

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

Floor Debate
March 22, 2012

[LB94 LB264 LB330 LB398 LB719 LB721 LB722 LB727 LB729 LB734 LB737 LB738
LB740 LB741 LB742 LB743 LB757 LB761 LB766 LB768 LB772 LB779 LB788 LB795
LB805 LB817 LB819 LB822 LB823 LB851 LB865 LB869 LB880 LB881 LB896 LB897
LB898 LB899 LB936 LB941 LB949A LB966 LB972 LB997 LB999 LB1005 LB1026
LB1030 LB1035 LB1038 LB1042 LB1049 LB1051 LB1053A LB1053 LB1054 LB1062
LB1077 LB1083 LB1087 LB1101 LB1106 LB1113 LB1116 LB1121 LB1122 LB1126
LB1140 LB1141 LB1148 LR141 LR203 LR522 LR523 LR524 LR525 LR526]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for this, the forty-ninth day of the One Hundred Second Legislature, Second Session. Our chaplain for today is Pastor Mary Ellen Gaither from First Presbyterian Church, Humboldt, Nebraska, Senator Heidemann's district. Please rise.

PASTOR GAITHER: (Prayer offered.)

SENATOR LANGEMEIER: Thank you, Pastor, for your kind words. I call to order the forty-ninth day of the One Hundred Second Legislature. Senators, please check in. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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

CLERK: An amendment to be printed: Senator Loudon to LB1053. And the lobby report as required by statute. That's all that I have, Mr. President. (Legislative Journal pages 1059-1060.) [LB1053]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda, consent calendar, LB721. [LB721]

CLERK: LB721 is a bill by Senator Larson. (Read title.) Introduced on January 4, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB721]

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

Floor Debate
March 22, 2012

SENATOR LANGEMEIER: Senator Larson, you are recognized to open on LB721. [LB721]

SENATOR LARSON: Thank you, Mr. President. LB721 changes the definition of a police animal to include a horse or dog owned by a county, city, or village. Current statutes criminalizing obstruction of a police officer and harassment of a police animal only applies to animals owned by the state for use by the State Patrol. Two towns in my district, Creighton and Atkinson, each have a police dog, and O'Neill is planning to add a K-9 unit. Many other cities and counties across the state have added animals to their police forces, including Bellevue, Blair, Fremont, Grand Island, Kearney, Lincoln, Norfolk, Papillion, and Omaha, and the counties of Saunders, Saline, Lancaster, Scotts Bluff, Douglas, Jefferson, Washington, Sarpy, Seward, Nance, Otoe, and Dodge, to name a few. These are animals that are very expensive to purchase and to adequately train. Initial training takes approximately six weeks for a detection dog, and another seven weeks for a patrol dog. Many police dogs are dual purpose dogs, requiring training for both, increasing the man-hours and costs associated with these animals. Because of the significant investment being made in these animals, we should aid in protecting a police animal owned by a city, county, or village. Police animals used by cities and county sheriffs' departments are serving the public, just as animals used by the State Patrol. This bill had the support of the Fraternal Order of Police and others at the hearing and it was advanced unanimously by the Judiciary Committee without an amendment. When these statutes were originally written, the State Patrol was the only entity using police animals with any regularity, but now numerous other agencies are investing in police animals to assist them. It is time that we include these animals as well. I would ask for your support in LB721. Thank you, Mr. President. [LB721]

SENATOR LANGEMEIER: Thank you, Senator Larson. You have heard the opening on LB721. The floor is now open for discussion. Seeing no lights on, Senator Larson, you're recognized to close. Senator Larson waives closing. The question before the body is, shall LB721 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. [LB721]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB721. [LB721]

SENATOR LANGEMEIER: LB721 does advance. Mr. Clerk, LB766. [LB721 LB766]

CLERK: LB766, by Senator Price. (Read title.) Introduced on January 4, referred to Government, Military and Veterans Affairs, advanced to General File. I have no amendments, Mr. President. [LB766]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Price, you're recognized to open on LB766. [LB766]

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

Floor Debate
March 22, 2012

SENATOR PRICE: Thank you, Mr. President. Good morning, members and Nebraska. LB766 will allow for the timely, professional, and coordinated hazardous material response within the framework of the existing emergency management statutes as established under the Governor's emergency program. There is a precedent right now and what this does is simply adds a couple of words to state statute 81-829.42, paragraph (6), allowing for access to funds to cover aerial wildfire suppressant. And under this we're going to allow them to also do hazmat response because of the nature of hazmat incidents. What we want to have happen is we want to allow the different hazmat teams to go from their location and respond quickly, which will be a savings in time and in impact to our communities. Again, in (6) it adds, "or hazardous material response." This bill will help all our different political subdivisions because these hazmat teams are stationed or sited in one political subdivision, and they may report to another subdivision, and we want to make sure that there's no delay in response. And that is a very simple thing we're asking to do here and it will help Nebraska. And I would appreciate a green vote on LB766. Thank you. [LB766]

SENATOR LANGEMEIER: Thank you, Senator Price. You have heard the opening on LB766. The floor is now open for discussion. Seeing no lights on, Senator Price, you're recognized to close. Senator Price waives closing. The question before the body is, shall LB766 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. [LB766]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB766. [LB766]

SENATOR LANGEMEIER: LB766 does advance. Mr. Clerk, LB779. [LB766 LB779]

CLERK: LB779, by Senator Lautenbaugh. (Read title.) The bill was introduced on January 4, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB779]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Lautenbaugh, you're recognized to open on LB779. [LB779]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and good morning, Nebraska. State law doesn't currently make clear that the state is authorized to lease vehicles. This bill clears that up. I'm sorry, rent cars, not lease. I did that in committee too. This is another tool in the toolbox, another arrow in the quiver, and most importantly it's the Nebraska way. So please vote for this bill. [LB779]

SENATOR LANGEMEIER: Thank you, Senator Lautenbaugh. You have heard the opening on LB779. The floor is now open for discussion. Seeing no lights on, Senator Lautenbaugh, you're recognized to close. Senator Lautenbaugh waives closing. The question before the body is, shall LB779 advance to E&R Initial? All those in favor vote

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

Floor Debate
March 22, 2012

yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB779]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB779. [LB779]

SENATOR LANGEMEIER: LB779 does advance. Mr. Clerk, LB719. [LB779 LB719]

CLERK: LB719 is a bill by Senator Price. (Read title.) Introduced on January 4, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB719]

SENATOR LANGEMEIER: Senator Price, you're recognized to open on LB719. [LB719]

SENATOR PRICE: Thank you, Mr. President, members of the body. LB719 was brought to me by the Secretary of State and it aims to change and eliminate provisions of the Records Management Act, transmission of reports and other items. And primarily, what we want to do here, we're doing some cleanup. We've had a lot of discussion on technical matters this week. One of the things we want to do is to change the term "gateway" to "portal." This act hasn't been revised since it was instituted. And so we now have better terms that we use in the information technology area. So again, we want to change some term, "gateway" to "portal." Want to update the role and definition of a network manager. We want to get some provisions in line with other reporting requirements and change some reporting (inaudible) from annual rather than quarterly. And it removes some language from statutes that are in conflict with one another. And again, it harmonizes the language of the statutes with other statutes. And with that, I would yield my time back to the Chair. [LB719]

SENATOR LANGEMEIER: Thank you, Senator Price. Mr. Clerk. [LB719]

CLERK: Mr. President, I misspoke. There are committee amendments offered by the Government, Military and Veterans Affairs Committee, AM1842. (Legislative Journal page 441.) [LB719]

SENATOR LANGEMEIER: Thank you. Senator Avery, you're recognized to open on the committee amendments. [LB719]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. AM1842 removes the section in the bill regarding surcharge or convenience fees imposed by state agencies upon persons making a payment by credit card or charge card to the state agency. With the amendment, the language provided that any such fees imposed by the state agency will have the force of law and will be honored by the credit card or charge company is eliminated. At the public hearing on this bill, the Nebraska Bankers Association raised concerns about this provision of the bill. So the committee decided to

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

Floor Debate
March 22, 2012

remove it and advanced the bill with the amendment 7 to 0, with 1 member present and not voting. Thank you, Mr. President. [LB719]

SENATOR LANGEMEIER: Thank you, Senator Avery. You have heard the opening on the committee amendments. The floor is now open for discussion. Seeing no lights on, Senator Avery, you're recognized to close. Senator Avery waives closing. The question before the body is, shall AM1842 be adopted to LB719? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB719]

CLERK: 32 ayes, 0 nays on adoption of committee amendments. [LB719]

SENATOR LANGEMEIER: The amendment is adopted. We return now to discussion on LB719, the bill itself. Seeing no lights on, Senator Price, you're recognized to close. Senator Price waives closing. The question before the body is, shall LB719 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. [LB719]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB719. [LB719]

SENATOR LANGEMEIER: LB719 does advance. Mr. Clerk, LB729. [LB719 LB729]

CLERK: LB729 is a bill by Senator Mello. (Read title.) Introduced on January 4, referred to Urban Affairs, advanced to General File. I have no amendments to the bill, Mr. President. [LB729]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator McGill, you're recognized to open on LB729. [LB729]

SENATOR MCGILL: Thank you, Mr. President. Members of the body, I'll be opening on this bill on Senator Mello's absence here. LB729 is one of several bills introduced by Senator Mello this session as a result of the LR203 interim study before the Urban Affairs Committee in which we investigated issues dealing with problems cities are facing with vacant and abandoned properties. Vacant properties, both commercial and residential, have long been a problem for Nebraska cities. From the more urban neighborhoods in Omaha and Lincoln, to small villages in rural Nebraska, communities of all sizes face many of the same challenges with regards to vacant properties. In addition to containing TIF provisions in Nebraska statutes, the community development law currently allows municipalities to designate a portion of their property tax levy for community redevelopment purposes. While these statutes appear to allow the demolition of buildings in areas that have been designated as substandard and blighted for TIF purposes, LB729 would clarify that cities have the ability to use their community redevelopment funds to demolish any buildings deemed to be unsafe or unfit for human occupancy, regardless of whether such buildings are in an area that has received a

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

Floor Debate
March 22, 2012

substandard and blighted designation. In addition, LB729 would expand the ability of municipalities to utilize special assessments for vacant properties. In Section 18-1722, municipalities have existing authority to levy the cost of building demolition on the real estate upon which an unsafe building or structure is located. LB729 simply allows these special assessments to be used to repay bonds issued under the community development law. The bill faced no opposition testimony at the hearing and was advanced by the Urban Affairs Committee on a 7 to 0 vote. I'd urge the body to advance the bill to Select File. Thank you, Mr. President. [LB729 LR203]

SENATOR LANGEMEIER: Thank you, Senator McGill. You've heard the opening on LB729. The floor is now open for discussion. Seeing no lights on, Senator McGill, you're recognized to close. Senator McGill waives closing. Question before the body is, shall LB729 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. [LB729]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB729]

SENATOR LANGEMEIER: LB729 does advance. Mr. Clerk, LB1035. [LB729 LB1035]

CLERK: LB1035, by Senator Sullivan. (Read title.) Introduced on January 17, referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM1900, Legislative Journal page 470.) [LB1035]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Sullivan, you're recognized to open on LB1035. [LB1035]

SENATOR SULLIVAN: Thank you, Mr. President and members. LB1035 was introduced at the request of one of my county clerks. The change was also cleared with the Secretary of State's Office. LB1035 would allow candidates for airport authority boards to automatically advance to the general election if no more than two candidates filed for the office. State statutes allow automatic advancement in many political subdivision elections if there are only two candidates. The change will save county funds when candidate names don't have to be placed on the primary ballot. If more than two candidates file, the primary election proceeds normally with all candidates on the ballot. LB1035 is a simple bill that follows common practice for political subdivision elections. I encourage you to advance LB1035 to Select File. Thank you. [LB1035]

SENATOR LANGEMEIER: Thank you, Senator Sullivan. As the Clerk has stated, there are committee amendments from the Government, Military and Veterans Affairs Committee. As Chair of that committee, Senator Avery, you are recognized to open on the committee amendment. [LB1035]

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

Floor Debate
March 22, 2012

SENATOR AVERY: Thank you, Mr. President. The committee amendment contains the provisions of two bills heard by the committee, LB757 and LB966. The provisions of LB757 change the requirements of placing a candidate for partisan office on the primary election ballot or filing as a partisan candidate. No person is allowed to be placed on the primary ballot of a political party unless he or she is a registered voter of the party, and at one of the two immediately preceding statewide general elections a candidate nominated by the party polled at least 5 percent of the entire vote in a statewide race or by a combination of candidates for a combination...or a combination of districts that encompass the entire state polled at least 5 percent of the vote in each of their respective districts. The allowance of county, city, and district parties is eliminated. Also eliminated is Section 32-718, dealing with a new political...with new political parties for Congressional districts, counties or cities. This was brought to us by the Libertarian Party. And we worked with the Secretary of State's Office to get this in the proper order. LB966, the provisions of this bill require the county canvassing board to provide a record of the correct returns in all precincts to the election commissioner or county clerk either in a ledger or by using a computer printout. Current law only provides for entering the returns in a permanent ledger. During the public hearing on both of these bills, there was no opposition to either of these two elements that we include in this amendment. And we advanced the bill on a vote of 8 to 0. Thank you, Mr. President. [LB1035 LB757 LB966]

SENATOR LANGEMEIER: Thank you, Senator Avery. You have heard the opening on the committee amendment offered to LB1035. The floor is now open for discussion. Seeing no lights on, Senator Avery, you're recognized to close. Senator Avery waives closing. The question before the body is, shall AM1900 be adopted to LB1035? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1035]

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB1035]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to LB1035, the bill itself. The floor is open for discussion. Seeing no lights on, Senator Sullivan, you're recognized to close. Senator Sullivan waives closing. The question before the body is, shall LB1035 be advanced to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1035]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB1035. [LB1035]

SENATOR LANGEMEIER: LB1035 does advance. Mr. Clerk, LB896. [LB1035 LB896]

CLERK: LB896 is a bill by Senator Fischer. (Read title.) Introduced on January 9, referred to the Transportation and Telecommunications Committee. No committee

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

Floor Debate
March 22, 2012

amendments. I do have an amendment to the bill, Mr. President. [LB896]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you are recognized to open on LB896. [LB896]

SENATOR FISCHER: Thank you, Mr. President and members of the body. Motor vehicle franchise system of distribution is regulated by franchise laws in all 50 states. As a result of extraordinary differences in the bargaining power of dealers in comparison to the manufacturers, it is occasionally necessary for the Legislature to pass laws limiting the powers of manufacturers regarding certain industry practices. LB896 addresses a few current practices by some manufacturers regarding payments of incentives to dealers and audits of those incentive payments. Incentives may be in the form of consumer or dealer rebates or direct payments to dealers. Several manufacturers have engaged in the practice of aggressive audits of these payments. Legitimate claims are charged back for minor or technical variations from the claims process. Some manufacturers summarily take these amounts from the dealers' account prior to any applicable appeals being completed. The bill limits the time for payments of the incentives, as well as the time for the audits to be conducted. It also requires the manufacturer to allow the dealer an opportunity to correct and resubmit a disallowed claim. Finally, the bill prohibits the manufacturer from withdrawing the dealer's funds until the appeals process has been completed. LB896 was the result of several meetings and a compromise between the dealers and the manufacturers. And the language is consistent with what other states have done to address this issue. Thank you, Mr. President. [LB896]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Mr. Clerk for a motion. [LB896]

CLERK: Mr. President, Senator Fischer would move to amend, AM2602. (Legislative Journal page 1061.) [LB896]

SENATOR LANGEMEIER: Senator Fischer, you're recognized to open on AM2602. [LB896]

SENATOR FISCHER: Thank you, Mr. President and colleagues. The amendment puts in the emergency clause to this bill. Dealers will be undergoing audits by manufacturers and they hope to be covered by the protections provided in the bill. Thank you. [LB896]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on AM2602 offered to LB896. 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 AM2602 be adopted to LB896? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB896]

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

Floor Debate
March 22, 2012

CLERK: 36 ayes, 0 nays on adoption of Senator Fischer's amendment. [LB896]

SENATOR LANGEMEIER: The amendment is adopted. We return now to discussion on LB896, the bill itself. Seeing no lights on, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is, shall LB896 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. [LB896]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB896. [LB896]

SENATOR LANGEMEIER: LB896 does advance. Mr. Clerk, LB772 (sic). [LB896 LB898]

CLERK: LB898 is a bill by Senator Fischer. (Read title.) The bill was introduced on January 9, referred to Transportation and Telecommunications, advanced to General File. I have no amendments to the bill, Mr. President. [LB898]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. It's LB898, my fault. Senator Fischer, you're recognized to open on LB898. [LB898]

SENATOR FISCHER: Thank you, Mr. President and members. Yes, I have the opening on LB898. This is a bill that increases the statutory amounts for a minitruck's engine size from a piston displacement of 1,000 cubic centimeters to a displacement of 1,500 cubic centimeters. Since the Legislature passed LB650 in 2010 that authorized minitrucks on the highways, the manufacturing industry has begun to make minitrucks with four-wheel drive. These vehicles have nearly identical characteristics and dimensions as the two-wheel drive, except for a slightly larger engine. However, the larger engine size has brought some minitrucks outside the statutory maximum piston displacement. Without the change in LB898, these minitrucks would not legally fall under the definition of minitruck and could not be titled and registered nor driven on the highways. Thank you, Mr. President. [LB898]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on LB898. The floor is now open for discussion. Senator Gloor, you're recognized. [LB898]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. I wonder if Senator Fischer would yield for a question. [LB898]

SENATOR LANGEMEIER: Senator Fischer, would you yield? [LB898]

SENATOR FISCHER: Certainly. [LB898]

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

Floor Debate
March 22, 2012

SENATOR GLOOR: Thank you, Senator Fischer. And I'll be brief. And this may be something we can cover easily off mike. Interestingly enough this came up in some discussions I'd had with some constituents over the past year. And my question really has to do with the fact that, are we likely to see a continued growth in displacement size and because of that have to continue to come back? Or is there a way that this legislation could ultimately or the statute could be worded to provide some degree of compensation for that so that we're not continuing to revisit the issue? [LB898]

SENATOR FISCHER: Senator Gloor, I don't believe with this specific issue we're going to see much change because this is due to creating four-wheel drive vehicles out of these minitrucks. But I can say with utmost certainty that this body will be receiving a number of bills in the future, whether they're to allow golf carts or other vehicles to be allowed on our roadways, and policy decisions will have to be made with those. [LB898]

SENATOR GLOOR: Thank you, Senator Fischer. And you've just circled some of the words that come up in the conversation that I've had with constituents. And so I see that there are no easy answers for some of these decisions. Appreciate the legislation and it certainly will get my support. Thank you. [LB898]

SENATOR FISCHER: Thank you. [LB898]

SENATOR LANGEMEIER: Thank you, Senator Gloor. Seeing no other lights on, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is, shall LB898 advance to E&R for initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB898]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB898. [LB898]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now go to LB772. [LB898 LB772]

CLERK: LB772, by Senator Smith. (Read title.) Introduced on January 4, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB772]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Smith, you're recognized to open on LB772. [LB772]

SENATOR SMITH: Thank you, Mr. President. And good morning, colleagues. LB772 was brought to me by the Nebraska Association of County Officials. And it is a cleanup bill. The bill simply removes the word "monthly" from the section of statute that deals

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

Floor Debate
March 22, 2012

with the frequency in which certain county board members are paid. This only applies to counties with populations of 60,000 or more. By removing the word "monthly" we would better reflect current practices as many of the larger counties have gone to direct deposit and it is more efficient to issue all county paychecks at the same interval of time. The Government Committee heard LB772 on February 2. There was no opposition testimony and there is no fiscal impact. That is the extent of LB772. And, colleagues, I ask you to vote in favor of the bill. Thank you. [LB772]

SENATOR LANGEMEIER: Thank you, Senator Smith. You have heard the opening on LB772. The floor is now open for discussion. Seeing no lights on, Senator Smith, you're recognized to close. Senator Smith waives closing. The question before the body is, shall LB772 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. [LB772]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB772. [LB772]

SENATOR LANGEMEIER: LB772 does advance. Mr. Clerk, LB823. [LB772 LB823]

CLERK: Mr. President, LB823 is a bill by Senator Adams. (Read title.) Introduced on January 5, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB823]

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Senator Adams, you're recognized to open on LB823. [LB823]

SENATOR ADAMS: Thank you, Mr. President, members. LB823 was brought to me by the county treasurers and NACO. And basically, what it is designed to do is to harmonize and to clarify some language. In one section of law we require that school district treasurers be bonded. In another section of law we require that county treasurers distribute tax money to those school districts on a monthly basis, and the county treasurer suffers penalty if they don't distribute it. Question is, will they suffer penalty if they don't distribute it if the county or the school district treasurer is not bonded? They don't know what to do. So all this language would simply do is to say that the county treasurers would be allowed, not mandated, but allowed to withhold the tax funds if the school district treasurer is not properly bonded according to statute. Thank you, Mr. President. [LB823]

SENATOR CARLSON: Thank you, Senator Adams. Members, you've heard the opening on LB823. The floor is now open for debate. Are there senators wishing to speak? Seeing none, Senator Adams, you're recognized to close. He waives closing. The question is, shall LB823 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB823]

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

Floor Debate
March 22, 2012

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB823. [LB823]

SENATOR CARLSON: LB823 does advance. Mr. Clerk, LB761. [LB823 LB761]

CLERK: LB761 is a bill by Senator Heidemann. (Read title.) Introduced on January 4, referred to the Executive Board for public hearing, advanced to General File. There are committee amendments, Mr. President. (AM1883, Legislative Journal page 500.) [LB761]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Heidemann, you're recognized to open on LB761. [LB761]

