

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

Floor Debate
April 25, 2007

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SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for this, the seventieth day of the One Hundredth Legislature, First Session. Our chaplain for the day is Senator Dierks. Please rise. []

SENATOR DIERKS: (Prayer offered.) []

SENATOR LANGEMEIER: Thank you. I call to order the seventieth day of the One Hundredth Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record. []

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

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

CLERK: I have no corrections, Mr. President. []

SENATOR LANGEMEIER: Thank you. Are there any messages, reports, or announcements? []

CLERK: Just one item. Senator Mines would like to print an amendment to LB395. That's all that I have, Mr. President. (AM1087, Legislative Journal pages 1277-1278.) [LB395]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda, confirmation reports. []

CLERK: Mr. President, two reports. The first, Health and Human Services. Senator Johnson, these are the appointments of Scot Adams and Christine Peterson to the Health and Human Services System. (Legislative Journal page 917.) []

SENATOR LANGEMEIER: Senator Johnson, you are recognized to open on the confirmation report. []

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SENATOR JOHNSON: Thank you, Mr. President, members of the Legislature. The Health and Human Services Committee does desire to report favorably upon two appointments to administrative positions in the Nebraska Health and Human Services System. The committee suggests that the appointments be confirmed by the Legislature and we do suggest a voice or record vote, rather. One of the things is, is that with the new structure for Health and Human Services, it should be remembered that these two appointments are essentially transitional positions. First is Scot Adams, appointed by Governor Heineman as the director of the Department of Health and Human Services. The appointment was effective March 12 of 2007. Mr. Adams serves at the pleasure of the Governor. This is to fill a vacancy created in the system with the resignation of Nancy Montanez a few months ago. Second is Christine Peterson, been appointed as the chief administrative officer of Health and Human Services System. The position was mandated by the Legislature with the passage of LB994 in 2006. The bill was effective January 1 of this year. It is required that the Governor to appoint a CAO for the system and was deleted the position of policy secretary. Christine Peterson was appointed to this position on the 4th of January of this year and again serves at the pleasure of the Governor. She is a former teacher, a former state senator, and was the policy secretary for the HHS System. As you know, the Governor just recently signed LB296 to reorganize the HHS System. These appointments are to fill positions within the current HHS System structure. LB296 is effective the 1st of July. After that, there will be further changes in personnel and new appointments to the administrative positions within the new Department of Health and Human Services. The committee confirmation hearing was lengthy and involved a wide-ranging and honest discussion. After the Legislature's recent discussions regarding HHS, I want once again to commit my personal greatest possible effort and that of the Health and Human Services Committee to work cooperatively with our colleagues here in the Legislature and the Governor and with Ms. Peterson to ensure that the department is truly transformed. Mr. President, I'd ask that these appointments be confirmed by the Legislature. Thank you very much. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on the confirmation, first of two confirmation reports offered by Health and Human Services Committee. The floor is now open for discussion. Senator Gay, you are recognized. []

SENATOR GAY: Thank you, Mr. President. I rise in support of the confirmation of Scot Adams and Christine Peterson. In my short time of service, I've just been impressed with Chris Peterson and her ability to come forward and answer questions. She's been very accommodating and I would encourage anybody in the body to, if you have any questions, not only just seek somebody out on the committee but go directly to her. I don't think...she would encourage that. During the confirmation hearing, we discussed about the new restructuring and the hopes that we have. But I got the impression, and I've seen it even since, that if you have questions and you want to get the answers, start

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asking. Go directly to Chris and I think she would be accommodating. Not on every issue can they get you information right away. But I've been very pleased with, so far, what I've seen in, like I say, just a short time that I've been in the Legislature. Scot, I had the opportunity to work with him on issues when I was a county commissioner. And he brings a nice view of the world from the provider standpoint that I think will be very important. And just, his energy that I've seen just in the short time that he's been working in the department is just very refreshing. So I just wanted to rise in support of these two and ask for your support as well. Thank you, Mr. President. []

SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Chambers, you are recognized. []

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, and for "Parson" Carlson as a beginning, Herod and Pilate had been feuding. They were at odds with each other but they came together on Jesus. Well, when you can have a young, radical "Repelican" and an elderly, ultraconservative independent come together in agreement on a confirmation, you know that you must be right on the money. I don't really know Mr. Adams so I have nothing against him at all. But I do know Christine Peterson. I worked with her while she was a member of the Legislature, all the time that she's been with HHS. Not solely because she is a woman do I support her, but that is one of the reasons I'm particularly pleased about this appointment. I would not support her solely because she is a woman. But she is a competent, capable woman and perhaps this appointment, even though there had been a lady, a woman, a female--I have to cover the waterfront for everybody--who had been head of HHS, this is a new departure in many respects. The Legislature enacted what might be called an omnibus bill to revamp HHS with the charge that needed changes take place. One person is not able to do that tremendous, monumental and, I will say, horrendous job alone. But you need somebody with the vision, with the understanding of what has to be done, the backbone and the gumption to take the actions that are needed and the willingness to reach out to others who may be able to assist her in doing it, and that is the type of person that I'm convinced Christine Peterson is. I will continue to work with her and anything I can do to bring success to her, I will do it because to the extent that she is successful, HHS will be successful, the state and all of its citizens who are served by HHS will benefit. And that means not just the specific individuals or families who have to seek direct assistance from HHS, but their extended families will benefit also. Lest I say so much that you begin to think that Christine Peterson is simply too good to be true, I will terminate my remarks. However, when you do consider the types of appointments that ordinarily are made, she is almost too good to be true. And when I see her and nobody is around, I'm going to tell her to strike that word "almost." Thank you, Mr. President. []

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Nelson, you are recognized. []

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SENATOR NELSON: Thank you, Mr. President, members of the body. I only recently met Christine Peterson and so I certainly support her nomination. But I'm well-acquainted with Scot Adams from Omaha who headed up Catholic Charities. He and I are longtime members of the Omaha Kiwanis Club, Inc. I know him as a very energetic person, a good administrator, a very forward-looking person. And I was delighted to hear of his appointment. He'll be serving as director of the Behavioral Health Division and I know he will not be reluctant to make any changes that need to be effected there. So I certainly do support his nomination as well as that of Ms. Peterson. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Nelson. Senator Schimek, you're recognized. []

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I want to make it a triumvirate, Senator Chambers, so that we'll have one young Republican, one crusty old independent, and one seasoned Democrat who stands in support of the nomination of Christine Peterson. I had the pleasure of working with Chris in the Legislature for a number of years and I always enjoyed working with her. I thought she was a very intelligent, very articulate, and very accomplished young woman. I would like to say that I think this Legislature not only put Chris Peterson on notice, but the entire Department of Health, as well as the Governor, regarding some of the deficiencies and some of the problems that we see with the Department of Health. That, in my estimation, is not a reflection on Chris herself and, in fact, I echo what Senator Gay said. I have always found Chris Peterson to be very forthright, to be very timely in her response, and to work diligently to get to the bottom of any question or problem. So I, too, believe that Chris Peterson is a very good appointment and I think she has a tough job ahead of her. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Schimek. Senator Dierks, you are recognized, followed by Preister and Aguilar. []

SENATOR DIERKS: Thank you, Mr. President and colleagues. I just had to stand in support of former Senator Chris Peterson. She was a seat mate of mine over here. She sat where Senator Hansen is. And she was just, she was an excellent state senator, she was a good friend. She's a very bright girl and she's always available. I've had her in my office twice this year over little problems we had in the department and she was very forthright. She came right over there and she just, you know, others might have sent an aide but Chris came herself. And I just appreciate that so much. She's, I'm not sure where I fit in on...maybe a part of the old crusty stuff, I'm not sure (laugh) about the rest of it. But I sure want to go on record as in support of Senator Peterson. Thank you. []

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SENATOR LANGEMEIER: Thank you, Senator Dierks. Senator Preister, you're recognized. []

SENATOR PREISTER: Thank you, Honorable President, friends all. I stand in support of everything that's been said about both candidates. And all of the information, the positive accolades I think apply to both of them. I know both of them. I served also with Senator Christine Peterson and felt very good about working with her and continue to feel good about working with her in this position. I also have known Scot Adams for years, lived in the same neighborhood and have known him both as a friend and as someone who has worked at Catholic Charities. I think both people bring a professionalism. I think they both bring a sense of organization, which HHS certainly needs. I think both of them will work to make and improve the service delivery system for the clients of HHS. And I think they also bring a compassion that's needed in that position. I feel very good, especially having Scot in the role that he has because he's been in the private sector, he's worked for Catholic Charities and understands what it means by the people who receive the service at that level. And he also understands and sees some of the frustration, some of the challenges from agencies that work with the state on behalf of those individuals. So he brings a perspective that isn't always there and at the same time he's very organized, he's charismatic, and he works well with people and he can get the job done. He's focused and he knows what he's doing. And that organizational ability, I think, is a bright ray of hope for the organization. I stand in strong support of all of the things that have been said about both of them, but also about them individually as very strong candidates. I will go on to say that I think this is an important appointment. These are important appointments. But we don't always get as strong a candidates, we don't always get appointees who even want to serve in these roles. Our roles, and particularly for the new senators who have sort of seen a perfunctory approval of these candidates in the process with few questions asked of appointees, with very little scrutiny, with sometimes candidates not even appearing. This is an important component of the work that we do. It is important to ask those candidates in cases if they even want to serve, why they have come forward, or if they were just recruited, not even wanting to be there. These appointments are very important because the tasks that are performed are important to the functioning of the state. And in the committees and during those hearings, those confirmation hearings are extremely important and I would encourage you to do more than be humorous. That's certainly welcome and good to do but those are the times to find out who we're appointing and whether they're going to actually function in the positions that we intend them to do. So it's a good opportunity here to see we're doing it well and the committee has functioned well. But there are times when that doesn't always happen and it's each of our responsibilities, particularly those of you who will be left when the next election cycle takes place and many of us will be gone who have experience. So I encourage you to see this as a positive example, but to use it as an opportunity to ask the tough questions, to be sure of the candidates before they ever get to the floor. In this case, job well done, Health Committee. Thank you, Senator Johnson. Thank you, Mr. President. []

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SENATOR LANGEMEIER: Thank you, Senator Preister. Senator Aguilar, you are recognized, followed by Stuthman and Pedersen. []

SENATOR AGUILAR: Thank you, Mr. President. I also rise in strong support of former Senator Chris Peterson for her appointment. Known the former senator even before she was a senator, I've known her for more than ten years now. I consider her my advisor, my mentor, and a person that encouraged me strongly to run for my life in the Legislature and I'll be ever thankful to her for that. She's just a great person, very well-qualified for the position she's in right now. And I know she would very good. She's been more than responsive to me any time I've ever had any questions of HHSS and encourage everybody else to also join in strong support. Thank you, Mr. President. []

SENATOR LANGEMEIER: Thank you, Senator Aguilar. Senator Stuthman, you are recognized. []

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I also rise in strong support of these two individuals for their confirmation report. I have had a very good working relationship with Christine Peterson. The one thing that really impresses me about her is the fact that, when you have something that needs some attention, she gets you an answer very quickly. And that, I am very, very impressed with that. I am also familiar with Scot Adams. I really think he does a wonderful job and he will be a real asset to this. So I rise in strong support of these two individuals. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Pedersen, you are recognized. []

SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. Scot and Chris are both personal friends, known them both for a long time. And I stand in support of them. But I also want to commend, at this time, the Governor for appointing these kind of people. I've been impressed with his appointees and the job that they're doing. Department of Corrections is running very well under Bob Houston. Health and Human Services now has this good leadership and as Chris has been there for some time. And a little bit of explanation. Every once in a while, one of the new senators will ask me how come you have "Dw." behind Pedersen up there. That has to do with Chris Peterson and Don Pederson and Dwite Pedersen all serving at the same time. And when they changed the board, they didn't take the Dwite off there because of Don and Chris are now both gone. She was a neat person, wonderful to serve with. And I've worked with Scot outside of this room in many other situations. Good people, good job, Governor. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Pedersen. Senator Pirsch, you're recognized. []

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SENATOR PIRSCH: Thank you, Mr. President, members. Just wanted to join the choir and reiterate what Senator Pedersen says. I think the Governor has done an excellent job. The task ahead is going to be challenging. I think, knowing these two individuals as I do, that they are well-qualified and up for the challenge. And so I do think that they are qualified and would urge the body to confirm the two. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Seeing no other lights on, Senator Johnson, you are recognized to close on the first of two confirmation reports. []

SENATOR JOHNSON: Mr. President, let me just add a couple of personal comments myself. One of the things that we've had the recent experience with is the federal inspectors at the Beatrice State Home and so on. And just a few months back, they were highly critical of how the state of Nebraska was running this facility. I actually had the pleasure of meeting with a couple of their inspectors this past week. And in their report that has now come out, they are commenting about the rather spectacular improvements that have occurred over the last several months. And certainly that is a good testament to Chris Peterson's abilities. One other personal note is that for a freshman chair, she has been exceptionally helpful to me personally and I want to thank her for that. With the comments I heard around the floor this morning, Chris and Scot, I'm sure you see that we are expecting good things from you. We've set the bar high and we are confident we will not be disappointed. With that, I ask for your approval of these nominations. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the closing on the adoption of the report offered by the Health and Human Services Committee. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 1278.) 44 ayes, 0 nays on the adoption of the report. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Mr. Clerk, next item? []

CLERK: Mr. President, second report by Health and Human Services regarding two appointments to the Foster Care Review Board. (Legislative Journal page 917.) []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Johnson, you are recognized to open on the second confirmation report from Health and Human Services Committee. []

SENATOR JOHNSON: Mr. President, members of the Legislature, this is in regard to two appointments to the Foster Care Review Board. The committee suggests the

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appointments be confirmed by the Legislature and again suggests a record vote. Again, all of these appointees have appeared in person before our committee and answered questions posed by the committee. I might say that we had the honor this year of every single appointee or nominee appearing before our committee in person. The first is Melisa, or Lisa, Borchardt, a new appointment for a three-year term. She has a bachelor's degree in social work from Nebraska Wesleyan, master's degree from University of Denver in social work, and she is a licensed mental health practitioner and a certified master social worker and a CASA volunteer. She also is currently an assistant professor of social work and field director for the social work program at Nebraska Wesleyan. She is also a member of the Governor Johanns' Children's Task Force. The other nomination is Sarah Ann Lewis, a new appointment for a three-year term. She is an attorney and a policy coordinator for Voices for Children in Nebraska. She has served on a local foster care review board and serves as public policy chair on the board of directors for the Nebraska Association for the Education of Young Children. She also has worked on the subcommittee on guardians ad litem for the Supreme Court and the Commission on Children in the Courts. She also is a CASA volunteer. I would recommend both of these nominees for confirmation. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Johnson. (Visitors introduced.) You have heard the opening on the second committee confirmation report, offered by Health and Human Services. The floor is now open for discussion. Seeing no lights on, Senator Johnson is recognized to close. Senator Johnson waives closing. You have heard the closing on the adoption of the report offered by Health and Human Services Committee. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 1278-1279.) 40 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

SENATOR LANGEMEIER: The confirmation report is adopted. Speaker Flood, you are recognized for an announcement. []

SPEAKER FLOOD: Thank you, Mr. President, members. Good morning. As we get started today and in advance of our consent calendar adventure this morning, I wanted to kind of outline for you how consent calendar works once again. Again, it's all pursuant to Rule 5, Section 6 of the Legislature's rules. So if you want to pull your rule book out, you can find it in Rule 5, Section 6. As we go through consent calendar, each bill has a maximum of 15 minutes of time allowed for the introduction and debate of each bill. If the introducer takes the full ten minutes of introduction, that only allows five minutes for debate and closing. So be careful if you're going to make remarks because time is limited. Many of the bills on consent calendar should not need to take 15 minutes. The list is designed to be noncontroversial, generally supported legislation. If you oppose a bill, you may utilize the procedure of three senators requesting in writing to remove a bill

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from consent calendar. If a bill has not advanced yet at the expiration of 15 minutes, and this is important, despite where we are at in the debate, the body will take a vote on pending amendments and then vote to advance the bill. It's a very similar process to cloture. Vote, vote, vote. If the bill, the committee amendment, and amendment to that. Unless a bill is removed from consent calendar, the rules provide for a guaranteed vote on each bill listed. That is just a summary of where we're at with consent calendar. Again, if you want to look at the rules to get a better understanding of this process, please pull your rule books out and check Rule 5, Section 6. Thank you, Mr. President.
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SENATOR LANGEMEIER: Thank you, Speaker Flood. We will now proceed to the consent calendar, LB226. Mr. Clerk. [LB226]

CLERK: Mr. President, LB226, a bill by Senator Cornett. (Read title.) Introduced on January 9, referred to the Business and Labor Committee, advanced to General File. I do have committee amendments. (AM244, Legislative Journal page 507.) [LB226]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Cornett, you are recognized to open on LB226. [LB226]

SENATOR CORNETT: Thank you, Mr. President. LB226 deals with boiler inspections. Currently, the state of Nebraska, as well as other states, has a shortage of certified inspectors. According to the Department of Labor, they aren't able to retain people who can go and work for private companies, who compensate them better than the state can. This means the Department of Labor is unable to meet the number of inspectors set in statute. LB226 would authorize the Department of Labor to issue special inspector's licenses to inspectors employed by authorized inspections agencies, which are commonly referred to as AIAs. This would allow the AIA inspector to perform boiler inspections in Nebraska. Currently, inspectors from the Department of Labor and certain inspectors employed by insurance companies are authorized to inspect boilers. LB226 would maintain all current construction installation and inspection standards but would allow inspectors employed by an AIA to perform the inspections. The Business and Labor Committee has an amendment to this bill, which is AM244. AM244 is a white copy of the bill so, if adopted, it would become the bill. Section 1 of the bill defines an authorized inspection agency as a private inspection company which is authorized to perform boiler inspections and meets the national board's qualifications and duties for AIAs. Section 2 provides the Department of Labor the authority to contract with these AIAs to perform the boiler inspections required by the act. Such contracts must contain provisions requiring the AIAs to indemnify and defend the department for any loss occasioned by negligent or tortious acts when performing inspections on behalf of the department. Section 3 codifies the current practice of requiring a boiler to be reinspected when it is moved or reinstalled in another location. Section 4 authorizes the department to allow qualified employees of an AIA to become special commissioned

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inspectors in the same manner for which certain employees of insurance companies are allowed to serve as special commissioned inspectors. The amendment also inserts the term "special inspectors employed by AIAs" throughout the reporting requirements. For safety reasons, the committee also felt it was appropriate that when a boiler is inspected and found to be defective, the inspector should immediately inform the department. Specific language was added to require AIAs performing boiler inspections to carry a minimum of \$1,000,000 general liability insurance and \$1,000,000 coverage per occurrence for professional errors and omissions. The committee has worked very carefully with the Department of Labor to ensure that the new language regarding the liability of contracted inspectors does not create any new liability for the state. Finally, the bill raises the penalty for violations of the Boiler Inspection Act from a Class V misdemeanor to a Class III misdemeanor. This bill had no opponents at the committee hearing and was voted out of committee with no opposing votes. I have distributed a recent Lincoln Journal Star article detailing the necessity of this bill. This bill is important to the safety of our citizens and to the state of Nebraska. So I would ask for your support in adopting the committee amendments. Thank you. [LB226]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the opening on LB226, as well as the opening on AM244, the Business and Labor Committee amendment. There are no lights on. Anyone wishing to speak? Senator Carlson, you are recognized. [LB226]

SENATOR CARLSON: Mr. President, members of the Legislature, I would like to address a question to Senator Cornett. [LB226]

SENATOR LANGEMEIER: Senator Cornett, would you yield to a question? [LB226]

SENATOR CORNETT: Yes. [LB226]

SENATOR CARLSON: On page 2, line 12, it mentions hobby boilers and then farm steam boilers and a 24-month inspection requirement. Is that any different from present law? [LB226]

SENATOR CORNETT: No. [LB226]

SENATOR CARLSON: Thank you. [LB226]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Seeing no other lights on, Senator Cornett, you're recognized to close. Senator Cornett waives closing. You have heard the closing on the adoption of AM244, the committee amendments to LB226. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB226]

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CLERK: 39 ayes, 0 nays, Mr. President, on adoption of committee amendments.
[LB226]

SENATOR LANGEMEIER: Committee amendments are adopted. We return now to discussion on LB226 itself. There are no lights on. Senator Cornett, you're recognized to close. [LB226]

SENATOR CORNETT: Thank you, Mr. President. Again, I wish to urge the body to pass this bill. It is very important for the safety of the state of Nebraska. Currently, if you look at the newspaper article that I handed out, it discusses the shortages. We are allocated for four positions, three deputy positions and one chief inspector, and they are currently all vacant in the state. We need to address this issue immediately. Thank you very much. [LB226]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the closing on LB226. The question is, shall LB226 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB226]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB226. [LB226]

SENATOR LANGEMEIER: LB226 does advance. Mr. Clerk, next item. [LB226]

CLERK: Mr. President, LB195 by Senator Preister. (Read title.) The bill was introduced January 9, referred to the Government Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB195]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Preister, you are recognized to open on LB195. [LB195]

SENATOR PREISTER: Thank you, Honorable President, friends all. For those of you who like to streamline government or reduce government, here's your opportunity. Essentially the section that we're repealing repeals the section that created the State Quarter Commission. The commission functioned, functioned effectively. They made the recommendations. The Governor made the selection. The United States Mint chose the quarter and minted it. It's in circulation. And I have to thank Senator Wallman. He even came and gave me one of the quarters. So the work is done. The commission has done everything it needed to. The language that's left in statute is no longer needed. It's essentially superfluous and at this time we can eliminate a commission that's done its work, was effective. And that is the purpose of the bill. I did consult with Senator Erdman, who was the original introducer and who had a very keen interest in having Chimney Rock put on the state quarter. I supported him in his efforts. I supported all along having Chimney Rock on the quarter. And so I was initially a part of that process. To my knowledge, it was fine with Senator Erdman and that's why I introduced it after

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his approval. I did check with the State Historical Society at his request just to see if there was any significance to leaving this language in statute. They said they knew of none. No one has come forward with any concerns. And at this point, we're here on consent calendar. I thank Senator Aguilar and his staff and the Government Committee for recommending it for the consent calendar. I encourage your advancement. And, Senator Wallman, that's one of the most pieces of money I've made for a long time, so thanks for the quarter. [LB195]

SENATOR LANGEMEIER: Thank you, Senator Preister. The floor is now open for discussion on LB195. Seeing no lights on, Senator Preister, you are recognized to close on LB195. Senator Preister waives closing. The question is, shall LB195 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB195]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB195. [LB195]

SENATOR LANGEMEIER: LB195 does advance. Mr. Clerk, LB199. [LB195 LB199]

CLERK: LB199 by Senator Schimek. (Read title.) Introduced on January 9, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB199]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Schimek, you are recognized to open on LB199. [LB199]

SENATOR SCHIMEK: Thank you, Mr. President and members. As you will see from the committee statement, the bill was heard on February 1 and advanced from committee on a 7 to 1 vote, the one person was absent. The bill was brought to me by the Municipal Energy Agency of Nebraska--or MEAN, which is its acronym--which is a joint action agency composed of 66 members in seven states, including Iowa, Kansas, Wyoming, South Dakota, Nebraska, Colorado, and Wisconsin. The group has encountered a problem with statutes that regulate membership requirements. Specifically, a municipal utility out of Iowa wishes to be a part of the group. Current statute requires members to be entities that can pass ordinances. However, this particular group is not a city, therefore they cannot pass ordinances, they can only pass resolutions. Allowing municipal utilities who can pass only resolution into the group would be beneficial because it would lower the costs and spread the risk for Nebraska members. The second thing LB199 addresses is that it allows a telephone conference option for agencies under the Municipal Cooperative Financing Act. MEAN feels that having the option for a conference call would be good for their committee meetings but not necessarily for board meetings because typically they involve approximately 60 participants. The telephone conference option is under the Municipal Cooperative Financing Act, which are the same rules that apply to interlocals today. In summary,

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MEAN is not interested in changing current Open Meetings Act. They actually wish to be under the act. Thank you, Mr. President. [LB199]

SENATOR LANGEMEIER: Thank you, Senator Schimek. You have heard the opening on LB199. The floor is now open for discussion. Senator Friend, you are recognized. [LB199]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Just to take a moment, I was the one that, Senator Schimek was kind enough not to finger me. I was the one that was absent from the Executive Session and the voting on this. I would have voted yes. And organizationally, I wanted to just point out, organizationally across the state, an option like this or a bill like this could offer the ability to use technology and disseminate information in a more efficient manner. And it's my understanding based on the discussions that I had, not only with Senator Schimek, other committee members and some other folks, that certainly this is not a tool that utilities are going to use that often for board meetings. It would be rare, at best. Organizations such as these don't have ordinance authority. This isn't changing that, just to be clear, and I think Senator Schimek pointed that out. You would have to go in separate sections of law in order to do that. For example, if a county wanted ordinance authority, you're not just going to make a couple of changes in one key piece of law. You're going to have to touch eight or nine different sections. This doesn't do that. This simply adds resolution authority to these particular sections of law because that's what electrical utilities do. They don't make ordinances, they make resolutions. So efficiency, resolution capability, and express authority in a certain area of law, not that you folks care but I don't have any problem with this bill and I would have voted it out of committee. I hope that helps a little bit. Thank you, Mr. President. [LB199]

SENATOR LANGEMEIER: Thank you, Senator Friend. Is there anyone else wishing to speak? I see no lights on. Senator Schimek, you are recognized to close. Senator Schimek waives closing. You have heard the closing on LB199. The question is, shall LB199 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB199]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB199. [LB199]

SENATOR LANGEMEIER: LB199 does advance. (Visitors introduced.) Mr. Clerk, LB396. [LB199 LB396]

CLERK: LB396 by Senator Johnson. (Read title.) Introduced January 16, referred to the Government Committee, advanced to General File. [LB396]

SENATOR LANGEMEIER: Senator Johnson, you are recognized to open on LB396. [LB396]

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SENATOR JOHNSON: Thank you, Mr. President, members of the body. LB396 simply raises the range in fees that the Nebraska Board of Landscape Architects may charge. There are approximately 85 of these landscape architects. The current range in fees was set many years ago at a range from \$20 to \$100. They have been at \$100 fee for 14 years. They are now to the place that without the increase, the Board of Landscape Architects will not be able to collect sufficient fees to fund their budget. Therefore, LB396 would increase the range of permissible fees that could be levied from \$100 to...let me state that differently. It will be so that the range can be from \$100 to \$300 to allow the board to continue to license and regulate landscape architects for the state of Nebraska in order to protect the health, safety, and welfare of the general public. So it's just an increase in the fees that would be allowed and to cover their expenses for the administration is basically what this is. Thank you. [LB396]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Mr. Clerk, for a motion. [LB396]

CLERK: Senator Johnson would move to amend the bill by adding the emergency clause, Mr. President. (AM760, Legislative Journal page 1268.) [LB396]

SENATOR LANGEMEIER: Senator Johnson, you are recognized to open on AM760. [LB396]

SENATOR JOHNSON: Yes, Mr. President. This will be very short. AM760 is in order for the regulations to be updated and the fees collected in a timely manner for the fund, the operations of Board of Landscape Architects. We ask that the emergency clause is necessary and ask that this be approved. Thank you. [LB396]

SENATOR LANGEMEIER: Thank you, Senator Johnson. The floor is now open for discussion on LB396. Seeing no lights on, Senator Johnson, you are recognized to close. Senator Johnson waives closing on AM760. The question is, shall AM760 be adopted to LB396? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB396]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of Senator Johnson's amendment. [LB396]

SENATOR LANGEMEIER: AM760 is adopted. Floor is open for discussion on LB396. Seeing no lights on, Senator Johnson, you are recognized to close on LB396. [LB396]

SENATOR JOHNSON: Just to thank you and ask that you advance the bill. Thank you. [LB396]

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SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the closing on LB396. The question is, shall LB396 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB396]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB396. [LB396]

SENATOR LANGEMEIER: LB396 does advance. (Visitors introduced.) Mr. Clerk, LB396A. [LB396 LB396A]

CLERK: LB396A by Senator Johnson. (Read title.) [LB396A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Johnson, you are recognized to open on LB396A. [LB396A]

SENATOR JOHNSON: I believe that...okay, where are we at? I'm sorry, Mr. President, we were confused as to which of the bills had this amendment here. LB396A is a bill that authorized the expenditure of the cash funds raised by increasing the fees allowed by LB396. The mainline budget, LB321, has been changed to allow the expenditure of additional cash funds raised by LB396. Therefore, LB396A is no longer necessary and therefore we believe this can be indefinitely postponed. With that, I would urge the indefinite postponement. Thank you. [LB396A LB396 LB321]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Mr. Clerk, for a motion. [LB396A]

CLERK: Mr. President, pursuant to that offer, Senator Johnson would move to indefinitely postpone LB396A. [LB396A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Johnson, you are recognized to open on the motion to IPP. [LB396A]

SENATOR JOHNSON: This is just that the LB396A, because of other changes have been made, it is no longer necessary for this LB396A to be there. And therefore we just ask for its indefinite postponement. Thank you. [LB396A]

SENATOR LANGEMEIER: Thank you, Senator Johnson. The floor is now open for discussion on the motion to indefinitely postpone. Senator Synowiecki, you are recognized. [LB396A]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. Senator Johnson, as I understand, LB396 seeks to increase the fees? [LB396A LB396]

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SENATOR LANGEMEIER: Senator Johnson, would you yield to a question? [LB396A]

SENATOR JOHNSON: Yes. [LB396A]

SENATOR SYNOWIECKI: And then LB396A typically, normally gives the cash fund authority to that fund to spend the increased amount. So are you absolutely certain we want to IPP this? [LB396A]

SENATOR JOHNSON: This is what I have been told is the necessary step, Senator Synowiecki. [LB396A]

SENATOR SYNOWIECKI: But if the purpose of the bill is to increase the amount of cash flow to the fund, don't we need a mechanism through an A bill to grant them the authority to spend that increased amount? [LB396A]

SENATOR JOHNSON: This is what I have been told. LB396 is a bill that authorizes the expenditure...LB396A authorizes the expenditure of the cash funds raised by increase in the fees under LB396. Okay, the mainline budget bill, mainline budget bill, LB321, has been changed to allow the expenditure of the additional cash funds that would be raised by LB396. So it's my understanding that in LB321, it grants this authority to spend these funds that would be raised. [LB396A LB396 LB321]

SENATOR SYNOWIECKI: Okay. Senator Johnson, thank you very much. That answers my inquiry. I just wanted to make sure we're not doing something that perhaps might come back on us. [LB396A]

SENATOR JOHNSON: And, Senator, I appreciate that. Thank you. [LB396A]

SENATOR SYNOWIECKI: Okay. Thank you, Senator Johnson, appreciate it. [LB396A]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Is there anyone else wishing to speak to the motion to indefinitely postpone? Seeing no lights on, Senator Johnson, you are recognized to close. Senator Johnson waives closing. You have heard the closing on the motion to indefinitely postpone LB396A. The question is, shall LB396A be indefinitely postponed? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB396A]

