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Floor Debate
March 18, 2016

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FORTY-FIFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR BRIAN JOHNSON OF FIRST PRESBYTERIAN CHURCH IN NORFOLK, NEBRASKA, SENATOR SCHEER'S DISTRICT. PLEASE RISE.

PASTOR JOHNSON: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR JOHNSON. I CALL TO ORDER THE FORTY-FIFTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

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

CLERK: I HAVE NO CORRECTIONS.

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

CLERK: MR. PRESIDENT, THE LOBBY REPORT, AS REQUIRED BY STATE LAW TO BE ACKNOWLEDGED IN THE JOURNAL, AND AN ACKNOWLEDGMENT OF AGENCY REPORTS AVAILABLE ON THE LEGISLATIVE WEB SITE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1081-1082.)

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. (DOCTOR OF THE DAY INTRODUCED.) NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, GENERAL FILE, APPROPRIATION BILL. MR. CLERK.

CLERK: MR. PRESIDENT, SENATOR LARSON OFFERS LB1105A. (READ TITLE.) [LB1105A]

PRESIDENT FOLEY: SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON LB1105A. [LB1105A]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. THIS IS THE A BILL FOR OUR GENERAL AFFAIRS LIQUOR OMNIBUS THAT WE HAVE EVERY YEAR. I BELIEVE THE FUNDS THAT WE ARE USING ARE ALL CASH FUNDS AND GENERATED WITHIN THE LIQUOR CONTROL COMMISSION, SO IT SHOULD NOT HAVE A HEAVY FISCAL IMPACT ON THE GREEN SHEET OR ANYTHING OF THAT NATURE. I WOULD ENCOURAGE THE BODY TO SUPPORT IT. THANK YOU, MR. PRESIDENT. [LB1105A]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. DEBATE IS NOW OPEN ON LB1105A. SENATOR McCOLLISTER. [LB1105A]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF THE A BILL, LB1105. SOME OF THE OBJECTIONABLE FEATURES OF LB1105 WERE REMOVED, SO IT'S GOOD LEGISLATION AND I WOULD URGE YOUR GREEN VOTE. THANK YOU, MR. PRESIDENT. [LB1105A LB1105]

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR LARSON, YOU'RE RECOGNIZED TO CLOSE ON LB...AND HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB1105A. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD PLEASE, MR. CLERK. [LB1105A]

CLERK: 26 AYES, 0 NAYS ON THE ADVANCEMENT OF THE A BILL. [LB1105A]

PRESIDENT FOLEY: LB1105A ADVANCES. CONTINUING WITH THE AGENDA, SELECT FILE, 2016 COMMITTEE PRIORITY BILLS. MR. CLERK. [LB1105A]

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CLERK: SENATOR HANSEN, LB1092, I HAVE NO AMENDMENTS TO THE BILL, SENATOR. [LB1092]

PRESIDENT FOLEY: SENATOR HANSEN FOR A MOTION. [LB1092]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I MOVE WE ADVANCE LB1092 TO E&R FOR ENGROSSING. [LB1092]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE LB1092. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB1092 ADVANCES. NEXT BILL, MR. CLERK. [LB1092]

CLERK: LB467, THERE ARE ENROLLMENT AND REVIEW AMENDMENTS, SENATOR. (ER187, LEGISLATIVE JOURNAL PAGE 957.) [LB467]

PRESIDENT FOLEY: SENATOR HANSEN. [LB467]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB467. [LB467]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADOPT THE E&R AMENDMENTS. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE E&R AMENDMENTS ARE ADOPTED. MR. CLERK. [LB467]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB467]

PRESIDENT FOLEY: SENATOR HANSEN. [LB467]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB467 TO E&R FOR ENGROSSING. [LB467]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE LB467 TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB467 ADVANCES. NEXT BILL, MR. CLERK. [LB467]

CLERK: LB467A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB467A]

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PRESIDENT FOLEY: SENATOR HANSEN. [LB467A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB467A TO E&R FOR ENGROSSING. [LB467A]

PRESIDENT FOLEY: MEMBERS, YOU'VE HEARD THE MOTION TO ADVANCE LB467A TO E&R FOR ENGROSSING. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. LB467A ADVANCES. CONTINUING WITH THE AGENDA, GENERAL FILE, CONSENT CALENDAR. FIRST BILL, MR. CLERK. [LB467A]

CLERK: LB790 BY SENATOR KOLTERMAN. (READ TITLE.) INTRODUCED ON JANUARY 7, REFERRED TO RETIREMENT SYSTEMS. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB790]

PRESIDENT FOLEY: SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO OPEN ON LB790. [LB790]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. LB790 REORDERS THE DEFINITION SO THEY ARE IN ALPHABETICAL ORDER IN THE FIRST-CLASS CITY POLICE OFFICERS RETIREMENT ACT, THE JUDGES RETIREMENT ACT, THE SCHOOL EMPLOYEES RETIREMENT ACT, AND THE CLASS V SCHOOL EMPLOYEES RETIREMENT ACT. IT ALSO CHANGES INTERNAL REFERENCES IN THE JUDGES AND SCHOOL EMPLOYEES RETIREMENT ACTS AS A RESULT OF THE RENUMBERING OF THE DEFINITION SECTION. IT JUST MERELY RESCHEDULES EVERYTHING IN ALPHABETICAL ORDER. IN MY OFFICE, THIS IS KNOWN AS A KATE ALLEN OCD BILL. THANK YOU. (LAUGHTER) [LB790]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. DEBATE IS NOW OPEN ON LB790. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO CLOSE ON LB790. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB790 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB790]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB790. [LB790]

PRESIDENT FOLEY: LB790 ADVANCES. NEXT BILL, MR. CLERK. [LB790]

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CLERK: LB731 IS A BILL BY SENATOR JOHNSON. (READ TITLE.) INTRODUCED IN JANUARY, REFERRED TO BANKING, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB731]

PRESIDENT FOLEY: SENATOR JOHNSON, IF YOU'RE ON THE FLOOR, YOU'RE RECOGNIZED TO OPEN ON LB731. IS THERE ANYONE AUTHORIZED TO SPEAK FOR SENATOR JOHNSON ON THE OPENING OF LB731? WE'LL MOVE ON TO THE NEXT BILL. MR. CLERK. [LB731]

CLERK: MR. PRESIDENT, LB909 IS A BILL INTRODUCED ORIGINALLY BY SENATOR KOLTERMAN. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 12, REFERRED TO THE AGRICULTURAL COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB909]

PRESIDENT FOLEY: SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO OPEN ON LB909. [LB909]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. AT THE REQUEST OF THE DEPARTMENT OF AGRICULTURE, I INTRODUCED LB909, WHICH IS A SIMPLE BILL THAT DOES TWO BASIC THINGS. IT ELIMINATES THE REQUIREMENT THAT AN APPLICANT PROVIDE A SOCIAL SECURITY NUMBER WHEN APPLYING TO THE DEPARTMENT OF AGRICULTURE FOR A PERMIT, LICENSE, CERTIFICATE, AND SO ON, AND IT REVISES SECTIONS REGARDING DELINQUENT PAYMENT FEES. REGARDING THE FIRST BASIC CHANGE, THERE IS A REQUIREMENT IN FIVE STATUTORY SECTIONS THAT AN INDIVIDUAL APPLICANT PROVIDE HIS OR HER SOCIAL SECURITY NUMBER. THIS PRESENTS AN ADMINISTRATIVE PROBLEM FOR THE DEPARTMENT BECAUSE THEY'RE CONCERNED ABOUT POTENTIAL IDENTITY THEFT AND THERE IS NO NEED FOR THESE NUMBERS. THE LEGISLATURE HAS MADE THESE TYPES OF CHANGES IN SEVERAL OTHER STATUTES IN THE PAST. THE SECOND PROPOSED CHANGE AFFECTS 12 SEPARATE SECTIONS OF NEBRASKA LAW IN REGARDS TO ADMINISTRATIVE FINES AND PENALTIES. IT MERELY UPDATES TERMINOLOGY. FOR EXAMPLE, IN VARIOUS SECTIONS, THE TERM "PENALTY" HAS BEEN REPLACED BY "ADMINISTRATIVE FEE." THESE ADDITIONAL FEES ARE CURRENTLY IMPOSED WHEN A PERMIT FEE, LICENSE FEE, ETCETERA, IS NOT SUBMITTED TIMELY. THIS BILL DOES NOT ADD OR INCREASE FEES IN ANY WAY BUT MERELY SPECIFIES THAT THEY ARE REMEDIAL IN NATURE. THE DEPARTMENT USES THESE FEES TO RECOVER A PORTION OF THE ADDITIONAL DEPARTMENTAL COSTS THAT ARE REQUIRED TO COLLECT THE FEES AFTER THE DUE DATES HAVE PASSED. THERE IS NO ESTIMATED FISCAL

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IMPACT TO THE STATE. THANK YOU, AND I ASK FOR A GREEN VOTE ON LB909.
[LB909]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. DEBATE IS NOW OPEN ON LB909. SEEING NO MEMBERS WISHING TO SPEAK. SENATOR KOLTERMAN WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB909 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB909]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB909.
[LB909]

PRESIDENT FOLEY: LB909 ADVANCES. WE'LL MOVE BACK TO LB731. MR. CLERK.
[LB909 LB731]

CLERK: LB731 IS A BILL BY SENATOR JOHNSON. (READ TITLE.) INTRODUCED IN JANUARY, REFERRED TO BANKING, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB731]

PRESIDENT FOLEY: SENATOR JOHNSON, YOU'RE RECOGNIZED TO OPEN ON LB731.
[LB731]

SENATOR JOHNSON: THANK YOU FOR ACCOMMODATING ME. I WAS WORKING WITH SOME FOURTH GRADERS FROM YUTAN AND THIS MOVED ALONG FASTER THAN IT NORMALLY DOES, SO I APOLOGIZE FOR NOT BEING IN HERE. THIS BILL UPDATES THE NEBRASKA REAL ESTATE APPRAISER ACT IN COMPLIANCE WITH TITLE XI, THE FINANCIAL INSTITUTIONS RECOVERY, REFORM, AND ENFORCEMENT ACT OF 1989; AND IT ALSO BRINGS IT UP-TO-DATE WITH THE CRITERIA FOR JANUARY 1st OF 2015, THE UNIFORM STANDARDS PROFESSIONAL APPRAISER PRACTICE, USPA; AND THE POLICY STANDARDS (SIC--STATEMENTS) FOR APPRAISAL. IT DEALS WITH FEDERAL LEGISLATION. AND HERE'S WHAT HAPPENS IF WE'RE NOT ABLE TO UPDATE THESE. IT'S PRETTY MUCH AN UPDATE. THEY DID MAKE A FEW CORRECTIONS TO CHANGE SOME OF THE LANGUAGE THAT NEEDED TO BE CHANGED, BUT HERE'S WHAT HAPPENS IF THE STATE OF NEBRASKA IS FOUND NOT TO BE IN COMPLIANCE WITH TITLE XI BY THE APPRAISAL SUBCOMMITTEE. THE APPRAISAL SUBCOMMITTEE MAY REMOVE ALL NEBRASKA ACCREDITED APPRAISERS FROM THE FEDERAL REGISTRY, RESULTING IN NO APPRAISERS QUALIFIED TO APPRAISE REAL ESTATE PROPERTY IN CONNECTION WITH FEDERALLY REGULATED TRANSACTIONS. THIS INVOLVES

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APPROXIMATELY 80 PERCENT OF THE AG LOANS, ESPECIALLY THAT THE BANKS ARE INVOLVED IN, IN NEBRASKA. SO IT'S VERY CRITICAL THAT WE MOVE THIS FORWARD. THE TESTIFIERS WERE THE NEBRASKA REAL ESTATE BOARD, CAME OUT OF COMMITTEE 8-0, AND THERE WAS NO OPPONENTS. I ASK FOR YOUR SUPPORT OF LB731. [LB731]

PRESIDENT FOLEY: THANK YOU, SENATOR JOHNSON. DEBATE IS NOW OPEN ON LB731. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR JOHNSON WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB731 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB731]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB731. [LB731]

PRESIDENT FOLEY: LB731 ADVANCES. NEXT BILL, MR. CLERK. [LB731]

CLERK: LB814 BY SENATOR FRIESEN. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO TRANSPORTATION, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB814]

PRESIDENT FOLEY: SENATOR FRIESEN, YOU'RE RECOGNIZED TO OPEN ON LB814. [LB814]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WHAT LB814 DOES IS JUST BASICALLY REMOVES THE ONE-AND-A-HALF-MILE REQUIREMENT FOR SOMEONE WHO APPLIES FOR A SCHOOL PERMIT TO DRIVE TO SCHOOL. CURRENTLY, SOMEONE HAS TO GO OUT AND CHECK THAT DISTANCE TO MAKE SURE IT'S ONE AND A HALF MILES. SOMETIMES IT'S JUST A SHADE UNDER AND IT DEPENDS ON WHETHER YOU MEASURE TO THE FRONT DOOR OF THE SCHOOL OR TO THE FOOTBALL FIELD. AND SO THERE HAS BEEN SOME CONFUSION IN THE PAST AND THIS JUST CLARIFIES IT AND IT SAYS THERE IS NO DISTANCE REQUIREMENT. YOU STILL HAVE TO LIVE OUTSIDE OF A METROPOLITAN, FIRST-CLASS CITY AND THOSE TYPES OF RESTRICTIONS. ALL IT DOES IS REMOVE THE ONE-AND-A-HALF-MILE REQUIREMENT AND, THEREFORE, YOU COULD GET A SCHOOL PERMIT. THANK YOU, MR. PRESIDENT. [LB814]

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PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. DEBATE IS NOW OPEN ON LB814. SEEING NO MEMBERS WISHING TO SPEAK. SENATOR FRIESEN, YOU'RE RECOGNIZED...AND HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB814 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB814]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB814. [LB814]

PRESIDENT FOLEY: LB814 ADVANCES. NEXT BILL, MR. CLERK. [LB814]

CLERK: LB814A IS A BILL BY SENATOR FRIESEN. (READ TITLE.) [LB814A]

PRESIDENT FOLEY: SENATOR FRIESEN, YOU'RE RECOGNIZED TO OPEN ON LB814A. [LB814A]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. THIS BILL JUST SHOWS THAT THERE IS A LITTLE BIT MORE REVENUE COMING INTO THE STATE AS FAR AS MORE DRIVER'S LICENSES ISSUED. I DON'T FEEL THAT THERE WILL BE THIS MANY ISSUED, BUT THEY DO SHOW AN INCREASE. SO, THANK YOU, MR. PRESIDENT. [LB814A]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. DEBATE IS NOW OPEN ON LB814A. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR FRIESEN, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB814A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB814A]

CLERK: 36 AYES, 0 NAYS ON THE ADVANCEMENT OF LB814A. [LB814A]

PRESIDENT FOLEY: LB814A ADVANCES. BEFORE WE PROCEED TO THE NEXT BILL, THE CHAIR RECOGNIZES SENATOR KRIST FOR AN ANNOUNCEMENT. SENATOR KRIST. [LB814A]

SENATOR KRIST: GOOD MORNING, MR. PRESIDENT, COLLEAGUES, AND GOOD MORNING, NEBRASKA. AS THE SPEAKER HAS LEFT ME IN CHARGE...UH-OH, THAT MIGHT NOT BE A GOOD THING. WE'RE GOING TO TRY TO GET THROUGH AS MUCH

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AS WE CAN. AND SOMETIME BETWEEN 1:30 AND NO LATER THAN 2:00 WE'LL FINISH OUT TODAY, AND WORK THROUGH LUNCH. I APPRECIATE YOUR EFFORTS AND LET'S HAVE A GOOD DAY. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. NEXT BILL, MR. CLERK.

CLERK: LB784, A BILL BY SENATOR FRIESEN. (READ TITLE.) INTRODUCED ON JANUARY 7, REFERRED TO GOVERNMENT COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB784]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR FRIESEN, YOU'RE RECOGNIZED TO OPEN ON LB784. [LB784]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WHAT LB784 DOES IS BASICALLY CLARIFIES SOME LANGUAGE IN THE BUDGET ACT FOR COUNTIES, CURRENTLY HALL COUNTY, WHEN THEY INTERPRET THE ACT. A COUNTY'S BUDGET ENDS ON JUNE 30 AND A NEW BUDGET DOES NOT START UNTIL SEPTEMBER 30 OF THAT SAME YEAR. DURING THAT INTERIM PERIOD, COUNTIES AND CITIES AND NRDs, WE ALL OPERATE WITH BASICALLY NO BUDGET, AND SO YOU LOOK BACK TO YOUR PREVIOUS YEAR'S BUDGET AS YOUR AUTHORITY TO SPEND. WHAT IT DOES WITH COUNTIES IS IT LOOKS BACK AT YOUR PREVIOUS YEAR'S MONTHLY BUDGET AND IT MAKES...THEY INTERPRET IT TO SAY THAT YOU CAN ONLY SPEND THAT MUCH EACH MONTH OF THOSE NEXT THREE MONTHS OF OPERATING BETWEEN BUDGETS. WHAT THIS DOES IS ALLOW THEM TO BASICALLY JUST SPEND THEIR PREVIOUS YEAR'S BUDGET AUTHORITY IN THOSE THREE MONTHS IF THEY WISH. AND WHERE THIS COMES IN IS REALLY IMPORTANT, IS ROAD CONSTRUCTION TIME IN SUMMER IS OF A PREMIUM. AND SO BY LIMITING THE AMOUNT OF BUDGET THEY CAN SPEND IN EACH MONTH, YOU'RE LIMITING THEIR ABILITY TO WORK ON THEIR ROADS AND BRIDGES AND THINGS LIKE THAT. SO ALL THIS DOES IS CLARIFY LANGUAGE IN THAT THEY ARE ALLOWED TO GO BACK AND USE THEIR PREVIOUS YEAR'S BUDGET AS A GUIDELINE FOR THOSE THREE MONTHS. IT DOES NOT ALLOW THEM TO SPEND ANY MORE MONEY. IT DOES NOT GIVE THEM ANY MORE BUDGET AUTHORITY. IT JUST CLARIFIES HOW THEY'RE SPENDING THEIR DOLLARS DURING THAT THREE-MONTH INTERIM WHEN THEY HAVE NO BUDGET. THANK YOU, MR. PRESIDENT. [LB784]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. DEBATE IS NOW OPEN ON LB784. SEEING NO MEMBERS WISHING TO SPEAK. SENATOR FRIESEN, YOU'RE

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RECOGNIZED TO CLOSE, AND HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB784 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB784]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB784. [LB784]

PRESIDENT FOLEY: LB784 ADVANCES. NEXT BILL, MR. CLERK. [LB784]

CLERK: LB942 IS BY SENATOR SCHEER. (READ TITLE.) INTRODUCED ON JANUARY 13, REFERRED TO THE BANKING COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB942]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON LB942. [LB942]

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. LB942 WOULD AMEND THE SELLER-ASSISTED MARKETING PLAN ACT AND THE FRANCHISE PRACTICES ACT WITH REGARD TO DISCLOSURE AND ENFORCEMENT OF NONCOMPETE AGREEMENTS. THE BILL WOULD AMEND THE FRANCHISE PRACTICES ACT TO PROVIDE THAT IF RESTRICTIONS IN A NONCOMPETE AGREEMENT ARE FOUND TO BE, BY AN ARBITRATOR OR BY A COURT, AS UNREASONABLE IN RETAINING (SIC--RESTRAINING) COMPETITION, THE ARBITRATOR OR COURT SHALL REFORM THE TERMS OF THE NONCOMPETE AGREEMENT TO THE EXTENT NECESSARY TO CAUSE THE RESTRICTIONS TO BE REASONABLE AND ENFORCEABLE. THE BILL WOULD FURTHER PROVIDE THAT THE ARBITRATOR OR COURT SHALL THEN ENFORCE THE NONCOMPETE AGREEMENT IN ACCORDANCE WITH THE REFORMED TERMS OF THE NONCOMPETE AGREEMENT. THE BILL WOULD DEFINE NONCOMPETE AGREEMENT AS AN AGREEMENT BETWEEN FRANCHISEE AND FRANCHISOR THAT RESTRICTS THE BUSINESS ACTIVITIES IN WHICH SUCH PERSONS MAY ENGAGE DURING OR AFTER THE TERM OF THE FRANCHISE. THE BILL WOULD ALSO AMEND THE SELLER-ASSISTED MARKETING PLAN ACT TO PROVIDE THAT IF A SELLER REQUIRES A PURCHASER TO ENTER INTO A NONCOMPETE AGREEMENT, IN A SIDE AGREEMENT OR ANCILLARY AGREEMENT, THE SELLER SHALL INCLUDE A DISCLOSURE OF THE EXISTENCE OF THE SIDE AGREEMENT OR ANCILLARY AGREEMENT IN ITS UPDATED DISCLOSURE DOCUMENT FILED WITH THE DEPARTMENT OF BANKING AND FINANCE. FINANCE AGREEMENTS

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TYPICALLY INCLUDE A CONVEYANCE NOT TO COMPETE, OBLIGATING THE FRANCHISEE NOT TO OPERATE OR HAVE AN INTEREST IN ANOTHER BUSINESS SIMILAR TO THE FRANCHISED BUSINESS. THESE COVENANTS USUALLY PROHIBIT COMPETITION DURING THE FRANCHISE TERM AND FOR A PERIOD FOLLOWING THE EXPIRATION OR TERMINATION OF THE FRANCHISE AGREEMENT. THERE MAY BE COVENANTS NOT TO COMPETE WITHIN A SPECIFIED GEOGRAPHICAL AREA OR WITHIN A TIME PERIOD. NONCOMPETE COVENANTS MAY BE ENTERED INTO AS A SIDE AGREEMENT AS WELL OR MAY BE PART OF THE SELLER-ASSISTED MARKETING PLAN. ENFORCEMENTS OF THE COVENANTS NOT TO COMPETE IN THE FRANCHISE CONTEXT IS PARTICULARLY IMPORTANT, BOTH TO FRANCHISEES OR FRANCHISORS. THEY HAVE A LEGITIMATE INTEREST IN ENSURING THE FORMER FRANCHISEES WILL NOT BE ABLE TO TRADE ON THE TRADE NAME, NAME RECOGNITION, GOODWILL, OR REPUTATION DEVELOPED UNDER THE FRANCHISE MARKS ONCE THE RELATIONSHIP ENDS. IN ADDITION, OTHER FRANCHISEES PLACE A HIGH VALUE ON PREVENTING FORMER FRANCHISEES FROM UNFAIRLY COMPETING WITH THEM. IN ENTERING INTO THE FRANCHISE AGREEMENTS, THE FRANCHISEE RECEIVES A LONG-TERM CONTRACT OF ASSOCIATION AND DEPENDS ON PROTECTION FROM THE COMPETITION BY FORMER FRANCHISEES. THE BILL WAS ADVANCED FROM THE BANKING, COMMERCE AND INSURANCE, AND I WOULD URGE YOUR SUPPORT OF LB942. THANK YOU, MR. LIEUTENANT GOVERNOR. [LB942]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. DEBATE IS NOW OPEN ON LB942. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB942 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB942]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB942. [LB942]

PRESIDENT FOLEY: LB942 ADVANCES. NEXT BILL, MR. CLERK. [LB942]

CLERK: LB726 WAS A BILL INTRODUCED BY SENATOR SULLIVAN. (READ TITLE.) INTRODUCED IN JANUARY, REFERRED TO THE EDUCATION COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE EDUCATION COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM1882, LEGISLATIVE JOURNAL PAGE 488.) [LB726]

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PRESIDENT FOLEY: SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON LB726. [LB726]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. LB726, WITH AM1882, ADVANCED FROM THE EDUCATION COMMITTEE BY AN 8-0 VOTE. LB726 IS MY ATTEMPT TO IMPLEMENT A STUDENT FINANCIAL LITERACY PROGRAM HERE IN NEBRASKA. THIS PROGRAM WOULD SIMPLY INSTRUCT PUBLIC INSTITUTIONS IN NEBRASKA TO PROVIDE FEDERAL INDIVIDUAL STUDENT LOAN DATA TO THEIR STUDENTS ON AN ANNUAL BASIS. THE INFORMATION THAT MUST BE PROVIDED TO STUDENTS WOULD BE: ONE, AN ESTIMATE OF THE TOTAL AMOUNT OF FEDERAL LOANS THE STUDENT HAS TAKEN OUT; TWO, AN ESTIMATE OF THE TOTAL AMOUNT OF LOANS INCLUDING INTEREST; THREE, AN ESTIMATE OF THE MONTHLY REPAYMENT AMOUNT THAT THE STUDENT WOULD PAY; AND FOUR, THE PERCENTAGE OF THE CUMULATIVE FEDERAL BORROWING LIMIT THAT THE STUDENT HAS REACHED AT THE TIME THE INFORMATION IS PROVIDED. PRIVATE AND PARENT LOAN INFORMATION WOULD NOT BE REQUIRED UNDER THIS BILL AS WE CANNOT BE ASSURED THAT EVERY REQUIRED INSTITUTION RECEIVES NOTICE OF THOSE LOANS, BUT THEY DO RECEIVE NOTICE OF THE FEDERAL LOANS. LB726 IS THE RESULT OF DISCUSSIONS BETWEEN MY OFFICE AND THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION REGARDING POSSIBLE WAYS TO DECREASE THE LEVEL OF DEBT THAT NEBRASKA COLLEGE STUDENTS GRADUATE WITH. AS YOU MAY RECALL, THE EDUCATION COMMITTEE HELD AN INTERIM HEARING ON POSTSECONDARY EDUCATION AFFORDABILITY ON SEPTEMBER 10th OF 2015, WHICH HIGHLIGHTED TO ME THE NECESSITY TO INTRODUCE LEGISLATION THAT WOULD DECREASE THE AMOUNT OF LOAN DEBT THAT NEBRASKA STUDENTS ARE GRADUATING WITH. LB726 IS MY ATTEMPT TO BEGIN THE PROCESS OF PROVIDING A MECHANISM THAT COULD LOWER THE AMOUNT OF STUDENT LOAN DEBT FOR OUR STUDENTS. THIS BILL IS MODELED AFTER LEGISLATION INTRODUCED IN THE STATE OF INDIANA WHICH RESULTED IN STUDENT LOAN DISBURSEMENTS AT THE PUBLIC UNIVERSITIES IN THAT STATE DROPPING BY \$31 MILLION FROM THE PREVIOUS YEAR. BY BORROWING LESS IN STUDENT LOANS, INDIANA STUDENTS LOWERED THE AMOUNT OF STUDENT LOANS THAT THEY HAVE TO REPAY AND THIS WAS MADE POSSIBLE BY SIMPLY PROVIDING STUDENTS WITH THE NECESSARY INFORMATION TO MAKE MORE INFORMED DECISIONS AS TO THE AMOUNT IN LOANS THAT THEY BORROW. IT IS MY BELIEF THAT BY PROVIDING THIS INFORMATION TO STUDENTS, WE WILL ASSIST STUDENTS IN MAKING SOUND, FINANCIAL DECISIONS WHICH SHOULD LEAD TO A DECREASE IN THE OVERALL AMOUNT OF LOANS THAT SOME STUDENTS WILL TAKE OUT. I ASK FOR YOUR SUPPORT IN HELPING STUDENTS GET THE CRITICAL

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INFORMATION THEY NEED TO MAKE SOUND FINANCIAL DECISIONS. PLEASE VOTE GREEN ON LB726. THANK YOU. [LB726]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. (VISITORS INTRODUCED.) AS THE CLERK INDICATED, THERE ARE AMENDMENTS TO LB726 FROM THE EDUCATION COMMITTEE. SENATOR SULLIVAN, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB726]

SENATOR SULLIVAN: THANK YOU. AM1882 SIMPLY PUSHES BACK THE START DATE FOR IMPLEMENTATION OF THIS BILL TO THE 2017-18 SCHOOL YEAR TO ALLOW THEIR REQUIRED INSTITUTIONS THE TIME NECESSARY TO IMPLEMENT THE BILL. I ASK FOR YOUR SUPPORT ON AM1882. [LB726]

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. DEBATE IS NOW OPEN ON LB726 AND THE RELATED COMMITTEE AMENDMENT. SEEING NO SENATORS WISHING TO SPEAK. SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1882, COMMITTEE AMENDMENT, TO LB726. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB726]

CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB726]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENTS ARE ADOPTED. CONTINUING DEBATE. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SULLIVAN, YOU'RE RECOGNIZED TO CLOSE. AND SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB726 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB726]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB726]

