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Floor Debate  
January 22, 2018

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[LB78 LB199 LB226 LB258 LB275 LB285 LB310 LB345 LB472 LB486 LB515 LB718  
LB758 LB829 LB839 LB878 LB1084 LR279 LR280 LR290CA]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twelfth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Senator Blood. Please rise.

SENATOR BLOOD: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Blood. I call to order the twelfth day of the One Hundred Fifth 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.

PRESIDENT FOLEY: Thank you, sir. Any messages, reports, or announcements?

CLERK: Mr. President, a Reference report referring LB1084-LR295CA. That's all that I have, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose and sign and do hereby sign the following two resolutions, LR279, LR280. Speaker Scheer? [LR279 LR280]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Obviously we're going to be a little shorthanded this morning. The first motion to withdraw by Senator Krist, he will be running late,

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---

so we'll pass over that. Senator Briese is stuck as well, so we'll pass over LB256. If there are senators that have bills up and they have contacted you, because they may not be here to introduce it for them, would you please let the Clerk know so they know who to respond to when the bill comes up? If not, if the individual that is introducing the bill is not here this morning, we will just automatically pass over that bill at that time if there is no one here to introduce it. But if you have been contacted by somebody to introduce a bill for somebody this morning, please let the Clerk in the front know so that we can stay on schedule that way as well. Thank you very much.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Turning now to the agenda. Legislative confirmation reports, Mr. Clerk.

CLERK: Mr. President, the Agriculture Committee has three reports this morning. Senator Brasch, the first report I have is the report on Steven Wellman as the Director of the Department of Agriculture. (Legislative Journal page 313.)

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on the first of three confirmation reports.

SENATOR BRASCH: Thank you, Mr. President. Good morning, colleagues. And good morning to the second house watching. The Agriculture Committee report recommends approval of the appointment of Steve Wellman to serve as Director of Agriculture. Mr. Wellman is a familiar figure to the state's agriculture community and brings a very accomplished resume to the job of director. Steve and his family operate a third-generation crop and livestock farming operation near Syracuse, Nebraska. Mr. Wellman has been a long-time member of the Board of Directors of the Nebraska Soybean Association, serving as its chairman in 2004 and 2005, and previously as president and vice President. He was selected by the organization to represent Nebraska on the American Soybean Association Board of Directors, beginning in 2006, and serving in a series of executive positions for that organization. Mr. Wellman discussed his experience leading and participating in trade missions to Asia and Europe. Additionally, he has served on a variety of agricultural advisory boards. In support of Mr. Wellman's confirmation, the committee received supporting testimony from numerous members of the agriculture community, either in personal

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---

testimony or letters of support. The committee did not receive any opposition to Mr. Wellman's appointment. Mr. Wellman is, safe to say, is well thought of and enjoys solid support and the confidence of the agricultural production and marketing sectors of the state. The committee voted 8-0 to recommend confirmation of this appointment. I would move that, colleagues, you vote green and also move the committee's report. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Brasch. Debate is now open on the first confirmation report. Seeing no discussion, Senator Brasch, you're recognized to close on the confirmation report. She waives close. And the question before the body is the adoption of the confirmation report from the Agriculture Committee. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote, Legislative Journal page 371.) 33 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Mr. Clerk.

CLERK: Mr. President, the Agriculture Committee reports on the appointment of Tyler Weborg to the Beginning Farmer Board. (Legislative Journal page 313.)

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on the second confirmation report from your committee.

SENATOR BRASCH: Thank you, Mr. President. And thank you, colleagues. The Agriculture Committee reports favorably on the appointment of Tyler Weborg to the Beginning Farmer Board. The Beginning Farmer Board is appointed by the Governor for four-year terms to develop and direct the program, approve and certify the participants, and advocate for farmers as part of their duties. Mr. Weborg is appointed to fill the remainder of the term of Todd Reed, who was appointed during the 2016 session. He is a member of Weborg Feeding Company LLC, a family farming operation that operates a cattle-feeding business near Pender, Nebraska. He is a graduate of Pender High School, studied business at Nebraska Wesleyan, and earned his bachelor's degree in agricultural economics at UNL. He's been a member of the Cuming County Feeder's

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---

Association for 15 years, including as president in the year 2011 and 2012. He's participated in the Nebraska Cattlemen's and National Cattlemen's Young Cattlemen's Conference program, and was a fellow in the Nebraska LEAD Program. I want to note that his great grandfather and great, great grandfather served as members of this Legislature. The committee is unanimous in recommending confirmation of Tyler Weborg to the Beginning Farmer Board. I would move the adoption of the committee report. Thank you, colleagues.

PRESIDENT FOLEY: Thank you, Senator Brasch. Debate is now open on the second confirmation report. Seeing no one wishing to speak, Senator Brasch waives closing. The question for the body is the adoption of the second confirmation hearing from the Agriculture Committee. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote, Legislative Journal pages 371-372.) 31 ayes, 0 nays, Mr. President, on the adoption.

PRESIDENT FOLEY: The confirmation report is adopted. (Visitors introduced.) Next confirmation report, Mr. Clerk.

CLERK: Mr. President, the Agriculture Committee reports on the appointment of Harry Hoch to the Nebraska State Fair Board. (Legislative Journal page 314.)

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on the third confirmation report.

SENATOR BRASCH: Thank you, Mr. President. And thank you, colleagues. The Agriculture Committee recommends the reappointment of Harry Hoch to the Nebraska State Fair Board. Seven members of the board are drawn among leaders of county, agricultural societies who are nominated and selected by their district. Four members are appointed by the Governor, three of whom represent the business community of each of the congressional districts, and one member is selected to represent the business community host city. Mr. Hoch is reappointed to represent the business community of Grand Island, the host city. He was first confirmed by this body in

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---

2016 to fill the remainder of the term of his predecessor who passed away. Mr. Hoch's term will expire in December 2020. Mr. Hoch appeared in person at the public hearing upon the question of his appointment on January 16th. The committee appreciated Mr. Hoch's ties to the community of Grand Island, and we believe he meets the ability to build connections between the State Fair Board and the host city business community. It is the recommendation of the committee to confirm Mr. Hoch. It was unanimous in our committee. I move the adoption of the Ag Committee report. Thank you, Mr. President. Thank you, colleagues.

PRESIDENT FOLEY: Thank you, Senator Brasch. Debate is now open on the confirmation report. Senator Linehan.

SENATOR LINEHAN: Good morning, colleagues. I just want to speak for a moment considering this nomination. I've known Mr. Hoch for a number of years. He's actually...his daughter, we were lucky enough, our family, that his daughter married one of my cousins. I hope that you will all vote this morning to confirm Mr. Hoch. Thank you.

PRESIDENT FOLEY: Thank you, Senator Linehan. Is there any further discussion on the confirmation report? Seeing none, Senator Brasch you're recognized to close. She waives close. And the question is the adoption of the third of three confirmation reports from the Agriculture Committee. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote, Legislative Journal page 372.) 32 ayes, 0 nays on adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. Next confirmation report, Mr. Clerk.

CLERK: The Revenue Committee reports on two appointments to the Tax Equalization Review Commission, Mr. Steven Keetle and James Kuhn. (Legislative Journal page 328.)

PRESIDENT FOLEY: Senator Smith, you're recognized to open on the confirmation report.

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Transcriber's Office  
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---

SENATOR SMITH: Thank you, Mr. President. And good morning, colleagues. Mr. James Kuhn was referred to the Revenue Committee for consideration as a gubernatorial appointment to the Tax Equalization and Review Commission for the Third Congressional District. His term is from September 2017 to January of 2020. Mr. Kuhn is a licensed appraiser and has served as the head appraiser in the Adams County Assessor's Office. He's been with the Adams County Assessor's Office for 14 years, and has represented Adams County at TERC hearings. Mr. Kuhn has been diligent in taking appraisal classes and continuing education courses through Moore Education and the International Association of Assessing Officers, that is IAAO, since 2000. The Revenue Committee unanimously brings Mr. Kuhn's appointment to the Legislature. I ask for your approval. Thank you, colleagues.

PRESIDENT FOLEY: Thank you, Senator Smith. Debate is now open on the confirmation report for the Revenue Committee. Seeing no discussion, Senator Smith waives closing. The question before the body is the adoption of the confirmation report. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote, Legislative Journal page 373.) 35 ayes, 0 nays on the adoption of the report.

PRESIDENT FOLEY: Confirmation report is adopted. Mr. Clerk.

CLERK: Senator, so you just did Mr. Kuhn, is that right? Okay. The Revenue Committee report on the appointment of Steven Keetle. (Legislative Journal page 328.)

PRESIDENT FOLEY: Senator Smith.

SENATOR SMITH: Thank you, Mr. President. And again, good morning, colleagues. Mr. Steven Keetle was referred to the Revenue Committee for consideration as a gubernatorial reappointment to the Tax Equalization and Review Committee for the Second Congressional District. Mr. Keetle has been a commissioner since July of 2017, and his new term is from January, 2018, to January, 2024. Mr. Keetle received his law degree from the University of Nebraska College of Law. He has been an employee of TERC since 1999, serving as legal

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Floor Debate  
January 22, 2018

---

counsel until his appointment as a commissioner. The Revenue Committee unanimously brings Mr. Keetle's reappointment to the Legislature. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Smith. Debate is now open on the second confirmation report from the Revenue Committee. Seeing no discussion, Senator Smith you are recognized to close. He waives close. And the question before the body is the adoption of the second confirmation report from the Revenue Committee. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: (Record vote, Legislative Journal pages 373-374.) 33 ayes, 0 nays, Mr. President, on the adoption of the report.

PRESIDENT FOLEY: The confirmation report is adopted. (Doctor of the day introduced.) Moving back to the agenda, pursuant to the Speaker's directive we will pass over the motion to withdraw and move immediately to General File. Mr. Clerk.

CLERK: Mr. President, LB285 is a bill introduced by Senator Linehan relating to public health and welfare. (Read title.) Introduced January 11 of last year. At that time referred to the Health and Human Services Committee. The bill was advanced to General File. There are Health Committee amendments pending. (AM423, Legislative Journal page 374.) [LB285]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Linehan, you're recognized to open on LB285. [LB285]

SENATOR LINEHAN: Good morning again, colleagues. LB285 was brought to me by the Nebraska Medical Association. For a little history, the bill...first excuse me. The bill, as introduced, would have outright repealed Section 71-531, a section of statute that requires special treatment for HIV tests. However, there are changes in the committee amendment that restore some of the safeguards that existed in Section 71-531. And second, LB285 adds a requirement for physicians to add an HIV test to the currently mandated blood test for pregnant women. Let me give you some background. 35 years ago, if you were here 35 years ago, in 1983, it was discovered that HIV caused AIDS. There was a general panic, which many of us will

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January 22, 2018

---

remember. AIDS an epidemic, and it was important that certain individuals get tested. For the 1980s and '90s, and even into the 2000s, a positive HIV test could have negative consequences, potentially including the loss of employment. At that time, Nebraska was in the forefront, much to the thanks of Senator Ernie Chambers. We passed a law that required special treatment for HIV testing to protect the person being tested. That law, Section 71-531 states that "No person may be tested for the presence of HIV infection unless he or she has given written informed consent for the performance of such test." And is given an explanation of that meaning of both positive and negative...and if given, an explanation of the "meaning of both positive and negative test results." Today the problem is if a woman is pregnant, she goes to the doctor, and there is a battery of tests, including tests for syphilis, there is like 15 tests. But if she's tested for HIV, she has to opt-in. So the doctor has to ask her. And what happens is a woman could have been exposed to HIV without knowing. And at the committee hearing, some of you were there, and hopefully others read about it, we have women who give birth today to babies that could be protected from HIV, but are not, because the woman is not aware that she has HIV. I would just like to read that from the hearing by Dr. Shelley Nelson: It is clear that early identification and treatment of all pregnant women with HIV is the best way to prevent neonatal infection and also improve the woman's health. Truly it is the one test that can save two lives. This test should be performed as early in pregnancy as possible. Usually it is done with the first prenatal visit, when other routine blood work is obtained. It is important for all women, since the estimated 1.1 million adults in the United States living with HIV at the end of 2009, 18 percent were unaware of their infection. Approximately 8,500 women living with HIV give birth annually. Of the 40,000 new HIV infections that occur in the U.S. each year, nearly 11,000 of those affect women, and approximately 200 babies are born to infected mothers. 88 percent of the estimated 104 children in the U.S. diagnosed with advanced stage of HIV, also known as AIDS, got HIV through prenatal transmission. I think this bill is very important. I appreciate your support. And I thank the Nebraska Medical Association for bringing it to me. [LB285]

