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Transcriber's Office

Floor Debate
February 15, 2018

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-eighth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Pastor Dorothy Smith of the United Methodist Church in Humboldt, Nebraska, Senator Watermeier's District. Please rise.

PASTOR SMITH: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Smith. I call to order the twenty-eighth day of One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: Mr. President, one correction on page 649, line 18, strike the word "stuck" and insert the word "struck".

PRESIDENT FOLEY: Thank you, Mr. Clerk. Messages, reports, or announcements?

ASSISTANT CLERK: Mr. President, there are. Your Committee on Enrollment and Review reports LB775 to Select File. Your Committee on Appropriations reports LB379 to General File with committee amendments. Communication from the Governor engrossed LB93, LB96, LB100, LB105, LB130, LB135, LB146, LB160, LB177, LB193, LB198, LB304, LB347, LB377, LB399, LB614, LB668, LB669 were received in his office on February 8, have been signed and delivered to the Secretary of State on February 14. Priority bill designation, LB1058 from Senator Halloran. A report of registered lobbyists for the current week as required by statute. In addition to that, various agency reports have been filed with the Legislature and available through the legislative Web site. That's all I have this morning. (Legislative Journal pages 655-658.) [LB775 LB379 LB93 LB96 LB100 LB105 LB130 LB135 LB146 LB160 LB177 LB193 LB198 LB304 LB347 LB377 LB399 LB614 LB668 LB669 LB1058]

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PRESIDENT FOLEY: Thank you, Mr. Clerk. Speaker Scheer.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Happy Thursday. We are not in session tomorrow, in case anyone had forgotten that they don't have to show up. As far as next week, I wanted to let everyone know what we were sort of thinking about. We will continue on as the agenda is showing. We will continue to put priority bills as they come in on the schedule so that we will continue to move on those. If we do get down to the holdover, 17 bills, we will try to work on those as time permits. For those of you that are interested, we had about three times as many requests for Speaker priorities as I have to provide. So, if you have asked for them, two out of three of you probably will not be successful. And for what it's worth, the number was within two of last year so it seems to be somewhat stagnant to that extent. As far as next week, we will do Final Reading on Friday. We should have about 20 or so bills that will be up by or back down from E&R by then, so we will do that on Friday. I do have about four or five still left on Select that I would like to get moved across that...for those General File bills that we had discussed earlier in the session and I would like to make sure at least we can get those through before we start isolating ourselves on priority bills. There have been again, continued requests about consent agenda. We will have a consent agenda, but it probably won't be for another four to five weeks. I will give everyone a week's notice to submit those requests when we do that. If you have some, feel free to type up the letters. Just don't bring them to my office. I don't want them until we request them because I'm not the most organized person in the world and if I have them too long, I'll lose them. So just a heads up, you know. If you want them to be considered, don't bring them until I tell you to because they'll get lost before then. Enjoy the long weekend. I think it comes at a timely basis where we all need a little relaxation. Those of you that are running for reelection, gives you an opportunity to get back into your local districts and talk to some people and do some things that will help in your reelection process. So again, thank you so much for all that you're doing this year, the cordiality that everyone is providing for each other. I think it is becoming a fairly successful session and I'm hoping that that will continue through the end of the session. Thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Blood, for what purpose do you rise?

SENATOR BLOOD: Point of privilege.

PRESIDENT FOLEY: Please proceed.

SENATOR BLOOD: Thank you, Lieutenant Governor. Friends, yesterday's news about the school shooting was sad beyond comprehension. And unfortunately, we're going to probably forget about it in about a week nationally because there will be yet another shooting that we'll have to be concerned about. But I'm not here today to talk about the victims of the shooting. I'm

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here because as I watched the news reports and I heard the red flags of how this person continued to cause problems and continued to show the world that he was a danger, it made me reflect on an ongoing issue that I've had in Bellevue that pertains to red flags and some of our most vulnerable people, people with disabilities. It's obvious that we live in a violent society and that a person with a disability is often unable to assert his or her rights or protect themselves. And they're especially susceptible to violence, yet most don't have the luxury of running away because they have no place to go. Many are taught unquestioning compliance and rarely taught to be assertive. Others with developmental disabilities may have trouble recognizing dangerous situations and less likely to take precautions. May I have the gavel? People with disabilities are at least four times more likely to be victimized, abused, or affected by severe crimes than those not disabled. You and I can defend ourselves. We can be confrontational. We can leave a scene. We can seek help. Right now, Bellevue is very fortunate in that we have the majority of our residential facilities that are lifting up people with disabilities and they're run well. They protect the residents, the staff, and community. They are an important tool to help integrate those with disabilities in our communities. Because of this positive role, we must ensure that these facilities are a safe environment for all involved. But unfortunately in my community, police have been called almost 400 times in the last decade to one facility. A staff person last year was choked and raped. Most recently there was an alleged sexual assault while a staff person slept. There have been neighbors assaulted, pushed off lawn mowers, a baseball bat taken to vehicles on the street. Why am I talking about this? Because I know we have senators right now working on legislation or have legislation in place to make sure that these facilities are inspected. I believe Senator Howard has one right now. We have red flags going on and nothing is being done in a timely manner. The next time I have a story in my hand, is it going to be that someone was killed in the facility? How much longer are we going to ignore red flags? We have great facilities in Nebraska doing good jobs. These people deserve to be integrated into our community. But you know what they deserve also? To feel safe. And I challenge everybody on this floor that is here today to start looking for legislation that will help embrace that because it is our job as legislators to create a safe environment for all. Thank you.

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Krist, for what purpose do you rise? He waives the opportunity. Moving now to the agenda. General File, 2018...oh, excuse me. (Doctor of the day introduced.) Now to the agenda. General File, 2018, Senator priority bill. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB838 introduced by Senator Wishart. (Read title.) The bill was introduced on January 4 of this year. Referred to the Health and Human Services Committee. Placed on General File with no committee amendments. [LB838]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Wishart, you're recognized to open on LB838. [LB838]

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SENATOR WISHART: Well, thank you, Mr. President. Good morning, colleagues. I'm here today to introduce LB838 and I want to thank Senator Kolowski for prioritizing this important legislation. This bill revisits a law passed several years ago that requires parental consent for someone under the age of 16 to use tanning beds at a tanning salon. I introduced LB838 because I believe the Legislature needs to revisit this issue to protect the health of our youth. The second most common cancer in both men and women, estimated 234,000 new cases in 2018. The chance that a man will develop this cancer in his lifetime is about 1 in 15; for a woman, the risk is about 1 in 17. These are the statistics for lung cancer. Currently in Nebraska, it is illegal to sell tobacco products to minors because the research is clear that cigarette smoking is the number one risk factor for lung cancer, and I doubt that any member in this body would be in favor of reversing this ban on the sale of tobacco products to minors, even if a business in your district reached out to you about how it would improve their bottom line. Cancers of the skin are by far the most common of all types of cancer. Nationwide an estimated 91,270 new cases of melanoma, which is the most dangerous type of skin cancer, will be diagnosed in 2018 with an estimated 13,540 deaths, 60 of those occurring in Nebraska. No matter what you may hear at tanning salons, the cumulative damage caused by UV radiation in tanning beds increases a person's risk for skin cancer. In fact, people who use a tanning bed before the age of 35 increase their risk of melanoma by 75 percent. According to a study conducted by the Journal of American Medicine, the number of skin cancer cases due to tanning is higher than the number of lung cancer cases caused by smoking, and let me repeat that. The number of skin cancer cases due to tanning is higher than the number of lung cancer cases due to smoking. In Nebraska, youth indoor tanning rates for 12th-grade girls are higher than the nationwide rate; 22 percent in Nebraska, 16 percent nationwide, according to the Nebraska Youth Risk Behavior Survey. So I ask you this, if we know that youth indoor tanning rates are high in Nebraska, and we know that skin cancer cases caused by tanning are higher than lung cancer cases caused by smoking, and we know that certain types of skin cancer are fatal, then why would we allow minors to access the very thing that increases their chances of having skin cancer? This is a personal bill to me. I have family members who have struggled with skin problems and the looming fear of skin cancer because of the amount of sun exposure they had when they were young. I myself used tanning beds when I was young before school dances. I had a wake-up call when researching this bill that I need to go to a dermatologist to get my skin checked because my activities when I was younger in using tanning salons leave me vulnerable to skin cancer. Now, if I want a golden glow before I go on vacation or to a black tie event, I get a spray tan. For those of you who are hearing from businesses in your district that this affects their bottom line, I do want to point out that even though tanning beds still make up the bulk of indoor tanning businesses, spray tanning is now the only part of the industry that's growing. Spray tanning is a safe alternative to tanning beds. The decisions of previous legislators have helped pave the way for reductions in youth smoking rates in Nebraska from 36 percent in 1997 to a current rate of 13 percent. Think how many lives have been saved because the Legislature had a strong and consistent precedent of protecting young people in their health and safety from the long-term consequences of harmful actions. State

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statutes forbid the sale of cigarettes to youth because we know the long-term health risks that these habits pose and because science also tells us that you have a diminished capacity to understand and weigh those long-term consequences before taking action, that youth...excuse me, have a diminished capacity to understand and weigh the long-term consequences of taking action. This session we can be leaders in reducing rates of skin cancer by imposing similar restrictions to those we have on tobacco products. Current law is inadequate. Nebraska's youth deserve better from us. Thank you. [LB838]

PRESIDENT FOLEY: Thank you, Senator Wishart. Debate is now open on LB838. Senator Krist. [LB838]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. This issue in trying to limit or lower the age has been before us as a Legislature, many of you were not here when it came before us. But we debated it and we came to the place we are right now in statute and law. Once again, people who are very concerned about our children, as I am, are coming back to us again and saying, 18, with some modification to the existing statute. What I was told by the lobby in trying to turn my--they know my position on this, I'll let you know it in just a minute--in trying to turn my vote into a positive on this issue, was that what we did as a Legislature several years ago was not being reinforced, was not being enforced, was not being heeded in those tanning salons. So let me tell you what I think about that. We're punishing many other tanning salons and many other people who should have access to safety of having a bed that's inspected, we're punishing them for those that are not complying with the current statute. I don't find that a good reason to change statute. It's not a compelling reason at all. It is going out and asking them to either self-regulate to the standard that we already have set in statute or we will say again, hey, you know what? When we passed that bill, we really meant it. We really meant that you have to self-regulate. I'm going to use the balance of my time because of my experience and what I've gone through to tell you a couple stories, one probably in particular. Just one. I'll just tell one. Westside School District is a very affluent place to live, by most standards. When mom threw her tanning bed out, five young ladies and one young man grabbed the tanning bed and took it in somebody's garage. And they severely hurt themselves, two of them, because their parents wouldn't allow them to go. They wouldn't sign the release and they couldn't go to the tanning bed because of their age. Now, think about that for a minute. Currently, you can get a note from mom and dad and go do what you need to do. That's the statute that exists and I think we need to stand on that and have them self-regulate or they need to be regulated in a different way. But punishing those that are doing it the right way, for those who are doing it the wrong way, is not what we should be about in this Legislature. I want anybody who wants to go to a tanning bed go to a tanning bed in a safe condition that's regulated. And if that's the subject today, then I'm more than willing to talk about changing the light bulbs, doing everything, making sure the maintenance is up to speed, and inspecting the bed. If that's part of this, I'll talk about that part of the bill, but I won't talk about, again, reducing ages and talking

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about us regulating. I halfway thought that I needed at least ten minutes to talk about this issue. I've kind of whittled it down. But what I was going to do was put a bill up or an amendment up there that was very clear. I think everybody who goes to a tanning bed should wear a helmet to protect their heads. Why not? Or a shield to protect areas of the body that are reproductive in nature. [LB838]

PRESIDENT FOLEY: One minute. [LB838]

SENATOR KRIST: What are we doing? What are we doing? So I'm pretty passionate about this issue because I've heard it several times since I've been here. If indeed this goes to an extended debate, I may say something again, but I wanted to tell you all where I stand on this issue and I think once is enough for me today. Look at this bill and tell me it is warranted, that it is something that we need to do. Thank you. [LB838]

PRESIDENT FOLEY: Thank you, Senator Krist. (Visitors introduced.) Continuing debate. Senator Crawford. [LB838]

