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Floor Debate
March 12, 2015

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SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FORTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATIVE SESSION. OUR CHAPLAIN FOR TODAY IS SHARLA BEHAN FROM THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS IN OMAHA, NEBRASKA, SENATOR COOK'S DISTRICT. PLEASE RISE.

SHARLA BEHAN: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU. I CALL TO ORDER THE FORTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS TO THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS, MR. PRESIDENT.

SPEAKER HADLEY: ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: THERE ARE. PRIORITY BILL DESIGNATIONS: SENATOR HOWARD, LB199; SENATOR SULLIVAN AS CHAIR OF EDUCATION, LB519 AND LB525; SENATOR COOK, LB81; SENATOR SULLIVAN, PERSONAL PRIORITY, LB528; SENATOR BRASCH, LB350; SENATOR DAVIS, LB85; SENATOR FRIESEN, LB610; AND SENATOR SCHNOOR, LB329. A NEW RESOLUTION, SENATOR BOLZ WOULD OFFER LR113, MR. PRESIDENT. THAT WILL BE LAID OVER. REPORTS RECEIVED IN THE CLERK'S OFFICE WILL BE AVAILABLE TO MEMBERS ON THE LEGISLATIVE WEB SITE. AND

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FINALLY, THE LOBBYING REPORT AS REQUIRED BY STATE LAW TO BE INSERTED IN THE JOURNAL. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 821-822.) [LB199 LB519 LB525 LB81 LB528 LB350 LB85 LB610 LB329 LR113]

SPEAKER HADLEY: MR. CLERK, WE WILL MOVE TO FINAL READING. MEMBERS SHOULD RETURN TO THEIR SEATS IN PREPARATION FOR FINAL READING. WE WILL START WITH CONFIRMATION REPORTS.

CLERK: MR. PRESIDENT, THE FIRST CONFIRMATION REPORT IS BY NATURAL RESOURCES. IT INVOLVES THE APPOINTMENT OF HENRY KOSMAN TO THE NATURAL RESOURCES COMMISSION. (LEGISLATIVE JOURNAL PAGE 724.)

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORTS.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. YES, WE HAD THIS HEARING A WHILE BACK ON MR. KOSMAN. HE IS FROM SCOTTSBLUFF. HE HAS BEEN A LONGTIME SUPPORTER OF CONSERVATION AND A LONGTIME SUPPORTER OF WATER AND WATER POLICY IN THE STATE OF NEBRASKA. AND HE'S GOING TO MAKE A WONDERFUL MEMBER OF THE NATURAL RESOURCES COMMISSION. AND WITH THAT, I WOULD APPRECIATE EVERYONE'S SUPPORT. THANK YOU VERY MUCH.

SPEAKER HADLEY: ANYONE WISHING TO SPEAK ON THE CONFIRMATION? SEEING NONE, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS THE APPROVAL OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 823.) 28 AYES...EXCUSE ME, MR. PRESIDENT, 32 AYES, 0 NAYS ON THE ADOPTION OF THE CONFIRMATION REPORT.

SPEAKER HADLEY: THE CONFIRMATION REPORT IS APPROVED. MR. CLERK.

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CLERK: MR. PRESIDENT, NATURAL RESOURCES REPORTS ON THE APPOINTMENT OF NORRIS MARSHALL TO THE GAME AND PARKS COMMISSION. (LEGISLATIVE JOURNAL PAGE 732.)

SPEAKER HADLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON THE REPORT.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. NORRIS MARSHALL IS FROM KEARNEY. HE IS A REAPPOINTMENT TO THE GAME AND PARKS COMMISSION. HE HAD HIS HEARING ON MARCH 5. IT WAS A UNANIMOUS VOTE TO PUT HIM UP HERE TO THE FLOOR TO BE VOTED ON BY THE ENTIRE LEGISLATURE. HE HAS DONE A FINE JOB ON THE COMMISSION SO FAR. AND IT IS SEEN THAT HE WILL CONTINUE TO DO THAT JOB. SO WITH THAT, I WOULD ASK FOR EVERYONE'S SUPPORT ON NORRIS MARSHALL. THANK YOU.

SPEAKER HADLEY: IS THERE ANYONE WHO WISHES TO SPEAK ON THE CONFIRMATION? SEEING NONE, SENATOR SCHILZ, YOU'RE RECOGNIZED. SENATOR SCHILZ WAIVES CLOSING. THE VOTE IS ON THE CONFIRMATION REPORT. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 823-824.) 31 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF THE REPORT.

SPEAKER HADLEY: THE CONFIRMATION REPORT IS ADOPTED. MR. CLERK.

CLERK: EDUCATION COMMITTEE REPORTS ON THE APPOINTMENT OF BRIAN GONG TO THE TECHNICAL ADVISORY COMMITTEE FOR STATEWIDE ASSESSMENT. (LEGISLATIVE JOURNAL PAGE 749.)

SPEAKER HADLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I BRING FOR YOUR CONFIRMATION THE FOLLOWING APPOINTMENT AS RECOMMENDED BY THE EDUCATION COMMITTEE. DR. BRIAN GONG PRESENTED HIMSELF TO THE COMMITTEE VIA CONFERENCE CALL ON FEBRUARY 24 OF THIS YEAR. THIS WOULD BE A REAPPOINTMENT TO THE

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TECHNICAL ADVISORY COMMITTEE FOR STATEWIDE ASSESSMENT FILLING ONE OF THE THREE REQUIRED NATIONALLY RECOGNIZED EXPERT POSITIONS IN EDUCATIONAL ASSESSMENT AND MEASUREMENT ON THE COMMITTEE. DR. GONG IS THE EXECUTIVE DIRECTOR OF THE NONPROFIT NATIONAL CENTER FOR THE IMPROVEMENT OF EDUCATIONAL ASSESSMENT, A CONSULTING FIRM THAT HELPS STATES FOSTER HIGHER STUDENT ACHIEVEMENT THROUGH IMPROVED PRACTICES IN EDUCATIONAL ASSESSMENT AND ACCOUNTABILITY. DR. GONG HAS SERVED ON THE TECHNICAL ADVISORY COMMITTEE FOR STATEWIDE ASSESSMENT FROM ITS INCEPTION IN 2008. DR. GONG WAS RECOMMENDED FOR APPOINTMENT BY THE EDUCATION COMMITTEE ON AN 8-0 VOTE, AND I RESPECTFULLY ASK FOR THIS APPOINTMENT. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: IS THERE ANYONE WHO WISHES TO COMMENT ON THE CONFIRMATION REPORT? SEEING NONE, SENATOR SULLIVAN. SENATOR SULLIVAN WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE APPROVAL OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 824.) 30 AYES, 0 NAYS ON ADOPTION OF THE REPORT, MR. PRESIDENT.

SPEAKER HADLEY: THE CONFIRMATION REPORT IS ADOPTED. MR. CLERK.

CLERK: THE FINAL REPORT, MR. PRESIDENT, BY THE BANKING, COMMERCE AND INSURANCE COMMITTEE INVOLVES THE APPOINTMENT OF BRENDA HICKS-SORENSEN AS DIRECTOR OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT. (LEGISLATIVE JOURNAL PAGE 776.)

SPEAKER HADLEY: SENATOR SCHEER, AS CHAIR OF THE BANKING COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SCHEER: THANK YOU, MR. SPEAKER. THE BANKING, COMMERCE AND INSURANCE COMMITTEE BRINGS BEFORE THE LEGISLATURE THE APPOINTMENT BY THE GOVERNOR OF MS. BRENDA HICKS-SORENSEN AS THE DIRECTOR OF OUR DEPARTMENT OF ECONOMIC DEVELOPMENT. ON MONDAY, MARCH 9, THE COMMITTEE CONDUCTED ITS PUBLIC HEARING FOR MS. HICKS-SORENSEN AND THEN VOTED 8-0 TO REPORT IT FAVORABLY UPON HER APPOINTMENT. MS. HICKS-SORENSEN COMES TO US FROM WISCONSIN. SHE IS A CERTIFIED ECONOMIC DEVELOPER WITH EXPERIENCE IN PROGRAM DEVELOPMENT AND

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ORGANIZATIONAL LEADERSHIP. SHE HAS EXPERIENCE IN WORKING WITH WISCONSIN ECONOMIC DEVELOPMENT CORPORATION AND THE FOND du LAC COUNTY ECONOMIC DEVELOPMENT CORPORATION. SHE ALSO HAS OPERATED HER OWN BUSINESS. MS. HICKS-SORENSEN DESCRIBED FOR THE COMMITTEE WHAT SHE WANTS TO FOCUS ON AS DIRECTOR. SHE WANTS TO ENSURE THAT OTHERS KNOW THAT NEBRASKA WELCOMES BUSINESS INVESTMENT AND THAT NEBRASKA HAS GOOD JOBS AND GREAT COMMUNITIES. SHE SAID THAT TO ATTRACT A TALENTED WORK FORCE, WE NEED STRONG COMMUNITIES AND SHE SAID THAT'S IMPORTANT TO MAKE INVESTMENTS IN OUR WORK FORCE BY PROVIDING TRAINING AND EDUCATION. MS. HICKS-SORENSEN TOLD THE COMMITTEE THAT FOR NEBRASKA TO REMAIN COMPETITIVE WE NEED TO CONTINUE TO REVIEW, EVALUATE, AND MODERNIZE OUR INCENTIVE PROGRAMS. SHE SAID THAT THE DEPARTMENT OF ECONOMIC DEVELOPMENT WILL BE WORKING ON A PLAN FOR MARKETING NEBRASKA WHICH WILL INCLUDE AN EVALUATION AND UPDATE OF OUR PROMOTIONAL MATERIALS, WEB SITE, AND A REVIEW OF HOW WE CAN IMPROVE OUR CONTACT MANAGEMENT AND CUSTOMER RELATION MANAGEMENT PROCESS. MS. HICKS-SORENSEN ANSWERED AT LENGTH MANY QUESTIONS POSED TO HER BY MEMBERS OF THE COMMITTEE. ON BEHALF OF THE COMMITTEE--BANKING, COMMERCE AND INSURANCE COMMITTEE--I WOULD URGE YOU TO VOTE FAVORABLY ON THIS APPOINTMENT OF MS. BRENDA HICKS-SORENSEN TO BE OUR NEXT DIRECTOR OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: IS THERE ANYONE WHO WISHES TO SPEAK ON THE CONFIRMATION REPORT? SEEING NONE, SENATOR SCHEER WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE APPROVAL OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 825.) 39 AYES, 0 NAYS ON ADOPTION OF THE REPORT.

SPEAKER HADLEY: THE REPORT IS ADOPTED. MR. CLERK, WE WILL MOVE TO FINAL READING. MEMBERS SHOULD RETURN TO THEIR SEATS IN PREPARATION FOR FINAL READING. MR. CLERK, THE FIRST BILL IS LB23. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB23]

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CLERK: 39 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB23]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB23]

CLERK: (READ TITLE OF LB23.) [LB23]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB23 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB23]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 826.) 43 AYES, 0 NAYS, 6 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB23]

SPEAKER HADLEY: LB23 PASSES. WE WILL NOW PROCEED TO LB34. THE FIRST VOTE, MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB23 LB34]

CLERK: 36 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB34]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB34]

CLERK: (READ TITLE OF LB34.) [LB34]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB34 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO? EXCUSE ME, WE WILL WAIT THREE MINUTES. RECORD, MR. CLERK. [LB34]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 827.) 39 AYES, 2 NAYS, 2 PRESENT AND NOT VOTING, 6 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB34]

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SPEAKER HADLEY: LB34 PASSES. WE WILL NOW PROCEED TO LB35. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB34 LB35]

CLERK: 37 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING. [LB35]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB35]

CLERK: (READ TITLE OF LB35.) [LB35]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB35 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB35]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 828.) 44 AYES, 0 NAYS, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB35]

SPEAKER HADLEY: LB35 PASSES. WE WILL NOW PROCEED TO LB37. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB35 LB37]

CLERK: 40 AYES, 1 NAY, MR. PRESIDENT, TO DISPENSE WITH THE AT-LARGE READING. [LB37]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB37]

CLERK: (READ TITLE OF LB37.) [LB37]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB37 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB37]

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CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 829.) 43 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB37]

SPEAKER HADLEY: LB37 PASSES. WE WILL NOW PROCEED TO LB46. [LB37 LB46]

CLERK: (READ LB46 ON FINAL READING.) [LB46]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB46 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB46]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 829-830.) 44 AYES, 0 NAYS, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB46]

SPEAKER HADLEY: LB46 PASSES. WE WILL NOW PROCEED TO LB129. [LB46 LB129]

CLERK: (READ LB129 ON FINAL READING.) [LB129]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB129 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB129]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 830-831.) 43 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB129]

SPEAKER HADLEY: LB129 PASSES. WE WILL NOW PROCEED TO LB146. [LB129 LB146]

CLERK: (READ LB146 ON FINAL READING.) [LB146]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB146 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB146]

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CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL 831.) 44 AYES, 0 NAYS, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB146]

SPEAKER HADLEY: LB146 PASSES. WE WILL NOW PROCEED TO LB155. [LB146 LB155]

CLERK: (READ LB155 ON FINAL READING.) [LB155]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB155 PASS WITH THE EMERGENCY CLAUSE ATTACHED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB155]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 832.) 44 AYES, 0 NAYS, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB155]

SPEAKER HADLEY: LB155 PASSES WITH THE EMERGENCY CAUSE ATTACHED. WE WILL NOW PROCEED TO LB164. [LB155 LB164]

ASSISTANT CLERK: (READ LB164 ON FINAL READING.) [LB164]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB164 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB164]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 832-833.) THE VOTE IS 44 AYES, 0 NAYS, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB164]

SPEAKER HADLEY: LB164 PASSES. WE WILL NOW PROCEED TO LB179. [LB164 LB179]

ASSISTANT CLERK: (READ LB179 ON FINAL READING.) [LB179]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB179 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB179]

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ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 833.) THE VOTE IS 44 AYES, 0 NAYS, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB179]

SPEAKER HADLEY: LB179 PASSES. WE WILL NOW PROCEED TO LB207. [LB179
LB207]

ASSISTANT CLERK: (READ LB207 ON FINAL READING.) [LB207]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB207 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB207]

ASSISTANT CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGE 834.) VOTE IS 44 AYES, 0 NAYS, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB207]

SPEAKER HADLEY: LB207 PASSES. WE WILL NOW PROCEED TO LB279. MR. CLERK, THE FIRST VOTE IS TO DISPENSE WITH THE AT-LARGE READING. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB207
LB279]

ASSISTANT CLERK: 38 AYES, 1 NAY TO DISPENSE WITH THE AT-LARGE READING, MR. PRESIDENT. [LB279]

SPEAKER HADLEY: THE AT-LARGE READING IS DISPENSED WITH. MR. CLERK, PLEASE READ THE TITLE. [LB279]

ASSISTANT CLERK: (READ TITLE OF LB279.) [LB279]

SPEAKER HADLEY: ALL PROVISIONS OF LAW RELATIVE TO PROCEDURE HAVING BEEN COMPLIED WITH, THE QUESTION IS, SHALL LB279 PASS? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB279]

CLERK: (RECORD VOTE READ, LEGISLATIVE JOURNAL PAGES 834-835.) 43 AYES, 0 NAYS, 1 PRESENT AND NOT VOTING, 5 EXCUSED AND NOT VOTING, MR. PRESIDENT. [LB279]

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SPEAKER HADLEY: LB279 PASSES WITH THE EMERGENCY CLAUSE ATTACHED. WE WILL NOW PROCEED TO LB439. [LB279 LB439]

CLERK: MR. PRESIDENT, I HAVE A MOTION ON THE DESK. SENATOR MORFELD WOULD MOVE TO RETURN THE BILL FOR A SPECIFIC AMENDMENT, AM684. (LEGISLATIVE JOURNAL PAGE 753.) [LB439]

SPEAKER HADLEY: SENATOR MORFELD, YOU ARE RECOGNIZED TO OPEN ON YOUR REQUEST. [LB439]

SENATOR MORFELD: GOOD MORNING, COLLEAGUES. AS YOU MAY RECALL, WE ADOPTED FA27 TO CLARIFY THE LANGUAGE. I WAS INFORMED BY BILL DRAFTING FOR CONSISTENCY PURPOSES THIS ALSO NEEDS TO BE APPLIED TO ANOTHER SECTION OF THE BILL. THIS IS THE SAME EXACT AMENDMENT THAT WE ADOPTED UNANIMOUSLY FROM FA27, SIMPLY ALSO APPLIED IN ANOTHER PART OF THE BILL. I WOULD APPRECIATE YOUR GREEN VOTE ON THIS. THANK YOU. [LB439]

SPEAKER HADLEY: IS THERE ANYONE WHO WISHES TO SPEAK ON THIS REQUEST? SEEING NONE, SENATOR MORFELD, YOU CAN CLOSE ON YOUR REQUEST, YOUR MOTION. SENATOR MORFELD WAIVES CLOSING. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; ALL THOSE OPPOSED, NAY. RECORD, MR. CLERK. [LB439]

CLERK: 43 AYES, 0 NAYS ON THE MOTION TO RETURN THE BILL. [LB439]

SPEAKER HADLEY: MR. CLERK. [LB439]

CLERK: SENATOR MORFELD WOULD MOVE TO AMEND WITH AM684. [LB439]

SPEAKER HADLEY: SENATOR MORFELD, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. SENATOR MORFELD WAIVES ON OPENING. ANY DISCUSSION BY THE BODY? SEEING NONE, SENATOR MORFELD WAIVES ON CLOSING. THE MOTION BEFORE US, ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB439]

CLERK: 39 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF THE SELECT FILE AMENDMENT. [LB439]

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SPEAKER HADLEY: THE SELECT FILE MOTION IS ADOPTED. SENATOR HANSEN, YOU'RE RECOGNIZED FOR E&R. [LB439]

SENATOR HANSEN: YES, MR. PRESIDENT. I MOVE THAT LB439 BE ADVANCED TO E&R FOR ENGROSSING. [LB439]

SPEAKER HADLEY: ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LB23, LB34, LB35, LB37, LB46, LB129, LB146, LB155, LB164, LB179, LB207, AND LB279. MR. CLERK. [LB439 LB23 LB34 LB35 LB37 LB46 LB129 LB146 LB155 LB164 LB179 LB207 LB279]

CLERK: MR. PRESIDENT, SOME ITEMS. FIRST OF ALL, TRANSPORTATION COMMITTEE WILL HAVE AN EXECUTIVE SESSION NOW IN ROOM 2022, TRANSPORTATION COMMITTEE IN ROOM 2022 NOW. I HAVE PRIORITY BILL DESIGNATIONS: APPROPRIATIONS COMMITTEE, LB33 AND LB449; SENATOR HANSEN, LB494; SENATOR CRAWFORD, LB390; SENATOR JOHNSON, LB360 AND LB175 AS THE AGRICULTURE COMMITTEE PRIORITY BILLS; SENATOR SCHUMACHER, LB72. MR. PRESIDENT, A REFERENCE REPORT REFERRING CERTAIN GUBERNATORIAL APPOINTEES TO STANDING COMMITTEE FOR CONFIRMATION HEARINGS. AND YOUR COMMITTEE ON JUDICIARY CHAIRED BY SENATOR SEILER REPORTS LB195, LB292, LB347, LB482 TO GENERAL FILE WITH AMENDMENTS. REVENUE COMMITTEE CHAIRED BY SENATOR GLOOR REPORTS LB559 AND LB610 TO GENERAL FILE. FINALLY, MR. PRESIDENT, THERE IS A NATURAL RESOURCES EXECUTIVE SESSION AT 10:15 UNDER THE SOUTH BALCONY. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 836-848.) [LB33 LB449 LB494 LB390 LB360 LB175 LB72 LB195 LB292 LB347 LB482 LB559 LB610]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: THANK YOU, MR. CLERK. (DOCTOR OF THE DAY INTRODUCED.) RETURNING NOW TO THE AGENDA, SELECT FILE, LB245. MR. CLERK. [LB245]

