT HAVE COME FORWARD, COME OUT OF COMMITTEE. SENATOR CHAMBERS AND I HAD A DISCUSSION ON THE FLOOR ABOUT MY ACTIONS REGARDING THAT BILL AND I WISH I HAD THE TRANSCRIPT TO READ IT, BUT I DON'T SO I'M GOING TO PARAPHRASE. AND IF SENATOR CHAMBERS WANTS TO MAKE A COMMENT AFTERWARDS SAYING THAT I'M WRONG OR RIGHT, I'M SURE HE CAN HIT HIS BUTTON AND MAKE THAT COMMENT. BUT THE POINT IS THAT HE TOLD ME IN NO UNCERTAIN TERMS, DO NOT GO AFTER SOMEONE ELSE FOR SOMETHING THAT YOU AND I MIGHT DISAGREE WITH. GOOD WORDS. I HEED THOSE WORDS. IF I HAVE A PROBLEM WITH YOU, SENATOR MORFELD, I'LL GO FOR YOU. IF I HAVE A PROBLEM WITH YOU, SENATOR RIEPE, I WILL ADDRESS YOU. SENATOR CHAMBERS, WHAT HAPPENED THIS MORNING WAS YOU ADDRESSING ALL OF THOSE FOLKS WHO HAD BILLS ON THE SCHEDULE IN A CLUMP. SO YOU ARE A MOB OF ONE MAKING SURE THAT THOSE PEOPLE...THAT OUR BUSINESS CANNOT GO FORWARD. SO I WOULD ASK YOU, IF YOU HAVE A PROBLEM WITH SENATOR DAVIS, ADDRESS THAT PROBLEM WITH SENATOR DAVIS AND LET'S GET ON WITH BUSINESS. TO THE POINT OF US NOT HAVING TO PASS A BUDGET AND BEING CALLED BACK IN FOR A SPECIAL SESSION, TAKE OUT YOUR CALCULATORS, FOLKS. A SPECIAL SESSION COSTS YOU ANYWHERE FROM \$10,000 TO \$25,000 A DAY...A DAY. THINK OF THE PEOPLE WHO COULD USE \$10,000 A DAY IN PROJECTS. THINK OF YOUR BILLS. SO I DON'T THINK IT'S AN OPTION NOT TO PASS THE BUDGET, ALTHOUGH, BY THE RULES I GUESS WE COULD. I GUESS WE WOULDN'T HAVE TO. THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB458]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, SENATOR KRIST WAS CORRECT. AS HE SAID, HE PARAPHRASED. THERE WAS A BILL THAT...HE WAS GOING TO SUPPORT IT. THEN I MADE SOME COMMENTS ABOUT THE CATHOLIC CHURCH SO HE'S GOING TO WITHDRAW HIS SUPPORT FOR SOMEBODY ELSE'S BILL. AND THAT'S WHEN I SAID, IF I'M THE ONE THAT YOU HAVE THE DISPUTE WITH, THEN DO IT TO ME, NOT ON A BILL THAT YOU HAD NO OBJECTION TO. WHAT WAS DONE HERE TODAY WAS NOT BY ONE PERSON. SENATOR DAVIS COULDN'T DO IT ALONE, HE HAD A LOT OF HELP SO IT BECAME THE ACT OF THE LEGISLATURE.

Floor Debate
April 02, 2015

ANYTHING ON THIS FLOOR WHICH OBTAINS 25 VOTES IS THE ACT OF THE LEGISLATURE AND THEY SHOWED ME WHAT THEY DON'T THINK OF ME BECAUSE THEY THINK I CANNOT FIND A WAY TO DELIVER ON WHAT I SAID I WOULD DO. BUT AS TO THE BUDGET, I DIDN'T SAY THAT I WOULD TRY TO KEEP US FROM PASSING A BUDGET. WHAT I STATED WAS THAT THE ONLY THING WE REALLY HAVE TO DO--AND WE DON'T EVEN HAVE TO DO THAT--NOBODY CAN PUT A GUN TO OUR HEAD AND SAY GO IN THERE AND VOTE FOR A BUDGET. THEY CAN'T DO THAT. BUT WHEN I SAY WE HAVE TO PASS A BUDGET, I MEAN AS FAR AS OUR OBLIGATION AND DUTY AS A LEGISLATURE. I SAID THAT, THEN I ADDED, HOWEVER, IF WE DON'T PASS A BUDGET DURING THE SESSION THE GOVERNOR CAN CALL US INTO SPECIAL SESSION AT WHICH TIME A BUDGET CAN BE HANDLED. I ALSO INDICATED THAT MAYBE I WILL DECIDE TO BE MERCIFUL. AND IF THAT MAKES PEOPLE ANGRY THAT I USE THE TERM, FINE. BUT ESTABLISHED BY YOUR CONDUCT ON THE FLOOR AND WHAT YOU CAN DO UNDER THE RULES, THAT YOU CAN DO SOMETHING TO ME BECAUSE I SAID I'M THE ONE WHO IS IN A POSITION TO GRANT OR WITHHOLD MERCY. AND I SAID IT AND I'LL SAY IT AGAIN. AND I DON'T CARE HOW MANY OF YOU CLUMP TOGETHER, YOU CANNOT STOP ME FROM FUNCTIONING UNDER THE RULES THAT GOVERN THIS BODY. AND I, ALONE, WILL ALWAYS MAKE SURE THAT I AM FOLLOWING THE RULES. IF YOU DON'T LIKE WHAT I DO, YOU'RE SAYING YOU DON'T LIKE THE RULE ACCORDING TO WHICH I'M OPERATING. DON'T THE PEOPLE WHO WANT TO CARRY GUNS SAY, LAW ABIDING CITIZENS? A LAW ABIDING CITIZEN IS ONE WHO FOLLOWS THE LAW, DOESN'T BREAK THE LAW. WELL, IF I FOLLOW THE RULES, THEN YOU'RE GOING TO TRY TO PUNISH A RULE FOLLOWER FOR FOLLOWING THE RULES THAT YOU ALL PUT IN PLACE AND THAT I VOTED AGAINST? I'M ACKNOWLEDGING THAT THE MAJORITY RULES. THE PROOF OF IT IS THAT THE MAJORITY ADOPTED THE RULES THAT ARE IN THE RULE BOOK. AND I AGREE TO PLAY BY THE RULES WHICH WERE ADOPTED EVEN THOUGH I VOTED AGAINST THEM BECAUSE THAT'S THE WAY THE GAME IS PLAYED, ACCORDING TO THE RULES. BUT I'LL TELL YOU SOMETHING, I'M GOING TO PUNISH YOU ALL RIGHT THIS MINUTE. YOU GOT TO KNOW WHEN TO HOLD THEM, KNOW WHEN TO FOLD THEM, KNOW WHEN TO WALK AWAY, AND KNOW WHEN TO RUN. YOU NEVER COUNT YOUR MONEY WHILE YOU'RE SITTING AT THE TABLE, "THERE'LL" BE TIME ENOUGH FOR COUNTING WHEN THE DEALING IS DONE. I PUNISH YOU BY SINGING. WHEN I'M SAD I SING, THEN THE WORLD IS SAD WITH ME. BUT YOU CAN'T EVEN STOP ME FROM DOING THAT, SO YOU MAY AS WELL NOT GET AN UGLY LOOK ON YOUR FACE, BECAUSE IT MAY FREEZE THAT WAY. AND YOU ALL CLUMP TOGETHER THE SAME ONES...
[LB458]

PRESIDENT FOLEY: ONE MINUTE. [LB458]

Floor Debate
April 02, 2015

SENATOR CHAMBERS: ...WHO FOLLOWED THE LEAD THAT BROUGHT US TO HERE AND FIGURE HOW UNDER THE RULES YOU CAN STOP ME FROM MAKING MOTIONS ON FINAL READING. I DON'T EVEN HAVE TO FIGHT BILLS ACROSS THE FLOOR. BUT IF I CHOOSE TO, I CAN. AND IF I DECIDE TO, I SHALL. THE THING THAT WAS DONE THIS MORNING WAS DONE BY THE LEGISLATURE. IF WE DON'T HAVE AT LEAST 25 PEOPLE HERE TO CONSTITUTE A QUORUM, THE 24 CANNOT CONDUCT ANY BUSINESS. THE LEGISLATURE, AS A BODY, IS NOT IN ACTION. THE TERM, QUORUM, SIGNIFIES SUFFICIENT NUMBERS TO CARRY ON BUSINESS AND IT BE EFFECTUAL AND LEGAL. [LB458]

PRESIDENT FOLEY: TIME, SENATOR. [LB458]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB458]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR DAVIS WOULD YIELD TO A QUESTION. [LB458]

PRESIDENT FOLEY: SENATOR DAVIS, WOULD YOU YIELD, PLEASE? [LB458]

SENATOR DAVIS: CERTAINLY. [LB458]

SENATOR BLOOMFIELD: THANK YOU, SENATOR DAVIS. YOU STATED THAT YOU WERE ILL DURING THE SECOND ROUND OF DEBATE AND I APPRECIATE THAT. HOW LONG DID WE GO DURING THE FIRST ROUND OF DEBATE BEFORE THIS BILL PASSED? [LB458]

SENATOR DAVIS: I HONESTLY DON'T REMEMBER, SENATOR BLOOMFIELD. I'M GOING TO SAY 30 MINUTES, MAYBE AN HOUR. I DON'T REMEMBER. [LB458]

SENATOR BLOOMFIELD: WHY DID YOU NOT CHOOSE TO FIGHT IT AT THAT TIME? [LB458]

SENATOR DAVIS: HONESTLY, IT CAME UP SORT OF AS A SURPRISE TO ME. I WASN'T AWARE THAT IT WAS ON AND I WASN'T PREPARED. [LB458]

SENATOR BLOOMFIELD: THANK YOU, SENATOR DAVIS. IT WAS A SURPRISE AND I WASN'T HERE. COLLEAGUES, IT'S A LOT EASIER TO WAIT UNTIL THERE'S ONLY TWO HOURS THAT YOU CAN SPEND BEFORE YOU FORCE A BILL TO A CLOTURE VOTE AND KILL IT. YOU KNOW, LB128--I'M GOING TO TRY TO FIND A WAY TO GET IT BACK ON THE AGENDA; I MAY NOT BE SUCCESSFUL--BUT

Floor Debate
April 02, 2015

LB128 CAME OUT OF COMMITTEE, AS I SAID BEFORE, 7-0. THREE OF THE MEMBERS THAT VOTED TO BRING IT OUT OF COMMITTEE WERE HERE AND ON THAT COMMITTEE WHEN THE BILL WAS ENACTED. WE WERE PERSUADED THAT PERHAPS WE HAD ERRED AND WE WERE ATTEMPTING TO CLEAN THAT UP. NOW, THERE ARE GOING TO BE A NUMBER OF PEOPLE JUMP TO THE CONCLUSION THAT I'M TRYING TO DEFEND SENATOR CHAMBERS AGAIN AND I'M NOT. SENATOR CHAMBERS IS PERFECTLY CAPABLE OF DOING IT HIMSELF. WHAT I'M TRYING TO DEFEND IS THE PROCESS. AND THIS IS NOT THE PROCESS WE SHOULD BE USING. I UNDERSTAND SENATOR DAVIS WAS ILL AND WASN'T ABLE TO BE HERE ON SELECT. BUT THERE'S NO REASON WE COULDN'T HAVE GONE EIGHT HOURS ON THIS INSTEAD OF 30 MINUTES. I LOOKED BACK, I DON'T KNOW HOW LONG WE SPENT ON IT. THAT WAS DURING THE TIME FRAME WE WERE HERE A HALF A DAY AND EVERYTHING WAS DONE ON ONE DAY. SO WHETHER IT WAS 30 MINUTES OR THREE HOURS, I CAN'T TELL YOU. BUT THERE WERE FIVE HOURS LEFT THAT WE COULD HAVE USED ON THIS. IF SENATOR DAVIS NEEDED TIME TO PREPARE, HE COULD HAVE ENTERED SOME MOTIONS THAT WOULD HAVE PROLONGED IT. UNFORTUNATELY, IN SOME CASES WE'VE SEEN SENATOR CHAMBERS DO THAT REPEATEDLY. BUT THAT TOOL IS AVAILABLE TO ALL OF US IF WE NEED TO EXTEND DEBATE WHILE WE PREPARE SOMETHING. THE IDEA THAT WE WAIT UNTIL FINAL READING, COLLEAGUES, IS JUST ABSOLUTELY WRONG AND REPREHENSIBLE. MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS AGAIN, IF HE COULD USE IT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR CHAMBERS, 1:50. [LB458]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. AND THIS IS NOT ONE OF THOSE THINGS WHERE I'M ACTING BECAUSE I'M MOMENTARILY ANGRY. I KNEW THIS WAS IN THE WORKS FROM THE TIME A COMMENT WAS MADE ON THIS FLOOR BY SENATOR McCOY. SO THIS HAS BEEN BUILDING AND EVERYBODY KNOWS IT. BUT I'M PREPARED TO DEAL WITH WHATEVER COMES UP ON THIS FLOOR. WHAT I CANNOT GET ENOUGH VOTES TO DO, I WILL FIND ANOTHER WAY TO DO. IF I LOSE A BILL BECAUSE IT'S NOT AGREED TO BY THE MEMBERS, THEN THAT'S WHAT HAPPENS IN THE SESSION. BUT THIS PARTICULAR BILL WAS HANDLED IN A PARTICULAR WAY FOR A PARTICULAR REASON... [LB458]

PRESIDENT FOLEY: ONE MINUTE. [LB458]

SENATOR CHAMBERS: ...AND I'M GOING TO DEAL WITH IT ON THAT BASIS. NOW WHEN YOU ALL START GETTING ANGRY AT ME, MARK WELL WHAT YOU SAY. AND IF YOU JOIN ME, THEN I'M GLAD TO HAVE THAT HAPPEN BECAUSE IN

Floor Debate
April 02, 2015

JOHN MILTON'S PLAY...OH, I HAVE TO WAIT TILL MY OWN TIME BEFORE I GO INTO THAT, BECAUSE IT WILL TAKE ME MORE THAN THE TIME THAT I HAVE REMAINING. THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR McCOY, YOU'RE RECOGNIZED. [LB458]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN SUPPORT OF AM245 AND LB458, SENATOR KOLTERMAN'S BILL. IT'S A GOOD PIECE OF LEGISLATION AND I SUPPORT IT AND HOPEFULLY WE'LL GET TO A VOTE ON IT TODAY. I DID HAVE A QUICK QUESTION FOR SENATOR CHAMBERS IF HE WOULD YIELD, PLEASE. [LB458]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB458]

SENATOR CHAMBERS: UNLIKE SOME OF MY COLLEAGUES, I DEFINITELY WILL YIELD. [LB458]

