

Transcript Prepared By the Clerk of the Legislature  
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Floor Debate  
April 28, 2011

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SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-first day of the One Hundred Second Legislature, First Session. Our chaplain for today is Father Paul Rutten, Lincoln, Nebraska, Senator Fulton's district. Please rise.

FATHER RUTTEN: (Prayer offered.)

SPEAKER FLOOD: Thank you, Father Rutten. I call to order the seventy-first day of the One Hundred Second Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

ASSISTANT CLERK: There's a quorum present, Mr. President.

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: I have no corrections this morning.

SPEAKER FLOOD: Are there any messages, reports, or announcements?

ASSISTANT CLERK: There are, Mr. President. Your Committee on...

SPEAKER FLOOD: (Gavel)

ASSISTANT CLERK: ...on Enrollment and Review reports LB289, LB289A, LB305A, LB449, LB500, LB535, and LB665, all as correctly engrossed. Enrollment and Review reports LB589 to Select File with amendments. I have a notice of committee hearing from the Redistricting Committee, along with a report from the Department of Labor which will be on file in our office, and the report of registered lobbyists for the current week. (Legislative Journal pages 1339-1341.) [LB289 LB289A LB305A LB449 LB500 LB535 LB665 LB589]

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, if you could please find your seats, we're going to begin Final Reading momentarily. Members, please find your seats. Unauthorized personnel, please immediately leave the floor. Mr. Clerk, the first bill is

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LB382. The first vote will be to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB382]

ASSISTANT CLERK: 33 ayes, 1 nay to dispense with the at-large reading, Mr. President. [LB382]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB382]

ASSISTANT CLERK: (Read title of LB382 on Final Reading.) [LB382]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB382 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB382]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1342.) Vote is 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President. [LB382]

SPEAKER FLOOD: LB382 passes with the emergency clause attached. Mr. Clerk, LB382A. [LB382 LB382A]

ASSISTANT CLERK: (Read LB382A on Final Reading.) [LB382A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB382A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB382A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1342-1343.) Vote is 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President. [LB382A]

SPEAKER FLOOD: LB382A passes with the emergency clause attached. Mr. Clerk, LB464. [LB382A LB464]

ASSISTANT CLERK: (Read LB464 on Final Reading.) [LB464]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB464 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB464]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1343-1344.) Vote is

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42 ayes, 2 nays, 1 present and not voting, 4 excused and not voting, Mr. President.  
[LB464]

SPEAKER FLOOD: LB464 passes with the emergency clause attached. Mr. Clerk,  
LB648. [LB464 LB648]

ASSISTANT CLERK: (Read LB648 on Final Reading.) [LB648]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied  
with, the question is, shall LB648 pass? All those in favor vote aye; all those opposed  
vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB648]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1344.) Vote is 44  
ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.  
[LB648]

SPEAKER FLOOD: LB648 passes. Mr. Clerk, LB54. [LB648 LB54]

ASSISTANT CLERK: (Read LB54 on Final Reading.) [LB54]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied  
with, the question is, shall LB54 pass? All those in favor vote aye; all those opposed  
vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB54]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1345.) Vote is 46  
ayes, 0 nays, 3 excused and not voting, Mr. President. [LB54]

SPEAKER FLOOD: LB54 passes. Mr. Clerk, we now proceed to LB177 where the first  
vote is to dispense with the at-large reading. All those in favor vote aye; all those  
opposed vote nay. Mr. Clerk, please record. [LB54 LB177]

ASSISTANT CLERK: 41 ayes, 0 nays to dispense with the at-large reading, Mr.  
President. [LB177]

SPEAKER FLOOD: That at-large reading is dispensed with. Please read the title.  
[LB177]

ASSISTANT CLERK: (Read title of LB177.) [LB177]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied  
with, the question is, shall LB177 pass? All those in favor vote aye; all those opposed  
vote nay. Mr. Clerk, please record. [LB177]

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ASSISTANT CLERK: (Record vote read, Legislative Journal page 1346.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB177]

SPEAKER FLOOD: LB177 passes. Mr. Clerk, the next bill is LB283 and the first vote will be to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB177 LB283]

ASSISTANT CLERK: 43 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB283]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB283]

ASSISTANT CLERK: (Read title of LB283.) [LB283]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB283 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB283]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1346-1347.) Vote is 27 ayes, 19 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB283]

SPEAKER FLOOD: LB283 passes. Mr. Clerk, LB637. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB283 LB637]

ASSISTANT CLERK: 42 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB637]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB637]

ASSISTANT CLERK: (Read title of LB637.) [LB637]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB637 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB637]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1348.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB637]

SPEAKER FLOOD: LB637 passes with the emergency clause attached. Mr. Clerk,

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LB637A. [LB637 LB637A]

ASSISTANT CLERK: (Read LB637A on Final Reading.) [LB637A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB637A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB637A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1348-1349.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB637A]

SPEAKER FLOOD: LB637A passes with the emergency clause attached. Members, we now proceed to the next item on the agenda, motion to override gubernatorial veto as it relates to LB600. (Gavel) The Chamber can be unsecured. Mr. Clerk, items for the record, and before we even proceed there, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign: LB382, LB382A, LB464, LB648, LB54, LB177, LB283, LB637, and LB637A. Mr. Clerk. [LB637A LB382 LB382A LB464 LB648 LB54 LB177 LB283 LB637 LB637A]

CLERK: Mr. President, in addition to those items, confirmation report from the Business and Labor Committee, signed by Senator Lathrop as Chair. Two resolutions: LR176 by Senator Hansen, LR177 by Senator Pirsch; both of those will be laid over. In addition, I have other confirmation reports from the Health and Human Services Committee, those signed by Senator Campbell as Chair of the committee. And that's all that I have, Mr. President. (Legislative Journal pages 1349-1352.) [LB176 LR177]

SPEAKER FLOOD: Thank you, Mr. Clerk. We now proceed to the next item on the agenda, a veto override on LB600. Mr. Clerk. [LB600]

CLERK: Mr. President, Senator Campbell would move that LB600 become law notwithstanding the objections of the Governor. [LB600]

SPEAKER FLOOD: Senator Campbell, you're recognized to open on your motion. [LB600]

SENATOR CAMPBELL: Thank you, Mr. President and good morning, colleagues. I first want to thank the senators who have cosigned on to LB600 and the number, great number of you in this body who have supported LB600 through three rounds of debate. I once again ask for your green vote to override the veto of LB600. But especially I want to thank the two associations and the long-term nursing care facilities throughout the state of Nebraska who are serving Nebraska's elderly citizens from border to border in our state. The pages have distributed to you a one-page handout. And I want to say that yesterday as I visited with almost all of you--I did not get to visit with one senator who

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was not here, but I visited with almost all of you--that a number of you said: in your remarks tomorrow, would you please cover this item or would you cover another item. And so I worked with the associations in order to give you this one-page handout which we hope clarifies for you the most salient points of LB600. I certainly do not feel that LB600 is a tax increase. A little overlooked fact in this bill is that for every dollar assessed to a facility, that dollar is returned to the facility as well as the additional \$1.50 from the federal Medicaid funds. I want to say that under LB600, the nursing care facilities still lose; they just lose less. LB600 does not obligate the General Fund to cover any nursing home costs or maintain that provider rate if the federal program is eliminated. That is an important point that Senator Heidemann wanted read into the record in his discussion with me last week. LB600 is a nursing home financing program that is currently used by 39 states. If you add in other health programs, 44 states across the country use this creative and innovative program that has been in place since the late 1990s. It is true that the federal government is considering an elimination of this program, but the elimination proposal has not obviously been approved by Congress yet and would not end until the end of the decade. I hope that you'll take time to look at the federal program allows 5.5 percent of the total nursing home revenue. LB600 is requiring 1.9 percent. The facilities across the state are very confident that over the next decade as this program may be phased out, that they would be ready to face that situation when it came. LB600 presents no liability to the state if the federal program is ended. The last point that I want to cover is that the enhanced rates, however, are not due retroactively until the plan is approved by CMS. This plan has been a model for other states. Kansas and Iowa enacted it last year. It was thoroughly reviewed by Seim Johnson. It's one of the noted Medicaid experts in the nation who fortunately have an office and are located in Omaha, and testified before the Health and Human Services Committee on the viability of this plan. The bill specifically requires that the state General Fund be made whole and not subsidize the program, and that is a very important point. We do not anticipate any problem with CMS improving this program since already, as I said, 39 states use it. Because I believe that this body wants to retain our nursing facilities across the state and not just concentrate them in one or two communities, but we want them to be viable in all communities across the state, small and large. Nebraska needs to take advantage of this option and I would urge and encourage your vote to override the veto on LB600. Thank you, Mr. President. [LB600]

SPEAKER FLOOD: Thank you, Senator Campbell. (Visitors introduced.) Continuing with discussion on the veto override for LB600. Senator Hadley, you are recognized. [LB600]

SENATOR HADLEY: Mr. Speaker, members of the body, I stand in support of the motion to override. What we have here is using a mechanism that's available to us to enhance funding for nursing homes that desperately need it. This is not a new process to the state of Nebraska. We use the same procedure for ICF/MRs, in essence, a self-imposed fee that grows when it's returned from the federal government. It seems to

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me it's prudent that we do this to help our nursing homes. In the past two or three years, we've taken stimulus funding from the federal government, we take highway funding from the federal government. These are return of taxes that we send to the federal government. I look upon this as a way of returning our tax dollars to the state of Nebraska and helping an industry that desperately needs help. So, again, I stand in favor of the motion to override. It is not a new process. It is a good process that will allow an industry to help itself in the future. Thank you, Mr. President. [LB600]

SPEAKER FLOOD: Thank you, Senator Hadley. Senator Pankonin, you are recognized. [LB600]

SENATOR PANKONIN: Thank you, Mr. President. Colleagues, you know I do not speak on many bills but I have spoken on this one and I'm going to again this morning, and the reason why is because it is critically important that we override this morning. Fifty-three percent of the 224 facilities in our state are nonprofits and many of them are city- and county-owned. I'm very familiar with my city-owned, hometown Louisville, Nebraska, Louisville Care Community and the challenges that it faces in operating in this very difficult environment. Let's talk for a minute about the consequences of closing...the closings of these facilities that could happen if we don't override LB600. First of all, the residents that live in these facilities would have to be moved somewhere else, far away from relatives and friends that give them support and far away from their familiar surroundings. Secondly, these facilities are large employers in our communities, especially our smaller communities. A lot of economic activity happens around these care centers. The third reason is that most of the 45 facilities owned by cities and counties have outstanding bond issues based on additions, the original bond that maybe built the facility or improvements along the way. What happens if a facility closes? The bonds are still due. That would be a tremendous burden on the community's general obligation bonds. The last thing I want to say is, we've tried to maximize federal government help in many areas, as Senator Hadley has talked about, of our budget. Let's join the 39 other states on this one. Thank you in advance for staying with your earlier votes on LB600. [LB600]

SPEAKER FLOOD: Thank you, Senator Pankonin. Senator Avery, you are recognized. [LB600]

SENATOR AVERY: Thank you, Mr. President. I, too, want to add my voice of support for this override. In my district, I have a number of facilities that provide care to the elderly, and in many cases, particularly in the case of Tabitha, they have over 1,200 elders currently in their nursing facility and more than 50 percent of these individuals are Medicaid recipients. This is crucial, folks, to facilities like Tabitha and Milder Manor in my district. We have...we're looking at more than \$500,000 that would be lost to at least two of those facilities if this bill is not passed. I think it's a good bill. I thought so when we debated it on the floor. It's still a good bill and I urge you to stay with it and vote

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green. Thank you. [LB600]

SPEAKER FLOOD: Thank you, Senator Avery. Senator Krist, you are recognized.  
[LB600]

SENATOR KRIST: Thank you, Mr. President, colleagues. I am on the Health and Human Services Committee, heard the testimony, made my decision there, made my decision twice before, and I will again make the same decision. One of the most important things that we do when you really think about it is advocate and take care of those who can't provide or take care of themselves. This is an industry that has come forward and said, please help us take care of those who are at that point in their life where they are dependent upon care in a facility, an industry that asked to levy its own tax and in turn to turn right back around and use that tax to assist those people who are in those facilities not by choice, not by choice. It is our duty and it is our obligation to take care of the children and the aged in this state, and this is a strong vote in favor of the aging population. Thank you, Mr. President. [LB600]

SPEAKER FLOOD: Thank you, Senator Krist. Senator Harms, you are recognized.  
[LB600]

SENATOR HARMS: Thank you, Mr. President. I rise in support of this override. In my own community, I remember when we were debating LB600. A lot of correspondence, had personal visits with people who operated the nursing homes, and it became very clear to me very quickly that within the next several years if this does not...this bill would not pass, we are unable to be successful and override, they will close their doors. Some of the nursing homes in my district have a lot of Medicaid patients in it and if, in fact, they're forced to close, they'll have to move their loved ones outside of our community and long distance and I don't think that's appropriate. I think we have a responsibility. We have a moral responsibility to take care of the elderly. And so I would urge for you to vote in the override of this LB600. Thank you, Mr. President. [LB600]

SPEAKER FLOOD: Thank you, Senator Harms. Senator Wallman, you are recognized.  
[LB600]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, appreciate the comments brought about moral responsibility, accountability to our citizens. That's what it's about. Is this a tax increase? I guess you could figure it from the federal government, but it's a miniscule amount and we do pay federal taxes. So I disagree with the Governor on this bill. So I urge a green vote on the override. Thank you, Mr. President. [LB600]

SPEAKER FLOOD: Thank you, Senator Wallman. Senator Council, you are recognized.  
[LB600]

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SENATOR COUNCIL: Thank you, very briefly, Mr. President. I want to first thank Senator Campbell for filing the motion to override this veto, and very briefly I just want to echo some of the remarks of my colleagues who have supported their...who have voiced their support for the override. And that is to say, I can think of no more vulnerable population in our state than our low-income elderly population. And if we do not take advantage of the opportunity to utilize a mechanism which is utilized in 39 other states to ensure that our low-income elderly population have access to needed nursing home care and also provide for a way of controlling the costs charged to those who can afford to pay for nursing home care, I think that we are ignoring one of our primary responsibilities as government. So for those reasons I would urge my colleagues to vote to override the veto. Thank you. [LB600]

SPEAKER FLOOD: Thank you, Senator Council. Senator Sullivan, you are recognized. [LB600]

SENATOR SULLIVAN: Thank you, Mr. President. Good morning, colleagues. I rise in strong support of this motion to override the veto. I have some wonderful, wonderful long-term care facilities in District 41, and I've heard from nearly I think all the administrators voicing strong support for this legislation. And they are caring administrators that do a wonderful job of taking care of our elderly. And I know all of us here want to address concerns of our constituents and these constituents, yes, are in some cases the low-income elderly that reside in these facilities. But I also think about the implications for the private pay individuals in those facilities because without this support that is sorely needed, then we will look at some of these facilities having to up their private pay rates as well. So I really, truly think that this is a win-win situation and I strongly support the attempt to override. Thank you. [LB600]

SPEAKER FLOOD: Thank you, Senator Sullivan. Senator Ken Haar, you are recognized. Senator Ken Haar waives his opportunity. Senator Campbell, you're recognized to close on your motion to override the Governor's veto. [LB600]

SENATOR CAMPBELL: Colleagues, I thank you very much for your remarks this morning which rounded out the story of LB600. I have so appreciated the support of the senators in this body and once again ask for it. I believe that a yes vote today is more than just a vote to override a veto. A yes vote today is a recognition that the long-term care facilities in our state are a vital part of the economies of the communities in which they exist in which they serve our elderly. A vote yes today is a recognition that a private industry stepped forward and said we have an alternative, and that is what we all ask for when we put out our budget. And most importantly I think a yes vote today recognizes the important quality that care is necessary for the elderly in our state and the importance of keeping them near families and in their communities with their friends and their faith. Mr. President, I would ask for a call of the house and a machine vote.

