

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

Floor Debate
April 01, 2010

[LB252 LB317 LB373 LB403 LB411 LB507A LB507 LB563 LB563A LB571 LB594
LB695 LB696 LB706 LB713 LB727 LB732 LB759 LB760 LB763 LB779A LB779 LB780
LB792 LB813 LB820 LB864 LB880A LB880 LB888 LB888A LB901 LB919 LB924
LB933 LB935 LB943 LB965 LB970 LB975 LB978 LB986 LB987 LB997 LB1036 LB1047
LB1051 LB1081 LB1087 LB1090 LB1091 LB1103 LB1106A LB1106 LB1110 LR335
LR542 LR543]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-third day of the One Hundred First Legislature, Second Session. Our chaplain for today is Senator Krist. Would you all please rise.

SENATOR KRIST: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Krist. I now call to order the fifty-third day of the One Hundred First Legislature, Second Session. Senators, please record your presence. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Mr. President, a communication from the Governor to the Clerk. (Read re LB317, LB571, LB727, LB763, LB888, LB888A, LB919, LB935, LB943, LB1036, LB1051, LB1087, LB1090, LB1091, LB1106, LB1106A.) Report of registered lobbyists this week, Mr. President, and a series of reports received in the Clerk's Office. And finally, a hearing notice from Health and Human Services--confirmation hearing notice. That's all that I have. (Legislative Journal pages 1263-1264.) [LB317 LB571 LB727 LB763 LB888 LB888A LB919 LB935 LB943 LB1036 LB1051 LB1087 LB1090 LB1091 LB1106 LB1106A]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll now move to the items under legislative confirmation report.

CLERK: Natural Resources reports on the appointment of Mr. Perry Van Newkirk to the Nebraska Oil and Gas Conservation Commission. (Legislative Journal page 1105.)

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

Floor Debate
April 01, 2010

PRESIDENT SHEEHY: Senator Langemeier, you're recognized to open on your Natural Resources Committee confirmation report.

SENATOR LANGEMEIER: Mr. President, members of the body, thank you. Perry Van Newkirk has been appointed to the Oil and Gas Conservation Commission. He's from Kimball, Nebraska. We had a hearing on March 26. He made the venture down to Lincoln from Kimball--we appreciate that. He is the owner-manager of Castronics, an oil and gas service company based out of Kimball. He's the past president and current board member of the Forward Kimball Industries. He is a former member of the Kimball United Methodist Church Board of Trustees. He is a member of the Nebraska Independent Oil and Gas Association. He has a bachelor's degree in business administration from the University of Nebraska at Lincoln. He came before our committee, withstood the questions of the committee, and answered them very well. And he is being appointed for the first time to a term starting November 23, 2009, which will expire September 28, 2013. And we would ask...he came unanimously out of committee. We would ask for your adoption of the confirmation report for Mr. Van Newkirk. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening of the Natural Resources Committee confirmation report. Members requesting to speak are Senator Gloor and Senator Haar. Senator Gloor, you are recognized.

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. We all have gone through hearings, and individuals sometimes show up and sometimes do not and send their regrets. It seems to me that someone who feels strongly enough about serving to drive all the way from Kimball to attend this hearing deserves to have that mentioned on mike and part of the record, and my congratulations to him for his enthusiasm for this job. And I would support the recommendations of the committee. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Gloor. Senator Haar, you are recognized.

SENATOR HAAR: Mr. President, members of the body, I'm disturbed about something and I want to bring it up this morning. I don't know if you read the Lincoln Journal Star this morning, but Nebraska is considering adding a new sport. And here's...I think it's so important I read this, and it's really related to natural resources. "NU is reportedly hooked on adding fishing to its list of 22 sanctioned sports. The NCAA tournament run for the Husker women's basketball team, the Holiday Bowl victory by the football team, and the steady success of NU women's volleyball and bowling teams have all added up to a new 'heap o'money', said UNL budget spokesperson Amelia Earnhardt. Nebraska Athletic Director, Tom Osborne, admitted he might be seeking a way to spend all the extra money."--and this is at the time we're talking about budget cuts. "Look, we've got everything we could possibly dream of, Osborne told a source close to the situation.

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

Floor Debate
April 01, 2010

The football team has super locker rooms, a weight room that would make Apollo jealous, indoor fields, and free soap for the showers. We gave our coaches good salaries and then piled on bonuses. He noted that other facilities are among the best in the country, from the basketball field to the indoor track, to the East Campus bowling lanes. For basketball, NU will either get a new downtown arena or a patched-up Devaney Sports Center in the near future. After that, there's only the roof to add to the stadium, Osborne said. So we're looking at a new sport, and as a favorite...personal favorite, fishing is the best answer." And just to wrap this up, he said, "the Lincoln City Council are soon expected to make available the Antelope Valley Project as a practice zone for this competitive arena, and, quote, we picture thousands of Husker fans lining the new riverfront, cheering on their favorite fishers and favorite fish, Lincoln Mayor Beutler said. And think of the home court advantage over the southern teams when it comes to ice fishing. Nobody has been named to throw out the first fish to open the season. And Happy April Fools' Day, April 1." (Laughter) Now I did pass out something that isn't a...(laughter)...I did pass out a brochure about family fishing that the Game and Parks is doing, so (laugh) thank you very much.

PRESIDENT SHEEHY: Thank you, Senator Haar. Senator Schilz, you're recognized.

SENATOR SCHILZ: Thank you, Mr. President and members of the body. And back to the more serious work of the Legislature. Thank you, Senator Haar. Perry Van Newkirk is from my district. I've known his family for a long time. They've got a long tradition in ranching. Perry has worked in the oil and gas industry for many years and he is a great person to put on this board. So I would just encourage everyone to support Perry in this nomination. Thank you very much.

PRESIDENT SHEEHY: Thank you, Senator Schilz. Seeing no additional requests to speak, Senator Langemeier, you're recognized to close on your confirmation report. Senator Langemeier waives closing. The question before the body is on the adoption of the Natural Resources Committee confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1264-1265.) 42 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT SHEEHY: Natural Resources Committee confirmation report is adopted. We'll move to the next confirmation report.

CLERK: General Affairs reports on the appointment of Dennis Lee to the State Racing Commission, Mr. President. (Legislative Journal page 1224.)

PRESIDENT SHEEHY: Senator Karpisek, you're recognized to open on your General Affairs Committee confirmation report.

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

Floor Debate
April 01, 2010

SENATOR KARPISEK: Thank you, Mr. President, members of the body. And good morning, Nebraska. It is my pleasure this morning to ask for your reappointment of Mr. Dennis Lee to the State Racing Commission. His confirmation was unanimously advanced out of the General Affairs Committee. Mr. Lee has been a state racing commissioner since 1988 and its chairman since 1990. Mr. Lee has also been a member of the Association of Racing Commissioners International and served that association in a number of capacities. I ask the body to confirm Mr. Lee to the State Racing Commission. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Karpisek. You've heard the opening to the General Affairs Committee confirmation report. Seeing no requests to speak, Senator Karpisek, you're recognized to close. Senator Karpisek waives closing. The question before the body is on the adoption of the General Affairs confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1265-1266.) 40 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT SHEEHY: The General Affairs Committee confirmation report is adopted. (Visitors introduced.) Mr. Clerk, we will now move to items under General File. First bill, LB563A. [LB563A]

CLERK: LB563A by Senator Lathrop. (Read title.) [LB563A]

PRESIDENT SHEEHY: Senator Lathrop, you're recognized to open on LB563A. [LB563A]

SENATOR LATHROP: Thank you, and good morning, colleagues. You'll recall LB563 is the misclassification bill that we heard probably about two weeks ago, dealt with the misclassification of employees. And the bill would address this practice in the construction and delivery industries. It requires an A bill. LB563A appropriates \$98,963 from the Employment Security Special Contingent Fund to the DOL to carry out the Employment Classification Act. After General File, I met with Commissioner Lang who had constructive suggestions regarding LB563. DOL is on board with the Employee Classification Act. The Department of Labor believes it needs an additional full-time employee and a half-time employee to investigate the complaints that will follow the enactment of this bill. The Department of Labor plans to merge the investigative teams of the Contractor Registration Act, Unemployment Fraud, and the Employee Misclassification. The cash fund indicated as the funding source in the adoption of committee amendments cannot be used. The Employment Security Special Contingent Fund is currently being used to pay back the federal government for some accounting errors concerning federal funds. DOL believes that there will not be enough in this fund

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

Floor Debate
April 01, 2010

to implement the Employee Classification Act. However, the department suggested using the Contractor Registration Cash Fund. The department believes that the fund can support the expenditures needed for the enforcement of the Employee Classification Act. This change has been made in an amendment to LB563, which we'll probably take up this afternoon or later on this morning. I'll offer a similar amendment to LB563A on Select File, but today I ask for your support in moving LB563A on to Select File. Thank you. [LB563A LB563]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. You've heard the opening to LB563A. Member requesting to speak, Senator...are there other members requesting to speak? Seeing none, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question before the body is on the advancement of LB563A. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB563A]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB563A. [LB563A]

PRESIDENT SHEEHY: LB563A advances. We will now proceed to LB779A. [LB563A LB779A]

CLERK: LB779A by Senator Lathrop. (Read title.) [LB779A]

PRESIDENT SHEEHY: Senator Lathrop, you're recognized to open on LB779A. [LB779A]

SENATOR LATHROP: Thank you, Mr. President and colleagues. You'll recall LB779 is the turnback bill we heard about a week ago. This is the A bill which appropriates about \$44,000 this year and \$43,000 next year from the General Fund to the Department of Revenue to assist with the administration of this program. The department believes they will need two half-time employees to administer the program. It also makes a one-time transfer of \$50,000 from the Local Civic, Cultural, and Convention Center Financing Fund to the Department of Revenue to enable the department to add a GIS data to the department's sale and use tax database. This would apply to 85,000 records across the entire state. Currently, the department is only able to track these records by using county and zip code. I would ask for your support of LB779A. Thank you. [LB779A LB779]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. You've heard the opening to LB779A. Seeing no requests to speak, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question before the body is on the advancement of LB779A. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB779A]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB779A. [LB779A]

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

Floor Debate
April 01, 2010

PRESIDENT SHEEHY: LB779A advances. Later this morning, the cookies that will be presented to you at your desks are in celebration of Senator Lathrop's birthday. Happy birthday, Senator. Mr. Clerk, we will now move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, we'll proceed to LB965. [LB779A LB965]

CLERK: (Read LB965 on Final Reading.) [LB965]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB965 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB965]

CLERK: (Record vote read, Legislative Journal pages 1266-1267.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB965]

PRESIDENT SHEEHY: LB965 passes. We will now proceed to LB1081. [LB965 LB1081]

CLERK: (Read LB1081 on Final Reading.) [LB1081]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1081 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1081]

CLERK: (Record vote read, Legislative Journal page 1267.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB1081]

PRESIDENT SHEEHY: LB1081 passes with the emergency clause attached. We will now proceed to LB820. [LB1081 LB820]

CLERK: (Read LB820 on Final Reading.) [LB820]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB820 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB820]

CLERK: (Record vote read, Legislative Journal page 1268.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB820]

PRESIDENT SHEEHY: LB820 passes. We will now proceed to LB864. [LB820 LB864]

CLERK: (Read LB864 on Final Reading.) [LB864]

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

Floor Debate
April 01, 2010

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB864 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB864]

CLERK: (Record vote read, Legislative Journal pages 1268-1269.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB864]

PRESIDENT SHEEHY: LB864 passes. We will now proceed to LB880. [LB864 LB880]

CLERK: (Read LB880 on Final Reading.) [LB880]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB880 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB880]

CLERK: (Record vote read, Legislative Journal pages 1269-1270.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB880]

PRESIDENT SHEEHY: LB880 passes. We will now proceed to LB880A. [LB880 LB880A]

CLERK: (Read LB880A on Final Reading.) [LB880A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB880A pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB880A]

CLERK: (Record vote read, Legislative Journal page 1270.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB880A]

PRESIDENT SHEEHY: LB880A passes. We will now proceed to LB901. [LB880A LB901]

