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Floor Debate  
April 10, 2008

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SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for this, the fifty-seventh day of the One Hundredth Legislature, Second Session. Our chaplain for the day is Pastor Joann Kramer of St. John Lutheran Church, Beatrice, Nebraska, Senator Wallman's district. Would you please rise.

PASTOR KRAMER: (Prayer offered.)

SENATOR LANGEMEIER: Thank you. I call to order the fifty-seventh day of the One Hundredth Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

CLERK: I have a quorum, Mr. President.

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

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, a report of registered lobbyists this week, and a series of reports received in the Clerk's Office will be available for member review. That's all that I have. (Legislative Journal pages 1425-1426.)

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We'll now proceed to the first item on today's agenda, Final Reading, motion to return to Select File for a specific amendment, LB1147. [LB1147]

CLERK: Mr. President, Senator Synowiecki would move to return LB1147 to Select File for a specific amendment AM2719. (Legislative Journal page 1408.) [LB1147]

SENATOR LANGEMEIER: Senator Synowiecki, you are recognized to open on your

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motion to return LB1147. [LB1147]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. Members, the purpose of this motion is to return to consider AM2719. Shortly after, and actually almost immediately after the bill was advanced from Select File, members, we received word from the actuary that conducted the study for the Retirement Committee that the language of the amendment may not match the benefit valued in the actuarial study. The actuary thought that the language could be interpreted to impose a double reduction on a judge who chose an early retirement benefit under the auspices of this legislation. Members, as many of you are probably aware, the drafting of retirement legislation can be quite complex, and we had several individuals working on this in the interim since Select File to Final Reading. The actuary was involved with this, two different individuals from the Bill Drafters, the legal counsel of the Public Employees Retirement Board, as well as the research analyst of the committee were involved in this redrafting of the amendment. Yesterday I received this amendment with word and with the confirmation that all parties agreed that the amendment would match the benefit that was valued by the actuary within the study. The amendment clarifies language that became issues of contention between the actuary and the Bill Drafter, and this amendment is presented in simpler, more straightforward language. Additionally, the amendment would also add the emergency clause to the Omaha service annuity payments so that the retirees that are impacted by the reduced benefits that is currently going on can appropriately receive these benefits in a more timely fashion. Members, I would ask that the bill be returned to Select File so that this body consider the adoption of the amendment to the underlying bill. Thank you. [LB1147]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. You have heard the opening on the motion to return for a specific amendment. The floor is now open for discussion. Is there anyone wishing to speak? Seeing no lights on, Senator Synowiecki,...the board will be with us momentarily. [LB1147]

SENATOR SYNOWIECKI: Okay. [LB1147]

SENATOR LANGEMEIER: Seeing no lights on, Senator Synowiecki, you are recognized to close on your motion to return for a specific amendment. [LB1147]

SENATOR SYNOWIECKI: I would just request that you vote affirmatively to return the bill to Select File so that we can appropriately adopt this amendment. Thank you. [LB1147]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. You have heard the closing on the motion to return LB1147 for a specific amendment. All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1147]

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CLERK: 34 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB1147]

SENATOR LANGEMEIER: The motion to return is successful. [LB1147]

CLERK: Mr. President, Select File amendment, AM2719. [LB1147]

SENATOR LANGEMEIER: Senator Synowiecki, you are recognized to open on AM2719. [LB1147]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. I pretty much went over the amendment on the previous motion, and I'd just reiterate, though, that all parties involved in the drafting of this agree that the amendment clarifies the language that had become some issues of contention between the actuary and the Bill Drafters, and that the amendment presents the language in a much simpler form. And I would ask for its adoption. Thank you. [LB1147]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. You have heard the opening on AM2719, offered to LB1147. The floor is now open for discussion. Senator Gay, you're recognized. [LB1147]

SENATOR GAY: Thank you, Mr. President. Would Senator Synowiecki yield to a question? [LB1147]

SENATOR LANGEMEIER: Senator Synowiecki, will you yield? [LB1147]

SENATOR SYNOWIECKI: Yes. [LB1147]

SENATOR GAY: Senator, this is just cleanup language then you said between the actuary and the way the bill reads? Is it no fiscal impact at all or just clarification here or...? [LB1147]

SENATOR SYNOWIECKI: The amendment will actually fulfill what we anticipated relative to fiscal impact on the plan. The way it was drafted on Select File, it was felt rather strongly by the actuary that perhaps judges that elect this early retirement benefit at 62, 63, or 64 would receive, if you will, a double penalty. So, in other words, I believe it's a...I don't have it in front of me right now, like a 6 percent penalty if you retire at age 62, or a 12 percent. It would be 24...the percent of penalty would double per age bracket at the time that you select the early retirement. [LB1147]

SENATOR GAY: Okay, but what we talked about on Select File, we discussed all this... [LB1147]

SENATOR SYNOWIECKI: Right. [LB1147]

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SENATOR GAY: ...but there's no substantial change here. This is just a wording change. There's no substantial change in monies or anything like that between, you know, to pull it back. Here we're going to vote on it and pass it,... [LB1147]

SENATOR SYNOWIECKI: No. [LB1147]

SENATOR GAY: ...but there's no substantial change we need to worry about as far as big impact. This is just a wording change is what you're saying right now. [LB1147]

SENATOR SYNOWIECKI: Yes. [LB1147]

SENATOR GAY: It's just a technical change. [LB1147]

SENATOR SYNOWIECKI: Yes. [LB1147]

SENATOR GAY: Okay. [LB1147]

SENATOR SYNOWIECKI: This wording will comport with what was detailed in the actuary study, yes. [LB1147]

SENATOR GAY: Yeah, and prior to that. I thought you did a...and, by the way, I think the Retirement Committee has done a good job on...a lot of these issues are complex and commend you on that. I'm just making sure there's no... [LB1147]

SENATOR SYNOWIECKI: Sure. [LB1147]

SENATOR GAY: ...big change. So thank you, Mr. President. [LB1147]

SENATOR SYNOWIECKI: Appreciate that. [LB1147]

SENATOR LANGEMEIER: Thank you, Senator Gay. Is there anyone else wishing to speak? Seeing no lights on, Senator Synowiecki, you're recognized to close. Senator Synowiecki waives closing. The question before the body is, shall AM2719 be adopted to LB1147? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1147]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB1147]

SENATOR LANGEMEIER: AM2719 is adopted. Senator McGill, for a motion. [LB1147]

SENATOR MCGILL: Mr. President, I move LB1147 to E&R for engrossing. [LB1147]

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SENATOR LANGEMEIER: You have heard the motion on the advancement of LB1147. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk, LB1147A. [LB1147]

CLERK: Actually, I have nothing pending to LB1147A, Mr. President. [LB1147]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. LB1055E. [LB1055]

CLERK: Mr. President, LB1055E. Senator Cornett would move to return the bill for a specific amendment AM2623. (Legislative Journal page 1301.) [LB1055]

SENATOR LANGEMEIER: Senator Cornett, you are recognized to open on AM2623...on the motion to return the bill to Select File. [LB1055]

SENATOR CORNETT: Thank you very much, Mr. President and members of the body. This is a compromise amendment between Senator Louden and Senator McDonald and myself, and changes language to exclude commercial livestock or commercial livestock production. I'd urge the body to support this amendment and the underlying bill, and I'd like to thank Senator Louden and Senator McDonald for all their cooperation and help on the bill. Thank you. [LB1055]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the opening on the motion to return to Select File for a specific amendment. The floor is now open for discussion. Seeing no lights on, Senator Cornett, you are recognized to close. Senator Cornett waives closing. The question before the body is, shall LB1055E return to Select File for a specific amendment? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1055]

CLERK: 37 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB1055]

SENATOR LANGEMEIER: The motion to return is successful. Senator Cornett, you are recognized to open on AM2623. [LB1055]

SENATOR CORNETT: Thank you, Mr. President, members of the body. I'll take very little time with AM2623. The amendment rewrites Section 3 of the bill. The change would give the court discretion to determine how much time a person should not reside with an animal after being convicted of either a Class I misdemeanor or a Class IV felony for animal cruelty. For the Class I misdemeanor, the judge can sentence not more than 5 years; and for a Class IV felony no less than 5 years and no more than 15 years. In Section 4 of this bill, AM2623 adds the language to exclude commercial livestock operations from ownership restrictions. This language was added by Senator Louden and addresses the concerns he brought up during debate on AM2444

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during...added to LB1055. I would ask your support of AM2623 and your support of the underlying bill, LB1055. And again, I'd like to thank Senator McDonald for all of her cooperation on this bill. [LB1055]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the opening on AM2623. The floor is now open for discussion. Seeing no lights on, Senator Cornett, you are recognized to close. Senator Cornett waives closing. The question before the body is, shall AM2623 be adopted to LB1055? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1055]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB1055]

SENATOR LANGEMEIER: AM2623 is adopted. Senator McGill, for a motion. [LB1055]

SENATOR MCGILL: Mr. President, I move LB1055 to E&R for engrossing. [LB1055]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB1055 is advanced. Mr. Clerk, LB609A. [LB1055 LB609A]

CLERK: Mr. President, with respect to LB609A, Senator Carlson, the first motion I have was yours senator, to strike the enacting clause. I'm assuming, withdraw at this time? [LB609A]

SENATOR LANGEMEIER: Do you wish to withdraw? It is withdrawn. Thank you. [LB609A]

CLERK: Mr. President, I then have...Senator Heidemann, I have two amendments from you, Senator. I understand you want to withdraw AM2681 and you would like to withdraw as well AM2684. [LB609A]

SENATOR HEIDEMANN: That is correct. [LB609A]

SENATOR LANGEMEIER: They are both withdrawn. Thank you. [LB609A]

CLERK: To that end, Mr. President, I now have a motion from Senator Heidemann to return LB609A to Select File for a specific amendment, AM2682. Senator Heidemann, Mr. President, would move...before that motion would be entertained, Senator Heidemann would move to suspend Rule 5, Section 7, and Rule 7, Section 3(d) to permit consideration of AM2682. [LB609A]

SENATOR LANGEMEIER: Senator Heidemann, you are recognized on your motion to suspend the rules. [LB609A]

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SENATOR HEIDEMANN: Rule suspension is to suspend the germaneness rule in sections of the rules as they apply to A bills. The motion identifies my intent to move the return of LB609A to Select File for a specific amendment, the amendment being printed in the Journal. Actually it's amendment... [LB609A]

CLERK: AM2682 is what you want, is it not, Senator? [LB609A]

SENATOR HEIDEMANN: It should be AM2682. [LB609A]

CLERK: Right, that's what I have. [LB609A]

SENATOR HEIDEMANN: And I will address that amendment at that time. [LB609A]

SENATOR LANGEMEIER: Thank you, Senator Heidemann. The floor is now open for discussion on the motion to suspend the rules. Senator Chambers, you're recognized. [LB609A]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I support the motion to suspend the rules. I will support the motion to return the bill. I will support adoption of Senator Heidemann's amendment. And I will support returning the bill to Final Reading. I'm giving all of that now because there's a gentleman I'm going to chat with for a second and I don't want, if I miss any of those, it to be misunderstood in terms of what my position is on all of these motions that will be made on this bill. Thank you, Mr. President. [LB609A]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Is there anyone else wishing to speak? Seeing no other lights on, Senator Heidemann, you are recognized to close on your motion to suspend the rules. Senator Heidemann waives closing. The question before the body is, shall the rules be suspended to return to Select File? All those in favor vote yea; all those opposed vote nay. And this does require 30 votes. Have all those voted that wish to? Record, Mr. Clerk. [LB609A]

CLERK: 35 ayes, 2 nays, Mr. President, on the motion to suspend the rules. [LB609A]

SENATOR LANGEMEIER: The motion to suspend the rules is adopted. [LB609A]

CLERK: Mr. President, Senator Heidemann would move to return the bill for a specific amendment, AM2682. (Legislative Journal page 1427.) [LB609A]

SENATOR LANGEMEIER: Senator Heidemann, you are recognized to open on your motion to return to Select File. [LB609A]

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SENATOR HEIDEMANN: Thank you, Mr. President, fellow members of the body. I'll try to walk this through with you just fairly fast. During the budget process, we added money into the budget, I think both in Appropriations and actually on the floor, for school litigation costs. Since the time the budget was passed and signed into law by the Governor, there has been things that have happened that we will no longer need money for school litigation costs. Because of that, and if we bring money back, which will help our financial status, we would be able to in the year '07-08 to bring a total of \$862,000 in the '07-08, and '08-09 we'll be able to bring back \$600,000 with the adoption of this amendment. If you have any questions, I will try to answer them. I urge your adoption of AM2682 to LB609A. Thank you. [LB609A]

SENATOR LANGEMEIER: Thank you, Senator Heidemann. You have heard the motion...the opening on the motion to return to Select File for a specific amendment. The floor is now open for discussion. Seeing no lights on, Senator Heidemann, you are recognized to close. Senator Heidemann waives closing. The question before the body is, shall LB609A return to Select File for a specific amendment? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB609A]

CLERK: 40 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB609A]

SENATOR LANGEMEIER: The motion to return to Select File for a specific amendment is adopted. Mr. Clerk. Senator Heidemann, you are recognized to open on AM2682. [LB609A]

SENATOR HEIDEMANN: AM2682 will do as I said before; bring some money back in both '07-08 and '08-09 because we no longer need it for school litigation costs, which will help our financial status, the bottom line, and bring us a little bit more into balance. I urge your adoption of AM2682. Thank you. [LB609A]

SENATOR LANGEMEIER: Thank you, Senator Heidemann. You have heard the opening on AM2682, offered to LB609A. The floor is now open for discussion. Senator White, you are recognized. [LB609A]

SENATOR WHITE: Thank you, Mr. President. Would Senator Heidemann yield to a question? [LB609A]

SENATOR LANGEMEIER: Senator Heidemann, would you yield? [LB609A]

SENATOR HEIDEMANN: Yes. [LB609A]

SENATOR WHITE: Senator, my brother often refers to me as innumerate because it's the synonym to him of being illiterate with numbers. Does this return the entire \$1.2 million that was appropriated or just \$600,000? [LB609A]

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SENATOR HEIDEMANN: It returns \$1.2 million and then some other unexpended funds, which I think it's \$262,000. [LB609A]

SENATOR WHITE: Thank you, Senator. And with that, I will support the motion. [LB609A]

SENATOR LANGEMEIER: Thank you, Senator White. Senator Carlson, you're recognized. [LB609A]

SENATOR CARLSON: Mr. President and members of the Legislature, I rise to make a statement for the record. And I would like to address that question of Senator Heidemann. [LB609A]

SENATOR LANGEMEIER: Senator Heidemann, would you yield? [LB609A]

SENATOR HEIDEMANN: Yes. [LB609A]

SENATOR CARLSON: Senator Heidemann, the result of this action brings money back in that had been appropriated for legal fees. And what actually happened was a lawsuit was withdrawn. Isn't that correct? [LB609A]

SENATOR HEIDEMANN: Yes. [LB609A]

SENATOR CARLSON: Why was that lawsuit withdrawn? [LB609A]

SENATOR HEIDEMANN: You know, I couldn't speculate to that, why that happened. It wouldn't be proper for me to do that. [LB609A]

SENATOR CARLSON: Okay. I understand that. I'm going to speculate as well. But I think it was withdrawn because a pretty good amount of money for state aid this year was given to a school district and probably took away what they saw as their need to continue with the lawsuit. And I'm not against that. I'm not against them withdrawing a lawsuit and I'm going to vote for this. But out of \$80 million in additional state aid, I'm going to say a disproportionate amount went to some school districts at the expense of others, particularly those in rural Nebraska. It's made it very difficult for many of those districts to go forward, and yet I'm going to support this action. But for the record, as we look into next year and years beyond, there's a fairness issue that we need to come back to, and I hope others will join me in that attempt. Thank you, Mr. President. [LB609A]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Wightman, you're recognized. [LB609A]

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SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. I rise also in support of this. I probably would not have granted the entire \$1.2 million before. But I really wanted this since I am supporting a decrease in our budget. I wanted to say that this morning--and you can be in dangerous territory when you're out walking and listening to the radio and particularly talk radio. And like Senator Carlson last week, I was out walking, listening to a particular radio station in Omaha. I don't want to give the name of the station. But the call letters start with K and end with B. At any rate, as I was walking they were excoriating those senators, 34 of us in number, who voted in favor of a gas tax increase and telling just how dumb this was in light of the economic times that we have, and went on to show how dumb it was by giving this example: that our forefathers believed in a pay-as-you-go idea and that this State Capitol was built on a pay-as-you-go basis. And I got to wondering as I listened to that exactly what the source of the money was with which we built this fine Capitol, and I probably would have been crazy enough to vote for it, too; also voted for the gas tax increase. But at any rate, apparently it did not occur to the people on this talk show that perhaps it was built with tax dollars as well. And I got to wondering also about the comparative merit between the senators who might vote in favor of a tax increase to maintain our roads as opposed to somebody who would spend the money to build this fine edifice in earlier days--obviously, I think, with tax money. Again, I don't know the source of it. But as I thought about it, I thought perhaps that maybe they had the good vision to grow some money trees out on the lawn and then wait for them to mature, and perhaps that was the source of funds with which they built the State Capitol. So at any rate, I thought I would at least mention that. I don't mind being called dumb. You know, some of us were born genetically with somewhat challenged genes and perhaps are, in fact, dumb. But what does bother me is to have people that would use such poor examples telling the people of the state of Nebraska how dumb I am. And so that concerned me a little. And it reminds me of an old Chinese proverb that says that he who thinketh by the inch and talketh by the yard should be kicketh by the foot. And probably that applies to me as well. So with that, Mr. President, thank you. [LB609A]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Erdman, you're recognized, followed by Senator Karpisek. [LB609A]

SENATOR ERDMAN: Mr. President, members of the Legislature, are we going to do this, Senator Wightman? Are we going to reargue the gas tax debate? Because, I mean, I'm ready. I mean, we've got a few days left of session. I gave you four shots at it. I think Senator Fischer is going to work on a compromise that will hopefully be accommodating to all parties. But the reality of what you're talking about couldn't be further from what the options were this session. The vote to raise the gas tax was not a vote to fund roads. It was a vote to fund salaries and benefits. And to say that by voting for that it somehow equates to the insight that the people had to build this Capitol on a pay-as-you-go basis is lost on me. We had a chance to do pay as you go on those

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salaries. We had a chance to do pay as you go on roads funding because we already have the money. And yes, it's tax dollars. But own it. If you voted for it, own it. You did it, take ownership of it. But you didn't have to do it. What Senator Heidemann is talking about here today is something 179 degrees from that. Senator Heidemann is saying, look, we put money in the budget that was there for a purpose that is no longer appropriate and it's time today to remedy that. Let's do that. But just so you're aware, if you want to have that conversation again, until January 2009 I'm a member of this Legislature; until April 17, I have the right to speak. Thank you, Mr. President. [LB609A]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator Karpisek, you're recognized. [LB609A]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I'm going to agree with Senator Carlson, which I usually do. This money is available now because quite a few schools gave up money to go to another school, so this lawsuit was dropped. I would like to propose that this money goes back to some of those schools that took a hit. I don't know how to do that this session anymore. I don't know if we can. If we can, I'd like to do it. If not, I would like to propose that this amount of money is put back into the school aid formula for next year. The only reason that this is gone is because some people lost, and some people lost pretty darn bad. I was opposed to that then. I will vote for this. I think it's great that we could work around that. But someone did lose and I think that they need to lose not as bad. Thank you, Mr. President. [LB609A]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. Senator Wightman, you're recognized. [LB609A]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. I don't want to reopen the debate with Senator Erdman at this point, although I might have a comment or two. But I would ask him a question, if he's available. [LB609A]

SENATOR LANGEMEIER: Senator Erdman, would you yield? [LB609A]

SENATOR ERDMAN: I will, Senator Wightman. And my light is on as well. [LB609A]

SENATOR WIGHTMAN: Senator Erdman, do you know the source with which the State Capitol building was constructed, source of funds? [LB609A]

SENATOR ERDMAN: Well, it could have been a number of sources, including property taxes. I don't know specifically, Senator Wightman. [LB609A]

SENATOR WIGHTMAN: But so far as you know, it was built with state tax money. Is that correct? [LB609A]

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SENATOR ERDMAN: Absolutely, just as every other possibility to fund roads this year was done from the same opportunity, from the same source of revenue. [LB609A]

SENATOR WIGHTMAN: All I'm doing is suggesting that perhaps some expenditure today that is funded with taxes is probably at least on an equal footing with funds that came from tax dollars in which we built this fine edifice back in earlier days. But you don't know of a source other than tax dollars that did build it, do you? [LB609A]

SENATOR ERDMAN: Senator Wightman, I was not alive in the early '20s and I don't think you were either. And I haven't done the history to know. I would assume that the people of the state of Nebraska, based on the comments we heard on Senator Schimek's bill on restoring the courtyards, were willing to pay for the building of this fine facility, this historic landmark, from their pocketbooks as citizens through their tax dollars. [LB609A]

SENATOR WIGHTMAN: Or do you suppose that some people were willing to build it and some were complaining, as they are today? [LB609A]

SENATOR ERDMAN: Oh, I suppose that's true, Senator Wightman. But my complaint is with the lack of foresight of a majority of the Legislature to realize that we already have \$700 million in the bank and we didn't have to take more out of people's pockets to fund salaries. We're again arguing two different issues, Senator Wightman. You and I are not arguing about whether we need to make an investment in roads. We're arguing about where that source of revenue comes from. And we all agree that the source of revenue that the state of Nebraska has is tax dollars. [LB609A]

SENATOR WIGHTMAN: Rather than continue the conversation at great length and slow everybody's departure today, I'll end the conversation there. Thank you, Mr. President. Thank you, Senator Erdman. [LB609A]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Seeing no other lights on, Senator Heidemann, you are recognized to close on AM2682. Senator Heidemann waives closing. The question before the body is, shall AM2682 be adopted to LB609A? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB609A]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB609A]

SENATOR LANGEMEIER: AM2682 is adopted. Senator McGill, for a motion. [LB609A]

SENATOR MCGILL: Mr. President, I move LB609A to E&R for engrossing. [LB609A]

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SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB609A does advance. (Visitors introduced.) Mr. Clerk, continuing, LB280A. [LB609A LB280A]

CLERK: Mr. President, Senator Chambers would move to return LB280A to Select File for a specific amendment, AM2300. Pursuant to that offer, Senator Chambers would move to suspend Rule 5, Section 7, and Rule 7, Section 3(d), to permit consideration of AM2300 to LB280A. [LB280A]

SENATOR LANGEMEIER: Senator Chambers, you are recognized on your motion to suspend the rules. [LB280A]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I am situated in precisely the position that Senator Heidemann had on his last amendment, so the same things he said apply to this one. Because it is an A bill, which appropriates money, and everything is going to be taken out of that bill, the amendment that I'm offering would not be germane to what is in the A bill. So in order to make use of that type of bill for my purpose, I have to suspend the germaneness rule so that this amendment can be considered. Since it's a suspension of the rules, we have to follow the same procedure as on the last one. So I don't know that I need to take more time on that because it was explained before, and I'm asking that you will vote to suspend the germaneness rule. Thank you, Mr. President. [LB280A]

SENATOR LANGEMEIER: Thank you, Senator Chambers. You have heard the opening on the motion to suspend the rules. The floor is now open for discussion. Those wishing to speak, we have Senator Friend, White, Lautenbaugh, and Carlson. Senator Friend, you're recognized. [LB280A]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. A lot of items here, and Senator Chambers, I wanted to let him know and let the body know right out of the gate, I appreciate the information that was distributed. Senator Chambers sent out a thing yesterday, and I said, I hope you please at least scan this. I didn't just scan it. I spent a lot of time, not only on his stuff, but looking last night until late through not just the idea of suspending a germaneness rule, but also the policy discussion that we had on General File in regard to a degree, to a great degree, the policy discussion we had on General File about the subject matter that he wants to discuss. I'm rising in opposition to this suspension of the rules, and as respectfully as I can I'm rising in opposition, because I think we do this, on occasion, three or four times a session, and I always look at it with as a critical an eye as I can possibly look at it. We do it and it's okay. But I think we have to do a little analysis, don't we, so I think let's, if we can, let's take some analysis into the discussion here if we can do that. I don't think it's always appropriate. Why would we be doing it to discuss a bill that had a hearing

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and an executive session already, a vote by the Judiciary Committee to kick it out? So there was discussion and then a vote on it. A few hours of debate on the floor, then was voted on by the full Legislature and indefinitely postponed after...it might have been a couple hours of debate. I didn't check with the Clerk. [LB280A]

SENATOR ROBERT PRESIDING [LB280A]

SENATOR ROBERT: Time. [LB280A]