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor, and good morning, colleagues. Good morning, Nebraska. I rise in support of LB838 and thank Senator Wishart for bringing this bill. I was on Health and Human Services Committee and was one of the committee members who heard the deliberation in the hearing and voted it out of committee. And I encourage you, if you haven't done so, to check some of the transcripts from the hearing and see some of the stories that were a part of that conversation. I was also on the Health and Human Services Committee in 2013 and 2014 when we debated the bill that's the current standard. And so the current standard is that if you are 16 and under, you may not tan, and if you are 16 to 18, you may with parental consent. And so that was a debate. That was where we were in 2014, and we were debating that bill and since then we have had research. And one of the great things about our democracy in federalism is that our states are laboratories of democracy. And so many states were trying to decide what to do about this issue. Should we ban it? Should we have parental consent? Or what's the best approach, a public health approach to this problem? And so what we have seen is in research in 2014, we have academic studies, peer review studies showing that parental consent does not reduce teen tanning. So if your public health objective is to reduce tanning because you see it as...because it is a carcinogen and it's important to reduce access to that for minors, the parental consent simply does not meet that test. It does not reduce teen tanning. And so the idea of...and when we ask this question, we come back to that fundamental question about liberty, it's important to remember that in this bill we are talking about minors and so we're asking what is our appropriate policy, what's our appropriate stance to a known carcinogen as a state when we're talking about minors and access to minors and whether it's legal to sell or provide access to minors in our state. And so I urge your careful consideration of this

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bill and I'm sure we'll have a lively debate. I want to point your attention to all of the key facts that Senator Wishart has already laid down in the arguments. I think they are a first response to Senator Krist's question about why is it needed, but I'll yield the rest of my time to Senator Wishart to continue that argument about why LB838 is needed in Nebraska. Thank you, Mr. Lieutenant Governor. [LB838]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Wishart, 2:00. [LB838]

SENATOR WISHART: Thank you, Lieutenant Governor, and thank you, Senator Crawford. Senator Krist, are you available to yield to a few questions? [LB838]

PRESIDENT FOLEY: Senator Krist, are you available for a question? [LB838]

SENATOR KRIST: For you, yes. [LB838]

SENATOR WISHART: Thank you, Senator Krist. Senator Krist, are you aware that currently there are no licensing requirements or regulations for the tanning industry in Nebraska? [LB838]

SENATOR KRIST: I am. I am. [LB838]

SENATOR WISHART: Okay. So when you're talking about best practices and self-regulating, are you aware that currently what somebody does in their apartment with a tanning bed is also not regulated, but neither are these tanning facilities? [LB838]

SENATOR KRIST: I am aware. [LB838]

SENATOR WISHART: Okay. So Senator Krist, along the lines of sort of the logic, I'm hearing from you is that you have a concern that this will drive people to tan within their apartment complexes and their homes. [LB838]

SENATOR KRIST: The story I told was actual. The story I told was from a group of young teenagers who didn't have access to tanning beds in the way that we would all have access with the tanning salons. And it actually happened. And the response that I will give you is...well, go ahead. It's your time. [LB838]

SENATOR WISHART: So are you aware that currently there are no statutory prohibitions on an adult in their home giving their children alcohol? [LB838]

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SENATOR KRIST: Well, I guess it happens. [LB838]

SENATOR WISHART: Yeah, there are no statutory prohibitions of that, yet I would assume that you would not be in favor then of bars and other retail businesses being able to sell alcohol to minors? [LB838]

SENATOR KRIST: Senator, bars are already regulated by the Commission itself and I think this is apples and oranges. What we're talking about is... [LB838]

PRESIDENT FOLEY: Time, Senators. Thank you, Senator Wishart and Senator Krist. Senator Williams. [LB838]

SENATOR WILLIAMS: Thank you, Mr. President, and good morning, colleagues, and I rise in support of LB838. And I also, as Senator Crawford mentioned, sit on the HHS Committee and was one of those that heard all the testimony. There was compelling testimony in favor of this legislation. There were two people that testified in opposition. One represents the National Association of Tanning Beds, and the other one was a tanning bed owner from Omaha. Each one of us clearly has a story that we could tell about how cancer has affected our lives, our families, and those that we love. I'm going to choose not to tell that story because I would rather stay with what I think are facts that are really important and remind everyone that it is not in question that UV rays cause cancer. That's a fact that is indisputable that we all understand and know. So the question we get into is this question that we've had, and Senator Krist mentioned wearing helmets or whatever, is the question of personal liberty versus doing what is in the good sense of us all. In the testimony it was interesting to me because I specifically asked this question of the tanning bed owner. How much of your business comes from this young age group? And the answer was, less than 5 percent. So to equate that as punishing tanning bed owners or the tanning bed industry is simply not what I would think we would be doing by restricting that and I would remind those that not too many years ago, this body voted to give the tanning bed operators a sales tax exemption. Nobody argued that that was punishing anybody. These issues are difficult. They drag up conversations that are uncomfortable for many, but I would suggest to you that the decision here can be rather simple. The decision is weighing the upside to a 16 or 17-year-old of tanning versus the downside of that 16- or 17-year-old having cancer. What's that upside worth? Does that mean when they get to go to the cheering clinic they look a little better? And then maybe for the rest of their lives struggle from a disfiguring surgery with melanoma? During our testimony we had two young girls that testified, both of which have had cancer situations that at least in their judgment came directly from the result of the peer pressure that was on them to look a certain way and spend time in a tanning bed. I think this is a reasonable extension of where the law is now. I appreciate Senator Wishart bringing this and Senator Kolowski for

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prioritizing. It's part of doing what's right. And I would ask you to strongly consider that and with that, Mr. President, I'll end my testimony. Thank you. [LB838]

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Kolowski. [LB838]

SENATOR KOLOWSKI: Thank you, Mr. President. Members of the Legislature, I made LB838 my priority bill for this year because I've seen firsthand the dangers that indoor tanning has on young people. As a high school principal for two decades, I saw students tan far too often and that will have and could and will have serious negative health effects on them later in their young lives. There is a definite peer pressure, especially for members of cheerleading and dance teams and their groups of friends to participate in indoor tanning. Even with the current parent, parental permission requirement, parents may not be fully aware of the dangers of indoor tanning. You have some material that has been handed out to you with a listing of ten false claims and the debunking of those claims that I hope you've had a chance to look at and read over. That's pretty stark. That's pretty impressive as to the issues of indoor tanning and what we were doing with that. With melanoma cases increasing in Nebraska, it is imperative that we do something to reduce skin cancer. There is clear scientific evidence that shows the link between skin cancer and indoor tanning exists. Opponents of this bill already claim that 10 percent of their business consists of minors, even though they only make up 5 percent of total customers. Obviously, minors are tanning at a much higher rate than adults and do not fully understand the risks involved. I want to thank Senator Wishart for introducing this legislation. This is a simple and direct law that can save lives and lower medical costs. We don't allow minors to go to bars with parental permission and we do not allow minors to buy cigarettes with their parents' permission. Indoor tanning should be treated the same way. Indoor tanning by minors is a public health concern. This is a direct action we can take to prevent cancer. We can't prevent all cancers, but we should take action to prevent those that we can. This bill will save us money and lives. I ask that you advance LB838 and I would also mention to you that as a high school principal, I worked my...with my activities director, AD, as well as the sponsors of the cheer teams and the dance teams so they had an understanding and questions would be asked about over-tanning that you would witness with students and the peer pressure in that little area called high school of their lives. And I hope you think back and understand the peer pressure and the aspects of what would go on within peers within the high school environment. Thank you very much. [LB838]

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Smith. [LB838]

SENATOR SMITH: Thank you, Mr. President, and good morning, colleagues. I had a brief conversation with Senator Wishart yesterday and I told her I did not plan on speaking on this for long or often. But I did want to weigh in a bit because I guess over my seven and a half years of being here, we dealt with this particular topic in one way or another several times. And so the

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issue is not new to me as I've been engaged in related bill discussions over my seven and a half years of being here. And I completely understand Senator Wishart's passion on this issue. I certainly understand Senator Kolowski's passion on this issue, and as a Florida native myself growing up on the Gulf Coast, I spent a lot of unprotected time in the sun and anyone who has been here with me for seven and a half years, probably Senator Brasch and Senator Harr, Senator Schumacher, you've seen a few patches on me over the years. And so I have reaped the results of that myself. So I certainly understand. I have a very fine dermatologist. In fact, he's working on your behalf. He's in the Rotunda today. And so he and I have had a number of conversations on this. So this is, to me, not about that so much as the bill is about fairness and the role of government in selectively effecting business enterprises. Most recently, and I looked at the transcripts and I cannot believe that it was in 2014 that we last really got into this and discussed this, but I guess that was the most recent time that I sparred with my old friend, Senator Jeremy Nordquist, on this issue. And I thought it would be worthwhile just to read a few things from the transcripts at that time because there were three people that were engaged most...the most in that debate that year and that was Senator Nordquist, who had brought LB132. And there was Senator Kathy Campbell, who had brought a committee amendment. And there was then Speaker...not Speaker, but Senator Scheer who brought a floor amendment, or not a floor amendment, but an additional amendment to that bill. And there was a grand compromise that was arrived at in 2014 that ended with the statutes as we have them today that we are seeking to once again amend. And before I jump into that, I just want to correct one thing. I know Senator Williams, I had an off-conversation with him, side-conversation with him about the exemption issue and the Legislature did not specifically exempt tanning facilities from sales tax. There was an Opinion by the Attorney General's Office and a decision later made, and...this is my recollection, so I will go back and double-check the records on this, but this is my memory that we concluded or the Department of Revenue concluded, Attorney General's Office gave the authority to do that or gave the Opinion to do that, that tanning facilities were a service, not entertainment, and therefore, was exempt from the sales tax. But we as a Legislature did not explicitly give tanning facilities exemption on sales taxes. So I believe that that action was to treat tanning facilities as they should have been treated all those years that they were incorrectly, in my opinion, taxed with sales taxes. But anyway, going back to LB132, it starts out with Senator Nordquist in these words in his introduction. Since this bill was heard in committee, there's been a compromise reached between the interested parties... [LB838]

PRESIDENT FOLEY: One minute. [LB838]

SENATOR SMITH: ...including members of the medical community and the Nebraska Indoor Tanning Association, and I think those folks were working diligently over the summer to come to an agreement. Senator Campbell later states the same thing, and then we have Senator Scheer at that time saying, too, that he appreciates the compromise. I think from my understanding, Senator Scheer says on the record here, it has also been said by both the Dermatologist

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Association and they're in support of it, as well as the Tanning Association which they have agreed as well. And so I think from all intents and purposes, this should be a compromise that everyone can live with. And that passed with those amendments adopted and that bill was passed and it was a grand compromise, but here we are again raising some of the same issues once again. And again, I agree...I get Senator Wishart and I get Senator Kolowski and their passion on this issue, but I believe that we have addressed this in the past and I believe we have in statute today... [LB838]

PRESIDENT FOLEY: Time, Senator. [LB838]

SENATOR SMITH: Thank you. [LB838]

PRESIDENT FOLEY: Thank you, Senator Smith. Senator Pansing Brooks. [LB838]

SENATOR PANSING BROOKS: Thank you, Mr. President. I rise in support of LB838. As a parent of a daughter who is now 21, I felt significant pressure to allow her to use tanning beds before every prom, before every event that was going on, everybody was going to go get tan because that's the thing right now. And fortunately, I am a strong enough force to be able to overcome the arguments and the ongoing complaints of my daughter when she was under 18 and when she was in high school. But I know, it was difficult and I was very torn about what to do because, of course, you hear everybody is doing it. It's only going to be for a little bit. It's not going to make that much difference. All those arguments you know. And I guess, boy, we should just be able to let everybody make the mistakes they want to make. But those mistakes that parents who don't have the will or don't have enough time to investigate or don't have enough time to really become educated about the dangers of UV...the UV rays make it so that it's dangerous for our children in Nebraska. I don't think it's that big a deal to be able to say that under 18 you can't do it. I think it's...you know, if you look at the facts, I think the American Cancer Association sent out some really good facts that you have before you. One includes that indoor tanning use before the age of 35 increases melanoma risk by 59 percent, squamous cell carcinoma by 67 percent, and basal cell carcinoma by 29 percent. Further, we've heard Senator Smith talking about being outside in the sun. We've all done that. We know that we put ourselves at risk numerous times and we are reaping the benefit or the detriment of those risks that we assumed as children. But, again, the facts show that tanning devices deliver UVA dosages that are 5 to 15 times higher than those delivered by summer midday sun on a Mediterranean beach. So to act like, well, it's just a little bit of rays, it's not a big deal. And, you know, I'm fine about all this idea about, oh, let us make our own choices. But the kids aren't old enough. We know that it takes until about 26 for a child's brain to fully develop. And the parents are busy and they aren't able to get everything done and everything researched as they want. And, you know, I'm sure many of you are thinking, well, that's not a very good argument because, you know, the