SENATOR McCOY: THANK YOU, SENATOR CHAMBERS. JUST A QUICK QUESTION FOR YOU, IF YOU WOULD. WHY DIDN'T YOU FILE A CLOTURE MOTION ON LB128? [LB458 LB128]

SENATOR CHAMBERS: BECAUSE I DECIDED TO LET THE BODY HAVE ITS WAY AND I'M NOT GOING TO PARTICIPATE IN THAT ACTIVITY. THE BILL WAS BEFORE THE LEGISLATURE, IT WAS THEIR PROPERTY AND THEY CHOSE TO RUN OUT THE CLOCK AND THAT'S WHAT THEY DID. AND I WAS NOT GOING TO STOP THEM. [LB458]

SENATOR McCOY: OKAY, I APPRECIATE THAT, THANK YOU. THANK YOU, SENATOR CHAMBERS. THE REALITY IS, MEMBERS, IS UNDER THE RULES THAT WE HAVE--AND AS SENATOR CHAMBERS HAS SAID MANY TIMES, HE DIDN'T VOTE FOR THEM--BUT THE MAJORITY OF THE LEGISLATURE DID AND, THEREFORE, THEY'RE CODIFIED IN OUR RULES. HE DOESN'T HAVE TO OFFER A CLOTURE MOTION. IT JUST SAYS "MAY," IF YOU LOOK AT THE RULES, IN RULE 7, WHERE IT TALKS ABOUT CLOTURE. THE REALITY IS, THOUGH, THAT ALSO WHAT'S AVAILABLE TO US IN THE RULES IS WHAT SENATOR DAVIS DID. WHETHER HE WAS HERE ON GENERAL FILE, SENATOR BLOOMFIELD, OR SELECT FILE OR NEITHER, OR WHETHER HE CHOSE TO WAIT UNTIL FINAL READING TO FILIBUSTER A BILL, THAT IS THE RULES. AND AS THE OLD MAXIM GOES, LIVE BY THE SWORD, DIE BY THE SWORD; ALSO, LIVE BY THE RULES, DIE BY THE RULES. SO THAT OPPORTUNITY IS AVAILABLE TO ALL OF US TO TAKE DOWN FINAL READING IF WE SO CHOOSE. NOW, THE KEY PART OF

Floor Debate
April 02, 2015

THAT, I BELIEVE, IS IF WE SO CHOOSE. BUT THAT IS AVAILABLE TO US IN THE RULES. AND IF SENATOR CHAMBERS WANTS TO, IN MY VIEW, SEE THAT THE BOOGIE MAN...THAT WE'RE ALL AFTER HIS PIECE OF LEGISLATION AND THEREFORE THAT'S WHY HE TOOK DOWN FINAL READING THIS MORNING, THAT'S HIS PREROGATIVE. I DON'T AGREE WITH THAT, BUT THAT'S HIS PREROGATIVE. BUT THE RULES ARE THE RULES. AND WHILE IT MAY BE NOT VERY CUSTOMARY TO HAVE WHAT HAPPENED THIS MORNING ON FINAL READING...IT'S NOT THE FIRST TIME. AS IT WAS REMINDED THIS MORNING, JUST AS RECENTLY AS LAST YEAR WE HAD SEVERAL FILIBUSTERS ON FINAL READING. TWO OF THEM THAT I PARTICIPATED IN. ONE OF THEM THAT INVOLVED A PIECE OF LEGISLATION OF SENATOR CHAMBERS', THE MOUNTAIN LION BILL, BECAUSE I'M SURE HE WELL REMEMBERS. THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOY. SENATOR LARSON, YOU'RE RECOGNIZED. [LB458]

SENATOR LARSON: THANK YOU, COLLEAGUES. I'M GLAD SENATOR CHAMBERS SANG THAT KENNY ROGERS SONG BECAUSE, FRANKLY, HE OUTLINED AN IMPORTANT POINT. YOU HAVE TO KNOW WHEN TO HOLD THEM AND KNOW WHEN TO FOLD THEM. AND ESSENTIALLY, THAT MEANS POKER IS A GAME OF SKILL. AND IF IT'S NOT A GAME OF SKILL, THAT MAKES KENNY ROGERS A LIAR AND I DON'T WANT TO LIVE IN A WORLD WHERE KENNY ROGERS IS A LIAR. SO I REALLY APPRECIATE SENATOR CHAMBERS BRINGING THAT UP. AND IF IT'S A GAME OF SKILL, THAT MEANS IT'S ALREADY CONSTITUTIONAL IN THE NEBRASKA CONSTITUTION AND LEGAL. SO THANK YOU, SENATOR CHAMBERS, FOR BRINGING THAT UP AND SINGING THAT SONG BECAUSE, IN THE END, YOU DO NEED TO KNOW WHEN TO HOLD THEM AND KNOW WHEN TO FOLD THEM. AND I, IN MY HEART OF HEARTS, DO NOT THINK NOR WOULD I WANT TO LIVE IN A WORLD WHERE KENNY ROGERS IS A LIAR. THANK YOU. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB458]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR LARSON. AND I WOULD LIKE TO ASK SENATOR LARSON A QUESTION. [LB458]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB458]

SENATOR LARSON: YES. [LB458]

SENATOR CHAMBERS: SENATOR LARSON, YOU KNOW THAT IN GENERAL I'M OPPOSED TO GAMBLING. [LB458]

Floor Debate
April 02, 2015

SENATOR LARSON: IN GENERAL, I UNDERSTAND THAT. [LB458]

SENATOR CHAMBERS: DID I TELL YOU THAT IF YOU NEEDED A CLOTURE VOTE ON YOUR--LET ME ASK IT THIS WAY--IF YOU NEEDED A CLOTURE VOTE ON YOUR GAMBLING...I MEANT YOUR SKILL BILL, WHAT DID I SAY I WOULD DO? [LB458]

SENATOR LARSON: YOU WOULD PROBABLY GIVE ME A CLOTURE VOTE. [LB458]

SENATOR CHAMBERS: RIGHT. AND ON THE CHANCE THAT THE GOVERNOR DECIDED TO VETO THE BILL, DID I TELL YOU WHAT I WOULD DO AS FAR AS MY CONDUCT WITH AN OVERRIDE? [LB458]

SENATOR LARSON: YOU SAID YOU WOULD OVERRIDE THE VETO IF HE VETOED IT. [LB458]

SENATOR CHAMBERS: WELL, I SAID I'D GIVE A VOTE. I DON'T HAVE QUITE THAT MUCH POWER YET. [LB458]

SENATOR LARSON: WELL, YOU'D HELP VOTE TO OVERRIDE THE VETO. [LB458]

SENATOR CHAMBERS: OKAY. NOW, DO YOU THINK THAT I'M A MAN OF MY WORD? [LB458]

SENATOR LARSON: I DO. [LB458]

SENATOR CHAMBERS: SO YOU'D COUNT ON AT LEAST ONE VOTE FOR THE CLOTURE AND AT LEAST ONE VOTE FOR THE OVERRIDE. IS THAT TRUE? [LB458]

SENATOR LARSON: I'D COUNT ON AT LEAST TWO. [LB458]

SENATOR CHAMBERS: WELL, I MEANT...FORGETTING YOURS. IF YOU DON'T VOTE FOR IT, THEN I DON'T HAVE TO DELIVER. BUT OTHER THAN YOURSELF, YOU KNOW THAT THERE'S ONE YOU CAN COUNT ON IN EACH OF THOSE SITUATIONS. CORRECT? [LB458]

SENATOR LARSON: WE ARE BOTH VERY MUCH "MANS" OF OUR WORD, YES. [LB458]

SENATOR CHAMBERS: AND WHEN IT CAME TO THE BILL ITSELF, I LET YOU

Floor Debate
April 02, 2015

KNOW THAT I DON'T VOTE FOR GAMBLING BILLS. [LB458]

SENATOR LARSON: I DON'T SEE LB619 AS GAMBLING. [LB458 LB619]

SENATOR CHAMBERS: BUT DID I...YOUR BILL, HOWEVER CHARACTERIZED...DID I INDICATE TO YOU THAT I WAS GOING TO THINK ABOUT IT? AND EVEN IN THAT SITUATION, WHAT DID I TELL YOU I MIGHT DO? [LB458]

SENATOR LARSON: YOU SAID YOU WOULD THINK ABOUT IT AND YOU MIGHT CONSIDER GOING GREEN ON LB619. [LB458 LB619]

SENATOR CHAMBERS: AND THESE POSITIONS, EVEN IF I DIDN'T VOTE FOR THE BILL ITSELF, WOULD BE DIFFERENT FROM THE WAY I HAVE CUSTOMARILY--I CAN'T SAY IN EVERY SITUATION OVER 40 YEARS BUT I THINK--SO I'LL SAY, CUSTOMARILY, IF I FOLLOWED THAT CUSTOM, I WOULD NOT GIVE YOU A VOTE FOR CLOTURE OR OVERRIDE. CORRECT? [LB458]

SENATOR LARSON: CORRECT. [LB458]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, I HAVE INDICATED ALSO THAT NO MATTER HOW FORCEFULLY I MAY DECLARE A POSITION, IF SOMEBODY CAN GIVE ME EVIDENCE, SOMEBODY CAN PRESENT FACTS, OR SOMEBODY CAN GIVE ME A PERSUASIVE ARGUMENT THAT CAUSES ME TO FEEL OR BELIEVE THAT THE POSITION THAT I HAD ARTICULATED, NO MATTER HOW MANY TIMES, NO MATTER HOW FORCEFULLY, THAT I WOULD OPENLY CHANGE MY POSITION BECAUSE I DON'T TAKE IT JUST TO TAKE IT, BUT I TAKE IT BECAUSE I THINK IT'S THE RIGHT ONE FOR ME. BUT AS I LOOK AT SENATOR LARSON'S BILL, I SEE OTHER THINGS THAN JUST THE MATTER OF GAMBLING. WHAT DOES CONSTITUTE SKILL? DOES IT TAKE SKILL TO PLAY CHESS? IF I DON'T KNOW THE RULES OF THE GAME, IT'S POSSIBLE THAT I COULD STILL WIN IF I'M UNDERESTIMATED. AND WHEN I SAY I DON'T KNOW THE RULES OF THE GAME, I SHOULD SAY COMPLEX CHESS STRATEGIES, BECAUSE I'D HAVE TO KNOW WHICH PIECE CAN MOVE DIAGONALLY, WHICH HORIZONTALLY, PERPENDICULAR, OR JUMP ONE AND MOVE THE OTHER, THOSE KIND OF THINGS. BUT AS FAR AS BEING A MASTER PLAYER, WITHOUT THAT, I COULD RUN UP ON SOMEBODY WHO IS SKILLFUL BUT TAKES ME FOR GRANTED, DROPS HIS OR HER GUARD, LEAVES THE KING EXPOSED, AND CANNOT PROTECT THE KING. AND WHEN I MOVE MY PIECE IN POSITION I SAY, CHECK. [LB458]

PRESIDENT FOLEY: ONE MINUTE. [LB458]

SENATOR CHAMBERS: AND IF THE KING CANNOT MOVE AND THE KING

Floor Debate
April 02, 2015

CANNOT BE PROTECTED, THEN THE WORD I SAY IS, MATE. THE GAME IS OVER AND I WIN. THERE ARE GAMES THAT EVERYBODY WOULD SAY OPERATE ON THE BASIS OF SKILL. BUT THAT DOES NOT MEAN THAT LUCK, CIRCUMSTANCE, AND CHANCE WILL NOT ALLOW SOMEBODY TO WIN WITHOUT THE SKILL. THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LB304, LB439. RETURNING TO DEBATE ON LB458 AND RELATED AMENDMENTS, SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. AND THIS IS YOUR THIRD TIME, SENATOR. [LB304 LB439 LB458]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'M WELL AWARE THAT WHAT WAS DONE ON LB128 IS WITHIN THE RULES. I BELIEVE I ACKNOWLEDGED THAT EARLIER. IT DOESN'T MEAN IT'S THE WAY WE SHOULD DO BUSINESS. WHEN WE SPEND 30 MINUTES ON A BILL IN THE FIRST ROUND OF DEBATE WHERE WE'RE SUPPOSED TO ACTUALLY FIX AND AMEND THE BILLS, WE SPEND NO EXTENSIVE AMOUNT OF TIME ON IT IN SELECT AND THEN WE ATTACK IT VICIOUSLY IN FINAL READING. I HAVE NO PROBLEM WITH TAKING THE FULL AMOUNT OF TIME FOR FULL AND FAIR DEBATE ON EVERY ROUND. THAT'S THE WAY WE'RE SUPPOSED TO DO THINGS HERE IF WE HAVE A PROBLEM WITH A BILL, YOU FIGHT IT EVERY STEP OF THE WAY. I THINK YOU SAW THAT HAPPEN YESTERDAY AND THE DAY BEFORE. BUT WHEN WE LET A BILL WHICH CAME OUT OF COMMITTEE UNSCATHED, PASSED THE FIRST ROUND IN A HALF HOUR, HAD NO EXTENDED DEBATE ON SELECT, AND THEN GET STOPPED IN FINAL READING, I DON'T KNOW EVEN THAT SENATOR McCOY THINKS THAT'S A PROPER WAY TO DO BUSINESS IN HERE. SENATOR McCOY JUST NODDED THAT HE DOES BELIEVE THAT'S THE PROPER WAY TO DO BUSINESS IN HERE AND SENATOR MURANTE IS AGREEING WITH HIM. NOW, THIS IS SENATOR MURANTE WHO CHASTISED ME THOROUGHLY FOR ATTEMPTING TO RECOMMIT A BILL TO COMMITTEE. I NOTICED TODAY WHEN IT WAS BROUGHT UP, HE DIDN'T SEEM TO HAVE ANY OBJECTION TO IT. KIND OF STRANGE, ISN'T IT? THANK YOU, MR. PRESIDENT. [LB458 LB128]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR CHAMBERS, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD TIME, SENATOR. [LB458]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, SENATOR McCOY, BY MENTIONING WHAT COULD BE DONE UNDER THE RULES, IS NOT TELLING ME ANYTHING. HE'S SAYING THAT FOR THE REST OF YOU. I KNOW WHAT'S IN THE RULE BOOK. I'VE SAID IT OVER AND