CLERK: 36 ayes, 0 nays, Mr. President, on a motion to indefinitely postpone. [LB396A]

SENATOR LANGEMEIER: LB396A is indefinitely postponed. Mr. Clerk, LB5. [LB396A LB5]

CLERK: LB5, Mr. President, by Senator Pahls. (Read title.) Introduced on January 4,

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referred to the Government Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM415, Legislative Journal page 610.) [LB5]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pahls, you are recognized to open on LB5. [LB5]

SENATOR PAHLS: Mr. President, members of the body, we are talking about efficiency. I think this would be a bill that a number of you would appreciate. State employees are currently eligible to receive an award of \$25 to \$5,000 under the employee suggestion system administered by DAS. The statute establishing this program states that the purpose of the program is to encourage the development of ideas for improving the economy and efficiency of state government. This bill wants to increase the awards to \$100 and to \$6,000. The number of employees who have been taking advantage of the system has decreased over the years. Just to give you an idea, in '96 there were 18 people or employees who were involved; '97, 21; '98, 14. The last two years of record that I have, 2005, there were three; 2006, there were two. If you would ever go to the web site, this is just a brief description of the program. It talks about what is a suggestion, who may participate, what the award is, who is eligible, what is unacceptable, and how an appeal or reconsideration of your efforts could be met. Now this award is paid out of the savings of the program. Any suggestion made that would require a change in statute, rules and regulation is ineligible. Those do not qualify. What I'd like to do is just give you an example over the years of some of the awards. Some of them are very simple. Sometimes all the person does receive is simply a thank you. But here is an example of one of the first awards. Adopting parents of a child on their group insurance at time of adoption placement agreement. That person was awarded \$25. Now like I say, there are a number of very simple ones. But now I'm going to get into ones...this was a number of years ago. Change the way that laundry is being done at the Beatrice State Developmental Center, therefore needing less staff. That person was awarded \$2,000. So that meant that savings had to be \$20,000, because you get no more than 10 percent of a savings. So I calculated, and I'm assuming if you just take the same type of wage by now, that \$2,000 generated over \$160,000 of savings. Here's another one. Particular pieces of equipment that needed to be heated, cooled to a temperature be set on timers to come on at a predetermined time. That person was awarded \$12,000. That was a number of years ago, so I, by my calculation, we have saved over \$70,000. Here's one that was just done last year. When refilling storage tanks used for deicing products, use a float with a flag indicator to indicate when the tank is full. That person received a \$25 and a certificate. Here's another one last year. Reconditioned batteries for HD1000 portable radio using parts available. That person was awarded \$500. The majority of the people do not receive those large sums of money. Like I say, in the past, the award was \$25 to \$5,000. I'm asking to increase that from \$100 to \$6,000, hoping to stimulate more thinking because we know that we have that out there and it's one way to save money for our

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government. Thank you. [LB5]

SENATOR LANGEMEIER: Thank you, Senator Pahls. As the Clerk has stated, there are amendments offered by the Government, Military and Veterans Affairs Committee. Senator Aguilar, as Chair, you're recognized to open on the committee amendment. [LB5]

SENATOR AGUILAR: Thank you, Mr. President and members. The committee amendment specifies that certain persons are not eligible to apply to employee suggestion system, including personnel of the Nebraska state colleges, personnel of the University of Nebraska, agency heads, judges, and elected officials. The committee exempted elected officials because of questions about whether they can constitutionally accept payments beyond their established salaries. Employees of the University of Nebraska and state colleges are governed independently by the Board of Regents or the Board of Trustees, so they are exempted. Also, agency heads are excluded because the committee felt they should already be looking for efficiencies and not receive an additional compensation. The committee advanced this bill on a 6-0 vote with two members being absent. I urge your support for the amendment and the underlying legislation. Thank you, Mr. President. [LB5]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. The floor is now open for discussion. Seeing no lights on, Senator Aguilar is recognized to close. Senator Aguilar waives closing. The question is, shall AM415, offered by Government, Military and Veterans Affairs Committee, be adopted to LB5? All those in favor say yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB5]

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB5]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to discussion on LB5. There are no lights on. Senator Pahls, you are recognized to close on LB5. Senator Pahls waives closing. You have heard the closing on LB5. The question before the body is, shall LB5 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB5]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB5. [LB5]

SENATOR LANGEMEIER: LB5 does advance. Mr. Clerk, LB256. [LB5 LB256]

CLERK: LB256 by Senator Aguilar. (Read title.) Introduced on January 10, referred to the Government Committee, advanced to General File. There are committee amendments pending, Mr. President. (AM380, Legislative Journal page 611.) [LB256]

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SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Aguilar, you are recognized to open on LB256. [LB256]

SENATOR AGUILAR: Thank you, Mr. President, members. LB256 makes several cleanup and technical changes to provisions relating to state government and the Department of Administrative Services, DAS. I introduced LB256 at the request of DAS. A complete section by section summary of the bill is included in the committee statement so I want to just highlight some of the provisions of the bill for you. The bill makes three changes to the construction contract statutes for DAS. First, it increases the dollar threshold for bidding from \$40,000 to \$50,000 to match the statutory requirement for other types of service contracts. Second, it increases the dollar threshold for requiring a performance bond for the contract from the current \$40,000 to \$100,000. This will allow additional primarily small local contractors to bid on small jobs under \$100,000. Third, it eliminates the requirement for the Attorney General's Office to review all construction contracts. DAS has a standard construction contract form which is used for these contracts and which has been reviewed by the Attorney General's Office. The Attorney General's Office will still be available to DAS if they need assistance in contracting, for the review is simply perfunctory now that a standard state contract form is used. This provision has been discussed with the Attorney General's Office and they have no objection. The bill makes similar changes to the Department of Corrections construction statutes. Another change involves the Self-Insured Indemnification and Liability Fund. The statute has clear provisions for handling self-insured indemnification claims but is silent as to the handling of self-insured liability claims. The bill separates the one Self-Insured Indemnification and Liability Fund into two separate funds: the Self-Insured Indemnification Fund and the Self-Insured Liability Fund. The bill also establishes internal reporting and handling provisions for the Self-Insured Liability Fund. Additionally, the bill requires agencies and/or Attorney General's Office to report liability claims to be paid to the risk manager. If the state agency has insufficient funds to pay, the agency will notify the risk manager, who will submit the settlement or judgment to the Legislature in the same manner of the State Miscellaneous Claims Act. Finally, the bill repeals the Forms Management Program Act. This act was passed when all government forms were printed. The purpose of the act was to review forms, reduce duplication, and save money by eliminating unnecessary forms. Government is becoming increasingly electronic and with that shift, the need for the act is no longer present. Although the act mandates that DAS have individual collect and review all government forms, this program was discontinued and defunded some time ago. Thank you, Mr. President. [LB256]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. As the Clerk has stated, there are amendments offered by the Government, Military and Veterans Affairs Committee. Senator Aguilar, as Chair of that committee, you are recognized to open on the committee amendments. [LB256]

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SENATOR AGUILAR: Thank you, Mr. President. The committee amendment clarifies that the Games and Parks Commission will continue to have the authority to grant utility easements without being required to submit the request to the Vacant Building and Excess Land Committee. The Games and Parks Commission grants a couple of utility easements each year without going through the Vacant Building and Excess Lands Committee. And the committee amendment ensures that they will continue to have that authority. Thank you, Mr. President. [LB256]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. You have heard the opening on LB256 and the committee amendments, AM380. The floor is now open for discussion. Seeing no lights on, Senator Aguilar, you are recognized to close. Senator Aguilar waives closing on AM380, the committee amendments to LB256. The question is, shall AM380 be adopted? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB256]

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB256]

SENATOR LANGEMEIER: AM380 is adopted. The floor is now open for discussion on LB256. Seeing no lights on, Senator Aguilar, you're recognized to close. Senator Aguilar waives closing. The question is, shall LB256 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB256]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB256. [LB256]

SENATOR LANGEMEIER: LB256 does advance. (Doctor of the day introduced.) Mr. Clerk, LB388. [LB256 LB388]

CLERK: LB388 by Senator Aguilar. (Read title.) Introduced on January 16, referred to the Government Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM411, Legislative Journal page 611.) [LB388]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Aguilar, you are recognized to open on LB388. [LB388]

SENATOR AGUILAR: Thank you, Mr. President. As many of you know, the Government Committee is required to provide a report on every board and commission in the state every four years. Currently there are over 250 boards and commissions operating. The Government Committee has worked hard over the years to eliminate any board or commission that is no longer active or needed. That is a difficult process so I am always grateful when a board recognizes themselves when they are no longer necessary. This is what happened with the Nebraska Industrial Competitive Alliance. The alliance decided their work could be incorporated by the Economic Development

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Commission and asked to be eliminated. Therefore, LB388 eliminates the Nebraska Industrial Competitive Alliance and provides that the Economic Development Commission will take over their primary responsibility, which is oversight of the Nebraska Manufacturing Extension Partnership. The bill also adds some members to the commission to ensure that the expertise of NICA will continue on the Economic Development Commission. With LB388, the Governor will appoint to the commission individuals from private industry sector, including individuals with knowledge in logistics, financial service, and insurance, information technology, biotechnology, and at least two individuals from manufacturing. Thank you, Mr. President. [LB388]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. As the Clerk has stated, there are committee amendments offered by the Government, Military and Veterans Affairs Committee. As Chair, Senator Aguilar, you are recognized to open. [LB388]

SENATOR AGUILAR: The committee amendment specifies that at least one of the two members appointed to the Economic Development Commission in manufacturing field represents a company with no less than 75 employees. The Department of Economic Development requested this change to ensure that smaller manufacturers are represented on the commission. Thank you, Mr. President. [LB388]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. The floor is now open for discussion. Seeing no lights on, Senator Aguilar is recognized to close. Senator Aguilar waives closing on AM411, the committee amendments. The question is, shall AM411 be adopted to LB388? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB388]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB388]

SENATOR LANGEMEIER: AM411 is adopted. We return now to discussion on LB388, the bill itself. Seeing no lights on, Senator Aguilar, you're recognized to close. Senator Aguilar waives closing. The question is, shall LB388 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB388]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB388. [LB388]

SENATOR LANGEMEIER: LB388 does advance. Mr. Clerk, LB147. [LB388 LB147]

CLERK: LB147, by Senator McDonald. (Read title.) Introduced on January 8, referred to the Transportation Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB147]

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SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator McDonald, you are recognized to open on LB147. [LB147]

SENATOR McDONALD: Mr. President, members of the body, LB147 applies the Class IV misdemeanor penalty to provisions in Section 4, Section 60-6,304 to the entire section. Currently this penalty provision applies only to subsection 2 and subsection 3. Last summer, a traffic ticket was issued to a commercial truck that was part of a fleet hauling dirt for a construction project. The dirt was hauled from a site on one side of town through town to the construction project. In spite of load covers, clouds of dust sifted out from under the covers and followed the truck down the highway. The dust coming off the truck was so heavy that it showed up on a video taken by a nearby property owner. The traffic ticket for the violation of Section 60-6,304, subsection 1, was issued for the dust sifting out from under the cover. The ticket was dismissed in court because the penalty provision clearly applies only to Section 2 and 3. Subsection 1 says that the contents aren't allowed to drop, shift, leak, or otherwise escape the vehicle. But the penalty provision doesn't apply to subsection 1 so the section is unenforceable. LB147 will allow the enforcement of subsection 1 by applying the penalty provision to the entire section. Thank you for your time and interest. Thank you. [LB147]

SENATOR LANGEMEIER: Thank you, Senator McDonald. You have heard the opening on LB147. The floor is now open for discussion. Seeing no lights on, Senator McDonald is recognized to close. Senator McDonald waives closing. The question is, shall LB147 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB147]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB147. [LB147]

SENATOR LANGEMEIER: LB147 does advance. Mr. Clerk, LB504. [LB147 LB504]

CLERK: LB504 by Senator Mines. (Read title.) The bill was introduced on January 17, referred to Natural Resources, advanced to General File. At this time I have no amendments to the bill, Mr. President. [LB504]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Mines, you are recognized to open on LB504. [LB504]

SENATOR MINES: Thank you, Mr. President, colleagues. LB504 prohibits hunting through the Internet. Strange as that may sound, it does have a place in statute. The bill prohibits individuals from hosting hunting through the Internet or otherwise enabling other persons to hunt through the Internet. Internet hunting is where a landowner or a business owner sets up rifles and cameras at a remote location and then allows a computer user who pays a fee to line up shots at animals and fire the weapon with a click of their computer mouse. A Texas company called Live-Shot.com devised this

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novel business plan and tapped into a desire to hunt by people who are unable or unwilling to actually go hunting. And they let them do it by the Internet remotely with that camera and firearm. Texas officials opposed the concept and have since prohibited Live-Shot from the practice. And I think at last count 21 other states have done the same. The bill defines Internet hunting as hunting live wildlife in real time using Internet services to remotely control actual firearms and to remotely discharge live ammunition. Nationally, the possibility of desktop killing has united two groups that usually, I think as we all know, are opposed to one another: animal rights advocates and hunters. Because of interstate commerce issues, this bill doesn't stop someone in Nebraska from shooting at an animal in another state where Internet hunting is legal. However, it'll ban someone from using an Internet setup to hunt animals in Nebraska. Last year, this provision was advanced from the Natural Resources Committee. We ran out of time. And this year, LB504 was again advanced to General File by the Natural Resources Committee by a vote of 7 to 0, there was no opposition. And I ask that you support the bill. Thank you, Mr. President. [LB504]

SENATOR LANGEMEIER: Thank you, Senator Mines. Senator Erdman, you are recognized. [LB504]

SENATOR ERDMAN: Mr. President and members of the Legislature, I wonder if Senator Mines would yield to some questions so that I can understand his bill. [LB504]

SENATOR LANGEMEIER: Senator Mines, would you yield to a question? [LB504]

SENATOR MINES: I will, Mr. President. [LB504]

SENATOR ERDMAN: Senator Mines, I understand the general concept of your proposal here and Section 3 is generally the appropriate language, I guess, to look at for what the bill does. It prohibits hunting through the Internet. It prohibits a person from hosting or enabling another person to hunt through the Internet. It allows, I don't know the better word I guess, entrapment would be the word probably for a conservation officer. I can understand how that situation may lead to a prosecution. Who is responsible, first of all, for enforcing this act if it becomes law? [LB504]

SENATOR ERDMAN: Well, certainly you can't police this on a daily basis, Senator. And it will be complaint-driven. Enforcement of this act is presumed to be the law enforcement agency that's responsible for wherever that Internet shooting gallery is located. [LB504]

SENATOR ERDMAN: Your opinion isn't that the Game and Parks Commission has a responsibility to enforce the game law in addition to local law enforcement? You're saying that it could be anyone that...I'm seeking to understand and I guess maybe there's maybe a confusion in my question so I'll try to restate this. If some individual is

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caught violating this law outside of the entrapment provision that's in Section 3, subsection 3, who would be responsible for bringing that charge against that individual? [LB504]

SENATOR MINES: That would be a conservation officer. [LB504]

SENATOR ERDMAN: It would be someone from Game and Parks responsible for the enforcement of the game law? [LB504]

SENATOR MINES: Yes. [LB504]

SENATOR ERDMAN: And it would only be driven by complaint, so essentially we would have a prohibition on hunting that may not be enforceable short of a complaint? [LB504]

SENATOR MINES: Yeah, and I think we have many statutes on the books today that are not enforceable but for complaints. And certainly that's what this is intended to do. [LB504]

SENATOR ERDMAN: Okay. I'm just simply trying to understand this. [LB504]

SENATOR MINES: Sure. [LB504]

SENATOR ERDMAN: As you go through the process of what other states have done, and that was part of your opening, is this language similar to other states? And if it is similar to other states, generally do you see most of the enforcement provisions being carried out through the provision that allows the conservation officer or the U.S. Fish and Wildlife Service to engage that person in an entrapment or in a sting situation or is it more driven by the complaints? [LB504]

SENATOR MINES: Again, driven by complaints. Your first question, this was modeled after the Texas statute that prohibits Internet hunting. [LB504]

SENATOR ERDMAN: Okay. Thank you, Senator Mines. Thank you, Mr. President. [LB504]

SENATOR MINES: Thank you. [LB504]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator Chambers, you're recognized. [LB504]

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Mines made the point that I intended to make, and that is groups who usually are in opposition to each other are together on this. I've been known, "Parson" Carlson, as an antihunter,

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which really I'm not. It depends on who's hunting and what's being hunted. But I support Senator Mines's bill. I wish it could have gone the last time it was before us. I support it this time. Thank you, Mr. President. [LB504]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Carlson, you're recognized. [LB504]

SENATOR CARLSON: Mr. President, members of the Legislature, I also stand in support of LB504. And I think this activity is so outrageous and the penalty is only \$75 and it's complaint-driven. But if, I believe if someone who owns such a terrible business, it ought to involve jail time and the participant should be a \$1,000 fine. That's just how outrageous this activity is. But this is a good step in the right direction. Thank you. [LB504]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Kopplin. [LB504]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. I support Senator Mines's bill. I know that it's not really capable of being enforced by Game and Parks because it happens in someone's living room. But we need to at least make a statement saying, look, this isn't sportsmanship at all, this is somebody shooting tame animals over the Internet. And even though it's not going to be enforced, and if it is it's a minor fine, we need to make a statement. And so I'm in strong support of Senator Mines's bill. Thank you. [LB504]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Anyone else wishing to speak to LB504? Seeing no lights on, Senator Mines, you are recognized to close. [LB504]

SENATOR MINES: Thank you, Mr. President. Thank you all to your support. And I think Senator Kopplin really nailed it. This sends a clear message. This is, it may on the surface feel like a frivolous statute. But on the other hand, it happens and I think we, as Nebraskans, need to take a stand on this. Thank you, Mr. President. [LB504]

SENATOR LANGEMEIER: Thank you, Senator Mines. You have heard the closing on LB504. The question is, shall LB504 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB504]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB504. [LB504]

SENATOR LANGEMEIER: LB504 does advance. Mr. Clerk, LB364. [LB504 LB364]

CLERK: LB364 by Senator Flood. (Read title.) The bill was introduced on January 12, referred to the Revenue Committee, advanced to General File. There are committee

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amendments, Mr. President. (AM459, Legislative Journal page 642.) [LB364]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Flood, you are recognized to open on LB364. [LB364]

SPEAKER FLOOD: Thank you, Mr. President, members. Sorry for the short delay, Senator Rogert. LB364 proposes to amend Section 77-2014, which sets forth how inheritance taxes are apportioned among Nebraska's counties when a decedent owns real or tangible personal property in a county other than the decedent's county of residence. My intent here is to ensure that whether the estate assets are subject to tax or not subject to tax, all assets will be used for purposes of calculating the inheritance tax allocation among the counties where such assets are located. Section 77-2014 currently provides that, quote, the total inheritance tax assessed against the estate shall be apportioned among the counties in the ratio that the value of the gross property subject to tax located in each county bears the gross value of all property reportable for Nebraska inheritance tax purposes. Apparently, this language means different things to different counties. I have been advised that the majority of counties do consider the value of property not subject to tax when applying this allocation formula. If, for example, a non-Cherry County decedent had made a specific charitable devise of all of his real estate in Cherry County, Cherry County would still be entitled to a portion of the inheritance tax as collected. At least two counties, however, do not apply this allocation formula the same way. Going back to my example, assume that the decedent held property in Dodge and Cherry Counties and again assume the decedent made a specific charitable devise of all of his real property in Cherry County. A recent court case suggests that in this situation Cherry County would get nothing. Apparently Lancaster County reads the statute the same way. So where does that bring us today? Well, this is basically a clarifying amendment and bill when it comes to distributing inheritance tax. The committee amendment, AM459, strikes the green copy, becomes the bill. And this amendment tightens the language in Section 77-2014. I do support the committee's proposed change. I would ask the body to do the same and advance LB364 to Select File as amended. Thank you, Mr. President. [LB364]

SENATOR LANGEMEIER: Thank you, Senator Flood. As the Clerk has stated, there are amendments offered from the Revenue Committee. Senator Janssen, as Chair of the committee, you are recognized to open on the committee amendments. [LB364]

SENATOR JANSSEN: Thank you, Senator Langemeier and members of the Legislature. Speaker Flood did mention the committee amendments, and all it does is rewords the entire section using consistent language and removes any ambiguities under the committee's version, the term property subject to tax and not subject to tax would be used in both the numerator and the denominator of the apportionment formula. And that is the extent of the committee amendments. Thank you. [LB364]

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SENATOR LANGEMEIER: Thank you, Senator Janssen. You have heard the opening on the committee amendments, AM459. The floor is now open for discussion. Senator Wightman, you are recognized. [LB364]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. I also rise in support of both the amendments and the LB364. We've had situations in our county and surrounding counties where exactly this situation has been involved, and we'll have one county receive money when there was no taxable property passing in that particular county because of the ratio that was used and considering the ratio as a part of the total property subject to inheritance tax, so I think it is a change for the good. It will more accurately reflect where that tax should be paid to, and so I urge your support for this bill. Thank you, Mr. President. [LB364]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Fulton, you are recognized. [LB364]

SENATOR FULTON: Thank you, Mr. President. Would Senator Flood yield to a quick question? [LB364]

SENATOR LANGEMEIER: Senator Flood, would you yield to a question? [LB364]

SPEAKER FLOOD: Yes, Mr. President. [LB364]

SENATOR FULTON: Something I noticed in the bill was the changing grammatically anywhere that it says "his" to "his or her," and I understand the progression of language such as that, that's necessary here, but does that give any implication for other places in statute where "his" is used and it's understood that it's "his or her," by making this change here? And this is a legal question so it would...do you understand my question? [LB364]

SPEAKER FLOOD: I understand your question. The answer is no. [LB364]

SENATOR FULTON: Okay, fair enough. Thank you, Mr. President. [LB364]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Seeing no other lights on, Senator Janssen, you are recognized to close on the committee amendments. Senator Janssen waives closing. The question is, shall AM459, Revenue Committee amendments, be adopted to LB364? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB364]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB364]

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SENATOR LANGEMEIER: AM459 is adopted. We return now to LB364, the bill itself. There are no lights on. Senator Flood, you are recognized to close on LB364. Senator Flood waives closing. The question is, shall LB364 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB364]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB364]

SENATOR LANGEMEIER: LB364 does advance. Mr. Clerk, LB481. [LB364 LB481]

CLERK: Mr. President, LB481 is a bill by Senator Johnson. (Read title.) Introduced on January 17, referred to the Health Committee, advanced to General File. There are committee amendment, Mr. President. (AM270, Legislative Journal page 663.) [LB481]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Johnson, you are recognized to open on LB481. [LB481]

SENATOR JOHNSON: Thank you, Mr. President. Members of the body, LB481 relates to healthcare professionals who are authorized to prescribe controlled substances. Current law requires that the applicant for an initial license in such a profession must submit to a criminal history background check. LB481 simply provides that an applicant for a temporary educational permit will have 90 days from the issuance of the permit to comply with the background check requirement. At the end of those 90 days, the permit will either be suspended if the background check has not been completed or revoked if the background check reveals that the applicant is unqualified for the permit. This bill was brought to us by Creighton University. This 90-day grace period will allow reasonable time for medical residents coming from outside the state of Nebraska to comply with this background check requirement. We will also have an amendment, Mr. President, to this. [LB481]

SENATOR LANGEMEIER: Thank you, Senator Johnson. As the Clerk has stated, there are amendments offered by the Health and Human Services Committee. Senator Johnson, as Chair of that committee, you are recognized to open on the committee amendments. [LB481]

SENATOR JOHNSON: Thank you, Mr. President. The committee amendment addresses another issue that was raised at the public hearing. Current law provides that applicants for licensure to practice medicine and surgery and osteopathic medicine and surgery must successfully complete all parts of their licensing exam within seven years. AM270 just increases this period of time from seven years to ten years. The amendment conforms to the provisions that are found in LB463, the ULL bill that we will be taking up in the not too distant future. That operative date for LB463 is December 1, 2008. What this does is simply allow these provisions to take place sooner. With that, I

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would ask that we advance both the amendments and the bill. [LB481 LB463]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on the committee amendments, AM270. The floor is now open for discussion. Seeing no lights on, Senator Johnson, you are recognized to close on the committee amendments. Senator Johnson waives closing. The question is, shall AM270 be adopted to LB481? All those in favor vote yea; all those opposed vote nay. Has everyone vote that wishes to? Record, Mr. Clerk. [LB481]

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB481]

SENATOR LANGEMEIER: The committee amendments, AM270, are adopted. We return now to the bill itself, LB481. Seeing no lights on, Senator Johnson, you are recognized to close on LB481. [LB481]

SENATOR JOHNSON: Mr. President, just ask the body to advance LB481 as has been amended with AM270. Thank you. [LB481]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the closing on LB481. The question before the body is, shall LB481 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB481]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB481]

SENATOR LANGEMEIER: LB481 does advance. Mr. Clerk, LB152. [LB481 LB152]

CLERK: LB152, Mr. President, offered by Senator Pankonin. (Read title.) The bill was introduced January 8, referred to the Judiciary Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB152]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pankonin, you are recognized to open on LB152. [LB152]

SENATOR PANKONIN: Good morning, Mr. President and members of the body. LB152 proposes to correct a drafting oversight that occurred when the Legislature passed LB306 in 2005. LB306 amended the requirement in Section 71-168 that credentialed persons report adverse judgments, settlements, or awards to clarify that the term "settlements" includes those payments on behalf of a credentialed person that result in the patient releasing the professional liability claim against a credentialed person. LB152 is needed to harmonize two sections in the state's mandatory self-reporting law. The self-reporting law requires licensed healthcare providers, facilities, and professional

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liability insurance companies to report information to the Department of Health and Human Services Regulation and Licensure. LB152 makes a similar change in Section 71-1,200 to clarify that the meaning of "settlements" in the reporting law for insurance companies is the same as it is in Section 71-168. For the record, I have provided a letter of support for LB152 from Dr. Joann Schaefer, chief medical officer for the Nebraska Department of Health and Human Services System, and copies of Section 71-168 that was amended by LB306 in 2005, and Section 71-1,200 that would be amended this year with the passage of LB152. I refer you to the third paragraph in Dr. Schaefer's letter. In support of LB152, Dr. Schaefer stated, "I believe that harmonizing this portion of the law for insurer reporting is good policy for the state. Additionally, this change to the law does not prohibit the patient from filing a complaint directly with the department at any time and filing a lawsuit later." Thank you. [LB152]

SENATOR LANGEMEIER: Thank you, Senator Pankonin. You have heard the opening on LB152. The floor is now open for discussion. Senator Lathrop, you are recognized. [LB152]

SENATOR LATHROP: Thank you, Mr. President and colleagues. It is fitting that this LB152 comes up the day after we discussed that "sorry" bill yesterday because this is sort of a cousin to that. And I would like to tell you, first of all, that I support LB152, and I would like to explain in maybe general terms, picking up a little bit where we left off yesterday, what this bill does and what it doesn't do and the public policy it advances. Right now, if you are a doctor that makes a medical mistake and you make a payment to someone whom you have injured, they have to report that to the Department of Health and Human Services. There is no incentive for that doctor or their insurance carrier to provide care to the injured person to correct the problem that was created by the medical mistake. What we are doing with LB152 is encouraging doctors to approach the people they have injured through their medical mistakes and essentially say...yesterday we gave them permission to say I'm sorry. Today we're giving them permission to say, and I'd like to fix the problem with another surgery, or I'd like to fix the problem with some remedial care. And they will have an incentive to do that because they will not have to report that as a malpractice claim to the Department of Health and Human Services, which may bring all kinds of other problems their way. So today what we are doing with LB152, and I think it's good policy, is encouraging doctors to sit down with patients whom they have injured and offer to fix the problem they've created and to do it without having to report their misdeed to the Department of Health and Human Services. They do not take a release back when they do that. The person who has been injured is still free to make a claim if they choose to. The net effect of this is to reduce medical malpractice, which you may not believe this but I think that's a good idea if we would do some medical malpractice claims by allowing the medical provider to sit down with a patient and resolve matters the way they should, which is, I made a mistake, let me fix it. So I think LB152 is good policy. I support Senator Pankonin's bill and the policy that is found in LB152. Thank you. [LB152]

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SENATOR LANGEMEIER: Thank you, Senator Lathrop. Senator Johnson, you are recognized. [LB152]

SENATOR JOHNSON: Mr. President and members of the body, I too rise to support this bill. Senator Lathrop did a very good job of explaining the reasons that this should be put into effect, and basically if there is a problem regardless of the cause of the problem, let's move ahead and get that fixed. So also I would like to urge that you support this bill. Thank you. [LB152]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Seeing no other lights on, Senator Pankonin, you are recognized to close on LB152. [LB152]

SENATOR PANKONIN: Many bills are defined as cleanup bills. LB152 fits the classic definition of this term. It is simply intended to harmonize two sections of our statutes. I want to thank Senator Lathrop and Senator Johnson for their comments in support and now I ask for your support on LB152. Thank you. [LB152]

SENATOR LANGEMEIER: Thank you, Senator Pankonin. You have heard the closing on LB152. The question is, shall LB152 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB152]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB152. [LB152]

SENATOR LANGEMEIER: LB152 does advance. Mr. Clerk, LB 221. [LB152 LB221]

CLERK: LB221 by Senator Lathrop. (Read title.) Introduced on January 9, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB221]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Lathrop, you are recognized to open on LB221. [LB221]

SENATOR LATHROP: Thank you, Mr. President and colleagues. This is a very, very simple bill brought to me by the State Bar Association. In our pleadings in three different places we require that a form put into a court file include the date of birth of children. This bill simply changes that requirement from date of birth to year of birth. The idea behind the provision is to avoid identity theft. If you think about it, you put somebody's name in a pleading, you put their date of births in the pleading, someone can go to the courthouse, check out a court file, and now has some of the basic information necessary for identity theft. This is the bar association's concern for a requirement that we put information in different pleadings that facilitates identification theft. You will see,

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if you will look at the bill, there are only a few changes, and it just takes date of birth to year of birth--noncontroversial, came out of the committee unanimously. I would urge your support for LB221. Thank you. [LB221]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. The floor is now open for discussion on LB221. Seeing no lights on, Senator Lathrop, you are recognized to close. [LB221]

SENATOR LATHROP: Well, again, a simple bill brought to you by the bar association, and just changes date of birth to year of birth. Thank you. [LB221]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. You have heard the closing on LB221. The question is, shall LB221 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB221]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB221. [LB221]

SENATOR LANGEMEIER: LB221 does advance. At the request of the introducer, we will be skipping over LB530. Mr. Clerk, LB664. [LB221 LB664]

CLERK: LB664, by Senator Hudkins. (Read title.) Introduced on January 17, referred to Natural Resources Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB664]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Hudkins, you are recognized to open on LB664. [LB664]

