

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

Floor Debate
April 19, 2013

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SENATOR CARLSON PRESIDING

SENATOR CARLSON: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixty-third day of the One Hundred Third Legislature, First Session. Our chaplain for today is Pastor Dan Delzell from Wellspring Lutheran Church in Papillion, guest of Senator Crawford and Senator Smith. Please rise.

PASTOR DELZELL: (Prayer offered.)

SENATOR CARLSON: Thank you, Pastor Delzell. I call to order the sixty-third day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

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

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

ASSISTANT CLERK: I have no corrections.

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

ASSISTANT CLERK: Two items, Mr. President. Agency reports for the current week are available on the Legislature's Web site and filings by registered lobbyists for the current week will be inserted in the Journal. That's all that I have. (Legislative Journal page 1039.)

SENATOR CARLSON: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda.

ASSISTANT CLERK: Mr. President, the first bill, LB243, introduced by Senator Howard. (Read title.) The bill was read for the first time on January 16 of this year, referred to the Committee on Health and Human Services. That committee placed the bill on General File with no committee amendments. [LB243]

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SENATOR CARLSON: Thank you, Mr. Clerk. Senator Howard, you're recognized to open on LB243. [LB243]

SENATOR HOWARD: Thank you, Mr. President and members of the body. LB243 is a very simple bill. The bill adds one word "acute" to the Nurse Practitioner Practice Act. There are over a thousand nurse practitioners licensed in the state of Nebraska. The American Academy of Nurse Practitioners identifies nurse practitioners who practice in ambulatory, acute, and long-term care as primary or specialty care providers who provide services according to their practice specialty. Practitioners who specialize in adult, neonatal, or pediatric care may practice with populations who are critically ill and require acute care. Under the current practice act, the definition of work for nurse practitioners is diagnoses, treatment, and management of individuals with common health problems and chronic conditions and is not descriptive or inclusive of those nurse practitioners practicing in acute care. The addition of the word "acute" updates the Nurse Practitioner Practice Act to be inclusive of all specialties. This bill in no way changes the actual scope of practice for nurse practitioners. It only modifies the descriptive paragraph. There were no opponent testifiers and it was advanced unanimously from committee. Thank you for your time and attention to LB243. [LB243]

SENATOR CARLSON: Thank you, Senator Howard. Members, you've heard the opening on LB243. Are there Senators wishing to speak? Senator Hadley, you're recognized. [LB243]

SENATOR HADLEY: Mr. President and members of the body, would Senator Howard yield to a question or two? [LB243]

SENATOR CARLSON: Senator Howard, would you yield? [LB243]

SENATOR HOWARD: Yes, I would. [LB243]

SENATOR HADLEY: You know, anytime I see the term "acute," you know I think of almost life-threatening type of situations. You're saying that this really does not change what they're doing now, is that correct? [LB243]

SENATOR HOWARD: Yes, sir. [LB243]

SENATOR HADLEY: Could you expound on that just a little bit? [LB243]

SENATOR HOWARD: Absolutely. So what's happened since the original definition was created in the practice act is that nurse practitioners, their educational tracts have actually changed to include chronic and acute care. Nurse practitioners are used especially in acute care neonatal clinics, which is where we see most of their acute work occurring. [LB243]

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SENATOR HADLEY: Thank you, Senator Howard. I just want to put in a plug for APRNs. I think as we go through the future, when we spent time earlier this week talking about healthcare and providers and such as that, we're going to have to look at alternative delivery methods and I think the advanced practice RNs are going to be a critical part of that expansion of the healthcare practice that we need in the state of Nebraska. Thank you for bringing this bill, Senator Howard. [LB243]

SENATOR CARLSON: Thank you, Senator Hadley and Senator Howard. Seeing no one wishing to speak, Senator Howard, you're recognized to close on LB243. She waives closing. The question is, shall LB243 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. [LB243]

ASSISTANT CLERK: 37 ayes, 0 nays on the advancement of the bill, Mr. President. [LB243]

SENATOR CARLSON: LB243 does advance. Mr. Clerk, next item. [LB243]

ASSISTANT CLERK: Mr. President, LB208 was introduced by Senator Burke Harr. (Read title.) The bill was read for the first time on January 15 of this year. It was referred to the Urban Affairs Committee. That committee placed the bill on General File. There are no committee amendments. I do have an amendment from Senator Harr. (AM153, Legislative Journal page 685.) [LB208]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Harr, you're recognized to open on LB208. [LB208]

SENATOR HARR: Thank you, Mr. President and members of the body. LB208 does three things by updating the statutes relating to Metropolitan Utilities District or MUD. It eliminates the requirement for the officeholder...or the board of directors to have a bond. It allows the board to decrease pay of employees and then finally, lastly, it eliminates a bygone reg requirement that there be a fire hydrant every 400 feet. There is an amendment to this bill which eliminates some other issues. This was originally brought last year by myself and over the interim, the labor and Metropolitan Utilities District, we've gotten together and this is agreement. Both sides are in agreement on it. They both spoke in favor of it at the hearing and I would ask for your support. It came out of committee, obviously, unanimously. Thank you. [LB208]

SENATOR CARLSON: Thank you, Senator Harr. As the Clerk indicated, there is your amendment, AM153. You're recognized to open on that. [LB208]

SENATOR HARR: Thank you. What this amendment does is just strike some language

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based on an agreement between labor and management. Thank you. [LB208]

SENATOR CARLSON: Thank you, Senator Harr. Members, you've heard the opening on LB208 and AM153. The floor is now open for debate. Senator Pirsch, you're recognized. [LB208]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I wonder if Senator Harr would yield to a quick question. [LB208]

SENATOR CARLSON: Senator Harr, would you yield? [LB208]

SENATOR HARR: For Senator Pirsch, the world. (Laughter) [LB208]

SENATOR PIRSCH: Well, thank you. I tell you with respect to that third prong, allowing the board to establish its own standards as far as the hydrants are concerned, what was the imposed standards? Who are promulgating those standards prior to...I mean currently. [LB208]

SENATOR HARR: Who currently does or what would they follow, is that your question? [LB208]

SENATOR PIRSCH: Yeah, right. I mean we're allowing discretion in this case, without the discretion what are they currently bound by? [LB208]

SENATOR HARR: Well, currently, they're bound by statute that says every 400 feet and now what we're doing is, we're looking at what best practices are. Every 400 feet, really that...if you look, it dates back to the turn of the century, the prior century, when structures were built much differently than they are today and fire retardant practices were much different than they are today. So what we're doing is allowing them to update it to best practices of today. [LB208]

SENATOR PIRSCH: Thank you. [LB208]

SENATOR CARLSON: Thank you, Senator Pirsch and Senator Harr. Are there other senators wishing to speak? Seeing none, Senator Harr, you're recognized to close on AM153. He waives closing. The question is, shall AM153 be adopted? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB208]

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of the amendment. [LB208]

SENATOR CARLSON: The amendment is adopted. We return to debate on LB208. Are there senators wishing to speak? Seeing none, Senator Harr, you're recognized to close. He waives closing. The question is, shall LB208 be advanced to E&R Initial? All

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those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB208]

ASSISTANT CLERK: 38 ayes, 0 nays on the advancement of the bill, Mr. President. [LB208]

SENATOR CARLSON: The bill does advance. Mr. Clerk, next item. [LB208]

ASSISTANT CLERK: Mr. President, LB377, introduced by Senator Johnson. (Read title.) The bill was read for the first time on January 18, referred to the Urban Affairs Committee. That committee placed the bill on General File with no committee amendments. [LB377]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Johnson, you're recognized to open on LB377. [LB377]

SENATOR JOHNSON: Thank you, Mr. President. LB377 will clarify the status of county roads when they're annexed by a city or a village. LB377 provides that the authority held by the county board over a county road, including any assessments, easements, is transferred to the governing body of the city or village when a city or village annexes the road. Under current law, cities own real estate under the streets within city limits. County roads are generally built on easements where the property owner owns the property to the middle of the county road. Very often when a city annexes a parcel of property, the property is subdivided and the streets and roads are dedicated to the city. The law is not clear about what happens when a city annexes a county road without a dedication. Most cities assume that any easement held by the county is transferred to the city. This is supported by current law, Section 18-1716.01 which provides that any city or village annexing property contiguous or to abutting upon any part of the county road shall be deemed to have been annexed, all of the contiguous or abutting property at the time of such annexation, except that this section should not be apply to roads separating counties. Under this statute, the city takes over the county road when it annexes property up to the county road but does not clearly state what the city's interest is. LB377 makes it clear that the interest of the county over the county road is transferred to the city when the city annexes the property. The bill does not change the ownership interest of the property owner. If an easement is involved, it would be transferred from the county to the city. Open for questions. [LB377]

SENATOR CARLSON: Thank you, Senator Johnson. You've heard the opening on LB377. Are there Senators wishing to speak? Seeing none, Senator Johnson, you're recognized to close. He waives closing. The question is, shall LB377 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB377]

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ASSISTANT CLERK: 39 ayes, 0 nays on advancement of LB377, Mr. President. [LB377]

SENATOR CARLSON: LB377 does advance. Mr. Clerk, next item. [LB377]

ASSISTANT CLERK: Next bill, Mr. President, is LB42, introduced by Senator Cook. (Read title.) The bill was read for the first time January 10, referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments attached. (AM268, Legislative Journal page 473.) [LB42]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Cook, you're recognized to open on LB42. [LB42]

SENATOR COOK: Thank you, Mr. President, and good morning, colleagues. I rise as the introducer of LB42. It was introduced on behalf of Quality Living, Inc., or QLI, and I ask the body to adopt the committee amendment and advance the bill. QLI is an important pillar in Legislative District 13, our state, and across the nation. They have a campus in my district that specializes in providing complete care and rehabilitation for traumatic brain injury. Their campus is equipped to provide total care and rehabilitation for these life-changing injuries, injuries that can affect people of any age and any background. QLI is uniquely qualified to provide the individualized care for people with traumatic brain injury, care that can and does return patients to happy, healthy and productive lives. LB42 amends the statute related to qualifications for administering a facility that is operated primarily for caring for persons with head injuries and associated disorders. LB42 seeks to provide a greater level of adaptability to this important institution while preserving and strengthening qualifications for this administrator's position. Here's what the legislation will accomplish. It broadens the list of credentialed professionals that can qualify as administrators of a facility that is operated primarily for caring for persons with head injuries, currently psychologists, physicians, educators, and social workers with the requisite experience and credentials, are qualified. Under this bill, the list of qualified professionals would also include physical therapists, occupational therapists, speech pathologists. In addition, other professions with at least eight years of experience working with persons with head and severe physical disabilities would be eligible under this legislation. These proposed changes will allow QLI the flexibility to choose the person best to lead the facility. QLI has a unique culture and they provide a unique type of care. After consulting with the Nebraska Department of Public Health, I prepared an amendment to the bill that addresses two minor ambiguities in the bill's current form. First, we clarify what the term primarily caring for persons with head injuries and associated disorders as a facility that serves all or a majority of persons served by the facility, have head injuries and associated disorders, and second, clarify the administrator's license defined under LB42 is not transferable to any facility licensed under additional...another statute. AM268 will also add alternative qualifications suggested by HHS Committee to required administrator of head injury

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facility have at least four years of experience working with persons with head injuries or severe physical disabilities and a member in good standing with an organization that offers voluntary certification for the purpose of demonstrating managerial knowledge and experience for healthcare managers. I urge your consideration and advancement of LB42. Thank you. [LB42]

SENATOR CARLSON: Thank you, Senator Cook. As the Clerk indicated, there are committee amendments. Senator Campbell, you're recognized to open on AM268. [LB42]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. Senator Cook has provided for you some of the components that are in the amendment. I specifically want to mention that it clarifies that the license is specific for administration issued under this section to the holder serving as the nursing home administrator and only in a facility operated primarily for caring for persons with head injuries and occasional disorders and finally, as Senator Cook explained, there are alternative qualifications required for that administrator to be licensed under this bill. And with the explanation by Senator Cook and the amendment before you, I would urge your green on this amendment. Thank you, Mr. President. [LB42]

SENATOR CARLSON: Thank you, Senator Campbell. Members, you've heard the opening on LB42 and AM268. The floor is now open for debate. Senator Wallman, you're recognized. [LB42]

SENATOR WALLMAN: Thank you, Mr. President and I thank you, Senator Cook, for bringing this up. It's a wonderful organization to have in your district. And not only is it good for the clients that reside there, it's also been one of the top employers in Omaha as far as people working and voting it the best to work for. So thank you, and I would urge you to vote green, green. [LB42]

SENATOR CARLSON: Thank you, Senator Wallman. Senator Pirsch, you're recognized. [LB42]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. And, Senator Cook, I thank you for your bill introduction. I have had the opportunity to go to Quality Living and see their facilities. I wonder, is...the definition of the institutions affected are pretty particularized in this bill, correct? If you'd yield for a question or two. [LB42]

SENATOR CARLSON: Senator Cook, would you yield? [LB42]

SENATOR COOK: Yes. Yes, they're very specific and we spent quite a bit of time within the committee to ensure that the credentials are very specific to the kinds of services that QLI offers. [LB42]

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SENATOR PIRSCH: Are you aware of any other institution that would be similarly affected in the state of Nebraska, or is that...? [LB42]

SENATOR COOK: Not through this particular section of the statute. [LB42]

SENATOR PIRSCH: Okay. [LB42]

SENATOR COOK: We did consult on several occasions with Madonna Rehabilitation which is here and also in Omaha and they were supportive of and offered input on the bill. [LB42]

SENATOR PIRSCH: Wonderful. Thank you. That's all. [LB42]

SENATOR CARLSON: Thank you, Senator Pirsch and Senator Cook. Senator Price, you're recognized. [LB42]

SENATOR PRICE: Thank you, Mr. President. Would Senator Cook yield to a question? [LB42]

SENATOR CARLSON: Senator Cook, would you yield? [LB42]

SENATOR COOK: Yes, I will. [LB42]

SENATOR PRICE: Thank you, Senator Cook. Just one question. When we say, head injury and head traumas, I was wondering, is there...can it be any affliction of the head? I mean, in other words, I'm concerned. I know of an individual who has abscesses on their brain due to...it wasn't a head trauma accident, but the result has ended up being the same thing where they're paraplegic, you know, immobile. So my question is, are we...is this encompassing of that when we say a head injury? I don't know, maybe Senator Campbell can answer that. I just want to make sure. [LB42]

SENATOR COOK: Well, I will go ahead and ideally that will suffice. The agency wanted to make very certain that this statute applied to an institution that primarily cares for persons with head injuries and associated disorders. [LB42]

SENATOR PRICE: Okay. Thank you. I think we got it with the associated disorders. I just wanted to ask. Thank you very much. I will support the amendment and the bill. Thank you. [LB42]

SENATOR CARLSON: Thank you, Senator Price and Senator Cook. Are there other Senators wishing to speak? Seeing none, Senator Campbell, you're recognized to close on AM268. She waives closing. The question is, shall AM268 be adopted? All those in

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favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB42]

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB42]

SENATOR CARLSON: The committee amendments are adopted. Seeing no other lights on, Senator Cook, you're recognized to close on LB42. She waives closing. The question is, shall LB42 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB42]

ASSISTANT CLERK: 38 ayes, 0 nays on the advancement of the bill, Mr. President. [LB42]

SENATOR CARLSON: LB42 does advance. Next item, Mr. Clerk. [LB42]

ASSISTANT CLERK: Next bill, Mr. President, is LB59 introduced by Senator Larson. (Read title.) The bill was read for the first time on January 10 of this year. It was referred to the Banking, Commerce and Insurance Committee. That committee placed the bill on General File with committee amendments. (AM198, Legislative Journal page 473.) [LB59]

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SENATOR COASH: Senator Larson, you're recognized to open on LB59. [LB59]

SENATOR LARSON: Thank you, Mr. President. LB59, as amended by AM198, would raise the percentage of business a licensed crop insurance agent can undertake with himself or herself, immediate relatives, or employers and employees from 10 percent of an agent's total crop insurance business to 30 percent of an agent's total crop insurance business. The statute, LB59, aims to change...controls how much business a crop insurance agent can write for himself or herself, for that agent's family, and for employers or employees of businesses in which that agent has an interest. Nebraska's controlled business statute's intent is to prevent unethical business practices in the insurance industry by limiting an agent's business with family and business interests. Currently, Nebraska statute is written to presume that an insurance agent is engaging in unethical business practices if an agent writes between 10 to 30 percent of his or her business to family, and that agent would have to prove that he or she has legitimate reason for engaging in that amount of business with personal or professional interests. If an agent writes over 30 percent of his or her business to family or to business interests, then that agent is conclusively presumed to be engaged in unethical practices in violation of Nebraska's insurance statutes. This means, right now, an insurance agent can only write up to 10 percent of his or her business with family and business interests without raising any suspicions that he or she is in violation of Nebraska insurance

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statutes. LB59 would raise those percentages from 30 and 50 respectively. This means that a crop insurance agent could write up to 30 percent of his or her business to family and business interests without raising any suspicion that he or she is engaging in unethical insurance practices. The Federal Crop Insurance Act sets its controlled business certification percentage cap at thirty percent, or the percent as specified in state law, whatever is less. Since Nebraska's cap is currently set at ten percent in statute, this means that Nebraska crop insurance agents operating under the Federal Crop Insurance Act can only write 10 percent or less of his or her business to family to stay in compliance with federal statute. Raising Nebraska's controlled business cap to 30 percent for crop insurance agents will bring us in line with the overwhelming majority of states and the Federal Crop Insurance Act's controlled business allowance. Thank you, Mr. President. [LB59]

SENATOR COASH: Thank you, Senator Larson. As the Clerk stated, there is an amendment from the Banking, Commerce and Insurance Committee. Senator Gloor, you're recognized to open on the committee amendment. [LB59]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. The committee amendments would reduce the scope of the original bill that was presented. The bill increased the percentages of an agent's total commissions for business written on the agent, the agent's relatives, the agent's employer or employees, that would trigger presumptive...presumptions that the agent's license was obtained to circumvent the antirebating laws. I think Senator Larson did a good job of explaining that component of it. But the bill also as introduced applied to property, life, health, and liability insurance. You'll note Senator Larson's introduction, he was talking about crop insurance and that was the one key change that was made. With this amendment, it provides the bill applies only to agents soliciting crop insurance. So no changes are going to be made in regard to the other lines of businesses as was spelled out in the original bill. That was the committee amendment. It was an important amendment. I think this is a good bill, a good amendment, and would urge the body's green light on both the amendment and the bill. Thank you. [LB59]

SENATOR COASH: Thank you, Senator Gloor. Members, you heard the opening to LB59 and the committee amendment. The floor is now open for discussion. Seeing none, Senator Gloor, you're recognized to close on the committee amendment. Senator Gloor waives closing. The question for the body is, shall AM198 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB59]

ASSISTANT CLERK: 35 ayes, 0 nays on the adoption of committee amendments. [LB59]

SENATOR COASH: The committee amendment is adopted. Returning to discussion on

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LB59. Seeing no members wishing to speak, Senator Larson, you're recognized to close on LB59. Senator Larson waives closing. The question for the body is, shall LB59 be advanced to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB59]

ASSISTANT CLERK: 37 ayes, 0 nays on the advancement of LB59, Mr. President. [LB59]

SENATOR COASH: LB59 does advance. Next item, Mr. Clerk. [LB59]

ASSISTANT CLERK: LB493 was introduced by Senator Davis. (Read title.) The bill was read for the first time on January 23, referred to the Natural Resources Committee. That committee placed the bill on General File with committee amendments. (AM292, Legislative Journal page 490.) [LB493]

SENATOR COASH: Thank you, Mr. Clerk. Senator Davis, you're recognized to open on LB493. [LB493]

SENATOR DAVIS: Good morning, Mr. President and members of the body. I want to thank Chairman Carlson and members of the Natural Resources Committee for their unanimous vote to advance LB493 to General File. My thanks as well to Speaker Adams for placing the bill on this year's consent calendar. LB493, with the committee amendment, would allow the Game and Parks Commission to lease or transfer portions of the Cowboy Trail to a political subdivision or lease portions to a nonprofit organization. Any entity that assumed responsibility for a portion of the trail would be required to do so at its own expense. The bill, with the amendment, would provide public or private entities an opportunity to develop the trail in a manner that best meets the needs of citizenry in the area of the state. Terms of the lease or transfer would require that the trail remain available for conversion back to a railroad bed if the need developed. For anyone who is not familiar with the Cowboy Recreation and Nature Trail, I want to provide a bit of history about the trail. The Cowboy Trail is this country's longest rail-to-trail conversion, was Nebraska's first state recreational trail. The trail was donated to the state of Nebraska in 1993 and development and maintenance of the trail was assigned to the Game and Parks Commission. As you can see from the map that I provided, the trail spans a total distance of 321 miles in northern Nebraska. It passes around or through a total of 29 communities where trail users can enjoy small town features that only rural America can offer. Currently, the trail is completed from Norfolk to Valentine. Hikers and cyclists who use the trail can enjoy our state's cropland, timber covered river banks, ranches, native prairies, rivers, and vast grass covered dunes in the Pine Ridge country near Chadron. The trail's path through scenic parts of our state and its proximity to so many cities, towns, and villages provides both recreational and economic development opportunities which are of great benefit to rural Nebraska. Last year, Sheridan County residents told me they wanted a voice in how the Cowboy Trail in

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their county might be completed and maintained. I introduced LB493 to provide those residents and others along the entire length of the trail an opportunity to assume local control for a recreational feature that spans eight counties in northern Nebraska. If this local control option is exercised, it would to some extent relieve the Nebraska Game and Parks Commission from a responsibility it has shouldered for twenty years. It is also important to recognize that the city of Gordon and Sheridan County have both submitted letters of intent and support. I ask your support for LB493 and AM292. [LB493]

SENATOR COASH: Thank you, Senator Davis. As the Clerk has stated, there is a committee amendment. Senator Carlson, you're recognized to open on the committee amendment. [LB493]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. This...LB493 is a good bill, it's a good idea. At the suggestion of Senator Lathrop to indicate...or to eliminate any ambiguity possibly in the bill, prepositional phrase was struck with the amendment. And so it makes it very clear that the lessee or transferee shall maintain the property at its own expense. And I would ask for your support of AM292 and the underlying bill, LB493. Thank you, Mr. President. [LB493]

SENATOR COASH: Thank you, Senator Carlson. Mr. Clerk, you have an amendment to the committee amendment. [LB493]

ASSISTANT CLERK: Mr. President, I do. Senator Carlson would offer AM1057 to the committee amendments. (Legislative Journal page 1041.) [LB493]

SENATOR COASH: Senator Carlson, you're recognized to open on AM1057. [LB493]

SENATOR CARLSON: Thank you, Mr. President. And what I just said is actually the entire amendment eliminating that prepositional phrase which is AM1057. I'd ask for your support of that. Thank you. [LB493]

SENATOR COASH: Thank you, Senator Carlson. Members, you have heard the opening of LB493, the committee amendment, and the amendment to the committee amendment. The floor is now open for discussion. Senator Gloor, you are recognized. [LB493]

SENATOR GLOOR: Thank you, Mr. Chairman, Mr. President. Members, I'll be brief, but I want to put an exclamation point on this bill and thank Senator Davis for bringing it forward. Some of you know that I ride bike quite a bit, and during the summertimes I have several times gone up to southwest Wisconsin, where the first rails and trails in the nation opened, the Sparta Trail, which winds through the very sort of towns that we're talking about along the Cowboy Trail. And you can't believe the economic revitalization that this bike trail has brought to those small communities--motels where there never

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were ones that existed; small cafes that now are thriving because of the number of people who come off the trail who are bikers; families, not people who are necessarily triathletes, but families with young children who ride their bikes. We talk about tourism in this state. And I have to tell you that, riding that trail several times, people have talked to me about the Cowboy Trail because they're interested in whether it is, in fact, completed from Norfolk all the way to what they consider to be almost the Black Hills. And I tell them, well, it's spotty at best. Obviously, the Game and Parks Department has a hard time maintaining a trail of this length. And the fact that a community has recognized the economic potential, the tourism potential, and are willing to step in and take charge, I think, is a wonderful thing and I hope more communities will do it. I hope senators that have districts within this trail recognize this as a huge potential economic boom for their communities when it comes to tourism and urge some of their not-for-profits or some of their political subdivisions to take advantage of it. It's a very, very good bill and far more important than most people would realize. Congratulations to Senator Davis and those counties that are going to take advantage of this. [LB493]

SENATOR COASH: Thank you, Senator Gloor. Senator Hansen, you are recognized. [LB493]

SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I, too, want to put my enthusiastic support behind this bill and thank Senator Davis for handing out this map because I've never seen this map before. One thing I do notice that when you get in the cowboy country that the Cowboy Trail is unfinished. So, that gives a little indication of what the priorities are there. I do have one real quick question and I don't want to delay this bill at all, but when Game and Parks according to the bill, Game and Parks may lease, sell, or otherwise transfer portions of the Cowboy Trail to these counties. If they sell the land, will there be an appraisal prior to that? [LB493]

SENATOR COASH: Senator Davis, will you yield? [LB493]

SENATOR DAVIS: We haven't really negotiated that, Tom, as to how that would be done. What this does is just authorize Game and Parks to make the transfer. I think it would be up to them or their officials to make a determination as to how that would be done. [LB493]

SENATOR HANSEN: Okay. I appreciate the time and good luck on that. It should be a great...when the local counties take it over, it will be much better than it is now. Thank you. Thank you, Mr. President. [LB493]

SENATOR COASH: Thank you, Senator Hansen and Senator Davis. Senator Pirsch, you're recognized. [LB493]

SENATOR PIRSCH: Thank you, Mr. President and members of the body and I'll be

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brief. Thank you for coming forward with this proposal. And so, it would not purport to sell portions but rather lease portions of the trail in areas that need development, is that correct, Senator, if you'd yield? [LB493]

SENATOR COASH: Senator Davis, would you yield? [LB493]

SENATOR DAVIS: Yes. Yes, Senator Pirsch, that is correct. [LB493]

SENATOR PIRSCH: Okay. And should in the anticipation that they get done, I'm sure those would be leased, what if in the event for some unexpected reason like a financing, whatever, it could not be done by these nonprofits who have been leased, there would be a reasonable mechanism to ensure that they're capable of being released or relet so that the trail could otherwise proceed? [LB493]

SENATOR DAVIS: My belief is that the Game and Parks officials have the knowledge and wherewithal to construct a document that would be safeguarding your concerns. I would say the one thing that is very important is that this is a Rails-to-Trails project and so the rail aspect of it has to be maintained in the event that a railroad were to decide to...it wants to reconstruct a rail system across that part of the state, that it would go back to the railroads. [LB493]

SENATOR PIRSCH: I see. Okay. And thank you very much. I just yield the balance of my time, should he want it, to Senator Davis. [LB493]

SENATOR COASH: Senator Davis, 3 minutes 30 seconds. [LB493]

SENATOR DAVIS: I will yield my time. [LB493]

SENATOR COASH: Thank you, Senator Davis. Senator Larson, you're recognized. [LB493]

SENATOR LARSON: Thank you, Mr. President. Would Senator Davis yield to a question? [LB493]

SENATOR COASH: Senator Davis, will you yield? [LB493]

SENATOR DAVIS: I will. [LB493]

SENATOR LARSON: On the sale, lease, or exchange, I guess I'm not completely familiar with the history. If the railroad doesn't want to come back in, does Game and Parks own that land right now and the railroad would have to pay for them, or are they kind of...how is that currently working throughout the trail? [LB493]

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SENATOR DAVIS: The trail bed was donated to the state with certain conditions that it be...by the Rails-to-Trails bank which is a national entity. The bed was torn up, the rails were sold, the ties were removed, and there was some revenue that went into it. And then in the eastern part of the project which is completed, Game and Parks went in and redid all the bridges, relaid a lot of the rock over the top. [LB493]

SENATOR LARSON: Did the state have to pay to get that back or did the railroad come...railroad just donate it to the state and Game and Parks? [LB493]

SENATOR DAVIS: It was donated to the state. [LB493]

SENATOR LARSON: If...so if the railroad want to open it back up, do the railroads have to then pay for it to get it back? [LB493]

SENATOR DAVIS: I don't have the answer to that, Senator Larson. I don't believe so. I think that's probably an easement that they have the right to go back in and reconstruct it. Obviously, that's probably not going to happen unless there's a tremendous change in economic activity. [LB493]

SENATOR LARSON: Yeah, and I guess that's my one concern is if we have local political subdivisions buying it from Game and Parks, and those local subdivisions use property tax dollars to buy it or even lease it at that point, and what happens with the contracts on the back end if they do have to buy it from Game and Parks or that's the contract? Then the railroad comes in and says, well, we are going to build. All of a sudden, that's property tax dollars, in my mind, that are lost automatically. And anything that those local political subdivisions did to update the trail, again that's...I guess, I hear constantly in rural Nebraska, this is property taxes, property taxes, property taxes, and how do local political subdivisions get their money and its property taxes. So, I mean, I understand what's trying to go on here in terms of the economic development. The Cowboy Trail goes...I have it, once it enters Holt County clear through the end of Rock County and honestly, they...most of my constituents in that area don't particularly care for it and don't see a lot of value in it and see the Game and Parks wasting a lot of money on it. But I can understand where those farther out west might see it as economic development. My biggest worry is the property tax side of it. If they buy the land from Game and Parks, and then the railroad comes in and takes the land, or whatever, so I just...I don't know what the contracts are. I think we have to question what the contracts are, what the railroad can do. Are we just going to lose the property tax dollars? And if you can answer any of those questions, Senator Davis, I'd yield the rest of my time to you. [LB493]

SENATOR COASH: Senator Davis, 1 minute 50 seconds. [LB493]

SENATOR DAVIS: We have an answer to that question that if the railroad comes back

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in, they will reimburse the state for their costs. Now, as to the local entity, I would assume that the Game and Parks Commission would enter into a similar agreement with the local entity but that would be up to Game and Parks. All we're doing is giving them the authority to negotiate and do something with it if they choose to. And I understand your point, Senator Larson. I think a lot of the people in our area probably feel the same way about the trail and most of them would like to see it deeded back to the landowners. That's not going to happen. This bill came forward from a constituent in Gordon who is a bike enthusiast and was run into by somebody on the highway which is where a lot of people have to go for their recreation. The idea is... [LB493]

SENATOR COASH: One minute. [LB493]

SENATOR DAVIS: ...that the trail will be constructed between, hopefully, Rushville and Gordon which are 20-some miles apart and give people the ability to move back and forth between those two communities. Thank you. [LB493]

SENATOR COASH: Thank you, Senator Davis and Senator Larson. Senator Avery, you're recognized. [LB493]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. I have one brief question for Senator Davis, if he will yield. [LB493]

SENATOR COASH: Senator Davis, will you yield? [LB493]

SENATOR DAVIS: I will. [LB493]

SENATOR AVERY: Thank you, Senator. I just want to know if there's anything in the green copy of the bill or in the amendments that would allow these communities, any of them, 24, I believe, to change the public purpose of the Cowboy Trail, to, for example, limit public access. [LB493]

SENATOR DAVIS: Again, Senator Avery, that will probably be something that Game and Parks would address in any negotiation that they have with the local entity. But, you know, the one thing that we do have to constantly be observant of is that it is a Rails-to-Trails project, as I said earlier. [LB493]

SENATOR AVERY: But it would be possible for a community to say, we don't want to use this for trails anymore, we'd rather use it for something else. And you get a gap then. So let's say it happens at Stuart, you've got a gap in the trail. And the trail is less attractive for use if it's not complete. [LB493]

SENATOR DAVIS: If I could just address a few of your questions, Senator Avery. The trail is completed to Valentine and on the eastern end of the trail there was a

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tremendous amount of damage from the flooding. So there are bits and pieces of that that are under the control of Game and Parks at the present time that are not useful. The intention of the communities is to maintain it as a trail. That is the intention of Game and Parks also. So I think it's very unlikely that Game and Parks is going to seek control of the trail if they don't think the entity is going to be using it for a trail. [LB493]

SENATOR AVERY: Thank you, Senator. I have no more questions. Thank you, Mr. President. [LB493]

SENATOR COASH: Thank you, Senator Avery. (Visitors introduced.) Senator Larson, you're recognized. [LB493]

SENATOR LARSON: Would Senator Davis yield? [LB493]

SENATOR COASH: Senator Davis, will you yield? [LB493]

SENATOR DAVIS: I will. [LB493]

SENATOR LARSON: Real quick because I missed when you were explaining, so the railroad, if the political subdivision did purchase land, the railroad would pay them back if...for that land and all the improvements they put on it if the railroad wants to take it back? [LB493]

SENATOR COASH: Senators, sorry to interrupt, but pursuant to Rule 5, Section 6, we will now take a vote on the committee...the amendment to the committee amendment. Members, the question for the body is, shall AM1057 to AM292 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB493]

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of the amendment to the committee amendments. [LB493]

SENATOR COASH: AM1057 is adopted. Members, the next vote is on the adoption of the committee amendment. The question for the body is, shall AM292 to LB493 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB493]

ASSISTANT CLERK: 40 ayes, 0 nays on the adoption of committee amendments. [LB493]

SENATOR COASH: The committee amendment is adopted. Members, the question for the body now is, shall LB493 be advanced to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB493]

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ASSISTANT CLERK: 40 ayes, 0 nays on the advancement of LB493, Mr. President. [LB493]

SENATOR COASH: LB493 does advance. Next item, Mr. Clerk. [LB493]

ASSISTANT CLERK: Mr. President, the next bill is LB345 introduced by Senator Wightman. (Read title.) The bill was read for the first time on January 18, referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments. (AM350, Legislative Journal 501.) [LB345]

SENATOR COASH: Thank you, Mr. Clerk. Senator Wightman, you are recognized to open on LB345. [LB345]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. The real property Transfer on Death Act passed just last year in 2012 and became effective January 1, 2013, of this year. In overview, this new law permits owners with interest in real estate to execute and record a transfer on death deed which enables an owner of real estate to pass the property to a beneficiary on the owner's death without the cost and delays of probate. During the owner's lifetime, the beneficiaries have no interest in the property and the owner retains full power to transfer or encumber the property or to revoke the transfer on death deed. LB345 was introduced to address issues that only became apparent as the bill was being implemented. And I might say that this particular part of the act that we're talking about today was an amendment to the original bill. On Select File last year, language was added that upon further review should be amended. Under the law as passed, a transfer on death deed must be signed by two disinterested witnesses. Unfortunately, simply creating the requirement without specifying what the requirement means and how the requirement can be complied with, raises important legal and logistical issues. The issues raised are, one, there's no way to confirm that the witnesses were disinterested when they signed the deed. The disinterested witness is not defined. An unanswered question in the act is, is there a category of family member or other with a relationship to the transferor or his or her circumstances that should be considered interested? The first recommended amendment that I bring to you today on behalf of the Nebraska State Bar Association would remove the requirement that the witness be disinterested. The requirement for disinterested witnesses is unique to the Nebraska act. No other state, nor does the Uniform Law Commission's model law, have such a requirement. Under LB345 any transfer on death deed with two witnesses whether or not they are disinterested will be valid. The second change contained in LB345 that I bring to you today is on behalf of the Nebraska Association of County Officials. In order to expedite the administration of Nebraska's real property title laws, the register of deeds are requesting that a document be filed to assist them to connect death certificates with transfer on death deeds at the death of the transferor, transfers as a result of the death of a joint tenant, transfers upon the death of a holder of a life estate. The death certificates are generally filed many years after the deed creating

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these transfers occur. Now that's not necessary, sometimes they might be actually recorded a very short time. The information that will be contained on this new document will ease the administrative burden of the register of deeds by simplifying the connection of the death certificate with the instrument authorizing the transfer. The committee amendment, which Senator Ashford will more fully explain, is a technical amendment concerning the effective dates of the two provisions. I would urge the body to adopt AM350 and advance LB345. Thank you, Mr. President. [LB345]

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Thank you, Senator Wightman. As the Clerk indicated, there are Judiciary Committee amendments. Senator Ashford, you're recognized to open on AM350. [LB345]

SENATOR ASHFORD: Thank you, Mr. President. As usual, Senator Wightman has very comprehensively explained LB345. He's an expert in this area and has introduced many bills to clarify the law on these matters. The committee amendment is a very technical amendment. It would change the operative date with respect, as Senator Wightman indicated, there's a cover sheet requirement that must be filed with the deed and this amendment, the committee amendment, would move or change the operative date with respect to the cover sheet requirement to three months after the end of the legislative session. The amendment would also provide that the cover sheet attached to a death certificate be recorded by the register of deeds so there's no question as to the obligation of the register of deeds in these matters. Thank you. [LB345]

SENATOR CARLSON: Thank you, Senator Ashford. Members, you've heard the opening on AM350 to LB345. Senators wishing to speak: Senator Schumacher, you're recognized. [LB345]

SENATOR SCHUMACHER: Thank you, Mr. Chairman and members of the body. Would Senator Wightman yield to a couple of questions? [LB345]

SENATOR CARLSON: Senator Wightman, would you yield? [LB345]

SENATOR WIGHTMAN: Yes, I will. [LB345]

SENATOR SCHUMACHER: Senator Wightman, with regard to the certificate that is filed with the death certificate that says who the...what pieces of property are affected, does that have to be signed by anybody? I know there are some register of deeds who are fairly particular and they will hesitate on filing anything that isn't signed and notarized, either acknowledged or sworn to, and/or carrying a raised government seal or court seal. So is this just a cover sheet that is not signed at all? That's kind of the way I read it. Is that your intent? [LB345]

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SENATOR WIGHTMAN: That is what the language says. I think it is just a cover sheet, and that would be sufficient. [LB345]

SENATOR SCHUMACHER: Okay. And so it wouldn't have to be signed or notarized or anything like that? [LB345]

SENATOR WIGHTMAN: I'm looking in the language and it doesn't say that it has to be signed at least, so I assume it would not. [LB345]

SENATOR SCHUMACHER: Okay. Then regard, the second issue that's raised here, last year we had a fairly decent debate in which we resulted in the requirement that there would be two disinterested witnesses that would have to sign this deed that would become effective upon death and that the protective reason for that was that we didn't want anybody pulling a fast one with a parent or a relative who might be subjected to pressure. Now we're taking out the words "disinterested." Could the parties that witness this be the kid who is getting the land and his wife? Can they be that interested? [LB345]

SENATOR WIGHTMAN: There's certainly nothing that indicates they couldn't be that interested so I believe they...the problem is that the register of deeds can't tell whether that person is interested unless they had the same name because it could be a daughter that's married, it could be a number of persons that the register of deeds will have almost an impossible time determining. So basically, I think we would just... [LB345]

SENATOR SCHUMACHER: So if it could be the person, the kid who is getting the land and his spouse, doesn't that just take out the...I mean, functionally nullify the requirement that we have that there be two witnesses? I mean, what good is the witnesses at that point? [LB345]

SENATOR WIGHTMAN: I suppose that that's true. And as I say, I mentioned in my opening, no other state that has passed this law has put in that provision with regard to the disinterested witnesses. So our state stands alone in that. Now, I can't tell you right now how many states have it but a substantial number. [LB345]

SENATOR SCHUMACHER: Thank you, Senator Wightman. I remain a little concerned about this. I think when you have a situation where you can have somebody bring a lot of pressure on a parent and maybe the parent is a bit feeble, last years of life and fretting about things, and you don't have the assurances of the extra protections we put on there last year, that it just invites a little mischief once in a while. And the fact that apparently the language suggests that the witnesses can be interested, can, in fact, be the kid getting the land and his wife, seems to take out that requirement that we spent

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considerable debate on last year. Thank you. [LB345]

SENATOR CARLSON: Thank you, Senator Schumacher, Senator Wightman. Senator Pirsch, you're recognized. [LB345]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I wonder if Senator Wightman would yield to a question or two. [LB345]

SENATOR CARLSON: Senator Wightman, would you yield? [LB345]

SENATOR WIGHTMAN: Yes, I will. [LB345]

SENATOR PIRSCH: Great. And thank you. And the transfer on death deed statute, when did that go into effect originally? [LB345]

SENATOR WIGHTMAN: Actually went into effect January 1 of this year. [LB345]

SENATOR PIRSCH: Oh, January 1 of... [LB345]

SENATOR WIGHTMAN: It was passed in the 2012 Legislature. [LB345]

SENATOR PIRSCH: Okay. I would yield the balance of my time to Senator Wightman if he'd like to use it. Thank you. [LB345]

SENATOR WIGHTMAN: Well, I would take just a minute of my time to try to address some of the questions that Senator Schumacher has. And the fact is that the register of deeds have indicated and the bar association as well, I think, that this is really an unworkable provision that there is no way that they are able to determine whether these are interested or disinterested parties. Now, there may be a few rare instances where they're of the same name that the register of deeds would have some suspicion. But, I think, you're entitled to consider the fact that no other state that has passed this law had such a provision in it at all with regard to disinterested witnesses. So that wasn't part of the uniform act that was passed and it certainly is not anything that is going to make this a usable...matter of fact, it's pretty much going to eliminate it as a usable provision of law if we leave that in. Thank you. [LB345]

SENATOR CARLSON: Thank you, Senator Wightman and Senator Pirsch. Seeing no other Senators wishing to speak, Senator Ashford, you're recognized to close on AM350. He waives closing. The question is, shall AM350 be adopted? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB345]

ASSISTANT CLERK: 29 ayes, 0 nays on the adoption of committee amendments, Mr.

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President. [LB345]

SENATOR CARLSON: AM350 is adopted. Seeing no other lights, Senator Wightman, you're recognized to close on LB345. Members, there were no lights on when I called on Senator Wightman to close and so we'll proceed that way. Senator Wightman, you're recognized to close on LB345. [LB345]

SENATOR WIGHTMAN: Thank you, Mr. President. I think this is a good bill. It eliminates the provision that we placed in our Uniform Transfer on Death Act that no other state had and makes it possible to at least use the provision that was passed in 2012. Thank you, Mr. President. [LB345]

SENATOR CARLSON: Senator Nelson. [LB345]

SENATOR NELSON: Mr. Chairman, I rise to point of order to speak. [LB345]

SENATOR CARLSON: State your point, please. [LB345]

SENATOR NELSON: My point is that regardless if there were no lights on at the time that closing was supposed to take place, we did file a request. Three of us signed that this be removed from the consent calendar so we have more opportunity to explore this. That was done within fifteen minutes of debate. And, therefore, I think that it's incumbent on the Chair to honor that request and remove it from the consent calendar and bring it back where we have more of an opportunity to discuss. A very important thing, not just...not because of the recording concerns but the fact that down the road, if there's ever a lawsuit or anything, it's important to know whether there were interested or disinterested witnesses from a legal standpoint. And I certainly respect, you know, what Senator Wightman is doing; but I discussed it with him earlier and after some short debate here, we do have concerns about that. And I think before we put this into law, it warrants further consideration. Thank you, Mr. Speaker. [LB345]

SENATOR CARLSON: Thank you, Senator Nelson. I would ask Senator Nelson and Senator Wightman to approach the Chair. Senator Schumacher, would you approach the Chair and, Senator Wallman, would you approach the Chair? Members, the point of order has been withdrawn. I recognize Senator Wightman to close on LB345. [LB345]

SENATOR WIGHTMAN: Thank you, Mr. President. Just to inform everybody of what was taking place, it was agreed that we would go forward on Final Reading (sic) but that we would work on it on Select File. If changes were made, it will probably go off the consent calendar at any rate, so I do urge your support of LB345. As I indicated previously, this was brought by both the bar association and by the county officials. They think they're making the bill that was passed previously in 2012, a bill that will be...allow this type of instrument to be used. It probably is almost unusable if this is not

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passed. So with that, I urge your yes vote, green vote, with regard to LB345. Thank you, Mr. President. [LB345]

SENATOR CARLSON: Thank you, Senator Wightman. The question is, shall LB345 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB345]

ASSISTANT CLERK: 32 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB345]

SENATOR CARLSON: LB345 does advance. Mr. Clerk, next item. [LB345]

ASSISTANT CLERK: Mr. President, the next bill is LB172, introduced by Senator Coash. (Read title.) The bill was read for the first time on January 14 of this year. It was referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments. (AM182, Legislative Journal page 503.) [LB172]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Coash, you're recognized to open on LB172. [LB172]

SENATOR COASH: Thank you, Mr. President. Colleagues, LB172 is a bill that clarifies a provision of a bill from 2011, LB157. This was a bill which enhanced protections for vulnerable persons under the supervision of a guardian or conservator. Unfortunately, the written language in the small portion of the law dealing with guardians and conservators notifications to interested persons was contrary to the intent. This bill cleans that intent up. The intent of the language was to have guardians and conservators following their appointment mail inventories to all possible interested persons. Such mailings also include a form for the interested person to fill out and send to the court affirming that he or she wants to continue to receive notifications about the ward. In other words, an interested person must opt in to remain an interested person and receive further notifications about the ward. Inadvertently, the text of LB157 made this mailing of inventories and the opt-in forms to all interested persons an annual requirement. LB172 cleans this language up and affirms that a guardian/conservator must file the inventory to the court and mail it to all possible interested persons following such guardian/conservator's appointment. Proof of such mailing is submitted to the court via an affidavit of mailing. Each year thereafter the guardian must continue to file an inventory with the court but mail it only to any persons who have notified the court via the opt-in form of their desire to be an interested person. That's what the bill does. I appreciate your support of LB172 and the forthcoming committee amendment. Thank you, Mr. President. [LB172]

SENATOR CARLSON: Thank you, Senator Coash. As the Clerk indicated, there are committee amendments. Senator Ashford, you're recognized to open on AM182.