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parents should be able to do that and should be able to make a really good decision. But I would say that the carcinoma and the risks that we're putting these kids at is significant. Melanoma is the second most common cancer among females 15 to 29. And of the estimated 9 million Americans who tan indoors every year, approximately 1.2 million are high school students. Again, getting ready for proms, homecoming. [LB838]

PRESIDENT FOLEY: One minute. [LB838]

SENATOR PANSING BROOKS: All of those things. Going on, female adolescents age 17 to 18 are twice as likely to tan indoors as female adolescents 14 to 15. The argument that we've heard this before, a grand compromise was reached. That's not a good argument. We all are going to continue to fight for the things that we believe in. I admire Senator Wishart for bringing this and we get to continue to fight for the laws that we think aren't correct. We tweak them. We add to them. We change them. That's what we do. So to say that something happened four years ago and that's it, you can't deal with it anymore, is wrong. Thank you, Mr. President. [LB838]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Speaker Scheer. [LB838]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. I rise today actually in support of the bill, although I was opposed to the bill several years ago and was part of that compromise. And I guess you can call me Paul, Jr., or something because I evidently have too much drive time on my hands going back and forth to Lincoln. But in the last month or so, for whatever reason, a lot of times odd things pop in my mind that I'll fixate on and I actually was thinking about this bill. And as I was pondering my position on it, I started thinking about that gray line where the government and parental rights sometimes are skewed, that there is no black and white in some of these issues. There are gray areas. And as I started to think and look about these things, and my children are having children of their own, so it's been a long time since I've had the same problems and mine were double that of Senator Pansing Brooks because I had two daughters. And even 20-some years ago we ran into the same problems with our kids because even then it was the right or the popular thing that they wanted to do. They wanted to have, quote, unquote, color during those times. But having said that, I also looked at some of the other things that we do as a government and if my daughter were 17, I couldn't walk into the local convenience store and say, well, Joe, I'm here and my daughter is with me, so go ahead and sell her a carton of cigarettes. We don't allow that. And if I went into the liquor store and my daughter was accompanying me, I couldn't go up to the counter and say, sell my daughter two quarts of Cabin Still because I'm with her. We do that because of health reasons. There is a health reason that we...there is a known health problem with the tanning machines. You know, my druther would be if we were to have some type of a database that we could say, okay, pick a number, and I don't know what that number might be, but we'll say for the lack of one, 40 times a year that a person

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could use that if you're under 18 with parental permission. Maybe can use it 40 times a year. Maybe you can only use it once or twice in any given week. You know, that still gives some parental control, but it also keeps safety in the forefront as well. I think that is somewhat a difficult process to do. You would have to have some type of server that would work and allow all the area facilities to tie into so that a young person could not go to my facility today and yours tomorrow and someone else's the following day, and when they show up next Thursday to my place again, I think, wow, my machines really work good because they're really getting a lot of color out of that one usage a week. So we'd have to make sure that they couldn't go to other facilities than just yours. You would have to have a database. But I do support this only because I do know that it does cause damage to an individual. [LB838]

PRESIDENT FOLEY: One minute. [LB838]

SPEAKER SCHEER: And that we as a state and a government prohibit young people from doing some things that adults can do, even though it is harmful to our health as well. But I don't know that this probably is in one of those gray lines. I probably could be talked into opposing it, I suppose, with the right suggestions. But where I'm at right now is looking at the two exemptions that I thought of and there may be more. It seems to me that this might be where you can put this line in that gray area for the benefit of a child's health. Thank you, Mr. Lieutenant Governor. [LB838]

PRESIDENT FOLEY: Thank you, Speaker Scheer. Senator Krist. Excuse me, Senator, before you speak, Mr. Clerk, for announcement. [LB838]

ASSISTANT CLERK: Mr. President, a couple of announcements. Transportation will hold an Executive Session at 10:00 a.m. under the south balcony. Business and Labor will meet in Executive Session at 10:30 in Room 2102. [LB838]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Krist. [LB838]

SENATOR KRIST: Thank you, Mr. President. Again, good morning, colleagues. Good morning, Nebraska. I don't see...is Senator Wishart on the floor someplace? Yes. I'd like to ask her a couple of questions in a minute if she would work her way back in. Huge for me in this...and let me be very clear. If this bill was about regulating an industry, if this bill was about requiring them to report all the people under the age of X that have done that, if this bill was about regulating the industry, which they say is not being done and there is no self-regulation, I would support it. But this bill just does two things. It takes out all the parental rights, which I completely disagree with, and it eliminates in language and I'm referring now to page 2, line...starting with line 27. A physician licensed under the Uniformed Credentialing Act who

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uses phototherapy in the practice of medicine, and you've struck medical diagnostic and therapeutic equipment that emits ultraviolet radiation. That's going to throw this industry for a loop. I'm not talking about the industry that you can walk in the door and buy \$20 worth of tan. I'm talking about the medical aspects of treating someone with ultraviolet. I've been there as a child. I know people that are there now. So we're further limiting the use in that environment. And if I'm wrong, I'm sure somebody will tell me that. But I'm going to address just very quickly before I ask Senator Wishart a question...let me say this, too. I don't enjoy being on the opposite side with Senator Wishart. It's a tough thing to do to smile at that lady and then attack her. Senator Pansing Brooks, and all the rest of you who are on this, I don't enjoy it at all. But I think that you have to rewind yourself back to a point where we said, this is all we're going to do. You heard it from Senator Smith. It's the grand compromise. We can live with this, quote, unquote. We can live with this. And what happens a few years later? They're going to come back and say, nope, we need to be more restrictive and more restrictive and more restrictive. I see it happening a lot. Now, Senator Hilkemann reminded me that the incidence of cancer, and I'm sure he'll say so when he gets up on the mike, have been reduced. Great. Is that because of tanning bed reduction? Is that because mothers are putting SPF 1000 on their kids every time they go outside? Is it because we're more aware and there's education? And I said this with the lobbyists when they started talking to me the other day. If this is about education and regulation, I'm all for it. If this is about taking away parental rights, I can't be there. And if this is...all this does is again eliminates the medical application, I'm certainly not going to support it. So if Senator Wishart would yield to a question, I'd like to ask her. [LB838]

PRESIDENT FOLEY: Senator Wishart, would you yield, please? [LB838]

SENATOR WISHART: Yes, I'd be happy to. [LB838]

SENATOR KRIST: Can you address why on page 2, the reference that I just mentioned, why was that struck from the bill or from the statutes? [LB838]

SENATOR WISHART: Well, I believe, Senator Krist, that the lines 27 through 29, the reason we struck that is we address it up with the definition of phototherapy on line 11, which means the use of equipment that emits ultraviolet radiation for the diagnosis or treatment of a disease or injury. [LB838]

SENATOR KRIST: And that clarification in your mind or in the lobby's mind or in the medical community's mind, makes that clearer in terms of phototherapy usage? [LB838]

SENATOR WISHART: Yes, it does to me. [LB838]

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SENATOR KRIST: Okay. Well, I'll have to agree to disagree, although I do appreciate it. How much time do I have left? [LB838]

PRESIDENT FOLEY: One minute. [LB838]

SENATOR KRIST: I'd yield the balance of my time to Senator Wishart if she would like it. [LB838]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Wishart, 1:00. [LB838]

SENATOR WISHART: Well, thank you, Mr. President. I did want to clarify. I've had several colleagues come up to me with concerns that this bill does not include like a tanning bed at a gym. And so I did want to read that. The definition in the facilities that we're talking about in terms of the definition of tanning facility, and you can find this on line 18 on page 2 of the legislation: It means the location, place, area, structure, or business that provides access to tanning equipment. Tanning facility includes, but is not limited to, any tanning business, salon, health club, apartment, or condominium, which has tanning equipment that is made available for public or commercial use, regardless of whether a fee is charged for access to the tanning equipment. So I just wanted to clarify that we're not just talking specifically about what I think a lot of people envision a tanning salon is. We're also talking about those gyms and any other place that is using tanning beds for public or commercial use. Thank you. [LB838]

PRESIDENT FOLEY: Thank you, Senator Wishart. Mr. Clerk for an announcement. [LB838]

ASSISTANT CLERK: Mr. President, the Agriculture Committee will hold an Executive Session in Room 2022 now. [LB838]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Continuing discussion. Senator Wishart. [LB838]

SENATOR WISHART: Thank you, Mr. President. I wanted to touch on a few things that I've heard today in terms of sort of the regulation. Again, I want to be clear that in Nebraska there is no licensing requirement and no regulations around tanning salons in the state, so that means there are no health inspections. And I'll give you an example of why this is really concerning to me, and again, why I brought this legislation. The Department of Health and Human Services, the federal Department of Health and Human Services has recommendations in terms of the use of tanning facilities. First of all, they are very clear of the dangers of using tanning beds. But one of their recommendations is if people are going to use it, that they should use it no more than three times a week. Yet in our public hearing we had a manager of a tanning facility here in

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Nebraska who talked about their best practices that they allow somebody to use their tanning facilities and their tanning beds every day. They just require a 24-hour period of rest before a person can use it again. So I want to spell this out for you, colleagues. That means that, for example, under the current law if we change nothing, a 5-year-old with parental consent could tan every day, 360...every day, every day in a year they could tan, according to one of the tanning facilities that was testifying in our hearing. A 16-year-old and 17-year-old with no parental consent necessary could tan every day even though federal guidelines and recommendations say that a person should not tan in one of these facilities any more than three times a week. That's really concerning to me and again that gets back to why I brought this legislation. You know, yesterday, I was in Appropriations and we were having a hearing with the university in front of us and we had a briefing from UNMC on the work that they're doing and they briefed us on the work they're doing in terms of childhood cancer. Did you know that Nebraska has the number one rate of childhood cancers than any other state in this country? The number one rate of childhood cancer. And when I heard that information I thought, you know, if there's one thing I can do in my time here as a senator, it will be to do everything possible to reduce that number, everything possible to do that. This is an example of one step that we can take as a Legislature to reduce childhood cancer in this state. I also want to talk about a study that I would be happy to share with my colleagues. It was done by the Journal of American Medicine and it was on tanning salon compliance. There are 14 states in this country that have chosen to ban the use of tanning beds for minors and there are multiple other states across the country realizing the negative effects that minors tanning in tanning facilities or anyone for that matter has on public health, have rules and regulations around...some have like ours, parental consent rules, but the 14 states that have banned the use of tanning facilities from minors are the states that have seen the best compliance. And I want to repeat that. The 14 states that have banned the use of tanning beds for minors have seen the best compliance. [LB838]

PRESIDENT FOLEY: One minute. [LB838]

SENATOR WISHART: So I think that's something that when we're looking at sort of a road map of how do we reduce the amount of kids that are tanning in these facilities and exposing themselves to potentially a life of battling skin cancer, and how when we're putting in place rules and regulations do we put in place rules that have the best results in terms of compliance, it's pretty clear with this study that banning the use of tanning facilities in tanning beds for minors has the best compliance. So, again, I encourage my colleagues to support this very important legislation and I'm looking forward to continued debate. [LB838]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Chambers. [LB838]