SENATOR FRIEND: Has the idea changed? In fairness to Senator Chambers, yes, it has, and I've seen that and I know that. My policy position, has that changed? No. Now, understand something right now, members of the Legislature. I do not take, on this policy decision, the research, the background, the information that I've received, I do not take marching orders from anybody in the lobby on this. I have studied this issue myself. And this nation and our states are split, and very divided and very confused on this subject matter. It's right...I mean, everybody is doing something different. With respect to this body and with respect to Senator Chambers, he wants to do something different right now. I think it's bad policy, folks. We can get into that if we suspend the rules, because this isn't a threat. You guys know me. I will talk for four, for five, for six, for eight, for ten hours on this policy matter. I can do that. I'll try not to yell at you--it's a bad habit of mine--but I can do that. I can take as much time as we need to discuss a very, very viable discussion. But I think we suspend rules for changes in circumstances, factual or financial reasons maybe,... [LB280A]

SENATOR ROBERT: One minute. [LB280A]

SENATOR FRIEND: ...unique circumstances, extraordinary circumstances. I don't know. Let's discuss this. Maybe I'm wrong. I'm sure Senator Chambers will tell me that I am. I don't believe so. There were factual and fiscal circumstances that changed...that put us in a position on the last bill in a way to suspend the germaneness rules. But quite fairly, we're suspending the germaneness rules on an A bill to put a bill...to go back to Select File and put a bill in that's already been discussed for a couple hours on General File. Members, again respectfully, as respectfully as I can, I can tell you I can discuss this all day long, but I think we can probably move on and just say no to this motion. Thank you, Mr. President. [LB280A]

SENATOR ROBERT: Thank you, Senator Friend. Senator White. [LB280A]

SENATOR WHITE: Thank you, Mr. President. I want to, first of all, tell the body I read what Senator Chambers handed out, and it was horrifying to the point of sickening that we have somebody on the bench today who deliberately falsified a police report and may have put a person who did not justifiably belong in prison under our laws, in prison as a result of that, and now is facing retrial--is unbelievable. Senator Chambers, in the

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best of conscience, does not want our system to be polluted by people who, acting on behalf of the taxpayers, do not act in the best interest of the state. To do that, Senator Chambers would use sunlight as the weapon to keep the laws in our government free from those who would abuse their positions. And for that I respect and appreciate him--his efforts. And he comes from his experience as to what is the best remedy for the human condition that we struggle here with. My set of experiences is very different than Senator Chambers' though I share his aim. I have literally filed dozens of lawsuits against people in the public employ--teachers, firefighters, police officers, and others. And I have filed those lawsuits for racial discrimination, for sexual harassment, for constitutional abuse of power, for abusing prisoners. And one of the common burdens that we have when we bring suits to get rid of people like that and to make it too expensive for the state or its subdivisions, whether they're schools or counties or otherwise, to tolerate such abusive behavior, is we have to show regularly that the employer knew or had reason to know of the behavior, misbehavior of its employees, and did nothing, or had, in fact, an informal practice of tolerating certain behaviors such that it rose to the level of an actual policy, though unwritten. Let me explain how that works. If you have a case of someone sexually harassing an employee or a series of employees, invariably in my experience it will start with seemingly innocuous comments. Or they'll come up and inappropriately rub the employee, coworker's shoulders, in the case of a sexual harassment. Now, what will happen now is a complaint would be filed by the offended employee against the other employee, and the supervisor would say, well, he says he didn't mean to harass; it was relatively innocent; this person is married; I don't want to destroy what is otherwise a promising career, that he sexually harassed somebody with inappropriate behavior. On the other hand, we've got to do something so that this person gets a clear message--don't do this anymore--without ruining their career. If all of these behaviors are a public record, and they would be under this statute, they flat out won't paper the file. They won't say, you did wrong, don't do it again, and make that record, because they won't want to destroy a person's life on something that's not really clear. The way you get people like that, is they don't just do it once. They do it twice, they do it three, four, or five times. [LB280A]

SENATOR ROBERT: One minute. [LB280A]

SENATOR WHITE: At that point you can prove, if they don't fire that person or take effective action, that they have tolerated the behavior, and the employer is now responsible for damages. They're responsible. And if this law is passed, literally dozens of cases that I have brought will no longer even be worthy of filing, much less winning, because the evidence you need to win them will disappear, and what's probably even worse, we will have worse employees in a long-term employment, rather than better. So I have a very different, from my experiences, world view of what the effect of the statute will be based on my life experience. I respect very much what Senator Chambers wants to accomplish, but I deeply disagree that this will do it. I think it will make the situation much worse, and, in fact, we will push even deeper under the rug... [LB280A]

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SENATOR ROBERT: Time. [LB280A]

SENATOR WHITE: Thank you, Mr. President. [LB280A]

SENATOR ROBERT: Thank you, Senator White. Senator Lautenbaugh. [LB280A]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I am wondering if Senator Chambers would yield to a question? [LB280A]

SENATOR ROBERT: Senator Chambers, would you yield? [LB280A]

SENATOR CHAMBERS: Yes, I will. [LB280A]

SENATOR LAUTENBAUGH: Sorry, Senator, I didn't mean to interrupt you there. [LB280A]

SENATOR CHAMBERS: That's all right. [LB280A]

SENATOR LAUTENBAUGH: Has there been any change in circumstances between when we last debated this bill and when we are now here today? [LB280A]

SENATOR CHAMBERS: Yes. [LB280A]

SENATOR LAUTENBAUGH: What is that? [LB280A]

SENATOR CHAMBERS: There was a provision that many of the senators had a problem with on the side that related to the police, and that was the term "verbal abuse." Much discussion surrounded including that as one of the types of disciplinary actions that would be made available. That has been eliminated from the bill, and some of the senators have told me that they now will support it. So I think that was a substantial change in the bill itself. [LB280A]

SENATOR LAUTENBAUGH: Okay. That's a change in the language of the bill, but not a change in the circumstances in the world at large, is that correct? [LB280A]

SENATOR CHAMBERS: Well, that's correct. The way you phrase that question, that is correct. But the opposition that I was addressing was that which was expressed on the floor relative to that language. [LB280A]

SENATOR LAUTENBAUGH: Thank you, Senator. I do rise in opposition to this motion to suspend the rules, as I don't feel like this is the same circumstance that we just suspended the rules at Senator Heidemann's motion. The circumstances underlying all

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this have not changed. Perhaps the language of the bill has changed, but the circumstances have not changed. And, you know, I'm referred to by one of my colleagues, still as the new guy, and that may always be the case, and this may be how we do things. But I don't believe this is the way we should do things. We did fully and fairly debate this bill. We did eventually defeat this bill, some of us, and now we're skipping down the process and bringing this back again. I'm not going to get into the underlying merits. I'll wait and see if we actually suspend the rules. But I will oppose this again, and I will address this again. And I have to say when I see something like this happening, I can't help but think of the gas tax, because that's what everyone else seems to think of for some reason, and I voted against it. So I'll keep my powder dry on that, too, but I'll be back to the mike if we do suspend the rules on this. [LB280A]

SENATOR ROBERT: Thank you, Senator Lautenbaugh. Senator Hudkins. [LB280A]

SENATOR HUDKINS: Thank you, Mr. President and members of the body. Let me get this straight. I've been here 16 years. We have had Rules Committee meetings. We have had rules changes a number of times in those 16 years. We are always told, every time, that a certain senator does not ever support the rules but he always obeys them. Uh-huh. And now we're being asked by this same senator to suspend the rules. I find that very interesting. Thank you, Mr. President. [LB280A]

SENATOR ROBERT: Thank you, Senator Hudkins. Senator Chambers, you're recognized. Excuse me. Senator Carlson. [LB280A]

SENATOR CARLSON: Mr. President and members of the Legislature, we're discussing whether or not a subject is germane. And Senator Chambers, I don't know if the subject is germane or not, but I want it understood that I think you are germane. I have had a discussion with Senator Chambers, and indicated to him that if he would take away the verbal abuse portion of that bill that I would be willing to reconsider it, and so I'm going to be good to my word and will vote to return this to Select File. Thank you. [LB280A]

SENATOR ROBERT: Thank you, Senator Carlson. Senator Chambers. [LB280A]

SENATOR CHAMBERS: Am I the last light, Mr. President? [LB280A]

SENATOR ROBERT: No, there are two more lights on. [LB280A]

SENATOR CHAMBERS: Okay, then I will speak. Members of the Legislature, I am not violating any rule by what I'm doing. If what I'm doing violated the rules, then I could not do it. A rule suspension requires a certain number of votes, so I'm operating within the rules. If Senator Hudkins, who I think had been the Chairperson of the Rules Committee, felt that what I'm doing is not allowed under the rules, I think she would have raised a point of order and said this cannot be done, and I think she would have

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raised it when Senator Heidemann did it and when other senators have done it during the years that she has been on the floor of the Legislature. I have made it clear that I do operate within the rules, that I do not make it a practice to suspend the rules, but I have never said I will never suspend the rules or vote to suspend the rules. I did that on a bill when Senator Brashear was here, and I'm not going to go into the details of that. But when the only shot that can be taken against me by somebody who's miffed at a vote that I did on a provision she was interested in--and she spoke to me about it before she made her comment and I told her I couldn't change my position on it--if that's the worst thing that I can be accused of is a motion to suspend the rules, and I've been here 38 years, I think you'd have to say I have a pretty stellar record, and it's a reach. But aside from that--and the only reason I mention it, I like to deal directly with things that are directed to me, toward me, or against me. Aside from that, this is a bill which was easily understood in its original form. But because there were senators, and some of them, I'm sure, under discussions and pressure from the police union in Omaha, had said they just could not accept the inclusion of verbal abuse as a basis for making disciplinary action in that regard available to the public. Senator Pirsch spent a long time debating that, and I continued to point out what it would take to require disciplinary action to be imposed. Got nowhere. So if I'm presented with what seems to be an intractable problem and I can remove that obstacle, that's what I will do. And the form of this amendment does that. As far as the teachers' side of it, I don't know if Senator White was expressing opposition to that, but it's agreed to. And there are administrators, Senator White, and others, in the school system who agree with it, and there are teachers who agree with it. There are teachers who are aware of other teachers who have behaved inappropriately. One such example involves a school now where a teacher was asking boys, and maybe some girls, to send him photographs of certain parts of their anatomy. That person's name has not been disclosed. There are some teachers who are disturbed about that, and I even got a call, and said I can't...I don't even know who he is. And I can't make anybody disclose that kind of information. And this person felt, and it was a person in a school system, that since so much had been said in the media and the public knew that somebody had done this, it's a reflection on everybody in that school who is a male. And I said, well, you have to take that to somebody else. [LB280A]

SENATOR ROBERT: One minute. [LB280A]

SENATOR CHAMBERS: There's nothing I can do in that regard. So on the teacher aspect of it, there has not been a falling away of support for that portion of it. And the only reason I'm speaking now--I was just going to wait until my close on this motion--some comments were made that I felt I needed to address. Thank you, Mr. President. [LB280A]

SENATOR ROBERT: Thank you, Senator Chambers. (Visitors introduced.) Returning to discussion, Senator Pahls, you are recognized. [LB280A]

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SENATOR PAHLS: Mr. President and members of the body, I just have a couple things I'd like to discuss. I am for accountability and clarity. And a week or so ago, Senator Chambers challenged some of the issues dealing with the Insurance Department, so that got me thinking a little bit. How do we hold people under my domain--Banking, Commerce and Insurance--how do we hold those people accountable? So this is what I found, I started searching. The Nebraska Department of Insurance--and you can pull this up--if an agent or a company has a complaint filed against them, then the Insurance Department starts that process. And you can go right now and you can find out those individuals who are in the process in the area of insurance. Then I went to the accountability section of the accountants, and you can pull up on their Web site those accountants who they are taking a look at. So that got me to thinking a little bit, and then also in the insurance and their...every three or four months they send out their newsletter. They have all the agents who are under investigation. It talks...it gives you their name, the case number, the allegation, and then what happened. Try and make this very transparent. Then I looked under the real property appraisers. The same thing. You can find those agents on the Web site, their names, what they are up against, and what stage they are in the appraising of their actions...appraisal of their actions. I looked up the Real Estate Commission. The same thing. You see their names, they're made public, what they are doing. I think it's for the betterment of our society. I looked under the banking. It's a list of companies, mortgage companies that are under investigation. And a number of them are dismissed, but you can see where they're at. So I thought I would go outside of my area and went under the Nebraska Department of Health. You can see what drug counselors are being investigated, what in the area of body art, cosmetology, alcohol and drug counselor. This is all on the Web site. It tells you who they are. EMT, physicians. So that's leading me to believe that we need to take a look at some of the issues that senator is bringing up. When this bill came up the first time, I had some major concerns, basically because I was looking at my field in the area of education. If we do discuss this, I still have some comments I would like to make dealing with that, but I think right now, in most of our professions, if a disciplinary action has occurred, people can go and find the information about that individual or that company. And I'm just talking, for the most part I just talked about those under the banking, commerce and insurance commission. It's public, and most of us know that when you see a nurse or a physician, that gets in the newspaper. [LB280A]

SENATOR ROBERT: One minute. [LB280A]

SENATOR PAHLS: You can also look, let's say the restaurants. We know that that information is out there. I'm looking for clarity, and the reason why I'm saying clarity, I'm still looking for that we are giving money, additional monies to some of our schools. We need to have clarity where that money is going and how it is being spent. That's why you keep hearing me say about each individual school, we should know as much information as we can about that school. So I do see maybe a need to readdress this

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issue, because apparently in the business world it's happening. All you have to do is go to the Web site of those departments, click on. It's made public--the person's name, address, the reason why they are being investigated, and what does happen eventually. I think you would be amazed. [LB280A]

SENATOR ROBERT: Time. [LB280A]

SENATOR PAHLS: Thank you. [LB280A]

SENATOR ROBERT: Thank you, Senator Pahls. Senator Harms, you're recognized. [LB280A]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in opposition to this. I think it's wrong. We have already debated a similar bill like this and it was defeated. This issue is supposedly to be about transparency. My argument is the same as it was when we debated it before. Let's make government transparent. Why do we pick on two classes of people--law enforcement and teachers? I think it's wrong. I think we ought to open this up, if we want to truly have honesty and transparency in government. Let's do it. Let's have it in the universities and colleges and community colleges. Let's have it in every office that we have that is a government office. This is strictly picking on two groups, two classes of people, that I don't think are appropriate. And I am going to wait to see whether or not we vote in favor of this before I continue this discussion and debate, and I will have a series of questions I'd like to ask Senator Chambers later on. Thank you, Mr. President. [LB280A]

SENATOR ROBERT: And thank you, Senator Harms. Senator Friend, you are recognized. [LB280A]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I'll try to be brief, but you all know me. You know, first of all, this session has been strange, okay? And I was talking to Senator Chambers the other day and we were walking down the stairs, and I said, you know, I don't think anybody likes me, and he said something like, join the club, or something...I don't know how it went. I'm paraphrasing. I don't care, folks, if you like me or not, but let me make something really clear about this motion--really clear about it. We all have a lot of bills, some more than others, during a session. When somebody just comes into the Legislature, they tend to have less. Bills get killed. Bills get changed. Bills get monkeyed with. Bills get IPP'd. Bills get jerked around. All kinds of things happen to them. All kinds of things have already happened to this one. That's my only point. And I think it's incumbent upon us right now to decide, not whether Friend is too arrogant and maybe we should go ahead and let Ernie have whatever he wants. Let's make that clear. It's not about that. I hope you know that. I'm telling you here and now, I can make just as valid a policy discussion for three or four or five hours...as a matter of fact, I look forward to it. This may be the last chance I ever

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get, because I don't think Senator Chambers is going to sit down at my dinner table. I don't think he wants to do that, to debate me, for various reasons. It may be the last chance I get to debate this man. I'm ready. I would love it. But I'm telling you, in fairness, with this motion I think it's probably misplaced because of the circumstances that have led up to this motion. That's all I'm saying. So when I sit down or when I leave here, you can say, well, boy, that Friend is sure arrogant; I don't like the fact that he yelled at me; I don't like the fact that he yelled at all of us; I don't like the fact that he sided with the Governor; I don't like the fact that he's a robot; I don't...whatever. It's not the point, folks. This is a motion to go discuss something that we've already discussed and we've made decisions on. That is really my only point. Now, again, I'll leave you with this. If we do this...and it's not really a threat. You know me. It's the arrogance coming out. I love the debate. I live for it. We will take the rest of these three days and we'll talk about this policy. And quite frankly, I haven't asked him, but I think Senator Chambers would like that. Now, maybe that would be the reason for your vote, because you want to watch us do that? My guess is not. You guys make the call. Thank you, Mr. President. [LB280A]

SENATOR LANGEMEIER PRESIDING [LB280A]

SENATOR LANGEMEIER: Thank you, Senator Friend. Senator Carlson, you're recognized, followed by Senator Nelson. [LB280A]

SENATOR CARLSON: Mr. President and members of the Legislature, as we proceed on this discussion, and if the outcome would be to return this to Select File, I think that Senator Friend is going to take care of my concern. But originally this was a bill that was heard, went through the process, voted by the committee to the floor, debated, and defeated. And so as it comes back now as a request to revive it, and Senator Chambers does have a change and I think it's a significant change, one of the things that I think we should not do is bring the bill back, discussion, make a decision on it this morning, make a decision on it this afternoon. And I think Senator Friend is going to take care of that so that in a sense we're having a second hearing on this, and we need opportunity for response from the second house, which includes the residents of our state. So I'm going to support bringing this bill back, but I do not think that the discussion ought to end and it should be resolved today. I think that we need another day or two to finalize that, and I wanted to express that before the discussion went any further. Thank you. [LB280A]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Nelson, you're recognized, followed by Senator Ashford. [LB280A]

SENATOR NELSON: Thank you, Mr. President and members of the body. Unlike my good friend, Senator Carlson, I'm going to oppose this motion. I see no compelling reason to bring it back at this time. We had lengthy debate about it. There was an opportunity on the part of Senator Chambers. He knew the opposition to it at that time,

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because of the "verbal abuse," to do a floor amendment, to get rid of it at that time and then pass it. He did not choose to do that. I don't see any reason to spend a large number of hours if this motion is sustained to rehash this all again. We've talked about it. I haven't seen any change in the teachers that I'm aware of, that they have changed their position. They are in opposition to this. I'm not going to say anything more at this time, but I just stand in opposition to the motion to suspend. Thank you, Mr. President. [LB280A]

SENATOR LANGEMEIER: Thank you, Senator Nelson. (Visitors and Doctor of the Day introduced.) Returning now to discussion on the motion 147 to suspend the rules, those wishing to speak. Senator Kopplin, you're recognized. [LB280A]

SENATOR KOPPLIN: Thank you, Mr. President and members of the body. I'm going to oppose this motion for the same reasons that many others have, and maybe a little bit more. We have had a long discussion on this before, and references made today that we changed it by taking out "verbal abuse." I'm going to tell you, that was not the only objection to this bill, and there are other changes that could have and should have been made that have not, therefore I am not going to support this motion to return this. Thank you. [LB280A]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Seeing no other lights on, Senator Chambers, you are recognized to close on your motion to suspend the rules. [LB280A]

SENATOR CHAMBERS: Mr. President and members of the Legislature, Senator Friend may want to debate me the rest of the session, but it won't be on this bill. It will be on other bills. And as for what Senator Kopplin said, he had a bill, LB171, locked up in the Health and Human Services Committee. He could not get it out. He did not know how to get it out. Nobody knew how to get it out except me. And I did what had to be done, which nobody on this floor has the nerve to do, and I stated on this floor that I was going to hold a bill that the Governor had, on HHS, hostage until that Health and Human Services Committee released Senator Kopplin's bill on food stamps. Nobody would dare do it. But not only did I dare, I did it. And some people on the committee were angry. They didn't want to be pressured, but they bowed to the pressure. The bill was put out here and you all voted it into law the other day, and you don't even remember the history of it, do you? This is your opportunity to do me like the critics do Shakespeare. Any fool could take a shot at Shakespeare and hit him, because he was such a large target. Do you all think that if you don't support this, you're going to hurt me? You killed my bill to do away with the death penalty. That did not stop me. So if you think that you're hurting me, forget it. You're not. But since Senator Friend, since Senator Nelson, since Senator Harms and others want to play that game, and Senator Lautenbaugh, we only have three days to play it. And Senator Friend will be proud to do it. He said he wants that opportunity. Well, as he gets the opportunity, you all look to Senator Friend. I

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believe, brothers and sisters, in giving to my colleagues what they say that they want to the extent that I can. There are senators who have said they'd be happy to answer questions, and I've said I will oblige by asking questions to make my colleagues happy. Senator Carlson even had to vacillate; a man who usually likes to be straightforward. But when he saw the opposition building, he saw a way out. He said, I said I'd do this and I'll do it, but he's glad that Senator Friend is going to give him a way not to have to do it. You all think I don't see this? You all are children in the sandbox compared to me, and I will tell you that and you know it. And you know why I know you knew it? Because you come up to me afterward and say, you're glad that I said these things. And you know who you are, and it's not just one or two. Senator Nelson and I discussed a bill where he wanted to get some money for the arts, and he didn't want me to fight that bill and I didn't. And there are other comments I'll have to make during the waning days of this session, and there is something I want to clarify right now. There were some on this floor who thought that a certain room should be named after me for the work I've done here. I will not give you all the pleasure and the opportunity to insult me, so I do not want that resolution offered, and if you offer it I will oppose it. I want nothing from this Legislature. I'm not going to grovel in front of you. I'm not going to beg from you and I don't want anything from you. I didn't come here asking for anything. I don't ask for anything now. So whatever you had that you thought... [LB280A LB171]

SENATOR LANGEMEIER: One minute. [LB280A]

SENATOR CHAMBERS: ...you could give me, I don't want it. Anything you think you can take from me, you cannot take it. You did not give me anything. There is nothing you can take from me. And I will end my time in this Legislature as I started it: doing what I think is the right thing to do. And I will not do anything to make the young black men and women in my community ashamed because they sent somebody down there who would swallow spit and roll over and take all that guff. I'm withdrawing that motion, Mr. President. [LB280A]

SENATOR LANGEMEIER: The motion to suspend the rules is withdrawn. Mr. Clerk. [LB280A]

CLERK: Mr. President, I do have some items if I might.

SENATOR LANGEMEIER: Mr. Clerk, items for the record.