SENATOR HUDKINS: Thank you, Mr. President and members of the body. The Board of Geologists was created by passage of the Geologists Regulation Act in 1998, and this would regulate the profession of geology in order to safeguard the life, health, and property, and to promote the public welfare. A fundamental reason for the existence of the board is to ensure that geologic work in Nebraska is performed by qualified, competent professionals. However, in current statute, individuals performing work for which state approval or permitting is required if such activity is in accordance with other requirements of law, rules, or regulations pertaining to the use of a geologist are exempted from licensure requirements. LB664 removes this exemption for licensure so that when a project is being performed for which state permitting or approval is necessary and a geologist is used to perform some part of the planning or provides information used in the application or permit, then the geologist must be licensed by the state of Nebraska. This bill does not require the use of a geologist when applying for a state permit or approval. The modification only requires that if the applicant decides to use a geologist for a purpose identified as the practice of geologist under the act and such purpose is associated with the application, then the geologist must be licensed

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under the Geologists Regulation Act. Thank you, Mr. President. [LB664]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. You have heard the opening on LB664. The floor is now open for discussion. Seeing no lights on, Senator Hudkins, you are recognized to close. Senator Hudkins waives closing. The question is, shall LB664 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB664]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB664. [LB664]

SENATOR LANGEMEIER: LB664 does advance. Mr. Clerk, LB227. [LB664 LB227]

CLERK: LB227, Mr. President, by Senator Cornett. (Read title.) Introduced on January 9, referred to the Judiciary Committee, advanced to General File. There are committee amendments, Mr. President. (AM256, Legislative Journal page 685.) [LB227]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Cornett, you are recognized to open on LB227. [LB227]

SENATOR CORNETT: Thank you, Mr. President and members of the body. We all take for granted the ability to survive, the ability to eat, drink, and breathe. We are so accustomed to this that we never consider the possibility that it might have to be done for us or else we'll die. For animals, their total existence is based on the responsible ownership of human beings. They rely on us to feed them, provide them water, shelter from heat and cold, and proper veterinarian care. As with any facet of life, there are people who are more responsible than others. There are people who cherish their animals, who consider them part of their family. At the same time, there are animal owners who do not consider it a priority to properly take care of their pets. These are people who cause unnecessary suffering for dogs and cats, suffering that the animals don't ask for and didn't expect to be part of their daily lives. When I was first approached about sponsoring this bill, I was told horror stories by the Nebraska Humane Society, stories dealing with the animals abandoned by their owners and the dreadful outcomes of them starving to death and dying based on the inclement conditions they were forced to try and survive in. I quickly realized this bill was not dealing with animal rights, a term that causes controversy in some circles, but rather this bill is necessary for two reasons. It deals with animal welfare which should be an important topic for us all whether we are pet owners or not, and this bill deals with the increasing penalty for animal criminal offenses which are far too common in Nebraska and nationwide, that is the intentional or reckless abandonment of an animal resulting in serious injury, illness, or death. The reason for LB227 can best be described through two actual cases of abandonment the Nebraska Human Society has investigated recently. A male suspect moved out of a rental house, leaving behind nine dogs and puppies. They are alone in the house with no food and water for up to two weeks. Most were dead when the landlord discovered

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them or dying of starvation and dehydration. The suspect was charged with misdemeanor abandonment and received a seven-day jail sentence. In April 2006, the Nebraska Human Society officers found a dead American Eskimo dog chained to a doghouse in the backyard. The investigation showed the dog had not been fed for two weeks. The dog was under 25 pounds, and during the necropsy, an animal autopsy, the stomach contents were found to be sticks, grass, and dry corncocks, which illustrates the dog's efforts trying to find any type of food. The female suspect received two days in jail. Starving to death is agony. Animals that starve to death undergo severe dehydration, the kidneys and liver fail, and they develop painful gastrointestinal ulcers. In other words, the animals that are abandoned, suffer, and if not located in time, die a painful and uncomfortable death. There is simply no excuse for this. I have provided you each a summary of LB227, a Nebraska Human Society's crime scene photos of an abandoned case showing two dogs left in a backyard. The two dogs were left in the backyard for three days in July 2006 with no food, water, or shelter. The temperature on those three days was 100, 101, and 103 degrees. One dog is dead in the picture and the other had to be immediately euthanized. Both dogs had body temperatures over 100 degrees when found. They both died extremely painful deaths. The owner later told the investigators he had gone on vacation for those days and had failed to arrange for care. Statute 28-1009 allows felony prosecution for animal cruelty involving torture, mutilation, and repeated beatings. It only allows for misdemeanor prosecution for animal abandonment, no matter the extent of the abandonment. LB227 adds a fourth, much-needed element to the felony prosecution, that being abandonment resulting in serious injury, illness, or death. LB227 also provides a definition for serious injury and serious illness to an animal. It is important to note that LB227 does not change anything dealing with the care of livestock. LB227 adds felony status of animal abandonment to the Nebraska State Statute 28-1009 which already recognizes mutilation, torture, and repeated beatings as worthy of felony animal cruelty prosecution. The bill does not replace the misdemeanor level of animal abandonment; rather, allows for felony prosecution for those animal abandonment cases that demand a higher level. I will try to answer any questions you have and I urge you to support this bill. Thank you very much. [LB227]

SENATOR LANGEMEIER: Thank you, Senator Cornett. The Clerk has stated there are committee amendments from the Judiciary Committee. Senator Ashford, as Chair of the committee, you are recognized to open on the committee amendments, AM256. [LB227]

SENATOR ASHFORD: Thank you, Mr. President, and thank you, Senator Cornett, for bringing this legislation. I think it's important legislation and the committee felt so, as well. There are two basic committee amendments to LB227. The first one removes negligence as an element of the offense of animal abandonment. The offense, as amended, prohibits the knowing, intentional or reckless abandonment of...or cruel neglect of an animal, and provides and enhanced felony penalty, as Senator Cornett

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stated, if the animal is seriously injured, suffers serious illness, or dies as a result of the action. The second change amends the definition of abandonment in Section 28-1008 to require that an animal be in the care of an individual whether as an owner or as a custodian. This change mirrors the language found in the existing definition of cruel neglect and clarifies that an animal must be under the care or control of an individual before that individual can be charged with abandonment. And that would conclude the committee amendments, Mr. President; I urge their adoption. [LB227]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on the committee amendments, AM256. The floor is now open for discussion. Senator Chambers, you are recognized. [LB227]

SENATOR CHAMBERS: Mr. President and members of the Legislature, Senator Cornett said everything that really needs to be said to justify people voting for this bill, but when you look at the current provisions of statute where we had to talk about beatings, the torturousness, and things of that kind which show how cruel human beings can be to animals, this is just another step because as these new methodologies are coming to the fore that we never thought or anticipated would happen, we have to kind of piecemeal with legislation of this kind. And there is something that I said before, I think. A guy was talking to Saint Augustine who supposedly believed in reincarnation, and so the guy asked Saint Augustine, is this true that you believe in reincarnation? And this guy was known to be cruel to animals. He said, yes, because when you kicked that puppy and he yelped, I recognized the voice of my friend. So these animals are our friends, or whether they are our friends or not, they are those over whom we should show some kind of stewardship and protect them where they can't protect themselves. I support the committee amendment and the bill. Thank you, Mr. President. [LB227]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Howard, you are recognized. [LB227]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I stand in support of LB227 and I thank Senator Cornett for bringing this bill forward. When I worked as a social worker at doing child protection service work, I saw animals in conditions similar to what Senator Cornett described and it was very heart-wrenching. I appreciate that she has committed herself to this issue and it is certainly high time that we enact this into law. Thank you. [LB227]

SENATOR LANGEMEIER: Thank you, Senator Howard. Senator Pirsch, you are recognized. [LB227]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I just want to say, add my voice. As you may well know, as a criminal prosecutor for the last nearly a decade, I encountered many of these cases, and the handout that Senator Cornett has

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distributed kind of shows a typical situation that goes on is one of just many, many cases that occur in a given year, and by no means towards the more horrid end of the spectrum. And so it is a common occurrence and it is one that these animals suffer through. So I would join those in support of the bill. Thanks so much. I'll yield back the balance of my time. [LB227]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Seeing no other lights on, Senator Ashford, you are recognized to close on the committee amendments. [LB227]

SENATOR ASHFORD: Just very briefly, Mr. President, again we appreciate the efforts of Senator Cornett and her staff in working with the committee on this bill and I would urge the adoption of the amendments. [LB227]

SENATOR LANGEMEIER: Thank you, Senator Ashford. The question is, shall AM256, committee amendments offered by the Judiciary Committee, be adopted to LB227? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB227]

CLERK: 40 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB227]

SENATOR LANGEMEIER: AM256 is adopted. We return now to discussion on LB227 and the advancement of the bill. Senator Chambers, you are recognized. [LB227]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I just received a call. It's from a tiny toy poodle named Nicole and she instructed me to pass on her heartfelt thanks to Senator Cornett for looking after the interests of her less fortunate brothers and sisters. Thank you, Mr. President. [LB227]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Fulton, you are recognized. [LB227]

SENATOR FULTON: Thank you, Mr. President. That's a hard act to follow. I supported the amendment and I'll support the bill. I just want to point out that Saint Augustine believe in reincarnation when he was a Manichean, and he didn't in his later years. There are those of us who don't believe in reincarnation who do believe this is a good bill, just for the record. Thank you, Mr. President. [LB227]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Seeing no other lights on, Senator Cornett, you are recognized to close on LB227. [LB227]

SENATOR CORNETT: Well, I was going to waive closing but I just wanted to tell Senator Chambers to...Nicole is welcome; if she needs anything else, give me a call.

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[LB227]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the closing on LB227. The question is, shall LB227 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk.
[LB227]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB227]

SENATOR LANGEMEIER: LB227 does advance. Mr. Clerk, LB132. [LB227 LB132]

CLERK: LB132 by Senator Nantkes. (Read title.) Introduced on January 8, referred to the Judiciary Committee, advanced to General File. There are committee amendments, Mr. President. (AM141, Legislative Journal page 689.) [LB132]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Nantkes, you are recognized to open on LB132. [LB132]

SENATOR NANTKES: Good morning, Mr. President, colleagues. LB132 was brought to me by practicing members of the Lincoln Bar Association who specialize in family law cases. Over the course of their practice, they identified really just a small void in existing Nebraska law wherein if a couple decides to pursue a legal separation rather than a divorce and then later decide to reconcile, there is really no process or mechanism for them to do so under Nebraska law. Instead, the legally separated couple, in fact, would have to pursue divorce and then get remarried. So basically what this bill is it tries to address that very situation, albeit it doesn't happen all that often, but when it does I think that this small change in Nebraska law will improve government efficiency and also be a benefit to family values. Thank you, Mr. President. [LB132]

SENATOR LANGEMEIER: Thank you, Senator Nantkes. As the Clerk has stated there are amendments offered by the Judiciary Committee. Senator Ashford, as Chair of the Judiciary Committee, you are recognized to open on those amendments. [LB132]

SENATOR ASHFORD: Thank you, Mr. President. Even though this was brought by the Lincoln Bar, I still think it's a good bill. This actually is a fairly important, very important piece of legislation. It...and I appreciate Senator Nantkes bringing it to our attention that the problem exists. And what the committee amendments simply do is require the court to set aside a...which is the proper order...to set aside a separation decree if the parties so desire. It's a word change but it is substantive in the sense that the court will now be required. There is no other order the court may enter other than an order that would set aside the separation decree if the parties come together and get back together again. So again I think this is very good legislation and quite frankly may help, hopefully, people stay together and that's a good thing to have happen here. So with that I would

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move the adoption of the amendment, and thanks, Senator Nantkes, for bringing this to us. [LB132]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on AM141 offered by the Judiciary Committee. The floor is now open for discussion. Seeing no lights on, Senator Ashford, you are recognized to close. Senator Ashford waives closing. The question before the body is, shall AM141 offered by the Judiciary Committee be adopted to LB132? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB132]

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB132]

SENATOR LANGEMEIER: AM141 is adopted. We return now to discussion on LB132, the bill itself. Seeing no lights on, Senator Nantkes, you are recognized to close on LB132. Senator Nantkes waives closing. The question is, shall LB132 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB132]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB132. [LB132]

SENATOR LANGEMEIER: LB132 does advance. Mr. Clerk, LB561. [LB132 LB561]

CLERK: LB561, a bill by Senator Fischer. (Read title.) Introduced on January 17, referred to the Transportation Committee, advanced to General File. There are committee amendments pending, Mr. President. (AM531, Legislative Journal page 717.) [LB561]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you are recognized to open on LB561. [LB561]

SENATOR FISCHER: Thank you, Mr. President and members of the body. LB561 clarifies the statutory authority for peace officers to remove obstructions from roadways in an effort to promote safety and efficiency on our Interstate and highway systems. The bill authorizes the peace officer to remove or cause to be moved from a roadway obstructions which are creating or aggravating an emergency situation or endangering the public safety, giving due regard to the protection of the property removed. This may be accomplished without the driver or the owner's permission. Under the original bill there is no liability for the state or any law enforcement agency for damage incurred to a moved vehicle. In addition, the state or law enforcement agency won't be held responsible for any damages that may result from failure to exercise the authority under this bill if the agency acts in good faith. The bill also states that whenever a vehicle is disabled or inoperable in a roadway or obstructs the flow of traffic for reasons other than

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an accident, the driver shall move the vehicle as soon as it's practical. Temporary obstructions vary in scope and by the type of obstruction and location on the roadway, an incident obstructs traffic flow and may block travel lanes, the median shoulder, or the right shoulder. Regardless of the type of location of the incident, partial or complete road blockages result in traffic congestion due to traffic volume and limited availability of viable alternate routes. This can lead to secondary crashes and heightened frustrations by the motoring public. LB561 will aid law enforcement in managing traffic around incidents to reduce congestion, delays, and road closures or detours. It also reduces the risk of secondary crashes. Thank you, Mr. President. [LB561]

SENATOR LANGEMEIER: Thank you, Senator Fischer. As the Clerk has stated, there are committee amendments offered by the Transportation and Telecommunications Committee. Senator Fischer, as Chair of that committee, you are recognized to open. [LB561]

SENATOR FISCHER: Thank you, Mr. President. The committee amendment, AM531, strikes subsections 4 and 5 of Section 1 on page 3 of your green copy. These two subsections granted law enforcement agencies immunity from liability for damage incurred from moving a motor vehicle or failing to exercise the authority to move a motor vehicle. There was concern in the public hearing about this language. After studying the issue further, the committee felt it was unnecessary language as Nebraska case history has consistently held that the state or its agents are not liable for a taking if it destroys or damages private property while properly exercising its police power in abating a nuisance or public health hazard. Peace officers will be held to this same standard in the exercise of their duties under LB561. Thank you, Mr. President. [LB561]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on AM531, the Transportation and Telecommunications Committee amendment to LB561. The floor is now open for discussion. Seeing no lights on, Senator Fischer, you are recognized to close on AM531. [LB561]

SENATOR FISCHER: Thank you, Mr. President. I would just stress again that the amendment does remove the liability portion in the bill as it was introduced, and this was because of statements that were made at the public hearing and on further reflection by the committee. Thank you, Mr. President. [LB561]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the closing on AM531 to LB561. The question is, shall AM531 be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB561]

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB561]

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SENATOR LANGEMEIER: AM531 is adopted. We return now to LB561, the bill itself. The floor is now open for discussion. Seeing no lights on, Senator Fischer, you are recognized to close. Senator Fischer waives closing. The question is, shall LB561 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB561]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB561. [LB561]

SENATOR LANGEMEIER: LB561 does advance. Mr. Clerk, LB252. [LB561 LB252]

CLERK: LB252, by Senator Avery. (Read title.) Introduced on January 10 and referred to the Government Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB252]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Avery, you are recognized to open on LB252. [LB252]

SENATOR AVERY: Thank you, Mr. President. LB252 proposes to amend the current law that would enable the Nebraska Board of Examiners of Land Surveyors to require applicants for examination to pay examination fees to the National Council of Examiners for Engineering and Surveying. They provide and they grade the exams. For the past two years the cost of this exam have exceeded the fees that the board is permitted to charge, requiring the board to pick up the difference. LB252 will remedy this unnecessary burden on the board. I urge you to advance this. Thank you. [LB252]

SENATOR LANGEMEIER: Thank you, Senator Avery. You have heard the opening on LB252. The floor is now open for discussion. Seeing no lights on, Senator Avery, you are recognized to close. Senator Avery waives closing. The question before the body is, shall LB252 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB252]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB252. [LB252]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. LB252 does advance. Mr. Clerk, LB69. [LB252 LB69]

CLERK: LB69, by Senator Hudkins. (Read title.) Introduced on January 5, referred to the Agriculture Committee, advanced to General File. There are committee amendments, Mr. President. (AM562, Legislative Journal page 771.) [LB69]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Hudkins, you are recognized to open on LB69. [LB69]

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SENATOR HUDKINS: Thank you, Mr. President and members of the Legislature. LB69 would amend the Agricultural Opportunities and Value-Added Partnerships Act by adding an additional grant category which would allow grants to encourage the production and marketing of specialty crops and to support businesses that produce and market them. Specialty crops include fruits, vegetables, tree nuts, dried fruits, and nursery crops, including floriculture. Specialty crops nationwide, are a very large agricultural industry. Promotion of these crops in Nebraska makes sense and provides not only for greater crop diversity but also for greater manufacturing diversity in the state. Investment through this process, over time, will pay big dividends for our rural areas. The pending Agriculture Committee amendment, which was recommended to the committee by me, removes the portion of the introduced bill that would have earmarked 25 percent of grant funds available under the program for such purpose. The adoption of the committee amendment eliminates a concern that the bill in its original form would unnecessarily infringe on the discretion of the Rural Development Commission to award grant funds on merit and with the statutory precedent that it would have introduced. So I would ask you to approve both the amendment and advance the bill. Thank you, Mr. President. [LB69]

SENATOR LANGEMEIER : Thank you, Senator Hudkins. As the Clerk has stated, there are amendments offered by the Agriculture Committee. Senator Erdman, as Chair of that committee, you are recognized to open with AM562. [LB69]

SENATOR ERDMAN: Mr. President and members of the Legislature, on February 27 the Agriculture Committee held a public hearing on LB69. There were three individuals that testified as proponents; no opponents; no neutral testimony on the bill. The bill was advanced to General File with committee amendments. All members present voted yes and one member was absent and not voting. As Senator Hudkins has already pointed out, the bill as introduced would have earmarked 25 percent of all the value-added grant dollars specifically for specialty crop projects. The committee amendment simply strikes Section 3 from the bill, leaving the existing language of law as it is. There are, according to the research that we have done and the information provided to us by Senator Hudkins and her office, there are a sufficient number of applicants currently that may be entitled to meet this, and we believe that in addition to the possible erosion of flexibility by the Rural Development Commission, that it's candidly unnecessary. Her language clarifies that the specialty crops should be an eligible entity and I concur, and the Agriculture Committee does as well. We would encourage your adoption of the committee amendment and your support for LB69. Thank you, Mr. President. [LB69]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the opening on the committee amendments, AM562. The floor is now open for discussion. Seeing no lights on, Senator Erdman, you are recognized to close. Senator Erdman waives closing. The question is, shall AM562 be adopted to LB69? All those in favor vote yea;

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all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB69]

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB69]

SENATOR LANGEMEIER: AM562 is adopted. We return now to discussion on LB69, the bill itself. Seeing no lights on, Senator Hudkins, you are recognized to close on LB69. Senator Hudkins waives closing. The question before the body is, shall LB69 advance to E&R for initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB69]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB69. [LB69]

SENATOR LANGEMEIER: LB69 does advance. (Visitors introduced.) Mr. Clerk, LB162. [LB69 LB162]

CLERK: LB162, by Senator Fischer. (Read title.) Introduced on January 8, referred to the Transportation Committee, advanced to General File. There are committee amendments, Mr. President. (AM587, Legislative Journal page 772.) [LB162]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you are recognized to open on LB162. [LB162]

SENATOR FISCHER: Thank you, Mr. President and members of the body. LB162 requires the Nebraska Department of Motor Vehicles to implement an electronic lien system for certificates of title by January 1, 2009. The system will apply to motor vehicles as well as motor boats. Nebraska is a title holding state. For motor vehicle purchase this means that most lenders physically hold the title after having their liens noted on the certificate of title. The process for the majority of financial transactions is that the title is then taken or mailed to the courthouse together with the appropriate financing documents. The lien is then typed on the title and the title is returned to the lender rather than the purchaser. These days the bank or financing institution could be anywhere in the United States. Once the loan is paid off, the lender sends the title to the courthouse with the notation or documentation for release of the lien. Unfortunately, this process can take weeks and even months. Lenders can end up taking a very long time to find the title, execute the release, and send the title to the courthouse. Both consumers and dealers are frustrated by the delays in obtaining these releases. LB162 will require the DMV to develop a system during the next two years to allow for filing and release of liens electronically to simplify and speed up the process. Electronic transactions are so common today that this type of system will not be unusual. The bill does not call for implementing the system until 2009. The two-year delay is to allow the DMV the needed time to figure the logistics of putting this system into place. The bill provides that electronic liens will be effective only when physically noted on the title. This follow the long-standing practice that protects consumers and lenders. Current law

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provides that no lien is effective unless it is physically noted on the title so that a person knows where to look for that information. The safety feature stays firmly in place. LB162 does allow for a lien to be released before being physically noted on the title. This speeds up the release process since the title does not have to be physically present to release electronically. There is no need to require the physical notation of a release in order to be effective because no one can be victimized by the release. The interested lender or consumer can check with the courthouse or state and be satisfied that the release has been accomplished. The title can catch up at a later date or a duplicate can be issued so expensive and unnecessary delays can be avoided. The bill also preserves the traditional methods of filing and release so that a person not capable or interested in electronic filing and release will not be required to do so. Thank you, Mr. President. [LB162]

SENATOR LANGEMEIER: Thank you, Senator Fischer. As the Clerk has stated, there are amendments offered by the Transportation and Telecommunications Committee. Senator Fischer, as Chair of that committee, you are recognized to open on the committee amendments. [LB162]

SENATOR FISCHER: Thank you, Mr. President. The committee amendment, AM587, delays the implementation of the electronic lien system one year until 2010. During the public hearing, the director of Nebraska's DMV expressed concern over the capability of the department to implement this system. They currently have a shortage of programmers and are looking at overhauling the entire vehicle title and registration or VTR system. This amendment gives the DMV an extra year to comply with LB162. Thank you, Mr. President. [LB162]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on the committee amendments, AM587. The floor is now open for discussion. Seeing no lights on, Senator Fischer, you are recognized to close on the committee amendments, AM587. Senator Fischer waives closing. The question before the body is, shall AM587, the Transportation and Telecommunications Committee amendments be adopted to LB162? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB162]

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of committee amendments. []

SENATOR LANGEMEIER: The committee amendments, AM587, are adopted. We return now to discussion on LB162, the bill itself. Seeing no lights on, Senator Fischer, you are recognized to close. Excuse me; Senator Nelson, you are recognized. [LB162]

SENATOR NELSON: Thank you, Mr. President and members of the body. I would like to direct a question to Senator Fischer. [LB162]

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SENATOR LANGEMEIER: Senator Fischer, would you yield to a question? [LB162]

SENATOR FISCHER: Yes. [LB162]

SENATOR NELSON: I've just read these changes briefly, Senator, but...and I support the electronic transmission of these liens, but can you tell me where the actual title is? Give us a little description of where the title stays. Does it get into the hands of the lender and then does it stay there until finally the lien is released, and are we still faced with the problem of the lender not being able to find the title and send it to the person who has been released? [LB162]

SENATOR FISCHER: I appreciate the question, Senator Nelson. Yes, when someone is going to buy a vehicle and they need financing, which most of us do, and you go to your lender, they then hold that certificate of title which has the lien on it. It is not released until you have paid off your lender or you buy another vehicle from a dealer who then, in negotiations with the lender, can also be holding...or can get the title in that case. But the person who, in this case, the lender or the financial institution, would have that title with the lien on it. Once your vehicle is paid off then you as the owner of that vehicle which does not have a lien on it, you then hold that certificate of title. [LB162]

SENATOR NELSON Thank you. It speaks about effective upon notation on the certificate of title or in the electronic system, so if it's in the electronic system then I suppose the owner can come in with the title itself and have it noted there, but the onus is going to be on the owner to do that? Do you follow my question? [LB162]

SENATOR FISCHER The owner or the lender, whoever has that certificate of title, still has the ability to physically take it to the courthouse and have that notation made. [LB162]

SENATOR NELSON: All right. Thank you very much. That answers my questions. Thank you, Mr. President. [LB162]

SENATOR LANGEMEIER: Thank you, Senator Nelson. Is there anyone else wishing to speak? Seeing no lights on, Senator Fischer, you are recognized to close. Senator Fischer waives closing. The question is, shall LB162 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB162]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB162. [LB162]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. LB162 does advance. Mr. Clerk, LB162A. [LB162 LB162A]

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CLERK: LB162A by Senator Fischer. (Read title.) [LB162A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you are recognized to open on LB162A. [LB162A]

SENATOR FISCHER: Thank you, Mr. President and members of the body. LB162A is to appropriate the funding for this bill, and it is using cash funds from the Department of Motor Vehicles. In fiscal year 2007 to 2008, it is \$70,000; and 2008 to 2009, \$68,375. This is cash funds from the Department of Motor Vehicles. Thank you, Mr. President. [LB162A]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on LB162A. The floor is now open for discussion. Seeing no lights on, Senator Fischer, you are recognized to close on LB162A. Senator Fischer waives closing. The question is, shall LB162A advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB162A]

CLERK: 33 ayes, 0 nays, on the advancement of LB162A. [LB162A]

SENATOR LANGEMEIER: LB162A does advance. Mr. Clerk, LB277. [LB162A LB277]

CLERK: LB277 by Senator Mines. (Read title.) The bill was introduced on January 10, referred to Transportation Committee, advanced to General File. There are committee amendments pending, Mr. President. (AM588, Legislative Journal page 772.) [LB277]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Mines, you are recognized to open on LB277. [LB277]

SENATOR MINES: Thank you, Mr. President. Colleagues, this is what we call in the business, a paper saving move--literally a paper saving move. Currently, each Nebraska county and municipality has to file...excuse me...municipalities or counties within a metropolitan statistical area, so designated, have to file two reports for their one- and six-year plans. First of all, they file with the state of Nebraska--in fact, the Board of Public Roads Classifications and Standards. And then they also file virtually the same report with the United States Department of Transportation. These reports are significant. You can imagine the Omaha, Lincoln reports are an inch thick. And again they are virtually the same report. LB277 would allow these counties and municipalities to submit an annual federal report...they'll use the federal report in Nebraska, so the Nebraska Board of Public Roads Classifications and Standards will use the federal report in lieu of their own. The public hearing part of this process does not change. There will be a local public hearing so that the public does have input. It merely changes the fact that they have to file two reports. LB277 was heard before the Transportation Committee on February 27. It advanced to General File on a vote of 7-0. Senator

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Fischer will be introducing a committee amendment and I would encourage you to support LB277. Thank you, Mr. President. [LB277]

SENATOR LANGEMEIER: Thank you, Senator Mines. As the Clerk has stated, there are amendments offered by the Transportation and Telecommunications Committee. Senator Fischer, as Chair of that committee, you are recognized to open on the committee amendments. [LB277]

SENATOR FISCHER: Thank you, Mr. President and members of the body. The committee amendment, AM588, makes a technical change to the bill. The amendment makes a reference to statutory Sections 39-2116 and 39-2117 where 39-2115 is referenced in the bill. Section 39-2116 charges the Board of Public Roads Classifications and Standards with reviewing all six-year plans. Sections 39-2117 requires the Department of Roads, each county, and each municipality to annually update their six-year plans. Referencing these two statutes gives the reader of the bill better clarity as to where these plans can be located. Thank you, Mr. President. [LB277]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on the committee amendments, AM588. The floor is now open for discussion. Senator Gay, you are recognized. [LB277]

SENATOR GAY: Thank you, Mr. President. Very quickly I just want to acknowledge this bill. This will be quite a savings in paper. The county does it. But on many counties this is on the Web site and it's just a perfunctory thing you do. So I commend Senator Mines to bring this. It will, as he said, save a lot of paper and a lot of duplicity. So I just wanted to rise in support of the bill. Thank you, Mr. President. [LB277]

SENATOR LANGEMEIER: Thank you, Senator Gay. Seeing no other lights on, Senator Fischer, you are recognized to close on the committee amendments. Senator Fischer waives closing. The question is, shall AM588, the committee amendments, be adopted to LB277? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB277]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB277]

SENATOR LANGEMEIER: The committee amendment, AM588, is adopted. We return now to discussion on LB277, the bill itself. Seeing no lights on, Senator Mines, you are recognized to close on LB277. [LB277]

SENATOR MINES: Thank you, Mr. President. Just for the record, I know that the Board of Public Roads Classifications and Standards want to ensure that to prevent a gap in local reporting and accountability, NBCS regulations will specify that each jurisdiction

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must supplement their federal plan with a descriptive list of any projects that are not included in the federal plan, thus the federal plan may not require all projects be listed and the department would also like to ensure that those are listed in the Nebraska plan. Thank you, Mr. President. [LB277]

SENATOR LANGEMEIER: Thank you, Senator Mines. You have heard the closing on LB277. The question is, shall LB277 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB277]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB277]

SENATOR LANGEMEIER: LB277 does advance. (Visitors introduced.) Mr. Clerk, LB469. [LB469 LB277]

CLERK: LB469 by Senator Chambers. (Read title.) The bill was introduced on January 17, referred to the Health Committee, advanced to General File. At this time I have no amendment, Mr. President. [LB469]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Chambers, you are recognized to open on LB469. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, as the Clerk read, this provision that I'm dealing with relates to the Nebraska Health Care Funding Act. And if you look at the green copy, on page 2, you see that the bill is one page long in terms of textual material. And if you want to see what is being done by my proposal, go to line 12, and four words are stricken: school-based health clinics. Under this program there are dedicated revenues made available for health-related expenditures. Any funds appropriated or distributed for a given program do not create an ongoing entitlement nor can the money be used to replace existing funds in a program. Grants are sought, and before anything is going to be accepted there must be a justification for that particular program. This is such a simple, noncontroversial bill that I'm having a little difficulty handling it in that manner. If you look at the bill, the existing language, you will see that at an earlier period, for some reason, school-based health clinics rubbed Senator Foley the wrong way. He somehow got the impression that it might relate to abortion, abortion counseling, referral for abortion, or research or activity of any kind involving the use of human fetal tissue obtained in connection with the performance of an induced abortion, or involving the use of human embryonic stem cells, or for the purpose of obtaining other funding for such use. I assure my colleagues that these school-based health clinics have nothing and never did have anything to do with any of those issues. By its placement in the statute where it exists now, you can see what was thought by Senator Foley. I opposed striking these school-based health clinics. The irony is that at the time this language was being considered for adoption, a

