

**FEBRUARY 15, 2001**

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 385, 386, 525, 641, 664

SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: Good morning and welcome to the George W. Norris Legislative Chamber. This morning, our pastor for the day is Pastor Jeffery Grams. He's from the Saint John's Lutheran Church, in Scottsbluff, Nebraska, which is Senator Smith's district. Pastor.

PASTOR GRAMS: (Prayer offered.)

SPEAKER KRISTENSEN: I call the thirtieth day of the Nebraska Unicameral Legislature to order. Senators, please record your presence. Roll call. Record.

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

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. Any corrections to the Journal?

CLERK: Mr. President, I have no corrections.

SPEAKER KRISTENSEN: Messages, reports, or announcements?

CLERK: Your Committee on Banking reports LB 385, LB 386, LB 664 to General File, LB 641 to General File with amendments, and LB 525 indefinitely postponed. I also have a series of hearing notices from the Banking, Commerce and Insurance Committee, Mr. President. And, finally, I've received a report from the Nebraska Energy Office. That will be on file in the Clerk's Office, available for member review. That's all that I have. (Legislative Journal pages 675-676.)

SPEAKER KRISTENSEN: Members, if I could have your attention briefly, I want to give you some warning of this morning's agenda. We're going to have a slight change in the agenda. First of all, LB 362 is going to be moved. It has an amendment. It's going to be moved to the end of Final Reading this morning. LB 362 will move to the bottom of the Final Reading list. Once we are finished with Final Reading, Senator Bruning has a motion to suspend the rules to allow for a hearing next week. We will take a motion to suspend the rules after Final Reading, before

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 104, 771

we get on to General File. And then also on General File we have an A bill that you need to plug in behind LB 574, if we get that far. Mr. Clerk, we next move to a motion to withdraw.

CLERK: Mr. President, Senator Engel would move to withdraw LB 771.

SPEAKER KRISTENSEN: Senator Engel, you're recognized to open on your motion to withdraw.

SENATOR ENGEL: Mr. President, members of the body, I move to withdraw LB 771. This is to appropriate funds for the Nebraska Development Youth Network, to provide funds for a salary for a statewide director. They, since we introduced this bill, they have found another source of funds, so I respectfully ask you to withdraw this...this bill. Thank you.

SPEAKER KRISTENSEN: Debate on the motion to withdraw? Seeing none, Senator Engel, you're recognized to close on your motion. He waives that opportunity. The question before the body is, shall LB 771 be withdrawn? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 30 ayes, 0 nays, Mr. President, on the motion to withdraw LB 771.

SPEAKER KRISTENSEN: LB 771 is withdrawn. Members, would you please take your seats for Final Reading. Senator Wickersham, would you please take your seat for Final Reading. Thank you. Mr. Clerk, LB 104.

CLERK: (Read LB 104 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 104 pass? All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record.

CLERK: (Record vote read, Legislative Journal pages 676-677.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 104, 105, 126, 128

SPEAKER KRISTENSEN: LB 104 passes. LB 105.

CLERK: (Read LB 105 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 105 pass? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: (Record vote read, Legislative Journal pages 677-678.) 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 105 passes. LB 126. The first vote is to suspend the at-large reading. All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 39 ayes, 0 nays, Mr. President, on the motion to dispense with Final Reading.

SPEAKER KRISTENSEN: The at-large reading is suspended. Mr. Clerk, please read the title.

CLERK: (Read title of LB 126.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 126 pass? All those in favor vote aye; all those opposed vote nay. Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 678.) Vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 126 passes. LB 128.

ASSISTANT CLERK: (Read LB 128 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 128 pass?

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 128, 128A, 162, 179

All those in favor vote aye; all those opposed vote nay. Please record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 679.) Vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 128 passes. LB 128A.

ASSISTANT CLERK: (Read LB 128A on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 128A pass? All those in favor vote aye; all those opposed vote nay. Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 680.) Vote is 46 ayes, 0 nays, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 128A passes. LB 162. Our first vote will be to suspend the at-large reading. All those in favor vote aye; all those opposed vote nay. Record.

ASSISTANT CLERK: 39 ayes, 0 nays on the motion to dispense with Final Reading, Mr. President.

SPEAKER KRISTENSEN: The at-large reading is suspended. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB 162.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 162 pass? All those in favor vote aye; all those opposed vote nay. Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 681.) Vote is 46 ayes, 0 nays, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 162 passes. LB 179.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 179, 268, 317  
LR 1

ASSISTANT CLERK: (Read LB 179 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 179 pass? All those in favor vote aye; all those opposed vote nay. Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 681-682.) Vote is 46 ayes, 0 nays, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 179 passes. LB 268E.

ASSISTANT CLERK: (Read LB 268 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 268, with the emergency clause attached, pass? All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 682.) Vote is 37 ayes, 6 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 268, with the emergency clause, passes. LB 317.

ASSISTANT CLERK: (Read LB 317 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 317 pass? All those in favor vote aye; all those opposed vote nay. Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 683.) Vote is 47 ayes, 0 nays, 2 excused and not voting.

SPEAKER KRISTENSEN: LB 317 passes. LR 1CA.

ASSISTANT CLERK: (Read LR 1CA on Final Reading.)

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270, 596, 619, 726, 728  
LR 1

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LR 1CA pass? All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Record.

CLERK: (Record vote read, Legislative Journal page 684.) 45 ayes, 1 nay, 1 present and not voting, 2 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LR 1CA passes. We're going to pass over LB 362 for Final Reading this morning. We next move to a motion to suspend the rules. Mr. Clerk.

CLERK: Mr. President, Senator Bruning would move to suspend Rule 3, Section 14, to permit the scheduling of a public hearing for LB 619, LB 596, LB 726, and LB 728.

SPEAKER KRISTENSEN: Senator Bruning, you're recognized to open on your motion to suspend.

SENATOR BRUNING: Mr. President, members of the Legislature, as the Clerk described, the Retirement Committee is asking that we suspend the rules to allow a hearing next week, next Wednesday, February 21st, for LB 619, LB 596, LB 726, and LB 728. All are law enforcement bills. The hearing will be at the usual Retirement Committee time of twelve o'clock noon. I ask for your yes vote on this motion. Thank you.

SPEAKER KRISTENSEN: You've heard the opening on the motion to spend the rules. Debate? Seeing no debate, the question before the body is, shall the rules be suspended? All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Please record.

CLERK: 42 ayes, 0 nays, Mr. President, to suspend the rule and permit scheduling of the public hearings.

SPEAKER KRISTENSEN: The rules are suspended and hearings are authorized...or the hearings shall be authorized. (Doctor of the day introduced.) We next move to General File, LB 270.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

Mr. Clerk.

CLERK: Mr. President, LB 270, a bill by Senator Hudkins. (Read title.) Bill was introduced January 5, referred to the Health Committee, discussed on the floor on February 7 after its advancement from the Health Committee. Committee amendments were adopted, as were amendments by Senators Chambers and Hudkins to the bill. The first amendment I have this morning, Mr. President, is by Senator Hudkins, AMO485. (Legislative Journal page 685.)

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Senator Hudkins, to open on your amendment to LB 270.

SENATOR HUDKINS: Thank you, Mr. President and members of the body. Now, you're all going to think that I'm slipping this amendment through because Senator Chambers isn't here. Nothing could be farther from the truth because Senator Chambers and I had, and as you are aware, quite lengthy discussions both on and off the floor. We asked him where he really was seeing this bill as going and he explained that to us; that he really wanted someone, if they had a sudden desire for a career change, one place locally or at least within Nebraska where they could go and get everything that they ever needed to know how they could qualify to be an acupuncturist, so that's basically what this amendment does. Senator Chambers was also concerned about the National Commission of Oriental Medicine. He didn't know who that was, where they were, whether they could go out of business tomorrow, so we were willing to work with him. We did say that from now on, if you are licensed to practice acupuncture in Nebraska, you will be under the jurisdiction of the Board of Medicine and Surgery, which is itself within the jurisdiction of the State Board of Health, so there is a Nebraska affiliation of where to go for all of these rules and regulations. So the amendment that you have on your computer, really the language that we are most concerned with, or not concerned with but where the meat of the amendment is, is on page 3 of the amendment and it simply gives the requirements for someone who wants to be licensed in acupuncture and those say, very quickly: you have to

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

be at least 19 years old; you have to have successfully completed an acupuncture curriculum requirements of a formal full-time acupuncture program at a board-approved university, college, or school of acupuncture, so this takes away the reference to the national commission; you also have to successfully pass an acupuncture examination approved by the board; and you have to have completed a clean needle technique; and then the Board of Medicine and Surgery will also adopt and promulgate the rules and regulations regarding the licensing, conduct and practice of acupuncture. Senator Chambers indicated to us last week, Thursday I believe, that with these amendments he would use his powers of persuasion to try to convince you that this still wasn't a good bill, but he said with these amendments it is a much better bill. We do agree with him because we have accepted those amendments and have offered some of our own. He also did say, though, that if he has further questions they may be addressed on Select File. But at least at this point on General File Senator Chambers has seen these amendments and has agreed with them, so we are not trying to do anything behind his back. He is in full agreement. So with that, Mr. President, I would ask that you approve the amendments that I have offered to you. Thank you.

SENATOR CUDABACK: Thank you, Senator Hudkins. You've heard the opening on AM0485 to LB 270. Open for discussion on that amendment. Senator Kristensen.

SPEAKER KRISTENSEN: Thank you, Mr. President, members of the Legislature. Senator Hudkins, I listened to your explanation. It's my understanding that with your amendment there are some minimum standards you're going to have to be licensed to be an acupuncturist. You've got to have some...some training and you'll have to be licensed under the Board of Medicine and Surgery. Does that include the chiropractors, if they're going to do acupuncture? They also have to have that same training and be licensed to do acupuncture under the Board of Surgery and Medicine? I...I'd ask Senator Hudkins, Mr. President.

SENATOR CUDABACK: Would you yield to a question, Senator Hudkins?

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

SENATOR HUDKINS: Yes. And, Senator Kristensen, yes, you're correct. I did not give that language. That is current language where the chiropractic practitioners are licensed under the Board of Chiropractic, which is under the Board of Health. So on page 1 of the amendment it gives all of the various medical groups and who does the actual licensing, so there's one there for dentistry, optometry, chiropractic, massage therapy. So they all answer to...to a board of something, and the acupuncturists, and we have a letter from the Board of Medicine and Surgery agreeing to have acupuncturists being licensed under their jurisdiction.

SPEAKER KRISTENSEN: Okay. And...and my question is, I think what you're telling me is that you have to be licensed to be a chiropractor. The issue is, does the chiropractor have to be licensed to do acupuncture? Because I...it's my understanding the only reason they're doing that now is pursuant to an Attorney General's Opinion that allows chiropractors to do acupuncture because there's really nothing in the statutes and it was an interpretation that they gave. So I guess what I was curious is, I want to make sure that anybody, whether it's a doctor, a chiropractor, an acupuncturist, or a lawyer, or a Page in the Legislature, if they're going to do acupuncture that they have to get licensed to do acupuncture. And that's, I guess, my question and...and I want to know if that's my understanding of what we'll do under this amendment.