CLERK: Mr. President, your Committee on Education, chaired by Senator Raikes, reports LB490 indefinitely postponed. LB614, LB649, LB655, LB691, LB873, LB879, LB886, LB970, LB976, LB987, LB990, LB1005, LB1021, LB1023, LB1083, LB1155, LB1158, all those reported indefinitely postponed. Mr. President, a communication from the Governor to the Clerk. (Read re LB1157 and LB1157A. Legislative Journal page 1429.) [LB490 LB614 LB649 LB655 LB691 LB873 LB879 LB886 LB970 LB976 LB987

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LB990 LB1005 LB1021 LB1023 LB1083 LB1155 LB1158 LB1157 LB1157A]

SENATOR LANGEMEIER: The next item, Mr. Clerk: Select File 2008, senator priority bills. LB986. [LB986]

CLERK: Mr. President, with respect to LB986, Senator McGill, I have Enrollment and Review amendments, first of all. (ER8212, Legislative Journal page 1101.) [LB986]

SENATOR LANGEMEIER: Senator McGill, for a motion...Senator Preister, would you move the E&R amendments? Senator McGill, for a motion. [LB986]

CLERK: E&R amendments, Senator. [LB986]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB986]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB986]

CLERK: Mr. President, the first amendment I have, Senator Louden, AM2522. (Legislative Journal page 1119.) [LB986]

SENATOR LANGEMEIER: Senator Louden, you are recognized on AM2522. [LB986]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. This amendment is in response to the manufacturer's objections to payment of fees as described in the original bill with a committee amendment. The Natural Resources Committee believes additional fees are necessary if we are to adequately fund a recycling program for electronic waste. This amendment defines an electronic device retailer and requires that retailer to pay the Department of Environmental Quality a fee of \$2 per electronic device that is sold; prohibits a retailer from selling an electronic device in this state if the retailer is not in compliance with this act; and requires the department to include in its annual report the amount of funds credited to the Waste Reduction and Recycling Incentive Fund under this act. This amendment does not remove the recycling fee that manufacturers pay. It simply allows additional fees to be collected to benefit electronic recycling programs that are developed in Nebraska, such as our Keep Nebraska Beautiful programs that many of the towns and cities across Nebraska participate in. My next amendment, AM2625, does remove the \$2 recycling fee assessed against the manufacturers. Senator Preister's amendment, AM2730 incorporates part of my amendment regarding the reporting requirements by the Department of Environmental Quality, but it does not include the \$2 recycling fee placed on retailers. Whether we have a \$2 fee on the manufacturers or retailers and the registration fee on the manufacturers of electronic equipment, those fees, I'm sure, will be included as a cost of doing business and will more than likely be passed on to the

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consumer. With this I would ask that this amendment, AM2522, be adopted to the committee amendment. Thank you, Mr. President. [LB986]

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the opening on AM2522 offered to LB986. The floor is now open for discussion. Senator Preister, you're recognized. [LB986]

SENATOR PREISTER: Thank you, Honorable President, friends all. This has been a long and winding road to get to this point, but I'm happy to report to you that I think with the amendment that we will get to that I have, we have incorporated parts of what Senator Louden is asking for, and I appreciate Senator Louden and his staff's work on this, as well as the entire committee. We did a last minute amendment this morning to make yet another concession, and Senator Kopplin will have that amendment that we will get to, and explain what that does. The portion of this amendment that requires the up-front fee, ends up being a deal breaker for the retailers. Senator Louden is right. The manufacturers wanted the retailers to have the burden; the retailers wanted the manufacturer. We kind of played a hot potato game. I think Senator Louden is making the point, if you don't like one then we'll give you the other. I understand that. The way that we've put it in the amendment that I've got--and it's the only one. It's the one that's inclusive. It incorporates all of the things that the manufacturers were asking for to make it more "compliant" for them. So that amendment will include some of what Senator Louden is attempting to do, and it will not be a deal breaker. It will balance all of the respective interests. Following that or as we get to Senator Kopplin's amendment, we will further refine that, and I think at that point we have the bill in good shape. We've addressed the concerns, the issues, and have been doing it, as I say, right up to phone calls and meetings this very morning. At this point I think the things that are required of the manufacturers are very limited, easy to comply with. We've addressed the concerns. We would collect essentially enough money to do the programs similar to the tire collection amnesty-type programs that Senator Louden is interested in, the Natural Resources Committee is interested in, and I am certainly interested in. I want to make sure that when we do this, we have the availability to collect those televisions and those computers in all parts of the state, the most remote, least populated areas, as well as the metropolitan areas. I think with the balance that we've got in my amendment, we will be able to do that. Senator Louden certainly wanted to make some points. I think the portion of his amendment that allows the range is good, and that's something that the manufacturers wanted. I've included that in the amendment that we will get to of mine. I also included the portion that requires a report. I think he did a good job in putting that in there, as well. But the advanced recycling fee component that's in this amendment is a deal breaker, and in good faith I can't accept that because I've dealt with all of these various groups and they have agreed to this point, and we've put all of that agreement in one amendment. So for that reason, as much as I appreciate what Senator Louden and his staff and the committee have worked on to get to this point, that component is a deal breaker and I can't accept it. So if Senator Louden wants to take it to a vote I would

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certainly ask everyone to vote no on this amendment, and parts of it will be in my following amendment. [LB986]

SENATOR LANGEMEIER: One minute. [LB986]

SENATOR PREISTER: Thank you. [LB986]

SENATOR LANGEMEIER: Thank you, Senator Preister. Senator Louden, your light is next and it is the only light, so you could speak or you could close on this amendment. Your choice. [LB986]

SENATOR LOUDEN: Okay. I'll close on this amendment. [LB986]

SENATOR LANGEMEIER: Senator Louden, you're recognized to close on AM2522. [LB986]

SENATOR LOUDEN: Okay. When we talk about this, Senator Preister mentioned it's similar to the tire program. The only thing that's similar about it is you'll probably talk about recycling. In the tire program, you pay a dollar a tire up front, and that's it, and it goes into the trust fund, and the grant money is sent back out for tire collection. In this, why, you have the manufacturers involved, and they're supposed to report how many articles they sell in a state so that they can be assessed accordingly. That therein lies part of the problem, because a lot of these manufacturers send it to distributors around, and it goes to all parts of the various states so they don't always know exactly how much they're selling in any particular state. So when you leave it on the manufacturer, it's quite, I guess, long-ranged calculations to see whether or not it's going to work for them. Several of you, or I suppose got on your e-mail from an Information Technology Industry Council outlining some of the problems that they have with LB986 the way it was written. As we started out on this thing it was designed in the early part of the stages when we had our committee hearings, that it would be patterned after the tire program, which is quite successful. So I think as we went with it in Senator Preister's bill, then he started to put it where it would be the manufacturer would pay for it, and they would be entitled to get part of their money back. And therein is, again, we don't know if we're going to receive enough income in order to take care of the television sets. At the present time, computers are somewhat easier to recycle and get rid of, but what we don't know is there very many people around that are willing to take in television sets in recycling. So that is where you have your, usually your community beautiful programs that your local communities have, and they have these amnesty and these collections of these things, and they're taken and disposed of someplace, and they usually costs some money to do that besides the trucking and the size of some of them older television sets that are floating around the country. So I think this is something I think we either adopt this amendment or I think LB986 in its present form is going to be running into problems to implement it in the future, and I don't know if it's the right way

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to do that, because the manufacturers aren't completely satisfied with doing it that way. Most of the manufacturers on computers have some type of recycling program on their own. If you buy one, you can take the old one back, and they have a few places where some of these stores that sell a lot of that electronic waste does take them back and recycle them. But that doesn't always work well in rural areas of Nebraska. They always talk about taking it to Best Buy. And as I say, out in western Nebraska, our closest Best Buy is in Fort Collins, Colorado. So some of those ideas that work for eastern Nebraska don't necessarily work in the rural areas, and that's what I'm thinking about is everyone in Nebraska, how we're going to recycle our electronic waste to keep it out of the landfills. At the present time, television sets can be dumped in a lot of the landfills, and we're trying to get something set up before we put a ban on dumping them in landfills, such as the tire program was. It was set up and they put a ban on dumping them in the landfills, and they didn't completely have the collection program set up. So a lot of them were loaded up and hauled out of state. So this is something that I think we need to work at it. I think this is a good amendment and I would ask for the adoption of this amendment, and I would ask for a call of the house, Mr. President. [LB986]

SENATOR LANGEMEIER: Thank you, Senator Louden. There has been a request for the call of the house. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB986]

CLERK: 31 ayes, 0 nays, Mr. President, to place the house under call. [LB986]

SENATOR LANGEMEIER: The house is under call. Senators, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator White, for what purpose do you rise? [LB986]

SENATOR WHITE: A point of order, Mr. President. With regard to the substance of this motion, since it was killed in committee, or it's my understanding that it was, does it take 30 votes to pass it? [LB986]

SENATOR LANGEMEIER: Thank you, Senator White. Senator White, would you please come to the presiding officer. Senator Chambers, the house is under call. Please return to the Chamber and record your presence. In regards to Senator White's point of order, we are in voting posture. The point of order was brought to the attention after going into the voting posture, so we'll deem it out of order. Senator Louden, for what purpose do you rise? [LB986]

SENATOR LOUDEN: Mr. President, you may proceed with the voting. [LB986]

SENATOR LANGEMEIER: Do you wish to have a board vote or... [LB986]

SENATOR LOUDEN: A board vote, thank you. [LB986]

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SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the closing on AM2522 offered to LB986. The question before the body is, shall AM2522 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Have all those voted that wish to? Record, Mr. Clerk. [LB986]

CLERK: 3 ayes, 25 nays, Mr. President, on the amendment. [LB986]

SENATOR LANGEMEIER: AM2522 is not adopted. With that, I raise the call. Mr. Clerk. [LB986]

CLERK: Mr. President, Senator Louden, the next amendment I have is AM2555, but I have a note you wanted to withdraw that, Senator. [LB986]

SENATOR LOUDEN: Yes. [LB986]

SENATOR LANGEMEIER: It is withdrawn. [LB986]

CLERK: Actually, Mr. President, I should say withdraw and substitute. Excuse me. Senator Louden would like to withdraw AM2555, and offer as a substitute thereto, AM2625. (Legislative Journal page 1208.) [LB986]

SENATOR LOUDEN: Yes. [LB986]

SENATOR LANGEMEIER: Are there any objections? So ordered. Senator Louden, you are recognized to open on AM2625. [LB986]

SENATOR LOUDEN: Okay. This amendment does two things. First, it allows a manufacturer to certify to the department which category of sales subdivision is applicable to it, thus protecting the manufacturer from revealing its exact market share in Nebraska. Second, it eliminates the recycling fee of \$2 that a manufacturer would have to pay on each electronic device that the manufacturer sold in Nebraska. This provision, again, protects the manufacturer's disclosure of exact market share. That has been the problem with manufacturers. When they do this, they have to report how many they sold and that is one way that they have to show their market share in Nebraska. That's been the problem with using the manufacturers to fund this recycling program. I believe that these two provisions are incorporated probably in Senator Preister's amendment, and since these are part of Senator Preister's amendment, I will withdraw AM2625 at this time. Thank you, Mr. President. [LB986]

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the opening on AM2625 offered to LB986. The floor is now open for discussion. Seeing no lights on, Senator Louden, you are recognized to close on AM2625. [LB986]

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SENATOR LOUDEN: I thought I withdrew the amendment. [LB986]

SENATOR LANGEMEIER: It is withdrawn. Thank you. Pardon me. Mr. Clerk, next item. [LB986]

CLERK: Senator Kopplin, I now have AM2536, Senator, but I have a note, Mr. President, he wants to withdraw AM2536. [LB986]

SENATOR LANGEMEIER: It is withdrawn. Mr. Clerk. [LB986]

CLERK: Likewise, Senator Kopplin, AM2535, but a similar note to withdraw, Mr. President. [LB986]

SENATOR LANGEMEIER: It is withdrawn. [LB986]

CLERK: Senator Preister, AM2730. (Legislative Journal page 1384.) [LB986]

SENATOR LANGEMEIER: Senator Preister, you are recognized to open on AM2730. [LB986]

SENATOR PREISTER: Thank you, Honorable President, friends all. Thank you for paying attention and for your support on this. This amendment does, as Senator Louden suggested on his last amendment, incorporate those two components. It incorporates a number of components, which I will elaborate for you now, that were all a part of the negotiation that I promised you I would do with all the interested parties between General and Select, and I promised that it wouldn't come back to Select until we had worked out those details. This is that amendment. We will have one additional amendment that Senator Kopplin will file that is an additional concession that I have made this morning. This amendment, AM2730, amends the definition of electronic device to specify that only household computers, monitors, and televisions are covered under the act. It also clarifies that government devices and business-to-business devices are not covered. It amends the definitions of telephone to include cell phones, and all phones are exempt. It exempts registration requirement for manufacturers who sell less than 500 electronic devices, which is that portion of Senator Louden's AM2625. It allows manufacturers to certify which category of fees are applicable to their sales quantities rather than an actual number of sales. And as Senator Louden said, that was one of the concerns of the manufacturers. They didn't want proprietary information, the numbers of sales of the devices in the state, to go to their competitors. So I think Senator Louden had a good amendment there. We incorporated that into this amendment. It deletes the \$2 recycling fee on each electronic device sold. That is problematic for the retailers. They did not want to do it. It's also problematic for the retail customer who would have that additional charge directly up front. It increases the

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annual registration fees as follows, based on the quantity of electronic devices sold by the manufacturer in the state in the previous calendar year. From 0 to 500 sold, they are exempt and they are not subject to the provisions of the bill. That is the same as the committee amendment. From 500 to 1,000, they pay a \$1,000 registration fee, which again is the same as the committee amendment. And those were some of the concessions and those were agreed to, as well. Those that sell 1,000 to 5,000 have a registration of \$7,500. Those that sell over 5,000 have a registration fee of \$20,000. And just as an editorial, this is in the midrange. The fees in other states go over \$30,000 and we have built in where they can get up to half of their money back, which is unique and gives them an opportunity to only pay, at most, \$10,000, which is in the lower end of what's being done across the country. A manufacturer must only pay 50 percent of the registration fee if that manufacturer or group has certified to the department that it recycled a minimum of 30 percent of the quantity of electronic devices it sold in the previous calendar year. Again, some of the opposition earlier was to the 50 percent. We reduced that again, and that in this amendment is down to they only have to do 30 percent. That will be further addressed in the next amendment and reduce it even lower. They would also have their plan meet all applicable federal, state, and local environmental laws. The devices were not exported for disposal in a manner that poses a significant risk to the public health or to the environment. The bill then, beginning in fiscal year 2010-11, has the Department of Environmental Quality review and may adjust the fees to assure that a minimum of \$1 million and a maximum of \$1.5 million in fees are collected in the following year. It clarifies the language prohibiting charging of recycling fees at the time of collection of the electronic device, adds language that manufacturer must provide designated collection sites or postage-paid mailing packaging to the consumer. It amends the sunset provision if a federal law is adopted, and clarifies that no further fees will be collected in Nebraska. It adds language to the grant section that allows grants to be issued for education and information about electronic recycling. It adds new section which requires DEQ to include in its annual report to the Legislature information about fees collected under the act, and again, that portion came from Senator Loudon's AM2522. With these additional adjustments, the lobbyists that were hired to lobby against the original, the General File bill, are no longer opposed to it. The retailers have supported it pretty much all the way, but had concerns. We've addressed those. We, at this point, have one issue remaining. Although individual manufacturers don't have a problem with these fees, and some even said the registration fees could be higher, we have the trade association--the ITI is the main trade association--that is philosophically opposed to anything essentially other than a voluntary program. They do not want to be forced to do anything. So that's one step that I'm unable to take. I have accommodated all known concerns, added definitional languages, made adjustments, reduced fees, reduced registration fees, reduced percentages, and will support Senator Kopplin's amendment which will further, yet this morning, reduce the requirements. And again, all they have to really do is send in their registration fee and a certificate, a letter certifying. No one is going to be checking. We're adding no FTEs because that's a part of the administration's requirement and I

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have to satisfy the administration as well. We are complying with NDEQ and to their requirements, but not adding any staff. There is no fiscal note, no General Funds. All of the funds, including the educational component, will come out of the registration fees. We have addressed to the best of my ability...and I certainly want to state that I appreciate the committee's work, but I especially appreciate Kate Allen and all of her work and even coming in today, nearly on her deathbed, to be here when she should be at home and not even be here. But she has put in...and I appreciate her in many other ways as well, but I appreciate the work that she has put in on this. I appreciate Jim Otto, and it's Jim Otto and the retailers and some of the smaller, medium-size manufacturers in the state that I gave a number of these last concessions to. With that, I would ask for your support on AM2730 and then your support on Senator Kopplin's amendment, and at that point I think the bill is ready to be advanced for Final Reading. Thank you, Mr. President. [LB986]

SENATOR LANGEMEIER: Thank you, Senator Preister. Mr. Clerk, for a motion. [LB986]

CLERK: Mr. President, Senator Kopplin would move to amend Senator Preister's amendment. Senator Kopplin, AM2763. (Legislative Journal page 1430.) [LB986]

SENATOR LANGEMEIER: Senator Kopplin, you are recognized to open on AM2763. [LB986]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. Thank you, Senator Preister, for the hard work you've done to bring all the parties together. This particular amendment has to...it's really an incentive to increase as much recycling as we can. It has to do with the fees that manufacturers pay. Basically, if they do recycle as much as 10 percent, they get...excuse me, they get a 10 percent reduction in their fee. If they can go to 20 they can get a larger fee as it goes up, until they reach the 30 percent or more, when the reduction is 50 percent. It's a graduated type of fee reduction to encourage the more recycling that you do the greater the percentage of fee that you see reduced. I think it, as Senator Preister has said, it does bring pretty much everybody on board with his bill, and I would urge you to adopt this amendment. Thank you. [LB986]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. (Visitors introduced.) You have heard the opening on AM2730 and the amendment offered to that by Senator Kopplin. The floor is now open for discussion. Those wishing to speak, we have Senator Dubas, Senator Louden, and Senator Preister. Senator Dubas, you're recognized. [LB986]

SENATOR DUBAS: Thank you, Mr. President, members of the body. I rise in support of both amendments and the underlying bill, and would just like to again thank Senator Preister for his undying perseverance on this issue. I mean this has been years in the making and it would be very easy to just, in frustration, throw up your hands and say,

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okay, you guys are on your own. And this is a very critical issue and especially as we look, you know, with the television sets and the changes that are going to be made in the future and the amount of television sets that are going to be discarded, this is just a huge, huge issue for your landfills and everything else. So getting everybody to get on board and agree that it's a problem and then how to address the problem has been no easy undertaking, but this is...this is very important legislation for our state. And again I applaud Senator Preister's efforts and what he's done to help us recognize how important it is for us to take responsibility with this. I would also encourage you, Senator Preister did send out an e-mail this morning with a link with an article regarding e-waste, and if you haven't looked at that link I would strongly encourage you to do it, because this isn't just about what happens to our electronics in Nebraska. It's about the impact that what we discard and the very devastating impacts that it has on especially children all across the world. So if you haven't looked at that link, I strongly encourage you to do so. I strongly encourage the body to vote for these amendments and the underlying bill, and again thank you very much, Senator Preister. [LB986]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Senator Louden, you're recognized. [LB986]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I look this bill and all of it over, it addresses your monitors and your computers quite well, but it really doesn't put enough money in there to take care of television sets. When you talk about doing something with the television sets, there's not that much in there that will take care of them, because those are going to have to be done with the grant program and as you give the money back to manufacturers for their recycling. Now if they're recycling and just selling computers, then there goes part of your revenue that's going to take care of your grant programs, and you'll be back into raiding your other grant programs that come about, like your tire amnesties and those. Somewhere along the line you're going to have to put some money in there to take care of these old television sets, and the way I've understood the bill and read it, and even with the amendments, I don't think it's going to take care of the television sets that are going to be discarded here in 2009, whenever we go to the...get rid of the...or go to the HD, high-definition-type TV sets. So somewhere it's been negotiated. And on the manufacturers, you put most of the costs on the manufacturers. None of the...there's only one state, I think California, that's done this and implemented it. Most of the other states that have adopted this program haven't implemented it yet, so the jury is still out on how well it works. But my observation is you have to be very careful here. This is a case where I think you're thinking about do something even if it's wrong, and I really don't think there's enough money in here to take care of your...of televisions and some of the electronic waste that will be coming about there. Right now, why, the TVs can be dumped in the landfills. Right now there are companies that are going ahead and recycling the monitors and the laptops and the computers because there is a little bit more metals in there that they can recycle. In fact, I just got some correspondence from

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a company in Denver that plans on putting up bins around different parts of the state of Nebraska. In Wyoming, in different places you can just go dump your computers in and they'll pick them up. So there's different ways of doing it. Also, when you send your computers back, you got to find out what the security is, and this company will guarantee you that they destroy your hard drive rather than just wipe it clean. So there's a lot of ways that this can be done, but I don't...I think this is probably something that would work in some instances, but I don't think this is something that's going to do well for all of Nebraska. Nothing...I don't think there's enough money in there to take care of the TVs, and I would have liked to have seen a fee taken somewhere along the line to pay for the television sets that are going to be discarded to keep them out of the landfills. A lot of those will be loaded up and, as they said, hauled to other Third World countries where they have kids taking them apart and trying to salvage the scrap metal and that sort of thing out of there. So it isn't something that's going to clean up the television sets. Thank you, Mr. President. [LB986]

SENATOR LANGEMEIER: Thank you, Senator Louden. Senator Preister, you're recognized, followed by Senator Wallman. [LB986]

SENATOR PREISTER: Thank you, Honorable President. I just rise to thank Senator Kopplin for his work on this amendment. He said it correctly. This would give back 10 percent to the manufacturers if they recycle 10 percent of the number of items sold in the previous year, and it can include the televisions that Senator Louden is talking about. It can include other manufacturers' products. If they recycle 20 percent, they can get 20 percent back. So it's a graduated scale. It was an issue for the manufacturers. They did want this. And some of the local manufacturer/retailers were particularly interested in it, so I conceded and said I will go along with that as well, and no one else had a problem with it. So at this point I'm feeling good about it. Senator Kopplin was kind enough to offer it because he's been on the committee and has been working on the issue, and he too is concerned and wants to get something done. I support AM2763 of Senator Kopplin's and obviously the underlying amendment. Thank you. [LB986]

SENATOR LANGEMEIER: Thank you, Senator Preister. Senator Wallman, you're recognized. [LB986]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I too appreciate Senator Preister and Senator Kopplin's work on this. As all...just the couple years I've known Senator Preister, he's an environmentalist, and we all should be. We're going to pass this earth on to somebody else, so don't you think we should take care of it? Realizing there's going to be glitches, there's going to be bumps in the road on any kind of legislation we pass about recycling, about environmentally friendly issues, but I urge you to support this amendment and the bill. Thank you, Mr. President. [LB986]

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SENATOR LANGEMEIER: Thank you, Senator Wallman. Seeing no other lights on, Senator Kopplin, you're recognized to close on your AM2763. Senator Kopplin waives closing. The question before the body is, shall AM2763 be adopted to AM2730? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB986]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Kopplin's amendment. [LB986]

SENATOR LANGEMEIER: AM2763 is adopted. We return now back to discussion on AM2730. The floor is open for discussion. Seeing no lights on, Senator Preister, you're recognized to close. Senator Preister waives closing. The question before the body is, shall AM2730 be adopted to LB986? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB986]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Preister's amendment. [LB986]

SENATOR LANGEMEIER: AM2730 is adopted. [LB986]

CLERK: I have nothing further on the bill, Mr. President. [LB986]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB986]

SENATOR MCGILL: Mr. President, I move LB986 to E&R for engrossing. [LB986]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB986 does advance. Mr. Clerk, LB986A. [LB986 LB986A]

CLERK: Mr. President, with respect to LB986A, Senator, I have no amendments to the bill. [LB986A]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB986A]

SENATOR MCGILL: Mr. President, I move LB986A to E&R for engrossing. [LB986A]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB986A does advance. Mr. Clerk, LB1082. [LB986A LB1082]

CLERK: LB1082, Mr. President. Senator McGill, I have Enrollment and Review amendments. (ER8237, Legislative Journal page 1372.) [LB1082]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB1082]

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SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB1082]

SENATOR LANGEMEIER: You have heard the motion on the adoption of E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB1082]

CLERK: I have nothing further on the bill. [LB1082]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB1082]

SENATOR MCGILL: Mr. President, I move LB1082 to E&R for engrossing. [LB1082]

SENATOR LANGEMEIER: There has been a request for a board vote. You have heard the motion on the advancement of LB1082. All those in favor vote yea; all those opposed vote nay. Senator Cornett, for what purpose do you rise? [LB1082]

SENATOR CORNETT: I rise for a call of the house, please. [LB1082]

SENATOR LANGEMEIER: There's been a request to put the house under call. The question before the body is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1082]

CLERK: 26 ayes, 3 nays, Mr. President, to place the house under call. [LB1082]

SENATOR LANGEMEIER: The house is under call. Senators, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Fulton, Senator Wightman, please check in. Senator Dubas, Senator Pahls, Senator Avery, please return to the Chamber and record your presence. The house is under call. Senator Dubas and Senator Pahls, please return to the Chamber and record your presence. Senator Cornett, when all members are present, do you request call-ins or a roll call vote? [LB1082]

SENATOR CORNETT: Roll call vote, please. [LB1082]

SENATOR LANGEMEIER: In regular order? [LB1082]

SENATOR CORNETT: Reverse order, please. [LB1082]

SENATOR LANGEMEIER: Thank you. Senator Dubas, the house is under call. Please return to the Chamber and record your presence. Senators, please...the house is under call. Please return to your seats. Senator Dubas, please return to the Chamber and record your presence. All members are present or accounted for. There has been a

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request for a roll call vote in reverse order. The question is, shall LB1082 advance? Mr. Clerk, please call the roll in reverse order. [LB1082]

CLERK: (Roll call vote taken, Legislative Journal pages 1430-1431.) 22 ayes, 18 nays, Mr. President, on the advancement. [LB1082]

SENATOR LANGEMEIER: LB1082 does not advance. With that, I raise the call. Mr. Clerk, LB1027. [LB1082 LB1027]

CLERK: Mr. President, LB1027. Senator McGill, I have Enrollment and Review amendments, first of all. (ER8238, Legislative Journal page 1372.) [LB1027]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB1027]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB1027]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB1027]

CLERK: Senator Dierks would move to amend with AM2758. [LB1027]

SENATOR LANGEMEIER: Senator Dierks, you are recognized to open on AM2758. [LB1027]

SENATOR DIERKS: Mr. President, I'd like to withdraw that motion, that amendment. [LB1027]

SENATOR LANGEMEIER: It is withdrawn. Mr. Clerk, next motion. [LB1027]

CLERK: Mr. President, Senator Erdman would move to amend with AM2761. (Legislative Journal pages 1431-1432.) [LB1027]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on AM2761. [LB1027]

