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Floor Debate  
January 22, 2014

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SENATOR GLOOR PRESIDING

SENATOR GLOOR: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the tenth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Chaplain Perry Gauthier with Capitol Ministries here in Lincoln, Nebraska, a guest of Senator Janssen. Please rise.

CHAPLAIN GAUTHIER: (Prayer offered.)

SENATOR GLOOR: Thank you, Chaplain Gauthier. I call to order the tenth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections, Mr. President.

SENATOR GLOOR: Are there any messages, reports, or announcements?

CLERK: Mr. President, I have a Reference report referring LB972 through LB985. I have a withdrawal of a gubernatorial appointment. I also have hearing notices from the Natural Resources Committee, the Government, Military and Veterans Affairs Committee, those signed by the respective Chairs. That's all that I had, Mr. President. (Legislative Journal pages 299-301.)

SENATOR GLOOR: Thank you, Mr. Clerk. (Doctor of the day introduced.) Mr. Clerk, we'll now proceed to the first item on the agenda.

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CLERK: Mr. President, first item is a motion by Senator Christensen to withdraw LB957. [LB957]

SENATOR GLOOR: Senator Christensen, you're recognized to open on your motion to withdraw. [LB957]

SENATOR CHRISTENSEN: I was talking. (Laugh) Am I recognized? [LB957]

SENATOR GLOOR: You are recognized,... [LB957]

SENATOR CHRISTENSEN: Okay. [LB957]

SENATOR GLOOR: ...Senator Christensen, on your motion to withdraw. [LB957]

SENATOR CHRISTENSEN: I just ask that you withdraw this. After a little further study on this, this can be handled in another way through a federal statute that they can make sure, because right now the bill just simply made public knowledge out of the exploration or "seismographing" on public property. And technically, the land is owned by the farmer to the...the landowner, to the center of the road, so technically they can't do it anyway. So if it is occurring they got a lawsuit, so I don't feel like the bill is necessary. Thank you. [LB957]

SENATOR GLOOR: Thank you, Senator Christensen. Members, you have heard the opening on the motion to withdraw LB957. We now move to floor debate. Seeing no senators wishing to be recognized, Senator Christensen waives closing. The question is, shall LB957 be withdrawn? Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB957]

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB957]

SENATOR GLOOR: LB957 is withdrawn. Mr. Clerk. [LB957]

CLERK: Mr. President, the next item of discussion, General File, LB403, a bill by Senator Seiler relating to crimes and offenses, prohibits the retail sale of novelty lighters. Bill was discussed yesterday. Committee amendments were adopted. Senator Kintner had pending FA175. Senator, do I understand you wish to withdraw or...? [LB403]

SENATOR KINTNER: You know, I read that last night. It's not very clear. I don't think that adds anything, so I'd like to withdraw that floor amendment. [LB403]

SENATOR GLOOR: So ordered. [LB403]

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CLERK: Mr. President, Senator Brasch would move to amend with FA176. (Legislative Journal page 301.) [LB403]

SENATOR GLOOR: Senator Seiler, I'm going to ask you to give us a very brief, 30-second, 60-second update or review of your bill before we move to Senator Brasch. [LB403]

SENATOR SEILER: I think everybody is...oh, thank you, Mr. President, members of the Unicameral. I think everybody remembers this bill. It's called the novelty lighter bill, in which basically it's the prohibition of the sale of toys that are lighters and attractive nuisances to children. And the sole purpose is to protect children from catching fire and burning and becoming severely injured. I believe everybody is familiar with this bill. It probably has gotten much more comments and publicity than expected, and look forward to continuing the debate. [LB403]

SENATOR GLOOR: Thank you, Senator Seiler. Senator Brasch, you are recognized to open on your amendment. [LB403]

SENATOR BRASCH: Thank you, Mr. President, and good morning, colleagues. This bill has generated much discussion. No one wants to see government overreach. That's what I'm hearing, this is an overreach. However, I don't think there's anyone in this Chamber that wants to see a child unduly hurt by a toy that is also a lighter. When speaking with an individual and showing them an illustration that I'm having made, some of these toys, these novelty lighters, look very similar to plastic animals that I have in my toy chest at home for my grandkids. There's a cow, there's a pig, there's, you know, I think there's a company that does the little barnyard. And these basically look very similar. And when I showed this to an individual, they looked at the picture and said, I'll quote them, "That's just messed up," just messed up to make toys, toylike lighters. To prevent consequences unintentional on this and to protect us from overreach, my amendment would change this that a novelty lighter may not be sold to a minor under 18 years of age. You must be an adult. That is the legal smoking age. And I believe that protection of children is a right thing to do. I believe by giving government more oversight is wrong. There are certain things that we must look after, you know, those who cannot protect themselves. And I do believe strongly in parents' rights, but I also believe that parents, in day-to-day life, are not with their children for every split second. I have had individuals also comment that what about when you take your child to your day-care provider? You know, where are these toys that also shoot flames? In support of some protection here and in the rights of an adult to purchase, you know, this lighter, that's why I bring this amendment forth. I do ask for your support on FA176. Thank you, colleagues. [LB403]

SENATOR GLOOR: Thank you, Senator Brasch. We now move to debate. Senator

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Hadley, you are recognized. [LB403]

SENATOR HADLEY: Mr. President, members of the body, I haven't spoken on this bill yet but six years ago when I entered this body I guess I came in a little naively. I didn't realize how many situations that we would be involved in where personal freedoms become a part of the equation when we're talking about statutes. And after being on the Transportation Committee, I certainly have heard a number of them, whether it be texting, seat belts, helmets, whatever it is. I think we have two extremes at times. We have the people that believe that the government should be out of basically everything individuals do, and we have the other extreme that says government should be involved in everything people do. I think this particular bill falls in the middle. We're not talking about adults. We're not talking about a person sitting at home and having a can of beer and playing with a John Deere tractor lighter and happens to light himself on fire. That's not what we're talking about here. We're talking about children who see something and it becomes an attractive nuisance. I remember the one lighter that really struck home was one that looked like a cell phone. Can you imagine young children who see their parents constantly using a cell phone and then they pick up a lighter that looks like a cell phone? Wouldn't it be a common thing for a child to pick that up and play act as if it was a cell phone? So I stand in favor of LB403 and I am opposed to Senator Brasch's amendment because I don't think it's the sale as much as the use of them. It's where the parents buy them and the children somehow get access to them, that's what the problem is. We're dealing with children here. Children are inquisitive. They mimic their parents. I can imagine a child seeing a parent light a cigarette with a John Deere tractor lighter and the parent or the child sits there and says, oh, that really looks kind of neat. So I do stand in favor of this bill. I don't think it's an intrusion on parents' rights. I don't think it's...we're overstepping our bounds. I do think this is an attractive nuisance and I do stand in favor of the bill. With that, I will yield any remaining time to Senator Seiler. [LB403]

SENATOR GLOOR: Two minutes, Senator Seiler, should you choose to use them. [LB403]

SENATOR SEILER: Pardon? [LB403]

SENATOR GLOOR: You were yielded 2 minutes by Senator Hadley. [LB403]

SENATOR SEILER: Thank you very much. Thank you, Senator Hadley. This amendment, FA176, is kind of a diversion and I'm going to speak against it because it's not who buys it, and that's what that amendment runs to, to should not be sold to somebody under 18 years of age. A four-year-old is not going to buy it. A four-year-old is not going to buy the lighter. It's a diversion. It's going away from the purpose of the bill. The bill is to protect the children who someone else bought it and it would just stop the sale at the very beginning. That's what the purpose of this bill is. So I'm asking you,

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when this comes to a vote, to vote no on the amendment and let's proceed on down the road. Thank you. [LB403]

SENATOR GLOOR: Thank you, Senator Seiler and Senator Hadley. Senator Kintner, you are next in the queue. [LB403]

SENATOR KINTNER: Well, thank you, Mr. President. I want to thank Senator Brasch. This is a thoughtful amendment. It's common sense. You know, we heard Senator Hadley say that, well, he made a very reasonable, very calm, rational argument about, you know, kind of where we draw the line. He thinks this is in the middle. You know, I think that's a very strong point of view. I don't quite agree with it, but that's just a discussion that we should be having. He said that children were inquisitive. Really? Inquisitive? Well, yeah. So if they see a candle, they're going to want to play with it. If they see a light socket, they might stick something in it. If they see a toy, they might try to eat it. They are inquisitive. You know, if they see a boiling pot of hot water, they might reach for it. If they see a hot burner that's red, they might try to touch it. You know, if they see a ball roll in the street, they might run out there after that ball. Well, they won't look both ways. Kids are very inquisitive. If they see daddy's car unlocked, they might climb in it and try to start it. Kids are inquisitive. But I don't see a law trying to ban every little thing that a child might get into. It's called being a child. Now to this amendment, the reason this makes sense is that if you...the people under 18, I can see them buying a lighter and leaving it out. People who are adults generally have enough sense not to leave a lighter out. But if they're going to leave a lighter out, they're about 30 times more likely to leave a regular lighter out than they are a novelty lighter. I don't know, there's, what, 6 million lighters in our state, 5,000 are novelty lighters. Look at the math. If we're going to outlaw lighters, outlaw every lighter. There's certainly a lot more damage that can be done by a Zippo because there's just a lot more Zippos than there are novelty lighters. It's a simple numbers game. If we're being intellectually honest here, outlaw all lighters. Outlaw them all. And I think that we've gone beyond what people in our state have asked us to do. I think a lot of people in this state or a lot of people in this Chamber, maybe, are oblivious that the winds of freedom and the winds of liberty are blowing across Nebraska. People aren't asking for government to rule their lives, to make their decisions for them. I mean people look at the government, federal government, telling them the light bulb they have to use. They have the federal government telling them the toilet they have to use, somewhat the car they have to drive in terms of what it has to have on it and how many miles to the gallon it has to get. I know that's the federal government, but people are fed up with it. They expect that stuff out of New York. They expect that stuff out of Washington. They expect it out of crazy California. They don't expect it here in Nebraska. We're not crazy Nebraska. We're regular, common-sense Nebraska that was raised on God, on rugged individualism, on helping your fellow man, lending a hand, working hard to achieve the American dream. That's what we're about. We're not about outlawing every little hazard... [LB403]

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SENATOR GLOOR: One minute. [LB403]

SENATOR KINTNER: ...that could possibly happen to every child. That's not what we're about. That's what I love about Nebraska. It's called the Nebraska way. Nebraska common sense, that's what we're known for. I don't want to see Nebraska become crazy California, become left-wing New York, become dysfunctional Washington, D.C. That's not who we are. I want to turn this train around. We're headed for California with these rules and regulations and bills and spending that we're doing. I want to turn that train around and head it freedom's way. I think that's where people in our state want to be. That's where people in Legislative District 2 want to be. Thank you, Mr. President. [LB403]

