

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

Floor Debate  
January 26, 2015

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE THIRTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR RUSS FOUST OF THE GRACE UNITED METHODIST CHURCH IN KENNARD, NEBRASKA, LOCATED IN SENATOR BRASCH'S DISTRICT. PLEASE RISE.

PASTOR FOUST: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR FOUST. I CALL TO ORDER THE THIRTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

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

CLERK: I HAVE NO CORRECTIONS.

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

CLERK: I HAVE A REFERENCE REPORT REFERRING LB656 THROUGH LB663, AS WELL AS AN APPOINTMENT TO THE STATE PAROLE BOARD. THAT WILL BE REFERRED TO JUDICIARY FOR PURPOSES OF CONDUCTING CONFIRMATION HEARING. SERIES OF COMMITTEE HEARING REPORTS FROM THE URBAN AFFAIRS COMMITTEE SIGNED BY SENATOR CRAWFORD. SENATOR SCHEER WOULD LIKE TO WITHDRAW LB50. THAT WILL BE LAID OVER AT THIS TIME. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 299-300.) [LB50]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE WILL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, GENERAL FILE, LB91. MR. CLERK. [LB91]

CLERK: LB91 BY SENATOR JOHNSON. (READ TITLE.) INTRODUCED ON

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JANUARY 8 OF THIS YEAR, REFERRED TO THE AGRICULTURE COMMITTEE, ADVANCED TO GENERAL FILE. AT THIS TIME I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB91]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. (DOCTOR OF THE DAY INTRODUCED.) SENATOR JOHNSON, YOU'RE WELCOME TO OPEN ON LB91. [LB91]

SENATOR JOHNSON: THANK YOU, MR. LIEUTENANT GOVERNOR, SPEAKER. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. TODAY IS THE FIRST TIME IN THE ONE HUNDRED FOURTH LEGISLATIVE SESSION THAT BILLS THAT HAVE GONE THROUGH THE HEARING PROCESS ARE BEING HEARD ON GENERAL FILE. LB91 WAS HEARD BY THE AGRICULTURE COMMITTEE ON JANUARY 20, AND SINCE THIS IS THE FIRST TIME THE AG COMMITTEE HAS HAD A BILL IN THIS SESSION, I WOULD LIKE TO INTRODUCE, NOT BY HAVING THEM STAND, BUT INTRODUCE THE MEMBERS OF THE AG COMMITTEE: SENATORS DAVE BLOOMFIELD, SENATOR ERNIE CHAMBERS, SENATOR BURKE HARR, SENATOR KEN SCHILZ, AND MYSELF, JERRY JOHNSON, A CARRYOVER FROM LAST YEAR'S COMMITTEE; REELECTED THIS YEAR WAS TYSON LARSON AND NOW SERVING ON THE AGRICULTURE COMMITTEE, AND TWO NEW SENATORS TO THE LEGISLATURE, SENATOR MARK KOLTERMAN, WHO IS OUR VICE CHAIR, AND SENATOR MERV RIEPE. LB91 REPEALS A SERIES OF DORMANT AND OUTDATED LIVESTOCK DISEASE STATUTES. MAY REFER TO THE COMMITTEE COMMENTS FOR MORE CITATIONS. PROVISIONS GOVERNING DOMESTIC ANIMALS ARE AFFECTED WITH SCABIES, THIS IS ONE OF THE ISSUES. PROVISIONS PERTAINING TO SHEEP SCABIES, AND HOG CHOLERA CONTROL AND ERADICATION ACT AND RELATED SECTIONS PERTAINING TO THE DESTRUCTION OF HOG CHOLERA DISEASE, SWINE, AND THE INOCULATION AGAINST HOG CHOLERA AND IDENTIFICATION OF INOCULATED ANIMALS. ANY PROVISION RELATING TO IMPORTS OF SWINE KNOWN OR ORIGINALLY SUSPECTED OF SWINE DISEASE. THE MOST COMMON ONE, FOR MOST OF YOU, PROBABLY WOULD BE HOG CHOLERA. HOG CHOLERA IS A CONTAGIOUS VENEREAL DISEASE. IT CAN GREATLY STUNT GROWTH, CAUSE ABORTIONS AND STILLBIRTHS, AND HAS A HIGH MORTALITY RATE. HOG CHOLERA WAS ERADICATED IN THE UNITED STATES IN 1978 AFTER 16 YEARS OF THE ERADICATION PROGRAM. THE NEBRASKA HOG CHOLERA ACT WAS ENACTED IN 1969, RELATED STATUTES AUTHORIZING THE DESTRUCTION OF AFFECTED ANIMALS SINCE 1929, INOCULATION PROVISIONS IN 1965. NOW, IT IS CLASSIFIED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, USDA, AS A FOREIGN ANIMAL DISEASE. SCABIES IS A SKIN INFECTION AND INFLAMMATION CAUSED BY BITES FROM PARASITES, MANGE, MITES RESULTING IN SEVERE ITCHING AND LESIONS, LOSS OF BODY CONDITION FOR THE ANIMAL. THIS HAS BEEN...WE HAVE BEEN FREE OF SHEEP SCABIES

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SINCE 1973. I WANT TO EMPHASIZE THAT THESE PROVISIONS PROPOSED FOR OUTRIGHT REPEAL HAVE FALLEN IN DISUSE AND WOULD TODAY BE OUTDATED...THEY'RE OUTDATED BY AUTHORITIES ISSUED BY THE NEBRASKA...OR U.S. DEPARTMENT OF AGRICULTURE. IF YOU HAVE MORE QUESTIONS ON THESE DISEASES, THERE IS A PROCESS IN PLACE THAT IF, FOR SOME REASON, AN ANIMAL, EITHER...ANY TYPE OF ANIMAL THAT'S NOW CLASSIFIED AS A FOREIGN ANIMAL DISEASE IS FOUND IN THE UNITED STATES, THE FEDERAL GOVERNMENT HAS FULL AUTHORITY TO IMPOSE THE CONTROLS, ACTUALLY CAN AUTHORIZE INCUBATION OF THOSE THROUGH TESTING AND THINGS, CAN ACTUALLY DESTROY THE ANIMALS AND BE VERY PROACTIVE. SOME OF THESE LAWS WE HAVE IN PLACE NOW WOULD ACTUALLY HINDER THE MOVEMENT AND THE ABILITY FOR THOSE THINGS TO HAPPEN. WE DID HAVE THIS HEARING ON JANUARY 20, TESTIFYING WAS THE DEPARTMENT OF AGRICULTURE, AND ALSO INCLUDED OUR STATE VETERINARIAN, DR. HUGHES. THE VOTE WAS 7-1, ONE MEMBER IN ATTENDANCE, BUT NOT VOTING. I WOULD URGE THE ADVANCEMENT OF LB91. THANK YOU. [LB91]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. (VISITORS INTRODUCED.) DEBATE IS NOW OPEN ON LB91. SEEING NO SENATORS WISHING TO SPEAK, SENATOR JOHNSON, YOU'RE RECOGNIZED TO CLOSE ON LB91 AND SENATOR JOHNSON WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB91 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB91]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB91. [LB91]

PRESIDENT FOLEY: THE BILL ADVANCES. RETURNING NOW TO GENERAL FILE, LB41. MR. CLERK. [LB91 LB41]

CLERK: LB41 BY SENATOR NORDQUIST. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO RETIREMENT SYSTEMS FOR PUBLIC HEARING, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL AT THIS TIME, MR. PRESIDENT. [LB41]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR NORDQUIST, YOU'RE WELCOME TO OPEN ON LB41. [LB41]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I'LL FOLLOW CHAIRMAN JOHNSON'S LEAD AND INTRODUCE THE MEMBERS OF THE RETIREMENT SYSTEMS COMMITTEE: VICE CHAIRMAN SENATOR DAVIS,

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SENATOR GROENE, SENATOR KOLOWSKI, SENATOR KOLTERMAN, AND SENATOR MELLO, AND OUR LEGAL COUNSEL IS KATE ALLEN. IF ANY TIME, AT ANY POINT YOU HAVE QUESTIONS ABOUT OUR RETIREMENT SYSTEMS, PLEASE FEEL FREE TO CONTACT MY OFFICE. WE HAVE THREE BILLS IN ORDER HERE THAT WERE ALL ADVANCED UNANIMOUSLY BY THE RETIREMENT SYSTEMS COMMITTEE. TWO OF THEM RELATE TO COUNTY RETIREMENT PLANS, AND JUST AS A BRIEF OVERVIEW, WE HAVE, ESSENTIALLY, THREE DIFFERENT MAKEUPS OF RETIREMENT PLANS IN OUR STATE. THE FIRST FOR COUNTIES, THE FIRST IS DOUGLAS COUNTY. THEY ARE THE ONLY COUNTY WITH A DEFINED BENEFIT PLAN ADMINISTERED BY THE COUNTY. THE SECOND IS LANCASTER COUNTY. THEY HAVE A 401(k) STYLE DEFINED CONTRIBUTION PLAN AND ONE OF THE BILLS COMING UP, LB126, IS SPECIFIC TO THE LANCASTER COUNTY RETIREMENT PLAN. AND THEN EVERY OTHER COUNTY IN THE STATE IS IN THE COUNTY EMPLOYEES RETIREMENT PLAN FROM SARPY COUNTY ON DOWN. THIS FIRST BILL, LB41, IS SPECIFIC TO SARPY COUNTY AND WAS BROUGHT FORWARD BY SARPY COUNTY. IT SIMPLY AMENDS THE POPULATION SIZE FOR COUNTIES THAT CAN PARTICIPATE IN THE COUNTY EMPLOYEES RETIREMENT PLAN. CURRENTLY COUNTY PLANS...THE COUNTY PLAN INCLUDES COUNTIES WITH POPULATIONS UNDER 200,000. SARPY COUNTY HAS HAD GROWTH OF 20 TO 30 PERCENT IN THE PAST DECADES, THE PAST FEW DECADES, AND PROJECTIONS SHOW THAT BY 2020, THEY COULD POTENTIALLY EXCEED THAT 200,000 POPULATION THRESHOLD. IF THAT HAPPENS, BY STATUTE, THEY WOULD BE FORCED OUT OF THE COUNTY RETIREMENT PLAN AND BE FORCED TO ESTABLISH THEIR OWN PLAN WHICH WOULD BE COSTLY. THEIR MEMBERS ARE VERY HAPPY IN THE COUNTY EMPLOYEES RETIREMENT PLAN, SO THIS SIMPLY CHANGES THE LANGUAGE FROM 200,000 TO 250,000, WHICH SHOULD GIVE ENOUGH OF A CUSHION TO EVEN GET THEM OUT TO PROBABLY 2030. THERE WILL BE ANOTHER BILL COMING THAT I INTRODUCED ON BEHALF OF SARPY COUNTY THAT THE RETIREMENT COMMITTEE WILL LOOK AT. THE PARAMETERS OF THE COUNTY EMPLOYEE PLAN ARE SET FOR ALL COUNTIES FROM SARPY ALL THE WAY DOWN TO THE SMALLEST COUNTY. SARPY COUNTY WOULD LIKE TO HAVE SOME CHANGES TO THAT FOR THEMSELVES AND WE ARE LOOKING AT THAT. WE'LL HAVE A HEARING ON THAT BILL LATER THIS WEEK AND IT WAS COSPONSORED BY A COUPLE OF SARPY COUNTY SENATORS AS WELL, BUT THAT WILL BE COMING LATER. BUT AGAIN, THIS JUST FOCUSES ON THE POPULATION CHANGE. THANK YOU. [LB41 LB126]

PRESIDENT FOLEY: THANK YOU, SENATOR NORDQUIST. SENATOR CRAWFORD. [LB41]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I JUST STAND TO RISE IN SUPPORT OF LB41, AND I THANK SENATOR NORDQUIST FOR WORKING WITH

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SARPY COUNTY. SARPY COUNTY IS THE FASTEST GROWING COUNTY IN THE STATE AND THIS PROVIDES AN IMPORTANT MEASURE OF STABILITY AS WE MOVE THROUGH THE FUTURE YEARS. SO I JUST URGE YOUR SUPPORT FOR LB41. THANK YOU. [LB41]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR NORDQUIST, AND HE WAIVES CLOSING. SENATORS, THE QUESTION IS THE ADVANCEMENT OF LB41 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB41]

CLERK: 40 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB41. [LB41]

PRESIDENT FOLEY: LB41 DOES ADVANCE. WE RETURN TO GENERAL FILE, LB42. MR. CLERK. [LB41 LB42]