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[LB172]

SENATOR ASHFORD: Thank you, Mr. President. The new section would amend Section 30-2601 to include in the definition of interested persons, as Senator Coash described in his discussion, the personal representative of a deceased ward's estate, the deceased ward's heirs, and the deceased ward's devisees. The amendment would also change the requirement that conservators or guardians file an affidavit of mailing to the requirement that a certificate of mailing would be sufficient and this would...this change would save the expense of getting an affidavit notarized. So with that, I would urge the adoption of the amendment. [LB172]

SENATOR CARLSON: Thank you, Senator Ashford. You've heard the opening on LB172 and AM182. The floor is now open for debate. Senator Pirsch, you're recognized. [LB172]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I wonder if Senator Coash would yield to a question. [LB172]

SENATOR CARLSON: Senator Coash, would you yield? [LB172]

SENATOR COASH: Yes, I will. [LB172]

SENATOR PIRSCH: And this was...this bill was supported by the bar association, is that correct? [LB172]

SENATOR COASH: That's correct, Senator Pirsch. [LB172]

SENATOR PIRSCH: Okay. And what we're...simply put, this just allows for interested people to be made aware by the guardians and conservators, is that...? [LB172]

SENATOR COASH: Yes, Senator Pirsch, here's what happened. We passed LB157 in 2011. One of the protections we put in place was that an interested person would be allowed to receive inventories if he or she so chose to do so. The text of the original bill, however, was unclear that whether or not the interested person would have...or the guardian would have to continue to ask if they wanted to receive it. So what LB172 does is, it clarifies that they have to ask once and if the interested person wants to receive inventories, they will say at the beginning and they can change their mind two, three years down the road, but once they say no, the guardian doesn't have to send it out every year afterwards to just double-check. So, as you know as an attorney, Senator Pirsch, being a guardian for a vulnerable person is somewhat burdensome and we put a lot of things in place for protection both through legislation and through court rule. And we want to keep the protections in place but make it less burdensome to do so and by removing the requirement that the guardian continue to send that affidavit year after

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year, we're removing some of the burden from the attorneys who do this work. [LB172]

SENATOR PIRSCH: Okay. Thank you very much for your answers. Thank you. [LB172]

SENATOR CARLSON: Thank you, Senator Pirsch and Senator Coash. Seeing no other senators wishing to speak, Senator Ashford, you're recognized to close on AM182. He waives closing. The question is, shall AM182 be adopted? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB172]

ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of committee amendments. [LB172]

SENATOR CARLSON: AM182 is adopted. We return to discussion on LB172. Seeing no senators wishing to speak, Senator Coash, you're recognized to close. [LB172]

SENATOR COASH: Thank you, Mr. President. Colleagues, I'll take my opportunity to close to share with you some things that are happening in the realm of guardians and conservators and protecting vulnerable people. As I mentioned in my response to Senator Pirsch, we have many attorneys who do this work as a service to their communities because frankly we don't have enough people who will voluntarily step up and be guardians and conservators for their loved ones. And so the court often finds attorneys in their jurisdiction who will do this service, and it is at an expense to them. And were it not for those attorneys who do those things, we would be in much worse shape. There are some procedures and practices in place both through legislation and through court rule that many of you have probably heard from your attorneys that they find to be onerous and burdensome. They're there for a reason. They're there to protect the vulnerable person. But the last thing we want to do is put too many regulations on them that makes it so that they...so it makes them...makes the process simpler from their perspective. So there's a couple of things I want my colleagues to understand in case you get calls from constituents. First of all, the Supreme Court is aware and they know that we have court rules that need to be evaluated and looked at so that we can keep protections in place but still...but make this process as fluid as possible for the practitioners in it. And so the Supreme Court has drafted rules and has put out for public comment until May of this year that will help us understand how better to make this process. The rules also would allow for a guardian/conservator to request the judge to allow for a guardian/conservator to file a budget rather than an annual accounting. I think if you talk to some of the practitioners in this area they'll find that to be helpful, so I want to get that on the record. And these are proposed rules. In addition, there's a proposed rule to provide for a guardian with no authority over the estate of the ward to obtain a limited order and waiver the requirement to file an inventory with the court. In addition, the Supreme Court has put together a task force. I've been appointed to that task force along with Senator Nelson and other practitioners in this area to continue to evaluate this process working with the Legislature, the bar association, and the

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Supreme Court. And we anticipate continued changes to again streamline this process and to make it easier for the practitioners. LB172 is a small step in that direction and for that reason I would urge your advancement. Thank you, Mr. President. [LB172]

SENATOR CARLSON: Thank you, Senator Coash. Members, you've heard the closing on LB172. The question is, shall the bill be advanced? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB172]

ASSISTANT CLERK: 34 ayes, 0 nays on the advancement of the bill, Mr. President. [LB172]

SENATOR CARLSON: LB172 does advance. Mr. Clerk, next item. [LB172]

ASSISTANT CLERK: LB643, introduced by Senator Davis. (Read title.) The bill was read for the first time January 23 of this year, referred to the Urban Affairs Committee, placed on General File with no committee amendments. [LB643]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Davis, you're recognized to open on LB643. [LB643]

SENATOR DAVIS: Thank you, Mr. President, members of the body. I want to thank Chairman McGill and members of the Government...the committee for their unanimous vote to advance LB643, and for Speaker Adams for putting it on the consent agenda today. LB643 would simply give cities of the first and second classes and villages more local control over the regulation of nuisances created by the excessive growth of weeds, grass, and worthless vegetation. One of the most common complaints that city officials receive is complaints about a property where the grass and weeds have not been mowed. Under current law, cities and villages other than Omaha and Lincoln must wait until the grass and weeds reach a high of 12 inches or more before the city can declare it a nuisance and ask that the yard be mowed. If the property owner does not mow within five days after receiving notice, the city can mow the yard and charge the property owner. The notice often takes days and even a week or more so that by the time the mowing occurs, the grass and weeds are extremely high. LB643 would remove the 12-inch standard from the law and allow these cities and villages to determine at what height the weeds and grasses become a nuisance and also allows a city to determine the process to notify the property owner. The bill also clarifies the procedure for a property owner who...can use to appeal a nuisance citation. Current law makes reference to an appeal process but does not specify how it will take place. Thank you. [LB643]

SENATOR CARLSON: Thank you, Senator Davis. Members, you've heard the opening. Senators wishing to speak, Senator Bloomfield, you're recognized. [LB643]

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SENATOR BLOOMFIELD: Thank you, Mr. President. Would Senator Davis yield to a question or two? [LB643]

SENATOR CARLSON: Senator Davis, would you yield? [LB643]

SENATOR DAVIS: I will. [LB643]

SENATOR BLOOMFIELD: Thank you, Senator Davis. Are there any restrictions put on here anywhere to prevent the cities from overreaching or the small towns from overreaching? The thing that comes to my mind is a lot of these small towns on the outskirts in particular have windbreaks on the property with grass growing up in the wind breaks. And if you get some, for lack of a better term, knothed on the city council who decides he doesn't like the guy that owns that windbreak, he could cause him a whole lot of grief. Is there anything in there that restricts the city at all from overreaching? [LB643]

SENATOR DAVIS: What we're doing is giving the cities and villages the same rights and the same ability that the metropolitan cities already have, so the cities of Lincoln and Omaha. So, no, there is no such article in place in this law, Senator Bloomfield. Essentially what we're trying to do is say these villages and cities have the same knowledge base and the same ability to make those intelligent decisions that the people in the city of Lincoln and Omaha have. [LB643]

SENATOR BLOOMFIELD: Okay. Given the makeup of our small towns, when I go out the Long Pine, out in that area where the outskirts of town is still in town but very well may be a windbreak, I guess I can't support this. Thank you. [LB643]

SENATOR CARLSON: Thank you, Senator Bloomfield and Senator Davis. Senator Johnson, you're recognized. [LB643]

SENATOR JOHNSON: Thank you, Mr. President. Speaking from an experience of a former mayor, at least in our community and we had some of those areas on the edge, we were a little bigger community, but just as a practice, the administrator, city administrator or myself as mayor contacted those people before we sent out the nuisance complaint and listened to them. If they have that situation, we took that into account. I think just the common courtesy is contact the people first before you send out the certified letter. But what this does, it authorizes the city or the village of first or second class to start attacking this problem a little bit sooner. We've had several situations where it's in a foreclosure, and by the time you let it go up to 12 inches again and then you find the people out in California, and by the time it goes through their system it's far out of control. So I support this from this from the standpoint that you can start the process sooner. Thank you. [LB643]

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SENATOR CARLSON: Thank you, Senator Johnson. Senator Pirsch, you're recognized. [LB643]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I wonder if Senator Davis would yield to a quick question or two. [LB643]

SENATOR CARLSON: Senator Davis, would you yield? [LB643]

SENATOR DAVIS: I will. [LB643]

SENATOR PIRSCH: Thank you. So this bill functions by taking...right now the height is set in state statute at 12 inches, is that right, and this would devolve discretion upon the municipality to make some alternative type of height trigger. Is that right? [LB643]

SENATOR DAVIS: That's correct, Senator Pirsch. [LB643]

SENATOR PIRSCH: Okay. And is the...was the testimony such that they said 12 inches is just too long...I mean, too tall. By the time it gets to that height it's significant problems already for the municipality. Is that why they want the discretion? They'd like to... [LB643]

SENATOR DAVIS: Well, it's a combination of a number of things. But let's say June 20 the grass is a foot tall, then you have to serve notice, have to have proof that that has...document has been received by the recipient. So it could be anywhere from a week to a month later at which point the grass will be three feet tall, and then you can't get in with a regular mower to mow it. You're going to have to go in with something else. So essentially what we're just trying to do is give the cities and villages the authority to sort of make their own call on what is a nuisance and what is not. [LB643]

SENATOR PIRSCH: Okay. And then it would also change the method by which notice is provided to the owners of the property, is that right? [LB643]

SENATOR DAVIS: Yes, that's correct. [LB643]

SENATOR PIRSCH: And currently what is the requirement and what are you proposing to go to? [LB643]

SENATOR DAVIS: Well, I have notice in Lincoln is in statute. Notification process is determined by city ordinance. Lincoln uses certified mail and tracks it by sending and not the...by the sending date and not the receiving date. Lincoln also uses an ordinance to set the maximum height for the grass and weeds at six inches. Omaha, the notification requirement is in statute. Notification process is determined by city ordinance. Omaha does not use individual notifications, but in April it publishes a

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citywide notice, most likely in the World-Herald. And Omaha uses an ordinance to set the maximum height for the grass and weeds at 12 inches. So essentially it would be up to the city as to how it wants to decide to give notice as long as it meets state statutes. [LB643]

SENATOR PIRSCH: Thank you very much. [LB643]

SENATOR CARLSON: Thank you, Senator Pirsch and Senator Davis. Senator Bloomfield, you're recognized. [LB643]

SENATOR BLOOMFIELD: Thank you again, Mr. President. Colleagues, I don't believe we can compare our towns of 120 people or 130 people to the cities of Lincoln and Omaha. If you live in one of these communities and you have lived there awhile and the people serving on the town board have lived there for a while, at times you will be at cross purposes with one another. You plain won't like one another. And I have seen firsthand small towns take advantage of such laws to harass somebody that they're not particularly fond of. I think what we're doing here, we're already restricted to 12 inches of growth under current statute. I think we're opening up to allow for harassment of individuals in small towns by the people who just plain don't like them. To me, we're reaching in and taking over more property rights. I do oppose this bill. I wish I had seen it earlier, I would have made an attempt to get three signatures. I'll not do that at this point. But I urge you to oppose it. Thank you. [LB643]

SENATOR CARLSON: Thank you, Senator Bloomfield. Senator Schumacher, you're recognized. [LB643]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Just briefly, I've spent umpteen years of being city attorney for small towns. There's nothing this body can do to end squabbles among people in small towns. But as a practical matter, most towns have some version of this on the record already. And as Senator Johnson indicated, they try to work with a landowner before they get heavy handed about it. I think that this is a marginal improvement upon what we have now. And I understand Senator Bloomfield's concerns about people getting in squabbles in small communities. Unfortunately this isn't going to solve this and this isn't probably going to change anything, but this bill probably is a marginal improvement. Thank you. [LB643]

SENATOR CARLSON: Thank you, Senator Schumacher. Seeing no other senators wishing to speak, Senator Davis, you're recognized to close on LB643. [LB643]

SENATOR DAVIS: I would just urge the body to recognize that the people that are going to be making these decisions are elected individuals in their villages and communities. And I recognize Senator Bloomfield's concerns, but I would remind him that we're talking about cities of significantly larger size also who are impacted. This bill

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gives flexibility to our villages and first-class...first- and second-class cities the same flexibility that exists in Omaha and Lincoln. I think you can trust the folks out there just as much as people can trust their city councils here. And I would urge support of the bill. Thank you. [LB643]

SENATOR CARLSON: Thank you, Senator Davis. The question is, shall LB643 be advanced? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB643]

ASSISTANT CLERK: 29 ayes, 1 nay on the motion to advance the bill, Mr. President. [LB643]

SENATOR CARLSON: LB643 does advance. Mr. Clerk, next item. [LB643]

ASSISTANT CLERK: Next bill, Mr. President, is LB386 which was introduced by Senator Christensen. (Read title.) The bill was read for the first time on January 18, referred to the Transportation and Telecommunications Committee, placed on General File with committee amendments attached. (AM275, Legislative Journal page 550.) [LB386]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Christensen, you're recognized to open on LB386. [LB386]

SENATOR CHRISTENSEN: Thank you, Mr. President, colleagues. LB386 amends section 39-1802 which gives the authority to the county board or road overseer to engage in the construction and maintenance of county roads and drainage facilities along with the authority to go on to private property when necessary to accomplish such construction and maintenance. This section also requires the county to pay for damages to property outside of the right of way. LB386 seeks to improve the due process in the section to provide proper notification and better protect property owners and the county when disagreements arise between them regarding the necessary entry onto the property and claim encroachments into the right of way of the county and the road overseer. The bill would require that a ten-day notice be given to the record property owner by the county or road overseer when the county has plans to enter onto the property right outside the right of way for purposes of authorization in this section or if they plan to modify, relocate, remove, or destroy any encroaching private property in the right of way during any construction or maintenance of drainage facilities. It would also require that the record of the condition of the premises or a record of any claimed encroachment of the right of way be used in the event of damages to the private property. I believe LB386 provides for proper notice, allows absentee landowners the proper amount of time to respond to county plans and claims of encroachment when working on construction and maintenance of drainage facility and roads. I've worked with NACO on this legislation. They're in support of LB386 and the committee

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amendment. I look forward to any discussion in the advancement of LB386. Thank you. [LB386]

SENATOR CARLSON: Thank you, Senator Christensen. Members, you've heard the opening on LB386. There are committee amendments. Senator Dubas, as Chair of the committee, you're recognized to open on AM275. [LB386]

SENATOR DUBAS: Thank you very much, Mr. President. Amendment to LB386 includes language that in the event of an emergency that the notice requirement would be waived. So this would allow, you know, in the event of weather issues or other things that need immediate attention, the county would not be required to use the notification...the amount of days for the notification. Thank you. [LB386]

SENATOR CARLSON: Thank you, Senator Dubas. Members, you've heard the opening on LB386 and AM275. The floor is now open for debate. Senator Crawford, you're recognized. [LB386]

SENATOR CRAWFORD: Thank you, Mr. President. I just wanted to get a clarification on a couple of points, one in the amendment and one in the bill, just so I understand it and also perhaps for the record. So I wondered if Senator Dubas would yield? [LB386]

SENATOR CARLSON: Senator Dubas, would you yield? [LB386]

SENATOR DUBAS: Yes, I will. [LB386]

SENATOR CRAWFORD: Just wondering when we're talking about the emergency, would a flooded road with water covering the road be considered a situation that was what might be considered a situation where they might be able to in more quickly? [LB386]

SENATOR DUBAS: Yes. [LB386]

SENATOR CRAWFORD: Okay. Thank you. I just wanted to clarify that. And if Senator Christensen would yield. [LB386]

SENATOR CARLSON: Senator Christensen, would you yield? [LB386]

SENATOR CHRISTENSEN: Yes. [LB386]

SENATOR CRAWFORD: I just wondered if there was any discussion about how they record the condition when they arrive and any discussion with road overseers of what that...what obligation that puts on them? What are they expected to do in terms of recording that condition of the road? [LB386]

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SENATOR CHRISTENSEN: Well, what NACO said they do is they come out and take pictures. That's to provide their evidence or take a video camera so that would provide the evidence. [LB386]

SENATOR CRAWFORD: Excellent. And road overseers in most of our counties have that equipment? This is something that they're able to do now? [LB386]

SENATOR CHRISTENSEN: Yes. [LB386]

SENATOR CRAWFORD: Excellent. Thank you so much. I appreciate that. [LB386]

SENATOR CARLSON: Thank you, Senator Crawford and Senator Christensen. Senator Pirsch, you're recognized. [LB386]

SENATOR PIRSCH: Thank you very much, Mr. President and members of the body. I wonder if Senator Christensen would yield to a quick question. [LB386]

SENATOR CARLSON: Senator Christensen, would you yield? [LB386]

SENATOR CHRISTENSEN: Yes. [LB386]

SENATOR PIRSCH: Was the impetus of this bill really the counties, NACO, wanting to have guidance, specific guidance and clarity with respect to what their role in these type of situations should be? [LB386]

SENATOR CHRISTENSEN: Well, no. This come out of a landowner that felt like that he didn't get proper notice and that he would like to see notification put into the law. It was handled probably not in the way that it would be 99 percent of the time. But since the guy was out of state and the guy was only left a phone call, wasn't given a written notice, it wasn't given what you and I would call proper notification. And this just sets up the proper notification and allows a little time for response. [LB386]

SENATOR PIRSCH: Wonderful. So this will help I guess apply in those type of situations and help result in a better outcome? [LB386]

SENATOR CHRISTENSEN: Absolutely. [LB386]

SENATOR PIRSCH: Okay. Thank you. [LB386]

SENATOR CARLSON: Thank you, Senator Pirsch and Senator Christensen. Seeing no other senators wishing to speak, Senator Dubas, you're recognized to close. She waives closing. The question is, shall AM275 be adopted? All those in favor vote yea; all

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opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB386]

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of committee amendments. [LB386]

SENATOR CARLSON: AM275 is adopted. Senator Christensen, seeing no other lights, you're recognized to close on LB386. He waives closing. The question is, shall LB386 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB386]

ASSISTANT CLERK: 33 ayes, 0 nays on the advancement of the bill. [LB386]

SENATOR CARLSON: The bill does advance. Mr. Clerk, items for the record. [LB386]

ASSISTANT CLERK: Mr. President, I do. Thank you. I have an explanation of vote from Senator McCoy (Re LB153, LB153A, LB55, LB79, LB79A, LB158, LB203, LB230, LB263, LB271, LB388, LB495, LB495A, LB612, and LB629.) And amendments to be printed to LB423 from Senator Schilz, LB68 also from Senator Schilz, and Senator Mello to LB242. Thank you, Mr. President. (Legislative Journal pages 1042-1046.) [LB153 LB153A LB55 LB79 LB79A LB158 LB203 LB230 LB263 LB271 LB388 LB495 LB495A LB612 LB629 LB423 LB68 LB242]

SENATOR CARLSON: Thank you, Mr. Clerk. Next item.

ASSISTANT CLERK: Next bill, Mr. President, is LB166 by Senator Schilz. (Read title.) The bill was read for the first time January 14 of this year, referred to the Agriculture Committee, placed on General File with committee amendments. (AM188, Legislative Journal page 562.) [LB166]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB166. [LB166]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. LB166 inserts an additional labeling option for packaged mixtures of cool season lawn and turf seed regarding the shelf life of the germination rate claim. Sections 81-2147.02 of the Nebraska Seed Law prescribes labeling requirements for agricultural, vegetable, and flower seeds, including the germination rate of the seeds as ascertained by testing. Currently, (5) of 81-2147.02 requires that packages of lawn and turf seed mixtures disclose the date of testing for the determination of germination rate on the expiration date. In Nebraska, a date 12 months after the testing date when product if not retested and relabeled would be technically deemed mislabeled or adulterated and by law unsalable. LB166 would insert a new subdivision governing the label, germination rate, declarations for cool season lawn and turf grass seed mixtures. For such seed, the label

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would have the option of disclosing, one, the date of germination test for each seed component or the oldest test date of the seed and any seed component or a sell-by date not later than 18 months from the date of the germination test excluding the month of testing. And with that, I would appreciate a green vote and thank you very much. [LB166]

SENATOR CARLSON: Thank you, Senator Schilz. As the Clerk mentioned, there are committee amendments. And as Chair of the Ag Committee, you're recognized to open on AM188. [LB166]

SENATOR SCHILZ: Thank you, Mr. President. The committee amendments change the sell-by date to 15 months from the date of germination test to conform with the sell-by labeling recommendation of the Association of American Seed Control officials. Again, this would make us consistent with other states. Uniformity nationwide will reduce labeling complexity for seed packagers in Nebraska and elsewhere selling in interstate commerce. The amendment also adds the E clause. I would move the adoption of committee amendment and the advancement of LB166. Thank you. [LB166]

SENATOR CARLSON: Thank you, Senator Schilz. (Visitors introduced.) The floor is now open for debate on LB166 and AM188. Senator Pirsch, you're recognized. [LB166]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. Senator Schilz, if you'd yield to a question or two. [LB166]

SENATOR CARLSON: Senator Schilz, would you yield? [LB166]

SENATOR SCHILZ: I will sure try, yes. [LB166]

SENATOR PIRSCH: This is an additional labeling requirement, is this not? So it doesn't change anything about the prior labeling. [LB166]

SENATOR SCHILZ: No, no. In fact, what this does is this just changes it to allow more time to be sold. [LB166]

SENATOR PIRSCH: Wonderful. Thank you. [LB166]

SENATOR SCHILZ: Yep. [LB166]

SENATOR CARLSON: Thank you, Senator Schilz, Senator Pirsch. Seeing no other senators wishing to speak, Senator Schilz, you're recognized to close on AM188. He waives closing. The question is, shall AM188 be adopted? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB166]

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ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of committee amendments.
[LB166]

SENATOR CARLSON: The committee amendments are adopted. We return to discussion of LB166. Seeing no senators wishing to speak, Senator Schilz, you're recognized to close. He waives closing. The question is, shall LB166 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk.
[LB166]

ASSISTANT CLERK: 35 ayes, 0 nays on the advancement of the bill, Mr. President.
[LB166]

SENATOR CARLSON: LB166 does advance. Mr. Clerk, next item. [LB166]

ASSISTANT CLERK: LB192 introduced by Senator Karpisek. (Read title.) The bill was read for the first time on January 14, referred to the Government Committee, placed on General File with no committee amendments. [LB192]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Karpisek, you're recognized to open on LB192. [LB192]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. The purpose of LB192 is to provide transparency around political subdivisions by requiring them to disclose all of the names under which they conduct business. The bill amends Section 13-513 which directs the State Auditor to gather information from governing bodies about interlocal agreements and joint public agreements by requiring that such bodies to also disclose any trade names, corporate names, or other business names under which the body operates. Thank you, Mr. President. [LB192]

SENATOR CARLSON: Thank you, Senator Karpisek. Members, you've heard the opening on LB192. Are there senators wishing to speak? Seeing none, Senator Karpisek waives closing. The question is, shall LB192 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB192]

ASSISTANT CLERK: 33 ayes, 0 nays on the advancement of the bill. [LB192]

SENATOR CARLSON: LB192 does advance. Mr. Clerk, next item. [LB192]

ASSISTANT CLERK: LB458 introduced by Senator Krist. (Read title.) The bill was read for the first time on January 22, referred to the Health and Human Services Committee, placed on General File with no committee amendments. [LB458]

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

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on LB458. [LB458]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues and Nebraska. I want to thank Speaker Adams for putting us on the consent calendar this session. LB458 advanced from Health and Human Services Committee a unanimous 7 to 0 vote. Thanks to Chairman Campbell and the other members of the committee for advancing the bill. LB458 would require general acute hospitals to offer tetanus, diphtheria, pertussis, or as it's called, Tdap, vaccinations to all hospital employees. Because of their contact with patients and an effective material from patients, many healthcare professionals or personnel are at high risk for exposure to and possible transmission of vaccine-preventable exposure to. Employees in healthcare personnel have a shared responsibility to prevent occupationally acquired infections and avoid causing harm to patients by taking reasonable precautions to prevent transmission of vaccine-preventable diseases. The advisory committee of the immunization practices and the hospital infection control practices advisory committee of the Centers for Disease Control have recommended that regardless of age, healthcare personnel should receive a single dose of Tdap as soon as feasible if they have not previously received Tdap and regardless of the time since their most recent Td vaccination. Vaccinating healthcare professionals personnel with Tdap will protect them against pertussis and is expected to reduce transmission to patients, other healthcare professionals, household members, and persons in the community. Thank you, colleagues, for advancing LB458, and that is my opening. I would just mention that it'll seem curious to you that there are two in a row here on consent. They deal with different parts in the statute and they deal with different people as they're targeted, but they're essentially saying the same thing. And I'd ask you to move this along. Thank you. [LB458]

SENATOR CARLSON: Thank you, Senator Krist. You've heard the opening on LB458. There are senators wishing to speak. Senator Bloomfield, you're recognized. [LB458]

SENATOR BLOOMFIELD: Thank you, Mr. President. Would Senator Krist yield to a question? [LB458]

SENATOR CARLSON: Senator Krist, would you yield? [LB458]

SENATOR KRIST: Yes. [LB458]

SENATOR BLOOMFIELD: Senator Krist, is there anything in the bill or statute that prevents the nurses or the employees from refusing to take these shots? [LB458]

SENATOR KRIST: No. It says they must be offered. [LB458]

SENATOR BLOOMFIELD: They must be offered. Is there any repercussion if they

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choose not to take them? [LB458]

SENATOR KRIST: At the present time there are conditions of employment throughout the industry. We can't influence those, but as intended by this piece of legislation and the following piece of legislation we're only saying it has to be offered by the institution. [LB458]

SENATOR BLOOMFIELD: Okay. Thank you. [LB458]

SENATOR KRIST: You bet. [LB458]

SENATOR CARLSON: Thank you, Senator Bloomfield and Senator Krist. Senator Pirsch, you're recognized. [LB458]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I wonder if Senator Krist would yield to a clarification or two. [LB458]

SENATOR CARLSON: Senator Krist, would you yield? [LB458]

SENATOR KRIST: Yes. [LB458]

SENATOR PIRSCH: I note, and this is on the committee statement under the summary of purpose and changes, it says...so I have a couple of questions. First, in the first paragraph it says, "The vaccine shall be offered if the employees have not previously received such vaccine, regardless of the time since their most recent vaccination with such vaccine." So I'm trying to figure out what that means. You are...it will be offered if the employee has not had the vaccine regardless of the time that's passed since they had the vaccine. What that means...purports to me, what does the...your interpretation of the meaning of that? [LB458]

SENATOR KRIST: No interpretation. Let me reread that paragraph: The Advisory Committee on Immunization Practices, or ACIP, and the Hospital Infection Control Practices Advisory Committee, both part of the Centers for Disease Control, have recommended that regardless of age healthcare personnel should receive a dose, single dose of Tdap as soon as feasible if they have not previously received Tdap and regardless of the time since their most recent Td vaccination. Those are the people in disease control that are saying it doesn't make any difference when your last one was; you should have one, have the Tdap vaccination. [LB458]

SENATOR PIRSCH: Okay. And then...and again I'm going off of the committee statement that's listed there. And then they have second paragraph and it says, "Moreover, LB458 adds tetanus, diphtheria, and pertussis to the list of required vaccinations that all hospital employees must have, although an employee may elect

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not to be vaccinated." So are you required or are you not required? [LB458]

SENATOR KRIST: This piece of legislation says the hospital has to offer it. [LB458]

SENATOR PIRSCH: Okay. [LB458]

SENATOR KRIST: And the Centers for Disease Control says it must have. So if there's an overriding federal requirement for them to have it, then that's going to trump my requirement anyway. [LB458]

SENATOR PIRSCH: And do you know, is there a federal requirement? [LB458]

SENATOR KRIST: The Centers for Disease Control says that it is recommended at this point. It's not...they must be recommended by the healthcare profession. [LB458]

