

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

Floor Debate
January 29, 2013

[LB16 LB21 LB39 LB91 LB102 LB149 LB155 LB173 LB279 LB290 LB373 LB451 LB644
LR20 LR21 LR24 LR25 LR26 LR27 LR28 LR30 LR32 LR33 LR35 LR36 LR37 LR39]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fourteenth day of the One Hundred Third Legislature, First Session. Our chaplain for today is Reverend Valjean Warman from the Tri-Valley Faith Alliance Churches in Fullerton, Nebraska, Senator Dubas' district. Please rise.

REVEREND WARMAN: (Prayer offered.)

SPEAKER ADAMS: Thank you. I call to order the fourteenth day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

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

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

CLERK: I have no corrections, Mr. President.

SPEAKER ADAMS: Are there messages, reports, or announcements?

CLERK: I do. Your Committee on Banking, Commerce and Insurance...your Committee on Banking, Commerce and Insurance, chaired by Senator Gloor, reports LB155, LB279, and LB290 to General File. I also have a conflict of interest statement filed by Senator Mello. That will be on file in the Clerk's Office. That's all that I have, Mr. President. (Legislative Journal page 311.) [LB155 LB279 LB290]

SPEAKER ADAMS: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative resolutions: LR21, LR24, LR25, LR26, LR27, LR28, LR30, LR32, LR33, LR35, LR36, LR37, and LR39. We'll now proceed to the first item on the agenda, Mr. Clerk. [LR21 LR24 LR25 LR26 LR27 LR28 LR30 LR32 LR33 LR35 LR36 LR37 LR39]

CLERK: Mr. President, LB16 is a bill by Senator Christensen. (Read title.) Bill was introduced on January 10, referred to the Natural Resources Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB16]

SPEAKER ADAMS: Thank you, Mr. Clerk. We will proceed to General File, LB16. Senator Christensen, you are recognized to open on LB16. [LB16]

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SENATOR CHRISTENSEN: Thank you, Mr. President. Good morning, colleagues. LB16 amends Section 90-278, which was enacted by LB739 in 2012, to transfer Champion Mill State Historical Park and Champion Lake State Recreation Area from the Game and Parks to Chase County. The bill would add a revision clause to Section 90-278 so that if certain conditions arise in the future, the title would revert back to Game and Parks Commission. Chase County Commissioners contacted me this fall to introduce a bill adding this revision clause. They worked with Game and Parks regarding the clause and arrived at this language. Game and Parks has used revision clauses in the past with properties transferred where the park or properties had received federal funds through the land and water conservation program. This program requires the properties to maintain their public purpose for which the money was given, if they receive such federal funds. Game and Parks use revision clause to make sure this obligation is kept. The revision clause would allow the property to revert back to the Game and Parks should two things happen in the future. The two conditions provided in the revision clause revert the title of the property back to Game and Parks in the event that, one, Chase County ceases to operate the property as a public park or recreation area or, two, a financial need arises pertaining to the park that is detrimental to the county. LB16 was advanced out of Natural Resources Committee with a unanimous 8-0 vote with no opposition. Thank you for your consideration of LB16. I would urge your advancement to Select File. [LB16]

SPEAKER ADAMS: Thank you, Senator Christensen. Are there senators that wish to speak to the bill? Seeing none, Senator Christensen, you're recognized to close on the advancement of LB16. Senator Christensen waives closing. The question before the body is the advancement of LB16 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB16]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB16. [LB16]

SPEAKER ADAMS: The bill advances. Mr. Clerk, we'll proceed to General File, LB102. [LB16 LB102]

CLERK: Mr. President, LB102 is a bill by Senator Watermeier. (Read title.) Bill was introduced on January 10 and referred to Natural Resources for public hearing. I have no amendments to the bill, Mr. President. [LB102]

SPEAKER ADAMS: Thank you, Mr. Clerk. Senator Watermeier, you are recognized to open on LB102. [LB102]

SENATOR WATERMEIER: Thank you, Mr. President and members of the Legislature. I bring to you LB102, which simply strikes the requirement that applications for a permit to appropriate water and a permit for incidental or intentional underground storage lists the Social Security number of the applicant. The inclusion of Social Security numbers

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on such applications was initially required as part of a comprehensive legislation passed in 1997 entitled the License Suspension Act. The Legislature found that the potential suspension of a professional, occupational, or recreational license or a motor vehicle operator's license for failure to pay child support was an effective technique for the enforcement of child support orders. The Department of Natural Resources requested the introduction of this bill. They believe that it is overly burdened interpretation for such water permits to fall under the definition of occupational licenses. Similar legislation to LB102 has been passed in recent years eliminating the Social Security number identification requirements from certain applications after determining that its inclusion wasn't necessary to carry out the purpose of the original law. The most recent example would be the passage of LB805 last year that repealed the Social Security number requirements for individuals seeking a fireworks display permit. The Department of Natural Resources searched their records and have found that there have been absolutely no requests for information that applicants using Social Security number identification. The inclusion of this information serves no purpose to the Department of Natural Resources but requires additional work of staff to protect the applicant's identity, as these documents are public records. With the widespread problem of identity theft, the passage of LB102 will help protect the privacy of the public without hindering the original purpose of the license suspension law. The public hearing on LB102 was heard last week. No one testified against the bill and the Natural Resources Committee unanimously advanced LB102 to the floor of the Legislature. I would encourage your favorable vote on advancement of LB102. Thank you, Mr. President. [LB102]