SENATOR GLOOR: Thank you, Senator Kintner. Senators in the queue: Bloomfield, Johnson, Brasch, and Schilz. Senator Bloomfield, you're recognized. [LB403]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, colleagues. I rise in support of Senator Brasch's amendment. I think this is a good idea. People need to be responsible for their actions. You know, I guess I was going to ask Senator Seiler but I'm just going to ask the body to give it a little thought. We compared yesterday Senator Kolowski to Boeing's 757. Today I'm going to ask we go a little smaller than that and a little more likely. If you were to have an object left on your living room table, your end table or whatever, and you were to leave the room, would you rather have that child see a novelty lighter or a .38 snub nose? Either one can be left laying by parents that aren't doing what they should be doing. Which one is more dangerous? Which one is the kid most likely to pick up? I would say he's going to go for the little revolver. I could raise the same question with a paring knife. Which one is the child most likely to pick up, the flashy, shiny, sharp-edged knife or a cigarette lighter that looks a little different than what we perceive the normal cigarette lighter to be? Again, I'd support Senator Brasch's amendment. I think it's a good step in the right direction. Bear in mind we are not banning, under the law as proposed or the bill as proposed, the lighters themselves. We're just banning selling them in Nebraska, because you're allowed to have them yet. You can pick them up at the casino in Iowa when you go over there. You can pick them up anywhere else in Iowa and bring them back to your home. All we're doing is causing another hardship on our Nebraska retailers and causing more Nebraska dollars to cross the border. Thank you. [LB403]

SENATOR GLOOR: Thank you, Senator Bloomfield. Chair recognizes Senator Johnson. [LB403]

SENATOR JOHNSON: Thank you, Mr. President. I did not intend to speak on this, this morning. I was ready to vote for LB403 after we cleared out other amendments. And I, in my opening comments yesterday, I threw in a couple suggestions, quick thoughts that I had. One of them was extending the time that these still could be sold and the other

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one was barring them from being sold to minors--if you can't smoke you can't get a novelty lighter. As the discussion went along yesterday, I realized that those were not real solutions, kind of band-aids, especially giving some more time. I think it's urgent that we are able to move forward with this bill as originally proposed, including the amendment that we did pass. We disposed of the amendment yesterday dealing with the additional time. And as I looked at examples I had yesterday with my grandchildren, and if I had one of these laying around, I don't know why I would but if I did, I think I'd probably forget once in a while to put that away if I leave the room or something. And I think we just need to get rid of the temptation totally. I believe this is still going to be abused a little bit, still fall in the hands of minors. I think we need to totally take away the temptation of that. I do support LB403 but I do not support FA176. Thank you, Mr. Chairman. [LB403]

SENATOR GLOOR: Thank you, Senator Johnson. Senator Brasch, you're recognized. [LB403]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. And I want to thank Senator Bloomfield for his support. I did not bring this amendment forward as a diversion or a delay of any sort of any type. I have been engaged in many discussions since last evening, Facebook, e-mails, trying to do the right thing because I do genuinely and sincerely, from the bottom of my heart, I love children, those who are conceived, through their whole life. And I do not see this as a bill that would take...it's not a nanny state bill. This is not a diversion bill. The concern expressed about our freedoms is that as adults we choose. We make certain decisions. This decision here would impact a child. I received an e-mail from a constituent who is also a volunteer firefighter. I want to just share portions of it with you. This volunteer firefighter is writing here. It says: Some of us, on the other hand, live in, and in quotes, "real-ville," "real-ville." Some of us rise at all hours of day and night. We leave work and our family with only one hope and that's to protect lives and property of our neighbors and fellow Nebraskans. Some of us that do that, we do it for free. Some of us have held these lifeless bodies of children in our arms. If you've ever had that experience, as I have, you would do everything in your power to prevent it from needlessly happening again. Virtually every expert in fire service has come together to craft and support LB403. While I agree with you and some others that, in concept, our government is overreaching and in many cases out of control, this is not the case with LB403. We should trust the people that see not only the statistics but those of us that see the faces of those kids. And he's talking about children rescued from fire. And it says, if you can't support LB403, please at least join me in "real-ville" for an honest, open debate about child safety. And I'm bringing this forward as honest, open debate, not a diversion of any sort. I do believe that these are designed by adults for adults, so let's make sure that it is the adult responsibly purchasing this, realizing there could be harm. Yesterday Senator Coash shared with me the location where these lighters are being sold in my community and I did see them. I thought they were key chains. They're right out there

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by a register. And I ignored them because I don't need another key chain. They are, indeed, actual cigarette lighters. I'm disappointed to see that in our rural communities. I am asking you to support FA176 so that it is an 18-year-old purchasing this, realizing completely, without a doubt, that they are dangerous for children; that have it a novelty, that's fine. Get a laugh, get a chuckle, it's cute. But some adult has designed something very dangerous for children. [LB403]

SENATOR GLOOR: One minute. [LB403]

SENATOR BRASCH: We protect our kids with cribs designed carefully. We protect our kids with medicine bottles that are childproof. We protect our children with car seats designed to help them survive vehicle impact. This is one measure to say you have the freedom to have this but you must be 18 years old. This is not an amendment that is against LB403, which I do think is an important bill. But I think it's also important that we realize the intent here is to save children and children's safety. So keep these lighters in the hands of adults and adults who recognize and realize the consequences, unintended, that these lighters may have. Thank you, Mr. President. And thank you, colleagues. [LB403]

SENATOR GLOOR: Thank you, Senator Brasch. Senator Schilz, you're recognized. [LB403]

SENATOR SCHILZ: Thank you, Mr. President. Good morning, members of the body. You know, I sat and listened to the debate and, you know, I look at these bills and where we talk about the line, you know, how far do we push, how far do we go, are we moving into the area of a nanny state, this and that. And I have those concerns on some things, have had that concern on this bill to start out. And as we sit here and look at it, and I saw some of the lighters and, yeah, they are made to look like toys, I see that. And obviously, there's some issues with that, that we probably need to take care of. If everybody wants to make it so that people that are 18 or over 18 are the only ones that can purchase these, I'm not going to stand in the way of that. I would say, though, that what seems to me better to do as well is not to ban them outright necessarily but to say if somebody wants to sell a novelty lighter here in the state of Nebraska that it has to have a reliable childproof device placed upon it. And I think if it has that, then we're back to the same thing as the BIC lighters are now. Because I know, I mean I remember, and I'm not even sure I should say this, but I remember when I was ten years old and if there was a toy tractor or a lighter sitting there, there's a fifty-fifty chance I might grab either one (laugh), you know, and have just as much fun with either one. So I'm actually drafting an amendment to do that. I'd like everybody to consider it. And when the amendment gets up here, I'll be happy to introduce it and see if we can't move forward and put this to bed. Thank you very much, Mr. President. [LB403]

SENATOR GLOOR: Thank you, Senator Schilz. Senator Kintner, you are recognized.

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[LB403]

SENATOR KINTNER: Thank you, Mr. President. You know, people are coming in and out right now. They haven't heard everything we've said and I want to repeat a little bit. I know people aren't particularly paying attention. A lot of people have their minds made up one way or the other on this bill. But the reason that we want to ban people under 18 from having these is because they are the ones that will more likely leave it out, and the adults know what kids do. Adults know that kids are inquisitive, as Senator Hadley said. So we want to say, kids, 18 and under, no, no, you're not going to get a lighter, you can't smoke anyway, nothing good will become of that. But an adult, you know, they have kids, they know what kids are capable of and they know what kids get into. And that is why we're doing this. That is why Senator Brasch introduced this bill (sic), a very thoughtful bill. I commend Senator Brasch. She looks at issues. She gets input. She reads both sides. She does her homework and that's the sign of a great legislator. You know, I talked about liberty and freedom's wind blowing across Nebraska and some people haven't quite felt it yet. But I think people at home have felt it. You know, I'm a big fan of John F. Kennedy. There's a lot of things I like about him. And he said, "The best road to progress is freedom's road." Think about that: John F. Kennedy, President Kennedy, "The best road to progress is freedom's road," freedom's road. It's not regulation's road. We never regulated our way to a great society. We never regulated our way to be the greatest power on earth. We never regulated our way into prosperity. And we never...and let me just add that we never taxed our way into prosperity either. You know, C.S. Lewis had a great quote and I really like this quote. I'm going to read this quote to you. He said: Of all the tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under the robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, but his cupidity may at some point be satisfied; but those who torment us for their own good will torment us without end for they do so with the approval of their own conscience. And that is absolutely right. The worst tyranny is exercised for the good of its victims. We're helping people. That's all we're doing. We're just helping you. And by the way, since I helped you, vote for me. The road to hell is paved with what? It's paved with good intentions. But there's a lot of good intentions that infringe on liberty, that are a waste of time, that are feel-good. They don't accomplish anything. And I think the bill we're talking about, without the Brasch amendment, is exactly that. At least with what Senator Brasch introduced,... [LB403]

SENATOR GLOOR: One minute. [LB403]

SENATOR KINTNER: ...FA176, we at least have a little bit of common sense with this. We're not going to hurt anyone's business. And you know, we'll get to what's really the problem. It's irresponsible people, which tend to be younger people. They don't think about these things. They don't have kids. It will prevent them from buying a lighter, not getting a lighter. That's the whole other problem we have. You know, you can always

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get a lighter, even if we don't sell them. You'll get them in Iowa. You'll get them somewhere else. So I thank you, Mr. President, and I thank you, Senator Brasch, for this thoughtful amendment. [LB403]

SENATOR GLOOR: Thank you, Senator Kintner. Mr. Clerk, items for the record? [LB403]

CLERK: Mr. President, thank you. I have new bills. (Read LB1013-1047 by title for the first time.) That's all that I have at this time, Mr. President. Thank you. (Legislative Journal pages 302-307.) [LB1013 LB1014 LB1015 LB1016 LB1017 LB1018 LB1019 LB1020 LB1021 LB1022 LB1023 LB1024 LB1025 LB1026 LB1027 LB1028 LB1029 LB1030 LB1031 LB1032 LB1033 LB1034 LB1035 LB1036 LB1037 LB1038 LB1039 LB1040 LB1041 LB1042 LB1043 LB1044 LB1045 LB1046 LB1047]

SENATOR GLOOR: Thank you, Mr. Clerk. Returning to FA176 to LB403, senators in the queue: Brasch, Kintner, and Seiler. Senator Brasch, you are recognized. [LB403]

SENATOR BRASCH: Thank you, Mr. Speaker. And once again, thank you, colleagues. I want to add again that I believe this amendment that requires you to be 18 years of age or older to purchase one of these novelty, toylike lighters, fire, I mean to me it's just so simple, there is a safety hazard for children. I did pass out, it says L.B. 16, L.B. is my initials, District 16, and for the purpose of the photograph. Look at the picture. Those items are so similar of things you would see in a preschool, in a toy box, on a toy shelf. You know, I saw them by a register in West Point, Nebraska. I did not look at them because I thought they were key chains. We need to have some control. We don't need to take away our freedom, but we do need to have some control when it comes to child safety and assuring that these do not fall in the hands of a younger individual, a teenager that thinks they're cute and does not have the responsibility or the sense to realize the danger that this has had. You know, I've had many dialogues, you know, over the last few years with our firefighters; and I know their sacrifices and I know their experiences are very difficult, difficult to live through. They want to have less of these incidences when it comes to fire and fire with children especially. You know, I don't think that we need more laws, but perhaps we do need to consider what we are putting into the hands of our children that may be harmful and hopefully, you know, not meeting their end of life. It's not unreasonable to say that someone should keep these under lock or have certain cautions with them. I believe we can make those decisions. But I believe as a retailer, as a grocer, as a person who has these items, there should be some responsibility in giving it to the next person, because you don't know where it will end up. Children are so fast, so curious. They do things that are constantly surprising, you know, funny. You know, they can make a bad day a great day. And at the same time, children can make wrong decisions. Adults need to help with oversight here and not overregulation. You know, I believe that this is a good bill, that this is a better amendment added to that to protect our rights and to also ensure child safety. So quite