CLERK: (Read LB901 on Final Reading.) [LB901]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB901 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB901]

CLERK: (Record vote read, Legislative Journal page 1271.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB901]

PRESIDENT SHEEHY: LB901 passes with the emergency clause attached. We'll now

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

Floor Debate
April 01, 2010

proceed to LB924. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB901 LB924]

CLERK: 44 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB924]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB924]

CLERK: (Read title of LB924.) [LB924]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB924 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB924]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1271-1272.) The vote is 48 ayes, 0 nays, 1 excused and not voting. [LB924]

PRESIDENT SHEEHY: LB924 passes. We will now proceed to LB970. [LB924 LB970]

ASSISTANT CLERK: (Read LB970 on Final Reading.) [LB970]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB970 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB970]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1272-1273.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB970]

PRESIDENT SHEEHY: LB970 passes. We will now proceed to LB975. [LB970 LB975]

ASSISTANT CLERK: (Read LB975 on Final Reading.) [LB975]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB975 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB975]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1273.) The vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB975]

PRESIDENT SHEEHY: LB975 passes. We will now proceed to LB373. [LB975 LB373]

ASSISTANT CLERK: Mr. President, with respect to LB373, I do have a motion. Senator

Floor Debate
April 01, 2010

Pankonin would move to return the bill to Select File for a specific amendment, that being to strike the enacting clause. [LB373]

PRESIDENT SHEEHY: Senator Pankonin, you're recognized to open on your motion to return LB373 to Select File. [LB373]

SENATOR PANKONIN: Good morning, Mr. President, members of the body. I am going to withdraw this motion after we have an opportunity to visit about this bill. I want to apologize to the Legislature for two things. I regret that I didn't catch the bill last year when it was introduced and try to get it rereferenced to the Retirement Committee from the Judiciary Committee, and I should have raised the issue earlier about Legislative Rule 5, Section 15. This rule, which has been in place since 1996, states that any proposed structural change which impacts the benefits or funding status of a public retirement plan requires an actuarial study to determine the cost of the proposed changes prior to its enactment. This legislative rule is not about the policy itself and whether or not our first responders are deserving of this expanded benefit. That's for you to decide. I believe the underlying intent of this legislative rule is critically important to making informed decisions about benefit enhancements to public pension plans. Benefit enhancements can result in ongoing taxpayer liability that extends for decades as long as current workers in the plant are employed and throughout their retirement; therefore, we have an obligation to determine what these ongoing costs could potentially be. Actuarial studies are the tools that help us make an informed decision. I appreciate the efforts of Senator Lautenbaugh and the firefighters in providing a letter from an actuary and the city of Omaha in providing the actuarial study on the costs associated with the provisions in LB373. We need to be clear about the impact of passage of this bill. Passage of LB373 could expand pension benefits. Once this bill is enacted we cannot repeal this legislation and take away these benefits from current employees in these retirement systems. These benefits will remain available to them for the balance of their employment and retirement. In the future, the only option that would be available to the Legislature is to remove these benefits for new employees. Just to remind you what is contained in LB373: It lengthens the time line for rebuttable presumption in the death or disability of a paid firefighter or police officer as a result of hypertension or heart or respiratory defect or disease to after separation or employment if their death or disability occurs within three months, and it extends the presumption to include infectious diseases which are listed in the bill and the actuarial study. The pages have distributed a letter from the Omaha finance director attached to the actuarial study conducted by Milliman for Omaha. You also received a copy of the letter provided by the firefighters. As you can see, both the Omaha actuarial study and the letter from the actuary retained by the firefighters refer to the difficulty in predicting what these costs may be. But let us briefly walk through the Milliman actuarial study. Because it is not possible to know exactly how the number of deaths or disabilities will be impacted or the percentage that will be classified as duty-related, the actuary has come up with two assumptions. Assumption A assumes that 100 percent of nonduty disability retirements

Floor Debate
April 01, 2010

will be duty-related. That's probably very unlikely. That would be the high-end range, of course. Assumption Set B assumes that 25 percent of current nonduty-related disabilities for firefighters will become duty-related under the infectious disease presumption. The actuary points out, on the bottom of page 2, "It is difficult to develop costs with any degree of confidence because there really is no data upon which to base our analysis. It should be recognized that actual experience, and therefore costs, could deviate significantly from those anticipated by either Assumption A or B." At the top of page 3, under results, the actuary has determined that the actuarial contribution rate would increase 0.15 percent under Assumption A and .04 percent under Assumption Set B. As you can see from the March 25, 2010, letter from the city of Omaha finance director, the annual payroll budget for 2010 is approximately \$46,400,000. So the top end of .15 percent amounts to an annual increase of about \$69,600, and the lower limit would be an increase of about \$18,500. These costs are relatively low. But when a retirement plan such as Omaha's is already seriously underfunded by \$519 million, additional burdens can make it worse for the taxpayers of Omaha. I want to also please note that the other large plan affected by this legislation would be the city of Lincoln's plan. The city is neutral on this legislation. The Lincoln plan is in very good actuarial funding status at the present time and has had a solid record of very adequate funding over the last ten years. After any floor discussion, I will ask to have the motion withdrawn. The intent of my comments is for the legislative body to better understand retirement issues. Thank you. [LB373]

PRESIDENT SHEEHY: Thank you, Senator Pankonin. FA64 is withdrawn. Oh, Senator Lautenbaugh, you're recognized. [LB373]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. And I thank Senator Pankonin for his hard work on this as well. We did have a lot of discussion about this. And it isn't my intention to stand up here, repeatedly, this week, and complain about the city in which I live, and I'm not going to do that much. But I would point out that the letter from McCloud and Nichols, the actuary, points out very clearly that this is not a structural change in any way. And I think a lot of the confusion we had here dealt with the fact that this was initially described by some from the city as adding additional covered diseases, and that's not the case. This was merely an evidentiary presumption. And as the actuaries looked at this, they said this is not a structural change. And that said, the city of Omaha did get a study, eventually, that we were given, I think last week, which in itself was a tad frustrating because this bill was introduced over a year ago, had a committee hearing over a year ago, or we amended it in committee into what is the original bill. I tried to bring it as an amendment to a bill last year and narrowly failed. We had General File on it this year, I think back in January; Select File back in February. In early March, they finally obtained something that related to what the bill actually contains as amended, and a few weeks later they sent it down to us, so we have it now. And what it says, in essence, is it's very difficult if not impossible to estimate the costs of an evidentiary presumption and a 90-day extension for claims.

Floor Debate
April 01, 2010

And as I indicated, I hope clearly before, this will be very rarely used. There is one gentleman this would have helped out a few years ago had we had this in place. And I hope no one ever uses it, and I don't think it will come up much, and I don't think it's a significant increase in cost. And I would urge you to vote green, and I thank Senator Pankonin for withdrawing his motion or amendment. [LB373]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Members requesting to speak on the motion to return to Select File: Senator Heidemann, followed by Senator Ashford and Senator Nordquist. Senator Heidemann, you're recognized. [LB373]

SENATOR HEIDEMANN: Thank you, Mr. Lieutenant Governor and fellow members of the body. I was wondering if Senator Pankonin would yield to a couple of questions. [LB373]

PRESIDENT SHEEHY: Senator Pankonin, would you yield to Senator Heidemann? [LB373]

SENATOR PANKONIN: Yes, of course. [LB373]

SENATOR HEIDEMANN: Do we see this same issue in other states? [LB373]

SENATOR PANKONIN: Senator Heidemann, I don't know about this specific issue. I think we do know from our research that other states...for example, the state of Ohio has had an issue regarding this as of not too long ago. But to get really fine about...this presumption is only going out 90 days. When the bill was first introduced it was five years. That would have been...could have had a more significant impact obviously. But other jurisdictions have dealt with these similar issues. [LB373]

SENATOR HEIDEMANN: And then how has it affected them as far as the percentage of this disability to the benefits that they pay out? Is there any figures and facts on that? [LB373]

SENATOR PANKONIN: There again, their plans aren't exactly like this with maybe the degree of the things that are covered and the time frame. But they are relatively modest, but they are...you know, they do have impacts. I mean this is an expanded benefit that may or may not be used very often, but it's...we're not pulling back, obviously. [LB373]

SENATOR HEIDEMANN: So, and that was a question I was going to ask you: There's no doubt in your mind that this is an expansion of benefits. [LB373]

SENATOR PANKONIN: Well, if someone uses it, it is. You know, we don't know that. And in all fairness, the studies have pointed out it's very hard to predict. And as Senator Lautenbaugh has said, he knows of only one instance that this possibly could have

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

Floor Debate
April 01, 2010

been used in the last several years. [LB373]

SENATOR HEIDEMANN: Do you worry about the viability of pension plans, the defined benefit pension plans in the state of Nebraska? [LB373]

SENATOR PANKONIN: I think, in general, these plans have had a lot of distress over the country. I think we are, as you so stated, on our general state budget we are in relatively better condition than most states. But I think we have significant challenges ahead, there's no doubt about that. [LB373]

SENATOR HEIDEMANN: So that's probably why you're hesitant to have an expansion of benefits if we do have some problem with pension plans in the state of Nebraska or it looks like we might? [LB373]

SENATOR PANKONIN: Well, let's be specific. This plan isn't a state of Nebraska plan. This has to do with these cities, and...but we do have responsibility overall in retirement systems to try to look at them. And I think the important thing for me here in our discussion today is we could have gone with the comments of Senator Lautenbaugh, as fair as they may be, that this is going to be seldom used. But I think it's more important to have a study and studies and information, because then we're making a decision on some basis. Our committee counsel has just given me the information on New York State, this type of a benefit. The actuarial estimate was \$1.5 million for their state plan on this. So it, you know, can have...larger numbers can be involved. [LB373]

SENATOR HEIDEMANN: Someone asked me if this would affect the state, and I was under the indication that it wasn't going to. Is that correct? [LB373]

SENATOR PANKONIN: I think that's a true statement. [LB373]

SENATOR HEIDEMANN: Couldn't the city of Omaha done this themselves? [LB373]

SENATOR PANKONIN: I would have thought that this could have been an item that could have been negotiated as part of their agreements with the...between the city and the employee groups, but I'm not sure on that. Obviously coming to the Legislature then mandates it for the cities, for these cities that are involved. [LB373]

SENATOR HEIDEMANN: Do you have any...as Retirement Chair, do you have any problem with that, putting that mandate on cities? [LB373]

PRESIDENT SHEEHY: One minute. [LB373]

SENATOR PANKONIN: Well, I think there is some potential cost. I do think it is relatively modest. And I'm probably not going to vote for the bill, but I don't know that I'm

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

Floor Debate
April 01, 2010

going to vote against it. I may be present and not voting mainly because we didn't have the chance to properly consider this in the Retirement Committee, on which you sit, to try to look at all of these different options. And as I've stated before, I apologize to the body and Senator Lautenbaugh for being very slow on responding to this and causing him and the folks he's worked with some distress and problems. And it wasn't intentional but I wanted to establish that if we're going to make these decisions, we should have as much information as possible. [LB373]

SENATOR HEIDEMANN: So it would be almost better to put this decision off until next year so we can take another look at it? [LB373]

SENATOR PANKONIN: You know, I considered that, but I decided not to go that route because the process had gone this far along. And because of the relative cost of this,... [LB373]

PRESIDENT SHEEHY: Time, Senator. [LB373]

SENATOR PANKONIN: ...I decided not to do that. [LB373]

SENATOR HEIDEMANN: Thank you. [LB373]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. Senator Ashford, you're recognized. [LB373]

SENATOR ASHFORD: Thank you. Just for the record...thank you, Mr. Lieutenant Governor. I'm going to give some time to Senator Lautenbaugh. I just want to reiterate what we discussed when this bill was on General File. The committee heard evidence on this issue. And obviously we considered the issue of whether or not this was going to be a significant increase in cost to the plans of Omaha or Lincoln or anyone else. And the committee did, in fact, amend the original proposed expansion, as Senator Lautenbaugh has described. At the time of the hearing there was...and this has...and I want to thank Senator Pankonin because this information is extremely helpful and would be very helpful on other kinds of bills that we pass where it's not the state, necessarily, that is conducting the activity, but other subdivisions of the state. This is...and I thank Senator Pankonin and his staff for...whether or not he came in initially is not the point. He has informed the body properly of the issues involved and done so in a very professional manner, as has his staff, so he should be commended for that. I'm going to vote for the bill because I don't think much has changed since our committee hearing. The city of Omaha did not produce any...serve any written evidence or any data that would indicate that there would be any significant expansion of benefits. And clearly, the actuarial study would indicate the same thing: that the cost to the city would be minimal--beyond minimal. It would be almost de minimus. And that the...what we looked at on the committee was the fact that the look-back provision of 90 days...obviously,