PRESIDENT FOLEY: Thank you, Senator Linehan. As the Clerk indicated, there are amendments from the Health and Human Services Committee. Senator Riepe, as Chair of the committee, you're recognized to open on the committee amendments. [LB285]



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Transcriber's Office  
Rough Draft

Floor Debate  
January 22, 2018

---

SENATOR RIEPE: Thank you, Mr. President and colleagues. LB285, as you heard, is a bill to put Nebraska on par with the other 49 states when it comes to HIV testing. Currently, Nebraska is the only state remaining which requires a patient to opt-in to obtain an HIV test. The Pediatric AIDS Clinical Trials group demonstrated that the administration of antiretroviral therapy to pregnant women and their infants could reduce the risk of prenatal transmission of HIV by nearly 70 percent. Because of the importance of getting prompt treatment for individuals with HIV, the national medical community wants to remove any barriers to obtain an HIV test. When the original bill was drafted, the entire Section 71-531 was repealed. The committee amendment reinstates three parts of 71-531. First, today the law allows a person who is getting an HIV test to request to remain anonymous. Currently, all HIV testing is confidential, but confidential is not the same as anonymous. If an individual obtaining a test wants to remain anonymous, the amendment reinstates the language that requires a healthcare provider to refer the individual being tested to a site that will provide an anonymous test. Therefore, anonymous testing will remain in statute. Second, current law states if a person is being tested for insurance underwriting purposes the person being tested has to be provided written information about HIV testing, including identification and reduction of risk. And if the test is positive, the person must be referred to post-testing counseling. The original bill would have repealed this language, and the committee amendment reinstates the requirement that if a person tests positive for an HIV, the individual is referred for post-test treatment. Third, the bill as written would have stricken language about how HIV testing is performed at the Department of Corrections. The committee amendment keeps the current procedure as they relate to individuals at the Department of Corrections. Anyone in the custody of the Department of Corrections shall be informed of an HIV test is given and shall be provided information about the HIV virus, including the identification and reduction of risk, and shall be given the test results and meaning of the results. Finally, post-test counseling shall be provided if the test is positive. The committee amendment makes no substantive changes in current law. The amendment simply reinstates three sections of current law that were stricken in the original bill. The amendment keeps the original intent of the underlying bill to change Nebraska's HIV law to an opt-out statute rather than an opt-in statute, in conformance with the current CDC guidelines. I ask for your support of the committee amendment, AM423, and for the underlying bill of LB285. Thank you. [LB285]

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

Floor Debate  
January 22, 2018

---

PRESIDENT FOLEY: Thank you, Senator Riepe. Debate is now open on LB285 and the committee amendment. Senator Hilkemann. [LB285]

SENATOR HILKEMANN: Thank you, Mr. President. I rise to...I want to thank Senator Linehan for bringing this bill. This is good public policy. This is going to prevent some spread of the HIV virus and the infection of that. I also support the amendments that are for the Health and Human Services, and I would encourage everyone to vote for the amendments and this bill. And thank you, Senator Linehan. [LB285]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Is there any further discussion on the bill or committee amendment? Senator Riepe, you're recognized to close on the committee amendment. He waives close. And the question before the body is the adoption of the committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB285]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB285]

PRESIDENT FOLEY: Committee amendments are adopted. Returning now to debate on LB285 as amended. Senator Schumacher. [LB285]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Would Senator Linehan answer a couple of questions? [LB285]

PRESIDENT FOLEY: Senator linehan, would you yield, please? [LB285]

SENATOR LINEHAN: Yes. [LB285]

SENATOR SCHUMACHER: Senator Linehan, thank you for yielding. Just a matter of curiosity, to get this test, where would women go? Do they go to a clinic, a private physician? Where do they go? [LB285]

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

Floor Debate  
January 22, 2018

---

SENATOR LINEHAN: It would depend, obviously, on the woman. This is a battery of tests that any woman who goes, whether it's to a doctor or a clinic, and they discover she's pregnant. It would be added to the battery of blood tests that they do when they draw blood. Generally, if I recall correctly, it's been many, many years ago, on your first visit to the doctor who will be delivering your baby. [LB285]

SENATOR SCHUMACHER: So, and that typically...is that the place where they, before they're pregnant, get their yearly exams and get their contraceptives and things like that? [LB285]

SENATOR LINEHAN: Again, I think it's very dependent upon the person involved or the woman involved. But generally I would say, hopefully they are getting their yearly exams and they're seeing a doctor at least once a year. And it would be the same physician that they would see once they discovered they may be pregnant. [LB285]

SENATOR SCHUMACHER: Thank you, Senator. [LB285]

SENATOR LINEHAN: Thank you, Senator Schumacher. [LB285]

SENATOR SCHUMACHER: That's all I have. Thank you. [LB285]

PRESIDENT FOLEY: Thank you, Senator Schumacher and Senator Linehan. Seeing no further discussion, Senator Linehan, you're recognized to close on the advance of the bill to E&R Initial. [LB285]

SENATOR LINEHAN: I would just hope that everybody would vote for LB285 this morning. Thank you. [LB285]

PRESIDENT FOLEY: Thank you for the discussion on LB285. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB285]

CLERK: 36 ayes, 0 nays on the advancement of the bill. [LB285]

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

Floor Debate  
January 22, 2018

---

PRESIDENT FOLEY: LB285 advances. Next bill, Mr. Clerk. [LB285]

CLERK: LB258 is a bill by Senator Hansen relating to correctional services. (Read title.) The bill was introduced on January 11, referred to the Judiciary Committee. Advanced to General File. I do have committee amendments, Mr. President. (Legislative Journal page 374.) [LB258]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Hansen, you're recognized to open on LB258. [LB258]

SENATOR HANSEN: Thank you, Mr. President. Good morning, colleagues. Today I rise to introduce LB258. This bill would put into statute a system for the Department of Correctional Services to provide an opportunity for individuals about to be discharged from a correctional facility the opportunity to receive a state identification card or driver's license. In the past, individuals released from a correctional facility have received a state-issued card identifying them as a recently-released inmate or none at all. You can imagine the barriers this may bring, and LB258 provides a simple way to rectify this issue. When a person leaves prison in Nebraska, Nebraskans should expect this person to be as prepared as possible to successfully transition back into the community. As the state prepares that person for reentry, it should look to remove barriers that lead to a successful transition. One barrier that people sometimes are faced with once they leave our prison system is a lack of an identification card. Without an ID Card, a person may have trouble undertaking some common daily activities such as cashing a check, opening a bank account, renting an apartment, finding a job, or even gaining access to the federal building in order to obtain their Social Security card. The National Reentry Resource Center, which is a project of the Council of State Government's Justice Center recently found the following, "State issued identification is frequently required to access social service, secure housing, and apply for moment, all factors that could play a crucial role in a person's successful reintegration into our community after incarceration. People leaving prisons and jails with state identification may be able to move quicker to access vital services and support and those without identification will likely face significant barriers to successful reentry." LB258 amends the state law that simply adds the language to "Prior to the discharge of an individual from a correctional facility, the department shall provide such individual with an opportunity to obtain a state identification card or motor vehicle operator's license." This legislation does not detail how the

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

Floor Debate  
January 22, 2018

---

Department of Correctional Services specifically ought to carry out, but leaves it up to them how to determine how it would be best to provide this opportunity to those leaving the systems. The advantages of this flexibility was illustrated the Director Lahm of the Nebraska DMV and Director Frakes of the Nebraska Department of Correctional Services recently announced an innovative collaboration to do just this for those being released from the Community Correction Center of Lincoln. And I will note we had the pages pass out their press release this morning. This pilot initiative was spear-headed by the assistant warden and two case managers there. So far, nearly 50 individuals have been able to receive state ID Cards through the new program, which involves assistance with the necessary paperwork, and providing transportation to the DMV before release. The Department of Correctional Services reentry administrator said: It is almost impossible to function in society without government issued identification. Providing opportunities to obtain that ID before people are discharged is one less thing they have to worry about, and brings them one step closer to getting a job and establishing stability. Therefore, we want to make sure the process is codified for future administrations and for other correctional facilities outside Community Correction Center Lincoln, while leaving flexibility for facilities to implement programs that will work for them. LB258 is designed to do just that. Because of the great progress so far, I've added an amendment that would change the operative date from 2018 to 2020 to allow facilities more time to work with those involved in the pilot program to make any improvements. There is also a committee amendment, which also clarifies that this process would only apply to driver's license renewals, not a new license. With that, I would like to thank the DMV, the Department of Correctional Services, Director Frakes and Lahm, and everyone at the Community Correction Center Lincoln, all those who worked on this legislation in the pilot program. I would also like other folks who helped us with the legislation to provide other types of assistance to individuals and their transition back to society, including the Center for People in Need, the Mental Health Association of Nebraska, and the Matt Talbot Community Kitchen and Outreach Center here in Lincoln. With that, I would encourage you to vote for LB258 and the accompanying amendments. Thank you, Mr. President. [LB258]

PRESIDENT FOLEY: Thank you, Senator Hansen. As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Ebke, as Chair of the committee, you're recognized to open on those committee amendments. [LB258]

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

Floor Debate  
January 22, 2018

---

SENATOR EBKE: Thank you, Mr. President. The original version of the bill would have amended a program to help...would have mandated, rather, a program to help inmates obtain new ID or new driver's licenses. The committee amendment narrows the driver's license mandate to renewals only and would not require the Department of Corrections to provide an opportunity for inmates to apply and test for new driver's licenses. The department collaborated, as Senator Hansen suggested, with the DMV on a pilot program last year and has since expanded that effort across the corrections system in Nebraska. Because this bill would essentially codify current practice, the fiscal note from the department indicated that no additional appropriation is needed to implement this bill. After a hearing with no opposition testimony, LB121 advanced with AM339 from the Judiciary Committee by the unanimous vote of all eight committee members. I would ask that you vote green on the committee amendment, AM339, and vote green on Senator Hansen's LB258 as he amends it as well. Thank you. [LB258]

PRESIDENT FOLEY: Thank you, Senator Ebke. Debate is now open on LB258 and the Judiciary Committee amendment. Senator Erdman. [LB258]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. And before I begin my remarks, congratulations on the new granddaughter. That's awesome. [LB258]

PRESIDENT FOLEY: Thank you.