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. The amendment that's before you, AM2761, is designed to be a clarifying and technical amendment. The original and the current (5) of Section 7 has a prohibition. This clarifies what that prohibition extends to. And what it says is, is that in the event that the beginning farmer is partnering with a relative, the owner of those assets would be eligible for the tax credit that the state provides, assuming that there's a succession plan in place, and that succession plan has to be followed. So it's narrowly drawn. And specifically what this entails or what this is designed to accomplish is that we have

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some very progressive programs out there that are designed to partner with young producers in helping them to establish livestock operations or other ideas that may be available to them now, and this simply recognizes that as a part of our conversation with the committee it was our intent, through this process, to encompass this. This doesn't affect the fiscal note. The fiscal note is exactly the same with or without this amendment. It is what it is. And in the green copy, the committee amendment and with this amendment, the fiscal note is all the same. Because we adopted the committee amendment that wasn't as clear as what this is, with the adoption of this, it goes back to the fiscal note that we had on LB875 for that component, and it's the same number. This is designed to allow for those related producers, if they have a succession plan in place for those types of programs that we know are out there, to be able to take advantage of that credit that's available from the state currently. If you recall, LB1027 also includes a new tax credit or a new exemption for the actual farmer, because up until this point it only goes to the landowner or the asset owner. Under this bill, the original bill, it includes that personal property tax exemption. So this is designed to be a clarifying amendment that was brought to us by Senator Fulton in LB875, and has been worked on by the ag groups to ensure that we're reflecting their intent if LB1027 would become law. I would stand to answer any questions if there are any, Mr. President, and would encourage the adoption of this amendment. [LB1027 LB875]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the opening on AM2761, offered to LB1027. The floor is now open for discussion. Seeing no lights on, Senator Erdman, you are recognized to close on AM2761. [LB1027]

SENATOR ERDMAN: Mr. President, I explained it. Again, this is designed to reflect the intent of the committee. This was a topic of conversation within the committee. And since the bill advanced between the parties to ensure that this option is within this bill which was introduced by Senator Fulton, we would encourage your adoption of AM2761. [LB1027]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the closing on AM2761, offered to LB1027. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1027]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Erdman's amendment. [LB1027]

SENATOR LANGEMEIER: AM2761 is adopted. [LB1027]

CLERK: I have nothing further on the bill, Mr. President. [LB1027]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB1027]

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SENATOR MCGILL: Mr. President, I move LB1027 to E&R for engrossing. [LB1027]

SENATOR LANGEMEIER: You have heard the motion on the advancement of LB1027. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk, LB1027A. [LB1027 LB1027A]

CLERK: LB1027A, Mr. President. Senator McGill, I have no amendments to the bill. [LB1027A]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB1027A]

SENATOR MCGILL: Mr. President, I move LB1027A to E&R for engrossing. [LB1027A]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB1027A does advance. Mr. Clerk, LB720. [LB1027A LB720]

CLERK: LB720, Mr. President. Senator McGill, I have Enrollment and Review amendments, first of all. (ER8239, Legislative Journal page 1394.) [LB720]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB720]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB720]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. They are adopted. [LB720]

CLERK: Mr. President, the first amendment, Senator Schimek, AM2716, but I have a note you want to withdraw that, Senator. [LB720]

SENATOR SCHIMEK: That is correct. [LB720]

SENATOR LANGEMEIER: It is withdrawn. Mr. Clerk. [LB720]

CLERK: Mr. President, Senator Schimek would move to amend with AM2753. (Legislative Journal page 1432.) [LB720]

SENATOR LANGEMEIER: Senator Schimek, you are recognized to open on AM2753. [LB720]

SENATOR SCHIMEK: Thank you, Mr. President and members. This is a fairly innocuous amendment, I believe. It just incorporates into our definition of who may be exempted from these provisions in the "robocall" bill to political subdivisions. So that would include counties and cities and utility districts, for instance. We exempted schools

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who might be making calls to their patrons or students. We exempted people who are...have a business relationship or personal relationship. But this would apply then to other political subdivisions, which I think is a needed amendment; that the people have made their case to me. And with that, Mr. President, I would urge adoption of AM2753. [LB720]

SENATOR LANGEMEIER: Thank you, Senator Schimek. You have heard the opening on AM2753. The floor is now open for discussion. Seeing no lights on, Senator Schimek, you are recognized to close. Senator Schimek waives closing. The question before the body is, shall AM2753 be adopted to LB720? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB720]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Schimek's amendment. [LB720]

SENATOR LANGEMEIER: AM2753 is adopted. [LB720]

CLERK: I have nothing further on the bill, Mr. President. [LB720]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB720]

SENATOR MCGILL: Mr. President, I move LB720 to E&R for engrossing. [LB720]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB720 does advance. Mr. Clerk, LB1172. [LB720 LB1172]

CLERK: LB1172. Senator McGill, I have Enrollment and Review amendments. (ER8240, Legislative Journal page 1392.) [LB1172]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB1172]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB1172]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. They are adopted. [LB1172]

CLERK: I have nothing further on LB1172, Senator. [LB1172]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB1172]

SENATOR MCGILL: Mr. President, I move LB1172 to E&R for engrossing. [LB1172]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All

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those opposed say nay. LB1172 does advance. Mr. Clerk. [LB1172]

CLERK: LB1172A, Senator, I have no amendments to the bill. [LB1172A]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB1172A]

SENATOR MCGILL: Mr. President, I move LB1172A to E&R for engrossing. [LB1172A]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB1172A does advance. Mr. Clerk. [LB1172A]

CLERK: Mr. President, LB837. Senator, I have no amendments to the bill. [LB837]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB837]

SENATOR MCGILL: Mr. President, I move LB837 to E&R for engrossing. [LB837]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB837 does advance. Mr. Clerk. [LB837]

CLERK: LB734. Senator, I have Enrollment and Review amendments, first of all. (ER8241, Legislative Journal page 1398.) [LB734]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB734]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB734]

SENATOR LANGEMEIER: You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB734]

CLERK: Senator Kopplin would move to amend the bill with AM2751. (Legislative Journal page 1415.) [LB734]

SENATOR LANGEMEIER: Senator Kopplin, you are recognized to open on AM2751. Senator Kopplin, you are recognized to open on AM2751, offered to LB734. [LB734]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. I put this amendment on simply as a placeholder for awhile. I wasn't real comfortable with this bill, and I probably still am not, because I wasn't understanding exactly how it would work. So I've gone out and done some checking and I'm getting comfortable with how it works, but I will point out a few things that maybe somebody might want to speak to; maybe not. I'm most familiar with group insurance plans for school districts and I've spent a lot of years dealing with them. There are three, maybe four school districts in

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the state that use a self-insurance plan, and basically what I've found out, they're working this way. The employees and the boards work together to find a suitable plan, health insurance plan. They pay premiums, like everybody else. It goes to a special fund. There has to be a reserve amount. And what they actually do is contract with some insurance company to handle this. So while the insurance company may not be covering the expenses, they're actually handling the claims and everything, which was a concern to me of how you get this done. The amendment I put on simply extends who's qualified to do this. It's a Lincoln...it's a bill for Lincoln, and it would be very easy just to simply say I'm not concerned about the city of Lincoln, they can do it, what they please. But on the other hand, there's always employees that you need to think about. And I noticed on the testimony on the bill, there was no opponents, but there wasn't any proponents from working people either. And I'm sure it works well, but the problem...some of the problems that can occur if you're not big enough. If you're a small entity, you always have that chance of who knows when Asian flu strikes or something else, and suddenly you've got more expenses than you can handle. For that reason, some of them buy an umbrella policy over this to take care of the top part of it, which I think would make good business sense completely. The other part of this that makes me concerned a little bit doesn't have to do with Lincoln necessarily, but when you're an entity with a lot of young people, you don't have that many claims and so it works really well. The older your employees get, the more claims you have and then you've got to begin to wonder whether that was a wise choice for someone to make. It also takes out of the pool for other insurance pools some of those very people that would make the insurance pool work because they are younger and would require less use of insurance. But like I said, I was not comfortable with the answers I was receiving. I wanted to find out for myself, so that's the reason I put this amendment on. I'll leave it on if anyone wants to speak to this, otherwise at that point I will withdraw it. Thank you. [LB734]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. You have heard the opening on AM2751. The floor is now open for discussion. Those wishing to speak, we have Senator Pahls and Senator Wallman. Senator Pahls, you're recognized. [LB734]

SENATOR PAHLS: Thank you, Mr. President, members of the body. Senator Kopplin, I'm glad you did go out and try to find some answers that we did not give you the other night. Yes, a school district will take a look at this and in some cases it would not be the way to go. But it's not basically a bunch of school people who get together and make that decision. They have to have somebody check out the financial...like an actuary will say this is a good way to go. And, for example, the school districts have to have 125 percent, the capacity. So right now the city of Omaha has to...is only 100 percent. They do not have to go out and buy what I call additional insurance to ensure that they will not have financial collapse. That's why we just initially designated it for just, of course, Omaha, Lincoln, and Lancaster and Douglas County, because we didn't see that as being an issue because they would be large enough. But somebody would come in there and advise the leadership, this is the way to go. Because you are correct, if you

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have a young staff, the chances are in many ways that you would not have as many needs as an older staff. But again, a younger staff may have more needs, and so it's a balancing act. But that decision would not be made by, quote, I think that business manager or that superintendent of that school without that additional input. And the 125 percent was to make sure that they would have adequate funds and then they have to buy insurance just to make sure. Now I've talked to my staff. They are okay with the amendment. Initially, we were trying to make it more, you know, a little stricter just to make sure, if it worked for Lincoln and Lancaster and Douglas County, that would be the way to go. Then if we want first-class cities, that could come back another year. But I talked to my staff and this is...this apparently seems to be okay. Thank you. [LB734]

SENATOR PAHLS: Thank you, Senator Pahls. Senator Wallman, you're recognized. [LB734]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I do appreciate what Senator Kopplin did and what Senator Pahls explained here. The median age group is how your insurance premiums are figured, as we all know. But in regards to state aid to schools, I've always, in legislative committee resolutions on the school board, I've always tried to get something together to get the teachers on a state health insurance plan, but naturally that was against the local dealers, I mean insurance agents, and I can see their point. But this, if it's a savings...I guess if we think this is a savings. Senator Fulton, would you answer to a question, please? [LB734]

SENATOR LANGEMEIER: Senator Fulton, will you yield? [LB734]

SENATOR FULTON: Yes. [LB734]

SENATOR WALLMAN: Is this a pretty large savings to Lincoln, you think, or something like this or...? [LB734]

SENATOR FULTON: It's a fair savings. I think in Lincoln we're talking about \$40,000, I think was the figure that would be saved. [LB734]

SENATOR WALLMAN: Thank you. Thank you, Mr. President. [LB734]

SENATOR LANGEMEIER: Thank you, Senator Wallman. (Visitors introduced.) Returning to discussion on AM2751, we have senators wishing to speak. We have Senator Pirsch and Senator Pankonin. Senator Pirsch, you're recognized. [LB734]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I wonder if Senator Kopplin might yield to a question or two. [LB734]

SENATOR LANGEMEIER: Senator Kopplin, would you yield? [LB734]

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SENATOR KOPPLIN: Yes, sir. [LB734]

SENATOR PIRSCH: Thank you, Senator. I appreciate...could you...my understanding is the scope of your amendment attempts to enlarge the breadth of the types of political subdivisions that would be allowed then to self-insure. Is that correct? [LB734]

SENATOR KOPPLIN: Yes. The bill reflects Lincoln, and I changed it to cities of the first class. [LB734]

SENATOR PIRSCH: Very good. How many...using this new category to include cities of the first class, how many additional jurisdictions then would be added to the mix? [LB734]

SENATOR KOPPLIN: I couldn't tell you how many. I think it would be a decision that they would have to consider very carefully. [LB734]

SENATOR PIRSCH: I guess what I'm saying is--just off hand if you don't know the answer to it--how many cities...? What is the definition of cities of the first class, populationwise? [LB734]

SENATOR KOPPLIN: They're 5,000 to 100,000. There are 31 of them. [LB734]

SENATOR PIRSCH: Thirty-one additional jurisdictions then? [LB734]

SENATOR KOPPLIN: Yes. [LB734]

SENATOR PIRSCH: Okay. Thank you. I appreciate that. Well, I...and I'm trying to get...I do appreciate that. It just helps for my discernment here. You know, the concept as it was introduced this year is, hey, let's look at...because there are potentially some ways to avoid premiums and some potential for cost savings, as long as you have a savvy enough and resource-laden enough political subdivision such that they can safely undertake this type of undertaking, you know, maybe it makes sense. And so the question is how we should approach that this year. Obviously, I think that...two approaches. One is to slowly kind of dip your toe into the water and slowly go into the water, and one is a little bit more to plunk in. We're dealing with situations where political subdivisions are...have the potential to save, but also the potential to be liable for large amounts of money. And so I think it is appropriate that we have a thoughtful dialogue here on the floor about, you know, just exactly what the gains and what the risks would be then as we...as this amendment seeks to enlarge the scope. It is, after all...does carry, if things were to turn sour, great danger. And so I wonder, have there...? You know, it is one of those things, too, that are built...you can project certain things but there are certain unknown factors that may develop in the future that really can't be

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controlled for. And so I do appreciate the debate and I know that Senator Pahls has indicated that he does welcome the amendment, and I certainly appreciate the dialogue here. And I'm going to continue to listen to the debate here on this particular amendment. I'll yield back the balance of my time. [LB734]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Pankonin, you're recognized. [LB734]

SENATOR PANKONIN: Thank you, Mr. President, members of the body. I want to speak today about this amendment, and appreciate Senator Kopplin's thoughtfulness and thinking about this issue and expanding it, but I just want everyone to take a careful thought about this because I'm going to ask Senator Carlson a question, if he'll yield. [LB734]

SENATOR LANGEMEIER: Senator Carlson, would you yield? [LB734]

SENATOR CARLSON: Yes, I will. [LB734]

SENATOR PANKONIN: Senator Carlson, in your experience in your long career in insurance, if you have a smaller group does the risk go up of some catastrophic event causing problems? [LB734]

SENATOR CARLSON: Yes, it does. Insurance is based on the law of large numbers, and as I'm thinking about this I have no qualms with Lincoln or Omaha. But as we go from those two to other cities, there can be some risk exposure that I think could be dangerous for school districts. [LB734]

SENATOR PANKONIN: Thank you, Senator Carlson. That's the point I want to make here, is we go into expanding this, this was a bill that was focused on allowing Lincoln to do what Omaha does. But I think when you look at the municipalities or school districts that could be affected, school systems that might, even though they have an actuarial study, the risk is going to go up. And I know in this time of high health insurance premiums there's a temptation to make some cuts by self-insuring, and in theory that's great, but in practicality there may be significant problems. My small business went through this a few years ago when one of my employees, at a very relatively young age, had a serious stage 4 cancer situation and it caused havoc. We stayed with him until he passed away, but these things can cause the...you know, a savings in the short term could become a very, very expensive problem in the long term, and then the taxpayers are not going to be happy. So I think...and Senator Kopplin made the point, you can put an umbrella on top, but still if you have a number of cases...as Senator Carlson said, the law of insurance, it smooths out with numbers. And if our numbers are too small I think this is a problem. So I stand in opposition to this amendment, will vote against it, because I think we are opening ourselves up to a public policy that's quite a bit different

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from the original bill. Thank you. [LB734]

SENATOR LANGEMEIER: Thank you, Senator Pankonin. There are no other lights on. Senator Kopplin, you are recognized to close on AM2751. [LB734]

SENATOR KOPPLIN: Thank you. I just would make one more comment. I'm not sure how cities work, but when you say how much money is being saved, with school districts usually you're talking about salary packages that includes everything. So if you cut your expenses on insurance, you have more money to put into salaries and there isn't any savings, and a lot of people don't understand that but it certainly is true. If you pay less for health insurance, you probably have more money to put into the salary scale. I don't know how cities work. If there were Class I cities that were really interested in this bill, we would have time to do it next year. It doesn't have to be all done at once. And for that reason, Mr. President, I'd like to withdraw this motion. [LB734]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. AM2751 is withdrawn. Mr. Clerk. [LB734]

CLERK: I have nothing further on the bill, Mr. President. [LB734]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB734]

SENATOR MCGILL: Mr. President, I move LB734 to E&R for engrossing. [LB734]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB734 does advance. Mr. Clerk, LB469. [LB734 LB469]

CLERK: Mr. President, with respect to LB469, Senator McGill, I have no amendments, E&R amendments. Senator Fulton would move to amend, AM1174. (Legislative Journal page 1364, First Session, 2007.) [LB469]

SENATOR LANGEMEIER: Senator Fulton, you are recognized to open on AM1174. [LB469]

SENATOR FULTON: Thank you, Mr. President. I want to explain this amendment and the history behind the bill. Senator Chambers actually brought this bill last year and it was on consent calendar. I made...I did what was needed to bring it off of consent calendar, and my reason for bringing it off consent calendar is reflected in this amendment. So the amendment is actually very simple. This bill is actually fairly straightforward. So this...we've been talking about a lot of policy this morning. This is something that can be understood, I think, rather quickly. LB469 adds school-based health clinics back in to that entity which is allowed public funding, and specifically it is the Nebraska Health Care Fund. So the bill would strike school-based health clinics as

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an entity which is disallowed from receiving these funds. My amendment would further clarify what I believe shouldn't be allowed in school-based clinics, and that is school-based contraceptive services. How did I even get turned on to this bill? How was I...how did it even come to my attention? Last year I was given...there was a city council race here in Lincoln and there is a piece of voter literature that was passed out and I have given you a copy of that voter literature. It was from a political...Planned Parenthood Voters of Nebraska. And one of the items that was in that handout, that campaign literature...I've printed it off for you. It's at the bottom and it says, "Why Planned Parenthood Endorses in Local Elections." The very bottom of that list, under "The Local School Board," is a bullet item which says it's important because the local school board determines "whether or not to establish school-based clinics and what services and referrals are permitted." That's what turned my attention on to the bill. And I have discussed this with Senator Chambers. I don't know whether he's going to agree or not. Probably not. But my concern is that we have Planned Parenthood in the schools, handing out their brand of school-based contraceptive services. Now the services in general perhaps won't cause me trouble; it's the way in which the services are put forward. Now I have another handout that I would rather not hand out to you but it has been in the news lately. If you go to a Web site, it's called teenwire: [teenwire.com](http://teenwire.com). This is a Web site that's operated by Planned Parenthood and it's targeted towards teens. And if you go to this Web site, you'll be able to see for yourself what a definition of reproductive health services or contraceptive services could be construed as. I look at it, and I think it's inappropriate for teens. Certainly I believe it's inappropriate for public funding to be funding as much, and so therefore I brought this amendment to clarify what we would or wouldn't allow for school-based health clinics. So if we could get this amendment on to LB469, I would be fine with LB469 moving forward. If we cannot, then I would hope we could at least get this addressed and it could be explained why this type of services, these type of services and the way that they are presented should be allowed into our schools, and why we should be funding them with public dollars. So with that, I thank you, Mr. President. [LB469]

SENATOR LANGEMEIER: Thank you, Senator Fulton. You have heard the opening on AM1174. Mr. Clerk, for a motion. [LB469]

CLERK: Mr. President, I have a priority motion. Senator Chambers would move to bracket LB469 until April 17 of this year. [LB469]

SENATOR LANGEMEIER: Senator Chambers, you are recognized to open on your motion to bracket. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm not going through this mess anymore this session. Now some people want to keep these young women ignorant. We read articles about the high rate of STD. Senator Fulton was given some stuff by people in his church or somewhere, and I'm not even going to

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waste my time or the time of the body on that. If you think this bill has merit, vote against the bracket motion. Then I will know it's worthwhile to carry it forward. If you think there should be the ignorance, if you have fear of information being given to these children, then vote for the bracket motion and we will know that you don't care to deal with it. But I'm not going to waste time dealing with these troglodyte, sixteenth century, nonsensical positions. So that's why I'm offering it as a motion rather than unanimous consent. If you think the bill should be enacted, vote against the motion. If you don't want to deal with that kind of hot, difficult, controversial subject, then vote for the motion and you'll be through with it. That's all I have. Thank you, Mr. President. [LB469]

SENATOR LANGEMEIER: Thank you, Senator Chambers. You have heard the opening on the motion to bracket. The floor is now open for discussion. There were a number of lights on prior to going to this. We will recognize those in order. Senator Schimek, you are recognized. [LB469]

SENATOR SCHIMEK: Yes, Mr. President and members, I do not have a copy of that bill on my desk. Apparently I didn't get that file folder up here and I'm trying hurriedly to get up to speed. But I do want to know what Senator Fulton is driving at here, and incidentally, I will support Senator Chambers' motion to bracket if he thinks that's a good idea. But from what I'm hearing, he is taking a vote on the bracket motion to see whether we should proceed with this bill or not, whether it's worth his time and worth the time of this body to proceed. Senator Fulton, might I ask you...? [LB469]

SENATOR LANGEMEIER: Senator Fulton, would you yield? [LB469]

SENATOR FULTON: Yes. [LB469]

SENATOR SCHIMEK: I apologize for being behind the curve here because I'm not really sure what you're trying to do here. Would you mind giving me an abbreviated explanation? [LB469]

SENATOR FULTON: Okay. If LB469 were to move forward, we would be allowing school-based health clinics to be funded with the Nebraska Health Care Funding Act. My concern is that these school-based health clinics are going to be used for reproductive and contraceptive health services. [LB469]

SENATOR SCHIMEK: So you won't be leaving it up to the local school board to be making that decision. You, in essence, Senator Fulton, you don't believe in local control? [LB469]

SENATOR FULTON: That's not entirely true. They can still... [LB469]

SENATOR SCHIMEK: Partially true? [LB469]

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SENATOR FULTON: Partially true. In this case, yeah, because it's coming before the Legislature. There is already a statute in place. We would be choosing to change the statute and I am hopeful that we can clarify what that change would be. So the issue of local control has already been superseded. This is already statute. We're choosing to make change to statute. [LB469]

SENATOR SCHIMEK: Okay. I guess I don't have any other comments. At this point I want to take a look at the bill and take a look at your amendment again, but I'm very nervous about what you want to do here because I do believe that there are some good reasons to be providing this information in certain instances, and I don't think that should be decided by us. I think it should be decided by the local school board. And with that, Mr. President, I'll give any of my time to Senator Chambers should he wish it. [LB469]

SENATOR LANGEMEIER: Senator Chambers, 2:10. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature and Senator Schimek, this is a bill that was advanced by the Health Committee. What it does is take money from that tobacco settlement and it allows these clinics to access that money. The bill and the law allowed that. Senator Foley got on his high horse and said that he's worried about abortion counseling, contraceptives, so they voted to take those clinics while leaving that money available to all these other activities. So there was a group of nuns, they might be in Grand Island or someplace, and they had contacted me and were concerned that that money was being taken away. So I felt since these nuns are interested in it, the Catholics could get the word through to some of their troglodytes that this is not about abortion, it is not about contraceptives. It's about giving some information. The Health Committee sent it out here, no dissenting votes. Senator Erdman voted for it. It was on consent calendar. Senator Fulton went around and got two other people to vote to take it off consent calendar. That's why it's where it is today. Because I thought that was so underhanded, what I could have done was stop every consent calendar from being considered since then, and if you think I'm not telling the truth talk to the Speaker. [LB469]

SENATOR LANGEMEIER: One minute. [LB469]

SENATOR CHAMBERS: But I wouldn't do that. So when the bill comes up now, what I'm doing here, I think the bill should go, but I don't think it should go with that preposterous stuff that Senator Fulton is talking about. I'm going to call it what it is. I'm tired of these people trying to get their agendas superimposed on every activity that they are troubled by because they see abortion lurking in the shadows. I want the bill to go forward. I don't want his amendment. But if there is not an inclination by the body to advance the bill, why go through all of that wasted time? So this is a test vote. If you

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vote against the bracket, then... [LB469]

SENATOR LANGEMEIER: Time. [LB469]

SENATOR CHAMBERS: ...that means you're interested in the bill going. Thank you, Mr. President. [LB469]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Schimek. Senator Nantkes, you're recognized. [LB469]

SENATOR NANTKES: Thank you, Mr. President. Good morning, colleagues. I apologize. I guess I should have had all of my information up here and available in terms of some of these important public policy issues that are contained in Senator Chambers' legislation, LB469, which I am entirely supportive of, and also contained in Senator Fulton's amendment, AM1174, which I stand in strident opposition to. I echo some of Senator Schimek and Senator Chambers' concerns as to where we're headed in terms of these issues, and really disappointed that Senator Fulton has taken this opportunity to try and make a life and choice issue become where it is not. Contrary to conventional wisdom and a vocal minority, support remains strong for both comprehensive sex education and access to services across the board. And what we're talking about here is access to information; we're not talking about abortion, contraception or otherwise. And I feel very strongly that this is best left to the province of our local school boards in crafting this and other curriculum decisions. And with that, I'd be happy to yield the remainder of my time to Senator Chambers. [LB469]

