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Floor Debate
April 20, 2017

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixty-eighth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Pastor Bob Lawrence of the Auburn Church of Christ in Auburn, Nebraska, Senator Watermeier's district. Please rise. Please rise.

PASTOR LAWRENCE: (Prayer offered.)

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

CLERK: I have a quorum present, Mr. President.

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

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

CLERK: I have neither messages, reports, nor announcements at this time, Mr. President.

PRESIDENT FOLEY: Speaker Scheer, you're recognized.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, today is consent agenda. As you've looked, we have a large number of bills to go through today. It will run essentially the same as any other bill, although I would like to remind people that although you still have a ten-minute introduction, the vast, vast majority of these bills will not need a ten-minute introduction. So in the essence of times, please review whatever you are thinking about talking about in your introduction and try to minimize so that we are able to get through this

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without burning the midnight oil. So again, just a refresher course: consent agenda is bills that hopefully will not take a lot of time and we'll be able to move through on a fairly rapid basis. So please review what you are planning on saying if you have bills up and make sure that we're only saying what we need to. We don't have to love the bills to death today. We just need to pass them. So thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. (Visitors introduced.) We'll now proceed to the agenda. First item, legislative confirmation report. Mr. Clerk.

CLERK: Mr. President, the Natural Resources Committee reports on the appointment of Greg Moen to the Nebraska Power Review Board. (Legislative Journal page 1042.)

PRESIDENT FOLEY: Senator Bostelman, I understand you're going to handle this report for us.

SENATOR BOSTELMAN: That's correct, Mr. President.

PRESIDENT FOLEY: You're recognized, sir.

SENATOR BOSTELMAN: Thank you. Good morning, Nebraska. Good morning, colleagues and members of the Legislature. I present for your approval the appointment of Greg Moen to the natural (sic--Nebraska) Power Review Board. Greg came before the Natural Resources Committee for his confirmation hearing on April 12, 2017. Mr. Moen lives in Norfolk, Nebraska, and is an employee...and is employed as a maintenance and engineering manager at Nucor Steel. Mr. Moen is excited to serve in this role on the board and conveyed his desire to maintain an economical future for Nebraska. The Nebraska Power Review Board is comprised of five members, all appointed by the Governor. The board must include an engineer, an attorney, an accountant, and two laypersons, with no geographic boundary restrictions. Mr. Moen is filling one of the lay member roles on the board. The Nebraska Power Review Board is a state agency created in 1963 to regulate Nebraska's publicly owned electric utility industry. As we know, Nebraska is the only state in the country served entirely by consumer-owned power entities. These utilities include public power districts, cooperatives, and municipalities. The board's duties and responsibilities are set out in Chapter 70, Article 10 of the Nebraska Revised Statutes. One of the board's main responsibilities is creation of certification of retail and wholesale service area agreements between electric utilities operating in Nebraska. Any amendments to existing agreements must be approved by the board. The board also maintains the official records pertaining to these agreements which establish the geographic territory in which each utility operating in Nebraska has the exclusive right to serve customers. The committee advanced Mr. Moen's appointment by an 8-0 vote. I ask for your confirmation of Mr. Greg Moen to the Nebraska Power Review Board.

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PRESIDENT FOLEY: Thank you, Senator Bostelman. Debate is now open on the confirmation report. Senator Larson.

SENATOR LARSON: Will Senator Bostelman yield to a question?

PRESIDENT FOLEY: Senator Bostelman, would you yield, please?

SENATOR BOSTELMAN: Yes.

SENATOR LARSON: Senator Bostelman, during...I know the Power Review Board is...handles a number of different things, including municipalities that want to build power projects, correct?

SENATOR BOSTELMAN: I believe so.

SENATOR LARSON: Okay. Were any questions asked? I know there's a few...NPPD is essentially challenging a few municipalities across the...or, you know, in taking them to the Power Review Board and objecting because these municipalities refuse to...want to build their own power generation instead of buying it from NPPD. And that's causing a lot of consternation among these municipalities. And so NPPD is challenging those municipalities because they want them to buy NPPD power. Was that asked of this appointment, what his thoughts on that are or any of that? Even though these municipalities do have the right, that there is a little bit of consternation developing and that is going to go to the Power Review Board. But were any of those questions asked about this nominee's appointment, what he feels about that or anything of that nature?

SENATOR BOSTELMAN: Specifically to NPPD and any municipalities in (inaudible)...

SENATOR LARSON: Or just like what were the questions asked of him? Just like what were the questions asked of him like in terms of did...were any of those questions asked or...?

SENATOR BOSTELMAN: I think questions were asked was what, you know, what his background was, what his qualifications were, you know, a general overview of if he had any thoughts on what the Power Review Board, you know, their roles and functions...

SENATOR LARSON: Okay.

SENATOR BOSTELMAN: ...I believe is what was asked.

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SENATOR LARSON: All right. I was just wondering if that was asked of him by anybody on the committee. If not, I understand. I thank you.

SENATOR BOSTELMAN: Okay.

PRESIDENT FOLEY: Thank you, Senators Larson and Bostelman. Seeing no further debate, Senator Bostelman, you're recognized to close on the report. He waives closing. The question before the body is the adoption of the report of the Natural Resources Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1091-1092.) 36 ayes, 0 nays, Mr. President, to adopt the confirmation report.

PRESIDENT FOLEY: The confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, the Special Committee--Senators Watermeier, Bolz, Crawford, Hughes, Kuehn, McCollister, and Scheer--would move that the Legislature, in accord with the findings and recommendations contained in the Report of the Special Committee regarding the Election Challenge to the Qualifications of Ernie Chambers, dismiss the challenge to the qualifications of Senator Chambers and seat Ernie Chambers as a member of the One Hundred Fifth Legislature representing the 11th Legislative District. I might indicate to the membership a copy of the report may be found in Legislative Journal on 1090. We also have copies at the front desk here. Copies were distributed last week when the report was filed. (Legislative Journal page 1092.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Watermeier, you're recognized.

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraskans. You have all received a copy, as the Clerk mentioned, of the report of the Special Committee that was created to consider the elections challenge to the qualifications of Senator Chambers. A copy of the report is also found in the Journal on page 1032 and there are copies up front. I would like to begin my comments by providing you with the background of this qualifications challenge. After the November 8 election, in which Senator Chambers received over 80 percent of the vote, Mr. John Sciara, the unsuccessful candidate for District 11, filed a Petition of Qualifications Challenge questioning Senator Chambers' qualifications to represent District 11 in the Nebraska Legislature. Such challenges by a candidate are authorized by statute and Legislative Rule 10. In his position, Mr. Sciara alleged that Senator Chambers was not qualified to represent District 11 because he had not met...because he had not met the residency requirements of residing in the district for one year before he was elected. Pending the outcome of the challenge, Senator

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Chambers was conditionally seated, as provided by law, on January 4, 2017. In response to the filing of the petition and as required by Rule 10, the issue was referred to the Referencing Committee, which in turn created a Special Committee. The members of that committee include Senator Bolz, Senator Crawford, Senator Hughes, Senator Kuehn, Senator McCollister, Senator Scheer, and myself. After holding a hearing on April 7, 2017, and after considering the evidence and the testimony offered, the committee submitted its final report, dated April 12, 2017. The report recommends that Mr. Sciara's petition be dismissed. In summarizing the evidence that the committee considered, which is described more thoroughly in the report and you're welcome to read that, Senator Chambers has resided in different addresses throughout his legislative career all, in District 11. In addition to his own testimony, Senator Chambers offered several exhibits that the committee believed supported the conclusion that Senator Chambers resides in District 11. Mr. Sciara did not offer any exhibits or witnesses to rebut Senator Chambers' evidence. In a qualifications challenge the burden of proof is on the party disputing the election results. That burden is to prove, by the greater weight of evidence, that Senator Chambers actually domiciles somewhere other than in District 11. It is the Special Committee's finding that Mr. Sciara did not meet his burden of proof. In applying Nebraska law, the Nebraska Supreme Court has determined that the terms "residence" and "domicile" are interchangeable terms, and that residency or domicile is determined by the person's subjective intent supported by objective facts. In other words, the person establishes his or her domicile by physical presence in the place and his or her intent to remain there. Nebraska law also recognizes that a person may have two places of residence, but only one of them may be his or her domicile. The mere residing at a different place is insufficient to acquire domicile. Furthermore, the Nebraska Supreme Court has found that a particular significance in determining a person's domicile is the act of registering to vote. Senator Chambers has been a registered voter in District 11 since 1960. The Special Committee found that the greater weight of evidence shows that Senator Chambers was domiciled in District 11 for the term of one year before his election, as required by the Nebraska Constitution. Even when viewed in the most favorable light, the committee determined that Mr. Sciara's evidence did not support his contention that Senator Chambers' domicile is somewhere other than District 11. The Special Committee unanimously concluded that the challenger, John Sciara, did not meet his burden of proof. The committee further concluded that Senator Chambers has resided within District 11 for the term of one year before his election. The committee, therefore, recommends that the Legislature deny Mr. Sciara's qualifications challenge and dismiss his petition. In conclusion, I would like to thank the members of the Special Committee for their time and their thoughtful deliberations. I'd also like to thank Judge William Connolly for his legal assistance. I would ask members of the Legislature to adopt the Special Committee's report, dismiss the qualifications challenge, and permanently seat Senator Chambers. Thank you, Mr. President.

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PRESIDENT FOLEY: Thank you, Senator Watermeier. Debate is now open on the report of the Special Committee. Seeing no members wishing to speak, Senator Watermeier, you're recognized to close.

SENATOR WATERMEIER: I'd just like to add thanks again to the committee, thanks to the Clerk, and office in the building. We have done a lot of work on this. It took us a little longer than what we had liked to, but in the end I think we came to the conclusion that we needed to as far as what was presented to us. So thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Watermeier. Members, the question before the body is the adoption of the Special Committee's Report on the Qualifications Challenge. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of the report. The report is adopted. Proceeding now to consent calendar, General File. Mr. Clerk.

CLERK: Mr. President, with your permission, if I may read a couple of items before?

PRESIDENT FOLEY: Yes, please do.

CLERK: Thank you. A new resolution: Senator Halloran offers LR106, LR107, and LR108, and those will be laid over at this time. (Legislative Journal pages 1092-1094.) [LR106 LR107 LR108]

Mr. President, General File consent calendar. The first bill, LB234, bill originally introduced by Senator Smith. (Read title.) Introduced on January 11, referred to Revenue. I have no amendments to the bill. [LB234]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Smith, you're recognized to open on LB234. [LB234]

SENATOR SMITH: Thank you, Mr. President. And good morning, colleagues. LB234 is the Revenue Committee's annual conformity bill. The bill conforms us to the basic provisions of the Internal Revenue Code. It ties us to the Federal Code as it exists on the effective date of this bill with certain specified exceptions, including the statute sections listed in Section 1 of the bill that govern Nebraska's individual and corporate income taxes and the statute sections listed in Section 1 of the bill that govern Nebraska's business tax incentive programs. That is the purpose of the bill. Colleagues, I ask you to vote green on LB234. Thank you. [LB234]

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PRESIDENT FOLEY: Thank you, Senator Smith. Debate is now open on LB234. Seeing no senators wishing to speak, Senator Smith, you're recognized to close. He waives closing. The question before the body is the advance of LB234 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB234]

CLERK: 43 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB234]

PRESIDENT FOLEY: LB234 advances. Next bill, Mr. Clerk. [LB234]

CLERK: LB255 is a bill introduced by Senator Crawford. (Read title.) Introduced on January 11, referred to Health and Human Services, advanced to General File. There are committee amendments, Mr. President. (AM91, Legislative Journal page 448.) [LB255]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Crawford, you're recognized to open on LB255. [LB255]

SENATOR CRAWFORD: Thank you, Mr. President. And good morning, colleagues. I want to thank Speaker Scheer for selecting LB255 as a consent calendar bill, and I'm honored to be here today to introduce the bill for your consideration. LB255 would adopt the Dialysis Patient Care Technician Registration Act. The bill establishes a registry for dialysis patient care technicians, or PCTs. PCTs work under the direct supervision of a registered nurse who is required to be at the dialysis facility. The registered nurse is responsible for making decisions and providing guidance at any time the treatment varies from normal parameters or the patient's condition becomes unstable. There are currently 37 outpatient dialysis facilities in Nebraska, all of which employ dialysis patient care technicians. LB255 resolves an issue that started in May of 2015. The challenge centered on the legal issue of delegation of care to the patient care technicians in Nebraska without a form of licensure or credentialing for the profession. This led to conversations about the best path forward among stakeholders to ensure safe and cost-effective utilization of dialysis patient care technicians in the administration of dialysis. LB255 is the result of those conversations. LB255 creates the Dialysis Patient Care Technician Registry in order to maintain an updated record of the registered dialysis patient care technicians in the state. It also ensures that the PCTs can enter the work force and advance their training and certification safely on the job, and that practicing PCTs maintain their certification and that PCTs can continue to serve Nebraskans receiving dialysis in a safe way. It's been recommended by the Board of Nursing, as well as the State Board of Health and the Chief Medical Officer through the 407 process, that dialysis patient care technicians are registered with the requirements for registration as outlined in LB255. LB255 also has a broad coalition of support, including the Nebraska Hospital Association, the Nebraska Medical Association, the Nebraska Nurses...Nursing Association, the Nebraska Kidney Coalition, and the Nebraska Kidney

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Association. With that, colleagues, I thank you for your time and encourage you to vote green on LB255. [LB255]

PRESIDENT FOLEY: Thank you, Senator Crawford. As the Clerk indicated, there are amendments from Health and Human Services Committee. Senator Riepe, you're recognized. [LB255]

SENATOR RIEPE: Mr. President, fellow colleagues, AM91 adds the emergency clause to LB255. LB255 ensures the delivery of safe, cost-effective care for patients receiving outpatient hemodialysis. LB255 does this by regulating dialysis patient care technicians. Dialysis patient care technicians completed its 407 review January 30, 2017. I ask for your green vote on AM91 and LB255. Thank you, Mr. President. [LB255]

PRESIDENT FOLEY: Thank you, Senator Riepe. Debate is now open on LB255 and the committee amendment. Senator Riepe, you're recognized to close on the committee amendment. He waives closing. The question before the body is the adoption of AM91, the committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB255]

CLERK: 32 ayes, 0 nays on adoption of committee amendments. [LB255]

PRESIDENT FOLEY: Committee amendment is adopted. Continuing debate. Senator Crawford, you're recognized to close on LB255. She waives closing. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB255]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB255. [LB255]

PRESIDENT FOLEY: LB255 advances. Next bill, Mr. Clerk. [LB255]

CLERK: Mr. President, LB255A is a bill by Senator Crawford. (Read title.) [LB255A]

PRESIDENT FOLEY: Senator Crawford, you're recognized to open on LB255A. [LB255A]

SENATOR CRAWFORD: Thank you, Mr. President. Good morning, colleagues. LB255A is the A bill that appropriates the cash funds for this bill. So this is not a General Fund appropriated A bill. It's a cash fund A bill. I urge your green vote. Thank you. [LB255A]

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PRESIDENT FOLEY: Thank you, Senator Crawford. Seeing no members wishing to speak, Senator Crawford, you're recognized to close. She waives closing. The question before the body is advance of LB255A to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB255A]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB255A. [LB255A]

PRESIDENT FOLEY: LB255A advances. Next bill, Mr. Clerk. [LB255A]

CLERK: LB455, introduced by Senator Quick. (Read title.) Introduced on January 17, referred to Urban Affairs, advanced to General File. I have no amendments to the bill. [LB455]

PRESIDENT FOLEY: Senator Quick, you're recognized to open on LB455. [LB455]

SENATOR QUICK: Thank you, Mr. President. LB455 would amend the State Electrical Act, to update the state electrical code to the 2017 edition of National Electrical Code. The current state electrical code is the 2014 edition of the National Electrical Code. The state electrical code is found in the State Electrical Act, and primary enforcement of the code is provided by the State Electrical Division. Since the act was passed in 1975, the state electrical code has been the National Electrical Code, which is promulgated by the National Fire Protection Association. The NAC is updated on a three-year cycle and historically the State Electrical Division will have a bill introduced to update the state electrical code every three years. LB455 would update the state electrical code to the 2017 edition of the NAC. Thank you, Mr. President. And I would encourage everybody to vote green on this bill. [LB455]

PRESIDENT FOLEY: Thank you, Senator Quick. Debate is now open on the bill. Senator Quick, you're recognized to close. He waives closing. The question before the body is the advancement of LB455 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB455]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB455. [LB455]

PRESIDENT FOLEY: LB455 advances. Next bill, Mr. Clerk. [LB455]

CLERK: Mr. President, LB645 is a bill by Senator Pansing Brooks. (Read title.) Introduced on January 18, referred to the Education Committee, advanced to General File. There are committee amendments. (AM106, Legislative Journal page 555.) [LB645]

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PRESIDENT FOLEY: Senator Pansing Brooks, you're recognized to open on LB645. [LB645]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Members of the body, I'm proud and happy to open today on LB645, which adds a definition of dyslexia into state statute. But this legislation really does more than just add a definition. It sends a clear message that dyslexia is a specific learning disability that needs our attention. It is my hope that LB645 will be the first step in a more ambitious effort to later provide assessments and early interventions to improve reading outcomes for our kids in the state of Nebraska. I want to first give you a little background on how I became interested on this issue. My brother, Tom, has had dyslexia and was told he would not graduate from high school. My cousin, Virginia Johnson, was similarly treated by the schools. Thanks to the significant efforts of my mom and my aunt, my brother and cousin were able to overcome the most debilitating aspects of dyslexia and have thrived in their professions as lawyers. This disability definitely requires intervention from others. Next, I remember driving with my mother, when I was little, to Rochester, Minnesota, so she could go to the Mayo Clinic to study the Orton-Gillingham method for remediating children with dyslexia with my sister, Ginny Plummer. When she came back, my mom tutored teachers in Lincoln on this method, one teacher at a time. She then decided she needed to make a broader change and a more significant impact to more students. She then ran for the Lincoln Public Schools Board of Education and won. My mother shared her knowledge and expertise with teachers, volunteers, and parents. She helped form the Nebraska Chapter of the Orton-Gillingham Society and lobbied to incorporate this method of teaching dyslexic children into the Lincoln Public Schools' curriculum. While my mother is no longer with us, I am proud that I now have the opportunity as a State Senator to follow in her footsteps and tackle this important issue. When I first looked at introducing legislation, I wanted to add requirements for assessments and screening of children and also training for teachers who often struggle to meet these children's needs. But it soon became apparent to me that legislation along this front would require a financial investment from the state that would be tough to get through this year with the current budget deficit. I also noticed that, surprisingly, Nebraska did not have a definition of dyslexia in statute, although it does mention dyslexia. This seemed to be a necessary first step, so we worked with the Commissioner of Education, the Commissioner of Education, Matt Blomstedt, and dyslexia advocates on a definition. LB645 defines dyslexia as a specific learning disability that is neurobiological in origin, is characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities, typically resulting from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and effective classroom instruction. It has secondary consequences that may include problems in reading comprehension and reduced reading experience that may impede growth of vocabulary and background knowledge. However, these kids are generally bright kids. So they do need some extra support. I have also made copies for each of you of an excellent paper by Senator Linehan that she wrote called "Dyslexia in the Classroom." I think it's a wonderful example of and would provide some wonderful background knowledge for you if you're not