Floor Debate
April 01, 2010

common sense will tell you that if someone did, in fact, contract a disease which is likely to result from a work-related injury or a work-related activity, it is very, very doubtful that they would have contracted that within the 90 days after leaving their job. So I think those are the kinds of discussions we had in the committee, and we discussed this at great length. And we did contract the scope of the bill with Senator Lautenbaugh's concurrence. So I think this is a good exercise for the body to go through. We should be very careful about how we spend money, especially when we're asking political subdivisions to spend their own money. That's extremely acceptable process here. But someone has to come in and show that there's going to be a significant increase, and that has not occurred here. This is not significant. This is de minimus at best. And with that, I would give the rest of my time to Senator Lautenbaugh if he so desires. Thank you, Mr. Lieutenant Governor. [LB373]

PRESIDENT SHEEHY: Senator Lautenbaugh, you're yielded 2 minutes. [LB373]

SENATOR LAUTENBAUGH: Thank you, Mr. President. Thank you, Senator Ashford. And I do want to be clear: The rule we're dealing with that discusses an actuarial study simply does not apply here because this is not a structural change to this plan. That's just...we have an actuary telling us this is not a structural change. So while this is being withdrawn and being allowed to go ahead on Final Reading, hopefully, if we had that discussion I think we know how it would come out, because the rule applies to structural changes, as Senator Pankonin indicated, and this is not one of them. This is a mere change in an evidentiary presumption and a moving of the claims deadline by 90 days. That's it. So obviously what we're talking about is something fantastically de minimus, especially when you consider the presumption does not mean coverage. You can bring in evidence to rebut a presumption any time. We've had the presumption in the law for about 30 years regarding hypertension, etcetera, and it's an evidentiary presumption. It does not add additional things to be covered... [LB373]

PRESIDENT SHEEHY: One minute. [LB373]

SENATOR LAUTENBAUGH: ...under the plan. So I just can't stress enough and agree with Senator Ashford enough that this is a de minimus change, as we tried to present it on the floor debate we had on General File. And I think what we finally found, at long last from the city, bears this out. And I would just appreciate your support. Thank you. [LB373]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Thank you, Senator Lautenbaugh. (Visitors introduced.) Members requesting to speak on the motion to return LB373 to Select File: Senator Nordquist, followed by Senator Dubas and Senator Carlson. Senator Nordquist, you're recognized. [LB373]

SENATOR NORDQUIST: Thank you, Mr. President and members. I rise in support of

Floor Debate
April 01, 2010

the legislation and I think it's important here. I want to thank Senator Pankonin for his willingness to work on this and the importance of that rule that we have is to make sure that we are making sound decisions related to our pension plans and the pension plans we oversee. In my time as a staff person for the Retirement Committee, and then the last two years on the committee, I think this is the first time in a number of years that I've seen the rule be up for interpretation. But I think it's an important rule to have, to go by, that we have actuarial information, we have good information about the plans, and we know what we're doing to them--because these are huge liabilities. And Senator Pankonin is right, you know. We need the information. But the next step is we have to ensure that we're funding these plans. And if we're looking at the shortfall in Omaha, \$500 million, the problem has been a chronic underfunding of the plan. Whether it's from the city side or the employee contributions, they haven't been living up to those actuarial studies, haven't been meeting the actuarially required contribution. And that's what you have to do. And we've done a good job as a state. Luckily, we've had partners that have been willing to work with us on meeting those needs from the employee and employer side. But we have...I mean the city of Omaha has to start living up to those contributions. Just one example of...give you the worst example, in the country, of public pensions. The state of Illinois is facing a \$77 billion shortfall, actuarial shortfall in their contribution. They have an annual needed contribution to their plans of about \$3.6 billion a year. Last year they didn't have the \$3.6 billion to put in. They had to bond for that \$3.6 billion. And now they're going to be paying \$800 million a year to service that bond, and then that doesn't count next year's \$3.6 billion contribution to the plan. It's important that as public officials here in the state, we're doing a good job, we're pretty adequately funded. But the cities have to do the same. The city of Lincoln has done a fine job. With defined benefit plans it's important to remember that most studies show 70 to 80 percent of the benefits that are paid out are not from employee contributions, but they're from the investment returns of those plans over a 20-, 25-, 30-year period. If you don't put a contribution in this year, don't make the appropriate contribution this year, it's not just the contribution you're losing out on in the plan, you're losing out year after year after year after year of investment return on that money. That's how the plans go forward. So just a word to the subdivisions that operate these plans: We've done a good job on the state and I hope they start living up to their expectations too. Thank you. [LB373]

PRESIDENT SHEEHY: Thank you, Senator Nordquist. Senator Dubas, you're recognized. [LB373]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor. I, too, would like to thank Senator Pankonin for the work that he did on this. I think this really goes to prove the real serious responsibilities that our committee chairs have and just how willing they are to take on those responsibilities. So I appreciate his bringing this information to us. Would Senator Lautenbaugh yield to a question? [LB373]

Floor Debate
April 01, 2010

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield to Senator Dubas?
[LB373]

SENATOR LAUTENBAUGH: Yes, I will. [LB373]

SENATOR DUBAS: Thank you, Senator Lautenbaugh. And you brought up how long this bill has been out, how many times we've been talking about it in hearing and everything. And as I'm looking at the committee statement and those who came in, in opposition as this amendment was worked on, did you...were their concerns taken into consideration on the amendment? [LB373]

SENATOR LAUTENBAUGH: Well, if you're referring to the city specifically: yes. Because at the time, if memory serves, they were concerned that there was a five-year look-back for claims, so we moved it down to the 90 days that you have before you in the amendment. [LB373]

SENATOR DUBAS: So then, you know, everything has been moving along with relatively little concern? Or maybe concern isn't the right word, but we haven't had a lot of contact on this bill since then. [LB373]

SENATOR LAUTENBAUGH: That's safe to say. The city, I think, had some bad information, perhaps, and was behaving as if either the amendment hadn't occurred or that these were new covered diseases, not merely an evidentiary presumption. And they were throwing around numbers in the millions of dollars, which we questioned immediately because there was no basis for that. And they admitted, yeah, that is correct, there is no basis for that. So we struggled with some misinformation. But I would not call it a hive of activity. You're right, there have been long intervals of nothing. [LB373]

SENATOR DUBAS: Okay, that's...I appreciate that information. Thank you very much. [LB373]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Carlson, you're recognized. [LB373]

SENATOR CARLSON: Mr. President and members of the Legislature, having worked with retirement plans for 30 years doesn't make me an expert, but something that Senator Pankonin said caught my attention. If the city of New York has figured out, in their experience with this, that it's a cost of \$1.5 million a year, I don't know what the total benefits paid out by the city of New York would be, but it's astronomical. And so I think that that would bear that it is a very, very small percentage. And I think that's worth noting, and I do support the bill and will vote for it on Final Reading. Thank you. [LB373]

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

Floor Debate
April 01, 2010

PRESIDENT SHEEHY: Thank you, Senator Carlson. Seeing no additional requests to speak, Senator Pankonin, you're recognized to close on your motion to return to Select File. [LB373]

SENATOR PANKONIN: Mr. President, I appreciate the discussion today and taking some of our valuable time as somewhat of a teaching moment. But I appreciate your patience with me and the process a little bit this morning, and as I stated, I will ask to have this motion withdrawn so we can vote on the bill. Thank you. [LB373]

PRESIDENT SHEEHY: Thank you, Senator Pankonin. You have...the motion is withdrawn. Mr. Clerk, please proceed with LB373. [LB373]

ASSISTANT CLERK: (Read LB373 on Final Reading.) [LB373]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB373 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB373]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1274.) The vote is 38 ayes, 0 nays, 8 present and not voting, 3 excused and not voting, Mr. President. [LB373]

PRESIDENT SHEEHY: LB373 passes. Mr. Clerk, do you have items for the record? [LB373]

CLERK: I do, Mr. President. Your committee, the Executive Board reports they've indefinitely postponed LR335. And a notice of hearing from the Government Committee for two resolutions that have been referred to the committee. That's all that I have, Mr. President. (Legislative Journal pages 1274-1275.) [LR335]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB965, LB1081, LB820, LB864, LB880, LB880A, LB901, LB924, LB970, LB975, and LB373. Mr. Clerk, we will move to the items under Select File. The first bill is LB507. [LB965 LB1081 LB820 LB864 LB880 LB880A LB901 LB924 LB970 LB975 LB373 LB507]

CLERK: LB507. Senator Nordquist, E&R amendments first of all. (ER8218, Legislative Journal page 1049.) [LB507]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB507]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB507. [LB507]

Floor Debate
April 01, 2010

PRESIDENT SHEEHY: You have heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB507]

CLERK: Senator Howard would move to amend with AM2457. (Legislative Journal pages 1275-1276.) [LB507]

PRESIDENT SHEEHY: Senator Howard, you're recognized to open on AM2457. [LB507]

SENATOR HOWARD: Thank you, Mr. President and members of the body. This bill was brought to me by a grandparent whose grandchild was the victim of shaken baby syndrome. There was no opposition testimony at the hearing and it was passed by Judiciary to General File. I want to thank all the social workers, the foster parents, the doctors, and the judges who have worked so diligently on this issue over the years, and also to Senator Pirsch for his support in including this amendment in LB507 and for allowing me to prioritize this bill. This amendment is very simple. It increases the penalty for this heinous offense from a Class III felony to a Class II felony, increasing the sentencing time. We have made it very clear that every infant is unique and special and deserving of all the protection the state of Nebraska has to offer. One of the worst forms of child abuse is that of shaken baby. I've had information distributed yesterday afternoon so you've had material to read, and I won't spend much time repeating that. Briefly, approximately 25 percent of all shaken baby victims die as a result of their injuries. Of those who survive, 80 percent suffer permanent disability such as severe brain damage, cerebral palsy, mental retardation, behavioral disorders, and impaired motor and cognitive skills. Many survivors require constant medical or personal attention, which places tremendous emotional and financial strain on families. Medical costs associated with initial and long-term care for these children can range from \$300,000 to more than \$1 million. And I'll give you some common symptoms of shaken baby syndrome. The baby is lethargic; she has decreased muscle tone; he is extremely irritable; has decreased appetite; poor feeding; vomiting for no apparent reason; no smiling or vocalization; poor suckling or swallowing; rigidity or posturing; difficulty breathing; seizures; head or forehead appears larger than usual or soft spot on the head appears to be bulging; inability to lift head; inability of eyes to focus or track movement or unequal size of the pupils. Abusive head injuries are the most common cause of death in child abuse. These injuries are most common in infants under one year old, but the same injuries can be seen in children as old as four or five years. Shaken baby is one form of abuse of head injury in which a child is submitted to severe repetitive acceleration/deceleration forces with or without blunt trauma to the head that result in characteristic patterns of injuries that may include retinal hemorrhaging, certain fractures, in particular ribs and the end of long bones, and recognizable patterns of brain injury. In evaluating the head injuries of young children, it is important to appreciate that the trauma affects a brain and the skull that are in the process of