SPEAKER ADAMS: Thank you, Senator Watermeier. The floor is now open for discussion. Senator Chambers, you're recognized. [LB102]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, even if this morning we're home on the range, I've got a discouraging word or two to say, and I'm going to say it once. And if my saying it once doesn't work, then I will do something different. My staff member is a black woman. She is not going to be disrespected by anybody in this Legislature or anywhere else and I become aware of it. When she is in my office, nobody comes in there and just starts walking around and yoo-hooing and where's Senator Chambers. There's not one of you whose office I have entered who can say that I did not stand and courteously wait until your staff member acknowledged me, then I ask, is the senator here. I don't run other people's offices and nobody is going to run mine. And Cindy is going to be respected. It's my responsibility to make sure of that. I shouldn't even have to say this. But when these white people want to tell me that there are no problems and I'm imagining them, I'm telling you they are crazy. Because you don't experience it, that doesn't mean it doesn't happen. So I'm saying it. And whatever other people are willing to put up with, I am not. And now that I have made that comment, I hope nothing comes up during the session where I have to make similar comments. But I want you all to know that I will not bite my tongue. I'm not here to make friends. I'm here to do a job. I will be as respectful as the circumstances

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warrant. I will treat people the way I want to be treated. Nobody can treat me better than I will treat him or her. But when you cross a line, I'm going to let you know it. And I don't know what other black people who are here have let you get away with, but whatever you've gotten away with in the past you're not going to get away with it now. We're all adults and I would like to deal with things in a peaceable manner. I am a man of peace. I don't like friction where it is unnecessary, but I don't run from it. And if I were to take the time to say everything that is welling up in me because of this incident, I'd be here all morning. But I feel that this once, if at no other time in the session, I've made myself clear. And if I haven't, test me. Thank you, Mr. President. [LB102]

SPEAKER ADAMS: Thank you, Senator Chambers. Senator Carlson is recognized. [LB102]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I simply rise in support of LB102. And one of the things that came up in the hearing, the representative from Game and Parks made quite a statement about the difficulty that is imposed on them when these Social Security numbers are in the file and they have to be careful that they protect one's identity. And it's quite a process that they go through right now in order not to have that come up. And there was opportunity for other divisions of government to come in and say, no, this isn't good, we need to keep those, and there was none of that. And so I think it's the right thing to do and I would ask for your support of LB102. Thank you. [LB102]

SPEAKER ADAMS: Thank you, Senator Carlson. Are there other senators wishing to speak on the bill? Seeing none, Senator Watermeier, you're recognized to close. [LB102]

SENATOR WATERMEIER: Thank you, Mr. President. Just in closing, the requirement of a Social Security number on an application for water appropriation permits creates an unnecessary risk to the public and should be eliminated. I urge your advancement of LB102. Thank you. [LB102]

SENATOR ADAMS: Thank you, Senator Watermeier. The question is the advancement of LB102 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB102]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB102. [LB102]

SPEAKER ADAMS: The bill advances. Mr. Clerk, we will proceed to General File, LB91. [LB102 LB91]

CLERK: LB91, offered by Senator Ken Haar. (Read title.) Introduced on January 10 of this year, referred to the Natural Resources Committee for public hearing, advanced to

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General File. At this time I have no amendments to the bill, Mr. President. [LB91]

SPEAKER ADAMS: Thank you, Mr. Clerk. Senator Haar, you're recognized to open on LB91. [LB91]