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[LB600]

SPEAKER FLOOD: Members, there has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB600]

CLERK: 41 ayes, 0 nays, Mr. President, to place the house under call. [LB600]

SPEAKER FLOOD: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. The house is under call. All unauthorized personnel please leave the floor. Senators Avery, Pankonin, Loudon, Cornett, Ashford, and Pahls, please check in. Senator Loudon, please return to the floor and record your presence. The house is under call. Senator Campbell, all senators are present or otherwise accounted for. It's my understanding you want to proceed with a machine vote. Members, the question before the body is...and remember this does require 30 votes, the question is, shall LB600 become law notwithstanding the objections of the Governor? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB600]

CLERK: (Record vote read, Legislative Journal page 1352.) 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President. [LB600]

SPEAKER FLOOD: The motion is adopted. I raise the call. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the certificate that reads LB600, having been returned by the Governor with his objections thereto and after reconsideration having passed the Legislature by the constitutional majority, has become law on this 28th day of April, 2011. Mr. Clerk, we now proceed to the next item on the agenda. [LB600]

CLERK: Mr. President, Senator Campbell would move that LB600A become law notwithstanding the objections of the Governor. [LB600A]

SPEAKER FLOOD: Senator Campbell, you're recognized to open on your motion. [LB600A]

SENATOR CAMPBELL: I will waive. [LB600A]

SPEAKER FLOOD: Senator Campbell waives her opportunity to open. There are no lights on as we turn to discussion on the veto override of LB600A. Senator Campbell, you're recognized to close. Members, the question before the body is--and this also requires 30 votes--shall LB600A become law notwithstanding the objections of the Governor? All those in favor vote aye; all those opposed vote nay. Have all those voted

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who care to? Mr. Clerk, please record. [LB600A]

CLERK: (Record vote read, Legislative Journal page 1353.) 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting, Mr. President. [LB600A]

SPEAKER FLOOD: The motion is adopted. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the certificate that reads LB600A, having been returned by the Governor with his objections thereto and after reconsideration having passed the Legislature by the constitutional majority, has become law on this 28th day of April, 2011. Mr. Clerk, items for the record. [LB600A]

CLERK: Mr. President, pursuant to legislative action with respect to LB600 and LB600A, communications and certificates will be directed to the Secretary of State's Office for filing. Mr. President, I have an amendment to LB642 to be printed, Senator Cornett. I also have bills read on Final Reading this morning were presented to the Governor at 9:52 a.m. (Re LB382, LB382A, LB464, LB648, LB54, LB177, LB283, LB637, and LB637A.) And your Committee on Judiciary, chaired by Senator Ashford, reports LB226 and LB673 to General File with committee amendments attached. That's all that I have, Mr. President. (Legislative Journal pages 1353-1357.) [LB600 LB600A LB642 LB382 LB382A LB464 LB648 LB54 LB177 LB283 LB637 LB637A LB226 LB673]

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, we now move to consent calendar. Please take notice of the following of the rules identified on your agenda. It gives the Chair great pleasure to move to the first bill. Mr. Clerk, LB550.

CLERK: Mr. President, LB550, a bill by Senator Wightman. (Read title.) The bill was introduced on January 19, referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I have no amendments to the bill, Mr. President. [LB550]

SPEAKER FLOOD: Thank you, Mr. Clerk. Senator Wightman, you're recognized to open on LB550. [LB550]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. It's great to be back and somewhat in the saddle again. I do want to especially thank the Speaker for arranging my bills in succession here so that it would be more convenient for me, and also want to express my appreciation to Senator Harms who has worked in the event I wasn't going to be here to introduce the bills. So with that, I'll introduce LB550. LB550 was introduced to clarify the deadline for filing for elective office by an incumbent. I was made aware of this problem by a constituent who missed the filing deadline because he held one position and was running for a totally unconnected position with the power board, and he was informed because he was too late that he was under the rule for incumbent. The ordinary definition of incumbent found in the dictionary is currently holding a specified

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office. Under Nebraska's election law, incumbent is defined somewhat differently. Under Nebraska law an incumbent is a person who has been elected to any elective office. Upon research, we found that this definition had been the definition used by the Secretary of State's Office since 1879, so certainly there's a lot of precedents. The reasoning behind the difference is that a candidate that has name recognition and experience with running a campaign has an advantage over a first-time candidate. But I would submit that somebody reading the act would believe that unless he held that particular office he was not an incumbent, but that's not the definition that the Secretary of State uses. This definition means that a person who has held any elective office is deemed to be an incumbent even though they have not been elected to the office they are seeking. The problem with the current law is that you must read the definition of incumbent found in Section 32-111 to find this somewhat inconsistent definition. LB550 would place in the filing deadline Section 32-606 the additional language of, quote, of any elective office. So if you were...all we're doing would be to notify people that they may have the earlier filing deadline or do have the earlier filing deadline even though they are not holding that office at the current time. I'm informed and we were during the hearing on the bill that perhaps once or twice a year this same question comes up, and it just seems to me that it is only logical that we clarify that. So with that, I would urge you to advance LB550 to help clarify Nebraska's election laws. Thank you, Mr. President. [LB550]

SPEAKER FLOOD: Thank you, Senator Wightman. Members, you've heard the opening to LB550. Senator Avery, you're recognized. [LB550]

SENATOR AVERY: Thank you, Mr. President. This is a bill that came before the Government Committee and I remember at the time that we considered it we had this aha experience and we all said, yes, that's a sensible, common-sense proposal and clears up something that I had long thought was a bit of an ambiguity in the law. This is one of those rare occasions where we get to do something that really makes sense in this body. So I urge you to vote yes on this. Thank you, Mr. President. [LB550]

SPEAKER FLOOD: Thank you, Senator Avery. There are no other lights on. Senator Wightman, you're recognized to close. Senator Wightman waives his opportunity. The question before the body is, shall LB550 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB550]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB550. [LB550]

SPEAKER FLOOD: LB550 advances to E&R Initial. Mr. Clerk, LB15. [LB550]

CLERK: Mr. President, LB15 was a bill originally introduced by Senator Wightman. (Read title.) Introduced on January 6 of this year, referred to Judiciary, advanced to

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General File. I have no amendments to the bill. [LB15]

SPEAKER FLOOD: Senator Wightman, you're recognized to open on LB15. [LB15]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. LB15 is a straightforward bill that would clarify existing law that district court judgments may be collected by garnishments across county lines without transcribing the judgment and paying an additional transcription judgment filing fee in the county where the personal property or wages are located. County courts already have the clear authority to issue garnishments across county lines under LB332 passed in 2009. A concern was raised by the Nebraska Land Title Association that LB15 may create a lien on real property across county lines without the filing of the judgment in other counties. Unless the judgment is filed in the county where the property is located, the title insurance company, the buyer, and possibly a lender would not know that a lien existed under current review requirements. The Judiciary Committee did have one item of concern which they have covered and Senator Ashford will address that in the form of an amendment. The amendment, AM161, and I'll let Senator Ashford explain that to you. I would urge the body to advance LB15 with AM161. I do support that amendment. Thank you, Mr. President. [LB15]

SPEAKER FLOOD: Thank you, Senator Wightman. Members, you've heard the opening to LB15. There are no lights on. Senator Wightman, you're recognized to close. Senator Wightman I think waives his opportunity to close if I hear correctly. The Chair is aware of committee amendments. So before we allow anybody to close, Mr. Clerk. [LB15]

CLERK: Mr. President, the Judiciary Committee offers committee amendments. (AM161, Legislative Journal page 1018.) [LB15]

SPEAKER FLOOD: Senator Ashford, you are recognized to open on AM161. [LB15]

SENATOR ASHFORD: How quickly you become irrelevant when Senator Wightman is back. You know, it's...(laughter) we are...as we all know, Senator Wightman is really the resident expert on procedure, court procedure, wills and trust. He's an encyclopedia in this area, and we were floundering a bit but now he's back so we're back on course. Thank you, Senator Wightman. The committee amendment, AM161, would create a distinction between personal property and real property for purposes of the requirements to file a transcript of the judgment in county rather than...in a county other than where the judgment was executed. An execution of a judgment shall not serve...and Senator Wightman alluded to this, shall not serve as a lien on real estate unless the transcript of the judgment is filed in the county where the real estate is located. And that's the gist of the amendment. I urge its adoption. Thank you, Mr. Speaker. [LB15]

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SPEAKER FLOOD: Thank you, Senator Ashford. Members, you've heard the closing or the opening on AM161. Are there any members wishing to discuss the same? Senator Wightman, you are recognized. [LB15]

SENATOR WIGHTMAN: Thank you, Mr. President. I stated earlier I do approve of the amendment and would ask that you vote green on the amendment. Thank you. [LB15]

SPEAKER FLOOD: Thank you, Senator Wightman. There are no other lights on. Senator Ashford, you're recognized to close on AM161. Senator Ashford waives his opportunity. The question before the body is, shall AM161 be adopted? Members, the question before the body is, shall AM161 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB15]

CLERK: 41 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB15]

SPEAKER FLOOD: AM161 is adopted. Mr. Clerk, anything further on the bill? [LB15]

CLERK: Nothing further on the bill, Mr. President. [LB15]

SPEAKER FLOOD: Returning to discussion on LB15. Seeing no lights on, Senator Wightman, you're recognized to close. Senator Wightman waives his opportunity. The question before the body is, shall LB15 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB15]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB15. [LB15]

SPEAKER FLOOD: LB15 advances to E&R Initial. Mr. Clerk, LB17. [LB15 LB17]

CLERK: LB17, Senator Wightman offers relating to the courts. (Read title.) Introduced on January 6, referred to the Judiciary Committee. The bill was advanced to General File. There are Judiciary Committee amendments, Mr. President. (AM159, Legislative Journal page 1018.) [LB17]

SPEAKER FLOOD: Senator Wightman, you're recognized to open on LB17. [LB17]

SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. Again, I want to express my appreciation to Senator Harms for preparing to introduce these three bills. LB17 updates the law on how documents are maintained after a district court case is concluded, including documents in electronic form and further eliminates the ability of the parties to waive the fee assessed for the work of the clerk of the district court to compile and store the record of the court case. We submitted this bill on behalf of the Clerk of the District Courts Association to recognize the changes made in court records because of the new electronic court record system called JUSTICE. This is a detailed

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area of law and some of the details required additional work. Representatives of the district court clerks, the court administrators office, and the state records administrator worked the details and they are reflected in the Judiciary Committee amendment which I think is AM159, and that will be explained to you. Current law requires the clerk of the district court to compile a complete record of every case filed or appealed in the district court as soon as it is finally determined. Current law allows, however, the parties to the case to waive the obligation to pay for the preparation or the retention of the record of the case. So LB17 removes the ability of the parties to waive the complete record. I would urge the committee (sic) to advance LB17 with the amendment. Thank you, Mr. President. [LB17]

SPEAKER FLOOD: Thank you, Senator Wightman. There are committee amendments to LB17. Senator Ashford, you're recognized to open on AM159. [LB17]

SENATOR ASHFORD: Thank you, Mr. Speaker. AM159 would harmonize Section 25-2209 of the statutes with the provisions of the bill, of this bill by striking a provision allowing the complete record to be compiled and filed on microfilm. The amendment would clarify that a complete record of a district court case would consist of scanned images and documents maintained in JUSTICE, as described by Senator Wightman, and either on paper or microfilm. The amendment would also remove a series of requirements that were in the original green copy that...regarding standards for the maintaining the records on JUSTICE. It removes that language that was in the original...those standards in the original bill. Thank you, Mr. Speaker. [LB17]

SPEAKER FLOOD: Thank you, Senator Ashford. Members, you've heard the opening to AM159. Senator Ashford, you are recognized. Senator Wightman, you are recognized. [LB17]

SENATOR WIGHTMAN: Thank you, Mr. President. Nothing more than to say that I would urge the adoption of the committee amendment along with that of the underlying bill. But we feel that the committee amendment does strengthen the bill. Thank you, Mr. President. [LB17]

SPEAKER FLOOD: Thank you, Senator Wightman. Members, there are no lights on. Senator Ashford, you're recognized to close on AM159. Senator Ashford waives his opportunity. The question before the body is, shall AM159 be adopted? All those in favor vote aye; all those opposed vote nay. Madam Clerk, please record. [LB17]

ASSISTANT CLERK: 35 ayes, 0 nays on adoption of committee amendments, Mr. President. [LB17]

SPEAKER FLOOD: The committee amendments are adopted. We now turn to discussion on LB17. There are no lights on. Senator Wightman, you're recognized to

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close. Senator Wightman waives his opportunity. The question before the body is, shall LB17 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB17]

CLERK: 38 ayes, 0 nays on the advancement of LB17, Mr. President. [LB17]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB17 advances to E&R Initial. Mr. Clerk, LB424. [LB17 LB424]

CLERK: Mr. President, LB424 is a bill by Senator Lautenbaugh. (Read title.) Introduced on January 14, referred to the Banking, Commerce and Insurance Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB424]

SENATOR LANGEMEIER PRESIDING

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

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. LB424 was introduced to clarify language relating to indemnification for board members of the Nebraska Education Finance Authority or NEFA. NEFA is a quasi-governmental agency that issues bonds to build or renovate buildings for Nebraska Independent Colleges and Universities. A concern was raised by bond counsel for NEFA that the current statutory scheme was not clear regarding the indemnification and personal liability of these individuals who serve on NEFA as volunteers appointed by the Governor. What this does is basically mirror the language set forth for those who serve on NIFA regarding director liability. The bill ensures that NEFA board members will be protected from personal liability except for acts of willful dishonesty or intentional violation of law. The change will also make it easier and more affordable for NEFA to purchase liability insurance for its board members and employees. Because of the current language in law, only one company even offers liability insurance to NEFA which was the need for this clarification. Testimony was offered at the Banking Committee hearing by NEFA legal counsel, its executive director, and a current board member, and the bill was advanced 7 to 0 by the committee without amendment. I would urge you to advance LB424 to Select File. [LB424]

SENATOR LANGEMEIER: Thank you, Senator Lautenbaugh. Senator Lathrop, you're recognized. [LB424]

SENATOR LATHROP: Thank you, Mr. President. Would Senator Lautenbaugh (laugh)... [LB424]

SENATOR LANGEMEIER: Senator Lautenbaugh... [LB424]

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SENATOR LATHROP: ...Senator Lautenbaugh yield to a question? [LB424]

SENATOR LANGEMEIER: Would Senator Lautenbaugh yield? [LB424]

SENATOR LAUTENBAUGH: Yes, I will. [LB424]