PRESIDENT FOLEY: LB726 ADVANCES. NEXT BILL, MR. CLERK. [LB726]

CLERK: LB813 WAS A BILL ORIGINALLY INTRODUCED BY SENATOR KOLTERMAN. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO HEALTH COMMITTEE,

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ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB813]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO OPEN ON LB813. [LB813]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. LB813 WOULD SPECIFICALLY AUTHORIZE THAT ANY PERSON 18 YEARS OF AGE OR OLDER MAY DONATE PLASMA. EIGHTEEN-YEAR-OLDS MAY DONATE PLASMA IN 41 OF THE 42 STATES WITH PLASMA DONATION CENTERS. NEBRASKA IS THE ONLY EXCEPTION BECAUSE OUR AGE OF MAJORITY IS 19. LAST YEAR, THE STATE OF ALABAMA PASSED SIMILAR LEGISLATION. THE 533 PLASMA DONATION CENTERS IN 42 STATES COLLECT PLASMA WHICH IS USED TO PRODUCE LIFESAVING PLASMA PROTEIN THERAPIES. THERE ARE FIVE PLASMA DONATION CENTERS IN NEBRASKA, THREE IN OMAHA AND TWO IN LINCOLN. IN A NUTSHELL, PLASMA PROTEIN THERAPIES ARE USED IN EVERYDAY MEDICINE, EMERGENCIES, AND SURGICAL MEDICINE TO TREAT BURNS, SHOCK, TRAUMA, MAJOR SURGERY, ORGAN TRANSPLANTS, LIVER CONDITIONS, AND OTHER HEALTH CONDITIONS. THEY'RE ALSO VITAL FOR INDIVIDUALS WITH RARE CHRONIC CONDITIONS LIKE BLEEDING DISORDERS AND PRIMARY IMMUNE DEFICIENCIES. I RESPECTFULLY REQUEST YOUR GREEN VOTE TO ADVANCE LB813 SO THAT PLASMA DONATION CENTERS IN NEBRASKA CAN CONTINUE TO COLLECT PLASMA WHICH WILL HELP ENSURE PATIENTS HAVE ACCESS TO LIFESAVING PLASMA PROTEIN THERAPIES. THANK YOU. [LB813]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. DEBATE IS NOW OPEN ON LB813. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR KOLTERMAN WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB813 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB813]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB813]

PRESIDENT FOLEY: LB813 ADVANCES. NEXT BILL, MR. CLERK. [LB813]

CLERK: LB924, SENATOR KOLTERMAN. (READ TITLE.) INTRODUCED IN JANUARY, REFERRED TO THE JUDICIARY COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL. [LB924]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO OPEN ON LB924. [LB924]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. LB924 IS A SIMPLE BILL THAT ALLOWS NONCUSTODIAL PARENTS WHO ARE NOT IN ARREARS IN THEIR CHILD SUPPORT PAYMENTS TO PAY THROUGH AN AUTOMATIC WITHDRAWAL FROM THE BANK OR FINANCIAL INSTITUTION OF THEIR CHOICE. WE PROPOSE THIS LEGISLATION AT THE REQUEST OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AS ANOTHER OPTION FOR NONCUSTODIAL PARENTS TO PAY THEIR CHILD SUPPORT. AS YOU MAY KNOW, THE STATE OF NEBRASKA IS REQUIRED BY TITLE IV-D OF THE SOCIAL SECURITY ACT TO PROVIDE CERTAIN PLANS FOR CHILD WELFARE SERVICES. SECTION 466 OF THE ACT SPECIFIES THAT NONCUSTODIAL PARENTS SHALL BE SUBJECT TO INCOME WITHHOLDING FOR CHILD SUPPORT PAYMENTS. FOR YOUR REFERENCE, THE MANDATE FROM THE AFOREMENTIONED SECTION OF THE SOCIAL SECURITY ACT IS CODIFIED IN NEBRASKA LAW UNDER SECTION 43-1718.01 OF THE NEBRASKA REVISED STATUTES. THIS MANDATE OF COURSE REQUIRES THAT NONCUSTODIAL PARENTS' EMPLOYERS MAKE TIMELY AND REGULAR PAYMENTS AND PROPERLY WITHHOLD THE NECESSARY AMOUNT OF FUNDS. I'LL OUTLINE A COUPLE OF EXAMPLES WHEN THIS FORM OF CHILD SUPPORT PAYMENT MIGHT BE MORE CONVENIENT THAN A STANDARD INCOME WITHHOLDING. AS I MENTIONED, THE INCOME WITHHOLDING PROCESS DEPENDS IN PART UPON AN EMPLOYER'S TIMELY PAYMENT TO THE NONCUSTODIAL PARENT. IF THE EMPLOYER IS SLOW IN REMITTING PAYMENTS, THE AUTOMATIC WITHDRAWAL PROCESS MAY BE MORE CONVENIENT FOR THE NONCUSTODIAL PARENT, AND HELP TO ENSURE THE CUSTODIAL PARENT RECEIVES CHILD SUPPORT IN A TIMELY MANNER. THE NONCUSTODIAL PARENT MAY ALSO CHANGE JOBS, WHICH MAY THROW OFF THE REGULAR SCHEDULE OF INCOME FOR THE NONCUSTODIAL PARENT. THIS FORM OF CHILD SUPPORT PAYMENT WILL LIKELY NOT WORK FOR EVERYONE, BUT IT GIVES NONCUSTODIAL PARENTS ANOTHER CHOICE THAT MAY BE MORE CONVENIENT FOR THEM. AGAIN, IF THE NONCUSTODIAL PARENT IS IN ARREARS, THIS OPTION WILL BE UNAVAILABLE TO HIM OR HER. SIMILARLY, IF THE NONCUSTODIAL PARENT EVER MISSES A PAYMENT OR IS ONLY ABLE TO PAY ON A PARTIAL AMOUNT AFTER THE AGREEMENT IS MADE, HE OR SHE WOULD BE SUBJECT TO STANDARD INCOME WITHHOLDING PROCESS AND WOULD NEVER BE ELIGIBLE AGAIN FOR THE AUTO WITHDRAWAL PROCESS. THIS PROCESS IS SET UP, AUTO WITHDRAWAL CHILD SUPPORT PAYMENTS IS AS FOLLOWS: THE NONCUSTODIAL PARENT ESTABLISHES THAT HE OR SHE IS NOT IN ARREARS, THE NONCUSTODIAL PARENT...CUSTODIAL PARENT AND THE DHHS ENTERS INTO A WRITTEN AND NOTARIZED AGREEMENT THAT AUTHORIZES SUCH AUTO

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WITHDRAWAL AGREEMENT. AS YOU CAN SEE FROM THE FISCAL NOTE, THERE IS NO FISCAL IMPACT TO THE STATE AND THERE IS NO FORESEEABLE COST TO EITHER PARTY. THANK YOU FOR YOUR CONSIDERATION AND I KINDLY ASK FOR YOUR GREEN VOTE. [LB924]

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. DEBATE IS NOW OPEN ON LB924. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB924 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB924]

CLERK: 35 AYES, 0 NAYS TO ADVANCE THE BILL. [LB924]

PRESIDENT FOLEY: LB924 ADVANCES. NEXT BILL, MR. CLERK. [LB924]

CLERK: LB770 IS A BILL BY SENATOR GROENE. (READ TITLE.) INTRODUCED ON JANUARY 6, REFERRED TO THE BANKING COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB770]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR GROENE, YOU'RE RECOGNIZED TO OPEN ON LB770. [LB770]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. WE OFFER THIS BILL AT THE REQUEST OF THE CHAIRMAN OF THE NEBRASKA EXCHANGE STAKEHOLDER COMMISSION. THE NEBRASKA STAKEHOLDER EXCHANGE COMMISSION WAS CREATED TO OVERSEE NEBRASKA STATE HEALTHCARE EXCHANGE, BUT NEBRASKA HAS NEVER CREATED A STATE EXCHANGE BUT, INSTEAD, OPTED INTO THE FEDERAL EXCHANGE. THEREFORE, WE HAVE A COMMISSION LOOKING OVER AN EXCHANGE THAT DOESN'T EXIST. AS THE UNITED STATES SUPREME COURT RULED IN KING v. BURWELL, THE FEDERAL SUBSIDIES ARE AVAILABLE TO PERSONS ENROLLED IN THE FEDERAL EXCHANGE. AGAIN, ANOTHER REASON WHY WE WILL NEVER HAVE A STATE NEBRASKA STAKEHOLDER EXCHANGE. IT'S UNNEEDED. ACCORDINGLY, THERE IS NO NEED OR PRACTICAL REASON FOR NEBRASKA TO CREATE A STATE EXCHANGE, THUS THIS COMMITTEE SERVES NO NEED, BUT IS INSTRUCTED BY STATUTE TO MEET, AT A MINIMUM, THREE TIMES A YEAR. THIS BILL WILL MOVE UP THE SUNSET PROVISION, ENDING THE COMMISSION ON JULY 1, 2016, INSTEAD OF 2017, AND THUS SAVING TAXPAYERS ONE YEAR OF UNNECESSARY AND WASTEFUL EXPENSES FOR THE COMMISSION.

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THE DEPARTMENT OF INSURANCE ALSO AGREED THAT THIS COMMISSION IS NO LONGER NEEDED. THE COMMISSION WAS CREATED BY LB384 IN 2013, INTRODUCED BY SENATOR NORDQUIST AND CAMPBELL. I HAVE CONSULTED BOTH SENATORS, PAST SENATOR, SENATOR NORDQUIST, AND SENATOR CAMPBELL, AND THEY AGREE BECAUSE OF THE SUPREME COURT RULING, THERE IS NO LIKELIHOOD OR NEED FOR THE STATE TO EVER CREATE A COMMISSION, SO THEY SEE NO REASON NOT TO ELIMINATE IT. SO I WOULD ASK YOU TO...I SAT, BY THE WAY, I SAT ON THIS COMMISSION. I WAS ONE OF THE ORIGINAL MEMBERS APPOINTED BY GOVERNOR HEINEMAN. AND AT FIRST IT WAS VERY INTERESTING. I THINK IT WAS GOOD FOR THE DEPARTMENT OF INSURANCE EMPLOYEES TO HEAR ALL THE INPUT FROM THE INSURANCE COMPANIES, BUT ALL WE DID WAS TALK ABOUT THE FEDERAL EXCHANGE BECAUSE WE HAD NO STATE EXCHANGE. AND THAT IS WHY THEY BROUGHT IT TO ME BECAUSE I HAVE EXPERIENCE WITH THAT COMMISSION AND UNDERSTAND WHY IT IS NOT NECESSARY ANYMORE TO EXIST. SO, THANK YOU. I WOULD APPRECIATE A GREEN VOTE ON LB770. [LB770]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. DEBATE IS NOW OPEN ON LB770. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR GROENE, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB770 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB770]

CLERK: 30 AYES, 0 NAYS ON ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB770]

PRESIDENT FOLEY: LB770 ADVANCES. NEXT BILL, MR. CLERK. [LB770]

CLERK: LB770A BY SENATOR GROENE. (READ TITLE.) [LB770A]

PRESIDENT FOLEY: SENATOR GROENE, YOU'RE RECOGNIZED TO OPEN ON LB770A. [LB770A]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. HERE'S AN OPPORTUNITY FOR ALL OF US TO CUT THE BUDGET. THIS WILL SAVE \$4,320 IN THE BUDGET FOR EXPENSES OF THE COMMISSION, AND I'M GLAD TO SAY I HELPED CUT THE BUDGET. ALSO THERE IS AN EMERGENCY CLAUSE ON THIS BILL FOR FINAL READING, SO WE NEED THE 30 VOTES. BUT EVEN AT THAT, THE PRESIDENT OF THE COMMISSION SAID HE WILL NOT HOLD ANY MEETINGS OF THE REQUIRED

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THREE BEFORE JULY 1 SO THAT NO EXPENSES ARE INCURRED. BUT I'D APPRECIATE YOUR GREEN VOTE ON THE A BILL OF LB770. [LB770A LB770]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. DEBATE IS NOW OPEN ON LB770A. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR GROENE, YOU'RE RECOGNIZED TO CLOSE ON THE BILL, AND HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB770A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB770A]

CLERK: 28 AYES, 0 NAYS ON THE ADVANCEMENT OF LB770A. [LB770A]

PRESIDENT FOLEY: LB770A ADVANCES. NEXT BILL, MR. CLERK. [LB770A]

CLERK: LB875 IS A BILL BY SENATOR MURANTE. (READ TITLE.) INTRODUCED ON JANUARY 11, REFERRED TO THE URBAN AFFAIRS COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM1919, LEGISLATIVE JOURNAL PAGE 544.) [LB875]

PRESIDENT FOLEY: SENATOR MURANTE, YOU'RE RECOGNIZED TO OPEN ON LB875. [LB875]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. LB875 IS A BILL THAT WAS HEARD BY THE URBAN AFFAIRS COMMITTEE ON JANUARY 26 AND ADVANCED UNANIMOUSLY TO GENERAL FILE. LB875 WOULD AMEND THE LAW TO CHANGE THE PROCEDURE FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS IN CITIES OF THE SECOND CLASS AND VILLAGES LOCATED IN COUNTIES WITH A POPULATION BETWEEN 100,000 AND 200,000. UNDER THE BILL, THE COUNTY WOULD NO LONGER HAVE FINAL APPROVAL FOR THESE DEVELOPMENTS IN THE CITIES' OR VILLAGES' EXTRATERRITORIAL JURISDICTION. UNDER THE CURRENT LAW, A COUNTY THAT HAS ADOPTED A COMPREHENSIVE DEVELOPMENT PLAN AND IS ENFORCING SUBDIVISION REGULATIONS MUST APPROVE A PLANNED UNIT DEVELOPMENT IN A CITY OF THE SECOND CLASS OR VILLAGES' EXTRATERRITORIAL ZONING JURISDICTION. UNDER CURRENT LAW, A COUNTY DOES NOT APPROVE THESE DEVELOPMENTS IN CITIES OF THE METROPOLITAN, PRIMARY, OR FIRST CLASS. DEVELOPMENT IS OCCURRING IN ALL MUNICIPAL COUNTIES...ALL MUNICIPALITIES IN SARPY COUNTY, BUT THE LAW TREATS CITIES OF THE SECOND CLASS AND VILLAGES DIFFERENTLY FOR THE PURPOSES OF APPROVING A PLANNED UNIT

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DEVELOPMENT. LB875 PLACES THE CITIES OF SECOND CLASS AND VILLAGES ON VIRTUALLY THE SAME FOOTING AS CITIES OF THE FIRST CLASS WHEN IT COMES TO APPROVING PLANNED UNIT DEVELOPMENTS. THE URBAN AFFAIRS COMMITTEE HAS A COMMITTEE AMENDMENT, WHICH I WHOLEHEARTEDLY SUPPORT. I THANK SENATOR CRAWFORD FOR HER QUICK HEARING OF THIS BILL AND FOR THE APPROVAL OF LB875 AND I ENCOURAGE YOUR APPROVAL OF IT AS WELL. THANK YOU, MR. PRESIDENT. [LB875]

PRESIDENT FOLEY: THANK YOU, SENATOR MURANTE. 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. [LB875]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. THE COMMITTEE AMENDMENT, AM1919, IS A CHANGE THAT WAS REQUESTED BY SARPY COUNTY. THE AMENDMENT WOULD CHANGE THE SUBMISSION REQUIREMENT FROM THE COUNTY PLANNING COMMISSION TO THE COUNTY PLANNING DEPARTMENT AND THE PUBLIC WORKS DEPARTMENT. I WOULD ASK FOR YOUR GREEN VOTE ON AM1919 AND LB875. THANK YOU. [LB875]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. MEMBERS, YOU'VE HEARD THE OPENING ON LB875 AND THE COMMITTEE AMENDMENT. DEBATE IS NOW OPEN. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON COMMITTEE AMENDMENTS. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1919 TO LB875. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB875]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB875]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT, AM1919, IS ADOPTED. DEBATE IS OPEN ON THE AMENDED BILL. SEEING NO MEMBERS WISH TO SPEAK, SENATOR MURANTE, YOU'RE RECOGNIZED TO...HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB875 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB875]

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CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL.
[LB875]

PRESIDENT FOLEY: LB875 ADVANCES. NEXT BILL, MR. CLERK. [LB875]

CLERK: MR. PRESIDENT, LB948 IS A BILL BY SENATOR MORFELD. (READ TITLE.)
INTRODUCED ON JANUARY 13, REFERRED TO URBAN AFFAIRS, ADVANCED TO
GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR.
PRESIDENT. (AM2014, LEGISLATIVE JOURNAL PAGE 544.) [LB948]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MORFELD, YOU'RE
RECOGNIZED TO OPEN ON LB948. [LB948]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. MEMBERS OF THE
LEGISLATURE, LB948 AMENDS THE NEBRASKA ENTERPRISE ZONE ACT TO
ALLOW AN ADDITIONAL APPLICATION PERIOD FOR THE DESIGNATION OF
ENTERPRISE ZONES. IT IS NOT CREATING A NEW PROGRAM BUT SIMPLY
EXTENDING THE DEADLINE FOR THE CURRENT ONE. THE SELECTION WOULD BE
MADE BY THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT. I WANT
TO EMPHASIZE THAT THIS LEGISLATION DOES NOT CREATE A NEW PROGRAM OR
REQUIRE ADDITIONAL RESOURCES, RATHER OPENS UP A PROCESS BY WHICH
RESOURCES HAVE ALREADY BEEN ALLOCATED. TO BE SELECTED AS AN
ENTERPRISE ZONE, AN APPLICATION MUST MEET AT LEAST TWO OF THE
FOLLOWING THREE CRITERIA AS MEASURED BY DATA FROM THE UNITED STATES
CENSUS BUREAU: POPULATION OF THE AREA, OR WITHIN A REASONABLE
PROXIMITY TO THE AREA, DECREASED BY AT LEAST 10 PERCENT; THE AVERAGE
RATE OF UNEMPLOYMENT IS AT LEAST 200 PERCENT, AND THE AVERAGE RATE
OF UNEMPLOYMENT IN THE STATE DURING THE SAME PERIOD COVERED BY THE
MOST RECENT CENSUS; OR THE AVERAGE POVERTY RATE IN THE AREA EXCEEDS
20 PERCENT OF THE TOTAL FEDERAL CENSUS TRACT. BUSINESSES LOCATED IN
ENTERPRISE ZONES WOULD RECEIVE PREFERENCES UNDER A VARIETY OF
EXISTING BUSINESS INCENTIVES AND GRANT PROGRAMS. AND I BELIEVE THAT
DISTRESSED COMMUNITIES, BOTH URBAN AND RURAL, NEED ALL OF THE TOOLS
AVAILABLE TO US TO ENSURE THAT WE HAVE VIBRANT AND SUCCESSFUL
URBAN AND RURAL COMMUNITIES. PASSING LB948 IS REOPENING UP THE
APPLICATION PERIOD AGAIN SO THAT WE CAN HELP THESE AREAS REVITALIZE
THEIR BUSINESSES AND NEIGHBORHOODS AND CAN BE USED AS ANOTHER
TOOL TO RESTORE THE ECONOMIC HEALTH IN AREAS OF OUR STATE THAT

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DESPERATELY NEED IT. I URGE YOUR FAVORABLE VOTE ON THIS BILL. THANK YOU. [LB948]

PRESIDENT FOLEY: THANK YOU, SENATOR MORFELD. 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 AMENDMENT. [LB948]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. WHEN WE HEARD THIS BILL, WE WERE ALL VERY EXCITED ABOUT OPENING UP THIS ENTERPRISE ZONE APPLICATION PROCESS AND THE QUESTION THAT WE ROSE WAS, WHY DO WE NEED TO JUST ADD ANOTHER 120-DAY REQUIREMENT? WHY NOT OPEN IT UP INDEFINITELY? SO THE COMMITTEE AMENDMENT, AM2014, ELIMINATES THE 100-DAY REQUIREMENT, BUT THEN ALLOWS THE DEPARTMENT OF ECONOMIC DEVELOPMENT TO INSTEAD ESTABLISH A PERIOD OF TIME WITHIN WHICH TO ACCEPT ADDITIONAL APPLICATIONS FOR THE DESIGNATION OF ENTERPRISE ZONES. I WOULD ASK FOR YOUR GREEN VOTE ON AM2014 AND LB948. THANK YOU, MR. PRESIDENT. [LB948]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. DEBATE IS NOW OPEN ON LB948 AND THE COMMITTEE AMENDMENTS. SENATOR PANSING BROOKS YOU'RE RECOGNIZED. SHE WAIVES THE OPPORTUNITY. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2014, COMMITTEE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB948]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON ADOPTION OF COMMITTEE AMENDMENTS. [LB948]

PRESIDENT FOLEY: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON LB948, SENATOR MORFELD, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB948 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB948]

CLERK: 35 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB948]

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PRESIDENT FOLEY: LB948 ADVANCES. NEXT BILL, MR. CLERK. [LB948]

CLERK: LB725 IS A BILL INTRODUCED BY SENATOR SCHUMACHER. (READ TITLE.) INTRODUCED ON JANUARY 6, REFERRED TO THE REVENUE COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE REVENUE COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2011, LEGISLATIVE JOURNAL PAGE 558.) [LB725]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO OPEN ON LB725. [LB725]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. LB725 DEALS WITH AN INTERPRETATION OF A LAW THAT WAS CARRIED BY SENATOR WIGHTMAN A COUPLE YEARS AGO THAT CREATED TRANSFER ON DEATH DEEDS AND TWEAKED SOME OF THE DEED LAW. THAT LAW WAS INTERPRETED BY THE PROPERTY TAX ADMINISTRATOR TO REQUIRE SOMETHING THAT WAS NEVER DONE BEFORE, A REAL ESTATE TAX TRANSFER STATEMENT TO BE FILED NOT ONLY WITH DEEDS BUT ALSO WITH ALL EASEMENTS. THAT INTERPRETATION REQUIRED BASICALLY THIS PAPER THAT SAYS WHAT THE ASSESSED VALUE, OR SUGGESTED THE ASSESSED VALUE INDICATED WHAT PURCHASE PRICE WAS PAID, THE DESCRIPTION OF THE PROPERTY WITH EASEMENTS. THOSE ARE OFTEN VERY COMPLICATED THINGS, AND THINGS THAT REALLY SERVED NO FUNCTION. NPPD IS ABOUT TO PUT IN A BIG TRANSMISSION LINE WITH LOTS AND LOTS OF UTILITY EASEMENTS WHICH WOULD REQUIRE SEVERAL THOUSAND OF THESE MEANINGLESS PIECES OF PAPER TO BE FILED. LB725 EXEMPTED UTILITY EASEMENTS. AT THE HEARING IN REVENUE COMMITTEE, IT BECAME APPARENT THAT LB725 DID NOT RESOLVE ALL THE LOOSE ENDS WITH THE CONSTRUCTION OF THE LANGUAGE IN SENATOR WIGHTMAN'S BILL, AND THAT THERE WERE OTHER QUESTIONS AND CLARIFICATIONS THAT NEEDED TO BE MADE WITH REGARD TO ALL OTHER KINDS OF EASEMENTS, NONE OF WHICH WERE INTENDED TO BE INCLUDED IN THE SCOPE OF STATEMENTS OF REAL ESTATE VALUE THAT NEEDED TO BE FILED. AS A RESULT OF NEGOTIATIONS IN WORKING WITH THE NEBRASKA COUNTY OFFICIALS ASSOCIATION, THE PROPERTY TAX ADMINISTRATOR'S OFFICE, SENATOR FULTON, NOW COMMISSIONER FULTON, WE RESOLVED THE ISSUES AND DEFINED THAT THE ONLY EASEMENTS THAT NEED TO BE ACCOMPANIED BY THIS EXTRA PIECE OF PAPER WERE CONSERVATION EASEMENTS. THAT REFINEMENT IS IN THE REVENUE COMMITTEE AMENDMENT TO LB725, AND TOGETHER WITH THE ORIGINAL LANGUAGE OF LB725 REGARDING UTILITY EASEMENTS, ADDRESSES THE ISSUE AND NOW JOYFULLY, HOPEFULLY, WILL ELIMINATE THE NEED TO FILE A BUNCH OF UNNECESSARY PAPERS AND LIMIT

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THE SCOPE OF THE ADDITIONAL PAPERWORK TO THE VERY MINIMUM EASEMENTS THAT THEY SERVE VALUE. SO I WOULD ENCOURAGE YOUR PASSAGE OF LB725 AND THE COMMITTEE AMENDMENT WHICH WILL BE AM2011. THANK YOU. [LB725]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE REVENUE COMMITTEE. SENATOR GLOOR, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON AM2011. [LB725]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. THE AMENDMENT BECOMES THE BILL, AS SENATOR SCHUMACHER POINTED OUT. IT CLARIFIES, ALSO AS HE'S POINTED OUT, THAT THIS REAL ESTATE TRANSFER STATEMENT DOES NOT NEED TO BE FILED WITH REGARD TO EASEMENTS UNLESS IT IS A CONSERVATION EASEMENT. THESE WERE RECOMMENDATIONS THAT CAME NOT ONLY FROM THE INTERACTIONS, AS SENATOR SCHUMACHER STATES THAT HE HAD ABOUT THE BILL PRIOR AND DURING, BUT ALSO DURING THE PUBLIC HEARING AND DEBATE AND WAS ENCOURAGED. AS I RECALL, ONE OF THE COUNTY ASSESSORS FELT THIS WOULD MAKE A GOOD BILL AN EVEN BETTER BILL, AS THE SENATOR POINTED OUT, AND THE COMMITTEE WOULD AGREE WITH. THIS DOES, IN FACT, ELIMINATE A LITTLE BUREAUCRACY WITHIN OUR SYSTEM AND THAT'S ALWAYS A GOOD THING WHEN WE GET THAT OPPORTUNITY. I WOULD ENCOURAGE PASSAGE OF COMMITTEE AMENDMENT, AM2011, AND LB725. THANK YOU. [LB725]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. DEBATE IS NOW OPEN ON LB725 AND THE RELATED COMMITTEE AMENDMENTS. SENATOR LARSON, YOU'RE RECOGNIZED. [LB725]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I DO HAVE, READING THROUGH LB725 AND AM2011, A CONCERN. WOULD SENATOR GLOOR YIELD TO A QUESTION? [LB725]

PRESIDENT FOLEY: SENATOR GLOOR, WOULD YOU YIELD, PLEASE? [LB725]

SENATOR GLOOR: YES, I WOULD. [LB725]

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SENATOR LARSON: SENATOR GLOOR, GOING THROUGH THE AMENDMENT, YOU...THE ORIGINAL BILL ONLY DEALT WITH PUBLIC UTILITY EASEMENTS, CORRECT? [LB725]

SENATOR GLOOR: CORRECT. [LB725]

SENATOR LARSON: BUT YOU'RE OPENING IT UP TO ANY EASEMENT, CORRECT? [LB725]

SENATOR GLOOR: EXCEPT FOR CONSERVATION EASEMENTS. [LB725]

SENATOR LARSON: EXCEPT FOR CONSERVATION EASEMENTS. WITHIN MY LEGISLATIVE DISTRICT, THERE'S OBVIOUSLY BEEN A RATHER LARGE ISSUE CONCERNING EASEMENTS AND GETTING EASEMENTS CONCERNING A CERTAIN PIPELINE. WOULD THAT...THAT WOULD ESSENTIALLY AFFECT ALL OF THOSE TYPES OF EASEMENTS AS WELL? [LB725]

SENATOR GLOOR: I DON'T BELIEVE SO, BUT I WOULD...TO BE DEFINITIVE ABOUT IT, I WOULD DIRECT THAT QUESTION TO SENATOR SCHUMACHER. [LB725]

SENATOR LARSON: ALL RIGHT. WILL SENATOR SCHUMACHER YIELD? [LB725]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WOULD YOU YIELD, PLEASE? [LB725]

SENATOR SCHUMACHER: YES, I WILL. [LB725]

