

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

Floor Debate
February 10, 2015

[LB34 LB37 LB45 LB46 LB70 LB77 LB116 LB129 LB146 LB180 LB181 LB194 LB215
LB245 LB252 LB262 LB266 LB272 LB286 LB298 LB299 LB301 LB305 LB312 LB313
LB314 LB352 LB446 LB599 LB604 LB651 LR10CA LR52]

SENATOR SULLIVAN PRESIDING

SENATOR SULLIVAN: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE TWENTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR FRED LANDSBERG OF ST. TIMOTHY'S LUTHERAN CHURCH IN OMAHA, NEBRASKA, SENATOR CRAIGHEAD'S DISTRICT. PLEASE RISE.

PASTOR LANDSBERG: (PRAYER OFFERED.)

SENATOR SULLIVAN: THANK YOU. I CALL TO ORDER THE TWENTY-FOURTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. SENATORS, PLEASE BE ADVISED THAT IF YOU ARE NOT ALREADY HERE AND CHECKED IN, PLEASE DO SO. IT'S 9:11 AND WE'D LIKE TO GET STARTED. THANK YOU. MR. CLERK, PLEASE RECORD.

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MADAM PRESIDENT.

SENATOR SULLIVAN: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

SENATOR SULLIVAN: THANK YOU. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

ASSISTANT CLERK: MADAM PRESIDENT, THERE ARE. I HAVE APPOINTMENT LETTERS TO THE STATE EMERGENCY RESPONSE COMMISSION AND TO THE NEBRASKA ARTS COUNCIL. I HAVE A CONFLICT OF INTEREST STATEMENT FROM SENATOR KOLTERMAN. YOUR COMMITTEE ON HEALTH AND HUMAN SERVICES, WHOSE CHAIRPERSON IS SENATOR CAMPBELL, REPORTS LB34, LB46, LB129, LB37, LB77, AND LB146 TO GENERAL FILE, SOME WITH COMMITTEE AMENDMENTS. COMMITTEE ON GENERAL AFFAIRS REPORTS LR10CA TO GENERAL FILE. I HAVE A SERIES OF NOTICES OF COMMITTEE HEARING FROM THE HEALTH AND HUMAN SERVICES AND A MOTION TO WITHDRAW LB604 FROM SENATOR BLOOMFIELD. THAT WILL BE LAID OVER. THAT'S ALL I HAVE THIS MORNING. (LEGISLATIVE JOURNAL PAGES 447-451.)

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[LB34 LB46 LB129 LB37 LB77 LB146 LR10CA LB604]

SENATOR SULLIVAN: THANK YOU, MR. CLERK. WE WILL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, MR. CLERK.

ASSISTANT CLERK: MADAM PRESIDENT, THE FIRST MOTION FOR CONSIDERATION THIS MORNING IS FROM SENATOR JOHNSON. HE ASKS TO WITHDRAW LB262. [LB262]

SENATOR SULLIVAN: SENATOR JOHNSON, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION TO WITHDRAW. [LB262]

SENATOR JOHNSON: (RECORDER MALFUNCTION)...NEBRASKA. LB262 WAS BROUGHT TO ME BY THE DAIRY INDUSTRY. THE DAIRY INDUSTRY THAT WORKED ON THIS BILL IS MADE UP OF THREE DIFFERENT SEGMENTS OF THE INDUSTRY, THREE DIFFERENT BOARDS. THERE IS ONE THAT REPRESENTS THE PRODUCERS, ONE THAT REPRESENTS THE PROCESSORS, AND THEN THE ONE THAT HANDLES THE CHECKOFF PROGRAM, WHICH IS A NATIONAL OR A FEDERAL PROGRAM. THEY WORKED ON THIS AND, WHEN THEY PRESENTED IT, THEY HAD SOME WORK TO DO. THEY ASKED US NOT TO SCHEDULE IT FOR A HEARING BECAUSE THEY CONTINUE TO WORK ON IT. AT THIS POINT, THEY HAVE DECIDED TO ASK ME TO PULL THIS BILL AND THEY WILL WORK ON IT DURING THE INTERIM AND POSSIBLY HAVE SOMETHING NEXT YEAR. SO I WOULD SUPPORT THE REMOVAL OF LB262. THANK YOU. [LB262]

SENATOR SULLIVAN: THANK YOU, SENATOR JOHNSON. THOSE WISHING TO SPEAK, SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB262]

SENATOR CHAMBERS: THANK YOU. MADAM PRESIDENT, MEMBERS OF THE LEGISLATURE, SO FAR THIS SESSION I HAVE USED THIS OPPORTUNITY--WHEN SOMEBODY MADE A MOTION TO WITHDRAW A BILL--TO FIRST SAY THAT I WILL ALWAYS SUPPORT THE INTRODUCER WHO WANTS TO WITHDRAW A BILL. BUT THEN I WILL MAKE OTHER COMMENTS THAT I WOULD NOT WANT TO MAKE BY WAY OF A POINT OF PERSONAL PRIVILEGE. I HAVE DONE IT CONSISTENTLY. BUT AS I TOLD ONE OF MY COLLEAGUES, A SLAVISH CONSISTENCY IS THE HOBGOBLIN OF LITTLE MINDS. SO I DON'T HAVE ANYTHING ELSE TO SAY ON THIS BILL THIS MORNING. THANK YOU. [LB262]

SENATOR SULLIVAN: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE WISHING TO SPEAK, SENATOR JOHNSON, WOULD YOU LIKE TO CLOSE? SENATOR JOHNSON WAIVES CLOSING. THE MOTION BEFORE YOU IS TO WITHDRAW LB262. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED WHO WISH TO? THE MOTION SUCCEEDS.

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THE BILL IS WITHDRAWN. PLEASE RECORD, MR. CLERK. [LB262]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE MOTION TO WITHDRAW, MADAM PRESIDENT. [LB262]

SENATOR SULLIVAN: MR. CLERK, WE WILL NOW PROCEED TO GENERAL FILE, LB70. [LB70]

ASSISTANT CLERK: MADAM PRESIDENT, LB70 WAS INTRODUCED BY SENATOR SCHUMACHER. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 8, REFERRED TO THE REVENUE COMMITTEE. THE BILL WAS CONSIDERED YESTERDAY. THE REVENUE COMMITTEE AMENDMENTS WERE ADOPTED, AS WAS AN AMENDMENT TO THE COMMITTEE AMENDMENTS FROM SENATOR KRIST. [LB70]

SENATOR SULLIVAN: SENATOR SCHUMACHER, WOULD YOU LIKE TO REVIEW THE SUBSTANCE OF THE BILL RIGHT NOW TO REFRESH OUR MEMORIES FROM YESTERDAY? [LB70]

SENATOR SCHUMACHER: THANK YOU, MADAM PRESIDENT. I WOULD LIKE TO DO SO AND THANK YOU FOR THE OPPORTUNITY. THIS BILL DEALS WITH THE TAXATION OF UNREGULATED GAMING MACHINES IN NEBRASKA. A GAMING MACHINE IS A DEVICE THAT ACCEPTS MONEY, PAYS OUT MONEY, INTERACTS WITH THE PLAYER THROUGH USE OF A TOUCH SCREEN OR SIMILAR THING, AND WHICH HAS THE OUTCOME OF THE INTERACTION DETERMINED BY MORE CHANCE THAN SKILL. THIS BILL SEEKS TO IMPOSE A 10 PERCENT TAX ON THE GROSS PROCEEDS OF THAT INTERACTION. IT ARISES AS AN ENFORCEMENT EFFORT BECAUSE, AS TIME HAS GONE ON, IT HAS BECOME MORE AND MORE DIFFICULT FOR LAW ENFORCEMENT TO BE ABLE TO ECONOMICALLY PROVE WHETHER ONE OF THESE DEVICES IS MORE SKILL OR MORE CHANCE. BY APPLYING TAX LAW AND MAKING AN EXCEPTION FOR THOSE DEVICES THAT ARE MORE SKILL, WE ARE ABLE TO MORE ECONOMICALLY FOCUS ON THE ENFORCEMENT OF THIS LAW OR THE WAY TO OBTAIN TAX REVENUE FROM THESE MACHINES. THE BILL WAS AMENDED YESTERDAY BY A REVENUE COMMITTEE AMENDMENT TO MAKE IT A STATEWIDE TAX FOR SIMPLER ADMINISTRATION THAN A CITY-BY-CITY TAX. YESTERDAY, WE HAD DISCUSSION REGARDING WHETHER OR NOT THE CRITERIA BY WHICH A TAXPAYER WOULD PROVE AN EXEMPTION TO THE TAX--ESSENTIALLY, PROVE UP TO THE TAX COMMISSIONER THAT HIS GAME WAS LEGAL--WHETHER OR NOT THAT CRITERIA WAS CLEAR ENOUGH IN THE BILL. SENATOR BURKE HARR AND I HAVE HAD DISCUSSIONS LATE LAST NIGHT WITH REGARD TO HOW THOSE CRITERIA COULD BE BEEFED UP TO MAKE IT MORE EFFICIENT FOR A DISTRIBUTOR OF NONGAMBLING MACHINES TO GET THE EXEMPTION. AND I

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BELIEVE THAT WE HAVE SUFFICIENT PROGRESS IN THAT DISCUSSION TO BELIEVE THAT WE CAN COME TO A SET OF LANGUAGE AND CRITERIA TO INCLUDE IN THE BILL SHOULD THE BODY MOVE THIS ON FROM GENERAL FILE TO SELECT FILE, AND THAT WE CAN RESOLVE MANY OF THOSE LINGERING ISSUES. THE BOTTOM LINE ON THIS IS THERE ARE MANUFACTURERS OF MACHINES NOW PUSHING THE LIMIT, TESTING TO SEE HOW MUCH GAMBLING THEY CAN PUT IN THESE MACHINES WITH...AND STILL BE ABLE TO OPERATE, BECAUSE IT IS JUST SIMPLY UNECONOMICAL FOR THE STATE PATROL AND FOR LAW ENFORCEMENT TO TEST EVERY ONE OF THESE RAPIDLY CHANGING MACHINES AND TO PROVE BEYOND A REASONABLE DOUBT--WHICH IS A STANDARD THAT THE COURT HAS--THAT A MACHINE IS ILLEGAL FOR THE PURPOSES OF SEIZURE OR CRIMINAL PROSECUTION. TAX LAW HAS BEEN SHOWN TO BE AN EFFECTIVE WAY TO GET A HANDLE ON GAMING THAT VIOLATES THE LAW IN THE PAST. AND THAT'S WHERE THE BILL STANDS RIGHT NOW. THANK YOU. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR SCHUMACHER. THE FLOOR IS NOW OPEN FOR DISCUSSION ON LB70. THE CHAIR RECOGNIZES SENATOR McCOY. [LB70]

SENATOR McCOY: THANK YOU, MADAM PRESIDENT, AND GOOD MORNING, COLLEAGUES. I RISE AGAIN THIS MORNING IN STRONG OPPOSITION TO LB70. YOU KNOW, I MIGHT BE ONE OF A FEW, MIGHT BE ONE OF MANY. I DON'T KNOW. I DON'T THINK THERE IS A TREMENDOUS AMOUNT OF INTEREST IN THIS BILL THIS MORNING BASED UPON THE NUMBER OF LIGHTS THAT ARE ON. THERE ARE PRETTY FEW. BUT THIS IS ONE, IF I WAS THE LONE RED VOTE ON EVERY WAY THROUGH, I'D BE VERY HAPPY WITH IT BECAUSE I DON'T LIKE THIS BILL AT ALL. AND I SAID IT YESTERDAY, AND I'LL SAY IT AGAIN. I DON'T LIKE IT FOR TWO PRETTY KEY REASONS, IN MY VIEW. THIS IS A NEW TAX, COLLEAGUES, ABSOLUTELY. THIS REVENUE, WITH THE AMENDMENT, THE COMMITTEE AMENDMENT THAT WE ADVANCED, I DIDN'T SUPPORT IT, BUT THE BODY ADVANCED YESTERDAY WITH AM118. THESE FUNDS, EXCEPT FOR WHAT PORTION GOES TO THE COMPULSIVE GAMBLERS FUND, GO TO THE GENERAL FUND. THIS IS A NEW TAX, A TAX INCREASE, A NEW TAX, HOWEVER YOU WANT TO LOOK AT IT. I DIDN'T COME DOWN HERE TO RAISE TAXES. I DON'T CARE IF IT'S ON SOME MACHINE THAT I MAY NOT EVEN PARTICULARLY CARE FOR. THE OTHER THING I WANT TO POINT OUT IS I HAD A GENTLEMAN FROM THE VFW OF NEBRASKA COME INTO MY OFFICE YESTERDAY AND TALK ABOUT THAT THE VAST PREPONDERANCE OF THESE MACHINES ARE IN AMERICAN LEGION AND VFW HALLS ACROSS NEBRASKA. THEY DON'T WANT TO HAVE ILLEGAL MACHINES IN THEIR FACILITIES. BUT WHAT THEY DO WANT TO HAVE IS THE MEANS TO PROVIDE SOME SORT OF A REVENUE STREAM TO HELP WITH THE DECLINING MEMBERSHIP THAT THEY HAVE AND TO GIVE

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THEM THE OPPORTUNITY TO STAY VIBRANT AND ALIVE AND VITAL ACROSS NEBRASKA. YOU KNOW, I WANT TO PUT OUT A HYPOTHETICAL SITUATION THAT I THINK IS ENTIRELY POSSIBLE. YOU CAN SAY I'M WRONG. I DON'T THINK I AM. I GUESS, ULTIMATELY, IT COMES DOWN TO A DIFFERENCE OF OPINION. THAT'S WHY WE HAVE A LEGISLATIVE PROCESS. THAT'S WHY WE HAVE LEGISLATIVE DEBATE. BUT I FIRMLY BELIEVE THAT IF THIS BILL ADVANCES AND BECOMES LAW, YOU HAVE A SCENARIO IN WHICH A RACETRACK, ANY SORT OF FACILITY, PROBABLY A RACETRACK, WHETHER IT BE HERE IN LINCOLN OR ELSEWHERE ACROSS THE STATE AT ONE OF OUR FACILITIES, COULD INSTALL INSTANT RACING TERMINALS, HISTORIC HORSE RACING, COULD PAY THE MAD TAX, COULD PAY THIS NEW OCCUPATION TAX, AND WOULD BE ABLE TO OPERATE UNTIL A TAX COMMISSIONER HAD A COURT RULING THAT THOSE MACHINES WERE NOT LEGAL. COLLEAGUES, THIS VIRTUAL IDENTICAL HYPOTHETICAL SITUATION THAT I JUST PROPOSED TO YOU HAPPENED IN THE STATE OF KENTUCKY FOUR YEARS AGO. WE'VE TALKED ABOUT IT MANY TIMES IN OUR DISCUSSIONS ABOUT HISTORIC HORSE RACING OVER THE YEARS. HISTORIC HORSE RACING AND INSTANT RACING TERMINALS WERE NOT LEGAL IN THE STATE OF KENTUCKY. THEY WERE STILL INSTALLED, STARTED IN ONE RACETRACK AND NOW IT'S IN TWO. THE PROCESS IS STILL HELD UP IN COURT IN THE STATE OF KENTUCKY. IT'S BEEN ALL THE WAY TO THE SUPREME COURT, BACK TO A LOWER COURT; NOW, IT'S BACK UP TO THE SUPREME COURT AT SOME POINT IN TIME FOR A FINAL DETERMINATION TO BE MADE. IN THE MEANTIME,... [LB70]

SENATOR SULLIVAN: ONE MINUTE. [LB70]

SENATOR McCOY: IN THE MEANTIME, THE MILLIONS UPON MILLIONS OF DOLLARS HAVE BEEN GENERATED ON AN ILLEGAL GAMING SYSTEM, ILLEGAL GAMING DEVICES IN THE STATE OF KENTUCKY. AGAIN, I MIGHT BE THE ONLY ONE AND IF I AM, SO BE IT. I'LL GO DOWN SWINGING ON THIS ONE, I GUESS. I DON'T LIKE THIS BILL. I DON'T LIKE THE UNINTENDED CONSEQUENCES IT COULD HAVE. AND I THINK WE'LL FIND...IF THIS LEGISLATION ADVANCES TO SELECT FILE, YOU'RE GOING TO SEE A LOT MORE OPPOSITION BETWEEN NOW AND THEN FOR A NUMBER OF DIFFERENT GROUPS ONCE PEOPLE REALIZE WHAT THIS BILL CAN DO. THANK YOU. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR McCOY. THE CHAIR NOW RECOGNIZES SENATOR BURKE HARR. [LB70]

SENATOR HARR: THANK YOU, MADAM PRESIDENT. MEMBERS OF THE BODY, I DID HAVE MY CONCERNS WITH THIS BILL. I THINK THE BODY IS IN AGREEMENT HERE THAT--AND I THINK SENATOR McCOY AND SENATOR SCHUMACHER AGREE ON THIS--WE DON'T WANT TO WITH THESE GAMES EXPAND GAMBLING.

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WE HAVE TO FIND A WAY TO SAY, THIS IS GAMBLING, THIS IS NOT GAMBLING. AND THAT LINE RIGHT NOW IS MURKY AT BEST. AND YOU HAVE PEOPLE OUT THERE THAT ARE OPERATING HONESTLY UNDER THE LAW THAT HAVE BEEN EVALUATED AND BEEN SIGNED OFF TO SAY, YOU'RE FINE. NOW WE HAVE THESE NEW PLAYERS IN TOWN WHO MAY OR MAY NOT BE ACTING AND WE HAVE TO FIND A WAY WITHIN THE LAW. WE HAVE TO FIND A WAY TO MAKE SURE THAT THEY ARE ACTING WITHIN THE LAW, THAT THEY ARE GOOD PLAYERS. SO I UNDERSTAND WHAT SENATOR McCOY IS SAYING. BUT I THINK IT IS MAYBE A LITTLE MISPLACED. I HAD...AS SENATOR SCHUMACHER SAID, WE HAD A LONG CONVERSATION LAST NIGHT, DIALOGUE, WHICH IS NICE BECAUSE OFTENTIMES WITH SCHUMACHER IT'S A MONOLOGUE BECAUSE HE'S MILES AHEAD OF ME. BUT HE CAME DOWN TO MY LEVEL AND WE HAD A NICE CONVERSATION ABOUT WHAT WE WANT TO DO AND HOW WE CAN DO THAT. AND BECAUSE IT IS SCHUMACHER IT'S GOING TO BE A LITTLE MORE COMPLICATED. AND WE...I'M NOT READY FOR THE AMENDMENT TODAY. BUT I THINK WE HAVE AN AGREEMENT ON WHAT WE CAN DO BETWEEN GENERAL AND SELECT OF WHAT THE GOALS WE WANT TO ACCOMPLISH ARE. AND, YOU KNOW, I WANT TO MOVE LB70 TODAY. AND IF THERE IS OPPOSITION TO LB70, I WOULD ENCOURAGE THOSE PEOPLE TO COME TALK TO ME SO THAT, YOU KNOW, YOU CAN BE PART OF THE PROCESS AND WE CAN WORK OUT A COMPROMISE THAT OBTAINS THAT GOAL OF SAYING, WE NEED CERTAINTY. THAT'S WHAT THIS BILL IS TRYING TO DO, IS CREATE CERTAINTY AS TO WHAT IS AND WHAT IS NOT GAMBLING. WHAT IS A GAME OF CHANCE, AND WHAT IS A GAME OF SKILL? IT'S THAT SIMPLE, FOLKS. WE'RE NOT...THE HOPE IS NOT TO EXPAND GAMBLING. IT'S TO CREATE A CLEAR LINE SO WE KNOW WHAT IS AND WHAT IS NOT. SO I WOULD ENCOURAGE YOU TO, PLEASE, VOTE FOR LB70. THANK YOU. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR HARR. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB70]