SENATOR HAAR: Mr. President, members of the board, in bringing this bill I want to also do a job of informing a little bit about what these boards do. First of all, I guess the question is what do geologists do in Nebraska and...because we've got about 300 licensed people, licensed as geologists right now, not all of them are in the state of Nebraska but 300 licensed geologists. Basically, geologists are subsurface investigators. They try to figure out what's going on beneath the ground. And just to give you some examples of what these people do, the state of Nebraska has some geologists, for example, that look at cattle feedlots to see what the depth of the water is, whether the protections being in place are protecting the groundwater. When we were studying the Keystone Pipeline, there was one full-time geologist looking at, again, what's beneath the ground of that route. Some of you may know this, some may not, but Nebraska has one of the largest uranium mines in the United States and they employ quite a number of geologists because, again, they're working on what's beneath the soil. As oil and fracking become more common in Nebraska, there will be another need for geologists, again, to tell what's going on underground. And a lot of what they do in Nebraska has, of course, to do with groundwater, what's going on underneath the ground. The geologists have a board, just like the engineers and the architects. In fact, they all share the same office and the same staff. So this particular bill does a number of things. First of all, it changes the membership of the board to include a geologist faculty member of any college or university in Nebraska, not just UNL. Previously, the board member had to be from UNL but now we have programs at UNO, Kearney, Chadron, and other places that train geologists. Some of these changes are pretty minute. For example, you can use an embossed or a raised-paper seal instead of just a rubber-stamp seal, but these things are important. Another one allows for the board to require continuing education for geologists. Right now, engineers and architects have to undergo continuing education requirements to keep up their licenses. This would allow the Board of Geologists to also require that. A part of this talks about requiring reporting of felonies or moral turpitude and allows the board to deny applications based upon such reports. It changes the constitutional requirement for fines and fees. It adds geologic research and teaching to count...teaching experience to count as the requirement to become a licensed geologist. It establishes for reciprocity with other states that is not there now or is not at least firmly defined. And it allows substantial completion of geological coursework as opposed to finishing all coursework before taking the geologic exam. So I guess in short, all of these things may not mean a lot to you and me, who don't practice as a geologist, but these are all important things to protect the citizens of Nebraska when we have these professionals doing work for us. Thank you. [LB91]

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SPEAKER ADAMS: Thank you, Senator Haar. The floor is now open for debate. Senator Schumacher, you're recognized. [LB91]

SENATOR SCHUMACHER: Thank you, Mr. Speaker. Would Senator Haar yield to a couple questions? [LB91]

SPEAKER ADAMS: Senator Haar, would you yield? [LB91]

SENATOR HAAR: Certainly. [LB91]

SENATOR SCHUMACHER: Senator Haar, I notice that in the bill there's some real changes to the reciprocity provisions, including now requiring, for reciprocity, in order to get through the licensing maze, you have practiced for 15 years in another state. Could you kind of explain why we have these changes in reciprocity and what's the reasoning for 15 years instead of 5 years or 25 years? [LB91]

SENATOR HAAR: You bet. Well, the number of 15 years is something that the board has asked to have. But the issue of reciprocity with other states gets confusing because other states have other tests in place that we don't require in Nebraska, that the Board of Geology does not require. And so this, in effect, says, you know, if you've practiced in Nebraska successfully for 15 years or in another state for 15 years, then there's a reciprocal agreement. But in terms of the actual number of years, that's something requested by the Geology Board and I think it's common across some other boards. [LB91]

SENATOR SCHUMACHER: Thank you, Senator Haar. It seems to me that 15 years of practice in another state really is a bit on the excessive side. I mean if we're going to require testing, let's requiring testing of everybody. But that seems very arbitrary. Almost looks like it's protectionism to try to limit people with ability from coming into the state who may have five years of outstanding practice, putting some additional hurdles before them. Fifteen years, those people may have less education than somebody just coming out of school that have been trained in the latest and greatest techniques of this profession. I can understand the desire of all professions to try to limit people coming in and competing with them, but that strikes me as a bit excessive. Thank you, Mr. Speaker. [LB91]

SPEAKER ADAMS: Thank you, Senator Schumacher. Are there any other senators wishing to speak? Seeing none, Senator Haar, you are recognized to close. [LB91]

SENATOR HAAR: Well, once again, I've pretty much described it in my opening. The actual issue of 15 years is something I will explore with the board and find out where they came up with that, get it to Senator Schumacher so that we can perhaps react to that on Select File. Thank you very much. [LB91]

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SPEAKER ADAMS: Thank you, Senator Haar. The question before the body is the advancement of LB91 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB91]

CLERK: 41 ayes, 2 nays, Mr. President, on the advancement of LB91. [LB91]

SPEAKER ADAMS: The bill advances. (Visitors introduced.) Members, we're going to stand at ease, pending the arrival of a committee notice. [LB91]

EASE

SPEAKER ADAMS: Mr. Clerk.

CLERK: Mr. President, items: Your Committee on General Affairs, chaired by Senator Karpisek, reports LB173 to General File; the Executive Board, chaired by Senator Wightman, reports, LB39 to General File with committee amendments, LB149 indefinitely postponed, and LR20 reported to the floor for further consideration; Business and Labor Committee, chaired by Senator Lathrop, reports LB21 to General File. I have hearing notices from the Education Committee, the Transportation and Telecommunications Committee, the Agriculture Committee, the Judiciary Committee, all signed by their respective Chairs. I have name adds: Senator Avery to LB373; Senator Hansen to LB644; Senator Bloomfield to LB451. (Legislative Journal pages 312-314.) [LB173 LB39 LB149 LR20 LB21 LB373 LB644 LB451]

And, Mr. President, a priority motion: Senator Wallman would move to adjourn the body until Wednesday morning, January 30, at 9:00 a.m.; Wednesday morning, January 30, at 9:00 a.m.

SPEAKER ADAMS: Thank you, Mr. Clerk. Members, you've heard the motion to adjourn. All those in favor indicate by aye. Opposed. We are adjourned.