

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

Floor Debate
February 28, 2014

[LB104 LB132 LB402 LB474 LB671 LB725A LB725 LB749 LB755 LB901 LB920 LR42
LR463]

SENATOR COASH PRESIDING

SENATOR COASH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-fifth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor John Nelson of Norfolk in Senator Scheer's district. Please rise.

PASTOR NELSON: (Prayer offered.)

SENATOR COASH: Thank you, Pastor. I call to order the thirty-fifth 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 COASH: Thank you, Mr. Clerk. Any corrections for the Journal?

CLERK: I have no corrections.

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

CLERK: Mr. President, the report of registered lobbyists this week to be inserted in the Journal, as per statutory requirement, and reports received by the Clerk's Office available for member review, available on the legislative Web site. (Legislative Journal pages 689-690.)

SENATOR COASH: Speaker Adams for an announcement.

SPEAKER ADAMS: Thank you, Mr. President. Members, a reminder that beginning Tuesday of next week we go to all-day debate, and the only thing that I wanted to remind you of was that, and you can anticipate that all-day will mean somewhere between 4:00 and 4:30. We still have some committees, Appropriations and others, that may need some time late in the afternoon. And then next Friday, we will run through the noonhour before we adjourn. Thank you, Mr. President.

SENATOR COASH: Thank you, Mr. Speaker. Mr. Clerk, we'll now proceed to the first item on the agenda.

CLERK: Mr. President, LB725. Senator Murante, I have Enrollment and Review amendments to LB725, Senator. (ER133, Legislative Journal page 471.) [LB725]

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

Floor Debate
February 28, 2014

SENATOR COASH: Senator Murante for a motion. [LB725]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB725]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB725]

CLERK: I have nothing further on the bill, Mr. President. [LB725]

SENATOR COASH: Senator Murante for a motion. [LB725]

SENATOR MURANTE: Mr. President, I move to advance LB725 to E&R for engrossing. [LB725]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB725 does advance. Next item, Mr. Clerk. [LB725]

CLERK: LB725A, Senator, does have Enrollment and Review amendments. (ER134, Legislative Journal page 471.) [LB725A]

SENATOR COASH: Senator Murante for a motion. [LB725A]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB725A]

SENATOR COASH: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB725A]

CLERK: I have nothing further on the bill, Senator. [LB725A]

SENATOR COASH: Senator Murante for a motion. [LB725A]

SENATOR MURANTE: Mr. President, I move to advance LB725A to E&R for engrossing. [LB725A]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB725A does advance. Next item, Mr. Clerk. [LB725A]

CLERK: LB755, Senator, does have Enrollment and Review amendments. (ER137, Legislative Journal page 630.) [LB755]

SENATOR COASH: Senator Murante for a motion. [LB755]

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

Floor Debate
February 28, 2014

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB755]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB755]

CLERK: I have nothing further on that bill, Senator. [LB755]

SENATOR COASH: Senator Murante for a motion. [LB755]

SENATOR MURANTE: Mr. President, I move to advance LB755 to E&R for engrossing. [LB755]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB755 does advance. Next item, Mr. Clerk. [LB755]

CLERK: LB749, Senator. I do have Enrollment and Review amendments pending. (ER135, Legislative Journal page 631.) [LB749]

SENATOR COASH: Senator Murante for a motion. [LB749]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB749]

SENATOR COASH: Members, you've heard the motion to adopt the E&R amendments. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB749]

CLERK: I have nothing further pending to LB749, Senator. [LB749]

SENATOR COASH: Senator Murante for a motion. [LB749]

SENATOR MURANTE: Mr. President, I move to advance LB749 to E&R for engrossing. [LB749]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB749 does advance. Next item, Mr. Clerk. [LB749]

CLERK: Mr. President, LB474. I have E&R amendments, first of all, Senator. (ER141, Legislative Journal page 662.) [LB474]

SENATOR COASH: Senator Murante for a motion. [LB474]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB474]

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

Floor Debate
February 28, 2014

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB474]

CLERK: Mr. President, Senator Burke Harr and Senator Krist would move to amend with AM2044. (Legislative Journal pages 690-696.) [LB474]

SENATOR COASH: Senator Krist, you are recognized to open on AM2044. [LB474]

SENATOR KRIST: Good morning, colleagues. And good morning, Nebraska. Thank you, Mr. President. Before I start, the reason that Senator Harr is not here to introduce his own amendment and the reason that I have signed on is that the family is currently going to give birth. So good luck to he and his wife. The first amendment that I want to talk about here is the same one that Senator Harr talked about during General File. And that is, in a development area when there is a taxation put to pay down a bond, that would not be put on food products that are not subject to normal state tax. It's that simple, and I'd ask you to vote green on AM2044. [LB474]

SENATOR COASH: Thank you, Senator Krist. (Visitors introduced.) The treats you're receiving are in celebration of Senator Bolz's birthday, which is on March 1. Her mother, Pam, baked the cupcakes and brought them to the Capitol this morning. Happy birthday, Senator Bolz. (Doctor of the day introduced.) We return to discussion on AM2044. You've heard the opening. The floor is now open for a discussion. Seeing no members wishing to speak, Senator Krist, you're recognized to close on AM2044. [LB474]

SENATOR KRIST: For legislative intent...thank you, Mr. President. For the legislative intent, I'd like to read something into the record. AM2044 to LB474 extends the prohibition to the general business occupation tax statutes and business improvement districts. It also adds food to the list of items that an occupation tax cannot be imposed on. More specifically, food exempt from state sales tax cannot be subject to an occupation tax. I want to make it clear what this amendment does not do. It does not prohibit businesses that sell one of these four prohibited products--tobacco, gasoline, alcohol, food--from being part of the business development area and enhanced employment area under LB562. These businesses can still be in a part of the business improvement district or enhanced employment area and subject to an occupation tax so long as the occupation tax is not based on the sale of one of the prohibited items. And I'd ask you to vote green on AM2044. Thank you, Mr. President. [LB474]

SENATOR COASH: Members, you've heard the closing on the amendment AM2044. The question is, shall AM2044 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB474]

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

Floor Debate
February 28, 2014

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of Senator Burke Harr and Senator Krist's amendment. [LB474]

SENATOR COASH: AM2044 is adopted. [LB474]

CLERK: Mr. President, Senator Krist would move to amend with FA203. (Legislative Journal page 696.) [LB474]

SENATOR COASH: Senator Krist, you're recognized to open on FA203. [LB474]

SENATOR KRIST: This amendment is very, very simple. It places an E clause on this important piece of legislation. There have been some rumblings that folks want to hurry and put an occupation tax in place before it becomes law; therefore I think it's important that we make it law as soon as possible to protect our citizens from taxation without representation, in my opinion. Very clear. Thank you. And I ask for your support. [LB474]

SENATOR COASH: Thank you, Senator Krist. Members, you've heard the opening to FA203. Senator Hadley, you are recognized. [LB474]

SENATOR HADLEY: Mr. President, members of the body, I would echo exactly what Senator Krist has said; we need the emergency clause on this. And I just will say that if we have municipalities that are rushing to put this on before the bill becomes law, we would probably not look upon that real kindly next year when we would revisit it. Thank you. [LB474]

SENATOR COASH: Thank you, Senator Hadley. Seeing no other members wishing to speak, Senator Krist, you're recognized to close on FA203. [LB474]

SENATOR KRIST: Please vote green on this one so we can get it into law as soon as possible. Thank you. [LB474]

SENATOR COASH: Thank you, Senator Krist. Members, you've heard the closing to FA203. The question before the body is, shall FA203 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB474]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Krist's amendment. [LB474]

SENATOR COASH: FA203 is adopted. [LB474]

CLERK: I have nothing further on the bill, Mr. President. [LB474]

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

Floor Debate
February 28, 2014

SENATOR COASH: Senator Murante for a motion. [LB474]

SENATOR MURANTE: Mr. President, I move to advance LB474 to E&R for engrossing. [LB474]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB474 does advance. Next item, Mr. Clerk. [LB474]

CLERK: Senator, with respect to LB671, I do have Enrollment and Review amendments. (ER142, Legislative Journal page 662.) [LB671]

SENATOR COASH: Senator Murante for a motion. [LB671]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB671]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB671]

CLERK: Senator Davis would move to amend with AM2138. (Legislative Journal page 697.) [LB671]

SENATOR COASH: Senator Davis, you're recognized to open on AM2138. [LB671]

SENATOR DAVIS: Thank you, Mr. President. And good morning, members of the body. Senator Chambers has introduced a bill to remove the mountain lion hunting season. And as you may all know, there are two components to that season. One took place this fall when the two hunters used dogs to track the mountain lions in the Pine Ridge and killed the mountain lions. Then the other season has been taking place and just concluded with the killing of a female mountain lion, just, I think, day before yesterday. What this bill does, it preserves the season but it removes the fall hunt, basically; it takes the dogs out of the picture. I understand that there have been some people who are somewhat offended by the use of dogs in that manner. But I do think there's a legitimate reason to have a hunting season in the Pine Ridge, both for the Game and Parks and for the landowners there. I have a little bit of concern that eliminating this and going back to the old, sort of old style...way of dealing with them is not productive. I think Game and Parks demonstrated to me that there was a sustainable herd in the Pine Ridge. And the way the hunting season works there today is if a female is shot, that's the end of the season. But the Game and Parks were able to sell a number of tags for that. I think this is a good amendment, and I'd like to see some discussion on it from the body first, and then we'll see where it goes from there. Thank you, Mr. President. [LB671]

SENATOR COASH: Thank you, Senator Davis. Members, you've heard the opening to

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

Floor Debate
February 28, 2014

AM2138. The floor is now open for discussion. Senator Christensen, you are recognized. [LB671]

SENATOR CHRISTENSEN: Thank you, Mr. President. I support the amendment because I believe that the Legislature in the past has always set up Game and Parks to be in control of hunting seasons and in control of the species and in control of...and that's who we've set up to be our experts. And I think if we just legislatively take this out, I think we're avoiding the system that we've literally set up for the state of Nebraska, and we're removing the experts from the situation to be able to control the seasons. And if, you know, I know there's a debate between whether there is 15 to 22 mountain lions in the state or whether there is more, but I still think we need to leave them with the tools to be able to manage. I would rather see a limit put on until there's at least so many proven sightings. Or remove the dogs is fine, that fair competition that's been talked about. I don't have a problem with those things. But I think we should allow our experts, which are the Game and Parks individuals in this case, to be able to manage the season, be able to manage the wildlife and go forth. So that's why I'm going to be interested to listen to the debate on this particular issue and to see how the body feels. And at that, I will conclude my remarks. Thank you. [LB671]

SENATOR COASH: Thank you, Senator Christensen. Senator Schilz, you are recognized. [LB671]

SENATOR SCHILZ: Thank you, Mr. President. And members of the body, good morning. And good Friday morning. I know everybody wants to get out of here, and I concur with that as well. I'd like to reiterate what Senator Christensen said, you know, and I want to make sure that this goes down in the record that Game and Parks is the agency that we have out there that is charged with managing our wildlife and our game species that are out there. And I think we need to be mindful of that. We also need to be mindful that two years ago, or whenever it was, this same Legislature voted a hunting season for mountain lions in if Game and Parks said that that was feasible. So there's those two things. You know, I can tell you, my representation from the western part of the Panhandle, Senator Davis' representation of the upper...upper Nebraska, basically, these folks...these folks see this as an issue, as a problem. And there's...I know the numbers say 22 breeding females, but that's something that we maybe need to look at. Are we...do we need to provide some money to Game and Parks to be able to study these numbers to know for sure what we have, to make sure that...to make sure that we aren't getting into an unsafe situation? You know, I don't want to see it happen either where people feel even more threatened because there's no hunting season and then take off after these animals just because they're even more concerned. And I could see that happening. Now, I've never seen one in the wild myself; I've never been...I've never been around one, but I know people that have. And they say the...they say it's not...it's...you may not ever even see the cat itself. But they say you know when they're around; there's a feeling that you can get, when you feel like something is watching you.