SENATOR LARSON: SENATOR SCHUMACHER, YOU OBVIOUSLY HEARD THE DISCUSSION WITH SENATOR GLOOR AND MYSELF. IT WAS MY UNDERSTANDING, BASED ON WHAT HE INTRODUCED AND HIS FIRST ANSWER TO THE QUESTION WAS, THIS IS MAKING IT TO DEAL...THE ORIGINAL IS ONLY PUBLIC UTILITIES AND THEN THIS, THE COMMITTEE AMENDMENT, EXPANDS IT TO EVERYTHING BUT CONSERVATION EASEMENTS. SO THAT WOULD INCLUDE ANY PIPELINE EASEMENTS OR ANYTHING OF THAT NATURE, EVEN ON THE FIRST PROJECT THAT'S IN THE EASTERN PART OF MY DISTRICT OR THE NEW ONE, CORRECT, THAT THEY WOULDN'T HAVE TO...WITH THE PASSAGE OF AM2011, THEY WOULDN'T HAVE TO DO ANY OF THIS PAPERWORK? [LB725]

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SENATOR SCHUMACHER: SENATOR, THEY WILL STILL HAVE TO FILE THE EASEMENT WITH THE REGISTER OF DEEDS. THIS IS A SEPARATE PIECE OF PAPER THAT DEALS WITH THE PRICE OF A SALE OF REAL ESTATE AND...ON A DEED, NOT AN EASEMENT. IT IS A BOOKKEEPING ITEM THAT HAS NOTHING TO DO WITH WHETHER THEY CAN FILE AN EASEMENT OR NOT FILE AN EASEMENT. [LB725]

SENATOR LARSON: BUT CONSIDERING JUST TRANSPARENCY, ESPECIALLY ON THINGS OF THAT NATURE, WHY SHOULD...I CAN UNDERSTAND WHAT YOU WERE TRYING TO DO FOR NPPD AND THE PUBLIC UTILITIES, BUT WHY SHOULD IT NOT BE ON EVERY TYPE OF...WHY SHOULD WE EXPAND IT TO EVERY TYPE OF EASEMENT, EXCEPT CONSERVATION EASEMENTS, AND WHY DID YOU LEAVE CONSERVATION EASEMENTS OUT? [LB725]

SENATOR SCHUMACHER: CONSERVATION EASEMENTS ARE SUCH THAT THE PROPERTY TAX ADMINISTRATOR FIGURED THAT WAS NEEDED IN A PROPER APPRAISAL OF THE PROPERTY. THE REST OF THEM WERE NOT. THEY WERE NEVER REQUIRED PRIOR TO THIS INTRODUCTION OF THE WIGHTMAN BILL AND, AS SUCH, THOSE PARTICULAR EASEMENTS AMOUNTS TO JUST AN EXTRA PIECE OF PAPER THAT HAS NO MEANING AND NO FUNCTION WHATSOEVER IN THE APPRAISAL PROCESS. [LB725]

SENATOR LARSON: SO YOU'RE SAYING THAT BECAUSE CONSERVATION EASEMENTS AFFECT THE APPRAISAL PROCESS, THAT'S WHY THEY'RE NOT INCLUDED. BUT IT'S MY UNDERSTANDING THAT CERTAIN TYPES OF EASEMENTS, AND I'VE HEARD A LOT THAT CERTAIN TYPES OF EASEMENTS THAT ARE GOING UNDER THE GROUND CAN AFFECT THE APPRAISAL VALUE OF THE PROPERTY. AND SO WHY WOULD THAT NOT NECESSARILY BE INCLUDED? BECAUSE IF THAT'S YOUR RATIONALE, IT AFFECTS THE APPRAISAL VALUE OF THE PROPERTY WHEN WE'RE CONSIDERING LIABILITY AND A NUMBER OF OTHER THINGS THAT THIS LEGISLATURE HAS PASSED IN TERMS OF OUR SPECIAL SESSION IN TERMS OF REQUIRING COMPANIES CARRY LIABILITY INSURANCE, REQUIRING CLEANUP, THAT OBVIOUSLY CERTAIN EASEMENTS COULD AFFECT THE VALUE OF THE LAND, CORRECT? [LB725]

SENATOR SCHUMACHER: SENATOR, CLEANUP PROVISIONS AND THOSE KIND OF... [LB725]

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SENATOR LARSON: NOT JUST CLEANUP. I'M SAYING CERTAIN EASEMENTS, THE QUESTION IS CERTAIN EASEMENTS COULD AFFECT THE VALUE OF THE LAND, CORRECT? [LB725]

SENATOR SCHUMACHER: THAT'S IRRELEVANT FOR TAXING PURPOSES AND THAT'S THE PURPOSE OF THIS FORM. [LB725]

SENATOR LARSON: HOW IS IT IRRELEVANT FOR TAXING PURPOSES IF IT AFFECTS THE SALE OF THE LAND? IT COULD AFFECT, I MEAN, IF IT AFFECTS THE SALE OF THE LAND, IT COULD AFFECT THE TAXING PURPOSES LATER ON. [LB725]

SENATOR SCHUMACHER: IF IT AFFECTS THE SALE OF THE LAND, THEN WHEN THE LAND IS SOLD AND THE DEED TO THE LAND IS FILED, A FORM IS FILED THAT SAID WHAT PURCHASE PRICE THEY GOT FOR IT. [LB725]

SENATOR LARSON: SO WHY...SO YOU DON'T FEEL THAT THEY SHOULD HAVE TO FILE THIS FORM NOT ONLY JUST THE PUBLIC UTILITIES, BUT ANYBODY REALLY? [LB725]

SENATOR SCHUMACHER: NOT ON THE FILING OF THE EASEMENT. ON THE FILING OF A DEED WHERE THE FEE IS TRANSFERRED, THEN THEY NEED TO FILE THE FORM, WHICH IS THE WAY IT ALWAYS WAS DONE UNTIL THIS CONFUSING INTERPRETATION WHICH THE PROPERTY TAX ADMINISTRATOR, THE TAX COMMISSIONER... [LB725]

PRESIDENT FOLEY: TIME, SENATOR. THANK YOU, SENATOR LARSON AND SENATOR SCHUMACHER. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB725]

SENATOR GLOOR: JUST A QUICK COMMENT. CERTAINLY SOME OF THE CONCERNS THAT ARE OUT THERE ARE PART OF THE REASON OF THE IMPORTANCE OF THIS BILL. THERE'S BEEN SOME CONFUSION OUT IN THE PUBLIC ABOUT IT. IT'S BEEN APPLIED INCONSISTENTLY. THAT'S NOT PROVEN TO BE A PROBLEM EXCEPT THERE'S BEEN AN EXAMPLE WHERE THE WAY IT'S CURRENTLY ESTABLISHED, THERE ENDS UP BEING NOTICES PUBLISHED IN THE PAPER AND THAT ALSO ENDS UP BEING MISINTERPRETED THAT YOU HAVE PUBLIC UTILITIES BUYING UP PROPERTIES. THAT'S NOT HAPPENING. AND SO, IT'S INTERESTING THAT A WIDE CONSORTIUM OF FOLKS HAVE COME TOGETHER ON THIS AND HAVE SAID THE CONFUSION THAT'S OUT THERE IS, IN FACT, ONE THAT WE NEED TO MAKE GO

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AWAY. AND THAT'S THE REASON FOR SENATOR SCHUMACHER'S BILL AND FOR THE AMENDMENT. I JUST ADD THAT. THANK YOU VERY MUCH. [LB725]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. SENATOR LARSON, YOU'RE RECOGNIZED. [LB725]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I CAN UNDER...AS SENATOR GLOOR SAYS, I THINK HE BRINGS UP A DECENT POINT WHEN IT COMES TO THE PUBLIC UTILITIES PORTION AND I DON'T NECESSARILY HAVE A PROBLEM WITH THE UNDERLYING LB725 BECAUSE AS SENATOR GLOOR JUST SAID THAT THERE IS CONFUSION AND THAT MIGHT BE REASONABLE. I GUESS MY DEEPER CONCERN LIES WITHIN AM2011. AND HOW DO WE ENSURE...THERE JUST SEEMS A LOT OF AMBIGUITY IN TERMS OF WHETHER OR NOT WHAT IS HAPPENING AND IS THIS REALLY CONSENT CALENDAR MATERIAL MOVING FORWARD. WILL SENATOR SCHUMACHER YIELD? [LB725]

PRESIDENT FOLEY: SENATOR SCHUMACHER, WOULD YOU YIELD, PLEASE? [LB725]

SENATOR SCHUMACHER: YES, I WILL. [LB725]

SENATOR LARSON: SENATOR SCHUMACHER, WHY DID WE REALLY...AS SENATOR GLOOR SAID, I THINK HE BRINGS UP A GOOD POINT WITH THE PUBLIC UTILITIES. WHY DO WE NEED TO EXPAND IT OUT MORE THAN WHAT YOU ORIGINALLY INTRODUCED? [LB725]

SENATOR SCHUMACHER: THERE ARE ALL KINDS OF OTHER EASEMENTS BESIDES PUBLIC UTILITY EASEMENTS WHICH ARE FILING THESE MEANINGLESS PIECES OF PAPER OF WHICH THE PROPERTY TAX ADMINISTRATOR WAS NOT ABLE TO ARTICULATE A GOOD REASON WHY THEY SHOULD BE FILED EXCEPT IN THE CASE OF CONSERVATION EASEMENT. WITH CONSULTATIONS WITH COMMISSIONER FULTON, PROPERTY TAX ADMINISTRATORS, NACO, IT WAS AGREED THAT THESE PIECES OF PAPER SERVE NO FUNCTION, AND THERE ARE EASEMENTS ACROSS BACKYARDS, EASEMENTS TO PARK A TRUCK ON SOMETHING. IT IS ADDITIONAL PAPERWORK THAT SERVES ABSOLUTELY NO FUNCTION AND NO TRANSPARENCY. [LB725]

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SENATOR LARSON: WELL, I THINK THAT, YOU KNOW, SENATOR SCHUMACHER, I CAN UNDERSTAND THAT A LOT OF THEM MIGHT HAVE THAT ISSUE. BUT AT THE SAME TIME, I THINK THAT DOESN'T NECESSARILY MEAN THAT WE NEED TO APPLY IT TO EVERY EASEMENT. AND...BECAUSE I THINK THAT THERE IS A...THERE'S OBVIOUSLY BEEN SIGNIFICANT CONCERNS ABOUT A LOT OF THESE TYPES OF EASEMENTS IN MY AREA AND ARE WE...ARE WE MAKING IT THAT MUCH EASIER, OR IF IT'S BEEN INTERPRETED THAT WAY BECAUSE IT IS AN ISSUE, WHY DO WE WANT TO TAKE THAT AWAY? AND I GUESS...LIKE I SAID, I UNDERSTAND THE PUBLIC UTILITIES ON THE UNDERLYING LB725. AM2011, I GUESS IF IT'S ADOPTED, I THINK WE'RE GOING TO HAVE TO TAKE A DEEPER LOOK IN TERMS OF WHAT IS CHANGING, WHAT IT'S CHANGING, AND FIGURE OUT IF THIS IS CONSENT WORTHY MOVING FORWARD. AND I WILL DO A LITTLE MORE HOMEWORK ON IT. IT, OBVIOUSLY, CAUGHT MY EYE TODAY WHEN THE SCHEDULE CAME OUT. SO, YEAH, LB725, I UNDERSTAND THE UNDERLYING BILL. CONCERNS WITH AM2011, AM2011, IF IT GETS ADOPTED AND THIS MOVES FORWARD OFF OF...MOVES FORWARD TO SELECT FILE, I'LL DO A LITTLE MORE HOMEWORK AND FIGURE OUT IF THIS SHOULD STAY ON CONSENT CALENDAR. THANK YOU, MR. PRESIDENT. [LB725]

PRESIDENT FOLEY: THANKS, SENATOR LARSON. SENATOR GLOOR, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB725]

SENATOR GLOOR: THANK YOU, MR. CHAIRMAN. I CAN ASSURE THE BODY THAT WE CAN, BETWEEN NOW AND SELECT FILE, TAKE CARE OF MOST OF SENATOR LARSON'S CONCERNS. I THINK HE HAS OTHER CONCERNS THAT PROBABLY ENTER INTO SOME OF THIS CONCERN. BUT, NONETHELESS, WE EVALUATED THIS VERY CAREFULLY, VERY CLOSELY. WE HAVE FOLKS WITHIN NACO WHO ARE ENCOURAGING US TO MOVE FORWARD WITH THIS. IT REMOVES A BIT OF BUREAUCRACY, WHICH IS IMPORTANT, I BELIEVE, TO THIS BODY. AND A GREEN VOTE WOULD BE APPRECIATED ON AM2011. THANK YOU, MR. PRESIDENT. [LB725]

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. MEMBERS, THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT, AM2011. ALL OF THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB725]

CLERK: 30 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB725]

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PRESIDENT FOLEY: COMMITTEE AMENDMENTS ARE ADOPTED. SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON LB725 AS AMENDED. [LB725]

SENATOR SCHUMACHER: I'D WAIVE CLOSING. [LB725]

PRESIDENT FOLEY: HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB725 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB725]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB725]

PRESIDENT FOLEY: LB725 ADVANCES. NEXT BILL, MR. CLERK. [LB725]

CLERK: MR. PRESIDENT, LB680 IS BY SENATOR RIEPE. (READ TITLE.) INTRODUCED ON JANUARY 6, REFERRED TO HEALTH, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL. [LB680]

PRESIDENT FOLEY: SENATOR RIEPE, YOU'RE RECOGNIZED TO OPEN ON LB680. [LB680]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT. GOOD MORNING, FELLOW SENATORS. TODAY, I BRING BEFORE YOU FOR YOUR CONSIDERATION LB680, A CLEANUP BILL REGARDING PHARMACY TECHNICIANS. LB680 WAS INTRODUCED AT THE REQUEST OF THE NEBRASKA PHARMACIST ASSOCIATION AND IS A TECHNICAL CLEANUP BILL. LAST YEAR THE NEBRASKA LEGISLATURE APPROVED AND THE GOVERNOR SIGNED LB37, A BILL THAT UPDATED THE PHARMACY PRACTICE ACT AS REQUESTED BY THE NEBRASKA PHARMACY ASSOCIATION. PRIOR TO LB37, PHARMACY TECHNICIANS WERE ONLY REQUIRED TO REGISTER WITH THE STATE. HOWEVER, LB37 AMENDED SECTION 38-2890 REQUIRING PHARMACY TECHNICIANS TO BE REGISTERED AND CERTIFIED BEFORE THEY CAN WORK AS A PHARMACY TECHNICIAN IN A FACILITY IN NEBRASKA. THAT BEGINS IN JANUARY 1, 2017. LB680 WILL REQUIRE ALL CURRENT REGISTERED PHARMACY TECHNICIANS TO BECOME CERTIFIED BY JANUARY 1 OF 2017, IF REGISTERED WITH THE PHARMACY TECHNICIAN REGISTRATION ON JANUARY 1, 2016. ADDITIONALLY, AFTER THE PASSAGE OF LB37, IT WAS REALIZED IT WAS TOO HIGH OF A STANDARD AND FOR THE PHARMACY TECHNICIANS TO BE REGISTERED AND CERTIFIED PRIOR TO

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WORKING AS A TECHNICIAN. THEREFORE, LAG TIME FOR CERTIFICATION IS NECESSARY. UNDER LB680, PHARMACY TECHNICIANS WILL HAVE ONE YEAR TO BECOME CERTIFIED AFTER THEY ARE REGISTERED WITH THE STATE OF NEBRASKA BEGINNING ON JANUARY 1, 2016. THIS YEAR LAG TIME WILL HELP OUR PHARMACIES AND HOSPITALS, ESPECIALLY IN RURAL NEBRASKA, WITH HIRING AND THE EMPLOYMENT OF PHARMACY TECHNICIANS. I ASK FOR YOUR GREEN VOTE ON LB680. THANK YOU. [LB680 LB37]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. DEBATE IS NOW OPEN ON LB680. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR RIEPE, YOU'RE RECOGNIZED TO CLOSE ON LB680. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB680 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB680]

CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF LB680. [LB680]

PRESIDENT FOLEY: LB680 ADVANCES. NEXT BILL, MR. CLERK. [LB680]

CLERK: LB680A BY SENATOR RIEPE. (READ TITLE.) [LB680A]

PRESIDENT FOLEY: SENATOR RIEPE, YOU'RE RECOGNIZED TO OPEN ON LB680A. [LB680A]

SENATOR RIEPE: THANK YOU, MR. PRESIDENT, FELLOW SENATORS. THIS IS THE A BILL FOLLOWING LB680. THE FISCAL NOTE IS FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADD A LICENSED SPECIALIST FOR CONTINUOUS CERTIFICATION OF TECHNICIANS. THE FUNDS FOR THE A BILL WILL BE WITHDRAWN FROM THE PROFESSIONAL AND OCCUPATIONAL CREDENTIALING CASH FUND. I ASK FOR YOUR GREEN VOTE ON LB680A. THANK YOU, SIR. [LB680A LB680]

PRESIDENT FOLEY: THANK YOU, SENATOR RIEPE. DEBATE IS NOW OPEN ON LB680A. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR RIEPE, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB680A. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB680A]

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CLERK: 28 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE A BILL. [LB680A]

PRESIDENT FOLEY: LB680A ADVANCES. NEXT BILL, MR. CLERK. [LB680A]

CLERK: LB823 WAS A BILL BY SENATOR LARSON. (READ TITLE.) INTRODUCED ON JANUARY 8, REFERRED TO THE GOVERNMENT COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB823]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR LARSON, YOU'RE RECOGNIZED TO OPEN ON LB823. [LB823]

SENATOR LARSON: THANK YOU, MR. PRESIDENT. I INTRODUCED LB823 AT THE REQUEST OF AARON HENDRY, THE STATE ATHLETIC COMMISSIONER, TO ALLOW HIS OFFICE TO EFFECTIVELY GUARD AGAINST THE USE OF PERFORMANCE ENHANCING DRUGS, OR PEDs. THE STATE ATHLETIC COMMISSIONER REGULATES AMATEUR AND PROFESSIONAL MIXED MARTIAL ARTS, ALSO KNOWN AS MMA, AND PROFESSIONAL BOXING. CONCERN ABOUT THE USE OF PEDs IN ATHLETICS CUTS ACROSS ALL FORMS OF COMPETITION AND MMA AND BOXING ARE NO EXCEPTION. THE BILL IS VERY SIMPLE. IT GRANTS THE COMMISSIONER THE EXPLICIT AUTHORITY TO ADOPT A LIST OF BANNED SUBSTANCES AND TO REQUIRE CONTESTANTS TO SUBMIT A DRUG TEST AS A CONDITION FOR PARTICIPATING IN MMA OR PROFESSIONAL BOXING. LB823 ALSO CONTAINS MAXIMUM PENALTIES FOR THE FIRST, SECOND, AND THIRD AND SUBSEQUENT DRUG TESTING FAILURES, INCLUDING FINES IN THE CASE OF A PROFESSIONAL ATHLETE. ANY SUCH FINE COULD BE IMPOSED ONLY AFTER A HEARING AND WOULD BE REMITTED TO THE STATE TREASURER FOR THE SUPPORT OF COMMON SCHOOLS, AS REQUIRED BY THE NEBRASKA CONSTITUTION. THIS IS A COMMON-SENSE APPROACH TO COMBAT THE USE OF PEDs AND SPORTS REGULATED BY THE COMMISSIONER. AND GIVEN THE FACT THAT NEBRASKA CURRENTLY HAS A WORLD CHAMPION BOXER THAT WOULD LIKE TO HOST MORE TITLE FIGHTS IN THE STATE OF NEBRASKA, THE WORLD BOXING ORGANIZATIONS THAT REQUIRE CERTAIN PED, PERFORMANCE ENHANCING DRUGS, TO BE TESTED, WE NEED TO ESSENTIALLY PASS LB823 TO ENSURE THAT OUR WORLD CHAMPION CAN HOST MORE TITLE FIGHTS IN THE STATE OF NEBRASKA. WITHOUT IT, THOSE ORGANIZATIONS WON'T LET HIM BOX HERE, TO UNIFY ALL THE BELTS. THANK YOU, MR. PRESIDENT. [LB823]

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PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. DEBATE IS NOW OPEN ON LB823. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR LARSON, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION IS ADVANCE OF LB823 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB823]

CLERK: 33 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB823]

PRESIDENT FOLEY: LB823 ADVANCES. (VISITORS INTRODUCED.) NEXT BILL, MR. CLERK. [LB823]

CLERK: LB865 IS A BILL BY SENATOR CRAWFORD. (READ TITLE.) IT WAS INTRODUCED ON JANUARY 11, REFERRED TO THE URBAN AFFAIRS COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB865]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU'RE RECOGNIZED TO OPEN ON LB865. [LB865]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. LB865 WOULD UPDATE NEBRASKA'S HANDICAPPED PARKING STATUTES TO CHANGE THE DEFINITION OF HANDICAPPED OR DISABLED PERSON. THIS PAST INTERIM MY OFFICE HELD A STAKEHOLDER MEETING ON LR159, AN INTERIM STUDY TO EXAMINE NEBRASKA'S HANDICAPPED PARKING STATUTES. THIS MEETING INVOLVED REPRESENTATIVES FROM VARIOUS DISABILITY ADVOCACY ORGANIZATIONS, INCLUDING AARP, DISABILITY RIGHTS NEBRASKA, ARC OF NEBRASKA, AND THE NEBRASKA STATEWIDE INDEPENDENT LIVING COUNCIL. AS PART OF THE INDEPENDENT STUDY, THE STAKEHOLDER GROUP REVIEWED NEBRASKA'S CURRENT HANDICAPPED PARKING STATUTES AND COMPARED THEM WITH HANDICAPPED PARKING STATUTES IN OTHER STATES. LB865 WOULD ADOPT ONE OF THE RECOMMENDATIONS FROM LR159 STAKEHOLDER GROUP BY AMENDING THE DEFINITION OF HANDICAPPED OR DISABLED PERSON. WHILE THE CURRENT DEFINITION INCLUDES INDIVIDUALS WHO ARE UNABLE TO TRAVEL MORE THAN 200 FEET WITHOUT THE USE OF WHEELCHAIR, CRUTCH, WALKER, OR OTHER ASSISTANT DEVICE, HANDICAPPED PARKING STATUTES IN 30 OTHER STATES ALSO INCLUDE INDIVIDUALS WHO ARE UNABLE TO TRAVEL MORE THAN 200 FEET WITHOUT STOPPING. SIMILARLY, THREE ADDITIONAL STATES HAVE COMPARABLE LANGUAGE BUT WITH A DIFFERENT DISTANCE REQUIREMENT. IN ADDITION TO CHANGING THE

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DEFINITION, SECTION 2 OF THE BILL REPEALS OBSOLETE LANGUAGE IN THE HANDICAPPED PARKING STATUTES. WHILE THE DEFINITIONAL CHANGE IN LB865 WILL LIKELY IMPACT ONLY A SMALL NUMBER OF INDIVIDUALS, THE BILL WILL BRING NEBRASKA'S HANDICAPPED PARKING STATUTES IN LINE WITH A MAJORITY OF OTHER STATES AND PROVIDE A MORE ACCURATE AND INCLUSIVE DEFINITION OF ALL PEOPLE WITH DISABILITIES WHO CANNOT WALK MORE THAN A SHORT DISTANCE AND NEED THE PROTECTION OF HANDICAPPED PARKING. LB865 RECEIVED NO OPPOSITION TESTIMONY AT THE HEARING AND WAS ADVANCED BY THE URBAN AFFAIRS COMMITTEE ON A 6-0 VOTE WITH 1 MEMBER ABSENT. I WOULD ASK FOR YOUR GREEN VOTE TO ADVANCE LB865 TO SELECT FILE. THANK YOU, MR. PRESIDENT. [LB865 LR159]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. DEBATE IS NOW OPEN ON LB865. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. EXCUSE ME, SENATOR KINTNER, DID YOU PUT YOUR LIGHT ON? YOU ARE RECOGNIZED. [LB865]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. SORRY I DIDN'T HAVE TIME TO TALK TO YOU BEFORE THIS. I WOULD HAVE NORMALLY TALKED TO YOU BEFORE THIS. WHAT'S THE...CAN YOU WALK ME THROUGH THE CURRENT LAW RIGHT NOW? [LB865]

SENATOR CRAWFORD: SURE. SO THE CURRENT LAW SAYS THAT SOMEONE TO RECEIVE THE PERMIT NEEDS TO BE AN INDIVIDUAL WHO IS UNABLE TO TRAVEL MORE THAN 200 FEET WITHOUT THE USE OF A WHEELCHAIR, CRUTCH, WALKER, OR ASSISTANT DEVICE. THERE ARE SOME PEOPLE WHO HAVE, SAY, RESPIRATORY PROBLEMS, WHO DON'T USE A WHEELCHAIR, CRUTCH, OR ASSISTANT DEVICE, AND SO THIS WOULD PUT THOSE PEOPLE WHO CAN'T TRAVEL MORE THAN A SHORT DISTANCE INTO THAT CATEGORY AS WELL. [LB865]

SENATOR KINTNER: OKAY. SOUNDS GOOD. THANK YOU, MR. PRESIDENT. [LB865]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON LB865. SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB865 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB865]

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

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CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL.
[LB865]

PRESIDENT FOLEY: LB865 ADVANCES. NEXT BILL, MR. CLERK. [LB865]

CLERK: MR. PRESIDENT, LB1002 IS A BILL BY SENATOR BAKER. (READ TITLE.)
INTRODUCED ON JANUARY 15, REFERRED TO THE EDUCATION COMMITTEE,
ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR.
PRESIDENT. [LB1002]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BAKER, YOU'RE
RECOGNIZED TO OPEN ON LB1002. [LB1002]

SENATOR BAKER: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES.
THERE'S BEEN A LAW IN PLACE FOR A LONG, LONG TIME THAT ALLOWS SCHOOL
BOARDS TO EXPEND SCHOOL FUNDS FOR MEMBERSHIP DUES IN SCHOOL BOARD
ORGANIZATIONS. THERE'S BEEN AN OMISSION THAT BOARDS OF EDUCATION...OR
EXCUSE ME, BOARDS OF SERVICE UNITS HAVE NOT BEEN INCLUDED. I LOOK
AROUND, I KNOW FOR SURE THERE ARE AT LEAST SEVEN SENATORS WHO HAVE
SERVED ON SCHOOL BOARDS AND AT LEAST ONE WHO HAS A PARENT SERVING
ON A SCHOOL BOARD. SO YOU KNOW THE IMPORTANCE OF EXPANDING YOUR
LEARNING AS A SCHOOL BOARD MEMBER, BEING ON THE CUTTING EDGE WITH
THE CURRENT HAPPENINGS, AND STAYING CURRENT WITH LEGISLATION AND
SUCH MATTERS. THE TRUTH OF THE MATTER IS, SCHOOL BOARDS OR BOARD
MEMBERS OF SERVICE UNITS HAVE PROBABLY BEEN JOINING ORGANIZATIONS
ANYHOW, THEY JUST DIDN'T KNOW THEY WEREN'T SPECIFICALLY PERMITTED
BY THE NEBRASKA STATUTE TO DO THAT. SO THAT'S WHAT THIS BILL DOES.
THANK YOU. [LB1002]

PRESIDENT FOLEY: THANK YOU, SENATOR BAKER. DEBATE IS NOW OPEN ON
LB1002. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR BAKER, YOU'RE
RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE
OF LB1002 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED
VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB1002]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB1002.
[LB1002]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. LB1002 ADVANCES. (VISITORS INTRODUCED.) NEXT BILL, MR. CLERK. [LB1002]

