

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

Floor Debate
February 06, 2015

[LB18A LB18 LB23 LB88 LB107 LB109 LB114 LB118 LB155 LB179 LB198 LB219
LB247 LB262 LB272 LB305 LB430 LB439]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE TWENTY-SECOND DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR BRAD HOEFS OF THE COMMUNITY OF GRACE LUTHERAN CHURCH IN ELKHORN, NEBRASKA, IN SENATOR McCOY'S DISTRICT. PLEASE RISE.

PASTOR HOEFS: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR HOEFS. I CALL TO ORDER THE TWENTY-SECOND DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

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

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

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

ASSISTANT CLERK: THERE ARE, MR. PRESIDENT. YOUR COMMITTEE ON BANKING REPORTS LB155 TO GENERAL FILE WITH AMENDMENTS. ENROLLMENT AND REVIEW REPORTS LB247, LB219, LB18, LB18A, LB109, LB198, AND LB118, ALL TO SELECT FILE, SOME WITH E&R AMENDMENTS. HAVE A MOTION FROM SENATOR JOHNSON TO WITHDRAW LB262. THAT WILL BE LAID OVER. SERIES OF APPOINTMENTS, INCLUDING TO THE BOILER SAFETY CODE ADVISORY COMMITTEE (SIC-BOARD), THE LIQUOR CONTROL COMMISSION, THE POWER REVIEW BOARD, AND THE BOARD OF TRUSTEES OF NEBRASKA STATE COLLEGES, AS WELL AS THE GAME AND PARKS COMMISSION. I HAVE A REPORT ON REGISTERED LOBBYISTS FOR THE CURRENT WEEK, AS WELL AS AN ANNOUNCEMENT THAT VARIOUS AGENCY REPORTS HAVE BEEN FILED AND ARE POSTED ON THE LEGISLATIVE WEB SITE. AND FINALLY, AN AMENDMENT TO BE PRINTED TO LB88 FROM SENATOR BLOOMFIELD. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 413-424.) [LB155

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LB247 LB219 LB18 LB18A LB109 LB198 LB118 LB262 LB88]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE WILL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, LEGISLATIVE CONFIRMATION REPORTS. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST REPORT IS FOR RUTH A. SORENSEN AS THE PROPERTY TAX ADMINISTRATOR WITHIN THE DEPARTMENT OF REVENUE. THAT APPOINTMENT WAS HEARD BY THE REVENUE COMMITTEE. (LEGISLATIVE JOURNAL PAGE 339.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR GLOOR, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

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

PRESIDENT FOLEY: EXCUSE ME, SENATOR GLOOR. EXCUSE ME, SENATOR GLOOR. MEMBERS, IF YOU CAN PLEASE KEEP YOUR CONVERSATIONS TO A MINIMUM SO WE CAN HEAR THE CONFIRMATION REPORT. SENATOR GLOOR, YOU MAY PROCEED.

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. I'M PLEASED TO PROVIDE THE REVENUE COMMITTEE'S REPORT, CONFIRMATION REPORT, FOR RUTH SORENSEN AS OUR PROPERTY TAX ADMINISTRATOR. MS. SORENSEN HAS SERVED AS OUR PTA SINCE 2007. SHE IS A GRADUATE OF THE UNIVERSITY OF NEBRASKA SCHOOL OF LAW, HOLDS A B.S. DEGREE IN ACCOUNTING. SHE'S WORKED PREVIOUSLY AS AN ATTORNEY WITH THE DEPARTMENT OF REVENUE, SERVED BRIEFLY ON THE TAX EQUALIZATION AND REVIEW COMMITTEE BEFORE HER APPOINTMENT BY THE GOVERNOR IN 2007 AS OUR PROPERTY TAX ADMINISTRATOR. AT HER CONFIRMATION HEARING LAST WEEK, MS. SORENSEN HIGHLIGHTED SOME OF HER PRIORITIES FOR THE DEPARTMENT OF PROPERTY TAX ASSESSMENT DIVISION. A FEW OF THESE INCLUDE: EDUCATION AND OUTREACH, PARTICULARLY WITH NEWLY ELECTED COUNTY ASSESSORS, OF WHICH THERE ARE 13 AFTER THE LAST ELECTION CYCLE; A CONTINUED FOCUS ON AG LAND ASSESSMENTS TO EQUALIZE THEM FROM COUNTY TO COUNTY AS MUCH AS POSSIBLE, PARTICULARLY THOSE COUNTIES THAT CROSS SCHOOL DISTRICT BOUNDARIES; AND SHE'S DEVELOPING MORE EXPERTISE IN TARGETED AREAS, SUCH AS DISASTER RECOVERY ASSESSMENT PRACTICES, BY WORKING WITH NEIGHBORING STATES. MS. SORENSEN'S CONFIRMATION WAS UNANIMOUSLY APPROVED BY OUR REVENUE COMMITTEE, AND I'D ASK THAT YOU SUPPORT THE COMMITTEE'S RECOMMENDATION. THANK YOU, MR.

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PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SEEING NO SENATORS WISHING TO SPEAK, SENATOR GLOOR, YOU'RE WELCOME TO CLOSE ON THE CONFIRMATION REPORT. SENATOR GLOOR WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 424-425.) 32 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CONFIRMATION IS APPROVED. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, WE HAVE A SERIES OF REPORTS FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THE FIRST IS TO THE STATE EMERGENCY RESPONSE COMMISSION FOR THE APPOINTMENTS OF TIM HOFBAUER AND DANA MILLER. (LEGISLATIVE JOURNAL PAGE 391.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MURANTE, YOU'RE WELCOME TO OPEN ON THE FIRST OF SIX CONFIRMATION REPORTS. SENATOR MURANTE.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. THE FIRST OF THE CONFIRMATION REPORTS FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE REGARD TWO REAPPOINTMENTS TO THE SERC BOARD, FIRST FOR DANA MILLER AND, SECOND, TIM HOFBAUER, WHO WERE...RECEIVED REAPPOINTMENT. MR. MILLER SERVES AS THE FIRE CHIEF FOR THE CITY OF SCOTTSBLUFF AND HAS SERVED ON THE SERC BOARD SINCE 2010. MR. HOFBAUER CURRENTLY SERVES AS EMERGENCY MANAGER IN THE CITY OF COLUMBUS. HE FILLED THE INTERIM EMERGENCY MANAGEMENT POSITION ON THE COMMISSION UNTIL THE TERM'S EXPIRATION AND HAS REQUESTED TO FILL THAT SEAT AGAIN. I REQUEST YOUR SUPPORT FOR THIS CONFIRMATION. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE FIRST OF THE CONFIRMATION REPORTS. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MURANTE, YOU'RE WELCOME TO CLOSE. SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF

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THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 425.) 35 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CONFIRMATION IS APPROVED. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT APPOINTMENT FROM THE GOVERNMENT COMMITTEE IS FOR CAROL SCHLEGEL TO THE NEBRASKA TOURISM COMMISSION. (LEGISLATIVE JOURNAL PAGE 391.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MURANTE, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD MORNING. CAROL SCHLEGEL IS REQUESTING APPOINTMENT TO THE NEBRASKA TOURISM COMMISSION AND HAS RECEIVED APPOINTMENT BY THE GOVERNOR. MS. SCHLEGEL HAS SERVED AS TOURISM DIRECTOR FOR THE CITY OF McCOOK AND RED WILLOW COUNTY SINCE 2011. IN ADDITION, SHE SERVED AS THE DIRECTOR OF HITCHCOCK COUNTY VISITORS COMMITTEE SINCE 2013. THIS IS A TWO-YEAR TERM AND MS. SCHLEGEL'S APPOINTMENT CAME OUT OF THE GOVERNMENT, MILITARY AND VETERAN'S AFFAIRS COMMITTEE WITHOUT OPPOSITION. I ENCOURAGE YOUR SUPPORT OF MS. SCHLEGEL'S APPOINTMENT TO THE NEBRASKA TOURISM COMMISSION. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MURANTE, YOU'RE WELCOME TO CLOSE. SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 426.) 37 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CONFIRMATION REPORT IS ADOPTED. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT APPOINTMENT IS FOR THE ADJUTANT GENERAL OF THE MILITARY DEPARTMENT. (LEGISLATIVE JOURNAL

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PAGE 392.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MURANTE, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD MORNING. FOR THIS APPOINTEE, WE HAVE MAJOR GENERAL DARYL BOHAC, WHO SERVES AS THE ADJUTANT GENERAL FOR THE STATE OF...FOR THE NEBRASKA MILITARY DEPARTMENT AND THE DIRECTOR OF THE EMERGENCY MANAGEMENT AGENCY. AS ADJUTANT GENERAL, HE IS THE SENIOR NATIONAL GUARD OFFICER RESPONSIBLE FOR FORMULATING, DEVELOPING, AND COORDINATING PROGRAMS AND PLANS AFFECTING NEARLY 5,000 ARMY AIR NATIONAL GUARD PERSONNEL. MAJOR GENERAL BOHAC HAS EFFECTIVELY FILLED THIS VITAL ROLE SINCE 2013 AND HAS BEEN REAPPOINTED BY THE GOVERNOR. AGAIN, I REQUEST YOUR SUPPORT OF THE GENERAL AND APPROVAL OF THE CONFIRMATION REPORT. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. (DOCTOR OF THE DAY INTRODUCED.) DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MURANTE, YOU'RE WELCOME TO CLOSE. SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 426-427.) 37 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CONFIRMATION REPORT IS ADOPTED. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT APPOINTMENT IS FOR JOHN HILGERT AS DIRECTOR OF THE DEPARTMENT OF VETERANS AFFAIRS. (LEGISLATIVE JOURNAL PAGE 392)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MURANTE, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD MORNING. THIS APPOINTMENT IS JOHN HILGERT TO...HIS REAPPOINTMENT TO THE DIRECTOR OF THE DEPARTMENT OF VETERANS AFFAIRS. HE HAS BEEN APPOINTED BY THE GOVERNOR. OVER THE LAST DECADE, MR. HILGERT HAS SERVED IN A NUMBER OF BOTH PRIVATE AND PUBLIC LEADERSHIP ROLES.

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AMONG THESE ROLES, MR. HILGERT HAS BEEN THE DIVISION DIRECTOR FOR THE NEBRASKA DHHS DIVISION OF VETERANS HOMES SINCE 2007 AND HAS BEEN THE AGENCY DIRECTOR FOR THE NEBRASKA DEPARTMENT OF VETERANS AFFAIRS SINCE 2001. MR. HILGERT ALSO RECEIVED UNANIMOUS SUPPORT BY THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, AND I WOULD APPRECIATE YOUR SUPPORT OF HIS CONFIRMATION. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SENATOR KINTNER, YOU'RE RECOGNIZED.

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, THERE IS...I DON'T KNOW EVERY DIRECTOR AND I, YOU KNOW, I DON'T HAVE THAT MANY DEALINGS WITH MANY DIRECTORS, BUT THIS IS ONE DIRECTOR THAT I'VE ACTUALLY HAD ALMOST EXTENSIVE DEALINGS WITH. AND IF THERE WAS ONE PERSON WHO WAS MADE FOR THAT POSITION WHOSE BACKGROUND AND EXPERIENCE IN THE MILITARY HAS MADE HIM, IF YOU COULD DESIGN A POSITION FOR A GUY, IT WOULD BE THIS POSITION, OR A GUY FOR A POSITION, IT WOULD BE HIM. AND I WOULD STRONGLY ENCOURAGE EVERYONE TO SUPPORT HIM. YOU KNOW, HE IS SO RESPONSIVE AND HE'S SO GOOD AT WHAT HE DOES, YOU KNOW, SUCH A PASSION FOR IT THAT IT'S PRETTY NEAT WHEN YOU SEE THAT KIND OF FIT IN GOVERNMENT. DOESN'T HAPPEN ALL THAT MUCH AND IT HAPPENED HERE AND I ENCOURAGE EVERYONE TO SUPPORT THIS CONFIRMATION. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR KRIST, YOU'RE RECOGNIZED.

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES; GOOD MORNING, NEBRASKA. I'VE LEARNED IN MY TIME HERE IN THE LEGISLATURE TO TAKE THESE CONFIRMATIONS VERY SERIOUSLY, AND I TAKE THIS ONE VERY SERIOUSLY. SENATOR KINTNER IS RIGHT. HE'S A MAN THAT WAS MADE FOR THIS POSITION. AND AS A FORMER STATE SENATOR, HE IS NOT UNWILLING TO STAND IN THAT ROTUNDA AND LET US KNOW WHAT IS RIGHT FOR OUR VETERANS, AND I APPRECIATE THAT IMMENSELY. HE'S ALWAYS SHOT SQUARELY WITH ME AND WITH THIS BODY, AND I WOULD STRONGLY ENDORSE HIS CONFIRMATION. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR GLOOR.

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I WILL NOT BE LOOKING BACK ON THE DECISION TO MOVE THE VETERANS' HOME, THE CENTRAL NEBRASKA VETERANS' HOME, THE GRAND ISLAND VETERANS' HOME, FROM GRAND

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ISLAND TO KEARNEY. BUT I WILL SAY THIS: WE WILL FIND OUT THE EXTENT TO WHICH THE DIRECTOR, MR. HILGERT, IS CAPABLE OF DOING AN EXCEPTIONAL JOB, BECAUSE THAT MOVE WILL REQUIRE AN EXCEPTIONAL AMOUNT OF EFFORT/ENERGY IF VETERANS ARE NOT TO BE COMPROMISED, THE CARE OF VETERANS IS NOT TO BE COMPROMISED IN THIS MOVE. THIS WILL BE A CHALLENGE FOR THE DEPARTMENT. AND I'M SPEAKING TO PUT AN EMPHASIS ON THE ATTENTION THAT NEEDS TO BE DIRECTED RIGHT NOW TOWARDS STAFFING LEVELS AT THE VETERANS HOME WITH MORALE, NOT SURPRISINGLY, BEING LOW; WITH PEOPLE WONDERING IF THEY WILL BE ABLE TO MAINTAIN JOBS WHEN IT MOVES FROM GRAND ISLAND TO KEARNEY--AND IT WILL BE MOVING FROM GRAND ISLAND TO KEARNEY--AND WHETHER, ONCE IT DOES MOVE TO KEARNEY, THERE WILL BE THE APPROPRIATE ACCOMMODATIONS MADE TO MAKE SURE THAT STAFF HAVE HOUSING AVAILABLE, BECAUSE CENTRAL NEBRASKA, AS WELL AS ALL OF NEBRASKA, HAS CHALLENGES WITH HOUSING LEVELS. THIS IS GOING TO BE AN EXTREMELY COMPLICATED AND DIFFICULT TRANSITION. AND I WENT THROUGH THE PROCESS OF MOVING PATIENTS FROM BEDS THAT WERE IN MY FACILITY TO NEW BEDS THAT WERE IN A TOWER WE BUILT IN OUR FACILITY, AND THAT WAS COMPLICATED AND DIDN'T INVOLVE MOVING THEM OFF THE SAME SPACE THAT WE WERE LOCATED IN. THERE ARE ISSUES AROUND TRANSITIONAL TRAUMA, TRANSPORTATION TRAUMA WHEN YOU MOVE PATIENTS TO NEW HOMES IN NEW LOCATIONS, ESPECIALLY WHEN THEY'RE ELDERLY, PHYSICALLY CHALLENGED, AND MENTALLY CHALLENGED. AND SO MY CONCERN IS THAT THIS REMAIN THE TOP PRIORITY FOR THE DEPARTMENT. IF THIS MOVE IS GOING TO BE SUCCESSFUL, IT'S GOING TO REQUIRE AN AWFUL LOT OF EFFORT AND ENERGY AND, SPEAKING FROM THE HEART, LOVE OF THESE VETERANS, MANY OF WHOM ARE QUITE SCARED BY THIS MOVE. I CAN'T EMPHASIZE ENOUGH HOW IMPORTANT IT IS FOR THE DEPARTMENT AND MR. HILGERT TO FOCUS ON THIS, NOT JUST WHEN THE MOVE OCCURS, BUT LEADING UP TO THE MOVE, BECAUSE IT'S STILL GOING TO BE SEVERAL YEARS AWAY AT BEST. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR MURANTE, YOU'RE WELCOME TO CLOSE. SENATOR MURANTE WAIVES CLOSING ON THE CONFIRMATION REPORT. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 427.) 39 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CONFIRMATION REPORT IS

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ADOPTED. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT APPOINTMENT IS FOR THE POSITION OF STATE FIRE MARSHAL. (LEGISLATIVE JOURNAL PAGE 392.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MURANTE, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD MORNING. THIS APPOINTMENT IS TO MR. JIM HEINE, WHO IS REQUESTING REAPPOINTMENT AND HAS BEEN REAPPOINTED BY THE GOVERNOR AS THE NEBRASKA STATE FIRE MARSHAL. MR. HEINE ACTED AS THE ASSISTANT STATE FIRE MARSHAL FROM 2007 UNTIL 2012, AT WHICH TIME HE WAS APPOINTED TO BE THE STATE FIRE MARSHAL. IN HIS REAPPOINTMENT, HE RECEIVED UNANIMOUS SUPPORT FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, AND I WOULD ASK FOR YOUR SUPPORT FOR THE CONFIRMATION OF JIM HEINE AS OUR STATE FIRE MARSHAL. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SENATOR KRIST.

SENATOR KRIST: THANK YOU, AGAIN, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES AND NEBRASKA. I WILL SUPPORT THIS CONFIRMATION. MR. HEINE HAS BEEN GOOD IN HIS STEAD AS BOTH DEPUTY AND THE ACTING, BUT I'LL MAKE THIS POINT BECAUSE I CAN. SEVERAL YEARS AGO, IN THE HEINEMAN ADMINISTRATION, SENATOR GLOOR AND I WERE GOING TOE TO TOE OVER A BUILDING CODES ISSUE AND IT WAS ALL ABOUT SPRINKLERS. AND I WANTED AN OPINION FROM THE STATE FIRE MARSHAL BECAUSE I HAD A DIFFERENCE OF OPINION THAT I THOUGHT COULD BE WORKED OUT. IN FACT, THAT ADMINISTRATION DID NOT ALLOW ME, WOULD NOT ALLOW THE FIRE MARSHAL TO COME TALK TO ME. I HAVE SAID MANY TIMES ON THIS MIKE THAT THE COMMUNICATION BETWEEN CRITICAL STAFF MEMBERS AND CABINET MEMBERS OF AN ADMINISTRATION, THAT COMMUNICATION AND THE UNDERSTANDING THAT COMES FROM THAT COMMUNICATION WITH THIS BODY IS CRITICAL TO GOOD LEGISLATION AND PASSING LAWS. I WOULD HOPE, AND I WILL PREDICT, THAT THIS ADMINISTRATION WILL NOT RESTRICT THAT FLOW OF INFORMATION BECAUSE I THINK COMMUNICATION IS AT THE TOP OF THEIR LIST, AND I APPRECIATE THAT, MR. LIEUTENANT GOVERNOR, AND THE GOVERNOR. SO LET'S MOVE THIS CONFIRMATION ALONG. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SEEING NO OTHER

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SENATORS WISHING TO SPEAK, SENATOR MURANTE, YOU'RE WELCOME TO CLOSE. SENATOR MURANTE WAIVES CLOSING ON THE CONFIRMATION REPORT. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE, THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 428.) 38 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CONFIRMATION REPORT IS ADOPTED. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT REPORT INVOLVES TWO APPOINTEES TO THE STATE PERSONNEL BOARD. (LEGISLATIVE JOURNAL PAGE 392.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MURANTE, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD MORNING. AND THIS IS THE GOVERNMENT COMMITTEE'S FINAL CONFIRMATION REPORT OF THE DAY. WE ARE CONFIRMING THE REAPPOINTMENTS OF SAMUEL SEEVER AND CHRISTOPHER WADDLE TO THE NEBRASKA STATE PERSONNEL BOARD. MR. SEEVER HAS BEEN A LONGTIME MEMBER OF THE STATE PERSONNEL BOARD AND IS AN EXPERIENCED ATTORNEY IN THE CITY OF LINCOLN WHO HAS SERVED ON THE NEBRASKA SAFETY COUNCIL AS THE BOARD CHAIR, AS WELL AS THE BOARD CHAIR FOR THE FOOD BANK OF LINCOLN. MR. WADDLE SERVES ON THE GILTNER PUBLIC SCHOOL BOARD AND ACTS AS THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES AT CENTRAL COMMUNITY COLLEGE. BOTH OF THESE APPOINTEES CAME OUT OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE UNANIMOUSLY. AND I WOULD APPRECIATE YOUR SUPPORT FOR THEIR CONFIRMATION TO THEIR POSITIONS ON THE STATE PERSONNEL BOARD. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MURANTE, YOU'RE WELCOME TO CLOSE. AND SENATOR MURANTE WAIVES CLOSING ON THE CONFIRMATION REPORT. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK.

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ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 428-429.) 38 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CONFIRMATION REPORT IS ADOPTED. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT APPOINTMENT IS ONE FORWARDED TO US FROM THE AGRICULTURE COMMITTEE; THAT BEING FOR WILLIAM MARSHALL TO THE STATE FAIR BOARD. (LEGISLATIVE JOURNAL PAGE 397.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR JOHNSON, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT, AND GOOD MORNING. THE AGRICULTURE COMMITTEE WISHES TO FAVORABLY ACT ON THE REAPPOINTMENT OF WILLIAM MARSHALL, III, TO THE STATE...NEBRASKA FAIR BOARD. LB1236 ENACTED IN 2002 RENAMED THE STATE BOARD OF AGRICULTURE AS THE NEBRASKA STATE FAIR BOARD AND SPECIFIED AN 11-MEMBER BOARD. AS AMENDED IN LB1116 IN 2008, THE QUALIFICATION FOR VOTING MEMBERSHIP ON THE BOARD IS CURRENTLY AS FOLLOWS: SEVEN MEMBERS DRAWN FROM AMONG LEADERS IN THE AGRICULTURE SOCIETIES AT THE COUNTY LEVEL WHO ARE NOMINATED AND SELECTED BY DISTRICT AS PROVIDED IN THE CONSTITUTION OF THE STATE FAIR BOARD; FOUR MEMBERS APPOINTED BY THE GOVERNOR, THREE OF WHOM REPRESENT BUSINESS COMMUNITIES OF THE STATE AND SELECTED BY CONGRESSIONAL DISTRICT; AND ONE MEMBER SELECTED TO REPRESENT BUSINESS COMMUNITY OF THE STATE FAIR HOST COMMUNITY. MR. MARSHALL WOULD CONTINUE IN THE POSITION REPRESENTING THE BUSINESS COMMUNITY OF GRAND ISLAND. MR. MARSHALL HAS SERVED ON THE FAIR BOARD FOR TWO COMPLETE THREE-YEAR TERMS AND IS ELIGIBLE FOR HIS FINAL THREE-YEAR TERM. MR. MARSHALL IS FOUNDER OF THE FIVE POINTS BANK IN GRAND ISLAND; HAS BEEN CHAIRMAN OF THE BANK SINCE 1989. HE'S GRADUATED UNIVERSITY OF NEBRASKA WITH A DEGREE IN ECONOMICS AND HISTORY, AND ALSO A GRADUATE OF UNL LAW SCHOOL AND COLORADO SCHOOL OF BANKING. HE IS A NATIVE OF NIOBRARA, NEBRASKA, AND LATER GRADUATED FROM GRAND ISLAND HIGH SCHOOL. AMONG HIS LEADERSHIP IN GRAND ISLAND, HE'S A MEMBER OF THE BOARD OF DIRECTORS OF GRAND ISLAND CHAMBER OF COMMERCE, MEMBER OF THE BOARD OF TRUSTEES FOR HASTINGS COLLEGE, FORMER MEMBER OF THE STATE BOARD OF EDUCATION, ST. FRANCIS MEDICAL CENTER FOUNDATION, GRAND ISLAND INDUSTRIAL FOUNDATION, GRAND ISLAND COMMUNITY FOUNDATION, AND BOARD OF DIRECTORS OF COLLEGE PARK. HE IS FORMER CHAIRMAN OF THE

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NEBRASKA BANKERS ASSOCIATION. THE APPOINTEE APPEARED IN PERSON AT THE PUBLIC HEARING UPON THE QUESTION OF THE APPOINTMENT ON JANUARY 27. THE COMMITTEE APPRECIATED THE BREADTH OF MR. MARSHALL'S EXPERIENCE AND HE IS MORE THAN ADEQUATELY MEETS THE ABILITY TO BUILD CONNECTIONS BETWEEN THE STATE FAIR BOARD AND THE HOST COMMUNITY OF GRAND ISLAND. THE RECOMMENDATION TO CONFIRM MR. MARSHALL'S APPOINTMENT WAS NEARLY UNANIMOUS WITH ONE ABSTENTION DUE TO THE FACT THAT THAT MEMBER WAS NOT PRESENT FOR THE CONFIRMATION HEARING. I THEREFORE MOVE THE ADOPTION OF THE AG REPORT CONFIRMING WILLIAM MARSHALL, III, STATE FAIR BOARD. THANK YOU.