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school operated by nuns had a school-based health program that was eligible for grants. And I had received a letter...I was trying to locate it but it was several years ago and I couldn't...but the irony was that there is no way they were going to be involved in any of the things that were of concern when this language was added to the bill. So what my proposal is going to do is strike school-based health clinics from that catalog of activities which cannot be funded. I don't know what else to say, so if you have questions, I will answer them. But this is not a situation by adopting my provision that will necessitate the appropriation of large amounts of money. There is no expenditure associated with this bill. There is no A bill. All it does it makes these types of operations eligible to seek funding under this Nebraska Health Care Funding Act. So I am absolutely confident that if any school-based health program said we want a grant and the purpose of that grant is to be used for abortion, abortion counseling, referral for abortion, and so forth, it is going to be rejected out of hand. This would relate to those areas especially in parts of the state where such clinics would be of great value. Maybe there is an absence or a dearth of healthcare professionals, so there are some things that can be given in the way of education and other assistance to facilitate the maintaining of the health of the children who go to school. That's all that I will say, but if you have questions I will answer them. Thank you, Mr. President. [LB469]

SENATOR LANGEMEIER: Thank you, Senator Chambers. You have heard the opening on LB469. The floor is now open for discussion. Senator Carlson, you are recognized. [LB469]

SENATOR CARLSON: Mr. President and members of the Legislature, I would like to address a question to Senator Chambers. [LB469]

SENATOR LANGEMEIER: Senator Chambers, would you yield to a question? [LB469]

SENATOR CHAMBERS: Yes, I will. [LB469]

SENATOR CARLSON: In the last statement or last sentence, under statement of intent, I know what sinister is. I think I know what immoral is. But I don't have a clue what nefarious is. Would you define that? [LB469]

SENATOR CHAMBERS: Nefarious is something which is very wicked, evil, unacceptable, inappropriate, sneaky, sinister, and all those other things. [LB469]

SENATOR CARLSON: That satisfies me. Thank you, Senator Chambers [LB469]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Erdman, you are recognized. [LB469]

SENATOR ERDMAN: Mr. President and members of the Legislature, the bill that

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Senator Chambers has, not only had no controversy, it had no proponents either, but that doesn't mean that it is not a worthy consideration for us. I concur with his analysis that what we're dealing with is an entity that has been listed in a section of law dealing with activities, and by simply striking the entity, will make them eligible for the funding in which he is advocating, and I think rightfully so, while still maintaining the restrictions on the activities. I was a member of the Health Committee. The Health Committee advanced the bill 6-0, and believe that it is an appropriate modification to the existing law. Thank you, Mr. President. [LB469]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator Johnson, you are recognized. [LB469]

SENATOR JOHNSON: Mr. President, just to confirm the discussion that has been going on here, and I actually turned on my light to report on what the committee findings were and their action, and Senator Erdman has already taken care of that and therefore I would recommend that we advance this bill. [LB469]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Seeing no other lights on, Senator Chambers, you are recognized to close on LB469. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I would not close but for the fact that Senator Erdman made a statement that kind of troubles me. I would like to ask him a question for clarification. [LB469]

SENATOR LANGEMEIER: Senator Erdman, would you yield to a question? [LB469]

SENATOR ERDMAN: Just one. [LB469]

SENATOR CHAMBERS: Senator Erdman, you said, using the past tense, I was a member of the Health Committee. Are you no longer a member? [LB469]

SENATOR ERDMAN: I am a member, Senator, I believe. If I did say was, I meant to say I am or as a member, so you correct...if I did say that incorrectly, you are correct. [LB469]

SENATOR CHAMBERS: Thank you. And he did say that. I pay a lot of attention to what these youngsters say around here, and I'm relieved that he continues to be a member of that committee. Thank you, Mr. President. [LB469]

SENATOR LANGEMEIER: Thank you, Senator Chambers. You have heard the closing on LB469. The question is, shall LB469 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB469]

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CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB469. [LB469]

SENATOR LANGEMEIER: LB469 does advance. Mr. Clerk, LB445. [LB469 LB445]

CLERK: LB445 by Senator Stuthman. (Read title.) Introduced on January 16, referred to the Health Committee, advanced to General File. There are committee amendments, Mr. President. (AM615, Legislative Journal page 808.) [LB445]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Stuthman, you are recognized to open on LB445. [LB445]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. LB445 was brought to me by the Nebraska Commission for the Blind and Visually Impaired. This bill was heard on February 23 by the Health and Human Services Committee, and there was no opposition to this bill at the hearing time, and it was advanced out of the committee with a 7-0 vote. In subsection 3 of Section 2, certified vocational rehabilitation counselor for the blind is added and defined as a person who is certified to practice vocational rehabilitation counseling for blind persons and holds a certificate issued by the commission. Also in Section 2, subsection 9, defines vocational rehabilitation counseling for the blind as being the process implemented by the person who operates a comprehensive and coordinated program designed to assist blind persons to gain remunerative employment, to enlarge economic opportunities for blind persons, and to increase the availability, occupational range, and diversity for blind persons, and to stimulate other efforts that aid blind persons in becoming self-supporting. Section 3 of LB445 lays out the duties of different restrictions for certified vocational rehabilitation counselors for the blind. Section 4 outlines who is allowed to engage in vocational rehabilitation counseling for the blind. Thank you. [LB445]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. As the Clerk has stated, there are amendments offered by the Health and Human Services Committee. Senator Johnson, as Chair of the committee, you are recognized to open on the committee amendments. [LB445]

SENATOR JOHNSON: Thank you, Mr. President and members of the Legislature. Our amendments are quite short and simple. The committee amendment makes technical changes to the bill and includes a grandfather provision for the certification of persons providing vocational rehabilitation counseling for the blind prior to the effective date of the bill. We also have a technical amendment to this amendment that I will cover shortly, but I would ask that we advance this amendment. [LB445]

SENATOR LANGEMEIER: Thank you, Senator Johnson. Mr. Clerk, for a motion. [LB445]

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ASSISTANT CLERK: Mr. President, Senator Johnson would offer AM1123 to the committee amendments. (Legislative Journal pages 1282-1283.) [LB445]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Johnson, you are recognized to open AM1123. [LB445]

SENATOR JOHNSON: Thank you, Mr. President. Again, very brief: AM1123 which is an amendment to AM615. This amendment simply clarifies the role of the executive director of the commission and the board with respect to vocational rehabilitation counselors for persons who are blind or visually impaired. This change was made at the request of the commission and the board. With that I would ask that this amendment to the amendment be acted upon in a positive way. Thank you. [LB445]

SENATOR LANGEMEIER Thank you, Senator Johnson. You have heard the opening on AM1123. The floor is now open for discussion. Senator Stuthman, you are recognized. [LB445]

SENATOR STUTHMAN Thank you, Mr. President and members of the body. I am very supportive of this amendment to the amendment, and ask for your support for this. Thank you. [LB445]

SENATOR LANGEMEIER Thank you, Senator Stuthman. Seeing no other lights on, Senator Johnson, you are recognized to close on AM1123. Senator Johnson waives closing. The question is, shall AM1123 be adopted to AM615? All those in favor yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB445]

CLERK: 28 ayes, 0 nays on adoption of the amendment to the committee amendments. [LB445]

SENATOR LANGEMEIER: AM1123 is adopted. We return now to discussion on the committee amendments, AM615. The floor is now open for discussion. Seeing no lights on, Senator Johnson, you are recognized to close. Senator Johnson waives closing. The question is, shall AM615 be adopted to LB445? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB445]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB445]

SENATOR LANGEMEIER: AM615, committee amendments are adopted. We return now to discussion on LB445, the bill itself. Seeing no lights on, Senator Stuthman, you are recognized to close. Senator Stuthman waives closing. The question is, shall LB445

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advance to E&R for initial? All those in favor vote yea; all those opposed for nay.
Record, Mr. Clerk. [LB445]

CLERK: 32 ayes, 0 nays, Mr. President, on advancement of LB445. [LB445]

SENATOR LANGEMEIER: LB445 does advance. Mr. Clerk, LB233. [LB445 LB233]

CLERK: LB233 by Senator Pirsch. (Read title.) Introduced on January 9, referred to the Government Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB233]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pirsch, you are recognized to open on LB233. [LB233]

SENATOR PIRSCH: Thank you, Mr. President and members of the body, and pleased to bring to the floor LB233. LB233 makes two minor adjustments to the current Public Building Commission language in 13-1303. The Public Building Commission, just as a way of background, exists only in Douglas and Lancaster counties. There are five members of the Public Building Commission. City council and county board members compose four of the five members. These four members then appoint the fifth member of the Public Building Commission in each respective county. The first adjustment this particular bill would make is to require the fifth member to be a resident of the respective county in which the commission is located. This ensures that the nonpublicly elected member of the board has a direct stake in the operations of the commission. The second adjustment this bill would make is to provide clarification to the language, the vague language of the current law. The current law states that the fifth member of the commission would be chosen by agreement of the four other members. This bill clarifies that the fifth member would be chosen by a majority vote rather than requiring a unanimous vote. Thank you very much. [LB233]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. You have heard the opening on LB233. The floor is now open for discussion. Seeing no lights on, Senator Pirsch, you are recognized to close. Senator Pirsch waives closing. The question before the body is, shall LB233 be advanced to E&R for initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB233]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB233. [LB233]

SENATOR LANGEMEIER: LB233 does advance. Mr. Clerk, items for the record. [LB233]

CLERK: Mr. President, Enrollment and Review reports LB236 and LB596 as correctly engrossed. Senator Kruse would offer LR88; that will be laid over. Amendments to be

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printed: Senator Janssen, an amendment to LB367; Senator Erdman, to LB530. (AM1121, FA90, Legislative Journal pages 1283-1288.) [LB236 LB596 LR88 LB367 LB530]

Mr. President, a priority motion. Senator Fulton would move to recess until 1:30 p.m. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. You have heard the motion to recess until 1:30 p.m. today. All those in favor say aye. All those opposed say nay. The ayes have it. We are at recess. []

RECESS []

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Mr. Clerk, please record. []

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

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there any items for the record? []

CLERK: There are, Mr. President. Your Committee on Appropriations, chaired by Senator Heidemann, reports LB317, LB318, LB319, L320, LB321, LB322, and LB323 to General File with Appropriations Committee amendments attached. And that's all that I have, Mr. President. (Legislative Journal pages 1289-1293.) [LB317 LB318 LB319 LB320 LB321 LB322 LB323]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. (Gavel) I would ask that the body lower their voices a little bit so we can hear the discussion. Thank you. Mr. Clerk, we return now to the afternoon agenda, which returns us back to consent calendar, LB214. Okay, LB449. I stand corrected. [LB449]

CLERK: Mr. President, Senator Ashford is grateful that LB449 is to be considered. (Read title.) Introduced on January 16, referred to the Judiciary Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB449]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Ashford, you're recognized to open on LB449. [LB449]

SENATOR ASHFORD: Thank you, Mr. President. Do you think people are able to focus on this? This is pretty important stuff coming up, Mr. President. (Laugh) Thank you, Mr. President, members. LB449 was brought to me by the Nebraska County Judges

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Association. The bill simply allows the clerk magistrate to designate a staff person to certify records. This is something that they've probably been doing for quite a while. But a case arose in a district court where a record was refused because it was not certified by the clerk magistrate or the judge. This is really a technical correction, but if we don't do it, after the district court case, there may be needless delays. And I would urge the...moving LB449 to Select File. [LB449]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on LB449. The floor is now open for discussion. Seeing no lights on, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question before the body is, shall LB449 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB449]

CLERK: 35 ayes, 0 nays, Mr. President, on the motion to advance LB449. [LB449]

SENATOR LANGEMEIER: LB449 does advance. Mr. Clerk, LB214. [LB449 LB214]

CLERK: LB214, by Senator Ashford. (Read title.) The bill was introduced on January 9, referred to the Judiciary Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB214]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Ashford, you're recognized to open on LB214. [LB214]

SENATOR ASHFORD: Thank you, Mr. President, members. LB214 creates one statewide school district. In addition to that,...I'm sorry, Mr. President. (Laughter) I was reading something else. That was an amendment that I was going to put on the next bill, Mr. President. I'm sorry. Excuse me. Okay. LB...sorry, Mr. Clerk, I'm going to proceed now. LB214 contains three changes. The first change would allow county courts to compensate the special prosecutors they appoint in matters pending before them. Under current law, all courts have the power to appoint special prosecutors, but only district courts have the power to pay them. The second change would simplify and expedite the process of having judges outside of the judicial district help with the short-term needs in a given court. Under current law, a county judge must go through the process of obtaining a formal appointment by the chief justice if there's a sudden need for assistance on a short-term basis. Under LB214, county judges may interchange and hold each other's court upon request of the judge in need of assistance. The final change would repeal statutes which have become obsolete and conflict with other laws. Mr. President, I would urge advancement of LB214. [LB214]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on LB214. The floor is now open for discussion. Seeing no lights on, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question before the

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body is, shall LB214 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB214]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB214. [LB214]

SENATOR LANGEMEIER: LB214 does advance. Mr. Clerk, LB424. [LB424 LB214]

CLERK: LB424, by Senator Adams. (Read title.) The bill was introduced on January 16, referred to the Judiciary Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB424]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Adams, you're recognized to open on LB424. [LB424]

SENATOR ADAMS: Thank you, Mr. President, members of the Legislature. Imagine if you would, just a few months ago, a car full of young adults driving down the street, out of control. They jump up over the curb, drive across the courthouse square, come to a quick halt. And upon arrest, officer discovers that they're intoxicated; however, it's not alcohol. They had been inhaling the chemicals that are used to clean our computer keyboards off. And when the county attorney prepared to prosecute, they turned to the statute, and what the statute said was that no person shall induce or entice any other person. So I have a feeling our suspects sat there with something of a smile on their face. What this very simple statute would do is to remove the language "induce or entice any other person." And that language, by the way, can be found in other places in the statute. And instead, it would replace it with "no person shall breathe, inhale, or drink any compound" and then the statute goes on to list several of those compounds. It's really that simple, and I thank the Judiciary Committee and the Chair for letting this come onto the consent calendar. Thank you, Mr. President. [LB424]

SENATOR LANGEMEIER: Thank you Senator Adams. You have heard the opening on LB424. The floor is now open for discussion. Senator Pirsch, you're recognized. [LB424]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I just wanted to comment, from my perspective, having been a criminal prosecutor for nearly a decade. They call the process huffing, and whether or not it involves inhaling toxic paint or spray paint or the...Dust-Off, I think, is one of the commercial names of the product that Senator Adams was describing. It does happen with a great deal of frequency, and it does pose a very significant health threat to the kids and a problem to society. And so I think it's important to recognize that it does go on in great numbers. So with that, I'd urge you to support it. [LB424]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Aguilar, you're recognized. [LB424]

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SENATOR AGUILAR: Thank you, Mr. President and members. I rise in support of this, and I'd like to ask Senator Adams a question. [LB424]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB424]

SENATOR ADAMS: Yes, I would. [LB424]

SENATOR AGUILAR: Senator Adams, does that list of chemicals include tobacco smoke? [LB424]

SENATOR ADAMS: (Laugh) I've got the list right here, Senator, if you want to look at it. [LB424]

SENATOR AGUILAR: Thank you. [LB424]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. Is there anyone else wishing to speak to LB424? Seeing no lights on, Senator Adams, you are recognized to close. Senator Adams waives closing. The question before the body is, shall LB424 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Mr. Clerk, please record. [LB424]

CLERK: 37 ayes, 0 nays, Mr. President, on the motion to advance LB424. [LB424]

SENATOR LANGEMEIER: LB424 does advance. Mr. Clerk, LB580. [LB424 LB580]

CLERK: LB580, a bill by Senator Preister. (Read title.) The bill was introduced on January 17, referred to the Judiciary Committee, advanced to General File. There are committee amendments, Mr. President. (AM851, Legislative Journal page 1106.) [LB580]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Preister, you are recognized to open on LB580. [LB580]

SENATOR PREISTER: Thank you, Honorable President, friends all. The purpose of LB580 is to improve the effectiveness of existing statutes to assist the Attorney General's Office and the Nebraska Department of Revenue in their enforcement efforts, and thereby protect the state's receipt of full payments under the Tobacco Master Settlement Agreement. The Tobacco Master Settlement Agreement was originally negotiated and signed in 1998 by the four largest tobacco companies--Philip Morris, R.J. Reynolds, Brown & Williamson, and Lorillard. The agreement was later signed by over 40 tobacco companies, 6 U.S. territories, and every state. The state's original legal actions addressed the tobacco industry's potential liability for state Medicare costs for

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smoking-related diseases. Under the agreement, states are granted compensation for smoking-related medical costs and tobacco control. Nebraska adopted legislation in 1998 to establish a fund to receive revenue from that settlement. Under the agreement, tobacco companies are exempt from state government tort liability. In exchange, states receive yearly payments, and tobacco companies agree to voluntary restrictions on tobacco advertising and marketing. A state's annual payment from participating manufacturers may be reduced if the state fails to diligently enforce the statute requiring escrow deposits by tobacco manufacturers not parties to the agreement, known as nonparticipating manufacturers. For that reason, the tobacco manufacturers and all others involved agree that this is important legislation to pass. LB580 would revise existing legislation as follows. It would clarify that licensed cigarette wholesale dealers have the responsibility to monitor the directory on the Tax Commissioner's web site to determine which cigarette brands may be sold in Nebraska. It removes ambiguous language in the criminal provision regarding tobacco products intended for sale in this state. It would authorize the Secretary of State to serve as an agent for service of process if a nonparticipating manufacturer fails to appoint such an agent. And it provides for an additional court-imposed penalty, equivalent to profits gained from the illegal conduct, to be distributed pursuant to Article VII, Section 5 of the Nebraska Constitution or the school funds. That is what it does. And the committee amendments that were recommended would add a few things to that, and clarify some language. Thank you, Honorable President. [LB580]

SENATOR LANGEMEIER: Thank you, Senator Preister. You have heard...as the Clerk has stated, there are amendments from the Judiciary Committee. Senator Ashford, as Chair of the Judiciary Committee, you are recognized to open on the committee amendments. [LB580]

SENATOR ASHFORD: Thank you, Mr. President, members. This is a rather technical bill, but it's an important bill that ensures our compliance with the tobacco settlement. Senator Preister has outlined, for the most part, the committee amendments, as well as the bill. Just a couple quick additions. The amendments clarify the circumstances in which a nonparticipating manufacturer is required to make quarterly payments during the year of sale, and it ensures that the change just described is applicable to certifications filed by tobacco product manufacturers immediately upon its effective date. It inserts language which clarifies that a nonparticipating manufacturer and its brands can be removed from the directory of approved cigarettes for sale in this state for failure to make the escrow payments. As Senator Preister indicated, it discusses the remittance of the profits or other benefits earned as a result of a violation of the applicable sections to the General Fund, with language directing the funds to be remitted to the Permanent School Fund, as Senator Preister correctly stated. And in addition to that, it makes certain grammatical corrections to ensure that the language relating to cumulative penalties reflect the introducer's intent. Thank you, Mr. President. I urge adoption of AM851. [LB580]

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SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on the Judiciary Committee amendment, AM851 to LB580. The floor is now open for discussion. Seeing no lights on, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question before the body is, shall AM851 be adopted to LB580? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB580]

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB580]

SENATOR LANGEMEIER: The committee amendment, AM851, is adopted. The floor is now open for discussion on LB580, the bill itself. Mr. Clerk, for a motion. [LB580]

CLERK: Senator Preister, I understand you want to withdraw AM305, Senator? Is that right? [LB580]

SENATOR PREISTER: That's correct. [LB580]

CLERK: I have nothing further on the bill, Mr. President. [LB580]

SENATOR LANGEMEIER: AM305 is withdrawn. We return now to discussion on LB580. Seeing no lights, Senator Preister, you're recognized. Senator Preister waives closing. The question is, shall LB580 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB580]

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to advance LB580. [LB580]

SENATOR LANGEMEIER: LB580 does advance. Pursuant to the rules, today is the Seventieth Legislative Day, Senator Heidemann, as Chairman of the Appropriations Committee, you're recognized for an announcement. [LB580]

SENATOR HEIDEMANN: Thank you, Mr. President, fellow members. As you probably have seen, the budget books are being passed out. They describe the committee's recommendation. I encourage you to read them, I encourage you to get informed, and I encourage you to ask questions of the committee and the fiscal staff, so that when the...we start debate on the floor on the budget, you will have a step ahead of where you might be right now. I'd like to remind you all that there's a briefing for all members of the Legislature tomorrow, Thursday, in Room 1524 at 8:00 a.m., for a brief presentation by myself and the committee members, and a follow-up of questions and answers. Also like to remind you that there is a meeting on...another meeting on Tuesday, May 1, in Room 1524, again at 8:00 a.m. This will be for the new members of the Legislature. It is

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not intended as a further discussion of the budget recommendation, but is intended more to answer process questions, such as how to read the financial status, which would be...which will be attached to the agenda, and how other legislation interacts with the processing of the main budget bills, how to write amendments, and to also let you know that you can obtain assistance from the Fiscal Office. The Speaker has informed me that he's tentatively set Tuesday, May 1 to start debate on the budget. So that's pretty much what I have to say. If you have any questions at any time, you can sure ask me or any other committee members. The Fiscal Office is a great resource. They're just full of knowledge, and I encourage you to tap into that knowledge. At this time, I also want to thank my committee members. We had three-plus months of very hard work. They kept at it. Thought maybe we could wear them down at last to get the process to moving a little bit faster, but you couldn't wear this group down. And I acknowledge their hard work, and I'm very thankful for that. If you do have further questions, just ask me. Thank you, Mr. President. []

SENATOR LANGEMEIER: Thank you, Senator Heidemann, for the announcement. And we now return back to consent calendar, LB508. Mr. Clerk. [LB508]

CLERK: Mr. President, LB508 is by Senator Pahls. (Read title.) The bill was introduced on January 17, referred to Retirement Systems, advanced to General File. There are committee amendments, Mr. President. (AM968, Legislative Journal page 1150.) [LB508]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pahls, you're recognized to open on LB508. [LB508]

SENATOR PAHLS: Thank you, Mr. President, members of the body. LB508 was a bill heard before the Retirement Committee. I had been working with Senator Synowiecki, his staff, staff from the Public Employees Retirement Board, including Phyllis Chambers, the executive director, and Joe Schaefer, the legal counsel, and others on the committee, to amend LB508. The committee amendment takes away the fiscal impact by striking some sections related to disability benefits. Under our current law, we provide that the surviving spouse of a teacher or judge who dies before retirement age a choice on receiving retirement benefits of the teacher or judge who died. The choice is between receiving an annuity or a lump sum. In some cases, this option also includes the difference between receiving just the member's contribution, with interest, and receiving the employer's contribution. The decision must be made within 120 days of the death. That time line is in statute. Under the committee amendment and the bill, we extend the decision time line from 120 days to a year after the death. This extension gives grieving families, mainly spouses, more time to make an informed decision. Thank you. [LB508]

SENATOR LANGEMEIER: Thank you, Senator Pahls. As the Clerk has stated, there

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are committee amendments from the Retirement Committee. Senator Synowiecki, as Chair of that committee, you are recognized to open on the committee amendments. [LB508]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. The committee amendment is AM968, which limits the scope of LB508. With this amendment, this legislation would merely expand the period of time that surviving spouses have to apply for the full death benefits of their deceased spouse to which they are entitled. This is a change in time line and procedures, and has no fiscal impact on the retirement funds or the General Fund. AM968 amends the Judges Retirement Act and the School Employees Retirement Act to give a surviving spouse 12 months after the death to elect to receive annuity benefits as they existed on the date of the death of the member, or at age 65, whichever is later. Current law allows for a period of 120 days after the death to choose between the annuity benefit or a lump-sum payment of the accrued contributions. LB508 had hearing on February 20, 2007. There was no opposition at the hearing, and the bill was advanced from the committee, with the amendment, on a unanimous vote. Thank you, members, for your consideration. [LB508]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. We have heard the opening on the committee amendments, AM968. The floor is now open for discussion. Seeing no lights on, Senator Synowiecki, you're recognized to close. Senator waives closing. The question is, shall AM968 be adopted to LB508? The motion before us is, shall AM968 be adopted to LB508? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB508]

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB508]

SENATOR LANGEMEIER: AM968 is adopted. We return now to discussion on LB508, the bill itself. Seeing no lights on, Senator Pahls, you're recognized to close. Senator Pahls waives closing. The question before the body is, shall LB508 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB508]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB508. [LB508]

SENATOR LANGEMEIER: LB508 does advance. Mr. Clerk, LB8. [LB508 LB8]

CLERK: LB8, by Senator Preister. (Read title.) The bill was introduced on January 4, referred to the Judiciary Committee, advanced to General File. At this time, I have no amendments to the bill, Mr. President. [LB8]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Preister, you're recognized to

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open on LB8. [LB8]

SENATOR PREISTER: Thank you, Honorable President, friends all. Despite what the title may imply, this has nothing to do with anyone's office or desk or anything in the environs here. (Laugh) LB8 was introduced to increase the penalties on the accumulation of junk in order to give the citizens--particularly neighborhood associations, public officials, and courts--greater flexibility in their efforts to clean up their communities. Currently, the accumulation of junk carries with it a Class IV misdemeanor, which is a maximum of a \$100 fine, with no minimum penalty. The bill would change the penalty to a Class III misdemeanor, which is a maximum of a \$500 fine, with a minimum penalty of a \$100 fine. Neither a Class IV nor Class III misdemeanor includes a possibility of imprisonment. It is rarely necessary to charge an individual with this crime. However, there have been circumstances when, despite the best efforts of citizens groups and public employees to work with people to remove unsightly and dangerous junk from their property, all efforts have failed. Increasing the fine would provide a greater incentive for individuals to either voluntarily clean up their property, or pay something other than a minimal charge. Thank you very much. [LB8]

SENATOR LANGEMEIER: Thank you, Senator Preister. You have heard the opening on LB8. The floor is now open for discussion. Senator Mines, you are recognized. [LB8]

SENATOR MINES: Thank you, Mr. President, colleagues. I may have missed something. Senator...if Senator Preister would yield to a question, please? [LB8]

SENATOR LANGEMEIER: Senator Preister, would you yield to a question? [LB8]

SENATOR PREISTER: Yes. [LB8]

SENATOR MINES: Senator Preister, you suggested that we're going to change the penalty from a Class IV to a Class III. And I see that it's a Class V to a Class IV. Or am I missing something? I'm on the gadget, on page 2 of 2, line 6. It says, in Section 81-1524, shall be guilty of a Class, strike V, and it's a IV misdemeanor? [LB8]

SENATOR PREISTER: Senator, you're correct. In the bill, it is going from a Class V to a Class IV. [LB8]

SENATOR MINES: I'm fine with that. If it was in error, I'm fine with that. I just wanted make sure what I heard was proper with this. [LB8]

SENATOR PREISTER: You're accurate and I was stating it inaccurately. And I appreciate you catching and stating it accurately. [LB8]

SENATOR MINES: Thank you, Senator Preister. Thank you, Mr. President. [LB8]

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SENATOR LANGEMEIER: Thank you, Senator Mines. Senator Pirsch, you're recognized. [LB8]

SENATOR PIRSCH: I also noticed that, and it...thank you, Mr. President and members of the body. It does seem like it would make it from a Class V, which is a possible penalty from zero up to a \$100 fine, to a Class IV, which is also just possible penalty, include a fine of between \$100 to \$500. So I think that the substance of the penalty that was expressed is the same, and so just a bit of clarification on that point. Thank you. [LB8]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Hansen, you're recognized. [LB8]

SENATOR HANSEN: Thank you, Mr. President. Could I ask Senator Preister a question, please? [LB8]

SENATOR LANGEMEIER: Senator Preister, would you yield to a question? [LB8]

SENATOR PREISTER: Yes, I would. [LB8]

SENATOR HANSEN: Senator Preister, one man's junk is another man's treasure. Is this for the metro area alone, or is it just for Blair? [LB8]

SENATOR PREISTER: (Laugh) Senator, it would be statewide. [LB8]

SENATOR HANSEN: Counties, cities, villages, towns? Is it all-encompassing? [LB8]

SENATOR PREISTER: This would be state law, and so municipalities would have their own regulations, but this would provide a state penalty, an the classification for that that would allow the judges to impose that maximum fine of \$500. [LB8]

SENATOR HANSEN: Who's going to make the decision whether it's junk or not? What type of person in a county situation, outside the city limits? [LB8]

SENATOR PREISTER: I would assume that any cities or villages that have inspectors would have the inspector go by existing codes. It's not an arbitrary kind of decision. They would have to follow codes and all current existing law. [LB8]

SENATOR HANSEN: Okay, thank you very much. Senator Loudon and I were talking earlier this morning about this bill, and we have a little problem with it. We don't know...when we send our guys out in the summer to put up our hay, we line up the hay machinery, but the junk is not in an orderly line. And Senator Loudon tells his guys to

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just grease the ones that are in the line. So we need that...some of that junk for hay machinery, and somebody passing by might not be able to tell one from the other. Thank you, Mr. President. [LB8]

SENATOR LANGEMEIER: Thank you, Senator Hansen. Senator Gay, you're recognized. [LB8]

SENATOR GAY: Thank you, Mr. President. I rise in support of the bill, for a couple reasons. Sometimes when you run into this situation, it's not...it becomes a major problem, and cities and counties got to continually go back and pester. This is an enforcement...I look at it as a little bit more of an enforcement. Many times, you have to clean this up after a court makes you, and it costs much more than this. So there's no incentive to clean up some property that's deemed junk, I guess we'd call it. But also there's some public health implications, too. When you create these junk piles, or whatever it is, there's all sorts of infestations and things like that that also start being in this. So I can see this as a tool, really, for enforcement of it, because if you don't have some kind of penalty that means something, in the case where you have to go that far to use it, then there's no incentive to clean up. It just makes the process that much harder, because we've had opportunities where it is, you know, a major problem. So I would support this bill. Thank you, Mr. President. [LB8]

SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Engel, you're recognized. [LB8]

SENATOR ENGEL: Mr. President, members of the body, like Senator Hansen, I have one little concern with this. I think he did answer part of it, as far as, it would be local ordinances would decide what is junk and what is not junk, because like he said, some people consider junk one thing and some people call it something else. But that's not the point. My point is, can't this be...I'd like to ask Senator Preister, is, why couldn't...? [LB8]

SENATOR LANGEMEIER: Senator Preister, would you yield to a question? [LB8]

SENATOR ENGEL: If you'd yield to a question, please? [LB8]

SENATOR PREISTER: Yes, I will. [LB8]

SENATOR ENGEL: Why couldn't this be handled through local ordinances, either county ordinances or city ordinances, rather than state coming down with, this is our law and you must comply? I mean, don't...can't they do that now, or do they...? [LB8]

SENATOR PREISTER: Senator, they can do that, but as Senator Gay said, sometimes they send their inspectors out, the housing inspectors, the code violation inspectors,

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and those inspectors go back and back. When the issue is only no minimum fine, no fine whatsoever, and a maximum of \$100, it doesn't get the attention of the property owner. Neighborhood associations and neighborhood groups that are trying to get compliance could use this and say, there is a maximum of a \$500 fine, and it gets people's attention and is more likely to get voluntary compliance. [LB8]

SENATOR ENGEL: One more question, then. Can...locally, can they set up a fine schedule of their own, or not? [LB8]

SENATOR PREISTER: Well, state law always supersedes local law and authority. [LB8]