SENATOR PIRSCH: Okay. Thank you for that clarification. [LB458]

SENATOR KRIST: Sure. [LB458]

SENATOR CARLSON: Thank you, Senator Pirsch and Senator Krist. Seeing no other lights, Senator Krist, you're recognized to close on LB458. He waives closing. The question is, shall LB458 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. [LB458]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB458]

SENATOR CARLSON: Thank you, Mr. Clerk. LB458 does advance. Mr. Clerk, next item. [LB458]

ASSISTANT CLERK: LB459 also introduced by Senator Krist. (Read title.) The bill was read on January 22 of this year, referred to the Health and Human Services Committee, that committee placed the bill on General File with no committee amendments. [LB459]

SENATOR COASH PRESIDING

SENATOR COASH: Senator Krist, you're recognized to open on LB459. [LB459]

SENATOR KRIST: Thank you, Mr. President. Good morning again, colleagues and Nebraska. I want to thank Speaker Adams again for placing this on the consent calendar, and for Senator Campbell's help in getting it out of committee. It came out 7 to 0 vote. I will be very brief on this one. The recommendation to have this done for the individuals now is in this part of the statute is extended. LB459 would require each

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general acute hospital, intermediate care facility, nursing facility, skilled nursing facility to offer on-site vaccinations for Tdap and also to all residents and to all inpatients prior to discharge. That's the significant change between the two, and I'd ask you for a green vote. [LB459]

SENATOR COASH: Thank you, Senator Krist. (Visitors introduced.) Returning to discussion on LB459, the floor is now open for discussion. Seeing none, Senator Krist, you're recognized to close on LB459. Senator Krist waives closing. The question for the body is, shall LB459 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB459]

ASSISTANT CLERK: 28 ayes, 0 nays on the advancement of the bill. [LB459]

SENATOR COASH: LB459 does advance. Next item, Mr. Clerk. [LB459]

ASSISTANT CLERK: Mr. President, LB549, introduced by Senator Schilz. (Read title.) The bill was read for the first time on January 23 of this year, referred to the Committee on Natural Resources, that committee placed the bill on General File with committee amendments. (AM427, Legislative Journal page 619.) [LB549]

SENATOR COASH: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB549. [LB549]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. Good morning. And once again I'm here introducing LB549 on behalf of the West Central Nebraska Economic Development District and Keep Alliance Beautiful, as well as everybody else that has used these funds throughout the years. LB549 would extend the sunset for the scrap tire management program which is administered by the Department of Environmental Quality. The funds for the scrap tire program are provided through grants from the Waste Reduction and Recycling Incentive Grant Program to assist in the financing scrap tire projects in Nebraska. One of the funding mechanisms to this comes from a \$1 per tire fee collected on the sale of tires. Back in 2010 and 2011, the Legislature took money from the Waste Reduction and Recycling Incentive Grant Program in the amounts of \$1,608,000 respectively and \$1,517,000. This program has proven to be extremely useful, and those dollars are extremely important in Nebraska communities. I do say that there's a committee amendment here and I think that Senator Carlson will introduce that. So I will close with that, but basically it extends the sunset and, with that, I hope I can get a green vote. Thank you very much. [LB549]

SENATOR COASH: Thank you, Senator Schilz. As the Clerk has stated, there is an amendment from the Natural Resources Committee. Senator Carlson, you're recognized to open on the committee amendment. [LB549]

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SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. The committee amendment removes the increased fees language and requires that grants up to \$1.5 million be available annually for new scrape tire projects under the Waste Reduction and Recycling Incentive Act, and the current language requires grants up to \$1 million. The amendment also increases the amount that's required to be made available for grants to political subdivisions for Integrated Solid Waste Management Act purposes from the \$2 million suggested in the original bill to \$1.5 million. Program sunset date extension remains the same as it was in the original bill from 2014 to 2019, and the primary intent behind the bill and amendment is to extend the sunset date of the program but also to ensure the fees collected on new tires are sufficient to fund grants for scrape tire projects as originally intended under the scrape tire program. Senator Schilz determined that an increase in fees was not necessary, so this amendment returns the fees to the current amounts. There were no opponents to the bill and the committee advanced the bill as amended unanimously, and I would ask for your support on AM427 and the underlying bill. Thank you, Mr. President. [LB549]

SENATOR COASH: Thank you, Senator Carlson. Members, you heard the opening to LB549 and the committee amendment. The floor is now open for discussion. Seeing no members wishing to speak, Senator Carlson, you're recognized to close on the committee amendment. Senator Carlson waives closing. The question for the body is, shall AM427 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB549]

ASSISTANT CLERK: 33 ayes, 0 nays on the adoption of AM427, Mr. President. [LB549]

SENATOR COASH: AM427 is adopted. Returning to discussion on LB549. Seeing no members wishing to speak, Senator Schilz, you're recognized to close. Senator Schilz waives closing. The question before the body is, shall LB549 be advanced to E&R Initial? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB549]

ASSISTANT CLERK: 32 ayes, 0 nays on the advancement of the bill, Mr. President. [LB549]

SENATOR COASH: LB549 does advance. Next bill, Mr. Clerk. [LB549]

ASSISTANT CLERK: Mr. President, LB435, introduced by Senator Hansen. (Read title.) The bill was read for the first time on January 22, referred to the Committee on Agriculture, placed on General File with no committee amendments. [LB435]

SENATOR COASH: Thank you, Mr. Clerk. Senator Hansen, you're recognized to open on LB435. [LB435]

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SENATOR HANSEN: Thank you Mr. President and members of the Legislature. LB435 would insert two new sections into the Livestock Brand Act. Section 3 of the bill inserts out of state brand permit as a new definition and a term meaning that an authorization to utilize a brand registered in another state. Section 4 would authorize owners to apply a brand registered in another state limited as follows. And this is an example of how you would use an out-of-state brand. The cattle are purchased at a licensed livestock auction market or at another location, more than likely a private treaty which we do without the sale barn. We sell cattle on the ranches. These cattle are approved by the brand committee and the cattle are branded at that location. The cattle are immediately removed from the state and an out-of-state brand permit is obtained. The bill provides for persons to obtain an out-of-state brand permit by an application and the issuance of...by a brand inspector. The bill prescribes information to be provided on the permit, including the description of the brand and the payment of a permit fee to be set by the brand committee not to exceed \$50. Approval and the issuance of the permit is to occur within a reasonable time. This will be an advantage for the out-of-state buyer in that they will be able to unload their purchased livestock directly into a pasture in their home state. It will be an advantage to the Nebraska cattle producers because they can add value to their livestock to bordering state buyers by making them ready to unload in surrounding states. Thank you, Mr. President. [LB435]

SENATOR COASH: Thank you, Senator Hansen. Members, you've heard the opening to LB435. Senator Davis, you are recognized. [LB435]

SENATOR DAVIS: Thank you, Mr. President, members of the body. I rise in support of Senator Hansen and this bill. It's just a logical commonsense approach to solving a problem. Anytime animals are handled on a ranch or put through a chute, there's significant risk to the people that are putting them through the process and to the animals themselves while the animals are captive in a sale barn or facility and can be branded. It just is logical and makes a lot of sense to do this and it's a good step forward. So I would urge the body to support this bill. Thank you. [LB435]

SENATOR COASH: Thank you, Senator Davis. Seeing no other members wishing to speak, Senator Hansen, you're recognized to close on LB435. Senator Hansen waives closing. The question for the body is, shall LB435 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB435]

ASSISTANT CLERK: 30 ayes, 0 nays on the advancement of the bill. [LB435]

SENATOR COASH: LB435 does advance. Next item, Mr. Clerk. [LB435]

ASSISTANT CLERK: LB361 was introduced by Senator Howard. (Read title.) The bill was read for the first time January 18 of this year, referred to the Committee on Health and Human Services, that committee placed the bill on General File with no committee

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amendments. [LB361]

SENATOR COASH: Thank you, Mr. Clerk. Senator Howard, you're recognized to open on LB361. [LB361]

SENATOR HOWARD: Thank you, Mr. President, members of the body. LB361 seeks to ensure that maternal deaths are counted, the causes for such deaths are examined, and recommendations are made to prevent maternal mortality. The bill amends the Child Death Review Team to include maternal deaths during pregnancy and postpartum while adding members to the death review team. The Child Death Review Team was created nearly two decades ago in response to an increase in child deaths and the lack of systematic review as to why Nebraska's children die. On average, there are 250 child deaths a year. However, in 1993 when the team was created, that number rose to nearly 400. The Child Death Review Team reviews deaths of all children from birth to age 17. In instances where a mother has also died along with a child or even independent of giving birth, it is critical that professionals are able to understand what has happened and work to prevent future deaths. To that end, LB361 pursues a need for a comprehensive integrated review system where the Department of Health and Human Services can review trends and recommend changes. All 50 states have child death review teams, and in 23 states these teams also review maternal deaths. LB361 also expands the death review team from 8 to 12 members and assigns the Department of Health and Human Services general administration over the team with administrative support provided by a team coordinator. The team is entirely volunteer and any expenses incurred are funded through Title V, the Maternal and Child Health Block Grant, which means this bill has no fiscal impact. LB361 was advanced unanimously from committee. There were no opponent testifiers. And a question arose last night in regards to federal confidentiality requirements. And I would just like to reiterate that this bill does not preempt any federal records confidentiality provisions. Thank you. [LB361]

SENATOR COASH: Thank you, Senator Howard. Members, you've heard the opening to LB361. Seeing no members wishing to speak, Senator Howard, you're recognized to close. Senator Howard waives closing. The question for the body is, shall LB361 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB361]

ASSISTANT CLERK: 32 ayes, 0 nays on the advancement of the bill, Mr. President. [LB361]

SENATOR COASH: LB361 does advance. Next item, Mr. Clerk. [LB361]

ASSISTANT CLERK: Mr. President, LB420 was introduced by Senator McGill. (Read title.) The bill was read for the first time on January 22, referred to the Health and Human Services Committee, placed on General File with committee amendments.

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(AM555, Legislative Journal page 671.) [LB420]

SENATOR COASH: Thank you, Mr. Clerk. Senator Campbell, on behalf of Senator McGill, you're recognized to open on LB420. [LB420]

SENATOR CAMPBELL: Thank you, Mr. President. And I certainly hope we keep Senator McGill and her mother in our thoughts and prayers today as her mother goes through more testing. This is a bill that clarifies Nebraska's law regarding the disposition of a service member's remains. The federal DD Form 93 is used to authorize a person to direct the disposition of a military member's remains in the event of death. This document is witnessed by an authorized military official and it is updated every year on the service member's birthday and prior to each deployment. There is a conflict between this federal form and Nebraska law. Nebraska law seems to require that the deceased completed a notarized affidavit, and the DD Form 93 does not conform with this law. When a service member designates a responsible person via the DD Form 93, that service member is doing so in accordance with federal law. LB420 is a means to honor this designation and conform with federal law. And, Mr. President, if it's acceptable I'll just continue on the committee amendment. [LB420]

SENATOR COASH: Senator Campbell, you're recognized to open on the committee amendment. [LB420]

SENATOR CAMPBELL: Thank you. Testimony provided during the hearing on LB420 highlighted the importance of making sure that the priority for the disposition of the body of an individual serving in the military is clear in Nebraska law. Individuals serving in the military are required to complete and update the record of emergency data known as Form DD 93. The committee amendment provides for priority over the disposition of the remains of a deceased person. The amendment gives priority if the decedent dies during active military service. The amendment provides to the person authorized by the decedent to direct disposition and the amendment under the U.S. Department of Defense record of emergency data Form DD 93 and provides for an E clause. This bill and amendment is extremely important to all Nebraskans who are on active duty. And I would yield the rest of my time and thank Senator Krist for also helping Senator McGill. Thank you, Mr. President. [LB420]

SENATOR COASH: Thank you, Senator Campbell. Senator Krist, you are recognized. [LB420]

SENATOR KRIST: Thank you, Mr. President. Again, good morning, colleagues and Nebraska. Thoughts and prayers are with Senator McGill and her family. This is an extremely important prioritization of one of potentially the last requests that a military member makes in terms of the disposition of his remains. When you out process to go to war whether you're active duty, guard, or reserve, you become active duty, you're on

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active duty status. You sign the DD Form 93. It is very important to you that you sign it and that you take care of yourself in this way, and the expectation for the service member is that that's what will be done. This sets the priority where the priority needs to be. As they serve, as they die, their wishes should be considered. Thank you and I'd ask you to vote green on both AM555 and LB420. [LB420]

SENATOR COASH: Thank you, Senator Krist. Senator Price, you're recognized. [LB420]

SENATOR PRICE: Thank you, Mr. President, members of the body. I stand in strong support of the amendment and the underlying bill. Having signed numerous copies of this form, I can assure you that it's a sombering and important aspect and product that goes on in the in-processing and out-processing line and that the process works very, very well. And that I would support...I would ask for your support and if you have any questions you can always come over here and talk to me off the mike. Thank you. [LB420]

SENATOR COASH: Thank you, Senator Price. Senator Bloomfield, you're recognized. [LB420]

SENATOR BLOOMFIELD: Thank you, Mr. President. I also stand in support of this bill. When you sign one of these for your son or your daughter, it gets your attention. I can't imagine getting their suggestions as to where they want their remains placed and you agreeing with that and signing this form and having something else come in and get in between that says they will go elsewhere. It's unthinkable. This needs to pass and I would urge everyone to vote green on it. Thank you. [LB420]

SENATOR COASH: Thank you, Senator Bloomfield. Seeing no other members wishing to speak, Senator Campbell, you're recognized to close on the committee amendment. [LB420]

SENATOR CAMPBELL: I just would like to thank the senators who spoke and also to thank all Nebraskans who serve in military service of our country. Thank you, Mr. President. [LB420]

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the closing to AM555. The question for the body is, shall AM555 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB420]

ASSISTANT CLERK: 39 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB420]

SENATOR COASH: The committee amendment is adopted. Return to discussion on

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LB420. Seeing no members wishing to speak, Senator Campbell, you're recognized to close. Senator Campbell waives closing. The question before the body is, shall LB420 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB420]

ASSISTANT CLERK: 40 ayes, 0 nays to advance the bill, Mr. President. [LB420]

SENATOR COASH: LB420 does advance. Next bill, Mr. Clerk. [LB420]

ASSISTANT CLERK: Mr. President, LB154 introduced by Senator Dubas. (Read title.) The bill was read for the first time January 11, referred to the Transportation Committee, placed on General File with no committee amendments. [LB154]

SENATOR COASH: Thank you, Mr. Clerk. Senator Dubas, you're recognized to open on LB154. [LB154]

SENATOR DUBAS: Thank you, Mr. President and colleagues. LB154 is an addition to a bill that we passed several years ago introduced by Senator Gwen Howard. She successfully passed legislation that required people in their vehicles to move to an outside lane when passing authorized emergency vehicles or road assistance vehicles. Those vehicles included those operated by the Department of Roads, Nebraska State Patrol, motor assistance vehicle, Department of Transportation, registered towing, or roadside assistant vehicle. You will now see signs along the interstate in controlled access highways reminding people that they are required to move over when they see emergency or road assistance vehicles. Last fall, the Rural Electric Association representatives contacted me and asked if I would consider amending the law to include utility vehicles, and I was very willing to do that. They are often out in very difficult circumstances whether it's weather or whatever it is working on our electric lines, many of them located right alongside the highways. And one instance that was brought to my attention in particular, one of our more recent ice storms where the poles and the lines were down for a great deal of place along the highway and so they had a lot of their trucks along the highway. They have the flashing lights. They have all the appropriate equipment to identify themselves, but by including them in this piece of legislation it would just give people that extra notice and recognition that they do need to recognize the work that our utility people are doing and for them to respect that work and give them the space and the safety that they need. So I would appreciate your support for LB154. [LB154]

SENATOR COASH: Thank you, Senator Dubas. Members, you've heard the opening to LB154. The floor now is open for debate. Senator Christensen, you are recognized. [LB154]

SENATOR CHRISTENSEN: Thank you, Senator Chair or...would Senator Dubas yield

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to a question? [LB154]

SENATOR COASH: Senator Dubas, will you yield? [LB154]

SENATOR DUBAS: Yes, I will. [LB154]

SENATOR CHRISTENSEN: Senator Dubas, I understand what we're trying to do and appreciate it. It's just common sense. The problem that I'm seeing occurring out there I would say I've narrowly avoided five wrecks because people feel like that their blinker gives them absolute authority just to force their way in. And doesn't the law read that if you can't get over you just need to slow down? [LB154]

SENATOR DUBAS: It does. [LB154]

SENATOR CHRISTENSEN: Okay. I just wanted to make sure that was on the record here because I don't know what the signs say. I'm going to look for them on the interstate, but my concern is not with what you're trying to do with your bill. It has been how some drivers have reacted and I just wanted to make sure it was on the record here that all they have to do is slow down if it isn't safe to get over. Thank you. [LB154]

SENATOR COASH: Thank you, Senator Christensen. Seeing no other members wishing to speak, Senator Dubas, you're recognized to close on the advancement of LB154. Senator Dubas waives closing. The question for the body is, shall LB154 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB154]

ASSISTANT CLERK: 34 ayes, 0 nays on the advancement of the bill, Mr. President. [LB154]

SENATOR COASH: LB154 does advance. Next item, Mr. Clerk. [LB154]

ASSISTANT CLERK: Mr. President, LB477 introduced by Senator Carlson. (Read title.) The bill was read for the first time on January 22, was referred to Natural Resources Committee, placed on General File with no committee amendments. [LB477]

SENATOR COASH: Thank you, Mr. Clerk. Senator Carlson, you're recognized to open on LB477. [LB477]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. LB477 would extend the sunset date of the Riparian Vegetation Management Task Force by two years. This task force was created during my first year in the Legislature as a part of LB701 and it's a program that I'm very thankful to say has been successful due to the hard work of the NRDs and weed control districts along the Platte and the

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Republican Rivers. The Riparian Vegetation Management Task Force has taken state dollars from the years 2007 and 2008 and leveraged them with federal and other grants to clear many miles of streams that were clogged due to salt cedar, phragmites, Russian olive, and others. Since 2007 and 2008, the Environmental Trust and NRCS, the Natural Resources Conservation Service, and others have taken up the funding and the work even continues today. During that period of time, we've cleared 300 miles of streambed in the Republican River from the Colorado border to where it enters Kansas, and many, many miles along the Platte River as well. Part of the problem is it's worked so well in 2007 when the first application of chemical was put on there was a five-year guarantee. We're past five years and it's working so well that we don't know what a maintenance plan is, and that was part of the thrust of the work of the task force was to determine what kind of a maintenance plan would be necessary. So we need a little more time that we can assess what kind of maintenance is necessary and then make that as a part of the final report and report that back to the Legislature. So I would ask for your cooperation and support on LB477. Thank you. [LB477]

SENATOR COASH: Thank you, Senator Carlson. Members, you've heard the opening to LB477. Senator Kolowski, you are recognized. [LB477]

SENATOR KOLOWSKI: Thank you, Mr. President. Good morning, Senators. I stand in support of this bill with Senator Carlson. Thank him for his leadership in our Natural Resources Committee. Having worked in the past eight years also with the Papio Missouri River NRD, we had a great deal of activity in this area on the Platte River and the results were fantastic. I think the continuation of this effort and the follow-up as described by Senator Carlson is extremely important to us. And as the water resources are becoming more and more valuable and important to us, we need to do all we can to do this properly. And I yield the rest of my time to Senator Carlson. Thank you. [LB477]

SENATOR COASH: Senator Carlson, four minutes. [LB477]

SENATOR CARLSON: Thank you, Senator Kolowski. Appreciate your kind words about the work that's been done and it has been good. It's been a real win-win piece of legislation and we simply need to continue until we can have a maintenance plan. Thank you, Mr. President. [LB477]

SENATOR COASH: Thank you, Senator Kolowski and Senator Carlson. Seeing no other members wishing to speak, Senator Carlson, you're recognized to close. Senator Carlson waives closing. The question before the body is, shall LB477 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB477]

ASSISTANT CLERK: 31 ayes, 0 nays on the advancement of the bill, Mr. President. [LB477]

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SENATOR COASH: LB477 does advance. Next item, Mr. Clerk. [LB477]

ASSISTANT CLERK: Mr. President, LB442 introduced by Senator Schumacher. (Read title.) The bill was read for the first time on January 22, referred to the Banking, Commerce and Insurance Committee, that committee placed the bill on General File with committee amendments. (AM570, Legislative Journal page 682.) [LB442]

SENATOR COASH: Thank you, Mr. Clerk. Senator Schumacher, you are recognized to open on LB442. [LB442]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. LB442 deals with the exciting world of lien priorities. A quick course in lien priorities. What's a lien? A lien is a claim against a piece of property arising out of the debtor or the owner's indebtedness to somebody, and in this case it's a real estate item. What's a priority? A priority is in the event of the owner of the property cannot pay the bills that are registered against it and the property has to be sold by a share for a trustee and they get a bag of money, who does the money go to. Under Nebraska law generally the first thing paid--and we were smart to do this--is the taxes. But after that it is determined by law who gets paid out of the bag of money until the bag of money runs out. And the general rule is the people that get paid are those who first filed their paperwork at the courthouse. And that sounds simple enough except there's a wrinkle every once in a while that comes up in every simple's enough world. In this case when somebody develops a piece of property, they go to an empty piece of land, they send a surveyor out, put some stakes on, create some lots and some road right of way. And if they want to keep the property looking nice, if they want kind of a common theme in the property, if they want to have the ability to build a swimming pool or a little kiddie park or a clubhouse, they declare a set of rules right on the onset. It's called a declaration. They take that declaration down to the courthouse and they record it and say, these are the rules that all the owners of the property within the subdivision are going to be governed by and this is how we're going to raise money to fund whatever little project we're going to have to do as a homeowners association. Then they go sell the lots. They go to the banker and they say, the person who wants to build on the lot: Dear Banker, I'd like to have a home loan so I can build a home on this lot. And the banker looks at the records and it looks like everything is fine, there's no bills against anything, and he makes a loan, and then in the course of things will sell that loan into the banking system. Well, the wrinkle comes in is what if there's a homeowner that can't pay his bills, can't pay his mortgage, can't pay the homeowners association. Who gets the money out of the bag first after they pay the taxes? And there's been litigation that has kept lawyers and judges busy over the years as to if a homeowners association has its piece of paper, its declaration on file before the mortgage, should it get paid before the banker gets paid if they have to sell it? And this tries to deal with that particular issue and says they get paid first but only if they've registered the amount of debt before the banker puts his

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mortgage on. So you can't ten years later say, gee, you know what? We just built a fancy swimming pool and the homeowner owns so much money and that's going to be paid before the banker gets paid on the first mortgage. A very simple proposition, this says the first mortgage, as will be contained in the committee amendment, will come first in getting paid out of the sale of the property unless before that first mortgage there was an itemized amount that was registered in the courthouse so the banker knew what was ahead of him. And the reason we should care about this and why this is rather important is because when you sell these mortgages on the market and when bankers trade them back and forth, they need to know exactly what they are trading and not discount them because there might be an unknown homeowners association bill come up ahead of them. Now to protect the homeowners association, the bill does provide that they can escrow some money, charge extra and build an escrow fund which is refundable to the homeowner if his bills are paid and he sells the property, and protect themselves in that manner. But basically this says when you buy a first mortgage, when you take out a first mortgage, you're first except for taxes and the homeowners association only gets ahead of you if they've registered an amount and filed an amount that's due and delinquent on the particular piece of property do they get paid first. That's a brief summary of the bill and thank you, Mr. President. [LB442]

SENATOR COASH: Thank you, Senator Schumacher. As the Clerk has stated, there is an amendment from the Banking, Commerce and Insurance Committee. Senator Gloor, you're recognized to open on the committee statement. [LB442]

SENATOR GLOOR: Thank you, Mr. President. The committee amendments in terms of draftsmanship are fairly simple. In two places, the bill would repeal the word "first." The committee amendments would reinstate them. The change is made twice because the bill covers both homeowners associations and condominium unit owners associations. As introduced, the bill would give priority to any mortgage or deed of a trust over an association...excuse me, let me rephrase that, the bill would give priority to any mortgage or deed of trust over an association's lien for delinquent assessments if the mortgage or deed of trust is recorded with the register of deeds before the association's notice of lien is recorded with the register of deeds. The committee amendments would give this priority only to the first mortgage or deed of trust. And the example would be Bank A makes a loan to the owner to buy a property or unit. Bank A records the first mortgage. Bank B makes a loan to the owner. Bank B records the second mortgage. The owner falls behind in monthly assessments. The association records a notice of lien. Under the bill as introduced, both bank mortgages would be prior to the association's lien. But under the committee amendments, only Bank A's first mortgage would be prior to the association's lien. The association's lien would be prior to Bank B's second mortgage even though Bank B recorded before the association. So we're recognizing that the association fees have some rights here so that mortgages aren't...don't always bump them out of first place or second place in this case. Committee amendments would return us to a point of current law, frankly. Again, the

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committee amendments would make no other changes to the bill than what I've stated and would urge the adoption of the amendment and LB442. Thank you. [LB442]

SENATOR COASH: Thank you, Senator Gloor. (Visitors introduced.) Returning to discussion on LB442. Seeing no members wishing to speak, Senator Gloor, you're recognized to close on the committee amendments. Senator Gloor waives closing. The question before the body is, shall AM570 be adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB442]

ASSISTANT CLERK: 29 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB442]

SENATOR COASH: AM570 is adopted. Return to discussion on LB442. Seeing no members wishing to speak, Senator Schumacher, you're recognized to close on the advancement of LB442. [LB442]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. LB442 clears up some ambiguities as to priorities between a first mortgage lien on the property and things that may arise under the various declarations of homeowners or condominium associations. It brings clarity to the law, and makes our loans reflect their true value. We'd ask for your support. Thank you. [LB442]

SENATOR COASH: Thank you, Senator Schumacher. Members, you've heard the closing to LB442. The question before the body is, shall LB442 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB442]

ASSISTANT CLERK: 34 ayes, 0 nays on the advancement of the bill, Mr. President. [LB442]

SENATOR COASH: LB442 is advanced. Next item, Mr. Clerk. [LB442]

ASSISTANT CLERK: Mr. President, the next bill is LB303 by Senator Wallman. (Read title.) The bill was read for the first time January 17 of this year, referred to the Government, Military and Veterans Affairs Committee, placed on General File with no committee amendments. [LB303]

SENATOR COASH: Senator Wallman, you're recognized to open on LB303. [LB303]

SENATOR WALLMAN: Thank you, Mr. President. LB303 come out of committee unanimous, and it's a bill that was brought to me by the State Board of Examiners for land surveyors as a cleaning up bill. Basically land surveyors are required to take a licensing examination that is currently administrated in a written test. Soon they will be

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switching to a computerized testing and they need to clean up the statute language to delete references to written text to simply test. So it's simply a little bit of changing in the wording. Thank you, Mr. President. [LB303]

SENATOR COASH: Thank you, Senator Wallman. Members, you've heard the opening to LB303. The floor is now open for debate. Seeing no one wishing to speak, Senator Wallman, you're recognized to close. Senator Wallman waives closing. The question for the body is, shall LB303 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB303]

ASSISTANT CLERK: 32 ayes, 0 nays on the advancement of the bill, Mr. President. [LB303]

SENATOR COASH: LB303 does advance. Next item, Mr. Clerk. [LB303]

ASSISTANT CLERK: Mr. President, next bill is LB349 which was introduced by Senator Murante. (Read title.) Bill was read for the first time on January 18, referred to the Government, Military and Veterans Affairs Committee, placed on General File with no committee amendments. [LB349]

SENATOR COASH: Thank you, Mr. Clerk. Senator Murante, you are recognized to open on LB349. [LB349]

SENATOR MURANTE: Thank you, Mr. President, members of the body. LB349 is a technical bill which I introduced on behalf of the Secretary of State. I'd like to thank the Secretary of State's Office for bringing these issues to my attention and for their work on this legislation. This legislation seeks to refine election procedures in the state by cleaning up both the presidential petition process and presidential write-in process. First, the bill seeks to move the deadline for petition submission to run for President of the United States to August 1 from September 1 and eliminate the current restrictions that signers cannot have voted in the primary. Depending on the date of the election, the time frame to verify the petitions is very tight and the time period always involves Labor Day, which is a state holiday. In both 2004 and 2012, the verification process was not completed until the day the ballot was to be certified. The second function of the bill requires write-in candidates for president to submit the same information as petition or party nominated candidates with their write-in affidavit. The additional information includes...required includes name and consent of the vice presidential candidate and the names and consent of the electors for the candidate. It would also treat presidential write-in candidates the same as write-in candidates for other offices when it comes to how votes are counted and reported. In conclusion, I'd just like to emphasize that this is as you could tell a technical bill in nature. It received unanimous support from the committee. I appreciate your support on this bill and would be happy to answer any questions that you have. Thank you, Mr. President. [LB349]

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SENATOR COASH: Thank you, Senator Murante. Members, you've heard the opening to LB349. The floor is now open for debate. Seeing no one wishing to speak, Senator Murante, you are recognized to close on the advancement of LB349. The question for the body is, shall LB349 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB349]

ASSISTANT CLERK: 32 ayes, 0 nays on the advancement of the bill. [LB349]

SENATOR COASH: LB349 does advance. Next item, Mr. Clerk. [LB349]

ASSISTANT CLERK: Mr. President, the next bill is LB222 by Senator McCoy. (Read title.) The bill was read for the first time on January 15, referred to the Government, Military and Veterans Affairs Committee, placed on General File with committee amendments. (AM244, Legislative Journal page 734.) [LB222]

SENATOR COASH: Thank you, Mr. Clerk. Senator McCoy, you're recognized to open on LB222. [LB222]

SENATOR McCOY: Thank you, Mr. President and members. I introduce to you LB222 which is an update to LB782 that I introduced last year and the Legislature saw fit to advance which requires the report submitted to the Legislature by agencies and commissions to be in electronic form rather than in paper form. This past summer, the Clerk of the Legislature brought to our attention a few reports that we missed last year in a list of reports that was created with LB782. LB222 adds the electronic requirement to those reports, repeals the electronic reporting requirement for three reports that were included in LB782, and repeals the reporting requirement to the Legislature for 12 other reports. I do want to clarify that Section 42 does not change the current requirement that each agency report to the Legislative Performance Audit Committee the status on all rules and regulations pending before the agency which have not been adopted and promulgated. The changes in Section 42 are merely cleanup language. There is a committee amendment, AM224, that I support and Chairman Avery of the Government, Military and Veterans Affairs Committee will explain in a moment. And I would ask for your support for LB222 and the underlying committee amendment. The bill did receive unanimous support from the Government Committee earlier this session. Thank you, Mr. President. [LB222]

SENATOR COASH: Thank you, Senator McCoy. Members, you've heard the opening to LB222. As the Clerk has stated, there is a committee amendment. Senator Avery, as Chair of the Government, Military and Veterans Affairs Committee, you're recognized to open on the committee amendment. [LB222]

SENATOR AVERY: Thank you, Mr. President. This committee amendment, AM244,

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addresses an issue that came up after the public hearing on the bill. In several sections of the green copy of the bill, the requirement that an entity report to the Legislature was eliminated, but the requirement to report to the Governor was retained. After the public hearing on the bill, it was discovered that these reports were not being received by either the Legislature or the Governor. The Governor's Office, in response to that revelation, recommended that the reporting requirement be eliminated for both the Legislature and the Governor. The committee agreed and eliminated the reporting requirement to both the Legislature and the Governor. And I will read to you the list that is affected by this: a report from the Department of Roads on the Nebraska Public Transportation Act; a report from the Nebraska Ethanol Board; a report from the State Department of Education covering the actions of the State Board of Education; a report from the State Department of Education and the Department of Health and Human Services on the Nebraska Read, Educate, and Develop Youth Act; a report from the affirmative action officer; a report from the Nebraska Commission on Law Enforcement and Criminal Justice on the continuation of funding for victim and witness assistance centers; a report by the Department of Health and Human Services required under the Nebraska Community Aging Services Act; and finally, a report from each assistant director of the Department of Correctional Services. That list is the entire list that is affected by this amendment, and I urge you to approve this. And Senator McCoy has already indicated his support for it. Thank you, Mr. President. [LB222]

SENATOR COASH: Thank you, Senator Avery. Members, you've heard the opening of LB222 and the committee amendment. The floor is now open for discussion. Seeing no members wishing to speak, Senator Avery, you're recognized to close on the committee amendment. Senator Avery waives closing. The question for the body is, shall AM244 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB222]

ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of AM244, Mr. President. [LB222]

SENATOR COASH: AM244 is adopted. Return to discussion on LB222. Seeing no members wishing to speak, Senator McCoy, you're recognized to close on the advancement. Senator McCoy waives closing. The question for the body is, shall LB222 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB222]

ASSISTANT CLERK: 34 ayes, 0 nays on the advancement of the bill. [LB222]

SENATOR COASH: LB222 does advance. Next item, Mr. Clerk. [LB222]

ASSISTANT CLERK: Next bill, Mr. President, is LB344, which was introduced by Senator Sullivan. (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

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amendments. (AM549, Legislative Journal page 747.) [LB344]

SENATOR COASH: Thank you, Mr. Clerk. Senator Sullivan, you're recognized to open on LB344. [LB344]

SENATOR SULLIVAN: Thank you, Mr. President and members. LB344 creates a specific narrow exception to the moratorium on the creation of long-term care beds. The exception applies only to facilities developed and licensed by a political subdivision or nonprofit organization in a second-class city or village. The exception applies only when all long-term care beds in a second-class city or village were sold or transferred outside a 25-mile radius from the city or village, resulting in no long-term care beds within the corporate limits of the second-class city or village. LB344 limits the exception as follows: New beds cannot exceed the number of beds sold or transferred. New beds cannot be sold for five years after first occupancy. Additional beds cannot be added under subdivision (2) of Section 71-5829.03 for five years after first occupancy. Any long-term care facility developed under the exception must still comply with all state and federal licensing and code requirements. Colleagues, hindsight is 20/20. Our actions in 2009, which Senator Gloor, by the way, explained so clearly yesterday on LB487, continue to exact a toll on rural Nebraska. We must never be afraid to reexamine and reassess our past decisions. LB344 may allow some rural communities to reestablish a long-term care facility without going through the certificate of need process. LB344 is tightly crafted to create this narrow, controlled exception to the moratorium which cannot be used unless all long-term care beds in their small city or village were sold or transferred. I thank you for your time and your interest, and I encourage you to advance LB344 to Select File. [LB344 LB487]

SENATOR COASH: Thank you, Senator Sullivan. As the Clerk has stated, there is a committee amendment. Senator Campbell, as Chair of the Health and Human Services Committee, you're recognized to open on AM549. [LB344]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. This amendment is truly a technical change in the underlying bill. The amendment corrects the reference to Nebraska Revised Statute 71-5829.03(3) that provides for certificate of need for rehabilitation beds. That was an error. So the technical change is to reference it to (2) in that Revised Statute which makes reference to the certificate of need for long-term care beds. This was an error brought forward, brought to us by the Revisors and we are more than happy to make this technical change and support the amendment and the underlying bill. Thank you, Mr. President. [LB344]

SENATOR COASH: Thank you, Senator Campbell. Members, you've heard the opening to LB344 and the committee amendments. The floor is now open for discussion. Seeing none, Senator Campbell, you're recognized to close on the committee amendments. Senator Campbell waives closing. The question for the body is, shall AM549 be

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adopted? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB344]

ASSISTANT CLERK: 35 ayes, 0 nays on the adoption of the committee amendments, Mr. President. [LB344]

SENATOR COASH: Committee amendments are adopted. We return to discussion on LB344. Seeing no members wishing to speak, Senator Sullivan, you're recognized to close. Senator Sullivan waives closing. The question for the body is, shall LB344 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB344]

ASSISTANT CLERK: 34 ayes, 0 nays on the advancement of LB344, Mr. President. [LB344]

SENATOR COASH: LB344 does advance. Next item, Mr. Clerk. [LB344]

ASSISTANT CLERK: Mr. President, the next bill is LB500 introduced by Senator Brasch. (Read title.) The bill was read for the first time January 23, referred to the Transportation and Telecommunications Committee, placed on General File, no committee amendments. [LB500]

SENATOR COASH: Thank you, Mr. Clerk. Senator Brasch, you're recognized to open on LB500. [LB500]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. I am here today to introduce LB500, which was brought to me at the request of the Nebraska Association of School Boards and Lincoln Public Schools to provide an exception to a provision contained in LB1039 that I introduced last year. LB1039 allows a school bus to stop to load or unload students if a sign is displayed indicating a school bus stop is ahead. This change took into account bus stops where there is no opportunity to provide for 400 feet of visibility, as is in current law, because a bus stop cannot be relocated such as a designated bus stop for a young child who cannot walk greater distances. This provision is intended to protect school children loading and unloading on state highways and country roads in a rural setting. As school districts moved towards implementation of this requirement in LB1039, some discovered this would place an erroneous requirement on bus stops made within the city limits of a city or village. For example, Lincoln Public Schools would be required to place over 400 additional signs at custom stops, largely in residential areas. It is my understanding that these residential area stops are largely made for students with special needs. LB500 provides an exemption for school districts from sign requirements for school buses making a stop without a 400-foot of clear vision in either direction in these residential and city and village areas. This exemption is limited to school buses that are stopping to load or

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unload pupils inside the corporate limits. Colleagues, we are shaping and securing policy for the safety of our school children at school bus stops with LB500 and with LB1039. These provisions allow for safe drop off and pick up of students. Adding signs into areas where safety is traditionally recognized is not necessary. And with the passage of LB35 and now LB500, the original intent of the signage contained will be intact. I do ask for your support and for a vote in favor of LB500. Thank you, colleagues. [LB500 LB35]

SENATOR COASH: Thank you, Senator Brasch. Members, you've heard the opening to LB500. The floor is now open for discussion. Seeing no members wishing to speak, Senator Brasch, you're recognized to close on the advancement of LB500. Senator Brasch waives closing. The question for the body is, shall LB500 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB500]

ASSISTANT CLERK: 32 ayes, 0 nays on the advancement of the bill, Mr. President. [LB500]

SENATOR COASH: LB500 does advance. Next item, Mr. Clerk. [LB500]

ASSISTANT CLERK: Mr. President, LB223 introduced by Senator Janssen. (Read title.) The bill was read for the first time on January 15, referred to the Transportation Committee, placed on General File without committee amendments. [LB223]

SENATOR COASH: Thank you, Mr. Clerk. Senator Janssen, you are recognized to open on LB223. [LB223]

SENATOR JANSSEN: Thank you, Mr. President and members. LB223 would change the permissible length of utility-type vehicles from 135 inches or less to 180 inches or less. Thank you, Mr. President. [LB223]

SENATOR COASH: Thank you, Senator Janssen. Members, you have heard the opening to LB223. The floor is now open for debate. Seeing no members wishing to speak, Senator Janssen, you're recognized to close on LB223. Senator Janssen waives closing. The question for the body is, shall LB223 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB223]

ASSISTANT CLERK: 33 ayes, 0 nays on the advancement of LB223, Mr. President. [LB223]

SENATOR COASH: LB223 does advance. Next item, Mr. Clerk. [LB223]

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ASSISTANT CLERK: Mr. President, the next bill, LB103 by Senator Lathrop. (Read title.) The bill was read for the first time on January 10. It was referred to the Judiciary Committee which placed the bill on General File with no committee amendments. [LB103]

SENATOR COASH: Thank you, Mr. Clerk. Senator Lathrop, you are recognized to open on LB103. [LB103]

SENATOR LATHROP: Thank you very much, Mr. President. Good afternoon, colleagues. LB103 is a bill that I introduced on behalf of the county judges, and it makes two changes to existing law. The first change in the bill is to clarify that judges have the authority to digitally sign court orders using the JUSTICE system--that's their computerized system--no matter where the judge is physically located. Currently there's a question regarding whether or not a judge can digitally sign orders when they are located outside of Nebraska. By making this change, Nebraska is reacting to the changing technology of the court. The second change would amend state law so that a judge, with the consent of the parties, could permit any witness who is to be examined by oral examination, to appear by telephone, videoconferencing, or by other similar methods. This is also in reaction to changing technology and could be used by judges throughout the state. This is just the court system catching up with or taking advantage of technology. I would encourage your support of LB103. Thank you. [LB103]

SENATOR COASH: Thank you, Senator Lathrop. Mr. Clerk. [LB103]

ASSISTANT CLERK: Mr. President, Senator Lathrop would move to amend his bill with AM86. (Legislative Journal page 1036.) [LB103]

SENATOR COASH: Senator Lathrop, you're recognized to open on AM86. [LB103]

SENATOR LATHROP: Thank you, Mr. President. As a result of some concerns that were expressed about how LB103 was originally written, I've introduced AM86. This amendment would strike the original sections of the bill and become the bill. It would accomplish what I've discussed in my opening on LB103, but is drafted in a slightly different manner in order to address the issues raised by some of those interested in the bill. And I would ask for your support of AM86 as well as LB103. Thank you. [LB103]

SENATOR COASH: Thank you, Senator Lathrop. Members, you've heard the opening to LB103 and AM86. The floor is now open for debate. Senator Lautenbaugh, you are recognized. [LB103]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And let me say at the outset this bill makes perfect sense and is noncontroversial and is the quintessential consent calendar item and good policy. It's needed to be done and we

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should all vote green twice on it, it's so good. But that said, I looked at the committee statement to see if the bar had come in, in favor of this or opposed to it or whatever, and they had not, which is good because if they had, I would have stood up and aired some grievance that I might have, which is simply this. There's another bill that's out there now where the bar...they have a legislative committee, and there are certain rules that they purport to apply. I argue they are not actually constitutionally sound rules, but they are rules that they purport to apply before they decide whether to take a position on a bill. So they took a position that was neutral on a bill and negotiations took place that I believe they had some involvement in and an amendment came out. And now the executive board of the bar has decided that they're opposed to the bill, not the legislative committee, the executive board decided they're now opposed. And that bill is struggling. And I'm getting e-mails from bar members who think I might be interested in things like this when the bar does things like this for whatever reason, saying, hey, this is unfair. I'm on the legislative committee. This is not how this is supposed to operate. They are violating their own rules. And my response should probably be, well, where have you been? Of course they're violating their own rules. If they weren't violating their own rules, I would not have a federal suit pending and I would not have an action to change the rule that makes us belong to the bar association pending with our own Supreme Court. So if you think the bar is violating its rules and changing its positions and violating its own legislative policy, you're not alone. You're just late because it's been going on, it's ongoing, and it will continue until we get some resolution. So next time you see a committee statement and it says that the bar has a position on the bill, I would immediately wonder, well, how much of the bar? Did the membership have a position? Did the legislative council actually have a position since they're the ones, legislative committee, excuse me, that's set up to review and vet legislation? Or is it just a few people on the executive committee who decided to overrule the will of the bar...of the committee of the bar, in contravention of its own rules? All the while pleading in federal court and in the state Supreme Court, of course we follow our own rules. Why would anyone object to this? So I would urge you to reject it out of hand anytime you see something from the bar because you don't know really what caused them to take that position. And if they speak for anyone whatsoever other than the half dozen or so, now it's more than that surely, people on the executive committee out of the thousands of licensed lawyers in Nebraska who are forced--unlike doctors, unlike dentists, unlike nurses, unlike engineers--forced to be members of the State Bar Association. But that really isn't germane to this bill because they didn't take a position so cheerfully withdrawn, Mr. President. [LB103]

SENATOR COASH: Thank you, Senator Lautenbaugh. Seeing no other members wishing to speak, Senator Lathrop, you're recognized to close on AM86. [LB103]

SENATOR LATHROP: Just to be clear, Senator Lautenbaugh's remarks have no application to this bill nor this amendment, and I would encourage your adoption of both. Thank you. [LB103]

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SENATOR COASH: Thank you, Senator Lathrop. Members, you've heard the closing to AM86. The question for the body is, shall AM86 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB103]

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of Senator Lathrop's amendment. [LB103]

SENATOR COASH: AM86 is adopted. Return to discussion on LB103. Seeing no members wishing to speak, Senator Lathrop, you're recognized to close on the advancement of LB103. Senator Lathrop waives closing. The question for the body is, shall LB103 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB103]

ASSISTANT CLERK: 36 ayes, 0 nays on the advancement of the bill, Mr. President. [LB103]

SENATOR COASH: LB103 does advance. Next item. [LB103]

ASSISTANT CLERK: The next bill, Mr. President, is LB329 introduced by Senator Howard. (Read title.) The bill was read for the first time on January 17, referred to the Judiciary Committee, placed on General File with no committee amendments. [LB329]

SENATOR COASH: Thank you, Mr. Clerk. Senator Howard, you are recognized to open on LB329. [LB329]

SENATOR HOWARD: Thank you, Mr. President, members of the body. LB329 is a bill to provide clarity in Chapter 28 of the criminal code and to protect animals from being placed back in the care of neglectful owners. Presently, individuals found guilty of animal cruelty, animal fighting, possession of animal fighting paraphernalia, or indecent acts with an animal may be ordered by the sentencing judge not to own or possess animals for a period of 5 years on a misdemeanor and 15 years on a felony conviction. The authorization for these animal ownership restrictions is found in Nebraska state statute 28-1019. However, many prosecutors remain unaware of the statute, thus rendering it ineffective. LB329 would rectify this by referencing 28-1019 in the animal cruelty provisions of Chapter 28 that allow for such restrictions. I reiterate, this is just a reference to the ownership provisions into the offense and penalty sections of the act. This makes no substantive changes to Chapter 28. It just adds the reference to help prosecutors be able to find the ownership penalties. The bill was advanced unanimously from the Judiciary Committee, and there was no opposition testimony. Thank you, Mr. President. [LB329]

SENATOR COASH: Thank you, Senator Howard. Members, you've heard the opening

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to LB329. The floor is now open for discussion. Seeing no members wishing to speak, Senator Howard, you're recognized to close on the advancement of LB329. Senator Howard waives closing. The question for the body, shall LB329 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB329]

ASSISTANT CLERK: 30 ayes, 0 nays on the advancement of the bill, Mr. President. [LB329]

SENATOR COASH: LB329 does advance. Next item, Mr. Clerk. [LB329]

ASSISTANT CLERK: Mr. President, the next bill is LB169 by Senator Gloor. (Read title.) The bill was read for the first time on January 14, referred to the Judiciary Committee, placed on General File with committee amendments. (AM232, Legislative Journal page 862.) [LB169]

SENATOR COASH: Thank you, Mr. Clerk. Senator Gloor, you're recognized to open on LB169. [LB169]

SENATOR GLOOR: Thank you, Mr. President. Please keep your finger off the red button if you would. Hall County area is growing. With the last census, we became a metropolitan statistical area, which means over 50,000 population. It, as many of you know, certainly affects in a very positive way how we access and what we can access in terms of both federal and state programs. But it also changes how Nebraska statutes handle the duties of a jury commissioner. Hall County, as a result of this jump to 50,000, now jumps to a category where those duties are taken from a district court clerk to either an election commissioner or a separate jury commissioner. Only two counties are in the 50,000 to 200,000 category, Hall and Sarpy. LB169 as amended by the committee, and we'll get to that soon, will raise that threshold from 50,000 to 75,000. That allows Hall County to continue fulfilling the duties of the jury commissioner with the district court clerk, as is currently in statute and allowed for in statute. LB169 will affect no other county. It won't affect Sarpy County. And it advanced from the committee unanimously with the support from the Hall County Board, judges, and clerk of the district court in both Hall and Sarpy County, and the election commissioner in Sarpy County, who is also their jury commissioner, and NACO. I would ask for your advancement, please. [LB169]

SENATOR COASH: Thank you, Senator Gloor. Members, you've heard the opening of LB169. As the Clerk has stated, there is a committee amendment. Senator Ashford, as Chair of the Judiciary Committee, you're recognized to open on AM232. [LB169]

SENATOR ASHFORD: Thank you, Mr. President and members. AM232 would replace the original bill, and it would change the population levels from 50,000 to 75,000 inhabitants in statute 25...Section 25-1625 to allow the Clerk of the District Court of Hall

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County to continue to serve as the jury commissioner ex officio instead of having the functions of the jury commissioner handled as another office in county government or by the election commissioner. Again, this was an amendment and bill that was introduced on behalf of Hall County, and I would urge its adoption. [LB169]

SENATOR COASH: Thank you, Senator Ashford. Members, you've heard the opening to the Judiciary Committee amendment. The floor is now open for debate. Seeing no members wishing to speak, Senator Ashford, you're recognized to close on the committee amendment. Senator Ashford waives closing. The question for the body is, shall AM232 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB169]

ASSISTANT CLERK: 25 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB169]

SENATOR COASH: The committee amendment is adopted. We return to discussion on LB169. Seeing no members wishing to speak, Senator Gloor, you're recognized to close on the advancement of LB169. Senator Gloor waives closing. The question for the body is, shall LB169 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB169]

ASSISTANT CLERK: 29 ayes, 0 nays on the advancement of the bill, Mr. President. [LB169]

SENATOR COASH: LB169 does advance. Next item, Mr. Clerk. [LB169]

ASSISTANT CLERK: Mr. President, next bill is LB277, which was introduced by Senator Burke Harr. (Read title.) The bill was read for the first time on January 16, referred to the Judiciary Committee, placed on General File with Judiciary Committee amendments. (AM240, Legislative Journal page 863.) [LB277]

SENATOR COASH: Thank you, Mr. Clerk. Senator Ashford, on behalf of Senator Burke Harr, you're recognized to open on LB277. [LB277]

SENATOR ASHFORD: Thank you, Mr. President. LB277 amends Nebraska's False Medicaid Claims Act, the FMCA, to make subcontractors civilly liable to the state of Nebraska for submitting false Medicaid claims to intermediaries. This change is in response to the U.S. Supreme Court's 2008 Opinion in Allison Engine v. United States. The Nebraska False Medicaid Claims Act was originally modeled after the federal False Claims Act. After enactment of the federal act, the FCA and the FMCA, the United States Supreme Court handed down an Opinion in Allison Engine which held that subcontractors who submitted false claims to intermediaries which were thereafter included in the intermediaries' claim filed with the government were not liable under the

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FCA. This was because the offending party did not file the false claim directly with the government. In response, Congress amended the FCA to expand liability to cover subcontractors who cause others to file false claims with the federal government. Nebraska's FMCA has not been similarly amended. The timing of this bill is important since Nebraska's Medicaid program is changing from a fee-for-service, or has changed to a fee-for-service program...from a fee for service to a managed care system. In a managed care program, a subcontractor contracts with the managed care provider, who then contracts directly with the government. Under Nebraska's current statute, the healthcare provider would not be civilly liable for a false claim made to the general contractor by the subcontractor. LB277 would allow for expanded liability against the healthcare provider who originally caused the contractor to file the false claim with the state. Prior to Allison Engine, at least 11 states already provided for subcontractors' liability. In response to the Allison Engine decision, at least another 17 states, including Iowa and Kansas, have amended their FMC statutes to expand subcontractors' liability. With that introduction, I would urge the advancement of LB277. [LB277]

SENATOR COASH: Thank you, Senator Ashford. Members, you've heard the opening to LB277. As the Clerk has stated, there is a Judiciary Committee amendment. Senator Ashford, you're recognized to open on the committee amendment. [LB277]

SENATOR ASHFORD: Thank you, Mr. President. AM240 would clarify language and remove changes made to statute to Section 68-945 in Section 3 of the bill so that the Attorney General would still be prohibited from reviewing the accounts or records of a non-Medicaid patient without the patient's written consent or a court order. [LB277]

SENATOR COASH: Thank you, Senator Ashford. Members, you've heard the opening to LB277 and the committee amendment. The floor is now open for discussion. Seeing no members wishing to speak, Senator Ashford, you're recognized to close on the committee amendment. Senator Ashford waives closing. The question for the body is, shall AM240 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB277]

ASSISTANT CLERK: 27 ayes, 0 nays on the adoption of AM240, Mr. President. [LB277]

SENATOR COASH: AM240 is adopted. Return to discussion on LB277. Seeing no members wishing to speak, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question for the body is, shall LB277 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB277]

ASSISTANT CLERK: 29 ayes, 0 nays on the advancement of the bill to E&R Initial. [LB277]

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SENATOR COASH: LB277 does advance. Next bill, Mr. Clerk. [LB277]

ASSISTANT CLERK: Mr. President, LB538, introduced by Senator Chambers. (Read title.) The bill was read for the first time on January 23 of this year. It was referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments. (AM301, Legislative Journal page 864.) [LB538]

SENATOR COASH: Thank you, Mr. Clerk. Senator Chambers, you're recognized to open on LB538. [LB538]

SENATOR CHAMBERS: Mr. President, members of the Legislature, if this were a Supreme Court case, it would be defined or described in the way that a Supreme Court justice had described cases of this kind, it would be a peewee, and I would accept what the Clerk said as my opening, discussion, and closing. But for the record, I'll tell you what it involves. There are four main reasons that a person can have his or her certificate, law enforcement certificate revoked or suspended and they would be for incompetence; neglect of duty; physical, mental, or emotional incapacity; or final conviction or plea to a felony. There is no definition of incapacity, and this arose when an issue I was working on was looked at by the Attorney General. And because there is no definition for incapacity, it created a gray area. So the bill originally was designed to bring that definition and for the record, incapacity means incapable of or lacking the ability to perform or carry out the usual duties of a law enforcement officer in accordance with the standards established by the commission due to physical, mental, or emotional factors, the inability to carry out those duties. Once that bill was drafted, I had also included information relative to temporary suspension or leaving or a permanent and then some language referencing how reinstatement could occur. And all of those provisions would be retroactive. The problem with the retroactive provision would mean that the commission would have to go back an indeterminate amount of time and look at all cases that had been handled up to that time. So in working with the commission and the Attorney General's Office, which had worked with the commission, the retroactive provision was done away with. Much of the bill itself has been compressed into an amendment that I am offering to the committee amendment. What the committee amendment did was to point out, because the police were concerned about the matter and came to me, that if an officer were still functioning as an officer but on restricted duty due to an injury or whatever, would that lead to a temporary revocation or suspension? And I said, no. I'm only concerned and interested when an officer is actually separated from the agency. So the committee amendment contains language that establishes that incapacity does not include being on light or limited duty. When the commission members had a meeting and looked at everything in the bill, they requested that much of the language that was in the original draft be omitted, is their term; stricken in our terms. So I did strike that language and there is a committee amendment. Senator Ashford ordinarily would cover that, but due to the time constraints and the desire to get everything into the record, I'm going to read you the amendment

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that will replace the committee amendment. Then all Senator Ashford has to do is say that he yields to me and the whole matter will be before you. This is what, in effect, the bill will say. "When a law enforcement officer is separated from his or her agency due to a physical, mental, or emotional incapacity, the law enforcement agency shall report the separation to the council, and the officer's law enforcement certificate shall be suspended pursuant to rules and regulations adopted and promulgated by the council until such time as the officer demonstrates to the council that the incapacity no longer prevents the officer from performing the essential duties of a law enforcement officer." I wanted the actual language in the statute, but all it means is when we're not talking about a license that had been revoked completely for the reasons mentioned. But if there is a separation based on this mental, physical, or emotional incapacity and there actually was such an incapacity found, the agency would have to report that to the commission so that the commission doesn't have to go around and comb through records. It places the responsibility on the agency that the person worked for to present that information to the agency. Then it is incumbent upon the officer to come to the commission and establish that that incapacity no longer exists. And it will be found to no longer exist if there is medical evidence that this person can now carry out the duties of a law enforcement officer. That is my opening. Thank you. [LB538]

SENATOR COASH: Thank you, Senator Chambers. Members, you've heard the opening to LB538. As the Clerk has stated, there is a Judiciary Committee amendment. Senator Ashford, as Chair of the committee, you are recognized to open on the committee amendment. [LB538]

SENATOR ASHFORD: I...I'm not sure quite how to take this. I'm going to defer to Senator Chambers if that would be appropriate for him to continue on. [LB538]

SENATOR COASH: Senator Chambers, 9 minutes. [LB538]

SENATOR CHAMBERS: Thank you. And so that we have things done in the proper sequence, what I told you is an amendment to the committee amendment, and my amendment to the committee amendment would strike everything from the committee amendment and substitute what I explained to you. If anything that I said was unclear, then I will address it by way of responding to questions. And I want to tell you all what I feel like. Not a leading man in the sense of a romantic role, but I'm usually the star of the show. And when I'm put in a position where I'm just doing a cameo appearance, it's difficult for me. So my cameo appearance has come to an end so I'll just have to sit back and answer questions if there are any. Thank you. [LB538]

SENATOR COASH: Thank you, Senator Chambers. Mr. Clerk. [LB538]

ASSISTANT CLERK: Mr. President, there is an amendment to the committee amendments from Senator Chambers, AM1051. (Legislative Journal page 1032.)

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[LB538]

SENATOR COASH: Senator Chambers, you're recognized to open on AM1051.
[LB538]

SENATOR CHAMBERS: Thank you. What I'm going to ask now is that this amendment that the Clerk just referred to be adopted. And that amendment comprises the information that I laid out for you already. Thank you, Mr. President. [LB538]

SENATOR COASH: Thank you, Senator Chambers. Members, you've heard the opening to LB538, the committee amendment, and the amendment to the committee amendment. The floor is now open for discussion. Seeing no members wishing to speak, Senator Chambers, you're recognized to close. Senator Chambers waives closing. The question for the body is, shall AM1051 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB538]

ASSISTANT CLERK: 25 ayes, 0 nays on the adoption of Senator Chambers' amendment to the committee amendments. [LB538]

SENATOR COASH: AM1051 is adopted. We return to discussion on the committee amendment. Seeing no members wishing to speak, Senator Ashford, you're recognized to close on the committee amendment. [LB538]

SENATOR ASHFORD: I really have a cameo...I'm the one with the cameo appearance on this bill, but I would just urge the adoption of AM301. [LB538]

SENATOR COASH: Thank you, Senator Ashford. Members, you've heard the closing to AM301. The question for the body is, shall the committee amendment be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB538]

ASSISTANT CLERK: 25 ayes, 0 nays on the adoption of the committee amendments as amended. [LB538]

SENATOR COASH: The committee amendment is adopted. Return to discussion on LB538. Seeing no members wishing to speak, Senator Chambers, you're recognized to close. Senator Chambers waives closing. The question for the body is, shall LB538 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB538]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill. [LB538]

SENATOR COASH: LB538 does advance. Next item, Mr. Clerk. [LB538]

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ASSISTANT CLERK: Mr. President, next bill is LB332 introduced by Senator Harms. (Read title.) The bill was read for the first time on January 17, referred to the Education Committee. That committee placed the bill on General File with no committee amendments. [LB332]

SENATOR COASH: Thank you, Mr. Clerk. Senator Harms, you're recognized to open on LB332. [LB332]

SENATOR HARMS: Thank you, Mr. President, colleagues. LB332 is legislation that relates to the Access Early Scholarship Program, more commonly referred to as ACE. And it's a program that began in 2007 with LB192. The legislation established the Access Early Scholarship Program for low-income students in Nebraska. Under LB192, students can apply and be considered for an ACE scholarship if the student's family has been approved for at least one of the five federal need-based programs and those would be the free, reduced-price lunch program, SNAP, TANF, WIC, Social Security. And then they also have a hardship for families that experience extreme hardships such as ongoing uninsured medical costs and loss of a home due to flooding, and a series of other things, just to make sure that we can get these young people into school. ACE is a financial aid program to help low-income students take college courses while still in high school. Most of the courses are dual enrollment courses so the students receive high school credit and college credit for the same courses. The intent is to provide an opportunity for low-income students to have a chance to take college courses with those peers who can currently afford it. It affords lower-income students a chance to demonstrate a higher level of thinking and ability, as well as to encourage them to contemplate a life that's beyond their own economic circumstances. Students in high schools a lot of times do not have the resources or the support or even the exposure regarding that level of education and can vastly benefit from the experience from ACE, provides that exposure as well as that opportunity. The national research that's compiled by the Nebraska Coordinating Commission shows that students who take college courses while in high school, one, graduate from high school at a higher rate, they enroll in college at higher rates, and on an average do better in college than their peers do who did not take college courses while in high school, and they return for a second year of college at higher rates. And a great thing is Nebraska almost mimics that whole thing. And the problem we have here the way the law reads is that today we have only a guidance counselor who can work with the students and sign off for the students. And today since in a lot of these smaller schools they don't have guidance counselors, they have a principal and they need to have the opportunity to be able to choose who they would like to be able to sign off, gives them a little more flexibility in regard to a student's participating in this program. So I would urge you to support this program. If you have any questions, I'd be happy to answer them. Thank you, Mr. President. [LB332]

SENATOR COASH: Thank you, Senator Harms. Members, you've heard the opening to

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LB332. The floor is now open for debate. Seeing no members wishing to speak, Senator Harms, you're recognized to close. Senator Harms waives closing. The question for the body is, shall LB332 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB332]

ASSISTANT CLERK: 30 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB332]

SENATOR COASH: LB332 does advance. Next item, Mr. Clerk. [LB332]

ASSISTANT CLERK: Mr. President, LB141 was introduced by Senator Lathrop. (Read title.) The bill was read for the first time January 11 of this year, referred to the Committee on Business and Labor. That committee placed the bill on General File with no committee amendments. [LB141]

SENATOR COASH: Thank you, Mr. Clerk. Senator Lathrop, you are recognized to open on LB141. [LB141]

SENATOR LATHROP: Thank you, Mr. President and colleagues. We're getting close to the end. LB141 is introduced on behalf of the Work Comp Court. In 2011, the Legislature passed LB151 which in part allowed a party to file a motion to modify a judge's order and eliminated the three-judge panel review process. Since 2011, the court found a statutory conflict concerning the modification of orders. Section 48-180 allows a party to remove, pardon me, to move the court to modify an order while 48-162.03 prohibits the court from ruling on a motion for reconsideration. LB141 removes the prohibition found in 48-162.03. Eliminating the review panel made the appeals process akin to an appeal process for district court orders to the Nebraska Court of Appeals or the Supreme Court. The time for filing a bill of exceptions was not changed when the three-judge panel review process was eliminated. The statutory two-month time line conflicts with the Nebraska Supreme Court rules seven-week time period. LB141 resolves this conflict by adopting the time frame used by the Nebraska Supreme Court. Just two cleanup things for work comp appeals, and I ask for your support of LB141. Thank you. [LB141]

SENATOR COASH: Thank you, Senator Lathrop. Members, you've heard the opening to LB141. The floor is now open for discussion. Seeing no members wishing to speak, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question for the body is, shall LB141 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all voted who wish? Record, Mr. Clerk. [LB141]

ASSISTANT CLERK: 29 ayes, 0 nays on the advancement of LB141, Mr. President. [LB141]

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SENATOR COASH: LB141 does advance. Next item, Mr. Clerk. [LB141]

ASSISTANT CLERK: Mr. President, next bill is LB647 by Senator Davis. (Read title.) The bill was read for the first time on January 23, referred to the Committee on Agriculture, placed on General File with no committee amendments. [LB647]

SENATOR COASH: Senator Davis, you're recognized to open on LB647. [LB647]

SENATOR DAVIS: Good afternoon, Mr. President, members of the body. LB647 would specify that Nebraska would not require individual animal identification for cattle imported into Nebraska from a state with a registered brand inspection program, provided the animals were accompanied by the brand clearance document from the home state and a certificate of health inspection by a veterinarian in that state. This proposal was originally introduced last year by former Senator LeRoy Loudon. Loudon's bill stalled on concerns presented by the Nebraska Department of Agriculture. These concerns were addressed and eliminated by language in the current bill adding definitions at the request of Greg Ibach. The USDA recently issued its final rule on animal identification, which recognizes the brand as an official form of identification and permits each state to develop its own rules and regulations about what is appropriate for animal identification. This bill does not impede the ability of Director Ibach to require individual identification under specific circumstances as outlined in the bill. Under LB647, the State Veterinarian would also be granted authority to issue additional requirements as needed for cattle imported into Nebraska. LB647 would help Nebraska sale barns and feedlots since it will not impose a significant ID workload on cattlemen exporting cattle to Nebraska from the selected states to sale barns, ranches, and feedlots within the brand area. The cattle brand is still the best form of identification available since it is not removable and will not fall out or be rubbed off, which often happens with cattle tags. When this bill was introduced last year, over 40 letters were received from ranching families outside Nebraska who committed to feeding their cattle in Nebraska if Nebraska implemented the brand as the primary form of identification of animals rather than individual tags. This is a unique economic development bill for agriculture. It will benefit the entire state by adding jobs without any new costs, rebates, or incentives. The economic benefits to Nebraska means that over \$1.3 million is generated in these sale barns from the existing sales. This revenue is out-of-state revenue coming into Nebraska. There is also ancillary income generated through these sale barn transactions such as trucking jobs, sale of feed to the auction facilities, and so forth. Again, this is income coming from out of state and does not require economic incentive, tax rebates, or other government subsidies for its existence. LB647 would use regulations that are in place--a mandatory brand inspection and a certificate of veterinary health inspection--to allow cattle to be imported from a state that also has a mandatory brand inspection. Veterinary health inspection is already required to import cattle from other states. LB647 was supported in committee by the Nebraska Cattlemen, the Independent Cattlemen of Nebraska, Farm Bureau, and the Nebraska Farmers Union.

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LB647 would benefit Nebraska economically, and it would better ensure the health and traceability of cattle that are shipped into our state. I ask for your support of LB647. Thank you. [LB647]

SENATOR COASH: Thank you, Senator Davis. Members, you've heard the opening to LB647. The floor is now open for discussion. Seeing none, Senator Davis, you're recognized to close. Senator Davis waives closing. The question for the body is, shall LB647 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. [LB647]

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Record, Mr. Clerk. [LB647]

ASSISTANT CLERK: 29 ayes, 0 nays on the advancement of LB647, Mr. President. [LB647]

SENATOR CARLSON: LB647 does advance. Mr. Clerk, next item. [LB647]

ASSISTANT CLERK: Mr. President, the next bill is LB107 by Senator Lathrop. (Read title.) The bill was read for the first time January 10 of this year, referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments. (AM870, Legislative Journal page 986.) [LB107]

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

SENATOR LATHROP: Thank you, Mr. President. Colleagues, don't leave. I need 25 votes for this and I'm batting cleanup, you'll notice. This is the last one on the list and the one we've been looking for all day. LB...in 2011, LB669 was passed to allow for a divorce decree to be entered by the court without a hearing upon a stipulation and agreement of the parties involved in the divorce. Generally or prior to that, if you got done with a divorce, one or both of the parties had to go down in front of a district court judge, pay their lawyers to go down to the courthouse and then have a hearing in front of the judge that was generally to explain the agreement. What LB669 did was allowed for the parties to do that in writing. It saved money and it saved time for the court and lawyers' fees as well for the parties. After the bill was passed, it was brought to our attention that this could also be allowed in legal separations. So LB899 was passed last session to do just that. This is the logical extension. As a result of the passage of these two bills, the final hearing can now be waived in some situations for divorce and legal separations that involve parenting plans. However, for all other cases that involve a parenting plan, specifically those that don't involve a married couple, a waiver of a final hearing is not allowed under the current law. And LB107 would bring some parity to that

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by allowing a waiver of final hearing in all cases with a parenting plan requirement, including divorce, legal separation, and paternity cases. The hearing would only be waived if both parties agree and meet specific conditions spelled out in the law. By passing the bill, it will not only save the court's time but also save the parties from having to go down to the courthouse and pay their lawyers to accompany them. So I would appreciate your support of LB107. Thank you. [LB107]

SENATOR CARLSON: Thank you, Senator Lathrop. As the Clerk mentioned, there are committee amendments. Senator Ashford, you're recognized to open on AM870. [LB107]

SENATOR ASHFORD: Oh, this is worth the wait. Committee AM870 would require that the waivers be in writing. And the amendment would also make a technical change to subsection (c) of the bill to separate for charity (sic) the elements required for a waiver...for clarity, excuse me, not charity. [LB107]

SENATOR CARLSON: All right, thank you, Senator Lathrop. You've heard the opening on LB107 and AM870. The floor is now open for debate. Senator Karpisek, you're recognized. [LB107]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Sorry to stand between this and whatever we're doing next, but I have to take this opportunity to talk about my priority bill that was Senator Hadley's bill, LB22, which deals with joint custody of children in divorces and separations. There's been a lot of things that have gone on with that bill, and I am very upset at a number of organizations and people who have not come to the table to help, but have shot flaming arrows from the outside in, changed their position, said things that aren't true, and it's no way to do what we do here. Voices for Children have come and worked very hard on LB22 because I think they see the good in the bill for children. Other people who have changed their position on the bill, which I don't think they can even really do, haven't helped. Again, there's been all sorts of things go on with this bill. It's stuck in committee I guess. This is not the way we do it. I didn't prioritize Senator Hadley's bill because I don't think it's worthwhile. I think it's very worthwhile. For it to be stuck in committee because of people pulling some shenanigans behind the scenes and wanting to flex a little muscle has really irritated me. And if you're one of those groups that hasn't come to help but shooting the flaming arrows from the outside, you better get your things together because you're going to have some long days in here. The bill was introduced when all the other bills were introduced. As I said, Voices for Children has come to my office, Senator Lathrop's, Senator Coash's and tried to work with it--no one else, not the bar, not the judges, not the domestic violence people, none of them. So I'm going through bills and looking--this is not a threat, this is a promise--if something doesn't move...and once we get the bill out here, I know there's people that don't like the bill. And it will probably get filibustered and that's okay. But we've got children in divorce situations who see one parent maybe

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every other weekend, twice a month. I think it needs to be addressed in one way or another. Again, standing outside just trying to kill a bill when we know there's problems is not the way to do it. Sorry to stand between you and, again, whatever we're doing next; and I apologize for Senator Lathrop's bill, but I needed to get that out. Thank you, Mr. President. [LB107 LB22]

SENATOR CARLSON: Thank you, Senator Karpisek. Senator Scheer, you're recognized. [LB107]

SENATOR SCHEER: Thank you, Mr. President. I just wanted to clarify something that I thought I heard. Senator Lathrop, would you yield to a question? [LB107]

SENATOR CARLSON: Senator Lathrop, would you yield? [LB107]

SENATOR LATHROP: Yes, I will. [LB107]

SENATOR SCHEER: Did I actually hear...well, first, you are an attorney, is that correct? [LB107]

SENATOR LATHROP: That is very true. [LB107]

SENATOR SCHEER: And did I actually hear you say that the intent of this bill was to reduce the billable hours for attorneys? [LB107]

SENATOR LATHROP: Yes. I don't do this work, however, so I might be...(laughter). [LB107]

SENATOR SCHEER: Okay. [LB107]

SENATOR LATHROP: It's a lot easier for me to do. [LB107]

SENATOR SCHEER: All right. [LB107]

SENATOR LATHROP: But actually the lawyers that do domestic relations work are interested in seeing it pass, and that's where the idea came from. [LB107]

SENATOR SCHEER: Well, perfect. I can support that as well. Vote green, please. [LB107]

SENATOR CARLSON: Thank you, Senator Scheer and Senator Lathrop. Senator Chambers, you're recognized. [LB107]

SENATOR CHAMBERS: Mr. President, again, Senator Lathrop, I'm not trying to mess

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with your bill. I'm a member of the Judiciary Committee. I don't like LB22. I will do everything I can to kill it. Senator Karpisek had to admit that he told some of those people who came to testify for that bill to show some respect and restraint. And after it was over, he said, when he was closing, he guessed they didn't listen. They came to the wrong man trying to threaten somebody. One guy as big as Senator Price came to my door like he's going to make me do something. I said, I'm not the wife that wouldn't have you. I'm not the child that you might have abused. But if you want to try to do to me what you tried to do to them, and look how much bigger you are than I am, then let's go someplace and we'll do it. The very attitude that they showed to the committee indicated why they ought not to have what they came here demanding. They had the wrong kind of attitude. And if my daughter was married to one of the kind of suckers who came to my office, she wouldn't have had to deal with him. So when they think because they have bullied a woman and abused some children that everybody who might be not much bigger than the child he had is going to be abused and taken, then he's got another think coming. So the ones who hurt Senator Karpisek's bill the most are the ones he says he's trying to help. And I'm sure some judges may see this attitude when these guys come before them. But I'm one of those who will fight, fight, fight to kill that bill. And I hope the big one who came to my office hears me now. And maybe some of the people who were around here testifying with him know who he is. And they might have been sitting around a corner to see if he's going to make me take low, tuck tail, and run in my office and slam the door and call security. I am my security, and I do care about children. I care about women, and I care about those people who cannot help themselves. And when you have a group who are going to come to you and say, I want the state to put into the law a presumption that I am as suitable to have custody of this child as the other one who has custody, I won't do it. But those who try to be reasonable, I said, that's why you have court proceedings. All of the evidence is presented. You are the one that the judge can look at, can listen to, the same with the other one; then each of you will make your case; then a decision is made in the best interest of the child, not the parents. And sometimes these men want to have contact with the children so they can have contact with the women. I've been in this world more than three score years, and I've learned something along the way. And I've dealt with a whole lot of issues and a whole lot of people and a whole lot of marital problems of other people. So if you need to go back and tell some of these people who is trying to keep that bill in committee and will try to kill it out here, send them all to me. My phone number, my address are in the phone book in Omaha. I don't run and hide. Anybody who wants to find me can find me. I don't have bodyguards, I don't have entourage, I don't carry a weapon. But if they come to me, they better know what they're doing. And they get to make a mistake only one time and then they had better look out. Now I'm serving fair warning. And the reason I'm talking like this because you had some people who were trying to make a physical-type threat. And when that's the way they come, that's right up my alley. Look, I might be... [LB107 LB22]

SENATOR CARLSON: One minute. [LB107]

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SENATOR CHAMBERS: ...so weak that I can't lift my lips. I might be as weak as cream. And maybe if one of these big, old monstrosities came to me to get a banquet, he might get a banquet. But I'm going to get a sandwich along the way. Thank you, Mr. President. [LB107]

SENATOR CARLSON: Thank you, Senator Chambers. Senator Karpisek, you're recognized. [LB107]

SENATOR KARPISEK: Mr. President and members of the body... [LB107]

SENATOR CARLSON: Senator Karpisek, you have 2 minutes and 50 seconds. [LB107]

SENATOR KARPISEK: Thank you, Mr. President. I agree with Senator Chambers that some of the people that I'm trying to help in that bill absolutely did a terrible job on representing their cause and themselves here in the Capitol and I do apologize. And I am just as upset with them as I am with the others. But not every ex-husband or -wife is an abuser in any way, shape, or form. I don't feel that with the amendment that that bill has a presumption in it anymore. That is my opinion and only my opinion. And I would like to work with Senator Chambers or whoever else to try to make it a little bit more fair. He wants to fight, but I'm not that quite stupid. Maybe dumb, but not stupid. And I can run faster scared than he can mad. (Laughter) But the divorces last year in the state were 30 percent joint custody, 60 percent to the mother sole, and 10 percent to the father. I don't care if those numbers were switched around. I think we need more joint custody, and I would say that most of those children, the joint custody was agreed to by the parents. I don't think that it's a fair situation. I wish that the judges...the bill would still leave it in the judges' hands. People are saying that it doesn't and it does. I don't think it's a fair situation for the kids. I don't much care about the parents if they get the time or not. I think the kids deserve time to be with both of their parents if they're good parents. If they're not, they don't deserve it. Thank you, Mr. President. [LB107]

SENATOR CARLSON: Thank you, Senator Karpisek. There is less than one minute left on the clock. Senator Lautenbaugh, you have about 40 seconds. [LB107]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I understand exactly what Senator Karpisek is saying. I hope this pull motion, if that's what he's talking about, becomes irresistible bait to Senator Chambers at some point. And I don't want us to make policy based upon the disappointing behavior of some. Senator Karpisek is right. There needs to be something done to address this. The presumption exists now it seems. It's just nobody talks about it or admits it. There's a problem we have to fix, and I applaud Senators Karpisek and Hadley for trying to. Thank you, Mr. President. [LB107]

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SENATOR CARLSON: Thank you, Senator Lautenbaugh. And according to the rules of consent calendar, we go to the vote. The question is, shall AM870 be adopted? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB107]

ASSISTANT CLERK: 29 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB107]

SENATOR CARLSON: AM870 is adopted. The question now is the advancement of LB107 to E&R Initial. All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB107]

ASSISTANT CLERK: 31 ayes, 0 nays on the advancement of LB107. [LB107]

SENATOR CARLSON: LB107 does advance. Speaker Adams for an announcement. [LB107]

SPEAKER ADAMS: Thank you, Mr. President. Members, we still have two bills on the agenda, and I think we need to spend a little more time yet today. And so I want to go ahead and begin on LB69, and it would be my intention to, depending on how LB69 goes, get into Senator Pirsch's bill, LB281. The other announcement that I want to make, when we come back on Monday, that April 22, we'll start going on Monday nights and Wednesday nights we'll go through the dinner hour, 8:00, 8:30, something like that. And we have arranged for dinner to be provided on Monday and Wednesday evenings. But starting next week, that's what we're going to need to do. Thank you, Mr. President.

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

ASSISTANT CLERK: Mr. President, LB69 was introduced by Senator Schilz. (Read title.) The bill was read for the first time on January 10, referred to the Committee on Agriculture, placed on General File with no committee amendments. [LB69]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB69. [LB69]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. First off, I'd like to thank the Speaker for making this a Speaker priority and very much appreciate the opportunity here today. And I'll try to get through this as quickly as possible because I know the weekend is waiting. LB69 is brought at the request of the Department of Agriculture. The bill makes a number of revisions to the Pesticide Act. Much of the bill is a statutory maintenance to update reference to federal statutory and Code of Federal Regulations citations through the act so that they refer to current sections existing on January 1, 2013. These include reference to FIFRA, the Food and Drug Act, the Safe Drinking Water Act, and individual sections of these acts that are incorporated for

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various purposes throughout the act. LB69 would eliminate the specialty category for pesticide product registrations. The act currently applies separate fee schedules depending on whether the product is a specialty pesticide or not, and it directs the allocation of the registration fee. The bill is intended to simplify registration for both the department and the public through the elimination of the special distinction. The only function of the designation currently is to identify distribution of fees to the Natural Resources Water Fund or the Pesticide program Cash Fund. LB69 would specify allocation of a single license category to continue the existing revenue streams to certain programs. The fee schedule under the bill would impose a uniform \$160 fee with authority to revise within a statutory maximum. The bill would actually result in a reduction of fees for products not currently registered as a specialty pesticide and a reduction in revenues to the Pesticide Administrative Fund. I will defer to the fiscal note to explain the revenue implications of the bill. The bill further eliminates a requirement for applications to provide a Social Security number when applying for licensure as an applicator or aerial pesticide business. The deadline for application for an aerial business license is changed to be required prior to the commencement of operations rather than on January 1 to enable the licensee to have more accurate information to base application information. The bill also clarifies language in the act that clearly provides that a licenseholder who is supervising a noncertified applicator is equally responsible for the actions of the uncertified person being supervised. The bill also clearly provides that the owners or operators of businesses who hire pesticide applicators are equally responsible for the actions of the persons they employ to apply pesticides on their behalf. The bill further provides clarification regarding the department's authority to impose administrative fines for each action which violates the act. And with that, I would hope that you could support LB69. Thank you very much, Mr. President. [LB69]

SENATOR CARLSON: Thank you, Senator Schilz. Members, you've heard the opening on LB69. Are there senators wishing to speak? Senator Mello, you're recognized. [LB69]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. Senator Schilz did do a little bit of the work for me explaining that the fiscal note does reduce cash funds by roughly \$222,000 for the Department of Agriculture, which the Department of Ag, through ultimately the Legislative Fiscal Office, made a determination that due to some realignments that have occurred in the Department of Ag over the last few years is that they would be able to absorb any of these reductions based on efficiencies that they've gained and realignments that they've also made. But I do have a policy question for Senator Schilz if he would yield to one. [LB69]

SENATOR CARLSON: Senator Schilz, would you yield? [LB69]

SENATOR SCHILZ: I would be more than happy to try, yes. [LB69]

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SENATOR MELLO: Senator Schilz, in the fiscal note it does mention that the department estimates that they may need to raise these fees in a five- to six-year period. [LB69]

SENATOR SCHILZ: Right. [LB69]

SENATOR MELLO: The bill itself, am I under the understanding that it won't require a statutory change for them to increase those fees, but instead they can do it through the rules and regulations process? [LB69]

SENATOR SCHILZ: You know, that's a good question. I don't know for sure. I know that when we set it up here with the statutory maximum until they get to that point we won't need any legislative action as far as I understand. But if we do hit that maximum, we may have to come back and give them more authority if they need that. [LB69]

SENATOR MELLO: If you want, I'll let you confer with your legal counsel,... [LB69]

SENATOR SCHILZ: Sure. [LB69]

SENATOR MELLO: ...double-check in the sense that through the rules and regulations process the Department of Ag cannot raise the fees to meet the amount that they need and they would have to come back to the Legislature to get that fee increase. [LB69]

SENATOR SCHILZ: Yeah, thank you, Senator Mello. Sorry for the... [LB69]

SENATOR MELLO: That's okay. [LB69]

SENATOR SCHILZ: Right. Up to the statutory maximum, they will be able to do that through rules and regulations. And I should say that the reason that we're doing that and we're reducing that is because of how things have turned out, like you said. They've got more money in there than they need. And so we're trying to drain some of that away, and that's what this process does. But like you said, in five or six years we may have to take another look at that. [LB69]

SENATOR MELLO: Okay. Thank you, Senator Schilz. Colleagues, it's just a point more than anything else. And I want to read through the bill a little bit further probably between General and Select File in regards to making a determination once again of how does the Department of Ag report this information if they so do choose to increase their fees through the rules and regulations process. I bring this issue up in part because the Department of Labor also has this ability to increase their fees. And one of the programs they're able to do this on is in the elevator inspector program in which every year if their budget ultimately is not being met that the Department of Labor

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Commissioner is supposed to meet with ultimately the elevator inspector board and make the determination if they need to increase their fees through essentially the rules and regulation process that allows them to do so. It's a unique process that I know unless you've really dug into the Administrative Procedure Act and/or explore ways in which agencies can have that flexibility to increase their fees without a legislative approval, it's something that is a unique status and it's unique flexibility. And when we do that, it's good to, I guess, not so much put caution out there but just to educate ourselves because the reality in changes that sometimes the administration ultimately will choose not to raise those fees, even if they have the ability to do so. Thus, they try to shift those fees to some other fee source and/or to General Funds so that it won't look like they have to raise their fees to achieve the purpose of the act or the program. I'm not saying that with Senator Schilz's bill that is what the Department of Ag is intending to do. That has been...that is what's been done in the previous five years now I've been in the Legislature when an agency chooses not to want to raise fees, for one reason or another, and instead try to find other ways to meet their budgetary authority where it puts the Legislature in a position... [LB69]

SENATOR CARLSON: One minute. [LB69]

SENATOR MELLO: ...to do that instead of utilizing the flexibility and powers that we've empowered them through the Administrative Procedure Act. I appreciate Senator Schilz being able to provide clarification for the body to understand this unique flexibility that we'd be giving the Department of Agriculture with this new fee flexibility. And with that, thank you, Mr. President. [LB69]

SENATOR CARLSON: Thank you, Senator Mello. Senator Schilz, you're recognized. [LB69]

SENATOR SCHILZ: Thank you, Mr. President. Thank you, Senator Mello, to help explain that and to bring up the concerns and issues that he did. I think they're valid for sure. I would just like to say that according to this, and just so that everybody understands, this bill in no way changes the statutory maximums that were in place before. All it does is just gives them the ability to drop their fees to do all that stuff to be able to find space or to drain off some of this money that they have in excess right now. And so as I looked at that, I was like, this sounds like a good idea. We actually have a governmental agency that's saying, hey, there's too much over here. We'd like to reduce that some. So that was my idea and that's when I agreed to put this bill in, I thought it made sense to do this. So I'd appreciate your vote. Thank you very much. [LB69]

SENATOR CARLSON: Thank you, Senator Schilz. There are no other senators wishing to speak. Senator Schilz, you're recognized to close on LB69. [LB69]

SENATOR SCHILZ: Thank you, Mr. President. I think we've explained everything. We

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know what it is. I would just appreciate a green vote. We can maybe then after that get started on the next thing that we're up to, as Senator Karpisek says. But thank you very much and vote green. [LB69]

SENATOR CARLSON: Thank you, Senator Schilz. The question is, shall LB69 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. [LB69]

ASSISTANT CLERK: 26 ayes, 0 nays on the advancement of LB69, Mr. President. [LB69]

SENATOR CARLSON: LB69 does advance. Mr. Clerk, are there items? [LB69]

ASSISTANT CLERK: Mr. President, there are. Your Committee on Education reports LB323, LB416, LB506, LB640, and LB645 all as indefinitely postponed. I have amendments to be printed to LB407 from Senator Hadley, Senator Karpisek, Senator Ken Haar, Senator Kolowski, Senator Bolz, and Senator Krist. And that's all I have at this time, Mr. President. (Legislative Journal pages 1050-1057.) [LB323 LB416 LB506 LB640 LB645 LB407]

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

ASSISTANT CLERK: Mr. President, LB281 introduced by Senator Pirsch. (Read title.) The bill was read for the first time on January 16 of this year, referred to the Revenue Committee. That bill placed the bill on General File with no committee amendments. [LB281]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Pirsch, you're recognized to open on LB281. [LB281]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. LB281 came out of committee on an 8-0 vote and was designated as the committee priority. For that, I thank the Chairman of the committee and the committee for their engagement in LB281. LB281 helps to ensure early-stage capital, that that exists for small business startups in Nebraska that utilize innovation and technology. The Angel Investment Tax Credit Act was created and passed in 2011, but at a reduced rate of funding by this body, given the significant economic difficulties that the state was facing at that time. LB281 simply seeks to fund the program at its original proposed level of funding so that when its sunset date kicks in, and it does have a sunset date, it will happen in 2017, that the success of the program can be fairly and adequately evaluated by this body. This bill will ensure that we have enough useful experience under the act to determine whether this body should reauthorize the program. A little background on the underlying program. It's designed to help small businesses embracing technology and innovation.

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We do already have in Nebraska a number of programs that help large businesses, but this is for small businesses. It was passed to spur new growth of startup technology companies by providing a refundable tax credit to investors of up to 40 percent of an investment in a qualified small business that utilizes technology and innovation. There is a required investment holding period and a recapture provision. A qualified investor must make an investment of at least \$25,000 in a qualified investor fund, which must have three investors must make an investment of at least \$50,000. A qualified investment is a cash investment in exchange for an ownership interest in a small business. A qualified small business is a Nebraska-based business with more than 51 percent of its employees in Nebraska and 25 or fewer employees at the time of the investment. The act has application processes and procedures for certification as a qualified investor, qualified fund, and qualified small business. Confidentiality protections are in the bill as well. We're talking about investments of smaller dollars because we're talking about small startup companies. So this bill is the product of a state-sponsored study, The Battelle Technology Partnership Strategic Plan Study which studied "in-depthly" and comprehensively our unique economic situation in the state, came back with...Battelle is a very respected name internationally with respect to these type of studies. I think the state shelled out approximately a half a million dollars on this, including...came back with target industry development, population and work force review, a review of existing Department of Economic Development programs, and an innovation road map which included the recommendation to create an angel investment tax credit program, which my understanding is approximately a little under half the states have right now. Battelle found, as did a separate independent study that Senator Conrad headed and a number of other legislators participated in, that Nebraska ranked poorly as a state in seed funding for small startup businesses. The 2010 State Technology and Science Index ranked Nebraska one of the last states in terms of risk capital and entrepreneurial infrastructure. And that report found entrepreneurs and early-stage companies interviewed indicated it is very difficult to access early-stage capital in Nebraska. It's understandable why. Even though it is absolutely critical that these companies come into being in the state of Nebraska, these technology-laden and innovation-laden companies in the state, you know, as with all these type of startups, risking capital is a risky endeavor for individual investors. And so the Department of Economic Development, in asking for the program's creation a couple of years ago, noted that essentially the future holds two different economies: the traditional economy based on lowest cost production, small markups, low salaries for workers and a second new economy where innovation and information are the hallmarks. And that type of economy is marked by unique products and higher worker salaries. And I think it's clear Nebraska cannot remain entirely stuck in a low-salary economy with respect to this. We need to begin thinking where the state needs to be in the future. High tide floats all boats. An economy based on innovation and technology attracts companies, jobs, spin-off companies, and workers to the state and leads directly to higher governmental revenues then which we can use to support education and health and human services and other core government expenditures in an enhanced manner. Again, this bill does

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not create or substantively change that program. The angel investment tax program has been in effect since 2011, but this bill doesn't seek to fully fund...I'm sorry, this bill seeks only to fully fund the program so that when the tax program is sunsetted out and ends in 2017 the program will have a sufficient amount of activity so that we legislators can better judge whether to renew this legislation and the program, as I suspect we will, or alternatively not renew it, do nothing, and let it automatically end. I do want to add one thing in closing and that...how much time do I have, Mr. President? [LB281]

SENATOR CARLSON: Three minutes. [LB281]

SENATOR PIRSCH: Thank you. Because...right now, just in following up what I was saying, having a sufficient amount of experience under this program to wisely adjudicate whether it's been a useful use of the scarce taxpayer resources or not, I think we have to have a sufficient number of or sufficient amount of activity under it so that we can be in the position to judge that. That being said, let me describe...I have been in the process of speaking to various senators. One of the complicating factors has been that we have, as a body, passed LB613, a comprehensive tax study that Senator Schumacher has put forward, to I guess give us guidance as a body about what types of future endeavors we, as a body, should be engaged in, in terms of economic development and tax structures and those kind of matters. And they showed certain misgivings about proceeding forward with LB281 until such study was completed, and that will take place later this year. Notwithstanding the fact that I think that this is, LB281 is...my premise here is it's not really a revenue bill. We're not changing a program. It's more of an appropriation bill. The existing policy has already been set. This bill has, angel investment tax credit, was passed already in 2011. And at the time it was passed, it was the fruit of a comprehensive paid study, I think something to the tune I'm told of about a half-million dollars was spent on this comprehensive, uniform study by a very well-respected international outfit. [LB281 LB613]

SENATOR CARLSON: One minute. [LB281]

SENATOR PIRSCH: Notwithstanding that, I would at this point in time, given that concern, you know, agree that should this bill, LB281, advance today from General File that we would wait until such time to eliminate all kind of misgivings to have that LB613 study over the fall and not attempt to advance LB281 yet this session so that we will have the benefit of that LB613 results to reassure us that this, in fact, is the exact correct thing for the state to do in terms of when we're looking for the next step for Nebraska and ensuring that Nebraskans have jobs and that small business startups have adequate capital. [LB281 LB613]

SENATOR CARLSON: Time. [LB281]

SENATOR PIRSCH: Thank you. [LB281]

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SENATOR CARLSON: Thank you, Senator Pirsch. You've heard the opening on LB281 and in a minute the floor will be open for debate. (Visitors introduced.) Senators wishing to speak include Hadley, Ashford, Nelson, Conrad, Wallman, and Pirsch. Senator Hadley, you're recognized. [LB281]

SENATOR HADLEY: Mr. President, members of the body, I'll be very quick. Would Senator Pirsch yield to a question? [LB281]

SENATOR CARLSON: Senator Pirsch, would you yield? [LB281]

SENATOR PIRSCH: I would. [LB281]

SENATOR HADLEY: Senator Pirsch, is it my understanding of what you said that if this is passed from General to Select it will be held, it's your intention to hold the bill until next year until after the modernization tax study is done? [LB281]

SENATOR PIRSCH: Yes, absolutely. And I would ask the Speaker publicly here that the bill not be scheduled for any additional round, further round of debate this year until such time as we've had the results of the LB613 comprehensive tax study completed and the members then having a chance to look at it. But this would at least ensure that this particular program, which is not being created this year but has already been on the books, I think, is in fact working as promised and would confirm that it is the right direction to go. So we'd have the benefit of that LB613 study so, yes, absolutely. [LB281 LB613]

SENATOR HADLEY: As the hopefully the Chair of the Tax Modernization Committee, I will tell the body that we will...incentives will be part of what we need to look at in looking at a modern tax system. And obviously this is an incentive that would be on the agenda to look at. Thank you, Senator Pirsch. [LB281]

SENATOR PIRSCH: Thank you. [LB281]

SENATOR HADLEY: Thank you, Mr. President. [LB281]

SENATOR CARLSON: Thank you, Senator Hadley and Senator Pirsch. Senator Ashford, you're recognized. [LB281]

SENATOR ASHFORD: I'll try to be brief, Mr. President. Thank you. Inasmuch as Senator Pirsch has offered what I think is a very diplomatic offer to the body, which is to hold this over till next year, I do applaud him for that. That's exactly the right thing to do. And I think we need to now think about what Senator Pirsch has done with this bill and as we approach these other very controversial bills. It is critical, in my view, that we

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address Medicaid this year and that we bring Medicaid to a vote. We haven't even gotten to General...we have not even gotten a vote on General File on Medicaid. And Medicaid is extremely critical to the future of our state in my view. It is a prudent, it is a prudent, it's a fiscally prudent proposal to deal with a program which exists in Nebraska state law and is critical to our future. And I think what Senator Pirsch has done here, hopefully, has created a new attitude towards how we deal with each other's important issues. The idea that we're going to filibuster every bill that we don't like is anathema to me, especially when we get to issues such as Medicaid and some of the other very important issues that we're going to be dealing with, like the death penalty, like juvenile justice, issues which in my view are so...identify or define who we are as a state. And we simply cannot play politics with these issues anymore. So I applaud Senator Pirsch. I think he has...he's been here awhile, his mother before him, and what he has...and I served with his mother for many years, and she was an extremely gracious person. And what Pete has offered to us is in very much...very consistent with the manner and demeanor that his mother had when she was here. And I think we should all remember in that light those of us who did come before us, when we could, as a body, deal with the tough issues, whether it's taxes or healthcare, whether it's the poor or helping angel investors. Angel investor bills, quite frankly, I think have worked in Nebraska. And I think Senator Pirsch's idea of incentives is very much worth pursuing. But let's, please, as we go into next week, let's not have the fear to vote on and to address tough bills. Senator Pirsch has given us the runway to do that, and I applaud him for it. So now as we look ahead to the real tough ones, Medicaid being one of the toughest, let's get that bill up here, let's vote on it, and let's move forward. Let's figure out how the state is going to address...and we could have different opinions. Obviously we do have different opinions. And that's appropriate. But to get into a battle of filibusters in here for the rest of the session, not only are we going to not...are we not going to be able to make good public policy one way or another on these issues because we're afraid to vote, but we're going to look to the public like we are inept, like we are stuck in the mud, like we're favoring one group over the other, that we're not really able to address the tough issues. So with that, I would implore the body, you know, let's tackle the tough ones. Let's tackle the death penalty. Let's tackle Medicaid. Let's tackle taxes in this...and Senator Schumacher and Senator Hadley, again, Senator Hadley is very gracious in his comments. I mean for a committee Chair to say let's not worry about...I'm not going to worry about my bill, even though we know angel investor legislation has worked in this state, let's give it... [LB281]

SENATOR CARLSON: One minute. [LB281]

SENATOR ASHFORD: ...another year. Let's give it another year so that we can...so Senator Schumacher's initiative can proceed. Now some of us wanted to do tax legislation this year. But I think this is an opportunity... [LB281]

SENATOR CARLSON: (Gavel) [LB281]

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SENATOR ASHFORD: Thank you, Mr. President...this is an opportunity what Senator Pirsch has given us, in my view. This is an opportunity to step it up, to take on the tough issues, to vote on the tough issues, and not turn this session into some sort of battle of the filibuster. That is not good for us, it looks bad, and it is a derogation of our responsibility in my view. Thank you, Mr. President. [LB281]

SENATOR CARLSON: Thank you, Senator Ashford. Senator Nelson, you're recognized. [LB281]

SENATOR NELSON: Thank you, Mr. President, members of the body. May I ask Senator Ashford a question before he departs? [LB281]

SENATOR CARLSON: Senator Ashford, would you yield? [LB281]

SENATOR ASHFORD: Sure. [LB281]

SENATOR NELSON: Thank you, Senator Ashford. If we were to bring LB577 back and vote on it, would you agree to hold it over for another year as Senator Pirsch has? [LB281 LB577]

SENATOR ASHFORD: No, no, I wouldn't. The reason I think this ought to be held over for a year is because Senator Schumacher has offered us an opportunity to deal with the tax debate next year, and we have created or are creating a commission to handle that, and Senator Hadley agrees with that approach and I do. No. Medicaid needs to be done this year. [LB281]

SENATOR NELSON: All right. Thank you. Senator Pirsch, would you yield to some questions? [LB281]

SENATOR CARLSON: Senator Pirsch, would you yield? [LB281]

SENATOR PIRSCH: Yes, I would. Thank you. [LB281]

SENATOR NELSON: Just very quickly, Senator Pirsch. There was testimony about Richard Baier. What are the reasons for increasing from \$3 million to \$5 million a year? [LB281]

SENATOR PIRSCH: Yes. Well, that was the amount that it was originally proposed at, which I think at that time was supposed to create, my understanding, a minimum kind of sufficient track record to...and there was a sunset date that was put in it as well so that we would have an understanding of what kind of results we were experiencing and determine... [LB281]

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SENATOR NELSON: Well, thank you, but what have the results been so far? Is there a waiting line... [LB281]

SENATOR PIRSCH: Yeah. [LB281]

SENATOR NELSON: ...for...because I think they're limited to \$1 million per... [LB281]

SENATOR PIRSCH: Yeah. [LB281]

SENATOR NELSON: ...per business so there are more opportunities if we increase the amount? [LB281]

SENATOR PIRSCH: Oh, yes, I do appreciate that question. Yes. The program has been fully subscribed for the entire year of 2013 already for weeks so, yeah. And that's part of the concern is, like I said, we're only...we just are starting spring here and the program is essentially, in terms of what it's able to offer a small business startup, is over. [LB281]

SENATOR NELSON: All right. Thank you very much. I think in view of the fact that we could wait another year to address this and perhaps will have to wait another year to address other large issues larger than this, but perhaps take a closer look at things, I'm supportive of this. [LB281]

SENATOR PIRSCH: Thank you. [LB281]

SENATOR NELSON: Thank you, Senator Pirsch. Thank you, Mr. President. [LB281]

SENATOR CARLSON: Thank you, Senator Nelson and Senator Pirsch. Senator Conrad, you're recognized. [LB281]

SENATOR CONRAD: Thank you, Mr. President. Good afternoon, colleagues. And isn't it nice that we finally have some sunshine gracing us here on this fine Nebraska spring day? I rise to thank my colleague, Senator Pirsch, for his statesmanlike approach to dealing with this difficult issue, buttressed against the procedural posture that we're in with the impending comprehensive tax study, LB613. Senator Pirsch and myself have been in extensive deliberations to try and work out procedurally an appropriate response to the issue that he's prioritized in LB281 and how that squares with the pending tax study commission and the work that it has before it. So I appreciate this was not an easy decision for Senator Pirsch to come to as he has invested a great deal of time, talent, and energy into this important legislation. But I feel that it is the appropriate pathway to help us move forward on the larger comprehensive study. So again, I, for the record, do want to thank Senator Pirsch for his statesmanlike behavior

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and restoring much of my strong faith in our proud Unicameral system. And this is just one shining example of how we work together to achieve the right result. With that, Mr. President, I'd be happy to yield the balance of my time to Senator Mello. [LB281 LB613]

SENATOR CARLSON: Thank you, Senator Conrad. Senator Mello, 3 minutes and 20 seconds. [LB281]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. I will be quick because I've spoken with Senator Pirsch and Senator Hadley, had spoken on the mike on the record with Senator Pirsch that, yes, this bill, LB281, has a fiscal note of roughly \$2 million a year in General Funds. It's an increase in an existing tax credit. Obviously, the tax credit was created a couple of years ago, was part of I think an innovation-driven agenda, both by the Heineman administration as well as some of the work that came out of the Innovation and Entrepreneurship Task Force that Senator Conrad and Senator Hadley had chaired and vice chaired. The policy itself is something that I supported two years ago, and I believe it's a smart tax credit that tries to leverage early key investments in startup companies. But as I would defer to Senator Hadley's comments and Senator Pirsch told me before his intent was to hold LB281 till next year till after the LB613 Tax Modernization Commission study would be finished, I should say, if it passes and becomes law and we ultimately do, do a commission, it's his intent to hold the bill till after that period of time to bring this issue back come next year. I appreciate his willingness to work with Senator Hadley on the sense of holding the bill essentially for a year for us to have a more clear picture in regards to what tax changes may or may not need to be made in regards to a comprehensive way. With that, thank you, Mr. President. [LB281 LB613]

SENATOR CARLSON: Thank you, Senator Mello. Senator Chambers, you're recognized. [LB281]

SENATOR CHAMBERS: Mr. President, members of the Legislature, the word chafe means to rub and rub until the spot you're rubbing is raw. I am chafing. I listened to all of the collegiality on everybody's bill except mine. The bill I have in the Revenue Committee, if it comes on the floor, will not reduce the General Fund. It will not cost anything. I've made it clear I wouldn't try to move it this session, and I did not prioritize it. Senator Pirsch's bill, in order to be acted on next session, could stay on General File just as well as it could be advanced to Select File. But birds of a feather flock together and drink at the same water hole. So I'm watching all of your collegiality with each other. I have a bill, so you'll know what it is, that would take away, it would repeal that so-called local option half-cent increase in the sales tax. I want it on the floor. Now if I had carried out what I had said I was going to do, I would have been on every bill that has come before us. And the fact that I have a bill to abolish the death penalty in no way deters me. I'm getting from what I'm seeing happening today a reinvigoration of my attitude toward the way the body is dealing with me and intends to deal with me. You

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think that because I did not go after every bill as I said I might that I won't do it. You're going to give Senator Pirsch this bill which, if it's enacted, for this four-year period and this pink note, the fiscal note, is correct, that will be a total of \$8 million. And if it's a good program, well, fine. And you have the votes to do it. Have you got eight hours you want to give? As Senator Karpisek said earlier, he wasn't making a threat; he was making a promise. I'm not even speaking from the position of saying it's a promise. I just want to give you something to think about. And if I do once cross that line, then I won't back up from it. I haven't crossed it yet. I hadn't even thought about it again until I heard Senator Pirsch's offer and people standing up saying that's a good idea. It's statesmanlike. Why don't you let me get my bill out here? I didn't get a vote on whether it would come out because time expired, and I took my lumps that day. But I'm watching what has happened subsequently. I pay attention to what happens around here. I listen to what people say. I listen to the rationale that they give. And all I have to do is say, apply the rationale you've given to one of your colleagues who looks like you to the bill of one of the persons who is here but obviously is not your colleague and who definitely does not look like you. You're nice to each other, and that's the way you ought to be. But you need to be nice to everybody, especially when the one you're not nice to is willing to give you back what you give to me. [LB281]

SENATOR CARLSON: One minute. [LB281]

SENATOR CHAMBERS: I'm not going to interfere, Senator Pirsch, with you trying to get a vote and get a leg up by moving your bill to the next stage of debate. I'm going to let you and your colleagues freely do what you choose to do. And I'll tell you this much: There is nothing I can envision that I'm going to deal with over the weekend which is going to make me feel in a mellower mood than I feel right now. I'll be in a worse mood. And if you think that I'm bluffing, then call me out. Give me a reason. Give me the slightest excuse, but I don't really need it. I'm going to watch what you do this afternoon, and then I'll plot my course accordingly. Thank you, Mr. President. [LB281]

SENATOR CARLSON: Thank you, Senator Chambers. Those still wishing to speak include Ashford and Wallman. Senator Ashford, you're recognized. [LB281]

SENATOR ASHFORD: Thank you, Mr. President. I have been thinking about Senator Chambers' bill all session. It seems to me that the bill ought to be out on the floor. It ought to have the same placement as Senator Pirsch's bill. If we move this bill to General File, that...the bill that Senator Chambers was talking about, the bill I was involved in passing, ought to be fair game as well. It ought to be out there with the understanding that it won't be taken up until next year. The idea of how local subdivisions raise revenue is a legitimate tax issue. Whether or not we reduce sales tax across the board as a state policy is a legitimate issue, and I think those matters can be taken up in the commission and they will be. I would be pleased if the...if that bill, a bill that I worked hard to pass, were a part of...was part of the mix that...on tax policy, on

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Select File, and we can reconvene next year. I think it's the appropriate thing to do. I think it's the appropriate thing to do. It's...to talk about angel investors, a concept which I have supported in the past, is a legitimate tax issue to discuss. Tax incentives must be part of the discussion. But sales tax and local option sales tax and sales tax generally is very much a part of the tax discussion. And what local subdivisions do or what they can do in order to raise revenue is a legitimate concern of the tax commission, and I see absolutely no reason why we should not amend Senator Chambers' bill by unanimous consent onto Senator Pirsch's bill, move it to Select File, and have it be there. I think it's the right thing to do. It is the kind of movement, I think, in this body that will encourage robust debate on taxes but on all the other issues that we have before us this year. So I would encourage us to think about that, to amend this bill, as we can do, it's certainly germane, to amend Senator...if...and I...see what Senator Hadley says, but to amend that bill onto Senator Pirsch's bill. Then we've got a level playing field. The issue of local option sales tax, the issue of how subdivisions raise revenues over and above property tax can be a legitimate issue to be discussed by the commission because there will be bills on Select File to deal with that. So I would urge the body to do that. I think it would remove an obstacle. It is a fair thing to do. I think Senator Chambers does make a good point. Do we really want to raise sales tax or even have an option to raise sales tax before we take a look at the entire revenue-raising mechanism of the state and local subdivisions? And I think he's got a legitimate point. And I know there's opposition to what Senator Chambers is trying to do in the lobby. I get that. But I think it's time that we take these issues inside the glass and we determine our own destiny on these issues so that we can have a pathway through to the end of the session to deal with all these very, very important issues that need to be discussed. That is what we should do, in my view, and I think we'll be happier for it if we do that. Thank you, Mr. President. [LB281]

SENATOR CARLSON: Thank you, Senator Ashford. Senator Wallman, you're recognized. [LB281]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Would Senator Pirsch yield to a question? [LB281]

SENATOR CARLSON: Senator Pirsch, would you yield? [LB281]

SENATOR PIRSCH: I would, thank you. [LB281]

SENATOR WALLMAN: Thank you, Senator. Now the original angel investments were \$3 million, right? [LB281]

SENATOR PIRSCH: That's correct. [LB281]

SENATOR WALLMAN: Now what's our return been on that? Do you have any idea? [LB281]

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SENATOR PIRSCH: Well, it's a little early yet. We put in the sunset provision and require study so that we can give a cost-benefit analysis. So we will have that when the program ends. We'd have to take positive legislative steps to reenact and re-create the program. So I think that, by the way, is the right way to do it. That when you're kind of...you've got studies that suggest it's the right way and you act on that, that you should also have sunset provisions to make sure that it has to go out there and show results before it be reenacted. [LB281]

SENATOR WALLMAN: And have any...and what's the percentage of these investments that's actually failed? [LB281]

SENATOR PIRSCH: Well, this particular...so these are startups, right? [LB281]

SENATOR WALLMAN: Well, sure. [LB281]

SENATOR PIRSCH: These are not large companies, ConAgra and those type of...and just as an investor, you know, you experience that too. There's slower growth when you invest in companies like ConAgra as opposed to Silicon Valley startups. There is a higher failure rate, there is. And it's the one that takes off, though, that just creates the spin-off companies, the jobs, the revenue that attracts people to the state. And we absolutely have to have that. That's what our...the new economy will be based on is this type of business so. [LB281]

SENATOR WALLMAN: And we talk about the private sector. You know, good local bankers, folks, will do this. It's extra work, but I think we ought to partner with...we talked about insurance companies on this other stuff, but I think local bankers as well. I know some small town bankers that have really helped out like a telephone company, you know, like a diode cable and stuff. And so is there a guarantee that the investor, I mean this angel investment, what is it, 40 percent? What is the percentage on that? [LB281]

SENATOR PIRSCH: Yeah, it varies: 35 percent I believe in noneconomically challenged areas; 40 percent in economically challenged areas. Is it...and I'm sorry, I'll let you ask the question. [LB281]

SENATOR WALLMAN: Oh, that's okay. [LB281]

SENATOR PIRSCH: Is it necessary? Yeah, I think the rankings when you show, I mean, small companies need to start up to be big companies and employ individuals. So that has been kind of a metric that is heavily looked at by professionals in terms of adjudicating...judging your future economic health. If you don't have any small companies in the pipeline, in ten years from now you won't have any large companies. And Nebraska is bleeding people already to the coast. That's part of the reason. The

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rankings say we're...that's just a vital element that is currently almost nonexistent in the state. And that's why the focus of this Battelle study, this internationally respected firm, as well as this legislative panel study by Senator Conrad and Hadley have determined that that's definitely an essential piece of the puzzle that is missing and has to be addressed. [LB281]

SENATOR WALLMAN: Thank you. I'm not against any program to help economic development. But it seems like, you know, this almost has to be...we've really got to be careful here because we could be giving away a lot of cash for the state, tax credits, folks. Somebody is losing money. And that's all I'll have. Thank you, Mr. President. [LB281]

SENATOR CARLSON: Thank you, Senator Wallman and Senator Pirsch. (Visitors introduced.) Those still wishing to speak include: Conrad, Chambers, and Pirsch. Senator Conrad, you're recognized. [LB281]

SENATOR CONRAD: Thank you, Mr. President. I rise simply to concur with Senator Ashford's conclusion that there is a legitimate equity issue that Senator Chambers brings forward. I have no disagreement with the strategy or the substance of his comments. I do want to point out, though, that there may be one area where it is indeed distinguishable. Senator Pirsch's bill has been voted on by the committee and has been designated as a priority wherein Senator Chambers' bill in relation to the sales tax issue has not. For the record, Senator Chambers may or may not agree with that assessment, but I did want to point that out. And from the posture of that equitable perspective, I would defer to he and Senator Ashford as to the different options they mention to ensure equity between those competing proposals, whether it's through amendment on Select File, whether it's through unanimous consent or otherwise. But I think that there is a legitimate issue there. I'm glad Senator Chambers brought it forward. I think that there is also one procedural difference that does make this option a bit distinguishable. But with that, I thank Senator Chambers, Senator Pirsch, and Senator Ashford for their good work in this important debate today. Thank you, Mr. President. [LB281]

SENATOR CARLSON: Thank you, Senator Conrad. Senator Chambers, you're recognized. [LB281]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm reasonable. I did not say I would try to attach my bill. Senator Ashford was indicating what would be done if you really were going to be completely equitable and fair. I know that my bill is locked up in the committee. But let me go back again to what Senator Pirsch's bill made me think of. I've got these self-righteous people on the Revenue Committee, including the Chair, who says it's not appropriate for my bill to be out here. Then he voted to send this bill out here, the one whose bill is LB613. I told him I was taking it home to work over the weekend to do all that I felt needed to be done so that he and I could reach an

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accord and the bill could go on. He voted, although it's his tax study bill, to keep mine in his committee, but he sent this one out here that would reduce the General Fund by \$2 million. My bill doesn't cost the state anything. Leaving that local option tax in place takes away from the state that possible half-percent increase in the sales tax. You have a study which is to be undertaken designed to look at the entire tax system of Nebraska, and you punch holes in it for everybody else. You punched holes in it to send an exemption bill on farm equipment, and there are other things that committee has done for those who look like the members on that committee. Every exception was made for those who look like you. And the only one who has a bill that would be in line with this tax commission study is saying hold status quo and do not reduce the state's tax base potential. That's the best of all of them, not just because I brought it, on its merits. You have decided that you take the glove and you slap me, and your slap has been received. Now there are people with other bills that I have said I would talk to them about it. All those bets are off, and I'll say it here. I'm not going to talk to anybody about TEEOSA. I'm not going to talk to anybody about it. I don't want anybody to bring me another bill to discuss with me and seek my advice, help, and assistance then you're going to walk on me as though I'm a rug. The only way you can do that is if I let you. And apparently because I didn't go after everybody's bill like I said I would, then you say, well, he's a pushover. I'm going to show you that I'm not. I did a lot of work on LB613. [LB281 LB613]

SENATOR CARLSON: One minute. [LB281]

SENATOR CHAMBERS: I have pages and pages of work that I've done to try to improve it. I'm going to show you how much my work means to me. (Tearing pages). If I can't do it, then I'd be embarrassed, wouldn't I? But if I couldn't tear it, then I would chew it. You know what that is? That's the wastebasket. Shakespeare could not excise a single word of anything he had written because every word was like one of his children. Well, if I can take all of that work, and that was days of work, and discard it like that, that lets you all know that I'm prepared to relinquish the session. Thank you, Mr. President. [LB281]

SENATOR CARLSON: Thank you, Senator Chambers. Those still wishing to speak include Pirsch, Davis, Krist, and Chambers. Senator Davis, you're recognized. [LB281]

SENATOR DAVIS: Thank you, Mr. President. Senator Pirsch, would you yield to a question? [LB281]

SENATOR CARLSON: Senator Pirsch, would you yield? [LB281]

SENATOR PIRSCH: I would. [LB281]

SENATOR DAVIS: In the interest of time, I'm not going to get into this too far, Senator

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Pirsch, but I would like to get more information about this particular bill and specifically as it might concern economic development in depopulating areas. Is that something that we could look at down the road? [LB281]

SENATOR PIRSCH: Absolutely, in addition to having the tax study, LB613, results. I think any dialogue that I can have during that period of time in terms of improving the reach to make sure that as it's intended all of Nebraska is benefiting would be just dandy with me so. [LB281 LB613]

SENATOR DAVIS: Thank you, Senator Pirsch. [LB281]

SENATOR CARLSON: Thank you, Senator Davis and Senator Pirsch. Senator Krist, you're recognized. [LB281]

SENATOR KRIST: Thank you, Mr. President, and good afternoon, colleagues, and afternoon, Nebraska. I see great value and I understand Senator Chambers' point about what came out and what didn't come out. I disagree that it had anything to do with one particular prejudice or another or one particular way of thinking or another. I will say that if you look at your machine right now, I have made a decision, LB474, which was reported out--and, Senator Chambers, this is directly...Senator Chambers, if you could yield to a question, please. [LB281 LB474]

SENATOR CARLSON: Senator Chambers, would you yield? [LB281]

SENATOR CHAMBERS: Yes. [LB281]

SENATOR KRIST: Senator, I just...I wanted to get your attention when I say this because it's important to me. I agree with you that the playing field is somewhat unlevel. That we have a decision to make, a study, LB613, which will balance, I think, taxation exemptions. I think it's long needed in the state and I think it is imperative that we get that out this year. To that end, I had a bill reported out of committee, LB474. And if you look at your gadget, you will see I am asking to recommit to the committee. It is an essential part of the study that needs to be done. I want to level the playing field. And I really didn't want to ask you a question, Senator Chambers. I will give you a few minutes here, though, at the end of mine if you wish. Senator Pirsch, I think the best thing to do is to lay this thing over and to get back to LB613 and do business the way we need to and do the study. It's the right thing to do now. It was the right thing to do an hour ago. It levels the playing field, and we can do what we need to do, get LB613 out there, look at the entire program, the entire process, and move on. I yield my time to Senator Chambers if he'd like it. [LB281 LB613 LB474]

SENATOR CARLSON: Thank you, Senator Krist. Senator Chambers, 2 minutes and 50 seconds. [LB281]

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SENATOR CHAMBERS: Mr. President, members of the Legislature, thank you. Senator Krist, I would like to ask you a question. [LB281]

SENATOR CARLSON: Senator Krist, would you yield? [LB281]

SENATOR KRIST: Yes, sir. [LB281]

SENATOR CHAMBERS: Did I understand you to say that you had a bill advanced from the Revenue Committee that you're seeking to recommit to that committee? [LB281]

SENATOR KRIST: Yes, I am because the subject matter of that bill is as important as your subject matter is and probably both should be discussed on parity in the study that we will conduct via LB613. [LB281 LB613]

SENATOR CHAMBERS: Thank you. I don't see Senator Hadley. You know what I think that committee ought to do? They ought to look at all the bills that they advanced because I'm not aware of them and recommit every one. I told you all that if they had kept every bill in that committee you wouldn't hear me saying these things. But you keep letting out other white people's bill, white people's bills that undermine the study that's so important. And there are several of them that were let out on this floor. You're looking at one right now. I wish I hadn't told Senator Pirsch that I wouldn't delay his bill, but the promise having been made must be kept. So I won't mess with his bill on General File. Advance it if you want to. But for me, the session is different from what it was. You know what you can do as far as I'm concerned? The little bill that was passed on consent calendar, kill it on Select File. Take it all. There's nothing you can give me and nothing you can take from me, but there is something I can take from you. And I'm going to play the game according to the rules... [LB281]

SENATOR CARLSON: One minute. [LB281]

SENATOR CHAMBERS: ...that you have laid out. I'll learn your rules, and I'll beat you at your own game. And I'm going to spend this weekend doing a different kind of studying, not looking at bills that need editing, not bills which can be improved by way of amendments, even if I disagree with them. I'm not an editor. I'm not a Bill Drafter. I'm doing all that extra work. I can see...you know what people would call somebody like me in my community? An Uncle Tom. You know why? Because I'm accommodating these white people and they're walking all over me. Not anymore. Senator Pirsch's bill is the straw that broke this camel's back. Thank you, Mr. President. [LB281]

SENATOR CARLSON: Thank you, Senator Chambers, and now your light is on and you're recognized. This is your third time. [LB281]

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SENATOR CHAMBERS: Thank you and it's the last time I'll need. I gave a metaphor some years ago. There are two rows of people and they form two lines that stretch from here to as far as the eye can see. And there's a camel that has to walk between those two rows. And the camel has a huge wicker basket on its back. And as the camel walks, each person that the camel passes throws in a pebble, another pebble, 100 pebbles, 1,000 pebbles, 10,000 pebbles. Then finally, one person drops in a pebble and the camel cannot bear the weight. The legs splay out. The camel falls to the ground and is crushed. And everybody in that double line can say, I bear no responsibility, I only threw in a pebble. But it's the collective action of all of them that wound up creating a load too heavy for the camel to bear. And that gives you an elongated explanation of the straw that broke the camel's back. There is a breaking point for anything which is breakable. Now the one thing in me that's not breakable is my spirit, my determination, and my willingness to fight back. And I feel that you all have challenged me. You all have treated me like dirt, and you've done it repeatedly. And it's your Revenue Committee that did it. Then these Chairpersons stood up and talked about the sanctity of the committee. Well, if you all agree with what the committee did, then you've all put a pebble in the basket on the back of the camel. You want to say it's not a big thing? Then put my bill on the floor. It becomes a big thing to me only because you put other white people's bills on the floor after you knew that this tax study was to take place. Why did you send everybody else's bill out here which is out here, some giving tax exemptions? Why? Why would you send out a bill that's going to reduce the General Fund by \$2 million? Why did the Revenue Committee send that bill out here? I'm not jousting with shadows. I'm dealing with substance and reality that you all don't want to face because you're not accustomed to anybody looking you in the eye and telling you what you've done and to tell you there is a consequence to be borne. What can you do to me? You can't even take my \$12,000 salary from me. If I don't come here another day, you cannot stop me from being paid that little chicken feed of a salary. What is there you can take from me? Nothing. And I certainly would not let you take my dignity. Poor Whitney Houston. She sang in a song, No matter what they do to me, they can't take away my dignity. And then she let the world do that to her. There's a lady in a song called "Lola" and she was a showgirl. And at the end of the song she sits there so refined and drinks herself half-blind, lost her youth and she lost her Tony... [LB281]

SENATOR CARLSON: One minute. [LB281]

SENATOR CHAMBERS: ...and she lost her mind at the Copa, Copacabana. Well, enjoy the weekend. And I do plan to have a discussion after we finish today with the Speaker. But all other bets are off. I told Senator Sullivan, she's not here now, that I'd talk to her about that TEEOSA--nope. I had told Senator Krist no. I'd even asked the Speaker would he talk to me about it. He doesn't have to worry about that. And no other bill that anybody has brought to me do I want to talk to you about unless you help me get some justice. You help me get some justice and then everything as though... [LB281]

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SENATOR CARLSON: Time. [LB281]

SENATOR CHAMBERS: Thank you, Mr. President. [LB281]

SENATOR CARLSON: Thank you, Senator Chambers. There are no other lights. Senator Pirsch, you're recognized to close on LB281. [LB281]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. Just to recap, LB281 helps to ensure early stage capital exists for small businesses, startups in Nebraska that use innovation and technology. The concept here is that we do need these type of businesses to come into being to ensure the healthy economic future of the state, to ensure that there will be jobs and high-paying jobs for workers in the state tomorrow. And that, therefore, the government will have with more companies, more jobs, the revenues that they need to support the proper governmental expenditures that exist. So I do publicly agree that if it does advance here today, LB281, I would not pursue advancement of this bill until, well, for the session until after the results of the LB613 tax study is completed to make sure that it is, in fact, fits into our long-term goals and targets of the state. And I'm sure it does, but we'll...I think that will help to assure people and make them feel very confident come next session when we proceed forward. So having said that, I would ask for a call of the house and I'll just take a board vote. Thank you. [LB281 LB613]

SENATOR CARLSON: Thank you, Senator Pirsch. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB281]

CLERK: 27 ayes, 0 nays, Mr. President, to place the house under call. [LB281]

SENATOR CARLSON: Thank you, Mr. Clerk. The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. The house is under call. Senators Campbell, Nordquist, Lathrop, Bloomfield, please return to the floor. Senators Lathrop and Bloomfield, the house is under call. All members are accounted for. The question is, shall LB281 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. Senator Pirsch. [LB281]

SENATOR PIRSCH: Senator Carlson, I am standing to ask for a roll call vote in reverse order. [LB281]

SENATOR CARLSON: All right. Mr. Clerk, please proceed. [LB281]

CLERK: (Roll call vote taken, Legislative Journal page 1058.) 15 ayes, 7 nays on the

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advancement of the bill, Mr. President. [LB281]

SENATOR CARLSON: The bill does not advance. Mr. Clerk, announcements, items for the record. [LB281]

CLERK: Just one item, Mr. President. I have a motion to recommit LB474 from Senator Krist to be printed. (Legislative Journal page 1059.) [LB474]

I do have a priority motion. Senator McCoy would move to adjourn the body until Monday morning, April 22, at 10:00 a.m.

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. Motion carried. We are adjourned.