CLERK: MR. PRESIDENT, WHEN THE LEGISLATURE LEFT THE ISSUE YESTERDAY; LB245 WAS ON SELECT FILE; E&R AMENDMENTS HAD BEEN CONSIDERED. SENATOR HARR HAD OFFERED FA29. SENATOR, I UNDERSTAND YOU WISH TO WITHDRAW THAT AT THIS TIME. [LB245]

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SENATOR HARR: (Inaudible). [LB245]

PRESIDENT FOLEY: AMENDMENT IS WITHDRAWN. [LB245]

CLERK: MR. PRESIDENT, I THEN HAVE AN AMENDMENT FROM SENATOR HARR, AM827, THAT I UNDERSTAND HE WISHES TO WITHDRAW AS WELL. [LB245]

SENATOR HARR: YES, PLEASE. [LB245]

PRESIDENT FOLEY: AM827 IS WITHDRAWN. [LB245]

CLERK: MR. PRESIDENT, SENATOR HARR WOULD MOVE TO AMEND WITH AM843. (LEGISLATIVE JOURNAL PAGES 848-489.) [LB245]

PRESIDENT FOLEY: SENATOR HARR, YOU'RE WELCOME TO OPEN ON AM843. [LB245]

SENATOR HARR: THANK YOU, MR. LIEUTENANT GOVERNOR AND MEMBERS OF THE BODY. I WANT TO START OUT BY...I GUESS I NEED TO APOLOGIZE FOR THE TIME I WASTED YESTERDAY. I WAS NOT AS PREPARED AS I SHOULD HAVE BEEN. FOR THAT I APOLOGIZE. I ASSUMED WE WERE GOING TO GO ALL MORNING ON SENATOR LARSON'S BILL. BUT I THOUGHT IT WAS GOOD CONVERSATION THAT WE DID HAVE ABOUT WHY WE'RE DOING THE BILL WE'RE DOING, AND LB245 IS A VERY GOOD, SOUND BILL. IT'S BEING BROUGHT WITH THE ASSISTANCE OF THE INNOCENCE PROJECT, WHICH IS A VERY GOOD ORGANIZATION. YOU KNOW, WE DON'T WANT TO KEEP ANYONE IN PRISON WHO DOESN'T BELONG THERE. AND CURRENTLY, THERE'S DNA EVIDENCE AVAILABLE THAT CAN'T BE...WHEN WE ORIGINALLY WROTE THE LAW IN 2001, COULDN'T BE TESTED. NOW IT CAN BE. AND I THINK WE NEED TO KEEP UP WITH THE ADVANCES IN TECHNOLOGY. SO I THINK IT'S VERY GOOD. BUT THEN WE ALSO HAVE THE SITUATION OF NEW EVIDENCE, AND THAT'S A REAL CONCERN AS WELL. WE WANT TO BE CAREFUL THOUGH WHEN WE ALLOW NEW EVIDENCE BEFORE WE LIMIT IT TO THREE YEARS FOR FEAR THAT THE EVIDENCE GETS OLD, PEOPLE DIE, AND TO A CERTAIN DEGREE MORE UNCERTAINTY. BUT WE ALSO DON'T WANT ANYONE IN PRISON WHO DOESN'T BELONG THERE. AND SO THE OLD SAYING GOES, IT'S BETTER TO HAVE TEN GUILTY PEOPLE WALK FREE THAN ONE INNOCENT SIT IN PRISON. I THINK THAT'S PROBABLY RIGHT. SO THAT'S THE ONE SIDE. THE OTHER

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SIDE WE HAVE IS WE DON'T WANT TO JUST OPEN THE FLOOD GATES SO THAT...
[LB245]

PRESIDENT FOLEY: EXCUSE ME, SENATOR. (GAVEL) YOU MAY CONTINUE,
SENATOR HARR. [LB245]

SENATOR HARR: THANK YOU. WE DON'T WANT TO OPEN THE FLOODGATES SO FAR THAT WE WASTE THE COURT'S TIME WHERE ALL WE HAVE ARE A BUNCH OF MOTIONS FOR A NEW TRIAL BASED ON EVIDENCE THAT MAY OR MAY NOT BE GOOD. SO THERE IS CASE LAW THAT SAYS, HEY, HERE'S WHAT THE NEW EVIDENCE CAN AND CAN'T BE. BUT YOU FILE A MOTION, THERE HAS TO BE A HEARING. WELL, WE HAVE TO BALANCE THAT. WE HAVE TO CREATE SOME HINDRANCE SO THAT THE COURTS AREN'T OVERWHELMED. AND WE DO THAT IN POSTCONVICTION RELIEF. AND POSTCONVICTION RELIEF IS A VERY NARROW CATEGORY OF RELIEF AVAILABLE ONLY TO REMEDY PREJUDICIAL CONSTITUTIONAL VIOLATIONS. WELL, NEW EVIDENCE ISN'T A CONSTITUTIONAL VIOLATION. BUT IT PROVIDED A GREAT ROAD MAP AS FAR AS WHAT WE SHOULD DO WHEN LOOKING AT THESE MOTIONS. AND WORKING WITH SENATOR PANSING BROOKS AND SENATOR CHAMBERS, WE WERE ABLE TO COME UP WITH A COMPROMISE THAT CREATES SIMILAR BUT NOT THE SAME PROCEDURE, CRIMINAL PROCEDURE ON HOW TO GO FORWARD WITH NEW EVIDENCE SINCE WE'RE GETTING RID OF THE THREE-YEAR STATUTE OF LIMITATIONS. I WANT TO THANK SENATOR PANSING BROOKS AND SENATOR CHAMBERS AND SENATOR SCHUMACHER FOR THEIR ASSISTANCE ON THIS AND ALSO THE ATTORNEY GENERAL'S OFFICE. THEY ALL WERE VERY HELPFUL. WE WERE ABLE TO TALK TO A NUMBER OF JUDGES AS WELL AND FIND A COMPROMISE THAT I THINK SATISFIES EVERYONE. SO WITH THAT, I'D ASK THAT YOU PLEASE ADVANCE AM843. THANK YOU. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR HARR. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB245]

SENATOR SCHUMACHER: THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE BODY. I THINK THAT SENATOR HARR DID US ALL A GREAT SERVICE HERE. HE CAUGHT A VERY FINE POINT OF CRIMINAL LAW, AND WE HAD A GOOD DISCUSSION ON IT. AND THE RESULT OF THAT GOOD DISCUSSION IS A BILL THAT CLARIFIES THOSE FINE POINTS OF LAW. AND I THINK I'D LIKE TO THANK SENATOR HARR FOR BEING ON THE BALL ON THIS ONE. THANK YOU, MR. PRESIDENT. [LB245]

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PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB245]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF AM843. WE HAVE...I'VE SPOKEN WITH A LOT OF PEOPLE. WE'VE WORKED TOGETHER WITH SENATOR HARR ON THIS. ACTUALLY, CASE LAW DOES ALLOW A JUDGE TO JUST DISMISS AND NOT PROVIDE A HEARING FOR THIS MOTION FOR A NEW TRIAL. BUT THIS SETS IT IN STATUTE, WHICH I THINK IS JUST FINE. AND I WOULD ASK THAT YOU SUPPORT SENATOR HARR'S AM843. THANK YOU. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB245]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SENATOR HARR DID SUCH GOOD WORK OVERNIGHT. IF I WERE TO SING, WHICH I WON'T DO BECAUSE I DON'T WANT TO OFFEND AND RUN EVERYBODY OUT OF THE CHAMBER, I WOULD PROBABLY SING SOMETHING LIKE, (SINGING) LIKE A BRIDGE OVER TROUBLED WATERS. THAT'S ALL I HAVE, BUT I DO SUPPORT THE AMENDMENT. THANK YOU. [LB245]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR HARR, YOU'RE WELCOME TO CLOSE. AND SENATOR HARR WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM843 TO LB245. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, PLEASE, MR. CLERK. [LB245]

CLERK: 27 AYES, 0 NAYS ON THE ADOPTION OF SENATOR HARR'S AMENDMENT. [LB245]

PRESIDENT FOLEY: AM843 IS ADOPTED. [LB245]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB245]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB245]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB245 BE ADVANCED TO E&R FOR ENGROSSING. [LB245]

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PRESIDENT FOLEY: SENATORS, YOU HEARD THE MOTION TO ADVANCE LB245 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB245 IS ADVANCED. SELECT FILE, LB304. MR. CLERK. [LB245 LB304]

CLERK: MR. PRESIDENT, LB304. SENATOR, IT DOES HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER47, LEGISLATIVE JOURNAL PAGE 732.) [LB304]

PRESIDENT FOLEY: SENATOR HANSEN. [LB304]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB304 BE ADOPTED. [LB304]

PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADOPT E&R AMENDMENTS TO LB304. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB304]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB304]

PRESIDENT FOLEY: SENATOR HANSEN. [LB304]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB304 BE ADVANCED TO E&R FOR ENGROSSING. [LB304]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB304 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB304 ADVANCES. SELECT FILE, LB366. MR. CLERK. [LB304 LB366]

CLERK: MR. PRESIDENT, NO E&Rs. SENATOR GROENE WOULD MOVE TO AMEND WITH AM844. (LEGISLATIVE JOURNAL PAGE 849.) [LB366]

PRESIDENT FOLEY: SENATOR GROENE, YOU'RE WELCOME TO OPEN ON AM844. [LB366]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. I WANT TO MAKE IT CLEAR THAT I SUPPORT THE \$10 INCREASE IN THE PERSONAL NEEDS ALLOWANCE FOR THOSE INDIVIDUALS WHO QUALIFY FOR MEDICAID PAYMENT FOR ALTERNATE LIVING ARRANGEMENTS IN CERTIFIED ADULT FAMILY HOMES, LICENSED

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ASSISTED-LIVING FACILITIES, AND A LICENSED RESIDENTIAL CHILDCARE AGENCY. IT HAS BEEN 16 YEARS SINCE WE HAVE INCREASED IT. BUT SOCIAL SECURITY DIDN'T SIT STILL. IN 1999, THE MINIMUM SOCIAL SECURITY MONTHLY PAYMENT WAS \$500. TODAY IT IS \$733. ALL OF THE \$233 INCREASE HAS BEEN TAKEN BY THE PROVIDER OF SERVICES AND NONE HAS BEEN GIVEN TO THE INDIVIDUAL MEDICAL PATIENT. LB366 HAS A FISCAL NOTE OF \$796,000 IN '15-16 AND \$955,000 IN COMBINED STATE AND FEDERAL SPENDING IN '16-17. THEREFORE, I'M INTRODUCING MY AMENDMENT TO LB366 TO ENSURE THAT THE INCREASE TO THE PERSONAL NEEDS ALLOWANCE BECOMES REVENUE NEUTRAL TO OUR BUDGET. MY AMENDMENT READS, "IT IS THE INTENT OF THE LEGISLATURE THAT, BEGINNING IN FISCAL YEAR 2015-16, ANY INCREASE OVER THE PREVIOUS FISCAL YEAR IN PAYMENTS PURSUANT TO THE MEDICAL ASSISTANCE ACT OR ASSISTANCE TO THE AGED, BLIND, AND DISABLED PURSUANT TO SECTION 68-1006 ON BEHALF OF PERSONS RESIDING IN ALTERNATE LIVING ARRANGEMENTS BE REDUCED BY THE AMOUNT OF THE INCREASE IN THE PERSONAL NEEDS ALLOWANCE ADOPTED PURSUANT TO THIS LEGISLATIVE BILL." I'VE BEEN...I'VE LOOKED INTO HOW WE COULD PROVIDE AN INCREASE TO INDIVIDUALS AND STILL NET ZERO IN THE BUDGET. I'VE SPOKEN WITH THE EXECUTIVE BRANCH ABOUT THIS IDEAL--BECAUSE HHS IS UNDER THE EXECUTIVE BRANCH--ABOUT THIS IDEAL AND WE'RE CONTINUING THOSE CONVERSATIONS. THE GOVERNOR HAS A 2 PERCENT RATE INCREASE ANNUALLY IN HIS BUDGET RECOMMENDATIONS. I'D LIKE...I'M WORKING WITH THE GOVERNOR AND THE DHHS TO ADJUST THE INCREASE TO FACILITIES TO PROVIDE THAT THE INCREASE FOR INDIVIDUALS IS DEDUCTED BY THE \$10 A MONTH. NOW I'M NOT DEDUCTING WHAT THEY GET NOW. I'M NOT DEDUCTING...IT'S THE OLD GAME OF, I'M ASKING THAT WE JUST DEDUCT THE INCREASE. I HAVE SOME NUMBERS FOR YOU. BY THE WAY, WE'RE IN THE TOP THIRD. I'M TRYING TO GET THE FACTS AND FIGURES DIRECTLY. BUT SO FAR, HEARSAY, WE'RE IN THE TOP THIRD NATIONALLY IN WHAT WE PAY PER DIEM TO OUR ASSISTED-LIVING HOMES. AND THAT'S INCLUDING THE HIGH LIVING STANDARD STATES THAT WE ARE COMPARED TO. IN 2010, THE AVERAGE RATE WE PAID ASSISTED-LIVING HOMES WAS \$139.69. IN 2011, WE PAID \$144.20. THAT WAS A 3.2 PERCENT INCREASE AND INFLATION THAT YEAR WAS 3.2 PERCENT. IN 2012, WE...IT WAS AN AVERAGE OF \$146.44. AND THAT WAS AT 1.5 PERCENT INCREASE. THE INFLATION RATE WAS 2.1 PERCENT. IN 2013, IT JUMPED TO \$159.57. THAT WAS A 9 PERCENT INCREASE. THE INFLATION WAS 1.5 PERCENT. IN 2014, THE JUMP WAS \$163.26, 2.3 PERCENT INCREASE, 1.6 PERCENT INFLATION. WE'RE PROPOSING A 2 PERCENT INFLATION RATE...INCREASE, THE GOVERNOR IS. AND I DON'T KNOW WHAT APPROPRIATIONS OR HHS IS DOING BUT THE GOVERNOR LEADS. IT IS...THE CPI IS EXPECTED TO RISE IN 2015. THE HEALTH PRICE INDEX USED FOR

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THE PRICE INDEXING OF WAGES, SOCIAL BENEFITS, AND HOUSE RENT SHOULD BE AT 0.5 PERCENT, IS WHAT THE ESTIMATE IS. AND WE'RE GIVING A 2 PERCENT INCREASE. I'M NOT DENYING THAT WE SHOULD INCREASE IT. WHAT I'M SAYING, WE COULD LOWER IT. IT THINK IT WOULD TAKE IT FROM 2 PERCENT TO 1.75 PERCENT ANNUAL INCREASE TO MAKE LB366 NEUTRAL, REVENUE NEUTRAL. NOW THE GENERAL FUND, OUR TAXES, WHICH THEY'RE ALL OUR TAXES, IS ABOUT HALF OF \$796,000. AND THE FEDERAL FUNDS ARE A LITTLE LESS THAN HALF OF THE \$796,000 INCREASE IN EXPENDITURES THIS FEE, THIS \$10 INCREASE WOULD COST TAXPAYERS. I DON'T CARE WHAT POCKET IT COMES OUT OF, MY LEFT OR RIGHT, MY FEDERAL OR MY STATE OR MY LOCAL. I'M PAYING THOSE TAXES. IN '16-17, IT WOULD BE \$491,000 LOCAL...I MEAN STATE, \$464,000 FEDERAL. BUT THE...I WANT TO THANK SENATOR LARSON. HE TAUGHT ME THAT IT'S OKAY TO SIT HERE AND PAUSE. AND IT COUNTS AGAINST MY TIME, BUT I CAN DO THAT AND COLLECT MY THOUGHTS BY LISTENING TO HIM THE LAST COUPLE OF DAYS. SOME OF US AREN'T AS QUICK AS SENATOR CHAMBERS THAT WE CAN KEEP TALKING. LIKE I SAID, NEBRASKA IS IN THE TOP THIRD RIGHT NOW, WHAT WE PAY. SO WE'RE DOING NO HARM. WE'VE BEEN VERY GENEROUS TO OUR ASSISTED-LIVING FACILITIES. AND REMEMBER, THEY TOOK THE \$233 INCREASE SINCE 1999 WHERE THE INDIVIDUAL CITIZEN HASN'T HAD ONE. MANY OF THIS BODY, ALONG WITH ME, CLAIM TO BE FISCAL CONSERVATIVES. WE CLAIM WE KNOW BOTH SIDES OF THE BALANCE SHEET. WE CLAIM TO BE WORKING TOWARDS A STATE GOVERNMENT THAT HAS A TAX SYSTEM THAT IS LESS BURDENSOME TO THOSE CITIZENS WHO WORK HARD EVERY DAY IN ORDER TO PROVIDE FOR THEIR FAMILIES. I BELIEVE WE OWE IT TO THEM TO BE CONSCIENTIOUS IN HOW WE SPEND OUR TAX DOLLARS, BOTH STATE AND FEDERAL DOLLARS. SO ANYWAY, I WOULD LIKE...THIS IS NOT BINDING TO THE GOVERNOR OR TO THE...BUT WE CAN. WE HAVE THE AUTHORITY IN THIS BODY TO GIVE DIRECTION AND ADVICE TO THE OTHER BRANCHES OF GOVERNMENT AND TO THE DEPARTMENT OF HHS. SO THANK YOU FOR LISTENING, AND HOPEFULLY YOU SUPPORT THIS AMENDMENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. DEBATE IS NOW OPEN ON AM844. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB366]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. MEMBERS, I HAVE A MOTION IN CHALLENGING THE GERMANENESS OF THIS AMENDMENT. [LB366]

PRESIDENT FOLEY: SENATOR GLOOR, WOULD YOU LIKE TO TAKE A FEW MINUTES TO MAKE YOUR CASE AS TO WHY YOU BELIEVE THE AMENDMENT IS NOT GERMANE? [LB366]