SENATOR ERDMAN: I was wondering if Senator Hansen would yield to a question or two? [LB258]

PRESIDENT FOLEY: Senator Hansen, would you yield, please? [LB258]

SENATOR HANSEN: Yes. [LB258]

SENATOR ERDMAN: Senator Hansen, I was reading this bill and I was reading the appropriation...or the A bill, and I see in there that they're going to have one correctional facility is going to be set up to do this, licensing or IDs. Is that correct? [LB258]

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

Floor Debate  
January 22, 2018

---

SENATOR HANSEN: Ideally, we would like it to be anyone who is being released from any of our nine facilities. [LB258]

SENATOR ERDMAN: Okay. So what I read in the appropriations bill, and you tell me if this is wrong or not, but it says they're going to have a transportation service between the other facilities and the one where the service is going to be provided. And it said in the appropriations that if the funding couldn't be included in their budget, then they were going to have to make additional provisions for the transportation of those inmates, and it could be up to as much as \$140,000 a year. Did you see that? [LB258]

SENATOR HANSEN: Yes. So that was in the...if I could speak to that, and I'll make sure you get time if I use up too much of yours. That was one of their original estimates. That was originally also when they thought they might have to bring some of the software and include...install some of the software into the correction facilities. They have been able to work with the DMV, and rather than say shuttling people across the state to a single correctional facility that has all of the software, they were able just to take them to the local DMV, which I believe has basically no additional cost to the corrections. [LB258]

SENATOR ERDMAN: So then if I can conclude from your comments there will be more than one place that will do the screening and the distribution of a license or identification? Is that correct? [LB258]

SENATOR HANSEN: Yeah. So currently how it works is they do just take them to the Lancaster County DMV before it opens one morning a month. And I envision that process would be similar across the state. [LB258]

SENATOR ERDMAN: Do you have an estimate or an idea how much this may cost them?  
[LB258]

SENATOR HANSEN: It is my understanding that there won't be an additional cost. [LB258]

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

Floor Debate  
January 22, 2018

---

SENATOR ERDMAN: Okay. Thank you very much. Thank you, Mr. Speaker, Mr. President.  
[LB258]

PRESIDENT FOLEY: Thank you, Senator Erdman, Senator Hansen. I see no further discussion on the Judiciary Committee amendment. Senator Ebke, you're recognized to close on the Judiciary Committee amendment. She waives close. And the question before the body is the adoption of those amendments. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB258]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of the committee amendments. [LB258]

PRESIDENT FOLEY: The committee amendments are adopted. Mr. Clerk. [LB258]

CLERK: Senator Hansen would move to AM1534. (Legislative Journal page 285.) [LB258]

PRESIDENT: Senator Hansen, you're recognized to open on AM1534. [LB258]

SENATOR HANSEN: Thank you, Mr. President. As I mentioned in my opening, AM1534 would move the enactment date back from 2018 to 2020. This was in part because I introduced this bill last year and originally July 1, 2018, was farther away than it is now. And it is also just my understanding, talking with the Department of Motor Vehicles and Department of Corrections, this would give them an appropriate roll-out time to get this system implemented. With that, I would ask you to vote for the amendment and extend the enactment date to 2020. Thank you, Mr. President. [LB258]

PRESIDENT FOLEY: Thank you, Senator Hansen. Debate is now open on the amendment. Seeing no discussion, Senator Hansen. He waives close. And the question before the body is the adoption of AM1534. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB258]

CLERK: 34 ayes, 0 nays on the adoption of Senator Hansen's amendment. [LB258]



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Transcriber's Office  
Rough Draft

Floor Debate  
January 22, 2018

---

PRESIDENT FOLEY: AM1534 is adopted. Anything further on the bill, Mr. Clerk? [LB258]

CLERK: I have nothing further, Mr. President. [LB258]

PRESIDENT FOLEY: Senator Hansen, you're recognized to close on the advance of the bill to E&R Initial. [LB258]

SENATOR HANSEN: Thank you, Mr. President. And thank you, colleagues, for the votes on those two amendments. I would just like to close by again kind of thanking everybody who has worked with us on this bill, as well as the Department of Motor Vehicles, and the Department of Correctional Services, Director Frakes and Director Lahm. Frankly, they have created a quite elegant and quite simple solution to what initially was possibly a complex problem. I appreciate those two departments and those two directors and their staffs have been able to work together and get this resolved with no additional cost to the state. So with that, Mr. President, I would ask for a green vote on LB258. [LB258]

PRESIDENT FOLEY: Thank you, Senator Hansen. Members, you have heard the debate on LB258. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB258]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB258]

PRESIDENT FOLEY: LB258 advances. Next bill, Mr. Clerk. [LB258]

CLERK: Mr. President, LB310 was a bill originally introduced by Senator Friesen. (Read title.) Introduced on January 12 of last year, referred to the transportation Committee. The bill was advanced to General File. No committee amendments. I do have an amendment to the bill from Senator Friesen, Mr. President. (AM1544, Legislative Journal page 303.) [LB310]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Friesen, you're recognized to open on LB310. [LB310]

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

Floor Debate  
January 22, 2018

---

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. Those of you who were here a few years ago when we passed the implements of husbandry bill, in that was an inadvertent slip dealing with culverts. And so what LB310 is, it was brought to me by the Nebraska Association of County Officials, highway superintendents, and surveyors. The highway superintendents had concerns about when weight limit signs should be posted on county bridges. Currently, every county bridge must have signage posted showing the weight that the bridge will safely bear. LB310 would amend these statutes to require counties to post such signage only on bridges that will bear weight limits less than the legal load limits found in Section 60-6294. Currently, Section 39-1412 provides that any person who drives a vehicle exceeding the posted weight limit shall be guilty of a Class III misdemeanor, and shall recover no damages from the county because of an accident or injury caused by operating an overweight vehicle on a county bridge. Section 60-6,294, (8), places responsibility for damages with the owner of the vehicle. If the vehicle is overweight, but a sign was not posted, the driver of the vehicle could recover damage from the county and also would not be responsible for damages. LB310 was unanimously advanced from the Transportation and Telecommunications Committee, and it has negligible or no fiscal impact, depending on whether weight capacity signs are required. I ask that the body advance LB310 to Select File. Thank you, Mr. President. [LB310]

PRESIDENT FOLEY: Thank you, Senator Friesen. Mr. Clerk. [LB310]

CLERK: Mr. President. Senator Friesen, I have a note you wish to withdraw AM1135 and offer AM1544, Mr. President. (Legislative Journal page 303.) [LB310]

PRESIDENT FOLEY: Senator Friesen, you're recognized to open on AM1544. [LB310]

SENATOR FRIESEN: So what LB...or AM1544 does is it addresses...in LB310 we talked about exempting all culverts. This was inadvertently left in the original, like I mentioned earlier. And so you take an 18-inch culvert that's crossing a driveway or anything else, you would not be able to even enter the roadway without being able to cross that culvert. And so they would have to post weight limit signs on all these culverts. What this does basically is exempts culverts, whether it's a box culvert or a galvanized tube culvert, it exempts them if they are 60 inches or less. And so what we've done, I mean, there is culverts out there that get up into that 72-inch

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

Floor Debate  
January 22, 2018

---

diameter and larger. And those are more susceptible to crushing, if you would go over it with overloaded equipment, so we left those in the statutes. But those smaller culverts would be exempt, and they would no longer be required to be posted or have weight limits on them. So I would appreciate everyone's support of AM1544. [LB310]

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate is now open on LB310 and the pending amendment, AM1544. Seeing no discussion, Senator Friesen, you are recognized to close on the amendment first. He waives close. And the question before the body is the adoption of AM1544. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB310]

CLERK: 36 ayes, 0 nays on adoption of Senator Friesen's amendment. [LB310]

PRESIDENT FOLEY: AM1544 is adopted. Continuing discussion on LB310 as amended. Senator Schumacher. [LB310]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Would Senator Friesen yield to a question or two? [LB310]

PRESIDENT FOLEY: Senator Friesen, would you yield, please? [LB310]

SENATOR FRIESEN: Yes, I would. [LB310]

SENATOR SCHUMACHER: Thank you, Senator Friesen. In reading through the bill, it basically says that "Any person driving across or going upon any county bridge with a greater weight than the limits set forth" in the law or "carrying capacity or weight posted or attached thereupon" as provided by law, "shall recover no damages from the county because of any accident or injury which may happen to him upon such bridge" and "shall be guilty of a Class III misdemeanor." As I read that, the injury does not have to be related to the bridge weight and weight-bearing capacity. If he were going across the bridge and got hit by a county gravel truck, this would say that he would not get any liability from the county because he happened to be on the bridge, and had nothing to do with the bridge that didn't collapse, he just got hit by a county

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

Floor Debate  
January 22, 2018

---

gravel truck on that bridge. Do we need to work on that a little bit, to say that the lack of damages that you can get from the county is limited to something that has to do with the bridge failing or too much weight on the bridge? [LB310]

SENATOR FRIESEN: I guess that would, you know, not being an attorney, and each of us reading and interpreting differently, I guess that's a matter of opinion. I don't know. [LB310]

SENATOR SCHUMACHER: Well, it seems like we're making law. So not being an attorney, we're making a lot of work for attorneys, and we appreciate that greatly. But it would seem to me that somewhere, on Select File maybe, we can put a little language in there that the immunity from liability to the county is limited to have something to do with the bridge collapsing or the tires on the truck getting blown out because a spike in the bridge jiggled loose and poked the tires or something. But it certainly doesn't extend to being hit by a county gravel truck on that bridge. [LB310]

SENATOR FRIESEN: Further question for me? You know, I was...if they're overweight, and you know, a lot of things would have to come together. First of all, they would have to be overweight before they have that collision, because isn't that what it addresses, a vehicle that is over the posted weight limit? And so therefore, they're illegal in all aspects of being on the road, on the bridge. And I suppose if they would be an accident, there would be a lawsuit. [LB310]

SENATOR SCHUMACHER: Well, you know, I think we do need to make a nexus between the immunity we're giving the county here and overweight. Otherwise, if we were just want to punish somebody for being overweight, we could say nobody driving an overweight truck anywhere in the state shall collect any damages from the county or the state or, actually, a school district or anybody, because that's our way of getting even with them for being overweight. You know, I'm not opposed to this. It's a good bill. But I do think that we overlooked that little wrinkle in the system, and those little wrinkles in the system are what make lawyers money. And we don't want to have any of that. So I'll support this bill on General File, but I would hope that we can work out a little bit of a clarification that this immunity to the county only extends if the injury to the overweight vehicle is due to them being overweight and breaking something on the bridge. Thank you. [LB310]

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

Floor Debate  
January 22, 2018

---

PRESIDENT FOLEY: Thank you, Senator Schumacher and Senator Friesen. Senator Friesen, you're recognized. [LB310]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. We will look at language and see once if anything can be added to this. It is maybe a little bit in a gray area there, so we would be more than happy to work with Senator Schumacher to address the issue. [LB310]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Crawford. [LB310]

SENATOR CRAWFORD: Thank you, Mr. President. And thank you, Senator Friesen and Senator Schumacher, for identifying that. And I thank you, Senator Friesen, for agreeing to look at that to tighten that up between General and Select. And I think that with that agreement I'm happy to support this bill on General File. And looking forward to seeing the language on Select. Thank you, Mr. President. [LB310]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Friesen, you're recognized to close on LB310. He advances...excuse me, he waives close. And the question before the body is the advancement of LB310 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB310]

CLERK: 33 ayes, 0 nays on the advancement of the bill, Mr. President. [LB310]

PRESIDENT FOLEY: LB310 advances. Items for the record, please. [LB310]

CLERK: Thank you, Mr. President. Confirmation report from the Retirement Systems Committee. Hearing notices from Retirement Systems and several from the Appropriations Committee. That's all that I have. Mr. President. Thank you. (Legislative Journal pages 375-376.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. Next bill, please.