SENATOR HEIDEMANN: Thank you, Mr. President and fellow members of the body. LB761 amends LB264, which was passed last year. The law stated that any gift, bequest or devise of real property, structure or improvement proposed to be made available to any state agency, board or commission had to go through the review process and, if in excess of \$10,000, had to be approved by the Governor and the Legislature prior to acceptance. LB264 added that any acquisition of real property, structure, or improvement that is acquired with the proceeds of a donation, gift or bequest, devise or grant from an individual, organization, a corporation, a foundation or a similar entity, or from a nonfederal government agency to the review and approval process. LB761 would limit the expanded review and approval process passed in LB264 to any acquisition of real property or structure, not improvements, that is acquired with the proceeds of a donation, gift, bequest, devise or grant to those in which the combined proceeds exceed \$250,000. For example, prior to LB264, a gift of real property in excess of \$10,000 required legislative approval prior to acceptance. But if the same property was acquired using a cash gift, no legislative approval was needed. LB264 closed a loophole and prevented an end run around legislative approval by gifting cash and requiring the money to be used for the same purpose as if they gifted the land, structure or improvement itself. I felt it was important to keep the Legislature informed of such donations and gifts that the agencies are receiving. However, as experienced during the last interim, LB264 required the review and approval of projects that were not very significant in terms of dollars, thereby creating more work for the various agencies, DAS and the Executive Board. It was also found that the new law delayed the use of donations, which can be frustrating to a donor. Therefore, LB761 limits the expanded review and approval process to those situations in which the combined donations exceed \$250,000. LB761 also eliminated "improvement" from the expanded review and approval process as it was felt that it was unnecessary for the improvements to go through the legislative approval process. In summary, the expanded review and approval process would still close the loophole that existed for major cash gifts, but would not unnecessarily delay the process for smaller cash gifts. I offered an amendment to LB761 at the hearing, which is now contained in the

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

Floor Debate
March 22, 2012

committee amendment. The amendment is technical in nature and offered for clarification purposes. No one testified against LB761 at the public hearing and the bill was advanced by the Executive Board on an 8 to 0 vote with 1 member absent. I urge your support for the advancement of LB761 as amended by the committee amendments. If you have any questions, I would try to answer them. [LB761 LB264]

SENATOR CARLSON: Thank you, Senator Heidemann. As the Clerk mentioned, there are committee amendments. Senator Wightman, as Chair of the Executive Committee, you are recognized to open on AM1883. [LB761]

SENATOR WIGHTMAN: Thank you, Mr. President. Good morning, colleagues. The committee amendment is a technical amendment that clarifies that prior approval by the Governor and the Legislature will still be required for an outright gift, bequest or devise of real property, a structure or an improvement in excess of \$10,000. So it requires about a three-word change in the bill as submitted. I urge your approval and advancement of AM1883 as well as LB761. Thank you, Mr. President. [LB761]

SENATOR CARLSON: Thank you, Senator Wightman. Members, you've heard the opening on LB761 and the opening on AM1883. The floor is now open for debate. Are there senators wishing to speak? Seeing none, Senator Wightman, you're recognized to close on AM1883. Senator Wightman waives closing. The question is, shall AM1883 be adopted to LB761? All in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB761]

CLERK: 36 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB761]

SENATOR CARLSON: The committee amendments are adopted. The floor is now open for discussion on LB761. Seeing no one wishing to speak, Senator Heidemann, you're recognized to close. He waives closing. The question is, shall LB761 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB761]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB761. [LB761]

SENATOR CARLSON: LB761 does advance. Mr. Clerk, LB743. [LB761 LB743]

CLERK: LB743, a bill by Senator Schilz. (Read title.) Introduced on January 4, referred to the Natural Resources Committee, advanced to General File. There are committee amendments, Mr. President. (AM1825, Legislative Journal page 520.) [LB743]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB743. [LB743]

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

Floor Debate
March 22, 2012

SENATOR SCHILZ: Thank you, Mr. President. Members of the body, good morning. The intent of this legislation is to enable natural resources districts to assess a fee for requesting a variance from the existing district rules or regulations to cover the administrative costs for the consideration of the variance request. These costs can include, but is not limited to, cost of copying records, administrative expenses, public notices in legal newspapers of general circulation in the county or counties of the district, radio announcements or other means of communication deemed necessary in the area where the property is located. Unless otherwise provided by law, the NRDs may grant a variance from their rules and regulations based upon a showing of good cause. Since interests of adjacent water users may be affected by granting a request for a variance, districts provide the wide variety of public notice methods to give those water users notice of a variance so that they may have an opportunity to participate in the variance hearing. Nebraska Association of Resources Districts, South Platte Natural Resources District testified in support of the bill. The Natural Resources Committee, as you heard, has an amendment. And I ask that you support the amendment and the passage of LB743. Thank you, Mr. President. [LB743]

SENATOR CARLSON: Thank you, Senator Schilz. There are committee amendments. Senator Langemeier, you're recognized to open on AM1825. [LB743]

SENATOR LANGEMEIER: Mr. President, members of the body, thank you. The committee amendment does one thing. It strikes the words "legal expenses" from the bill. The purpose of the bill, in the natural resource districts, is to recover the administrative costs associated with a variance request which includes the legal costs for legal notices is what they were trying to recoup. And so the legal expenses looked like that was going to make way too big an avenue to collect more than what the intent was. So the committee amendment strikes "legal expenses." We'd ask for your adoption of AM1825 to LB743. Thank you, Mr. President. [LB743]

SENATOR CARLSON: Thank you, Senator Langemeier. You members heard the opening on LB743 and the committee amendment, AM1825. The floor is now open for debate. Are there senators wishing to speak? Seeing none, Senator Langemeier, you're recognized to close. He waives closing. The question is, shall AM1825 be adopted to LB743? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB743]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB743]

SENATOR CARLSON: The committee amendments are adopted. The floor is now open for debate on LB743. Seeing no one wishing to speak, Senator Schilz, you're recognized to close. Senator Schilz waives closing. The question is, shall LB743 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr.

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

Floor Debate
March 22, 2012

Clerk. [LB743]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB743. [LB743]

SENATOR CARLSON: LB743 does advance. (Doctor of the day introduced.) Mr. Clerk, LB742. [LB743 LB742]

CLERK: LB742, Mr. President, by Senator Schilz. (Read title.) Introduced on January 4 of this year, referred to the Natural Resources Committee, advanced to General File. There are committee amendments, Mr. President. (AM1934, Legislative Journal page 537.) [LB742]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB742. [LB742]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. LB742 expands the current renewable generation exception for qualifying C-BEDs to all private developers, if the private developer and the power entity enter into a 20-year power purchase agreement. The reason for amending the law is to allow all private developers to have the same rights as a C-BED project, which should provide for lower per-unit costs when building larger scale, privately developed renewable projects for public power. Such privately developed projects are currently permitted under PURPA, but are limited to 80 megawatts. There was a concern that expansion of a project beyond 80 megawatts or the collocation of projects exceeding 80 megawatts could create issues under PURPA under the PURPA approval process. Specific concerns have arisen relating to the two 80 megawatt projects being built near Broken Bow. This bill would remove that obstacle. Nebraska Power Association, Edison Mission Energy, and Midwest Wind Energy testified in support of the bill. Nebraska...the Nebraska Power Review Board and the Nebraska Sierra Club testified in a neutral capacity. There is a committee amendment that all the testifiers, along with the committee, put together. We came to agreement on that. And I ask for you to advance LB742 with the committee amendment. Thank you. [LB742]

SENATOR CARLSON: Thank you, Senator Schilz. There are committee amendments. Senator Langemeier, as Chair of the Natural Resources Committee, you're recognized to open on AM1934. [LB742]

SENATOR LANGEMEIER: Mr. President, members of the body, thank you. The committee amendment has provisions dealing with LB742 as well as adding LB741 also introduced by Senator Schilz, which would expand the Power Review Board ability to consider and determine what might be used for the reviewing of transmission and what that should apply towards. In 2009, the largest public power district became a part of the regional transmission organization, called Southwest Power Pool, or SPP in short. The

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

Floor Debate
March 22, 2012

regional transmission organizations are regional networks that interrelate, interconnect our transmission facilities across the United States in our area. Within the Southwest Power Pool there is consideration needs to be made on building larger and better infrastructure for transmission, not only for Nebraska but for the whole Southwest Power Pool to clear up a number of blockages and grid tightening. And we are asking for your adoption of LB742 and the committee amendment to allow the public power to deal with those issues as they arise with the Southwest Power Pool. Thank you, Mr. President. [LB742 LB741]

SENATOR CARLSON: Thank you, Senator Langemeier. Members, you've heard the opening on LB742 and the underlying amendment, AM1934. The floor is now open for debate. Senator Ken Haar, you're recognized. [LB742]

SENATOR HAAR: Mr. President, members of the body, I just rise in support of LB742. I want to thank Senator Schilz for bringing this. I think the potential for wind power, as we know, is very great and this is another step in developing that potential. So thank you very much, Senator. [LB742]

SENATOR CARLSON: Thank you, Senator Haar. Are there other senators wishing to speak? Seeing none, Senator Langemeier, you're recognized to close on AM1934. Senator Langemeier waives closing. The question is, shall AM1934 be adopted to LB742? All in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB742]

CLERK: 39 ayes, 0 nays on adoption of committee amendments. [LB742]

SENATOR CARLSON: The committee amendments are adopted. We return to discussion of LB742. Seeing no senators wishing to speak, Senator Schilz, you're recognized to close. Senator Schilz waives closing. The question is, shall LB742 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB742]

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB742. [LB742]

SENATOR CARLSON: LB742 does advance. Mr. Clerk, LB1049. [LB742 LB1049]

CLERK: LB1049, a bill by Senator Cornett. (Read title.) Introduced on January 18, referred to the Judiciary Committee, advanced to General File. No committee amendments, I do have an amendment to the bill, however, Mr. President. [LB1049]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Cornett, you're recognized to open on LB1049. [LB1049]

SENATOR CORNETT: Thank you, Mr. President, members of the body. I introduced

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

Floor Debate
March 22, 2012

LB1049 to address a problem which is occurring more frequently than thought before, the theft of manhole covers and sewer grates. This is a safety concern for pedestrians and drivers, as well as a cost to political subdivisions who have to replace these items. LB1049 made statute changes or changes to statute 69-401 to read that regulated metals, including manhole covers and sewer grates. It also states that no secondary metal recycler shall purchase or receive any manhole cover or sewer grate, except for, one, an authorized representative of the political subdivision that owns the manhole cover or sewer grate as is evidenced by the stamping or engraving on the cover or grate; or two, by a third party who has a legitimate bill of sale, letter of authorization, or similar approval from the political subdivision. The payment for the manhole cover or sewer grate must be made by draft or check and sent by U.S. mail, postage paid, to the official address of the finance department or political subdivision or third party seller. The check can only be made out to the political subdivision or third party. LB1049 also states that any copper purchases of \$150 will require a payment by check sent through U.S. mail postage prepaid. Since the bill was heard in committee, a young woman fell into an uncovered storm sewer. She was in an area over 6 feet deep and was stuck for over 24 hours before she was found. She was suffering from hypothermia and had to be hospitalized. This is only one of numerous incidents that have occurred in the metro area. It is believed thieves were responsible for taking the sewer grate. This is one of the reasons that I am asking for your support of LB1049. [LB1049]

SENATOR CARLSON: Thank you, Senator Cornett. Mr. Clerk, for an amendment. [LB1049]

CLERK: Senator Cornett would move to amend with AM1886. (Legislative Journal page 615.) [LB1049]

SENATOR CARLSON: Senator Cornett, you're recognized to open on AM1886. [LB1049]

SENATOR CORNETT: Thank you, Mr. President. I offer AM1886 to LB1049. It is a simple amendment to reduce the dollar amount for copper sales from \$150 to \$100. Like I said, it's a very simple amendment, just reducing the dollar amount. Thank you. [LB1049]

SENATOR CARLSON: Thank you, Senator Cornett. Members, you've heard the opening on LB1049 and AM1886. Floor is now open for debate. Seeing no senators wishing to speak, Senator Cornett, you're recognized to close on AM1886. Senator Cornett waives closing. The question is, shall AM1886 be adopted to LB1049? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1049]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Cornett's amendment. [LB1049]

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

Floor Debate
March 22, 2012

SENATOR CARLSON: AM1886 is adopted. Are there senators wishing to speak on LB1049? Seeing none, Senator Cornett, you're recognized to close on LB1049. [LB1049]

SENATOR CORNETT: Thank you very much, Mr. President. I urge the body to support this bill. It is a safety concern for our municipalities. Thank you. [LB1049]

SENATOR CARLSON: Thank you, Senator Cornett. You've heard the closing. The question is, shall LB1049 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1049]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB1049. [LB1049]

SENATOR CARLSON: LB1049 does advance. Mr. Clerk, LB398. [LB1049 LB398]

CLERK: LB398, a bill by Senator Lathrop. (Read title.) Introduced on January 13, referred to Judiciary, advanced to General File. There are Judiciary Committee amendments, Mr. President. (AM1789, Legislative Journal page 572.) [LB398]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Lathrop, you're recognized to open on LB398. [LB398]

SENATOR LATHROP: Thank you, Mr. President. And, colleagues, good morning. I introduced LB398 at the request of the Secretary of State in order to change provisions relating to the notary public statutes. The bill does several things including: number one, allowing election commissioners to administer oaths and affirmations using the county seal; two, modify notary public application requirements; three, providing for additional disqualifications of a notary public; and four, allowing the Secretary of State to adopt rules and regulations relating to the notary public statutes. The bill was supported by the Nebraska Realtors and the Secretary of State at the Judiciary Committee hearing. There were concerns expressed regarding the residency language in the bill by the Nebraska Court Reporters at the hearing, but the committee amendment addresses those concerns. And I would urge your support of LB398. Thank you. [LB398]

SENATOR CARLSON: Thank you, Senator Lathrop. As the Clerk mentioned, there are committee amendments. Senator Ashford, as Chair of the Judiciary Committee, you're recognized to open on AM1789. [LB398]

SENATOR ASHFORD: Excuse me. Thank you, Mr. President. AM1789 would change some of the provisions in this bill. It would address opposition to provisions regarding appointment of nonresident notaries public. The amendment would strike the new language on page 3, lines 13 and 15, and insert new language that would allow...

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

Floor Debate
March 22, 2012

[LB398]

SENATOR CARLSON: (Gavel) [LB398]

SENATOR ASHFORD: ...the Secretary of State to appoint someone who resides in a border state, provided that the person is employed in or has a regular place of business...place of work or business in Nebraska and the Secretary of State has evidence of such employment or place of work or business. [LB398]

SENATOR CARLSON: Thank you, Senator Ashford. Members, you've heard the opening on LB398, the underlying amendment, AM1789. The floor is now open for debate. Seeing no senators wishing to speak, Senator Ashford, you're recognized to close. He waives closing. The question is, shall AM1789 be adopted to LB398? All those in favor vote yea; opposed vote nay. Record, Mr. Clerk. [LB398]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB398]

SENATOR CARLSON: AM1789 is adopted. We go back to discussion on LB398. Seeing no senators wishing to speak, Senator Lathrop is recognized to close. He waives closing. The question is, shall LB398 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB398]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB398. [LB398]

SENATOR CARLSON: LB398 does advance. Mr. Clerk, LB1101. [LB398 LB1101]

CLERK: LB1101 is a bill by Senator Wightman. (Read title.) Bill was introduced on January 19, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB1101]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Wightman, you're recognized to open on LB1101. [LB1101]

SENATOR WIGHTMAN: Thank you, Mr. President, members. LB1101 was introduced on behalf of the Nebraska Association of County Officials. LB121, enacted in 2009, returns the property tax assessment function back to nine counties in Nebraska. The state of Nebraska had assumed the functions of the county assessor's office in these counties under prior legislation. LB121 made this policy decision to phase out the state operated assessment program and its funding. As the nine affected counties reassume this function, an assessor must be appointed until the office is filled by election. By elimination of a reference to this office being filled at "the next election," LB1101 is intended to address concerns that the next election might not be one in which the

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

Floor Debate
March 22, 2012

candidates are typically elected, such as a bond election. LB1101 also clarifies that three (sic) assessor's election will be placed on the same election cycle as the other county offices, that should be "the assessor's." A brief history of current law is necessary in order to understand why it is important to enact LB1101 this session. From 1998 until 2006, a total of nine counties requested and were accepted by the Nebraska Department of Revenue to take over the functions of the county assessor's office in those counties. The accepted counties were: Dakota, Dodge, Garfield, Greeley, Harlan, Hitchcock, Keith, Saunders, and Sherman. No additional state funds were appropriated to administer the program at the time the last two counties were accepted. As the state reassessed its ability to fully fund this program, the remaining 84 counties continued to provide their own assessment functions at their own expense. In 2009, LB121 was enacted to phase out the state's program to operate the assessment function and shift the assessment function and cost back to the nine counties. Because LB121 placed a \$3 million financial burden on the nine counties, LB121 provided for a phase-out period of three years. As counties are reassuming the assessment function, the law must be clarified so that the newly appointed county assessors will run for office after a primary election and at the regular election cycle for county officials. The "next" election may not be the general election, but may be for a bond issue or a special election. And it would not be the intent that the county official or the county assessor would be elected at that time. It is necessary that it pass with the emergency clause because of the upcoming primary and general election. I would urge you to advance LB1101 to make a needed and necessary clarification to the law. Thank you, Mr. President. [LB1101]

SENATOR CARLSON: Thank you, Senator Wightman. Members, you have heard the opening on LB1101. The floor is now open for debate. Seeing no senators wishing to speak, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question is, shall LB1101 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1101]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB1101. [LB1101]

SENATOR CARLSON: LB1101 does advance. Mr. Clerk, LB1042. [LB1101 LB1042]

CLERK: LB1042 is a bill by Senator Campbell. (Read title.) Introduced on January 18, referred to the Health and Human Services Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB1042]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Campbell, you're recognized to open on LB1042. [LB1042]

SENATOR CAMPBELL: Thank you, Mr. President. LB1042 authorizes nurse practitioners to pronounce death and to sign death certificates. The Nebraska Nurse Practitioner Association asked me to introduce this bill. Nurse practitioners can be

Floor Debate
March 22, 2012

primary care providers. In the event a nurse practitioner's patient passes away, the nurse practitioner cannot sign the death certificate, even if the deceased was his or her patient for many years. Statute requires the medical portion of the death certificate to be signed within 24 hours of the death by a physician or physician assistant. If neither is available, the county attorney must be notified. This can make a difficult time for a family even more stressful. Section 71-605, which is part of the Vital Statistics Act, provides authority for signing death certificates. Section 71-605 was amended in 2009 to authorize the physician assistants to sign the death certificates. LB1042 amends 71-605 to include nurse practitioners. LB1042 also amends Sections 38-2301 and 38-2315, which deal with nurse practitioner's function and scope. You may notice that Section 3 of LB1042 includes language on disciplinary action for failure to comply with requirements on signing death certificates. Section 3 is modeled on language adopted in 2009 to authorize physician assistants to sign death certificates, and we thought it was reasonable to adopt the same disciplinary provisions for nurse practitioners. There was no opponents in the hearing on LB1042. The Health and Human Services Committee advanced the bill without amendments. And I would ask you to advance the bill. Colleagues, I do want to emphasize here that we heard from several nurse practitioners and then in letters and that in some of the rural areas the nurse practitioner has been taking care of a patient many times in a hospice situation. And in order for them to be able to sign, that is why they approached us to sign the death certificate. And it was essentially thought of including several years ago and was a misstep that we did not include the practitioner. With that, I conclude, Mr. President. Thank you. [LB1042]

SENATOR CARLSON: Thank you, Senator Campbell. Members, you've heard the opening on LB1042. There are senators wishing to speak, Senators Fulton and Schumacher. Senator Fulton, you're recognized. [LB1042]

SENATOR FULTON: Thank you, Mr. President, members of the body. Would Senator Campbell yield to a question? [LB1042]

SENATOR CARLSON: Senator Campbell, would you yield? [LB1042]

SENATOR CAMPBELL: Thank you, Mr. President. Yes, certainly. [LB1042]

SENATOR FULTON: Senator, the...let's see, this is Section 3. So I have a couple of questions. The first question here is in Section 3, the provisions of Section 71-603.01 and 71-605. I suppose I could go and...I just haven't had time. Can you get me up to speed? This is Section 3 talking about disciplinary action that could be taken in the event that certain statutes are not followed. Can you explain? And I understand where it came from. I'm just looking for a little bit better explanation on what disciplinary action and a little bit more about that section of statute. [LB1042]

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

Floor Debate
March 22, 2012

SENATOR CAMPBELL: Senator Fulton, we included the typical language there that applies also to assistants to the physician. And I'd have to check the sections real quick. They... [LB1042]

SENATOR FULTON: That's all right. [LB1042]

SENATOR CAMPBELL: ...are looking for it. In other words, we didn't want the physician assistant to be under one portion of statute and the nurse practitioner in another. And so they have to coincide. [LB1042]

SENATOR FULTON: Okay, all right. And there will be some time. I can go and check it as well. [LB1042]

SENATOR CAMPBELL: And we will get it for you, Senator. I apologize. [LB1042]

SENATOR FULTON: Okay. Thank you. The other part of this has to do, I suppose, with committee members and what was...was there hesitation in a couple committee members? And I may ask them, Senators Bloomfield and Krist. What was the hesitation there? There's a couple that are present, not voting. Is...just raising the question. I'm probably going to vote for this, but it... [LB1042]