SENATOR ENGEL: I realize that. But the point is, can they? I mean, if we don't have...okay, so right now, state law is \$100, okay? I guess I'd be in favor of getting rid of the state law and let them decide locally how much they want to charge, and it might be worse than what you're talking about, to enforce things. But I guess I believe in more...in local control, I really do. I've been in both places, and I think sometimes these directives come down from the state of Nebraska or federal government, and I think it's...some of these things probably should be more of a local issue, and let them decide what is best and what's not best for their community. And I think we've had a situation in South Sioux City, they had quite a battle up there at the trailer court, and they finally got it done. Of course, they had to go to court and so forth. But in most cases, they get the job done. But I just...that's just my feeling, is I think it should...the closer to home, the better off we are. And I know a lot of you don't agree with that, but I just want to let you know how I feel personally. And with that, I turn the rest of my time off...back to the Chair. Thank you. [LB8]

SENATOR LANGEMEIER: Thank you, Senator Engel. Senator Stuthman, you're recognized. [LB8]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I would like to engage in a little conversation with Senator Preister, if he would. [LB8]

SENATOR LANGEMEIER: Senator Preister, would you yield to a question? [LB8]

SENATOR PREISTER: Yes, I would. [LB8]

SENATOR STUTHMAN: Senator Preister, when you're talking about neighborhood associations and everything, would this relate to farm places or anything like that, where the county would have the jurisdiction over the private property, where, you know, some farm places have accumulated, you know, a lot of junk? Are we trying to put a state law in place that is going to have some effect on this type of situation? [LB8]

SENATOR PREISTER: Senator, we're not changing any of the enforcement

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mechanisms or any of the authority that the counties currently have. And I don't believe counties have the current jurisdiction over going out to farmsteads and determining whether there's junk or not. They do have zoning authority, but this isn't dealing just with zoning. This mainly applies in municipalities. I'm not sure if it would even apply in a county or in the situation that was mentioned earlier. [LB8]

SENATOR STUTHMAN: Thank you, Senator Preister. I just...I'm a little bit concerned about this, because in the situations we have in our local communities, they do have the jurisdiction, you know, over, you know, what is considered hazardous or dangerous or unsightly. But I'm really concerned that we're maybe trying to put something into statute that we...you know, we already have, you know, the authority to do something like that. We have a situation where they buy a lot of scrap aluminum. We've got a recycle place there, and there's a lot of, you know, old aluminum products on that site. I don't know...I really appreciate the fact that he is recycling this stuff, but he does accumulate a lot of inventory around there. I don't know whether the local community has the right to, you know, tell him to, you know, sell all of the product that he has accumulated immediately. But I'm just concerned that we're trying to make something...another law that we can already handle it with what we've got on the books right now. Thank you. [LB8]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Gay, you're recognized. [LB8]

SENATOR GAY: Thank you, Mr. President. I'd like to clarify a little bit. Of course, the counties don't have any ordinance authority in the county, so if a judge...this is just adding an option for a judge, is the way I understand this bill, that the enforcement...you'd still have to go through those procedures, and however those...if you need to pursue this further. Then the judge would have an opportunity to put this fine in. If there's nothing there, there's no incentive to clean up anything. I don't think this would be used an awful lot at all. And so local communities, counties, whatever, would still have that authority to do. Still needs to be a legitimate complaint. It has to go through all these processes before you're told that you've got to clean this up, is the way I understand this bill. So I do think it would help if, and I say "if," somebody would have run into this situation. But I don't think we're opening up a can of worms, where they're going to be pointing at everybody's neighbor and turning them in for what they perceive as junk. There's a process to this, and it's pretty involved. I think once you get to that point, though, this would help enforce it and make that person actually comply with the law, after they've gone through these processes. So I...there has been cases, I know, where it is just very difficult to get people to do something, even after the judge, and I know from personal experience, after the judge has said to do this. And we had a...actually, it was a...turned out to be a meth lab being on a property that just...we had to go through all these motions. It took almost six months to do this, and there was just no incentive to get the person to do this. I think this is just a small step in that direction. So I would support the bill. Thank you, Mr. President. [LB8]

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SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Karpisek. [LB8]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Could I ask Senator Preister a question or two? [LB8]

SENATOR LANGEMEIER: Senator Preister, would you yield to a question? [LB8]

SENATOR PREISTER: Yes, I would. [LB8]

SENATOR KARPISEK: Thank you, Senator. Would this involve a zoned junkyard, like for a business? [LB8]

SENATOR PREISTER: Anything that meets existing zoning, this would not apply. This is only in instances where...and it doesn't change the statute, it doesn't change... [LB8]

SENATOR LANGEMEIER: One minute. [LB8]

SENATOR PREISTER: ...what the current practice is. It only increases the minimum fine from zero to \$100, with a maximum of \$500. So in cases where you've got a scrap yard or junk or other things, any of those legally permitted things now would continue to be permitted. We're not changing any of that. [LB8]

SENATOR KARPISEK: Thank you, Senator. Thank you, Mr. President. [LB8]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. Senator Wightman, you're recognized. [LB8]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the Legislature. As far as I can see, we aren't doing anything but increasing the penalty. Everybody seems to...a number of senators have wanted to talk about what we're doing here, and that we're...it's as if we're creating a new offense. Well, we aren't creating a new offense. We're just giving, it seems to me, whoever's in charge of enforcement of this a little more tools, because of the fact that there's a greater penalty. So... [LB8]

SENATOR LANGEMEIER: Time. Time. [LB8]

SENATOR WIGHTMAN: Thank you, Mr. President. [LB8]

SENATOR LANGEMEIER: Thank you, Senator Wightman. We have reached our 15-minute point. The motion before the body is, shall LB8 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB8]

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CLERK: 32 ayes, 6 nays, Mr. President, on the advancement of the bill. [LB8]

SENATOR LANGEMEIER: LB8 does advance. Mr. Clerk, LB382. [LB8 LB382]

CLERK: LB382, Mr. President, by Senator Pahls. (Read title.) The bill was introduced on January 16, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB382]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pahls, you are recognized to open on LB382. [LB382]

SENATOR PAHLS: Thank you, Mr. President and members of the body. This bill actually could be called the stamp act. I don't want for those of you who are historians to confuse it with the Stamp Act of 1765, which dealt with taxing. This actually deals with a stamp. A notary public's commission name shall appear on the official ink stamp seal for his or her use. The current option of using initials for the first and last name on the ink stamp is stricken. The commission name is the name the individual uses on his or her application with the Secretary of State. The ink stamp seal shall show the date of expiration of the term of the commission. The current option to have an ink stamp seal without the date of expiration on the commission is stricken. The Secretary of State's representative testified at the public hearing that the most frequent error made by notaries is the failure to properly indicate the expiration of their commission. The bar association's testimony at the public hearing is that most notaries use the new stamp required by this bill. The bar's testimony also indicated that it is important to have the documents that require a notarized signature to be properly notarized. Any notary public whose commission expires after the effective date of LB382 may continue using his or her ink stamp that complies with the old law, until his or her commission expires. After that, they must be in compliance. The term of the notary public is four years. Thank you. [LB382]

SENATOR LANGEMEIER: Thank you, Senator Pahls. You have heard the opening on LB382. The floor is now open for discussion. Senator Gay, you're recognized. [LB382]

SENATOR GAY: Thank you, Mr. President. Would Senator Pahls yield to a question? [LB382]

SENATOR PAHLS: Yes. [LB382]

SENATOR LANGEMEIER: Senator Pahls, would you yield to a question? [LB382]

SENATOR PAHLS: Yes. [LB382]

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SENATOR GAY: Senator, I've had things notarized hundreds of times, but I forget, is the notary's name on the stamp now? [LB382]

SENATOR PAHLS: It is indicated that in the past, they had the option of using the initials, their initials. [LB382]

SENATOR GAY: My question is this, because if...in our bank, we have many people who went through the notary process. I'm not one of them, or I should know this. But we may have 75 or 80 people that are authorized to notarize at all the branches. If you...the stamp now, I think they share a stamp and they notarize this and then they get the information and they sign it. Do you know or not...I guess the question is, do we have to then go out and order personalized stamps then? Is that what this does? [LB382]

SENATOR PAHLS: Well, I'm assuming if they're all notarized by the business,...is the business...? [LB382]

SENATOR GAY: No, the individual is notarized, is the notary. [LB382]

SENATOR PAHLS: I know, but...so they have a blank...? [LB382]

SENATOR GAY: I don't know. That's the question I'm asking. That's what I'm wondering, is, when...do we...I think we share the notary. You stamp it. And if anyone else knows this answer...but you stamp it, and then you sign your...but are those individualized, do we know? [LB382]

SENATOR PAHLS: I do not know that. I'm sure we have a...somebody who's a notary... [LB382]

SENATOR GAY: Okay. Well, the question I had is, if they're individualized, does this mean businesses will go out and have to order, when it comes due, everybody an individualized stamp? Will that cost more? So that would be the concern I have. Thank you, Mr. President. [LB382]

SENATOR LANGEMEIER: Thank you, Senator Gay. Is there anyone else wishing to speak? Senator Nelson, you're recognized. [LB382]

SENATOR NELSON: Mr. President, members of the body, I'd like to ask Senator Pahls a question, if he will yield. [LB382]

SENATOR PAHLS: Yes, I will. [LB382]

SENATOR NELSON: First of all, Senator Pahls, are you maintaining any sort of a record that I would ruin by asking you any questions at this time? [LB382]

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SENATOR PAHLS: I'm going to have it notarized. [LB382]

SENATOR NELSON: I'm sorry? [LB382]

SENATOR PAHLS: I did not understand your question. [LB382]

SENATOR NELSON: Oh, all right. (Laugh) Okay, I'll withdraw the question. I'm looking here at the change, and it provides that each notary public shall, basically, put on the stamp his or her name as commissioned. And I don't understand what that would mean. Is the notary republic required to use their full name, or their first name, middle initial, and not be able to use any initials at all? [LB382]

SENATOR PAHLS: It was my understanding the name that is...that they use on the application is the name that would be on this stamp. [LB382]

SENATOR NELSON: All right. So if your name, for instance, were Alma, A-l-m-a, you were a man, Alma F. Jacobson, and you wanted to use the name A.F. Jacobson, which was your official signature, that would be permitted? [LB382]

SENATOR PAHLS: You know, they say your full name. I'm sure if that is your official signature...because my dad had something like that, and that was his official signature. What we could do is we could get these cleared up on the next round. [LB382]

SENATOR NELSON: All right. Okay. It just...I have a question about that. And we took a look at the statute, and we didn't see what the requirements were as far...or the meaning was as far as your name as commissioned. And perhaps we could inquire into that a little further before we come up again on Select. [LB382]

SENATOR PAHLS: Yes. And just for your information, that...the word...your name is in other parts of the statute. I did ask that question. But I need more clarification, it appears. [LB382]

SENATOR NELSON: Okay. All right. Thank you, Senator. Thank you, Mr. President. [LB382]

SENATOR LANGEMEIER: Thank you, Senator Nelson. Senator Ashford, you're recognized. [LB382]

SENATOR ASHFORD: Rarely do I get a chance to clarify anything, Senator Nelson. (Laugh) But I believe the answer, Senator Gay, is that the application would...the name on the application would be the name on the stamp. And that's the name that you would...that would appear on the stamp. Each person, to your point, though, would have

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to have an individualized stamp. You couldn't use the generalized stamp and then fill in the...the general notary stamp and then fill in the information, under this statute. [LB382]

SENATOR LANGEMEIER: Thank you, Senator Ashford. I see no other lights on. Senator Pahls, you're recognized to close on LB382. [LB382]

SENATOR PAHLS: I just have a couple of comments. It's...the number of questions that were asked about the stamp, and Senator Gay, in his own business, shows you that we do need not only to clarify this bill, but we don't even know what's going on out there right now in our own businesses. It's curious, because that is an important stamp to signify that whatever is happening is done right. What I will do is, if we pass this, I will get some of these questions answered on the next session, if so, or talk to you individually. I just hope I can get your stamp of approval on this bill. [LB382]

SENATOR LANGEMEIER: Thank you, Senator Pahls. You have heard the closing on LB382. The motion is, shall LB382 advance to E&R for initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB382]

CLERK: 31 ayes, 1 nay, Mr. President, on the advancement of LB382. [LB382]

SENATOR LANGEMEIER: LB382 does advance. Mr. Clerk, we'll proceed now to General File, 2007 committee first priority bills, LB463. [LB382 LB463]

CLERK: Mr. President, if I might, right before that, Government Committee will meet in Room 2022. Senator, is that now? You want Government Committee now? Okay, Government Committee will meet in Room 2022 now. Mr. President, LB463, a bill originally introduced by Senator Johnson. (Read title.) The bill was introduced, Mr. President, on January 17. At that time, it was referred to the Health Committee for public hearing. The bill was advanced to General File. It has been discussed on the floor as recently as April 13. At that time, the committee amendments were adopted. Other amendments were offered, Mr. President. Those amendments are pending. [LB463]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Johnson, I recognize you to open on LB463, since it's been awhile since we've talked about this. [LB463]

SENATOR JOHNSON: All right. Thank you, Mr. President. Mr. President and members of the Legislature, it has been some time since we did begin to discuss LB463, so let me make a few recollections for you about this bill. First of all, it is perhaps the largest bill that has ever been considered by this Legislature. It's 1,053 pages in length, and it covers the health regulations...or, statutes regarding the healthcare professions and occupations for 39 different entities. People have been working on this for over three

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years. Now, what this does is it recodifies the statutes regarding to these healthcare professions and occupations. Our first chance to discuss this bill on General File was approximately one week ago. At that time, Senator Chambers invoked a rule of the Legislature that requires a section-by-section reading of the bill and an opportunity for amendment on each section. An amendment was adopted to Section 1 of the bill. Amendments were offered on Section 4 of the bill. This is about where we stopped at that time. Now, let me tell you what's happened since that time. It's my understanding--and I'm happy to see that Senator Chambers has arrived on the floor--no longer intends to pursue this motion, and we will certainly ask him to comment on that. I have offered an amendment, after last week's debate, that is the result of our conversations with Senator Chambers and representatives of the Governor. Again, I'll ask Senator Chambers to comment on that agreement. I hope that the technical amendment discussed with Senator Chambers, which will be AM1108, could be adopted today, and then the bill advanced to E&R. Now, let me tell you this. I have pledged to work with Senator Chambers between now and Select File to address another issue that has been raised. Senator Schimek is also aware of this particular issue. It is not huge. That issue relates to the priority given to the provisions of individual practice acts if there is a conflict with general provisions that apply to all healthcare professions and occupations. Certainly, it is a point of law that, in a sense, is huge, but not particularly germane to our discussion today. And we will work with Senator Chambers and Senator Schimek and others as needed for that consideration. So with that, I guess I would suggest that we have...or, Senator Chambers--I just about demoted you (laugh)--to comment. [LB463]

SENATOR LANGEMEIER: Do you...are you wishing to yield your six minutes to Senator Chambers? [LB463]

SENATOR JOHNSON: Yes, I'll yield as much time as he would like. [LB463]

SENATOR LANGEMEIER: Senator Chambers, 6 minutes. [LB463]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Dr. Johnson. Members of the Legislature, I am withdrawing my request that we have the section-by-section reading of the bill. Senator Johnson correctly stated that a matter that was a subject of discussion between him and myself at the last presentation of this bill before us has been resolved, and it will take the form of an amendment. I see "Parson" Carlson looking at me. He hasn't formulated in his mind yet the question as to whether I read all of this bill. The answer to that question is, no. I've read enough of it, skimmed through other parts of it, to be satisfied that there is no major problem, as far as I'm concerned. The other matter that he touched on that we will work out by the time we get to Select File will constitute the only remaining issue that exists for me with the bill at this time. I do not see any great problems with the bill, from my perspective. But that does not mean other people may not have problems. And Mr. President, we're having such a

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collegial time here today, what with consent calendar receiving almost unanimous consent, except for one of the earlier bills, here it is, Senator Johnson and myself having worked our way to a resolution, I have to give up my status as the dead cat on the line, and let this bill just proceed. So I will not do anything to disrupt what has happened up to this point. But following this bill, I'm not responsible for what happens. Thank you, Mr. President. [LB463]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Mr. Clerk, for a motion. [LB463]

CLERK: Well, Mr. President, if I may, Senator Schimek, you had pending a floor amendment to Senator Chambers' floor amendment. [LB463]

SENATOR SCHIMEK: Yes, would you withdraw that, please, Mr. Clerk? [LB463]

SENATOR LANGEMEIER: It is withdrawn. [LB463]

CLERK: Senator Chambers, I now have your FA70, Senator. [LB463]

SENATOR CHAMBERS: Withdrawn. [LB463]

SENATOR LANGEMEIER: It is withdrawn. [LB463]

CLERK: Senator Johnson, I have, Senator, AM1007, but I have a note you'd like to withdraw that amendment. [LB463]

SENATOR JOHNSON: Yes, withdraw it, please. [LB463]

SENATOR LANGEMEIER: It is withdrawn. [LB463]

CLERK: Mr. President, Senator Johnson would move to amend with AM1108. (Legislative Journal page 1274.) [LB463]

SENATOR LANGEMEIER: Senator Johnson, you're recognized to open on AM1108. [LB463]

SENATOR JOHNSON: Thank you, Mr. President. AM1108 is a technical amendment that attempts to address concerns raised, as we have just been discussing, by Senator Chambers earlier on General File. The amendment deletes language in various sections that deals with the preservation of rules and regulations adopted and promulgated under the Uniform Licensing Law, or other sections amended by the bill. This subsection, as amended, would continue to preserve existing rules and regulations to the extent that they are not in conflict with the new Uniform Credentialing Act. Let me

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repeat that. This subsection, as amended, would continue to preserve existing rules and regulations to the extent they are not in conflict with the new Uniform Credentialing Act, or the UCA. If there are current rules and regulations that are in conflict with the new UCA, they would be nullified by operation of law. Many if not most rules and regulations will not have to be changed or repealed under the new act. This provision would preserve those rules and regulations so they won't have to be adopted and promulgated all over again. The amendment also changes language relating to the preservation of licenses, certificates, etcetera, that were used under the ULL. They would remain effective until revoked or otherwise terminated by law. The phrase "their effectiveness is otherwise terminated pursuant to law" is deleted. The amendment attempts to improve the language, and I believe Senator Chambers approves of this amendment. As usual, Senator Chambers has improved a...the language of a bill, and I'm thankful for his help with this. With that, I would ask the passage of this amendment. [LB463]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on AM1108 to LB463. The floor is now open for discussion. Senator Schimek, you're recognized. Senator Schimek waives her time. Is there anyone else wishing to speak to AM1108? Seeing no lights on, Senator Johnson, you are recognized to close on AM1108. [LB463]

SENATOR JOHNSON: Mr. President, I'd ask the adoption of AM1108. I believe that we have made good strides, with the help of Senator Chambers, in making a good bill even better. And I would ask for the adoption of AM1108 and LB463. Thank you. [LB463]

SENATOR LANGEMEIER: Thank you, Senator Johnson. The question before the body is, shall AM1108 be adopted to LB463? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB463]

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of Senator Johnson's amendment. [LB463]

SENATOR LANGEMEIER: AM1108 is adopted. We return now to discussion on LB463, the bill itself. Senator Pirsch, you're recognized. [LB463]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I was just wondering if Senator Johnson would yield for a question or two. [LB463]

SENATOR LANGEMEIER: Senator Johnson, would you yield to a question? [LB463]

SENATOR JOHNSON: Yes, sir. [LB463]

SENATOR PIRSCH: Thank you, Senator Johnson. Just a question. And I apologize. Obviously, this did not go through my committee. But I did have a question with respect

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to either the provision in the bill or in the amendment that dealt with a...I think you had mentioned that at some point in time there was...we would be enacting a law that provisions of which may terminate upon certain events, other bodies indicating certain...that certain passages were no longer in their model act, or something of that? [LB463]

SENATOR JOHNSON: Yes. Senator Pirsch, I think what we're talking about is this, is that LB463, the effective date is the 1st of December, 2008, or roughly one and a half years from now. In this interim, there could be laws that could be passed that would possibly...well, let's put it this way, would be a change from what is now in statute. And the ideal thing, of course, would be to make it so that the law that is passed between now and that date would fit the language. And in part, this is what we've attempted to do, and...but it's one thing that all of the members of the body will want to make sure that they've tried doing. Otherwise, one of the things that will happen is that a bill would just be in effect for a short period of time; then you'd have to rewrite rules and regulations all over again on it, as well. So if it was correlated, it would probably save considerable time on rules and regulations. [LB463]

SENATOR PIRSCH: Thank you. I'm just wondering, is anything conditionalized upon bodies other...I guess my concern here is that...just to make sure that we're taking an action here today that the courts will not later view as an impermissible delegation of our legislative abilities, our legislative powers. I don't know if you want to comment on that. [LB463]

SENATOR JOHNSON: Well, I'd just say this, is that the...our counsel, Jeff Santema, is quite an expert in this in his own right. But we don't have to just rely on Mr. Santema. There have been other people that have gone through this, as well. So as best we can tell, I think that we're okay. [LB463]

SENATOR PIRSCH: Very good. Thank you very much. I'd yield the balance of my time to Senator Johnson, should he desire to utilize it. [LB463]

SENATOR LANGEMEIER: Senator Johnson, a minute, 40. [LB463]

SENATOR JOHNSON: Well, this has been a long journey to this point in time. There have been, like I say, 39 different groups that have been working on this with their legal counsels for over three years, and this is the culmination of that work. We're going to find out that it isn't perfect. And let me just say this, as well, as long as we're talking about this, there are still some considerations. And Senator Pahls had a bill, I believe it was LB194, that had...or, dealt with... [LB463 LB194]

SENATOR LANGEMEIER: One minute. [LB463]

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SENATOR JOHNSON: ...problems that a person holding a license might have in the revocation of that license, and other disciplinary matters. And we have told both Senator Pahls and Speaker Flood that this will be a subject of an interim study, and so that we make sure that this area of the bill is up to the standard that we want it to be. [LB463]

SENATOR LANGEMEIER: Thank you, Senator Johnson and Senator Pirsch. Is there anyone else wishing to speak to LB463? Seeing no lights on, Senator Johnson, you're recognized to close on LB463. Senator Johnson waives...yeah, Senator Johnson waives closing. The question is, shall LB463 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB463]

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to advance LB463. [LB463]

SENATOR LANGEMEIER: LB463 does advance. Mr. Clerk, LB588. [LB463 LB588]

CLERK: Mr. President, LB588 is a bill offered by the Business and Labor Committee and signed by its members. (Read title.) The bill was introduced on January 17 of this year, at that time was referred to the Business and Labor Committee for hearing, advanced to General File. I do have committee amendments, Mr. President. (AM862, Legislative Journal page 988.) [LB588]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Cornett, as Chairman of the Business and Labor Committee, you're recognized to open on LB588. [LB588]

SENATOR CORNETT: Thank you, Mr. President and members of the body. The first thing I'd like to do on LB588 is thank all of the members of the committee. This was truly a test by fire for a new committee and new senators. It's a very difficult issue and a very difficult bill, and I can't express my thanks enough to them or the members of the lobby that have helped and sat down for hundreds of hours with us on this issue. LB588 is the Business and Labor's first priority bill this session. The committee amendments would write...rewrite the entire bill. This is a product of extensive discussion and compromise between employers, hospitals, insurance providers, and workers. The need for this bill was identified during the previous legislative session. The committee amendment contains three distinct workers' compensation provisions. The first component would establish a new fee schedule for inpatient hospital workers' compensation claims. The second component contains language to ensure hospitals are being reimbursed for their services in a timely manner, by providing prompt payment language. The third component of the committee amendment includes an amended version of LB77, introduced by Senator Nantkes. Under the committee amendment, judges from the compensation court would be able to consider the fact that a worker has lost 30 percent or more of their earning capacity, rather than having to award only individual scheduled injuries. The first component of the fee schedule is the most complex. A working group

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comprised of Workers' Compensation Court staff, hospital representatives, employers, workers' equity groups, and insurance company met for the past two years and identified the need for a reformed hospital fee schedule. Hospitals, under the current fee schedule set by the compensation court, are reimbursed as a percentage off of billed charges. In other words, a hospital submits a bill for reimbursement, and 20 percent is taken off. Through this committee's work and the previous committee's work, we have learned that group health plans receive a much larger negotiated rate...or, discount, than the workers' compensation claims. What that means in practical terms is that if an employee breaks their arm while in the Capitol, it will cost the state significantly more to pay for that injury than it would if the employee slipped on the ice in their driveway and broke their arm. This analogy is true for most, if not all employers across the state. We have learned that Nebraska hospitals are significantly out of line with our surrounding states in terms of hospital reimbursement. I'll give you more information on this issue, and we'll have further discussion on it. The pages will be passing out a chart showing this. There are six overall main points to the hospital fee schedule that I want to emphasize. First, this fee schedule is hospital-specific, which will ensure fairness across the board with the largest Nebraska hospitals. Through this process, we have learned that every hospital has a different methodology for determining fees. This is reflected through the different reimbursement rates paid by the Medicare group health rates that are determined by private contracts between hospitals and insurance providers. So by tying this bill to Medicare, we're making hospital-specific fee schedules, and we can account for these hospitals that are teaching facilities, and those that have a higher rate of low-income or Medicare patients. Second, for each injury, there will be a flat reimbursement rate to each hospital. Third, to deal with the unusually expensive cases, the hospitals receive an additional compensation. These cases are referred to as outlier cases. When a hospital submits a bill and that bill exceeds a set dollar amount threshold, the hospital will be paid a flat reimbursement rate, plus 60 percent over the amount of the threshold. This type of reimbursement is very well understood by hospitals and payers. This is a common model for group health plans. Fourth, it will only apply to Tier One and Two tier hospitals that perform inpatient services. The vast majority of workers' compensation hospital services are provided by Tier One and Tier Two hospitals. That is one reason we chose to exclude rural hospitals. Fifth, one of the key components of this bill is, the fee schedule will be updated by the court annually, based on the changes made by the Medicare and the types of worker comp injuries seen through the state of Nebraska. Sixth, this bill is going to provide data to the compensation court. If I can speak for the committee, the most difficult hurdle for all of us to overcome in trying to establish a reformed fee schedule has been lack of current data. In the amendment, we are requiring that each hospital assign a DRG to each claim they submit. That DRG code will be present on every bill that is submitted for payment. At the end of each year, the hospitals and payors will report to the court the number of times the services were reported...provided, pardon me, for each DRG, and the number of times that service was reimbursed in an outlier case. This reporting requirement will allow courts to make adjustments as to which services need to be

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included on the fee schedule. And if the reporting requirements work properly, we should be able to look at data to see if the adjustments need to be made in future years. Moving to the second main component of LB588, I must mention that it is a very important component. This part of the bill adds prompt payment provisions to the benefit of the hospitals. This language is important because hospitals need to be reimbursed in a more timely manner. The prompt pay language provides the guidelines to ensure timely payment for all workers' compensation claims. Specifically, the amendment states that a payor will have 15 days in which to notify the provider that the payor does not have all the information necessary to process the claim. If the payor fails to notify the provider within that time frame, the claim is assumed to be complete, and must be paid within 30 days. If the payor does not pay within 30 days, then the provider will be paid the full amount of billed charges, rather than the discounted rate set by the compensation court. The final component of it is the addition of LB77. When we talk about savings for employers, we also are talking about savings to insurance companies. We want to make sure that at least a portion of the savings created by the fee schedule are given back to the injured worker. LB77 will achieve that goal. I'm going to let Senator Nantkes introduce LB77 and explain it in more detail. It is a very complex bill, so I'm going to give you a brief overview of the history of this process and how the committee got where we are, and why we felt this bill deserved priority status. I do want to mention that the committee amendment to LB77 significantly alters the fiscal note to LB77, and narrows it considerably. The previous Chair of the Business and Labor Committee identified the need for...there we go. And I urge the body to support LB588 and the committee amendments, which I will be introducing in a moment. Thank you. [LB588 LB77]

SENATOR McDONALD PRESIDING [LB588]

SENATOR McDONALD: Thank you, Senator Cornett. As the Clerk stated, there are amendments from the Business and Labor Committee. Senator Cornett, as Chairman of the committee, you're recognized to open on the amendments. Senator Cornett. [LB588]

SENATOR CORNETT: Thank you very much, Madam President and members of the body. The committee has, as I said earlier, worked very hard with all parties on this bill, and we've come up with a fee schedule that will provide consistency and savings for all Nebraska employers. The fee schedule will closely resemble how hospitals are currently being reimbursed under group healthcare plans, and it is also tied to Medicare. We chose to use certain components of Medicare so the Legislature and the Workers' Compensation Court don't have to revisit this same policy issue year after year. We wanted to tie the fee schedule to something that will be updated as medicine changes, while accounting for inflation. At the same time, we realized the complexity of Medicare. For those of you who are familiar with workers' compensation, the committee amendment proposes a Medicare-plus methodology. The fee schedule used many of

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the concepts defined by Medicare. Each injury will be categorized by the DRG number developed by Medicare. Medicare assigns a DRG code and a description to each type of injury, based upon the doctor's diagnosis of the injury. I'm going to give you an example. DRG 32 stands for those injuries that diagnosed and grouped as concussions for someone older than 17 years without complications. Similar diagnoses are then grouped into the same DRG. I will be handing out a...the pages will also be handing out a definitions term, so you can view that and see if there's anything that needs further explanation. I think it might be helpful to walk the body through the basic Medicare terminology. The first page of the second handout shows the shorthand definition of each of the terms I'm about to describe. DRG stands for diagnostic related group, and is a code and description of the injury assigned by Medicare to each type of injury, based on doctors' diagnosis of that injury. Like DRG 32 stands for concussion for someone older than 17, without complications, DRG codes and their descriptions are universal for all hospitals, and are published by the Centers of Medicaid and Medicare at least annually. For each DRG, Medicare assigns a weight. That weight reflects the average amount of resources required by a hospital for that DRG code or injury. Each DRG weight is relative to the other DRG weights. To put this in practical terms, if I have a minor injury to my hand, that procedure might have a weight of one, but back surgery might have a weight of six, which means that back surgery is six times more expensive than a minor hand injury. As I mentioned before, each hospital is reimbursed differently, and Medicare accounts for this. Each hospital has a basic Medicare rate, which is a dollar amount. Medicare establishes this rate based on many factors, such as the wage index adjustments, geographic adjustments, and incorporates add-ons for the hospitals that are teaching hospitals, and add-ons for those hospitals that serve a disproportionate share of low-income patients. In the bill, we have defined this rate as the current Medicare factor. We also have a workers' compensation factor. The workers' compensation factor is the heart of the Medicare-plus model. The workers' compensation factor for each hospital's current Medicare factor multiplier by...is multiplied by 140. As I have said before, I know this body is very aware that Medicare does not adequately reimburse hospitals for their expenses, so we've added 40 percent on to bring that amount up to a reasonable reimbursement rate. What we...our intent was to make us comparable to the negotiated rates with insurance companies. Now that I've covered the basic terminology, I'd like to walk you through a fee...a sample fee schedule. I believe you all should have the second handout. If you turn to page 2 of that handout, you will find a sample fee schedule. This chart is exactly what the fee schedule for a particular hospital might look like under this bill. We have taken the 38 most frequently utilized DRGs used in workers' compensation. The first column represents the DRG code. The second column is a description of that DRG. Moving across the page, we have the Medicare weights, and the workers' compensation factors and thresholds. For an example, let's go through a quick scenario. Let's use the first DRG, which is 32, and it stands for concussion. DRG 32 has a Medicare weight of .6408. This particular hospital in this example has a current Medicare factor of \$5,300. So \$5,300 times 140 percent...or, 140, is \$7,420, which is the workers' compensation factor. The