SENATOR HUDKINS: This amendment directly talks about where the acupuncturists are going to be licensed.

SPEAKER KRISTENSEN: Okay.

SENATOR HUDKINS: The chiropractors I'm not sure. I was not aware of that this was an Attorney General's Opinion or whoever you said it was,...

SPEAKER KRISTENSEN: Right.

SENATOR HUDKINS: ...but they are currently licensed to prac...the chiropractors are currently licensed to practice acupuncture in the state of Nebraska. Where they got that

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

licensing...

SPEAKER KRISTENSEN: Okay.

SENATOR HUDKINS: ...I don't know.

SPEAKER KRISTENSEN: Right. And I do think that they're licensed to be a chiropractor. I don't think there's any issue about that. I guess my goal this morning...I'm going to vote for your amendment so what I would like to see, and I want to check before Select File, is anybody who's doing acupuncture, they need to have some training to be an acupuncturist and they need to at least get that authorization or that licensing to do it and that way...I mean, you're exactly right, we do that with a lot of other people. We do it with optometrists, we do them with...there's a whole section of licensing in the statute. As long as you're going to do acupuncture, if you're going to get a license to do that I'd say the docs ought to get that. I'd say that the chiropractors ought to do it so that if they're performing those functions we have some minimum standards. They've got a license. We can keep track of who they are and what they're doing and, if they mess up doing that, you can take the license. And I'll take a look at that between now and Select. I support what you're doing with the amendment and appreciate you answering my questions. I'd yield my time back, Mr. President.

SENATOR CUDABACK: Thank you, Senator Kristensen. Senators, at times it's hard for us to hear the speakers. Please try to hold your conversations down. Thank you. Senator Hudkins, there are no further lights on. We are debating AMO485 to LB 270. Senator Hudkins, did you wish to close on your amendment? Senator Hudkins waives closing on her amendment, AMO485. The question before the body is, shall AMO485 be adopted to LB 270? All in favor vote aye, opposed nay. We're voting on AMO485 to LB 270. Have you all voted who care to? Please record, Mr. Clerk.

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of Senator Hudkins' amendment.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

SENATOR CUDABACK: The amendment is adopted. Mr. Clerk, next item to the bill.

CLERK: Mr. President, Senator Kristensen would move to amend. (AM0510, Legislative Journal page 686.)

SENATOR CUDABACK: Senator Kristensen, to open on your amendment to LB 270.

SPEAKER KRISTENSEN: Thank you, Mr. President. Members of the Legislature, last week when we debated this bill we adopted an amendment that dealt with the standard of care that people performing acupuncture, namely chiropractors and the acupuncturists themselves, would be held to a medical standard of that of a medical doctor when they're doing these things. I believe that to be a good policy. After having a debate and discussion with the representative for the chiropractors, I've agreed to put in an amendment that would clarify that that standard of care is held to the chiropractors when they are performing an acupuncture procedure. The standard of care would still exist when they're doing acupuncture. If they're doing that procedure, if they're making a diagnosis with that procedure and using that procedure, they're going to be held to that medical standard of care of a medical doctor and that's what they're primarily doing and they ought to be held to that standard of care. This restricts the amendment that we passed last week and, whenever someone is going to perform acupuncture they're...whether they are an acupuncturist or whether they're a chiropractor or whether they're a doctor, they're all going to be held to that standard of care, limited to that procedure of acupuncture. So we don't hold the chiropractors to a standard of care, if they're doing a neck adjustment, they're not going to be held to their standard of care, of that of a medical doctor, for that procedure, but when they're doing acupuncture certainly they're going to be examined and held up to and required to have the same care and abilities and need for treatment or diagnosis when they're using acupuncture that a medical doctor would have. So, with that, I hope that that has adequately explained the agreement I reached with the representative for the chiropractors, and would be open for any questions. Thank you, Mr. President.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

SENATOR CUDABACK: We're debating AM0510 to LB 270. Senator Bourne, on that amendment.

SENATOR BOURNE: Thank you, Mr. President. Members, I think Senator Kristensen is changing one of the better parts of this bill and I...I've got some concerns. I wonder if he would be open to answering a few questions.

SENATOR CUDABACK: Senator Christian (sic), would you yield to a question?

SPEAKER KRISTENSEN: Sure, I'd be glad to.

SENATOR BOURNE: So, as I understand it, the amendment that we put in last week that I voted for, it basically made chiropractors accountable or held them up to the same standard of care as persons licensed under the Uniform Licensing Law to practice medicine, surgery, osteopathy, or osteopathic medicine. Is that correct?

SPEAKER KRISTENSEN: That's correct, yes.

SENATOR BOURNE: And now we're changing that so that they're only held to that standard of care when they're performing acupuncture?

SPEAKER KRISTENSEN: I...that is an accurate description, yes.

SENATOR BOURNE: I...it's...I guess I don't quite understand why it would be the policy of the state to hold these people accountable to a lower standard of care when they hold themselves out to be...they call themselves doctors, they do...they do...they treat medical conditions in individuals through subluxations or whatever they call them, manipulations of the spine, and I'm kind of curious why we would lower the standard of care for these individuals.

SPEAKER KRISTENSEN: Senator Bourne, those are good questions and I would agree. I believe in the policy of the amendment that I passed last week that they should be held to that

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

standard of care. I think that the average citizen walks in and, whether you're called a doctor of chiropractics or whether you're a doctor of medicine, people are going to rely... a doctor is a doctor, is a doctor, when, in fact, that is not true. There is not the same training. There's not the same abilities. And when you have a pain in your back or in your side and you're diagnosed that you need some spinal manipulation to relieve that when, in fact, you have a tumor growing, and they rely on someone to do that and then they consequently don't seek other treatment and that tumor turns into a life-threatening...

SENATOR BOURNE: And that...that happens more often than not.

SPEAKER KRISTENSEN: I agree.

SENATOR BOURNE: I mean, I can tell you instances of people who have taken their infant children to chiropractors for ear infections and the chiropractor has treated that infant by manipulating that spine for an ear infection, and then the ear infection, of course, continues because they didn't get the proper care, i.e., antibiotics, and that little...that infant has permanent hearing damage because the standard of care was lower than what it should have been.

SPEAKER KRISTENSEN: If I can take a little of your time. I've got my light...

SENATOR BOURNE: Please do.

SPEAKER KRISTENSEN: ...punched on too. And I would agree with exactly what you're saying and I think that ought to be the policy of the state. Why am I doing the amendment today is probably the more salient issue. This was a bill dealing with acupuncture. My amendment probably was a much broader policy in terms of notice and in terms of dealing with the scope of practice...of practice, out of fairness, and, quite frankly, it would invoke a firestorm on Senator Hudkins' bill. She didn't bargain for that firestorm that might occur, so I'm going to back it off to that standard of care. To me, that's progress made. And, quite frankly, I think the acupuncture poses even a greater problem than some of these other things because I think

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

you have even less trained people doing some of that diagnosis. If they miss that I think they ought to be responsible.

SENATOR BOURNE: Sure. Well...

SPEAKER KRISTENSEN: In an effort not to buy Senator Hudkins more than she probably bargained for,...

SENATOR BOURNE: I...

SPEAKER KRISTENSEN: ...I'd back that off.

SENATOR BOURNE: Sure. I appreciate what you're trying to do, but I'm opposed to this amendment. I've heard of many situations where, as Senator Christian (sic) mentioned, chiropractors are treating an individual for back pain and later it becomes apparent that that individual has a tumor in their spine and, because they've gone to the chiropractor and they've had this treatment, they've missed an opportunity to go to a physician and be treated for this tumor. I've heard of infants being treated with spinal manipulation for hearing...for ear infections and then have subsequent permanent hearing loss.

SENATOR CUDABACK: One minute.

SENATOR BOURNE: I have an individual in my district right now, and this really doesn't apply to the standard of care, but there's an individual in my district right now who was in a car accident. They went to the police station the next day to get a police report and the police report wasn't available yet. They go home and that afternoon there's calls from chiropractors asking them to come in and be treated. I think that it's...the policy of this state should be the amendment that we passed last week after adequate discussion. I think that chiropractors should be held to the same standard of care as doctors. They hold themselves out to be doctors, they're called doctors, they advertise as doctors. If you read about them in...or you look up their name in the...in the Yellow Pages, they are called doctors. I think they should be held to the same standard of care. I'm going to oppose Senator Kristensen amendment because I think that the policy of this state should be that these

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

people who hold themselves out as doctors should be held to the same standard of care as doctors. Thank you. I would urge your rejection of the Kristensen amendment.

SENATOR CUDABACK: Time. Thank you, Senator Bourne. Senator Kristensen, on the Kristensen amendment.

SPEAKER KRISTENSEN: Thank you, Mr. President, members of the Legislature. Senator Bourne, if I could just spend a moment with you, and then I want to restate, since we've had some discussion, I want to make sure everybody understands what we're doing with the amendment. You and I have not talked about this prior to this morning on the floor.

SENATOR BOURNE: That...that's right, and I was looking at the bill and I saw the amendments that were...that were here and I was interested because Senator Chambers wasn't here, and I noticed yours. And I don't want to take up a lot of your time but...

SPEAKER KRISTENSEN: No, you're fine.

SENATOR BOURNE: ...but, again, what we did the other day regarding the standard of care was, I feel, one of the better parts of this bill, no offense to Senator Hudkins. But I think that we established what the state's policy should be in regards to these medical care providers and I think that we had adequate discussion on that and I think that we should go forward with the way the bill is now and reject your amendment.

SPEAKER KRISTENSEN: And...and what I want to make sure is that the...the chiropractors understand I'm not sandbagging them on this.

SENATOR BOURNE: I've...you've not discussed this with me. I read...I read the amendment on the computer when I first got in this morning on Final Reading.

SPEAKER KRISTENSEN: Okay. Thank you. And, members, so you understand what we're doing, last week, when I passed an amendment, we were holding, because chiropractors do acupuncture

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

and because acupuncturists are going to be doing these sorts of things, they are going to be held to the same standard of care for treatment that a medical doctor would be. People are going to go in and rely on them for treatment and for these procedures. The amendment that was put in was a broad amendment that said that chiropractors are going to be held to a standard of care to a medical doctor across the board. Broad amendment. After that amendment has been passed, obviously there's concern about, well, you know, this bill was about acupuncture; now all of a sudden you're dealing with the whole scope of practice of chiropractors; would you restrict it back to just what the bill was doing; we think that that's...that wasn't fair, that was too broad, didn't have a hearing and we didn't have proper notice of doing those sorts of things and we'd like to argue. I think Senator Hudkins...I explained to her that the chiropractors probably weren't going to like that, but I don't think she...she was willing to buy on or her bill was going to take on a load. Her bill deals with acupuncturists. I'm willing to go back and retrieve from my amendment to...to deal with her...her scope of acupuncture, and I want to fulfill what I think my obligations were, and I didn't want to take anybody by undue surprise. But I, at a minimum for me, Senator Bourne, if they're going to do acupuncture they've got to have the standard of care of a doctor and I want to make sure that happens in this bill. That's my...that's my absolute minimum. I'd like to do the others and I think it's appropriate to do the others. It's probably the setting that I feel some obligation to them on. Members of the body, that's the reason I'm offering the amendment and I'd urge its adoption. I'd yield the rest of my time to Senator Bourne, if he'd like it.