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respectfully, I do ask Senator Seiler to understand that this is not a diversion. I had no intention of creating any diversion. The only reason I brought it up is because I have heard from so many that are concerned about rights here. Rights should always be recognized. But the safety of... [LB403]

SENATOR GLOOR: One minute. [LB403]

SENATOR BRASCH: ...children should be paramount. And this is one of those amendments that asks for an 18-year-old or older to please be careful with this. It looks like a toy, but it does not act like a toy, because it is a lighter. It has a flame. It is very dangerous. I ask, colleagues, if you would please support FA176. And if you do have any questions, please ask me. Thank you, colleagues, and thank you, Mr. Speaker. [LB403]

SENATOR GLOOR: Thank you, Senator Brasch. Senator Kintner, you are recognized, and this is your third time, Senator. [LB403]

SENATOR KINTNER: Well, thank you, Mr. President. I want to thank, once again, Senator Brasch for being a senator that studies the issues, that does her research and tries to come up with a common-sense solution. You know, when you look at what we're doing here, you know what makes lighters attractive to children? It makes fire. It makes fire. How do they learn it's dangerous? Well, hopefully they don't get burned, but they get taught by a teacher that it's dangerous. They get taught by a parent. They get taught by a guardian. They get taught by a grandparent that fire is dangerous. And the fact that it comes out of a toy lighter or it comes out of a regular BIC or it comes out of a Zippo or it comes off of a candle or it comes off of a campfire or it comes out of a fireplace or it comes off of a cigarette, it doesn't matter, fire is fire. And I think most parents have the sense to teach their kids that fire is wrong. You know, somebody wrote in last night to me. And by the way, we're being watched. If you don't think anybody is watching, you're fooling yourself. By the time I got off the floor, I had three phone calls from around the state saying, this is ridiculous, Senator Kintner; keep fighting. I had three or four e-mails. Then last night I started getting e-mails in, came in this morning. You know what someone said? He said he read about this and he thought it was an Onion. He thought it was The Onion. He thought, no, the Legislature wouldn't be doing something silly like trying to ban novelty lighters. At least he thought it was silly; I understand why. It's, you know, there's sincere reason why people want to do it. But he thought it was absolutely silly. He thought he was reading a headline from The Onion. And, unfortunately, it's not in The Onion. It was an AP story. You know, what's the definition of a toy? I don't know. It's up to a parent to teach their child what's the definition of a toy. You know, do you let your child play with harmful things? Well, you shouldn't. But we can't regulate that. That's not our job. I think we've gone through all the things...not all things. You know, we'll never exhaust that list. But I've sat down or I've stood here and I said, look, you can't protect from this, you can't protect from this, you can't protect from this. I'm a little

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afraid to mention all those things because somebody in this body might come up with a bill to ban all the things that I said that, you know, we're not...we can't protect kids from. I mean it's just a matter of time before someone stands up and says, hey, you know, let's...we can't have candles; no, no, we can't have candles. You know, this is where we're heading with this. And I thought this is a good time, as Barney Fife would say, nip it in the bud. You know, these things just pass and they just go and no one pays attention. Well, you know what? Nebraska is paying attention now. Your constituents are watching you and I think it's...we owe them a fair debate, a fair hearing on this, and a thoughtful vote. We talked about liberty a little bit. You know what Davy Crockett said? Liberty is not yours to give. We don't give liberty in this body. We infringe on it. [LB403]

SENATOR GLOOR: One minute. [LB403]

SENATOR KINTNER: We sometimes take it. Liberty comes from God and that's the only place it comes from. It doesn't come from our constitution. You know, we have a state constitution and we have a national constitution, and it doesn't give us rights; it protects rights. It restrains government. And what we're doing right here is we're attempting to restrain government and protect the people from bills that aren't going to help them, that only sound good, that don't do the job. But FA176 will make it a little better. Thank you, Mr. President. [LB403]

SENATOR GLOOR: Thank you, Senator Kintner. Senators remaining in the queue: Smith and Mello. Senator Smith, you are recognized. [LB403]

SENATOR SMITH: Thank you, Mr. President, and good morning, colleagues. I do appreciate Senator Brasch working to find a resolution to the issue that seems to be being brought up over and over, but I will agree with Senator Seiler and some of his earlier comments that the concern here is not the point of sale of the item. It's the potential unintended use by children. Having a childproof switch, and this is the solution that we heard Senator Schilz bring up that he's bringing forward in a floor amendment in just a bit, having a childproof switch I believe is a reasonable requirement and a solution, a resolution to the concern that's been raised by the body and by Senator Seiler in his underlying bill. The manufacturing and the purchase of these items will be able to go forward, continue with the reasonable amendment that Senator Schilz is going to be bringing forward. I do appreciate Senator Seiler's concern and his attempt to try to resolve an issue. I do believe in a reasonable approach to it, however, and I do believe that that reasonable approach will be a childproof mechanism on the item. It doesn't inhibit, limit the market of being able to produce or sell the items. I do encourage the acceptance of Senator Schilz's floor amendment when it does come forward. And with that amendment, I would approve or support the LB403, if it's amended with that floor amendment that Senator Schilz brings forward. Colleagues, we have much to accomplish this session. I hope we can move forward with a reasonable solution. Thank you, Mr. President. [LB403]

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SENATOR GLOOR: Thank you, Senator Smith. Senator Mello, you're recognized.  
[LB403]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. I rise in support of LB403 because I think it's really a common-sense issue we're dealing with here today. And with all due respect to my colleague, Senator Kintner, this is not an ideological war on personal liberty and personal freedom. This is a reality. If you look at a picture that's in front of you right now, there's children who are utilizing novelty lighters that look like toys. I can tell you, as an expecting father, I've taken a completely different perspective in regards to the general things that sometimes we overlook in our day-to-day lives. And looking at children's toys is one thing that I've had to take a little bit more time to look at. Knowing a lighter closely resembles a children's toy should be concerning to all of us, whether we have children or not. And for anyone to make an outlandish claim that this is infringing on someone's personal freedom and liberty to buy a lighter that looks like a children's toy for the sole purpose of looking out for children is hyperbole at its worst. I'm not disagreeing with the general thought that, yes, we need to be careful in what we regulate. But we regulate water for safety purposes. We regulate air for safety purposes. We regulate food for safety purposes. What we're doing under Senator Seiler's bill is trying to regulate a lighter that looks like a toy, because we know children are interpreting this as a toy. I'm not disregarding Senator Kintner's comments that, yes, parents need to be parents, they need to look after their children. But I've got four nephews under the age of three; and if I saw a toy like this, I will now make sure it's not a lighter because children at the age of three, Senator Kintner, may not know the difference between a lighter and a toy. And for us to claim that this is simply the parents' fault, that we need to put all the responsibility on a parent to make that determination because, God knows, parents don't have enough to do in their day-to-day life, knowing Nebraska ranks number one in the country in regards to the number of working parents in the work force. Trying to put food on the table and pay their bills, last thing that they need to be worried about is whether or not their children are picking up a toy that's a lighter. We'll have, probably, some pretty big ideological debates this session on a variety of issues, but I think what Senator Seiler is bringing to us is something that is a common-sense proposal that any parent who has a young child would agree that we need to look out for our children in circumstances like this. And the same reason we regulate water, food, air, child seats, a variety of other issues and other products and services that we know have an impact on young children, novelty lighters, I think, fall under a very similar category. What Senator Brasch is doing, her floor amendment, FA176, I'm not quite sold that we need to do it. But for us to make, I would say, very, very hyperbolic ideological statements on infringing on someone's freedom and liberty because we want to look out for young children who look at a lighter the same way they look at a toy brings down the level of debate in this body. I know Senator Seiler. I sit next to him every day and have for a couple of years. Senator Seiler is no New York or California liberal, as people on the floor have been saying these kind of ideas are

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brought forward. He brought it through a Judiciary Committee who had debate. They passed it out of committee because they felt it was a good consumer protection for young children. Let's keep that in the back of our mind of why... [LB403]

SENATOR GLOOR: One minute. [LB403]

SENATOR MELLO: ...we're debating this issue, what the issue is, and not get lost in the ideological war that some may want us to fight on a bill that tries to make sure that children don't have access to lighters that look like toys. It's not that difficult. It's not an infringement on someone's freedom and personal liberty. It's a consumer protection issue, looking out for those children who can't right now, at the age of three, two, or one, understand the difference between a toy and a lighter. Thank you, Mr. President. [LB403]

SENATOR GLOOR: Thank you, Senator Mello. Chair recognizes Senator Bloomfield. [LB403]

SENATOR BLOOMFIELD: Thank you, Mr. President. I've also received a surprising number of e-mails on this issue, and I'm going to read one of the short ones. It says: Dave, please vote against LB403. I believe there are many things in life that require common sense and not government interference. I grew up with novelty lighters in the house and they didn't cause me to be addicted to smoking or burn the house down. I believe that people are just as smart today as they were 50 years ago, and they don't need this type of intrusive legislation to make it through life. This is frivolous legislation and waste of taxpayer money. Please try to help this Legislature focus on things worthwhile. Colleagues, Nebraska is watching. I hate to see this go to an eight-hour debate. I fear it's going there, as will apparently a great number of bills this year. This is something that can be decided easily by 25 people on the floor if we get it to a vote. The people of Nebraska, from the e-mails I receive, are not in favor of this idea. I have gotten one or two in support of it also, but the vast majority is basically saying, what the heck are you guys doing down there, that we're passing this kind of legislation. It is time for us in Nebraska, in this body, to let people educate, not for us to constantly legislate. And I would yield the rest of my time to Senator Kintner, if he'd like it. [LB403]

SENATOR GLOOR: Senator Kintner, 3 minutes. [LB403]

SENATOR KINTNER: Well, thank you, Mr. President. And thank you, Senator Bloomfield. With all due respect to Senator Mello, you know, I never said this wasn't...this specifically was an ideological attack on liberty. This is a sincere attempt to solve what is perceived as a problem with a bill that's not going to do diddly-squat. That's all it is. There's no attempt to infringe on liberty. But that's kind of what happens. You know, we talk about, you know, children under three years of age. I know that was mentioned. You know, they should have a parent overseeing what they do. If you think

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of all the things that could possibly happen to a child under three, holy cow, we can never outlaw all those activities, all those toys that could hurt them, all those household utensils and hardware tools that are used. How are you going to outlaw everything that could hurt a child? I mean it's almost endless. And to say one other thing, remember what C.S....I just...I'm going to reemphasize what C.S. Lewis said: Of all the tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. And I think that is very, very, very well said. And I just don't know where we draw the line with household safety. This ought to be a concern and it just gets us going down that slippery road of legislating this and legislating that and legislating this. And it's death by a thousand cuts. This bill, if it passes and becomes a law, is not the end of our state. [LB403]