CLERK: LB42 BY SENATOR NORDQUIST. (READ TITLE.) INTRODUCED ON JANUARY 8 OF THIS YEAR, REFERRED TO RETIREMENT SYSTEMS FOR PUBLIC HEARING, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB42]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR NORDQUIST. [LB42]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. THIS IS AGAIN A SIMPLE ONE-WORD CHANGE. LB42 CHANGES A PROVISION UNDER A BILL WE PASSED LAST YEAR, LB759, WHICH WAS SENATOR MELLO'S BILL THAT THE RETIREMENT COMMITTEE MOVED FORWARD AND THAT BILL FOR THE FIRST TIME ESTABLISHED A REPORTING REQUIREMENT OF POLITICAL SUBDIVISIONS THAT HAVE DEFINED BENEFIT PLANS, REQUIRED THEM TO REPORT TO THE RETIREMENT SYSTEMS COMMITTEE, AND THEN THOSE THAT WERE UNDERFUNDED HAD TO COME FORWARD AND PRESENT. THAT PRESENTATION TOOK PLACE THIS LAST...I THINK IT WAS EITHER NOVEMBER OR DECEMBER, BEFORE THE RETIREMENT COMMITTEE. THE FOUR PLANS THAT RIGHT NOW ARE WHAT YOU WOULD DEFINE AS UNDERFUNDED ARE THE OMAHA POLICE AND FIRE PLAN, THE OMAHA CIVILIAN EMPLOYEES PLAN, THE DOUGLAS COUNTY RETIREMENT PLAN, AND THE CITY OF LINCOLN RETIREMENT PLAN. ALL FOUR OF THOSE PLANS PRESENTED TO US AND REALLY HAVE A PATHWAY IN PLACE FOR RESTORING THE HEALTH OF THOSE RETIREMENT PLANS. BUT THIS BILL SIMPLY CHANGES A FILING DATE, THE REQUIREMENT OF THE FILING DATE IN THE BILL FROM NOVEMBER 15 TO OCTOBER 15, THE REASON BEING WE WOULD LIKE TO HAVE THESE HEARINGS AT THE SAME TIME AS OUR OTHER ACTUARIAL STUDY REPORTS, AND WE

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USUALLY HAVE THOSE IN MID-NOVEMBER. SO IF WE DON'T GET THESE REPORTS UNTIL THEN, IT CREATES A TIMING ISSUE. SO THIS IS...DOESN'T INCREASE ANY BURDEN ON THE LOCAL SUBDIVISIONS. THEY JUST HAVE TO SUBMIT WHATEVER THE MOST CURRENT PLAN IS FOR THEM, AND THEY HAVE TO GET IT TO US UNDER THIS BILL BY OCTOBER 15. THANK YOU, MR. PRESIDENT. [LB42]

PRESIDENT FOLEY: THANK YOU, SENATOR NORDQUIST. SEEING NO SENATORS WISHING TO SPEAK, SENATOR NORDQUIST IS RECOGNIZED TO CLOSE AND HE WAIVES CLOSING. SENATORS, THE QUESTION IS THE ADVANCEMENT OF LB42 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB42]

CLERK: 39 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB42. [LB42]

PRESIDENT FOLEY: LB42 DOES ADVANCE. WE RETURN TO GENERAL FILE. MR. CLERK. [LB42]

CLERK: MR. PRESIDENT, LB126 WAS A BILL INTRODUCED BY SENATOR NORDQUIST. (READ TITLE.) INTRODUCED ON JANUARY 9 OF THIS YEAR, AT THAT TIME REFERRED TO RETIREMENT SYSTEMS FOR PUBLIC HEARING, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS PENDING AT THIS TIME, MR. PRESIDENT. [LB126]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR NORDQUIST, YOU'RE WELCOME TO OPEN ON LB126. [LB126]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. LB126 WAS INTRODUCED AT THE REQUEST OF LANCASTER COUNTY AND IT'S SPECIFIC TO THEIR RETIREMENT PLAN. AGAIN, LANCASTER COUNTY IS THE ONLY COUNTY WITH A 401(k) STYLE DEFINED CONTRIBUTION PLAN. THEY OPERATE IT THEMSELVES. I BELIEVE THEY SAID THEY USE PRUDENTIAL FOR THEIR RETIREES. THIS BILL INCREASES THE COMBINED CONTRIBUTION RATE FROM A MAXIMUM OF 13 PERCENT TO A MAXIMUM OF 16 PERCENT. THE...I WILL...THE ISSUE THAT CAME UP AND THIS IS SIMILAR TO, I GUESS, WHAT SARPY COUNTY IS EXPRESSING TO US IN THE BILL THAT WILL BE COMING LATER FOR THEM, IS THAT THEY'RE CONCERNED THAT THEIR EMPLOYEES ARE NOT PUTTING ENOUGH AWAY. THAT AT THE END, THE AMOUNT IN THEIR ACCOUNT IS NOT SUFFICIENT AND EMPLOYEES ARE EXPRESSING THAT THEY'RE HAVING TO STAY ON LONGER, WHICH CREATES OTHER FUNDING PROBLEMS IN COUNTY GOVERNMENT, HIGHER HEALTH COSTS, HIGHER

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SALARIES, THAN BRINGING IN NEW EMPLOYEES. SO LANCASTER COUNTY, IN STATUTE, WE SAY THAT THEY CAN ONLY CONTRIBUTE A MAXIMUM OF 13 PERCENT. BEFORE 2012, IT USED TO BE A 1.5-TO-1 MATCH BY THE EMPLOYER. SO THE EMPLOYEE CONTRIBUTED 5.2 PERCENT. THE EMPLOYER CONTRIBUTED 7.8 PERCENT FOR A COMBINATION, A TOTAL COMBINATION OF 13 PERCENT. IN...THE LEGISLATURE IN...PASSED LB867 AT THE REQUEST OF LANCASTER COUNTY WHICH CHANGED IT TO A 1-TO-1 MATCH BUT STILL A CAP OF 13 PERCENT. SO INSTEAD OF THE EMPLOYEE CONTRIBUTING 5.2 PERCENT, THEY WENT UP TO 6.5 PERCENT, AND THE EMPLOYER CONTRIBUTION WENT DOWN FROM 7.8 PERCENT TO 6.5 PERCENT. SO 6.5 AND 6.5 ADDS UP TO 13. THAT WAS ALL FOR NEW EMPLOYEES HIRED AFTER JULY 1, 2012. PREVIOUSLY HIRED EMPLOYEES WERE UNDER THE 1.5-TO-1 MATCH. WELL, NOW THEY'VE COME FORWARD AND SAID THAT COMBINED IS STILL NOT ENOUGH. WE STILL WANT TO MAINTAIN THE 1-TO-1 MATCH, BUT THE COMBINED AMOUNT IS INSUFFICIENT FOR OUR EMPLOYEES TO HAVE WHAT THEY NEED. SO THEY WOULD LIKE TO MOVE TO 16 PERCENT TOTAL, 1-TO-1 MATCH OF 8 AND 8. THIS STILL WOULD NEED TO BE COLLECTIVELY BARGAINED. SO WE ARE MOVING UP THEIR THRESHOLD TO ALLOW THEM TO GO TO 16, BUT THEY STILL WOULD NEED TO NEGOTIATE THAT WITH THEIR COLLECTIVE BARGAINING UNITS. WE WILL HAVE A...I BELIEVE THERE IS AN AMENDMENT. MR. CLERK, IS THERE AM12? THANK YOU. OKAY. AND I'LL GET INTO THAT. THERE'S AN AMENDMENT THAT WOULD ALLOW EMPLOYEES WHO ARE UNDER THE OLD 1.5-TO-1 MATCH TO OPT INTO THE NEW HIGHER 8-TO-8, 8 AND 8, 16 PERCENT MATCH. SO THIS IS THE CALCULATION THAT THOSE EMPLOYEES WOULD MAKE. LANCASTER COUNTY AS A COUNTY RIGHT NOW IS CONTRIBUTING 7.8 PERCENT TO THEM AND THEY ARE CONTRIBUTING 5.2 PERCENT. IF THEY CHOOSE TO OPT INTO THIS NEW DESIGN, THEY WOULD GET A .2 PERCENT INCREASE FROM THE COUNTY INTO THEIR RETIREMENT PLAN AND THEY WOULD HAVE TO COME UP WITH THE ADDITIONAL EMPLOYEE CONTRIBUTION WHICH IS 2.8 PERCENT OF PAY. SO THAT EMPLOYEES THAT ARE CURRENT WILL HAVE THE CHOICE, BUT LANCASTER COUNTY THINKS THAT EMPLOYEES NEED TO CONTRIBUTE MORE TOTAL AND THEY'RE WILLING TO PUT IN MORE ON BEHALF OF THE COUNTY. THE COST TO THE COUNTY PROBABLY ISN'T SIGNIFICANT BECAUSE WE'RE ONLY TALKING ABOUT...IF IT IS AN EMPLOYEE HIRED PRE-2012, THEY'RE ONLY LOOKING AT POTENTIALLY A .2 PERCENT INCREASE OF PAY. AND THEN YOU HAVE A LIMITED NUMBER OF EMPLOYEES WHO ARE HIRED SINCE 2012 WHERE THEY WOULD HAVE TO CONTRIBUTE AN ADDITIONAL 1.5 PERCENT OF PAY, BUT THEY FEEL THAT THEY'RE ABLE TO MAKE UP FOR THAT IN THEIR BUDGET. SO THAT IS THE ESSENCE OF THE UNDERLYING BILL, AND THEN A FEW PROVISIONS IN THE AMENDMENT THAT I'LL TALK ABOUT. THANK YOU. [LB126]

PRESIDENT FOLEY: THANK YOU, SENATOR NORDQUIST. (VISITORS

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INTRODUCED.) MR. CLERK. [LB126]

CLERK: MR. PRESIDENT, I MISPOKE EARLIER. THERE ARE RETIREMENT SYSTEMS COMMITTEE AMENDMENTS PENDING TO LB126. (AM12, LEGISLATIVE JOURNAL PAGE 238.) [LB126]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR NORDQUIST, YOU'RE WELCOME TO OPEN ON THE COMMITTEE AMENDMENTS. [LB126]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. SO, MUCH LIKE SARPY COUNTY, LANCASTER COUNTY IS ALSO GROWING AND THERE ARE LIMITATIONS ON POPULATION SIZE FOR WHAT WE PRESCRIBE IN STATUTE FOR LANCASTER COUNTY. SO RIGHT NOW, LANCASTER COUNTY IS ABLE TO SET UP THEIR PLAN BECAUSE THEY FALL WITHIN THE POPULATION LIMITS OF 200,000 TO 300,000 EVEN THOUGH, I BELIEVE, ESTIMATES RIGHT NOW PROBABLY HAVE THEM INCHING VERY CLOSE TO THAT 300,000. SO UNDER THE AMENDMENT, WE WIDEN THAT RANGE. SO SARPY COUNTY WOULD START AT 250,000, AND THEN FROM 250,000 TO 500,000 WOULD BE THE RANGE FOR LANCASTER COUNTY, AND THEN DOUGLAS COUNTY HAS THEIR PLAN ABOVE 500,000. SO THIS CHANGES...THE AMENDMENT CHANGES POPULATION LIMITS. AND THEN ALSO AS I MENTIONED PREVIOUSLY, IT GIVES EMPLOYEES THE OPTION TO MOVE TO THIS NEW 1-TO-1, 16 PERCENT TOTAL CONTRIBUTION. IT IS A ONE-TIME IRREVOCABLE CHOICE ON BEHALF OF THE EMPLOYEE WHETHER OR NOT THEY WANT TO MAKE THAT CHANGE AND ACCESS THE ADDITIONAL .2 PERCENT EMPLOYER CONTRIBUTION TO THEIR RETIREMENT PLAN. I'D APPRECIATE YOUR SUPPORT OF BOTH AM12 AND LB126. THANK YOU. [LB126]

PRESIDENT FOLEY: THANK YOU, SENATOR NORDQUIST. DEBATE IS NOW OPEN ON THE COMMITTEE AMENDMENTS TO LB126. SENATOR SCHEER. [LB126]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. IF I COULD ASK SENATOR NORDQUIST JUST ONE QUICK QUESTION FOR CLARIFICATION, IF I MAY. [LB126]

PRESIDENT FOLEY: SENATOR NORDQUIST, WOULD YOU YIELD? [LB126]

SENATOR NORDQUIST: ABSOLUTELY. [LB126]

SENATOR SCHEER: SENATOR NORDQUIST, JUST TO VERIFY WHAT WE'RE REALLY TALKING ABOUT, IT'S A MATCH. SO IF AN INDIVIDUAL EMPLOYEE CHOSE ONLY, FOR EXAMPLE, TO CONTRIBUTE 4 PERCENT OF HIS COMPENSATION AND THE COUNTY WOULD ONLY BE LIABLE FOR 4 PERCENT,



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NOT THE 8 PERCENT, CORRECT? [LB126]

SENATOR NORDQUIST: IT'S COLLECTIVELY BARGAINED AND I BELIEVE IT'S A REQUIRED MATCH FOR...I WOULD NEED TO DOUBLE-CHECK ON WHO QUALIFIES, BUT I'M SURE IT'S FULL TIME AFTER A CERTAIN...AFTER A CERTAIN AMOUNT OF TIME. BUT IF YOU ARE A FULL-TIME EMPLOYEE, I'M SURE IT'S A REQUIRED MATCH OF EITHER EIGHT OR...SO, IT'S NOT A TRUE 401(k) WHERE YOU GET TO CHOOSE, YOU KNOW, A LOT OF TIMES THE PERCENTAGE YOU WANT TO PUT IN COMPARED TO YOUR EMPLOYER, THESE DEFINED CONTRIBUTION PLANS ARE A SET COLLECTIVELY BARGAINED REQUIREMENT. [LB126]