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familiar with dyslexia. After I introduced this bill, I was thrilled to hear of her interest in dyslexia legislation and we have decided that we will continue to work to address the issues of assessment screening and teacher training together for Nebraska children across the state. So in closing, I ask you to advance of LB645. There is an amendment that Senator Groene will speak about that's just a technical change. And I hope that you'll pass it on to Select File and take these...this important first step in addressing dyslexia. Thank you, Mr. Lieutenant Governor. [LB645]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. As the Clerk indicated, there are amendments from the Education Committee. Senator Groene, you're recognized. [LB645]

SENATOR GROENE: Thank you, Mr. President. Well, there's no amendment. I just wanted to clarify something to the folks and to my colleagues. The consent calendar is kind of misleading under LB645. It says, "Add dyslexia for purposes of special education." Dyslexia, if you look at the bill on page 5, or, I guess there is one amendment. I guess my staff...all right. I'm sorry. LaMont is gone for a funeral and he didn't tell me about an amendment. So give me a minute, would you? [LB645]

PRESIDENT FOLEY: It's AM106, Senator. [LB645]

CLERK: Senator, if I can help... [LB645]

SENATOR GROENE: I advise you to vote green on AM106. Thank you. [LB645]

PRESIDENT FOLEY: Thank you, Senator Groene. Debate is now open on the bill and the amendment. Senator Linehan. [LB645]

SENATOR LINEHAN: Thank you, Mr. President. And thank you, Senator Groene and Senator Pansing Brooks. This issue is very, very important to me. It's personal. It's affected my family. And it's...I have so many stories but I'll just start with one. I went to a meeting. There was a state school board member there--it's been two or three weeks ago--and they came over and said, I'm really impressed with your interest in children reading and I understand dyslexia and it's a cognitive problem. And I'm like, no, no, it's not a cognitive problem; it's quite the opposite. These kids don't have a cognitive problem. They have difficulties learning to read, which can be addressed at an early age so they can be very, very successful. If we don't...we need to fix this problem. I have been fighting it for decades with my own family, and I don't know why the schools resist it really. It's beyond me. Most kids that have difficulty reading, if they are exposed to intensive phonics early will do quite well. And if you consider the cost of not getting them

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help early, and then ending up in special education classes, the costs are astronomical if they end up in special ed classes. And they don't need to be in special ed classes. They just need extra help in learning how to read. So I agree with Senator Pansing Brooks. I'm thrilled that she brought this bill, but it's just a very small step. Because I have experienced this personally, too many schools will fight this. Teachers don't buy into it. And I don't even...I think we have issues in higher education, not across the board but with some, at the teachers college. So again, this is a small step. It's also why I have the K-3 reading bill. Senator Raikes was a great champion of public schools, and he is known for that and honored for that. But he also was a great champion of accountability. His efforts are why we have NeSIS testing today in Nebraska. His efforts led to the fact that every junior in Nebraska will take the ACT this spring so we'll really, truly have a measure of what the outcomes are for our students across the state in every school. And Senator Raikes was right in that effort. One of the kind of gaps in that, however, is from the kindergarten or, in many cases, a great number of kids, preschoolers now. So we have them in preschool, kindergarten, first grade, and second grade, and there is no testing, no kind of check on what's going on until they're at the end of the third grade. So I've talked to schools that are doing this, some are, and they use...they sit down with kids and they discover reading problems in kindergarten, and there is intensive help there, right there and then. There are schools that are doing this. They don't call it dyslexia because it's not been in the law. But we need to make sure that more schools are doing this, and I will stay focused on this. And I'd appreciate your consideration of making sure we get this done. And I would ask for your vote on both AM106 and LB645. Thank you. [LB645]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Kolterman. [LB645]

SENATOR KOLTERMAN: Good morning, Mr. President. Welcome, colleagues. I just want to rise in support of this bill and the amendment. Two years ago in HHS we heard a lot about dyslexia at one of our hearings and it really...it raised my awareness of the challenges that people with dyslexia face. And the fact of the matter is if we can help with early detection and get these young children help early on, that it will just enhance their ability to be more successful. So I'd like to thank Senator Pansing Brooks and Senator Linehan for their willingness to promote this and encourage everybody to vote green on both AM106 and LB645, and hope that we'll continue to look at this as something that can be put into our classrooms. Thank you. [LB645]

PRESIDENT FOLEY: Thank you, Senator Kolterman. Senator Groene. [LB645]

SENATOR GROENE: I'm trying to stay under Senator Scheer's 15 minutes. Thank you, Mr. President. I guess what I was going to say, I thought I was wrong when I was actually right. What I was going to say was the amendment. I just didn't know the number. Under the description, it says, "Add dyslexia for purposes of special education." What the amendment does

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is make clear to everybody that dyslexia was already covered, if you look on page 5, line 2. Under the Section 13: Specific learning disability means a disorder...not limited to perpetual (sic--perceptual) disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasi. It was already in there. What Senator Pansing Brooks has done is put it in to describe it, put the description of what dyslexia really is. It's a good bill. It allows special education people and people involved in education to understand exactly what it is and why it needs to be covered, because we found out a lot in the profession establishment, it's overlooked and it's being labeled something than what it is. So I would appreciate a green vote on AM106 and a green vote on LB645. Thank you. [LB645]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Baker. [LB645]

SENATOR BAKER: Thank you, Mr. Lieutenant Governor. I'm adding my support to this bill. As a longtime educator, a longtime superintendent, I stake my whole career early on, on the belief that the most important thing that we can accomplish in schools is to have students at or above grade level by the end of first grade. My belief is if we focus on that first and foremost, the student is more apt to feel successful in school and other things are going to fall into place. And, happily, that has played out that way. I became familiar with the Orton-Gillingham method in the early 1970s. That is one good way. There's others, too. But the focus on addressing dyslexia is appropriate and I fully support it. Thank you. [LB645]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Groene, you're recognized to close on the committee amendment. Waives closing. The question before the body is the adoption of the committee amendment, AM106. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB645]

CLERK: 33 ayes, 0 nays on adoption of committee amendments. [LB645]

PRESIDENT FOLEY: AM106, the committee amendment, is adopted. Senator Pansing Brooks, you're recognized to close on LB645. [LB645]

SENATOR PANSING BROOKS: Thank you. I just want to quickly thank Senator Groene. I'm sorry, I didn't realize that LaMont was gone and I should have prepared and notified you, so I'm sorry about that. And I thank you for your words today. And I also want to thank Senator Linehan for her passion and determination. I think it should be clear to educators across this state, loud and clear, that we are going to come to you, we are going to expect that this be done. This doesn't need a doctor's prescription. It needs certain markers of the kids can't read. That's the indication and the trigger that you must help those students. So Senator Linehan and I

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are...have a mind meld and are very passionate on making this available for children. Thank you, Mr. President. [LB645]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Members, you heard the debate on LB645. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB645]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB645]

PRESIDENT FOLEY: LB645 advances. Next bill, Mr. Clerk. [LB645]

CLERK: LB430 is a bill by Senator Smith. (Read title.) Introduced on January 13, referred to Health and Human Services, advanced to General File. There are committee amendments. (AM176, Legislative Journal page 638.) [LB430]

PRESIDENT FOLEY: Senator Smith, you're recognized to open on LB430. [LB430]

SENATOR SMITH: Thank you, Mr. President. Colleagues, I introduced LB430 on behalf of the Omaha Public Power District as part of the decommissioning process of Fort Calhoun Nuclear Station. The bill was heard by the Health and Human Services Committee on February 10 and was advanced unanimously. There is a committee amendment that clarifies language with respect to fees, which Senator Riepe will explain further. LB430 changes the Radiation Control Act with regard to inspections of active nuclear power plants. Specifically, the bill eliminates the responsibility of the Department of Health and Human Services to provide occupational, public health, safety, and environmental inspection services if a power plant meets the criteria of the bill, which includes permanent plant decommissioning. In November of last year, OPPD certified to the NRD that Fort Calhoun was permanently "defueled" and could no longer operate. There is a planned implementation date of April 2018 for the federal approval of its permanently "defueled" emergency plan. And therefore, inspections under the Radiation Control Act are no longer necessary nor is the associated fee. Colleagues, I urge you to please advance LB430. Thank you, Mr. President. [LB430]

PRESIDENT FOLEY: Thank you, Senator Smith. As the Clerk indicated, there are amendments from the Health Committee. Senator Riepe, you're recognized. [LB430]

SENATOR RIEPE: Thank you, Mr. President and colleagues. AM176 changes the fee for emergency response and environmental surveillance provided by nuclear power plants from \$53,000 to \$82,000. AM176 also changes the inflation adjustment date from July 1, 1997, to

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January 1, 2018. It adds sections that fee will not apply to a nuclear power plant that has started permanent plant decommissioning and no longer requires protective action; adds sections if a nuclear power plant is no longer subject to the fee, the fee for the remaining nuclear power plant shall not exceed the lesser of the actual cost of Department of Health and Human Services activities or \$110,000 annually. LB430 addresses the concerns of the decommissioning process of Fort Calhoun. We need to make sure Fort Calhoun is properly monitored as it is decommissioned. I ask you for a green vote on AM176 and a green vote on LB430. Thank you, Mr. President. [LB430]

PRESIDENT FOLEY: Thank you, Senator Riepe. Debate is now open on LB430 and the amendment. Senator Brasch. [LB430]

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor and Mr. President and colleagues. I stand in support of LB430 and AM176, but I'm standing because Fort Calhoun is in District 16. And the closing of this plant came with a heavy heart for the communities in Fort Calhoun and those who were a part of it. I had many tours there. We made it through the flooding along the Missouri River. We reconstructed the best we can, but I am under the understanding that the cost of keeping the plant open was prohibited. But I did want to say that the families and the communities that are a part of that will always be the best part of it. And thank you, colleagues. I will support this bill. [LB430]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Riepe, you're recognized to close on the committee amendment. He waives closing. The question before the body is the adoption of the committee amendment, AM176. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB430]

CLERK: 33 ayes, 0 nays on adoption of committee amendments. [LB430]

PRESIDENT FOLEY: AM176 is adopted. Continuing debate. Senator Smith, you're recognized for closing. He waives closing. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB430]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB430]

PRESIDENT FOLEY: LB430 advances. Next bill, Mr. Clerk. [LB430]

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CLERK: Mr. President, LB558 is a bill by Senator Schumacher. (Read title.) Introduced on January 18, referred to the Judiciary Committee, advanced to General File. I have no amendments to the bill. [LB558]

PRESIDENT FOLEY: Senator Schumacher, you're recognized to open on LB558. [LB558]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Both fire and knives are perhaps the oldest inventions of our species, and this one deals with knives. What makes fire or knives good or bad is how they are used or intended to be used. The Supreme Court a year ago pointed out an anomaly in our criminal law in which, if read literally, we say if you carry a knife with over...a blade 3.5 inches and it is not in the open, it's concealed in a box or whatever, you are guilty of carrying a concealed weapon. Somehow along the legislative process over the years, the element of how the knife is used or intended to be used vanished and, as a result, if you have a knife with a blade longer than 3.5 inches, which isn't very long, in your tackle box, if you have a bread knife in your picnic box, if you're carrying a knife set, gift wrapped to a wedding as a wedding gift, you are guilty of carrying a concealed weapon, irrespective of your intent. And the Supreme Court, in its Opinion, started out with: We decline to comment on the rationale for this legislative amendment. I think that was a pretty strong hint that we fix the problem. LB558 fixes the problem by adding back in how the knife is used or intended to be used is to be taken into consideration in determining whether you're guilty of a crime. With that, I'd encourage your support of this corrective amendment, or this corrective bill, and encourage a green light on LB558. [LB558]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Debate is now open on LB558. Senator Groene. [LB558]

SENATOR GROENE: I'll be quick so we get out of here. But you remember I had LB478 on the hunting with the arrows and then also that they could have a knife to dress their game? If we had been more organized, those two bills would have been together. This really needs to pass, as Senator Schumacher says. You need a steak knife once in a while to eat the deer after you dress it so...out. So, anyway, it's a very good bill and it really needs to be done to address what the Supreme Court said. Thank you, and that's all. And I'd appreciate a green vote on LB558 to help Senator Schumacher. [LB558 LB478]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: Thank you, Senator Groene. Seeing no one in the queue, Senator Schumacher to close. Senator Schumacher waives closing. Members, the question is advancement of LB558 to E&R for Initial. Have you all voted? Record, Mr. Clerk. [LB558]

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CLERK: 34 ayes, 0 nays on the advancement of the bill. [LB558]

SENATOR WATERMEIER: LB558 does advance. Next item. [LB558]

CLERK: LB315 is by Senator Murante. (Read title.) Introduced on January 12, referred to the Urban Affairs Committee, advanced to General File. I have no amendments to the bill. [LB315]

SENATOR WATERMEIER: Senator Murante to open. [LB315]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I introduced LB315 at the request of the city of Gretna. It was advanced unanimously by the Urban Affairs Committee. LB315 would eliminate the requirement that real property owned by cities of the second-class and villages can only be sold at public auction or by sealed bid. Under the bill, cities of the second-class and villages could convey real property by resolution directing the sale of such property. This mirrors requirements for cities of the first-class. I'd like to thank Chairman Justin Wayne for his help on this proposal and encourage your advancement of LB315. Thank you, Mr. President. [LB315]

SENATOR WATERMEIER: Thank you, Senator Murante. Seeing no one in the queue, Senator Murante to close. Senator Murante waives closing. Members, the question before the body is advancing LB315 to E&R Initial. All those in favor vote aye; those opposed vote green (sic-- nay). We'll have red and green votes, not all green, please. Have you all voted? Record, Mr. Clerk. [LB315]

CLERK: 33 ayes, 0 nays on the advancement of the bill, Mr. President. [LB315]

SENATOR WATERMEIER: LB315 does advance. Next item on the agenda. [LB315]

CLERK: LB159 is by Senator McCollister. (Read title.) The bill was introduced in January, referred to the Urban Affairs Committee, advanced to General File. There are committee amendments, Mr. President. (AM22, Legislative Journal page 348.) [LB159]

SENATOR WATERMEIER: Senator McCollister to open. [LB159]

SENATOR MCCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I want to thank Chairman Wayne and the Urban Affairs Committee for their unanimous vote to advance LB159 to General File. My thanks, as well, to Speaker Scheer for introducing this bill on the

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consent calendar. I introduced LB159 on behalf of the city of Omaha. The pages have distributed Omaha Mayor Jean Stothert's letter of support for LB159, as well as a statement prepared by the city of Omaha Public Works Department. LB159 received no opposition in its public hearing and has no fiscal impact to the state. LB159 would establish a payment schedule of at least ten but no more than ten (sic--20) years for special assessments over \$5,000 initiated by homeowner street improvement districts for improvements to streets, alleys, sewers, or sidewalks. The expanded time frame would make it easier for property owners, in conjunction with the city, to repay the cost of improving the designated infrastructure. Senator Wayne will introduce an E-clause amendment because some projects will soon need funding by the residents. Thank you, Mr. President. [LB159]

SENATOR WATERMEIER: Thank you, Senator McCollister. Senator Wayne is Urban Affairs, recognized to open on a committee amendment. [LB159]

SENATOR WAYNE: Thank you, Mr. President. And greetings, members of the Legislature. This committee amendment, AM22, simply clarifies the underlying bill, and the statutory sections only apply to the city of the metropolitan class. It also has the clause on it because McCollister's district and my district have the most unimproved or unpaved roads in the city of Omaha and it causes a lot of problems, not just with cars but there are a lot of issues overall that we need to address. So I appreciate Senator McCollister introducing this bill, and this committee amendment will just add to it. And with that, I will ask for a green vote and adopt AM22 as well as the underlying bill of LB159. Thank you, Mr. President. [LB159]

SENATOR WATERMEIER: Thank you, Chairman Wayne. Members, you've heard the opening on AM22 to LB159. Senator Wayne, you're recognized to close. Senator Wayne waives closing on AM22. Members, the question before the body is the advancement, excuse me...adoption of AM22 to LB159. All those vote aye, excuse me. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB159]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB159]

SENATOR WATERMEIER: The committee amendment is advanced. Senator McCollister for... [LB159]

CLERK: Senator. [LB159]

SENATOR WATERMEIER: Mr. Clerk. [LB159]

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CLERK: Excuse me, Mr. President. Senator McCollister, AM1097. (Legislative Journal page 1090.) [LB159]

SENATOR WATERMEIER: Senator McCollister to open on an amendment. [LB159]

SENATOR McCOLLISTER: Thank you, Mr. President. First of all, I misspoke on the opening. LB159 would establish a payment schedule of at least ten years but no more than 20 years. I need that clarification in the record. Now for the E-clause that I spoke of earlier, I am offering AM1097, which will add the emergency clause to LB159. There are now several street projects pending in Omaha for which the provisions in LB159 are needed now. I ask for your green vote on LB159 and AM1097. Thank you, Mr. President. [LB159]