SENATOR GLOOR: One minute. [LB403]

SENATOR KINTNER: It's just another cut. It's just another notch. It's another step down the road to being ruled by a state government, being told what you can and can't do. It's just sliding us a little bit further down that road. And I don't think we want to go there. I just don't think that's what made us the state that we are. And we're never going to regulate our way to prosperity but we can regulate our way to tyranny, and that's where I don't want us to go. Thank you, Mr. President. [LB403]

SENATOR GLOOR: Thank you, Senator Bloomfield and Senator Kintner. Senator Seiler, you're recognized. [LB403]

SENATOR SEILER: Thank you, Mr. President, members of the Legislature. I've been asked by a number of senators, where's my position at this time. My position is for LB403, plus the...I've looked at the amendment of Senator Schilz and I have no problem with that. I am opposed to the bill (sic), FA176, because the amendment doesn't go to the heart of the matter. The heart of the matter is the design of the product. Senator Schilz's amendment does go to the heart of the matter, to the design of the matter. All this talk about liberty, of wonderful discussions on the form of government and everything, I just got to wondering how many bills that Senator Kintner has introduced this year to repeal all these hundred slices of his liberties. I looked at what bills he introduced. I didn't see a single one that was a complete repeal of large sections of the Legislature. There's 16 volumes back here, 16 volumes of laws passed by this Legislature. My dad had an 8th grade education and I think he had some of the best philosophy of legislation there is: For every bill passed, two ought to be repealed; in ten years, we'd have decent laws. And I think that's true. And if somebody wants to say, okay, propose two to be repealed, I can do that in a heartbeat. I can do that in a heartbeat, and I would be willing to repeal some of the laws that have been passed. But the truth of the matter is, that's all a diversion. That's all wonderful debate for high school and college-level people. It's...the pages would have fun debating both sides of that, whether it's a violation of liberty. I don't think that has a place here. We're trying to

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protect children from violent burns that will last a lifetime. So I'm in favor of LB403. I am favorable to Senator Schilz's amendment and that's it. Thank you. [LB403]

SENATOR GLOOR: Thank you, Senator Seiler. Senators remaining in the queue: Janssen, Lathrop, and Chambers. Senator Janssen, you're recognized. [LB403]

SENATOR JANSSEN: Thank you, Mr. President and members. I rise actually against LB403 but would vote for Senator Brasch's floor amendment, FA176. I hear "common sense" thrown around quite a bit here today, and I've come to learn that common sense is in the eye of the beholder. I think this makes absolutely no common sense whatsoever, this entire bill. And that's not an assault on Senator Seiler at all. That's my opinion on it and we each get one; there's 49 of us down here. Every night I go home and this morning I came here a little bit early to sponsor Pastor Gauthier and his prayer this morning. So I left early. It was still dark out. My daughter wakes up. She's 15 months old so I make her a bottle, give her to her mom, take off. But then I come to realize, I have four children and I...well, I knew this beforehand, don't get me wrong, but as I'm leaving I walk past, out in my garage, a 12-gauge and a 9 millimeter. All my children, save for the youngest, who's only four months old, have toy guns. Does that somehow make me a bad parent? I didn't grab that 9 millimeter and go throw it on the floor in my daughter's playroom. It's locked. The ammunition is in a separate place. The shotgun is high up with no shells near. In fact, I'm out--product of a bad hunt. No birds, no bullets, that means I didn't hunt well. I want to say last night at supper, when you say...first off, I don't think eight hours of debate is a waste of time on any topic down here. If we're going to do it for one thing, we can do it for another. If it's important to you, that's what the rules prescribe. And if it makes common sense to you, go for it. But at supper last night, I got back to Fremont late and I'm sitting at this local restaurant with my wife and I go up and I talk to some of the locals there and they say...and they always ask this and that's why I routinely ask Senator Chambers how his day went...is going, because they always ask me, how's Ernie doing down in Lincoln? So I always make it a point to let them know. And so as we're talking about this, it's behind the...on the TV screen at the restaurant, comes on, Channel 7, talking about what happened in the Legislature today. Well, we all know what happened. They didn't. They knew who I was. So what's this about? Well, the two senators that were on: Senator Chambers and Senator Kintner. So I said, well, there's how Senator Chambers is doing. They're like, well, who's this other guy? I said, well, just listen to him. What makes more sense to you? They looked at me and they said, are you serious, you're talking about banning lighters down in Lincoln? And I'm not making this up for a convenient speech on the floor. They could not believe that this was even a topic of debate down in Lincoln. And they weren't even saying, hey, don't you have more important things to do, because if it's important to Senator Seiler, it's important to me. He has just as many rights as anybody on this floor to bring legislation forward, and I don't belittle anybody's legislation for not being important. But the question comes up, I'm listening on the radio, KFAB yesterday, they're blasting this Legislature for talking about this. They're not

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blasting Senator Kintner for standing against it. I do not support LB403. I've remained silent on the issue. I'm not going to vote for it. This is the only time I'm going to speak on this topic. I'll continue to monitor it and I'll give it the time it's due, and in the end I'll vote against it. If I do have any remaining time, I'll yield it to Senator Kintner. [LB403]

PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Senator Kintner, 57 seconds. [LB403]

SENATOR KINTNER: Well, thank you, Mr. President. I think we can make use of 57 seconds. You know, Senator Seiler, let me just say this again. I've said it a couple times; let me say it again. Senator Seiler is making a sincere attempt to solve what he perceives as a real problem. He is not here trying to take away your liberty. But you know we have disagreements here about the size and scope of government, what government ought to be doing. We have severe disagreements (laugh) about what government should be doing. And I think this is a fairly good example of those who think government should protect us from the everyday things that happen and those of us that think that it's the parents' job. I happen to think that Senator Seiler's father had a lot of common sense. That is something we could debate in a class or a bar, but... [LB403]

PRESIDENT HEIDEMANN: Time. [LB403]

SENATOR KINTNER: ...I like his dad already. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Janssen and Senator Kintner. Those wishing to speak, we have Senator Lathrop, Senator Chambers, Senator Murante. Senator Lathrop, you are recognized. [LB403]

SENATOR LATHROP: Thank you, Mr. President and colleagues. Good morning. I was sitting in my chair listening to this and I pushed my button on, then I pushed it off, and I'm thinking, do I want to weigh in on this? I guess I am, so here I am. I kind of enjoy Senator Kintner. I don't agree with a lot of what he says, but I enjoy listening to him once in a while because I think he's bringing something to this body. I listen to the politics that go on out in Washington, D.C., the politics of destruction and the politics of rhetoric, and one of the new cornerstones is this phrase "nanny state." We dismiss people's ideas by calling them this is another example of nanny state. Or we're taking liberties away from people, but it's a nanny state. It's the right-wing rhetoric. We label things to dismiss them, and then we give policy no serious discussion after that point in time. The nanny state, that's how policy is dismissed when the other side doesn't want to talk about the merits of a bill. And you know, we could call the regulation of cigarettes the nanny state. Why do we not let children smoke cigarettes? Why don't we let them smoke cigars? Why don't we just let everybody smoke weed, take whatever drugs they want, begin drinking whenever they choose, because we could make the very same

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argument Senator Kintner made today about alcohol, tobacco, you name it. But serious policy isn't about what happens in your family. When you make policy, you're trying to decide what's a good approach for the entire state, for a population. This bill was brought to us by the volunteer firemen, not exactly a group of left-wing crazies. They recognize a problem because they've seen children burned from these. Now I would suggest, instead of labeling things "nanny state," that we approach this as serious policymakers and weigh the gravity against the intrusion. Sure, somebody might want to buy a toy...a lighter that looks like a toy, and so we would make that a prohibited activity. And what harm are we trying to address? I've seen people burned. I've seen people burned badly. I've seen people with all manner of injuries, all kinds of injuries. I can tell you there is nothing worse than a burn. Now we're not talking about just a little burn on the thumb. That we could dismiss and pass over this bill. But when a little kid starts the curtains on fire and the curtains start the house on fire, and now the kid is inside of a house that's burning, that's a serious thing. This is a serious subject brought to us by a serious group--the volunteer firemen. And I think it deserves better than to be dismissed with the "nanny state" and suggest that we are beginning the end of liberty in this country or in this state. It's a serious issue. [LB403]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR LATHROP: I look forward to debates with Senator Kintner's involvement because what I can anticipate is that woven in the argument will be more of the rhetoric of labeling. And as soon as we get to that place, I will turn my light on because I'm tired of it. To label something another example of a nanny state skips the logic of where that would take us. If we take away all regulation and now we're not going to regulate tobacco, we're not going to regulate alcohol or drugs, that would be a logical extension of where this criticism of the nanny state takes us. I don't think it's serious debate. I'm going to support LB403 and oppose FA176. Thank you. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Lathrop. Senator Chambers, you are recognized. [LB403]

SENATOR CHAMBERS: Mr. President and members of the Legislature, beware of those who think in cliches and speak in slogans. Senator Kintner is down there parroting things that he has heard. Do you know why I know he's parroting? I've heard them, too, and I could probably give you the source but I don't want to take the time. I do read things other people say, but I read things from people like Geoffrey Chaucer. He wrote The Canterbury Tales. One of his couplets said, describing an individual, and he couldn't have meant Senator Kintner because he didn't know him. Senator Kintner wasn't alive then. He, like the parrot, was really quite dense. He repeated the words but he didn't get the sense; so they speak in these cliches. While talking about governmental intervention, governmental control, Senator Kintner just introduced a bill to compel the placement of signs at abortion clinics and even went so far as to specify

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the words in the sign. Now if that's not the government intruding, I don't know what is. But somebody gave him the bill. He didn't draft it, probably hasn't even read it; and if he read it, there is much that he wouldn't understand, because I don't think his mind settles long enough to really get the sense of anything. I see he's coming back and I'm glad he did; and if he missed what I said, he can get the transcript of it. But I'd like to ask him a question. Senator Kintner, you've...well, I'll make sure you are willing to yield. [LB403]

PRESIDENT HEIDEMANN: Senator Kintner, will you yield? [LB403]

SENATOR KINTNER: I'll yield. [LB403]

SENATOR CHAMBERS: You've made quite a bit of parents being responsible for their children not getting into this hazard or being exposed to that hazard. When the government, the United States government, requires the recall...tells manufacturers, you've got to recall these car seats because they're not safe, you don't think the government should do that, do you? They shouldn't make recalls, should they? [LB403]

SENATOR KINTNER: Well, I would think if we're going to have safety seats, they might as well be safe. [LB403]

SENATOR CHAMBERS: But here's the thing,... [LB403]

SENATOR KINTNER: Absolutely, have safe safety seats. And if we're going to have lighters, they ought to be able to light. [LB403]