SENATOR LANGEMEIER: Senator Chambers, 3:20. [LB469]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Nantkes. I just thought of a term that might make people understand what I'm objecting to and what Senator "Foley" is bringing us this morning. Let's say you have a morality pledge and they say, in order to run for the Legislature, Senator Carlson, you have to sign a pledge not to rape one of the pledges; you have to sign a pledge not to steal money; you've got to sign a pledge not to walk up and hit somebody on the back of the head with a club. And you say, well, I'm not going to do any of those things. They say, but you got to sign it. You say, look, my dignity will not let me sign something like that; it has nothing to do with whether I'm going to do it or not. You will be insulting these clinics and the people operating them if they're going to have to sign a morality pledge, we're not going to do this, that, or the other. If they were doing something that is inappropriate in a community, do you think the people are going to let it go forward? There was no problem of that kind when Senator Foley came in here and got them removed from the law. This bill was merely to put them back and allow them to access this money, like all these other entities are doing. I think that's reasonable. It came out of the committee on a unanimous vote. Senator Friend and everybody else were upset with my bill this

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morning because some objected to it. Now they're going to be against this one because everybody was for it. But remember this: It is not going to affect my district. I don't know anybody personally who is running one of these clinics. I believe in information. I think knowledge is power. When you read in the paper all of the misinformation, misconceptions that these young women and young men have, and we're saying we don't want to give them information because we're afraid it will make sex fiends out of them. Senator Fulton thinks that if you have this kind of information and you tell them don't engage in sex, the first thing the boys are going to do is grab a girl and drag her down in the gym and rape her because now they know how to do it. I meant, that kind of stuff is so backward I think it is beyond the scope of rational, reasonable discussion. That's why I'm dealing with it like this. So if what I say offends you so much, vote for the motion and kill the bill, but don't think you're hurting me. [LB469]

SENATOR LANGEMEIER: One minute. [LB469]

SENATOR CHAMBERS: I know enough not to have the kind of problems that Senator Fulton is talking about. But there are people who don't know how to talk to their children. They wish somebody who understands things would do so. You want them to have this misinformation they get off the Internet? From other kids on the street? Then keep them ignorant. But this is an attempt to put back in the law what was there before Senator Foley did his damage. And thank you, Senator Nantkes, for the opportunity. [LB469]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Nantkes. Those wishing to speak, we have Senator Kruse, Fulton, Pankonin, Erdman, and others. Senator Kruse, you're recognized. [LB469]

SENATOR KRUSE: Thank you, Mr. President and colleagues. I stand for the bill and opposed to the bracket. It is high time that we quit trying to protect our youth from the facts of life about how bodies, how people are reproduced. If we think we're doing that we, of course, are indeed foolish. But it's a way of striking out at certain groups. Planned Parenthood has been named. I have been, as a pastor, involved with youth groups all through the years. I am closely acquainted with teens and their hormones. I have had Planned Parenthood come in, and I would always make sure that I was there when they presented the facts of life to my teenagers. It was straight abstinence, giving understanding of how our bodies work. It was most appropriate. I can't imagine anybody objecting to it. And it was done by a group that knew what they were talking about. I'm not defending them but I'm certainly not criticizing them. I'm just saying those groups that are willing to do this, and it is a huge task, should receive our support and not our criticism. It is high time we quit trying to protect our teenagers from the facts of life. Thank you. [LB469]

SENATOR ROBERT PRESIDING [LB469]

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SENATOR ROBERT: Thank you, Senator Kruse. Senator Fulton, you're recognized. [LB469]

SENATOR FULTON: Thank you, Mr. President. Number one, I'm not opposed to school-based health clinics, okay, so we can be clear about that. And number two, I appreciate Senator Kruse's comments but I'm not opposed to the birds and the bees and teaching about the body and whatnot. And sexuality, human sexuality, is a beautiful thing. It's a gift. My amendment is contraceptive services, okay? You can still teach about human sexuality, STDs, what the consequences of sex are, what sex is, how it affects you emotionally, psychologically, what have you. I'm talking about contraceptive services. I do not believe that is appropriate in the schools. What are contraceptive services? Perhaps we can get that clarified. The morning-after pill. Wouldn't that be a contraceptive service? Condoms. Would that be contraceptive service? Probably so. If you believe that it is appropriate to use public funds to allow this to be brought into our schools, then you'll support the bill and you would vote against my amendment. If you don't believe it is appropriate to have contraceptive services in our schools, then you'd support my amendment. So to be clear about this, the language is contraceptive services. So I want to be clear about what I am for and what I'm against. Now I...Senator Chambers has been here longer than me. Well, he's been here longer than all of us. I don't know for certain who brought this bill or who it was that disallowed abortion, abortion counseling, referral for abortion, what have you, but we did do some research and the last time this was brought up it was in 2000. It was LB1427, which was actually introduced by Senator Jensen, cosigned by Senators Beutler, Byars, Price, and Tyson. That passed on Final Reading, 45-0. Now I...and Senator Chambers can correct me, I believe that's the last time that this was addressed. So again, I will respectfully...I thank Senator Chambers. What he's doing is legitimate and what he has said is completely true. Okay? I brought his bill off of consent calendar last year. We are now having this open for debate. Senator Chambers did refrain from going after the consent calendar. And he and I have talked on this. We differ on it. His bracket motion makes this very clear. If you are in favor of this initiative going forward or at least in favor of discussing this and debating this initiative more, then you will vote against his bracket motion. If you would like this all to go away, you'll vote for his bracket motion. So I'll say thank you. That's fair. That's legitimate and I'm willing to have a vote. If we don't want to get into this anymore, so be it. If we do, then I'll have some more things to say. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Fulton. (Visitors introduced.) Returning to discussion, we have Senator Erdman, you're recognized. [LB469]

SENATOR ERDMAN: Mr. President, members of the Legislature. Somewhat trying to understand where we're going or where we're at I guess, the Health Committee did hear LB469. To be candid, there was no opposition, but there was no support either. It was introduced to the committee by Senator Chambers. We had a lighthearted day, as I

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recall. All of us were trying to think of questions to ask Senator Chambers because he rarely appears before any of the committees that most of us are on. And so we were trying to figure out what we should ask him and we asked him all the questions we could come up with. And then after the hearing we worked through the contents of the bill. Here's how this works, and just so that you're clear, and I think Senator Fulton touched on this, this language was not put in here by one senator. The way that we arrived at the funding out of the Health Care Cash Fund out of the tobacco settlement was a joint hearing, first of all, between the Health Committee and the Appropriations Committee, and that nothing was put into that bill in our joint executive sessions unless there was an agreement by the parties to do so. So you can't stand on the floor and say that it's in there because of one person or not in there because of one person. There are seven members on the Health Committee and nine members on the Appropriations Committee, and all 16 members were at those joint Executive Sessions when we crafted what I believe was LB692. Out of LB692, set up the funding, set up the millions of dollars annually for research at the Med Center and at Creighton. It set up the funding for the grant program that we had under the bill initially. Since we've expanded the program from \$50 million to \$57.5 million, I think, annually, is the new number, now it includes developmental disabilities and behavioral and other things that are included. That was all done by two committees that advanced the bill that Senator Byars, I believe, prioritized that year that we all supported on the floor as a reasonable way to set this up. And if you read the language in LB469, it takes one of those sections that was agreed upon by all of those members of that committee of Health and Appropriations, and said we believe this is a responsible public policy; that the funding in this Health Care Cash Fund should not go for these purposes. The only entity or the only item in that list that is not an activity is a school-based health clinic. Everything else is based on actions. It's based on you shall not use these funds for abortion. You shall not use these funds for abortion counseling. You shall not use these funds for research at the Med Center on embryonic stem cell, whatever the language is. By striking school-based health clinics out of the bill, they are still prohibited from using these funds for those purposes. They are eligible to receive the funding. But there's one school-based health clinic in the state of Nebraska. It's run by St. Francis in Grand Island, and it's privately ran. It's a private entity, but I believe it's being operated in the public school. So you can honestly say that today there's no imminent threat of what Senator Fulton is proposing happening, because it's not happening today. However, there is the possibility down the road that, depending upon the interpretation of the statute and how it is drafted, it may open it up to activities that we may not agree with. And from the standpoint of what the public policy is in the state of Nebraska, right now the activities and actions are limited in this statute for those funds only. You still could, in the state of Nebraska, as an entity, receive this funding and not utilize it for those activities; however, using your other funding, still perform those activities. [LB469]

SENATOR ROBERT: One minute. [LB469]

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SENATOR ERDMAN: This is just the belt. There's no suspenders. We're not prohibiting the entities that receive the funds from doing this. We're just prohibiting the entities from using the state's money from doing those things. That's where some of this problem is. But from the standpoint of a straight up and down read of this bill, school-based health clinics cannot fund abortions with state money, they cannot fund abortion counseling with state money, they cannot fund research on embryonic whatever with state money. All of those things are still prohibited. But where the rub is and where the additional conversation needs to be held is, are we concerned about the possibility that some entity in the future may use their own money, leverage that with the state money to get there? Again, that's not a problem today because there's only one health clinic in the state of Nebraska that's in a school. It's run by nuns in Grand Island under St. Francis. But that's essentially what I think the rub is between Senator Chambers and Senator Fulton. I think generally they agree on the outcome. It's just how narrow or how broad you define the parameters for that funding or the entities... [LB469]

SENATOR ROBERT: Time. [LB469]

SENATOR ERDMAN: ...to be able to utilize that funding. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Erdman. Wishing to speak on the bracket motion are Senators Preister, Nantkes, Carlson, and White. Senator Preister, you are recognized. [LB469]

SENATOR PREISTER: Thank you, Honorable President, friends all. I'm glad, in this case, particularly to follow Senator Erdman, because he said some of the things that I wanted to say. The private health clinic in Grand Island had been administered by Sister Margaret Mary Preister. Name sounds a little familiar; she's my cousin. So I too was contacted. She was one of the people that contacted Senator Chambers. I can assure you that Sister Margaret Mary Preister is a good Catholic and that she's completely prolife and that she was very concerned about getting the funds to do these health clinics in the schools. She has no interest in doing anything related to abortion or any of the things that this amendment of Senator Fulton's may be attempting to address. Senator Erdman is absolutely correct. That's the only private health clinic in the state, and it's run by the Sisters of St. Francis. And having direct experience with my cousin, I know her position. I know her religious theology and I trust her. And when she contacted me and said we need these funds, and we're not even thinking of any of these things, and we never would. I believe her and I am going to oppose the bracket motion and oppose Senator Fulton's amendment, and I'm going to support the bill. Thank you. [LB469]

SENATOR ROBERT: Thank you, Senator Preister. Senator Nantkes, you are now recognized. [LB469]

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SENATOR NANTKES: Question. [LB469]

SENATOR ROBERT: The question has been called. Do I see five hands? I do. The question is, shall debate cease? Senator Erdman, you are recognized. [LB469]

SENATOR ERDMAN: Mr. President, can I inquire the number of speakers and whether we've had full and fair debate on this motion? [LB469]

SENATOR ROBERT: There are three lights on. [LB469]

SENATOR ERDMAN: No, I'm sorry...the number of individuals that have actually spoken on this motion and whether or not it is the opinion of the Chair that we've had full and fair debate. [LB469]

SENATOR ROBERT: It is the rule of the Chair that full and fair debate has not been discussed. We will continue with debate at this time. Senator Carlson, you are recognized. [LB469]

SENATOR CARLSON: Mr. President and members of the Legislature, I sit here and listen to this debate, and my head is spinning. However, I know that every one of us has the freedom to express our thoughts, freedom to speak out on issues, and freedom to try and contribute to a debate. I would like to address a simple question to Senator Preister if he would yield. [LB469]

SENATOR ROBERT: Senator Preister, would you yield? [LB469]

SENATOR PREISTER: Yes, I will. [LB469]

SENATOR CARLSON: Senator Preister, I appreciate your sharing about the Grand Island program and your cousin, I believe. [LB469]

SENATOR PREISTER: Yes. [LB469]

SENATOR CARLSON: Maybe you'll answer this and maybe you won't. Would your cousin be opposed to Senator Fulton's amendment? [LB469]

SENATOR PREISTER: Since she isn't here it may be difficult for me to answer for somebody, and she didn't see the amendment. I can't get her reaction so I don't know that I can really speak for her... [LB469]

SENATOR CARLSON: Okay. [LB469]

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SENATOR PREISTER: ...but I think that she has faith in her fellow sisters and the things that they do and the kinds of programs that they run, and that they certainly wouldn't do them themselves. But I couldn't really address this specific amendment without talking to her, and speak for her. [LB469]

SENATOR CARLSON: Okay. Thank you, Senator Preister. I understand that response. I'm judging from what you have said, that I would think she probably wouldn't be opposed to this amendment because it's not a problem with her and the school situation in which she's in. I would like to address a question to Senator Fulton if he would yield. [LB469]

SENATOR ROBERT: Senator Kopplin, would you yield to a question... [LB469]

SENATOR CARLSON: Senator Fulton. [LB469]

SENATOR ROBERT: Senator Fulton, will you yield to question? [LB469]

SENATOR FULTON: I will, yes. [LB469]

SENATOR CARLSON: Senator Fulton, you handed out this sheet that's headed "teenwire," and then I see at the bottom that the copyright is 2008 Planned Parenthood. Just tell me what's your purpose in handing this out to us? [LB469]

SENATOR FULTON: Okay, if I could just run through the logic. Why is there an interest in school-based clinics? When I receive a mailer...or a flyer at my door, saying that we want to get elected officials into positions of authority to make decisions to enact school-based clinics, by Planned Parenthood, then logically I ask why are they so interested in school-based clinics? There was another handout, a four-page handout that explains some of that rationale. So my amendment would limit what could happen in these school-based clinics, and say that contraceptive services would not be allowed. That's something that Planned Parenthood is involved with. I handed out this "teenwire" Web site to show what Planned Parenthood construes as contraceptive services with respect to teens. So that's the logic that I followed with these three handouts. [LB469]

SENATOR CARLSON: Okay. Thank you, Senator Fulton. And I, in seeing something like this, I respect Senator Kruse and the things that he said about Planned Parenthood. This would be, we have freedom of opinion. This is the last group that I would like to see involved with the school systems that I know. I think the intent of the amendment is to prevent circumstances from occurring that would... [LB469]

SENATOR ROBERT: One minute. [LB469]

SENATOR CARLSON: ...perhaps cause an uproar. I've got experience with what

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happened in a school district that I'm not going to have time even to share here that...very much inappropriate. This kind of thing would add to it. I see Senator Fulton's amendment as being a positive step, and I don't think it hurts the bill, and so I would support his amendment. I am going to vote against the bracket. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Carlson. Senator White, you are recognized. [LB469]

SENATOR WHITE: Thank you, Mr. President. I will vote against this bracket for a number of reasons, but primarily because I'm prolife. If you're seriously opposed to abortion, the worst thing you can do is promote ignorance. Each school district, each parent should have a chance to decide how they're going to educate their child, and listen and have the option, firstly, of having a child participate in sexual education classes or not. But to say that we are going to deny categorically the right of people to try to keep their children from being involved in inappropriate sexual conduct, whether for moral reasons, for fear of disease, for fear of pregnancy, and then to dictate to our schools and thereby to our parents that they can't even talk to them, even though science shows that's the most effective way to keep them safe from disease and safe from pregnancy, to me is absolutely inconsistent with the idea that we are going to end abortions. You never stop an evil when you refuse to talk about it. I will vote for the bracket and I ask everyone else, if you truly are prolife, to do the same. I mean, I'm sorry...yes, against the bracket and in favor of Senator Chambers' underlying bill, and I ask each of you to do the same. This is bad policy. And if you truly oppose abortion, this will hurt any efforts to stop unplanned pregnancies and unneeded pregnancies that mostly arise out of ignorance. Thank you. [LB469]

SENATOR ROBERT: Thank you, Senator White. Senator Dierks, you are recognized. [LB469]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I'd like to ask Senator Flood a question. Is he on the floor? [LB469]

SENATOR ROBERT: Senator Flood, would you yield to a question? [LB469]

SENATOR DIERKS: Senator Flood, as you are walking up here, I wanted to remind the body that a number of years ago there was funding sent to Nebraska from the federal government that allowed for what they called abstinence education. The first year that they did it, they sent \$125,000, I think, and they started it in five different schools, and one of them was Norfolk high school. [LB469]

SPEAKER FLOOD: Yes. [LB469]

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SENATOR DIERKS: Are you familiar with that? [LB469]

SPEAKER FLOOD: Yes. [LB469]

SENATOR DIERKS: That might be a little bit different than what Senator Preister thought, because he indicated there is only school that does this, but I understand that that same program is going on now for some maybe ten years, and these dollars have increased that have come here. And I've talked to some of the people who have had the experience of seeing that program work, and they are very proud of it and they think it's doing an excellent job. So there is education going on out there and it's being done by prolife people, and I just wondered if you had a comment about...do you know anything about the process? [LB469]

SPEAKER FLOOD: I just know that in the school district in Norfolk Public Schools and several in Madison County, abstinence-only education is very prevalent. It's funded through a variety of different ways, and it's well-supported by myself and others in the school district, and we're proud of the direction that that has gone in our school system, and I'm especially proud of the administrators and the school board of Norfolk Public Schools for making the decision to really push abstinence. And in that discussion about abstinence, they talk about all the consequences related to sexual conduct, not just pregnancy, but obviously the sexually transmitted diseases that can occur. And I believe they even go into unwanted sexual contact and talk about aggression and abuse. And I think that what's happening in Norfolk is very positive, so thank you for highlighting that. [LB469]

SENATOR DIERKS: Thank you. I just wanted to get it on the record, because I know that this affects this...I brought that program back from a conference in D.C., and handed the packets out to the Governor Nelson at the time, and Jim Cunningham, and I believe Senator Crosby was here, and some other people that are very prolife, Kate Witek. And so we got together several times and visited with people in the Department of Health to make sure that this is going forward the way it was intended to. And I've been impressed since then, just by following the news releases and the people that I've talked to who see that it is working. I have probably been around too long, folks. I can remember some horror stories--I mean real horror stories about Planned Parenthood's teaching examples. I can't even repeat them on the floor. So I'm afraid I'm going to be on the side of Senator...I'm not afraid. I'm very proud I'm going to be on the side of Senator Fulton today, and I hope that you will, as well. Thank you. [LB469]

SENATOR ROBERT: Thank you, Senator Dierks. Senator Nantkes, you are recognized and this is your third time. [LB469]

SENATOR NANTKES: Thank you, Mr. President. Good morning again, colleagues. Again, I rise in opposition to the Fulton amendment and in support of the underlying bill.

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And I believe that Senator Fulton's tactics on this legislation are tired. Maybe I'm tired. Maybe we're all tired. It's the end of a very long and grueling session. But this is an unnecessary, unprovoked opportunity to take cheap shots at a variety of different quality healthcare providers within our communities and across our states. This is also a sloppy attempt. No place in this amendment school-based contraceptive services is defined. So, for example, if this amendment were to be adopted, we're also saying it's okay to not even have a brochure that lists the reliability of different contraceptive services that may or may not be available to young people or to adults who may utilize that school clinic. I think that we have to be very careful, particularly when we can see the very clear agenda that Senator Fulton is bringing forward on these issues about undefined terms that have been hastily thrown up here. I think that we also have to take in consideration the people who have risen this morning who come from a variety of diverse viewpoints, who have strong prolife credentials that they've spoken about, and who are also frustrated by these attempts. I think the other thing that we have to keep in mind here is that we each hold serious and significant religious and moral viewpoints about these types of issues. However, as a Legislature, Senator Fulton, not each member of the public shares your religious viewpoint in terms of these issues, and we are talking about public schools here. And I think that we have to be very careful as we proceed. I understand it's an election year. I understand people are looking for issues on voter guides to try and distort the important work that we have to do in this Legislature and that we have remaining before us. Let's focus on real issues that we can move forward with that affect people's lives in a positive manner. Let's not throw up tired rhetoric with sloppy amendments. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Nantkes. Members wishing to speak are Schimek, Fulton, Erdman, and Pankonin. Senator Schimek, you are recognized to speak. Senator Schimek waives. Senator Fulton, you are next to speak. [LB469]

SENATOR FULTON: Thank you, Mr. President. With respect to my friend and colleague, Senator Nantkes, I'd like to ask, when have I today or ever utilized my religious viewpoint to argue for or against a bill? We have debated many deep issues. Probably one of the most heavy issues we ever debated was the death penalty, and I was being bludgeoned over the head to use my religion to vote in favor of appealing the death penalty. I am very careful to utilize logic, reason, and dispassionately void of any religious connotation, make my points as to why this is good or bad public policy. I have not injected religion into this, okay? Others have; not me. Would Senator White yield to a question? [LB469]

SENATOR ROBERT: Senator White, would you yield to a question from Senator Fulton? [LB469]

SENATOR WHITE: Absolutely. [LB469]

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SENATOR FULTON: Okay. Thank you, Senator White. I'm not certain this is necessarily a prolife or a prochoice argument, but you did bring up prolife. [LB469]

SENATOR WHITE: Yes. [LB469]

SENATOR FULTON: And did you say that one should vote against AM1174 because he is prolife? Is that correct? [LB469]

SENATOR WHITE: Yes. I believe the best way of preventing pregnancies, unwanted pregnancies, and therefore preventing abortions, is to allow each school district, given their conditions, to make the judgments on what will do that. But I would also say, Senator Fulton, that the way I believe it is appropriate is each school district should then say, okay, this is the policy we have adopted. It may fairly be abstinence-only shall be taught. But if they do that, in every case they should send to the parents of the children involved, a letter saying this is what we intend to do. [LB469]

SENATOR FULTON: Okay, Senator White... [LB469]

SENATOR WHITE: Do you wish your child to be involved in it?--yes or no. And then the parent has the right to have them involved in it or not. What I do think is completely inappropriate... [LB469]

SENATOR FULTON: Senator White, just because we're on my time, could I make the points? [LB469]

SENATOR WHITE: Yes, certainly. [LB469]

SENATOR FULTON: What the bill does is to allow school-based health clinics to be funded with the Nebraska Health Care...through the Nebraska Health Care Funding Act. Would allowing school-based health clinics...? I guess what does that mean? What happens in a school-based health clinic? Is that... [LB469]

SENATOR WHITE: Well, one... [LB469]

SENATOR FULTON: ...specifically for contraceptive services, would be my question? [LB469]

SENATOR WHITE: Well, one of the things the school-based health clinic does, Senator, is education, initially. Any doctor will tell you it's speech and education. And let me explain why I'm so passionate about it. Omaha, Nebraska, is one of the leading cities in the country with sexually transmitted diseases. Believe it or not, there are more people in Omaha with chlamydia than almost any other city in the country. Now, I don't know the best way to handle it, but I'm sure not going to start passing laws about what people

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can talk about or not. [LB469]

SENATOR FULTON: Okay. In your estimation, would this amendment that I'm bringing disallow someone from talking about sexually transmitted diseases? [LB469]

SENATOR WHITE: Certainly. It wouldn't allow somebody at their health-based clinics, in my opinion, to stand up and talk about the fact that, look, here are the different options, how you can prevent them. The best option, and everybody agrees this under every circumstance, is abstinence, and I think it's insane to have any kind of policy where that isn't the first thing they should talk about. Whether they should talk about more it seems to me should be each judgment of the people in charge of making the policy and what they educate. They should then notify the parents... [LB469]

SENATOR FULTON: Okay. [LB469]

SENATOR WHITE: ...so the parents can allow their children to participate... [LB469]

SENATOR FULTON: Thank you. [LB469]

SENATOR WHITE: ...or not. [LB469]

SENATOR FULTON: Thank you, Senator White. That is a point where I think we differ. I believe if we bring AM1174 and adopt it, we can... [LB469]

SENATOR ROBERT: One minute. [LB469]

SENATOR FULTON: ...still talk about sexually transmitted diseases and educate. I want to get back to this point about prolife. Would you say the morning-after pill could be considered a contraceptive service, making a referral to use the morning-after pill? [LB469]

SENATOR WHITE: Are you asking me (inaudible)? [LB469]

SENATOR FULTON: Yes...I'm sorry, would Senator White continue to yield? [LB469]

SENATOR WHITE: (Recorder malfunction)...contraceptive? [LB469]

SENATOR FULTON: Yes. Would the morning-after pill fit? [LB469]