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SENATOR CHAMBERS: Thank you. Mr. President, and members of the Legislature, at last I can comment on a bill on its merits. I do support this bill, Senator Wishart. I might start calling her "Wiseheart" again. I started to mess with her by telling her all the negative votes she made against me on my reconsideration motions and so forth, but I was going to show that I can forgive even though Valentine's Day has passed, and the day before which is known as Galentine's Day is also passed. Members of the Legislature, I believe in parental rights, parental prerogatives, but I don't trust parents absolutely. The Christian Science people used to come here and try to get that so-called Christian Science amendment where they can treat children with prayer alone. I fought it and successfully kept it from being put into the statute all the time I was here. In other states, those people have been prosecuted for child abuse, voluntary manslaughter, even second-degree murder. One time a gentleman from the Christian Science operation was before the Legislature arguing his position and I looked at him and I said, would parents be allowed to determine that their children will be treated by prayer alone? He said, yes. I said, and that means no medical intervention? He said, yes. I looked at him and paused. I said, are you wearing eyeglasses? And the room got silent, and they got the point. Parents will do for themselves what they will not do for their children and parents are not always wise. George Bernard Shaw said, parents are the very ones who ought not to have children. When it comes to a so-called grand compromise, they had some of those during the days of slavery where they said you can't call black people property over here, but you can them property over there, so whenever I hear something about a grand compromise, plus one that said little states in the Senate would have the same amount of representation as big states so the little states would get involved, that means nothing to me, and I'll tell you why. Information comes, new knowledge is obtained, and you might look at Galileo as an example. I think today is his birthday...his birth date. From all I know, Galileo is no longer walking among us, but who can tell. He reversed generations and even centuries of misconception about the order of the universe by demonstrating that the earth is not indeed the center of the solar system, so new knowledge does come. We all know that one Legislature cannot bind a future Legislature. And this is exactly why some details ought not be put in constitutions. All that a future Legislature has to do is act on new information and yesterday's error does not remain today's orthodoxy which is what happens with religion, none of which I have, thank God...oh, excuse me for intruding on you all's territory and borrowing on one of your abracadabras. But the constitution is written in concrete or steel and there's a very complex, difficult process that you go through and time consuming to alter the constitution. So this that we're doing today is a good example, an illustration of why some things in detail ought not be put in constitutions. People put into the statutes whatever is the fad of the day, whatever any powerful lobbyist can persuade a Legislature to do, but then when saner, cooler, wiser heads come along in the future, then changes can be made... [LB838]

PRESIDENT FOLEY: One minute. [LB838]

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SENATOR CHAMBERS: ...almost instantaneously. Another example is how this Legislature put the Black-Tailed Prairie Dog (Management) Act into law. And I'm doing all I can to change that. But this, I believe, is a good bill. It is in the interest of our children and we've set a floor or a standard below which nobody, even a parent, can drop a child. There have been parents and guardians, by the way, who involve their children in sex trafficking and if a trafficker said I've got to get a girl who looks...with color, not naturally by genes, but by tanning, that could be involved, too. Thank you, Mr. President. [LB838]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hilkemann. [LB838]

SENATOR HILKEMANN: Thank you, Mr. Speaker or Mr. President. I stand today to say I will be supporting LB838. Last week I had...I was invited to tour one of the tanning spas in Omaha. It was a well-run, wonderful facility, clean. They made compelling arguments that we didn't need LB838. However, when I reviewed the literature regarding tanning beds and malignant melanoma and tanning, the scientific literature is absolutely convincing that ultra violet rays are a known carcinogen and cause malignant melanoma. I am the only person in this body who has treated a malignant melanoma on a human. I don't know whether Dr. Kuehn has done it in his veterinary practice, but when you treat one malignant melanoma, particularly on the foot, it is absolutely devastating. You don't want it anywhere, but on the foot it is particularly devastating. You will do anything you can to prevent someone from getting a malignant melanoma. Through my years here in the Legislature one of the things that I have dedicated myself is to be a strong proponent for public health. I want to make Dr. Ali Khan, who is the chairman of our Public Health Department at UNMC, he has stated the goal of making Nebraska the healthiest state in the nation. Unfortunately, over the last several years we're going the wrong way. When I reviewed the Hippocratic oath that I took on graduating from Podiatric Medical School in 1976, one of those lines is, I will prevent disease whenever I can, for prevention is preferable to cure. If you look at the research provided and I want to tell you that this data that we're getting from the CDC, from the dermatologists, from the Cancer Society, I want to tell you, these are coordinated efforts, coordinated studies. These are not some abstract studies that someone has made or some opinion or some book that they've written. These are well-documented studies and if you haven't gotten them, I can...there's pages full of them. But it clearly says, tanning, particularly before the age of 18 indoors increases melanoma by 85 percent. This bill addresses that. If we can just prevent one family, one person... [LB838]

PRESIDENT FOLEY: One minute. [LB838]

SENATOR HILKEMANN: ...from going through the experience and the pain of dealing with a malignant melanoma or a melanoma in general, passing this bill is worth that effort. Thank you, Mr. Speaker or Mr. President. [LB838]

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PRESIDENT FOLEY: Thank you, Senator Hilkemann. Senator Harr. [LB838]

SENATOR HARR: Thank you, Mr. President. This is half-rising for a personal privilege. I'm going to talk about a malignant tumor in our government, not melanoma, but a tumor and that's the Water Sustainability Fund. Senator Hughes are you available for questions? [LB838]

PRESIDENT FOLEY: Senator Hughes, would you yield to a question, please? [LB838]

SENATOR HUGHES: Of course. [LB838]

SENATOR HARR: Thank you. You're Chair of Natural Resources, are you not? [LB838]

SENATOR HUGHES: That's correct. [LB838]

SENATOR HARR: And you're familiar with the Water Sustainability Fund? [LB838]

SENATOR HUGHES: Somewhat, yes. [LB838]

SENATOR HARR: Okay. And is it funded by General Fund dollars? [LB838]

SENATOR HUGHES: That is correct. [LB838]

SENATOR HARR: Okay. And is it a creature or an animal created by the Legislature? [LB838]

SENATOR HUGHES: Yes. [LB838]

SENATOR HARR: Okay. And is the Water Sustainability Fund Commission, is it a policy-making body or is it an administrative body? [LB838]

SENATOR HUGHES: I believe they administrate how the funds are spent in their cost share funds. [LB838]

SENATOR HARR: Okay. Thank you. And are their members elected or appointed? [LB838]

SENATOR HUGHES: I believe they're appointed. [LB838]

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SENATOR HARR: Okay. Thank you very much. Folks, this animal that we created has decided to take a life up on its own. Still has umbilical cord attached to the Legislature because they want our money. What they don't want is for us to tell them how they can or cannot spend their money. I had a bill in Agriculture, it took money, \$100,000. Senator Hughes would you yield to a question? [LB838]

PRESIDENT FOLEY: Senator Hughes. [LB838]

SENATOR HUGHES: Of course. [LB838]

SENATOR HARR: Do you know approximately, let's say within...I'll even go as high as a million dollars, how much money the Legislature appropriates to the Water Sustainability Fund? [LB838]

SENATOR HUGHES: My understanding it was supposed to be \$11 million per year. [LB838]

SENATOR HARR: Okay. Thank you. Eleven million dollars and I asked for one hundred thousand dollars. Just a little bit. They came in and tried to squash me like a bug. They said, no, you don't get that money. How dare you come in and tell us how we should spend the money that you appropriate to us. How dare you. Came in against my bill. But they said, if this guy knew what he was doing, what he would do is introduce an amendment that says, community gardens are one of the things that can receive this appropriation. Don't just take \$100,000 out of our \$11 million, go through the process like everybody else. I said, well, that's...I guess that's fair. Chance of seeing any money is probably zero but fair, fair, okay. So we drafted an amendment based on their testimony, gave that amendment to Legislative Research for ag, Rick Leonard. Rick then communicated what that amendment was based on the testimony of the Water Sustainability Commission to the legal counsel of Natural Resources, Mr. Sievers. Mr. Sievers is now gone. He has left the state for eight days. I don't know if it's vacation or whatever, but he trusted Mr. Ron Theis. He sent an e-mail, Mr. Sievers did, to Mr. Theis and to somebody else; I don't know who it is. What I do know is that there was no amendment ever attached. No one has ever seen the legislation, seen a summary of it, never seen the legislation proposed amendment. This morning I received from Mr. Leonard a notification that the commission appointed, not elected, meant to administer, decide they didn't like this amendment. Remember, I brought this amendment based on their recommendation. So I called Mister...he said, well, Mr. Theis, so I called Mr. Theis. Mr. Theis said, oh, whoa, whoa, whoa, I am just the messenger. Call Kent Zimmerman. Okay. I'll call Kent Zimmerman. I called Kent Zimmerman. Kent Zimmerman said, uh, well, I'm just responding to what other people said. [LB838]

PRESIDENT FOLEY: One minute. [LB838]

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SENATOR HARR: Okay. I then called a Dennis Strock. Dennis Strock...and when this is over, I'm going to ask for a point of personal privilege to continue this story. Dennis Strock, then who is appointed by the Governor said, you know what? I never saw that amendment. I didn't know he had seen a summary. I find that out later. I kind of gave that away. He told me, I've never seen it. I didn't say anything on it, we've never seen it, we've never commented on it. So somewhere, some way, this commission has said we're against the bill but no one will take responsibility. So taking Dennis Strock at his word they had never seen the amendment, I pass it back down...I call Mr. Theis. Mr. Theis says, well, there were a number of e-mails out there. A number of e-mails and they said they were against it, never seen the amendment, just the summary, but they're against it. I said, who are they? Well, I don't know. Folks, we're getting the runaround here. [LB838]

PRESIDENT FOLEY: Time, Senator. [LB838]

SENATOR HARR: I'd ask for a point of personal privilege at this point. [LB838]

PRESIDENT FOLEY: Senator, I'll ask you to put your light on again. We're in the middle of a bill discussion and you can put your light on three times and I think that's... [LB838]

SENATOR HARR: Well, hopefully, I'll hear from someone. I'll hit my light. Hopefully, I'll hear from someone from Natural Resources. [LB838]

PRESIDENT FOLEY: Senator Howard, you're recognized. [LB838]

SENATOR HOWARD: Thank you, Mr. President. And I will be very quick and then I will yield my time to Senator Harr, if he would like it. I rise in support of LB838 and I was actually here and helped negotiate the original legislation. It was my first opportunity when I was a freshman senator to actually sit in on a negotiation between two parties and it was illuminating to say the least. The way that we arrived at parental consent was really just a point of compromise. It wasn't like this is what is in the best interest of children. It wasn't, you know, we're thinking of the broad economic scheme. It was how can we get to the middle, that was it. When I think about this piece of legislation, it goes back to that core value of what do we do...how do we do what's best for kids in our state and how do we do what's best for minors? Sixteen percent of Nebraska high school students are tanning regularly, which seems like a small number but we've got a lot of high school kids who are damaging their skin in ways that is absolutely irreparable. And what I heard in the hearing was...my friend Sheena came...and Senator Harr, I will be so fast, I promise. She started tanning when she was 15 years old and she ended up actually getting a melanoma on her foot, on the bottom of her foot, and she has a 7-month-old baby. She has the melanoma removed and the skin was so tender one day that she couldn't walk for a week after and as she

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was crawling to the bathroom, listening to her baby cry, she thought there is no tan that is worth my ability to walk. And so, that's something that you're not thinking about when you're 15. You don't think about your 7-month-old baby. You don't think about your ability to walk. You are completely invincible. And so when you think about LB838, I hope you will consider that we're protecting children from harm in a way that, you know, not every parent knows how bad a tan can be for the future of their child. And so, I do think that LB838 would be a step forward. And with that, I would yield the balance of my time to Senator Harr. [LB838]

PRESIDENT FOLEY: Thanks, Senator Howard. Senator Harr, 2:45. [LB838]

SENATOR HARR: Thank you, Mr. President. So I asked Mr. Theis, why? If they haven't seen it, why are they against it? Well, there was a summary. Okay. Well, numerous e-mails. What did they say? Well, I don't feel comfortable with that. So, we don't know why they're against it. He thought maybe they didn't want the statute opened up. So would Senator Kolowski yield to a question? [LB838]

PRESIDENT FOLEY: Senator Kolowski, would you yield, please? [LB838]

SENATOR KOLOWSKI: Yes, sir, no problem. [LB838]

SENATOR HARR: Thank you. Senator Kolowski, you were a member of the Learning Community were you not? [LB838]

SENATOR KOLOWSKI: Yes, I was. [LB838]

SENATOR HARR: As was Senator Chambers, right? [LB838]

SENATOR KOLOWSKI: Senator Chambers and I served four years together, yes. [LB838]

SENATOR HARR: And you guys were elected right? [LB838]

SENATOR KOLOWSKI: Correct. [LB838]

SENATOR HARR: Okay. And the Learning Community is a creature of the Legislature created by the Legislature? [LB838]