SENATOR CHAMBERS: Let me ask you this: If the current safety seat on the market would be sold cheaper because it has a defect, shouldn't parents be allowed to buy that cheaper seat if they want to and it's their responsibility to protect their child from the defect? I won't make you answer that, but it takes too long. Safety seats are recalled. Even items that are used by adults are recalled. When the government states the reason for the recall, a statement or an explanation is given of what the nature of the defect is. And a person could just guard against that defect. But most people who hear of something being recalled--an appliance, an electrical item--will discard it, thanks to the nanny state, the nanny government. I wasn't going to say anything on this but I listened to Senator Kintner, I listened to these other people, and they always want to say I love children, I'm just doing this for debate and on and on and on. In my opinion, I don't believe them. They're entitled to say what they want to say and I'm entitled to believe or disbelieve; and I disbelieve. I look at the legislation they bring, and I gave you an example of what Senator Kintner is bringing. And fortunately, it'll probably come before the Judiciary Committee, of which I am a member. Members of the Legislature, you all had a preacher here this morning that talked about religion. Jesus said, why call you me, Lord, Lord, and do not the things that I say? [LB403]

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PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR CHAMBERS: If the children are supposed to mean so much to us, why is not that concern shown for these children, instead of bowing to merchants and getting up here and speaking all these cliches about people's freedom being taken. The only thing they won't be free to do is sell items that will harm children, and for that I say, more power to Senator Seiler for bringing such a bill. And I was told yesterday that some of these are built to look like cell phones, and children know how to manipulate cell phones. So a child picks up what the child thinks is a cell phone, manipulates it. And where do you put cell phones? Hair burns quickly, very hotly. And I know these other people are going to stand up here and say, well, don't leave it where the child can get it. They live in a Barnum and Bailey world, just as phony as it can be. [LB403]

PRESIDENT HEIDEMANN: Time. [LB403]

SENATOR CHAMBERS: Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Senator Scheer, you are recognized. The question has been called. Do I see five hands? I do see five hands. The question is, shall debate cease? All in favor vote aye; all opposed vote nay. Record, Mr. Clerk. [LB403]

CLERK: 26 ayes, 6 nays to cease debate, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Debate does cease. Senator Brasch, you are recognized to close on your amendment. [LB403]

SENATOR BRASCH: Thank you, Mr. President. My closing will be brief. I am so pleased that I have many supporters in here and elsewhere that believe in parental rights, because I do have a resolution that I would like to get out of committee at some point, saying that parents do know best. However, in this one situation here, I believe our firefighters know best and I believe that our protectors of our constitution and our rights also know best. This is difficult. I would like to see further restrictions. I would like to see an age requirement of 18 before you can buy this toy that is a lighter that could be very harmful to children. I would like to...I'm interested in what Senator Schilz had to offer, and I believe it was in safety mechanisms. I believe there is more we can do with LB403. I do ask for support on FA176. If the question is called, so be it. The body has ruled. Thank you, Mr. President, and thank you, colleagues. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Brasch. The question is, shall the amendment to LB403 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB403]

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CLERK: 10 ayes, 25 nays, Mr. President, on adoption of the amendment. [LB403]

PRESIDENT HEIDEMANN: The amendment is not adopted. Mr. Clerk. [LB403]

CLERK: Mr. President, if I may introduce some new bills before we proceed. (Read LB1048-1079 by title for the first time, Legislative Journal pages 308-313.) [LB1048 LB1049 LB1050 LB1051 LB1052 LB1053 LB1054 LB1055 LB1056 LB1057 LB1058 LB1059 LB1060 LB1061 LB1062 LB1063 LB1064 LB1065 LB1066 LB1067 LB1068 LB1069 LB1070 LB1071 LB1072 LB1073 LB1074 LB1075 LB1076 LB1077 LB1078 LB1079]

Mr. President, with respect and returning to LB403, Senator Kintner has the next amendment. Senator, I have FA177. (Legislative Journal page 313.) [LB403]

PRESIDENT HEIDEMANN: Senator Kintner, you are set to open on your amendment. [LB403]

SENATOR KINTNER: Well, thank you, Mr. President. This is a pretty simple amendment. What we do is we simply strike "Class IV" on page 1, and we insert "Class V" misdemeanor. I just want to make sure that this is, what happens here, the penalty is, you know, about right for the offense. So what a Class V misdemeanor would be is no imprisonment but a \$100 fine--up to a \$100 fine. Now, as it sits right now, it's a Class IV. So you're trying to tell me that this is more serious than conducting an indecent show--that's a Class V. Hunting and fishing and trapping using weapons in a natural resources district on prohibited lands--is this more serious than that? Conducting prohibited water-related activities in a natural resources district--is this more serious than that? Unauthorized release of child abuse or neglect information--is this more...is selling a lighter more serious than this? A failure to submit to a preliminary breath test for operation of an aircraft--is this more important than the failure to submit to a breath test if you're flying an airplane? Well, violation of rules and regulations for fire safety, so if you violate fire safety rules, it is a Class V misdemeanor. If you sell a lighter, it's a Class IV misdemeanor. Somehow I don't think we quite have our priorities right. Unlawful hunting or taking the wildlife near a livestock passage--I don't know, is selling a lighter more important than the killing of animals? I don't think so. Resisting an officer or an employee of Game and Parks--is selling a lighter more important than resisting a Game and Parks officer? It doesn't seem to me that it is. How about plowing up a highway? If you plow up a highway, it's a Class V misdemeanor. If you sell a lighter, it would be a Class IV misdemeanor, which you could go to jail for. Hunting on a freeway, you pull out a gun and you start hunting on a freeway, Class V misdemeanor. Sell a lighter, Class IV misdemeanor? Oh, I don't know; I don't think that's quite right. Prohibited use of Social Security numbers by employees; you take someone's Social Security number and you use it an illegal way, that's a Class V misdemeanor. You sell a lighter, Class IV misdemeanor. Sell a lighter, go to jail. Misuse of Social Security

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number, hey, we might not even fine you. Oh, yeah, refusal to submit to a preliminary breath test for driving under the influence, Class V misdemeanor. Sell a lighter, you might go to jail. So, you know, this is what we're talking about here. It's just a sense of a balance in terms of what the crime is, the alleged crime, and what the punishment is. I think we need to have a little sense of balance here as to what we're going to do. To say you're going to go to jail for selling a lighter, I think a fine gets across the point quite well. I think this is a little excessive. And I will yield the remainder of my time to Senator Seiler. [LB403]

PRESIDENT HEIDEMANN: Senator Seiler, will you yield? [LB403]

SENATOR SEILER: Yes. [LB403]

SENATOR KINTNER: (Inaudible) I'm giving my time to him. [LB403]

PRESIDENT HEIDEMANN: Senator Seiler, you have 5 minutes and 15 seconds. [LB403]

SENATOR SEILER: Well, I'll just waive it. Thank you anyway, Senator Kintner. [LB403]

PRESIDENT HEIDEMANN: Senator Seiler waives. Is anyone else wishing to speak on FA177? Senator Kintner, you are recognized. [LB403]

SENATOR KINTNER: You know, I went back and I looked at some of the testimony here, and it looks like it was a pretty quick hearing, not much was said. There was one Kathy Siefken from Nebraska Grocers Association and she's the only one that spoke against it. I think this whole thing went through pretty quick. But, you know, Senator Lathrop said that if you use the word "nanny state," you're just dismissing debate and you're just dismissing the idea. Well, by my count, we've been debating this about four hours; so you can't tell me that saying that this is making the nanny state bigger is taking away a serious discussion on this issue. I think we're actually having a serious discussion. We are a deliberative body and I think today we are acting like it. Senator Chambers said that a child might pick up a lighter, especially if it looks like a toy. Yeah, I think there's a pretty good chance that could happen. But you know what? That child would pick up a knife. You know, if we keep knives out of the hands of kids, why can't we keep lighters out of the hands of kids? I had someone send me an e-mail last night. She said: My father was a policeman, and when we were kids he would come home and take off his sidearm, set in on the table, nobody touched it; we were taught to respect firearms, just like you would teach a kid to respect a knife. You teach a kid to respect matches. You teach a kid to respect a lighter. You teach a kid to respect fire. You know, this is not something that the state should mandate. This is something that parents do because they love their child. Now we had a chance to prohibit selling these to people 18 and under, the people who I would, just from experience, would say are

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the most careless; and we didn't do it. We didn't do it. As a matter of fact, we don't want to use a scalpel; we want to use a sledgehammer. And that's what is being done here. Now I want to talk also about the bills I've introduced. Senator Chambers has mentioned a few of the bills. Let me tell you something about the bills I introduce. I don't introduce bills to spend your money. Every bill I've ever introduced down here has been to reduce the tax burden. It's been to protect liberty. It's been to protect your rights. It's been to scale back government, which is exactly what I'm doing right now. You know, it's almost, you know, at times, too bad, that we need to stand up and say whoa. We need to actually protect the public from this body sometimes, not that this body is evil or has bad intentions. But remember what we said earlier: The road to hell is paved with good intentions. And this is a good intention. I have no problem with Senator Seiler and what he is attempting to do. In his mind I think he thinks it's good. I have a problem with the outcome and the outcome of what he is attempting to do. [LB403]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR KINTNER: Thank you, Mr. President. The outcome of what he's attempting to do is not going to save any lives. It's meager, it's minor, and it allows people to go back and say I did it for the kids. Do it for the children: that's the watchword in Washington. When you want to pass a new government program, do it for the kids. When you want to pass a regulation, do it for the kids. When you want to expand government, do it for the kids. But you know what? At some point we need to stand up and say no, enough is enough, and this is where we say no. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Kintner. Senator Hansen, you are recognized. [LB403]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. Prior to the Christmas season, I went to Ace Hardware in North Platte to buy a fireplace lighter, a handheld lighter that lights candles and whatnot. And I knew my wife was going to need one, a new one, because the old one ran out of fluid. So I went and checked it. It was in a very tightly bound two-pack, of course--you had to buy two of them, you can't buy one--but it was in a very tightly, hard, wrapped plastic case. And it had warnings on the outside on the back of the package about keep out of the reach of children--common sense. And it was a childproof lighter and which means it's also proof for the elderly, which is hard to use but we...you know, we got by. We lit the fireplace and we lit all the candles we needed to get lit. After reading the warning label on the back side of that package, I went to the checkout stand and here were these little gun lighters. That is the only type I saw, the little antique rifle; but it had a...it's what we're talking about, a novelty lighter with no child warning on it, no anything on it. But it was an impulse buy for someone checking out at the counter. You could either buy a candy bar or a novelty lighter. And I've seen many, many examples of these novelty lighters,

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and I have never seen a childproof one or a child warning on it. I did a little more research this morning on childhood burns, and this came from the KidsHealth organization and first aid on what to do. Common...and it started out, the common causes for childhood burns, and the scalds are the number one culprit, from steam, hot bathwater, tipped over coffee cup, hot foods, or cooking fluids, contact with flame or hot objects from the stove, fireplace, curling iron, etcetera, chemical burns from swallowing things like drain cleaner, watch batteries, spilling chemicals such as bleach onto the skin, electrical burns from biting electrical cords or sticking fingers or objects into electrical outlets, or even exposure to the sun. Senator Mello has got a big life-change coming when he has that first child, and it's going to be a doozy. And I remember all these things that, you know, we had to learn to turn all the handles on the stove inward so that our kids didn't reach up and see what was for supper. And then they go on to how to handle first-degree burns. And it says...this is something I didn't know, and it says do not apply butter, grease, or powder, or any other remedies to the burn, because it could make it worse. I've got a...I burned myself at my apartment the other day and I put butter on it. I didn't know that was wrong. I learned something else today. Senator Kintner's amendment that we're discussing now does make sense. You know, the fine should be more logical probably. But I think that the...we're going to carry this discussion on a little bit longer, and I really do think that we need to get to Senator Schilz's amendment that makes these safety features similar to a fireplace lighter or a candle lighter. They need that second safety switch. And if Senator Seiler is in favor of that, I'm certainly anxious to get to Senator Schilz's amendment. [LB403]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR HANSEN: And the way it is now, I'm not in favor of LB403, but I think Senator Schilz's amendment is going to be good. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Hansen. Senator Kintner, you are up. This is your second time. There is no one else in the queue. You can use this as your second time or as your close, as you choose. [LB403]