SENATOR WATERMEIER: Thank you, Senator McCollister. Members, you've heard the opening on the amendment, AM1097, to LB159. Seeing no one in the queue, Senator McCollister to close. Senator McCollister waives closing on the amendment. The question before the body is advancement of AM1097 to LB159. All those in...excuse me. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB159]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of Senator McCollister's amendment. [LB159]

SENATOR WATERMEIER: The amendment is adopted. Seeing no one in the queue, Senator McCollister. Senator McCollister waives closing on LB159. The question before the body is the advancement of LB159 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB159]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB159]

SENATOR WATERMEIER: LB159 does advance. Next item. [LB159]

CLERK: LB138, a bill by Senator Lindstrom. (Read title.) Introduced January 9, referred to the Banking Committee, advanced to General File. I have no amendments to the bill. [LB138]

SENATOR WATERMEIER: Senator Lindstrom to open. [LB138]

SENATOR LINDSTROM: Thank you, Mr. President. LB138 comes to us from the Nebraska State Bar Association. This bill would add a definition to a part of our Nebraska Probate Code

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which contains the provisions of the Uniform Transfer on Death Securities Registration Act. These provisions provide that a security can be registered in beneficiary form which allows its ownership to pass to a designated beneficiary outside the owner's probate estate. These provisions currently define a security as, among other things, a share, participation, or other interest in business. However, as the Bar Association representative told us at the hearing, there's no definition of "business." This bill would supply one. Business would be defined as a corporation, partnership, limited liability company, limited partnership, limited liability partnership, or other legal or commercial entity. There were no...there was no opposition at the hearing and the Banking Committee advanced the bill on an 8-0 vote. I would urge my colleagues to advance LB138 to make the clarification to our nonprobate transfer statutes. Thank you. [LB138]

SENATOR WATERMEIER: Thank you, Senator Lindstrom. Members, you've heard the opening on LB138. Seeing no one in the queue, Senator Lindstrom waives closing on LB138. The question is, shall LB138 be advanced to E&R Initial? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB138]

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB138]

SENATOR WATERMEIER: LB138 does advance. Next item. [LB138]

CLERK: LB142 is a bill by Senator Williams. (Read title.) Introduced on January 9, referred to the Banking Committee, advanced to General File. I do have committee amendments. [LB142]

SENATOR WATERMEIER: Senator Williams to open. [LB142]

SENATOR WILLIAMS: Thank you, Mr. President. LB142 would make a few technical changes in the statutes governing the master lien list. By way of background, the master lien list is a central filing system for buyers of agricultural products to verify whether or not there is a lien against the farm products they are purchasing. If there is a lien on the products, the buyer would include the names of all persons or businesses with a secured interest in the product on the check used to purchase the product. This gives the buyer assurance and protection that the product they are purchasing is cleared from any liens. The buyer who purchases a farm product without checking the master lien list does so at their own risk. The primary users of the master lien list are co-ops, livestock auctions, and other agricultural businesses such as cattle feeders who are purchasing feed for their livestock. Historically, the Secretary of State's Office has compiled and distributed the master lien list via CD, microfiche, or paper. Last year the Legislature updated the statute to allow the Secretary of State to make the master lien list available electronically through their secure Web site. Under current law, all users of the master lien list are presumed to have

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received the list ten days after it was mailed by the Secretary of State. LB142 would clarify when a user is presumed to have received and has access to the list based on the delivery method. For those who obtain the master lien list electronically, they are presumed to have access to the list on the day it becomes available. For those who receive the list through the mail, they are presumed to have received it ten days after it was mailed by the Secretary of State--a simple but needed clarification. LB142 also would clarify that a change in the name or address of the secured party under the effective financing statement does not constitute a material change for which an amendment would otherwise be required. A change of the name or address of the secured party generally occurs when there is a merger or acquisition of a financial institution. A name and address change of the secured party does not change anything for the buyer of products. You will also notice, and it will be introduced, that we will have a very short amendment, AM179. In the discussion with the Livestock Marketers Association, we want to clarify for those that receive the master lien list via a compact disk, or CD, they are presumed under AM179 to have received the list through the mail and, therefore, are subject to the ten-day grace period. I would appreciate your support of AM179 and also the underlying bill, LB142. Thank you, Mr. President. [LB142]

SENATOR WATERMEIER: Thank you, Senator Williams. Mr. Clerk for an amendment. [LB142]

CLERK: Senator Williams would move to amend with AM179. (Legislative Journal page 897.) [LB142]

SENATOR WATERMEIER: Senator Williams, you're recognized to open. [LB142]

SENATOR WILLIAMS: As I mentioned in my opening, AM179 is just a clarification that when a user of the system chooses to receive a CD, that is under the mail definition so they have the ten days. Thank you, Mr. President. [LB142]

SENATOR WATERMEIER: Thank you, Senator Williams. Seeing no one in the queue, Senator Williams to close on your amendment. Senator Williams waives closing on the amendment. The question is, shall the amendment to LB142 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB142]

CLERK: 26 ayes, 0 nays on adoption of the amendment. [LB142]

SENATOR WATERMEIER: The amendment is adopted. Seeing no one in the queue, Senator Williams, closing. Senator Williams waives closing. The question is the advancement of LB142

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to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted?
Record, Mr. Clerk. [LB142]

CLERK: 29 ayes, 0 nays on the advancement of the bill. [LB142]

SENATOR WATERMEIER: LB142 does advance. Mr. Clerk. [LB142]

CLERK: LB20 was a bill originally introduced by Senator Kolterman. (Read title.) Introduced on January 5, referred to Revenue, advanced to General File. I have no amendments to the bill. [LB20]

SENATOR WATERMEIER: Senator Kolterman to open. [LB20]

SENATOR KOLTERMAN: Good morning, Mr. President, fellow colleagues. I'm here to ask for your support of LB20, a bill that changes provisions relating to homestead exemption certifications for nonservice disabled veterans. LB20 advanced out of the Revenue Committee unanimously with no opposing testimony. It also does not carry a fiscal note. Currently, veterans who are discharged or otherwise separated with the characterization of honorable or general...under honorable conditions and who are totally disabled by a nonservice accident or illness are required to annually submit certification of their disability to the county assessor in order to qualify for a homestead exemption. I passed out a tax form 458B and highlighted the section that this bill references. LB20 will allow this classification of veterans to not be required to submit certification in succeeding years if no change in medical condition has occurred, except at the discretion of the county assessor or Tax Commissioner. This bill will help alleviate some hardships for totally disabled veterans and can save time and money for someone who may be on a very tight budget. Service-connected veterans do not undergo an annual physical, so eliminating the requirement for nonservice-connected veterans would remove an unnecessary annual medical expense. So thank you and I would be happy to answer any questions you might have. [LB20]

SENATOR WATERMEIER: Thank you, Senator Kolterman. Members, you've heard the opening on LB20. Seeing no one in the queue, Senator Kolterman waives closing on LB20. The question is the advancement of LB20 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB20]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB20]

SENATOR WATERMEIER: LB20 does advance. Mr. Clerk, next item. [LB20]

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CLERK: LB63 was a bill originally introduced by Senator Scheer. (Read title.) Introduced on January 5, referred to the Revenue Committee, advanced to General File. I have no amendments to the bill. [LB63]

SENATOR WATERMEIER: Speaker Scheer to open on LB63. [LB63]

SPEAKER SCHEER: Thank you, Mr. President. Very quickly, colleagues, this is a tax exemption that political parties were provided, that they don't pay sales tax at events. I will tell you that most of those don't know that it exists. Everyone was paying sales tax for the most part to begin with so it really has no financial impact. You can look at the fiscal note. It was so small that they couldn't determine it. But I think if we as politicians and legislators are going to try to have others work on our budget problems, that we should be part of the solution as well, as well as the political parties. And I would also like to note that this bill was initially introduced by Senator Bloomfield in a previous session and was also there to testify, and I thank him for his interest as well. Thank you, Mr. President. [LB63]

SENATOR WATERMEIER: Thank you, Speaker Scheer. Members, you've heard the opening on LB63. (Visitors introduced.) Senator Erdman, you are recognized. [LB63]

SENATOR ERDMAN: Thank you, Mr. President. I was wondering if the Speaker would answer a couple of questions for me if he would. [LB63]

SENATOR WATERMEIER: Speaker Scheer for a question. [LB63]

SPEAKER SCHEER: Certainly. [LB63]

SENATOR ERDMAN: Speaker Scheer, explain to me how that works. If we have a fund-raiser and I sell hot dogs then I would have to charge sales tax on those hot dogs? [LB63]

SPEAKER SCHEER: Well, if you're selling them, yes, but that would be the same case now. It's just food that would be consumed. This is more...more to the point would be is if you had a fund-raiser at the Nebraska Club. They would, right now, you technically would not have to pay sales tax on that as a political event. Most political events right now are paying sales tax. Most people, most political parties don't even realize that it exists. This simply puts us with everyone else. If we're going to have an event, we will pay sales tax. [LB63]

SENATOR ERDMAN: Have you attended an event that you would have or should have paid sales tax if this was in place? [LB63]

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SPEAKER SCHEER: Have I attended an event that should have paid sales tax? [LB63]

SENATOR ERDMAN: If this exemption was removed, have you attended an event that you would have had to pay? [LB63]

SPEAKER SCHEER: Certainly. Sure. Absolutely. I've had an event before. [LB63]

SENATOR ERDMAN: How much revenue do you think this would generate? [LB63]

SPEAKER SCHEER: Well, again, I don't know how much because, consequently, most people are already paying the sales tax. But if you were to use, for example, one off the top of my head would be the Republican Salute to State Senators that most of us went to a month or six weeks ago. I don't know what it was per plate but it probably was, I'm going to guess, 25-30 bucks a plate. And if there were 1,000 people in there, that would be \$30,000 at 7 percent or whatever. You know, it could be a sizable amount at some of those. [LB63]

SENATOR ERDMAN: Didn't someone pay the sales tax on that food? [LB63]

SPEAKER SCHEER: No. I mean that specific one I could not tell you. Technically, they would not have had to. It was a political event. [LB63]

SENATOR ERDMAN: Okay. Thank you. [LB63]

SENATOR WATERMEIER: Thank you, Senator Erdman and Speaker Scheer. Senator Groene, you're recognized. [LB63]

SENATOR GROENE: Quickly, I stand in support of LB63. One of the biggest complaints you hear, the minor complaints but upsets the average people, is you hear Washington exempts themselves from the laws that they make us, the average people, obey. This is just a simple message to the people of Nebraska, we don't exempt ourselves from the taxes that they pay. An example would be if you had a caterer come in and cater an event. That politician's political action committee would not have to pay sales tax on it. Now they will. It's simple as that. I think your notices are going to change. Instead of \$1,000 a plate you're going to hear free food and a \$1,000 donation, but that's probably what will happen. But this is a good bill. It's a strong...it's a simple message to the citizens of Nebraska, we're not better than they are. Thank you. [LB63]

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SENATOR WATERMEIER: Thank you, Senator Groene. Seeing no one in the queue, Senator Scheer, you...Senator Scheer waives closing on LB63. The question is, before the body, advancement of LB63 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB63]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB63]

SENATOR WATERMEIER: LB63 does advance. Next item. [LB63]

CLERK: LB154 was a bill introduced by Senator Geist. (Read title.) Introduced January 9, referred to Natural Resources, advanced to General File. I have no amendments to the bill, Mr. President. [LB154]

SENATOR WATERMEIER: Senator Geist to open on LB154. [LB154]

SENATOR GEIST: Thank you, Mr. President and members of the Legislature. I'm pleased to introduce LB154 on behalf of the Department of Natural Resources to eliminate a \$10 filing fee for the Safety of Dams and Reservoirs Act. One portion of the act that the department administers requires the filing of documents with the department certifying the completion of each new dam. Since no specific fee is required in the act, the general statutory provision for the agency indicates miscellaneous \$10 fee specified in 33-105, Section 8 applies. This fee generates approximately \$350 annually for the Nebraska Department of Natural Resources. For this \$350, the department expends approximately 20 man-hours annually on administrative communications explaining the subject filing fee or attempting to collect the filing fee if the certification is tendered without the fee. Processing time of the received fees is additional. Ending this \$10 filing fee will allow existing Department of Natural Resources staff to do other more productive activities within the Dam Safety Division instead of expending time collecting and processing the fee. Elimination of this fee for the Safety of Dams and Reservoirs Act does not change or affect the minimum filing fees of \$10 for other filings to the department. LB154 received no opposition and was placed on General File with 8-0 vote from the Natural Resources Committee. I ask for your green vote on LB154. Thank you, Mr. President. [LB154]

SENATOR WATERMEIER: Thank you, Senator Geist. Members, you've heard the opening on LB154. Senator Erdman, you are recognized. [LB154]

SENATOR ERDMAN: Thank you, Mr. President. On the left side, way over here on the left side, Senator Schumacher and I were discussing this bill. And I was wondering if Senator Geist would answer a question. [LB154]

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SENATOR WATERMEIER: Senator Geist for a question. [LB154]

SENATOR GEIST: Yes, I would. [LB154]

SENATOR ERDMAN: We're pretty somber here this morning. I thought maybe we could use a little humor. So as I read this, it says we're going to eliminate those dam filing fees. Is that correct? (Laughter) [LB154]

SENATOR GEIST: Not all of them, just the \$10 fee. [LB154]

SENATOR ERDMAN: Yeah. But that's what it says here. [LB154]

SENATOR GEIST: Yes. That's correct. [LB154]

SENATOR ERDMAN: It says completion and certification for removing the dam filing fees. I appreciate that... [LB154]

SENATOR GEIST: It is, yes. [LB154]

SENATOR ERDMAN: ...and I'm going to vote for LB154. Thank you. [LB154]

SENATOR GEIST: (Laugh) Thank you, Senator Erdman. [LB154]

SENATOR WATERMEIER: Thank you, Senator Erdman and Senator Geist. Seeing no one in the queue, Senator Geist, you're recognized to close. Senator Geist waives closing. The question is the advancement of LB154 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB154]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB154]

SENATOR WATERMEIER: LB154 does advance. Next item. [LB154]

CLERK: LB176, is a bill by Senator Bostelman. (Read title.) Introduced on January 10, referred to the Natural Resources Committee, advanced to General File. Again, I have no amendments to the bill, Mr. President. [LB176]

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SENATOR WATERMEIER: Senator Bostelman to open. [LB176]

SENATOR BOSTELMAN: Thank you, Mr. President. I rise to introduce LB176. LB176 is a simple bill with a narrow objective--to repeal the archaic statutes of Chapter 56 authorizing the use of eminent domain powers to dam streams for the purposes of propelling water-powered machinery. Chapter 56 includes only six statutes, as the rest have already been repealed. These six statutes all originated in the nineteenth century prior to the enactment of the current appropriation system for water rights. The Chapter 56 statutes are cross-referenced with more modern eminent domain statutes in Section 76-704 to 76-724 but are archaic in subject matter and are unnecessary as today dams built to raise head for water power or electric power, millponds, are subject to regulation by other state and federal statutes, rendering Chapter 56 unnecessary. The last annotated litigation of the Chapter 56 authorities was in the 1920s. I introduced this legislation on behalf of the Department of Natural Resources and this bill was unanimously voted out of committee with no opposition testimony at the hearing. Therefore, I ask for your green vote in support on LB176. [LB176]

SENATOR WATERMEIER: Thank you, Senator Bostelman. Members, you heard the opening on LB176. (Visitors introduced.) Seeing no one in the queue, Senator Bostelman. Senator Bostelman waives closing. The question is the advancement of LB176 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted. Record, Mr. Clerk. [LB176]

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB176]

SENATOR WATERMEIER: LB176 does advance. Next item. [LB176]

CLERK: LB383 is a bill by Senator Quick. (Read title.) Introduced on January 13, referred to Urban Affairs, advanced to General File. There are committee amendments, Mr. President. (AM49, Legislative Journal page 393.) [LB383]

SENATOR WATERMEIER: Senator Quick, you're recognized to open. [LB383]

SENATOR QUICK: Thank you, Mr. President. LB383 would allow a regular or alternate member of a planning commission for a city of the first-class, city of the second-class, or village to hold other municipal office, except as a member of a community redevelopment authority under the community development law or as a member of a citizen advisory review committee under the Local Option Municipal Economic Development Act. Currently, members of a municipality's planning commission are prohibited from holding another municipal office, which includes a wide variety of advisory boards and commissions. Many smaller municipalities have

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reported difficulty in recruiting individuals to serve on these boards and commissions. LB383 would allow a regular or alternate member of a planning commission for a city of the first-class, city of the second-class, or village to hold other municipal office, except as a member of the community redevelopment authority under the community development law or as a member of a citizen advisory review committee under the Local Option Municipal Economic Development Act, commonly referred to as LB840. Community redevelopment authorities and limited community redevelopment authorities are separate political subdivisions created under the community development law by some municipalities to oversee community development activities, including the use of tax increment financing. There are committee amendments that will correct some of the concerns in this bill and I would ask you to vote green on this, please. [LB383]

SENATOR WATERMEIER: Thank you, Senator Quick. Mr. Clerk for a committee amendment. [LB383]

CLERK: Urban Affairs, Mr. President, offers AM49. [LB383]

SENATOR WATERMEIER: Senator Hansen for a committee amendment. [LB383]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I rise today to introduce the committee amendment, AM49. This committee amendment clarifies that a regular alternative member of the planning commission for a city of the first-class, city of the second-class, or village may also hold the office of mayor, city council member, or village board of trustees member. This prohibition is already contained in other sections of statute but the amendment makes it clear that mayors, city council members, and village board members cannot also serve on planning commissions. With that, I'd ask the body to adopt AM49. Thank you, Mr. President. [LB383]

SENATOR WATERMEIER: Thank you, Senator Hansen. Members, you heard the opening on LB383 and the committee amendments. Senator Groene, you're recognized. [LB383]

SENATOR GROENE: Thank you, Mr. President. I have a question for Senator Quick. [LB383]

SENATOR WATERMEIER: Senator Quick for a question. [LB383]

SENATOR QUICK: Yes. [LB383]

SENATOR GROENE: May I ask who brought this bill to you? [LB383]

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SENATOR QUICK: The League of Municipalities and also I talked to someone from the city of Grand Island. [LB383]

SENATOR GROENE: And it's basically because they're having a shortage of individuals that are community-minded to fill those positions? [LB383]