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

Floor Debate  
January 22, 2018

---

CLERK: LB472, a bill by Senator Bostelman. (Read title.) Introduced on January 17 of last year, at that time referred to the Transportation and Telecommunications Committee. Advanced to General File. I have no amendments pending at this time, Mr. President. [LB472]

PRESIDENT FOLEY: Senator Bostelman, you're recognized to open on LB472. [LB472]

SENATOR BOSTELMAN: Thank you, Mr. President. And good morning, colleagues. I rise today to introduce LB472. LB472 is a bill I brought on behalf of the Department of Transportation. The bill was heard before the Transportation and Telecommunications Committee on February 21, 2017, with no opposition testimony. The bill was advanced by the committee on an 8-0 vote. LB472 amends Nebraska Revised Statutes 39-320 to change provisions relating to permits for advertisements along the Highway Beautification Control System, and to eliminate a fee for such advertisements. This bill would eliminate the statutory permit fee by billboard companies which own and maintain certain outdoor advertising signs. There's been a handout that's been distributed to you on your desk that has asterisked, and that's the classes of billboards that we're speaking of today. These companies will still be required to apply for and renew the permits, and otherwise comply with all state and federal laws and regulations regarding outdoor advertising and highway beautification. Originally, the statute fee for each permit was set at a range of 25 cents to \$15, and have not been changed since. The Nebraska Department of Transportation currently charges \$15 regardless of the size of the billboard or technology used. This bill would simply eliminate that fee to help make it easier and more attractive for companies to do business in Nebraska. The fee the department receives currently is a very modest amount, and the department is in favor of eliminating this fee. This bill would result in the Roads Operations Cash Fund losing approximately \$19,000 annually, which is 100 percent from the Nebraska Department of Transportation. No other state or local agencies will be affected by this bill. Therefore, I ask for your support of LB472 and its advancement with a green vote on this bill. Thank you. [LB472]

PRESIDENT FOLEY: Thank you, Senator Bostelman. Debate is now open on LB472. Seeing no discussion, Senator Bostelman, you're recognized to...he waives closing. The question before the body is the advance of LB472 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB472]

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

Floor Debate  
January 22, 2018

---

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB427. [LB472]

PRESIDENT FOLEY: LB472 advances. Next bill, please. [LB472]

CLERK: LB78 is a bill by Senator Crawford. (Read title.) Introduced on January 5 of last year, referred to the Transportation Committee. Advanced to General File. There are committee amendments pending. [LB78]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Crawford, you're recognized to open LB78. [LB78]

SENATOR CRAWFORD: Thank you, Mr. President. And good morning, colleagues. The idea for LB78 came from a conversation I had with a former Bellevue City Council member as I was going door to door. During our conversation, I learned of some of the challenges the city of Bellevue faced when trying to redevelop a relinquished section of old Highway 75, which is now Fort Creek Road. Our current statute, which was last updated in 1955, requires the Department of Transportation to first offer to relinquish a fragment, section, or route on a state highway to the political or government subdivision where the highway is located before it can be abandoned. In making an offer to relinquish to a petitioning subdivision, the department may include certain terms or conditions. Furthermore, the department may reject any petitions by a political or government subdivision seeking to maintain such highway that does not accept all these terms or conditions. The Department of Transportation can then proceed to abandonment. LB78 would give political and government subdivisions the ability to formally negotiate the terms and conditions of relinquishment with the Department of Transportation before taking over the section of the highway. This ability to negotiate is critical to the subdivision, as they are taking over all maintenance costs and responsibilities associated with the relinquished section. After an agreement is made, a written memorandum of understanding between the department and the subdivision would have to be filed as public record. Once the agreed on terms or conditions are filed, political or government subdivisions would also have the ability to petition the Department of Transportation to renegotiate if there is a change in fiscal or other circumstances, or for economic development purposes. The ability to renegotiate set terms or conditions can be critical for redevelopment purposes. LB78 provides a mechanism to revisit the agreement if a

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

Floor Debate  
January 22, 2018

---

convincing case can be made to the Department of Transportation to do so. As I mentioned previously, a section of old Highway 75 was relinquished to the city of Bellevue in the 1990s, and became what is now Fort Creek Road. This area of Bellevue has been the center of many redevelopment conversations among city planners. When the new chiropractic practice was being developed on Fort Creek Road in 2012, it was determined that the additional square footage was needed to maintain the size of the parking lot, while still having enough land for their planned landscaping project. Before moving forward with the landscaping project, the city planners reached out to the Department of Transportation. Because decades had passed since the relinquishment, and there were no clear records of the agreement, it was unclear whether the city or state had ownership of the land adjacent to the parking lot. If LB78 had been in effect in the 1990s, a clear record of the terms of agreement would have been developed and available on the public record. According to the state, the city was not authorized to sell the land to private buyers, such as the chiropractor office, even though they were deeded the land in question. Instead, the city was advised to deed the land back to the state, who had the actual right of way to the land, and under the assumption it would then sell the portion of the land for the landscaping project to the business. After the land was deeded back to the state, they had a market analysis performed and offered to sell the approximately 15 feet of land that was needed for the project for \$15,000. Although there was a market assessment that both the city and business owner believed to be high, it was unclear what ability they had to negotiate at this point in the process. If LB78 had been in place, the city could have petitioned the state to renegotiate in a way that addressed this issue. After 15 months of discussion, a waiver for the amount of land needed for the landscaping project was eventually granted by the state, but they retained ownership of the remainder of the land that had been previously deeded to the city. LB78 would have required the city of Bellevue and the Department of Transportation to discuss and agree upon terms or conditions before the relinquishment. These terms also would have been filed on public record and could have been referenced during a situation like the one you just heard to avoid confusion. Finally, many of the issues that occurred may have been more easily resolved if the city and Department of Transportation had a clear process in place to renegotiate in a more formal manner. I would note that LB78 was voted out of committee 8-0, and there was no opposition at the hearing. The Department of Transportation did submit a letter to the committee outlining a technical concern. Mainly, they wanted to ensure any rights or conditions asserted by the department at the time if the right of way acquisition or stipulated as a requirement for



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

Floor Debate  
January 22, 2018

---

federal funding could not be renegotiated by municipalities. Committee amendment AM315 adds these conditions that cannot be renegotiated, and also clarifies the memorandum of understanding must assert the municipality's ability to renegotiate if future conditions allow. In closing, LB78 would allow for a more fair, transparent, and efficient process for parties involved. Clearly leaves the Department of Transportation in the stronger position, but creates some authority for municipalities to negotiate. Relinquishment allows the Department of Transportation to keep pushing for the most efficient use of our state roads. However, effective transportation economic development of the state requires these relinquishments are done in partnership with the municipalities that are taking over the responsibilities for these roads. LB78 provides a path to improving the ability of municipalities to manage roads and foster economic development in partnership with the state. I appreciate your time and attention to this issue and will try to answer any questions you may have. With that, I encourage you to vote green on AM315 and LB78. Thank you, Mr. President. [LB78]

PRESIDENT FOLEY: Thank you, Senator Crawford. As the Clerk indicated, there are amendments from the Transportation and Telecommunications Committee. Senator Friesen, as Chair of that committee, you're recognized to open on the committee amendments. [LB78]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. In discussions with the Department of Transportation and others, we reached an agreement that would be AM315. And so I think all the understandings that have occurred, we realize that there were issues out there that sometimes that mistakes were made. And by addressing it in this fashion, we still feel that the DOT, in meeting with the entity that has a problem, there is a way to negotiate a settlement. And in the end, if the Department of Transportation says that no, everything was correct, it still can be maintained the way it is. So I will speak in favor of AM315 and LB78. [LB78]

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate is now open on LB78 and the pending committee amendment. Seeing no discussion, Senator Friesen, you're recognized to close on the committee amendment. He waives close. And the question before the body is the adoption of AM315, the Transportation Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB78]

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

Floor Debate  
January 22, 2018

---

CLERK: 30 ayes, 0 nays on the adoption of committee amendments. [LB78]

PRESIDENT FOLEY: The Transportation Committee amendments are adopted. Debate continues on LB78 as amended. Seeing no discussion, Senator Crawford, you're recognized to close on the advance of the bill. She waives close. And the question before the body is the advance of LB78 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who had care to? Record, please. [LB78]

CLERK: 32 ayes, 0 nays on the advancement of the bill. [LB78]

PRESIDENT FOLEY: LB78 advances. Next bill, please. [LB78]

CLERK: LB515, introduced by Senator Bolz. (Read title.) Introduced on January 18 of last year, referred to the Business and Labor Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM205, Legislative Journal page 614, First Session, 2017.) [LB515]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Bolz, you're recognized to open on LB515. [LB515]

SENATOR BOLZ: Thank you, Mr. President. Workforce quality and availability is the top concern of businesses, specifically the Chamber of Commerce as a whole in Nebraska. That's the finding of their latest survey of business executives and community leaders across the state, and has been the finding of that survey during the entire period of my service in the Nebraska Legislature. Further, the Nebraska Department of Economic Development commissioned a survey...commissioned a report entitled Nebraska's Next Economy, which outlined workforce challenges slowing our economy, including statewide workforce shortages, acute workforce shortages in higher-skilled occupations, and failure to integrate under-served populations into the worker pipeline. If we look toward the future, we also see that by 2020, 70 percent of Nebraska's projected jobs will require postsecondary education. However, Nebraska's current labor force does not have the level of education we need for the future, as only 44 percent of our population has an associate's degree or higher. That is part of what prompted me to bring LB515. This bill

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

Floor Debate  
January 22, 2018

---

and it's accompanying amendment put into statute authorizing legislation for policy that merges remedial or developmental education with specific job training, credential earning programs, and credential earning programs at our state's community colleges. The bill and the amendment as adopted will not yet fund the program, but puts into place the best practice policy for a better budget year into the future. And I appreciate the Business and Labor Committee's unanimous support of this strategy to move forward best practice policy. I will also add at this point that I am bringing an accompanying funding bill to Business and Labor. Because that bill has not yet had a hearing, I didn't think it was an appropriate strategy to amend it into this legislation as the funding proposal, but am thinking towards the future about how we put the dollars behind this initiative. Regardless, this is best practice policy. It's modeled after a program that has been developed by Washington State called the I-BEST program. I-BEST stands for Integrated Basic Education and Skills Training. The program started in 2004 and combines in-classroom professional and vocational education with remedial or developmental education and instructors. And this program has been exceptionally successful in the Washington State area. The analysis shown that the graduates of these programs are significantly more likely to continue onto credit-bearing programs and, importantly, see significant wage increases after completing the programs. We have a great opportunity to follow a model that has shown success. Matching one of the state's greatest needs, a qualified workforce, with those who need an opportunity to get ahead. Individuals of all kinds and stripes need remedial education and skills training. In fact, a study completed by Accelerate Nebraska found that between 25 and 70 percent of students require remedial education in math, depending on the community college area, and between 18 and 38 percent of students require remediation in English, depending on the community college area. I think it's important to note at this point that all kinds of people need remedial or developmental education. And those terms can be used interchangeably. I think developmental education is the preferred terminology. But if I were to change my career path from social work to, say, phlebotomy, I would need remedial education in science, because I have not kept up with my science education and training, and didn't take that foundational coursework when I was an undergraduate. So for folks who are changing career paths, who are unemployed, or under employed and seeking the next opportunity, those courses are exceptionally important. A couple of important points I want to make as I wrap up my introduction. The first is that I have been asked the question: What is the population that you are targeting? And the bill language is fairly broad, it says underemployed, unemployed, youth, and others who might benefit from this type

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

Floor Debate  
January 22, 2018

---

of integrated career and remedial or developmental education. And all kinds of people might benefit from that. The community colleges would have the flexibility to focus on a specific population that is most in need in their community or area. The other point I wanted to make is that those education and training programs must be in high demand and must offer industry-recognized credentials, as well as pay above-average wages, and will need to be evaluated in order to continue forward. So colleagues, I think this is an innovation that addresses some of the significant demands we see in our workforce and our economy, and I think it's a great strategy to move forward. I appreciate the Business and Labor Committee's support on this piece of legislation, and I ask for your green vote on LB515. Thank you, Mr. President. [LB515]

PRESIDENT FOLEY: Thank you, Senator Bolz. As the Clerk indicated, there are amendments from the Business and Labor Committee. Senator Albrecht, you're recognized to open on those amendments. [LB515]