SENATOR KINTNER: I will use this as my second time. And thank you, Mr. President. You know, those of us who support the Second Amendment, you know, we're against restrictions on owning...you know, we're against the restrictions on owning and use of firearms, you know, because it's just an inanimate object. You know, I think it would be, you know, hypocritical, at least, you know, to say, hey, these inanimate objects are the problem. They are not the problem. Parents are the problem. Parents are the problem. We hold parents accountable for what goes on in those houses. And just to say that, hey, we're going to ban this lighter, you know, no problem; it's just another little thing, it's not going to mean much in our state. Well, you know what? If we can ban this, we can ban almost anything, and that's a problem. You know, the old quote by Benjamin Franklin, you know, I love it. It says: Those who would give up essential liberty to

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purchase a little temporary safety deserve neither liberty nor safety. Now is this a big hunk of liberty we're giving up? Absolutely not. All this is, is another couple steps down that road to regulating everything that we do, to regulating our lives. And, you know, it's just not where we want to go. And now I really think that, you know, this legislation is really the busywork of well-intentioned do-gooders. You know, I really think that if we pass this, people can think, well, I'll get some accolades from passing this legislation for the sake of children, and they're going to play the "I care more about children than you do" card. And it's a pretty powerful card. You know, they seek the approval of, you know, other well-intentioned people. You know, they seek the attention and the approval of talking heads in the media; although the ones I heard last night on the radio, and stuff, didn't think much of this. You know, I think this further enables the "go along to get along" mentality that sometimes we have in this body, that leads us to pass (inaudible) legislation. You know, it inevitably ends up with government wasting assault personal liberty. Not that this one bill by itself is an assault on personal liberty, but we're moving down that pathway, you know, and despite our well intentions and a desire to protect our children. You know, the hard truth really is you know in your heart and you know in your mind that the defense of liberty is the only true safeguard that we can provide future generations. You know, haven't we protected and regulated enough? Isn't it time to stop being do-gooders, even if it's with the best of intentions, because we know hell is paved with...you know, the road to hell is paved with good intentions? I think it's time that we defend liberty and we defend the concept of personal responsibility. I think that's what people in District 2 sent me here to do. I believe that's what your constituents demand of you as well. You know, the right to purchase, the right to not purchase your own healthcare, to lowering taxes, to the right to defend yourself with a firearm, and yes, even, you know, the right to take responsibility for what's in your... [LB403]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR KINTNER: Thank you...for what's in your house. You know, let's let the light of liberty shine right here in the great state of Nebraska. We are never going to regulate ourselves into a prosperous state, and people didn't send us down here to pass these (inaudible) laws to protect every child from everything that can happen. And we documented it well, all the things we're not going to protect children from, but we decide to pick this one out and this is where we're going to protect them, and other than that, kiddiewinks, you're on your own. I don't think that's the Nebraska way. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Kintner. You are next in the queue but you have already used two times. You will only have an opportunity to close, so we will go to Senator Lathrop. [LB403]

SENATOR LATHROP: Thank you, Mr. President. I probably shouldn't stand up but I'm going to. Senator Kintner just, in this debate about that he has framed as the nanny

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state debate, just suggested that people choose not to buy health insurance or they should be permitted to choose not to buy health insurance. And, Senator Kintner, this is something I know something about, because I represent a lot of people who need care, and some have coverage and some don't. And I can tell you--I can tell you--people don't choose to not get health insurance. They don't choose to not get health insurance, and I'm going to share something with you as long as we're talking about choice and the nanny state and sound bites. People do not choose to not be covered by health insurance. There are people in this state who are uninsured because they cannot afford it. Those of us that actually buy our own coverage--and I do for our firm; I'm covered under a group plan and I know what it costs because I'm paying the bill--know what it costs for a family coverage. And our firm carries coverage with a high deductible to lower the cost. It's well over \$1,000 per family. And now you take the person who's making the minimum wage, Senator Kintner, and you spend some of that on your housing and your utilities and going to the grocery store and buying the kids clothes, and there's nothing left for health insurance. Those people are not choosing to be uninsured; they are uninsured because they do not have the means to get the coverage. How did that happen? How did health insurance get so expensive that people cannot afford it that work full time? Maybe they work two jobs. How did that happen? The escalating costs of health insurance are not subject to simple sound bites. It is complex but it is a reality now, Senator Kintner. They do not choose to not have health insurance. That is a circumstance they are in because the bills that they have and the cost of care. And what about the guy who doesn't have health insurance, the person who can't afford the coverage but they go to the emergency room for their care? You're still paying for it, Senator Kintner, or those of us that are paying for our health insurance are still paying for it, because the hospital is adding the cost of the uninsured to my bill, and my insurance company is paying it, and they're getting it from me with their health insurance premium. We will have a serious discussion about the uninsured. We will have a serious discussion about the underinsured. But it shouldn't start with the premise that these people are choosing not to be covered. That isn't the case. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Lathrop. Senator Conrad, you are recognized. [LB403]

SENATOR CONRAD: Thank you, Mr. President, and good morning, colleagues. I've been listening very attentively to this debate over the past few days, as I've attended to some other matters, as we all are very familiar with our roles and multitasking that is required to do them well. But I felt that it was important at this stage in time to set the record straight on a few points that have been brought forward and to provide, I think, some questions for the record about some of the rhetoric that I find particularly curious. Senator Kintner has made some very inflammatory comments, as is his right to do, about those of us in the body who support the Second Amendment. Well, let's be clear: We all take an oath of office to uphold both the state and the federal constitutions, of

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which the Second Amendment is part of. Therefore, Senator Kintner, unless you're suggesting that some member in this body is outside of the bounds of the oath of office that we took, I think you better rethink that rhetoric, because I think myself and every other member who affirms or takes that oath takes it very seriously. And let's also be clear: The good news is, not everybody thinks alike in our state. If they did, we wouldn't need a Legislature. But the good news is, they don't. And because there are different points of views and different perspectives, each of us has the right and should engage in a debate to bring forward those different perspectives. I completely respect and understand that Senator Kintner has defined himself as the face and the voice of the Tea Party movement. And that's a legitimate perspective from him to bring forward and into this body. But I also think it's very curious that the Tea Party movement and their elected representatives, as embodied by Senator Kintner, only tee off on the nanny state when it involves child safety protections; only tee off on the nanny state when it involves making our government work better for those with disabilities; only tee off on the nanny state or well-intentioned do-gooders when women are at issue; they only tee off on big government, the nanny state, or do-gooders when the poor are at issue. That is a chilling perspective that I disagree with. And I will use my time here to provide another perspective that many Nebraskans share, that we can and we should do the best that we can each day to further public protection, to lift those up who need a hand up, not because it benefits them but because it benefits all of us. It benefits all of us when our society is safer. It benefits all of us when each citizen has full opportunity. It benefits all of us when each citizen has the liberty and freedom to make their own choices about their body, about their healthcare. We can have different points of view but let's not cloud the record with ridiculous rhetoric like this bill deserves a fair hearing. Senator, it had one on November 7, 2013. And look at the committee statement. Nebraskans didn't pour in from every county, from every corner of our great state, demanding liberty and that we disavow this legislation. No, quite the contrary. Public safety, first responders, volunteer firefighters identified a serious issue that they're asking us to take action on; and we are. Thank you, Senator Seiler, for your hard work on this issue. I support LB403. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Conrad. Mr. Clerk. [LB403]

CLERK: Mr. President, some new bills. (Read LB1080-1101 by title for the first time, Legislative Journal pages 314-317.) That's all that I have at this time, Mr. President. Thank you. [LB1080 LB1081 LB1082 LB1083 LB1084 LB1085 LB1086 LB1087 LB1088 LB1089 LB1090 LB1091 LB1092 LB1093 LB1094 LB1095 LB1096 LB1097 LB1098 LB1099 LB1100 LB1101]

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR401, LR402, and LR403. Those wishing to speak on LB403, we have Senator Bloomfield, Garrett, Chambers, Karpisek, and Senator Carlson. Senator Bloomfield, you are

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recognized. [LR401 LR402 LR403 LB403]

SENATOR BLOOMFIELD: Thank you, Mr. President. I had not intended to speak on this again, but the last few minutes I find myself impelled to do so. We have gone far afield here from LB403. We're suddenly discussing abortion. We are discussing healthcare. We are making personal attacks on a fellow senator. I feel it's a personal attack on Senator Kintner when we say that he is controlled by the right wing...or the Tea Party. I don't believe that there's a majority Tea Party in his district. When we sit up here and we berate a senator for his views, we are actually berating his constituents. Senator Kintner was sent here by the people of the 2nd District. They voted for him over an incumbent. I have to believe, seeing as how he is facing election again this year, that they will decide again what to do with that position. But for us to sit in here and bad-mouth him because of his beliefs, I don't believe is right. We've also had numerous senators attack the Governor in here for saying things about people when they weren't present and unable to defend themselves. I looked around the room when those attacks were made. I didn't see the Governor in here. He was not able to defend himself. We go far afield here, colleagues. Let's get back to LB403, FA177, and let's do the people's business. And if Senator Kintner would like the remainder of my time, he's welcome to it. [LB403]

PRESIDENT HEIDEMANN: Senator Kintner, you have 2 minutes and 37 seconds. [LB403]

SENATOR KINTNER: Well, thank you, Mr. President. You know, I've tried to make sure this is civil. I've tried to stick with the issue at hand. I praised Senator Seiler for his concern, although I don't think this is the right solution for his concern. I've never impugned his motives at all. I know Senator Seiler. He's a serious legislator. And we just have an ideological difference that we have so often in this body. Let me talk about a couple of things that were said. People choose to buy healthcare...or health insurance. Yes, they do. Yes, they do. Some people choose not to buy the government-mandated insurance. We have millions of people in America thrown off of their insurance because of Obamacare; because the one-size-fits-all Washington, D.C., knows what's better for them and they said the Affordable Care Act, Obamacare, says your insurance policy isn't good enough so you don't get it. Now they have to go buy insurance that's a lot more expensive. Why don't they have insurance? Because the federal government threw them off of their old insurance and they can't afford to buy the new insurance. But you know what? The government has got a solution: Medicaid expansion. Government causes the problem and government is going to solve the problem that they caused. We'll talk about that on a later date. [LB403]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR KINTNER: By the way, I'm going to do something I've never done before