SENATOR FOLEY: THANK YOU, SENATOR JOHNSON. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SPEAKER HADLEY, YOU'RE RECOGNIZED.

SPEAKER HADLEY: MR. PRESIDENT, I JUST WOULD LIKE TO STAND UP VERY QUICKLY AND SUPPORT THIS NOMINATION COMPLETELY. MR. MARSHALL IS WELL KNOWN THROUGHOUT CENTRAL NEBRASKA. I THINK HE HAS DONE A GREAT JOB ON THE STATE FAIR BOARD. HE HAS REACHED OUT TO ALL THE COMMUNITIES IN CENTRAL NEBRASKA TO HELP WITH THAT POSITION. SO I WOULD ENCOURAGE A GREEN LIGHT. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. SENATOR GLOOR.

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO ECHO SENATOR...THE SPEAKER'S COMMENTS ABOUT MR. MARSHALL. I HAVE KNOWN HIM FOR AS LONG AS I HAVE LIVED IN GRAND ISLAND, WHICH IS A LONG TIME. IF YOU CAN GET MR. MARSHALL TO SERVE ON YOUR ORGANIZATION IN ANY WAY, SHAPE, OR FORM, YOU HAVE HIT A HOME RUN. YOU'LL BE HARD PRESSED TO FIND ANYBODY IN THE STATE, LET ALONE CENTRAL NEBRASKA, WHO BRINGS THE INTELLIGENCE AND PASSION THAT HE BRINGS TO ANY POSITION THAT HE AGREES TO VOLUNTEER HIS TIME OR EFFORTS TOWARDS. AND SO IT'S A STROKE OF GOOD FORTUNE FOR THE STATE FAIR BOARD TO HAVE MR. MARSHALL SERVE AND CONTINUE TO SERVE. AND I WOULD ECHO WHAT THE SPEAKER SAID. THIS IS THE KIND OF PERSON WE WANT SERVING ON BOARDS LIKE THE STATE FAIR BOARD. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR JOHNSON, YOU'RE WELCOME TO CLOSE ON THE CONFIRMATION REPORT. SENATOR JOHNSON WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL

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VOTED? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 429.) 38
AYES, 0 NAYS ON THE ADOPTION OF THE REPORT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. CONFIRMATION REPORT IS
ADOPTED. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT REPORT FROM THE
AGRICULTURE COMMITTEE IS FOR GREG IBACH AS THE DIRECTOR OF THE
DEPARTMENT OF AGRICULTURE. (LEGISLATIVE JOURNAL PAGE 397.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR JOHNSON, YOU'RE
WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT; AGAIN, GOOD MORNING.
THE AGRICULTURE COMMITTEE REPORT RECOMMENDS APPROVAL OF THE
APPOINTMENT BY GOVERNOR RICKETTS OF GREG IBACH TO SERVE AS THE
DIRECTOR OF AGRICULTURE. THE DIRECTOR OF AGRICULTURE WAS
CREATED...OR THE DEPARTMENT OF AGRICULTURE WAS CREATED IN 1919 TO
REGULATE, PROTECT, AND PROMOTE THE LIVESTOCK AND CROP
PRODUCTION INDUSTRIES IN NEBRASKA. THE DEPARTMENT OF AGRICULTURE
IS AN ADMINISTRATIVE DEPARTMENT CREATED BY (SECTION) 81-101, AND THE
DIRECTOR OF AGRICULTURE IS AN APPOINTED POSITION REQUIRING
LEGISLATIVE CONFIRMATION PURSUANT TO (SECTION) 81-102. MUCH OF THE
WORK OF THE DEPARTMENT IS IN REGULATORY PROGRAMS THAT ENFORCE
STANDARDS AND UTILIZE AUTHORITIES TO INTERVENE, TO GUARD AGAINST
THE INTRODUCTION AND SPREAD OF LIVESTOCK AND PLANT DISEASE AND
NOXIOUS WEEDS, TO MITIGATE FOOD-BORNE ILLNESSES AND CONSUMER
PROTECTIONS. MUCH OF THE REMAINING WORK OF THE DEPARTMENT IS A
PROMOTIONAL ADVOCATE FOR NEBRASKA AGRICULTURE IN DEVELOPING
MARKETING OPPORTUNITIES FOR NEBRASKA AGRICULTURE AND IS AN
ADMINISTRATOR OF BOTH STATE AND FEDERAL PROGRAMS THAT STIMULATE
INVESTMENT IN AGRICULTURAL EXPANSION IN AREAS AS DIVERSE AS
ORGANIC CERTIFICATION AND SPECIALTY CROPS. WHILE MUCH OF THE WORK
OF THE DEPARTMENT OF AGRICULTURE IS IN DIRECT INTEREST PRIMARILY
OF AGRICULTURE PRODUCERS AND PROCESSING INDUSTRIES AND RURAL
COMMUNITIES, THE DEPARTMENT ADMINISTERS A HANDFUL OF PROGRAMS
THAT AFFECT INDUSTRIES AND PROTECT THE INTERESTS OF CONSUMERS
BEYOND AGRICULTURE PRODUCTION INCLUDING THE PESTICIDE PROGRAMS,
WEIGHTS AND MEASURES, AND THE PURE FOOD ACT. MR. IBACH IS A
FAMILIAR FIGURE IN NEBRASKA AGRICULTURE COMMUNITY. AS YOU ARE
AWARE, GREG IBACH SERVED AS DEPUTY DIRECTOR OF THE DEPARTMENT

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OF AGRICULTURE FROM 1999 TO 2005, AND AS THE DIRECTOR OF THE DEPARTMENT SINCE 2005. MR. IBACH HAD A HANDFUL OF DIRECTORS THAT WERE RETAIN...ONE OF THE DIRECTORS RETAINED BY GOVERNOR RICKETTS TO CONTINUE AS DIRECTOR OF THE AGENCY AS HE SERVED UNDER THE PREVIOUS ADMINISTRATION. MR. IBACH IS A NATIVE NEBRASKAN GROWING UP ON THE FAMILY FARM NEAR SUMNER, NEBRASKA. HE IS A GRADUATE OF UNIVERSITY OF NEBRASKA WITH A BACHELOR'S DEGREE IN SCIENCE AND MAJORS IN ANIMAL SCIENCE AND AGRICULTURAL ECONOMICS. DURING THE HEARING, THE COMMITTEE HEARD SUPPORTING TESTIMONY FROM A BROAD SWATH OF AGRICULTURAL COMMUNITY WITH SEVERAL COMMODITY GROUPS, TRADE ORGANIZATION, AND AG ADVOCACY ORGANIZATIONS SUPPORTING HIS CONFIRMATION EITHER IN PERSONAL TESTIMONY OR LETTERS OF SUPPORT. IT IS PROBABLY TO SAY THAT MR. IBACH IS WELL THOUGHT OF AND ENJOYS SOLID SUPPORT IN CONFIDENCE FROM THE AGRICULTURAL PRODUCTION AND MARKETING SECTORS OF THE STATE. HOWEVER, THE COMMITTEE DID HEAR OPPOSING TESTIMONY OF MR. IBACH'S APPOINTMENT WITH SEVERAL WITNESSES EXPRESSING A DISSATISFACTION WITH THE DEPARTMENT'S IMPLEMENTATION AND MANAGEMENT OF THE COMMERCIAL DOG AND CAT OPERATOR INSPECTION ACT UNDER MR. IBACH'S LEADERSHIP. THERE IS A CONSTITUENCY KEENLY INTERESTED IN THE WELFARE OF ANIMALS WITH COMMERCIAL BREEDING BUSINESSES AND OTHER SETTINGS. IT WAS APPARENT THAT THIS COMMUNITY HOLDS A VIEW THAT THE DEPARTMENT CAN AND SHOULD BE MUCH BETTER, MORE PROACTIVE IN UTILIZING AUTHORITIES UNDER THE INSPECTION PROGRAM AND ENFORCE STANDARDS TO PROTECT ANIMAL WELL-BEING AND TO INTERVENE IN A MORE FORCEFUL AND TIMELY MANNER WHEN LICENSEES FAIL TO MEET STANDARDS AND WHEN ANIMALS IN THEIR CARE HAVE OBVIOUS HEALTH ISSUES. WHILE THE COMMITTEE RECOMMENDATION IN FAVOR OF MR. IBACH'S APPOINTMENT TO CONTINUE AS ITS DIRECTOR, I JOIN A MAJORITY OF THE COMMITTEE IN MAKING THIS RECOMMENDATION AS NOT BECAUSE WE DISMISS AND MINIMIZE THE CONCERNS. IT IS ONE OF THE MATTERS THAT WILL BE PROMINENT THIS SESSION AS WE HAVE FOUR BILLS BEFORE THE COMMITTEE LATER THIS SESSION PERTAINING TO THE CAT AND DOG PROGRAM. TWO OF THESE BILLS ARE SPECIFICALLY FOCUSED ON ADDRESSING AND ASSISTING THE DEPARTMENT, LOCAL LAW ENFORCEMENT, AND ANIMAL WELFARE COMMUNITY TO INTERVENE WHEN OPERATORS FAIL TO MEET THE OWNERSHIP RESPONSIBILITY TO PROVIDE FOR THE HEALTH AND WELL-BEING OF THE ANIMALS IN THEIR CARE. ADDITIONALLY, I HAVE INITIATED AND WANT TO PURSUE DIALOGUE AND EVENTUALLY ANY NECESSARY ACTION IN CONNECTION WITH THE DEPARTMENT AND ANIMAL WELFARE CONSTITUENCY TO CONTINUE TO IMPROVE THIS PROGRAM. WE DID HAVE A MEMBER OF THE ANIMAL WELFARE COMMUNITY WHO, THOUGH, LIKELY...HIGHLY CRITICAL OF THE DEPARTMENT'S COMMITMENT TO THE PROGRAM OBSERVED A CHANGE

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IN DIRECTION AND PHILOSOPHY BY DIRECTOR IBACH AND THE COMMUNITY AND THE DEPARTMENT IN THE LAST YEAR. I BELIEVE LOOKING AT THE TOTALITY OF MR. IBACH'S RECORD AND THE IMPORTANCE WE PLACE ON THE AGRICULTURE SECTOR IN THIS STATE, THE MAJORITY OF THE COMMITTEE JOINS ME IN ENDORSING MR. IBACH'S APPOINTMENT AS DIRECTOR. I WOULD MOVE THE ADOPTION OF THIS REPORT.

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SENATOR KOLTERMAN.

SENATOR KOLTERMAN: THANK YOU, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE BODY. I, TOO, RISE IN SUPPORT OF MR. IBACH. I HAD NOT MET HIM BEFORE THE HEARING THAT WE HAD. I HAD HEARD AND RECEIVED A TREMENDOUS AMOUNT OF E-MAILS ASKING US NOT TO SUPPORT HIM FROM THE DOG AND PET OWNERS IN THE STATE. AS A PET OWNER, I HAD SOME SERIOUS CONCERNS MYSELF. BUT AS WE STARTED TO EVALUATE THE SITUATION, IT APPEARED TO US IN SOME OF THESE BILLS...I HAVE A BILL THAT'S COMING FORWARD AND WILL BE HEARD, I BELIEVE, NEXT WEEK...THESE BILLS THAT WE'RE PRESENTING WILL GIVE THE DEPARTMENT THE TOOLS THAT THEY NEED TO ADEQUATELY ENFORCE THE DOG AND CAT POPULATIONS AND THE DOG BREEDERS AND CAT BREEDERS IN THIS STATE. AND SO I THINK BECAUSE OF HIS REPUTATION AND HIS WELL-MANNERED APPROACH TO AGRICULTURE, I THINK WE OWE HIM AN OPPORTUNITY TO TRY AND CORRECT THE DEFICIENCIES. AND I WOULD ENCOURAGE YOU TO SUPPORT HIS REAPPOINTMENT. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR CHAMBERS, YOU'RE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MY NEGATIVE VOTE WAS WHY THE COMMITTEE VOTE WAS MAJORITY AND NOT UNANIMOUS. WHEN THE CHAIR OF THE AG COMMITTEE MENTIONED THAT DURING THE LAST YEAR, MR. IBACH STARTED TO SHOW A CHANGE, I HAD A VERY SERIOUS TELEPHONE CONVERSATION WITH HIM AND LET HIM KNOW HOW DISPLEASED I WAS WITH THE WAY HE RAN THE DEPARTMENT, THE LACK OF COMPLIANCE WITH THE LAW THAT WAS GOING ON UNDER HIS DIRECTORSHIP. NOW I'M NOT GOING TO SAY MY CONVERSATION HAD ANYTHING TO DO WITH THIS CHANGE, BUT PRIOR TO THAT HE HAD NOT HAD A COME TO JESUS MEETING. WHENEVER A PERSON IS UNDER THE GUN AND HIS OR HER JOB IS AT STAKE, THAT PERSON WILL SAY ALMOST ANYTHING TO KEEP THAT JOB; WILL PROMISE EVERYTHING TO KEEP THAT JOB. AND WHAT HE'S GOING TO FIND OUT IS THAT WHEN I TAKE AN INTEREST IN AN ISSUE AND IT REACHES A LEVEL WHICH I DESCRIBE FOR MYSELF AS ONE WHERE PRINCIPLE IS INVOLVED, I WOULD RUN

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THROUGH HELL IN A GASOLINE-SOAKED JACKET TO STAND FOR WHAT I BELIEVE. DURING THE '60s WHEN THE POLICE WERE RUNNING RAMPANT IN THE BLACK COMMUNITY AND A CRUISER WITH TWO COPS ACCOSTED SOME VERY SMALL CHILDREN ON A STREET IN THE NEIGHBORHOOD WHERE THEY LIVED, AND ONE OF THOSE CHILDREN WAS MINE, AND I PROBABLY LOOKED FOOLISH, BUT I CHASED ON FOOT THE CRUISER. NATURALLY, THEY DIDN'T STOP. I CONTACTED THE CHIEF AND I REPEATED IT ON THIS FLOOR THAT I WOULD GO...I WOULD DIE AND GO TO HELL TEN TIMES BEFORE I WOULD LET SOMEBODY ABUSE MY CHILDREN AND I NOT DO ANYTHING ABOUT IT. TODAY, I'M NOT SPEAKING ON BEHALF OF CHILDREN, BUT ON BEHALF OF THOSE WHO HAVE NO VOICE, THE ANIMALS. I HAVE NOT SEEN ANYTHING IN ALL OF MY READING OF THE "BIBBLE" WHERE THE ANIMALS ARE OF A LOWER ORDER OR OF LESSER VALUE, HAVING BEEN GIVEN THE POWER TO FEEL. I READ NOTHING WHICH WOULD EXCUSE HUMAN BEINGS FOR INFLECTING PAIN AND TORTURE GRATUITOUSLY ON THESE CREATURES THAT THOSE WHO PROFESS A BELIEF IN A SUPREME BEING PUT HERE. ONE OF THE SO-CALLED METAPHYSICAL POETS, WILLIAM BLAKE, WROTE A POEM, A LONG ONE, AS THEIRS WERE, BUT A COUPLET THAT I FREQUENTLY REPEAT: A ROBIN RED BREAST IN A CAGE PUTS ALL HEAVEN IN A RAGE. THERE WAS A MAN WHO WAS CONVERTED...OR ELEVATED TO THE LEVEL OF A SAINT, CALLED FRANCIS OF ASSISI.

PRESIDENT FOLEY: ONE MINUTE.

SENATOR CHAMBERS: THE CURRENT POPE NAMED HIMSELF AFTER THAT INDIVIDUAL. HE WAS ONE WHO LOVED ANIMALS. HE REFERRED TO THEM AS HIS BROTHERS. HE PREACHED TO THEM. SO FOR THOSE WHO ARE INFLUENCED BY THE CONDUCT OF PEOPLE WHOM THEY LIONIZE, AND I USE THAT TERM ON PURPOSE, THEY HAVE SOME THEY CAN LOOK TO FOR GUIDANCE AND HOW ANIMALS OUGHT TO BE TREATED. I'M GOING TO TAKE MY TIME THIS MORNING TO SPEAK, SO I PUT MY LIGHT ON AGAIN, BECAUSE I DON'T WANT TO HAVE ANYTHING I SAY MISUNDERSTOOD OR MISINTERPRETED BY ANYBODY WHO MIGHT BE LISTENING.

PRESIDENT FOLEY: TIME, SENATOR.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: (VISITORS INTRODUCED.) DEBATE CONTINUES ON THE CONFIRMATION REPORT. SENATOR KUEHN.

SENATOR KUEHN: THANK YOU, MR. LIEUTENANT GOVERNOR. I WOULD LIKE TO STAND TODAY AND JUST PROVIDE A FEW COMMENTS FROM MY EXPERIENCE

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BOTH PROFESSIONALLY WITH DIRECTOR IBACH, AS WELL AS ADDRESSING SOME OF THE CONCERNS THAT HAVE BEEN BROUGHT FORWARD, AND RELAYING TO THE BODY MY EXPERIENCE IN COMMUNICATING WITH THESE ISSUES CONCERNING THE COMMERCIAL DOG AND CAT INSPECTION PROGRAM WITH DIRECTOR IBACH RELEVANT TO HIS REAPPOINTMENT. CERTAINLY OVER THE COURSE OF MY CAREER AND DIRECTOR IBACH'S TENURE AT BUREAU OF ANIMAL INDUSTRY AND THE DEPARTMENT OF AG, I'VE HAD THE OPPORTUNITY TO WORK WITH HIM AND HIS DEPARTMENT ON A NUMBER OF ISSUES RELATIVE TO AGRICULTURE AND ANIMAL HEALTH, INCLUDING IMPORT-EXPORT ISSUES WITH LIVESTOCK AND OTHER COMPANION ANIMAL SPECIES INTO THE STATE. HE HAS...THE DEPARTMENT HAS A NUMBER OF RESPONSIBILITIES TO PROTECT AGRICULTURE AND THE WELFARE OF ALL NEBRASKANS THROUGHOUT OUR FOOD CHAIN. I WOULD ALSO LIKE TO POINT OUT THAT DURING THE PROCESS OF PREPARING A BILL, WHICH I HAVE INTRODUCED TO ADDRESS SOME OF THE ISSUES WITH THE COMMERCIAL DOG AND CAT INSPECTION PROGRAM, BEFORE HIS HEARING FOR APPOINTMENT TO THIS POSITION, DIRECTOR IBACH RECOGNIZED THE CHALLENGES THE PROGRAM HAD, WAS HONEST AND DIRECT WITH ME ABOUT HIS COMMITMENT TO WORKING FORWARD TO IMPROVING THE PROGRAM AND UNDERSTOOD THE NEED FOR AN OVERALL REVIEW OF THE PROGRAM PRIOR TO HIS CONFIRMATION HEARING. AND SO I FEEL CONFIDENT THAT HE IS WILLING TO DO THE RIGHT THING TO ENSURE THAT WE PROTECT THOSE WHO DO NOT HAVE A VOICE IN OUR COMPANION ANIMALS. AND HAVING TAKEN AN OATH TO PROTECT THEIR WELFARE AND WELL-BEING, I WILL MAKE SURE THAT THAT COMMITMENT IS MAINTAINED DURING HIS TIME AT THE DEPARTMENT OF AGRICULTURE. AND I AM CONFIDENT THAT HE WILL DO SO. SO I CERTAINLY SUPPORT HIS APPOINTMENT AND ENCOURAGE MY COLLEAGUES TO DO SO AS WELL. THANK YOU.

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

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND I'M GOING TO PUT MY LIGHT ON AGAIN. ORDINARILY, THESE CONFIRMATION REPORTS ARE VOTED ON IN A ROUTINE, PERFUNCTORY MANNER, AND I USUALLY VOTE FOR THEM IN THAT FASHION BECAUSE THE INDIVIDUALS, BY AND LARGE, ARE UNKNOWN TO ME AND NOTHING SURFACES THAT WOULD CAUSE ME TO BE ALARMED. BUT DOWN THROUGH THE YEARS, THIS AG DEPARTMENT HAS FUNCTIONED IN A WAY THAT OUGHT TO MAKE ANYBODY WITH A SHRED OF COMPASSION OR EVEN HUMAN DECENCY BLUSH WITH SHAME. I CAN UNDERSTAND THESE PEOPLE WHO MAKE MONEY OFF LIVESTOCK, PRAISING A GUY WHO MADE IT POSSIBLE FOR THEM TO SELL THEIR ANIMALS IN OTHER PLACES. BUT I'M ALSO AWARE OF INSTANCES WHERE SOME PEOPLE WORK FOR THAT DEPARTMENT AND WANTED TO CONDUCT INSPECTIONS AND DO

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WHAT THEY WERE TOLD TO DO AND NOTIFY COUNTY ATTORNEYS PULL BACK BY THE DIRECTORS OF THAT DEPARTMENT AND TOLD--DON'T YOU DO THAT! DON'T YOU TALK TO LAW ENFORCEMENT WITHOUT PERMISSION. AND THAT PERMISSION WAS NOT GRANTED. ONE INDIVIDUAL, AND I WON'T GIVE THE GENDER, BECAUSE THE ONLY ONE I WANT TO FOCUS ON NOW IS THE CAPTAIN OF THAT FOUNDERING SHIP. YES, I SAID FOUNDERING, NO "L", NOT "FLOUNDERING" SHIPS FOUNDER ON THE ROCKS, WHO SAID ABOUT THESE VICIOUS, SAVAGE, INHUMANE PEOPLE WHO KEEP THESE ANIMALS IN TORTUROUS CONDITIONS, THAT THE ROLE OF THE DEPARTMENT IS NOT TO DO AWAY WITH THEIR LICENSE, BUT TO TRY TO BRING THEM INTO COMPLIANCE. AND THESE DOG AND CAT BREEDERS KNOW THAT. THEY RUN THAT DEPARTMENT, AND THEY KNOW THAT ALSO, BECAUSE THE DOGS CANNOT SPEAK, THE CATS CANNOT SPEAK. SOME OF THOSE FACILITIES HAD CAGES STACKED ON TOP OF CAGES, WIRE CAGES. THOSE IN THE LOWER CAGES WERE SOAKED IN FECES AND URINE. THEY WERE KEPT OUTSIDE IN SUBZERO WEATHER. THEY WERE NOT PROPERLY FED. GIVEN NOTHING IN THE WAY OF MEDICAL CARE TO THE POINT WHERE THEIR LOWER JAW WOULD HAVE BEEN ROTTED AWAY. SOME HAD NO TEETH AND THEIR TONGUES HUNG FROM THEIR MOUTH. OTHERS WERE VIRTUALLY BLIND. ONE FEMALE WHOM...PEOPLE WOULD SAY "WHO" BECAUSE THEY DON'T THINK OF ANIMALS LIKE THEY THINK OF PEOPLE, WHOM HAD BEEN MISTREATED TO SUCH AN EXTENT AS FAR AS BREEDING AGAIN AND AGAIN AND AGAIN THAT SOME OF HER INTERNAL ORGANS HAD FALLEN OUTSIDE HER BODY. IT MIGHT BE HARD FOR YOU TO PUT YOURSELF IN THE POSITION OF A FOUR-FOOTED CREATURE WHO IS SUFFERING, BUT IMAGINE HOW THAT ANIMAL WOULD FEEL EVERY TIME A HUMAN BEING APPROACHED AND SHE KNEW WHAT WAS IN STORE FOR HER. AND THESE...