SENATOR KOLOWSKI: It was, yes. [LB838]

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SENATOR HARR: Okay. And it was originally a compromise passed probably ten, fifteen years ago. Have there been any changes to the Learning Community board since it was introduced? [LB838]

SENATOR KOLOWSKI: Oh, yes, there has been and one of the biggest ones came about a year ago and within this body and modified some of their structure. [LB838]

SENATOR HARR: Okay. Thank you. Folks, this happens all the time. Legislation is passed based on a compromise. Done, we think. No, you know what, we'll open the book next year. Why? Because no Legislature can bind a future Legislature. It's one of the basics we have here. So they worked a deal out and that's a good deal and that's fine but somehow this Water Sustainability who is appropriated \$11 million plus gets interest off that \$11 million, which hopefully... [LB838]

PRESIDENT FOLEY: One minute. [LB838]

SENATOR HARR: ...Appropriations will take away in these tough times, couldn't find \$100,000 for community gardens that do great things, sustain water, use the land effectively. Couldn't find it. So, fine, couldn't have their grant process changed. Wouldn't even ask for the amendment before they say no, we don't even want to read the amendment, we're just against it. How dare you change the legislation. To which I say to them, come down here. Get yourself elected, spend the time knocking doors, talking to constituents, learning their concerns. In my district, we have a concern for community gardens. We have a number of them. This is a way of preserving community gardens. The three things that inhibit community gardens: access to land, access to water, and insurance. [LB838]

PRESIDENT FOLEY: Time, Senator. [LB838]

SENATOR HARR: I've helped deal with the two. Thank you. [LB838]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Wishart. This is your third opportunity, Senator. [LB838]

SENATOR WISHART: Thank you, Mr. President, and I appreciate the debate we've had this morning. You know, I was not part of the grand compromise that occurred when senators made a decision on this legislation in 2014 that would require parental consent for 16 and under. Frankly, if I had been there at that point with the information I know now, I would not have been willing to support that because I feel very strongly about the fact that even with parental consent,

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especially since it only goes to 16, we're putting those 17-, 16-year-olds in jeopardy who don't need any parental consent and could potentially be making a decision to go into these tanning facilities every day. And then I know parents are...I know most parents are well-informed, but there's always the occasion where a parent allows a child as young as 12 years old or 10 years old to be using these facilities, and again, exposing them to struggles with health problems for the rest of their lives. I did want to talk a little bit more to a handout that I gave out yesterday and I hope my colleagues have had some time to look through this and dispel some of the claims, some of which we have heard today. So, I'm going to talk a little bit to the claim that parents should be allowed to decide whether youths can use tanning devices since that debate has come up quite frequently today. Facts: Parental consent laws are not adequate for effectively deterring minors from using tanning devices. Studies show that many youth are able to purchase a tanning session even if parental permission is required by law. A CDC study found that parental permission laws without age restrictions did not reduce adolescent use of indoor tanning, whereas, age restriction laws do. Additionally, literature shows that when children perceive their parents as accepting indoor tanning as safe, as either they themselves use tanning devices or give consent to their child to do so, they are more likely to frequent indoor tanning salons. Additionally, when public policy implies that parents have a right to choose a product for their child, parents perceive the product is safe. Laws that prohibit the use of indoor tanning devices for those under 18 successfully reduce the use of these devices by minors. Thirty percent fewer female high school students use indoor tanning in states where indoor tanning laws, particularly those with age restrictions in those states other than states without any laws. A recent Minnesota Department of Health survey found that since the state law to prohibit minors under the age of 18 from using indoor tanning devices was passed, the number of 11th grade white females that use indoor tanning devices decreased over 70 percent; from 2013, 33 percent; to 2016, 9 percent. Additionally, a CDC cohort study following a group of 61.2 million youth aged 14 years or younger in the U.S. found that restricting indoor tanning among minors younger than 18 years was estimated to prevent 61,839 melanoma cases, prevent 6,725 melanoma deaths, and saved the U.S. \$342.9 million in treatment costs over the group's lifetime. Products or devices deemed to be harmful are often regulated to protect consumers. [LB838]

PRESIDENT FOLEY: One minute. [LB838]

SENATOR WISHART: An international agency for research, W.H.O., on cancer categorizes tanning devices as its higher cancer risk category, a Class I, carcinogenic to humans and recommends that minors not be allowed to use them. In 2014, the United States Food and Drug Administration reclassified tanning devices to a Class II device which requires greater regulatory safety controls. And again, I want to remind this body that in this state we have no licensing requirements and no regulations around the use of tanning beds in tanning salons. Thank you. [LB838]

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PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Chambers. Senator Chambers, you're recognized. [LB838]

SENATOR CHAMBERS: Thank you. Mr. President, and members of the Legislature, once again I support this bill. I had said something about these compromises on slavery and I think there might be some clarification I need to give. People think that the North was such a liberal humanitarian place. That had nothing to do with why there was not slavery there because at one point every state, every colony had slavery except Massachusetts. There was a guy who wrote a book, his name was Hinton Helper. It was called The Impending Crisis of the South. And he was able to persuade some of the leaders in the South who had favored slavery to turn against it, not for humanitarian purposes, but for the damage it did to white labor. It depressed wages, it lowered the economy, and the certain people who constituted the planter class were benefiting from it, but the working people were not. And that's what put somewhat of a break on slavery. In the North they were able to make this argument even more strongly and they did not want slavery because of the damage it would do to white labor in terms of working conditions and wages. So slavery has never been something that was hindered in this country because of altruistic or humanitarian purposes. There were individuals who had that argument and the famous term to let you know those who supported slavery, the Lords of the Lash in the South, the Lords of the Loom in the North. Those who dealt with fabrics and that kind of activity in the North, those who did the running of those factories were in league with the slaveholders in the South. So compromises, as far as a black man is concerned, are always subject to suspicion. In this case...I would like...is Senator Hilkemann on the floor? [LB838]

PRESIDENT FOLEY: Senator Hilkemann, are you available for a question? I don't see him, Senator Chambers. [LB838]

SENATOR CHAMBERS: Well, anyway, some of you all may have heard of this substance. It was called thalidomide. And it was supposed to be, I believe, a contraceptive. Women took it and their offspring, those who had children, were severely deformed, is the term that was used. They were born with partial limbs, some no limbs at all. Thalidomide had been approved for usage. All of the medical knowledge at that time turned out to be wrong. Parents do not have technical knowledge or information. As Senator Pansing Brooks pointed out, they come under tremendous pressure from their daughters to allow them to engage in this activity and many will agree. Many don't even see it as harmful. The policymakers in the Legislature have to set minimum standards at least that relate to this concept of public health. This line that is drawn in the sand or this floor that is constructed cannot be breached in either case, no matter who is the one who wants to breach it. So the fact that somebody as a parent or a guardian does not remove from us as policymakers the responsibility to look out for all of the people in this society, and especially those who are young and may be abused by their own parents, whether they are biological parents, adoptive parents, or foster parents. [LB838]

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PRESIDENT FOLEY: One minute. [LB838]

SENATOR CHAMBERS: That term takes on a kind of sentimental connotation which is not always merited. I only have one more time to speak and I'm not doing this to take time, but to put some things in the record. So I will take my third time and that will be all naturally that I'll say on the bill. Thank you. [LB838]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Walz. [LB838]

SENATOR WALZ: Thank you Mr. President. I rise in support of LB838. But I need to take a moment to also reflect on yesterday's events. I want to thank Senator Blood for her words. I received a Facebook message today from a coach and teacher at Archbishop Bergan in Fremont and I just want to read to you guys what it said. The left, guns are dangerous. Semi-automatic guns are not necessary. Let's get more regulation. The right, guns aren't the problem, regulations means government will own us. We need semiautomatic weapons to protect our families. Both sides yell at each other on TV. Everyone gives thoughts and prayers. Everyone acts and feels sad. Time goes on, nothing happens. Everyone moves on with their lives. Meanwhile my wife and I show up to work every day to teach children, which happens to be the most popular target of mass shootings. Will tomorrow be the day that one of us doesn't come back home? At this point it's a matter of...if it will happen, but when it will happen. Since 2013, there have been 291 school shootings in the United States. About one school shooting per week. In 2018, we reached 18 school shootings and that's just in 45 days. There are solutions. It's not that hard, he says. Figure it out, America. So tomorrow he says, I'll go spend my plan period contemplating how I'll save my students, escape my back-corner classroom and fend off suspected school shooters because that's my reality now. I'm pretty angry and I'm pretty filled with sorrow for parents and for students and teachers of these 17 students who lost their lives. Now, this 18th school shooting in 45 days. In fact, I hardly slept last night. I was up about 3:30 thinking about this horrific event and what can be done. And legislators on the floor, I don't think that any of us should have slept last night because we have the ability to change what is happening in our state and in our country. We have the ability to save lives. This morning, listening to the news, not one lawmaker in Washington spoke about the incident. And I understand they wanted to be respectful to the families but at this point, I think that families would rather have some action taken and the ability to avoid the sympathy in the first place. I think parents would rather have their children with them today. Young people in Nebraska, I'm going to talk to you guys again because honestly, there are times when I don't feel that anybody else is listening and at least you're here and you're listening. So I'm going to talk to you again. I feel like these life and death issues, such as shooting of innocent children, falls on deaf ears. I'm going to ask you again to try to have faith in our Legislature on this issue because I still believe that we can make some changes to protect human life. I certainly hope we can. But I want you guys, you young people, to take note and to be courageous and to stand up for what makes sense and what is right. I want you to... [LB838]

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PRESIDENT FOLEY: One minute. [LB838]

SENATOR WALZ: ...think with your heart as well as your head. Something has to change. We can either continue to ignore the problems and the cries for help from those who suffer from mental and behavioral illness or we can have the courage to make changes that can save lives. As that teacher said in his post, we must do something. Thank you, Mr. President. [LB838]

PRESIDENT FOLEY: Thank you, Senator Walz. Senator Chambers, you're recognized. This is your third opportunity. [LB838]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I would like to ask "Commander" Brewer a question or two if he would respond. [LB838]

PRESIDENT FOLEY: Senator Brewer, would you yield, please? [LB838]

SENATOR BREWER: I would. [LB838]

SENATOR CHAMBERS: Senator Brewer, you're familiar with the pontoon bridge, correct? [LB838]

SENATOR BREWER: I am. [LB838]

SENATOR CHAMBERS: And could you briefly describe what it is and what the function of it is? [LB838]

SENATOR BREWER: Pontoon bridge is a bridge that comes in sections. It's portable and the idea is that you put it together to cross different sizes of bodies of water and then when you're done, you take it apart and you move it to the next location. [LB838]

SENATOR CHAMBERS: Thank you very much. Members of the Legislature, I know what a pontoon bridge is but a lot of times what I say is not accepted. A pontoon bridge is very, very temporary. It is not designed to be permanent. There is a limit to the weight load that it can handle. It gets you from here to there. I use that because I want to make an analogy to these so-called grand compromises in the Legislature. They are like a bridge over troubled waters of the moment. They're not designed to be permanent. If you don't have these compromises, certain things would not move at all. When people are trying to be objective, they will say a compromise is something which neither side likes. Neither gets all that it wants, both will have things it does

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not want. And that's why it's a compromise. And that's why in some people's mind, compromise is a dirty word. When we're told what was agreed to by a Legislature years ago or even yesterday, nobody should get the impression that that means this is a fixed principle of legislation, legislating, and if something was arrived at by means of a compromise, that it binds everybody. First of all, if I'm not party to a contract, it cannot bind me anyway. So, all that, I hope, is thrown out the window and we look at what we're talking about now. I did not go into statistics with reference to the danger and the harm of these tanning operations, others were giving that kind of information. I received one phone call from one lady and I explained to her the concerns that I had, that I'd look at the bill but I was not one who could be counted on to be against this bill. I doubt that those who will vote against this bill are doing so because of any research that was done...notice I'm saying, I doubt. That doesn't say I know for sure. But my doubt is usually stronger than most people's what they call knowledge. I doubt that people who would oppose this bill are doing so because they've done any kind of research. Senator Hilkemann talked about the numerous legitimate studies that have been undertaken. And in the medical profession and the scientific field, one person's study or research is not enough to arrive at a conclusion that the scientific community or the medical community will accept. There has to be a number of credible, scientific, or medical studies, including experimentation or whatever other methods are used to try to verify the theory that is being advanced. So when you have these credible studies by people who are competent to conduct them and they arrive at the same conclusion, then you can say this is what we profess it to be. Nobody has been able to show where these tanning operations help. And as far as the striking of that language about the medical use of it, Senator Wishart explained where that language would be, but the fact that the representative of the Medical Association supported this bill... [LB838]