Floor Debate
February 28, 2014

And a lot of these guys are outdoors every day. They're ranchers, they're on horseback, they're among the cattle. They're in tune to what's going on in nature. And if they think there's a threat, there probably is. Now, I know...I know, as you look at it, a lot of folks here probably don't worry too much about whether there's a mountain lion season or not. And I get that; I understand. But if you look at the news articles that came out of South Dakota just this week, there was a cat that was killed that weighed 50 pounds; it was a female. She was stalking a little boy, and his 11-year-old sister shot the mountain lion in their yard, basically. So to say that there can't be a threat to humans is not necessarily the case. And as numbers grow and, as we heard deer populations go down, those cats will be looking for food. The game commission in South Dakota was petitioned by over 100 citizens of that area to come out and harvest even more of those animals to make sure that the danger was mitigated. So it's a policy decision that we need to decide. I think I know... [LB671]

SENATOR COASH: One minute. [LB671]

SENATOR SCHILZ: ...where it's going. But there's folks out there that do have real concerns about this, and that's why I stand here today. So just think, as we go forward, mountain lions can be a threat. We haven't seen it yet. Let's make sure we don't get there. But what else does this do, going forward? What's next? Let's think about that. Thank you very much. [LB671]

SENATOR COASH: Thank you, Senator Schilz. Senator Chambers, you're recognized. [LB671]

SENATOR CHAMBERS: Mr. President, members of the Legislature, just for the record, I am opposed to the amendment. Secondly, the first confirmed sighting of mountain lions in this state after they had been exterminated was in 1991. Based on reports from Game and Parks, which those who are supporting this amendment say is where the experts are located, have said that from 1991 until today there have been no confirmed attacks on either human beings or livestock by one of these animals in Nebraska. The third thing: after the Legislature voted 31-5 to advance the bill, a spokesperson for Game and Parks, Mr. McCoy, stated that Game and Parks is capable of managing the mountain lion population in this state; they would just do it differently from what would be the case if they had a hunting season. And that's all that I will say. Thank you, Mr. President. [LB671]

SENATOR COASH: Thank you, Senator Chambers. Seeing no other members wishing to speak, Senator Davis, you're recognized to close on AM2138. [LB671]

SENATOR DAVIS: I was hoping we might have a little more discussion on this issue. I think if we move back into the past and look at the decisions that were made in 2012 when Game and Parks moved this bill forward, it seems obvious to me that something

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

Floor Debate
February 28, 2014

has changed here on the floor, and I think we know what that might be. Senator Chambers says there are no documented cases, and that's probably true. You know, western Nebraska is a big, wide-open country, and I can tell you that if you lose a cow...if a cow dies out in the pasture, in about three days it's gone. Mountain lions will carry the livestock away. But we are going to face a time when we are going to have some issues with deaths of livestock that are documented, and/or human beings. It's just a matter of time before that happens. But I realize that the body here does not have the will to leave things as they are. And I don't think I have enough support on this amendment to pass it. So, that said, I'm going to withdraw the amendment. [LB671]

SENATOR COASH: AM2138 is withdrawn. [LB671]

CLERK: I have nothing further on the bill, Mr. President. [LB671]

SENATOR COASH: Senator Murante for a motion. [LB671]

SENATOR MURANTE: Mr. President, I move to advance LB671 to E&R for engrossing. [LB671]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB671 does advance. Next item, Mr. Clerk. [LB671]

CLERK: Mr. President, the next bill is LB402. Senator, I do have E&R amendments, first of all. (ER92, Legislative Journal page 1195, First Session, 2013.) [LB402]

SENATOR COASH: Senator Murante for a motion. [LB402]

SENATOR MURANTE: Mr. President, I move to adopt the E&R amendments. [LB402]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB402]

CLERK: Mr. President, Senator Mello would move to amend with AM1237. (Legislative Journal page 1290, First Session, 2013.) [LB402]

SENATOR COASH: Senator Mello, you're recognized to open on your amendment. [LB402]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. AM1237 is a technical amendment that was brought to my office last session by Bill Drafting and simply harmonizes the language in Section 3 of the committee amendment to the bill. As the body may remember, LB402 was one of two bills that were prioritized last session to promote wind energy development in Nebraska. Ultimately, the Legislature

Floor Debate
February 28, 2014

passed and the Governor signed LB104, which provided that renewable energy projects could receive a sales tax exemption under the Nebraska Advantage Act. While the passage of LB104 was a dramatic step forward in promoting Nebraska wind, there is still a critical need to pass LB402 for smaller wind projects, as the sales tax exemption under the Nebraska Advantage Act is only available for projects of at least \$20 million. In addition, the \$20 million threshold under LB104 presents a significant barrier for other types of renewable energy, particularly solar. One of the key barriers to the development of small wind energy projects in Nebraska is the fact that equipment and supplies used for the project by a private developer are subject to sales taxes in most circumstances. For projects under \$20 million, the only mechanism that they can use to qualify for an exemption from sales tax is the rural Community-Based Energy Development Act, or C-BED. Under the current C-BED, equipment and supplies used to construct a project are exempt from sales tax if at least 33 percent of the revenues from the project for the first 20 years flow to Nebraska residents, nonprofit corporations, or limited liability companies comprised entirely of Nebraska residents. Since the C-BED statute was adopted in 2007, only one utility-scale wind project has been able to qualify for the sales tax exemption. In its current form, LB402 makes a series of changes to the C-BED law to make it easier for outside private wind developers to utilize the C-BED model. The bill also would expand C-BED to include renewable energy projects utilizing solar, biomass, and landfill gas as a fuel source. LB402 includes a variety of cleanup provisions designed to consolidate the C-BED law in Chapter 70 of Nebraska Revised Statutes. Currently, definitional language exists in both Chapter 70 and Chapter 77; and LB402 would leave the definitions in Chapter 70, with Chapter 77 simply referring back to those definitions. When LB402 had its public hearing last year, the bill enjoyed a broad support from a wide spectrum of businesses and organizations involved in the development of wind energy in our state. Big developers, small developers, landowner associations, agricultural organizations, environmental organizations, and public power can all be counted amongst the supporters for LB402. As a result of the passage of LB104 last session, the fiscal note for LB402 is dramatically altered from last session. Because wind energy facilities greater than \$20 million can utilize the Nebraska Advantage Act, the only remaining fiscal impact would be from smaller projects that are generally less than 25 megawatts. Based on the revised fiscal note, the General Fund impact for LB402 would be approximately \$1.06 million in this upcoming fiscal year. I'd like to specifically thank Senator Davis for prioritizing LB402 and allowing us to debate this critical economic development bill. And I would urge the body to adopt AM1237 and move LB402 to Final Reading. Thank you, Mr. President. [LB402 LB104]

SENATOR COASH: Thank you, Senator Mello. Members, you've heard the opening to AM1237. The floor is now open for discussion. Senator Davis, you are recognized. [LB402]

SENATOR DAVIS: Thank you, Mr. President. As you all know, I have selected this as my priority bill for the session. LB402 will be a tremendous advantage for rural

Floor Debate
February 28, 2014

Nebraska development. It's one of the things that I think will really move this forward. If you remember the debate last year and the discussion about it, the bigger wind projects are probably going to be more inclined to use the one that was put through last year. This particular bill will help the Cherry County Wind Association, Banner County. And what we're trying to do with this is wind for export; I think that's the future. Talk about a little bit of property tax benefits in the counties that are affected, huge...huge benefits to those. Also, this bill, as amended, introduces a number of elements which I think will benefit the whole state--manufacturers, engineers, any kind of contribution that is Nebraska-generated--kicks in to support this. So this bill will do more for wind development than, I think, anything else that we've looked at. Thank you, Mr. President. [LB402]

SENATOR COASH: Thank you, Senator Davis. Senator Ken Haar, you're recognized. [LB402]

SENATOR HAAR: Mr. President and members of the body, I'd like to thank Senator Davis for prioritizing LB402. I've been working on wind now...this is my fifth year in the Legislature, and we are making progress. And, again, just proof...proof that we have the wind: when I drove out to Chadron last weekend, a couple weekends ago now, in my van, going out, I got 21 miles per gallon heading into the wind; coming back, I sailed back with 27 miles per gallon with the wind at my back. And, folks, we need to use...probably after water and, you know, just the people of Nebraska, wind is one of our greatest resources. And we've got to use it; LB402 is a great step forward. And again I want to thank Senator Davis. And I will cast at least two votes for this LB402. Thank you very much. [LB402]

SENATOR COASH: Thank you, Senator Haar. Senator Hadley, you are recognized. [LB402]

SENATOR HADLEY: Mr. President, I won't take very long. Colleagues, I just...remember last year we had a long, spirited debate on this bill versus another wind bill. And I committed last year that I would support this bill when it comes back this year. So I just want to tell you that I will be a green vote on LB402 and the underlying amendment. Thank you. [LB402]

SENATOR COASH: Thank you, Senator Hadley. Senator Lathrop, you are recognized. [LB402]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I would just repeat what Senator Hadley said. The competing bill last year was mine and also my priority bill. And while I believe strongly that that was the right approach, this supplements what we've done last year. I think it's particularly good for small projects and particularly good for some collaborative projects that I think they're trying to put together out in Senator

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

Floor Debate
February 28, 2014

Davis' part of the world. And so I, too, will support LB402. Thank you. [LB402]

SENATOR COASH: Thank you, Senator Lathrop. Senator Brasch, you are recognized. [LB402]

SENATOR BRASCH: Thank you, Mr. President. And good morning, colleagues. I am pleased to see that there are so many standing in support of LB402 and AM1237. This is a bill that will help all of Nebraska. And there are rural communities, as Senator Davis and others have testified, there is one in Burt County, which I serve, Burt County Wind; this will help many...many projects, moving forward. And I ask for everyone's green light this morning. Thank you. [LB402]

SENATOR COASH: Thank you, Senator Brasch. Senator Schilz, you're recognized. [LB402]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. I stand in support of the amendment and the bill itself. I know we had great conversations on this last year, quite a bit of debate when we talked about LB104 and LB402 and which would be the right way to go. And I do think that they can both coexist, and I think that it's...it gives people a choice on how they want to go about doing things. I think the best way to look at this, if you still want to understand the differences between LB104 and LB402, is LB104 is a tax credit that you get after you do so many things; LB402 would be a tax exemption that you can have if you do certain things. So it's just a different way of looking about it and going about it. And looking at the issues that we deal with with population decline and the challenges of rural America, anything we can do to help give tools...put tools in the toolbox to start to combat that and fight that I think is a good thing. Using Nebraska resources is a good idea. And getting these facilities in our rural areas, to help with the property tax, to help with economic development, I think is...I think it's good for all of us, whether you live in Omaha, Lincoln, Ogallala, O'Neill, or Bushnell. So with that, I would urge everyone's support. And thank you, Mr. President. [LB402 LB104]

SENATOR COASH: Thank you, Senator Schilz. (Visitors introduced.) Seeing no other members wishing to speak, Senator Mello, you're recognized to close on AM1237. [LB402]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. And thank you for the senators who stood up and spoke. I know last year we had a spirited debate between Senator Hadley, Lathrop, Schilz, Brasch, myself, amongst others. Once again thank you, Senator Davis, for prioritizing LB402 this year. The amendment in front of us, AM1237, is simply a technical amendment brought, once again, to my office on behalf of Bill Drafters that harmonizes language in Section 3 of the committee amendment of the bill. With that, I'd urge the body to adopt AM1237. Thank you, Mr.

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

Floor Debate
February 28, 2014

President. [LB402]

SENATOR COASH: Thank you, Senator Mello. Members, you've heard the closing to AM1237. The question before the body is, shall AM1237 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB402]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of Senator Mello's amendment. [LB402]

SENATOR COASH: AM1237 is adopted. [LB402]

CLERK: Senator Schilz, I had AM1364; but I have a note, Senator, you wish to withdraw. [LB402]

SENATOR COASH: AM1364 is withdrawn. [LB402]

CLERK: I have nothing further on the bill, Mr. President. [LB402]

SENATOR COASH: Senator Murante for a motion. [LB402]

SENATOR MURANTE: Mr. President, I move to advance LB402 to E&R for engrossing. [LB402]

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB402 does advance. Next item, Mr. Clerk. You have items, Mr. Clerk? [LB402]

CLERK: I do, Mr. President. A new resolution: Senator Chambers offers LR463. Pursuant to that introduction, I have a communication from the Speaker directing that LR463 be referred to Reference for referral to standing committee for purposes of conducting a public hearing. Senator Bolz would like to print an amendment to LB901. And an announcement: the Appropriations Committee will meet at 10:00, 10:00 in Room 2022. That's all that I have, Mr. President. (Legislative Journal pages 697-699.) [LR463 LB901]

SENATOR COASH: Thank you, Mr. Clerk. Next item on the agenda.