SENATOR LATHROP: Senator, on...I'm reading your bill and on page 5, line 25 it basically provides that there's no liability for those issuing the bonds but it also says policies of insurance. What policies of insurance would be referenced there? [LB424]

SENATOR LAUTENBAUGH: Well, there is some sort of indemnity or policy of insurance and I may ask you to direct this to Senator Pahls for a better explanation than I'm going to be able to fumble through regarding the insurance aspect of it. [LB424]

SENATOR LATHROP: The reason I ask is the things about bonds, I get that. We're providing for some level of immunity for people that are involved in issuing these bonds and I get that, and it looks like that was there to start with. But then we provide for immunity for issuing policies of insurance and I don't see any reference to policies of insurance anywhere else other than they can buy them to insure the liability or what's left of the liability for these board members. [LB424]

SENATOR LAUTENBAUGH: And I see the question you're asking, Senator Lathrop, and I'll warrant to you that legal counsel is looking into it for the committee right now to come up with a clarification on that. [LB424]

SENATOR LATHROP: That's fine. That's fine. It is...I'm trying to read these as fast as we're going through them and that popped up or I would have come over and spoken to you about it. Perhaps I'll get Senator Pahls to yield to a question. [LB424]

SENATOR LANGEMEIER: Senator Pahls, will you yield? [LB424]

SENATOR LATHROP: Senator Pahls, you heard my question to Senator Lautenbaugh. Are you able to answer that for me? [LB424]

SENATOR PAHLS: I am not and right now my legal counsel is trying to find the answer to that. [LB424]

SENATOR LATHROP: Okay . And I'm not going to jump in front of this or anything like that, but perhaps between now and the time we vote on it if anybody has any more questions or Select File we could see if the reference to...the policies of insurance as surplusage and unnecessary language or does it serve some purpose that I cannot identify by looking at the rest of the bill. [LB424]

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SENATOR PAHLS: Yeah. I would appreciate it if you'd give us enough time between now and Select and I will make sure we have that answer for you. [LB424]

SENATOR LATHROP: That's fine with me. That's fine with me. Thank you. [LB424]

SENATOR PAHLS: Okay. Thank you, Senator. [LB424]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. Seeing no other lights on, Senator Lautenbaugh, you're recognized to close. Senator Lautenbaugh 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? Record, Mr. Clerk. [LB424]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB424. [LB424]

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

CLERK: LB453 is a bill by Senator Pahls relating to the Department of Economic Development. (Read title.) Introduced on January 14, referred to the Banking, Commerce and Insurance Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB453]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pahls, you're recognized to open on LB453. [LB453]

SENATOR PAHLS: Good morning, Mr. President and members of the body. LB453 would outright repeal Section 81-1211. That section establishes a cash fund called the Tourist Promotion Fund. That cash fund is no longer used. In fact, there has been no funds in it since the fiscal year 1997-98. This section was identified as obsolete during the Banking Committee's LR542 work last summer. At this bill's hearing, the committee received a letter in support from the Director of the Department of Economic Development that this section is of no value anymore. Thank you. [LB453]

SENATOR LANGEMEIER: Thank you, Senator Pahls. You have heard the opening on LB453. The floor is open for discussion. Seeing no lights on, Senator Pahls, you're recognized to close. Senator Pahls waives closing. The question before the body is, shall LB453 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. [LB453]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB453. [LB453]

SENATOR LANGEMEIER: LB453 does advance. Mr. Clerk. [LB453]

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CLERK: Mr. President, LB454 by Senator Pahls. (Read title.) Introduced on January 14, referred to Banking, advanced to General File. I have no amendments to the bill. [LB454]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pahls, you're recognized to open on LB454. [LB454]

SENATOR PAHLS: Mr. President and colleagues, thank you. In LB454 would outright repeal Section 81-1222.01 and 81-1222.03. These sections involve property no longer owned or controlled by the Department of Economic Development, so these sections no longer serve any purpose. Just to give you an idea what they were in the past, they involved the SAC Museum when it was located in Sarpy County and the Wild West Arena in Lincoln County. These sections were identified as obsolete during the Banking Committee's LR542 work last summer. At this bill's hearing, the committee received a letter in support from the director of the Department of Economic Development that these sections basically take up space. Thank you. [LB454]

SENATOR LANGEMEIER: Thank you, Senator Pahls. You have heard the opening on LB454. The floor is now open for discussion. Seeing no lights on, Senator Pahls, you are recognized to close. Senator Pahls waives closing. The question is, shall LB454 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. [LB454]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB454. [LB454]

SENATOR LANGEMEIER: LB454 does advance. Mr. Clerk. [LB454]

CLERK: LB455, Mr. President, by Senator Pahls relates to economic development. (Read title.) Introduced on January 14, referred to Banking, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB455]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pahls, you're recognized to open on LB455. [LB455]

SENATOR PAHLS: Thank you again, Mr. President and members of the body. LB455 would outright repeal Section 81-1265 to 81-1271. Those sections are called the Venture Capital Network Act. They were enacted in 1987. According to our Fiscal Office, there's no funding allocated to these programs in the Department of Economic Development's budget. These sections again were identified as obsolete during the Banking Committee's LR542 work last summer. Venture Capital activities are not ignored, however. These activities are carried on in the Operational Assistance Act, which was enacted in 2007. At this hearing, the committee received a letter in support

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from the director of the Department of Economic Development that these...that these particular sections no longer serve any purpose. Thank you. [LB455]

SENATOR LANGEMEIER: Thank you, Senator Pahls. You have heard the opening on LB455. Seeing no lights on, Senator Pahls, you are recognized to close. The question before the body is, shall LB455 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. [LB455]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB455. [LB455]

SENATOR LANGEMEIER: LB455 does advance. Mr. Clerk. [LB455]

CLERK: LB167 is a bill by Senator Fischer. (Read title.) Introduced on January 7, referred to Judiciary, the bill was advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB167]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you are recognized to open on LB167. [LB167]

SENATOR FISCHER: Thank you, Mr. President and members. LB167 amends the Nebraska Department of Roads' state Relocation Act to reflect updated provisions of federal law located in Title 49 CFR Part 24. Specifically, the bill allows the department to establish reasonable maximum payments by rule and regulation and expands the list of circumstances under which a person or business will not qualify for relocation assistance. This bill will ensure that Nebraska and local agencies are in compliance with federal law. If this bill is not passed, state and federal agencies do face the possibility of losing federal aid and incurring sanctions. I would appreciate your support for the bill. Thank you. [LB167]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on LB167. The floor is now open for discussion. Seeing no lights on, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is, shall LB167 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. [LB167]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB167. [LB167]

SENATOR LANGEMEIER: LB167 does advance. Mr. Clerk. [LB167]

CLERK: LB107, a bill by Senator Carlson, relates to agriculture. (Read title.) Introduced on January 6, referred to the Agriculture Committee. The bill was advanced to General File. I have no amendments, Mr. President. [LB107]

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SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Carlson, you're recognized to open on LB107. [LB107]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. LB107 is the result of a collaboration of the Nebraska Sorghum Producers Association and the Nebraska Sorghum Board to address issues relating to evolving geographic distribution of sorghum production and sorghum producers in the state. The Grain Sorghum Resource Act was enacted in 1981 to provide for a producer self-funded program of market development, research, and consumer information similar to other checkoff programs. The program is wholly cash funded from marketing assessment collected from producers. The act creates the Grain Sorghum Development, Marketing, and Utilization Board (sic). Currently, the board has a membership consisting of seven members as follows: six grower members appointed by the Governor from corresponding districts and one grower member appointed by the Sorghum Board representing the state at large. The existing grower districts were drawn in 1981 and over time the distribution of sorghum production in the state has shifted westward as well as concentrating in the southern tiers of counties adjacent to the Kansas border. LB107 addresses the growing inequity in representing sorghum production that has resulted. LB107 retains a seven-member board but reduces the number of districts from six to four and draws the districts with a more logical correspondence to current production areas. LB107 also increases the number of at-large appointments, who may be drawn from anywhere in the state, from one to three. Combination of these changes enables the composition of the board to respond to continuing shifts in the location of production in the state. Board terms which currently expire in mid-July are revised to begin on July 1, simply to have a date that's easier to work with, and so it contains the emergency clause. LB107 also provides for a simpler process for persons interested in serving on the board to qualify as nominees for appointment. Currently, persons interested in serving on the board must collect signatures from 50 growers in their district. Because of the shifts in production and a reduction in the number of growers, this requirement is increasingly difficult and burdensome to achieve and is proving to be a barrier to qualified individuals. LB107 would substitute that a producer may place his or her name in nomination by submitting a gubernatorial appointment application, a statement of interest in serving, two letters of endorsement by other growers, and documentation to substantiate the person's qualification. Because sorghum production is a rotation crop that may not be annually grown on each farm, the bill would change qualifications for eligibility by eliminating a requirement that implies continuous production over a five-year period. The bill also strikes that a person is required to derive a substantial portion of their income from sorghum production and only require that they derive income from sorghum production. These are the important features in LB107. I believe it's a necessary bill and I'd appreciate your support. Thank you, Mr. President. [LB107]

SENATOR LANGEMEIER: Thank you, Senator Carlson. You have heard the opening

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on LB107. The floor is now open for discussion. Senator Sullivan, you're recognized.  
[LB107]

SENATOR SULLIVAN: Thank you, Mr. President. I really have nothing more to add to Senator Carlson's thorough explanation of this bill other than to thank him and the committee for carrying this legislation forward. It was a concern that was also brought to me by a grain sorghum producer in my district. And as Senator Carlson has said, that we've seen changes in grain sorghum production change over the last 30 years and the original board districts no longer accurately reflect sorghum production today, but LB107 redraws the districts based on today's production pattern so I think it's a good move. Thank you very much. [LB107]

SENATOR LANGEMEIER: Thank you, Senator Sullivan. Seeing no other lights on, Senator Carlson, you're recognized to close. Senator Carlson waives closing. The question before the body is, shall LB107 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. [LB107]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB107. [LB107]

SENATOR LANGEMEIER: LB107 does advance. Mr. Clerk. [LB107]

CLERK: LB155 is a bill by Senator Utter relating to the Interlocal Cooperation Act. (Read title.) Introduced on January 7, referred to Natural Resources, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB155]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Utter, you're recognized to open on LB155. [LB155]

SENATOR UTTER: Thank you, Mr. President and good morning, colleagues. LB155 allows public power entities formed under the Nebraska Interlocal Cooperation Act to comply with the public bidding laws similar to all other Nebraska public power entities. The bill specifically pertains to the Public Partners (sic) Generation Agency in Hastings. This plant is owned by Hastings, Grand Island, Nebraska City, MEAN, along with Heartland Power, which is out of South Dakota. All of these entities are public, not-for-profit organizations that came together for a joint project, thus, interlocal cooperation. Back in 2007 when the bidding laws were changed for public power, it was not changed in the interlocal laws because at that time there were no interlocally owned power stations in Nebraska. LB155 corrects that problem by duplicating what is already in law for other power stations. LB155 amends Section 13-824.01 relating to the electric generating facilities under Interlocal Cooperation Act by adding to the exemption from having to use competitive bidding system for those contracts entered into by a joint entity relating to radioactive material or its energy or for technologically complex or

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unique equipment or for any maintenance or repair. Certain conditions must also be met. For instance, if compliance is impractical or not in the interest of the public, it must be approved by a two-thirds vote of the governing body and notice of the contract must be provided. LB155 is a noncontroversial bill. It was voted out of the Natural Resources Committee unanimously. The bill also has no General Fund impact because it only changes provisions relating to sealed bids under the Interlocal Cooperation Act. Ultimately, LB155 will save ratepayers money. With that, I encourage you to advance LB155 to Select File. Thank you, Mr. President. [LB155]

SENATOR LANGEMEIER: Thank you, Senator Utter. You have heard the opening on LB155. Senator Pirsch, you're recognized. [LB155]

SENATOR PIRSCH: Thank you, members of the body. I wonder if Senator Utter would yield to a number of questions I may have. [LB155]

SENATOR LANGEMEIER: Senator Utter, would you yield? [LB155]

SENATOR UTTER: Yes, I will. [LB155]

SENATOR PIRSCH: Very good. Is the sum and the substance in short here that we're getting rid of a sealed bidding requirement that has existed? [LB155]

SENATOR UTTER: In 2007 there was a change in the bidding laws that allowed for certain things to take place with regard to public power generating facilities that did not have to comply with sealed bidding laws under certain circumstances. [LB155]

SENATOR PIRSCH: Who is...so this is sealed, I mean in a nutshell then, this is getting rid of sealed bidding in certain instances, right? [LB155]

SENATOR UTTER: It was already done in 2007 for power plants. This just adds the new facility at Hastings to it. [LB155]

SENATOR PIRSCH: So this is just with respect to one facility--Hastings? [LB155]

SENATOR UTTER: No, the sealed bidding law relates to all power plants in Nebraska and this just adds Hastings to it. [LB155]

SENATOR PIRSCH: Sure. But I'm only interested here in the nature of this particular LB155. Now I understand some other action took place a few years ago, but with respect to this particular law, this only applies to Hastings though, correct? [LB155]

SENATOR UTTER: That's right. [LB155]

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SENATOR PIRSCH: Okay. [LB155]

SENATOR UTTER: Right now it does. It could apply to other interlocally owned, if there are others that are built and interlocally owned. [LB155]

SENATOR PIRSCH: Why was it that Hastings was not...or what is it about the nature of Hastings that makes it not conform to the general law that was passed a few years back? [LB155]

SENATOR UTTER: Well, when the law was passed a few years back it was not changed in the Interlocal Cooperation Act and so...because there weren't any interlocally owned, electric generating facilities at that time. The fact that one would be interlocally owned by a number of municipal owners didn't happen, and so now we are looking at a first-time situation. [LB155]

SENATOR PIRSCH: Okay, so let me see if I understand. It was just because of the unique nature of ownership in this particular instance that a few years back they didn't envision interlocally owned type of facilities such as this. Is that correct? [LB155]

SENATOR UTTER: That's correct, Senator Pirsch. [LB155]

SENATOR PIRSCH: Very good. And you indicate the way that this is structured, you believe there may be in the future other interlocally owned type of entities as well created. [LB155]

SENATOR UTTER: I don't know that but certainly there could be some time down the line. [LB155]

SENATOR PIRSCH: And with respect to the sealed bid requirement that is now being disposed of, at least with respect to this Hastings facility in this instance, what types of things were sealed bid before that now will not be sealed bid? [LB155]

SENATOR UTTER: Senator Pirsch, it relates to certain items with regard to maintenance and repair and the replacement of certain items of technical machinery and equipment and other...I'm sure there's other exclusions in there that I don't necessarily have my hand on. [LB155]

SENATOR PIRSCH: Okay. Well, I'm trying to get a sense and it might relate back to an argument from years ago though, but what, as a percentage--I'm trying to get a sense of magnitude--are these in terms of total things that...contracts that are let by this facility? Are these a great portion of that? [LB155]

SENATOR UTTER: Senator Pirsch, I don't know what the percentage is but I would

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think it would... [LB155]

SENATOR LANGEMEIER: One minute. [LB155]

SENATOR UTTER: ...probably be minimal. [LB155]

SENATOR PIRSCH: In your estimation, minimal in the sense of less than 5 percent? [LB155]

SENATOR UTTER: I couldn't say that, sir. I don't know. [LB155]