SENATOR CAMPBELL: I think that's certainly a valid question. And I should let the two senators speak for themselves. [LB1042]

SENATOR FULTON: Okay. [LB1042]

SENATOR CAMPBELL: And I would feel... [LB1042]

SENATOR FULTON: Yeah. [LB1042]

SENATOR CAMPBELL: ...more...if you asked them. [LB1042]

SENATOR FULTON: Um-hum. Thank you, Senator. Mr. President, would Senator Bloomfield yield to a question? [LB1042]

SENATOR CARLSON: Senator Bloomfield, would you yield? [LB1042]

SENATOR BLOOMFIELD: Yes, I will. [LB1042]

SENATOR FULTON: Senator, would you explain yourself, Senator? You were present, not voting. And were there concerns or you just... [LB1042]

SENATOR BLOOMFIELD: My explanation of that time was I'd like to have the President

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

Floor Debate
March 22, 2012

of the United States there when they decide that I'm really and frankly dead. I will probably end up supporting this, but I... [LB1042]

SENATOR FULTON: Okay. [LB1042]

SENATOR BLOOMFIELD: ...I don't want just anybody walking in and saying he's dead, let's get rid of him. [LB1042]

SENATOR FULTON: (Laugh) Okay. Okay, thanks, Senator. I'll stop there. Thank you, Mr. President. [LB1042]

SENATOR CARLSON: Thank you, Senator Fulton, Senator Bloomfield and Senator Campbell. Senator Schumacher, you're recognized. [LB1042]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Would Senator Campbell rise for a few questions? [LB1042]

SENATOR CARLSON: Senator Campbell, would you yield? [LB1042]

SENATOR CAMPBELL: Yes, Mr. President. [LB1042]

SENATOR SCHUMACHER: Currently under a situation where someone dies at home, who can sign the death certificate? [LB1042]

SENATOR CAMPBELL: At this point, the physician assistant or the physician. And if they cannot be found, then they will contact the county attorney. [LB1042]

SENATOR SCHUMACHER: An assistant or a sheriff designated as an acting coroner can also sign? [LB1042]

SENATOR CAMPBELL: I would assume so, if they're acting under the power of the county attorney. [LB1042]

SENATOR SCHUMACHER: And this is kind of intended to apply that if someone is...passes away at home outside of a medical facility, that the nurse assistant, nurse practitioner can sign the death certificate? [LB1042]

SENATOR CAMPBELL: Yes. [LB1042]

SENATOR SCHUMACHER: Thank you, Senator Campbell. I signed many a death certificate in my day when I was county attorney. And this bothers me. It bothers me because when I went out on those coroner calls and they'd...you'd find somebody dead in bed, you always kind of questioned whether they were maybe helped to go along,

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

Floor Debate
March 22, 2012

and particularly if they were suffering from a bad disease. And you raised a high level of concern and awareness, sometimes you did an autopsy just to be sure that didn't happen. And I just have a little bit of concern at this particular point that by expanding the number of people probably fairly dramatically who can sign those death certificates that we might trip across something. I kind of think this is the county attorney's job, at least deputy county attorney, or in a pinch a sheriff to look at these things from a law enforcement perspective. I'll admit that probably, well, 99-plus percent of the time there probably would never be an issue. But I'm a little bit bothered by this bill. And I don't think I can push green on it. Thank you. [LB1042]

SENATOR CARLSON: Thank you, Senator Schumacher and Senator Campbell. There are no other lights on. Senator Campbell, you're recognized to close... [LB1042]

SENATOR CAMPBELL: I would just... [LB1042]

SENATOR CARLSON: ...on LB1042. [LB1042]

SENATOR CAMPBELL: I apologize, Mr. President. I just wanted to indicate to Senator Fulton that the nurse practitioner may be denied, refused renewal, limited, revoked or suspended or have other disciplinary measures. So it's the same language, Senator Fulton, that applies to a physician assistant. I would have to say that we granted to the physician assistant and the physicians, obviously, who can sign a death certificate. In many cases the nurse practitioner has as much experience as well as training and education as a physician assistant. And we increasingly are using nurse practitioners across the state as providers in our rural areas, and they are the people who really have asked for this bill. Thank you, Mr. President. [LB1042]

SENATOR CARLSON: Thank you, Senator Campbell. Members, you've heard the closing on LB1042. The question is, shall the bill be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB1042]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB1042. [LB1042]

SENATOR CARLSON: LB1042 does advance. Mr. Clerk, LB788. [LB1042 LB788]

CLERK: LB788, a bill by Senator Campbell. (Read title.) Introduced on January 5, referred to Health and Human Services, advanced to General File. There are Health Committee amendments, Mr. President. (AM1839, Legislative Journal page 593.) [LB788]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Campbell, you're recognized to open on LB788. [LB788]

Floor Debate
March 22, 2012

SENATOR CAMPBELL: Thank you, Mr. President. And good morning, colleagues. LB788 amends the Respiratory Care Act to reflect the Centers for Medicaid and Medicare, better known to all of us as CMS, policy on who may order respiratory therapy. CMS's policy affects the conditions for participation in these federal programs. The bill also reflects a scope of practice for nurse practitioners and physician assistants in Nebraska. And we want to note that the federal policy has been changed, so we're trying to mirror that. CMS policy was updated last spring to provide that respiratory services must be provided under the orders of, quote, a qualified and licensed practitioner who is responsible for the care of the patient, acting within his or her scope of practice under state law, and who is authorized by the hospital's medical staff to order the services in accordance with hospital policies and procedures and state laws. CMS's guidelines provide that, quote, the practitioner includes physicians and may also include nurse practitioners and physician assistants. Nebraska's scope of practice allows these professionals to order and prescribe therapeutic treatments and measures. LB788 would bring our statutes up to date with current Nebraska practice, as well as federal policy. And I ask for you to advance the bill. Thank you, Mr. President. [LB788]

SENATOR CARLSON: Thank you, Senator Campbell. As the Clerk mentioned, there are committee amendments. Senator Campbell, as Chair of the Health and Human Services Committee, you're recognized to open on AM1839. [LB788]

SENATOR CAMPBELL: AM1839 replaces the bill. It amends the same sections of statutes as the green copy of LB788. It adds another category of health professional, certified registered nurse practitioners to the original bill. Thus, if the amendment is adopted and the bill is advanced and enacted, Nebraska will authorize the following to order respiratory care: physicians, physician assistants, nurse practitioners, and certified registered nurse anesthetists, known as CRNAs. This amendment was suggested at the committee hearing on LB788. Following the hearing, representatives of interested groups provided feedback on adding CRNAs. The Nebraska Medical Association, the Nebraska Nurses Association, the Nebraska Society for Respiratory Care, the Nebraska Nurse Practitioners, the Nebraska Association of Nurse Anesthetists, and the Nebraska Academy of Physician Assistants have told me that their organizations support the amendment, AM1839. I move the adoption of Health and Human Services Committee amendment, AM1839, and would be happy to answer any questions that you might have. Thank you, Mr. President. [LB788]

SENATOR CARLSON: Thank you, Senator Campbell. Members, you've heard the opening on LB788 and AM1839. The floor is now open for debate. Seeing no senators wishing to speak, Senator Campbell, you're recognized to close on AM1839. She waives closing. The question is, shall AM1839 be adopted to LB788? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB788]

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

Floor Debate
March 22, 2012

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB788]

SENATOR CARLSON: The amendment is adopted. We return to discussion on LB788. Seeing no senators wishing to speak, Senator Campbell, you're recognized to close. She waives closing. The question is, shall LB788 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB788]

ASSISTANT CLERK: 33 ayes, 0 nays on the motion to advance the bill. [LB788]

SENATOR CARLSON: LB788 does advance. Mr. Clerk, LB1062. [LB788 LB1062]

ASSISTANT CLERK: Mr. President, LB1062 was introduced by Senator Nordquist. (Read title.) The bill was read for the first time on January 18, referred to the Health and Human Services Committee. That committee reports the bill to General File with committee amendments. (AM1956, Legislative Journal page 595.) [LB1062]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Campbell, you're recognized to open on LB1062. [LB1062]

SENATOR CAMPBELL: Thank you, Mr. President and colleagues. I offered to help Senator Nordquist with this bill. LB1062 would simply allow the adoption assistance to, quote, follow the child in the case of the death of adoptive parents or a parent. This will prevent a child from reentering the foster care system in the case that there is a family ready and willing to care for such children following the death of an adoptive parent. Recently, the Right Turn program, which we established under LB603, has encountered situations with families where the death of an adoptive parent occurred and the adoption assistance agreement was immediately terminated. This left the adopted child without medical insurance and left the new guardians with significant and immediate childcare expenses, prescription drug costs, and therapeutic service expenses they were forced to pay out of their own pocket. This can provide to be extremely costly for families and they could be potentially faced with no other option but to put the child back into the care of the Division of Child and Family Services in order to receive needed services. As a state, we provide adoption subsidies to help adoptive families meet the high needs of these children. In the traumatic case of the death of an adoptive parent, those special needs of the children remain. This bill would simply allow that subsidy provided in the first place to meet the needs of the child, quote, to follow that child into the care of another guardian. This will allow the new guardian to continue to meet the needs of this child and prevent the child from further traumatization by reentering the care of the state. Thank you, Mr. President. [LB1062]

SENATOR CARLSON: Thank you, Senator Campbell. As the Clerk indicated, there are committee amendments. And, Senator Campbell, as Chair of the Health and Human

Floor Debate
March 22, 2012

Services Committee, you're recognized to open on AM1956. [LB1062]

SENATOR CAMPBELL: Thank you, Mr. President. The committee amendment makes language and technical changes to LB1062 including removes private agencies because they cannot complete adoption assistance programs, so this has to be a state subsidy on that program; adds language that a designation of a guardian upon death of a parent is a requirement of the adoption assistance agreement to ensure appropriate documentation; strikes references to sections that do not pertain specifically to the state adoption subsidy program, and specifies sections that cease upon placement within the department; provides uniformity regarding the language of, quote, parent or parents; and removes duplicate language regarding continuing necessity because the adoption agreement specifies continuing assistance is required to meet the child's special needs. Additionally, the amendment clarifies that the bill would apply to state funded adoption subsidy programs. This addresses department's concerns that this would impose a requirement that was contradictory to federal law, which govern federal adoption subsidies and thus threaten the loss of federal dollars. And that's why that is an important part of the committee amendment. Finally, there would be no fiscal impact of LB1062 as amended. The number of cases in which the death of an adoptive parent occurs, we admit, is minimal. The state has already budgeted for this assistance to continue until the child turns 19. Any continued assistance payments would be offset by the savings resulting from not placing the child back in foster care. And I think the committee was particularly stirred by the stories of a child who had been abused and neglected and then found an adoptive home and had to watch that parent die of cancer and then was left without the assurance that the subsidy would continue. Colleagues, this is an extremely important bill and I would urge your support. Thank you, Mr. President. [LB1062]

SENATOR CARLSON: Thank you, Senator Campbell. Members, you've heard the opening on LB1062 and the underlying committee amendments. The floor is now open for debate. Senator Howard, you're recognized. [LB1062]

SENATOR HOWARD: Thank you, Mr. President, members of the body. I supported this bill in committee, and I rise to support this bill on the floor. Fortunately, this happens rarely, but it does happen that a child in an adoptive home with a family that they recognize as their parents suffers another tragic loss. And the last thing we want to have happen to this child is for he or she to be readmitted to the foster care system. I support this bill. There is no cost involved. As Senator Campbell pointed out, this subsidy amount is already budgeted in until the child is age 19. This is the right thing to do to protect this child and ensure that he remains with a loving family. Thank you. [LB1062]

SENATOR CARLSON: Thank you, Senator Howard. Senator Nelson, you're recognized. [LB1062]

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

Floor Debate
March 22, 2012

SENATOR NELSON: Thank you, Mr. President, members of the body. I have...I'm generally in support of this bill, but I do have a question or two on the fiscal note. And if Senator Campbell would yield to a question or two. [LB1062]

SENATOR CARLSON: Senator Campbell, would you yield? [LB1062]

SENATOR CAMPBELL: Yes. [LB1062]

SENATOR NELSON: Thank you, Senator Campbell. You and I talked off the mike and I think you've covered things pretty well, but I still have a couple of questions. In the fiscal note it talks about possible conflict with federal requirements. Do we have two subsidy programs here, a federal program and the state program? Senator Howard said we have already budgeted through age 19. [LB1062]

SENATOR CAMPBELL: Senator Nelson, the fiscal note was written in January, and that's why the committee amended the bill. [LB1062]

SENATOR NELSON: Um-hum. [LB1062]

SENATOR CAMPBELL: And with the committee's amendment it is in compliance with the federal and there is no fiscal impact. [LB1062]

SENATOR NELSON: No fiscal impact. And I also had the question, if...and this...there's no fiscal impact I guess because there is a provision in the agreement that...where the adoptive parent designates who would be the new guardian or conservator who would take over. And my question was, in the event that that person could well afford to or, you know, to pay for these medical bills and this sort of thing, is that going to terminate then a federal subsidy and the state subsidy or how is that going to work? [LB1062]

SENATOR CAMPBELL: I would guess at that point the wealthy grandparents or the aunt may proceed with a regular adoption and can contact the department and say, we do not need this, or the department can visit with them about the subsidy. But in many cases, Senator Nelson, these children have very high needs and any number of families would need help. [LB1062]

SENATOR NELSON: All right. Thank you very much, Senator Campbell. Thank you, Mr. President. [LB1062]

SENATOR CARLSON: Thank you, Senator Nelson and Senator Campbell. There are no other senators wishing to speak. Senator Campbell, you're recognized to close on the committee amendment. She waives closing. The question is, shall AM1956 to LB1062 be adopted? All those in favor vote yea; all opposed vote nay. Record, Mr.

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

Floor Debate
March 22, 2012

Clerk. [LB1062]

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of committee amendments.
[LB1062]

SENATOR CARLSON: The committee amendments are adopted. We return to discussion. Seeing no other senators wishing to speak, Senator Campbell, you're recognized to close on LB1062. Senator Campbell waives closing. The question is, shall LB1062 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1062]

ASSISTANT CLERK: 32 ayes, 0 nays on the motion to advance the bill. [LB1062]

SENATOR CARLSON: LB1062 does advance. Senator McGill is offering a treat to all of the senators to celebrate her birthday, which was yesterday. Happy birthday, Senator McGill. And would you please see that the Chair is included in the treat. Mr. Clerk, LB1030. [LB1062 LB1030]

ASSISTANT CLERK: LB1030 was introduced by Senator Hansen. (Read title.) The bill was read for the first time on January 17, referred to the Transportation and Telecommunications Committee; that committee placed the bill on General File with no committee amendments. [LB1030]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Hansen, you're recognized to open on LB1030. [LB1030]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. LB1030 puts into our Rules of the Road statutes a common-sense, reasonable distance of 3 feet of clearance, when applicable, to avoid colliding with pedestrians, bicycles, or electric personal assistive mobility device. I introduced LB1030 at the request of several individuals in my district that had serious and even fatal motor vehicle encounters of family members while on Nebraska's roadways. In this bill, persons convicted of these violations are guilty of a traffic infraction and can be fined from \$100 to \$300, depending on the frequency of the offense in one year. Several senators have asked me how you determine...how would law enforcement determine a 3-foot rule. And it's very simple: you put your hand on the middle of your chest and go out, and that's normally...a grown person...is about 3 feet. So that is a pretty easy measurement. In the ranching community, if we need to measure rope, we do 6 feet, you just put it out, and I've measured it, and it's pretty accurate. So the 3-foot rule is very important to bicyclists and pedestrians. We had one lady that was hit while out jogging, preparing for a half marathon, and it was real traumatic to her, of course. One gentleman spent five months in intensive care in Denver from a bicycle accident. And then we've had one fatality...at least one fatality, I think maybe even two, within the last year because of collisions with

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

Floor Debate
March 22, 2012

bicycles and pedestrians. So it's an important bill. And thank you, Mr. President.
[LB1030]

SENATOR CARLSON: Thank you, Senator Hansen. Members, you've heard the opening on LB1030. The floor is now open for debate. Senator Lathrop, you're recognized. [LB1030]

SENATOR LATHROP: Thank you, Mr. President. Just a quick question or two for Senator Hansen, if he'll yield. [LB1030]

SENATOR HANSEN: Yes. [LB1030]

SENATOR CARLSON: Senator Hansen, would you yield? [LB1030]

SENATOR HANSEN: Yes. [LB1030]

SENATOR LATHROP: Senator Hansen, I just want to make sure that we're clear. What you are providing in this bill is a halo of protection for people on bicycles and these personal assistive devices. Is that right? [LB1030]

SENATOR HANSEN: That's correct. [LB1030]

SENATOR LATHROP: And it is a minimum standard for how close you can get to a bike and to a personal assistive device. Is that true? [LB1030]

SENATOR HANSEN: That's correct. [LB1030]

SENATOR LATHROP: And it's not intended to change our statutes relating to following too closely or what the standard of care would be in that respect. Is that also true? [LB1030]

SENATOR HANSEN: No, it's just a minimum requirement. And the higher the speed, it would make common sense that that distance should increase. [LB1030]

SENATOR LATHROP: Okay, just wanted to be clear that we're not changing the standard of care for following too closely, but just establishing a 3-foot halo around bicycles and personal assistive devices. Thank you, Senator Hansen. [LB1030]

SENATOR CARLSON: Thank you, Senator Lathrop and Senator Hansen. Seeing no other senators wishing to speak, Senator Hansen, you're recognized to close. Senator Hansen waives closing. The question is, shall LB1030 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1030]

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

Floor Debate
March 22, 2012

ASSISTANT CLERK: 32 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB1030]

SENATOR CARLSON: LB1030 does advance. Mr. Clerk, LB795. [LB1030 LB795]

ASSISTANT CLERK: Mr. President, LB795, introduced by Senator Avery. (Read title.) The bill was read for the first time on January 5, referred to the Government Committee, placed on General File with no committee amendments. [LB795]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LB795. [LB795]

SENATOR AVERY: Thank you, Mr. President. The idea for this bill was brought to me by the Disabled American Veterans. What it does, it will allow veterans to have additional organizations to help them make application for admission to one of Nebraska's four veterans homes. Currently only county veterans service officers are allowed to perform this function. The current process of being admitted to a veterans home involves two steps: one, the person makes application for membership with their county veterans service officer; and then the county veterans service officer forwards the application to the veterans home board, which makes the final determination on admissions. The board is comprised of two members selected by each of the recognized veterans organizations in the state and the director of Veterans' Affairs, who serves as the board secretary. LB795 allows an application for membership in a veterans home to be made to a recognized veterans organization or a Nebraska veterans home itself. The veterans organization or veterans home will then forward the application to the veterans home board. The recognized veterans organizations, as defined in this statute, are the American Legion, the American Ex-Prisoners of War, the Disabled American Veterans, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Veterans of Foreign Wars of the United States, the Vietnam Veterans of America, and other veterans organizations recognized by the director of Veterans' Affairs. Allowing a recognized veterans organization or the veterans home to receive an application from a veteran will make the process more accessible for veterans. And I urge you to vote yes on this. Thank you, Mr. President. [LB795]

SENATOR CARLSON: Thank you, Senator Avery. You've heard the opening on LB795. Are there senators wishing to speak? Seeing none, Senator Avery, you're recognized to close. Senator Avery waives closing. The question is, shall LB795 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB795]

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to advance the bill. [LB795]

SENATOR CARLSON: LB795 does advance. Mr. Clerk, LB880. [LB795 LB880]

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

Floor Debate
March 22, 2012

ASSISTANT CLERK: LB880 was introduced by Senator Pahls. (Read title.) The bill was read for the first time on January 9, referred to the Government Committee, placed on General File without committee amendments. [LB880]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Pahls, you're recognized to open on LB880. [LB880]

SENATOR PAHLS: Thank you, Mr. President, members of the body. This bill directs state agencies to work with the records management office to develop a more cost-effective way of storing agency files. Electronic storage is fast becoming most economical. The Legislature created the State Records Management Office under the Secretary of State. The purpose of the records office: they work with state agencies by providing a space for records and by supplying technology to convert the records for safe, reliable, and long-term storage. LB880 makes it a state policy to use modern storage methods such as a digital or electronic storage rather than paper or microfilm when it is appropriate and cheaper. This summer...or during the interim, I had an aha moment when, in front of the Executive Committee, a head of one of the agencies...we were talking about budget cuts, and this person said that they would be eliminating one of the individuals from their department, which is a significant thing. And the question was asked, what does this person do that would be a major impact on your office? And this was the answer: this person is...really deals with the recordkeeping of our office. So I said, explain that. This is what they did: they would take the computer or electronic information, convert it to paper so that it could be changed into microfiche, or microfilm, for permanent storage--electronic, paper, microfilm. And it seems to me that something was wrong here, in my mind. And my staff doing a little further investigation, we found out in the Records Management Office, they actually have a reader; this is a machine that reads the electronic messages and converts it to microfilm. It leaves out the idea of transferring it to paper. And, to be honest with you, that Records Management Office, they borrow this machine from Lancaster County. So it made me think that there are probably other agencies that need to be taking a look at how they are keeping their records, because our building on 9th and K Street right now, which the government owns, is becoming pretty full. And if we don't start taking a look at maybe bringing ourselves up to date, that could be an issue. So this bill directs state agencies to work with the Records Management Office to develop a more cost-effective way of storing agency files. Electronic storage is, like I said earlier, is fast becoming more economical. It should be the preferred method unless an agency can demonstrate that a paper or microfilm copy is necessary. Thank you. [LB880]

SENATOR CARLSON: Thank you, Senator Pahls. Members, you've heard the opening on LB880. The floor is now open for debate. Senator Schumacher, you're recognized. [LB880]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body.