CLERK: LB132 is a bill by Senator Nordquist relating to tanning facilities. (Read title.) Introduced on January 11 of last year, at that time referred to the Health and Human Services Committee. The bill was advanced to General File. I do have committee amendments pending, Mr. President. (AM1802, Legislative Journal page 498.) [LB132]

Floor Debate
February 28, 2014

SENATOR COASH: Thank you, Mr. Clerk. Senator Nordquist, you're recognized to open on LB132. [LB132]

SENATOR NORDQUIST: Thank you, Mr. President and colleagues. LB132 is a bill aimed at dealing with the problem of an increasing number of skin cancer cases that we are seeing in our state, which is likely to result in...likely the result of youth using indoor tanning services. Since the bill was heard in committee, there's been a compromise reached between the interested parties, including members of the medical community and the Nebraska Indoor Tanning Association. And I want to thank those folks for working diligently over the summer to come to an agreement on language in this amendment that will be introduced as a committee amendment by Senator Campbell. I'll admit when I was...this idea was...first the concept of restricting indoor tanning was brought to me, I'm sure like many of my colleagues probably didn't treat it with the gravity that it demands. But thanks to persistence of medical experts in our state armed with scientific research and powerful personal stories of young skin cancers, young skin cancer survivors who testified at hearings and made visits to my office, I'm here to tell you that this is an issue that truly is a matter of life and death and demands our attention and action. The Legislature has set a strong, consistent precedent of protecting youth from health and safety risks and the long-term consequences of their action. State statute forbids the sale of alcohol and cigarettes to youth because we know the long-term health risks that those habits pose. Science tells us that youth have a diminished capacity to understand and weigh those long-term consequences before they take action. In Nebraska, we don't allow youth to purchase a handgun, we don't allow them to consent to a tattoo or body piercing, and society even doesn't allow 17-year-olds to see certain movies. Why, then, would we allow them to continually expose themselves to unsafe levels of a product that the FDA says is right along the lines of tobacco, arsenic, and asbestos as a Class I carcinogen? There may be...you know, the opponents of the bill at the hearing and that I've heard since introducing the bill have brought up that this is really an issue of parental responsibility. Well, we don't make the parental responsibility argument when it comes to purchasing a pack of cigarettes. I don't think we should make the parental responsibility argument here when medical experts are telling us this is equally as dangerous if used inappropriately. Now I will say that through the hearing, through our work in the interim, that there are responsible indoor tanning owners that do make...set the right policies, take the right actions, try to make sure that teens aren't overtanning and burning themselves, which causes mutations that can lead to melanoma. There certainly are those responsible actors out there, but, unfortunately, there are not enough of them. And for some parents, since introducing this bill I've probably heard more from parents who have said, I just didn't understand. I just didn't understand the consequences that sending my 14-15-year-old to a tanning salon could have on them long term if not...if it was not done in a responsible manner. So the compromise amendment that Senator Campbell will be bringing forward bans tanning for minors under the age of 16. The original bill was an all out 18 ban. This would ban it for minors under the age of 16, but would allow for tanning

Floor Debate
February 28, 2014

for those under 16 with a physician's note that would be required for some medical conditions, and there are some medical conditions that this is appropriate for. It would require warning signs to be posted with FDA language. It would require the Department of Health and Human Services Board of Cosmetology to provide oversight. And it would rename the act to the Indoor Tanning Facilities Act. Again, I'm very thankful of the work that's been done to this point by all of the interested parties, and I just want to read a statement from one of the young cancer survivors from our state. She said, I started tanning at the age of 14. I pretty much tanned all year round, sometimes tanning everyday, sometimes every other day. I remember seeing signs in the tanning rooms that could...that said it could cause cancer, but I thought it wouldn't happen to me. When I was 24, after 10 years of tanning, I noticed a small dot on my skin when I was shaving my legs. I had the spot removed and was told the scary news that it had come back as melanoma. It was life changing. I didn't feel invincible anymore like you do when you are a kid. You realize what things are important in life and tanning isn't one of them. I will never use a tanning bed ever again and I will not let my future children use tanning beds. It is sad that it took cancer to get me to stop tanning. You shouldn't be allowed to tan until you're an adult. You just don't care about the consequences as much when you are 14 like I said...like I did when I started tanning. So these are the stories that unfortunately are happening more and more across our country and across our state, and that's why states are taking actions to restrict access to tanning facilities. I would appreciate your support of the committee amendment and the bill. Thank you. [LB132]

SENATOR COASH: Thank you, Senator Nordquist. Members, you've heard the opening to LB132. As the Clerk has stated, there is an amendment from the Health and Human Services Committee. Senator Campbell, you're recognized to open on the committee amendment. [LB132]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. The committee's amendment is a compromise, as Senator Nordquist indicated to you, brought to the committee by the dermatologists and the tanning facility owners. And I'd like to just add a personal comment that I really do appreciate an industry coming to work with the medical community and finding a solution that is in the best interest of the young people in the state of Nebraska and very understanding of a business industry as well. The compromise does eight major things: (1) it bans tanning for minors under the age of 16, but allows for an exemption for individuals with a physician's order; (2) the amendment renames the act, formerly the Skin Cancer Prevention Act, to the Indoor Tanning Facility Act; (3) it requires tanning facilities to post a warning sign inside the facility. The language in the amendment is language currently required by the FDA to be posted on warning labels for tanning lamps; (4) it gives the Health and Human Services Department the duty to investigate complaints; (5) it's a violation of the act, subjects the operator, owner, or lessee of the facility to a \$100 civil penalty; (6) the amendment requires the owner, operator, or lessee of the tanning facility to ensure compliance with all applicable federal laws and regulations and the Indoor Tanning Facility Act; (7) it

Floor Debate
February 28, 2014

states that the intent of the Legislature is that the Indoor Tanning Facility Act be implemented and enforced in a manner that ensures equal treatment of all tanning facilities regardless of the type of business or facility or number of pieces of tanning equipment at the facility. And last, (8) it provides for an owner of a tanning facility to be added to the Board of Cosmetology, which the committee thought was an excellent suggestion because then the industry has a representative on the board that oversees these tanning facilities. Colleagues, the committee was very impressed once again to say the hard work that went into this both by the industry and the medical community and recognizes what all of us are beginning to see in publications of how much we, no matter what our age, should be doing to protect our skin. This act goes a long way to protect the young people in the state of Nebraska. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Campbell. Mr. Clerk, you have an amendment. [LB132]

CLERK: Mr. President, Senator Scheer would move to amend the committee amendments with AM2116. (Legislative Journal page 685.) [LB132]

SENATOR COASH: Senator Scheer, you're recognized to open on AM2116. [LB132]

SENATOR SCHEER: Thank you, Mr. President. I appreciate Senator Nordquist introducing LB132. I do understand that it is a concern. However, from my vantage point this bill does not address the concern that was raised by Senator Nordquist. Senator Nordquist, in his opening, made a couple of comments that I picked up on. In his very first statement, he said that it was likely to be the cause--not the cause, likely to be the cause. He also went on to state that the tanning beds were dangerous if inappropriately used. Everything is dangerous if you don't use it in an appropriate manner. My amendment deals with one thing exclusively, and that is what Senator Nordquist brought up, and that is parental rights and supervision, consent. This bill states that anyone under the age of 16, so 15 and younger, will have to go to a doctor to get a note. And by the way, what is a doctor's note? It's not a prescription. It's a note. And do we really think that doctor's offices want every 14- and 15-year-old young girl or boy or a 12-year-old to go to the doctor and ask that office for a note to go use a tanning facility? But now, by the way, that would be perfectly legal under this because that doctor could give the note to the child and that child could walk into the tanning bed and use the facility without the parent even knowing or approving. But the doctor did when they're 14. What my amendment does is brings it back to the control of the parent or the legal guardian. It states that it will have to have a note from the parent or legal guardian of anyone under the age of 15. Now having said that, I want you to consider the rest of the bill. Is it really aimed at the problem that exists? It says once you get to be 16, i.e., mobile because we get driver's licenses at age 16 in Nebraska, that means you can drive yourself wherever you want and get tans as many times as you want at different locations. I'm not trying to imply there's not a problem that we are not keeping track of

Floor Debate
February 28, 2014

how often and how frequently people use different facilities, perhaps tanning more than once a day. But this bill doesn't address that. Those are the problems, not the loss of parental consent. Right now, although this bill addresses it, there is no requirement for signage in any of these facilities. And it seems to me that if we're going to start addressing a problem, one of the first things we would do is address signage if nothing else, not necessarily ban it or take the use away from people without parental consent. Right now, there is no federal requirement for signage. We talk about commonality of states. Well, I just happen to do a little work this morning in about 15 minutes. And right now in the United States there is one, one state that bans children under the age of 16 from using a tanning bed. One. There are two that limit it under the age of 18. That's it. We have Wisconsin at 16 and we have California and Vermont at 18. When you allow children, well, young adults at 16 to be able to go wherever they want, and they are mobile because they're all going to have a driver's license in the state of Nebraska by and large, and they all will have access to cars, they can then go out and get tanning wherever and whenever they'd like. But if I as a parent, for example, am going to someplace for a vacation with my family and it's the middle of winter so I would like my son or daughter to be able to go to a tanning booth to get some type of a base once or twice so that we don't go down wherever it might be and they get fried the first day out on the beach, I can't do that. I have no legal ability to take my child into that tanning salon and have them get any services. The law doesn't permit a parent from doing that. We need to stop and think what we're doing here. There may be a problem, but this isn't the solution. And if it is the solution, then you need to adopt AM2116. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Scheer. (Visitors introduced.) Members, you've heard the opening to LB132, the committee amendments, and the amendment to the committee amendment. The floor is now open for discussion. Senators wishing to speak: Senators Hansen, Kolowski, Nordquist, and others. Senator Hansen, you're recognized. [LB132]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I just opened up Senator Scheer's amendment. I think, you know, we're going the right way. It's too bad we have to have any restrictions on tanning. It looks like the parents should be able to handle this. The way the HHS amendment reads that if you're 16 you don't need that parental, doctor, any sign off of that. I asked the doctor of the day if he would feel okay if he...if kids went, you know, over 16, anybody, went in and said I want to tan. Is it safe? Should I do it? I think they've already made up their mind they're going to do it, but would you give me permission to tan. And he said he felt okay doing that. I think...I've got a 16-year-old granddaughter, just turned...will turn 17 here shortly, and she's looking forward to prom. And she very proudly showed a dress that...to her grandmother the other day after a swim meet, and she said this is my prom dress. Well, I...she's 16, need no parental...even if this bill was in effect. She might go to a fake bake. This is not a good...I don't know, I hate to say it's not a good industry, but it's a

Floor Debate
February 28, 2014

dangerous industry. It really is. I've looked at several of the publications where a girl came in, she had a sore on her back and ended up with a...looked like a foot-long surgery just to take that cancer out of her...the area of her spine. You get cancer in your spine, you've got really big problems. Melanomas are nothing to be complacent about. My father always wore a wide-brimmed hat. He was a real cowboy. And wherever he went he had that wide-brimmed hat on. So I came back to the ranch, young, ambitious, rode the rough horses, kept losing my wide-brimmed hat, so I went to a ball cap. And now about three years ago I went to my doctor and I told him I had some spots on the side of my head, and he said, yeah, we've got to get those treated. So he's treated them three times and one of them doesn't want to go away. So I've got to go to a dermatologist or someone in order to have that biopsy and cut out. I'm going to wait until the end of the session because these ones under your hairline, those of us who still have hair, Senator Kolowski, is...I mean, it's going to be an ugly scar. It's going to be pretty ugly for a while. And those...that happened with no tanning involved at all. When my older sister got married on June 30 of, I don't know what year it was, I thought it'd be great to have my hair all bleached out and a good suntan for that. And so I went about a month or maybe a little longer with no hat on at all so I would look good for those wedding pictures. Well, now I look back at those wedding pictures and I didn't have those spots on the side of my head. This can happen by nature, and Lord save us all if we think we need to fool around with mother nature by turning our skin darker in a thing that looks like a coffin with a light in there that's four times as bright as the sun. I will probably end up voting for the underlying bill, which is the Health and Human Services amendment. But I don't like it. I don't think it's restrictive enough. Maybe it'll send a message to enough parents to say: no. You got a prom dress. You look wonderful in it. Have a great time. Just skip the tanning booth. You can all still call this bill the bikini bill. They want to look good in their bikinis. They want to get rid of those bikini lines. Is that what they get rid of? Tan lines. They want to get rid of those tan lines. [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR HANSEN: So, anyway, it's a business that's certainly legal in our state and I would wish that the parents would take a hard look at this, see what the consequences are of that and even tanning outside on the beach. They'll all pretty dangerous to that young skin. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Hansen. Senator Kolowski, you're recognized. [LB132]

SENATOR KOLOWSKI: Thank you, Mr. President. Good morning, everyone. I want to echo the comments from Senator Hansen. Thank you very much for what you said and I stand in support of what Senator Nordquist is trying to do here with LB132. I'll speak from the aspect of 41 years in public education, most of that with high school students, especially as a high school principal for my last 15 years. You have to understand the

Floor Debate
February 28, 2014

social milieu of a high school. And you have to understand teenagers in the aspect of what this tanning bill is all about and that pressure upon...peer pressure upon one another in a high school situation. And Senator Hansen has touched on some of the times around a certain year that become very prevalent, especially prom in the spring. Also you'll get some of that as far as homecoming in the fall where you're just not tan enough, just not looking healthy enough, and they want to go in and use the facilities to look better, whatever that means, as they get into their outfits for those two particular functions. But it's beyond that. Take a look at the dance teams, primarily girls, of course, the girl dance teams of the high schools, the cheerleaders which could have male and female, and the way they look on a yearly basis as far as the tanning, outdoing one another to look...who just looks like you just came back from Florida or Hawaii or wherever else it might be. There is a peer pressure. There's a social pressure with one another at the high school level, and that pressure leads right back to parents as far as you won't let me or you won't help me or you won't, all those things that parents have discussions with their students about, with their sons or daughters about far as the application of this. This is a very dangerous business. I've seen the results with some of the students that I've had over 40 years as a public educator, and those are not pretty situations when they've had cancerous skin removed and moles removed and all the rest over time because of overindulgence with the tanning, or the sun can also be at fault as you well know. But it's an exact...the stress of the additional sun work with tanning salons really brings that on to a greater degree. So please keep in mind the broader perspective of the social milieu that the students work in and their parents and the families they're coming from and how that plays out as well. So I thank again Senator Nordquist for what he's doing here. I wish it was tougher. I understand it's a compromise. We'll take that as a starting point and work from there if we have to in the future. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Kolowski. Senator Nordquist, you're recognized. [LB132]