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publicly, ever. I'm going to say Tea Party. I've never said it on the floor before. I've never talked about it. So you can draw your own conclusions as to that. And it's silly to say because someone takes the oath of office that they're going to obey the constitution. That's the most silly thing I've ever seen. If that was the truth, the NRA wouldn't have rankings. The Handgun Control, Inc., wouldn't have rankings. The...whoever the liberal groups, the conservative groups are, they have rankings because not everyone obeys their oath of office. And by the way, there's three senators out of work in Colorado because they didn't obey their oath of office and they violated their oath of office and they infringed on the Second Amendment, and they're now ex-senators. [LB403]

PRESIDENT HEIDEMANN: Time. [LB403]

SENATOR KINTNER: I think that was a good thing for America and a great thing for Colorado. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Bloomfield and Senator Kintner. Senator Garrett, you are recognized. [LB403]

SENATOR GARRETT: Thank you, Mr. Speaker. I rise in opposition to LB403. I'm a father of three children. I think we're all in agreement that we want to protect our children as best we can. I'm one of those children. When I was a young man played Army all the time. Fire Marshals would love me; I played with matches. It's an unfortunate thing that when children play with things they ought not be playing with, but me playing Army all the time with my toy guns and toy swords and things like that, didn't make me pick up a real gun. Although you look in a Cabela's catalogue and you see real guns that have pink handles that very much look...you know, trying to attract, I think, women buyers of these guns, but with pink handles they very much look like toys. You know, I guess it's just where do we draw the line? I looked at this initially with a little skepticism. I looked at the Consumer Product Safety Commission to see what they thought of novelty lighters. They are not outlawed. As a matter of fact, they have, by statute, novelty lighters are subject to the safety standard that requires at least 85 percent of children in a test group must be unable to operate the lighter. You know, we live in a free market capitalist world. These lighters are manufactured for a reason. I was in Senator Krist's office yesterday and we were discussing this, and he pointed behind him on his bookshelf. He had a little P-40 fighter that was a novelty lighter and another novelty lighter that was on his shelf. You know, there's a market for these things. And at what point do we outlaw products because children might get ahold of the product and misuse it and injure themselves? I guess that's the whole thing for me is, where do we draw the line? I'm an old motorcycle rider. I used to be opposed to helmet laws because if you're going to tell me a helmet is safer for me on a motorcycle, then I'm going to tell you a helmet is safe for you...you're safer driving a car with a helmet; and, oh by the way, let's put a five-point harness in there, let's put a roll bar in there, and a Nomex jumpsuit would probably be good and Nomex boots, as well, in case it catches

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on fire. You know, where do you draw the line on safety? There's got to be some parental supervision involved in here. And anyway, I feel that any product in the hands of a child can be a dangerous thing. Again, raising three children, we experienced that. I think all electrical outlets ought to be six feet off the ground instead of...so kids aren't poking things in there and getting themselves shocked. So anyway, I rise in opposition to LB403 and I yield the rest of my time to Senator Kintner. [LB403]

PRESIDENT HEIDEMANN: Senator Kintner, 2 minutes. [LB403]

SENATOR KINTNER: Well, thank you, Mr. President. Thank you, Senator Garrett. I appreciate your opposition to LB403. You're doing the work of the people. Keep it up. You know, I want to tell the people at home that all is not lost. There is some of us down here that think that we should be working to solve our criminal justice issues, that we should be working hard to reduce your tax burden, that we should be working hard to preserve your liberty and your rights. We should be working hard to make sure that we have water in our state. You know, we should be working hard to make sure that all of our agencies are spending money and doing what they ought to be doing. That's what we should be spending our time on. But no, here we are, you know, trying to outlaw one little segment of lighters. And, you know, I don't know, there's millions of lighters and just a few thousand, probably, of these little ones here that we're talking about. It's pretty insignificant. But you know what? This doesn't outlaw the owning of it. [LB403]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR KINTNER: So what do you do about all of the lighters that are already out there? You're not outlawing having the darn thing. And what about that truck driver, stops over there in Iowa to buy the cheap fuel because they have lower fuel taxes than we do, picks up a couple lighters, comes into our state; holy cow, how are we going to protect those kids? I almost hesitate to say that because someone will come up with a law, a bill just to outlaw the whole thing. But, you know, this law, there's a lot of holes in it. It's a very minor, minor attempt, I understand that. It's not going to do a lot and that's why I say let's don't pass this thing. Let's get on to the people's business. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Garrett and Senator Kintner. Senator Chambers, you are recognized. [LB403]

SENATOR CHAMBERS: Thank you, Mr. President and members of the Legislature. I listened to Senator Garrett on his maiden speech. He asked a question which caught my attention: Where do you draw the line? You draw the line at reductio ad absurdum. You draw the line when you become absurd. And too many times people jump from something which is sensible to something which is nonsensible...I didn't say nonsensical. But I'd like to ask Senator Kintner, who has been praised and protected so

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much, a question or two. [LB403]

PRESIDENT HEIDEMANN: Senator Kintner, will you yield? [LB403]

SENATOR KINTNER: Yes, it would make my day. [LB403]

SENATOR CHAMBERS: Senator Kintner, we may have strayed from your amendment. It is attempting, if I understood how you characterized it, to replace what you consider an unreasonable penalty with one which is reasonable. Is that correct? [LB403]

SENATOR KINTNER: Correct. [LB403]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I read bills. Senator Kintner, who is again...that's all I have to ask you, but you can stand if you want to. I set a good example. Standing is good for the heart and the brain. Members of the Legislature, this bill, LB1032, the same number as the bill which some years ago carried an amendment of mine that would have divided OPS into three districts. But at any rate, it deals with the government requiring people to post a sign, healthcare facilities; and it gives the actual wording of the sign. And in order not to take a long time by reading it, because it's preposterous, wherever an abortion other than one to save the life of a woman is involved, the sign has to say: Nobody can force you to have an abortion; it is against the law for us to perform an abortion against your will; it is against the law to perform an abortion without your consent. Those two statements are redundant, but Senator Kintner didn't draft this. These signs, depending on the nature of the institution or the facility, must be placed in waiting rooms, consultation rooms, admitting areas. I'd like to ask Senator Kintner a question or two. [LB403 LB1032]

PRESIDENT HEIDEMANN: Senator Kintner, will you yield? [LB403]

SENATOR KINTNER: Yes. See, it was good that I stood up, so see. [LB403]

SENATOR CHAMBERS: Senator Kintner, did you draft this bill that I'm referring to? [LB403]

SENATOR KINTNER: We'll talk about that in committee. [LB403]

SENATOR CHAMBERS: Say it again. [LB403]

SENATOR KINTNER: We will discuss that in committee. [LB403]

SENATOR CHAMBERS: So you don't want to say whether you drafted it or not. [LB403]

SENATOR KINTNER: We'll discuss it in committee. [LB403]

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SENATOR CHAMBERS: Did you introduce this bill? I want the record to be clear that I'm not lying. Did you introduce LB1032? It says... [LB403 LB1032]

SENATOR KINTNER: Well, I haven't looked to see the number, but I did introduce a signage bill. Yes. [LB403]

SENATOR CHAMBERS: It says by Kintner and Garrett. Now, did you read this bill? [LB403]

SENATOR KINTNER: We will discuss this in committee. [LB403]

SENATOR CHAMBERS: Does this bill carry a penalty? [LB403]

SENATOR KINTNER: We'll discuss it in the committee. [LB403]

SENATOR CHAMBERS: This is the defender of freedom. This is the one who believes in open and fair debate. I'm talking about his bill, not mine. You know why he may have decided to read it and he sees the most asinine thing I've ever seen put in a bill. If a person negligently fails to post this sign, do you know what the penalty is? \$10,000. From the man who says that the penalty in this bill is unreasonable. I've never seen anything so asinine in my life--a \$10,000 fine for failing to post a sign. [LB403]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR CHAMBERS: You ever hear of such a thing? And it tells the face type, the size of the face type, pretty poor syntax also...s-y-n-t-a-x. The more Senator Kintner talks, the more I see the necessity to show that his words don't comport with his actions; his actions don't comport with his words. You know what that statement is? Practice what you preach. If you preach one thing and practice another, you are a hypocrite, h-y-p-o-c-r-i-t-e, hypocrite. Practice what you preach. He's afraid to discuss his own bill because he hasn't read it. And he did not draft it. I've read enough legislation, I've listened to these people enough to be able to make these assertions. I've got to put my light on again. [LB403]

PRESIDENT HEIDEMANN: Time. Thank you, Senator Chambers. Senator Karpisek, you are recognized. [LB403]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I think I've been sitting about as long as I could. I've stood up about three times this year to ask us to move on. Is this the hill we're going to die on again? I think that if somebody wants to do this sort of thing, their priority bills should go to the bottom of the pile, except for Senator Chambers' and mine, of course--or at least mine. We're stuck this year on all

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sorts of things; I don't get it. I know I'm not the sharpest knife in this room, but I usually get things. I don't get this. Senator Bloomfield, I really appreciated, said let's get back to this bill. He yielded his time to Senator Kintner, and he went off about Obamacare. That didn't take long to get back off course. I much appreciated Senator Garrett's speech. I don't agree...I don't come to the same conclusion, but I appreciated what he said. I'm not used to hearing his voice yet so I had to look and see for sure who it was. We have 60 days. If we want to keep doing this, keep harping about things that I think are pretty immaterial...and I'm not suggesting Senator Seiler pull this bill. I think that there are plenty of votes to move it past a filibuster. And what did we gain? Not a lot. I try not to get on things that I don't think are worth the fight. We have a lot of things that we're going to fight about, some really tough issues. If novelty lighters are the most important thing in this state to filibuster against, I think we really need to sit down and look at ourselves. Let's vote this thing up or down and move on. I have bills I want to get to and so do you. If we're going to keep on arguing over this...I mean, is this the end-all, be-all; boy, we're going to show them; we're not going to let them sell novelty lighters, or we are. It's a bill. We all put bills in that we know, hopefully, will help somebody, hopefully, move. But if we're going to stick on every bill for this long, we're going to get nothing done. We want property tax relief, we want water issues moved, we want all sorts of things. We can't be doing this over such mundane things. I don't know where this is coming from. I just please ask let's move on. We're getting so far into the weeds on this bill, and I'm not accusing anyone more than the other. Let's vote on the bill. Let's see where the votes are. I think I know where they are. It's just not worth it, folks. We have more important things to do. I've been here,... [LB403]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR KARPISEK: ...this is my eighth year. I've been here with Senator Chambers, without Senator Chambers, with Senator Chambers. He takes up a lot of time but he does it for a reason. Now this has a reason, I understand that; but I'm not sure what the reason is. I think I know; and if I'm right, I'm not happy. We were not...we didn't come here to do this. I don't think that people watching are happy with this. I think they shake their head and wonder what in the heck we're doing. Please, let's move on. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Karpisek. Senator Carlson, you are recognized. [LB403]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I'm trying to decide where I am on FA177. I know that there is an amendment coming from Senator Schilz, and I think that I'm going to support that. I think that's probably a common-sense solution to what we're talking about today. I appreciate what Senator Karpisek has just said. We're spending a lot of time on things that...legitimate concern by people in the state to say, what are you doing? And we don't really have a good