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

Floor Debate
March 22, 2012

Would Senator Pahls yield to a couple questions? [LB880]

SENATOR CARLSON: Senator Pahls, would you yield? [LB880]

SENATOR PAHLS: Yes. [LB880]

SENATOR SCHUMACHER: Senator Pahls, in preparing this legislation and looking into it, how...did you learn or have you acquired knowledge of how records that are stored digitally by the state of Nebraska, and now presumably other subdivisions, what the procedure is so that as technology moves on, that stored material and stored medium does not become obsolete and very hard to read? I know, as we've developed computers over the years, things that were readable and in vogue ten years ago are unreadable now and data stored that way. What protections are in place so that we know that 100 years from now something that is stored will be readable? Do we require the medium to be upgraded, transformed from an old technology, like a CD-ROM, to a new technology, like a Zip drive or whatever? Is any of that in place? [LB880]

SENATOR PAHLS: I don't know if, for 100 years from now, if it's in place. I'll come back and check. That was a little humor. I'll get a little more serious. In front of me I have a...it's called the state...under the State Records Administrator, there is a "durable medium best practices." They have a document with the "best practices." I don't see any...in that...any indication of the question that you have. But I'm sure that that is an issue that they have or are in the process of addressing, to be honest with you. [LB880]

SENATOR SCHUMACHER: Okay. Thank you, Senator. I'll support this particular measure, but it always bothers me, once you get away from an analog media, which is paper, cumbersome, terrible, the issue of how that digital media, the disk or the tape or the whatever, is going to be read 100 years from now and what steps along the way to transform it from a disk this year to a "that" the next year to an "optical something" the next year or ten years later is going to be handled. That's concerning as we set this as...digital methods as our priority. Thank you. [LB880]

SENATOR CARLSON: Thank you, Senator Schumacher and Senator Pahls. Senator Howard, you're recognized. [LB880]

SENATOR HOWARD: Thank you, Mr. President. If Senator would yield to a question. [LB880]

SENATOR PAHLS: Yes. [LB880]

SENATOR HOWARD: I notice on the end of the synopsis here, it refers to the repealing of a section dealing with public bidding for certain contracts. Could you just enlighten us with that? I'm going to yield my time to you so that you have the opportunity to just tell

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

Floor Debate
March 22, 2012

us what that refers to. [LB880]

SENATOR CARLSON: Senator Pahls, would you yield? [LB880]

SENATOR PAHLS: You know, it's my understanding, at times that is included in some legislation, because I've asked some of those questions and they say it is an obscure statute that needs to be changed. That was not under my direction. That's how--when I see this occasionally in bills--they said that's how that was...that came about. [LB880]

SENATOR CARLSON: Thank you, Senator Pahls. And, I believe, Senator Howard, you yielded your time. Senator Pahls, you're up next. You are the last one. Do you want to use this as your close? [LB880]

SENATOR PAHLS: Yes. [LB880]

SENATOR CARLSON: Thank you. [LB880]

SENATOR PAHLS: And I've visited with Senator Schumacher on this issue before because like when we were in Government Committee, this was a concern of his, and I understand it. That's the reason why I'd say that it should be the preferred method unless an agency says, hey, paper or microfilm is a better...thank you. [LB880]

SENATOR CARLSON: Thank you, Senator Pahls. Members, you have heard the closing on LB880. The question is, shall LB880 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB880]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill. [LB880]

SENATOR CARLSON: LB880 does advance. Mr. Clerk, LB999. [LB880 LB999]

ASSISTANT CLERK: LB999 was introduced by Senator Price. (Read title.) The bill was read for the first time on January 17, referred to the Government Committee, placed on General File with no committee amendments. [LB999]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Price, you're recognized to open on LB999. [LB999]

SENATOR PRICE: Thank you, Mr. President and members of the body. LB999 authorizes the display of an honor and remember flag at public buildings. Language currently exists in statute to allow the display of the POW/MIA on or near the State Capitol, the Governor's Residence, or any courthouse, city or village hall, schoolhouse, or other public administrative building in Nebraska. The law further says the flag shall be displayed in accordance with the accepted flag protocol, and a request to have such a

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

Floor Debate
March 22, 2012

flag flown can be made by any veterans organization, any group, or any person. The idea for the honor and remember flag was brought to me last year, which led to the introduction of LR141. This LR received a hearing before the Government Committee, came out to the body, and was advanced. Again, I want to remind members that the design of the flag is contingent upon the approval of the international recognized veterans organizations, so the design that we have seen most recently may not be the design that is eventually approved. However, what we want to do is be ready with the enacting legislation to allow the flying of this flag. And with that, I would ask for a green vote on LB999. [LB999 LR141]

SENATOR CARLSON: Thank you, Senator Price. Members, you've heard the opening on LB999. Are there senators wishing to speak? Seeing none, Senator Price, you're recognized to close. He waives closing. The question is, shall LB999 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB999]

ASSISTANT CLERK: 33 ayes, 0 nays on the motion to advance the bill. [LB999]

SENATOR CARLSON: LB999 does advance. Mr. Clerk, LB1116. [LB999 LB1116]

ASSISTANT CLERK: Mr. President, prior to LB1116, an announcement that Judiciary Committee will hold an Executive Session in Room 2022 at 10:00. With respect to LB1116, it is a bill introduced by Senator Flood. (Read title.) The bill was read for the first time on January 19, referred to the Government, Military and Veterans Affairs Committee, placed on General File with no committee amendments. [LB1116]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Flood, you're recognized to open on LB1116. [LB1116]

SPEAKER FLOOD: Good morning, everybody. This bill replaces the "State Court Administrator" with the "Chief Justice of the Supreme Court" as the recognized judicial branch representative on the Nebraska Capitol Commission. You may be aware that, as Speaker, I am your representative on...our branch's representative on the Nebraska Capitol Commission. The Governor is the executive branch representative. And the State Court Administrator currently serves as the recognized representative for the Supreme Court branch of government. This essentially makes the Chief Justice the representative, and he or...the Chief Justice can designate, if they so choose, the State Court Administrator to attend meetings on his or her behalf; this just recognizes that. As a member of the Capitol Commission, I thought there was value in having the Chief Justice, the Governor, and the Speaker all on the same commission and that if he, or her, depending on who the Chief Justice is at the time, wants to attend a meeting, that they are the authorized representative as the top official in that branch of government. I ask for your adoption. Thank you, Mr. President. [LB1116]

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

Floor Debate
March 22, 2012

SENATOR CARLSON: Thank you, Senator Flood. Members, you've heard the opening on LB1116. The floor is now open for debate. Senator Lautenbaugh, you're recognized. [LB1116]

SENATOR LAUTENBAUGH: Thank you, Mr. President. I wonder if the Speaker would yield to a question. [LB1116]

SENATOR CARLSON: Senator Flood, would you yield? [LB1116]

SPEAKER FLOOD: Yes. [LB1116]

SENATOR LAUTENBAUGH: Mr. Speaker, as our representative on this commission, do you have input into the designated smoking areas? [LB1116]

SPEAKER FLOOD: I haven't given it enough thought, but I have the feeling I'm about to have a lot of input. (Laughter) [LB1116]

SENATOR LAUTENBAUGH: An off-the-mike discussion will follow. Thank you, Mr. President. [LB1116]

SENATOR CARLSON: Thank you, Senator Lautenbaugh and Senator Flood. Seeing no other senators wishing to speak, Senator Flood, you're recognized to close on LB1116. Senator Flood waives closing. The question is, shall LB1116 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1116]

ASSISTANT CLERK: 35 ayes, 0 nays to advance the bill, Mr. President. [LB1116]

SENATOR CARLSON: LB1116 does advance. Mr. Clerk, LB1141. [LB1116 LB1141]

ASSISTANT CLERK: LB1141 was introduced by Senator McGill. (Read title.) The bill was read for the first time on January 19, referred to the Government, Military and Veterans Affairs Committee, placed on General File with no committee amendments. [LB1141]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator McGill, you're recognized to open on LB1141. [LB1141]

SENATOR MCGILL: Thank you, Mr. President, members of the body. Well, first of all, Mr. President, I hope you got your goodie up there at the chair. Wonderful. LB1141 streamlines a process for Nebraska National Guard members' reimbursement of expenses. National Guard members currently have to collect receipts for expenses and submit those receipts for reimbursement. This is a very cumbersome process, and it's

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

Floor Debate
March 22, 2012

proven to place a huge financial burden on those responding to these emergencies. In such an emergency situation, it is more efficient for reimbursement to occur on a per diem basis, which is consistent with the federal method of reimbursement. Any increase in costs resulting from the passage of LB1141 should be minor enough to be absorbed by the Military Department without an increase in their application. This became particularly problematic last summer, during the flood period, where we had a lot of our National Guard members out there doing a great job trying to protect our communities. But then it was putting a lot of financial burden on them, as they weren't able to get reimbursed first very quickly for their expenses. So this is a great bill, and I ask for your advance. Thank you, Mr. President. [LB1141]

SENATOR CARLSON: Thank you, Senator McGill. Members, you've heard the opening on LB1141. The floor is now open for debate. Senator Krist, you're recognized. [LB1141]

SENATOR KRIST: Thank you, Mr. President. Very quickly, the folks in the Nebraska Guard would like to thank Senator McGill for pushing this forward. This is a great thing. [LB1141]

SENATOR CARLSON: Thank you, Senator Krist. Seeing no other senators wishing to speak, Senator McGill, you're recognized to close. She waives closing. Question is, shall LB1141 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1141]

ASSISTANT CLERK: 36 ayes, 0 nays to advance the bill, Mr. President. [LB1141]

SENATOR CARLSON: LB1141 does advance. Mr. Clerk, LB819. [LB1141 LB819]

ASSISTANT CLERK: Mr. President, LB819, introduced by Senator Price. (Read title.) The bill was read for the first time on January 5 of this year, referred to the Government, Military and Veterans Affairs Committee, placed on General File with a committee amendment attached. (AM1999, Legislative Journal page 663.) [LB819]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Price, you're recognized to open on LB819. [LB819]

SENATOR PRICE: Thank you, Mr. President, members of the body. LB819 deals with the treatment of military medals as unclaimed property. It came to my attention through other members and entities that in another state when a safe deposit box was opened, the contents therein being military medals were melted for the value of the metals and then put aside. And it is now important that once this has happened, we have a way to deal with this so that this will not happen in Nebraska at any time. The bill defines "military medal" as "any decoration or award that may be presented or awarded to a

Floor Debate
March 22, 2012

member of a unit of the Armed Forces or National Guard." The bill goes on to describe what unclaimed property is and how it will be handled. There were some questions in committee and with other entities, and Senator Avery will be speaking on a committee amendment that makes this bill appropriate for consent calendar. And I would appreciate your support of the bill. Thank you. [LB819]

SENATOR CARLSON: Thank you, Senator Price. As the Clerk mentioned, there are committee amendments. Senator Avery, as Chair of the Government, Military and Veterans Affairs Committee, you're recognized to open on AM1999. [LB819]

SENATOR AVERY: Thank you, Mr. President. The committee amendment, AM1999, makes clarifying changes to the bill. First clarification is that the holder of the military medal will report the property to the State Treasurer on the same schedule as other abandoned property under the Uniform Disposition of Unclaimed Property Act. Also, the bill provides that the State Treasurer will hold and maintain the military medals for ten years or until the original owner or heirs can be identified. After ten years, the State Treasurer may designate a veterans organization, an awarding agency, or a government entity as the custodian of the military medals. Once the military medals are turned over to an organization or entity, the State Treasurer will no longer be responsible for the safekeeping of the medals. The bill as amended was advanced on a vote of 8-0. Thank you. [LB819]

SENATOR CARLSON: Thank you, Senator Avery. Members, you've heard the opening on LB819 and the underlying committee amendments. The floor is now open for debate. Senator Gloor, you're recognized. [LB819]

SENATOR GLOOR: Thank you, Mr. President. I wonder if Senator Price would yield for a question. [LB819]

SENATOR CARLSON: Senator Price, would you yield? [LB819]

SENATOR PRICE: Yes. [LB819]

SENATOR GLOOR: Thank you, Senator Price. I'm listening to this and trying to decide what I should clean out while I can so there isn't some confusion with my heirs. Is a ribbon the same as a medal? [LB819]

SENATOR PRICE: For the purposes of this bill, yes. [LB819]

SENATOR GLOOR: Okay, so a...I think you're familiar with the National Defense ribbon. [LB819]

SENATOR PRICE: Correct. [LB819]

Floor Debate
March 22, 2012

SENATOR GLOOR: A National Defense ribbon would, in fact, be considered a medal under this. [LB819]

SENATOR PRICE: That is correct, because there is a medal behind that build. The ribbon is just a accoutrement worn on the...or a device...accoutrement on the shirt. You could also wear a medal on that shirt, so there could be an accompanying medal. And there are also accoutrements on there where there could be a Bronze Star, an Oak Leaf, etcetera. [LB819]

SENATOR GLOOR: Well, what I'm wondering if there was any discussion on is all of us who served in the military ended up with a certain number of medals. Certainly medals like Purple Heart or Silver Star or some of the very significant medals would have quite a bit of meaning, I would think, to families. But I wonder if there's that same degree of connection...there certainly wasn't with me with some of the ribbons I received because I was in the military: years of service, happening to serve during the Vietnam Conflict, etcetera. Are we worried that we're going to end up with bucket loads of medals as a result of this that are a burden to the State Treasurer's Office? [LB819]

SENATOR PRICE: Senator Gloor, no. There has been no concern about that. And I'll give you a very short vignette, given the constraints. My great-grandfather, as many others, and my great-uncle particularly, went off to war in World War II. He came home, he lived, he died. His wife then later died, and all the effects were put out on the street to be thrown away when they cleaned out the house. I was lucky and fortunate enough to go by and be able to recover that. And I have his Good Conduct Medal, the ribbons, and his rack in my shadow box, and it tells the story of his service, to me, an heir. So I think that while there are many, many millions, if you would, of ribbons out there--they're not all in safe deposit box--and they all carry the same value and the same intrinsic value and meaning to family. [LB819]

SENATOR GLOOR: And, again, we're really dealing, as you've said, safe deposit boxes, unclaimed property,... [LB819]

SENATOR PRICE: That is correct. [LB819]

SENATOR GLOOR: ...so it's a very, very, very small subset of the medals that are out there. [LB819]

SENATOR PRICE: That is correct. [LB819]

SENATOR GLOOR: Okay. Thank you. And I could be supportive of LB819 now that I understand some of the general parameters. Thank you. [LB819]

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

Floor Debate
March 22, 2012

SENATOR CARLSON: Thank you, Senator Gloor and Senator Price. There are no other senators wishing to speak. Senator Avery, you're recognized to close on the committee amendment. Senator Avery waives closing. The question is, shall AM1999 be adopted to LB819? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB819]

ASSISTANT CLERK: 34 ayes, 0 nays on the motion to adopt the committee amendments. [LB819]

SENATOR CARLSON: AM1999 is adopted. We return to discussion on LB819. Seeing no senators wishing to speak, Senator Price is recognized to close. He waives closing. Question is, shall LB819 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record Mr. Clerk. [LB819]

ASSISTANT CLERK: 30 ayes, 0 nays on the motion to advance the bill. [LB819]

SENATOR CARLSON: LB819 does advance. Mr. Clerk, LB869. [LB819 LB869]

ASSISTANT CLERK: Mr. President, an announcement prior to that, that Judiciary is going to be meeting under the south balcony rather than Room 2022, and that's at 10:00. With respect to LB869, the bill was introduced by Senator Janssen. (Read title.) The bill was introduced on January 6, referred to the Government, Military and Veterans Affairs Committee, placed on General File with the committee amendment attached. (AM2122, Legislative Journal page 667.) [LB869]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Janssen, you're recognized to open on LB869. [LB869]

SENATOR JANSSEN: Thank you, Mr. President, members. LB869 would remove amateur boxing and sparring from the jurisdiction of the State...from the State Athletic Commissioner. The issue was brought to my attention last year by the president of the Nebraska Amateur Boxing Association, Randy Eckmann, who also happens to be a constituent of mine. Randy explained to me and the Government Committee members that amateur boxing is more than adequately regulated by USA Boxing. State Athletic Commissioner regulation is now duplicative and unnecessary in Nebraska. USA Boxing provides all the services and protections that are currently required by the Athletic Commissioner's statutes, rules, and regs. We have consulted with the State Athletic Commissioner over the last several months, and I appreciate he and his legal counsel's availability and responsiveness to my questions. The previous State Athletic Commissioner and current Omaha Amateur Coaches Association representative appeared at the public hearing and offered strong support for this bill. The consensus is that comprehensive USA Boxing regulations are more than adequate for amateur boxing in Nebraska. Since LB869 calls for the removal of amateur boxing from the

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

Floor Debate
March 22, 2012

commissioner's jurisdiction, it would also change the membership of the Athletic Advisory Committee by removing the amateur boxing member. We have spoken with the current amateur boxing member on the committee and he is supportive of both of the bill's provisions. There is a committee amendment that ensures that amateur mixed martial arts organizations can continue to operate as for-profit organizations. There are no nonprofit amateur martial arts organizations, and we want to ensure that these competitions can continue in Nebraska. I urge the adoption of the committee amendment and ask for your vote of support of this bill. Thank you, Mr. President and members. [LB869]

SENATOR CARLSON: Thank you, Senator Janssen. As the Clerk indicated, there are committee amendments. Senator Avery, as Chair of the Government, Military and Veterans Affairs Committee, you're recognized to open on AM2122. [LB869]

SENATOR AVERY: Thank you, Mr. President. The committee amendment clarifies that for amateur events, the State Athletic Commissioner may issue an annual license for conducting such events to any club, association, or organization. Current law allows the State Athletic Commissioner to issue licenses for amateur events only to nonprofit clubs and organizations. At the hearing on LB869, the former State Athletic Commissioner raised a concern about the types of organizations allowed to conduct amateur events. This amendment clarifies that organizations, both nonprofit and for profit, can conduct amateur events. The bill as amended was advanced on a vote of 8 to 0. Thank you. [LB869]

SENATOR CARLSON: Thank you, Senator Avery. Members, you've heard the opening on LB869 and the committee amendments. The floor is now open for debate. Seeing no senators wishing to speak, Senator Avery, you're recognized to close. He waives closing. The question is, shall AM2122 be adopted to LB869? All those in favor vote yea; opposed vote nay. Record, Mr. Clerk. [LB869]

ASSISTANT CLERK: 27 ayes, 0 nays on the adoption of the committee amendments, Mr. President. [LB869]

SENATOR CARLSON: Committee amendments are adopted. Seeing no other senators wishing to speak, Senator Janssen, you're recognized to close on LB869. Senator Janssen waives closing. The question is, shall LB869 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB869]

ASSISTANT CLERK: 28 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB869]

SENATOR CARLSON: LB869 does advance. Mr. Clerk, LB1122. [LB869 LB1122]

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

Floor Debate
March 22, 2012

ASSISTANT CLERK: LB1122 is legislation introduced by Senator Bloomfield. (Read title.) The bill was read for the first time on January 19, referred to the Health and Human Services Committee, placed on General File with no committee amendment. [LB1122]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Bloomfield, you're recognized to open on LB1122. [LB1122]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, members. I bring before you this morning LB1122. This bill would clarify for the Department of Health and Human Services our legislative preferences regarding Medicaid cuts in home healthcare services. LB1122 directs that the department...that when making cuts in Medicaid services they are to look at home healthcare services offered by private duty nurses only after they've made cuts in other places. Last December a family from Wayne contacted me when learning about proposed cuts in health and home services that would directly affect their children. Every Christmas, it seems, just before Christmas, they are told of proposed cuts that would mean the difference between life and death for their kids. And this seemed wrong to me. I understand the Legislature cannot directly tell the department where to make cuts, and I do respect the separation of powers between the legislative branch and the executive branch of government. However, families should not be told annually that their ways of life will soon change because of the state's financial concerns. Vulnerable children and family members who require medical attention should not be first on the chopping block when the state is making the required cuts to balance our budget. This is a matter of life and death for many of our families. LB1122 came out of the Health and Human Services Committee on a 6-0 vote, had no opposition at the hearing, and there is no fiscal note. I would ask for your support on this bill, LB1122. Thank you. [LB1122]

SENATOR CARLSON: Thank you, Senator Bloomfield. You've heard the opening on LB1122. The floor is now open for debate. Senator Karpisek, you're recognized. [LB1122]

SENATOR KARPISEK: Thank you, Mr. President. Would Senator Bloomfield yield, please? [LB1122]

SENATOR CARLSON: Senator Bloomfield, would you yield? [LB1122]

SENATOR BLOOMFIELD: Yes, I would. [LB1122]

SENATOR KARPISEK: Thank you, Senator Bloomfield. I have the utmost respect for home healthcare, being my father just passed away after having it. But working in the healthcare field, I guess it concerns me that we would pick winners and losers here; one is going to...are we going to cut in hospitals, nursing homes, other places first? [LB1122]

Floor Debate
March 22, 2012

SENATOR CARLSON: (Gavel) [LB1122]

SENATOR BLOOMFIELD: This simply suggests that the HHS Department would look at making cuts elsewhere before they send that notice out before Christmas every year telling this family in particular, in Wayne, that you may have to put your kids into a nursing facility. They have no immune system. That would be a death sentence for these children. So if we're picking winners and losers by saying that we're going to cut a few bucks from the facility versus we're going to kill a couple kids, I think we need to go there. [LB1122]