SENATOR SCHUMACHER: THANK YOU, MADAM PRESIDENT. FIRST OF ALL, YES, THIS IS A NEW TAX. IT'S A NEW TAX WITH A PURPOSE. IT'S A VEHICLE BY WHICH WE CAN ENSURE THE INTEGRITY OF THE GAMES THAT ARE LEGAL AND HELP GET RID OF THE GAMES THAT ARE ILLEGAL. IT IS INDEED A PARADOX WHEN I AM ARGUING AGAINST GAMING DEVICES AND FOR SOMETHING THAT WOULD MAKE THEM MORE DIFFICULT TO OPERATE IN THIS STATE. AND SENATOR McCOY IS ON THE OTHER SIDE, KNOWING THAT THESE MACHINES COULD BE ILLEGAL AND WANTING TO STOP AN ENFORCEMENT MECHANISM. THIS BILL MAKES NOTHING LEGAL THAT IS NOT NOW ALREADY LEGAL. AND IT DOES NOT LEGALIZE ANYTHING UNLAWFUL. IF A HORSE-RACING MACHINE IS UNLAWFUL BEFORE THIS BILL, IT WOULD BE UNLAWFUL AFTERWARDS AND THE PATROL CAN SEIZE IT, THEY CAN BRING COURT ACTION. WHAT THIS

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DOES IS ADDS AN ADDITIONAL TOOL WHERE THERE IS A TAX IMPOSED. AND THAT TAX IS IMPOSED UNLESS AND UNTIL THE OWNER OR OPERATOR OF THE MACHINE CAN SHOW THEM TO BE WITHIN THE LAW TO THE TAX COMMISSIONER. AND THAT'S WHAT SENATOR HARR AND I HAVE GOT TO WORK OUT, THE CRITERIA FOR THAT TAX COMMISSIONER TO LOOK AT. THE FACT THAT SOME OR MORE CHARITABLE ORGANIZATIONS ARE USING DEVICES, IF THEY'RE LEGAL, THEY WILL CONTINUE TO BE LEGAL; IF THEY ARE ILLEGAL, THEY SHOULDN'T BE USING THEM EVEN IF IT'S FOR A GOOD CAUSE. AND SO, BASICALLY, THIS IS A VERY SIMPLE BILL. IF YOU HAVE A THING THAT LOOKS LIKE A SLOT MACHINE IN THAT IT TAKES MONEY IN, IT PAYS MONEY OUT, IT'S PAID BY A PLAYER TOUCHING BUTTONS AND TOUCH SCREENS AND THE LIKE, AND IT IS MORE CHANCE THAN SKILL, THEN IT TAXES IT. IF IT IS NOT ONE OF THOSE THINGS, THEN THIS BILL DOESN'T APPLY TO IT. AND I THINK WE'VE GOT A MECHANISM ON THE WAY WITH SENATOR HARR'S HELP THAT WILL HELP US MAKE THAT DISTINCTION. WE DON'T HAVE TO ACT ON THIS. IF WE DON'T ACT ON THIS, LIFE WILL GO BACK JUST THE WAY IT WAS AND THESE MACHINES WILL CONTINUE TO SPREAD. AND NOBODY WILL KNOW AND NOBODY WILL WANT TO SPEND THE MONEY TO FIND OUT WHETHER THEY ARE LEGAL OR ILLEGAL. AND THAT MAY JUST BE FINE. THE SIGNAL WOULD GO OUT TO THE BAR OWNERS WHO ARE ASKING QUESTIONS--GEE, I'LL PUT ONE OF THESE IN BECAUSE MY FRIEND DOWN THE STREET HAS GOT ONE. AND I DON'T WANT HIM TO TAKE MY BAR BUSINESS OR MY CONVENIENCE STORE BUSINESS SO I'M GOING TO PUT ONE IN, TOO, BECAUSE IT LOOKS LIKE NOBODY REALLY CARES. THE PATROL DOES A WALK-BY. THEY GOT A STICKER ON THEM. IT'S FINE WITH THEM. THE PROSECUTION DOESN'T HAPPEN. AND THE STATE LEGISLATURE DOESN'T WANT TO TAKE ANY ACTION WITH REGARD TO THESE DEVICES, SO I GUESS IT'S...MUST BE OKAY WITH EVERYBODY. NOW, IF I WERE AN AMERICAN INDIAN TRIBE AT THIS POINT, I WOULD SAY, HMM, THIS ALMOST LOOKS LIKE NEBRASKA IS LOOKING THE OTHER WAY ON CLASS III GAMING AND I'M WONDERING IF UNDER FEDERAL LAW I CAN'T OPEN A CASINO IN NEBRASKA. SO ALL THESE ISSUES ARE HERE AND THEY'RE HERE BECAUSE OF A CLOUDED GAMING POLICY IN THE STATE. AND WHAT WE ARE SAYING IS, OKAY, WE'VE GOT TO LIVE BY THE RULES WE GOT TO LIVE BY. IF THESE MACHINES FUNCTION AS SLOT MACHINES, THEN LET'S...WE HAVE AN OBLIGATION UNDER OUR CONSTITUTION TO DO WHAT WE CAN TO GET RID OF THEM. AND IF THEY DON'T FUNCTION AS SLOT MACHINES, THEN THIS BILL DOESN'T APPLY AND NO TAX SHOULD APPLY. [LB70]

SENATOR SULLIVAN: ONE MINUTE. [LB70]

SENATOR SCHUMACHER: SO I WOULD ENCOURAGE...I THINK THAT ISSUES ARE FAIRLY WELL DEFINED HERE TODAY, AND I'D ENCOURAGE YOU TO SAY WHETHER OR NOT WE WANT TO INTERVENE IN THIS AREA BY ADDING TAX

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LAW AS PART OF THE ARSENAL FOR ENFORCING THE PROVISIONS OF OUR CONSTITUTION AGAINST GAMBLING. THANK YOU. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR SCHUMACHER. THE CHAIR NOW RECOGNIZES SENATOR GLOOR. [LB70]

SENATOR GLOOR: THANK YOU, MADAM PRESIDENT. GOOD MORNING, MEMBERS. JUST A COMMENT AND A QUICK REVIEW AS CHAIR OF THE REVENUE COMMITTEE. THIS BILL DID COME OUT OF COMMITTEE UNANIMOUSLY. THE COMMITTEE WOULD NOT HAVE ADVANCED A BILL THEY THOUGHT OPENED THE DOOR FOR EXPANDED GAMING. IN FACT, WHAT THE COMMITTEE FELT, WITH THE ADOPTION OF THE COMMITTEE AMENDMENT WHICH WE DID AS OUR LAST ACT YESTERDAY BEFORE WE ADJOURNED, WAS TO TIGHTEN UP THIS BILL AND MAKE IT EVEN BETTER. THANK YOU FOR THAT VOTE...STRONG VOTE ON THAT. AND I HOPE WE CONTINUE WITH A STRONG VOTE ON LB70. IT IS A DIFFERENT WAY OF ENFORCEMENT, TO HOLD DOWN THE SPREAD OF ILLEGAL GAMING IN THIS STATE. YOU WOULD EXPECT THAT FROM SENATOR SCHUMACHER, WHO THINKS A LITTLE DIFFERENTLY ON ISSUES OF ENFORCEMENT, BUT I THINK HE'S THINKING WELL AS RELATES TO THIS. AND REMEMBER, ALSO, IT'S BEEN POINTED OUT BY SEVERAL FOLKS--AND THIS ESPECIALLY FOR THOSE OF YOU WHO HAVE NOT HAD THE EXPERIENCE OF BILLS THAT MOVE ON TO SELECT FILE--WE DO HAVE ANOTHER BITE OF THE APPLE ON THIS. AND AS SENATOR McCOY POINTS OUT, HE BELIEVES WE WILL HEAR FROM A LOT OF FOLKS ABOUT CHALLENGES WITH THIS BILL BETWEEN NOW AND SELECT FILE. IF TRUE, THAT'S A GOOD THING. IT'S ONE OF THE REASONS WE HAVE DIFFERENT STAGES HERE. SENATOR HARR HAS PLEDGED WITH SENATOR SCHUMACHER TO COME UP WITH SOME AMENDMENTS THAT THEY THINK WILL MAKE THE BILL EVEN BETTER ON SELECT FILE. AND SO I WOULD ENCOURAGE MOVING FORWARD. FOR MANY OF YOU, YOU WILL FIND US IN SELECT FILE GOING THROUGH THINGS THAT MAKE BILLS ON SELECT FILE SOMEWHAT PERFUNCTORY. CERTAINLY, ANY BILL OF MINE THAT GOES TO SELECT FILE SHOULD BE PERFUNCTORY. I'M JUST PLANTING THAT SEED WITH THOSE OF YOU WHO ARE IN THE CHAMBER. BUT AS RELATES TO THIS BILL, IT WON'T BE PERFUNCTORY. WE HAVE SOME THINGS TO TALK ABOUT AGAIN, BUT THE BILL MERITS MOVING FORWARD. AND LET'S SEE WHAT HAPPENS BETWEEN NOW AND SELECT FILE AND WHAT CHANGES ARE MADE IN SELECT FILE. SO I WOULD ENCOURAGE A VOTE GREEN AT THIS STAGE. THANK YOU. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR GLOOR. (DOCTOR OF THE DAY INTRODUCED.) THE CHAIR NOW RECOGNIZES SENATOR BRASCH. [LB70]

SENATOR BRASCH: THANK YOU, MADAM PRESIDENT, AND GOOD MORNING,

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COLLEAGUES. I AM ONE OF THE MEMBERS OF THE REVENUE COMMITTEE WHO, FOLLOWING PUBLIC TESTIMONY AT THE HEARING...WE HEARD FROM VENDORS, WE HEARD FROM ESTABLISHMENT OWNERS TESTIMONY ON CONCERNS, QUESTIONS; THERE WAS A LOT OF DIALOGUE THAT TOOK PLACE THERE. AND WITH THAT DIALOGUE, I WAS COMFORTABLE IN MOVING FORWARD. AND SO, YES, I DID AGREE. I VOTED YES. WHAT WE ARE DOING TODAY IS ONE OF THE FIRST STAGES OF DEBATE. AND MORE DIALOGUE/QUESTIONS HAVE COME UP. CONVERSATIONS AND RESEARCH TOOK PLACE OVER THE WEEKEND BY MY STAFF, BY OTHER STAFF, BY MYSELF. AND I AM NOT AS CONFIDENT OR COMFORTABLE WITH WHAT WE HEARD FROM THE VENDORS, FROM THE ESTABLISHMENT OWNERS. I BELIEVE THAT SENATOR "PROFESSOR" SCHUMACHER IS A MAN OF HIGH INTEGRITY, GREAT INTELLIGENCE. HOWEVER, WHEN WE ENTER THE WORLD OF QUESTIONING GAMING, I THINK THERE IS A LOT OF PATHS THAT WE HAVE NOT GONE DOWN AT THIS POINT. AND I AM NOT IN FAVOR OF GAMING, AS SENATOR SCHUMACHER KNOWS. THAT'S HIS INDUSTRY AND HIS FORTE OF THAT WORLD. I LIKE THE STATE OF THE STATE AS IT IS, THAT WE ARE COMFORTABLE AND CONFIDENT THAT OUR REVENUES THAT ENTER THE STATE ARE NOT COMING SOLELY BY CHANCE BUT BY DELIBERATE PLAN AND CAREFUL THOUGHT. LIKE SENATOR McCOY, I AM NOT IN FAVOR OF RAISING TAXES. JUST COMING THROUGH A REELECTION CYCLE, AS I MET WITH INDIVIDUALS, EVERYONE WANTED THEIR TAXES LOWERED OR ELIMINATED. THERE WASN'T ANYONE THERE THAT SUGGESTED THAT WE INCREASE OUR TAXES. CHAIRMAN GLOOR OF THE REVENUE COMMITTEE HAS HAD SOME VALID POINTS TO MAKE HERE THAT, YES, WE DID VOTE IT OUT OF COMMITTEE. AND YESTERDAY, HE STATED THIS WAS NOT A TROJAN HORSE. HOWEVER, HEARING WHAT HAS TAKEN PLACE IN KENTUCKY AND THE ONGOING LAWSUITS, I BELIEVE THE STATE OF NEBRASKA HAS PLENTY OF LAWSUITS AND WOULD NOT LIKE TO SEE ANOTHER COME INTO ACTION. AT THIS POINT, I AM NOT GOING TO VOTE GREEN. I WOULD LIKE TO SEE FURTHER QUESTIONS ANSWERED AND MORE ASSURANCE WHERE I CAN CONFIDENTLY VOTE ON IT. SO IN ALL RESPECT TO MY COLLEAGUES ON THE REVENUE COMMITTEE, CHAIRMAN GLOOR, SENATOR SCHUMACHER, PLEASE, KEEP US INFORMED OF YOUR DILIGENCE. THANK YOU, MADAM PRESIDENT, AND THANK YOU, COLLEAGUES. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR BRASCH. THE CHAIR NOW RECOGNIZES SENATOR CHAMBERS. [LB70]

SENATOR CHAMBERS: MADAM PRESIDENT, MEMBERS OF THE LEGISLATURE, AS THE OLDEST PERSON ON THIS FLOOR, I'M GOING TO GIVE YOU THE BENEFIT OF MY ADVANCED KNOWLEDGE AND SEASONED WISDOM. ONE OF MY CONTEMPORARIES, GOING BY THE INITIALS F.D.R., SAID AT A TIME WHEN

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PANIC WAS SWEEPING ACROSS THIS COUNTRY, WE HAVE NOTHING TO FEAR BUT FEAR ITSELF. WHEN FEAR CAN BE ENGENDERED IN PEOPLE'S MINDS, THE RATIONAL PART OF THE MIND RUNS FOR COVER, UNLESS THAT RATIONAL PART IS VERY STRONG AND WILL TRUST THE JUDGMENT THAT IT ARRIVED AT AFTER DEALING WITH THE FACTS. ANYBODY CAN TAKE ANY BILL THAT IN ANY WAY MENTIONS GAMING AND SUGGEST THAT IT'S GOING TO INCREASE GAMBLING IN THIS STATE. ILLEGAL GAMBLING CAN BE STOPPED. THE CONSTITUTION ALLOWS CERTAIN TYPES OF GAMBLING AND THE LEGISLATURE CANNOT PROHIBIT THOSE. THERE WAS A LADY ON HER WAY TO DAMASCUS AND SHE SAW THIS HORRIFIC APPARITION IN A COWLED CLOAK BY THE SIDE OF THE ROAD. AND SHE SAID, WHAT OR WHO ARE YOU? AND THIS CREATURE SAID, I AM THE PLAGUE. AND SHE SAID, WELL, WHERE ARE YOU COMING FROM? THE PLAGUE SAID, DAMASCUS. SHE SAID, WHAT WERE YOU DOING THERE? AND THIS CREATURE SAID, I SLEW 3,000 PEOPLE. SO IT WENT ON ITS WAY. SHE WENT TO DAMASCUS. SHE WAS RETURNING FROM DAMASCUS AND SHE SAW THE PLAGUE AGAIN. SHE IMMEDIATELY LAUNCHED INTO A DIATRIBE. SHE SAID, YOU ARE A LIAR. NOTHING YOU SAY IS TRUTHFUL, SO NOT ONLY ARE YOU A VICIOUS TAKER OF HUMAN LIFE BUT YOU ARE A LIAR. AND THE PLAGUE LET HER FINISH AND THEN SAID IN THOSE SEPULCHRAL TONES WHICH I CANNOT DUPLICATE--MAYBE IF I WERE DARTH VADER OR JAMES EARL JONES, WHO PLAYED DARTH VADER, I COULD DO SO--BUT THE PLAGUE SAID, YOU MAKE A MISTAKE IN WHAT YOU SAY. SHE SAID, NO, I AM NOT MISTAKEN. YOU SAID YOU WERE GOING TO KILL 3,000 PEOPLE AND WHEN I GOT TO DAMASCUS I FOUND OUT THAT 30,000 HAD BEEN KILLED. AND THE PLAGUE SAID, YOU STILL ARE MISTAKEN. SHE SAID, HOW CAN YOU SAY I'M MISTAKEN IN VIEW OF THESE FACTS WHICH YOU WILL NOT EVEN DENY? THE PLAGUE SAID, I KEPT MY WORD. I KILLED MY 3,000, FEAR KILLED THE REST. AND THAT'S WHAT OFTEN HAPPENS. COURAGE IS NOT CONTAGIOUS; FEARFULNESS AND COWARDICE ARE. SO YOU CAN MAKE PEOPLE AFRAID VERY EASILY, BUT IT'S NOT QUITE AS EASY TO CAST OUT FEAR. IF YOU HAD A PRIDE OF LIONS LED BY A SHEEP, THE PRIDE OF LIONS LED BY A SHEEP WOULD DEFEAT...I'LL LET YOU FINISH IT. [LB70]

SENATOR SULLIVAN: ONE MINUTE. [LB70]

SENATOR CHAMBERS: IT WOULD BE BETTER IF YOU HAD A FLOCK OF SHEEP LED BY A LION, BECAUSE A FLOCK OF SHEEP LED BY A LION WOULD VANQUISH A PRIDE OF LIONS LED BY A SHEEP. THE LEADER DETERMINES WHAT THE ATTITUDE OF THOSE WHO FOLLOW WILL HAVE. THE FOLLOWERS ARE INFUSED WITH THE SPIRIT OF THE LEADER. SO THE SHEEP WOULD INFUSE IN THE PRIDE OF LIONS FEARFULNESS. THE LION WOULD INFUSE IN THE SHEEP A GREATER AMOUNT OF COURAGE THAN THEY HAD BEFORE. NEITHER WOULD HAVE MORE ABILITY TO DO ANYTHING. ATTITUDE WAS

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EVERYTHING. THANK YOU, MADAM PRESIDENT. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR CHAMBERS. YOU ARE NOW IN THE QUEUE AND RECOGNIZED. [LB70]

SENATOR CHAMBERS: NOW, I'M GOING TO SUPPORT THIS BILL. IT OUGHT TO BE ADVANCED. THE COMMITTEE DID THE RIGHT THING. OFTEN, PEOPLE WILL MAKE AN APPEAL TO WHAT IS HAPPENING IN ANOTHER STATE. AND THAT DOES NOT MEAN THAT WHATEVER HAPPENED IN ANOTHER STATE IS GOING TO HAPPEN HERE. THERE ARE DIFFERENCES THAT OFTEN ARE NOT TAKEN INTO CONSIDERATION. THINGS ON THE SURFACE WHICH LOOK THE SAME ARE NOT THE SAME ONCE YOU PENETRATE BENEATH THE SURFACE. THIS BILL IS NOT HIDING AN EXPANSION OF GAMBLING. AS "PROFESSOR" SCHUMACHER POINTED OUT AND SENATOR McCOY AND NOBODY ELSE CAN DEMONSTRATE THE CONTRARY, NOTHING THAT CURRENTLY IS ILLEGAL WOULD BECOME LEGAL BY VIRTUE OF THIS BILL. NOTHING THAT IS LEGAL WILL BE MADE ILLEGAL BY THIS BILL. ALL OF THOSE ISSUES ARE OFF TO THE SIDE. AND THAT'S WHAT YOU MEAN WHEN YOU SAY SOMETHING IS BESIDE THE POINT. IT'S NOT ON POINT. IT IS NOT PERTINENT. IT IS NOT RELEVANT. IT IS SOMETHING THAT WILL DISTRACT ATTENTION FROM THE REAL ISSUE. WHAT SENATOR McCOY OUGHT TO DO, AS I WOULD DO IF I WERE TAKING HIS POSITION, IS SPECIFY EXACTLY HOW GAMBLING IS GOING TO BE SPREAD BY VIRTUE OF THIS BILL. UNLIKE HIM, I WILL NOT SAY I'M OPPOSED TO RAISING EVERY TAX. I AM AN INTELLIGENT MAN, NOT MORE SO THAN EVERYBODY ELSE, BUT THE DIFFERENCE IS THAT I WILL FOLLOW WHERE MY MIND LEADS ME. A GOVERNMENT NEEDS REVENUE AND THE ONLY WAY THAT REVENUE CAN BE RAISED IS BY WAY OF TAXES, EVEN THOUGH POLITICIANS WHO ARE SHAKY WILL DO AS MY GOOD FRIEND SENATOR CAMPBELL HAD TO DO THE OTHER DAY AND CALL A TAX SOMETHING OTHER THAN WHAT IT IS. BUT TAXING IS HOW THE GOVERNMENT RAISES REVENUE. I'VE NEVER HEARD SENATOR McCOY OR ANY OTHER POLITICIAN SAY, LET'S ABOLISH ALL TAXES, PERIOD. AND I DON'T LIKE BIG GOVERNMENT, LET'S ABOLISH ALL GOVERNMENT AND PUT EVERYBODY ON HIS OR HER OWN, MAKE IT THE BEST WAY THAT YOU CAN. THAT IS NOT GOING TO HAPPEN. IT HAS NEVER BEEN ADVOCATED. AND OFTEN, PEOPLE WHO ADVOCATE SUCH THINGS AS THAT WILL BE IN A POSITION TO BE A PURIST AND SAY, I'M GOING TO VOTE AGAINST EVERY TAX AND I'M GOING TO VOTE AGAINST BIG GOVERNMENT. BUT THEY KNOW GOOD AND WELL THAT THERE ARE ENOUGH INTELLIGENT, RESPONSIBLE PEOPLE TO VOTE FOR THE TAX INCREASES, WHERE NECESSARY, TO SUPPORT GOVERNMENTAL OPERATIONS, WHERE NECESSARY. AND THAT'S THE CAMP I WILL BE IN. I DON'T PANDER TO ANYBODY AND NOBODY WILL EVER MAKE ME SAY SOMETHING THAT MY MIND TELLS ME IS NOT CORRECT OR TRUTHFUL. IF I CAN BE SHOWN BY FACTS