Floor Debate
April 02, 2015

OVER THAT THE RULES ARE THERE. BUT I'LL TELL YOU WHAT, WHEN I SEE AN ATTEMPT TO INVOKE A RULE IN A WAY THAT I THINK IS UNFAIR, I WILL SPEAK UP. AND THAT'S WHAT I DID WHEN SENATOR LARSON WAS TO BE MUZZLED IN THIS CHAMBER BECAUSE THEY DIDN'T LIKE WHAT HE WAS SAYING OR DIDN'T LIKE THE WAY HE SAID IT AND THE REST OF YOU JUST SAT HERE LIKE KNOTS ON LOGS. YEAH, YOU SPEAK WHEN YOU HATE SOMEBODY. BUT WHEN YOU'VE GOT EVERYBODY ON YOUR SIDE AND THEN YOU PICK SOMEBODY YOU THINK IS VULNERABLE. I'M THE ONE WHO GETS OFF SUBJECT, WHY DIDN'T YOU INVOKE IT ON ME AND SAY, SENATOR CHAMBERS, THE RULE SAYS YOU SHOULD CONFINE YOUR REMARKS TO THE QUESTION ON THE FLOOR? YOU ALL KNOW THAT I WANT YOU TO TRY TO INVOKE RULES AGAINST ME. YOU CANNOT TELL ME WHAT TO DO ON THIS FLOOR. THE ONLY ONE WHO CAN DO THAT IS THE CHAIR AND HE DOESN'T EVEN HAVE TO CALL ME BY NAME. ALL HE HAS TO DO IS SAY, TIME, AND I STOP. SO IF UNDER THE RULE I HAVE THREE OPPORTUNITIES TO SPEAK ON EACH ISSUE, WHEN I'M TOLD THIS IS MY THIRD TIME--UNLESS I GENUINELY LOST TRACK--I DON'T TURN MY LIGHT ON FOR A FOURTH TIME. BUT IF I DO AND I'M TOLD BY THE CHAIR THAT I'VE SPOKEN THREE TIMES, OFF GOES MY LIGHT. BUT IF I FEEL THAT I'VE GOT TO SPEAK, THEN OUT COMES MY YELLOW PAD AND OUT COMES MY PEN AND I FIND A WAY UNDER THE RULES TO SPEAK AND SPEAK AND SPEAK SOME MORE. AND IF YOU ACT LIKE YOU DON'T LIKE IT, YOU INFLAME ME. THEY THINK THAT IF I'M A FIRE-BREATHING DRAGON, THEY CAN PUT OUT MY FIRE. BUT YOU KNOW HOW THEY TRY TO DO IT BECAUSE THEY DON'T KNOW ANYTHING? THEY TAKE A BUCKET OF GASOLINE AND THEY GIVE ME A GASOLINE COCKTAIL, THINK IT'S GOING TO PUT OUT THE FIRE OF A FIRE GENERATING, BREATHING DRAGON? YOU ONLY STRENGTHEN HIS ABILITY BECAUSE YOU GAVE FUEL. WHAT YOU USED WAS NOT A SUPPRESSANT, IT WAS A FUEL, AN ACCELERANT. YOU'RE NOT GOING TO MAKE ME SHUT UP AND YOU'RE NOT GOING TO MAKE ME APOLOGIZE FOR ANYTHING WHICH IS WHAT SOME PEOPLE ON THIS FLOOR THINK THEY'RE GOING TO GET FROM ME. AND I'LL TELL YOU WHEN YOU CAN MAKE ME APOLOGIZE AND YOU DON'T EVEN HAVE TO DO IT. WHEN THE POPE CONVERTS TO ISLAM AND THE COLLEGE OF CARDINALS ELECT A MUSLIM AS POPE, THEN I'LL APOLOGIZE FOR EVERYTHING ANYBODY EVER WANTED ME TO APOLOGIZE. SO YOU KNOW WHAT IS IN FRONT OF YOU AND YOU CAN SAY IT AS MANY TIMES AS YOU WANT TO. WELL, I PROMISED I'M GOING TO SAY SENATOR CHAMBERS, YOU OUGHT TO APOLOGIZE. FOUR CHILDREN DID MY WIFE AND I HAVE AND THEY'RE NOW ALL GROWN AND GONE. BUT WHILE THEY WERE GROWING UP, I PAID ATTENTION TO THEM AND I LEARNED A LOT ABOUT CHILDREN. AND SOMETIMES ADULTS ARE ONLY CHILDREN OF A LITTLE GREATER GROWTH. BUT I'M GOING TO TELL YOU SOMETHING JOHN MILTON WROTE THAT WILL HELP EXPLAIN WHY I WANTED TO TAKE DOWN FINAL READING IN ADDITION TO JUST SHOWING THAT I CAN DO IT, THAT YOU DON'T GET THE LAST WORD.

Floor Debate
April 02, 2015

[LB458]

PRESIDENT FOLEY: ONE MINUTE. [LB458]

SENATOR CHAMBERS: THERE WAS A PLAY HE WROTE CALLED PARADISE LOST. LUCIFER WAS ONE OF THE TOP THREE. THEY HAD A TRIO IN HEAVEN, LUCIFER, MICHAEL, AND GABRIEL AND THEY SANG A MALE VERSION OF THE ANDREWS SISTERS. BUT LUCIFER BECAME PRIDEFUL AND HE FELL AND HE WAS KICKED OUT OF HEAVEN. SO FROM THEN ON ACCORDING TO THE TALE, HE TRIED TO TRAP OTHER PEOPLE SO THEY COULD GO TO HELL WITH HIM. AND PEOPLE...HE WAS ASKED, WHY WOULD YOU DO THAT? IT'S NOT GOING TO HELP YOU, YOU'RE DOOMED ANYWAY. HE SAID, IT IS A SOLACE TO THE WRETCHED TO HAVE COMPANIONS IN GRIEF, AND YOU ALL INTERPRET IT, MISERY LOVES COMPANY. BUT I PUT A DIFFERENT TWIST ON IT THIS MORNING. YOU MADE YOUR BED, NOW SLEEP IN IT. THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR BURKE HARR. [LB458]

SENATOR HARR: QUESTION. [LB458]

PRESIDENT FOLEY: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. SHALL DEBATE CEASE? THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB458]

CLERK: 29 AYES, 3 NAYS, MR. PRESIDENT, TO CEASE DEBATE. [LB458]

PRESIDENT FOLEY: DEBATE HAS CEASED. WE MOVE TO SENATOR SCHEER, IF YOU'D CARE TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENTS. THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB458]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB458]

PRESIDENT FOLEY: DEBATE IS NOW OPEN ON LB458 AS AMENDED. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB458]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. AND MEMBERS, GOOD MORNING. SENATOR BLOOMFIELD INVOKED MY NAME AND HE EARNED

Floor Debate
April 02, 2015

HIMSELF A RESPONSE. HE IS CORRECT, YESTERDAY I FELT THAT A MOTION TO RECOMMIT TO COMMITTEE WAS NOT THE APPROPRIATE MOTION TO MAKE FOR THE STATED ENDGAME AND TODAY I VOTED FOR A MOTION TO RECOMMIT. AND THOSE TWO VOTES ARE NOT INCONSISTENT WITH EACH OTHER BECAUSE THE ENDGAME, THE STATED ENDGAME, WAS ENTIRELY DIFFERENT. BUT WHEN A MOTION IS MADE TO RECOMMIT SOMETHING TO THE GOVERNMENT COMMITTEE WHAT I'M HEARING IS, YOU WANT THE GOVERNMENT COMMITTEE TO TAKE THAT BILL AND TO CONTINUE TO WORK ON IT. AND IF A BILL EVER GETS RECOMMITTED TO MY COMMITTEE, THAT IS EXACTLY WHAT WE WILL DO. BUT WHEN YOU STATE AT THE OUTSET THAT YOU HAVE NO INTEREST IN WORKING ON THE BILL, ESPECIALLY WHEN YOU SERVE ON THAT COMMITTEE, AND THEN YOU OFFER A MOTION TO RECOMMIT IT TO A COMMITTEE, I HAVE SOME SERIOUS QUESTIONS TO ASK. AND ANYTIME MY COMMITTEE--AND I BELIEVE ANY CHAIRMAN WOULD SAY THIS OF THEIR COMMITTEE--IS INSULTED ON THIS FLOOR, PARTICULARLY BY A MEMBER OF THAT COMMITTEE AND PARTICULARLY WHEN THAT MEMBER HAS BEEN ON THE WINNING END OF ALMOST EVERY VOTE IN THAT COMMITTEE, I'M GOING TO STAND UP AND GIVE A DEFENSE OF THAT COMMITTEE. THAT'S MY JOB. NOW, SENATOR CHAMBERS HAS BEEN...HAS QUOTED THE MOVIE, A MAN FOR ALL SEASONS NUMEROUS TIMES IN THE PAST. IT'S ONE OF MY FAVORITE MOVIES AS WELL. AND I WILL QUOTE AS WELL FROM THAT MOVIE, ST. (SIC) THOMAS MORE'S CHARACTER WHO MADE AN ANALOGY AND AT THE CONCLUSION HE SAID THAT HE WOULD GIVE THE DEVIL THE BENEFITS OF LAW FOR HIS OWN SAFETY'S SAKE. AND I FEEL THE SAME WAY WHEN IT APPLIES TO THE RULES OF THIS LEGISLATURE BECAUSE I'VE BEEN ON THE WINNING END AND THE LOSING END OF FINAL READING FILIBUSTERS. AND I AM NOT GOING TO STAND IN THE WAY OF SOMEONE EXERCISING THOSE RIGHTS BECAUSE THERE MAY COME A DAY WHEN I WANT IT DONE AS WELL. AND I'VE BEEN ON THE LOSING END OF THOSE BATTLES. BUT AT THE END OF THE DAY IT'S NOT A MATTER OF ANY GIVEN ISSUE, ANY GIVEN COMMITTEE, ANY GIVEN SENATOR OR INTRODUCER, WHETHER THEY'RE FRIENDS OR WHETHER THEY ARE FOES. BUT WE ALL HAVE THE BENEFIT OF LAW IN THIS CHAMBER AND I THINK WE SHOULD ALL BE TREATED EQUALLY. SO SENATOR BLOOMFIELD, IF...I DON'T KNOW QUITE WHAT TO SAY. THE MOTION TO RECOMMIT YESTERDAY TO A BILL WHICH YOU OPPOSED AND VOTED AGAINST, EVEN AFTER COMPROMISE, THAT'S YOUR PREROGATIVE. BUT WHEN THE COMMITTEE OF WHICH I CHAIR IS INSULTED, I'M GOING TO STAND UP FOR IT EVERY TIME. AND WHEN A PROCEDURE AND A PROCESS IS PUT IN PLACE WHICH UNDERMINES THE COMMITTEE PROCESS THAT WE HAVE, I'M GOING STAND UP AND DEFEND THE PROCESS THAT WE HAVE, EVERY TIME. THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. SENATOR CHAMBERS,

Floor Debate
April 02, 2015

YOU'RE RECOGNIZED. [LB458]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THE FACT THAT VERY LITTLE HAS BEEN SAID ABOUT SENATOR KOLTERMAN'S BILL INDICATES THAT IT'S NOT IN ANY DANGER. PEOPLE DON'T EVEN CARE ABOUT IT RIGHT NOW; THEY DON'T EVEN KNOW WHAT IT'S ABOUT. AND THIS IS A TIME WHEN A WISE MAN WOULD REMAIN SILENT AND JUST LET THE RIVER FLOW AND WHEN TIME COMES HE'LL GET A VOTE. I WON'T BE THE ONE TO KEEP HIM FROM GETTING A VOTE ON HIS BILL THIS MORNING. YOU CANNOT BE SUCCESSFUL IN WHAT I'M GOING TO UNDERTAKE IF I BECOME AS PREDICTABLE AS CLOCKWORK. IF ALL YOU HEAR WHEN YOU COME TO THE CLOCK IS TICK TOCK, TICK TOCK, THEN YOU CAN BEGIN BECAUSE THAT'S LIKE A SYNCOPATION. BUT IF, INSTEAD OF TICK TOCK, IT SAID, TICK, TICK TOCK, TOCK, TOCK, TICK, TICK, TOCK, TOCK, TICK, THEN YOU'VE GOT TO PAY ATTENTION IF YOU WANT TO UNDERSTAND CLOCK. BUT IF YOU DON'T CARE ABOUT THE LANGUAGE OF THE CLOCK, IT DOESN'T MATTER WHETHER IT'S TICK TOCK, TICK TOCK, OR ANYTHING ELSE. SO ALL SENATOR KOLTERMAN HAS TO BE CONCERNED ABOUT THIS MORNING IS WHETHER HIS BILL GETS A VOTE. AND THE ONLY WAY IT WON'T GET A VOTE IS IF SOMEBODY ELSE, WHEN WE GET TO NEARLY THE TIME TO GET OUT OF HERE, WANTS TO KEEP HIM FROM GETTING HIS VOTE. NOW, I DON'T KNOW SINCE THIS IS THE LAST DAY OF THE WEEK, THERE WILL BE A BREAK AND THEN WE COME BACK OR WE'LL JUST GO AND GO AND GO UNTIL I RUN DOWN. BUT THEY'VE GOT THAT ENERGIZER BUNNY. AND HE WAS GOING AND GOING AND GOING AND GOING AND HE THOUGHT HE HAD OUTFRAN THE FIELD. AND FINALLY HE RAN DOWN. AND HE SAW AN OLD MAN WALK PAST HIM, LOOK DOWN, SMILE, OFFER SYMPATHY, AND SAY, WOULD YOU LIKE ME TO CARRY YOU FORWARD? SO I'M NOT GOING TO BE THE ONE TO RUN DOWN AND I'M NOT GOING TO BE THE ONE TO RUN OUT. BUT IF SOMETHING HAPPENS THAT WOULD MAKE IT NECESSARY FOR ME TO NOT BE ON THIS FLOOR, THEN NO MATTER WHAT I'VE SAID BEFORE, I WILL LEAVE THE FLOOR AND DO WHAT IT IS THAT I HAVE TO DO. I'M NOT BOUND BY WHAT ANYBODY THINKS OR HOW ANYBODY FEELS. I AM MY OWN PERSON AND I WILL DO WHAT MY MIND, AND FOR WANT OF A BETTER WORD, MY CONSCIENCE TELLS ME I OUGHT TO DO. THERE'S NOTHING MATERIAL THAT MEANS SO MUCH TO ME THAT I'D GIVE MY HEALTH FOR. THERE'S NO BILL THAT MEANS SO MUCH TO ME THAT I WILL REFRAIN FROM DOING WHAT I MUST DO BECAUSE WE ALL HAVE BILLS. AND WHAT CAN BE DONE TO MINE CAN BE DONE TO OTHERS. AND SENATOR McCOY WAS RIGHT WHEN HE MADE THE STATEMENT, HE THAT LIVES BY THE SWORD DIES BY THE SWORD. BUT I PUT THINGS IN CONTEXT. JUDAS SUPPOSEDLY BETRAYED JESUS BY KISSING HIM. THE REASON THAT DOESN'T MAKE SENSE, THIS MAN HAD HEALED THE SICK. HOW MANY PEOPLE IN THAT TIME OR ANY OTHER TIME COULD SAY WORDS AND HEAL THE SICK? HE HAD TAKEN