SENATOR WHITE: Under the definition that you and I share, which is that life begins when sperm penetrates egg, the answer is, no, it's not contraceptive. It is an abortifacient. [LB469]

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SENATOR FULTON: Okay. How are we doing on time there, Mr. President? [LB469]

SENATOR ROBERT: Twenty-three seconds. [LB469]

SENATOR FULTON: Okay. Could this amendment, school-based contraceptive services, be construed to include the morning-after pill? [LB469]

SENATOR WHITE: I'm sorry. Would you please repeat? [LB469]

SENATOR FULTON: Could the term "contraceptive services" be construed to include the morning-after pill? [LB469]

SENATOR WHITE: Here's the deep irony, Senator. [LB469]

SENATOR ROBERT: Time. Thank you, Senator Fulton and White. Senator Erdman, you are recognized. [LB469]

SENATOR ERDMAN: Thank you, Mr. President, and more ironic than you think. Senator White, you can finish that statement if you would like. [LB469]

SENATOR WHITE: Thank you, Senator Erdman, for your courtesy. Senator Fulton, here's the deep irony. I would say to you just the opposite. I would say, under your language it would be permitted to talk about the morning-after pill because it's an abortifacient, but it's not a contraceptive. So we could literally be permitting them to talk about abortions and morning-after pills but not allow them to talk about the function of condoms in preventing sexually transmitted diseases. That's one of the great dangers of when you start restricting speech. You stop intelligent discussions of issues. [LB469]

SENATOR ERDMAN: Senator White. [LB469]

SENATOR WHITE: Thank you. [LB469]

SENATOR ERDMAN: Thank you. This has been an interesting conversation. I will say just based on my reading of the language that nobody has it right. Here's why. What Senator White just said is absolutely contrary to the statutory requirement now. If it is true that the morning-after pill is an abortive act, is an abortion, you couldn't do that under the funds anyways. Abortion, abortion counseling, referral for abortion is currently prohibited. I think the point Senator Fulton was making, if it is contraceptive, if it's contraception, then it potentially could be allowed. It's about the definitions. But here is what you're still missing. With this language you are not stopping anything from happening otherwise. Senator Nantkes, Senator White, this does not stop anything from happening. It changes the available funding. If there's a school-based health clinic today and they're not receiving these funds, they can do all the things that Senator Fulton is

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concerned about. And of course we know Senator Preister's cousin is part of that process and I can't...I don't think he can speak for her, for them, and neither can I, but recognize that this simply affects the funding source. If there are other funding sources, they're not subject to these restrictions. Nothing in these restrictions say you can't talk about anything else otherwise. We have health classes in our school districts. We have all of these other things that happen independent of this conversation. This is a clinic. Senator White is right. There are health clinics, there are clinics, especially in urban areas that are vital to the overall public health of that community. It's not just in Omaha, it's not just in Lincoln, it's not just in minority populations as you have in certain healthcare facilities. There are public health facilities in Columbus, in Scottsbluff, all across the state. They are a clinic. They are providing medical care. A clinic. What we're striking here is the ability for a medical-type clinic or those types of similar services to receive funding from the state. But if they don't receive any funding from the state, none of these restrictions apply. There is no issue of free speech here. There is no issue of limiting information. That is all still available. I think the issue here is the uncertainty, the uneasiness about what we're doing. Recognize that this section of law only deals with the source of funds, and then the restrictions are based on the source of those funds. If the money comes from private sources, from the local school district, from taxpayers, from a gift, none of these prohibitions apply. This is not about, well, we can't talk about this, we can't talk about that. This is the...no, this is simply saying, if you get this money you can't do these things, but it doesn't say if you are the recipient of these funds you, as an entity, can't do these things. [LB469]

SENATOR ROBERT: One minute. [LB469]

SENATOR ERDMAN: The Med Center gets this money. The Med Center has opposed any restrictions up until this year about certain restrictions on research. It doesn't mean that they couldn't still do the research. It just means that they don't get this 10, 12, 14, I think it's now \$16 million, to help them with that, but they've got millions and billions of dollars otherwise that they could still do it. That's where the public policy comes in. We're simply talking about whether they're eligible to get funding, and it has absolutely nothing to do with any of the other things that are being talked about. Is it an undefined term? Yeah. So is abortion counseling. That's in existing law, but we know what it is. So read the language. Understand what the restrictions are. But most importantly, recognize that the limitation for utilizing those funds for those purposes is only that, and it's not an outright prohibition for any entity or any school district from being able to do... [LB469]

SENATOR ROBERT: Time. [LB469]

SENATOR ERDMAN: ...whatever Senator White or any other person wants to say they should be able to do now, because they'll be able to continue that. Thank you. [LB469]

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SENATOR ROBERT: Thank you, Senator Erdman. Members wishing to speak are Senators Pankonin, Schimek, Fulton, and Howard. Senator Pankonin, you are recognized. [LB469]

SENATOR PANKONIN: Thank you, Mr. President and members of the body. It's interesting in this Legislature what might trip the trigger and a discussion goes on and on when we've had a fairly smooth morning. And on this one I'm going to speak from the perspective as a parent of two children that are now in their twenties, and Senator Fulton has younger children; some folks would have older children. I want us just to think for minute, though, about how children, from their mid-teens through probably their early twenties, the decisions they have to make at a very young age, at an age of immaturity, in many cases. They have to make decisions about this issue, about sexuality. They have to make decisions about their education and potential careers. They even make decisions about joining the armed forces, which is a huge decision, in defending our country, and actually many times giving their life or be seriously injured. As a parent, I just tried to guide my children the best I could, my wife and I. And, you know, I guess what is successful or not, I think they've had a decent success. They've made decisions on their own, some that I agree with, some that I don't. But I think having that perspective plus the information they needed, and another choice they make at this time, whether they are going to be religious or not, and in what form. There is just so many that fall on people of tender age that I really feel for our youth, and I just think that we need to have information for them. I think, you know, hopefully it starts in the home, but if they're in the public school or some here have sent their kids to parochial school, that you just want them to have the information, support, people they can talk to, to get another opinion. And I say that truthfully, because I want to, obviously, share my opinions and guidance with my children, but they need to make those decisions on many important issues as they go through this time frame. And I think we need to support them in every which way we can. I think this bill...I was on the Health Committee. I voted for it. I'm going to vote against the bracket. I'm going to vote against Senator Fulton's amendment, knowing how sincere he is about this, but I think this is a reasonable bill the way it was presented. And I just wanted to share my thoughts with the body about raising children and the support they need and the information they need to try to make the best decisions when they haven't had as many life experiences as we have. And knowing the consequences is important. That's one of the things we always try to talk about: what are the consequences of your actions, the potential consequences. And I think this bill is consistent with that. Thank you. [LB469]

SENATOR ROBERT: Thank you, Senator Pankonin. Senator Schimek, you are recognized to speak. [LB469]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I finally get what this all about. And I am going to vote against the bracket motion. I thank Senator Pankonin for his very thoughtful statement. I am sure that his children had good

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guidance and I'm sure that the children of probably most of the people in this body had good guidance, although heaven only knows it's a hard job being a parent these days, I think is what you were really saying. And the more information our children can get, I think the better decisions they can make. Having said that, as far as I can determine from the conversation here, I don't think there's been a problem. I don't think we have a real concern. But if we did and if we do, then I think that we should leave it up to the local school district. You know, maybe there's a district out there that would really like for its children to have this kind of information from a school-based clinic, but maybe it doesn't have a lot of discretionary funds. How many of your school districts have discretionary funds to be able to underwrite one of these clinics, let's just say they wanted to? It just means they can't use money that is available to providing that kind of information. There may be school districts that have high rates of sexually transmitted diseases, and the people in that school district feel that the abstinence-only message isn't really working. Sometimes the children that--and I mean children--that end up being pregnant or causing pregnancies, are children who don't have much guidance at home and don't have a very caring environment. They turn to other things for their own well-being, I guess I could say, and they need guidance. So I am going to vote against this bracket motion. I think it's rather an issue that's not developed, and until it does and until we have to discuss it more, fine. But we have a lot of work yet to do in this session. I think we ought to take a vote on this bracket motion and I think we ought to advance this bill to Final Reading. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Schimek. Senator Fulton, you are recognized and this is your third time. [LB469]

SENATOR FULTON: Thank you, Mr. President. We're here...we've been here a long time, we've taken on a lot of information. It's very tense, I understand that. This can be a controversial subject. I understand that. I want to say, I...don't...this isn't personal. I mean, Senator Chambers and I are worlds apart, okay, on our philosophies and viewpoints. I think people understand that. But we've been able to talk about this, person to person, without anyone getting cut or beat up or anything like that. This isn't...this isn't personal, so... I mean, if you're compelled to vote in a certain way because of our personal relationship or a relationship you have on this floor, I understand that's how politics works. But I'm making my point on...rationally, as dispassionate as I possibly can. So please don't...this is not personal. I'm not going to take this personally either. Now, I want to be clear, this amendment that I have out here, AM1174--and this relates to the bracket motion so it's legitimate to talk about this--the amendment does not abridge anybody's speech. We're talking about a certain cash fund that we are going to change to allow it now to fund something new that wasn't allowed previously. Any brochures or textbooks or curricula which exists in the schools today, we're not even talking about that. So I'm not abridging anyone's ability to teach a health class in the way that that teacher or school district deems necessary. That exists now. This bill doesn't touch that. This amendment doesn't touch that. So let's be very

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clear about what we're talking about here. We're talking about a specific cash fund that we are going to allow to fund school-based health clinics. So my amendment focuses this. I have raised a concern. I believe it's legitimate, given the material that I've handed to you, a concern as to where these public funds could end up being, and I'll go further and to say where these public funds will probably end up being. And so, if we get through the bracket motion, I would like to vote on AM1174 because I believe that it would assuage the concerns of a lot of Nebraskans. Within these school-based clinics, do you believe it is appropriate to change the law to provide public funds for school-based contraceptive services? That's the language we have before us. That is logically the question that will be before you on AM1174. I do not believe it is appropriate to use public funds in this way in school-based clinics. If you believe that we should, then we have differing opinions and you can vote thus. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Fulton. Senator Howard, you are recognized. [LB469]

SENATOR HOWARD: Call the question. [LB469]

SENATOR ROBERT: The question has been called. Do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor vote aye; all opposed vote nay. Please record, Mr. Clerk. [LB469]

CLERK: 25 ayes, 2 nays, Mr. President, to cease debate. [LB469]

SENATOR ROBERT: Debate does cease. Senator Chambers, you are recognized to close on your bracket motion to the bill. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I can shorten up this part of the process by withdrawing that motion, and that's what I'll do at this time. Thank you. [LB469]

SENATOR ROBERT: The motion is withdrawn. Returning to discussion on AM1174, Senator Dubas, you are recognized. (AM1174, Legislative Journal page 1364, First Session, 2007.) [LB469]

SENATOR DUBAS: Thank you, Mr. President and members of the body. I rise in opposition to this amendment. I've found this discussion this morning very educational. I am somewhat familiar with the clinic that is in Grand Island, and apparently it is the only school-based clinic and it is financed by the Sisters of St. Francis. And just reflecting on school finance, in general, there's not a lot of schools who probably have the luxury of having extra money laying around to put a school-based clinic in their schools, so I would see this as a function of such organizations such as the Sisters of St. Francis. I

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did go to the St. Francis hospital's Web site, and I looked up the clinic and what they do, and it is a...there is a sliding fee scale for the clinic. No child is able to attend the clinic--they have it at a junior high as well as senior high--no child is able to attend that clinic unless they have a signed permission slip from their parent. The services that this clinic provides are well care and preventive healthcare, immunizations, acute care, care for chronic illnesses, lab tests such as throat cultures, blood tests, CBCs such as..., medications, mental health services, substance abuse services, and patient education. Services not provided: second opinions, deliveries, abortions, family planning, narcotics, dental services, STD testing. So this clinic has laid out some very definite parameters as to how they operate. They have a...apparently a high level of parental participation. While I can understand where Senator Fulton's concerns are coming from, knowing school districts and the way the school boards work, I think there would be a great deal of parental input if any school district would even consider putting in a school-based clinic. And I think those parents would definitely lay out the parameters as to how that clinic operated. And I'll go back to the comments that Senator Erdman made. What this bill talks about is just allowing these school-based clinics to access this funding. It's not quite as encompassing as some of the discussion that we've had this morning. But I applaud what the Sisters of St. Francis have done in this clinic and I think they do provide a very valuable service to the Grand Island area, and it's maybe unfortunate that other school districts don't have the same opportunities. But I think it's very apparent, because we only do have the one school district, to our knowledge, that's doing this, that this isn't something that is going to be dealt with in a large area of the state. I thank you for your time, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Dubas. Members wishing to speak: Senators Karpisek, Wallman, White, Nantkes, Erdman, and Nelson. Senator Karpisek, you're recognized. [LB469]

SENATOR KARPISEK: Thank you, Mr. President, members of the Legislature. I have to say that I do not agree with Senator Fulton's amendment, but I do agree with Senator Chambers' bill. But what made me stand up today was members on the floor talking about local control, and, well, maybe people want to do this in their community. And I don't want to drag through it again because I'll stir up the pot, but we can decide what people want to do in their schools, but we can't let people who own a business decide if they can have smoking in it. (Laughter) I know it's funny, but, dang it, to me it is not. Those people own those businesses. We own these schools. And for those of you who stand up and talk about local control and use it in this way, think about it. I will stand up for local control every chance I get, within reason. I think we should have thought about a little bit sooner. So when we talk about it, let's do it. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Karpisek. Senator Wallman, you're recognized. [LB469]

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SENATOR WALLMAN: Thank you, Mr. President. I'll yield my time to Senator White. [LB469]

SENATOR ROBERT: Senator White, 4:54. [LB469]

SENATOR WHITE: Thank you, Mr. President. Thank you, Senator Wallman. One of the struggles right now for parents with children who are entering the age where they may become sexually active is the availability of a new vaccine. It's a series of three painful shots that vaccinates the recipient, male or female for that matter, against the virus, it's the human papillomavirus, that causes over 90 percent of the cervical cancer cases. Okay. Now, that's a sexually transmitted disease and it can be a death sentence for women, and there's no symptoms. And right now, under current medical practice, if you don't get it before you are of the age they deem you to be likely to be sexually active, they won't give it to you. In other words, you can't wait until your 18 and make your own decision. Now, what impact does this have? If it's a sexually transmitted disease, are we now prohibiting or discouraging clinics in public schools from making those shots available? I don't want to go there. If a parent sits down or the parents sit down and struggle with this issue, and they don't have the funds to have their son or daughter...and right now, I want to say sons should be vaccinated too even though they don't get cervical cancer; they can be carriers. Everybody needs to make their own decision inside the sanctity of their own family, with full information. And we need to support two things. One is the right for full, fair discussion, and if necessary, availability of appropriate medical care to prohibit sexually transmitted disease. That's the first principle. The second principle is parents must be absolutely respected in their right and authority to control the information that goes to their children on this subject. If we do those two things, we have upheld the best interests of liberty, both of parents, children, and the state. And that's why I support Senator Chambers' bill. I oppose the motion, and I trust and hope that you will do the same. Thank you. [LB469]

SENATOR ROBERT: Thank you, Senator White. Senator White, you are next in the queue. Senator White waives. Senator Erdman, you are recognized. [LB469]

SENATOR ERDMAN: Thank you, Mr. President and members of the Legislature. Just another observation. Maybe a point of clarification. When we go through the process of allocating the funds out of the Health Care Cash Fund, the tobacco settlement money that we have in an annuity, if you will, and we take the interest, and we spend the interest and we leave the rest of it as an investment, that gives us the ability to do a funding mechanism in perpetuity that we believe is sufficient and capable of being financed over a long period of time at around \$50 million to \$55 million annually. That's the interest cost...or that's the interest accrued by the state from that fund. And so what happens is, is that...and I don't have the sheets in front of me. These are available. I'm sure with a simple call I can get this from the Health Committee staff. But we appropriate, or more appropriately stated, we allocate every dollar that's available.

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Every dollar. And in the event that one of those entities doesn't utilize their full allocation, the excess balance gets lapsed back into that fund, and we start over again. So an example would be, if we said...and I believe the number, Senator Johnson and I were trying to figure this out, it's somewhere around \$55 million, \$55.5 million, after you've added Senator Pahls' autism bill from last year, as we've added Senator Lathrop's bill from this year, which is a little different mechanism, but as you start taking those dollars away or adding to the cost of the fund, those all add up to an amount. When you get to that amount, there is no more money available, but more importantly, realize that as I understand the way the fund is set up, there's no money available now for school-based health clinics. It's all obligated. So for the bill in front of us to be effectual, for it to act--I'm starting to talk like Senator Fulton. I've got to stop that. For the bill to work--sorry, Senator Fulton, I didn't mean to pick on you. For the bill to work, not only work as it's intended by Senator Chambers and others, for the school-based health clinics to be eligible for funding, you have to strike this language. But for them to actually receive the funding, you'll have to come back next year with a legislative bill, go into the section of law that outlines the recipients or the eligible uses in the fund, and do it that way through the allocation. So if you're wondering what's...I guess this may not be a good analogy, but what's the way out of this scenario between the discussion here? If you vote for LB469, nothing changes in the interim. Nothing changes in the future unless somebody comes back and changes that section of law that determines whose eligible for money. Because they're not getting the money now and they won't be getting the money in the future unless you do one of two things. You take money from somebody else. If you would like the list, there is developmental disability in that fund, there are funds for Creighton and the Med Center to do medical research, there's money in there for tobacco cessation. You can go down the list of things that you would have to take money from in order to even give them the money. Just because they become eligible under LB469, doesn't mean they get any money. The statute that governs that is still limited to that total amount. And if you recall the conversations that we had this year on LB606, we took that money out before it got into that \$55 million. I believe that's the same thing we did with Senator Lathrop's amendment...or Senator Heidemann's amendment to Senator Lathrop's A bill. So there's...it's convoluted or it's intricate, at the least,... [LB469 LB606]

SENATOR ROBERT: One minute. [LB469]

SENATOR ERDMAN: ...but there's not a pot of money sitting at HHS that, if this bill passes, school-based health clinics get. And if there is a legitimate concern about the actions of a school-based health clinic, that will likely have to be discussed before they even be...are authorized to receive the funding. This simply says to them, you are no longer prohibited in this section of law, but, oh, by the way, in this section of law we don't have any money for your anyways; you'll have to come back and do that again next year. So from the standpoint of what this effectually does or what this actually does, it just simply takes them out of the list but doesn't give them any money. Thank

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you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Erdman. Senator Nelson, you are recognized. [LB469]

SENATOR NELSON: Thank you, Mr. President and members of the body. Would Senator Fulton please yield to a question or two? [LB469]

SENATOR ROBERT: Senator Fulton, will you yield? [LB469]

SENATOR FULTON: I will yield. [LB469]

SENATOR NELSON: Thank you, Senator Fulton. I'm looking at the green sheet here, and I'm just going to ask you a couple questions. On page 2, line 12, under Senator Chambers' provision there, school-based health clinics would be removed from this, so...is that correct? [LB469]

SENATOR FULTON: That's correct. They would be removed from a list that was disallowing them. So now they would be eligible again. [LB469]

SENATOR NELSON: And you have no particular objection to that? [LB469]

SENATOR FULTON: Not necessarily, no. [LB469]

SENATOR NELSON: All right. And you certainly would have no objection to a clinic such as in Grand Island that's run by the sisters there, because we know where they are probably. I'm just guessing. [LB469]

SENATOR FULTON: Frankly, I don't know what all goes on there,... [LB469]

SENATOR NELSON: All right. [LB469]

SENATOR FULTON: ...and just because it's run by sisters doesn't necessarily mean I'm going to be in favor or against. [LB469]

SENATOR NELSON: So that leads to my question. We really don't know what kind of school-based health clinic may come to the fore there and what they might be offering and what they might be doing. And your concern, as I see it, is that if we're going to allow them to apply any new health clinic that wants to come along and apply for state funding, that you simply want to put in here with your amendment that they're not going to be able to use funds for school-based "contraceptual" services. And you're not saying education here, you're saying services. And what do you understand services to be? [LB469]

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SENATOR FULTON: Well, I would go back and look at the word "contraceptive" before I would look at the word "services." Contraceptive is the describer of services. Contraceptive, if you look at the word, it means contra-ception. It's means against...I looked it up actually...to deliberately frustrate or to deliberately prevent conception or impregnation. That's what we're talking about here. So talking about STDs or education or whatnot, we're talking about deliberate prevention of conception or impregnation. That's what we're talking about here. [LB469]

SENATOR NELSON: All right. And I think that's understandable and in my mind that would include devices such as condoms and other devices, and so this is what your amendment is aimed at. Is that correct? [LB469]

SENATOR FULTON: Yes. [LB469]

SENATOR NELSON: All right. Thank you, Senator Fulton. I'm in support of this amendment. I am a little concerned about what can be encompassed in school-based health clinics. They may have honorable intentions. They may be doing all the right things. But I think we're certainly within our right as a body to say that they should not be promoting contraceptive services in line of all the other things that we're not funding by the state. So I'm in support of this motion. I think it limits the school-based health clinics (inaudible), and I would urge the body to approve and adopt AM1174. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Nelson and Fulton. Senator Chambers, you are recognized. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I will yield some of my time to Senator White. [LB469]

SENATOR ROBERT: Senator White, will you yield? [LB469]

SENATOR WHITE: Yes. [LB469]

SENATOR WHITE: I want to be very brief, but I want to make a point, and this is a slippery slope. You start controlling what people can say or talk about, you have no clue where we're going to end up. And I'll give you a perfect example. Between Senator Fulton and Senator Nelson's conversation right now, it became immediately apparent to me that under Senator Fulton's definition of contraception, we would now be prohibited from talking about abstinence. Abstinence is flat-out the most effective form of contraception there exists, so now we can't talk about it. That's why the First Amendment says we don't get in the realm of what people can talk about. Instead, focus on what parents have a right to expose their children to. Make the schools honor it in

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this area absolutely, and go from there. Thank you. [LB469]

SENATOR ROBERT: Yes, Senator Chambers. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'd like to ask Senator Nelson a question or two. [LB469]

SENATOR ROBERT: Senator Nelson, will you yield? [LB469]

SENATOR NELSON: Certainly. [LB469]

SENATOR CHAMBERS: Senator Nelson, are you aware that these school-based clinics originally were in the law without any modifying language? Are you aware of that, that they were allowed to exist and access these funds originally? Are you aware of that? [LB469]

SENATOR NELSON: No, I'm not aware of that, but I certainly will take your word... [LB469]

SENATOR CHAMBERS: And are you aware that there has been no problem of the kind Senator Fulton is talking about to arise with any such clinic? [LB469]

SENATOR NELSON: No, I have no knowledge about that, whether there's been... [LB469]

SENATOR CHAMBERS: Okay. Well, let me ask you this. Would you be in favor of one of these clinics shaving the pubic hairs of young girls to get rid of lice? Would you be in favor of that? [LB469]

SENATOR NELSON: Probably not. [LB469]

SENATOR CHAMBERS: So should we put that in? [LB469]

SENATOR NELSON: No. [LB469]

SENATOR CHAMBERS: We could think of any number of things that we wouldn't want to see that we could add and make a list. Would you agree with that? [LB469]

SENATOR NELSON: No, I wouldn't, but I would comment. There... [LB469]

SENATOR CHAMBERS: Well, on your time. [LB469]

SENATOR NELSON: All right. On my time. [LB469]

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SENATOR CHAMBERS: Okay. I think I made my point. Members of the Legislature, Senator Fulton can say religion has nothing to do with this, but listen to what Senator Dierks said. He emphasized prolife and he knows where they are, and that's all right. And it is all right in their bailiwick. We're talking about the whole state of Nebraska. You all won't have me here next year to deal with on these issues. But I'm not for narrowing the scope of what is available because certain people's minds are narrow. They don't trust their whoever they're used to dealing with. All that my amendment does, all that my bill does, Senator Nelson, is to restore the law to where it was, and that bill came out of the Health Committee unanimously. They knew what we were discussing. These new people come here and they do bring their agendas, and they're narrow and don't look beyond their personal philosophical or religious agenda. All that is being restored is eligibility, as Senator Erdman pointed out. There is no need, as long as this language of prohibition is in the statute, for anybody to even make an approach to the state to get this funding. This that I'm doing puts them into the race. It allows them to approach the trough and say, what we're doing justifies receiving funding, as do all these others,... [LB469]

SENATOR ROBERT: One minute. [LB469]

SENATOR CHAMBERS: ...and obviously these others comport with Senator Nelson's personal predilections, Senator Fulton's personal predilections. But we are to be limited to what their limited scope, their limited outlook on life would be, and I'm not in favor of doing that. We need to try to bring Nebraska into the twentieth century, at least. I had them back there in 1848. You, as a lawyer, know that the only thing you deal with are words. All that a counselor deals with are words. These are services. Words are services. And you could say a brochure on contraception constitutes a service being performed because you are giving something concrete to a person although words alone can be construed as a service. When you go to a counselor,... [LB469]