SENATOR ALBRECHT: Thank you, President Foley. We do have an amendment, AM205, from Business and Labor. It was a motion made to amend LB515 by qualifying that the program shall provide grants "to the extent funds are appropriated by the Legislature." Secondly, Section 4 qualifies the commissioner's responsibility of developing an annual evaluation of the program "To the extent funds are appropriated by the Legislature." And finally, in Section 6, it states that the committee shall administer the program "to the extent that the funds are appropriated by the Legislature for such purpose". And the motion was made by Senator Chambers and seconded by Sara Howard, Senator Howard. So I would ask that you please adopt AM205 to LB515. Thank you. [LB515]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Debate is now open on LB515 and the pending committee amendments. Senator Linehan. [LB515]

SENATOR LINEHAN: Thank you, Mr. President. Would Senator Bolz yield for some questions, please? [LB515]

PRESIDENT FOLEY: Senator Bolz, would you yield, please? [LB515]

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

Floor Debate  
January 22, 2018

---

SENATOR BOLZ: Sure. [LB515]

SENATOR LINEHAN: Thank you, Senator Bolz. So these handouts that you I think passed around this morning are very informative, thank you very much. I have a couple of questions on the bill overall. Could you again...I'm confused I guess by the definition of "developmental education", because usually in education, that's little kids. Obviously these are adults. []

SENATOR BOLZ: Sure. [LB515]

SENATOR LINEHAN: So just if you could provide a better definition. [LB515]

SENATOR BOLZ: Sure, you bet. I'm trying to be respectful of higher education trends in terminology. I think the more well-known term is "remedial education", it's education that gets your skill sets up to the level that you need in order to perform in credit-bearing community college courses. The new term tends to be remedial..."developmental education". It is seen as more respectful, I suppose, rather than maybe a stigma that might come along with "remedial education". Because, you know, in fact, all kinds of people may need some opportunities to brush up their skill sets if they're going into a new field, or if they haven't been in higher education for a period of time. [LB515]

SENATOR LINEHAN: Thank you very much. And this...one other question, if you would still bear with me. [LB515]

SENATOR BOLZ: Oh, of course. [LB515]

SENATOR LINEHAN: So mostly this would be grants that were going to community colleges. So you see the community colleges in charge... [LB515]

SENATOR BOLZ: Precisely. Yep. So the Coordinating Commission for Postsecondary Education already has a subset of...a group that has a number of different functions for the community colleges. One of the things that they do is oversee the distribution of the GAP tuition assistance program. So that existing group would make discernments about which community

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

Floor Debate  
January 22, 2018

---

college applications for such programming would be granted the funds when they are available.  
[LB515]

SENATOR LINEHAN: Thank you. [LB515]

SENATOR BOLZ: Sure. [LB515]

SENATOR LINEHAN: I guess my concerns on this would be, and I do appreciate the explanation on the definition of development, because I do think one of our problems, and you outline it well with these handouts, is we have too many kids graduating from high school that then when they go to community college...well, I think I'll just read from your handout here. "According to a report by Accelerate Nebraska, between 25 percent and 70 percent of students require remedial education in math, depending on the community college area. Between 18 and 38 percent of students require remedial education in English, depending on the community college area." So if I remember right, there was somewhere else in these handouts, and what I have read previously, because I remember studying this report last year, there...even though our graduation rates are high, which you mention here, 90 percent, we have too many kids it seems graduating from high school, which one would assume therefore prepares them to be ready for the workforce, or community college, or four-year college, that actually aren't ready. Another thing on the report that I find...I just want to update, and it's on the one that says statewide summary, under "Align on expectations for K-12 education outcomes: Nebraska's average ACT score of 21.5..." that, as we all know, I think, is a dated number. The 90 percent graduation rate is still, as far as I know, still correct. [LB515]

PRESIDENT FOLEY: One minute. [LB515]

SENATOR LINEHAN: But I don't think the ACT score is great. And I think we all...I believe, first of all, community colleges serve a very important need in Nebraska and all across the country. I've taken several courses at community college, my daughter graduated with a degree from college and then went back to community college to prepare to go back to school to be a nurse. So I understand the importance of these programs. But I don't think we should look to the community colleges or grants to do remedial work that our high schools and our grade schools

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

Floor Debate  
January 22, 2018

---

should be doing. So I'm going to have some questions about this. But I thank you for bringing the bill, I appreciate very much what you're trying to do here, and it is a problem with our workforce. I hear it all the time, people can't find people that...employees who have the basic skills they need. And it's a problem for Nebraska. So thank you for looking into this. Thank you, Senator. [LB515]

PRESIDENT FOLEY: Thank you, Senator Linehan, Senator Bolz. Senator Friesen, you're recognized. [LB515]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. Yeah, reading through the bill, I, too, agree with many of the issues that are out there. And I've stated before I think a lot of times our high school students are not prepared to go on to college, and we need to address that issue at a sooner age. Senator Bolz, would you yield to a question? [LB515]

PRESIDENT FOLEY: Senator Bolz, would you yield, please? [LB515]

SENATOR BOLZ: Yes, I'll yield. [LB515]

SENATOR FRIESEN: Senator Bolz, when I was looking at the fiscal note, a lot of times, you know, you realize our community colleges are funded with property taxes. Do you see any need to increase property taxes, or will any of that property tax dollars be used in any of this programming? [LB515]

SENATOR BOLZ: I appreciate the question, Senator Friesen, and it's a good one. So, the bill, as presented on the floor today, doesn't have a fiscal note because it is establishing language so that we could fund this best practice policy if those funds were available. And as I mentioned, I've got an opportunity for a funding stream that will be heard by the Business and Labor Committee. So there is currently no fiscal note. But your question is really getting at...the heart of your question, as I understand it, is really getting at the question related to property taxes. There is a requirement that a quarter of the funding streams be provided...a quarter of the funds be matched by the local area. That could be matched in a number of ways, it could be matched by existing funding in the community college, it could be matched by philanthropy, it could be matched by

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Transcriber's Office  
Rough Draft

Floor Debate  
January 22, 2018

---

business interests. It's important to note that community colleges are already providing a significant amount of remedial and developmental education, but they aren't necessarily providing it in an innovative way that fast-tracks students into career programs. And that's really the opportunity that we have here. I hope that answers your question, I'll give you the microphone back if you have a follow up. [LB515]

SENATOR FRIESEN: Thank you, Senator Bolz. I don't think you'll...any more questions. Just from my perspective, I mean, I do have a bill sitting in committee somewhere that addresses community college being transitioned into state funding. And this is one of the things I think that we need to discuss a little bit when we talk about programming for community colleges or the state colleges, and community colleges in particular, because they're funded with property taxes. What we have done is, if we're going to be most efficient in this state with our education dollars is the community colleges should be looked at too. If there's any duplication of programming or anything with high schools and clear the through the college university system. And I think sometimes we're duplicating resources when they could be more localized and done in a more efficient way. And so when I look at the property taxes levied by community college, I know they have a lid of somewhere around 11 cents or 10-and-a-half. But it is a factor. And the way we have designed our community colleges, or the way they're operating these days is that there are students from all across the state jumping all over the place to get an education because one community college has a program that's better than another. And that's kind of how it should work. But when they're funded locally with property taxes, that's when you put an undue burden, sometimes, on those local property taxpayers. And so eventually I think our...the goal of the state should be to transition the community college system off of property tax dollars and fund it with state dollars. Again, I'm a big fan of community colleges, I am a graduate of a community college. And I think they do excellent work, and a lot more students should look at that before attending the university system. So thank you, Lieutenant Governor. [LB515]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Erdman. [LB515]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. Senator Friesen, I echo your comments about graduating from a community college, I did as well. And what we see here, I think, is a symptom, and so I appreciate Senator Bolz recognizing this. And the symptom is



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

Floor Debate  
January 22, 2018

---

those people graduating from high school can't do math and they're poor in English. And so it's a failure on the part of the high schools to teach these children, these young people, to have the skills needed, whether they're going into college or not. They need to have basic skills to make it in life. And so we're spending tax dollars, property tax dollars for education in the grade schools and the high schools, and they're not accomplishing their job. So they show up at the community college, and now, according to this, what Senator Bolz gave us, 25 to 70 percent of students need help in math--18 to 38 percent are deficient in English. So we're going to treat the symptom. And we're going to make sure that these people, once they get to community college, can learn what they need to learn to go on. We need to treat the cause. The cause is we're not teaching these young people in high school, so when they graduate they're able to accomplish what they need to. So what we've done to improve the graduation rate, we've lowered the standards. So what we need to do if the high schools are going to lower their standards, then we need to lower the standards of the community college so these people can get in without taking remedial math and English. This doesn't work, it doesn't make us competitive, and it's not going to work. So we need to fix the problem, we need to teach the kids when we have them in high school, so that they can compete, and so that they can go on to get a degree if they need to. So consequentially, it all boils down to property tax again, as Senator Friesen said. And I'm with you, Senator, if you want to transfer the funding of community colleges to the state, I'm with you all the way on that one. But, Senator Bolz, we need to look back at the root cause of why these kids can't do math and English and fix it there. And then you wouldn't need to have this bill to have the community college to teach them remedial math and English. And a few months ago, the Department of Education said we're not getting enough teachers into the teachers colleges, so we need to lower the standards after their sophomore year in college so they can pass the test to become a teacher. So those colleges have these students for two years, and after two years they can't pass a test. Those colleges need to look back to see what are we teaching them that they can't pass the test. Maybe we need to revamp our curriculum so that they can pass. But we always want to make it easy, and we always want to do the thing to correct the problem after it has been created. And so I suggest, instead of doing something like this, we go back and teach people in high school so they can learn and compete. So I'm really having a difficult time understanding why we should fix this now, when in fact we need to look at fixing it in high school so we don't have to deal with it this. Thank you. [LB515]

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Transcriber's Office  
Rough Draft

Floor Debate  
January 22, 2018

---

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Schumacher. [LB515]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. It looks like this may be turning in a little bit to a discussion on workforce development and on education and on maybe even bigger picture policy. You know, when you think of the history of the state, we were agriculture. Everybody had their little quarter section, four families to a section, and the kids knew how to do the things that you need to do that looked an awful lot like manufacturing. You could pound on this and fix that and change this gear out and work on this piece of equipment. And it was kind of home-spun schooling because that's where they learned how to live. And as our agriculture changed and we became more like one family for four sections and we changed the nature of agriculture fundamentally from small farms to things held by LLCs and Subchapter S and trusts and estates, those kids had to have a place to go. And our little schools, even the k-8s, did pretty good. My folks, my dad went to eighth grade, mom went to fourth, and they can add and read and subtract and all those things. But as we pushed those kids off the farms, our focus changed to manufacturing. And the kids came with the skills necessary. They knew how to pound and wind and clean and work with gears. They were self-educated. And we had our community developers run around and say, look it, come to Nebraska, we've got cheap labor, we've got cheap electricity. Make big bucks in Nebraska. That was our pitch, and we kind of married that pitch. Part of the cheap labor part was we don't have unions here. And this leads me to the little point of this segment. I was in a hearing in Revenue Committee sometime in the last six years, I seem to remember. And we were grappling with community colleges, how to educate our workforce, like if you could educate welders in a hospital-clean building at a community college. And we were trying to grapple with how do we get an educated workforce that will play the function of what the farm kids got when they were milking cows and fixing the plow. One thing stood out to me, and it's heresy. But it's okay, I'm term-limited, so I can speak heresy. The folks from the AFL-CIO showed up and explained how they mentor and they train and they develop their workforce. And I wonder if the folks who use a unionized workforce have quite the same level of training problems as the folks who try to find nonunionized workers. It seems that the problem of trained labor, skilled labor, not necessarily academic-type stuff, but skilled labor, was solved a long time ago, with the development of a mentoring system, a training system, a system for keeping people employed and working in an industry, in a job. And we abandoned it because we didn't need it, because our farm kids were trained to do manufacturing. But

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Transcriber's Office  
Rough Draft