Floor Debate
April 02, 2015

PEOPLE WHO WERE MENTALLY ILL AND RESTORED THEM TO MENTAL HEALTH--THE "BIBBLE" SAID CAST OUT DEMONS. WHO WOULDN'T KNOW ABOUT THAT? A LITTLE GIRL HAD DIED AND HE TOLD HER, GET UP, CHILD. AND SHE OPENED HER EYES AND SAID, YES, MASTER, AND GOT UP. WHO WOULDN'T KNOW ABOUT THAT AS SMALL AS THE KNOWN WORLD WAS AT THAT TIME? THEN A MAN DIED AND HE HAD BEEN IN THE TOMB FOR THREE DAYS. AND IF SHAKESPEARE HAD WRITTEN IT...THEY SAID WHEN JESUS... [LB458]

PRESIDENT FOLEY: ONE MINUTE. [LB458]

SENATOR CHAMBERS: ...WANTED TO BRING HIM OUT OF THERE, BUT LORD, HE STINKS. SHAKESPEARE WOULD HAVE SAID, ME THINKETH HE STINKETH. BUT SHAKESPEARE WASN'T WRITING IT. AND JESUS SAID, THERE'S SOMETHING MORE IMPORTANT THAN HOW A PERSON SMELLS. TO BE REENERGIZED IS WHAT'S IMPORTANT. LAZARUS, TIME TO GET UP. COME FORTH. AND LAZARUS SAID, LORD, I'M SO HAPPY TO COME OUT OF HERE, I'LL COME FIRST, SECOND, THIRD, AND FOURTH. AND HE CAME OUT. NOW THIS MAN WHO HAD DONE ALL OF THOSE THINGS WAS SO UNKNOWN BY THE PUBLIC, HE HAD TO BE IDENTIFIED WITH A KISS. BUT WHEN THEY CAME TO GET HIM, PETER GOT ANGRY AND CUT OFF ONE OF THE SOLDIER'S EARS. JESUS PICKED THE EAR UP, PUT IT ON HIS HEAD AND TOLD PETER, PUT DOWN THE SWORD. HE THAT LIVETH BY THE SWORD DIES BY THE SWORD. SO SENATOR McCOY WAS RIGHT. I DON'T KNOW IF HE KNEW THE REST OF THE STORY BUT NOW HE DOES SO HE CAN PUT IT IN CONTEXT. THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB458]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR MURANTE WOULD YIELD TO A QUESTION. [LB458]

PRESIDENT FOLEY: SENATOR MURANTE, WOULD YOU YIELD, PLEASE? [LB458]

SENATOR MURANTE: ABSOLUTELY. [LB458]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. WHERE EXACTLY DO YOU FEEL I MAY HAVE INSULTED THE COMMITTEE? [LB458]

SENATOR MURANTE: YOU SAID THAT...AND I DON'T...I'LL PARAPHRASE YOU. I DON'T WANT TO SAY I'M QUOTING YOU. [LB458]

Floor Debate
April 02, 2015

SENATOR BLOOMFIELD: THAT'S FINE. [LB458]

SENATOR MURANTE: ...BUT SUGGESTED THAT THE ONLY REASON THAT THE BILL CAME OUT OF COMMITTEE WITH THE VOTES THAT IT DID WAS BECAUSE THE MEMBERS HAD THEIR ARMS TWISTED OR SUGGESTED THAT IN SOME WAY THEY WERE VOTING AGAINST THEIR CONSCIENCE AND DIDN'T THINK THAT LB106 WAS THE RIGHT THING TO DO. [LB458 LB106]

SENATOR BLOOMFIELD: I BELIEVE, SENATOR, THAT YOU ARE PARAPHRASING QUITE INCORRECTLY. I SAID, SOME DEALS WERE MADE. AND IF SENATOR GROENE WERE HERE, I WOULD ASK HIM IF HE DID NOT MAKE A DEAL WITH SENATOR WATERMEIER TO HELP GET THE BILL OUT OF THE COMMITTEE IF HE COULD PUT SOME AMENDMENTS ON IT. SENATOR WATERMEIER IS OVER THERE. SENATOR WATERMEIER, WOULD YOU...WOULD SENATOR WATERMEIER YIELD TO A QUESTION? [LB458]

PRESIDENT FOLEY: SENATOR WATERMEIER, WOULD YOU YIELD, PLEASE? [LB458]

SENATOR WATERMEIER: YES. [LB458]

SENATOR BLOOMFIELD: THANK YOU, SENATOR WATERMEIER. I DON'T KNOW IF YOU WERE LISTENING TO WHAT I SAID, BUT DID YOU REACH SOME KIND OF ARRANGEMENT WITH SENATOR GROENE TO HELP PERSUADE HIM TO VOTE FOR YOUR BILL IN COMMITTEE THAT YOU WOULD ALLOW HIM TO PUT SOME AMENDMENTS ON IT? [LB458]

SENATOR WATERMEIER: AT THE TIME, SENATOR GROENE WAS CONCERNED ABOUT THE LANGUAGE IN MY BILL. I WAS WORKING AND TALKING WITH HIM ABOUT WHAT IT WOULD TAKE TO MAKE IT BETTER FOR HIM. SO, YES, WE WERE WORKING ON THE BILL. [LB458]

SENATOR BLOOMFIELD: AND AM I CORRECT THAT YOU TOLD HIM YOU WOULD ALLOW HIM TO PUT SOME AMENDMENTS ON? [LB458]

SENATOR WATERMEIER: OH, ABSOLUTELY. I MEAN, WE ALL CAN DO THAT. [LB458]

SENATOR BLOOMFIELD: THANK YOU. [LB458]

SENATOR WATERMEIER: YEAH. [LB458]

SENATOR BLOOMFIELD: THANK YOU. COLLEAGUES, SOME DEALS WERE

Floor Debate
April 02, 2015

MADE. IF SENATOR MURANTE WANTS TO BE INSULTED BY A DEAL BEING MADE, THAT'S HIS RIGHT. I WONDER IF SENATOR JOHNSON WAS INSULTED THIS MORNING WHEN THE MOTION WAS MADE TO RETURN A BILL TO COMMITTEE? I THINK PROBABLY NOT. SENATOR JOHNSON HAD HIS LIGHT ON BUT UNFORTUNATELY, DUE TO THE LIMIT OF TWO HOURS TOTAL DEBATE ON FINAL READING, HE DIDN'T GET A CHANCE TO SPEAK. SO, COLLEAGUES, I DID NOT INSULT THE COMMITTEE, NO MATTER WHAT SENATOR MURANTE CHOOSES TO BELIEVE. IT WAS NEVER AN INTENT TO INSULT THE COMMITTEE. I THINK VERY HIGHLY OF THE COMMITTEE. AND IF YOU RECALL WHEN I WAS SPEAKING OF THE COMMITTEE YESTERDAY I SAID, MY ESTEEMED CHAIRMAN. I HOLD SENATOR MURANTE IN SOME ESTEEM, ALTHOUGH I WILL ADMIT THAT IT'S DIMINISHED A LITTLE BIT HERE IN THE LAST COUPLE DAYS. IT HASN'T GONE AWAY BUT IT HAS DIMINISHED. AND WITH THAT, MR. PRESIDENT, I WILL SIT DOWN AND HOPEFULLY BE QUIET THE REST OF THE DAY. THANK YOU, MR. PRESIDENT. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB458]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. THIS IS LB458 WHICH, IF I'M LOOKING THROUGH THE COMMITTEE STATEMENT, IS A BILL THAT WOULD ENACT A NEW SECTION IN THE INSURANCE PRODUCERS LICENSING ACT TO PROVIDE THAT THE DIRECTOR OF INSURANCE MAY ISSUE A NEW PRODUCER LICENSE. AND IT'S A LIMITED LINES TRAVEL INSURANCE PRODUCER LICENSE. I WONDER IF SENATOR KOLTERMAN WOULD YIELD TO A QUESTION? [LB458]

PRESIDENT FOLEY: SENATOR KOLTERMAN, WOULD YOU YIELD, PLEASE? [LB458]

SENATOR KOLTERMAN: YES, I WOULD. [LB458]

SENATOR GLOOR: I WAS IN SUPPORT OF THIS IN COMMITTEE AND, IN FACT, IT WAS A UNANIMOUS VOTE OUT OF THE COMMITTEE. AND YOU WERE ONE OF THE PROPONENTS, THERE WAS ONLY ONE OTHER PROPONENT. THERE WERE NO OPPONENTS TO THIS BILL. IT WAS A PRETTY SIMPLE AND STRAIGHTFORWARD BILL. I DON'T THINK I EVER GOT AROUND TO ASKING YOU, DO YOU HAVE A LICENSE TO SELL TRAVEL INSURANCE? [LB458]

SENATOR KOLTERMAN: YES, I DO, SENATOR GLOOR. ALL THIS DOES IS IT EXPANDS THE ABILITY TO OTHER STATES AND IT ALLOWS RECIPROCITY BETWEEN THE STATES TO WORK TOGETHER SO YOU CAN SELL ACROSS STATE LINES AND IT MAKES IT VERY EASY FOR THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS TO REGULATE IT. [LB458]

Floor Debate
April 02, 2015

SENATOR GLOOR: THANK YOU, SENATOR KOLTERMAN. AND, MEMBERS, I AM JUST KIND OF REFRESHING MY MIND WHICH HAS WANDERED IN THE LAST COUPLE OF MINUTES AS WE HAVE TALKED ABOUT OTHER ISSUES, AND SO I WANTED TO RECENTER MYSELF AND GET THAT QUESTION ANSWERED. THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KOLTERMAN. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATORS GLOOR AND KOLTERMAN. SENATOR GROENE, YOU'RE RECOGNIZED. [LB458]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. FIRST I WANTED TO...SINCE WE'RE TALKING ABOUT ALL SORTS OF ISSUES, I WANTED TO CLEAR A COUPLE OF THINGS UP THAT I HAD SAID THE OTHER DAY ON THE GAS TAX. I WANTED TO CORRECT MYSELF. THAT'S WHY I DIDN'T WANT TO RUSH AN AMENDMENT OUT THAT I'D THOUGHT OF BECAUSE I KEPT SAYING THAT THE ADMINISTRATIVE COSTS FOR THE STATE OF NEBRASKA WAS FIFTH HIGHEST. I READ THAT STUDY WRONG. IT'S THE FIFTH LOWEST, SO I DON'T WANT A BUNCH OF STATE EMPLOYEES YELLING AT ME THAT ARE DOING A GOOD JOB. IT'S THE FIFTH LOWEST ADMINISTRATIVE COST PER MILE, NOT THE FIFTH HIGHEST. THE OTHER FACTORS I USED IN THAT DEBATE WERE ACCURATE, SO JUST TO CLARIFY THAT SO IT DON'T COME BACK TO HAUNT ME. ALSO, I TOLD SENATOR BAKER ON HIS BILL, LB431, I DROPPED THAT AMENDMENT EARLIER. AND THE REASON I DID IS BECAUSE...COLLEGIALLY, LET'S GET SOMETHING DONE AT THE ADVICE OF THE SPEAKER AND THE CLERK. BUT THEY ADVISED ME TO DO THIS, STAND UP AND NOT BE EXACTLY GERMANE. BUT THE DAY SENATOR BLOOMFIELD DROPPED THAT AMENDMENT TO STRIKE PART OF SENATOR BAKER'S BILL ABOUT AN AUTOMATIC...THAT THE STATE BOARD OF EDUCATION SHALL INCREASE THE AMOUNT OF MONEY A SCHOOL BOARD CAN SPEND FROM \$100,000 BY THE INFLATION RATE EVERY YEAR AFTER FIVE YEARS. I TOTALLY DISAGREE WITH THE FACT OR THE POINT THAT WE START MANDATING AUTOMATIC INCREASES, PUT BILLS ON AUTOPILOT. AND I WASN'T HERE TO HELP SENATOR BLOOMFIELD WITH THAT AMENDMENT AT THE TIME. AND IT WAS A THURSDAY...ABOUT THIS TIME ON A THURSDAY, MARCH 12. WE WERE ALL WANTING TO HEAD FOR THE DOOR AND HIS AMENDMENT ONLY GOT A 14-5 VOTE, WHICH WASN'T A FAIR REPRESENTATION OF A CLEAR DEBATE ON IT. BUT NEXT YEAR I WILL PROBABLY INTRODUCE A BILL TO REMOVE THAT PART OF SENATOR BAKER'S BILL ON LB431 BECAUSE WE CAN'T RUN A GOVERNMENT ON AUTOPILOT. ALL YOU'VE GOT TO DO IS LOOK AT THE FEDERAL GOVERNMENT ON MEDICAID, MEDICARE, YOU NAME IT, SOCIAL SECURITY, RETIREMENT BENEFITS. WE'RE BROKE AND WE SHOULD NOT START DOING THAT AT THE STATE LEVEL. THAT SAID, I AGREED WITH SENATOR BAKER'S BILL ON RAISING THE MINIMUM WHAT THEY HAD TO TAKE BIDS ON, SCHOOL BOARDS FROM \$40,000 TO \$100,000. I JUST DID NOT LIKE

Floor Debate
April 02, 2015

AUTOMATIC PILOT. AND YOU CAN'T COMPARE THAT TO THE BEAN BILL BECAUSE THAT INCREASE, AT LEAST THERE HAS TO BE A VOTE ON IT. THERE'S NO "SHALL" IN THAT ONE THAT THEY HAVE TO RAISE THE...AS THE ONE ON LB431 IS. SO ANYWAY, THAT'S WHAT I WANTED TO SAY. I GOT A QUESTION FOR SENATOR CHAMBERS, IF HE WOULD YIELD. [LB458 LB431]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD, PLEASE? [LB458]

SENATOR CHAMBERS: SENATOR GROENE, THAT IS NOT A YES OR NO QUESTION. IS IT A YES OR NO QUESTION THAT YOU'D LIKE? [LB458]

SENATOR GROENE: NO, I WILL LET YOU SPEAK IF YOU WANT TO ANSWER. [LB458]

SENATOR CHAMBERS: YES, I WILL ANSWER THE QUESTION. I WILL YIELD. [LB458]

SENATOR GROENE: IF WE WERE TO PASS YOUR BILL AND YOU MADE SOME POINTS ABOUT PERSONAL PROPERTY RIGHTS AND I CAME BACK WITH A BILL ON BLACK-TAILED PRAIRIE DOGS THAT STRAIGHTENED THAT OUT THAT THE COUNTY HAD TO GET A COURT ORDER, GO THROUGH THE COUNTY COURT TO PUT AN INJUNCTION OR WHATEVER--YOU'RE THE LAWYER, NOT ME--THAT THEY HAD TO TAKE CARE OF THEIR PRAIRIE DOGS, WOULD YOU FILIBUSTER THAT BILL OR WOULD YOU HELP ME GET IT PASSED? [LB458]