SENATOR NORDQUIST: Thank you, Mr. President. Thank you, Senator Kolowski, for sharing those stories. And the fact is, you know, we hear it from, you know, school personnel like Senator Kolowski. I've heard it from my brother who's an oncologist in Omaha. He now specializes in urologic cancers, but when he was with the general cancer practice he said you would be amazed at the number of teenagers and young women in their twenties who are coming in and facing melanoma and having to battle through that at a very young age. And it's happening everywhere. Research from the Mayo Clinic says that from 1970 to 2009, the incidence of melanoma increased eightfold among young women and fourfold among young men. You know, maybe our exposure to the sun is getting a little more, but the sun is not getting any more powerful and that's not why we have an eightfold increase in melanomas in young people. This is happening. It costs our country right now about \$3 billion a year to treat melanoma and that number is projected to skyrocket in coming years because of the incidence. And

Floor Debate
February 28, 2014

Senator Scheer pointed out the word that I used was likely to cause. As someone who studied statistics I'm always leery to say absolute, I think but if you talk to any medical professionals who are working in this field, they would certainly be willing to point to a very direct correlation. Again, from the Mayo Clinic, a survey of patients from an academic dermatology clinic found that exposure to indoor tanning beds was a significant risk factor for the development of melanoma. Another publication says there was...there's strong evidence that UV radiation from the use of indoor tanning devices causes DNA damage that can lead to develop of both melanoma and nonmelanoma skin cancers. That's why states across the country, including states like Texas, that is not a big brother state that is going to come in and regulate everything, has passed a ban on tanning for minors. That's why more states are considering legislation. So this, again, is a very much a compromise piece of legislation. And to the agreement and why the parties...we talked about parental consent. It was one of the first things that I put on the table to say, well, maybe we ban completely under 16, with parental consent up to 18. That was my first offer from the all-out 18 ban. And it was the tanning salons, their industry, the Nebraska Tanning Association, Indoor Tanning Association, that said we don't want to be in the game of policing parental notes. I mean, I don't know about you, I probably forged a few of my parent's signatures when I was growing up, and I hate to admit that on the mike and I hope mom is not listening, but that's what happens. And they don't want to be in the business of, you know, having a 15-year-old come in and get fried, and then the parent come back and say what did you do to my kid without my permission. That's why we didn't want to go down that road. That's why we went down the road, and I...you know, I think, I would assume medical professionals will use their best judgment and advise the kids about the risk effects. Every medical professional I've talked to has expressed concerns about excessive use of indoor tanning and certainly if it's irresponsibly used, certainly those costs can be so much more. And just to the final point of, you know, if I want to take my 14-year-old to get tanned, there is...you know, that's just not a safe way to go about it if you talk to the medical professionals who are seeing it. Fourteen-, fifteen-year-olds should not be in a tanning salon. Unfortunately in our society, we can just look to the infamous tan mom... [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR NORDQUIST: ...parents who ignore the warning signs. And according to our Food and Drug Administration, this is in the same class as a Class I carcinogen as tobacco. Should we go ahead and amend this and allow parents to take a...give their kid a parental note to go pick up a pack of cigarettes? I don't think anyone thinks that's a good idea. Again, this is an industry coming together with the medical professionals who are seeing the adverse effects of inappropriate utilization of the product and coming together and saying, we are willing to be regulated for the good of society. And I think that's something we should applaud when an industry is willing to do that. On the parental note side, they would have had...they could have more business giving...you know, if parents just sign off the 14-year-olds and let them come in, but they were willing

Floor Debate
February 28, 2014

to give that up and say it's the right thing to do both for us... [LB132]

SENATOR COASH: Time, Senator. [LB132]

SENATOR NORDQUIST: Thank you. [LB132]

SENATOR COASH: Thank you, Senator Nordquist. Senator Harms, you're recognized. [LB132]

SENATOR HARMS: Thank you, Mr. President, colleagues. I rise with some concerns with this tanning bill. I know that Senator Nordquist has done a good job in trying to bring everybody to the middle of this. It's better than what we have now. But my major concern is we know for a fact, the research shows us very clearly this causes cancer. And here we're debating the fact that we don't want someone 14 or 15 going in. It doesn't make any difference what age you are. I think teenagers are more susceptible to that kind of cancer. But as you get older, it's still going to be there. Let me give you just some data here. The new evidence demonstrates...new research evidence demonstrates that even the use of indoor tanning beds are associated with 69 percent of basal cancer--69 percent of basal cancer is stimulated by the use of these booths. And here we're debating and discussing the fact that we ought to put it on age. I know you have a choice. I know parents have a choice. But sometimes they need a little help. Let me give you some other research. And this bothers me just a little bit, and this comes from the threat of indoor tanning facilities. According to the national study conducted for the congressional research office, four out of five salons falsely claim that indoor tanning is beneficial to young person's health. Four out of five, colleagues, claiming that tanning would prevent cancer, treatment depression, low self-esteem, prevent and treat arthritis, the list goes on. The study also shows that nearly all salons denied the knowledge that risk of indoor tanning. They told undercover investigators that young people are not at risk for developing skin cancer. They're in this for a profit. It's their business. I understand that. But we ought to be truthful in the nature of this. We ought to be honest in telling the public what the risks are. I don't know how you feel, colleagues, but I always want to go to the bottom line, I want to look at the research, I want to look at what the science tells us, and this is what it's telling us, that it is dangerous and that we can prevent this. Now I want to talk a little more just about the comparisons that Senator Scheer talked about just briefly. I want to go a little further than that. Six states have banned under 18 the use of tanning, and that's Nevada, Texas, Illinois, Vermont, California, and Oregon. There are three states under 17, Connecticut, New Jersey, New York, and the one he mentioned in Wisconsin was one. States are starting to do it, colleagues, but I'm just telling you that we need to look at, first of all, the people who have these companies and hold them accountable for letting the information be truthful so the people can actually see and understand what truly is happening to them. And, secondly, I don't think we've gone far enough with this legislation. I'll support it. It's better than what we've got. But I don't think we've gone far

Floor Debate
February 28, 2014

enough with this, and I think quite frankly until you're 20 years old or 21 or 18, whatever the age is, that's where we ought to be stopping this and dealing with it there because teenager's skin will develop that cancer. And, you know, when you go to having parents sign it, they'll falsify that. Having physicians do it, they'll find a way to falsify that in many cases if they want to get in there and have a greater tan. So I would just tell you as you look at this, think about some of the data, think about some of the facts. At least this is a start, and maybe in the future... [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR HARMS: Thank you, Mr. President. Maybe in the future, we can come back and address the issue. But don't ignore the fact that it does cause cancer, and don't ignore the fact that a lot of these teenagers will find a way to get there. It's as simple as that. Don't ignore the fact that I think that the study that was done reveals that we maybe ought to be looking at the companies themselves and holding them accountable to letting the information be told in a truthful manner. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Harms. Senator Krist, you're recognized. [LB132]

SENATOR KRIST: Thank you, Mr. President. Good morning again, colleagues, and good morning, Nebraska. If you check the committee statement and the vote, I did not vote this out of committee, did not vote for the committee amendment. I think it's important that you know why. I agree with Senator Harms. This does not go far enough to solve the ultimate issue, which is the health and welfare of our citizenry and our kids. The problem I have is twofold. One, parental consent was a discussion for all five years that this has been in front of us. For five years, in the Revenue Committee and in Health and Human Services Committee we've been talking about the tanning industry. Now I don't know that I can support AM2116 because, quite clearly, those people who have been working on this for the last three years have come to a consensus. And what we would be doing to that consensus between the industry and the medical profession is saying all that you have done we now are amending it on the floor and we're turning it upsidedown, and legitimately we can do that. We can do that if we want to. But I think you need to take a step back and really think about AM2116 because of the parental consent that is clearly the issue. The bill itself, along with the committee amendment, does put signage in the establishment. That's a concern. I was told that my bill was not coming out of Judiciary this year because I was asking for a sign to be put in a business and forcing that sign to go up, and constitutionally can we force that to happen. In this particular case, the signage is just a repeat of the sticker that's on the bed, so it's already there. I'm going to circle back to parental consent here for just a minute. I live in Omaha. I have a friend who lives on the west side district, and to Senator Kolowski's point, our kids have disposable income and they are extremely mobile. When two or three mothers decided that they did not want to allow their 15-, 16-, and 17-year-old

Floor Debate
February 28, 2014

girls to go to the tanning beds and put it off limits and told the businesses that they could not attend, they pooled their money, went on eBay and bought themselves a tanning bed and put it in a mother's garage, unsupervised, who condoned the activity. Two of them burnt themselves pretty substantially. And so I bring back to parental consent and Senator Harms's point, sometimes parents need help. I don't think that's my job entirely, but think about what happens when anyone goes into a tanning facility. They're limited. They're regulated. They're advised of the health risk. So why shouldn't parents have the right to tell their child they can or cannot? Again, I don't think that's my job. All of these questions, and if I've just muddied up the water, I'm glad. All of these questions are what we have talked about for five years. Realize the decision that you will make with AM2116 is to interfere with the consensus that was reached between the industry and the medical profession. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Krist. Senator Bloomfield, you're recognized. [LB132]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, colleagues. I'd like to ask Senator Campbell a question if she'd respond. [LB132]

SENATOR COASH: Senator Campbell, will you yield? [LB132]

SENATOR CAMPBELL: Certainly. [LB132]

SENATOR BLOOMFIELD: Senator Campbell, I'm looking at the committee amendment, Section 6, that talks about the \$100 fine. Once this young person has been burned and they go and find out that they were tanning over an expanded period of time at a facility without the proper permission, is that...that \$100 fine, is that per individual child or is that for each time the child was in that booth? [LB132]

SENATOR CAMPBELL: Thank you, Senator Bloomfield, and I appreciate your courtesy of calling me ahead of time and saying I'm going to ask you this question. I conferred with legal counsel to the Health and Human Services Committee and we believe that the potential is there that the \$100 fine could be per person, per time. But it is...the oversight of this is by the department and we're assuming some rules and regs here, and so they may take into account that it wasn't one report. We're going to do more research on this, Senator Bloomfield, and if we need to clarify it between now and Select we will. [LB132]

SENATOR BLOOMFIELD: Okay. Thank you. [LB132]

SENATOR CAMPBELL: It's a good question. Thank you. [LB132]

SENATOR COASH: Thank you, Senator Bloomfield and Senator Campbell. Senator

Floor Debate
February 28, 2014

Brasch, you're recognized. [LB132]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. This matter does require serious attention. There is a problem. But I believe there's a greater problem when we remove parental consent here and we do not take parents rights into consideration. I support Senator Scheer's amendment. Him and I had discussed this off the floor, where we strike the word physician, we strike the word state, and give that responsibility to a parent or a legal guardian. The intent of LB132 is to protect our children, to protect them from harm. And I believe that as a state and as good citizens and communities that the best way that we can protect our children is to enable their parents. Parents should have and must have the first line of responsibility in the upbringing of their children, that includes their health, their education, their well-being, and their upbringing. There's many factors there. The state cannot oversee and be everywhere all the time. By bringing more government into this, we're just bringing more government into this, not enabling our parents. We're taking more of their rights away. And we see that happening more and more and it is a concern. A year ago, I did introduce LR42 for the rights of parents. I had 31 of my colleagues cosign, many of you are cosigners on that. But it sits in Judiciary because we as a body cannot decide if parents have rights. It's simply encouraging Congress to sign the amendment that gives parents natural rights to their children. It's back again this year. I added amendments. I updated it. It's back to your committee. And here's a bill before us again saying that a doctor and the state will take care of your child's health and future. That's not the direction we want to go. We don't have the budget for that. That belongs to parents. I encourage you to vote for AM2116, to AM1802 that does give parents their natural right to their children in making those decisions and giving consent. We should not overwrite that responsibility. I support the bill with the amendment. Thank you, colleagues, for your consideration and vote green on AM2116. [LB132 LR42]

SENATOR COASH: Thank you, Senator Brasch. Senator Campbell, you are recognized. [LB132]

SENATOR CAMPBELL: Thank you, Mr. President. Colleagues, I wanted to go back to several questions with regard to AM2116 on the parental consent. And like Senator Krist indicated to you, the committee spent a great amount of time on that issue; because at first we thought, well, maybe we should go down that route because some of the other states have, and we really looked at that seriously when we were looking at banning at 18 and under. Well, one of the things that we ran into was how do we ensure that we have educated the parents? I mean, when I was a parent of a 16-year-old daughter, I had no idea. I had no idea of the dangers that may be there in tanning. And so then we started saying, well, let's put language on a permission form, and let's require a permission form to be turned in. And then we went, every time? Once a month? Who keeps track of it? Is the tanning facility supposed to keep track of it? How do they ensure that it is signed by the parent? As a parent, I went into my 13-year-old