SENATOR PIRSCH: Well, okay. Well, is it possible to get me that information between now and Select? [LB155]

SENATOR UTTER: I would try to get you that information between now and Select File, yes, sir. [LB155]

SENATOR PIRSCH: Very good. I'd yield the rest of my time. Thank you. [LB155]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Pirsch, your light is on and you're recognized. Seeing no other lights on, Senator Utter, you are recognized to close on LB155. [LB155]

SENATOR UTTER: Thank you, Senator or Mr. President. All this bill does is just add the existing Hastings facility to a law that is covering all other electric generating facilities, and I urge your green vote on it. Thank you. [LB155]

SENATOR LANGEMEIER: Thank you, Senator Utter. You have heard the closing on LB155. The question before the body is, shall LB155 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. [LB155]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB155. [LB155]

SENATOR LANGEMEIER: LB155 does advance. (Visitors introduced.) Mr. Clerk. [LB155]

CLERK: Mr. President, LB248 is a bill by Senator Dubas that relates to fires. (Read title.) Introduced on January 11, referred to Natural Resources. The bill was advanced to General File. There are Natural Resources Committee amendments, Mr. President. (AM272, Legislative Journal page 640.) [LB248]

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

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open on LB248. [LB248]

SENATOR DUBAS: Thank you very much, Mr. President. Good morning, colleagues. LB248 makes two basic changes to clarify the open burning ban and waiver language dealing with range management burning. First, it exchanges the term "range management" for "land management." Rangeland is used...the definition of rangeland is used for grazing. Land management is a broader term that encompasses all land uses to include all types of burns that are currently being done but not technically authorized under existing statutes, such as CRP land. This change will bring statutes in line with current practices. Prescribed burns are a very effective management tool for all pasturelands, again including CRP, and really are the only effective way to control and manage some invasive species such as red cedar trees. Our statutes are very clear as to the process that needs to be followed when applying for a burn permit, and LB248 doesn't do anything to change that process. A burn plan needs to be submitted and then the fire chief may waive an open burning ban, issue a written permit signed by the fire chief or their designee. The bill now requires that that designee must be a member of the fire department. The bill further defines what this practice will achieve by controlling weeds, pests, help in preventing wildfires, to manage watersheds, windbreaks, forests, and to conduct scientific research. Again, we can't underestimate the value of this land management tool but it's also important...it's also important to stress the need for submitting a burn plan, communicating with the local fire department, and having that written approval in the form of a permit. This is not in place to make things more difficult for landowners. It's in place to protect property owners and to ensure that our local fire departments won't be put in a position where they can't adequately do their jobs. It's important for people wanting to do a prescribed or controlled burn to plan ahead, as laid out in the current statutes, and having a written plan for a prescribed burn is an important component. Both the fire departments and the landowners need to understand why these requirements are in place. We have many landowner associations which have formed to buy the needed equipment and work together to perform these burns safely. Our NRDs are doing a great deal of work and a good job in helping to educate landowners about the proper way to do controlled burns and the process that you need to go through to conduct one. We have a prescribed burn task force that conducts burn schools, and recently our Nebraska Forest Service was awarded a federal grant to help provide additional training. So I think that just goes to reinforce the importance of landowners' and fire departments' understanding why these statutes are in place. And again, this bill was the product of an interim study that I introduced last year looking at how do we really shore up the existing statute, as I said, bring statutes in line with existing practices and really help our fire departments and our landowners understand why these statutes are in place and hopefully make them a little easier, clearer, better to understand. It was advanced with a unanimous vote from the committee, no opposition, and is supported by the Nebraska State Volunteer Firefighters. Thank you. [LB248]

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SENATOR LANGEMEIER: Thank you, Senator Dubas. As stated, there is a Natural Resources Committee amendment. On my behalf, Senator Dubas, would you open on the committee amendment. [LB248]

SENATOR DUBAS: The amendment inserts "and conduct scientific research" into the bill. There is one professor in particular that I worked with on the interim study and the bill, Professor Tom Bragg from UNO, do an extensive amount of scientific research into how these controlled burns work, the types of weed management that can come out of it, how the different grasses and things react to these prescribed burns. So they felt it was important to include "scientific research" into the language, which makes them fall under these same permitting requirements. [LB248]

SENATOR LANGEMEIER: Thank you, Senator Dubas. You have heard the opening on the committee amendment offered to LB248. Seeing no lights on, Senator Dubas, you're recognized to close. Senator Dubas waives closing. Question for the body is, shall AM272 be adopted to LB248? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB248]

ASSISTANT CLERK: 35 ayes, 0 nays on the adoption of committee amendments. [LB248]

SENATOR LANGEMEIER: Committee amendments are adopted. Turning now to discussion, seeing no lights on, Senator Dubas, you are recognized to close. Senator Dubas waives closing. Question before the body is, shall LB248 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. [LB248]

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to advance the bill. [LB248]

SENATOR LANGEMEIER: LB248 does advance. Mr. Clerk. [LB248]

ASSISTANT CLERK: Mr. President, LB261, introduced by Senator Lathrop. (Read title.) Bill was read for the first time on January 11, referred to Business and Labor, placed on General File with no committee amendments. [LB261]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Lathrop you're recognized to open on LB261. [LB261]

SENATOR LATHROP: Thank you, Mr. President. And good morning once again, colleagues. LB261 is introduced at the request of the Department of Labor. It removes outdated language and creates an unemployment insurance exception for direct sellers of newspapers and shopping news. The Federal Unemployment Tax Act has a similar provision. This would bring Nebraska in line with the federal act. Uniformity between the

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state and the federal law benefits employers when determining whether their business is exempt from unemployment tax provisions. There was no opposition and only Commissioner Cathy Lang testified in support. The committee advanced LB261 on a 7-0 vote, and ask for your support on this bill. Thank you. [LB261]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. Seeing no lights on, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question before the body is, shall LB261 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB261]

ASSISTANT CLERK: 34 ayes, 0 nays on the motion to advance the bill. [LB261]

SENATOR LANGEMEIER: LB261 does advance. Mr. Clerk. [LB261]

ASSISTANT CLERK: LB121, introduced by Senator Avery. (Read title.) Bill was read for the first time on January 6, referred to Urban Affairs, placed on General File with no amendments. [LB121]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Avery, you are recognized to open on LB121. [LB121]

SENATOR AVERY: Thank you, Mr. President. LB121 is the result of the LR542 process. The Government Committee put this bill on our options list. What it does, it eliminates the State Fire Marshal's role in the Voluntary (sic) Emergency Responders Recruitment and Retention Act. The committee estimates that approximately \$12,000 of General Fund money will be saved with this change. I would also like to point out that this option was a part of the State Fire Marshal's budget modification proposal, and in order for this savings to be realized, we have to change the statute. The Voluntary (sic) Emergency Responders Recruitment and Retention Act was created to encourage and assist cities and fire departments in their efforts to retain trained and qualified volunteer emergency response personnel. The State Fire Marshal has a role in this and that role is to develop and maintain a recordkeeping and certification list in their database. LB121 removes the State Fire Marshal's duty under this program. It does not eliminate the program. The bill would simply have local fire departments and municipalities assume the duties that were once or currently are being performed by the State Fire Marshal. Again, this saves \$12,000 of General Fund money. The committee advanced this unanimously from the Urban Affairs Committee. Thank you, Mr. President. [LB121]

SENATOR LANGEMEIER: Thank you, Senator Avery. You have heard the opening on LB121. There are no lights on. Senator Avery, you're recognized to close. Senator Avery waives closing. The question before the body is, shall LB121 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. [LB121]

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ASSISTANT CLERK: 36 ayes, 0 nays on the motion to advance the bill. [LB121]

SENATOR LANGEMEIER: LB121 advances. Mr. Clerk. [LB121]

ASSISTANT CLERK: Next bill, Mr. President, is LB309, introduced by the Urban Affairs Committee. (Read title.) Bill was read for the first time on January 12, referred to the Committee on Urban Affairs. That committee reports the bill to General File with committee amendments. (AM222, Legislative Journal page 658.) [LB309]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator McGill, as Chair of Urban Affairs, you're recognized to open on LB309. [LB309]

SENATOR MCGILL: Thank you, Mr. President and members of the body. LB309 establishes a procedure to reapportion special assessments when property, against which special assessments have been levied, is divided. In order to reapportion the special assessment, the governing body of a city of the first class, second class, or village would give notice and hold a hearing on the proposed reapportionment. Notice of hearing is mailed to the affected property owners. The governing body is to make any determination on fair and equitable terms. The new assessments may be made upon either front footage or square footage or other such method as determined by the facts and circumstances. Any property owner who feels aggrieved may appeal the decision of the governing body to the district court in the same manner as appeals of special assessment. We did work out with a committee amendment one bit of opposition by the county officials and we'll get on to that next. Thank you, Mr. President. [LB309]

SENATOR LANGEMEIER: Thank you, Senator McGill. As the Clerk has stated, there are committee amendments. Senator McGill, you're recognized to open on the committee amendments. [LB309]

SENATOR MCGILL: We actually made further changes to the committee amendments than what you're seeing right now, so I'm going to go ahead and wrap up and get to the next amendment. Thank you. [LB309]

SENATOR LANGEMEIER: Thank you, Senator McGill. Mr. Clerk. [LB309]

ASSISTANT CLERK: Mr. President, Senator Coash would offer AM1180 to the committee amendments. (Legislative Journal page 1187.) [LB309]

SENATOR LANGEMEIER: Senator Coash, you are recognized to open on AM1180. [LB309]

SENATOR COASH: Thank you, Mr. President. Good afternoon, members. AM1180 will

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become the committee amendment. After we advanced this bill with the committee amendment, there were further clarification pieces of language we needed to insert at the request of the Bill Drafters. You will notice, colleagues, on the committee statement that NACO had testified in opposition to this bill. What is contained in AM1180, which becomes the committee amendment, satisfies those concerns. There are three pieces to AM1180: one, it adds an emergency clause; two, it provides that it does not allow reapportionment of the special assessment on a tract of land if a tax sale certificate has been issued for that piece of land or if the special assessment is delinquent; and three, requires that notice of the reapportionment of the special assessment be filed with the county treasurer in the county where the land is located. Thank you, Mr. President. [LB309]

SENATOR LANGEMEIER: Thank you, Senator Coash. You have heard the opening on AM1180 offered to the committee amendments. Seeing no lights on, Senator Coash, you're recognized to close. Senator Coash waives closing. The question before the body is, shall AM1180 be adopted to AM222? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB309]

ASSISTANT CLERK: 32 ayes, 1 nay on the adoption of Senator Coash's amendment. [LB309]

SENATOR LANGEMEIER: AM1180 is adopted. Returning now to the committee amendments, seeing no lights on, Senator McGill waives closing on the committee amendments. The question before the body is, shall AM222 be adopted to LB309? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB309]

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of committee amendments as amended. [LB309]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to discussion on LB309. Seeing no lights on, Senator McGill, you're recognized to close. Senator McGill waives closing. The question before the body is, shall LB309 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record now. [LB309]

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB309]

SENATOR LANGEMEIER: LB309 does advance. Mr. Clerk. [LB309]

ASSISTANT CLERK: LB573 was introduced by Senator Price. (Read title.) Bill was read for the first time on January 19, referred to Transportation and Telecommunications,

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placed on General File with committee amendments. (AM344, Legislative Journal page 695.) [LB573]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Price, you're recognized to open on LB573. [LB573]

SENATOR PRICE: Thank you, Mr. President and members of the body. LB573 authorizes storm spotters to use flashing or rotating amber lights when activated by local emergency management personnel. And in light of what we've seen in these past couple days where over 200 tornadoes were reported just yesterday and the loss of over 200 people's lives, what this is going to do is going to help our spotters who are activated out there who are telling us where these things are, to maintain safety out on our public roads because, as you know, they may be stopped and pulled over to identify this and are relaying this information to emergency management personnel. There is a committee amendment. And with that, I would close and yield the balance of my time. [LB573]

SENATOR LANGEMEIER: Thank you, Senator Price. As the Clerk has stated, there is a committee amendment. Senator Fischer, as Chair of Transportation and Telecommunications, you're recognized to open on the committee amendment. [LB573]

SENATOR FISCHER: Thank you, Mr. President and members. The committee amendment, AM344, makes two changes to the original bill. First, emergency management workers, are defined under the Emergency Management Act, are included to operate a motor vehicle with the amber light. This will more clearly define who is eligible for the amber lights under this bill. Second, the amendment removes the requirement that the storm spotter or emergency management worker be within 500 feet of his or her location point to activate that amber light. The location point for a storm spotter frequently changes while they are tracking a storm, so it would be difficult to determine a location point. Thank you, Mr. President. [LB573]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on the committee amendments. The floor is now open for discussion. Senator Fulton, you're recognized. [LB573]

SENATOR FULTON: Thank you, Mr. President. Members of the body, very briefly I just want to stand in support of AM344 but more so LB573. These storm spotters, I don't know if a lot of people realize, they operate as volunteers. They perform a valuable service to the public. And so this...I saw this bill coming up by Senator Price. I think it's appropriate. This is dangerous work. It's done out of a commitment, I think, to the community and, yeah, these people should be recognized for the great service they provide the public. Thank you. Thank you to Senator Price. Thank you, Mr. President. [LB573]

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SENATOR LANGEMEIER: Thank you, Senator Fulton. Seeing no other lights on, Senator Fischer, you're recognized to close on the committee amendments. Senator Fischer waives closing. The question before the body is, shall AM344 be adopted to LB573? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB573]

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of committee amendments. [LB573]

SENATOR LANGEMEIER: The committee amendments are adopted. Return now to the bill. Seeing no lights on, Senator Price, you're recognized to close. Senator Price waives closing. The question before the body is, shall LB573 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB573]

ASSISTANT CLERK: 39 ayes, 0 nays to advance the bill, Mr. President. [LB573]

SENATOR LANGEMEIER: LB573 does advance. Mr. Clerk. [LB573]

ASSISTANT CLERK: Mr. President, LB458, introduced by Senator Schilz. (Read title.) Bill was read for the first time on January 14, referred to Natural Resources, placed on General File with no committee amendments. [LB458]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB458. [LB458]

SENATOR SCHILZ: Thank you, Mr. President. Members of the body, LB458 changes the reimbursement rate for oil exploration and how the proceeds from those wells are paid back to the mineral right holders. The bill brings the reimbursement rates up to date and up with the times. As oil exploration becomes more specialized and as oil becomes more valuable, the cost and risk of oil exploration rises as well. These rates need to be changed to better reflect current cost and market drivers. LB458 updates a proven process to make sure all interests are protected throughout the entire process and will allow those that want oil exploration the ability to entice developers to take the risks necessary to develop our Nebraska resources. The bill had unanimous support and advanced out of the Natural Resources Committee unanimously as well. With that, I ask for your support for LB458. Thank you. [LB458]

SENATOR LANGEMEIER: Thank you, Senator Schilz. You have heard the opening on LB458. The floor is now open for discussion. Senator Wallman, you're recognized. [LB458]

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SENATOR WALLMAN: Thank you, Mr. President. Would Senator Schilz answer to a question or two? [LB458]

SENATOR LANGEMEIER: Senator Schilz, would you yield? [LB458]