SENATOR CHAMBERS: THAT BILL WOULDN'T BE NECESSARY BECAUSE THAT'S WHAT A PERSON CAN DO RIGHT NOW AND THE COUNTY COULD NOT SEEK AN INJUNCTION ON BEHALF OF SOMEBODY ELSE. THE PERSON WHOSE RIGHTS ARE AFFECTED WOULD HAVE TO DO IT. SO IF YOU WOULD ELIMINATE THE PRAIRIE DOG BILL AND LET PEOPLE USE THE CURRENT LAW OF SEEKING AN INJUNCTION AND LEAVE THE COUNTY BOARD OUT OF IT, THEN WE'D BOTH BE HAPPY. [LB458]

PRESIDENT FOLEY: ONE MINUTE. [LB458]

SENATOR GROENE: AT THAT POINT, THOUGH, YOU'VE GOT A PRIVATE CITIZEN HAVING TO PAY A LAWYER FOR A CIVIL ACTION, IT SOUNDS LIKE, WITHOUT HAVING THE COUNTY INVOLVED. AND WHEN CITIES CONDEMN BUILDINGS OR THEY REMOVE JUNK CARS, WHY COULDN'T WE USE THE SAME PROCESS, SENATOR CHAMBERS, WITH PRAIRIE DOGS AS WE DO WITH THAT? [LB458]

SENATOR CHAMBERS: WHEN YOU TALK ABOUT THIS PROPERTY THAT YOU'RE

Floor Debate
April 02, 2015

MENTIONING, THERE IS AN OWNER OF RECORD. SO EVEN IF YOU DON'T KNOW THE PERSON, YOU CAN GO FIND OUT. PRAIRIE DOGS DON'T BELONG TO THE PERSON ON WHOSE LAND THEY RESIDE. PRAIRIE DOGS BELONG TO ALL OF THE PEOPLE IN THE STATE AND THAT MAKES DEALING WITH THOSE ANIMALS DIFFERENT FROM ANY OTHER ANALOGY THAT CAN BE GIVEN. [LB458]

SENATOR GROENE: THANK YOU, SENATOR CHAMBERS, BUT I'LL HAVE TO SIT DOWN WITH YOU AND BRING A BILL TO YOU AND SEE WHAT YOU THINK OF IT. AT THAT, I THANK THE PRESIDENT...MR. PRESIDENT AND I...I'M DONE. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE AND SENATOR CHAMBERS. SENATOR KOLTERMAN, YOU'RE WELCOME TO CLOSE ON LB458. [LB458]

SENATOR KOLTERMAN: THANK YOU VERY MUCH, MR. LIEUTENANT GOVERNOR. WELL, IT'S CERTAINLY BEEN AN INTERESTING DEBATE ON MY BILL. I WOULD LIKE TO THANK A COUPLE OF PEOPLE. FIRST OF ALL, THE COMMITTEE FOR BRINGING THE AMENDMENT, CLEANING IT UP A LITTLE BIT. I'D LIKE TO THANK SENATOR McCOY AND SENATOR CHAMBERS. AS MANY OF YOU KNOW WE ARE IN THE EASTER SEASON AND THEY SAID SOME REALLY...WE HEARD ALL ABOUT CUTTING OFF THE EAR AGAIN TODAY. IT COULDN'T BE MORE APPROPRIATE ON A DAY LIKE TODAY. I WOULD ENCOURAGE YOU TO VOTE GREEN ON THIS BILL. AND I'D WISH YOU ALL A HAPPY EASTER. AND TO YOU, SENATOR CHAMBERS, HAPPY BUNNY DAY. THANK YOU. [LB458]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SENATORS, YOU'VE HEARD THE DEBATE AND CLOSING ON LB458. THE QUESTION IS, THE ADVANCE OF LB458 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? [LB458]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB458. [LB458]

PRESIDENT FOLEY: LB458 ADVANCES. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB458]

SPEAKER HADLEY: MR. PRESIDENT AND MEMBERS OF THE BODY, I WOULD LIKE TO GIVE YOU A LITTLE PREVIEW OF WHAT I EXPECT THE REST OF THIS DAY AND WHAT WE'RE GOING TO DO NEXT WEEK. TODAY, IF WE MOVE...WHEN WE MOVE LB240, IF IT IS MOVED, WE WILL QUIT FOR THE DAY. THAT WILL BE THE LAST BILL, THE NEXT BILL UP. TUESDAY, WE WILL GO BACK TO FINAL

Floor Debate
April 02, 2015

READING AGAIN. WE WILL HAVE FINAL READING ON TUESDAY. AND THEN GO TO THE HARR DIVISION ON THE AGENDA. WE WILL CONTINUE ON WEDNESDAY WITH THE HARR DIVISION. AND THEN WEDNESDAY AT 1:30 WE WILL START ON--I WISH I HAD THE BILL NUMBER, I DO NOT HAVE--IT'S THE MEDICAID EXPANSION BILL WILL START WEDNESDAY AT 1:30. WE WILL WORK THROUGH THAT ON WEDNESDAY AND THURSDAY. AND PROBABLY ON FRIDAY, WE WILL HAVE SOME SELECT FILE AT THAT POINT IN TIME. SO I JUST WANTED TO LET YOU KNOW WHAT WE WERE GOING TO BE DOING FOR THE REST OF THE DAY AND FOR NEXT WEEK. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. RETURNING TO GENERAL FILE, LB240. MR. CLERK. [LB240]

CLERK: MR. PRESIDENT, LB240, A BILL BY SENATOR HANSEN. (READ TITLE.) INTRODUCED ON JANUARY 14 OF THIS YEAR, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB240]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR HANSEN, YOU'RE WELCOME TO OPEN ON LB240. [LB240]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB240 SEEKS TO ELIMINATE THE SUNSET PROVISION FOR BEHAVIORAL HEALTH SCREENING AND REFERRAL PILOT PROGRAM WHICH IS CURRENTLY SCHEDULED TO END IN SEPTEMBER OF THIS YEAR. THIS BILL CAME OUT OF THE HEALTH AND HUMAN SERVICES COMMITTEE UNANIMOUSLY AND ONLY HAD PROPONENT TESTIMONY. FIRST, A LITTLE BACKGROUND. THE BEHAVIORAL HEALTH EDUCATION CENTER OF NEBRASKA--ABBREVIATED AS BHECN, AND PRONOUNCED LIKE BEACON--ADDRESSES THE SHORTAGE OF TRAINED BEHAVIORAL HEALTHCARE PROVIDERS IN RURAL AND UNDERSERVED AREAS AND WAS CREATED IN 2009 BY OUR LEGISLATURE. IN 2013, MY PREDECESSOR, SENATOR AMANDA MCGILL, INTRODUCED LB556 THAT AUTHORIZED BHECN AND THE UNIVERSITY OF NEBRASKA MEDICAL CENTER TO CREATE THE BEHAVIORAL HEALTH SCREENING AND REFERRAL PILOT PROGRAM. THIS PILOT PROGRAM PROVIDED AN INTEGRATED CARE MODEL, WHICH THERE IS: BEHAVIORAL HEALTH SCREENING FOR CHILDREN AND ADOLESCENTS; AVAILABILITY OF FURTHER ASSESSMENT AND DIAGNOSIS IN THE PRIMARY CARE OFFICE; INITIAL TREATMENT OPTIONS IN THE PRIMARY CARE OFFICE FROM AN ON-SITE PSYCHOLOGIST; A BACKUP SPECIALTY CONSULTATION USING TELEHEALTH FROM UNMC FOR CHILD PSYCHIATRY, PSYCHOLOGY, PSYCHIATRIC NURSING, AND DEVELOPMENTAL PEDIATRICS; AND REFERRAL TO PSYCHIATRIC CARE FOR THE MOST SEVERE CLIENTS. THIS IS A MODEL

Floor Debate
April 02, 2015

THAT IS OFTEN CALLED OR CONNECTED WITH EARLY SCREENING ASSESSMENT AND A TREATMENT MODEL. THE THREE PILOT SITES FOR THE SCREENING AND REFERRAL PROGRAM WERE: THE COLUMBUS CHILDREN'S HEALTH CARE CLINIC, A PEDIATRIC PRACTICE IN COLUMBUS; WESTERN NEBRASKA BEHAVIORAL HEALTH, A CHILD PSYCHOLOGY PRACTICE PARTNERING WITH FAMILY MEDICINE PRACTICES IN CHADRON, ALLIANCE, AND VALENTINE; AND THE DUNDEE CHILDREN'S PHYSICIAN, A PEDIATRIC PRACTICE IN OMAHA. FROM NOVEMBER 2013 TO DECEMBER 2014 1,941 CHILDREN WERE SCREENED BETWEEN THE THREE PILOT SITES COMBINED. FOUR HUNDRED SIXTY OF THOSE CHILDREN SCREENED WARRANTED FOLLOW-UP FROM THE PSYCHOLOGIST AT THE PILOT SITE, AND TWO HUNDRED SIXTY-ONE OF THOSE SCREENED TOOK ADVANTAGE OF THE BEHAVIORAL HEALTHCARE OFFERED. BY ALL ACCOUNTS OF THE TESTIMONY AT THE HEARING AND EVERYTHING WE'VE SEEN AND LEARNED FROM THIS PROGRAM, THIS HAS BEEN A SUCCESSFUL PROGRAM AND ONE I FEEL THAT WE, AS A STATE, SHOULD CONTINUE. LB240 WOULD SIMPLY ELIMINATE THE SUNSET PROVISION SET FOR SEPTEMBER OF THIS YEAR, STRIKE THE TERM, "PILOT" AND REMOVE THE CAP OF THREE SITES FOR THE PROGRAM. EFFECTIVELY, THIS WILL CONTINUE THE PROGRAM AND MAKE IT PERMANENT. AS I SAID, THIS BILL CAME OUT OF THE HEALTH AND HUMAN SERVICES COMMITTEE UNANIMOUSLY. FURTHER, THE FISCAL NOTE FOR THE BILL SHOWS THAT THE FUNDS ARE STILL IN THE UNIVERSITY'S BASE BUDGET AND NOTES THAT THERE SHOULD BE MINIMAL OR NO FISCAL IMPACT. WITH THAT, I WOULD ASK FOR YOUR SUPPORT IN THE ADVANCEMENT OF LB240. THANK YOU. [LB240]

PRESIDENT FOLEY: THANK YOU, SENATOR HANSEN. DEBATE IS NOW OPEN ON LB240. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB240]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I'D LIKE TO ASK SENATOR HANSEN A QUESTION OR TWO IF HE WILL YIELD. [LB240]

PRESIDENT FOLEY: SENATOR HANSEN, WOULD YOU YIELD, PLEASE? [LB240]

SENATOR HANSEN: YES, I WOULD. [LB240]

SENATOR CHAMBERS: SENATOR HANSEN, I THINK I HEARD YOU...HOW DID YOU SAY THIS BILL CAME OUT OF HHS, SO I'M SURE I HEARD YOU CORRECTLY? [LB240]

SENATOR HANSEN: UNANIMOUSLY. [LB240]

SENATOR CHAMBERS: UNANIMOUSLY? THAT COULD BE THE KISS OF DEATH

Floor Debate
April 02, 2015

AROUND HERE IF THEY'RE GOING TO APPLY THE RULE TO EVERYBODY, BUT THEY WON'T. BUT HERE'S A SERIOUS QUESTION I WANT TO ASK YOU. IS THIS ACTIVITY PRIMARILY FOR THE PURPOSE OF PREVENTING CERTAIN THINGS OR FOR TREATING AND CURING, IF POSSIBLE? WHAT IS THE PURPOSE OF IT, THE MAIN PURPOSE? [LB240]

SENATOR HANSEN: THE PURPOSE IS TO PROVIDE BEHAVIORAL HEALTH SERVICES AT MORE PLACES IN NEBRASKA. [LB240]

SENATOR CHAMBERS: AND IS IT TO DEAL ONLY WITH THOSE PEOPLE WHO MIGHT HAVE ONE OF THOSE DIFFICULTIES OR IS IT TO PREVENT THEM FROM OCCURRING IN THE FIRST PLACE? [LB240]

SENATOR HANSEN: I WOULD SAY IT'S TO HELP THOSE WHO HAVE BEHAVIORAL HEALTH ISSUES, AS I'M NOT SURE TO WHAT EXTENT CERTAIN BEHAVIORAL HEALTH ISSUES CAN BE PREVENTED. [LB240]

SENATOR CHAMBERS: AND WILL THEY SAY IF YOUR PARENTS RAISE YOU RIGHT, YOU WON'T HAVE ANY PROBLEMS? THAT'S WHAT THEY SAY ABOUT MY COMMUNITY UNTIL THEY COME TO THE USE OF DRUGS BY WHITE KIDS. AND THEN THEY GET SOMEBODY TO BRING A BILL TO CHANGE ALL OF THE DRUGS AND MAKE OTHER THINGS ILLEGAL INSTEAD OF SAYING, IF WHITE PARENTS PROPERLY RAISE THEIR CHILDREN YOU WOULDN'T HAVE TO WORRY ABOUT ALL THESE DRUG BILLS. SO WE PASS DRUG BILLS FOR THAT PURPOSE. NOW THAT'S WHAT HAPPENS WHEN A BILL IS BROUGHT AND I'M IN THE MOOD THAT I'M IN. BUT IT GIVES YOU A CHANCE TO ELABORATE. NOW WHAT EXACTLY IS A BEHAVIORAL HEALTH PROBLEM? THAT'S WHAT I'M ASKING YOU. [LB240]

SENATOR HANSEN: OH, SORRY. WAS THAT A QUESTION? [LB240]

SENATOR CHAMBERS: WHAT WOULD A BEHAVIORAL...NOW I DIDN'T PUT YOU IN A TRANCE, DID I? WHAT IS A BEHAVIORAL HEALTH PROBLEM, AN EXAMPLE? [LB240]

SENATOR HANSEN: AN EXAMPLE? ONE OF THE THINGS THAT WAS COMMON FROM THE SCREENING WAS ANXIETY OR DEPRESSION, AS WELL AS ATTENTION DEFICIT DISORDER WERE SOME OF THE COMMON ONES, FOR EXAMPLE. [LB240]

SENATOR CHAMBERS: IS THERE A CERTAIN AGE CATEGORY THAT THIS BILL ADDRESSES OR YOU CAN BE ANY AGE AND THIS SPECIFIC PROGRAM WOULD BE FOR YOU? I MEANT, DOES IT TARGET ANY AGE CATEGORY? [LB240]