Floor Debate
February 28, 2014

son's room one day to do the laundry, and on his desk was two pages of my signature. We all have had teenagers, or have them; we understand. And so we finally decided that, really this issue was like a number of other issues in which we as policymakers put into place what our youth may or may not do. We require children, youth, to attend school; we set an age on alcohol, tobacco; we require vaccines of our children; we require them to be in a car seat; we set an age for them to drive. This is a health issue, and to much extent, the testimony that came in to the Health Committee from the medical community was overwhelming. Malignant melanoma, the deadliest form of skin cancer, is the most common cancer in young adults age 25 to 29 and the second-, repeat, second-most common cancer for adolescents and young adults 15 to 29. The National Cancer Institute reports that the number of melanoma cases for young women between the ages of 15 and 39 increased as much as 50 percent from 1980 to 2004. It is believed that the spike in malignant melanoma in young women is due in part to the rising use of adolescents of commercial indoor tanning facilities. This report was given to us by Dr. Joan--I'm probably mispronouncing--Lappe from Creighton University, who is a researcher and a nurse. This is a significant medical issue that's before the body. And great credit should go not only to the physicians but to the industry itself that after months and months and months of talking, they reached agreement and brought that forward. And so I am opposed to AM2116. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Campbell. Senator Murante, you are recognized. [LB132]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I rise in support of what Senator Scheer is trying to do in AM2116. And it should come as no surprise to Senator Nordquist that I'm not real enamored with his bill and the underlying logic which guides it. This isn't the first time that we've had bills of this nature before this Legislature this year, and certainly in years past, where we're talking about, once again, a human activity where a person wants to do something that does not negatively impact the lives of any other person, and in this case with the consent of their parents under AM2116, and we're going to ban it. We are going to supplant and put in place our opinion and overrule the opinion of the 1.8 million Nebraskans because we 49 members of this Legislature apparently know a lot better. And once again the members of this body have stood up and talked about the woes of tanning. And you have convinced me, once again, I'm not going to tan; you've got me sold. It's dangerous; I'm not going to do it. But that's not what we're talking about with this. If you guys want to do a statewide campaign going door to door convincing all 1.8 million Nebraskans not to do tanning, I don't have any problem with that; I'll probably join in. But what we're talking about here is government force. What we're talking about here is using our judgment and putting that in the place of Nebraskans who are no worse, no smarter, no less intelligent than we are. And it's the wrong public policy; it's the wrong way of looking at things. And what really scares me is the number of times that I've heard on this floor: this is just a start; it doesn't go far enough; we'll come back later. And I'm not making a "slippery

Floor Debate
February 28, 2014

slope" argument, because I think this Legislature has demonstrated that we're already in full-blown free fall; we're halfway down the mountain at this point. It's been asserted that businesses don't want it; they don't want to have to ascertain whether a note was given by a parent or not. Then they don't have to take it. It's their business; they have the right to refuse a 16-year-old or under, if they don't want to serve them but they think it's too dangerous. That's their prerogative. It's a free country. And I appreciate that a compromise has been struck on this and that, to a certain extent, the floor of the Legislature is interfering with a compromise between an industry and a committee. But I'm far more concerned with interfering with a decision between a child, a parent, and a doctor than I am with an industry that I don't know much about. But there are philosophical problems that I think Senator Nordquist and I are just going to disagree on, that goes all the way down to why we're here, what we're here to do, what our purview is, and what we shouldn't be doing. But I do have a technical question that I'd like to ask of Senator Nordquist. [LB132]

SENATOR COASH: Senator Nordquist, will you yield? [LB132]

SENATOR NORDQUIST: Yes. [LB132]

SENATOR MURANTE: Thank you, Senator Nordquist. As I read the committee amendment, the standard by which a person under the age of 16 can use a tanning bed is if they have received a written note from a physician. Is that accurate? [LB132]

SENATOR NORDQUIST: That...a physician licensed under the Uniform Credentialing Act, yep. [LB132]

SENATOR MURANTE: And is there any sort of standard by which a physician would write a note or reject to write a note? [LB132]

SENATOR NORDQUIST: That is a good question. And that is a question that the Speaker... [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR NORDQUIST: ...has raised prior to designating this his priority bill. And we pledged that--or, actually, it was after; it was before it was coming on the agenda--we pledged...and the groups outside are working on an amendment that would come forward in Select File because there are questions of some liability. So we would do a little more prescription on what that note actually would be. But they are operating under their medical license. So within that scope, we would give them a little more direction on a future amendment on Select File. [LB132]

SENATOR MURANTE: So, as I read it, it doesn't require...all you need to do is find

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

Floor Debate
February 28, 2014

someone who's a licensed physician, to get a piece of paper, write something: Yes, yes, Johnny can go use a tanning bed. And that is sufficient. It's not a prescription; it's...there's nothing covered under anything. It's just... [LB132]

SENATOR NORDQUIST: Right. And that... [LB132]

SENATOR MURANTE: Is that...? [LB132]

SENATOR COASH: Time, Senators. [LB132]

SENATOR NORDQUIST: Yeah. [LB132]

SENATOR COASH: Thank you, Senator Murante and Senator Nordquist. Senator McCoy, you're recognized. [LB132]

SENATOR McCOY: Thank you, Mr. President. Would Senator Nordquist yield? [LB132]

SENATOR COASH: Senator Nordquist, will you yield? [LB132]

SENATOR NORDQUIST: Yes. [LB132]

SENATOR McCOY: Senator Nordquist, another technical question here. Is there a reason why this is just a physician and not a nurse practitioner? [LB132]

SENATOR NORDQUIST: I...that's what the agreements outside the...the parties outside the Chamber came to an agreement on. That's something, if the body wanted to include that, I would take back to the discussion, but I don't know if...within their prescribing power, scope of practice, it should be okay. So I will... [LB132]

SENATOR McCOY: Well, but wait a minute, this isn't a prescribing... [LB132]

SENATOR NORDQUIST: No. [LB132]

SENATOR McCOY: ...or scope of practice; this is a note, is it not? [LB132]

SENATOR NORDQUIST: Right. But it is still...under the Uniform Credentialing Act, there are limitations to what a physician can do. And I'm not...I don't have the nurse practitioner portion in front of me, but it would have to still fall under those regulations of the Uniform Credentialing Act. So we, again... [LB132]

SENATOR McCOY: But are we or are we not, Senator Nordquist, under a pattern in this session of expanding the scope of practice of what nurse practitioners are able to do in Nebraska? Isn't that a goal of yours? [LB132]

Floor Debate
February 28, 2014

SENATOR NORDQUIST: Oh, that remains to be debated and seen, Senator McCoy. [LB132]

SENATOR McCOY: Right. But it is a goal of yours, is it not? [LB132]

SENATOR NORDQUIST: It's what? [LB132]

SENATOR McCOY: It is a goal of yours to accomplish that, is it not? [LB132]

SENATOR NORDQUIST: I am supportive of Senator Crawford's bill, if that's the question, yes. But again, this section we will be amending and coming back with a Select File amendment, and that's a good point to raise, and we will talk about that. [LB132]

SENATOR McCOY: Well, I...it...I...thank you, Senator Nordquist. I rise in very vigorous support of AM2116. I understand the nature of which and the spirit in which LB132 is brought to the body. I know there's a lot of work that went into this. And you hear of compromises between industry groups and physicians groups, or the parties involved. Well, guess what, members, we still have to take action on that. The people of Nebraska expect us, the 49 of us in this body, to make policy decisions that make sense for the people of Nebraska. Those that are privy to such a compromise and such a deal do not have their names on that board. We do. Parents' rights, as it's been said, are under assault. How dare, individuals say, that some doctor with a note knows better than a set of parents. You know, we've talked about head injuries this session. Senator Lathrop successfully continued a discussion to keep the helmet law, and others, it wasn't just him. So what are we going to require next, that the state of Nebraska knows best in telling parents that kids ought to wear bicycle helmets, require that? You know, I'm sure some of you have those kids driving around your neighborhood; I know I do, our family does. Those motorized scooters; good grief, they can go 20-some miles an hour. Do we require a helmet for that? Should we say that parents know best, or does the state know best? I have four children. Many of you have children and grandchildren. I have three daughters 10 and under; none of them have been to a tanning salon yet. But that's a decision that Shauna and I should make as parents, not a doctor with a note. You know, I grew up in a very rural area; so did many of you. We knew our family physician very, very well, a family friend. Now, I know things have changed, with HIPAA and everything else that's gone on in the last decade, decade and a half, or more. But I'm sure many of you can relate to me when you hear me say that... [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR McCOY: ...you know, when we would get sick, Mom would call the family doctor and say, Doc Berry (phonetic), can you write a prescription? I know, you know,

Floor Debate
February 28, 2014

my brother Lee (phonetic) got whatever he got, and now Beau has it; can you write a prescription? Well, sure. So who's to say, with a note from a physician, that parents can't call up and say, you know, wink, wink, to Senator Kolowski's point, it's prom season; can you write a note? Well, sure. Parents know best. It's not our job to legislate raising kids. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator McCoy. Senator Dubas, you are recognized. [LB132]

SENATOR DUBAS: Thank you, Mr. President. There are some very compelling statistics and information that is showing us just how dangerous tanning is, and especially for our young people. When you look at the new cases of malignant melanoma that have risen eightfold in young women since 1970, to me that's the wake-up call that I hope all of us are hearing. You know, a lot of the comments that Senator Campbell made were what I was going to say as well. And so I just echo what she says. There are certain activities in our society that we have deemed dangerous enough, not only for the individual but for the impact on society as a whole, that we've put some restrictions in place. We restrict young people from drinking alcohol up to a certain age; we restrict young people from buying cigarettes, even going to a movie, which I think is probably at the extreme end. Activities that, that are dangerous not only to the individual but that do impact society as a whole, we have put those restrictions in place because we recognize the serious impacts. I know, I know for a fact, that there are parents who have made the decision to let their children drink alcohol. Many of them, I've heard them say, well, as long as they're at home, where I can see them, then it's okay with me that they drink alcohol. It's against the law, but the parent is making that choice. I know for a fact that there are parents who buy cigarettes for their kids, who don't see an issue with their kids smoking cigarettes. So, you know, we put these broader restrictions in place, again, for the safety and the real serious health impacts that children face, recognizing that we do have to have some broader, overarching regulations in place. I stand in strong support of LB132 and the committee's amendment. And I'd like to take this maybe a little bit of a different direction than what we've been talking about this morning and just reach out to our young people, especially our young women. And I know commercials and magazine ads, and, you know, you're just bombarded from every angle about how you should look and how you should dress and how you should talk and what types of the, you know, latest technology you should have access to so that you'll be at the top of the pack instead of at the bottom. And, you know, we've all been there; it's hard pressure to stand up under. But the beauty that is within is within. And I know that's cliché. The power that you as a young person, as a young woman has, comes far more from how tanned you are or the clothes that you're wearing or anything. And I know much of what I'm saying right now is very cliché and very much a lecture from a parent, but I just want to take this moment on the mike to really reach out to our young people and let them know that there are other alternatives out there for them, and it goes far beyond just how you look or just what you wear or

Floor Debate
February 28, 2014

any of those other things. And it does behoove all of us to take on this education as individuals to talk to people about the statistics, about the fact that 24 percent of U.S. teenagers, especially girls, are using tanning devices. And, as I stated, those new cases of malignant melanoma that are rising, I know they're...a piece of information that was presented to me talks about the magazine Seventeen... [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR DUBAS: Thank you, Mr. President. I appreciate the magazine Seventeen running a story about a young woman who used tanning, came down with cancer, went through a very, very serious and challenging recovery, but they put her story in that magazine. And that's the type of articles that we need to be talking about, encouraging our media outlets that reach young people to be focusing on, because it is about education. But it is also about putting those parameters in place about serious health issues that we know impact the lives of young people, and what should those parameters look like. And I think the compromise that was reached is a good one. It recognizes the seriousness--this is a medical issue, a health issue--the serious impact not only on individuals but on society as a whole, when we're talking about the cost and the impact to individuals and families as well. So, again, I stand in strong support of... [LB132]

SENATOR COASH: Time, Senator. [LB132]

SENATOR DUBAS: ...LB132. Thank you. [LB132]

SENATOR COASH: (Visitors introduced.) Senator Nordquist, you're recognized. [LB132]

SENATOR NORDQUIST: Thank you, Mr. President and members. And I just want to...I know through a lot of discussion here we've been talking about the adverse health impacts and whether or not kids go multiple times and 14-year-olds maybe not driving and how do they get there. And talking to the cancer experts that I know--and one of them being my brother, who's an oncologist--it takes one burn for DNA damage to start, and once damaged it can mutate into melanoma, or malignant or nonmalignant melanoma. So this isn't a, you know, a matter of going and going and going, it takes one instance of an inappropriate application of the product, or usage of the product, to cause cancer. And Senator Dubas reiterated the fact that we are seeing an explosion of melanomas. And it does affect society. Society is already paying \$3 billion a year to treat melanoma, and it's going to continue to grow. As we've seen that eightfold increase in incidence, our expenditures are probably going to be becoming eightfold as well, to treat this. So it isn't just, you know, government wanting to get into other people's business; government certainly has a role here. And I'd like to ask Senator McCoy a question, if he would yield. [LB132]

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

Floor Debate
February 28, 2014

SENATOR COASH: Senator McCoy, will you yield? [LB132]

SENATOR McCOY: Sure. [LB132]

SENATOR NORDQUIST: Senator McCoy, should kids under the age of 18 be allowed to purchase cigarettes? [LB132]

SENATOR McCOY: Well, that's not the issue at hand, but, no, Senator Nordquist. [LB132]