SENATOR SCHEER: OKAY, SO THE INDIVIDUAL EMPLOYEE DOES NOT HAVE THE ABILITY...LET ME ASK THEN, TO YOUR KNOWLEDGE, DOES THE EMPLOYEE HAVE THE OPTION THEN TO NOT PARTICIPATE IF HE SO CHOSE? [LB126]

SENATOR NORDQUIST: I'M GOING HAVE TO DOUBLE-CHECK, BUT USUALLY IN THESE NOT. USUALLY THEY ARE REQUIRED. SO THAT...LANCASTER COUNTY, EVEN THOUGH THEY WANT TO GO, YOU KNOW, RIGHT NOW IF THEY HIRED A NEW EMPLOYEE, THE EMPLOYEE HAS TO HIT 6.5, EMPLOYER DOES 6.5. THEY'RE GOING TO HAVE TO GO TO THEIR COLLECTIVE BARGAINING UNITS AND SAY, DO YOU WANT TO GO TO 8 AND 8? WE'RE WILLING TO PUT IN ANOTHER 1.5 PERCENT FOR EMPLOYEES BUT YOUR EMPLOYEE IS GOING TO HAVE TO PUT IN THAT OTHER 1.5 PERCENT. AND WE'RE JUST GIVING THEM THE FLEXIBILITY TO DO THAT UNDER THIS. [LB126]

SENATOR SCHEER: THANK YOU, SENATOR NORDQUIST. THANK YOU, LIEUTENANT GOVERNOR. [LB126]

PRESIDENT FOLEY: THANK YOU, SENATORS SCHEER AND NORDQUIST. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR NORDQUIST, YOU'RE WELCOME TO CLOSE ON COMMITTEE AMENDMENTS. HE WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB126 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB126]

CLERK: 39 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB126]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE AMENDMENTS ARE ADOPTED. DEBATE IS NOW OPEN ON LB126 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR NORDQUIST, YOU'RE WELCOME TO

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CLOSE. HE WAIVES CLOSING. SENATORS, THE QUESTION IS THE ADVANCE OF LB126 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB126]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB126. [LB126]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB126 ADVANCES. RETURN TO GENERAL FILE. MR. CLERK. [LB126]

CLERK: LB35 INTRODUCED BY SENATOR HOWARD. (READ TITLE.) INTRODUCED ON JANUARY 8 OF THIS YEAR; REFERRED TO BANKING, COMMERCE AND INSURANCE; ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM6, LEGISLATIVE JOURNAL PAGE 239.) [LB35]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR HOWARD, YOU'RE WELCOME TO OPEN ON LB35. [LB35]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THIS MORNING I BRING YOU LB35. LB35 IS CONSIDERED CLEANUP LEGISLATION AND WOULD AMEND VARIOUS SECTIONS OF STATUTE TO UPDATE INTERNAL REFERENCES TO NEBRASKA'S BUSINESS CORPORATION STATUTES. THE PASSAGE OF LB749 IN LAST YEAR'S SESSION RESULTED IN THE ENACTMENT OF THE NEBRASKA MODEL BUSINESS CORPORATION ACT, WHICH WILL COMPLETELY REPLACE THE OLD BUSINESS CORPORATION ACT. THE NEBRASKA MODEL BUSINESS CORPORATION ACT IS THE COMPREHENSIVE BODY OF STATUTE THAT DEALS WITH BOTH DOMESTIC AND FOREIGN BUSINESS CORPORATIONS. THESE STATUTES DEAL WITH ALL MATTERS OF GOVERNANCE OF CORPORATIONS DOING BUSINESS IN NEBRASKA, AND THE REASON FOR LB749 IN THE LAST SESSION WAS THAT THESE STATUTES HAD NOT BEEN UPDATED COMPREHENSIVELY FOR CLOSE TO 20 YEARS. THESE STATUTES ARE ALSO AFFECTED BY THE NEBRASKA BENEFIT CORPORATION ACT, WHICH PASSED THROUGH LB751 LAST YEAR. THIS LEGISLATION WAS PASSED TO ALLOW A BUSINESS CORPORATION TO ELECT TO BECOME A BENEFIT CORPORATION. IT ALSO PLACES DUTIES ON DIRECTORS AND OFFICERS TO CONSIDER THE EFFORTS OF ANY ACTION OR INACTION TO IMPACT SOCIETY UPON CERTAIN CRITERIA. MANY OF THESE CORPORATIONS WANT THE BENEFIT OF MAKING A POSITIVE IMPACT ON SOCIETY BY USING PROFIT TO CREATE GENERAL PUBLIC BENEFIT IN CERTAIN CATEGORIES SUCH AS IMPROVING PUBLIC HEALTH OR INCREASING THE FLOW OF CAPITAL TO ENTITIES WITH A PURPOSE TO BENEFIT SOCIETY OR THE ENVIRONMENT. ON JANUARY 1, 2016, THE NEW BUSINESS CORPORATION

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ACT WILL BECOME OPERATIVE AND THE OLD BUSINESS CORPORATION ACT WILL BE OUTRIGHT REPEALED. DURING LAST SESSION, THE TWO OTHER BILLS, LB402 AND LB751 WHICH, AS INTRODUCED, CONTAINED INTERNAL REFERENCES TO THE OLD BUSINESS CORPORATION ACT, WERE PASSED ON FINAL READING WITHOUT THERE HAVING BEEN A PRACTICAL OPPORTUNITY TO AMEND THEM TO REFLECT THE FORTHCOMING TRANSITION FROM THE OLD TO THE NEW BUSINESS CORPORATION ACT IN 2016 BROUGHT ABOUT BY THE PASSAGE OF LB749. AS A RESULT, THE RURAL COMMUNITY-BASED ENERGY DEVELOPMENT ACT AND THE NEBRASKA BENEFIT CORPORATION ACT CURRENTLY CONTAIN INTERNAL REFERENCES TO THE OLD BUSINESS CORPORATION ACT. LB35 WOULD SIMPLY CHANGE THOSE INTERNAL REFERENCES TO THEIR CORRESPONDING PROVISIONS IN THE NEW BUSINESS CORPORATION ACT. THE COMMITTEE WILL ALSO BE INTRODUCING AN AMENDMENT, AM6, THAT MAKES A TECHNICAL CORRECTION TO THE BILL. THEY WOULD PROVIDE THAT THE CHANGES MADE BY THIS BILL WILL BE OPERATIVE ON JANUARY 1, 2016, INSTEAD OF 2017. THE DATE JANUARY 1, 2016, IS KEY BECAUSE THAT IS WHEN THE OLD BUSINESS CORPORATION STATUTES ARE COMPLETELY REPEALED AND THE NEW BUSINESS CORPORATION STATUTES BECOME OPERATIVE. THE BILL AND THE CORRESPONDING AMENDMENT WERE PASSED UNANIMOUSLY FROM COMMITTEE. I WOULD URGE THE BODY TO ADOPT BOTH THE COMMITTEE AMENDMENT AND ADVANCE THE BILL. THANK YOU, MR. PRESIDENT. [LB35]

PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE BANKING, COMMERCE AND INSURANCE COMMITTEE. SENATOR SCHEER, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB35]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. I'M NOT SURE THAT MY OPENING IS NECESSARY AS SENATOR HOWARD DID AN EXTENSIVE JOB OF PORTRAYING WHAT WE ARE TRYING TO ACCOMPLISH, BUT MY STAFF DID A GREAT JOB OF PROVIDING ME WITH SOMETHING TO READ INTO THE RECORD, SO I WILL DO SO. THE COMMITTEE AMENDMENTS TO LB35 ARE ONLY TECHNICAL AND CLEANUP IN NATURE. THEY WOULD AMEND THE BILL SO THAT ITS CHANGES IN THE STATUTES WOULD BECOME OPERATIVE ON JANUARY 1, 2016, AND NOT JANUARY 1, 2017, AS THE BILL WOULD PROVIDE AS INTRODUCED. JANUARY 1, 2016, IS THE CORRECT DATE BECAUSE THAT IS WHEN THE OLD BUSINESS CORPORATION ACT WILL BE REPEALED AND THE NEW BUSINESS CORPORATION ACT WILL BECOME OPERATIVE. I WOULD URGE YOUR ADOPTION OF THE COMMITTEE AMENDMENTS TO MAKE THE TECHNICAL CORRECTIONS TO LB35. THANK YOU, MR. PRESIDENT. [LB35]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. DEBATE IS NOW OPEN ON

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THE COMMITTEE AMENDMENTS TO LB35. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SCHEER, YOU'RE WELCOME TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENTS TO LB35. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB35]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB35]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. DEBATE NOW CONTINUES ON LB35 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR HOWARD...EXCUSE ME, SENATOR CHAMBERS. [LB35]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SENATOR HOWARD. I HAD MADE A COMMENT THE OTHER DAY ABOUT RICH PEOPLE BEING SERVED BY THE MEMBERS OF THE LEGISLATURE, BUT NEVER INVITED TO ANY SOCIAL FUNCTIONS BY THESE RICH PEOPLE. SO THEY VIEW PEOPLE WHO DO THEIR BIDDING AS WATER CARRIERS AND IF THEY'RE FEMALES, HANDMAIDENS, BUT THAT'S THE EXTENT OF IT. YOU DON'T INVITE THE STABLE BOY INTO THE HOUSE. YOU DON'T INVITE THE YARD BOY, YARD GIRL, OR OTHER PERSON DOING MENIAL WORK INTO THE INNER SANCTUM, WHICH IS WHAT IT WOULD APPEAR TO SUCH A PERSON. WELL, I WAS READING THE NEWSPAPER A FEW DAYS AGO AND WHEN YOU REACH MY AGE, A FEW DAYS MIGHT MEAN 2 DAYS OR IT COULD MEAN 30. SO I'LL SAY WITHIN THE TIME OF MY MEMORY THAT THE RICH PEOPLE, THE IMPORTANT PEOPLE, THE BIG SHOTS, THE BIG "SHOTESSES" ARE PLANNING THEIR ANNUAL FESTIVITY KNOWN AS THE AKSARBEN BALL, ONE OF THE SILLIEST THINGS I HAVE EVER SEEN. AND I THINK IT PROJECTS SOMETHING WHICH IS NOT WHOLESOME. THEY ALWAYS PAIR SOME OLD DOTTERING MAN WITH A YOUNG GIRL, ALWAYS. I DON'T THINK THAT'S A GOOD IMAGE THAT SHOULD BE PROJECTED. BUT SINCE THEY'RE EVERYBODY'S BETTERS, B-E-T-T-E-R-S, THEY'RE ABLE TO SET THOSE STANDARDS. BUT THE QUESTION THAT IS BURNING IN MY MIND IS HOW MANY OF YOU HAVE GOTTEN YOUR INVITATIONS TO BE GUESTS OR PARTICIPANTS AT THE AKSARBEN BALL? OR HAS ANYBODY'S CHILD OR GRANDCHILD, WHO'S IN THIS BODY, BEEN DESIGNATED A PAGE? SINCE YOU SERVE THESE PEOPLE SO WELL, IT WOULD SEEM THAT WHAT I HAVE GIVEN BY WAY OF CHARACTERIZATION OF HOW THEY REALLY FEEL ABOUT YOU IS BEING ESTABLISHED. THIS CORONATION OR BALL, WHATEVER THEY CALL IT, IS ALWAYS HIGHLY PUBLICIZED. YOU ALL WOULD LIKE TO GO THERE, YOU'D LIKE TO RUB ELBOWS. YOU'D LIKE TO HAVE YOUR PICTURE TAKEN. YOU'D LIKE TO BE SERVED AT LEAST ONCE, FILET MIGNON--I DON'T EVEN KNOW WHAT THAT IS, BUT I'VE HEARD IT; I HOPE IT'S SOMETHING

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THAT YOU EAT--CAVIAR, FISH EGGS. THAT DOESN'T SOUND APPETIZING TO ME, BUT AS THE FRENCH SAY, THERE'S NO ARGUING OF TASTE. YOU WOULD LIKE THAT INSTEAD OF BEING SERVED MAYBE LUNCH MEAT, HOT DOGS, OR WHATEVER THEY SERVE YOU ALL WHEN THE LOBBYISTS COME DOWN HERE TO FEED YOU. AS SOON AS SOMEBODY GETS THAT INVITATION, I WOULD BE VERY APPRECIATIVE IF YOU WOULD LET ME KNOW SO THAT I CAN DO WHAT I'VE SAID THAT I'LL DO. IF I'VE TAKEN A POSITION NO MATTER HOW FORCEFULLY, BUT FACTS OR INFORMATION ARE DEVELOPED AND PRESENTED TO ME THAT WILL ESTABLISH THAT MY POSITION IS IN ERROR, I WILL CHANGE MY POSITION. I DO NOT SEE ANY ADVANTAGE, ANYTHING WHOLESOME OR MENTALLY HEALTHFUL ABOUT HOLDING TO A POSITION WHICH YOU KNOW IS FALSE. I WILL STAND ON THIS FLOOR AND ACKNOWLEDGE THAT I WAS WRONG, THAT I MADE A MISTAKE. I WAS PREMATURE IN MY JUDGMENT... [LB35]