PRESIDENT FOLEY: Thirty seconds. [LB838]

SENATOR CHAMBERS: ...lets you know that nothing in it is going to hurt a legitimate medical practice. Thank you, Mr. President. [LB838]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator McDonnell, you're recognized. [LB838]

SENATOR McDONNELL: Thank you, Mr. Speaker. I rise in support of LB838 and would yield the remainder of my time to Senator Chambers. [LB838]

PRESIDENT FOLEY: Senator Chambers, 4:50, if you care to use it. [LB838]

SENATOR CHAMBERS: How much time? [LB838]

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PRESIDENT FOLEY: Four minutes forty-five seconds if you care to use it. [LB838]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I had in the past mentioned the person who said, my kingdom for a horse. Then I had added, if I had a kingdom I would say my kingdom for nuanced thinking. A lot of times when we're debating things on the floor, we cannot go into detail about each statement that we offer by way of argument and there could be a misperception based on that statement standing alone unexplained. And if a time comes later when what seems to be a contrary statement is made, it seems that the person has either altered a position or was being deceptive in the first go-around. I want to make it clear what I'm talking about when I say certain things. I quoted George Bernard Shaw in saying, parents are the very ones who ought not to have children. I do not want to create the impression that I think parents should never have any say-so about what happens with their children. I don't think that children ought to be able to consent to certain things. For example, the statute has said that a girl below a certain age cannot give legal consent to have sexual activity with an adult. It does not mean she cannot articulate the word, yes. It does not mean she does not have the desire. It means that in the eye of the law, a female of that age is not allowed under the law to give a grown man permission to engage in sexual activity with her. So there are terms in the law that are considered terms of art. They have a specific legal meaning which is different from the popular parlance when that word is used. So in a bill like the one before us, they may start...this one does I believe, with a list of definitions and sometimes there are terms which are used in every day discussion, but for purposes of this bill, in order that every time the word is used, it's not necessary in the body of the statute to say that this word means such-and-such in this statute. They will give a listing of definitions, then whenever that word is used in this particular statute, that word will have this meaning. And it's why when a person is going to compare one statute to another, and a certain word is used in both of them, such as "person," you have to be sure that the word "person" carries the definition for that specific statute. In statute A, "person" may be used to designate a corporation or some other nonhuman entity or collection of human beings. In the other, it may be a natural born or biological human being. And if you try to take the language from statute A and apply it to the word as it's used in statute B, it makes no sense whatsoever. This is one of the reasons lawyers, good lawyers, are paid well to handle a case. They do the research... [LB838]

PRESIDENT FOLEY: One minute. [LB838]

SENATOR CHAMBERS: ...not only in terms of the language of a statute itself, not only in terms of court cases in the jurisdiction where the case is being argued or tried, but at the federal level and in other jurisdictions to try to find support for the argument being made by that lawyer in behalf of his or her client. Thank you, Mr. President. [LB838]

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PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Kolowski. [LB838]

SENATOR KOLOWSKI: Thank you, Mr. President. I want to simply remind us of the social world that swirls around a high school on a daily basis and decision making that goes into something like using a tanning bed on a seasonal basis or whatever year...part of the year that students are thinking about. A lot of those things that happen within the cluster of friends are socially driven. And we're missing that element as far as what goes on and how they twist and turn their parents to get additional time to use a tanning bed so they can look young and healthy and tanned all season long, all year long. That impacts not just cheerleaders, not just dance team members, males and females go through that. There's a higher degree most of the time with female students in a high school situation. This was a very serious issue that we took seriously. As I said, we worked with my activities director in our building at Millard West High School for the 15 years I was principal and would work with the students so they would understand what they were doing and how they were impacting themselves as they made decisions on using the tanning bed to regain their place in the pecking order of a school. I hope we'll keep that in mind and I want to thank Senator Walz for her comments about the incident last night in Florida. And I hope our thoughts and prayers will be with those parents and the community as a whole as they work through what they are now facing. I would like to give the rest of my time to Senator Chambers if he would like to use that. Thank you. [LB838]

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Chambers, 2:45. [LB838]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Kolowski. Members of the Legislature, I didn't have the opportunity to hear what Senator Walz said about that incident and I was trying to stay away from it because sometimes I don't care about sounding offensive to people but on this one, it's not designed for that. I've said how prayers that are prayed here are not answered. I get tired of hearing politicians where we have the power to do something about a situation to give the abracadabra which says our thoughts and prayers are with those families. That's nonsense. We have the power to do something to restrict the availability of guns. All somebody has to do is, on this floor is say, second amendment and whatever it is, that's supposed to fly across the board. I fight those things when I think they should be fought and some that I don't even care that much about, like Senator Lowe's and that so-called rifle bill. Let them know, I am strongly against the proliferation and the easy access to guns. In this state you have to be, I believe, 21 to have a concealed weapon or pistol, but you don't have to be that old to have a rifle. Well, an AR-15 could qualify as a rifle. So, whereas, to get a little six shooter you have to be 21, to get a--I'm exaggerating--to get a 100 shooter you can be younger. So there's a disconnect in this society when it comes to those things that lead to slaughter. What do you think the President would be saying if a so-called undocumented worker had been the killer? What do you think, even if it was shown that he was as crazy as a bed bug. That would have nothing to do with it. It would play into the anti-immigrant, racist philosophy. [LB838]

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PRESIDENT FOLEY: One minute. [LB838]

SENATOR CHAMBERS: And those are the things that will not change until the public begins to say, enough is enough. On the television this morning I saw a number of U.S. Congress people from Florida talking strongly about the need to do something. I don't know what their past stance was on guns, but I'm sure the gun industry, pardon the pun, would call the shots on them, too, and they would not dare go against what the gun industry wanted. But now that the monster has slouched into their state and is killing their people, they're singing a different tune. The monster shouldn't have to come into our personal home before we try to stop it from entering anybody's home. Thank you, Mr. President. [LB838]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Pansing Brooks. Is Senator Pansing Brooks on the floor? Speaker Scheer, would you like to make an announcement? [LB838]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Being close to the time, we were going to allow Senator Pansing Brooks to discuss part of the bill but we'll be at a time limit that I'll go ahead and move over this bill and we'll move to the next item on the agenda. Thank you. [LB838]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Moving to the next bill, General File, 2018 Committee Priority Bill. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB874 introduced by the Urban Affairs Committee. (Read title.) The bill was introduced on January 5, referred to the Urban Affairs Committee, placed on General File with committee amendments. (AM1823, Legislative Journal page 587.) [LB874]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Wayne, you're recognized to open on LB874. [LB874]

SENATOR WAYNE: Thank you, Mr. President and members of the Legislature. This is the bill that we've all been waiting for to come out of Urban Affairs. LB874 is a product of the Urban Affairs Committee LR60 interim study that examined the issues as it related to tax increment financing that were raised during the report issued by the Auditor of Public Accounts, Charlie Janssen. That report was issued following the Auditor's review of 22 projects in which Nebraska municipalities utilized TIF. Members, all members of the body have received bullet points of the summary of the bill that was introduced to Urban Affairs and its amendment. And I asked everybody if you had any questions to come up and talk to me prior to today. This is a big bill

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and a big change for many Nebraskans and so I did not want to spend time on the floor trying to amend it, but I know some of that may or may not happen but I wanted to give everybody opportunity to respond prior to the bill. Following the release of the Auditor's report in December 2016, multiple members of the Legislature introduced bills one by one trying to address issues over TIF. Rather than handle these bills piecemeal, Urban Affairs decided to travel throughout the state and look at a comprehensive list. We traveled to North Platte where Senator Groene joined us and we had a great conversation around TIF and how North Platte and the surrounding areas as far as Scottsbluff use TIF. We also went to Grand Island in September. And then we came back to Lincoln in October and had a hearing on TIF. After the hearings, committee counsel and I worked through October and November, and interested parties, to draft language that specifically addressed the report and the Auditors and our first draft was done December 1. After December 1 we had more feedback and then our official bill was dropped this year. So I'm going to take a little bit of time to go through the bill, the bullet points that you guys received already because it is kind of detailed and kind of complicated. There's different parts of the bill. We'll start with recordkeeping. The primary issue identified in the Auditor's report was the lack of recordkeeping. Most of the projects--16 out of 22--did not have adequate records as it relates to the TIF project. What the committee found out when we looked at relevant statutes, is that their Records Management Act which governs most records dealing with TIF...or not just TIF but general records of municipalities did not specifically require TIF-related documents to be maintained for a full length of a TIF project, nor did it have certain retention requirements. So part of the language, what we did in this bill was require documents to be retained. And what we did is we made sure that those documents met the legal burden of actually documents in your possession versus all documents that sometimes a contractor may have. In addition, LB874 requires that developers retain TIF-supporting documents as well as needed to comply with the municipality's retention requirements. As far as cost reimbursements, this is one of the ones that the floor...we had plenty of floor debate on and plenty of bills introduced on and it was dealing with the but-for test. And it talked about mainly does it truly meet the but-for test or not. Generally, those costs that are allowed are preplanning activities and things that are necessary in order to develop for the developer to be... [LB874 LR60]

PRESIDENT FOLEY: Excuse me, Senator Wayne. [LB874]

SENATOR WAYNE: Yes. [LB874]

PRESIDENT FOLEY: If members would please come to order. Please continue, Senator Wayne. [LB874]

SENATOR WAYNE: Oh, I'm building a record regardless if they're listening today or not, because this is a very significant bill. Whether it's urban or rural everybody uses TIF and they

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can go back and read the transcripts because we're going to build this record one way or another. So I appreciate the gavel though, Mr. President. Standard and blighted is the next subsection and it also deals with the cost-benefit analysis. The Auditor's report found a number of cases where municipalities were unable to provide documentation of their standard blighted areas or the cost-benefit analysis. So we took time in this bill to require that municipalities conduct a study or an analysis on whether a development project meets the definition of substandard and blighted and require these studies to be included in our public notices for substandard and blighted designation hearings and that copies of these studies be made available on municipalities' Web sites or made available for public inspection at designated locations. Similarly, LB874 would also require that the cost-benefit analysis information be included in public notices for the development hearings, plan hearings, and that copies of cost-benefit analysis be posted on the municipality's Web site or made available for public inspection. The other category that I related to on the public...or on the bullet point, as already noted, the Auditor's report identified several other projects, plus the bill...so first the bill redefines the redevelopment project to address the concerns the Auditor's Office expressed with the catchall provision. And you will remember that there was bills talked about whether construction would create a new catchall as far as residential and things like that. So what we did in this bill is we eliminated the catchall provision and listed specifically what things are needed for our redevelopment costs in that area. Second, the bill addresses the creation of TIF-related revolving funds. This was the issue that was identified in the Auditor's report regarding North Platte where they used TIF proceeds to help develop areas that were no longer necessarily a part of the TIF project or TIF redevelopment zone. We felt that that was a commingling of funds and we specifically banned that type of thing because there's other things that the city could do such as LB840 funds and other things that they could use to develop those areas. Third, the bill uniquely addresses TIF project regarding Broken Bow, where it was the section 18-2147 of municipalities that allowed them to divide taxes on projects or any portion thereof. Broken Bow, the city chose to divide taxes and basically cherry-picked five areas. LB874 clarifies a redevelopment project divide taxes only on the portion of real property that it should be included in the project. There's many other provisions that...some other small provisions as regards hearing notices, making sure school boards and other municipalities get a chance to be heard. And what you should know about this is, this was a long process in which many people came to the table, people who were against and for this type of bill. We brought them all together and generally with the amendment that we will add, AM1823, everybody is now on board. We have no opposition and this is the first time in a long time we've been able to clean up redevelopment laws and give the tools to our municipalities that are necessary to make sure they can develop and do it in a way that is responsible, that this body hopefully for a while do not have to handle any more TIF-related issues that may arise. Thank you, Mr. President.
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PRESIDENT FOLEY: Thank you, Senator Wayne. (Visitors introduced.) And there are amendments from the Urban Affairs Committee. Senator Wayne, you're recognized to open on the committee amendments. [LB874]