SENATOR NORDQUIST: Okay. Even with a parent's note, should they be able to? [LB132]

SENATOR McCOY: No. [LB132]

SENATOR NORDQUIST: Thank you, Senator McCoy. Our Food and Drug Administration says that indoor tanning is a Class I carcinogen, in the same category as tobacco. I don't know why we would have a state policy that says we can't sell a Class I carcinogen tobacco product to kids under the age of 18 but they can utilize a product that is equally as dangerous. Now, again, this doesn't go to 18. That's what we introduced the bill at. You know, this is a compromise, moving forward. But the point is government did decide when it comes to tobacco, which is a carcinogen, we were going to regulate it. And that's what we did here too. Would Senator Murante yield to a question? [LB132]

SENATOR COASH: Senator Murante, will you yield? [LB132]

SENATOR MURANTE: Yes. [LB132]

SENATOR NORDQUIST: Senator Murante, with government forcing its way on to people, maybe we should back off our alcohol laws. Do you think, at the business that you own, we should remove regulation and let parents purchase a Bud Light for their 16-year-old sitting at the table? [LB132]

SENATOR MURANTE: I would...I would...I'm not a constitutional lawyer, but I think if a law was introduced to allow Big Fred's to sell alcohol to a minor that there would be probably equal protection problems, where every other restaurant don't have that same liberty. [LB132]

SENATOR NORDQUIST: Okay. Boy, you are good. How about every other restaurant in the state of Nebraska, if we allow parents to choose to purchase a Bud Light for their 16-year-old? [LB132]

Floor Debate
February 28, 2014

SENATOR MURANTE: As I understand it...and I, again, I'm not all that familiar with the liquor laws of Nebraska, but alcohol can be consumed in a person's residence by a minor with the supervision of the parents. I think that's correct. And if that is correct, I would submit that, essentially, that can already happen today. [LB132]

SENATOR NORDQUIST: In their residence. How about at a... [LB132]

SENATOR MURANTE: Right. But it has to...it can be purchased at a place and brought someplace else. [LB132]

SENATOR NORDQUIST: All right, how about purchasing with a parent's note? If they came into Big Fred's, and I got my parent's note, and I put it down on the table and say, my dad really did sign this, John, can I get this, a Bud Light, with my pizza? [LB132]

SENATOR MURANTE: Well, I appreciate the free advertising we're giving the restaurant today, so that's probably a good thing. [LB132]

SENATOR NORDQUIST: (Laugh) It's my...best pizza place in Omaha, outside of District 7. [LB132]

SENATOR MURANTE: And it's not even in your district... [LB132]

SENATOR NORDQUIST: That's right, outside. [LB132]

SENATOR MURANTE: ...which is very courteous of you. So the question is, if a person comes in with a note, or should they... [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR NORDQUIST: A 16-year-old comes in with a parental note and says, my dad signed this and said I can have a Bud Light with my pizza. [LB132]

SENATOR MURANTE: We certainly wouldn't accept that, even if we were given... [LB132]

SENATOR NORDQUIST: Should that be...would you support a state law to get the big hand of government out of those businesses? [LB132]

SENATOR MURANTE: Well, as a person who's been involved in the restaurant for a while, I can tell you that there are a number of regulations, many of which don't make any sense or protect any individual. I'd have to give that some careful thought and consideration, Senator Nordquist. [LB132]

Floor Debate
February 28, 2014

SENATOR NORDQUIST: Thank you, Senator Murante, and thank you, Senator McCoy, for answering the question. But I'm just trying to point out that government has a role here to protect the health and well-being of our minors. Again, that's what we're trying to do here. We've talked about why the parental consent piece just doesn't work. The businesses say it doesn't work; they don't want to have to do that. They are happy with where we're at. We will clarify the piece on the doctor's note, moving forward. And I ask for your support of the underlying bill. Thank you. [LB132]

SENATOR COASH: Thank you, Senator Nordquist and Senator Murante. Senator Scheer, you are recognized. [LB132]

SENATOR SCHEER: Thank you, Mr. President. You know, there's a lot to be...that has been said about the note from the parent. Well, guess what, we've got a note from a doctor as well. How do you verify that the note came from the doctor, that some kid just didn't walk in to visit his mom that works in a place and grabs a piece of stationery, because we really don't know what the note is going to say. It's not going to be from a prescription pad, because it is not a prescription. And although it says that the physician has to be on the list of physicians, it does not state anywhere that I know of in that book anything to do with suntan usage. So it probably would be within the scope of literally a chiropractor, a dentist, a orthodontist, a pediatrician, a neurosurgeon, you name it; they all would have the same opportunity to write a note. But a parent can't. But a physician can. And there is a difference. And I'm glad to hear that Senator Nordquist...and by the way, I do believe there's a problem; but the fact of the matter is, this isn't the solution. Every one of those people that have spoke today in favor of this bill know the problem exists, but not for 14- and 15-year-olds; it exists because of 16-, 17-, and 18-year-olds in high school that continue to use tanning beds. It's not 14- and 15-year-olds. It's not 12-year-olds. It's those people that have mobility and have a driver's license. And that's exactly what's going to happen with this bill. Sixteen-year-olds still have free rein to go do what and where they want. So this doesn't solve the problem; it doesn't even put a dent in the problem. One thing that we...that I think Senator Nordquist would even acknowledge, because he did state that...in detail, that just one burn...one burn can damage the DNA, that it will start carcinogens. Well, fellow senators, I don't know about you, but I was a teenager at one point in time, and I did have a sister, and I am married to my wife, and I know what she did when she was a teenager. And they still go out and they sunbathe every summer. And the intent is to get a tan. And, yes, they get a sunburn. I would venture to say every person every summer gets some type of sunburn, either intentionally or unintentionally, because they have overexposed themselves to the sun. So the fact that even one time causes a problem, it's going to happen regardless if this bill is passed or not. We can't stop UV rays from hitting one person's body for 365 days a year. The exposure is there. I do have a problem when I hear senators say, well, the medical profession...the profession and the industry came to a compromise. Well, where were the parents or the public involved in this discussion, or compromise? And if

Floor Debate
February 28, 2014

they weren't, then I'm assuming we as senators are... [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR SCHEER: ...representatives of the public, and this is our turn to be involved in the negotiations. If you don't like what the negotiations came up to, we don't have to uphold those negotiations. We have a say in what we're going to do. This is nothing different than the doctor's note. They can't verify that the note came from the doctor any more than they can verify that the note came from a parent. So, really, what are we trying to accomplish here? And what does it accomplish? Nothing. If we're going to solve the problem, let's address the problem. Senator Nordquist, you said it. If the problem should be "under 18," introduce the bill that says it's "18 and under." Let it stand on its merits. But if that is the problem, introduce the bill, or amend yours, to make it address what we're really talking about. We're not talking about 13- or 14-year-olds. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Scheer. (Visitors introduced.) Senator Brasch, you're recognized. [LB132]

SENATOR BRASCH: Thank you, Mr. President. And, colleagues, we have discussed many things to take under consideration. It's very important that we do keep our parents' rights and their consent at the foremost top of all considerations. And following the dialogue, I went to the American Cancer Society Web site, because we have...many of us have talked about melanoma; we know people with melanoma. Well, it accounts for nearly half of all cancers. It's very common across the United States. But tanning beds are not the only way you get melanomas. It says it's very common not just from a tanning bed--that's one factor--but pale skin, blonds, redheads, anyone who has skin that easily burns. Sunburns are a cause of melanoma. Occupational hazards, there's a few that also cause melanomas. Moles, and certain type of moles, and multiple moles, that causes melanoma. We should avoid the sun between the hours of 10:00 a.m. to 4:00 p.m.; that is the greatest-risk time. Do we close swimming pools and our beaches from 10:00 a.m. to 4:00 p.m.? A lot of children take swimming lessons during those hours; should we ban swim lessons in the mornings at our pools as well? We have different ways to prevent sunburn, different creams, different methods. There's other ways to acquire a tan as well: there are sprays, there are gels, there are lotions. There's many ways for that prom tan for our teenagers. Parents can also encourage that type of behavior and also have control of tans when it comes...those special times of year. But keep in mind that there's many, many individuals who have never tanned in a tanning bed a day in their life, that have melanoma. My father-in-law passed away from a melanoma; he is a farmer...he was a farmer. Farming exposes you to the sun...agriculture. We need to keep in mind that we cannot control factors around us that will cause this. But we can also keep in mind that our parents...and as parents, as grandparents, we can be the leaders in behaviors that...on tanning in others. Thank you.

Floor Debate
February 28, 2014

I'd like to yield the rest of my time to Senator McCoy. [LB132]

SENATOR COASH: Senator McCoy, 2 minutes. [LB132]

SENATOR McCOY: Thank you, Mr. President. Thank you, Senator Brasch. Would Senator Nordquist yield, please? [LB132]

SENATOR COASH: Senator Nordquist, will you yield? [LB132]

SENATOR NORDQUIST: Yes. [LB132]

SENATOR McCOY: Thank you, Senator. You asked Senator Murante and myself questions about alcohol and smoking. What do both of those behaviors have in common? [LB132]

SENATOR NORDQUIST: They...they're harmful. [LB132]

SENATOR McCOY: I wouldn't dispute that. They are addictive, members. They are addictive. I would submit to you tanning at a tanning salon is not addictive. [LB132]

SENATOR NORDQUIST: There's research we could talk about. [LB132]

SENATOR McCOY: That is...that, I think, is the issue at hand. Thank you, Senator Nordquist. I want to direct your attention, members, to...in statute 38-10. You know, this...the Board of Cosmetology, under the committee amendment, is being put as kind of the authority in this place...with this amendment. The area of statute there already...Board of Cosmetology also oversees body art and piercings, requires, strangely enough... [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR McCOY: ...parental consent. So I think we already have a pattern, members, in statute, of requiring parental consent. And the Board of Cosmetology already oversees that. Now, I'm not going to dispute the fact that there is a difference between a piercing or a tattoo and potential cancer from tanning. That's not the issue at hand. The issue at hand here is that parents need to have the ability to make these decisions. And I would agree with Senator Scheer, why is this not addressing the true problem? Under 16 doesn't cover, to Senator Kolowski's point, senior prom. If that's the issue, let's address the issue head-on. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator McCoy. Senator Bloomfield, you are recognized. [LB132]

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

Floor Debate
February 28, 2014

SENATOR BLOOMFIELD: Thank you, Mr. President. Would Senator Nordquist yield to a question? [LB132]

SENATOR COASH: Senator Nordquist, will you yield? [LB132]

SENATOR NORDQUIST: Yes. [LB132]

SENATOR BLOOMFIELD: Thank you, Senator Nordquist. With a doctor's note or doctor's consent, if the young person comes down with a cancer, can that doctor be held liable? [LB132]

SENATOR NORDQUIST: That's a...that's a good question, and we certainly think that, as the language is now, that there is the potential for that. And, again, this is a section of statute...we're going to come back. Part of the discussion that we've been having, myself and Senator Campbell, with the interested parties--I guess that a point that didn't come up earlier; this negotiation has been a collaborative discussion with myself and the Health and Human Services Committee--this section of statute we are going to look at what parameters need to be included on that note, including some guidelines on time allowance. And I think that we're going to hash that out in the coming days. But...so there would be, if a doctor, you know, did something that was, you know, I guess...I guess I don't know what the right word for...but out... [LB132]

SENATOR BLOOMFIELD: I think you've come close enough... [LB132]

SENATOR NORDQUIST: ...inappropriate recommendation, yeah, there could be. [LB132]

SENATOR BLOOMFIELD: I think you're close enough... [LB132]

SENATOR NORDQUIST: Yeah. [LB132]

SENATOR BLOOMFIELD: ...to the answer there. Colleagues, having a note from a doctor is not the answer on this. We have to go back to parents. That doctor doesn't know, if he gives an untanned young lady a note, whether or not she's going to go home and lie out in the sun for eight hours before she goes and gets into the tanning booth. That's a parent's responsibility to watch that. I am leaning very hard now toward supporting AM2116. We have to keep the parents involved in our children's lives. And I would yield the remainder of my time to Senator Murante. [LB132]

SENATOR COASH: Senator Murante, 3 minutes. [LB132]

SENATOR MURANTE: Thank you, Mr. President, members. Senator Nordquist, this may...if it's not abundantly clear, this is not my best effort to stop a bill; that's not, I don't