Floor Debate  
January 22, 2018

---

sometime in your time here keep in the back of your mind that there is no free lunch. And to the extent we got a free lunch by advertising nonunion, cheap, farm labor... [LB515]

PRESIDENT FOLEY: One minute. [LB515]

SENATOR SCHUMACHER: ...we may be paying for it now in a very expensive and inefficient way, with all these training programs and training grants and community colleges and transition from high school to community college and all these residual things. To teach a worker, you need somebody who is a worker and who knows how to do the job. And I don't know if you can do that from academia. Thank you. [LB515]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Bostelman. [LB515]

SENATOR BOSTELMAN: Thank you, Mr. President. Would Senator Bolz yield to a question? [LB515]

PRESIDENT FOLEY: Senator Bolz, would you yield, please? [LB515]

SENATOR BOLZ: Sure. [LB515]

SENATOR BOSTELMAN: Couple questions for you, just so I can kind of clear my mind on this. And you may have addressed this earlier and I missed it, and I apologize if I did. This only goes...this bill set up for community colleges only, why does it not provide funding to other colleges or universities or privates? [LB515]

SENATOR BOLZ: It's a good question, and it just really relates to the mission of the community colleges. The vocational education and training is the statutory mission of community colleges. And that connection to the career and vocational certificate is what makes it most appropriate to only be funded through the community colleges. [LB515]

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Transcriber's Office  
Rough Draft

Floor Debate  
January 22, 2018

---

SENATOR BOSTELMAN: Do you have a dollar figure, something in mind as to what you think, when LB991 comes up, what's the fiscal impact of this, how much money would it take to run...to do this type of training you're talking about? [LB515]

SENATOR BOLZ: It's a great question. The bill that I am bringing to the Business and Labor Committee initially would fund it at \$750,000 from an existing funding source. And so my estimate would be that that would fund either one or two programs, depending on the scope. If you give me one second, in Washington state, the cost per pupil to complete the program was around \$7,000, which is similar to, you know, a program that...here it is, \$7,279 per student. So the \$750,000 figure would be about 100 students in the state. And that's not that different from other types of higher education programs. [LB515]

SENATOR BOSTELMAN: Okay, thank you. I kind of agree a bit with what Senator Friesen was saying earlier. The community college in part of my district, went out for an extremely large bond issue this last time around, and I'm concerned with property taxes, how we fund these. And I guess part of the concern is, if this is something that our community colleges can't fund within the current fiscal note, fiscal responsibility that they have, why is it that we need to give them more money when they've already been looking for a lot...quite a bit more money in bonding and other type of things, and a lot of that goes to infrastructure and the such. But really, it's a funding issue, potentially, that will come back on our local property owners, and as well as, I'm concerned on the fact that if we're not educating our students, our youth, when they're coming out of high school, that is that the place that we need to better address this, rather than waiting until they get out of high school and maybe have start on a career path and find out they're not adequately educated and need help. We need to address that a little bit sooner in life, at the school level, at the high school or junior high level, or even earlier. So there's a couple of questions, concerns I have with this, is just that that funding, we're giving more money now to community colleges, who are taking a lot of property tax dollars from our local communities. And where that fund is going to come from and how that's going to affect us in general, as well as just...if we're not providing the education currently in our grade schools, junior highs, and high schools, I think that's where our focus should be, rather than waiting later until they get out of high school and find out...either they get into the workforce or they get into college and they

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

Floor Debate  
January 22, 2018

---

need to do additional, if it's remedial or other type of education, to bring them up to where they need to be at the college level or the community college level. [LB515]

PRESIDENT FOLEY: One minute. [LB515]

SENATOR BOSTELMAN: Those are concerns that I have. So thank you very much. [LB515]

PRESIDENT FOLEY: Thank you, Senator Bostelman. Senator Crawford. [LB515]

SENATOR CRAWFORD: Thank you, Mr. President. I rise in support of LB515. And we did hear this in front of the Business and Labor and heard positive discussion about how these programs could be created. I also serve from this body on the Midwestern Higher Education Compact, and I would say that Senator Bolz is correct in noting that this policy is one that's based on what we understand as best practices in policy in terms of making sure that we are helping students complete degrees and get into our workforce. And one of the things that we find is that students get sidetracked on remedial or developmental educational classes. And why they get there or how they get there, regardless of why they get there or how they get there, it becomes a huge barrier to students completing a degree and getting into the workforce. And I also want to just note, we all want to make sure our students are graduating with the skills they need to succeed. But I'll note, if you read the bill, you will see that another important target population for this bill are students who have not completed their high school education. And so this is a second chance, or an opportunity for those students to get a chance to get the skills they need to complete the skills necessary to be successful in the workforce, but also to be able to complete that high school component, as well as getting a chance to get the community college credentials that they may need to be successful. And also, we have many people coming into our state who don't have the language skills that are necessary to succeed in the workforce. And so again, we have adults coming into our communities, and this provides an opportunity for programs to be developed that will allow those adults to make sure that they can get the workforce skills they need to contribute and be effective in our workforce. And again, this is a grant program, so it does require that the community identify a program that will be successful in their community and fits in their community for a short-term. It's a three-year program grant. And that also helps to make sure that we are tackling this issue, and as we continue to make sure

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

Floor Debate  
January 22, 2018

---

we're working on education on all fronts. But this is one piece of the puzzle of making sure that we're moving forward to make sure that those students, those adults and young adults who are in our community, are able to get the skills that they need. And that the community colleges are working with those community partners. And a key piece here is that the career education and applications are integrated into the math and reading. And sometimes there are students who just don't connect on those topics when they're going through high school, and this second chance gives them a chance perhaps to see math or learn reading in a whole new way when they're in this community college setting where there's been a specific career focus and integration. And again, this provides an opportunity for some of those young adults to get a second chance. Meanwhile, obviously we will continue to work to make sure we're providing opportunities and strengthening opportunities for those students in high school now and in our middle school now. So I see this as a part of the whole puzzle of making sure we're strengthening education across the board. And this provides a very important need to make sure we get young adults who may not have taken full advantage of their high school opportunities or, yeah, adults that are moving into our state that just don't have the math and language skills necessary to be successful in our workforce, to have a chance, a second chance, an opportunity to get those skills so that they can be successful in our workforce. [LB515]

PRESIDENT FOLEY: One minute. [LB515]

SENATOR CRAWFORD: And then continue obviously to work with our high schools to make sure that all of our students are prepared coming out. Thank you, Mr. President. [LB515]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Linehan. [LB515]

SENATOR LINEHAN: Thank you, Mr. President. Senator Bolz, could you yield for just one more question, please. [LB515]

PRESIDENT FOLEY: Senator Bolz, will you yield, please? [LB515]

SENATOR BOLZ: Of course. [LB515]

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

Floor Debate  
January 22, 2018

---

SENATOR LINEHAN: I think I heard you say earlier that you've identified a funding source that you believe could be used? [LB515]

SENATOR BOLZ: I have. [LB515]

SENATOR LINEHAN: Would you mind sharing that with the Legislature? [LB515]

SENATOR BOLZ: Sure. One opportunity is using the existing Worker Training grants, which are funded through the interest of unemployment payments, unemployment insurance payments. I didn't bring that as an amendment on the floor today because I thought it was more appropriate that that funding stream have its day in front of the committee and have a hearing. There are other opportunities as well. That is the one I'm proposing to Business and Labor later this year. [LB515]

SENATOR LINEHAN: Thank you. Uninsurance (sic) payments are made by whom, the employer? [LB515]

SENATOR BOLZ: So, they are state and federal funds, and the interest on our existing unemployment insurance funds is what flows into the Worker Training Grant program. [LB515]

SENATOR LINEHAN: Thank you very much. [LB515]

SENATOR BOLZ: Yes, thank you. [LB515]

SENATOR LINEHAN: I would like to echo Senator Friesen and Senator Bostelman's concerns also, regarding property taxes. About, I don't know, some time during the football game, toward the end last night, I was going through my emails, and was a recipient of one of which I'm sure many of you also received from your constituents, as to their irritation in the increase in their valuations, and the fact that every...for the last five years, if I remember the email correctly, every increase in wages this homeowner had received had been more than eaten up by increases in property taxes. So I do think we have to be very careful when we're expanding anything that's dependent upon property taxes. The other thing I thought Senator Schumacher's comments were

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

Floor Debate  
January 22, 2018

---

very good, and I wish Senator McDonnell were here, so he could help us a little bit with the needs of the trades. It's my understanding that one of the reasons we have kids in community college to pick up these developmental tasks are because they can't go to the programs that Senator Schumacher was talking about, because to be a plumber or machinist you have to know math. And if you don't know math, you can't get a good job in the trades. So that's a problem. Also, there's one line, again, on these sheets that Senator Bolz handed out that I think it would do us all good to pay attention to. And I appreciate very much it's on here. "Nebraska," and I'm quoting from the one that's got two boxes on it, in the second box, first bullet point toward the end, "Nebraska must create clear standards to ensure that it does not continue to pay to teach students the same materials multiple times." I think most taxpayers in Nebraska, and more importantly really than even the taxpayer, are the kids. We cannot continue to push kids through school when they don't have the skills they're going to need to be successful in life. Especially as Senator Crawford mentioned, minority kids. We are, and I don't know, Senator Vargas...is Senator Vargas on the floor? [LB515]

PRESIDENT FOLEY: I do not see him at the moment, Senator. [LB515]

SENATOR LINEHAN: We are...Senator Pansing Brooks, I hope she's okay with this. Senator Pansing Brooks and I toured multiple schools this summer, and the minority number of kids in our schools... [LB515]

PRESIDENT FOLEY: One minute. [LB515]

SENATOR LINEHAN: ...especially in the little grades where we were visiting, is increasing rapidly. If we have a situation that our education system is failing those kids, whether they be Latino or African-American, it's a problem for the state, because those are the kids we have. So I agree wholeheartedly with this statement that we need clear standards and we need to continue to work to make sure that we are not paying or using taxpayer dollars to teach students the same materials multiple times. Thank you, Mr. President. [LB515]

PRESIDENT FOLEY: Thank you, Senator Linehan. Seeing no further discussion, Senator Albrecht, you're recognized to close on the committee amendment. [LB515]



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

Floor Debate  
January 22, 2018

---

SENATOR ALBRECHT: Thank you, President Foley. I would like a yes on AM205. Certainly, we have somewhat the cart before the horse, I think, in not knowing where the moneys are going to come from, but should LB515 go forward, we would definitely have to have AM205 on that bill. So I'd appreciate a yes on AM205. Thank you. [LB515]

PRESIDENT FOLEY: Thank you, Senator Albrecht. The question before the body is the adoption of the committee amendment, AM205. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB515]

CLERK: 32 ayes, 0 nays on adoption of committee amendments. [LB515]

PRESIDENT FOLEY: Committee amendments are adopted. Is there any further discussion on LB515 as amended? Senator Albrecht. [LB515]

SENATOR ALBRECHT: Thank you, President Foley. Colleagues, I would just like to stand, and as Chairman of Business and Labor, we did vote this out 7-0. And I do commend Senator Bolz for bringing this information forward. However, in the interim, I spent many, many days here in Lincoln with Senator Crawford and many other folks, as well as another committee that I serve on, which is a Workforce Development Task Force. And the Department of Labor works very diligently with us on regional studies that they provide for us. Senator Crawford invited several of the k-12 school board, the folks that decide what kind of curriculum k-12 will have. I will definitely say that I was encouraged by the willingness of not only k-12, but our community colleges, our state colleges, our universities, to change up their curriculum so that they can provide the best workforce available to us so that our children will stay home. Another thing is I've also, on one of my task forces, I sit with a gentleman that takes care of a lot of the unions. My father was a union man. And their plea with us is to train these children on the basics before they ever leave school so that they can pass that test to become an electrician or a plumber or a welder. So again, with this bill just being for the community colleges, I'm not clear how you would apply, how you would become that particular person that would get the help in developing those skills but, you know, the contractors have a school. The electricians, the plumbers, all of them have the ability to attract people, but we need to make certain in junior high and high school that we are preparing these children before they ever leave. So while this was one of the