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answer for that I don't think. But I have to do what I have to do right now, and I'm going to eat a little humble pie. My parents taught me if you've made a mistake, admit it and go forward, and that's what I'm going to try to do. Yesterday, and Senator Chambers is already bowing, which...acknowledging. He thinks he knows what I'm going to say. But I did get the transcript from yesterday and read that Senator Chambers said, "No Pentecostal group is going to use a cigarette lighter to advertise anything. What they would tell you if you suggested it is you need to go to Revelations 21:8 and you'll see that all whoremongers, sorcerers, gamblers, and all liars shall have their part in the lake that burns with fire and brimstone, which is the second death"--and I'm going to leave out a couple of words--"that fire will be struck with that lighter that you're trying to introduce into our midst." Now you see, sometimes all of us can be in a position we hear someone say something and we think they said what they didn't say. And I stood up and said that Senator Chambers does not believe there is a burning lake of fire. He didn't say that and I'm admitting that he didn't say that. I didn't take him up on his offer yesterday and I'm grateful that I didn't. But he also, in saying what he said, he did not say there's no burning lake of fire which could mean that he might even believe there is a lake of burning fire, and that gives me a little bit of encouragement. So with that I appreciate your listening to me and my confession here. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Carlson. Senator Chambers, you are recognized. [LB403]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm not going to gloat based on what Senator Carlson said. But I'll tell you what I'm going to do. I believe in the work that is done by Hearts United for Animals in Auburn, Nebraska. It's a no-kill shelter. The lady who works in my office had gotten a little poodle from them who when Cindy first got her she didn't know how to walk up and down stairs--not Cindy but the little dog--didn't know how to bark, she cowered, afraid of everything. And Cindy when she got the little dog heard some words from me as to why I thought it was unwise. But I told her, despite that, at least when this little dog was at Hearts United for Animals, there was human contact, the sound of human voices which were not going to harm her, there were other animals there. If you leave her at your house when you come to work down here, she could suffer from what is called separation anxiety and her status might be worse than it was at Hearts United for Animals. So little Nicole became a fixture in my office. I would walk her on the lawn out there. And at one time, for some reason, they had a sign that said: Keep off the grass. So some of my smart-alecky colleagues came out and they said, Ernie, can't you read? I said, what do you mean? That sign says: Keep off the grass. I said, I can read but Nicole cannot, and I am Nicole's valet, whatever Nicole says is what I do and she wants to walk on this grass. I said all that to say this: Senator Carlson was very wise in not betting against a stacked deck. He would have lost had he bet. I don't want Hearts United for Animals to lose out entirely so I am going to give them the \$1,000 that I said I would give to

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Senator Carlson's favorite charity if I were wrong. I knew I was right and I knew he wouldn't take the deal. But we should put our money where our mouth is. And there's a song that a guy sings. He says, I'm a man of means by no means. And that's what I am. I am a man of means by no means. But what I believe, I believe, and I will put my money where my mouth is. And that's what I intend to do. So when you all hear me say things on this floor, you may think they are as shallow and paper-thin as some of the things you all say. You may think I'd stand up on this floor and talk against a nanny state, then offer a bill which is stupid, and this LB1032 is stupid. Am I calling Senator Kintner stupid? No. I told you he didn't draft this. He wouldn't know how to draft anything as stupid as this. If he sat down to write this kind of thing, he would have written it differently and I know that. I know Senator Kintner. Senator Kintner may not be my friend, but Senator Kintner did not draft this bill. And all I'd ask him to do is nod. Senator Kintner, you didn't draft this bill, did you? He's going to be noncommittal. I'm going to draw a picture--I draw occasionally--of the four faces on Mount Rushmore. A lot of people don't know who they are--Abraham Lincoln, George Washington, Thomas Jefferson, Teddy Roosevelt. And in my drawing will be a fifth one: Bill Kintner. And I'm not doing it to put him in line with them. But a story I read, and you can Google it,... [LB403 LB1032]

PRESIDENT HEIDEMANN: One minute. [LB403]

SENATOR CHAMBERS: ...it's called "The Great Stone Face." Google it and you'll see that there was such a story; you'll see who wrote it. So he'll be up there as a great stone face who would not answer yea or nay. He was neither hot nor cold. "Parson" Carlson knows what happens when somebody is neither hot nor cold. When they are lukewarm I will spew you out of my mouth, sayeth the book. [LB403]

SENATOR CARLSON: Amen. [LB403]

SENATOR CHAMBERS: All right. On that "amen" from Senator "Parson" Carlson, I'm going to stop. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Chambers. Those still wishing to speak on LB403: We have Senator Wightman and Senator Scheer. [LB403]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. I'm not going to spend more than about a minute on this. I think we've spent long enough. I do believe that the penalties should reflect the act that we're talking about. And probably I plan to support Senator Kintner's amendment. I don't know that I'll plan to support him any further with regard to the bill itself, but I would support his amendment, that it be changed to a Class V misdemeanor. I think that's...based upon some of the various acts that he talked about being Class V, I think this fits Class V much better than Class IV. Now, if I had my preference, I would make it a Class V misdemeanor on first offense

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and probably a Class IV on second and subsequent offenses. But I'm not going to offer that as an amendment. So I will vote in favor of FA177, and that certainly doesn't mean that I'm opposed to LB403. Thank you, Mr. President. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Wightman. Senator Scheer, you are recognized. The question has been called. Do I see five hands? Senator Scheer, there is no one else in the queue. If no one else is wishing to speak on LB403, Senator Kintner would have an opportunity to close and that would be it. Do you wish to go ahead with calling the question? Senator Kintner, seeing no one else in the queue wishing to speak on FA177, you are recognized to close. [LB403]

SENATOR KINTNER: Well, thank you, Mr. President. I think I see us coming to a conclusion here on LB403. This is simply an amendment to make the crime commensurate with the punishment. It simply takes it from a Class IV misdemeanor down to a Class V misdemeanor. It doesn't change anything else in the bill, and that's all it does. So I just want to make sure that we're...you know, the punishment for this is not out of whack with other things of this type in our state. That's my sole purpose for this bill or this amendment. This amendment is not to derail the bill. It's actually to make it better, and I think that's what it does. And I would encourage my colleagues to support it, and I think we'll stop right there, Mr. President. Thank you very much. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Kintner. The question is, shall FA177 to LB403 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who care to? [LB403]

SENATOR KINTNER: (Inaudible) call. [LB403]

PRESIDENT HEIDEMANN: There has been a request for a record vote, roll call. Mr. Clerk. Do you want a record vote or a roll call vote, Senator Kintner? [LB403]

SENATOR KINTNER: Just a roll call. [LB403]

PRESIDENT HEIDEMANN: There has been a request for a roll call vote. Mr. Clerk. [LB403]

CLERK: (Roll call vote taken.) 15 ayes, 24 nays, Mr. President, on the amendment. [LB403]

PRESIDENT HEIDEMANN: The amendment is not adopted. Mr. Clerk. Mr. Clerk, bills to be read in. [LB403]

CLERK: Mr. President, new bills. (Read LB1102-1115 by title for the first time.) Other items, Mr. President, is I have an amendment to be printed from Senator Krist to LB660.

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I have notice of hearings from the Judiciary Committee and the Revenue Committee. Your Committee on Urban Affairs, chaired by Senator McGill, reports LB679, LB802, LB803 to General File. New resolution: Senator Mello offers LR417; Senator Seiler, LR418; Senator Seiler, LR419; Senator Seiler, LR420. Those will all be laid over. LR421CA by Senator Lautenbaugh proposes an amendment to Article XIII, Section 1, and Article VII, Sections 2 and 4 of the Nebraska Constitution. Senator Campbell offers LR422, Mr. President. Pursuant to that offering, I have a direction and a communication from the Speaker directing that LR422 be sent to Reference for referral to a standing committee for a public hearing. LR423CA is a constitutional amendment by Senator Nordquist. He would propose to amend Article VIII, Section 1, of the Nebraska Constitution. Mr. President, that's all I have with respect to the items to be read in. (Legislative Journal pages 318-330.) [LB1102 LB1103 LB1104 LB1105 LB1106 LB1107 LB1108 LB1109 LB1110 LB1111 LB1112 LB1113 LB1114 LB1115 LB660 LB679 LB802 LB803 LR417 LR418 LR419 LR420 LR421CA LR422 LR423CA]

Senator Kintner would move to reconsider the vote just taken with respect to his amendment, FA177. [LB403]

PRESIDENT HEIDEMANN: Senator Kintner, you are recognized on your motion to reconsider. [LB403]

SENATOR KINTNER: Well, thank you very much, Mr. President. Boy, I'm not sure everyone really understood what that amendment does. Jeez, you know, it's pretty...pretty easy stuff. It just takes it from a...you know, a Class IV misdemeanor, down to a Class V misdemeanor, which means you couldn't be imprisoned for selling a lighter; you could only be fined. To think that we would do a bill that would make it worse than failure to take a Breathalyzer, I just don't see...I'm pretty sure that members of this body didn't understand that. I mean, there's no way I think we would make this selling a little lighter a worse penalty than not taking a Breathalyzer test; a worse penalty than pulling out a gun on a highway and blasting away at animals; a worse penalty than...I don't know, you know, than not obeying a Game and Parks officer. You know, these are the things that are classified misdemeanors. And to think that, you know, we would go with this with a Class IV misdemeanor, I just don't think that that would be...I mean, I just can't see anyone doing that. That just doesn't make any sense to me. So I'm pretty sure that the members of this body just, you know, were out walking around the hall or something and they just didn't understand that, you know, all this does is just bring it in line with the other types of offenses and penalties and makes sure that the punishment is commensurate with what the act that we're trying to outlaw is. Remember, the act is selling a lighter that looks like a toy. You know, the other thing that we talked about, Senator Karpisek said, people are looking at us and they're thinking, what are we doing? Senator Janssen said he was in a bar and grill last night having dinner, and people said, what in the heck is going on down there? I think people are saying that. They're saying, how in the heck can we be sitting here talking about

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outlawing lighters? I mean, that's what people are saying. So if we're going to do it, and I seem to think we may have the votes to do it, let's at least make the penalty commensurate with the offense. So to tell you what the penalty would be, it would be up to a \$100 fine for the first offense. So that is all we're attempting to do. I do not intend to speak three times on this bill...on this reconsider; I'm only going to speak once. But that's all we're attempting to do, and I truly ask you to think about this and reconsider what we're doing here. And Mr. President, I thank you very much. [LB403]

PRESIDENT HEIDEMANN: Thank you, Senator Kintner. Mr. Clerk, items for the record. [LB403]

CLERK: I have name adds, Mr. President. Senators Nordquist and Ashford to LB987; Senator Howard and Krist to LB936; Senators Schilz, Janssen, Murante, Nelson, Hansen, to LB952; Senator Garrett to LB740; Senator McCoy, LB1097; Senators Carlson, Larson, Smith, to LB952; and Senator Ashford to LB1036 (sic--LB1035). Mr. President, I have a priority motion. Senator Johnson would move to adjourn the body...excuse me, I have two items to read: amendments to be printed to LB403. (Legislative Journal pages 330-331.) [LB987 LB936 LB952 LB740 LB1097 LB1035 LB403]

A priority motion, Mr. President. Senator Johnson would move to adjourn the body until Thursday morning, January 23, at 9 a.m.

PRESIDENT HEIDEMANN: Members, you have heard the motion to adjourn. All those in favor say aye; all opposed say nay. We are adjourned.