SENATOR KARPISEK: Okay, thank you, Senator Bloomfield. I'm sorry, I can't support this. It seems a little bit like we're doing this for one family, which sometimes we do. And I understand that with the kids, that they're concerned about their immune deficiency. Would Senator Campbell yield, please? [LB1122]

SENATOR CARLSON: Senator Campbell, would you yield? [LB1122]

SENATOR CAMPBELL: Yes, certainly, Mr. President. [LB1122]

SENATOR KARPISEK: Thank you, Senator Campbell. Is...can you help me understand a little bit where this is going or how they would make these cuts without going into home healthcare first? Because wherever we cut is a death sentence for someone. And I think I've been trying to say that in budget cuts. But how do we do this? [LB1122]

SENATOR CAMPBELL: Senator Karpisek, I think probably a better way to put this would be that, "under the medical assistance program," which is Medicaid, "shall preserve and maintain home health services by private-duty nurses to the greatest extent possible." And I think that what we're trying to say is, as we looked at the cuts that came by, and the Appropriations Committee said, no, we're not going to go there, and, in fact, Senator Nordquist had a bill that specifically stated that, and Appropriations put that language in...I think that what Senator Bloomfield is trying to do here is to say, "to the greatest extent possible," try to preserve that care as you're looking at it, which may not directly answer your question. But I think what we're trying to say here is, if at all possible, try to preserve that before dipping into this as a way to make cuts in Medicaid. [LB1122]

SENATOR KARPISEK: Okay, I think I understand that, and that's fine. But, I guess, just to say that Medicaid cuts to a cancer hospital or a children's hospital, to me, seems to be just as onerous as it would be to home health. And again, I have nothing against home health. But our whole thought here of when we cut budgets, we cut budgets, and it affects people's lives. So I'm sorry, I don't want to stand up on consent here, but I can't support this. Thank you, Mr. President. [LB1122]

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

Floor Debate
March 22, 2012

SENATOR CARLSON: Thank you, Senator Karpisek, Senator Campbell, and Senator Bloomfield. There are no other senators wishing to speak. Senator Bloomfield, you're recognized to close on LB1122. [LB1122]

SENATOR BLOOMFIELD: Thank you, Mr. President. And I would just like to point out this does not affect just one family; this affects numerous families across the state of Nebraska. And home healthcare service has been proven to be probably what we would call the best bang for the buck here. It's cheaper to take care of somebody at home than it is to put them in the hospital. Thank you. [LB1122]

SENATOR CARLSON: Thank you, Senator Bloomfield. Members, you've heard the closing. The question is, shall LB1122 be advanced to E&R Initial? All those in favor vote yea; opposed vote nay. Record, Mr. Clerk. [LB1122]

ASSISTANT CLERK: 27 ayes, 1 nay on the motion to advance the bill, Mr. President. [LB1122]

SENATOR CARLSON: LB1122 does advance. Mr. Clerk, LB1077. [LB1122 LB1077]

ASSISTANT CLERK: LB1077 was introduced by Senator Howard and others. (Read title.) The bill was read for the first time on January 18, referred to the Health and Human Services Committee, placed on General File with committee amendments attached. (AM1960, Legislative Journal page 671.) [LB1077]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Howard, you're recognized to open on LB1077. [LB1077]

SENATOR HOWARD: Thank you, Mr. President. And good morning, colleagues. Influenza is the largest vaccine-preventable killer in the United States. It is the eighth-leading cause of death, and it kills 36,000 people each year. It is especially deadly among our most vulnerable populations. Ninety percent of flu deaths occur in individuals over 65 years of age. To protect our most vulnerable citizens, LB1077 would require that each general acute hospital, intermediate care facility, nursing facility, and skilled nursing facility must offer annually flu vaccinations, if available, to all residents or patients who are being discharged. These vaccinations would be offered during the flu season, which is defined as between October 1 and the first of April. I want to stress that this bill only requires that the hospitals and nursing facilities offer the vaccines. There's no requirement that the facilities pay for the vaccines; they can continue to charge for the vaccination, as they currently do. Thank you. [LB1077]

SENATOR CARLSON: Thank you, Senator Howard. As the Clerk indicated, there are committee amendments. Senator Campbell, as Chair of the Health and Human

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

Floor Debate
March 22, 2012

Services Committee, you're recognized to open on AM1960. [LB1077]

SENATOR CAMPBELL: Thank you, Mr. President and members of the body. The committee amendment clarifies, makes absolutely sure, that no facility is required to cover the cost of a vaccination for influenza disease, as provided in the bill, just as Senator Howard indicated. Thank you, Mr. President. [LB1077]

SENATOR CARLSON: Thank you, Senator Campbell. Members, you have heard the opening on LB1077 and the underlying committee amendments. The floor is now open for debate. Senator Fulton, you're recognized. [LB1077]

SENATOR FULTON: Thank you, Mr. President. Would Senator Howard yield to a question? [LB1077]

SENATOR CARLSON: Senator Howard, would you yield? [LB1077]

SENATOR HOWARD: Yes. [LB1077]

SENATOR FULTON: Thank you, Senator. The...I understand the influenza outbreak. Can you explain, is the control of pneumonia...is there a vaccine for pneumonia? I mean, are you talking about a...can you explain that? [LB1077]

SENATOR HOWARD: Well, I do know that there is a vaccine for pneumonia. That's not included in this bill. [LB1077]

SENATOR FULTON: Section 2, it says, "In order to prevent, detect, and control pneumonia and influenza outbreaks in Nebraska," so that's where I'm getting it. [LB1077]

SENATOR HOWARD: This specifically refers to the vaccine for the influenza virus. [LB1077]

SENATOR FULTON: I'm on Section 2 of the bill, lines 6 and 7, if you could go there with me. [LB1077]

SENATOR HOWARD: I don't have the green copy with me, but I do trust you. [LB1077]

SENATOR FULTON: Okay. All right. It says, "In order to prevent, detect, and control pneumonia and influenza outbreaks in Nebraska, each general acute hospital, intermediate care facility, nursing facility," etcetera, "beginning no later than October 1 and ending on the following April 1...offer on-site vaccinations for influenza and pneumococcal disease to all residents and to all inpatients prior to discharge." So maybe I'm...what all does that involve? Or maybe I should...I see Senator Campbell

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

Floor Debate
March 22, 2012

nodding; perhaps I could ask her what I... [LB1077]

SENATOR HOWARD: That would be good. [LB1077]

SENATOR FULTON: Okay. Mr. President, could I ask Senator Campbell a question? [LB1077]

SENATOR CARLSON: Senator Campbell, would you yield? [LB1077]

SENATOR CAMPBELL: Yes, Mr. President, I would. [LB1077]

SENATOR FULTON: This will teach you to be nodding, Senator Campbell. I...you looked like you knew what was going on here. Maybe you can explain this a little bit. [LB1077]

SENATOR CAMPBELL: That's because my partner on the...as the Vice Chair...it covers the streptococcal form of pneumonia. And, yes, there is a vaccination for that. [LB1077]

SENATOR FULTON: Is this the "walking pneumonia"? Right? This is the viral...? [LB1077]

SENATOR CAMPBELL: I have to watch if Senator Gloor's head is nodding here. [LB1077]

SENATOR FULTON: Okay. Well, I just...I raise the question because one of the proponents, I didn't recognize it, I assume it's probably a company that sells the vaccine. And it just...it...I don't know, it's worth asking the question. So we're going to put a requirement on hospitals, and it is good that the amendment exists. That does clarify that the hospitals don't have to pay for it. I just didn't know that there was a pneumonia vaccine. So I tell you what, I will...I'll yield the remainder of my time, Senator Campbell, if you want to address it some more. Otherwise I'll just sit down and I won't raise much more of a fuss. And I'll yield the remainder of my time to Senator Campbell, if she'll take it, Mr. President. [LB1077]

SENATOR CARLSON: Senator Campbell, 2 minutes. [LB1077]

SENATOR CAMPBELL: Thank you, Mr. President, and I won't take 2 minutes. But, yes, there is a vaccine. And this is probably where I'm going to start showing my age, Senator Fulton. But many of us probably do have and have had a shot for that type of pneumonia...that are in this body. I see some of my other colleagues who are a little bit aging, as I am. So, yes, there is a vaccine. Thank you, Mr. President. [LB1077]

SENATOR CARLSON: Thank you, Senator Campbell. Senator Gloor, you're

Floor Debate
March 22, 2012

recognized. [LB1077]

SENATOR GLOOR: Thank you, Mr. President. I'm...and because the clock is ticking, I'll be brief. But the vaccine we're talking about...and Senator Howard is right, for the most part, that there aren't vaccines for most pneumonias. You mentioned, Senator Fulton, walking pneumonias, and there are pneumonias that result as...come about as a result of bad colds, which is what I developed last year at about this time. But there is a specific type of pneumonia, staphylococcal pneumonia, and this vaccine will vaccinate you and protect you against both the influenzas that are rampant at certain times of year as well as staphylococcal pneumonia. And I was concerned about this bill initially, but, in fact, the more I looked at it and the more I went back to my past history and talked to representatives of both the hospital and long-term-care industry, almost all of these organizations do this anyway, because they don't want staff coming back in and providing this. So this had broad support within the healthcare industry, including the facilities, and got my full support in committee and continues to do so. And so I'm supportive of both the amendment and the bill. [LB1077]

SENATOR CARLSON: Thank you, Senator Gloor. Senator Howard, you're recognized. [LB1077]

SENATOR HOWARD: Thank you, Mr. President. Thank you, Senator Campbell and Senator Gloor. And just to clarify, this bill is to offer the influenza vaccine, which, as Senator Gloor explained, does include the vaccine that addresses the walking pneumonia, which I think he's not alone in having suffered from that. But the point being that the hospital facility will offer this to, say, your aging grandmother as they leave the facility, so that they don't have to make a stop at the local CVS, as they go home, to get an injection. This will be available to them at no cost to the facility. I appreciate your support with this. Thank you. [LB1077]

SENATOR CARLSON: Thank you, Senator Howard. There are no other senators wishing to speak. And Senator Campbell, you're recognized to close on AM1960. She waives closing. The question is, shall AM1960 be adopted to LB1077? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1077]

ASSISTANT CLERK: 30 ayes, 0 nays on the adoption of the committee amendments, Mr. President. [LB1077]

SENATOR CARLSON: AM1960 is adopted. We return to discussion of LB1077. There are no senators wishing to speak. Senator Howard, you're recognized to close. Senator Howard waives closing. The question is, shall LB1077 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1077]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill. [LB1077]

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

Floor Debate
March 22, 2012

SENATOR CARLSON: LB1077 does advance. Mr. Clerk, LB1083. [LB1077 LB1083]

ASSISTANT CLERK: LB1083 was introduced by Senator Bloomfield. (Read title.) The bill was read for the first time on January 18, referred to the Health and Human Services Committee, placed on General File with committee amendments attached. (AM1991, Legislative Journal page 671.) [LB1083]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Bloomfield, you're recognized to open on LB1083. [LB1083]

SENATOR BLOOMFIELD: Thank you, Mr. President, members. I am pleased to introduce LB1083 today. The bill would not change but clarify language found in statute 38-2218. The purpose of the bill is to make sure the Nebraska Department of Health and Human Services understands that they may hire nurses who hold current licenses through the department to provide home healthcare to family members and that they may reimburse those nurses. I'm familiar with a licensed nurse who has cared for a family member for the last five years in her home. Late last year she was informed she could no longer be considered among the pool of nurses who could be hired to take care of her loved one. She was told there was a change in statute and family members could no longer be hired to take care of other family members. After looking through the statutes, specifically 38-2218, I believe licensed nurses may currently work as a healthcare provider in their homes for family members. There was a change in this particular statute in 2007, but it did not affect the subsection dealing with home healthcare. LB1083 was introduced to send a clear message to the Department of Health and Human Services that licensed nurses may indeed provide care to family members for pay in their homes. Many times family members can provide the best care available, and this arrangement may also be the most cost-effective for the state. LB1083 came out of committee 7-0 with no opposition at the hearing, and there is no fiscal note. I'd appreciate your support on LB1083. Thank you. [LB1083]

SENATOR CARLSON: Thank you, Senator Bloomfield. As the Clerk indicated, there are committee amendments. Senator Campbell, you're recognized, as Chair of Health and Human Services, to open on the amendment. [LB1083]

SENATOR CAMPBELL: Thank you, Mr. President and members of the body. The committee amendment adds the word "licensed" before "nurse" in the bill. This amendment clarifies that the Nurse Practice Act does not prohibit a licensed nurse who is a friend or relative, as specified in the bill, from providing home care for compensation or gratuitously to a family member to a friend. These licensed individuals will be under the oversight for qualifications, discipline requirements as any other nurse that the department now licenses or certifies. So it has to be a licensed...that person has to hold a license. I would like to add, colleagues, that in the hearing the committee heard that

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

Floor Debate
March 22, 2012

Senator Dierks had started working on this issue because of the ambiguity in the language. And so I think what Senator Bloomfield has tried to do in his bill is to clarify that language. And the department's concern was that we make sure we provide in our amendment that these be licensed. And with that, Mr. President, I would conclude. Thank you. [LB1083]

SENATOR CARLSON: Thank you, Senator Campbell. Members, you've heard the opening on LB1083 and the underlying committee amendment. The floor is now open for debate. Senator Karpisek, you're recognized. [LB1083]

SENATOR KARPISEK: Thank you, Mr. President. Would Senator Bloomfield yield for another question, please? [LB1083]

SENATOR CARLSON: Senator Bloomfield, would you yield? [LB1083]

SENATOR BLOOMFIELD: Yes, I would. [LB1083]

SENATOR KARPISEK: Thank you, Senator Bloomfield. Is this the same family in the last bill? [LB1083]

SENATOR BLOOMFIELD: It is not. [LB1083]

SENATOR KARPISEK: Okay, thank you. And you said that the nurse in this situation is a family member of the patient. Do you know what the relationship is? [LB1083]

SENATOR BLOOMFIELD: It's a mother-son relationship. [LB1083]

SENATOR KARPISEK: Okay. And how old is the son, do you know? [LB1083]

SENATOR BLOOMFIELD: He's currently 32. [LB1083]

SENATOR KARPISEK: Okay. Thank you. I'm just wondering, okay, so my dad was just sick. I went out, spent nights with him there. My question is, if I would have been a licensed nurse, then could I have been paid for that time that I took care of him? [LB1083]

SENATOR BLOOMFIELD: I don't know if you would be reimbursed for your time with that. This situation is a 24/7 situation, where she is with the son continually. She has had no respite for a number of years. The state had been paying her for a number of years and then, due to what they thought was a change in law, said, we can no longer do that, that it was an ambiguity in the bill...or in the reading of the law. And all I am doing is clarifying the language; it really doesn't change anything. And I don't know whether or not you could have been reimbursed for that. [LB1083]

Floor Debate
March 22, 2012

SENATOR KARPISEK: And that's just...I've had this same situation in my district, too, Senator Bloomfield. And so I am just curious, and mine was the exact same situation. But I wonder when...how many hours, I mean, when does the Mom become Mom, and when does the Mom become the nurse? And I don't know if it's a...do you know that, Senator Bloomfield? Is it, like, a eight-hour shift or...? [LB1083]

SENATOR BLOOMFIELD: I was just told that she could be paid for up to 18 hours a day, and that's the maximum. This is a Medicaid payment situation, so, again, I don't know if that would have...if your father was on Medicaid or not. So that would be the... [LB1083]

SENATOR KARPISEK: He was not. It didn't last that long, as this case probably has. But I guess my thought is, so Mom is Mom for 6 hours a day but gets paid as a nurse for 18 hours a day. [LB1083]

SENATOR BLOOMFIELD: No, Mom is Mom 24 hours a day in this situation. This is another one of those... [LB1083]

SENATOR KARPISEK: Then she's getting paid to be Mom? [LB1083]

SENATOR BLOOMFIELD: She gets paid 18...or she was being paid, up until this change, 18 hours a day to take care of her son 24 hours a day. And I believe that's on a five-day-a-week basis. She has had no other nurses come in. Again there was an immunity situation, where he cannot be around other people. [LB1083]

SENATOR KARPISEK: Okay, thank you, Senator Bloomfield. I just...I guess I think 18 hours a day is an awful lot, and I guess maybe we can look into that further. And I apologize again, Senator Bloomfield, I know you're just trying to make this clear to the department, and I appreciate that. Again, I had the same situation come up in my district. And I did have to tell the mother that I felt that her being paid to care for her own daughter, in the case, that many hours was not quite right. I think that we look at cutting all these things. I'm glad that the son can stay home. It's probably the best thing for him... [LB1083]

SENATOR CARLSON: One minute. [LB1083]

SENATOR KARPISEK: ...but I think we all make decisions in our life on when we stay home to take care of kids, when we don't work, mothers that stay home and take care of kids. I know it's a different situation, but 18 hours a day, to me, seems like a little much. And again, that's not the debate on this bill. And I will probably look at that next year. Thank you, Mr. President. [LB1083]

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

Floor Debate
March 22, 2012

SENATOR CARLSON: Thank you, Senator Karpisek and Senator Bloomfield. There are no other senators wishing to speak. Senator Campbell, you're recognized to close on AM1991. She waives closing. The question is, shall AM1991 be adopted to LB1083? All those in favor vote yea; all opposed vote nay. Has everyone voted that wishes to vote? Record, Mr. Clerk. [LB1083]

CLERK: 28 ayes, 0 nays on adoption of the committee amendments. [LB1083]

SENATOR CARLSON: AM1991 is adopted. Seeing no other lights, Senator Bloomfield, you're recognized to close on LB1083. [LB1083]

SENATOR BLOOMFIELD: Thank you, Mr. President. In attempt to answer a couple of Senator Karpisek's queries, the doctor has told the board that the son needs 24-hour care and that he would not survive...he has been put in a facility, he got deathly sick, they took him back home, got him nursed back to health with his mother's care, who happens to be a registered nurse, who cannot work outside of the home because she is spending her entire time working with this one child that under other circumstances would require three nurses to take care of him. I again ask for your support for this bill. It is another one of those life-and-death situations. Thank you. [LB1083]

SENATOR CARLSON: Thank you, Senator Bloomfield. You've heard the closing on LB1083. The question is, shall LB1083 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1083]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB1083]

SENATOR CARLSON: LB1083 does advance. (Visitors introduced.) Mr. Clerk, next item. [LB1083]

CLERK: LB734, a bill by Senator Schumacher. (Read title.) Introduced January 4, referred to Judiciary, advanced to General File. I have no amendments to the bill. [LB734]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Schumacher, you're recognized to open on LB734. [LB734]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. "Replevin" is one of those Old English words that sometimes appears in our judicial system, and what it means is when somebody else has something of yours and you want it back and they won't give it back, you go to a judge and you say, hey, Judge, somebody has got something of mine and they won't give it back, make him give it back. And the judge holds a hearing and determines, yeah, you're right, this person has got something that belongs to you and it should be returned. The judge then signs an

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

Floor Debate
March 22, 2012

order. And the judge says to the sheriff, hey, go out and get this stuff and return it to this guy, and then when you got all that done, return here with a note telling me what you did. Now, there's two statutes that apply for the timing on the return of that note. One is 25-1095, which says that the sheriff is to bring a note back by whatever time it says in the order. Then there's another statute, 1096, which is the one that's being amended here, that says that's all got to be done within 20 days. And that is creating some confusion because they seem to conflict a bit. And it's also, if you have to go by 1096, creating some problems, particularly when the sheriff is told, go get a big piece of equipment, for example, or an irrigation pivot or a repossession of something that is really hard to do real quick, particularly if it's buried under ten feet of snow in January. And so what this particular amendment (sic) does is simply reconciles those two statutes and says that it is 20 days, unless the judge says something different in the order, then it's whatever the judge says. Thank you, Mr. President and members of the body. [LB734]

SENATOR CARLSON: Thank you, Senator Schumacher. Members, you've heard the opening on LB734. The floor is now open for debate. Seeing no senators wishing to speak, Senator Schumacher, you're recognized to close. Senator Schumacher waives closing. The question is, shall LB734 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB734]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB734. [LB734]

SENATOR CARLSON: LB734 does advance. Mr. Clerk, LB737. [LB734 LB737]

CLERK: LB737, by Senator Gloor. (Read title.) Introduced on January 4, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President. [LB737]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Gloor, you're recognized to open on LB737. [LB737]

SENATOR GLOOR: Thank you, Mr. President. This bill was introduced at the request of the Nebraska State Patrol. Their intent, to their credit, was to reduce the hassle factor for prospective adoptive parents. It provides cleanup language to amend Nebraska state statute 43-107 requiring fingerprint-based national criminal history record background checks for adoptive home studies and for prospective adoptive parents. Background checks are currently statutorily required for all prospective adoptive parents. The language is being updated because it's been the experience of the State Patrol that applicants are submitting these requests without the adequate number of fingerprint cards. It requires two sets of cards. And we are, in fact, putting in language that specifies to prospective adoptive parents that they are to submit two sets of fingerprint cards. Too often they come in with one. Two is required by the FBI when

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

Floor Debate
March 22, 2012

these are sent in. We think it'll make a difference, because changing the statute and adoptions usually involve, almost always involve, the prospective adoptive parents getting an attorney, and those attorneys are likely to read the statute and pay attention, so that when these applications come in they'll have the prerequisite number of cards, that being two. If all the necessary information is provided at the time, this can go much faster, quick turnaround time, and reduce some of the angst that comes when these forms have to then be returned to the prospective parents. This will smooth the process during a time of anticipation and anxiety for prospective adoptive parents, and I'd ask for your approval. Thank you. [LB737]