Floor Debate
April 02, 2015

SENATOR HANSEN: I WOULD HAVE TO CHECK THE SPECIFIC AGE REQUIREMENTS. I DON'T THINK THE LANGUAGE IN THE STATUTE REQUIRES THAT, BUT I DON'T KNOW IF THE UNMC PILOT PROGRAM HAD A SPECIFIC AGE, IT MIGHT. [LB240]

SENATOR CHAMBERS: HAD YOU VISITED ANY ONE OF THESE FACILITIES WHICH IS A PART OF THIS PROGRAM? [LB240]

SENATOR HANSEN: I HAVE NOT, NO. [LB240]

SENATOR CHAMBERS: WHO REQUESTED THAT YOU BRING THE BILL? [LB240]

SENATOR HANSEN: BHECN, THE BEHAVIORAL HEALTH EDUCATION CENTER OF NEBRASKA WORKED WITH MY OFFICE ON THE LANGUAGE. [LB240]

SENATOR CHAMBERS: AND YOU AGREED, WHEN THEY BROUGHT IT TO YOU, TO OFFER THE BILL? [LB240]

SENATOR HANSEN: YES. [LB240]

SENATOR CHAMBERS: AND ALL IT DOES IS REMOVE THE SUNSET PROVISION, WHICH MEANS THE PROGRAM AS IT EXISTS NOW WOULD SIMPLY NOT TERMINATE WHENEVER THAT DATE THAT'S IN THE STATUTE NOW ARRIVES. IT WOULD HAVE LIFE BEYOND THAT DATE. [LB240]

SENATOR HANSEN: YES, IT WOULD. [LB240]

SENATOR CHAMBERS: WHEN THEY BROUGHT YOU THIS BILL, DID IT OCCUR TO YOU TO ASK THEM, WHAT ARE YOU ALL DOING THAT WOULD JUSTIFY THE CONTINUATION OF THIS PROGRAM BEYOND THE CURRENT SUNSET DATE? [LB240]

SENATOR HANSEN: YES. WELL, WE TALKED ABOUT IT WITH THEM AND THEY HAD--AND I CAN SHARE THAT MORE--THEY HAD A REPORT AND SOME INFORMATION ABOUT THE SUCCESSES OF THE PROGRAM AND WE DISCUSSED THAT, AND FROM THERE I FELT IT SHOULD BE CONTINUED. [LB240]

SENATOR CHAMBERS: AND THEY CONVINCED YOU WITH THEIR PRESENTATION--AND I'M NOT ASKING YOU THE DETAILS OF IT--THAT THIS WOULD BE A GOOD THING TO DO TO CONTINUE THIS PROGRAM? [LB240]

SENATOR HANSEN: YES, THEY DID. [LB240]

Floor Debate
April 02, 2015

SENATOR CHAMBERS: ARE YOU ABLE TO TELL ME HOW LONG THIS PROGRAM HAS BEEN IN EXISTENCE? [LB240]

SENATOR HANSEN: IT WAS CREATED IN 2013, SO TWO YEARS NOW. [LB240]

SENATOR CHAMBERS: SO IT'S BEEN IN EXISTENCE A MATTER OF A YEAR AND SOME MONTHS. AND THAT IS CONSIDERED ENOUGH TIME TO JUSTIFY ITS BEING PERPETUATED AND IT'S NOT JUST YOUR OPINION, BUT THE OPINION OF THE OTHER MEMBERS OF THE HHS COMMITTEE. IS THAT A FAIR STATEMENT? IF THEY VOTED UNANIMOUSLY, THEY MUST AGREE, OR DO YOU THINK THEY VOTE WITHOUT KNOWING WHAT THEY'RE VOTING FOR? [LB240]

SENATOR HANSEN: I WOULD SAY THAT'S A FAIR INTERPRETATION OF THE VOTE OF THE HHS COMMITTEE. [LB240]

SENATOR CHAMBERS: BUT IF I HADN'T MADE THAT LAST OBSERVATION, YOU STILL WOULD HAVE BEEN UNSURE OF WHETHER OR NOT THEY AGREE, HUH? THIS IS JUST A SMALL EXAMPLE ON A VERY SIMPLE BILL, WHICH IS CLEAR AND STRAIGHTFORWARD, OF THE KIND OF QUESTIONING THAT CAN OCCUR AS BILLS COME BEFORE US. [LB240]

PRESIDENT FOLEY: TIME, SENATORS. [LB240]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB240]

PRESIDENT FOLEY: THANK YOU, SENATORS CHAMBERS AND HANSEN. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB240]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. WOULD SENATOR HANSEN YIELD TO A QUESTION? [LB240]

PRESIDENT FOLEY: SENATOR HANSEN, WOULD YOU YIELD, PLEASE? [LB240]

SENATOR HANSEN: YES, I WOULD. [LB240]

SENATOR SCHUMACHER: NOW, THIS NOT ONLY REMOVES THE SUNSET, BUT IT ALSO REMOVES AND MAKES AN UNLIMITED NUMBER OF THESE CLINICS POSSIBLE? [LB240]

SENATOR HANSEN: YES. IT REQUIRES AT LEAST THREE. [LB240]

Floor Debate
April 02, 2015

SENATOR SCHUMACHER: SO, BUT, I MEAN, THE ORIGINAL LANGUAGE SAID THREE CLINICS WILL BE SELECTED FOR THIS PROGRAM. NOW IT SAYS AT LEAST THREE CLINICS WHICH MEANS THERE IS NO LIMIT ON THE NUMBER OF CLINICS. I'M CURIOUS AS TO WHAT KIND OF PROGRAM ARE WE LOOKING AT? HOW MANY CLINICS? CERTAINLY, THESE THINGS DON'T COME FOR FREE. WHAT KIND OF A FISCAL IMPACT IN THE CONTEXT OF WHAT YOU ANTICIPATE THE NUMBER OF THE CLINICS, THE LOCATION OF THESE CLINICS. AND I'M A LITTLE BIT CURIOUS ON THE PERFORMANCE OF THE PILOT PROJECT THAT WE'RE CHANGING NOW. SO I GUESS QUESTION ONE, ANY IDEA HOW MANY CLINICS WE ARE SAYING THERE SHALL BE? [LB240]

SENATOR HANSEN: NO, I DON'T HAVE A SPECIFIC NUMBER. AND I SHOULD NOTE THAT THE CLINICS THAT WE'RE TALKING ABOUT ARE CLINICS THAT ALREADY EXIST. IN THE CASE OF THE PILOT PROGRAM, THEY WERE ALREADY EXISTING PRIMARY CARE PHYSICIANS THAT HAD EXTRA TRAINING IN TERMS OF SCREENING AND TREATMENT AND MORE CONNECTION WITH BEHAVIORAL HEALTH PROFESSIONALS TO BE REFERRED TO. [LB240]

SENATOR SCHUMACHER: WELL, THE LEGISLATURE MUST HAVE SAW A COUPLE OF YEARS AGO REASON TO SAY JUST THREE. MOST LIKELY, THAT MUST HAVE BEEN TO SEE HOW THREE DO AND HOW MUCH THEY COST AND HOW EFFECTIVE THEY ARE. AND THEN THERE MUST HAVE BEEN SOME CONTROVERSY BECAUSE THERE WAS A SUNSET; IT'S GOING TO GO AWAY IN TWO YEARS. AND NOW WE ARE TAKING THE SUNSET OFF WITHOUT A REPORT OF HOW WELL IT WORKED, WHETHER OR NOT THE PILOT FLEW OR CRASHED INTO THE MOUNTAIN. AND WE ARE TAKING THE LIMIT OF THREE AWAY. SO I'M JUST CURIOUS AS TO FILL IN THE BLANKS HERE BECAUSE WE MAY BE SPENDING MONEY HERE AND WE MAY BE COMMITTING OURSELVES TO SOMETHING. AND DO WE KNOW HOW THE PILOT WENT? [LB240]

SENATOR HANSEN: YES. AND I BELIEVE SENATOR HOWARD HAS JUST OFFERED TO HELP WITH SOME OF THESE QUESTIONS AS WELL IF...BUT THE PILOT PROGRAM, AS I SAID IN MY OPENING, THE LARGE REPORT WAS THEY WERE ABLE TO SCREEN OVER 1,900 CHILDREN. AND OF THOSE, THEY IDENTIFIED 460 FOR THE SCREENING AND 261 OF THOSE CHOSE TO ACCEPT THE ADDITIONAL TREATMENT OR START THE ADDITIONAL TREATMENT. [LB240]

SENATOR SCHUMACHER: OKAY. THANK YOU, SENATOR HANSEN. I THINK SENATOR CHAMBERS RAISED THE ISSUE AND I LOOKED AT IT CLOSER AS A RESULT OF HIS COMMENTS. YOU KNOW, WHEN WE GET ALL EXCITED ABOUT THESE TANGENTIAL ISSUES THAT SOMETIMES CROP UP IN HERE IT'S EASY TO OVERLOOK WHAT WE'RE ACTUALLY DOING AND IT'S REALLY EASY AS WE APPROACH A HOLIDAY WEEKEND, APPROACHING 12:00 UP THERE, TO START

Floor Debate
April 02, 2015

PUSHING BUTTONS WITHOUT ASKING QUESTIONS. I YIELD THE REST OF MY TIME TO SENATOR HOWARD. [LB240]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR HOWARD, 1:30. [LB240]

SENATOR HOWARD: THANK YOU, SENATOR SCHUMACHER, I APPRECIATE THE TIME. I WAS NOT HERE WHEN BHECN WAS FIRST ENACTED. MY MOTHER WAS. AND THE SUNSET WAS PUT ON BECAUSE THIS WAS THE FIRST TIME THAT WE WERE BEGINNING THE CONVERSATION OF INTEGRATING BEHAVIORAL HEALTH WITH PRIMARY CARE. NOW WHEN WE TALK ABOUT INTEGRATION WITH BEHAVIORAL HEALTH AND PRIMARY CARE, IT'S ACTUALLY VERY COMMON AND VERY MUCH ENCOURAGED. [LB240]

PRESIDENT FOLEY: ONE MINUTE. [LB240]

SENATOR HOWARD: TIME? [LB240]

PRESIDENT FOLEY: ONE MINUTE. [LB240]

SENATOR HOWARD: OH, GOOD. THAT'S GOOD. THANK YOU. IN OUR CLINIC WE PRACTICE WHAT'S CALLED FULL INTEGRATION WHERE IF SOMEBODY COMES IN FOR A PRIMARY CARE VISIT AND SOMETHING COMES UP ON A BEHAVIORAL HEALTH SCREEN, THEY CONDUCT WHAT'S CALLED A WARM HAND-OFF. AND THEY BRING IN A BEHAVIORAL HEALTH PROVIDER TO ADDRESS THOSE ISSUES RIGHT THEN IN THAT MINUTE. THE PROBLEM WITH THE INTEGRATED MODEL, THOUGH, IS BILLING BECAUSE WE CAN'T BILL FOR TWO DIFFERENT SERVICES ON A SAME-DAY VISIT. AND SO BHECN...THIS BILL, IN EXTENDING BHECN, ALLOWS FUNDS TO CONTINUE FOR THE INTEGRATED PILOT. AND, HOPEFULLY, THAT ANSWERS A FEW OF YOUR QUESTIONS. THANK YOU, MR. SCHUMACHER. THANK YOU, MR. PRESIDENT. [LB240]

PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. SENATOR HUGHES, YOU ARE RECOGNIZED. [LB240]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. WOULD SENATOR HANSEN YIELD TO SOME QUESTIONS, PLEASE? [LB240]

PRESIDENT FOLEY: SENATOR HANSEN, WOULD YOU YIELD, PLEASE? [LB240]

SENATOR HANSEN: YES, I WOULD. [LB240]

SENATOR HUGHES: LOOKING AT THE FISCAL NOTE ON YOUR BILL, I'M A LITTLE

Floor Debate
April 02, 2015

CONFUSED AS TO WHERE THE MONEY IS GOING. I SEE THERE ARE NO GENERAL FUND EXPENDITURES, BUT YET THE UNIVERSITY OF NEBRASKA HAS GOT SOME...APPARENTLY, SOME LEFTOVER MONEY. AM I READING THAT RIGHT? [LB240]

SENATOR HANSEN: I BELIEVE FROM THE FISCAL NOTE IT NOTES THAT IT WAS STILL CONTAINED IN THE UNIVERSITY'S BASE BUDGET. [LB240]

SENATOR HUGHES: I'M SORRY, I DIDN'T HEAR THAT. [LB240]

SENATOR HANSEN: THE FUNDS WERE STILL CONTAINED IN THE UNIVERSITY'S BASE BUDGET, SO AS PART OF THE REQUEST GOING FORWARD. [LB240]

SENATOR HUGHES: SO LOOKING AT THE FISCAL NOTE, IT HAS HERE THAT IN 2013 WE APPROPRIATED \$450,000 FOR THE '13-14 AND ALSO \$450,000 FOR THE '14-15 BUDGET. NOW THAT MONEY WAS NOT SPENT OR HALF OF IT WAS SPENT? I'M CONFUSED. AND IF THERE'S SOMEONE ELSE IN THE BODY THAT COULD EXPLAIN THIS TO ME, I WOULD APPRECIATE IT. BUT IT'S YOUR BILL, LOOKS LIKE YOU'RE THE EXPERT TODAY. [LB240]

SENATOR HANSEN: IT IS MY UNDERSTANDING THAT THAT MONEY WAS USED FOR THE PROGRAM THAT'S IN THOSE FISCAL YEARS. BUT I WILL SAY I PROBABLY AM ON A SIMILAR LEVEL OF FISCAL NOTE READING AS YOU ARE, SO I WOULD ALSO WELCOME ANOTHER PERSON OFFERING THEIR INTERPRETATION. [LB240]

SENATOR HUGHES: OKAY, THANK YOU. WOULD SENATOR HOWARD YIELD TO A QUESTION, PLEASE? [LB240]

PRESIDENT FOLEY: SENATOR HOWARD, WOULD YOU YIELD, PLEASE? [LB240]

SENATOR HOWARD: CERTAINLY. [LB240]

SENATOR HUGHES: THANK YOU. YOU INDICATED THAT THIS CAME INTO BEING UNDER YOUR MOTHER'S TENURE, IS THAT CORRECT? [LB240]

SENATOR HOWARD: YES, SIR. [LB240]

SENATOR HUGHES: OKAY. AND WHEN WAS THAT AND WHY WAS THE SUNSET DATE PUT IN PLACE? [LB240]

SENATOR HOWARD: WELL, IT WAS A COUPLE OF YEARS AGO WHEN INTEGRATED PRIMARY CARE AND BEHAVIORAL HEALTHCARE WAS REALLY

Floor Debate
April 02, 2015

NEW AND WE WERE STILL TRYING TO FIGURE OUT HOW IT MIGHT WORK IN A CLINICAL SETTING. SOME CLINICS JUST DID IT REGARDLESS OF THE BILLING SITUATION. BHECN...THIS WAS SET UP IN ORDER TO FUND IT IN A WAY WHERE WE WOULDN'T HAVE TO WORRY ABOUT THE BILLING CHALLENGES. [LB240]