SENATOR SCHILZ: Yes. [LB458]

SENATOR WALLMAN: Thank you, Senator. You know, whenever the price of oil gets around, they're driving around trying to lease your farmland. That means if I don't choose to lease my land that I will still get reimbursed or still have expense for drilling also? [LB458]

SENATOR SCHILZ: What would happen is, yes, you would...you would fall into reimbursement and you would continue to maintain all your rights to your property and everything else. It just dictates how that is paid out as you go forward. [LB458]

SENATOR WALLMAN: And I couldn't cut a special deal? Seven-eighths and one-eighth, is that set in stone now on this bill then? [LB458]

SENATOR SCHILZ: Yes. [LB458]

SENATOR WALLMAN: Okay. Thank you, Senator. Thank you, Mr. President. [LB458]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Are there any other...? Seeing no other lights on, Senator Schilz, you're recognized to close. Senator Schilz waives closing. The question before the body is, shall LB458 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. [LB458]

ASSISTANT CLERK: 33 ayes, 1 nay to advance the bill, Mr. President. [LB458]

SENATOR LANGEMEIER: LB458 does advance. Mr. Clerk. [LB458]

ASSISTANT CLERK: Mr. President, LB423 is the next bill. It's introduced by Senator Krist. (Read title.) Bill was read for the first time on January 14 of this year, referred to the Revenue Committee, placed on General File with no committee amendments. [LB423]

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Krist, you're recognized to open on LB423. [LB423]

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SENATOR KRIST: Thank you, Mr. President and colleagues. Members of the body, LB423 advanced from the Revenue Committee unanimously on an 8 to 0 vote with no opposition testimony offered to the hearing. I want to thank Speaker Flood, as well as the members of the Revenue Committee, for selecting LB423 as a consent calendar bill for the session. LB423 is a bill I introduced at the request of the Eastern Nebraska Development Council. Sanitary and improvement districts allow areas outside of the city's corporate boundaries to borrow money to finance and construct infrastructure improvements needed for the residential, commercial, and industrial real estate developments, such as roads, sanitary and storm sewers, and certain utilities. The SID operates as a political subdivision, one with the ability to levy special assessments and taxes up to a certain amount. Both these special assessments and the taxes are designed to pay back the borrowed money used for infrastructure. The special assessments in an SID are liens against the properties within the SID. Current Nebraska law provides that these liens for SID special assessments, when the real estate has been previously offered for sale by the county treasurer, survive a tax foreclosure. LB423 replaces the term "real estate" with "special assessment" to clarify when such a lien survives a tax foreclosure. The bill further makes it clear in the related conveyance and foreclosure statute that is already provided for by law; that is, liens for SID special assessments survive a tax foreclosure sale. There are recent conflicting Douglas County and Sarpy County District Court decisions concerning the survival of SID special assessments in the event of a tax foreclosure. The Legislature long ago recognized the importance for an SID special assessment to survive a foreclosure because the special assessment pay back the money borrowed to construct the infrastructure in the SID--the roads, the storm and sanitary sewers, and some utility lines. In sum, this bill merely clarifies existing law in Nebraska and will help protect the future use of sanitary improvement districts in Nebraska. Thank you, Mr. President and colleagues, for your attention. [LB423]

SENATOR CARLSON: Thank you, Senator Krist. Floor is now open for debate. Seeing no lights, you're recognized to close, Senator Krist. [LB423]

SENATOR KRIST: I'd waive, but Senator Christensen told me if I cared about this bill I should close, so please vote green. Thank you. [LB423]

SENATOR CARLSON: Thank you, Senator Krist. Question is, shall LB423 be advanced? All those in favor vote aye; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB423]

ASSISTANT CLERK: 39 ayes, 0 nays on the advancement of LB423, Mr. President. [LB423]

SENATOR CARLSON: LB423 does advance. Mr. Clerk, next item. [LB423]

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ASSISTANT CLERK: Mr. President, LB56, introduced by Senator Mello. (Read title.) Bill was read for the first time on January 6. The bill was referred to General Affairs, placed on General File with no committee amendments. [LB56]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Mello, you're recognized to open. [LB56]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. LB56 would adopt or would update the Nebraska Electrical Act to reflect changes in the National Electrical Code and is brought on behalf of the State Electrical Board. This legislation would update the current minimum standards for electrical wiring in the state to the most recent national guidelines from the 2008 NEC to the 2011 NEC. The current State Electrical Act was passed in 1975 and historically every three years a bill is introduced to update the references to the NEC in statute. With one exception, these regular code updates have passed the Legislature on regular intervals and with little to no fanfare. Like LB56...LB56, like many electrical code update bills before it, faced no opposition at the hearing and was advanced to the floor on an 8-0 vote by the General Affairs Committee. As members of the body may recall, former Senator Bob Giese's 2009 bill to adopt a 2008 NEC was not passed until last year due to concerns over specific provisions in the code. Fortunately, it appears that those concerns that delayed the adoption of the 2008 NEC are not present in the 2011 NEC, and the result of the delays the past few years have been improved communication between the State Electrical Board and interested parties like the Nebraska Home Builders. By passing LB56 and adopting the 2011 NEC, the state of Nebraska will be back on its regular three-year cycle of adopting the electrical code updates. I'd like to thank the General Affairs Committee for making this a consent calendar bill, as well as the Speaker, and I would urge the body to advance LB56 to Select File. Thank you, Mr. President. [LB56]

SENATOR CARLSON: Thank you, Senator Mello, for your opening. The floor is now open. Senator Gloor, you're recognized. [LB56]

SENATOR GLOOR: Good morning, Mr. President and members. I rise in support of LB56, but this appears to me to be a learning opportunity. As the members may recall and as Senator Mello referenced, we have in the past looked at the electrical code. This year we've looked at the residential building code. Senator Hadley had a bill related to plumbing codes. There has been a lot of discussion about codes and there has to be a better way, and in fact that way is being looked at. I wonder if Senator McGill would yield to a question. [LB56]

SENATOR CARLSON: Senator McGill, would you yield? [LB56]

SENATOR MCGILL: I'd be happy to. [LB56]

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SENATOR GLOOR: Senator McGill, I think this would be an opportunity for you to perhaps talk very briefly on what study resolution we're looking at that may provide the opportunity to bring some of these codes together in a manner that makes it easier for the body to look at. [LB56]

SENATOR MCGILL: Absolutely. I already have my legal counsel looking into what kind of interim study we want to introduce that will cover several different areas regarding the building codes. Right now, we have building codes going to multiple committees; maybe we want them coming to one place. And from our debate on the sprinkler code or the building code earlier with the sprinklers we could see that there are a lot of questions about what kind of authority there is in other parts of the state to determine what building codes are good for local areas or not. Perhaps we need someone in state government that's an expert on codes that all these codes are run through before going on and being passed by us. There are a number of things we need to look into, but with all these different codes there are so many questions out there that we can't answer. [LB56]

SENATOR GLOOR: Thank you, Senator McGill. Members, this is just an opportunity to set the stage for what I hope will be legislation we can bring forward next year that takes what's otherwise a very fractionated, fractionalized process and allows us to bring it together in one manner. Since the AG's Office has said we have to touch these codes, we have to act on these codes, it would be a little easier I think for us to be able to get our arms around this if they were grouped somehow or another. Again, I am supportive of LB56. My comments relate to any problems with LB56. Senator Mello has done a good job bringing this bill forward. On the other hand, it was an opportunity to set the stage for next year. Thank you, Mr. President. [LB56]

SENATOR CARLSON: Thank you, Senator Gloor and Senator McGill. There are no other lights. Senator Mello, you're recognized to close. Senator Mello waives closing. The question is the advancement of LB56 to E&R Initial. All those in favor vote aye; opposed vote nay. Record, Mr. Clerk. [LB56]

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB56]

SENATOR CARLSON: LB56 does advance. Next item, Mr. Clerk. [LB56]

ASSISTANT CLERK: LB480 was introduced by Senator Krist. (Read title.) Bill was read for the first time on January 18, referred to the Government, Military and Veterans Affairs Committee, placed on General File with no committee amendments. [LB480]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Krist, you're recognized to open on LB480. [LB480]

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SENATOR KRIST: Thank you, Mr. President. LB480 advanced from the Government, Military and Veterans Affairs Committee on a 6 to 0 vote with 2 members absent. There was no opposition testimony offered at the hearing. I want to thank Speaker Flood and the members of the Government, Military and Veterans Affairs Committee for selecting LB480 as a consent calendar bill. LB480 is a bill I introduced at the request of the Omaha/Douglas Public Building Commission and the Lincoln/Lancaster Public Building Commission. LB480 is intended to clarify the authority of the city and county to enter into certain agreements with each other and with the public building commission. The statutory definition of the term "project" is being altered so that the provision of fixtures and furnishings is not mandatory but, rather, it may be included if the city and county agree to it. The second substantive change is to allow the city and county which make up the public building commission to agree that some area within a commission facility may remain under the exclusive control of either the city or county, and that entity may take responsibility for maintenance, repair, use, furnishing, and the management of such an area. This cannot happen if the city or county do not agree to it. This language is intended to clarify the current statute to allow the practices that have developed in the two public building commissions in the state of Nebraska. Lastly, there are nonsubstantive changes to clarify the language and make it consistent with current statutory writing methods. LB480 does not change the responsibility of the city or county but, rather, provides flexibility to the projects that may be developed by the public building commission, but only if the parties agree. This change to Nebraska statute Section 13-1304(9) is included to make clear that the city or county can enter into certain agreements relative to space within any building, structure, facility under the control of the public building commission. This would allow, for example, a city or county to agree that a certain office was the responsibility of the city and that the city would be responsible for furnishing, maintaining, and repairing that office. LB480 has received the support of both Omaha/Douglas Public Building Commission and the Lincoln/Lancaster Public Building Commission. It does not obligate any city or county or the public building commission to do any more or less than it is currently doing. It merely harmonizes and clarifies the appropriate and necessary activity between the city and the county. Thank you, Mr. President. [LB480]

SENATOR CARLSON: Thank you, Senator Krist. The floor is now open for debate. Seeing no one wishing to speak, Senator Krist, you're recognized to close. Senator Krist waives closing. The question is the advancement of LB480 to E&R Initial. All those in favor vote aye; opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB480]

ASSISTANT CLERK: 35 ayes, 0 nays on the advancement of LB480, Mr. President. [LB480]

SENATOR CARLSON: LB480 does advance. Next item, Mr. Clerk. [LB480]

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ASSISTANT CLERK: Mr. President, LB254 was introduced by Senator Campbell. (Read title.) The bill was read for the first time on January 11, referred to the Government, Military and Veterans Affairs Committee, placed on General File with committee amendments attached. (AM240, Legislative Journal page 799.) [LB254]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Campbell, you're recognized to open on LB254. [LB254]

SENATOR CAMPBELL: Thank you, Mr. President. I want to thank Senator Avery and his committee for designating LB254 for consent and particularly for putting forth the amendment which would complete all negotiations with a number of organizations that worked on this bill and certainly with the objections of the Nebraska Realtor Association. I think we've pretty much clarified everyone's concerns. LB254 is intended to provide standards for real estate instruments filed with the county register of deeds. The Nebraska Association of County Officials is seeking these standards so that generations to come will be able to read and use these instruments. Increasingly, public records are microfilmed or digitalized so that they may be stored in smaller versions. The layout of a record and the font size used to create it can make reading microfilmed or digitalized versions hard to read. Therefore, counties would like such instruments to conform to minimum standards to make them accessible for the future. And with that, I'll close because I know Senator Avery will cover the amendment. Thank you, Mr. President. [LB254]

SENATOR CARLSON: Thank you, Senator Campbell. As the Clerk stated, there are committee amendments. Senator Avery, you're recognized to open on AM240. [LB254]

SENATOR AVERY: Thank you, Mr. President. The committee amendment is fairly simple. It provides that the changes made by this legislation do not affect the duty of the register of deeds to file an instrument of recordation. The committee amendment is the result of a compromise reached by the proponents and the opponents of the bill. As you will notice on the committee statement, the Nebraska Realtors Association and the Nebraska Bankers Association testified in opposition. The committee amendment removes their concerns and...the ones that they raised at the public hearing, and the committee advanced it on a vote of 7 to 1 or, excuse me, 7 to 0 with 1 person absent. Thank you. [LB254]

SENATOR CARLSON: Thank you, Senator Avery. The floor is now open for discussion. Seeing no lights, Senator Avery, excuse me. Excuse me. Senator Council, you're recognized. [LB254]

SENATOR COUNCIL: Yes, thank you. And, Senator Avery, if you would yield for a question on the amendment. [LB254]

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SENATOR CARLSON: Senator Avery, would you yield? [LB254]

SENATOR AVERY: I will. [LB254]

SENATOR COUNCIL: Okay. And I appreciate the amendment because one of the concerns with the underlying bill, while I understand the need for the register of deeds to try to standardize these documents, particularly for microfilming purposes, the concern that I had was that a number of real estate transactions occur between individuals who aren't represented by real estate agents or don't have financial institutions involved who may have access to preprinted forms. So just to make sure on the record that the intent of the amendment is that if someone should present such a document for recordation, that the register of deeds has to accept that document. Is that correct? [LB254]

SENATOR AVERY: That is correct. [LB254]

SENATOR COUNCIL: Okay. So I just want to make sure that the bill in no way places any limitations or restrictions on those who don't have access. A number of these transactions are covered by preprinted forms that are readily available to members, for example, of the Realtors Association, but for the private citizen sometimes you see a lot of handwritten documents or just typed documents on whatever size paper someone could find at the time. So the amendment certainly addresses that concern, addresses the register of deeds' concern. I intend to vote for the amendment and the underlying bill and urge my colleagues to do the same. Thank you. [LB254]

SENATOR CARLSON: Thank you, Senator Council and Senator Avery. Senator Nelson, you're recognized. [LB254]

SENATOR NELSON: Thank you, Mr. President and members of the body. I have a question for Senator Campbell, if she would yield. [LB254]

SENATOR CARLSON: Senator Campbell, would you yield? [LB254]

SENATOR CAMPBELL: Yes, certainly. [LB254]

SENATOR NELSON: I'm supportive of the bill, Senator Campbell, because I get involved in filing, but I...on a quick read on this, are we still preserving on the instrument a margin perhaps of 2.5 inches at the top where recording data can be placed? That's a requirement now, either 2.5 or 3 inches at the top of the document, I think. Is that still going to be part of the requirements? [LB254]

SENATOR CAMPBELL: I think anything that is currently a requirement will remain so. [LB254]

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SENATOR NELSON: Okay. Now on occasion you have to get things signed by people overseas. Apparently you can't use faxes that have been signed or you can't...the signatures have to be in black and white ink so it's got to be an original type of document. Is that correct? [LB254]

SENATOR CAMPBELL: That is correct. [LB254]

SENATOR NELSON: All right. All right, thank you very much. That answers my questions. [LB254]

SENATOR CARLSON: Thank you, Senator Nelson and Senator Campbell. Seeing no other lights, Senator Avery, you're recognized to close on AM240. Senator Avery waives closing. The question is, shall AM240 be adopted? All those in favor vote aye...yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB254]

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of committee amendments. [LB254]

SENATOR CARLSON: The amendment is adopted. We return to discussion on LB254. Seeing no lights, Senator Campbell, you're recognized to close. Senator Campbell waives closing. Question is the advancement of LB254 to E&R Initial. All those in favor vote aye; opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB254]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB254]

SENATOR CARLSON: The bill does advance. Speaker Flood, you're recognized for an announcement. [LB254]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. As I stated earlier in the week, we are going to break for lunch. I know that's difficult to accept when we're working as well as we are on consent calendar at this time, but there are some meetings scheduled over the lunch hour that I think are important to members and plan to attend are related to legislative business. So we are going to recess at noon and we're going to come back at 1:30. I don't imagine we'll be here very long this afternoon, but that is the plan. Thank you, Mr. President.