CLERK: LB1086, A BILL BY SENATOR DAVIS. (READ TITLE.) INTRODUCED ON JANUARY 20, REFERRED TO EDUCATION COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB1086]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR DAVIS, YOU'RE RECOGNIZED TO OPEN ON LB1086. [LB1086]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. TODAY UNDER CURRENT LAW A STUDENT WITH ASTHMA OR ANAPHYLAXIS IS ALLOWED TO SELF-MANAGE HIS OR HER CONDITION UPON WRITTEN REQUEST OF BOTH A PARENT OR GUARDIAN AND AUTHORIZATION OF THE STUDENT'S PHYSICIAN. LB1086 SIMPLY ADDS TO THE CURRENT LAW THAT ANY MEDICAL PROVIDER WHO IS AUTHORIZED TO PRESCRIBE CAN PROVIDE THE AUTHORIZATION. THEREFORE, THE AUTHORIZATION TO ALLOW A STUDENT TO SELF-MANAGE WOULD, UNDER LB1086, BE SIGNED BY THE PARENT AND EITHER THE PHYSICIAN OR, FOR EXAMPLE, AN ADVANCED PRACTICE REGISTERED NURSE OR PHYSICIAN ASSISTANT. THE REQUIREMENT TO HAVE A DUAL SIGNATURE DOES NOT CHANGE. WHAT CHANGES IS THAT ANY MEDICAL PROVIDER WITH AUTHORIZATION TO PRESCRIBE CAN SIGN RATHER THAN JUST A PHYSICIAN. JUST A COUPLE OF CLARIFICATIONS. FIRST, THE BILL DOES NOT REPEAL THE REQUIREMENT THAT BOTH THE PARENT AND/OR GUARDIAN AND A MEDICAL PROFESSIONAL MUST SIGN THE AUTHORIZATION. AND SECONDLY, THE BILL WOULD NOT ADD TO THE DUTIES OF A SCHOOL NURSE BECAUSE TYPICALLY A SCHOOL NURSE IS NOT A MEDICAL PROFESSIONAL AUTHORIZED TO PRESCRIBE. THIS BILL WAS INTRODUCED AT THE REQUEST OF A SCHOOL NURSE FROM MY DISTRICT WHO RECOGNIZED THAT PARENTS WERE NOT ABLE TO GET THE FORM SIGNED BY A PHYSICIAN, SO THE STUDENTS WERE NOT BEING ALLOWED TO SELF-MANAGE IN HER SCHOOL. SHE POINTED OUT THAT OTHER MEDICAL PROFESSIONALS WERE AVAILABLE IN THE AREA AND THAT PARENTS HAD EASIER ACCESS TO THEM TO GET THE AUTHORIZATION SIGNED, AND REQUESTED WE AMEND THE BILL. THERE WAS NO OPPOSITION FROM THE NEBRASKA MEDICAL ASSOCIATION AND THE NEBRASKA NURSE PRACTITIONERS TESTIFIED IN SUPPORT. I ASK FOR YOUR SUPPORT TO ADVANCE THE BILL AFFORDING MEDICAL PROFESSIONALS TO WORK TOGETHER TO MAKE A MEANINGFUL DIFFERENCE IN THE LIVES OF OUR STUDENTS WHO CAN AND ARE WILLING TO SELF-MANAGE THEIR ASTHMA OR ANAPHYLAXIC CONDITIONS. THANK YOU, MR. PRESIDENT. [LB1086]

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PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. DEBATE IS NOW OPEN ON LB1086. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE ON THE BILL. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB1086 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB1086]

CLERK: 30 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB1086]

PRESIDENT FOLEY: LB1086 ADVANCES. NEXT BILL, MR. CLERK. [LB1086]

CLERK: LB567, A BILL BY SENATOR JOHNSON. (READ TITLE.) INTRODUCED ON JANUARY 21 OF LAST YEAR, AT THAT TIME REFERRED TO THE HEALTH COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING. (AM1899, LEGISLATIVE JOURNAL PAGE 599.) [LB567]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. IN SENATOR JOHNSON'S ABSENCE, SENATOR HOWARD, YOU'RE RECOGNIZED TO OPEN. EXCUSE ME.+ SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON LB567. [LB567]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT, AND I WILL MOVE DIRECTLY TO TALK ABOUT THE AMENDMENT BECAUSE THE AMENDMENT BECOMES THE BILL. THE ORIGINAL INTENT OF LB567 WAS TO ALLOW PHARMACIES TO TRANSFER ORIGINAL PRESCRIPTIONS JUST LIKE REFILLS, WHICH IS CURRENTLY ALLOWED BY STATUTE. AFTER THE BILL WAS DRAFTED TO CLEAN UP THE DISCUSSIONS WITH PHARMACIES AND THE NEBRASKA PHARMACY ASSOCIATION, DURING THE COMMITTEE HEARING ON LB567, THE NEBRASKA PHARMACY ASSOCIATION, WHICH IS LISTED AS AN OPPONENT TESTIFIER, BROUGHT UP PROBLEMS WITH HOW THE BILL WAS DRAFTED. THEY DID NOT OPPOSE THE INTENT OF THE BILL, BUT OPPOSED THE SECTION OF STATUTE CHANGED BY THE BILL. ORIGINALLY, THE BILL AMENDED THE UNIFORM CONTROLLED SUBSTANCES ACT IN A WAY THAT CONFLICTS WITH FEDERAL REGULATIONS OF CONTROLLED SUBSTANCES. THAT SECTION IS NOT INCLUDED IN THE COMMITTEE AMENDMENT. INSTEAD THE COMMITTEE AMENDMENT, WHICH REPLACES THE ORIGINAL BILL, SIMPLY AMENDS THE SECTION OF THE PHARMACY PRACTICES ACT TO CLARIFY THAT A PHARMACIST MAY FORWARD AN ORIGINAL PRESCRIPTION FOR A NONCONTROLLED SUBSTANCE TO ANOTHER PHARMACY AT THE REQUEST OF THE PATIENT OR THE PATIENT'S CAREGIVER.

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THE NEW LANGUAGE ALSO PLACES LIMITS ON THE FORWARD OF AN ORIGINAL PRESCRIPTION FOR CONTROLLED SUBSTANCES IN CONFORMANCE WITH FEDERAL LAW. THE BILL, AS AMENDED BY THE COMMITTEE AMENDMENT, ADVANCED FROM THE COMMITTEE UNANIMOUSLY, AND I URGE YOU TO SUPPORT AM1899 AND ITS UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB567]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING ON LB567 AND THE COMMITTEE AMENDMENT, AM1899. DEBATE IS NOW OPEN. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. SHE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM1899, COMMITTEE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB567]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE COMMITTEE AMENDMENTS. [LB567]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON LB567. [LB567]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I'M SURE IF SENATOR JOHNSON WERE HERE, HE WOULD URGE YOUR GREEN VOTE ON HIS UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB567]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MEMBERS, THE QUESTION IS THE ADVANCE OF LB567 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO CARE TO? RECORD PLEASE, MR. CLERK. [LB567]

CLERK: 26 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB567]

PRESIDENT FOLEY: LB567 ADVANCES. NEXT BILL, MR. CLERK. [LB567]

CLERK: LB684 IS A BILL BY SENATOR BOLZ. (READ TITLE.) INTRODUCED ON JANUARY 6 OF THIS YEAR, REFERRED TO THE HEALTH COMMITTEE, ADVANCED

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TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS. (AM1985, LEGISLATIVE JOURNAL PAGE 600.) [LB684]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON LB684. [LB684]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. LB684 ALLOWS FOR AN ADOPTIVE HOME STUDY TO BE WAIVED BY THE COURT UPON A SHOWING OF GOOD CAUSE BY THE PETITIONER WHEN THE PETITIONER IS A BIOLOGICAL GRANDPARENT OR STEP-GRANDPARENT, WHO IS MARRIED TO THE BIOLOGICAL GRANDPARENT AT THE TIME OF ADOPTION, IF BOTH ARE ADOPTING THE CHILD. THIS BILL CREATES A VERY NARROW EXCEPTION TO THE HOME STUDY FOR GRANDPARENTS, ADOPTIVE PARENTS WHO ARE ADOPTING A CHILD. THE HOME STUDY IS VERY IMPORTANT. IT HAS REAL VALUE. YOU'LL HEAR MORE ABOUT THAT FROM SENATOR HOWARD, BUT THIS REMOVES A VERY DISCRETE BARRIER FOR A SMALL POPULATION OF GRANDPARENTS WHO MAY WANT TO ADOPT A GRANDCHILD WITH WHOM THEY HAVE HISTORY, AND THEY HAVE A GOOD REASON FOR BEING ABLE TO WAIVE THE HOME STUDY, AS APPROVED BY THE COURT. THAT IS THE SUMMATION OF THE BILL, AND I'D APPRECIATE YOUR SUPPORT ON LB684. [LB684]

PRESIDENT FOLEY: THANK YOU, SENATOR BOLZ. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. [LB684]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM1985 TO LB684 WAS REQUESTED BY THE NEBRASKA BAR ASSOCIATION AT THE PUBLIC MEETING AND HEARING. THE NEW LANGUAGE REQUIRES A SHOWING OF GOOD CAUSE WHEN WAIVING THE HOME STUDY REQUIREMENT FOR ADOPTIONS BY GRANDPARENTS. HOME STUDIES ARE A VERY IMPORTANT PART OF THE ADOPTION PROCESS, BUT CAN IMPOSE FINANCIAL HARDSHIP, EXTEND THE TIME TO FINALIZE AN ADOPTION, AND FIND PERMANENCY FOR CHILDREN AND YOUTH, AND COMPOUND THE STRESS ON FAMILIES WANTING TO IMPROVE THE STABILITY OF A CHILD'S LIFE. THE GOOD CAUSE REQUIREMENT MEANS IF A COURT CHOOSES TO WAIVE A HOME STUDY, THEY MUST MAKE A FINDING THAT THERE IS GOOD CAUSE TO DO SO. SOME EXAMPLES OF GOOD CAUSE WOULD INCLUDE A CHILD WHO HAS LIVED WITH THE BIOLOGICAL GRANDPARENT SINCE BIRTH OR FOR SEVERAL YEARS PRIOR TO THE ADOPTION WITH NO ABUSE

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ALLEGATIONS, NO HISTORY OF PHYSICIAN...OF PHYSICAL OR SEXUAL ABUSE, OR OTHER RELATED ENCOUNTERS WITH LAW ENFORCEMENT, AND NO OPPOSITION TO THE ADOPTION AND WAIVER OF THE HOME STUDY. THE BILL WAS ADVANCED FROM COMMITTEE UNANIMOUSLY AND I RESPECTFULLY URGE YOUR SUPPORT OF AM1985 AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB684]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MEMBERS, YOU'VE HEARD THE OPENING TO LB684 AND THE RELATED COMMITTEE AMENDMENT. SENATOR HOWARD, YOU'RE RECOGNIZED. [LB684]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB684 AND AM1985, ALTHOUGH I DO SO STATING THAT THIS IS THE ONLY TIME I WILL EVER SUPPORT A WAIVER OF A HOME STUDY IN AN ADOPTIVE PLACEMENT, AND ONLY BECAUSE SENATOR BOLZ'S AMENDMENT ALLOWS FOR JUDICIAL DISCRETION WITH GOOD CAUSE FOR BIOLOGICAL GRANDPARENTS. IT IS A VERY NARROW EXEMPTION. UNFORTUNATELY, SOME BELIEVE THAT THE HOME STUDY IS SIMPLY A TECHNICALITY OR AN UNNECESSARY REQUIREMENT THAT SIMPLY INVOLVES COMPLETING BACKGROUND CHECKS, AND IT'S SO MUCH MORE THAN THAT FOR ADOPTIVE FAMILIES. I'D LIKE TO SHARE AN EXCERPT FROM THE LETTER FROM THE KAREN AUTHIER WITH THE NEBRASKA CHILDREN'S HOME SOCIETY. SHE SAID WHEN GRANDPARENTS DECIDE TO ADOPT, THEY'RE MAKING A DECISION TO INITIATE A LEGAL PROCESS. HOWEVER, THEY'RE ALSO MAKING A DECISION THAT HAS SIGNIFICANT INTERPERSONAL AND EMOTIONAL IMPLICATIONS. THE HOME STUDY PROVIDES AN OPPORTUNITY FOR INDIVIDUALS TO EXPLORE THE DECISION WITH ATTENTION TO BOTH THE PRACTICAL AND EMOTIONAL REALITIES UNIQUE TO THEIR CURRENT SITUATION AND THEIR FUTURE. THE HOME STUDY IS ALSO AN ASSESSMENT OF THE GRANDPARENTS' ABILITY TO PROVIDE SAFETY AND PERMANENCE FOR THEIR GRANDCHILDREN. WHILE MOST GRANDPARENTS ARE CAPABLE OF PROVIDING FOR THEIR GRANDCHILD'S WELL-BEING, THERE ARE OTHER SITUATIONS WHEN A HOME STUDY MAY RAISE QUESTIONS ABOUT RISKS INVOLVED FOR THE CHILD. BECAUSE AM1985 PROVIDES FOR JUDICIAL DISCRETION WITH GOOD CAUSE IN THE INSTANCE OF A BIOLOGICAL GRANDPARENT OR SET OF GRANDPARENTS WAIVING THE HOME STUDY, AND IT'S VERY LIMITED, I DO SUPPORT AM1985 AND LB684, BUT THIS IS THE ONLY TIME I WILL SUPPORT A WAIVER OF THE HOME STUDY IN AN ADOPTIVE PLACEMENT. THANK YOU, MR. PRESIDENT. [LB684]

PRESIDENT FOLEY: THANK YOU, SENATOR HOWARD. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SHE WAIVES THE OPPORTUNITY. THE

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QUESTION IS THE ADOPTION OF AM1985, COMMITTEE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB684]

CLERK: 26 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB684]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON THE BILL. SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON LB684. SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB684 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB684]

CLERK: 25 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB684]

PRESIDENT FOLEY: LB684 ADVANCES. NEXT BILL, MR. CLERK. [LB684]

CLERK: LB887 IS BY SENATOR SCHILZ. (READ TITLE.) INTRODUCED ON JANUARY 11, REFERRED TO THE NATURAL RESOURCES COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL. [LB887]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON LB887. [LB887]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD MORNING. LB887 I INTRODUCED ON BEHALF OF THE NEBRASKA PETROLEUM MARKETERS, WOULD EXTEND THE DATE FOR ELIGIBLE CLAIMS UNDER THE PETROLEUM RELEASE REMEDIAL ACTION ACT BY FOUR YEARS TO JUNE 30, 2020. THE PETROLEUM RELEASE REMEDIAL ACTION REIMBURSEMENT FUND WAS ESTABLISHED TO HELP PAY REMEDIATION COSTS FOR OWNERS AND OPERATORS OF FACILITIES THAT HAVE LEAKING PETROLEUM TANKS. IT IS FUNDED BY NINE-TENTHS OF A CENT OF A GALLON ON GASOLINE AND THREE-TENTHS OF A CENT ON DIESEL. WHEN CONTAMINATION HAS BEEN FOUND AT A SITE AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY HAS DETERMINED THAT CLEANUP IS REQUIRED, THE ENTITY RESPONSIBLE FOR CLEANING UP MAY BE ELIGIBLE FOR REIMBURSEMENT THROUGH THIS FUND MINUS A DEDUCTIBLE. THERE IS A NEED FOR THIS FUND BECAUSE PRIVATE INSURANCE FOR SMALLER OWNERS AND OPERATORS OF PETROLEUM TANKS IS NOT EASILY ACCESSIBLE OR

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ECONOMICALLY FEASIBLE. THE NEED FOR THE EXTENSION IS DUE TO A BACKLOG OF CLAIMS AND EXTENSIVE CLEANUP OBLIGATIONS. THERE WOULD BE NO CHANGE IN THE AMOUNT OF FUNDS EXPENDED IN A FISCAL YEAR FROM THE CASH FUND. THE BILL SIMPLY EXTENDS THE NUMBER OF YEARS THAT THE CASH FUND WOULD BE USED TO CARRY OUT REMEDIATION PROJECTS. AND WITH THAT, I WOULD HOPE FOR YOUR GREEN VOTE ON LB887. THANK YOU, MR. PRESIDENT. [LB887]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. DEBATE IS NOW OPEN ON LB887. SEE NO MEMBERS WISHING TO SPEAK, SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB887 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB887]

CLERK: 27 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB887]

PRESIDENT FOLEY: LB887 ADVANCES. NEXT BILL, MR. CLERK. [LB887]

CLERK: LB736 IS A BILL BY SENATOR FRIESEN. (READ TITLE.) INTRODUCED ON JANUARY 6, REFERRED TO NATURAL RESOURCES, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS. (AM2074, LEGISLATIVE JOURNAL PAGE 629.) [LB736]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR FRIESEN, YOU'RE RECOGNIZED TO OPEN ON LB736. [LB736]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. WHAT LB736 DOES IS BASICALLY CLARIFIES SOME OF THE THINGS THAT ARE MAYBE ALREADY HAPPENING WITH C-BED PROJECTS AND SOME OF THE SOLAR PROJECTS THAT ARE OUT THERE, ALONG WITH THE SMALL C-BED WIND PROJECTS THAT ARE BEING PROPOSED. AND WHAT THIS DOES IS OPEN UP THE PURCHASE OF THAT ELECTRICITY TO ANY OF THE DIFFERENT USERS. PREVIOUSLY, THEY WERE RESTRICTED TO THE GENERATORS OF ELECTRICITY AND THERE WERE VERY SPECIFIC DEFINITIONS OF WHO COULD PURCHASE SOME OF THESE CONTRACTS. SO WHAT THIS DOES IS OPEN IT UP TO ANY OF THE MUNICIPALITIES AND DIFFERENT ORGANIZATIONS, AND CHANGES BASICALLY THE DEFINITION OF AN ELECTRIC SUPPLIER TO MEAN THAT IT COULD BE A PUBLIC POWER DISTRICT, A PUBLIC POWER AND IRRIGATION DISTRICT, AN INDIVIDUAL MUNICIPALITY, A REGISTERED GROUP OF MUNICIPALITIES, AN ELECTRIC MEMBERSHIP

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ASSOCIATION, OR A COOPERATIVE. SO BASICALLY, IT'S JUST CLARIFYING LANGUAGE THAT ALLOWS DIFFERENT ORGANIZATIONS NOW TO PURCHASE SOME OF THE SMALL C-BED PROJECTS WHICH ARE COMMUNITY-BASED POWER GENERATION FACILITIES WHICH COULD BE WIND OR SOLAR, AND IT MAKES IT...PUTS IT IN STATUTE THAT THAT'S AVAILABLE TO THEM. THANK YOU, MR. PRESIDENT. [LB736]

PRESIDENT FOLEY: THANK YOU, SENATOR FRIESEN. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE NATURAL RESOURCES COMMITTEE. SENATOR SCHILZ, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB736]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, I THINK SENATOR FRIESEN PRETTY MUCH SUMMED IT UP, BUT THE COMMITTEE AMENDMENT SIMPLY CLARIFIES THE DEFINITION OF ELECTRIC SUPPLIER BY PROVIDING THE DEFINITION INSTEAD OF CROSS-REFERENCING ANOTHER STATUTE THAT CONTAINED THAT DEFINITION. ELECTRIC SUPPLIER IS DEFINED AS A PUBLIC POWER DISTRICT, PUBLIC POWER AND IRRIGATION DISTRICT, AN INDIVIDUAL MUNICIPALITY, A REGISTERED GROUP OF MUNICIPALITIES, AN ELECTRIC MEMBERSHIP ASSOCIATION, OR A COOPERATIVE. AND THIS AMENDMENT, AS I SAID, IS A DRAFTING CLARIFICATION AND I WOULD ASK FOR SUPPORT. THANK YOU. [LB736]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. DEBATE IS NOW OPEN ON LB736 AND THE RELATED COMMITTEE AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT, AM2074. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB736]

CLERK: 28 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB736]

PRESIDENT FOLEY: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON THE UNDERLYING BILL, SENATOR FRIESEN, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB736 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB736]

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CLERK: 29 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB736]

PRESIDENT FOLEY: LB736 ADVANCES. NEXT BILL, MR. CLERK. [LB736]

CLERK: LB679 IS A BILL ORIGINALLY INTRODUCED BY SENATOR KRIST. (READ TITLE.) INTRODUCED ON JANUARY 6, REFERRED TO JUDICIARY, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL. [LB679]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KRIST, YOU'RE RECOGNIZED TO OPEN IN LB679. [LB679]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. THIS BILL HELPS INCREASE THE DATA COLLECTION OF THE ANNUAL REPORT REQUIRED FROM THE COMMUNITY CORRECTIONS DIVISION OF THE CRIME COMMISSION. IT'S BEEN CLEAR IN THE PAST FIVE YEARS THAT WE NEED MORE AND MORE ACCURATE DATA REPORTING TO...FROM OUR STATE AGENCIES AND TO OUR STATE AGENCIES. IN THE STATUTE SPECIFICALLY, THE CRIME COMMISSION IS TASKED WITH PRODUCING AN ANNUAL REPORT ON ALL COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS IN THE STATE OF NEBRASKA. THE LANGUAGE IN THE STATUTE IS SOMEWHAT LIMITED AND THIS BILL IS NEEDED TO CORRECT THAT TO MAKE IT CLEAR THAT THE DATA IS TO BE SHARED BETWEEN THE AGENCIES RUNNING THE FACILITIES AND CORRECTIONS AND PROGRAMS, AND THE CRIME COMMISSION, FOR ACCURATE REPORTING, NEEDS THIS INFORMATION. THE BILL BROADENS THE SCOPE OF THE EXISTING LANGUAGE TO MORE ACCURATELY CAPTURE WHAT DATA IS NEEDED IN ORDER TO CONVEY THE SUCCESS OF THE PROGRAMS WE ARE FUNDING WITH OUR COMMUNITY CORRECTIONS PROGRAMS. I ASK FOR A GREEN VOTE ON LB679. [LB679]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. MEMBERS, YOU'VE HEARD THE OPENING. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR KRIST WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB679 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB679]

CLERK: 33 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB679]

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PRESIDENT FOLEY: LB679 ADVANCES. NEXT BILL, MR. CLERK. [LB679]

CLERK: LB891 IS A BILL BY SENATOR BRASCH. (READ TITLE.) INTRODUCED ON JANUARY 11 OF THIS YEAR, REFERRED TO THE HEALTH COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS. (AM2095, LEGISLATIVE JOURNAL PAGE 653.) [LB891]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BRASCH, YOU'RE RECOGNIZED TO OPEN ON LB891. [LB891]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I ALSO WANT TO SAY GOOD MORNING TO THE MANY PARENTS, FAMILIES, FRIENDS, AND INDIVIDUALS WHO ARE A PART OF THE DOWN SYNDROME COMMUNITY. I UNDERSTAND MANY OF YOU ARE NERVOUSLY WATCHING WITH JOYFUL HOPE OF LB891 RECEIVING THE SUPPORT OF THIS GREAT BODY. I KNOW THEY'RE NERVOUSLY WATCHING AND WAITING WITH HIGH HOPES OF SEEING THE GREEN LIGHTS APPEAR ON OUR VOTE BOARD TODAY. THERE WERE 43 CO-SIGNERS TO THIS BILL, AND I WANT TO THANK THEM, AND THEY ALSO WANT TO THANK THEM, AND THANK SPEAKER HADLEY FOR THE OPPORTUNITY OF BEING ON CONSENT CALENDAR, AND ESPECIALLY CHAIR CAMPBELL AND THE MEMBERS OF THE HEALTH AND HUMAN SERVICES COMMITTEE FOR UNANIMOUSLY ADVANCING THIS BILL. AND A SPECIAL NOTE OF THANKS TO TOM VENZOR WHO WAS THEN MY LA, AND ENCOURAGED ME TO CONSIDER INTRODUCING THIS BILL. SINCERELY, I AM PRIVILEGED AND HUMBLLED TO BE THE INTRODUCER OF LB891 WHICH IS KNOWN AS THE DOWN SYNDROME DIAGNOSIS INFORMATION AND SUPPORT ACT. THIS BILL HAS BROUGHT ME CLOSER TO AN EXTENDED COMMUNITY OF PEOPLE WHO ARE TRULY GREAT NEBRASKANS. THEY ARE COURAGEOUS AND MIGHTY IN KINDNESS, LOVE, PATIENCE, AND UNDERSTANDING FOR ALL PEOPLE. I HAVE LEARNED THAT DOWN SYNDROME IS THE MOST COMMON GENETIC DISORDER CAUSED BY CHROMOSOMAL ABNORMALITIES. AND DESPITE THAT FACT, THE GENERAL PUBLIC, UNLESS THEY HAVE A PERSON THAT THEY HAVE A CLOSE RELATIONSHIP WITH, AN INDIVIDUAL WHO HAS DOWN SYNDROME, THE GENERAL PUBLIC IS LARGELY UNINFORMED ABOUT THIS CONDITION. MUCH INACCURATE INFORMATION FROM A BYGONE ERA THAT WAS AND STILL IS OFTEN WIDELY SHARED TODAY OCCURS WHEN KIDS WITH DOWN SYNDROME ARE OFTEN, SADLY, STIGMATIZED. IT WAS ONCE COMMONLY BELIEVED AND AGAIN, UNFORTUNATELY, ASSUMED BY SOME TODAY, THAT KIDS WITH DOWN SYNDROME MAY LIVE UNHEALTHY, UNPRODUCTIVE, AND UNFULFILLING LIVES. THAT, HOWEVER, COULD NOT BE FURTHER FROM THE TRUTH. THANKS TO

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ADVANCEMENTS IN RESEARCH, MEDICINE, AND A SLOWLY EVOLVING SOCIETAL UNDERSTANDING, MUCH HAS CHANGED IN A GENERATION. EVEN WITH THIS PROGRESS, PROVIDING ACCURATE INFORMATION REMAINS A DEFICIENCY IN OUR STATE. OFTENTIMES WHEN PARENTS ARE GIVEN THE DIAGNOSIS THAT THEIR CHILD HAS DOWN SYNDROME, NOT ONLY MIGHT THEY FEEL SCARED AND ALONE, BUT TO MAKE MATTERS WORSE, PARENTS ARE FREQUENTLY NOT PROVIDED WITH UP-TO-DATE INFORMATION AT THE TIME OF ALSO RECEIVING THE DIAGNOSIS. AS SUCH, THEIR UNFAMILIARITY WITH DOWN SYNDROME, COUPLED WITH THEIR FEAR ABOUT PERCEIVED CIRCUMSTANCES FOR THE LIFE OF THEIR CHILD, CAUSES GREAT FEAR AND ANXIETY. THIS, HOWEVER, NEED NOT BE THE CASE AND IT IS THE GOAL OF LB891 TO PREVENT THOSE NEEDLESS AND HARMFUL SITUATIONS. LB891 REQUIRES THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES POST ON ITS WEB SITE UP-TO-DATE INFORMATION, INCLUDING AN INFORMATION SHEET ABOUT DOWN SYNDROME THAT HAS BEEN REVIEWED BY MEDICAL EXPERTS AND THE DOWN SYNDROME ADVOCACY GROUPS. THE INFORMATION WILL ALSO CONTAIN TREATMENT AND THERAPY OPTIONS, LIFE EXPECTANCY, AND CONTACT INFORMATION FOR NONPROFIT DOWN SYNDROME ORGANIZATIONS THAT PROVIDE INFORMATION AND SUPPORT SERVICES FOR FAMILY AND PARENTS. THIS LEGISLATION ALSO REQUIRES THAT HEALTHCARE PRACTITIONERS DELIVER INFORMATION CONTEMPORANEOUSLY WITH THE DIAGNOSIS SO THAT PARENTS ARE IMMEDIATELY GIVEN ACCURATE AND UP-TO-DATE INFORMATION ABOUT DOWN SYNDROME AND THE CONTACT INFORMATION FOR THESE SUPPORT GROUPS. DURING THE PUBLIC HEARING, WE HEARD STORIES FROM PARENTS WHO, AT THE TIME OF RECEIVING THE DIAGNOSIS THAT THEIR CHILD HAS DOWN SYNDROME, WERE NOT GIVEN ADEQUATE INFORMATION, A NOT UNCOMMON SCENARIO. AND, IN FACT, IN MANY CASES THESE PARENTS WERE SIMPLY LEFT TO RELY ON THEIR SMARTPHONES AND GOOGLE FOR INFORMATION. WE ALSO HEARD TESTIMONY FROM INDIVIDUALS WHO HAVE DOWN SYNDROME WHO ARE LEADING VERY HAPPY, HEALTHY, EXTREMELY BUSY, AND PRODUCTIVE LIVES AND ARE CONTRIBUTING AND MAKING THIS WORLD A BETTER PLACE. MR. SPEAKER, COULD I GET A GAVEL, PLEASE? [LB891]

PRESIDENT FOLEY: MEMBERS, PLEASE COME TO ORDER. [LB891]

SENATOR BRASCH: GIVEN THE PREVALENCE OF DOWN SYNDROME AND THE ADVANCEMENTS MADE IN MEDICAL TECHNOLOGY THAT HAVE IMPROVED THE QUALITY AND LONGEVITY OF LIFE FOR INDIVIDUALS WITH DOWN SYNDROME AND TO ENSURE THAT PARENTS ARE NOW EQUIPPED WITH THE NECESSARY KNOWLEDGE IMMEDIATELY UPON RECEIVING THE DIAGNOSIS ABOUT THEIR