PRESIDENT FOLEY: ONE MINUTE. [LB35]

SENATOR CHAMBERS: ...OF YOUR RICH OVERLORDS. BUT I'LL TELL YOU WHAT THEY PROBABLY SAY WHEN THEY ARE TOGETHER AND YOU ALL ARE NOT THERE, I THINK OSCAR WILDE HAD WRITTEN IT. WE EXPECT MORE FROM THIS, MORE FROM THE LOWER CLASSES IN THE WAY OF AN EXAMPLE THAN THEY ARE GIVING US. THE LOWER CLASSES ARE NOT DOING THEIR JOB BY SETTING A PROPER EXAMPLE. NOW, WHILE I'M STANDING, I'M 77 YEARS OLD. HOW MANY OF YOU WOULD LIKE TO SEE ME STAND ON THIS DESK AND DO A BACKFLIP WITH NO HANDS? LET ME SEE YOUR HANDS. THE LESSON FOR TODAY IS THAT YOU MUST LEARN HOW TO LIVE WITH DISAPPOINTMENT. (LAUGHTER) THANK YOU, MR. PRESIDENT. [LB35]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHEER. [LB35]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. IN RESPECT TO SENATOR...EXCUSE ME, CHAMBERS' COMMENTS, I GUESS I WOULD JUST STAND TO THE EXTENT THAT I DON'T DISAGREE WITH MUCH OF HIS ASSESSMENT IN RELATIONSHIP TO THE ROYALTY AS A PERHAPS A...INDICATIVE OF SOCIETY AS A WHOLE. BUT FROM A VANTAGE POINT OF WHAT THE ORGANIZATION HAS DONE OVER THE YEARS, CERTAINLY IN PREVIOUS YEARS, ESPECIALLY IN RURAL NEBRASKA, THE AKSARBEN CORPORATION AND FOUNDATION PROVIDED A LOT OF FUNDS TO LOCAL MUNICIPALITIES AND RESCUE UNITS AND SO FORTH THAT PROVIDE SERVICES TO THOSE, AND QUITE PROBABLY MAY NOT HAVE BEEN ABLE TO SECURE THOSE FUNDS FOR THOSE TYPE OF FACILITIES IN THE MORE RURAL AREAS. AND SO, ALTHOUGH I AGREE WITH SENATOR CHAMBERS IN MOST OF HIS

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COMMENTS, I DO WANT TO NOTE THAT THE ORGANIZATION OVER THE YEARS HAS PROVIDED NEEDED FUNDS TO A GREAT PART OF THE STATE FOR ITS USE ON LOCAL EMERGENCIES AND SO FORTH. THANK YOU, MR. PRESIDENT.  
[LB35]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. SENATOR CHAMBERS.  
[LB35]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. SENATOR SCHEER, MESSAGE RECEIVED. BUT, I WAS NOT CONDEMNING WHAT THOSE WEALTHY PEOPLE DO ON OCCASION. THERE ARE A LOT OF PEOPLE WITH HUGE AMOUNTS OF MONEY SUCH AS WARREN BUFFETT AND BILL GATES WHO GIVE AWAY BILLIONS OF DOLLARS. SO WHEN YOU HAVE A GREAT AMOUNT OF SOMETHING AND YOU GIVE SOME OF IT, THAT'S NOT ANYTHING WORTHY OF GREAT HONOR, NOT NECESSARY TO RECEIVE ACCOLADES. BUT I ALSO SAID I LIKE TO HAVE DOCUMENTATION FOR COMMENTS THAT I MADE. SO WHEN I TURNED ON MY SET DOWNSTAIRS, THERE WAS A PRAYER GOING FORTH AND I BELIEVE IT WAS A CHRISTIAN PRAYER AND JESUS WAS TRYING TO GIVE HIS DISCIPLES A LESSON. SO THEY WERE SITTING SOMEWHERE AND PEOPLE WERE GOING BY THIS BOX WHERE THEY GIVE ALMS, DONATIONS. AND A POOR WIDOW WOMAN CAME, AND SHE PUT IN A VERY SMALL PIECE OF MONEY. AND JESUS SAID, I'M GOING TO TRY TO GET SOMETHING INTO YOU ALL'S HEAD IF I CAN. WHAT SHE GAVE IS OF GREATER CONSEQUENCE THAN ALL THE GIVINGS OF THOSE RICH PEOPLE BECAUSE THEY GAVE OF THEIR MUCH AND THEY HAD A GREAT DEAL REMAINING. BUT THIS POOR WIDOW WOMAN GAVE ALL THAT SHE HAD. SO WHAT SHE GAVE ON A MORAL SCALE WAS OF FAR GREATER SIGNIFICANCE, OF FAR GREATER VIRTUE THAN ALL OF THOSE HUGE AMOUNTS THAT THESE RICH PEOPLE GAVE WITH THE TRUMPETS BLARING AND A GREAT SHOW. I'LL TELL YOU THIS, IF SOMETHING IS GOING TO BE PROVIDED FOR THOSE AMONG US WHO ARE LESS FORTUNATE, WHO ARE NEEDY, I DON'T CARE WHAT THE MOTIVATION IS. IF I LIKE CHEESE AND I'M TOO POOR TO GET ANY, AND SOME RICH PERSON GIVES ME A PIECE OF CHEESE, I DON'T MEAN WITH DIRTY HANDS OR ANYTHING LIKE THAT, SOMETHING EDIBLE, SANITARY, THAT CHEESE IS NOT GOING TO TELL ME WHERE IT CAME FROM AND I'M NOT GOING TO ASK ITS ORIGIN, ITS ANCESTRY, OR WHETHER IT'S GOT PAPERS. WHEN YOU'RE HUNGRY AND FOOD IS PROVIDED, YOU'RE GRATEFUL. I AM GLAD THAT PEOPLE WITH A LOT ARE WILLING TO SHARE IT WITH THOSE WHO HAVE LITTLE. BUT WHILE WE'RE LEARNING HOW TO JUDGE AND EVALUATE, WE NEED TO LOOK AT WHAT THE PERSON'S STATUS IS, WHO IS PLACING THE ACT, WHATEVER IT IS. SO WHEN YOU HAVE THE CATTLE ON 1,000 HILLS AND YOU GIVE SOMEBODY A HAMBURGER, TO THAT PERSON WHO IS HUNGRY, IT DOESN'T MATTER IF IT'S THE LAST HAMBURGER YOU HAD THAT YOU TOOK OFF YOUR OWN PLATE, IT

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MEANS SOMETHING. BUT THERE ARE DIFFERENT STANDARDS BY WHICH WE JUDGE. NOW, IF, IN FACT, ALL YOU HAVE IS A HAMBURGER, AND YOU SEE SOMEBODY WHO YOU THINK MIGHT BE HUNGRIER THAN YOU, OR AS HUNGRY AS YOU, OR JUST HUNGRY, AND YOU GO THROUGH ALL THIS MENTAL CALCULATING AND YOU DECIDE THAT YOU COULD NOT BE COMFORTABLE AND HAVE A CONSCIENCE AT EASE IF YOU COULD... [LB35]

PRESIDENT FOLEY: ONE MINUTE. [LB35]

SENATOR CHAMBERS: ...ALLEVIATE SOMEBODY'S HUNGER AND YOU DIDN'T. SO EVEN THOUGH YOU WILL REMAIN HUNGRY, YOU GIVE THAT LAST HAMBURGER THAT YOU HAD THAT HAS MUCH GREATER MORAL WORTH AND VALUE THAN THE PERSON WITH CATTLE ON 1,000 HILLS WHO GIVES A HAMBURGER. SO SENATOR SCHEER TOOK US INTO AN AREA THAT I WASN'T DISCUSSING, BUT SINCE HE DID, I FELT I HAD TO SAY SOMETHING. WITH THAT HAVING BEEN SAID, I STILL HOLD TO MY POSITION. I DON'T CARE HOW MUCH THESE RICH PEOPLE MAY DO. THE ROYALTY, THEY ARE NOT GOING TO INVITE YOU TO ANY OF THEIR SOCIAL FUNCTIONS UNLESS IT'S TO SERVE AS A WAITER, A WAITRESS, A HAT CHECK PERSON, OR A CLEANUP PERSON AFTER THEY'VE HAD THEIR FESTIVITIES. THANK YOU, MR. PRESIDENT. [LB35]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR HOWARD, YOU'RE RECOGNIZED TO CLOSE ON THE ADVANCE OF LB35. [LB35]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I WOULD JUST URGE THE ADVANCEMENT OF LB35 WITH THE GENTLE REMINDER THAT IT HAS NOTHING TO DO WITH THE AKSARBEN BALL. THANK YOU. [LB35]

PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. THE QUESTION IS THE ADVANCE OF LB35 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK? [LB35]

CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB35. [LB35]

PRESIDENT FOLEY: THE BILL ADVANCES. ITEMS FOR THE RECORD, MR. CLERK. [LB35]

CLERK: THANK YOU, MR. PRESIDENT. REFERENCE COMMITTEE WILL MEET NOW. REFERENCE COMMITTEE WILL MEET NOW IN ROOM 2102. TWO STUDY RESOLUTIONS: SENATOR SEILER OFFERS LR38 AND LR39, BOTH CALLING FOR

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INTERIM STUDIES. THOSE WILL BE REFERRED TO THE EXECUTIVE BOARD. I HAVE HEARING NOTICES FROM THE EDUCATION COMMITTEE, FROM THE AGRICULTURE COMMITTEE, FROM THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE, ALL THOSE SIGNED BY THEIR RESPECTIVE CHAIRS. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 301-303.) [LR38 LR39]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE WILL NOW RETURN TO GENERAL FILE, LB92. MR. CLERK. [LB92]

CLERK: LB92 BY SENATOR JOHNSON. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO THE AGRICULTURE COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM25, LEGISLATIVE JOURNAL PAGE 239.) [LB92]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR JOHNSON, YOU'RE RECOGNIZED TO OPEN ON LB92. [LB92]

SENATOR JOHNSON: THANK YOU, LIEUTENANT GOVERNOR. LB92 INSERTS A SERIES OF PROVISIONS WITHIN THE AGRICULTURAL LIMING MATERIALS ACT FOUND IN STATUTES BEGINNING WITH 2-4301 THROUGH 2-4327. THE NEBRASKA AGRICULTURAL LIMING MATERIALS ACT GOVERNS THE SALE, PACKAGING, AND LABELING INFORMATION PROVIDED ON OR WITH THE COMMERCIAL AGRICULTURAL LIMING MATERIALS. UNDER THE LAW, THE DEPARTMENT LICENSES MANUFACTURERS, DISTRIBUTORS, AND RETAILERS OF THESE PRODUCTS. THE DEPARTMENT ALSO PERFORMS CERTAIN TESTING, AUDITING, AND INSPECTION FUNCTIONS PRIMARILY FOR THE PURPOSE OF ASSUMING THAT AG LIMING PRODUCTS ARE LABELED ACCURATELY WITH CERTAIN REQUIRED STATEMENTS THAT PRODUCTS CONFORM TO RECOGNIZED PRODUCT STANDARDS AND THAT PACKAGE LABELS DO NOT MISREPRESENT THE CONTENTS. A COUPLE OF MAJOR CHANGES IN THIS, THE FIRST ONE IS PROVISIONS. THE REPORTING OF THIS HAS BEEN ON AN ANNUAL BASIS. THIS WOULD CHANGE THAT TO REPORTING EVERY SIX MONTHS. WITH THE REPORT, SALES JANUARY THROUGH JUNE WOULD BE DUE JULY 31. JULY 1 SALES THROUGH DECEMBER 31 WOULD BE DUE ON JANUARY 31 THE FOLLOWING YEAR. IT CHANGES IT TO A SIX-MONTH REPORTING PERIOD. THE SECOND ACTUALLY CLEANS UP SOME LANGUAGE TALKING ABOUT FOR USE IN THE STATE. CHANGES APPLY TO THE TONS ACTUALLY SOLD IN THE STATE. THE THIRD IS THE LABELING. A LITTLE BIT OF THE ACT DEFINES A CONSISTENCY SO THAT THEY WOULD COMPLY WITH STATE DEPARTMENT AND AID THOSE SUBJECT TO THE FEE THAT THEY'RE PAYING. THE SECOND ONE IS ADMINISTRATIVE AND DELINQUENT FEE COLLECTION. THIS PROVIDES FOR A FEE. IF IT'S MORE THAN 30 DAYS LATE,