SENATOR CARLSON: Thank you, Speaker Flood. Mr. Clerk, next item.

ASSISTANT CLERK: Next bill, Mr. President, is LB641 introduced by Senator Cornett. (Read title.) The bill was read for the first time on January 19 of this year, referred to the

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Committee on General Affairs. That committee placed the bill on General File with committee amendments. (AM656, Legislative Journal page 809.) [LB641]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Cornett, you're recognized to open. [LB641]

SENATOR CORNETT: Thank you, Mr. President and members of the body. LB641 would require any law enforcement officer who determines that any portion of the Liquor Control Act has been violated to forward a report to the executive director of the commission. This report will need to be forwarded within 30 days after the violation. LB641 also states that if any law relating to the sale of alcoholic liquor is violated a report shall be forwarded to the executive director of the commission within 30 days. The General Affairs Committee has a committee amendment to the bill that I fully support and has been filed by Senator Karpisek. I request your support of the bill and the underlying amendment. Thank you. [LB641]

SENATOR CARLSON: Thank you, Senator Cornett. As the Clerk stated, there are committee amendments. Senator Karpisek, as Chair of the General Affairs Committee, you're recognized to open on your amendment. [LB641]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I do support Senator Cornett's bill. The committee amendment is to not jeopardize ongoing investigations, especially undercover investigations that could possibly be harmed by the officers reporting this to the Liquor Control Commission. That's all it does. Thank you, Mr. President. [LB641]

SENATOR CARLSON: Thank you, Senator Karpisek. Members, you've heard the opening. Mr. Clerk. [LB641]

ASSISTANT CLERK: Mr. President, Senator Karpisek would amend the committee amendments with AM1040. (Legislative Journal page 1032.) [LB641]

SENATOR CARLSON: Senator Karpisek, you're recognized to open on your amendment. [LB641]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. We had to bring another amendment to satisfy the concerns of the Omaha Police Department that were brought forth during the committee hearing, so these do...I'm sorry. This also does talk about undercover police investigations. This amendment gives the prosecuting attorney more control to protect the integrity of their case--for example, the reporting may expose the witness or other cooperating parties--again, not to jeopardize any undercover work. Thank you, Mr. President. [LB641]

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SENATOR CARLSON: Thank you, Senator Karpisek. The floor is now open for debate on AM1040, AM656, or LB641. Seeing no senators wishing to speak, Senator Karpisek, you're recognized to close on AM1040. He waives closing. Question is, shall AM1040 be adopted? All those in favor vote aye; opposed vote nay. Record, Mr. Clerk. [LB641]

ASSISTANT CLERK: 35 ayes, 0 nays on the adoption of Senator Karpisek's amendment. [LB641]

SENATOR CARLSON: The amendment is adopted. We return to discussion on AM656. Seeing no one wishing to speak, Senator Karpisek waives closing. The question is, shall AM656 be adopted? All those in favor vote yea; opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB641]

ASSISTANT CLERK: 36 ayes, 0 nays on the adoption of the committee amendments, Mr. President. [LB641]

SENATOR CARLSON: The amendment is adopted. Are there any senators wishing to speak? Seeing none, Senator Cornett, you're recognized to close on LB641. Senator Cornett waives closing. The question is the advancement of LB641 to E&R Initial. All those in favor vote aye; opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB641]

ASSISTANT CLERK: 37 ayes, 0 nays on the advancement of the bill. [LB641]

SENATOR CARLSON: LB641 does advance. Next item, Mr. Clerk. [LB641]

ASSISTANT CLERK: Mr. President, LB413, introduced by Senator Conrad. (Read title.) The bill was read for the first time on January 13 of this year, referred to Health and Human Services, placed on General File with no committee amendments. [LB413]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Conrad, you're recognized to open on LB413. [LB413]

SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues. LB413 would expand the use of the Affordable Housing Trust Fund to include activities used to support efforts benefiting homeless youth. I introduced this bill as a result of contact from a constituent regarding the issue of homeless youth in Lincoln and the state as a whole. According to the National Center on Family Homelessness, there are nearly 5,000 children in Nebraska that are considered homeless. Homelessness is defined as people who do not live in a home or apartment of their own, but live with friends, relatives, in shelters, cars, or on the streets. I introduced an interim study, LR167, in 2010 to look at this issue. Due to budget constraints, I chose this route to allow programs that deal with homeless youth to become eligible for funds from the Affordable

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Housing Trust Fund. I urge your favorable consideration of this measure and believe that this is a natural and logical inclusion of one additional permissible use of Affordable Housing Trust Fund resources that do, in fact, stem from the original purposes and specified uses. Thank you, Mr. President. [LB413]

SENATOR CARLSON: Thank you, Senator Conrad. Members, you've heard the opening on LB413. Are there senators wishing to speak? Seeing none, you're recognized to close. Senator Conrad waives closing. The question is the advancement of LB413 to E&R Initial. All those in favor vote aye; opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB413]

ASSISTANT CLERK: 32 ayes, 0 nays on the motion to advance the bill. [LB413]

SENATOR CARLSON: LB413 does advance. Next item, Mr. Clerk. [LB413]

ASSISTANT CLERK: LB525, Mr. President, was introduced by Senator Lathrop. (Read title.) The bill was read for the first time on January 18 of this year, referred to Health and Human Services, placed on General File with no committee amendments. [LB525]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Lathrop, you're recognized to open on LB525. [LB525]

SENATOR LATHROP: Thank you, Mr. President. And, colleagues, good morning once again. LB525 directs the Department of Health and Human Services to submit an application for an amendment to the state Medicaid plan or to seek a waiver to permit unused administrative cap funds in the SCHIP Program to be used to match funds from the Nebraska Regional Poison Center to assist in funding the center. If approved, UNMC will transfer up to \$250,000 to the Department of Health and Human Services from their cash funds. After this happens, the state match and the federal funds that are generated from this match will be transferred back to UNMC. LB525 would apply only if there are unused funds available. There is also a requirement in the bill that UNMC will report to the Legislative Fiscal Analyst or on before October 1 of every year the amount that's been transferred to the department in the prior year, as well as the amount of matching funds received for the Poison Center in the prior fiscal year. The Nebraska Regional Poison Center is the only Poison Center in Nebraska and it provides numerous benefits to Nebraska, including providing bedside care for seriously poisoned patients, 24-hour emergency telephone service, public education on poison response and prevention, and statewide surveillance and emergency response for disasters. LB525 will allow the center to continue to provide these and other needed benefits to Nebraskans and I urge your support. Thank you. [LB525]

SENATOR CARLSON: Thank you, Senator Lathrop. You've heard the opening on LB525. Mr. Clerk for an amendment. [LB525]

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ASSISTANT CLERK: Mr. President, Senator Lathrop would offer AM1185. (Legislative Journal page 1188.) [LB525]

SENATOR CARLSON: Senator Lathrop, you're recognized to open on your amendment. [LB525]

SENATOR LATHROP: Thank you, Mr. President. Colleagues, AM1185 to LB525 is pretty simple. The amendment was brought to me by the Legislative Fiscal Office. It is a simple amendment that clarifies which fund would be used for the transfer of funds by adding "Health and Human Services Cash Fund for" on page 3, line 12 after the word "to." I would urge your support of AM1185 as well as LB525. Thank you. [LB525]

SENATOR CARLSON: Thank you, Senator Lathrop. The floor is now open for debate on AM1185 and LB525. Seeing no lights, Senator Lathrop, you're recognized to close on the amendment. Senator Lathrop waives closing. The question is, shall AM1185 be adopted? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB525]

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of Senator Lathrop's amendment. [LB525]

SENATOR CARLSON: The amendment is adopted. Are there senators wishing to speak on LB525? Seeing none, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question is the advancement of LB525 to E&R Initial. All those in favor vote aye; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB525]

ASSISTANT CLERK: 33 ayes, 0 nays on the advancement of the bill, Mr. President. [LB525]

SENATOR CARLSON: LB525 does advance. Mr. Clerk, next item. [LB525]

ASSISTANT CLERK: Mr. President, LB525A was introduced by Senator Lathrop. (Read title.) [LB525A]

SENATOR CARLSON: Senator Lathrop, you're recognized to open on LB525A. [LB525A]

SENATOR LATHROP: Thank you, Mr. President. I think the Clerk just stole my opening. This is the A bill to LB525 and I would encourage you to support it as well. Thank you. [LB525A LB525]

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SENATOR CARLSON: Thank you, Senator Lathrop. Are there senators wishing to speak? Seeing none, Senator Lathrop waives closing. The question is, shall LB525A be advanced? All in favor vote aye; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB525A]

ASSISTANT CLERK: 33 ayes, 0 nays on the advancement of the A bill. [LB525A]

SENATOR CARLSON: LB525A does advance. Mr. Clerk, next item. [LB525A]

ASSISTANT CLERK: Mr. President, LB591, introduced by Senator Gloor. (Read title.) This bill was introduced for the first time on January 19, referred to the Health and Human Services Committee, placed on General File with no committee amendments. [LB591]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Gloor, you're recognized to open on LB591. [LB591]

SENATOR GLOOR: Thank you, Mr. President. Members, LB591 is about immunizations and disease monitoring specifically, but more generally and more importantly it's about electronic medical recordkeeping and monitoring, taking us from an age of paper medical records and medical information to electronic medical records/information, and all the cost savings and benefits that come as a result of that. Specifically related to immunizations, there is a current statewide immunization registry. I think most of you know that. LB591 will allow current data connections, this is the NeHII system that we hear so much about and the Lieutenant Governor has worked to bring forward in recent years, that to be fully realized with the following capabilities. Information on immunizations can be shared between electronic health records and the registry and vice versa. When a vaccine is given in one place it can be "auto-dumped" into the registry so that the same shot information can be seen in another clinic and the child or adult will not be revaccinated. Likewise, if the information is already in the vaccine registry, it can "auto-populate" an electronic medical record so you can see what vaccines a person has already received. The bill will allow clear sharing capabilities and also allow schools to view vaccine history on their students, which is already required but is done in a paper format. This will be extremely helpful to them, to parents every day, not to mention when there is some sort of an outbreak, like an outbreak of a flu. This will save vaccine providers time in pulling records to copy vaccination charts. There's a host of ways that this will save time and money. LB591 authorizes the registry to share and exchange its immunization information with healthcare professionals; schools, including postsecondary educational institutions; licensed childcare facilities; electronic healthcare record systems; public health departments; health departments of other states; and Indian Health Services and the tribes. Second part is disease monitoring. LB591 will advance the use of electronic health records in the analysis of medical data to detect or anticipate disease outbreaks.

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This analysis, called syndromic surveillance, which is a term that I will be glad to put to bed after this bill is passed hopefully, is widely acknowledged as beneficial to public health. Syndromic surveillance currently is conducted on a very limited basis in this state. Information is gathered through phone calls, through faxes, sometimes paper is sent in. By the time this is all collated, the data is often a week old or more. This will do that electronically. This electronic change of health information will provide real-time information giving disease experts increased ability to catch an outbreak as it is happening. We would recognize this from the maps we sometimes see that show where flu is breaking out in the state of Nebraska. Understand that information currently, with the paper trail, is sometimes a week or more old. This will allow it to be almost real-time data--a huge improvement and a big help in public health and in allowing us to protect ourselves against those outbreaks. There's also a bioterrorism piece, members. It's possible for somebody to travel down the interstate spreading some disease like botulism. By the time that information is compiled, they could be a long, long, long time away and, unfortunately, it could spread throughout the population. Again, this would allow us, through syndromic surveillance, to have more real-time data so that we can act quickly to put a stop to the spread of that particular disease. There is always a concern about confidentiality. This bill will be and continue to be HIPAA compliant. The Nebraska Immunization System has multilayer log ins, access limitation, encryptions that protect the data. LB591 will be the foundation for further safeguards, confidentiality, and access limits. In coming rule and regulations as schools and others begin to access this electronic registry, current confidentiality statute 71-503.01 is applicable. Current immunization statute 71-542 is also applicable, which makes a breach of confidentiality a Class III misdemeanor--three months, \$500 fine. LB591 has no fiscal impact. It was strongly supported by both the Nebraska Medical Association, Nebraska Hospital Association, Nebraska Nurses Association. I ask for your approval of LB591. Thank you. [LB591]

SENATOR CARLSON: Thank you, Senator Gloor, for your opening on LB591. (Visitors introduced.) Members, you've heard the opening on LB591. Are there senators wishing to speak? Seeing none, Senator Gloor, you're recognized to close. Senator Gloor waives closing. The question is the advancement of LB591 to E&R Initial. All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB591]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB591]

SENATOR CARLSON: LB591 does advance. Mr. Clerk, any items for the record or announcements? [LB591]

ASSISTANT CLERK: Mr. President, I do. Your Committee on Enrollment and Review reports LB137 and LB360 as correctly engrossed. (Legislative Journal page 1361.)

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[LB137 LB360]

In addition to that, I have a priority motion. Senator Langemeier would move to recess until 1:30 p.m.

SENATOR CARLSON: Thank you, Mr. Clerk. Members, you've heard the motion. All in favor say aye. All opposed, nay. We are recessed until 1:30.

RECESS

SENATOR SULLIVAN PRESIDING

SENATOR SULLIVAN: 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. Members, it is time to convene; would you please report to the Chamber. Mr. Clerk, please record.

CLERK: I have a quorum present, Madam President.