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CHILD, WE BELIEVE THIS LEGISLATION IS GOOD PUBLIC POLICY FOR THE STATE OF NEBRASKA. A DAY WHICH IS SUPPOSED TO BE FILLED WITH JOY SHOULD NOT BE REPLACED WITH FEAR AND ANXIETY ABOUT THE UNKNOWN. PLEASE NOTE THAT THIS BILL COMES AT NO COST TO TAXPAYERS. THERE IS NO FISCAL NOTE. THIS BILL HAS THE BROAD SUPPORT FROM THE DOWN SYNDROME ORGANIZATIONS IN NEBRASKA, AS WELL AS THE NEBRASKA HOSPITAL ASSOCIATION. I WANT TO THANK YOU AND PLEASE ENCOURAGE YOU TO VOTE GREEN ON LB891. THANK YOU, MR. SPEAKER, AND THANK YOU, COLLEAGUES. [LB891]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. AS THE CLERK INDICATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB891]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM2095 TO THE BILL REPLACES THE BILL ESSENTIALLY. THE AMENDMENT NARROWS THE REQUIREMENT TO PROVIDE DOWN SYNDROME INFORMATION FROM HEALTHCARE FACILITIES TO HEALTHCARE PROVIDERS ORDERING PRENATAL OR POSTNATAL SCREENINGS OR DIAGNOSTIC TESTS AND RECEIVING A TEST RESULT INDICATING A HIGH LIKELIHOOD OR THE DEFINITE PRESENCE OF DOWN SYNDROME. THE AMENDMENT ALSO REMOVES THE DEFINITION OF THE TEST BECAUSE IT WAS UNNECESSARY. THE AMENDMENT WAS AGREED TO BY THE SUPPORTERS OF THE BILL AND WAS ADVANCED FROM COMMITTEE UNANIMOUSLY, AND I WOULD URGE YOUR SUPPORT ON THE COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB891]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. DEBATE IS NOW OPEN ON THE BILL AND THE COMMITTEE AMENDMENTS. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB891]

SENATOR SCHNOOR: THANK YOU, SIR. HAVING GONE THROUGH THIS, OR IN MY...OH, BACK IN THE '90s WHEN MY SON WAS BORN, I JUST REALIZED HOW IMPORTANT THIS IS, AND I JUST ASK FOR EVERYBODY TO VOTE FOR THIS. THANK YOU. [LB891]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHNOOR. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE. SHE WAIVES CLOSING ON THE COMMITTEE AMENDMENT. THE QUESTION

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IS THE ADOPTION OF COMMITTEE AMENDMENT. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB891]

CLERK: 33 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB891]

PRESIDENT FOLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON THE BILL, SENATOR BRASCH, YOU'RE RECOGNIZED TO CLOSE ON LB891. [LB891]

SENATOR BRASCH: MR. PRESIDENT AND FELLOW COLLEAGUES, WE HAVE PEOPLE WATCHING THAT BOARD. IF YOU PLEASE GO TO YOUR DESK, I KNOW MANY OF YOU ARE BUSY, AND SHOW THEM THE GREEN LIGHTS AND YOUR GREAT HEARTS. THANK YOU. [LB891]

PRESIDENT FOLEY: THANK YOU, SENATOR BRASCH. THE QUESTION IS THE ADVANCE OF LB891 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB891]

CLERK: 36 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB891]

PRESIDENT FOLEY: LB891 ADVANCES. NEXT BILL, MR. CLERK. [LB891]

CLERK: MR. PRESIDENT, LB881 IS BY SENATOR SCHILZ. (READ TITLE.) INTRODUCED ON JANUARY 11, REFERRED TO NATURAL RESOURCES, ADVANCED TO GENERAL FILE. I DO NOT HAVE COMMITTEE AMENDMENTS. I DO HAVE AN AMENDMENT TO THE BILL, MR. PRESIDENT. [LB881]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON LB881. [LB881]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. LB881 WOULD EXPAND THE USE OF ENERGY FINANCING CONTRACTS FOR PARTICIPATING GOVERNMENTAL UNITS TO FINANCE EQUIPMENT AND PROJECTS AND FACILITIES THAT REDUCE WASTEWATER, ENERGY, OR CONSUMPTION, AND WOULD ALLOW AN ENGINEER'S REVIEW TO BE BASED ON OPERATIONAL SAVINGS, CAPITAL SAVINGS, OR REVENUE ENHANCEMENT OUTCOMES. THE BILL

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WOULD ALSO CLARIFY THAT A PERFORMANCE BOND COVER THE COST OF IMPLEMENTATION, INSTALLATION, OR CONSTRUCTION OF THE ENERGY CONSERVATION MEASURES UNDER THE CONTRACT. AN ENERGY FINANCING CONTRACT IS AN AGREEMENT BETWEEN AN ENERGY SERVICE COMPANY AND A GOVERNMENTAL ENTITY, SUCH AS A SCHOOL DISTRICT, COMMUNITY COLLEGE, VILLAGE, CITY, COUNTY, OR STATE ENTITY, IN WHICH THE GOVERNMENTAL ENTITY CAN OBTAIN FINANCING FOR ENERGY EFFICIENCY MEASURES IN AN EXISTING FACILITY IN EXCHANGE FOR BEING ABLE TO REPAY THE AMOUNT FINANCED OVER THE CONTRACT TERM FROM THE COST SAVINGS GENERATED BY THE PROJECT. THE IDEA BEHIND THIS BILL IS TO UTILIZE ENERGY FINANCING CONTRACTS TO DEAL WITH AGING INFRASTRUCTURE, AND I WOULD ASK FOR YOUR SUPPORT. THANK YOU, MR. PRESIDENT. [LB881]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. MR. CLERK. [LB881]

CLERK: SENATOR SCHILZ WOULD MOVE TO AMEND, AM2543. (LEGISLATIVE JOURNAL PAGE 952.) [LB881]

PRESIDENT FOLEY: SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON AM2543. [LB881]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. THE ORIGINAL LANGUAGE OF THE BILL WOULD HAVE ALLOWED ENERGY FINANCING CONTRACTING FOR NEW FACILITIES, BUT WE FOUND THAT PERFORMANCE CONTRACTING ISN'T BEING USED AT THIS POINT IN NEW CONSTRUCTION, AND DEVELOPERS OF NEW BUILDINGS HAVE RECOGNIZED THE DIFFICULTIES IN ESTABLISHING BASELINE ENERGY USAGE LEVELS AGAINST WHICH TO COMPARE THE SAVINGS. THIS AMENDMENT WOULD REMOVE NEW FACILITIES AND WOULD TAKE THEM FROM BEING ELIGIBLE TO PARTICIPATE IN THESE CONTRACTS. SO WITH THAT, I WOULD ASK FOR THIS SIMPLE CHANGE. IT SIMPLIFIES THE BILL AND IT GETS US RIGHT WHERE WE NEED TO BE. THANK YOU, MR. PRESIDENT. [LB881]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. DEBATE IS NOW OPEN ON LB881 AND THE RELATED AMENDMENT. SEEING NO MEMBERS WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE ON THE AMENDMENT. HE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2543. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB881]

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CLERK: 26 AYES, 0 NAYS ON THE ADOPTION OF SENATOR SCHILZ'S AMENDMENT.
[LB881]

PRESIDENT FOLEY: AM2543 IS ADOPTED. SEEING NO MEMBERS WISHING TO SPEAK ON THE BILL, SENATOR SCHILZ, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCE OF LB881 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB881]

CLERK: 28 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB881]

PRESIDENT FOLEY: LB881 ADVANCES. NEXT BILL, MR. CLERK. [LB881]

CLERK: LB1101, INTRODUCED BY SENATOR MELLO. (READ TITLE.) INTRODUCED ON JANUARY 20, REFERRED TO NATURAL RESOURCES, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL AT THIS TIME, MR. PRESIDENT.
[LB1101]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB1101. [LB1101]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. LB1101 WOULD DIRECT THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO CONDUCT A STUDY EXAMINING THE STATUS OF SOLID WASTE MANAGEMENT PROGRAMS OPERATED BY THE DEPARTMENT AND MAKE RECOMMENDATIONS TO MODERNIZE AND REVISE THESE PROGRAMS. IN AN ARTICLE PUBLISHED BY THE OMAHA WORLD-HERALD THIS PAST SUMMER, NEBRASKANS ARE CURRENTLY PAYING \$34 MILLION IN LANDFILL FEES TO DISPOSE OF RECYCLABLE MATERIALS WORTH ABOUT \$87 MILLION. WHAT WAS HIGHLIGHTED IN THE STORY WAS ESSENTIALLY THE CURRENT STATE OF NEBRASKA'S SOLID WASTE MANAGEMENT AND THE NEED TO EXAMINE WHAT CAN BE DONE WITH OUR EXISTING POLICIES, PROGRAMS, AND FUNDING STREAMS THAT GO INTO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY. WORKING WITH A NUMBER OF STAKEHOLDERS OVER THE INTERIM, IT WAS CONCLUDED THAT A BILL SHOULD BE BROUGHT FORWARD THAT WOULD EMPOWER THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO CONDUCT THEIR OWN STATEWIDE STUDY OF WASTE REDUCTION AND RECYCLING. I BROUGHT THIS IDEA TO THE DEPARTMENT TO ENSURE THAT IT WAS A COMPREHENSIVE STATEWIDE STUDY AND IT WOULD GO IN A DIRECTION THAT WOULD WORK BOTH FOR THE POLICY

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THAT IS IN THE BILL BUT ALSO FOR THE LEGISLATURE. AND THE LANGUAGE THAT WE ESSENTIALLY INCORPORATED WOULD BE THE ELEMENTS OF THE STUDY FOLLOWING: A LOOK AT WHETHER OR NOT EXISTING STATE PROGRAMS SHOULD BE AMENDED OR MERGED; A NEEDS ASSESSMENT OF RECYCLING AND COMPOSTING PROGRAMS, INCLUDING A NEED FOR INFRASTRUCTURE DEVELOPMENT, MARKET DEVELOPMENT, PUBLIC EDUCATION, AND ANY INCENTIVES TO INCREASE RECYCLING AND COMPOSTING; METHODS TO PARTNER WITH POLITICAL SUBDIVISIONS, PRIVATE INDUSTRY AND/OR PRIVATE OR PUBLIC NONPROFIT ORGANIZATIONS TO EFFECTIVELY ADDRESS WASTE MANAGEMENT ISSUES IN THE STATE; RECOMMENDATIONS REGARDING EXISTING AND/OR NEW FUNDING SOURCES AT THE STATE AND LOCAL LEVEL TO ADDRESS EXISTING AND EMERGING SOLID WASTE MANAGEMENT ISSUES; AND, LASTLY, POSSIBLE REVISIONS TO THE EXISTING GRANT PROGRAMS TO ADDRESS SOLID WASTE MANAGEMENT ISSUES IN A PROACTIVE MANNER. LB1101, AS DRAFTED, WOULD ALSO ENABLE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH AN ADVISORY COMMITTEE TO ASSIST THEM REGARDING THIS STUDY. HAVING AN ADVISORY COMMITTEE INVOLVED WILL PROVIDE WHAT I BELIEVE IS AN IDEAL OPPORTUNITY FOR THE DEPARTMENT TO ENGAGE STAKEHOLDERS ACROSS THE STATE THROUGHOUT THIS STUDY PROCESS. COLLEAGUES, IT'S BEEN ALMOST 25 YEARS SINCE THE SOLID WASTE MANAGEMENT ACT WAS PASSED BY THIS LEGISLATURE IN THE EARLY 1990s THAT SET GOALS FOR THE STATE OF NEBRASKA IN REGARDS TO STATEWIDE RECYCLING. IT'S NOW 2016 AND NEBRASKA HAS SIGNIFICANTLY FALLEN SHORT OF THOSE STATEWIDE GOALS. LB1101 ALLOWS THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO CONDUCT THE STATEWIDE NEEDS ASSESSMENT AND STUDY TO LOOK AT WHAT CAN BE DONE TO ESSENTIALLY DRIVE MORE COST-EFFECTIVE PROGRAMS AND POLICIES REGARDING SOLID WASTE MANAGEMENT IN THE FUTURE. LB1101 RECEIVED NO OPPOSITION AT THE HEARING, HAS NO GENERAL FUND IMPACT, AND WAS VOTED OUT OF THE NATURAL RESOURCES COMMITTEE ON A UNANIMOUS VOTE. WITH THAT, I'D URGE THE BODY TO ADVANCE LB1101. THANK YOU, MR. PRESIDENT. [LB1101]

SENATOR KRIST PRESIDING

SENATOR KRIST: THANK YOU, SENATOR MELLO. THE FLOOR IS NOW OPEN FOR DEBATE. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LB1101]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. SENATOR MELLO, WILL YOU YIELD TO A QUESTION? [LB1101]

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SENATOR KRIST: SENATOR MELLO, WILL YOU YIELD? [LB1101]

SENATOR MELLO: OF COURSE. [LB1101]

SENATOR FRIESEN: SENATOR, I WAS WONDERING IF THIS BILL WOULD HAVE ANY IMPACT ON ANY OF THE RECYCLED IDEAS OR BILLS THAT MAY COME TO THE LEGISLATURE. [LB1101]

SENATOR MELLO: (LAUGH) SENATOR FRIESEN, GOOD PUN, GOOD PUN. I HAVE A FEELING, SINCE THE STUDY WON'T BE DONE FOR CLOSE TO 18 MONTHS, I HAVE A FEELING THAT WHENEVER THE DEPARTMENT COMES BACK WITH THE RECOMMENDATIONS, THEY WILL PROBABLY BE EVALUATING PREVIOUS LEGISLATION THAT WAS CONSIDERED BY THE LEGISLATURE. [LB1101]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. [LB1101]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN AND SENATOR MELLO. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1101]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I, AGAIN, WONDER IF SENATOR MELLO WOULD YIELD. [LB1101]

SENATOR KRIST: SENATOR MELLO, WILL YOU YIELD? [LB1101]

SENATOR MELLO: OF COURSE. [LB1101]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. I SEE NOTHING COMING OUT OF THE GENERAL FUND. WHERE DOES THE MONEY...WHICH CASH FUND IS THAT MONEY COMING OUT OF TO PAY FOR THE CONSULTANTS AND WHATNOT? [LB1101]

SENATOR MELLO: THE FUNDING COMES FROM THEIR EXISTING GRANT PROGRAMS. THE WASTE REDUCTION CASH FUND IS WHAT WOULD BE DRAWING THE MONEY TO PAY FOR THE STUDY OVER THE NEXT 18 MONTHS. [LB1101]

SENATOR BLOOMFIELD: THANK YOU. [LB1101]

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SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD AND SENATOR MELLO. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE. SENATOR MELLO WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADVANCEMENT TO E&R INITIAL FOR LB1101. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1101]

CLERK: 27 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB1101]

SENATOR KRIST: LB1101 ADVANCES. NEXT ITEM. [LB1101]

CLERK: LB1080 IS A BILL BY SENATOR SEILER. (READ TITLE.) INTRODUCED ON JANUARY 20, REFERRED TO THE GOVERNMENT COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB1080]

SENATOR KRIST: SENATOR SEILER, YOU'RE RECOGNIZED TO OPEN ON LB1080. [LB1080]

SENATOR SEILER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE UNICAMERAL, THIS BILL IS AN INTERESTING BILL. IT'S 1987, THE SENATOR WHO IS STILL IN OUR GROUP, SENATOR CHAMBERS, INTRODUCED A BILL THAT PASSED AND LIMITED CORNHUSKER STATE INDUSTRIES TO, WHEN THEY BID FOR RAW MATERIAL, TO \$25,000. IT HASN'T BEEN RAISED SINCE 1987, AND THIS LAST YEAR THERE WAS A STATE AUDIT OF THE BIDDING PROCESS AND THE STATE...OR CORNHUSKER STATE INDUSTRIES HAD VIOLATED THAT THREE TIMES. WE'RE ASKING IN THIS BILL TO RAISE THAT LIMIT FROM \$25,000 TO \$50,000. THE SECOND THING IT DOES IS IT ALLOWS THE RAW MATERIALS THAT ARE SCRAPS FROM THEIR PROJECTS TO BE RECYCLED AND ALLOWS THAT MONEY TO STAY IN THE CORNHUSKER STATE INDUSTRIES' FINANCIAL. THIS CORNHUSKER STATE FINANCIALS OR INDUSTRIES IS...EMPLOYS ABOUT 500 INMATES A DAY. AND IT GOES INTO JOB TRAINING AND THEY ARE SELF-SUFFICIENT. THE PRODUCTS THEY MAKE ARE SOLD AND THEN THAT MONEY PERPETUATES ON TO BUY THE RAW MATERIALS FOR THEIR NEXT SET OF PROJECTS. I THINK THIS IS A REALLY IMPORTANT PROJECT AND PROGRAM THAT'S BEEN IN EXISTENCE FOR A LONG TIME. WHEN I WAS AN ASSISTANT ATTORNEY GENERAL, THEY WERE MAKING ALL THE FURNITURE FOR THE PUBLIC POLITICAL SUBDIVISIONS IN THIS STATE AND HAS CONTINUED ALONG THAT LINE UP UNTIL TODAY. THIS BILL WAS PASSED FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS ON A 7 AYE VOTE WITH 1

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MEMBER BEING ABSENT. THERE WAS ONE WITNESS TESTIFIED IN FAVOR OF THIS BILL AND NO OPPOSITION. THANK YOU, MR. PRESIDENT. [LB1080]

SENATOR KRIST: THANK YOU, SENATOR SEILER. YOU'VE HEARD THE OPENING. SEEING NO ONE IN THE QUEUE, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. SENATOR SEILER WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADVANCEMENT OF LB1080 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1080]

CLERK: 29 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB1080]

SENATOR KRIST: LB1080 ADVANCES. NEXT ITEM. [LB1080]

CLERK: LB899, A BILL INTRODUCED BY SENATOR BAKER. (READ TITLE.) INTRODUCED ON JANUARY 11, REFERRED TO THE HEALTH COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB899]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR BAKER, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB899]

SENATOR BAKER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. LB899 CHANGES THE DEFINITION OF LEAD-FREE IN SECTION 71-5301 TO MIRROR THE FEDERAL DEFINITION AND TO PERMIT THE DIRECTOR OF HEALTH AND HUMAN SERVICES TO PROMULGATE RULES AND REGULATIONS REGARDING THE USE OF LEAD-FREE MATERIALS IN PUBLIC WATER SYSTEMS TO COMPLY WITH FEDERAL STANDARDS. THE CURRENT DEFINITION OF LEAD-FREE IN NEBRASKA SAFE DRINKING WATER ACT IS 8.0 AND SHOULD BE 0.25 TO BE CONSISTENT WITH THE FEDERAL SAFE DRINKING WATER ACT. THIS CHANGE WOULD ONLY BE A TECHNICAL UPDATE BECAUSE OUR PUBLIC WATER SYSTEMS IN NEBRASKA WERE NOTIFIED, TRAINED, AND IMPLEMENTED THIS CHANGE IN 2014. SINCE 2014, SUPPLIERS HAVE NOT BEEN PERMITTED TO SELL MATERIALS FOR DRINKING WATER SYSTEMS THAT DO NOT MEET THE NEW STANDARD. PUBLIC WATER SYSTEMS DO NOT HAVE TO IMMEDIATELY REPLACE FITTINGS. RATHER, WHEN THE PARTS NEED REPLACING, NEW PARTS MUST MEET THE NEW REQUIREMENTS. THE NEW DEFINITION IS SPECIFIC TO DRINKING WATER AND DOES NOT IMPACT PIPES, FITTINGS, OR FIXTURES THAT ARE USED EXCLUSIVELY

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FOR NONPOTABLE SERVICES, SUCH AS MANUFACTURING, INDUSTRIAL PROCESSING, IRRIGATION. THANK YOU. [LB899]

SENATOR KRIST: THANK YOU, SENATOR BAKER. SEEING NO ONE ELSE IN THE QUEUE, SENATOR BAKER, YOU'RE RECOGNIZED TO CLOSE. SENATOR BAKER WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB899 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB899]

CLERK: 25 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB899]

SENATOR KRIST: LB899 ADVANCES. NEXT ITEM. I'M SORRY. ITEMS FOR THE RECORD, MR. CLERK? [LB899]

CLERK: THANK YOU, MR. PRESIDENT. JUDICIARY COMMITTEE REPORTS LB990 TO GENERAL FILE WITH AMENDMENTS. ENROLLMENT AND REVIEW REPORTS LB83, LB803, LB1009, AND LB1033 AS CORRECTLY ENGROSSED. AN AMENDMENT TO BE PRINTED: SENATOR MELLO TO LB956. TWO STUDY RESOLUTIONS (RE LR495, LR496), BOTH BY URBAN AFFAIRS, BE REFERRED TO THE BOARD. (READ LB549A BY TITLE FOR THE FIRST TIME.) AND I HAVE A GUBERNATORIAL APPOINTMENT LETTER, MR. PRESIDENT, GUBERNATORIAL APPOINTMENT TO THE ACCOUNTABILITY AND DISCLOSURE COMMISSION. THAT'S ALL THAT I HAVE. (LEGISLATIVE JOURNAL PAGES 1086-1091.) [LB990 LB83 LB803 LB1009 LB1033 LB956 LR495 LR496 LB549A]

SENATOR KRIST: THANK YOU, MR. CLERK. NEXT ITEM.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL IS LB895, INTRODUCED BY SENATOR COASH. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 11, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THE COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2159, LEGISLATIVE JOURNAL PAGE 686.) [LB895]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB895]

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SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, I WOULD APPRECIATE YOUR SUPPORT ON LB895, WHICH IS A BILL THAT REQUIRES NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES, THE DIVISION OF DEVELOPMENTAL DISABILITIES, TO DEVELOP A PLAN AND REPORT REGARDING THE BEATRICE STATE DEVELOPMENTAL CENTER AND THE BRIDGES PROGRAM IN HASTINGS. THIS BILL WAS ADVANCED UNANIMOUSLY FROM THE HHS COMMITTEE. THE INTENT OF LB895 IS TO ENSURE THAT HHS CREATES A LONG-TERM PLAN FOR BSDC, THE BRIDGES PROGRAM, AND THE RESIDENTS. THE LR32 SPECIAL INVESTIGATIVE COMMITTEE ON DEVELOPMENTAL DISABILITIES, OF WHICH I CHAIR, HELD TWO HEARINGS LAST YEAR TO PROVIDE UPDATES BY THE DEPARTMENT ON BSDC AND BRIDGES. THOSE BRIEFINGS COMPELLED ME TO BRING THIS BILL REQUIRING A PLAN. WHY IS THIS IMPORTANT? IN ITS HEYDAY, BSDC SUPPORTED A COUPLE OF THOUSAND PEOPLE. TODAY, IT SERVES 116 INDIVIDUALS AND FIVE OF THE CAMPUS BUILDINGS ARE NOT IN USE FOR ANYTHING MORE THAN STORAGE. THE CAMPUS WAS BUILT TO SERVE MANY, MANY MORE. THE QUALITY OF LIFE FOR THOSE THERE HAS GREATLY IMPROVED, WITH MORE INDIVIDUALIZED SPACE AND ROOM. HOWEVER, THE OVERHEAD COSTS REMAIN. TO PUT THESE 116 INDIVIDUALS IN PERSPECTIVE, WE NEED TO UNDERSTAND THAT NO ONE HAS BEEN ADMITTED TO BSDC SINCE 2012, AND ONLY 4 HAVE BEEN ADMITTED SINCE 2010. THE CENSUS TRAJECTORY IS CLEARLY GOING DOWN. BSDC REPRESENTS SOME OF THE MOST MEDICALLY FRAGILE AND BEHAVIORALLY CHALLENGED INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES. THE BUDGET FOR BSDC, BRIDGES, AND THE ASSOCIATED COMMUNITY-BASED SERVICES IS ROUGHLY \$45 MILLION. WITH NO MORE INTAKES INTO BSDC, THE CENSUS WILL CONTINUE TO DECLINE AND THE COSTS WILL REMAIN HIGH, AND A PLAN MUST BE PUT IN PLACE NOW. LB895 REQUIRES HHS TO INCLUDE SEVERAL ELEMENTS IN THEIR PLAN. FIRST, THE DEPARTMENT WILL CONDUCT AN ANALYSIS OF BSDC AND BRIDGES AND THEIR NEEDS AND THE ABILITY TO SERVE THEM IN THE COMMUNITY, AND THE CONTINUUM OF SERVICES OFFERED TO PEOPLE WITH DISABILITIES IN THE COMMUNITY. THE PLAN SHALL TAKE INTO CONSIDERATION THE PREFERENCES OF PEOPLE RESIDING AT BSDC AND BRIDGES, AS WELL AS NATIONWIDE TRENDS AT SIMILAR FACILITIES. IT WILL ALSO INCLUDE THE COST-EFFICIENCY OF SERVING PEOPLE THERE, AN ANALYSIS OF THE FACILITIES AND LONG-TERM STRUCTURAL NEEDS OF THOSE FACILITIES, BOTH AT BSDC AND BRIDGES. THE REPORT WILL EXAMINE CENSUS TRENDS AND FUTURE NEEDS OF SERVICES, AND THE LEVEL OF COMMUNITY INTEGRATION FOR THOSE WHO RECEIVE SERVICES IN THOSE TWO FACILITIES. FINALLY, LB895 REQUIRES HHS TO ANALYZE THE U.S. SUPREME COURT DECISION IN THE OLMSTEAD ACT AND PROVIDE AN ANALYSIS OF NEBRASKA'S COMPLIANCE WITH THAT DECISION. I THINK THIS WILL

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PARTNER NICELY WITH SENATOR CAMPBELL'S BILL THAT WE MOVED LAST WEEK. PUBLIC HEARINGS MUST BE CONDUCTED TO RECEIVE INPUT FROM STAKEHOLDERS, THE PUBLIC, AND FAMILIES OF PEOPLE WHO LIVE AT BSDC AND BRIDGES. FINALLY, COLLEAGUES, I WILL END WITH THIS. THIS HAS BEEN A LONG RIDE TO GET WHERE WE ARE TODAY. BSDC HAS STARTED TO TURN A CORNER WITH THE QUALITY OF SERVICES THAT IT IS PROVIDING. HOWEVER, WE ARE NOT SURE AS WE SIT HERE TODAY WHERE BSDC FITS IN THE GRAND SCHEME OF THINGS. IT IS INCUMBENT UPON US TO LOOK AT THE BUDGET, THE NEEDS, THE FUTURE OF THIS FACILITY IN CONTEXT OF WHAT'S GOING ON NATIONALLY, AND ASK THE DEPARTMENT TO SUBMIT A PLAN. THAT'S WHAT LB895 DOES. THANK YOU, MR. PRESIDENT. [LB895]

SENATOR KRIST: THANK YOU, SENATOR COASH. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR CAMPBELL, AS THE CHAIR OF HEALTH AND HUMAN SERVICES, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB895]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM2159 TO THE UNDERLYING BILL SIMPLY EXTENDS THE DEADLINE FOR A REPORT BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THE BILL ORIGINALLY SET A REPORTING DEADLINE OF NOVEMBER 15 OF THIS YEAR, WHICH LED DHHS TO INCLUDE A \$75,000 FISCAL IMPACT. BY EXTENDING THE REPORTING DEADLINE TO JUNE 1, 2017, THE DEPARTMENT BELIEVES THEY CAN AVOID THAT COST AND CREATE THE REPORT IN-HOUSE WITHOUT HAVING TO CONTRACT OUT THE WORK. I PARTICULARLY WOULD LIKE TO THANK SENATOR COASH FOR HIS LONGSTANDING WORK ON THESE ISSUES. WE HAVE COME, I AGREE WITH HIM, A VERY LONG WAY. AND SOME DAYS IT SEEMS AS IF WE HAVE A WAYS TO GO. THANK YOU, MR. PRESIDENT. [LB895]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. SEEING NO ONE IN THE QUEUE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE. SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADOPTION OF AM2159. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB895]

ASSISTANT CLERK: 26 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB895]

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SENATOR KRIST: THE AMENDMENT IS ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR COASH WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADVANCEMENT OF LB895 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB895]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB895]

SENATOR KRIST: LB895 ADVANCES. (VISITORS INTRODUCED.) NEXT ITEM. [LB895]

ASSISTANT CLERK: MR. PRESIDENT, LB1039, INTRODUCED BY SENATOR COASH. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 20, REFERRED TO HEALTH AND HUMAN SERVICES. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2172, LEGISLATIVE JOURNAL PAGE 686.) [LB1039]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR COASH, YOU'RE RECOGNIZED. [LB1039]

SENATOR COASH: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. HERE TO ASK FOR YOUR SUPPORT FOR LB1039 AND THE FOLLOWING COMMITTEE AMENDMENT. LB1039 WAS ADVANCED UNANIMOUSLY AND HAD NO OPPOSITION DURING THE HEARING. IT IS A BILL TO CLARIFY THE DEFINITION OF THE TERM "INTELLECTUAL DISABILITY." THIS TERM, "INTELLECTUAL DISABILITY," IS NOT CONSISTENTLY DEFINED IN A MANNER THAT IS OBJECTIVE OR THAT ACCURATELY REFLECTS MEDICAL OR PSYCHOLOGICAL PRACTICE. THIS HAS RESULTED IN COURTS MAKING JUDICIAL FINDINGS THAT SOMEONE HAS A DISABILITY WHO DOESN'T MEET THE CRITERIA USED BY HHS OR MEDICAID. SPECIFICALLY, UNDER THE DD SERVICE ACT, AN INTELLECTUAL DISABILITY IS DEFINED AS SUBAVERAGE INTELLECTUAL FUNCTIONING. IN REALITY, A PERSON OF BELOW-AVERAGE INTELLIGENCE WOULD NOT QUALIFY FOR A DIAGNOSIS UNLESS THEY WERE SIGNIFICANTLY SUBAVERAGE. THIS GENERALLY EQUATES TO AN IQ OF 70 OR BELOW ON A VALID IQ TEST, WITH 100 BEING CONSIDERED AVERAGE. AS CURRENTLY WRITTEN AND INTERPRETED BY AT LEAST ONE COURT, EVERY NEBRASKAN WHO HAS BELOW-AVERAGE IQ, IS FAR FROM INTELLECTUALLY DISABLED, WOULD QUALIFY FOR SERVICES. THIS LEAVES THE STATE VULNERABLE TO POTENTIAL LAWSUITS, WHICH HHS CANNOT DEFEND. LB1039 WOULD DEFINE INTELLECTUAL DISABILITY IN A WAY THAT IS CONSISTENT WITH GENERALLY ACCEPTED PSYCHOLOGICAL STANDARDS. THIS

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DEFINITION FITS FEDERALLY RECOGNIZED BEST PRACTICES, BEST PRACTICE METHODOLOGY. IT MAKES IT CLEAR FOR PURPOSES OF THE DEVELOPMENTAL SERVICES ACT THAT AN INTELLECTUAL DISABILITY IS A SUBCATEGORY OF A DEVELOPMENTAL DISABILITY. IT IS ALSO SUBJECTIVE TO THE ADAPTIVE FUNCTIONAL LIMITATIONS REQUIREMENTS, UP TO INSTITUTIONAL LEVEL OF CARE, FOR EQUAL APPLICATION OF ELIGIBILITY TO ALL DD PROGRAMS, INCLUDING MEDICAID. DON'T GET SCARED, I JUST SAID MEDICAID. THIS BILL UPDATES THE LANGUAGE OF THE STATUTES REGARDING THE PRIMARY AREAS OF ADAPTIVE FUNCTIONAL ACTIVITY TO REFLECT CURRENT BEST PRACTICES. IT DOES NOT SIGNIFICANTLY IMPACT THE REGISTRY OF NEEDS AND BETTER REFLECTS HOW THE DEPARTMENT PROVIDES SERVICES CURRENTLY. IT ALIGNS WITH SERVICES THE DEPARTMENT IS CURRENTLY OFFERING AND MIRRORS THE FEDERAL DEFINITION. THE LEVEL OF CARE IS THE MAIN CHANGE. THIS SHOULD NOT RESULT IN A LOSS OF SERVICES FOR ANY CURRENT PEOPLE RECEIVING THEM. THERE WAS SOME CONCERN OVER THE INCLUSION OF THE WORD "PHYSICAL" ON LINE 4, MIGHT EXCLUDE COVERAGE FOR PEOPLE WITH AUTISM. THIS WAS NOT THE INTENT OF THIS LEGISLATION AND WORKED ON...WITH THE DEPARTMENT ON THIS, WHICH YOU WILL SEE IN THE FORTHCOMING COMMITTEE AMENDMENT, WHICH I ALSO ENCOURAGE YOU TO SUPPORT. THANK YOU, MR. PRESIDENT. [LB1039]

SENATOR KRIST: THANK YOU, SENATOR COASH. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR CAMPBELL, AS THE CHAIR OF HEALTH AND HUMAN SERVICES, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1039]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM2172 REMOVES THE WORD "PHYSICAL" FROM THE DEFINITION OF DEVELOPMENTAL DISABILITY. SENATOR COASH REQUESTED THE COMMITTEE CONSIDER THIS CHANGE FROM THE LANGUAGE WRITTEN BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ENSURE THE INCLUSION OF AUTISM AND RELATED SPECTRUM DISORDERS. THE AMENDMENT AND THE BILL WERE ADVANCED UNANIMOUSLY FROM THE COMMITTEE, AND I WOULD ENCOURAGE YOUR GREEN VOTE ON AM2172. THANK YOU, MR. PRESIDENT. [LB1039]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. THE FLOOR IS NOW OPEN FOR DEBATE. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB1039]

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SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I'LL BE BRIEF. THANK YOU, SENATOR COASH AND SENATOR CAMPBELL AND THE COMMITTEE, FOR ASSURING THAT OUR DISABILITY DEFINITIONS ARE CONSISTENT AND STABLE AND USEFUL AND AS THEY SHOULD BE. I DO WANT TO PAUSE FOR A MOMENT AND SAY THAT I THINK THERE IS NEED FOR CONTINUED DISCUSSION ABOUT THE INTERSECTION BETWEEN DEVELOPMENTAL DISABILITY AND MENTAL ILLNESS. THERE ARE AT TIMES CHALLENGES IN UNDERSTANDING WHICH SYSTEM BEST SERVES A GIVEN INDIVIDUAL WHO EXPERIENCES BOTH. OVER THE SUMMER, DIRECTOR MILLER IN THE DIVISION OF DEVELOPMENTAL DISABILITIES WILL BE WORKING ON SOME OF THOSE ELIGIBILITY ISSUES AND CONVERSATIONS, AND I JUST WANT TO FLAG THAT ISSUE AS AN ITEM FOR FUTURE CONVERSATION FOR THIS BODY AS WE CONTINUE TO MOST EFFECTIVELY AND MOST COST-EFFICIENTLY SERVE INDIVIDUALS WITH BOTH MENTAL ILLNESS AND DEVELOPMENTAL DISABILITY. THANK YOU, MR. PRESIDENT. [LB1039]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADOPTION OF AM2172. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH? PLEASE RECORD, MR. CLERK. [LB1039]

ASSISTANT CLERK: 25 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB1039]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO...I'M SORRY. SENATOR BOLZ. SEEING NO ELSE IN THE QUEUE, SENATOR COASH WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB1039 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB1039]

ASSISTANT CLERK: 25 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB1039]

SENATOR KRIST: LB1039 ADVANCES. NEXT ITEM. [LB1039]

ASSISTANT CLERK: MR. PRESIDENT, LB677, INTRODUCED BY SENATOR CRAIGHEAD. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 6 OF THIS YEAR; REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE; PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB677]

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SENATOR KRIST: SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB677]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND HELLO, NEBRASKA. I INTRODUCED LB677 AT THE REQUEST OF THE DEPARTMENT OF VETERANS' AFFAIRS. THIS BILL WOULD AMEND SECTION 80-410. LB677 REMOVES UNDEFINED LANGUAGE THAT CAUSES CONFUSION REGARDING VETERAN STATUS FOR APPLICANTS PURSUING EMPLOYMENT WITH THE NEBRASKA DEPARTMENT OF VETERANS' AFFAIRS. APPROXIMATELY FOUR YEARS AGO NEBRASKA DEPARTMENT OF VETERANS' AFFAIRS OPENED A NEBRASKA VETERANS' CEMETERY AT ALLIANCE, NEBRASKA. ACCORDING TO STATE LAW, THE NONVETERAN EMPLOYEES, SUCH AS MAINTENANCE STAFF, WOULD BE CONSIDERED SPECIAL HELP AS THEY WERE NOT VETERANS AND WERE NOT CLERICAL. INSTEAD OF A VAGUE CONSTRAINT ON WHICH PERSONNEL NEEDED VETERAN STATUS, LB677 INSTEAD ITEMIZES SPECIFICALLY THE POSITIONS THAT REQUIRE VETERAN STATUS, AND ALLOWS NONVETERANS TO HOLD ALL OTHER POSITIONS AS NEEDED. THE SECOND PART OF LB677 REDUCED RESIDENCY REQUIREMENTS FOR STATE VETERANS SERVICE OFFICERS. THIS CONCEPT IS A REFLECTION OF STATUTE CHANGES MADE IN 2014 BY LB737 FOR COUNTY VETERANS SERVICE OFFICERS. LB677 WOULD REFLECT CHANGES REALIZED BY MODERN VETERANS THAT ARE MORE TRANSIENT IN NATURE AND WHO WOULD OTHERWISE BE QUALIFIED TO BE HIRED AS EFFECTIVE STATE SERVICE OFFICERS. THE EFFECTS OF THIS LEGISLATION WILL STREAMLINE GOVERNMENT BY REMOVING UNDEFINED TERMS FROM STATUTE AND ENSURE A LARGER TALENT POOL FOR APPLICANTS WISHING TO BE A STATE VETERANS SERVICES OFFICER. I APPRECIATE YOUR CONSIDERATION AND WOULD ALSO APPRECIATE A GREEN VOTE ON THIS BILL. THANK YOU. [LB677]

SENATOR KRIST: THANK YOU, SENATOR CRAIGHEAD. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. SENATOR CRAIGHEAD WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB677 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB677]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB677]

SENATOR KRIST: LB677 ADVANCES. NEXT ITEM. [LB677]

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ASSISTANT CLERK: MR. PRESIDENT, LB978, INTRODUCED BY SENATOR CRAIGHEAD. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 14; REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS. COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB978]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED AGAIN. [LB978]

SENATOR CRAIGHEAD: GOOD MORNING AGAIN, MR. PRESIDENT, AND HELLO, COLLEAGUES. LB978 IS AN OMNIBUS CLEANUP BILL FOR THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO MODERNIZE AND ALIGN STATUTE WITH CURRENT PRACTICES BY MAKING THE FOLLOWING CHANGES. IN SECTION 1, THE BILL WOULD CHANGE THE "SHALL" PROMULGATE RULES AND REGULATIONS TO "MAY" IN ORDER TO ALIGN WITH CURRENT PRACTICES AND ALLOW ALL REQUIREMENTS AND POLICIES OF THE PROCUREMENT CARD PROGRAM UNDER THE CONTROL OF ADMINISTRATIVE SERVICES, ACCOUNTING DEPARTMENT, TO REMAIN STREAMLINED IN ONE DOCUMENT, THE "PURCHASING CARD MANUAL." IN SECTION 2, THE BILL CREATES CONSISTENCY BETWEEN THE STATE BUILDING DIVISION'S FACILITIES CONSTRUCTION AND FACILITIES ADMINISTRATION EXCLUSION, AND SETS THE DOLLAR AMOUNT FOR MANAGEMENT OF CONSTRUCTION PROJECTS TO MATCH THE DOLLAR AMOUNT ESTABLISHED FOR CONSTRUCTION IN ORDER TO ALIGN WITH CURRENT PRACTICE. SECTION 3 ALLOWS FOR A CLEAR REFERENCE TO THE DOLLAR THRESHOLD REFERRED TO SECTION 2. SECTION 4 AND SECTION 5 WOULD REPEAL OUTDATED AND OBSOLETE LANGUAGE. I APPRECIATE YOUR CONSIDERATION AND ASK FOR A YES VOTE ON LB978. [LB978]

SENATOR KRIST: SEEING NO ONE ELSE IN THE QUEUE, SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO CLOSE. SENATOR CRAIGHEAD WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB978 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB978]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB978]

SENATOR KRIST: LB978 ADVANCES. NEXT ITEM. [LB978]

ASSISTANT CLERK: LB877, INTRODUCED BY SENATOR MURANTE. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 11 OF THIS YEAR; REFERRED TO THE

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GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE; PLACED ON GENERAL FILE WITH AMENDMENTS ATTACHED. (AM2104, LEGISLATIVE JOURNAL PAGE 694.) [LB877]

SENATOR KRIST: SENATOR MURANTE, YOU'RE RECOGNIZED TO OPEN. [LB877]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. LB877 CHANGES THE LAW RELATIVE TO APPROVAL OF SUBDIVISION PLATS IN CITIES OF THE SECOND CLASS AND VILLAGES LOCATED IN COUNTIES WITH A POPULATION BETWEEN 100,000 AND 200,000 PEOPLE. RIGHT NOW A REPORT HAS TO BE DELIVERED TO THE COUNTY. THERE NEEDS TO BE A FOUR-WEEK DELAY PERIOD. THE COUNTY DOESN'T HAVE THE ABILITY TO APPROVE OR REJECT. IT'S JUST A FOUR-WEEK DELAY PERIOD THAT IS UNNECESSARY. WHAT WE'RE DOING HERE IS REMOVING THE FOUR-WEEK DELAY, WHICH IS UNNECESSARY. THE COMMITTEE AMENDMENT INCREASES THE UPPER THRESHOLD OF THE COUNTY POPULATION LIMIT TO 250,000 AND CHANGES THE WORDS "COMMISSION" WITHIN THE PUBLIC WORKS DEPARTMENT TO MORE ACCURATELY REFLECT WHAT THE BILL DOES. I ENCOURAGE YOUR SUPPORT OF LB877. THANK YOU, MR. PRESIDENT. [LB877]

SENATOR KRIST: SENATOR MURANTE, WAS THAT A OPENING ON BOTH THE BILL AND THE AMENDMENT? [LB877]

SENATOR MURANTE: YES. [LB877]

SENATOR KRIST: OKAY. YOU'VE HEARD THE OPENING ON AM2104 AND LB877. THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT, AM2104. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB877]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB877]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. FLOOR IS OPEN FOR DEBATE. SENATOR KINTNER, YOU'RE RECOGNIZED. SENATOR KINTNER WAIVES. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL OF LB877. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB877]

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ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE MOTION TO ADVANCE LB877, MR. PRESIDENT. [LB877]

SENATOR KRIST: LB877 ADVANCES. NEXT ITEM. [LB877]

ASSISTANT CLERK: LB1050, INTRODUCED BY SENATOR BURKE HARR. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 20 OF THIS YEAR; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMPANY; PLACED ON GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. (AM2237, LEGISLATIVE JOURNAL PAGE 697.) [LB1050]

SENATOR KRIST: THANK YOU. I UNDERSTAND, SENATOR SCHEER, YOU'RE GOING TO OPEN FOR SENATOR HARR. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB1050]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. LB1050 WAS BROUGHT TO SENATOR HARR BY THE NEBRASKA BAR ASSOCIATION. LIMITED LIABILITY COMPANIES, OR LLCs, HAVE BECOME AN INCREASINGLY COMMON FORM OF BUSINESS ENTITY. THEY OFFER EASE AND FLEXIBILITY FOR BUSINESS OWNERS. LIKE CORPORATIONS, THEY OFFER LIMITED PERSONAL LIABILITY FOR THEMSELVES, THE OWNERS, AND MEMBERS. BUT THEY OFFER MORE FLEXIBLE MANAGEMENT PAYMENT STRUCTURES THAN CORPORATIONS, WHICH MAY BE APPROPRIATE FOR MANY ENTITIES AND OFTEN SMALLER BUSINESSES. IN NEBRASKA, LLCs ARE GOVERNED BY THE NEBRASKA UNIFORM LIMITED LIABILITY COMPANY ACT, CHAPTER 21, SECTIONS 101 TO 197, WHICH PERMITS ENTITIES TO CONVERT TO LLCs IF THE ACTS GOVERNING THE FORMATION OF THESE OTHER ENTITIES ALLOWS FOR CONVERSION, AMONG OTHER REQUIREMENTS. CURRENTLY, THE STATUTES GOVERNING THESE PARTNERSHIPS AND LIMITED PARTNERSHIP...LIABILITY PARTNERSHIPS DO NOT PROVIDE FOR SUCH CONVERSION. LB1050 PROVIDES FOR SUCH CONVERSION AND ALIGNS THE PARTNERSHIP AND LIMITED LIABILITY PARTNERSHIP LAWS WITH THE UNIFORM LIMITED LIABILITY COMPANY ACT. THE BILL WOULD PROVIDE DEFAULT PROVISIONS FOR THE DOMESTIC PARTNERSHIPS AND DOMESTIC LIMITED LIABILITY PARTNERSHIPS TO CONVERT TO LLCs. WITH THE COMMITTEE AMENDMENT, AM2237, THE BILL PROVIDES THAT, UNLESS OTHERWISE PROVIDED IN THE PARTNERSHIP'S ORGANIZATIONAL DOCUMENTS, ENTITIES HAVE THE FREEDOM TO ENACT THEIR OWN REQUIREMENTS. A PARTNERSHIP MAY CONVERT TO AN LLC WITH THE APPROVAL OF THE CONTROLLING SHARES OF THE PARTNERS, IN OTHER WORDS OF THE AMENDMENT, PARTNERS WHO OWN IN THE AGGREGATE MORE THAN 50 PERCENT OF THE INTERESTS IN THE PROFITS OF

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SUCH PARTNERSHIP. IMPORTANTLY, THE UNIFORM LLC ACT STATES THAT THE CONVERTED ORGANIZATION IS THE SAME ENTITY THAT EXISTED BEFORE THE CONVERSION, SECTION 21-178, SO THE CONVERSION DOES NOT ALTER THE RIGHTS OR THE RESPONSIBILITIES. IT SIMPLY ALLOWS THE ORGANIZATION TO RESTRUCTURE WITHOUT HAVING TO DISSOLVE AND REFORM FORMALLY. PROPERTY REMAINS VESTED IN THE ORGANIZATION. DEBTS, OBLIGATIONS, AND OTHER LIABILITIES STAY WITH THE CONVERTED ORGANIZATION. BANKING COMMITTEE...COMMERCE AND INSURANCE COMMITTEE ADVANCED LB1050, ALL THOSE PRESENT VOTING AFFIRMATIVE, ON FEBRUARY 23. THERE WAS NO OPPOSITION. AND I WOULD ENTER THAT AS THE OPENING AS WELL FOR THE COMMITTEE AMENDMENT. [LB1050]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. YOU'VE HEARD THE OPENING ON AM2237 AND THE UNDERLYING BILL. THE QUESTION IS THE ADOPTION OF AM2237. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1050]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB1050]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SCHEER WAIVES CLOSING ON LB1050. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1050]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB1050]

SENATOR KRIST: LB1050 ADVANCES. NEXT ITEM. [LB1050]

ASSISTANT CLERK: MR. PRESIDENT, LB1075, INTRODUCED BY SENATOR SCHILZ. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 20, REFERRED TO THE JUDICIARY COMMITTEE, PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB1075]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN. [LB1075]

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SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. LB1075 WOULD AMEND THE DISPOSITION OF PERSONAL PROPERTY LANDLORD AND TENANT ACT WHICH SETS FORTH WHAT HAS TO HAPPEN WHEN A TENANT HAS VACATED THE PREMISES, SUCH AS AN APARTMENT, OFFICE SPACE, OR STORAGE UNIT, AND IF PERSONAL PROPERTY HAS BEEN LEFT BEHIND. IF PERSONAL PROPERTY IS LEFT ON THE VACATED PREMISES BY THE TENANT, THE LANDLORD MUST GIVE WRITTEN NOTICE TO THE FORMER TENANT OR ANYONE BELIEVED TO BE THE OWNER OF THE PROPERTY THAT HAS BEEN LEFT BEHIND, NO MATTER THE VALUE. CURRENTLY, IF THE RESALE VALUE OF THE PROPERTY IS BELIEVED TO BE OVER \$1,000, THE LANDLORD MUST ADVERTISE OR POST NOTICE FOR AND HOLD A PUBLIC SALE FOR THE PROPERTY AND DISTRIBUTE THE PROCEEDS, LESS THE COSTS OF PUBLICATION, STORAGE, AND SALE, TO THE STATE TREASURER, PURSUANT TO THE DISPOSITION OF UNCLAIMED PROPERTY ACT. THIS BILL VERY SIMPLY RAISES THE THRESHOLD AMOUNT OF PERSONAL PROPERTY LEFT ON THE PREMISES BY A FORMER TENANT THAT WOULD REQUIRE THE PUBLIC SALE OF SUCH PROPERTY. THE BILL SAYS THAT A LANDLORD WOULD NOT HAVE TO HOLD A PUBLIC SALE UNLESS THE RESALE VALUE ON THE PROPERTY THAT WAS LEFT BY THE TENANT IS BELIEVED TO BE OVER \$2,000. THE EFFECT OF THIS CHANGE WOULD BE THAT THE NOTICE MUST STILL BE GIVEN TO ANYONE WHO HAS PERSONAL PROPERTY LEFT ON THE PREMISES AFTER THE PREMISES HAS BEEN VACATED, THAT THE PROPERTY REMAINS, AND THAT THE OWNER HAS THE ABILITY TO RECLAIM THE PROPERTY. HOWEVER, IF THE RESALE VALUE OF SUCH PROPERTY IS BELIEVED TO BE LESS THAN \$2,000, NO PUBLIC SALE WILL BE REQUIRED AND THE ITEMS MAY BE DISPOSED OF AT THE TIME...AT THE WILL OF THE PROPERTY OWNER. AND WITH THAT, I'D ASK FOR YOUR SUPPORT. THANK YOU, MR. PRESIDENT. [LB1075]

SENATOR KRIST: THANK YOU, SENATOR SCHILZ. SEEING NO ONE ELSE IN THE QUEUE...SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB1075]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR SCHILZ, WOULD YOU YIELD FOR A QUESTION, PLEASE? [LB1075]

SENATOR KRIST: SENATOR SCHILZ, WILL YOU YIELD? [LB1075]

SENATOR SCHILZ: YES. [LB1075]

SENATOR BLOOMFIELD: THANK YOU, SENATOR. WHO DETERMINES THE GUESSTIMATED VALUE? [LB1075]

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SENATOR SCHILZ: THAT'S A GREAT QUESTION. I DON'T KNOW. I'M SURE THERE'S A PROCESS. THEY'VE BEEN DOING IT FOR A LOT OF YEARS, SO. I CAN FIND OUT FOR YOU. [LB1075]

SENATOR BLOOMFIELD: OKAY. SO IF I GOT A NEW CADILLAC THAT SOMEBODY LEFT SIT THERE, THAT'S LESS THAN \$2,000, LET'S JUST PEDDLE IT? [LB1075]

SENATOR SCHILZ: I WOULD DOUBT IT. [LB1075]

SENATOR BLOOMFIELD: OKAY. [LB1075]

SENATOR SCHILZ: I'LL FIND OUT. [LB1075]

SENATOR BLOOMFIELD: I WOULD LOOK FOR THAT ANSWER FOR YOU BETWEEN NOW AND SELECT. THANK YOU. [LB1075]

SENATOR SCHILZ: YEAH. NO PROBLEM. I'LL FIND OUT. [LB1075]

SENATOR KRIST: THANK YOU, SENATOR BLOOMFIELD AND SENATOR SCHILZ. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SCHILZ WAIVES CLOSING. QUESTION IS THE ADVANCEMENT OF LB1075 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1075]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB1075]

SENATOR KRIST: LB1075 ADVANCES. NEXT ITEM. [LB1075]

ASSISTANT CLERK: LB973, INTRODUCED BY SENATOR SMITH. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 14, REFERRED TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE, PLACED ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2001, LEGISLATIVE JOURNAL PAGE 731.) [LB973]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN. [LB973]

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SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I INTRODUCED LB973 ON BEHALF OF THE NEBRASKA RURAL ELECTRIC ASSOCIATION TO ADDRESS A REOCCURRING PROBLEM OF TRANSPORTERS OR MOVERS OF OVERSIZED LOADS THAT FAIL TO GIVE PROPER NOTIFICATION TO ELECTRIC UTILITIES AND THAT MOVE OR MANIPULATE OVERHEAD HIGH-VOLTAGE CONDUCTORS ON THEIR OWN. A PUBLIC HEARING ON LB973 WAS HELD BEFORE THE TRANSPORTATION, TELECOMMUNICATIONS COMMITTEE ON FEBRUARY 8. THERE WERE NO OPPONENTS AND THE COMMITTEE ADVANCED THE BILL WITH 7 MEMBERS VOTING IN FAVOR AND 1 ABSENT. LB973 WOULD INCREASE THE PENALTY FOR MANIPULATING OVERHEAD HIGH-VOLTAGE CONDUCTORS AND RELATED COMPONENTS OF AN ELECTRIC UTILITY FROM A CLASS V MISDEMEANOR TO A CLASS II MISDEMEANOR. ADDITIONALLY, THE BILL REQUIRES TRANSPORTERS OF OVERSIZED LOADS TO NOTIFY LOCAL ELECTRIC UTILITIES PRIOR TO TRANSPORTING, AND WOULD MAKE FAILURE TO CARRY PROOF OF THAT NOTIFICATION A CLASS II MISDEMEANOR. FINALLY, LB973 WOULD REQUIRE THE NECESSARY PERMIT FOR TRANSPORTING OVERSIZED LOADS TO CLEARLY STATE THE APPLICANT IS NOT AUTHORIZED TO MANIPULATE OR MOVE OVERHEAD, HIGH-VOLTAGE LINES OR CONDUCTORS, AND THAT ANY VIOLATION OF THE PERMIT OR NOTIFICATION REQUIREMENTS IS A CLASS II MISDEMEANOR. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB973]

SENATOR KRIST: THANK YOU, SENATOR SMITH. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE TRANSPORTATION, TELECOMMUNICATIONS. SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB973]

SENATOR SMITH: THANK YOU AGAIN, MR. PRESIDENT AND COLLEAGUES. AGAIN, THE INTENT OF LB973 IS TO ENHANCE THE PENALTY ONLY FOR THE ACTUAL PHYSICAL MOVING OR MANIPULATION OF OVERHEAD HIGH-VOLTAGE CONDUCTORS AND RELATED INFRASTRUCTURE BY UNAUTHORIZED OR UNQUALIFIED PERSONS. UNFORTUNATELY, IN DRAFTING LB973 WE INADVERTENTLY CAST A WIDER NET THAN WE WANTED TO AND WE INCREASED THE PENALTY TO OTHER UNRELATED ACTS. AM2001 WOULD SIMPLY FIX THAT ERROR AND NARROW THE FOCUS OF THIS BILL. THANK YOU, MR. PRESIDENT. [LB973]

SENATOR KRIST: THANK YOU, CHAIRMAN SMITH. YOU'VE HEARD THE OPENING ON LB973 AND THE AMENDMENT, AM2001. THE QUESTION IS THE ADOPTION OF AM2001. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB973]

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ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB973]

SENATOR KRIST: SEEING NO ONE ELSE IN THE QUEUE, SENATOR SMITH WAIVES CLOSING. THE QUESTION IS ADVANCEMENT OF LB973 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB973]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB973]

SENATOR KRIST: LB973 ADVANCES. NEXT ITEM. [LB973]

ASSISTANT CLERK: LB712, INTRODUCED BY SENATOR HUGHES. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 6, REFERRED TO THE NATURAL RESOURCES COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB712]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR HUGHES, YOU'RE RECOGNIZED TO OPEN. [LB712]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. THE STATE FIRE MARSHAL BROUGHT THIS BILL TO ME. CURRENTLY, THE STATE FIRE MARSHAL AGENCY HAS A SYSTEM FOR THE REGISTRATION OF ALL PERMANENTLY LOCATED, ABOVE-GROUND STORAGE TANKS USED FOR THE STORAGE OR DISPENSING OF HAZARDOUS SUBSTANCES. THE ORIGINAL PURPOSE WAS TO ALLOW FOR EMERGENCY RESPONDERS AND COMMUNITY MEMBERS TO KNOW WHERE THESE TYPES OF TANKS WERE LOCATED. HOWEVER, FEDERAL REGULATIONS REQUIRE CITIZENS TO PROVIDE THE SAME INFORMATION ABOUT THE LOCATION, SIZE, AND CONTENTS OF ABOVE-GROUND HAZARDOUS SUBSTANCE STORAGE TANKS IN THE STATE AUTHORITY ADMINISTERING SARA TITLE III, WHICH IN NEBRASKA IS THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY. SARA TITLE III IS THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT. AS SUCH, THE REQUIREMENTS OF THE STATE FIRE MARSHAL ARE TO HAVE A...TO HAVE A REGISTRATION PROGRAM TO CHARGE A FEE IS REDUNDANT AND UNNECESSARY. LB712 SIMPLY REMOVES THE REQUIREMENT THAT THE STATE FIRE MARSHAL AGENCY PERFORM THE SAME RESPONSIBILITIES AS NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY. THIS BILL WAS ADVANCED ON AN 8-0 VOTE. THERE WERE NO NEUTRAL OR

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OPPONENTS AT THE HEARING. I URGE MY COLLEAGUES FOR A GREEN VOTE ON LB712. [LB712]

SENATOR KRIST: THANK YOU, SENATOR HUGHES. QUESTION BEFORE YOU IS THE ADVANCEMENT OF LB712 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB712]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADVANCEMENT OF LB712, MR. PRESIDENT. [LB712]

SENATOR KRIST: LB712 ADVANCES. AND I APOLOGIZE, SENATOR HUGHES, FOR NOT ALLOWING YOU TO CLOSE, BUT I THOUGHT YOU WAIVED. THANK YOU. THANKS FOR THE WAIVE. NEXT ITEM. [LB712]

ASSISTANT CLERK: LB902, INTRODUCED BY SENATOR KOLOWSKI. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 11, 2016; REFERRED TO NATURAL RESOURCES; PLACED ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2287, LEGISLATIVE JOURNAL PAGE 733.) [LB902]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR KOLOWSKI, YOU'RE RECOGNIZED TO OPEN. [LB902]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. LB902 IS A TECHNICAL CLEANUP BILL WHICH CLARIFIES SEVERAL QUESTIONS THE STATE ENERGY OFFICE RAISED ON THE NEBRASKA CLEAN-BURNING MOTOR FUEL DEVELOPMENT ACT AFTER ITS PASSAGE IN 2015. PRIMARILY, THE LEGISLATION CLARIFIES THAT REBATES UNDER THE ACT ARE ONLY APPLICABLE TO ETHANOL FLEX-FUEL DISPENSERS AND NOT ETHANOL VEHICLES. ADDITIONALLY, LANGUAGE IS INCLUDED TO ENSURE THAT PROPERTY CAN ONLY QUALIFY FOR REBATE ONCE, AND FOLLOW THE VEHICLE, NOT THE OWNER OF THE PROPERTY. FINALLY, THE BILL AUTHORIZED THE ENERGY OFFICE TO USE UP TO 10 PERCENT OF THE MONEY IN THE FUND FOR ADMINISTRATIVE COSTS OF IMPLEMENTING THE PROGRAM. THIS WAS AN AMOUNT AGREED UPON VERBALLY IN 2015, AND WE HAVE CHOSEN TO PLACE LANGUAGE IN STATUTE TO ENSURE THE ENERGY OFFICE IS ABLE TO CONTINUE ADMINISTERING THE PROGRAM. AFTER WORKING WITH THE ENERGY OFFICE AND OTHER INTERESTED PARTIES, I BELIEVE LB902 PROVIDES THE CLARITY SOUGHT BY THE ENERGY OFFICE. I'D APPRECIATE YOUR GREEN LIGHT ON THIS. THANK YOU.