SENATOR QUICK: Yeah, I think it's more for the smaller communities. I'm not sure it really happens even in Grand Island that much, but it's something they wanted to address, you know, to someone like maybe for a weed board or like a airport authority or something like that, to allow them to serve on another, finding enough people to fill those positions. [LB383]

SENATOR GROENE: Would those individuals then have to recuse themselves as their position as mayor or city council because they had a part in the decision making? [LB383]

SENATOR QUICK: Well, I don't think they, correct me if I'm wrong, but on...with the amendment, it doesn't allow for them to serve on another board. I don't know if Senator Hansen would...but I think that's the way it would read, that they can't actually serve on another one. But people who would serve on like a planning commission could serve on... [LB383]

SENATOR GROENE: What I mean is they make the decision on the planning commission and then, as the city council person, then they vote for approval or disapproval of what the planning commission... [LB383]

SENATOR QUICK: Yeah. They can't serve on both of those. [LB383]

SENATOR GROENE: Oh. All right. [LB383]

SENATOR QUICK: Yeah. It's only like for a weed board or something like that, another, another board outside that. [LB383]

SENATOR GROENE: Thank you. My questions have been answered. Thank you. [LB383]

SENATOR WATERMEIER: Thank you, Senator Groene and Senator Quick. Senator Kolterman, you're recognized. [LB383]

SENATOR KOLTERMAN: Thank you, Mr. President. I was going to address Senator Groene's question because this is one of my constituents from Stromsburg that brought the bill to me

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originally through the league. What's happening in these small communities, there is a problem getting...the involved people in the communities have a tendency to have to serve on more than one board if they have the ability. This just allows them. But you are absolutely correct. If they are the mayor, on the city council, this does not apply to them. That's what the amendment does. And anybody with any common sense knows that if you have a conflict of interest, you should recuse yourself. So thank you, Senator Groene. I think that was a good question. I'd encourage everybody to support this bill, AM49 and LB383, because our communities are...the same people are getting asked to do many jobs. And if you have a good person that's willing to do it, I think we need to allow them to do it. Thank you. [LB383]

SENATOR WATERMEIER: Thank you, Senator Kolterman. Seeing no one in the queue, Senator Hansen to close. Senator Hansen waives closing. The question is, shall the amendment to LB383 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB383]

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB383]

SENATOR WATERMEIER: The amendment is adopted. Seeing no one in the queue, Senator Quick to close. Senator Quick waives closing. Members, the question is the advancement of LB383 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB383]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB383]

SENATOR WATERMEIER: LB383 does advance. Next item. [LB383]

CLERK: LB231 is a bill by Senator Kolterman. (Read title.) Introduced January 11, referred to the Banking Committee, advanced to General File. I have no amendments to the bill. [LB231]

SENATOR WATERMEIER: Senator Kolterman to open. [LB231]

SENATOR KOLTERMAN: Good morning, Mr. President and fellow colleagues. I'm asking for your support of LB231, a bill I introduced on behalf of Director Rame of the Department of Insurance. It is a simple bill to require nonresident insurance producers who are insurance agents and brokers licensed in Nebraska but who live in another state to maintain their home state license in good standing. Right now, out-of-state producers must be in good standing in their home state to receive a license but are not required to stay in good standing. This bill cleans up that oversight by allowing the Department of Insurance to discipline out-of-state agents who fall

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out of good standing in their home states. Currently, the department has about 400 nonresident insurance producers who are not in good standing with their home state. The department suspects nearly all of these producers have merely failed to renew their home state license. Should LB231 pass, the intent of the department is to communicate with these producers, asking them to regain good standing in their home state before the department either takes an administrative action or denies the renewal of their license in Nebraska. As insurance producer myself, I know it is important to stay in good standing with my home state and I would expect the same from those who live outstate of Nebraska but sell insurance here. LB231 advanced unanimously out of committee, and I'm asking for your unanimous support today for LB231. Thank you. [LB231]

SENATOR WATERMEIER: Thank you, Senator Kolterman. Members, you've heard the opening on LB231. Seeing no one in the queue, Senator Kolterman, you're recognized to close. Senator Kolterman waives closing. The question is the advancement of LB231 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB231]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB231]

SENATOR WATERMEIER: LB231 advances. Next item. [LB231]

CLERK: Mr. President, LB239 is a bill by Senator Baker. (Read title.) Introduced on January 11, referred to the Banking Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB239]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Senator Baker, you're welcome to open. [LB239]

SENATOR BAKER: Thank you, Mr. President. I introduced LB239 at the request of the Director of Insurance. Purpose behind LB239 is to provide protection for consumers who purchase pre-need funeral products from a pre-need seller by ensuring the cost-of-living adjustments are provided before excess income is distributed from the master trust that holds the proceeds of the sale of these products. As described to me by the department, the proceeds of the sale of the products can be placed in a master trust by a seller. As interest accumulates in the trust, the seller can take a distribution of any excess income after providing a cost-of-living adjustment. The problem is, there is no requirement to make up losses or missed cost-of-living adjustments when the trust underperforms. LB239 fixes this issue by requiring all cost-of-living adjustments to be provided before any distribution of excess income to the seller. Thank you. [LB239]

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SPEAKER SCHEER: Thank you, Senator Baker. You've heard the opening to LB239. Seeing no one wishing to speak, Senator Baker to close. Waives closing. The question before us is advancement of LB239. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB239]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB239. [LB239]

SPEAKER SCHEER: LB239 does advance. (Visitors introduced.) Next item, Mr. Clerk. [LB239]

CLERK: LB306, a bill by Senator Lindstrom. (Read title.) Introduced on January 12, referred to the Banking Committee, advanced to General File. I have no amendments, Mr. President. [LB306]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Lindstrom, you're welcome to open. [LB306]

SENATOR LINDSTROM: Thank you, Mr. President. The Portable Electronics Insurance Act is the regulatory framework for the offering and sale of insurance covering portable electronic devices, such as cell phones, smart phones, tablets, and other portable devices. Coverage available under this type of insurance protects against loss, theft, mechanical failure, damage, or other applicable perils. The law does not apply to service contracts or manufacturer warranties. The act requires vendors who offer to sell portable electronic insurance to obtain a limited lines of producer license and provides for coverage notices and other consumer protection measures in the form of required disclosures to purchasers regarding insurance coverage, as well as training for individual salespersons. The insurance plans are generally sold at cellular phone retail outlets, authorized dealers, and certified repair centers. Since the original passage of the Portable Electronics Insurance Act in 2011, both technology and the marketplace have changed enough to merit updating the act. In this regard, LB306 updates and broadens the definition of portable electronics in order to avoid revisiting the definition as technology changes. Many states already have a broader definition of portable electronics than Nebraska in order to accommodate the expanding availability of devices and their accessory products. While Nebraska does not have a problematic definition, in order to keep up the regulation in pace with technology changes, the broader definition would be an improvement. The proposed definition is consistent with both National Institute of Standards and Technology, or NIST, and Federal Aviation Administration, or FFA, definitions of portable electronic equipment. The bill also standardizes provisions relating to notices of nonpayment of premiums, changes in terms and conditions, and the ability to provide subsequent e-notices of coverage to a uniform 30-day period. The industry practice is that portable electronic insurance premiums are payable on a monthly basis in conjunction with

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the consumer's telephone or data plans. When a consumer fails to make monthly payment, the cell phone company will continue service, perhaps over a month, two months, or more, with the hope of keeping the customer on the plan. Currently under the act, a 60-day notice is required before the insurance may be canceled for nonpayment of premium. In order to reasonably limit the risk of claims after a period of nonpayment and to keep cost of insurance down for all consumers, LB306 provides for a 30-day notice to an enrolled customer before cancellation of nonpremium of...excuse me, for nonpayment of premium. Finally, LB306 provides clarity regarding the ability to send e-notices to an enrolled customer. Under the bill, giving notice of e-notices by utilizing the customer's e-mail address must be sent within 30-days of enrollment. There were no opponents to the bill at the hearing, and advanced to General File on an 8-0 vote. I would urge advancement of LB306. Thank you, Mr. President. [LB306]

SPEAKER SCHEER: Thank you, Senator Lindstrom. Open to floor discussion on LB306. Seeing none, Senator Lindstrom, you're welcome to close. He waives closing. The question before us is the advancement of LB306. All those in favor please vote aye; all those opposed please vote nay. Have all voted that wish to? Please record, Mr. Clerk. [LB306]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB306]

SPEAKER SCHEER: LB306 does advance. Next item. [LB306]

CLERK: LB241 is a bill by Senator Craighead. (Read title.) Introduced on January 11, referred to the Banking Committee, advanced to General File. There are committee amendments pending, Mr. President. (AM100, Legislative Journal page 397.) [LB241]

SPEAKER SCHEER: Senator Craighead, you're welcome to open. [LB241]

SENATOR CRAIGHEAD: Thank you, Mr. Speaker. Good morning and hello to my colleagues. I introduced LB241 on behalf of the Nebraska Department of Insurance. LB241 creates an exception to the requirement on licensees of the department to provide annual policy notices to consumer if the licensee only provides nonpublic, personal information to third parties as authorized in law and if it has not changed policies or practices with regard to disclosing nonpublic, personal information since the last disclosure. The legislation is a reaction by the department of recent Congressional action that relaxed the annual privacy disclosure requirement. The intent to match the federal law and to provide some relief to both consumers who receive these unneeded notices in the mail and to the insurers who will have significant savings on mailings. Thank you for your consideration of LB241. [LB241]

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SPEAKER SCHEER: Thank you, Senator Craighead. As the Clerk mentions, there are committee amendments. Senator Lindstrom, you're welcome to open. [LB241]

SENATOR LINDSTROM: Thank you, Mr. President. The committee amendments would make a very technical change in LB241. As introduced, the bill makes an internal reference to Sections 44-914, 44-915 and 44-916. Those are sections in the Privacy of Insurance Consumer Information Act. That reference, however, should instead be made to Sections 44-913, 44-914, and 44-915. The committee amendments would make the necessary correction. I urge the adoption of the committee amendments and then advancement of LB241. Thank you, Mr. President. [LB241]

SPEAKER SCHEER: Thank you, Senator Lindstrom. Discussion on AM100. Seeing no one in the queue, Senator Lindstrom waives closing. The question before us is advancement of AM100 to LB241. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB241]

CLERK: 30 ayes, 0 nays on adoption of committee amendments. [LB241]

SPEAKER SCHEER: AM100 is adopted. Returning to floor discussion of LB241. Seeing no one in the queue, Senator Craighead, you're welcome to close. Senator Craighead, I believe, waive closings. The question before us is advancement of LB241. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB241]

CLERK: 32 ayes, 0 nays on advancement of the bill. [LB241]

SPEAKER SCHEER: LB241 does advance. (Visitors introduced.) Next item, Mr. Clerk. [LB241]

CLERK: Mr. President, LB519 by Senator Hansen. (Read title.) Introduced January 18, referred to the Business and Labor Committee, advanced to General File. I have no amendments to the bill. [LB519]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Hansen, you're welcome to open. [LB519]

SENATOR HANSEN: Thank you, Mr. President, and good morning, colleagues. LB519 addresses an oddity in Nebraska's unemployment laws that has been interpreted to mean that a current employer can be responsible for the unemployment benefits of an individual laid off by another company. This bill arises out of a case involving the Lincoln Airport Authority in which

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the authority was held responsible for unemployment benefits of an individual whom the authority hired part-time but who had been terminated from previous full-time work by an unrelated employer. Under current law, reimbursable employers--such as all government entities--can similarly be charged to pay the uninsured's benefits of people they currently employ if that employee was previously terminated from a full-time position and then hired for a following part-time position. LB519 seeks to clear the disparity and ensure that only those only those employers who contribute to an individual's unemployment or underemployment are responsible for the individual's unemployment benefits and not their current employer. I would like to thank the Business and Labor Committee for advancing this unanimously and to thank Speaker Scheer for adding this to consent calendar. And with that, I would ask for a green vote on LB519. [LB519]

SPEAKER SCHEER: Thank you, Senator Hansen. Open to floor decision on LB519. Seeing none, Senator Hansen waives closing on LB519. The question before us is the advancement of LB519. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB519]

CLERK: 32 ayes, 0 ayes, Mr. President, on the advancement of the bill. [LB519]

SPEAKER SCHEER: LB519 does advance. Next item, Mr. Clerk. [LB519]

CLERK: LB464 is a bill by Senator Watermeier. (Read title.) Introduced on January 17, referred to the Executive Board, advanced to General File. There are committee amendments pending. (AM99, Legislative Journal page 404.) [LB464]

SPEAKER SCHEER: Senator Watermeier, you're welcome to open. [LB464]

SENATOR WATERMEIER: Thank you, Speaker Scheer and members of the body. LB464 deals with the Administrative Procedures Act. LB464 was advanced by the Executive Board on 8-0 vote. No one testified against the bill at the public hearing and there is no fiscal impact. As amended by the committee amendment, LB464 contains only a requirement that whenever a state agency proposes to adopt, amend, or repeal a rule or a regulation, that the information be required to be filed with the Secretary of State and would be posted on their Web site. This bill would allow for greater transparency and public access in the rule and regulation process. Thank you, Mr. President. [LB464]

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PRESIDENT FOLEY: Thank you, Senator Watermeier. As the Clerk indicated, there are amendments from the Executive Board. Senator Watermeier, you're recognized to open on the committee amendment. [LB464]

SENATOR WATERMEIER: As I've already explained the committee amendment in my opening argument, I urge your green vote on the amendment as well as the advancement of LB464. Thank you, Mr. President. [LB464]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Debate is now open on the bill. Senator Krist. [LB464]

SENATOR KRIST: Good morning, Mr. President. Good morning, colleagues. Good morning, Nebraska. I think we started this debate at 10:45, if I'm not mistaken, so the rule is we can spend 15 minutes on the bill and the amendment. What I have to say has nothing to do with LB464 or AM99. What I have to say has to do with our Corrections institutions. I would ask Senator Watermeier to yield to a couple of questions. [LB464]

PRESIDENT FOLEY: Senator Watermeier, would you yield, please? [LB464]

SENATOR WATERMEIER: Yes. [LB464]

SENATOR KRIST: How many deaths have there been in the last four or five days in our Corrections institutions that you know of? [LB464]

SENATOR WATERMEIER: There was one on Saturday, I believe. [LB464]

SENATOR KRIST: Okay. And then did you read this morning's outlet that I passed out? [LB464]

SENATOR WATERMEIER: Yeah, I had read it early this morning when I got into the office. Yes, I had. [LB464]

SENATOR KRIST: Okay. And this...in addition to this one, there is one where the individual was found strangled with a towel, I believe. [LB464]

SENATOR WATERMEIER: I'm not going to comment on the details of it, but there was, yeah. [LB464]

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SENATOR KRIST: Well, it was in the paper. Do you feel like the pairings of inmates in the institution, particularly in your district, is safe for the folks who are in the institution as well as the folks who are working in the institution? In other words, when you get a convicted killer who is in a cell or in the same cell block as someone who is convicted of mishandling money, do you think that's valid in terms of safety? [LB464]

SENATOR WATERMEIER: You know, I really would hesitate to comment on those procedures and those requirements, because I know there's underlying issues with that particular inmate and why he was even in Tecumseh. If you want to even look further yet, why would he even be in Tecumseh? I think there was underlying issues of why he was transferred down there. So I really would hesitate for me to say that that was appropriate or wasn't appropriate. But on the surface, I would admit it sounds and looks like it shouldn't have happened. He shouldn't have been placed there. [LB464]

SENATOR KRIST: Who do you think is ultimately responsible for saying who is appropriate...who appropriately should make those pairings and should put people in cell blocks or not? [LB464]

SENATOR WATERMEIER: Who would be ultimately where the buck would stop would be Director Frakes. [LB464]

SENATOR KRIST: Okay. And potentially, as it goes downhill, the actual warden of the institution. [LB464]

SENATOR WATERMEIER: Certainly, yes. [LB464]

SENATOR KRIST: And that warden of the institution at Tecumseh was promoted out of the administrative ranks to do his job and was not a warden and did not have previous warden experience. That's a statement of fact from me, you don't have to comment on it. I'm going to spend a little time here talking about this issue. And on the next time on the mike--and I'm punched in--I'd like to talk a little bit about the financial issues around Corrections, because I know there's going to be a news release, if not a news conference, held sometime today to try to explain again the inconsistencies and the problems we have in our institutions. And I don't care if you're sick of me saying it. I've been involved with these special investigative committees for the last eight years; seven years to be appropriate in terms of formal activity, but aware of these things for the last eight. I think we can separate with problems we have in Corrections right now to overcrowding, to financial support, which is a 20-year problem. We haven't supported them. And the actual hands on operational issues at our Corrections institutions, which by the way, is not just Tecumseh. You recall that the person...the uprising a week ago... [LB464]

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PRESIDENT FOLEY: One minute. [LB464]

SENATOR KRIST: ...was at...thank you, Mr. President...was at D&E, who at the time of the event was over 300 percent of capacity. Now, I don't intend to talk about this throughout the rest of the day on all the consent items, but because Senator Watermeier's district houses, has the Tecumseh institution in it, I felt it appropriate. And because he's on Appropriations, I felt it appropriate to stand up and talk on this one this day. Am I next in the queue, Mr. President? [LB464]

PRESIDENT FOLEY: Yes, you are, sir. [LB464]

SENATOR KRIST: So I'd like to just continue. [LB464]

PRESIDENT FOLEY: Please do. [LB464]