SENATOR HUGHES: OKAY. AND WHAT WAS THE ORIGINAL TIME FRAME THAT THE SUNSET COVERED? [LB240]

SENATOR HOWARD: I THINK IT WAS THREE YEARS. [LB240]

SENATOR HUGHES: THREE YEARS. OKAY. THANK YOU, MR. PRESIDENT. [LB240]

PRESIDENT FOLEY: THANK YOU, SENATOR HUGHES AND HOWARD. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB240]

SENATOR CHAMBERS: MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, AS I SAID BEFORE A COUPLE OF DAYS AGO, IT'S SO NICE TO BE RECOGNIZED AND SINCE YOU RECOGNIZED ME, I'M SATISFIED. THANK YOU VERY MUCH. [LB240]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CRAWFORD YOU'RE RECOGNIZED. SENATOR CRAWFORD WAIVES THE OPPORTUNITY. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB240]

SENATOR HARR: THANK YOU. WHEN THE SKIPPER AND PROFESSOR GET UP AND WORRY ABOUT SOMETHING, I START TO WORRY A LITTLE, TOO. AND I'M HEARING DEBATE ON THE FLOOR AND I'M HEARING THIS IS ABOUT A BILLING ISSUE. WHAT I HAVEN'T HEARD IS DATA THAT SAYS THIS IS THE BEST WAY TO GO FORWARD. THE ORIGINAL LEGISLATION WAS PASSED IN 2013 SESSION, TWO YEARS AGO. THERE IS A REASON WE PUT SUNSETS ON. AND THE REASON FOR SUNSETS ISN'T TO SEE IF NO ONE OBJECTS AND THEN WE'LL ELIMINATE THEM. THE REASON FOR SUNSETS IS TO FORCE THE PERSON WHO WANTS THE MONEY TO PRODUCE THE DATA THAT SAYS, THIS IS A WORTHY GOAL AND THAT WHAT WE'RE TRYING TO DO IS ACTUALLY BEING DONE. I HAVEN'T HEARD THAT YET. WOULD SENATOR HANSEN YIELD TO SOME QUESTIONS? [LB240]

PRESIDENT FOLEY: SENATOR HANSEN, WOULD YOU YIELD, PLEASE? [LB240]

SENATOR HANSEN: YES, I WOULD. [LB240]

SENATOR HARR: THANK YOU, SENATOR. NOW, I SEE THIS PASSED IN 2013, SO

Floor Debate
April 02, 2015

THIS IS BEFORE YOU WERE HERE, LB556. DO YOU KNOW WHO ORIGINALLY BROUGHT LB556? [LB240]

SENATOR HANSEN: YES. SENATOR AMANDA MCGILL. [LB240]

SENATOR HARR: WHO? [LB240]

SENATOR HANSEN: AMANDA MCGILL. [LB240]

SENATOR HARR: OKAY. AND I GUESS MY QUESTION IS, THE BEHAVIORAL HEALTH SCREENING AND REFERRAL PILOT PROGRAM, IS THERE ANY DATA AVAILABLE ON HOW IT'S BEEN SUCCESSFUL OR HOW IT HAS NOT BEEN SUCCESSFUL? [LB240]

SENATOR HANSEN: YES. OVER LAST SESSION THERE WAS A LEGISLATIVE RESOLUTION. LR592 PRODUCED A STUDY ON THE OVERALL BEHAVIORAL HEALTH EDUCATION CENTER OF NEBRASKA. AND THAT INCLUDED SOME DATA THAT THEY REPORTED ON THIS PARTICULAR PILOT PROGRAM. [LB240]

SENATOR HARR: AND WHAT DID THEY SAY? [LB240]

SENATOR HANSEN: AMONG OTHER THINGS, THE NUMBERS I REPORTED EARLIER ABOUT THE ADDITIONAL SCREENINGS THAT THEY WERE ABLE TO PROVIDE OF CHILDREN ACROSS THE STATE AS WELL AS THE AMOUNT THAT ACCEPTED AND CHOSE TO GO FOR FURTHER TREATMENT. [LB240]

SENATOR HARR: AND I GET THAT WE HAVE MORE SCREENINGS. THE QUESTION IS, WHAT ARE THE RESULTS? YOU KNOW, YOU CAN SCREEN ME AND TELL ME I HAVE CANCER. BUT UNLESS WE DO SOMETHING TO TREAT THE UNDERLYING CANCER...SO WHAT ARE WE DOING? I GUESS I'M CONFUSED. ARE WE JUST DOING TESTING AND THEN WE'RE JUST SAYING, NO MONEY FOR THAT? IS THIS JUST FOR TESTING? WHAT ARE THE RESULTS OF THE TESTING? ARE MORE PEOPLE BEING DIAGNOSED WITH BEHAVIORAL HEALTH PROBLEMS THAT ARE BEING TREATED? IS THERE FUNDING IF THEY ARE FOUND TO HAVE MENTAL HEALTH PROBLEMS? A LOT OF QUESTIONS. [LB240]

SENATOR HANSEN: WOULD YOU LIKE ME TO RESPOND TO THAT? [LB240]

SENATOR HARR: PLEASE, PLEASE. [LB240]

SENATOR HANSEN: YES. SO THE FUNDAMENTAL PURPOSE, AS I UNDERSTAND IT, WAS TO INCREASE THE AMOUNT OF SCREENINGS AND, HOPEFULLY, THE AMOUNT OF DIAGNOSES OF BEHAVIORAL HEALTH ISSUES AND ESPECIALLY

Floor Debate
April 02, 2015

WITH A FOCUS ON GOING DIFFERENT PLACES IN NEBRASKA. AS PART OF THAT, THEY ALSO WANTED TO DO THE INTEGRATED CARE MODEL WHICH WAS WHERE YOU COULD SEE A BEHAVIORAL HEALTH PROFESSIONAL OF SOME KIND, WHETHER THAT'S A PSYCHIATRIC NURSE PRACTITIONER, A PSYCHOLOGIST, PSYCHIATRIST INSIDE OF YOUR FAMILY HEALTH PROVIDER. SO THAT WAS THE INTENT WAS TO BOTH GIVE SOME SCREENINGS AND SOME TOOLS TO FAMILY PRACTICE DOCTORS, ESPECIALLY THOSE WHO FOCUS ON CHILDREN, TO SCREEN AND HELP DIAGNOSE OR AT LEAST SCREEN THE POTENTIAL OF DIAGNOSING BEHAVIORAL ISSUES. [LB240]

SENATOR HARR: AND I UNDERSTAND THAT AND I THANK YOU. BUT MY QUESTION IS, WHAT HAVE WE DONE WITH THOSE RESULTS OF THE SCREENING? I MEAN, ARE WE IN A BETTER SPOT NOW THAN THEY WERE TWO YEARS AGO BECAUSE OF THIS? [LB240]

SENATOR HANSEN: ACCORDING TO THEIR RESULTS, OVER 260 CHILDREN HAVE BEEN DIAGNOSED WITH BEHAVIORAL HEALTH ISSUES... [LB240]

PRESIDENT FOLEY: ONE MINUTE. [LB240]

SENATOR HANSEN: ...AND HAVE SOUGHT FURTHER TREATMENT. SO I WOULD SAY, YES. [LB240]

SENATOR HARR: OKAY. AND THERE'S MONEY FOR THAT TREATMENT? SO WHAT THIS DOES IS FUND THE TESTING, IT DOESN'T FUND THE RESULTS. AND SO WE'RE SUPPOSED TO SAY, THIS IS A GOOD PROGRAM BECAUSE WE DID MORE TESTING. IS THAT RIGHT? [LB240]

SENATOR HANSEN: YES. IT'S PROVIDING BOTH TESTING AND...IT DOESN'T PAY FOR THE TREATMENT PER SE BUT IT DOES PROVIDE FOR ADDITIONAL... [LB240]

SENATOR HARR: ALL RIGHT, THANK YOU. AND WHERE ARE THEY LOOKING TO DO MORE CLINICS, IF YOU CAN QUICKLY SAY? [LB240]

SENATOR HANSEN: I DO NOT KNOW ANY SPECIFIC SITES. [LB240]

SENATOR HARR: OKAY, THANK YOU. I APPRECIATE IT. [LB240]

PRESIDENT FOLEY: THANK YOU, SENATORS HARR AND HANSEN. SENATOR GLOOR, YOU ARE RECOGNIZED. [LB240]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. THANK YOU, MEMBERS.

Floor Debate
April 02, 2015

SENATOR HARR ASKED THE QUESTION THAT I WAS LOOKING TO ASK AND SO I'M GOING TO ASK A COUPLE OF QUESTIONS ULTIMATELY BUT I WANT TO, FOR PURPOSES OF THE RECORD AND ANYONE WHO HAPPENS TO BE LISTENING, POINT OUT THE FACT THAT WE HAVE HAD PILOTS FOR PATIENT-CENTERED MEDICAL HOME, AN INTEGRATED MODEL. THIS HAS BEEN ON THE ACUTE CARE SIDE. THIS OCCURRED BACK IN '10 AND '11. THE RESULTS OF THAT PILOT CAME BACK TO THIS BODY AND REPORTED BACK TO THIS BODY. AND THERE WERE CRITERIA, YOU KNOW, REDUCTION IN ER VISITS; AN INCREASE IN IMMUNIZATIONS AND BLOOD PRESSURE SCREENINGS. THERE WERE A WHOLE LIST OF CRITERIA THAT THIS PILOT ATTEMPTED TO MEASURE TO SHOW ITS BENEFITS. ARMED WITH THAT INFORMATION, MEDICAID ACTUALLY THEN BEGAN EXPANSION OF PATIENT-CENTERED MEDICAL HOMES AS A TREATMENT OPTION EVENTUALLY FOR MEDICAID PATIENTS ACROSS THE STATE OF NEBRASKA IN ITS NEGOTIATION WITH ITS MANAGED CARE ENTITIES THAT MANAGE MEDICAID FOR US. THIS IS PRETTY INVOLVED, COMPLICATED STUFF, BUT THERE HAVE BEEN ALL ALONG THE WAY WITH THE PATIENT-CENTERED MEDICAL HOME OPPORTUNITIES TO MEASURE AND WEIGH BACK THE PERFORMANCE COMPONENTS OF THIS AND INSTITUTIONALIZE IT WITHIN THE DEPARTMENT OF MEDICAID. SO PATIENT-CENTERED MEDICAL HOME INTEGRATED CARE MODELS HAVE BEEN OUT THERE. ONE OF THE SHORTCOMINGS THAT HAS COME UP HAS BEEN THERE'S BEEN NO BEHAVIORAL HEALTH PIECE THAT'S BEEN INCORPORATED INTO IT. AND CLEARLY, AS I RECALL 2013, THIS WAS A PILOT PROJECT THAT WAS TO TAKE A LOOK AT INTEGRATED CARE AS RELATES TO BEHAVIORAL HEALTH, NOT FOLDING IT INTO THE TRADITIONAL PATIENT-CENTERED MEDICAL HOME MODELS THAT WE ALREADY HAVE OUT THERE UNDER MEDICAID, A PROBLEM FOR ME AND ONE THAT I THOUGHT PROBABLY MADE SENSE. BUT I DON'T RECALL, AS SENATOR HARR IS APPROPRIATELY ASKING, WHAT THE RESULTS AND THE REPORT BACK WAS ON THE PERFORMANCE OF THAT PILOT, BECAUSE THERE SHOULD HAVE BEEN SOME CRITERIA THAT WERE OUT THERE. SO I'M GOING TO ASK IF SENATOR HANSEN WOULD YIELD SO WE CAN CONTINUE THIS DISCUSSION. [LB240]

PRESIDENT FOLEY: SENATOR HANSEN, WOULD YOU YIELD, PLEASE? [LB240]

SENATOR HANSEN: YES, I WOULD. [LB240]

SENATOR GLOOR: HOPEFULLY, SENATOR HANSEN, WHAT YOU'RE HEARING FROM ME IS, I UNDERSTAND THIS. WE'VE BEEN INVOLVED IN PILOTS LIKE THIS ON THE ACUTE CARE SIDE. APPROPRIATE THAT WE WOULD TAKE A LOOK AT THE BEHAVIORAL HEALTH PIECE. BUT DO YOU KNOW, WAS THERE A PERFORMANCE MATRIX? WERE THERE PERFORMANCE CRITERIA THAT HAD BEEN REPORTED BACK EITHER TO THE DEPARTMENT OF HEALTH, REPORTED

Floor Debate
April 02, 2015

BACK TO THE LEGISLATURE? WHERE ARE OUR PERFORMANCE CRITERIA ON THIS? [LB240]

SENATOR HANSEN: SENATOR, I DO NOT KNOW IF THERE WERE SPECIFIC PERFORMANCE CRITERIA WE PROVIDED AT THE OUTSET. [LB240]

SENATOR GLOOR: OKAY. I WONDER IF SENATOR HOWARD WOULD YIELD. [LB240]

PRESIDENT FOLEY: SENATOR HOWARD, WOULD YOU YIELD, PLEASE? [LB240]

SENATOR HOWARD: YES, I WOULD. [LB240]

SENATOR GLOOR: AREN'T YOU HAPPY IN YOUR ROLE AS THE VICE CHAIR OF THE HEALTH AND HUMAN SERVICES COMMITTEE, SENATOR HOWARD? [LB240]

SENATOR HOWARD: I AM QUITE ENJOYING IT, THANK YOU, SIR. [LB240]

SENATOR GLOOR: I KNOW YOU'VE BEEN TRACKING ALONG WITH SOME OF THE QUESTIONS THAT ARE OUT THERE AND YOU UNDERSTAND PATIENT-CENTERED MEDICAL HOME AND HOPEFULLY WILL HAVE HEARD SOME OF MY INTRODUCTORY COMMENTS. CAN YOU HELP ME WITH THIS? AND THIS HAS TO DO WITH THE PERFORMANCE CRITERIA AND HAVE WE HAD METRICS--THAT WOULD BE THE CORRECT TERM--METRICS OUT THERE THAT THE PILOT PROJECT WAS WEIGHED AGAINST? [LB240]

SENATOR HOWARD: CERTAINLY. AND WHEN I THINK OF METRICS AND WHEN I THINK OF PCMH OR PATIENT-CENTERED MEDICAL HOME I THINK OF THE NATIONAL CENTER, NCQA, NATIONAL CENTER FOR QUALITY ASSURANCE. [LB240]

SENATOR GLOOR: CORRECT. [LB240]

SENATOR HOWARD: SO WHEN I THINK OF THEIR METRICS AROUND... [LB240]