SENATOR CARLSON: Thank you, Senator Gloor. Members, you've heard the opening on LB737. The floor is now open for debate. Seeing no senators wishing to speak, Senator Gloor, you're recognized to close. Senator Gloor waives closing. The question is, shall LB737 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB737]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB737. [LB737]

SENATOR CARLSON: LB737 does advance. Mr. Clerk, LB768. [LB737 LB768]

CLERK: LB768, a bill by Senator Howard. (Read title.) Introduced on January 4, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President. [LB768]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Howard, you're recognized to open on LB768. [LB768]

SENATOR HOWARD: Thank you, Mr. President. And again, good morning, colleagues. LB768 is a technical correction to the adoption bill I brought before you last year. LB94 was successfully passed, and I am pleased that adoptive parents now have access to essential information about their children. However, included in the bill was a section limiting the requirements to cases after the legislation's effective date. Unfortunately, my office was informed that this section is being interpreted so that only those parents who adopt their children after the effective date of LB94 are allowed access to the file. LB768 will correct this misinterpretation. The technical correction will ensure that the Department of Health and Human Services does what we anticipated they would do when we passed LB94 last year. Thank you. [LB768 LB94]

SENATOR CARLSON: Thank you, Senator Howard. Members, you've heard the opening on LB768. The floor is now open for debate. Seeing no senators wishing to speak, Senator Howard, you're recognized to close. She waives closing. The question is, shall LB768 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB768]

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

Floor Debate
March 22, 2012

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB768. [LB768]

SENATOR CARLSON: LB768 does advance. Mr. Clerk, LB805. [LB768 LB805]

CLERK: LB805, by Senator Lautenbaugh. (Read title.) Introduced on January 5, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President. [LB805]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Lautenbaugh, you're recognized to open on LB805. [LB805]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. Simply put, when we did some updating of the fireworks statutes a year or two ago, we erroneously left in the final version a requirement that the Fire Marshal collect Social Security numbers for people who are getting permits or putting on displays or permits to operate fireworks booths. That information is already captured for tax purposes elsewhere. And this created a problem for the Fire Marshal's Office in that now they have all these Social Security numbers. They don't need them, but they have to keep them secure to prevent identity theft, and there's no point to it. So the Fire Marshal's Office came to me and said, would you carry a bill that simply removes the requirement that we obtain Social Security numbers from people who are either seeking to display fireworks or operate a tent or whatever for selling fireworks. And that's what this bill does. [LB805]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. Members, you've heard the opening on LB805. The floor is now open for debate. Seeing no senators wishing to speak, Senator Lautenbaugh, you're recognized to close. He waives closing. The question is, shall LB805 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB805]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB805. [LB805]

SENATOR CARLSON: LB805 does advance. Mr. Clerk, LB881. [LB805 LB881]

CLERK: LB881, by Senator Coash. (Read title.) Introduced on January 9, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB881]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Coash, you're recognized to open on LB881. [LB881]

SENATOR COASH: Thank you, Mr. President. LB881 is a bill that helps counties and

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

Floor Debate
March 22, 2012

law enforcement agencies more accurately plan for expenses as related to the treatment for apprehended and injured incarcerated individuals. It is a clarifying bill that clarifies that an apprehending or arresting agency is responsible for medical costs incurred from injuries to a person in the course of his or her arrest. It further clarifies that the facility in which the person is incarcerated, such as a county jail, shall not be responsible for such medical costs resulting from injuries during the arrest. With that, I would urge the body's advancement of LB881. [LB881]

SENATOR CARLSON: Thank you, Senator Coash. Members, you've heard the opening on LB881. The floor is now open for debate. Seeing no senators wishing to speak, Senator Coash waives closing. The question is, shall LB881 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB881]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB881. [LB881]

SENATOR CARLSON: LB881 does advance. LB941, Mr. Clerk. [LB881 LB941]

CLERK: LB941, by Senator Smith. (Read title.) Introduced on January 11, referred to Judiciary, advanced to General File. I have no amendments to the bill, Mr. President. [LB941]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Smith, you're recognized to open on LB941. [LB941]

SENATOR SMITH: Thank you, Mr. President. And good morning again, colleagues. LB941 would change the holding period requirements for secondhand jewelry. In researching another bill, I came across a provision of law that requires pawnbrokers, dealers in secondhand goods, and junk dealers to hold items for 14 days before their resale or removal from the premises. However, that same section of law requires a holding period of only 5 days for secondhand jewelry. We investigated this more and found that Lincoln and Omaha both have ordinances that require a uniform 14-day holding period for all items. These cities' police departments indicated to me that 5 days is simply not enough time to track any item that may have been stolen and then pawned. In addition, nobody in the pawnshop industry could give me an explanation as to why secondhand jewelry is treated differently in our statutes than other secondhand items. LB941 simply increases the holding period for secondhand jewelry from 5 days to 14 days so it would be consistent for all items. In addition, current law has a provision that no jewelry may be destroyed, damaged, or defaced for a period of 72 hours. This has also been changed to 14 days under the bill. A public hearing on LB941 was held by the Judiciary Committee on February 16, and it was supported by the Omaha Police Department and a representative of the pawnshop industry. The Police Chiefs Association also sent a letter in support of this measure. LB941 provides consistency and clarity, and I ask that you advance the bill. Thank you. [LB941]

Floor Debate
March 22, 2012

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Senator Smith. You have heard the opening on LB941. The floor is now open for discussion. Seeing no lights on, Senator Smith, you're recognized to close. Senator Smith waives closing. The question before the body is, shall LB941 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. [LB941]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB941. [LB941]

SENATOR LANGEMEIER: LB941 does advance. Mr. Clerk, LB1148. [LB941 LB1148]

CLERK: LB1148, by Senator Gloor. (Read title.) Introduced in January, referred to Health and Human Services, advanced to General File. There are committee amendments, Mr. President. (AM2119, Legislative Journal page 735.) [LB1148]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Gloor, you're recognized to open on LB1148. [LB1148]

SENATOR GLOOR: Thank you, Mr. President. This bill is an attempt to address the shortage we have of certain qualified specialists in behavioral health. It does two things: It provides an alternative way for currently certified marriage and family therapists to attain the designation of approved supervisor, and it reduces the number of direct supervised hours from 200 to 100 required for a licensed mental health practitioner to attain the certification of marriage and family therapist. All applicants for marriage and family therapy certification already are licensed mental health practitioners, LMHPs, with master's or doctorate degrees in marriage and family therapy. With the additional supervised hours after graduation, therapists can attain the specialty designation of marriage and family therapist. I'd ask for your approval. Thank you. [LB1148]

SENATOR LANGEMEIER: Thank you, Senator Gloor. As the Clerk has stated, there are committee amendments from the Health and Human Services Committee. Senator Campbell, as Chairman, you're recognized to open on the committee amendment. [LB1148]

SENATOR CAMPBELL: Thank you, Mr. President. The committee amendment makes changes at the request of the Department of Health and Human Services. And those clarifications are that the supervisor-supervisee contact hours shall be completed during the course of the 3,000 hours of supervised experience; number two, that the standards set in rules and regulations are both approved by the board and promulgated by the department; and number three, removes "licensed," from the bill, because marriage and family therapy is a certification, not an additional license. Thank you, Mr. President.

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

Floor Debate
March 22, 2012

[LB1148]

SENATOR LANGEMEIER: Thank you, Senator Campbell. You have heard the opening on the committee amendments. The floor is now open for discussion. Seeing no lights on, Senator Campbell, you're recognized to close. Senator Campbell waives closing. The question before the body is, shall AM2119 be adopted to LB1148? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1148]

CLERK: 34 ayes, 0 nays on adoption of committee amendments. [LB1148]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to LB1148. The floor is open for discussion. Seeing no lights on, Senator Gloor, you're recognized to close. Senator Gloor waives closing. The question before the body is, shall LB1148 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? [LB1148]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB1148. [LB1148]

SENATOR LANGEMEIER: LB1148 does advance. Mr. Clerk, LB740. [LB1148 LB740]

CLERK: LB740 is a bill by Senator Schilz. (Read title.) Introduced on January 4, referred to Transportation and Telecommunications, advanced to General File. There are committee amendments. (AM2212, Legislative Journal page 775.) [LB740]

SENATOR LANGEMEIER: Senator Schilz, you are recognized to open on LB740. [LB740]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. LB740 would allow for a permit to be purchased allowing a farmer or rancher to haul hay in loads of up to 59.5 feet in length. The permit would be valid for one year and is to be carried in the cab of the truck-tractor. The fee for the permit is \$50 and will be collected and distributed the same as other motor vehicle fees which is credited to the Highway Trust Fund. This permit will allow Nebraska to keep up with the exceptions of neighboring states and make business more efficient when hauling across state lines. It should be noted that even with the new length, the weight of the new loads would still be under what is legal today. Nebraska Farm Bureau and Nebraska Cattlemen came in support. Nebraska State Patrol testified in a neutral capacity. And with that, I would ask for your support of the committee amendment and the passage of LB740. [LB740]

SENATOR LANGEMEIER: Thank you, Senator Schilz. As the Clerk has stated, there are Transportation and Telecommunications Committee amendments. Senator Fischer, as Chairperson, you're recognized to open on the committee amendments. [LB740]

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

Floor Debate
March 22, 2012

SENATOR FISCHER: Thank you, Mr. President and members of the body. The committee amendment, AM2212, strikes the original sections and becomes the bill. The amendment inserts a new provision into Section 60-6,290 so that a truck-tractor with a semitrailer carrying livestock forage can attain a maximum length of 59 feet and 6 inches. The amendment is drafted to include the semitrailer and the forage load within the maximum length allowed but not to include the length of the tractor-trailer. The committee amendment was drafted and discussed in consultation with officials from the State Patrol and members of the Farm Bureau, and all parties were content with the outcome. Thank you, Mr. President. [LB740]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on the committee amendment offered to LB740. The floor is open for discussion. Seeing no lights on, Senator Fischer you're recognized to close. Senator Fischer waives closing. The question for the body is, shall AM2212 be adopted to LB740? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB740]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB740]

SENATOR LANGEMEIER: The amendments are adopted. We return now to discussion on LB740, the bill itself. Seeing no lights on, Senator Schilz, you're recognized to close. Senator Schilz waives closing. The question for the body is, shall LB740 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. [LB740]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB740. [LB740]

SENATOR LANGEMEIER: LB740 does advance. Mr. Clerk, LB851. [LB740 LB851]

CLERK: LB851, by Senator Fischer. (Read title.) Introduced on January 6, referred to the Revenue Committee, advanced to General File. I have no amendments, Mr. President. [LB851]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you're recognized to open on LB851. [LB851]

SENATOR FISCHER: Thank you, Mr. President and members of the body. LB851 is a bill that our colleague, Senator Dennis Utter, had planned to introduce and I am very pleased to introduce it on his behalf. The bill was brought to me by NACO, specifically by county treasurers, to make the issuance of property tax receipts optional. Currently, Nebraska statute requires county treasurers to issue a receipt in duplicate when

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

Floor Debate
March 22, 2012

property taxes are paid. One receipt goes to the taxpayer and the other is retained by the county. Today, many taxpayers actually pay their property taxes through their mortgage holders and these mortgage companies often request not to receive a receipt. LB851 would eliminate the requirement of a duplicate receipt since most taxpayers do not want the receipt. For those property owners who still want a receipt, LB851 provides for a receipt upon request. Additionally, if a county treasurer feels more comfortable issuing receipts to every taxpayer, including mortgage companies, the bill does allow for that. The bill was advanced unanimously by the Revenue Committee. Thank you, Mr. President. [LB851]

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on LB851. The floor is now open for discussion. Seeing no lights on, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question for the body is, shall LB851 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. [LB851]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB851. [LB851]

SENATOR LANGEMEIER: LB851 does advance. Mr. Clerk, LB1106. [LB851 LB1106]

CLERK: LB1106, by Senator Schilz. (Read title.) Introduced January 19, referred to Revenue, advanced to General File. There are committee amendments. (AM2239, Legislative Journal page 782.) [LB1106]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB1106. [LB1106]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. LB1106 was introduced because, like you said before, there are public entities there that sublease land to cabin owners and things like that. In this case, Central Nebraska Power leases out land to Lake McConaughy lessees who in turn subleases it to individuals who own improvements on leased land on Central's land near Lake McConaughy. Improvements on leased land must have a 402 or 402P form signed. A 402 may be signed by the lessee or lessor. However, a 402P must be signed by the lessee only. For some reason the statutory requirements are different. The statutes, as they stand today, do not clarify that the 402P shall be signed upon any change of ownership. The statute today just requires this form following any construction thereof. The purpose of LB1106 is to clarify that the form 402P shall be filed upon any change of ownership and allow the form 402P to be filed by the owner of the improvements on the leased land or the owner of the land. NACO testified in support of this bill that there was a technical change that needed to be made and that is the amendment that we will see from the Revenue Committee and I would ask for your advancement of LB1106. [LB1106]

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

Floor Debate
March 22, 2012

SENATOR LANGEMEIER: Thank you, Senator Schilz. As the Clerk has stated, there are Revenue Committee amendments. Senator Cornett, as Chairman of the Revenue Committee, you're recognized to open on the amendment. [LB1106]

SENATOR CORNETT: Thank you, Mr. President. The Revenue Committee amendment, AM2239, to LB1106 amends the bill...it retains the provision of the bill as introduced except the committee amendment strikes the phrase "or the owner of the land." As so amended, LB1106 required the assessment application form to be signed by the owner of the improvement and not by the owner of the land. I urge you to adopt the committee amendment, AM2239. [LB1106]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the opening on the committee amendment offered to LB1106. The floor is open for discussion. Seeing no lights on, Senator Cornett, you're recognized to close. Senator Cornett waives closing. The question for the body is, shall AM2239 be adopted to LB1106? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1106]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB1106]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to discussion on LB1106, the bill itself. Seeing no lights on, Senator Schilz, you're recognized to close. Senator Schilz waives closing. The question for the body is, shall LB1106 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. [LB1106]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB1106. [LB1106]

SENATOR LANGEMEIER: LB1106 does advance. (Visitors introduced.) Mr. Clerk, LB1026. [LB1106 LB1026]

CLERK: LB1026, by Senator Avery. (Read title.) Introduced on January 17, referred to Banking, Commerce and Insurance, advanced to General File. I have no amendments to the bill, Mr. President. [LB1026]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LB1026. [LB1026]

SENATOR AVERY: Thank you, Mr. President. LB1026 is a fairly simple bill. It restores the words "amount due" under the Uniform Disposition of Unclaimed Property Act in our statute, Section 67-1317. These words were taken out in 2009 under LB432. It removed personal information from the State Treasurer's unclaimed property records for public

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

Floor Debate
March 22, 2012

inspection to protect the people of Nebraska from danger of fraud and identity theft. I thought it was good legislation at the time in order to safeguard our citizens from personal and financial exploitation and I voted for it. However, as is sometimes the case, there was an unintended consequence of this legislation. When we removed the words "amount due" from the statute, we made it a substantially more difficult task for citizens to be reunited with their unclaimed property. And here is why. There are professional finders now who have discovered that it is a financial gamble to do the research necessary to link families to their property. These finders provide an essential service to our citizens by undertaking the difficult task of looking through county records and volumes of books in old libraries to find the rightful owners of unclaimed property. Sometimes you go through very...a great many different heirs to an estate. And they do this at their own expense. In return for that they get a 10 percent finder's fee. It needs to be stressed that these professional finders are engaged in legitimate business. They undertake the difficult task of search and research at their own expense. So replacing the "amount" language will tell them which claims...which unclaimed items they should attempt to reunite with Nebraskans. It tells them whether or not it is worth the research. If it is a small amount, of course, it's not worth their time and effort. If it's a large amount, then it may be. LB1026 is a reasonable statutory request. It does not jeopardize property owners' confidentiality rights. It maintains the integrity of the 2009 legislation and makes it more likely that professional finders can, in fact, continue to operate their business in a reasonable manner. I urge you to vote to advance this bill. Thank you, Mr. President. [LB1026]

SENATOR LANGEMEIER: Thank you, Senator Avery. You've heard the opening on LB1026. The floor is open for discussion. Seeing no lights on, Senator Avery, you're recognized to close. Senator Avery waives closing. The question for the body is, shall LB1026 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. [LB1026]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB1026. [LB1026]

SENATOR LANGEMEIER: LB1026 does advance. Mr. Clerk, LB1140. [LB1026 LB1140]

CLERK: Mr. President, LB1140 is a bill by Senator Mello. (Read title.) Introduced on January 19, referred to Government, Military and Veterans Affairs, advanced to General File. I have no amendments to the bill, Mr. President. [LB1140]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LB1140. [LB1140]

SENATOR AVERY: Thank you, Mr. President. I am happy to assist Senator Mello with LB1140. This bill will update the Professional Landscape Architects Act. This was

Floor Debate
March 22, 2012

brought to Senator Mello on behalf of the State Board of Landscape Architects. The bill makes several revisions that are relatively minor in nature but would bring the act more in line with the model landscape architect laws upon which other states have based their own landscape architecture statutes. First, LB1140 would change "registration" under the act to "licensure" and provide the board with the authority to adopt licensing standards to meet the standards that have been established by the Council of Landscape Architectural Registration Boards, hereafter referred to as CLARD...CLARB, excuse me. Because of the constitutional prohibition on delegation of legislative authority, rather than directly adopting the CLARB standards, the bill would allow the board to adopt licensure standards through the rules and regulations process. Current standards in Nebraska to become a licensed landscape architect are an accredited degree in landscape architecture, four years of experience under a licensed landscape architect, and passage of the Landscape Architect Registration Exam, hereafter referred to by its acronym LARE. In contrast, the standards that have been established by CLARB call for only three years of experience. In fact, Nebraska is one of the few remaining states that have a four-year experience requirement. Additionally, LB1140 provides that the LARE examinations may be administered by either the board or by CLARB. These examinations are transitioning from the traditional paper and pencil format to an electronic format later this year, so without these changes the board would be unable to license candidates who pass the exam in the new format. The bill faced no opposition at the hearing and was advanced by the Government Committee on a 6 to 0 vote with 2 members present and not voting. I urge the adoption of LB1140 at this time. Thank you, Mr. President. [LB1140]

SENATOR LANGEMEIER: Thank you, Senator Avery. You have heard the opening on LB1140. The floor is now open for discussion. Senator Fulton, you're recognized. [LB1140]

SENATOR FULTON: Thank you, Mr. President. I read all these bills and I get questions. Would Senator Avery yield to a question? [LB1140]

SENATOR LANGEMEIER: Senator Avery, would you yield? [LB1140]

SENATOR AVERY: I will. [LB1140]

SENATOR FULTON: There's a difference between landscape architects and landscape. I'll just preface all of this by saying that I deal with architects and engineers in a previous life and licensure is a pretty big deal to them. Is there a difference between landscape architects and landscape designers? [LB1140]

SENATOR AVERY: I think there is and I don't know exactly what the difference is. I know that in a lot of these areas the architects have more responsibility and different responsibilities than do designers, but I can't tell you what they are in this particular

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

Floor Debate
March 22, 2012

case, Senator. [LB1140]

SENATOR FULTON: Do you recall...I spoke with Senator Wallman. I notice there are two present, not voting, on this bill. I spoke with Senator Wallman. He indicated he didn't think this was a necessary bill. Do you remember discussing...can you shed some light on the discussion that you guys had in committee? [LB1140]

SENATOR AVERY: I don't think there was any serious opposition. Sometimes people are out of the room when we are discussing some of these bills in Executive Session, and unless it's a really important issue they don't ask to keep the record open for their vote. [LB1140]

SENATOR FULTON: Okay. Well, I'll just...I'll leave this open. I know that there's a...there's always a question about licensure when it comes to engineers and architects. And if there was any issue with this, then here's an opportunity for anyone out there to raise their issue and I'll just stop with that. Thanks. Thank you, Mr. President. [LB1140]

SENATOR LANGEMEIER: Thank you, Senator Fulton. Seeing no other lights on, Senator Avery, you're recognized to close. Senator Avery waives closing. The question for the body is, shall LB1140 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. [LB1140]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB1140. [LB1140]

SENATOR LANGEMEIER: LB1140 does advance. Mr. Clerk, LB936. [LB1140 LB936]

CLERK: LB936 is a bill by Senator Karpisek. (Read title.) Introduced on January 10, referred to the Government Committee, advanced to General File. I do have committee amendments, Mr. President. (AM2303, Legislative Journal page 784.) [LB936]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Karpisek, you're recognized to open on LB936. [LB936]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. Current law allows a county board of supervisors to terminate a township board if the township board has become inactive. If the township board has become inactive, the board holds a public hearing on the issue of terminating the township board. If no appointment to the township board has been made within 30 days after the hearing, the county board adopts a resolution to terminate the township board. LB936 provides that the resolution will state the effective date of the termination. Current law provides the terminations will occur on the following June 30, or if the resolution is adopted on or after June 1 but before June 30 the township board terminates on the following July 31. This bill would allow the county to take over the funds that are left in the township board immediately to

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

Floor Debate
March 22, 2012

take care of what the township was taking care of. Thank you, Mr. President. [LB936]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. As the Clerk has stated, there are committee amendments offered by the Government, Military and Veterans Affairs Committee. Senator Avery, as Chairman, you're recognized to open. [LB936]

SENATOR AVERY: Thank you, Mr. President. The committee amendment, AM2303, merely adds the emergency clause to the bill. Saunders County is currently in the process of terminating some of their townships and the emergency clause will help that county expedite the process, and I urge that you adopt this amendment. Thank you. [LB936]