SENATOR WAYNE: Thank you, Mr. President and members of the Legislature. The committee amendment, AM1823, is a white-copy amendment that replaces the bill. Following the hearing, we met with the League of Municipalities and other opponents of the bill to try to address the concerns in the green copy and particular problems that may have arose. In addition to the substantive provisions, the amendment also makes a number of harmonizing provisions and cleans up technical...and technical changes. All of the changes in AM1823 are highlighted in the bullet point summary that I distributed earlier. First, the amendment eliminates the provision of the green copy that requires municipalities to allow counties and school districts to appoint a nonvoting member in a municipality's Community Redevelopment Authority. This is primarily because a number of cities have their city councils be their CRAs and having multiple school districts like in Omaha, there would be multiple nonvoting members. And the real issue there when talking to school districts and counties were about the notice requirement. And we require notice to be certified mail to a person at one of those localities, so the notice issue should be resolved now. And if the school district wants to take a vote against the property they can do so within their own political realm. Second, the amendment expands provisions dealing with the use of TIF funds to establish revolving funds. While the green copy was to limit the loan proceeds, the amendment would prohibit the proceeds from indebtedness incurred for the TIF project from being used as a revolving fund. So it still limits the issue that was going on in North Platte, but it does allow for phase projects which is one of the things that happen oftentimes when dealing with cities and municipalities. Third, the amendment would require finding commonly referred to as the but-for test to be in writing. This was actually something we missed and Senator Briese brought a bill that dealt with this issue. And we liked that so much and all the people who are opposed to not just Senator Briese's bill but our bill liked the idea of written, specific findings regarding the but-for test. And so we incorporated that bill and that bill was Senator Briese's bill, LB846. So this is very good. We did not incorporate Senator Briese's clear and convincing evidence standard, but we did incorporate the but-for test, specifically the written findings. Fourth, the committee amendment merges two additional procedures for ongoing locales who oversee TIF projects that were in the green copy. It establishes a local auditing plan that will be regularly reviewed by the redevelopment plan. So this gives back local control to make sure they're reviewing their own plans and what they're doing with their TIF projects. But more importantly, it allows the public a second chance to review what was going on with their TIF projects. Also, the Planning Commission or other divisions of the municipality compile annual reports to be submitted to the governing body. But that report also will be submitted to all the locals. So a school board will also get an annual report every year on the TIF projects going on in their districts that are affecting potentially their property taxes. Again, it gives the school boards and counties another review and a bite at the apple to make any statements they choose to

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do so. Fifth, the amendment moves all notice requirements. That's why it's kind of long, because the notice requirements among the community development were all, kind of like our criminal code, are all over the place. So we harmonized that to make sure all the notice requirements are in one area. And sixth, the amendment clarifies the audits of CRAs conducted by the State Auditor would be done at the CRA's expense. This mirrors the current statutory language requirements in the Auditor's sections. And I believe, seventh, yeah, seventh is kind of long so I won't go through it all. But while the opponents felt the retention issue was very important, we had to make sure that it met the legal requirements of possession and so I want to just highlight a couple of these. What Urban Affairs Committee has heard in the past few years, particularly the last two, was a constant drumbeat of what is considered anti-TIF creating a chilling effect on the development in the community. Multiple economic officials have told the committee over and over during our conversations that even though the bills are not passed, the fact that they are being introduced hinders the city's ability for having a stable environment to move forward. In this context I want to cite a statement made by the Urban Affairs Committee by former Senator Dave Landis who we now call "Professor" Landis who often testifies before this committee as this bill today is truly a peace treaty. It's a peace treaty in the sense that we want to provide stability over the next three to four years to allow our cities and municipalities to develop while at the same time taking the anti-TIF bills and the pro-TIF bills, putting them together to make sure we address their concerns. It is my hope and the hope of many who have interest in this issue that LB874 can stand the test of time as such a peace treaty. This bill has went through multiple reviews and one of the most outspoken critics, Senator Groene, we made sure to include him at the table, we made sure to include his thoughts and many other thoughts such as Senator Briese who had concerns about TIF. We brought everybody together and we believe this bill is the opportunity for this committee, this Legislature to speak loudly, to speak clearly that we have a framework for TIF and let the cities and municipalities and local governing bodies move forward on their economic development because this is one of the few tools that they have in their toolbox. And with that, I would ask for a green vote on AM1823 and LB874. Thank you, Mr. President. [LB874 LB846]

PRESIDENT FOLEY: Thank you, Senator Wayne. Debate is now open on LB874 and the pending committee amendments. Senator Groene. [LB874]

SENATOR GROENE: Thank you, Mr. President. As Senator Wayne said, I stand in full support of this legislation. His committee staff and he did an amazing job. They went around the state, spent their time getting input. You know, the process works in America. Had people are concerned about an issue. We worked hard when Senator Crawford was the Committee Chair in Urban Affairs to give power--and in Government Committee--to give power to the State Auditor to audit these projects. The State Auditor did his job, came back with some concerns, and now we are reacting to those concerns. It's good legislation. It gives the people a clearer vision. Individuals on city councils are volunteering their time. They are being taking...taking advice

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from individuals who can profit from TIF, tax increment financing. They need clearer regulations that they understand that they can do the right thing. It helps that...you know, what we are doing here is a...is something in the constitution that kind of blurs the line between local control and local entities where one entity, the cities, can unilaterally confiscate the property tax base of the schools, the counties, the NRDs, the cemetery boards, you name it, without their consent. It gives them a little bit more input now with a certified notification to the school, that they have to have a signed card sent back. They have to...it has to be put in the paper two weeks in a row that they're having a hearing. And to me, one of the biggest concerns I had with the use of it--and I don't blame my city in North Platte; I don't blame the communities that did it--was the community slush fund, Community Development Fund where they would take a project...McCool Junction, little town, did an elevator a mile or two out of town. Took the proceeds and used the money to upgrade their main street. TIF is meant for blighted and substandard area. It clarifies, this legislation does, that if you're going to TIF something, the money, the proceeds from the TIF bond has to be used on that project. You cannot divert it to some other purpose. I always give the...and that's critical. The city of Lincoln has TIF taking an awful lot of the tax base away from the county, for the county, for example, and the schools. A lot of their projects are good. Lancaster County has problems paying for bridges, folks. Part of that reason is they've lost their tax base to TIF--cause and effect. When we used to if it should be for the purpose of urban renewal. There's a lot of good fixes in this bill. It isn't everything I would like. I'd like to restrict it more. But this bill that Senator Wayne has put together is good. It takes out the catch-all where you have four paragraphs of what TIF can be used for, for public purposes and the very last line said something or anything else you deem necessary. You could have struck the...if you were on the other side of the issue you would have struck everything else and just left anything you deem necessary. Senator Wayne fixed that, and his staff. It's urban renewal. It's blighted and substandard areas. It's not economic development, folks. And the but-for is important, too, because the but-for definition has been distorted to mean, well, they're not going to build...I'm competing with Seward. I'm York. I'm North Platte. I'm competing with Columbus. They're going to build it in Columbus if I don't give them TIF, so I got to get in North Platte. No, the but-for is you're going to build it in this blighted area downtown or you're going to build it on the outskirts of my town. The but-for is confined to... [LB874]

PRESIDENT FOLEY: One minute. [LB874]

SENATOR GROENE: ...your community. Are you going to build it in a blighted area or are you going to build in a new development in the open cornfield? That's what the but-for is supposed to be. It's not to be used as a tool to compete with another community. TIF is a good program when used correctly. Senator Wayne is taking a huge step to make sure that people understand that and the new economic development directors out there understand it. Thank you. [LB874]

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PRESIDENT FOLEY: Thank you, Senator Groene. (Visitors introduced.) Continuing debate, Senator Williams. [LB874]

SENATOR WILLIAMS: Thank you, Mr. President, and good morning again, colleagues. And and I want to, first of all, thank the Urban Affairs Committee and Senator Wayne for all the work on this issue. I did have the opportunity to attend the hearing in North Platte and a major portion of the hearing when it was held here in Lincoln also. And as you know, those issues of economic development and the use of TIF are certainly important to me and to the legislative district that I serve. It's been used rather extensively in my legislative district. And I do support the amendment, AM1823, and, too, LB874. I do have some questions that I would like to ask of Senator Wayne. I did talk to him ahead of time so that he knew that there were some questions going to come and this is primarily for explanation to me and also putting it on the record. Senator Wayne, would you yield to a question? [LB874]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB874]

SENATOR WAYNE: Yes. [LB874]

SENATOR WILLIAMS: Thank you. First question is wanting a little more discussion on the but-for test that is included on page 34 beginning at line 6 where under the amendment, the but-for test in essence needs to be documented in writing. Can you describe to me and can we have a discussion on what you would think would be sufficient documentation in writing? [LB874]

SENATOR WAYNE: So yes, a but-for analysis usually is a cost-benefit analysis or some kind of...there's a Supreme Court, a couple cases that deal with two different prongs of it. And the way the statutes and the case law basically says is you have to give some reason. And so the but-for test is would it have happened without TIF. So in my opinion, the but-for test would be in writing because some of the audit reports showed that it wasn't in writing, but that writing should include some kind of cost-benefit analysis which we later talk about in other sections. So the goal is that if somebody can read the notices, they will know that, one, it's but for this wouldn't have happened, but more importantly here go some cost-benefit analysis of how we got to the conclusion of where TIF fills in the gap. [LB874]

SENATOR WILLIAMS: Thank you. One of the questions that has been posed to me because of some of the projects that I have dealt with when you're dealing with some large companies like a Frito Lay or a Monsanto, having them provide analysis that gets into their own business is hard to do, in fact impossible to do. Do you think it's necessary that a community would have to get information from them on the but for, other than them just putting in writing that we will not do this project without the use of TIF? [LB874]

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SENATOR WAYNE: So typically in the cost-benefit analysis, Senator Williams, they'll list out how much they're asking for in TIF. So in Omaha is the best example that I'm familiar with, they'll say \$400,000 is going to the city council for a TIF. But they also list in almost an Excel sheet or column, here goes the total cost of the project, here's how much construction is, here's how much is financing, and here's how much that TIF fills in that gap. So really that type of analysis, that type of addition, in my belief, would meet any case law regarding but-for test. So we don't have to get into the exact business practices and things like that, but just saying here's how much the land is, here's how much the financing is, here's the gap and this is what we're asking the CRA to help us with, with TIF. [LB874]

SENATOR WILLIAMS: Thank you. I appreciate your response on that. Moving on to page 36, line 5 under Section 15...16 I guess it is, the additional information that is required to be given... [LB874]

PRESIDENT FOLEY: One minute. [LB874]

SENATOR WILLIAMS: Thank you, Mr. President--the additional information that is required to be given even if a project has not changed, can you tell me the rationale for requiring communities to provide additional information when no information has changed from the previous report? [LB874]

SENATOR WAYNE: This is about...this is part of the public notice requirement we've been trying to deal with. So you have, an example, a plan that was 20, 30 years old and now the city council or local city may decide to revitalize that. We just think that if there's a substantial change or even if there's no change we should at least allow the public to know that, hey, we're revitalizing this type of plan. But it doesn't require any special provisions, but we just want the public to be able to say, oh, that 30-year plan, they're dusting off the shelf and are revitalizing it. [LB874]

SENATOR WILLIAMS: Thank you. And I know we're about to run out of time and I have pushed my button to continue this if necessary, so I'll stop right now, Mr. President. [LB874]

PRESIDENT FOLEY: Thank you, Senator Williams and Wayne. Senator Schumacher. [LB874]

SENATOR SCHUMACHER: Thank you, Mr. President, and members of the body. I, too, want to compliment Senator Wayne for his work on this. This is a substantial improvement over the situation which we had before. But I do remain very skeptical of governments meddling in the natural economic forces. I think that that impairs the ability of people and societies to respond to

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emerging economic realities and to adapt to something that would be more than what these programs bring forth. But I guess that's the world that we live in. I do, however, want to put in the record a concern that I have with the TIF legislation, maybe plant a seed if anybody cares to read this at sometime in the future, some young lawyer seeking fame and fortune, that the mechanism by which the voters of a city can affect the tax base and the taxation of people outside of that city by their action offends the federal rule of one vote per person and gives the people inside of the municipality doing a TIF more equal representation in the finances of the larger districts. That's out there. I think it remains a defect. I didn't expect it to be solved in this bill. And if someone is listening and young and ambitious, hey, take a look at it. I would yield the rest of my time to Senator Williams. [LB874]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Williams, 3:00. [LB874]