Floor Debate
April 01, 2010

maturing and developing so that head injuries in young children differ in certain respects to head injuries later in life. The skull of a young child is thin and pliable because the bone is not yet ossified, the sutures are not yet fused, and the fontanelles are open. The head of a young child is proportionately much larger and heavier than later in life because the brain grows very rapidly and attains 75 percent of its full weight by the age of two, although it is far from mature in development. The newborn child's head is about 10 to 15 percent of its body weight compared to 2 to 3 percent for the adult head. I could go on and on and describe these things to you, and I'm really going to close with saying, although the young child's brain has a relatively large subcranial space, it's very shallow in its depth so that the brain is closely positioned next to the skull. The subarachnoid space contains the spinal fluid and serves as some protection to dampen the impact. The neck musculature of the young child is immature and unable to adequately support the weight of the head. One of the greatest protections against common forms of head injury is the ability to keep the head stationary in response to the impact of the head or the movement of the body. Maintaining a stationary head requires neck strength which is lacking in young children. The brain of the young child is very soft and easily deformable by inertial head motion. Brain tissue has a soft consistency at all ages, somewhat like set gelatin. Its consistency depends on the myelination which is the development of a sheath of myelin around the axonal processes, the development of the network of glial cells which are supporting the network of cells of the nervous system, and the amounts of water content in the brain. In young children, the consistency of the brain is very soft, somewhat like unset gelatin. I ask you to join me in supporting this motion, this amendment to Senator Pirsch's bill to increase the penalty for those that commit this act. Thank you. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Howard. You've heard the opening of AM2457 to LB507. Members requesting to speak are Senator Conrad, followed by Senator Pirsch and Senator Lathrop. Senator Conrad, you're recognized. [LB507]

SENATOR CONRAD: Thank you, Mr. President, and thank you. I rise in support of Senator Howard's motion and AM2457, and I want to thank her for her ongoing lifelong commitment to children and families and ensuring that we have a public policy framework in place that does the best we can from the spectrum starting at prevention and going through punishment to ensure that we have an appropriate framework in place to protect children and promote healthy families. And she's done it and seen it and worked on the front lines of these issues as a social worker for longer than...than...I don't know off the top of my head, but it's definitely a lifetime of service and dedication. And she brings those same values and that same experience here to the floor of our Legislature, and her dedication to these issues is unparalleled. And I thank her for sharing that expertise and being our conscience and our visionary on these issues, and with that, thank you, Senator Howard. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Conrad. Senator Pirsch, you're recognized.

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

Floor Debate
April 01, 2010

[LB507]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. And, first of all, I want to say thank you to Senator Howard for her bringing this bill forward. And I can tell you, this is not an academic exercise. To me this is, unfortunately, very real. You know, I have had experiences as a prosecutor and as an attorney now representing children in juvenile court. And at any given point in time I'm sorry to say that I have several of these shaken baby cases, and so it pains me to no end when I go out and I see these children for the first time. And what they do is, and I hate to say this, but because the brain is swelling when these injuries occur, they remove the skull of the children so that the swelling brain doesn't push up against the skull. And it just pains my heart to no end to see these lasting scars that are on these precious babies when I go out and encounter them. So this is just very heart wrenching and it presents an enormous cost to society. These children who have such potential and such futures, they're just lost. And so I appreciate this bill coming forward, addressing the issue by Senator Howard. Thank you. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Senator Lathrop, you're recognized. [LB507]

SENATOR LATHROP: Thank you, Mr. President. I'm going to join those who have stood in support of this amendment. I think it's entirely appropriate that it be amended to LB507 dealing with domestic violence. I would like to echo the comments of Senator Conrad in complimenting Senator Howard on her work in this area. We talk about protecting the lives of the unborn in this body, at length, and what we're doing today is protecting the lives of the newly born. These are awful, awful things, and they happen in the home and they happen at the baby-sitter's. And I think it's appropriate that the penalty be increased as we have. It's not out of proportion to the crime, because what happens in these situations is we leave a brand-new infant brain-injured for the rest of their lives and break the hearts of the families who then have to care for them. And I think it's appropriate that we adopt this amendment and move LB507. Thank you. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Seeing no additional requests to speak, Senator Howard, you're recognized to close on AM2457. [LB507]

SENATOR HOWARD: Thank you. Thank you, members of the body, and thank you especially for those who have spoken and those who are going to vote in support of this. Let us continue our work to protect children in Nebraska, and I appreciate your vote green on this amendment. Thank you. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Howard. You have heard the closing. The question for the body is on the adoption of AM2457 to LB507. All those in favor vote

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

Floor Debate
April 01, 2010

yea; opposed, nay. Please record, Mr. Clerk. [LB507]

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of Senator Howard's amendment. [LB507]

PRESIDENT SHEEHY: AM2457 is adopted. (Visitors introduced.) Mr. Clerk, you have another amendment on your desk. [LB507]

CLERK: Mr. President, Senator Campbell would move to amend with AM2474. (Legislative Journal page 1276.) [LB507]

PRESIDENT SHEEHY: Senator Campbell, you're recognized to open on AM2474 to LB507. [LB507]

SENATOR CAMPBELL: Thank you, Mr. President, and good morning, colleagues. We have had quite a bit of discussion on and off the floor about LB1110, and once you started on that endeavor, I want my colleagues to know that what has really been truly inspiring about this venture has been the number of people who have come forward to try to help and certainly to offer good guidance. I particularly want to thank the Speaker and Senators Ashford, Gay, Nordquist, and Mello. We've tried meeting over the last week or so to look at what the options might be, and then came forward Senator Pirsch and longtime child advocate Senator Howard and Appropriations Chair Heidemann. It seemed to me that the group that has been following this issue and working very diligently in the last couple of weeks came to depend on each other for giving what we thought was the short-term perspective and the long-term. And I recognize the fervent desire for people to do something and so appreciated the dedicated advocacy of all the senators that I mentioned. But as the Speaker is often apt to say, and you will all recognize this phrase, at the end of the day a two-pronged approach seemed to be the best pathway as we move forward. The first pathway is an interim study to be conducted by senators from the Judiciary Committee and the Health and Human Services Committee and three members at large to gather information regarding what has transpired to the unborn child previously covered and as addressed in LB1110. But in our discussions, Speaker Flood kept noting a very special group of women that perhaps we needed to make sure that their unborn child and their vulnerability was covered, and so before you is AM2474. An amendment to Senator Pirsch and Howard's bill would provide a special fund to cover prenatal care for a very vulnerable group of women. They have to be U.S. citizens and they have to be Nebraska residents and they have to meet 185 percent of poverty, who are experiencing or are at risk of domestic violence. They would be eligible under Medicaid coverage but, often out of fear and great anxiety, will not sign or identify their abuser. They then receive a Medicaid-sanctioned designation. This amendment would allow a special appeal to the chief executive officer of the Department of Health and Human Services to fund prenatal costs, and I would urge you on your Chamber Viewer to bring up AM2474 so that you're

Floor Debate
April 01, 2010

very clear here as to the process. So, in most cases, the caseworker would identify such a circumstance, and then that appeal would be given to the chief executive officer to look at and grant. The funding for this will be followed by an A bill. A fund of \$100,000 would be set aside to cover the prenatal costs. We will be glad to answer some questions, but I think that this is such a narrowly defined group who we feel, in the end, really did need some extra protection. And while each of you in this Chamber may have chosen a different option or a different pathway, I believe that the time is now to gather our data, to monitor our communities, and to be prepared to report our findings to you and to proceed to protect those women who are at great risk of violence. Thank you, Mr. President. [LB507 LB1110]

PRESIDENT SHEEHY: Thank you, Senator Campbell. You've heard the opening of AM2474 to LB507. Members requesting to speak are Senator Flood, followed by Senator Nordquist, Senator Ashford, Senator Mello, Senator Gay, Senator Howard, and Senator Sullivan. Senator Flood, you're recognized. [LB507]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. This has been a session-long discussion topic, and today we have in front of us AM2474 to LB507, and I am supportive of it. I think what I want to do today is just talk about why I think this is appropriate. And I will, at the outset, suggest to you that this isn't a solution to the broader issue as we get more data and information about the loss of prenatal care through Medicaid. Not the loss of prenatal care--the inability to insure the unborn child and instead rely on the mother's eligibility. There's still prenatal care in this state, and I know that the Health Committee and the Judiciary Committee are going to sort through those issues. And something...that big of a change in this short amount of time does deserve to be studied so we get the data, but I was very much for this and have been pushing for this. Because, you know, we all bring our life experiences to the Legislature, and one of the things that I've done as a lawyer is I've represented clients in a divorce or domestic violence or modification proceeding. And let me tell you, when you get a young lady or a woman in your office and she's the victim of either threats or actual domestic violence, she's fragile. She doesn't trust anybody because she's had that trust ripped away from her by an abuser. They don't know where to turn and they don't believe any good will come, sometimes, of giving out this type of information to a government agency. And if there's a record made, she's afraid it's going to come back and hurt her and her child in the future. I guess I can't stress to you how fragile I think some of these women are at this period in time while they find out they're pregnant. And so I believe that we need to have that safety net. Now I will admit the department already has an ability for good cause shown to allow prenatal care under Medicaid by not giving out some of that information. This is a safety net. This is a safety net to make sure some of those victims that may not make it through the good cause shown can receive prenatal care from the state of Nebraska while we work through the issues in the Judiciary Committee and the Health Committee. This is not an ongoing appropriation. It should provide that safety net while we determine what's in the best

Floor Debate
April 01, 2010

interests of the state and what we can afford and what our resources will provide. And I want to reiterate, there is already a process to help. This is just one more layer. But when we think about what this amendment does, it's not a substitute for the broader issue--I know that that will get discussed--but it does do something in the very short term that has a very meaningful impact on very vulnerable people in our state. I've never been the victim of abuse. I know that thousands of Nebraskans are each day and have been in their lives. But until you work with somebody that has had their life so shattered that they're afraid to write a check, or they're afraid to stop by McDonald's and pick up food for their kids and family because they're going to spend money, or they're afraid to wear the wrong outfit, or they're afraid to not get home at 5:02 p.m. after they get done working, I can understand why she would be reticent to sign up for a program that required certain disclosures. [LB507]

PRESIDENT SHEEHY: One minute. [LB507]

SPEAKER FLOOD: And in those situations, I think this is appropriate. So I am very much supportive of this. I appreciate Senator Campbell's willingness to pursue this. I think this is the right direction for the state. And thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Flood. Senator Nordquist, you're recognized. [LB507]

SENATOR NORDQUIST: Thank you, Mr. President and members. You know, this has been a difficult issue from the beginning, and certainly the amendment that's before us is a safety net. It's certainly not a catchall. It certainly isn't addressing the issues that we have to address going forward. There are provisions in the department that allow for good cause for these women to continue to receive their services. I think it's important that we...I'll read some of that into the record because I want to make sure that the department is aware that we expect them to continue those to make sure that they're giving women every benefit of the doubt. And then, if not, then the last-case scenario will be the fund and the program we're setting up here. First of all, the acceptable circumstances for good cause: "A client may claim a good cause exemption from the cooperation requirements at any time he or she believes the cooperation or proceeding to establish paternity or to secure support is against the best interests of the children for whom support is sought when cooperation is likely to result in the physical or emotional harm to the child; cooperation is likely to result in physical or emotional harm to the custodial party; also, the client's cooperation in establishing paternity or securing support is reasonably anticipated to result in harm to the child or the parent. If they don't want to provide evidentiary support such as medical records or written statements, then it goes to the caseworker, and the worker," it says, "will investigate the good cause claim. If he or she believes that the claim is credible without evidence, then the worker must find good cause that the client's statement and investigation indicate the client has good cause for refusing to cooperate." So there is provisions right now. The department

