

SPEAKER MARVEL: Debate is ceased. Senator Johnson, do you want to close on the motion to advance the bill?

SENATOR JOHNSON: Yes, Mr. Speaker. I felt that Senator Chambers' remarks were probably in the end the only, what he voiced, was the only consideration that I personally had as I carried this bill because I, too, know that there have been times when collection agencies as well as lawyers, as well as any other agent, have exceeded the bounds of propriety in collecting debts and I said to myself as I was carrying this bill, should the name of the State of Nebraska be entrusted, in effect, to some agent to collect what is probably a just debt, and I thought about it and I thought we built in a few safeguards. The first safeguard will be that the organization that collects the debts got to be at least licensed under our collection agency laws. So we put that in. Then I said, secondly, by the time we turn the debt over to the collection agency, the justice of a debt should have been established. Why? Because we are talking about a tax delinquency and we will have given plenty of notice to the delinquent taxpayer of the delinquency and we have administrative procedures now for challenging a delinquency before it is ultimately assessed. And so the taxpayer will have had opportunity to have contested the rightfulness of that particular assessment and delinquency. Then I thought about the fair debt collection act and the kinds of restrictions that it does impose on collection agencies and how, in fact, it has caused collection agencies to have to make certain that they operate on the safe side of the law and on the ethical side of the law. And then I thought about how, in fact, right now our existing tax collection practices have worked hardships on people. I have dealt with property taxpayers locally, for example, that are extraordinarily upset by what the county attorney is doing to collect the taxes and in many respects though the county attorney clearly is operating as an agent of the state, the county attorney is subject to ethical constraints and the like and I concluded in the end that one of the costs of doing business, and we are in the business of governance, one of the costs of doing business is that we will cause some taxpayers to take umbrage with what is happening and it seemed to me that the better part of discretion as a legislator in this instance was to at least establish some reasonable mechanism for the collection of taxes due from nonresidents, from nondomiciliaries, and that kind of a step is to place this matter in the hands of licensed collection agencies subject to the federal requirements and to see precisely what works out. Now if, in fact, we start receiving over the next two, to three, to four years, some comments from aggrieved nonresidents about the practices that are taking place, then I think we ought to take a second look at this but I think at this juncture that