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SENATOR GLOOR: THANK YOU. MEMBERS, FOR THOSE OF YOU WHO GET CAUGHT UP IN THIS SORT OF STUFF, IF YOU GO TO OUR RULES OF THE LEGISLATURE, RULE 7, SECTION 3(d), "NO MOTION, PROPOSITION, OR SUBJECT, DIFFERENT FROM THAT UNDER CONSIDERATION, SHALL BE ADMITTED UNDER COLOR OF AMENDMENT. ANY AMENDMENT THAT IS NOT GERMANE IS OUT OF ORDER." AND I BELIEVE THIS AMENDMENT IS OUT OF ORDER. "GERMANE AMENDMENTS RELATE ONLY TO DETAILS OF THE SPECIFIC SUBJECT OF THE BILL AND MUST BE IN A NATURAL AND LOGICAL SEQUENCE TO THE SUBJECT MATTER OF THE ORIGINAL PROPOSAL." MEMBERS, WE ARE TALKING ABOUT A BILL THAT WOULD INCREASE THE ALLOWANCE FOR THE PERSONAL USE OF THE RESIDENTS OF THE INSTITUTION. THESE ARE DOLLARS THAT ARE GOING TO THE RESIDENTS OF THE INSTITUTION. WHAT SENATOR GROENE IS ATTEMPTING TO DO HERE IS COME UP WITH, AND AS ADMIRABLE AS THAT IS, TO TRY AND COME UP WITH SOMETHING THAT'S BUDGET NEUTRAL. HE IS NOW BLEEDING OVER INTO REIMBURSEMENT RATES FOR THE PROVIDERS OF CARE TO THESE INDIVIDUALS. THIS IS A REIMBURSEMENT RATE AMENDMENT. WE DON'T KNOW WHAT'S GOING TO COME OUT OF THE APPROPRIATIONS COMMITTEE THAT HAS TO DO WITH AMENDMENTS OR ADJUSTMENTS TO THE BUDGET AND THE REIMBURSEMENT RATES FOR THOSE MEMBERS...FOR LONG-TERM CARE INSTITUTIONS THAT PROVIDE THE CARE TO THESE INSTITUTIONS. IT'S A WHOLE SEPARATE TOPIC. IT'S NOT A LOGICAL SEQUENCE. THE DOLLARS INVOLVED IN LB366 ARE DOLLARS THAT THE INDIVIDUAL RESIDENTS GET TO USE. IT'S THEIR MONEY TO BE ABLE USE AS THEY SEE FIT. HE'S LOOKING TO OFFSET THAT BY AFFECTING THE OVERALL REIMBURSEMENT RATES TO INSTITUTIONS. AND THAT, TO ME, IS NOT GERMANE. IT'S NOT LOGICAL. IT IS NOT A FIT. IF HE WANTS TO, HE CAN MAKE AN AMENDMENT WITHIN THE BUDGET THAT COMES FORWARD TO PULL THAT DOWN THAT COMMENSURATE AMOUNT. THAT'S APPROPRIATE. BUT TO STICK THIS AMENDMENT ON HERE IS NOT. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SENATOR GROENE, I'M GOING TO RECOGNIZE YOU IN A MOMENT TO PROVIDE A RESPONSE. (VISITORS INTRODUCED.) SENATOR GROENE, YOU'RE RECOGNIZED TO ADDRESS THE GERMANENESS QUESTION. [LB366]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. IF THIS WAS NOT GERMANE, THERE WOULD BE NO FISCAL NOTE, WOULD THERE? THE FISCAL NOTE IS TIED TO LB366. THE FISCAL OFFICE CALCULATED THE FISCAL NOTE THAT IS GERMANE TO LB366 TO STATE THAT THIS WOULD COST \$796,000 IN '15-16, AND \$955,200 IN '16-17. I DON'T SEE HOW THIS IS NOT GERMANE THAT WE CAN ASK THROUGH THIS BILL, IF WE VOTE FOR IT, TO INCREASE OUR BUDGET NEEDS BY THIS

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AMOUNT OF MONEY WITHOUT A RESPONSE WITHIN THAT BILL TO ADDRESS THAT. I KNOW I'M NEW HERE, BUT THAT DOESN'T SEEM ACCURATE TO ME. IF THIS IS NOT GERMANE, THERE SHOULD BE NO FISCAL NOTE. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. HAVING STUDIED THE AMENDMENT AND HEARD THE ARGUMENTS REGARDING GERMANENESS, IT'S THE RULING OF THE CHAIR THAT THE AMENDMENT IS GERMANE. DEBATE MAY NOW PROCEED ON AM844...SENATOR GLOOR, DO YOU WISH TO BE RECOGNIZED? [LB366]

SENATOR GLOOR: YES, I DO. I'M GOING TO POINT OUT TO THE BODY WHY THIS I STILL BELIEVE IS... [LB366]

PRESIDENT FOLEY: SENATOR GLOOR, YOU'RE NOT IN THE SPEAKING QUEUE BUT...SENATOR GLOOR, YOUR OPTION AT THIS POINT IS TO MAKE A MOTION TO OVERRULE THE CHAIR, OR WE CAN PROCEED WITH THE DEBATE AND YOU CAN SPEAK AT THAT TIME. [LB366]

SENATOR GLOOR: I WILL NOT MAKE A MOTION TO OVERRULE THE CHAIR. [LB366]

PRESIDENT FOLEY: THEN... [LB366]

SENATOR GLOOR: THE CHAIR HAS A HARD ENOUGH JOB. [LB366]

PRESIDENT FOLEY: SENATOR GLOOR, YOU'RE IN THE QUEUE, BUT NOT FIRST. (LAUGH) SENATOR KRIST, YOU'RE RECOGNIZED. [LB366]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. WHAT YOU'VE WITNESSED IS A RELUCTANCE TO MOVE TO OVERRULE THE CHAIR, AND I RESPECT THAT. I WOULD CAUTION THE MEMBERS AS WE GO FORWARD. THAT'S HUGE. LET ME SAY THAT AGAIN, H-U-G-E, HUGE. I DON'T THINK WE NEED TO GET IN THE HABIT OF DOING THAT. BUT I HAVE TO SAY, HAVING BEEN IN THE CHAIR QUITE A BIT MYSELF, I WOULD HAVE FOUND IT NOT GERMANE FOR JUST THE REASONS THAT SENATOR GLOOR SPOKE ABOUT. I WANTED TO PUT IT ON THE RECORD WITH ALL DUE RESPECT, LIEUTENANT GOVERNOR, THAT...AND I'M SURE THAT YOU HAD ADVICE FROM

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THE CLERK. BUT I DON'T BELIEVE THAT IT WAS GERMANE. NOW ON TO MY POINT. THIS IS A SHIFT IN MONEY. THIS IS FUZZY MATH. THIS IS AFFECTING THE PROVIDERS' RATES AND TRYING TO HOLD DOWN POTENTIALLY WHAT WOULD BE COST NEUTRAL. TO BE COST NEUTRAL, YOU HAVE TO SHIFT MONEY FROM ONE PLACE TO ANOTHER IF YOU'RE GOING TO INCREASE THE MONEY GOING IN ANY FORMULA. IT'S IMPOSSIBLE TO HAVE THE MONEY DISAPPEAR. IT'S IMPOSSIBLE TO HAVE THE MONEY PRINTED IN THE BACK ROOM. COST NEUTRAL MEANS THE MONEY IS BEING SHIFTED FROM ONE PLACE TO ANOTHER. WHAT WE'RE DISCUSSING HERE IS YOUR MOTHER'S, YOUR FATHER'S, YOUR GRANDMOTHER'S, YOUR GRANDFATHER'S GETTING AN INCREASE ON THEIR SIDE. AND AT THAT EXPENSE, WHAT IS RECOMMENDED BY SENATOR GROENE IS THAT WE TAKE IT OUT OF ANOTHER POT, WE TAKE IT OUT OF THE PROVIDER POT. LISTEN VERY CAREFULLY TO THE DEBATE AND TELL ME WHERE THE MONEY IS COMING FROM, IF IT'S NOT A SHIFT FROM ONE TO THE OTHER AND A LOSS ON THE PROVIDER RATE. AND I WILL GUARANTEE YOU, SENATOR GROENE, THAT IF THAT AMENDMENT WOULD HAVE BEEN DROPPED YESTERDAY AFTERNOON, THERE WOULD BE A LOBBY FULL OF PEOPLE THAT REPRESENT THOSE NURSING HOMES IN YOUR COMMUNITY AND MINE THAT WOULD BE OUT THERE BRINGING THAT TO YOUR ATTENTION. I WON'T SPEAK AGAIN ON THIS, BUT I WILL NOT SUPPORT AM844, AND I WILL SUPPORT LB366. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. MR. CLERK, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LB366]

CLERK: MR. PRESIDENT, GENERAL AFFAIRS WILL HAVE AN EXECUTIVE SESSION IN 2102, 2102 AT 10:30. THANK YOU.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MELLO, YOU'RE RECOGNIZED. [LB366]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I RISE IN OPPOSITION TO AM844, NOT BECAUSE OF WHAT I THINK SENATOR GROENE, HIS INTENT IS. I THINK SENATOR GROENE'S INTENT IS TO TRY TO ELIMINATE THE FISCAL NOTE AS HE SEES ON LB366. I STAND UP IN OPPOSITION BECAUSE I THINK THIS IS THE WRONG WAY TO DO IT PROCESSWISE. AS SENATOR GLOOR MENTIONED IN HIS MOTION ON GERMANENESS, IF SENATOR GROENE DOESN'T WANT TO SPEND MORE MONEY IN RESPECTS TO THE MEDICAID PROGRAM AS PART OF LB366, THE APPROPRIATE PROCESS TO DO THAT WOULD BE FOR HIM TO SUBMIT AN AMENDMENT ON THE BUDGET--WHICH HE'S

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ALREADY TOLD ME HE WILL DO MANY OF, WHICH I LOOK FORWARD TO THAT FLOOR DEBATE, BELIEVE ME--TO SIMPLY REDUCE THE APPROPRIATION IN THE MEDICAID PROGRAM PER THE DOLLAR AMOUNT IN LB366. I THINK THAT IS THE APPROPRIATE PROCESS FOR WHAT SENATOR GROENE WANTS TO TRY TO ACHIEVE WITH HIS AMENDMENT. I GET NERVOUS WHEN I SEE AN AMENDMENT THAT TRIES TO TIE IN A BILL THAT IS NOT PART OF THE BUDGET PROCESS AND INSERT THAT INTO THE ACTUAL BUDGET WHICH, ONCE AGAIN, THE APPROPRIATIONS COMMITTEE IS STILL GOING THROUGH AGENCY HEARINGS AND STILL HEARING BILL INTRODUCTIONS FROM OTHER MEMBERS OF THE BODY WHICH WE HAVEN'T SETTLED ON WHAT THE APPROPRIATE APPROPRIATIONS AMOUNT WILL BE FOR THE MEDICAID PROGRAM. SO I THINK IN THAT RESPECT, I OPPOSE THE AMENDMENT PURELY BECAUSE IT'S TRYING TO PERVERT THE APPROPRIATIONS PROCESS BY TAKING A BILL NOT PART OF THE BUDGET AND TRYING TO INSERT IT INTO THE BUDGET BY ESSENTIALLY LIMITING AND ELIMINATING PROVIDER RATES FOR ONE SPECIFIC PROVIDER, SO TO SPEAK. AND THAT'S WHAT HE'S DOING IN SINGLING OUT ONE SPECIFIC PROVIDER TO COVER THE COST OF THIS BILL, NOT SPREADING IT OUT AMONGST ALL PROVIDERS, NOT SIMPLY LOOKING AT OTHER POTENTIAL ASPECTS OF MEDICAID, WHICH I THINK IS A COMPLETELY DIFFERENT POLICY ISSUE. IF SENATOR GROENE SIMPLY WANTS TO MAKE THIS BILL NOT HAVE A FISCAL NOTE, THE BEST APPROPRIATE WAY, COLLEAGUES, WILL BE FOR HIM TO BRING AN AMENDMENT ON THE BUDGET AND TRY TO REDUCE THE MEDICAID BUDGET BY THE GENERAL FUND DOLLAR AMOUNT ASSOCIATED UNDER LB366, WHICH IS ABOUT \$900,000 OVER THE BIENNIUM. THAT'S THE APPROPRIATE WAY TO TRY TO ADDRESS THE ISSUE, SO TO SPEAK, OF NOT WANTING TO SPEND MORE MONEY ON MEDICAID, NOT THE AMENDMENT YOU SEE IN FRONT OF YOU. AND I'D ACTUALLY...I WAS GOING TO MAKE THE MOTION TO OVERRULE THE CHAIR. I THINK HE'S WRONG ON THIS ISSUE BECAUSE OF THAT ISSUE, THAT IT'S TRYING TO INSERT A SEPARATE BILL INTO A BUDGET PROCESS THAT THAT PROCESS HAS NOT EVEN BEEN COMPLETED YET. IT'S NOT SO MUCH THE ISSUE OF WHETHER OR NOT IT INVOLVES MEDICAID, WHETHER OR NOT IT INVOLVES A REIMBURSEMENT TO A SPECIFIC PROVIDER, OR IN THIS CASE IT'S ALLOWING A PERSONAL...INCREASING A PERSONAL ALLOWANCE FOR A RECIPIENT OF MEDICAID. AND WE'RE TRYING TO TIE A MEDICAID PROVIDER RATE TO THAT PERSONAL ALLOWANCE WHICH I DON'T SEE HOW THAT'S GERMANE. I'M NOT GOING DO THAT, I THINK, OUT OF DEFERENCE TO WHAT SENATOR KRIST AND SENATOR GLOOR HAD ALREADY DISCUSSED WITH ME. BUT, COLLEAGUES, I THINK YOU VOTE DOWN THE AMENDMENT AM844, I THINK SENATOR GROENE WILL BRING THE AMENDMENT THAT HE SEES FIT ON THE BUDGET ITSELF, AND

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WE CAN HAVE THIS DEBATE AT A LATER POINT IN SESSION. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR COASH, YOU'RE RECOGNIZED. [LB366]

SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, AM844, I UNDERSTAND THE INTENT OF SENATOR GROENE. BUT THESE ARE TWO POTS OF MONEY, OKAY? AND I THINK THERE'S A MISUNDERSTANDING THAT IF YOU RAISE ONE POT, YOU CAN LOWER ANOTHER POT AND THAT IF YOU LOWER THE POT OF MONEY IN AM844, THAT YOU CAN FORCE THE PROVIDERS TO PROVIDE THIS, THE CARE THAT IS...PROVIDE THE ITEMS THAT WOULD BE USED TO BE PURCHASED UNDER LB366. AND THAT'S JUST NOT GOING TO HAPPEN. THE PROVIDERS ARE NOT GOING SAY, WELL, SINCE WE'RE NOT DOING...SINCE WE'VE LOWERED IT, WE'RE GOING TO KICK IT IN. THEY'RE NOT GOING TO DO THAT. THEY'RE NOT GOING PITCH THIS MONEY IN. THIS AMENDMENT IS NOT GOING TO HAVE THE INTENT THAT SENATOR GROENE BELIEVES IT WILL HAVE. IT WILL NOT HAVE THAT INTENT. I WANT TO TALK FOR A MOMENT ABOUT MEDICAID. LET'S TALK ABOUT THE DEFINITION OF MEDICAID. MEDICAID MEANS THAT THE RATE THAT YOU GET PAID TO DO THE SERVICE IS LESS THAN THE COST OF DOING THE SERVICE. NO PROVIDER WHO PROVIDES MEDICAID IS DOING IT AND MAKING ANY MONEY. THAT'S THE WHOLE DEFINITION OF MEDICAID. YOU'RE NOT MAKING MONEY IF YOU'RE PROVIDING MEDICAID SERVICES. SO IF YOU LOWER WHAT A PROVIDER GETS, AS AM844 IS TO DO, YOU'RE PUTTING THEM FURTHER IN THE HOLE. AND THE PROVIDERS ARE NOT GOING TO KICK THIS IN. THE MONEY THAT IS IN LB366 THAT WE'RE TRYING TO INCREASE BY A SMALL AMOUNT, \$10, IS NOT GOING TO BE COVERED BY THE PROVIDERS. YOU ARE MIXING TWO POTS OF MONEY HERE THAT DON'T INTERSECT ANYWHERE. AND IT'S IMPORTANT THAT WE REALIZE THAT. WITH THAT, I WILL YIELD THE BALANCE OF MY TIME TO SENATOR GLOOR. [LB366]

PRESIDENT FOLEY: SENATOR GLOOR, 2:30 IF YOU CARE TO USE IT. [LB366]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. MEMBERS, DURING OUR DISCUSSION ON GERMANENESS, SENATOR GROENE ACTUALLY MADE MY POINT FOR ME. HIS JUSTIFICATION FOR GERMANENESS WAS TO TALK ABOUT THE FISCAL NOTE THAT WE HAD ON THIS BILL. THAT NOTE, AS WE ALL KNOW, RELATES TO THE BUDGET AND THE IMPACT THAT THAT BILL WOULD HAVE ON THE BUDGET. AND THAT'S WHAT SENATOR MELLO AND I ARE TRYING TO GET

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ACROSS HERE IS THIS TYPE OF AN AMENDMENT IS AN APPROPRIATE DISCUSSION DURING THE BUDGET DISCUSSION, NOT WHEN WE'RE TALKING ABOUT A BILL, THE SUBSTANCE OF WHICH HAS TO DO WITH DOLLARS FOR PERSONAL USE BY RESIDENTS OF THOSE INSTITUTIONS. HE MADE MY POINT FOR ME. THIS IS A BUDGET DISCUSSION THAT WE SHOULD BE HAVING AT BUDGET TIME, NOT AS IT RELATES TO THIS PARTICULAR BILL. I WONDER IF SENATOR GROENE WOULD YIELD FOR A QUESTION. [LB366]

PRESIDENT FOLEY: SENATOR GROENE, WOULD YOU YIELD TO A QUESTION?
SENATOR GROENE, WOULD YOU YIELD TO A QUESTION? [LB366]

SENATOR GROENE: YES. [LB366]

SENATOR GLOOR: THANK YOU, SENATOR GROENE. SENATOR GROENE, WHEN DID YOU FILE THIS AMENDMENT, IF I COULD ASK? [LB366]

SENATOR GROENE: I PUT IT TOGETHER AFTER I FINALLY GOT ALL THE INFORMATION THAT I NEEDED. AND I STILL NEVER FOUND THE GNOME IN THE BASEMENT FROM HHS THAT I COULD GET THE FIGURES, BUT THE FISCAL... [LB366]

SENATOR GLOOR: SENATOR GROENE, WHEN DID YOU FILE IT? DID YOU FILE IT THIS MORNING? [LB366]

SENATOR GROENE: ...BUT THE FISCAL OFFICE WAS GOOD TO ME. AND WE GOT THE INFORMATION ABOUT 8:00 THIS MORNING AND ALSO FROM THE GOVERNOR'S POLICY ABOUT 8:30 THIS MORNING. [LB366]

SENATOR GLOOR: THANK YOU, SENATOR GROENE. [LB366]

SENATOR GROENE: SO I WROTE...(MICROPHONE MALFUNCTION.) [LB366]

SENATOR GLOOR: AND, SENATOR GROENE, LET ME ASK, HAVE YOU HAD ANY DISCUSSIONS WITH SENATOR PANSING BROOKS ABOUT THIS AMENDMENT BEFORE YOU FILED IT? [LB366]

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SENATOR GROENE: (MICROPHONE MALFUNCTION)...COULDN'T CATCH HER. I TRIED TO CALL HER ON THE PHONE FROM HERE. I COULDN'T GET HER, SO I SENT A PERSONAL NOTE TO HER BY A PAGE. [LB366]

SENATOR GLOOR: HAVE YOU HAD A CHANCE TO TALK TO THE IMPACT THIS WOULD HAVE ON REIMBURSEMENT RATES TO INSTITUTIONS IN YOUR DISTRICT OR ANYWHERE ELSE FOR THAT MATTER? HAVE YOU HAD A CHANCE TO VISIT WITH THOSE ENTITIES ABOUT THIS AMENDMENT? [LB366]

SENATOR GROENE: YOU PROBABLY KNOW, SIR, I'VE TOOK NO MONEY FROM NO SPECIAL INTERESTS, SO THEY DON'T CALL ME A LOT. [LB366]

SENATOR GLOOR: Well,... [LB366]

SENATOR GROENE: BUT I DID TALK TO TAXPAYERS WHO PAY THE BILL. [LB366]

SENATOR GLOOR: THANK YOU, SENATOR GROENE. YOU'RE ON MY TIME, SENATOR. [LB366]

SENATOR GROENE: AND THEY CAME FORWARD AND TOLD ME...(MICROPHONE MALFUNCTION.) [LB366]

SENATOR GLOOR: THANK YOU. WHAT SENATOR GROENE IS CONFUSING AS SPECIAL INTEREST GROUPS WITH THE INDIVIDUAL LONG-TERM CARE FACILITIES... [LB366]

PRESIDENT FOLEY: THIRTY SECONDS, SENATOR. [LB366]

SENATOR GLOOR: ...THAT WERE IN HIS FACILITY...WITHIN HIS DISTRICT. WAS THAT TIME? [LB366]

PRESIDENT FOLEY: NO, STILL 20 SECONDS REMAINING, SENATOR. [LB366]

SENATOR GLOOR: OKAY, THANK YOU. AGAIN, THIS BILL NEEDS TO BE VETTED MORE. THIS BILL NEEDS TO HAVE...DISCUSSED MORE. AND IF WE WANT DO THAT AT AN APPROPRIATE TIME DURING BUDGET, WE CAN DO THAT. BUT IT SHOULD

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NOT BE ATTACHED AND I WILL CONTINUE TO FIGHT AGAINST AM844. THANK YOU. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. (VISITORS INTRODUCED.) SENATOR GROENE, YOU'RE RECOGNIZED. [LB366]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. A COUPLE OF COMMENTS: YES, I UNDERSTAND THIS IS A TAX SHIFT I'M TRYING TO STOP. IT'S A TAX SHIFT FROM THE TAXPAYERS, THE CITIZENS' POCKET TO GOVERNMENT, TO GOVERNMENT DECIDE WHERE THE MONEY IS SPENT. I'M TRYING TO STOP THAT TAX SHIFT. I'M TRYING TO MAKE SURE THE MONEY STAYS IN THE POCKET OF THE TAXPAYER. AS FAR AS THE PROVIDER, I DON'T WORRY TOO MUCH ABOUT ENTITIES. I WORRY ABOUT PEOPLE. I WORRY ABOUT THAT PERSON WHO PAYS THE TAXES. I WORRY ABOUT THE RECIPIENT OF THE \$60, WHICH I AM FOR LB366. BUT I DON'T WORRY ABOUT ENTITIES. I DON'T WORRY ABOUT CORPORATIONS. I WORRY ABOUT INDIVIDUALS. I WORRY ABOUT THE FAMILY THAT'S HAVING A HARD TIME BECAUSE PEOPLE DO THEIR GOOD WORKS THROUGH GOVERNMENT. AND THEY PAT THEMSELVES ON THEIR BACK SPENDING OTHER PEOPLE'S MONEY. I WORRY ABOUT THAT. THAT NEEDS TO STOP. EITHER WE ARE A FISCAL CONSERVATIVE STATE AND WE LOOK AT...AND SOME OF US HAVE BUSINESS BACKGROUNDS AND THERE'S TWO SIDES OF A LEDGER. WE DIDN'T WORK FOR THE GOVERNMENT ALL OUR LIVES. WE HAD ACTUALLY HAD TO BALANCE THAT BUDGET. WE DIDN'T PUT IN REQUISITIONS. WE BALANCED IT. AND THAT'S THE BACKGROUND I COME FROM. THIS WILL NOT HARM THE PROVIDERS. WE'RE CUTTING NOTHING. THEY WILL RECEIVE THREE TIMES THE EXPECTED INFLATION RATE NEXT YEAR AS AN INCREASE. IT'S EXPECTED TO BE 0.5 PERCENT, THE INFLATION RATE. WE'RE GOING TO GO TO 2 PERCENT. THAT'S FOUR TIMES. IF WE JUST ADJUST IT A LITTLE, THEY WILL STILL BE THREE AND A HALF TIMES THE INFLATION RATE. THEY NEED TO MANAGE THEIR BUDGETS JUST LIKE THE REST OF US. ANYWAY, I WANTED TO MAKE SURE. I WANTED TO SEE THE REACTION OF FOLKS WHO LIKE TO GIVE THINGS AWAY, WHO LIKE TO FEEL GOOD BECAUSE THEY HELPED SOMEBODY WITH OTHER PEOPLE'S MONEY. I DON'T BELIEVE IN THAT. IF I WANT TO HELP SOMEBODY, I DO IT MYSELF. BUT I ALSO UNDERSTAND THAT WE NEED TO HELP CERTAIN FOLKS. AND THAT'S WHY I SUPPORT \$50...FROM \$50 TO \$60. BUT DON'T JUST NONCHALANTLY TELL ME IT'S ONLY A MILLION BUCKS. A MILLION BUCKS IS A LOT YET TO THE AVERAGE TAXPAYER. AND THAT'S THE POINT THAT I'M TRYING TO MAKE HERE. NOW, AFTER THE KIND WORDS OF SENATOR MELLO-- AND HE'S WILLING TO WORK WITH ME AND HE'S NOT PUTTING ME ON A LIMIT OF HOW MANY AMENDMENTS I OFFER TOWARDS THE BUDGET--I WILL BRING THIS BACK AND I WILL DROP IT FOR NOW. BUT I WILL BE BACK, ALONG WITH

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HOPEFULLY MY REST OF THE MAJORITY OF THE FISCAL CONSERVATIVES IN THIS BODY, COME BUDGET TIME. THANK YOU. [LB366]

PRESIDENT FOLEY: AM844 IS WITHDRAWN. THANK YOU, SENATOR GROENE. [LB366]

CLERK: I HAVE NOTHING FURTHER ON THE BILL AT THIS TIME, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: SENATOR KINTNER, YOU'RE RECOGNIZED IF YOU CARE TO SPEAK TO THE BILL. [LB366]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, THE SIGN OF A GOOD SENATOR IS SOMEONE WHO THINKS OF SOLUTIONS, KNOWS HOW TO THINK OUTSIDE THE BOX, CAN DRIVE DEBATE ON AN ISSUE. AND THAT'S EXACTLY WHAT SENATOR GROENE HAS DONE HERE. HE'S POINTED SOMETHING OUT. HE'S DUG SOMETHING UP THAT NOBODY IN THE HURRY TO SPEND OTHER PEOPLE'S MONEY THOUGHT ABOUT AND BROUGHT IT TO MY ATTENTION THIS MORNING. I WAS AMAZED THAT I DIDN'T THINK OF IT. SO I APPRECIATE SENATOR GROENE'S THINKING OUTSIDE OF THE BOX, LOOKING AT WAYS TO PAY FOR SOMETHING WITHOUT ASKING THE TAXPAYERS FOR MORE MONEY. YOU KNOW, THERE'S A LOT OF WAYS TO SKIN THIS CAT. AND I THINK SENATOR MELLO HAS PROBABLY LAID OUT THE BEST PATH TO DO THIS. SO I'M GLAD THAT HE BROUGHT THIS UP. I'M GLAD THAT HE'S RAISED THIS. AND I THINK WE'RE BETTER OFF FOR HAVING HAD THIS DISCUSSION TODAY, MR. PRESIDENT. THANK YOU VERY MUCH. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. SENATOR PANSING BROOKS, YOU'RE NEXT IN THE QUEUE IF YOU CARE TO SPEAK TO THE BILL. [LB366]

SENATOR PANSING BROOKS: I'M MAKING A MOTION TO ADVANCE THE BILL, LB366, TO E&R FOR ENGROSSING. [LB366]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, THERE ARE STILL LIGHTS ON. SPEAKER HADLEY, YOU'RE RECOGNIZED. [LB366]

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SPEAKER HADLEY: MR. PRESIDENT, I THINK THERE WERE SOME LESSONS TO BE LEARNED THIS MORNING. WE HAVE RULES. WE HAVE PROCEDURES. WE HAVE WAYS OF GETTING THINGS DONE. WE TRY NEVER TO SHUT PEOPLE OFF. BUT WE DO HAVE A PROCESS. AND I WOULD SUGGEST THAT YOU DO TRY TO FOLLOW THAT PROCESS WHEN YOU'RE COMING UP. ONE OF THE THINGS I'VE NOTICED IN THE LAST COUPLE OF DAYS, WE HAVE WHAT I CALL...I CAN'T THINK OF A GOOD WORD FOR IT, BUT IT'S ALMOST A GOTCHA TYPE OF THING WHEN YOU COME IN AND DROP AN AMENDMENT ON SELECT FILE WITHOUT PROPERLY TALKING WITH THE PERSON WHOSE BILL IT IS. THAT IS NOT PART OF OUR DECORUM. WE DON'T PLAY GOTCHA GAMES IN HERE. WE'RE HERE TO DO THE WORK OF THE PEOPLE. WE HAVE A PROCESS. I WANT TO REITERATE ONE OF THOSE PARTS OF THE PROCESS. SENATOR MELLO AND I HAD A DISCUSSION THIS MORNING. WE SEE BILLS WITH FISCAL NOTES AND A BILLS. NONE OF THOSE WILL GO TO FINAL READING UNTIL THE BUDGET HAS PASSED. NONE OF THEM WILL GO TO FINAL READING UNTIL THE BUDGET HAS PASSED. SO IF YOU HAVE CONCERNS ABOUT A BILLS AND FISCAL NOTES, YOU WILL HAVE A CHANCE ON ANY BILL AFTER THE BUDGET HAS PASSED TO VOICE THOSE. YOU CAN CERTAINLY DO IT BEFORE, BUT YOU WILL HAVE A CHANCE AT THE END. AND I HAVE TO SAY ONE MORE THING. WE'RE DEALING WITH MONEY. WE TALK ABOUT THE PEOPLE'S MONEY. WHO ARE WE GIVING THIS MONEY TO? WE'RE GIVING IT TO THE PEOPLE, AREN'T WE? AND TO GET UP AND BLAST NURSING HOMES IN THE SAME BREATH THAT YOU...CORPORATIONS AND SUCH AS THAT, IF WE DON'T HAVE THOSE NURSING HOMES, WHAT ARE YOU GOING TO DO WITH THE ELDERLY? TAKE THEM INTO YOUR OWN HOME? IF YOU THINK A NURSING HOME IS CUTTING A FAT HOG IN NEBRASKA, I THINK YOU'RE WRONG. ONE LAST THING, I FIGURED IT OUT. THE MONEY WE SPENT ON...WE LOST ON FOSTER CARE PLUS THE MONEY WE SPENT ON BSDC IN LOSS OF MEDICAID FUNDS WOULD FUND THIS BILL FOR 200 YEARS. WE LOST \$100 MILLION BECAUSE OF SCREWUPS IN DHHS; \$100 MILLION. THIS IS A BILL THAT COSTS \$500,000 A YEAR. FIGURE IT OUT, 200 YEARS. YOU KNOW, IF YOU WANT TO TAKE ON SOME OF THE BIG CORPORATIONS AND "SPECIAL INTEREST GROUPS," FINE. BUT I CERTAINLY DON'T CONSIDER NURSING HOMES FITTING INTO THAT CATEGORY OF BEING SPECIAL INTERESTS THAT ARE TRYING TO TAKE PEOPLE'S MONEY. I SUGGEST YOU DON'T WAIT FOR AN INVITATION FROM YOUR NURSING HOMES TO GO OUT AND VISIT THEM AND SEE WHAT'S GOING ON THERE. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. (VISITORS INTRODUCED.)
SENATOR KRIST, YOU'RE RECOGNIZED. [LB366]

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SENATOR KRIST: I JUST...JUST TALKING TO THE SPEAKER AND I JUST WANT TO MAKE ONE OTHER LEARNING POINT HERE THIS MORNING. IT HAS BEEN DONE IN THE PAST BY SPEAKERS AND I THINK YOU NEED TO UNDERSTAND HOW THIS WORKS. ON SELECT FILE, THERE'S A NOTE BEFORE YOU EVER GET TO ANYTHING. AND THE NOTE SAYS ANY AMENDMENT PUT ON ANY OF THE FOLLOWING ITEMS WILL CAUSE THAT ITEM TO BE PULLED OFF THE AGENDA. LET ME SAY THAT AGAIN: AN ASTERISK ON EACH ONE WITH A NOTE ON THE TOP THAT SAYS ANYONE WHO PUTS AN AMENDMENT ON SELECT FILE, ANYBODY, ANY 1 OF THE 49 OF US DOES IT TO THE OTHER GUY, IT GETS PULLED OFF THE AGENDA. AT LEAST FOUR TIMES LAST YEAR AND THE YEAR BEFORE, TWICE THE YEAR BEFORE THAT, WHEN I WAS HAVING A DEBATE AND A DIFFERENCE OF OPINION WITH ONE INDIVIDUAL SENATOR, HE PUT AN AMENDMENT ON A BILL ON SELECT FILE FOR NO APPARENT REASON THAN TO GET IT PULLED OFF. HE GAVE ME NO WARNING, HE DID NOT TALK TO ME ABOUT THE AMENDMENT. AND I WANT TO GO THAT ONE STEP FURTHER THAT THE SPEAKER HAS MADE, THE POINT THAT HE HAS MADE THIS MORNING. IT IS NORMAL COURTESY FOR US TO TALK TO EACH OTHER IN ORDER TO GET SOMETHING DONE. THINK ABOUT YOUR BILL ON SELECT FILE AS WE GET INTO CRUNCH TIME. IF IT'S NOT AN ACT OF TERRORISM, THEN TALK TO THE SENATOR ABOUT WHAT YOU WANT TO DO BECAUSE MAYBE IT'S AN AMENDMENT THAT NEEDS TO GO ON. BUT OUT OF THE BLUE, STICKING SOMETHING ON, PARTICULARLY WITH THAT ASTERISK IS UP THERE, CREATES HAVOC. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR GROENE, YOU'RE RECOGNIZED. [LB366]

SENATOR GROENE: THANK YOU, SPEAKER. AGAIN, I TRIED TO TALK TO SENATOR PANSING BROOKS IN THE HALLWAY YESTERDAY. SHE WAS BUSY. I TRIED TO CALL. THE LINE WAS ALWAYS BUSY. I FINALLY ASKED THE PAGE, BECAUSE WE WERE IN FINAL READING, TO TAKE A NOTE OVER TO HER WITH THE AMENDMENT. I PUT A NOTE ON IT THAT SAID, PLEASE CALL ME. THIS WAS WELL...AN HOUR BEFORE THE BILL WAS READ. SHE...WHEN WE BROKE FROM FINAL READING, I WALKED OVER TO HER AND I SAID, DO YOU WANT TO TALK? AND SHE SAID, I DON'T LIKE THE AMENDMENT, I DON'T HAVE...SHE WAS VISITING WITH SOMEONE ELSE. I THREW THIS TOGETHER IN A HURRY. I DID NOT JUMP ON ANYBODY. WHEN I DID AN AMENDMENT ON SENATOR KRIST'S BILL, I TALKED TO SENATOR KRIST AHEAD OF TIME. SO I DON'T KNOW WHO THE SPEAKER WAS TALKING ABOUT. BUT ALSO, I DID NOT ATTACK ASSISTED-LIVING HOMES. I DID NOT AT ALL. I TALKED ABOUT UNNECESSARY INCREASES. I QUOTED THE INCREASES THAT WERE GIVEN IN THE LAST FIVE OR SIX YEARS. IS THAT AN...TO

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QUOTE FACTS? TO QUOTE FACTS, IS THAT AN ATTACK? I DON'T BELIEVE SO. I QUOTED HOW WE HAD A 9 PERCENT INCREASE, 3.2 PERCENT INCREASE. WE'RE ALL INDIVIDUALS. WE'RE ALL MOTIVATED BY THE SAME FALLACIES AND BLESSINGS. YOUR OCCUPATION DOESN'T MAKE YOU A SAINT, AS SOME HAPPEN TO BELIEVE. SO IT IS OUR DUTY TO PROTECT THE TAXPAYER'S MONEY. AND, YES, TO ME, \$500,000 IS A LOT OF MONEY. SEE, WHAT I DO, WHEN I LOOK AT A FISCAL NOTE, I DIVIDE 1.8 MILLION PEOPLE INTO THAT--MAN, WOMAN, AND CHILD. AND I GO, "CHA-CHING," \$500,000, 40 CENTS JUST GOT TAKEN OUT OF YOUR INCOME, FOLKS; \$2 MILLION, "CHA-CHING," \$1.20 FOR EVERY MAN, WOMAN, AND CHILD IN THE STATE--EVERY MAN, WOMAN, AND CHILD. WE'RE A SMALL POPULOUS STATE; \$500,000 IS A LOT OF MONEY. IT'S A LOT OF MONEY. SO I CAME HERE TO BE THE PEOPLE'S VOICE, THE AVERAGE CITIZEN, AND APPARENTLY I'M BUTTING UP AGAINST THOSE WHO DON'T LIKE GOOD DEBATE WITH FACTS. AND I WILL CONTINUE AS I'VE DONE AND WHEN I SEE "CHA-CHING," ANOTHER BUCK HERE, "CHA-CHING," ANOTHER 50 CENTS HERE, I'M GOING TO STAND AND I'M GOING TO ADDRESS IT. THANK YOU, MR. PRESIDENT. [LB366]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SEEING NO OTHER SENATORS IN QUEUE, IN SENATOR HANSEN'S ABSENCE, SENATOR COASH, YOU'RE RECOGNIZED FOR A MOTION. [LB366]

SENATOR COASH: MR. PRESIDENT, I MOVE TO ADVANCE LB366 TO E&R FOR ENGROSSING. [LB366]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB366 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB366 ADVANCES. RETURNING TO SELECT FILE, LB366A. MR. CLERK. [LB366 LB366A]

CLERK: MR. PRESIDENT, NO E&Rs. SENATOR PANSING BROOKS WOULD MOVE TO AMEND WITH AM718. (LEGISLATIVE JOURNAL PAGE 813.) [LB366A]

PRESIDENT FOLEY: SENATOR PANSING BROOKS, YOU'RE WELCOME TO OPEN ON AM718. [LB366A]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I MOVE THAT AM718 GO FORWARD AS WRITTEN BY SENATOR COASH. [LB366A]

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PRESIDENT FOLEY: THANK YOU, SENATOR PANSING BROOKS. DEBATE IS NOW OPEN ON AM718. SEEING NO SENATORS WISHING TO SPEAK, SENATOR PANSING BROOKS, YOU'RE WELCOME TO CLOSE ON THE AMENDMENT. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM718 TO LB366A. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB366A]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE AMENDMENT. [LB366A]

PRESIDENT FOLEY: AM718 IS ADOPTED. [LB366A]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB366A]

PRESIDENT FOLEY: SENATOR COASH FOR A MOTION. [LB366A]

SENATOR COASH: MR. PRESIDENT, I MOVE THAT LB366A ADVANCE TO E&R FOR ENGROSSING. [LB366A]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB366A TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB366A ADVANCES. SELECT FILE, LB504. MR. CLERK. [LB366A LB504]

CLERK: LB504, SENATOR COASH, I HAVE E&R AMENDMENTS, FIRST OF ALL. (ER48, LEGISLATIVE JOURNAL PAGE 763.) [LB504]

SENATOR COASH: MR. PRESIDENT, I MOVE TO ADOPT THE E&R AMENDMENT. [LB504]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS TO LB504. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB504]

CLERK: SENATOR KRIST WOULD MOVE TO AMEND WITH AM710. (LEGISLATIVE JOURNAL PAGE 810.) [LB504]

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PRESIDENT FOLEY: SENATOR KRIST, YOU'RE WELCOME TO OPEN ON AM710.
[LB504]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING AGAIN, COLLEAGUES, AND GOOD MORNING, NEBRASKA. AS HAPPENS OCCASIONALLY, THE FOLKS IN BILL DRAFTING WILL BRING UP A...AN AMENDMENT THAT IS NECESSARY THAT EXCEEDS THE AUTHORITY OF THE E&R AMENDMENTS. THIS IS SUCH A CASE. AM710 IS A WHITE COPY AMENDMENT WHICH WILL SUPERSEDE THE JUST ADOPTED E&R AMENDMENTS ONLY. AM710 INCORPORATES THOSE E&R AMENDMENTS BUT ADDS SOME ITEMS THAT WERE BEYOND THE SCOPE OF E&R, AS I SAID. TWO MAIN THINGS. FIRST, AM710 REMOVES...MOVES LANGUAGE FROM PAGE 3, LINE 14, TO PAGE 3, LINES 1 THROUGH 3, WHICH IDENTIFIES WHO HAS ACCESS TO PRECEDENTS, REPORTS, AND OTHER INFORMATION. THE REASON IS THIS. WE DISCOVERED THAT OUR INITIAL CHANGE BECAUSE OF THE PLACEMENT ACTUALLY AMENDED THE DEFINITION OF MENTAL HEALTH PROFESSIONAL, AND WE CERTAINLY DON'T WANT TO DO THAT. FINALLY, AM710 MOVES THE DATE BEGINNING JULY 1, 2016, FROM PAGE 3, LINE 15, TO PAGE 3, LINE 18. THE REASON FOR THIS IS THAT THE DATE REALLY APPLIES JUST TO THE ELECTRONIC ACCESS ADDRESSED IN THE SECOND SENTENCE AND NOT TO ANYTHING ELSE. I ASK FOR YOUR ADOPTION OF AM710 AND YOUR FURTHER APPROVAL OF LB504. THANK YOU, MR. PRESIDENT. [LB504]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. DEBATE IS NOW OPEN ON AM710. SEEING NO SENATORS WISHING TO SPEAK, SENATOR KRIST, YOU'RE WELCOME TO CLOSE ON AM710. SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM710 TO LB504. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB504]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR KRIST'S AMENDMENT. [LB504]

PRESIDENT FOLEY: AM710 IS ADOPTED. MR. CLERK. [LB504]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB504]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB504]

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SENATOR HANSEN: YES, MR. PRESIDENT, I MOVE THAT LB504 BE ADVANCED TO E&R FOR ENGROSSING. [LB504]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB504 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB504 ADVANCES. SELECT FILE, LB504A. MR. CLERK. [LB504 LB504A]

CLERK: LB504A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB504A]

PRESIDENT FOLEY: SENATOR HANSEN. [LB504A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB504A BE ADVANCED TO E&R FOR ENGROSSING. [LB504A]

PRESIDENT FOLEY: YOU'VE HEARD THE MOTION TO ADVANCE LB504A TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB504A ADVANCES. SELECT FILE, LB128. MR. CLERK. [LB504A LB128]

CLERK: LB128, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB128]

PRESIDENT FOLEY: SENATOR HANSEN. [LB128]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB128 BE ADVANCED TO E&R FOR ENGROSSING. [LB128]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB128 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB128 ADVANCES. SELECT FILE, LB431. MR. CLERK. [LB128 LB431]

CLERK: LB431, SENATOR, I HAVE E&R AMENDMENTS, FIRST OF ALL. (ER45, LEGISLATIVE JOURNAL PAGE 720.) [LB431]

PRESIDENT FOLEY: SENATOR HANSEN. [LB431]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT THE E&R AMENDMENTS TO LB431 BE ADOPTED. [LB431]

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PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS TO LB431. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB431]

CLERK: SENATOR BLOOMFIELD WOULD MOVE TO AMEND WITH AM703. (LEGISLATIVE JOURNAL PAGE 813.) [LB431]

PRESIDENT FOLEY: SENATOR BLOOMFIELD, YOU'RE WELCOME TO OPEN ON AM703. [LB431]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THE AMENDMENT I PROPOSE DOES NOT STRIKE THE INCREASE THAT THEY WANT FROM \$40,000 TO \$100,000. WHAT I PROPOSE TO STRIKE IS THEIR ABILITY TO INCREASE THAT ON THEIR OWN WITHOUT COMING BACK TO THE LEGISLATURE. IT'S PRETTY SIMPLE, A PRETTY STRAIGHTFORWARD AMENDMENT, GO TO PAGE 2, LINE 16, WHERE IT SAYS: THE STATE BOARD OF EDUCATION SHALL ADJUST THE DOLLAR AMOUNT IN THIS STATEMENT (SIC-- SUBSECTION) EVERY FIFTH YEAR. THE FIRST SUCH ADJUSTMENT AFTER THE EFFECTIVE DATE OF THIS ACT SHALL BE EFFECTIVE ON JULY 1, 2020, AND ADJUSTED AMOUNT SHALL BE EQUAL TO THE THEN CURRENT AMOUNT ADJUSTED BY THE CUMULATIVE PERCENTAGE CHANGE IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS FOR THE FIVE-YEAR PERIOD PRECEDING THE ADJUSTMENT RATE. THE AMOUNT SHALL BE ROUNDED TO THE NEXT HIGHEST \$1,000. I DON'T LIKE MANDATES; I DON'T LIKE AUTOMATIC INCREASES. I THINK, PROBABLY, WE SHOULD HAVE THEM COME BACK IF THEY NEED THE INCREASE AT THAT TIME AND ASK FOR IT. WE WAITED TOO LONG THIS TIME. WE SHOULDN'T DO THAT AGAIN, BUT NEITHER SHOULD WE GIVE THEM THE RIGHT JUST TO INCREASE IT WHENEVER THEY FEEL LIKE IT. IT'S A VERY SIMPLE, VERY STRAIGHTFORWARD AMENDMENT. I HOPE YOU'LL FIND YOURSELF ABLE TO SUPPORT IT. THANK YOU. [LB431]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR BAKER, YOU'RE RECOGNIZED. [LB431]

SENATOR BAKER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. AM703 SEEMS TO TREAT THE MATTER AS IF IT WERE A SPENDING BILL. IT IS NOT. IT'S NOT ABOUT INCREASING SPENDING, NEITHER AT THE STATE LEVEL NOR AT THE LOCAL SCHOOL DISTRICT LEVEL. THERE ARE NUMEROUS EXAMPLES IN

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STATE STATUTES RIGHT NOW THAT ALSO ALLOW ADJUSTMENTS USING THE CPI. MY OFFICE DID SOME CHECKING. WE FOUND ABOUT 28 REFERENCES TO THE CPI, THINGS LIKE THE BOARD OF ENGINEERS AND ARCHITECTS ADJUSTING FOR DESIGN AND CONSTRUCTION WORK FOR NATURAL RESOURCES DISTRICTS; DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADJUST PRENEED IRREVOCABLE FUNDS; DEPARTMENT OF INSURANCE DIRECTOR, BURIAL PRENEED SALE COST OF LIVING ADJUSTMENTS; THE SUPREME COURT, ADJUST THE JURISDICTIONAL AMOUNT FOR COUNTY COURT EVERY FIFTH YEAR; PUBLIC EMPLOYEES RETIREMENT BOARD, ADJUST BENEFITS; DHHS, ADJUST STANDARD OF NEED FOR AID TO DEPENDENT CHILDREN; ANNUAL BENEFIT ADJUSTMENT, STATE BOARD OF EDUCATION. THERE'S ANY NUMBER OF THOSE THINGS, SO IT'S NOT LIKE IT ISN'T DONE. WE'VE ALREADY SEEN...WE'VE ALREADY RUN INTO SITUATIONS THIS YEAR WHERE WHEN NUMBERS ARE INSERTED IN STATUTE THEY BECOME OUTDATED. YOU KNOW, THE MARRIAGE LICENSE FEES WAS AN EXAMPLE. IT SAT AT \$50 FOR YEARS AND YEARS AND THEN IT WAS PROPOSED TO GO TO \$75. THAT WAS TOO BIG OF AN INCREASE, ALTHOUGH THAT NUMBER HAD BEEN IN PLACE FOR A LOT OF YEARS. HERE IN LB431, WE'RE NOT TALKING ABOUT RAISING ANY FEE OR SPENDING ANY MORE MONEY. THE BILL HAS TO DO WITH PERMISSION FOR LOCALLY ELECTED SCHOOL BOARDS TO PROCEED MORE EXPEDIENTLY WITH FACILITY REPAIRS. YOU KNOW, PROBABLY THE REASON THAT WE'RE STILL MAKING A SALARY OF \$12,000 IS THAT IT'S BEEN LET GO SO LONG. I THINK IN 2012 THERE WAS AN ATTEMPT TO CHANGE THE CONSTITUTION TO MAKE THAT \$21,000. WELL, THE PUBLIC REACTED AND SAID, THAT'S A HUGE INCREASE, THAT'S A 75 PERCENT INCREASE, AND REJECTED IT. SO, YOU KNOW, THE MATTER OF FIXED DOLLARS HAVING INCREASES HAS NUMEROUS PRECEDENCE IN THERE. FURTHERMORE, YOU KNOW, THERE'S BEEN CONVERSATION THIS MORNING ABOUT AMENDMENTS BEING DROPPED ON BILLS IN SELECT FILE. I WAS SURPRISED TO FIND THAT AMENDMENT FILED TO MY BILL WITHOUT ANYBODY HAVING THE COURTESY TO COME TALK TO ME. SO ACCORDINGLY, I RESPECTFULLY REQUEST THAT SENATOR BLOOMFIELD WITHDRAW HIS AMENDMENT. THANK YOU. [LB431]

PRESIDENT FOLEY: THANK YOU, SENATOR BAKER. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB431]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. AND I DO APOLOGIZE FOR NOT GOING AND TALKING TO SENATOR BAKER, BUT THIS AMENDMENT HAS BEEN ON FILE FOR A WHILE. THERE'S NO REASON FOR IT TO HAVE BEEN A SURPRISE TO HIM. COLLEAGUES, THIS IS NOT AN AMENDMENT THAT I'M GOING TO FIGHT AND STRUGGLE AND TWIST IN THE WIND OVER. YOU'LL NOT HEAR ME

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UP HERE FOR THE NEXT THREE HOURS DRONING ON AND ON ABOUT IT. I JUST THINK IT'S A GOOD IDEA THAT THE LEGISLATURE MAINTAIN SOME CONTROL. AND THAT'S ABOUT ALL I'M GOING TO SAY ON THE AMENDMENT. I HOPE YOU LOOK AT IT, SEE THAT IT DOES NOT HARM THE INCREASE. IT MERELY PREVENTS FUTURE INCREASES WITHOUT COMING BACK TO THE BODY. THANK YOU, MR. PRESIDENT. [LB431]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. (VISITORS INTRODUCED.) SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB431]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, I RISE IN OPPOSITION TO AM703 AND IN FAVOR OF LB431 SIMPLY TO POINT OUT TO SENATORS, ALL OF US, KNOWING THAT EACH YEAR WE GET ONE PRIORITY BILL AND, IF IN EVERY KIND OF BILL AND REGULATION THAT STATES A NUMBER THAT SHOULD BE INCREASING, IF THAT HAS TO COME BACK TO THE LEGISLATURE EVERY TIME, WE'RE JUST NOT GOING TO GET SIGNIFICANT THINGS DONE. AND SO I THINK BUILDING IN A FORMULA, AS SENATOR BAKER HAS DONE, IS A GOOD IDEA. AND, AGAIN, I WOULD SUPPORT LB431. AM703, WE CAN GET TO THE POINT OF MICROMANAGING THINGS TO MAKE THINGS UNWORKABLE, AND CONSTRUCTION IN SCHOOL DISTRICTS IS VERY IMPORTANT. THAT'S WHY WE HAVE ELECTED SCHOOL BOARDS. THANK YOU VERY MUCH. [LB431]

PRESIDENT FOLEY: THANK YOU, SENATOR HAAR. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR BLOOMFIELD, YOU'RE WELCOME TO CLOSE ON AM703. [LB431]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. AS I SAID BEFORE, I HAVE NO INTENTION OF DRONING ON ABOUT THIS. I THINK IT'S A DECENT AMENDMENT THAT RESPECTS THE TAXPAYER, PARTICULARLY THE LOCAL PROPERTY TAXPAYER. SO, PLEASE, TAKE A GOOD LOOK AT THE AMENDMENT BEFORE YOU VOTE AND I'D ASK AGAIN YOU SUPPORT THE AMENDMENT. THANK YOU. [LB431]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATORS, YOU'VE HEARD THE DEBATE AND THE CLOSING ON AM703. THE QUESTION IS THE ADOPTION OF AM703 TO LB431. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD, PLEASE, MR. CLERK. [LB431]

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

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CLERK: 5 AYES, 14 NAYS, MR. PRESIDENT, ON THE AMENDMENT. [LB431]

PRESIDENT FOLEY: AM703 IS NOT ADOPTED. RETURNING NOW TO DEBATE ON LB431. [LB431]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB431]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB431]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB431 BE ADVANCED TO E&R FOR ENGROSSING. [LB431]

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADVANCE LB431 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB431 ADVANCES. MR. CLERK, FOR AN ANNOUNCEMENT. [LB431]

CLERK: YES, MR. PRESIDENT, VERY QUICKLY. THE EXECUTIVE BOARD WILL MEET IN EXECUTIVE SESSION IN 2022 NOW, THE EXECUTIVE BOARD IN ROOM 2022 NOW. THAT'S ALL THAT I HAVE. THANK YOU.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. RETURNING NOW TO GENERAL FILE, LB627. MR. CLERK. [LB627]

CLERK: MR. PRESIDENT, LB627 WAS A BILL INTRODUCED BY SENATOR MELLO. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 21 OF THIS YEAR, REFERRED TO THE BUSINESS AND LABOR COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING. (AM232, LEGISLATIVE JOURNAL PAGE 677.) [LB627]

PRESIDENT FOLEY: SENATOR MELLO, YOU'RE WELCOME TO OPEN ON LB627. [LB627]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB627 AMENDS THE NEBRASKA FAIR EMPLOYMENT PRACTICE ACT TO PROVIDE FOR REASONABLE ACCOMMODATIONS FOR PREGNANT EMPLOYEES IN THE WORKPLACE AND PROHIBIT WORKPLACE DISCRIMINATION BASED ON PREGNANCY. THIS COMMONSENSE BILL THAT WILL KEEP WOMEN

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EMPLOYED WHILE PROTECTING THE HEALTH OF THEIR PREGNANCIES SO THAT THEY MAY PROVIDE FOR THEIR FAMILIES AND IT RECOGNIZES THE LEGITIMATE INTERESTS OF EMPLOYERS. FIRST, I'D LIKE TO GIVE EVERYONE A LITTLE BRIEF BACKGROUND ON PREGNANCY DISCRIMINATION WHICH WILL THEN LEAD US TO THE REASONS OF WHY I INTRODUCED LB627. IN 1978, CONGRESS PASSED THE PREGNANCY DISCRIMINATION ACT WHICH SOUGHT TO PREVENT DISCRIMINATION AGAINST PREGNANT WORKERS BY REQUIRING THAT EMPLOYERS TREAT THEM IN THE SAME MANNER AS, QUOTE UNQUOTE, OTHER PERSONS NOT SO AFFECTED BUT SIMILAR IN THEIR ABILITY OR INABILITY TO WORK, END QUOTE. IN 1984, THE NEBRASKA LEGISLATURE PASSED LB14A, WHICH ADOPTED LANGUAGE THAT INCLUDED THAT EXACT SAME PHRASE. WHILE THE INTENT OF CONGRESS AND THE STATE OF NEBRASKA WAS TO PROTECT PREGNANT WORKERS BY SPECIFICALLY ENCOMPASSING PREGNANCY, CHILDBIRTH, AND OTHER RELATED MEDICAL CONDITIONS WITHIN THE PROHIBITION AGAINST SEX DISCRIMINATION IN EMPLOYMENT, THIS SPECIFIC LANGUAGE USED TO DO SO HAS PROVEN INADEQUATE. IT NEEDS TO BE UPDATED. IN THE DECADES SINCE THE PASSAGE OF THE FEDERAL PREGNANCY DISCRIMINATION ACT AND LB14A, INCREASINGLY NARROW INTERPRETATIONS OF THE COMPARATIVE PHRASE, QUOTE UNQUOTE, SIMILAR IN THEIR ABILITY OR INABILITY TO WORK, END QUOTE, HAS BEEN HANDED DOWN BY A NUMBER OF COURTS. FOR EXAMPLE, IN JANUARY, THE SUPREME COURT DENIED A PETITION BY ANGELA AMES IN A CASE THAT MADE ITS WAY THROUGH THE EIGHTH CIRCUIT COURT, WHICH INCLUDES NEBRASKA. MS. AMES ASKED HER SUPERVISOR FOR AN ACCOMMODATION THAT WOULD ALLOW HER TO PUMP BREAST MILK AT WORK. HER SUPERVISOR TOLD HER TO, QUOTE UNQUOTE, GO HOME AND BE WITH HER BABIES, END QUOTE, AND PRESENTED HER WITH A PREWRITTEN LETTER OF RESIGNATION AND FORCED HER TO SIGN IT. THE COURTS HELD THAT THIS WAS NOT SEX DISCRIMINATION BECAUSE UNDER CERTAIN CIRCUMSTANCES, MEN CAN LACTATE TOO. THE COMPARATIVE LANGUAGE USED IN THE FEDERAL LAW, WHICH IS DIRECTLY COPIED IN NEBRASKA STATUTE, HAS BEEN USED TO DENY WOMEN THE PROTECTIONS THAT WERE INTENDED WITH THE PASSAGE OF THE PREGNANCY DISCRIMINATION ACT OF 1978. THAT BRINGS US TO THE CONTENTS IN LB627 WHICH CONTEMPLATES TWO MAIN CHANGES TO THE STATUTE WITHIN THE NEBRASKA FAIR EMPLOYMENT PRACTICES ACT. THE FIRST CHANGE IS ADDING LANGUAGE TO SECTION 48-1102 WHICH DEFINES REASONABLE WORKPLACE ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES. THIS NEW LANGUAGE EXPANDS THE SECTION TO DEFINE REASONABLE ACCOMMODATIONS WITH RESPECT TO PREGNANCY, INCLUDING COMMONSENSE, LOW-COST PROVISIONS SUCH AS PROVIDING STOOLS OR CHAIRS FOR EMPLOYEES, ADDING BREAKTIME, FLEXIBLE

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SCHEDULING, AND TEMPORARY REASSIGNMENT TO LESS STRENUOUS WORK. THIS IS NOT AN UNPRECEDENTED PROTECTION FOR NEBRASKA WORKERS. REASONABLE ACCOMMODATIONS FOR PEOPLE WITH DISABILITIES HAS BEEN IN FEDERAL LAW SINCE THE 1990 AMERICANS WITH DISABILITIES ACT, IN THE NEBRASKA STATUTES SINCE 1993, SO EMPLOYERS IN NEBRASKA ALREADY HAVE A QUARTER OF A CENTURY EXPERIENCE IN PROVIDING REASONABLE ACCOMMODATIONS. CORRESPONDINGLY, THE COURTS HAVE HAD MORE THAN TWO DECADES OF JURISPRUDENCE REGARDING THE DEFINITION OF REASONABLE ACCOMMODATION. THE PROPOSED ACCOMMODATIONS FOR PREGNANT WORKERS, WHILE DIFFERENT, ARE MODELED AFTER THOSE ALREADY IN PLACE FOR WORKERS WITH DISABILITIES, AND THEY RETAIN THE SAME PROTECTIONS FOR EMPLOYERS WITH REGARD TO THE UNDUE HARDSHIP. IF A PROPOSED ACCOMMODATION WOULD REQUIRE SIGNIFICANT DIFFICULTY OR EXPENSE, THE BUSINESS WOULD NOT HAVE TO MAKE THAT ACCOMMODATION. NO ONE WILL BE FORCED TO BUILD A NEW ROOM TO ACCOMMODATE A REQUEST FOR A PLACE TO PUMP BREAST MILK. THE SECOND MAIN CHANGE THAT LB627 SEEKS TO ACCOMPLISH IS TO PROVIDE EMPLOYMENT DISCRIMINATION PROTECTIONS TO PREGNANT WOMEN THROUGH THE ADDITIONAL LANGUAGE UNDER SECTION 48-1107.01. THE LANGUAGE PROPOSED IN THE PORTION OF THIS BILL WILL...WHILE DIFFERENT AND SEPARATE, IS MODELED AFTER PROTECTIONS ALREADY PROVIDED FOR PEOPLE WITH DISABILITIES IN THE WORKPLACE. I BELIEVE THAT IT'S A SIMPLE MATTER OF FAIRNESS THAT WOMEN SHOULD NOT BE DENIED A JOB OR A PROMOTION SIMPLY BECAUSE THEY ARE PREGNANT. WE MUST ALSO CONSIDER THAT ALONG WITH THE FAIRNESS THAT LB627 PROMOTES WITHIN THE WORKPLACE AND THE HIRING PROCESS, THE BILL HAS A STRONG ECONOMIC COMPONENT FOR NEBRASKA FAMILIES AS WELL. THE REALITY IS THAT WOMEN HAVE BEEN FORCED TO CHOOSE BETWEEN CONTINUING EMPLOYMENT AND A HEALTHY PREGNANCY. QUITE OFTEN THE ISSUE OF MAKING AN ACCOMMODATION FOR PREGNANCY IS NOT EVEN BROUGHT UP OUT OF FEAR THAT THEY WILL BE LET GO OR FORCED TO GO ON UNPAID LEAVE OR THAT THEY WILL OTHERWISE BE TREATED UNFAIRLY. THIS OFTEN LEAVES WOMEN WITH AN AGONIZING CHOICE BETWEEN STAYING AT WORK AND PERFORMING ACTIVITIES THAT MAY BE DANGEROUS TO THEIR PREGNANCY OR TAKING UNPAID LEAVE. BEING FIRED, FORCED TO RESIGN, OR TAKING UNPAID LEAVE FOR SEVERAL MONTHS ARE SITUATIONS THAT MANY NEBRASKA FAMILIES SIMPLY CANNOT AFFORD. ACCORDING TO THE U.S. CENSUS BUREAU, IN NEBRASKA 78 PERCENT OF WOMEN ARE IN THE LABOR FORCE; 73 PERCENT OF NEBRASKA FAMILIES WITH CHILDREN HAVE BOTH PARENTS IN THE WORK FORCE; AND 71 PERCENT OF PREGNANT AND NEW MOMS ARE IN THE WORK FORCE. THESE NUMBERS ARE

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ALL HIGHER THAN THE NATIONAL AVERAGE. FAMILIES WITH A PREGNANT INCOME EARNER ARE NOT THE ONLY BENEFICIARIES THOUGH OF LB627. ACCORDING TO FINDINGS BY THE JOB ACCOMMODATION NETWORK, A TECHNICAL ASSISTANCE PROVIDER FOR THE U.S. DEPARTMENT OF LABOR'S OFFICE OF DISABILITY EMPLOYMENT POLICY, ACCOMMODATIONS ALREADY PROVIDED UNDER DISABILITY PROTECTIONS HAVE SHOWN TO BE LOW COST. THE TEMPORARY NATURE OF PREGNANCY ACCOMMODATIONS INDICATE THEY WOULD BE SIMILARLY INEXPENSIVE. PROVIDING ACCOMMODATIONS FOR EMPLOYEES HAVE ALSO SHOWN TO IMPROVE EMPLOYEE RETENTION, MORALE, AND EMPLOYEE PRODUCTIVITY. ATTEMPTS TO CORRECT THE NARROW INTERPRETATIONS OF DISCRIMINATION AND TO PROVIDE FOR REASONABLE ACCOMMODATIONS TO REFLECT THE ORIGINAL INTENT OF THE PREGNANCY DISCRIMINATION ACT THROUGH FEDERAL LEGISLATION HAVE STALLED IN WASHINGTON, D.C. OVER THE LAST FEW YEARS, SEVERAL STATES HAVE ACTED ON THEIR OWN INITIATIVE TO PROVIDE THESE COMMONSENSE PROTECTIONS TO PREGNANT WOMEN. REPUBLICAN AND DEMOCRATIC GOVERNORS IN DELAWARE, MINNESOTA, ILLINOIS, MARYLAND, AND NEW JERSEY HAVE ALL SIGNED LEGISLATION WITH STRONG BIPARTISAN SUPPORT SIMILAR TO LB627. IN SEVERAL OTHER STATES, INCLUDING IOWA, MASSACHUSETTS, AND MISSOURI, ARE CURRENTLY CONSIDERING SIMILAR UPDATES TO THEIR PREGNANCY DISCRIMINATION LAWS IN THEIR LEGISLATURE SIMILAR TO LB627. COLLEAGUES, RIGHT NOW, THERE ARE PREGNANT WOMEN WORKING IN NEBRASKA. AND AS A NEW FATHER, I KNOW THEY'RE EXPERIENCING ALL THE JOYS AND EXCITEMENT THAT COME WITH A GROWING FAMILY: TALKING ABOUT BABY NAMES, RESEARCHING SCHOOLS, READING BABY BOOKS, AND DISCUSSING CHILD CARE. BUT THEY'RE ALL ADDING UP TO POTENTIAL COSTS, DAY CARES, INSURANCE, CAR SEATS, PEDIATRICIANS, SAVINGS FOR COLLEGE. MORE WOMEN THAN EVER ARE WORKING INTO THEIR NINTH MONTH OF PREGNANCY TO MAKE THOSE ENDS MEET. LB627 IS BASED ON THE BELIEF THAT WOMEN SHOULDN'T HAVE TO MAKE AN ALL-OR-NOTHING CHOICE BETWEEN WORK AND A HEALTHY PREGNANCY. BETWEEN HEALTH INSURANCE NOW AND LOWER MEDICAL COSTS LATER, THIS COMMONSENSE PIECE OF LEGISLATION, WE CAN KEEP MORE WOMEN WORKING IN THE WORKPLACE, OFF PUBLIC ASSISTANCE, AND PROVIDING FOR THEIR FAMILIES WHILE PROTECTING THE HEALTH OF THEIR PREGNANCY. AS YOU MAY NOTICE, THE ORIGINAL FISCAL NOTE ON LB627 ANTICIPATED THE NEED FOR AN ADDITIONAL STAFF MEMBER IN THE NEBRASKA EQUAL OPPORTUNITY COMMISSION TO HANDLE AN ANTICIPATED ADDITIONAL 60 PREGNANCY-RELATED CASES PER YEAR. HOWEVER, AFTER FURTHER CONVERSATIONS WITH THE COMMISSION AND THE LEGISLATIVE FISCAL OFFICE, AS WELL AS AN ANALYSIS OF THE IMPACT OF OTHER STATES HAVE SEEN WITH

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SIMILAR LEGISLATION, THE LEGISLATIVE FISCAL OFFICE HAVE GIVEN A REVISED FISCAL NOTE ON LB627 THAT NOTES THAT THE NUMBER OF CASES THAT WOULD COME UNDER LB627 ARE UNKNOWN AT THIS TIME AND, BASED OFF WHAT OTHER STATES HAVE SEEN, IT HAS BEEN A MINIMAL IMPACT ON OPERATIONS SIMILAR TO THE EQUAL OPPORTUNITY COMMISSION. COLLEAGUES, THAT DOESN'T MEAN THAT WITH THE PASSAGE OF LB627 THERE MAY NOT BE A REQUEST SOMEWHERE DOWN THE LINE FROM THE EQUAL OPPORTUNITY COMMISSION IF FOR SOME REASON THEY WOULD SEE A DRAMATIC INCREASE IN PREGNANCY DISCRIMINATION-RELATED CASES. HOWEVER, IN OTHER STATES WHERE THIS LAW HAS ALSO BEEN PASSED, THAT HAS NOT BEEN THE CASE. LB627 WAS ADVANCED OUT OF THE BUSINESS AND LABOR COMMITTEE WITH NO NEGATIVE VOTES AND THERE WAS NO OPPOSITION AT THE HEARING. FINALLY, I WOULD LIKE TO THANK THE BUSINESS AND LABOR COMMITTEE FOR MAKING LB627 A COMMITTEE PRIORITY FOR THIS SESSION. FOR THOSE REASONS, I'D URGE THE BODY TO ADOPT LB627, THANK YOU, MR. PRESIDENT. [LB627]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE BUSINESS AND LABOR COMMITTEE. SENATOR HARR IS RECOGNIZED. [LB627]

SENATOR HARR: THANK YOU, MR. SPEAKER AND MEMBERS OF THE BODY. AM232 AMENDS LB627 TO REFER THROUGHOUT THE BILL TO PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION, RATHER THAN JUST PREGNANCY, AND TO AN INDIVIDUAL AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS, RATHER THAN TO A PREGNANT INDIVIDUAL. THE PURPOSE OF AM232 IS TO CLARIFY THAT THE BILL'S PROTECTIONS REACH INDIVIDUALS WHO SEEK ACCOMMODATIONS BECAUSE OF CONDITIONS OR COMPLICATIONS ARISING OUT OF OR INTRINSICALLY RELATED TO PREGNANCY IN ADDITION TO THOSE WHO SEEK ACCOMMODATIONS FOR MEDICAL NEEDS ARISING FROM THE PREGNANCY ITSELF. FOR EXAMPLE, THE AMENDMENT WOULD REACH ACCOMMODATIONS REQUESTED FOR EXPRESSING BREAST MILK OR OTHER POSTPARTUM MEDICAL CONDITIONS, WHEREAS THE ORIGINAL BILL ONLY PROTECTED THE INDIVIDUAL DURING PREGNANCY. AS SENATOR MELLO HAS EXPLAINED, THIS BILL AND AMENDMENT SOLIDIFY WORKPLACE PROTECTIONS FOR INDIVIDUALS AFFECTED BY PREGNANCY, CHILDBIRTH, OR A RELATED MEDICAL CONDITION. AM232 ADVANCED OUT OF COMMITTEE ON A 7-0 VOTE. I WOULD ASK FOR YOUR SUPPORT ON AM232. THANK YOU. [LB627]

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SPEAKER HADLEY: SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB627]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I STAND IN ENTHUSIASTIC SUPPORT OF LB627. I WAS ON THE BUSINESS AND LABOR COMMITTEE AND WAS ABLE TO HEAR THE TESTIMONY AT THE HEARING, WHICH WAS VERY COMPELLING. AND THE LEGAL CASE IS VERY CRITICAL, AND SENATOR MELLO HAS DONE AN EXCELLENT JOB OF LAYING OUT THAT LEGAL CASE. BUT, COLLEAGUES, I BELIEVE THAT I'M ONE OF THE VERY FEW PEOPLE IN THIS BODY WHO HAS ACTUALLY BEEN PREGNANT BEFORE. SO I THOUGHT IT WAS IMPORTANT TO STAND UP AND SPEAK TO THE BILL FROM THAT PERSONAL EXPERIENCE AS WELL. SO I HAVE TWO WONDERFUL CHILDREN. SO I'VE BEEN PREGNANT TWICE AND I HAVE ALSO BREAST-FED TWICE. AND IN BOTH CASES, I WAS EMPLOYED. I AM VERY FORTUNATE THAT I WAS EMPLOYED AS A PROFESSIONAL AND EMPLOYED WITH AN EMPLOYER WHO WAS VERY OPEN TO WORKING WITH ME TO MAKE ACCOMMODATIONS. AND SO, WORKING WITH MY DEAN AND WORKING WITH MY PEERS, WE CAME UP WITH REASONABLE ACCOMMODATIONS THAT DIDN'T HARM THE STUDENTS AND DIDN'T GET IN THE WAY OF GETTING THE WORK DONE, BUT ALLOWED ME TO, AGAIN, BE ABLE TO STAY IN THE WORK FORCE AND CONTINUE LECTURING AND DOING MY WORK UNTIL THE VERY LAST DAY WHEN I HAD TO GO TO THE HOSPITAL, AND THEN ALLOWED ME TO COME BACK SOON, AND WHILE I WAS STILL BREAST-FEEDING, COME BACK TO CREIGHTON AND BE ABLE TO TEACH MY CLASSES AND DO MY RESEARCH AND WORK WITH MY STUDENTS, BECAUSE I HAD ACCOMMODATIONS TO HELP ME MAKE SURE THAT THAT GETS DONE. AND I AM VERY FORTUNATE, AGAIN, BECAUSE I WAS IN A PROFESSIONAL SITUATION AND WORKING IN A WORKPLACE WHERE THAT WAS HONORED. BUT I AM WORRIED ABOUT MY...MY FELLOW WOMEN WHO MAY BE IN SITUATIONS WHERE THAT IS NOT THE CASE. AND I THINK IT'S VERY IMPORTANT TO PROTECT THEM, TO ALLOW THEM TO HAVE THIS DISCUSSION WITH THEIR EMPLOYERS AND THEIR WORK PEERS ON HOW TO MAKE SURE WE CAN ACCOMMODATE THEM SO THEY CAN CONTINUE TO WORK AND CONTINUE TO BREAST-FEED. IT IS VERY IMPORTANT THAT WOMEN ARE ABLE TO BREAST-FEED AS LONG AS POSSIBLE. WE HAVE SO MUCH RESEARCH THAT EMPHASIZES THE IMPORTANCE OF BREAST-FEEDING AND SUPPORTING BREAST-FEEDING AND THIS IS PART OF WHAT LB627 WILL ALLOW. IT'S VERY IMPORTANT ALSO THAT YOU NOTE IN LB627 DOES NOT MANDATE ANY PARTICULAR KINDS OF ACCOMMODATIONS. IT DOES NOT TELL THE EMPLOYER WHAT THEY MUST DO. IT SIMPLY PROTECTS THE WOMEN, TO ALLOW THEM TO HAVE THIS DISCUSSION, TO DECIDE WHAT MAKES SENSE IN THAT WORK FORCE FOR THAT WORKER IN THAT WORKPLACE SITUATION TO MAKE SURE THEY CAN MAKE WHATEVER ACCOMMODATIONS ARE NECESSARY TO ENSURE THERE'S A

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HEALTHY PREGNANCY AND A HEALTHY BABY AFTERWARD. SO I THANK SENATOR MELLO FOR BRINGING LB627. I THANK THE BUSINESS AND LABOR COMMITTEE FOR PASSING IT OUT UNANIMOUSLY AND I URGE YOUR SUPPORT OF LB627. THANK YOU. [LB627]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE RECOGNIZED. [LB627]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I'M ALWAYS A LITTLE SUSPICIOUS WHEN WE HAVE NEW PROTECTED CLASSES AND WE HAVE TO KEEP PROTECTING PEOPLE AND PROTECTING MORE PEOPLE. SO I'M ALWAYS...WHENEVER I SEE THESE THINGS, I GET A LITTLE DEFENSIVE. SO I'D LIKE TO SEE IF SENATOR MELLO WILL YIELD TO A QUESTION OR TWO. [LB627]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD TO A QUESTION? [LB627]

SENATOR MELLO: OF COURSE. [LB627]

SENATOR KINTNER: MR. CHAIRMAN, WHAT EXACTLY...WHAT HAVE BEEN THE PROBLEMS? CAN YOU WALK THROUGH...SEE, YOU HEARD SOME OF THE TESTIMONY. I WASN'T DOWN HERE. CAN YOU WALK THROUGH SOME OF THE PROBLEMS THAT WE'RE TRYING TO SOLVE HERE, MAYBE PERSONAL CASES OF PEOPLE? [LB627]

SENATOR MELLO: WELL, SENATOR KINTNER, IN MY TESTIMONY, I GAVE YOU PROBABLY ONE OF THE MOST GLARING CASES IN THE MIDWEST THAT WE'VE SEEN THAT HAS RISEN, I THINK, TO THE PUBLIC CONSCIOUSNESS REGARDING THIS BILL AND THE CONCEPTS OF GIVING EMPLOYERS MORE CLARIFICATION, WHICH I WILL REITERATE. LB627 HAD NO OPPOSITION FROM THE BUSINESS COMMUNITY BECAUSE THEY SEE A GREATER NEED FOR CLARIFYING LANGUAGE AS IT RELATES TO DISCRIMINATION CASES. THE ISSUE OF ANGELA AMES IN IOWA WAS PROBABLY THE BIGGEST ISSUE WHERE YOU HAD A NEW MOTHER IN THE WORKPLACE WHO NEEDED TO...WHO NEEDED TO BE ABLE TO HAVE AN AREA TO PUMP BREAST MILK, TO FEED HER CHILD. AND THAT EMPLOYER ESSENTIALLY ASKED HER TO RESIGN AND QUIT BECAUSE THEY DIDN'T WANT TO PROVIDE FLEXIBILITY FOR HER TO BE ABLE TO PUMP HER BREAST MILK, WHETHER IT WAS IN A BATHROOM SEGREGATED FROM THE REST OF THE WORKERS OR TO GIVE HER AN ADDITIONAL TIME MAYBE NEEDED FROM HER 15-MINUTE BREAK EVERY FOUR HOURS TO BE ABLE TO DO THAT. EVERY YEAR, THE EQUAL OPPORTUNITY COMMISSION GETS ABOUT 30 PREGNANCY DISCRIMINATION

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CASES IN NEBRASKA RIGHT NOW. SO THERE ARE WOMEN WHO ARE FEELING THAT THEY'RE BEING DISCRIMINATED IN NEBRASKA EVERY YEAR THROUGH THE EEOC. AND THE REALITY IS WHAT WE'VE RESEARCHED IN THIS ISSUE IS THAT THIS REASONABLE ACCOMMODATION LANGUAGE GIVES EMPLOYERS MORE LATITUDE IN REGARDS TO HAVING THE CONVERSATION WITH WORKERS WHO ARE PREGNANT SO THAT THEY CAN PROVIDE THEM, AS THE LANGUAGE STATES, A STOOL, COULD GIVE THEM MAYBE A LITTLE LONGER BREAK, COULD ALLOW THEM TO UTILIZE A WATER BOTTLE ON THE JOB THAT OBVIOUSLY IS A...MY WIFE WOULD EXPLAIN TO ME MULTIPLE TIMES, YOU ALWAYS NEED TO BE HYDRATED AS A PREGNANT MOTHER OR EXPECTING MOTHER. THAT IS WHAT THIS BILL IS TRYING TO DO IS TO PROVIDE BUSINESSES MORE FLEXIBILITY AND MORE GUIDANCE IN RESPECTS TO ADDRESSING CONCERNS BROUGHT FORWARD BY PREGNANT WORKERS. IT'S NOT CREATING, QUOTE UNQUOTE, A NEW CLASS. THIS IS ALREADY EXISTING FEDERAL LAW AND NEBRASKA HAS ADOPTED THE FEDERAL LAW. AS I MENTIONED, LB14A BACK IN THE '80s WAS ADOPTED BY THE LEGISLATURE. THIS IS SIMPLY CLARIFYING THE EXISTING LAW TO GIVE THAT ASSISTANCE TO BUSINESSES. [LB627]

SENATOR KINTNER: MR. CHAIRMAN, LET ME JUST GET THIS STRAIGHT. SO THERE'S NO NEW PENALTIES OR ANYTHING? IT'S JUST CLARIFYING EXISTING LAW. [LB627]

SENATOR MELLO: YES, SENATOR KINTNER. YOU CAN READ THROUGH THE GREEN COPY OF THE BILL AND SENATOR HARR DISCUSSED THE COMMITTEE AMENDMENT WHICH MAKES SOME CHANGES, SOME LANGUAGE THAT WE HAD LEFT OUT IN OUR GREEN COPY OF THE BILL THAT CODIFIES WHAT'S IN THE BILL. IT DOESN'T CREATE NEW PENALTIES. IT GIVES A...IT GIVES GUIDANCE. AS YOU LOOK AT PAGE FOUR, IT GIVES GUIDANCE UNDER THE, QUOTE UNQUOTE, DEFINITION OF A REASONABLE ACCOMMODATION IN RESPECT TO PREGNANT WORKERS OR A WORKER WHO IS PREGNANT. RIGHT NOW, THERE'S AN UNCLEAR, SO TO SPEAK, LANGUAGE AS IT RELATES TO PREGNANT WORKERS. AND THAT'S WHY WE'RE SEEING ANNUALLY AT LEAST 30 CASES EVERY YEAR OF PREGNANCY DISCRIMINATION, BECAUSE AN EMPLOYER DOESN'T HAVE ANY GUIDANCE UNDER STATUTE IN REGARDS TO WHAT A REASONABLE ACCOMMODATION MAY BE. WE LISTED OUT IN THE BILL OF WHAT... [LB627]

SPEAKER HADLEY: ONE MINUTE. [LB627]

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SENATOR MELLO: ...WHAT THESE REASONABLE ACCOMMODATIONS ARE BASED OFF WHAT A NUMBER OF OTHER STATES HAVE PROVIDED AND DONE WHICH HAS SHOWN TO BE FAIRLY EFFECTIVE. [LB627]

SENATOR KINTNER: AND MY LAST QUESTION IS, YOU TALKED ABOUT AT THE FEDERAL LEVEL OF NOT BEING ABLE TO GET IT DONE. WELL, WAS THERE LEGISLATION THAT TRIED TO DO THIS AT THE FEDERAL LEVEL THAT WASN'T...THAT THEY COULDN'T GET THROUGH? [LB627]

SENATOR MELLO: THE CONGRESS HAS BEEN DISCUSSING THIS ISSUE FOR A NUMBER OF YEARS AND, FOR WHATEVER REASON, THEY'RE UNABLE TO COME TO AN AGREEMENT. I THINK WE ALL KNOW CONGRESS IS BROKEN AND DYSFUNCTIONAL ON SO MANY LEVELS, THAT'S WHY A NUMBER OF STATES HAVE STARTED JUST TO CHANGE THEIR EXISTING LABOR LAWS TO ADDRESS WHAT THE ISSUE, AS THEY SEE IT, IN CONGRESS HAS BEEN DEBATED WHICH DEALS WITH THIS, QUOTE UNQUOTE, REASONABLE ACCOMMODATION TO ASSIST EMPLOYERS IN GIVING THEM MORE CLARIFICATION. [LB627]

SENATOR KINTNER: THANK YOU, MR. CHAIRMAN. THANK YOU, MR. PRESIDENT. [LB627]

SPEAKER HADLEY: SENATOR BRASCH, YOU'RE RECOGNIZED. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB627]

SENATOR BRASCH: THANK YOU, MR. CHAIRMAN. I'M SORRY, I DID HAVE A FEW QUESTIONS I WOULD LIKE TO ASK SENATOR MELLO ON THIS BILL. [LB627]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD TO A QUESTION? [LB627]

SENATOR MELLO: OF COURSE. [LB627]

SENATOR BRASCH: THANK YOU, SENATOR MELLO. I AM A COSIGNER. I BELIEVE THIS IS A BILL THAT WE NEED TO ENSURE THAT WOMEN CAN CONFIDENTLY REMAIN EMPLOYED AS THEY ARE NURSING CHILDREN AND THAT'S AN IMPORTANT PART OF, I BELIEVE, OUR WORK FORCE. THE QUESTION I HAVE IS ON PAGE 11 OF THE BILL AND IT STARTS AT LINE 14. [LB627]

SENATOR MELLO: WHAT PAGE, SENATOR? [LB627]

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SENATOR BRASCH: ON 11 OF YOUR ORIGINAL BILL, LINE 14, AND IT SAYS THAT IT REQUIRES A JOB APPLICANT OR EMPLOYEE AFFECTED BY PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITIONS TO ACCEPT AN ACCOMMODATION THAT SUCH APPLICANT OR EMPLOYEE CHOOSES NOT TO ACCEPT. CAN YOU CLARIFY THAT? I'M HAVING A LITTLE TROUBLE UNDERSTANDING WHAT THE INTENT IS THERE. WHAT DOES THAT LANGUAGE MEAN? [LB627]

SENATOR MELLO: ESSENTIALLY, SENATOR BRASCH, THAT IS THE SAFEGUARD FOR AN EMPLOYER, WHERE IF AN EMPLOYER OFFERS A REASONABLE ACCOMMODATION TO A JOB APPLICANT OR AN EMPLOYEE IN RESPECTS TO THEIR PREGNANCY, THAT THE EMPLOYEE...THAT IT'S NOT HELD AGAINST THEM THAT THE EMPLOYEE CHOSE NOT TO ACCEPT IT. SO, FOR EXAMPLE, IF A BUSINESS OPENLY SAYS, SENATOR BRASCH, WE WOULD LIKE TO ENSURE YOU, AND WE UNDERSTAND THAT YOU ARE EXPECTING A CHILD, WE WANT TO GIVE YOU THESE ACCOMMODATIONS UP-FRONT, YOU DON'T HAVE TO ACCEPT THEM AS AN EMPLOYEE OR AS A JOB APPLICANT. AND THAT'S WHAT THAT LANGUAGE ESSENTIALLY CLARIFIES. [LB627]

SENATOR BRASCH: VERY GOOD. THAT DOES CONCERN ME A LITTLE ON THIS BILL THAT...ARE YOU SAYING THAT A WOMAN MUST FILL OUT A JOB APPLICATION AND THAT'S SOMETHING YOU MUST DISCLOSE AT THE TIME OF ACCEPTING A POSITION? [LB627]

SENATOR MELLO: NO, NO, SENATOR BRASCH. THIS IS SIMPLY AN ISSUE...THAT LANGUAGE SIMPLY ADDRESSES IF AN EMPLOYER OFFERS AN ACCOMMODATION, THE EMPLOYEE DOES NOT HAVE...OR THE JOB APPLICANT DOES NOT HAVE TO ACCEPT IT AND IT'S NOT GOING TO BE HELD AGAINST THEM BECAUSE THE EMPLOYER PROACTIVELY SAYS, WE WANT TO PROVIDE X, Y, AND Z. THE EMPLOYEE SAYS, I DON'T BELIEVE I NEED X, Y, AND Z, BUT THANK YOU, THAT WILL NOT BE HELD AGAINST THE EMPLOYER OR THE EMPLOYEE IN THAT PROCESS. THAT LANGUAGE IS A SAFEGUARD IN THAT RESPECT IF AN EMPLOYEE CHOOSES NOT TO ACCEPT IT. [LB627]

SENATOR BRASCH: AND SO AN EMPLOYER WILL, IF HE'S INTERVIEWING A YOUNG WOMAN COMING IN, AND SAY, AND SHOULD YOU HAVE A CHILD OR ARE PREGNANT, THIS IS WHAT WE HAVE AT OUR PLACE OF BUSINESS? IS THAT PART OF THEIR EMPLOYEE HANDBOOK? WHAT IS THE INTENT HERE? [LB627]

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SENATOR MELLO: YOU KNOW, SENATOR BRASCH, ACTUALLY, IF YOU LOOK AT THE COMMITTEE AMENDMENT, THAT LANGUAGE IS CHANGED TO CLARIFY IT FURTHER. SO YOU REALLY NEED TO LOOK AT THE COMMITTEE AMENDMENT OF THE AREA YOU'RE LOOKING AT AND IT CLARIFIES IT FURTHER IN RESPECTS TO NOT BEING ABLE TO TAKE ADVERSE ACTION AGAINST AN EMPLOYER BY SIMPLY THEM OFFERING AN ACCOMMODATION. SO I KNOW YOUR POINT IN THE LANGUAGE IN THE GREEN COPY, THAT'S CHANGED WITH THE COMMITTEE AMENDMENT TO CLARIFY IT FURTHER TO GIVE THAT PROTECTION TO THE EMPLOYER AND THE EMPLOYEE IF A REASONABLE ACCOMMODATION IS OFFERED. [LB627]

SENATOR BRASCH: VERY GOOD. I WILL LOOK. AND THAT'S IN AM232? [LB627]

SPEAKER HADLEY: ONE MINUTE. [LB627]

SENATOR MELLO: CORRECT. [LB627]

SENATOR BRASCH: ALL RIGHT. THANK YOU. ANOTHER...AND I HAVE NO OTHER QUESTIONS FOR YOU, BUT WHEN I HEARD SENATOR CRAWFORD GIVE HER TESTIMONY OF HER EMPLOYER AND THE THOUGHTFULNESS THAT TOOK PLACE, I'M HOPING THAT IS THE GENERAL CONSENSUS OF ALL EMPLOYERS, THAT THERE IS SOME FLEXIBILITY, THAT...I, TOO, I HAD A STAFF PERSON WITH A YOUNG NURSING BABY AND I HAD SUGGESTED THAT SHE USE MY OFFICE. SHE DID NOT NEED TO GO TO THE REST ROOM OR ELSEWHERE. THAT WAS HER PLACE TO GO, BUT I DON'T HAVE A LAW MAKING THAT HAPPEN. WHEN I WAS A MOTHER A LONG TIME AGO, TOO, MY EMPLOYER THEN, AT THAT TIME, WAS THE DEPARTMENT OF REVENUE AND THEY WERE VERY KIND AND THOUGHTFUL IN MAKING SURE THAT... [LB627]

SENATOR HADLEY: TIME, SENATOR. [LB627]

SENATOR BRASCH: ...WITH MY NEWBORN DAUGHTER AT THAT TIME WHEN I DID RETURN TO WORK... [LB627]

SPEAKER HADLEY: TIME, SENATOR. [LB627]

SENATOR BRASCH: ...THAT MY CONDITIONS WERE, AND FOR THE DAUGHTER, WERE THOUGHTFUL. I (MICROPHONE MALFUNCTION)... [LB627]

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SPEAKER HADLEY: SENATOR KINTNER. YES, I'M SORRY, MR. CLERK. [LB627]

CLERK: JUST A SECOND, SENATOR, EXCUSE ME. I JUST NEED TO READ SOME THINGS IN. PRIORITY BILL DESIGNATIONS: SENATOR COASH, LB292; SENATOR HUGHES, LB323; SENATOR MURANTE AS CHAIR OF GOVERNMENT, LB575 AND LB132; SENATOR KOLOWSKI, LB343; SENATOR KUEHN, LB599; SENATOR RIEPE, LB285; TRANSPORTATION COMMITTEE, LB641; TRANSPORTATION COMMITTEE, LB629; SENATOR HILKEMANN, LB156; SENATOR MURANTE, LB226; SENATOR EBKE, LB67; GENERAL AFFAIRS, LB619; SENATOR LARSON, LB113 AS HIS PERSONAL PRIORITY BILL; LB559 BY SENATOR MATT WILLIAMS; LB423 BY SENATOR NORDQUIST; LB176 BY SENATOR SCHILZ; LB623 BY SENATOR McCOLLISTER; AND LB243 BY SENATOR BOLZ. MR. PRESIDENT, IN ADDITION, BILLS READ ON FINAL READING WERE PRESENTED TO THE GOVERNOR AT 10:13. (RE LB23, LB34, LB35, LB37, LB46, LB129, LB146, LB155, LB164, LB179, LB207, LB279). GOVERNMENT COMMITTEE REPORTS LB649 TO GENERAL FILE WITH AMENDMENTS. ENROLLMENT AND REVIEW REPORTS LB242 TO SELECT FILE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 850-854.) [LB292 LB323 LB575 LB132 LB343 LB599 LB285 LB641 LB629 LB156 LB226 LB67 LB619 LB113 LB559 LB423 LB176 LB623 LB243 LB23 LB34 LB35 LB37 LB46 LB129 LB146 LB155 LB164 LB179 LB207 LB279 LB649 LB242]

SPEAKER HADLEY: THANK YOU, MR. CLERK. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB627]

SENATOR KINTNER: ALL RIGHT. WELL, THANK YOU, MR. PRESIDENT. WOULD SENATOR MELLO YIELD TO SOME FURTHER QUESTIONS? [LB627]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB627]

SENATOR MELLO: OF COURSE. [LB627]

SENATOR KINTNER: MR. CHAIRMAN, DOES THIS...DOES IT EXEMPT ANY SMALL BUSINESSES OR DOES IT INCLUDE EVERY SINGLE BUSINESS? I'M SORRY THAT I DIDN'T HAVE TIME TO READ THIS FIRST, SO WE'RE GOING TO FLESH IT OUT RIGHT HERE. [LB627]

SENATOR MELLO: BUSINESSES THAT WOULD BE EXEMPT UNDER THE EXISTING LAW, THE NEBRASKA FAIR EMPLOYMENT PRACTICE ACT, WOULD CONTINUE TO

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BE EXEMPT UNDER THE EXISTING LAW. THIS MAKES NO CHANGES IN REGARDS TO THE NUMBER OF BUSINESSES WHO QUALIFY, DON'T QUALIFY. THE EXISTING LAW SAYS THAT AS IT IS, SO YOU EITHER QUALIFY... YOU EITHER HAVE TO FOLLOW THE NEBRASKA FAIR EMPLOYMENT PRACTICE ACT OR YOU DO NOT. [LB627]

SENATOR KINTNER: OKAY. SO IT REVERTS BACK TO THE EXISTING LAW ON THAT. [LB627]

SENATOR MELLO: YES. [LB627]

SENATOR KINTNER: OKAY. ALSO, IS THERE ANY PROVISION IN HERE FOR MEN? IS THERE ANYTHING IN THIS THAT WOULD COVER MEN FOR ANYTHING? [LB627]

SENATOR MELLO: IF...I THINK IT SPECIFICALLY DESCRIBES PREGNANCY, SO IF MEN ARE ABLE TO BE PREGNANT, THAT WOULD BE THE ISSUE, SO TO SPEAK, TO IF SOMEHOW MEDICALLY THAT COULD OCCUR, THEY WOULD QUALIFY UNDER THE PROVISION OF THIS BILL AND COULD ASK FOR A REASONABLE ACCOMMODATION. [LB627]

SENATOR KINTNER: THANK YOU, MR. CHAIRMAN, THANK YOU. YOU KNOW, WHENEVER I SEE THESE THINGS, THESE PROTECTED CLASSES QUITE OFTEN BACKFIRE AND THAT WHEN YOU'RE AN EMPLOYER, YOU KNOW, YOU'VE GOT TWO PEOPLE AND ONE OF THEM IS A PROTECTED CLASS AND ONE OF THEM IS NOT, I CAN SEE AN EMPLOYER GOING, WELL, I DON'T WANT THE PROTECTED CLASS. THAT'S ONLY GOING TO BE PROBLEMS DOWN THE ROAD. THIS PERSON OVER HERE IS NOT IN A PROTECTED CLASS; I'D RATHER HIRE THAT PERSON. I'M ASSUMING ALL THINGS ARE EQUAL. YOU KNOW, I THINK IT CAUSES EMPLOYERS TO THINK TWICE. AND I THINK IT COULD CAUSE FURTHER DISCRIMINATION WHEN YOU HAVE A LOT OF PROTECTED CLASSES. SO THAT'S ALWAYS MY CONCERN. I'M NOT SURE THAT THIS BILL WOULD CREATE THAT. IT LOOKS LIKE IT'S JUST CLARIFYING THE EXISTING BILL. BUT THAT'S ALWAYS MY CONCERN IS THAT WHEN YOU CREATE SPECIAL CLASSES, THIS IS...WE'RE NOT CREATING ONE HERE, I UNDERSTAND THAT, THAT IT HURTS THE VERY PEOPLE WE'RE TRYING TO HELP, WHICH IS WHAT GOVERNMENT DOES. WHENEVER GOVERNMENT TRIES TO SOLVE A PROBLEM, QUITE OFTEN, IT MAKES IT A WHOLE LOT WORSE, BUT LAWYERS MAKE A WHOLE LOT OF MONEY. THANK YOU, MR. PRESIDENT. [LB627]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED. [LB627]

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SENATOR SMITH: THANK YOU, MR. PRESIDENT. I HAVE SOME QUESTIONS FOR SENATOR MELLO IF HE WOULD YIELD TO A QUESTION FOR ME, PLEASE. [LB627]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB627]

SENATOR MELLO: OF COURSE. [LB627]

SENATOR SMITH: SENATOR MELLO, THIS WILL APPLY TO EMPLOYERS WITH 15 OR MORE EMPLOYEES, I BELIEVE. [LB627]

SENATOR MELLO: CORRECT. [LB627]

SENATOR SMITH: AND I'M GOING ASK YOU A QUESTION ABOUT, ON PAGE 4 OF THE GREEN COPY, WHERE IT DEFINES REASONABLE ACCOMMODATION. [LB627]

SENATOR MELLO: CORRECT, OR IT WOULD BE PAGE 3 OF THE AMENDMENT. [LB627]

SENATOR SMITH: OKAY. NOW IT READS, "WITH RESPECT TO PREGNANCY, SHALL INCLUDE," AND THEN IT LISTS THESE ITEMS. AND THEN WHEN I GET DOWN TO THE FINAL ITEM, IT SAYS, "OR BREAK TIME AND APPROPRIATE FACILITIES FOR BREAST-FEEDING." SO AM I INTERPRETING THIS CORRECTLY THAT IT MUST INCLUDE ANY OF THOSE, BUT NOT ALL OF THOSE? [LB627]

SENATOR MELLO: I THINK THE LANGUAGE CLARIFIES THAT THESE ARE, IN STATUTE, SPECIFIC REASONABLE ACCOMMODATIONS THAT CAN BE PROVIDED. WE... YOU NEED TO BE ABLE TO GIVE SOME DEFINITION, SO TO SPEAK, TO WHAT A REASONABLE ACCOMMODATION FOR PREGNANCY, CHILDBIRTHING, OR THE OTHER COMPONENT, BREAST-FEEDING. THAT IS WHY THAT LANGUAGE IS THERE. IT GIVES ESSENTIALLY SPECIFIC ITEMS IN LAW TO AN EMPLOYER THAT THEY CAN SAY THE LAW SAYS THIS IS A SPECIFIC REASONABLE ACCOMMODATION. IT DOESN'T NEGATE THAT AN EMPLOYER COULD GIVE OTHER REASONABLE ACCOMMODATIONS THAT THEY FEEL ARE REASONABLE AS WELL. [LB627]

SENATOR SMITH: DOES IT OR DOES IT NOT DEFINE REASONABLE ACCOMMODATIONS AS INCLUDING ALL OF THESE? I'M INTERPRETING IT AS NOT NECESSARILY INCLUDING ALL OF THOSE. IS THAT CORRECT? [LB627]

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SENATOR MELLO: I INCLUDE...MY INTERPRETATION IS IN RESPECTS TO PREGNANCY, SHALL INCLUDE...THESE ARE WHAT REASONABLE ACCOMMODATION...A REASONABLE ACCOMMODATION SHALL INCLUDE. IT DOESN'T MEAN THAT YOU HAVE TO GIVE ALL OF THEM. IT IS ONE REASONABLE ACCOMMODATION. [LB627]

SENATOR SMITH: OKAY. AGAIN, I'M SORRY, SENATOR MELLO, BUT AT THE END, IS THERE AN "OR" THERE? IS THAT "OR"...DOES THAT "OR" MEAN ANY OF THOSE ITEMS? [LB627]

SENATOR MELLO: YES, "OR BREAK TIME AND..." [LB627]

SENATOR SMITH: OKAY. [LB627]

SENATOR MELLO: "...OR BREAK TIME AND APPROPRIATE FACILITIES FOR BREAST-FEEDING." [LB627]

SENATOR SMITH: SO IT'S NOT AN "AND," SO IT'S NOT NECESSARY THAT IT INCLUDES ALL OF THOSE. WHAT AM I MISSING? [LB627]

SENATOR MELLO: IF YOU LOOK UP..IF YOU LOOK...I'LL JUST SIMPLY DRAW YOUR ATTENTION, SENATOR SMITH, TO THE SECTION ABOVE ON SECTION 11 OF THAT PAGE. YOU CAN LOOK AT THE GREEN COPY, THAT'S FINE. IT HAS A VERY SIMILAR STRUCTURE FOR REASONABLE ACCOMMODATIONS FOR THOSE WITH INDIVIDUAL DISABILITY. IT DOESN'T MEAN THAT YOU HAVE TO DO ALL OF THOSE REASONABLE ACCOMMODATIONS TO QUALIFY FOR A, QUOTE UNQUOTE, REASONABLE ACCOMMODATION. THESE ARE SPECIFIC REASONABLE ACCOMMODATIONS LISTED IN STATUTE FOR AN EMPLOYER TO CONSIDER, SO TO SPEAK, TO MEET THE REASONABLE ACCOMMODATION THRESHOLD. THAT LANGUAGE IS SIMILAR, AS YOU'LL SEE THERE, DOES NOT HAVE THE SIMILAR AND...AND IT ENDS IN THE SAME WAY, "AND APPROPRIATE FACILITIES FOR BREAST-FEEDING," THE SAME WAY IF YOU LOOK AT PAGE...OR LINE 13: AND OTHER SIMILAR ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITY. [LB627]