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ON THE 31<sup>st</sup> DAY THERE IS A FEE, 25 PERCENT OF THE DELINQUENT FEE WOULD BE THE DELINQUENT CHARGE, BUT IT WOULD NOT EVER EXCEED 100 PERCENT OF THE DELINQUENT FEE. THIS WOULD BE RECOVERED AND GO TO INTO THE CASH FUND FOR THE DEPARTMENT AS ADMINISTRATIVE EXPENSES ARE INCURRED. IT ALSO TALKS ABOUT THE REPORTING RELATIONSHIP, PUBLISHING, AND INFORMATION LIKE THAT. CHANGES THE ENFORCEMENT PROVISIONS. IT REWRITES THAT THE DIRECTOR MAY EXERCISE STOP-MOVEMENT AUTHORITY IF HE HAS REASONABLE CAUSE TO BELIEVE THE PRODUCTS ARE SOLD IN VIOLATION OF THE ACT OR THE REGULATIONS. IT GIVES THE AUTHORITY TO SEEK COURT INTERVENTION, JURISDICTION IN ORDER TO SEIZE THE PRODUCT AND DISPOSE OF THE PRODUCT. IT ALSO ALLOWS FOR THE DEPARTMENT TO CHECK FOR THE ACCURACY OF THE...OF THOSE THAT COME UNDER THE FERTILIZER ACT. THIS WAS HEARD ON JANUARY 20. AGAIN, THE DEPARTMENT OF AGRICULTURE WAS THE ONLY TESTIFIER IN SUPPORT OF THIS, BUT WE DID HAVE TWO LETTERS FROM ORGANIZATIONS THAT DEAL WITH THE...OR THE DEALERS OF AG LIME, ONE BEING THE NEBRASKA AGRI-BUSINESS ASSOCIATION AND THE SECOND BEING THE NEBRASKA CO-OP COUNCIL. MR. SPEAKER, THAT CONCLUDES MY OPENING. [LB92]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE AGRICULTURE COMMITTEE. SENATOR JOHNSON, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. SENATOR JOHNSON. [LB92]

SENATOR JOHNSON: THANK YOU. THE COMMITTEE AMENDMENT MAKES ONE CLARIFICATION REGARDING THE AG LIMING MATERIALS SUBJECT TO INSPECTION FEE. ON PAGE 2, LINE 6, THE AMENDMENT INSERTS "IN NEBRASKA". IT'S A CLARIFICATION. I THINK EVERYBODY ASSUMES THAT THEY PAID THE FEE ON PRODUCTS SOLD IN NEBRASKA, BUT THERE ARE DEALERS THAT SELL PRODUCTS IN OTHER STATES. THIS JUST CLARIFIES THAT IT'S ONLY THE PRODUCTS SOLD IN NEBRASKA AND APPLIED IN NEBRASKA ARE SUBJECT TO THE FEE. IT JUST CLEARS UP ANY QUESTION OUT THERE. I'D CLOSE ON THAT. IF THERE'S ANY QUESTIONS, I WOULD TRY AND ANSWER THOSE. THANK YOU. [LB92]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SEEING NO SENATORS WISHING TO SPEAK, SENATOR JOHNSON, YOU'RE WELCOME TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR JOHNSON WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB92 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB92]

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CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB92]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. RETURNING NOW TO DEBATE ON LB92. SEEING NO SENATORS WISHING TO SPEAK, SENATOR JOHNSON, YOU'RE WELCOME TO CLOSE ON LB92. SENATOR JOHNSON WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB92 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB92]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB92. [LB92]

PRESIDENT FOLEY: LB92 ADVANCES. RETURNING NOW TO THE GENERAL FILE, LB93. MR. CLERK. [LB92 LB93]

CLERK: LB93 IS A BILL INTRODUCED BY SENATOR JOHNSON. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO AGRICULTURE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS. (AM26, LEGISLATIVE JOURNAL PAGE 239.) [LB93]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR JOHNSON, YOU'RE WELCOME TO OPEN ON LB93. [LB93]

SENATOR JOHNSON: THANK YOU, AGAIN, MR. PRESIDENT. LB93 PROPOSES A SERIES OF REVISIONS TO THE NEBRASKA COMMERCIAL FERTILIZER AND SOIL CONDITIONER ACT. IT TALKS AGAIN ABOUT LIME, BUT IT'S A LITTLE DIFFERENT APPROACH, THINGS THAT HAD TO BE CLEANED UP. THE NEBRASKA FERTILIZER AND SOIL CONDITIONER ACT GOVERNS THE SALE, PACKAGING, AND LABELING INFORMATION PROVIDED ON OR WITH COMMERCIAL AGRICULTURAL LIME MATERIALS. UNDER THE LAW, THE DEPARTMENT LICENSES MANUFACTURERS, DISTRIBUTORS, AND RETAILERS OF THESE PRODUCTS. THE DEPARTMENT ALSO PERFORMS OTHER TESTING, AUDITING, AND INSPECTING FUNCTIONS PRIMARY TO THE PURPOSE OF ENSURING THAT COMMERCIAL FERTILIZER AND SOIL CONDITIONER PRODUCTS ARE LABELED ACCURATELY WITH CERTAIN REQUIRED DISCLOSURES AND STATEMENTS, THAT PRODUCT CONFORMS WITH THE RECOGNIZED PRODUCT DEFINITIONS AND STANDARDS AND THAT PACKAGED LABELS DO NOT MISREPRESENT THE CONTENTS. THE DEPARTMENT MAY INTERVENE TO STOP MOVEMENT AND LICENSE DISCIPLINE UPON THE DISCOVERY OF ALTERED OR MISBRANDED PRODUCTS. IT TALKS A LITTLE BIT ABOUT IN THE CHANGES, REQUIRES A GRADE FOR THAT PRODUCT IDENTIFYING THE PERCENTAGES OF NITROGEN AVAILABLE, POTASH, AND PHOSPHATE WITH A GUARANTEED ANALYSIS. IT

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STRIKES OUT SOME OBSOLETE REFERENCE TO pH. THE NEW PROVISIONS WOULD STRIKE THE COMMITTEE AMENDMENT BY LABELING REQUIREMENTS UNDER THE LAW THAT DO NOT APPLY TO COMMERCIAL FERTILIZERS THAT ARE ALSO...HAVE PESTICIDES IN THEM AND LABELING IN CONFORMITY WITH THE NEBRASKA PESTICIDE ACT. THAT IS AN AMENDMENT THAT WILL BE COMING. THAT PRETTY MUCH CONCLUDES THE OPENING ON LB93. IF THERE ARE ANY QUESTIONS, I WOULD BE WILLING TO ANSWER THEM. [LB93]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE AGRICULTURE COMMITTEE. SENATOR JOHNSON, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB93]

SENATOR JOHNSON: THE COMMITTEE AMENDMENT STRIKES THE PROVISION OF THE UNDERLYING BILL THAT PROPOSED AN EXEMPTION FOR FERTILIZER PRODUCTS THAT ALSO CONTAIN PESTICIDE COMPONENTS. THE TEXT OF WHICH A NEW SUBDIVISION (5) WAS INSERTED ON PAGE 6, LINES 18 TO 24 PROVIDES THAT SUCH PRODUCT IF LABELED OR REQUIRED UNDER THE PESTICIDE ACT, WOULD BE DEEMED IN COMPLIANCE WITH THE LABELING REQUIREMENTS UNDER THE FERTILIZER AND SOIL CONDITIONING ACT. WE HAD...THE DEPARTMENT OF AG SPOKE IN FAVOR OF THIS. ON YOUR REPORT, AND IT WAS BROUGHT TO MY ATTENTION BY SENATOR McCOY, ONE OF THE DEPARTMENT EMPLOYEES TESTIFIED IN A NEUTRAL POSITION. I ASKED THE QUESTION, HOW MANY DIFFERENT PRODUCTS WOULD BE AFFECTED BY THIS AMENDMENT IF IT DID NOT PASS? THERE WAS ABOUT 500 PRODUCTS THAT WOULD BE COVERED UNDER THIS. THAT ALSO INCLUDE PESTICIDE AND THAT IS NOT NECESSARY FOR THOSE TO BE INCLUDED IN IT. SO IT WAS A CLARIFICATION OF A QUESTION. IT WAS NOT NECESSARILY A NEUTRAL TESTIMONY. THIS AMENDMENT STRIKES THE LANGUAGE THAT WOULD INCLUDE THOSE 500 PRODUCTS THAT ARE SOLD BY LAWN AND GARDEN AND USED ON LAWNS AND GARDENS, SMALLER USAGE. THANK YOU. I'M CLOSING. [LB93]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SEEING NO SENATORS WISHING TO SPEAK, SENATOR JOHNSON, YOU'RE WELCOME TO CLOSE AND HE WAIVES CLOSING ON THE COMMITTEE AMENDMENTS. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB93 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB93]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB93]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. RETURNING NOW TO DEBATE ON LB93 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR JOHNSON WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB93 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB93]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB93. [LB93]

PRESIDENT FOLEY: LB93 ADVANCES. RETURNING NOW TO GENERAL FILE. MR. CLERK. [LB93]

CLERK: LB95 INTRODUCED BY SENATOR SMITH. (READ TITLE.) INTRODUCED ON JANUARY 8 OF THIS YEAR, REFERRED TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE, ADVANCED TO GENERAL FILE. AT THIS TIME, I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB95]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SMITH, YOU'RE WELCOME TO OPEN ON LB95. [LB95]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THIS IS ONE OF THE FIRST BILLS THAT WAS HEARD BEFORE THE NEW TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. I JUST WANT TO USE THIS TIME JUST VERY BRIEFLY TO INTRODUCE TO MY COLLEAGUES THE NEW MEMBERS OF THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE: SENATORS McCOY, DAVIS, MURANTE, FRIESEN, SEILER, AND GARRETT, AND I'M PLEASED THAT SENATOR BRASCH IS THE VICE CHAIR OF THAT COMMITTEE. LB95 IS IDENTICAL TO A BILL THAT I INTRODUCED LAST YEAR THAT WAS ON THE CONSENT CALENDAR LIST BUT NEVER MADE IT ON TO THE AGENDA. IT WOULD REDEFINE...IT WOULD DEFINE ELECTRIC-ASSIST BICYCLES AND ALLOW THESE DEVICES TO BE USED IN BIKE LANES, ON BIKE PATHS, AND TO BE REGULATED JUST LIKE YOUR EVERYDAY TRADITIONAL BIKE. A PUBLIC HEARING ON THE BILL WAS HELD IN FRONT OF THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE ON TUESDAY AND WAS ADVANCED WITH SEVEN MEMBERS VOTING IN FAVOR AND ONE MEMBER ABSENT. THERE WAS NO OPPOSITION TESTIMONY AND THERE WERE NINE PEOPLE WHO TESTIFIED IN FAVOR, INCLUDING REPRESENTATIVES OF THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, THE NEBRASKA ASSOCIATION OF RESOURCE DISTRICTS, LIVE WELL OMAHA, AND THE SIERRA CLUB. UNDER LB95, AN ELECTRIC-ASSIST BIKE OR AN E-BIKE IS DEFINED AS A BICYCLE THAT HAS TWO OR THREE WHEELS, FULLY OPERATIVE PEDALS FOR A PROPULSION BY HUMAN POWER, AN ELECTRIC MOTOR WITH A CAPACITY OF 750 WATTS OR LESS, WHICH

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PRODUCES ONE BRAKE HORSEPOWER OR LESS, AND HAS A MAXIMUM SPEED OF 20 MILES PER HOUR ON LEVEL GROUND. THE DEFINITION IS BASED OFF OF THE FEDERAL DEFINITION OF E-BIKE. WITH AN AGING, BUT ACTIVE POPULATION, AND WITH MORE AND MORE PEOPLE LOOKING FOR ALTERNATIVE MODES OF TRANSPORTATION, THESE BIKES ARE GROWING IN POPULARITY ACROSS THE COUNTRY. THE E-BIKE IS JUST LIKE ANY OTHER BIKE EXCEPT A SMALL MOTOR PROVIDES THE EXTRA PUSH A RIDER MIGHT NEED, FOR INSTANCE, WHEN CLIMBING A STEEP HILL. THIS IS PARTICULARLY USEFUL FOR INDIVIDUALS WITH JOINT PROBLEMS OR OTHER PHYSICAL CONDITIONS THAT NEED THAT LITTLE EXTRA BOOST. ONE TESTIFIER AT THE HEARING TOLD US THAT HER HUSBAND IS A DISABLED VETERAN AND IS NO LONGER ABLE TO RIDE A TRADITIONAL BIKE. THE E-BIKE HAS GIVEN HIM THE OPPORTUNITY AND FREEDOM TO ONCE AGAIN ENJOY BIKING AND TO GET OUTSIDE AND TO GET HIS PHYSICAL ACTIVITY. SINCE THERE IS CURRENTLY NO STATUTORY DEFINITION OF AN E-BIKE, THESE BIKES FALL SOMEWHERE BETWEEN THE DEFINITION OF A MOPED AND A MOTOR VEHICLE, BOTH OF WHICH ARE SUBJECT TO MORE PROHIBITIVE REQUIREMENTS SUCH AS LICENSING AND HELMETS. ON THE DAY OF THE HEARING, AN E-BIKE WAS IN MY OFFICE ON DISPLAY AND ANYBODY WHO SAW IT CAN ATTEST THAT IT WAS NOT A MOPED. IT IS NOT A MOTOR SCOOTER. IT IS A BICYCLE AND SHOULD BE DEFINED AND REGULATED AS SUCH, AND ANYONE THAT SAW THE BIKE THAT DAY, THEY COULD NOT TELL THAT IT WAS ANYTHING DIFFERENT THAN A NORMAL BICYCLE. I THANK YOU FOR YOUR CONSIDERATION AND ENCOURAGE YOU TO VOTE TO ADVANCE LB95 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB95]