SENATOR BOURNE: Sure. Thank you, Senator Christian (sic).

SENATOR CUDABACK: Senator Bourne, you have about two minutes.

SENATOR BOURNE: Thank you. Again, I want to reiterate that we did not discuss this this morning. I read the amendment and, again, I think this is one of the better parts of the bill. If...if we had not...and I think you've all heard of instances where an individual has gone to a chiropractor and been treated for a condition when perhaps they should have been referred to

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

somebody else. And if these immediate, serious health concerns weren't a part of the issue I would agree with Senator Chambers that...or, excuse me, Senator Kristensen, I apologize, that (laughter)...that this was perhaps too broad, probably an expansion of what the original intent of the bill was. However, the other day when we debated this we had an extensive debate. That issue was not raised and the amendment was adopted, and I think that we should just maintain the status quo of what we did the other day and establish in this state that the policy is that people who hold themselves out as doctors should be held to the same standard of care as doctors. And, again, I reiterate I would...

SENATOR CUDABACK: One minute.

SENATOR BOURNE: ...urge your rejection of Senator Kristensen amendment today and just continue on with the amendment of his that we adopted last week. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne and Senator Kristensen. Senator Hilgert, on AM0510 to LB 270. Senator Hilgert.

SENATOR HILGERT: Thank you, Mr. President, members. I just...Senator Kristensen summed everything up very, very well. I do think it broadens the scope of this bill by huge amounts and I would encourage the body to adopt the Kristensen amendment, although I'm sensitive to Senator Bourne's concerns. I am not aware of a bill that would...that was introduced by any member this year, this session, making the chiropractors accountable to the same level as doctors. Maybe that would be a source for future legislation. But I do think it's a broad expansion and you are making progress adopting the...the Kristensen amendment and that is beyond the status quo of the law today. Understand it's changing the status quo of the bill for the last seven days, but this is progress for those of you who believe in that. And if the Kristensen amendment is not adopted I believe it does imperil the...the bill's chances to advance. Thank you.

SENATOR CUDABACK: Thank you, Senator Hilgert. Senator Hudkins,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

on the Kristensen amendment.

SENATOR HUDKINS: Thank you, Mr. President and members of the body. I just want to comment on the conversations that you have just heard between Senator Bourne and Senator Kristensen, and they're both right. You know, there should be standards of care, however, acupuncturists do not hold themselves out to be doctors. They do not call themselves doctors. They call themselves licensed acupuncturists. The medical society, Nebraska Medical Association, recognizes and allows and licenses acupuncture treatments given by chiropractors, given by medical doctors, without nearly the amount of treat...of training that the acupuncturists do receive. And what they also said was correct in that this particular original Kristensen amendment does broaden the scope of the bill and if I had been having my wits about me that day perhaps I would have challenged the germaneness issue and then we might not even be dealing with it at this time. I didn't do that, so we deal with it now. Perhaps this is something that should be addressed, but not on this bill. It...it very likely should have an additional bill introduced next year; have its own public hearing so everybody understands what is trying to be done. I don't think that's the case in this issue. I do appreciate Senator Kristensen is willing to...to pull back just a little bit and I appreciate Senator Hilgert's comments to the same issue. So, with...with your thinking the same way, hopefully you will vote yes on the Kristensen amendment, which does slightly weaken the original Kristensen amendment and that's okay. Thank you.

SENATOR CUDABACK: Thank you, Senator Hudkins. Senator Bourne, on the Kristensen amendment.

SENATOR BOURNE: Just...thank you, Mr. President. Members, I just wanted to clarify something that Senator Hudkins said. What this amend...she indicated that this amendment holds acupuncturists to the same standard of care, and that's not what this amendment does. Let me just go back through what we did last week. Last week Senator Kristensen introduced an amendment, and it was adopted by us, that

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

licensed under the Uniform Licensing Law to practice medicine, osteopathy, or osteopathic medicine. We adopted that amendment. We said, as a body, we said that the policy of this state is that those people who hold themselves out to be doctors shall be held to the same standard of care as doctors. The amendment that Senator Kristensen is introducing today to modify his previous amendment says that when a chiropractor performs acupuncture then they're held to the same standard of care as a doctor performing acupuncture. So we are not saying that acupuncturists are doctors. What this amendment did, again, was to say that chiropractors should be held to the same standard of care as a physician because they hold themselves out as doctors. So, again, I would urge you to reject Senator Christian's (sic) amendment that he's introduced today and maintain our adoption of the Kristensen amendment that we had previously adopted last week. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne. Senator Hudkins, on AM0510.

SENATOR HUDKINS: Thank you, Mr. President, and going back to an amendment that we had last week, this is Senator Kristensen's amendment, he's talking about chiro...Senator Kristensen is talking about chiropractors shall provide the same standard of care and so forth. It also says in that same amendment an acupuncturist's...Mr. President, could I have a gavel? I can't hear myself.

SENATOR CUDABACK: Senators, please try to be quiet. We cannot hear the speaker. The conversations are getting rather loud.

SENATOR HUDKINS: "An acupuncturist licensed under the Uniform Licensing Law shall provide the same standard of care to patients as that provided by a person licensed under the Uniform Licensing Law to practice medicine and surgery, osteopathy, or osteopathic medicine and surgery." So the acupuncturists aren't fussing with this; it's the chiropractors. Yeah, and you're agreeing over there. I can see your head going up and down. So the problem is the chiropractors and, again, if I had been thinking, I would have challenged the germaneness. Didn't do that, so we are deciding, okay, should this be handled under

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

this bill? That is what the decision is you're going to have to make. If you think that this is what you want to do then you probably vote no. If you think that we need to look at this again you would accept the Kristensen amendment to the amendment. Thank you, Mr. President.

**SENATOR CUDABACK:** Thank you, Senator Hudkins. We're discussing the Kristensen amendment, AM0510, to LB 270. Senator Kristensen, I do not see any more lights. Do you wish to close on your amendment?

**SPEAKER KRISTENSEN:** I do. Thank you, Mr. President. Members of the Legislature, I understand Senator Bourne's desire for...to do...to do a good thing and I agree. That's the reason I offered the amendment. I got to also tell you that for out of some consideration for the process, to give people a fair shot, I don't know if it's germane or not, I guess that would have probably been for the body. I...it certainly deals with what do chiropractors do. I know this amendment is germane and what it does is it retreats from the broad stroke of requiring chiropractors in everything that they do to have the standard of care of a medical doctor, to if they're going to do it with acupuncture that they should have been held or will be held to that standard of care of a medical doctor when they're doing that procedure. I would say, Senator Hudkins, just in...in an observation, in terms of acupuncture, if someone goes to an acupuncturist because they have a pain in their side and they don't go to a doctor but they go to the acupuncturist to take care of their pain in their side, and that they're...they're basically figuring that that person is giving them treatment, you know, and that they go, what's wrong with my side? They say, well, I think if we do a little acupuncture work it will fix your side, when in fact there was a tumor growing there, then maybe people do think that they're receiving some sort of medical care. It's just not from a doctor. I agree that the acupuncturists don't hold themselves out to be physicians, but if you're...this goes probably to the broader scope of some of these alternative medicines. They might look at Senator Engel and say, Senator, you know, instead of you needing heart surgery, if we would have given you a few pokes with...with the acupuncture or if we'd straighten your spine up we could have

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270

probably improved your heart, maybe his personality as well, and all those things that they hold themselves out to do. Those are the standards of care that I think you really got to be careful about. And so what I...again, to go back to this amendment, I think this is an amendment out of...out of fairness and respect for the process. That's the reason I'm bringing it. I would tell you that I probably didn't have sufficient debate and probably put a broader amendment than was necessary to do what this bill does. I would support the other amendment in a bill. I would do that. I would hope that you'd adopt this amendment and...and we would move on with a bill. And, quite frankly, Senator Hudkins, the things we talked about earlier, between now and Select File, about making sure who's got a license, I still want to visit with you about and we'll do so. But I hope the body would see this as an amendment out of fairness to those chiropractors in terms of broad scope of holding them to a higher standard of care. I'd urge its adoption. Thank you.

SENATOR CUDABACK: Thank you, Senator Kristensen. You've heard the Kristensen amendment L...or AM0510 to LB 270. The question before the body is, shall that amendment be adopted to LB 270? All in favor vote aye, opposed nay. We are voting on the Kristensen amendment, AM0510. Have you all voted who care to? Have you all voted? We are voting on AM0510 to LB 270. Record, please, Mr. Clerk.

ASSISTANT CLERK: 25 ayes, 3 nays on the adoption of Senator Kristensen's amendment, Mr. President.

SENATOR CUDABACK: The amendment is adopted. We are now back to the bill, for discussion on advancement of LB 270 to E & R Initial. Senator Raikes, on advancement of LB 270. Senator Raikes. Senator Raikes waives his option to speak. Seeing no other lights on, Senator Hudkins, did you wish to close on advancement?

SENATOR HUDKINS: Yes, Mr. President, very briefly. We have had a lot of discussion on this bill. I am probably safe in saying that there will be considerable more on the next round of debate, but this is a bill that allows for patient choice. Do you want acupuncture from a doctor or a chiropractor who has had

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270A, 270

perhaps 200 hours, or do you want to go to a licensed acupuncture (sic) who has approximately 2,000 hours? We have discussed where the chiropractors come in on this. That will be...that discussion will be left for a later day. But, right now, remember that before you may be treated by an acupuncturist you must have a letter of referral within 90 days from a medical doctor. So it's...it's for the patient's safety, it's for the doctor's state of mind and, yes, I...I really think that this patient should come to me first but if I, if I can't figure out what's wrong, okay, they can go to an acupuncturist. Maybe that's a little simplistic, but they're is a place for acupuncturists. I know the evidence is anecdotal, but that's not all bad when you have people saying, I couldn't walk; three specialists told me that I would never walk again without crutches after a stroke, and now that person is walking, and when she came home from the treatments with acupuncture she was carrying her crutches rather than walking with crutches or being in a wheelchair. It does work. How does it work? I don't know, but the Chinese have practiced this art for thousands of years. As long as it works, it does no additional harm, then it ought to be allowed to be practiced in Nebraska as it is in many other states. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Hudkins. You have heard the closing on the advancement of LB 270. The question before the body is, shall LB 270 be advanced to E & R Initial? All in favor vote aye, opposed nay. We are voting on advancement of LB 270 to E & R Initial. Have you all voted who care to? Have you all voted who care to? Record, please, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 1 nay on the motion to advance the bill, Mr. President.

SENATOR CUDABACK: LB 270 does advance. Mr. Clerk, next agenda item.

ASSISTANT CLERK: Mr. President, LB 270A was introduced by Senator Hudkins. (Read title.)