SENATOR KRIST: We have a director that was brought in to fix the problem, and he has been responsive to us as a special investigative committee, an oversight committee, and to this institution, to this Legislature on a number of occasions. And he is handling what he calls "culture change" and I support him. He is handling what I will call "overhead macro changes" and I support him. I don't support the fact that our Appropriations Committee is once again talking about adding in positions when there's already 149 funded, fully-funded positions in the Department of Corrections that are vacant. And if they're saying that they need the money, then I want to know where the money went to for the fully-funded positions. The Council budget was held in hock and we were told that we needed to be accountable for every dollar, that reappropriations were being taken back. Yet, there are still reappropriations in Corrections. Where is the accountability of the money that's supposed to be there to fund 149 fully-funded positions? I can tell you where it is. It's being diverted to overtime, to per diems. Is that an accurate accounting system, Appropriations Committee? Is that what we're being held accountable for? So I'll make this statement today on the mike. If we cannot separate those levels of accountability, if we do not have confidence in the leadership at those levels of accountability, if we can't look at the dollars that we're spending and see where those dollars are going then we have a problem in Corrections and the 10-day notification from the ACLU is coming up and there will be press conferences and there will be information that we need to hear. And then we need to make a decision. We need to make sure that there's accountability for the lives that have been lost in the last two and a half years. And we need to know why we did not have a problem at Tecumseh for almost two decades in terms of management structure, nothing to write home about, and we've had so many issues both there and in D&E just recently in just the last six months. It is our responsibility to appropriate. And that drill will come up here on day 70, start on day 70. It is our responsibility to make sure that they are fully funded and funded correctly. It

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is our responsibility to look at the oversight of how that money is being allocated, appropriated, and spent. I want to know where the money is for the current 149 members that are not working at Tecumseh. The Governor will say it is our fault for not funding those additional 96 positions. And I will say, as soon as you show me--the old phrase, right? Back up on a few movies that you would understand--show me the money. Show me where it's been appropriated and show me where it's been spent and let's move forward from that point. If money has to be the sole issue that we talk about in order to have a control over and an understanding of what is going on in Corrections, why prisoners are inflicting harm upon themselves and Corrections officers, and why the Governor won't reopen the negotiation that Mike Marvin and others have asked for on several occasions,... [LB464]

PRESIDENT FOLEY: One minute. [LB464]

SENATOR KRIST: ...and talk about, and talk about genuinely keeping people on board, reducing the bleed of people outside the institution, and hiring people at the right wages to stay in the institution with the right training to provide safety in our institutions. Consent calendar is usually a very happy day and we can make jokes about dam funding and all the rest of it. But I want you to think just for a second about what's going on in our Corrections systems and what we're going to be asked to fund next week. We need accountability before we put any more dollars in place. Am I next in the queue? [LB464]

PRESIDENT FOLEY: You are, Senator. There's just under four minutes remaining on this bill and those four minutes are yours. [LB464]

SENATOR KRIST: I'll stop at two, Senator Watermeier, because I don't want to hurt your consent calendar bill. But I just would like to have a two-minute warning if I could, please. I know you understand my passion. And I know you understand what I'm trying to say today. And it has nothing to do with being a Republican, a Democrat, a conservative, a liberal. It has nothing to do with whether I and the Governor dine together or even talk to each other. It has to do with public safety and safety in those institutions. If somebody is failing and the excuse cannot continue to be "these are really dangerous people," yeah, we get that. That's why they were sent there. And if they're not supposed to be there, being housed in the same cell with someone who is a convicted murderer, who is accountable for that? Thank you, Senator Watermeier, for allowing me to put some notes in...some legislative intent in on your bill. And with that, I would ask you to just keep that in mind when day 70 rolls around and we start talking about a budget and for our Appropriations Committee to think long and hard before we give them any more money without the accountability of where the money has been spent. Thank you, Mr. President. [LB464]

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PRESIDENT FOLEY: Thank you, Senator Krist. Senator Watermeier, you're recognized to close on AM99. He waives closing and the question before the body is the adoption of the Executive Board's amendment, AM99. Those in favor vote aye; those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk. [LB464]

ASSISTANT CLERK: 33 ayes, 0 nays on adoption of committee amendments. [LB464]

PRESIDENT FOLEY: The committee amendments are adopted. Senator Watermeier, you're recognized to close. He waives closing. The question before the body is the advancement of LB464 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB464]

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to advance the bill. [LB464]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Visitors introduced.) Next bill, Mr. Clerk.

ASSISTANT CLERK: LB264 was introduced by Senator Albrecht. (Read title.) The bill was introduced on January 11 of this year, referred to the Business and Labor Committee. That committee reports the bill to General File with committee amendments. ((AM57, Legislative Journal page 404.)) [LB264]

PRESIDENT FOLEY: Senator Albrecht, you're recognized to open on LB264. [LB264]

SENATOR ALBRECHT: Thank you, Speaker Foley (sic: President Foley). LB264 was introduced at the request of the Department of Labor. This bill updates a section of the Boiler Inspection Act to account for changes in boiler inspection industry terminology. The national board is an organization that commissions boiler inspections worldwide. This board has changed the names of the commissions and endorsements that it issues and it has changed that commissions and endorsements are described. The bill and committee amendment changed Nebraska's language to match the industry standard language. The amendment replaces the bill to account for a technical cleanup, so I will save my remarks for the amendment introduction. Thank you. [LB264]

PRESIDENT FOLEY: Thank you, Senator Albrecht. You're now recognized to open on the committee amendment. [LB264]

SENATOR ALBRECHT: Thank you. AM57 replaces the bill and changes the terms used to describe the commissions and endorsements required for the state boiler inspector to match

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industry standards. It requires the state boiler inspector to hold an AI or an IS commission from the National Board. It also requires the state boiler inspector to either hold a B and an R endorsement at the time of hire or to acquire such endorsements within 18 months of employment. The last requirement is that the deputy inspectors hired by the commission must hold an IS commission from the National Board or to acquire such within 12 months of hiring. Both the bill and the amendment received full support of the committee and were advanced 7-0. I would ask for your green vote on LB264 and on AM57. Thank you. [LB264]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Members, you've heard the opening on the bill and the amendment. Seeing no discussion, Senator Albrecht, you're recognized to close. She waives closing. The question before the body is the adoption of the committee amendments. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB264]

ASSISTANT CLERK: 30 ayes, 0 nays on the adoption of committee amendments. [LB264]

PRESIDENT FOLEY: Committee amendments are adopted. Continuing debate. Senator Albrecht, you're recognized to close on LB264. She waives closing. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB264]

ASSISTANT CLERK: 29 ayes, 0 nays, on the motion to advance the bill. [LB264]

PRESIDENT FOLEY: LB264 advances. Next bill. Mr. Clerk. [LB264]

ASSISTANT CLERK: Mr. President, LB371 introduced by Senator Crawford. (Read title.) The bill was introduced on January 13, referred to the Judiciary Committee, placed on General File with no committee amendments. [LB371]

PRESIDENT FOLEY: Senator Crawford, you are recognized to open on LB371. [LB371]

SENATOR CRAWFORD: Thank you, Mr. President, and good morning, colleagues. I want to thank Speaker Scheer for selecting LB371 as a consent calendar bill. I introduced LB371 on behalf of the State Fire Marshal agency. This bill repeals statutory sections that lay out the requirements and procedures for the State Fire Marshal agency to condemn properties. The State Fire Marshal has not utilized these statutes for many years, but they receive calls and see citizen confusion because the language remains in the statute. LB371 does not impose a mandate on cities or villages to take over this condemnation duty, but instead clarifies the roles the State

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(Fire) Marshal agency will perform, or more accurately in this case, not perform. Many of the reasons for which the Fire Marshal can conduct condemnations that are listed in these sections being repealed are addressed in the fire codes adopted by the agencies and can be dealt with during the normal course of business rather than a condemnation proceeding. Furthermore, there's already a statute allowing cities and villages to write their own local ordinances to address the issues listed in the condemnation statutes, as well as a variety of other concerns such as health code issues which the Fire Marshal has no authority to handle. Repealing these statutes will eliminate a duplication of processes to address fire safety concerns and eliminate confusion regarding the Fire Marshal's role in the condemnation process. The League of Municipalities was present at the hearing to explain the existing authority municipalities have to condemn and to confirm that provisions in LB371 will not adversely affect municipalities in any way. Thank you for your attention to this issue, colleagues, and I encourage you to vote green on LB371.
[LB371]

PRESIDENT FOLEY: Thank you, Senator Crawford. Debate is now open on the bill. Senator Schumacher. [LB371]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. This is a little opportunity to comment on the utility of these sections. And while it's true they have not been used for a long time, at one time they provided effective relief for local communities seeking to get rid of rundown property in them. And back in the '80s it worked really well. What happened, if there was a rundown building the city would call the Fire Marshal. The Fire Marshal would come in and say, yeah, it looks like it's a fire trap or a real hazard of some description. The state would then step in, file an action in district court, condemn the property and take care of it. What happened was, there were situations where there might have been asbestos or some bad stuff in the building. So the Fire Marshal ceased to perform that function, which was a very useful and needed function. And it doesn't take much to see how needed it is when you drive through some of our smaller communities. When you pass the buck then to the local government, the local government is not equipped in either attorney resources or financial resources or whatnot in order to do a condemnation action and take care of the asbestos or the junk or whatever is there. And as a result, we've created a problem that should be addressed by some mechanism. This was an effective mechanism and but for the cost associated with the cleanup, would have remained an effective mechanism and caused a lot of our smaller communities to look a lot better than they do today in respect to rundown and halfway abandoned buildings. I'm a little sad to see the process officially go. I think Senator Crawford is right and the Fire Marshal in wanting to move on from that era, but I would encourage the Urban Affairs Committee to look at this kind of thing in order to assist our communities in being able to clean up without having to face the fear that it's going to run into a big budget item. And a \$50,000 item to a small town is just death. I mean, it just blows...it's more than what they pay the maintenance man. So we have a problem here. This procedure used to fix the problem and because the state was tight on money and didn't

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want to assume the cost of the cleanup once the Fire Marshal was successful in the condemnation, we lost that. Reluctantly, I'll support this, but I do think we owe our smaller communities a replacement for what used to be a state function and was taken away because of budgetary restraints. Thank you. [LB371]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Continuing debate. Senator Crawford, you're recognized to close on LB371. [LB371]

SENATOR CRAWFORD: Thank you, Mr. President. And I appreciate Senator Schumacher raising that issue. That issue was not raised in the hearing, so it was an issue that we had on the record from that conversation on the bill, so I appreciate that it's been on the conversation on the bill here on the floor and his concerns are duly noted. As a member of the Urban Affairs Committee, I will be in communication with our legal counsel and see what we have in terms of history and tools for municipalities or what the other options may be for us to address obstacles that may be in the way for our smaller communities in terms of getting rid of nuisance properties that they have in their municipalities. So I thank Senator Schumacher for raising that issue and his concerns are duly noted and we'll see what we can learn in our...from our legal counsel in Urban Affairs and from our stakeholders who participate in those conversations to see if we need to bring back some other bill or idea next session to address that issue. Thank you, Mr. President. I urge your support of LB371. [LB371]

PRESIDENT FOLEY: Thank you, Senator Crawford. Members, you heard the debate on LB371. The question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who had care to? Record, Mr. Clerk. [LB371]

ASSISTANT CLERK: 33 ayes, 0 nays on the motion to advance the bill. [LB371]

PRESIDENT FOLEY: LB371 advances. Next bill. Mr. Clerk. [LB371]

ASSISTANT CLERK: Mr. President, LB86 introduced by Senator Blood. (Read title.) The bill was introduced on January 5, referred to the Transportation Committee, placed on General File with committee amendments attached. (AM33, Legislative Journal page 422.) [LB371]

PRESIDENT FOLEY: Senator Blood, you're recognized to open on LB86. [LB86]

SENATOR BLOOD: Thank you, Lieutenant Governor. Fellow senators, friends all, special thanks to Speaker Scheer for putting this on the consent agenda. Today I bring forward LB86. And this is a bill that eliminates the requirement relating to bids for county bridge contracts. I

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want to make it very clear that we are not requesting any changes. As far as transparency to the public, this bill allows the bids to be opened outside of a board meeting, but does not force the contractors or other interested parties to sit through other discussions. For example, in Sarpy County, the Board of Equalization convenes at 3:00 p.m. and conducts such business as necessary. Then the BOE will adjourn and the county board of commissioners convenes with a roll call, commissioner and administrator comments, and the consent agenda. Any item pulled off the consent agenda will be addressed prior to the regular agenda. Although it has been practiced to try and schedule the bid openings first on the regular agenda, there is some time consumed prior to the meeting. The processes for these bids will be normalized to the point where the confusion can be kept at a minimum. When a county is dealing with a sealed bid which is over \$20,000, the bid will be advertised in the newspaper for two consecutive weeks. This advertisement and the bid documents will state the date, time, and location where the bid opening occurred. The bid opening process is done at a public meeting, complete with sign-in sheets as well as a bid tabulation form to be completed by the clerk's office. Once the bid opening meeting is complete, the bids are formally tabulated by the clerk's office and reviewed by purchasing. When it comes to sealed public works bids over \$20,000, it is advertised in the newspaper for three consecutive weeks with the advertisement and bid documents once again stating the date, time, and location of the bid opening. While there isn't a sign-in sheet for the official meeting dealing with these sealed public works bids, they are usually the first item on the agenda so those who have an interest know what is going on during these meetings. I want to make it very clear that we are not changing anything when it comes to transparency. This issue is really more about expediency and not making contractors and other interested parties sit through discussions of issues that do not pertain to the bids. The bids will still be dealt with by the county board, but they simply do not need to be present at the openings. The bottom line for those who might be concerned that this bill would harm transparency is that whether the bids are opened in the presence of the county board or not, the awards are always going to be made at an open, public, county board meeting and the bids will be readily accessible and viewable by the public. Despite these assurances, we were told that some of the smaller counties still had reservations about changing the process for opening bids. And I'm certainly not someone who wants to impose the state's will on county and city governments who don't want it if it can be avoided. So I made an amendment...brought forward an amendment for the committee's consideration that made these changes pertain only to counties that have populations over 150,000, as they tend to have more complicated and longer agendas. Thank you for listening to LB68 and please vote green to move this bill forward. [LB86]

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Friesen, you're recognized to open on the committee amendments, AM33. [LB86]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. The Transportation and Telecommunications Committee amendment will substitute for the bill and retains the

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requirements that bids for construction and repair of bridges will still be required to be opened in the presence of the county board. However, in counties over 150,000 population employing a purchasing agent, the bids shall be opened pursuant to Section 23-3111. Section 23-3111 also sets forth the procedure for receipt of competitive bids under the County Purchasing Act. Thank you, Mr. Lieutenant Governor. [LB86]

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate is now open on the bill and the committee amendment. Senator Friesen, you're recognized to close on the committee amendment. He waives closing. The question before the body is the adoption of the committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB86]

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of committee amendments. [LB86]

PRESIDENT FOLEY: Committee amendments are adopted. Continuing debate on the bill. Senator Blood, you're recognized to close on LB86. She waives closing. The question before the body is the advance of LB86 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB86]

ASSISTANT CLERK: 32 ayes, 0 nays on the motion to advance the bill. [LB86]

PRESIDENT FOLEY: LB86 advances. Next bill, Mr. Clerk. [LB86]

ASSISTANT CLERK: LB476 introduced by Senator Hilgers. (Read title.) The bill was introduced January 17, referred to the Banking, Commerce and Insurance Committee. That committee placed the bill on General File with no committee amendments. [LB476]

PRESIDENT FOLEY: Senator Hilgers, you are recognized to open on LB476. [LB476]

SENATOR HILGERS: Thank you, Mr. President. Good morning, colleagues. LB476 makes a slight amendment to the Nebraska Nonprofit Corporation Act. And what it does is really clarify some ambiguity as to what happens when a foreign nonprofit, in other words a nonprofit from another state wishes to domesticate into the state of Nebraska. In other words, move to the state of Nebraska. And what it does is it says in that instance when a foreign nonprofit moves to Nebraska and domesticates here, two things happen. One is that it does not change the day that the corporation was formed. In other words, if it was an Iowa corporation that was nonprofit that started January 1, 1980, and it moved today to Nebraska, the start corporation date when it was formed is January 1, 1980, not today. The second thing it says is, when a nonprofit incorporates

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or domesticates in Nebraska from another state, all the assets and liabilities follow with that domestication. So, in other words, nothing really happens to the form of the corporation when it domesticates to Nebraska. The reason why that's important and the reason why we're doing it is that ambiguity actually creates a significant roadblock to foreign nonprofit corporations that wish to come to Nebraska, because if those...if that is not true, if in other words they come to Nebraska and there is a new starting date rather than an old starting date, if the assets and liabilities don't follow, then what happens is that nonprofit has to go through the entire IRS 501(c)(4) certification process all over again. That's a significant cost, it's a significant burden, and it also puts at risk the nonprofit's status as a nonprofit and their ability to take tax deductible donations. And what that ambiguity given the risk causes nonprofits to make it less likely that they will move here to Nebraska. We don't have a lot of data on this, however, we do note two instances in particular where the nonprofit wanted to move to Nebraska but did not because of this ambiguity and the potential risk that would be caused if it came and they weren't able to take advantage of their earlier date of incorporation. This bill passed out of committee on an 8-0 vote. There are no amendments to it. This is a very streamlined process that will help encourage or remove roadblocks for nonprofits who want to come to Nebraska. So I would encourage and ask for your green light on LB476. Thank you, Mr. President. [LB476]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Debate is now open on the bill. Senator Hilgers, you're recognized to close on LB476. He waives closing. The question before the body is the advance of LB476 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB476]

ASSISTANT CLERK: 33 ayes, 0 nays on the advancement of the bill. [LB476]

PRESIDENT FOLEY: LB476 advances. Next bill. Mr. Clerk. [LB476]

ASSISTANT CLERK: LB406 introduced by Senator Kolterman. (Read title.) The bill was introduced on January 13, referred to the Banking, Commerce and Insurance Committee. That committee placed the bill on General File with committee amendments attached. (AM204, Legislative Journal page 454.) [LB406]

PRESIDENT FOLEY: Senator Kolterman, you're recognized to open on LB406. [LB406]

SENATOR KOLTERMAN: Good morning once again, Mr. President, and fellow colleagues. I am asking for your support of LB406 and the committee amendment, AM204. LB406 is a bill that adds the use of intelligent mail bar codes to the acceptable methods of mailing notice of cancellation, nonrenewal, or nonpayment of a premium for automobile liability policies. LB406 advanced unanimously out of committee and does not carry a fiscal note. The intelligent mail bar

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code is a 65-bar Postal Service bar code used to sort and track letters and flats. It allows mailers to use a single bar code to participate in multiple Postal Service programs simultaneously. It expands mailers' ability to track individual mail pieces and provides greater mail stream visibility. Intelligent mail bar codes must be generated by United States Postal Service approved bar code label software. The intelligent mail bar code adds a more exact method of tracking for mail pieces. It also helps eliminate any issue of proof of delivery when receiver may refuse to pick up or sign for a piece of certified or registered mail. Thank you for support of LB406 and AM204. Thank you. [LB406]