Floor Debate
April 01, 2010

should continue to carry out those provisions to ensure that if a woman is in these situations, that they can be exempted from the cooperation, and then, if not, then this program will come into place. But as far as the main issue at large, we are going forward. Senator Campbell is leading us. We are going to work diligently over the interim to gather the data we need, the supporting evidence to show that no action on this is going to cause significant harm to children in this state and financial harm to this state. We're going to continue to work so that Nebraska children, every Nebraska child who is going to be born, is going to have access to prenatal care during their birth period. This is...again, this has been a tough issue over this session, but we're not done working on it. I encourage you to support the amendments at this point in time. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Nordquist. Senator Ashford, you're recognized. [LB507]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. Let me give you my take on this and my experience on this issue. For us, it started in the Judiciary Committee. It started back last year with LB403 dealing with policies regarding immigration in our state, and we dealt with some of these issues. In January, last part of January, I was contacted by the Governor's Office to discuss this issue--and let me tell you my take on the Governor's Office and how they've approached this. I take a positive view of how the Governor's Office attempted to deal with a very difficult situation. The number of women who were disqualified under the prior program was somewhere in the neighborhood of 6,000 women and their unborn children. No question that that was a crisis situation. And I appreciate being contacted by the Governor's Office early on. And at the very beginning there was a desire on the part of the Governor's Office to find a resolution to this issue, and we worked through it. We worked through it in the Judiciary Committee and in the Health Committee, very similar to the safe haven issue. And I want to commend Senator Gay. Certainly...he's going to be leaving, but I've really enjoyed our collaboration as the Health Committee and the Judiciary Committee has worked through some of these tough issues. But as we thought through it, obviously I would love to cover all. There remains about 1,500 women who were unable to be covered under the Medicaid program--and those 1,500 women represent unborn children, no question. Everybody in this body, the Governor's Office, all care about those children. There's absolutely no question in my mind that that's what they want to do. We...on a personal note, I did talk to private donors. No question that there are private donors out there. I think that they will step up. I think they're going to help and they're going to be part of the solution. The state government has stepped up in covering around 5,000 of these women. There are some that are not going to be covered under a state program. What I would like to do, personally, is my view. I would like to cover all of these women and those unborn children, you know. But what I want, it may not happen immediately. As in safe haven, all of us would liked to have done maybe more than what we did initially, but we took our time working together with the Health Committee and the Judiciary

Floor Debate
April 01, 2010

Committee. It took us a year, but we came up with a solution for the safe haven crisis--which was a real crisis. And my colleague, Senator Stuthman, that will be leaving, and I've said over and over again about his significant contribution to the safe haven issue. So my take on this is certainly I'll support AM2474. It is a good step. It is a recognition, along with the other 5,000 women that we are covering, that this state does care deeply about the unborn. This Legislature cares deeply about the unborn. The executive branch cares deeply about the unborn. We will find a solution to this problem. We're going to work through the summer. We're going to get it done, just like we did safe haven. We will be successful. I want to give a little...not a little, but applause really to my friend Senator Campbell, who I've just met this last couple years. She is a real leader. She stepped into this issue. And I would voice my views, which were not necessarily always in sync with Senator Campbell's views, though the result was always the same. We wanted to get to the same place. Finally, I caved in yesterday and said, Senator Campbell, whatever you want to do is fine with me. I gave her my arguments, and she synthesized all of our arguments into what I think is a positive step. [LB507 LB403]

PRESIDENT SHEEHY: One minute. [LB507]

SENATOR ASHFORD: And I don't want...and anyone out there that says it's not a positive step is missing the boat. We're going to get there. We're going to get there with private donations, with government money, just like we did with safe haven. This state is a compassionate state. We care deeply about these families and these children and the unborn children that may be impacted, and I applaud everyone involved in this and the entire Legislature for their commitment to these issues. Thank you, Mr. Lieutenant Governor. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Senator Mello, you're recognized. [LB507]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. I, too, would like to, first, thank Senator Campbell, and particularly the Speaker, for their hard work on this very difficult issue that we've been dealing with this entire session, as well as obviously a good friend and colleague of mine, Senator Nordquist and Ashford, as well as Senator Gay. While he is leaving us this year, he has put an awful lot of time, energy, and effort into trying to find what kind of compromise we could come out with, with what is a very sensitive, difficult, and gut-wrenching issue. And while I do support AM2474, you know, I do it with a heavy heart because this is not what we set out to do with LB1110. You know, I was discussing it the other night--we've had some late nights dealing with issues regarding unborn children--and as a supporter of LB594 and LB1103, I was discussing the other night with Senator Ashford some of the language that is in LB1103. And on page 3 of the committee amendment, it says, "It is the purpose of the state of Nebraska to assert a compelling state interest in protecting the

Floor Debate
April 01, 2010

lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain." I understand that people can view an issue such as prenatal care for unborn children in various prisms of light. Some people have perceived this issue originally when it dealt with all unborn Nebraska children as an immigration issue. I myself and many others view this as an issue that is consistent with my Catholic faith of trying to protect life from conception to natural death. With what we have done in LB1103, with the intent language we have, it has to weigh on everyone's minds, particularly those of us who call ourselves pro-life, those of us who believe in trying to protect unborn children, that we are not actually going to protect unborn children at least for a year. There are going to be babies born who will no doubt have serious complications because we have not been able to do something that we have done as a state for the last 20 years, which is provide unborn children, regardless, regardless of their mother's documentation or citizenship, healthcare. I think with what the work that Senator Campbell and the Speaker have worked on, specifically for the last month and a half, is to be commended beyond all of our...all of our imagination in regards to the late nights, the gut-wrenching conversations. But this issue cannot go away. It is something that, while we do have an interim study to look at the costs and the risks that are associated with the loss of this care, for those of us who try to remain consistent in the belief that we are trying to do something for the greater good--and when we equate the greater good to unborn children, we can't stop with just abortion. We can't do it. Particularly those of us who come on this floor, who go to rallies, who go to meetings and talk about the importance of protecting unborn children, we can't let this issue go away because the fact of the matter is there will be unborn children who we know from hearings last week who will have serious diseases, serious complications, who will be a financial responsibility of the state of Nebraska the moment they are born. I'm not here to lay blame on any one of us members in this body or anyone else in state government, but the fact is this: To try to remain consistent with my perspectives on a consistent ethic of life that I follow in the Catholic Church,... [LB507 LB1110 LB594 LB1103]

PRESIDENT SHEEHY: One minute. [LB507]

SENATOR MELLO: ...we have to do something. And granted, AM2474 is something. It is a safeguard. I wholeheartedly agree. It's something that protects very, very vulnerable women who are sanctioned, due to some domestic violence situations, in the Department of Health and Human Services. But this issue goes beyond that. This goes to the core of who we are, not only as legislators but who we are as people. Many of us care about a lot of issues, and a lot of us try to do what we think is best for our constituents and for the welfare of the state of Nebraska. It's my hope that through this process, through the interim, that we can find some kind of common ground to help out the unborn children who are the victims of our failure to accomplish what was set out in LB1110. With that, thank you, Mr. President. [LB507 LB1110]

Floor Debate
April 01, 2010

PRESIDENT SHEEHY: Thank you, Senator Mello. Senator Gay, you're recognized.
[LB507]

SENATOR GAY: Thank you, Mr. President. I just wanted to take a minute. Of course, I support the amendment, but I just wanted to take a few minutes here to talk about the process and thank a few people who I thought--we have this amendment today--but I think are going to continue to work on this issue that we're all paying close attention to. But I did want to say Speaker Flood and Senator Campbell and Ashford and Senator Mello and Senator Nordquist have put a lot of time and effort into this and looking for solutions. And as I watched the process, it's not an easy process of what's happening here. It's just...but it is the process we work in, the legislative process. I'd also want to just take one minute to thank Senator Pirsch to allow this amendment on to his bill. I think that's a very noble deed. We approached him late. He listened and made a quick decision and I think it's the right decision, but thank Senator Pirsch. Also Senator Howard has been on the committee listening to this. This is her priority bill as well and they've...their bill is very important, to add this on there, and I think this will...this amendment is kind of: How can you be against this amendment? I think it's a good amendment and I encourage you all to vote for it. But also I just wanted to say I think as people are looking forward and going to craft a solution, whether that involves some private money to help do a public-private partnership, I don't know what's going to happen at the end of the day, but I do know that Senator Campbell following this up and these senators are very compassionate on the issue. The one thing they need to do...and also we can't forget there's been a lot of work going on, on different amendments that you never saw, different proposals. And Liz Hruska and the Legislative Fiscal Office and my staff--Michelle Chaffee--has worked on many things. I know Claudia in Senator Campbell's office who just put in a ton of work. But, you know, on these issues Senator Ashford brought up, we do need to work together. We need to work with the executive branch. Good people have different opinions on this issue, but I think ultimately at the end of the day we all want coverage. When you look at Medicaid or CHIP or whatever the case may be here and however we're going to go in the future, it's a complicated program. It's a complicated program and it changes all the time. So we need to make sure we continue to work with the Policy Research Office, who's spent nights on this issue and going back and forth with Senator Campbell and others on this and the Governor's Office. But I do think that's important, that as we continue to go into the future, that you continue to keep those doors open and keep working together. I think that's a fair thing for both sides because we shouldn't paint one or another into a corner and say they're for or they're against, but I think we can all be together. We're going to look at priorities of Health and Human Services this summer. We have been and will continue to be, as we look at all priorities as the budget comes more into focus, we're going to have to make it a priority. I know this will be a priority for many people, and the creative solutions that I know Senator Ashford can help bring to the table with some of his opportunities that may be out there, I think will be very important. So I just wanted to quickly commend those people for their hard work and persistence on a

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

Floor Debate
April 01, 2010

difficult issue as we wind down to the last days of this session. I know work will be ahead and I know they will continue to work well together. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Gay. Senator Howard, you're recognized. [LB507]

SENATOR HOWARD: Thank you, Mr. President and members of the body. And thank you, Senator Campbell, for bringing us this amendment. I was thrilled when I heard about this. I said: This is the right thing for this bill. This LB507 is very important to Senator Pirsch and myself, and I think this only makes a good bill better, frankly. My younger daughter is a staff attorney for an agency in Illinois that is addressing this problem through a program called Campaign to Save Our Babies, and I think they grapple with many of the same, very same issues that we do. And I think we can learn from their efforts, and I'll be more than willing to work with Senator Campbell and, of course, others over the interim to get this information and to help our state to benefit from it. One of the groups that I especially want to thank are the social workers. You know, Senator Ashford has many, many friends who are well funded and, fortunately for this issue, will be able to contribute. But I also have many friends, and they're social workers--and you may remember them being here a week and a half ago. And I've been working with Terry Werner and the social workers, some of whom, many of whom are still in school, and they have pledged to contribute each \$5 that will go to the OneWorld for their \$5 prenatal clinic for individuals that come in and simply don't have \$5... [LB507]

PRESIDENT SHEEHY: (Gavel) [LB507]

SENATOR HOWARD: Thank you, Mr. President...simply don't have \$5 to pay for that visit. So with all of us continuing to work, with all of us bringing forward what we can do, we put together the pieces of this puzzle. And I think by the time we come back next session, we'll be able to do an effective job in addressing this for each and every baby who's going to be born in the state of Nebraska. So thank you. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Howard. Members requesting to speak on AM2474 to LB507, we have Senator Sullivan, followed by Senator Karpisek, Senator Coash, Senator Gloor, Senator Avery, Senator McGill, and Senator Dierks. Senator Sullivan, you're recognized. [LB507]

SENATOR SULLIVAN: Thank you, Mr. President. I rise in support of this amendment, AM2474. But just as importantly, in my mind...I've not been intimately involved in all the conversations leading up to this, but I certainly am in awe of how this body comes together on an issue and works on it to arrive at a solution. To me, this is a model that I hope we will continue to use in other areas as well, because to me it's really a great

Floor Debate
April 01, 2010

example of how we do the people's work here. We don't just look at a particular issue and go full-bore on it. We reach out to creative solutions. We reach out to other entities, be they public or private, and we try to arrive at a solution that not only addresses a need but addresses the concerns of constituents as well. So it makes me proud to be part of this body and I really appreciate all the hard work that's gone into this. I do have a couple questions just so I'm a little more comfortable in clarifying what this amendment does. I wonder if Senator Campbell would yield for a couple questions? [LB507]

PRESIDENT SHEEHY: Senator Campbell, would you yield to Senator Sullivan? [LB507]

SENATOR CAMPBELL: Certainly. [LB507]

SENATOR SULLIVAN: Thank you, Senator Campbell. And some of this is just my own ignorance of how the system works, but could you explain to me what exactly a child support enforcement sanction is? [LB507]

SENATOR CAMPBELL: Well, if...there are many different sanctions that may come into play, Senator Sullivan, and I think we tried to look at the list of what those would be. It's when a document isn't put forward, or one of the sanctions may be that the person has not fulfilled their work force commitment or contract. There's a number of sanctions that you can have. This is not the only one. [LB507]

SENATOR SULLIVAN: Okay. [LB507]