SENATOR SULLIVAN: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: Just one at this time. New resolution: Senator Flood offers LR178; that will be laid over. That's all that I have, Madam President. [LR178]

SENATOR SULLIVAN: Thank you. Mr. Clerk, we will now proceed to General File, LB687. [LB687]

CLERK: LB687, a bill by Senator Schilz. (Read title.) Introduced on January 19, referred to Health, advanced to General File. I have no amendments to the bill at this time, Madam President. [LB687]

SENATOR SULLIVAN: Thank you. Senator Schilz, you're recognized to open on LB687. [LB687]

SENATOR SCHILZ: Thank you, Madam President, members of the body. LB687 would provide for locum tenens for the veterinarians in the state. Locum tenens is a person, in this case a veterinarian or technician under veterinary supervision, who temporarily fulfills the duties of another. The bill would allow the Department of Health and Human Services, with the recommendation of the Health Board, to issue a veterinarian locum tenens to an individual who holds an active license to practice veterinary medicine and surgery in another state with equal requirements regarding education and examination as in Nebraska. A veterinarian locum tenens would be issued for a period not to exceed 90 days in any 12-month period. Enacting LB687 would give veterinarians and

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technicians the licensure needed in Nebraska to handle emergency situations. In the case of an animal health emergency, veterinarians may need to be mobilized to the scene within a few hours. By our current laws, veterinarians would have to acquire a permanent license, which can take weeks and sometimes even months to obtain. LB687 had unanimous support, including the Nebraska Veterinary Medical Association and the Nebraska Cattlemen, and was unanimously advanced out of the Health and Human Services Committee. Thank you. And I encourage your support of LB687. [LB687]

SENATOR SULLIVAN: Thank you, Senator Schilz. Seeing no members in the queue, Senator Schilz, you're recognized to close on the advancement of LB687. Senator Schilz waives. The question is the advancement of LB687 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB687]

CLERK: 30 ayes, 0 nays on the advancement of LB687, Madam President. [LB687]

SENATOR SULLIVAN: The bill advances. Mr. Clerk, we will now proceed to General File, LB542. [LB687 LB542]

CLERK: LB542, a bill by Senator Howard. (Read title.) The bill was introduced on January 18, at that time referred to Health and Human Services Committee, advanced to General File. There are Health Committee amendments pending, Madam President. (AM655, Legislative Journal page 829.) [LB542]

SENATOR SULLIVAN: Senator Howard, you're recognized to open on LB542. [LB542]

SENATOR HOWARD: Thank you, Madam Chairperson and members of the body. I'd like to thank Speaker Flood and Senator Campbell and the Health Committee for selecting LB542 for the consent calendar. LB542 is about protecting the health of some of our state's most at-risk citizens. LB542 would offer each general acute hospital in the state to annually provide on-site influenza vaccinations, if available, to all hospital employees. This is not unlike what is offered down here in the Legislature each fall. The Nebraska Medical Association, the Omaha Immunization Task Force, and the Nebraska Hospital Association have supported this bill. Influenza is the number 1 vaccine-preventable cause of death in this country. Given this, I believe LB542 will go a long way in protecting the young, the elderly, and the sick. There is a committee amendment, which Senator Campbell will be presenting. [LB542]

SENATOR SULLIVAN: Thank you, Senator Howard. As the Clerk stated, there are amendments from the Health and Human Services Committee. Senator Campbell, as Chair of the committee, you're recognized to open on the amendments. [LB542]

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SENATOR CAMPBELL: Thank you, Madam President. Colleagues, the committee amendment clarifies that a hospital shall annually offer on-site influenza vaccinations to all hospital employees--and this is the change--"when no national vaccine shortage exists." This amendment is offered in response to concerns at the hearing that, although most hospitals already provide this service for their employees, hospitals should not be required to provide vaccinations if there is a national vaccine shortage resulting in prohibitive costs to the hospital or no availability. Also, the committee amendment removes the requirement that an employee declare in writing that he or she declines the influenza vaccination. The hospital will keep a record of which employees receive the annual vaccination and which employees do not receive such vaccinations. Thank you, Madam President. [LB542]

SENATOR SULLIVAN: Thank you, Senator Campbell. Seeing no members in the queue wishing to speak, Senator Campbell, would you like to close on your committee amendment? She waives closing. The question is, shall the committee amendment to LB542 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB542]

CLERK: 32 ayes, 0 nays, Madam President, on adoption of committee amendments. [LB542]

SENATOR SULLIVAN: The amendment is adopted. Again seeing no senators in the queue wishing to speak, Senator Howard, you're recognized to close. She waives closing. The question is the advancement of LB542 to E&R for initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB542]

CLERK: 31 ayes, 0 nays on the advancement of LB542. [LB542]

SENATOR SULLIVAN: The bill advances. Mr. Clerk, we will proceed to General File, LB265. [LB542 LB265]

CLERK: LB265 is a bill by Senator Coash. (Read title.) Introduced on January 11 of this year, referred to Health and Human Services Committee, advanced to General File. I have no amendments at this time, Madam President. [LB265]

SENATOR SULLIVAN: Senator Coash, you're recognized to open on LB265. [LB265]

SENATOR COASH: Thank you, Madam President. Good afternoon, colleagues. LB265 is a very simple bill that deals with DHHS's petty cash that is used for Child Support Enforcement payments. This bill increases the amount of money that DHHS may make available in its petty cash funds from \$1,000 to 2,000. The Child Support Enforcement offices across the state use the petty cash funds to pay for the services of process upon alleged obligors in Nebraska and in other states. This involves actual services, not just

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simply mailings. And these fees have increased over the years. Nebraska sheriff's fees are approximately \$25 to \$50 per case. However, these fees can be higher and vary greatly in other states. For example, to serve an obligor in Texas, there's a flat fee at a rate of \$75, even if the service is unsuccessful. The average Child Support Enforcement office in Nebraska may process 30 to 40 cases per month that require a service fee. If the available petty cash funds were depleted before the replenishment funds arrived, there would be a delay in establishing orders and getting support funds for families and children. Increasing the amount of money that HHS is authorized to make available allows child support to be collected sooner rather than later and prevents having to wait for service-of-process funds to become available. To be clear, this bill does not increase any funds to DHHS; rather, it increases the limit on how much money they may have in their petty cash at one time. This bill was advanced unanimously from the HHS Committee. It had no opposition. And I encourage the body to vote to advance LB265. Thank you, Madam President. [LB265]

SENATOR SULLIVAN: Thank you, Senator Coash. Seeing no members in the queue wishing to speak, Senator Coash, would you like to close on the advancement of LB265? He waives closing. The question is the advancement of LB265 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB265]

CLERK: 32 ayes, 0 nays, Madam President, on the advancement of LB265. [LB265]

SENATOR SULLIVAN: The bill advances. Mr. Clerk, we will now proceed to General File, LB406. [LB265 LB406]

CLERK: LB406 is a bill by Senator Cook. (Read title.) Introduced on January 13, referred to Health and Human Services Committee, advanced to General File. I have no amendments currently pending, Madam President. [LB406]

SENATOR SULLIVAN: Senator Cook, you're recognized to open on LB406. [LB406]

SENATOR COOK: Thank you, Madam President and good afternoon, members. I rise as the introducer of LB406. I'd like to also take this opportunity to thank the Chair and members of the Health and Human Services Committee for adding it to the consent calendar. LB406 would amend Nebraska's physician licensing law to allow the Department of Health and Human Services to issue a reentry license to physicians who have not been actively practicing for two years or more. The bill was prepared by the Nebraska Medical Association at the request of the Nebraska Board of Medicine and Surgery and is modeled on a law passed by Colorado in 2010. There are many reasons that a physician might take a voluntary leave of absence from clinical practice, including family leave, maternity or paternity leave, personal health reasons, and alternate careers such as military service, administration, or humanitarian leave. Physicians

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wishing to return to practice after a period of clinical inactivity may experience difficulties in returning, due to their failure to maintain their skill and knowledge base. In Nebraska, the board of medical examiners has been faced with the issue of physician competency to reenter medical practice. It has received applications from physicians who have been away from medical practice for extended periods of time. While the state benefits from having additional physicians, the board must be able to assure that these returning physicians are competent to return to practice before issuing a medical license. LB406 would give the HHS Department and the board of medical examiners a way to manage and supervise the return of physicians to full-time medical practice. The bill allows the board to require returning physicians to submit to evaluations and assessments and complete an educational program, if necessary. Physicians who are issued reentry licenses would be required to practice under supervision as specified by the board. Under LB406, a reentry license would be valid for one year and could be renewed for up to two additional years. In summary, LB406 would allow the state to assure that physicians who are reentering practice have the skills and education to practice competently. With that, I would ask that you vote to advance LB406 to Select File. Thank you for your support. [LB406]

SENATOR SULLIVAN: Thank you, Senator Cook. There are no senators in the queue wishing to speak. Senator Cook, you're recognized if you'd like to close. She waives closing. The question is the advancement of LB406 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk. [LB406]

CLERK: 31 ayes, 0 nays, Madam President, on the advancement of LB406. [LB406]

SENATOR SULLIVAN: The bill advances. Mr. Clerk, we will now proceed to General File, LB315. [LB406 LB315]

CLERK: LB315 is a bill by Senator Pahls. (Read title.) The bill was introduced on January 12, referred to the Banking, Commerce and Insurance Committee, advanced to General File. There are Banking Committee amendments pending. (AM842, Legislative Journal page 890.) [LB315]

SENATOR SULLIVAN: Senator Langemeier, you're recognized to open on LB315. [LB315]

SENATOR LANGEMEIER: Madam President and members of the body. LB315, as the Clerk stated, was introduced by Senator Pahls to deal with an issue. Right now, currently, in Nebraska we allow designated real estate brokers to form S corporations. And LB315, introduced by Senator Pahls, would allow real estate salesmen to join in and create S corporations. That got to be a very heated issue. At the end of the discussion, the Secretary of State's Office came back and said: I'm not so sure that

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brokers should be creating S corporations; they should be creating professional liability corporations. But, however, our brokers have been in S corporations all the way back to 1968. So there's a lot of them out there, and it's been a pretty standard practice. So with the committee amendment, we've gutted out the controversial LB315 and we make it clear in law that brokers can remain S corporations. We'll deal with the issues with LB315 at a later date. Thank you. [LB315]

SENATOR SULLIVAN: As the Clerk stated, there are amendments from the Banking, Commerce and Insurance Committee. And, Senator Langemeier, I understand you're going to make that introduction on the amendment. [LB315]

SENATOR LANGEMEIER: I will, thank you. Thank you, Madam President. And again, members of the body, AM842 guts LB315 to deal with just making sure that our brokers that have S corporations are legal, takes up that--cleans that up and keeps them on the up-and-up. And then we will deal with the subject matter of LB315 next session. With that, I'd ask for the adoption of the committee amendment and then LB315. Thank you. [LB315]

SENATOR SULLIVAN: Thank you, Senator Langemeier. Seeing no other senators wishing to speak, would you like to close, Senator Langemeier? He waives closing. The question is, shall the committee amendment to LB315 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB315]

CLERK: 33 ayes, 0 nays, Madam President, on the adoption of committee amendments. [LB315]

SENATOR SULLIVAN: Again seeing no members wishing to speak, Senator Langemeier, you're recognized to close. Oh, I--excuse me. [LB315]

CLERK: Madam President, if I may for just...Senator Langemeier, I understand you want to withdraw AM673. [LB315]

SENATOR LANGEMEIER: We do. [LB315]

CLERK: Okay. I have nothing further on the bill, Madam President. [LB315]

SENATOR SULLIVAN: Thank you. Senator Langemeier waives closing on LB315. The question is the advancement of LB315 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk. [LB315]

CLERK: 33 ayes, 0 nays, Madam President, on the advancement of LB315. [LB315]

SENATOR SULLIVAN: We will now proceed to General File, LB277. [LB277]

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CLERK: Madam President, LB277 is a bill by Senator Coash. (Read title.) The bill was introduced on January 11, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. I have no amendments to the bill. [LB277]

SENATOR SULLIVAN: Thank you, Mr. Clerk. Senator Coash, you're recognized to open on LB277. [LB277]

SENATOR COASH: Thank you, Madam President. LB277 is a bill that amends the Nebraska Visitors Development Act to provide that the governing body of a county, with the advice of the visitors committee, may use the County Visitors Improvement Fund to promote, encourage, and attract visitors to the county. In statute, the Nebraska Visitors Development Act authorizes counties to create a Visitors Improvement Fund, which shall be used by the governing body of the county with the advice from a visitors committee to improve visitor attractions within the county. The improvement fund can also be used for visitors promotion if the visitors committee determines visitor attractions in the county are adequate and do not need improvement. The purpose of LB277 is to correct ambiguous language in the statute to clarify that the final authority to use the improvement fund proceeds for visitors promotion lies with the governing body of the county with the advice of the visitors committee. With that, I will ask the body's indulgence in advancing LB277. Thank you, Madam President. [LB277]

SENATOR SULLIVAN: Thank you, Senator Coash. I see no members wishing to speak. Senator Coash waives closing on the bill, LB277. The question is the advancement of LB277 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk. [LB277]

CLERK: 32 ayes, 0 nays, Madam President, on the advancement of LB277. [LB277]

SENATOR SULLIVAN: Thank you. (Visitors introduced.) Mr. Clerk, we will proceed to General File, LB292. [LB292]

CLERK: LB292, by Senator Avery. (Read title.) Introduced on January 12, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. I have no amendments to the bill. [LB292]

SENATOR SULLIVAN: Senator Avery, you're recognized to open on LB292. [LB292]

SENATOR AVERY: Thank you, Madam President. LB292 is another of the Government Committee's bills that resulted from the LR542 process. We put on our list of options the elimination of per diems for the commissioners on the Accountability and Disclosure Commission. So this bill would eliminate those per diems. Right now, each commission member--in addition to their expenses, they are given a \$50 per diem. The commission

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estimates that they will save about \$4,400 in fiscal year 2011-12 and about \$3,850 for the fiscal year 2012-13. The bill has an emergency clause; it will become operative July 1 of this year if it gets the required votes. It was advanced from the committee on a 7-0 vote, with one member absent. I would urge you to support LB292. Thank you. [LB292]

SENATOR SULLIVAN: Thank you, Senator Avery. I see no members wishing to speak. Would you like to close on...? And Senator Avery waives closing. The question is the advancement of LB292 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Senator Avery, for what purpose do you rise? [LB292]

SENATOR AVERY: I was going to call of the house, but I don't need it now. Thank you. [LB292]

SENATOR SULLIVAN: Have all those voted who wish to? Record, Mr. Clerk. [LB292]

CLERK: 32 ayes, 0 nays on the advancement of LB292. [LB292]

SENATOR SULLIVAN: The bill advances. Mr. Clerk, we will now proceed to General File, LB394. [LB292 LB394]

CLERK: LB394, by Senator Schilz. (Read title.) Introduced on January 13, referred to the Agriculture Committee, advanced to General File. There are Agriculture Committee amendments pending. (AM872, Legislative Journal page 923.) [LB394]

SENATOR SULLIVAN: Senator Schilz, you're recognized to open on LB394. [LB394]

SENATOR SCHILZ: Thank you, Madam President and members of the body. LB394 changes the way that the board members of the Dry Bean Commission are nominated. It simplifies the process by removing various steps, and institutes a petition process for nomination. As it was said, the Agriculture Committee has an amendment that basically replaces the bill and spells out the changes. And I'll let Senator Carlson speak to that. The Dry Bean Commission supports the bill. And there was no opposition at the hearing. Obviously, the bill advanced unanimously from the Agriculture Committee, and I ask for your support for LB394. Thank you. [LB394]

SENATOR SULLIVAN: Thank you, Senator Schilz. As the Clerk stated, there are amendments from the Agriculture Committee. Senator Carlson, as Chair of the committee, you're recognized to open on the amendments. [LB394]

SENATOR CARLSON: Thank you, Madam President and members of the Legislature. The committee amendment eliminates the nomination procedure proposed in the original bill and retains the nomination-by-petition process but lowers the signature

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threshold to ten growers. When the Dry Bean Resources Act was first enacted in 1985, there were about 3,500 dry bean growers in the state. In 2010 there were 2,400. Lowering the petition threshold from 25 to 10 growers restores a closer proportionality in the number of petition signatures to qualify for nomination to the board, as was the case when the act was first enacted. The petition requirement is made to apply to both the members appointed by the Governor to represent each of the four grower districts and the two members appointed by the commission, one of whom is to reside within and represent the combined districts 1 and 2 and the other who is to reside within and represent the combined districts 3 and 4. These were referred to as "at large" representatives by the current statute; but to avoid confusion with the use of "at large" to refer to residency anywhere, the revisions simply clarify these requirements. And so we would ask you to support the amendment to LB394. Thank you, Madam President. [LB394]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Senator Carlson. You have heard the opening on the committee amendments. Seeing no one wishing to speak, Senator Carlson, would you like to close? Senator Carlson waives closing. The question before the body is, shall AM872 be adopted to LB394? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB394]