PRESIDENT FOLEY: Thank you, Senator Kolterman. Senator Lindstrom, as Chair of the Banking Committee, you're recognized to open on the committee amendment. [LB406]

SENATOR LINDSTROM: Thank you, Mr. President. LB406 would amend three sections of statute relating to property and liability insurance. The committee amendments would make a correction in the bill's proposed amendments in Section 44-522. That section found in Section 2 of the bill currently sets out requirements that insurance companies must follow when they cancel or nonrenew policies of property, marine, or liability insurance. Automobile insurance is not covered by this section. Currently, notices must be sent by registered, certified or first-class mail. The bill as introduced would change this to registered mail, certified mail, or first-class mail using intelligent mail bar code. There would continue to be three options with one being modified by the bill. However, those who sought introduction of LB406 wanted there to be four options with those being: registered mail, certified mail, first-class mail, and the first-class mail using intelligent mail bar code. The committee amendments would simply make the correction so there would be those four mailing options in the section. I would urge the adoption of the committee amendment and the advancements of LB406. Thank you, Mr. President. [LB406]

PRESIDENT FOLEY: Thank you, Senator Lindstrom. Debate is now open on LB406 and the committee amendment. Senator Lindstrom, you're recognized to close on the committee amendment. He waives closing. The question before the body is the adoption of the committee amendment, AM204. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB406]

ASSISTANT CLERK: 32 ayes, 1 nay on the adoption of committee amendments. [LB406]

PRESIDENT FOLEY: Committee amendments are adopted. Continuing debate on LB406. Senator Kolterman, you're recognized to close on LB406. He waives closing. And the question before the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB406]

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ASSISTANT CLERK: 38 ayes, 0 nays on the advancement of the bill. [LB406]

PRESIDENT FOLEY: LB406 advances. Next bill. Mr. Clerk. [LB406]

ASSISTANT CLERK: LB584, introduced by Senator Friesen. (Read title.) The bill was read for the first time on January 18, referred to the Transportation and Telecommunications Committee. That committee placed the bill on General File with committee amendments. (AM181, Legislative Journal page 461.) [LB584]

PRESIDENT FOLEY: Senator Friesen, you're recognized to open on LB584. [LB584]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor and members of the body. LB584 would prohibit counties and townships from mowing roadside ditches prior to July 1 in a calendar year. It provides for an exemption for sight distance intersections and entrances to lanes and driveways and mowing for snow control. LB584 does not limit the ability of a landowner to mow whenever they want during the year. This bill was introduced to help increase the habitat for upland birds, pollinators, and songbirds and has the potential to help reduce soil erosion by creating bioswale buffers that would reduce silt and pollution runoff into streams and rivers. LB584 also has the potential to benefit counties and townships by reducing fuel costs and man-hours associated with mowing ditches before July 1, as well as saving hours and wear and tear on equipment. LB584 was advanced unanimously from the Transportation and Telecommunications Committee with amendments. It has no fiscal impact. Thank you, Mr. Lieutenant Governor. [LB584]

PRESIDENT FOLEY: Thank you, Senator Friesen. You're recognized to open on the committee amendment. [LB584]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. AM181 is the committee amendment to LB584. It reinstates the stricken language that landowners still have to mow roadsides at least twice a year, sometime in July for the first time and sometime in September for the second time. The amendment also will not restrict landowners, counties, or townships from management of roadside vegetation on road shoulders or the sight distance at intersection entrances at any time of the year or for snow control, mowing as may be necessary. Thank you, Mr. Lieutenant Governor. [LB584]

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate is now open on LB584 and the committee amendment. Senator Friesen, you're recognized to close on the committee amendment. He waives closing. The question before the body is the adoption of the committee

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amendments, AM181. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB584]

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of committee amendments. [LB584]

PRESIDENT FOLEY: The committee amendments are adopted. Additional debate on LB584. Senator Friesen, you're recognized to close. He waives closing. The question before the body is the advance of LB584 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB584]

ASSISTANT CLERK: 36 ayes, 0 nays on the advancement of LB584. [LB584]

PRESIDENT FOLEY: LB584 advances. Next bill. Mr. Clerk. [LB584]

ASSISTANT CLERK: LB375 introduced by Senator Schumacher. (Read title.) The bill introduced on January 13, referred to the Banking, Commerce and Insurance Committee, placed on General File with no committee amendments. [LB375]

PRESIDENT FOLEY: Senator Schumacher, you are recognized to open on LB375. [LB375]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I notice there's quite a few people here this morning, so I'd like to take a moment to talk about vision. This pair of eyeglasses has been sitting on the corner of my desk for a little over a week now. So if you came to the Legislature and lost your vision, here's how you might find it. LB375 is almost a historic bill. It is something that the credit unions want that the bankers don't oppose. Those of you who are freshmen, when you're around here a little while, you'll realize what that meant. It is basically a counterpart to what we passed for the banking side of that equation modernizing the Department of Banking's authorization in some of the procedures and our law regarding credit unions. That being the case, specifically, it does come to us from the Banking Committee on an 8-0 vote with no fiscal note. And it does these things: It labels various sections within the Credit Union Act; it creates updated definitions of financial institution and fixed assets; it sets a timetable for action on application to organize a credit union; it provides a procedure regarding the report of a credit union's Banking Department exam; it provides authority for certain acquisitions by credit unions; it allows credit unions to offer safe deposit boxes, and it deals with technicalities arising out of joint accounts with credit unions. It is, as I said, a modernization cleanup legislation, which is essentially a counterpart to what we did on the banking side of the equation. I'd encourage your support for LB375. Thank you. [LB375]

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PRESIDENT FOLEY: Thank you, Senator Schumacher. Debate is now open on LB375. Senator Schumacher, you're recognized to close on the bill. He waives closing. The question for the body is the advance of LB375 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB375]

ASSISTANT CLERK: 35 ayes, 0 nays on the motion to advance the bill. [LB375]

PRESIDENT FOLEY: LB375 advances. Next bill. Mr. Clerk. [LB375]

ASSISTANT CLERK: LB463, introduced by Senator Watermeier. (Read title.) The bill was introduced on January 17, referred to the General Affairs Committee, placed on General File with amendments. (AM294, Legislative Journal page 521.) [LB463]

PRESIDENT FOLEY: Senator Watermeier, you're recognized to open on LB463. [LB463]

SENATOR WATERMEIER: Thank you, Mr. President, members of the Legislature. LB463 is a very simple bill. Currently, the chairman of the board of trustees of any village may appoint a cemetery board consisting of three to six members from among its residents of such a village. LB463 would also allow a village to select board members from residents within the county where the village is located. Some villages are having a difficult time finding enough people to serve on the cemetery board. If the boundaries were expanded, residents living in the rural area surrounding the village would also be eligible to serve on the board. LB463 was advanced in General Affairs Committee on 8-0 vote. No one testified against the bill at the public hearing and it has no fiscal impact. Since it was determined that several villages are located in more than one county, the committee amendments allow the chairperson to select members from all counties in which the village is located. I urge your green vote on LB463. [LB463]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Larson, as Chair of the General Affairs Committee, you're recognized to open on the committee amendments. [LB463]

SENATOR LARSON: Thank you, Mr. President. The committee amendment just changes on page 2, line 9, after "county" inserts "counties" so multiple could be included. Thank you. [LB463]

PRESIDENT FOLEY: Thank you, Senator Larson. Debate is now open on the bill and the committee amendment. Senator Larson, you're recognized to close on the committee amendment. He waives closing. The question before the body is the adoption of AM294

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committee amendment to LB463. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB463]

ASSISTANT CLERK: 38 ayes, 0 nays on the adoption of committee amendments. [LB463]

PRESIDENT FOLEY: AM294 committee amendment is adopted. Continuing debate on the bill. Senator Watermeier waives closing. The question before the body is the advance of LB463 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB463]

ASSISTANT CLERK: 35 ayes, 0 nays on the motion to advance the bill. [LB463]

PRESIDENT FOLEY: LB463 advances. Next bill. Mr. Clerk. [LB463]

ASSISTANT CLERK: LB318, introduced by Senator Hughes. (Read title.) The bill was introduced on January 12; referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with no committee amendments. [LB318]

PRESIDENT FOLEY: Senator Hughes, you're recognized to open on LB318. [LB318]

SENATOR HUGHES: Thank you, Mr. President. Good morning, colleagues. I'd like to thank Speaker Scheer for allowing me to have this bill on consent this morning. This bill was brought to me by a member of the Brand Committee. They would like to have the authority to use telephone conferencing for their meetings. Currently, the meeting of a board of an Educational Service Unit, the meeting of an Educational Service Unit coordinating council, the meeting of a community college board of governors, a meeting of the governing authority of a public power district, a meeting of a governing board of a public power and irrigation district, and the meetings of several other state boards all have the authority to hold meetings by telephone conference call. The Brand Committee's jurisdiction is generally in the western reaches of Nebraska. Committee members have to travel long distances to conduct even the smallest measure of business. There will be a savings to the state by not requiring its members to gather at the same location, therefore, the expenses for travel and lodging will be reduced. The reporting requirements for the open meetings law will still be met and interested parties will still have an opportunity to participate on the conference call by following approved procedures and guidelines. This passed out of the Government Committee 8-0 and I would ask for your green vote. [LB318]

PRESIDENT FOLEY: Thank you, Senator Hughes. Mr. Clerk. [LB318]

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ASSISTANT CLERK: Mr. President, Senator Hughes would move to amend with AM1114. (Legislative Journal page 1098.) [LB318]

PRESIDENT FOLEY: Senator Hughes, you're recognized to open on AM1114. [LB318]

SENATOR HUGHES: Thank you, Mr. President. AM1114 just enacts the emergency clause to this bill so the Brand Committee can begin saving money as soon as possible. Thank you. [LB318]

PRESIDENT FOLEY: Thank you, Senator Hughes. Debate is now open on the bill and the amendment. Senator Hughes, you're recognized first to close on the amendment. He waives closing. The question before the body is the adoption of AM1114. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB318]

ASSISTANT CLERK: 33 ayes, 1 nay on the adoption of the amendment. [LB318]

PRESIDENT FOLEY: AM1114 is adopted. Debate on the bill. Senator Hughes, you're recognized to close on the bill. He waives closing. The question before the body is the advance of LB318 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB318]

ASSISTANT CLERK: 36 ayes, 0 nays on the advancement of the bill, Mr. President. [LB318]

PRESIDENT FOLEY: LB318 advances. Next bill. Mr. Clerk. [LB318]

ASSISTANT CLERK: LB280 introduced by Senator Crawford. (Read title.) The bill was introduced on February 11; referred to the Government, Military and Veterans Affairs Committee; placed on General File with committee amendments. (AM48, Legislative Journal page 557.) [LB280]

PRESIDENT FOLEY: Senator Crawford, you're recognized to open on LB280. [LB280]

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor, and good morning, colleagues. I want to thank Speaker Scheer for selecting LB280 as a consent calendar bill and I'm honored to be here today to introduce LB280 for your consideration. LB280 provides that victims of trafficking qualify as program participants under our state's existing Address Confidentiality Act. The address confidentiality program was created in 2003 through legislation sponsored by

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Senator Schimek. The purpose of the program is to provide victims of abuse, stalking, and sexual assault with a substitute address that they can use when interacting with state and local agencies. The program also provides them with a new mailing address to ensure their actual mailing address remains confidential and does not enter into the public record when they are doing things such as registering to vote. This program is critical in ensuring the safety of many victims. When victims and survivors move to a new address that is unknown to their abuser, the address confidentiality program ensures they can fill out necessary applications with government departments, register to vote, and receive mail without fear that their address will become searchable to the public. Currently, the language of the Address Confidentiality Act states that the program participants must be victims of abuse, sexual assault, or stalking. Although some victims of human trafficking also experience sexual assault or abuse and may, therefore, qualify for these programs, this is not always the case. LB280 explicitly states that all victims of human trafficking, including those who were victims of debt bondage and labor trafficking as well as sex trafficking, can also use the address confidentiality program. LB280 allows us to build on an existing program in order to improve services that are available to these victims. When the address confidentiality program was first created, \$20,000 was appropriated to the Secretary of State's Administrative Cash Fund to make the initial materials such as flyers and applications. Since then, the Secretary of State's Office has been absorbing the costs associated with the program. Since this is a program maintained by their office without an ongoing appropriation, we worked with the Secretary of State to create a more sustainable funding source for the program. The committee amendment allows the Secretary of State's Office to utilize their UCC Cash fund to support the ongoing cost of administering the program without any new General Funds appropriations. LB280 ensures that human trafficking victims in our state have access to this important protection. In recent years, Nebraska and this Legislature have taken important steps to improve the programs and services we have available to victims of trafficking. I urge your support of LB280. Thank you, colleagues. [LB280]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Murante, as Chair of the Government Committee, you're recognized to open on AM48 committee amendment. [LB280]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. As Senator Crawford stated, the committee amendment changes the fund used by the Secretary of State to defray the costs of the bill to the Uniform Commercial Code Cash Fund. I encourage your support of the committee amendment and LB280. Thank you, Mr. President. [LB280]

PRESIDENT FOLEY: Thank you, Senator Murante. Debate is now open on the bill and the amendment. Senator Murante, you're recognized to close. He waives closing on the committee amendment, AM48. The question before the body is the adoption of the committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB280]

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ASSISTANT CLERK: 30 ayes, 0 nays on the adoption of committee amendments. [LB280]

PRESIDENT FOLEY: Committee amendments are adopted. Continuing debate on the bill. Senator Crawford, you're recognized to close on LB280. She waives closing. The question before the body is the advance of LB280 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB280]

ASSISTANT CLERK: 32 ayes, 0 nays on the advancement of the bill. [LB280]

PRESIDENT FOLEY: LB280 advances. Next bill, Mr. Clerk. [LB280]

ASSISTANT CLERK: Mr. President, LB624 introduced by Senator Wishart. (Read title.) The bill was introduced on January 18; referred to the Government, Military and Veterans Affairs Committee; placed on General File with committee amendments. (AM330, Legislative Journal page 558.) [LB624]

PRESIDENT FOLEY: Senator Wishart, you're recognized to open on LB624. [LB624]

SENATOR WISHART: Thank you, Mr. President. First, I want to thank Speaker Scheer for introducing this bill on the consent calendar agenda today. I am here today to introduce LB624, a bill that would direct county assessors and register of deeds to withhold the address of law enforcement officers unless requested in writing. This idea was brought to me by Lincoln City Councilman Roy Christensen, but as the wife of someone who has served with the Lincoln Police Department for five years, this issue is important to me personally as well. Law enforcement officers provide a great service to our communities around Nebraska. They come face to face with danger every day and have taken an oath to protect the public. While law enforcement's main priority is to protect the public, unfortunately, the nature of law enforcement officers' work sometimes puts them and their family's safety at risk. LB624 would direct county assessors and register of deeds to withhold the addresses of law enforcement officers unless requested in writing. This means that someone looking for a law enforcement officer's address wouldn't be able to simply go to the county assessor's Web site and find the address. The added step of having to request the address in writing will hopefully make a person with bad intentions stop and think twice about what they are doing. A request made in writing would also take away the anonymity that the Internet provides. Law enforcement officers who would like their addresses withheld would apply through the county assessor by providing their law enforcement certification number. Through these steps they would have their address withheld for five years, at which time they would have to reapply. LB624 was heard by the Government Committee on February 3 and was advanced unanimously by the committee. LB624 was advanced with a committee amendment, AM330, which removes the fee originally in the bill. LB624 has no

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fiscal impact to the state. I would be happy to address any questions. Members, thank you. [LB624]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Murante, you're recognized to open on AM330 committee amendment from the Government Committee. [LB624]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. The Government Committee amendment simply strikes the fee that was in the green copy of the bill. The fee was not needed and is...the bill is still supported by NACO and the political subdivisions. So I would encourage your support of AM330 and your advancement of LB624. Thank you, Mr. President. [LB624]

PRESIDENT FOLEY: Thank you, Senator Murante. Debate is now open on LB624 and the committee amendment. Senator Schumacher. [LB624]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. This deals with an issue that probably some of you are going to have to deal with or might be wise to deal with. This seeks to protect law enforcement officers' privacy. But if you haven't visited the assessor's Web page for your county and looked at probably your house on it, you may want to do that, because there is a lot of information on those Web pages which borders on an invasion of privacy and a security risk. Many of you will find your house plans there, how the rooms are laid out inside of your house. Pictures of your property from different angles. And I know that that's all very nifty and very nice and it came with the age of the Web pages and easy accessibility to information, but we have set down no guidelines with respect to those pages as to what goes on them, how detailed that information can be, whether a citizen can say, hey, take my floor plan off the Internet. And those are things which we might want to address because it's not just law enforcement officers who have some of their privacy invaded and it may be other people. It may be bankers, it may be doctors, it may be schoolteachers, and people who exercise some form of authority who might not want to have on the Internet just exactly which corner of the house their bedroom is located in. And that can kind of be figured out pretty easily just from looking at some of those floor plans and some of those pictures. So this is a broader issue. I support this particular bill and the amendment to it, but there is a broader issue buried in here that we probably at some point would want to address. Thank you. [LB624]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Murante, you're recognized to close. He waives closing on the committee amendment. The question before the body is the adoption of AM330, committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB624]

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ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of committee amendments. [LB624]

PRESIDENT FOLEY: Committee amendments are adopted. Continuing debate on the bill. Senator Wishart, you're recognized to close on...she waives closing on the bill. The question before the body is the advance of LB624 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please, Mr. Clerk. [LB624]

ASSISTANT CLERK: 32 ayes, 0 nays on the advancement of the bill. [LB624]

PRESIDENT FOLEY: LB624 advances. Next bill, Mr. Clerk. [LB624]

ASSISTANT CLERK: LB204, introduced by Senator Hilgers. (Read title.) The bill was introduced on January 10 of this year, referred to the Judiciary Committee, placed on General File with committee amendments. (AM306, Legislative Journal page 572.) [LB204]