SENATOR WILLIAMS: Thank you, Senator Schumacher. And I would again ask Senator Wayne if he would yield to a question. [LB874]

PRESIDENT FOLEY: Senator Wayne, will you yield? [LB874]

SENATOR WAYNE: Yes, Senator Williams. Yes, Mr. Speaker. [LB874]

SENATOR WILLIAMS: Thank you. Going on, and Senator Groene mentioned this in his testimony, the catch-all provision that's on page 19, line 19. Was this removed because you felt there were abuses in that area? Or could you describe why the committee decided to take out that language? [LB874]

SENATOR WAYNE: So in the city of Lincoln, the Auditor's report found that facades on a building were being used with TIF proceeds or TIF money. And there was a question whether that's authorized or not underneath the statute. I think some cities like Lincoln and Omaha will say that enhances and it helps the redevelopment area, so it should be included. And some places will say it doesn't. So what we try to do is since this deals with statute and it deals with statewide issues, we try to come up with a plan that deals with both of them. But no matter whether you live in Omaha or Lincoln or North Platte or Venango, you have the same definition of what you can use TIF for. [LB874]

SENATOR WILLIAMS: Thank you. And moving on to Section 12, page 30, line 7, where we are establishing an additional public hearing, mandatory planning commission hearing, one of the things that I am concerned about in this entire process is we deal with some smaller projects, and every public hearing, every additional requirement like that adds to the cost and the time

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restraint involved. Again, do you have any comment on why you would believe this additional hearing is necessary? [LB874]

SENATOR WAYNE: Yes, so this was an issue about public notice again. And for our understanding, like 90 percent of the cities or municipalities are currently doing it because it's currently optional underneath current statute. And so to make it consistent across the state we just said, well, if 90 percent to 95 percent are already doing it, let's just make it mandatory so everybody, no matter where you live, has the same notice as everybody else. [LB874]

SENATOR WILLIAMS: Thank you, Senator Wayne. And last question from me deals with Section 16 and the providing public data. It would appear to me, and I may be wrong on this, but the information that is being asked to be distributed to the taxing districts including the school, the community college, educational service unit, and others is information that is already being provided to the property tax administrators. And if that is the case, why would it be necessary that another step be added to the process... [LB874]

PRESIDENT FOLEY: Time, Senators. [LB874]

SENATOR WILLIAMS: Thank you. [LB874]

PRESIDENT FOLEY: Thank you, Senator Williams and Senator Wayne. Senator Briese. [LB874]

SENATOR BRIESE: Thank you, Mr. President. Good morning, colleagues. I rise today in support of LB874 as amended by AM1823. I want to thank Senator Wayne and members of the Urban Affairs Committee for their efforts in bringing this to us. A lot of time and effort was put into this and they are to be commended for that. As Senator Wayne indicated, Section 14 of the amendment is an offshoot of my LB846. I just wanted to comment on why I think Section 14 is important. I believe Section 14 begins to address what, for me, is one of the larger issues relative to tax increment financing and why I brought LB846. Nebraska Revised Statute Section 18-2116(1)(b) requires a finding by the governing body that (i) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing; and that (ii) it would not occur in the community redevelopment area without the use of TIF. This requirement is commonly referred to as the but-for test or the causation requirement. And this causation requirement is what my LB846 addressed. There is a concern, founded or unfounded, depending on your perspective, that this causation and economic feasibility requirement is too often only given lip service, that someone is simply checking the box. Clearly the intent of the TIF statute is that TIF should be used only where the project is not economically feasible without TIF and where the project would not otherwise occur without TIF. To the extent those

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requirements of the statute are not adhered to, the taxpayer loses and it is siphoning off property tax dollars. To the extent the causation requirements are adhered to, in other words, if this project would not be economically feasible and would not occur without, then the property taxpayers are being held harmless when TIF is used. And in fact, such a scenario is a win for local taxpayers as the tax base expands due to the project and the property eventually comes into the tax base. And I believe the changes found in Section 14 can help us adhere to the but-for test and the economic feasibility requirement requiring the governing body to document in writing its finding that the plan would not be economically feasible and would not occur without TIF will force the governing body to show how it arrived at its conclusion. And there was some discussion on the floor between Senators Williams and Wayne regarding what that documentation should consist of. Personally, I consider document in writing is some explanation as to the reasoning and rationale used as to why it's not economically feasible without TIF. And I'll admit, I'm kind of fond of my original language in LB846; it was considerably more stringent. But opponents of LB846 raised some legitimate concerns at the hearing. And our job in this body is typically to balance competing concerns and I think the committee has done good work here in arriving at the language in Section 14 that should be agreeable to all parties. And I do think the language set forth here will improve the process and help to ensure that TIF is properly used. And I would encourage your green vote on AM1823 and LB874. Thank you, Mr. President. [LB874 LB846]

PRESIDENT FOLEY: Thank you, Senator Briese. Senator Quick. [LB874]

SENATOR QUICK: Thank you, Mr. President. I rise in support of LB874 and the amendment, AM1823. This is a good bill and the changes will benefit everyone involved. Over the summer I had the opportunity as a committee member to be involved with all the interim hearings that we had. We had one in North Platte, one in Grand Island, and then one in Lincoln. And both North Platte and Grand Island we were able to go out and see some TIF projects there, and then we got to hear interesting testimony on what people would want to see in making good changes to the TIF bill. I'd like to thank Senator Wayne and his staff for all the work they did. As a committee member, we have a lot of input, but they have to do all the work and I really appreciate everything they did. And with that, I would encourage everyone to vote green on both the amendment and the bill. And thank you, Mr. President. [LB874]

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Hansen. [LB874]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I rise today in support of LB874 and the committee amendment, AM1823. My speech was planning to be very similar to Senator Quick's speech that he just gave. As a member of the committee, we did have a great opportunity to talk to and hear from all sorts of different communities throughout the state on the issues of tax increment financing and kind of broader issues about related issues in terms of blighted and

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substandard areas of town. I think this is a really measured and thoughtful approach to address a lot of the issues that have been recurrent issues with tax increment financing. From sitting through the hearings that we did across the state, and I have lost track of how many different cities came, a lot of what we have been hearing were the issues identified in the Auditor's report were of the recordkeeping variety. And it was through no...it didn't necessarily seem to be through any malfeasance or ill will; it just seemed to be kind of a lack of priority or a lack of clarity on what records needed to be kept for how long and what situation and who was the custodian of those records and so on and so on and so on. I think that's some really important things that we accomplish in this bill. That's one of the big takeaways here that just in terms of efforts of clarity and transparency and accountability, making sure that those records are well maintained. And that's what ultimately I believe ended up in Sections 18 and 19 of the committee amendment. So I think it's very important for us to move forward. I want to thank the committee and all the committee staff for their work on this bill and ask my colleagues to support it. Thank you, Mr. President. [LB874]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Williams. [LB874]

SENATOR WILLIAMS: Thank you, Mr. President. And I would again ask Senator Wayne if he would yield. [LB874]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB874]

SENATOR WAYNE: Yes, Mr. Speaker. [LB874]

SENATOR WILLIAMS: Thank you very much. And when our time ran out last time, I was asking the question about Section 16, in particular the providing the same information that I would understand is currently going to the property tax administrator to these other taxing entities--the school district, the community college, and I would question the necessity of that. Senator Wayne, would you respond? [LB874]

SENATOR WAYNE: Yeah, so the issue is this actually provides a little more detailed information that goes to those individuals or those groups. In addition, it goes to the governing bodies such as the school districts and the community colleges, as you mentioned, because as TIF projects move forward we wanted to give that political subdivision the ability to look back and see if they, by not choosing to vote against a TIF project in their own body, would they want to now, now that they have more information on how TIF projects were used in their community in the past? So it's just a way to provide more information so those other political subdivisions can make informed decisions regarding their position on TIF. [LB874]

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SENATOR WILLIAMS: Wouldn't it suffice if they just attended the public hearing and watched when those who are going to happen anyway to get the information and be there to hear it direct from the horse's mouth? [LB874]

SENATOR WAYNE: I will not disagree with you on that. But again, when talking to all the parties they all agreed that this is probably a simple thing they can do. Since they're already most likely doing a report themselves, they can go ahead and send that out to somebody else, too. But I don't disagree that firsthand knowledge is usually the best. [LB874]

SENATOR WILLIAMS: Thank you very much, Senator Wayne. And I want to make it very clear that I am in support of this legislation and would be encouraging everyone else to vote green on the amendment and the underlying bill. And again, taking just a minute here to recognize that the best way to continue helping our state, helping our tax situation, helping our budget situations is to continue to grow our state. And I would suggest that one of the most, if not the most important tool, we have in our economic development toolbox is the proper use of tax increment financing. And I did say proper use and I believe this amendment with the underlying bill help us to narrow down and hold people's feet to the fire for proper use of tax increment financing. Thank you again to Senator Wayne and the entire committee for all of their work on this. Thank you, Mr. President. [LB874]

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Wayne, you're recognized to close on the committee amendment. [LB874]

SENATOR WAYNE: Thank you. This is the close on the amendment. I would ask for you to vote green. I do want to take time to recognize Trevor as our legal counsel, committee counsel, spent tons of hours, weekends, getting text messages from me about TIF-related things. And so I appreciate all the work that he did in communicating and sometimes, more times than others, pushing back on some ideas that he says I grab out of a balloon in the sky sometimes regarding TIF. So I appreciate that. It was truly a team effort. And with that, I would ask for you to push green, please. [LB874]

PRESIDENT FOLEY: Thank you, Senator Wayne. Members, you've heard the debate on AM1823, committee amendment. Those in favor of the committee amendment vote aye; those opposed vote nay. There has been a request to place the house under call. The question is, shall the house go under call? Oh, Senator Wayne, we have...yes, we'll cancel that. Record, please. [LB874]

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of the committee amendments, Mr. President. [LB874]

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PRESIDENT FOLEY: Committee amendment AM1823 is adopted. Is there further debate on LB874? Seeing none, Senator Wayne, you're recognized to close on the advance of the bill. [LB874]

SENATOR WAYNE: This will be very short. Thank you. Please vote green on this. And Senator Chambers taught me how to call the house, but he didn't teach me how to cancel the house. So I do apologize for that. (Laughter) [LB874]

PRESIDENT FOLEY: Thank you, Senator Wayne. The question before the body is the advance of LB874. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB874]

ASSISTANT CLERK: 33 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB874]

PRESIDENT FOLEY: LB874 advances. Items for the record, please. [LB874]

ASSISTANT CLERK: Mr. President, your Committee on Urban Affairs reports LB735 to General File, LB1020 to General File with amendments; LB95, LB262, LB489, LB846, LB967, and LB1085 all as indefinitely postponed by the Urban Affairs Committee. Committee on Banking reports LB742 to General File and LB1121 to General File with amendments. Priority bill designations: the Education Committee has designated LB1081; Senator Kuehn, LB1130; Senator Lindstrom, LB738; LB935 by the Performance Audit Committee; and LB389 by Senator Lowe. A notice of committee hearing from the Education Committee. Appointments from the Governor to the Foster Care Advisory Board Committee and to the Nebraska Educational Telecommunications Commission. New resolution: LR317 by Senator Brasch. That will be laid over. Amendments to be printed: Senator Linehan to LB1039; Senator Morfeld to LB295. Series of name adds: Senator Briese to LB299; Senator Lowe to LB299; Senator Thibodeau to LB308; Senator Brewer to LB926; Senator Wayne to LB959; Senator Erdman to LB1052; Senator Stinner to LB1069; Senator Linehan to LB1069. Senator Kuehn to LB1069. (Legislative Journal pages 659-663.) [LB735 LB1020 LB95 LB262 LB489 LB846 LB967 LB1085 LB742 LB1121 LB1081 LB1130 LB738 LB935 LB389 LR317 LB1039 LB295 LB299 LB308 LB926 LB959 LB1052 LB1069]

And finally, Mr. President, a priority motion from Senator Howard. She would move to adjourn until Tuesday, February 20, 2018, at 9:00 a.m.

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PRESIDENT FOLEY: Members, you've heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.