PRESIDENT FOLEY: ONE MINUTE. [LB240]

SENATOR HOWARD: I'M SORRY, COULD I GET A GAVEL? [LB240]

PRESIDENT FOLEY: (GAVEL.) [LB240]

SENATOR HOWARD: ...THANK YOU...THEY LOOK AT PATIENT OUTCOMES THAT ARE VERY SPECIFIC. AT OUR CLINIC WE ALSO LOOK AT...WE TRY TO ALIGN

Floor Debate
April 02, 2015

OUR PATIENT OUTCOMES WITH THOSE AS WELL. AND THOSE CAN BE ANYTHING FROM ENSURING THAT EVERY PATIENT RECEIVES A BEHAVIORAL HEALTH SCREEN; EVERY PATIENT RECEIVES A TOBACCO SCREEN; EVERY PREGNANT WOMAN ENTERS CARE IN THE FIRST TRIMESTER. THAT'S A QUALITY INDICATOR FOR HEALTHCARE. THOSE ARE JUST A COUPLE OF THE ONES THAT COME TO MIND. [LB240]

SENATOR GLOOR: OKAY. I THINK I'M GOING TO RUN OUT OF TIME HERE. BUT I'VE PUNCHED MY BUTTON AGAIN, SENATOR HOWARD, SO THAT HOPEFULLY WE CAN CONTINUE THIS DISCUSSION. THANK YOU. THANK YOU, MR. PRESIDENT. [LB240]

PRESIDENT FOLEY: THANK YOU, SENATORS GLOOR AND HOWARD. (VISITORS INTRODUCED.) SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB240]

SENATOR KOLTERMAN: THANK YOU, MR. LIEUTENANT GOVERNOR. THERE'S A LOT OF QUESTIONS ABOUT THIS BILL AND I LISTENED TO IT IN COMMITTEE. AND, OBVIOUSLY, IN MANY REGARDS I'M PRETTY CONSERVATIVE, BUT I WANT TO READ A LITTLE BIT OF THE TESTIMONY THAT CAME FROM KATHRYN MENOUSEK, SHE'S A Ph.D., THAT RAN THIS PROGRAM IN COLUMBUS, NEBRASKA. AND SHE TALKED ABOUT PROVIDING SERVICES TO CHILDREN AND ADOLESCENTS AT THE COLUMBUS CHILDREN'S HEALTH CARE PEDIATRIC CLINIC IN COLUMBUS. SHE WAS ONE OF THE PEOPLE THAT WAS CURRENTLY TRAINING POSTDOCTORAL FELLOWS, PREDOCTORAL PSYCHOLOGY INTERNS, AND MASTER LEVEL STUDENTS AT THE CLINIC IN COLUMBUS. BUT WHAT SHE DOES, SHE TALKS ABOUT HOW THIS HAS BEEN BENEFICIAL. SINCE NOVEMBER OF 2013, THE USE OF BEHAVIORAL HEALTH SCREENER HAS BEEN OFFERED AT ALL APPOINTMENTS FOR PATIENTS IN THE CCH PEDIATRIC CLINIC IN COLUMBUS. AFTER PASSING OF LB556, THEIR CLINIC, ALONG WITH THE OTHER TWO PILOT CLINICS, REPORTEDLY PROVIDED SERVICES TO APPROXIMATELY 15,000 PATIENTS FROM APPROXIMATELY 43 TOWNS IN THE STATE. THE AVERAGE DISTANCE THE PATIENTS TRAVELED FOR THIS WAS 43 MILES AND THE LONGEST DISTANCE BEING 146 MILES FROM STUART, NEBRASKA. PRIMARY CARE PHYSICIANS ARE THE GATEKEEPERS OF THIS BEHAVIORAL HEALTH CONCERN. AND OVER TWO-THIRDS OF THE PATIENTS WITH BEHAVIORAL HEALTH CONCERNS PRESENT TO THEIR PHYSICIANS PRIOR TO SEEKING SPECIALTY SERVICES. SO THAT MEANS THAT A LOT OF IT IS HANDLED BY THE GATEKEEPER AND THEY DON'T NECESSARILY NEED THIS. BUT THEIR DATA FROM THE THREE PILOT SITES SHOWS THAT LB556 IS WORKING. AND SINCE THE BEGINNING OF IMPLEMENTATION, THEY'VE PROVIDED APPROXIMATELY 1,900 CHILDREN AND ADOLESCENTS WITH BEHAVIORAL HEALTH SCREENINGS AND APPROXIMATELY 23 PERCENT OF THE PATIENTS PROVIDED WITH BEHAVIORAL HEALTH SCREENER WERE

Floor Debate
April 02, 2015

POSITIVE FOR AT LEAST ONE OF THE SYMPTOMS MENTIONED OR THAT THEY ARE BEING TREATED FOR. IN ADDITION, 16 PERCENT OF THE PARENTS INDICATED THEY WOULD LIKE ASSISTANCE REGARDING THE BEHAVIORAL HEALTH CONCERNS THAT THEY ARE EXPERIENCING WITH THEIR CHILDREN. NOW, I DON'T HAVE A LOT OF FIRM DATA OTHER THAN THAT. WHAT THIS BILL IS INTENDED TO DO, AS I UNDERSTAND IT, IS THEY WANT TO EXPAND THIS TO MORE CITIES, MORE TOWNS AND CONTINUE TO OPERATE THIS THROUGH THE MED CENTER. AND SO THAT'S WHY WE VOTED IT OUT OF COMMITTEE UNANIMOUSLY. AND I UNDERSTAND YOUR CONCERNS, BUT I THINK IT IS WORKING FOR THE STUDENTS THAT HAVE BEEN INVOLVED. AND IF WE CAN EXPAND IT AND CONTINUE WORKING ON IT, WE CAN GET TO SOME OF THE BEHAVIORAL HEALTH PROBLEMS BEFORE THEY GET TO THE COURTS OR BEFORE WE HAVE TRUANCY PROBLEMS. AND WHAT WE'VE ALREADY EXPERIENCED IS WORKING. THAT'S WHY I VOTED TO SUPPORT IT OUT OF COMMITTEE. AND I WOULD HOPE THAT YOU WOULD VOTE TO DO THE SAME THING HERE. I HOPE THAT ANSWERS A FEW OF YOUR QUESTIONS. FIRM DATA, I DON'T HAVE, BUT THE TESTIFIERS...AND WE HAD MANY MORE TESTIFIERS IN SUPPORT OF THE PROGRAM, NOT JUST THE UNIVERSITY. SO I WOULD ENCOURAGE YOU TO SUPPORT IT AND THANK YOU FOR YOUR TIME. [LB240]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR HOWARD, YOU'RE RECOGNIZED. [LB240]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I TOOK THE TIME TO PHONE A FRIEND TO GET A LITTLE MORE BACKGROUND ON BHECN, ON THE BEHAVIORAL HEALTH EDUCATION CENTER OF NEBRASKA. THE FIRST BILL INTRODUCED FOR BHECN WAS IN 2009, AFTER SAFE HAVEN. I'M NOT SURE HOW MANY OF YOU REMEMBER SAFE HAVEN. SAFE HAVEN WAS A BILL THAT WE PASSED THAT SAID THAT YOU COULD LEAVE YOUR CHILD AT A SAFE HAVEN AND YOU WOULD BE RELINQUISHING YOUR PARENTAL RIGHTS TO THEM. AND IN OTHER STATES WHEN THEY HAD INTRODUCED SAFE HAVEN LAWS, THEY HAD PUT AGE RESTRICTIONS, SUCH AS BABIES. YOU COULD ONLY LEAVE A BABY IN A SAFE HAVEN. AND IN NEBRASKA, IN OUR FIRST YEAR WE HAD FAILED TO DO SO. AND SO WHAT WE SAW WERE FRAZZLED PARENTS OF TEENAGERS LEAVING TEENAGERS AT HOSPITALS IN A SAFE HAVEN SITUATION. AND WE DISCOVERED THAT THERE WERE TOO FEW BEHAVIORAL HEALTH PROVIDERS TO HELP THOSE TEENAGERS AND THOSE FAMILIES IN NEED. BHECN WAS CREATED TO SORT OF BRING TOGETHER THOSE BEHAVIORAL HEALTH PROVIDERS AND REALLY LOOK AT HOW DO WE ENSURE THAT WE HAVE THE WORK FORCE TO ADDRESS THOSE SPECIFIC TYPES OF BEHAVIORAL HEALTH NEEDS. INITIALLY, IT'S ALWAYS BEEN FOCUSED ON

Floor Debate
April 02, 2015

PEDIATRICS. AND THEN IN THE LAST COUPLE OF YEARS IT'S REALLY STARTED FOCUSING ON INTEGRATION. AND INTEGRATION REALLY IS THE WAVE OF THE FUTURE FOR BEHAVIORAL HEALTH AND PRIMARY CARE. IT'S PATIENT CENTERED, IT'S A BEST PRACTICE, AND IT IMPROVES QUALITY OF CARE. BUT TRUTHFULLY, MORE THAN ANYTHING, BHECN IS A RESOURCE FOR FAMILIES. IF A CHILD COMES IN FOR PRIMARY CARE AND THERE'S AN UNDERLYING MENTAL HEALTH NEED, YOU WANT TO GET THAT TAKEN CARE OF AS QUICKLY AS POSSIBLE, AND BHECN AND ITS INTEGRATED MODEL IS THE BEST WAY OF DOING IT. I WOULD STRONGLY URGE THE ADVANCEMENT OF LB240 AND I APPRECIATE YOUR TIME. THANK YOU, MR. PRESIDENT. [LB240]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED. [LB240]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I WANTED TO ADDRESS, KIND OF, SOME BROADER POINTS OF THE BILL AND KIND OF GO BACK TO THE LARGER DISCUSSION AS WELL. AS SENATOR HOWARD WAS STARTING TO POINT OUT, BHECN AND A LOT OF THESE EFFORTS ON BEHAVIORAL HEALTH SCREENING STARTED IN RESPONSE TO THE SAFE HAVEN CRISIS. SPECIFICALLY, BHECN, ITSELF, IS OBVIOUSLY A PARTNERSHIP OF UNMC, UNK, AND CREIGHTON UNIVERSITY. THE OVERALL GOAL OF THIS PROGRAM WAS TO INCREASE BOTH DIAGNOSEMENT AND TREATMENT OF BEHAVIORAL HEALTH PROBLEMS, ESPECIALLY IN CHILDREN. WE HAD SEEN AND THE INTENT OF THE BILL WAS, THERE WERE MANY COMMUNITIES THROUGHOUT THE STATE IN WHICH THERE EITHER WEREN'T BEHAVIORAL HEALTH OR PSYCHOLOGICAL SERVICES OR OTHER AVENUES IN JUST WHICH SIMPLY, ESPECIALLY IN THE CASE OF CHILDREN, OF PARENTS WHO WEREN'T FAMILIAR WITH THE ISSUES, WERE NOT NECESSARILY CREATING THE DIALOGUE WITH THEIR FAMILY CARE PHYSICIAN, BECAUSE AT THE END OF THE DAY WE KNOW OVER AND OVER AGAIN THAT MOST PEOPLE WILL GO SEE A FAMILY HEALTH PHYSICIAN OF SOME KIND, A PHYSICIAN, PEDIATRICIAN. AND SO, THEREFORE, IT MAKES SENSE TO, IF WE'RE LOOKING TO TACKLE THE OVERALL GOALS OF MENTAL HEALTH, THAT STARTING IN PRIMARY CARE OFFICES WAS A LOGICAL PLACE TO START. WITH THAT, I KNOW THERE WAS A QUESTION ON THE FISCAL NOTE, AND I BELIEVE SENATOR BOLZ WOULD...HAD A POINT TO MAKE, SO I WOULD YIELD HER MY TIME. [LB240]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE YIELDED 3:18. [LB240]

SENATOR BOLZ: THANK YOU, MR. HANSEN. I HAVE HEARD SOME QUESTIONS ABOUT THE FISCAL NOTE. HAD A QUICK CONVERSATION WITH THE BUDGET ANALYST AND I THOUGHT I WOULD SHARE WHAT I LEARNED. HERE IS HOW I UNDERSTAND IT. WHEN THE BILL PASSED IN 2013, IT WAS A PILOT INITIATIVE THAT WAS FUNDED THROUGH 2015-16. IF SENATOR HANSEN'S BILL DOES NOT

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

Floor Debate
April 02, 2015

PASS, THE APPROPRIATIONS COMMITTEE WOULD PULL THE DOLLARS ALLOCATED FOR '16-17 BACK INTO THE BUDGET NEXT YEAR. BUT THE FISCAL NOTE ASSUMES THAT SENATOR HANSEN'S BILL DOES PASS AND THE EXISTING FUNDS IN THE UNIVERSITY'S BUDGET WILL SIMPLY CONTINUE. SO THAT IS WHAT I HAVE TO SHARE REGARDING THE FISCAL NOTE. I HOPE THAT HELPS TO CLARIFY SOME OF THE QUESTIONS THAT ARE IN THE BODY. THANK YOU, MR. PRESIDENT. [LB240]

SPEAKER HADLEY: MR. CLERK. [LB240]

CLERK: MR. PRESIDENT, I HAVE A CONFIRMATION REPORT FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THE GOVERNMENT COMMITTEE REPORTS LB571 TO GENERAL FILE; LB205 TO GENERAL FILE. IT WAS SIGNED BY SENATOR MURANTE AS CHAIR. ENROLLMENT AND REVIEW REPORTS LB610, LB610A, LB106 TO SELECT FILE; SOME HAVING ENROLLMENT AND REVIEW AMENDMENTS. BILLS READ ON FINAL READING THIS MORNING WERE PRESENTED TO THE GOVERNOR AT 11:26. (RE LB304, LB439.) I HAVE A SERIES OF MOTIONS TO BE PRINTED: LB431, LB242, LB242A, LB367, LB498, LB33, LB139, LB139A, LB324, LB356 AND LB627. NAME ADDS: SENATOR DAVIS TO LB623. SENATORS LARSON, LINDSTROM, MURANTE TO LB584. SENATORS EBKE, CRAWFORD, BURKE HARR, BOLZ, HINKLEMAN, CRAIGHEAD TO LB323. (LEGISLATIVE JOURNAL PAGES 1051-1055.) [LB571 LB205 LB610 LB610A LB106 LB304 LB439 LB431 LB242 LB242A LB367 LB498 LB33 LB139 LB139A LB324 LB356 LB627 LB623 LB584 LB323]

MR. PRESIDENT, A PRIORITY MOTION. SENATOR KUEHN WOULD MOVE TO ADJOURN THE BODY UNTIL APRIL 7, 2015, AT 10:00 A.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE MOTION PASSES. WE ARE ADJOURNED.