PRESIDENT FOLEY: Senator Hilgers, you're recognized to open on LB204. [LB204]

SENATOR HILGERS: Thank you, Mr. President. Good morning again, colleagues. LB204 makes three particular changes to the Nebraska Code of Civil Procedure, the procedural code that operates and governs our civil litigation process. The first change it makes is it provides that a challenge...an appeal of qualified immunity can be within the set of appeals that can go straight to the Supreme Court. So we currently have in our civil procedure process a process by which an appellant who maybe loses at the trial court level, typically they appeal to the Court of Appeals and then that appeal...they can then appeal to the Nebraska Supreme Court. There are a limited set of circumstances in which the party can petition to the Supreme Court. And if that petition is accepted, the appeal can bypass the Court of Appeals. So it allows for a faster, more efficient adjudication. There's a limited set of issues that would allow for such a petition. The Supreme Court doesn't have to grant the petition. So the first change in LB204 would...to include within that set an appeal for qualified immunity. Qualified immunity is a threshold issue of the case. It's very important to have uniform set of law. It's very important for the parties on both the plaintiff and defense side to have an early resolution of those types of issues. So that's why we included that within LB204. The second change is a change that's modeled off of the Federal Code (sic-- Rules) of Civil Procedure, and it provides that if an individual is being sued for an act or omission that they did within the course of their employment for a state agency, that when they are served with that lawsuit that it is also required that the state agency also is served. The reason you do that is if you only serve the individual, the state usually is involved anyway because, again, it's tied to their role as a state employee. And so it just makes it easier for both sides and better and more efficient to have all the parties at the table from the beginning, at the beginning of a lawsuit, since usually the state will be involved in defending anyway. Again, that's modeled

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off of a very successful procedure in our federal...the Federal Code (sic--Rules) of Civil Procedure. And the third and final change relates again to it incorporates parts of the Federal Code of...Federal Rules of Civil Procedure, I'm sorry, Rule 56 of the Federal Rules, which is our rule relating to summary judgment. It helps just clarify and doesn't really change the law but it does help clarify and provide additional precise guidance for our courts and litigants in our Nebraska state courts for how to proceed under the summary judgment process. So again, that's modeled after Federal Rule 56, which is very familiar for most parties and litigants and attorneys in Nebraska. It doesn't change the law. It just makes it a little bit more clear and provides better guidance. So those are the three changes that LB204 does, colleagues. It passed out of committee on an 8-0 vote. There is a white copy amendment, AM306, I think Senator Ebke is going to introduce here in a second. So I would urge your green light on AM306 as well as LB204. Thank you, Mr. President. [LB204]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Ebke, you're recognized to open on the committee amendments. [LB204]

SENATOR EBKE: The committee amendment just updates some of the language in the...as was recommended by the professors from the law school. I didn't get my written version so...but that was all it did. If Senator Hilgers would like to expand. [LB204]

PRESIDENT FOLEY: Senator Hilgers, you're recognized. [LB204]

SENATOR HILGERS: Thank you, Mr. President. Thank you, Senator Ebke. Through this process we had some very helpful input from the law professors at the University of Nebraska Law School and we made a couple of just minor wording changes to make it consistent within our greater statutory scheme: really, changed the word "shall" to "may" and, in addition, it made some consistencies to reflect changes in that Federal Rule 56 that I had referenced before. There have been some intervening changes since we put the statute in place, and so these changes just helped to make it conform and be consistent with throughout our statutes as well as with Federal Rule 56. So they are very minor but important, clarifying changes. Thank you, Mr. President. [LB204]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Ebke, you're recognized to close on the committee amendment. She waives closing. The question before the body is the adoption of AM306, committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB204]

ASSISTANT CLERK: 37 ayes, 0 nays on the adoption of committee amendments. [LB204]

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PRESIDENT FOLEY: The committee amendments are adopted. Senator Hilgers, you're recognized to close on LB204. He waives closing. The question before the body is the advance of LB204 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB204]

ASSISTANT CLERK: 38 ayes, 0 nays on the advancement of the bill. [LB204]

PRESIDENT FOLEY: LB204 advances. Items for the record, Mr. Clerk? [LB204]

ASSISTANT CLERK: I do, Mr. President. Thank you. New resolution: LR109 by Senator Larson calls for an interim study. I have reports from the Business and Labor Committee regarding appointments to the Boiler Safety Advisory Board; a Reference Committee report on certain gubernatorial appointments; notice of committee hearing from Health and Human Services; a new A bill. (Read LB268A by title for the first time.) Amendments to be printed to LB461 from Senator Smith, and to LB259 from Senator Hansen. Name adds: Senator Clements to LB661. (Legislative Journal pages 1099-1102.) [LR109 LB268A LB461 LB259 LB661]

ASSISTANT CLERK: And finally, a priority motion: Senator Harr would move to recess until 1:30 p.m.

PRESIDENT FOLEY: Members, you heard the motion to recess till 1:30. Those in favor say aye. Those opposed say nay. We are in recess.

RECESS

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good afternoon, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Do you have any items for the record?

ASSISTANT CLERK: No items at this time.

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PRESIDENT FOLEY: Members, we're going to proceed right away to the remainder of the agenda, if you could please be attentive. Mr. Clerk, next bill.

ASSISTANT CLERK: Mr. President, next bill, LB492, introduced by Senator Harr. (Read title.) The bill was introduced on January 17, referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments. (AM310, Legislative Journal page 575.) [LB492]

PRESIDENT FOLEY: Senator Harr, you're recognized to open on LB492. [LB492]

SENATOR HARR: Thank you, Mr. President. Members of the body, good afternoon. This is LB492, which modernizes the lien statutes for self-storage service industry through adoption of the Self-Service Storage Facilities Act. Currently self-storage facilities must use the Landlord and Tenant Act to resolve disputes with people who are past due in paying rent from this storage space, but renting an apartment is different than renting a self-storage unit. Nebraska and Alaska are the only two states where there are no statutes establishing a process allowing self-storage facilities to apply liens or conduct auctions if the renters violate lease agreements. Currently self-storage facilities rely on contracts with renters and those contracts vary. There are no statutory lien protections for either the facilities or their renters, and LB492 will provide clarity for self-storage operators as to the process they need to follow, which will benefit both the facilities and their renters. Additionally, LB492 will help reduce self-storage facilities' costs when more uniform operating methods are employed. In delinquent cases fewer expenses related to the lien notice procedure will result in less cost owed by those renters. Further, LB492 modernizes methods of notice of delivery to allow for e-mail, hand delivery, and any verified mail through the U.S. Postal Service. The Judiciary Committee heard the LB492 on February 15, 2017, with no opposition. The committee subsequently voted out LB492 with AM310 to General File. AM310 is a technical amendment and specifically clarifies one word. I want to thank the Judiciary Committee for voting this out and I also want to thank the Speaker for allowing this to be consent calendar. And I would be remiss if I did not thank legal counsel for Judiciary for his help in clarifying and making this a better bill. Thank you. [LB492]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Ebke, you're recognized to open on the Judiciary Committee amendment. [LB492]

SENATOR EBKE: Thank you, Mr. President. As Senator Harr said, the committee amendment is a white-copy amendment that becomes the bill. The bill only...it only makes change in amended...the only change in the amended language is a one-word adjustment in the definition of an operator when the owner of the storage facility acts as a warehouseman. This is a technical amendment to address a very small drafting issue. The bill saw no opposition at hearing and was

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advanced by the committee on a vote of 7-0 with one member not voting. I would ask your green vote on AM310 to LB492 and then a green vote on LB492. [LB492]

PRESIDENT FOLEY: Thank you, Senator Ebke. Debate is now open on LB492 and the committee amendment. Senator Krist. [LB492]

SENATOR KRIST: Thank you, Mr. President, and good afternoon, colleagues. I'll be very brief. This is a good bill for your military active-duty members. There are many ways in which they are caught in a loop: being gone, being deployed, missing a deadline, having their possessions either taken or put into a disposition that is not good for them or for the property owners. And I thank Senator Harr for bringing this. We've seen it a couple of times in the last four or five years. This one is a good one. And again, he also thanked the committee legal for making it a much better bill and weighing in on it and I appreciate that and I would ask you for a green vote on the amendment and on the underlying LB492. Thank you. [LB492]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Schumacher. [LB492]

SENATOR SCHUMACHER: Thank you, Mr. President. Would Senator Harr yield to a question? [LB492]

PRESIDENT FOLEY: Senator Harr, would you yield, please? [LB492]

SENATOR HARR: Yes, I will. [LB492]

SENATOR SCHUMACHER: Thank you, Senator Harr. Senator Harr, if an owner of a self-storage location and a tenant wish to agree to other terms, must they follow this or can they agree to different notices, different terms, and a different contract than this? [LB492]

SENATOR HARR: You can always contract for more. This is a fail-safe procedure. [LB492]

SENATOR SCHUMACHER: Okay, so it's still negotiable between the landlord and the tenant as to what the terms might be if they choose not to use these terms? [LB492]

SENATOR HARR: They could contract out, yes. [LB492]

SENATOR SCHUMACHER: Thank you. I have nothing else. [LB492]

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PRESIDENT FOLEY: Thank you, Senator Schumacher. No further debate. Senator Ebke, you're recognized to close on the Judiciary Committee amendment, AM310. Senator Ebke, you're recognized to close. She waives closing. The question before the body is the adoption of the Judiciary Committee amendment, AM310. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB492]

ASSISTANT CLERK: 30 ayes, 0 nays on the adoption of committee amendments. [LB492]

PRESIDENT FOLEY: Committee amendments are adopted. Continuing debate. Senator Harr, you're recognized to close. He waives closing. The question before the body is the advance of LB492 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB492]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill. [LB492]

PRESIDENT FOLEY: LB492 does advance. Next bill, Mr. Clerk. [LB492]

ASSISTANT CLERK: LB274, introduced by Senator Halloran. (Read title.) Bill was introduced on January 11, referred to the Agriculture Committee. That committee placed the bill on General File with committee amendments. (AM254, Legislative Journal page 587.) [LB274]

PRESIDENT FOLEY: Senator Halloran, you're recognized to open on LB274. [LB274]

SENATOR HALLORAN: Thank you, Lieutenant Governor Foley. Good afternoon, colleagues. LB274 repeals the Nebraska Rangeland Grasshopper Control Act and amends the Plant Protection and Plant Pest Act. Both of these acts are under the jurisdiction of the Nebraska Department of Agriculture. The Nebraska Rangeland Grasshopper Control Act is outdated. That act was originally adopted in 1941 and over the last approximately 37 years the provisions of the Grasshopper Act have only been implemented twice: back in the 1980s and once again in 2003. For these few infestation outbreaks where the Grasshopper Control Act was utilized, it makes more sense to instead regulate grasshopper infestations under the Plant Protection and Plant Pest Act because that act has provisions for regulating plant pests generally. The bill thus amends the Plant Protection and Plant Pest Act to include the necessary provisions from the Nebraska Rangeland Grasshopper Control Act. The bill adds clearly expressed authority for the Department of Agriculture to regulate grasshopper and other plant pest infestations and provide more flexibility to adapt to changes in federal programs. This legislation has minimal fiscal impact on the department which it claims it can easily absorb. The Ag Committee amendment, AM254, amends the language on cooperation with USDA and other agencies to include any

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person in the implementation and enforcement of Plant Protection and Plant Pest Act. These changes will update the outdated language from 1941 relating to grasshopper control. I ask you to vote to amend LB274 with AM254 and then vote to advance LB274. Thank you, Speaker Scheer, for placing this on the consent calendar, and thank you, colleagues, for your consideration. [LB274]

PRESIDENT FOLEY: Thank you, Senator Halloran. Senator Brasch, you're recognized to open on the Agriculture Committee amendment. [LB274]

SENATOR BRASCH: Thank you, Mr. President. Thank you, Senator Halloran and colleagues. The committee amendment revises the changes to subsection 2-10,110 contained in Section 3 of the bill. This provides that the department could, in addition to the USDA, cooperate with local and other state agencies. The committee amendment simply provides that the department may cooperate with any person which is a defined term under the act which includes the state and local government entities, individuals, and organizations. I ask for your support and a green light on the amendment and the bill. Thank you, Mr. President. Thank you, colleagues. [LB274]

PRESIDENT FOLEY: Thank you, Senator Brasch. Debate is now open on LB274 and the committee amendment. Senator Krist. [LB274]

SENATOR KRIST: Thank you, Mr. President. I wonder if Senator Halloran would yield to a question or two. [LB274]

PRESIDENT FOLEY: Senator Halloran, would you yield, please? [LB274]

SENATOR HALLORAN: Just so you don't ask me to sing the theme song from..."Kung Fu Fighting" (inaudible) grasshopper. [LB274]

SENATOR KRIST: I've heard you sing. I'm never going to ask you to sing. [LB274]

SENATOR HALLORAN: Thank you. [LB274]

SENATOR KRIST: You're welcome. I noticed a few bills down from yours there's LB117, Senator Hilkemann's bill, was on consent, adopt the Investigational Drug Use Act, and I've become aware that you're one of the signatures that actually took it off of consent calendar. Can you tell me why? [LB274 LB117]

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SENATOR HALLORAN: Yes, I can. I think this is precluding an effort to have assisted suicide and I'm against that. [LB274]

SENATOR KRIST: So the way I read on page 2 of his bill, the "investigational drug, biological product, or device means any drug, biological product, or device that has successfully completed phase one of a clinical trial but has not yet been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial approved by the United States Food and Drug Administration," you're saying that you're concerned that there's something that would not be approved by the Food and Drug Association (sic) that would be used for assisted suicide? [LB274]

SENATOR HALLORAN: No, I'm saying that this essentially is an assisted suicide effort and I oppose assisted suicide. [LB274]

SENATOR KRIST: Well, okay. Everyone has their reasons. I don't see anything in this bill that had anything to do with assisted suicide--just wondering if we could put that on the record. Would Senator Erdman yield to a question? [LB274]

PRESIDENT FOLEY: Senator Erdman, would you yield, please? [LB274]

SENATOR ERDMAN: Yes. [LB274]

SENATOR KRIST: Same question, sir. [LB274]

SENATOR ERDMAN: Same question? [LB274]

SENATOR KRIST: Sure. [LB274]

SENATOR ERDMAN: I am concerned about that as well. And as you read through that and look at that, it's kind of open-ended, and that is my reason as well. [LB274]

SENATOR KRIST: And you voted it out of committee. Is that right? [LB274]

SENATOR ERDMAN: I did. [LB274]

SENATOR KRIST: And you changed your mind for it after you voted it out of committee?
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SENATOR ERDMAN: I did. [LB274]

SENATOR KRIST: Okay, good, just want to put that on the legislative record. Senator Riepe, would you yield to a question? [LB274]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB274]

SENATOR RIEPE: Yes, I would, please. [LB274]

SENATOR KRIST: Same question. [LB274]

SENATOR RIEPE: My reason for pulling it off of the consent calendar is...and I quote the Speaker's memo from...dated March 30, 2017. It says on there that topics the bill opens is noncontroversial and goes on to say the bill does not add a lot of changes. LB117, in fact, is controversial just by its nature and also the fact that there are some jurisdictional questions about this being a vehicle to open it up to medical marijuana. [LB274 LB117]

SENATOR KRIST: So I quote that same paragraph to you that basically restricts it unless it's on the FDA-approved list. You're still concerned, even though medical marijuana is not on that list, that it would be a problem? [LB274]

SENATOR RIEPE: I still view it as controversial and any three members can sign a letter that can move something off of consent calendar. That's what we did. [LB274]

SENATOR KRIST: Absolutely, and that is your right and Senator Halloran's right and Senator Erdman's right. And is it also our right to find out why and put it on as a legislative record? Thank you. And thank you, Mr. President. [LB274]

PRESIDENT FOLEY: Thank you, Senators. Continuing debate, Senator Brasch, you're recognized to close on the committee amendments. She waives closing. The question before the body is the adoption of AM254, the Agriculture Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB274]

ASSISTANT CLERK: 29 ayes, 1 nay on the adoption of committee amendments. [LB274]

PRESIDENT FOLEY: Committee amendments are adopted. Senator Halloran, you're recognized to close on LB274. He waives closing. The question before the body is the advance of LB274 to

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E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB274]

ASSISTANT CLERK: 26 ayes, 1 nay on the motion to advance the bill. [LB274]

PRESIDENT FOLEY: LB274 advances. Next bill, Mr. Clerk. [LB274]

ASSISTANT CLERK: LB209, introduced by Senator Watermeier. (Read title.) The bill was read for the first time on January 10 of this year; referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with no committee amendments. [LB209]

PRESIDENT FOLEY: Senator Watermeier, you're recognized to open on LB209. [LB209]

SENATOR WATERMEIER: Thank you, Mr. President and members of the Legislature. As the former Chair of the Legislative Performance Audit Committee, I introduced LB209 on the committee's behalf and the new committee supports the bill. LB209 would make two changes to the Administrative Procedure Act. First, it would put back in place language stricken by last year's LB867 which was the Performance Audit Committee bill. The language clarifies that standards affecting private rights, private interests, or procedures available to the public are regulations underneath the Administrative Procedure Act, not guidance documents. Returning this language to the act, which was suggested to the committee by Nebraska Appleseed, will ensure that agencies are aware that any such standards would need to follow the formal promulgation process. This bill would also change where an agency is required to send its guidance documents index each year, change it from the Executive Board to the Clerk's Office as that office archives many similar documents and it is a better fit. It was heard before the Government, Military Affairs Committee--there were no opposition testimony--and was voted into General File on an 8-0 vote. Thank you, Mr. President, and I'd be...appreciate your green vote on LB209. [LB209]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Debate is now open on LB209. Senator Watermeier, you're recognized to close. He waives closing. The question before the body is the advance of LB209 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB209]

ASSISTANT CLERK: 33 ayes, 0 nays on the motion to advance the bill. [LB209]

PRESIDENT FOLEY: LB209 advances. Next bill, Mr. Clerk. [LB209]

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ASSISTANT CLERK: LB307 introduced by Senator Brasch. (Read title.) The bill was introduced on January 12, referred to the Judiciary Committee, placed on General File with committee amendments. (AM227, Legislative Journal page 759.) [LB307]

PRESIDENT FOLEY: Senator Brasch, you're recognized to open on LB307. [LB307]