SENATOR CUDABACK: Senator Hudkins, you're recognized to open on LB 270A.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 270, 270A, 574

SENATOR HUDKINS: Thank you, Mr. President. LB 270A obviously is the fiscal note to implement the policies of LB 270. There will be fees paid by the acupuncturists when they are licensed. There will be expenses, of course, in adopting rules and whatever else it is that they need to do, but you can see by the fiscal note that the revenue, at least in the first year, is a little higher, the second year it's a little lower, and after that it should be just about equal. So I would ask for your acceptance of this fiscal note and LB 270A.

SENATOR CUDABACK: Thank you, Senator Hudkins. Open for discussion on advancement of LB 270A. Seeing none, Senator Hudkins, did you wish to close on advancement? She... Senator Hudkins waives her option to close. The question before the body is, shall LB 270A be advanced to E & R Initial? All in favor vote aye, opposed nay. We're voting on the advancement of LB 270A. Have you all voted who care to? Record, please, Mr. Clerk.

ASSISTANT CLERK: 26 ayes, 1 nay on the motion to advance the A bill, Mr. President.

SENATOR CUDABACK: LB 270A does advance. (Visitors introduced.) Mr. Clerk, next agenda item.

ASSISTANT CLERK: Mr. President, the next bill is LB 574, which was introduced by the Transportation Committee. (Read title.) The bill was considered by the Legislature yesterday, Mr. President. At this time, I do have several amendments that are pending to the bill.

SENATOR CUDABACK: Senator Bromm, as Chairman of the Transportation and Telecommunications Committee, you're recognized to open. Mr. Clerk, would you make an announcement first, please.

ASSISTANT CLERK: Mr. President, the General Affairs Committee is going to meet right now under the north balcony for an Executive Session. That's General Affairs, right now, north balcony.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

SENATOR CUDABACK: Chairman Bromm, you're recognized to open on LB 574. Would you bring us up-to-date on that...

SENATOR BROMM: Sure.

SENATOR CUDABACK: ...being as you did open on it yesterday? Just...

SENATOR BROMM: Yes.

SENATOR CUDABACK: ...take a minute or two.

SENATOR BROMM: Thank you. Thank you, Mr. President. We did open on this digital license...license...digital driver license bill yesterday and we had some good discussion. I, in my opening, I indicated that this was a part of a process that's been started previously, but we're hoping with the passage of this legislation we would authorize implementation of the actual digital driver's license or identifying card by 2003 or sooner, if the Director feels that she can implement sooner. We...we pointed out in our opening that certain provisions of the bill provide for the guidelines for the DMV, but as far as the specific technology or type of card that would be used, we're not specifying that but leaving that to their discretion and judgment because of the rapid advancement of change and technology in that whole area. And we had...we had a good debate and, I think, discussion on some security concerns, and I believe these amendments that have been filed that will be forthcoming will help us further discuss those issues. So, with that, I think, far as I'm concerned, we can...we can go to the amendments. Mr. President, thank you for the opportunity to bring us up-to-date.

SENATOR CUDABACK: Thank you, Senator Bromm, for briefing us. Mr. Clerk, first item to the bill.

CLERK: Mr. President, Senator Brashear would move to amend. Senator, the first amendment I have is AM0522. (Legislative Journal page 687.)

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

SENATOR CUDABACK: Senator Brashear, you're recognized to open on 5...

CLERK: Is that...

SENATOR CUDABACK: ...if that's correct.

CLERK: Is that the order you want to take them up, Senator, or...?

SENATOR BRASHEAR: Yes, Mr. Clerk. Thank you.

CLERK: AM0522?

SENATOR BRASHEAR: Yes, sir.

SENATOR CUDABACK: AM0522. You're recognized to open on that amendment.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. As Senator Bromm indicated, you will recall our discussion of yesterday. The amendment, which I'm sure you all are looking at...at electronically, makes a cross-reference to the Uniform Motor Vehicle Records Disclosure Act. When I looked at LB 574, I became concerned, particularly concerned, with the reference in the bill which says that the department shall have use of biometric identifiers and shall not release them except to a law enforcement agency for law enforcement purposes. For law enforcement purposes, I think, as a phrase sounds fine, but it's the application that may be difficult, and the legitimacy of the purpose deemed to be law enforcement may well be in the eye of the beholder. So the purpose of AM0522 is to strike the language in Section 4 stating that the department shall have that authority to release and then to make any release subject to the Uniform Act. The Uniform Act, as amended by Section 31 of the bill, provides for limited specific instances in which sensitive personal information may be released. It would substitute the specific language of 60-2909.01 for general language contained in the green copy. And so it is my purpose, now Senator Bromm may indicate and...that I'm not accomplishing what I want to, he and I have had some discussion off the floor,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

and that's fine. Then we'll look for another methodology. But what I would like to have the body focus on is the language that says that the department can release, if you use the imperative and the permissive, that the department can release this information in this digital license, including the biometric identifiers and including the digital signature, for law enforcement purposes with no restriction thereon. So I would urge the body's careful consideration of the amendment. Until I'm convinced otherwise, I'm going to urge the amendment because it includes the limiting cross-reference. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. You've heard the opening on AM0522 to LB 574. For discussion on that amendment, Senator Bromm, followed by Senator Brashear. Senator Bromm.

SENATOR BROMM: Thank you. Thank you, Mr. President, and thank you, Senator Brashear, for bringing the amendment. I think it helps us focus some discussion on this area. I would like to have you explain to me, after you have a chance to think about what I'm going to say, whether or not you feel like your amendment would limit the disclosure of the biometric information more so with your amendment, or whether you are actually broadening the purposes for which the information can be released, and here's why I say that. On...on the page of the bill that you're focusing on, on page 3, where it says...about line 12: The department shall have use of the biometric identifiers and shall not release them, shall not release them except to a law enforcement agency for law enforcement purposes. Now, if we adopt your amendment, I would...I would contend that under the sections that you mentioned, 60-2901...60-2909.01, as well as a couple of other sections that are referenced, 483 and 484 in Chapter 60, it would then be able to be released for use by any federal, state or local governmental agency, including any court or law enforcement agency, in carrying out the agency's functions; or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions; or for use in a civil, criminal, administrative arbitrate...arbitrating proceeding in any federal, state, local court or government agency or before any self-regulatory body, and so on and so forth. It would also be able to be released

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

for use by any insurance insurer or insurance support organization, or by a self-insured entity. I...I would suggest that if we...if we leave the language that's in the bill the only exception...it's locked up, basically, and the only exception is to a law enforcement agency for law enforcement purposes, and there isn't any...any exception to that. And...and so I think the department felt like they were actually being considerably narrower than they would be under the Uniform Motor Vehicle Disclosure Act. Now, we got to go back and...and there is a general provision in that disclosure of...of sensitive personal information. It says it can't be released without the expressed written consent of the person to whom the information pertains, except for these other sections, 483, 484, and 2909.01. So the exceptions are broader than the exception in the bill on page 3. The other thing about the amendment, and this doesn't matter really too much to me at all, you talk about, in the amendment, not just a biometric identifier but the digital...

SENATOR CUDABACK: One minute.

SENATOR BROMM: ...image and digital signature and, as you probably have...you probably have...have realized, digital signature and digital image are already provided in the bill to be subject to the Uniform Motor Vehicle Disclosure Act in Section 31 on page 56. So it's redundant with regard to digital image and digital signature, and I think it broadens the release opportunities for the biometric identifier. So I guess I would...I would ask you for your comments on that if you see it differently.

SENATOR CUDABACK: Thank you, Senator Bromm. We're discussing the Brashear amendment, AM0522. to LB 574. Senator Brashear, on that amendment.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. Senator Bromm, I hear what you're saying. I listened, I think, carefully and understood, and I think you raise some valid points. My problem is that...and I understand that you are telling us that the digital image and the digital signature are subject to the cross-reference without the amendment, and I

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

understand that. What I'm specifically trying to address is that I do not accept as being absolute what I think you and I would regard as the common interpretation, that it's only biometric identifiers which could be released by the department for law enforcement purposes. That's my first thing. So, in this amendment, which, after you and I work through it, I may withdraw, but in this amendment what I would like to have you note is that the restriction I'm trying to put on is on all three. Now, you say that the digital image and the digital signature are cross-referenced and you're interpreting this as only affecting the biometric identifiers, and I understand that interpretation, but my concern is the reference...the reference...the general reference, I call it "general", I think it's overly general, reference to "for law enforcement purposes" and the possible use of the digital image and the digital signature as well as the biometric identifiers. Because in my mind, and I could be wrong, Senator Bromm, but in my mind the image of every person in the state of Nebraska who has a driver's license being in a database is a potentially very usable thing for law enforcement purposes. In my mind, a digital signature, which you are kind of inferentially delegating to the state the authority to keep and use and release, quote, for law enforcement purposes, is a potentially huge item for investigations and other reasons, as I tried to articulate yesterday. And the biometric identifiers, I probably don't have the...the modern technological vision to imagine all that can be done with that, but the concept of DNA comes to mind. So what I'm trying to do, I'm trying to restrict, and I started by cross-referencing to another section of the statute that at least has some more control than "for law enforcement purposes", and what I'm revealing here is that it's that phrase that I'm not comfortable with; I'm not going to go back to. I'll pull this amendment, but I'll file another one because that phrase is out of control, as far as I'm concerned. For law enforcement purposes, what's the due process? What's the definition? Who's in charge? Who decides? Where's the hearing? All those kinds of things concern me. So if...if we can facilitate this, I'm not trying to be an obstacle and I'd be happy to withdraw this amendment and file another, but I also want to...since we only get three times on each of these, let's use our time and solve these things and we'll work it through.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Senator Bromm, on AM0522.

SENATOR BROMM: Thank...thank you, Mr. President. And, Senator Brashear, if I thought...I...I want you to know if I thought you were providing more security and a framework or guidelines that would narrow the release of biometric identifiers I would...I would support the amendment, but I...I just see it...I see it quite clearly, to me, that it is opening up the release of biometric identifiers for many more purposes than...than I think we would want them to be released for. And...and what are we talking about when we're talking about biometric identifiers? The department tells me the most...the most likely identifier will be facial features; that in many other places where they have used a digital image and a digital license they have used facial features where, when someone comes in and wants to get a replacement digital license and they indicate they are Jim Jones, they will be able to, with...with computer technology, attempt to determine whether the facial features of this person who presents himself is the same person as who obtained the original driver's license. And so that is one of the reasons why it would be helpful in...I think in some...preventing some fraud and so forth. Now, I want to, for the record, make it clear that subparagraph (3) of Section 4 on page 3 of the bill, where it says: The department shall have use of the biometric identifiers, shall not release them except to a law enforcement agency for law enforcement purposes, the intent of that is, is to be absolutely no broader, as far as law enforcement is concerned, than the standards contained in 2909.01, and if we need to do an amendment to maybe mirror a little language from 2909.01 that might...that might make you more comfortable. I'm not sure. But that language in...in 2909.01 says, for use by, and I'll leave out some words, for use by a law enforcement agency in carrying out the agency's functions. Now, I don't know if that's more restrictive or not than the language we have in the bill, which says "for law enforcement purposes", but if we would say for...except to a law enforcement agency in carrying out the agency's functions, I would be very receptive to that, if we'd plug that into page 3. But if we...if we make

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 107, 112, 191A, 362, 377, 400, 400A, 458  
491, 574, 604

the biometric identifier subject to the entire Uniform Motor Vehicle Records Disclosure Act then we're opening it up for possible...being obtained by insurance companies. And I don't know if that's a problem, but I just don't feel real comfortable with it. The other thing is the Uniform Motor Vehicle Records Disclosure Act, Senator Brashear. If we make changes in that, very often we have...we make the changes to comply with federal...with the federal requirements for the Uniform Act in order to be in compliance for federal funds and so forth. So we...we could be subject to...