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

Floor Debate  
January 22, 2018

---

very first bills, I even visited with Senator Bolz and let her know it was almost a priority for me last year out of Business and Labor as the Chair. And I just absolutely understood that we have problems with that. But standing here today, not really knowing where the funding is going to come from, knowing that we're in fiscal constraints at this point, and it would probably be shelved anyway on Select because of the fiscal note, I don't know that now is the time for this bill. So I would be pulling out of my support on LB515, even though it did come out, those are the reasons that it did. And I'll let everybody else decide what they would like to do. Thank you. [LB515]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Seeing no further discussion, Senator Bolz, you're recognized to close on the advance of the bill to E&R Initial. [LB515]

SENATOR BOLZ: Thank you, Mr. President. I would like to address just a couple of the issues that were brought up on the floor today. The first is related to the funding stream and the concern about property taxes. As I mentioned, this is best practice policy. And that we would establish this grant program for the appropriate funding stream when the appropriate time is available, and we will have that conversation in front of the Business and Labor Committee this year. And if that's not the appropriate funding stream, establishing this as best practice policy is still a good decision, because we have still recognized, according to the Nebraska Department of Economic Developments own SRI report, that these under-served populations are one of the things that we need to address in order to move our economy forward. So I would really appreciate your willingness to move the bill forward at this stage in debate, and we'll be able to talk about the funding streams in future stages of debate. I also wanted to clarify that in existing community college funding sources, the matching funds can already be available, either through existing funds, through partnerships with businesses, or through philanthropic funds. So there should not be any additional pressure on property taxes, even though we are asking for that commitment and that shared responsibility from the local community college. The last thing I would like to address is some of the comments that I would agree with regarding the need to make sure that our high school students are prepared to transition to high school. I agree, I think that's an important conversation for us to have. I think that this is part of that conversation. When you have an individual student that has specific circumstances that maybe don't lead to his or her success in a particular subject matter at the high school level, he or she should still pursue that

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

Floor Debate  
January 22, 2018

---

career of his or her dreams, and that career that allows them the opportunity to contribute to their society. The other piece here is that we do need career and vocational education and training. Vocational skills and those middle skill jobs are the places where our economy is hurting. And so training up those unemployed and under-employed individuals, along with the youth, is an important aspect of this bill. So this isn't only for transitioning students from high school. It is also for someone who might be returning to community college because they need a career change, because they're looking for an opportunity to advance their own ability to earn wages and to advance in their particular career path. So I appreciate the dialogue and discussion this morning. I appreciate the opportunity to discuss career education, which I think is so important and such a vital aspect of making sure that our economy continues to be successful in a global context. And I ask for your green vote on LB515. Thank you, Mr. President. [LB515]

PRESIDENT FOLEY: Thank you, Senator Bolz. Members, you have heard the debate on LB515. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Senator Bolz, for what purpose do you rise? [LB515]

SENATOR BOLZ: I would like a call of the house, Mr. President. [LB515]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call. Those in favor vote aye; those opposed vote nay. Record, please. [LB515]

CLERK: 23 ayes, 3 nays to place the house under call. [LB515]

PRESIDENT FOLEY: The house is under call. Senators, please return to the Chamber and check in. The house is under call. Senator Hilkemann, could you check in, please? Senator Riepe, could you check in? Senator Bolz, you have an option of accepting call-in votes or requesting a roll call vote. [LB515]

SENATOR BOLZ: I'd like a roll call vote in reverse order, please. [LB515]

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

Floor Debate  
January 22, 2018

---

PRESIDENT FOLEY: All unexcused members are now present. The question before the body is the advance of LB515 to E&R Initial. There's been a request for roll call vote. Mr. Clerk.  
[LB515]

CLERK: Senator Albrecht...I'm sorry, Senator? [LB515]

PRESIDENT FOLEY: I think she said reverse order, Mr. Clerk. [LB515]

CLERK: Reverse, okay. Thank you, Senator. (Roll call vote taken, Legislative Journal page 377.)  
21 ayes, 12 nays, Mr. President, on the advancement of the bill. [LB515]

PRESIDENT FOLEY: The bill does not advance. I raise the call. Items for the record, please.  
[LB515]

CLERK: I do, Mr. President, some items. Thank you. Judiciary reports LB199 and LB226 to General File. Senator Halloran would like to print an amendment to LB718. Natural Resources reports LB758 to General File with amendments. Confirmation report from Natural Resources, two reports. And Natural Resources has selected LB758 as one of its priority bills for this session. That's all that I have, Mr. President. (Legislative Journal pages 377-387.) [LB199 LB226 LB718 LB758]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Pursuant to the Speaker's recommendation, we're going to pass over LB256 in light of Senator Briese's absence, and move on to the next bill. Mr. Clerk.

CLERK: Mr. President, LB345 is a bill introduced by Senator Craighead, at the request of the Governor. (Read title.) The bill was introduced on January 12 of last year, referred to the Banking, Commerce and Insurance Committee. Advanced to General File. At this time I have no amendments to the bill. [LB345]

PRESIDENT FOLEY: Senator Murante. Senator Murante, you're recognized to open on LB345.  
[LB345]

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

Floor Debate  
January 22, 2018

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SENATOR MURANTE: Thank you, Mr. President. Members, good morning. As the Clerk stated, LB345 was introduced last year by Senator Craighead. Upon her resignation, I took up introduction of the bill and do support it. And I rise to introduce LB345. This is a bill that was introduced at the request of the Governor. And the bill is part of the Governor's occupational licensing reform package that he has been undertaking during this biennium. LB345 strikes the requirement that abstractors have at least one year of experience prior to licensure or temporary certification to be able to work in Nebraska. Nebraska is one of only six states that even licenses abstractors, and the only state in the nation that requires one year experience. The exam to become an abstractor is rigorous and extensive, and includes numerous sections, including general knowledge, county courts, district courts, legal descriptions, and so forth. With the one-year experience requirement in our state it can force an otherwise-qualified newly-licensed abstractor to move to a different state to be able to work and get paid while still getting the one-year experience requirement that Nebraska currently requires. With that, it opens the possibility of losing great talent to other states, creating a drain of the pool of home-grown talent that we're so proud of. One of the challenges of our state has been keeping valuable members of our workforce in Nebraska, and unnecessary requirements like this only contributes to that problem. With that stated, the bill was advanced out of the Banking, Commerce and Insurance Committee 8-0. It had no opposition in testimony, and I encourage your adoption and advancement of LB345. Thank you Mr. President. [LB345]

PRESIDENT FOLEY: Thank you, Senator Murante. Debate is open on LB345. Seeing no discussion, Senator Murante, you're recognized to close. He waives close. And the question before the body is the advance of LB345 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB345]

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB345. [LB345]

PRESIDENT FOLEY: President LB345 advances. Next bill, please. [LB345]

CLERK: Mr. President, LB486 was a bill originally introduced by Senator Kolterman. (Read title.) Introduced on January 17 last year, referred to the Banking, Commerce and Insurance

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

Floor Debate  
January 22, 2018

---

Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM208, Legislative Journal page 643, First Session, 2017.) [LB486]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Kolterman, you're recognized to open on LB486. [LB486]

SENATOR KOLTERMAN: Thank you, and good morning, Mr. Lieutenant Governor and fellow colleagues. I'm here to ask for your support of LB486 and AM208. LB486 advanced from committee unanimously and did not have any opposing testimony. Additionally, there's no fiscal note or no fiscal impact on the bill. The amendment is a simple one that makes a few clarifications to the bill. In Nebraska, financial advisers and insurance producers of life, accident and health or sickness, property and casualty, personal lines of insurance must be licensed by the Department of Insurance. Criteria for licensing requires that a license must be a natural person, licensing must be a resident insurance producer or consultant, licensing must complete 24 hours of continuing education every two years, and that CE requirement is 21 hours of general continuing education and 3 hours of ethics continuing education. This bill would provide up to six hours of general continuing education credit to paid members of approved insurance associations who actively participate in those professional associations. Examples of the professional insurance associations are NAIFA, National Association of Insurance and Financial Advisers, Independent Insurance Agents and Brokers, the "Big I," the National Association of Health Underwriters, and the National Association of Professional Insurance Agents, known as the PIA. These associations promote high standards of ethical conduct among their members. They also provide educational programs and professional development opportunities to association members. The director of the Department of Insurance would approve the associations and require that they meet requirements of their department. The director may also establish requirements that define "active participation" by producers. Lastly, as noted on the committee statement, several of the associations affected by these changes showed up to the committee hearing to show their support for LB486. Thank you, and I urge you to advance LB486 to Select File. [LB486]

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

Floor Debate  
January 22, 2018

---

PRESIDENT FOLEY: Thank you, Senator Kolterman. As the Clerk indicated, there are amendments from the Banking Committee. Senator Lindstrom, you're recognized to open on the committee amendments. [LB486]

SENATOR LINDSTROM: Thank you, Mr. President. I apologize. The bill would authorize our Director of Insurance to award up to 6 hours of continuing education credit in a two-year period to insurance producers for their active participation in activities of professional insurance association. The committee amendments would tighten up the definition of what is an "active participation." The bill sets out four categories of active participation. They are: First, attendance at a formal meeting of a professional insurance association where a formal business program is presented and attendance is verified by the association; second, service on board on the board of directors or a formal committee of a professional insurance association and involvement in activities of the board or committee; third, participation in industry, regulatory, or legislative meetings held by or on behalf of a professional insurance association; and fourth, participation in other informal insurance activities of a professional association approved by the Director of Insurance. The committee amendments would amend the first category to require attendance at formal meetings, instead of a single formal meeting. The committee amendments would further amend the first category by eliminating the requirement that attendance must be verified by the association, because that requirement is already generally covered by provisions in Section 2 of the bill. The committee amendments would completely eliminate the fourth category as redundant, because it adds nothing to what is already covered by the first three categories. This category could also be regarded as overly broad in its grant of authority to the director. Those are the committee amendments. I would urge the adoption and then the advancement of LB486. Thank you, Mr. President. [LB486]

PRESIDENT FOLEY: Thank you, Senator Lindstrom. Debate is now open on LB486 and the pending committee amendments. Senator Kolterman. [LB486]

SENATOR KOLTERMAN: Thank you, Mr. Lieutenant Governor. I rise in support of AM208. The four associations work with the Director of Insurance on these, as well as the committee, and met their approval. And they support it unanimously. Would hope that you could give us the green vote on AM208, as well as LB486. Thank you. [LB486]

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

Floor Debate  
January 22, 2018

---

PRESIDENT FOLEY: Thank you, Senator Kolterman. Is there any further discussion on the committee amendment? Seeing none, Senator Lindstrom, you're recognized to close on the committee amendment. He waives closes. And the question before the committee is the adoption of AM280, the Banking Committee's amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB486]

CLERK: 28 ayes, 0 nays on adoption of committee amendments. [LB486]

PRESIDENT FOLEY: The committee amendment is adopted. Debate is now open on LB486 as amended. Senator Kolterman, you're recognized to close. He waives close. And the question before the body is the advance of LB486 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB486]

CLERK: 33 ayes, 0 nays on the advancement of LB486. [LB486]

PRESIDENT FOLEY: LB486 advances. Speaker Scheer. [LB486]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Senator Friesen had to leave unexpectedly, and so we will pass over LB157 and move directly to LB618. And hopefully we will be able to finish the last two bills in the next 40 minutes or so. Thank you.

PRESIDENT FOLEY: Thank you, Mr. Speaker. The next bill is actually Senator Wayne's bill, he is excused today. Is anyone authorized to speak to Senator Wayne's bill? Seeing no one, we will move on to the next bill. Mr. Clerk?