SENATOR LANGEMEIER: Thank you, Senator Avery. You have heard the opening on AM2303 offered to LB936. The floor is open for discussion. Seeing no lights on, Senator Avery, you're recognized to close. Senator Avery waives closing. The question for the body is, shall AM2303 be adopted to LB936? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB936]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB936]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to discussion on LB936, the bill itself. Seeing no lights on, Senator Karpisek, you're recognized to close. Senator Karpisek waives closing. The question for the body is, shall LB936 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. [LB936]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB936. [LB936]

SENATOR LANGEMEIER: LB936 does advance. (Visitors introduced.) Returning back to today's agenda, LB8...Mr. Clerk, LB897. [LB936 LB897]

CLERK: LB897, Mr. President, a bill by Senator Pahls. (Read title.) Introduced on January 9, referred to the Revenue Committee, advanced to General File. I have no amendments. [LB897]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pahls, you're recognized to open on LB897. [LB897]

SENATOR PAHLS: Thank you, Mr. President and members of the body. I introduced LB897 on behalf of the Douglas County Clerk. The bill repeals a provision that requires a county clerk to maintain the county tax list in counties of a population in excess of 200,000. The county assessor maintains that list in all other counties. The 200,000

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

Floor Debate
March 22, 2012

distinction was made in the 1940s and there isn't any record of why. Incidentally, Lancaster follows the example of other counties in spite of its 2,000 population...over 200,000, I should be saying. The tax list is a list of each piece of taxable personal and real property in the county. It lists the owner, the value, the levy for each subdivision taxing the property, the amount of the tax, and whether or not the taxpayer is delinquent. Again, this bill requires that the tax list be prepared by the county assessor in Douglas County as it is in every other county. Thank you. [LB897]

SENATOR LANGEMEIER: Thank you, Senator Pahls. You have heard the opening on LB897. The floor is now open for discussion. Seeing no lights on, Senator Pahls, you're recognized to close. Senator Pahls waives closing. The question for the body is, shall LB897 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. [LB897]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB897. [LB897]

SENATOR LANGEMEIER: LB897 does advance. Mr. Clerk, LB822. [LB897 LB822]

CLERK: LB822, a bill by Senator Adams. (Read title.) Introduced in January, referred to Revenue, advanced to General File. There are committee amendments. (AM2313, Legislative Journal page 787.) [LB822]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Adams, you're recognized to open on LB822. [LB822]

SENATOR ADAMS: Thank you, Mr. President and members. This bill, LB822, again was brought by NACO, particularly this time by the county assessors. And under current law when you get your real estate statement, particularly if there's a change in value, there are certain requirements of things that have to appear on that statement, that there is a change in value, what that value is, when the county board of equalization will meet, what the protest filing deadlines are. And also on the tax statement there is, up at the top, a number to indicate that the various classes and subclasses of real property within that county, what the median value has been determined by TERC, what that median value is. And the essence of it is, the county assessors tell me, all it really does is create confusion for taxpayers because it really doesn't really mean a whole lot for that particular taxpayer. It's what the median value is for the classes within the whole county. And so they have individual taxpayers coming in, what does this mean? My value, and it's supposed to be at this level, and it's not. So the county assessors have said, can we change that and just put a statement at the top of the tax statement that says, the classes and subclasses of property within the county all are within the appropriate range. And there is a committee amendment forthcoming that actually just eliminates all the language altogether to eliminate confusion. But that's the essence of the bill. Thank you, Mr. President. [LB822]

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

Floor Debate
March 22, 2012

SENATOR LANGEMEIER: Thank you, Senator Adams. Senator Louden, as Vice Chair of the Revenue Committee, you're recognized to open on the committee amendment. [LB822]

SENATOR LOUDEN: Thank you, Mr. President. The Revenue Committee amendment, AM2313, is a white copy amendment to LB822, which rewrites the bill to state that the notice sent by a county assessor to a real property taxpayer must identify the item of real property and state the old and new valuation, the date of convening of the county board of equalization, and the dates for filing a protest. That change will eliminate the source of confusion experienced by some real property taxpayers which was identified during the Revenue Committee's public hearing on LB822. [LB822]

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the opening on the committee amendment offered to LB822. The floor is open for discussion. Senator Adams, you're recognized. [LB822]

SENATOR ADAMS: I don't want to take up a lot of time, but I simply want to dovetail a bit on the committee amendment. The reality is, in the green copy of the bill, we were trying to make this easier for taxpayers by not putting a bunch of percentages in. And then the committee said, well, why don't we just take this out altogether. I think, Senator Schumacher, that may have been your idea in its origin. And it really makes sense that if confusion is the issue, then let's just take out whether it be numbers or a statement that's eliminated. Thank you, Mr. President. [LB822]

SENATOR LANGEMEIER: Thank you, Senator Adams. Seeing no others wishing to speak, Senator Louden, you're recognized to close on the committee amendment. Senator Louden waives closing. The question for the body is, shall AM2313 be adopted into LB822? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB822]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB822]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to discussion on LB822, the bill itself. Seeing no lights on, Senator Adams, you're recognized. Senator Adams waives closing. The question for the body is, shall LB822 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB822]

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB822. [LB822]

SENATOR LANGEMEIER: LB822 does advance. Speaker Flood, you're recognized for

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

Floor Debate
March 22, 2012

an announcement. [LB822]

SPEAKER FLOOD: Thank you, Mr. President and members. Two things here: First of all, at 11:45 this morning, the State Capitol Building is conducting a tornado drill. At 11:45 this morning you're going to see one of our Sergeant at Arms at the door over by the American flag behind the Clerk. We will all file in behind the Sergeant at Arms and we will be escorted to our tornado drill location, which is in the basement of the State Capitol complex. This tornado drill should last no more than, I wouldn't think, 15 minutes, and at the conclusion, we'll come back. We're not going to recess at 11:45. We will stand at ease and evacuate the Chamber. Next, for next week, I wanted to let you know what the steps are. Tuesday, obviously, we're going to start at 10:00 a.m. We're going to take up some Final Reading. As part of that Final Reading, you'll see the budget on tap. It is the fiftieth day and, per our rules, the budget has to be sent to the Governor by the legislative rules. And we will be doing that first thing Tuesday. We have a lot of Select File to take up next week. In fact, you're going to see a very long agenda when we get done today. We're going to start taking that Select File up on Tuesday until about 5:00. At 5:00, we're going to switch to General File and we're going to resume debate on the voter I.D. bill from Senator Janssen, which is LB239. We will work on LB239 starting Tuesday at 5:00 and, if necessary, we will complete that next Wednesday; next Wednesday, more Select File. And we'll be sprinkling in some General File as necessary through the week. But if you've got a bill in General File that hasn't been heard, it's possible we won't get to it next week. We have 50 bills on Select File right now that we need to get to and deal with. We've had three of our senator committee speaker priority bills that have made it to the Governor's desk. So we need to start preparing for a lot of Final Reading by dealing with a lot of Select File. I hope that helps give you kind of a snapshot of where we're going. If you have any questions, please don't hesitate to see me. Thank you.

SENATOR LANGEMEIER: Thank you, Speaker Flood. Mr. Clerk, LB1038. [LB1038]

CLERK: LB1038, a bill by Senator Council. (Read title.) The bill was introduced on January 17, referred to the Education Committee, advanced to General File. There are committee amendments, Mr. President. (AM2256, Legislative Journal page 795.) [LB1038]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Council, you're recognized to open on LB1038. [LB1038]

SENATOR COUNCIL: Thank you, Mr. President. Good morning, colleagues. I'm going to open on LB1038 although the committee amendment completely replaces it. LB1038 originally required that children be blood-lead tested prior to enrollment in kindergarten. And this is not a bill that's unfamiliar to you, since in its original form last year it was advanced, and it generated considerable opposition after advancement leading to a

Floor Debate
March 22, 2012

gubernatorial veto. The committee amendment, as I said, completely replaces the original bill and, rather than mandating blood-lead testing prior to enrollment in kindergarten, there is no connection between school enrollment and the blood-lead testing. Under LB1038, with the committee amendment, all it requires is that the Department of Health and Human Services establish a statewide lead poisoning prevention program that contains certain components. It must contain an outreach and education component. It must provide for the blood-lead testing of Medicaid children, which is currently mandated by Medicaid. And you will see in the amendment all it requires is that Medicaid children be tested in accordance with the state's Medicaid plan. With respect to children who are not Medicaid children or Medicaid eligible, all the bill does now with the committee amendment is to provide for the Department of Health and Human Services to recommend to healthcare providers that they recommend that blood-lead testing be conducted on children if those children reside in zip codes where there is data indicating that there is a high prevalence of blood-lead poisoning. That data will be collected also as a part of this statewide program and will be made available on an annual basis so that medical providers will know whether or not a child that they are treating resides within a zip code where it would be necessary for them to recommend to the parent blood-lead testing. With the committee's amendment there is no fiscal note. I want to state and publicly acknowledge that the committee amendment is the result of consultation between the Chair of the Education Committee, Senator Adams, myself, Dr. Joann Schaefer, and a representative of the Governor's Office. Dr. Schaefer was in regular communication with representatives of the Nebraska Medical Association. And if you look at the committee statement, the only two opponents to the original version of the bill was the Department of Health and Human Services and the Nebraska Medical Association. The amendment satisfies all of the concerns that were expressed by those testifiers, as well as by eliminating any connection to kindergarten enrollment it addresses and eliminates all of the concern expressed to the original version of the bill. And with that, I would turn it over to Senator Adams for the committee amendment. [LB1038]

SENATOR LANGEMEIER: Thank you, Senator Council. As the Clerk has stated, there are committee amendments from the Education Committee. Senator Adams, as Chairman, you're recognized to open on the committee amendments. [LB1038]

SENATOR ADAMS: Thank you, Mr. President. Senator Council has summarized it about as well as it can be summarized, but as committee Chair, it's my obligation to run through the amendment with you one more time. As she has accurately pointed out, it is the result...the amendment is going to replace the bill in its entirety and the amendment is the result of a great deal of consultation with all parties involved. And we've come up with something here that in essence is, as Senator Council has pointed out, it is a plan for outreach as much as anything else. And she has already described for you the key components, but I will as my obligation as committee Chair. It is designed to be a plan, and part of that plan will define what the appropriate level of lead to watch for is. The

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

Floor Debate
March 22, 2012

requirement within the plan is that children who are Medicaid eligible would be tested and that already exists in statute but that...this further establishes that. And it recommends--it does not mandate, it does not require--it recommends that when a physician is meeting with children and their parents, if they reside within certain zip code areas, that they be lead blood tested or meet one of the other criterion that will be developed by HHS. That, in addition to that, when doctors do the blood-lead testing and they identify it, that that be reported to Health and Human Services, that that data annually be reported to the Legislature. It is the development of a plan and outreach not just to physicians but also to public health departments, to parents, to schools to really make them aware. And this also allows us to begin to collect data so we can even be more specific as time goes on how to deal with this issue. That's the committee amendment. Thank you. [LB1038]

SENATOR LANGEMEIER: Thank you, Senator Adams. You've heard the opening on the committee amendment offered to LB1038. The floor is now open for discussion. Seeing no lights on, Senator Adams, you're recognized to close. Senator Adams waives closing. The question for the body is, shall the committee amendment be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1038]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB1038]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to discussion on LB1038, the bill itself. Seeing no lights on, Senator Council is recognized to close. Senator Council waives closing. The question for the body is, shall LB1038 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. [LB1038]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB1038. [LB1038]

SENATOR LANGEMEIER: LB1038 does advance. Mr. Clerk, LB1005. [LB1038 LB1005]

CLERK: LB1005 is a bill by Senator Lambert. (Read title.) Introduced on January 17, referred to Business and Labor, advanced to General File. I have no amendments to the bill, Mr. President. [LB1005]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Lambert, you're recognized to open on LB1005. [LB1005]

SENATOR LAMBERT: Thank you, Mr. President, colleagues. LB1005 would amend the Volunteer Emergency Responders Job Protection Act to include all members of the

Floor Debate
March 22, 2012

state emergency response teams created under the Nebraska Emergency Management Act. The bill would prevent an employer from taking disciplinary action against an employee when he or she is serving as a state volunteer emergency responder. The Volunteer Emergency Responders Job Protection Act was enacted in 2008 to give job protection to volunteer emergency responders such as volunteer firefighters and volunteer rescue squad members, the backbone of our emergency medical service in many communities in our state. The act provides that an employer cannot terminate or discipline an employee who is absent from work or reports late to work because he or she is responding to an emergency. The volunteer emergency responder is required to give notice and provide written statements to the employer prior to seeking the protection. LB1005 extends the same protection to an individual who is a member of the state emergency response team when actively deployed pursuant to Nebraska Emergency Management Act. I ask that you support LB1005 to protect our state emergency response team volunteers who provide an essential emergency service to many Nebraska citizens. Thank you, Mr. President. [LB1005]

SENATOR LANGEMEIER: Thank you, Senator Lambert. You have heard the opening on LB1005. The floor is now open for discussion. Seeing no lights on, Senator Lambert, you're recognized to close. Senator Lambert waives closing. The question for the body is, shall LB1005 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. [LB1005]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB1005. [LB1005]

SENATOR LANGEMEIER: LB1005 advances. Mr. Clerk, LB997. [LB1005 LB997]

CLERK: LB997 by Senator Wightman relates to power lines. (Read title.) Introduced on January 17, referred to Business and Labor, advanced to General File. There are committee amendments, Mr. President. (AM1885, Legislative Journal page 798.) [LB997]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Wightman, you are recognized to open on LB997. [LB997]

SENATOR WIGHTMAN: Thank you, Mr. President. I wish to thank first Senator Lathrop, as Chair, and members of the Business and Labor Committee for advancing LB997 and agreeing that it be placed on consent calendar. I would like to tell you this will be an electrifying experience but, in all honesty, I hope it will keep people from experiencing electrifying experience, so. I introduced LB997 at the request of the Nebraska Electrical...Rural Electrical Association and the Nebraska Power Association to address the issue of unauthorized individuals manipulating high voltage overhead conductors to accommodate oversize loads on state-controlled highways. LB997 amends the high voltage safety statutes 48-436 through 48-438 to clarify that only qualified and

Floor Debate
March 22, 2012

authorized employees, or those designated by the owner of high voltage conductors and other electric utility infrastructure, can manipulate such infrastructure. LB997 also changes the definition for high voltage conductors from 720 volts to 600 volts, which is made to reflect the definition set forth in the National Electric Safety Code. LB997 is intended to protect workers that are in the process of moving large objects such as a house, sometimes a steel grain bin, or other oversize loads on the state-controlled roads in Nebraska. Power lines periodically cross over roads and may be an obstacle when moving oversized loads. While the Department of Roads required that such oversized loads be moved as much as possible off the state-owned road system, there are times when the load must travel these roads and they must need to pass under a high voltage line. Workers that manipulate these high voltage lines need to be trained to avoid electrocution and injury. The lines are the property of the electric utility and the electric utility must have the ability to determine the qualifications of the personnel that manipulate these lines. This is a matter of worker safety and protects the electric system from damage. The bill further amends 60-6,299 to require that permits for slow moving oversize loads includes written proof that the electric utility responsible for any high voltage conductors, poles, and other electric-related infrastructure along the proposed route has been notified of the move. Department of Roads currently requires permit applicants to notify affected electric utilities as part of their oversize permit process. LB997 will put the current practice into statute expressly granting authority to the Nebraska Department of Roads to establish such a requirement that will help to ensure workers safety and protect the integrity of the electric power grid. The committee amendment, AM1885, makes two additional changes which we do support and that came about as a result of concerns of the Department of Roads with regard to some of the changes that were being made. So with that, I ask your approval of LB997. Thank you, Mr. President. [LB997]

SENATOR LANGEMEIER: Thank you, Senator Wightman. As the Clerk has stated, there are committee amendments offered by the Business and Labor Committee. Senator Lathrop, as Chair of the committee, you're recognized to open on the committee amendments. [LB997]

SENATOR LATHROP: Thank you, Mr. President. Colleagues, good morning still, I guess. AM1885 removes the written authorization requirement for permits and, instead, requires the applicant to affirm under oath that they have contacted and made appropriate arrangements with the relevant utility. AM1885 additionally permits electric utility districts to address, by contract, issues of authority to manipulate lines between utility districts. Thank you. [LB997]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. You have heard the opening on the committee amendment offered to LB997. The floor is now open for discussion. Seeing no lights on, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question for the body is, shall AM1885 be adopted? All those in

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

Floor Debate
March 22, 2012

favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB997]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB997]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to LB997, the bill itself. Seeing no lights on, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question for the body is, shall LB997 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. [LB997]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB997. [LB997]

SENATOR LANGEMEIER: LB997 does advance. Mr. Clerk, LB899. [LB997 LB899]

CLERK: LB899, by Senator Lathrop. (Read title.) Introduced on January 9, referred to Judiciary. No committee amendments. I do have an amendment from the principal introducer, Mr. President. [LB899]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Lathrop, you're recognized to open on LB899. [LB899]

SENATOR LATHROP: Thank you very much, Mr. President. Last year legislation was passed that allowed for a divorce decree to be entered by the court without a hearing upon a stipulation and agreement of the parties involved in that divorce. Prior to this legislation, I was contacted by Brent Kuhn, a family attorney, who asked me to introduce a bill that set up a similar process for people seeking legal separation, which is on the increase. LB899 would follow the example set by LB669 by establishing a legal separation proceedings in law. As part of this proceeding the court would be able to enter a decree of legal separation without a hearing, if the parties waived the requirement of a hearing and they meet specific conditions contained in the bill. It is this attorney's experience that very few legal separation proceedings are contested by the parties and that when one is contested, it's usually converted into a dissolution. In any case, this will shortcut the proceeding for a legal separation, save the parties money, and the court's time. Thank you. [LB899]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. Mr. Clerk for a motion. [LB899]

CLERK: Senator Lathrop would move to amend, AM2393. (Legislative Journal page 1053.) [LB899]

SENATOR LANGEMEIER: Senator Lathrop, you're recognized to open on AM2393.

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

Floor Debate
March 22, 2012

[LB899]

SENATOR LATHROP: Be happy to. Thank you. When we had the hearing on LB899 in committee, the Nebraska State Bar testified and discussed a concern that was very close to the one addressed in this bill. AM2393 clarifies the interplay between the waiver of the final proof-up, as we call it, which the bill allows and the laws governing parenting plans. The current law in LB899 allow for a waiver of a hearing on the record in a divorce or legal separation but the parenting plan statute can be read to still require such a hearing. Different counties are interpreting the statute in different ways, so it is important to clarify that while a hearing may still be held, it is not required. This amendment is written in such a way as to give the court discretion to require one, but absent that and upon agreement of the parties, that may be waived. I'd encourage your support of AM2393 as well as LB899. [LB899]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. You've heard the opening on AM2393. The floor is now open for discussion. Seeing no lights on, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question for the body is, shall AM2393 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB899]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Lathrop's amendment. [LB899]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The amendment is adopted. We return now to discussion on LB899, the bill itself. Seeing no lights on, Senator Lathrop waives closing. The question for the body is, shall LB899 be adopted? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB899]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB899. [LB899]

SENATOR LANGEMEIER: LB899 does advance. (Visitors introduced.) Speaker Flood, you're recognized for an announcement. [LB899]

SPEAKER FLOOD: Thank you, Mr. President and members. Lois, from the Sergeant at Arms Office has now presented herself at the door by the American flag. Let's all file in behind her and we'll conduct our annual tornado drill.

SENATOR LANGEMEIER: The Legislature will stand at ease.