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next step is to take the workers' compensation factor of \$7,420, multiplied by the Medicare weight, and you get the basic reimbursement for DRG 32, which is \$4,755. Finally, over in the right...far right column is the threshold, which is the point at which hospitals receive added compensation. This threshold is set at three times the basic reimbursement, so if the hospital had a patient with a concussion and was coded DRG 32, and the hospital submitted a bill for \$10,000 for the payment, that hospital would be paid \$4,755, because it fell within the threshold. If this was another scenario and it was a particularly expensive case with complications, classified under the same DRG 32, and billed charges exceeded that threshold amount of \$14,264, the hospital would be paid the basic reimbursement rate \$4,755, plus 60 percent of the amount over the \$14,264. If you flip to the next page of the handout, you will see the mathematical computation of this example. I realize this appears complicated, and it took us awhile to fully understand how it works. I want to remind you, though, that the DRG codes, their descriptions, and their weights are all universal and are all published by Centers of Medicaid and Medicare. So with a simple spreadsheet containing the formulas, all the comp court has to do is enter the hospital's current Medicare factor, and the entire fee schedule is developed in that one entry. On page 4 of your handout, we've used a different Medicare factor which might represent a different hospital code, and the fee schedule is shown accordingly, if you would like to take a look at that. Finally, I want to reiterate that though this fee schedule contains a lot of parts, this is written in the language that is familiar to payors and to the hospitals. Everyone in the working group has come to the table with suggestions. And one of the biggest compromises we made was, we put the fee schedule in a format similar to group health plans. It was the committee's original intent to follow Medicare plus a percentage exactly. What we learned, though, is that we don't have to incorporate all the administrative nightmares that go along with Medicare to accomplish our goals. So we have taken the basic components of Medicare and have simplified the process down to a workable, understandable format. Underneath all the Medicare language, this is a very simple fee schedule that is going to create consistency and fairness for all parties involved. With that, I urge you to keep an open mind on this issue. Again, this is the product of many years of discussion and compromises on all sides. I thank you very much for your time. [LB588]

SENATOR McDONALD: Thank you, Senator Cornett. Mr. Clerk, there is an amendment to the committee amendments. [LB588]

ASSISTANT CLERK: Madam President, I have a series of amendments. The first offered by Senator Lathrop, AM1003. Senator Lathrop, I have a note you wish to withdraw this? [LB588]

SENATOR LATHROP: That's true. [LB588]

ASSISTANT CLERK: Next amendment to the committee amendments, offered by

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Senator Johnson, AM1109. Senator Johnson, withdraw it? [LB588]

SENATOR JOHNSON: Yes, please. [LB588]

ASSISTANT CLERK: Madam President, Senator Lathrop would offer AM1130. (Legislative Journal page 1295.) [LB588]

SENATOR McDONALD: Is there any objections to the withdrawal of those two amendments? If none, so ordered. Senator Lathrop, would you open on AM1130. [LB588]

SENATOR LATHROP: I'd be happy to. Thank you, Madam President and colleagues. This is a complex matter. That is, the manner in which you...hospitals and insurance companies communicate with respect to billing is done through DRGs, or can be done through DRGs. That's the preferred method and the method the committee has chosen to make modifications to the fee schedule. And what we are modifying with the bill, LB588, is the manner in which hospitals are compensated when they treat somebody injured on the job. So these are work comp claims. My amendment, which is AM1130, will exempt from the DRGs in LB588 those DRGs that relate to traumatic injuries. So the substance of this is that DRGs, or the treatment provided by hospitals across the state of Nebraska for traumatic injuries that are coded as traumatic DRGs, will be exempt for two years from the effective date of the act, or till January 2010, if I'm remembering right. And with that, I would urge the body to support AM1130, as well as LB588. Thank you. [LB588]

SENATOR McDONALD: Thank you, Senator Lathrop. Senator Johnson. [LB588]

SENATOR JOHNSON: Madam President, one of the things that I wanted to mention regarding the last bill, 1,053. Senator Chambers left the floor before I had a chance to mention it so hopefully he's watching on television because I think he would be kind of interested in what happened after the previous discussion on this floor. As I said, the bill is 1,053 pages. When we left the floor, we were on page 16. I carried the bill down the steps, hit the bottom steps, and went sprawling, as did all 1,053 pages. I don't think I could have found page 17 if we had to start again. At any rate, what I want to talk about here, because this really is a subject near and dear to my heart, and that's trauma. That's what I've really done and been interested in for the last 40 years. And there's been a lot of things going on today but I think it is so important that, as we look to the future, that the trauma systems that have been developed here are maintained. One of the things that is true in all hospitals, and I'm going to say all general hospitals, is with the advent of specialty hospitals, the specialty hospitals basically have been created from the segments that produced revenue in general hospitals. So if you have an orthopedic hospital, in a general hospital that would be a money-maker for the general hospital. There are other areas in general hospitals that almost always lose money.

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Pediatrics is one of them. Trauma is almost always a loser. So as you have revenue siphoned away from the general hospital that keeps our emergency rooms open and provides these services and remember, not just a trauma, emergency rooms are where poor people often go for their care because they don't have a regular place to go. So again, another uncompensated area. And so what I am concerned about, and this is being taken care of with this amendment, that we don't add one more place where hospitals are left holding the bag for taking care of the trauma. Because what will happen, and this has happened all over the United States, is that hospitals have gotten out of the business of taking care of trauma. They can't afford it. So if we cut their compensation, we better be awfully careful what we do lest we hurt that system. And this started out with concern about our teaching hospitals. And both of these are in a metropolitan area. [LB588]

SENATOR McDONALD: One minute. [LB588]

SENATOR JOHNSON: Again, this is the areas that take care of an inordinate number of poor people. And then we also have types of trauma in metropolitan areas that are not compensated for. So I'm glad to see an amendment come forth that will protect this funding source until it can be studied more thoroughly in the coming years because we have an excellent trauma system in place now. Let's make sure that we maintain that as we attempt to be frugal. Thank you. [LB588]

SENATOR McDONALD: Thank you, Senator Johnson. We have Senator Cornett, followed by Lathrop and Carlson. Senator Cornett. [LB588]

SENATOR CORNETT: Yes, I want to let everyone in the body know that the amendment that was filed has been the work of all of the committee and the members of the lobby to work to find the best solution for all hospitals that would be equal and fair to all hospitals. We, the last thing that we wanted to do as a committee, as Dr. Johnson mentioned, was become like some states that have enacted draconian workers' comp laws where we would then cause workers to be denied care. We have studied the issue very carefully and the amendment, as it stands, would exclude all hospitals that are included under this for two years on what is listed as trauma DRGs. All hospitals have agreed to work with us on the current DRG system that we have and I want to urge the body to support this. Thank you very much. [LB588]

SENATOR McDONALD: Thank you, Senator Cornett. Senator Lathrop. [LB588]

SENATOR LATHROP: Thank you, Madam Chair and colleagues, once again. I would like to take a crack at trying to make this a little easier to understand because when we start talking about DRGs and Medicare factors and things like that, you start to glaze over, which is exactly what I did when I first heard this. Nebraska is in the top five for low work comp premiums. We really, if you have a business here, our work comp

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premiums are pretty darn low. But we are also in the top tier when it comes to how much we pay our hospitals for care of those injured at work. LB588 is the committee's effort to do two things. We want to try to reign in the hospital expenses that insurance carriers and the self-insureds pay when a worker gets hurt and goes into the hospital. What we found in study is that Blue Cross Blue Shield may pay \$1,000 for some kind of care because they've gone in and negotiated a price but work comp is paying considerably more. And so what we've done with LB588 is we've come to legislate what hospitals are going to be able to charge when somebody gets treatment at a hospital and work comp is the type of coverage. What you need to know, it would take me an afternoon to explain how Medicare would do their billing. What you need to know, I think, to understand LB588 is that essentially LB588 is going to allow the hospital 140 percent of what it would get if it was a Medicare patient. Pretty simple. There are some exceptions, if the case drags on longer than the typical case and takes more time. But that's essentially it. It's 140 percent. We may have an amendment on Select File to tweak that a little bit. But right now it's 140 percent of what the hospital would get if they treated somebody for Medicare. That's the substance of what we're talking about. The other thing that LB588 does, which is kind of the trade-off for the worker is, right now if you injure, if you get hurt at work and your compensated indemnity benefits or payments for your injury directly to the worker. If you hurt your back or you have a brain injury, we call that a body as a whole injury. But if you hurt your arm or your leg or a finger or a toe or lose hearing in one ear, we call that a member disability. What LB588 also does is incorporate an idea that Senator Nantkes brought to us. And that is, if you hurt two members of your body in the same injury, in the same incident, and it causes you more than a 30 percent loss in your earnings ability, then you can treat that instead of treating it like two members, a hand and a hand, you can now treat it like a body as a whole injury, which allows for additional benefits to the injured workers. So LB588 does two things: it sets the fee schedule for hospitals and it provides for a little better benefit for an employee who is hurt and injures two members that results in some significant modification to his earning capacity. So that's it in its simplest terms. I appreciate you listening to us. I appreciate your vote on the two amendments. And we would ask you to move LB588 to Select File. Thank you. [LB588]

SENATOR McDONALD: Thank you, Senator Lathrop. Mr. Clerk, for an announcement. [LB588]

ASSISTANT CLERK: Madam President, the Ag Committee will have an Executive Session under the south balcony at 3:15; that's the Ag Committee under the south balcony, 3:15. []

SENATOR McDONALD: Thank you, Mr. Clerk. We will go on with debate with Senator Carlson, Wallman, Rogert, Cornett, and Avery. Senator Carlson. [LB588]

SENATOR CARLSON: Madam President and members of the Legislature, in trying to

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understand some of these items in this bill a little better, I'd like to address a question to Senator Lathrop. [LB588]

SENATOR McDONALD: Senator Lathrop, would you yield? [LB588]

SENATOR LATHROP: Yes, I'd be happy to. [LB588]

SENATOR CARLSON: If you could clarify for me on AM1130, because I had seen another amendment, the idea here is to, if I got this right, it's to exempt the trauma center treatment area in a hospital because that's more complex treatment for this period of time, but it's not exempt the entire hospital. I saw another amendment where it was to exempt some hospitals. But this is the trauma treatment portion of the hospital, is that true? [LB588]

SENATOR LATHROP: Yes, it is. And your question has given me an opportunity to explain. There were a number of amendments that we were working on. I can tell you that AM1130 was worked out about 15 minutes ago as a final compromise among the proponents and the hospitals that were concerned with the bill. [LB588]

SENATOR CARLSON: Okay. And that helps me because it's exempting a portion of that hospital in trauma treatment, not the rest of the hospital. [LB588]

SENATOR LATHROP: That's exactly right. It doesn't...originally we were going to try to exempt out Creighton and the Med Center because they do an awful lot of trauma and an awful lot of indigent care. What we settled on was exempting all hospitals for the traumatic injuries because they are the opportunity for hospitals to be undercompensated the most. [LB588]

SENATOR CARLSON: Okay, thank you, Senator Lathrop. I would like to also address a question to Senator Cornett if I could. [LB588]

SENATOR FISCHER PRESIDING []

SENATOR FISCHER: Senator Cornett, would you yield to a question? [LB588]

SENATOR CORNETT: Yes, Senator Carlson. [LB588]

SENATOR CARLSON: Senator Cornett, as you were going through some material in the introduction, if I heard this right, I think you talked about the payer or the insurance company must notify the hospital within 15 days if they need additional information about a claim. [LB588]

SENATOR CORNETT: Correct. [LB588]

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SENATOR CARLSON: And if the hospital doesn't receive this notice, then the insurance company must pay the full amount charged within 30 days? [LB588]

SENATOR CORNETT: It is 30 days, if they don't complain it's 30 days from the time of billing. [LB588]

SENATOR CARLSON: Okay. Now I missed that because we've got a...if they don't reply or pay within 30 days, they owe the entire amount charged. [LB588]

SENATOR CORNETT: I just wanted to make sure I had this right. We've had so many (laugh) manifestations of this bill just over the past hour. It is if they do not complain and they do not pay that, then they will owe the full amount within that 30 days. They have 15 days to file a sheet saying they don't have enough information to do that. [LB588]

SENATOR CARLSON: Right. They've got, I understand. The insurance company has to be limited on the amount of time that they take to clear up questions about a claim. If they don't do that, then they owe the full amount to the hospital, charged in 30 days. [LB588]

SENATOR CORNETT: Do you mean that they'd owe it within 30 days or do you mean that if it's not taken care of within 30 days, they will owe that amount? [LB588]

SENATOR CARLSON: Well, that's kind of what I'm trying to figure out because... [LB588]

SENATOR CORNETT: No, it is if they do not make that within 30 days, then they will owe the whole amount within 30 days, not that they have... [LB588]

SENATOR CARLSON: Okay. [LB588]

SENATOR FISCHER: One minute. [LB588]

SENATOR CORNETT: ...to pay it within 30. Correct? [LB588]

SENATOR CARLSON: Okay, I'm going to go on to another part of the question here to get it in my minute here... [LB588]

SENATOR CORNETT: Okay. [LB588]

SENATOR CARLSON: ...because in the insurance business, I know that many times there are questions about claims that insurance companies have to ask and ask and get more information. And it would almost seem to me, unless I'm missing something here,

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if the hospital doesn't receive notice... [LB588]

SENATOR CORNETT: Is that what you're asking, is if they don't receive notice? [LB588]

SENATOR CARLSON: Well, they could say they didn't receive notice and then they would have the insurance company pay them the entire billed amount rather than usual, customary, or something in between. And that seemed like a potential misuse of this intent. [LB588]

SENATOR CORNETT: Okay. Senator Carlson, what I want to do is reread the language just because that is a section that has changed. And I will get back with you on that. Is there another question that you had? [LB588]

SENATOR CARLSON: No, that's, appreciate that. [LB588]

SENATOR CORNETT: Okay. And I will go over that specific portion of the language. [LB588]

SENATOR CARLSON: Okay, thank you. [LB588]

SENATOR FISCHER: Thank you, Senator Carlson, Senator Cornett, and Senator Lathrop. Senator Wallman, you are recognized to speak. [LB588]

SENATOR WALLMAN: Thank you, Madam President, members of the body. I have dealt with trauma centers with friends and relatives. And we know it costs more money. And I've also dealt with insurance companies, Senator Carlson. And it is a formula very complex in the hospitals. Different hospitals charge different rates; trauma centers, rehab centers. So it's a very complex issue. And it's hard to get to the bottom of who pays what but eventually you'll figure it out if you get an attorney. But so I would urge support of this and I think it was a lot of work in the committee. And it's a complex issue and the hospitals charge different fees, different places. But this exempts the rural hospitals, am I right, and so we're not charging them any different from what they get now. And so I think this is about as good as we could do and I urge support of this legislation. Thank you. [LB588]

SENATOR FISCHER: Thank you, Senator Wallman. Senator Rogert, you are recognized. [LB588]

SENATOR ROBERT: Thank you, Madam President. Thank you. Two months ago we started working on this bill and I had no idea what any of it said. And through many, many hours and many discussions, lots of reading, I now know more about work comp than I ever thought was possible and I'm probably only about a third of the way there.

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But this bill had a lot of issues into it and it brought a lot of people together. And I'm pretty proud of the fact that we spent a lot of time and got a lot of people together to come up with a common plan that we're all pretty happy with. And I support, fully support the amended version of this bill. And I want thank everybody involved for getting it done. And that's, Madam President, I would yield the rest of my time to Senator Cornett, please. [LB588]

SENATOR FISCHER: Thank you, Senator Rogert. Senator Cornett. [LB588]

SENATOR CORNETT: Thank you, Madam President. I wanted everyone in the body to be aware that we...there are a number of technical amendments that we are working on currently that will be offered on Select File. And some of them, as Senator Lathrop mentioned, will deal with the amount over the percentage. We're currently reimbursing at 140 in the bill. We're looking at raising that to make it a little bit more equitable for the hospitals and reducing the outlier. To answer Senator Carlson's questions, I think my legal counsel is over there, there is nothing specifically in the bill to address if the hospital says, well, we didn't get that request from the insurance companies. I wasn't understanding his question. The bill is written that they have 15 days to send that we need more information. If they don't at that 30 day point, then they owe the full amount of discounted charges. It's not the full amount of what the bill would be, but the full amount of discounted charges. So that would not allow them to dispute a portion of the bill if they had not done that within the first 15 days. Thank you very much. [LB588]

SENATOR FISCHER: Thank you, Senator Cornett. The Chair recognizes Senator Cornett, if you would like to continue on your own time. [LB588]

SENATOR CORNETT: I'd turn my light off, Madam Chair. [LB588]

SENATOR FISCHER: Thank you, Senator Cornett. Senator Avery, you are recognized to speak. [LB588]

SENATOR AVERY: Thank you, Madam Chair. I have a couple of questions I'd like to address to Senator Lathrop if he would yield. [LB588]

SENATOR FISCHER: Senator Lathrop, will you yield to Senator Avery? [LB588]

SENATOR LATHROP: Yes, I will. [LB588]

SENATOR AVERY: As I understand it, one of the objectives of this legislation is to deal with, to put more certainty in the reimbursements fee schedule, with the hope that we can bring it down and lower the cost to businesses. Is that correct? [LB588]

SENATOR LATHROP: That's the goal. [LB588]

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SENATOR AVERY: Okay. I cannot find any language in this bill that addresses the specific benefits to businesses in the form of reduced insurance premiums. Is that...did I overlook something? [LB588]

SENATOR LATHROP: No, you didn't. What we're doing, when we had the committee hearings--it's interesting you bring that up, Senator Avery, if you don't mind me taking a little bit of time. We asked the head person from Liberty Mutual Insurance Company who testified in front of the committee, will this reduce premiums. And his answer is, well, it should but you can't be sure because that depends on a lot of things, including the stock market. We can't legislate reductions in premiums. What we can do is cause savings, which is, and what's paid in medical benefits and look for them to show up in reduced premiums. Now a year or two ago, we set a schedule for physicians. It did result in lower premiums. So we anticipate lower premiums. But if they don't go down after this measure, then we can look at whether or not this was even necessary in the first place. [LB588]

SENATOR AVERY: Is it possible to require some reporting by the insurance companies? [LB588]

SENATOR LATHROP: Yes, I think it is. And that's something that I think we're going to look at between General and Select, which is a reporting requirement. We want to see if we are going to have the local hospitals accept less for the treatment of work-related injuries, then we want to see the premiums fall that are paid by businessmen here in the state of Nebraska. [LB588]

SENATOR AVERY: Yeah, I would hope that happens because I think it's very important that, if the purpose of this is to drive down the costs on workers' compensation coverage for businesses, that we have some assurance that will take place. Thank you very much. [LB588]

SENATOR FISCHER: Thank you, Senator Avery, and thank you, Senator Lathrop. Senator Nantkes, you are recognized to speak on the amendment. [LB588]

SENATOR NANTKES: Thank you, Madam President, colleagues. Good afternoon. I rise in support of the amendment and the underlying bill and really want to commend the committee and all other interested parties for all the hard work that they did to craft what is really an equitable and balanced compromise in addressing some important and significant issues within Nebraska's workers' compensation laws. A portion of LB588 is, as Senator Cornett mentioned, as a bill that I introduced, LB77. And earlier in the session I had passed around to the members a brief article from the Nebraska Lawyer magazine. I have additional copies if anybody has misplaced them. But really in just three pages, it provides, I think, a nice summary and general description of Nebraska's

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workers' compensation benefits. And I thought that would be a particular use in assistance to new members who might not have any knowledge or expertise in this specific area of law. I wanted to touch just briefly on the components of the legislation that I was pursuing and that has been amended in as part of the overall package. Under current law if a worker sustains an injury to a certain part of their body under Section 48-121, that specifies a specific number of weeks of compensation the worker is entitled to receive as a result of that injury. Senator Lathrop briefly gave some examples of why this change is important. But I wanted to illustrate for the body some specific real-life examples that our office was made aware of and why we wanted to pursue this legislation. An attorney let us know about a case that he was helping a correction officer who was earning about \$15 an hour. And during that time of her service, she was attacked by an inmate. She suffered bilateral shoulder injuries, rendering her unable to continue in her regular work. After 13-plus years of services in the correctional facility, she is now out on the street looking for a new career. The benefits she received under the current law were simply not reflective of her true loss of earnings. She'll receive the same indemnity benefits for those ratings as she would as someone who was working at a job without the same physical demands she dutifully performed in this often thankless job. There's countless other examples, particularly from individuals who are working in the truck driving industry or individuals who are working at a factory. This comes up in many instances for roofers and other construction labor type trades. So we've got literally a file that's replete with specific examples of vulnerable and injured Nebraska workers who the law is not currently addressing their needs. And I believe that this component of the package is critically important to ensuring balance in the overall package and ensuring equitable treatment of these injured workers. So with that, I'd yield the balance of my time. [LB588 LB77]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Thank you, Senator Nantkes. Senator Fulton, you are recognized. [LB588]

SENATOR FULTON: Thank you, Mr. President, members of the body. Would Senator Cornett yield to some questions, please? [LB588]

SENATOR LANGEMEIER: Senator Cornett, would you yield to questions? [LB588]

SENATOR CORNETT: Yes, Senator Fulton. [LB588]

SENATOR FULTON: Senator, in the committee amendment there's a specific code that's spelled out, DRG code 462, and that has to do with rehabilitation, according to the... [LB588]

SENATOR CORNETT: That has to do with people that are sent to rehabilitation centers,

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like for traumatic brain injury. And those are such difficult, timely, costly cases that they have been excluded from this. [LB588]

SENATOR FULTON: Okay. Is it fair to say then the reason for exclusion is because these injuries are volatile such that they can't be predicted accurately? [LB588]

SENATOR CORNETT: Yes. [LB588]

SENATOR FULTON: Or how much work is going to be entailed? [LB588]

SENATOR CORNETT: Yes, that's very fair. [LB588]

SENATOR FULTON: Okay. Then the, Senator Lathrop's amendment is to include traumatic injuries... [LB588]

SENATOR CORNETT: There are...oh, go ahead, I'm sorry. [LB588]

SENATOR FULTON: Well, go ahead. That's where I'm going with this. Are the traumatic injuries identified with a DRG code also? [LB588]

SENATOR CORNETT: Yes, there are specific traumatic injuries, and that's where we had to have a meeting of the minds and we came to a compromise out in the lobby. There are certain DRG codes that are specifically trauma related. And those are where you begin to get into the higher billed costs. And that is why we've excluded those specific DRG codes for two years, to allow hospitals time to, one, find other funding and/or work out fee schedules, or have time to work it out. Because they are more complicated cases and they usually fall into the outlier range. [LB588]

SENATOR FULTON: Okay. I understand the reason for exclusion because there is a factor that makes these DRG codes that have been excluded difficult to predict. So I guess my curiosity then is, or my question would be, what do hospitals do now for these DRG codes that are difficult to predict, particularly the traumatic injuries? What do hospitals do now? Do they, are they just, they're reimbursed for the full cost of care or is there a limit or is there... [LB588]

SENATOR CORNETT: No. [LB588]

SENATOR FULTON: Okay. [LB588]

SENATOR CORNETT: Under the current workers' comp system, I'm just going to give you an example. You have, you sprain your finger and it's \$100 to fix, of bill charges. That's how much the hospitals would send someone a bill that had no insurance. If you are under Medicare, they would send you a bill for \$33. If you had private insurance, like

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Blue Cross Blue Shield, they would send you a bill for \$55. If you got hurt and sprained that finger at work, the state would be billed the 100 percent and then 20 percent would be discounted, and that would bring them to \$80 of the \$100 billed. [LB588]

SENATOR FULTON: Okay. [LB588]

SENATOR CORNETT: If you had complications with that, and that's where you're getting to, that is where we have the outlier. Say for instance you sprained your finger and it became infected and you had to have surgery. And that's where you fall into the outlier range, which we have addressed in the bill. [LB588]

SENATOR FULTON: Okay. I need to study a little bit more. The outlier, is it in the committee amendment, is it specifically... [LB588]

SENATOR CORNETT: The outlier is both, it's in the committee amendments and it will be in an amendment we are filing to reduce the amount on that outlier. Currently it's three times the normal bill charges. We are looking at reducing that to two and a half times the normal bill charges... [LB588]

SENATOR FULTON: Okay. So currently, if we didn't... [LB588]

SENATOR CORNETT: ...in the bill. [LB588]

SENATOR FULTON: ...touch, if we didn't touch anything, that outlier is at... [LB588]

SENATOR CORNETT: Three times. [LB588]

SENATOR FULTON: ...300 percent. [LB588]

SENATOR CORNETT: Yes. [LB588]

SENATOR FULTON: Okay. Okay, that answers my questions. Thank you, Mr. President. [LB588]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Senator Lathrop, your light is next. There are no other lights on. You can proceed or you can close. [LB588]

SENATOR LATHROP: I will use this opportunity to close, Mr. President. [LB588]

SENATOR LANGEMEIER: Okay. [LB588]

SENATOR LATHROP: Thank you, colleagues. This has been good discussion. I know that I share the experience that you're going through right now, which is kind of the

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glazed over, I can't really put my hands around all of this DRG business. But it really, this bill really gets down to something pretty simple and that is that we're doing something for the hospitals, we're doing something for the work comp carriers. The carriers then hopefully will pass that benefit along and the savings along to businesspersons here in the state. And we're doing something for employees. For the employer and the insurance carriers, we are providing them with a lower amount that they'll have to pay for care of the injured worker. That will result in savings that will be passed along to businesses in the state of Nebraska. For the hospitals, we have a provision that requires that payment be prompt. And I can tell you, hospitals have trouble getting prompt payment. And the provisions here essentially say let us know if you need any more information within 15, 20 days, whatever the term is, and if you don't you have to pay within 30 days, and if you don't pay within 30 days you don't pay the discounted amount, you pay the full freight. And that is the incentives for hospitals in this bill. And then of course, for the worker, the worker is provided with a benefit here. Some of the savings is passed along to employees who have bilateral injuries. The typical example is someone who works in the meat packing industry, has bilateral carpal tunnel syndrome. They would only receive a few thousand dollars if they were treated as two members. But because it may be a career ending type of an injury, if they have a loss of earning capacity of 30 percent or greater, then they are treated as a body as a whole. And I can just tell you, they're more fairly compensated. AM1130, which I'm closing on, exempts from this process for two years the DRGs for traumas. They are the most expensive, the most difficult piece of this puzzle. We will exempt them for two years. We'll probably take a look and see how they're paying that, what kind of savings are being realized by businesses and by insurance companies in that two-year period. And I would urge your support of AM1130 as well as the Business and Labor Committee amendment and LB588. Thank you. [LB588]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. You have heard the closing on AM1130 to the committee amendment, AM862. The question is, shall AM1130 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB588]

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of Senator Lathrop's amendment to the committee amendments, Mr. President. [LB588]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. AM1130 is adopted. Mr. Clerk, items for the record? [LB588]

ASSISTANT CLERK: Mr. President, I do. Correspondence from the Governor, LB232, LB457, LB502, LB562 were received in his office on April 19 and were signed and delivered to the Secretary of State on April 25. In addition, second correspondence from the Governor. (Read re LB415 and LB415A.) Mr. President, in conjunction with that, I have motions from Senator Harms that LB415 and LB415A become law notwithstanding

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the objection of the Governor. (Legislative Journal pages 1296-1297.) [LB232 LB457 LB502 LB562 LB415 LB415A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will return now to floor discussion on AM862, the Business and Labor Committee amendment to LB588. Seeing no lights on, Senator Cornett, you are recognized to close on AM862. [LB588]

SENATOR CORNETT: Thank you, Mr. President. All I want to do is urge the body to adopt the committee amendments. They are the gist of the bill and I thank you for your support. [LB588]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the closing on AM862, the committee amendments to LB588. The question is, shall AM862 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB588]

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of the committee amendments, Mr. President. [LB588]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. AM862 is adopted. We return now to discussion on LB588, the bill itself. The floor is now open for discussion. Seeing no lights on, Senator Cornett, you are recognized to close on LB588. [LB588]

SENATOR CORNETT: Thank you, Mr. President and members of the body. I urge the body to support the passage of LB588. It will bring Nebraska in line with surrounding states for inpatient workers' compensation injury. This bill creates savings. Everyone gets something and it creates equity and fairness. It will also decrease litigation. This bill improves a business climate in Nebraska. We are offering part of the savings back to the injured worker for which workers' compensation was designed. I will be...I want to thank everyone who has worked on this, and members of the committee and the body that have helped with this. And I urge the passage of this bill with its amendments. It is a compromise between all parties involved. Thank you very much. [LB588]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the closing on LB588. The question is, shall LB588 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB588]

ASSISTANT CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB588]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. LB588 does advance. Mr. Clerk, LB610. [LB588 LB610]

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ASSISTANT CLERK: Mr. President, LB610 was introduced by the Legislative Performance Audit Committee. (Read title.) The bill was read for the first time on January 17 of this year, referred to the Health and Human Services Committee. The committee reports the bill to General File with no committee amendments. [LB610]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Schimek, you are recognized to open on LB610. [LB610]

SENATOR SCHIMEK: Thank you, Mr. President and members. LB610 was introduced by the Legislative Performance Audit Committee. And because its members feel that its passage is vital to the safety and well-being of the citizens of this state, we have designated it as the committee's second priority bill. To give you a little background on the bill, the Performance Audit Committee introduced it as a follow-up to its August 2006 report, "The Lincoln Regional Center's Sex Offender Services Program." In that report, the committee found that the program's transfer and discharge procedures for sex offenders in treatment lacked adequate safeguards, which jeopardizes public safety. In fact, the committee found that in one case the risk to public safety had been unnecessarily increased when the program contradicted its own standard practice by releasing a sex offender who had not completed treatment. That individual subsequently committed another assault. Although the program had written policies regarding the transfer and discharge of sex offenders, the committee found that those policies needed clarification and that the documentation of transfer and discharge decisions needed to be formalized. As a result, the committee recommended that legislation be introduced to require the program to "develop, maintain, and adhere to written policies or administrative guidelines, regulations governing the transfer and discharge of sex offenders treated in the program." LB610 implements the recommendation by requiring the Department of Health and Human Services to develop written policies or administrative regulations regarding the transfer and discharge of sex offenders treated in the program. The bill requires those policies or regulations to contain, at a minimum: one, specific treatment requirements that sex offenders must meet before LRC will consider transferring or discharging them from the program; and, two, a list of personnel who are required to review the treatment progress of each offender prior to transfer or discharge and document their opinions about whether the offender should be transferred or discharged. Additionally, LB610 requires specific types of documentation to be kept in each offender's medical records, including documentation of the reasoning behind transfer and discharge decisions. I would like to point out that the sex offender services staff at the Lincoln Regional Center were cooperative with the performance audit process and have taken steps to implement all of the committee's recommendations, including the document requirements contained in LB610. Nevertheless, the committee feels that these documentation requirements for the transfer and discharge of sex offenders are so important from a public safety perspective that they should be codified in statute to ensure that they will always be in