CLERK: 32 ayes, 0 nays on adoption of committee amendments. [LB394]

SENATOR LANGEMEIER: AM872 is adopted. Returning to the bill itself, there are no lights on. Senator Schilz, you're recognized to close. Senator Schilz waives closing. The question before the body is, shall LB394 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. [LB394]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB394. [LB394]

SENATOR LANGEMEIER: LB394 does advance. Mr. Clerk, LB162. [LB394 LB162]

CLERK: LB162 is a bill by Senator Campbell. (Read title.) Introduced on January 7, referred to the Revenue Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB162]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Campbell, you're recognized to open on LB162. [LB162]

SENATOR CAMPBELL: Thank you, Mr. President. Colleagues, I'd like to thank the Revenue Committee and the Speaker for designating this as a consent item. LB162

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would remove the requirement that county assessors file an abstract of personal property as of June 15 each year with the Property Tax Administrator. The abstract is obsolete. According to a conversation between my office and the Property Tax Administrator, at one time the department used the abstract for purposes of centrally assessed property. The department no longer uses the abstract for that purpose. Assessors provide information on personal property to the Property Tax Administrator when they report for the Certificate of Taxes Levied. So the department will still receive the information on personal property valuation if LB162 passes. For these reasons, LB162 amends Section 77-1514 to remove the personal property abstract requirement, as it is obsolete. Thank you, Mr. President. [LB162]

SENATOR LANGEMEIER: Thank you, Senator Campbell. You have heard the opening on LB162. Seeing no lights on, Senator Campbell, you are recognized to close. Senator Campbell waives closing. The question before the body 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: 28 ayes, 0 nays on the advancement of LB162. [LB162]

SENATOR LANGEMEIER: LB162 does advance. Mr. Clerk, LB494. [LB162 LB494]

CLERK: LB494, a bill by Senator Nordquist. (Read title.) Introduced on January 18, referred to Health and Human Services Committee. The bill was advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB494]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Nordquist, you are recognized to open on LB494. [LB494]

SENATOR NORDQUIST: Thank you, Mr. President and members. LB494 simply requires that the Department of Health and Human Services process Medicaid applications in a timely manner in compliance with federal regulations. We've seen this as an issue. Timely determination is important both for Nebraskans who seek preventive and regular care from medical professionals through Medicaid and Kids Connection, but it's also important to the bottom line of our providers to make sure that they're able to get compensated in a timely manner. I want to thank Senator Campbell and the Health and Human Services Committee for unanimously advancing this legislation. I brought it after hearing from numerous providers who were concerned about the number of applications going past the 45-day time standard. One provider, specifically this summer, said that they had over 30 percent of their clients' applications for Medicaid and Kids Connection going past 45 days. So this is simply a tool to reinforce that we hope the department will make that 45-day time period, both for the sake of Nebraskans and for providers. Thank you. [LB494]

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SENATOR LANGEMEIER: Thank you, Senator Nordquist. You've heard the opening on LB494. Seeing no one wishing to speak, Senator Nordquist, you're recognized to close. Senator Nordquist waives closing. The question before the body is, shall LB494 advance to E&R Initial? All those in favor say aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB494]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB494. [LB494]

SENATOR LANGEMEIER: LB494 does advance. Mr. Clerk, LB124. [LB494 LB124]

CLERK: LB124, Mr. President, is a bill by Senator Avery. (Read title.) Introduced on January 6, referred to the Judiciary Committee, advanced to General File. I do have Judiciary Committee amendments. (AM1037, Legislative Journal page 1019.) [LB124]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Avery, you are recognized to open on LB124. [LB124]

SENATOR AVERY: Thank you, Mr. President. LB124 amends Nebraska's adoption placement statute in order to provide adoptees more information about their history. Currently, an adopted child's medical history must accompany the adoption records. Medical history, of course, includes things like known family traits, allergies, illnesses, genetic defects, and the like. What I'm trying to do here is add race, ethnicity, nationality, Indian tribe, or other cultural history of either or both parents to the definition of "medical records." And the purpose of this is several. Adoptive parents can identify other potential ethnic-based inherited medical conditions. Frequently there is a case where behavioral illness may be a part of the family history, and the adoptive parents may not know that, and that is not listed in the medical records. Parents can embrace the culture of their children with this new language; they can teach them the language, culture, and history of their heritage. It can also secure benefits that minor children are entitled to as members of certain ethnic groups, race, or tribes. This is important particularly to Native Americans. There are hundreds of Native American or tribal scholarships available to children who are enrolled as members of specific tribes, such as Cherokee Nation of Oklahoma and others. These, of course, are awarded by need and on performance, but initial eligibility is established first by ethnicity. So this bill would improve the status, I believe, of many of our adoptive children in the state and open up opportunities that might be closed to them without this bill. I do know that there is an amendment from the Judiciary Committee that I believe will include some language that will make the bill compatible with existing law relating to the Indian Child Welfare Act. Thank you, Mr. President. [LB124]

SENATOR LANGEMEIER: Thank you, Senator Avery. As the Clerk has stated, there are committee amendments offered by the Judiciary Committee. As Chairman, Senator Ashford, you are recognized to open on the committee amendment, AM1037. [LB124]

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SENATOR ASHFORD: Thank you, Mr. President. The Indian Affairs Commission came in to the committee and talked to us about inclusion of medical history done in compliance with the Nebraska--that the medical history be done in compliance with the Nebraska Indian Child Welfare Act. This is an important addition, and we would recommend that it be added to the bill. Thank you. [LB124]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on AM1037 offered to LB124. Seeing no lights on, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question before the body is, shall AM1037 be adopted to LB124? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB124]

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB124]

SENATOR LANGEMEIER: AM1037 is adopted. Returning back to LB124, seeing no lights on, Senator Avery, you're recognized to close. Senator Avery waives closing. The question before the body is, shall LB124 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. [LB124]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB124. [LB124]

SENATOR LANGEMEIER: LB124 does advance. Mr. Clerk, LB73. [LB124 LB73]

CLERK: LB73, by Senator Pahls. (Read title.) Introduced on January 6, referred to the Banking, Commerce and Insurance Committee, advanced to General File. There are Banking Committee amendments pending, Mr. President. (AM979, Legislative Journal page 1024.) [LB73]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator McCoy, you've been authorized to open on LB73. [LB73]

SENATOR MCCOY: Thank you, Mr. President and members. LB73 was introduced at the request of our Director of Insurance. As introduced, the bill would amend the Comprehensive Health Insurance Pool Act in two areas: first, how healthcare providers are reimbursed, and second, how CHIP is administered. As introduced, the bill would require the CHIP board of directors to establish healthcare provider reimbursement rates for benefits payable under pool coverage at rates equivalent to 125 percent of Medicare reimbursement. As introduced, the bill also would change "administering insurer" to "pool administrator" and would specify that a third-party administrator and an HMO, in addition to an insurer, may be selected by the CHIP board of directors as the

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pool administrator. The current administering insurer is Blue Cross Blue Shield of Nebraska. Blue Cross has indicated that it is not inclined to submit a bid to continue as the administering insurer when its current three-year term of service expires. The Director of Insurance and the CHIP board of directors ask us, with this bill, to allow TPAs as well as insurers to submit bids to become the pool administrator. This is a matter of some urgency, so this part of the bill needs to be enacted this session. The first part of the bill, as introduced, became controversial, but the second part of the bill has not been controversial. The committee amendments address the concerns and, accordingly, would remove all the controversial provisions. I will describe how that will happen when we take up the committee amendment in a moment. That concludes my opening on LB73, Mr. President. [LB73]

SENATOR LANGEMEIER: Thank you, Senator McCoy. As Vice Chairman of Banking, Commerce and Insurance Committee, you are recognized to open on the committee amendment. [LB73]

SENATOR McCOY: Thank you again, Mr. President and members. As I mentioned a moment ago, the committee amendment addresses the noncontroversial part of the bill. The committee amendments would strike all provisions regarding healthcare provider reimbursement rates. The Department of Insurance asked for an opportunity after the hearing to try to negotiate a compromise on this subject with the doctors and the hospitals. Those discussions did not produce any agreement. The director recommended and the committee agreed, with this amendment, that the provider reimbursement provisions should be stripped from the underlying bill so that it can move ahead with the pool administrator provisions, which is a matter of some urgency. The committee amendments would leave intact the pool administrator provisions with a couple of tweaks. As introduced, the bill would allow the CHIP board of directors to select as pool administrator an appropriate entity as authorized by the director. The committee viewed that language as too open-ended, and therefore the amendments would strike it. The committee amendment would make stylistic improvements as well. In conclusion, the committee amendment would strike the controversial provisions and would retain the provisions allowing for a wider range of applicants to become the next pool administrator. And I would urge the adoption of the committee amendment. Thank you, Mr. President. [LB73]

SENATOR LANGEMEIER: Thank you, Senator McCoy. You have heard the opening on AM979 offered to LB73. The floor is open for discussion. Seeing no lights on, Senator McCoy, you're recognized to close on committee amendment. Senator McCoy waives closing. The question before the body is, shall AM979 be adopted to LB73? All those in favor vote aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB73]

CLERK: 27 ayes, 0 nays on adoption of committee amendments. [LB73]

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SENATOR LANGEMEIER: Committee amendments are adopted. Returning now to discussion on LB73, seeing no lights on, Senator McCoy, you're recognized to close. Senator McCoy waives closing. Question before the body is, shall LB73 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB73]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB73. [LB73]

SENATOR LANGEMEIER: LB73 does advance. Mr. Clerk, LB234. [LB73 LB234]

CLERK: LB234 is a bill by Senator Fischer. (Read title.) Introduced on January 11, referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I do have committee amendments, Mr. President. (AM740, Legislative Journal page 1025.) [LB234]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you are recognized to open on LB234. [LB234]

SENATOR FISCHER: Thank you, Mr. President and members. The purpose of LB234 is to allow counties the option to reduce office space and facilities for the Department of Health and Human Services if the department reduces programs and staff in that county. Currently, under 68-130, counties are required to provide facilities to the department as such facilities existed on April 1, 1983. This bill was brought to me by the Cherry County commissioners. From a practical perspective, I think we should allow counties to decrease this required office space if the state is decreasing their services and eliminating their state aid. Counties will have to make difficult budget cuts, just as we are, and we need to allow them to make cuts where they can. The department testified in support of this bill at the committee hearing and committed to working with me, members of the committee, and NACO to craft an amendment that would be agreeable to all parties. This agreement is found in the committee amendment, AM740, which I believe meets the objectives of the original bill while satisfying all parties. I fully support the amendment, and I would appreciate your support for the amendment and the bill. Thank you, Mr. President. [LB234]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Senator Avery, as the Clerk has stated, there are committee amendments offered by Government, Military and Veterans Affairs Committee. Senator Avery, as Chair, you're recognized to open on the committee amendments. [LB234]

SENATOR AVERY: Thank you, Mr. President. The committee amendment, AM740, strikes the original provision of the bill and inserts the following new provision: The county board may request in writing that the Department of Health and Human Services

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review office and service facilities provided by the county to determine if there could be a reduction or elimination of office and service facilities within the county. The department will respond in writing within 30 days of receiving the request. The final decision with respect to office and service facilities will be made by the department, and the county may reduce such facilities if authorized by the decision. I should point out that this amendment is the result of a compromise reached by the Department of Health and Human Services, the Governor's office, Senator Fischer's office, Senator Heidemann's office, and the Nebraska Association of County Officials. The bill was advanced by the committee, as amended, on a 7-0 vote, with one member absent. Thank you, Mr. President. [LB234]

SENATOR LANGEMEIER: Thank you, Senator Avery. You have heard the opening on the committee amendments. Seeing no lights on, Senator Avery, you're recognized to close. Senator Avery waives closing. The question before the body is, shall AM740 be adopted to LB234? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB234]

CLERK: 27 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB234]

SENATOR LANGEMEIER: Committee amendment is adopted. We return now to LB234. Seeing no lights on, Senator Fischer, you are recognized to close on LB234. Senator Fischer waives closing. The question before the body is, shall LB234 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. [LB234]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB234. [LB234]

SENATOR LANGEMEIER: LB234 does advance. Mr. Clerk, LB502. [LB234 LB502]

CLERK: LB502, by Senator Cook. (Read title.) Introduced on January 18, referred to Business and Labor, advanced to General File. I have no amendments to the bill. [LB502]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Cook, you're recognized to open on LB502. [LB502]

SENATOR COOK: Thank you, Mr. President and good afternoon again, colleagues. LB502 adds a healthcare employer which conducts statewide health work force planning and training to the Nebraska Workforce Investment Board. The Nebraska state Workforce Investment Board is a statutorily created body that conducts statewide work force planning and training. Additionally, LB502 adds a duty for the Nebraska Workforce Investment Board to develop a plan to reduce the current and projected shortage of

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healthcare workers in Nebraska. Finally, LB502 transforms the Nebraska Workforce Investment Board into an eligible entity to apply for federal grants for healthcare work force planning. I ask that you vote to advance LB502 to Select File, and I thank you for your support. [LB502]

SENATOR LANGEMEIER: Thank you, Senator Cook. Senator Burke Harr, you're recognized. [LB502]

SENATOR HARR: Thank you, Mr. President. I want to thank the body for being quick, and I promise to be the same. Would Senator Cook yield for some questions, please? [LB502]

SENATOR LANGEMEIER: Senator Cook, would you yield? [LB502]

SENATOR COOK: Of course. [LB502]

SENATOR HARR: Thank you, Senator Cook. What type of high-paying healthcare jobs are we looking at here? [LB502]

SENATOR COOK: Well, perhaps that's something you can ask of one of your friends in the lobby. I'm certain that they could help you out. I can't think of any names right now. [LB502]

SENATOR HARR: Well, I know Joe Kohout is not here today, so he can't do that. So maybe I'll save that for Select File and try to get an answer. Thank you very much; I appreciate it. And I cede the rest of my time. [LB502]

SENATOR LANGEMEIER: Thank you, Senator Harr. Seeing no other lights on, Senator Cook, you're recognized to close. [LB502]

SENATOR COOK: I ask that the body advance LB502 and have a fabulous weekend. Thank you. [LB502]

SENATOR LANGEMEIER: Thank you, Senator Cook. You have heard the closing on LB502. The question before the body is, shall LB502 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. [LB502]

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB502. [LB502]

SENATOR LANGEMEIER: LB502 does advance. Mr. Clerk, items for the record. [LB502]

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CLERK: I do, Mr. President, just one. Senator Bloomfield would like to print an amendment to LB628. (AM1263, Legislative Journal page 1365.) [LB628]

And I do have a priority motion. Senator Larson would move to adjourn the body until Monday morning, May 2, at 10:00 a.m.

SENATOR LANGEMEIER: Thank you. You have heard the motion to adjourn until Monday morning at 10:00 a.m. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned.