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Floor Debate
February 16, 2016

[LB53 LB114 LB221 LB676 LB683 LB689 LB700 LB703 LB718 LB729 LB734 LB735
LB753 LB754 LB758 LB776 LB778 LB786 LB798 LB807 LB811 LB840 LB859 LB864
LB898 LB921 LB929 LB954 LB1016 LB1035 LB1073 LB1109 LR26CA LR432 LR433
LR436]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING. WELCOME TO THE TWENTY-SIXTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. CHAPLAIN FOR TODAY IS FATHER JUSTIN FULTON, A VICAR OF THE CATHEDRAL OF THE RISEN CHRIST HERE IN NEBRASKA, SENATOR BOLZ'S DISTRICT. PLEASE RISE.

FATHER FULTON: (PRAYER OFFERED.)

PRESIDENT FOLEY: I CALL TO ORDER THE TWENTY-SIXTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE, ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB954 AND LB1016 TO SELECT FILE. I HAVE NOTICE OF HEARINGS FROM THE REVENUE COMMITTEE, THOSE SIGNED BY SENATOR GLOOR AS REVENUE COMMITTEE CHAIR. NEW RESOLUTION: LR436 OFFERED BY SENATOR KRIST; THAT WILL BE LAID OVER AT THIS TIME. AND, MR. PRESIDENT, PRIORITY BILL DESIGNATIONS: SENATOR CRAIGHEAD, LB683; SENATOR McCOY, LB114. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 569-571.) [LB954 LB1016 LR436 LB683 LB114]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR432 AND LR433. MEMBERS, WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, CONSENT CALENDAR. MR. CLERK. [LR432 LR433]

CLERK: MR. PRESIDENT, LB676, A BILL BY SENATOR CRAIGHEAD. (READ TITLE.) INTRODUCED ON JANUARY 6; REFERRED TO BANKING, COMMERCE AND INSURANCE; ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB676]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO OPEN ON LB676. [LB676]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I'M HERE TODAY TO INTRODUCE LB676 AT THE REQUEST OF THE DEPARTMENT OF BANKING AND FINANCE WHICH WOULD AMEND VARIOUS SECTIONS RELATING TO FINANCIAL INSTITUTIONS. THE BILL WOULD PROVIDE SECTION-BY-SECTION AS FOLLOWS. SECTION 1 WOULD AMEND SECTION 8-1,140 OF THE NEBRASKA BANKING ACT WHICH IS THE WILD CARD STATUTE FOR STATE-CHARTERED BANKS. THIS SECTION WOULD BE AMENDED TO PROVIDE THAT STATE-CHARTERED BANKS HAVE THE SAME RIGHTS, POWERS, PRIVILEGES, AND IMMUNITIES AS A FEDERALLY CHARTERED BANK DOING BUSINESS IN NEBRASKA AS OF JANUARY 1, 2016. DUE TO STATE CONSTITUTIONAL RESTRICTIONS ON DELEGATION OF LEGISLATIVE AUTHORITY, THIS STATUTE IS AMENDED ANNUALLY. SECTION 2 WOULD AMEND SECTION 8-335 WHICH IS THE WILD CARD STATUTE FOR STATE-CHARTERED SAVINGS ASSOCIATIONS. THIS SECTION WOULD BE AMENDED TO PROVIDE THAT STATE-CHARTERED SAVINGS ASSOCIATIONS HAVE THE SAME RIGHTS, POWERS, PRIVILEGES, AND IMMUNITIES AS A FEDERALLY CHARTERED SAVINGS ASSOCIATION DOING BUSINESS IN NEBRASKA AS OF JANUARY 1, 2016. DUE TO STATE CONSTITUTIONAL RESTRICTIONS ON DELEGATION OF LEGISLATIVE AUTHORITY, THIS STATUTE IS AMENDED ANNUALLY. SECTION 3 WOULD AMEND SECTION 21-17,115 OF THE NEBRASKA CREDIT UNION ACT, WHICH IS THE WILD CARD STATUTE FOR STATE-CHARTERED CREDIT UNIONS. THIS SECTION WOULD BE AMENDED TO PROVIDE THAT STATE-CHARTERED CREDIT UNIONS HAVE THE SAME RIGHTS, POWERS, PRIVILEGES, AND IMMUNITIES AS A FEDERALLY CHARTERED CREDIT UNION DOING BUSINESS IN NEBRASKA AS OF JANUARY 1, 2016. DUE TO STATE CONSTITUTIONAL RESTRICTIONS ON DELEGATION OF LEGISLATIVE AUTHORITY, THIS STATUTE IS AMENDED ANNUALLY. SECTION 4 WOULD PROVIDE FOR REPEALERS OF AMENDATORY SECTIONS. SECTION 5 WOULD PROVIDE FOR THE

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EMERGENCY CLAUSE. I THANK YOU FOR CONSIDERING THIS BILL. I WOULD ASK THAT YOU SUPPORT IT. THANK YOU. [LB676]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAIGHEAD. SEEING NO MEMBERS WISHING TO SPEAK ON THE BILL, SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB676. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB676]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB676. [LB676]

PRESIDENT FOLEY: LB676 ADVANCES. NEXT BILL, MR. CLERK. [LB676]

CLERK: LB798 BY SENATOR JOHNSON. (READ TITLE.) INTRODUCED ON JANUARY 7, MR. PRESIDENT, REFERRED TO THE AGRICULTURE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I DO NOT HAVE COMMITTEE AMENDMENTS. I DO HAVE AN AMENDMENT FROM SENATOR JOHNSON. [LB798]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. (DOCTOR OF THE DAY INTRODUCED.) SENATOR JOHNSON, YOU'RE RECOGNIZED TO OPEN ON LB798. [LB798]

SENATOR JOHNSON: THANK YOU, MR. LIEUTENANT GOVERNOR. LB798 UPDATES THE PROVISIONS OF THE NEBRASKA PURE FOOD ACT TO INCORPORATE PROVISIONS AND CONCEPTS THAT ARE CONTAINED IN THE 2013 FOOD CODE. CURRENTLY, THE NEBRASKA PURE FOOD ACT IS GOING WITH THE 2009 CODE. THE NEBRASKA PURE FOOD ACT IS THE PRIMARY BODY OF STATE LAW REGULATING RETAIL FOOD ESTABLISHMENTS WHERE FOOD IS PREPARED FOR AND/OR DELIVERED TO A FINAL CUSTOMER. THE PURE FOOD ACT ESTABLISHES STANDARDS FOR SANITATION, PREPARATION, STORAGE, AND ACCURATE REPRESENTATION OF FOOD ITEMS. NEBRASKA INCORPORATES THE MODEL PROVISIONS IN THE FOOD AND...CODE ACT AND PROVISIONS OF THE U.S. PUBLIC SERVICE...PUBLIC HEALTH SERVICE. THIS CODE IS NOT A FEDERAL CODE. IT IS ADMINISTERED BY THE STATE OF NEBRASKA. HOWEVER, IT PROVIDES A UNIFORM SYSTEM OF STANDARDS TO ENSURE THAT FOOD AT RETAIL IS SAFE AND PROPERLY PROTECTED AND PRESENTED. ITS ADOPTION BY STATES AND LOCALITIES ALSO HELPS ASSURE CONSISTENCY ACROSS THE STATE LINES. THE FOOD CODE IS UPDATED PERIODICALLY TO INCORPORATE REGULATORY

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EXPERIENCE AND ADVANCEMENTS IN UNDERSTANDING RISK FACTORS IN FOOD-BORNE ILLNESSES. LB798 WILL CONTINUE THE TREND OF HAVING FEWER NEBRASKA PURE FOOD ACT VARIANCES FROM STANDARDS WITH THE FEDERAL STANDARD. FOOD CODE THIS TIME CHANGES TO A NEW TERM, CHANGING FROM "POTENTIALLY HAZARDOUS" FOODS TO "TIME/TEMPERATURE FOR SAFETY FOODS." THAT DEALS WITH THE TEMPERATURES FOOD IS TO BE KEPT AT AFTER A CONTAINER IS OPEN AND THE AMOUNT OF TIME IT CAN STILL BE SOLD BASED ON ITS TIME AND TEMPERATURE. THAT'S MY CLOSING (SIC) ON LB798. I'M READY TO DO THE AMENDMENT UNLESS WE NEED DISCUSSION. [LB798]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. MR. CLERK. [LB798]

CLERK: MR. PRESIDENT, SENATOR JOHNSON WOULD MOVE TO AMEND WITH AM1907. (LEGISLATIVE JOURNAL PAGE 432.) [LB798]

PRESIDENT FOLEY: SENATOR JOHNSON, YOU'RE RECOGNIZED TO OPEN ON AM1907. [LB798]

SENATOR JOHNSON: AM1907 CORRECTS A DRAFTING OVERSIGHT. THE AMENDMENT REVISES SECTION 3 OF THE BILL AND ADDS THREE SECTIONS TO THE FOOD CODE ACT OF 2013 EXCLUDED FROM THE INCORPORATION INTO THE NEBRASKA FOOD ACT. IT WAS SIMPLY AN OVERSIGHT. IT WOULD REQUIRE, ONE ITEM, IT WOULD REQUIRE FOOD ESTABLISHMENTS TO HAVE AT LEAST ONE SUPERVISORY OR MANAGEMENT EMPLOYEE WHO IS CERTIFIED AS A FOOD PRODUCTION MANAGER AND SPECIFIES THE CREDENTIALS FOR CERTIFICATION. IT ALSO TALKS ABOUT PROCEDURES AND INSTRUCTS EMPLOYEES TO RESPOND TO VOMIT AND DIARRHEA OCCURRING IN THE ESTABLISHMENT. NEBRASKA DOES PROVIDE FOOD ESTABLISHMENTS WITH GUIDANCE FOR PROPER CLEANUP IN THESE INSTANCES TO LIMIT OPPORTUNITY OF PATHOGEN SPREAD. THE AMENDMENT AND THE BILL WERE PRESENTED BY THE DEPARTMENT OF AGRICULTURE, BUT THERE WERE 13 PEOPLE INVOLVED IN THE ADVISORY...13 AGENCIES INVOLVED IN THE STUDY OF THE ADVISORY COMMITTEE, AND A TOTAL OF 31 PEOPLE WERE PRESENT AT THOSE MEETINGS. I ASK FOR THE ADOPTION OF THE AMENDMENT, AM1907. [LB798]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. MEMBERS, YOU'VE HEARD THE OPENING ON LB798 AND THE RELATED AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR JOHNSON WAIVES CLOSING ON THE AMENDMENT. THE QUESTION IS THE ADOPTION OF AM1907. ALL THOSE IN FAVOR VOTE AYE;

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THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB798]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR JOHNSON'S AMENDMENT. [LB798]

PRESIDENT FOLEY: AM1907 IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON THE AMENDED BILL, SENATOR JOHNSON, YOU'RE RECOGNIZED TO CLOSE ON LB798. [LB798]

SENATOR JOHNSON: THANK YOU FOR ADVANCING THAT AMENDMENT. IF THERE'S ANY QUESTIONS, BECAUSE THIS IS A FAIRLY TECHNICAL BILL WITH A LOT OF PARTS IN IT, THERE ARE PEOPLE IN THE ROTUNDA TODAY FROM THE DEPARTMENT OF AG AND PROBABLY THE UNIVERSITY, SCIENCE, HEALTH, OR OTHER LOBBY THAT CAN ANSWER YOUR QUESTIONS IF YOU HAVE SOME BETWEEN NOW AND SELECT FILE. I ASK FOR YOUR SUPPORT. VOTE GREEN ON LB798. THANK YOU. [LB798]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. MEMBERS, YOU'VE HEARD THE CLOSING ON LB798. THE QUESTION IS THE ADVANCE OF LB798 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB798]

CLERK: 28 AYES, 0 NAYS ON THE ADVANCEMENT OF LB798. [LB798]

PRESIDENT FOLEY: LB798 ADVANCES. NEXT BILL, MR. CLERK. [LB798]

CLERK: LB778, A BILL BY SENATOR WILLIAMS. (READ TITLE.) INTRODUCED ON JANUARY 7 OF THIS YEAR, REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM1874, LEGISLATIVE JOURNAL PAGE 422.) [LB778]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR WILLIAMS, YOU'RE RECOGNIZED TO OPEN ON LB778. [LB778]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND WELCOME TO EVERYONE THIS MORNING. LB778 MAKES A NUMBER OF CHANGES TO THE

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NEBRASKA MONEY TRANSMITTERS ACT AND THE NEBRASKA INSTALLMENT SALES ACT. THERE ARE BASICALLY TWO PARTS TO THIS BILL. FIRST, THE BILL WILL REPEAL OBSOLETE AND TRANSITIONAL LANGUAGE THAT IS NO LONGER NECESSARY. SECOND, THE BILL WOULD CHANGE THE PROCESS THAT ENTITIES WOULD USE IF THERE IS A PROPOSED CHANGE IN CONTROL UNDER THE INSTALLMENT SALES ACT. UNDER CURRENT LAW, IF THERE IS A CHANGE OF CONTROL OF A LICENSE, THE ENTITY IS REQUIRED TO COMPLETE A FULL APPLICATION FOR A NEW LICENSE. LB778 WOULD ELIMINATE THE REQUIREMENT FOR A FULL APPLICATION AND REPLACE IT WITH A NOTICE REQUIREMENT. SPECIFICALLY, AN ENTITY WOULD BE REQUIRED TO FILE A NOTICE WITH THE DEPARTMENT AT LEAST 30 DAYS PRIOR TO THE PROPOSED CHANGE IN CONTROL. THIS WOULD GIVE THE DEPARTMENT THE OPPORTUNITY TO REVIEW THE PROPOSED TRANSACTION AND OBTAIN ANY ADDITIONAL CLARIFICATION THAT MIGHT BE NECESSARY. THE BILL ALSO SPELLS OUT THE CIRCUMSTANCES UNDER WHICH THE DIRECTOR WOULD NOT APPROVE A PROPOSED ACQUISITION. FINALLY, IF THE DIRECTOR WOULD DISAPPROVE A PROPOSED ACQUISITION, THE BILL PROVIDES THAT THE ACQUIRING PARTY MAY REQUEST AN ADMINISTRATIVE HEARING ON THE MATTER. THE BILL WAS INTRODUCED AT THE REQUEST OF THE DEPARTMENT OF BANKING AND FINANCE. DIRECTOR QUANDAHL WAS THE ONLY TESTIFIER. AND THERE IS A COMMITTEE AMENDMENT TO CLARIFY THE DEFINITION OF "CONTROL." THE BILL WAS ADVANCED FROM THE BANKING COMMITTEE ON A UNANIMOUS VOTE. I WOULD APPRECIATE YOUR SUPPORT FOR LB778. [LB778]

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. SENATOR SHEER, YOU'RE RECOGNIZED. OH, AS THE CLERK INDICATED, THERE IS AN AMENDMENT FROM BANKING, COMMERCE AND INSURANCE COMMITTEE. SENATOR SHEER, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENT. [LB778]

SENATOR SCHEER: THANK YOU, LIEUTENANT GOVERNOR. LB778, AS INTRODUCED, PROVIDES THAT NO ONE SHALL ACQUIRE CONTROL OF AN INSTALLMENT SALES LICENSE WITHOUT FIRST GIVING NOTICE TO THE DEPARTMENT OF BANKING AND FINANCE. THE DIRECTOR MAY DISAPPROVE A PROPOSED ACQUISITION OF CONTROL OF AN INSTALLMENT SALES LICENSE BASED ON SUCH THINGS AS FINANCIAL CONDITION OF THE ACQUIRING PERSON OR THE CHARACTER AND FITNESS OF THE ACQUIRING PERSON OR PROPOSED MANAGEMENT PERSONNEL TO OPERATE THE LICENSE HONESTLY, FAIRLY, AND EFFICIENTLY. THE COMMITTEE AMENDMENTS WOULD DO THIS ONE THING. THEY WOULD EXPAND THE DEFINITION OF "CONTROL" IN THE CASE OF AN ENTITY OTHER THAN A CORPORATION TO MEAN, ONE, THE POWER OF THE

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DIRECT MANAGEMENT OR POLICIES OF THE ENTITY; TWO, THE CONTRIBUTION OF 25 PERCENT OR MORE OF THE CAPITAL OF THE ENTITY; OR, THREE, THE RIGHT TO RECEIVE UPON DISSOLUTION 25 PERCENT OR MORE OF THE CAPITAL OF THE ENTITY. THOSE ARE THE COMMITTEE AMENDMENTS. I WOULD URGE YOUR ADOPTION OF THE AMENDMENTS AS WELL AS THE ADVANCEMENT OF LB778. THANK YOU, LIEUTENANT GOVERNOR. [LB778]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. MEMBERS, YOU'VE HEARD THE OPENING ON LB778 AND THE COMMITTEE AMENDMENT. DEBATE IS OPEN. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SCHEER, YOU'RE RECOGNIZED TO CLOSE. AND HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB778]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB778]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON THE AMENDED BILL, SENATOR WILLIAMS, YOU'RE RECOGNIZED TO CLOSE ON LB778. [LB778]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND I WOULD JUST URGE EVERYONE TO VOTE GREEN ON LB778 AS AMENDED. [LB778]

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. MEMBERS, YOU'VE HEARD THE DEBATE AND CLOSING ON LB778. THE QUESTION IS THE ADVANCE OF THE BILL TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB778]

CLERK: 27 AYES, 0 NAYS ON THE ADVANCEMENT OF LB778. [LB778]

PRESIDENT FOLEY: LB778 ADVANCES. MR. CLERK, NEXT BILL. [LB778]

CLERK: MR. PRESIDENT, IF I MAY, AN ANNOUNCEMENT: NATURAL RESOURCES IS MEETING IN ROOM 2022 IN EXECUTIVE SESSION. LB864 IS A BILL BY SENATOR CRAWFORD. (READ TITLE.) INTRODUCED ON JANUARY 11 OF THIS YEAR, REFERRED TO URBAN AFFAIRS, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB864]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU'RE RECOGNIZED TO OPEN ON LB864. [LB864]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. LB864 AMENDS PROVISIONS IN STATUTE THAT ALLOW CITIES OF THE FIRST CLASS, CITIES OF THE SECOND CLASS, AND VILLAGES TO REQUEST ADDITIONAL EXTRATERRITORIAL ZONING JURISDICTION AUTHORITY FROM THE COUNTY. THE ETJ OF A MUNICIPALITY GENERALLY CONSISTS OF CONTIGUOUS UNINCORPORATED LAND WITHIN A CERTAIN RADIUS OF THE MUNICIPALITY'S CORPORATE LIMITS, AND THE SIZE OF THE MUNICIPAL ETJ VARIES ACCORDING TO ITS CLASSIFICATION. IN 2002, THE LEGISLATURE PASSED LB729 WHICH ESTABLISHED A PROCESS BY WHICH CITIES OF THE FIRST CLASS AND CITIES OF THE SECOND CLASS COULD REQUEST ADDITIONAL ETJ AUTHORITY FROM THE COUNTY. LB864 SPECIFICALLY ADDRESSES ONE RESTRICTION IN CURRENT LAW WHICH PROHIBITS THE COUNTY FROM CEDING ETJ AUTHORITY TO A CITY OR VILLAGE IF THE TERRITORY REQUESTED BY THE CITY OR VILLAGE IS WITHIN ONE-HALF MILE OF ANOTHER CITY OR VILLAGE'S ETJ. UNDER LB864, RATHER THAN OUTRIGHT PROHIBITING THE COUNTY FROM CEDING ETJ AUTHORITY OVER THIS TERRITORY, THE COUNTY WOULD BE ALLOWED TO CEDE ETJ AUTHORITY OVER THIS TERRITORY BUT ONLY WITH THE APPROVAL OF THE OTHER CITY OR VILLAGE. IF THE OTHER CITY OR VILLAGE DOES NOT APPROVE OF THE TRANSFER, THE COUNTY WOULD BE PROHIBITED FROM CEDING THE ETJ AUTHORITY. IMPORTANTLY, LB864 WOULD ONLY CHANGE THE PROCESS FOR THOSE PROPERTIES WHICH UNDER CURRENT LAW CANNOT BE CEDED BY THE COUNTY IN ANY CASE. MOREOVER, TRANSFER OF THE PROPERTY IS ONLY ALLOWED WITH THE APPROVAL OF THE OTHER AFFECTED MUNICIPALITIES. FOR ALL REMAINING PROPERTIES, THE ADDITIONAL ETJ AUTHORITY AS REQUESTED BY A CITY OR VILLAGE, THE DECISION OF WHETHER TO CEDE THE AUTHORITY WOULD CONTINUE TO REST SOLELY WITH THE COUNTY BOARD. THE PURPOSE BEHIND LB864 IS TO ADDRESS SITUATIONS WHERE A PARTICULAR PROPERTY IS SPLIT BETWEEN ZONING JURISDICTIONS. PART OF THE PARCEL IS UNDER THE ZONING JURISDICTION OF THE MUNICIPALITY AND PART UNDER THE ZONING JURISDICTION OF THE COUNTY. FOR EXAMPLE, IN SARPY COUNTY THERE ARE MORE THAN 40 PARCELS THAT ARE SPLIT BETWEEN SARPY COUNTY ZONING JURISDICTION AND THE CITY OF PAVILLION ZONING JURISDICTION. FROM AN ECONOMIC DEVELOPMENT PERSPECTIVE, IF YOU'RE A DEVELOPER THAT OWNS ONE OF THESE PROPERTIES, DEALING WITH TWO DIFFERENT SETS OF ZONING REGULATIONS CREATES A DISINCENTIVE TO DEVELOP THE PROPERTY. WHILE SARPY COUNTY IS THE PRIMARY AREA IN THE STATE WHERE IT MIGHT POTENTIALLY COME TO PLAY, THERE ARE SEVERAL OTHER AREAS OF THE STATE

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WHERE MULTIPLE MUNICIPALITIES ARE IN CLOSE PROXIMITY TO ONE ANOTHER. LB864 RECEIVED NO OPPOSITION TESTIMONY AT THE HEARING AND WAS ADVANCED BY URBAN AFFAIRS COMMITTEE ON A 6-0 VOTE WITH 1 MEMBER ABSENT. I WOULD ASK FOR YOUR GREEN VOTE TO ADVANCE LB864 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB864]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. DEBATE IS NOW OPEN ON LB864. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON LB864. SHE WAIVES CLOSE. THE QUESTION IS THE ADVANCE OF LB864 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB864]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB864. [LB864]

PRESIDENT FOLEY: LB864 ADVANCES. NEXT BILL, MR. CLERK. [LB864]

CLERK: MR. PRESIDENT, LB700 IS A BILL BY SENATOR MELLO RELATING TO CITIES. (READ TITLE.) INTRODUCED ON JANUARY 6, AT THAT TIME REFERRED TO URBAN AFFAIRS, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM1889, LEGISLATIVE JOURNAL PAGE 427.) [LB700]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB700. [LB700]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. LB700 WOULD ENHANCE COMMUNICATION BETWEEN NEIGHBORHOOD ASSOCIATIONS AND THEIR MUNICIPAL GOVERNMENT. MORE SPECIFICALLY, LB700 WOULD EXPAND THE EXISTING REQUIREMENT FOR MUNICIPALITIES TO PROVIDE PUBLIC NOTICES TO NEIGHBORHOOD ASSOCIATIONS THAT REGISTER WITH THE MUNICIPALITY TO RECEIVE PLANNING NOTICES. TRADITIONALLY CALLED COURTESY NOTICES, NOTIFICATIONS TO NEIGHBORHOOD ASSOCIATIONS REGARDING ZONING CHANGES WERE CODIFIED INTO STATE STATUTE THROUGH THE WORK OF MY PREDECESSOR, SENATOR DON PREISTER, AND MODERNIZED BY LB679 IN 2014 SO THAT NEIGHBORHOOD ASSOCIATIONS COULD OPT TO RECEIVE NOTICE BY THE METHOD OF THEIR CHOICE, PARTICULARLY THROUGH E-MAIL. LB700 WOULD EXPAND THE NOTIFICATIONS

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TO TWO ADDITIONAL REQUIREMENTS. FIRST, CITIES OF THE METROPOLITAN CLASS WOULD BE REQUIRED TO PROVIDE NOTICE OF THE ADOPTION OR AN AMENDMENT OF A ZONING ORDINANCE TO REGISTER NEIGHBORHOOD ASSOCIATIONS WHOSE AREA OF CONCERN IS LOCATED IN WHOLE OR IN PART WITHIN THE AREA INCLUDED IN THE ORDINANCE. SECOND, CITIES WOULD BE REQUIRED TO PROVIDE NOTICE OF THE ESTABLISHMENT OR THE EXPANSION OF A BUSINESS IMPROVEMENT DISTRICT TO REGISTERED NEIGHBORHOOD ASSOCIATIONS WHOSE AREA IS LOCATED IN WHOLE OR IN PART WITHIN A ONE-MILE RADIUS OF THE EXISTING OR PROPOSED BOUNDARIES OF THE DISTRICT. THE URBAN AFFAIRS COMMITTEE ADVANCED LB700 UNANIMOUSLY WITH ONE SENATOR ABSENT. ADDITIONALLY, THERE WAS NO OPPOSITION IN THE PUBLIC HEARING. THE BILL DOES NOT HAVE A GENERAL FUND IMPACT AND BUILDS UPON EXISTING STATE POLICY. WITH THAT, COLLEAGUES, I'D URGE THE BODY TO ADOPT LB700 AND THE FORTHCOMING COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB700]

PRESIDENT FOLEY: THANK YOU, SENATOR MELLO. SENATOR CRAWFORD, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT, AM1889. [LB700]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND GOOD MORNING AGAIN, COLLEAGUES. THE COMMITTEE AMENDMENT, AM1889, PROVIDES THAT A CITY OF THE METROPOLITAN CLASS WOULD NOT BE REQUIRED TO PROVIDE NOTICE OF THE AMENDMENT OF A ZONING ORDINANCE TO REGISTERED NEIGHBORHOOD ASSOCIATIONS IF THAT ORDINANCE SERVES ONLY TO CORRECT A MISSPELLING OR OTHER TYPOGRAPHICAL ERROR. I WOULD ASK FOR YOUR GREEN VOTE TO ADOPT AM1889. THANK YOU, MR. PRESIDENT. [LB700]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. MEMBERS, YOU'VE HEARD THE OPENING ON LB700 AND THE RELATED COMMITTEE AMENDMENT. DEBATE IS NOW OPEN. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1889, THE COMMITTEE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB700]

CLERK: 26 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB700]

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PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR MELLO,...AND SENATOR MELLO WAIVES CLOSE. THE QUESTION IS THE ADVANCE OF LB700 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB700]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB700. [LB700]

PRESIDENT FOLEY: LB700 ADVANCES. NEXT BILL, MR. CLERK. [LB700]

CLERK: MR. PRESIDENT, LB703 IS A BILL INTRODUCED BY THE URBAN AFFAIRS COMMITTEE AND SIGNED BY ITS MEMBERS. (READ TITLE.) INTRODUCED ON JANUARY 6 THIS YEAR, REFERRED TO URBAN AFFAIRS, ADVANCED TO GENERAL FILE. THERE ARE URBAN AFFAIRS COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM1877, LEGISLATIVE JOURNAL PAGE 427.) [LB703]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU'RE RECOGNIZED TO OPEN ON LB703. [LB703]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. LB703 IS ONE OF SEVERAL COMMITTEE-INTRODUCED BILLS BY THE URBAN AFFAIRS COMMITTEE AND ADDRESSES NUISANCES IN CITIES OF THE FIRST CLASS, CITIES OF THE SECOND CLASS, AND VILLAGES. OVER THE PAST FEW YEARS, THE COMMITTEE HAS BEEN IN THE PROCESS OF REVISING THE STATUTORY LANGUAGE DEALING WITH NUISANCE VIOLATIONS. IN 2013, THE LEGISLATURE PASSED LB643 WHICH AMENDED THE NOTICE AND APPEAL PROCEDURES FOR WEEDS AND LITTER-RELATED NUISANCES IN CITIES OF THE FIRST CLASS, CITIES OF THE SECOND CLASS, AND VILLAGES. UNDER THE CHANGES IN LB643, PROPERTY OWNERS OR OCCUPANTS WHO RECEIVE SUCH A NOTICE CITATION HAVE A FIVE-DAY PERIOD TO APPEAL THE CITATION. A HEARING ON THE APPEAL MUST BE HELD WITHIN 14 DAYS AFTER THE APPEAL IS FILED, AND A DECISION ON THE APPEAL MUST BE RENDERED WITHIN 5 BUSINESS DAYS OF THE HEARING. UNDER LB703, THE NOTICE AND APPEAL PROCEDURES FOR OBSTRUCTION-RELATED NUISANCES IN CITIES OF THE FIRST CLASS, CITIES OF THE SECOND CLASS, AND VILLAGES WOULD BE AMENDED TO MIRROR THE PROCEDURES FOR WEEDS AND LITTER-RELATED NUISANCES THAT WERE ESTABLISHED IN 2013 BY THIS BODY. CURRENT STATUTE ON OBSTRUCTION-RELATED NUISANCES ALLOWS FOR AN APPEAL BUT DOES NOT

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SPECIFY THE APPEAL PROCEDURES. LB703 RECEIVED NO OPPOSITION TESTIMONY AT THE HEARING AND WAS ADVANCED BY THE URBAN AFFAIRS COMMITTEE ON A 6-0 VOTE WITH 1 MEMBER ABSENT. I WOULD ASK FOR YOUR GREEN VOTE TO ADVANCE LB703 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB703]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. AS THE CLERK STATED, THERE IS AN AMENDMENT FROM THE URBAN AFFAIRS COMMITTEE. SENATOR CRAWFORD, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB703]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. THE COMMITTEE AMENDMENT, AM1877, CLARIFIES THAT IF NO APPEAL IS FILED, THE CITY OR VILLAGE MAY ABATE THE NUISANCE. AS WITH THE UNDERLYING BILL, THIS LANGUAGE MIRRORS LANGUAGE FOR WEEDS AND LITTER-RELATED NUISANCES THAT WERE ESTABLISHED IN 2013. I WOULD ASK FOR YOUR GREEN VOTE TO ADOPT AM1877. THANK YOU, MR. PRESIDENT. [LB703]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. MEMBERS, YOU'VE HEARD THE OPENING ON LB703 AND THE RELATED COMMITTEE AMENDMENT. DEBATE IS NOW OPEN. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1877, THE COMMITTEE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB703]

CLERK: 26 AYES, 1 NAY, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB703]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON THE AMENDED FORM OF LB703, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. [LB703]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. I URGE YOUR GREEN VOTE ON LB703. AGAIN, THIS PROVIDES FOR NUISANCE...FOR NOTICE AND APPEAL PROCEDURES FOR OBSTRUCTION-RELATED NUISANCES IN CITIES OF THE FIRST CLASS, SECOND CLASS, AND

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VILLAGES TO MIRROR THE PROCEDURES THAT WE CREATED FOR WEEDS AND LITTER-RELATED NUISANCES IN 2013. [LB703]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. MEMBERS, YOU'VE HEARD THE OPENING AND CLOSING ON LB703. THE QUESTION IS THE ADVANCE OF THE BILL TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB703]

CLERK: 26 AYES, 1 NAY, MR. PRESIDENT, ON THE ADVANCEMENT OF LB703. [LB703]

PRESIDENT FOLEY: LB703 ADVANCES. (VISITORS INTRODUCED.) NEXT BILL, MR. CLERK. [LB703]

CLERK: LB729, MR. PRESIDENT, BY SENATOR JOHNSON RELATES TO REAL PROPERTY APPRAISER ACT. (READ TITLE.) INTRODUCED ON JANUARY 6; AT THAT TIME REFERRED TO BANKING, COMMERCE AND INSURANCE; ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB729]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR JOHNSON, YOU'RE RECOGNIZED TO OPEN ON LB729. [LB729]

SENATOR JOHNSON: THANK YOU. LB729 REFERS TO THE REAL APPRAISER...PROPERTY APPRAISER ACT FOUND IN REVISED STATUTES OF NEBRASKA, SUPPLEMENT 2015, SECTIONS 76-2201 TO 76-2250. THIS PROPOSED LEGISLATION WOULD CLARIFY THE PROCESS OF MASS APPRAISALS USED BY COUNTY ASSESSORS. THIS BILL ALLOWS PERSONS WHO DO NOT HOLD AN APPRAISER'S LICENSE TO CONDUCT MASS APPRAISAL WORK WITHOUT VIOLATING THE REAL PROPERTY APPRAISAL ACT. A PERSON RETAINED BY THE COUNTY FOR THIS PURPOSE SHALL BE UNDER THE DIRECTION AND RESPONSIBILITY OF THE COUNTY ASSESSOR. THIS BILL WOULD ALSO REPEAL THE ONE-YEAR MORATORIUM BEGINNING AUGUST 30, 2015, AN ENFORCEMENT ACTION BY THE REAL ESTATE APPRAISAL BOARD INVOLVING MASS APPRAISALS. THIS CAME OUT OF COMMITTEE, 7 YES AND 1 ABSTAINING. THIS WAS WORK DONE BETWEEN THE APPRAISER BOARD AND THE COUNTY OFFICIALS. I ASK FOR YOUR SUPPORT OF LB729. [LB729]

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PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. MEMBERS, YOU'VE HEARD THE OPENING ON LB729. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR JOHNSON...AND HE WAIVES CLOSE. AND THE QUESTION IS THE ADVANCE OF LB729 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB729]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB729. [LB729]

PRESIDENT FOLEY: LB729 ADVANCES. NEXT BILL, MR. CLERK. [LB729]

CLERK: MR. PRESIDENT, LB758 IS A BILL BY SENATOR SCHEER RELATING TO INSURANCE. (READ TITLE.) INTRODUCED ON JANUARY 6 OF THIS YEAR; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE; THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB758]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON LB758. [LB758]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. I INTRODUCED LB758 AT THE REQUEST OF OUR DIRECTOR OF INSURANCE. IT ADDRESSES HOW INSURANCE COMPANIES ARE ORGANIZED. FIRST, LB758 WOULD AMEND THE NEBRASKA UNIFORM LIMITED LIABILITY COMPANY ACT TO SPECIFY THAT AN LLC MAY NOT OPERATE AS AN INSURER; AND SECOND, THE BILL WOULD AMEND THE CAPTIVE INSURER'S ACT TO ELIMINATE PROVISIONS WHICH NOW ALLOW SPECIAL PURPOSE FINANCIAL CAPTIVE INSURER TO ESTABLISH AS AN LLC OR PARTNERSHIP. THE BILL'S RESTRICTION REGARDING LLCs HAS BEEN IN THE PREVIOUS LIMITED LIABILITY COMPANY ACT BUT DID NOT REAPPEAR IN THE CURRENT NEBRASKA UNIFORM LIMITED LIABILITY COMPANY ACT WHEN IT WAS ENACTED IN 2010. THE DIRECTOR TOLD THE COMMITTEE THAT WHILE LLCs ARE SOUND BUSINESS ORGANIZATIONS FOR LESS COMPLEX ENTITIES, INSURANCE REGULATION CALLS FOR A MORE COMPREHENSIVE STRUCTURE THAT IS NOT PRESENT IN THE CASE OF LLCs AND CERTAINLY NOT PRESENT IN THE CASE OF PARTNERSHIPS. STATES' INSURANCE CODES DEALING WITH THE STRUCTURE OF INSURERS ARE GENERALLY GEARED TOWARD INSURERS BEING CORPORATIONS. PASSAGE OF THIS BILL WILL ENABLE THE INSURANCE DEPARTMENT TO CONTINUE ITS CURRENT LEVEL OF REGULATION AS IT PERTAINS TO THE CORPORATE GOVERNANCE OF INSURERS. THERE WAS NO OPPOSITION TO LB758

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FROM WITHIN THE INSURANCE INDUSTRY. THE DIRECTOR TOLD THE COMMITTEE THAT CURRENTLY THERE ARE NO INSURERS IN NEBRASKA ORGANIZED AS LLCs. THE BILL WOULD PREVENT ANY INSURERS FROM GOING IN THAT DIRECTION. I WOULD URGE YOUR ADVANCEMENT OF LB758. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB758]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. MEMBERS, YOU'VE HEARD THE OPENING ON LB758. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SCHEER, YOU'RE RECOGNIZED TO CLOSE. AND HE WAIVES CLOSING ON LB758. THE QUESTION IS THE ADVANCE OF THE BILL TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB758]

CLERK: 25 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB758. [LB758]

PRESIDENT FOLEY: LB758 ADVANCES. NEXT BILL, MR. CLERK. [LB758]

CLERK: LB840 BY SENATOR FOX RELATES TO THE HEALTH CARRIER EXTERNAL REVIEW ACT. (READ TITLE.) INTRODUCED ON JANUARY 8; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB840]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR FOX, YOU'RE RECOGNIZED TO OPEN ON LB840. [LB840]

SENATOR FOX: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I RISE TODAY TO URGE YOU TO SUPPORT LB840. LB840 WAS BROUGHT TO ME BY THE NEBRASKA DEPARTMENT OF INSURANCE TO HARMONIZE THE TIME FRAMES IN TWO SEPARATE LAWS: THE HEALTH CARRIER EXTERNAL REVIEW ACT AND THE HEALTH CARRIER GRIEVANCE PROCEDURE ACT. THESE ARE THE TWO LAWS THAT STATE HEALTH INSURANCE CARRIERS MUST PROVIDE A COVERED PERSON AN OPPORTUNITY TO APPEAL A DENIED HEALTH CLAIM. THE HEALTH CARRIER GRIEVANCE PROCEDURE ACT GOVERNS THE INTERNAL APPEAL PROCESS THAT A COVERED PERSON FOLLOWS WITHIN THE HEALTH CARRIER. THE ACT PROVIDES THE HEALTH CARRIER WITH 15 BUSINESS DAYS TO RESPOND TO A REQUEST FOR AN INTERNAL APPEAL. WHEN AN INTERNAL APPEAL IS DENIED, A COVERED PERSON, IN MOST CASES, CAN FILE AN EXTERNAL REVIEW TO BE REVIEWED BY

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AN OUTSIDE, INDEPENDENT REVIEW ORGANIZATION, VIA THE DEPARTMENT OF INSURANCE, GOVERNED BY THE HEALTH CARRIER EXTERNAL REVIEW ACT. HOWEVER, THIS ACT STATES THAT A HEALTH CARRIER HAS 30 DAYS TO REVIEW AN INTERNAL APPEAL BEFORE A COVERED PERSON CAN FILE FOR EXTERNAL REVIEW. THIS IS AN ERROR. LB840 FIXES THIS ERROR BY CORRECTLY CROSS-REFERENCING THE TWO ACTS SO THAT THE 15 BUSINESS DAY STANDARD IS UTILIZED. MY UNDERSTANDING IS THAT THIS IS THE CURRENT PRACTICE OF HEALTH CARRIER INDUSTRY. THIS BILL HAS THE UNANIMOUS SUPPORT OF THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THANK YOU, AND I URGE YOU TO VOTE GREEN ON LB840. [LB840]

PRESIDENT FOLEY: THANK YOU, SENATOR FOX. MEMBERS, YOU'VE HEARD THE OPENING ON LB840. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR FOX, YOU'RE RECOGNIZED TO CLOSE ON LB840. SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB840 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB840]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB840. [LB840]

PRESIDENT FOLEY: LB840 ADVANCES. NEXT BILL, MR. CLERK. [LB840]

CLERK: LB921, MR. PRESIDENT, A BILL BY SENATOR RIEPE RELATING TO AGRICULTURE. (READ TITLE.) INTRODUCED ON JANUARY 12, AT THAT TIME REFERRED TO THE AGRICULTURE COMMITTEE, ADVANCED TO GENERAL FILE. AT THIS TIME I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB921]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR RIEPE, YOU'RE RECOGNIZED TO OPEN ON LB921. [LB921]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT AND COLLEAGUES. LB921 WAS INTRODUCED AT THE REQUEST OF THE DEPARTMENT OF AGRICULTURE AND REPEALS THREE OUTDATED ORGANIC FOOD SECTIONS: 81-2,233; 81-2,234; AND 81-2,235. IT WAS VOTED OUT OF COMMITTEE 8-0 AND HAD NO OPPOSITION. THE PERMISSIVE SECTIONS ARE UNNECESSARY AND OUTDATED DUE TO THE ADOPTION OF NATIONAL ORGANIC FOOD STANDARDS THROUGH THE ORGANIC FOODS PRODUCTION ACT OF 1990 AND REGISTERED...OR REGULATED THROUGH THE UNITED STATES DEPARTMENT OF AGRICULTURE'S NATIONAL ORGANIC

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PROGRAM, TITLE 7, PART 205. THERE WERE MANY PROBLEMS WITH THESE THREE STATUTES AFTER THEY WERE ENACTED IN 1986. THE DEFINITIONS OF ORGANIC FOOD AND FOOD PRODUCTS WERE SO BROAD TO INCLUDE ALL FOOD GROWN OR RAISED. THERE WERE COMPLICATIONS FOR THE DEPARTMENT TO ENFORCE THE STATUTES. FURTHER, THESE STATUTES BECAME LESS APPLICABLE TO THE USDA...DEVELOPED AND IMPLEMENTED A FEDERAL PROGRAM TO BRING UNIFORMITY ACROSS THE COUNTRY LARGELY SUPERSEDING STATE LAW. I ASK FOR YOUR GREEN VOTE TO REPEAL THESE THREE OUTDATED STATUTES REGARDING ORGANIC FOOD. THANK YOU. [LB921]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. MEMBERS, YOU'VE HEARD THE OPENING ON LB921. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR RIEPE, YOU'RE WELCOME TO CLOSE ON LB921. AND HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB921 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB921]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB921. [LB921]

PRESIDENT FOLEY: LB921 ADVANCES. NEXT BILL, MR. CLERK. [LB921]

CLERK: LB735 IS A BILL BY SENATOR FRIESEN. (READ TITLE.) INTRODUCED ON JANUARY 6 OF THIS YEAR, AT THAT TIME REFERRED TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB735]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR FRIESEN, YOU'RE RECOGNIZED TO OPEN ON LB735. [LB735]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. LB735 IS BASICALLY, AS OMAHA METRO IS IN THE PROCESS OF IMPLEMENTING A RAPID TRANSIT BUS SYSTEM AND HOPES THE OPERATION WILL BEGIN IN THE FALL OF 2018. AFTER RESEARCHING THIS ISSUE, THEY DISCOVERED THE LENGTH OF THE BUS RAPID TRANSIT VEHICLE EXCEEDS THE CURRENT LIMITATIONS IN STATUTE. LB735 WOULD MAKE AN EXCEPTION FOR THESE VEHICLES IF OPERATED BY A TRANSIT AUTHORITY, AND THE OMAHA METRO AREA HAS AN EXCELLENT OPPORTUNITY TO EMBRACE THE NEXT GENERATION OF PUBLIC TRANSPORTATION WITH THE CONCEPT CALLED BUS RAPID TRANSIT OR BRT FOR SHORT. THE BRT WILL LINK

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MAJOR MEDICAL, EDUCATIONAL, AND EMPLOYMENT DESTINATIONS AND PROVIDE A MULTITUDE OF COMMUNITY AND ECONOMIC BENEFITS, SUCH AS INCREASED TRANSIT RIDERSHIP, INCREASED FOOT TRAFFIC FOR BUSINESSES, IMPROVED TRANSPORTATION OPTIONS, AND REDUCED DEMAND FOR PARKING. IT SHOULD BE NO SURPRISE THAT THE BRT HAS BEEN IDENTIFIED AS A TRANSIT PROJECT WITH THE HIGHEST PRIORITY. A BRT IS AN INNOVATIVE, HIGH-CAPACITY, LOW-COST, PUBLIC TRANSPORTATION SOLUTION THAT REPLICATES PERFORMANCE, RELIABILITY, AND COMFORT OF A RAIL SYSTEM. THE BRT OFFERS UPGRADED SERVICE WITH UPSCALE PASSENGER AMENITIES, INCLUDING EIGHT MODERN, UNIQUELY BRANDED VEHICLES THAT WILL DISPLAY REAL-TIME, PREBOARDING TICKETING, AND PROVIDES FASTER SERVICE WITH LIMITED STOPS AT 14 STATIONS, AND INCLUDES INFRASTRUCTURE INVESTMENT SUCH AS SEMI-EXCLUSIVE GUIDEWAYS, QUEUE JUMPS, LEVEL BOARDING, AND SIGNAL PRIORITIZATION FOR IMPROVED SPEED AND RELIABILITY. IT'S ALSO WORTH NOTING THIS PROCESS HAS BEEN ABLE TO MOVE FORWARD THROUGH, AMONG OTHERS, A \$1 MILLION GRANT FROM THE NEBRASKA DEPARTMENT OF ROADS CONGESTION MITIGATION AND AIR QUALITY, AND A \$15 MILLION FEDERAL TIGER GRANT. THE TIGER GRANT IS VERY COMPETITIVE WITH ONLY 72 OF THE 797 APPLICATIONS BEING ACCEPTED. AND THE CRUCIAL PART OF THE BRT IS IT USES SPECIALIZED ARTICULATED BUSES IN EXCLUSIVE TRANSIT LANES. THE LONGER ARTICULATED DESIGN ALLOWS FOR IMPROVED SPEED, CONVENIENCE, AND UTILITY TO PASSENGERS TRAVELING TO SOME OF OMAHA'S MOST CONGESTED AREAS. THESE ARTICULATED BUSES CURRENTLY EXCEED THE LENGTH LIMIT SET BY LAW. THUS, IT IS THE PURPOSE OF THIS BILL THAT I HAVE TODAY THAT WOULD PROVIDE AN EXEMPTION FOR THIS ARTICULATED BUS. AND I WOULD ASK YOUR SUPPORT OF LB735. [LB735]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. MEMBERS, YOU'VE HEARD THE OPENING ON LB735. SENATOR SMITH, YOU'RE RECOGNIZED. [LB735]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I JUST WANTED TO THANK SENATOR FRIESEN FOR BRINGING THIS PIECE OF LEGISLATION. OUR TRANSPORTATION ISSUES AND NEEDS IN OUR STATE ARE AS DIVERSE AS OUR STATE ITSELF. AND THIS IS GOING TO BE A GREAT MILESTONE FOR OUR STATE AND FOR OUR METRO AREAS. AND I BELIEVE THAT IT IS PART OF THE TRANSPORTATION SOLUTIONS FOR OUR STATE AS MUCH AS IMPROVING OUR ROADS AND OUR BRIDGES. SO THIS IS SOMETHING THAT'S GOING TO BENEFIT OUR RURAL, OUR...URBAN COMMUNITIES, AND I STRONGLY REQUEST THAT YOU SUPPORT THIS PIECE OF LEGISLATION. AND, AGAIN, THANK

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YOU TO SENATOR FRIESEN FOR BRINGING THIS. THANK YOU, MR. PRESIDENT.
[LB735]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR FRIESEN, YOU'RE RECOGNIZED TO CLOSE. AND HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB735 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB735]

CLERK: 25 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB735.
[LB735]

PRESIDENT FOLEY: LB735 ADVANCES. NEXT BILL, MR. CLERK. [LB735]

CLERK: MR. PRESIDENT, LB811, A BILL BY SENATOR BRASCH, RELATES TO MOTOR VEHICLES. (READ TITLE.) INTRODUCED ON JANUARY 7, REFERRED TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB811]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BRASCH, YOU'RE RECOGNIZED TO OPEN ON LB811. [LB811]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. LB811 WAS BROUGHT TO ME BY THE DEPARTMENT OF MOTOR VEHICLES AND IS MEANT TO PROVIDE A COST SAVINGS AND ADD AN EFFICIENCY TO THE DMV. THE PURPOSE OF THIS LEGISLATION IS THREEFOLD. FIRST, MIND YOU, IT ONLY, ONLY APPLIES IN COUNTIES HAVING A POPULATION OF 100,000 INDIVIDUALS OR MORE. THOSE COUNTIES ARE DOUGLAS, LANCASTER, AND SARPY COUNTIES. THE REGISTRATION OF MOTOR VEHICLES OR TRAILERS SHALL BE THE ALPHANUMERIC SYSTEM. IN FACT, THIS ONLY APPLIES TO THOSE FARM TRUCKS AND TRAILERS IN THOSE COUNTIES THAT CURRENTLY USE THE NUMBER SYSTEM. LB811 DOES NOT MAKE ANY CHANGES TO LICENSE PLATE PROVISIONS APPLICABLE TO ANY OTHER COUNTY. BECAUSE THERE ARE ONLY 4,434 FARM PLATES ISSUED IN THOSE COUNTIES COMPARED TO THE 1.9 MILLION ALPHANUMERIC PLATES IN THOSE THREE COUNTIES, WE'RE TALKING ABOUT A VERY SMALL NUMBER. LESS THAN HALF OF 1 PERCENT OF THE PLATES WILL BE AFFECTED. AND SOMETHING ELSE THAT I LEARNED WAS EVEN OF THOSE 4,000 PLATES, SEVERAL DID NOT GET THEIR PLATES. AND ONLY ABOUT 1,600, AND THE TESTIMONY OF RHONDA LAHM IS 852 PLATES WERE NEVER PICKED UP AND IT

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WASTED ANOTHER 19.2 PERCENT OF THOSE COUNTY PLATES. SO IT WILL SAVE THE COUNTY. AND WHAT WE'RE TALKING ABOUT, THOSE THREE COUNTIES ALSO, THEY HAVE THE ABILITY TO EXCHANGE PLATES. AND IT WILL SAVE THEM SIGNIFICANT DOLLARS. NEXT IS IN LB811 IT ALSO REPEALS THE REQUIREMENT THAT REGISTRATION OF MOTOR VEHICLES OR TRAILERS CLASSIFIED AS A FARM TRUCK OR A FARM TRAILER IN THOSE COUNTIES USE THE NUMBERING SYSTEM. AND THEN FINALLY, IT AMENDS THE RULE AND REGULATION AUTHORITY OF THE DMV, THE ADDITIONAL LANGUAGE PERTAINING TO THE RULES AND REGULATIONS, ALLOWS THE DMV TO DESIGNATE PLATE TYPES THAT DISPLAY COUNTY NUMBERS ON A STATEWIDE BASIS, TAKING INTO CONSIDERATION COST, THE BENEFITS OF UNIFORMITY, FACTORS APPLICABLE TO THE PRODUCTION, DISTRIBUTION, AND USE OF SPECIFIC PLATE TYPES, AND ANY OTHER FACTORS CONSISTENT WITH THE PURPOSES OF THE MOTOR VEHICLE REGISTRATION ACT THAT THE DIRECTOR FINDS RELEVANT. AND PLEASE NOTE THAT THIS BILL DOES NOT BECOME OPERATIVE UNTIL JANUARY 1 OF 2017. THE OPERATIVE DATE OF 2017 ENSURES THAT NO ONE IN DOUGLAS, LANCASTER, OR SARPY COUNTY WHO STILL HAS A LICENSE PLATE BASED ON THE COUNTY NUMBERING SYSTEM WILL BE OUT OF COMPLIANCE. IN 2017, NEW LICENSE PLATES WILL BE ISSUED TO EVERYONE IN NEBRASKA. ALSO, PLEASE NOTE LB811 WILL NOT BE A COST INCREASE FOR THOSE BEING REQUIRED TO SWITCH FROM THE COUNTY NUMBERING SYSTEM TO THE ALPHANUMERIC SYSTEM BECAUSE THE COST OF EACH PLATE IS THE SAME. AS YOU CAN SEE FROM THE FISCAL NOTE, THE DMV INDICATES THAT LB811 WILL RESULT IN A SAVINGS OF COST OF LICENSE PLATES IN DOUGLAS, LANCASTER, AND SARPY COUNTY USING ALPHANUMERIC PLATES RATHER THAN PLATES WITH A COUNTY DESIGNATION FOR FARM OR FARM TRUCKS OR TRAILERS. THE COST SAVINGS IS BECAUSE THE ALPHANUMERIC PLATES CAN NOW BE EXCHANGED BETWEEN COUNTIES AND THAT AVOIDS THE WASTE I MENTIONED EARLIER. I BELIEVE THAT THIS IS A GOOD THING FOR THOSE COUNTIES AND ALSO THE STATE. WHENEVER YOU FIND AN AGENCY LOOKING FOR WAYS TO CUT ITS COSTS, IT'S IMPORTANT TO GIVE IT SUPPORT. THANK YOU FOR YOUR TIME. I ENCOURAGE YOU TO VOTE GREEN ON THIS. [LB811]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. MEMBERS, YOU'VE HEARD THE OPENING ON LB811. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR BRASCH, YOU'RE RECOGNIZED TO CLOSE ON LB811. AND SHE WAIVES CLOSE. AND THE QUESTION IS THE ADVANCE OF LB811 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. SENATOR BRASCH, FOR WHAT PURPOSE DO YOU RISE? [LB811]

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SENATOR BRASCH: I'D LIKE A CALL OF THE HOUSE, PLEASE. [LB811]

PRESIDENT FOLEY: MEMBERS, 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 AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB811]

CLERK: 20 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB811]

PRESIDENT FOLEY: 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. SENATORS KRIST, McCOY, MURANTE, LARSON, GROENE, GARRETT, AND HANSEN, THE HOUSE IS UNDER CALL. SENATOR BRASCH, HOW DID YOU WISH TO PROCEED? [LB811]

SENATOR BRASCH: NORMAL CALL IT. [LB811]

PRESIDENT FOLEY: CALL-IN VOTES? [LB811]

SENATOR BRASCH: MACHINE VOTE. MACHINE VOTE. CALL-IN. [LB811]

PRESIDENT FOLEY: CALL-IN VOTES ARE ACCEPTED, MR. CLERK. [LB811]

CLERK: SENATOR BURKE HARR VOTING YES. SENATOR MURANTE VOTING YES. SENATOR JOHNSON VOTING YES. SENATOR COOK VOTING YES. SENATOR SCHEER VOTING YES. [LB811]

PRESIDENT FOLEY: RECORD PLEASE, MR. CLERK. [LB811]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, TO ADVANCE LB811. [LB811]

PRESIDENT FOLEY: LB811 ADVANCES. I RAISE THE CALL. NEXT BILL, MR. CLERK. [LB811]

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CLERK: MR. PRESIDENT, LB929 IS A BILL BY SENATOR BRASCH. (READ TITLE.) INTRODUCED ON JANUARY 12, REFERRED TO THE TRANSPORTATION COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB929]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BRASCH, YOU'RE RECOGNIZED TO OPEN ON LB929. [LB929]

SENATOR BRASCH: THANK YOU ONCE AGAIN, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. I APPRECIATE YOUR PATIENCE WITH MY CALL OF THE HOUSE AND I ENCOURAGE YOU TO STAY CLOSE TO YOUR SEATS HERE. I KNOW IT'S A VERY BUSY MORNING. AND THIS IS A SECOND BILL BROUGHT FORWARD BY THE CARRIER ENFORCEMENT DIVISION OF THE STATE PATROL. IT IS THEIR ANNUAL UPDATE BILL OF FEDERAL REGULATIONS THAT HAVE BEEN INCORPORATED INTO NEBRASKA LAW FOR MOTOR VEHICLE-RELATED LAWS. THE PURPOSE OF THIS BILL IS TO ADOPT AND UPDATE REFERENCES TO CERTAIN FEDERAL PROVISIONS RELATING TO LOW-SPEED VEHICLES, HANDICAPPED OR DISABLED PARKING PERMITS, THE INTERNATIONAL REGISTRATION PLAN, OPERATORS' LICENSES, PERSONS HANDLING SOURCE DOCUMENTS, HAZARDOUS MATERIALS, MOTOR VEHICLE...MOTOR CARRIER REGULATIONS AND THEIR ENFORCEMENT, AND THE UNIFIED CARRIER REGISTRATION PLAN AND AGREEMENT. AGAIN, IT'S THE ANNUAL UPDATE BILL. SHOULD NEBRASKA FAIL TO COMPLY WITH THESE LAWS, THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION HAS THE AUTHORITY TO WITHHOLD FUNDING FOR NEBRASKA'S MOTOR CARRIER SAFETY ASSISTANCE PROGRAM, AND FEDERAL HIGHWAY FUNDS AS WELL. THIS BILL CONTAINS AN EMERGENCY CLAUSE SO NEBRASKA IS NOT FOUND OUT OF COMPLIANCE. I WOULD ENCOURAGE YOU TO VOTE GREEN ON LB929. THANK YOU ONCE AGAIN, COLLEAGUES. [LB929]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. MEMBERS, YOU'VE HEARD THE OPENING ON LB929. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR BRASCH, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. AND SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB929 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB929]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB929. [LB929]

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PRESIDENT FOLEY: LB929 ADVANCES. NEXT BILL, MR. CLERK. [LB929]

CLERK: LB776 IS A BILL BY SENATOR GLOOR RELATING TO REVENUE AND TAXATION. (READ TITLE.) INTRODUCED ON JANUARY 7, REFERRED TO REVENUE COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE REVENUE COMMITTEE AMENDMENTS PENDING. (AM1932, LEGISLATIVE JOURNAL PAGE 466.) [LB776]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR GLOOR, YOU'RE RECOGNIZED TO OPEN ON LB776. [LB776]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. THIS BILL IS A TECHNICAL CLEANUP BILL FROM THE DEPARTMENT OF REVENUE. IT CLARIFIES THE DEFINITION--EXCITING LANGUAGE HERE--OF "TAKE-AND-BAKE PIZZA AS FOOD EXEMPT FROM SALES TAX, SO THAT NEBRASKA REMAINS IN SUBSTANTIAL COMPLIANCE WITH OUR STREAMLINED SALES TAX AGREEMENT. SO THERE IS SOME IMPORTANCE BEHIND THIS, MEMBERS, BUT IT DOES OTHER THINGS. IT CORRECTS THREE ERRORS IN STATUTORY LANGUAGE TO HARMONIZE WITH PREVIOUS CHANGES UNDER THE INCOME TAX STATUTES. NUMBER ONE, IT SPECIFIES THAT THE INTEREST EARNED ON THE BUILD AMERICA BONDS ISSUED BY NEBRASKA POLITICAL SUBDIVISIONS ARE EXCLUDED FROM TAX. IT CLARIFIES AN EXCLUSION FOR CONTRIBUTIONS TO ACCOUNTS UNDER THE ABLE ACT, WHICH WE PASSED, SENATOR BOLZ'S ACT OF LAST YEAR, WHICH ARE DIFFERENT FROM THE PROVISIONS OF THE NEBRASKA COLLEGE SAVINGS PLAN, THE NEST ACT. AND IT CORRECTS LANGUAGE FROM LB851 IN 2014 REGARDING THE PROPER STATUTE OF LIMITATIONS FOR REFUNDABLE INCOME TAX CREDITS IN CERTAIN CIRCUMSTANCES. IT ALSO MAKES TWO CHANGES TO THE HOMESTEAD PROGRAM, THE MOST SIGNIFICANT OF WHICH IS TO ELIMINATE THE ANNUAL MEDICAL RECERTIFICATION FOR MOST DISABLED TAXPAYERS. THERE WERE A FEW EFFECTIVE DATES THAT WERE ALSO INCLUDED IN THE CHANGES ALONG WITH THIS. IT CAME OUT OF THE COMMITTEE WITH NO OPPOSITION. WOULD ASK FOR YOUR APPROVAL. [LB776]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. (VISITORS INTRODUCED.) AS THE CLERK INDICATED, THERE ARE AMENDMENTS TO LB776 FROM THE REVENUE COMMITTEE. SENATOR GLOOR, AS CHAIR OF THE COMMITTEE, YOU'RE WELCOME TO OPEN ON THE COMMITTEE AMENDMENTS. [LB776]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. THE AMENDMENT CLARIFIES THE TREATMENT OF DEDUCTIONS UNDER THE ABLE PROGRAM SO THAT IN THE

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EVENT OF AN UNQUALIFIED WITHDRAWAL OF FUNDS, THE DEVELOPMENTALLY DISABLED OWNER OF THE ABLE ACCOUNT IS ONLY REQUIRED TO ADD BACK THE DEDUCTION IF THEY ACTUALLY MADE THE CONTRIBUTION AND THEN ACTUALLY WERE THE ONES WHO TOOK THE DEDUCTION. THAT IS THE COMMITTEE AMENDMENT. THANK YOU. [LB776]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. MEMBERS, YOU'VE HEARD THE OPENING ON THE BILL AND THE AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1932, THE COMMITTEE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB776]

CLERK: 25 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB776]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON THE BILL, SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE ON LB776. AND HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB776 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB776]

CLERK: 26 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB776]

PRESIDENT FOLEY: LB776 ADVANCES. NEXT BILL, MR. CLERK. [LB776]

CLERK: LB807 IS A BILL BY SENATOR WILLIAMS. (READ TITLE.) INTRODUCED ON JANUARY 7; REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE; ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB807]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR WILLIAMS, YOU'RE RECOGNIZED TO OPEN ON LB807. [LB807]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. LB807 WOULD MAKE A SMALL CHANGE TO A REPORTING REQUIREMENT FOR COUNTY ATTORNEYS TO THEIR COUNTY BOARDS. UNDER CURRENT LAW, THE COUNTY ATTORNEY IN

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EACH COUNTY IS REQUIRED TO FILE A QUARTERLY REPORT WHICH SHOWS THE DISPOSITION OF EACH CRIMINAL CASE, THE CRIMINAL CASES PENDING, AND THE CRIMINAL CASES ON APPEAL. IN THE STATUTE, ALSO, IT GIVES THE COUNTY BOARDS THE ABILITY TO WAIVE THE REPORT FOR ALL COUNTIES EXCEPT THOSE COUNTIES WITH A POPULATION IN EXCESS OF 200,000 PEOPLE. LB807 WOULD ALLOW ALL 93 COUNTY BOARDS TO WAIVE THE REPORT. SINCE THE REPORT IS FILED WITH THE COUNTY BOARD, WE DON'T KNOW HOW MANY COUNTIES STILL REQUIRE THE REPORT OR HOW MANY HAVE WAIVED THE REPORT. HOWEVER, I THINK IT IS APPROPRIATE THAT WE GIVE DOUGLAS AND LANCASTER COUNTIES THE ABILITY TO WAIVE THIS REPORT IF THEY WOULD SO LIKE TO DO. THE DOUGLAS COUNTY ATTORNEY'S OFFICE TESTIFIED IN SUPPORT OF LB807 AND NACO PROVIDED A LETTER OF SUPPORT. THE GOVERNMENT COMMITTEE ADVANCED THE BILL WITHOUT ANY DISSENTING VOTES. I WOULD APPRECIATE YOUR GREEN VOTE ON LB807. [LB807]

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. MEMBERS, YOU'VE HEARD THE OPENING ON LB807. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB807]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE AND, SENATOR WILLIAMS, I WOULD LIKE TO ASK YOU A QUESTION, IF YOU LIKE...IF YOU WOULD ANSWER. [LB807]

PRESIDENT FOLEY: SENATOR WILLIAMS, WOULD YOU YIELD, PLEASE? [LB807]

SENATOR WILLIAMS: CERTAINLY. [LB807]

SENATOR CHAMBERS: I THINK I HEARD YOU SAY THAT THE DOUGLAS COUNTY ATTORNEY, WHO WOULD BE DON KLEINE, TESTIFIED IN FAVOR OF THIS BILL. [LB807]

SENATOR WILLIAMS: HE WAS NOT THE ONE FROM THE DOUGLAS COUNTY ATTORNEY'S OFFICE THAT TESTIFIED BUT A REPRESENTATIVE OF THE DOUGLAS COUNTY ATTORNEY'S OFFICE TESTIFIED IN FAVOR, YES. [LB807]

SENATOR CHAMBERS: AND NACO, THAT COUNTY ORGANIZATION, TESTIFIED IN FAVOR OF THE BILL, TOO? [LB807]

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SENATOR WILLIAMS: THEY SUPPLIED A LETTER OF SUPPORT. THEY DID NOT TESTIFY. [LB807]

SENATOR CHAMBERS: I HAVE HAD PROBLEMS WITH BOTH THOSE ENTITIES. HOWEVER, TO SHOW COMITY, C-O-M-I-T-Y, I'M GOING TO GIVE DOUGLAS COUNTY ATTORNEY'S OFFICE SOMETHING, I'M GOING TO GIVE NACO SOMETHING. AND AFTER THIS BILL, ALL BETS ARE OFF. THAT'S ALL I HAVE TO SAY. [LB807]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS AND SENATOR WILLIAMS. (VISITORS INTRODUCED.) SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR WILLIAMS, YOU'RE RECOGNIZED TO CLOSE ON LB807. [LB807]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. I WAS PRETTY SURE THAT SENATOR CHAMBERS SAID COMEDY VERSUS COMITY, BUT MAYBE HE WAS REFERRING TO THE FACT THAT THIS WAS NOT A LITTLE TOWN THAT WAS REQUESTING THIS. THIS WAS THE LARGE TOWN IN DOUGLAS COUNTY AND LANCASTER COUNTY. I WOULD URGE YOUR GREEN VOTE ON THE ADVANCEMENT OF LB807. [LB807]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE CLOSING ON LB807. THE QUESTION IS THE ADVANCE OF THE BILL TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB807]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB807. [LB807]

PRESIDENT FOLEY: LB807 ADVANCES. NEXT BILL, MR. CLERK. [LB807]

CLERK: MR. PRESIDENT, LB1035 IS A BILL BY SENATOR WILLIAMS. (READ TITLE.) INTRODUCED ON JANUARY 19; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING. (AM1964, LEGISLATIVE JOURNAL PAGE 484.) [LB1035]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR WILLIAMS, YOU'RE RECOGNIZED TO OPEN ON LB1035. [LB1035]

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SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. I INTRODUCED LB1035 AT THE REQUEST OF THE SECRETARY OF STATE'S OFFICE TO UPDATE THE DELIVERY METHOD FOR THE MASTER LIEN LIST. BY WAY OF BACKGROUND, THE MASTER LIEN LIST IS A CENTRAL FILING SYSTEM FOR BUYERS OF AGRICULTURAL PRODUCTS TO VERIFY WHETHER OR NOT THERE IS A LIEN AGAINST THE FARM PRODUCTS THAT THEY ARE PURCHASING. IF THERE IS A LIEN ON THE PRODUCT, THE BUYER WOULD BE INCLUDED ON... WOULD INCLUDE ON THE CHECK THE NAMES OF THE PERSONS AND BUSINESSES WITH A SECURED INTEREST IN THE PRODUCT. THIS GIVES THE BUYER ASSURANCE AND PROTECTION THAT THE PRODUCT THEY HAVE PURCHASED IS CLEAR FROM ANY LIENS. THE PRIMARY USERS OF THE MASTER LIEN LIST ARE COOPERATIVES, LIVESTOCK AUCTIONS, AND OTHER AGRICULTURAL BUSINESS SUCH AS CATTLE FEEDERS WHO PURCHASE FEEDSTUFFS FOR THEIR ANIMALS. CURRENTLY, THE SECRETARY OF STATE'S OFFICE COMPILES AND DISTRIBUTES THE MASTER LIEN LIST QUARTERLY. THE LIST IS AVAILABLE TO USERS IN SEVERAL FORMATS. IT'S ON CD, MICROFICHE, OR PAPER. STATUTE ALSO REQUIRES THAT THE LIST BE SENT VIA REGISTERED MAIL. THE INTENT OF LB1035 IS TO ALLOW THE SECRETARY OF STATE'S OFFICE TO MOVE AWAY FROM THESE OUTDATED METHODS AND MOVE THE LIST TO ITS WEB SITE. THE BILL WOULD ALSO STRIKE THE REQUIREMENT THAT THE LIST BE PUBLISHED QUARTERLY SO THAT IT CAN BE UPDATED MORE OFTEN. FINALLY, THE BILL WOULD CHANGE THE DEFINITION OF FARM PRODUCTS TO ADD THE TERM "LLAMA" AND REMOVE "LEGUMES" TO MATCH THE FEDERAL DEFINITION. IN ADDITION TO THE SECRETARY OF STATE'S OFFICE, THE NEBRASKA COOPERATIVE COUNCIL, THE NEBRASKA BANKERS ASSOCIATION, AND THE NEBRASKA LIVESTOCK MARKETS ASSOCIATION TESTIFIED IN SUPPORT OF LB1035. THERE IS A SMALL SAVINGS TO THE SECRETARY OF STATE'S OFFICE, AS NOTED IN THE FISCAL NOTE TO LB1035. YOU WILL HEAR ABOUT AMENDMENTS THAT WE AGREE TO, BUT I WOULD ENCOURAGE YOU TO ADVANCE LB1035. THANK YOU. [LB1035]

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. MEMBERS, YOU'VE HEARD THE OPENING ON LB1035. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE BANKING, COMMERCE AND INSURANCE COMMITTEE. SENATOR SCHEER, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON AM1964. [LB1035]

SENATOR SCHEER: THANK YOU AGAIN, MR. LIEUTENANT GOVERNOR. THE COMMITTEE AMENDMENTS WERE BROUGHT TO THE COMMITTEE BY SENATOR WILLIAMS. THE AMENDMENTS GREW OUT OF SOME OF THE CONSTRUCTIVE SUGGESTIONS FROM THE LIVESTOCK MARKETS. THE COMMITTEE AMENDMENTS

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WOULD CHANGE THE BILL IN TWO WAYS. FIRST, THE AMENDMENTS WOULD CAP THE FEES CHARGED TO REGISTRANTS BY THE SECRETARY OF STATE IN ORDER TO OBTAIN THE FARM PRODUCT LIST AND THE MASTER LIEN LIST AT \$200 PER LIST. SECOND, THE AMENDMENTS WOULD SPECIFY THAT THE FARM PRODUCT LIST AND THE MASTER LIEN LIST SHALL BE PUBLISHED BY THE SECRETARY OF STATE NO MORE FREQUENTLY THAN ONCE A MONTH. CURRENTLY, PAPER LISTS ARE DISTRIBUTED QUARTERLY. THOSE TWO MATTERS ARE THE COMMITTEE AMENDMENTS. THE BILL IS SIGNIFICANT. WE NEED TO AUTHORIZE THE SECRETARY OF STATE TO MOVE AHEAD WITH THE APPLICATION OF TWENTY-FIRST CENTURY TECHNOLOGY IN THIS IMPORTANT ASPECT OF OUR AGRICULTURAL ECONOMY. OUR EFFECTIVE FINANCING STATEMENT STATUTES AND OUR MASTER LIEN LIST STATUTES DATE BACK TO 1986 AND 1988. THEY ARE FOUNDED ON A SYSTEM OF INFORMATION BEING DISTRIBUTED BY PAPER AND MICROFICHE, WHAT WAS THE STATE OF THE ART AT THAT TIME. I WOULD URGE YOUR ADOPTION OF THE COMMITTEE AMENDMENTS AND THE ADVANCEMENT OF LB1035. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB1035]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. MEMBERS, YOU'VE HEARD THE OPENING ON THE BILL AND THE COMMITTEE AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT, AM1964. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB1035]

CLERK: 25 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB1035]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON THE BILL, SENATOR WILLIAMS, YOU'RE RECOGNIZED TO CLOSE ON LB1035. [LB1035]

SENATOR WILLIAMS: I SINCERELY APPRECIATE THE SECRETARY OF STATE'S OFFICE AND THE NEBRASKA COOPERATIVE COUNCIL AND ALSO THE NEBRASKA MARKETS ASSOCIATION FOR WORKING TOGETHER TO FIND A SOLUTION TO THIS ISSUE. AND THAT'S WHAT HAPPENED WITH THE AMENDMENT THAT WAS FILED. AS AMENDED, I WOULD ENCOURAGE EVERYONE TO VOTE GREEN ON LB1035. THANK YOU. [LB1035]

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PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. MEMBERS, YOU'VE HEARD THE CLOSING ON LB1035. THE QUESTION IS THE ADVANCE OF THE BILL TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB1035]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB1035. [LB1035]

PRESIDENT FOLEY: LB1035 ADVANCES. NEXT BILL, MR. CLERK. [LB1035]

CLERK: LB734 IS A BILL ORIGINALLY INTRODUCED BY SENATOR WATERMEIER. (READ TITLE.) INTRODUCED ON JANUARY 6, REFERRED TO THE EDUCATION COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB734]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR WATERMEIER, YOU'RE RECOGNIZED TO OPEN ON LB734. [LB734]

SENATOR WATERMEIER: GOOD MORNING AND THANK YOU, MR. LIEUTENANT GOVERNOR, MEMBERS OF THE LEGISLATURE. LB734 WOULD ALLOW NONRESIDENT MEMBERS OF THE NEBRASKA NATIONAL GUARD TO RECEIVE IN-STATE TUITION RATES AT STATE EDUCATIONAL INSTITUTIONS. NEBRASKA STATE TUITION ASSISTANCE POLICY IS A SIGNIFICANT BENEFIT WHICH AIDS THE NEBRASKA ARMY AND AIR NATIONAL GUARD IN THEIR RECRUITING AND THEIR RETENTION EFFORTS. STATE TUITION REIMBURSEMENT IS APPLICABLE ONLY AFTER ALL AVAILABLE FEDERAL TUITION ASSISTANCE BENEFITS HAVE BEEN EXHAUSTED. THE NEBRASKA REVISED STATUTES ALLOWS MEMBERS OF THE NEBRASKA NATIONAL GUARD WHO ENROLL IN ANY STATE-SUPPORTED UNIVERSITY, COLLEGE OR COMMUNITY COLLEGE, OR ANY INDEPENDENT, NOT-FOR-PROFIT, REGIONALLY ACCREDITED COLLEGE OR UNIVERSITY IN THIS STATE TO BE ENTITLED TO A 75 PERCENT CREDIT OF RESIDENT TUITION CHARGES. HOWEVER, IF SUCH A STUDENT IS NOT A RESIDENT, A 75 PERCENT CREDIT OF RESIDENTIAL TUITION DOES NOT GO NEARLY AS FAR AS WHEN PAYING NONRESIDENT TUITION. I CONTACTED THE UNIVERSITY, THE STATE COLLEGES, AND THE COMMUNITY COLLEGES WHEN WORKING ON THIS LEGISLATION. THE UNIVERSITY OF NEBRASKA SAID THAT THEY HAVE BEEN IMPLEMENTING SUCH A POLICY SINCE 9/11. THE STATE COLLEGES TESTIFIED IN SUPPORT AT THE PUBLIC HEARING AND THE COMMUNITY COLLEGES OFFERED A LETTER IN SUPPORT OF LB734. WITHIN THE STATE COLLEGE SYSTEM, ONLY WAYNE STATE

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STILL CHARGES NONRESIDENT TUITION. I ALSO WORKED WITH THE MILITARY DEPARTMENT ON THIS BILL, AND THE ADJUTANT GENERAL SUBMITTED A LETTER OF SUPPORT AT THE COMMITTEE HEARING. THE GENERAL STATED THIS LEGISLATION WOULD EXPAND OUR CURRENT IN-STATE TUITION BENEFITS TO ASSIST NEBRASKA NATIONAL GUARD MEMBERS WHO CURRENTLY SERVE NEBRASKANS THROUGH THEIR SERVICE TO THE NEBRASKA NATIONAL GUARD BUT LIVE OUT OF STATE. HE ALSO MENTIONED THAT WHILE THE PRACTICE OF CATEGORIZING NATIONAL GUARD SOLDIERS AND AIRMEN AS NEBRASKA RESIDENTS IS CARRIED OUT AT SEVERAL EDUCATIONAL INSTITUTIONS IN THE STATE, LB734 WOULD FORMALIZE THE POLICY AND ENSURE THOSE SERVICE MEMBERS ARE RECOGNIZED AS NEBRASKA RESIDENTS FOR THE PURPOSES OF IN-STATE TUITION CLASSIFICATION. LB734 ADVANCED FROM THE EDUCATION COMMITTEE ON AN 8-0 VOTE. THE FISCAL NOTE STATES THAT THERE APPEARS TO BE LITTLE OR NO FISCAL IMPACT. I REALIZE THIS BILL WILL NOT AFFECT A LARGE NUMBER OF NATIONAL GUARD MEMBERS BUT WILL HAVE A SIGNIFICANT IMPACT ON THOSE WHO IT DOES AFFECT. I URGE YOUR FAVORABLE CONSIDERATION OF LB734. THANK YOU, MR. PRESIDENT. [LB734]

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. MEMBERS, YOU'VE HEARD THE OPENING ON LB734. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR WATERMEIER, YOU'RE RECOGNIZED TO CLOSE. AND HE WAIVES CLOSE. THE QUESTION IS THE ADVANCE OF LB734 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB734]

CLERK: 25 AYES, 0 NAYS ON THE ADVANCEMENT OF LB734. [LB734]

PRESIDENT FOLEY: LB734 ADVANCES. NEXT BILL, MR. CLERK. [LB734]

CLERK: LB718, A BILL BY SENATOR GROENE RELATES TO VETERANS' AID. (READ TITLE.) INTRODUCED ON JANUARY 6; AT THAT TIME REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB718]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR GROENE, YOU'RE RECOGNIZED TO OPEN ON LB718. [LB718]

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SENATOR GROENE: THANK YOU, MR. PRESIDENT. THIS BILL WAS BROUGHT TO ME BY THE VETERANS' AFFAIRS DEPARTMENT. LB718 WOULD STREAMLINE THE APPLICATION PROCESS FOR DEPENDENTS OF VETERANS APPLYING FOR THE WAIVER OF TUITION PROGRAM ADMINISTERED BY THE NEBRASKA DEPARTMENT OF VETERANS' AFFAIRS BY REMOVING A REQUIREMENT THAT THE APPLICATION IS SUBMITTED THROUGH A COUNTY VETERANS' SERVICE OFFICER, A RECOGNIZED VETERAN ORGANIZATION. LB718 WOULD ALSO REMOVE A REQUIREMENT THAT A COUNTY VETERANS' SERVICE OFFICER OR RECOGNIZED VETERANS' ORGANIZATION DETERMINE ELIGIBILITY AND MAKE A RECOMMENDATION FOR ACTION TO THE NEBRASKA DEPARTMENT OF VETERANS' AFFAIRS, WHICH DUPLICATES EFFORTS BY THE DEPARTMENT OF VETERANS' AFFAIRS WHICH MAINTAINS THE DATA DETERMINING ELIGIBILITY AND ALREADY VERIFIED STATUS. IN NEBRASKA WE HAVE 93 COUNTIES. THERE ARE 35 COUNTIES THAT DON'T HAVE A FULL-TIME VETERANS' AFFAIRS OFFICER. SO WHEN A DEPENDENT OF A VETERAN IS IN A COLLEGE FINANCIAL AID OFFICE AND THE OFFICER SAYS, YOU COULD APPLY FOR SOME TUITION WAIVERS, THEY HAVE TO GO BACK TO THEIR COUNTY NOW, OFFICE; FIND HIM OR HER, VETERANS' AFFAIRS OFFICE; AND FILL OUT THE PAPERWORK; AND THEN SEND IT BACK TO THE STATE VETERANS' AFFAIRS OFFICE. IT'S JUST REDUNDANCY. NOTHING STOPS A GOOD VETERANS' AFFAIRS OFFICER TO TALK TO CHILDREN OR SENIORS IN HIGH SCHOOL OR TO VETERANS' GROUPS AND SAY, GET YOUR KIDS, IF THEY'RE GOING TO COLLEGE, TO APPLY FOR THIS. HE CAN STILL DO THAT, HE CAN STILL HELP THEM. IT'S JUST NOT MANDATED THAT HE'S THE ONE THAT HAS TO DO IT ANYMORE. THIS IDEA CAME FROM THE GOVERNOR'S OFFICE WHO SAID...TOLD ALL OF HIS STAFF AND DEPARTMENTS TO TRY TO STREAMLINE GOVERNMENT, LOOK FOR THINGS. AND AN EMPLOYEE AT THE DEPARTMENT OF VETERANS' AFFAIRS, LISA FREDERICK, I BELIEVE, CAME UP WITH THE IDEA; THAT SHE THOUGHT THIS WAS REDUNDANT. SHE'S GETTING THESE APPLICATIONS, HAS TO MAKE SURE THAT IT'S SENT OUT AND SIGNED BY A COUNTY ACROSS THE STATE, OFFICIAL, THEN SENT BACK TO THEM WHEN IT REALLY WASN'T NECESSARY. SO THIS ACTUALLY MAKES GOVERNMENT SMALLER. IT HAS A MINUS A BILL, HAS \$4,200. HELPS THE APPROPRIATIONS COMMITTEE CUT SOME COST. BUT ANYWAY, IT'S NOT A MAJOR BILL. IT'S A NICE...MAKES GOVERNMENT MORE EFFICIENT. SO THANK YOU, AND I HOPE YOU PASS IT RIGHT THROUGH. [LB718]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR GROENE, YOU'RE RECOGNIZED TO CLOSE ON LB718. AND HE WAIVES CLOSE. THE QUESTION IS THE ADVANCE OF LB718 TO E&R

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INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB718]

CLERK: 26 AYES, 0 NAYS ON THE ADVANCEMENT OF LB718. [LB718]

PRESIDENT FOLEY: LB718 ADVANCES. NEXT BILL, MR. CLERK. [LB718]

CLERK: LB753 IS A BILL BY SENATOR CRAWFORD RELATING TO THE MILITARY CODE. (READ TITLE.) INTRODUCED ON JANUARY 6; AT THAT TIME REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS, MR. PRESIDENT. [LB753]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU'RE RECOGNIZED TO OPEN ON LB753. [LB753]

SENATOR CRAWFORD: GOOD MORNING, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. LB753 AMENDS NEBRASKA'S ADOPTION OF THE UNIFORM SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994 TO EXTEND PROTECTIONS TO PERSONS WHO WORK IN NEBRASKA BUT ARE CALLED INTO NATIONAL GUARD SERVICE BY ANOTHER STATE. CURRENT NEBRASKA STATE LAW ONLY PROVIDES EMPLOYMENT PROTECTIONS FOR THOSE CALLED BY THE STATE INTO GUARD DUTY, WHEN THEY'RE CALLED BY NEBRASKA. ESTIMATES SHOW THERE ARE AT LEAST 242 INDIVIDUALS WHO ARE EMPLOYED IN NEBRASKA BUT ARE ASSIGNED TO ANOTHER STATE FOR NATIONAL GUARD. THEREFORE, THESE INDIVIDUALS AND THEIR FAMILIES ARE NOT CURRENTLY PROTECTED BY STATE LAW IN THE SAME MANNER IN WHICH NEBRASKA GUARD MEMBERS ARE. THOSE NATIONAL GUARD MEMBERS WHO WORK IN NEBRASKA AND SERVE IN GUARD DUTY IN ANOTHER STATE SHOULD HAVE THE SAME JOB PROTECTIONS. THIS LEGISLATION WILL CLOSE THIS LOOPHOLE AND ALLOW SERVICE MEMBERS AND THEIR FAMILIES CONFIDENCE TO SERVE WHEN CALLED BY THEIR STATE. THIS BILL WILL ALSO HELP ENSURE THOSE INDIVIDUALS ARE REEMPLOYED IN NEBRASKA AFTER THEY SERVE. IT WILL PROVIDE THE ADDED BENEFIT OF KEEPING HARDWORKING INDIVIDUALS IN OUR STATE AND CONTRIBUTING TO OUR ECONOMY. MORE THAN THAT, HOWEVER, IT IS SIMPLY THE RIGHT THING TO DO. THE NEBRASKA MILITARY DEPARTMENT, THE NATIONAL GUARD ASSOCIATION OF NEBRASKA, AND THE LINCOLN CHAMBER OF COMMERCE ALL TESTIFIED IN SUPPORT OF THIS BILL. AS WE HEARD AT THE HEARING, 20 OTHER STATES ALREADY PROVIDE THESE PROTECTIONS. THIS

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INCLUDES OUR NEIGHBORING STATE OF KANSAS, WHERE AN ESTIMATED 18 NATIONAL GUARD MEMBERS FROM NEBRASKA ARE PROTECTED. DISCUSSIONS ARE UNDERWAY IN IOWA, AND OUR IOWA GUARD CONTACT, CAPTAIN BARTON, SAYS SHE IS OPTIMISTIC ABOUT THE PASSAGE OF A SIMILAR BILL IN IOWA NEXT YEAR. I URGE YOUR GREEN VOTE ON LB753. THANK YOU, MR. PRESIDENT.
[LB753]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. MEMBERS, YOU'VE HEARD THE OPENING ON LB753. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB753 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB753]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB753.
[LB753]

PRESIDENT FOLEY: LB753 ADVANCES. NEXT BILL, MR. CLERK. [LB753]

CLERK: LB786, A BILL BY SENATOR LARSON. (READ TITLE.) INTRODUCED ON JANUARY 7, AT THAT TIME REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB786]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON LB786. [LB786]

SENATOR LARSON: GOOD MORNING, MEMBERS OF THE NEBRASKA LEGISLATURE. LB786 CHANGES SIGNATURE REQUIREMENTS RELATING TO THE COMPLETION OF DEATH CERTIFICATES AND CREMATION PERMITS BY MOVING FROM OPTIONAL ELECTRONIC SIGNING SYSTEM TO REQUIRED ELECTRONIC SIGNING SYSTEM. LB786 PROVIDES SIMPLE CHANGES TO LAW BY STRIKING LANGUAGE PERTAINING TO HANDWRITTEN SIGNATURES, THEREBY FOCUSING ON THE EFFICIENT ELECTRONIC MEANS FOR PURPOSES OF EXPEDITING THE DEATH CERTIFICATE AND CREMATION PROCESS. THE STATE BEGAN IMPLEMENTATION OF THIS PROCESS IN 2006 IN AN EFFORT TO BETTER SERVE THE PUBLIC AND TAKE FULL ADVANTAGE OF CURRENT TECHNOLOGY. THE SYSTEM HAS BEEN WIDELY UTILIZED ACROSS THE STATE AND ELECTRONIC REGISTRATION OF DEATH RECORDS HAS PROVEN TO DECREASE THE TIME AND

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EFFORT TAKEN TO REGISTER AND THE RELEASE OF THE CERTIFIED DEATH CERTIFICATES TO THE FAMILIES OF THE DECEASED. HOWEVER, THERE STILL IS AN ONGOING INCONSISTENCY AS DEATH RECORDS ARE CURRENTLY BEING REGISTERED ELECTRONICALLY, MANUALLY, AND PARTIALLY ELECTRONICALLY, WHICH CAN PROVIDE A VARYING EFFECT ON THE AMOUNT OF TIME REQUIRED TO FULFILL SUCH OBLIGATIONS. THE PASSAGE OF LB786 WOULD PROVIDE A CONSISTENT AND EFFICIENT MEANS BY WHICH DEATH CERTIFICATES AND CREMATION PERMITS ARE COMPLETED AND PROCESSED. THE BILL REDUCES THE RECORDKEEPING METHODS FOR OFFICE STAFF, SAVES TIME AND EFFORT FOR FUNERAL DIRECTORS AND MEDICAL CERTIFIERS, AND ELIMINATES A LARGE MARGIN OF ERROR FOR EXECUTION. I WOULD ENCOURAGE EVERYBODY'S GREEN VOTE ON LB786. THANK YOU. [LB786]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. MEMBERS, YOU'VE HEARD THE OPENING ON LB786. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB786]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'D LIKE TO ASK SENATOR LARSON ONE OR TWO QUESTIONS. [LB786]

PRESIDENT FOLEY: SENATOR LARSON, WOULD YOU YIELD, PLEASE? [LB786]

SENATOR LARSON: YES. [LB786]

SENATOR CHAMBERS: SENATOR LARSON, THE MAIN THRUST OF THIS, IF I UNDERSTOOD IT, IS TO EXPEDITE THE HANDLING OF THESE RECORDS OR DOCUMENTS RELATIVE TO CREMATION AND I GUESS BURIAL? [LB786]

SENATOR LARSON: YES. [LB786]

SENATOR CHAMBERS: OR DEATH CERTIFICATES? [LB786]

SENATOR LARSON: YEAH, TO EXPEDITE THE DEATH CERTIFICATE PROCESS. [LB786]

SENATOR CHAMBERS: WELL, NOW WOULD IT BE AVAILABLE TO EXPEDITE A PERSON DEPARTING HERE IF THERE WAS A SPECIAL ON CREMATION AND THAT PERSON WAS STILL ALIVE BUT WANTED... [LB786]

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SENATOR LARSON: I DON'T THINK SO. [LB786]

SENATOR CHAMBERS: (LAUGH) I CAN'T FINISH IT. THANK YOU. [LB786]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR LARSON, YOU'RE RECOGNIZED TO CLOSE ON LB786. HE WAIVES CLOSE. THE QUESTION IS THE ADVANCE OF LB786 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB786]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB786. [LB786]

PRESIDENT FOLEY: LB786 ADVANCES. NEXT BILL, MR. CLERK. [LB786]

CLERK: LB859 BY SENATOR CAMPBELL RELATES TO THE UNIFORM CREDENTIALING ACT. (READ TITLE.) INTRODUCED ON JANUARY 11, AT THAT TIME REFERRED TO HEALTH AND HUMAN SERVICES. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB859]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON LB859. [LB859]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. THIS BILL WAS BROUGHT TO ME BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND WOULD MODIFY THE UNIFORM CREDENTIALING ACT TO CHANGE PROVISIONS RELATING TO CEASE AND DESIST ORDERS TO BRING NEBRASKA INTO COMPLIANCE WITH A RECENT U.S. SUPREME COURT DECISION. IN FEBRUARY OF 2015, THE U.S. SUPREME COURT DECIDED NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS, RELATING TO AN ACTION BY A STATE REGULATORY BOARD. AND BASICALLY WHAT THE COURT SAID AND RULED WAS THAT A CEASE AND DESIST LETTER MUST COME FROM THE DEPARTMENT THAT'S OVERSEEING THE PARTICULAR BOARD. THIS ISSUE WAS BROUGHT TO MANY OF OUR ATTENTION BY NCSL AT THE LAST TWO CONFERENCES. IT IS NECESSARY THAT WE PASS THIS BILL IN ORDER TO BE IN COMPLIANCE. SO ANY ONE OF OUR BOARDS THAT CREDENTIAL OR LICENSE HEALTH PROFESSIONALS COULD RECOMMEND TO THE DEPARTMENT HEAD THAT A CEASE AND DESIST ORDER BE GIVEN TO SOMEONE

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WHO IS PRACTICING UNLAWFULLY. AND THEN THE CEO OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WOULD ISSUE THAT CEASE AND DESIST. I NEED YOUR GREEN VOTE HERE FOR NEBRASKA TO BE IN COMPLIANCE WITH THE U.S. SUPREME COURT. THANK YOU, MR. PRESIDENT. [LB859]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING ON LB859. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE. AND SHE WAIVES CLOSE. THE QUESTION IS THE ADVANCE OF LB859 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB859]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB859. [LB859]

PRESIDENT FOLEY: LB859 ADVANCES. AND THE FINAL BILL ON CONSENT CALENDAR, MR. CLERK. [LB859]

CLERK: LB898 BY SENATOR FOX RELATES TO THE COSMETOLOGY, ELECTROLOGY, ESTHETICS, NAIL TECHNOLOGY, AND BODY ART PRACTICE ACT. (READ TITLE.) INTRODUCED ON JANUARY 11, AT THAT TIME REFERRED TO HEALTH AND HUMAN SERVICES. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING. (AM1859, LEGISLATIVE JOURNAL PAGE 518.) [LB898]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR FOX, YOU'RE RECOGNIZED TO OPEN ON LB898. [LB898]

SENATOR FOX: THANK YOU, MR. PRESIDENT. GOOD LATE MORNING, COLLEAGUES. I RISE TODAY TO URGE YOUR SUPPORT OF LB898. THIS IS A FAIRLY STRAIGHTFORWARD BILL, WHICH REMOVES ONE OF THE HURDLES FACING ENTREPRENEURS IN SOME OF THE POOREST AREAS OF OUR STATE. NATURAL HAIR BRAIDING IS JUST AS IT SOUNDS, BRAIDING HAIR AS NATURALLY AS POSSIBLE. IT USES NO HARMFUL DYES OR CHEMICALS, NO CUTTING AND STYLING OF HAIR, AND IS SAFE FOR BRAIDERS TO PERFORM AND SAFE FOR THE PEOPLE GETTING THEIR HAIR BRAIDED. IT IS A TIME-TESTED SAFE PRACTICE THAT IS DEEPLY ROOTED IN AFRICAN CULTURAL HERITAGE AND CARRIES WITH IT SIGNIFICANT HISTORICAL IMPORTANCE. BUT JUST TO BRAID HAIR, A NEBRASKAN HAS TO GET 2,100 HOURS OF COSMETOLOGY TRAINING, WHICH

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REQUIRES HUNDREDS OF HOURS OF INSTRUCTION, MOST OF WHICH IS COMPLETELY UNRELATED TO HAIR BRAIDING. THIS MEANS NEBRASKA BRAIDING ENTREPRENEURS AND WORKERS HAVE TO SPEND HUNDREDS OF HOURS OF THEIR VALUABLE TIME TO GET IRRELEVANT TRAINING. NEBRASKA SHOULDN'T LICENSE SOMETHING AS SAFE AND COMMON AS BRAIDING HAIR. FIFTEEN STATES DO NOT REQUIRE ANY LICENSE FOR BRAIDERS, INCLUDING COLORADO AND KANSAS. THERE IS NO EVIDENCE THAT THERE IS ANY PUBLIC HEALTH OR SAFETY PROBLEMS WITH BRAIDERS IN THESE STATES. IOWA AND MISSOURI CURRENTLY HAVE BRAIDING LICENSING LAWS, JUST LIKE NEBRASKA, AND BOTH ARE CURRENTLY BEING SUED BECAUSE OF THOSE LAWS. I'M NOT AT ALL OPPOSED TO OCCUPATIONAL LICENSING, BUT SOME, LIKE THOSE GOVERNING HAIR BRAIDING, CREATE ARTIFICIAL BARRIERS TO ENTRY FOR ENTREPRENEURS SEEKING TO TAKE THEIR FIRST STEP. THAT'S ESPECIALLY TRUE FOR OCCUPATIONS THAT TRADITIONALLY CATER TO PEOPLE JUST STARTING THEIR PROFESSIONAL CAREERS. SHORTLY BEFORE I AGREED TO CARRY THIS LEGISLATION, MY STAFF ATTENDED AN ANTIVIOLENCE MEETING IN OMAHA. WHILE THERE, ONE OF THE COMMUNITY LEADERS EXPRESSED DISMAY AT THE GOVERNMENTAL HURDLES FACING ENTREPRENEURS IN NORTH AND SOUTH OMAHA, ESPOUSING THE OPINION THAT MORE JOBS WOULD EQUAL LESS CRIME, AND I HAVE TO AGREE. REFORM OF OCCUPATIONAL LICENSING LAWS TO FREE WORKERS FROM BURDENSOME REGULATIONS IS AN ECONOMIC ISSUE. THIS BILL HAS THE UNANIMOUS SUPPORT OF THE HHS COMMITTEE. AND AGAIN, I URGE YOU TO USE YOUR GREEN LIGHT AND VOTE SUPPORT OF THE BILL AND THE COMMITTEE AMENDMENT. [LB898]

PRESIDENT FOLEY: THANK YOU, SENATOR FOX. MEMBERS, YOU'VE HEARD THE OPENING ON LB898. AS THE CLERK INDICATED, THERE IS AN AMENDMENT FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB898]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM1859 TO LB898 WAS REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CLARIFY THIS EXEMPTION FOR NATURAL HAIR BRAIDERS. THE AMENDMENT ADDS CROCHET HOOKS TO THE LIST OF ALLOWABLE HAIR BRAIDING TOOLS; CLARIFIES THAT NEEDLES USED MUST BE BLUNT TIPPED, NOT SHARP NEEDLES; AND CLARIFIES THAT TOPICAL AGENTS MAY ONLY BE USED IN CONJUNCTION WITH HAIR BRAIDING. THE COMMITTEE VOTED UNANIMOUSLY TO ACCEPT THIS AMENDMENT AND I WOULD URGE YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB898]

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PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SENATOR HILKEMANN, YOU'RE RECOGNIZED. [LB898]

SENATOR HILKEMANN: YES. I'D JUST LIKE TO ASK IF SENATOR FOX WOULD YIELD TO A QUESTION. [LB898]

PRESIDENT FOLEY: SENATOR FOX, WILL YOU YIELD TO A QUESTION, PLEASE? [LB898]

SENATOR FOX: SURE. [LB898]

SENATOR HILKEMANN: THE QUESTION I HAD IS I RECEIVED OVER THE WEEKEND A NOTE FROM THE BARBERS ASSOCIATION, AND I SEE THAT THEY DIDN'T OPPOSE THIS DURING THE HEARING. IS THIS SOMETHING THAT CAME TO THEM LATE THAT ALL OF A SUDDEN WE'RE GETTING A LETTER FROM THEM OR DID OTHER SENATORS RECEIVE THAT LETTER AS WELL? [LB898]

SENATOR FOX: I AM AWARE OF THE LETTER THAT YOU ARE MENTIONING. AND I AGREE, THEM COMING TO ME AT THE ELEVENTH HOUR, I'M NOT SURE WHY THEY WERE NOT AT THE TABLE WHEN THE BILL WAS IN COMMITTEE. SO THIS IS A BILL THAT NEITHER THE BOARD OF HEALTH NOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES HAD ANY PROBLEMS WITH. WE'VE WORKED WITH DHHS ON THIS BILL. [LB898]

SENATOR HILKEMANN: AND I'M ASSUMING THAT THIS WE'RE TALKING ABOUT, THESE PEOPLE ARE RECEIVING A FEE FOR THEIR SERVICE. [LB898]

SENATOR FOX: CORRECT. [LB898]

SENATOR HILKEMANN: OKAY. THANK YOU VERY MUCH. [LB898]

PRESIDENT FOLEY: THANK YOU, SENATORS HILKEMANN AND FOX. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB898]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, ALTHOUGH I DON'T CUT HAIR ANYMORE, MY LICENSE, I STILL RENEW IT. IT'S NONSENSE TO REQUIRE PEOPLE TO TAKE AS MANY HOURS AS

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THEY DO EVEN TO BECOME A BARBER. WHAT I SPENT MOST OF MY TIME DOING, AS DO THOSE WHO WANT TO BECOME BARBERS, IS GIVING CUT-RATE HAIRCUTS TO PEOPLE AND ALL THE MONEY GOES TO THE BARBER SCHOOL. I THINK IN THE EARLY DAYS THERE WAS AN UNHOLY ALLIANCE BETWEEN THE BARBER COLLEGE AND THE BARBER BOARD WHEREBY AN AGREEMENT WAS MADE TO REQUIRE PEOPLE TO TAKE A LOT OF HOURS TO PAY THAT MONEY. YOU DON'T NEED THAT MANY HOURS TO LEARN HOW TO BARBER. AND THIS BILL HAS NOTHING TO DO WITH BARBERING. IT WON'T HURT BARBERS. AND I, WHO HAVE NO TRAINING IN BRAIDING AT ALL, COULD DO THIS JUST BECAUSE I HAVE A BARBER LICENSE. I HAD NOTHING IN THE WAY OF TRAINING ON BRAIDING. SO I THINK WHAT THEY DID WAS WRONG TO COME THIS LATE, AND I'M GOING TO TALK TO THE HEAD OF THE BARBER BOARD. I THINK WHAT THEY DID WAS UNETHICAL AND I'M A BARBER, REMEMBER. THANK YOU, MR. PRESIDENT. [LB898]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE. AND SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT, AM1859. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB898]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB898]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR FOX, YOU'RE RECOGNIZED TO CLOSE ON LB898. SHE WAIVES CLOSE. THE QUESTION IS THE ADVANCE OF LB898 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB898]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB898. [LB898]

PRESIDENT FOLEY: LB898 ADVANCES. MEMBERS, THAT CONCLUDES CONSENT CALENDAR FOR THE DAY. WE NOW MOVE, PURSUANT TO THE AGENDA, TO SELECT FILE. MR. CLERK. [LB898]

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CLERK: MR. PRESIDENT, LR26CA. SENATOR HANSEN, I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER156, LEGISLATIVE JOURNAL PAGE 484.) [LR26CA]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LR26CA]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LR26CA. [LR26CA]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LR26CA]

CLERK: SENATOR MORFELD WOULD MOVE TO AMEND WITH AM2043. (LEGISLATIVE JOURNAL PAGE 542.) [LR26CA]

PRESIDENT FOLEY: SENATOR MORFELD, YOU'RE RECOGNIZED TO OPEN ON AM2043. [LR26CA]

SENATOR MORFELD: GOOD MORNING, COLLEAGUES. BASED ON OUR CONVERSATION THAT WE HAD ON LR26CA THE LAST WEEK OR TWO AND THE CONCERNS ABOUT SOME OF THE CONSTITUTIONALITY OF THE LANGUAGE AS PRESENTED ON THE BALLOT, I HAVE SINCE, AS PROMISED, GONE BACK, READ THROUGH THE NEBRASKA SUPREME COURT CASE LAW, PARTICULARLY IN STATE OF NEBRASKA, LOONTJER v. JOHN GALE, AND LOOKED AT THE CONSTITUTIONALITY OF THE LANGUAGE. AND AFTER LOOKING AT THAT, WE DECIDED TO TAKE OUT THE ABILITY FOR SUPREME COURT JUDGES TO BE 18 AND ALSO TAKE OUT SOME OTHER SECTIONS OF THE BILL OR, EXCUSE ME, CONSTITUTIONAL RESOLUTION THAT WOULD ALSO MAYBE COME INTO CONFLICT WITH THE SUPREME COURT'S RULING. AND SO WITH THAT BEING SAID, ALL THAT WILL BE LEFT IS THE QUESTION OF WHETHER OR NOT THE STATE OFFICES, AS DEFINED IN LR26CA, WILL BE ELIGIBLE TO RUN FOR OFFICE IF THEY ARE 18 YEARS OF AGE. AND SO THIS SHOULD ALLEVIATE ANY CONSTITUTIONAL CONCERNS, BASED ON THE RESEARCH THAT I HAD ON THE CASE LAW. AND IT SHOULD ALSO ENSURE THAT IT EMPHASIZES ONLY THE PRIMARY PURPOSE OF LR26CA, WHICH WAS TO MAKE IT SO THAT INDIVIDUALS WHO WANTED TO RUN FOR STATE OFFICES COULD RUN IF THEY MET THE MINIMUM FEDERAL VOTING AGE. AND THAT'S WHAT THE AMENDMENT DOES, IS IT LIMITS IT SPECIFICALLY TO THAT SUBJECT AND SPECIFICALLY TO THAT PURPOSE. I'D BE MORE THAN HAPPY TO ANSWER ANY QUESTIONS CONCERNING

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THE CASE LAW AND THE CONSTITUTIONALITY OR ANY OTHER CONCERNS THAT YOU MAY HAVE. I URGE YOU TO ADOPT AM2043 AS I BELIEVE IT ADDRESSES ANY CONSTITUTIONAL CONCERNS. THANK YOU. [LR26CA]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. MEMBERS, YOU'VE HEARD THE OPENING ON AM2043. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LR26CA]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, MY CONCERNS GO BEYOND THE CONSTITUTION. THEY GO TO POLICY. BUT THIS DEMONSTRATES THAT HAD NOT SENATOR SCHUMACHER BEEN SO INSISTENT AND PERSISTENT, THIS PIECE OF BAD LEGISLATION WOULD HAVE GONE ACROSS THE FLOOR. PEOPLE TOO MANY TIMES GET CAUGHT UP IN EMOTION AND OTHER MATTERS. THEY WON'T PAY ATTENTION, AND THEY SAY IT WON'T DO ANY HARM, AND LEAVE IT TO THE PUBLIC TO VOTE IT DOWN. OUR RESPONSIBILITY IS TO WINNOW, TO SORT OUT, AND NOT JUST DUMP THINGS ON THE PUBLIC. WHEN THERE WERE DISCUSSIONS ABOUT THESE KIDS 16 YEARS OLD SERVING LIQUOR, TESTIMONY AT THAT HEARING BY A PERSON WHO WAS OLDER THAN 16 POINTED OUT THE PEER PRESSURE, TRYING TO FIT IN LED HER TO DO SOMETHING THAT WAS NOT WISE. ALL IT SHOWED IS THAT PEOPLE THIS AGE ARE GENERALLY IMMATURE WHEN IT COMES TO ASSUMING THE RESPONSIBILITIES OF PUBLIC OFFICE, HANDLING ALCOHOL, AND DOING OTHER THINGS WHERE SOME DEGREE OR LEVEL OF AGE IS AN INDICATION THAT A PERSON OUGHT TO KNOW CERTAIN THINGS. EIGHTEEN IS TOO YOUNG. WHEN YOU READ THE VARIOUS PROBLEMS THAT YOUNG PEOPLE MENTIONED HAVING IN THE REALM OF ALCOHOL BEING SERVED, SIMPLY POINTED OUT AND UNDERSCORED THE PROBLEMS ACROSS THE BOARD WHEN PEOPLE ARE THAT YOUNG. IT'S NOT A PROBLEM BEING YOUNG. THE PROBLEM IS THAT THERE'S CERTAIN THINGS THAT A PERSON OUGHT TO KNOW OR TO HAVE EXPERIENCED BY THE TIME HE OR SHE IS GOING TO BE ELIGIBLE TO HOLD AN OFFICE. THE JOKES ARE MADE, AND SOME OF THEM ARE VALID, THAT PEOPLE MY AGE MAY NOT BE COMPETENT TO HOLD OFFICE IF IT COMES TO THE INTELLECT, MEMORY, THE ABILITY TO ANALYZE, EVALUATE, APPLY JUDGMENT, AND ARRIVE AT A LOGICAL DECISION OR CONCLUSION. WELL, I AGREE. I'VE SLIPPED A LONG WAY. AND AT THE BEGINNING, I CAME FROM THE SHALLOW END OF THE GENE POOL IN MY COMMUNITY, AND I WAS SENT DOWN TO THE LEGISLATURE BECAUSE MY COMMUNITY FELT THAT THEY COULD SPARE ME. I WASN'T NEEDED. TAKE THOSE WHO ARE NOT GOING TO CONTRIBUTE AND SEND THEM TO THE LEGISLATURE. AND NOT A LOT OF HARM CAN BE DONE BECAUSE THERE ARE ENOUGH PEOPLE THERE TO NULLIFY AND MINIMIZE THE HARM THAT SOMEBODY SUCH AS MYSELF CAN BRING ABOUT DUE TO THE SLIPPAGE IN MY MENTAL CAPACITY.

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NOW WHEN I LOOK AROUND THIS ROOM AND I SEE ALL THESE YOUNGSTERS, THEIR BRAIN CELLS ARE VELCRO--EVERYTHING STICKS. MINE ARE TEFLON--NOTHING STICKS. IT HITS AND IT SLIDES RIGHT OFF. I CAN'T EVEN REMEMBER WHAT I ATE FOR BREAKFAST THIS MORNING OR IF I ATE BREAKFAST THIS MORNING OR IF IT'S NOW MORNING. WHAT TIME OF DAY IS IT? THAT'S WHY IF YOU WATCH ME, YOU'LL SEE ME STEALING LOOKS UP AT THAT BOARD AND AT THE CLOCK, NOT TO SEE WHAT TIME IT IS, BUT TO SEE THE DATE, THE DAY. AND THEN I SNEAK A LOOK AT THIS BILL BOOK TO SEE THE YEAR, TO KNOW WHAT YEAR IT IS. THEN I LOOK AT A MODERN PIECE OF MONEY THAT I HAVE IN MY POCKET TO SEE WHAT CENTURY IT IS. SO IF I AM GOING TO ACKNOWLEDGE, AS A MAN LIVING ON BORROWED TIME, TWO OR THREE TIMES OVER, THAT THERE IS A DEFICIENCY... [LR26CA]

PRESIDENT FOLEY: ONE MINUTE. [LR26CA]

SENATOR CHAMBERS: ...IN MY ABILITY, I'M IN A POSITION TO MAKE THE STATEMENTS THAT I AM ABOUT YOUNGER PEOPLE. WHERE THEY ARE, I WAS. AND AS I'VE STATED, IF THEY'RE LUCKY AND LIVE LONG ENOUGH, THEY'LL BE WHERE I AM. I AM NOT GOING TO GO ALONG WITH THIS BILL JUST TO INDICATE THAT I HAVE A LOT OF REGARD FOR YOUNG PEOPLE. THERE ARE OTHER WAYS THAT I CAN SHOW THAT. AND I CAN SHOW IT MUCH BETTER IN TERMS OF THE TYPE OF LEGISLATION THAT I WILL SUPPORT, THE POLICIES THAT I WILL ADVOCATE FOR. BUT AS A FAVOR TO SOMEBODY OR SOME GROUP? NO. TO DILUTE THE QUALITY OF THE GOVERNMENTAL STRUCTURE ITSELF? NO. THANK YOU, MR. PRESIDENT. [LR26CA]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR LARSON, YOU'RE RECOGNIZED. [LR26CA]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I RISE IN STRONG SUPPORT OF SENATOR MORFELD'S AM2043. ON GENERAL FILE, SENATOR MORFELD AND I SAID THAT WE WOULD WORK TOGETHER IN BETWEEN GENERAL AND SELECT TO WORK ON THE CONCERNS THAT WERE THERE, SPECIFICALLY ON THE SEPARATE QUESTIONS. AND I THINK HE'S DONE A GREAT JOB WITH HIS LEGAL BACKGROUND IN LOOKING AT PAST CASES IN TERMS OF HOW MANY QUESTIONS THERE WOULD BE, AND WHAT THE PROPER DIVISION OF THOSE QUESTIONS ARE. AND AM2043, AS MUCH AS I WOULD HAVE LIKED TO HAVE KEPT THE SUPREME COURT JUSTICES IN, IF THAT WAS GOING TO CREATE A SEPARATE QUESTION ON THE BALLOT AND A LACK OF CLARITY, I UNDERSTAND WHY IT NEEDS TO COME

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OUT. AND THEREFORE, I'M WHOLLY SUPPORTIVE OF AM2043 MOVING FORWARD. AND I THINK LR26CA IS IMPORTANT. I HAVE TO RESPECTFULLY DISAGREE WITH SENATOR CHAMBERS. I CAN APPRECIATE WHERE HE'S COMING FROM; BUT AT THE SAME TIME, I THINK THAT WE DO OWE IT TO THE PEOPLE OF NEBRASKA TO MAKE SURE THAT EVERYONE IS...I WANT TO SAY, NO ONE IS DISENFRANCHISED. THIS COUNTRY HAS A HISTORY OF DISENFRANCHISING INDIVIDUALS, WHETHER IT BE BASED ON SEX OR RACE. AND RIGHT NOW THE STATE OF NEBRASKA IS DISENFRANCHISING INDIVIDUALS BASED ON AGE, AND THAT'S WRONG. IT'S WRONG TO DISENFRANCHISE ANY INDIVIDUAL BASED ON AGE, SEX, OR RACE. SO LET'S MAKE SURE THAT WE DON'T DO THAT, OR AT LEAST GIVE IT...LET THE PEOPLE DECIDE. SO THOUGH I CAN APPRECIATE SENATOR CHAMBERS' ARGUMENT, I DISAGREE. LET'S MAKE SURE EVERYONE HAS A VOICE AND EVERYONE HAS THE OPPORTUNITY TO SERVE. I THINK AM2043 IS A GOOD AMENDMENT, AS I SAID. LR26CA CAN GO TO THE PEOPLE, AND WE CAN SEE WHAT THEY DECIDE. AND IF IT PASSES, THEN ANY INDIVIDUAL THAT HAS THE ABILITY TO VOTE WILL HAVE THE ABILITY TO SERVE IN THIS CHAMBER. AND I THINK THAT'S A GOOD THING. THANK YOU, MR. PRESIDENT. [LR26CA]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. ITEMS FOR THE RECORD, MR. CLERK. [LR26CA]

CLERK: MR. PRESIDENT, AMENDMENTS TO BE PRINTED: SENATOR KINTNER TO LB53; SENATOR BURKE HARR TO LB221. A REMINDER: JUDICIARY COMMITTEE WILL MEET IN EXEC SESSION TODAY AT 1:00 IN ROOM 2022. AND AN ANNOUNCEMENT THAT THE BUSINESS AND LABOR COMMITTEE WILL MEET IN EXECUTIVE SESSION THURSDAY AT 10:00 A.M. IN ROOM 2022. NAME ADDS: SENATOR WATERMEIER TO LB1109; SENATOR DAVIS TO LB1073; SENATORS KEN HAAR, KRIST, McCOLLISTER, EBKE, KINTNER, GROENE TO LB689; AND SENATOR BLOOMFIELD TO LB754. (LEGISLATIVE JOURNAL PAGE 574.) [LB53 LB221 LB1109 LB1073 LB689 LB754]

MR. PRESIDENT, SENATOR JOHNSON WOULD MOVE TO ADJOURN THE BODY UNTIL WEDNESDAY MORNING, FEBRUARY 17, AT 9:00 A.M.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. MEMBERS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE ADJOURNED.