SENATOR CUDABACK: One minute.

SENATOR BROMM: ...changes in the future that we might just as soon not have the biometric identifiers be subjected to. So I would...I would just suggest maybe that...if you...if you wish, if you'd consider pulling that amendment, maybe we could identify some words to place in that section which would accomplish what you want to accomplish and still keep it as narrow as...as I think we all want to keep it. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Bromm. Senator Brashear, you're next, and it is your third time.

SENATOR BRASHEAR: Thank you, Mr. President. I...I accede to Senator Bromm's suggestion. I'd like to pull the amendment and move to the next one, please.

SENATOR CUDABACK: It is withdrawn. Mr. Clerk, next amendment. Mr. Clerk, you may read some items, please.

CLERK: Senator Brashear, with your indulgence, Mr. President, I have a hearing notice from the Retirement Systems Committee; a Reference report referring certain gubernatorial appointees to the appropriate Standing Committee; Senator Beutler, an amendment to LB 362, Senator Smith to LB 400. New A bills, Mr. President. (Read LB 191A and LB 400A by title for the first time.) And LB 458 is reported to General File by the Natural Resources Committee; Judiciary reports LB 112, LB 604 to General File; Transportation Committee reports LB 107, LB 377, LB 491,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 39, 41, 70, 89, 90, 148, 261, 463, 499  
574, 616

LB 499, LB 616 to General File, and the following bills indefinitely postponed: LB 39, LB 41, LB 70, LB 89, LB 90, LB 148, LB 261, LB 463, and LB 574...no, not LB 574. (Legislative Journal pages 687-689.)

Mr. President, Senator Brashear would move to amend. I now have AM0520, Senator, in front of me. (Legislative Journal page 690.)

SENATOR CUDABACK: Senator Brashear, you're recognized to open on your amendment, AM0520, to LB 574.

SENATOR BRASHEAR: Thank you, Mr. President. Members of the body, AM0520 would add an additional criminal penalty to the Uniform Motor Vehicle Records Disclosure Act. When you examine the act, it will become evident to you that it does not...that it contains a criminal penalty for persons who make false statements or misrepresentations to the department, but it does not contain a criminal penalty for employees or agents of the department who knowingly release sensitive personal information. This is the distinction from Section 81-1117.03, which imposes a criminal penalty on employees of the Department of Administrative Services who release employment information about individuals contrary to law. This amendment would add a criminal penalty similar to that one in Section 81-1117.03 to the Uniform Act, making it a Class I misdemeanor to knowingly disclose information contrary to the act. For those of you who may wonder, a Class I misdemeanor means that the individual charged and found guilty there...charged therewith and found guilty thereof is subject to a...to one year in prison, \$1,000 fine, or both. The criminal penalty in my judgment is particularly important if we are going to add massive new databases of very sensitive personal information to matters covered by the Uniform Motor Vehicles Records Disclosure Act, and I would urge the adoption of AM0520. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear, for opening on L...on AM0520. Mr. Clerk, is there an announcement on the desk?

CLERK: Mr. President, Agriculture Committee will meet in Room 2022 at eleven o'clock, Agriculture, 2022, at eleven

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

o'clock.

SENATOR CUDABACK: Thank you, Mr. Clerk. (Visitors introduced.) We're now open for discussion on AM0520 to LB 574. Senator Bromm, on that amendment.

SENATOR BROMM: Senator Brashear has...has brought an amendment which would place a, I think, an appropriate criminal penalty on someone in the Department of Motor Vehicles that knowingly discloses or knowingly permits disclosure of sensitive personal information, and...and we have very specific things that can be disclosed with respect to sensitive personal information, only certain specific things, and if they would go beyond that they'd be subject to this penalty. I think...I think it's a good idea. When we got into this in more depth yesterday I looked for such a penalty and there isn't one, and there is, of course, a penalty for one who presents himself to be someone that he isn't to obtain information, who misrepresents his identify, but not for the disclosure. So I...I appreciate Senator Brashear's efforts on this and this amendment in particular and I will support this amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Bromm. Senator Brashear, on AM0520.

SENATOR BRASHEAR: Well, just for the benefit of any who weren't listening, when Senator Bromm agrees with the amendment I can simply only urge its adoption, but it...it does impose, consistent with other statutes which are similar in nature and deal with similar subject matters, it does impose upon employees and agents of the department a criminal penalty consistent with that imposed upon others similarly situated for the disclosure of sensitive personal information contrary to law. I think it's entirely appropriate and appreciate Senator Bromm indicating that he believes so also and I would urge its adoption. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Senator Beutler. Excuse me, Senator Beutler's light went off. Seeing no further lights, Senator Brashear, did you wish to close on your amendment, AM0520, to LB 574? Senator Brashear waives off.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

The question before the body is, shall the Brashear amendment, AM0520, be adopted to LB 574? All in favor vote aye, opposed nay. We are voting on AM0520 to LB 574. Have you all voted who care to? Have you all voted? We're voting on AM0520 to LB 574. Have you all voted? Senator Brashear. Record, please, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of Senator Brashear's amendment.

SENATOR CUDABACK: The amendment is adopted. Mr. Clerk, next item to the bill.

CLERK: Senator Brashear would move to amend with AM0521. (Legislative Journal page 690.)

SENATOR CUDABACK: Senator Brashear, you're recognized to open on AM0521 to LB 574.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. AM0521 would strike references in Section 4 of the bill to obtaining and preserving digital signatures. In effect, the amendment would require continuing use of manual signatures in the new licensing system. I realize that this amendment might require additional harmonizing changes to the bill if adopted and I'm offering it at this time primarily to continue the discussion of the merits of collecting and preserving in a database of digital signatures all of the motor vehicle operators...licensed motor vehicle operators in the state of Nebraska, and, because I do not want to become a burden to Senator Bromm or this bill, and I want to indicate that I am probably willing to withdraw it. But I do think we need to further examine and continue the discussion with regard to collecting and preserving these digital signatures and authorizing their release under existing statutes, and Senator Bromm has clearly indicated a willingness to work on this bill between General File and Select, and I intend to do the same thing and we'll be looking at the same...some of the same issues. And also I'm interested in civil liability questions as they relate to somebody's wrongful release of personal sensitive information. So, with that, I'd urge the body to discuss it to

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

the extent it wants to and I will continue to also. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. You've heard the opening on AM0521 to LB 574. Open for discussion. Senator Bromm.

SENATOR BROMM: Thank you, Mr. President and Senator Brashear. We view the use of a digital signature in connection with the issuance of the digital license as a very pivotal part of that license and that process for several reasons, not the least of which it is...it is fairly commonplace to look for a signature on a driver's license and compare that signature. In some cases merchants may do that or others. And the presence of that signature has become a very standard and expected part of our driver's license and I think it might be a surprise when one went out of state if one did not have that signature. Furthermore, we're always talking about federal regulations, the federal regulations require the signature on CDL licenses and so, if we would remove the requirement for a signature, I think we would...it would be absolutely necessary to make an exception for commercial drivers' licenses so that we could...we could comply with the federal regulations in that respect. I think if we remove the digital signature it will remove the possibility of renewing a driver's license electronically, which we hope to do five years down the line, because they will not have...they will not have that digital signature to compare with a person that wants to electronically renew their license. So, functionally, it would cause us some difficulties. Unfortunately, we share our signature in many ways in a day's time or in a week's time or in a month's time, more than we would like to...to think about. We share our signature when we sign a check. That check goes through I don't know how many hands but is seen and can be observed by many, many people; can be copied if people want to be devious about it. When we sign a...when we sign a slip for our credit card in a restaurant, we give our signature up. I think I could get your signature, Senator Brashear, right now if I really want...set my mind to it. I've seen it go by a couple times. In fact, I see it on AM0521 right now. (Laugh) So I share your concern. We want to make sure that we have a very secure process on this whole digital license area, but I think it will not work the way

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

we...to our advantage, the way we want to use it for renewals and convenience and also for use by the public in verifying that that is their signature. I...so I'm going to have...and I talked to you before we started on the bill this morning and told you that...that we'd be able to probably go along with part of your amendments but this is one that I can't, so I'm going to have to urge the body to vote red on the amendment if you choose not to withdraw it. But I'll be glad to continue to talk with you and...and see if there's any things we can do to make this process more secure or satisfy your concerns. I'll be glad to continue to work with you on that. Thank...

SENATOR CUDABACK: One minute.

SENATOR BROMM: ...you. Thank you.

SENATOR CUDABACK: Thank you, Senator Bromm. Senator Brashear, on your amendment.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. Senator Bromm, I...I appreciate that offering and I intend to pursue it, but let...let me just clarify so that people understand. If you'll yield to inquiry, isn't it true, Senator Bromm, that we are establishing this process and this procedure in such a way that if we leave the digital signature in place, in truth and in fact, a citizen will not have to appear in order to get a license? Is that correct, Senator Bromm?

SENATOR CUDABACK: Senator Bromm, would you yield to a question?

SENATOR BROMM: Yes, eventually that would be a goal.

SENATOR BRASHEAR: So that...so that everybody understands, we'll have the data we need, we'll have the signature we need, somebody will pay for the license electronically or otherwise, would not have to appear at the courthouse if they have no infractions or otherwise qualify for license renewal. There will be no contact between agency and citizen and, in fact, the renewal will be electronic and automatic, and the license we'll issue and will be forwarded to the individual licensee. Is that

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

correct?

SENATOR CUDABACK: Senator Bromm.

SENATOR BROMM: That is correct, Senator Brashear.

SENATOR BRASHEAR: Okay. I simply think it's important for people to understand what we're doing. I understand the efficiency. I understand the...how modern that is. There should be many gains for the...for the body politic. But, by the same token, we will be able to, in the wink of an eye so to speak, electronically gather together and utilize, under whatever restrictions we impose and you're interested in those same appropriate restrictions, Senator Bromm, but we'll be able to utilize not only all of this data as it relates to one person but, given what technology can do for it, we'll be able to utilize all of this information as it relates to tens and hundreds and thousands of people in a technologically efficient and therefore very expeditious manner. Will we not?

SENATOR CUDABACK: Senator Bromm.

SENATOR BROMM: We would hope so, Senator Brashear.