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compliance regardless of any subsequent changes in administration or staff. LB610 was heard before the Health and Human Services Committee on February 2, and I might add that Senator McDonald actually introduced the bill at that time. I was out of town on legislative business. She was also on the committee last year when the audit was conducted. If you were to request a copy of the hearing transcript, you would find that it contains a whopping two and a half pages of text, most of which is a recitation of what I've said about the bill already. Other than a letter of support from the Department of Health and Human Services from Chris Peterson, there was no proponent, no opponent, no neutral testimony. I believe that the reason nobody had much to say about LB610 at the hearing is that the need for the bill is self-evident and its provisions are simple, straightforward, and uncontroversial. The Health and Human Services Committee voted unanimously to advance it and the fiscal note reveals no impact. At the close of the hearing, Senator Johnson summed things up perfectly by joking, I think we can call this a slam dunk. I will conclude this introduction by agreeing wholeheartedly with what Senator Johnson said, partly in jest, over a month ago. But LB610 really is a slam dunk. Passage of this bill is needed as an essential step toward protecting all Nebraskans from sexual predators by ensuring that those being treated at the regional centers are monitored appropriately and not released prematurely to offend again. I would appreciate your support for this legislation and am happy to answer any questions that you might have. Thank you, Mr. President. [LB610]

SENATOR LANGEMEIER: Thank you, Senator Schimek. You have heard the opening on LB610. Mr. Clerk, for a motion. [LB610]

ASSISTANT CLERK: Mr. President, Senator Johnson to offer AM925 to LB610. (Legislative Journal page 1167.) [LB610]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Johnson, you are recognized to open on AM925. [LB610]

SENATOR JOHNSON: Mr. President, members of the Legislature, yes, this bill is a slam dunk and our committee did vote unanimously to advance it. One of the things that we did find is that we thought that it might be slightly improved by a little change in the wording. AM925 is just a technical amendment that simply changes the word order to remove any potential confusion in the bill about what needs to be maintained with the sex offender's medical records. I have shown this to Senator Schimek and it is my understanding that she supports this amendment as well. So with this minor amendment, I would ask it be adopted and that we also vote for LB610. [LB610]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on AM925. The floor is now open for discussion. Senator McDonald, you are recognized. [LB610]

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SENATOR McDONALD: Mr. President and members of the body, I also encourage you to vote for LB610 with the amendment, AM925 by Senator Johnson. Having served on the Performance Audit Committee for the last few years, that committee is very important to finding out what things are not happening the way they need to happen. And because of that, we bring legislation to make it right. Many of those agencies, sometimes through no fault of their own, neglect to follow state statutes. Sometimes they are investigate with our performance audit and found to, not obliging and not following law, and we have to come back in and make sure that our laws are not ambiguous and that they are very straightforward. And because of that, we find some errors. And because of that, we bring legislation such as this to make sure that people are safe, make sure that people are following the legislation and the law. And I encourage you to vote for this. Thank you. [LB610]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Is there anyone else wishing to speak to...Senator Fulton, you are recognized. [LB610]

SENATOR FULTON: Thank you, Mr. President. Would Senator Schimek yield to a question? [LB610]

SENATOR LANGEMEIER: Senator Schimek, would you yield to a question? [LB610]

SENATOR SCHIMEK: Yes. [LB610]

SENATOR FULTON: Thank you for bringing this forward, Senator Schimek. The audit process, I think, is a very important part of state government. I have a question with specificity to the bill, which I think you'll be able to answer pretty quickly. And then I'll have a general question also. In the green copy of the bill itself on page 2 in line 7, that's where subsection A begins, specific requirements regarding treatment that sex offenders are required to meet in order to be transferred from one sex offender treatment unit to another or to be just discharged from treatment. Was there a discussion...in my mind, there is a difference between, you know, making sure that a sex offender is safe to be transferred from one center to another and then actually being discharged. Was there any discussion as to how HHS is going to be putting this together? Will it be one requirement that needs to be met in order to transfer or discharge? Or will they be putting together a requirement that needs to be met in order to transfer and a different one in order to discharge? Do you follow my question? [LB610]

SENATOR SCHIMEK: I do follow you and I don't have the green copy in front of me, but I did follow what you were asking, Senator. [LB610]

SENATOR FULTON: Okay. [LB610]

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SENATOR SCHIMEK: And I'm making an assumption here. There wasn't a discussion about it, as I recall. But my assumption is that those would probably be two different standards. In fact, I think for discharge you have to have an additional program in order to be discharged. There's some preliminary things which allow you to be transferred. But then I think there are additions to that that say you can be discharged. [LB610]

SENATOR FULTON: Okay. This is something I would have come to you personally off mike, but this is something that just, a red flag goes off in my mind because of...how do I say this? It seems that I pick up the newspaper and read about a sex offender committing another sex offense while on our watch. And the fact that this audit process is addressing this, I am thankful that it does. I just, I want to do everything in our power to make sure that we don't keep having these sex offenders traumatizing children or, usually it's children that are being offended against. And so that's something that jumps out to me. There's a difference between transferring and discharging. So hopefully the record will reflect that there is a difference between those two things. And then my second question is more general. How do we ensure, what mechanism exists for the performance audit branch of government, of the legislative branch of government, to ensure that this bill is being followed by HHS? What mechanism exists to ensure that this is being implemented? [LB610]

SENATOR SCHIMEK: Well, Senator, it is just like any other bill that we pass. We have to occasionally go back in and check it out. We, as you know, just had a number of requests for performance audits recently and we had chosen some to pursue. So it takes watchfulness on the part of all of us. But as I said in my remarks, the staff that is at the regional center right now is very committed to following this. And so I don't have too many doubts that it will be followed as long as that administration is in place. The reason we're putting it in statute--I mean, they're doing it without this--but the reason that we want to put it in statute is so that... [LB610]

SENATOR LANGEMEIER: One minute. [LB610]

SENATOR SCHIMEK: ...it will be there for the next administration to see and to follow. There's no way we can know for sure. But the only thing that we can do is pass the law and say this is the law. [LB610]

SENATOR FULTON: Okay. In the future then, it's probably, it's incumbent on those who serve in future legislatures to keep an eye on this. And then it would come through the Performance Audit Committee, correct? [LB610]

SENATOR SCHIMEK: Yes. And sometimes the committee itself will request that we do a follow-up to see how the law is being implemented, as we did with the lottery law that we passed several years ago. [LB610]

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SENATOR FULTON: Okay. Thank you, Senator Schimek. Thank you, Mr. President.
[LB610]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Seeing no lights on, Senator Johnson, you are recognized to close on AM925. Senator Johnson waives closing. The question before the body is, shall AM925 be adopted to LB610? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk.
[LB610]

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Johnson's amendment.
[LB610]

SENATOR LANGEMEIER: AM925 is adopted. We return now to discussion on LB610, the bill itself. Is there anyone wishing to speak? Seeing no lights on, Senator Schimek, you are recognized to close on LB610. [LB610]

SENATOR SCHIMEK: Thank you, Mr. President and members. I would simply ask for your vote to advance LB610 to E&R. And I think that this will give us some assurance that the citizens of our state will be safer and it sets in statute some of the procedures that need to be followed to see that that happens. With that, I thank you very much.
[LB610]

SENATOR LANGEMEIER: Thank you, Senator Schimek. You have heard the closing on LB610. The question is, shall LB610 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk.
[LB610]

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB610]

SENATOR LANGEMEIER: LB610 does advance. Mr. Clerk, LB324. [LB610 LB324]

CLERK: LB324, introduced by Senator Flood at the request of the Governor. (Read title.) The bill was introduced on January 11, referred to the Retirement Systems Committee for hearing, advanced to General File, Mr. President. [LB324]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Flood, you are recognized to open on LB324. [LB324]

SPEAKER FLOOD: Thank you, Mr. President and members. I did introduce this bill as Speaker on behalf of the Governor. I would yield my time to the chairman of the committee. I do also support the bill and would ask to yield the rest of my time to Senator Synowiecki, Chairman of the Retirement Committee. [LB324]

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SENATOR LANGEMEIER: Senator Synowiecki, you are recognized. [LB324]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. Thank you, Speaker Flood. LB324 was heard before the Retirement Committee on February 14, 2007. It was advanced to General File with six votes in the affirmative. There were two individuals testifying on the bill, including one representing the State Troopers Association of Nebraska. LB324 eliminates existing statutory language that was scheduled to reduce both the employer and employee retirement contribution rates in the State Patrol retirement system on July 1, 2007. Instead, this bill would continue the current employer retirement contribution rate of 15 percent of each officer's pay and the current employee retirement contribution rate of 13 percent of each officer's pay to continue to fund the expected normal costs of the accruing benefits for the State Patrol retirement system. The contribution rates of both the employee and employer from July '04 to June 2005 was 12 percent, for a total of 24 percent. Effective July 1, 2005, this contribution rate was raised as a result of, in response to actuarial results to an employee contribution rate of 13 percent and an employer contribution rate of 15 percent. These rates are scheduled to sunset on July 1, 2007. What LB324 would do is essentially maintain these contribution levels, that is the employee contribution level of 13 percent and the employer contribution at 15 percent. With passage of LB324, the General Fund additional contribution to the state retirement plan will be \$813,159. If LB324 does not pass, the General Fund exposure to the State Patrol retirement plan is \$1,534,897. That is essentially LB324. As the Speaker indicated, it was introduced by the Speaker at request of the Governor. Thank you. [LB324]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki and Senator Flood. Mr. Clerk, for a motion. [LB324]

CLERK: Mr. President, Senator Synowiecki would move to amend with AM653. (Legislative Journal page 935.) [LB324]

SENATOR LANGEMEIER: Senator Synowiecki, you are recognized to open on AM653. [LB324]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier, members of the Legislature. AM653 is essentially the amended version, as amended by the committee, of LB303. This bill, too, was heard by the Retirement Committee on February 14, 2007. It was advanced to General File with amendments with six individuals on the committee voting affirmatively for the bill. There were, besides myself, six individuals testifying in support of LB303. This bill was brought to me by members of the State Troopers Association of Nebraska. AM653 establishes a deferred retirement option program, or commonly referred to as DROP, and would provide an added benefit to the retirement system. The State Troopers Association has paid for actuarial studies in order to assure that this bill will, at a minimum, be revenue-neutral. Actually, those studies have shown

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that the plan will save the state over \$80,000 annually if the DROP plan is adopted by the Legislature. The DROP will allow members to have their monthly retirement benefits deposited into their DROP account, earning interest while simultaneously continuing to work. During this period, however, members do not earn additional credit for retirement. The member would choose how to invest the money in the DROP account. At the end of five years or any time before the five-year period, the member must actually retire. At this point, the member's monthly pension benefit will be paid directly to the member, not to the member's DROP account, and the member will have access to the money accumulated in his or her DROP account. The purpose of this program is to provide a way for members to accumulate additional savings while continuing their employment. Other state and local governments have implemented similar programs. Originally popular with police and fire plans, DROPs now exist for teachers and general public employees as well. There is no rigid structure that must be followed for DROP programs. The design of DROP programs varies greatly and they are usually crafted to meet the needs of each group of employees and their employer. This particular DROP was drafted closely after what the Lincoln Police and Fire Departments provide to their members. All members of the State Patrol retirement system are eligible to participate in the DROP program when they become eligible for normal age and service retirement and members can enter the DROP any time after becoming eligible. The member's retirement benefit is determined at the time of DROP enrollment and will not increase due to salary raises, promotions, additional years of service, or pension enhancements. Furthermore, the COLA provided for in the State Patrol retirement system will not take effect until after the DROP period. The member continues actively working and receiving a paycheck as well as retaining his or her employment rights, privileges, and benefits. A member may stop working and actually retire or the state may terminate the member's employment in the same manner as before DROP participation. The DROP program can be very advantageous to a member who is interested in assembling a nest egg for themselves and their family and providing a jump-start into their retirement. It also has benefits to the state as is reflected in the actuarial study. I want to thank you members for consideration of your adoption of AM653. Thank you. [LB324 LB303]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. You have heard the opening on AM653. The floor is now open for discussion. Senator Flood, you are recognized. [LB324]

SPEAKER FLOOD: Thank you, Mr. President, members. I stand to support Senator Synowiecki's AM653, which I think is good state policy. We should be very proud of the work the Nebraska State Patrol does across Nebraska. And I believe that this is not only a win-win situation, but it actually benefits, as Senator Synowiecki pointed out, it's actually a positive to the state on the revenue side. So basically, what is the DROP proposal? Any member of the State Patrol retirement system that's eligible to participate in the DROP program when they become eligible for the normal age and service retirement at age 50 or at least 25 years of service, members can enter the DROP

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program. And the benefit to us as citizens is that troopers continue to stay on the job whether in investigations, forensics, on the road, in a command position. The benefit is to the taxpayers. It takes us a long time to really see an investigator grow and develop in their role working for the Patrol. When they reach the age of retirement, why not keep that investigator and his or her skills on the job working for Nebraskans if they so choose to participate in the DROP program? They're not forced into it. The state is the winner and we benefit from their experience for another five years. So I want to thank Senator Synowiecki for bringing this. I think we can be proud of the work that the Retirement Committee has done and this is the best direction for the state. Thank you, Mr. President. [LB324]

SENATOR LANGEMEIER: Thank you, Senator Flood. Senator Wallman, you are recognized. [LB324]

SENATOR WALLMAN: Thank you, Mr. President. Can I ask Senator Synowiecki a question? [LB324]

SENATOR LANGEMEIER: Senator Synowiecki, would you yield to a question? [LB324]

SENATOR SYNOWIECKI: Yes. [LB324]

SENATOR WALLMAN: At the present time, this is only good for state troopers, right? [LB324]

SENATOR SYNOWIECKI: This bill, AM653 would provide the DROP program to the state troopers program, right. [LB324]

SENATOR WALLMAN: Okay. No other public employees? [LB324]

SENATOR SYNOWIECKI: Well, not state, not any program where the jurisdiction of the retirement is under the jurisdiction of the Legislature. The Lincoln Police and Fire have it. There may be some other municipalities that have it for their public employees. But in terms of programs which come under the oversight and purview of the Legislature, this would be the first one. [LB324]

SENATOR WALLMAN: Thank you. And I think, too, I support this legislation. I think it's good, our highway patrolmen. I have one or two friends that are patrolmen. And anything we can do to help them and help ourselves, because some of these with early retirement, they're good for quite a few years. So I think it's good and I, too, would urge you to support this legislation. And I think we should thank the Governor and Speaker Flood and Senator Synowiecki for bringing this forth. Thank you, Mr. President. [LB324]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator Kopplin, you are

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recognized. [LB324]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. I want to stand in support of this amendment and the bill. In this day and age, we have a lot of people that qualify for retirement. And you really can't blame them for wanting to begin to think about that. But we really can use their expertise for a few more years, whether this be the troopers or school employees or what. We need their help for a few more years. This is a good way to allow them to begin to make their plans to use their retirement and still give us the help that we need. So I stand in support and I appreciate the bill being brought forward. Thank you. [LB324]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. There are no lights on. Senator Synowiecki, you are recognized to close on AM653. [LB324]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier, members of the Legislature. I appreciate the comments, appreciate the support for the DROP program. This really is kind of an innovative way. The advantages to the trooper is they can continue their service to the state of Nebraska for up to five years and not contribute that 13 percent out of their salary towards their retirement benefit. And likewise, the state gets the advantage of a seasoned trooper, maybe investigator, maybe a seasoned trooper that knows the job, has been around, and continue to receive the service from that trooper for up to five years. And the state does not have to contribute that 15 percent of the salary towards the retirement contribution. Some of the testimony before the committee, particularly from the head of the troopers, Bryan Tuma of the Nebraska State Patrol, indicates that this will help immensely with strategic planning for the State Patrol. Right now, a trooper can come in that's qualified for retirement and indicate that he or she intends to retire within the next 30 or 60 days and really does not give the state troopers timely strategic planning in terms of recruitment and so forth for future, to fill those spots. And what this does is, once they enroll in a DROP program, you know you've got their service for up to five years. And knowing that, having that knowledge helps immensely relative to recruiting and strategies, strategic planning for the troopers in terms of internal mechanisms and planning for the future. I would hope that you would support the amendment and I appreciate all the dialogue relative to AM653 and would ask that you advance the amendment. Thank you. [LB324]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. You have heard the closing on AM653. The question before the body is, shall AM653 be adopted to LB324? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB324]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Synowiecki's amendment. [LB324]

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SENATOR LANGEMEIER: Thank you. AM653 is adopted. We return now to discussion on LB324. Seeing no lights on, Senator Flood, you are recognized to close. [LB324]

SPEAKER FLOOD: Thank you, Mr. President, members. I want to thank the Chairman of the Retirement Systems Committee for doing such a good job on this and this is definitely something we must address this session. Thank you for his work and the committee's work. I urge you to support the bill, LB324. Thank you, Mr. President. [LB324]

SENATOR LANGEMEIER: Thank you, Senator Flood. You have heard the closing on LB324. The question is, shall LB324 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB324]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB324. [LB324]

SENATOR LANGEMEIER: LB324 does advance. Mr. Clerk, LB324A. [LB324 LB324A]

CLERK: Senator Synowiecki would offer LB324A. (Read title.) [LB324A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Synowiecki, you are recognized to open on LB324A. [LB324A]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. This actually probably should have been under Senator Flood's name but I think I inadvertently signed the A bill to LB324, which is Senator Flood's bill. This essentially appropriates funds for LB324, more specifically the funds that are needed to maintain the solvency of the Nebraska Retirement Systems for the Nebraska State Troopers retirement systems plan. And I believe it is in the amount of \$813,159. The language in LB324 significantly reduced the General Fund exposure. The exposure, if that sunset would have been allowed to set in, would have been in excess of \$1.5 million. Thank you. [LB324A LB324]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. You have heard the opening on LB324A. The floor is now open for discussion. Seeing no lights on, Senator Synowiecki, you are recognized to close on LB324A. Senator Synowiecki waives closing. The question before the body is, shall LB324A advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB324A]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB324A. [LB324A]

SENATOR LANGEMEIER: LB324A does advance. Mr. Clerk, LB247. [LB324A LB247]

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CLERK: LB247 is by Senator Johnson. (Read title.) The bill was introduced on January 10, referred to Health and Human Services Committee. The bill was advanced to General File, Mr. President. [LB247]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Johnson, you are recognized to open on LB247. [LB247]

SENATOR JOHNSON: Thank you, Mr. President, members of the Legislature. LB247 would ordinarily be called a cleanup bill because it makes technical changes to the Uniform Controlled Substances Act and the Pharmacy Practice Act. The bill was heard on the 8th of February and advanced by the committee unanimously by those present and all present and voting. There was no opposition to the bill and there is no fiscal impact. Let me just tell you just a little bit about it. The bill removes the term "compounding" from the definitions of manufacture in the Uniform Controlled Substances Act. Compounding is an old pharmaceutical term. It also, and manufacturing in the...manufacture in the Wholesale Drug Distributor Licensing Act to conform with definitions used by the National Association of Boards of Pharmacy. So just two terms to conform with the National Association of Boards of Pharmacy. The bill amends the UCSA to exempt certain anabolic steroids from the list of Schedule II controlled substances that are exempted by the U.S. Drug Enforcement Administration. Therefore, it would make our state law conform to federal law. The bill recognizes an exception for the drug buprenorphine--I have a tough time pronouncing it at the end of the day--to the prohibition against prescribing certain narcotic drugs. This is one for detoxification treatment or maintenance treatment in the narcotic-dependent individual. The bill modifies the verbal offer to counsel that must be provided by a pharmacist to a patient or a caregiver prior to dispensing or delivering a drug or device. The bill removes the requirement from the Pharmacy Practice Act that written information provided with the dispensed prescription drugs must include all information found on the prescription label. The bill changes provisions relating to the return of drugs to the pharmacy from a long-term care facility to provide that the term long-care facility does not include assisted living facility, as otherwise defined under the state law. The bill clarifies drug product selection provisions or the manner in which the practitioner may designate that a drug product selection is not permitted for the particular drug or device. That is the introduction and, hopefully, explanation to this cleanup bill, LB247. [LB247]

SENATOR FRIEND PRESIDING []

SENATOR FRIEND: Thank you, Senator Johnson. Members, you have heard the opening on LB247. Mr. Clerk, amendments? [LB247]

CLERK: Senator Johnson would move to amend with AM1086, Mr. President. (Legislative Journal page 1272.) [LB247]

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SENATOR FRIEND: Senator Johnson, you are recognized to open on AM1086. [LB247]

SENATOR JOHNSON: AM1086 is a bill about dental hygienists. It contains provisions of LB427 as amended and advanced unanimously by the Health and Human Services Committee. The bill was introduced to implement recommendations of a 407 review completed under the Nebraska regulation of the Health Professions Act. The bill, as amended, permits HHS Department of Regulation and Licensure to authorize a dental hygienist with 3,000 hours of clinical experience in four of the preceding five calendar years to perform additional functions within their existing scope of practice without the authority or supervision of a licensed dentist in the conduct of public health-related services in a public health setting or in a healthcare or related facility. So those activities include oral prophylactics, teeth cleaning for healthy children who don't require antibiotic premedication, pulp vitality testing, and three preventive measures, including the application of fluoride, sealants, and other recognized topical agents for the prevention of oral disease. I want to make it clear for the record that the bill, as amended, only permits teeth cleaning for children who don't require antibiotic premedication. Additional prophylactics is not authorized under preventive measures permitted by this bill. Authorization must be granted by the department upon: one, the filing of an application with the department; two, evidence of a current licensure and professional liability insurance coverage; and, three, evidence of the required clinical experience. A licensed dental hygienist performing the above functions must: one, report authorized functions performed by him or her to the department; two, advise the patient or the recipient of the services of his or her authorized representative that such services are preventive in nature and do not constitute a comprehensive dental diagnosis or dental care. The amendment updates and modifies the dental hygienist scope of practice and makes technical changes. LB427 and LB538 were two bills introduced in this session on this topic, introduced on behalf of Nebraska dentists and the other on behalf of dental hygienists. LB538 was introduced by Senator Schimek and I introduced LB427. The amendment represents the substantial conformity with the 407 review process and comes after productive discussion with both parties. I believe Senator Schimek agrees with this amendment. I am confident that the bill will expand access to necessary services and, at the same time, maintain the protection for the public. I don't believe the amendment is controversial. With that, I would allow any of the rest of my time for Senator Schimek to comment. [LB247 LB427 LB538]

SENATOR FRIEND: Senator Schimek, there is 5 minutes, 40 seconds. [LB247]

SENATOR SCHIMEK: Thank you, Mr. President and members. I think that will probably be sufficient. I would like to, first of all, thank Senator Johnson and his staff for working on this issue. This issue began about two years ago when I brought a bill to the Legislature for the dental hygienists. And it stalled and went through a 407 process and

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ultimately went to the medical director over at Health and Human Services. And then we worked together with the dentists that Senator Johnson was working with and I was working with the dental hygienists. And we were going back and forth and trying to find a solution that would be acceptable to everyone. Ultimately, we were successful. The dental hygienists are happy with this bill. They feel it's a good step forward. Their interest is in being able to provide these services all over the state and that's particularly important in rural Nebraska where we often don't have the kind of dental care that we need. And this actually is not a new concept or idea that gives the dental hygienists these kinds of opportunities because there are a number of states that have done such legislation and allowed dental hygienists to provide these kinds of services without the benefit of supervision of a dentist. South Carolina, for example, contracts with Health Promotion Specialists to provide a statewide school-based dental sealant program that includes other preventative oral health services and education. Since 2001, HPS has provided over 160,000 preventative services to over 80,000 children in South Carolina with no substantiated complaints against the hygienists. I give you that as just one example. But this would allow hygienists to be in healthcare or related facilities, which means a hospital, a nursing facility, an assisted living facility, a correctional facility, a tribal clinic, or a school-based preventative health program. This is a win-win situation for everyone and I am delighted that we have finally found the answer to the disagreement and, again, thank Senator Johnson and his staff, as well as my own staff who worked for a considerable amount of time on this issue. Thank you, Senator Johnson. Thank you, Mr. President. [LB247]

SENATOR FRIEND: Thank you, Senator Schimek and Senator Johnson. Senator Schimek, your light was actually next. Senator Schimek waives her opportunity to speak. Senator Dierks, you are recognized. [LB247]

SENATOR DIERKS: Thank you, Mr. President and colleagues. I just want to stand in support of the amendment and the underlying bill. I had been a cosigner of the original bill that became this amendment. And I have to reiterate some of the things that Senator Schimek has said. In the very rural part of the state, this is pretty important as far as dental hygiene is concerned for our youth. We get spread pretty thin out there for dental services. And if these dental hygienists can go take care of some of these issues for us, I think it's time for us to let them do that. This bill is just what we need and I would urge your support of the amendment and the bill. Thank you. [LB247]

SENATOR FRIEND: Thank you, Senator Dierks. Senator Louden, you are recognized. [LB247]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I would ask if Senator Johnson would yield for questions, if he would, please. [LB247]

SENATOR FRIEND: Senator Johnson, will you yield to a question, please? [LB247]

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SENATOR JOHNSON: Yes, sir. [LB247]

SENATOR LOUDEN: Senator Johnson, the part I was looking at was Section 5 and that goes with some of the dispensed drugs in these long-term care facilities and assisted living. And then as you look through it, as you get to the latter part, long-term care facility does not include an assisted living facility as defined in Section 71-406. Could you explain that to me? [LB247]

SENATOR JOHNSON: Yes, sir. The thinking behind that was this, that when we open packaged drugs from the pharmacy and so on, we want to have the best assurance that we can that once that seal has been broken, that the medications inside are essentially the same as they were when they were packaged. And it was felt by all of us involved that you could not guarantee that in an assisted living type facility that all of the people would take care of the medications so that they could be returned with the absolute guarantee of the same quality. So it was just that we could be assured of that quality. You might recall that there was a bill here within the last year where the medications were for people with cancers and things like this that were very expensive drugs. But those were under very guarded conditions given by nurses in facilities and things like that. So it was just a matter of guarantee as far as the safety of the drug. And so that's why they weren't allowed to be returned. [LB247]

SENATOR LOUDEN: Well, that's what I was wondering, because I've been kind of familiar with assisted living and long-term facilities both. And a lot of these assisted living facilities, I mean the drugs are brought in once a month and they're put in some type of a container that the pharmacist actually delivers the drugs there. And then as they need them, each one of those containers is opened. And of course, there are containers then that don't get opened and they could be returned. And that's what I was wondering, if we're doing away with that system now by putting this amendment in there when you designate between assisted living and long-term care. Some of these assisted living have, you know, have competent people that administer drugs. In fact, usually that's what assisted living does, is have professionals assist, administer medication. So I'm wondering if that is going to put a hindrance on some of our healthcare facilities. [LB247]

SENATOR JOHNSON: Well, Senator Louden, I think that you kind of inadvertently hit on the issue. And you used the word "some." And what we have to have is the word "all." And so until you can at least have a limited guarantee, for want of another word, that it would seem that it would be inappropriate. I wouldn't trust giving medications to another person under those kind of circumstances. I think we have to have, like I say, a virtual guarantee of... [LB247]

SENATOR FRIEND: One minute. [LB247]

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SENATOR JOHNSON: ...purity of the medication. Let me just read one thing here that we... [LB247]

SENATOR LOUDEN: Well, one other question... [LB247]

SENATOR JOHNSON: Go ahead, sir. [LB247]

SENATOR LOUDEN: ...I'd like to mention was that it's all...the pharmacist gets to make the choice. He's the one that, I think, farther up in that Section 5, I think it depends on the control of the pharmacist or something like that. He's the one that makes that choice. But I'm just wondering if we are inadvertently putting an expense on some people out there with their drugs. [LB247]

SENATOR JOHNSON: Well, I think that you're probably correct in the fact that there is the potential for added expense and it would be nice to be able to turn them back. But I think we have to make the choice between safety and the added expense that you're talking about and... [LB247]

SENATOR FRIEND: Time. [LB247]

SENATOR LOUDEN: Thank you. [LB247]

SENATOR FRIEND: Thank you, Senator Louden. Thank you, Senator Johnson. Senator Johnson, there are no more lights on. You are recognized to close on AM1086. [LB247]

SENATOR JOHNSON: Thank you. Let me read the statement, Senator Louden, in the statement of intent: "Patients in assisted-living facilities have greater access in administering their drugs and it is therefore unlikely that the strict conditions under which drugs may be returned to the pharmacy will be met." And that's the decision that we had to make. Now, sir, let me say this. First of all, let me thank Senator Schimek and both of our staffs. They have worked very long and very diligently to get to this point. And I think that we also should compliment both sides, and that is the dentists and the dental hygienists, because they have also put in many hard and constructive hours and done it in a manner in which all of us would be proud of their actions. So with that, I'd ask for the advancement of AM1086 and LB247. Thank you. [LB247]

SENATOR FRIEND: Thank you, Senator Johnson. Members of the Legislature, you have heard the closing on AM1086, an amendment to LB247. The question is, shall AM1086 be adopted? All those in favor please vote aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB247]

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CLERK: 35 ayes, 1 nay, Mr. President, on the adoption of Senator Johnson's amendment. [LB247]

SENATOR FRIEND: The amendment is adopted. Senator Johnson, there are no senators wishing to speak. You are recognized to close on LB247. [LB247]

SENATOR JOHNSON: I'll waive closure. [LB247]

SENATOR FRIEND: Senator Johnson waiving closing. Members, the question is, shall LB247 advance to E&R Initial? All those in favor please vote aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB247]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB247. [LB247]

SENATOR FRIEND: LB247 does advance. Next item. [LB247]

CLERK: Mr. President, LB435 is a bill originally introduced by Senator Raikes. (Read title.) Bill was introduced on January 16, at that time referred to the Agriculture Committee, advanced to General File. There are committee amendments, Mr. President. (AM854, Legislative Journal page 1033.) [LB435]

SENATOR FRIEND: Senator Raikes, you are recognized to open on LB435. [LB435]

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. LB435 was originally one component of a two-pronged legislative initiative aimed at determining the best possible use of the State Fair Park property. The bill, as introduced, would require the Nebraska State Fair Board, in conjunction with the city of Lincoln, Lancaster County, and the State Building Division of the Department of Administrative Services, to develop a Nebraska State Fairgrounds master plan. The other component of that initiative, LB131, proposed a study of the cost benefits and cash flow associated with the use of State Fair Park by the University of Nebraska for a research and development corridor. I think you agree that we owe it to the people of the state to make the best possible use of the public resources we have at our disposal. However, at this point we have no objective information to determine which of these uses offers the greater benefit to the people of Nebraska. The goal of these proposals was to provide us with the data necessary to make an informed decision as to which of these competing uses would better serve the state. That's the background for this proposal. The Ag Committee has worked hard on this issue. They have a committee amendment which I support, and I'm going to stop here so that we can go on to the committee amendment. Thank you. [LB435 LB131]