CLERK: LB275, Mr. President, it's a bill by Senator Hughes. (Read title.) The bill was introduced on January 11 of last year. At that time it was referred to the Transportation and Telecommunications Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM445, Legislative Journal page 699, First Session, 2017. [LB275])



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

Floor Debate  
January 22, 2018

---

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senate Hughes, you're recognized to open on LB275. [LB275]

SENATOR HUGHES: Thank you, Mr. President. Good morning, colleagues. LB275 allows private property owners to have an abandoned vehicle towed from private property. It is important to note that the term "abandoned" is defined in statute already. Section 60-1901(1)(d) provides that abandoned means left without permission for at least 7 days. An example of the situation this bill helps with is when a tenant has abandoned a vehicle in a leased garage at an apartment community or in a parking lot of an apartment community. We're aware of instances in Lincoln and Omaha where law enforcement was asked to remove the vehicle, only to be told...we are aware of instances in Lincoln and Omaha where law enforcement was asked to remove the vehicle, only to be told by law enforcement that they would only remove the vehicle if it was left on public property. Currently, the only time a private property owner can legally have a car towed away is if the parking lot is restricted and there are signs which state that only authorized people can park in the parking stall. And if they are in violation, they will be towed. This sign also has to state who the contact for information regarding the towed vehicle. Posting such signs in a manner to satisfy the law's requirement in a large parking lot may be nearly impossible. Once an abandoned vehicle is towed under LB275, the bill would make the vehicle subject to the lien statute set forth in Section 52-601.01, which would allow the towing company to have a lien and dispose of the vehicle under existing Nebraska law in Sections 52-601.01 to 52-605. The towing company may sell the vehicle giving notice. Proceeds of the sale to satisfy the towing company and other lien...and other holders of security interest, and then the remainder to be deposited with county treasurer to be held for five years. If it is never claimed by the owner, the county treasurer gives the remaining proceeds to support of schools. In summary, LB275 allows law enforcement or other private owners, other property owners, to have the vehicle towed by a private towing company and then the towing company can dispose of the vehicle in accordance to existing Nebraska law. I would...there are amendments, but I would appreciate your green vote. Thank you. [LB275]

PRESIDENT FOLEY: Thank you, Senator Hughes. As the Clerk indicated, there are amendments from the Transportation Committee. Senator Friesen is Chair of that committee, but he is excused at the moment. Senator Smith is Vice Chair, he is not on the floor at the moment. Is

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

Floor Debate  
January 22, 2018

---

there anyone prepared to speak to the Committee amendments? Senate Hughes, you're recognized to speak to the committee amendments. [LB275]

SENATOR HUGHES: Mr. President, I am on that committee. AM445 was the committee amendment, and it does make some clarifications to the bill. You can look at it on your computer. It does clarify some things that we did not get in the original bill. I would ask for your green vote on committee AM445. [LB275]

PRESIDENT FOLEY: Thank you, Senator Hughes. Mr. Clerk. [LB275]

CLERK: Senator Hughes would move to amend the committee amendments with AM915. (Legislative Journal page 388.) [LB275]

PRESIDENT FOLEY: Senator Hughes, you're recognized to open on your amendment. [LB275]

SENATOR HUGHES: Thank you, Mr. President. AM915 is just a clarification compromise between the towers and the apartment owners association. [LB275]

PRESIDENT FOLEY: Thank you, Senator Hughes. Debate is now open on LB275 and the pending amendments. Senator Crawford. [LB275]

SENATOR CRAWFORD: Thank you, Mr. President. I wondered if Senator Hughes would yield to a couple of questions. [LB275]

PRESIDENT FOLEY: Senator Hughes, would you yield, please? [LB275]

SENATOR HUGHES: Of course. [LB275]

SENATOR CRAWFORD: Thank you, Senator Hughes. You had just mentioned this amendment is addressing a compromise. Could you explain what this amendment does and how it addresses those concerns? [LB275]

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

Floor Debate  
January 22, 2018

---

SENATOR HUGHES: The...give me just a second, let me pull that up. You're referring to the amendment that I, AM915 or AM445? [LB275]

SENATOR CRAWFORD: Yes, AM915. [LB275]

SENATOR HUGHES: If you look at that amendment on your computer, it just takes section out..."sections" and inserts "section." Makes it singular, not plural. [LB275]

SENATOR CRAWFORD: Oh, okay. So AM915 is just grammatical, is what you're saying? [LB275]

SENATOR HUGHES: Yes. Yeah, it is not substantive. [LB275]

SENATOR CRAWFORD: The substantive change was in AM445? [LB275]

SENATOR HUGHES: Yes, that is correct. [LB275]

SENATOR CRAWFORD: So I have another question. And that is I don't see in the bill any time period that someone would need to wait before towing an abandoned vehicle off their private property. So is it correct there is no time limit? So any abandoned vehicle that would be on your property, somebody broke down, if it's on your property it would be your right to tow it away? [LB275]

SENATOR HUGHES: Senator Crawford, that is incorrect. There is 7 days, a 7-day time limit within the bill. [LB275]

SENATOR CRAWFORD: Okay, great. Thank you. [LB275]

PRESIDENT FOLEY: Thank you, Senators Crawford and Hughes. Senator Schumacher. [LB275]

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

Floor Debate  
January 22, 2018

---

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Will Senator Hughes yield to a couple questions? [LB275]

PRESIDENT FOLEY: Senator Hughes, would you yield, please? [LB275]

SENATOR HUGHES: Of course. [LB275]

SENATOR SCHUMACHER: Senator Hughes, as I get it, if somebody has a car left on your property and it's been there for seven days and you want to get rid of it, you either hire a towing company or you call the police and they can take it away. Is that generally what this bill does? [LB275]

SENATOR HUGHES: You call law enforcement first and then you can contact the towing company to get it removed. [LB275]

SENATOR SCHUMACHER: And what's the purpose of calling law enforcement first? [LB275]

SENATOR HUGHES: CYA. [LB275]

SENATOR SCHUMACHER: But then does the law enforcement officer sit as a judge and make any decision as to yeah, you can, or yeah, you can't, or is this just a formality? [LB275]

SENATOR HUGHES: It is just a formality to make...understand that this vehicle has been there for 7 days, and the private property owner can get it removed. [LB275]

SENATOR SCHUMACHER: But the law enforcement officer doesn't give permission, is that correct? [LB275]

SENATOR HUGHES: No. They're just there as a backup for the owner of the property. [LB275]

SENATOR SCHUMACHER: They're kind of a recordkeeper that, yeah, somebody's claiming this was there for 7 days, so it's a... [LB275]

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

Floor Debate  
January 22, 2018

---

SENATOR HUGHES: Well, if someone comes back 8 days and their car is gone, the first thing they're going to do is call law enforcement. Law enforcement will have a record that they were at the site and the car was towed to x, y, z towing. [LB275]

SENATOR SCHUMACHER: Now, as I understand it, this was kind of a deal that apartment complexes wanted because there were cars left behind when tenants moved out, is that correct? [LB275]

SENATOR HUGHES: That is part of it. Abandoned vehicles can be towed from public properties, with law enforcement being the facilitator. But there's no provision for private property owners to get abandoned vehicles towed from their property. [LB275]

SENATOR SCHUMACHER: But this bill isn't limited to apartments, is that correct? [LB275]

SENATOR HUGHES: No, it's private parking. [LB275]

SENATOR SCHUMACHER: So conceivably we're getting in the middle of a spat of a divorce case, where the spouse has left a car behind and/or other domestic kind of cases? That can happen here, too, can't it? [LB275]

SENATOR HUGHES: There are probably all sorts of scenarios that we could come up with that would fit this issue. [LB275]

SENATOR SCHUMACHER: What's preventing...and what you're trying to do is short-circuit the person on whose land it is from having to go to court and getting a court order that would allow them to do this. Is that what's happening? [LB275]

SENATOR HUGHES: I would have to do a little more research before I could answer that question. I can get back to you with that information. [LB275]

SENATOR SCHUMACHER: And is there any restriction as to where this car has got to be towed? [LB275]

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

Floor Debate  
January 22, 2018

---

SENATOR HUGHES: It can be moved to somewhere else on the, if memory serves, somewhere else on the private property owner's property or it can be to the towing company's lot. [LB275]

SENATOR SCHUMACHER: Can it just be moved out into the street? [LB275]

SENATOR HUGHES: I don't think so. There's no leverage if it just goes on to the street. Then it is public property and can be towed anyway. [LB275]

SENATOR SCHUMACHER: Conceivably, if I had somebody parked a car on my spot, I could just push it out into the street under this law. [LB275]

SENATOR HUGHES: Sure. I don't know that under this law would give you that permission. You can do that anyway. I don't think this law affects that. [LB275]

SENATOR SCHUMACHER: Thank you, Senator Hughes. I think it's a well-meaning bill. Nothing jumps out at me as being terribly bad. But we're granting some law or some rights, and the thing that kind of comes to mind is in divorce case, is somebody to throw somebody's vehicles off their property. I suppose they can get an injunction to stop that from happening. And we're also...it may very well be an impression that law enforcement is giving the permission to do it. I think I'll support this in General File but I'm going to read a little closer. Thank you. [LB275]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Speaker Scheer. [LB275]

SPEAKER SCHEER: I got the old kneecap. This is a good bill. I personally had experience with this in a lot that I owned about a year-and-a-half ago. Somebody had bought a vehicle in Sioux City, drove to Norfolk, and just simply left the vehicle in my lot. And it was an old beater, it was leaking oil all over. And based on what we are trying to change, it sat in my lot for I believe over 30 or 45 days because I had to send mail, certified mail, to the owner. The owner had sold the vehicle in Sioux City, so he had a bill of sale to a fictitious name and the person just simply bought the car for \$100 and drove it to Norfolk and then just let it go. And it took my time and my expense to get it out of my lot when it was just a vagrant vehicle. And this would help

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

Floor Debate  
January 22, 2018

---

expediate (sic) that type of process. And so by all means, I think this is a good bill, and I appreciate Senator Hughes for bringing it. Thank you. [LB275]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Is there any further discussion on the bill or the amendments? Seeing none, Senator Hughes, you're recognized to close on AM915. [LB275]

SENATOR HUGHES: Thank you, Mr. President. AM915 is simply wording changes, not substantive. I would encourage your green vote. [LB275]

PRESIDENT FOLEY: Thank you, Senator Hughes. The question before the body is the adoption of AM915. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB275]

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of Senator Hughes's amendment to the committee amendments. [LB275]

PRESIDENT FOLEY: AM915 is adopted. Debate is open on LB275 with a pending committee amendment. Seeing no discussion, Senator Hughes, you're recognized to close on the committee amendment. He waives close. And the question before the body is the adoption of the committee amendment, AM445. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB275]

CLERK: 31 ayes, 0 nays on adoption of committee amendments. [LB275]

PRESIDENT FOLEY: AM445 committee amendment is adopted. Is there any further discussion on the bill? Senator Hughes, you're recognized to close on the advance of LB275. He waives close. And the question before the body is the advance of LB275 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB275]

CLERK: 31 ayes, 0 nays on advancement of the bill. [LB275]

PRESIDENT FOLEY: LB275 advances. Mr. Clerk. [LB275]

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

Floor Debate  
January 22, 2018

---

CLERK: Mr. President, amendment to be printed to LB839 by Senator Crawford. Name adds. Senator Groene to LB829; Chambers, LB878; Halloran, LB1084; Hughes to LR290CA. (Legislative Journal pages 388-389.) [LB839 LB829 LB878 LB1084 LR290CA]

Mr. President, Senator Pansing Brooks would move to adjourn the body until Tuesday, January 23, at 9:00 a.m.

PRESIDENT FOLEY: Members, you heard the motion to adjourn until tomorrow morning. Those in favor say aye; those opposed say nay. We are adjourned.