PRESIDENT FOLEY: THANK YOU, SENATOR SMITH. SENATOR GLOOR. [LB95]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. SOME OF YOU KNOW THAT I AM A BICYCLIST. I LOVE TO RIDE MY BICYCLE. I LOVE TO RIDE MY BIKE. DO QUITE A BIT. HOPE TO FOR YEARS TO COME. AND BY THE WAY, I ALWAYS WEAR MY HELMET WHEN I RIDE MY BICYCLE. FELL ONCE, PROBABLY GOING ABOUT 15 MILES AN HOUR WHICH IS BELOW THE 20 WE'RE TALKING ABOUT HERE, SEEMS TO BE THE MAXIMUM SPEED FOR E-BIKES. AND IT SAVED ME FROM SERIOUS INJURY. SO WE'LL BE TALKING ABOUT HELMETS SOMETIME IN THE FUTURE, I SUPPOSE. IT GIVES ME A CHANCE TO MAKE MENTION OF THAT. BUT I WONDER IF SENATOR SMITH WOULD YIELD FOR A QUESTION. [LB95]

PRESIDENT FOLEY: SENATOR SMITH, WOULD YOU YIELD? [LB95]

SENATOR SMITH: I WILL. [LB95]

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SENATOR GLOOR: SENATOR SMITH, WHAT IS ONE BRAKE HORSEPOWER MEAN? [LB95]

SENATOR SMITH: WELL, IT'S LESS THAN A TWO BRAKE HORSEPOWER THAT IS REQUIRED OF A MOPEDED DEFINITION. THAT IS A FANTASTIC QUESTION, AND I WOULD ENCOURAGE ANY OF MY COLLEAGUES THAT MIGHT BE ABLE TO ANSWER THAT TO STEP UP AND ANSWER THAT ON MY BEHALF. [LB95]

SENATOR GLOOR: MY GUESS IS THAT IT RELATES TO THE ABILITY OF BRAKES TO STOP A VEHICLE, BUT I'VE NEVER HEARD THE TERM USED BEFORE. IT MAKES SENSE. I THINK THIS IS A GOOD BILL. WE NEED TO HAVE A DEFINITION OUT THERE. THE DAY WILL COME, GOD WILLING, THAT I WILL NEED A LITTLE ELECTRICAL ASSIST, HOPEFULLY FROM MY BICYCLE AND NOT FROM MY WHEELCHAIR, BUT YOU NEVER KNOW. BUT TO HAVE THIS DEFINED, I THINK DOES FORESTALL SOME OF THE CONCERNS I'VE HEARD FROM OTHER BICYCLISTS OF SOMEONE TRYING TO REGULATE E-BICYCLES, WHICH ARE CLEARLY NOTHING MORE THAN BICYCLES WITH A LITTLE ASSIST. THEY'RE NOT MOPEDS. SO GOOD BILL, OUGHT TO BE APPROVED, WILL SAVE US FROM SOME DIFFERENCES OF OPINION IN THE FUTURE, I THINK. THANK YOU. [LB95]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SMITH, YOU'RE WELCOME TO CLOSE ON THE ADVANCE OF LB95. SENATOR SMITH WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB95 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB95]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB95. [LB95]

PRESIDENT FOLEY: LB95 DOES ADVANCE. WE RETURN TO GENERAL FILE. MR. CLERK. [LB95]

CLERK: LB150, A BILL BY THE URBAN AFFAIRS COMMITTEE AND SIGNED BY ITS MEMBERS. (READ TITLE.) INTRODUCED ON JANUARY 9 OF THIS YEAR, REFERRED TO URBAN AFFAIRS FOR PUBLIC HEARING, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL AT THIS TIME, MR. PRESIDENT. [LB150]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU'RE WELCOME TO OPEN ON LB150. [LB150]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. THIS IS OUR FIRST

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URBAN AFFAIRS COMMITTEE BILL, SO I WILL TAKE THE OPPORTUNITY TO INTRODUCE OUR MEMBERS: WE HAVE VICE CHAIR SENATOR McCOLLISTER; WE HAVE RETURNING MEMBERS TO OUR COMMITTEE, SENATOR KRIST AND SENATOR COASH, AND NEW MEMBERS OF OUR COMMITTEE, SENATOR HANSEN, SENATOR HUGHES, AND SENATOR EBKE. LB150 IS ONE OF SEVERAL BILLS INTRODUCED BY THE URBAN AFFAIRS COMMITTEE THIS SESSION AND CLARIFIES ELIGIBLE USES FOR GRANTS AND LOANS UNDER THE LOCAL OPTION MUNICIPAL ECONOMIC DEVELOPMENT ACT, COMMONLY REFERRED TO AS LB840. LB840 IS A TOOL THAT ALLOWS MUNICIPALITIES TO COLLECT AND APPROPRIATE LOCAL TAX DOLLARS FOR ECONOMIC DEVELOPMENT PURPOSES IF APPROVED BY LOCAL VOTERS. ENACTED IN 1991, LB840 REQUIRES THAT A MUNICIPALITY DEVELOP A LOCAL ECONOMIC DEVELOPMENT PLAN WHICH FORMS THE BASIS OF THE MUNICIPALITY'S ECONOMIC DEVELOPMENT EFFORTS. AS OF THIS PAST NOVEMBER, 65 MUNICIPALITIES ACROSS THE STATE HAVE VOTED TO CREATE AN LB840 PROGRAM, THE MOST RECENT OF WHICH WAS THE CITY OF BELLEVUE. THE PURPOSE OF LB150 IS TO CLARIFY THAT LOANS AND GRANTS MADE UNDER AN LB840 PROGRAM ARE INTENDED SPECIFICALLY TO GO TO QUALIFYING BUSINESSES AND THAT SUCH LOANS AND GRANTS MAY NOT BE MADE TO ANY POLITICAL SUBDIVISION, STATE AGENCY, OR OTHER GOVERNMENTAL ENTITY. SIMILAR LEGISLATION WAS INTRODUCED LAST SESSION BY SENATOR MCGILL, BUT FAILED TO ADVANCE FROM COMMITTEE BY SOME TECHNICAL ISSUES AND SIMPLY RUNNING OUT OF TIME AT THE END OF THE SESSION. ACCORDING TO TESTIMONY HEARD BY THE URBAN AFFAIRS COMMITTEE, THERE HAVE BEEN A COUPLE OF CASES WHERE CITIES HAVE GIVEN OUT LB840 GRANTS TO COMMUNITY COLLEGES OR OTHER GOVERNMENT ENTITIES WHICH WAS NOT THE ORIGINAL INTENT OF LB840. LB150 CLARIFIES THE INTENDED FOCUS OF THE LB840 PROGRAM AS A TOOL FOR MUNICIPALITIES TO PARTNER WITH PRIVATE BUSINESSES. IF OTHER POLITICAL SUBDIVISIONS WISH TO PARTNER WITH A MUNICIPALITY FOR ECONOMIC DEVELOPMENT, OTHER TOOLS ARE AVAILABLE SUCH AS AN INTERLOCAL AGREEMENT. LB150 WOULD RETAIN THE ABILITY OF CITIES OF THE FIRST CLASS, CITIES OF THE SECOND CLASS, AND VILLAGES TO USE LB840 FUNDS FOR RURAL NATURAL GAS INFRASTRUCTURE AND DEVELOPMENT. IN 2012, THE LEGISLATURE PASSED LEGISLATION THAT ALLOWED MUNICIPALITIES TO UTILIZE LB840 FUNDS TO ASSIST IN THE PLANNING, FINANCING, DEVELOPMENT, ACQUISITION, CONSTRUCTION, OPERATION, AND MAINTENANCE OF NATURAL GAS PIPELINES OR FACILITIES TO SUPPLY UNSERVED OR UNDERSERVED AREAS OF THE STATE. WHILE NO MUNICIPALITIES HAVE TAKEN ADVANTAGE OF THIS TOOL TO DATE, THE BILL ENSURES THAT A MUNICIPALITY COULD MAKE GRANTS OR LOANS UNDER ITS LB840 PLAN TO A NEIGHBORING MUNICIPAL UTILITY IN ORDER TO ASSIST WITH THE DEVELOPMENT OF RURAL NATURAL GAS INFRASTRUCTURE. LB150 RECEIVED NO OPPOSITION

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TESTIMONY AT THE HEARING AND WAS ADVANCED BY THE URBAN AFFAIRS COMMITTEE ON A 7-0 VOTE. I WOULD ASK FOR YOUR GREEN VOTE TO ADVANCE LB150 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB150]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATOR SMITH, YOU'RE RECOGNIZED. SENATOR SMITH WAIVES. SEEING NO SENATORS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. SENATOR CRAWFORD WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB150 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB150]

CLERK: 33 AYES, 0 NAYS ON THE ADVANCEMENT OF LB150, MR. PRESIDENT. [LB150]

PRESIDENT FOLEY: LB150 DOES ADVANCE. WE RETURN TO GENERAL FILE. MR. CLERK. [LB150]

CLERK: LB151, INTRODUCED BY THE URBAN AFFAIRS COMMITTEE AND SIGNED BY ITS MEMBERS. (READ TITLE.) INTRODUCED ON JANUARY 9, REFERRED TO THE URBAN AFFAIRS COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM19, LEGISLATIVE JOURNAL PAGE 271.) [LB151]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU'RE WELCOME TO OPEN ON LB151. [LB151]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING AGAIN, COLLEAGUES. LB151 WAS ONE OF SEVERAL BILLS INTRODUCED BY THE URBAN AFFAIRS COMMITTEE THIS SESSION AND IS DESIGNED TO PROVIDE MUNICIPALITIES WITH AN IMPORTANT TOOL TO DEAL WITH ABANDONED AND FORECLOSED PROPERTIES. LB151 CREATES A NOTIFICATION PROCESS FOR CODE VIOLATIONS ON FORECLOSED PROPERTIES ENABLING MUNICIPALITIES TO WORK WITH BANKS WHEN A HOME IS FORECLOSED UPON, BUT REQUIRES ATTENTION FOR MAINTENANCE ISSUES LIKE MOWING, TREE REMOVAL, AND OTHER NUISANCES. UNDER THE BILL WHEN A FORECLOSED PROPERTY IS IN NEED OF MAINTENANCE DUE TO CODE VIOLATIONS, A CITY OR VILLAGE CAN REQUEST THE NAME AND ADDRESS OF A DESIGNATED CONTACT PERSON FOR THE BANK OR TRUSTEE TO ACCEPT NOTICES OF VIOLATIONS, AND THE BANK, TRUSTEE, OR TRUSTEE'S ATTORNEY MUST PROVIDE THAT INFORMATION WITHIN FIVE BUSINESS DAYS. IN MANY CASES, BANKS OR TRUSTEES ARE SIMPLY UNAWARE THAT A FORECLOSED PROPERTY MAY HAVE FALLEN INTO



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DISREPAIR. ALTHOUGH FORECLOSING ON A PROPERTY DOES NOT CREATE A DUTY FOR THE BANK OR TRUSTEE TO MAINTAIN THE PROPERTY, MANY BANKS WILL COOPERATE ON MAINTENANCE ISSUES IN ORDER TO PROTECT THEIR INVESTMENT IN THE PROPERTIES. IN CASES WHERE THE OWNER OF A PROPERTY CANNOT BE FOUND, PROVIDING MUNICIPALITIES WITH A CONTACT PERSON AT THE BANK CAN HELP PREVENT FURTHER DETERIORATION OF THE FORECLOSED PROPERTY AND PROTECT SURROUNDING PROPERTY VALUES. WHAT I HEAR FROM MY OWN CITY OFFICIALS IN BELLEVUE, AND WHAT THE COMMITTEE HEARD IN TESTIMONY AT THE HEARING, IS THAT CITIES CAN USUALLY WORK CONSTRUCTIVELY ON MAINTENANCE ISSUES WITH BANKS ONCE THEY HAVE A CONTACT PERSON TO WORK WITH. THE CONCEPT OF PROVIDING A DESIGNATED CONTACT PERSON FOR FORECLOSED PROPERTIES WAS FIRST BROUGHT TO THE ATTENTION OF THE URBAN AFFAIRS COMMITTEE IN 2011 AS PART OF THE COMMITTEE'S INTERIM STUDY ON VACANT PROPERTIES. I INTRODUCED LEGISLATION SIMILAR TO LB151 LAST SESSION. LAST YEAR'S BILL WAS ADVANCED TO THE FLOOR BY THE URBAN AFFAIRS COMMITTEE, BUT FAILED TO ADVANCE FROM GENERAL FILE DUE TO TIME CONSTRAINTS. ALTHOUGH THE NEBRASKA BANKERS ASSOCIATION DID NOT TESTIFY AT THE HEARING, THEY DID SUBMIT A LETTER OF SUPPORT. LB151 INCLUDES PROVISIONS THAT WERE NEGOTIATED WITH BANKERS TO ASSURE THAT THE REQUIREMENT TO DESIGNATE A CONTACT PERSON DOES NOT ADVERSELY IMPACT A FORECLOSURE FILING, OR NOTICE OF DEFAULT UNDER THE TRUST DEED, AND DOES NOT CREATE A DUTY FOR THE BANK OR TRUSTEE TO MAINTAIN THE FORECLOSED PROPERTY. I WANT TO THANK THE BANKERS FOR WORKING WITH MY OFFICE AND THE COMMITTEE LAST SESSION ON THESE ISSUES AND THANK THE COMMITTEE FOR INTRODUCING LB151 AS A COMMITTEE BILL. LB151 RECEIVED NO OPPOSITION TESTIMONY AT THE HEARING AND WAS ADVANCED BY THE URBAN AFFAIRS COMMITTEE ON A 7-0 VOTE. I WOULD ASK FOR YOUR GREEN VOTE TO ADVANCE LB151 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB151]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE URBAN AFFAIRS COMMITTEE. SENATOR CRAWFORD, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB151]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. THE COMMITTEE AMENDMENT, AM19, IS A TECHNICAL AMENDMENT WHICH HARMONIZES THE LANGUAGE APPLYING TO MORTGAGE FORECLOSURES AND THE LANGUAGE APPLYING TO TRUST DEED DEFAULTS, SO THAT THE LANGUAGE FOR BOTH IS CONSISTENT. I WOULD URGE THE BODY TO ADOPT AM19. THANK YOU, MR. PRESIDENT. [LB151]