SENATOR FRIEND: Thank you, Senator Raikes. Members, you have heard the opening on LB435. As the Clerk stated, there are amendments from the Agriculture

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Committee. Senator Erdman, as Chair of the committee, you are recognized to open on those amendments. [LB435]

SENATOR ERDMAN: Mr. President and members of the Legislature, I offer before you AM854 as the committee amendment from the Agriculture Committee to LB435. LB435 had a public hearing before the Agriculture Committee on February 13. It was the single bill that we debated or heard that day. There were a number of individuals who testified in support of the original proposal, as introduced by Senator Raikes, as well as a number of individuals who had testified in opposition. The committee amendments essentially replace the bill, and I will explain the committee amendments, as well as the process in which we would propose that we would proceed with under the committee amendments to arrive at the objective information that Senator Raikes was intending to accomplish under his underlying bill, to prepare us for our future discussion. The provisions of the committee amendment, again, strike the underlying provisions of the bill. It substitutes it with a study of the Agriculture Committee of the programming needs to conduct State Fair and enhance the other utilization of a State Fair campus and the cost to achieve such programming needs of the State Fair Park. Study objectives are outlined in Section 3. Mainly, it will identify...it will be the identification of facility and infrastructure needs at existing State Fair Park to meet a 15-year programming need to serve the State Fair and to accommodate and maximize other year-round utilization of the State Fair facility. It will also include a 15-year cash flow projection, incorporating capital improvements to achieve such programming needs. Finally, it will also identify the capital and infrastructure needed to meet comparable programming needs at an alternative location. The study of the Agriculture Committee would be done in such a way that an independent consultant would be hired to assist us in analyzing all of the existing plans and procedures that have been put in place specifically since 2000. The consultant would be hired through a request for proposal process that is being administered and would be administered by the Department of Administrative Services. The research analyst of the committee and myself have had numerous meetings with DAS. We've had numerous meetings with both interested parties from the State Fair Board, as well as the visioning group, to try to come to a compromise that outlines a process that gives the Legislature, and specifically the Ag Committee, the objective information that we need to make an intelligent decision about how to proceed with the location of the State Fair, whatever that might be. The consultant's report would be provided by November 15 of this year. The Ag Committee would then have one month, up until December 15 of 2007, to further review that report and conduct an interim hearing on that report. The other language that's within the bill are technical in nature. Sections 1 and 2 amend the language to direct the State Fair Board to cooperate with the Ag Committee to study and authorize the State Fair in funding such a study project. There will be no General Fund obligation should LB435 become law with the committee amendment. The State Fair Board has pledged up to \$150,000 to assist in underwriting the cost of the independent study, and we would anticipate that through this process, should we be successful in the advancing of LB435, that we will secure the official

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acceptance of that request by the State Fair Board. We are at a significant crossroads in the State Fair and we have overcome one of those crossroads already with the adoption of Amendment 4, which authorized \$2 million to the State Fair Board at a minimum annually. We are now at a point where it's time to decide and to analyze the condition of the State Fair at a new time, and we as the committee that have worked on this and that have advanced this bill unanimously, all of those who were present voting yes, and have outlined the issues that we would be undertaking in the bill as also trying to follow up with an RFP to provide the best and brightest assistance to the committee and ultimately to the Legislature to determine the best use of whatever State Fair Park may be, if it is the existing location or if there are alternative sites that should also be included. I would be happy to try to answer any questions that you may have. The intent, however, under the committee amendment is to provide an independent, objective process that gives us the numbers, that does the analysis, that reviews the plans that have been put in place, or at least have been proposed over the last four years and possibly longer than that, so that when we...if and when we would come back and have the discussion on the actual location of the fair, that we as the body would have that necessary information that we would need to make an informed decision. I would encourage your support of the committee amendment and, should the committee amendments be adopted, your support of LB435. Thank you, Mr. President. [LB435]

SENATOR FRIEND: Thank you, Senator Erdman. Members, you have heard the opening on the Agriculture Committee amendments. There are senators wishing to speak. Senator Mines, you are recognized. [LB435]

SENATOR MINES: Thank you, Mr. President. Would Senator Erdman yield to a question or two? [LB435]

SENATOR FRIEND: Senator Erdman, will you yield to a question or two? [LB435]

SENATOR ERDMAN: I would. [LB435]

SENATOR MINES: Senator Erdman, I didn't do my homework. Let me apologize first, but let me then follow up with a question. Did I understand you to say that there would be no General Funds requested for this study or did...? [LB435]

SENATOR ERDMAN: That is correct. That is correct. [LB435]

SENATOR MINES: Okay. In the fiscal note, I assume that's based on, then, Senator Raikes's bill, the \$92,000 appropriation. Is that fair? [LB435]

SENATOR ERDMAN: That is correct, Senator Mines. Under the original bill, it would have required the State Fair to do an update of the master plan. Their funding would have possibly covered that on its own, but that's under the existing LB435 as drafted.

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The committee amendment will not have an A bill or a General Fund obligation. [LB435]

SENATOR MINES: Okay. So the payment of up to \$150,000 will come from the State Fair, is that correct, the money that's allocated to them? [LB435]

SENATOR ERDMAN: Yeah. They will authorize up to \$150,000 for the purposes of hiring an independent consultant to assist the Ag Committee in carrying out this procedure or this process. It will be done under the gift statute under DAS and, therefore, we don't need any additional authorization authority under that provision. [LB435]

SENATOR MINES: Okay. And what little...at least I know enough to be dangerous, that there are competing interests in looking at that property. Obviously, the university, perhaps even private business might be interested in parts and portions of that property. Will they also be involved and offer their input into this planning process? [LB435]

SENATOR ERDMAN: Senator Mines, the process that we envision is twofold. The first phase of this process would envision the consultant going out and creating an ideal model, or a model State Fair non-site-specific. From that process, any other alternative site, including those that are specifically listed in the 2004 plan, would have an opportunity to be considered for an alternative site as a viable option and would be subject to the analysis, comparing them to the phase one process. The other side of that is, is that the existing location would also be included as a viable option for examination where it sits today. So they would be able to provide information. There will be a process outlined in the request for proposal for those sites as well as other sites across the state that believe that they could provide a viable option or a viable location for the State Fair, to provide that information to the consultant for analysis in their phase two part of the process. [LB435]

SENATOR MINES: All right. So it is you're modeling, and not only the current location but you'll also look at Grand Island and east Lincoln and Sarpy County, those kind of things. Is that correct? [LB435]

SENATOR ERDMAN: Specifically what we have referenced at this point is the 2004 plan that was done, as well as any other site nominations, and site nominations could be any existing or unknown... [LB435]

SENATOR MINES: Right. [LB435]

SENATOR ERDMAN: ...sites, as well as collocating the State Fair at Lincoln...or at Lancaster County Fair, collocating the Lancaster County Fair at State Fair Park, Mahoney State Park, and then again going to other potential locations. [LB435]

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SENATOR MINES: Exactly. [LB435]

SENATOR ERDMAN: You mentioned Grand Island. There may be others. [LB435]

SENATOR MINES: Sure. I guess I think a long-term visioning plan is a good idea. I would support that. And you have relieved any anxiety I may have had in that the state of Nebraska might be asked again to contribute to the State Fair after we've doubled the amount of revenue to \$2 million a year that they receive. And if that's in fact the case, I don't have...I will support this measure. Thank you, Mr. President. [LB435]

SENATOR FRIEND: Thank you, Senator Mines and Senator Erdman. Senator Kopplin, you are recognized. [LB435]

SENATOR KOPPLIN: Thank you, Mr. President. Members of the body, my, my, my, Senator Raikes and the Ag Committee, the first step in destroying another piece of Nebraska heritage. I haven't missed a State Fair but once or twice in the last 45 years. I can smell those corn dogs right now. Or how about a big polish with onions and peppers and kraut? Or how about just a plain big old roasted turkey leg? I can see those model trains just buzzing around the track. How about a bag of taffy and go down and watch the eight-horse hitch or any of the horse shows? Or how about how many of you have seen a mule jumping contest? Hey, maybe we should go down and watch those herd dogs work a herd of cattle--fascinating, marvelous. I'd never miss it. So study the bill if you want. Trash the State Fair for the university. Study if you want. Move it to where Lincoln wants it. Study it if you want and just rip the heart out of that old guy that sits up front. Thank you. [LB435]

SENATOR FRIEND: Thank you, Senator Kopplin. Senator Raikes, you are recognized. [LB435]

SENATOR RAIKES: Thank you, Mr. President and members. This is the only thing that Senator Kopplin and I have ever disagreed on. Actually, I think he speaks somewhat in jest because certainly the idea here is not to destroy the State Fair, at least as I see it. Rather, it's to address up front the issue of the best use of available resources by the people of the state of Nebraska, and in that connection I'd like to ask Senator Erdman a question or two. [LB435]

SENATOR FRIEND: Senator Erdman, will you yield to a couple questions? [LB435]

SENATOR ERDMAN: I would. [LB435]

SENATOR RAIKES: Senator, you mentioned that one step in the process is to have the consultants develop conceptually, more or less, an ideal State Fair in which the traditional State Fair functions are served but, in addition, the needed year-round

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activities are also accommodated. Is that correct? [LB435]

SENATOR ERDMAN: I think that's a fair representation. [LB435]

SENATOR RAIKES: Okay. And so then the next step would be to consider what is the best location for this conceptual event, and in that context, a couple of concerns I have. One is I think maybe fairly obvious, that consideration be given to facilities that are already in place that might serve those needs, so that when you're considering the cost associated with the new location you take into account, well, these facilities are needed and in this location they're already there, in that location they're not there, or they're in need of big repair or something like that. I assume that would be part of the effort. [LB435]

SENATOR ERDMAN: It would be, Senator Raikes, and I can expand on that if you'd like, or if that's sufficient... [LB435]

SENATOR RAIKES: Okay. Well, if you'd like to expand, go ahead. [LB435]

SENATOR ERDMAN: As I mentioned to Senator Mines, and as we have discussed prior to the debate on LB435, specifically we're going to ask the consultant to examine known facilities that were a part of a previous study in 2004. They are concept B2, B3, and B4 on page 12 of that 2004 study, which includes the collocation of the State and Lancaster County Fairs at State Park, the collocation of State and Lancaster County Fairs at Lancaster County Event Center, and a new State Fair at a new location which in this report is listed at Mahoney State Park interchange, Waverly interchange, and other interchanges that are listed near the Lincoln area as well. So it would be the intent of the Ag Committee, I think it's a direct reflection of the RFP that we're drafting, that they would analyze those existing locations and compare that, because obviously if those facilities are in place, the potential cost of a new location may be substantially reduced to obtain what the model fair would meet in phase one versus what they may have to offer starting out under the phase two provision. [LB435]

SENATOR RAIKES: Okay. And the second question then is in considering possibly moving the fair, how do you...how would they, or would they, take into account the best alternative use of the property in consideration? For example, you mentioned interchanges. I assume that into the study would go the cost of acquiring that property, which means you'd have to compete with other development, that sort of thing. But if at the existing State Fair Park, that park or that property is owned now by the state of Nebraska, but there are alternative uses that could be made of it, at least the research corridor idea is one of them. How would you value that property in its best alternative use? [LB435]

SENATOR FRIEND: One minute. [LB435]

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SENATOR ERDMAN: As we have discussed before, Senator Raikes, I think it's important to understand what we're asking, and we're asking for a projection of 15-year revenue and cash flow, capital construction, operation and maintenance, repair, code compliance, and those things necessary to meet the program needs of the State Fair, as identified. As you go to a new location, you'll obviously have to evaluate the value of that property, what that means, whether it's that use or a new use. You'll have to figure out a way to evaluate that. That would all be a part of the cash flow and some of the other capital construction costs, because you're going to either have to acquire land, swap land, do some of those types of scenarios, depending upon the site you're examining, comparing to other possible locations. I would imagine that that would all have to be a part of this process for this to be objective and fair. As we have discussed off of the mike, I believe that it is there; that it would be a part of any process that gives us what we're truly looking for, and that's an objective and... [LB435]

SENATOR FRIEND: Time. [LB435]

SENATOR ERDMAN: ...somewhat...I'll continue. [LB435]

SENATOR FRIEND: Thank you, Senator Erdman and Senator Raikes. Senator Wallman, you are recognized. [LB435]

SENATOR WALLMAN: Thank you, Mr. President. I would urge the body to support this legislation. We hope we have all the information. Like if we build for schools or your own farmstead, you look at A, B, and C, and hopefully you get three good plans or at least two. And revenue and that, we know it's hard to project into the future, but this is not a move the fair issue. It's study the issue. And if it does mean move the fair I guess we have to make sure what we do. But it's to study the cost, the benefits, and the people that attend. I attend State Fairs in Nebraska, Iowa, and Minnesota. Do we compare with those two states right now? No. And we don't have the people either, I realize that. So can we have a better State Fair? You "betcha." And like when I was a kid, it was a great State Fair. Animal buildings were full, 4-H Clubs. So we're looking at making a better State Fair no matter where it is. And Senator Erdman is doing a good job, I think, getting the committee going and I appreciate his expertise and his knowledge, and I would urge support of this. And if Senator Erdman wants some more of my time, he can have it. Thank you, Mr. President. [LB435]

SENATOR FRIEND: Thank you, Senator Wallman. Senator Erdman, 3 minutes and 35 seconds. [LB435]

SENATOR ERDMAN: Thank you, Mr. President. Thank you, Senator Wallman. And to continue on with the discussion or to provide further clarification with Senator Raikes, obviously when you're going to evaluate land for use, as I do in my professional life as

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an appraiser, and I'll spare you the highest and best use classes and land as if improved versus vacant and all of that, but you're going to have to account for the facilities on the ground as well as the potential location and the alternative uses and values of that property. I believe what Senator Raikes's concern is, is that there would be a value then also applied to the existing location, and I think all of that analysis would have to be done, that it would be appropriate to assume that, and the alternative use that that may be used for may be also a public use. So you have to weigh all of that out and make sure that as we're going through this that we understand what we're asking for. Somewhat in response to Senator Kopplin, who helped rip the heart out of rural Nebraska, I believe, on Class I's, this is not entitled to do that. That was the perception at the committee hearing on LB435. If you note on the committee hearing, you had folks from Lincoln, generally, and the university come in and support the bill because they perceived that it was an opportunity for them to get something that they couldn't get now because in state statute we specify specifically that the State Fair Park is located at the location that it's at and that is where the State Fair will be. Prior to jumping to a conclusion about what will happen here, you'll probably have to hop in a time machine and go to November 15, because prior to that all we have are reports after reports. We have six-inch, three-ring binders that go through these studies that have been done, and what we're asking a consultant to do, who is not tied to one group or another and making sure that it's objective, that they analyze all the pertinent facts, the details, the demographics; that they compare it with other viable options that are out there in creating a model; and that we do the best that we can to provide the best State Fair possible to the citizens of Nebraska. And I believe that that's what they were envisioning with the adoption of Amendment 4 and the amendment to our constitution. So I hope through our conversation that we have addressed those concerns of Senator Raikes. Again, the new location would have the same standard as the existing location in identifying the operation and maintenance needs, the capital construction costs, the repair, the code compliance, those things necessary to meet the programming needs. And in that analysis you are going to have to be able to take the value of a site and compare it with another site. The value of site you're going to be comparing it to is a conceptual model... [LB435]

SENATOR FRIEND: One minute. [LB435]

SENATOR ERDMAN: ...that would best serve the state of Nebraska and the State Fair, not only in the short term but in the long term. Thank you, Senator Wallman, and thank you, Mr. President. [LB435]

SENATOR FRIEND: Thank you, Senator Erdman. Senator Louden, you are recognized. [LB435]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I certainly support Senator Erdman and the Agriculture Committee for coming forwards with this

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amendment to do a study on the State Fair. I've often wondered why we still call it Nebraska State Fair. We pretty well lost what usually was considered a State Fair. As far as eating your corn dogs and your sauerkraut, you can usually do that at flea markets; sell the same thing. What we've done with the State Fair over the years has lost the promotion of the local community here in Lincoln. As I've been around the State Fair, over 50 years ago and to the present time now, I think the local area businesses have more directed their support towards football and a few other sports that's put Lincoln on the map. What we need to do, my observation of the State Fair, is decide what are we...want to do? Do we still want to use it to promote agriculture, or do we want to use it to bring in big name entertainment? Now if you want to bring in big name entertainment, we've already got a Qwest Center here just 50 miles away, so that will take care a lot of folks in big name entertainment. And that's what usually the State Fair has been pushing for, was they always had to have some big name entertainment in order to get the people in to there. You've lost all of the support from a lot of manufacturers. Used to be, I remember when I went to State Fair years and years ago, they would...there was a mile, it seemed like, of different products that would be sold to not only rural people but urban people. There were household products. There was everything you could think of there that was in booths and to be shown the wares that they had. You lost all that to Grand Island. You got Husker Days now. You walk down here, I went to the State Fair last summer, and I think all the machinery there was put on a quarter of a city block. That was the size of that State Fair. Where's the prestige gone when you win a stock show here at the State Fair? There is none. You can go down, you can take cattle down there, you can win something, but when you tell somebody you got first place at the Nebraska State Fair, does that mean anything in livestock circles? Very little. So I think you have to decide what direction you want to go with the State Fair and I think this will be a very good study for it because it will decide once and for all whether you want a State Fair to promote agriculture or whether you want a State Fair to promote big name entertainment and use it as an entertainment outlet for urban people in the urban areas. If you're going to move the thing farther east, this is exactly what you plan on doing, is bringing in urban entertainment. So you can bet that if you move the thing out of where it is or something like that, why, it will be an altogether different outlook on what you have. It will be another...some type of a competition against the Qwest Center to bring in entertainment from around the country. So I think they're on the right track with at least bringing it forward. We'll have the questions answered after they have the study, and from then on people will know what they want to do or whether they want to call it a State Fair and where it will go from there. Thank you, Mr. President. [LB435]

SENATOR FRIEND: Thank you, Senator Louden. Senator White, you are recognized. [LB435]

SENATOR WHITE: Thank you, Mr. President. I have a series of questions, if Senator Erdman would be so kind as to yield to some questions. [LB435]

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SENATOR FRIEND: Senator Erdman, will you yield to some questions? [LB435]

SENATOR ERDMAN: I will. [LB435]

SENATOR WHITE: Thank you, Senator Erdman. First of all, Senator Erdman, and this comes from some wiser senators about me, is this piece of...this law at all necessary? Can they not just do this study as part of their general powers? [LB435]

SENATOR ERDMAN: In the event that that would happen, and the simple answer is this study could be done. It would not be done the way that we're envisioning it, because it would not be objective. It would be done by the State Fair Board. And the reason why the language is necessary is that we have outlined the agreements between the two groups as to which questions need to be answered and a process in which both are comfortable with and believe would be fair to both sides. So to the extent that you don't need the bill for funding, that is a point well taken. But the reason the bill is necessary is that it outlines the process that is envisioned and is necessary to give us that clarity and provide the two groups, if you will, the cease fire as we move forward with this proposal. [LB435]

SENATOR WHITE: So the law is being proposed in the pursuit of objectivity. Is that correct? [LB435]

SENATOR ERDMAN: First and foremost. [LB435]

SENATOR WHITE: Now the university will participate in the study through the Ag Department. Is that correct? [LB435]

SENATOR ERDMAN: You might need to clarify that (inaudible). [LB435]

SENATOR WHITE: Well, didn't you say some of the people on the committee to study this will be the University of Nebraska's Ag Department? [LB435]

SENATOR ERDMAN: I don't believe I said that. Let me clarify how this process works and then you can see if that's what you heard. The Ag Committee will conduct an interim study, the Ag Committee alone of the Legislature. In the process of doing this, those interested parties who have an alternative site location, which may be the Lincoln-Lancaster County Fair or others, would have that opportunity. To the extent that there is public information available, any interested Nebraskan will be available to that, but there is not envisioned in this process of having the university, the vision group, the State Fair Board or others working directly with the consultant, because that we believe would be a violation of the objectivity we're trying to accomplish. [LB435]

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SENATOR WHITE: So the only person who will be evaluating this is the consultant? Is that correct? [LB435]

SENATOR ERDMAN: They will be evaluating the information to the extent that they can analyze and come up with a concept. When they arrive at that concept, they will present a preliminary proposal to the Ag Committee. The Ag Committee will reevaluate that and, upon their agreement that they have effectively analyzed the issues, they will submit a phase one draft of what an ideal or model State Fair should look like. At that point, everyone will be eligible to see what that is, whether it's the vision group, State Fair Board, whoever, and then we'll move to phase two, which is where we analyze the alternative sites. [LB435]

SENATOR WHITE: So as part of this proposal then will there be a specific finding, for example, that the university has already indicated they would very much like to use this land, and how will we deal with those kind of pre-stated proposed uses? [LB435]

SENATOR ERDMAN: The pre-stated proposed uses will have to wait. And there was another bill introduced before the committee in LB131. Whether or not the university chooses to proceed on their own with that is up to them. We have asked them not to proceed with that and we believe that an appropriate way to conduct this study on the use of the State Fair is to allow us to analyze its existing use, to analyze other locations, and to the extent that the objective information leads this Legislature to make a decision to use the fairgrounds for a different alternative, then they would have every opportunity to present whatever alternative use they would like to have. [LB435 LB131]

SENATOR WHITE: Will the economic consequences of keeping it in public hands as opposed to returning it to private use and making it tax-generating property be considered and expressly expressed in the study? [LB435]

SENATOR FRIEND: One minute. [LB435]

SENATOR ERDMAN: I guess further clarification: If the university would use that land for their personal...for their use, that would also be a public use. I'm trying to understand what the alternative use would be. Is your question, will the analysis be done that if we sell...if we move State Fair Park and sell the land to a private developer, will that analysis be done? [LB435]

SENATOR WHITE: Yes. And also, what are the tax generations? For example, if it was a shopping center, if it was a business park, if it became, you know, an office park, what is the tax revenues that would be projected? Will that be considered as part of the overall study so we can look at whether or not we want it in public hands or we want it in private hands? [LB435]

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SENATOR ERDMAN: I think that is...that would be the step that we as a Legislature would have to analyze. This doesn't go that far, partially due to the fact of the time line that's allowed. The fact is we're asking the consultant to analyze what a State Fair should look like and potential sites to accomplish that, not do an in-depth analysis of what the State Fair should look like and then what potential the existing location could be used for in addition to the State Fairgrounds. [LB435]

SENATOR WHITE: Well,... [LB435]

SENATOR FRIEND: Time. Thank you, Senator White. Thank you, Senator Erdman. Senator Erdman, there are no other senators wishing to speak. Senator Erdman, there are other senators wishing to speak. (Laughter) Senator White, you are lucky and you are quick and you are recognized. [LB435]

SENATOR WHITE: Not nearly as swift as the Chair, nor as vocally energetic, I fear. (Laughter) Senator Erdman, I have a question as to why we should do a study that is partial. I mean, if we're going to have a real answer about what to use with this property and to the State Fair, certainly not only where the State Fair might best fit but what we can do with the land and what revenues that could be realized from it, whether that's using it for the university's purposes or turning it back into private hands and what tax revenues could be generated, will be necessary to any meaningful interpretation of the data. Why would we only want to know part of the picture? And why do you not think it would be better to expand, if you don't think it would be better to expand, the study so that we can get a document that is ready to come to the Legislature and look at it and say, look, if we do move it from here, here's a future plan for the property, here's what it can do on income taxes, here's what it could do for the university and here's what it will cost us to move it, and these are the total state funds involved? [LB435]

SENATOR ERDMAN: Again, Senator White, not to dismiss your question, but I think that is a broader study than is realistically able to be accomplished under what we've envisioned and discussed under this amendment. If you want to do that, and again here the question that we're asking is what should the State Fair look like and what is a viable conceptual location, for that to be non-site-specific and comparing that with other alternative sites. That analysis that you request is assuming the moving of the fair, which is where we were at the beginning of this legislative session with the vision group and with the University of Nebraska. If the University of Nebraska would do that, or if the city of Lincoln would do that, I would believe that that would probably cause great hardship and hard feelings among the interested parties trying to answer the first question, and that is, what should the State Fair look like conceptually, where is the best location for that to be? And in the event that we make that decision, I think your request comes along after we get to this process on November 15. I'm not saying it's not important. I'm saying that we need to make sure that we answer this question first. That may be the second question that also has to be answered. [LB435]

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SENATOR WHITE: Thank you, Senator Erdman. I'm very concerned by that response and I think all of us who hope to be fiscally responsible should share that concern. That's rather like saying what do I conceptually want with a house without any reference at all to what I can afford to pay for it. To simply spend \$150,000 on daydreams and pipe dreams seems to me to be irresponsible. Instead, what we should do, if we need to do this at all, is look at it and say to ourselves, and get a study that says to us, not only what conceptually is the best fair location but what would it cost us to get to that best location and what savings might we obtain by using the land in a different purpose? That's a meaningful study. Anything else is simply looking at the Sears Christmas Wish Book and pretending that we have the money to pursue something that we may not. I would strongly urge the body not to do a half measure, and I do not oppose the bill necessarily or the amendment, but I would ask that we, if we do a study, we do a responsible study, one that will look at costs, not just hopes and aspirations. Thank you for your courtesy, Mr. President. [LB435]

SENATOR FRIEND: You're welcome, Senator White. And thank you, Senator Erdman. Senator Karpisek, you are recognized. [LB435]

SENATOR KARPISEK: Thank you, Mr. Chairman. I just wanted to rise and say the Ag Department, I feel...Ag Department, sorry, Ag Committee has tried to get two sides together on this. And, Senator White, I have to admit I did not think of the private sector when we talked about this. I also don't like to get up and give feel-good talks, but on this both sides really have come to the table and Senator Erdman has tried to keep a very nonbiased approach to this study. We have kept it in the Ag Committee's hands, as not to be influenced by one side or the other. So I feel very good on this bill, that we are keeping it in our hands and we are going to look at every different direction. Like I admit we did not think...I did not think of the private sector coming in on this, and I don't see any reason why we can't do that, unless if Chairman Erdman does feel that it would add to too much of the time or the money constraint. I do think that there is a big issue on what to do with that land, and it has gotten to be a little bit of a push and pull. And I guess, in my opinion, I wouldn't want to see that land sold because it now belongs to the state. We should keep it in state hands, but find out what is the best way to use that. And I think there are a lot of good ideas on how to use it, but I do agree with you that we could look at...should look at every option. But again, I just want to emphasize that everyone has done a very good job of keeping it in the committee's hands and trying to get it to the full Legislature for debate and not be pushed or pulled one way or another by one side or the other making all sorts of different claims that maybe can't be substantiated. This way we can look at them and decide what we think is right, and then hopefully bring it to the full floor and let us decide as a Legislature. So thank you, Mr. President. [LB435]

SENATOR FRIEND: Thank you, Senator Karpisek. Senator Erdman, you are next.

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There are no other senators wishing to speak. You can use this time or you may close.
[LB435]

SENATOR ERDMAN: I'll close, Mr. President. Members of the Legislature, appreciate your comments and I want to point out that the opinions of this body are as vast as the opinions that we've been trying to work with to try to arrive at some sense of consensus. There are folks that would probably share Senator White's conclusion that we should go ahead and try to make the case as strong as possible to move the State Fair from its existing location. I think that would be the next step that you have to take. We're simply asking for a measured first step. And to the extent that it's possible to even accomplish that, and we believe that it's an aggressive time line to accomplish that under this proposal, we do believe it's realistic. If you want to go down the path of saying we should go ahead and analyze those other sites, then you'd also have to analyze the other sites at Lincoln-Lancaster County Fair, or excuse me, Lancaster County Fair. You've had to analyze the other sites at Mahoney State Park and what private use you could have for those. You'd have to analyze other sites. Example was given by Senator Mines of Fonner Park. You'd have to analyze, in the event that there are public facilities there, what alternative uses would be for those. I mean you go through that process to truly weigh, because that's the next step of trying to understand, if we do X, what's Y. We're trying to answer what X is, and to give ourselves the objective information that's available to us. I apologize to the body if this doesn't go far enough. I believe it's fiscally irresponsible to simply say we're going to move the State Fair, not knowing whether there's any money available to move it, whether or not it's even realistic that it would be viable at another location, and instead offer it up as if it's a sacrifice for somebody, in their opinion. That's not what we're doing. That was the intent that was brought to the committee. We're trying to avoid that. I hope you'll adopt the committee amendment and advance the bill, and we will continue to have discussions with you on your perceptions of what this should accomplish and fully recognize that this is the beginning of the debate, not the end. Because this will lead us to a discussion with objective information, based on alternative sites, of how we may be able to provide the opportunities necessary for the State Fair to be viable and for us to have the best use of the public dollars and public resources that are devoted to this. To follow up one thing what Senator Karpisek says, there is the opportunity under existing fair to have opportunities to share with private investors and others in establishing what that State Fair should look like. All of those options will be viable and possibly necessary in the event that the State Fair Board remains viable into the future, and we believe that this study provides us a broad enough opportunity to understand what those potentials are, but most importantly to give us the objective numbers to reflect that so that we as a body can make a decision. Thank you, Mr. President. [LB435]

SENATOR FRIEND: Thank you, Senator Erdman. Members of the Legislature, you have heard the closing on AM854, the Agriculture Committee amendments. The question is, shall AM854 be adopted to LB435? All those in favor please vote aye; all

Transcript Prepared By the Clerk of the Legislature
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those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB435]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB435]

SENATOR FRIEND: The amendment is adopted. Back to discussion on LB435. Senator Raikes, there are no senators wishing to speak. You are recognized to close on LB435. [LB435]

SENATOR RAIKES: Thank you, Mr. President, members. I appreciate the discussion. I think this is an important issue for us to gather information on. That's what this does. I urge your support. Thank you. [LB435]

SENATOR FRIEND: Thank you, Senator Raikes. Members of the Legislature, you have heard the closing on LB435. The question is, shall LB435 advance to E&R Initial? All those in favor please vote aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB435]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB435. [LB435]

SENATOR FRIEND: LB435 does advance. Mr. Clerk, items? [LB435]

CLERK: Mr. President, Senator Hudkins, an amendment to LB358 to be printed. Senator Pirsch would like to add his name to LB221 and LB227; Senator Schimek to LB554 and LR1CA. (Legislative Journal pages 1298-1299.) [LB358 LB221 LB227 LB554 LR1CA]

Mr. President, I have a priority motion. Senator Langemeier would move to adjourn until Thursday morning, April 26, at 9:00 a.m. []

SENATOR FRIEND: Members, you have heard the motion to adjourn until Thursday, April 26, at 9:00 a.m. All those in favor please signify by saying aye. All those opposed say nay. The ayes have it. We are adjourned. []