PRESIDENT FOLEY: ONE MINUTE.

SENATOR CHAMBERS: ...OPERATORS WERE ALLOWED TO GET AWAY WITH THAT UNDER THIS MAN THAT ALL THESE PEOPLE WHO HAVE SPOKEN ARE PRAISING. I PUT HIM IN A CATEGORY WITH ADOLPH EICHMANN, WHO WAS THE NAZI WHOSE JOB IT WAS TO CARRY OUT THE FINAL SOLUTION WHICH INVOLVED THE EXTERMINATION OF THE JEWS THROUGHOUT EUROPE. SO BAD WAS ONE OF THESE OUTFITS THAT THE JUDGE SAID, IT AMOUNTS TO AN ANIMAL AUSCHWITZ. AND IBACH KNEW ABOUT THAT AND OTHERS. I PARTICIPATED IN A DEMONSTRATION AROUND THE COURTHOUSE IN LINCOLN WHEN THE WOMAN WHO IS THE PERPETRATOR WAS ON TRIAL. I GIVE THAT ONE EXAMPLE BECAUSE I DON'T WANT TO PARADE...

PRESIDENT FOLEY: TIME, SENATOR.

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT.

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

SENATOR KRIST: THANK YOU, MR. PRESIDENT. I'D YIELD MY TIME TO SENATOR CHAMBERS.

PRESIDENT FOLEY: SENATOR CHAMBERS, 4:50.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KRIST. AND IF THE ANIMALS WERE AWARE OF WHAT YOU DID AND COULD EXPRESS THEMSELVES, THEY WOULD THANK YOU ALSO BECAUSE THEY ARE NOT OFTEN SPOKEN FOR ON THIS FLOOR. I WAS GOING TO SAY THAT I DIDN'T WANT TO PARADE A SERIES OF HORRIBLES BEFORE YOU THIS MORNING, AND I WON'T. BUT THE LADY WHO WORKS WITH ME HAD VISITED AN ANIMAL SHELTER IN AUBURN, NEBRASKA, WHICH IS A NO-KILL FACILITY. SHE SAW THIS MINIATURE POODLE COWERING IN A CORNER, NOT BECAUSE SHE WAS ABUSED. THOSE PEOPLE AT HEARTS UNITED FOR ANIMALS GIVE THE KIND OF CARE WHICH CHRISTIANS WOULD SAY WOULD BE ADMINISTERED BY ANGELS, BASED ON HOW THEY VIEW ANGELS. THEY ARE PATIENT. THEY ARE COMPASSIONATE. THEY GIVE ALL OF THE TIME NECESSARY. THEY WORK TOWARD RESOCIALIZING THESE ANIMALS SO THAT THEY WILL COME TO UNDERSTAND, TO THE EXTENT THAT THEIR MISTREATMENT WILL ALLOW THEM TO ACCEPT IT, THAT NOT EVERY HUMAN BEING IS GOING TO INFLECT PAIN AND SUFFERING, BUT SHE SAW THIS LITTLE POODLE AND DECIDED TO ADOPT HER. AND I BECAME VERY ATTACHED TO THIS LITTLE POODLE. HER NAME WAS NICOLE. WHEN AN ANIMAL IS LEFT ALONE, THE ANIMAL WILL EXPERIENCE WHAT'S CALLED SEPARATION ANXIETY. AND THEY DO THINGS--THEY MIGHT TEAR UP FURNITURE OR DO OTHER THINGS. SO BEING AWARE OF A FEW THINGS, I TOLD CINDY, FIRST OF ALL, SHE NEVER SHOULD HAVE GOTTEN THE LITTLE DOG BECAUSE THE LITTLE ONE WOULD TAKE TOO MUCH OF HER TIME AND ON AND ON. WELL, I WOUND UP BEING THE ONE WHO FELL VICTIM TO WHAT I WARNED HER ABOUT. SHE WAS RESCUED FROM ONE OF THOSE PLACES WHERE THEY WOULD TAKE A PIPE AND RUN IT DOWN AN ANIMAL'S THROAT TO DISABLE AND DESTROY THE VOCAL CORDS SO THE ANIMAL COULD NOT BARK. THIS LITTLE ONE HAD BEEN KEPT IN A CAGE SO LONG SHE DID NOT KNOW HOW TO GO UPSTAIRS OR DOWNSTAIRS. WHEN CINDY GOT HER, AND I SAID--WE'RE GOING TO TAKE HER TO LINCOLN EVERY DAY, SHE WOULD BE PLACED IN A POSITION AND SHE WOULD STAY THERE AS THOUGH SHE WERE A STATUE. SHE WOULD NOT MOVE. IT TOOK A WHILE TO OVERCOME THAT. NICOLE WAS KNOWN BY PEOPLE WHO VISITED THE CAPITOL. NOBODY TOLD ME THAT SHE COULD NOT BE IN MY OFFICE FOR THE

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AMOUNT OF TIME THAT I WAS IN MY OFFICE. WHEN THEY HAD A SIGN OUT THERE ON THE LAWN THAT SAID, "KEEP OFF THE GRASS," WHEN NICOLE NEEDED TO GO OUTSIDE SHE LIKED TO WALK ON THE GRASS, SO THAT'S WHERE WE WOULD GO. AND ONE DAY SOME OF MY COLLEAGUES WERE LEAVING THE BUILDING TO GO TO LUNCH AND THEY SAID, IN A JOCLAR FASHION, ERNIE, CAN'T YOU READ THE SIGN?

PRESIDENT FOLEY: ONE MINUTE.

SENATOR CHAMBERS: I SAID--WHAT SIGN? THEY SAID--IT SAYS KEEP OFF THE GRASS. I SAID--SURE, I CAN READ, BUT NICOLE CANNOT. AND WHAT NICOLE WANTS, NICOLE GETS. I AM HER VALET. AND A VALET KNOWS HOW TO FOLLOW INSTRUCTIONS AND I FOLLOWED THEM TO THE LETTER. AND THE NEXT TIME I SPEAK, I'M GOING TO TELL YOU OF AN INCIDENT THAT HAPPENED WITH A FORMER DIRECTOR OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES OR DAS. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CHAMBERS, YOU ARE NEXT IN THE QUEUE. AND THIS YOUR THIRD OPPORTUNITY ON YOUR TIME, SENATOR.

SENATOR CHAMBERS: THANK YOU. THIS PERSON SAW CINDY IN THE HALLWAY ON THE FIRST FLOOR NEAR THAT CIRCULAR DESK. AND CINDY HAD NICOLE WITH HER. SO SHE HEARD THIS VOICE--HEY, HEY YOU. WELL, THAT'S NOT CINDY'S NAME AND SHE DOESN'T RESPOND TO THAT. SO THIS INDIVIDUAL APPROACHED HER RAPIDLY SO THAT CINDY COULD SEE HER. AND SHE SAID--DIDN'T YOU HEAR ME CALL YOU? AND CINDY DISREGARDED HER. SO THIS WOMAN SAID--THAT DOG CAN'T BE IN HERE. AND THAT WAS THE BUTTON THAT SHE SHOULD NOT HAVE PUSHED. CINDY DIDN'T USE PROFANITY. SHE SAID--WELL, SHE IS HERE AND SHE'S GOING TO STAY HERE. AND THIS PERSON SAID, WELL, THE STATE PATROL WILL SEE ABOUT THAT. AND CINDY TOLD HER--WELL, WHEN YOU SEND THE STATE PATROL, HAVE THEM GO TO SENATOR CHAMBERS' OFFICE BECAUSE THAT'S WHERE THIS ONE IS GOING. NEVER SAW THE STATE PATROL COME THERE TO DO ANYTHING ABOUT NICOLE. AND IF THEY HAPPENED TO COME, THEY WOULD SPEAK TO HER. I GET VISITS FROM ALL KIND OF PEOPLE. SENATORS WOULD SPEAK. WHEN LARRY BARE, THE THEN TOP MAN WITH GOVERNOR HEINEMAN WOULD COME, HE WOULD ALWAYS ACKNOWLEDGE NICOLE FIRST. AND NICOLE LOOKED OUT FOR ME. WHEN PEOPLE CAME TO THE OFFICE, AFTER SHE FELT THEY'D BEEN THERE LONG ENOUGH, SHE WOULD ACTUALLY BEGIN TO BARK. AND I WOULD TELL THEM, WELL, TIME'S UP, YOU GOT TO GO. BUT WHEN YOU HAVE ANY CONTACT WITH AN ANIMAL, NOT TO SLAUGHTER IT, OR TO EAT IT AFTER IT'S BEEN SLAUGHTERED. AND BY THE WAY, I EAT MEAT SO

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BEFORE ALL OF YOU WHO MAKE YOUR LIVING OFF THAT, DON'T THINK I'M SAYING THAT YOU'RE GOING TO BE ATTACKED BY ME, EXCEPT FOR THE WAY THAT THESE ANIMALS ARE TREATED IN THE PROCESS OF REARING THEM. SO WHEN YOU HAVE THAT KIND OF RELATIONSHIP AND YOU'RE AWARE THAT NICOLE'S BROTHERS AND SISTERS ARE BEING SORELY ABUSED AND MISTREATED, THEN AN OBLIGATION IMMEDIATELY ATTACHES WHERE YOU'VE GOT TO DO SOMETHING ABOUT IT. I HAD THAT CONVERSATION WITH MR. IBACH BECAUSE I WAS CALLED BY PEOPLE WHO CARED ABOUT ANIMALS THROUGHOUT THE STATE. WHEN IT CAME TIME FOR HIM TO BE RECONFIRMED, I MADE IT CLEAR THAT I WOULD NOT SUPPORT HIS CONFIRMATION. AND HE, I'M SURE, WAS AWARE OF THAT. SO I HAVE AN OBLIGATION. I AM NOT CONVINCED THAT HE IS GOING TO DO ALL OF THE THINGS HE PROMISED THAT HE WOULD DO UNDER PRESSURE. I'M GOING TO WATCH HIM, TO USE THAT CLICHE--LIKE A HAWK. AND WHEREAS MY COLLEAGUES, WHO I'M SURE ARE SPEAKING IN GOOD FAITH, SAY THEY WILL KEEP AN EYE ON HIM. I THINK THE CARES OF THE WORLD AND THE ISSUES DEALT WITH IN THE LEGISLATURE MAY BEAR IN AND THAT PROMISE THEY MADE WILL BE KIND OF PUSHED ASIDE, THEN PUSHED TO THE BACK, THEN TOTALLY DISREGARDED. BUT I WILL BE THERE. AND IN THE SAME WAY THAT I WANT TO STOP THE BUTCHERY OF THESE MOUNTAIN LIONS, I CARE ABOUT ANIMALS FROM THE TOP OF THE FOOD CHAIN, LIKE THE MOUNTAIN LION IN NEBRASKA, WHICH THEY WANT TO EXTERMINATE,...

PRESIDENT FOLEY: ONE MINUTE.

SENATOR CHAMBERS: ...TO THE HELPLESS LAMB AFTER WHOM JESUS WAS NAMED. HE WAS CALLED THE LAMB OF GOD. LAMBS ARE HELPLESS. THEY ARE UNABLE TO PROTECT OR DEFEND THEMSELVES AGAINST ANYTHING. INNOCENT AND NAIVE, AS ONE OF THE METAPHYSICAL POETS WROTE: THAT LAMB WILL LICK THE HAND THAT IS RAISED TO SHED ITS BLOOD. SO ANIMALS HAVE NOT ALWAYS BEEN PORTRAYED IN A NEGATIVE MANNER THAT WOULD JUSTIFY THE CRUEL TREATMENT INFLECTED ON THEM BY HUMAN BEINGS WHO ARE SUPPOSED TO BE OF A HIGHER ORDER MADE IN THE IMAGE OF THE ONE WHO CREATED THEM. THANK YOU, MR. PRESIDENT.

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

SENATOR KRIST: THANK YOU, MR. PRESIDENT; GOOD MORNING, AGAIN, MEMBERS; AND GOOD MORNING, NEBRASKA. I KNOW SENATOR CHAMBERS DID NOT WANT TO GO INTO GRUESOME DETAILS. BUT I WOULD LIKE TO SHARE ONE STORY WITH YOU. I HAVE A GOOD FRIEND, A FAMILY FRIEND, CHRISTINA ADOPTS AND NURSES THESE ANIMALS BACK TO HEALTH WHEN THEY COME FROM THESE PUPPY MILLS AND PLACES THAT I BELIEVE THE

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DEPARTMENT COULD TAKE ACTION UNILATERALLY TO STOP THIS KIND OF ACTIVITY. SHE DESCRIBED WHERE THIS YOUNG PUP CAME FROM AS KENNELS PILED 6 HIGH, 40 ACROSS, AND THE ONLY PURPOSE FOR THAT YOUNG ANIMAL, THAT YOUNG FEMALE ANIMAL, WAS TO CONTINUE TO TURN OUT LITTER AFTER LITTER AFTER LITTER, AND I COULD GO ON FOR A WHILE. ONE ANIMAL THAT SHE IS NURSING BACK TO HEALTH, A FEW MONTHS AGO, HAD OVER 14 LITTERS IN A SHORT PERIOD OF TIME, AND I CAN'T DEFINE WHAT THAT IS, BUT 14 LITTERS. SHE HAPPENED TO BE ON THE BOTTOM ROW. SO EVERYTHING FLOWED DOWNHILL TO HER. IMAGINE THAT FOR A MINUTE. IMAGINE THE SURGERY THAT TOOK SEVERAL HOURS TO RECONSTRUCT HER TEATS BECAUSE OF THE NURSING AND THE EXHAUSTION IN HER BODY. IMAGINE THAT HAPPENING EVERY DAY TO THE POINT WHERE WHEN THIS YOUNG ANIMAL WAS RESCUED, SHE WAS LITERALLY TWICE OR THREE TIMES HER AGE IN TERMS OF HER PRODUCTIVITY, HER ORGANS, WHICH HAD TO BE REMOVED. THINK ABOUT THAT WHEN YOU CUDDLE UP NEXT TO YOUR CAT OR YOUR DOG, OR YOU PET YOUR NEIGHBOR'S DOG ON THE HEAD. IT'S WRONG. WE TALK ABOUT HUMANITY. HUMANITY MEANS A LOT OF THINGS TO A LOT OF PEOPLE. WE DON'T HAVE TOUGH ENOUGH RESTRICTIONS, TOUGH ENOUGH ENFORCEMENT IN THIS STATE. I KNOW THERE ARE SEVERAL PEOPLE WHO ARE BRINGING BILLS FORWARD. I KNOW OUR RESIDENT VETERINARIAN TALKED TO ME THIS MORNING ABOUT THAT ISSUE. WE NEED TO DO SOMETHING IF THEY WILL NOT DO SOMETHING. THANK YOU FOR ALL THOSE PEOPLE WHO ARE OUT THERE THAT RESCUING THESE ANIMALS AND TRYING TO NURSE THEM BACK TO HEALTH. I YIELD THE REST OF MY TIME TO SENATOR CHAMBERS.

PRESIDENT FOLEY: TWO MINUTES, SENATOR CHAMBERS.

SENATOR CHAMBERS: THANK YOU, SENATOR KRIST. THANK YOU, MR. PRESIDENT. THIS IS AN ISSUE THAT I'M GOING TO FIGHT ON FOR THE REST OF THE TIME I'M IN THE LEGISLATURE. I HAVE BACKED AWAY FROM A PLEDGE I HAD MADE TO ATTACK EVERYTHING THAT COULD BENEFIT THE GAME AND PARKS COMMISSION BECAUSE OF THESE VICIOUS, SAVAGE, SO-CALLED HUNTS THEY ALLOWED FOR MOUNTAIN LIONS; CHASED DOWN BY DOGS, UP A TREE WHERE THAT GOD THAT CREATED HIM OR HER TAUGHT THAT ANIMAL IT SHOULD GO FOR REFUGE. THESE HUMAN BEINGS WHO KNOW IT WOULD LET THE DOGS CHASE THE ANIMAL UNTIL...

PRESIDENT FOLEY: ONE MINUTE.

SENATOR CHAMBERS: ...IT WAS EXHAUSTED. THEN WHEN THE ANIMAL CLIMBED TO THE TOP OF THE TREE OR AS HIGH AS IT COULD GO, WHICH WAS A SIGN OF "I GIVE UP, IT'S OVER," THEY WOULD HELP POSITION A GUN AND

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SHOOT THAT ANIMAL AND THESE ARE THE PEOPLE WHO CALLED THEMSELVES HUNTERS AND SPORTSMEN. AND THESE ARE THE PEOPLE THAT CABELA'S HIRED, JOHN LINDSAY, TO SERVE AS A LOBBYIST AGAINST MY MOUNTAIN LION BILL SO THEY CAN CONTINUE TO DO THIS. I HAVE NO RESPECT FOR ANY OF THEM. BUT SINCE THEY ARE NOT GOING TO HAVE A HUNT THIS YEAR, THE FIRST BILL WE HAD THAT WOULD BENEFIT THEM WAS YESTERDAY, GAME AND PARKS, I LEFT IT ALONE. I'M GOING TO OFFER A MOUNTAIN LION PROTECTION PLATE...

PRESIDENT FOLEY: TIME, SENATOR.

SENATOR CHAMBERS: ...AND THE MONEY WILL GO TO THE GAME AND PARKS...

PRESIDENT FOLEY: TIME, SENATOR. SENATOR WILLIAMS, YOU'RE RECOGNIZED.

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND FELLOW SENATORS. I WOULD LIKE TO FIRST OF ALL THANK SENATOR CHAMBERS FOR TAKING AN INTEREST IN THIS ISSUE. I WILL, HOWEVER, TELL YOU I STRONGLY SUPPORT THE CONFIRMATION OF GREG IBACH TO THE DEPARTMENT OF AGRICULTURE. SENATOR CHAMBERS, YOU TAKING AN INTEREST IN THIS ISSUE WILL ENSURE THAT THE DEPARTMENT WILL MAKE CHANGES IN THIS AREA. I'M ALSO CONFIDENT WITH SENATOR KUEHN'S COMMITMENT AND PROMISE LONG TERM. NOW, LET ME TELL ANOTHER STORY. I HAPPEN TO BE ONE OF THE PEOPLE HERE THAT HAS KNOWN GREG IBACH LONGER THAN MANY BECAUSE HE COMES FROM A COMMUNITY IN MY DISTRICT, IN MY COUNTY, A STONE'S THROW FROM GOTHENBURG. A COMMUNITY THAT HE GOES BACK TO EVERY WEEKEND AND STILL PARTICIPATES IN HIS OWN PERSONAL FARMING AND LIVESTOCK OPERATION. GREG IBACH HAS A WONDERFUL UNDERSTANDING OF THE AGRICULTURAL SITUATION IN NEBRASKA AND HAS MADE STRONG PERSONAL COMMITMENTS TO GROWING AGRICULTURE, WHICH IS OUR STATE'S NUMBER ONE ECONOMIC ACTIVITY, FOR THE LONG-TERM FUTURE. BUT I KNOW GREG ON THE PERSONAL SIDE. GREG IS NOT PLEASED WITH WHAT'S HAPPENED WITH THIS ISSUE. I BELIEVE HE WILL WORK AS HARD AS HE CAN TO MAKE A CHANGE IN THAT PARTICULAR ISSUE. BUT LET'S TALK ABOUT SOME POSITIVES. WE HAVE A WATER UTILIZATION CENTER IN GOTHENBURG RUN BY MONSANTO THAT WAS BUILT ABOUT SIX OR SEVEN YEARS AGO THAT IS DOING CUTTING-EDGE RESEARCH ON MAKING AGRICULTURE SUSTAINABLE LONG TERM. TAKING THE NUMBER ONE RESOURCE THAT WE HAVE, AND AS NEEDED FOR AGRICULTURE, WATER, AND FINDING A WAY TO USE THAT IN A BETTER LONG-TERM MANNER FOR OUR STATE. GREG WAS VERY INSTRUMENTAL IN BEING SURE THAT MONSANTO

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CHOSE NEBRASKA TO LOCATE THIS FACILITY RATHER THAN OTHER PLACES THAT IT COULD GO. GREG UNDERSTANDS AGRICULTURE. HE'S A MAN OF HIGH INTEGRITY. AND I HAVE NO DOUBT THAT WITH SENATOR CHAMBERS WATCHING LIKE A HAWK, WE WILL BE TALKING ABOUT POSITIVE THINGS FROM THIS DEPARTMENT IN THE FUTURE RATHER THAN THESE NEGATIVE THINGS THAT WE ARE LOOKING AT NOW. I WOULD STRONGLY URGE THE SENATORS TO VOTE POSITIVE FOR THIS CONFIRMATION. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. SENATOR HOWARD.

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. ON BEHALF OF MURRAY AND WAFFLES HOWARD, I WOULD YIELD MY TIME TO SENATOR CHAMBERS.

PRESIDENT FOLEY: SENATOR CHAMBERS.

SENATOR CHAMBERS: THANK YOU, SENATOR HOWARD. AND JUST A LITTLE LESSON IN COURTESY, I THINK WHEN A SENATOR IS WINDING UP, HE SHOULD NOT BE CUT OFF.

PRESIDENT FOLEY: SENATOR, WE'VE ADDRESSED THAT MATTER.

SENATOR CHAMBERS: I'M GOING TO DIGRESS. THERE ARE THINGS I SAY ON THIS FLOOR THAT ARE NOT LIKED. THERE ARE THINGS I SAY THAT WILL CAUSE COWARDLY PEOPLE TO DO COWARDLY THINGS. AND WHEN THESE THINGS CONTINUE TO HAPPEN, I'M GOING TO CONTINUE TO MENTION THEM. THERE ARE PEOPLE NOW CALLING MY OFFICE MORE SO THAN THEY HAD BEFORE. SO I DON'T KNOW IF IT WAS SOMETHING THAT WAS ORCHESTRATED OR NOT. BUT BECAUSE SOME OF THEM ARE AWARE THAT CINDY, PURSUANT TO MY INSTRUCTIONS, WILL TAKE NO MESSAGES. AND IF ANYBODY STARTS IN ONE OF THOSE DIRECTIONS SHE HANGS UP. THEY DON'T DO ANYTHING WHEN SHE SAYS--SENATOR CHAMBERS' OFFICE, EXCEPT START THEIR TIRADE SO THEY'RE SURE SHE'LL HEAR SOMETHING BEFORE SHE HANGS UP. THOSE ARE THE GOOD PEOPLE OF NEBRASKA. THAT'S THE NEBRASKA WAY. IF I WERE A FLY, I WOULD SEE THE WORLD THROUGH MY EYE IN A DIFFERENT WAY FROM THAT OF AN ELEPHANT. SO I AM LOOKING AT THIS WORLD THAT I EXIST IN IN THIS STATE THROUGH THE EYES THAT I HAVE. AND THE MIND THAT I HAVE PROCESSES WHAT I SEE AND WHAT I EXPERIENCE AND I'M GOING TO SPEAK FROM MY EXPERIENCE AND ON THE BASIS OF THE WAY THAT I INTERPRET IT. I'M NOT SURPRISED THAT THESE COWARDLY NEBRASKANS WOULD DO WHAT THEY DO WHEN THEY CALL MY OFFICE WHEN I'M AWARE OF HOW THEY MISTREAT THESE ANIMALS WHO HAVE OFFENDED THEM IN NO WAY, WOULDN'T EVEN KNOW HOW TO OFFEND THEM. I SPEAK OF THE MOUNTAIN LIONS. THEY ARE VERY CURIOUS, AS ARE ALL FELINES. AND IN PLACES

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WHERE PEOPLE ARE FAMILIAR WITH THEM, EXPERTS AND SCIENTISTS HAVE STUDIED THEM. THEY KNOW THESE ANIMALS WILL FOLLOW A PERSON, NOT TO HARM THE PERSON, BUT OUT OF CURIOSITY AND WILL NOT HARM THE PERSON. SO WHEN THE COMMITTEE OF NATURAL RESOURCES KILLS MY BILL, AS I KNOW THAT THEY ARE GOING TO DO, I'M GOING TO OFFER A MOTION TO PULL IT FROM THAT COMMITTEE. AND THAT ISSUE IS GOING TO BE DISCUSSED AND I WILL CONVERT MY BILL INTO AN AMENDMENT TO TAKE AWAY FROM GAME AND PARKS THE POWER TO ESTABLISH A HUNTING SEASON FOR THESE FEW REGAL ANIMALS, NATIVE TO THIS STATE, WHO WERE EXTERMINATED AND WERE FIRST SEEN AGAIN IN 1991. BUT THE NEBRASKANS WANTED TO KILL THEM OFF AGAIN. AND I'M GOING TO DO ALL I CAN TO STOP THAT. BUT GOING BACK TO WHAT I WAS SAYING ABOUT THE GAME AND PARKS COMMISSION, THEY SAID THERE WILL BE NO HUNTING SEASON...