[LB902]

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SENATOR KRIST: THANK YOU, SENATOR KOLOWSKI. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS FROM THE NATURAL RESOURCES COMMITTEE. SENATOR SCHILZ, YOU'RE RECOGNIZED TO OPEN ON YOUR COMMITTEE AMENDMENT. [LB902]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY. AM2287 WOULD REPLACE THE BILL, AND IT WOULD ALLOW THE NEBRASKA ENERGY OFFICE TO PROVIDE REBATES FOR CONVERSIONS FOR DUAL-FUEL OR BI-FUEL SYSTEMS UTILIZING ETHANOL, AND WOULD CLARIFY THAT NEW VEHICLES THAT ARE DESIGNED TO USE AN ETHANOL BLEND ARE NOT ELIGIBLE FOR REBATES, WHICH WAS NOT THE INTENTION OF THE BILL. AND I WOULD ASK FOR YOUR SUPPORT ON THE COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB902]

SENATOR KRIST: THANK YOU, CHAIRMAN SCHILZ. SEEING NO ONE WISHING TO SPEAK, SENATOR SCHILZ, YOU'RE...WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2287. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB902]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADOPTION OF AM2287, MR. PRESIDENT. [LB902]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR KOLOWSKI, YOU'RE RECOGNIZED TO CLOSE. SENATOR KOLOWSKI WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB902 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB902]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB902]

SENATOR KRIST: LB902 ADVANCES. NEXT ITEM. [LB902]

ASSISTANT CLERK: LB694, INTRODUCED BY SENATOR CRAWFORD. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 6 OF THIS YEAR; REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE; PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB694]

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SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR CRAWFORD, YOU'RE RECOGNIZED TO OPEN. [LB694]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB694 IS A TECHNICAL AMENDMENT TO A PORTION OF THE TAXPAYER TRANSPARENCY ACT. IT EXEMPTS THE STATE DEPARTMENT OF EDUCATION FROM POSTING SERVICE AUTHORIZATIONS TO THE STATE CONTRACT DATABASE WHEN THOSE SERVICE AUTHORIZATIONS ARE ENTERED INTO FOR THE PURPOSES OF PROVIDING SPECIFIC GOODS, SERVICES, OR FINANCIAL ASSISTANCE ON BEHALF OF OR TO SPECIFICALLY NAMED INDIVIDUALS. THE TAXPAYER TRANSPARENCY ACT ALREADY EXEMPTS SIMILAR SERVICE AUTHORIZATIONS, SPECIFICALLY: CONTRACTS ENTERED INTO BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES THAT ARE LETTERS OF AGREEMENT FOR THE PURPOSES OF PROVIDING SPECIFIC SERVICES TO A SPECIFICALLY NAMED INDIVIDUAL AND HIS OR HER FAMILY; CONTRACTS ENTERED INTO BY THE UNIVERSITY OF THE NEBRASKA OR ANY NEBRASKA STATE COLLEGE FOR THE PURPOSE OF PROVIDING SPECIFIC SERVICES OR FINANCIAL ASSISTANCE TO A SPECIFICALLY NAMED INDIVIDUAL AND HIS OR HER FAMILY; CONTRACTS ENTERED INTO BY THE DEPARTMENT OF VETERANS' AFFAIRS UNDER SECTION 80-401 OR 80-403 FOR THE PURPOSE OF PROVIDING AID TO A SPECIFICALLY NAMED VETERAN AND HIS OR HER FAMILY; AND CONTRACTS ENTERED INTO BY THE STATE ENERGY OFFICE FOR THE PURPOSE OF PROVIDING FINANCING FROM THE DOLLAR AND ENERGY SAVINGS AND LOAN PROGRAM. IT IS IMPORTANT TO ENSURE THE CONFIDENTIALITY OF INDIVIDUALS WHO ARE RECEIVING THESE SPECIFIC SERVICES FROM OUR STATE AGENCY. THIS EXEMPTION WILL ACCOMPLISH THAT WHILE STAYING TRUE TO THE INTENT OF THE TAXPAYER TRANSPARENCY ACT, WHICH WAS DESIGNED TO PROTECT THE PUBLIC'S RIGHT TO OBTAIN INFORMATION ABOUT HOW THE GOVERNMENT IS SPENDING ITS RESOURCES ON CONTRACTS. I URGE YOUR GREEN VOTE FOR LB694. THANK YOU, MR. PRESIDENT. [LB694]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. SEEING NO ONE WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB694 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB694]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF LB694, MR. PRESIDENT. [LB694]

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SENATOR KRIST: LB694 ADVANCES. NEXT ITEM. [LB694]

ASSISTANT CLERK: THE NEXT BILL, MR. PRESIDENT, LB908 BY SENATOR KOLTERMAN. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 12, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE, PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB908]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO OPEN. [LB908]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. LB908 IS A SIMPLE BILL THAT ALLOWS VETERINARY TECHNICIANS TO PRACTICE UP TO A YEAR WITH A TEMPORARY LICENSE. THIS ISN'T A UNIQUE POLICY. NURSE PRACTITIONERS, SPEECH LANGUAGE PATHOLOGISTS, AND DENTISTS, AMONG OTHERS LICENSED PURSUANT TO THE UNIFORM CREDENTIALING ACT ALL HAVE THE ABILITY TO PRACTICE WITH TEMPORARY LICENSES WHEN THEY MEET SPECIFIC REQUIREMENTS. SIMILARLY, LB908 ALLOWS VET TECHS TO PRACTICE IF THEY MEET ONE OF TWO CRITERIA: THE APPLICANT IS A GRADUATE OF AN APPROVED VETERINARY TECHNICIAN PROGRAM AND HAS NOT YET TAKEN AND PASSED THE REQUIRED NATIONAL EXAMINATION; OR THE APPLICANT IS LAWFULLY LICENSED IN ANOTHER STATE TO PRACTICE AS A VETERINARY TECHNICIAN BUT THE APPLICANT'S APPLICATION IN NEBRASKA IS PENDING. BECAUSE OF THE LENGTHY DELAY BETWEEN THE VET TECHS...BECAUSE OF THE DELAY BETWEEN WHEN VET TECHS COMPLETE THEIR REQUIRED TRAINING AND THE NATIONAL EXAM, THEY LOSE THE POTENTIAL TO GAIN VALUABLE PRACTICAL EXPERIENCE WHILE AWAITING THAT EXAM. I APPRECIATE YOUR CONSIDERATION AND RESPECTFULLY ASK FOR YOUR GREEN VOTE ON LB908. THANK YOU. [LB908]

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN. SEEING NO ONE WISHING TO SPEAK, SENATOR KOLTERMAN, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. SENATOR KOLTERMAN WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL FOR LB908. THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB908]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB908]

SENATOR KRIST: LB908 ADVANCES. NEXT ITEM. [LB908]

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ASSISTANT CLERK: LB908A, INTRODUCED BY SENATOR KOLTERMAN. (READ TITLE.) [LB908A]

SENATOR KRIST: SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB908A]

SENATOR KOLTERMAN: THIS IS THE A BILL THAT GOES...ASSOCIATES WITH LB908. IT'S A CASH BILL, \$23,000, AND IT'S PAID FOR OUT OF FEES. I'D LIKE YOUR GREEN LIGHT ON LB908A. THANK YOU. [LB908A LB908]

SENATOR KRIST: SEEING NO ONE WISHING TO SPEAK, SENATOR KOLTERMAN WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL FOR LB908A. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB908A]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADVANCEMENT OF THE A BILL, MR. PRESIDENT. [LB908A]

SENATOR KRIST: LB908A ADVANCES. NEXT ITEM. [LB908A]

ASSISTANT CLERK: LB1010, INTRODUCED BY SENATOR WILLIAMS. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 15 OF THIS YEAR, REFERRED TO THE JUDICIARY COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB1010]

SENATOR KRIST: SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB1010]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND BEFORE I GET TO THE EXCITEMENT OF LB1010, THOSE OF YOU WHO KNOW JEREMIAH BLAKE, WHO IS MY LA, HE AND HIS WIFE DELIVERED A 6-POUND 14-OUNCE BABY GIRL THIS MORNING HERE IN LINCOLN NAMED MABEL BLAKE, AND SHE WILL JOIN ORLA AND OSCAR WHO ARE AT HOME. SO A BIG CONGRATULATIONS TO JEREMIAH. I THINK IT'S WORTH THE DAY OFF TODAY FOR HIM. THE PURPOSE OF LB1010 IS TO ALLOW COUNTY ATTORNEYS TO ELECTRONICALLY FILE JUVENILE COURT PETITIONS. CURRENT LAW REQUIRES A JUVENILE PETITION TO BE FILED BY AFFIDAVIT, WHICH MUST BE NOTARIZED. LB1010 WOULD REQUIRE COUNTY ATTORNEYS TO SIGN THE JUVENILE PETITION INSTEAD OF FILING AN AFFIDAVIT. IN 2011 THE LEGISLATURE MADE A SIMILAR CHANGE WITH LB669 TO ELIMINATE NOTARIZED FILINGS IN COUNTY AND DISTRICT COURTS. LB1010 WOULD

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CONTINUE TO EXPAND THE USE OF E-FILINGS TO JUVENILE COURT PETITIONS. A REPRESENTATIVE OF THE DOUGLAS COUNTY ATTORNEY'S OFFICE TESTIFIED IN FAVOR OF LB1010. THERE WERE NO...THERE IS NO FISCAL IMPACT. IN FACT, THE SUPREME COURT AND DOUGLAS COUNTY HAVE BOTH STATED THAT THE...MAY ACTUALLY REDUCE THEIR WORKLOAD AND SAVE SOME MONEY. I WANT TO MAKE IT CLEAR THAT LB1010 DOES NOT CHANGE WHAT INFORMATION IS FILED WITH THE COURT, ONLY HOW THAT INFORMATION IS FILED. LB1010 WAS PASSED OUT OF COMMITTEE ON A UNANIMOUS VOTE, AND I WOULD ASK FOR YOUR GREEN VOTE ON LB1010. THANK YOU, MR. PRESIDENT. [LB1010]

SENATOR KRIST: THANK YOU, SENATOR WILLIAMS. SEEING NO ONE IN THE QUEUE WISHING TO SPEAK, SENATOR WILLIAMS WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB1010 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1010]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB1010]

SENATOR KRIST: LB1010 ADVANCES. AND I ASSUME, SENATOR WILLIAMS, THERE WILL BE COOKIES ON MONDAY. THANK YOU. NEXT ITEM. [LB1010]

ASSISTANT CLERK: MR. PRESIDENT, LB913, INTRODUCED BY SENATOR SMITH. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 12, REFERRED TO THE REVENUE COMMITTEE, PLACED ON GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. (AM2374, LEGISLATIVE JOURNAL PAGE 860.) [LB913]

SENATOR KRIST: SENATOR SMITH, YOU'RE RECOGNIZED. [LB913]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND AGAIN, GOOD MORNING, COLLEAGUES. LB913 DEALS WITH...(MICROPHONE MALFUNCTION)...HELLO? OKAY. LB913 DEALS WITH MUTUAL AID DURING DISASTERS. WHEN THERE IS A STATE DISASTER SUCH AS A TORNADO OR FLOOD, IT IS NOT UNUSUAL FOR UTILITY WORKERS TO COME TO OUR...TO COME FROM OTHER STATES TO ASSIST IN GETTING UTILITY AND COMMUNICATION SERVICES BACK IN WORKING ORDER IN NEBRASKA. IN MY PREVIOUS EXPERIENCE IN WORKING FOR ELECTRIC UTILITIES, I KNOW FIRSTHAND HOW VERY IMPORTANT MUTUAL AID FROM OTHER STATES IS TO OUR STATE TO ASSIST OUR COMMUNITIES IN TIMES OF DISASTER. CURRENTLY IN SUCH CASES, INDIVIDUALS WORKING JUST ONE DAY IN OUR STATE ARE RESPONSIBLE FOR INCOME TAXES. IN OUR STATE, THIS BILL

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WOULD PROVIDE SOME RELIEF TO THOSE ENTITIES AND INDIVIDUALS WHO COME TO OUR STATE TO HELP WHEN RESOURCES ARE STRETCHED THIN DUE TO A DISASTER. LB913 IS VERY LIMITED IN ITS APPLICATION. IT APPLIES ONLY DURING TIMES OF DISASTER OR EMERGENCY AS DECLARED BY THE GOVERNOR. IT APPLIES ONLY TO OUT-OF-STATE BUSINESSES AND EMPLOYEES WHOSE SERVICES ARE REQUESTED BY THE STATE, A COUNTY, CITY, VILLAGE, OR OTHER POLITICAL SUBDIVISION, OR AN IN-STATE BUSINESS THAT OWNS OR USES SPECIFIC INFRASTRUCTURE. THAT INFRASTRUCTURE IS DEFINED AS PROPERTY AND EQUIPMENT OWNED OR USED BY A PUBLIC UTILITY, COMMUNICATIONS NETWORK, BROADBAND AND INTERNET SERVICE PROVIDER, CABLE AND VIDEO SERVICE PROVIDER, GAS DISTRIBUTION SYSTEM, OR WATER PIPELINE THAT PROVIDES SERVICE TO MORE THAN ONE CUSTOMER. WITH CONSIDERATION TO THESE LIMITED CIRCUMSTANCES AND TIMES, OUT-OF-STATE EMPLOYEES WILL NOT BE SUBJECT TO INCOME TAX IN NEBRASKA. THERE IS A COMMITTEE AMENDMENT THAT BECOMES THE BILL, BUT IT SIMPLY PROVIDES SOME CLARIFICATION. AND I DO SUPPORT IT. I ASK THAT YOU SUPPORT AM2374 AND THE ADVANCEMENT OF LB913. THANK YOU, MR. PRESIDENT. [LB913]

SENATOR KRIST: THANK YOU, SENATOR SMITH. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR GLOOR, AS THE CHAIRMAN OF THE COMMITTEE, REVENUE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON AM2374. [LB913]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS, GOOD MORNING AGAIN. THIS IS A GOOD BILL AND, IN A STATE WHERE WE HAVE OUR OWN SHARE OF DISASTERS FROM A VARIETY OF CAUSES, ONE THAT REALLY DOES MAKE SENSE FOR THOSE OUTSIDE THE STATE WHO WANT TO COME AND HELP US. AS SENATOR SMITH HAS STATED, THE AMENDMENT DOES BECOME THE BILL. IT CLARIFIES THE TERM "INFRASTRUCTURE" USED IN THE BILL, BEING LIMITED TO SPECIFIC ENTITIES AS DESCRIBED IN THE BILL, THAT BEING PUBLIC UTILITY PROPERTY AND EQUIPMENT, COMMUNICATION NETWORKS, BROADBAND INTERNET, CABLE AND VIDEO SERVICES. IT ALSO CLARIFIES THAT SALES, USE, OR PERSONAL PROPERTY TAXES DO NOT APPLY TO EQUIPMENT BROUGHT INTO THE STATE FOR USE DURING THE DISASTER PERIOD. IT CLARIFIES THAT THE DISTRIBUTION OF GAS MEANS NATURAL GAS. IT ALSO CLARIFIES THAT AN OUT-OF-STATE EMPLOYEE MEANS A NONRESIDENT INDIVIDUAL. WE DIDN'T WANT TO EXEMPT THE RESIDENTS OF OMAHA WHO HAPPEN TO WORK IN COUNCIL BLUFFS. AND IT ADDS THE TERMS PROVIDING "SERVICES OR OTHER BUSINESS" TO THE LIST OF EXEMPT ACTIVITIES. I WOULD

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ASK FOR YOUR ADOPTION OF AM2374 AND THE UNDERLYING BILL, LB913.
THANK YOU. [LB913]

SENATOR KRIST: SEEING NO ONE WISHING TO SPEAK, SENATOR GLOOR, YOU'RE
RECOGNIZED TO CLOSE. SENATOR GLOOR WAIVES CLOSING. THE QUESTION IS
THE ADOPTION OF AM2374. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE
RECORD, MR. CLERK. [LB913]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE
AMENDMENTS. [LB913]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE
ELSE IN THE QUEUE, SENATOR SMITH WAIVES CLOSING. THE QUESTION IS THE
ADVANCEMENT OF LB913 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED,
NAY. PLEASE RECORD, MR. CLERK. [LB913]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR.
PRESIDENT. [LB913]

SENATOR KRIST: LB913 ADVANCES. NEXT ITEM. [LB913]

ASSISTANT CLERK: MR. PRESIDENT, LB1011, INTRODUCED BY SENATOR
CAMPBELL. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 15, REFERRED TO
THE HEALTH AND HUMAN SERVICES COMMITTEE, PLACED ON GENERAL FILE
WITH NO COMMITTEE AMENDMENTS. [LB1011]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR CAMPBELL, YOU'RE
RECOGNIZED. [LB1011]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO HAVE A
PERSONAL TIME TO THANK SENATOR HOWARD, SENATOR CRAWFORD, AND THE
LEGAL COUNSEL, JOSELYN LUEDTKE, FOR ABLY FILLING IN THE LAST TWO DAYS
WHILE I WAS ILL. AND CONTRARY TO RUMORS THAT HAVE GONE AROUND, I WAS
ILL AND NOT JUST WATCHING THE NCAA BASKETBALL GAMES. LB1011 WAS
INTRODUCED AT THE REQUEST OF THE DEPARTMENT OF HEALTH AND HUMAN
SERVICES TO UPDATE PROVISIONS REGARDING MANAGED CARE CONTRACTS IN
THE MEDICAID PROGRAM. HEALTHCARE IS CHANGING RAPIDLY AND THE
DEPARTMENT IS MOVING TO INTEGRATED PHYSICAL BEHAVIORAL HEALTH AND

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PHARMACY BENEFIT MANAGED CARE CONTRACTS TO ADAPT TO THOSE CHANGES. THE DEPARTMENT FELT THE EXISTING STATUTES WERE OUTDATED AND WOULD HINDER THEIR ABILITY TO CONTAIN COSTS AND PROVIDE PERFORMANCE INCENTIVES. THE CHANGES MADE BY LB1011 WILL PROVIDE MORE FLEXIBILITY TO THESE CONTRACTS. I WOULD ADD THAT WE ORIGINALLY PUT THE STATUTE IN, AND SENATOR KRIST WAS THE SPONSOR OF THAT ORIGINAL BILL TO PUT PARAMETERS AROUND THE CONTRACT. I BELIEVE IN 2011 OR 2012 WE PUT THOSE IN PLACE. NOW THAT WE ARE MOVING TO A BROADER MANAGED CARE CONTRACT, IT'S IMPORTANT THAT WE CHANGE THE STATUTE SO THAT WE DO NOT HINDER THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AS THEY MOVE TO THESE NEW MANAGED CARE CONTRACTS. AND I COMMEND THE DEPARTMENT AND CALDER LYNCH FOR THE WORK THAT HAS BEEN DONE TO GET US TO THIS POINT. THIS IS A, WHAT I WOULD CALL, A WATERMARK POINT FOR US AND OUR MEDICAID PROGRAM, AND MUCH CREDIT GOES TO THE DEPARTMENT AND DIRECTOR LYNCH. AND WITH THAT, I WILL CLOSE, MR. PRESIDENT. [LB1011]

SENATOR KRIST: SEEING NO ONE WISHING TO SPEAK, SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB1011 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB1011]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB1011]

SENATOR KRIST: BILL ADVANCES. (VISITORS INTRODUCED.) NEXT ITEM. [LB1011]

ASSISTANT CLERK: MR. PRESIDENT, NEXT ITEM IS LR381 INTRODUCED BY SENATOR EBKE AND OTHERS. IT IS A PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION. [LR381]

SENATOR KRIST: SENATOR EBKE, YOU'RE RECOGNIZED. [LR381]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. ACTUALLY, LR381 PROPOSES TO RATIFY THE TWENTY-SEVENTH AMENDMENT TO THE CONSTITUTION. THE TWENTY-SEVENTH AMENDMENT TO THE CONSTITUTION IS, OF COURSE, ALREADY A PART OF THE CONSTITUTION BY DEFINITION, SO WHAT THIS WOULD BE IS NEBRASKA AGREEING TO RATIFY. IN 1789, 12 AMENDMENTS WERE PROPOSED, WRITTEN IN LARGE PART BY JAMES MADISON AND OTHERS OF THE

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ORIGINAL 1789 CONGRESS. TEN OF THEM, NOW KNOWN AS THE BILL OF RIGHTS, WERE RATIFIED QUITE QUICKLY. IN 1992 THE 11TH OF THOSE AMENDMENTS WAS RATIFIED BY THE 38TH STATE AND BECAME PART OF THE U.S. CONSTITUTION. NOW KNOWN AS THE TWENTY-SEVENTH AMENDMENT, THIS PROHIBITS CONGRESS FROM ENACTING INCREASES OR DECREASES IN SALARIES FOR THEMSELVES OR CERTAIN OTHERS THAT GO INTO EFFECT BEFORE AN ELECTION INTERVENES. NEBRASKA IS ONE OF ONLY FIVE STATES WHO HAVE NOT YET RATIFIED THE TWENTY-SEVENTH AMENDMENT. SEVEN STATES RATIFIED IT AFTER IT HAD ALREADY GONE INTO EFFECT. THIS IS A FORMALITY WHICH WILL HAVE NO EFFECT OTHER THAN HAVING NEBRASKA AFFIRM ITS SOLIDARITY WITH JAMES MADISON AND 45 OTHER STATES. I WOULD ASK YOU FOR A GREEN LIGHT ON LR381. [LR381]

SENATOR KRIST: SEEING NO ONE WISHING TO SPEAK, SENATOR EBKE WAIVES CLOSING. THANK YOU. THE QUESTION IS THE ADVANCEMENT OF LR381 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LR381]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF THE RESOLUTION. [LR381]

SENATOR KRIST: LR381 ADVANCES. NEXT ITEM. [LR381]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB783 INTRODUCED, BY SENATOR LINDSTROM. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 7; REFERRED TO THE TRANSPORTATION, TELECOMMUNICATIONS COMMITTEE; PLACED ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2357, LEGISLATIVE JOURNAL PAGE 866.) [LB783]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR LINDSTROM, YOU'RE RECOGNIZED. [LR381]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT. LB783 ALLOWS PUBLIC POWER DISTRICTS WITH ANNUAL REVENUES OF AT LEAST \$250 MILLION TO PERMANENTLY LICENSE THEIR FLEET OF VEHICLES IN THE COUNTY IN WHICH THE PUBLIC POWER DISTRICT IS HEADQUARTERED. THIS BILL WILL ELIMINATE THE NEED TO RENEW LICENSE PLATES, LICENSE PLATE TAGS, AND REGISTRATION EVERY YEAR. LB783 PROPOSES A \$3 LICENSE FEE WITH AN ANNUAL RENEWAL OF \$2 PER PLATE. THE PURPOSE OF THIS LEGISLATION IS TO

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PROVIDE FOR GREATER FINANCIAL AND PERSONNEL EFFICIENCIES IN OUR PUBLIC POWER DISTRICTS. I ENCOURAGE YOU TO VOTE GREEN ON LB783 AND THE COMMITTEE AMENDMENT. [LB783]

SENATOR KRIST: THANK YOU, SENATOR LINDSTROM. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SMITH, AS THE CHAIRMAN OF TRANSPORTATION, TELECOMMUNICATIONS, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB783]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. AS INTRODUCED, LB783 ONLY APPLIED TO TWO OF OUR PUBLIC POWER DISTRICTS. THAT IS OPPD AND NPPD. WE RECEIVED TESTIMONY REQUESTING THAT THE THRESHOLD FOR ELIGIBILITY FOR THE PUBLIC POWER DISTRICT LICENSE PLATE BE REDUCED FROM \$250 MILLION IN ANNUAL REVENUES TO \$40 MILLION IN ANNUAL REVENUES. THE COMMITTEE AMENDMENT MAKES THAT SUGGESTED CHANGE WHICH WILL ADD THE FOLLOWING DISTRICTS TO THE BILL: DAWSON PPD, NORRIS PUBLIC POWER DISTRICT, SOUTHERN PUBLIC POWER DISTRICT, AND LOUP PUBLIC POWER DISTRICT. ADDITIONALLY, THE DEPARTMENT OF MOTOR VEHICLES SUGGESTED THE FOLLOWING CHANGES WHICH WERE INCORPORATED INTO THE AMENDMENT. SECTION 60-3101 IS ADDED TO THE BILL AND AMENDED TO PROVIDE THAT THE PUBLIC POWER DISTRICT REGISTERED VEHICLE SHALL NOT BE REQUIRED TO DISPLAY THE ANNUAL RENEWAL TAB ON THE LICENSE PLATE OF A VEHICLE. AND SECTION 10 OF THE BILL AS INTRODUCED IS AMENDED BY STRIKING AND ELIMINATING UNNEEDED AND REDUNDANT LANGUAGE. LIKE TO APPRECIATE PUBLIC POWER DISTRICTS AND I HOPE THAT THIS AMENDMENT AND THIS BILL WILL HELP THEM TO IMPROVE THE OPERATIONAL EFFICIENCY OF THEIR BUSINESSES. AND THAT CONCLUDES MY INTRODUCTION OF THE TRANSPORTATION, TELECOMMUNICATIONS COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB783]

SENATOR KRIST: SEEING NO ONE ELSE IN THE QUEUE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR SMITH WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2357. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB783]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB783]