SENATOR BRASHEAR: And so, to take a hypothetical, I foresee, and I am not indicating that this is not necessarily desirable, but I can foresee utilizing certain information in a law enforcement sense and simply scanning the database as it relates to all of the data, whether it be a piece of a signature, whether it is a part of a digital image, whether it's some kind of health related or biometric information that is obtained in the course of an identification. And I can see rather routine searches of the database on a very rapid and efficient basis to try to identify potential violators of the law. Isn't that a possibility, Senator Bromm?

SENATOR CUDABACK: Senator Bromm, do you respond?

SENATOR BROMM: And I think that would be a very real possibility and I don't see...and I think that's a good thing.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

SENATOR BRASHEAR: And I...I understand it might be a good thing. It will be a good thing and you will think it's a good thing and I will think it's a good thing and the public will support it until we have any kind of a misstep...

SENATOR CUDABACK: One minute.

SENATOR BRASHEAR: ...or a miscue, until we have pulled together by reason of a piece of a image or a piece of a signature or some small portion of biometric information, whatever they are, biometric identifiers, until we have pulled together a pool of a thousand people as potential violators of the law, and then we've winnowed it down and now we let 900 of them go but 100 of them are still subject to some further investigation, and so, assuming the guilty party is in the pool of a hundred, we will kind of somewhat play with and tarnish the reputations of the other 99 as we pursue the violator, will we not, or doesn't that potential exist?

SENATOR CUDABACK: Time. Senator Brashear, and this is your third time, Senator Brashear, followed by Senator Bromm. Senator Brashear, you're recognized. Do you want Senator Bromm to go first? Senator Bromm, your light is next then.

SENATOR BROMM: Thank you, Mr. President. Senator Brashear, I will answer your question first, if I can, and I suppose...I mean I...I agree that you can make a hypothetical and say that this would allow law enforcement to group a group of people that have the facial features of someone that...that was seen committing a felony and we don't have any leads but we have either a picture or we have an artist's drawing, and I don't know that...I honestly don't know if this sophistication exists yet, but let's assume that it does since we're dealing with a hypothetical, and it might be possible for, with that facial feature, to go through and see if we have people who match those facial features in the database. Is...is that...is that a whole lot different than...than a lot of other ways that we investigate things now, whether it be looking for matching thumbprints or fingerprints? You know, we have lineups. We use handwriting experts. This is simply, I think, a hypothetical possibility. I can't stand here and say that I think it's a bad

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

possibility, but I...but I agree that it should...should certainly be used prudently and properly and...and I just have to think that...that people in DMV and people in law enforcement are going to try to use good judgment. But I think this is a tool that might be able to be used and...and, if we aren't comfortable with that, maybe we can figure out a specific biometric identifier that wouldn't be useful for hardly any law enforcement purposes. They're talking about...I mean there are all different kinds of things that can be used, whether it be the retina or whether it be a thumbprint, and maybe that's a good one. Maybe a thumbprint would be less intrusive or something. But facial features, these are possibilities and there may be something even better by the time we implement this driver's license. So I...I am not...I guess I'm not going to postulate that it's a bad thing to have this database simply because somebody in law enforcement might make use of it to help catch criminals, and I know you don't feel that way either. I know you're making the hypothetical so that we understand the parameters that this could be extended to and...and we need to think about that, but I'm...I'm...I think I have the same goal as you do and that's to put in an efficient, modern driver's license system that is as secure as we can make it, as secure as technology will possibly allow us to be, and still obtain the efficiencies that might be possible. I...and, you know, I have looked at some driver's license places in Lincoln in the last couple of years and I've seen lines at 3:30 in the afternoon on Friday, or four o'clock, lines of people trying to get their driver's license. And I know they, if they're productive at all, they've either had to take off work or miss school or something and they're...

SENATOR CUDABACK: One minute.

SENATOR BROMM: ...inconvenienced by being in that line for an extended period of time, and if we can provide better service to those people in Nebraska like some 40 states do now I think we are remiss in not going that direction. And so I, you know, I...I'm very supportive of the DMV's efforts. We have...we have done whatever we could informally to encourage them to move with all deliberate speed to accomplish this, so I think this discussion is good, but I certainly hope you will agree to pull

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

your amendment so we can use a digital signature, because I think it's pivotal to this whole process. Thank you.

SENATOR CUDABACK: Thank you, Senator Bromm. Senator Brashear, and this is your third time.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. Senator Bromm, I agree with you; we are both interested in accomplishing the same thing. I can just imagine, given your area of committee responsibility, your frustration at being...that 40 other states are doing something and we still aren't doing it. I use that argument all the time in all kinds of other ways. We're sometimes awfully late to the party. In this case, I'm not opposed to going to a digital system. I don't think we want to be the last state to put it in place. I recognize that there are any number of good things that can be accomplished. I think it will be an aid to just...just as a standardized sophisticated methodology for identification. I think it will be an aid and an enhancement to law enforcement. I am not concerned, although I have concern that justice is done, I'm not concerned for the accused who is guilty. In the criminal process, we have all kinds of ways of protecting that particular person. I am, in this instance, concerned about the efficiency, which is another way of saying the tremendous speed with which technology will allow the search and use of the data contained in the databases and whether or not we, as representatives of the people, have carefully thought about that and have built into our body of law sufficient protections that the people have a right to expect of us in order that we not err. And so I'm, as this bill moves forward, I'm going to continue to look at civil liability for someone who wrongfully releases what we already classify as sensitive personal information because, while the overwhelming number of people who will work with this are good and honest and decent Nebraskans who will comply with every bit of the law, there are in every...there is in every walk of life someone who won't, and we need a methodology for dealing with that and the public has a right to expect that we worried about it appropriately and sooner rather than later. I'm going to continue to look at civil liability. I'm going to continue to look at restrictions on the appropriate or lawful or permitted use of any of this

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

data, and otherwise try to make certain that we've given good and thorough consideration to the process. With that, Mr. President, I'd ask leave to withdraw AM0521. Thank you.

SENATOR CUDABACK: It is withdrawn. Mr. Clerk, next item to the bill.

CLERK: I have nothing further pending at this time, Mr. President.

SENATOR CUDABACK: We are back on advancement of LB 574 to E & R Initial. Senator Landis, on advancement.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I'm just going to make a brief point. I'm going to vote for this bill. I did have a call by a constituent two weeks ago. It was a...was tangentially related to LB 574. He's a legally blind individual, disabled, named Jim Jurgens. Lives in my district, a neighborhood activist and a hard-working guy. He said, I went down and got my state ID card because I don't get a driver's license because I can't drive; paid the same amount of money as a driver's license. He said, my ID card I use as ID, I understand that, but I don't get to drive; the amount of value I derive from having this document is a rather great deal less than a person who has a driver's license; I am paying the same amount for essentially the same card, but it doesn't carry the same privileges, the same opportunities, the same rights; it doesn't...it doesn't have as much value for me and I don't understand why my card, that doesn't let me drive, costs as much as somebody else's card who does get to drive because they get a card. I assume the answer is because the cost structure is essentially the same since the card is the same, however, I will tell you I...I wanted to pass along Jim's objection to the way that we had priced the structure of these fees. And I notice that there's a \$5 cost increase in LB 574; that \$3.95 of that is to (inaudible) buy additional hardware to do these, to do this function. But on Jim's behalf I think I wanted to raise two points: one, that we're treating two groups of people alike when, in fact, we're granting them significantly different rights depending on which card they happen to get, and that that may or may not be equitable; and that, secondly, that I wonder

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574

if there's an opportunity over time for the fees that we're building in to actually make money for the state and, if we are going to make money for the state, then I'm not so sure I want money to be made from (sic) the state by legally...from legally blind people who are getting state identification cards and who are being charged that amount of money. I thought I'd put that on the record. I intend to vote for LB 574. Thank you.

SENATOR CUDABACK: Thank you, Senator Landis. We're back on discussion of the advancement of LB 574. Seeing no lights, Chairman of the Transportation Committee, Senator Bromm, would you like to close on advancement?

SENATOR BROMM: Thank you, Mr. President, and I...I would like to just briefly comment on Senator Landis' point and I think it's a very valid point and one that we can certainly take a look at. I do know that the fiscal note and the fee structure on this bill, with the projections for numbers of drivers and ID cards, comes out to be very close to being on the mark as far as the expected costs of the hardware and the programming and so forth, so there isn't a lot of money being made on the fees as they're being envisioned with the bill. It looks like it's going to be a covering cost situation, but, again, I will be glad to look at that and discuss that with DMV. I understand the point and we sympathize with it. I don't know if we can do anything about it, but we'll look at it. Having said that, I think Senator Brashear and others have provided us with a very, very good discussion on the bill. These kinds of bills can be pretty boring, frankly, but I don't think it is when you really get into the subject matter. These are the kinds of things that affect our daily lives. When we go home, we'll get more comments about our license plates, our driver's license, our driver's license challenges and changes, and questions, and so we want to be sure that we try to do the right thing and we do it in a manner that is efficient and convenient and as economical as possible for the people in Nebraska, because this affects a great, great many people. I think the bill is reasonably drawn. The costs are reasonable. To go to this digital license would be basically a dollar, a dollar per year. I don't think that's too bad. It's...it's not even as much as the cost of a can of pop a lot of places. So I would ask for

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 574A, 574

your support. I will continue to speak with Senator Brashear and Senator Kristensen or anyone else, Senator Landis and others who have concerns, and, by Select File, if there are any changes, we'll be glad to consider them. Ask for your support. Thank you.

SENATOR CUDABACK: Thank you, Senator Bromm. You've heard the closing on advancement of LB 575 (sic) to E & R Initial. The question is, shall LB 575 (sic) be advanced to E & R Initial? All in favor vote aye, opposed nay. We're voting on advancement of LB 574. Have you all voted who care to? Record, please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 574.

SENATOR CUDABACK: LB 574 does advance. Mr. Clerk, as the Speaker announced, LB 574A was added to the agenda.

CLERK: Mr. President, LB 574A, by Senator Bromm. (Read title.)

SENATOR CUDABACK: Senator Bromm, to open on...

SENATOR BROMM: I'm sorry, Mr. President.

SENATOR CUDABACK: ...LB 574A.

SENATOR BROMM: Thank you. One of my...one of my bench mates was trying to kill my A bill by having me not say anything, but he didn't get the job done. Thank you, Mr. President. I bring you the A bill because there is a necessary appropriation of \$215,000 from the DMV Cash Fund for '01-02, and \$675,000, again from the Cash Fund, for '02-03 for the purposes of carrying out the bill. Of course, the Cash Fund is generated by the fees that we pay for our licenses, so that's the A bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Bromm. Open for discussion on advancement of LB 574A. Seeing no lights, Senator Bromm, did you wish to close on advancement? Senator Bromm waives closing. The question before the body is, shall LB 574A be advanced to E & R Initial? All in favor vote aye, opposed

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254, 574A

may. Voting on advancement of LB 574A. Have you all voted who care to? Record, please, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 574A.

SENATOR CUDABACK: The bill does advance. Mr. Clerk, next agenda item.