Floor Debate
February 28, 2014

think, the objective right now. Although I think some interesting discussion has come up. I do think, and this may surprise you a little bit, that when I have heard you articulate the guiding principles by which you make decisions, I typically agree with what's guiding you. Now, we often disagree in the solutions and how to achieve a very common end, but--and the means are often different--but it's very difficult for me to begrudge you what you're trying to do, because I do think they have noble intent. But I've heard some questioning on this bill and I heard some questioning on LB670 by Senator Bolz a couple of days ago which I found oddly peculiar. And, in this case, it's basically if you don't support LB132, then the logical conclusion is that you believe 4-year-olds should be able to sit at a bar and get hammered. And if you didn't support LB670, then you, logically speaking, should want to tear up all the interstates in the state of Nebraska; we shouldn't have roads. So unless you support all of these programs, then you should support none of them. It's like we are either on the...you're either a hard-left or an anarchist and there's absolutely nothing in between. And that's not how I think most of us operate. I don't think that's the logic most of us employ, that there is a line where we determine whether something is good public policy or not. And just because we may not like the... [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR MURANTE: ...reasoning behind LB132 doesn't mean that we are throwing out the entire statute book in the state of Nebraska and it's a complete free-for-all. That's not a reasonable debating point; it was mentioned in LB670, and I was unfortunately unable to be here and I was home shaking my head...but let's dispense with that sort of argumentation. It...there is middle ground and compromises and lines in which these sorts of things can be determined. And I have more questions for Senator Nordquist, but I'll wait for my time on the microphone to articulate them. But there comes a point for all of us where we have to determine when we as legislators are going to get involved in people's lives, especially when those people aren't hurting anybody. For me, that is an extremely high bar. Obviously, for others the bar is not quite so high, and that's fine; that's why we're here to debate those points. [LB132]

SENATOR COASH: Time, Senator. [LB132]

SENATOR MURANTE: Thank you, Mr. President. [LB132]

SENATOR COASH: Senator Karpisek, you're recognized. [LB132]

SENATOR KARPISEK: Question. [LB132]

SENATOR COASH: There has been a call for the question. Do I see five hands? I do. The question before the body is, shall debate cease? All those in favor vote aye; all those opposed, nay. Have all voted who care to? Senator Karpisek. [LB132]

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

Floor Debate
February 28, 2014

SENATOR KARPISEK: Mr. President, I would like to request a call of the house. [LB132]

SENATOR COASH: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB132]

CLERK: 28 ayes, 0 nays to place the house under call. [LB132]

SENATOR COASH: The house is under call. Senators please record your presence. Unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Schilz, Garrett, Davis, and Janssen please return to the floor and record your presence. Senator Karpisek. [LB132]

SENATOR KARPISEK: I would like to accept call-in votes, please, Mr. President. [LB132]

SENATOR COASH: The question before the body is, shall debate cease? [LB132]

SENATOR CHAMBERS: Roll call. [LB132]

SENATOR COASH: There has been a request for a roll call vote. Mr. Clerk, please read the roll. Members, this motion and vote is to cease debate. Mr. Clerk, please read the roll. [LB132]

CLERK: (Roll call vote taken, Legislative Journal page 700.) 26 ayes, 18 nays to cease debate, Mr. President. [LB132]

SENATOR COASH: Debate does cease. Senator Scheer, you're recognized to close on AM2116. The house is still under call. [LB132]

SENATOR SCHEER: Thank you, Mr. President. I won't belabor those that we brought back up to the floor, but this is a serious issue. The bill indeed strips parental approval, parental rights, from making a decision if their child is going to use a sun bed or not, a tanning bed. It replaces that parental consent with a note, not a prescription--we don't really know what the note is going to say; we don't know what it's going to be on--but a note from a doctor. We don't know if it's going to be from a doctor; we don't know if a nurse practitioner can provide that, or a nurse assistant. This seems to be a little...a little vague. But when it comes right down to it, the bill does not address the problem. And if we're going to try to address the problem, parents have to be involved. We heard a lot during the discussion of this amendment, and it had to do with everything under the sun.

Floor Debate
February 28, 2014

But the real problem is high schools...high school students, not 14- and 15-year-olds, not 13-, not 8-year-olds. So as you look at your vote on this amendment, please take into consideration what this bill...this amendment does: it brings family and parental guidance back into the picture; they are excluded under this bill. If you vote yes for this amendment, you will bring back parental rights and responsibility into this. If you vote no, then you have determined that parents have no place, no authority, no position in this type of procedure. Thank you very much, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Scheer. Members, you heard the closing to AM2116. The question before the body is, shall AM2116 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? [LB132]

SENATOR SCHEER: Roll call. [LB132]

SENATOR COASH: Mr. Clerk, there's been a request for a roll call vote. Please read the roll. [LB132]

CLERK: (Roll call vote taken, Legislative Journal pages 700-701.) 18 ayes, 18 nays, Mr. President, on the amendment. [LB132]

SENATOR COASH: AM2116 is not adopted. Raise the call. Mr. Clerk, you have another item. [LB132]

CLERK: Mr. President, I do. Senator Scheer would move to amend the committee amendments with AM2141. (Legislative Journal page 701.) [LB132]

SENATOR COASH: Senator Scheer, you're recognized to open on AM2141. [LB132]

SENATOR SCHEER: Thank you, Mr. President. I had my light on earlier to withdraw my previous amendment and was not afforded the opportunity to speak a third time. So now I will introduce this amendment. And, essentially, from listening to the dialogue, there seemed to be a lot of problems with, how do we know if a parent wrote a note? Well...and the problem with, how do we know if the doctor wrote a note? Well, I thought the simplest solution to that is, and what this amendment would do is, just simply state that if the youth is under 16 years of age, it has to be accompanied by a parent or a legal guardian. Makes it real simple. You don't have to believe if the parent wrote the note or not. The parent or the guardian is with the child. And if they're not with them, don't provide the services. We don't have to involve the medical community. We don't have to waste their time. The parent will be with them; the legal guardian will be with them. If they're there, they're there. Let them use it; let them not. The parent makes the decision or the guardian does. You don't have to worry about if the doctor wrote a note; we don't have to worry about if a parent wrote a note. It's pretty simple. And I think this might be unique, because I looked and I can't find another state that provides this type

Floor Debate
February 28, 2014

of solution. So again, perhaps we'll call this "the Nebraska solution." If a child under 16 years of age wants to use a tanning facility, then they have to be accompanied by a parent or guardian. It's just that simple. I'd be interested in the comments, because those of you that had comments before in relationship to how do we know that a parent would be actually the one that's signing it, this solves your problem. And I would expect and I would hope that you would support this amendment. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Scheer. Senator Murante, you're recognized. Senator Murante waives. Senator Avery, you are recognized. [LB132]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. I've been listening to this debate with great interest. I think most of us can agree that there really isn't anything called a "safe tan," especially if it's acquired in a tanning booth, because in many cases the UV rays in those tanning booths can be a great deal more intense than natural sunlight because we don't really regulate those tanning booths. We already have talked about in here the problem of melanoma among young women especially. And we know that in Nebraska, that melanoma cases...new cases of melanoma have increased eightfold, at least since 1970. We also know, and it's clear the evidence supports this, that three out of four melanomas in patients under 30 are directly caused by indoor tanning. We have heard a number of instances...or a number of comments on the mike about malignant melanoma now being the most common form of cancer among young adults. We know, too, that in the age group of 30 to 34, that the second-leading cause of...among women, at least, in that age group, 30 to 34, that melanoma is the second most common form of cancer. So it's pretty clear that this is a health hazard. It's pretty clear that using a tanning bed before the age of 35 will increase your risk of malignant melanoma, which is a lethal form of cancer. So I don't think that we're really debating anymore the health issue. What we seem to be debating now is the...it's a freedom issue, similar to the helmet bill that we had a few weeks ago, similar to the smoking ban that we debated a couple times over the past several years. So the question is, do we really have the authority? I know we have the authority, but should we be restricting the right of these kids to use these tanning beds? And that's what Senator Murante said, it's a right. Senator McCoy said it's a right. And that parents ought to have the responsibility for determining whether their kids use these beds. Okay, let's take that to its logical extension: why don't we just let kids smoke cigarettes and drink alcohol; let's lift all these restrictions that we have that contribute to public health and let the parents decide or let the kids decide. I don't think Senator McCoy would want to go there; I know that Senator Murante doesn't want to go there. So what is the difference? What is the difference? These are dangerous consequences to this kind of activity. And I don't know that I have heard anybody address the issue of why tanning beds are different. If it's okay for us to do this with tanning beds, why isn't it okay for these other dangerous forms... [LB132]

Floor Debate
February 28, 2014

SENATOR COASH: One minute. [LB132]

SENATOR AVERY: ...of activity? With that, I will allow one or two of my antagonists...I will just yield my time to...the remaining time to Senator Murante and let him rebut that. [LB132]

SENATOR COASH: Senator Murante, 45 seconds. [LB132]

SENATOR MURANTE: Senator Avery, Senator Avery, Senator Avery, here we go again. You went down the rabbit hole that I was hoping to avoid in my previous time speaking; but, no, I don't think that opposition to LB132...and I haven't even said that I am opposed to LB132, just that it's not my particular cup of tea. But I don't believe that opposition to LB132 necessarily means that the opponents have to oppose any form of government regulation, of any kind on any individual. It's a false choice that has been talked about now for at least the last 48 hours, which isn't that long in the history of the Nebraska Unicameral Legislature. [LB132]

SENATOR COASH: Time, Senator. [LB132]

SENATOR MURANTE: (Laugh) Thank you. [LB132]

SENATOR COASH: Senator Schumacher, you're recognized. [LB132]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. When I was in law school, I had the unique opportunity to be able to walk the halls of the Senate office buildings in Washington at four or five o'clock in the morning, and sometimes you'd swear that the walls were speaking. You couldn't understand what they were saying, but you got the impression there was a message there. Today, listening to the debate, I got the sense again that the walls were speaking. I understand there's an agreement between interested parties, and usually you should just rubber-stamp those things and go on. But I tried to listen to what the walls were saying, and, as usual, you knew they were saying something but couldn't understand what. And then I looked up a little higher in the Chamber, and there's this fancy gold mural up there. And I wondered if that was painted just because it was brown otherwise and kind of boring, or if people from the past were trying to send us a message, to the people that would be sitting down here making decisions. And there's cowboys and the original surveying teams and the wagons coming across the plains. And I remembered this summer when I went out to the Tax Modernization hearing out in Scottsbluff, I spent some time with a little thing at the base of Scotts Bluff listening to a little film about how dangerous it was, how, like, one out of four people ended up dying going across the plains, embracing a thought of liberty and the future. And I began to wonder, if that were again today, would we outlaw them heading across the Indian territory; would we outlaw that liberty because it was just too dangerous? At what point is enough, enough?

Floor Debate
February 28, 2014

Inherent in life, a necessary consequence of it, is a risk of death. And it just seems to me that we maybe get carried away with ourselves in trying to eliminate risk from life. And where does the balance end; where does the spirit of liberty begin to have more value to society than eliminating minute risks of death? And maybe this is one of those bills, as are some others that we debate here, in which we need to ask ourselves that question. Is there a relationship between the mentality that we've got to eliminate all risk, that we've got to confine liberty, that what built this country is somehow wrong because it was too risky; and the fact that we are not moving forward as a society, that we have tons of capital staggered away in our corporations that are not being ventured into productivity. Then we talk about the space program, we talk about things that, well, we'll get around to doing that in 2050. Is that part of the malaise that's stricken our society? Do we have to eliminate all risk, or can we let liberty ring? Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Schumacher. Senator Karpisek, you're recognized. [LB132]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. Senator Avery stole most of my thought process, which is probably not good for either one of us. But I usually am not very supportive of things that take away people's freedoms. I don't like the helmet bill. I didn't like the smoking ban. I'm not a big fan of seat belts; you should wear them, but I don't like the government telling you. My difference here is that it's kids. And, yes, parents should be able to make decisions for their kids, but at what risk? We won't let them...I mean, Senator Avery said we won't send a note to let them buy cigarettes or...we're not supposed to buy cigarettes for them. Or what if the parent on meth thinks it's okay that their kid could do some meth with them? I don't think that's a very smart idea. I see the path that we're trying to take on this bill. And I agree with those who think that it's taking away rights about...parents' right. I get it. But I think we've talked about a line in the sand on other things. Not every parent is a health professional or maybe will do what's right for those kids. We have a lot of kids who are in foster situations, we have a lot of kids that are in trouble because the parents don't do enough. So now we're just going to let the parents...now, I know this is a different amendment; same argument. I can't support the amendment; it's still putting these kids in danger. Can we say that those kids should go out and work in coal mines--we don't have any here--or do whatever is all right because I'm their parent and I'm going to say what's good for them, and that's it? We don't do that. We can't do that. There is hard evidence here that tanning is bad for you. Again, if an adult wants to do it, go for it. Let them do it. We're not trying to do that here. As I understand, the doctor's note was to say that maybe the child needs a vitamin K, or I don't know what other reasons why. We don't let kids do everything just because the parent thinks it's okay. We have to...they have to be taught; if the parent wants to home-school, fine; but they have to go through a process. But that isn't anything that's harmful. And we know it's harmful for children. I don't know if this is about the...really about what we're talking about, about the bill, or if