EASE

SENATOR LANGEMEIER: The Legislature will come out of standing at ease. Mr. Clerk, LB722. [LB722]

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

Floor Debate
March 22, 2012

CLERK: LB722, Mr. President, is a bill by Senator Coash. (Read title.) Introduced on January 4, referred to Judiciary, advanced to General File. There are committee amendments. (AM2327, Legislative Journal page 815.) [LB722]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Coash, you're recognized to open on LB722. [LB722]

SENATOR COASH: Thank you, Mr. President. LB722, as amended by the committee, allows for payment of court fines and costs by deducting such fines and costs from a bond posted by an offender provided that such bond is not already subject to a valid lien, levy, execution, or assignment to counsel of record or the person who posted the bond. In many cases, a judge orders an offender to pay court costs and fines as part of his or her punishment. However, many such offenders do not have the means to pay the fines. This bill allows the court to collect the fines and costs from the bond that he or she posted. Thank you, Mr. President. [LB722]

SENATOR LANGEMEIER: Thank you, Senator Coash. As the Clerk has stated, there are Judiciary amendments. Senator Ashford, you're recognized to open on the Judiciary amendment to LB722. [LB722]

SENATOR ASHFORD: Thank you, Mr. President. The committee amendment, AM2327, would strike cash, the word "cash" from page 2, line 25, to clarify that the bill applies to all bonds, not just cash bonds. The amendment would also limit the application of the bill to the extent that a bond is not otherwise encumbered by a valid lien, levy, execution, or assignment to counsel of record or the person who posted the bond. That would conclude my comments. [LB722]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on AM2327 offered to LB722. The floor is now open for discussion. Seeing no lights on, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question for the body is, shall AM2327 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB722]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB722]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to LB722, the bill itself. Seeing no lights on, Senator Coash is recognized to close. Senator Coash waives closing. The question for the body is, shall LB722 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. [LB722]

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

Floor Debate
March 22, 2012

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB722. [LB722]

SENATOR LANGEMEIER: LB722 does advance. Mr. Clerk, LB865. [LB722 LB865]

CLERK: LB865 by Senator McGill relates to juror compensation. (Read title.) Introduced on January 6, referred to the Judiciary Committee, advanced to General File. There are committee amendments, Mr. President. (AM2305, Legislative Journal page 816.) [LB865]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator McGill, you're recognized to open on LB865. [LB865]

SENATOR MCGILL: Mr. President and members of the body, this bill really is as simple as the one-liner you just heard our Clerk read. It allows jurors to waive their fee for jury service if they so choose. It's an idea that was brought to me by the counties looking for a way to maybe capture a little bit of revenue and so I bring this before the body. Thank you, Mr. President. [LB865]

SENATOR LANGEMEIER: Thank you, Senator McGill. As the Clerk has stated, there are committee amendments offered by the Judiciary Committee. As Chairman, Senator Ashford, you're recognized to open on the committee amendment. [LB865]

SENATOR ASHFORD: Thank you. Would you repeat that, Senator McGill? No, sorry. (Laughter) Excuse me, Mr. President, I'm sorry for...the committee amendment, AM2305, would remove the changes to provisions allowing a county clerk to deduct the amount of any delinquent personal taxes from a juror's compensation. I urge the adoption of AM2305. [LB865]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on the committee amendment offered to LB865. The floor is now open for discussion. Seeing no lights on, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question for the body is, shall AM2305 be adopted to LB865? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB865]

CLERK: 36 ayes, 0 nays on adoption of committee amendments, Mr. President. [LB865]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to LB865, the bill itself. Seeing no lights on, Senator McGill, you're recognized to close. Senator McGill waives closing. The question for the body is, shall LB865 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. [LB865]

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

Floor Debate
March 22, 2012

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB865. [LB865]

SENATOR LANGEMEIER: LB865 does advance. We will be passing over LB948. Mr. Clerk, LB1051. [LB865 LB1051]

CLERK: LB1051 is by Senator Coash relating to abuse and neglect. (Read title.) Introduced on January 18, referred to Judiciary, advanced to General File. There are committee amendments, Mr. President. (AM2314, Legislative Journal page 818.) [LB1051]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Coash, you're recognized to open on LB1051. [LB1051]

SENATOR COASH: Thank you, Mr. President. LB1051 is a bill I introduced on behalf of the Department of Health and Human Services in order to update the Adult Protective Services and Child Protective Services statute. The committee amendment replaces the bill and does not change the bill substantively but does add additional clarifications. It further clarifies definitions in order to eliminate any confusion regarding the intent and the execution of these provisions. The first update to the Adult Protective Services statute is the replacement of the term "denial of essential services" with the more appropriate term "neglect." The second update to the APS statutes adds "sexual exploitation" to the acts, which consist of sexual abuse. And sexual exploitation is also added to the list of things that providers, law enforcement, and state agencies have a duty to report. The third and final update to the Adult Protective Services statute is a series of changes to the administration of the Adult Protective Services registry. The first change regards notification to the subject of an APS investigation. If APS investigates a report on a person for adult abuse or neglect and finds the report unsubstantiated, then the report is not placed on the register. However, the subject is still notified by first-class mail of the nature and classification of such unfounded report. If APS investigates a person for adult abuse and neglect and the report is substantiated, the person shall be noted by certified mail, return receipt requested, or first-class mail of the following pieces of information: the nature and classification of the report; his or her right to request such report as stated by in the bill; the department to amend or expunge identifying information from the report or to remove substantiated reports from the registry in accordance with Section 28-380. The second change to the APS registry statute is that any vulnerable adult who is the victim in a reported case has the right to a copy of all information contained on the registry regarding his or her report. Finally, LB1051 makes a few changes to the child abuse and neglect registry statute with the intent to harmonize them to the extent possible with the Adult Protective Services statute. In cases where the report of out-of-home child abuse or neglect is substantiated and the person is placed on the child abuse and neglect registry, he or she must be notified by either certified mail, return receipt requested, or by first-class mail of the nature or the classification of report. He or she must also be notified of the right to, as

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

Floor Debate
March 22, 2012

stated in the bill, request the department to amend or expunge identifying information from the report or to remove the substantiated report from the central registry. Thank you for the opportunity. I would urge the body's advancement of LB1051 and the forthcoming committee amendment. Thank you, Mr. President. [LB1051]

SENATOR LANGEMEIER: Thank you, Senator Coash. As the Clerk has stated, there are committee amendments offered by the Judiciary Committee. Senator Ashford, as Chairman, you're recognized to open on the committee amendments. [LB1051]

SENATOR ASHFORD: Thank you, Mr. President. AM2314 more specifically or specifically defines "neglect," "exploitation," and "abuse" and was added in order to eliminate confusion in the use of these terms under the statute. So we basically go through, we delineate what "abuse" is, what "neglect" is, what "exploitation" is, and define those on pages 3 and 4, I believe, of the amendment and to set forth a criteria more specifically. Thank you, Mr. President. [LB1051]

SENATOR LANGEMEIER: Thank you, Senator Ashford. You have heard the opening on the committee amendments offered to LB1051. The floor is now open for discussion. Seeing no lights on, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question for the body is, shall AM2314 be adopted to LB1051? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1051]

CLERK: 38 ayes, 0 nays on adoption of committee amendments. [LB1051]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to LB1051, the bill itself. Seeing no lights on, Senator Coash, you're recognized to close. Senator Coash waives closing. The question for the body is, shall LB1051 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1051]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB1051. [LB1051]

SENATOR LANGEMEIER: LB1051 does advance. Mr. Clerk, LB1121. [LB1051 LB1121]

CLERK: LB1121 is a bill by Senator Lambert relating to sanitary and improvement districts. (Read title.) Introduced on January 19, referred to Urban Affairs, advanced to General File. There are Urban Affairs Committee amendments, Mr. President. (AM1872, Legislative Journal page 839.) [LB1121]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Lambert, you're recognized to open on LB1121. [LB1121]

Floor Debate
March 22, 2012

SENATOR LAMBERT: Thank you, Mr. President, colleagues. LB1121 would make it clear that rights to particular category of sanitary and improvement district property owners are the same when they sign petitions to request a recall of a member of the governing board of trustees as when the owners vote to elect a member of the board. As illustrated in handout number one, we are all familiar with the one person, one vote, and one person, one petition signature principles that serve as a basis for most of our elections and recall laws. Elections in sanitary and improvement districts, or SIDs as a term which is most commonly used, are different. As described in handout number two, SIDs are governed by five-member board of trustees. The trustees are elected by the vote of the property owners of the SID. The trustees' positions are divided into two categories. For one of the categories, property owners are allowed one vote for each piece of property they own. This means that one person who owns more than one piece of property is allowed more than one vote. LB1121 would replace the word "represent" on page 2, line 9, to the language to make it clear that the voter who would be allowed more than one vote would have his or her signature on a recall petition assigned a value equal to his or her vote count on an election ballot. This bill would provide this clarification based on the way the election commissioner or county clerk counts signatures on a recall petition. The proposed changes to Section 31-787 would eliminate any uncertainty about the way a voter's signature is to be counted on a recall petition. LB1121 would ensure that there is no difference between the property owners' voting rights and the right to seek a recall petition. LB1121 was prompted by elected officials in my district who foresaw problems applying the present law when they were required to validate signatures on a recall petition that was aimed at one of the trustee positions to which multiple votes were allowed. As you see in handout number three, Legislative Research found that there are currently 346 SIDs in 21 counties and 40 legislative districts in Nebraska. If there's a concern on this issue in my district, it seems safe to assume that there is...the same concern may exist throughout the state. There's ample evidence that citizens are not reluctant to exercise their right to recall elected officials. LB1121 would offer a proactive effort to clarify SID recall procedures before there was a need for election officials to manage an SID recall. After LB1121 was introduced, it was sent to the election officials in all the counties that SIDs are located. My office received one recommended change in the original language of the bill. The proposed change is reflected in the committee amendment. Thank you, Mr. President. [LB1121]

SENATOR LANGEMEIER: Thank you, Senator Lambert. You have heard the opening. As the Clerk has stated, the Urban Affairs Committee has a committee amendment. Senator McGill, as Chairman of that committee, you're recognized to open on the committee amendment. [LB1121]

SENATOR MCGILL: Thank you, Mr. President, members of the body. As the statute currently states that, in an SID election, the voter of record list should not be more than

Floor Debate
March 22, 2012

75 days old. And so, for consistency and uniformity, the date the SID recall petitions are picked up will be the date of record used in determining the property ownership or a lease giving a right to sign the petition. Since petitioners have a 30-day window of time to collect signatures, setting this criteria as the date of record for verification of the signature provides, one, that a tangible list that the petitioner in an election office can work with in determining the signature count, and two, a benefit to the voter for the time line of property ownership, 30 days as opposed to the 75-day window for regular SID elections. With that, I ask for your support. [LB1121]

SENATOR LANGEMEIER: Thank you, Senator McGill. You have heard the opening on the committee amendment offered to LB1121. The floor is now open for discussion. Seeing no lights on, Senator McGill, you're recognized to close. Senator McGill waives closing. The question for the body is, shall AM1872 be adopted to LB1121? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB1121]

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB1121]

SENATOR LANGEMEIER: The committee amendments are adopted. We return now to LB1121, the bill itself. Seeing no lights on, Senator Lambert, you're recognized to close. Senator Lambert waives closing. The question for the body is, shall LB1121 advance...Senator Nelson, you're recognized. [LB1121]

SENATOR NELSON: Thank you very much, Mr. President. Just a quick question for Senator Lambert. [LB1121]

SENATOR LANGEMEIER: Senator Lambert, would you yield? [LB1121]

SENATOR LAMBERT: Yes. [LB1121]

SENATOR NELSON: Senator Lambert, those of us in Douglas County have a great number of SIDs. And in developing SIDs oftentimes a lot of the lots are held by the developers. You might have 100 lots. There may be 10 residents in an SID and it's under development. Now, is the voting power of the developers diminished in any way here on a recall election, to your knowledge? [LB1121]

SENATOR LAMBERT: The purpose of this bill is, if you sign a recall petition, the same number of votes or signatures would be required as in the election that that person was elected in. [LB1121]

SENATOR NELSON: Okay. So there's no change that's going to give the people that have built a home and are residents of a lot as compared with the other property owners

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

Floor Debate
March 22, 2012

on the undeveloped lots? [LB1121]

SENATOR LAMBERT: As I see it, there would be none. It's just a consistency between signing the petition and the number of voters who voted on this trustee. [LB1121]

SENATOR NELSON: All right. All right. Thank you very much. I appreciate that information. Thank you, Mr. President. [LB1121]

SENATOR LANGEMEIER: Thank you, Senator Nelson and Senator Lambert. The question for the body is, shall LB1121 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. [LB1121]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB1121. [LB1121]

SENATOR LANGEMEIER: LB1121 does advance. Mr. Clerk, LB1126. [LB1121 LB1126]

CLERK: LB1126 is a bill by Senator Christensen. (Read title.) Introduced on January 19, referred to Urban Affairs, advanced to General File. There are committee amendments, Mr. President. (AM1990, Legislative Journal page 842.) [LB1126]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Christensen, you're recognized to open on LB1126. [LB1126]

SENATOR CHRISTENSEN: Thank you, Mr. President and colleagues. LB1126 was requested of my office by Chris Loeffler, the Perkins County zoning administrator. LB1126 seeks to provide the ability for villages to square off and extend their one-mile extraterritorial jurisdiction by requesting from the county to cede up to the next quarter mile section of land extending beyond their current ETJ, or extraterritorial jurisdiction. Currently in Section 13-327, a city of the first class may request from the county to cede land to extend the city's extraterritorial jurisdiction beyond their current two-mile ETJ, and a city of the second class may do the same beyond their current one-mile ETJ pursuant to the conditions in Section 13-327. LB1126 would provide similar authority to villages to request from the county to cede territory beyond their current one-mile ETJ to allow squaring off and provide for a clear idea where the extraterritorial jurisdiction ends. There is a committee amendment. The committee amendment, AM1990, corrects and clarifies intent of the bill. LB1126 was supported by NACO and the League of Municipalities, with no opposition, and advanced from Urban Affairs with a 7-0 vote. Thank you for consideration of LB1126 and I urge its advancement to Select File. [LB1126]

SENATOR CARLSON PRESIDING

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

Floor Debate
March 22, 2012

SENATOR CARLSON: Thank you, Senator Christensen. As the Clerk mentioned, there are committee amendments. Senator McGill, you're recognized to open on AM1990. [LB1126]

SENATOR MCGILL: Thank you, Mr. President and members of the body. This amendment basically reworks some of the wording to make sure that it accomplishes the goal that Senator Christensen wanted to have. And then the committee also added villages into the list, because at this point everyone else has the ability to do this so why not also add villages in there so they don't come back in the future. So with that, I urge your support. [LB1126]

SENATOR CARLSON: Thank you, Senator McGill. You've heard the opening on LB1126 and the underlying amendment, AM1990. The floor is now open for debate. Seeing no one wishing to speak, Senator McGill, you're recognized...she closes...or she waives closing. The question is, shall AM1990 be adopted to LB1126? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1126]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB1126]

SENATOR CARLSON: The committee amendments are adopted. We return to discussion of LB1126. Seeing no lights, Senator Christensen, you're recognized to close. He waives closing. The question is, shall LB1126 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1126]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB1126. [LB1126]

SENATOR CARLSON: LB1126 does advance. Mr. Clerk, LB738. [LB1126 LB738]

CLERK: LB738 by Senator Gloor relates to the Nebraska Workers' Compensation Act. (Read title.) Introduced on January 4, referred to Business and Labor, advanced to General File. I have no amendments to the bill, Mr. President. [LB738]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Gloor, you're recognized to open on LB738. [LB738]

SENATOR GLOOR: Thank you, Mr. President. This was a sad bill for me to work on. It was brought to me by a constituent who has experienced a loss of their son in a work-related accident. Current compensation for burial expense, and this is not a death benefit but for burial expense for a work-related fatality through workers' compensation insurance, is \$6,000, and that's paid to dependents. This bill proposes to raise that to \$10,000. We did quite a bit of looking into the cost for even a modest burial, which we

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

Floor Debate
March 22, 2012

hope \$10,000 will meet. That amount was last raised by this body in 1997, 15 years ago. This, by the way, is a ceiling for payment. You must submit bills in order to realize the payment. It is relevant to note that contiguous states around us, for the most part, with one exception that I can think of, have a rate of payment for burial expense much higher than this. For purposes of controlling workers' comp expense, I know there is interest and should be that an analysis of the National Council on Compensation Insurance, which is the national organization that studies workers' compensation issues and is used quite a bit from an actuarial standpoint of setting workers' comp rates, estimates that this overall impact would have zero, that's zero percent increase on the system costs. There are so few deaths that are work-related, thank goodness, and this increase is so minimal in the grand scheme of payouts under workers' comp, that this should not result in any increases. There is no fiscal note for that same reason as relates to the state of Nebraska. It was telling at the hearing that organizations that usually take a very conservative view towards work-related expense, workers' comp expense, were there either in a supportive capacity or in a neutral capacity. I would ask for your vote yes on this very important bit of legislation for some Nebraska families. Thank you. [LB738]

SENATOR CARLSON: Thank you, Senator Gloor. You have heard the opening on LB738. The floor is open for debate. Seeing no one wishing to speak, Senator Gloor, you're recognized to close. Senator Gloor waives closing. The question is, shall LB738 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB738]

CLERK: 33 ayes, 0 nays, Mr. President on the advancement of LB738. [LB738]

SENATOR CARLSON: LB738 does advance. Mr. Clerk, next item. [LB738]

CLERK: LB1087 is a bill by Senator Nordquist. (Read title.) Introduced on January 18, referred to the Natural Resources Committee, advanced to General File. There are committee amendments, Mr. President. (AM2364, Legislative Journal page 876.) [LB1087]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Langemeier, as Chair of the Natural Resources Committee, you're recognized to open on LB1087, as well as the amendment if you would desire. [LB1087]

SENATOR LANGEMEIER: Mr. President, I will do both. Mr. President, LB1087 in it's original form was there to create a grant program for the promotion of compressed natural gas as a motor vehicle fuel. The committee, with the support of Senator Nordquist and his staff, has gutted the bill. Due to the fiscal note and the new abutting terminology and the use of compressed natural gas, the committee didn't feel it was right to go to the grant program. Now, the committee amendment, the committee

Floor Debate
March 22, 2012

amendment replaces the bill in its entirety and puts one section back in and creates the Compressed Natural Gas Fuel Board. The purpose of this board would be to advise and provide recommendations to the State Energy Office regarding the promotion of natural gas as a motor vehicle fuel. Their goal is to facilitate the discussion with state government. This board would advise the State Energy Office on matters such as infrastructure, distribution, and incentives that can be used to encourage the use of compressed natural gas as a motor vehicle fuel. So with that, we'd ask for your adoption of AM2364 and LB1087. Thank you, Mr. President. [LB1087]

SENATOR CARLSON: Thank you, Senator Langemeier. Members, you've heard the opening on LB1087 and AM2364. The floor is now open for debate. Senator Heidemann, you're recognized. [LB1087]

SENATOR HEIDEMANN: I was wondering if Senator Langemeier would yield to a question. [LB1087]

SENATOR CARLSON: Senator Langemeier, will you yield? [LB1087]

SENATOR LANGEMEIER: I would. [LB1087]

SENATOR HEIDEMANN: What kind of incentives are we talking about? [LB1087]

SENATOR LANGEMEIER: The original bill had some extensive incentives to provide for the creation of natural gas pumping stations along basically down the I-80 corridor. [LB1087]

SENATOR HEIDEMANN: And where...there's still some incentives in there? [LB1087]

SENATOR LANGEMEIER: No, that was gutted. This creates a board to look into it for the future. [LB1087]

SENATOR HEIDEMANN: Okay. So the incentive part is all gone, they...? [LB1087]

SENATOR LANGEMEIER: That was the original bill. The committee amendment guts the bill and creates an eight-member panel of individuals, including like MUD has a membership on it, that would advise for the future. It's a little chicken and the egg. There's not a lot of cars out there and there's no pumping stations, so do we build pumping stations to promote the cars, or do we get cars out there and then the demand creates the stations? So this board will look into that for further review in the future. [LB1087]

SENATOR HEIDEMANN: All right. You answered my questions. Thank you very much. [LB1087]

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

Floor Debate
March 22, 2012

SENATOR CARLSON: Thank you, Senator Heidemann and Senator Langemeier. There are no other senators wishing to speak. Senator Langemeier, you're recognized to close on AM2364. He waives closing. The question is, shall AM2364 be adopted to LB1087? Those in favor vote yea; those opposed vote nay. Record, Mr. Clerk. [LB1087]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB1087]

SENATOR CARLSON: AM2364 is adopted. We return to discussion of LB1087. Seeing no lights, Senator Langemeier, you're recognized to close. He waives closing. The question is, shall LB1087 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1087]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB1087. [LB1087]

SENATOR CARLSON: Thank you. LB1087 does advance. LB1054, Mr. Clerk. [LB1087 LB1054]

CLERK: LB1054 by Senator McCoy relates to ancillary product contracts. (Read title.) Introduced on January 18, referred to Banking, Commerce and Insurance, advanced to General File. There are committee amendments, Mr. President. (AM2369, Legislative Journal page 891.) [LB1054]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator McCoy, you're recognized to open on LB1054. [LB1054]

SENATOR McCOY: Thank you, Mr. President and members, and I would like to move to the underlying amendment and I'll have my remarks there, if I may. [LB1054]

SENATOR CARLSON: Please proceed. [LB1054]

SENATOR McCOY: Thank you, Mr. President. Again, LB1054 provides regulatory certainty regarding the sale of motor vehicle ancillary products. And this bill, as amended with AM2369, expands the definition of our current service contract law. When the law was passed years ago, these products weren't included because they either didn't exist or were not used very much. Since the passage of this law in 1990, these products have come into the market and are being sold widely, mainly through the new car and truck dealers. And this change would provide direction for both the sellers as well as the Insurance Department. Thank you, Mr. President. [LB1054]

SENATOR CARLSON: Thank you, Senator McCoy. You've heard the opening on LB1054 and AM2369. The floor is open for debate. Are there senators wishing to

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

Floor Debate
March 22, 2012

speak? Seeing none, Senator McCoy, you're recognized to close. He waives closing on AM2369. All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB1054]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB1054]

SENATOR CARLSON: AM2369 is adopted. Seeing no other senators wishing to speak, Senator McCoy, you're recognized to close. He waives closing. The question is, shall LB1054 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB1054]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB1054. [LB1054]

SENATOR CARLSON: LB1054 does advance. Mr. Clerk, are there announcements or items for the record? [LB1054]

CLERK: There are, Mr. President. Your Committee on Health and Human Services, chaired by Senator Campbell, reports LB330 to General File with amendments. Judiciary, chaired by Senator Ashford, reports LB1113 to General File, and LB972 to General File with amendments. New A bill. (Read LB1053A by title for the first time.) Series of resolutions: Senator Fischer, LR522... [LB330 LB1113 LB972 LB1053A LR522]

SENATOR CARLSON: (Gavel)

CLERK: ...LR523 and LR524, those will be laid over; Senator Coash, LR525; Senator Howard, LR526. Mr. President, Senator Pirsch would like to print an amendment to LB817; Senator Harms to LB949A; Senator Ashford to LB727. (Legislative Journal pages 1068-1082.) [LR523 LR524 LR525 LR526 LB817 LB949A LB727]

And a priority motion: Senator Heidemann would move to adjourn the body until Wednesday...or, excuse me, Tuesday morning, Tuesday morning, March 27, at 10:00 a.m.

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. We are adjourned until Tuesday morning at 10:00 a.m.