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PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. DEBATE IS NOW OPEN ON THE COMMITTEE AMENDMENTS. SENATOR CRAWFORD. [LB151]

SENATOR CRAWFORD: YES, I WOULD JUST LIKE TO CORRECT THE RECORD, I APOLOGIZE. THE BANKERS LETTER WAS IN NEUTRAL FOR LB151. THAT DOES NOT IMPACT THE AMENDMENT. I JUST WANTED TO CORRECT THE RECORD AS SOON AS POSSIBLE THAT THE LETTER FROM THE BANKERS WAS IN A NEUTRAL CAPACITY. THANK YOU. [LB151]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SEEING NO SENATORS WISHING TO SPEAK ON THE COMMITTEE AMENDMENT, SENATOR CRAWFORD, YOU'RE WELCOME TO CLOSE ON THE COMMITTEE AMENDMENTS. SENATOR CRAWFORD WAIVES CLOSING. THE QUESTION IS, SHALL THE COMMITTEE AMENDMENTS TO LB151 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB151]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB151]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. WE RETURN NOW TO DEBATE ON LB151 AS AMENDED. SEEING NO SENATORS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE WELCOME TO CLOSE ON LB151. [LB151]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO THANK THE BODY FOR ADVANCING THAT AMENDMENT AND I WOULD LIKE TO THANK THE MUNICIPALITIES AND BANKERS FOR WORKING WITH US TO CRAFT SOMETHING THAT WILL BE A VERY IMPORTANT TOOL TO HELP OUR CITIES DEAL WITH ABANDONED AND FORECLOSED PROPERTIES, AND TO MAKE SURE THAT WE'RE ABLE TO MAINTAIN THOSE PROPERTIES AND HELP OUR CITIES TO DEAL WITH THAT ISSUE AND CONTINUE TO ADVANCE AND GROW. THANK YOU. [LB151]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. THE QUESTION IS THE ADVANCEMENT OF LB151 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB151]

CLERK: 38 AYES, 0 NAYS ON ADOPTION OF THE MOTION TO ADVANCE LB151. [LB151]

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PRESIDENT FOLEY: LB151 DOES ADVANCE. WE RETURN TO GENERAL FILE.  
MR. CLERK. [LB151]

CLERK: LB170, A BILL BY SENATOR GLOOR. (READ TITLE.) INTRODUCED ON  
JANUARY 12 OF THIS YEAR, REFERRED TO THE REVENUE COMMITTEE FOR  
PUBLIC HEARING, THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO  
AMENDMENTS TO THE BILL AT THIS TIME, MR. PRESIDENT. [LB170]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR GLOOR, YOU'RE  
WELCOME TO OPEN ON LB170. [LB170]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. FOLLOWING THE LEAD OF  
SEVERAL OTHER COMMITTEE CHAIRS, I'D LIKE TO THANK MY COMMITTEE  
MEMBERS: SCHEER, SMITH, SULLIVAN, SCHUMACHER, BURKE HARR, DAVIS,  
AND BRASCH FOR SERVING ON THE COMMITTEE THIS YEAR. THERE WAS A  
QUOTE IN THE JOURNAL OVER THE WEEKEND FROM ME SAYING THEY'RE ALL  
GOOD SOLID FOLKS, GLOOR SAID, AND I LIKE THEM ALL. HOPEFULLY AT THE  
END OF THE SESSION WE'LL STILL LIKE EACH OTHER. GIVEN THEIR  
EXPERIENCE AND MATURITY, I HAVE NO DOUBT THAT THAT WILL BE THE  
CASE. IN 2014, WE PASSED LB867. AND LB867 CONTAINED, AMONG OTHER  
PROVISIONS, A CHANGE IN THE TIMING OF DISTRIBUTIONS TO THE CITY OF  
RALSTON UNDER THE SPORTS ARENA FINANCING ASSISTANCE ACT,  
CHANGED IT FROM AN ANNUAL DISTRIBUTION TO A QUARTERLY  
DISTRIBUTION. IN ADDITION TO THE TRANSFER OF CERTAIN FUNDS TO THE  
CITY OF RALSTON, THE ORIGINAL ACT THAT WE APPROVED SEVERAL YEARS  
BEFORE THAT, SOME OF YOU WILL RECALL, SAID THAT 30 PERCENT OF THE  
STATE SALES TAX REVENUE REMAINING AFTER THE APPROPRIATION IN  
TRANSFER IN SUBSECTION (3) OF THIS SECTION--THAT WAS THE ONE TO...THE  
AMOUNT REMAINING AFTER THE 70 PERCENT WAS DISTRIBUTED--SHALL BE  
APPROPRIATED BY THE LEGISLATURE TO THE CIVIC AND COMMUNITY  
CENTER FINANCING FUND. YOU MAY ALSO RECALL THAT THAT'S THE DOLLAR  
AMOUNT THAT ARE AVAILABLE TO SMALLER COMMUNITIES ACROSS THE  
STATE TO USE FOR SOME OF THE IMPROVEMENTS IN A CIVIC AND  
COMMUNITY WAY WITHIN THEIR COMMUNITIES. LB867 DID NOT CHANGE THE  
TIMING OF THE TRANSFER OF THIS PORTION OF THE FUNDS,  
UNFORTUNATELY. A REQUEST WAS RECEIVED FROM THE OFFICE OF THE  
STATE TREASURER TO MAKE THE SAME TIMING CHANGE APPLY TO THIS  
TRANSFER OF FUNDS SO AS TO ALLOW THE TREASURER TO MAKE ALL  
TRANSFERS FROM THE FUND AT THE SAME TIME. THIS IS AN ISSUE STRICTLY  
OF EFFICIENCY AND SHOULD REDUCE ANY POTENTIAL ERRORS SINCE BOTH  
TRANSFERS WILL NOW OCCUR QUARTERLY, NOT ONE HAPPENING  
QUARTERLY AND THE OTHER HAPPENING ON AN ANNUAL BASIS. WITH THAT, I  
ASK FOR YOUR SUPPORT OF LB170. [LB170]

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PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. (VISITORS INTRODUCED.) DEBATE IS NOW OPEN ON LB170. SEEING NO SENATORS WISHING TO SPEAK, SENATOR GLOOR WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB170 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB170]

CLERK: 37 AYES, 0 NAYS ON THE ADVANCEMENT OF LB170. [LB170]

PRESIDENT FOLEY: LB170 DOES ADVANCE. WE RETURN TO GENERAL FILE. MR. CLERK. [LB170]

CLERK: LB171 BY SENATOR GLOOR. (READ TITLE.) INTRODUCED ON JANUARY 12 OF THIS YEAR, REFERRED TO REVENUE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB171]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR GLOOR, YOU'RE WELCOME TO OPEN ON LB171. [LB171]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. NEBRASKA CONFORMS ITS TAX STATUTES TO THE INTERNAL REVENUE CODE WITH A FEW EXCEPTIONS. THIS IS THE ANNUAL CONFORMITY BILL WHICH CONFORMS OUR CODE TO THE INTERNAL REVENUE CODE AS IT EXISTS ON A DATE CERTAIN. THAT DATE CERTAIN IS THE EFFECTIVE DATE OF THIS BILL AND I WOULD ASK YOUR SUPPORT OF LB171. [LB171]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. DEBATE IS NOW OPEN ON LB171. SEEING NO SENATORS WISHING TO SPEAK, SENATOR GLOOR WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB171 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB171]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB171. [LB171]

PRESIDENT FOLEY: LB171 DOES ADVANCE. WE RETURN TO GENERAL FILE. MR. CLERK. [LB171]

CLERK: LB99 INTRODUCED BY SENATOR SULLIVAN. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 8, REFERRED TO THE EDUCATION COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB99]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SULLIVAN, YOU'RE WELCOME TO OPEN ON LB99. [LB99]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB99 ADVANCED FROM THE EDUCATION COMMITTEE ON A 7-0 VOTE WITH ONE MEMBER ABSENT AND DID NOT HAVE ANY OPPOSITION AT ITS HEARING. LB99 IS WHAT I WOULD DEEM TO BE A COMMITTEE MANAGEMENT TOOL AS IT WOULD REMOVE A REQUIREMENT THAT THE EDUCATION COMMITTEE MUST REVIEW BY PUBLIC HEARING AN ANNUAL PROGRESS REPORT FROM THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION REGARDING EFFORTS ON THE PRIORITIES LISTED IN 85-1428(3). THE PRIORITIES THAT I HAVE MENTIONED, AND THAT THEY ARE TO REVIEW IN THIS REPORT, INCLUDE INCREASING THE NUMBER OF STUDENTS WHO ENTER POSTSECONDARY EDUCATION IN NEBRASKA, INCREASING THE PERCENTAGE OF STUDENTS WHO ENROLL AND SUCCESSFULLY COMPLETE A DEGREE, AND REDUCING, ELIMINATING, AND THEN REVERSING THE NET OUT-MIGRATION OF NEBRASKANS WITH HIGH LEVELS OF EDUCATIONAL ATTAINMENT. CURRENTLY THE COMMITTEE HOLDS THE HEARING ON THIS REPORT IN MID TO LATE MARCH AS THAT IS WHEN WE USUALLY RECEIVE THE REPORT FROM THE COMMISSION. THIS LATE HEARING DATE IS ALWAYS AFTER OUR BILL INTRODUCTION PERIOD HAS RUN ITS COURSE WHICH MAKES INTRODUCING LEGISLATION, AS A RESULT OF THE REPORT, DIFFICULT. PASSAGE OF LB99 WOULD NOT PRECLUDE THE COMMITTEE FROM HOLDING A HEARING ON THE PRIORITIES THAT I...WERE IDENTIFIED UNDER 85-1428(3), BECAUSE WE WOULD STILL RETAIN THE ABILITY TO HOLD AN INTERIM HEARING ON THE REPORT OR THE COMMISSION COULD ACTUALLY REQUEST TO MEET WITH THE COMMITTEE IN REGARDS TO THE REPORT. SO WE WOULD HAVE THE FLEXIBILITY IN THAT REGARD, JUST NOT HAVING THE REQUIREMENT THAT WE HAVE TO HAVE THAT PUBLIC HEARING. AGAIN, I VIEW THIS BILL AS A COMMITTEE MANAGEMENT TOOL AND I ASK THAT YOU ALLOW THE COMMITTEE TO RETAIN THE FLEXIBILITY THAT I'M SEEKING UNDER LB99. I THANK YOU FOR YOUR ATTENTION TO THIS MATTER, AND I'LL ANSWER ANY QUESTIONS YOU MAY HAVE WITH REGARDS TO THIS BILL. THANK YOU. [LB99]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. DEBATE IS NOW OPEN ON LB99. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SULLIVAN WAIVES CLOSING ON LB99. SENATORS, THE QUESTION IS THE ADVANCE OF LB99 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB99]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB99. [LB99]

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PRESIDENT FOLEY: LB99 DOES ADVANCE. RETURN TO GENERAL FILE. MR. CLERK. [LB99]