SENATOR CAMPBELL: I don't want to take all your time. But, no, there are a number of sanctions that can come into play. [LB507]

SENATOR SULLIVAN: And it indicated in the amendment that the woman would have to make the request to have her situation reviewed. What sort of time frame are we talking about here? [LB507]

SENATOR CAMPBELL: I would think the time frame would be fairly short. The caseworker would determine at that point whether she met the exception that Senator Nordquist talked about. But if that could not come into play, then I would think that the caseworker could contact the chief executive officer. That would be fairly quick. [LB507]

SENATOR SULLIVAN: Okay. [LB507]

SENATOR CAMPBELL: We're trying to put into AM2474 the emergency clause so that we don't lose a lot of coverage for the women that may be out there on this particular category. [LB507]

Floor Debate
April 01, 2010

SENATOR SULLIVAN: And then going forward, if you could just tell me a little bit more about your intentions for the interim study--that I assume it's collecting data of what is. But are you also going to explore solutions of what can be? [LB507]

SENATOR CAMPBELL: Oh, absolutely. I think Senator Ashford talked a little bit about that in his remarks. We're not only going to look at what the data may tell us--anecdotal studies, but what are some creative options that we could bring to the Legislature to cover the groups that we could not, by the failure and the need to bracket LB1110. I hope that we come forward with a number of options for you. [LB507 LB1110]

SENATOR SULLIVAN: Thank you, Senator Campbell. Again, I just appreciate very much the hard work that's gone into this effort. It's a cooperative, collaborative effort that I think will have good results. Thank you very much. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Sullivan. Senator Karpisek, you're recognized. [LB507]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I rise in support of the amendment. The real reason I rise is to talk about LB403 quickly. This whole prenatal care issue, in some things I've read, in conversations I've heard, have gone back to LB403 that I carried last year at the request of the Governor. LB403 did not--I stress, did not--have anything to do with the prenatal situation that we're in right now. LB403, if anyone remembers, Senator Conrad--Senator Nantkes at the time--had a long debate on the floor about what LB403 meant to prenatal care. It was not intended to do anything to prenatal care. The body voted, I think 44-2 maybe, on that bill, or maybe there was no "no" votes. But that was the issue that we talked about: to make sure that there wasn't anything. At that time we were told that that was the law, that the prenatal care did not hinge on being legal or not. Now I am not going to stand here and say that that is my view, that it should or should not hinge on that--and to be very honest, I'm on the fence on that. I'm very anti illegal immigration, but I'm very pro those children get a good start in life, whether they're here, in Mexico, or if they're in Asia or Africa. The U.S. sends a lot of money around the world to help children. Again, at the end of the day, I don't know how I would come down on that issue, but my point is that LB403 did not cause this. In fact, the state had been administering the prenatal funds for years. Now, did LB403 shine a light on that to say that the state had been doing that incorrectly? Possibly. I don't believe that, but it's possible. But for some reason the federal government looked at it. Said, state of Nebraska, you're doing it wrong; you can't do that anymore. We did find out ways around it. I shouldn't even say "around it"--ways to work on it. We have not come to that conclusion yet of how we're going to do that or if we're going to or if we are not going to. I do completely support any children that are being carried by legal mothers in the state. Whether they're rich, poor, any different background, as long as they're legal I absolutely support them--why I support this

Floor Debate
April 01, 2010

amendment. But again, I've waited to try to get a little bit of time on this to say that LB403, if anyone wants to look back and see when Senator Conrad and I went through many, many minutes of debate or just conversation back and forth, that that was not intended to be a part of LB403. Again, the state had been administering it wrong. The federal government found out about it. It's why we're in this situation. I wanted to clear the record on that. Thank you, Mr. President. [LB507 LB403]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Coash, you're recognized. [LB507]

SENATOR COASH: Thank you, Mr. President, colleagues. I'm going to rise in support of AM2474, but as I look at the amendment I think that there's some things I'd like to get into the record and with regard to exactly what this amendment is trying to get at. And to that end, I wonder if Senator Campbell would yield to a couple of questions? Senator Campbell. [LB507]

PRESIDENT SHEEHY: Senator Campbell, would you yield to Senator Coash? [LB507]

SENATOR CAMPBELL: Yes, I will. Thank you. [LB507]

SENATOR COASH: Thank you, Senator Campbell. Senator Campbell, as I look at this amendment, I have two questions about how this new section of statute would work. And my first question has to do with on line 5, the enforcement...the question "ask" or the word "ask"--"ask" for her case to be reviewed. Do you think we need any clarification about the mechanism that mother should use to ask? I mean is there already mechanisms in place for a woman to go through the process to ask this of the CEO of the department? [LB507]

SENATOR CAMPBELL: Senator Coash, I'm very confident in my discussions with the executive branch--and they have not been extensive. I mean we were just trying...we were, first of all, trying to work on some numbers, and then we tried to try to very clearly work on this amendment. I think the caseworker, in working with this mother, will clearly be the person who draws up...I mean if the...after her conversation with the mother and saying, no, I cannot do those other things that would change that sanction, the caseworker then can say there is another option, and help the mother put together that. I truly think the caseworker will intervene here. [LB507]

SENATOR COASH: Okay. So just to make a record of legislative intent, do you feel like a letter--that the caseworker might assist the mother in drafting, that would go to the CEO--would be sufficient to meet the requirements of the request for a review of her case? [LB507]

SENATOR CAMPBELL: Yes, I do. [LB507]

Floor Debate
April 01, 2010

SENATOR COASH: Okay. Thank you. And my second question, Senator Campbell, has to do with the definition of prenatal services. Is there a statutory definition of what prenatal services include? I mean I went through this recently myself, and prenatal services can be anything from vitamins to sonograms to things like that, and I believe we're working on an amendment here to clarify that. But just for the legislative intent record, my first question is, is abortion covered under prenatal services? [LB507]

SENATOR CAMPBELL: We are working on that. That is one of the questions that has come forward, and Senator Nordquist and Senator Mello are working on that. And I guess at this point, Senator Coash, I'd like...I'd ask your indulgence to let us finish working on that. [LB507]

SENATOR COASH: Okay. That will be fine. Can you enumerate some of the things that you believe should be covered, some of the services that would fit under prenatal services? [LB507]

SENATOR CAMPBELL: Well, I think that the prenatal coverage is going to include the usual meeting with a physician or going to a clinic, and if that...and any vitamins that might be necessary. Senator Haar brought a lot of that information out the other night. Routine going every month, seeing that physician. If a sonogram is called for, an ultrasound. Yes, obviously. [LB507]

SENATOR COASH: Okay, thank you, Senator Campbell. I'll just close by saying that the forthcoming amendment that will clarify what prenatal services, in order for this body to support it or at least for me to support it, I think is going to have to specifically exclude abortion, because that... [LB507]

PRESIDENT SHEEHY: One minute. [LB507]

SENATOR COASH: ...that is something that our state has been very clear about, that they don't want any of their tax money...just as they don't want their tax money going to fund any services for a person who's here illegally, they certainly don't want any taxpayer money going to terminating any pregnancies. And so with that, I will close and await some clarification on what prenatal services entails. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Coash. (Visitors introduced.) Continuing with floor discussion of AM2474 to LB507, members requesting to speak are Senator Gloor, followed by Senator Avery, Senator McGill, Senator Dierks, and Senator Howard. Senator Gloor, you're recognized. [LB507]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. I stand to

Floor Debate
April 01, 2010

make a few comments to be on the record. My comments are meant to be helpful to the Department of Health and Human Services--strictly helpful. But as the Speaker said, we bring different life experiences to this body. And my life experience involves years, decades, of promoting prenatal care, because I believe prenatal care, in the long run, and even in many cases in the short run, saves money and keeps incredible expenses from being dumped into the system--expenses that eventually find their way back to the taxpayer. And so I have been supportive of prenatal care and all its different legislative reiterations during this past session and I therefore am supportive of AM2474. But I want to point out to the body and to the department comments made by Senator Nordquist, and that is, it would appear that there are provisions already under regulations that the department has developed that would allow them to provide the type of coverage that we're talking about here. That seems to not be clear. And so we're going to try and address it statutorily. I'm going to throw out a word here that a lot of folks roll their eyes at and find a little fluffy--if I can use that term--and that is culture. I think what's at work here is a challenge to the culture of the department, and let me use another department of state government to emphasize that. It can be very challenging for elderly drivers in this state to get their license, and I believe a lot of it is dependent upon the office they go to of the Department of Motor Vehicles to get that driver's license as an elderly Nebraskan. If the culture within that department is one that sees elderly drivers with their challenges to eyesight, hearing, reaction times, as perhaps an on-the-road challenge to other drivers and to themselves, it can be a challenge in that culture for elderly Nebraskans to get their license. And that's not necessarily wrong. It is a culture within that, and inarguably, those are concerns that have to be considered. If on the other hand the culture within that department sees the lack of a license as limiting the mobility and the independence of an elderly Nebraskan to the point where they can't get appropriate healthcare services, can't even buy food to feed themselves appropriately, challenges to their independence that eventually could threaten their lives and certainly their independence, that culture in that particular office is a different culture and may make it a little easier for elderly Nebraskans to get their license. And neither one of these is wrong. Both are different cultures. I would submit to you that I have a concern that the culture within the Department of Health and Human Services could, in fact, address the coverage of many Nebraskans, here legally, to getting appropriate prenatal services. And my hope would be that during the debate we have had we have shown a very strong spotlight on the importance this body sees in prenatal care, and that the culture that will evolve in the Department of Health and Human Services, all the way down to caseworkers who make these determinations, will be one that emphasizes the importance of doing what can be done, under current rules, under regulations, under stipulations, to make sure that we provide appropriate prenatal care to those Nebraska women in need. Thank you, Mr. Speaker. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Gloor. Senator Avery, you're recognized. [LB507]

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

Floor Debate
April 01, 2010

SENATOR AVERY: Thank you, Mr. President. I stand in support of this amendment, and I have heard it said that this is the least we can do. Believe me, it is. In fact, I'm inclined to characterize it as perhaps less than the least we can do. Clearly, it's not enough, not nearly enough to get the prenatal services to the people who need it, but it is better than nothing. And I am a realist. I understand that politics is the art of the possible, and I know that what we were trying to do earlier was not possible. And I appreciate the amount of effort that was put into all of this work by many people who have already been recognized during this discussion today, but I want to say particularly how much I admire Senator Campbell. I have known her for many years, and I am not at all surprised to see her take a leadership role in this issue. She has a lifetime of commitment to the welfare of children in our community and throughout the state, and for that I am proud to say that she is my friend. And I hope that all of you will look very carefully at what we're trying to do here and understand that, while it may not be the optimal solution, it's better than nothing. So I urge you to support this amendment, and I also appreciate Senator Pirsch's willingness to allow this to be done on his bill. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator McGill, you're recognized. [LB507]

SENATOR MCGILL: Mr. President and members of the body, I of course also rise in support of the amendment and do thank all of the people who have been committed to trying to come up with a solution to this prenatal issue. But I also refuse to stand here and let us all pat ourselves on the back like we've done something wonderful. At the end of the day we need to have on the record the reasons why we weren't able to do more than this for the over 1,000 women who now don't get prenatal care. The fact of the matter is that there are a lot of Nebraskans who, for them, their dislike for illegal immigration is more important to them than their pro-life mentality--and that goes for people within this body and it goes for people within other branches of government, and it's the reason that we don't have a broader amendment here to cover all these women with prenatal care. We've met these people through e-mails we've all received. I met one out door-knocking the other day. He said to me, when I asked him about what issues were important to him, he said he was pro-life, and in the same breath said that he wanted to get rid of all the illegal aliens. And I brought up this issue and how he felt about it, and he said we should not be giving them care. And I said, well, there are women who are then getting abortions because we're not offering this care. And he, to paraphrase him, said that he didn't care. Those are contradictory beliefs where that hatred and dislike for illegal immigrants--and this belief that we can round them all up and send them home, which is not practical--this belief that we can do that is what is driving this debate. It's what's driven the politics of this issue and the reason that we aren't truly being more pro-life--and I say that as a pro-choice senator here today. It's frustrating to me when we've spent two weeks talking about abortion bills and hearing senators talk about the value of life and senators saying they don't like the word "fetus,"