Floor Debate
February 28, 2014

we're just trying to make some points, if it's the introducer. I don't know what it is, but I just don't think... [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR KARPISEK: ...that if we were talking about any other...any other form here...even on the helmet bill we said it couldn't...the child under a certain age, I don't remember the age, would have to wear a helmet. In that, we didn't say that the parent could make up their mind on the child not wearing a helmet, because it was dangerous. I hope that we can just move this bill; I think it's a good public policy. It's for the health of our kids. If you're an adult, tan all you want. Let's try to protect the kids. And if they are out at a swimming pool all day and they're burnt to heck, I'll bet you that if they go into the hospital, there's going to be someone looking at them and wondering why the parent allowed that kid out in the sun for so long. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Karpisek. Senator Bloomfield, you're recognized. [LB132]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I'm leaning toward supporting this amendment. I'm actually leaning toward proposing a bracket motion on the bill. I don't believe we're ready for prime time with this yet. We don't know if the doctors are liable; we don't know if it's per time you tan or per child that gets burned. There are a lot of things we don't know about on this bill and this committee amendment at this point. I can't imagine a doctor writing a note to say, yeah, go ahead and get tanned; and then you turn around and say, thanks, Doctor, for the note, and by the way I'm going to sue the daylights out of you if I come down with cancer. I just don't perceive very many doctors being willing to write that note and take that possibility of liability. This amendment, which I can probably support, puts it back into the parent's hand where it rightly belongs. But I'm not sure at this point that I'm going to support the bill, as it stands. This agreement that we have with parties outside of this body I don't believe meets the smell test. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Bloomfield. Mr. Clerk, you have an announcement. [LB132]

ASSISTANT CLERK: Thank you, Mr. President. Natural Resources would like to hold an Executive Session at 11:40 under the south balcony. [LB132]

SENATOR COASH: Thank you, Mr. Clerk. Senator Nordquist, you are recognized. Senator Nordquist waives. Senator Davis, you are recognized. [LB132]

SENATOR DAVIS: Thank you, Mr. President. Would Senator Scheer yield to a few questions? [LB132]

Floor Debate
February 28, 2014

SENATOR COASH: Senator Scheer, will you yield? [LB132]

SENATOR SCHEER: Yes, I will. [LB132]

SENATOR DAVIS: Senator Scheer, I've been out at the lobby. You and I visited about your first amendment this morning a little bit, and then this new one came in. I'm wondering, if the tanning industry is okay with the doctors, if you can just, really, elaborate again one more time why you don't think that makes sense. [LB132]

SENATOR SCHEER: Well, because there's no parental involvement. I still believe there needs to be parental involvement. And if a youngster under 16, meaning 15 or younger, wants to go to a tanning bed, then I think it would stand to reason that if a parent or their guardian walked into the facility with them, that should suffice a written note from a physician, when the bill only states that it has to be a note from a physician and no parental authority. So in the case of the bill, my 14-year-old child could go to the physician, get a note, and go get a tan, with or without my permission. With the amendment as it is now, the only way a child 15 and under will be able to utilize those facilities is if their actual parent or guardian walks into the building with them each and every time and notifies them that it is okay for that child to use the facility. [LB132]

SENATOR DAVIS: So, Senator Scheer, do you know if the industry is okay with this amendment? [LB132]

SENATOR SCHEER: I have no idea; I have not had contact with the industry. I am not proposing this on behalf of an industry or a profession or anyone else. I'm introducing this simply as a mechanism for parents to be involved in the child's life. [LB132]

SENATOR DAVIS: And I recognize that. I guess my real question comes back to that there seems to have been a compromise that's been worked out, and while I understand your objective with this and I think it probably makes some sense, I just would hope that maybe before we do anything else with this we could get an answer to that. I would just say this: you know, I was raised on a ranch and spent a lot of time outside in the... [LB132]

SENATOR SCHEER: Well, Senator Davis... [LB132]

SENATOR DAVIS: ...summertime. [LB132]

SENATOR SCHEER: ...I would respond to that: if you think it has to be with a doctor's note, you know, I guess if you wanted to have either/or, that might be something that's...was palatable. I don't know. I just want the parents involved in this decision. And I guess I just don't... [LB132]

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

Floor Debate
February 28, 2014

SENATOR DAVIS: And I think that makes a lot of sense, Senator. [LB132]

SENATOR SCHEER: I guess I just...I wouldn't imagine that a physician would give a note to somebody without the parental consent. And so we can work it one of two ways, that the note can only be given with parental consent or that the child has to have the parent there at the time that the service is rendered. [LB132]

SENATOR DAVIS: Okay, but as the amendment is written now, just tell me exactly what the amendment does, again. [LB132]

SENATOR SCHEER: What the amendment does right now, it just says that if a child 15 and younger wants to utilize one of the facilities, a parent or guardian has to accompany them to the facility and approve its use. [LB132]

SENATOR DAVIS: Okay. I might visit with the industry a little bit and see if there's a compromise that can be developed. Thank you. [LB132]

SENATOR SCHEER: Um-hum. Thank you. [LB132]

SENATOR COASH: Thank you, Senator Davis. Senator Sullivan, you're recognized. [LB132]

SENATOR SULLIVAN: Thank you, Mr. President. This conversation and debate has been interesting. I appreciated Senator Nordquist's and Senator Campbell's comments about the compromise that they had arrived at with the industry and the medical community. And I still think that that was a good compromise. I did not like the first amendment that Senator Scheer introduced. This last one perhaps makes some sense. But, you know, I just wanted to call to your attention one of the things that's been running through my mind, when...if you have ever seen a parent who perhaps is addicted to a tanning bed; I didn't realize or even think that that was a consideration. In reading some of the material, I thought, "addictive," this...well, then I thought a little bit about it, and I remember seeing a parent who was, in fact, addicted to tanning. And I'm quite sure that in the numerous times that she went to that tanning facility...and she had teenage daughters, and more than likely they accompanied her. So to think that adding the parental oversight is a fail-safe thing to guard against young persons using a tanning bed, I would just remind you that that isn't necessarily the case. So I'm still pondering this amendment and thinking if this is the route to go. And I'm particularly interested to know if the medical community and the industry is on board with this. Thank you. [LB132]

SENATOR COASH: Thank you, Senator Sullivan. Senator Cook, you're recognized. [LB132]

Floor Debate
February 28, 2014

SENATOR COOK: Thank you, Mr. President. And good morning, colleagues. I rise in support of the bill, LB132, and the Health and Human Services Committee amendment AM1802, and in opposition to AM2141 to the committee's amendment. As you are aware, I serve on the Health and Human Services Committee, and we had quite a number of discussions on this bill proposal over the last year. And what emerged is what you see in AM1802. That's part of our work here in the Legislature; it happens every day. Not to minimize the input today of my colleagues, but the deliberative body...a lot of the work goes on in committees. A lot of that deliberation goes on in committees, and quite a bit has gone into this amendment. I would like to speak very briefly for some of the...kind of the reason, conceptually, for my opposition to the proposed amendment AM2141, which, as I understand it, calls for parental accompaniment to the tanning facility. I think lots of times I hear conversations in this body and I sit back and realize and think, oh, that's not the space that I grew up in, or that's not the situation that I found in my day-to-day life. And I grew up in a very comfortable two-parent home. The idea that your parent takes you everywhere and accompanies you and kind of guides you through things, things like your daily errands, that's not necessarily the case in even the best of homes across the state of Nebraska. I...once I received a driver's license, and I did, there was such a thing as a school permit when I was a high school student. And I happened to live in what was then Douglas County. So I got myself back and forth to school. And once I became 16, there were errands that I handled for the household. I got myself to the ballet studio, to...back and forth to practices and to rehearsals. So this idea of a world in which there is a parent or two parents to take kids everywhere, this kind of goes with a lot of things that I hear going on in this body. You're imagining a world that doesn't exist anymore, and you want to legislate to that world instead of to the world that we actually inhabit in 2014. So with that, I would reiterate my opposition to AM2141, for the reasons that I mentioned. It's 2014--that's one of my reasons--and for the reason that I am committed, as a member of the Health and Human Services Committee, to respecting the work of the bill's sponsor and to the advocacy groups that...all of the groups that weighed in on what we have presented to you in the form of AM1802. Again, I support LB132 and would ask for the body to vote against AM2141. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Cook. Senator Lathrop, you are recognized. [LB132]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I'm in support of LB132, and I have to tell you that I am intrigued by the amendment, or the proposal. What we're looking for is some safeguard. And is the safeguard having the parents go in every time with a juvenile that wants to use tanning beds? I don't know how I can argue with that. I see the advantage in having a doctor say that it's okay or indicate that it's...grant some kind of authority to go into the booth for a very young person. But I don't know how I can argue with the parents having that right, when they go in, and

Floor Debate
February 28, 2014

we're not going to have some phony note from Mom that no one can verify. I do want to talk about the...sort of the policy behind the bill generally. And Senator Schumacher perhaps provoked me to turn my light on, as he does from time to time. And that is the idea that we need to accept that a certain amount of risk is okay and this body shouldn't be engaged in trying to eliminate risk across the board and in every way. And to that I would say this, that we're not talking about adults; we're not trying to...we're not, with this bill, trying to prevent adults from engaging in a practice that will lead some to melanoma. We're talking about juveniles. And think about that for a second. The population that we're trying to get to, or regulate, with this bill are juveniles, young people. Down in Judiciary Committee, we have spent a great deal of the last three years working on issues that relate to juvenile justice. And invariably, whether it's juvenile sentencing, whether the death penalty should apply to juveniles, whether we should begin our felony prosecutions in juvenile court or in adult court, what we hear time and again--and if you think about it it's probably your own experience as well--is that their mind...the mind of a young person is not fully formed until they're about 25. Right? Think about the population that we're talking about. Now, maybe you've watched your sons and daughters go through this, as I have, not sons but daughters, go through this. The idea of what motivates a young person, a very young person, why they do things, do they reason like an adult? They don't. They're subject to peer pressure more than adults. There is so much more about their thought processes that is different than in an adult that it is altogether appropriate to provide regulation for young people that we don't for adults, which is why they start out with a learner's permit and they have a...they're on probation or whatever they call that period of time where they have to drive and not have other kids in the car. We don't let them smoke; we don't let them drink. There are a lot of things we don't do because they haven't reached a level of maturity to make good decisions generally. And these tanning booths, these tanning booths, guys, they lead to melanoma. And the difficulty is we don't know which kid is going to get melanoma. We can't say that guy is going to get melanoma and these guys aren't. But we do know that a number of them will get melanoma if this practice is continued. And mostly it's the damage you do to your DNA when you're very young that sits in your system like a time bomb and blossoms into melanoma when you're older. [LB132]

SENATOR COASH: One minute. [LB132]

SENATOR LATHROP: And it is deathly. I've had friends die of this melanoma, and it is...it is a tough thing to watch. And there is no cure. You get melanoma, and if they can catch it before it spreads or metastasizes and they can dig it out of your leg or your arm or your back or wherever it is, then you survive. If it gets into system and spreads, they just try to slow it down. We owe it to our young people to regulate activities that are harmful and prevent them from making decisions that they will regret later. Not all activities, let them play football; I guess let them ride motorcycles if they're going to; and let them swim in the sun. But this is one thing that we know is dangerous. And we can prevent some deaths by... [LB132]

Floor Debate
February 28, 2014

SENATOR COASH: Time, Senator. [LB132]

SENATOR LATHROP: ...passing this bill. Thank you. [LB132]

SENATOR COASH: Thank you, Senator Lathrop. Senator Campbell, you're recognized. [LB132]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. I'd like to explain a little bit about why the physician was included in this particular amendment: because we heard testimony that at times a physician is treating a particular skin condition and actually may prescribe that someone use the bed for a limited amount of time or duration or whatever. And so the thought among the committee members, and I'm sure those who discussed it said, if a physician wants to utilize that, we should probably allow that. Now, do we need to look at that segment of the amendment and perhaps come up with some better language? Yes, we probably do, to answer some of those questions. But I wanted you to know why we put the physician in there, and it was really more that the physician was prescribing that a period of time be done. I have questions about this amendment, and I don't know whether many of you have gone to a tanning salon. I have done that. I told Senator Seiler I went a couple of times and really got claustrophobic and said, no, I can't do this. (Laugh) But one of the things I was struck by is that a lot of the young people working there was a high school student who I knew because of her family, and she was the receptionist. Now, think about what we're doing to the industry with this amendment. We want the industry to pay attention to the fact that Mrs. Campbell is showing up as the legal guardian for someone. How do we know that? How do we know that? What would we expect that salon to check and know? Or I'm a foster child; do I just grab someone who looks old and say, "they're my legal guardian"? What expectations will we have for the industry, and how will they handle this? We talk a lot about burdens to companies. And I have to be honest with you that as we balanced all of this through this discussion, we did try to take into account what are we asking them to do. And that's why we went away from the permission form with all language on it, because we thought, really? Do we want a small hair salon that might have a tanning...do we want them to have to keep track of all this? Do we want them to have to account that that is really Carrie Campbell's mother? Or John Smith's legal guardian? What are the legalities that we might be asking of a company or an industry?" I understand that we're trying to weigh some amendments here. But, quite honestly, when you start looking at this, we tried to look at almost all unintended consequences, and I think we have to be careful with an amendment such as this. Thank you, Mr. President. [LB132]

SENATOR COASH: Thank you, Senator Campbell. Mr. Clerk. [LB132]

CLERK: Mr. President, a Reference report referring LR463 to standing committee for

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

Floor Debate
February 28, 2014

public hearing purposes. Senator Brasch would like to print an amendment to LR42; Senator Coash, to LB920. (Legislative Journal pages 701-702.) [LR42 LB920]

Mr. President, Senator Conrad would move to adjourn the body until Tuesday morning, March 4, at 10:00 a.m.

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. We are adjourned.