SENATOR BRASCH: Thank you, Mr. President, and thank you, colleagues. I introduced LB307 in the Judiciary Committee on February 9 and it had no opposition testimony and no neutral testimony. I want to take this opportunity to briefly thank the Judiciary Committee for their work on this bill and their unanimous vote in advancing the bill to General File. LB307 corrects an oversight and clarifies a vagueness in the court fee statute, namely 33-107.02, relating to domestic partnerships. At present these court fees are primarily being collected only from married individuals who have the wherewithal to pay and are filing for divorce, custody, and parenting time. The fees are not being collected from nonmarried parents who also have the wherewithal to pay and are filing for custody and parenting time. Ultimately, LB307 seeks to provide equity in assessing fees for mediation services provided to all parents, whether they are married or nonmarried, who are seeking paternity determination or parental support or modification of an award of a child support, custody, parenting time, and visitation time. The purposes of the court fees, which the bill changes the name to mediation fees, is to help underwrite and subsidize the cost of mediation for indigent and low-income parents regardless of whether they are married or nonmarried, to develop a parenting plan as required by Nebraska's Parenting Act. In mediation, the issues discussed and cooperatively determined are parenting, parenting time arrangements, custody, visitation, and other important topics regarding the welfare of their children. Revenues from the court fees are deposited into the Parenting Act Fund which is managed by the Office of Dispute Resolution and is allocated annually to the six court-approved nonprofit mediation centers, as well as the conciliation/mediation office of Douglas County. The amount of money this bill authorizes the court to collect is not insignificant. Even a modest estimate could result in approximately \$50,000 for the Parenting Act Fund to offset its mediation services to parents and children who are otherwise unable to pay. As stated by Senator Ebke, the amendment eliminates any concerns by the Nebraska Department of Health and Human Services and also eliminates any potential fiscal impact upon the state's budget. Thank you, colleagues, for your attention and I encourage you to vote green on LB307. [LB307]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Ebke, you're recognized to open on the Judiciary Committee amendments, AM227. [LB307]

SENATOR EBKE: Thank you, Mr. President. The committee amendment to LB307 was brought to the committee at the public hearing by Senator Brasch to address cost concerns raised prior to hearing by the Department of Health and Human Services. The amendment makes a small

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change in language to clarify that a county attorney or other authorized attorney filing actions on behalf of the state to collect child support are not subject to the fees sought to be collected by the bill. The bill advanced from the committee as amended on a unanimous vote of 8-0 and on behalf of the committee I ask that you vote yes on AM227 and LB307. [LB307]

PRESIDENT FOLEY: Thank you, Senator Ebke. Debate is now open on the bill and the amendment. Senator Ebke, you're recognized to close on the committee amendments. She waives closing. The question before the body is the adoption of the Judiciary Committee amendment, AM227. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB307]

ASSISTANT CLERK: 27 ayes, 0 nays on the adoption of Judiciary Committee amendments.

PRESIDENT FOLEY: AM227 is adopted. Continuing debate. Senator Brasch, you're recognized to close on LB307. She waives closing. The question before the body is the advance of LB307 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB307]

ASSISTANT CLERK: 27 ayes, 0 nays on the motion to advance the bill. [LB307]

PRESIDENT FOLEY: LB307 advances. Next bill, Mr. Clerk. [LB307]

ASSISTANT CLERK: LB517 by Senator Pansing Brooks. (Read title.) The bill was read for the first time on January 18, referred to the Judiciary Committee. That committee placed the bill on General File with no committee amendments. [LB517]

PRESIDENT FOLEY: Senator Pansing Brooks, you're recognized to open on LB517. [LB517]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor and members of the body. LB517 updates provisions of Nebraska's uniform probate code related to the effect of divorce or annulment on the distribution of assets and was designed to simplify and unify most aspects of state probate law. Again, the Nebraska Bar Association brought this bill to me and members of the probate section of the Bar Association have worked on this. This would include transfer on death assets like life insurance policies or other investments for which you can designate a beneficiary to whom assets pass immediately upon death without requiring probate. These types of transfer-on-death beneficiary assets are increasingly common practice and LB517 updates Nebraska laws regarding the effect of divorce or annulment on these types of assets or transfers. Specifically, Nebraska statutes deal only with the revocation of a will upon divorce and

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do not address the effect of divorce or annulment on nonprobate transfers. This makes our probate code a little more complicated and the bill will make it more complete and set rules governing the distribution of assets whether in or out of probate. LB517 would generally nullify upon divorce or annulment the designation of a spouse as a beneficiary of nonprobate or nontestamentary assets such as life insurance policies, individual retirement accounts, and payable on death accounts, unless expressly stated otherwise. In Rice v. Webb, a Nebraska Supreme Court case from 2014, just such a situation arose, and actually we've had a case similar in our own law firm. Brenda and Dale were divorced after ten years of marriage and Dale passed away a few days after the divorce became final. Dale had two life insurance policies, both naming Brenda as the beneficiary. The case ended up in court. The Nebraska Supreme Court ruled that the life insurance money should go to Dale's estate, not the ex-wife's, since the settlement agreement expressly set that designation. Supreme Court Justice Cassel, concurring with the majority Opinion, wrote, "But existing law relies upon the general rule that divorce does not affect a beneficiary designation in a life insurance policy. This in turn requires close examination of the judgment dissolving the marriage. This framework lacks certainty, contradicts ordinary expectations, and encourages litigation. These flaws could easily be remedied by legislation. The basic practical problem is that after a marriage is dissolved, the former spouses frequently do not change preexisting beneficiary designations in life insurance policies and other similar contractual arrangements. Sometimes there is only a brief interval between the dissolution and the policyholder's death. For whatever reason, beneficiary designations often go unchanged. Human experience teaches that most policyholders would prefer a death benefit to pass to someone other than a former spouse." Except for an express direction of the contrary, LB517 would allow nonprobate property to pass in a manner similar to that of other testamentary property under a will so that the contingent beneficiary and not the primary beneficiary, the ex-spouse, would receive the property when there is an intervening divorce or annulment. In response to Judge Cassel's Opinion, the Nebraska Bar Association has drafted and prepared this bill. I was pleased to take it because we've had this exact situation where a spouse was receiving the estate even when it was clear to the contrary that that was not the intention of the decedent. So I hope you'll favorably consider this corrective legislation. In closing, I ask you to vote green on LB517. Thank you. [LB517]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Debate is now open on the bill. Senator Clements. [LB517]

SENATOR CLEMENTS: Hello. I do think this is a good bill. I do. I had one question, not a question but comment from one person about this just earlier today that on page 6 it says the person making a payment has received written notice of or has knowledge of the divorce and they're not sure how they're supposed to have knowledge, how they...if it was just published in a paper that they didn't happen to read, would they have a problem with that? And I think I'd like

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to work with the Bar Association on Select File but I'm going to have...support this at this time and move it on. Thank you. [LB517]

PRESIDENT FOLEY: Thank you, Senator Clements. Senator Pansing Brooks, you're recognized to close on LB517. She waives closing. The question before the body is the advance of LB517 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB517]

ASSISTANT CLERK: 32 ayes, 0 nays on the motion to advance the bill. [LB517]

PRESIDENT FOLEY: LB517 advances. Next bill, Mr. Clerk. [LB517]

ASSISTANT CLERK: Mr. President, LB320 was introduced by Senator Lowe. (Read title.) The bill was read for the first time on January 12; referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File, no committee amendments. [LB320]

PRESIDENT FOLEY: Senator Lowe, you're recognized to open on LB320. [LB320]

SENATOR LOWE: Thank you, Lieutenant Governor Foley. LB320 is a Department of Administrative Services omnibus bill. This bill reflects the changes in the cost of doing business based on inflation and changes the reporting requirements in order to better reflect these real-world changes. This includes increasing the competitive formal bidding for personal property from \$25,000 to \$50,000, increasing informal bidding for personal property from \$10,000 to \$25,000, and increase the dollar threshold for unrestricted open-market purchases from \$10,000 to \$25,000. LB320 modifies the threshold for real-world property purchases by DAS without approval from the Legislature. These numbers have not been modified since it was established in 1992. The change would call for 10 percent of the current amount established in Section 81-1108.43(1)(a). Lastly, this bill changes (inaudible) the Materiel Division materiel administrator so the statute refers to the head of the division instead of the division itself. I urge you to vote green on LB320. [LB320]

PRESIDENT FOLEY: Thank you, Senator Lowe. Seeing no members in the queue, Senator Lowe, you're recognized to close on the advance of LB320. He waives closing. The question before the body is the advance of LB320 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB320]

ASSISTANT CLERK: 27 ayes, 0 nays on the motion to advance the bill. [LB320]

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PRESIDENT FOLEY: LB320 advances. Next bill, Mr. Clerk. [LB320]

ASSISTANT CLERK: LB458 introduced by Senator Harr. (Read title.) The bill was read for the first time on January 17; referred to the Government, Military and Veterans Affairs Committee; placed on General File with no committee amendments. [LB458]

PRESIDENT FOLEY: Senator Harr, you're recognized to open on LB458. [LB458]

SENATOR HARR: Thank you, Mr. President, and members of the body. LB458 amends the County Purchasing Act to remove purchases of personal property or services by or on behalf of the county coroners, thereby allowing them to acquire property and services that are not well-suited to the traditional bidding process in a flexible manner that protects families and obtains the best results for their community. I want to thank the Government Committee who voted this out unanimously. I want to thank the Speaker for making this a consent calendar. And I want to thank NACO for their support on this bill as well. Thank you. [LB458]

PRESIDENT FOLEY: Thank you, Senator Harr. Debate is now open on the bill. Senator Harr, you're recognized to close on LB458. He waives closing. The question before the body is the advance of LB458 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB458]

ASSISTANT CLERK: 27 ayes, 0 nays on the motion to advance the bill. [LB458]

PRESIDENT FOLEY: LB458 advances. (Visitors introduced.) Next bill, Mr. Clerk. [LB458]

ASSISTANT CLERK: LB200, introduced by Senator Lowe. (Read title.) The bill was introduced on January 10; referred to the Government, Military and Veterans Affairs Committee; placed on General File with committee amendments. (AM21, Legislative Journal page 920.) [LB200]

PRESIDENT FOLEY: Senator Lowe, you're recognized to open on LB200. [LB200]

SENATOR LOWE: Thank you, Lieutenant Governor Foley, and thank you, Speaker Scheer, for saving the best for last. LB200 changes the population threshold for when a county must come...must have a supervisor perform the duties of a highway superintendent. I brought this bill on behalf of Buffalo County because this charge changes the responsibility, would force a major overhaul of the county government, and force potentially significant increases in county

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spending. Since I presented this bill we found out that Hall County would be affected and AM21 would change this. Thank you. [LB200]

PRESIDENT FOLEY: Thank you, Senator Lowe. Debate is now open on LB200. Senator Murante, you're recognized to open on the AM21, Government Committee amendment. [LB200]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. As Senator Lowe, stated, AM21 uses a 60,000 population threshold rather than 75,000 to assure that the bill does not negatively impact Hall County. I would encourage your adoption of AM21 and your advancement of LB200. Thank you, Mr. President. [LB200]

PRESIDENT FOLEY: Thank you, Senator Murante. Seeing no debate, Senator Murante. He waives closing on AM21, the Government Committee amendment. Those in favor of the amendment vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB200]

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of the committee amendments. [LB200]

PRESIDENT FOLEY: The committee amendments are adopted. Senator Lowe, you're recognized to close on LB200. He waives closing. The question before the body is the advance of LB200 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please, Mr. Clerk. [LB200]

ASSISTANT CLERK: 27 ayes, 0 nays on the motion to advance the bill. [LB200]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Next bill. [LB200]

ASSISTANT CLERK: LB508 was introduced by Senator Hilgers. (Read title.) The bill was introduced on January 18 of this year, referred to the Government Committee, placed on General File with amendments attached. (AM658, Legislative Journal page 922.) [LB508]

PRESIDENT FOLEY: Senator Hilgers, you're recognized to open on LB508. [LB508]

SENATOR HILGERS: Thank you, Mr. President. Good afternoon, colleagues. LB508 is really the continuation of a process that was started I think last session by Senator Hansen which is to change some of the threshold, the implications of hitting some population thresholds for

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Lancaster County. There was one remaining issue that needed to be addressed. When Lancaster County hits 300,000, it needs...by current state law would have to create a civil service commission. It's an additional layer of bureaucracy that causes additional costs, additional burden, additional red tape, and it's really not needed at this stage of the game for Lancaster County. LB508 would make one simple change to state statute. It would change that threshold from 300,000 to 400,000. We did have some opposition from AFSCME at the committee hearing. They were concerned about ensuring that there was a Personnel Policy Board that was fairly balanced toward union interests, that was not weighted against union interests. We had a really good conversation, had a lot of meetings with them and worked out a compromise amendment. That's the committee that came through 8-0, as well as what LB508 also came through, 8-0, that...and Senator Murante will explain this, but it goes into and changes the makeup of the personnel policy board, which is the current board that governs labor disputes...personnel disputes, I'm sorry, for Lancaster County. So LB508, very simple, raises the threshold in an era of tight budgets, high property taxes. It helps save taxpayer money here in Lancaster County without any loss in value or loss in service and the amendment helps address some of the current concerns for the personnel policy board as it is currently constructed. So I'd ask for your green vote on LB508 as well as the committee amendment. Thank you, Mr. President. [LB508]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Murante, you're recognized to open on the Government Committee amendment, AM658. [LB508]

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. AM658 does not make substantive changes to the bill but adds two changes to the policy personnel board of a county civil service commission. First, the amendment reforms the membership of the board. Currently the board is comprised of two members appointed by the county board, two members appointed by the elected department heads, and two members appointed by classified employees covered by the personnel system. The amendment would remove one of the members appointed by the county board and one of the members appointed by the elected department heads. Second, it makes changes to the quorum requirement for the personnel board. Under the amendment, three members of the board would constitute a quorum. However, the member appointed by the county board and the member appointed by the elected department heads must be present in order for a quorum to exist, and this amendment eliminates any opposition to the bill. I encourage your adoption of AM658 and your advancement of LB508. Thank you, Mr. President. [LB508]

PRESIDENT FOLEY: Thank you, Senator Murante. Debate is now open on LB508 and the amendment. Senator Murante, you're recognized to close. He waives closing. The question before the body is the advance of the Government Committee amendment...or, excuse me, the

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adoption of the Government Committee amendment. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB508]

ASSISTANT CLERK: 30 ayes, 0 nays on the adoption of the Government Committee amendment. [LB508]

PRESIDENT FOLEY: AM658 is adopted. Continuing debate. Senator Hilgers, you're recognized to close. He waives closing. The question before the body is the advance of LB508 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB508]

ASSISTANT CLERK: 29 ayes, 0 nays on the advancement of the bill, Mr. President. [LB508]

PRESIDENT FOLEY: LB508 advances. Last bill, Mr. Clerk. [LB508]

ASSISTANT CLERK: LB382 introduced by Senator Erdman. (Read title.) The bill was read for the first time on January 13 of this year; referred to the Government, Military and Veterans Affairs Committee; placed on General File with no committee amendments. [LB382]

PRESIDENT FOLEY: Senator Erdman, you're recognized to open on LB382. [LB382]

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. Good afternoon. Looks like I'm the only thing standing between you and getting out of here so I'll be brief as I can. LB382 would remove the Highway Allocation Fund and incentive payments from the restricted funds category in the county's budget and give counties more flexibility to spend their limited property tax dollars. To give you an example of what it does, here is a very simple example. Say a county budget is \$20 million of restricted...has a \$20 million restricted fund budget. Of that, \$2 million is Highway Allocation and incentive payments. The other \$18 million is spent on other functions of the county: the clerk, the indigent defense, register of deeds, jail, and other things. What this would do as...when the Highway Allocation Fund would grow...in that example I just gave you, a \$20 million budget, they can only spend \$18 million on other things. The \$2 million is restricted. As the Highway Allocation would improve or increase, if that same budget was \$20 million and the Highway Allocation went up to \$2.5 million, that would only leave \$17.5 million for the county to use on the things that they normally would spend their budgets on. So what this does, it changes from the restricted funds being very restrictive that counties use it in certain ways. It allows them opportunity to increase the Highway Allocation incentive payments and it would still be part of the county budget. It does not allow the county to increase their budget. It just allows them to spend their money more wisely on things that they need. They cannot buy motor

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graders or do other things with this. It's for those things such as graveling roads and improvements in the county. I would encourage your support. I appreciate the committee voting this out. And the Speaker put it on the consent calendar and I would encourage your vote green on LB382. Thank you. [LB382]

PRESIDENT FOLEY: Thank you, Senator Erdman. Debate is now open on the bill. Senator Erdman, you're recognized to close on the advance of the bill. He waives closing. The question before the body is the advance of LB382 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB382]

ASSISTANT CLERK: 29 ayes, 0 nays on the motion to advance the bill. [LB382]

PRESIDENT FOLEY: LB382 advances. Speaker Scheer. [LB382]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, you've refreshed my own thoughts of my abilities to procrastinate because I was picking 2:30 but I thought, hmm, am I being optimistic, am I being a little too pessimistic? Eight minutes, I'll take that. I am just tickled pink. Having said that, have a nice afternoon. Have a nice evening. Tomorrow morning we will start at 9:00. We'll have a little chat first thing. We'll talk about what we're going to do next week and how we're going to go about that, as well as--just a refresher--on Monday morning again there is a budget briefing. I believe it's at 8:45. I don't see Kate or John here but I believe it's 8:45, so we will have a start time at 10:00 on Monday. Monday will have a lot to do with Final Reading. We've got a ton sitting there at Final Reading so we'll do a bunch of that and then maybe pop over to something else. So anyway, enjoy the rest of the afternoon. It's a great day out there. And we'll see you all in the morning. Thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Items for the record, Mr. Clerk?

ASSISTANT CLERK: Mr. President, amendments to be printed to LB461 from Senator Brewer; to LR1CA from Senator Wayne; and to LB25 from Senator Wayne. (Legislative Journal pages 1104-1110.) [LB461 LR1CA LB25]

In addition, priority motion, Senator Blood would move to adjourn until 9:00 a.m. on Friday, April 21, 2017.

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