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

Floor Debate
April 01, 2010

and then to have an opportunity to truly be pro-life and to pass it over, over the politics of illegal immigration, because the mothers--human beings--but the mothers are not here legally. These children are going to be Nebraska citizens. We're not...ICE does not have the resources to send people home who have committed misdemeanors, who have broken the laws of our country. We have people in our jails, or they come in, they question them and let them go, because they're not sending them home, they're not rounding them up like that. So these mothers certainly aren't going to be the ones who are sent home. Their children are our children. They are American citizens. They're going to be covered by CHIP the moment they're born, which means if we're trying to save money here by not giving them services, we're going to be paying for it in greater numbers on the back end because these children are going to have more health issues once they are born--and that's going to be paid for by us. They are our citizens. Again, I do support this amendment, but I felt, for the record, someone needed to get up and say exactly what's going on here, politically, and why this amendment is not broader and doesn't reach all the women who need the prenatal care. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator McGill. Members requesting to speak on AM2474 to LB507, we have Senator Dierks, followed by Senator Howard, Senator Krist and Senator Christensen and Senator Haar. Senator Dierks, you're recognized. [LB507]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I just wanted to take the opportunity to offer my thanks to those people involved with this effort today. We really, I think, have no choice. I think this is something that our society expects of us. If we're pro-life, well, we do these things. And I support Senator Campbell's amendment and all the work that our colleagues have gone to, to make this possible. And I hope you'll support the amendment and the bill as well. Thank you. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Dierks. Senator Howard, you're recognized. [LB507]

SENATOR HOWARD: Thank you, Mr. President, members of the body. When I spoke earlier, I had meant to thank Senator Campbell's LA. She brought me some material this morning that I needed because I am without staff today. My LA has been out this week ill and my AA this afternoon will be adopting a little daughter. And so that makes me say to you today: We work on the side of the angels. Thank you. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Krist, you're recognized. [LB507]

SENATOR KRIST: Thank you, Lieutenant Governor, colleagues. Senator Campbell, I add my thanks--Senator Ashford, Mello, Nordquist, etcetera. I don't want to skip

Floor Debate
April 01, 2010

anybody. I know you're all...you've all worked very hard at this. But I also would like to highlight what Senator McGill so eloquently stated. We...I am pro-life; she is pro-choice. We agree, though, on this issue: It's not enough. I agree with Senator Avery--it's something. The problem is we can't stop here. And I have to tell you, Senator Campbell, at this point, although I support AM2474 philosophically, unless there's specific words in this amendment that would prohibit termination of a pregnancy, I think that the language is too general for me to support AM2474 as it stands, and I wanted to make that part of the record. I do understand that there's an amendment forthcoming. I do understand that there's a legal interpretation that those funds probably wouldn't be spent in that way. But I think we're talking about prenatal care, the kind of care that will lead to a successful birth and, as much as possible, productive members of our society as much as God will allow. We've had, by my estimation--and I'm the newbie--but by talking to you, to the members of this body and to others, we've had some difficult decisions and some difficult issues to deal with over the 60 days, this probably being one of the most gut-wrenching that I personally have dealt with. Because it is, as Senator McGill said, the politics that have gotten in the way of us doing what we probably should be doing. I will support an amendment forthcoming to AM2474. I think it's, to paraphrase, the least we can do. Thank you, colleagues. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Krist. Senator Christensen, you're recognized. [LB507]

SENATOR CHRISTENSEN: Thank you, Mr. President. I think we're getting close to having an amendment worked out here on the language to make sure we're not covering the abortion part of this. If you give us a little bit of time here, somebody help us here with keeping this active, we will be able to get this added. But, you know, I stand here with agreement of this bill and trying to take care of the legal prenatal care and try to take care of this whole situation. I know this has been a very controversial issue with the ones that would become citizens after they're born, not to drag back into that sore subject. I think we can all find agreement here that we at least got to go this far. And we can, as you have heard stated before, that the Judiciary Committee will work on this, this summer, and we'll get resolution made. It is a very important issue that we take care of the life of the children and make sure that they have the best start to life that they can have. We need to continue to look forward to what is the best thing for the state, what is cheapest for the state--and prenatal care has proven itself. Medical science has decided that...not decided, but has proven that it is necessary, that we need to address these issues up front, early, for not only the benefit of the baby but the benefit of the mother. So it's, you know, critical, folks, that we find the time right here to get this negotiated, get it done correctly. It's, you know, it's a situation that I think we can all agree on here. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Christensen. Senator Haar, you're recognized. [LB507]

Floor Debate
April 01, 2010

SENATOR HAAR: Mr. President, members of the body, I want to rise, first of all, in support of AM2474 and LB507. I'd like to thank Senator Campbell for her hard work on this issue. As Senator Avery said, it doesn't surprise me. I've worked with Senator Campbell for years. Senator Ashford, I want to thank you as well, and Senator Coash, the three of you who took leadership on this, and to Senator Pirsch for allowing this amendment. And I agree, it's probably as good as we can get for right now. But I think the sadness is that for me, in serving in this kind of office, is that sometimes politics trumps values, and the compass points south of this Chamber. As we know, talking the other night about the abortion bill that's before the body, I brought up the whole issue of fetal anomalies, and many of them actually can be cured with prenatal care or avoided--400 milligrams per day of folic acid by women who are pregnant. I certainly hope that this will get to the point where we let values trump politics in the next years and provide prenatal care, no matter the citizenship of a woman. Thank you very much. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Haar. Senator Nordquist, you're recognized. [LB507]

SENATOR NORDQUIST: Thank you, Mr. President and members. We are working on a solution. I think Senator Mello will be bringing that once it comes back down from Bill Drafting. I think it's important for us just to continue to reiterate that...and I hope that the department certainly understands, it's my understanding from them that they are, they do provide good-faith exemptions when women are in tough situations. It's important that we continue that and this does not become kind of a, well, now that we have this we can kick people over here. That's not the intent of this. This is solely, solely, as a last resort, no...and we hope that the department continues the services that they have been providing. I think it's important, too, to kind of for...to get a sense of why we're here and why these sanctions are now a matter for the mother. Before, for as we've said for a couple decades, Nebraska has had a policy that the unborn child is the one that's entitled to the benefits. Well, when CMS came in and said that we can no longer have it under Medicaid and then we didn't take action to set up a new program--that the services were then being provided through the mother--well, the mother is the one that has sanctions against her. It was when it was with the child it was irrelevant, you know, who the mother was, whether she was a citizen or not, whether or not she had sanctions against her. You know, these are some of the sanctions, but there's other sanctions that some of these women are facing, difficult situations where they don't have transportation to get to meetings appropriately with their caseworkers, and that causes problems. We know that there's a teen mom who lost care under this snapshot of data the department gave us. In her situation, she was not emancipated. So prior, her child would have qualified because they would have considered the mom's income, but now because it's the mom that is the qualifier for the care, they consider her parents' income, and therefore, she does not meet the income threshold. So these are issues

Floor Debate
April 01, 2010

we've been working through the last couple months. We're going to continue to work on them. We know the value of prenatal care. No matter what study you want to look at, it ranges anywhere from \$2 to \$5 saved for every dollar spent on prenatal care. And I think that this, you know, going forward it's important we continue to work on this because it's going to have an impact on our healthcare system in the state, largely for the legal residents that have a sanction against them. They're not on...they get kicked off of Medicaid. And if they're pregnant, their delivery is not covered then. The cost estimated was in the neighborhood of about \$1.7 million that hospitals are going to see in delivery costs that will not be covered by Medicaid now. So they can, you know, try to pursue payment from the parents. But likely, you know, we're talking tens of thousands of dollars in delivery costs that those hospitals are going to have to absorb. So this has implications throughout our healthcare system. It's important we continue to work on this. That will be it, Mr. President. Thank you. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Nordquist. Senator Krist, you're recognized. [LB507]

SENATOR KRIST: Thank you, Mr. President, colleagues. Probably no secret that we're waiting for wording on an amendment to come out so that we could all agree on where we are, so I'll consider this my time at the mike to help in that process. I will share with you again my conviction to make sure that this money...that this amendment and the support for the unborn is there. Prenatal care is very important and our commitment as a body is spoken to by the number of late nights that that group of people have put in, that many have put in to try to work to a sensible solution and chip away at this and get as much as we can for as many as we can. I was wondering, if Senator Campbell is not engaged in the rewording, if she would yield to a question? [LB507]

PRESIDENT SHEEHY: Senator Campbell, would you yield to Senator Krist? [LB507]

SENATOR CAMPBELL: Certainly. [LB507]

SENATOR KRIST: Does the amendment as it stands, or any amended amendments, does it restrict age? Is there an age differential that it will not help? If we had a 14- or a 15-year-old that went through the process and applied, would we be able to help them? [LB507]

SENATOR CAMPBELL: We would be able to help them. There's no age restriction. I appreciate everyone's patience as we try to work through the wording of this to ensure that we're covering what the people's concerns are. But as far as age--no. And I would assume as we look down the road, I think Senator Gloor talked about the culture of the department. In my brief conversation last evening, I guess my sense would be that the department views this amendment just exactly as Speaker Flood described. It is that safety net. It is again going to a person. It's not saying, well, this is a checklist, and if

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

Floor Debate
April 01, 2010

you can't have this and this and this and this, well, I'm sorry. This is actually going to the chief executive officer and we'll be able to then look at this on a case-by-case basis. So, Senator Krist, I'm confident that any age of woman that would come forward here would be eligible for this help. [LB507]

SENATOR KRIST: Thank you, Senator Campbell. And speaking of culture, Senator Gloor's comment and echoed by Senator Campbell, there are many of you who have traveled internationally and you know this to be a fact, but other cultures, when a special needs or deformed baby is born, will allow that baby to either walk from the desert or go to their demise. There are cultures where a baby who is not selected for gender are not supported. Let's not be in the long term looked back upon as a culture that has turned our blind eye and deaf ear to the unborn that need our help. Let's continue not to just affect this, what I consider to be a band-aid, but let's continue to work for the ultimate fix so that all of the unborn are protected. With that, I will yield back the balance of my time. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Krist. Senator Carlson, you're recognized. [LB507]

SENATOR CARLSON: Mr. President, members of the Legislature, we spent time the other evening on LB1103 and in good discussion. I think that the advancing of that bill was the right thing to do. As a body, we've taken into account the fact that the unborn is a real person. The unborn, who then is born in Nebraska, becomes a citizen with full rights and we need to plan for and take care of. If an individual has the idea that all we're concerned about is saving money, there's a good reason to provide treatment so that we don't spend a lot of additional money once that baby is born and the baby has a much greater chance of being healthy. And we're concerned about things that are passed for the good of our people, not only at birth but beyond, and all the way through adulthood. And with that, I would like to address a question or two to Senator Stuthman. I'd like to engage in a little conversation, if he would yield. [LB507 LB1103]

PRESIDENT SHEEHY: Senator Stuthman, would you yield to Senator Carlson? [LB507]

SENATOR STUTHMAN: Yes. [LB507]

SENATOR CARLSON: Senator Stuthman, you and I have had some conversations before. I met with a group this morning that has a concern about perpetual easements that are put on pieces of property for conservation purposes and, really, recreational purposes and habitat and what have you. You've had a concern about this in the past. What do you see as the negatives in perpetual easements? [LB507]

SENATOR STUTHMAN: Well, Senator Carlson, the negatives, in my opinion, when

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

Floor Debate
April 01, 2010

there's a perpetual easement or a conservation easement that is given by a property owner, is the effect on the local area. That takes valuation away from that easement portion of it. Let's just say there you've got a farm of 100 acres and you give a conservation a perpetual easement on a portion of that. That portion of that which is not to generate any income on it but it also reserves that portion for conservation, but that portion of that ground, that value, is not considered anymore. So in other words, if you got, you know, a certain amount of valuation and there's a certain amount of need for the operation, the county operation, the school operation, there's some value taken away. So with that, the other people have to pick up that portion of it unless the organizations in the community or the school is willing to take that much less in their levy to that property. It's something that is something that people really think doesn't amount to much, but it really does because it takes valuation, the value away from the total valuation picture, the taxation on that valuation. And I think that's something that we've got to be very, very careful for so that we don't continue to erode the valuation base in our tax policy. [LB507]