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THAT A POSITION I'M HOLDING IS INVALID OR FALSE, MY MIND ALSO TEACHES ME THAT THERE IS NOTHING TO BE GAINED BY ME BY HOLDING ONTO SOMETHING THAT I KNOW IS FALSE OR INVALID. I DON'T HAVE TO RUN FOR THESE OFFICES WHERE I GET UP THERE AND LIE TO PEOPLE AND TELL THEM I'M GOING TO STOP THESE TAXES, I'M NOT GOING TO LET THIS HAPPEN, I'M NOT GOING TO LET THAT HAPPEN, I'M GOING TO CHANGE THE STATE, AND THEY CAN'T CHANGE THEIR OWN CHILDREN'S MIND. [LB70]

SENATOR SULLIVAN: ONE MINUTE. [LB70]

SENATOR CHAMBERS: THEY CANNOT CHANGE THE MIND OF THE PEOPLE IN THE LITTLE CITY THEY LIVE IN. AND SOME EVEN TALK ABOUT GOING TO CONGRESS AND ARE GOING TO CHANGE THE GOVERNMENT, AND THEY CAN'T CHANGE A DIAPER. THAT'S THE FOOLISHNESS THAT POLITICIANS ALLOW THEMSELVES TO FALL INTO BECAUSE THE PUBLIC IS SO GULLIBLE. AND RATHER THAN POLITICIANS HAVING RESPECT FOR THE PUBLIC AND SEEING THE NEED TO ERADICATE THAT GULLIBILITY, THEY TAKE ADVANTAGE OF IT. THEY WILL MISLEAD, THEY WILL DUPE, THEY WILL DELUDE, THEY WILL DECEIVE, JUST TO WIN A POLITICAL OFFICE. SOME PEOPLE ARE NOT BOTHERED BY THAT. I HAVE NO RELIGION AND, BECAUSE I HAVE NO RELIGION, THOSE KINDS OF THINGS ARE BENEATH MY STANDARD OF VALUES. THANK YOU, MADAM PRESIDENT. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR CHAMBERS. AND YOU ARE NEXT IN THE QUEUE AND THIS IS YOUR THIRD TIME. [LB70]

SENATOR CHAMBERS: THANK YOU, MADAM PRESIDENT. EVEN WHEN IT COMES TO TRYING TO DO AWAY WITH TAXES, THE ONES WHO MAKE THOSE VOTES ARE LOOKING AT WHOSE OX WILL BE GORED. THEY ARE NOT LOOKING AT THE PEOPLE WHO NEED THE HELP. THERE ARE MANY, MANY IMPOVERISHED PEOPLE IN THIS COUNTRY, THE RICHEST ONE, MATERIALLY SPEAKING, ON THE FACE OF THE EARTH, SO I AM TOLD. YOU STILL HAVE THESE PRAYERS EVERY MORNING AND THERE ARE PRAYERS OF THAT KIND IN EVERY LEGISLATURE IN THIS COUNTRY AND EVEN IN THAT PLACE OF MORAL RECTITUDE, THE U.S. CONGRESS. THAT PROVES THAT PRAYERS DON'T MEAN ANYTHING. THERE WAS SOME VERSE THAT SAID, THE RIGHTEOUS ARE FORSAKEN AND THE POOR ARE SOLD FOR A PAIR OF SHOES. WHEN PEOPLE GO TO VARIOUS ORGANIZATIONS TO TALK, THEY SAY THE THINGS THAT THEY HOPE WILL GENERATE IN THEIR LISTENERS AN ATTITUDE THAT THEY WANT PEOPLE TO HAVE TOWARD THEMSELVES. THE BEST WAY TO GET THAT ATTITUDE IS TO BE WHAT YOU PROJECT YOURSELF AS BEING AND NOT TO PRETEND. HOW CAN THERE BE SO MUCH COMFORT IN THIS LEGISLATURE IN THE PRESENCE OF THE POVERTY IN THIS COUNTRY--LET'S

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MAKE IT NEBRASKA--IN NEBRASKA, THE LACK OR ABSENCE OF ACCESS TO MEDICAL CARE THAT IS NEEDED BY PEOPLE IN THIS SOCIETY? AND ALL THE PRAYERS MEAN NOTHING. THEY DON'T CHANGE A THING. SO I WOULD CONSIDER, IF I WERE RELIGIOUS, THOSE EXPRESSIONS TO BE BLASPHEMOUS, TO BE SACRILEGIOUS BECAUSE THEY CLAIM TO BELIEVE THIS ALL-POWERFUL GOD, THIS ALL-RIGHTEOUS JESUS CHRIST. AND THEY HURL INTO THE FACE OF BOTH OF THEM CONTEMPT, MOCKERY, AND A TOTAL DISRESPECT AND DISREGARD. THEN, BECAUSE I WILL NOT OFFER FALSE OFFERINGS ON THEIR HYPOCRITICAL ALTAR, THEY THINK THAT THEIR CONDEMNATION OF ME MEANS SOMETHING TO ME. AS LONG AS THEY DON'T PRACTICE WHAT THEY PREACH, WHAT THEY SAY MEANS NOTHING TO ME. AND I'M A MERE MORTAL. SO I'M WONDERING ABOUT THIS GOD THEY PRETEND TO WORSHIP. THEY WILL MEDDLE IN OTHER PEOPLE'S AFFAIRS BECAUSE THEY SAY THIS GOD TOLD THEM TO DO IT, BUT THEY PICK AND CHOOSE. NOW BACK TO THIS BILL. NOBODY, INCLUDING SENATOR McCOY, HAS SHOWN WITH FACTS ANYTHING THAT IS ILLEGAL NOW THAT WOULD BE MADE LEGAL BY THIS BILL, NOTHING THAT IS LEGAL NOW THAT WOULD BE MADE ILLEGAL BY THIS BILL. AND IF HE IS AGAINST IT JUST BECAUSE HE'S AGAINST RAISING ANY TAX, WELL, THAT'S AN EASY POSITION TO BE IN, BUT THAT HAS NOTHING TO DO WITH ALL THIS TALK OF GAMBLING. IF YOU DON'T WANT TO RAISE ANY TAX, JUST SAY THAT. BUT I'M CONFIDENT THAT THERE ARE ENOUGH PEOPLE ON THIS FLOOR WHO SEE THROUGH ALL OF THE FOG AND THE MIST... [LB70]

SENATOR SULLIVAN: ONE MINUTE. [LB70]

SENATOR CHAMBERS: ...AND THE STATEMENTS THAT ARE NOT ACCURATE. I DON'T SAY THEY'RE DISHONEST. THE PEOPLE WHO UTTER THEM PROBABLY GENUINELY BELIEVE THEM BUT THEY'RE GENUINELY MISTAKEN. THERE ARE ENOUGH PEOPLE WHO WILL LOOK AT THE COMMITTEE REPORT AND SEE NO ANTIGAMBLING PEOPLE WERE THERE. THERE ARE CHANGES THAT HAVE BEEN MADE TO THE BILL ALREADY. SO I BELIEVE THAT THERE WILL BE ENOUGH VOTES TO ADVANCE THIS BILL. WITH THE ADDITIONAL WORK THAT WILL BE DONE, I'M CONFIDENT THE BILL WILL BE PASSED. AND ONCE PASSED I THINK THE GOVERNOR, WHO IS ANTIGAMBLING, WILL SIGN IT BECAUSE IF HE'S NOT SURE, HE HAS PEOPLE AROUND HIM WHO CAN EXPLAIN THAT THIS IS NOT A BILL THAT LEADS TO A PROLIFERATION OF GAMBLING. THANK YOU, MADAM PRESIDENT. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHERS WISHING TO SPEAK, SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON LB70. [LB70]

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SENATOR SCHUMACHER: THANK YOU, MADAM PRESIDENT, MEMBERS OF THE BODY. TO HEAR SENATOR CHAMBERS SPEAK SO ELOQUENTLY ABOUT THIS BILL, ONE THING IS CERTAIN: HE CARRIES WITH HIM 40 YEARS OF OPPOSITION TO EXPANDED GAMING IN NEBRASKA. AND YOU CAN BET, IF YOU BET, THAT (LAUGHTER) HE'S READ THROUGH THIS THING BACKWARD AND FORWARD AND HAS COME TO THE CONCLUSION THAT THIS IS A LAW ENFORCEMENT BILL, THAT THERE IS NO HIDDEN TROJAN HORSE OR NO SQUIRRELY THING BURIED IN THE LANGUAGE THAT WOULD EXPAND GAMBLING. NOW THAT THAT'S OUT OF THE WAY, THE REALITY IS THERE IS A WAVE OF MACHINES MOVING ACROSS THIS STATE PROPELLED BY THE COMPETITIVE FORCES OF THE GUY GOT THE...DOWN THE STREET HAS ONE. I WANT ONE, TOO, UNLESS IT'S ILLEGAL. AND UNLESS WE ANSWER THAT QUESTION, THE SECOND AND THIRD AND FOURTH AND FIFTH GUY WILL HAVE THEM. AND THAT IS WHAT THEY WOULD CALL A PROLIFERATION OF THESE MACHINES. SO THE QUESTION IS, ARE THESE MACHINES LEGAL OR ILLEGAL? WELL, YOU CALL THE PATROL AND YOU ASK THE PATROL AND THEY SAY, YOU KNOW, IT'S REALLY EXPENSIVE FOR US TO MEET OUR BURDEN OF PROOF TO SHOW THAT THEY'RE ILLEGAL, REAL EXPENSIVE. AND FOR NOW WE'RE JUST LOOKING IF THEY GOT A \$35 STAMP STUCK ON THE SIDE UNTIL WE HEAR DIRECTION FROM SOMEBODY ELSE. THAT'S ALL WE'RE DOING, SO THEY'RE SPREADING. HISTORICALLY, TAX LAW CAN BE USED AS A LAW ENFORCEMENT MECHANISM, THUS, THE THEORY BEHIND LB70: A TOOL IN THE TOOLBOX IN ORDER TO ENFORCE THE PROVISIONS OF OUR CONSTITUTION, PROVISIONS WHICH I HOPE, BEFORE I'M OUT OF HERE, I WILL HAVE A CHANCE TO DEBATE ON THE MERITS WITH SENATOR CHAMBERS AND IT SHOULD BE A GOOD DEBATE. BUT THAT'S NOT WHAT WE'RE HERE TODAY FOR. WE'RE HERE TO ASK OURSELVES A SIMPLE QUESTION: DO WE WANT TO ADVANCE THIS BILL TO SELECT FILE AND, IN THAT PERIOD, WORK WITH SENATOR HARR TO TWEAK THE LANGUAGE, SET UP SOME CRITERIA FOR THE TAX COMMISSIONERS SO THAT AN INNOCENT OWNER OF THE MACHINES IS NOT OVERLY BURDENED BY THIS BILL AND CAN PROVE UP THE EXEMPTION TO THE TAX? DO WE WANT TO ADVANCE IT, KEEP IT ALIVE? OR, IF NOT, DO WE WANT TO BURY IT HERE AT THIS STAGE AND LEAVE A WAVE OF UNCERTAINTY STILL OUT THERE FROM THE PUBLIC PERSPECTIVE? IT'LL DO NOTHING TO ENCOURAGE THE PATROL TO DO ANYTHING. LIFE WILL GO ON AND THESE MACHINES WILL INEVITABLY SPREAD, AS NATURE HAS HAD THEM SPREAD. WITH THAT, I THINK WE'VE HAD A GOOD AND HEALTHY DEBATE AND I WOULD ASK FOR YOUR SUPPORT FOR LB70. I THINK IN BASICS IT'S A GOOD IDEA, NEEDS SOME TWEAKING BETWEEN NOW AND SELECT FOR THE TAX COMMISSIONER CRITERIA. BUT IT IS A TOOL IN THE LAW ENFORCEMENT TOOLBOX. AND I'D ASK FOR A CALL OF THE HOUSE. THANK YOU. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR. THERE'S BEEN A REQUEST FOR A

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CALL OF THE HOUSE. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB70]

ASSISTANT CLERK: 34 AYES, 0 NAYS TO GO UNDER CALL, MADAM PRESIDENT. [LB70]

SENATOR SULLIVAN: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. THOSE SENATORS OUTSIDE THE CHAMBER PLEASE RETURN TO THE CHAMBER AND RECORD YOUR PRESENCE. ALL UNAUTHORIZED PERSONNEL PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATOR KINTNER, WOULD YOU PLEASE CHECK IN? SENATORS GROENE AND KRIST, COULD YOU PLEASE CHECK IN? SENATORS GROENE AND KRIST, PLEASE RETURN TO THE CHAMBER. SENATOR SCHUMACHER, FOR WHAT PURPOSE DO YOU RISE? [LB70]

SENATOR SCHUMACHER: MADAM PRESIDENT, I MIGHT KICK MYSELF IF I LOSE BY ONE OR TWO VOTES, BUT LET'S GO AHEAD WITH THE VOTE. [LB70]

SENATOR SULLIVAN: THANK YOU, SENATOR. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB70 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED WHO WISH TO? RECORD, MR. CLERK. [LB70]

ASSISTANT CLERK: 29 AYES, 11 NAYS ON THE MOTION TO ADVANCE THE BILL, MADAM PRESIDENT. [LB70]

SENATOR SULLIVAN: THE BILL ADVANCES. I RAISE THE CALL. MR. CLERK, WE WILL NOW PROCEED TO THE NEXT BILL ON GENERAL FILE, LB446. [LB70 LB446]

ASSISTANT CLERK: LB446, INTRODUCED BY SENATOR NORDQUIST. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 20, REFERRED TO THE RETIREMENT SYSTEMS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB446]

SENATOR SULLIVAN: THANK YOU, MR. CLERK. SENATOR NORDQUIST, YOU'RE RECOGNIZED TO OPEN ON LB446. [LB446]

SENATOR NORDQUIST: THANK YOU, MADAM PRESIDENT AND MEMBERS. LB446 WAS ADVANCED FROM THE RETIREMENT COMMITTEE UNANIMOUSLY. IT CHANGES THE DEFINITION OF COMPENSATION IN THE CLASS V SCHOOL EMPLOYEES RETIREMENT ACT SO IT WOULD BE THE SAME DEFINITION OF COMPENSATION IN THE SCHOOL EMPLOYEES RETIREMENT ACT. JUST TO

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REMIND FOLKS IN THE BODY, THERE ARE ESSENTIALLY TWO RETIREMENT SYSTEMS FOR SCHOOL EMPLOYEES IN THE STATE. ONE THAT IS THE OMAHA SCHOOL EMPLOYEES RETIREMENT PLAN JUST FOR OMAHA PUBLIC SCHOOLS. THAT WAS ESTABLISHED WELL BEFORE THE STATE PLAN IN I BELIEVE 1909. AND THEN THE STATE PLAN CAME AROUND IN THE '40s. EVERY OTHER DISTRICT IN THE STATE IS A MEMBER OF THE SCHOOL EMPLOYEES RETIREMENT PLAN. THEY HAVE HISTORICALLY KIND OF EVOLVED SOME DIFFERENCES. AND DURING MY TIME AS CHAIR, I'VE REALLY TRIED TO FOCUS ON BRINGING THOSE PLANS TO AS MUCH ALIGNMENT AS POSSIBLE, AND THIS IS ONE OF THOSE CHANGES THAT'S NEEDED. AND IT JUST WOULD...FOR PURPOSES OF CALCULATING THE RETIREMENT BENEFIT WE CONSIDER WHAT IS THEIR FINAL COMPENSATION. IT'S NOW AVERAGED OVER A FIVE-YEAR PERIOD. AND THIS IS JUST MAKING THOSE DEFINITIONS OF COMPENSATION THE SAME SO WE ARE INCLUDING THE SAME AMOUNT, THE SAME PARAMETERS OF COMPENSATION. ONE THING WE DID WITH THE SCHOOL PLAN A COUPLE OF YEARS AGO THAT WE HAVEN'T DONE YET WITH THE CLASS V PLAN IS WE HAVE CAPPED THE AMOUNT OF GROWTH THAT AN EMPLOYEE CAN HAVE IN THEIR FINAL YEARS OF SERVICE. WITHOUT A CAP, YOU CAN HAVE SITUATIONS WHERE THERE'S SPIKING, EITHER INTENTIONAL OR UNINTENTIONAL; OR YOU JUST HAVE SITUATIONS WHERE A TEACHER BECOMES AN ADMINISTRATOR IN THEIR FINAL FIVE YEARS AND THEY GET A SUBSTANTIAL SALARY BUMP WHICH WOULD BE FACTORED INTO THEIR RETIREMENT BENEFIT. BUT THEY HAVEN'T THROUGHOUT THE COURSE OF THEIR CAREER PAID IN AT THAT HIGH SALARY LEVEL, SO IT WOULD SHORT THE PLAN. SO WHAT WE DID IN THE SCHOOL PLAN AND NOW WE WILL BE PUTTING IN PLACE IN THE OMAHA PLAN IS LIMITING THAT GROWTH IN THOSE FINAL YEARS TO 8 PERCENT. YOU CAN STILL GET A SALARY BUMP ABOVE 8 PERCENT, BUT ONLY A GROWTH IN YOUR SALARY UP TO 8 PERCENT EACH YEAR OVER THOSE FINAL YEARS WOULD BE ACCOUNTED FOR FOR YOUR...WOULD BE CONSIDERED FOR YOUR RETIREMENT BENEFIT. THERE'S A PROVISION IN THIS BILL THAT SAYS IF A MEMBER'S COMPENSATION WAS REDUCED AS A RESULT OF AN UNPAID ABSENCE FROM WORK IN THEIR FINAL FIVE YEARS THAT THAT WOULD BE ACCOUNTED FOR. AND THEY WOULD EITHER USE THE GREATER OF THE ANNUALIZED COMPENSATION FOR THE PRECEDING YEAR IF THE COMPENSATION WAS FULLY RECEIVED OR THE MOST RECENT PRECEDING PLAN YEAR IN WHICH THE MEMBER HAD NO UNPAID ABSENCES. SO THIS WOULD BE A SITUATION OF MAYBE WORK COMP OR SOMETHING WHERE YOU'RE NOT GETTING YOUR FULL SALARY IN THOSE FINAL YEARS. AND THEN WHEN YOU START TALKING ABOUT THE CAPPING, WE WANT TO MAKE SURE THAT WE'RE TREATING THEM FAIRLY AND NOT PUTTING THE CAP IN FROM THAT LOWER LEVEL. SO, AGAIN, I WOULD JUST APPRECIATE YOUR SUPPORT OF THIS. THIS HELPS ANOTHER STEP FORWARD TO ALIGN THE PLANS FOR OUR...ALL OF OUR SCHOOL EMPLOYEES IN THE

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STATE. THANK YOU. [LB446]

SENATOR SULLIVAN: THANK YOU, SENATOR NORDQUIST. THE CHAIR RECOGNIZES SENATOR RIEPE. [LB446]

SENATOR RIEPE: THANK YOU, MADAM CHAIRMAN. I WOULD ASK IF SENATOR NORDQUIST WOULD YIELD TO A QUESTION. [LB446]

SENATOR SULLIVAN: SENATOR NORDQUIST, WOULD YOU YIELD FOR A QUESTION? [LB446]

SENATOR NORDQUIST: YES. [LB446]

SENATOR RIEPE: THANK YOU, SENATOR. MY QUESTION IS, DOES THIS CHANGE THE GOVERNANCE OVERSIGHT FOR THAT PARTICULAR RETIREMENT PLAN? [LB446]

SENATOR NORDQUIST: NO, ACTUALLY. GOOD QUESTION. WE HAVE A BILL, ANOTHER BILL PENDING THAT WE WILL HAVE A HEARING ON IN A COUPLE OF WEEKS THAT LOOKS AT THE BOARD OF TRUSTEES AND HOW THE OMAHA PENSION BOARD INTERACTS...THE OMAHA PUBLIC SCHOOL PENSION BOARD INTERACTS WITH THE SCHOOL BOARD OF OPS AND THE INTERACTION AND HOW THE RESPONSIBILITIES FLOW THERE. BUT THIS DOES NOTHING TO CHANGE THAT YET. BUT I DO HAVE A BILL PENDING THAT WILL HAVE A HEARING COMING FORWARD. [LB446]

SENATOR RIEPE: THANK YOU VERY MUCH. [LB446]

SENATOR NORDQUIST: THANK YOU. [LB446]

SENATOR SULLIVAN: THANK YOU, SENATORS. SENATOR NORDQUIST, THERE IS NO ONE ELSE IN THE QUEUE. WOULD YOU LIKE TO CLOSE ON LB446? SENATOR NORDQUIST WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB446 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED WHO WISH TO? RECORD, MR. CLERK. [LB446]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB446]

SENATOR SULLIVAN: THE BILL ADVANCES. WE WILL NOW MOVE ON TO THE NEXT BILL ON GENERAL FILE, LB194. THE CHAIR... [LB446 LB194]

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ASSISTANT CLERK: MADAM PRESIDENT, LB194, INTRODUCED BY SENATOR SEILER. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 13, REFERRED TO THE JUDICIARY COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB194]

SENATOR SULLIVAN: SENATOR SEILER, YOU'RE RECOGNIZED TO OPEN ON LB194. [LB194]

SENATOR SEILER: GOOD MORNING, MADAM PRESIDENT. COLLEAGUES, I'M HERE TODAY TO INTRODUCE LB194. AND THIS IS LEGISLATION THAT MAY BE THE SIMPLEST BILL EVER TO COME THIS YEAR TO THE FLOOR. THIS LEGISLATION CREATES A SUPREME COURT ATTORNEY SERVICES CASH FUND IN A STATUTORY MANNER. A LITTLE HISTORY: IN 2009, THE MANDATORY CONTINUING LEGAL EDUCATION CASH FUND WAS ESTABLISHED, WHICH HANDLED ALL OF THE MONEY COMING IN TO THE SUPREME COURT FROM CONTINUING EDUCATION. ALL THE EXPENSES WERE PAID OUT. AT THAT TIME, THE SUPREME COURT CREATED THIS FUND BY RULES AND REGULATIONS. THAT FUND WAS ORIGINALLY CREATED TO JUST RECEIVE FUNDS RELATED TO THE SUPREME COURT AND ALL ACTIVITY ABOVE THE ATTORNEYS THAT PAID IN ON THE LEGAL EDUCATION COURSES. IN 2014, THE NAME OF THE CASH FUND WAS CHANGED TO THE CURRENT NAME, SUPREME COURT ATTORNEY'S SERVICE CASH FUND, TO RECOGNIZE THAT IN ADDITION TO THE EDUCATION, THERE WERE GRANTS AND MONIES COMING IN, REVENUES. AND ALL OF THE REVENUES THAT ARE RELATED TO THE PRACTICE OF LAW WERE RECEIVED AND SPENT FROM THIS FUND. THE SUPREME COURT HAS RECENTLY BEEN MADE AWARE THAT THE DEPARTMENT OF ADMINISTRATIVE SERVICES, CITING NEBRASKA STATUTE 81-1111.04 STATES THAT ADMINISTRATIVE-CREATED CASH FUNDS MUST LAPSE OR PERMANENTLY ESTABLISHED IN STATUTE. THAT'S ALL WE'RE DOING HERE TODAY. WE'RE TAKING THAT REGULATORY CASH FUND AND CREATING A STATUTE SO THAT THE SUPREME COURT CAN CONTINUE TO HANDLE THE FUNDS AS IS. I ASK YOU TO VOTE FOR...TO ADVANCE LB194 TO SELECT FILE. [LB194]

SENATOR SULLIVAN: THANK YOU, SENATOR SEILER. THERE ARE NO SENATORS IN THE QUEUE. SENATOR SEILER, WOULD YOU LIKE TO CLOSE ON LB194? SENATOR SEILER WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB194 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED WHO WISH TO? RECORD, MR. CLERK. [LB194]

ASSISTANT CLERK: 25 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MADAM PRESIDENT. [LB194]

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SENATOR SULLIVAN: THE BILL ADVANCES. WE WILL NOW MOVE TO THE NEXT BILL ON GENERAL FILE, LB301. [LB194 LB301]

ASSISTANT CLERK: LB301 WAS INTRODUCED BY SENATOR CHAMBERS. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15, REFERRED TO THE JUDICIARY COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE. NO COMMITTEE AMENDMENTS. [LB301]

SENATOR SULLIVAN: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON LB301. [LB301]

SENATOR CHAMBERS: THANK YOU. MADAM PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS BILL WILL CONTEND WITH SENATOR SEILER'S BILL AS BEING THE SIMPLEST BILL THAT WILL COME BEFORE THE LEGISLATURE. IN FACT, IT'S WHAT I WOULD CALL A PEEWEE BILL, BUT IT'S NECESSARY. THERE ARE TWO EXPRESSIONS THAT WILL JUSTIFY MY READING THE SUPPORT STATEMENT GIVEN DURING THE COMMITTEE HEARING BY ONE OF THE JUDGES OF THE SUPREME COURT. ONE OF THE EXPRESSIONS IS, DON'T TAKE COAL, C-O-A-L, TO NEWCASTLE. THE OTHER IS, DON'T GUILD A LILY. THAT USUALLY MEANS THAT SOMETHING HAS BEEN SAID IN SUCH A WAY THAT THE EXPRESSION OF THE IDEA CANNOT BE IMPROVED UPON. SO THIS STATEMENT THAT I'M GOING TO READ THAT COMPRISES THE TESTIMONY OF THE JUDGE ON THE NEBRASKA SUPREME COURT WILL NOT TAKE TEN MINUTES. IT'S FROM JUDGE WILLIAM B. CASSEL, C-A-S-S-E-L. MR. CHAIRMAN, AND MEMBERS OF THE JUDICIARY COMMITTEE, I AM WILLIAM B. CASSEL, ONE OF THE JUDGES OF THE NEBRASKA SUPREME COURT AND THE CHAIR OF THE COURT'S ELECTRONIC PUBLICATIONS COMMITTEE. I APPEAR WITH THE APPROVAL OF THE COURT IN SUPPORT OF LB301. THE PROPOSED AMENDMENTS CHANGE PROVISIONS RELATING TO THE FORMAT AND DISTRIBUTION OF APPELLATE JUDICIAL OPINIONS, SPECIFICALLY THE OFFICIAL REPORTS OF JUDICIAL OPINIONS ARE CURRENTLY REQUIRED TO BE PUBLISHED IN PRINT FORMAT. THESE AMENDMENTS, TALKING ABOUT THE BILL, WOULD ALLOW THE OFFICIAL REPORTS TO BE PUBLISHED IN ELECTRONIC FORMAT EITHER IN THE ALTERNATIVE OR IN ADDITION TO PRINT FORMAT AS DESIGNATED BY THE COURT. I'M GOING TO DIGRESS. SOME OF YOU PAY ATTENTION TO THESE LITTLE, SOME MIGHT CALL THEM PAMPHLETS, ONE OF WHICH I'M HOLDING ALOFT. IT'S PAPER. IT HAS A GRAY COVER. THEY ARE KNOWN AS ADVANCE SHEETS. EVERY SO MANY DAYS YOU'LL HAVE ONE IN YOUR MAILBOX. THEY COMPRISE A FEW OPINIONS THAT ARE WRITTEN IN CONNECTION WITH DECISIONS HANDED DOWN BY THE SUPREME COURT. AFTER A CERTAIN NUMBER OF THOSE HAS BEEN ARRIVED AT, THEY WILL BE BOUND IN A BOOK SUCH AS THIS WITH A HARD COVER AND THEY BECOME THE OFFICIAL REPORTS OF THE NEBRASKA SUPREME COURT OR THE APPELLATE COURT. I

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SAID A BOOK SUCH AS THIS BECAUSE IT IS NOT ONE OF THEIR BOOKS. THIS IS A NEBRASKA LEGISLATIVE JOURNAL. BUT IT GIVES YOU AN IDEA OF WHAT KIND OF ITEM IT IS. ALTHOUGH THE COURT HAS NOT TAKEN ANY FORMAL ACTION TO MAKE THE DECISION CONTEMPLATED IN THE PROPOSED BILL, CHANGING TECHNOLOGY AND FINANCIAL IMPERATIVES SUPPORT GIVING SERIOUS CONSIDERATION TO ELECTRONIC PUBLISHING. AND I'M GOING TO DEPART FROM THE STATEMENT. ALL THIS BILL WILL DO IS ALLOW THE SUPREME COURT TO PUBLISH THESE OPINIONS ELECTRONICALLY INSTEAD OF HAVING TO PUBLISH THEM IN THE PRESENT FORMAT. THE JUDGE TALKED ABOUT THE COST OF THIS PAPER PRINTING BECOMING PROHIBITIVE. THERE'S NO REASON TO THINK THAT THAT COST WILL DIMINISH. IN FACT, HE STATED, AND THIS IS FROM HIS STATEMENT, THE CASH FUND SUPPORTING PUBLICATION IN PRINTED FORM HAS BEEN VIRTUALLY EXHAUSTED. SUBSCRIPTIONS TO THE OFFICIAL REPORTS AND ADVANCE SHEETS CONTAINING THE JUDICIAL OPINIONS HAVE DRAMATICALLY DECLINED AS PURCHASERS, MAINLY LAWYERS, HAVE TURNED TO ELECTRONIC ACCESS TO THE OPINIONS VIA THE INTERNET. THIS CHART COMPARES THE SALES OF SUBSCRIPTIONS TO THE RESPECTIVE COURT'S ADVANCE SHEETS BETWEEN FY 1993 AND 2014. I'M NOT GOING TO READ FROM THOSE CHARTS. DESPITE THE DECLINING PURCHASES FOR BOUND VOLUMES, THERE'S NO MEANS TO REDUCE THE COST OF PRODUCING BOUND VOLUMES BY CONTRACTING FOR FEWER VOLUMES. AND THE COST OF PRODUCING AND MAILING THE DECLINING NUMBER OF PRINTED ADVANCE SHEETS HAS BECOME COST PROHIBITIVE. HE TALKS ABOUT HOW THESE ELECTRONIC PRINTINGS WILL BE MADE AVAILABLE TO PEOPLE. AND I THINK THIS THAT I'M READING WILL BE PARTICULARLY SIGNIFICANT AND SHOULD BE IN THE RECORD. THE SUPREME COURT ANTICIPATES THAT PUBLIC ACCESS TO THE APPELLATE COURT'S OPINIONS WILL BE ENHANCED AND EXPANDED THROUGH ELECTRONIC DISTRIBUTION. BECAUSE OF THE EXPENSES ASSOCIATED WITH PRINTING AND SHIPPING AND THE SPECIALIZED NATURE OF THE PUBLICATIONS, THE PURCHASERS OF ADVANCE OPINION BOOKLETS AND PERMANENT HARDBOUND VOLUMES HAVE LARGELY BEEN LIMITED TO PRACTICING LAWYERS AND A FEW LAW LIBRARIES. ELECTRONIC DISTRIBUTION VIA THE INTERNET, HOWEVER, IS ESSENTIALLY FREE AND IT IS UNIVERSALLY AVAILABLE TO ANYONE WITH A COMPUTER, A TABLET, OR EVEN A SMARTPHONE. PUBLIC ACCESS TO THE INTERNET THROUGH OUR STATE'S PUBLIC LIBRARIES IS NEARLY, IF NOT TOTALLY, UNIVERSAL. AND THESE NUMEROUS AND GEOGRAPHICALLY DISPERSED PUBLIC LIBRARIES ARE MUCH MORE ACCESSIBLE TO THE GENERAL PUBLIC THAN A FEW LAW LIBRARIES CONCENTRATED IN OUR LARGEST CITIES. IF THE SUPREME COURT IS PERMITTED TO UTILIZE ELECTRONIC PUBLICATION, WHETHER AS AN ADDITION TO PRINT OR AS AN ALTERNATIVE, THE SUPREME COURT WILL PROCEED CAREFULLY TO ENSURE THAT THE APPELLATE COURT'S OFFICIAL

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JUDICIAL OPINIONS ARE: ONE, PROPERLY AUTHENTICATED; TWO, PRESERVED AND SECURED IN ORDER TO ENSURE THEIR INTEGRITY; THREE, PROVIDE FOR BACKUP AND DISASTER RECOVERY AND ENSURE THEIR CONTINUING USABILITY; AND FOUR, PERMANENTLY AVAILABLE TO THE PUBLIC WITHOUT ANY FEE OR CHARGE. ON BEHALF OF MY COLLEAGUES ON THE COURT, I RESPECTFULLY REQUEST THAT LB301 BE ADVANCED TO THE COMMITTEE AND ADOPTED BY THE COMMITTEE AND ADOPTED BY THE LEGISLATURE. THE COMMITTEE COMPLIED AND NOW IT'S UP TO THE LEGISLATURE. AND IN CASE SOME PEOPLE READ STATEMENTS IN OUR TRANSCRIPTS, STARTING AT THE END WHERE IT SAYS ON BEHALF OF MY COLLEAGUES ON THE COURT, I'M QUOTING FROM THE JUDGE AND I'M NOT ON THE COURT AND THE JUDGES THERE ARE NOT MY COLLEAGUES. MADAM PRESIDENT, I WOULD ASK THAT THIS BILL BE ADVANCED. THANK YOU. [LB301]

SENATOR SULLIVAN: THANK YOU, SENATOR CHAMBERS. THE CHAIR NOW RECOGNIZES SENATOR SEILER. [LB301]

SENATOR SEILER: THANK YOU, MADAM PRESIDENT. COLLEAGUES, I RISE TO SUPPORT SENATOR CHAMBERS' BILL. IT'S LONG OVERDUE. BUT I HAVE A SECOND MOTIVE FOR PUSHING FORWARD ON THIS. I'M HOPING I SERVE LONG ENOUGH TO SEE SENATOR CHAMBERS GET A GADGET THAT HE'S ALWAYS TALKING ABOUT. (LAUGHTER) THANK YOU. [LB301]

SENATOR SULLIVAN: THANK YOU, SENATOR SEILER. SEEING NO OTHERS IN THE QUEUE WISHING TO SPEAK, SENATOR CHAMBERS, WOULD YOU LIKE TO CLOSE? HE WAIVES CLOSING. SO THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB301 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED WHO WISH TO? RECORD, MR. CLERK. [LB301]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MADAM PRESIDENT. [LB301]

SENATOR SULLIVAN: THE BILL ADVANCES. MR. CLERK, ITEMS FOR THE RECORD. [LB301]

ASSISTANT CLERK: THANK YOU, MADAM PRESIDENT. YOUR COMMITTEE ON JUDICIARY REPORTS LB245 TO GENERAL FILE, LB215, LB299, AND LB651, ALL AS INDEFINITELY POSTPONED. IN ADDITION TO THAT, THEY REPORT FAVORABLY ON THE APPOINTMENT OF RANDALL REHMEIER TO THE BOARD OF PAROLE. NEW RESOLUTION: LR52 BY SENATOR CAMPBELL WOULD PROVIDE FOR AN INTERIM STUDY. THAT WILL BE REFERRED TO THE EXECUTIVE BOARD. I HAVE NOTICE OF COMMITTEE HEARINGS FROM THE

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EXECUTIVE BOARD. AND THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 451-453.) [LB245 LB215 LB299 LB651 LR52]

SENATOR SULLIVAN: THANK YOU, MR. CLERK. WE WILL NOW PROCEED TO THE NEXT BILL ON GENERAL FILE, LB314. [LB314]

ASSISTANT CLERK: LB314, INTRODUCED BY SENATOR HANSEN. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15, REFERRED TO THE JUDICIARY COMMITTEE. THAT COMMITTEE REPORTS THE BILL TO GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. (AM126, LEGISLATIVE JOURNAL PAGE 376.) [LB314]

SENATOR SULLIVAN: SENATOR HANSEN, YOU'RE RECOGNIZED TO OPEN ON LB314. [LB314]

SENATOR HANSEN: THANK YOU, MADAM PRESIDENT. MEMBERS OF THE BODY, LB314 IS INTENDED TO STREAMLINE COUNTY COURT JURISDICTION STATUTES AND PROVIDE A CLEAR LIST OF WHERE THE COUNTY COURT HAS JURISDICTION. THE COUNTY COURT OF NEBRASKA IS A COURT OF LIMITED JURISDICTION, MEANING THAT IT ONLY HAS THE JURISDICTION GRANTED TO IT IN THE LEGISLATURE. NEBRASKA REVISED STATUTES SECTION 24-517 CURRENTLY LISTS THE JURISDICTION OF THE COUNTY COURT. HOWEVER, AS NEW LEGISLATION HAS BEEN PASSED, THIS SECTION HAS NOT ALWAYS BEEN CHANGED ACCORDINGLY. FOR EXAMPLE, WHEN NEBRASKA ADOPTED THE UNIFORM POWER OF ATTORNEY ACT, SECTION 25-517 WAS NOT AMENDED TO SPECIFY THE COUNTY COURT'S NEW JURISDICTION OVER ACTIONS CREATED BY THAT ACT. LB314 REMEDIES THIS. THAT IS JUST ONE EXAMPLE. THIS BILL WOULD ALSO DENOTE THE COUNTY COURT'S JURISDICTION IN MATTERS ARISING UNDER THE NEBRASKA UNIFORM CUSTODIAL TRUST ACT; ANY ACTION ARISING UNDER STATUTES PERTAINING TO THE HEALTHCARE POWER OF ATTORNEY; MATTERS THAT ARISE UNDER THE NEBRASKA UNIFORM TRANSFERS TO MINORS ACT; MATTERS ARISING UNDER THE UNIFORM PRINCIPAL AND INCOME ACT; AND MATTERS ARISING UNDER THE UNIFORM TESTAMENTARY ADDITIONS TO TRUST ACTS. IN CLOSING, LB314 DOES NOT CHANGE THE JURISDICTION OF ANY COURT. UNDER CURRENT LAW, ALL OF THESE ACTS ARE CURRENTLY PUT IN THE COUNTY COURT'S JURISDICTION. WHAT THIS BILL DOES IS CLEARLY LIST THE MATTERS WHERE THE COUNTY COURT HAS JURISDICTION IN A SINGLE, ORGANIZED STATUTORY SECTION. THIS BILL CAME OUT OF JUDICIARY COMMITTEE WITH SEVEN AYES AND ONE PRESENT NOT VOTING. AND WITH THAT, I WOULD ASK THE BODY TO ADVANCE LB314. [LB314]

SENATOR SULLIVAN: THANK YOU, SENATOR HANSEN. AS THE CLERK STATED,

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THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB314]

SENATOR SEILER: THANK YOU, MADAM PRESIDENT. COLLEAGUES, THIS IS JUST A SIMPLE AMENDMENT. IT CAME OUT 7-0 AND 1 NOT VOTING. AM126 BASICALLY KEEPS CONSISTENT THE CHARACTER OF COUNTY COURTS IN NEBRASKA HAVING ORIGINAL JURISDICTION AND EXCLUSIVE JURISDICTION OVER THE PROBATE AND RELATED MATTERS. THIS CHANGES...THE AMENDMENT ONLY CHANGES THAT TO NEBRASKA UNIFORM CUSTODIAL TRUST ACT AND THE NEBRASKA UNIFORM TRANSFER TO MINORS ACT HAS ORIGINAL AND EXCLUSIVE JURISDICTION IN THE COUNTY COURT. AND THAT'S WHERE IT SHOULD BE, NOT CONCURRENT WITH THE DISTRICT COURT. AND, THEREFORE, WE'RE ASKING THAT THE AMENDMENT, AM126, BE PASSED. [LB314]

SENATOR SULLIVAN: THANK YOU, SENATOR SEILER. THERE ARE NO SENATORS IN THE QUEUE WISHING TO SPEAK. DO YOU HAVE ANY ADDITIONAL COMMENTS ON YOUR CLOSING FOR AM126? SENATOR SEILER WAIVES CLOSING. YOU HAVE HEARD...SO THE QUESTION BEFORE THE BODY IS, THE AMENDMENT...SHOULD THE AMENDMENT TO LB314 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED WHO WISH TO? RECORD, MR. CLERK. [LB314]

ASSISTANT CLERK: 27 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB314]

SENATOR SULLIVAN: THE AMENDMENT IS ADOPTED. DISCUSSION CONTINUES ON THE ADVANCEMENT OF LB314 TO E&R INITIAL. SEEING NO OTHERS WISHING TO SPEAK, SENATOR HANSEN? SENATOR HANSEN WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB314 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB314]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB314]

SENATOR SULLIVAN: THE BILL ADVANCES. WE WILL NOW MOVE ON TO GENERAL FILE, LB252. MR. CLERK. [LB314 LB252]

ASSISTANT CLERK: LB252, INTRODUCED BY SENATOR SCHUMACHER. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 14, REFERRED TO THE BANKING COMMITTEE. THAT COMMITTEE PLACED THE BILL ON

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GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB252]

SENATOR SULLIVAN: SENATOR SCHUMACHER, YOU ARE RECOGNIZED TO OPEN ON LB252. [LB252]

SENATOR SCHUMACHER: THANK YOU, MADAM PRESIDENT. LB252 DEALS WITH WHAT HAPPENS WHEN YOU SELL STOCK IN YOUR COMPANY OR BONDS IN YOUR COMPANY TO THE PUBLIC UNDER THE SECURITIES LAW. NEBRASKA HAS A SECURITIES LAW ON THE BOOKS AND FEDERAL GOVERNMENT HAS A SECURITIES LAW ON THE BOOKS. AND SURPRISINGLY ENOUGH, THEY GOT TOGETHER YEARS AGO AND SAID, WELL, GEE WHIZ, IF YOU QUALIFY UNDER THE FED DO YOU REALLY HAVE TO DO IT UNDER THE STATE TOO? AND THAT WAS CALLED COORDINATION. AND THE ANSWER WAS, WELL, YOU KNOW, AS LONG AS YOU FILE THREE COPIES WITH THE STATE AND LET THE STATE DEPARTMENT OF BANKING KNOW WHAT YOU'RE PROPOSING TO THE FEDS AND WHAT YOU'RE OFFERING TO THE PUBLIC LOOKS LIKE, THE STATE OF NEBRASKA WILL BE HAPPY. WELL, AS THINGS EVOLVED, WE SUDDENLY HAVE HIT AN AGE OF EFFICIENCIES AND THE STATE OF NEBRASKA HAS DECIDED THAT ONE COPY IS ENOUGH. APPARENTLY IT BOUGHT A COPY MACHINE IF IT NEEDED EXTRA COPIES. THE OTHER THING THAT WAS KIND OF AN OVERSIGHT IN THE PROCESS IS WHEN A COMPANY IS OFFERING THE STOCK, IT'LL SOMETIMES FILE PAPERWORK WITH THE FEDS AND THEN HAVE TO AMEND THAT PAPERWORK AND UPDATE THAT PAPERWORK BEFORE THE THING ALL GOES THROUGH. AND WHAT WAS NOT IN THE LAW WAS THAT WHEN YOU FILED AN AMENDMENT WITH S, DO YOU HAVE TO FILE THE AMENDMENT AND KEEP THE STATE POSTED WITH YOUR FILINGS WITH THE FEDS AND THE VARIOUS NOTICES? THIS PARTICULAR BILL SAYS, YEAH, YOU HAVE TO KEEP THE STATE POSTED. AND I BELIEVE AS ALL GOOD THINGS MUST HAPPEN, THERE'S A \$200 FEE THAT ATTACHES WITH EACH OF THOSE SUPPLEMENTAL FILINGS WITH THE STATE. MORE CLEANUP THAN ANYTHING ELSE, IT'S BROUGHT AT THE REQUEST OF THE DEPARTMENT OF BANKING. AND IF THERE'S ANY QUESTIONS, I'LL BE HAPPY TO ANSWER THEM IN THE COURSE OF DEBATE. THANK YOU. [LB252]

SENATOR SULLIVAN: THANK YOU, SENATOR SCHUMACHER. THERE ARE NO SENATORS WISHING TO SPEAK. WOULD YOU LIKE TO CLOSE ON LB252?
SENATOR SCHUMACHER WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB252 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB252]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MADAM PRESIDENT. [LB252]

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SENATOR SULLIVAN: THE BILL ADVANCES. WE WILL NOW MOVE ON TO GENERAL FILE, LB286. MR. CLERK. [LB252]

ASSISTANT CLERK: LB286, INTRODUCED BY SENATOR CRAIGHEAD. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15, REFERRED TO THE BANKING COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB286]

SENATOR SULLIVAN: SENATOR CRAIGHEAD, YOU ARE RECOGNIZED TO OPEN ON LB286. [LB286]

SENATOR CRAIGHEAD: THANK YOU, MADAM PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB286 HAS BEEN BROUGHT TO US BY THE DIRECTOR OF BANKING AND FINANCE. THIS IS ANOTHER EASY BILL THAT WE PASS EVERY YEAR. THE DEPARTMENT OF BANKING IS THE CHARTING AUTHORITY FOR OUR STATE-CHARTERED FINANCIAL INSTITUTIONS. WHEN IT COMES TO OUR MOST COMMONLY RECOGNIZED DEPOSITORY FINANCIAL INSTITUTIONS, WE HAVE WHAT IS CALLED THE DUAL CHARTERING SYSTEM. THAT MEANS HAVING BOTH STATE AND NATIONAL BANKS, SAVINGS AND LOAN ASSOCIATION, AND STATE AND FEDERAL CREDIT UNIONS. THE LEGISLATURE AND THE DEPARTMENT OF BANKING AND FINANCE HAVE LONG DONE WHAT THEY CAN TO PRESERVE A STRONG AND VIBRANT LEGAL AND REGULATORY ENVIRONMENT FOR OUR STATE-CHARTERED FINANCIAL INSTITUTIONS. OUR PUBLIC POLICY HAS INCLUDED THE PRINCIPLE THAT OUR STATE-CHARTERED FINANCIAL INSTITUTIONS SHOULD NOT FIND THEMSELVES IN A DISADVANTAGEOUS POSITION IN RELATION TO THEIR FEDERAL COUNTERPARTS. ACCORDINGLY, THE LEGISLATURE ANNUALLY PASSES THE SO-CALLED WILD-CARD BILL AT THE URGING OF OUR DEPARTMENT. THIS BILL PROVIDES THAT STATE-CHARTERED INSTITUTIONS HAVE ALL THE RIGHTS, POWERS, PRIVILEGES, BENEFITS, AND IMMUNITIES WHICH MAY BE EXERCISED BY THEIR FEDERAL COUNTERPARTS DOING BUSINESS IN NEBRASKA AS OF JANUARY 1 OF THE CURRENT YEAR. WHY DO WE DO THIS EVERY YEAR? THAT IS NECESSITATED BY OUR STATE CONSTITUTION. THE SEPARATION OF POWERS CLAUSE OF OUR NEBRASKA CONSTITUTION PROVIDES THAT THE POWERS OF OUR GOVERNMENT ARE DIVIDED INTO THREE BRANCHES: LEGISLATIVE, EXECUTIVE, AND JUDICIAL. THE COURTS TELL US THAT THIS PROVISION PROHIBITS ONE BRANCH FROM EXERCISING ANY POWER PROPERLY BELONGING TO EITHER OF THE OTHERS. THE COURTS FURTHER TELL US THAT THE POWER OF THE LEGISLATURE TO MAKE LAWS REQUIRES JUDGMENT AND DISCRETION WHICH CANNOT BE DELEGATED TO THE EXECUTIVE BRANCH OR TO AN OUTSIDE AUTHORITY SUCH AS THE UNITED STATES CONGRESS. THE NEBRASKA LEGISLATURE MAY LAWFULLY ADOPT IT BY REFERENCE AND EXISTING LAW OR REGULATION OF

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ANOTHER JURISDICTION INCLUDING THE UNITED STATES. BUT THE ADOPTION BY REFERENCE CANNOT BE OF A FEDERAL LAW OR REGULATION TO BE ADOPTED IN THE FUTURE. THAT'S WHY A DATE TO PUT IN THE WILD-CARD LAWS AND WHY THAT DATE IS CHANGED EVERY YEAR. IT IS AS IF THE LEGISLATURE TAKES A SNAPSHOT OF RELEVANT FEDERAL FINANCIAL INSTITUTION LAW AS OF THE MOST RECENT JANUARY 1 AND THEN INCORPORATES THAT FEDERAL LAW BY REFERENCE WITHIN STATE LAW FOR PURPOSES OF THE REGULATION OF OUR STATE-CHARTERED FINANCIAL INSTITUTIONS. THE BILL HAS THREE SECTIONS, ONE EACH FOR BANKS, SAVINGS AND LOAN ASSOCIATION, AND CREDIT UNIONS. THE SAVINGS AND LOAN ASSOCIATION WILD CARD HAS BEEN AROUND SINCE 1971. THE CREDIT UNION WILD CARD HAS BEEN AROUND SINCE 1977. AND THE BANK WILD CARD HAS BEEN AROUND SINCE 1999. PASSAGE OF LB286 WILL KEEP OUR STATE-CHARTERED FINANCIAL INSTITUTIONS COMPETITIVE WITH THEIR FEDERAL COUNTERPARTS. I WOULD URGE THAT LB286 BE ADVANCED. [LB286]

SENATOR SULLIVAN: THANK YOU, SENATOR. I SEE NO OTHER SENATORS WISHING TO SPEAK. WOULD YOU LIKE TO CLOSE ON LB286? SENATOR CRAIGHEAD WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB286 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED WHO WISH TO? RECORD, MR. CLERK. [LB286]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB286]

SENATOR SULLIVAN: THE BILL ADVANCES. WE WILL NOW MOVE ON TO GENERAL FILE, LB116. MR. CLERK. [LB286 LB116]

ASSISTANT CLERK: LB116, INTRODUCED BY SENATOR KEN HAAR. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 9, REFERRED TO THE URBAN AFFAIRS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM192, LEGISLATIVE JOURNAL PAGE 387.) [LB116]

SENATOR SULLIVAN: THANK YOU. SENATOR HAAR, YOU'RE RECOGNIZED TO OPEN ON THE BILL. [LB116]

SENATOR HAAR: MADAM CHAIR AND MEMBERS OF THE LEGISLATURE, THIS BILL IS ABOUT SANITARY IMPROVEMENT DISTRICTS, SIDs. AND JUST TO GIVE YOU, SOME OF YOU A BACKGROUND WHO MIGHT NOT HAVE IT, SIDs ARE POLITICAL SUBDIVISIONS CREATED BY THE STATE, ARE TREATED LIKE CITIES AND TOWNS BUT ARE OFTEN SMALL GROUPS OF PEOPLE WHO GET

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TOGETHER FOR HOUSING DEVELOPMENTS. SIDs CAN PROVIDE SERVICES AND THEY CAN DO BONDING. AND ONE OF THE BIG BENEFITS OF SIDs, OF COURSE, IS THE ABILITY TO DO BONDING TO PROVIDE STREETS AND SO ON LIKE THAT. THOSE OF YOU WHO ARE FAMILIAR WITH LINCOLN, ONE OF OUR SIDs NOW A PART OF THE CITY WAS THE HIGHLANDS. AND WHEN I WAS ON THE LINCOLN CITY COUNCIL, WE BROUGHT THE HIGHLANDS INTO THE CITY OF LINCOLN. MANY SIDs ARE FORMED IN HOPES THAT THEY WILL BE ABSORBED INTO THE CITIES, SUCH AS THE HIGHLANDS. OTHERS ARE NOT AND PROBABLY WILL NOT BE ABSORBED. AND THAT'S THE CASE OF THE...THE REASON FOR THE CASE I BRING TODAY, FOR THE BILL I BRING TODAY. LB116 ALLOWS SIDs THAT HAVE BEEN IN EXISTENCE FOR AT LEAST EIGHT YEARS AND HAVE FEWER THAN 70 PROPERTY OWNERS TO VOTE TO REDUCE THEIR BOARD OF DIRECTORS FROM FIVE TO THREE. THIS WILL ALLOW SMALL SIDs TO HAVE A FULL AND FUNCTIONING BOARD. LB116 WAS HEARD BEFORE THE URBAN AFFAIRS COMMITTEE AND ADVANCED WITH FOUR VOTES IN FAVOR, WITH THREE MEMBERS ABSENT, AND THERE WAS NO NEGATIVE TESTIMONY AT THE HEARING. I INTRODUCED THIS BILL BECAUSE MY OFFICE WAS CONTACTED BY BOARD MEMBERS OF SID 6, MORE COMMONLY KNOWN AS EMERALD, NEBRASKA. AND IF YOU'VE DRIVEN EAST ON O STREET...I'M SORRY, WEST ON O STREET, YOU'LL GO THROUGH EMERALD, NEBRASKA, WHICH IS AN SID. SID 6 IS A SMALL DISTRICT WITH LESS THAN 25 PROPERTY OWNERS. STATE LAW CURRENTLY REQUIRES EACH SID TO HAVE FIVE BOARD MEMBERS. MY CONSTITUENTS IN EMERALD ARE HAVING A HARD TIME FINDING INDIVIDUALS WHO WANT TO OR ARE EVEN ABLE TO SERVE ON THE BOARD. TWO OF THE CURRENT BOARD MEMBERS ARE OVER THE AGE OF 90 AND UNDERSTANDABLY WISH TO RETIRE FROM THIS RESPONSIBILITY. THEY'VE PUT IN THEIR DAYS OF PUBLIC SERVICE. THE BOARD MEMBERS HAVE BEEN UNABLE TO FIND REPLACEMENTS. AGAIN, A SMALL SID PROBABLY INITIALLY FORMED TO BECOME A PART OF LINCOLN, BUT LINCOLN HAS GROWN TO THE EAST AND NOT TO THE WEST. AFTER THE BILL HEARING, WE HAVE HEARD FROM SEVERAL OTHER SMALL SIDs AROUND THE STATE THAT FACE SIMILAR CONCERNS. SOME BOARD MEMBERS SERVE IN NAME ONLY AND WITH THREE REQUIRED FOR A QUORUM, IT CAN MAKE IT DIFFICULT TO SCHEDULE THE REQUIRED MEETINGS. I HAVE AN E-MAIL, FOR EXAMPLE, HERE FROM A ROBERT PETERSON, A LAWYER WHO REPRESENTS SOME SIDs IN SARPY AND DOUGLAS COUNTIES. AND THEY'RE HAVING THE SAME PROBLEMS--VERY SMALL SIDs, BOARDS WHERE THEY'RE HAVING TROUBLE GETTING FIVE MEMBERS AND GETTING A QUORUM. AND HE CONCLUDES HIS E-MAIL BY SAYING, I THINK THAT THIS BILL IS GOOD LEGISLATION AND MAKES SENSE. SO IT'S NOT JUST MY SID 6, BUT THERE ARE OTHER SMALL SIDs WHERE FINDING FIVE MEMBERS TO SERVE AND GETTING A QUORUM IS A PROBLEM. SO I URGE YOU TO VOTE FOR LB116 AND ADVANCE THE BILL TO SELECT FILE. THERE ARE SOME COMMITTEE AMENDMENTS AND BE HAPPY TO

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ANSWER ANY QUESTIONS. THANK YOU, MADAM CHAIR. [LB116]

SENATOR SULLIVAN: THANK YOU, SENATOR HAAR. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE URBAN AFFAIRS COMMITTEE. SENATOR CRAWFORD, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB116]

SENATOR CRAWFORD: THANK YOU, MADAM PRESIDENT, AND GOOD MORNING, COLLEAGUES. THE COMMITTEE AMENDMENT, AM192, MAKES SEVERAL TECHNICAL CHANGES TO THE BILL. FIRST, THE AMENDMENT CHANGES THE PERIOD OF TIME THAT AN SID MUST BE IN EXISTENCE BEFORE IT WOULD BE ELIGIBLE TO REDUCE THE SIZE OF THE BOARD. BECAUSE MOST SIDs DO NOT HAVE ANY RESIDENTS WHEN THEY ARE INITIALLY FORMED, SID ELECTIONS DO NOT FOLLOW THE BASIC PRINCIPLE OF ONE PERSON, ONE VOTE. BOARDS OF TRUSTEES FOR SIDs ARE INSTEAD ELECTED BY A VOTE OF THE PROPERTY OWNERS WITHIN THE SIDs ON TWO SEPARATE BALLOTS: ONE BALLOT WHICH ONLY RESIDENTS OF THE SID CAN VOTE, AND ANOTHER WHERE PROPERTY OWNERS GET ONE VOTE FOR EACH PIECE OF PROPERTY THAT THEY OWN IN THE SID. FOR THE FIRST TWO TRUSTEE ELECTIONS, BOARD MEMBERS ARE ELECTED SOLELY ON THE ALL PROPERTY OWNERS' BALLOT WITH A NUMBER OF TRUSTEES ELECTED ON THE RESIDENT OWNERS' BALLOT, INCREASING GRADUALLY UNTIL THE ELECTION HELD EIGHT YEARS AFTER THE FIRST ELECTION, AT WHICH POINT A MAJORITY OF THE TRUSTEES ARE ELECTED SOLELY BY SID RESIDENTS. BECAUSE THERE CAN BE AS MUCH AS A 15-MONTH GAP BETWEEN WHEN THE SID IS CREATED AND THE FIRST BOARD ELECTION, REQUIRING THAT AN SID BE IN EXISTENCE FOR TEN YEARS PRIOR TO THE SIZE...PRIOR TO REDUCING THE SIZE OF THE BOARD ENSURES THAT A MAJORITY OF THE BOARD IS ELECTED BY SID RESIDENTS WHEN THE REDUCTION WOULD BE MADE UNDER LB116. SECOND, THE AMENDMENT CLARIFIES THAT IF THE BOARD IS REDUCED TO THREE MEMBERS, AT LEAST TWO MEMBERS MUST BE ELECTED ON THE RESIDENT OWNERS' BALLOT ENSURING THAT THE BOARD IS CONTROLLED BY SID RESIDENTS AND NOT THE DEVELOPER. AT THE HEARING ON THE BILL, NEUTRAL TESTIMONY BY THE EASTERN NEBRASKA DEVELOPMENT COUNCIL EXPRESSED CONCERN THAT IF THERE WAS AN APPEARANCE THAT THE DEVELOPERS CONTROLLED THE SID BOARD INSTEAD OF RESIDENTS, IT COULD POTENTIALLY ENDANGER THE IRS TAX STATUS OF SID BONDS. THIS CHANGE IS DESIGNED TO ENSURE CONTINUED RESIDENT CONTROL OF THE BOARD AND ALLAY THOSE CONCERNS. THIRD, THE AMENDMENT WOULD PROHIBIT WHAT ARE COMMONLY REFERRED TO AS COMMERCIAL SIDs FROM REDUCING THE SIZE OF THEIR BOARD. UNDER CURRENT LAW, SIDs WHICH EITHER HAVE NO RESIDENTS OR IN WHICH 90 PERCENT OR MORE OF THE AREA USED FOR NONRESIDENTIAL PURPOSE ELECT THEIR BOARD ENTIRELY ON AN ALL

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PROPERTY OWNERS' BALLOT. SINCE THESE COMMERCIAL SIDs TYPICALLY DO NOT FACE THE SAME ISSUES AS SMALL RESIDENTIAL SIDs, THE AMENDMENT WOULD EXCLUDE THEM FROM REDUCING THEIR SIZE OF BOARD. FINALLY, THE AMENDMENT CLARIFIES THAT THE CURRENT PROVISIONS WHICH APPLY TO SIDs IN WHICH MORE THAN 50 PERCENT OF THE HOMES ARE USED AS SECOND, SEASONAL, OR RECREATIONAL HOMES WOULD STILL APPLY IF THE SIZE OF THE BOARD IS REDUCED. UNDER CURRENT LAW, OWNERS OF SEASONAL HOMES IN THESE SIDs ARE TREATED AS RESIDENTS OF THE SID FOR ELECTION PURPOSES. AND THE AMENDMENT WOULD CONTINUE TO TREAT THEM THAT WAY IF THE BOARD IS REDUCED UNDER LB116. I WOULD ASK FOR YOUR GREEN VOTE TO ADOPT AM192. THANK YOU, MADAM PRESIDENT. [LB116]

SENATOR SULLIVAN: THANK YOU, SENATOR CRAWFORD. THERE ARE SENATORS WISHING TO SPEAK ON THE BILL. SENATOR KRIST, YOU ARE RECOGNIZED. [LB116]

SENATOR KRIST: THANK YOU, MADAM PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I AM IN STRONG SUPPORT OF THE COMMITTEE AMENDMENT AM192 AND LB116. THERE ARE SIDs ALL OVER THIS STATE. AND WHEN REPRESENTATION BECOMES AN ISSUE, THE SIZE OF THE SID BECOMES...IT BECOMES VERY ESSENTIAL THAT PROPER REPRESENTATION IS THERE. HOWEVER, IN THE SIZE THAT WE HAVE SELECTED, AND THAT IS THE 70 HOME AND BELOW RANGE, IT IS VERY APPROPRIATE TO REDUCE I THINK THE NUMBER OF REPRESENTATIVES THAT ARE THERE. THERE WAS A QUESTION IN COMMITTEE THAT WAS RAISED ABOUT THE POTENTIAL SPOTLIGHT THAT WOULD BE PUT ON OUR SIDs BY POTENTIALLY THE IRS AND OTHERS. I'VE RESEARCHED THAT. I DON'T THINK IT'S AN ISSUE. I BELIEVE THAT IT IS UP TO US IN THIS CASE TO ACCOMMODATE A REQUEST FROM THOSE SMALL SIDs TO HAVE PROPER REPRESENTATION WITHOUT FORCING SOMEONE TO BE THERE IN ORDER TO CARRY ON NORMAL BUSINESS. ONE BIG ALTERNATIVE HERE WAS TO FORCE THEM TO...WHICH IS A PROVISION IN THE SID STATUTES TO ELICIT THE HELP OF AN ADMINISTRATOR, AN OUTSIDE ADMINISTRATOR. THIS, AGAIN, PUTS AN UNDUE HARDSHIP IN TERMS OF A FINANCIAL BURDEN ON THOSE SIDs. THEY DON'T NEED OUTSIDE HELP TO RUN THEIR PROGRAMS. SO I THANK SENATOR HAAR FOR BRINGING THIS. I STRONGLY SUPPORT YOUR...I STRONGLY WOULD RECOMMEND YOUR SUPPORT FOR AM192 AND THE UNDERLYING LB116. THANK YOU. [LB116]

SENATOR SULLIVAN: THANK YOU, SENATOR KRIST. THE CHAIR NOW RECOGNIZES SENATOR McCOLLISTER. [LB116]

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SENATOR McCOLLISTER: THANK YOU, MADAM PRESIDENT, AND GOOD MORNING, COLLEAGUES. I RISE IN STRONG SUPPORT OF LB116 AND THE COMMITTEE AMENDMENT. AS A MEMBER OF THE URBAN AFFAIRS COMMITTEE, I WAS UNABLE TO VOTE ON THE BILL DURING EXEC SESSIONS. BUT I DO SUPPORT IT AND ENCOURAGE YOU TO SUPPORT IT AS WELL. THANK YOU. [LB116]

SENATOR SULLIVAN: THANK YOU, SENATOR McCOLLISTER. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON AM192. SENATOR CRAWFORD WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS VOTING ON THE COMMITTEE AMENDMENT TO LB116. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB116]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB116]

SENATOR SULLIVAN: THE AMENDMENT IS ADOPTED. WE'LL CONTINUE DISCUSSION ON THE ADVANCEMENT OF LB116, BUT SEEING NO MEMBERS IN THE QUEUE WISHING TO SPEAK, SENATOR HAAR, YOU'RE WELCOME TO CLOSE. [LB116]

SENATOR HAAR: I WOULD JUST LIKE TO CONGRATULATE THOSE MEMBERS OF SID 6 WHO ARE OVER THE AGE OF 90 (LAUGHTER) WHO HAVE STUCK WITH THEIR DUTY OF PUBLIC SERVICE TO THEIR NEIGHBORS. AND WITH THAT, I WOULD ASK FOR YOUR VOTE. [LB116]

SENATOR SULLIVAN: YOU HAVE HEARD THE CLOSING ON THE ADVANCEMENT OF LB116 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB116]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB116]

SENATOR SULLIVAN: THE BILL ADVANCES. WE WILL NOW MOVE ON TO GENERAL FILE, LB266. MR. CLERK. [LB116 LB266]

ASSISTANT CLERK: LB266, INTRODUCED BY SENATOR CRAWFORD. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 14, REFERRED TO THE URBAN AFFAIRS COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM122, LEGISLATIVE JOURNAL PAGE 391.) [LB266]

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SENATOR SULLIVAN: SENATOR CRAWFORD, YOU ARE RECOGNIZED TO OPEN ON LB266. [LB266]

SENATOR CRAWFORD: THANK YOU, MADAM PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB266 IS DESIGNED TO CLARIFY THE AUTHORITY OF MUNICIPALITIES TO ENFORCE NUISANCE ORDINANCES IN THEIR EXTRATERRITORIAL ZONING JURISDICTION, COMMONLY REFERRED TO AS THE ETJ. WHILE SECTION 18-1720 CURRENTLY PROVIDES MUNICIPALITIES WITH THE AUTHORITY TO REGULATE NUISANCES WITHIN THE ETJ, SEVERAL SECTIONS OF STATUTE LOCATED ELSEWHERE ARE UNCLEAR REGARDING NUISANCE ENFORCEMENT AUTHORITY IN THE ETJ OR EVEN APPEAR TO CONTRADICT THE AUTHORITY THAT'S CLEARLY GRANTED IN STATUTE. THE ISSUE OF ORDINANCE ENFORCEMENT IN THE ETJ WAS A MAJOR POINT OF DISCUSSION DURING THE URBAN AFFAIRS COMMITTEE'S LR555 INTERIM STUDY HEARING THIS FALL. WHILE ALL CLASSES OF MUNICIPALITY HAVE CLEAR AUTHORITY TO ENFORCE SUBDIVISION AGREEMENTS, ZONING ORDINANCES, AND BUILDING CODES WITHIN THE ETJ, THE AUTHORITY OF MUNICIPALITIES TO ENFORCE OTHER ORDINANCES WITHIN THE ETJ IS INCONSISTENT. LB266 WOULD MERELY CLARIFY THE EXISTING AUTHORITY OF MUNICIPALITIES TO REGULATE NUISANCES WITHIN THE ETJ. LB266 WOULD NOT EXPAND THE AUTHORITY OF MUNICIPALITIES TO ENFORCE NUISANCE ORDINANCES BEYOND WHAT IS ALREADY ALLOWED UNDER SECTION 18-1720 AND, MORE IMPORTANTLY, IT WOULD NOT MANDATE THE REGULATION OF ORDINANCES IN THE ETJ BY MUNICIPALITIES. SINCE RESIDENTS LIVING IN THE ETJ DO NOT PAY PROPERTY TAXES, IN MOST CASES CITY OFFICIALS WILL PRIORITIZE NUISANCE ENFORCEMENT WITHIN CITY LIMITS AND WILL LIKELY CONTINUE TO ENFORCE NUISANCES ON A COMPLAINT BASIS. LB266 RECEIVED NO OPPOSITION TESTIMONY AT THE HEARING AND WAS ADVANCED UNANIMOUSLY BY THE URBAN AFFAIRS COMMITTEE WITH SEVERAL MEMBERS ABSENT. I WOULD ASK FOR YOUR GREEN VOTE TO ADVANCE LB266 TO SELECT FILE. THANK YOU, MADAM PRESIDENT. [LB266]

SENATOR KRIST PRESIDING

SENATOR KRIST: WELL, YOU'RE WELCOME, SENATOR CRAWFORD. (LAUGHTER) AS THE CLERK HAS STATED, THERE ARE COMMITTEE AMENDMENTS. AS THE CHAIR, YOU'RE WELCOME TO OPEN ON YOUR COMMITTEE AMENDMENTS. [LB266]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. THE COMMITTEE AMENDMENT, AM122, CORRECTS A DRAFTING ERROR IN THE GREEN COPY OF THE BILL. SECTION 8 OF THE BILL MISTAKENLY IDENTIFIED THE ETJ FOR CITIES OF THE SECOND CLASS AS A TWO-MILE RADIUS INSTEAD OF A

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ONE-MILE RADIUS. AM122 WOULD CORRECT THAT OVERSIGHT. I WOULD ASK FOR YOUR GREEN VOTE TO ADOPT AM122. THANK YOU, MR. PRESIDENT. [LB266]

SENATOR KRIST: YOU'RE WELCOME, SENATOR CRAWFORD. THE FLOOR IS NOW OPEN FOR DEBATE. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB266]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. WOULD SENATOR CRAWFORD YIELD TO A COUPLE OF QUESTIONS? [LB266]

SENATOR KRIST: SENATOR CRAWFORD, WILL YOU YIELD? [LB266]

SENATOR CRAWFORD: YES. [LB266]

SENATOR SCHUMACHER: UNDER THESE PARTICULAR AMENDMENTS, HOW WOULD OR WOULD THEY AT ALL AFFECT A SITUATION OF A CITY OF THE SECOND CLASS WANTING TO EXTEND NUISANCE CONTROL OVER A PROPOSED NEW LIVESTOCK DEVELOPMENT WITHIN A TWO- OR THREE-MILE RADIUS THAT THEY'RE AFRAID WILL DEVALUE THEIR PROPERTY BECAUSE OF SMELL? DOES THIS ADDRESS IN ANY WAY THAT ISSUE? [LB266]

SENATOR CRAWFORD: WHAT THIS BILL DOES IS CLARIFIES THAT EXISTING ABILITY OF CITIES TO ENFORCE THOSE STATUTES EXIST IN THEIR ETJ. SO WHERE...WHAT IT DOES IS TAKES WHAT'S CURRENTLY PROVIDED FOR MUNICIPALITIES--WHICH I BELIEVE THEY HAVE THAT ABILITY TO ENFORCE ON NUISANCES, BUT IT DOESN'T MANDATE THEM TO DO SO--BUT IT CLARIFIES THEY WOULD HAVE THE AUTHORITY TO DO SO IF THEY WERE TO CHOOSE TO DO SO. [LB266]

SENATOR SCHUMACHER: WHAT IS A RANGE OF A CITY'S AUTHORITY ON THE ISSUE OF SMELL NUISANCES? IS THAT TWO MILES OR THREE MILES? DO YOU KNOW? [LB266]

SENATOR CRAWFORD: A CITY OF THE SECOND CLASS IS ONE MILE. [LB266]

SENATOR SCHUMACHER: OKAY. SO ON AN ISSUE OF A PLUME OF LIVESTOCK ODOR, THEY DON'T HAVE MUCH JURISDICTION. [LB266]

SENATOR CRAWFORD: BUT THE PROPERTY WOULD HAVE TO BE IN THAT ONE MILE, NOT THE SMELL. [LB266]

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SENATOR SCHUMACHER: (LAUGHTER) GOT YOU. THANK YOU, SENATOR.
[LB266]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER AND SENATOR CRAWFORD. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENTS. [LB266]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. THE COMMITTEE AMENDMENTS ARE JUST TO CLARIFY A TECHNICAL ERROR, AND SO I'D ASK YOU TO ADOPT THE COMMITTEE AMENDMENTS. THANK YOU. [LB266]

SENATOR KRIST: YOU HEARD THE CLOSING. THE QUESTION IS THE ADOPTION OF THE AMENDMENTS. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB266]

ASSISTANT CLERK: 26 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB266]

SENATOR KRIST: THE AMENDMENTS ARE ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CRAWFORD, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB266]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I, AGAIN, JUST WANT TO CLARIFY, ALTHOUGH THE ONE-LINER TALKS ABOUT CHANGING THE ORDINANCE, WHAT THIS ACTUALLY DOES AS A BILL IS TO CLARIFY THROUGHOUT STATUTE THE AUTHORITY THAT'S CLEARLY GRANTED ALREADY IN SECTION 18-1720, THAT ABILITY OF MUNICIPALITIES TO ENFORCE NUISANCE ORDINANCES, THAT CLASS OF ORDINANCES, WITHIN THEIR ETJ. AND THE ETJ VARIES BY DIFFERENT SIZES OF CITY. SO IF THE PROPERTY IS LOCATED IN AN ETJ, THIS CLARIFIES THAT THE CITY MAY, IF THEY CHOOSE TO DO SO, ENFORCE NUISANCE ORDINANCES IN THAT ETJ. SO I ASK FOR YOUR GREEN VOTE ON LB266. THANK YOU. [LB266]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. MEMBERS, YOU'VE HEARD THE CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB266 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB266]

ASSISTANT CLERK: 28 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB266]

SENATOR KRIST: THE BILL ADVANCES. NEXT ITEM ON THE AGENDA. [LB266]

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ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL IS LB312, INTRODUCED BY THE TRANSPORTATION COMMITTEE. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15 OF THIS YEAR, REFERRED TO THE TRANSPORTATION COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB312]

SENATOR KRIST: SENATOR SMITH, AS THE CHAIR, YOU'RE RECOGNIZED TO OPEN. [LB312]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB312 WAS INTRODUCED BY THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE AT THE REQUEST OF THE NEBRASKA DEPARTMENT OF ROADS. THE BILL WAS HEARD ON MONDAY, FEBRUARY 2. AT THE HEARING, THERE WAS PROPONENT TESTIMONY FROM THE DEPARTMENT OF ROADS AND THE PROFESSIONAL ENGINEERS COALITION. THERE WAS NO OPPONENT OR NEUTRAL TESTIMONY. LB312 MAKES TWO CHANGES IN THE AWARDING OF HIGHWAY CONTRACTS. THE FIRST IS TO SIMPLIFY THE PROCESS OF AWARDING SMALL MAINTENANCE CONTRACTS. HISTORICALLY, THE DEPARTMENT AWARDED SMALL MAINTENANCE CONTRACTS THROUGH THE EIGHT SEPARATE DISTRICT OFFICES. HOWEVER, DURING AN INTERNAL REVIEW OF CONTRACTING PROCEDURES, THE DEPARTMENT MADE THE DETERMINATION THAT THE PROCESS USED FOR LETTING THESE SMALL CONTRACTS DID NOT CONFORM TO THE STATUTORY AUTHORITY FOR SOLICITING BIDS AND LETTING CONTRACTS. THE SMALL CONTRACTS OR THE SMALL PROJECTS WE ARE TALKING ABOUT HERE ARE MAINTENANCE RELATED, SUCH AS DITCH, REGRADING, FENCING, MOWING, AND SMALL REPAIR WORK. UPON MAKING THE FINDING REGARDING THE LACK OF STATUTORY AUTHORITY, AWARDING THESE SMALLER CONTRACTS WERE REDIRECTED FROM THE DISTRICT OFFICES TO ROADS HEADQUARTERS FOR AWARDING PURPOSES AND THE SAME EXTENSIVE ADVERTISING, PREQUALIFICATION, AND BID BONDING PROCEDURES HAVE BEEN EMPLOYED THAT ARE USED FOR HIGHWAY CONSTRUCTION PROJECTS. THE RESULT HAS BEEN FEWER BIDS AND IN SOME CASES NO BIDS AT ALL. BIDS THAT HAVE BEEN RECEIVED ARE ALSO COMING IN HIGHER. LB312 WILL ALLOW THE DEPARTMENT TO RETURN THE RESPONSIBILITY FOR AWARDING SMALL MAINTENANCE PROJECTS TO THE EIGHT DISTRICT OFFICES. ANY CONTRACT AWARDED, LIKE ALL CONTRACTS, WILL CONTINUE TO BE POSTED ON THE STATE'S TRANSPARENCY WEB SITES. UNDER LB312, THE DEPARTMENT MAY SOLICIT AT LEAST THREE BIDS FOR PROJECTS ESTIMATED TO COST \$100,000 OR LESS FROM BIDDERS THAT ARE NOT REQUIRED TO PREQUALIFY. THE DEPARTMENT MAY THEN AWARD THE CONTRACT IF IT RECEIVES AT LEAST ONE RESPONSIVE BIDDER. THE SECOND COMPONENT TO THIS BILL INVOLVES AUTHORIZING THE DEPARTMENT TO ALLOW FEDERAL AGENCY TO LET

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CONTRACTS FOR CONSTRUCTION AND MAINTENANCE ON THE STATE HIGHWAY SYSTEM. THE U.S. AIR FORCE AND FEDERAL HIGHWAY ADMINISTRATION WANT TO UPGRADE A CULVERT AND A SHORT SECTION OF U.S. 30 IN THE PANHANDLE OF OUR STATE AT FEDERAL EXPENSE. TO ACCOMPLISH THE PROJECT, THEY NEED TO DO THIS THEMSELVES, WORKING CLOSELY WITH OUR ROADS DEPARTMENT. THIS CHANGE THAT LB312 OFFERS WILL ALLOW THE DEPARTMENT TO DELEGATE THIS TYPE OF WORK WHEN A PROJECT IS NEEDED. AND THAT CONCLUDES MY OPENING ON LB312. THANK YOU, MR.... (MICROPHONE MALFUNCTION) [LB312]

SENATOR KRIST: THANK YOU, SENATOR SMITH, FOR YOUR OPENING. THE FLOOR IS NOW OPEN FOR DEBATE. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB312]

SENATOR McCOLLISTER: THANK YOU, PRESIDENT, AND GOOD MORNING AGAIN, COLLEAGUES. WOULD SENATOR SMITH RISE TO ANSWER A QUESTION? [LB312]

SENATOR KRIST: SENATOR SMITH, WILL YOU YIELD? [LB312]

SENATOR SMITH: YES, I WILL. [LB312]

SENATOR McCOLLISTER: I'VE ACTUALLY HAD EXPERIENCE DEALING WITH THE DEPARTMENT OF ROADS ON COMPETITIVE BIDS, AND IT'S BEEN MY EXPERIENCE THAT SENDING THE BIDS TO THOSE RURAL GARAGES HASN'T ALWAYS RESULTED IN ECONOMIES TO THE STATE. WILL THERE BE A BID PROCESS FOR THESE RURAL GARAGES? [LB312]