SENATOR ROBERT: Time. [LB469]

SENATOR CHAMBERS: ...the counselor charges for the services, and they're only verbal. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Chambers. Senator Stuthman. [LB469]

SENATOR STUTHMAN: Question. [LB469]

SENATOR ROBERT: The question has been called. Do I see five hands? I do. I do see five hands. The question is, shall debate cease? All those in favor vote aye; opposed, nay. Record, Mr. Clerk. [LB469]

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CLERK: 25 ayes, 2 nays, Mr. President, to cease debate. [LB469]

SENATOR ROBERT: Debate does cease. Senator Fulton, you are recognized to close on AM1174 to LB469. [LB469]

SENATOR FULTON: Thank you, Mr. President. I have communicated to Senator Chambers, and I'm not going to pull a Chambers on you, I'm not going to filibuster or do anything like that. This is fair. We can vote on AM1174. I want however to make sure that everyone is clear about what we're talking about, because there have been a lot of other items that have been brought into this conversation. I am not bringing this amendment to usurp one's free speech. It's a very short amendment. You can read it for yourself. It falls within the purview of a part of statute that talks about funding, something that I have an interest in, and that interest extends to the appropriateness of where this funding goes. If a school-based clinic wants to show how-to videos or give information out about condoms or what have you, they can do that. I'm saying you shouldn't use state funds to do that, because I think a lot of Nebraskans will have a problem with it. I would be one of those Nebraskans. I passed out to you this Web site to illustrate what kind of things could be funded with public funds if we move this bill forward without this amendment. If you are comfortable with that, you'll vote against my amendment and move the bill forward. I, for one, am not comfortable with that, and it's my opinion that a lot of Nebraskans won't be comfortable having these public funds used in such way. That's why I brought the amendment. The amendment is very straightforward. We are not limiting free speech rights. We're talking about funding. This is a funding bill, and I'll ask you to adopt AM1174. I would vote in favor of LB469 if we could adopt AM1174. That's what I'll ask you to do. Thank you for this debate, and thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Fulton. You have heard the closing to AM1174. The question is, shall the amendment be adopted? All those in favor vote aye; opposed, nay. Have all those voted who wish? Record, Mr. Clerk. [LB469]

CLERK: 13 ayes, 21 nays, on the amendment, Mr. President. [LB469]

SENATOR ROBERT: The amendment is not adopted. [LB469]

CLERK: I have nothing further on the bill, Mr. President. [LB469]

SENATOR ROBERT: Senator McGill. [LB469]

SENATOR MCGILL: Mr. President, I move LB469 to E&R for engrossing. [LB469]

SENATOR ROBERT: There are lights on. Senator Wallman. Senator Wallman waives. Senator White. [LB469]

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SENATOR WHITE: Thank you, Mr. President. I want a real clear statement here, on the record, given Senator Fulton's comments, and I want everyone to know exactly where I stand and where I believe it is consistent for anyone to morally take a position. Ignorance is not prolife. Ignorance is not prolife. Ignorance causes abortions, as well. And unlike what Senator Fulton says, I submit that this bill will cause additional ignorance. And every Nebraskan who objects to it has absolutely every right, and I will go to court for them, I'll do whatever I can to keep their children from being exposed to information they deem undermines the necessary moral teachings of a parent. But they have no right to control information that other parents deem to be necessary for the moral upbringing and safety of their children. Ignorance is not prolife. Thank you.  
[LB469]

SENATOR ROBERT: Thank you, Senator White. Senator Erdman, you are recognized.  
[LB469]

SENATOR ERDMAN: Mr. President, members of the Legislature, I'm just going to reiterate a couple things that I said earlier so that it's clear, and here's how I'm going to proceed so that you're aware, and here's the rationale behind it. Senator Fulton's amendment was an option for us to clarify the language that was rejected by the body. And there were 13 that voted yes and 20-some that voted no. Because that amendment is adopted doesn't change what I...was not adopted...doesn't change what I said earlier. You can advance LB469, you can make it law, and the practical effect of that is nothing other than you have taken out an entity from a prohibited group of activities, and given them the opportunity to come back next year to the Legislature and make the request that they want the money that's available in the fund, and realize that the money that's in that fund is already obligated. It's not laying around, and any excess money that's not used, we put back in the fund and start over from zero again every year. So what this does, is it says we recognize that this is an entity, not an activity, and we are still banning all of those activities from the utilization of state funds to do it, but in all reality here we're not actually giving them any money. That will have to be done next year, if it's going to be done. The frustrating part, I think, about this conversation, and...you know, as you near the end of a legislative session, generally the last things that happen are the things that people remember or the types of conversations you'll take home with you--I know that's at least been the case with me--there is nothing in this bill or in Senator Fulton's amendment that deals with free speech, because the actions that were being addressed were about utilization of state funds. That's already being done or it can already be done elsewhere, and the fact that we don't have any school health clinics except for the one that's being operated in Grand Island is evident that districts can do it now. They just can't use this source of funds to do it. By voting to advance LB469, you're not authorizing all those horrible things that Senator Fulton has said, and, in fact, you're not even giving anybody any more money to do anything at all. You're simply recognizing that this is a discussion that will go on at a later date, and before any

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funds are able to be allocated for this very purpose there will be another round of conversations that will either be held at the Health Committee level, at the Appropriations Committee level, or both. And most importantly, what will have to happen is, somebody that wants to be a school-based health clinic would have to actually come forward and say they want it, because nobody testified in favor of this bill and nobody testified in opposition. It's clearly designed to be technical. And I assure you that when the committee heard the bill, we looked at this with jaundiced eye to make sure, initially, that there wasn't something else here. I wouldn't have voted to advance this bill if I thought otherwise. I am confident that there are safeguards in place and I am confident that this Legislature retains the authority to examine this issue at a later date, and I think the record will reflect that. But this is not...I mean, sure, it's an opportunity to talk about whatever you want to, but this is not a lot of the things that have been alleged. It's much narrower than that. It's much more practical than that. And to be honest with you, I think it's a lot easier to understand than a lot of people want to take after it. [LB469]

SENATOR ROBERT: One minute. [LB469]

SENATOR ERDMAN: In the event that the Legislature does decide to appropriate funds through the Health Care Cash Fund for this purpose, and it goes towards some of those activities that Senator Fulton was talking about, yeah, there's going to be some questions to answer, and more importantly, there's going to be some hurdles to overcome even within this body regardless of who's here. But that is not going to happen by the passage of LB469. That comes at a later date, at a later discussion. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Erdman. Senator Christensen, you are next to speak. [LB469]

SENATOR CHRISTENSEN: Thank you, Mr. President. I think Senator Erdman is right, the fact that this is not about free speech, and I think Senator White is wrong when he says this is all about ignorance and that you can't protect people about things. If that's a true statement, that we can't protect people against things, then prostitution, drugs, alcohol, everything ought to be open to everybody. That is ridiculous and makes no sense. We have to. That's why the body is here, to protect people. That's what the whole thing is. But this is a funding bill; this is not a free-speech bill. So I guess that's where I think a lot of this discussion has got clear off base. I think you need to look at the bill and decide what you think of it, and go from there. Thank you. [LB469]

SENATOR ROBERT: Thank you, Senator Christensen. Senator Chambers, you are recognized. [LB469]

SENATOR CHAMBERS: Mr. President and members of the Legislature, Senator

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Erdman gave his opinion, but I doubt that he said anything that everybody on this floor does not know if you give it a thought. How much more money is going to go to the public schools than has been appropriated already this session? None. When will money be appropriated for the public schools? Next year. For every entity that wants money from this Legislature, they have to come here to seek an appropriation. Senator Erdman voted this bill out of committee. This is one of the few times I've seen him take a position and I don't know what his position is. He made it clear when he supported this bill on General File. His vote out of that committee made clear what his position is now. I did not try to deceive anybody to think that this is an appropriation bill. Can anybody say that I said, by enacting this bill money is going to be automatically available? No. What did I say? It makes it possible for these clinics to obtain funding from the same source that other entities and activities are obtaining funds. That's what I said, and I think that is clear. And contrary to what Senator Erdman and Senator Christensen said about it not impacting free speech, it does attempt, when you adopt amendments such as Senator Fulton's, to limit free speech. Chilling is what it's called in the law. You take a term that has no definition, that can be construed narrowly or broadly, and throw it out there, then anybody can use it to support any position that's desired. So if pamphlets are given dealing with contraception, that can be construed as a service, and you bring all the yahoos down on those who want to present this information in a written form. And you have others who can argue as I've stated, that providing information orally is a service. That is a service. If you took away Senator Nelson's ability to use words, he couldn't be a lawyer. No counselor could make a living. And it's something to me how people want to dummy up on this floor when there is an issue they don't like. Now, I will speak strongly against things I don't like, but I don't try to dummy up and pretend I don't understand what we're talking about or what words mean--and words do have meaning. And even those who are on this floor and will tag along, as my good friend Senator Christensen did, and as others will do, words nevertheless have a meaning, and those of us who have dealt with words and how speech is constricted and how attempts are made upon speech to constrict it, are aware of how wording such as Senator Fulton was offering can be utilized. And there are others who would support his wording, knowing how that wording could be utilized to achieve something other than what it merely seems to say. This is a good bill. It will make possible... [LB469]

SENATOR ROBERT: One minute. [LB469]

SENATOR CHAMBERS: ...those who are interested in school-based clinics to scrap and battle for funding just as these other entities do. Senator Erdman told you that when the allocation time comes, they start at ground zero, which means those who are funded now are not automatically going to be funded again. And I got Creighton, Boys Town, the University of Nebraska, and UNMC to accept my amendment that there would be no discrimination based on sexual orientation because I was going to stop them from getting their funding, and they agreed to that because it was reasonable. Thank you, Mr. President. [LB469]

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SENATOR ROBERT: Thank you, Senator Chambers. Senator Erdman, you are recognized. [LB469]

SENATOR ERDMAN: Mr. President, would Senator Chambers yield to a question? [LB469]

SENATOR ROBERT: Senator Chambers, will you yield to a question? [LB469]

SENATOR CHAMBERS: Yes, I will. [LB469]

SENATOR ERDMAN: Senator Chambers, what...from my comments, what do you think I'm going to do on the advancement of this bill? [LB469]

SENATOR CHAMBERS: Say it again? [LB469]

SENATOR ERDMAN: What do you believe my actions will be on the advancement of this bill? [LB469]

SENATOR CHAMBERS: I have no idea whatsoever. I mean that. I don't know whether you're going to vote for it or not. [LB469]

SENATOR ERDMAN: Okay. Thank you, Senator Chambers. First, a point of clarification. They don't start over as an entity. They're all guaranteed an amount. It's the ability for that total fund to be allocated. We don't simply let them maintain the money that they didn't spend. That's what I mean by starting over. It's in statute that each of these entities gets X million dollars a year: Creighton, the Med Center. They get it as a partnership under medical research. They allocate that. That's in statute; that happens every year. What starts over is the cash fund balance. And if for some reason they don't use all the money that's there and they have unobligated, it lapses back into that fund, and then they start from zero again to get to their number. They don't have to re...they don't have to get what they've already gotten. They've got earmarks in statute now. I'm going to vote for your bill, Senator Chambers, in case there was any question or doubt, and it's because of the realities of where we are and the points that I have made. And for whatever reason I wasn't clear, fine. There may be people that voted no or that vote no on the advancement, and that's their decision, but I'm comfortable with the bill and believe I understand the appropriate contents of it. I believe I understand what it does practically, and I believe I understand more appropriately the intent and recognize that somebody is going to have to come back to get any money, and this bill doesn't do that. I've been clear on that. And so I apologize for any confusion and I won't talk again. Thank you, Mr. President. [LB469]

SENATOR ROBERT: Thank you, Senator Erdman. There are no other members

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wishing to speak. There has been a request for a board vote. The question is, shall LB469 advance? All those vote aye; all those opposed...yes, Mr. Chambers. [LB469]

SENATOR CHAMBERS: I would like a call of the house and then we can take a machine vote. [LB469]

SENATOR ROBERT: There has been a request for a call of the house. All those in favor vote aye; opposed, nay. Record, Mr. Clerk. [LB469]

CLERK: 34 ayes, 1 nay, Mr. President, to place the house under call. [LB469]

SENATOR ROBERT: The house is under call. All unexcused senators please return to the Chamber. All unauthorized personnel step from the floor please. Senators Cornett, Hudkins, Dubas, and Wightman, please return to the Chamber and check in. Mr. Clerk, all members are present. The question is, shall LB469 advance? All those in favor vote aye; all opposed vote nay. Have all those voted who wish? Speaker Flood. [LB469]

SPEAKER FLOOD: I guess there are several us would like to know, are we on AM1172A or are we on...? [LB469]

SENATOR ROBERT: No, we are on LB469. [LB469]

SPEAKER FLOOD: Okay. [LB469]

SENATOR ROBERT: The board is not correct. [LB469]

SPEAKER FLOOD: Thank you, Mr. President. [LB469]

SENATOR ROBERT: There has been a request for a record vote. Members of the Legislature, a point of order. We are going to cancel this vote and get the board correct and revote. Okay, members, the question is, shall LB469 advance to E&R for engrossing? All those in favor vote yea; all opposed vote nay. There has been a request for a record vote. Have all those voted who wish? Mr. Clerk, please record. [LB469]

CLERK: (Record vote read, Legislative Journal pages 1433-1434.) 36 ayes, 8 nays, on the advancement of LB469. [LB469]

SENATOR ROBERT: LB469 does advance. (Visitors introduced.) The call has been raised. Items for the record, Mr. Clerk. [LB469]

CLERK: Mr. President, your Committee on Enrollment and Review reports LB245, LB245A, LB308, LB308A, LB745, LB806, LB819, LB830, LB830A, LB907, LB953, LB956, LB995, LB1022, LB1153, LB1165, all correctly engrossed. Enrollment and

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Review reports LB911 and LB911A to Select File. And that's all that I have. (Legislative Journal pages 1434-1436.) [LB245 LB245A LB308 LB308A LB745 LB806 LB819 LB830 LB830A LB907 LB953 LB956 LB995 LB1022 LB1153 LB1165 LB911 LB911A]

SENATOR ROBERT: Thank you, Mr. Clerk. The next item on the agenda. [LB572]

CLERK: LB572. No E&Rs. Senator Wightman would move to indefinitely postpone. Senator Kruse, you'd have the option to lay the bill over. (Legislative Journal page 1436.) [LB572]

SENATOR KRUSE: Take it up. [LB572]

SENATOR ROBERT: Senator Wightman, you are recognized to open on your motion to indefinitely postpone. [LB572]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I voted for this to come out of committee, I think, but as I've thought about it since then...you know, I had an interim study or requested an interim study last summer with regard to health insurance benefits and what it is doing to the state of Nebraska's budget. And I think it's a major issue, and so I would like debate this motion to indefinitely postpone. I think everybody in this body should know that if we're looking at major sources of expenses in the state of Nebraska, certainly one of the highest is health insurance. We're not only funding the health insurance for state employees, we're funding health insurance largely for the University of Nebraska. Certainly there are other sources for that, but we provide much of their operating budget. As all of you know because it's been such a topic of conversation throughout this session, we provide a tremendous amount of support for school teachers throughout the state of Nebraska for educators. And if we looked at the total budget, I have a figure of \$137 million that we spend, alone, on state employees. I think a small part of that would be funded out of cash funds, but most of it funded out of general appropriations. The University of Nebraska, I can't tell you what percentage of their budget that we fund by general appropriations, but a substantial portion. We are soon going to be to the stage where we support to the tune of about \$1 billion a year with regard to state support of K-12 education. We provide support for counties, we provide support for cities. Right now, with regard to this particular bill, I would like to ask a few questions of Senator Kruse if he would yield. [LB572]

SENATOR ROBERT: Senator Kruse, will you yield to a question from Senator Wightman? [LB572]

SENATOR KRUSE: Yes. [LB572]

SENATOR WIGHTMAN: Senator Kruse, as of right now, these employees...well, first, could you tell us about the number of employees that would come under the state

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health insurance pool if we do pass LB572? [LB572]

SENATOR KRUSE: Eight and one-half...8.5 would be available to this. I don't know how many would take it up. [LB572]

SENATOR WIGHTMAN: And right now, under the purview of this bill, a library would have to be 90 percent funded by the state of Nebraska. Is that correct? [LB572]

SENATOR KRUSE: That is correct, and in actual practice they're 100 percent. [LB572]

SENATOR WIGHTMAN: So we're already providing 100 percent financing. But right now the particular library board pays for their health insurance out of the money that we fund. Is that correct? [LB572]

SENATOR KRUSE: The Nebraska Library Commission provides an allotment to each of the six regional systems for compensation, and that local board divides that compensation according to what might recruit their best impossibility. [LB572]

SENATOR WIGHTMAN: So there's no showing right now that any of them are not being funded to some extent, is that correct, as far as their health insurance? [LB572]

SENATOR KRUSE: Well, it would be within the compensation package, but some of them, I am told, have been unable to get health insurance, so the package then is just all salary. [LB572]

SENATOR WIGHTMAN: Do you know what that health insurance costs? Does it vary from library to library? [LB572]

SENATOR KRUSE: Well, they would have to get a private policy locally. It's kind of hard to form them. The areas that are concerned are in greater Nebraska where there's not much possibility locally for a joint plan. So my understanding is most of them are not able to get it at a reasonable cost. [LB572]

SENATOR WIGHTMAN: And, of course, a reasonable cost is kind of in the eyes of the beholder or somebody seeking the health insurance, is it not? [LB572]

SENATOR KRUSE: It is. [LB572]

SENATOR WIGHTMAN: Now, there's a total of 8.5 employees. [LB572]

SENATOR KRUSE: Yes. [LB572]

SENATOR WIGHTMAN: Do you know, do we have other employees of other entities

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such as these regional libraries that don't have insurance under the state insurance plan? [LB572]

SENATOR KRUSE: There would be no other agency or group that would qualify under this bill. It's very narrowly drawn for the library system. [LB572]

SENATOR WIGHTMAN: I understand that, Senator Kruse, but across the state of Nebraska are there other entities that the state of Nebraska is funding, possibly as high as 90 percent, or at least a major portion of the funding, that we do not provide the health insurance for? [LB572]

SENATOR KRUSE: I don't know of any. [LB572]

SENATOR WIGHTMAN: Well, I guess I would say at this point that I strongly suspect that there are others and that this could be broadened if we take this step. Thank you, Senator Kruse. To go on with my discussion, I can't give you the exact figure that we pay for family health insurance, but it's something like \$12,000. It's more than that for family health insurance, about \$15,000, if we were looking at the per-employee costs. That's the portion the state funds. The state funds 79 percent. The employee pays 21 percent by state law. I also would suggest to you that the benefits under the state insurance plan are much more generous than most private employers pay. And I sat on the city council for a number of years in Lexington, Nebraska; served as mayor. I can tell you that the cost in most of the municipalities across the state of Nebraska is much smaller than that, that is currently being paid. It does not provide as generous of benefits, have larger deductibles in many instances, and I think that that's exactly what we're getting into here, and that down the road they may not be employees of the state of Nebraska. And today they may be able to suggest that there is no fiscal note attached to this, that it's not going to cost us anything, but I do not for a minute think that we aren't going to be eventually making them state employees, and particularly if we bring them under this. So I am very much opposed to expanding the coverage of the state insurance pool, and will continue to...certainly will vote against the bill. I guess I'd like to hear some other discussion before I decide whether we will take this motion to indefinitely postpone to a vote. Thank you, Mr. President. [LB572]

SENATOR ROBERT: Thank you, Senator Wightman. (Visitors introduced.) Senator Kruse, you are recognized to respond to the indefinitely postpone motion. [LB572]

SENATOR KRUSE: Thank you, Mr. President and colleagues. I'd be pleased to respond. When we...when I opened on General File we were trying to zip it all through, and so I took one minute. We're back to the zip mode (laugh) and trying to get through with this. But I...it's unfair to ask you to vote on something without a little bit more information, so I'm going to provide that. Along side of that, I do want to affirm what Senator Wightman is doing. He has had a consistent concern about the cost of our

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healthcare and the insurance program. That is appropriate and it's a welcome comment and I support him in watching this. I do not agree that 8.5 persons added into the system which has 15,000 people in it, is going to make a great difference, but at the same time it's worthy of being brought up. This is a particular case, and I don't see precedent coming from it. And my staff and others have looked at it. You know, who else could get in on this? We can't find anybody. Let me describe the library system since many have not looked at that. The Nebraska Library Commission has six regional library systems that are essential to their total program. These regional library systems provide the services to almost all the libraries in the state, over 1,000 of them. Your local library has the regional librarian as a consultant. And many of these persons don't have much training in it, so a consultant who's well-informed is very important. This is the system by which we deliver all sorts of values, such as database provisions, the computer-generated assist to a classroom, and so on. This bill came to me from a situation at Hastings, which is one of those centers. Now remember, it's not a program for Hastings. It's for the whole area around Hastings, which is called the Republican Valley Library System. They found they needed a librarian there. This librarian needs to have a master's degree in library. You don't find many of those persons in the city of Hastings. They found one who would like to do the job, who is very well-qualified, but she was not willing to take a job without health insurance. They could not get health insurance. And then they recognized that all of the money to pay for her comes from the state. We're talking about state funds here. The State Library Commission has done something we affirm around here; they want local control. So they have set up a system of local boards that give guidance to that chief librarian in these six regions. They, you know, could pay from the state, but again to try to emphasize local control, that local board actually writes out the check. And that's where the problem is. I consider it a technicality. It is state funds run through a local board, but because it goes through the local board the person cannot technically qualify as a state employee, though it's state money and all of the system is under the guidance and direction and the budgets are all reviewed by the Nebraska Library Commission. It's their way of taking care of the thing that needs to be done. The bill was heard before the Government, Military and Veterans Affairs Committee. There was no opposition. It was unanimous in coming out. There is no fiscal note on it, so I do urge that when we get done talking about the issue of health insurance, that we forward the bill. Thank you. [LB572]

SENATOR LANGEMEIER PRESIDING [LB572]

SENATOR LANGEMEIER: Thank you. Senator Engel, you're recognized. Oh, excuse me. Speaker Flood, you're recognized for an announcement. [LB572]

SPEAKER FLOOD: Thank you, Mr. President, members. We've had a good week, we have worked hard. We are in the final stretch of our session. It is my intention to adjourn after the resolution of LB572, and then return again Tuesday morning at 9:00 a.m., given the condition of many of our state's roadways as the winter storm approaches. So

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we do intend to adjourn following the resolution of LB572. [LB572]

SENATOR LANGEMEIER: Thank you, Speaker Flood. (Visitors introduced.) Continuing with the discussion on the motion to indefinitely postpone, those wishing to speak, we have Senator Engel, Gay, Pirsch, and Wightman. Senator Engel, you're recognized. [LB572]

SENATOR ENGEL: Mr. President, members of the body, I believe some of my questions have been answered because of what Senator Wightman asked Senator Kruse about. But the thing is as far as expanding our health for nongovernment employees, I'm concerned about that, too, because I'm afraid of where it might lead. And in the last several years, ever since I've been on the...in the Legislature rather, the one thing we've always tried to do is figure out how we could cut back on the cost of healthcare here in the state of Nebraska for all the employees. Many years ago, Senator Bromm at that point in time, he and I tried to get the experience reports from Blue Cross Blue Shield and the other so that we could get bona fide bids on these for the insurance. And we could never get them, we could never get them, and I think Senator Wightman is working on that now. And that's the only way you can get a bona fide bid as far as getting it, is to get the experience reports of the companies that are handling it now. Otherwise any bids you get it's going to be temporary because it would be for one year or however long the contract is, because after they get their own experience they're probably going to have to alter their rates. So you never get really a good bid. So many times it's an artificial bid. Now I did check with my home community, South Sioux City, and we have a new library there, and they are covered under the city plan. So there is coverage there. And I was wondering, I'd like to ask Senator Kruse, how many of the libraries across the state have coverage under their municipality? [LB572]

SENATOR LANGEMEIER: Senator Kruse, would you yield? [LB572]

SENATOR KRUSE: Yes, I will. I wouldn't know that. These persons, of course, wouldn't qualify for this particular thing. And I doubt that the regional librarians would qualify for a city plan, because they are not city employees, they are state employees. [LB572]

SENATOR ENGEL: Okay, I (inaudible) perhaps under a county or something. But the only thing is I'm reluctant to expand our programs also. So with that, I'll return the rest of my time to the Chair. Thank you. [LB572]