CLERK: MR. PRESIDENT, LB100. IT WAS A BILL INTRODUCED BY SENATOR SULLIVAN. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO THE EDUCATION COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL AT THIS TIME, MR. PRESIDENT. [LB100]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SULLIVAN, YOU'RE WELCOME TO OPEN ON LB100. [LB100]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB100 ADVANCED FROM THE EDUCATION COMMITTEE ON A 7-0 VOTE WITH ONE MEMBER ABSENT AND IT DID NOT HAVE ANY OPPOSITION AT ITS HEARING. LB100 IS PURELY A TECHNICAL BILL THAT SEEKS TO PROVIDE CLARITY TO OUR STATUTES. IT RESULTS FROM CONCERNS THAT WERE EXPRESSED TO ME BY THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION AND PERTAINS TO THE SECTIONS OF STATUTE THAT PROVIDE FOR THE DISTRIBUTION OF STATE AID TO COMMUNITY COLLEGES AND TRIBAL COMMUNITY COLLEGES. LB100 SIMPLY AMENDS 85-1503(24)(b) TO ADD A REFERENCE TO 85-2234 TO IDENTIFY WHERE IN STATUTE THE STATE AID TO COMMUNITY COLLEGE FORMULA IS LOCATED. LB100 ALSO AMENDS 85-2234 TO PROVIDE A REFERENCE TO 85-1503(24)(b) AND 85-1511 TO PROVIDE A NOTICE AS TO HOW TRIBALLY CONTROLLED COMMUNITY COLLEGE AID IS TO BE DISTRIBUTED. I WANT TO EMPHASIZE THAT THAT IS ALL THIS BILL DOES. IT DOES NOT CREATE ANY NEW SUBSTANTIVE LAW AND DOES NOT INCREASE OR REQUIRE ANY NEW FISCAL OBLIGATIONS FOR THE STATE. THANK YOU, MR. PRESIDENT. [LB100]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. DEBATE NOW OPEN ON LB100. SEEING NO SENATORS WISHING TO SPEAK, SENATOR SULLIVAN WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB100 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB100]

CLERK: 37 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB100. [LB100]

PRESIDENT FOLEY: LB100 DOES ADVANCE. WE RETURN TO GENERAL FILE. MR. CLERK. [LB100]

CLERK: LB65 IS A BILL BY SENATOR SCHUMACHER RELATING TO COUNTIES. (READ TITLE.) INTRODUCED ON JANUARY 8; REFERRED TO THE GOVERNMENT,

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MILITARY AND VETERANS AFFAIRS COMMITTEE FOR PUBLIC HEARING;  
ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS AT THIS TIME, MR.  
PRESIDENT. [LB65]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHUMACHER, YOU'RE  
WELCOME TO OPEN ON LB65. [LB65]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE  
BODY. LB65 DEALS WITH THE SITUATION OF WHAT HAPPENS WHEN NOBODY  
WANTS TO SERVE ON THE TOWNSHIP BOARD. ONCE UPON A TIME,  
TOWNSHIPS WERE THE CENTER OF ACTIVITY BECAUSE WE HAD A LOT OF  
GRAVEL ROADS, WE HAD A LOCAL GOVERNMENT THAT WAS NEEDED IN  
ORDER TO TAX PEOPLE IN THE TOWNSHIPS, ARRANGE WHAT BRIDGES AND  
WHAT ROADS WOULD BE FIXED THERE, AND IT WAS VERY INTEGRAL. IT WAS  
HARD TO IMAGINE A SITUATION WHERE SOMEBODY WOULD NOT WANT THE  
OPPORTUNITY TO SERVE ON THE VERY POWERFUL TOWNSHIP BOARDS.  
THERE WERE FOUR PEOPLE, FOUR FAMILIES PER SECTION, IT WAS A VERY  
DYNAMIC KIND OF THING. WELL, AS TIME HAS GONE ON, IT HAS BECOME A  
REAL HASSLE IN SOME AREAS TO FIND PEOPLE WHO WANT TO SERVE ON THE  
TOWNSHIP BOARD. OUR STATUTES PROVIDE FOR WHAT HAPPENS IF YOU  
HAVE AN INACTIVE TOWNSHIP BOARD, AND ESSENTIALLY AFTER GOING  
THROUGH SIX MONTHS OF TRYING TO FIND SOMEBODY, THE COUNTY BOARD  
CAN DISSOLVE THE TOWNSHIP BOARD AND WIND UP THE AFFAIRS OF THE  
TOWNSHIP. BUT THAT LEAVES YOU IN A POSITION OF WHO PAYS FOR THE  
TOWNSHIP ROADS IF THERE IS NOBODY TO FASHION A TOWNSHIP BUDGET  
AND DO THE THINGS THAT TOWNSHIP BOARDS DO TO MAINTAIN THOSE  
ROADS AND OTHER TOWNSHIP FUNCTIONS. WHAT LB65 DOES, AND IT  
ADDRESSES SPECIFIC PROBLEMS THAT AROSE IN MY DISTRICT AS WELL AS  
PROBLEMS THAT I UNDERSTAND HAVE ARISEN IN OTHER DISTRICTS, WHAT IT  
DOES, IT SAYS, LOOK, UNTIL SUCH TIME AS THERE IS AN ELECTION THAT  
FILLS THE POSITIONS ON THE TOWNSHIP BOARD, IF A TOWNSHIP BOARD HAS  
GONE INACTIVE, THE COUNTY BOARD CAN CONVENE AS A TOWNSHIP BOARD  
AND DO THOSE THINGS NECESSARY TO ADMINISTER THE AFFAIRS OF THE  
TOWNSHIP, AND MAKE SURE THAT THINGS KEEP ROLLING AND PROPER  
PEOPLE ARE TAXED AND THE ROADS ARE ATTENDED TO, AND WHEN WE  
HAVE AN ELECTION THAT FILLS UP THE TOWNSHIP BOARD AGAIN, THE  
COUNTY BOARD CAN PUT THAT HAT AWAY. IT'S A WAY TO ADMINISTER  
TOWNSHIPS ON AN INTERIM BASIS. IT CHANGES NOTHING ELSE WITH  
TOWNSHIP OR COUNTY GOVERNMENT. IT JUST BASICALLY PROVIDES FOR  
INTERIM ADMINISTRATION OF A TOWNSHIP BY THE TOWNSHIP BOARD DURING  
THE PERIOD THAT THERE IS NOT MEMBERSHIP ON THE TOWNSHIP BOARD.  
THANK YOU, MR. PRESIDENT. [LB65]

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PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. DEBATE NOW OPEN ON LB65. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB65]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I HAD A COMPANION BILL THAT WENT BEFORE THE GOVERNMENT COMMITTEE AND BASICALLY APPROACHED IT IN A LITTLE DIFFERENT MANNER, BUT IT ACCOMPLISHES THE SAME THING AS FAR AS THE TAXATION AND REPRESENTATION AND THE ABILITY TO GET THINGS DONE. SO I'M IN SUPPORT OF LB65. I DO HAVE A QUESTION IF SENATOR SCHUMACHER WOULD YIELD TO A QUESTION. [LB65]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WOULD YOU YIELD? [LB65]

SENATOR SCHUMACHER: YES, I WILL. [LB65]

SENATOR JOHNSON: THE QUESTION I HAVE AND IT'S NOT A CHANGE IN THE STATUTE AT ALL, BUT IT READS, IF MORE THAN 50 PERCENT OF THE TOWNSHIP BOARDS IN A COUNTY HAVE BEEN TERMINATED, THE COUNTY BOARDS SHALL FILE WITH THE ELECTION COMMISSIONER OR COUNTY CLERK A RESOLUTION SUPPORTING THE DISCONTINUANCE OF THE TOWNSHIP ORGANIZATION OF THE COUNTY PURSUANT TO SECTION (2) OF SECTION 23-293. MY QUESTION IS, WHAT HAPPENS IN THAT PROCESS AND WHAT WOULD ACTUALLY HAVE TO HAPPEN IN ORDER FOR TOWNSHIPS TO BE TOTALLY ELIMINATED? [LB65]

SENATOR SCHUMACHER: BASICALLY LB65 LETS THAT PROCESS REMAIN UNCHANGED. IF WE EVER HAVE A SITUATION WHERE MORE THAN HALF OF THE TOWNSHIPS IN THE COUNTY HAVE GOTTEN THIS INACTIVE STATUS, THE MECHANISM THAT THE COUNTIES NOW HAVE FOR SORT OF ABANDONING THE TOWNSHIP PROCESS IS STILL IN PLACE. THIS DOES NOTHING TO CHANGE THAT. [LB65]

SENATOR JOHNSON: THANK YOU. I YIELD THE REST OF MY TIME BACK TO THE CHAIR. [LB65]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB65]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I HAVE SAID THAT I UNDERSTAND NOTHING ABOUT QUANTUM PHYSICS, BUT MY SEAT IS POSITIONED NEXT TO "PROFESSOR" SCHUMACHER WHO DOES HAVE AT LEAST A NODDING ACQUAINTANCE WITH THIS FIELD OF STUDY, SO I'D LIKE TO ASK HIM A QUESTION OR TWO THAT CAME TO MY MIND BASED ON THE PROVISIONS OF HIS BILL. [LB65]



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PRESIDENT FOLEY: SENATOR SCHUMACHER, WOULD YOU YIELD? [LB65]

SENATOR SCHUMACHER: YES, I WILL. [LB65]

SENATOR CHAMBERS: "PROFESSOR" SCHUMACHER, IN VARIOUS CONTEXTS, HAVE WE DISCUSSED WHETHER OR NOT SOMETHING CAN BE AND NOT BE AT THE SAME TIME? [LB65]

SENATOR SCHUMACHER: YES, SENATOR. [LB65]

SENATOR CHAMBERS: BASED ON THE WORDING IN YOUR BILL, YOU'RE CREATING A SITUATION WHERE A POLITICAL BODY IS, AND IS NOT A TOWN BOARD AT THE SAME TIME, IS THAT CORRECT? [LB65]

SENATOR SCHUMACHER: IT'S A QUANTUM BOARD. [LB65]

SENATOR CHAMBERS: IS AND IS NOT AT THE SAME TIME. NOW, IN VIEW OF THE FACT THAT YOU AND I...YOU'RE STANDING TO MY LEFT, I'M STANDING TO YOUR RIGHT. IN FRONT OF US AND DIRECTLY BETWEEN US IS ANOTHER SENATOR, SO WE FORM A TRIANGLE, IF YOU DREW LINES, WOULD YOU AGREE? [LB65]

SENATOR SCHUMACHER: RIGHT. AND WE'D FORM A SQUARE IF WE INCLUDED THE SENATOR BEHIND US. [LB65]

SENATOR CHAMBERS: WELL, HE'S THAT BY HIMSELF. THAT'S HOW YOU'D BE AND NOT BE AT THE SAME TIME. BUT, HERE IS MY QUESTION NOW IN VIEW OF THE TRIANGLE, DO WE HAVE A SITUATION, THANKS TO OUR COLLEAGUE WHO SITS IN FRONT OF US, WHERE A MAN CAN BE HOT AND FRIESEN AT THE SAME TIME? (LAUGHTER) [LB65]

SENATOR SCHUMACHER: ABSOLUTELY. [LB65]

SENATOR CHAMBERS: THANK YOU VERY MUCH. THAT'S ALL THAT I HAVE. [LB65]

PRESIDENT FOLEY: THANK YOU, SENATORS CHAMBERS AND SCHUMACHER. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SCHUMACHER YOU'RE WELCOME TO CLOSE ON LB65. SENATOR SCHUMACHER WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB65 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB65]

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

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CLERK: 39 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB65.  
[LB65]

PRESIDENT FOLEY: LB65 DOES ADVANCE. MR. CLERK. [LB65]

CLERK: MR. PRESIDENT, I DO HAVE SOME ITEMS. FIRST OF ALL, AN ANNOUNCEMENT. JUDICIARY WILL MEET AT 1:00. JUDICIARY COMMITTEE AT 1:00 IN ROOM 2022. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB1, LB2, LB3, LB4, LB5, LB6, LB7, LB8, LB9 TO SELECT FILE, THOSE SIGNED BY SENATOR HANSEN AS E&R CHAIR. HEARING NOTICE FROM THE BUSINESS AND LABOR COMMITTEE. RESOLUTION: SENATOR COASH OFFERS LR40. THAT WILL BE LAID OVER. SENATOR CAMPBELL AND OTHERS OFFER LR41 RECOGNIZING THE NEBRASKA BIOCONTAINMENT PATIENT CARE UNIT FOR ITS SERVICE TO OUR STATE, AND SENATOR FRIESEN OFFERS LR42 CONGRATULATING CENTRAL CITY CARE CENTER RECEIVING A DEFICIENCY-FREE SURVEY. THAT WILL BE LAID OVER. A SERIES OF NAME ADDS TO LB31: SENATORS KINTNER, EBKE, GROENE, AND SCHNOOR; TO LB62, SENATOR COASH; AND LB64, SENATOR COASH; SENATOR CRAWFORD TO LB484; SENATORS SCHUMACHER, DAVIS, KRIST, McCOY, MORFELD TO LB31; SENATORS SCHEER, DAVIS, AND SMITH TO LB190; KOLTERMAN TO LB364; WATERMEIER TO LB187. (LEGISLATIVE JOURNAL PAGES 305-308.) [LB1 LB2 LB3 LB4 LB5 LB6 LB7 LB8 LB9 LR40 LR41 LR42 LB31 LB62 LB64 LB484 LB190 LB364 LB187]

MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR BOLZ WOULD MOVE TO ADJOURN THE BODY UNTIL 10:00 TOMORROW MORNING, 10:00 TOMORROW MORNING, JANUARY 27.

PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE MOTION IS ADOPTED. WE ARE ADJOURNED.