SENATOR SMITH: WELL, AGAIN, IT DETERMINES ON WHAT THE ESTIMATED VALUE OF THAT CONTRACT IS. THE ONLY CHANGE WE'RE MAKING IS TO MAKE AN ALLOWANCE THAT IF IT'S UNDER \$100,000, TO TRY TO EASE THAT BURDEN OF THE BID-LETTING PROCESS SO THAT WE CAN ATTRACT SOME OF THESE MORE LOCAL VENDORS THAT COULD PROVIDE THOSE SERVICES. [LB312]

SENATOR McCOLLISTER: WELL, I THINK THOSE GARAGES SHOULD AT LEAST DOCUMENT AN EFFORT TO OBTAIN THREE BIDS AND DEMONSTRATE TO THEIR SUPERIORS THAT THEY HAVE, IN FACT, RECEIVED A COMPETITIVE BID. AGAIN, IT'S BEEN MY EXPERIENCE THAT IT GETS TO BE A PRETTY COZY RELATIONSHIP IF YOU DON'T HAVE ADEQUATE CONTROLS TO MAKE CERTAIN THAT THOSE GARAGES, IN FACT, RECEIVE COMPETITIVE BIDS. [LB312]

SENATOR SMITH: WELL, LB312, AGAIN, IF IT'S UNDER \$100,000, WHICH THIS ADDS AS PART OF THE PROCESS, IT DOES REQUEST THAT THERE BE THREE

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BIDS. [LB312]

SENATOR McCOLLISTER: WILL THERE BE SUFFICIENT OVERSIGHT BY THE STATE HIGHWAY DOT? [LB312]

SENATOR SMITH: SENATOR, I DO NOT KNOW THAT. I MEAN, THAT WOULD BE AN INTERNAL FUNCTION FOR THE DEPARTMENT OF ROADS. [LB312]

SENATOR McCOLLISTER: WELL, I THINK WE SHOULD PERHAPS WORK ON THIS AND FIND AN AMENDMENT TO MAYBE MAKE CERTAIN THAT WE DO, IN FACT, RECEIVE COMPETITIVE BIDS IF THEY ARE AVAILABLE. SO I'LL WORK WITH YOU IN AN EFFORT TO DO THAT. THANK YOU. [LB312]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER AND SENATOR SMITH. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SMITH, YOU ARE RECOGNIZED TO CLOSE. SENATOR SMITH WAIVES CLOSING. THE QUESTION BEFORE YOU, COLLEAGUES, IS THE ADVANCEMENT OF LB312 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB312]

ASSISTANT CLERK: 25 AYES, 1 NAY ON THE ADVANCEMENT OF THE BILL. [LB312]

SENATOR KRIST: LB312 ADVANCES. NEXT ITEM, MR. CLERK. [LB312]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB313, INTRODUCED BY THE TRANSPORTATION COMMITTEE. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15, REFERRED TO THE TRANSPORTATION COMMITTEE. THAT BILL WAS PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB313]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR SMITH, AS THE CHAIR, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB313]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND AGAIN GOOD MORNING, COLLEAGUES. LB313 IS LEGISLATION INTRODUCED BY THE MEMBERSHIP OF THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. THE BILL RECEIVED ITS PUBLIC HEARING ON MONDAY, FEBRUARY 2. AND FOLLOWING THE HEARING, THE BILL WAS ADVANCED BY THE COMMITTEE WITH NO DISSENTING VOTES. LB313 WAS BROUGHT TO THE COMMITTEE BY THE NEBRASKA STATE PATROL AND THE DEPARTMENT OF MOTOR VEHICLES. LB313 IS AN ANNUAL UPDATE BILL FOR FEDERAL MOTOR CARRIER SAFETY REGULATIONS AND FEDERAL HAZARDOUS MATERIALS REGULATIONS WHICH

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ARE ENFORCED BY OUR STATE PATROL. THE BILL ALSO UPDATES REGULATIONS IN FEDERAL LAW, WHICH ARE REFERENCED IN STATE LAW, ADMINISTERED BY THE DEPARTMENT OF VEHICLES FOR DRIVER LICENSING AND MOTOR VEHICLE REGISTRATION. IT IS NECESSARY FOR THE STATE TO REMAIN IN COMPLIANCE AND CONSISTENT WITH FEDERAL LAWS AND REGULATIONS AND THE UPDATE OF THE ADOPTION DATE EACH YEAR ALLOWS THE STATE LAW TO REFLECT TO THE BEST EXTENT POSSIBLE, EXISTING FEDERAL LAWS AND REGULATIONS IN THESE AREAS. EACH SECTION AMENDED ADOPTS AS STATE LAW THOSE FEDERAL PROVISIONS IN EXISTENCE ON JANUARY 1, 2015. AGAIN, COLLEAGUES, LB313 IS AN ANNUAL UPDATE BILL. I'D APPRECIATE YOUR VOTE. THANK YOU. [LB313]

SENATOR KRIST: YOU'VE HEARD THE OPENING ON LB313. SEEING NO ONE IN THE QUEUE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. SENATOR SMITH WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB313 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB313]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB313]

SENATOR KRIST: LB313 ADVANCES. NEXT ITEM. [LB313]

ASSISTANT CLERK: LB45, INTRODUCED BY SENATOR COASH. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 8, REFERRED TO THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE. THE BILL WAS PLACED ON GENERAL FILE WITH COMMITTEE AMENDMENTS ATTACHED. (AM65, LEGISLATIVE JOURNAL PAGE 404.) [LB45]

SENATOR KRIST: SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON LB45. [LB45]

SENATOR COASH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. LB45 IS A VERY SIMPLE BILL. QUITE SIMPLY, IT ELIMINATES FILM VEHICLES FROM THE REQUIREMENT OF A REGISTRY AND LICENSE. THAT'S WHAT IT DOES. FOR A LITTLE BIT OF BACKGROUND, I WILL TELL YOU THIS, THAT IN THE LAST 14 YEARS DATING BACK TO 2001, THE DEPARTMENT OF MOTOR VEHICLES HAS ONLY ISSUED REGISTRATION FOR FILM VEHICLES IN TWO OF THOSE YEARS--2012 AND 2001. IN 2012, THE DMV REGISTERED 41 VEHICLES, AND IN 2001, ONLY 16 REGISTERED. BUT THE RETENTION REQUIREMENTS EXPIRED SO NO RECORDS ARE ON FILE AS TO HOW MUCH WAS COLLECTED FOR THOSE VEHICLES. COLLEAGUES, WE DON'T HAVE A LOT OF FILM HAPPENING IN OUR STATE. IT'S SOMETHING WE WOULD LIKE TO

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CHANGE. WE'D LIKE TO SEE MORE OF THESE PROJECTS COME. AND TO THAT END, WE NEED TO REMOVE AS MANY BARRIERS AS WE CAN, AND THAT'S WHAT LB45 DOES. THERE IS SUCH A LIMITED AND STRINGENT USE OF THESE TYPES OF REGISTRATIONS, IT'S RARE. AND IT'S SO RARE THAT WE DON'T REALLY NEED A FILM VEHICLE REGISTRATION HERE. CHANGING THIS PROVISION WOULD NOT HAVE A GREAT IMPACT BUT IT DOES SEND A MESSAGE, AND THAT'S WHAT I'M HOPING TO GET THROUGH LB45. AND THE MESSAGE THAT I'M HOPING THAT WE SEND IS THAT WE ARE OPEN FOR BUSINESS TO THE FILM COMMUNITY AND WE ARE...WE WILL EMBRACE THAT TYPE OF ART. AND WE WILL TRY OUR BEST AS A STATE TO MAKE THIS A PLACE WHERE FILMMAKERS CAN COME, WILL COME, AND DO THEIR CRAFT, PRODUCE THEIR FILMS, THEIR COMMERCIALS, AND ADVANCE THEIR ART IN OUR STATE. IT'S A GREAT OPPORTUNITY FOR NEBRASKA TO USE THIS BILL TO SAY TO THAT COMMUNITY THAT WE WOULD LIKE TO SEE THEM COME. SO WITH THAT, I WOULD URGE YOUR SUPPORT OF LB45, THE COMING COMMITTEE AMENDMENT WHICH I AM SUPPORTIVE OF AND SENATOR SMITH WILL EXPLAIN AS WELL AND WILL ASK FOR YOUR SUPPORT ON BOTH OF THOSE. THANK YOU, MR. PRESIDENT. [LB45]

SENATOR KRIST: THANK YOU, SENATOR COASH. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SMITH, AS THE CHAIR OF TRANSPORTATION, TELECOMMUNICATIONS, YOU'RE RECOGNIZED TO OPEN ON AM65. [LB45]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND I'D LIKE TO THANK SENATOR COASH FOR BRINGING THIS BILL. AND I AND THE TRANSPORTATION, TELECOMMUNICATIONS COMMITTEE, WE CERTAINLY SUPPORT HIS EFFORTS FOR ECONOMIC DEVELOPMENT FROM THE FILM INDUSTRY. I THINK IT'S A FANTASTIC APPROACH. WHAT THE AMENDMENT DOES IS IT ELIMINATES FILM VEHICLE REGISTRATION AND THE LICENSE PLATE. IT PROVIDES AN EXCEPTION TO THE RULE THAT NONRESIDENT VEHICLES IN THE STATE FOR MORE THAN 30 DAYS MUST BE REGISTERED WITH NEBRASKA PLATES. AND IT ALSO STATES THAT FILM VEHICLES MAY BE OPERATED IN THE STATE UP TO ONE YEAR WITHOUT NEBRASKA REGISTRATION. THANK YOU, MR. PRESIDENT. [LB45]

SENATOR KRIST: THANK YOU, SENATOR SMITH. THE FLOOR IS NOW OPEN FOR DEBATE. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB45]

SENATOR KOLOWSKI: GOOD MORNING. THANK YOU, MR. PRESIDENT. THANK YOU VERY MUCH FOR THE OPPORTUNITY TO SPEAK FOR THIS BILL. I WANT TO CONGRATULATE SENATOR COASH FOR HIS MOVE ON THIS, SENATOR SMITH FOR HIS WORK. I HAVE TALKED WITH SOME OF OUR NATIVE SONS SUCH AS

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ALEXANDER PAYNE AND NIK FACKLER AND OTHERS WHO HAVE PRODUCED MOVIES AND THEY WOULD LIKE TO BE ABLE TO COME BACK TO THEIR HOME STATE AND USE OUR BEAUTIFUL STATE AND THE FACILITIES HERE TO MAKE PROJECTS COME TO LIFE IN THEIR FUTURE. SO I HOPE WE WILL BE ABLE TO MOVE AHEAD ON THIS AND OPEN UP MORE OPPORTUNITIES FOR FILMMAKERS IN OUR STATE. THANK YOU VERY MUCH. [LB45]

SENATOR KRIST: THANK YOU, SENATOR KOLOWSKI. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE ON THE AMENDMENT. SENATOR SMITH WAIVES CLOSING. QUESTION BEFORE THE BODY IS THE ADOPTION OF AM65 TO LB45. ALL THOSE IN SUPPORT VOTE AYE; ALL OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB45]

ASSISTANT CLERK: 27 AYES, 1 NAY ON THE ADOPTION OF COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB45]

SENATOR KRIST: THE AMENDMENT IS ADOPTED. SENATOR COASH, YOU'RE RECOGNIZED TO CLOSE ON LB45. [LB45]

SENATOR COASH: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. THANK YOU, SENATOR KOLOWSKI, FOR YOUR KIND WORDS ON THIS. FILM IN THIS STATE IS MORE THAN ART. IT CERTAINLY IS THAT, BUT IT CAN ALSO BE AN ECONOMIC DRIVER. IT PUTS PEOPLE TO WORK. AND AS SENATOR KOLOWSKI POINTED OUT, IT CAN BE DIFFICULT TO FIND STEADY WORK IN THIS AREA. AND SO WHAT WE FIND IS A MASS EXODUS OF PEOPLE WHO WANT TO DO THIS KIND OF WORK AND THEY HAVE TO GO ELSEWHERE TO DO IT. I HAVE TALKED TO MANY OF THESE PEOPLE AND THEY WANT NOTHING MORE THAN TO BE ABLE TO COME BACK TO NEBRASKA, MAKE THIS THEIR HOME AND CONTINUE TO PURSUE THAT VOCATION. THERE'S A LOT OF REASONS WHY THAT CAN'T HAPPEN AND IT DOESN'T HAPPEN. BUT WHAT WE'RE DOING WITH LB45 IS GIVING THEM ONE LESS REASON. AND FOR THAT, I WILL TAKE IT AS A WIN AND WILL ASK FOR YOUR SUPPORT IN THE ADVANCEMENT OF LB45. THANK YOU, MR. PRESIDENT. [LB45]

SENATOR KRIST: THANK YOU, SENATOR COASH. YOU'VE HEARD THE CLOSING ON LB45. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; ALL THOSE OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB45]

ASSISTANT CLERK: 26 AYES, 1 NAY ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB45]

SENATOR KRIST: LB45 ADVANCES. (VISITORS INTRODUCED.) NEXT ITEM, MR. CLERK. [LB45]

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ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL IS LB181, INTRODUCED BY SENATOR SMITH. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 12, REFERRED TO THE TRANSPORTATION COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM204, LEGISLATIVE JOURNAL PAGE 406.) [LB181]

SENATOR KRIST: SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON LB181. [LB181]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. LB181 IS A VERY SIMPLE BILL AND IF ANY OF YOU ARE LOOKING AT THIS BILL, YOU...IT'S PROBABLY PERKED YOUR INTEREST A LITTLE BIT, IF YOU WERE HERE LAST YEAR ESPECIALLY, BECAUSE YOU SEE THAT IT SAYS AMBER LIGHTS, (LAUGHTER) FLASHING AMBER LIGHTS. WELL, IT'S NOT AN AMBER LIGHT BILL. I'M SORRY TO DISAPPOINT YOU. RATHER, IT'S AN AMBER AND BLUE FLASHING LIGHT BILL. THE MEASURE WOULD ALLOW BLUE AND AMBER ROTATING AND FLASHING LIGHTS TO BE DISPLAYED ON VEHICLES OPERATED BY ANY PUBLIC UTILITY FOR THE CONSTRUCTION, MAINTENANCE, AND REPAIR OF ANY UTILITY INFRASTRUCTURE ON OR NEAR A HIGHWAY. TODAY, THESE SAME VEHICLES ARE ALREADY PERMITTED TO USE AN AMBER FLASHING LIGHT. OF COURSE, THIS IS JUST FOR A MATTER OF SAFETY. BLUE AND AMBER LIGHTS ARE ALLOWED ON VEHICLES USED FOR SNOW REMOVAL BY THE STATE AND LOCAL AUTHORITIES, AND THIS WOULD SIMPLY EXTEND THIS WARNING SIGNAL TO PUBLIC UTILITIES. THIS ISN'T A PRIVATE ENTITY ASKING FOR THESE LIGHTS AS WAS THE CASE LAST SESSION AND LAST SESSION'S INFAMOUS AMBER LIGHT DEBATE. THESE ARE VEHICLES OPERATED BY A PUBLIC UTILITY. AND I WILL BE OFFERING AN AMENDMENT HERE SHORTLY THAT CLARIFIES, MAKES A FEW FURTHER CLARIFICATIONS. ELECTRICAL LINES AND UTILITY POLE LINES ARE HIGHWAYS, AND THESE WORKERS HAVE NO CHOICE BUT TO BE ON THE EDGE OF THE ROAD IN INCLEMENT WEATHER CONDITIONS AND TIMES WHEN THE VISIBILITY IS VERY LOW. OFTENTIMES IT IS NECESSARY FOR THE REPAIRS TO BE DONE AT NIGHT OR DURING THESE INCLEMENT WEATHER CONDITIONS. HAVING THESE LIGHTS WILL SERVE AS AN IMPORTANT SAFETY MEASURE FOR BOTH THE UTILITY WORKER AND THOSE DRIVING ON THE HIGHWAY. SO, COLLEAGUES, THAT'S ALL THAT THIS BILL IS REALLY ABOUT, AND I WILL OFFER AN AMENDMENT HERE SHORTLY. THANK YOU, MR. PRESIDENT. [LB181]

SENATOR KRIST: THANK YOU, SENATOR SMITH. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SMITH, AS THE CHAIR OF TRANSPORTATION AND TELECOMMUNICATIONS, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENT. [LB181]

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SENATOR SMITH: THANK YOU, MR. PRESIDENT. THE AMENDMENT SIMPLY STATES THAT THESE VEHICLES WITH THE FLASHING BLUE AND AMBER LIGHTS MUST BE OWNED AND OPERATED BY THE PUBLIC UTILITY. SO THAT WOULD PREVENT A SUBCONTRACTOR WORKING FOR THAT UTILITY FROM BEING ABLE TO HAVE THE BLUE AND AMBER FLASHING LIGHTS ON THEIR VEHICLES. THESE VEHICLES MUST BE OWNED AND OPERATED BY THE PUBLIC UTILITY. THANK YOU, MR. PRESIDENT. [LB181]

SENATOR KRIST: THANK YOU, SENATOR SMITH. THE FLOOR IS OPEN FOR DEBATE. SEEING NO ONE IN THE QUEUE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE ON THE AMENDMENT. SENATOR SMITH WAIVES CLOSING. THE VOTE BEFORE YOU IS THE ATTACHMENT OF AM204 TO LB181. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB181]

ASSISTANT CLERK: 30 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB181]

SENATOR KRIST: THE AMENDMENT IS ADOPTED. SENATOR SULLIVAN, YOU ARE RECOGNIZED. [LB181]

SENATOR SULLIVAN: THANK YOU, MR. CHAIR. AND I JUST WANTED TO OFFER MY SUPPORT FOR LB181 AND THANK SENATOR SMITH FOR CARRYING IT FORWARD. WE TAKE FOR GRANTED THAT FLIP OF THE SWITCH AND WE EXPECT IT TO BE THERE AND THEN WHEN A SNOWSTORM BLOWS IN, WE STILL EXPECT IT TO BE THERE. AND WE FORGET THAT THESE INDIVIDUALS WHO WORK FOR THE POWER DISTRICTS PUT THEMSELVES IN HARM'S WAY SO MANY TIMES TO PROVIDE THAT EASY ACCESS FOR US. AND WE OFTEN FORGET THAT THEY NEED TO BE AFFORDED THE SAME LEVEL OF SAFETY AS MUCH AS WE POSSIBLY CAN WHEN THEY ARE OUT THERE PROVIDING THAT ACCESS TO POWER FOR US. SO, AGAIN, I STAND IN STRONG SUPPORT OF LB181 AND ENCOURAGE US ALL TO ADVANCE IT. THANK YOU. [LB181]

SENATOR KRIST: THANK YOU, SENATOR SULLIVAN. SEEING NO ONE IN THE QUEUE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB181]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND I APPRECIATE SENATOR SULLIVAN'S COMMENTS THERE. WE ARE VERY FORTUNATE IN OUR STATE FOR THE STATE TO BE A PUBLIC POWER STATE. WE HAVE OUR MEN AND WOMEN OUT THERE EVERY DAY KEEPING THE LIGHTS ON. AND WE'RE VERY FORTUNATE FOR THEM AND APPRECIATIVE OF THEIR HARD WORK. LET'S

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KEEP THEM SAFE ON THE ROADWAYS. I APPRECIATE YOUR VOTE GREEN ON THIS BILL. THANK YOU. [LB181]

SENATOR KRIST: THANK YOU, SENATOR SMITH. YOU'VE HEARD THE CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB181 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB181]

ASSISTANT CLERK: 32 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL. [LB181]

SENATOR KRIST: LB181 ADVANCES. NEXT ITEM. [LB181]