PRESIDENT FOLEY: ONE MINUTE.

SENATOR CHAMBERS: ...THIS YEAR. AND THAT THEY'RE GOING TO CONDUCT A THREE-YEAR STUDY WHICH MAY MEAN THERE'S A MORATORIUM ON THE HUNTING FOR THAT PERIOD OF TIME. BUT I PLAN NOW, IF I'M ALIVE, TO RUN AGAIN FOR CERTAIN FOR ANOTHER TERM WHEN THESE TWO YEARS ARE OVER. AND MY FIRST FOUR YEARS BACK WILL HAVE BEEN COMPLETED. THESE ANIMALS ARE ENTITLED TO SOMETHING OTHER THAN WHAT NEBRASKANS WANT TO GIVE THEM. AND I WILL PROVIDE THAT TO THE EXTENT I CAN. AND I DON'T WANT TO BE PRESUMPTUOUS, BUT IF MY FRIEND, SISTER HOWARD, WOULD GIVE ME ONE MORE TIME, THEN I WILL SPEAK ONE MORE TIME, THEN I WILL LET THIS GO.

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

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I WOULD YIELD MY TIME TO SENATOR CHAMBERS.

PRESIDENT FOLEY: SENATOR CHAMBERS.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, LITTLE SISTER. MEMBERS OF THE LEGISLATURE, I FEEL OBLIGATIONS THAT OTHER PEOPLE DON'T. TO THE SAME EXTENT THAT YOU FEEL YOU HAVE TO GIVE CERTAIN INTERESTS PROPERTY TAX BREAKS, I FEEL I HAVE TO HELP THESE ANIMALS. TO THE SAME EXTENT THAT SOME FEEL THEY MUST GIVE OTHERS INCOME TAX BREAKS, I FEEL THAT I MUST LOOK OUT FOR THESE ANIMALS. I HAVE SAID, DOWN THROUGH THE YEARS, I'M THE DEFENDER OF THE DOWNTRODDEN, AND PEOPLE ASSUME THAT MEANT ANIMALS WITH TWO

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FEET. AND THAT'S TRUE. BUT I ALSO AM CONCERNED ABOUT ANIMALS WITH FOUR FEET. AND I DEMONSTRATED THAT IT DOESN'T STOP THERE. ONE OF THESE FOOLISH PEOPLE PURCHASED A BURMESE PYTHON WITHOUT UNDERSTANDING ANYTHING ABOUT THE ANIMAL AND WOULD LET THE ANIMAL BE IN BED WITH THEM. AND ONE TIME SHE BIT HIM. SO HE WANTED HER KILLED. I READ ABOUT THIS INCIDENT IN THE LINCOLN JOURNAL. SO I ASKED THE REPORTER TO GIVE ME THAT MAN'S NAME AND PHONE NUMBER AND I CALLED HIM. I SAID, I WANT TO BUY THAT SNAKE FROM YOU. HE SAID, BUY IT FROM ME? I SAID, YEAH, SINCE YOU WANT TO KILL IT, I'LL GIVE YOU \$50. HE SAID, WELL, I ALREADY GAVE IT TO THE HUMANE SOCIETY FOR DESTRUCTION. I DIDN'T KNOW WHAT THE HUMANE SOCIETY WOULD DO. SO I SAID, WELL THEN, I'M GOING TO COME TO WHERE YOU LIVE. I'M GOING TO GIVE YOU \$50 AND YOU SIGN A BILL OF SALE FOR THAT ANIMAL. AND THEN IT BECOMES MINE, WHICH HE DID. AND I WENT TO THE HUMANE SOCIETY AND THEY WEREN'T SURE WHAT THEY WERE GOING TO DO. SO I SAID, WELL, YOU DON'T HAVE TO WORRY ABOUT THAT, BECAUSE THE ANIMAL IS MINE NOW. SO MY CONSTITUENCY EXPANDED--TWO FEET, FOUR FEET, NO FEET. AND I PROCURED A CAGE IN WHICH TO CARRY THE ANIMAL; CONTACTED THE ZOO IN LINCOLN, AND THEY AGREED TO TAKE WHAT WE WOULD CALL CUSTODY OF THE SNAKE UNTIL THEY COULD FIND A HOME FOR IT SOMEPLACE ELSE. AND THAT'S HOW THAT STORY ENDED. I'VE STATED BEFORE THAT LIFE, TO ME AND FOR ME, IS NOT COMPARTMENTALIZED, IT IS NOT BROKEN INTO SEGMENTS, EACH OF WHICH IS DISCRETE AND SEPARATE FROM EVERYTHING ELSE. LIKE A RIVER, IT JUST ALL FLOWS. AND NOT EVERYBODY SEES THINGS THAT WAY. AND THAT'S WHAT MAKES THE JOB OF SOMEBODY SUCH AS MYSELF, AND PEOPLE LIKE ME, DIFFICULT. BECAUSE TO USE THE ANALOGY OF A FLOWING RIVER, WE'RE ALWAYS SWIMMING UPSTREAM. THE ONLY ANIMAL I KNOW THAT DOES THAT IS THE SALMON. BUT IT SWIMS UPSTREAM AND THEN IT DIES. BEARS CATCH THEM ALONG THE WAY, HUMAN BEINGS, BUT I SWIM UPSTREAM NOT TO DIE, NOR JUST "YESTERDIE," BUT IN ORDER TO ACHIEVE SOMETHING AT THE OTHER END OF THAT STREAM WHICH NEEDS TO BE DONE AND NOBODY ELSE WILL SET HIS OR HER HAND TO DOING IT.

PRESIDENT FOLEY: ONE MINUTE.

SENATOR CHAMBERS: I ACCEPT WHAT SENATOR WILLIAMS HAS SAID. I ACCEPT WHAT OTHERS HAVE SAID ABOUT WHAT THIS INDIVIDUAL WHOSE CONFIRMATION YOU WILL VOTE FOR, WHAT HE WILL DO. THEY THINK IT'S BECAUSE HE'S A GOOD MAN. BUT I DON'T SEE HIM AS A GOOD MAN, BECAUSE WHEN HE HAD EVERYTHING HIS WAY, HE BEHAVED LIKE A VERY BAD MAN. BUT SINCE HE IS THERE AND THEY SAY WE HAVE TO PLAY THE HAND WE'RE DEALT, I WILL DO EVERYTHING I CAN TO MAKE HIM SUCCESSFUL AT WHAT I THINK HE SHOULD DO. AND I WILL STOP THERE. THANK YOU, MR. PRESIDENT.

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR JOHNSON, YOU'RE WELCOME TO CLOSE ON THE CONFIRMATION REPORT.

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. AND IT'S ENLIGHTENING TO ME TO BE ABLE TO SIT AND LISTEN TO THE DISCUSSION AGAIN. I DO KNOW THAT THE MESSAGE HAS BEEN HEARD. I STARTED HEARING ABOUT THIS, CAME ON MY RADAR SCOPE LAST SUMMER, WHEN A FRIEND OF MINE CAME AND TALKED TO ME ABOUT IT. I GOOGLED PUPPY MILLS. SENATOR KRIST INTRODUCED THAT WORD. I DON'T HAVE ANY OPPOSITION TO IT, BUT I LEFT IT OUT OF MY COMMENTS. I GOOGLED THAT AND IT'S AN ISSUE NOT ONLY IN NEBRASKA BUT OTHER STATES AND PEOPLE ARE TRYING TO RECTIFY THIS. I APPRECIATE THE FACT THAT SENATORS, THAT WERE NOT EVEN ELECTED INTO THIS BODY, LOOKED AT SOME THINGS AND CAME FORWARD WITH BILLS--SENATOR KOLTERMAN, SENATOR KUEHN. WE HAVE FOUR BILLS, I HAVE TWO OF THEM. WE'LL BE APPROACHING IT FROM A LITTLE BIT DIFFERENT PERSPECTIVE. BUT I BELIEVE WE'LL BE ABLE TO COME UP WITH SOMETHING THAT WILL BE MORE PROACTIVE, WILL, HOPEFULLY, SOLVE WHAT WE'RE DISCUSSING TODAY AND BE ABLE TO PROTECT THOSE ANIMALS. THIS IS NOT A PERFECT WORLD. I DON'T KNOW THAT WE WILL BE ABLE TO SATISFY EVERYBODY. BUT WE'LL HAVE TO COME A LONG WAY IN ORDER TO AT LEAST GET TO A POINT WHERE IT MAYBE WILL BE SOMEWHAT SATISFACTORY. I THINK IT WAS IMPORTANT TO ME WHEN THE NEBRASKA HUMANE SOCIETY CAME IN, RECOGNIZED WHERE THE DEPARTMENT HAS BEEN, BUT RECOGNIZING THE FACT THAT THERE HAS BEEN A CHANGE IN ATTITUDE. I'LL GIVE SENATOR CHAMBERS CREDIT FOR MAYBE HAVING AN EFFECT ON THAT. BUT I DO KNOW THEY HAVE HEARD THE MESSAGE, AG COMMITTEE HAS HEARD THE MESSAGE, SOME SENATORS HAVE HEARD THE MESSAGE, AND WE HAVE BILLS IN PLACE IN THE SAME COMMITTEE THAT HEARD HIS CONFIRMATION THAT WE WILL BE DISCUSSING THAT A WEEK FROM NEXT TUESDAY. WITH THAT BEING SAID, WE'VE HEARD ALL THE DETAILS. I THINK WHEN YOU LOOK AT THE TOTALITY OF THE AG DEPARTMENT, WHAT THEY'VE DONE, IT'S BEEN VERY POSITIVE. NOW WE'VE GOT SOME THINGS TO CLEAN UP ON THINGS THAT THEY HAVE NOT DONE AND WE WILL WORK ON THAT. AGAIN, THANKS TO EVERYBODY FOR THEIR TESTIMONY. I WILL CLOSE WITH THAT. THANK YOU, MR. SPEAKER.

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATORS, YOU HEARD THE DEBATE ON THE CONFIRMATION REPORT. THE QUESTION IS THE ADOPTION OF THAT REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED, VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK.

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ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 430.) 29
AYES, 2 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE REPORT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CONFIRMATION IS ADOPTED.
RETURNING TO THE NEXT CONFIRMATION REPORT. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT REPORT IS FROM THE
NEBRASKA RETIREMENT SYSTEMS COMMITTEE ON APPOINTMENT TO THE
NEBRASKA INVESTMENT COUNCIL. (LEGISLATIVE JOURNAL PAGE 402.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR NORDQUIST, YOU'RE
WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. THE
NEBRASKA RETIREMENT SYSTEMS COMMITTEE HELD A CONFIRMATION
HEARING ON FEBRUARY 4 FOR JOHN DINKEL. MR. DINKEL HAS BEEN
REAPPOINTED BY THE GOVERNOR TO SERVE A THIRD TERM ON THE
NEBRASKA INVESTMENT COUNCIL. HE WAS ORIGINALLY APPOINTED TO THE
COUNCIL IN JULY, 2006. THE NEBRASKA INVESTMENT COUNCIL MANAGES THE
INVESTMENTS OF 30 DIFFERENT ENTITIES FOR THE STATE, INCLUDING OUR
PENSION FUNDS AND ENDOWMENT FUNDS. MR. DINKEL LIVES IN NORFOLK.
HE'S A SUCCESSFUL BUSINESSMAN AND OWNER AND MANAGER OF DINKEL
IMPLEMENT COMPANY. HE DESCRIBES HIMSELF AS A CONSERVATIVE IN HIS
APPROACH TO INVESTING ON THE COUNCIL. HE IS PRAISED BY FELLOW
COUNCILMEMBERS AS HARDWORKING. HE BRINGS REAL-WORLD EXPERIENCE
AND A STRONG WORK ETHIC TO THE NEBRASKA INVESTMENT COUNCIL AND
IS WELL-QUALIFIED TO MAKE DECISIONS REGARDING THE INVESTMENTS OF
PUBLIC FUNDS. THE RETIREMENT COMMITTEE UNANIMOUSLY VOTED TO
MOVE MR. DINKEL'S APPOINTMENT TO THE LEGISLATION FOR CONFIRMATION,
AND I ASK FOR YOUR SUPPORT IN CONFIRMING HIS APPOINTMENT TO THE
NEBRASKA INVESTMENT COUNCIL.

PRESIDENT FOLEY: THANK YOU, SENATOR NORDQUIST. DEBATE IS NOW OPEN
ON THE CONFIRMATION REPORT. SENATOR SCHEER.

SENATOR SCHEER: THANK YOU, LIEUTENANT GOVERNOR. I RISE TO ASK FOR
THE SUPPORT OF MR. DINKEL AS WELL. HE'S A PERSONAL FRIEND OF MINE.
HE'S A HARDWORKING, INTELLECTUAL INDIVIDUAL THAT WHEN HE IS GIVEN A
RESPONSIBILITY, HE DOES TAKE IT TO HEART. AND HE WORKS VERY HARD AT
ANYTHING THAT HE IS ASSOCIATED WITH. THERE ARE ALWAYS PEOPLE ON
CERTAIN COMMITTEES...NOT NECESSARILY GOVERNMENTAL...BUT, THAT WE
ALL KNOW THAT JUST LIKE TO BE ON COMMITTEES TO BE ON COMMITTEES,
AND THIS IS NOT THAT TYPE INDIVIDUAL. HE'S A HARDWORKING INDIVIDUAL.

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HE'S ARTICULATE. HE'S INTELLIGENT, AND HE TAKES THOSE MATTERS IN THE RETIREMENT AREA VERY SERIOUSLY, AND I WOULD VERY MUCH APPRECIATE THE SUPPORT FOR MR. DINKEL. THANK YOU, LIEUTENANT GOVERNOR.

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. SENATOR McCOLLISTER.

SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER, AND GOOD MORNING, COLLEAGUES. I ALSO RISE IN SUPPORT OF JOHN DINKEL FOR THIS IMPORTANT COMMITTEE. HE IS A MAN OF INTEGRITY. HE SERVED THE COMMITTEE WELL, AND I AM POSITIVE THAT HE'LL CONTINUE TO SERVE THE STATE AND THE COMMUNITY WELL IN THE FUTURE. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SENATOR BLOOMFIELD.

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I'VE HAD THE PLEASURE OF KNOWING AND DOING BUSINESS WITH JOHN DINKEL FOR ABOUT 25 YEARS NOW. AS OTHERS HAVE SAID, HE IS INDEED AN HONORABLE MAN. HE'S IN THE IMPLEMENT BUSINESS. IT'S A BUSINESS WHERE A LOT OF FOLKS GET ACCUSED OF DOING SHADY THINGS. I HAVE NEVER KNOWN JOHN DINKEL TO DO A SHADY THING. IF HE TELLS YOU A PIECE OF EQUIPMENT IS THE WAY THAT HE THINKS IT TO BE, THAT'S THE WAY IT'S GOING TO BE WHEN YOU GET IT HOME. I CAN THINK OF NOBODY BETTER QUALIFIED TO SERVE ON THIS TYPE OF BOARD THAN MR. JOHN DINKEL.

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. (VISITORS INTRODUCED.) SENATOR SCHUMACHER, YOU'RE RECOGNIZED.

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I JOIN WITH SENATOR BLOOMFIELD IN ENDORSING THE CONFIRMATION OF THIS REPORT. VERY EXCELLENT, VERY HIGH INTEGRITY IN THE DINKEL'S IMPLEMENT SHOP, WELL-RESPECTED IN THE COMMUNITY, AND I KNOW HE'LL DO A GREAT JOB. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR NORDQUIST, YOU'RE WELCOME TO CLOSE. SENATOR NORDQUIST WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 430-431.) 33 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT.

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CONFIRMATION REPORT IS ADOPTED. MR. CLERK, ARE THERE ITEMS FOR THE RECORD?

ASSISTANT CLERK: MR. PRESIDENT, YOUR COMMITTEE ON APPROPRIATIONS GIVES NOTICE OF COMMITTEE HEARING FOR FEBRUARY 17. I HAVE A REPORT FROM NATURAL RESOURCES ON THE APPOINTMENT OF JOEL CHRISTENSEN OF THE NEBRASKA RESOURCES COMMISSION. AND AN AMENDMENT TO BE PRINTED TO LB430 FROM SENATOR MELLO. THAT'S ALL I HAVE. (LEGISLATIVE JOURNAL PAGE 431.) [LB430]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE NOW MOVE TO GENERAL FILE. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, LB272 INTRODUCED BY SENATOR CRAWFORD. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 14. IT WAS REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE. THE BILL WAS CONSIDERED BRIEFLY YESTERDAY. [LB272]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU PROVIDED YOUR OPENING STATEMENT YESTERDAY, BUT IF YOU WOULD LIKE TO TAKE A COUPLE OF MOMENTS NOW, YOU'RE WELCOME TO DO SO, TO REFRESH US ON THE BILL. [LB272]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. UNDER LB272, BUSINESSES MAY, IF THEY CHOOSE TO DO SO, THEY MAY ELECT TO OFFER A HIRING PREFERENCE FOR VETERANS AND SPOUSES OF 100 PERCENT DISABLED VETERANS. THIS PREFERENCE POLICY MUST BE IN WRITING AND APPLIED UNIFORMLY TO DECISIONS REGARDING HIRING AND PROMOTION. EMPLOYERS SEEKING TO IMPLEMENT A VOLUNTARY VETERANS PREFERENCE POLICY MUST NOTIFY THE DEPARTMENT OF LABOR. THE DEPARTMENT OF LABOR SHALL MAINTAIN A REGISTRY OF EMPLOYEES WITH THE VOLUNTARY VETERANS PREFERENCE EMPLOYMENT POLICY. THE DEPARTMENT OF LABOR AND EQUAL OPPORTUNITY COMMISSION HAVE BOTH INDICATED THAT THEY CAN DO SO WITHOUT ADDED FISCAL COSTS. IF ADOPTED, NEBRASKA WOULD JOIN AT LEAST 12 STATES, INCLUDING NEIGHBORING IOWA, WHO HAVE ESTABLISHED SIMILAR PROGRAMS. CURRENTLY, PRIVATE SECTOR EMPLOYEES WISHING TO ESTABLISH A VETERAN HIRING PREFERENCE MAY BE HESITANT TO DO SO OUT OF CONCERN ABOUT DISCRIMINATION UNDER TITLE VII OF THE CIVIL RIGHTS ACT. TITLE VII, SECTION 11, OF THE CIVIL RIGHTS ACT CONTAINS A CARVE-OUT THAT ALLOWS STATES TO PASS STATUTES TO OFFER THIS PREFERENCE. I WANT TO ALSO SAY IN

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INTRODUCING THAT I FULLY SUPPORT SENATOR GARRETT'S AMENDMENT TO THIS BILL. WE HAVE DISCUSSED IT AND WORKED TOGETHER IN CRAFTING AN AMENDMENT, AND SO I SUPPORT THAT AMENDMENT AND ALSO ENCOURAGE YOU TO SUPPORT LB272. [LB272]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. MR. CLERK. [LB272]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR GARRETT WOULD MOVE TO AMEND WITH AM137. (LEGISLATIVE JOURNAL PAGE 432.) [LB272]

PRESIDENT FOLEY: SENATOR GARRETT, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB272]

SENATOR GARRETT: THANK YOU, LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. I STRONGLY SUPPORT WHAT SENATOR CRAWFORD IS DOING WITH THIS BILL. IN COMMITTEE, WE DISCUSSED IT AND GOT UNANIMOUS SUPPORT. ONE THING I WANTED TO ADD WAS SPOUSES OF POW-MIA-KIA, AND THIS AMENDMENT JUST COVERS THE KIA, THE KILLED IN ACTION. BETWEEN GENERAL AND SELECT, I HOPE TO...AND THE REASON FOR NOT INCLUDING POW AND MIAs, WE CAN'T FIND THE DD FORMS THAT IDENTIFY THOSE MEMBERS WHO ARE RECOGNIZED AS SUCH. SO, BUT WE'RE BRINGING THIS AMENDMENT TO INCLUDE SPOUSES OF MEMBERS WHO WERE KILLED IN ACTION. AND I STRONGLY URGE THE BODY TO SUPPORT THIS AMENDMENT, AND THE UNDERLYING BILL. THANK YOU, LIEUTENANT GOVERNOR. [LB272]

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. DEBATE IS NOW OPEN ON AM137. SEEING NO SENATORS WISHING TO SPEAK, SENATOR GARRETT, YOU'RE WELCOME TO CLOSE ON YOUR AMENDMENT. SENATOR GARRETT WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM137 TO LB272. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB272]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADOPTION OF SENATOR GARRETT'S AMENDMENT, MR. PRESIDENT. [LB272]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. AM137 IS ADOPTED. RETURNING NOW TO DEBATE ON LB272 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE WELCOME TO CLOSE ON LB272. [LB272]

SENATOR CRAWFORD: I'LL WAIVE CLOSING. I APPRECIATE YOUR SUPPORT ON LB272. [LB272]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. THE QUESTION IS THE

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ADVANCE OF LB272 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB272]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB272]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB272 ADVANCES. RETURNING TO GENERAL FILE. MR. CLERK. [LB272]

ASSISTANT CLERK: MR. PRESIDENT, LB305 INTRODUCED BY SENATOR SCHNOOR. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15, REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THAT COMMITTEE REPORTS THE BILL TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. (AM112, LEGISLATIVE JOURNAL PAGE 352.) [LB305]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHNOOR, YOU'RE WELCOME TO OPEN ON LB305. [LB305]

SENATOR SCHNOOR: THANK YOU, SIR, AND MEMBERS OF THE LEGISLATURE. LB305 IS A SIMPLE BILL WITH A SINGULAR PURPOSE TO ALLOW ADDITIONAL AREA OF ASSISTANCE TO VETERANS AND OF FAMILIES IN TIME OF NEED. THE NEBRASKA VETERANS AID FUND WAS ESTABLISHED IN 1921. THIS TEMPORARY EMERGENCY AID FUND ASSISTS VETERANS, THEIR SPOUSES, AND DEPENDENTS WHEN AN UNFORESEEN EMERGENCY OCCURS DISRUPTING THEIR NORMAL METHOD OF LIVING AND WHEN OTHER RESOURCES ARE NOT IMMEDIATELY AVAILABLE. PRESENTLY, THE DIRECTOR OF VETERANS AFFAIRS FURNISHES FOOD, SHELTER, FUEL, WEARING APPAREL, OR MEDICAL OR SURGICAL AID, OR IN THE ASSISTANCE WITH FUNERAL EXPENSES FOR SPECIFIC CLASSES OF VETERANS. LB305 WOULD ADD TRANSPORTATION TO THAT LIST OF SERVICES PROVIDED. THE QUALIFICATIONS OF VETERANS AND OF FAMILIES INCLUDE THAT THEY MUST...THE VETERAN MUST HAVE SERVED ON ACTIVE DUTY, BE HONORABLE OR GENERAL DISCHARGED, OR IN THE CASE OF FAMILY ASSISTANCE, THAT VETERAN MUST HAVE DIED WHILE IN SERVICE OR AS A DIRECT RESULT OF SUCH SERVICE. THE NEBRASKA VETERANS AID FUND PROVIDES FOR THE AID OF NEEDY VETERANS AND THEIR DEPENDENTS. THESE VETERANS WORK WITH THEIR LOCAL POST OR COUNTY VETERANS SERVICE OFFICER TO DETERMINE ELIGIBILITY, EVALUATE THE NEED, AND FIND THE BEST COURSE OF ACTION. THE STATE SERVICE OFFICER THEN PROVIDES FINANCIAL ASSISTANCE TO MEET THE IMMEDIATE NEED. THERE ARE NOT ONGOING PAYMENTS, BUT ONLY ASSISTANCE IN A CASE OF EMERGENCY. THE FUND

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WAS ESTABLISHED MORE THAN 90 YEARS AGO AND HAS BEEN REMARKABLY WELL-MANAGED FOR ALL THESE YEARS. EXPANDING SERVICES TO INCLUDE TRANSPORTATION WOULD ALLOW SERVICE OFFICERS TO BE RESPONSIVE TO VETERANS' NEEDS FOR HEALTH, SAFETY, AND EMPLOYMENT BY COVERING EXPENSES FOR LOCALLY AVAILABLE TRANSPORTATION, OR TO PREAUTHORIZE REPAIRS TO PRIVATELY-OWNED VEHICLES WHICH ARE REGISTERED AND INSURED IN NEBRASKA. YOU MAY WONDER WHY THIS MATTER IS BEFORE THE LEGISLATURE WHEN THERE IS NO GENERAL FUND DOLLARS THAT WILL GO TOWARDS THESE EXPENSES. THESE FUNDS ARE IN TRUST WITH THE NEBRASKA INVESTMENT COUNCIL, AND THE LEGISLATURE HAS RESPONSIBILITY FOR OVERSIGHT OF THE APPROPRIATE USE OF THESE FUNDS. WE HAVE THE OPPORTUNITY TO DO THE RIGHT THING BY THE VETERANS AND FAMILIES OF THOSE WHO HAVE SERVED OUR COUNTRY, AND I DO REQUEST YOUR SUPPORT OF LB305. ADDITIONALLY, WHEN THAT WAS...THAT BILL WAS PRESENTED, WE ALSO PRESENTED AN AMENDMENT WHICH WAS TO ENACT THE EMERGENCY CLAUSE SINCE NO MONEY IS BEING APPROPRIATED. THANK YOU. [LB305]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. SENATOR MURANTE, AS CHAIR OF THAT COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. SENATOR MURANTE. [LB305]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT; MEMBERS, GOOD MORNING. THE COMMITTEE AMENDMENT SIMPLY ADDS THE EMERGENCY CLAUSE TO LB305, WHICH WILL MAKE THE LAW OPERATIVE UPON BEING SIGNED BY THE GOVERNOR. SO I WOULD ENCOURAGE YOUR SUPPORT OF AM112 AND LB305. THANK YOU, MR. PRESIDENT. [LB305]

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. DEBATE IS NOW OPEN ON THE COMMITTEE AMENDMENTS TO LB305. SEEING NO SENATORS WISHING TO SPEAK, SENATOR MURANTE, YOU'RE WELCOME TO CLOSE ON COMMITTEE AMENDMENTS. SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENTS TO LB305. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB305]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB305]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE IS NOW OPEN ON LB305 AS AMENDED. SEEING NO

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SENATORS WISHING TO SPEAK, SENATOR SCHNOOR, YOU'RE WELCOME TO CLOSE ON LB305. SENATOR SCHNOOR WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB305 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB305]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB305]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB305 ADVANCES. RETURNING TO GENERAL FILE. MR. CLERK. [LB305]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB23 OFFERED BY SENATOR KRIST. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 8, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE. [LB23]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KRIST, YOU'RE WELCOME TO OPEN ON LB23. [LB23]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AGAIN, AND GOOD MORNING, NEBRASKA. LB23 ADVANCED FROM THE HEALTH AND HUMAN SERVICES COMMITTEE ON A UNANIMOUS VOTE. I WANT TO THANK CHAIRPERSON CAMPBELL AND THE MEMBERS OF THE HHS COMMITTEE FOR ADVANCING IT. AS YOU CAN SEE IN THE COMMITTEE STATEMENT, NO ONE TESTIFIED IN OPPOSITION OR IN A NEUTRAL CAPACITY. THE BILL WAS BROUGHT TO ME BY THE NEBRASKA BOARD OF ENGINEERS AND ARCHITECTS. THE BOARD IS A STATE AGENCY AND ITS MEMBERS ARE APPOINTED BY THE GOVERNOR. AS WITH MANY STATE AGENCIES, THE BOARD'S PURPOSE IS TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC. THE BOARD DOES SO BY REGULATING THE LICENSURE AND PRACTICE OF ENGINEERS AND ARCHITECTURE THROUGHOUT THE ENGINEERS AND ARCHITECTS REGULATION ACT. THE LAST SIGNIFICANT LEGISLATION RELATED TO THE ACT OCCURRED IN 1997. OVER THE YEARS, THE BOARD HAS IDENTIFIED NUMEROUS CHANGES AND CORRECTIONS. NUMBER ONE, CONFUSING TO BOTH LICENSEES AND THE PUBLIC, AND, TWO, INACCURATE OR IMPRACTICAL IN THE LIGHT OF CURRENT TECHNOLOGY AND PRACTICES. LET ME TELL YOU A LITTLE HISTORY OF WHERE WE CAME FROM HERE. THEY STARTED MEETING IN 2012 AS A BOARD. IN 2013, THEY ATTEMPTED TO REACH COMPROMISE, HAD MOST OF THE STAKEHOLDERS SIGN ON. I INTRODUCED THE BILL ORIGINALLY IN A FORM OF LB23 IN 2014 SESSION, BUT WERE STILL SOME PROVISIONS THAT WERE OPPOSED BY THE MAJOR STAKEHOLDERS. I'VE SENT AROUND A HANDOUT

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THAT SHOWS THOSE WHO ARE NOW TOTALLY IN FAVOR, AND I THINK THE LIST IS IMPRESSIVE THAT MOST OF THESE FOLKS...ALL OF THESE FOLKS NOW HAVE NO OPPOSITION TO THE BILL. WITH ONLY ONE EXCEPTION, THE BILL BEFORE YOU TODAY, LB23, IS THE SAME FORM AS ITS FINAL FORM IN 2014. THE EXCEPTION INVOLVES AN AMENDMENT THAT THE PROPONENT WITHDREW DURING THE LAST SEVERAL MONTHS. THIS, IN SUMMARY, THE BOARD KNEW IT HAD TO MAKE CHANGES AND BY PUSHING BACK AND NOT DEBATING IT ON THE FLOOR, THEY WERE ABLE TO WORK THEIR DIFFERENCES OUT AND MAKE THE ACT BETTER, MUCH BETTER, AND PUT SOME THINGS IN LINE NOW THAT REALLY CONFORM TO CURRENT TECHNOLOGIES. THOSE PAGES DISTRIBUTED ARE A DOCUMENT THAT SHOWS 30 OF THE STAKEHOLDERS ARE INTERESTED PARTIES WHO HAVE BEEN INVOLVED WITH THAT PROCESS. AND I APPRECIATE ALL OF THEIR TIME AND EFFORT TO BRING THIS FORWARD TO YOU AS A UNANIMOUS CONSENSUS CHANGE TO THE ACT. THANK YOU, MR. PRESIDENT. [LB23]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON LB23. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE WELCOME TO CLOSE ON LB23. SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB23 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB23]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB23]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB23 ADVANCES. ITEMS FOR THE RECORD, MR. CLERK. [LB23]

ASSISTANT CLERK: FIRST OF ALL...FIRST OF ALL, MR. PRESIDENT, THE GOVERNMENT COMMITTEE WILL HOLD AN EXECUTIVE SESSION NOW IN ROOM 2022. EXCUSE ME, GENERAL AFFAIRS COMMITTEE, I'M SORRY, WILL MEET IN 2022 NOW. IN ADDITION TO THAT, I HAVE NOTICE OF COMMITTEE HEARINGS FROM THE GOVERNMENT COMMITTEE. THAT'S ALL I HAVE.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL RETURN NOW TO GENERAL FILE. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, LB107 INTRODUCED BY SENATOR CRAWFORD. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 8, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE. [LB107]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU'RE WELCOME TO OPEN ON LB107. [LB107]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB107 IS IDENTICAL TO LB916 WHICH THE LEGISLATURE PASSED ON A 43-0 VOTE LAST SESSION BEFORE THEN-GOVERNOR DAVE HEINEMAN POCKET VETOED THE LEGISLATION. THIS YEAR THE BILL RECEIVED BROAD SUPPORT FROM A VARIETY OF STAKEHOLDERS, INCLUDING AARP, NEBRASKA HOSPITAL ASSOCIATION, AMERICANS FOR PROSPERITY, AND NEBRASKA ASSOCIATION OF SCHOOL BOARDS. I ENCOURAGE YOU TO LOOK AT THE COMMITTEE STATEMENT FOR THIS BILL, PARTICULARLY AT THOSE WHO TESTIFIED IN SUPPORT OF THE BILL. THE SUPPORTERS INCLUDED DR. LAZARO SPINDOLA OF THE LATINO AMERICAN COMMISSION WHO HAPPENS TO BE A PHYSICIAN. THE ONLY OPPONENTS THAT YOU WILL SEE ON THE COMMITTEE STATEMENT ARE REPRESENTATIVES FROM THE NEBRASKA MEDICAL ASSOCIATION. LB107 DOES NOT CHANGE THE SCOPE OF PRACTICE FOR NURSE PRACTITIONERS. IT DOES, HOWEVER, CHANGE THE ABILITY FOR NURSE PRACTITIONERS TO PRACTICE IN THE STATE OF NEBRASKA, AND OUR ABILITY TO RECRUIT AND RETAIN NURSE PRACTITIONERS IN OUR MOST UNDERSERVED GEOGRAPHIC AREAS AND OUR MOST UNDERSERVED MEDICAL AREAS, PARTICULARLY FOR MENTAL HEALTH. THE BILL IS ABOUT A RESTRICTION OF TRADE AND A GOVERNMENTAL REGULATION THAT CURRENTLY DOES NOT IMPROVE PATIENT SAFETY OR HEALTH OUTCOMES. THE INTEGRATED PRACTICE AGREEMENT LIMITS COMPETITION AND ACCESS TO OUR HEALTHCARE SYSTEM. IN A REPORT ISSUED LAST MARCH, THE FEDERAL TRADE COMMISSION HAS CAUTIONED STATES AGAINST RESTRICTIONS LIKE THE INTEGRATED PRACTICE AGREEMENT BECAUSE THESE RESTRICTIONS GIVE ONE GROUP OF HEALTHCARE PROVIDERS...IN THIS CASE, PHYSICIANS, GATEKEEPING AUTHORITY OVER ANOTHER GROUP OF PROVIDERS AND OUR ACCESS TO THE MARKETPLACE. AT THE HEARING, WE HEARD FROM NURSE PRACTITIONERS AND SMALL BUSINESS OWNERS HERE IN NEBRASKA WHO FACE CHALLENGES IN GETTING ACCESS TO THE MARKETPLACE. THESE SMALL BUSINESS OWNERS ARE OFTEN UNABLE TO FIND A PHYSICIAN WILLING TO SIGN INTEGRATED PRACTICE AGREEMENT OR FACE PAYING A PHYSICIAN THOUSANDS OF DOLLARS FOR THAT SIGNATURE. IF A NURSE PRACTITIONER IS ABLE TO SECURE A PHYSICIAN'S SIGNATURE, THE PIECE OF PAPER IS FILED IN LINCOLN. DESPITE THE WORD "INTEGRATED" IN ITS NAME, THE IPA IS NOT INTEGRATED CARE. WE LEARNED AT THE HEARING LAST YEAR AND THIS YEAR THAT NURSE PRACTITIONERS COLLABORATE, CONSULT, AND REFER WITH THE PROVIDERS WHO MAKE THE MOST SENSE FOR THE PATIENT IN FRONT OF THEM AT ANY TIME IN ORDER TO PROVIDE THE BEST CARE FOR PATIENTS. AN INTEGRATED PRACTICE AGREEMENT WITH A SINGLE PHYSICIAN

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SIMPLY DOES NOT MAKE SENSE GIVEN THE KIND OF COLLABORATION, CONSULTATION, AND REFERRAL THAT LEADS TO HIGH-QUALITY, PATIENT-CENTERED COORDINATED CARE, AND PRACTICE SETTINGS TODAY. NURSE PRACTITIONERS ARE STILL REQUIRED TO COLLABORATE, REFER, AND CONSULT WITH PHYSICIANS AS PART OF A TEAM-BASED PATIENT-CENTERED CARE. LB107 DOES NOT CHANGE THAT. UNDER LB107, NURSE PRACTITIONERS WILL CONTINUE TO COLLABORATE AND REFER WITH THE PHYSICIAN OR PHYSICIANS WHO MAKE THE MOST SENSE FOR THE PATIENT JUST AS THEY DO NOW. MOREOVER, LET ME REMIND YOU THAT THE EXISTING INTEGRATED PRACTICE AGREEMENT DOES NOT REQUIRE ANY SECOND CHECK ON NURSE PRACTITIONER DIAGNOSIS. REMOVING THE IPA FROM STATUTE, THE QUESTION BEFORE US TODAY WITH LB107 THEN DOES NOT REMOVE ANY EXISTING SECOND CHECK ON DIAGNOSTICS OR SUPERVISION. IT DOES ALLOW MORE PATIENTS IN OUR STATE TO HAVE ACCESS TO DIAGNOSTICS MORE QUICKLY. A REPORT FROM UNMC LAST YEAR FOUND THE HIGHEST PERCENTAGE OF GROWTH IN NURSE PRACTITIONER PLACEMENT IS IN RURAL AND PRIMARY CARE. SO REMOVING INTEGRATED PRACTICE RESTRICTION AS THIS BILL DOES, ALSO ADDRESSES OUR URGENT NEED TO IMPROVE ACCESS TO PRIMARY CARE AND ACCESS TO CARE IN RURAL COMMUNITIES. THE INTEGRATED PRACTICE AGREEMENT NOW IN STATUTE ALSO LIMITS WORKFORCE DEVELOPMENT IN NEBRASKA. PSYCHIATRIC NURSE PRACTITIONERS WE TRAIN IN OUR STATE, LEAVE NEBRASKA TO PRACTICE IN OTHER STATES, AND CITE PRACTICE RESTRICTIONS AS A KEY REASON THAT THEY LEAVE. WHO KNOWS HOW MANY OTHER ARE STUCK IN NEBRASKA AND UNABLE TO PRACTICE? COLLEAGUES, WE HAVE NEIGHBORING STATES THAT DO NOT PLACE THESE RESTRICTIONS ON NURSE PRACTITIONERS, AND WE ARE LOSING THIS VALUABLE WORKFORCE TO THESE OTHER STATES. IN FRONT OF YOU IS A MAP DEMONSTRATING THE PRACTICE AUTHORITY FOR NURSE PRACTITIONERS ACROSS THE UNITED STATES. NINETEEN STATES AND THE DISTRICT OF COLUMBIA ALLOW FOR A FULL PRACTICE AUTHORITY FOR NURSE PRACTITIONERS. SIX ADDITIONAL STATES ALLOW FOR A TRANSITION-TO-PRACTICE SIMILAR TO THE ONE CONTAINED IN LB107. I ALSO HAVE A LARGER COPY OF THIS MAP AT MY DESK IF YOU WISH TO VIEW IT IN DETAIL. YOU MAY HEAR FROM OPPONENTS THAT NURSE PRACTITIONERS DO NOT HAVE THE SAME EDUCATION HOURS OR RESIDENCY REQUIREMENTS AS THOSE OF PHYSICIANS AND THAT IS TRUE. HOWEVER, NURSE PRACTITIONERS ARE NOT PHYSICIANS AND DO NOT HAVE THE SAME SCOPE OF PRACTICE AS PHYSICIANS. A HEAD-TO-HEAD COMPARISON OF EDUCATIONAL HOURS IS NOT THE APPROPRIATE MEASURE OF CLINICAL SUCCESS OR PATIENT SAFETY. THE APPROPRIATE MEASURE IS PATIENT OUTCOMES. THERE ARE OVER 40 YEARS OF RESEARCH AND OVER 100 PUBLISHED ARTICLES THAT ATTEST TO THE QUALITY AND SAFETY OF NURSE PRACTITIONER CARE WITHOUT AN IPA RESTRICTION. REPORTS BY THE

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FEDERAL TRADE COMMISSION IN 2014, THE NATIONAL GOVERNORS ASSOCIATION IN 2012, AND THE INSTITUTE OF MEDICINE IN 2010 HAVE ALL REVIEWED THE EVIDENCE AND FOUND THAT NURSE PRACTITIONERS CAN PRACTICE WITH FULL PRACTICE AUTHORITY SAFELY AND EFFECTIVELY. STUDY AFTER STUDY CONFIRMS THE RESTRICTIONS ON NURSE PRACTITIONERS, LIKE OUR CURRENT INTEGRATED PRACTICE AGREEMENT, CREATE A RESTRICTION OF TRADE THAT LIMITS COMPETITION AND ACCESS TO OUR HEALTHCARE SYSTEM AND IS SIMPLY NOT SUPPORTED BY ANY CREDIBLE EVIDENCE RELATED TO HEALTH QUALITY OR HEALTH OUTCOMES. COLLEAGUES, THERE IS NO BABY IN THIS BATH WATER. IT IS TIME TO THROW OUT THE IPA AND MOVE INTO THE TWENTY-FIRST CENTURY FOR TRULY INTEGRATED PATIENT-CENTERED CARE. I URGE YOU TO VOTE GREEN ON LB107. THANK YOU, MR. PRESIDENT. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. DEBATE IS NOW OPEN ON LB107. SENATOR SCHEER. [LB107]

SENATOR SCHEER: THANK YOU, LIEUTENANT GOVERNOR. I RISE TO SUPPORT LB107 AND I MIGHT ADD THAT I DID NOT SUPPORT THE LEGISLATION LAST YEAR. BUT I...I'M NOT TRYING TO NITPICK SENATOR CRAWFORD'S OPENING, BUT THIS IS NOT THE SAME BILL THAT WAS PRESENTED LAST YEAR. LAST YEAR'S BILL FOR THE SUPERVISING NURSE PRACTITIONER ONLY REQUIRED THAT SUPERVISOR TO HAVE ONE YEAR OF WORK EXPERIENCE, 2,000 HOURS. THIS YEAR, THE BILL HAS BEEN CHANGED TO MODIFY IT AND IT NOW REQUIRES 10,000, WHICH IS A FIVE-YEAR EXPERIENCED NURSE PRACTITIONER. THAT WAS SOMETHING THAT...THAT WAS THE CONCERN I HAD LAST YEAR FROM MY PERSPECTIVE. I DIDN'T THINK SOMEBODY THAT HAD ONLY ONE-YEAR'S EXPERIENCE PROBABLY HAD THE CAPABILITY OR WOULD HAVE THE CONFIDENCE AND THE KNOWLEDGE BASE TO ADEQUATELY SUPERVISE SOMEONE COMING DIRECTLY OUT OF SCHOOL. I THINK THIS IS A GREAT ADDITION TO THE BILL AND ONE THAT IF IT HAD BEEN THERE LAST YEAR, I PROBABLY WOULD NOT HAVE ROSE TO SPOKE AGAINST THE LEGISLATION. I APPRECIATE SENATOR CRAWFORD'S LOOKING AT THAT AND CHANGING THE LEGISLATION FROM LAST YEAR TO BE INCLUSIVE OF THAT. I DIDN'T ASK HER TO DO THAT. WE DID NOT HAVE ANY CONVERSATIONS TO DO THAT OVER THE INTERIM. THIS IS SOMETHING THAT EVIDENTLY OTHER PEOPLE DECIDED WOULD WORK AS WELL, AND...BUT, I DO APPRECIATE THAT, AND I WANT TO THANK THE SENATOR FOR MAKING THAT CHANGE. AND WITH THAT CHANGE, I WILL SUPPORT THE LEGISLATION. THANK YOU, LIEUTENANT GOVERNOR. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. SENATOR KUEHN. [LB107]

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SENATOR KUEHN: THANK YOU, MR. LIEUTENANT GOVERNOR. AND I WOULD LIKE TO RISE TODAY IN SUPPORT OF LB107 AND THE REMOVAL OF THE INTEGRATED PRACTICE AGREEMENTS BETWEEN NURSE PRACTITIONERS AND PHYSICIANS. MY SISTER-IN-LAW, SHANNON KUEHN, WHO I'M GOING TO GIVE A SHOUT OUT TO THIS MORNING--I KNOW SHE'S WATCHING--IS A NURSE PRACTITIONER AT KEARNEY COUNTY HEALTH SYSTEMS IN MINDEN, NEBRASKA. AND THROUGH MY EXPERIENCE AND ASSOCIATION WITH HER, I HAVE COME TO UNDERSTAND THE VITAL ROLE THAT ADVANCED PRACTICE REGISTERED NURSES PLAY IN ACCESS TO PRIMARY CARE, BOTH IN TERMS OF PRIMARY CARE IN RURAL AREAS, PSYCHIATRIC CARE, AND AN OPPORTUNITY FOR ALL NEBRASKANS TO ACCESS CARE IN A TIMELY AND EFFICIENT MANNER. WHAT LB107 DOES DO IS, IT INCREASES THAT ACCESS TO CARE AND ELIMINATES NOTHING MORE THAN A BUSINESS ARRANGEMENT. THE SCOPE OF PRACTICE WITH REGARD TO THE PROCEDURAL AUTHORITY, THE PRESCRIPTIVE AUTHORITY, THEIR LEGAL AND ETHICAL DUTY TO REFER, ALL MAINTAINS ITSELF AS IT DID PRIOR. LB107 DOES NOT AFFECT THOSE IN ANYWAY. IT DOES NOT AFFECT THE TRAINING REQUIREMENTS, THE QUALITY OF CARE THAT IS DELIVERED. ALL IT SIMPLY DOES IS REMOVES AND ELIMINATES A BUSINESS RESTRICTION. I'VE HAD OVER THE COURSE OF THE LAST COUPLE OF YEARS TO BECOME ACQUAINTED WITH A NUMBER OF ADVANCED PRACTICE REGISTERED NURSES, NURSE PRACTITIONERS, WHO HAVE EXPLAINED TO ME A NUMBER OF THESE INCREDIBLY RESTRICTIVE AGREEMENTS WHICH HAVE INTERFERED WITH THEIR ABILITY TO PROVIDE NEEDED SERVICES IN OUR COMMUNITIES, WHETHER THAT IS FINDING COLLABORATIVE AGREEMENTS WITH PHYSICIANS THAT ARE IN CITIES MANY, MANY MILES AWAY AND THEREFORE HAVE NO ABILITY FOR COLLABORATION OTHER THAN JUST SIGNING A PIECE OF PAPER, OR A FINANCIAL ARRANGEMENT THAT MAKES IT RESTRICTIVE FOR THEM TO BE ABLE TO PRACTICE IN A COMMUNITY AND THEREFORE HAVE TO GO TO COMMUNITIES OTHER THAN WHERE THEY LIVE TO PRACTICE AS APRNS. SO I STRONGLY ENCOURAGE SUPPORT OF LB107. THIS IS GOOD FOR NEBRASKA IN TERMS OF OUR ACCESS TO CARE, AFFORDABLE CARE, AND CERTAINLY GREAT FOR US IN THE RURAL AREAS AS WELL. THANK YOU, AND I APPRECIATE YOUR SUPPORT. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR KUEHN. SENATOR SEILER. [LB107]

SENATOR SEILER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE UNICAMERAL. I MAY BE THE LONE WOLF IN THE OPPOSITION TO THIS BILL. BASICALLY, I WAS AGAINST THE BILL LAST YEAR, AS SENATOR CRAWFORD KNOWS, AND HERE'S MY CONCERNS. MY CONCERNS ARE A COUPLE-FOLD, AND WE DON'T HAVE A MECHANISM IN THIS BILL OR THE LAST YEAR'S BILL TO GIVE US A HEADS UP ON IT. AND THAT'S...WE'VE HAD A CHRONIC NURSING

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PROBLEM. WE'VE INCREASED NORFOLK, WE'VE INCREASED KEARNEY, WE'VE INCREASED LINCOLN AND OMAHA NURSING SCHOOLS IN AN ATTEMPT TO CHANGE THAT. WITH 18 MONTHS' ADDITIONAL TRAINING, A NURSE CAN BECOME A NURSE PRACTITIONER. WE HAVE NO MECHANISM TO TRACE THAT ALONG AS...WHETHER OR NOT IT'S AFFECTING OUR NURSING SITUATION. AND THE TOTAL MEDICAL CARE IS BASED ON GOOD NURSING CARE. I MEAN, THE DOCTORS ARE DOCTORS, BUT THEY STILL HAVE TO HAVE THOSE RIGHT-HAND PEOPLE. AND IF THEY DON'T, FOR INSTANCE, SURGERY CAN BE A ZOO. ALSO WHAT CONCERNS ME IS, RIGHT...LAST YEAR I TALKED ON THE FLOOR ABOUT A STUDY DONE BY DR. SHAFFER AT KEARNEY THAT 65 PERCENT OF THE DOCTORS IN THE THREE-CITY AREA, MOSTLY FAMILY DOCTORS AND PRACTITIONERS OF BASIC...WHAT I CALL THE GATEKEEPERS, WILL RETIRE IN THE NEXT FIVE YEARS. AND IF WE DON'T HAVE REPLACEMENTS FOR THEM, WE'RE GOING TO SUFFER SEVERELY. BUT THE QUESTION IS, IS THIS WHAT...THESE NURSE PRACTITIONERS ARE TO FILL IN FOR THE DOCTORS? I HOPE NOT. THE SECOND PART OF THAT QUESTION IS THAT THE DOCTORS AS MEDICAL STUDENTS, LOOK AT THIS AND SAY, YOU KNOW, I'M GOING TO GET PAID THE SAME AS A NURSE PRACTITIONER IF I GO OUT AS A GATEKEEPER. WHAT STOPS THEM FROM CHANGING THEIR PHILOSOPHY AND GOING INTO CANCER RESEARCH OR OTHER TYPES OF MEDICINE INSTEAD OF BEING THE GATEKEEPERS OUT THERE FOR US? AND THE REFERRAL PEOPLE, THEY GO INTO THE SPECIALTIES. OPTIMUM COVERAGE, AS I UNDERSTAND IT, BETWEEN THE GATEKEEPERS AND THE SPECIALISTS IS 50-50. WE'VE GOT ABOUT 20-80 IN NEBRASKA RIGHT NOW. SO, I THINK WE'VE GOT TO KEEP OUR EYE ON THAT. AGAIN, WE DON'T HAVE A MECHANISM TO KEEP A GOOD CONTROL OF THAT. THE OTHER THING WE DON'T HAVE A GOOD CONTROL OVER, AND THIS IS DIFFERENT THAN THE ATTORNEY BILL, IS GETTING THESE PEOPLE TO MOVE TO THE OUTSIDE...OUT RURAL AREAS. AND WE DON'T...WE DON'T HAVE A GOOD CONTROL OVER THAT AS, LIKE THE ATTORNEYS DID. YOU'VE GOT TO MOVE THERE, PRACTICE THERE, THEN YOU GET THE BENEFITS. I DON'T SEE...I DIDN'T SEE ANYTHING IN THE STATUTE THAT PROVIDED FOR THAT. I ASKED SUE...OR EXCUSE ME, SENATOR CRAWFORD, THE OTHER DAY ABOUT WHERE IT WAS AND SHE SAID WELL, MONTANA'S GOT AN EXCELLENT PROGRAM. AND I...THAT WAS A BAD THING TO ASK BECAUSE TWO YEARS AGO, I GOT BLADDER INFECTION IN MONTANA WHEN I WAS FLY FISHING. WENT TO THIS FABULOUS HOSPITAL IN BOZEMAN, BRAND NEW, AND THREE NURSES TRIED TO PUT A CATHETER IN ME. AFTER FIVE ATTEMPTS, THEY FINALLY GOT ONE TO STAY AND ON THE WAY HOME, I WAS BLEEDING LIKE A STUCK PIG, AND IT BLED FOR THREE DAYS BEFORE I FINALLY WENT OVER TO CROW AGENCY AND WALKED INTO A LITTLE CLINIC THERE ON THE CROW INDIAN RESERVATION, AND THIS NURSE CAME OVER AND SAID, OH, I CAN PUT ONE IN THAT WILL STAY. IN ABOUT TWO MINUTES, I WAS WALKING OUT THE DOOR. SO I QUESTION MONTANA'S

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NURSING FACILITIES, OR NURSING COMPETENCY ALL THE WAY THROUGH. BUT, SO I DON'T HAVE ANY REAL FAITH IN A COMPARISON WITH MONTANA. I JUST BELIEVE THAT WE NEED SOME KIND OF CONTROL MECHANISM OVER THIS SO WE DON'T GET DUG IN BECAUSE THERE'S NO WAY TO DIG BACK OUT. ONCE WE GET DOWN THAT ROAD AND WE LOSE THOSE GATEKEEPERS, THEY'LL BE HARD TO PICK UP AND COME BACK. THANK YOU, MR. PRESIDENT. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. SENATOR EBKE, YOU'RE RECOGNIZED. [LB107]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR CRAWFORD MIGHT YIELD FOR A QUESTION OR TWO ABOUT THE BILL. [LB107]

PRESIDENT FOLEY: SENATOR CRAWFORD, WOULD YOU YIELD? [LB107]

SENATOR CRAWFORD: YES. [LB107]

SENATOR EBKE: OKAY. FIRST QUESTION, AND I HONESTLY HAVEN'T READ THE WHOLE BILL YET, SO I'M WONDERING, DO WE CUT THE SUPERVISION ENTIRELY? [LB107]

SENATOR CRAWFORD: SO THE BILL ELIMINATES THE INTEGRATED PRACTICE AGREEMENT WHICH IS AN AGREEMENT BETWEEN THE PHYSICIAN...THAT THE PHYSICIAN SIGNS. BUT THERE IS NO SUPERVISION DETAILED IN THAT PIECE OF PAPER. IT'S A PIECE OF PAPER SIGNED BY THE PHYSICIAN. [LB107]

SENATOR EBKE: SO A NURSE PRACTITIONER UNDER THIS IS CUT FREE, PRACTICES COMPLETELY INDEPENDENTLY WITHOUT ANY OTHER LEVEL OF SUPERVISION BEYOND THE LICENSING BOARDS. [LB107]

SENATOR CRAWFORD: WELL, THEY HAVE THEIR LICENSE AND CERTIFICATION. BUT I ALSO POINT YOUR ATTENTION TO THE FACT THAT IN THE NURSE PRACTITIONER PRACTICE ACT, AND IT'S INCLUDED IN YOUR GREEN COPY OR YOUR GADGET COPY, IT CLEARLY SPECIFIES THAT NURSE PRACTITIONERS MUST PRACTICE IN COLLABORATION, REFERRAL, AND CONSULTATION. SO THEY ARE REQUIRED BY LAW TO PRACTICE IN...INTEGRATE THEIR PRACTICE WITH ATTENTION TO CONSULTATION AND REFERRAL AND COLLABORATION. SO IT IS NOT APPROPRIATE TO SAY THEY'RE GOING OUT TO PRACTICE ALL BY THEMSELVES. THEY'RE GOING OUT TO PRACTICE IN CONSULTATION, COLLABORATION, AND REFERRAL WITH THE PHYSICIANS THAT MAKE THE MOST SENSE FOR THE PATIENTS IN FRONT OF THEM. [LB107]

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SENATOR EBKE: IS THAT DEFINED IN ANY WAY? I MEAN, COLLABORATION AND CONSULTATION IS SORT OF A LOOSEY-GOOSEY TERM, REALLY. [LB107]

SENATOR CRAWFORD: RIGHT. SO, GENERALLY, OUR STATUTES LAY OUT THE BASIC FRAMEWORK, AND THEN ANY SPECIFIC DETAILS ABOUT WHAT THAT SHOULD LOOK LIKE GETS LAID OUT IN RULES AND REGS INSTEAD. [LB107]

SENATOR EBKE: HAVE WE...WAS THERE ANY TESTIMONY WITH RESPECT TO MALPRACTICE CLAIMS AND THINGS LIKE THAT? [LB107]

SENATOR CRAWFORD: YES, THERE WAS. WE HAD TESTIMONY THAT INDICATED THAT STATES THAT HAVE FULL PRACTICE AUTHORITY HAVE NO GREATER MALPRACTICE CLAIMS THAN STATES DO NOT. [LB107]

SENATOR EBKE: I HAD SOMEONE HAND ME SOME STATISTICS THE OTHER DAY, AND I WENT OUT LOOKING FOR THEM LAST NIGHT, AND THERE'S A...ARE YOU FAMILIAR WITH...WHAT'S IT CALLED? THE NURSES SERVICE ORGANIZATION? [LB107]

SENATOR CRAWFORD: NO, I'M NOT. [LB107]

SENATOR EBKE: OKAY. IT LOOKS LIKE...IF I'M READING THEIR WEB SITE RIGHT AND EVERYTHING, THAT THEY ARE ONE OF THE PRIMARY PROVIDERS OF PROFESSIONAL LIABILITY COVERAGE FOR NURSE PRACTITIONERS. AND THEY'VE GOT SOME NUMBERS HERE THAT CONCERN ME AND MAKE ME THINK THAT WE OUGHT TO AT LEAST CONSIDER, YOU KNOW, WHAT WE MIGHT BE DOING. FOR INSTANCE, IN TERMS OF THEIR MEDIC...IN TERMS OF THEIR MEDICAL MALPRACTICE CLAIMS, AND I DON'T KNOW WHAT THE NUMBERS ARE ON THAT. [LB107]

SENATOR CRAWFORD: UH-HUH. [LB107]

SENATOR EBKE: SO, BUT OF ALL OF THE CLAIMS THAT THEY RECEIVED, IF THE NURSE--AND THIS IS FOR THE NURSE PRACTITIONERS ONLY--IF THEY WERE NOT SUPERVISED AT ALL, THE AVERAGE CLAIM WAS \$293,240. IF THERE WAS SUPERVISION AVAILABLE, IF NEEDED, IT WAS \$83,608. IF THERE WAS PARTIAL SUPERVISION, IT WAS \$77,894, AND IF THERE WAS ANY KIND OF A DIRECT SUPERVISION, THAT WAS \$4,790. NOW, I DON'T KNOW WHETHER THAT SUPERVISION MEANT MD'S OR IF IT MEANT A HIGHER LEVEL NURSE PRACTITIONER, BUT I THINK BEFORE WE GO TOO FAR DOWN THE PATH, I WOULD LIKE TO SEE US AT LEAST CONSIDER, YOU KNOW, HOW WE STRUCTURE THIS SO THAT WE AREN'T...THE HIGHER MALPRACTICE LEVELS SCARE ME BECAUSE I THINK THE HIGHER THE MALPRACTICE AVERAGES...

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[LB107]

PRESIDENT FOLEY: ONE MINUTE. [LB107]

SENATOR EBKE: ...WHAT IT SEEMS TO ME IS, IT'S MORE LIKELY THAT PEOPLE ARE GETTING HARMED IN A MORE SERIOUS WAY. SO I THINK WE OUGHT TO JUST TAKE A LOOK AT THAT AND EXPLORE SOME OF THOSE ISSUES A LITTLE MORE CAREFULLY. THANK YOU, MR. PRESIDENT. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATORS EBKE AND CRAWFORD. SENATOR BRASCH, YOU'RE RECOGNIZED, TO BE FOLLOWED BY SENATORS GLOOR, PANSING BROOKS, KRIST, BLOOMFIELD, GROENE, AND SEILER. SENATOR BRASCH, YOU MAY PROCEED. [LB107]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, LIEUTENANT GOVERNOR, AND GOOD MORNING, COLLEAGUES. AND I DO WANT TO THANK SENATOR CRAWFORD FOR HER CONTINUANCE AND THOUGHTFULNESS AND DILIGENCE IN PURSUING THIS VERY IMPORTANT SUBJECT. I STILL HAVE QUESTIONS THAT LINGER FROM THE LAST SESSION. AND...AND I BRIEFLY CAUGHT WHAT SENATOR EBKE HAD MENTIONED, ANOTHER DIALOGUE CAME BEFORE ME. AND THE LAST TIME I TALKED TO OUR RURAL PHYSICIAN, THE QUESTION OF MALPRACTICE, THAT INSURANCE, THAT COST, THOSE ASSURANCES NOT JUST FOR THE PATIENT THAT COULD POSSIBLY BE AT RISK, BUT THE COSTS THAT ESCALATE FROM A DECISION GONE WRONG. AND DID YOU RECEIVE ONE OF THESE PACKETS OUR OFFICE RECEIVED FROM A PHYSICIAN ON...WITH EXPRESSING THEIR CONCERN ON LB...ON YOUR BILL. BASICALLY, THERE'S PAGES HERE SAYING THAT THERE ARE NINE UNINTENDED CONSEQUENCES AND A DISCUSSION OF ELEVEN PROBLEMS. [LB107]

PRESIDENT FOLEY: SENATOR CRAWFORD, WOULD YOU YIELD? [LB107]

SENATOR CRAWFORD: YES, I WILL. I DID NOT SEE THAT, BUT IF YOU GIVE ME A COPY OF THOSE, I'M HAPPY TO LOOK THEM AND ADDRESS THEM IN CLOSING OR IN ANOTHER SPEAKING TIME. [LB107]

SENATOR BRASCH: VERY GOOD. AND I WILL DO THAT BECAUSE I WOULD LIKE AN EVALUATION OF THIS SENT TO ME. WE RECEIVED A LOT OF NURSE PRACTITIONERS VERY STRONGLY IN FAVOR OF THIS. I APPRECIATE THEIR WORK. I SEE THEM ONGOING, SING THEIR PRAISES. HOWEVER, THE AMOUNT OF ACTUAL SUPERVISED TIME, COMPARED THAT TO A PHYSICIAN, I DO HESITATE AND HAVE SOME CONCERNS ON ALLOWING THIS AND RISKS OF UNINTENDED CONSEQUENCES. I WOULD YIELD THE REST OF MY TIME TO SENATOR EBKE IF SHE...SHE WAIVES. ALL RIGHT, I HAVE NO OTHER

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QUESTION. THANK YOU. THANK YOU, COLLEAGUES AND MR. PRESIDENT.
[LB107]

PRESIDENT FOLEY: THANK YOU, SENATORS BRASCH AND SENATOR
CRAWFORD. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB107]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. WHERE TO BEGIN? LET ME
START WITH THIS, 43-0, THAT WAS THE VOTE LAST YEAR ON THIS BILL AS A
REMINDER TO SENATORS WHO WERE HERE. AND AS A HEADS UP TO SOME
OF OUR NEWER SENATORS THAT ARE HERE, 43-0. WE HAD PLENTY OF VOTES
FOR A VETO OVERRIDE. WE RAN OUT OF TIME ON THE VETO OVERRIDE. AND
SOME OF THE SENATORS WHO ARE...AND SAY THAT THEY WERE IN
OBJECTION TO THIS BILL LAST YEAR MUST HAVE BEEN NO VOTES. BUT IT WAS
43-0, 43-0. WE DON'T DO THAT A LOT ON BILLS THAT HAVE SOME DEGREE OF
CONTROVERSY. AND THE REASON WE DID IS BECAUSE ALL THE QUESTIONS
ARE COMING UP, ALL THE ISSUES THAT ARE COMING UP, ALL THE QUESTIONS
THAT ARE COMING UP, WERE ADDRESSED TO THE SATISFACTION OF THIS
BODY SO THAT WE HAD A 43-0 VOTE. NOW WE CAN GO DOWN THAT ROAD
AGAIN AND PROBABLY WILL BECAUSE IT'S, IF NOTHING ELSE, THIS IS AN
EDUCATIONAL EXERCISE AND OUR CONSTITUENTS MAY WELL HAVE
FORGOTTEN ABOUT THIS AND NEED SOME REASSURANCE. BUT I WANT TO
MAKE A COUPLE OF KEY POINTS. AND I'M NOT A CLINICIAN, ALTHOUGH I WAS
A MEDIC MANY YEARS AGO, AND WORKED FOR BOTH NURSES AND THE
PHYSICIANS IN THAT CAPACITY. OBVIOUSLY, IN MY ADMINISTRATIVE ROLE
FOR A MAJORITY OF MY YEARS WORKING, I WORKED WITH BOTH ENTITIES.
NURSE PRACTITIONERS ARE NOT DOCTORS. THIS IS NOT A SCOPE OF
PRACTICE ISSUE. THE NURSE PRACTITIONERS WILL CONTINUE TO PRACTICE
WITHIN THE SCOPE THAT'S DEFINED. WHAT WE ARE TALKING ABOUT IS A
SIGNED PIECE OF PAPER THAT IS A SUPERVISORY AGREEMENT. IT DOESN'T
REQUIRE MEETINGS, IT DOESN'T REQUIRE RECORDS REVIEW. IT DOESN'T
REQUIRE ANYTHING OTHER THAN A SIGNED PIECE OF PAPER FOR WHICH
SOME PHYSICIANS, I DON'T KNOW THAT THAT'S NECESSARILY
INAPPROPRIATE, BUT ASK FOR A FEE. WE'VE NOT BEEN TOLD THAT IT
INCREASES THEIR EXPENSES, THEIR MALPRACTICE INSURANCE. THEY ARE
NOT MANY DOCTORS. NURSES ARE TRAINED DIFFERENTLY THAN
PHYSICIANS. YOU GO TO A HOSPITAL TO BE NURSED BACK TO HEALTH. YOU
DON'T GO TO A HOSPITAL TO BE RADIOLOGY TECHNOLOGIST BACK TO
HEALTH, OR DOCTORED BACK TO HEALTH. YOU GO TO A HOSPITAL TO BE
NURSED BACK TO HEALTH AND THE WAY NURSES ARE TRAINED, AND THE
EXPECTATION WE HAVE OF NURSES, EXTENDS UP TO THE ADDITIONAL
GRADUATE, POSTGRADUATE TRAINING THAT NURSES GET TO BE NURSE
PRACTITIONERS WITHIN THE SAME SCOPE OF PRACTICE. THEY WILL TAKE
CARE OF PATIENTS WITHIN THOSE LIMITATIONS. WE FALL INTO THE TRAP OF

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THINKING--ALL OF US--THAT THEY ARE GOING TO SERVE AS SOME SORT OF MINI-DOCTOR OUT IN THE MIDDLE OF NOWHERE DOING ALL SORTS OF THINGS THAT OUGHT TO BE LEFT TO DOCTORS, BUT THEY'RE NOT TRAINED TO DO THAT. AND BECAUSE OF THAT, THE KIND OF RISKS WE'RE TALKING ABOUT THAT OTHER STATES BY THE SCORE HAVE COME TO REALIZE IS, THEY FILL A SMALL NICHE. FOLKS, WE ARE NOT ADDRESSING OUR WORKFORCE ISSUES BY APPROVING THIS BILL. I WILL ADMIT THAT. BUT TO ADDRESS OUR WORKFORCE PROBLEMS, WE'RE GOING TO HAVE TO TAKE A VARIETY OF SMALL STEPS TO DO SO. AND THIS IS ONE OF THOSE SMALL STEPS. SENATOR CAMPBELL AND I WORKED ON A BILL WITH OUR BANKING COMMITTEES AND OUR HEALTH COMMITTEES THE PAST TWO YEARS. AND ONE OF THE THINGS THAT CAME OUT OF IT IS, THIS BILL IS IMPORTANT AS A SMALL STEP TO ADDRESS SOME OF OUR WORKFORCE ISSUES. WE CAN COMFORTABLY MOVE THIS FORWARD. I THINK WE CAN COMFORTABLY MOVE IT FORWARD THIS YEAR WITHOUT RISK OF VETO. I DON'T KNOW THAT AS AN ABSOLUTE, BUT AT LEAST IN LISTENING TO THE GOVERNOR ON THE CAMPAIGN TRAIL, THAT SEEMS TO BE WHAT HE'S SAYING BECAUSE IT APPEARS THAT HE AND HIS ADVISORS UNDERSTAND THAT. AND IF WE ARE, IN FACT, AT RISK OF COMPETING AGAINST FAMILY PRACTITIONERS, IF THIS IS SUPPOSEDLY AN EFFORT TO REPLACE FAMILY PRACTITIONERS WITH NURSE PRACTITIONERS, THE FAMILY PHYSICIANS HAVEN'T RISEN IN OPPOSITION THIS YEAR AGAINST THIS BILL. THAT'S AN IMPORTANT POINT TO POINT OUT ALSO. [LB107]

PRESIDENT FOLEY: ONE MINUTE. [LB107]

SENATOR GLOOR: THIS IS A SAFE YES VOTE. IT REALLY IS A SAFE YES VOTE AND 43 OF US RECOGNIZED THAT AFTER PROLONGED DEBATE LAST YEAR. IT IS A SAFE, YES, VOTE. I GOT INVOLVED IN CHANGES IN THE SCOPE OF PRACTICE FOR US IN THIS STATE. IF YOU HAVE QUESTIONS ABOUT SCOPE OF PRACTICE, I'M HAPPY TO...WELL, NOT HAPPY TO TALK ABOUT IT, I'M PROBABLY...IT'S APPROPRIATE FOR ME TO TALK ABOUT IT, BUT THIS IS NOT A SCOPE OF PRACTICE BILL. IT IS NOT A SCOPE OF PRACTICE BILL. IT IS A SIGNED PIECE OF PAPER BILL. IT IS A SIGNED PIECE OF PAPER BILL FOR WHICH A FEE HAS, ALL OF A SUDDEN, BECOME ATTACHED. IT ACCOMPLISHES NOTHING BY WAY OF PATIENT SAFETY OR QUALITY OF CARE. THIS IS A SAFE BILL TO VOTE, YES, ON, AND WILL BE OF HELP IN A SMALL WAY OF ADDRESSING OUR WORKFORCE ISSUES. THANK YOU, MR. PRESIDENT. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SENATOR KRIST, YOU'RE RECOGNIZED. [LB107]

SENATOR KRIST: THANK YOU, MR. PRESIDENT; GOOD MORNING, COLLEAGUES, AGAIN, AND GOOD MORNING, NEBRASKA. I WAS ON HEALTH

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AND HUMAN SERVICES COMMITTEE LAST YEAR. I VOTED THIS BILL OUT OF COMMITTEE LAST YEAR. IT HAS NOT CHANGED. IT IS THE SAME BILL, THE SAME PIECE OF STATUTE THAT SENATOR GLOOR DESCRIBES AS A 43-0 VOTE. THERE WAS A LOT OF DEBATE, A LONG DEBATE, AND THERE WERE MANY GROUPS THAT CAME IN AND TALKED TO US, TO ME, ABOUT THE PROS AND CONS. I HAVE A CLASSMATE FROM CREIGHTON PREP WHO IS AN OBG AND HE'S BENT MY EAR EXTENSIVELY OVER THE LAST COUPLE OF WEEKS. AND AFTER MANY OF US EXPLAINED TO EACH OTHER OUR CONCERNS, I STILL...I STILL SUPPORT THIS BILL. WE'RE NOT TALKING ABOUT FRESH OUT OF SCHOOL BEING UNSUPERVISED. WE'RE TALKING ABOUT A NURSE PRACTITIONER WHO HAS 2,000 HOURS OF TIME TO WORK AWAY FROM A...A PHYSICIAN. THEY HAVE TO GET THAT TIME UNDER SUPERVISION. WE'RE TALKING ABOUT THE SUPERVISOR. IF SHE OR HE IS A NURSE PRACTITIONER, HAS TO HAVE 10,000 HOURS. THE EQUIVALENT OF WHAT I THINK IS PROBABLY FIVE-PLUS YEARS OF EXPERIENCE. THE OTHER ARGUMENT I HEAR CONSISTENTLY IS WHEN YOU LOOK AT THE MAP AND YOU LOOK AT THE NUMBER OF NURSE PRACTITIONERS THAT ARE IN GREATER NEBRASKA, AS I'VE LEARNED YOU LIKE TO BE CALLED, AS OPPOSED TO THE EASTERN SIDE OF THE STATE, IN METROPOLITAN AREA, THAT IF THIS IS REALLY ABOUT PUTTING PEOPLE IN PLACES WHERE THEY NEED NURSE PRACTITIONERS, IT'S NOT WORKING BECAUSE LOOK AT ALL THESE DOTS. WELL, I LOOK AT IT AS A RESTAURANT PER CAPITA RATE. PEOPLE ARE GOING TO SUPPORT THE...THE SERVICE IS GOING TO BE SUPPORTED PER CAPITA. THERE'S LESS POPULATION, THERE MIGHT BE LESS NURSE PRACTITIONERS IN GREATER NEBRASKA IN DIFFERENT PLACES, BUT TO THE POINT, AND I THINK SENATOR CRAWFORD AND I HAVE HEARD SOME OF THE ARGUMENTS OVER AND OVER AGAIN, WHAT IS DIRECT SUPERVISION? WHAT IS THE SUPERVISION THAT'S REQUIRED? A TELEPHONE CALL FROM TWO HOURS AWAY? IT'S NOT A "HANDS ON" IN MANY CASES SUPERVISION OR AN "EYES ON," IF YOU WILL, SUPERVISION OF THE PRACTICE OF THE NURSE PRACTITIONER. I BELIEVE IT'S A GOOD BILL. I WILL SUPPORT IT. I DON'T THINK THERE'S A...AS SENATOR GLOOR SAID, IT IS...IT'S A GOOD BILL. THANK YOU. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. (VISITORS INTRODUCED.)
SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB107]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SEILER WOULD YIELD TO A QUESTION. [LB107]

PRESIDENT FOLEY: SENATOR SEILER, WOULD YOU YIELD TO A QUESTION?
[LB107]

SENATOR SEILER: I WILL. [LB107]

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SENATOR BLOOMFIELD: THANK YOU, SENATOR SEILER. YOU DISCUSSED THE NURSING ISSUES IN MONTANA, BUT SINCE I'M GOING BE GONE FROM HERE IN ABOUT A YEAR AND A HALF, YOU FORGOT TO TALK ABOUT THE FISHING, OTHER THAN THAT YOU WERE THERE. HOW WAS THE FISHING? (LAUGHTER) [LB107]

SENATOR SEILER: IT WAS ABSOLUTELY INCREDIBLE. IN FACT, MY WIFE CAUGHT THE LARGEST RAINBOW CAUGHT IN MONTANA THAT YEAR, 36 INCHES AND WEIGHED ABOUT...PROBABLY ABOUT 8.5, 9 POUNDS. [LB107]

SENATOR BLOOMFIELD: OKAY, THANK YOU. AND BACK TO A LITTLE MORE SERIOUS NOTE, YOU BROUGHT UP SOME GOOD POINTS IN YOUR DISCUSSION AND I WOULD LIKE TO YIELD YOU THE REMAINDER OF MY TIME AND HOPE YOU'LL EXPAND ON THAT A LITTLE BIT. [LB107]

PRESIDENT FOLEY: SENATOR SEILER, ABOUT 4 MINUTES. [LB107]

SENATOR SEILER: WELL, FIRST OF ALL, I HAD PRESSED MY BUTTON. I'LL TAKE IT OFF. WHAT SENATOR GLOOR SAID ABOUT THE FAMILY PRACTITIONERS AND THE INTERNAL MEDICINE PEOPLE NOT PARTICIPATING, THAT'S NOT BEEN MY CASE. ALL THE...EITHER IN PERSON OR THE HEAD OF THE FIRMS IN HASTINGS HAVE CONTACTED ME TO TALK AGAINST THIS BILL. SO THEY ARE VERY CONCERNED. AND I BELIEVE SENATOR BRASCH POINTED OUT A HANDOUT THAT WAS DONE, AND THAT WAS DR. FRENCH, I BELIEVE, WHO IS A INTERNAL MEDICINE DOCTOR FROM HASTINGS. THE NURSING SHORTAGE, I THINK, IS A REAL DRAW AND NEEDS TO BE EXPLORED IN MORE DETAIL. ONE THING I'D LIKE TO JUST RUN QUICKLY...AND I HATE TO USE MYSELF AS THE EXAMPLE, BUT I'VE OFTEN WONDERED WHEN THIS BILL CAME UP AND I WONDERED ALOUD DURING THE LAST HEARING AS MOST OF YOU KNOW, EXCEPT THE NEW SENATORS, I HAD THE PLEASURE OF HAVING A DIAGNOSIS OF A TRIPLE BYPASS WITH JUST A SPOT ABOUT THE SIZE OF A QUARTER IN MY BACK SHOULDER BLADE. AND WHEN I WENT INTO THE EMERGENCY ROOM IN HASTINGS, AFTER DRIVING BACK FROM A SESSION HERE, THE DOCTOR THAT MET ME TOOK ONE LOOK, PUT AN EKG ON ME, AND SENT ME BACK TO NEBRASKA HEART INSTITUTE WHERE DOCTOR GANGAHAR DID OPEN ME UP AND CORRECT THREE BLOCKED ARTERIES. SO I WONDER IF THAT PRACTITIONER THAT'S GOT 2,000 HOURS OF TRAINING WOULD HAVE PICKED IT UP. AND IF THEY HADN'T, IT'S CALLED THE WIDOW MAKER. AND JO WOULD BE PROBABLY LOOKING FOR A NEW HUSBAND. SO I HAVE SOME QUESTIONS ABOUT THE TRAINING. I HAVE SOME QUESTIONS ABOUT THE FACT THAT AN INTERNAL MEDICINE PHYSICIAN HAS ABOUT 10,000 HOURS BEFORE...OF GETTING OUT OF RESIDENCY, AND NOW WE'RE TURNING AROUND AND

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SAYING, WELL, THESE PEOPLE CAN DO THE SAME JOB, GET PAID THE SAME AMOUNT, AND I HAVE SOME REAL SERIOUS QUESTIONS ABOUT THAT. BUT AGAIN, IT'S THE OVERSIGHT THAT WE DON'T HAVE THAT BOTHERS ME. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR SEILER. SENATOR GROENE, YOU'RE RECOGNIZED. [LB107]

SENATOR GROENE: THANK YOU, SPEAKER, OR PRESIDENT. OUT WEST, RURAL AREAS, I'VE TRAVELLED IT ALL MY LIFE, LIVED THERE. OUR SMALL TOWNS NEED MEDICAL HELP. WE'VE GOT COUNTIES OUT THERE WITH 400, 500 PEOPLE. I THINK WE'VE GOT 10 OR 11 WITH LESS THAN 1,000 PEOPLE IN THERE. WELL, I DON'T KNOW THE LOGISTICS AND THE BUSINESS MODEL, BUT I DON'T THINK A DOCTOR CAN HAVE ENOUGH CLIENTELE TO EXIST THERE BECAUSE OF THE EXPENSE OF THEIR EDUCATION. BUT THE ELDERLY, WE ALL NEED ACCESS TO HELP QUICKLY SOMETIMES. AND SOMETIMES WE DON'T NEED TO DRIVE 70 MILES TO HAVE FIVE STITCHES PUT INTO OUR HAND. I DON'T SEE THE PROBLEM HERE. THE LOCAL HOSPITALS, THEY'RE FINE WITH IT BECAUSE THESE NURSE PRACTITIONERS WILL RECOMMEND THEM AND SEND THEM ON TO THE HOSPITALS. THEY WILL BE FREE NOW WITHOUT THE FEAR OF REPRISAL OR WHATEVER--I SHOULDN'T PROBABLY USE THAT WORD--THAT THEY CAN RECOMMEND THEIR PATIENT TO GO ON TO THE DOCTOR THAT THEY BELIEVE IS BEST SUITED FOR THEIR PROBLEM, OR THEIR AILMENT, INSTEAD OF WORRYING ABOUT ANSWERING BACK SOMEBODY OVER THEIR SHOULDER. BUT I WOULD LIKE TO ASK SENATOR CRAWFORD A QUESTION. [LB107]

PRESIDENT FOLEY: SENATOR CRAWFORD, WOULD YOU YIELD TO A QUESTION? [LB107]

SENATOR CRAWFORD: YES. [LB107]

SENATOR GROENE: I KEEP HEARING THE WORD "NURSE," WHICH CONFUSES FOLKS THAT A NURSE IS GOING TO GO OUT THERE AND BECOME A DOCTOR. COULD YOU EXPLAIN THE DIFFERENCE BETWEEN THE TRAINING OF AN LPN, AN RN, AND A NURSE PRACTITIONER? [LB107]

SENATOR CRAWFORD: NURSE PRACTITIONER. THANK YOU, SENATOR GROENE. WELL, I JUST WANT TO REMIND EVERYONE THAT THE BILL IS ABOUT NURSE PRACTITIONERS ONLY. AND SO, I WON'T GO INTO ALL THE LEVELS OF NURSING AND AMOUNT OF TRAINING FOR EACH, I WILL JUST CLARIFY THAT SOMEONE WHO ENTERS A PROGRAM TO BE TRAINED AS A NURSE PRACTITIONER HAS GENERALLY BEEN PRACTICING AS A NURSE AT SOME OTHER LEVEL BEFORE AND HAS A BACHELOR'S DEGREE AND THEN COMES

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INTO THE MASTER LEVEL TRAINING AND HAS MASTER LEVEL TRAINING, NURSE PRACTITIONER TRAINING. SO THEY WILL HAVE, ALREADY HAD NURSING TRAINING AND CLINICAL HOURS BEFORE THEY COME INTO THIS MASTER LEVEL PROGRAM. IT IS THE CASE RIGHT NOW THAT MANY OF OUR UNIVERSITIES ARE INCREASING EVEN THOSE REQUIREMENTS. SO IT IS AT LEAST A MASTER'S LEVEL TRAINING AND THERE'S MORE TRAINING...INCREASES HAPPENING NOW AS WELL. ALL OF THE NURSE PRACTITIONERS TO PRACTICE MUST BE...MUST HAVE THEIR LICENSE AND BE CERTIFIED AND THEY HAVE CONTINUING EDUCATION REQUIREMENTS THAT THEY'RE REQUIRED TO HAVE AS WELL TO KEEP THAT. THANK YOU. [LB107]

SENATOR GROENE: THANK YOU. AND I YIELD MY TIME TO SENATOR CRAWFORD IF SHE NEEDS IT. [LB107]

PRESIDENT FOLEY: ROUGHLY 2:00, SENATOR. [LB107]

SENATOR CRAWFORD: THANK YOU. I WILL JUST CLARIFY IN TERMS OF THE ISSUE ABOUT MALPRACTICE THAT NURSE PRACTITIONERS WILL BE REQUIRED TO HAVE MALPRACTICE INSURANCE. THEY'RE FULLY AWARE OF THAT AND FULLY READY TO ACCEPT THAT. I WILL ALSO PUT ON THE RECORD FROM A 2010 PEARSON REPORT, WHICH WAS WHERE THE EVIDENCE CAME FOR...DURING OUR HEARING, THERE'S NO INCREASE IN MALPRACTICE CLAIMS AGAINST NURSE PRACTITIONERS WHO PRACTICE IN STATES WITH FULL PRACTICE AND PRESCRIPTION AUTHORITY. AND WHAT'S MORE, THE OVERALL RATIO OF CLAIMS FOR NURSE PRACTITIONERS IS ONE FOR EVERY 166 NURSE PRACTITIONERS COMPARED TO ONE FOR EVERY FOUR, FOR PHYSICIANS. AND THAT COMES OUT OF THE 2010 PEARSON REPORT. THANK YOU. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATORS CRAWFORD AND GROENE. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB107]

SENATOR HILKEMANN: THANK YOU, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE BODY. I FIND MYSELF IN KIND OF AN INTERESTING POSITION. I'M A PODIATRIST. OVER 30 YEARS AGO, I WAS COMING BEFORE THIS BODY TRYING TO GET THE SCOPE OF PRACTICE IMPROVED FOR PODIATRY SO WE COULD GET MORE PODIATRISTS INTO THE STATE. NOW I RISE CONCERNED ABOUT WHAT THIS SCOPE OF PRACTICE IS INVOLVED IN NURSE PRACTITIONERS. AND IT'S SORT OF INTERESTING. PEOPLE WHO OPPOSED ME 30 YEARS AGO HAVE COME TO ME NOW TO OPPOSE THIS BILL. AND SO I...I FIND MYSELF IN JUST A LITTLE BIT BECAUSE I WANT TO BE VERY MUCH FOR THE NURSE PRACTITIONERS BECAUSE I KNOW WHAT IT MEANS TO BE TRAINED IN THIS STATE, TO LIVE IN THIS STATE, AND THEN WHEN YOU WANT TO PRACTICE IN THIS STATE, TO HAVE THAT LIMITED. AND I FIND THAT

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THAT'S THE PART THAT I...I...IF WE'RE LOSING GOOD NURSE PRACTITIONERS, AND YOU MENTION THE AREA OF MENTAL HEALTH, AND WE'RE LOSING THEM TO OTHER STATES, WE NEED TO TRY TO KEEP THEM HERE IN THE STATE OF NEBRASKA. BUT I HAVE QUESTIONS THAT I WANT TO HAVE. AND I WANT TO SAY TO SENATOR KUEHN'S SISTER, IF SHE'S STILL WATCHING, I HAD A WONDERFUL DISCUSSION WITH YOUR BROTHER YESTERDAY FOR ABOUT 45 MINUTES THAT HELPED ME WITH THIS BILL AS MUCH AS ANYTHING, AND I WOULD HOPE THAT MY OWN SIBLING WOULD FIGHT FOR ME AS MUCH AS YOUR BROTHER WAS FIGHTING FOR YOU YESTERDAY ON THIS PARTICULAR ISSUE. BUT ANYWAY, SENATOR CRAWFORD, I WONDER IF YOU WOULD ACCEPT SOME QUESTIONS HERE FOR ME? [LB107]

PRESIDENT FOLEY: SENATOR CRAWFORD, WOULD YOU YIELD TO QUESTIONS? [LB107]

SENATOR CRAWFORD: YES. [LB107]

SENATOR HILKEMANN: SENATOR, WHAT'S GOING TO BE THE DIFFERENCE OF SCOPE? YOU SAID THAT THERE'S...THAT THIS IS NOT A SCOPE OF PRACTICE ISSUE. SO WHAT'S THE DIFFERENCE IN SCOPE BETWEEN AN MD, DO, AND A NURSE PRACTITIONER? [LB107]

SENATOR CRAWFORD: WELL, THIS IS NOT A SCOPE OF PRACTICE BILL. IT DOES NOT CHANGE THE SCOPE FOR NURSE PRACTITIONERS AT ALL. SO I DON'T...I CANNOT TELL YOU EXACTLY WHAT THE SCOPE IS FOR EVERY OTHER PROFESSION. I DO KNOW THAT PHYSICIANS HAVE NO RESTRICTED SCOPE OF PRACTICE IN STATUTE, AND NURSE PRACTITIONERS DO. BUT WE ARE NOT CHANGING ANY OF THEIR SCOPE OF PRACTICE IN TERMS OF WHAT THEY DO WITH THIS BILL. [LB107]

SENATOR HILKEMANN: SENATOR, HOW DO THEY NOT HAVE...WHEN I LOOK AT THE STATUTES FOR THE SCOPE OF PRACTICE FOR A NURSE PRACTITIONER, IT'S VERY BROAD. [LB107]

SENATOR CRAWFORD: IS THAT A QUESTION? (LAUGH) [LB107]

SENATOR HILKEMANN: THAT'S A QUESTION. [LB107]

SENATOR CRAWFORD: THANK YOU FOR RAISING THAT QUESTION. SO BASICALLY WHEN WE...WE HAVE DIFFERENT WAYS IN WHICH WE REGULATE OUR PROFESSIONS. THE SCOPE OF PRACTICE AS IN STATUTE IS INTENTIONALLY BROAD BECAUSE THAT'S THE FRAMEWORK AND SETS THE BASIC OUTLINE IN THE STANDARDS. THE DETAILS THEN GET WORKED OUT

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WITH THE BOARD OF HEALTH AND THE RULES AND REGS AND THE APPROPRIATE BOARD. IN THIS CASE, THE APRN BOARD. SO IT'S APPROPRIATE THAT OUR STATUTES ARE BROAD. AND I THINK IF YOU LOOK AT THE PODIATRY STATUTE, YOU'LL SEE THEY'RE PRETTY BROAD TOO. [LB107]

SENATOR HILKEMANN: WHEN YOU LOOK AT...ACTUALLY THE STATUTES OF PODIATRY ARE VERY LIMITED TO FOOT AND ANKLE. IT'S A VERY LIMITED PRACTICE. WHEN I LOOK AT...ON PAGE 5 OF THE BILL, IT SAYS...IT REFERS TO SUPERVISING PROVIDER. NOW IS THIS JUST FOR THIS TRANSITION PERIOD THAT THEY GO FROM THEIR TRAINING TO WHEN THEY GO OUT INTO INDEPENDENT PRACTICE? [LB107]

SENATOR CRAWFORD: THE DEFINITION IN THE BILL OF A SUPERVISING PROVIDER IS FOR THE TRANSITION-TO-PRACTICE, YES. [LB107]

SENATOR HILKEMANN: AND HOW LONG IS THIS PERIOD OF TIME? [LB107]

SENATOR CRAWFORD: THE PERIOD OF TIME FOR THE TRANSITION-TO-PRACTICE... [LB107]

PRESIDENT FOLEY: ONE MINUTE. [LB107]

SENATOR CRAWFORD: ...IS 2,000 HOURS. [LB107]

SENATOR HILKEMANN: TWO THOUSAND HOURS THAT THEY'RE UNDER SUPERVISION? [LB107]

SENATOR CRAWFORD: IN THE TRANSITION-TO-PRACTICE. [LB107]

SENATOR HILKEMANN: AND UNTIL THEY GO THROUGH THIS TRANSITION PERIOD, THEY CANNOT BECOME AN INDEPENDENT PRACTITIONER OF...OR A NURSE PRACTITIONER. [LB107]

SENATOR CRAWFORD: CORRECT. FOR THE NEW NURSE PRACTITIONERS, YES. [LB107]

SENATOR HILKEMANN: SO IS THIS BILL ONLY IN HOW THEY GET FROM THEIR TRAINING TO BECOMING AN INDEPENDENT NURSE PRACTITIONER? [LB107]

SENATOR CRAWFORD: THE MAIN POINT OF THE BILL, SENATOR, IS TO REMOVE THE INTEGRATED PRACTICE AGREEMENT WHICH IS REQUIRED NOW FOR THEM TO PRACTICE AT ALL. THEY GET THEIR LICENSE, THEY GET THE CERTIFICATION, BUT CURRENTLY THEY'RE REQUIRED TO ALSO HAVE THE

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PIECE OF PAPER IN LINCOLN, AND THIS BILL REMOVES THAT INTEGRATED PRACTICE AGREEMENT REQUIREMENT AND ALLOWS THEM TO PRACTICE IF THEY'RE LICENSED AND CERTIFIED AND GET... [LB107]

PRESIDENT FOLEY: TIME HAS EXPIRED. THANK YOU, SENATORS HILKEMANN AND CRAWFORD. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB107]

SENATOR KOLTERMAN: THANK YOU, MR. LIEUTENANT GOVERNOR. I RISE IN SUPPORT OF THIS BILL. AS IT HAS BEEN STATED MANY TIMES TODAY ALREADY, THIS PASSED 43-0 BY THE BODY LAST YEAR. AND I THINK THE IMPORTANT THING TO REMEMBER HERE, AND I HAVE SAT THROUGH THE HEARINGS, WE HEARD A LOT OF REALLY GOOD TESTIMONY. THE ONLY THING THAT WAS NEGATIVE, THE ONLY PEOPLE THAT OPPOSED THIS BILL WAS THE DOCTORS. AND I HAVE HAD A CONVERSATION WITH MY OWN LOCAL DOCTOR WHO HAPPENS TO BE PRESIDENT OF THE FAMILY PRACTICE DOCTORS, NATIONAL PRESIDENT THIS YEAR, AND HE WAS OPPOSED TO THIS. AND WE HAVE A GREAT RELATIONSHIP. AT THE SAME TIME, I ASKED HIM SOME QUESTIONS ABOUT HIS OPPOSITION, AND HIS OPPOSITION REALLY DEALS WITH THE SCOPE OF PRACTICE. IT DOES NOT DEAL WITH WHAT WE'RE TALKING ABOUT TODAY. THE SCOPE OF PRACTICE IS NOT INCLUDED IN THIS BILL. THIS IS ABOUT GIVING THEM THE FREEDOM AFTER THEY HAVE GONE THROUGH ALL THEIR TESTING AND ALL THEIR...ALL THEIR WORK, TO GET THE ABILITY TO GO OUT AND PRACTICE. MY SUGGESTION WOULD BE, AND I TOLD HIM THIS, FIRST OF ALL, THEY HAVE THE INTERIM TO COME BACK, THE DOCTORS HAVE THE INTERIM TO COME BACK AND DISCUSS THIS WITH SENATOR CRAWFORD AND THE NURSE PRACTITIONERS, AND MAKE CHANGES TO THE BILL OR MAKE AMENDMENTS TO THE BILL. THEY HAD A YEAR TO DO THAT. WHERE WERE THEY? AND THAT'S EXACTLY WHAT I ASKED MY DOCTOR. HE SAID, WELL, WE PROBABLY FELL ASLEEP AT THE WHEEL. SO, I JUST WANT YOU TO KNOW THIS IS NOT A SCOPE OF PRACTICE. YOU'VE HEARD THAT FROM TWO PEOPLE THAT WERE HERE LAST YEAR, THREE PEOPLE NOW, SENATOR GLOOR, SENATOR KRIST, AND ALSO SENATOR CRAWFORD. I THINK WE OWE IT TO MOVE THIS BILL FORWARD. I WOULD ENCOURAGE YOU TO MOVE THIS BILL FORWARD. IF THE DOCTORS AND THE MEDICAL PROFESSION WANT TO CHANGE THE SCOPE OF PRACTICE, LET'S HAVE THEM BRING A BILL IN TO US. I THINK WE NEED TO BE OPEN TO THAT, BUT THIS NOT THE PLACE TO DISCUSS THE SCOPE OF PRACTICE. THANK YOU FOR YOUR TIME. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR PANSING BROOKS. [LB107]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE ALSO IN SUPPORT OF LB107, THE NEBRASKA NURSE PRACTITIONER ACT. AGAIN, IT'S

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BEEN SAID, BUT THIS ELIMINATES THE INTEGRATED PRACTICE AGREEMENT, WHICH IS REALLY MORE OF A FORMALITY BETWEEN THE DOCTOR AND THE NURSE PRACTITIONER. THIS IS NOT A SUPERVISORY ROLE WHERE THE DOCTOR IS ENGAGED IN THE DAY-TO-DAY BUSINESS WHERE YOU MIGHT GO INTO YOUR OFFICE AND SEE A NURSE PRACTITIONER IN YOUR DOCTOR'S OFFICE. THIS IS FOR A TOTALLY DIFFERENT MATTER. AND, AGAIN, WE NEED TO WORRY ABOUT THE PRIMARY CARE AND MENTAL HEALTH ABILITY AND SHORTAGES IN RURAL AND URBAN AREAS. AND I'D JUST LIKE TO SAY, OF COURSE, THAT SENATOR CRAWFORD...EXCUSE ME, SENATOR SEILER HAD A VERY NEGATIVE EXPERIENCE IN MONTANA. I FEEL IT WOULD BE REMISS TO LET THAT GO WITHOUT COMMENTING ON IT. NURSE PRACTITIONERS ARE AMAZINGLY TALENTED PEOPLE. THEY PROVIDE AMAZING SERVICES TO OUR STATE AND TO OUR HEALTHCARE SYSTEM. AND IT IS...IT IS ERRONEOUS AND EGREGIOUS TO LUMP A GROUP OF PROFESSIONALS INTO ONE ACTION BY SOME INCOMPETENT PEOPLE. WE ALL KNOW THERE ARE INCOMPETENT PEOPLE IN ANY PROFESSION--LAWYERS, DOCTORS, LAWMAKERS, NURSE PRACTITIONERS, BUT THAT DOESN'T MEAN THAT WE HAVE TO STOP AND NOT...NOT PROVIDE THIS ABILITY FOR OUR NURSE PRACTITIONERS TO BE ABLE TO PROVIDE A SERVICE OF HEALTHCARE AND A LOWER COST OF HEALTHCARE ACROSS THE STATE. THANK YOU, MR. PRESIDENT. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. (VISITORS INTRODUCED.) SENATOR BRASCH, YOU'RE RECOGNIZED. [LB107]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT; AND THANK YOU, COLLEAGUES. I DID WANT TO RISE TO SPEAK AGAIN AFTER SPEAKING WITH MY FELLOW COLLEAGUE, SENATOR KUEHN, AND OTHERS, AND ALSO SENATOR CRAWFORD, WHO HAS REVIEWED THE DOCUMENT. I AM SOMEWHAT ASSURED THAT THE SCOPE OF PRACTICE IS NOT TAKING PLACE. I DO HAVE AN INTENTION OF VOTING GREEN ON GENERAL FILE. I HAVE RECEIVED E-MAILS FROM NURSE PRACTITIONERS IN OUR DISTRICT. I AM HOPING THAT AFTER MY VOTE OF GREEN, SHOULD THERE BE PHYSICIANS OUT THERE, ASIDE FROM THE ONE THAT IS IN SENATOR SEILER'S DISTRICT, I'D ENCOURAGE THEM TO CONTACT YOUR SENATORS, CONTACT ME. THIS IS OUTSIDE OUR SCOPE OF PRACTICE AS LEGISLATORS. AND WE DO WANT TO BE OF THE BEST BENEFIT FOR THOSE IN OUR DISTRICT AND, YES, ESPECIALLY IN OUR RURAL AREAS WHERE IT IS CHALLENGING AT TIMES TO GET MEDICAL PROFESSIONALS, WHETHER IT'S BEHAVIORAL HEALTH ISSUES AND, YOU KNOW, THE ASSISTANCE WE NEED THROUGH NURSING, THROUGH DOCTORS, DENTISTRY AND BEYOND, THAT, YOU KNOW, THERE IS THE GOOD LIFE ALSO IN ALL OF NEBRASKA, NOT JUST OUR URBAN AREAS. I KNOW THERE...THAT SENATOR CRAWFORD AND HER STAFF HAS SPENT COUNTLESS HOURS IN MAKING SURE THAT DILIGENCE WAS DONE. BUT I STILL WOULD LIKE

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TO HAVE INPUT FROM THOSE PROFESSIONALS THAT WILL BE MOST IMPACTED, AND BE ASSURED THAT THERE ARE NO UNINTENDED CONSEQUENCES OR UNFORESEEN ELEMENTS THAT PERHAPS WERE NOT BROUGHT OUT INTO DISCUSSION TODAY. AND, I HAVE REMAINING TIME, I WOULD LIKE TO GIVE IT TO...SENATOR HILKEMANN, WOULD YOU LIKE TO HAVE THE REMAINING TIME? [LB107]

PRESIDENT FOLEY: SENATOR HILKEMANN, ROUGHLY 2:00, IF YOU WOULD LIKE IT. [LB107]

SENATOR HILKEMANN: THANK YOU, SENATOR BRASCH. JUST...I JUST WANT TO GET A COUPLE OF THINGS SQUARED AROUND IN MY MIND, SENATOR CRAWFORD, ON THIS BILL. SO WE SAY THAT THIS IS NOT A CHANGE OF SCOPE. BUT AT THE SAME TIME, SO, I WANT TO UNDERSTAND THAT ONCE THIS....THIS NURSE PRACTITIONER GOES THROUGH THIS TRANSITION PERIOD OR THIS 2,000 HOURS, THEY WILL THEN BE ABLE TO PRACTICE THEIR...AS A NURSE PRACTITIONER, COMPLETELY INDEPENDENT WITHOUT ANY AGREEMENT WITH ANYONE, IS THAT CORRECT? [LB107]

PRESIDENT FOLEY: SENATOR CRAWFORD, WOULD YOU YIELD? [LB107]

SENATOR CRAWFORD: I WILL, THANK YOU. THEY WILL NOT...THEY WILL BE ABLE TO PRACTICE WITHOUT AN INTEGRATED PRACTICE AGREEMENT. THEY'RE REQUIRED BY STATUTE TO COLLABORATE, CONSULT, AND REFER. SO THEY WILL NOT BE PRACTICING, QUOTE, ON THEIR OWN, END QUOTE. [LB107]

SENATOR HILKEMANN: SENATOR, WHO WILL THEY BE COLLABORATING WITH, THEN? [LB107]

SENATOR CRAWFORD: THEY WILL BE COLLABORATING WITH THE PERSON THAT MAKES THE MOST SENSE FOR THE PATIENT IN FRONT OF THEM. SO MANY OF THE PATIENTS THAT, YOU KNOW, HAVE DIFFERENT SPECIALISTS AND DIFFERENT PROVIDERS... [LB107]

PRESIDENT FOLEY: ONE MINUTE. [LB107]

SENATOR CRAWFORD: ...AND SO THEY COLLABORATE WITH THE PERSON THAT IS THE PROVIDER, THEY NEED TO COLLABORATE GIVEN THE PATIENT IN FRONT OF THEM. [LB107]

SENATOR HILKEMANN: SO THERE IS NO WRITTEN...AFTER THEY GET THROUGH THIS ONE-YEAR PERIOD OF TIME, THERE'S NO WRITTEN

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AGREEMENT WITHOUT...WITH ANY OTHER PHYSICIAN, IS THAT CORRECT?
[LB107]

SENATOR CRAWFORD: THERE'S NO STATUTORY REQUIREMENT FOR A WRITTEN AGREEMENT WITH SOMEONE ELSE. THEY WOULD BE ESTABLISHING THOSE NETWORKS AND MAKING AGREEMENTS, BUT WE'RE NOT TELLING THEM WHAT THAT AGREEMENT LOOKS LIKE. [LB107]

SENATOR HILKEMANN: OKAY. THANK YOU, SENATOR CRAWFORD. [LB107]

SENATOR CRAWFORD: THANK YOU. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATORS HILKEMANN AND CRAWFORD. SENATOR HILKEMANN YOU WERE NEXT IN THE QUEUE, BUT HE WAIVES THAT OPPORTUNITY. SENATOR RIEPE. [LB107]

SENATOR RIEPE: LIEUTENANT GOVERNOR, FELLOW SENATORS, AND NEBRASKANS, AS A INDIVIDUAL WITH 30-SOME YEARS OF HEALTHCARE ADMINISTRATION, I FEEL COMPELLED TO MAKE SOME COMMENTS. AND THAT IS THAT MY PREFERENCE WOULD BE FOR CLINICAL NURSE PRACTITIONERS TO PRACTICE IN PARTNERSHIP WITH PHYSICIANS, IN PART BECAUSE SOLO PRACTICE IS NOT REALLY THE FUTURE, AND IT'S A LITTLE BIT MORE AT RISK THAN YOU MIGHT NORMALLY WANT. THAT'S NOT ALWAYS AN OPPORTUNITY IN SOME SMALLER RURAL COMMUNITIES. MY CONVICTION IS, AND I WILL VOTE IN SUPPORT OF LB107, IS THAT THIS IS THE FUTURE OF MEDICINE. I'VE HAD THE OPPORTUNITY OVER THESE YEARS TO EMPLOY AND WORK WITH AND KNOW THE CAPABILITIES OF MANY OF THESE NURSES. I...AND I HAVE NEVER HAD A REAL...I'VE NEVER HAD A PROBLEM WITH ANY OF THEM OF GETTING OUTSIDE OF THEIR SCOPE AT THEIR PRACTICE. PART OF THIS IS DIRECTED BY SIMPLY THE LEGAL SYSTEM WILL KEEP THEM CLOSE TO TOE. IT'S ALSO...IT'S JUST A MATTER OF, TO ME, ACCESS AND COST AND WE NEED TO HAVE...IT'S A NEW MODEL FOR MEDICINE, AND MEDICINE IS CHANGING. THANK YOU, SIR. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. SENATOR KINTNER. [LB107]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, WHEN I CAME DOWN HERE AS A FRESHMAN, A MUCH WISER SENATOR THAN I--WHEN YOU ARE A FRESHMAN EVERY SENATOR IS PROBABLY WISER THAN YOU--SAID, YOU KNOW, YOU GET IN THESE SCOPE OF PRACTICE THINGS, YOU JUST GOT TO PICK A SIDE. JUST GET ON ONE SIDE OR THE OTHER BECAUSE YOU'RE GOING TO MAKE SOMEBODY MAD NO MATTER WHAT'S HAPPENING. SO I WAS REALLY GLAD TO FIND OUT THAT THIS ISN'T SCOPE OF PRACTICE, SO I GUESS I'M OFF THE HOOK ON THAT ONE. BUT, YOU KNOW, I PRIDE

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MYSELF ON GETTING OUT OF MY COMMUNITY, KNOCKING ON EVERY DOOR, WALKING IN EVERY BUSINESS, MEETING PEOPLE, FINDING OUT WHAT'S GOING ON. AND, YOU KNOW, I WAS IN PLATTSMOUTH, IT WAS BETWEEN ELECTIONS AND I WAS JUST GOING TO BUSINESSES THAT I HADN'T BEEN INTO YET, AND I WALKED INTO A...WELL, IT WAS A NURSE PRACTITIONER'S OFFICE. AND I WENT IN THERE AND SHE TOLD ME ABOUT THIS BILL AND SHE TOLD ME WHAT IT WAS LIKE TO PRACTICE UNDER A DOCTOR AND TO PAY \$5,000 TO A DOCTOR THAT SHE NEVER SEES, THAT DOESN'T HAVE ANYTHING TO DO WITH HER. YOU KNOW, I STILL AT THAT POINT DIDN'T UNDERSTAND WHAT WAS GOING ON EXACTLY, BUT SHE LOOKED PRETTY SMART TO ME AND SHE TALKED LIKE SHE KNEW WHAT SHE WAS DOING, AND SO I SAID, OKAY. AND SHE STAYED IN TOUCH WITH ME AND PROVIDED ME INFORMATION AND...BUT IT KIND OF GOT ME LOOKING AT THIS ISSUE, TALKED TO MY DOCTOR, AND I'VE TRIED TO FIND AS MUCH INFORMATION AS I POSSIBLY COULD ON THIS. AND YOU KNOW, THIS IS ABSOLUTELY FASCINATING. I DON'T THINK, IF THIS PASSES, THAT WE GO OUT OF THE MAINSTREAM. I DON'T THINK THAT WE'VE DONE ANYTHING RADICAL THAT'S NOT BEEN DONE. IT...I THINK IT PROBABLY SOLVES MORE PROBLEMS THAN IT CREATES. I'M NOT SURE EXACTLY THE PROBLEMS IT CREATES, BUT YOU GOT TO FIGURE WHATEVER YOU DO CREATES SOME PROBLEMS SOMEWHERE. AND SO I'VE GOT A COUPLE QUESTIONS IF SENATOR CRAWFORD WOULD BE SO KIND AS TO YIELD. [LB107]

PRESIDENT FOLEY: SENATOR CRAWFORD, WOULD YOU YIELD TO SOME QUESTIONS? [LB107]

SENATOR CRAWFORD: YES. [LB107]

SENATOR KINTNER: THANK YOU, SENATOR CRAWFORD. WHEN DID NURSE PRACTITIONERS KIND OF COME INTO BEING? [LB107]

SENATOR CRAWFORD: I DO NOT KNOW. [LB107]

SENATOR KINTNER: WOULD YOU HAVE ANY IDEA HOW WE GOT NURSE PRACTITIONERS? [LB107]

SENATOR CRAWFORD: I DO NOT KNOW. I DON'T THINK THAT'S RELEVANT FOR WHAT WE'RE DOING TODAY. [LB107]

SENATOR KINTNER: I JUST WANTED SOME HISTORY HOW WE GOT TO WHERE WE ARE AND HOW THEY GOT TO THE RESPONSIBILITIES AND THE AUTHORITY THEY CURRENTLY HAVE, IS WHERE I'M GOING WITH THIS. AND HOW IT'S EVOLVED TO WHERE WE ARE AND HOW THIS MIGHT BE THE NEXT EVOLUTIONARY STEP FOR THAT. [LB107]

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SENATOR CRAWFORD: SO WHAT I DO KNOW IS THAT WE HAVE OVER 40 YEARS OF EXPERIENCE OF NURSES PRACTICING WITH FULL PRACTICE AUTHORITY AND HUNDREDS OF STUDIES THAT SHOW IT'S SAFE AND EFFECTIVE. I DO NOT KNOW THE HISTORY. I JUST KNOW THE SOCIAL SCIENCE. [LB107]

SENATOR KINTNER: OKAY. HOW MANY NURSE PRACTITIONERS DO WE HAVE IN THE STATE? [LB107]

SENATOR CRAWFORD: I DON'T KNOW THAT EITHER. I HOPE WHEN THIS BILL PASSES WE'LL HAVE MANY MORE. [LB107]

SENATOR KINTNER: SENATOR CRAWFORD, WHAT DID YOU HAVE FOR BREAKFAST THIS MORNING? (LAUGHTER) [LB107]

SENATOR CRAWFORD: NOT WHEATIES. (LAUGHTER) [LB107]

SENATOR KINTNER: ALL RIGHT. OKAY. I DID NOT MEAN TO PUT YOU ON THE SPOT. I JUST PICKED THREE QUESTIONS YOU DIDN'T HAPPEN TO HAVE THE ANSWER TO. THANK YOU VERY MUCH, I APPRECIATE THAT. MR. PRESIDENT, YOU KNOW, I'VE LOOKED AT THIS AND I'VE TALKED TO MANY PEOPLE AND I DON'T THINK WE'RE DOING A DISSERVICE TO THE MANY PEOPLE IN RURAL NEBRASKA, IF WE PASS THIS. I UNDERSTAND THERE ARE ALWAYS SOME RISKS WITH IT. BUT, I DON'T THINK THAT WE ARE GOING TO BRING MODERN MEDICINE TO AN END, AND I DON'T THINK THAT THE NEGATIVES ON THIS ONE OUTWEIGH THE POSITIVES. SO AT THIS POINT I...I THINK I'M GOING TO VOTE FOR THIS BILL AND I'M GOING TO ENCOURAGE MY FELLOW SENATORS TO DO LIKEWISE. HOW MUCH MORE TIME DO I HAVE? [LB107]

PRESIDENT FOLEY: ROUGHLY 1:00, SENATOR. [LB107]

SENATOR KINTNER: ONE MINUTE. I WILL YIELD THAT TO SENATOR HILKEMANN, IF HE'D LIKE IT. [LB107]

PRESIDENT FOLEY: SENATOR HILKEMANN, 0:45. [LB107]

SENATOR HILKEMANN: THANK YOU, SENATOR KINTNER. I APPRECIATE...SENATOR CRAWFORD, I APPRECIATE THE DISCUSSION THAT WE'VE HAD ON THIS BILL THIS MORNING. I THINK THE ONE THING I WANT...THAT I'M STILL HAVING PROBLEMS IS THAT I BELIEVE THAT THIS TRULY IS STILL A CHANGE OF SCOPE OF PRACTICE WHEN YOU GO FROM THE FACT THAT YOU HAVE TO HAVE SOME SUPERVISION TO NO SUPERVISION, THAT IN

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AND OF ITSELF IS A CHANGE IN SCOPE. AND I HAVE TALKED WITH MULTIPLE PHYSICIANS WHO I KNOW AND RESPECT WHO SAY, THE NURSE PRACTITIONERS MAY DO A BETTER JOB THAN WE DO AS PHYSICIANS. AND SO WITH THAT, I...I THINK THAT WE OUGHT TO MOVE THIS BILL FORWARD. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR HILKEMANN, SENATOR KINTNER, SENATOR CRAWFORD. SENATOR BRASCH YOU'RE RECOGNIZED. [LB107]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. FOLLOWING MY TIME SPEAKING OF THE GREEN LIGHT, WHICH I CONTINUE TO HESITANTLY MAKE GREEN, BUT I WILL, WANTING TO HEAR FROM CONSTITUENTS AND PHYSICIANS MORE ON THIS. I DID SPEAK WITH SENATOR GLOOR AND HE REMINDED ME OF LAST YEAR WHAT WE HAD HEARD, AND I WOULD LIKE TO YIELD THE REMAINING OF MY TIME TO HIM FOR FURTHER ASSURANCE. [LB107]

PRESIDENT FOLEY: SENATOR GLOOR, 4:20. [LB107]

SENATOR GLOOR: THANK YOU AND I WON'T USE ALL OF THAT, BUT THANK YOU, SENATOR BRASCH. WHAT I TALKED WITH SENATOR BRASCH ABOUT, AND THIS IS IMPORTANT FOR THE BODY TO REMEMBER IS, I REMEMBER MY FRUSTRATION THE FIRST COUPLE OF WEEKS I WAS DOWN HERE AND WE GOT INVOLVED IN A SCOPE OF PRACTICE DISCUSSION THAT HAD ALREADY GONE THROUGH AN APPROPRIATE PROCESS WITH THE BOARD OF HEALTH AND WE HAD A RECOMMENDATION FROM THE BOARD OF HEALTH. BUT WE HAD OUR ARMS TWISTED, OUR EARS BENT BY PRACTITIONERS, AND BY LOBBYISTS FOR PRACTITIONERS, AND WE FOUND OURSELVES IN CLINICAL DISCUSSION MAKING DECISIONS THAT WE HAD NO BUSINESS MAKING BECAUSE WE HAD THE GUIDANCE THAT WE'VE ESTABLISHED IN STATUTE WITH A BOARD OF HEALTH THAT SETS UP A TECHNICAL COMMITTEE THAT LOOKS AT THINGS OF THIS SORT SO THAT WE AREN'T PUT IN THE POSITION OF MAKING DECISIONS. AND I'M GOING TO RUN THROUGH A SHORT LIST OF THE SORT OF THINGS THAT FIND ITS WAY TO US, THAT BEING ARGUMENTS BETWEEN THE PHYSICAL THERAPISTS AND THE CHIROPRACTORS, ARGUMENTS BETWEEN THE DENTAL ASSISTANTS AND DENTAL HYGIENISTS, ARGUMENTS BETWEEN VETS AND ANIMAL SPECIALISTS WITH GRADUATE DEGREES. THESE ARE ALL SCOPE OF PRACTICE ISSUES. I WOULD REITERATE. THIS ISN'T A SCOPE OF PRACTICE. YET, THE NURSE PRACTITIONERS DECIDED TO GO TO THE BOARD OF HEALTH AND ASK THEM TO TAKE A LOOK AT IT. THE BOARD OF HEALTH ESTABLISHED A TECHNICAL COMMITTEE MADE UP OF PROFESSIONALS, CONSUMERS, CAME BACK, AND SAID, NOT A SCOPE OF PRACTICE, WE THINK IT'S FINE TO GO AHEAD WITHOUT THE PRACTICE AGREEMENT. THE BOARD OF HEALTH ALSO MADE UP OF HEALTH PROFESSIONALS, CLINICIANS, FOLKS WHO DON'T HAVE

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A VESTED INTEREST FROM A BUSINESS STANDPOINT INVOLVED IN THE DECISION, THEY LOOKED AT THE RECOMMENDATIONS OF THE TECHNICAL COMMITTEE AND SAID, NOT A SCOPE OF PRACTICE ISSUE, THIS SHOULD BE ALLOWED TO GO FORWARD WITHOUT THE PRACTICE AGREEMENT. SO IT COMES TO US WITH ALL THE THINGS THAT WE'RE TALKING ABOUT TODAY HAVING BEEN WORKED OUT BY PEOPLE WHO WE IN STATUTE ASKED TO DO THIS FOR US SO THAT WE WOULDN'T GET BOGGED DOWN IN HAVING TO BECOME CLINICAL EXPERTS. AND THEY'VE SAID, VOTE THIS FORWARD. NOW WE MAY NOT. BUT COUNT ON IT, EVERYBODY WHO WANTS TO SEE THEIR SCOPE OF PRACTICE CHANGED WILL IGNORE WHAT COMES OUT OF THE BOARD OF HEALTH AND SAY, LET'S FIGHT IT OUT AND ROLL IN THE MUD ON THESE ISSUES IN THE LEGISLATURE BECAUSE WE CAN GET THEM TO CHANGE THEIR MINDS. THEY'LL IGNORE WHAT THE BOARD OF HEALTH SAYS AND THE TECHNICAL COMMITTEES, AND THAT'S OUR RISK BY NOT GOING FORWARD WITH THIS. WE HAVE RECOMMENDATIONS THAT WE, AS A LEGISLATIVE BODY, PUT IN PLACE SO THAT WE WOULDN'T HAVE TO SIT DOWN AND ARGUE THESE THINGS AND REHASH THESE THINGS. THERE IS A PROCESS IN PLACE. TAKE THE ADVICE OF THE BOARD OF HEALTH. TAKE THE ADVICE OF THEIR TECHNICAL COMMITTEE THAT LOOKED AT THIS ISSUE IN GREAT DETAIL. I KNOW ABOUT THIS BECAUSE, AS I SAID EARLIER, I TWEAKED THE PROCESS TO MAKE IT EVEN BETTER AND THINK IT IS BETTER. IT'S A GOOD BILL. WE SHOULD TAKE THE RECOMMENDATIONS OF THOSE PEOPLE WE IMBUED WITH THE RESPONSIBILITY TO MOVE FORWARD AND VOTE GREEN ON THIS. THANK YOU. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. AND, SENATOR GLOOR, YOU WERE NEXT IN THE QUEUE. [LB107]

SENATOR GLOOR: QUESTION. QUESTION. [LB107]

PRESIDENT FOLEY: DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? JUST TO CLARIFY, WE'RE VOTING ON CEASING DEBATE AT THIS POINT. RECORD, PLEASE, MR. CLERK. [LB107]

ASSISTANT CLERK: 28 AYES, 0 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB107]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. DEBATE DOES CEASE. SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON LB107. [LB107]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I'LL BE BRIEF. JUST WANTED TO REMIND EVERYONE, IF YOU LOOK AT THE COMMITTEE

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STATEMENTS, YOU'LL SEE THIS BILL RECEIVED BROAD SUPPORT FROM A VARIETY OF STAKEHOLDERS, INCLUDING THE AARP, NEBRASKA HOSPITAL ASSOCIATION, AMERICANS FOR PROSPERITY AND THE NEBRASKA ASSOCIATION OF SCHOOL BOARDS. AND ALSO AS I NOTED EARLIER, THAT THIS REMOVING INTEGRATED PRACTICE AGREEMENT IS SUPPORTED BY THE FEDERAL TRADE COMMISSION, THE NATIONAL GOVERNORS ASSOCIATION AND INSTITUTE OF MEDICINE. NURSE PRACTITIONERS ARE STILL REQUIRED TO COLLABORATE, REFER, AND CONSULT AS PART OF TEAM-BASED CARE. LB107 DOES NOT CHANGE THEIR SCOPE OF PRACTICE. I URGE YOU TO VOTE GREEN ON LB107. THANK YOU. [LB107]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATORS, YOU'VE HEARD THE DEBATE AND THE CLOSING ON LB107. THE QUESTION IS, SHALL LB107 ADVANCE TO E&R INITIAL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB107]

ASSISTANT CLERK: 35 AYES, 2 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB107]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB107 ADVANCES. MR. CLERK, ITEMS FOR THE RECORD. [LB107]

ASSISTANT CLERK: MR. PRESIDENT, YOUR COMMITTEE ON GENERAL AFFAIRS REPORTS LB439 AND LB179 TO GENERAL FILE. A SERIES OF NOTICE OF COMMITTEE HEARINGS FROM THE JUDICIARY COMMITTEE. NAME ADD: SENATOR KRIST TO LB114. (LEGISLATIVE JOURNAL PAGES 434-436.) [LB439 LB179 LB114]

AND FINALLY, A PRIORITY MOTION. SENATOR CRAIGHEAD WOULD MOVE TO ADJOURN UNTIL MONDAY MORNING, FEBRUARY 9, 2015, AT 10:00 A.M.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATORS, YOU HAVE HEARD THE MOTION TO ADJOURN. THE QUESTION IS, SHALL THE BODY ADJOURN? ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE ADJOURNED.