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SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR LINDSTROM WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB783 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB783]

ASSISTANT CLERK: 27 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB783]

SENATOR KRIST: LB783 ADVANCES. NEXT ITEM. [LB783]

ASSISTANT CLERK: MR. PRESIDENT, LB783A INTRODUCED BY SENATOR LINDSTROM. (READ TITLE.) [LB783A]

SENATOR KRIST: SENATOR LINDSTROM, YOU'RE RECOGNIZED. [LB783A]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT. LB783A APPROPRIATES \$4,513 FROM THE DEPARTMENT OF MOTOR VEHICLES CASH FUND FOR FISCAL YEAR 2016 THROUGH 2017 TO THE DEPARTMENT OF MOTOR VEHICLES TO HELP IMPLEMENT...HELP IN IMPLEMENTATION THE PROVISIONS OF LB783. THIS APPROPRIATION IS FOR COMPUTER PROGRAMMING FOR THE VEHICLE TITLE, REGISTRATION SYSTEM TO REFLECT THE NEW PLATES AS REFLECTED IN THE FISCAL NOTE. THE FISCAL NOTE ALSO REFLECTS THE REVENUE THE STATE WILL RECEIVE FROM THE NEW LICENSE PLATES. THESE ESTIMATES ARE BASED ON OPPD AND NPPD FLEETS ONLY AND DOES NOT REFLECT ADDITIONAL REVENUE RECEIVED AFTER AM2357. IN BOTH FISCAL YEAR 2017 AND 2018, REVENUE WILL BE \$2,496, AND THEN AN ONGOING ESTIMATED REVENUE OF ABOUT \$3,328 FOR EACH YEAR AFTER. THANK YOU, MR. PRESIDENT. [LB783A LB783]

SENATOR KRIST: THANK YOU, SENATOR LINDSTROM. SEEING NO ONE IN THE QUEUE, SENATOR LINDSTROM, YOU'RE RECOGNIZED TO CLOSE. HE WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB783A TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB783A]

ASSISTANT CLERK: 27 AYES, 0 NAYS ON THE ADVANCEMENT OF THE A BILL, MR. PRESIDENT. [LB783A]

SENATOR KRIST: LB783A ADVANCES. NEXT ITEM. [LB783A]

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ASSISTANT CLERK: LB842 INTRODUCED BY SENATOR KEN HAAR. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 8, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE, PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB842]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR HAAR, YOU'RE RECOGNIZED. [LB842]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, LB842 IS INTENDED TO MAKE NEBRASKA LAW CONSISTENT WITH THE REQUIREMENTS OF THE U.S. DEPARTMENT OF EDUCATION REGARDING BARBER SCHOOLS. IT CHANGES SEVERAL DEFINITIONS INTENDED TO MEET THESE REQUIREMENTS. THIS IS IMPORTANT BECAUSE IT ENABLES BARBER STUDENTS TO BE ELIGIBLE FOR FINANCIAL AID THROUGH FEDERAL PROGRAMS. LB842 HAS NO FISCAL IMPACT AND I CAN ASSURE YOU IT DOES NOT REPRESENT FEDERAL OVERREACH. THANK YOU VERY MUCH. [LB842]

SENATOR KRIST: YOU'VE HEARD THE OPENING. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB842]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. AND WOULD SENATOR HAAR YIELD TO A QUESTION OR TWO? [LB842]

SENATOR KRIST: SENATOR HAAR, WILL YOU YIELD? [LB842]

SENATOR HAAR: YES. [LB842]

SENATOR KINTNER: I'M SORRY I DIDN'T HAVE A CHANCE TO TALK TO YOU BEFORE I CAME ON THE MIKE TO LET YOU KNOW I WAS GOING TO ASK YOU QUESTIONS, NO TRICK QUESTIONS. DID THEY BRING THIS TO YOU? TELL ME HOW WE GOT TO THIS, WHY YOU BECAME AWARE IT WAS NEEDED. [LB842]

SENATOR HAAR: I GUESS I HAVE FRIENDS THAT ARE BARBERS. AND, YEAH, THE STATE BARBER ASSOCIATION BROUGHT THIS TO ME. [LB842]

SENATOR KINTNER: WELL, YOUR HAIR LOOKS GREAT. I CAN TELL YOU'VE GOT SOME BARBER FRIENDS. [LB842]

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SENATOR HAAR: (LAUGH) I THINK SO, TOO. THANK YOU. [LB842]

SENATOR KINTNER: IF WE DIDN'T DO THIS, WHAT HAPPENS? [LB842]

SENATOR HAAR: WELL, IT PUTS SOME POTENTIAL FOR SOME FEDERAL AID AT RISK FOR BARBER STUDENTS. [LB842]

SENATOR KINTNER: AND SO THIS WILL PROBABLY HAVE NO IMPACT ON SOMEONE GETTING A HAIRCUT. I MEAN YOU'RE NOT GOING TO SEE IT WHEN YOU SIT DOWN TO GET YOUR HAIRCUT. THIS IS JUST WITH STUDENTS GETTING THROUGH SCHOOL AND HAVING LESS DEBT AND ALL THAT? [LB842]

SENATOR HAAR: THERE IS AN AMENDMENT THAT WOULD HAVE AN EFFECT ON YOU, SENATOR KINTNER, BUT NO ONE ELSE. [LB842]

SENATOR KINTNER: JEEZ. (LAUGHTER) THANKS A LOT. OKAY. I WAS WONDERING HOW WE GOT THIS. I'VE BEEN PLAYING AROUND WITH LOOKING AT GETTING RID OF THE BARBER LICENSING MECHANISM AND LETTING THE FREE MARKET TAKE CARE OF IT. BUT THAT HAS NOTHING TO DO WITH THIS. SO THANK YOU VERY MUCH FOR ANSWERING MY QUESTIONS. [LB842]

SENATOR HAAR: WELL, IF YOU GO AHEAD WITH THAT, YOU MAY NOT GET A BARBER. (LAUGH) [LB842]

SENATOR KRIST: THANK YOU, SENATOR KINTNER... [LB842]

SENATOR KINTNER: AND THANK YOU, MR. PRESIDENT. [LB842]

SENATOR KRIST: ...AND SENATOR HAAR. SEEING NO ONE ELSE IN THE QUEUE, SENATOR HAAR, YOU'RE RECOGNIZED TO CLOSE. SENATOR HAAR WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB782...LB742 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. AND THE VOTE WAS ON THE ADVANCEMENT OF LB842. PLEASE RECORD, MR. CLERK. [LB842]

ASSISTANT CLERK: 35 AYES, 0 NAYS ON THE ADVANCEMENT OF LB842, MR. PRESIDENT. [LB842]

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SENATOR KRIST: LB842 ADVANCES. NEXT ITEM. [LB842]

ASSISTANT CLERK: NEXT BILL, LB750, INTRODUCED BY SENATOR LINDSTROM. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 6, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2378, LEGISLATIVE JOURNAL PAGE 880.) [LB750]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR LINDSTROM, YOU'RE RECOGNIZED. [LB750]

SENATOR LINDSTROM: THANK YOU, MR. PRESIDENT. LB750 IS A BILL TO PROTECT HEALTHCARE PROFESSIONALS LICENSED UNDER THE UNIFORM CREDENTIALING ACT FROM RETALIATION. HEALTHCARE PROFESSIONALS LICENSED UNDER THE UNIFORM CREDENTIALING ACT ARE MANDATED TO REPORT CERTAIN BEHAVIORS AND EVENTS THAT CAN BE A MATTER OF PUBLIC SAFETY AND HEALTH. LB750 PREVENTS RETALIATION FOR REPORTING THESE BEHAVIORS. LB750 ALSO CLARIFIES CONFIDENTIALITY REQUIREMENTS REGARDING REPORTS MADE UNDER THE ACT, ENSURING THAT IDENTITY OF THE COMPLAINANT IS KEPT CONFIDENTIAL. THIS WILL ALSO HELP TO PREVENT RETALIATION IN THE WORK FORCE. WE WORKED WITH DHHS TO MAKE SURE THE LANGUAGE IN THE BILL WORKS FOR THEM, AS THEY ARE THE AGENCY RESPONSIBLE FOR THE PROVISIONS UNDER THE UNIFORM CREDENTIALING ACT. THE COMMITTEE AMENDMENT REFLECTS THIS WORK. I ASK YOU TO VOTE GREEN ON LB750 AND THE COMMITTEE AMENDMENT THAT FOLLOWS. THANK YOU. [LB750]

SENATOR KRIST: THANK YOU, SENATOR LINDSTROM. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR CAMPBELL, AS THE CHAIR OF HEALTH AND HUMAN SERVICES, YOU'RE RECOGNIZED TO OPEN. [LB750]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM2378 INCORPORATES CHANGES SUGGESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND A MALPRACTICE INSURANCE COMPANY. THE AMENDMENT REPLACES THE BILL. IT MAKES SEVERAL CHANGES TO REFLECT THE REALITIES OF REPORTING AND INVESTIGATIONS INTO WHISTLE-BLOWER REPORTS. DHHS REQUESTED THE REMOVAL OF THE DEFINITION OF RETALIATION. DHHS ALSO REQUESTED SEVERAL CHANGES TO MIRROR EXISTING LANGUAGE REGARDING PUBLIC RECORDS. THE AMENDMENT STRIKES SECTIONS 13 AND 14 RELATED TO REPORTS MADE BY HEALTHCARE FACILITIES AND MOVES THE NONDISCRIMINATION OR

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RETALIATION LANGUAGE WITHIN THE HEALTH CARE FACILITY LICENSURE ACT TO AN EXISTING STATUTE REGARDING COMPLAINTS AGAINST THE FACILITY. FINALLY, THE AMENDMENT REMOVES ORIGINAL SECTIONS 5 AND 9 WHICH ENSURE FRIVOLOUS CLAIMS ARE NOT MADE WHILE STILL PROTECTING THE CONFIDENTIALITY OF WHISTLE-BLOWERS. AND I THANK SENATOR LINDSTROM FOR A LOT OF BACKGROUND WORK TO GET US TO THIS POINT. THANK YOU, MR. PRESIDENT. [LB750]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. THOSE WISHING TO SPEAK: SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB750]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I JUST WANT TO RISE IN SUPPORT OF LB750, AND THANK SENATOR LINDSTROM FOR HIS HARD WORK ON THIS ISSUE AND THANK DHHS AND SENATOR CAMPBELL FOR WORK ON THE AMENDMENTS AND GETTING THIS BILL READY FOR US TO PASS. IT'S REALLY A CRITICAL ISSUE AND WE HAD TESTIMONY DURING THE HEARING FROM SEVERAL NURSES WHOSE CAREERS WERE CHALLENGED BY THEIR EFFORTS TO STAND UP WHEN THEY NEEDED TO, AND IT'S VERY IMPORTANT TO MAKE SURE THAT THE NURSES CAN DO THE MANDATORY REPORTING THAT'S REQUIRED WITHOUT HAVING ANY HARM DONE TO THEIR CAREERS. AND SO I THANK SENATOR LINDSTROM AND I ALSO THANK HHS AND SENATOR CAMPBELL FOR THEIR WORK ON THIS BILL, AND URGE YOUR GREEN LIGHT. THANKS. [LB750]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2378. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB750]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB750]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR LINDSTROM WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB750 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB750]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB750]

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SENATOR KRIST: LB750 ADVANCES. NEXT ITEM. [LB750]

ASSISTANT CLERK: LB816, INTRODUCED BY SENATOR SCHEER. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 8, WAS REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE, PLACED ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2336, LEGISLATIVE JOURNAL PAGE 885.) [LB816]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR SCHEER, YOU'RE RECOGNIZED. [LB816]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. LB816 CHANGES THE REQUIREMENTS THAT CURRENTLY GOVERN THE EXCHANGE OF HEALTH INFORMATION FOR INDIVIDUALS SERVED IN NEBRASKA'S INSTITUTIONS AND ITS REPORTING RESPONSIBILITIES. AT THIS TIME NEBRASKA LAW IS FAR MORE RESTRICTIVE THAN THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT, I.E., HIPAA. THE BILL ALIGNS THE STATE LAW WITH HIPAA REQUIREMENTS WHICH PROVIDE FOR THE MECHANISM FOR PATIENT PRIVACY AND ALSO ALLOW FOR CERTAIN SHARING OF INFORMATION. THIS BILL ALSO PROPOSES TO ELIMINATE THE DHHS REPORTING REQUIREMENT SUMMARIZING THE ANNUAL REPORTS RELATED TO THE IMPLEMENTATION OF THE CHILDREN'S BEHAVIORAL HEALTH HOT LINE AND THE FAMILY NAVIGATOR PROGRAM AND THE POSTADOPTION/POSTGUARDIANSHIP SERVICES. LB816, WITH THE COMMITTEE AMENDMENT, AM2336, WAS ADVANCED OUT OF HEALTH AND HUMAN SERVICES ON A 7-0 VOTE. I WOULD URGE YOUR SUPPORT OF LB816 AND THE COMMITTEE AMENDMENT, AM2336. THANK YOU, MR. PRESIDENT. [LB816]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR CAMPBELL, AS THE CHAIR OF HEALTH AND HUMAN SERVICES, YOU'RE RECOGNIZED TO OPEN ON YOUR COMMITTEE AMENDMENT. [LB816]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM2336 SIMPLY STRIKES THE WORD "POTENTIAL" FROM THE BILL. THIS CHANGE ENSURES RECORDS ARE AVAILABLE ONLY TO PROVIDERS WITH AN ESTABLISHED PATIENT RELATIONSHIP, AS REQUIRED UNDER HIPAA. THE CHANGE WAS APPROVED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. THE AMENDMENT AND LB816 WERE ADVANCED UNANIMOUSLY, AS SENATOR SCHEER INDICATED. THANK YOU, MR. PRESIDENT. [LB816]

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SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. YOU'VE HEARD THE OPENING. SENATOR HOWARD, YOU'RE RECOGNIZED. [LB816]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF AM2336 AND LB816. THE ORIGINAL GREEN COPY OF THE BILL HAD THE WORD "POTENTIAL" IN IT, WHICH WAS NOT A HIPAA COMPLIANCE LANGUAGE BUT, RATHER, IT WAS A HIPAA BYPASS. AND SO WE HAD TO REMOVE THE WORD "POTENTIAL" TO ENSURE THAT THERE WAS A BONA FIDE PROVIDER-PATIENT RELATIONSHIP TO ENSURE HIPAA COMPLIANCE FOR THIS BILL. SO I WOULD URGE YOUR ADOPTION OF AM2336 AND LB816. THANK YOU, MR. PRESIDENT. [LB816]

SENATOR KRIST: THANK YOU, SENATOR HOWARD. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL WAIVES CLOSING. QUESTION IS THE ADOPTION OF AM2336. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB816]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT. [LB816]

SENATOR KRIST: AMENDMENT IS ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB816 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB816]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB816]

SENATOR KRIST: LB816 ADVANCES. NEXT ITEM. [LB816]

ASSISTANT CLERK: LB952, INTRODUCED BY SENATOR WATERMEIER. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 13 OF THIS YEAR, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE. COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2358, LEGISLATIVE JOURNAL PAGE 887.) [LB952]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB952]

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SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. TODAY I BRING YOU LB952. LB952 WOULD ALTER THE MAKEUP OF THE BOARD OF EMERGENCY MEDICAL SERVICES. CURRENTLY THE 17-MEMBER BOARD MUST ONLY INCLUDE 1 MEMBER WHO IS A VOLUNTEER EMERGENCY MEDICAL CARE PROVIDER. MY PROPOSAL WILL INCREASE THE NUMBER OF VOLUNTEERS ON THE BOARD TO THREE. LB952 DOES NOT INCREASE THE OVERALL BOARD MEMBERSHIP, BUT WILL ENSURE BETTER REPRESENTATION OF RURAL NEBRASKA. APPROXIMATELY 55 PERCENT OF ALL FIRE AND EMS CALLS ARE RESPONDED BY VOLUNTEERS. FURTHERMORE, GEOGRAPHICALLY OVER 72 PERCENT OF THE STATE IS PROTECTED BY VOLUNTEER FIRE AND EMS RESPONDERS. THEREFORE, I THINK IT IS ONLY APPROPRIATE TO HAVE AT LEAST THREE VOLUNTEERS ON THE EMS BOARD. LB952 IS THE RESULT OF AN INTERIM STUDY, LR298, WHICH I INTRODUCED LAST YEAR TO EXAMINE ISSUES TO IMPROVE THE EMERGENCY MEDICAL SERVICES SYSTEM IN NEBRASKA. I PRESENTED DATA ON THE DECREASE IN EMTs IN NEBRASKA, AS WELL AS A LOWER NUMBER OF CANDIDATES TAKING THE EXAM. WE DISCUSSED THE DIFFICULTY IN RECRUITING AND RETAINING VOLUNTEERS AND REVIEWED THE EDUCATIONAL REQUIREMENTS FOR THE EMT EXAM AND THE ADDITIONAL TRAINING REQUIREMENTS. AS A RESULT OF THE INTERIM HEARING, THE NEBRASKA STATE VOLUNTEER FIREMEN'S ASSOCIATION BOARD OF DIRECTORS ESTABLISHED A COURSE OF ACTION. SOME OF THE ITEMS COULD BE HANDLED ADMINISTRATIVELY BUT SEVERAL REQUIRED LEGISLATION. LB952 REPRESENTS ONE OF THESE RECOMMENDATIONS. ANOTHER IS LB886, SENATOR DAVIS' PRIORITY BILL TO PROVIDE INCOME TAX CREDITS TO VOLUNTEER EMERGENCY RESPONDERS. AS INTRODUCED, LB952 WOULD ALSO REQUIRE COUNTIES TO HAVE JURISDICTION OVER EMS SERVICE. ALTHOUGH THIS TOPIC WARRANTS FURTHER CONSIDERATION, THE COMMITTEE AMENDMENTS STRIKE THIS PORTION FROM THE BILL, LEAVING ONLY THE INCREASE IN VOLUNTEERS ON THE EMS BOARD. AT THE PUBLIC HEARING, LARRY DIX, REPRESENTING NACO, TESTIFIED AGAINST LB952. HOWEVER, AS ADVANCED, THE COMMITTEE AMENDMENTS REMOVE NACO'S OPPOSITION AND HE HAS SUBMITTED A LETTER EXPLAINING THIS. NO ONE ELSE TESTIFIED AGAINST THE BILL AND IT WAS ADVANCED ON A 7 TO 0 VOTE FROM THE HHS COMMITTEE. AND I URGE YOUR FAVORABLE CONSIDERATION OF LB952. THANK YOU, MR. PRESIDENT. [LB952 LR298 LB886]

SENATOR KRIST: THANK YOU, SENATOR WATERMEIER. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR CAMPBELL, AS THE CHAIR OF HEALTH AND HUMAN SERVICES, YOU'RE RECOGNIZED TO OPEN. [LB952]

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SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM2358 STRIKES SECTION 1 OF THE BILL, WHICH REQUIRED THE COUNTY TO PROVIDE EMERGENCY MEDICAL SERVICES. THIS SECTION, AS SENATOR WATERMEIER EXPLAINED, WAS CONTROVERSIAL AND OPPOSED BY THE NEBRASKA ASSOCIATION OF COUNTY OFFICIALS. HOWEVER, NACO WAS SUPPORTIVE OF SECTION 2 OF THE BILL CHANGING THE MEMBERSHIP OF THE BOARD OF EMERGENCY MEDICAL SERVICES TO INCLUDE MORE VOLUNTEERS, AND THAT SECTION REMAINS. I ANTICIPATE THIS ISSUE WILL BE ON YOUR AGENDA IN THE FUTURE. THIS BILL DOES NOT RESOLVE THE ISSUE OF EMS AS AN ESSENTIAL SERVICE, BUT DOES ADVANCE THE DISCUSSION BY ENSURING MORE VOLUNTEER VOICES ARE HEARD ON THE EMS BOARD. THE BILL, AS AMENDED, ADVANCED FROM COMMITTEE UNANIMOUSLY, AND I URGE YOUR SUPPORT FOR THE AMENDMENT AND THE UNDERLYING BILL. THANK YOU, MR. PRESIDENT. [LB952]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. SEEING NO ONE WISHING TO SPEAK, SENATOR CAMPBELL WAIVES. AND THE QUESTION BEFORE YOU IS THE ADOPTION OF AM2358. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB952]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB952]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR WATERMEIER WAIVES CLOSING. QUESTION BEFORE YOU IS THE ADVANCEMENT OF LB952 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB952]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB952]

SENATOR KRIST: LB952 ADVANCES. LAST ITEM. [LB952]

ASSISTANT CLERK: MR. PRESIDENT, LB678, INTRODUCED BY SENATOR CRAIGHEAD. (READ TITLE.) BILL WAS INTRODUCED ON JANUARY 6; REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM2431, LEGISLATIVE JOURNAL PAGE 901.) [LB678]

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SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED. [LB678]

SENATOR CRAIGHEAD: THANK YOU, MR. PRESIDENT. HELLO AGAIN, COLLEAGUES. LAST ONE OF THE DAY: LB678 IS A BILL TO OFFICIALLY RECOGNIZE REAL ESTATE TEAMS IN THE NEBRASKA REAL ESTATE LICENSE ACT, SECTION 81-885.07. REAL ESTATE TEAMS HAVE BECOME AN INCREASINGLY LARGE SEGMENT OF THE REAL ESTATE INDUSTRY BUT ARE NOT DEFINED OR RECOGNIZED IN THE NEBRASKA REAL ESTATE ACT. AS A RESULT OF A JOINT TASK FORCE BETWEEN THE NEBRASKA REAL ESTATE COMMISSION AND THE NEBRASKA REALTORS ASSOCIATION, THE LEGAL PARAMETERS FOR THE OPERATION OF REAL ESTATE TEAMS WERE ESTABLISHED. LB678 WOULD DEFINE TEAM AND TEAM LEADER FOR PURPOSES OF REAL ESTATE LICENSEE REGULATION, AS WELL AS CREATE SUPERVISORY RESPONSIBILITIES FOR TEAM LEADERS. IT IS ANTICIPATED THAT FURTHER DEFINITION OF TEAM RESPONSIBILITIES UNDER THE REAL ESTATE LICENSE ACT WILL BE ACCOMPLISHED BY RULES AND REGULATIONS. FIVE OR TEN YEARS AGO A TEAM MIGHT HAVE BEEN A SMALL GROUP OF FAMILY MEMBERS, HUSBAND AND WIFE AND PERHAPS A CHILD OR TWO, OR A PAIR OF UNRELATED LICENSEES WORKING TOGETHER. MANY TEAMS IN CURRENT DAY CONSIST OF 20 OR MORE MEMBERS. TEAMS ARE MAKING GREATER EFFORTS TO BRAND AND DISTINGUISH THEMSELVES FROM OTHER LICENSEES, SOMETIMES LEADING TO CONFUSING ADVERTISING WHERE THE TEAM CAN EASILY BE MISTAKEN FOR A REAL ESTATE BROKERAGE. ALTHOUGH THE NEBRASKA REAL ESTATE COMMISSION HAS NOT HAD AN INORDINATE NUMBER OF TEAM-RELATED COMPLAINTS, BOTH THE COMMISSION AND THE INDUSTRY WANTED TO STAY AHEAD OF THE TEAMS ISSUE. THIS IS A TREND IN THE INDUSTRY NATIONWIDE. I HOPE YOU'LL VOTE YES ON LB678. THANK YOU. [LB678]

SENATOR KRIST: THANK YOU, SENATOR CRAIGHEAD. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SCHEER, AS THE CHAIR OF BANKING, COMMERCE AND INSURANCE, YOU'RE RECOGNIZED TO OPEN. [LB678]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. THE COMMITTEE AMENDMENTS TO LB678 WOULD MAKE THREE CHANGES TO THE BILL. FIRST, THE AMENDMENTS WOULD MAKE IT CLEAR THAT TEAM MEMBERS ARE ALWAYS SUBJECT TO THE OVERALL SUPERVISION OF THE DESIGNATED BROKER, AS WELL AS THE SUPERVISION OF THEIR TEAM LEADER. THIS RESULT WAS NOT OUTSIDE THE INTENT OF THE BILL AS INTRODUCED, BUT THE COMMITTEE THOUGHT IT WOULD BE HELPFUL TO STATE IT EXPLICITLY SO THERE WAS NO

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MISUNDERSTANDING. SECONDLY, THE AMENDMENT WOULD CREATE FOUR NEW UNFAIR TRADE PRACTICES IN THE REAL ESTATE LICENSE STATUTES, WHICH WOULD APPLY TO TEAM AND TEAM LEADERS. THOSE FOUR NEW UNFAIR TRADE PRACTICES WOULD BE: ONE, FAILING BY A TEAM LEADER TO PROVIDE A CURRENT LIST OF ALL TEAM MEMBERS TO HIS OR HER DESIGNATED BROKER; TWO, FAILING TO DESIGNATE...BY A DESIGNATED BROKER TO MAINTAIN A RECORD OF ALL TEAM LEADERS AND TEAM MEMBERS WORKING UNDER HIM OR HER; THREE, UTILIZING ADVERTISING WHICH DOES NOT PROMINENTLY DISPLAY THE NAME UNDER WHICH THE BROKER DOES BUSINESS AS FILED WITH THE COMMISSION; AND FOUR, UTILIZING TEAM ADVERTISING OR A TEAM NAME SUGGESTING THE TEAM IS AN INDEPENDENT REAL ESTATE BROKERAGE. THESE NEW UNFAIR TRADE PRACTICES WILL FORM STATUTORY STANDARDS IN WHICH THE REAL ESTATE COMMISSION CAN ADOPT RULES AND REGULATIONS TO ESTABLISH THE REGULATORY FRAMEWORK REGARDING TEAMS AND TEAM LEADERS. THIRD AND FINALLY, THE AMENDMENTS WOULD OMIT FROM THE BILL THE SECTION THAT WOULD PROVIDE THE REAL ESTATE COMMISSION "SHALL," RATHER THAN "MAY," ADOPT THE RULES AND REGULATIONS. THAT SECTION WAS A SOURCE OF CONFUSION AT THE HEARING AND IN EXECUTIVE SESSION. SO THE COMMITTEE OPTED TO DROP IT FROM THE BILL ALTOGETHER. THOSE ARE THE COMMITTEE AMENDMENTS. I WOULD URGE YOUR ADOPTION OF THE COMMITTEE AMENDMENTS AND ADVANCEMENT OF THE BILL. THANK YOU, MR. PRESIDENT. [LB678]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. SEEING NO ONE WISHING TO SPEAK, SENATOR SCHEER WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADOPTION OF AM2431. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB678]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB678]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO CLOSE. SHE WAIVES CLOSING. QUESTION IS THE ADVANCEMENT OF LB678 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB678]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB678]

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

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SENATOR KRIST: LB678 ADVANCES. I WANT TO THANK YOU FOR YOUR ATTENTION AND HELPING US MOVE QUICKLY TODAY. SPEAKER HADLEY WILL BE PROUD. ITEMS, MR. CLERK? [LB678]

ASSISTANT CLERK: YES, MR. PRESIDENT. FIRST OF ALL, AN ANNOUNCEMENT THAT THERE WILL BE A MEETING OF THE ELECTION TECHNOLOGY SPECIAL COMMITTEE UPON ADJOURNMENT IN ROOM 2102. YOUR COMMITTEE ON EDUCATION, WHOSE CHAIRPERSON IS SENATOR SULLIVAN, REPORTS LB1066 TO GENERAL FILE WITH AMENDMENTS. NEW A BILLS. (READ LB1032A BY TITLE FOR THE FIRST TIME.) NEW RESOLUTION, LR497 BY SENATOR WATERMEIER; THAT WILL BE LAID OVER. AMENDMENTS TO BE PRINTED: SENATOR STINNER TO LB774, SENATOR MELLO TO LB1081. NAME ADDS: SENATOR CAMPBELL TO LB843. (LEGISLATIVE JOURNAL PAGES 1095-1099.) [LB1066 LB1032A LR497 LB774 LB1081 LB843]

AND FINALLY, A PRIORITY MOTION: SENATOR KUEHN WOULD MOVE TO ADJOURN UNTIL MONDAY, MARCH 21, 2016, AT 9:00 A.M.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. WE ARE ADJOURNED UNTIL MONDAY MORNING. AND JUST AS A REFERENCE, IT'S 9:00 MONDAY MORNING; 9:00 ON MONDAY MORNING.