CLERK: LB 254, Mr. President, by Senator Hudkins. (Read title.) Bill was introduced on January 5 of this year, referred to the Transportation Committee, bill was advanced to General File. I do have committee amendments pending. (AM0216, Legislative Journal page 485.)

SENATOR CUDABACK: Senator Hudkins, to open on advancement of LB 254.

SENATOR HUDKINS: Thank you, Mr. President and members of the body. LB 254 is a bill that's designed to simplify the current laws that govern how one who is responsible for causing property damage to an unattended motor vehicle in an accident must notify the owner of the property that he damaged and also report the incident to the appropriate authorities. Right now, someone responsible for such damage, if you, for whatever reason, slide through a parking lot or whatever and you hit a car, you must right now either attempt to locate the owner of the unattended vehicle or leave a note on the car in a very conspicuous place, and in that note you must give specific information: name, address, insurer, whatever. But you have to...the owner of the car then has to be able to locate you and you can work out all of the insurance details, and you must also report the accident to law enforcement within 12 hours. Well, instead, this bill removes the language beginning on page 2, line 11, about locating the owner of the vehicle. Sometimes it's just not possible or sometimes it isn't even feasible to find the owner of that car. And it also requires that you report the damage to the authorities without unnecessary delay, but you still have to leave the note with the required information on it. And, next, the bill simplifies and changes the penalty if you don't do this. At present, if you fail to provide the information either

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254

in person or by leaving a note but you do notify the authorities within the existing 12 hours, then you're guilty of a Class V misdemeanor. If you fail to report the accident within 12 hours, you're guilty of a Class IV misdemeanor. And under this bill, someone who doesn't either leave a note or notify the authorities would then be guilty of a Class III misdemeanor. And, finally, the bill provides that, as part of your sentence, you, the driver, could be ordered to not drive any motor vehicle for a period ranging from thirty days to one year. Now there is a committee amendment which we're going to ask you to defeat. We had...in fact, Jim Ruby, who was my former LA, is now a county attorney in Seward County. He gave us an example of what happened there. Person hit a parked car and then drove off. Well, luckily, the sheriff or the police chief in town followed the trail of antifreeze that was dripping, because of this damage, to a specific address, to a specific garage in town. They knocked at the door. They asked about this and the woman says, oh, no, that car has been here all night, and she had been drinking. Well, the car was still warm and they trailed the antifreeze very easily right to her home, so the 12 hours would have really just given her the added time to sober up and then she could have reported the accident. But since the police, in their good investigations, after all, they followed the trail right down the street, they confronted her within the 12 hours and so really she could have said, yeah, that was me, I'm reporting the accident, and it would have been within the 12 hours. The County Attorneys Association says that the 12 hours is an arbitrary figure and this does allow the driver, and about 80 percent of hit and run accidents do involve alcohol, that figure allows the driver to sober up before they indeed report the accident. So we are asking that you leave the language as it was in the bill. What the committee amendment did was to go back to the 12 hours and remove the unnecessary delay language, and so we're asking that you disregard the committee amendment, leave the language the way it was. Now, let's give you some examples of what a Class V misdemeanor is currently. You take a pet outside a designated area at a rest stop, that's a Class V misdemeanor. If you violate certain camping rules, those could be a Class V misdemeanor. If you have an illegal mailbox, that's a Class V. But if you steal a car, it might be really a junker, but that could be considered a felony. Criminal

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254, 320

mischief is a felony--you key a car. Also, if it costs more than \$300 to repair your car, that could be considered a felony. So what we're asking is that leaving the scene of an accident where you cause property damage should be a higher penalty than taking your pet outside of a certain area in a camping...camping spot. So that, in a nutshell, is the bill. We would eliminate the requirement that you have to physically locate the owner, but you must leave a note and you must also report this accident within 12 hours...or, I'm sorry, without unnecessary delay, and if you don't do either of those the penalty is going to be enhanced. Thank you, Mr. President. I would return the time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Hudkins. Senator Bromm, as Chairman of the Transportation Committee and Telecommunications, you're recognized to open on the committee amendments.

SENATOR BROMM: Thank you, Mr. President. Senator Hudkins described the bill, I think, very well, and after we heard the bill we had some concerns about the new language on page 2, lines 19, 20, 21, about the words "without unnecessary delay" being substituted for "within 12 hours". So we did adopt a committee amendment to suggest striking that new material and reinstating the 12 hours. At the time we heard the bill, we did not realize we had another bill...or when we scheduled the bill, I should say, we didn't know we had another bill coming down the pike by Senator Suttle dealing with the same section of statute or we would have scheduled them at the same time. We just had the hearing on Senator Suttle's bill the other day, LB 320, and I would say that the testimony in that...in that public hearing, I think I can say, turned the heads of the committee to some extent to the pitfalls and the "unenforcement" possibilities, the lack of enforcement possibilities, with the 12-hour provision contained in the law. So...and so don't let anyone ever tell you that there is no merit in a public hearing. There is merit in a public hearing and you can get some good information. So I think, in view of what we learned out of that public hearing, I'm going to suggest, and I...I believe the committee is pretty much on target with this and, if not, I hope they stand up and say so, I'm going to suggest that we defeat

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254

the proposed committee amendments, which will leave...which will leave Senator Hudkins' bill intact with the language that she suggests. Then Senator Suttle is planning to tweak the bill somewhat with a couple provisions from her bill which will follow as an amendment. So, from a standpoint of procedure, I'm going to stand up and ask you to vote red on the committee amendments, and we'll go from there. If there are any questions, I'd be glad to try to answer them.

SENATOR CUDABACK: Thank...thank you, Senator Bromm. You've heard the opening on the committee amendments. Senator Beutler, did you wish to address the committee amendments? Your light was on; Senator Engel, likewise. The question before the body is, shall the committee amendments be adopted to LB 254? All in favor of the committee amendments vote aye, opposed nay. We're voting on the committee amendments to LB 254. Have you all voted? Record, please, Mr. Clerk.

CLERK: 0 ayes, 22 nays, Mr. President, on the committee amendments.

SENATOR CUDABACK: The committee amendments are not adopted. Mr. Clerk, next item to the bill.

CLERK: Mr. President, Senator Suttle had AM0497. I have a note she wants to withdraw.

SENATOR CUDABACK: So ordered.

CLERK: Senator Suttle would offer AM0514, Mr. President. (Legislative Journal page 691.)

SENATOR CUDABACK: No objection. Senator Suttle, to open on your amendment, AM0514.

SENATOR SUTTLE: Thank you, Mr. President, members of the Legislature, and thank Senator Hud...thank you to Senator Hudkins for bringing my attention to her bill. After we had a chance to talk and maneuver some, we came up with this amendment and what it is, it states that any person who has had more than one hit-and-run conviction within the last 12-year period should

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254

be guilty of a Class II misdemeanor the second or subsequent conviction, and directs the court to order the defendant not to drive for not less than 30 days nor more than a year. The first conviction is, as it is in Senator Hudkins' bill, a Class III misdemeanor. This doesn't always just happen to parked cars. It happens in many instances with both moving. I brought this bill to the Transportation Committee at the request of the Douglas County Prosecutor's Office and they want as quick a response from the person as possible so that a blood alcohol test can be performed on the person if that's the reason they think that they hit and run...hit and ran from an accident. So I would appreciate it if you would...if you would attach this amendment to Senator Hudkins' bill and I'd appreciate that. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Suttle. Open for discussion on AM0514. Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I'm not sure where to feed in here, but maybe this is the appropriate time. Senator Hudkins and Senator Suttle, for good reasons, are looking at the penalty provisions in this particular section and increasing them and making, I think it still...would still be in the bill with Senator Suttle's amendment, a mandatory loss of license, and then an even more stringent provision for second offenses. Now, all of this seems reasonable to me when you think of it in terms of a hit-and-run accident, but what I want to suggest to you is that this section is so broadly and poorly drawn as a whole that I think the increasing penalties are going to cause some possibilities of penalties being levied in situations that are really quite minor. Let me give you a couple of examples. First of all, remember that this penalty provision applies not only to unintended...unattended vehicles but to attended vehicles also, and then pay attention to line 22 where it says "any person violating this section". Now, that can be a person that hits and runs and doesn't do anything at all, or, with respect to an attended vehicle, it may be a person who fails to provide that person there at the scene of the accident with their motor vehicle registration number. Now, do you want it to be a Class III penalty and these enhanced penalties and loss of

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254

license if a person simply failed to know that they were supposed to give their registration number there? And that section, curiously enough, doesn't even require the giving of a telephone number. If you look at the unintended (sic--unattended) vehicle section of the statute, it requires you to write down a statement of the circumstances of the collision when you're right there at the scene. Now, how practical is that and how many citizens would understand that they have to write out a description of how the accident occurred right there at the scene, if I'm understanding this correctly? So now we would also be making this enhanced penalty apply to what would be omissions that I think you and I would understand, that the common citizen would not understand. So it seems to me...I ran into this statute once before awhile ago and kind of let the sloppiness of the whole thing go because the penalty was so minor, but when you start making the penalties greater then prosecutorial discretion comes to be more of an issue, and I think we've gotten to the point with this statute that if Senator Hudkins and Senator Suttle want...want to more strenuously attack a clear hit-and-run situation then we need to look carefully at what information we're being expected to provide under the statute and distinguish and make perhaps two penalty provisions, one for the failure to supply the information required by statute, and we probably want to think about what information that is. I don't know if it's really very practical to ask somebody to write out...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...a description of how an accident happened right there at the scene. But, anyway, this needs to be bifurcated, in my opinion, and the two separate matters addressed, because you're either going to have a situation where small matters are subject to big penalties, or big matters are subject to little penalties, and we need to find some common ground here it seems to me. I would be interested, before I comment further, on...on how Senator Suttle and Hudkins and Senator Bromm especially reacts to those comments, because this is one of those statutes that probably should have been cleaned up a long time ago in a variety of ways. Thank you.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254

**SPEAKER KRISTENSEN PRESIDING**

**SPEAKER KRISTENSEN:** Senator Engel.

**SENATOR ENGEL:** Mr. Chairman, members of the body, after listening to Senator Beutler, I realize the bill might need some refinements as far as the language, but I do agree with the intent of this bill. I was in the insurance business for many, many, many years and this has happened so many times to many of my clients where they are hit by someone in a parking lot or hit and run, and I'll talk about the minor accidents first. To me, it's just like theft. Many of these people did not have collision so they had to pay for all the damage to the car. Someone had collision, had a deductible, was a hundred to five hundred, thousand dollar deductible, but they had to pay that out of their own pocket because someone would not report that they hit their car. And so, to me, these penalties should be enhanced and they certainly should...and the law should be enforced. Because, to me, it's just like putting a gun to somebody and stealing from them when you hit their...hit their vehicle and you take off, and so many other cases where there are actually injuries involved, where it's a huge amount of damage to them as far as their monetary loss, et cetera. So I certainly agree with the intent of this bill. As far as the language, we'd have to leave that up to the attorneys and so forth, but I do agree with the intent. Thank you.