ASSISTANT CLERK: MR. PRESIDENT, LB180, INTRODUCED BY SENATOR SCHEER. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 12, REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB180]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON LB180. [LB180]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. LB180 WAS INTRODUCED AT THE REQUEST OF THE DIRECTOR OF NEBRASKA DEPARTMENT OF INSURANCE. THIS BILL WOULD ALLOW TITLE INSURERS TO MARKET PERSONAL PROPERTY TITLE INSURANCE IN NEBRASKA. THIS PRODUCT IS INSURANCE GUARANTEEING OR INDEMNIFYING OWNERS OF PERSONAL PROPERTY OR SECURED PARTIES AGAINST LOSS OR DAMAGE PERTAINING TO ADVERSE CLAIMS TO TITLE, LIENS, OR ENCUMBRANCES UPON OR SECURITY INTERESTS IN PERSONAL PROPERTY OR FIXTURES. CURRENTLY, NEBRASKA TITLE INSURANCE IS LIMITED TO INSURING, GUARANTEEING, OR INDEMNIFYING OWNERS OF REAL PROPERTY OR OTHERS INTERESTED IN PROPERTY AGAINST LOSS, DAMAGE, OR REASONS BY...BY REASONS OF LIENS, ENCUMBRANCES UPON, OR DEFECTS IN, OR THE MARKETABILITY OF A TITLE TO REAL PROPERTY. UNDER LB180, REAL PROPERTY TITLE INSURANCE POLICIES AND PERSONAL PROPERTY TITLE INSURANCE POLICIES MUST BE DISTINCT, SEPARATE POLICIES. TITLE INSURANCE AGENCIES SELLING TITLE INSURANCE ON REAL PROPERTY WILL NOT BE REQUIRED TO RUN PERSONAL PROPERTY LIEN SEARCHES. IF A CUSTOMER WANTS PERSONAL PROPERTY TITLE INSURANCE ON PERSONAL PROPERTY LOCATED ON THE REAL PROPERTY, THE CUSTOMER WOULD NEED TO HAVE A SEPARATE POLICY. SIMPLY PUT, LB180 WILL ALLOW THE TITLE INSURERS TO WRITE REAL PROPERTY TITLE INSURANCE AND PERSONAL PROPERTY TITLE INSURANCE BUT NOT IN THE SAME POLICY. TYPICALLY, PERSONAL PROPERTY TITLE

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INSURANCE WOULD BE SOLD AS A LENDER'S POLICY IN CONJUNCTION WITH A MAJOR COMMERCIAL FINANCING TRANSACTION. A BANK MIGHT EXTEND FINANCING TO A BUSINESS AND TAKE A SECURITY INTEREST IN PERSONAL PROPERTY OF THE BORROWER. THEN THE LENDER FILES A FINANCING STATEMENT WITH THE SECRETARY OF STATE TO ESTABLISH A PRIORITY IN THE COLLATERAL IN THE EVENT THE BORROWER DEFAULTS. THE BANK WOULD WANT A LENDER'S TITLE INSURANCE POLICY TO GUARANTEE THAT THERE ARE NO SECURED INTERESTS OR PARTIES WITH A PRIOR PERFECTED SECURITY INTEREST IN THE SAME COLLATERAL. IF THE PERSONAL PROPERTY TITLE SEARCH FAILS TO DISCOVER A PRIOR PERFECTED SECURITY INTEREST, THEN THE BANK WOULD HAVE A CLAIM ON THE POLICY IF IT SUFFERS A LOSS. PERSONAL PROPERTY TITLE INSURANCE IS AN ESTABLISHED PRODUCT AND IS SOLD THROUGHOUT THE COUNTRY. IT IS NEW ENOUGH THAT IT CANNOT BE SOLD IN NEBRASKA WITHOUT AMENDMENTS TO OUR INSURANCE STATUTES. NOW THE ONLY WAY TO BUY IT IN NEBRASKA IS FROM A NONADMITTED INSURER IN THE SURPLUS LINES MARKET. PASSAGE OF LB180 WILL ALSO BE IMPORTANT TO THE GROWING NATURE OF NEBRASKA AS A STATE HOME...HOME STATE OF MAJOR PLAYERS IN THE TITLE INSURANCE INDUSTRY. IN 2014, FIRST AMERICAN TITLE INSURANCE COMPANY REDOMESTICATED TO NEBRASKA. IT IS THE LARGEST SINGLE TITLE INSURER IN THE NATION IN TERMS OF PREMIUM. IN 2007, CHICAGO TITLE INSURANCE COMPANY REDOMESTICATED IN NEBRASKA. IT IS THE SECOND LARGEST TITLE INSURER IN THE NATION IN TERMS OF PREMIUM. IN 2006, COMMONWEALTH LAND TITLE COMPANY REDOMESTICATED TO NEBRASKA. IT IS THE SIXTH LARGEST TITLE INSURER IN THE STATE OF NEBRASKA IN TERMS OF PREMIUM. PERSONAL PROPERTY TITLE INSURANCE IS A BURGEONING PRODUCT. IT FACILITATES MAJOR COMMERCIAL ECONOMIC ACTIVITY. PASSAGE OF LB180 WILL ALLOW THE MEMBERS OF OUR GROWING NEBRASKA DOMESTIC TITLE INSURANCE INDUSTRY TO SELL THIS PRODUCT IN THEIR HOME STATE. I URGE THE ADVANCEMENT OF LB180. THANK YOU, MR. PRESIDENT. [LB180]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. THE FLOOR IS NOW OPEN FOR DEBATE. SEEING NO ONE WISHING TO SPEAK, SENATOR SCHEER, YOU'RE RECOGNIZED TO CLOSE. SENATOR SCHEER WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB180 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? RECORD, MR. CLERK. [LB180]

ASSISTANT CLERK: 34 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB180]

SENATOR KRIST: LB180 ADVANCES. NEXT ITEM. [LB180]

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ASSISTANT CLERK: MR. PRESIDENT, LB298, INTRODUCED BY SENATOR SCHUMACHER. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 15, REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB298]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR SCHUMACHER, YOU ARE RECOGNIZED TO OPEN ON LB298. [LB298]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. IN REREADING THROUGH THIS BILL A COUPLE DAYS AGO, IT DAWNED ON ME WHY THE INSURANCE DEPARTMENT WANTED ME TO INTRODUCE IT. THEY WANTED TO MAKE DARN SURE I COULDN'T ASK THE INTRODUCER QUESTIONS. (LAUGHTER) FOR THE RECORD, I'LL READ A LITTLE SCRIPT TO MAKE SURE WE GET THE RIGHT STUFF IN THE RECORD BEFORE TELLING YOU WHAT I THINK IT MEANS. LB298 IS A BILL INTRODUCED ON BEHALF OF THE NEBRASKA DEPARTMENT OF INSURANCE TO UPDATE STATUTES RELATED TO CREDIT FOR REINSURANCE. THE BILL WOULD UPDATE NEBRASKA LAW TO REFLECT THE LATEST CHANGES TO THE CREDIT FOR REINSURANCE MODEL LAW ADOPTED BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS. THE NAIC IS THE UNITED STATES STANDARD-SETTING AND REGULATORY SUPPORT ORGANIZATION CREATED AND GOVERNED BY THE CHIEF INSURANCE REGULATORS FROM ALL 50 STATES, THE DISTRICT OF COLUMBIA, AND FIVE UNITED STATES TERRITORIES. THROUGH THE NAIC, STATE INSURANCE REGULATORS ESTABLISH STANDARDS AND PRACTICES, CONDUCT PEER REVIEW, AND COORDINATE THEIR REGULATORY OVERSIGHT THROUGH THE NAIC MEMBERSHIP. TOGETHER WITH THE CENTRAL RESOURCES OF THE NAIC, THEY FORM THE NATIONAL SYSTEM OF STATE-BASED INSURANCE REGULATION IN THE UNITED STATES. CREDIT FOR REINSURANCE IS A STATUTORY ACCOUNTING PRACTICE THAT ALLOWS INSURERS TO ADD TO THEIR ASSETS OR REDUCE FROM THEIR LIABILITIES THE AMOUNT OF REINSURANCE DUE THE INSURER FROM REINSURERS. UNDER THE ACCEPTED STATUTORY ACCOUNTING PRACTICE, THE AMOUNT ALLOWED TO BE INDICATED ON A BALANCE SHEET IS CONTINGENT ON A NUMBER OF FACTORS RELATED TO THE AMOUNT OF REINSURANCE AND THE STATUS OF THE REINSURER. LB298 PROPOSES TO MAKE TWO SIGNIFICANT CHANGES TO THE CREDIT FOR REINSURANCE STATUTORY SCHEME. FIRST, IT WILL ALLOW FOR A NEW ALLOWABLE CREDIT FOR REINSURANCE CATEGORY WHEN ASSUMING THE INSURER IS CERTIFIED AS A REINSURER IN NEBRASKA BY THE DIRECTOR OF INSURANCE AFTER MEETING SEVERAL REQUIREMENTS INCLUDING: BEING DOMICILED IN A QUALIFIED JURISDICTION; MAINTAINING MINIMUM CAPITAL AND SURPLUS CAPITAL; MAINTAINING ACCEPTABLE

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FINANCIAL RATINGS FROM TWO OR MORE OF THE RATING AGENCIES; AGREEING TO BE SUBJECT TO NEBRASKA JURISDICTION; AND AGREEING TO APPLICABLE INFORMATION FILING REQUIREMENTS. SECOND, THE LEGISLATION REQUIRES A SEATING INSURER TO TAKE STEPS TO DIVERSIFY IN REINSURANCE SO ITS CONCENTRATION OF RISK IN ONE REINSURER IS NOT TOO HIGH. NOW IF I WAS GOING TO BURY SOMETHING SNEAKY ON GAMBLING, IT WOULD BE IN THE MIDDLE OF THIS THING. (LAUGHTER) WHAT I THINK WE SEE HERE IS A REAL APPRECIATION FOR THE MAGNITUDE AND THE SCOPE OF INSURANCE COMPANIES THAT ARE BASED HERE IN NEBRASKA AND ARE OPERATING INTERNATIONALLY ALONG WITH A RESPECT FOR INTERNATIONAL INSURANCE COMPANIES THAT SEEK TO INSURE OR REINSURE THESE INSURANCE COMPANIES IN NEBRASKA. THIS IS TRULY A GLOBAL UNDERTAKING ON THE PART OF OUR DEPARTMENT OF INSURANCE TOGETHER WITH THE OTHER DEPARTMENTS OF INSURANCE TO MAKE SURE THAT OUR COMPANIES ARE COMPETITIVE IN EUROPE. AND IN ORDER TO DO THAT AND TO GET THE GRACE OF THE EUROPEAN AND OTHER WORLD COMMUNITIES, WE HAVE GOT TO EXTEND SIMILAR COURTESIES TO THEM. ONE OF THE THINGS AN INSURANCE COMPANY HAS GOT TO DO IS IT HAS GOT TO HAVE MONEY IN RESERVE, ASSETS, CAPITAL TO PAY OFF THE BILLS, SHOULD THE JACKPOT BE HIT BY THEIR HOLDERS. AND THEY CAN DO THIS BY HAVING A PILE OF MONEY AND A PILE OF INVESTMENTS OR THEY CAN ENTER INTO REINSURANCE CONTRACTS WITH OTHER COMPANIES THAT SAY IF WE HAVE A HUGE LOSS YOU'LL COME IN AND REINSURE AND PAY OFF THE LOSS. AND THERE'S COMPLICATED INTERRELATIONSHIPS BETWEEN THE TWO. SOME OTHER COUNTRIES SAY LISTEN, UNLESS YOU EXTEND ABILITY TO OUR REINSURERS AND TO OUR COMPANIES, WE WILL PUT YOUR COMPANIES AT A DISADVANTAGE WHEN SELLING INSURANCE IN OUR COUNTRIES. AND THERE HAS BEEN A LONG, COMPLICATED PROCEDURE IN WHICH OUR DEPARTMENT OF INSURANCE HAS DEVELOPED THIS PARTICULAR LAW IN UNISON AND IN UNISON AND APPLICATION WITH OTHER STATES IN ORDER TO TRY TO OVERCOME THESE ISSUES. AND BASICALLY, IT IS TO MAKE SURE THAT COMPANIES OPERATING IN THE NATIONAL AND INTERNATIONAL MARKET HAVE SUFFICIENT RESERVES AND SUFFICIENT BACKUP INSURANCE TO MEET THE LIABILITIES THAT THEY MIGHT BE EXPOSED TO SHOULD THERE BE SOME TYPE OF GREAT CALAMITY. I'LL TRY TO ANSWER ANY QUESTIONS THAT YOU HAVE WITH REGARD TO THIS, BUT BASICALLY IT IS A WAY SO THE WHEELS WILL BE PROPERLY LUBRICATED FOR OUR NEBRASKA INSURANCE COMPANIES TO OPERATE COMPETITIVELY IN WORLD MARKETS AND ALSO EXTEND OUR COMITY AND OUR ABILITY TO RECEIVE OR TO HAVE RECIPROCITY WITH THOSE OTHER COUNTRIES. THANK YOU. [LB298]

SENATOR KRIST: THANK YOU, SENATOR SCHUMACHER. THE FLOOR IS NOW OPEN FOR DEBATE. SENATOR KOLTERMAN, YOU ARE RECOGNIZED. [LB298]

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SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS...IF YOU DON'T KNOW ABOUT THE NEBRASKA DEPARTMENT OF INSURANCE, THEY'RE WELL RESPECTED THROUGHOUT THE UNITED STATES AND INTERNATIONALLY. THEY DO A REALLY GOOD JOB OF MANAGING OUR STATE'S INSURANCE BUSINESS, AND THIS IS JUST A TOOL THAT ALLOWS THEM TO EXPAND THAT AND IT GIVES OUR DOMESTIC INSURANCE COMPANIES THE ABILITY TO UTILIZE REINSURANCE IN A MORE EFFECTIVE MANNER. SO I RISE IN SUPPORT OF THIS BILL AND WOULD ENCOURAGE YOU TO GIVE IT THE GREEN LIGHT. THANK YOU. [LB298]

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN. SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. SENATOR SCHUMACHER WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB298 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB298]

ASSISTANT CLERK: 31 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB298]

SENATOR KRIST: LB298 ADVANCES. NEXT ITEM. [LB298]

ASSISTANT CLERK: MR. PRESIDENT, LB352, INTRODUCED BY SENATOR SCHEER. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 15, REFERRED TO THE BANKING, COMMERCE AND INSURANCE COMMITTEE, PLACED ON GENERAL FILE WITH NO COMMITTEE AMENDMENTS. [LB352]

SENATOR KRIST: SENATOR SCHEER, YOU'RE RECOGNIZED TO OPEN ON LB352. [LB352]

SENATOR SCHEER: THANK YOU, MR. PRESIDENT. LB352 WAS INTRODUCED AT THE REQUEST OF THE DEPARTMENT OF BANKING AND FINANCE. THE BILL PROPOSES THREE CHANGES IN THE RESIDENTIAL MORTGAGE LICENSING ACT. THIS ACT IS UNDER THE JURISDICTION OF THE DEPARTMENT OF BANKING AND FINANCE AND PROVIDES FOR THE REGULATION OF THE RESIDENTIAL MORTGAGE BANKING INDUSTRY IN NEBRASKA. THE ACT REQUIRES THE LICENSING OF FIRMS AND INDIVIDUALS WHEREVER LOCATED THAT ARE INVOLVED IN ARRANGING, MAKING, OR SERVICING LOANS SECURED BY RESIDENTIAL REAL ESTATE IN NEBRASKA. FIRST, THE BILL AMENDS THE PROVISIONS REGARDING THE APPLICATION AND LICENSING PROCESS FOR MORTGAGE BANKER FIRMS. UNDER THE BILL, IF AN APPLICANT FOR A MORTGAGE BANKER LICENSE DOES NOT COMPLETE THE APPLICATION AND DOES NOT RESPOND TO NOTICES FROM THE DEPARTMENT TO CORRECT

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DEFICIENCIES FOR 120 OR MORE DAYS AFTER THE DATE OF INITIAL NOTICE, THEN THE DEPARTMENT MAY DEEM THE APPLICATION AS ABANDONED AND ISSUE A NOTICE OF ABANDONMENT TO THE APPLICANT. THIS WOULD BE DONE IN LIEU OF A FORMAL ADMINISTRATIVE PROCEEDING BY THE DEPARTMENT TO DENY THE APPLICATION. THE DEPARTMENT INDICATED THAT THEY ANTICIPATE USING THIS AUTHORITY INFREQUENTLY, NONETHELESS, IT WOULD RESULT IN A MORE EFFICIENT USE OF THE DEPARTMENT RESOURCES WHEN IT COMES UP. SIMILAR PROVISIONS ARE ALREADY IN PLACE FOR MORTGAGE LOAN ORIGINATION APPLICATIONS. SECOND, THE BILL SHORTENS THE TIME WITHIN WHICH LICENSEES MUST ANSWER REQUESTS FROM THE BORROWERS FOR PAYOFF INFORMATION FROM TEN DAYS TO SEVEN DAYS. THIS AMENDMENT REFLECTS A REVISION TO FEDERAL TRUTH IN LENDING ACT. MORTGAGE BANKER LICENSES ARE ALREADY SUBJECT TO THAT FEDERAL ACT. THE DEPARTMENT INDICATED THAT IT BELIEVES THAT IT IS APPROPRIATE FOR THE STATE REQUIREMENTS TO ECHO FEDERAL REQUIREMENTS. THIRD AND LASTLY, THE BILL EXTENDS A RECORD OF RETENTION TIME FOR A PERIOD OF MORTGAGE BANKERS FROM A TWO-YEAR REQUIREMENT TO A THREE-YEAR REQUIREMENT. A MORTGAGE BANKER LICENSEE IS REQUIRED TO MAINTAIN A COPY OF ALL DOCUMENTS AND RECORDS RELATING TO EACH RESIDENTIAL MORTGAGE LOAN AND LOAN APPLICATION. THIS AMENDMENT REFLECTS CHANGES ADOPTED BY THE CONSUMER FINANCE PROTECTION BUREAU TO ITS REGULATIONS UNDER FEDERAL TRUTH IN LENDING ACT AND FEDERAL REAL ESTATE SETTLEMENT PROCEDURES ACT. THOSE ARE THE CHANGES PROPOSED BY OUR DEPARTMENT OF BANKING AND FINANCE AND OUR RESIDENTIAL MORTGAGING LICENSING ACT. I WOULD URGE YOUR ADVANCEMENT OF THIS BILL. THANK YOU, MR. PRESIDENT. [LB352]

SENATOR KRIST: THANK YOU, SENATOR SCHEER. FLOOR IS OPEN FOR DEBATE. SEEING NO ONE WISHING TO SPEAK, SENATOR SCHEER, YOU'RE RECOGNIZED TO CLOSE. SENATOR SCHEER WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADVANCEMENT OF LB352 TO E&R INITIAL. ALL THOSE IN FAVOR, AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LB352]

ASSISTANT CLERK: 29 AYES, 0 NAYS ON THE ADVANCEMENT OF THE BILL, MR. PRESIDENT. [LB352]

SENATOR KRIST: LB352 ADVANCES. ITEMS FOR THE RECORD. [LB352]

ASSISTANT CLERK: MR. PRESIDENT, I DO. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB272 AND LB305 TO SELECT FILE, BOTH WITH AMENDMENTS. A REQUEST FOR A NAME ADD FROM SENATOR KOLTERMAN TO LB599. (LEGISLATIVE JOURNAL PAGES 455-456.) [LB272 LB305 LB599]

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

Floor Debate
February 10, 2015

FINALLY, A PRIORITY MOTION. SENATOR CAMPBELL WOULD MOVE TO ADJOURN UNTIL WEDNESDAY, FEBRUARY 11, 2015, AT 9:00 A.M.

SENATOR KRIST: YOU HAVE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR, AYE. ONE MORE TIME. ALL THOSE IN FAVOR, AYE. OPPOSED, NAY. WE'RE ADJOURNED AND WE FINISHED THE SCHEDULE FOR THIS MORNING. CONGRATULATIONS.