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FLOOR DEBATE

February 22, 2006 LB 823, 921

and regulations. In 1994, the then Attorney General issued an Opinion stating that the issuance of passports are not mandatory duties of the clerks, and since Nebraska statutes do not require payment to the county or state, the passport execution fees may be retained by the clerk. The Omaha World-Herald and some of the other media outlets in the state raised this issue last summer. They ran stories which estimated that district court clerks collected thousands of dollars a year in fees for processing U.S. passport applications. The media reported the clerks were using the money for various purposes, including gifts for staff, office supplies, or simply kept it as a salary bonus. In October of 2005, the present Attorney General issued another Opinion on this issue. This time, the Attorney General opined that the passport fees should not be kept by the clerk, but should be remitted to the county. During the interim, we worked with NACO to try to develop some kind of a bill regarding this situation. And LB 823 simply prohibits clerks of the district court from retaining these fees that are authorized by federal law to be collected by the county official, and that they...really the encouragement would be that they go back to the county board. So with that, Mr. President, that is the explanation of the bill. I would urge its advancement.

SENATOR CUDABACK: Thank you, Senator Schimek. You heard the opening on LB 823. Open for discussion on that motion. Senator Schimek, there are no lights on. Senator Schimek waives closing. The question before the body is, shall LB 823 advance to E & R Initial? All in favor of the question vote aye; those opposed, nay. We're voting on advancement of LB 823, presented by Chairperson Schimek, Government, Military and Veterans Affairs Committee. Have you all voted who care to? We're voting on LB 823. Members, have you all voted? Voting on advancement of LB 823. Please record, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 0 nays to advance the bill, Mr. President.

SENATOR CUDABACK: LB 823 does advance. We now go to the next bill, LB 921. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 921, introduced by Senator