**SPEAKER KRISTENSEN:** Senator Bourne.

**SENATOR BOURNE:** Thank you, Mr. President. Members, I too have...I agree with the intent, but there's a few problems that I see. It says that the individual who ran into the parked car shall give the name, address and registration number, and then down on a little later it says they shall leave, in a conspicuous place, giving the information required by this subdivision; otherwise, the judge shall order the defendant not to drive for any...for 30 days. So if I were to run into a parked car and leave my name and address but not my registration number, the judge, as I read this bill, the judge would have to suspend my license for 30 days. And, while I agree we need to do everything we can to make these individuals stop, I think

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254

that, you know, under the strict interpretation of the law, we're going to have some unintended consequences. Again, if you leave your name and phone number, that doesn't count. You have to have name, address, and registration number; otherwise, you're going to lose your license for 30 days. So I think we should do an amendment to kind of clean this up a little bit, as I interpret it. Thank you.

SPEAKER KRISTENSEN: Senator Suttle.

SENATOR SUTTLE: Thank you, Mr. Speaker. Members of the Legislature, I think that I understand where Senator Bourne is coming from. I don't know why we can't put a "may" in there instead of a "shall" to give the judge a little discretion, but I think that everyone knows that when you hit something or somebody and you leave the scene of that incident, that this is...this is not...this is illegal. The important part, I think, of this particular statute...and I would ask Senator Beutler if I could ask him some questions.

SPEAKER KRISTENSEN: Senator Beutler, would you respond?

SENATOR BEUTLER: Sure.

SENATOR SUTTLE: On...on...in this particular issue wouldn't it be more important to report this to the police and as quickly as possible? Isn't that the more important part of the statute rather than worry about name, phone number, and registration number?

SENATOR BEUTLER: Well, I...I certainly have no objection to that portion of the statute requiring immediate reporting. And if you left the penalty the same in that circumstance, that would seem perfectly appropriate to me.

SENATOR SUTTLE: I don't think that the...the reason I brought this bill was that the penalty was so minor that it didn't bother people to not abide by the law. If it started hitting them in their pocketbook and they knew they were going to lose their license, because they were drunk and hit...hit a parked car, or they were drunk and left the scene of an accident, that

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254

"incentivizes" them to do the right thing in a timely manner, and that's the reason for the increase in the penalty. I don't...I have not talked with Senator Hudkins, but the "may" for leaving a note would seem to...to work out as well and let the judge have some discretion in...I mean every...I can't think of a person that doesn't know when you've...when you have had an accident, even when the snow is so bad as it has been this winter, Omaha police put out a directive that exchanging insurance numbers and exchange information and...and file your...file your police report as soon as possible because we don't have time to go to every fender bender in the entire city. So I think that it is important that we keep the penalties a little bit higher to "incentivize" people to do the right thing, and would ask that if we have to clean up the entire section of this law that...that we not halt these two bills at this point to do that. Thank you, Mr. President.

SPEAKER KRISTENSEN: Senator Bromm.

SENATOR BROMM: Thank you, Mr. Speaker. I think Senator Beutler raises a...raised a good point, and Senator Bourne as well. I think both bills brought to our attention that the penalty was probably totally inadequate to dissuade anyone from...from doing this, and also fairly unenforceable because of the fact that if...if you track somebody down within 12 hours you go to their door and you make contact with them and they say they were involved in the accident, despite the fact that you had to spend hours of...man hours to search 'em and find them, search for them and find them, then you no longer are guilty of a violation under the law. And so it's...it's really a pretty meaningless law the way it's structured right now. However, I think that we can improve the other existing sections of the law with some thought and some work and I think those points are well taken. Someone should not lose their license for giving their name and address and failing to give their registration number, I don't think, and I don't know that that would ever happen, but if we leave the "shalls" in there it certainly could. So I think it needs perhaps some bifurcation on...on the degree of if a person...if a person does damage, they drive off, they make no effort to report it, don't leave any indication of who they were or...or any way to track down the damage...the causer, then I

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254

think they should bear the possible consequences of a pretty significant fine and possible loss of license for a period of time. On the other hand, if...if there are mitigating circumstances and it's not that simple, then they should...they should certainly have a lesser penalty. And so I'm...I'm sure one that's wanting to try to increase the penalty here, but I...if Senator Suttle and Senator Hudkins want to work on some cleanup with respect to the bill I'll certainly be glad to participate in that if they should want...want me to. And so, with that, I'm not sure, I'll let the sponsors of the bill decide how they want to proceed, but I think we can find two or three different ways to accomplish what everyone wants to. Whether we...whether we simply pull the bills or pull the amendments and advance and work between now and Select File, or what procedure they want to do, I'll leave that up to them. Thank you.

SPEAKER KRISTENSEN: Senator Hudkins.

SENATOR HUDKINS: Thank you, Mr. Speaker and members. I have visited with Senator Beutler and I want to thank him and Senator Bourne, both, for bringing some problems to our attention. We really appreciate having the attorneys in the body because you see things that we don't. Yes, I can certainly see a problem. If you're not aware that you have to leave your registration number, if you're not aware that you have to give the circumstances of the accident, that could be a nail in your coffin as far as if you're going to lose your ability to drive for 30 days. So we are more than...than willing to work with Senators Beutler and Bourne and Bromm to fix these problems. Senator Beutler, and I'll let you speak for yourself, you had said that if we wanted to go ahead and advance this to Select you would not object, but that we for sure will work with you between now and then to fix these problems. And, Senator Suttle, as far as your amendment goes, I'll leave it up to you if you want to address that now or if you want to withdraw that and refile it for Select. So, Senator Suttle, you can have the rest of my time, and I saw Senator Beutler punch his light, so I think we'll all be able to talk. Thank you.

SPEAKER KRISTENSEN: Senator Suttle, you have approximately two

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254

and a half, three and a half minutes, three and a half.

SENATOR SUTTLE: I won't need that much time. Thank you, Senator Hudkins. Thank you, Mr. President. I would...I would like to have this amendment put on this bill and then do the bifurcation and whatever else needs to be done, but this would be a part...my amendment would be a part of Senator Hudkins' bill, and I certainly would be willing to help out with the...the language as well. Whatever time I have left, I'll give to Senator Beutler.

SPEAKER KRISTENSEN: Senator Beutler.

SENATOR BEUTLER: Senator Suttle, Senator Hudkins, I...I don't see that anybody is interested in any tactical advantage on this particular bill. I think we're all at one in terms of trying to reach a resolution. And I don't know how Senator Bourne feels, but I assume he would be content, as I would be, to put on whatever amendments you want and then let's work on it for Select File. Thank you.

SPEAKER KRISTENSEN: Senator Hudkins. She waives. Senator Beutler. He waves off. Senator Suttle, you're recognized to close.

SENATOR SUTTLE: Again, thank you, Mr. Speaker. Again, this...all this does is that if you have had a hit-and-run conviction in the last 12 years and you have another one during that 12-year period, it would be raised to a Class II misdemeanor. And that's all my amendment does. Thank you, Mr. President.

SPEAKER KRISTENSEN: You've heard the closing. The question before the body is the adoption of AM0514. All those in favor vote aye; all those opposed vote nay. Have you all voted who care to? Members, have you all voted? Senator Suttle, for what purpose do you rise?

SENATOR SUTTLE: I'm sorry, but may I have a call of the house, please?

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 254

SPEAKER KRISTENSEN: There's been a request to place the house under call.

SENATOR SUTTLE: Call-in votes would be accepted.

SPEAKER KRISTENSEN: All those in favor of placing the house under call vote aye; all those opposed vote nay. Record.

CLERK: 21 ayes, 0 nays to place the house under call.

SPEAKER KRISTENSEN: The house is under call. Will all members please report to the Chamber who are not excused. Senator Suttle, have you authorized call-in votes? She has authorized call-in votes. We're voting on AM0514.

CLERK: Senator Wickersham voting yes. Senator Hilgert voting yes. Senator Foley voting yes. Senator Schrock voting yes.

SPEAKER KRISTENSEN: Record.

CLERK: 28 ayes, 0 nays on the amendment.

SPEAKER KRISTENSEN: Amendment is adopted. I raise the call. Next item.

CLERK: I have nothing further on the bill, Mr. President.

SPEAKER KRISTENSEN: Debate on advancement of the bill? Seeing none, Senator Hudkins, you're recognized to close on the advancement of LB 254.

SENATOR HUDKINS: Thank you, Mr. Speaker and members. As we have indicated before and perhaps some of you didn't hear it, there will be several of us working together to address these problems that were brought to our attention, among them being do we have to give the registration number, the circumstances of the accident, changing the word "shall" to a "may". So we will be addressing those and we will bring back those changes to you so you can look at them on Select File. But I would appreciate your advancement of it at this time. Thank you.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001 LB 104, 105, 114, 126, 128, 128A, 162, 179  
254, 268, 300, 303A, 317, 326A, 358, 359  
374, 465, 547, 671  
LR 1

SPEAKER KRISTENSEN: You've heard the closing. The question before the body is the advancement of LB 254. All those in favor vote aye; all those opposed vote nay. Record.

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB 254.

SPEAKER KRISTENSEN: The bill advances. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB 104, LB 105, LB 126, LB 128, LB 128A, LB 162, LB 179, LB 268, LB 317, and LR 1CA. Mr. Clerk, items for the record.

CLERK: Mr. President, Natural Resources Committee reports LB 374 to General File with amendments; Banking Committee reports LB 359 and LB 547 to General File with amendments; Revenue reports LB 465 to General File with amendments; General Affairs reports LB 671 to General File and LB 114 to General File with amendments. Mr. President, I have the report of lobbyists to be inserted in the Journal for this week; hearing notices from the Appropriations Committee and from the Retirement Systems Committee. New A bills. (Read LB 303A and LB 326A by title for the first time.) Enrollment and Review also reports LB 358 to Select File, LB 300 to Select File. And, Mr. President, finally, the Education Committee will meet in Executive Session at noon today in Room 2102; Education, at noon, in Room 2102. That's all that I have. (Legislative Journal pages 691-697.)

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. Members, I appreciate the fact that you've worked several days in a row here. We've gone some five-day weeks. I really appreciate the hard work that you've put in and your attendance on the floor and in committee. I hope you enjoy a four-day weekend and come back refreshed. I have sent out a memo to you about committee and individual priority bill deadlines, which will be noon, Friday, March 9th, so if you'd please state a letter indicating your priority bill designation, and a copy also has to go to the Clerk. Both of those need to be delivered prior to adjournment on March 9th. Then I also have in the memo as to if we're going to have any consideration if you want a bill considered as a

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

February 15, 2001

Speaker priority bill. Those also have to be in by 1:00 p.m. on Friday, March 9th, and I'd like a letter telling you...telling me why you believe that would be a good candidate for a Speaker priority bill. With that, Senator Wickersham, you are recognized to adjourn us until next Tuesday at 9:00 a.m.

SENATOR WICKERSHAM: Mr. Speaker, I move that we adjourn to next Tuesday, February 20th, at 9:00 a.m.

SPEAKER KRISTENSEN: Heard the motion to adjourn. All those in favor say aye. Those opposed say nay. We are adjourned.

Proofed by: Jody Hurlbut