SENATOR CARLSON: I agree with you, Senator Stuthman. And one factor is that when land goes from a value of an irrigated acre, to dryland, to grassland, and then to perpetual permanent easement, perhaps with U.S. Fish and Wildlife,... [LB507]

PRESIDENT SHEEHY: One minute. [LB507]

SENATOR CARLSON: ...where there are no taxes in the future, that's a big change for the counties. The other thing is when you have irrigated farmland and all the inputs that are necessary for an acre of irrigated corn, in fuel, in chemical, in seed, in equipment, and that's gone because that expense is no longer there, the impact on the community is greater because of the lack of money churning through that community than the loss of tax. But together, it's devastating for a community, and we do have to be concerned about that. I think that I'll be addressing some legislation next session to deal with that. So thank you, Senator Stuthman, for your input. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Next member requesting to speak is Senator Ashford. Following Senator Ashford, we will stand at ease while we wait for the amendment to be drafted... [LB507]

SENATOR ASHFORD: Oh, okay. [LB507]

PRESIDENT SHEEHY: ...or you can queue in to speak if you desire. Senator Ashford, you're recognized. [LB507]

SENATOR ASHFORD: Thank you, and I appreciate this opportunity to talk again. Inasmuch as Senator Stuthman is going to not be back next year--is that correct, Senator Stuthman?--and I certainly was interested in this last dialogue on issues that

Floor Debate
April 01, 2010

are somewhat not necessarily analogous to what we're talking about but certainly important issues, but I did want to recollect one more time before we end this session the contribution that Senator Stuthman made to the safe haven issue. When...and this is a tough issue and I don't want to minimize it at all. But I am convinced, after hearing the people in the body today, that we are going to continue to work on prenatal care. It is a critical issue for all the reasons that we have said. No matter what one's position is on the abortion issue, we want these babies to be healthy and we want them to live vital lives, and the best way is to provide prenatal care. The same sorts of issues arose in the safe haven issue. And I was always amazed, quite frankly, at Senator Stuthman's contribution--not amazed that it was Senator Stuthman but at Senator Stuthman's timing in getting involved in this issue and really adding a great deal of common sense. When we were on TV, nationally, pretty much every day for a couple weeks, I do recall my...I was in North Platte for some reason, not that I--a great place--but I was running around a road. I was following some deer at 5:30 in the morning and taking my jog. And got back to my hotel room and turned on NBC, and there was Senator Stuthman on national television being quizzed about: Well, isn't Nebraska...aren't you embarrassed to have to deal with this safe haven issue? I mean these babies, you're trying to protect infants, and you've got children being dropped off from across the country. And Senator Stuthman really crystallized I think what the values of our state are by saying: Not in the least. I don't remember the exact quote, but somewhere the tape is somewhere in the archives. But, no, that Nebraskans are never afraid of dealing with the tough issues, and we're going to deal with these youngsters, whether they're infants or whether they are young adults or whatever, and ten years old or just born or unborn. And sure, you know, if we had more time and we had a better understanding of how national healthcare was going to affect our state and how the Medicaid rules will be changed and what the private dollars would be to handle this prenatal issue, maybe we could have had a more comprehensive bill this year. But it was the same thing that happened with safe haven. It was the same advocacy groups who care so deeply about our children. And I think it's that we're going to be next year in the same position we were/are now, and that is we're--in safe haven--and that is, thoughtfully coming up with a plan. What I'm hearing today is that almost everyone...I would say everyone in this body wants to expand prenatal care, no question. And I'm one of those. You know, I don't care if the mother is from Mars, you know, we want to take care of these babies. And there could be instances in the next year, or six months is all we're talking about, where there may need to be some private dollars infused to help, and I think we should...we should all be...and I know Senator Howard, who's constantly thinking about ways to help children all the time, and she's got social workers...she hasn't even talked about this. I don't know if you've talked about this. [LB507]

PRESIDENT SHEEHY: One minute. [LB507]

SENATOR ASHFORD: Well, Senator Howard is running around to every social worker in the state and asking them to contribute to the safe...five dollars. So, Senator Howard,

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

Floor Debate
April 01, 2010

that's a great job. And, you know, with that, I think in the spirit of what Senator Stuthman stands for when he represented our state on national TV, we'll do the same thing. We'll do the same thing next year. And then lastly I do want to thank Liz Hruska. I forgot to do that first. She's the best, and she worked tirelessly on this issue as well. So thank you, Mr. Lieutenant Governor. You can stand down now if you like. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Mr. Clerk, do you have an amendment to AM2474? [LB507]

CLERK: Senator Campbell would move to amend with AM2477. (Legislative Journal page 1276.) [LB507]

PRESIDENT SHEEHY: Senator Campbell, you're recognized to open on AM2477. [LB507]

SENATOR CAMPBELL: Thank you, Mr. President. For those who asked on the floor if we could be specific, this is the amendment. So if you are following along on AM2474, and I just tried to pull up AM2477 but mine didn't bring it up, but yours may, it says on page 1, line 12, after the period, insert, "Prenatal services provided under this section shall not include abortion counseling, referral for abortion, or funding for abortion." And that is the amendment. I appreciate the questions and I understand for many members in the body the necessity to have this amendment. We are all very committed to doing our best for the unborn and I think Senator Ashford has described that aptly, and that commitment will continue in talking to each and every one of you as we go forward. Thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Campbell. You've heard the opening to AM2477 to AM2474. Are there members requesting to speak? Seeing none, Senator Campbell, you're recognized to close. Senator Campbell waives closing. The question before the body is on the adoption of AM2477 to AM2474. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB507]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of Senator Campbell's amendment to her amendment. [LB507]

PRESIDENT SHEEHY: AM2477 is adopted. We will now return to floor discussion on AM2474. Seeing no requests to speak, Senator Campbell, you're recognized to close. [LB507]

SENATOR CAMPBELL: Thank you, Mr. President. And I appreciate the thank-yous that have been given to the staff. Whenever a gaggle of senators get together, and go, what are we doing, what should the wording be?--the staff rushes in. And they truly do and have helped us solve some problems here. I want to thank particularly all the people

Floor Debate
April 01, 2010

across the state of Nebraska who have entered into this discussion, made pledges of concern, made their voices known on this issue. We hope that you will continue to monitor what we are doing. And I would also particularly like to thank, once again, all of my colleagues who worked on this, but Senator Pirsch and Senator Howard particularly, as a group of us sort of accosted them yesterday afternoon and said, would you be willing to take up this issue for us? I am a very fond, what shall I say, admirer of Winston Churchill. And Winston Churchill has a very famous saying, you know: It's not the beginning, it's not the end, it is the beginning of the end. The point being is that I think everyone in this body is unified today to try to say this isn't a critical issue; we're going to move forward. This is the beginning of finding solutions. And with that, I'll yield the rest of my time to Senator Mello. [LB507]

PRESIDENT SHEEHY: Senator Mello, you're yielded 4 minutes. [LB507]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. This probably will be the last time, I have a feeling, we'll discuss the prenatal care issue for the last eight days of the session, assuming this passes and moves to Final Reading. A thank you, real quick, to Senator Nordquist, the Speaker, the Bill Drafters for helping us find a solution to some concerns regarding prenatal care services and ensuring that prenatal care services does not include abortion-related services. It was just a safeguard that we wanted to make sure was put in place with the adoption of Senator Campbell's AM2474. But as we close, I was just talking with someone, and I could only reiterate that this issue is not going to go away. And while we all, more than likely, will be voting for AM2474, and more than likely all of us will be voting for LB507, that doesn't wash our hands of this bigger issue that was LB1110, and it doesn't wash the hands...assuming the Governor signs LB507, it doesn't wash his hands either. There is a significant number of unborn children in our state who will no longer get services for the remainder of this fiscal year. We have an opportunity to come back in January, after what I hope and believe will be a very fruitful, thoughtful interim study with the Health and Human Services Committee, the Judiciary Committee, and members who want to be engaged to see the real costs with the lack and loss of prenatal care. But make no doubts about what we're doing today, this is not the solution. And we've all reiterated on the mike multiple times, this is a safeguard to a population that is one of the most vulnerable populations who lost its coverage. We're not done with this issue, and by no means should anyone think that we are now done. We will do an interim study, come back, say we can't do this next year--because that's not going to be the case. Because from my perspective and many other of our colleagues, this has always been about the healthcare benefits for unborn children. And as many of us have said today on the floor, good people can disagree on many issues. But where you take your perspective and the guiding light that directs you as a senator will be seen on this issue as it comes forward, because there are those of us, while we believe with what we did today is one small step, there are many of those unborn children who are now going to be forgotten--because we adjourn in eight days. And one of the reasons I came to this

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

Floor Debate
April 01, 2010

body was to fight for the forgotten, the people who are on the outskirts of our day-to-day life in society. And this is an issue that we all must take a step back, understand that this will be on our e-mail boxes after today, it will be in the mail in our office, the phone calls from constituents, because people care. People care about unborn children. People care about women's health. And we have a responsibility to continue to move this forward to try to rectify what we were unable to accomplish in this legislative session. With that, I really would like to say a special thank you to Senator Campbell, to Senator Flood,... [LB507 LB1110]

PRESIDENT SHEEHY: One minute. [LB507]

SENATOR MELLO: ...to Senator Nordquist, to Senator Ashford, and to Senator Gay for the last three weeks of trying to find something. And while this is something, it's not everything, and it's not the final solution that we all want. We have some time to find that. With that, thank you, Mr. President. [LB507]

PRESIDENT SHEEHY: Thank you, Senator Mello and Senator Campbell. You have heard the closing of AM2474 to LB507. The motion before the body is on the adoption. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB507]

CLERK: 43 ayes, 0 nays, Mr. President, on the adoption of Senator Campbell's amendment. [LB507]

PRESIDENT SHEEHY: AM2474 is adopted. Do you have anything further, Mr. Clerk? [LB507]

CLERK: Nothing further, Mr. President. [LB507]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized for a motion. [LB507]

SENATOR NORDQUIST: Mr. President, I move LB507 to E&R for engrossing. [LB507]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB507 advances. (Visitors introduced.) Mr. Clerk, do you have items for the record? [LB507]

CLERK: I do, Mr. President. New A bill, LB507A. (Read LB507A by title for the first time.) Bills read on final reading this morning were presented to the Governor at 10:25 a.m. (Re LB965, LB1081, LB820, LB864, LB880, LB880A, LB901, LB924, LB970, LB975, and LB373.) Senator Heidemann offers LR542. Pursuant to that, Mr. President, a communication from the Speaker directing LR542 to Reference. A Reference report from the Reference Committee and a notice of hearing from the Executive Board regarding LR542. LR543: a resolution by Senator Conrad; that will be laid over.

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

Floor Debate
April 01, 2010

Enrollment and Review reports the following bills to Select File: LB1103, LB411, LB713, LB252, LB759, LB760, LB732, LB1047, LB706, LB696, LB978, LB792, LB695, LB986, LB997, LB933, and LB813, all to Select File, some having Enrollment and Review amendments. Senator Price would like to print an amendment to LB563; Senator Gay to LB780. I have some name adds, a series of name adds to LB507: Senators Krist, Hadley, Carlson, Christensen, Nelson. Senator Mello to LB987. Senator Price to withdraw from LB987, and others to withdraw from LB987: Fischer, McCoy, Hadley, Schilz, and Janssen. (Legislative Journal pages 1277-1285.) [LB507A LB965 LB1081 LB820 LB864 LB880 LB880A LB901 LB924 LB970 LB975 LB373 LR542 LR543 LB1103 LB411 LB713 LB252 LB759 LB760 LB732 LB1047 LB706 LB696 LB978 LB792 LB695 LB986 LB997 LB933 LB813 LB563 LB780 LB507 LB987]

Mr. President, a priority motion. Senator Flood would move to adjourn the body until Tuesday morning, April 6, at 10:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Tuesday, April 6, 2010, at 10:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.