SENATOR LANGEMEIER: Thank you, Senator Engel. Senator Gay, you're recognized. [LB572]

SENATOR GAY: Thank you, Mr. President. I just wanted to also add to Senator Kruse. I think Senator Kruse is correct, and I appreciate...he did answer some of my questions

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too, but commend Senator Wightman for bringing this up, and others. When you look at the General Fund financial status, the insurance, we did...we're borrowing \$12 million, the way I read it, to go to the state employee health insurance fund. And we're not doing that because it's so solvent. We're doing that because there are issues with it now. There are tough issues, and there have been bills introduced this year to deal with some of those. And I think we'll continue to work in the right direction, not against the library associations and those. Senator Kruse did a good job explaining what that's all about. And if both members...both of those are members...well, all three of you people that have spoke so far are members of the Appropriations Committee, so I'm listening very intently to what they're saying. I do want to make sure that if this were to advance, that there are no...there aren't eight other agencies out there. And Senator Kruse has said there aren't, and I have no reason to believe that he's not correct when he says that. So the idea is we find out more about this. I'm a little bit leery, too, about opening this up to what may be...well, what may be that someone else might want to get on board. But if that's the case where there is no one else to be able to get into the pool, because that's what is happening here it sounds like is we're adding 8.5 members to the pool, and that could cause some, depending on the health circumstances of those members, affect the whole pool down the road. But now if we added 80 or 800 members, of course we've got a bigger problem. So I am concerned. If I find out any information along the way here that this could open it up for more people, I'd be very concerned. I'm still listening to the debate and it sounds like other lights are on, so I'll continue to listen. But what I wanted to say just in my time, and I'll only speak once on this issue, is that we do have a problem. And we're going to have to address it, and we're not going to get it done with this bill, but this is a good time to address it. We're going to have to address it into the future. And we need to make sure that we're...that this is a sound program for the employees and we control those costs, not so much for the state alone, but also for those employees who are participating in the plan. They need a good plan that they can count on, and we'll be able to provide those valued employees a good plan. I don't want to do anything that would harm that plan along the way. And we will see what happens here with this bill and make sure there's no kind of crack in the door where other people could come into the plan and maybe make it a worse plan for our employees that rely on this plan right now. So I'm interested in hearing more. If we find out any other information that would show me that this could open up that door, I would be opposed to this and any other further additions until we get it solved that we take care of our health insurance plan now and make sure it's the best it can possibly be. Thank you, Mr. President. [LB572]

SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Pirsch, you are recognized. [LB572]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I guess I have some questions based upon comments that Senator Gay had made. I wonder if Senator Wightman might yield to a question or two? [LB572]

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SENATOR LANGEMEIER: Senator Wightman, would you yield? [LB572]

SENATOR WIGHTMAN: I will. [LB572]

SENATOR PIRSCH: And I have kind of a distant recollection of debate last June which involved the issue that was brought up by Senator Gay involving the...I think he called it borrowing \$12 million for state employee...for the health...the state employee health system. Could you just refresh my recollection? What was that exactly that occurred last year with regard to the solvency of that system? [LB572]

SENATOR WIGHTMAN: Last year...we had had a shortfall for the past three years, I think, with regard to the funding of the state employees' health insurance. Last year we took \$12 million...we authorized \$12 million as part of the Appropriation's bill out of the Cash Reserve Fund to pick up our shortages that we had had, and I think it was over the three previous years. And I think we're still running a shortage. We are experiencing substantial increases. I think over one three-year period we picked up almost 60 percent. Now I think last year it was not as high a percentage increase, but we've been running almost double-digit increases in the state of Nebraska health insurance fund over the last ten years. [LB572]

SENATOR PIRSCH: Okay. Thank you for that. I wonder if Senator Kruse might yield to a couple other questions that I have in approaching my vote on this bill? [LB572]

SENATOR ROBERT PRESIDING [LB572]

SENATOR ROBERT: Senator Kruse, will you yield? [LB572]

SENATOR KRUSE: Yes, certainly. [LB572]

SENATOR PIRSCH: And thank you very much for your comments here earlier about giving further definitions as to what's in play here. Could you...? I guess I'm asking for even further details on the Nebraska Library Commission. You indicated there's 8.5 people. What...how is this structured? Is it based...is this a...could you give a little bit of details over the origination of this? I guess this would be a state-based, or a nonstate-based entity? [LB572]

SENATOR KRUSE: The Nebraska Library Commission is the state agency and they are responsible for providing services to all of the libraries in the state. And this is their system for doing it. Since many of these libraries, little libraries might even have volunteers, some of them just have someone who's a friendly soul who's going to help them out in a community and doesn't know how to go about being a librarian, they wanted to put a professional in six locations in the state that would be available to them.

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So it's all a state system. It's just the way that the state commission does their business. They put out consultants across the state. [LB572]

SENATOR PIRSCH: Okay. And when was the commission set up, do you know? Is this a long-standing, I would assume, commission? [LB572]

SENATOR KRUSE: It's long-standing. I don't know the original date. [LB572]

SENATOR PIRSCH: Prior to this point in time those employees have not had health benefits. Is that...? [LB572]

SENATOR KRUSE: That is correct. It's a very modest pay package and it really hasn't come up until somebody raises the question if it would help in recruitment. And these regional boards said, yes, it would help in recruitment to be able to divide up the compensation package a little bit. [LB572]

SENATOR PIRSCH: Okay. Does the...would, by including these employees, would there be the potential if their...if the cost of their health claims exceed the premiums... [LB572]

SENATOR ROBERT: One minute. [LB572]

SENATOR PIRSCH: ...paid into the system, would there be the potential that the existing system then would have to pick up the difference? [LB572]

SENATOR KRUSE: No, they all have compensation package that would cover this. I don't see any way that you would be adding...they're not going to add to the budget in one place and not in another place just because they've chosen this option. It...they have to take it out of their present compensation package. [LB572]

SENATOR PIRSCH: Yeah, but to the extent, as we experienced last year, that the amounts paid in by the workers do not fairly cover or do not cover the actual expenses, would additional allocations by the state then be necessary? [LB572]

SENATOR KRUSE: Well, our total insurance package does balance out, and this would be a part of that total package. But I would not expect any supplemental thing from the Library Commission to do this. They're just a part of a... [LB572]

SENATOR ROBERT: Time. [LB572]

SENATOR KRUSE: ...broad package. [LB572]

SENATOR PIRSCH: Thank you. [LB572]

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SENATOR ROBERT: Thank you, Senator Erdman (sic) and Senator Kruse. (Visitors introduced.) Returning to discussion, Senator Wightman, you're recognized. [LB572]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I know right now we're talking about a state-funded agency in which those employees are not state employees. I know that this is...this legislative bill, LB572, is rather narrowly drawn, and it refers to them as being 90 percent state funded in the past and currently, I suspect. I think we're opening the box if we do this and if we do allow them to come under the state insurance pool. What's to say that if we start down a slippery slope that next year we have a particular agency that's 80 percent funded by the state of Nebraska, how are we going to say that, well, the library, they were 90 percent funded, and we're not going to let you come under? I think once we start it, I think, if there's substantial funding, who knows what the figure may be? Fifty or 60 percent, or whatever. It may be that we will see an effort made to bring them under the state insurance pool. And I'm not saying it will be anything to do with the library, but there have to be, and I certainly don't know the answer to this, but there have to be agencies all over that we are funding almost entirely or in part, but they're not state employees. And I think we're taking a very dangerous position starting down an extremely slippery slope if we say, well, no, they're not state employees, but we're going to treat them as state employees for our state health insurance pool. Senator Pirsch pointed out, I think maybe Senator Gay as well, that we have had major funding problems and great problems in even estimating what our health insurance costs are going to be from year to year. There have been great overruns on what we have considered in the Appropriations Committee. If a health claim exceeds the premium paid by the nonstate employer and the employee, the additional amounts are borne by the state and the state employee under the terms, because we are self-insured. And if somebody has a \$1 million claim, that's going to be part of what we will be funding the following year. And when we take a group like this on, we take them on without regard to what their current health is. And I just don't think we can afford do to this as a long-term trend and that it will be extremely poor policy. With regard to that \$12 million, as I say, last year we had to take money out of the Cash Reserve and transfer into the insurance fund because we'd had a \$12 million shortage. As we take other groups like this in we're only going to add to that problem. And so I hope that you will vote to indefinitely postpone this. I think we can study the issue over the summer and make a much better decision on whether we want to do this. But I think we ought to look at all of the agencies and how many agencies across the state of Nebraska there may be that would perhaps be entitled to funding on about the same basis that the library would be or the Library Commission would be. So I just feel that it's important that we take a much closer look at this. And once we start on this slide, I think that it's probably going to be more and more attempts to bring other groups under... [LB572]

SENATOR ROBERT: One minute. [LB572]

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SENATOR WIGHTMAN: ...the state's plan. Thank you, Mr. President. [LB572]

SENATOR ROBERT: Thank you, Senator Wightman. Senator Kruse, you are recognized. [LB572]

SENATOR KRUSE: Thank you, Mr. President and colleagues. I appreciate the discussion and the emphasis on these things. I would strongly support the bill and oppose the IP motion. The main question to be raised here is whether it's a slippery...slippery slope--I can hardly say it--or a trend. This bill has been around for three years. My staff has investigated it three years ago and again this year in terms of that. There is no slippery slope. We cannot find it. There are many agencies around the state that we fund with appropriations, do understand that, but they are not our agencies. This is dealing only with our own agency. The Nebraska Library Commission is our agency and they do our work. And these 8.5 people we're talking about are spread across the state to make that work out there. This is not a normal...this is not a library. This is services to all of the libraries around there. So again, we couldn't find any place where we are funding our own agency without those persons being available to the health insurance. I think the four cities that are involved here are Kearney, Columbus, Scottsbluff, and Hastings. There are also regional offices in Lincoln and Omaha, but they have a broader base and they can go out and recruit and they're more likely to get it done. But these other places are the ones that may want to offer, in their compensation package, the option of health insurance. Again, we could not find any place or any agency of our own agencies. There are lots of places out there would love to have it, but they don't qualify because they're not our agency. This is a way of us providing a service and recruitment tool for our own people. Thank you. [LB572]

SENATOR ROBERT: Thank you, Senator Kruse. Members wishing to speak: Senators Carlson, Howard, Stuthman, and Wallman. Senator Carlson, you are recognized to speak. [LB572]

SENATOR CARLSON: Mr. President and members of the Legislature, I would like to also address a question or two to Senator Kruse, if he would yield. [LB572]

SENATOR ROBERT: Senator Kruse, will you yield to a question from Senator Carlson? [LB572]

SENATOR KRUSE: Yes. [LB572]

SENATOR CARLSON: Senator Kruse, you indicated for about three years you and your staff have been studying this. And in short answer, what have you studied? It's...part of it was seeing if there were other agencies or...? Just review that for me again. [LB572]

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SENATOR KRUSE: That was one of the first questions brought up, Senator, when it first came in. So we, not just within our office, but we contacted state agencies that understand our system, the Fiscal Office and others, trying to find out if there's anybody parallel to this that are not covered, and we could not find any. [LB572]

SENATOR CARLSON: Okay. Okay, now help me understand this. This is involving 8.5 FTEs... [LB572]

SENATOR KRUSE: Yeah. [LB572]

SENATOR CARLSON: ...through these four cities, that's correct? [LB572]

SENATOR KRUSE: Yes. [LB572]

SENATOR CARLSON: And currently there is money provided for them through the Library Commission, so it's from the state, for health insurance in some fashion. Would that be correct? [LB572]

SENATOR KRUSE: No. They are...each of the six offices are given a compensation package, and they divide it the way they want to. [LB572]

SENATOR CARLSON: Well, but that...the money originates from the state. [LB572]

SENATOR KRUSE: It's all state money... [LB572]

SENATOR CARLSON: Okay. [LB572]

SENATOR KRUSE: ...and each one is treated fairly, according to what their package should be. But they determine what the package would do...how it would work the best. [LB572]

SENATOR CARLSON: Okay, so when you say they're determining the package, these 8.5 people, 8.5 positions, they may not be receiving any money right now for health insurance. [LB572]

SENATOR KRUSE: True, there may be very few who are getting health insurance. If they don't get health insurance they will get it in cash, so that's why I'm qualifying it. They're getting the money. It's whether they want...just like for us here, you can take your salary, or you can take out health insurance. [LB572]

SENATOR CARLSON: Okay. And what I...what I'm trying to get at is that if they were currently using dollars to buy health insurance, it's with another plan. So those dollars are going in a different direction. [LB572]

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SENATOR KRUSE: That would be true, but it's within that compensation package. [LB572]

SENATOR CARLSON: Okay. [LB572]

SENATOR KRUSE: They don't get more money. [LB572]

SENATOR CARLSON: But if they became a part of the state plan, then those dollars that have been going another direction would be coming back into the state plan. [LB572]

SENATOR KRUSE: Correct,... [LB572]

SENATOR CARLSON: So... [LB572]

SENATOR KRUSE: ...if they so chose. [LB572]

SENATOR CARLSON: Well, you're basing it on...I guess the maximum would be 8.5 positions, and they may not all choose to do that. But whoever does, dollars that were directed another place prior to this would not come back into the state fund? [LB572]

SENATOR KRUSE: They could. [LB572]

SENATOR CARLSON: Well, they would if they're going to be a part of the state plan. [LB572]

SENATOR KRUSE: They've got that...they have an option of that. They're not required to do it. [LB572]

SENATOR CARLSON: No, but their option is whether they want health insurance or not, is that correct? [LB572]

SENATOR KRUSE: That would be up to each person. [LB572]

SENATOR CARLSON: But those that choose and want health insurance, there's got to be dollars that pay for that, so those dollars would be coming back into the state insurance plan. [LB572]

SENATOR KRUSE: That is correct,... [LB572]

SENATOR CARLSON: Okay. [LB572]

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SENATOR KRUSE: ...taken out of their salary. [LB572]

SENATOR CARLSON: And all I'm trying to get agreement, and we're both on the same track here, is that it's just not dollars out if they become a part of this plan. There are dollars coming in to compensate for that, and whether it more than compensates depends on how healthy these people are. [LB572]

SENATOR KRUSE: That is correct. Like any insurance program, you're looking for persons with good health. [LB572]

SENATOR CARLSON: And so I don't really think... [LB572]

SENATOR ROBERT: One minute. [LB572]

SENATOR CARLSON: ...that this is necessarily a major item. I do agree with Senator Wightman that there's a potential for it to be. But this is a self-funded plan. And we talked about plans earlier today, and there's a risk. The risk was last year across the board we're \$12 million short and the insurance company did not cover that, the state covered that. However, I want it clear that I understand that these new people, if they are allowed to be a part of the plan, they do bring money into the plan, even though it's state money. [LB572]

SENATOR KRUSE: Yeah. [LB572]

SENATOR CARLSON: And so it's somewhat of a wash, but there's an uncertainty to it. Thank you, Mr. President. [LB572]

SENATOR ROBERT: Thank you, Senator Carlson. Senator Howard, you are recognized. [LB572]

SENATOR HOWARD: Thank you, Mr. President, members of the body. I just have to comment on this matter. It seems that the more dollars, the more zeros that we have on a price, the easier we spend the money. For something that will only apply to 8.5 people, and frankly I trust Senator Kruse when he says it will only apply to 8.5 people, we really have to struggle. (Sigh) You know, on my move-over bill that I pulled from this agenda, the funding for signs was removed by committee because we can't afford the cost of a very limited number of simple painted road signs. I really have learned in the past four years I've been down here that the ongoing theme is no money for kids, the working poor, simple notification. But if we ask for, say, \$25 million for a study, it will probably be funded. (Sigh) I'm going to offer the remainder of my time to Senator Kruse. Thank you. [LB572]

SENATOR ROBERT: Senator Kruse, 3:55. [LB572]

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SENATOR KRUSE: Thank you, Mr. President. I'll not delay our time. I think the issue is clearly before us. I urge that we reject the IP motion and advance the bill. [LB572]

SENATOR ROBERT: Thank you, Senator Kruse and Senator Howard. Senator Stuthman, you're recognized. [LB572]

SENATOR STUTHMAN: Question. [LB572]

SENATOR ROBERT: The question has been called. Do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor vote aye; all opposed vote nay. Have all those voted who wish? Record, Mr. Clerk. [LB572]

CLERK: 25 ayes, 1 nay, Mr. President, to cease debate. [LB572]

SENATOR ROBERT: Debate does cease. Senator Wightman, you are recognized to close on your motion to indefinitely postpone. [LB572]

SENATOR WIGHTMAN: Thank you, Mr. President. I am serious about this motion to postpone. I have been informed that there are many other agencies who probably meet the 90 percent test. I'll grant you that LB572 is narrowly enough drawn in that it only applies to the Library Commission, and as a result they certainly wouldn't fall under this. I think once this bill is passed, if it is passed, that you're going to have all sorts of groups that will either meet the 90 percent test or be close enough. Some of those are a lot of regional health centers, many state health agencies that are funded by the state of Nebraska. We have talked a lot about this in Appropriations that we have really encouraged movement out of the state Department of Health into regional community-based agencies. And I know those people right now are not getting anywhere near the amount of health insurance that is being provided under the state employee's health insurance plan. So we would have regional health, we've got developmental disabilities, the humanities and arts councils are largely funded by state funds, NRDs are largely funded by state funds. Now they do get a lot of their money from property taxes. So we have all kinds across the state of Nebraska, and I think once we start this trend that we are going to include groups such as this under the Nebraska employees' health insurance plan, we're going to have many requests down the road, and they're going to want to know why they aren't entitled to the same benefits that we're providing for the Library Commission and the regional libraries. Down the road it's going to create major funding. I know Senator Howard has indicated, why are we making such an argument? That apparently we'd pass it more easily if there were more zeros on it. If we look at the overall costs of state health insurance, I can tell you it is as expensive as anything that we fund. We are providing hundreds of millions of dollars across the state of Nebraska to entities that provide health insurance, not all of them under the state plan but certainly a lot of them under the state plan. And I just don't think

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we should take that dangerous step. These people are not state employees right now, and I think Senator Kruse has stated that, although sometimes not as clearly as he might have. And they're not state employees. I don't know of any other group that are not state employees at the present time that are coming under the state insurance plan. I just mentioned the number of agencies that would have a similar argument to these libraries as far as coming under the state plan. So we can stand here or sit here forever and say, well, this is narrowly drawn. But I think we're going to have a hard time drawing a distinction when those groups come in and would ask to be funded under the state insurance plan, as well. So while it's not a significant amount of money perhaps, and I guess that's Senator Howard's contention, the idea that we're going to open the gates to any group at this point I think is extremely significant. And so I would ask for a call of the house first, and then ask for your vote with regard to the motion to indefinitely postpone. Thank you, Mr. President. [LB572]

SENATOR ROBERT: Thank you, Senator Wightman. There has been a request for a call of the house. The question is, shall the house go under call? All those in favor vote aye; opposed, nay. Record, Mr. Clerk. [LB572]

CLERK: 30 ayes, 0 nays to place the house under call. [LB572]

SENATOR ROBERT: The house is under call. Senators please record your presence. All those senators outside the Chamber please return, and those unauthorized personnel please step from the floor. Senators Johnson, Raikes, White, Chambers, Fulton, Lathrop, and Nantkes, please return to the Chamber. The house is under call. Senators Johnson, Raikes, White, and Chambers, the house is under call. Senator Wightman, how do you wish to proceed when we get there? [LB572]

SENATOR WIGHTMAN: A board vote. [LB572]

SENATOR ROBERT: All members are present and accounted for. The question is, shall LB572 be indefinitely postponed? Oh, we're still waiting on Senator Johnson. Senator Raikes, can you check in, please? The question before the body is, shall LB572 be indefinitely postponed? All those in favor vote yea; opposed, nay. Have all those voted who wish? Please record, Mr. Clerk. [LB572]

CLERK: 19 ayes, 14 nays to indefinitely postpone. [LB572]

SENATOR ROBERT: The motion is not adopted. Returning to discussion, Senator Wallman, your light is one. Would you like to be recognized? The call is raised. [LB572]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. It seems like, you know, it's a no-brainer maybe to vote this down. But yet they're state employees and, number one, maybe they can't get health insurance anyplace else. So wouldn't you

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want them working in your library in your local community, I mean in your regional centers? And so will that up our cost that terrible much? And are we opening up Pandora's box, are we going down a slippery slope? Well, these people might be on a different program. But I think it's...if we're for education...our students use libraries. The computers still don't have everything. So I think this is a good bill and I thank Senator Kruse for bringing it out. Thank you. [LB572]

SENATOR ROBERT: Thank you, Senator Wallman. Senator Wightman, you're recognized. [LB572]

SENATOR WIGHTMAN: Thank you, Mr. President. I would like to correct at least some of what Senator Wallman said. He says they are state employees. That's exactly what we've been talking about: They are not state employees. And as of right now I don't know of anyone under the plan that are not state employees. So what we are doing is really starting down a slippery slope. We're bringing in a group that is unlike any other group that's under the state insurance plan. And so we are opening the box, and any of these other groups, I think, have a similar argument. We have moved much of the health services in this state to community-based, privately funded, partially funded by the state of Nebraska, in some instances substantially funded by the state of Nebraska, to these community-based agencies. I think they have at least as strong an argument, maybe more than the Library Commission would have as far as being under a state plan. They're not state employees. I can assure you that if we were to take all of the agencies that are primarily funded by state funding across the state of Nebraska, we would have millions, tens of millions of dollars, I suspect, of health insurance if they came under the state plan. So I fail to see a distinction between the library employees--not our employees I want to make that clear--the library employees that would come under this who are not currently state employees, and all of these health agencies out here that are funded. We don't provide very much in the way of even other benefits for them. Most of them have no or very little retirement benefits. I think at least as strong an argument could be made that all of these people should have all of the state benefits, including retirement. And so I am...I want to have a voice...or to have a board vote and probably a call of the house before we continue, but that's premature at this point. But I am strongly suggesting that we not open this door and later have literally thousands of employees across the state of Nebraska who may have a similar argument. Thank you, Mr. President. [LB572]

SENATOR KRUSE: Thank you, Senator Wightman. Senator Kruse, you are next and recognized. [LB572]

SENATOR KRUSE: Thank you, Mr. President and colleagues. I'm not going to extend the debate, but I do want to make a correction. There are not thousands of employees. We have been asking for a long time and quite a bit today. Name one. Name one agency that would qualify under this strict guideline. They have to be controlled by the

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state. That takes care of all those health clinics that might be referred to. And the money has to be our money appropriated for doing the job we want them to do. Name one. I haven't heard one named. Thank you. [LB572]

SENATOR ROBERT: Thank you, Senator Kruse. Senator Lautenbaugh, you're recognized. [LB572]

SENATOR LAUTENBAUGH: I'd call the question. [LB572]

SENATOR ROBERT: You are the last light on. [LB572]

SENATOR LAUTENBAUGH: Okay then. (Laughter) [LB572]

SENATOR ROBERT: There are no others wishing to speak. Having nothing further on the bill, Senator Wightman. [LB572]

SENATOR WIGHTMAN: I would ask for a board vote and a call of the house. [LB572]

SENATOR ROBERT: There's been a request for a call of the house. All those in favor vote aye; opposed, nay. Record, Mr. Clerk. [LB572]

CLERK: 32 ayes, 0 nays to place the house under call. [LB572]

SENATOR ROBERT: The house is under call. Will all senators please check in. All unexcused senators return to the Chamber and unauthorized personnel step from the floor. Senator Howard, will you check in? Senator McGill, check in please. Senator Chambers, the house is under call, please return to the floor. All members are present and accounted for. The question is, shall LB572 advance? All those opposed...or excuse me. All those in favor vote aye; opposed, nay. Have all those voted who wish? Senator Kruse, why do you rise? [LB572]

SENATOR KRUSE: Roll call, please. [LB572]

SENATOR ROBERT: Mr. Clerk, please call the roll. [LB572]

CLERK: (Roll call vote taken, Legislative Journal page 1437.) 22 ayes, 19 nays, Mr. President, on the advancement. [LB572]

SENATOR ROBERT: LB572 does not advance. Items for the record, Mr. Clerk. I raise the call. [LB572]

CLERK: I do, Mr. President, thank you. Your Committee on Enrollment and Review reports LB1072, LB1116, LB1116A as correctly engrossed. (Legislative Journal pages

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1437-1438.) [LB1072 LB1116 LB1116A]

And I do have a priority motion, Mr. President. Senator Flood would move to adjourn until Tuesday morning, April 15, at 9:00 a.m.

SENATOR ROBERT: The question before the body is, shall we adjourn until Tuesday morning, April 15, at 9:00? All in favor say aye. Opposed nay. We are adjourned.