SENATOR SMITH: AND THEN IT DOES CONTINUE ON AND THIS IS NOT A CHANGE, BUT IT CONTINUES ON TO EXPLAIN THAT THE REASONABLE ACCOMMODATIONS ARE NOT EXPECTED TO BE OVERLY BURDENSOME ON BUSINESSES. [LB627]

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SENATOR MELLO: CORRECT. [LB627]

SENATOR SMITH: ALL RIGHT. THANK YOU, SENATOR MELLO. THANK YOU, MR. PRESIDENT. [LB627]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB627]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER AND MEMBERS OF THE BODY. WILL SENATOR MELLO YIELD TO SOME QUESTIONS? [LB627]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB627]

SENATOR MELLO: OF COURSE. [LB627]

SENATOR SCHUMACHER: SENATOR MELLO, I THINK I UNDERSTOOD IN YOUR CONVERSATION WITH SENATOR KINTNER, OR MAYBE IT WAS SMITH, THAT THIS DOES NOT APPLY TO FOLKS UNDER...OR EMPLOYERS UNDER 15 EMPLOYEES? [LB627]

SENATOR MELLO: IT APPLIES TO EXISTING BUSINESSES WHO HAVE TO FOLLOW THE NEBRASKA FAIR EMPLOYMENT PRACTICES ACT, WHICH ARE BUSINESSES WITH 15 OR MORE EMPLOYEES. [LB627]

SENATOR SCHUMACHER: WELL, IF I LOOK AT THE ACT, IT SAYS, EXEMPTIONS TO THE ACT, AND IT ONLY...I CAN ONLY FIND TWO, SO IT MUST BE SOMEWHERE ELSE. THIS SAYS EXCEPTIONS ARE RELIGIOUS OUTFITS AND EMPLOYMENT OF AN INDIVIDUAL BY HIS OR HER PARENT OR GRANDPARENT OR SPOUSE OR CHILD OR IN DOMESTIC SERVICE. WHERE DO I FIND THE 15 RULE? [LB627]

SENATOR MELLO: I WILL HAVE TO LOOK IN THE STATUTES, SENATOR SCHUMACHER, AND GET BACK TO YOU ON THAT. [LB627]

SENATOR SCHUMACHER: SO THAT'S ONE THING THAT I CERTAINLY THINK WE NEED TO CLARIFY BECAUSE YOU GET AN EMPLOYER WITH TWO OR THREE PEOPLE AND YOU'RE SHORTHANDED AND YOU'RE IN ONE OF THESE SMALL TOWNS THAT THERE ARE NO APPLICANTS FOR YOUR JOB, YOU ARE JUST IN A WORLD OF HURT. THE OTHER THING... [LB627]

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SENATOR MELLO: SENATOR SCHUMACHER, ACTUALLY, IF YOU GO TO PAGE 2 OF THE GREEN COPY, SECTION (2) UNDER 48-1102, YOU SEE IT SAYS, EMPLOYER SHALL MEAN A PERSON ENGAGED IN AN INDUSTRY WHO HAS 15 OR MORE EMPLOYEES FOR EACH WORKING DAY. SO THAT IS YOUR 15 EMPLOYEE OR LARGER THRESHOLD AS IT RESPECTS THE PURPOSES OF THE FAIR EMPLOYMENT PRACTICE ACT. [LB627]

SENATOR SCHUMACHER: AND WHERE IS THAT IN THE AMENDMENT WHICH STRIKES THE...? [LB627]

SENATOR MELLO: IT'S NOT IN THE AMENDMENT. IT'S IN THE EXISTING STATUTORY LANGUAGE. AND IF YOU LOOK AT THE GREEN COPY OF THE BILL, THAT LANGUAGE IS NOT CHANGED. IT'S JUST USED FOR CLARIFICATION AND EXPLANATION PURPOSES. [LB627]

SENATOR SCHUMACHER: OKAY, SO I GUESS I'M LOOKING AT THE AMENDMENT WHICH SAYS YOU STRIKE THE GREEN COPY. SO I'M LOOKING FOR IT IN THERE. [LB627]

SENATOR MELLO: THE GREEN COPY LANGUAGE DOES NOT CHANGE WHAT I JUST READ, SENATOR SCHUMACHER. IF YOU TAKE THE GREEN COPY PAGE, THAT LANGUAGE I JUST READ IS NOT STRUCK IN THE UNDERLYING BILL. IT'S SIMPLY PROVIDED IN THE GREEN COPY TO GIVE CONTEXT TO THE NEBRASKA FAIR EMPLOYMENT PRACTICES ACT. SO, IF YOU GO TO PAGE 2 ON THE GREEN COPY, YOU'LL SEE 48-1102 FOR THE PURPOSES OF THE NEBRASKA FAIR EMPLOYMENT PRACTICES ACT, UNLESS THE CONTEXT OTHERWISE REQUIRES. IT THEN LISTS THE EXISTING STATUTES AS IT RELATES TO THE ACT. [LB627]

SENATOR SCHUMACHER: OKAY. THEN WHILE I STILL HAVE TIME HERE, THE AMENDED COPY SAYS IT WILL BE UNLAWFUL FOR AN EMPLOYMENT PRACTICE TO DISCRIMINATE AGAINST ANY INDIVIDUAL AFFECTED--AFFECTED--BY A PREGNANCY, CHILDBIRTH, OR RELATED MEDICAL CONDITION. SO EVERY FATHER IS AFFECTED BY A CHILDBIRTH. SO THIS MUST APPLY TO FATHERS. AND IF IT IS RELATED, WHAT IF THE KID IS 15 YEARS OLD AND WANTS TO GO TO A BALL GAME AND THE PARENT HAS GOT TO LEAVE WORK TO TAKE THE KID TO THE BALL GAME? IS THIS INTENDED TO INCLUDE THAT? BECAUSE UNDER THE LITERAL READING, I SEE A POINT. YOU KNOW, YOU'VE GOT TO LET YOUR WORKERS GO AT 3:00 TO TAKE THE KIDS TO A BALL GAME. [LB627]

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SENATOR MELLO: YOU KNOW, SENATOR SCHUMACHER, IF THAT WAS AN EXAMPLE TO BE USED, THOSE PREGNANCY DISCRIMINATION CASES WOULD BE ALREADY BEING FILED WITH THE EQUAL OPPORTUNITY COMMISSION. SO NOTHING IN THIS BILL MUDDIES THE WATER ANY MORE THAN WHAT CURRENTLY EXISTS IN STATUTE UNDER THE NEBRASKA LAW AND THE FEDERAL LAW THAT YOUR EXAMPLE... [LB627]

SENATOR SCHUMACHER: SO IF WE'RE INTO THIS BILL AND WE'RE WORKING ON IT AND WE'RE FIXING ALL THESE THINGS, WHY DON'T WE FIX THEM? NEXT, I LOOK AT THIS BILL, AND THIS IS KIND OF AN INTERESTING WRINKLE. IT SAYS THAT...AND I READ IN CONTEXT OF THIS PARTICULAR AMENDMENT. AND WHY DON'T WE FIX THIS, TOO, IF WE'RE CONCERNED ABOUT MOTHERS? IT SAYS THAT THIS BILL DOES NOT...OR THIS ACT DOES NOT APPLY TO SOME...A MOTHER WHO IS A MEMBER OF A COMMUNIST PARTY. SO WHY DON'T WE GET RID OF THAT? OR DO WE...DO THEY BE TREATED DIFFERENTLY? [LB627]

SENATOR MELLO: SENATOR SCHUMACHER, IF THAT'S AN AMENDMENT THAT YOU'D LIKE TO CLEAN UP IN RESPECTS TO... [LB627]

SPEAKER HADLEY: ONE MINUTE. [LB627]

SENATOR MELLO: ...OBSOLETE LANGUAGE IN THE STATUTE, BY ALL MEANS, I KNOW YOU'VE DONE IT BEFORE. IF YOU WANT TO MAKE AN AMENDMENT TO DO THAT, YOU CAN...YOU HAVE THE WILL AND ABILITY TO CLEAN UP OLD STATUTORY LANGUAGE THAT STILL IS IN THE STATUTES THAT'S NOT BEEN STRICKEN. [LB627]

SENATOR SCHUMACHER: AND DOES THIS THEN ALSO APPLY TO SITUATIONS WHERE YOU MAY HAVE A SPOUSE OF A...I'M NOT GOING TO GO THERE. (LAUGHTER) THANK YOU, MR. SPEAKER. [LB627]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB627]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT AND COLLEAGUES. IF YOU LOOK AT THE COMMITTEE STATEMENT, YOU'LL SEE I DIDN'T VOTE FOR THIS BILL. AND IF YOU'VE LISTENED TO DEBATE HERE, YOU'LL UNDERSTAND WHY. I REFERRED TO IT AS THE ATTORNEY'S FULL EMPLOYMENT BILL. THERE ARE A LOT OF QUESTIONS TO BE ASKED ABOUT THIS YET. I DON'T FIND WHERE IT DOES

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A GREAT DEAL OF HARM, SO I DIDN'T VOTE AGAINST IT, BUT THERE ARE A LOT OF AMBIGUITIES IN THE BILL. THANK YOU, MR. PRESIDENT. I'D YIELD MY TIME TO SENATOR SCHUMACHER, IF HE'D LIKE IT. [LB627]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE YIELDED 4:20. [LB627]

SENATOR SCHUMACHER: BASICALLY, I THINK THAT WE NEED SOME CLEANUP LANGUAGE HERE TO SAY EXACTLY WHAT WE MEAN BECAUSE EVEN THOUGH THERE AREN'T CLAIMS THAT ARE BEING MADE TODAY, THIS LANGUAGE ISN'T THERE TODAY. AND I THINK FOR SOMEONE LITIGIOUS, THIS IS A...THIS MAY BE A GIFT TO THEIR ATTORNEY. IT CONCERNS ME. I KNOW WHAT WE'RE TRYING TO GET AT HERE, BUT I DON'T KNOW IF THIS LANGUAGE DOES IT WITH ENOUGH PRECISION. IT SEEMS TO DEFINE A VERY, VERY BROAD CLASS THAT INCLUDES PROBABLY MOST PEOPLE IN THIS ROOM. AND EVEN THOUGH IT'S...I'M GLAD TO HEAR IT APPLIES ONLY TO EMPLOYERS OF OVER 15 PEOPLE, IT SEEMS TO NEED A LOT OF RESTRICTION AND A LOT OF DEFINITION TO MAKE SURE THAT...WHAT WE'RE TALKING ABOUT. AND AS SENATOR MELLO POINTED OUT IN HIS OPENING, YOU DO HAVE SITUATIONS WHERE YOU MAY HAVE SOME CROSS-GENDER ISSUES THAT COME INTO PLAY AND HOW THAT IS INTENDED TO BE HANDLED UNDER THIS PARTICULAR BILL. MODERN MEDICINE CAN DO A LOT OF INTERESTING THINGS. I GET PRETTY DEFENSIVE ANYTIME I SEE ANYTHING THAT COULD PRODUCE AN UNINTENDED RESULT IN THE WORKPLACE. MOST OF OUR EMPLOYERS ARE INCREDIBLY FAIR, INCREDIBLY TALENTED, AND MOST PEOPLE WORK OUT REALLY, REALLY WELL UNDER THE EXISTING SYSTEM. I THINK WE'RE TALKING ABOUT A LIMITED NUMBER OF CASES HERE. AND IF THAT'S WHAT WE'RE TRYING TO ADDRESS, THEN LET'S ADDRESS THEM WITH SUFFICIENT SPECIFICITY SO THAT WE DO NOT CREATE SOMETHING THAT IS GOING TO IMPAIR THE EFFICIENT OPERATION OF BUSINESSES OR, AS SENATOR KINTNER POINTED OUT, YOU KNOW, PEOPLE SAYING, GEE, I WANTED...YOU KNOW, VERY QUIETLY SAYING, I WANT TO AVOID THE PROTECTED CLASS BECAUSE THIS IS A BUNCH OF GRIEF. AND I HAVE NOT QUITE HEARD YET THE CASE WHERE THE GREAT INJUSTICE IS HAPPENING NOW OR HOW WE CAN DO IT WITH A MORE TARGETED APPROACH THAN THIS. BUT I'M WILLING TO LISTEN. I RECOGNIZE IT'S AN ISSUE AND WE LIVE IN A MODERN SOCIETY WHERE MOMS AND DADS BOTH HAVE GOT TO WORK IN ORDER TO MAKE A LIVING AND MOM SHOWS UP AT THE WORKPLACE AND SHE MAY BE THE ONLY BREADWINNER AND WE CERTAINLY DON'T WANT HER TO GO ON TO WELFARE AND ALL OF THOSE ISSUES. BUT THIS IS A PRETTY COMPLEX ISSUE AND IF WE'RE GOING TO DEAL WITH SOME FLAW IN THE SYSTEM, THEN LET'S DEAL WITH IT WITH SUCH SPECIFICITY AS NOT TO CREATE A MORE COMPLEX ISSUE. THANK YOU. [LB627]

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SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR HARR, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR HARR WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENTS. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB627]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB627]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB627 TO E&R INITIAL. SEEING NO ONE IN THE QUEUE, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE. [LB627]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, AND THANK YOU FOR THE FULL FLOOR DEBATE TODAY ON LB627. FOR NEW MEMBERS, I THINK A LEARNING EXPERIENCE OF SOME EXTENT IS ANYTIME YOU HAVE A BILL THAT DEALS WITH LABOR POLICY, WORK FORCE POLICY, EMPLOYEE-EMPLOYER RELATIONSHIPS, ALWAYS LOOK AT THE COMMITTEE STATEMENT OF THE COMMITTEE WHERE IT'S COMING OUT OF. THERE'S A REASON WHY THE NEBRASKA CHAMBER OF COMMERCE DID NOT OPPOSE THIS BILL. THERE'S A REASON THE NEBRASKA FEDERATION OF INDEPENDENT BUSINESSES DID NOT OPPOSE THIS BILL, AND THOSE ARE THE VOICES FOR SMALL BUSINESS AND BIG BUSINESS IN OUR STATE, BECAUSE RIGHT NOW, UNDER CURRENT LAW, THERE IS A LOT OF GRAY MATTER AS IT RELATES TO PREGNANCY IN REGARDS TO TRYING TO PROVIDE ACCOMMODATION TO A PREGNANT WORKER. THAT'S WHY WE HAVE ROUGHLY 30 CASES MINIMUM A YEAR THAT ARE FILED WITH THE NEBRASKA EQUAL OPPORTUNITY COMMISSION IN RESPECTS TO PREGNANCY DISCRIMINATION BASED ON OUR CURRENT LAW THAT WAS ADOPTED IN THE EARLY '80s. LB627 TRIES TO PROVIDE BUSINESSES A GREATER CLARIFICATION IN REGARDS TO WHAT A REASONABLE ACCOMMODATION MEANS IN STATUTE, THAT A REASONABLE ACCOMMODATION MEANS PROVIDING A PREGNANT WORKER A CHAIR OR A STOOL. IT MEANS PROVIDING A PREGNANT WORKER THE ABILITY TO HAVE LONGER REST ROOM BREAKS BECAUSE THOSE OF US WHO ARE FAMILIAR WITH EITHER OUR SPOUSES, OR HAVE HAD A PREGNANCY, UNDERSTAND THAT SOMETIMES YOU NEED TO USE THE REST ROOM MORE. IT ALSO MEANS THAT YOU MAY NEED TO TAKE LONGER BREAKS OR MAY NEED TO GO UTILIZE THE BATHROOM SO THAT YOU CAN PUMP BREAST MILK FOR YOUR CHILD. COLLEAGUES, LB627, I BELIEVE, IS GOOD POLICY AND IT'S GOOD LANGUAGE. IF SENATOR SCHUMACHER WANTS TO SPEND SOME TIME BETWEEN GENERAL AND SELECT FILE WITH ME AND THE

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BUSINESS AND LABOR LEGAL COUNSEL, I'VE GOT NO PROBLEM TO DO THAT. BUT THE LANGUAGE THAT WE'RE UTILIZING HERE HAS BEEN UTILIZED ACROSS THE COUNTRY AND IT'S NOT INCREASED DISCRIMINATION CASES. WE'VE NOT SEEN, I WOULD SAY, EXTRAORDINARY EXAMPLES OF A 15-YEAR-OLD CHILD ASKING THEIR PARENT TO TAKE THEM TO A BASEBALL GAME AND THE PARENT COMING TO THE EMPLOYER SAYING THEY NEED A REASONABLE ACCOMMODATION FOR PREGNANCY. I THINK THOSE KIND OF EXAMPLES FLY IN THE FACE OF WHAT THIS BILL IS TRYING TO DO. AND WE HAVEN'T EVEN GENERALLY TALKED TO SOME EXTENT ABOUT THE ISSUE OF WANTING TO SUPPORT PREGNANT WOMEN IN GENERAL. THIS BODY, FOR YEARS, HAS TALKED ABOUT PREGNANCY IN REGARDS TO HOW THIS BODY IN THE STATE HOLDS PREGNANCY TO A VERY, VERY HIGH VALUE IN RESPECTS TO LIFE. WE HAVEN'T EVEN HAD THAT CONVERSATION WITH THOSE WHO HAVE QUESTIONS AND CONCERNS ABOUT THIS BILL. I HAVE A TOUGH TIME LOOKING A PREGNANT WORKER IN THE FACE SAYING, WE DON'T WANT YOU TO KEEP WORKING, WE DON'T WANT YOU TO BE ABLE TO KEEP PROVIDING FOR YOUR FAMILY, AND WE DON'T WANT YOU TO BE ABLE TO GO TO AN EMPLOYER AND ASK THEM FOR WHAT IS VERY REASONABLE ACCOMMODATIONS IN LB627 THAT OTHER STATES ACROSS THE COUNTRY ARE IMPLEMENTING BECAUSE IT'S SIMPLY THAT, COLLEAGUES, IT'S COMMON SENSE. IT'S A WIN FOR THE EMPLOYER AND IT'S A WIN FOR THE EMPLOYEE. IF THERE ARE SENATORS HAVE CONCERNS ABOUT THE LANGUAGE AS IT'S DRAFTED, BY ALL MEANS, FEEL FREE TO GRAB ME, SENATOR HARR, IN BETWEEN GENERAL AND SELECT. BUT THIS BILL WAS VOTED OUT OF COMMITTEE WITH UNANIMOUS VOTE, ONE MEMBER ABSTAINING, HAD NO OPPOSITION FROM THOSE WHO WOULD BE IMPLEMENTING THE LAW, SO TO SPEAK, BUSINESSES, BOTH LARGE AND SMALL. AND I'VE YET TO HAVE A BILL IN MY SEVEN YEARS HERE IN THE BODY THAT IMPACTS A BUSINESS WHERE THEY DON'T COME IN OPPOSITION IF IT IS THAT BIG OF A PROBLEM FOR THEIR OPERATIONS OR THEIR ABILITY TO CONDUCT BUSINESS. WITH THAT, COLLEAGUES, THIS IS A GOOD BILL FOR WORKING FAMILIES, FOR SMALL AND LARGE BUSINESSES, AND FOR PREGNANT MOTHERS. WITH THAT, I URGE THE BODY TO ADOPT LB627. THANK YOU, MR. PRESIDENT. [LB627]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB627 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? RECORD, MR. CLERK. [LB627]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB627. [LB627]

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

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SPEAKER HADLEY: LB627 ADVANCES. MR. CLERK. [LB627]

CLERK: MR. PRESIDENT, ONE LAST PRIORITY BILL DESIGNATION: THE EXECUTIVE BOARD, LB56. NAME ADDS: SENATOR WATERMEIER TO LB294; SENATOR FRIESEN TO LB610. (LEGISLATIVE JOURNAL PAGE 855.) [LB56 LB294 LB610]

MR. PRESIDENT, PRIORITY MOTION. SENATOR SMITH WOULD MOVE TO ADJOURN THE BODY UNTIL MONDAY MORNING, MARCH 16, AT 10:00 A.M.

SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. WE ARE ADJOURNED UNTIL MONDAY MORNING.